

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 16 February 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:22] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:44] Good morning. Good morning to
15 everybody in the courtroom, in the public gallery.
16 And good morning to you, Mr Witness.
17 We are here for the second day of your testimony. It is the Prosecutor's turn, so I
18 immediately give the floor to the Office of the Prosecutor for the continuing of your
19 questioning. You are okay?
20 WITNESS: CIV-OTP-P-0046 (On former oath)
21 (The witness speaks French)
22 THE WITNESS: [9:34:42] (Interpretation) Yes, very well.
23 PRESIDING JUDGE TARFUSSER: [9:34:44] Mr MacDonald.
24 MR MACDONALD: [9:34:48] Thank you, your Honour. Thank you, your Honour.
25 There seems to be an issue like –

- 1 PRESIDING JUDGE TARFUSSER: [9:34:53] I would be surprised if there is not an
2 issue.
- 3 MR MACDONALD: [9:34:56] No, but a technical one, your Honour.
- 4 PRESIDING JUDGE TARFUSSER: [9:34:58] Oh, okay. That's good.
- 5 MR MACDONALD: [9:34:59] It's an issue of a technical nature.
- 6 PRESIDING JUDGE TARFUSSER: [9:35:02] Yes, which one?
- 7 MR MACDONALD: [9:35:03] Transcript. I can't log on. I don't know if it's the
8 same issue with other people.
- 9 PRESIDING JUDGE TARFUSSER: [9:35:08] French or English?
- 10 MR MACDONALD: [9:35:10] Both. We can't -- the server is down.
- 11 PRESIDING JUDGE TARFUSSER: [9:35:13] I see, I have my transcript working.
- 12 MR MACDONALD: [9:35:16] I guess it's because you have your office in a different
13 tower.
- 14 PRESIDING JUDGE TARFUSSER: [9:35:23] Maybe. We'll try to fix it.
15 The Defence as well have a problem?
- 16 MR KNOOPS: [9:35:36] We have a problem with the English transcript as well, Mr
17 President. Thank you.
- 18 PRESIDING JUDGE TARFUSSER: [9:35:44] So also today my dream of an
19 uncomplicated hearing is -- it's not working.
- 20 MR MACDONALD: [9:35:57] Sorry. I was having interaction with the Court usher.
21 Am I the only one.
- 22 PRESIDING JUDGE TARFUSSER: [9:36:04] No, no, no, no. You're not the only one.
- 23 MR MACDONALD: [9:36:07] Okay. All right. How do you want to go about
24 doing this, your Honour?
- 25 PRESIDING JUDGE TARFUSSER: [9:36:10] I wait for the Court officer to give me

1 advice.

2 I'll be informed in a few minutes how long it will take to fix the problem.

3 (Pause in proceedings)

4 PRESIDING JUDGE TARFUSSER: [9:37:57] I was unformed that it will take about 10
5 minutes. But on the other side I was also informed from the younger and
6 technical -- younger people whose technical skills are better than mine that if you
7 switch on the console, if you open through the console you can see it on the web
8 screen. So we could, if we all agree, start with this one in the meanwhile so we
9 don't lose time.

10 Has everybody understood what the console is?

11 MR MACDONALD: [9:38:44] I know, the console is the little box in front of us that
12 holds the mic, yes. So we have to put it on what?

13 MR ALTIT: [9:38:52] (Interpretation) No problem, your Honour.

14 PRESIDING JUDGE TARFUSSER: [9:38:56] English or French, the button near the
15 live, the live TV on the console. It's EN RT TC and FR RT TC.

16 MR MACDONALD: [9:39:17] All right.

17 PRESIDING JUDGE TARFUSSER: [9:39:18] Okay.

18 Mr Knoops, can we proceed this way?

19 MR KNOOPS: [9:39:21] Yes, Mr President, I've found the console. Thank you.

20 PRESIDING JUDGE TARFUSSER: [9:39:25] Okay. So when the problem will be
21 fixed on the transcript, I will be informed by the Court officer and I will tell you so
22 you can go out from there. Okay?

23 MR MACDONALD: [9:40:06] We're ready to go.

24 PRESIDING JUDGE TARFUSSER: [9:40:08] Okay. So, Mr Witness, sorry for this
25 inconvenience, this delay. Now I give the floor to the Office of the Prosecutor and

1 we can start the questioning.

2 Mr MacDonald.

3 MR MACDONALD: [9:40:31] Thank you, your Honour.

4 QUESTIONED BY MR MACDONALD: (Continuing) (Interpretation)

5 Q. [9:40:35] Good morning, Mr Witness. We are going to continue with the
6 documents that we were looking at yesterday. We will look at different documents
7 today.

8 MR MACDONALD: [9:40:45] (Speaks English) Can I ask the Court usher to bring
9 back the documents that were presented yesterday because they're -- the witness
10 seems to be looking at things and I'm wondering what it is.

11 PRESIDING JUDGE TARFUSSER: [9:40:57] Mr Witness, Mr Witness.

12 THE WITNESS: [9:41:11] (Interpretation) Mr President, I have no document in front
13 of me, just blank pages.

14 PRESIDING JUDGE TARFUSSER: [9:41:24] Okay. Okay. So reassured?

15 MR MACDONALD: [9:41:25] Totally.

16 PRESIDING JUDGE TARFUSSER: [9:41:25] Okay, please.

17 MR MACDONALD: [9:41:26] And while I'm here, can we be informed once the
18 systems works again, please.

19 PRESIDING JUDGE TARFUSSER: [9:41:38] I'm sorry, but it's a nightmare, not even
20 any more a dream -- not a dream, but we have to stop everything because also in
21 courtroom 3 they have the same problems. We have to restart the whole system for
22 the whole Court, and therefore it will take us 10 minutes, 15 minutes. So we resume
23 at 10 o'clock sharp. Okay. So thank you very much. Sorry, sorry for this.

24 THE COURT USHER: [9:42:02] All rise.

25 (Recess taken at 9.42 a.m.)

- 1 (Upon resuming in open session at 10.02 a.m.)
- 2 THE COURT USHER: [10:02:32] All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE TARFUSSER: [10:02:58] So good morning again, and let's
- 5 surprise ourselves, hope things are working.
- 6 Just for housekeeping matters, we will now go until 11 as usual, and we have a
- 7 normal schedule, one hour and a half, then one hour and a half, because we have
- 8 time obviously next week to adapt according to the necessities of all. One thing
- 9 must be clear that this witness has to be home at the end of next week, and this goes
- 10 for all parties. So the closer we come to -- as we go ahead on a daily basis, we try to
- 11 adjust in order that everybody's needs are well settled, okay? So now we go one
- 12 hour and one hour and a half.
- 13 I didn't expect you to raise, but now you have risen and I give you the floor.
- 14 MR LAUCCI: [10:04:10] (Interpretation) Your Honour, thank you. I just have a
- 15 clarification regarding the question you put to the witness before the break. Indeed,
- 16 he has some white sheets of paper in front of him, but he also has some handwritten
- 17 notes that he took yesterday, and that's why he was given those sheets of paper. I
- 18 just wanted to be perfectly clear.
- 19 PRESIDING JUDGE TARFUSSER: [10:04:32] Okay. If he has his own notes he has
- 20 done, that's okay.
- 21 MR LAUCCI: [10:04:35] (Interpretation) Yes, that's the only thing he has.
- 22 PRESIDING JUDGE TARFUSSER: [10:04:39] Okay. Now, the floor is to the Office
- 23 of the Prosecutor for the third time. Please, Mr MacDonald.
- 24 MR MACDONALD: [10:04:47] (Interpretation) Thank you, your Honour.
- 25 Q. [10:05:00] I would like to continue examining the types of documents or

1 reports that were drafted within the national police. Could you describe what a
2 duty report, a duty report is, please?

3 A. [10:05:27] Good morning, your Honour, since this is the first time I'm actually
4 speaking. The duty report is a report after a period of duty. During the normal
5 hours, an officer is working, and if there is a break or a holiday, for example, you
6 have the duty officer on duty who will report on anything that occurred during that
7 period. That's what that means.

8 Q. [10:06:18] And at what level, at what rank is this report drafted, what level of
9 the hierarchy?

10 A. [10:06:35] The duty report is drafted at all of the different levels in the police
11 stations, to report to the district authorities, at district level, to report to the préfet at
12 the préfecture, to report to the general director in charge of public security.

13 As regards the judiciary police, each department, each -- if you are talking about
14 drugs or the police, the criminal police, each division reports because they also have
15 their duty officers, and they report to the person in charge of the judiciary police.
16 And the same applies for forensic police. It applies to all the deputy officers.

17 Q. [10:07:41] I'm going to show you a document, and I'd like to have document
18 0045-0527 as well as we also have a hard copy for the witness, if the usher would be
19 so kind as to give this document to the witness, please.

20 Take a moment to examine the document. Of course, we have the front page where
21 it says: "Report From the Central Duty Officer." It is sent to the prefect of police in
22 Abidjan. Is this the kind of document you were referring to a moment ago?

23 A. [10:09:05] Yes.

24 Q. [10:09:07] I see that there is a signature on the last page of the document.
25 Can we go to page 0539, please. Could we display it.

1 MR MACDONALD: [10:09:19] (Interpretation) Is this document confidential? Well,
2 if not, if we're just displaying the first page, I think it's okay. I repeat my question:
3 Is this document confidential.

4 PRESIDING JUDGE TARFUSSER: [10:09:46] I think you should know.

5 MR MACDONALD: [10:09:47] I know it is. Sorry, why I'm asking that is it being
6 shown to the public? Sorry.

7 PRESIDING JUDGE TARFUSSER: [10:09:53] Oh, that's it. Okay.

8 THE COURT OFFICER: [10:09:56] Confidential, not shown to the public.

9 MR MACDONALD: [10:09:59] (Interpretation) Well, I just wanted to make things
10 perfectly clear.

11 Q. [10:10:07] Witness, again we see a fax number at the top as well as a date for
12 this document. I'd like to go back to the top of the heading of the document. There
13 is no reference number indicated as we have seen on other documents. Is that
14 exceptional?

15 A. [10:10:39] No, it's not exceptional. These reports, these duty reports, make it
16 possible for the director general to take -- to report to the minister of the interior on
17 the situation. And sometimes the people haven't started working. I myself start
18 very early, so I need some information, and the form as such remains open, if you
19 will, so sometimes there isn't a number because it's a working document, if you will.
20 And then it's updated afterwards.

21 Q. [10:11:30] Fine. Is there a particular deadline in terms of a time of day when
22 these reports must be filed?

23 A. [10:11:42] I come into the office at 6 in the morning, so I must receive these
24 reports at the latest at 6.30, whereas the administration opens at 7.30. So obviously
25 while things are being perfected, we need these preliminary reports to begin

1 working.

2 Q. [10:12:04] How many of these reports do you receive in the morning, these
3 duty reports in order for you to be able to discuss with the minister?

4 A. [10:12:21] I was saying yesterday that all of the préfecture send us reports in
5 the evening, their daily information reports, their BQIs. And of course, we should
6 have all of the reports. In addition, there are two other reports from the director
7 general in charge of judiciary police as well as forensic police. So, in fact, I need
8 three reports every morning so that I can make my own synthesis report.

9 Q. [10:13:05] So you said you needed those reports in order to be able to inform
10 the minister of the interior; is that correct?

11 A. [10:13:12] Yes, that's correct.

12 Q. [10:13:14] And what time do you report to the minister of the interior usually
13 in normal practise?

14 A. [10:13:32] Well, generally speaking, it would be between 7.30 in the morning
15 and 8 o'clock.

16 Q. [10:13:42] Does it occur or can it -- no. Let me correct that. How do you
17 report? Do you report face-to-face or is it a telephone call?

18 A. [10:13:55] A telephone call, unless there is something very important, and if
19 over the phone they want more details, then there can be a face-to-face discussion.

20 Q. [10:14:15] There is something else I forgot to ask you yesterday and I'm going
21 to use this opportunity to do so. Where exactly is the office of the ministry of the
22 interior, what neighbourhood, and how far is it from your own office?

23 A. [10:14:30] The minister of the interior is in the Plateau neighbourhood, not far
24 from the Abidjan préfecture, the PPA. So there is just a road that separates the
25 préfecture from the ministry.

1 Q. [10:14:53] So that things are perfectly clear, the DGPN is not in the same
2 neighbourhood, is it? We were looking at the map yesterday.

3 A. [10:15:08] Yes, that's correct. The police préfecture -- well, rather, the DGPN
4 is place de la République, whereas the ministry is further north along the boulevard,
5 boulevard de la République.

6 Q. [10:15:31] Very well. Let's continue with your conversations with the
7 minister. Usually when you need to talk face-to-face, is he the one who comes to
8 you or do you go to him?

9 A. [10:15:54] Obviously I'm the subordinate. If I need to speak to him, I'm the
10 one who goes there; if he needs me, I also go to see him.

11 Q. [10:16:08] Other than the phone calls at the time you mentioned in the
12 morning, if there is a crisis situation, how frequently would you talk to him in a
13 given day, that is, talk to the minister?

14 A. [10:16:30] There is no pre-established rule. It all depends on the
15 circumstances. If there is an emergency situation or a particular crisis and if he has
16 time, but there is no precise pre-established predefined frequency for our
17 discussions.

18 Q. [10:16:53] Thank you. I'd like to go onto another document at this point.
19 This is a different report, but we're not going to give you a hard copy right away.
20 I'd like to discuss the format first of all. This is document 0046-009.

