

Trial Hearing
WITNESS: CIV-OTP-P-0046

(Open Session)

ICC-02/11-01/15

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 Friday, 17 February 2017
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: [9:36:27] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:50] Good morning.
15 Good morning, Mr Witness.
16 Before giving again the floor to the Office of the Prosecutor, and following up on what
17 we said yesterday before adjourning on the timing, the Chamber has decided, I would
18 say, to hold today three sessions of an hour 45 instead of one 30 in order to try to, yes,
19 not to have it at the end of next week problems with the timing. And this would
20 then be 9.30 to 11.15, 11.45 to 13.30, and after the lunch break 15 to 16.45, so just for
21 everybody to know.
22 And order not to lose other time, I give immediately the floor to the Office of the
23 Prosecutor for his questioning.
24 MR MACDONALD: [9:38:17] Thank you, your Honour.
25 WITNESS: CIV-OTP-P-0046 (On former oath)

1 (The witness speaks French)

2 QUESTIONED BY MR MACDONALD: (Continuing)

3 Q. [9:38:28] (Interpretation) Good morning, Mr Witness. We are going to continue
4 with our questions. We were talking about 2 December yesterday, that is in the
5 morning when you received information about the incidents that had taken place the
6 day before. Following that message -- I'm sorry, following that incident and after
7 receiving that report, that is on the morning of 2 December, did you issue any
8 instructions, any guidelines?

9 MR LAUCCI: [9:39:28] (Interpretation) Mr President, the nature of the question is
10 precisely in the core of the reasons why we need to go to private session.

11 MR MACDONALD: [9:39:43] (Interpretation) Very well, your Honour, with your
12 leave, we could go into private session.

13 PRESIDING JUDGE TARFUSSER: [9:39:51] Well, not for the answer to the question.
14 Then if we go into the details of what happened or what was the outcome I think yes,
15 but not for the answer, the strict answer to this question. No.

16 MR LAUCCI: [9:40:10] (Interpretation) I have no idea what the witness's answer
17 will be, whether he took measures or not. So according -- or, rather, based on the
18 answer, his responsibility could be engaged on the basis of superior responsibility.

19 MR MACDONALD: [9:40:34] (Interpretation) With your leave, Mr President, for
20 my learned friend and the witness, he can simply answer "yes" or "no". And on the
21 basis of that we will decide whether to go to private session or not.

22 PRESIDING JUDGE TARFUSSER: [9:40:54] That is exactly what I meant.

23 MR MACDONALD: [9:41:00] (Interpretation)

24 Q. [9:41:02] Mr Witness, simply answer "yes" or "no" without any details, do you
25 remember whether you issued any special instructions in relation to the previous

1 events?

2 A. [9:41:22] I did not give any specific instructions relating to that event.

3 MR MACDONALD: [9:41:32] I would now seek, your Honour, to go into private
4 session for the next questions.

5 PRESIDING JUDGE TARFUSSER: [9:41:37] Yes. So please let us go into private
6 session. Thank you.

7 (Private session at 9.41 a.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 9.44 a.m.)

5 THE COURT OFFICER: [9:44:35] We are in open session.

6 PRESIDING JUDGE TARFUSSER: [9:44:41] Mr MacDonald.

7 MR MACDONALD: [9:44:43] (Interpretation)

8 Q. [9:44:45] Now, Mr Witness, later on in the course of your day, the constitutional
9 council proclaimed the results. Do you remember that day? What happened at
10 your level? Did you go anywhere on that day?

11 A. [9:45:15] Yes. I went somewhere.

12 Q. [9:45:18] Where?

13 A. [9:45:22] I went out on several occasions. I was in the office. I could go home.
14 I could go to another meeting.

15 Q. [9:45:38] Did you meet with your colleagues of the FDS, the hierarchy, generals
16 on that day?

17 A. [9:45:48] Yes, indeed. We met.

18 Q. [9:45:53] What was the location?

19 A. [9:45:57] The army general staff headquarters.

20 Q. [9:46:02] Why?

21 A. [9:46:06] Upon the invitation of the army chief of staff.

22 Q. [9:46:13] What did you discuss?

23 A. [9:46:16] We did not discuss.

24 Q. [9:46:24] Listen, Mr Witness, what was the reason for your meeting?

25 A. [9:46:31] We were invited by the general, the chief of staff, and we went there to

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1 listen to him.

2 Q. [9:46:40] What did he tell you?

3 A. [9:46:47] He asked us to go to the Presidency. I do not know precisely what
4 word to use, but to attend a ceremony.

5 MR MACDONALD: [9:47:17] Your Honours, I will address the Chamber.

6 PRESIDING JUDGE TARFUSSER: [9:47:18] Pardon me.

7 MR MACDONALD: [9:47:20] I will address the Chamber. Can we do -- no. We
8 can do this in front of the witness. I can continue like this, question and answers the
9 way I'm doing it. But I think the witness should be reminded the purposes why he's
10 here and to provide -- is to provide facts. And right now I feel that I'm like a dentist
11 trying to get out some tooth out of a patient by having to continually do a tennis
12 match.

13 PRESIDING JUDGE TARFUSSER: [9:48:01] Maître Altit.

14 MR ALTIT: [9:48:03] (Interpretation) Thank you, Mr President. Mr President,
15 your Honours, it is not because the answers given by the witness to the Prosecutor are
16 not the answers expected by the Prosecutor that he should be put under pressure.
17 That is the purpose of the examination. The testimony is being given by the witness.
18 That is his testimony and that should be respected.

19 There is no way to go around what the witness is saying. There are procedural
20 means to rephrase questions or to cross-check what he's saying. There is no other
21 way, so we have to respect that. We know what the procedure stipulates, so we
22 have to respect the testimony of the witness, who knows what he is talking about and
23 who has repeated that on several occasions to your Chamber. That's it.

24 MR GBOUGNON: [9:49:08] (Interpretation) Thank you, Mr President. In
25 addition to what my learned colleague has said, I would like to add you have -- I

1 don't want to say instructed the Prosecutor, but you have advised them to avoid such
2 questions, to avoid comments, and the witness will answer.

3 You have said that if there is any contradiction between what the Prosecutor said and
4 what the witness is saying right now, he can be confronted with a statement. But we
5 cannot accept what is being done now because the Prosecutor is not satisfied with the
6 answer. He is simply answering the questions that are put to him. So we cannot
7 accept that such statements should be made to the witness.

8 PRESIDING JUDGE TARFUSSER: [9:50:12] Well, I must say that first of all I will
9 remind the witness that he is here to answer truthfully all questions. And I must say
10 that when you say that you went to a meeting but you didn't know -- you don't know
11 what was discussed -- I can't remember now the exact wording, but then I have also
12 some, say, some hard times to believe that that is all what you have to say to this.
13 On the other hand, the Prosecutor has the possibility like the other party to confront
14 the witness punctually with what he said, in case it is contradicting with his former
15 statements. So I repeatedly say put the question. If there is a contradiction, put the
16 contradiction and then try to elicit, to elicit from the witness what you think is the
17 truth or what -- or ask him what is the true version.

18 But I will remind the witness, and this is not putting under pressure, but to remind
19 him of his duties, you have to say the truth, the whole truth, stop. That's it. And
20 here we are talking about facts, not about what you think. What happened. Okay.

21 THE WITNESS: [9:51:57] (Interpretation) Thank you, Mr President.

22 PRESIDING JUDGE TARFUSSER: [9:52:01] Thank you, Mr Witness.

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

24 MR MACDONALD: [9:52:05] (Interpretation)

25 Q. [9:52:12] Who was present at that meeting with the chief of staff?

1 PRESIDING JUDGE TARFUSSER: [9:52:25] Can you recall the date, please, just.

2 MR MACDONALD: [9:52:25] 2 December, your Honour, the same day as the
3 announcement of the results by the constitutional council.

4 THE WITNESS: [9:52:43] (Interpretation) All the major commanders were present,
5 the chief of staff, the supreme commander of the gendarmerie, the director general,
6 myself and the commander of CECOS.

7 MR MACDONALD: [9:52:56] (Interpretation)

8 Q. [9:52:57] And what type of ceremony was scheduled to take place?

9 A. [9:53:04] It was the swearing in of the president.

10 Q. [9:53:14] When leaving the staff headquarters, did you go directly to the palace
11 or did you return to your office?

12 A. [9:53:25] From the staff headquarters I went to my office.

13 Q. [9:53:35] Was your trip interrupted?

14 A. [9:53:41] Later on after my arrival at the office.

15 Q. [9:53:46] What happened?

16 A. [9:53:50] Once again, we were called back to the general staff headquarters, to
17 the état major.

18 Q. [9:54:01] Who informed you that you had to go back to the staff headquarters?
19 And were you told the reason why?

20 A. [9:54:20] It was the chief of staff who called us once again to return to the état
21 major of the armies.

22 Q. [9:54:31] My question was who informed you that the chief of staff was calling
23 you back to the état major?

24 A. [9:54:41] I believe I answered the question. It was the chief of staff who gave
25 me that information.

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1 PRESIDING JUDGE TARFUSSER: [9:54:47] But personally, personal, did he call you
2 personally or through somebody else?

3 THE WITNESS: [9:54:59] (Interpretation) Generally speaking it is the chief of staff
4 himself who calls us. We are the major commanders. We are his colleagues. So
5 he is the one who calls us.

6 PRESIDING JUDGE TARFUSSER: [9:55:15] And did he tell you why?

7 THE WITNESS: [9:55:18] (Interpretation) Yes, indeed. It was when we arrived in
8 his office that he explained to us why he had brought us back.

9 MR MACDONALD: [9:55:34] (Interpretation)

10 Q. [9:55:34] And what was the reason?

11 A. [9:55:40] The reason was to return to the Presidency of the republic and attend a
12 swearing-in.

13 Q. [9:55:50] Mr Witness, let me go back to your prior statement. Are you certain
14 that the swearing-in took place on the 2nd, that is the date of the results? That is
15 where you have all the dignitaries, videos and so on, are you sure it was on
16 2 December?

17 A. [9:56:18] I do not recall the precise date, but I know that the first time we went
18 there we came back and then after we were called back. But I no longer remember
19 the date.

20 Q. [9:56:29] Now let us come back to your prior statement. For the record, it is
21 0014-0204. And I read out page 0221, lines 564 to 576. The question was as follows,
22 and let me read. Maybe you can switch off your microphone because you can be
23 heard. Let me quote:

24 "Very well. At that time, that is at the beginning of December 2010, were you asked
25 to pledge your allegiance to one camp or the other?"

1 And your answer was this, let me quote:

2 "Yes, indeed. Regarding that, when the president of the constitutional court
3 declared that President Gbagbo had won the elections, the chief of staff asked us to go
4 and pledge allegiance to President Gbagbo. Obviously, when we were called up, it
5 was to the general staff headquarters. General Guiai Bi Poin said that it was not
6 normal, and I myself, I saw that. We came there, there were two of us, himself and
7 myself. We said it was not normal, because in fact it was the same day that we had
8 been told that. So we came back because we were not in agreement. We came back
9 to our offices. It was around 4 p.m. And then around 6 p.m. we were called back
10 and we were told, look, they were not asking for our opinion, we were being told to
11 pledge allegiance. And since all the others were going, we went because everyone
12 was doing the same thing."

13 Does that jog your memory?

14 PRESIDING JUDGE TARFUSSER: [9:59:15] End of quote. No, it's always for the
15 record.

16 MR MACDONALD: [9:59:17] Yes, yes, your Honour. Yes, your Honour.

17 Q. [9:59:28] (Interpretation) Does that jog your memory?

18 A. [9:59:33] Mr President, so far I did not say anything contrary. I said precisely
19 what is in the statement. If you want, I will repeat. I said that we went there on a
20 first time. Then we returned to our office and then we were called back. So it is
21 exactly the same thing that I said.

22 Q. [9:59:57] So you confirm also that it was to pledge allegiance?

23 PRESIDING JUDGE TARFUSSER: [10:00:09] Wait, wait, wait. I wouldn't say that it
24 is exactly the same thing, because the sequence was the same, but the reason why you
25 were called back is not the same. So the question which arises is is this, what you

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1 said in 2011 to the Office of the Prosecutor and what the Prosecutor read out from
2 your statement now, is this true or not?

3 THE WITNESS: [10:00:43] (Interpretation) Mr President, I can confirm what is
4 written in the document. It's really that.

5 PRESIDING JUDGE TARFUSSER: [10:00:52] In the document, you mean what you
6 said in the statement and is written in the statement.

7 THE WITNESS: [10:01:04] (Interpretation) Yes, that is correct, Mr President.

8 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

9 MR ALTIT: [10:01:08] Monsieur le Président.

10 MR MACDONALD: [10:01:10] (Interpretation) Could I ask for the witness to be
11 shown out of the courtroom, in this case Mr Witness, because I really do not want the
12 witness to be influenced in any way whatsoever, Mr President.

13 PRESIDING JUDGE TARFUSSER: [10:01:23] No, of course.

14 MR ALTIT: [10:01:24] (Interpretation) Mr President, to -- well, the influential
15 question is really on one side rather than the other, this intentional attack.

16 I would like to make an appropriate and what I consider useful comment. The use
17 of previous statements do bring up a number of issues. I'd like to illustrate that.

18 The question of the investigator was a question --

19 THE INTERPRETER: [10:01:54] Overlapping speaker.

20 MR MACDONALD: [10:01:57] (Overlapping speakers) go outside of the room for
21 that very purpose. And it is (Speaks French). It's the procedure that we have
22 adopted your Honour.

23 PRESIDING JUDGE TARFUSSER: [10:02:07] In any case, you have to know that all
24 this goes to detriment of the time then is -- the time of the questioning. Can

25 we -- can the witness be brought out. Thank you.

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1 (The witness stands down)

2 PRESIDING JUDGE TARFUSSER: [10:02:44] Maître Altit.

3 MR ALTIT: [10:02:46] (Interpretation) I do thank you, Mr President. This
4 question -- well, my comment is with regard to whether the question is leading or not.
5 If we are going to have to show the witness out every time a question is leading or not
6 we're not going to make any headway.

7 The OTP or the Prosecutor needs to accept what the procedure lays out, notably that
8 objections are possible.

9 Now, in the statement, the investigators put a question to the witness, which is a
10 question which is somewhat leading in character. I don't have the exact phrasing.
11 Let me read it to you.

12 Well, where you were asked at that moment in time to pledge allegiance.

13 THE INTERPRETER: [10:03:48] Overlapping speakers.

14 MR ALTIT: [10:03:50] (Interpretation) No, no, no. Were you requested to pledge
15 allegiance? The question itself is leading. But that's not my point. My point is
16 that when the OTP comes back in the hearing using a leading question and requesting
17 confirmation or not, he is somewhat, you know, following in the line of leading
18 during his questioning because we need to be particularly attentive and prudent to
19 my mind.

20 I'm making a comment here, and that's why I would like it to be clear for us all, and
21 maybe the Chamber will remind all the parties and participants that we should avoid
22 using elements that might lead to a type of leading question.

23 This is why I am couching this in the form of a remark, Mr President, because we
24 have had this experience on a number of occasions. It's difficult for the questioning
25 party to avoid that indeed.

1 But we really need to make an effort to do so because, of course, the witness is going
2 to go in the direction of the question, especially if he's already answered the
3 investigators. There we have it.

4 PRESIDING JUDGE TARFUSSER: [10:05:00] Maître Gbougnon.

5 MR GBOUGNON: [10:05:03] (Interpretation) Yes, Mr President. I second what
6 my learned colleague just said. And I come back to the comment that I made
7 yesterday and I will continue to underscore and remind us that what has been
8 reproached of me on many an occasion that we take sides without giving a context.
9 And on the following page I think the witness explains himself at length on what he
10 has said but, of course, the Prosecutor does not mention this.

11 So what I mean by this is that often we are afraid or one is afraid of what one does
12 generally speaking.

13 Now, jumping to conclusions, when we jump to our feet, we are separating substance,
14 matters of substance, comments that are based on matters of substance and asking the
15 witness to be brought out and comments that could be made in his presence or not.

16 And I think it is not a good thing that the Prosecutor always reminds us of this. It is
17 in their habit to behave in such a manner, and I have multiple examples of this. But I
18 think we have to look closely at what we --

19 THE INTERPRETER: [10:06:23] Overlapping speakers.

20 PRESIDING JUDGE TARFUSSER: [10:06:28] You have to wait until the translation is
21 finished, otherwise the translator cannot follow both speakers, please.

22 Now you can, when the translation of what I'm saying has finished, you can have the
23 floor.

24 MR MACDONALD: [10:06:46] Your Honours, I'm simply quoting the transcript. I
25 could go straight to the answer, but then we don't have the question. Fine, we don't

1 have the context for the rest. My colleagues are in cross-examination, if they believe
2 that what is next is contradictory to what the witness is saying now, which I don't
3 think it is, the Chamber can take notice of the following pages, there is no -- the point
4 is that I think you saw it, I want to move on. The point has been made. The
5 witness was making allegiance to the president. That's it. That's all.