21 THE INTERPRETER: [10:17:48] The interpreter is not certain to have heard the
22 number correctly.

23 PRESIDING JUDGE TARFUSSER: [10:17:53] The interpreter is not certain to have
24 correctly heard the number.

25 MR MACDONALD: [10:17:59] (Interpretation) Yes. It's 0046-0099.

- 1 PRESIDING JUDGE TARFUSSER: [10:18:39] Now we have it.
- 2 MR MACDONALD: [10:18:40] (Interpretation)
- 3 Q. [10:18:48] Witness, could you take a look, please.
- 4 MR MACDONALD: [10:18:50] (Interpretation) But first of all, could we perhaps
- 5 enlarge the document. That's fine. Could we go down a bit so the witness can see
- 6 the document.
- 7 PRESIDING JUDGE TARFUSSER: [10:19:05] Is this also confidential?
- 8 MR MACDONALD: [10:19:06] Yes.
- 9 PRESIDING JUDGE TARFUSSER: [10:19:09] Okay.
- 10 MR MACDONALD: [10:19:09] Let's presume, your Honour, that all the documents
- 11 I'll be showing are confidential and we can deal with their confidentiality level
- 12 maybe after.
- 13 PRESIDING JUDGE TARFUSSER: [10:19:16] Okay.
- 14 MR MACDONALD: [10:19:17] I would propose.
- 15 PRESIDING JUDGE TARFUSSER: [10:19:19] Okay.
- 16 MR MACDONALD: [10:19:22] (Interpretation)
- 17 Q. [10:19:23] Do you recognise this type of report? I'm using the word "report"
- 18 because there is no clear title, BQI, simplified BQI, special BQI, whatever. There is
- 19 no precise title here.
- 20 A. [10:19:45] Can we move it down just a wee bit.
- 21 Q. [10:19:49] Yes, of course.
- 22 A. [10:19:52] No. I meant so that I could see the top. That's fine.
- 23 Q. [10:20:02] I see that there is mention of a DGPN. We're going to give you a
- 24 hard copy.
- 25 MR MACDONALD: [10:20:12] (Interpretation) Could the usher be so kind as to give

1 the witness a hard copy.

2 Q. [10:20:16] But before that I would like to ask you, Witness, do you recognise
3 this type of document?

4 A. [10:20:23] Yes, in terms of its format, it's a police document; but you will see
5 that the préfet is addressing the district chief.

6 Q. [10:20:37] Yes, of course. We're still in open session, Witness, rest assured,
7 but if need be we can go into private session. And I know that this is not a
8 document that you yourself drafted if we take a look at the next page, we can see.

9 MR MACDONALD: [10:20:54] (Interpretation) Could we perhaps display the second
10 page of the document. Here we are. This is page 2. Now can we have the last
11 page. I beg your pardon. I need page 0101. It's, in fact, the third page of the
12 document.

13 Q. [10:21:48] So if we look at page 2 and page 3, that is for me page 3 is the one
14 that finishes 0101, it says "chef de service," department chief.

15 And if we go back to the previous page, it's sent to the préfet de police of Abidjan.

16 And there is mention of the hierarchy. And then the prefect of police then sends it
17 to the district chief of Yopougon. And you have a file number copy, et cetera,
18 recorded, et cetera, et cetera. And you can see it's sent to the DGP, DGA, and
19 PPA; is that correct?

20 A. [10:22:57] Well, there is something, there is a bit of a nuance. You say it's
21 recorded to the attention of the DGP, the PPA, and the DGPA. No, it's not -- it's
22 not sent to them. The format of this document means that the drafters of this
23 document come under the district -- the police district of Yopougon, the préfet de
24 police of Abidjan, and the DGP. The document is not sent to them. The préfet is
25 sending this to the district chiefs. It's not sent to the general director of national

1 police.

2 Q. [10:23:50] Thank you for that clarification. And yet I do understand that the
3 document which is dated December 2, 2010, is a normal police document in terms of
4 its format?

5 A. [10:24:04] Yes, I repeat, that's correct.

6 Q. [10:24:13] Very well. Let's go on. We'll come back to the content later on,
7 but I would like to show you another document, a different type of report, and this
8 is 0046-0097.

9 MR MACDONALD: [10:24:45] (Interpretation) Before we give the witness a hard
10 copy, could you perhaps first of all proceed as we did a moment ago, could we zoom
11 into the heading of the document at the top of the page, please. Fine. Can we go
12 down.

13 Q. [10:25:22] We'll be giving you a hard copy in a moment, but before that I think
14 we already defined what the PPA means, the Abidjan police préfecture. So once
15 again if I understand correctly, you're not the individual who signed this document.
16 But my question is: Is this the kind of document that you would find in your
17 department in December 2010?

18 A. [10:26:04] Yes. In terms of its format, it is a police document.

19 Q. [10:26:13] Thank you.

20 MR MACDONALD: [10:26:14] (Interpretation) Can we display the second page of
21 this document and also give the witness a hard copy in order to facilitate things for
22 him. And perhaps I could recommend that each time you bring a new document,
23 perhaps you can take back the previous ones.

24 PRESIDING JUDGE TARFUSSER: [10:26:52] Can you please take back the others
25 you gave him, so he has always one document.

1 MR MACDONALD: [10:27:02] (Interpretation) Thank you, your Honour.

2 Q. [10:27:19] Let's please take a look at the second page. Again, this is a fax. It
3 seems that fax -- using the fax was the way that police stations communicated to the
4 préfecture or to the DGPN; is that correct?

5 A. [10:27:38] No, it's not the only means.

6 Q. [10:27:42] Okay. It was one of the means. I beg your pardon. What are the
7 other means?

8 A. [10:27:50] Well, in an emergency, you can send a fax; but afterwards, you have
9 to send the hard copy, the official document itself -- or rather, the paper original.

10 Q. [10:28:13] Again, looking at this page, we see the date, yes, December 3, 2010,
11 and you can see that it goes through the hierarchy up to the division commissioner
12 of the police to the Abidjan police préfecture, December 10. This page that has the
13 number 0098, can you confirm that this is also a police document?

14 A. [10:29:01] Yes, it's another police document.

15 Q. [10:29:05] Very well. I'd like to -- I beg your pardon. Before I show you, I'm
16 going to ask you a question. I understand that you communicated with the
17 minister in the morning at 7.30, around 7.30 in the morning, and that you spoke to
18 him on the telephone. What were the other means of communication that you had
19 with the minister that you used during the period of interest, that is, between
20 November 2010 to April 2011? Thank you.

21 A. [10:30:06] Obviously, there was the telephone or face-to-face meetings.

22 Q. [10:30:14] Did you communicate in writing?

23 A. [10:30:25] Yes. After the morning report, there are important documents that
24 could be forwarded in writing.

25 Q. [10:30:42] I would like to call up a document, 0047-0485. 0047-0485.

1 Look at the document and then I will ask you questions later. I will also show you
2 the second page. Can you move the document down, please.

3 Now I will show you the second page, and it is number 0486. If you can scroll
4 down to the bottom of the page. Very well.

5 We are going to come back to this document, but for the time being I would like to
6 ask you: This is the type of notes that were sent to the minister of interior; is that
7 correct?

8 A. [10:33:04] That is correct.

9 Q. [10:33:08] So you recognise your signature on the document on page 0486?

10 A. [10:33:19] I recognise my signature.

11 MR MACDONALD: [10:33:28] (Interpretation) Mr President, I understand
12 also -- well, we are going to do this in a formal manner.

13 Q. [10:33:54] I will now go to the annex of your statement. So let me call up
14 document CIV-OTP-0010-0028. I will show you the same document.

15 Unfortunately, it is annotated.

16 MR MACDONALD: [10:35:01] (Interpretation) Can the witness be given a hard copy
17 and please scroll down so that the document can be clearer to the witness.

18 PRESIDING JUDGE TARFUSSER: [10:35:20] Can we also put questions to the
19 witness. That's why he is here for.

20 MR MACDONALD: [10:35:25] I know, but it will come, your Honour. It will come.

21 Q. [10:35:37] (Interpretation) Mr Witness, do you remember having handed over
22 this document to the investigators at the end of November 2011, when you were
23 interviewed by them?

24 A. [10:35:59] Yes.

25 Q. [10:36:00] You handed over this document to us, and the same document was

1 found in the archives of the DGP. I simply want to ask you some questions about
2 the archives. Very briefly, what can you tell us about them? There is a registration
3 number, 0183. The documents that come to the directorate, how are they archived?

4 A. [10:36:42] The documents are archived according to their contents and
5 provenance.

6 Q. [10:36:58] And how are they preserved?

7 A. [10:37:05] We keep them in our archives.

8 Q. [10:37:13] Are there individuals responsible for the archives?

9 A. [10:37:20] Yes. There are archives officers, and those who are working there
10 on a daily basis.

11 Q. [10:37:34] Very well. Let us move on. I will show you another type of
12 document titled: "Message at departure" or "outgoing message." What is an
13 outgoing message?

14 A. [10:37:51] A "message départ," or outgoing message is, if I'm the person
15 sending the message, that is what it applies to.

16 Q. [10:38:14] I'm sorry. I just wanted to be sure that my colleague found the
17 right document.

18 And it can be addressed from whom to who?

19 A. [10:38:30] Since there is no document in front of me, the message départ can
20 leave from me to the directorate general. But it can go to other authorities, deputy
21 director for public security or for scientific police and so on and so forth or to all of
22 them.

23 Q. [10:38:56] Does an outgoing message have a particular objective?

24 A. [10:39:04] Yes, indeed. It is a message that makes it possible for the director
25 general to transmit a message. And if that is done, it is because there is a particular

1 reason to do so.

2 Q. [10:39:19] Earlier you mentioned the fact that some documents are urgent. Is
3 a message départ, or outgoing message, does it have to do with any timelines?

4 A. [10:39:53] It is not the same thing. I've told you if a message is sent by fax, it
5 is an urgent message and a proper message is sent later on. There are messages that
6 are urgent, sometimes even very urgent, and then you have regular messages. And
7 this is categorised by the person transmitting.

8 Q. [10:40:22] By definition, is an outgoing message, or message départ, generally
9 an urgent message or a regular message?

10 A. [10:40:37] Once again, the message is not necessarily to the hierarchy. I send
11 messages to my subordinates under me, and this type of message is a routine
12 message.

13 MR MACDONALD: [10:40:54] (Interpretation) Please display document
14 CIV-OTP-0048-1303, and we have a hard copy that can be given to the witness.

15 Q. [10:41:08] This document is on the screen now. It is dated 21 March 2011. It
16 bears your signature. Is this indeed an outgoing message, a message départ, as you
17 have described?

18 A. [10:42:08] Yes.

19 Q. [10:42:11] At the top there is a fax number, the date of the 27 February 25 -- it
20 looks like there is an error there. It was not the correct date because we can see
21 "2006."

22 At the bottom and where it is mentioned minister of interior, there is something,
23 "NSS," what does that mean?

24 A. [10:42:45] That is the officer who drafted the message, so this makes it
25 possible to know that it is the person who produced that message and I mean the

1 person who typed it actually.

2 Q. [10:43:03] You dictate it and that person types it; it is not the person who
3 drafts the message as such. Is that what you mean?

4 A. [10:43:11] Yes, that is correct. But as I told you yesterday, the director
5 general has a cabinet, an office. I cannot dictate everything. I can give instructions.
6 It can be one of my collaborators in the office. But the person who typed the
7 message is the one who has the initials above, "NSS."

8 Q. [10:43:39] And then we can see: "Honoured to inform you," and then there is
9 a hashtag and it means stop; is that correct?

10 A. [10:44:01] Yes, the hashtag means stop.

11 Q. [10:44:05] "Honoured to inform you that referencing the surface note" and so
12 on. I'm not giving you the number.

13 A. [10:44:20] You said "in the presence," whereas the word is actually "reference
14 to." I'm sorry.

15 Q. [10:44:31] Well, I should be the one to apologise, it is actually "reference."
16 Now, let us move onto another document. Incoming message, what can you tell us
17 about the incoming messages?

18 A. [10:44:43] Contrary to the outgoing messages issued by the director general,
19 the incoming messages, or "message arrivée," is what is prepared by my
20 collaborators and sent to the directorate general.

21 MR MACDONALD: [10:45:03] (Interpretation) I would like to call up document
22 0046-0013. There is a hard copy which is also available.

23 The document is displayed on the screen. Now can we zoom into this document for
24 the Chamber.

25 Q. [10:46:11] Can you explain to us what we can see on the document? There is

1 a sender, but before that there is the word "telegram" and then there is a number:

2 "PC radio of 6 December 2010 at 18.55. Sender DGP. Receiver all" -- or rather,

3 "Addressees: All police services: And so on and so forth. "IGSP ministry of the

4 interior." Then there is text. It is explained on the bottom right, "opéra." That is

5 what is indicated. What does that mean?

6 MR MACDONALD: [10:47:01] (Interpretation) If we can go right to the bottom of the

7 page, Court usher, please. And zoom in to the bottom right corner. Thank you.

8 Q. [10:47:24] "Acknowledgment of receipt." Then on the right: "Opéra,

9 sergeant" and then there is a name. Can you explain to us what this document is?