6 PRESIDING JUDGE TARFUSSER: [10:07:36] Let me, first of all, be clear. I do not
7 like tactical fouls, okay. And sometimes I have the impression that on both sides
8 the -- to jump up on their feet is a sort of a tactical foul.

9 Now, in this case I think that was -- is the confrontation, what I call confrontation. A
10 question put, a direct question, because this was the case today, direct question to the
11 witness, the witness said something which didn't respect or was in contradiction to
12 what he said in his statement, and it was read out and confronted, what is out of these
13 two versions the one you gave here -- you gave here and the one you gave in 2011,
14 which is the right one? And that's it.

15 I think that was the correct way to confront the witness with his statement, and with
16 his statement which allegedly contradicts what he says here.

17 About the leading questions, Maître Altit, I will come back to you when you are
18 questioning and say the same thing, because as we, if you go back to the directives,
19 there is requested, at paragraph 21, that parties put neutral questions, not leading
20 questions to the parties. So I will come back to this on the first leading question
21 coming also from this.

22 You are right, and yesterday I think I said to the Office of the Prosecutor several times
23 that he should put questions and wait for the answers and not answer the question
24 himself or not lead. So I tried to be also vigilant with the Prosecutor on that side.

25 But in this case I think it was the right way to confront him, the witness, with his prior

1 statement.

2 This said, I would ask the court usher to bring the witness in and -- Maître Laucci.

3 MR LAUCCI: [10:09:53] (Interpretation) A brief remark, Mr President, having
4 quite a conservative notion of the extent of my mandate. I have kept myself from
5 indicating the manner in which the witness should respond to the parties. He, of
6 course, has the obligation to tell the truth, the whole truth and nothing but, but I
7 would just like to say that if the Chamber requests, I might be able to go slightly
8 beyond that and be, what can I say? Ask him to be somewhat more liberal in his
9 answers and talk a little bit more. But it's really with a view to having rapid and
10 quality discussions.

11 PRESIDING JUDGE TARFUSSER: [10:10:44] Maître Laucci, I don't know what you
12 consider under conservative notion of the extent of your mandate, but I think you're
13 not so conservative because you are intervening continuously, so it's not so
14 conservative as I think. But thank you.

15 If you remind your client to -- also to his obligation to the truth, this is very much
16 appreciated.

17 Now I would really ask, because now we have lost, well, about another 10 minutes of
18 questioning time, right, just for I would say for not very good reasons. Let's bring
19 the witness in again.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE TARFUSSER: [10:12:02] Mr Witness, I just remind you again to
22 be clear, to respond to the questions, to respond truthfully. And obviously the
23 Prosecutor and later the Defence will have the possibility to -- and have the possibility
24 to -- or, to remind you if you don't recall, or to confront you with previous statements,
25 previous declaration you made if there is a contradiction in what you say today and

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1 what you said some other time.

2 And then you have to -- you are obviously asked to take position, which of the two
3 versions is the right one. And this is how it works. But I would really ask you to be
4 clear and to respond truthfully to the questions of all parties in this Court.

5 Thank you very much. And I give back the floor to the Office of the Prosecutor.

6 MR MACDONALD: [10:13:06] Thank you, your Honour.

7 Q. [10:13:14] (Interpretation) Mr Witness, to your knowledge, and we shall come
8 to the events leading up to the march on the RTI in a moment, but we saw the
9 incident of 1 December. We broached the note that you wrote. Were there any
10 other incidents of a similar ilk in terms of loss of civilian life following 2 December?

11 A. [10:14:01] I heard indeed about the march on the RTI, but on the RTI there were
12 two marches. I don't know what the dates were, but there were two marches.

13 Q. [10:14:26] We shall come to the subject of the RTI and more specifically the
14 events of 16 December 2010.

15 But before 16 December, before that date, so between 2 December and 16 December,
16 were there any other incidents involving the FDS where there was loss of civilian life
17 of which you were informed?

18 A. [10:15:05] With regard to the period that I do not recall specifically, I do not
19 know whether the event of the PDCI enters that context, but I don't exactly recall.

20 Q. [10:15:20] Very well. So I would like to have called up item, and I believe we
21 can remain in open session, 0045-0527, please. We have a hard copy that can be
22 given to the witness. It is a document of approximately 13 or 14 pages specifically in
23 length.

24 Very well. So is this -- well, first question, Mr Witness: Is this a document that we
25 have been discussing from the beginning, that is a police report, a report of a duty

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1 officer from the 4th or 5th --

2 THE INTERPRETER: [10:17:06] Overlapping speakers. Message from the
3 interpreters: The exchange was lost.

4 PRESIDING JUDGE TARFUSSER: [10:17:15] The exchange was lost because of
5 overlapping speakers.

6 MR MACDONALD: [10:17:31] I'm sorry for that, your Honour. The face I'm
7 making, I'm making it to myself as a reminder, because it obviously -- I'm
8 interrupting myself.

9 PRESIDING JUDGE TARFUSSER: [10:17:46] This time I think it was more the
10 witness who answered immediately to your question.

11 MR MACDONALD: [10:17:55] (Interpretation)

12 Q. [10:17:56] Mr Witness, I would like to draw your attention more specifically just
13 as a point of information or confirmation of what I was saying to you previously, at
14 page 0531, 11.30, Plateau, we can see clearly that there was the ceremony swearing in
15 the president of Côte d'Ivoire. Were you present at the swearing-in ceremony at the
16 palace?

17 A. [10:18:44] I was present.

18 Q. [10:18:47] Very well. I would like to draw your attention to the following page,
19 0532, 11.30, Koumassi, if we could please bring up the page 0532 please, and at the
20 bottom of the page entirely there, and I read -- well, we can all see, but here is the title:
21 "A demonstrator dies subsequent to the intervention on the part of the gendarmerie
22 on this day or the 4th December 2010 at approximately 11.30."

23 And if we can follow on to the next page, it is indicated that this event gave rise to 8
24 wounded, of which the young person whose name appears here, 11 years of age,
25 Ivorian, who received 6 bullets in the leg and the right thigh, and he was evacuated as

1 an emergency to the CHU in Treichville and he deceased subsequent to his injuries,
2 and the body was admitted to the morgue in CHU.

3 Was this incident reported back to you? That's my question.

4 A. [10:20:29] As the document indicates, I received the duty report, so the event
5 was indeed reported back to me.

6 Q. [10:20:42] It is not noted as -- it is not noted as noted in other entries as one can
7 see on this page or in other documents that we consulted yesterday that an OP was
8 opened. There is no indication of an OP or of a dossier number at the bottom. So I
9 note that fact.

10 To your knowledge, do you know whether there were any proceedings or there was
11 any procedure of any type subsequent to this incident?

12 A. [10:21:32] I do believe that there was an investigation opened, but maybe within
13 the context of this duty report the officer might have forgotten. But because the
14 event occurred in the area of Koumassi, certainly an operation was opened.

15 Q. [10:21:53] Merci.

16 PRESIDING JUDGE TARFUSSER: [10:21:56] Maître Altit.

17 MR ALTIT: [10:21:57] (Interpretation) Thank you, Mr President.

18 I do apologise, learned colleague, for interrupting you.

19 It's just that with a view this exercise that I'm wondering about. Why are we using a
20 document -- this is just a question I'm putting to my learned colleague on the other
21 side. Why use a document that the witness -- for which the witness is neither the
22 signatory, the sender nor the recipient with a view to putting questions to him?

23 Why not just put the question to him directly: Do you remember such and such an
24 incident? Et cetera. I do not understand the use of this document because he can't
25 authenticate because he just said --

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1 MR MACDONALD: (Overlapping speakers)

2 PRESIDING JUDGE TARFUSSER: Wait.

3 MR ALTIT: (Interpretation) I do not believe that I understood that the witness said
4 that he had received it. I don't believe I heard that or understood it. But more
5 generally speaking, I'm asking the question with regard to the utilisation of this
6 document or documents that the witness is not a signatory to or a recipient of. I
7 don't understand the logic.

8 We might -- or the OTP might just quite simply put questions to him with regard to
9 the events contained in this document. What is the use of using a document that he
10 cannot authenticate or other things. We're just talking about the document itself to
11 be clear, Mr President.

12 PRESIDING JUDGE TARFUSSER: [10:23:18] Mr MacDonald.

13 MR MACDONALD: [10:23:19] Thank you, your Honour. One quick minute. This
14 issue has been dealt with with the first document that I used to begin with. And this
15 I would submit is exactly what you discussed earlier as being an intervention that is
16 not necessary. I'm referring to your comments earlier 15, 10 minutes ago. Number
17 one.

18 Number two, the witness, and I can ask him again, has stated clearly that he was
19 made aware of this by this document.

20 PRESIDING JUDGE TARFUSSER: [10:24:00] No.

21 MR MACDONALD: [10:24:01] So I'm not done.

22 (Interpretation) As the document is indicated I received the duty report and the
23 incident was reported back to me. Page 21, line 10 --

24 THE INTERPRETER: Timestamp the interpreter did not get.

25 MR MACDONALD: (Interpretation) As for the rest, Mr President, it will be a

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1 pleasure to me to explain to my colleague outside of this courtroom, we can have a
2 coffee, and I will explain to him why I'm using this document and with what objective.
3 But I shall do that at the end.

4 MR ALTIT: [10:24:41] (Interpretation) With your leave, Mr President.

5 PRESIDING JUDGE TARFUSSER: [10:24:44] Yes, but we can't play ping-pong.

6 MR ALTIT: [10:24:49] (Interpretation) No, no, no. We're not going to be playing
7 ping-pong. I think we just need to clarify things for the proceedings to be held well
8 and the case itself. It's not a case of having coffee with each other. It's discussing
9 things in front of Judges so that they can take decisions. We're not joking about here.
10 The witness talked about the event. He didn't talk about the document. Let's not
11 confuse the two. I will put the question once again. How is this document of any
12 use in its presentation?

13 And with your leave, Mr President, I insist that to our mind it would have been more
14 useful and efficient to put the question to him with regard to the event itself.

15 Secondly, the Prosecutor says, "Well, I'm using it in the manner that I said that I
16 would use all of these documents at the outset of my questioning."

17 Well, not at all. He said at the beginning of his questioning, and this was brought up
18 by the counsel for the witness quite rightly, that he was going to put questions on the
19 form, and now he's putting questions on the substance. So we have a confusion here
20 between the form and the substance. And I think that if we move on in such a
21 manner, it might be at the end of the trial that it will be said that the witness has
22 authenticated documents, whereas he has not authenticated documents at all. He
23 was not recipient or sender or signatory. He talked about some incidents that were
24 mentioned in the document, yes, but I would like for it to be clear for the record so
25 that we do not have to come back to this at a later stage. We need, to my mind, to air

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1 those questions at the time when they should be aired rather than at the very end of
2 the trial, Mr President.

3 PRESIDING JUDGE TARFUSSER: [10:26:57] This is a document which the
4 Prosecutor uses. I think it's his line of questioning. It's his decision. When it
5 comes to the Defence, it will be the Defence questioning, questioning and using
6 documents they deem appropriate to be used.

7 I think this is now the case of the Prosecutor. And I think it's not for the Defence to
8 give instructions to the Prosecutor on how and which documents to use if they are
9 relevant to the case. And then we should also not forget who this witness is. So he
10 is the, say, the one who is the, in any case, factually and politically the collector of all
11 these documents, police documents. So I would ask the Prosecutor to continue with
12 his questioning.

13 MR MACDONALD: [10:27:57] Thank you.

14 Q. [10:27:58] (Interpretation) Let's continue, Mr Witness. Could you tell us
15 whether there was a blockade at the hôtel du golf?

16 A. [10:28:24] Yes, indeed, there was a blockade at the hôtel du golf.

17 Q. [10:28:31] Could you please give us or me the details, I'm going to ask a number
18 of questions in one, who -- sorry, the location, the location where this blockade was
19 set up and which forces were on location?

20 A. [10:28:52] The blockade was set up in two locations at the Riviera, at the Thérèse
21 intersection and at the M'Badon intersection. The forces present were the armed
22 forces in its -- the land army.

23 Q. [10:29:17] I'm going to repeat because I'm not sure that the second name was
24 well caught, that second intersection, could you please spell it? I do apologise.

25 A. [10:29:31] I said M'Badon intersection. It's the same intersection.

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1 Q. [10:29:42] And how do you spell M'Badon and M'Pouto?

2 A. [10:29:49] M-'P-O-U-T-O, M'Pouto. M'Badon, M-'B-A-D-O-N.

3 Q. [10:30:24] To your knowledge, why was the blockade set up?

4 A. [10:30:26] To prevent free movement. And I would like to say that the police
5 had an observation post at the Thérèse, Thérèse intersection. And this was attacked
6 by the rebel soldiers at the Golf. So more seasoned or more better equipped forces
7 took over.

8 Q. [10:31:11]

9 MR MACDONALD: [10:31:11] (Interpretation) Just a moment, your Honour.

10 (Counsel confer)

11 MR MACDONALD: [10:31:18] (Interpretation)

12 Q. [10:31:41] Mr Witness, do you remember the date on which that blockade was
13 mentioned to you that you got to know about it?

14 A. [10:31:57] I do not remember the date.

15 MR MACDONALD: So, your Honours, I would like to show the document I sent by
16 email this morning. It's a document I know that comes late. In terms of the timing
17 it's a two-pager. It's the order itself. I don't know, if there is an objection, we can
18 deal with it now, but it's just to establish the date, your Honour. Well, I mean, it's to
19 submit the document, let's not kid ourselves, but it's to establish the date.

20 PRESIDING JUDGE TARFUSSER: To establish the date of?

21 MR MACDONALD: [10:32:34] The blocus.

22 PRESIDING JUDGE TARFUSSER: [10:32:36] When there was --

23 MR MACDONALD: [10:32:37] When the witness was informed and with the details
24 of the blocus of the Golf hotel.

25 PRESIDING JUDGE TARFUSSER: [10:32:48] Maître Altit.

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1 MR ALTIT: [10:32:49] (Interpretation) Thank you, Mr President. We note the late
2 arrival of the document. We received it this morning. And it adds to the other 332
3 documents. But given our concern for the proceedings, we do not oppose. But we
4 want to point out that when we have so many documents, we do not have the time to
5 look at them.

6 MR MACDONALD: [10:33:26] So I would call, your Honour --

7 PRESIDING JUDGE TARFUSSER: [10:33:28] Wait.

8 Maître Gbougnon.

9 MR GBOUGNON: [10:33:30] (Interpretation) I realise that the Blé Goudé team was
10 almost ignored by the Prosecution.

11 We do not object, but I simply want to point out that when we have more than 300
12 documents, it is not fair to forget one or two that could be crucial. So we do not
13 object.

14 PRESIDING JUDGE TARFUSSER: [10:34:00] Okay.

15 MR MACDONALD: [10:34:00] Can we call the document, your Honour?

16 PRESIDING JUDGE TARFUSSER: [10:34:03] Yes.

17 MR MACDONALD: [10:34:03] 0071-0152, please. And we have a copy for the
18 witness.

19 PRESIDING JUDGE TARFUSSER: [10:34:25] But only if he asks it. Otherwise
20 we go --

21 MR MACDONALD: Okay.

22 PRESIDING JUDGE TARFUSSER: -- here and forth. If he needs it, if he asks for it,
23 then we do this. Otherwise it's a waste.

24 MR MACDONALD: [10:34:37] (Interpretation)

25 Q. [10:34:38] Mr Witness, you can see the document is from the chief of staff, and it

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1 is sent to the major commands, including yours. Readjustment of the security
2 structure. And then there is carrefour Thérèse and the M'Pouto intersection. Do
3 you recognize that document?

4 A. [10:35:07] Yes, indeed.

5 Q. [10:35:08] Very well. To your knowledge, who can order the chief of staff to
6 deploy in the city to set up such a blocus? And if necessary we can go to private
7 session.

8 A. [10:35:29] I am not the chief of staff. I know that the chief of staff has his line
9 minister who can give him instructions, but I don't know whether that was the case.
10 All I can tell you is that I saw the document --

11 MR MACDONALD: If you allow me, your Honour.

12 THE WITNESS: (Interpretation) -- and that is all I can tell you.

13 MR MACDONALD: [10:35:48] (Overlapping speakers) Just a second. I need a
14 reference from the prior statement. Okay.

15 Q. (Interpretation) Mr Witness, I will remind you of what you said previously on
16 this matter, page 0014-0271. That is the page of the transcript. And specifically
17 page 0286. Let me even begin with page 0285, from line 507.

18 I believe it will be displayed on the screen. In the meantime with your indulgence, I
19 will read it out, page 0285, line 507. The investigator, and I quote:

20 "You yourself, did you see any order to set up the blockade?"

21 Answer: "No, I never saw any such order."

22 Question: Where did you hear about this -- "Did you hear about this?"

23 Answer: "Yes, I heard about it."

24 Question: "From whom?"

25 Answer: "I heard about it. But the chief of staff gave orders for people to deploy

1 them."