10 A. [10:47:40] If you observe carefully, on the stamp there is: "Republic of Côte

11 d'Ivoire, ministry of the interior, directorate of telecommunications and information

12 systems." That is the department that is responsible for transmitting

13 communications in message form. So opéra down there means operator, and it is

14 the person who transmitted that message; and that person is known as Sergeant

15 Tinan. So based on the form, it is a police document.

16 Q. [10:48:33] And when it is indicated "sender," it means the document is coming

17 from your directorate; is that correct?

18 A. [10:48:40] When I send out a message, it is reproduced in the transmissions

19 service. That is why the stamp is not the stamp of the DGP. But the content is

20 this content of the message of the directorate general of the national police.

21 Q. [10:49:07] Very well. Now I would like to show you another document. I

22 will skip a document and go to document 0045-1522, 0045-1522.

23 PRESIDING JUDGE TARFUSSER: [10:49:54] Mr Prosecutor, could I just remind you

24 not to testify yourself but put the questions, because before --

25 MR MACDONALD: [10:50:02] I know -- yes, you're right.

1 PRESIDING JUDGE TARFUSSER: [10:50:04] Before you said you will put the
2 question, and then you gave also the answer and you explained: What does this
3 document mean? And then you started: There is written here, there is written
4 there. But we can all read, be assured. What does the document mean, that's it.
5 Thank you very much.

6 MR MACDONALD: [10:50:24] Certainly, your Honour. You're totally right. I
7 was -- I guess I was more reading it for the record.

8 PRESIDING JUDGE TARFUSSER: [10:50:31] Yes.

9 MR MACDONALD: [10:50:31] So that it's clear.

10 PRESIDING JUDGE TARFUSSER: [10:50:34] But then other questions come up:
11 Why are these confidential if you then read them in public for the record?

12 MR MACDONALD: [10:50:39] As you've noticed, I'm just going on the form.

13 PRESIDING JUDGE TARFUSSER: [10:50:44] Yes.

14 MR MACDONALD: [10:50:44] I haven't touched on the content yet, but it's well
15 noted, your Honour.

16 So the next document is 0045-1522. And we have a paper copy for the witness.

17 Q. [10:51:15] (Interpretation) Mr Witness, what is this document?

18 A. [10:51:53] The collaborators have to report to the DGPN on the activities on
19 the ground, and that is an activity on the ground, that is a designation of elements on
20 the ground.

21 Q. [10:52:12] What does this mean, designation points, "point de designation," for
22 those of us who are not in the police force, what does this mean?

23 A. [10:52:24] When you look at this document, you can see that it is district 4,
24 that is the Adjamé district. So on that day there were -- there was a designation at
25 the Plateau. It was a vehicle, then another one in Boribana, six individuals in a

1 vehicle. And at the pharmacie Santé not far from the town hall, there was another
2 identification, a designation, another vehicle. So that happened on that day.

3 Q. [10:53:10] And what does the police officer do?

4 A. [10:53:17] The person ensures that he carries out his protection mission, that
5 is, they patrol to see whether there are any unusual events; and if that is the case, he
6 or she approaches the individuals. They can search them. And if it is serious, then
7 they would take those people to the police stations. So the officers implement their
8 mission.

9 Q. [10:54:01] Mr Witness, is there a difference between the expression "point de
10 désignation," that is, designation point, or "point de observation," that is, observation
11 point, normally abbreviated "PO"?

12 A. [10:54:16] There is absolutely no difference. Designation point and
13 observation point are one and the same thing.

14 Q. [10:54:25] Very well. This was to confirm that this is a normal or regulation
15 document within the national police?

16 A. [10:54:39] Yes, indeed. Based on the form, it is a police document.

17 Q. [10:54:58] I have two other documents that would bring us to the end of this
18 line of questioning. I would like to discuss with you communications with the
19 other services of the FDS, that is, communications between you and the other
20 services of the FDS. To begin with, did that type of communication exist?

21 A. [10:55:35] Yes, this type of communication existed.

22 Q. [10:55:41] What type of communications? What was the form of
23 communication? I understand that you were in contact with your colleagues in the
24 FDS, either the gendarmerie or other services, but how was this communication
25 carried out?

1 A. [10:56:02] Apart from physical contact, there were messages.

2 Q. [10:56:17] What about the radio, portable radio units, telephones?

3 A. [10:56:24] For us, when you use the radio, it is the same thing, it is a message.

4 So you have oral messages and written messages.

5 Q. [10:56:32] Very well. And so I suppose that you could send written messages
6 and others. Did you also receive them?

7 A. [10:56:50] Yes. We received them, but it was very rare, extremely rare, to
8 receive messages from the other services.

9 Q. [10:57:04] Let me repeat. Did you ever receive messages from the national
10 agency on strategy and intelligence, which is known by the acronym ANSI, A-N-S-I?

11 A. [10:57:31] Yes, that could happen; but, once again, it was very rare.

12 Q. [10:57:40] Very well. Now, let me show you a related document. We will
13 show you the first page and it is confidential. It is CIV-OTP-0045-0127. And we
14 also have a hard copy if necessary, but I simply wanted to show you the first page
15 for the time being.

16 MR MACDONALD: [10:58:22] (Interpretation) Please zoom in to the top part of the
17 document and then later on we will show the entire document. Scroll down please
18 if possible.

19 Q. [10:58:41] Do you recognise this type of document known as "Soit transmis"?

20 A. [10:58:56] Yes, I recognise it.

21 Q. [10:59:02] Let me show you the second page now.

22 MR MACDONALD: [10:59:11] (Interpretation) If a hard copy can be given to the
23 witness, and it is 0045-0128.

24 PRESIDING JUDGE TARFUSSER: [10:59:33] And this is an attachment to the first?

25 MR MACDONALD: [10:59:36] Yes, I'll clarify that, your Honour. That's where I

1 was going.

2 Q. [10:59:39] (Interpretation) Mr Witness, you have the Soit transmis and then
3 there is the information note which is attached; is that correct, Mr Witness?

4 A. [11:00:03] Yes, that is correct.

5 Q. [11:00:10] And the Soit transmis acted -- served like the cover page of a fax,
6 and the contents, the actual contents, were in attachment; is that correct?

7 A. [11:00:27] Yes, that is correct.

8 Q. [11:00:30] Very well.

9 MR MACDONALD: [11:00:30] (Interpretation) With the leave of the Chamber given
10 the time, I will call up the last document. It is a similar document, it is 0045-0683.

11 And we also have a hard copy that can be given to the witness immediately.

12 I just switched off my microphone. Very well. Now, can the second page be

13 displayed. And lastly, the third page, just for as an example, can the following

14 pages be displayed and then I would have a question. Could we please display the

15 pages one after the other.

16 Very well. I think we can now go to the very last page of the document.

17 Q. [11:03:31] Witness, you have the hard copy in front of you. What exactly is
18 this document?

19 A. [11:03:53] It's a message.

20 Q. [11:03:56] From whom to whom?

21 A. [11:04:01] You can see the signature. It's the chief of staff, the army chief of
22 staff, who is sending a message to all of the major commands, the director general of
23 the police, the gendarmerie, the maritime affairs directors, all of the various armed
24 forces. It's a general message.

25 Q. [11:04:29] To be absolutely precise, I see it's dated March 18th, 2011. And

1 what do you do with a message like this?

2 A. [11:04:42] Well, there are attachments, they're sent to the director general of
3 public security. So I send it to that person for enforcement.

4 Q. [11:04:55] Thank you very much. Those were the questions I wanted to ask.

5 MR MACDONALD: [11:04:58] (Interpretation) And it is time for the break, your
6 Honour. I think it is time, if you agree.

7 PRESIDING JUDGE TARFUSSER: [11:05:04] I do agree. Now we take the break.

8 We come back just after 11.30, 11.30-35. The hearing is adjourned.

9 THE COURT USHER: [11:05:17] All rise.

10 (Recess taken at 11.05 p.m.)

11 (Upon resuming in open session at 11.37 a.m.)

12 THE COURT USHER: [11:37:12] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [11:37:32] Good morning once again. Good
15 morning to you, Mr Witness.

16 Just before giving the floor to Mr MacDonald, I just want to speak out -- to read
17 again paragraph 27 of the conduct of the proceedings that:

18 "All questions shall be -- questioning shall be conducted in a focussed, precise, and
19 succinct manner. The parties are strongly encouraged to avoid long and
20 compounded questions."

21 And then on 6 February, the Chamber said that it would also like to stress that they
22 will be very vigilant over the mode of questioning of the witness, with a view to
23 ensuring the time spent in Court is as efficient as possible. This goes to you in first
24 instance now, but it goes also obviously later to the other parties. Thank you very
25 much.

1 Mr Prosecutor.

2 MR MACDONALD: [11:39:08] (Interpretation)

3 Q. [11:39:09] Hello again, Mr Witness. Let's continue. I would like to come
4 back somewhat and if we might call up once again document -- the first page of the
5 document because there was a question that escaped me. So this is item 0047-0485.
6 And this was the note to the minister. If we could go to the bottom of the page.
7 We are in open session. This is a confidential document.

8 Q. [11:40:38] But this page, who is the technical advisor to your knowledge?

9 A. [11:40:55] Well, I would like to say that he was not part of the cabinet of
10 ministers, but I believe that this technical advisor was one of the advisors of the
11 minister.

12 Q. [11:41:08] Very well. But this is a member of the police working within the
13 ministry itself who transmits the message that you addressed to him; is that correct?

14 A. [11:41:37] I believe that when a message or letter goes to the ministry, as he is
15 not able to read everything, he hands it over to one of his advisors, who then
16 provides him with a note. And this talks about the report that was sent to him or
17 the note that was sent to him. I think that's what it's about.

18 Q. [11:42:01] Very well. So now I would like for us to talk about radio
19 communications. For the time being we shall talk about it in a generic manner and,
20 if need be, we will go into private session.

21 We understand that the police had a radio communications network. Could you
22 please explain to us what this consisted of?

23 A. [11:42:39] The radio network is a means enabling policemen to talk to each
24 other, or that would enable people to follow everything that is being said by the
25 policemen over that network. So there is a base that is under command, and then

1 you will have annex bases; and there is a radio in each.

2 Q. [11:43:20] So let's talk about the central base, the central radio base of the
3 police. Where was that located?

4 A. [11:43:31] If you are talking about Abidjan, it was at the police préfecture, and
5 the command post of the radio was within the préfecture de police in Abidjan.

6 Q. [11:43:46] And within Abidjan itself, where were the annex transmitters to be
7 found, the annex bases if you like?

8 A. [11:44:01] You asked me yesterday with regard to the districts. The préfet de
9 police has authority over the districts. And the base is found at the préfecture and
10 the district bases are to be found in the districts. And those districts are to be found
11 within the various commissariat.

12 Q. [11:44:28] And the -- I'm going to slow down. The intervention units, did
13 they have any radio bases?

14 A. [11:44:38] Well, these are two different networks. You have the public
15 security network, which is for the commissariat, and then you have the network for
16 the intervention units. These are two different networks. So as far as the
17 intervention units is concerned, the bases are to be found in each installation of an
18 intervention unit.

19 Q. [11:45:07] Let's take the BAE. It has its base at the CHU in Yopougon or just
20 next door. What about CRS1, well, that base was in Williamsville. Was there also
21 a radio base there?

22 THE INTERPRETER: [11:45:23] Overlapping speakers, too fast, impossible to
23 interpret.

24 PRESIDING JUDGE TARFUSSER: [11:45:27] Wait, wait. Yes, we understand. We
25 understand.

1 Please slow down and don't overlap. Thank you.

2 MR MACDONALD: [11:45:40] (Interpretation)

3 Q. [11:45:41] So at what I would refer to as barracks, each had their own radio
4 base within their principal premises?

5 A. [11:46:01] Indeed, there is the network of the intervention units, which comes
6 down to an intervention unit.

7 Q. [11:46:15] And what about the CIPPA? You yesterday associated it at a
8 mission level with that of the CRS. Was it part of that network?

9 A. [11:46:31] The CIPPA was part of the préfecture de police in Abidjan, and it is
10 linked up as a result to the network of the préfecture de police, even if it is an
11 intervention unit.

12 Q. [11:46:50] When we say two networks, did they use the same frequency or did
13 they use different frequencies?

14 A. [11:46:59] Well, I'm not a specialist in transmissions, but what I do know is
15 that these are two different networks to the extent that when the VHF network
16 speaks, then the HF network cannot hear anything. But I don't know anything
17 about frequencies because I'm not a specialist.

18 Q. [11:47:27] So how did they communicate between or was there any
19 communication between the two networks, a way of communicating information
20 from one network to the other?

21 A. [11:47:37] I will repeat, these are two distinct networks. They do not
22 communicate between themselves, unless the central command post which generally
23 speaking has the two radios, the VHF and the HF, can give information from one
24 network to another, to another, because that is the command base, if you like.

25 Q. [11:48:08] We also had mentioned that other services within the FDS had their

1 own radio networks. What can you tell us about that?

2 A. [11:48:30] I can't tell you anything, because the network was part of the
3 command under each chief. I'm not a gendarme, so I can't talk to you about the
4 gendarmerie network. And I'm not a soldier, I can't talk to you about their
5 network. So I can't give you any comments in that regard. I can give you
6 information on the police network.

7 Q. [11:48:59] On the basis of your response, you are confirming that the
8 gendarmerie had its own radio network. What about CECOS, did it have its own
9 radio network?

10 A. [11:49:11] Yes, indeed. Each of the structures had its own radio. And as I
11 said to you earlier on, this was a means of communication between the elements
12 working within this structure.