2 And you continue, and I quote: "That was an order and that is why I said the
3 military leader can give you all the elements."

4 Let us begin with that. Do you remember telling that to the OTP?

5 A. [10:39:54] I confirm.

6 Q. [10:39:56] We can see that there was also reception of a written order apart from
7 the verbal order; is that correct?

8 A. [10:40:08] When I gave my statement I did not remember having seen a
9 document, but I know that we had been informed orally.

10 Q. [10:40:24] Who, apart from the chief of staff, can order the deployment of heavy
11 weapons in the city?

12 A. [10:40:38] I do not know what to say. But the chief of general staff is
13 responsible.

14 Q. [10:40:56] Do you remember having been interviewed about this matter once
15 again during your meeting with the OTP investigators?

16 A. [10:41:06] Yes, I remember.

17 Q. [10:41:08] Do you remember what you said, who could ask, that is apart -- who
18 could ask the chief of staff to deploy heavy weapons?

19 A. [10:41:22] I remember.

20 Q. [10:41:24] And who is it?

21 A. [10:41:27] I remember what I said. The chief of staff has his own chief, that is
22 his line minister.

23 Q. [10:41:51] Let me ask you the question again. Do you remember what you said
24 about who had ordered the chief of staff to deploy heavy weapons?

25 A. [10:42:07] I remember. And I say that the chief of staff has a direct boss and

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1 that is his line minister.

2 MR MACDONALD: [10:42:32] (Interpretation) With your leave, Mr President, I
3 would like to confront the witness. Unfortunately I lost the reference. That is what
4 I am waiting for.

5 Q. Let me come back to page 0283 of the same transcript. I will read your answers
6 from page -- as from line 415, and I quote:

7 "Where they had prevented people from going in and out of the Golf."

8 Question by the investigator: "And so who set up the blockade?"

9 Answer: "This is an order of the head of state. That is an order of the head of state."

10 Answer: "Okay."

11 Interviewee, and that is you: "Implemented by the army."

12 And then it continues, to be fair with you, on line 427, the investigator asks you:

13 "And how do you know that it was an order of the head of state?"

14 Answer: "But the soldier cannot come and deploy weapons of war in the town.

15 That is how it is. It is not possible."

16 Question: "So what did they deploy, which weapons of war did they deploy?"

17 Answer: "I am not a soldier. I cannot know that. I know that these were weapons
18 of war because as I told you beyond machine guns, all the other weapons that come
19 there are weapons of war."

20 MR MACDONALD: [10:45:12] Can I finish the question, your Honour? I just
21 made a citation.

22 PRESIDING JUDGE TARFUSSER: [10:45:18] What is the -- Maître Gbougnon?

23 MR GBOUGNON: [10:45:23] (Interpretation) Mr President, since we talked about
24 fairness, I would like to have the witness leave the courtroom because we are talking
25 about fairness, I would like to read out to the Chamber a part of this same statement

1 so as to ensure the fairness that we are claiming here.

2 PRESIDING JUDGE TARFUSSER: [10:45:48] Can the witness please leave the
3 courtroom. Thank you.

4 (The witness stands down)

5 PRESIDING JUDGE TARFUSSER: [10:46:14] Maître Gbougnon.

6 MR GBOUGNON: [10:46:16] (Interpretation) Thank you, Mr President. Page 286,
7 where the Prosecutor was before going backwards, line 517, the witness is asked:
8 "Now, yes or no, did he confirm that that order came from the head of state?"

9 The witness answers: "No. I can tell you that I am almost convinced that especially
10 for the army to be able to deploy such orders in the town, it is necessary to have an
11 order. These are state weapons. It is not a pistol. It is not a revolver and the
12 policemen cannot say 'go'."

13 This says on line 527: "I repeat once again, there are things I cannot tell you because
14 I'm not a soldier."

15 So when you need to read, if you want to be fair with the witness you have to read all
16 of that. The witness gave an opinion but he said he was not a soldier. That's what I
17 wanted to say, your Honour.

18 PRESIDING JUDGE TARFUSSER: [10:47:32] Maître Altit.

19 MR ALTIT: [10:47:36] (Interpretation) Yes, your Honour, the situation is quite
20 awkward. And I need to be on my feet to say that the Prosecutor's procedure is
21 misleading. If he read an element in the statement and then he moved on and
22 skipped to another part of the excerpts that are acceptable to him. And we think that
23 that is misleading.

24 PRESIDING JUDGE TARFUSSER: [10:48:13] Mr Prosecutor.

25 MR MACDONALD: [10:48:14] My point, I don't think, your Honour, caught that it

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1 was about weapons itself. It was about the order. And that is what we are
2 discussing right now, the order of the head of state. So it's not about weapons, the
3 type of weapons, that maybe, the military maybe go around town, and I think my
4 colleagues know that very well.

5 Thank you, your Honour.

6 PRESIDING JUDGE TARFUSSER: [10:48:43] May I just say that I think that the
7 Prosecutor said, read out this part and said as a matter of fairness, I read also -- no, I
8 read also further where exactly what you, Mr Gbougnon, said was the significance of
9 that, did you know it or did you guess it? I guess it on the basis of the weapons.
10 So I do not -- maybe he said it another ten times, but I think that here the fairness has
11 really been preserved by the Prosecutor. And in any case I repeat, this witness is
12 well placed to respond in the way he deems appropriate in saying this also in this
13 courtroom.

14 So I just would like to go ahead with the questioning and therefore I ask the witness
15 to be brought in again.

16 (The witness enters the courtroom)

17 PRESIDING JUDGE TARFUSSER: [10:50:23] Mr Prosecutor.

18 MR MACDONALD: [10:50:24] Thank you, your Honour.

19 Q. [10:50:30] (Interpretation) Mr Witness, what I read out to you, does it jog your
20 memory?

21 A. [10:50:43] I confirm that it is my statement.

22 PRESIDING JUDGE TARFUSSER: [10:50:53] No. I just would let him speak.
23 You confirm that is what you said in your statement?

24 THE WITNESS: [10:51:05] (Interpretation) Yes, indeed.

25 PRESIDING JUDGE TARFUSSER: [10:51:15] Mr Prosecutor.

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1 MR MACDONALD: [10:51:16] (Interpretation)

2 Q. [10:51:17] Do you still stand by what you said to the OTP?

3 A. [10:51:26] I said that I confirm it. If you read my statement I said that to use
4 weapons of war, it has to be an instruction from the head of the army.

5 PRESIDING JUDGE TARFUSSER: [10:51:46] Excuse me. Is it that you know or you
6 guess that it was an instruction of the head of state?

7 THE WITNESS: [10:52:02] (Interpretation) No. I am guessing, because in my
8 statement I said that in order for weapons of war to be used, it can be instructions
9 from the president of the republic. But I have no document to confirm or attest that
10 it is the president who gave those instructions.

11 PRESIDING JUDGE TARFUSSER: [10:52:27] Okay. Clear.
12 Please, Mr Prosecutor.

13 MR MACDONALD: [10:52:30] Thank you, your Honour.

14 Q. [10:52:32] (Interpretation) When did you learn that there would be a march on
15 Ivorian radio television, the Ivorian radio television corporation?

16 A. [10:53:11] Once again, I do not remember the date because we are talking about
17 several dates here. But in my statement I told you that according to the instruments
18 in force in Côte d'Ivoire, there was supposed to be a notification. So we received the
19 information at the same time as the event was actually taking place.

20 Q. [10:53:43] So you received the note on the same day?

21 A. [10:53:51] Yes.

22 Q. [10:53:54] And my question to you is this: You have talked about two marches.
23 Now, on the 16th was another march. Now, before the march itself, before the
24 march itself, were you informed by anyone at all that a march was scheduled for
25 16 December?

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1 A. [10:54:31] We were informed, but we did not receive any document. Let me
2 elaborate. At the police when you say you are informed, it means you are aware of
3 the itinerary that will be used, the beginning, the end. Those who are responsible for
4 the march. We did not have all those details.

5 We had received information that there was going to be a march, but the real details
6 of the information we got them on the day of the march itself.

7 Q. [10:55:13] Once again, my question is as follows: When did you learn, when
8 did you hear that a march would take place on 16 December?

9 A. [10:55:29] Let me repeat the same thing. I confirm that we were not notified
10 before I heard about it.

11 Q. [10:55:38] When did you hear about it?

12 A. [10:55:40] I do not remember precisely.

13 Q. [10:55:43] Very well.

14 PRESIDING JUDGE TARFUSSER: [10:55:46] Just one I think correction to the
15 English transcript where it is said at page 33, line 19 on the witness said: If you read
16 my statement I said that to use weapons of war, it has to be an instruction from the
17 head of army is written here.

18 It has to be read on the head of state. No?

19 MR MACDONALD: [10:56:15] Yes, it says from the transcript I read, yes.

20 MR ALTIT: [10:56:19] (Interpretation) No, Mr President. He said very clearly the
21 head of the army. Then there was -- there were questions from the Prosecutor. He
22 had said head of the army and the interpretation was quite correct.

23 MR MACDONALD: [10:56:38] Yes, your Honour, the witness to your question
24 answered the head of the army.

25 PRESIDING JUDGE TARFUSSER: [10:56:44] I'm just reading this here. So to me it

1 was a mistake. But I'm happy to learn that it's not. Okay.

2 MR MACDONALD: [10:56:54] And that he guessed to the Office of the Prosecutor --

3 PRESIDING JUDGE TARFUSSER: [10:56:59] Yes, well, okay.

4 MR MACDONALD: [10:57:01] -- that it must have been the head of state. That
5 that's the essence.

6 PRESIDING JUDGE TARFUSSER: [10:57:07] Okay, thank you. Sorry. Please go
7 ahead.

8 MR MACDONALD: [10:57:11] I was informed that I may have made a mistake by
9 referring to 16 March. It's 16 December. We're on 16 December, just to be clear.

10 Q. [10:57:27] (Interpretation) Now, let us go back to the 16 December and the
11 days before that. And for that I would like to call up -- well, but before that I have
12 one question. What precisely did you hear?

13 A. [10:57:58] I heard about the march on the RTI, the Ivorian radio television
14 corporation.

15 Q. [10:58:11] Did you have any details of who were the organisers of the march?
16 Who would be involved? What were the objectives of the march and so on and so
17 forth?

18 A. [10:58:27] We heard it over the radio waves. There was a broadcast that the
19 secretary general of the rebellion wanted the RHDP members to march and go and
20 dislodge the director general of the Ivorian radio television corporation.

21 Q. [10:59:01] Just for the record, this person whose name you did not give, who is
22 that person?

23 A. [10:59:08] President Soro Guillaume.

24 Q. [10:59:13] Did you hear that the RTI was the only objective, or was there another
25 objective more personal to Mr Soro?

1 A. [10:59:26] For the time being I cannot say there was another objective, because
2 the director general of the RTI was housed in the premises of the RTI.

3 Q. [10:59:41] Was there another location involved; that is where Mr Soro was
4 supposed to go?

5 A. [10:59:57] Frankly, I do not remember.

6 Q. [11:00:00] Very well. I would like to call up document 0045-0748. It's a
7 two-page document. If we could show the second page, please.

8 Just a little question. If we remain on this page, a little question, you, when you see
9 documents that come into your hands, do you make any annotations?

10 A. [11:01:18] Yes, indeed.

11 Q. [11:01:19] And what do you annotate?

12 A. [11:01:23] Well, it depends on the document. This is a note coming from the
13 préfet to give a piece of information to -- a report back to his chief. I do not have any
14 particular annotation to make, or only notes to make.

15 Q. [11:01:38] But generally speaking when you have cast your eyes over a
16 document, do you mark it up or make any annotations to the effect that you have
17 read the document?

18 A. [11:01:51] Yes, indeed.

19 Q. [11:01:52] And what do you annotate?

20 A. [11:01:54] Well, it depends on what I feel at the time. Well, I might put "seen"
21 or I see -- or, I mark down for documentation.

22 Q. [11:02:06] Very well. Let's come back to the first page. Let's please come back
23 to the first page. And if you look to the top right-hand corner of the screen, you see
24 the word "vu" or "seen". Were you the one who wrote it?

25 A. [11:02:31] Yes, indeed.

1 Q. [11:02:32] Very well. And we can see a fax dated 12 December 2010, 19.55,
2 préfet de police in Abidjan. Let's continue.

3 At that moment in time, we say -- a point of observation to be observed on the
4 occasion of a demonstration on the part of the RHDP.

5 Were there any preparations ahead of this march of the RHDP either for the RTI or
6 the prime minister's office?

7 MR GBOUGNON: [11:03:45] (Interpretation) We have a problem with the French
8 transcript. It seems to have come to a halt.

9 PRESIDING JUDGE TARFUSSER: [11:03:51] Now it runs again. Okay. Thank
10 you.

11 MR GBOUGNON: [11:04:07] (Interpretation) Mr President, in view of the fact that
12 the transcript is now up and running, I can see on page 39, line 1, that it is indicated
13 that it is a point of information to be held on the occasion of an RHDP demonstration.
14 I don't know whether this is a document that we are reading from.

15 THE INTERPRETER: [11:04:33] Message from the interpreter: Mr Gbougnon is
16 speaking far too fast. Thank you. Could he please be requested to repeat because
17 he was speaking at such a speed the interpreter didn't catch it.

18 PRESIDING JUDGE TARFUSSER: [11:04:47] You spoke too fast.

19 MR GBOUGNON: [11:05:01] (Interpretation) Yes, Mr President, I was saying that
20 on page 39, line 1, I can see that the OTP says firstly page 38, line 28, I start with that, I
21 quote from page 38, line 28:

22 "And we can see a fax. It's dated 12 December."

23 Page 39 and he says, I quote:

24 "Let's continue. We indicate point of information to be held on the occasion of the
25 demonstration of the RHDP."

1 This is not precisely what is written here. So if we want to read out what is there,
2 then we should read what is there. The Prosecutor did not say exactly what is
3 written on the document that he is reading from.

4 PRESIDING JUDGE TARFUSSER: [11:05:54] I cannot say this because I didn't see
5 the fax.

6 MR MACDONALD: [11:06:02] My question was not reading the document, your
7 Honour. My question was beyond the document. The witness recognized having
8 read this document. The witness was -- didn't remember if he had wind of also
9 going to install the prime minister, Guillaume Soro, at the Primature, but he had wind
10 of the march on the RTI in the days prior. He could remember the days.
11 So now I'm asking -- I'm going to another point now. I'm asking him in relation to
12 the Primature and the -- what -- the document that we see in front of us, and now the
13 marche on la RTI, were there any préparatifs, sorry, the word doesn't come in English
14 right now, and that's it. That's my question. Thank you.

15 PRESIDING JUDGE TARFUSSER: [11:07:07] Yes. But you spoke about the fax.

16 MR MACDONALD: [11:07:18] Sorry. The fax is on the bottom page, at the bottom
17 of the page completely. If we can bring the document down completely.

18 PRESIDING JUDGE TARFUSSER: [11:07:27] The number, it's a fax number.

19 MR MACDONALD: [11:07:29] Yes, it's at the bottom of the --

20 PRESIDING JUDGE TARFUSSER: [11:07:30] Yes. Yes, yes, yes, the fax number,
21 not --

22 MR MACDONALD: [11:07:33] There is a date next to it.

23 PRESIDING JUDGE TARFUSSER: [11:07:34] Yes, I -- but I thought it was the cover
24 sheet of a fax you were reading. I thought you were reading from a cover sheet from
25 a fax and not just the lines. So that's the whole issue. I think we were not -- just not

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1 very clear. So I misunderstood and Maître Gbounon misunderstood.

2 MR MACDONALD: [11:07:59] Then let me clarify --

3 PRESIDING JUDGE TARFUSSER: Yes, now --

4 MR MACDONALD: -- with the witness.

5 PRESIDING JUDGE TARFUSSER: [11:08:02] -- I think -- I think now it's clear, isn't it?

6 Okay. So let's go ahead.

7 MR MACDONALD: [11:08:14] (Interpretation)

8 Q. [11:08:16] Just a prior question, I'm going to come back so that we are sure that

9 we understand each other. What does the expression "PO to be set up mean"?

10 A. [11:08:30] Well, I answered the question saying that PO is the point of

11 observation. I shall reiterate the same thing.

12 Q. [11:08:37] Thank you. So my question, Mr Witness, we see this document, you

13 have seen it. You have also said at an earlier stage that you got wind of the march

14 on the RTI. And my question is as follows: For one or tother of the events, did you

15 or were there any preparations in order to make secure the locations in question?

16 PRESIDING JUDGE TARFUSSER: [11:09:21] Maître Altit.

17 MR ALTIT: [11:09:24] (Interpretation) Thank you, Mr President. For one or other

18 of the events we don't know precisely what you are referring to, dear colleague.

19 Maybe only the march of 16 December. And if there is another event, it would be a

20 good thing for you to say what you are referring to, especially for the witness so that

21 he knows what the question is all about.

22 MR MACDONALD: [11:09:42] I think it is pretty clear, your Honour, but I don't

23 mind doing that.