13 Q. [11:49:31] Was there any interface enabling people to share information
14 despite the fact that there were separate networks?

15 A. [11:49:44] Well, as we started to work together during the crisis, the level of
16 the police and the gendarmerie, we had what we called the Minos command post.
17 That is an interface between the police and the gendarmerie. At the headquarters,
18 the État Major, there is also an interface between the army, the police, and the
19 gendarmerie.

20 Q. [11:50:21] Where was the Minos command post?

21 A. [11:50:35] The Minos command post was located in the buildings housing the
22 ministry, but it was not under the ministry itself.

23 Q. [11:50:50] Which ministry are we talking about here?

24 A. [11:50:54] The ministry of the interior.

25 Q. [11:51:00] The interface that you mentioned that existed between or within all

1 the FDS, where was that located and what name did it bear, if it had one?

2 A. [11:51:22] If I am not mistaken, I know that there was a structure at the
3 ministry or, rather, at the army headquarters. But as things evolved all the time, I
4 can't really remember. I don't know whether it was the CPCO or the CIA. I know
5 that there was a structure that was in charge of coordinating operations and it served
6 as an interface between the various networks.

7 PRESIDING JUDGE TARFUSSER: [11:51:52] Just one clarification. I think it's the
8 first time that we hear about Minos, just to -- is this an acronym for what, if it's an
9 acronym?

10 MR MACDONALD: [11:52:08] Minos, Minos, minatar (phon). Minos and the
11 minatar.

12 PRESIDING JUDGE TARFUSSER: [11:52:10] Yes, but I'm asking the -- you're making
13 the witness again. I'm asking the witness.

14 What is Minos?

15 THE WITNESS: [11:52:21] (Interpretation) Mr President, this is the basis that
16 coordinates -- the base that coordinates the networks between the police and the
17 gendarmerie.

18 MR MACDONALD: [11:52:37] (Interpretation)

19 Q. [11:52:38] Why the word "Minos"?

20 A. [11:52:40] This is a name that was given. One might have -- it's a name. It's
21 a call sign.

22 Q. [11:52:55] It's a call sign. So I would like us to talk about call signs within the
23 police, all right? And in order to do so --

24 MR MACDONALD: [11:53:12] (Interpretation) Mr President, it might be preferable
25 for us to move into private session. I'm just wondering. I'm putting the question

1 out there.

2 PRESIDING JUDGE TARFUSSER: [11:53:31] I don't think so it's needed for the time
3 being.

4 Maître Laucci.

5 MR LAUCCI: [11:53:36] (Interpretation) Mr President, I just got to my feet because I
6 could see that you were looking at me. If we're just talking about radio acronyms, I
7 would not myself have requested that we move into private session. But only the
8 Prosecutor knows what questions he is going to put, of course.

9 PRESIDING JUDGE TARFUSSER: [11:53:53] I would say if we are talking about
10 acronyms and the names and things like that which don't go into the details, I think
11 we can stay in open session. Then it's as always your responsibility. Thank you.

12 MR MACDONALD: [11:54:12] (Interpretation) Very well.

13 Q. [11:54:22] The commander of the intervention units at the time of the crisis,
14 still November 2010 to April 2011, did he have a code name or a call sign, rather; and
15 if so, what was it?

16 A. [11:54:44] In order to answer your question properly, are you talking about
17 the commander or the director of the intervention units?

18 Q. [11:54:54] I'm talking about the commander of the intervention units.

19 A. [11:54:59] I admit to not really understanding because for us the commander
20 is the commander of a unit. And all other units falls under a director. That's why
21 I'm seeking clarification.

22 Q. [11:55:13] I'm sorry, I'm taken a little bit unawares here because I'm basing
23 myself on a document that we might bring up, 0012-0254. And this might enable
24 you to answer this question looking at your document.

25 MR MACDONALD: [11:55:32] (Interpretation) If we could bring this up on the

1 screen, please.

2 Now, we do have a hard copy of the document that we can show to the witness,
3 please. Entry number 1.

4 PRESIDING JUDGE TARFUSSER: [11:56:11] I mean, if the witness needs this hard
5 copy document. If he doesn't need it, if he doesn't request it, because it's enough for
6 him to look at the screen, I would say in order to --

7 MR MACDONALD: [11:56:20] Yes, okay. All right.

8 PRESIDING JUDGE TARFUSSER: [11:56:22] -- Not to have this going back.

9 MR MACDONALD: [11:56:24] (Interpretation)

10 Q. [11:56:25] do you need a hard copy, sir?

11 A. [11:56:29] I do not need a document.

12 Q. [11:56:34] So I understand that this is a document that you penned on 2nd
13 January 2012 subsequent to a request for judiciary requisition. And you are talking
14 here about Sandrak, the commander, addressed to the commander of the
15 intervention units. Who is the commander of the intervention units to you? You
16 name him here.

17 A. [11:57:05] I would say that this is, I would say that this is a slip of the tongue
18 because the commander of the intervention units really doesn't mean a thing. It is
19 rather the director of the intervention units who was indeed Sandrak, to answer
20 your question.

21 Q. [11:57:30] Very well. So the document has been brought up. Do you
22 acknowledge having written this document?

23 A. [11:57:37] Yes, indeed.

24 Q. [11:57:38] Do you have any corrections that you would like to bring to it, apart
25 from that, with regard to Cronos Nimbus?

- 1 A. [11:57:52] Could we scroll down on the document.
- 2 Q. [11:57:58] Yes, certainly.
- 3 A. [11:58:00] Thank you. No, there are no further corrections to be brought to
- 4 the document.
- 5 Q. [11:58:11] Very well, thank you.
- 6 I would now like to request the deputy director general of public security, did he
- 7 have a call sign or did he have a call sign; and if so, which?
- 8 A. [11:59:04] Yes, indeed, he did. His call sign was post trot, post trot.
- 9 Q. [11:59:16] Could you please spell that because I don't understand the first
- 10 letter I think. Are you talking about Foxtrot?
- 11 A. [11:59:24] Trot, T-R-O-T.
- 12 Q. [11:59:28] The first word?
- 13 A. [11:59:31] Post trot, P-O-S-T T-R-O-T.
- 14 Q. [11:59:42] The préfet de police in Abidjan at the time of the crisis?
- 15 A. [11:59:55] His call sign was Jupiter.
- 16 Q. [12:00:00] Did the CRS bases -- let's talk about CRS1 first of all, the radio base,
- 17 did it have a name?
- 18 A. [12:00:13] Yes. All the bases had names.
- 19 Q. [12:00:23] What was the name of the CRS1 base?
- 20 A. [12:00:27] I cannot remember right now; If I remember later, I will tell you.
- 21 Q. [12:00:36] If I put the name to you, maybe it could jog your memory?
- 22 A. [12:00:40] Yes.
- 23 Q. [12:00:43] Ramy?
- 24 A. [12:00:44] Ramy is CRS1.
- 25 Q. [12:00:53] CRS2, do you remember?

1 A. [12:00:59] I do not remember.

2 Q. [12:01:05] The BAE?

3 A. [12:01:15] I know that I know it, but I can't remember right now.

4 Q. [12:01:25] We'll come back to that, that is CRS2 and BAE.

5 The minister of the interior, and this is still within the police radio network, did the
6 minister have a call sign?

7 A. [12:01:54] Yes, he has a call sign.

8 Q. [12:02:01] What is the call sign?

9 A. [12:02:04] Atlas.

10 Q. [12:02:07] A short while ago you said that PC Minos was the interface
11 between the gendarmerie and police networks. To your knowledge, does the
12 minister of the interior have the same call sign in the gendarmerie network?

13 A. [12:02:46] He has the same name, but I should point out that it is extremely
14 rare for the minister to intervene over the radio.

15 Q. [12:03:01] Still to your knowledge, these code names, you have talked about
16 the various networks, let me rephrase.

17 Now, to your knowledge, is it possible that Atlas be assigned to someone else on a
18 different network?

19 A. [12:03:30] Let me repeat. I can explain everything that has to do with the
20 police or what I know about the police.

21 Q. [12:03:44] What about the officers of CRS1, how were they identified over the
22 radio?

23 A. [12:03:56] I do not remember. If it comes back to me, I will tell you.

24 Q. [12:04:10] Do you know what record, 1, 2, 3, 4 and so on, what it refers to?

25 A. [12:04:21] Thank you for jogging my memory. The records, or record, the

1 officers of CRS1.

2 Q. [12:04:35] Do you remember how the CRS2 were called?

3 A. [12:04:41] Faucon.

4 Q. [12:04:42] And the BAE?

5 A. [12:04:44] I do not remember.

6 Q. [12:04:46] Athos or Athos, that call sign, was it used in the police network?

7 A. [12:05:08] Yes. A short while ago I made a mistake. Athos or Athos was
8 indeed the call sign of the deputy director in charge of public security. And Post
9 trot was the call sign for the deputy director general responsible for the judicial
10 police.

11 Q. [12:05:36] What was the code of the director general of the police -- the call
12 sign I mean to say?

13 A. [12:06:00] Maybe you should precise. There were three deputy directors.

14 Q. [12:06:04] No, not the deputy directors. That is the inspector general of the
15 DGPN at the time of the events.

16 A. [12:06:13] There is a problem. I'm not the inspector of the police services. I
17 am the inspector general of the police directorate general of police, and the call sign
18 is Omega.

19 Q. [12:06:32] Papillon, was Papillon a call sign used within the police?

20 THE INTERPRETER: [12:06:37] Scorpion actually. Correction from the interpreter:
21 Scorpion.

22 A. [12:06:49] Yes, it was.

23 Q. [12:06:51] And who was it used for?

24 A. [12:06:55] Thank you. You are the one putting the questions. So Scorpion
25 refers to the commander of CRS2.

1 Q. [12:07:07] And there I don't know whether it is radius or Radial. Does that
2 exist?

3 A. [12:07:20] Yes. There is radius that exists. I don't know whether CRS1 or 2
4 because those call signs were not used very frequently.

5 Q. [12:07:39] Pharaon?

6 A. [12:07:41] We did not have the call sign in the police.

7 Q. [12:07:46] What about the other services, do you know whether it existed in
8 the other services?

9 A. [12:07:51] Let me say that call signs are very secret; that is why they are there
10 in the first place, that is to protect the individuals so that they should not know who
11 is Pharaon.

12 Q. [12:08:12] Viking?

13 A. [12:08:13] That did not exist within the police.

14 Q. [12:08:17] Vicky?

15 A. [12:08:22] No, it didn't exist either.

16 Q. [12:08:31] Rodeo 1, 2, 3 to 20 and beyond?

17 A. [12:08:35] Rodeo is a call sign that exists in the police. These are the officers
18 on board vehicles.

19 Q. [12:08:43] These are officers not attached to any intervention unit, can you -- is
20 that correct, can you clarify?

21 A. [12:08:56] The rodeos are officers assigned to vehicles. So if they are going to
22 a routine mission, they have their own call sign; but if they use a vehicle, they bear
23 the call sign rodeo.

24 Q. [12:09:25] Étoile?

25 A. [12:09:36] That call sign is not used by the police.

1 Q. [12:09:38] Force 1, 2, 3, 4 and beyond?

2 A. [12:09:41] Force like in F-O-R-C-E, no, it is not used in the police.

3 Q. [12:09:51] Last question on this topic, maybe two last questions, the person
4 responsible for the police radio, did that person have a call sign?

5 A. [12:10:12] Maybe you should clarify. You have the director of transmissions,
6 but if you are talking about the officer in charge of the PC, or command post, each
7 PC has an officer who is responsible.

8 Q. [12:10:34] For both?

9 A. [12:10:36] As I said a short while ago, when an officer transmits at the PC,
10 they do not use their own call signs. They use PC radio so that it is known that it is
11 the base station that is transmitting.

12 Q. [12:10:57] What is the name of the base over the radio?

13 A. [12:11:00] PC radio.

14 Q. [12:11:06] And the officers in charge who replace each other, how can they be
15 identified, by their names or figures?

16 A. [12:11:17] There is, there are no officers that replace each other there. There
17 is a comptroller who has a responsibility, and when that person transmits, they use
18 the call sign PC radio.

19 Q. [12:11:40] Very well.

20 MR MACDONALD: [12:11:43] If you allow me just one second, your Honour -- well,
21 maybe more than one second.

22 (Counsel confer)

23 MR MACDONALD: [12:12:05] Sorry, your Honour.

24 Q. [12:12:15] (Interpretation) And the call sign Azaro, was it used within the
25 police?

1 A. [12:12:21] Yes, indeed. Azaro was the commander of CRS2.

2 Q. [12:12:33] I beg your pardon?

3 A. [12:12:36] Azaro was the call sign of the CRS2 commander.

4 Q. [12:12:40] CRS2.

5 PRESIDING JUDGE TARFUSSER: [12:13:04] But wasn't it Scorpion?

6 MR MACDONALD: [12:13:06] That's what I'm trying to figure out right now. I'm
7 lost in the codes, your Honour.

8 Q. [12:13:13] (Interpretation) Who was Scorpion again, please?

9 A. [12:13:21] That is why I was telling you that things change over time. I gave
10 you the names during that period. You have Étienne, which was Azaro, those were
11 the call signs both of them used by CRS2 but at different periods because the period
12 you were talking about was very short. I know you are talking about different
13 periods, so I do not remember precisely who was there at that particular time.