24 PRESIDING JUDGE TARFUSSER: [11:09:48] Please do.

25 MR MACDONALD: [11:09:49] But I will say it again. And my colleagues can

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1 interrupt me as much as they want but they are the ones --

2 PRESIDING JUDGE TARFUSSER: [11:10:05] No, please go -- please, go ahead.

3 MR MACDONALD: -- their --

4 PRESIDING JUDGE TARFUSSER: Please go ahead.

5 MR MACDONALD: [11:10:07] Next week we'll be sitting for a long time.

6 PRESIDING JUDGE TARFUSSER: [11:10:10] Please go ahead.

7 Q. [11:10:13] (Interpretation) So, Mr Witness, it is indicated, and I shall read the
8 title of the document that you have before you, and I refer to the same item ending
9 with 0748, point of observation to be set up on the occasion of the demonstration of
10 the RHDP with a view to installing prime minister Soro Guillaume. That's one thing.
11 And the other thing is the march on the RTI dated 16 December that -- or, that you got
12 wind of.

13 So I shall repeat my question: For one or the other of the events announced, were
14 there any preparations in order to make sure the two locations?

15 A. [11:11:33] For the march on the RTI, I said yes and no, and I'll explain to you.

16 No because in order for preparations to be made, those who initiated the march
17 needed to be on side with the police to prepare the march. And I said to you earlier
18 on those leading need to tell us from which point they will be departing and to which
19 point they will be going and when they will disperse and how many people they are
20 expecting. So that didn't happen and we didn't have any preparations.

21 However, we did get wind of an event and we couldn't remain there with our arms
22 crossed. So we took measures that if the march did take place, we would be in a
23 position to take measures.

24 Q. [11:12:42] And now if I refer to the document 0045-0748, holding points of
25 observation or setting them up on the occasion of a demonstration is part of -- well,

1 this document -- question: Is this document part of a context of such an activity of
2 making a location secure?

3 A. [11:13:13] Yes, indeed, because point of observation or post of observation will
4 enable us to observe and glean information because if we do not know where they're
5 coming from or the preparations to do with the march, then ...

6 Q. [11:13:35] Mr Witness, if we look still looking at this very same document, this is
7 a fax, 19.55 on the 12 December at nearly 8 o'clock in the evening, 19.55. And this
8 information comes from the commissioner divisionnaire of the police, that is the
9 préfet de police of Abidjan who sends this out at that moment in time and you saw it.
10 You have seen it. My question to you is as follows: Did you receive any
11 instructions when you heard or got wind of the fact that there was going to be a
12 demonstration or demonstrations? Did you receive any instructions at all?

13 A. [11:14:48] I would admit that I did not receive any particular instructions for
14 that march.

15 Q. [11:14:57] For that march, are you referring or which one are you referring to for
16 us to be clear that we are talking about one and the same thing?

17 A. [11:15:06] I would say once again that there was one march, that march on that
18 day on the RTI. You're referring to the installation of Soro Guillaume. That didn't
19 happen. What did happen was the march upon the RTI.

20 Q. [11:15:28] Very well.

21 Mr President, I would suggest that we take the break at this moment in time because
22 I'm going to be launching myself into another series of documents.

23 PRESIDING JUDGE TARFUSSER: [11:15:39] Okay. So we break for half an hour
24 and we come back at 11.45.

25 THE COURT USHER: [11:15:45] All rise.

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1 (Recess taken at 11.15 a.m.)

2 (Upon resuming in open session at 11.48 a.m.)

3 THE COURT USHER: [11:48:41] All rise.

4 Please be seated.

5 PRESIDING JUDGE TARFUSSER: [11:49:07] Good morning once again. I give
6 immediately the floor to the Office of the Prosecutor.

7 MR MACDONALD: [11:49:18] (Interpretation)

8 Q. [11:49:26] Very well. Now, Mr Witness, let's move on. And let us place us
9 back or reposition ourselves where we were. You mentioned that you had not
10 received any instruction. And I shall put the question to you once again in the
11 following manner. The document, the last document that we brought up was
12 0045-0748 and you mentioned briefly and I'll paraphrase what you said, that this was
13 one of the measures taken with a view to making secure the march. This document,
14 we know that it was faxed, according to what is written, at 19.55 p.m.
15 So the question is very specific in nature, for this document to be made, were there
16 any instructions that you gave.

17 MR GBOUGNON: [11:51:07] Monsieur le Président.

18 PRESIDING JUDGE TARFUSSER: [11:51:12] But you've now interrupted the
19 witness.

20 MR GBOUGNON: [11:51:21] (Interpretation) I do apologise, Mr President. I was
21 standing on my feet before the witness answered. I was waiting for the transcript.
22 And I thought that you were going to immediately allow me to address the Court
23 once the -- when the Prosecutor had finished saying what he was saying.

24 Mr President --

25 PRESIDING JUDGE TARFUSSER: [11:51:39] Okay, my fault. Go ahead.

1 MR GBOUGNON: [11:51:40] (Interpretation) Mr President, the OTP says, page 44,
2 line 28, you mentioned very briefly, I paraphrase, that this was one of the measures
3 with a view to making secure the march.

4 I think that everything is written down here, and this paraphrase is not just. The
5 witness never said what the OTP is attempting to put in his mouth. It is not a
6 paraphrase, it is his words. It is not the words the witness uttered.

7 PRESIDING JUDGE TARFUSSER: [11:52:23] well, that's what a paraphrase is about,
8 I would say. Of course it's not the word of the witness, but it's the word of the
9 Prosecutor paraphrasing the witness, and that's why it's called paraphrase, otherwise
10 it would be called quotation. (Overlapping speakers)

11 MR MACDONALD: [11:52:41] If you allow me, your Honour --

12 PRESIDING JUDGE TARFUSSER: No (Overlapping speakers)

13 MR MACDONALD: -- I'll rephrase. I'll rephrase. It's much faster.

14 PRESIDING JUDGE TARFUSSER: [11:52:50] Yes, Maître Altit.

15 MR ALTIT: [11:52:51] (Interpretation) Thank you, Mr President. You are indeed
16 very right, Mr President, it is not paraphrasing here, it is in fact a bad way of, how
17 could I say, a bad understanding of what the (Redacted)

18 (Redacted)

19 (Redacted)

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- 16 Q. [11:54:54] My question is very simple, Mr Witness. Did you, you yourself
- 17 personally give instructions for the police to man these points or posts of observation?
- 18 A. [11:55:22] No.
- 19 Q. [11:55:23] Very well.
- 20 Let's go into private session, please.
- 21 PRESIDING JUDGE TARFUSSER: [11:55:28] So let's please go into private session.
- 22 (Private session at 11.55 a.m.)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Open session at 12.08 p.m.)

2 THE COURT OFFICER: [12:08:20] We are in open session.

3 PRESIDING JUDGE TARFUSSER: [12:08:24] Mr Prosecutor.

4 MR MACDONALD: [12:08:26] (Interpretation) Thank you, Mr President. Let's
5 continue.

6 Q. [12:08:33] On 15 December 2010, were you informed of strategic sites being
7 made secure in Abidjan?

8 A. [12:09:00] Generally speaking, this is part of the mission of the police. It is our
9 daily work.

10 Q. [12:09:21] Ahead of the march on the RTI on 15 December 2010, did you receive
11 any instructions or information with regard to the security measures pertaining to
12 strategic sites in Abidjan?

13 A. [12:09:41] I will repeat again that this is our mission. I did not glean any
14 information, but we did take measures in order to set up observation posts that were
15 set up.

16 Q. [12:09:57] Very well. I'm going to be showing document 0045-0449 to you.
17 And as always, if necessary, we have a hard copy if it's easier than on the screen.
18 You have seen this document. Your initials are appended thereto?

19 A. [12:10:44] Yes.

20 Q. [12:10:45] When I say "initials" it is in fact the word "vu," "seen" written up
21 above.

22 Do you recognize this document and what is it?

23 A. [12:10:54] Well you can see that this is an information note. It is not
24 instructions per se, it is an information note, that is to say that the director of
25 the -- general of intelligence received this and shared it with us. It is not an

1 instruction.

2 Q. [12:11:15] And it is noted that the --

3 THE INTERPRETER: [12:11:29] Message from the interpreters: Could counsel
4 please tell us where he is reading from.

5 PRESIDING JUDGE TARFUSSER: [12:11:33] Where are you reading from is asked
6 by the interpreters.

7 MR MACDONALD: [12:11:38] (Interpretation) There is in the document right at
8 the outset "the RTI and the surrounding area." I'm reading the last sentence, the last
9 sentence of this subsection. So I'll read it again:

10 "The current measures within the compound of the RTI seem to be insufficient." End
11 of quote.

12 And I'm going to read the last sentence of the next chunk, when reference is made to
13 the presidential palace, this is with a view to bringing away the demonstrators from
14 this target or to distance them from the target.

15 And we can conclude, reading from the next page, we're talking about the two
16 bridges, the De Gaulle and Houphouët-Boigny bridges at the time in the communes
17 of, in the communes of Abidjan, Riviera, Carrefour, Marie-Thérèse and M'Pouto,
18 these are the various intersections where the blockades were located at l'hôtel du Golf.

19 And finally, reference is made to ONUCI or ONUCI and the BIMA.

20 Is this an identification of a lacking in terms of security at that moment in time, this
21 information note?

22 A. [12:13:29] I shall repeat the same thing again. General intelligence might have
23 seen that they were failing, and they are making observations, but that does not mean
24 to say that that is what we put in place. These are their observations.

25 Q. [12:13:47] To your knowledge, the security measures ahead of the march of

1 16 December, subsequent to this note were these measures reinforced?

2 A. [12:14:01] I believe that you showed an item at an earlier stage. I believe that to
3 my knowledge this is the document that we used throughout that entire period.

4 Q. [12:14:17] On 15 December, the same day that this service note was produced,
5 did you receive any instructions from whomsoever, from anybody whatsoever?

6 A. [12:14:37] I shall repeat once again, maintaining order is part of the police's
7 mission. And I would say that I did not receive any particular instructions.

8 Q. [12:14:54] Very well.

9 Let's go back to private session please.

10 PRESIDING JUDGE TARFUSSER: [12:15:01] Let's go to private session, please.

11 (Private session at 12.15 p.m.)

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25 (Open session at 12.24 p.m.)

1 THE COURT OFFICER: [12:24:34] Back to open session.

2 PRESIDING JUDGE TARFUSSER: [12:24:37] Thank you.

3 Now Maître Gbougnon.

4 MR GBOUGNON: [12:24:46] (Interpretation) Your Honour, thank you. Now, the
5 document, the reference of which I have just read out, where there is supposed to be a
6 date, there is no date. There is no indication of the date. And therefore if the OTP
7 is drawing a conclusion or trying to calculate in some way what the date of the
8 document is, that is December 15th, then he needs to explain that process because the
9 document he's referring to has no date written on it. It bears no date. I don't know
10 if it's because it's faded away, but there is no date written, if it's December 15th, then
11 we need to be, we need to be told how it is that the OTP deduced that it is dated
12 December 15th. That was my comment, your Honour.

13 PRESIDING JUDGE TARFUSSER: [12:25:43] Mr MacDonald.

14 MR MACDONALD: [12:25:44] Your Honours, your Honours, I could be asking that
15 question, very same question without using the logbook, to begin with.

16 Second --

17 PRESIDING JUDGE TARFUSSER: [12:26:07] Yes, but why don't we go to the point?

18 MR MACDONALD: No, but to the point is look at page 1012, 1012 is indicated
19 "service du jeudi 16 décembre," which appears on page 1011. Page 1010 and page
20 1009, indeed, the section of the date is watered down. If you go to the previous page,
21 1008 and you see 1007, at the top hand side you have 14 December.

22 This is a ledger that was photocopied on both sides. The original is in the vault.

23 We didn't bring the originals because we feel that, of course, if we are to bring the
24 original it will be the same thing that you see on the left-hand pages successively.

25 But if that trust is not there, then we will ask for the ledger to be -- the logbook to be

1 called up so that the Chamber and my colleagues can see that themselves, although
2 they've had all the opportunity in the world to go and visit and have a -- this.

3 So therefore at this stage, your Honour, I don't think any of -- the objection, the
4 intervention should be simply rejected, full stop.

5 PRESIDING JUDGE TARFUSSER: [12:27:38] Maître Gbougnon.

6 MR GBOUGNON: [12:27:49] (Interpretation) Thank you, your Honour. The OTP
7 has confirmed my fears. The OTP is deducing something on the basis of his own
8 logic. I could deduce something completely different. I am not convinced that this
9 document is indeed dated on the 15th. I think we can say that, we need to state that
10 the date is not mentioned. The OTP has explained that if you look at the previous
11 page and the page afterwards, you can draw a deduction, but you can come up with a
12 range of deductions. But the truth is we don't have a date on this page. I think that
13 needs to be stated. But if you affirm that there was a meeting on 15 December, but
14 there is absolutely no mention of the date December 15th by way of evidence of that
15 meeting, well, I just don't agree. That's what I have to say, your Honour.

16 And what the OTP is doing is presenting their own deductions, their own opinions,
17 and it is not what is stated here in the logbook. Thank you.

18 PRESIDING JUDGE TARFUSSER: [12:29:16] Can we go to the page 1010. No, the
19 original also. This is 1009.

20 THE COURT OFFICER: [12:30:06] 1010 and 1009.

21 PRESIDING JUDGE TARFUSSER: [12:30:30] Where it is said "deterioration by
22 water," there should have been written 15 hypothetically, say 15 December; is that
23 correct?

24 MR MACDONALD: [12:30:42] Logically.

25 PRESIDING JUDGE TARFUSSER: [12:30:44] Logically, yes, yes, yes.

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- 1 MR MACDONALD: [12:30:45] Because you look at the previous page --
- 2 PRESIDING JUDGE TARFUSSER: Because then you come to --
- 3 MR MACDONALD: -- there is 14 before.
- 4 PRESIDING JUDGE TARFUSSER: [12:30:49] And 16 after.
- 5 MR MACDONALD: [12:30:50] That's right.
- 6 PRESIDING JUDGE TARFUSSER: [12:30:54] Yes, yes, of course.
- 7 MR MACDONALD: [12:30:55] If you allow me, we are overlapping a lot it seems.
- 8 PRESIDING JUDGE TARFUSSER: [12:31:00] Of course. We are always because I
- 9 am speaking and you are interrupting me. That's why we are overlapping, simply.
- 10 So please, now speak.
- 11 MR MACDONALD: [12:31:07] Independently of this, your Honour, the Prosecution
- 12 submits that it can put to the witness independently of the use of the ledger -- the
- 13 logbook, can put it to him that he has been to the residence on 15 December with
- 14 those hours.
- 15 The witness independently of that and in any event said "it's possible" right now.
- 16 PRESIDING JUDGE TARFUSSER: [12:31:42] Yes.
- 17 MR MACDONALD: [12:31:43] That's what we have on record independently of the
- 18 logbook.
- 19 And then the question is, it's the day prior to the march, that is what is important
- 20 right now. It's the sequence of the events and the events as they unfold on the
- 21 ground and as you ask the witness. This is where we're at. Let's not be distracted.
- 22 PRESIDING JUDGE TARFUSSER: [12:32:04] Yes. I'm right. But if you had said
- 23 most likely on the 15th because on the logbook it is not readable would have
- 24 been -- maybe would have avoided the whole discussion.
- 25 Let's please now call in the witness again. And I not yet say what I think.

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1 (The witness enters the courtroom)

2 PRESIDING JUDGE TARFUSSER: [12:32:58] Mr Witness, I just repeat myself. Here
3 from the logbook of the residence, of the presidential residence it seems that on most
4 likely and on the basis of logic on 15 December at 22.28, you entered -- oh, no. Okay.
5 We have to go into private session.

6 (Private session at 12.33 p.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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6 (Open session at 12.36 p.m.)

7 THE COURT OFFICER: [12:36:13] We are in open session.

8 PRESIDING JUDGE TARFUSSER: [12:36:16] Mr MacDonald.

9 THE INTERPRETER: [12:36:21] In the previous answer the witness said, this is to be
10 added to his answer: I would be surprised that the president called us.

11 MR MACDONALD: [12:36:31] (Interpretation)

12 Q. [12:36:32] Let's go back to the day of the march itself. Where were you?

13 A. [12:36:49] The day of the march I was at my office.

14 Q. [12:36:53] What were you doing?

15 A. [12:36:57] I was doing my normal work and I was supervising my subordinates.

16 Q. [12:37:07] What do you mean by supervising exactly? What were you doing?

17 A. [12:37:11] I was listening to the police radio.

18 Q. [12:37:15] Which networks?

19 A. [12:37:17] Usually I was listening to the intervention unit's network.

20 Q. [12:37:24] Who was in charge of the operations that day?

21 A. [12:37:29] It was the police préfet. Anything regarding maintaining law and
22 order, that was the responsibility of the préfet in his zone.

23 Q. [12:37:39] What was the role of --

24 THE INTERPRETER: [12:37:43] Inaudible name. And the speakers are going too
25 fast.

1 PRESIDING JUDGE TARFUSSER: [12:37:48] The speakers are going too fast. The
2 name was inaudible. And I hear shouting in my ears. So please, three things which
3 I would like to avoid. Thank you.

4 MR MACDONALD: [12:38:17] (Interpretation)

5 Q. [12:38:22] Who was in charge of the operations that day?

6 A. [12:38:37] It was the préfet de police, the police préfet who was in charge of
7 maintaining order in the city of Abidjan.

8 Q. [12:38:49] What was the role of Mr Yoro Claude on that day?

9 A. [12:38:58] He provided his support to the police préfet in Abidjan.

10 Q. [12:39:09] Very well. I'd like to show you your prior statement. I'm referring
11 to 0014-0400. And I would like to take a look at page 0403, line 98. I'm going to
12 read it out.

13 Question: "Okay. Who was managing the activities, if we take the example of the
14 march at the RTI on December 16, who was in charge?"

15 Answer: "It was the CRS commander ... I beg your pardon, it was the
16 commander" -- I'm repeating your answer: "It was the CRS commander ... I beg your
17 pardon it was the commander or the director of the intervention units." End of
18 quote. I'll stop there.

19 Who was in charge of the operations that day?

20 A. [12:41:47] Let me repeat. The person in charge of maintaining law and order is
21 the préfet of Abidjan, supported by the director of the intervention units, the director
22 of the intervention units who has a lot of forces under his control. So that's why he's
23 directing, if you will. But the person responsible was the police préfet.

24 Q. [12:42:18] What was your own, your own role more specifically other than just
25 listening to the radio?

1 A. [12:42:24] I followed operations as they took place on the ground, and if I see
2 that there are difficulties, I try to provide a solution.

3 Q. [12:42:43] Do you remember having intervened over the radio on the day of
4 December 16th in the morning?

5 And we can indeed go into private session if that's necessary, your Honour. But I
6 think that if it's just a yes, no answer, we can perhaps wait and then go into private
7 session if need be. That's my suggestion.

8 A. [12:43:23] (Interpretation) Well, when it's a question of maintaining order, I
9 was listening. And if there is a difficulty that comes up, I provide a response.

10 Q. [12:43:34] My question was as follows: Do you remember -- Witness, my
11 question was: Do you remember whether or not you intervened that day in the
12 morning over the network?

13 A. [12:43:58] That's really a detail. How can I remember? It's possible. I don't
14 remember. I just don't remember.

15 PRESIDING JUDGE TARFUSSER: [12:44:04] Let's go into private session, please.

16 (Private session at 12.44 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 12.49 p.m.)

9 THE COURT OFFICER: [12:49:13] We are in open session.

10 MR MACDONALD: [12:49:14] It may simplify the whole thing. I think the witness
11 gave his answer already. So the last answer is superfluous. I'm sorry.

12 PRESIDING JUDGE TARFUSSER: [12:49:24] Okay. If this, if this is enough to
13 Maître N'Dry.

14 But I do understand your intervention and that's what I say, keep saying, but since
15 the beginning of the trial, not since yesterday, since the beginning of the trial I'm
16 saying this to all parties that we have to put direct questions and ask for answers.
17 And then we will draw the conclusions all together, you on your side and the
18 Prosecution on the other side, and then we take the decision.

19 So I would really urge all of you to go along this line.

20 So you withdraw your intervention, Maître N'Dry? It's a question.

21 MR N'DRY: [12:50:18] (Interpretation) Yes, indeed, Mr President.

22 PRESIDING JUDGE TARFUSSER: [12:50:20] Okay. Thank you very much.

23 So the witness can be brought in again.

24 MR MACDONALD: [12:50:26] And can we go back -- but I -- just to clarify so that
25 there are no surprises later on, although the cross-examination can be made on this

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1 point --

2 PRESIDING JUDGE TARFUSSER: [12:50:43] There's no -- I mean --

3 MR MACDONALD: It's okay.

4 PRESIDING JUDGE TARFUSSER: -- always what's --

5 MR MACDONALD: It's okay.

6 PRESIDING JUDGE TARFUSSER: -- on the record --

7 MR MACDONALD: It's okay. It's okay.

8 PRESIDING JUDGE TARFUSSER: -- is on the record. I mean we interrupt,

9 everybody will then interpret, but nothing to be clarified. We read and --

10 (The witness enters the courtroom)

11 MR MACDONALD: [12:51:01] (Interpretation) So we are back in open session and

12 we can remove the document from the screen and let's continue.

13 Q. Mr Witness, the operations associated with the march, did they continue into

14 the next day, that is 17 December?

15 A. [12:51:47] Yes. There were some elements who demonstrated.

16 Q. [12:51:56] And Mr Claude Yoro, did he still have the same role that he had the

17 day before?

18 A. [12:52:14] Yes, indeed. Maybe it is important for me to specify that the préfet

19 de police of Abidjan in the organisational chart only has one company. Now, the

20 elements that are put out there for law and maintenance are generally speaking CRS

21 elements that fall under the command of Claude Yoro.

22 Q. [12:52:43] Whether it be the 16th or the 17th, what was the role of the minister of

23 the interior on that day?

24 A. [12:53:05] I would say that the minister of the interior does not intervene with

25 everything concerning the march. If he had a particular role, I was not aware of it.

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1 Q. [12:53:19] To your knowledge, was there an operational command post within
2 the ministry of the interior on the 16th and 17 December 2010?

3 A. [12:53:36] As always, there was the Minos command post, as this was the case in
4 the discussions yesterday, was always within the ministry of the interior.

5 Q. [12:53:50] I'll put the question to you again. Well, let's move on to the
6 following question, sorry. Who was the identity of the person of the Minos
7 commander on the 16th and the 17th?

8 A. [12:54:07] I can't answer that. The PC or the command post were elements that
9 would -- you know, they were on shifts and they were constantly changing. So I
10 can't tell you who was present on that day.

11 Q. [12:54:25] I would like to have called up document CIV-0045-0742. This is a
12 document dated 17 December 2010.

13 Do you recognize this type of document?

14 A. [12:55:16] Yes, I do.

15 Q. [12:55:18] What is it?

16 A. [12:55:21] It is a daily information bulletin.

17 Q. [12:55:26] In the top left-hand corner we can see just above the title of the
18 document, we see "PC operations ministry of the interior." If we might zoom in on
19 this, or we do have a hard copy, what is that, Mr Witness?

20 A. [12:55:54] Well, there is nothing special. It might -- he might wanted to have
21 indicate that it was the police. Otherwise there is nothing special. The operational
22 command post for the ministry of the interior is the operational command post for the
23 police.

24 Q. [12:56:11] The sender is the chief operations of the command post. Is that PC
25 Minos or is that somebody else?

1 A. [12:56:24] I do believe that it was the PC Minos, Minos command post.

2 Q. [12:56:37] I'm going to be showing you the last page, 0744.

3 If we could zoom in on the seal.

4 So the chief PC operations Yoro Claude and so that was the 17th. I suppose that on
5 the 16th he had the same role?

6 A. [12:57:09] It doesn't change. This is a daily information bulletin and it's exactly
7 the same document. If you see the document from the préfet de police, I can assure
8 you that it would contain exactly the same elements.

9 Q. [12:57:29] Can you confirm that Mr Claude Yoro was in fact the chief of
10 operations that day of the march upon the RTI?

11 A. [12:57:39] I could confirm that he was the director of the units of intervention,
12 and as such there were elements that intervened and he must have drawn up a report
13 which was similar to that drawn up by the préfet de police of the town.

14 Q. [12:57:57] I would like to come back to the role of the minister on the occasion of
15 that march, that is Minister Guiriéoulou. When there were important operations,
16 did the minister intervene during those operations?

17 A. [12:58:41] To my knowledge, never. And I would say that's whilst
18 Minister Guiriéoulou was at the ministry, I do not know whether he intervened in
19 any operations around a march or generally speaking in and around law and order.

20 Q. [12:59:11] I understand that PC Minos is inside the same building as the
21 ministry of the interior; is that correct?

22 A. [12:59:33] That is precisely the case.

23 Q. [12:59:35] So it is possible for a minister to have direct access to information via
24 the PC Minos; is that the case?

25 A. [12:59:50] It might be possible, but I would say that at that time I was not aware.

1 Q. [12:59:58] Very well. Did you compile any reports for the minister during the
2 unfolding of the march of the 16th?

3 A. [13:00:24] All events of such importance, reports that I receive are then the
4 subject of a report addressed to the minister.

5 Q. [13:00:36] Were there any deaths during march of 16 December? And when I
6 say "deaths," once again we're going to talk about the deaths within the police force.
7 But were there any civilian or was there any civilian loss of life amongst the
8 demonstrators?

9 A. [13:01:01] Yes, there were deaths.

10 Q. [13:01:02] So how did this information -- let me rephrase.

11 When did you hear and how did you hear that there had been loss of civilian life?

12 A. [13:01:30] In all the reports that you received, you will realise that there were not
13 any deaths strictly speaking out in the field. These were people who were wounded
14 who were then taken to the CHU hospital and who then subsequently died from their
15 wounds.

16 Q. [13:01:52] I just want to rephrase my question so that we understand each other
17 correctly. How did you learn that there had been loss of civilian life?

18 A. [13:02:17] Via reports from my co-workers.

19 Q. [13:02:22] Did those reports only come in written form?

20 A. [13:02:26] Yes, indeed. They were written because that's why I was thinking
21 ahead, saying to you that there were deaths at the hospital after they had been
22 evacuated for treatment.

23 Q. [13:02:44] Did you receive any reports over the telephone?

24 A. [13:02:53] I repeat that the deaths did not occur out in the field. There were no
25 telephone calls. These were reports. Because they happened in -- they were

1 reported in the various information bulletins, daily ones.

2 Q. [13:03:10] I'm going to call up document 0045-0735. This is a daily information
3 report number 249 of the Thursday 7 December 2010.

4 Are we in open session? Okay. We have a hard copy if necessary. Can we please
5 zoom in on the Adjamé section of the document. Perfect like that.

6 So, and I'm reading for the record here, so the hour is 7.30 in Adjamé, 7.30 a.m. And
7 the last sentence:

8 "Subsequent to this operation there was one death and three injured people who were
9 evacuated to the CHU in Cocody."

10 One dead and three injured. Just to come back to that, because you seem to be
11 indicating that no one died on location. But here it would seem to be the opposite
12 that is being indicated with regard to the deceased individual?

13 A. [13:04:58] Well, it is written that subsequent to the operation there was one
14 death that was -- one dead individual who was evacuated to Cocody.

15 Q. [13:05:11] So all of the people who were indicated to you died at the hospital?

16 A. [13:05:18] I can confirm what I said.

17 Q. [13:05:22] Now let's move on to the next document 0045-0510.

18 Have you seen this document?

19 A. [13:06:09] Yes, well, all of those daily reports I see, generally speaking.

20 Q. [13:06:13] Very well. I'm just going to take you to the page. For the record,
21 this is a duty officer's report, 16 December to 17 December 2010 in the section "Other
22 salient facts in chronological order".

23 I would like to take you to page 0511, in the section Adjamé, please. And we can all
24 read, but I'd like to draw your attention to the fact that this entry refers to 9.30 a.m.,
25 Adjamé, that, however, at approximately 15.45, three lifeless bodies were discovered

1 at the Abobo Adjamé road at the ASH company. They were all killed by bullet.

2 And I would like to draw the attention on the third name because I believe that

3 Witness 0589 talked about this at length at the end of last year.

4 So we find here corpses on the tarmac or lying on the ground, I apologise. Does that
5 refresh your memory?

6 A. [13:08:02] Yes, indeed.

7 Q. [13:08:05] Very well. Now, also just for us to go further on down, 9.30 a.m.,
8 once again, but in Koumassi this time, first paragraph, the information gathered state
9 that the victim allegedly received a tear gas canister fired by some of the gendarmerie,
10 according to some people and according to others by the police. He received this in
11 the chest.

12 And can such a tear gas canister cause death?

13 A. [13:09:07] Yes. It depends upon how it was fired. If it was fired with a
14 grenade launcher, then it can result in death.

15 Q. [13:09:22] Let's go to 0512. The following page, that is. If we can hone in
16 on 10 a.m. Cocody 2 Plateaux ENA. On 16 December 2010, at approximately 10
17 o'clock, a lifeless body was discovered opposite the ENA, not far afield from Telecel.
18 The victim of masculine, masculine victim is wearing jeans and a green T-shirt and
19 bore marks of grenade shrapnel all over his body. According to the normal checks,
20 the corpse was not -- the body was not able to be identified because he did not have
21 any administrative documents on him. He was taken away and transported to the
22 military hospital of Abobo for conservation.

23 So you will agree with me that tear gas cannot give rise to shrapnel, tear gas canister?

24 PRESIDING JUDGE TARFUSSER: [13:10:57] Again the question was posed in the
25 wrong way. You will agree with me.

1 MR MACDONALD: [13:11:00] I will rephrase. Sorry, I will rephrase.

2 PRESIDING JUDGE TARFUSSER: [13:11:03] Yes, but it's always the same problem.

3 MR MACDONALD: [13:11:05] (Interpretation)

4 Q. [13:11:06] Mr Witness, what kind of grenade can give rise to traces of shrapnel
5 giving rise to death in the manner alleged here according to your experience,
6 professional experience as somebody who uses tear gas and knows the existence of
7 other types of grenades?

8 A. [13:11:29] Well, it depends on the type of tear gas. There are a number of
9 different types. According to the service orders there are far more concentrated
10 forms of tear gas that can give rise to considerable shrapnel or bits.

11 PRESIDING JUDGE TARFUSSER: [13:11:54] Maître N'Dry.

12 MR N'DRY: [13:11:57] (Interpretation) That is precisely two questions or three.
13 And I observe, in reality, that the Prosecutor might have been able to put these
14 questions without reading the documents, because in order to ask whether tear gas
15 gives rise to shrapnel, I do not believe that we need to read this report.

16 PRESIDING JUDGE TARFUSSER: [13:12:24] As I just reminded the Prosecutor, it's a
17 part of the report, because I think it's always a report which goes to him, to the
18 witness, he is the overall head. But apart of that, it is the mode of questioning which
19 I think has to be changed radically, I would say. Just put the question.

20 MR MACDONALD: [13:12:49] Yes.

21 Q. [13:13:05] (Interpretation) Last question. Apart from tear gas, grenades, are
22 there any other types of grenades, to your knowledge, that can give rise to that type
23 of shrapnel, that type of wounds that then gives rise -- results in death?

24 A. [13:13:23] Yes, it can occur. But we only within the police use tear gas. I
25 repeat once again.

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1 Q. [13:13:30] Just for us to understand, what kind of grenade is that? You used
2 tear gas. But what kind of grenade could give rise to that in possession of the FDS in
3 Côte d'Ivoire to your knowledge?

4 A. [13:13:45] These are called OF grenades. But we do not use those.

5 Q. [13:13:49] What does OF mean?

6 A. [13:13:52] Offensive.

7 Q. [13:13:56] Next document, I would like to have called up 0045-

8 PRESIDING JUDGE TARFUSSER: [13:14:18] I think we have the lunch break
9 because now, before you call up this document, I think it's -- or is it 1? No, we have
10 another 15 minutes. Sorry, sorry. Yes, correct. Okay, sorry, it was my --

11 MR MACDONALD: [13:14:34] You're hungry?

12 PRESIDING JUDGE TARFUSSER: [13:14:35] Probably I was starving, so but okay.
13 Let's continue. And sorry, but another 15 minutes.

14 MR MACDONALD: [13:14:43] Actually, I was under the same impression, to be
15 quite honest, and that's why I was trying to use the last minute or two. But I'm
16 happy to continue now.

17 Q. [13:14:54] (Interpretation) Could we please have the document
18 CIV-OTP-0045-0973 please.

19 Is this another document that you saw?

20 A. [13:15:35] Yes, I saw this document.

21 Q. [13:15:40] I would like to draw the attention of the Court to the second page of
22 this document, 0974, at the bottom.

23 Well, to start with number 20. I'd like to draw the attention of the Chamber to the
24 third name listed there.

25 And, Witness, I'd like to draw your attention to the totals at the bottom of the page.

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1 It states here the number of policemen who were killed.

2 PRESIDING JUDGE TARFUSSER: [13:16:26] But put the question. We see it
3 though, everybody sees what is in there. You have not to repeat it. Just put the
4 question.

5 MR MACDONALD: [13:16:31] (Interpretation)

6 Q. [13:16:32] Can you confirm that this was information that you had at the time?

7 A. [13:16:44] I'm afraid I didn't understand your question.

8 PRESIDING JUDGE TARFUSSER: [13:16:50] Excuse me. If you ask and it's signed
9 "seen" --

10 MR MACDONALD: [13:17:00] I will rephrase, your Honour.

11 PRESIDING JUDGE TARFUSSER: [13:17:01] Yes, please.

12 MR MACDONALD: [13:17:02] (Interpretation)

13 Q. [13:17:03] Witness, there is no date indicated on this document other than the
14 title which indicates important aspects of the march.