14 Q. [12:13:58] Just to clarify - and we will come back to that later if necessary - the
15 office of the deputy director general for public security, there is a call sign?

16 A. [12:14:24] Yes, I said Athos.

17 Q. [12:14:27] And under that person is the Abidjan police préfecture, the prefect?

18 A. [12:14:38] Jupiter.

19 Q. [12:14:40] The deputy of the public security officer?

20 A. [12:14:47] There were two deputies for public security and for administration.

21 Q. [12:14:59] Very well. We will come back to that, if necessary.

22 MR MACDONALD: [12:16:00] (Interpretation) Sorry, your Honour, I had to re-log
23 on. My transcript had frozen. I'm back on now. All right.

24 Q. [12:16:17] (Interpretation) Mr Witness, some points of clarification about
25 yesterday. I would like us to go back to DMIR, D-M-I-R. We simply wish to make

1 some clarifications. To your knowledge, what was DMIR created and whose
2 initiative?

3 A. [12:17:30] The DMIR, I believe it was created in 2002.

4 Q. [12:17:41] And do you know under what circumstances DMIR was set up?

5 A. [12:17:51] I cannot tell you very much about that because it is a structure
6 which is attached to the general staff of the army.

7 Q. [12:18:01] Are you able to assist us with regard to the composition? I know
8 you have mentioned that there were the two armoured vehicles of the BAE which
9 were loaned out. We are going to come back to that. Where -- from which forces
10 of the FDS did it draw its members or elements?

11 A. [12:18:34] Let me repeat what I said yesterday. You have the police, the
12 gendarmerie, and the army; and in the army this included members of the ground
13 forces.

14 Q. [12:18:52] So when you say "the army," you are referring specifically to the
15 land forces?

16 A. [12:18:58] Yes.

17 Q. [12:19:00] What about within the police? Did the members come from the
18 BAE -- or let me put it simply, who from the police became a member of the DMIR?

19 A. [12:19:22] The CRS units and the BAE.

20 Q. [12:19:34] Let me come back to this issue of armoured vehicles.

21 MR MACDONALD: [12:19:48] (Interpretation) With your leave, Mr President, and
22 my learned friends of the Defence, we have two videos. I'm not going to show the
23 first one. I would like to show a screenshot and I will speak in English now.

24 (Speaks English) Which is already, your Honour, a screenshot that is already on
25 record, but we didn't put it on our list of material unfortunately. So with the

- 1 indulgence of the Chamber and my colleagues -- it's already submitted on record.
- 2 But I just want to, my next question, instead of showing the video, I just want to
- 3 show a screenshot. And this screenshot can be found at 0079-6349. And if need be,
- 4 we can discuss this, but I would prefer that it be done outside the presence of the
- 5 witness. But I don't think it should be an issue. I'm in your hands, your Honour.
- 6 PRESIDING JUDGE TARFUSSER: [12:20:52] If it's already submitted, please show it.
- 7 MR MACDONALD: [12:20:56] (Interpretation) Madam Court usher, can we call up
- 8 that document, 0079-6349, please.
- 9 Yes, that is right.
- 10 Q. [12:21:33] Mr Witness, to begin with, do you recognise the vehicle?
- 11 A. [12:21:46] Yes, indeed.
- 12 Q. [12:21:48] Can you tell us what type of vehicle it is?
- 13 A. [12:21:52] It is a BAE tank.
- 14 Q. [12:21:58] Just to be clear, yesterday you stated that the BAE vehicles were
- 15 loaned out to DMIR; is that correct?
- 16 A. [12:22:19] Yes, that is correct.
- 17 Q. [12:22:23] And you mentioned the colour and the letters, and here it is
- 18 mentioned gendarmerie nationale -- I beg your pardon, it is actually police nationale.
- 19 PRESIDING JUDGE TARFUSSER: [12:22:40] But why don't you ask?
- 20 MR MACDONALD: [12:22:42] I'm coming, your Honour.
- 21 PRESIDING JUDGE TARFUSSER: [12:22:43] Yes.
- 22 MR MACDONALD: [12:22:43] I'm coming, your Honour.
- 23 PRESIDING JUDGE TARFUSSER: [12:22:44] Yes, but this is one of the things.
- 24 Twice you said yesterday -- you said: Do you confirm? You said yesterday you
- 25 confirm. If he said yesterday, of course he's confirming. So just put the question.

1 Q. [12:23:02] (Interpretation) At the back we can see that there is something
2 white, but we cannot read. Can you see that? That is behind the -- at the back of
3 the vehicle.

4 A. [12:23:20] I do not see much. There is something that looks white, but it is
5 not clear.

6 Q. [12:23:25] To your knowledge, where are the letters BAE?

7 A. [12:23:32] Usually the letters BAE are on the four sides, that is on the two
8 sides and then in front and at the back.

9 Q. [12:23:44] At the front and the back. Do you mean it is on the licence plate?

10 A. [12:23:53] No. It is simply engraved on the four sides.

11 Q. [12:23:59] But here we can see that that is not the case?

12 A. [12:24:05] Yes, I agree with you. It is not the case here.

13 Q. [12:24:12] Very well. And I have to show the next video footage.

14 MR MACDONALD: [12:24:19] (Interpretation) We don't have a screenshot of that.
15 The video is 0003-0013.

16 And I believe we can show this footage from our side, Mr President, and we are
17 going to show an excerpt from the very beginning, that is 0000 seconds up to 18
18 seconds and we will try to freeze on the image of a vehicle. That's it for the time
19 being.

20 THE COURT OFFICER: [12:25:16] Is the video confidential? Is the video
21 confidential?

22 MR MACDONALD: [12:25:20] No, it isn't.

23 THE COURT OFFICER: [12:25:23] Okay. Thank you.

24 MR MACDONALD: [12:25:23] It is also, for the purposes of the record, it is also
25 already submitted, your Honour, but we don't have a screenshot. I guess we'll have

1 one after this that we will be registering.

2 On which channel do we need to put ourselves?

3 THE COURT OFFICER: [12:25:44] Evidence channel 2 usually.

4 MR MACDONALD: [12:25:46] Thank you.

5 (Viewing of the video excerpt)

6 MR MACDONALD: [12:26:00] Sorry, your Honour. We'll start again. We'll play a
7 little sequence, then we'll come back and try to stop when we see the letters on the
8 vehicle.

9 (Viewing of the video excerpt)

10 MR MACDONALD: [12:26:17] If we can play the sequence just again.

11 (Viewing of the video excerpt)

12 MR MACDONALD: [12:26:39] (Interpretation)

13 Q. [12:26:42] We are going to come back. Unfortunately the images are not as
14 clear as those on the other video, but can you recognise the vehicle?

15 A. [12:27:03] I can see the vehicle.

16 Q. [12:27:08] What type of vehicle is that?

17 A. [12:27:11] It is a tank.

18 Q. [12:27:15] And the letters that we can see on the side, that seems to be the
19 driver's door, it is BAE?

20 A. [12:27:27] That is correct.

21 Q. [12:27:29] So those were the types of letters or engraving that you were
22 referring to?

23 A. [12:27:35] Yes.

24 Q. [12:27:35] Very well.

25 MR ALTIT: [12:27:37] (Interpretation) Mr President, I'm sorry to interrupt my

1 learned friend. Just on the phrasing of: Is this a tank? Is this the BAE? This is
2 putting words in the witness's mouth. It would have been better to say: What can
3 you see? What are the letters you can see?

4 PRESIDING JUDGE TARFUSSER: [12:28:02] I cannot but give you all my -- you're
5 right, because that's what I ask continuously, to put the question. Now you said:
6 "And the letters that we can see on the side, that seems to be the driver's door is
7 BAE; is that correct?" That's not the way you have to put the question. What do
8 you see? What we all see, by the way. So, I mean, you have been the witness to
9 this.

10 And this is what I try to say from the beginning: Put the questions and let the
11 witness answer the questions. I fully agree with the intervention of Maître Altit.
12 But it's hard to change, I can see, since some time. Please go ahead.

13 MR MACDONALD: [12:28:55] Thank you, your Honour. I'll move --

14 PRESIDING JUDGE TARFUSSER: [12:29:01] May I just say. Before we had at
15 page -- you can find it at page, of the English transcript, at page 12, lines 5 to 16, I
16 have it in my mind, where you put on the very first line a question and then 15 lines
17 of explanation of the question and answer to the question, 15 lines. So I really
18 insist, please put the question and the witness is absolutely capable to answer the
19 question. Thank you.

20 MR MACDONALD: [12:29:37] (Interpretation)

21 Q. [12:30:02] Mr Witness, I would like to continue. Yesterday you were asked to
22 state the name of the person responsible for CIPPA, C-I-P-P-A. Do you remember
23 that name today?

24 A. [12:30:22] I'm afraid I still can't remember the name.

25 Q. [12:30:33] I will suggest a name to you. Do you know the practise Brice Oré?

1 A. [12:30:47] No, that name doesn't ring a bell.

2 Q. [12:30:53] Now a more general question about the police. Within the police
3 forces themselves, could you please describe to us which were the policemen or the
4 units that intervened first and foremost and in order according to the gravity of the
5 situation?

6 A. [12:31:20] Within the police itself, the commissariat of the arrondissement
7 within Abidjan itself are the first to have contact. If the policemen within the
8 commissariat or police station realise that things exceed their capacity or their
9 means, they then report to the district. As I said to you yesterday, the district
10 coordinates all of the police stations or commissariat. So the chief of district sends a
11 unit in order to provide support to the commissariat that was sent out first.
12 Now, if the district cannot do so at the time, then the chief of district requests
13 reinforcement from the préfet de police in Abidjan. It might be that the préfet de
14 police doesn't follow up; and if so, then he refers it to the deputy director general of
15 public security, who coordinates all of the services of public security.

16 Q. [12:32:40] And just to move on with this concretely, out in the field, what are
17 the units that are going to intervene first of all and then after that with regard to the
18 gravity of the situation?

19 A. [12:33:04] I think I'm going to repeat. You showed to me a designation this
20 morning. And in said designation it was the first designation that intervenes out in
21 the field. So when they don't manage and then it is the district who sends
22 reinforcements. And I'm going to repeat the same thing to you once again.

23 Q. [12:33:30] I just want to clarify. Let me put that the reinforcement is going to
24 be policemen at a commissariat level, is it, at a police station level? Sorry. So it's
25 going to be the police station who gets involved first of all, is it?

1 A. [12:33:49] Well, I'm going to try and make myself understood. If something
2 happens within the jurisdiction of a commissariat, the commissioner is responsible
3 for that. If he doesn't manage to manage the situation, he then requests
4 reinforcement from the district who he reports to directly.

5 Q. [12:34:09] And the district, and the district will then send men or elements
6 from the district itself or can they go and get men elsewhere at that moment?

7 A. [12:34:28] At that moment as it is, as it is not a prepared operation, then the
8 district will use its own elements because these districts have intervention units
9 within their territorial jurisdiction.

10 Q. [12:34:51] And then it goes up to the préfet level?

11 A. [12:34:54] Yes.

12 Q. [12:34:54] And the préfet will then call upon which forces or which units?
13 Which elements?

14 A. [12:35:03] This morning you talked about that again, and you said that I had
15 said yesterday that was the CIPPA was the intervention unit of the préfecture. And
16 it is the CIPPA indeed that gives reinforcements to the district within its jurisdiction.

17 Q. [12:35:23] And if that is not sufficient, then it goes up to the deputy director
18 general of public security; is that correct?

19 A. [12:35:33] Yes.

20 Q. [12:35:34] And then what does the deputy director general do, which forces or
21 units does he call upon?

22 A. [12:35:41] In the organisational chart that I gave you on the first day, the
23 deputy director general of public security has intervention units and the prefectures
24 that he can call upon. So if the préfet in Abidjan requests reinforcements, he will go
25 and get forces in the intervention units and notably the CRS if we are talking here

1 about law enforcement.

2 Q. [12:36:10] Very well. I would like to leave to one side structure and the
3 organisational chart and intervention, I would like to now concretely broach certain
4 points throughout the period that is of interest to us. But before doing so, I would
5 like to start with the date, CRS3 in Divo, what happened in Divo in the month of
6 August 2010 or specifically at the barracks itself? My question is very general. It
7 seems very wide, but was there a ceremony in the summer of 2010?

8 A. [12:37:15] I would admit that I can't give you specific details in this regard.

9 Q. [12:37:22] Did you go to Divo on the 27th of August 2010?

10 A. [12:37:30] Really, I do not recall.

11 Q. [12:37:34] Do you recall having attended a speech of Mr Gbagbo's on 27
12 August 2010 in Divo?

13 A. [12:37:45] Ah, okay. It was the installation of the William security company
14 number 4, yeah, number 4 is Divo. That was the date.

15 Q. [12:37:56] And apart from you, who else was present? Who were the
16 dignitaries who were present to your memory?

17 A. [12:38:17] From the police or generally speaking?

18 Q. [12:38:20] Both, generally speaking and from the police. Well, go ahead,
19 sorry.

20 A. [12:38:28] Well, as far as the police are concerned I know that there were
21 ministers who were with us. For the town itself there was the mayor and the
22 president of the conseil général.

23 Q. [12:38:45] When you say the conseil général, what do you mean by that?

24 A. [12:38:49] I said the president of the conseil général.

25 Q. [12:38:59] Which conseil général?

1 A. [12:39:03] We have a decentralised structure of which the conseil général.

2 Q. [12:39:15] I'm sorry, but I'm -- are you talking about the constitutional council
3 or the general council?

4 THE INTERPRETER: Both Mr Gbougnon and Mr Altit are on their feet.

5 MR MACDONALD: [12:39:25] I have an honest question, your Honour. We can
6 have the witness leave court. I'm at a total loss. And I'm saying this frankly. I
7 have no clue what we're talking about when we say conseil général.

8 PRESIDING JUDGE TARFUSSER: [12:39:42] Maître Altit, just be aware that the
9 witness is --

10 MR ALTIT: [12:39:49] (Interpretation) Well, it's not very secret, you know, what a
11 conseil général is. It's nothing surprising or dissimulated. I think there is a
12 cultural misunderstanding that I would like to broach with your leave. But the
13 witness might be able to do that. What is a conseil général, speaking in very clear
14 and general terms.

15 MR MACDONALD: [12:40:14] (Interpretation) That was my question to the witness.

16 MR ALTIT: [12:40:17] (Interpretation) Yes, but we're talking here about the basic
17 knowledge of the administrative divisions of Côte d'Ivoire. And if we always ask a
18 question as to who a préfet is or a mayor is, we're not going to get anywhere. So
19 maybe we can speed things up a little bit and assist your Chamber, otherwise let's
20 just ask the witness what the subdivisions are in terms of the administration of Côte
21 d'Ivoire so we can move on.

22 PRESIDING JUDGE TARFUSSER: [12:40:45] I think also we don't go anywhere if we
23 ask what the task of the police is and things like this.

24 But please put the question.

25 MR MACDONALD: [12:40:55] I put the question to the witness, your Honour.

1 PRESIDING JUDGE TARFUSSER: [12:40:56] Yes.

2 MR MACDONALD: [12:40:57] Read the transcript. I'm sorry, I put the question to
3 the witness, okay? And he did not answer the question, hence my surprise. That's
4 all. I'm asking the question and I'm asking him.

5 Q. [12:41:10] (Interpretation) the conseil général has to do with the
6 administrative divisions of a town hall, of a region? Let's answer this.

7 A. [12:41:24] Mr President, I think this is a decentralised structure that covers the
8 region of Divo. I don't know what else to say to you.

9 Q. [12:41:41] Very well.

10 A. [12:41:43] Well, thank you.

11 Q. [12:41:44] That was the question.

12 Were there any judicial authorities present during that speech?

13 A. [12:41:54] I would say I don't remember, but what I do remember is what I
14 said earlier, that the minister was present, the minister of the interior. There was
15 the president of the conseil général and there might have been other people, but I
16 don't remember.

17 Q. [12:42:07] And when you say the installation, there was the installation of the
18 CRS4, what do you mean by installation, quite briefly?

19 A. [12:42:23] Well, since independence with regard to the CRS, we only had one
20 unit. And then a second came into being, the CRS2. We realised that we needed a
21 unit within -- on the inside so that we could intervene if there was a law enforcement
22 issue. And then the CRS4 was set up in Divo.

23 Q. [12:42:54] I would now like to show a video to you, CIV-OTP-0018-005, and
24 the minute or timestamp if you bear with me -- so the minutes 05.00 to minute 7.38.

25 THE COURT OFFICER: [12:43:50] Confidential?

- 1 MR MACDONALD: [12:43:51] No, public.
- 2 PRESIDING JUDGE TARFUSSER: [12:43:57] Evidence 2 channel, yes.
- 3 (Viewing of the video excerpt)
- 4 PRESIDING JUDGE TARFUSSER: [12:50:55] I think it was a little bit longer than 2
- 5 minutes and 37 seconds, just for the record.
- 6 MR MACDONALD: [12:50:59] It was.
- 7 PRESIDING JUDGE TARFUSSER: [12:51:00] Yes.
- 8 MR MACDONALD: [12:51:01] So we played from minute -- so until second 5 until
- 9 minute 5.57, which appears on the screen.
- 10 PRESIDING JUDGE TARFUSSER: [12:51:24] Nearly from the beginning.
- 11 MR MACDONALD: [12:51:25] From the beginning to minute almost 6.
- 12 PRESIDING JUDGE TARFUSSER: [12:51:29] Yes. Okay.
- 13 MR MACDONALD: [12:51:41] (Interpretation)
- 14 Q. [12:51:42] Did you recognise the pictures of President Gbagbo?
- 15 A. [12:51:46] Could you please repeat the question?
- 16 Q. [12:51:52] Did you recognise the pictures?
- 17 A. [12:51:58] Yes, indeed.
- 18 Q. [12:52:02] What is it?
- 19 A. [12:52:05] This is the speech made at the time of the installation of the CRS in
- 20 Divo.
- 21 Q. [12:52:12] Very well. Thank you. I would now like us to talk about the first
- 22 and second rounds of the election. Whose mandate was it to provide security
- 23 during the elections at or during the first round?
- 24 A. [12:52:41] At the first round there were those whose mandate it was to take
- 25 care of the CCI, that is, the integrated centre, the CI.

1 Q. [12:53:00] The CCI, we know it is the -- well, I had it in mind, but now I've lost
2 it. It is the integrated command centre. I apologise.

3 A. [12:53:14] That's what I was saying. It is the integrated command centre that
4 used the FAFN elements and the FDS elements. So the FDS had police,
5 gendarmerie, and army elements; and the FAFN comprised policemen who were
6 trained for the purpose and FAFN, and those are the ones who ensured security
7 during the first round.

8 Q. [12:53:45] The FAFN, were there any in Abidjan at the time in order to
9 provide security around the elections?

10 A. [12:54:03] In order to complete my answer, before answering this one, we
11 should also add the ONUCI, the ONUCI, who accompanied all of the element. The
12 FAFN did come to Abidjan, yes. Those who came to Abidjan, we put up at the
13 Plateau cité policiere, the police city.

14 Q. [12:54:26] Do you remember how many you put up or provided
15 accommodation to?

16 A. [12:54:29] I don't remember how many, but I do know that we put them up at
17 the cultural centre in the police city in Adjamé.

18 Q. [12:54:44] Without knowing exactly how many, is it less, fewer than a
19 hundred, more than a hundred, 200, 500?

20 A. [12:54:55] I can't tell you, really. I didn't know how many there were. I
21 know that we received a group that came to provide security at the elections.

22 Q. [12:55:12] And to your knowledge in the northern area of the country that was
23 previously under the FAFN control, were there any FDS people there?

24 A. [12:55:20] Yes. There were also some FDS who had gone to the northern area
25 to make the area secure during the elections.

1 Q. [12:55:34] And who was in charge of the integrated command centre?

2 A. [12:55:40] It was general or it's currently the commander of the national
3 gendarmerie.

4 Q. [12:55:51] Could you please repeat? Could you please repeat and
5 pronouncing it well for the record.

6 A. [12:55:57] I repeat, general Kouakou Nicolas, who is currently the general of
7 the national gendarmerie in Côte d'Ivoire.

8 Q. [12:56:09] And for the second round, did the same thing apply? The CCI,
9 were they in charge of making things secure?

10 A. [12:56:28] The things remained the same. It was the same elements fulfilling
11 the same mission.

12 Q. [12:56:59] When the second round of elections came to an end, when the
13 announcement -- when the election results were announced on 2 December with the
14 constitutional council, the FAFN, who were in Abidjan, to your knowledge, where
15 did they go?

16 A. [12:57:19] I don't really understand, do you mean did they go back to their
17 base or what?

18 Q. [12:57:35] Yes, to your knowledge. Well, did they go back to their base
19 or -- well, let's come back to this. I'd rather we come back to this at a later stage. I
20 do apologise.

21 Were there any incidents at the time or between the first and the second rounds of
22 the elections, security incidents, that is, associated with the election?

23 A. [12:58:05] Really, I do not recall. I know that the FAFN elements who were at
24 the Adjamé police cité said that there was no enough food, problems like that, but I
25 don't think that was linked with the elections. There were no real issues.

1 Q. [12:58:28] Within -- well, there were forces taking part of making the elections
2 secure. But with regard to the civilian population, what was the atmosphere like?

3 A. [12:58:43] Atmosphere? Well, it was a normal atmosphere. When one has
4 to give the election results, each person is waiting and expecting their party to win.
5 So this is just a normal atmosphere.

6 MR MACDONALD: [12:59:09] (Interpretation) I would like now to have called up
7 item - and we might round up with this, Mr President, before the lunch break - item
8 0010-0022, which is an annex to the statement of the witness. I think we need to
9 come back to evidence 1. We have a hard copy with your leave, Mr President.
10 And just to clarify, if I am not mistaken, this is annex 4 of the witness's statement.
11 Could we display the second page, please.

12 Q. [13:00:58] And we see your stamp and signature. And to simplify, do you
13 recognise this document, Witness?

14 A. [13:01:12] Yes, indeed.

15 Q. [13:01:16] If I understand correctly, this is a document that you gave to the
16 investigators in November of 2011 when you met with them; is that correct?

17 A. [13:01:26] Yes, that's correct.

18 Q. [13:01:29] What is this exactly? Could you explain the situation that led to
19 the sending of this message?

20 A. [13:01:43] I believe the note is very clear. We received information. We
21 were told that young people were setting fire at gas stations; and to avoid that that
22 reoccur, we asked our officers to do what was necessary to -- so that that not be
23 continued. That's basically the content of the message.

24 MR MACDONALD: [13:02:17] (Interpretation) I think we can break now, your
25 Honour, with your permission. Otherwise, I could continue for a few more

1 minutes.

2 PRESIDING JUDGE TARFUSSER: [13:02:26] This document?

3 MR MACDONALD: [13:02:28] No, on another document.

4 PRESIDING JUDGE TARFUSSER: [13:02:30] Okay.

5 MR MACDONALD: [13:02:30] Maybe I can take the next few seconds just to also

6 refer to the transcript, and I'll let my colleague read out the transcript number

7 because I can't read her information. So I'll ask Ms Schoeters to just read it into the

8 record, please.

9 PRESIDING JUDGE TARFUSSER: [13:02:53] Yes.

10 MS SCHOETERS: [13:02:54] Hello. The transcript number of the video we played,

11 the video was CIV-OTP-0018-0005, and the transcript reference number is

12 CIV-OTP-0019-0007 at page 0008, lines 1 to 41.

13 PRESIDING JUDGE TARFUSSER: [13:03:28] Thank you.

14 MR MACDONALD: [13:03:30] And just to be clear, your Honour, I did not show the

15 entire video that lasts 18 minutes. We showed the beginning. I can show also the

16 end. But obviously we want the entire video to be recognised as submitted on the

17 record, just for the technical.

18 PRESIDING JUDGE TARFUSSER: [13:03:43] Yes, well, of course. And I would like

19 sometimes to see the entire video - thank you - and I will, of course.

20 This brings us to the lunch break. We are going now for lunch until 2.30, and then

21 we resume for the third session of this day. Thank you very much.

22 THE COURT USHER: [13:04:06] All rise.

23 (Recess taken at 1.04 p.m.)

24 (Upon resuming in open session at 2.33 p.m.)

25 THE COURT USHER: [14:33:52] All rise.

1 Please be seated.

2 PRESIDING JUDGE TARFUSSER: [14:34:10] Good afternoon. Yes.

3 MR GARCIA: [14:34:16] Good afternoon, your Honours, Mr President.

4 PRESIDING JUDGE TARFUSSER: Good afternoon.

5 MR GARCIA: [14:34:19] I do apologise for tardiness of Mr MacDonald. He will be
6 in in a couple of minutes. He just had to rush up to his office urgently. A couple
7 of minutes. I do beg your indulgence in this.

8 PRESIDING JUDGE TARFUSSER: [14:34:31] No problem. The Chamber requests in
9 any case to re-look at the video, because in the meantime we requested to the
10 court -- I requested the court officer to give the transcript to the interpreters, so also
11 to the benefit of those who do not understand, we have the video in French with an
12 English interpretation. So therefore we can for the moment do without
13 Mr MacDonald, that's what I want to say.

14 MR GARCIA: [14:35:05] Thank you, Mr President, your Honours.

15 PRESIDING JUDGE TARFUSSER: [14:35:07] Okay. So I don't know who has -- the
16 interpreters have the transcript. So I would ask who is in charge to play again the
17 video in the same part we have seen just before break, the break.

18 THE COURT OFFICER: [14:35:40] You have the floor, evidence channel 2.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [14:35:51] "General, officers, all my friends from Lakota, I'm
21 very pleased that you're here. Policemen here, we're setting up, as general Bredou
22 reminded us a moment ago, that the CRS, the compagnie républicaine de sécurité,
23 was set up in 1944 and became operational in 1948. Those dates are important
24 dates. 1944 was a period of major disorder in France. The war was over, but it
25 wasn't really over. It's a bit like here now. It was finished, but it wasn't really

1 finished. General de Gaulle and the government in exile in Alger disembarked in
2 Paris and they took over control. But there were still entire cities that were under
3 the control of the Germans and others were controlled by armed resistance fighters.
4 De Gaulle wanted to ensure the security of the institutions of the republic, and
5 therefore he created the CRS, the compagnie républicaine de sécurité, in order to
6 fight in the cities, to fight against troublemakers, to fight against the thugs.
7 And since 1944, the CRS has been there. In times of trouble, the CRS is in the
8 forefront in France. The reason I'm reminding you of this is not to give you a
9 history lesson but to remind you of the spirit in which the CRS was born and the
10 tasks awaiting it. The tasks awaiting are the tasks involved in battles, battles
11 against sham, disorder, chaos, chaos. But the tasks involved in peace as well with
12 ordinary citizens, the tasks of peace with ordinary citizens, thanks to you in this city
13 and in this region, normal citizens, ordinary citizens, conscientious citizens will be
14 able to come and go to work peacefully. They must be able to go to the movies, to
15 go out dancing, they must be able to go out and have a good time peacefully.
16 People have to be able to walk around normally with money in their pockets without
17 being afraid thanks to your presence. But because of your presence, all those who
18 want to go rob honest citizens will have to think twice before they go ahead with
19 their plan.