15 First of all, is it exceptional that there not be a date on the document?

16 A. [13:17:25] Do you mean at the top or at the bottom of the document? What are
17 you referring to?

18 MR MACDONALD: [13:17:32] Perhaps we could give the witness a hard copy or we
19 could display the entire document from top to bottom and everyone will be able to
20 see that there is no date indicated unfortunately. May we give the witness a hard
21 copy, your Honour?

22 PRESIDING JUDGE TARFUSSER: [13:17:54] Yes, but if you say there is no date,
23 there is no date. I mean should --

24 MR MACDONALD: [13:17:59] (Interpretation)

25 Q. [13:18:01] Witness, there is no date on the document. I'm trying to ascertain

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1 whether this is exceptional and whether or not you can help us as to when you might
2 have received this document?

3 A. [13:18:25] Your Honour, I believe I answered this question yesterday and I'm
4 going to repeat the same thing. Given the activity at the police préfet, maybe they
5 didn't have time to sign a report or to stick to the normal format. But since this was
6 very -- of interest to us, sometimes the documents arrived in improper format, if you
7 will, and then later on a more standard format was sent in afterwards. But the
8 content was received as such.

9 Q. [13:19:00] I'd like to have annex -- I'd like it refer to annex 8 of your statement.
10 And we've shown this document previously, but we have another question regarding
11 this annex 8.

12 Your Honour, if you will allow me, I think it would be useful for the witness to have a
13 paper copy because here there are dates mentioned. So could we give the witness a
14 hard copy. The ERN is 0010-0028.

15 Witness, this is a document that you gave to us. And I have to start from the back, if
16 you will, forward. So could we start with page 0031 of this document, please. In
17 the upper right-hand corner you can see the timestamp December 17, 2010, 3.15 a.m.
18 That is the date and time when this report was sent. Do you agree with that?

19 If we look at the previous page, that is 0030, the date here sent from the préfet to the
20 DGA-CSP is December 17, 2010. Rather, December 27.

21 THE INTERPRETER: [13:21:39] The interpreter corrects.

22 MR MACDONALD: [13:21:45] (Interpretation)

23 Q. [13:21:46] If we go to the previous page 0029, the DGA of the SCP sent it on 26
24 January, roughly a month later, and you yourself on January 27 sent it to the minister.
25 And this is page 0028, in other words, the first page of this document.

1 Can you explain to the Chamber this time frame, the fact that it took one month?

2 A. [13:22:26] Well, I must admit that I can't really explain because I was not the
3 signatory of the various documents. I reported on the 27th. Why was it it took so
4 long in the other departments? I don't know.

5 Q. [13:22:48] Very well. Do you know, tell us if you know, when the minister was
6 informed of these events? Do you know -- well, what I am trying to say is to your
7 knowledge was the minister informed previously?

8 A. [13:23:15] Yes. The daily information bulletin that arrive, the ones that arrive
9 are automatically sent to the minister by fax the same day, and then the following day
10 a hard -- the original, the paper document itself.

11 Q. [13:23:35] So to be perfectly clear, you said you received the daily information
12 reports, the BQIs, and then they are sent to the minister. Have I understood you
13 correctly?

14 A. [13:23:49] When I receive the daily information bulletin, I have it sent to the
15 ministry by fax. I send exactly what I receive.

16 Q. [13:24:01] Do you also send the duty officer reports?

17 A. [13:24:07] Yes, that's correct. And I said yesterday that those duty officer
18 reports around 7.30 in the morning, 8 o'clock at the latest, they are compiled and sent
19 to the minister.

20 Q. [13:24:28] To your knowledge, does the minister then send on the information to
21 his own superior?

22 A. [13:24:47] Let me repeat what I said yesterday. I was not a member of the
23 cabinet and therefore I cannot know what the minister does with the documents that I
24 send to him.

25 Q. [13:24:58] As regards the incidents that took place on December 16, did you

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1 discuss those incidents with the minister orally, in person, face to face, that is between
2 December 16 and the end of the crisis on April 11?

3 A. [13:25:14] I know I reported to him. But we didn't discuss face to face.

4 Q. [13:25:22] Never?

5 A. [13:25:25] I don't believe so.

6 Q. [13:25:26] You're not 100 per cent certain?

7 A. [13:25:30] Yes, I confirm.

8 Q. [13:25:34] What about the telephone, you said no face-to-face discussions, but
9 did you talk to him on the telephone between December 16 and April 11?

10 A. [13:25:57] Let me repeat once again what I said yesterday, the reports that I
11 made to the minister were made by telephone. So obviously he was informed by
12 telephone.

13 Q. [13:26:09] And on the telephone, at any point in time, did the minister tell you "I
14 am going to inform whoever"?

15 A. [13:26:22] He did not say anything to me.

16 Q. [13:26:25] Never?

17 A. [13:26:26] Never.

18 Q. [13:26:27] In your conversations with the minister, you never discussed or the
19 minister never said to you, "Oh, thank you for giving me that information. I'm going
20 to send it on to so and so"?

21 MR GBOUGNON: [13:26:48] (Interpretation) He already answered.

22 MR MACDONALD: [13:26:51] (Interpretation) I withdraw my question.

23 PRESIDING JUDGE TARFUSSER: [13:27:00] I think so. I think there was enough.

24 Thank you.

25 MR N'DRY: [13:27:05] (Interpretation) Mr President.

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1 PRESIDING JUDGE TARFUSSER: [13:27:08] Oui.

2 MR N'DRY: [13:27:09] (Interpretation) May I? Well, I have a comment to make
3 and I might need about five minutes, maybe three to five minutes, if that's possible,
4 given how persistent the OTP is being. And we find that most unfortunate. I
5 would need about five minutes, if you will allow me. We could perhaps ask the
6 witness to withdraw and I could make my comments.

7 PRESIDING JUDGE TARFUSSER: [13:27:39] The witness can go for lunch. And we
8 will be here at 3 o'clock. You can make your comments but take three minutes
9 instead of five.

10 (The witness stands down)

11 PRESIDING JUDGE TARFUSSER: [13:28:02] It's for the benefit of all of us.

12 Maître N'Dry.

13 MR N'DRY: [13:28:30] (Interpretation) Your Honour, I rose to my feet because a
14 moment ago I asked the Prosecutor to continue, hoping that he would change his
15 method.

16 But I have realised that he's persisting along the same lines and, therefore, I have to
17 intervene once again. I would like to recall a particular point to the Chamber. I
18 said earlier, at the risk of repeating myself, the purpose here is not to bring things in
19 through the back door. The purpose here is to find the truth. We ask questions to
20 the witness so that he explain, and not to play with strategy.

21 Let me read out a previous answer in response to a question from the Prosecutor.

22 And I'd like to draw your attention to page 70 of today's transcript. It's very subtle,
23 it's very subtle, but I'd like to draw your attention to this.

24 Mr MacDonald was trying to find out whether the witness had relayed a message or
25 had sent a message on the very day of the march.

1 The witness said "No, I don't remember."

2 And then, because Mr MacDonald insisted, the witness said "I repeat, I don't
3 remember."

4 And then subtly, and I'm taking great caution in the choice of my words, there is
5 reference made to a document from another witness who had testified here, today's
6 witness doesn't know who this is, and the Prosecutor quotes the content of a message
7 of that witness who has already testified. And all of this so that today's witness can
8 tell us whether yes or not he sent a message over the radio command post.

9 And the one thing that the Defence lawyers cannot set aside is that to recall to a
10 witness the content of a written note, which is exactly identical to the message that the
11 witness, the previous witness is said to have heard, and then very subtly the witness
12 is drawn into error and the witness says yes, there is nothing new, I have merely
13 recalled what was contained in that note in the radio message.

14 But in truth, in reality, that's not what the Prosecutor is interested in, but rather to
15 give credit to what the previous witness declared. And this very subtle manner of
16 proceeding, your Honour, this cannot be accepted by the Defence. When you ask a
17 question to a witness and the witness says "I don't remember sending a message on
18 that day", and then you quote a previous witness that the witness has no knowledge
19 of, you are inserting an error. If you reread the transcript, you will see that the
20 witness has been drawn into error.

21 I didn't rise -- I wouldn't have risen if Mr MacDonald hadn't continued in this same
22 strategy. I would not have stood to my feet, but I feel that I must do so. The
23 purpose here is not to lead the witness into error, the purpose is to ask him questions
24 and obtain his responses.

25 That is what I wanted to say to the Chamber. I see that Mr MacDonald has risen to

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1 his feet. I have said my piece. Thank you.

2 PRESIDING JUDGE TARFUSSER: [13:33:55] Mr MacDonald.

3 MR MACDONALD: [13:33:57] Two words.

4 PRESIDING JUDGE TARFUSSER: [13:33:59] Yes.

5 MR MACDONALD: [13:34:00] It's called refreshing and it's called corroboration.

6 Thank you.

7 PRESIDING JUDGE TARFUSSER: [13:34:10] Now we break. Now we break and

8 we come back at 3 o'clock.

9 THE COURT USHER: [13:34:19] All rise.

10 (Recess taken at 1.34 p.m.)

11 (Upon resuming in open session at 3.02 p.m.)

12 THE COURT USHER: [15:03:03] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [15:03:30] Good afternoon.

15 Good afternoon, Mr Witness.

16 Before giving the floor to the Office of the Prosecutor, who by now has questioned the

17 witness for 8 hours and 10 minutes, just for the record, I would really ask all the

18 parties to remain calm, not to obstruct the questioning of the Office of the Prosecutor

19 like the Office of the Prosecutor will be instructed not to obstruct the questioning of

20 the Defence parties. I think we all know and you teach me this, you all teach me this,

21 that the trial is thesis against antithesis and of course the Prosecutor has his theory,

22 his facts to submit to the Chamber through the evidence; you will have the same

23 opportunity.

24 So please let us not jump up for things which are really not very founded, with the

25 only aim to be obstructive. I wish, and I would very much encourage the parties

1 that the next hour and 45 minutes, until quarter to 5, will be constructive and that we
2 will know facts and not things we don't need to know and to hear. Not observations
3 which are not conducive and not very useful for what we are here, to listen to
4 witnesses and to try to find out what happened.

5 This said, I give back the floor to the office of Prosecutor, which I remind once again
6 to put questions and ask for answers to these questions. That's it.

7 Mr N'Dry, Maître N'Dry.

8 MR N'DRY: [15:05:53] (Interpretation) Your Honour, I would like to come back to
9 one point. It seems to me that I was discussing with my case manager earlier, and I
10 believe that the document, and if you'll give me a moment so that I can give you the
11 reference.

12 Well, I just wanted it know whether or not that document was on the OTP's list or not,
13 reference was given earlier.

14 PRESIDING JUDGE TARFUSSER: [15:06:42] Which document are you talking
15 about?

16 MR MACDONALD: [15:06:44] Annex 6 of Witness 45's testimony.

17 PRESIDING JUDGE TARFUSSER: [15:06:51] Okay.

18 MR MACDONALD: [15:06:53] It's not on our LOM.

19 PRESIDING JUDGE TARFUSSER: [15:06:55] But it's in the record.

20 MR MACDONALD: [15:06:58] But it's submitted.

21 PRESIDING JUDGE TARFUSSER: [15:06:59] It's submitted. It's in the record of the
22 case.

23 MR MACDONALD: [15:07:01] And my understanding is you've ruled already that
24 we can use those.

25 PRESIDING JUDGE TARFUSSER: [15:07:05] Absolutely, yes.

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1 So please, Mr Prosecutor.

2 And I remind you, and then I stop and I remind you, Mr Witness, of your obligation
3 to say the truth and to recall things you recall, to say things you recall and you should
4 recall.

5 Mr Prosecutor.

6 MR MACDONALD: [15:07:51] (Interpretation)

7 Q. [15:07:52] Witness, before we continue, I would like to come back to the matter
8 related to the minister of the interior. I don't remember whether we were in private
9 session or not, but I think it can be dealt with in open court. I don't think there is any
10 particular problem. You mentioned that the minister was informed by yourself as
11 regards events on the ground.

12 On December 16, 2010, who had the power to order that the demonstrators be
13 dispersed?

14 A. [15:08:52] Well, when there is a major demonstration, the general director
15 follows the event as it takes place. And if we realise that there are demonstrators
16 who are bearing weapons, the minister receives the report and the order is given to
17 disperse the demonstration.

18 Q. [15:09:30] And when they are not bearing weapons?

19 A. [15:09:42] Well, in that case the police préfet of the city, in this case Abidjan,
20 takes the necessary measures because he is responsible for public security.

21 Q. [15:09:57] I would like to refer back to your former statement, your prior
22 statement, which I'm going to quote, 0014-0400, page 0405, line 164 to 171. And I'm
23 going to read it out. The person being questioned, that is I told you -- I beg your
24 pardon. I will start over again:

25 "In other words, I said that everything that we have knowledge of we report to the

1 minister."

2 And then you continue on line 167, and I'm quoting:

3 "And when, for example, when it relates to the dispersion of a demonstration, it is the
4 minister who gives the order."

5 Investigator asks you the question: "I beg your pardon, could you repeat the last
6 sentence just before?"

7 And then at the next line 107 you answer saying:

8 "When it's a matter of taking a major decision, such as the dispersion of a
9 demonstration, it is the minister who gives the order."

10 So there is no mention of weapons here, and it's the minister who makes that decision.
11 What do you say to that?

12 A. [15:11:52] Well, if you look at the sentence in line 170, when I stated when it's a
13 major decision. If it's a demonstration, where people are not bearing weapons, that's
14 not a major situation, if you will, whereas when there are weapons reports are given
15 immediately to the minister.

16 Q. [15:12:14] In other words, the word armed or bearing weapons was not
17 mentioned in your prior statement, can you confirm that?

18 A. [15:12:27] Yes, I confirm. But if you are a specialist, you understand, after all, a
19 normal, an ordinary demonstration where people are not bearing weapons, that's a
20 normal occurrence. But if you are talking about people bearing weapons, then it's of
21 more seriousness, it's a major event and therefore other decisions are required.

22 PRESIDING JUDGE TARFUSSER: [15:12:48] Was the demonstration of 16 December
23 a normal demonstration? In the meaning of what you consider normal.

24 THE WITNESS: [15:13:05] (Interpretation) No, no, it wasn't a normal
25 demonstration. You saw that in the results of the demonstration police officers were

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1 killed and, therefore, if they were killed, it was they were killed by armed weapons
2 and therefore it's not a normal demonstration.

3 And that's why the dispersion of the demonstration was ordered by the minister of
4 the interior.

5 PRESIDING JUDGE TARFUSSER: [15:13:30] Yes, but the normality of a
6 demonstration, you assess it in advance, not after?

7 THE WITNESS: [15:13:49] (Interpretation) Your Honour, it's very difficult to
8 evaluate that beforehand, because I've been saying since this morning that we did not
9 have an opportunity to discuss with those who had launched the march. If we had
10 had that opportunity we would have known, if we had been able to talk to the people
11 in charge we would have known that they were bearing weapons. But we were not
12 able to discuss with those who launched the march, and unfortunately we discovered
13 that indeed they were bearing weapons. And the proof is that unfortunately police
14 officers were killed.

15 PRESIDING JUDGE TARFUSSER: [15:14:25] Yes. So you were surprised by this
16 march?

17 THE WITNESS: [15:14:34] (Interpretation) Let me repeat what I said this morning,
18 we did not have the opportunity to receive that information. We didn't have a prior
19 statement or application, so we didn't know ahead of time.

20 PRESIDING JUDGE TARFUSSER: [15:14:50] So you were surprised by the march
21 again?

22 THE WITNESS: [15:14:57] (Interpretation) Yes, I can confirm that.

23 PRESIDING JUDGE TARFUSSER: [15:15:01] Thank you.

24 Mr Prosecutor.

25 MR MACDONALD: [15:15:02] Yes. Thank you, your Honour.

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1 Q. [15:15:05] (Interpretation) Witness, I would like to continue examining some
2 documents where there is mention of the lists of victims either within the security and
3 defence forces or amongst civilians, as well as injured individuals. And here I would
4 like document 0045-1157. And my question is have you already seen this document?
5 Your Honour, this is a document of about 10 pages. And I would suggest or request
6 that we give the witness a hard copy so that he can look through the entire document.
7 It's probably quicker than having to display each page, but I will draw the attention of
8 the Chamber to the important points.

9 PRESIDING JUDGE TARFUSSER: [15:16:14] Okay. These are of course always
10 clean documents, right?

11 MR MACDONALD: [15:16:33] Of course, with very subtle information written with
12 the invisible ink.

13 PRESIDING JUDGE TARFUSSER: [15:16:43] No, sometimes we have to put it on the
14 record.

15 MR MACDONALD: [15:16:55] (Interpretation)

16 Q. [15:16:57] I would like to draw your attention to page 1160 where you can see
17 the name of the division commissioner major who was the deputy director general in
18 charge of public security services, and then the document continues and refers to the
19 other victims of the RHDP march on December 16 and 17.