20 Dear friends, police officers, dear brothers, we're setting up this CRS company today.
21 You're not ordinary police officers. You're not the ordinary police officers in a
22 police station to sit and keep records. No, that's not your task. This is the
23 compagnie républicaine de sécurité, the CRS. Your role is to make it possible that
24 the republic indeed live up to its expectations. Your role is to make it possible that
25 the authority of the regional prefect applies throughout the region, that the authority

1 of the prefect apply throughout the department, and that the sub-prefect as well
2 apply throughout. Your role is to enable republican authority to be alive.
3 Your enemy -- I didn't say 'adversary,' I said 'enemy.' Your enemy is anyone who is
4 against the republic. Your enemy is anyone who is against peace in Côte d'Ivoire.
5 Your enemy are those who want to disturb the elections in Côte d'Ivoire. Your task
6 is a simple task. Your task is simple because the dividing line is very clear between
7 peace and disorder. You're in favour of peace and you're going to fight against
8 those who want to lead to disorder. Between what is legal and what is illegal, you
9 are for legality and you are going to fight against all those who are in favour of
10 illegality. That's your role."

11 PRESIDING JUDGE TARFUSSER: [14:42:04] Also before it was until the 6, okay.
12 Thank you very much.

13 Now the floor goes back to the Office of the Prosecutor, Mr MacDonald.

14 MR MACDONALD: [14:42:49] (Interpretation)

15 Q. [14:42:52] Good afternoon, Witness.

16 This morning we showed you a document regarding the purchase of gasoline.

17 During the period between the two rounds of the election, were there any barricades
18 set up by young Ivorian people?

19 A. [14:43:26] Yes.

20 Q. [14:43:33] And what occurred at those roadblocks, those barricades?

21 A. [14:43:41] At those roadblocks, there were -- the idea was to prevent people
22 from coming and going, to stop traffic.

23 Q. [14:44:06] And who was in attendance at those roadblocks?

24 A. [14:44:12] They were members of the LMP and the RHDP.

25 Q. [14:44:21] When you refer to the LMP, are they in favour of Gbagbo and the

- 1 RHDP are the Ouattara people, so those were the two sides that were opposed
2 during the elections; is that correct?
- 3 PRESIDING JUDGE TARFUSSER: [14:44:39] Again, who is the LM --
- 4 MR MACDONALD: [14:44:43] Yes.
- 5 PRESIDING JUDGE TARFUSSER: [14:44:43] Yes, that's the way to ask questions.
- 6 MR MACDONALD: [14:44:45] I know, your Honour --
- 7 PRESIDING JUDGE TARFUSSER: [14:44:46] Yes, but --
- 8 MR MACDONALD: [14:44:47] -- but these are facts that are so well-known --
- 9 PRESIDING JUDGE TARFUSSER: [14:44:49] But if they are so well-known, then it's
10 useless to ask them. This is what I think. Or you ask them and the reply comes
11 from the witness; or if they are so well-known, I don't think it's needed to be asked,
12 they need to be asked.
- 13 MR MACDONALD: [14:45:04] Yes. Understood.
- 14 Q. [14:45:15] (Interpretation) Were any crimes committed at those roadblocks to
15 your knowledge?
- 16 A. [14:45:23] I can't really state in formal terms that crimes were committed. In
17 order for us to be informed, it would have had to have taken place in front of the
18 police.
- 19 Q. [14:45:44] What kind of acts were committed by those who were setting up
20 those roadblocks?
- 21 A. [14:45:51] Let me repeat what I said a moment ago. People were preventing
22 the population from coming and going; in other words, they were stopping free
23 circulation.
- 24 MR MACDONALD: [14:46:05] (Interpretation) If I may, your Honour, I would like
25 to refer to the prior statement made by the witness on a particular point regarding

1 this matter.

2 Q. [14:46:42] At those roadblocks, the people who were maintaining the
3 roadblocks, did they have weapons?

4 A. [14:46:50] Well, from the point of view of the police, yes, they were armed. It
5 doesn't mean a rifle. It could be a knife. It could be a variety of things. So yes,
6 they had weapons. It could be a stick, a club.

7 Q. [14:47:06] Were there firearms to your knowledge, other than clubs and
8 machetes, et cetera?

9 A. [14:47:19] Firearms, I can't really say. We were told that people were bearing
10 weapons, but I myself did not see it.

11 MR O'SHEA: [14:47:29] Sorry, your Honour. I heard the word "couteau," knife. I
12 did not hear the word "machete."

13 MR MACDONALD: [14:47:55] I can rephrase or ask the question.

14 PRESIDING JUDGE TARFUSSER: [14:47:57] Yes, please, to put the question another
15 way. Yes.

16 MR MACDONALD: [14:48:02] (Interpretation) I beg your pardon.

17 Q. [14:48:04] You referred to knives, clubs. Were there any machetes?

18 A. [14:48:10] Yes, some had machetes.

19 Q. [14:48:18] I understand of course that you're a police officer -- that you're not a
20 police officer as such. But I mean who informed you?

21 MR LAUCCI: [14:48:27] (Interpretation) Well, given the line of questioning and since
22 we're referring to information that may have been sent to the witness during the
23 events, I would request that we go into private or closed session, your Honour.

24 PRESIDING JUDGE TARFUSSER: [14:48:47] Maître Altit.

25 MR ALTIT: [14:48:49] (Interpretation) Your Honour, if we're talking about

1 self-incrimination, it seems me we need additional information because the witness
2 hasn't referred to his function. Obviously he's working within a legal framework
3 and there could potentially -- if there is a fear of self-incrimination, we need to have
4 a better understanding of what we're really afraid of, because otherwise we have no
5 criterion between what can be done in open session and what needs to be done in
6 private.

7 So I think that this has to be dealt with with great care, and given that it was a period
8 of tension, whenever any incidents occurred, the person who is testifying does so in
9 public because, after all, that was his job to manage such situations. I mean, that's
10 what he was supposed to be doing. Self-incrimination is a completely different
11 issue.

12 MR KNOOPS: [14:49:42] Mr President, I don't think there is a difference between the
13 reports which were put forward to the witness which were drafted by himself
14 containing information and the question which is now put to the witness, so there is
15 no reason to go to closed session in our opinion. Thank you.

16 PRESIDING JUDGE TARFUSSER: [14:50:03] Mr Prosecutor.

17 MR MACDONALD: [14:50:04] I leave it to your discretion, your Honour.

18 PRESIDING JUDGE TARFUSSER: [14:50:08] Maître Laucci.

19 MR LAUCCI: [14:50:12] (Interpretation) Well, I would be pleased to clarify my
20 concerns following Maître Altit's comments. But the documents have been
21 submitted as to their form but not the content. The content remains confidential.
22 As regards our particular fears, I've already referred to the concept of responsibility
23 of hierarchical superiors under Article 1(4)(1) of the Ivorian Criminal Code which
24 states that:

25 "When a hierarchical superior is informed of any acts, criminal acts that have

1 occurred, a number of measures need to be taken, otherwise he may be considered
2 responsible, first of all, informing, arresting and reporting to the hierarchy."

3 And therefore inasmuch as we're referring here to information he may or may not
4 have received, that the witness may have received, and not just events that he
5 learned about afterwards from another source, this puts us potentially in the scope
6 of the responsibility of a hierarchical superior. And therefore, I cannot tell you at
7 this point what the witness may or may not have done. I will only know as we
8 move along in the testimony. Thank you.

9 PRESIDING JUDGE TARFUSSER: [14:51:34] Well, I think the crucial question is:
10 How did you know?

11 MR LAUCCI: [14:51:43] (Interpretation) Yes, indeed, I agree, your Honour.

12 PRESIDING JUDGE TARFUSSER: [14:51:47] Yes. Therefore, I would ask: How
13 did you know? You're saying all these things responding to the Office of the
14 Prosecutor. My question is: How did you know? From whom did you know?

15 THE WITNESS: [14:52:07] (Interpretation) This morning we saw a document
16 regarding the designations, and it's those individuals on the ground who informed
17 us or the population which called the police saying, this is what's happening.

18 PRESIDING JUDGE TARFUSSER: [14:52:24] Well, next question -- well, now I think
19 it's better to go into -- from your subordinates?

20 THE WITNESS: [14:52:38] (Interpretation) Yes, my subordinates, but also from the
21 population at large.

22 PRESIDING JUDGE TARFUSSER: [14:52:44] I think we have to go into private
23 session just to go deeper into this, and then we'll see how it develops. But for as a
24 matter of caution, I think we go into private session. Sorry about that.

25 MR LAUCCI: [14:52:58] (Interpretation) Thank you, your Honour.

- 1 PRESIDING JUDGE TARFUSSER: [14:53:02] Okay. Court officer, could you call the
2 private session.
3 (Private session at 2.53 p.m.)
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- 21 (Open session at 3.07 p.m.)
- 22 THE COURT OFFICER: [15:07:14] We are in open session.
- 23 PRESIDING JUDGE TARFUSSER: [15:07:17] Mr MacDonald.
- 24 MR MACDONALD: [15:07:20] Thank you, your Honour.
- 25 Q. [15:07:27] (Interpretation) So, Mr Witness, still in this very same transcript,

1 0014-0233, and we're on page 0236, bottom of the page, line 112, over to page 0237,
2 line 116. And I shall read, I shall read from line 108. The investigator puts a
3 question to you:

4 "Were you able -- was the police able to do away with the roadblocks in Abidjan?"

5 Answer: "No. It's not possible."

6 Question: "Okay."

7 And then you go on to say: "It's not possible. Sometimes even they are more
8 armed than we are. I told you that we only have handguns, but I remember that on
9 occasion we had the cases of students in Port-Bouët, the students of the Riviera when
10 they arrive of course, they are in greater numbers, and then they are further armed,
11 and they stand up to our elements."

12 And further on you go on to say: "And we are obliged to negotiate, to negotiate for
13 them to leave."

14 End of quote.

15 So you said this in your former interview. Do you acknowledge the response that
16 you furnished to the Office of the Prosecutor at that moment in time?

17 A. [15:09:37] I can confirm my statement.

18 Q. [15:09:42] Very well. Was it the truth?

19 A. [15:09:51] I believe that I have taken an oath to say the truth, and I said in this
20 statement that my conscience is my guide.

21 Q. [15:10:04] Very well. So let us continue.

22 MR KNOOPS: [15:10:13] Mr President, just for the record, before the part of the
23 transcripts before the intervention of Mr Altit, the Defence of Blé Goudé seeks for
24 declassification of that part of the transcripts as being public.

25 PRESIDING JUDGE TARFUSSER: [15:10:34] Do you mean the whole part we are

1 talking about? The whole part which was said in private session.

2 MR KNOOPS: [15:10:40] Yes, yes, yes. Thank you.

3 PRESIDING JUDGE TARFUSSER: [15:10:42] Okay. Thank you.

4 Mr MacDonald.

5 MR MACDONALD: [15:10:48] You're asking for my position on this or -- yes. I

6 don't see any problems. Maybe later on or tomorrow the counsel of the

7 witness -- but I think it can be indeed reclassified as public.

8 PRESIDING JUDGE TARFUSSER: [15:11:02] It will be decided in due course.

9 MR MACDONALD: [15:11:18] (Interpretation)

10 Q. [15:11:19] I would like to go on now, Mr Witness. We know that the election

11 was on -- or the second round was held on 28 November 2010.

12 MR MACDONALD: [15:11:30] I hope that's all right instead of asking the question

13 itself.

14 Q. [15:11:40] (Interpretation) To your knowledge, before the elections was there

15 a curfew?

16 A. [15:11:52] Yes, there were indeed curfews.

17 Q. [15:11:59] So we shall be calling up 0045-1143, please -- no, let's not call it up.

18 But can you confirm that on 26 November there was indeed a curfew that was in

19 place?

20 A. [15:12:18] I can't tell you specifically what date, but I do know that there were

21 curfews; but as to the precise date today, I can't confirm to you.

22 Q. [15:12:30] Well, let's call up that item, 0045-1183.

23 And whilst we are doing so, Mr Witness, who was the person who decreed these

24 curfews?

25 PRESIDING JUDGE TARFUSSER: [15:12:52] Mr -- who decrees, though?

1 MR MACDONALD: [15:12:54] Yes, who. In my country, I know who.

2 PRESIDING JUDGE TARFUSSER: [15:12:58] Yes.

3 MR MACDONALD: [15:12:58] But it's not the same person.

4 PRESIDING JUDGE TARFUSSER: [15:13:01] But it will be on the screen rather?

5 MR MACDONALD: [15:13:03] I'm asking from the witness.

6 (Interpretation) Very well. Can we show -- and scroll down somewhat, please. If
7 we could show the second page, please.

8 Q. [15:13:52] Does this refresh your memory, Mr Witness, these dates, 27

9 November 2010, where it is indicated that there was a curfew from 2200 hours until
10 6 in the morning on the 28 of November and so forth?

11 A. [15:14:28] This was made, this document, on 26 November 2010.

12 Q. [15:14:37] Yes. And I'm asking you the question that -- so you can confirm
13 that there were curfews before and afterwards, but do you recall that this had been
14 in force since 27 November?

15 A. [15:14:51] Yes, the document indicates this.

16 Q. [15:14:53] Very well. Now, I would like to call up item 0010-0024, which is an
17 annex to your statement. It is dated 26 November 2010.

18 So we might hand a hard copy over as well.

19 So this is an outgoing message and there are two pages. We can show the next
20 page. Do you recognise this document, Mr Witness?

21 A. [15:16:29] Yes, it is a document from my service.

22 Q. [15:16:33] Well, even more, you signed it?

23 A. [15:16:37] Yes, indeed.

24 Q. [15:16:40] And what is it precisely?

25 A. [15:16:45] I am informing my co-workers of the threat that can be associated

1 with the disturbances. This is what is here.

2 Q. [15:17:10] And what were those threats?

3 A. [15:17:20] Well, I was talking about disturbances in public order
4 following -- so stopping people from moving around, stopping people from going
5 out and about, doing their shopping, all of this is disturbing public order.

6 Q. [15:17:44] Thank you. I would now like to move on to the next annex still to
7 your statement. This is item, I do apologise for that, 0026 -- sorry, 0010, 0010-0026.
8 If we can scroll down somewhat. Do you recognise this document, Mr Witness?

9 A. [15:18:57] This is a document signed by myself.

10 Q. [15:19:02] And this document is dated 27 November. And what is it?

11 A. [15:19:10] I gave instructions with regard to the use of hand -- of firearms. I
12 indicated that unless it was a case of legitimate defence, policemen were not
13 supposed to use firearms.

14 Q. [15:19:29] And why? Why was that?

15 A. [15:19:32] There is no why. This was the reason for using firearms in -- well,
16 with regard to my country anyway.

17 Q. [15:19:46] So in Côte d'Ivoire, it is normal to remind people on the eve of the
18 election that --

19 MR GBOUGNON: [15:20:02] (No interpretation)

20 MR MACDONALD: [15:20:06] (Interpretation) Very well, very well.

21 PRESIDING JUDGE TARFUSSER: [15:20:10] You can come back with this in a
22 discussion.

23 MR MACDONALD: [15:20:14] Indeed, your Honour, indeed.

24 (Interpretation) If you would allow me just a little moment. Let's continue.

25 Q. [15:20:51] So the second round was on 28 November, and there was a period

1 of uncertainty as to the results in terms of victory. Now, what about the CCI the
2 day after the vote, that is the integrated command centre that comprised all of the
3 uniformed bodies including the UN that was providing security during the
4 elections, what happened to it?

5 A. [15:21:32] The CCI was running.

6 Q. [15:21:37] So the CCI was still up and running until what date?

7 A. [15:21:44] I would say that I do not remember the date when it was dissolved.
8 I do not recall.

9 MR N'DRY: [15:22:10] (Interpretation) Mr President.

10 PRESIDING JUDGE TARFUSSER: [15:22:11] Maître N'Dry.

11 MR N'DRY: [15:22:13] (Interpretation) It's not a question. I just wanted to ask the
12 Prosecutor whether it was his line of thought or whether he was trying to say
13 something else. The transcript in the French language says, page 85, line 20 to 22,
14 the Prosecutor says as follows:

15 "Let's follow on. So the second round was 28 November. There was a period of
16 uncertainty with regard to the results in terms of victory. Do you mean the results,
17 the results of victory?"

18 MR N'DRY: [15:22:52] (No interpretation)

19 THE INTERPRETER: [15:22:52] Over --

20 PRESIDING JUDGE TARFUSSER: [15:22:53] Please, do not overlap. Please do not
21 overlap. Let one finish and then the other one, please, Maître N'Dry, because I
22 didn't get the end.

23 MR N'DRY: [15:23:14] (Interpretation) Ah, okay. No, the Prosecutor said as I said in
24 the French transcript, page 85, lines 20 to 22, and I quote:

25 "Let's move on. So the second round occurred on 28 November, and there was a

1 period of uncertainty as regards the victory in terms of result." That is what is
2 written here.

3 I asked the OTP whether he was talking about the results, and then he went on to
4 confirm that.

5 PRESIDING JUDGE TARFUSSER: [15:23:49] I think it's quite clear that after 28
6 November, there was a period of uncertainty on who won the elections. I think this
7 is the -- that what is -- was it correct?

8 MR MACDONALD: [15:24:04] I understand, your Honour. It's a sensible subject.
9 Results is fine. As to the outcome of the results, it's fine too. Victory, result --

10 PRESIDING JUDGE TARFUSSER: [15:24:20] Yes, there was a period of uncertainty --

11 MR MACDONALD: [15:24:22] That's right.

12 PRESIDING JUDGE TARFUSSER: [15:24:23] -- as to when the results were
13 communicated. There was a period of uncertainty after the 28th of November. We
14 know that. This is knowledge I think by now of the Chamber. Please.

15 MR MACDONALD: [15:24:39] Thank you, your Honour.

16 Q. [15:24:47] (Interpretation) Mr Witness, I understand that there was -- on 2
17 December the constitutional council gave a statement. Now the question is -- well,
18 let's put to one side this CCI for one moment.

19 Who within the FDS, that is to say the army, the gendarmerie, and the police, was
20 there a coordinating activity at that moment in time?

21 A. [15:25:52] Yes, there was a form of coordination. Now, to put you in the
22 picture, you have the police that is the category, first category in terms of weapons;
23 and then you have gendarmerie, that is the second category. There is still part of
24 the first category and then you have the armed forces. So those are the three of
25 them. And the coordination is provided by the chief of staff of the army.

1 Q. [15:26:31] And why was this coordination conducted by the chief of staff of
2 the army?

3 A. [15:26:38] It's simple. In a period of crisis, everybody places themselves at
4 the disposal of the army, even the civilians.

5 Q. [15:26:53] So let me come back to the document 0010-0024 that you handed
6 over to us during the interview, and page 1 thereof, and I read from line 6 from the
7 bottom in the middle, and I quote:

8 "All of the observation posts conjointly stopped by the large commanders of forces of
9 defence and security," FDS in the document, and there is a number, "dated 26
10 November 2010 must be well managed by day as by night."

11 So that was annex 5 to your statement. This is a confirmation, is it not?

12 A. [15:27:52] I can confirm.

13 Q. [15:27:56] And this coordination that is happening between the three branches
14 of the forces of defence and security, the FDS, does this coordination bear a name?

15 A. [15:28:21] Well, I don't really understand.

16 Q. [15:28:29] Well, let's continue. We'll come back to that. So could you please
17 tell us what the centre for planning -- for planning and coordination of operations
18 was, the CPCO?

19 A. [15:28:48] The CPCO is the centre that enabled to get the three commands up
20 and running, the police, the gendarmerie, and the army.

21 Q. [15:29:06] And this centre, this CPCO was set up at approximately what date
22 approximately?

23 A. [15:29:21] Right at the beginning of the crisis the CPCO was set up.

24 Q. [15:29:30] And for you right at the beginning of the crisis, what month and
25 year are you talking about? Please shed light.

1 A. [15:29:37] I'm talking from 2002 when I say during a period of crisis.

2 Automatically people would place themselves at the disposal of the national armed
3 forces.

4 Q. [15:29:52] So even at the time of the existence of the CCI, the CPCO was still in
5 existence, was it?

6 A. [15:30:02] The CCI was placed itself at the disposal of the armed forces. The
7 CCI cannot work without the CPCO.

8 Q. [15:30:16] Very well. Between November 30 -- I beg your pardon. Between
9 29 November 2010 and December 2, 2010, before the constitutional council rendered
10 its ruling, that is on 2 December, my question is as follows: Were crimes committed
11 by the FDS that you were informed about?

12 MR MACDONALD: [15:31:03] (Interpretation) And in order to respond to that
13 question, I would request that we go into private session.

14 PRESIDING JUDGE TARFUSSER: [15:31:08] Yes, let's go in private session.

15 (Private session at 3.31 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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1 (Redacted)

2 (Open session at 3.57 p.m.)

3 THE COURT OFFICER: [15:58:04] We are in open session, Mr President.

4 PRESIDING JUDGE TARFUSSER: [15:58:07] Thank you.

5 Just one question. I'm referring to the English transcript page 85, line 14, where you
6 said that: "It was the chief of staff of the army who in the crisis period coordinated
7 police, gendarmerie, and army." The question is: Who was the chief of staff of the
8 army?

9 THE WITNESS: [15:58:40] (Interpretation) It was Mangou Philippe who was the
10 chief of staff of the army at the time.

11 PRESIDING JUDGE TARFUSSER: [15:58:50] Thank you very much.

12 And the coordinator of the three, of the police, gendarmerie, and army?

13 THE WITNESS: [15:59:01] (Interpretation) That's correct, your Honour.

14 PRESIDING JUDGE TARFUSSER: [15:59:08] Mr MacDonald.

15 MR MACDONALD: [15:59:12] Would the Chamber be amenable to continue beyond
16 4 o'clock for half an hour?

17 PRESIDING JUDGE TARFUSSER: [15:59:30] Well, the Chambers, yes; but the
18 interpreters, not.

19 Maître Altit.

20 MR ALTIT: [15:59:36] (Interpretation) Your Honour, I don't want to intervene as
21 regards the response to that question; it's up to the Chamber. But I would like to
22 know whether we could ask the OTP how long they intend to need tomorrow so that
23 we can organise ourselves.

24 PRESIDING JUDGE TARFUSSER: [15:59:59] I was going to ask this in any case
25 because I think we must all make up our minds and try also to arrive somehow to

1 the end of this testimony by next week. And therefore, I think it's absolute
2 necessary that you all speak together in order to -- we are flexible, we are flexible.
3 We don't want to take any time or to put pressure on anybody, but I think you have
4 to be aware that next Friday this is finished.
5 So I would --

6 MR MACDONALD: [16:00:43] Can I -- sorry.

7 PRESIDING JUDGE TARFUSSER: [16:00:45] No. I would have asked you, because
8 the interpreters are not in a position to continue; therefore, I think we have to stop
9 here.

10 MR MACDONALD: [16:00:52] Can we suspend now then in that case and
11 can the -- can we suspend now and can the witness retire?

12 PRESIDING JUDGE TARFUSSER: [16:00:56] Yes, of course.

13 MR MACDONALD: [16:00:58] And I'll provide the information.

14 PRESIDING JUDGE TARFUSSER: [16:00:59] Yes, of course.

15 MR MACDONALD: [16:01:01] Thank you.

16 PRESIDING JUDGE TARFUSSER: [16:01:02] So, Mr Witness, we finish here for
17 today. We see each other again tomorrow morning at 9.30 when the Prosecutor
18 continues its questioning, and so you can have a rest. Thank you very much. See
19 you tomorrow.

20 (The witness stands down)

21 PRESIDING JUDGE TARFUSSER: [16:01:47] Now, obviously this is as I said before,
22 we have six days. During these days, six days, we are flexible as far as we can, as
23 flexible as we can. But of course we should from day to day have an outlook on
24 how we proceed on the following days. Mr Prosecutor, can you give us an outlook?

25 MR MACDONALD: [16:02:19] I've been told, your Honour, that - and this can be

1 confirmed by the Court clerk - that we have spent thus far apparently 6 hours and 5
2 minutes.

3 PRESIDING JUDGE TARFUSSER: [16:02:32] I would say 6 hours and 23, I would
4 say. Is that correct? Well, somehow, 24, 22, it doesn't matter.

5 MR MACDONALD: [16:02:46] Listen, it's not for 15 minutes that we'll start
6 arguing --

7 PRESIDING JUDGE TARFUSSER: [16:02:50] Yes, of course.

8 MR MACDONALD: [16:02:51] -- I think. Your Honour, I fully respect obviously the
9 interpreters. It's the end of the day. It's harder to indeed -- it's much harder. It's
10 just that I don't know, I felt I personally had more energy than let's say other times.
11 I think I'll need tomorrow in full for sure. Of course, we'll be finishing on Monday
12 in the morning. It all depends on how long it's going to last, how far we're able to
13 go tomorrow. I intend -- I think it will be much faster now that, you know, we kind
14 of have a rhythm in terms of the documents and, therefore, it makes it much easier.
15 But what I would recommend, while I respect the interpreters a lot, maybe we can
16 see with them later on this afternoon if during the day tomorrow it's possible to have
17 maybe 15 minutes more for the first two sessions -- well, the first morning session
18 certainly, 15 minutes more to make up a bit of time, because I don't want to undercut
19 either the cross-examination, and that's my worry.

20 So if we take a little bit more time tomorrow, we're saving it maybe for next week.

21 PRESIDING JUDGE TARFUSSER: [16:04:14] Yes. In any case, the news is that what
22 I expected, that you don't start tomorrow, so that's for sure. And then we'll see how
23 it develops. We try to do our best in order to give all the possible time to
24 everybody.

25 So we adjourn the hearing to tomorrow morning 9.30. The hearing is adjourned.

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- 1 THE COURT OFFICER: [16:04:44] All rise.
- 2 (The hearing ends in open session at 4.04 p.m.)