20 My question is as follows: Have you already seen this list in the past?

21 A. [15:17:49] Yes, indeed.

22 Q. [15:17:54] Do you remember why this list was compiled?

23 A. [15:18:02] The reason is a very simple one. At a given point in time we need to
24 know who the victims were and it needs to be known and we have to provide the
25 information and report on it.

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1 Q. [15:18:22] I'd like to call your attention to page 1166. Could we have it on the
2 screen, please. At 18.30 on December 17 there is a name and a place indicated and it
3 states "killed by a grenade that he tried to launch toward the FDS."

4 According to your professional experience, could this be a tear gas grenade referred
5 to here?

6 A. [15:19:23] I don't think so.

7 Q. [15:19:25] What kind of grenade, in light of your professional experience, could
8 cause such a loss of life?

9 A. [15:19:35] It could be either a defensive or offensive grenade.

10 Q. [15:19:40] And just to be perfectly clear, when you say defensive or offensive,
11 these are grenades that explode? You throw them or you launch them, to be
12 perfectly clear?

13 A. [15:19:51] Yes, yes, indeed.

14 MR N'DRY: [15:19:56] (Interpretation) Your Honour.

15 PRESIDING JUDGE TARFUSSER: No.

16 MR N'DRY: Your Honour, this is exactly the type of comment we don't want to
17 hear.

18 PRESIDING JUDGE TARFUSSER: [15:20:04] The question would have been what is
19 an offensive and what is a defensive grenade? What do you understand under
20 offensive and what do you understand under defensive grenade?

21 THE WITNESS: [15:20:24] (Interpretation) Your Honour, a defensive grenade is
22 used to defend oneself. It's used by the military. And the offensive grenade is less
23 severe in terms of its effect than the defence, defensive grenade. But they're not tear
24 gas grenades.

25 PRESIDING JUDGE TARFUSSER: [15:20:48] So the defensive or the offensive

1 depends by who uses it or is it, in itself, a different type of grenade?

2 THE WITNESS: [15:21:04] (Interpretation) The grenade itself is different. An
3 offensive or defensive grenade is completely different from a tear gas grenade. It's
4 not at all the same type of weapon.

5 PRESIDING JUDGE TARFUSSER: [15:21:22] So a defensive grenade is a tear gas
6 grenade and offensive grenade is, say, hurts more?

7 THE WITNESS: [15:21:39] (Interpretation) The one that hurts the most is the
8 defensive grenade.

9 PRESIDING JUDGE TARFUSSER: [15:21:45] Okay. Mr Prosecutor.

10 MR MACDONALD: [15:21:49] (Interpretation)

11 Q. [15:21:50] To clarify, whether it's a defensive or offensive grenade, they both
12 explode; is that correct?

13 A. [15:22:02] Well, it's redundant to say that. A grenade is something that
14 explodes.

15 Q. [15:22:09] Very well. I would like to look at page 1164, please. We have it on
16 the screen, very well. At the top of the page you probably recall that we referred, if
17 I'm not mistaken, to a document, it wasn't the daily information report, it was another
18 report that referred to an incident in Port-Bouët. And here under number 1 it refers
19 to injured bullet wounds following clashes with students from the FESCI, and you
20 have the names of the various -- and the ages of the individuals who were injured.
21 Do you remember this incident?

22 A. [15:23:21] I know that there was an incident in Port-Bouët, but I don't remember
23 exactly what happened. But I do remember that there was an incident in Port-Bouët.

24 Q. [15:23:36] Yesterday we were talking about roadblocks which were mounted by
25 the young people from the LMP and the question was whether or not they had

1 weapons. I beg your pardon. So can you confirm that there were indeed
2 individuals injured by bullet wound, students -- or, rather, the aggressors were
3 students from FESCI? Can you confirm that?

4 MR GBOUGNON: [15:24:12] Mr President.

5 MR MACDONALD: [15:24:16] I'll withdraw the last question, your Honour. The
6 document is submitted. I'll withdraw the last question. The document is
7 submitted.

8 PRESIDING JUDGE TARFUSSER: [15:24:25] Maître Gbougnon.

9 MR GBOUGNON: [15:24:30] (Interpretation) Your Honour, you have told us, I beg
10 your pardon, I'm trying to calm down before I speak.

11 PRESIDING JUDGE TARFUSSER: [15:24:39] Please --

12 MR GBOUGNON: [15:24:40] (Interpretation) You told us to make an effort. But
13 each time he's doing it on purpose and then withdrawing the question. It just cannot
14 be like that. And then he says all these things and then he just withdraws the
15 question. I'm afraid it's just not possible, your Honour.

16 PRESIDING JUDGE TARFUSSER: [15:25:00] I would refer to the other party not
17 with "he" and "she", but with "the Prosecutor".

18 I cannot -- how can I say that? I said put the question without being yourself the
19 witness.

20 MR MACDONALD: [15:25:28] I'll move on, your Honour.

21 Q. [15:25:32] (Interpretation) Who is in charge of the minister's security, I mean
22 the minister of the interior within the FDS?

23 A. [15:25:48] I don't understand your question.

24 Q. [15:25:50] Let me put it in simpler terms. You have the minister of the interior.
25 Who is in charge of providing for his security?

- 1 A. [15:26:07] It's the police who is in charge of his security.
- 2 Q. [15:26:13] And the police officers who are in charge of providing his security, do
3 they have explosive grenades or what you've called offensive or defensive grenades,
4 whatever?
- 5 A. [15:26:26] To my knowledge, no.
- 6 Q. [15:26:30] I'd like to have document 0047-0483.
7 Are you able to read the annotation written by hand to the right?
- 8 A. [15:27:25] It says "For the DGPN-DCA2," and then there's a date, 17/12/1st.
- 9 Q. [15:27:39] What does that mean exactly, this handwritten annotation?
- 10 A. [15:27:46] It's a sort of voucher for the DGPN.
- 11 Q. [15:27:56] And what is DCA2?
- 12 A. [15:27:59] It's the deputy cabinet director number 2.
- 13 Q. [15:28:05] Of your own cabinet?
- 14 A. [15:28:08] No. The cabinet of the minister of the interior.
- 15 Q. [15:28:16] And what does it mean exactly, voucher on behalf of the DGPN?
- 16 A. [15:28:25] It's a voucher for the general directorate of the national police, DGPN.
- 17 Q. [15:28:33] Can you explain, does it mean there is a list of ammunition, grenades,
18 rifles, machine guns, et cetera?
- 19 A. [15:28:47] Perhaps I can anticipate to facilitate things. A voucher doesn't mean
20 that it has actually been filled, if you will. Someone can come and say I need such
21 and such, but just because the voucher is written out doesn't mean they've actually
22 received those -- that ammunition. So if I don't have the ammunition, then I cannot
23 provide it. But indeed, this is a voucher, but to my knowledge it was not actually
24 filled as such.
- 25 Q. [15:29:24] Very well. Let's go on.

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1 PRESIDING JUDGE TARFUSSER: [15:29:27] Excuse me. Who made this
2 annotation in handwriting?

3 THE WITNESS: [15:29:35] (Interpretation) I think that it was a voucher sent by the
4 DCA2 to the DGPN. You see, you have the chief of cabinet who wrote out this
5 voucher, but since he's not the hierarchical chief he had to send it up through the
6 hierarchy and that's why there's this handwritten annotation saying it was sent to the
7 DGPN.

8 PRESIDING JUDGE TARFUSSER: [15:30:16] But you didn't respond to my question.
9 Who signed this handwriting under the date, 17/12 and then 1st or 1, whatever this is?
10 Whose signature is this?

11 THE WITNESS: [15:30:37] (Interpretation) I'll try to explain further, your Honour.
12 The chef de cabinet is under the directeur de cabinet. So it's the chef de cabinet who
13 establishes this voucher to the director general. And then it is the directeur de
14 cabinet who signs the voucher before it goes to the DGPN.

15 PRESIDING JUDGE TARFUSSER: [15:31:06] And who signed this? Whose
16 signature is this under the, immediately underneath the date 17/12?

17 THE WITNESS: [15:31:17] (Interpretation) It is the signature of the directeur de
18 cabinet. You have already seen my documents. That is not how I sign.

19 PRESIDING JUDGE TARFUSSER: [15:31:28] No. But has this person a name?

20 THE WITNESS: [15:31:33] (Interpretation) Yes, he has a name. At the time it was
21 Commissioner Boblae.

22 PRESIDING JUDGE TARFUSSER: [15:31:52] Mr Prosecutor.

23 MR MACDONALD: [15:32:01] (Interpretation)

24 Q. [15:32:02] Can you repeat the name, please, because it is not on the transcript?

25 A. [15:32:06] Boblae is B-O-B-L-A-E.

1 Q. [15:32:19] Very well. There is another document which I would like to show
2 you on people who were injured, who died or who were missing, and it is 0045-0052.

3 MR MACDONALD: (Interpretation) Can that be called up on the screen, please.

4 Mr President, just for the form, with your leave I can say it is 6 pages, some of them
5 handwritten, and there is a hard copy for the witness.

6 PRESIDING JUDGE TARFUSSER: [15:33:26] Yes, please.

7 MR MACDONALD: [15:33:44] (Interpretation)

8 Q. [15:33:45] It is your signature so you are the sender.

9 I would like you to look through the entire document. There is a date on the second
10 page. Can that be displayed? That is page 0053. And on the side we can see that
11 it is a fax once again dated 26 December 2010 at 10.25 a.m.

12 And I would like to come back to the question on the first page, that is page 0052.

13 Why this sentence, which I'm going to read: "This database will make it possible to
14 compile a document to support the authorities and which will also serve as a denial of
15 the rumours."

16 What does that mean?

17 A. [15:35:17] What I meant was that there was some information circulating as well
18 as rumours. People would come to see us or would call to say that such and such a
19 person died. So we wanted to have an exhaustive table so that if a question were to
20 be put to us, we would be able to give a precise answer.

21 Q. [15:35:41] During that period, that is in the aftermath of the march, and during
22 the days that followed, did the government of Mr Gbagbo, including his minister of
23 interior, come under pressure from international organisations in relation to the
24 civilians that had died as far as you know?

25 A. [15:36:22] To my knowledge, no.

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1 Q. [15:36:27] Very well. Let us continue. To your knowledge, were there
2 international journalists who were attacked by the forces of law and order during the
3 march of 16 December 2010?

4 A. [15:36:50] I believe it was the contrary. It was the marchers who attacked a
5 journalist who was injured and who was taken away from that place and we
6 accompanied him to the hospital.

7 Q. [15:37:12] Let me refer to document 0040 -- let us call up 0045-0489. Let me
8 repeat the number, 0045, yes, we have it right there on the screen.
9 Have you seen this document before?

10 A. [15:38:04] Yes.

11 Q. [15:38:06] It is a report of the duty officer, central duty officer from the 21 to 22
12 December 2010. Mr Witness, I would like to draw your attention to page 0492.
13 And there is an entry marked 11 hours 30 Cocody.

14 When it is said that in front of the headquarters of the RHDP in Cocody --

15 PRESIDING JUDGE TARFUSSER: [15:39:11] The question would be: What do you
16 say now to the question I posed before?

17 MR MACDONALD: [15:39:19] (Interpretation)

18 Q. [15:39:20] Mr Witness, was there an RHDP headquarters in Cocody?

19 A. [15:39:29] Yes.

20 Q. [15:39:30] What is the location?

21 A. [15:39:34] Let me continue answering. It is the PDCI premises that is in
22 Cocody on Boulevard de France.

23 Q. [15:39:54] That is the clarification. It is not the RHDP headquarters, but the
24 PDCI office; is that correct?

25 A. [15:40:02] That is precisely what I said yesterday.

1 Q. [15:40:05] Very well. You were informed, you received this. Who were the
2 attackers on the beige -- the two four-by-four beige vehicles?

3 A. [15:40:30] The elements who were on board the four-by-four beige vehicles were
4 not attackers. You have an exhibit which is already in the record which states that
5 the two elements on board the four-by-four vehicles were soldiers. Unfortunately
6 they had not informed us, so when they were attacked, we were compelled to remove
7 them in order to protect them. They were not attackers.

8 Q. [15:41:05] Very well. Let us move on.

9 During the days that followed, Mr Witness, did you tour the barracks of the
10 intervention units in Abidjan?

11 A. [15:41:29] That is correct.

12 Q. [15:41:31] Why?

13 A. [15:41:34] Let me repeat the contents. The question was already put to me as to
14 why I sent a message not to carry out acts of violence against the population. Later
15 on there was a service note which you have pointed out, and the objective was the
16 same, to say that a mission of the police was to provide security for people and their
17 property throughout the territory, and that they should not side with anyone at all.

18 Q. [15:42:14] So if it were possible to go back to the duty report, that is 0045-0479,
19 and specifically page 0480. We can begin by showing the first page so as to remind
20 everyone about that document. I'm sorry about that, the court officers. Can we
21 look at page 0479, please. Can we move down a little bit.

22 It is clearly indicated "other important events, 7.15, Abidjan district".

23 It is confirmed that you carried out this store very early; is that correct?

24 A. [15:43:59] Yes.

25 Q. [15:44:00] Let us simply turn over the page, that is to the next page. If we can

1 zoom in to the top part of this document. And I will read from the second
2 paragraph and then ask my question.

3 PRESIDING JUDGE TARFUSSER: [15:44:33] Maître Laucci.

4 MR LAUCCI: [15:44:38] (Interpretation) Yes. I refrained from intervening on
5 several occasions, but there I really believe we should go into private session.

6 MR MACDONALD: [15:44:51] (Interpretation) I do not believe that, your Honour.
7 I am reading the second paragraph and I do not see what could be -- well, but just to
8 be cautious, we could do that and reclassify if we go to private session.

9 PRESIDING JUDGE TARFUSSER: [15:45:10] For, as a matter of caution, we go in
10 private session briefly and then on the basis of the response we can decide if to
11 proceed further or not in private session. Please, go ahead. Well, let's go in private
12 session.

13 (Private session at 3.45 p.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 3.47 p.m.)

4 THE COURT OFFICER: [15:47:30] Back to open session, Mr President.

5 PRESIDING JUDGE TARFUSSER: [15:47:33] Thank you very much.

6 Mr Prosecutor.

7 MR MACDONALD: [15:47:35] I have an issue with the English translation, your

8 Honour.

9 PRESIDING JUDGE TARFUSSER: [15:47:48] Which issue?

10 MR MACDONALD: [15:47:50] Can we have the witness leave the Court? Because
11 it's a question of meaning to a word.

12 PRESIDING JUDGE TARFUSSER: [15:48:02] Okay. Mr Witness, can you please
13 leave the courtroom accompanied by the court usher. Thank you. Just for a few
14 minutes.

15 (The witness stands down)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 PRESIDING JUDGE TARFUSSER: [15:49:46] Sorry. We have to go in private
2 session for this issue. Thank you to Maître Laucci.
3 (Private session at 3.50 p.m.)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 3.52 p.m.)

9 THE COURT OFFICER: [15:52:26] We are in open session.

10 PRESIDING JUDGE TARFUSSER: [15:52:28] Thank you.

11 Mr Prosecutor.

12 MR MACDONALD: [15:52:29] (Interpretation)

13 Q. [15:52:30] Can you tell us the barracks that you visited on that day?

14 A. [15:52:45] I visited the BAE, that is the riot brigade, CRS1, CRS2 and I ended
15 with the Abidjan police préfecture.

16 Q. [15:52:58] Very well.

17 Mr President, we have a video, two minutes approximately which we will present
18 and it is 0061-0577. There is a transcript which is available, and the transcript is
19 0094-0242.

20 PRESIDING JUDGE TARFUSSER: [15:53:57] And I would ask that the interpreters
21 to interpret from the transcript.

22 And again what is Mr Laucci -- Maître Laucci.

23 MR LAUCCI: [15:54:12] (Interpretation) I would simply want to -- it's not on the
24 same topic?

25 MR MACDONALD: [15:54:19] (Interpretation) It is public.

- 1 PRESIDING JUDGE TARFUSSER: [15:54:24] It's public.
- 2 THE INTERPRETER: [15:54:30] From the interpreters, the interpreter will do a sight
3 translation so it will not necessarily correspond with the video.
- 4 MR MACDONALD: [15:54:37] (Overlapping speakers) as we speak by email?
- 5 PRESIDING JUDGE TARFUSSER: [15:54:44] I didn't get it.
- 6 MR MACDONALD: [15:54:45] We are sending the transcript --
- 7 PRESIDING JUDGE TARFUSSER: [15:54:48] Up? Yes.
- 8 MR MACDONALD: [15:54:50] -- by email as we speak.
- 9 PRESIDING JUDGE TARFUSSER: [15:54:52] Yes, yes, of course. And send it
10 upstairs as well.
- 11 MR MACDONALD: [15:54:55] That's right.
- 12 PRESIDING JUDGE TARFUSSER: [15:54:56] Yes.
- 13 MR MACDONALD: [15:54:56] We are -- no, no, but I mean that it's already on the
14 record this one, but we're sending it to the translators and transcribers.
- 15 PRESIDING JUDGE TARFUSSER: [15:55:04] Yes. And you could also do it before
16 so that they are maybe prepared for the next one.
- 17 THE INTERPRETER: [15:55:14] Mr President --
- 18 MR MACDONALD: Certainly, your Honour.
- 19 THE INTERPRETER: -- the interpreters have it.
- 20 PRESIDING JUDGE TARFUSSER: [15:55:17] Okay. Thank you very much. Now I
21 would like to know the time stamps from, to, so also to the benefit of the record and
22 the interpreters.
- 23 MR MACDONALD: [15:55:33] Yes, I'll let my colleague Ms Schoeters maybe give
24 the reference. It's easier that way. Sorry it's three minutes. It's 32.17. I had
25 written it wrongly on my outline. So it's minute 32.17 to minute 35.19.

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [15:56:39] (Interpretation of the video excerpt)

3 Sight translation:

4 "Brice Dagou Zouzoua followed the meeting between the director general of the
5 national police and the various intervention forces. The working session mainly
6 dealt with the security of people and property during this period of political crisis
7 report.

8 The essential objective of this meeting on the field between the controller general
9 Bredou M'Bia, director general of the national police, and the police elements of the
10 Abidjan district, under the BAE, the riot brigade, the CRS1 and 2, the republican
11 security companies of Williamsville and Marcory, the préfecture of the police of
12 Abidjan and the commissariat of police of the same town, the various meetings in
13 which took part the main collaborators of the director general of the police. First of
14 all to congratulate the police forces which managed with intelligence and
15 professionalism the march of the opposition of last Thursday to encourage this same
16 police force to maintain the same approach and to preserve in good effort and to
17 succeed in its mission of protection, protecting the property of people, and then to
18 hand over to this same police force the order of battle to respond with loyalty and
19 bravery to the call of the country and the call of the nation.

20 Mr Bredou M'Bia: During the campaign you were asked to be neutral, but today we
21 are not coming here to ask you to be neutral. Because during the campaign, there
22 were many candidates, and since everyone has their heart, it was asked that each
23 person should remain neutral, even if you have a candidate. Today, the
24 constitutional court, which is the Court of elections, has settled the matter: It is
25 President Laurent Gbagbo who is the president of the Republic of Côte d'Ivoire.

1 As from this moment on, in our missions, if you wish, you can look back in your
2 documents, you are going to see that the police has as mission to support the
3 institutions. This is why it is being said that we are part of the executive power. So
4 to support the institutions and to ensure that the decisions taken by the institutions
5 are respected. So we are not coming here today to say you have to be neutral.
6 There is no question of neutrality. It is not that that we are talking about. It is a
7 question of supporting the institutions of the republic.

8 BDZ: The controller general of police, Brédou M'Bia, finally renewed his
9 condolences and the condolences of the hierarchy of the national police, as well as
10 those of the authorities of the country, to the families of the fallen policemen who
11 died in the line of duty for the Defence of the fatherland."

12 PRESIDING JUDGE TARFUSSER: [16:00:42] Now let the interpreter breathe.

13 MR MACDONALD: [16:01:37] (Interpretation)

14 Q. [16:01:38] Let's continue. I don't have any questions about the video, other
15 than the fact that you recognized yourself obviously. So all is well. I'd like to
16 continue, if I may, with the next document. Were there demonstrators who were
17 arrested during the December 16 march in 2010?

18 A. [16:02:35] Yes.

19 Q. [16:02:36] Can you give us any numbers, approximate numbers?

20 A. [16:02:47] No. I don't remember.

21 Q. [16:02:53] I'd like document 0045-0999. The reference is 0999.

22 A. Could you move it up so that I can check that it's the right reference? We were
23 on the wrong screen. Could we position the document so we can see the reference
24 number please.

25 Q. [16:04:46] Just to be sure we're talking about the right document, the same

1 document, it's 0999?

2 A. [16:04:53] That's it. Thank you.

3 Q. [16:04:55] This is a four-page document. Could we have the next page, please.

4 Again, the document is signed by yourself?

5 A. [16:05:24] Yes, indeed.

6 Q. [16:05:26] Next page please, 1001. And here there is a table with your signature

7 at the bottom of the page; is that correct?

8 A. [16:05:39] Yes, indeed.

9 Q. [16:05:42] And could we have the last page, please.

10 Do you recognize this? In fact, it's annexed and you can see the date, December 22.

11 Can you confirm that this is a police document?

12 A. [16:06:20] Yes, yes, it is a police document.

13 Q. [16:06:22] We spoke about three journalists. Their camera had been confiscated.

14 They were from the French channel France 3, France 3. And here there is mention of

15 individuals who were released, including two journalists from France 24. They had

16 been apparently arrested and detained during the march which took place on the 16th.

17 Can you confirm that or what do you know about that?

18 A. [16:06:56] No, I would not confirm that. I know about one journalist that had

19 been molested and had been cared for. In fact, the other, as regards these other two

20 journalists I have no knowledge of that.

21 Q. [16:07:13] Very well. Let's continue. I would now like to have document

22 0047-0535. This is a two-page document.

23 Well, let's wait a moment. This is a document entitled "Situation of the

24 demonstrators detained in the Abidjan préfecture de police". And there is a

25 handwritten annotation. I can read "DCA, 24 February 2011". Could we see the

1 second page of this document, please.

2 Again we see the same list as earlier in the previous document which was attached to
3 your correspondence dated December 22, 2010. Do you remember that this list was
4 sent to the minister of the interior?

5 A. [16:09:25] Yes, I remember. I remember.

6 Q. [16:09:30] Very well. Can we go on. Again it's a very similar list, same type of
7 list, I'd like 0045-0718.

8 Again there is a list, the same number of arrested individuals, 257. And I would like
9 to have the next page, please.

10 At the top you can see "List of individuals against whom there are no, there is no
11 evidence of guilt". And there are 86 names of said individuals. Can you confirm
12 that there were demonstrators who were arrested and detained and then released?

13 A. [16:11:04] Yes, I can confirm that.

14 Q. [16:11:09] This document comes from your offices?

15 A. [16:11:17] It's a police document.

16 Q. [16:11:21] Very well. I'd like to show you another document, just for the
17 purposes of authentication, because it has already been submitted into the case file
18 through another witness' testimony. But I'd like to show it to you just to show you,
19 it's 0045-1238, 1238. This is a document dated December 29, 2010 and it is sent to you,
20 as can be seen; is that correct?

21 A. [16:12:20] Yes, I see it's a police document.

22 Q. [16:12:23] And I would like to draw your attention to the page 1240. We can
23 see that the list refers to demonstrators who were brought before the first instance
24 tribunal in Abidjan Plateau on December 22nd. So am I to understand that you were
25 informed of those who had been released and those for whom -- those who had been

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1 taken to court; is that correct?

2 A. [16:13:12] Yes, that's correct.

3 Q. [16:13:16] Very well. I would like to ask you some questions about a duty
4 officer's report dated 29 to 30 December 2010.

5 If I could have just a moment, your Honour.

6 I'd like the document 0045-0457, I repeat 0045-0457.

7 Again, this is a note from the préfet. And you received this document, that's certain.

8 And I would like to turn to page 0460, please.

9 Now, if you look where it says 3.30 or perhaps it's 13.30, unfortunately the copy isn't
10 that legible, "Plateau Palais de Justice," again you're being informed of the individuals
11 who were arrested during the RHDP march that took place on December 16th and
12 there is note taken of the fact that 22 were acquitted.

13 My question refers to the next page, what occurred at 1400 hours in Yopougon, it's the
14 next page, please.

15 So on 29 December --

16 THE INTERPRETER: Says counsel.

17 MR MACDONALD: (Interpretation)

18 Q. -- 2010 at 2 o'clock there was to be a meeting with Mr Charles Blé Goudé. Do
19 you remember that at the end of January, did you have any contacts with
20 Mr Blé Goudé in that regard?

21 A. [16:16:42] I may be mistaken, but it refers to CP1 area in Yopougon.

22 Q. [16:16:53] Well, continue reading.

23 A. [16:17:19] I am reading "Report regarding" -- so the meeting didn't take place; is
24 that correct?

25 Q. [16:17:30] Indeed.

1 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

2 THE INTERPRETER: [16:17:31] Counsel may continue.

3 MR MACDONALD: (Interpretation)

4 Q. [16:17:33] My question is as follows: Did you have any prior contacts with
5 Mr Blé Goudé as regards this meeting at the place de la République which should
6 have been held on 29 December 2010?

7 A. [16:17:53] No, I did not have any contact.

8 Q. [16:17:59] Have you ever had any contacts with Mr Blé Goudé regarding the
9 organisation of a rally at the place de la République?

10 A. [16:18:12] Your Honour, no.

11 Q. [16:18:15] Let me continue. We can come back to that if need be if we decide
12 it's useful. Let's go on.

13 We're talking about January 2011 now. And this will be quicker. As far as you
14 know, was there an FDS operation, that is including the police, the gendarme as well
15 as the FANCI, on January 11, 2011 in Abobo?

16 A. [16:19:33] Yes, there were operations, but I don't remember the exact date.

17 Q. [16:19:43] And at the time of those operations, were there any losses of life
18 within the FDS?

19 A. [16:19:54] We lost many men.

20 Q. [16:20:04] Very well. Well, when I say "very well," you understand it just
21 means I'm recognising your answer, to be perfectly clear.

22 What was the reaction, the events that took place early January, did that change
23 anything in terms of how security was provided in the city of Abidjan and who took
24 the leadership on the ground?

25 A. [16:20:51] Yes, it did change. The events in Abobo were serious. We lost

1 many of our men. And therefore the army took over the leadership.

2 Q. [16:21:10] Thank you. I'm going to go on and take a look at another daily
3 information bulletin, BQI. This one is handwritten. It's 0045-0359.

4 PRESIDING JUDGE TARFUSSER: [16:21:34] Excuse me. You said the army took
5 over the leadership. Of what?

6 THE WITNESS: [16:21:46] (Interpretation) Well, it was an answer to a question.
7 He asked if that changed the position of the army, and so I said yes, the army took the
8 lead.

9 PRESIDING JUDGE TARFUSSER: Of?

10 THE WITNESS: (Interpretation) Of the operations.

11 PRESIDING JUDGE TARFUSSER: [16:22:05] To preserve security, you mean?

12 THE WITNESS: [16:22:14] (Interpretation) Yes, exactly.

13 PRESIDING JUDGE TARFUSSER: [16:22:16] Thank you.

14 MR MACDONALD: [16:22:17] (Interpretation)

15 Q. [16:22:22] To be perfectly clear, up until that point in time, it was the first
16 category and second category forces, that is the police and the gendarmerie who had
17 been in charge. Well, I should put it different. Who was in charge, before the army
18 took the lead, who was in charge of providing security in the city of Abidjan?

19 A. [16:22:48] I will repeat that the préfet was responsible for keeping order. But as
20 of January it was a very difficult period. We had lost many men and therefore the
21 army took the forefront.

22 Q. [16:23:08] Very well. We have a handwritten document here. We also have a
23 hard copy if need be, if it's easier for you to read. There is also a second page. It's a
24 two-page document.

25 PRESIDING JUDGE TARFUSSER: [16:23:28] Can you read this? Is this okay for

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1 you to have it on the screen?

2 THE WITNESS: [16:23:37] (Interpretation) It's the only document I have in front of
3 me.

4 MR MACDONALD: [16:23:48] (Interpretation)

5 Q. [16:23:48] I believe the question was can you read it on the screen or do you
6 need a paper copy?

7 A. [16:23:53] If I could have a hard copy, a paper copy, it would be better.

8 MR MACDONALD: [16:24:21] (Interpretation) Could we display the second page as
9 well, if necessary for the Chamber.

10 Q. Have you seen this document which is dated January 12th, 2011, meeting report
11 from the chief of staff, the army chief of staff?

12 A. [16:24:56] Yes, I've seen this document.

13 Q. [16:24:58] Who was it drafted for?

14 A. [16:25:02] It was the report of the police DG, the director general or general
15 directorate.

16 Q. [16:25:14] I'm going to ask you a question but first I'll read out a paragraph.
17 According to the military authorities and it's Kokou Sako René?

18 THE INTERPRETER: [16:25:30] Could counsel indicate where in the text he's
19 reading from?

20 PRESIDING JUDGE TARFUSSER: [16:25:35] Could you indicate where you are
21 reading from so all of us, interpreter first, can follow.

22 MR MACDONALD: [16:25:41] If we can go back to the first page.

23 PRESIDING JUDGE TARFUSSER: [16:25:45] That's what was the problem.

24 MR MACDONALD: [16:25:49] And if we can make the document larger, please.

25 Thank you.

1 Q. [16:26:12] All right. I'll be -- well, let me ask you a question. I think you
2 mentioned the name of Mr Kokou Sako René, have you already mentioned it?

3 A. [16:26:20] No, I haven't.

4 Q. [16:26:21] Who was he? Here it says he was the chief of operations of the
5 CPCO. That's why I thought you had mentioned him already.

6 A. [16:26:37] I did mention the CPCO, but I did not mention this gentleman's name.

7 Q. [16:26:43] Colonel Sako. So now I'm quoting.

8 "According to that military authority, Abobo is as of now declared a war zone. The
9 FANCI are taking control of the operations with the police and gendarmerie
10 supporting them." End of quote.

11 My question is as follows, Witness, and please listen carefully: Throughout the
12 conflict is it correct that -- throughout the crisis, is it correct that there was a
13 declaration --

14 PRESIDING JUDGE TARFUSSER: [16:27:41] If you start, if you start with "Is it
15 correct," then you obviously --

16 MR MACDONALD: Yes, your Honour, yes.

17 PRESIDING JUDGE TARFUSSER: -- suggest the answer.

18 MR MACDONALD: [16:27:48] (Interpretation)

19 Q. [16:27:53] To your knowledge, was there an official declaration according to
20 which Abobo was declared a war zone at any point in time during the post-electoral
21 crisis?

22 A. [16:28:12] Yes, I did receive that information.

23 Q. [16:28:17] How?

24 A. [16:28:26] Well, we have this document, we had a meeting at the chief of staff
25 and we were asked to withdraw our men given the situation. It was very dangerous

1 in that zone.

2 Q. [16:28:43] My question is as follows, and perhaps I can rephrase it to make it
3 perfectly clear, perhaps I wasn't perfectly clear a moment ago: Was there a public
4 declaration from whoever, from a chief or from the president of the republic, from the
5 chief of staff, the minister of defence, was there any public statement or declaration
6 made stating that Abobo was declared in a war zone?

7 A. [16:29:30] Yes, the chief of staff relayed that information to us.

8 Q. [16:29:37] I don't think you understand my question?

9 PRESIDING JUDGE TARFUSSER: [16:29:43] Apart of that, was there prior to this,
10 because this is recognising something I think, as much as I understand it, was there
11 something official which declared the zone as a war zone from whomever issued, an
12 order, a decree, whatever, some legal instrument?

13 THE WITNESS: [16:30:27] (Interpretation) Your Honour, I don't remember, but let
14 me repeat what I've said, at a meeting at the chief of staff, we were told that Abobo
15 had been declared a war zone or in a state of war.

16 PRESIDING JUDGE TARFUSSER: [16:30:39] Yes, of course, by whom?

17 THE WITNESS: [16:30:57] (Interpretation) Let me repeat once again: It was at a
18 meeting at the chief of staff. The chief of staff himself told us that Abobo had been
19 declared in a war zone.

20 PRESIDING JUDGE TARFUSSER: [16:31:07] Okay. Is this your own, the only
21 source of knowledge of this declaration of war zone?

22 THE WITNESS: [16:31:15] (Interpretation) Yes, that is what I remember right now
23 because the document here is one of my collaborators who attended the meeting who
24 made a report. After that the chief of general staff himself called and said that
25 Abobo was declared a war zone.

1 PRESIDING JUDGE TARFUSSER: [16:31:43] And just that I am asking another
2 question: What does it mean to be declared a zone, a war zone? What does it mean
3 on the ground? Which outcome has this? What is the change of this to what
4 was -- before it was declared a war zone?

5 THE WITNESS: [16:32:10] (Interpretation) Thank you, Mr President. I've already
6 said right here that within the police, the army and gendarmerie, we lost many men
7 in this zone, and we think -- we thought it was because we had not engaged in
8 organised manner that that happened. So the chief of staff took the lead and took all
9 the measures necessary.

10 And I would like to come back a little bit to say that two of our commissariats were
11 attacked, and men were lost during those attacks. So ever since this day, Abobo was
12 declared a war zone. And all the operations that had to take place in that area were
13 to be commanded by the chief of general staff of the armed forces.

14 PRESIDING JUDGE TARFUSSER: [16:33:27] But has it also an effect, an outcome in
15 terms of how you deal with the situation, on which arms you, the FDS are using or
16 things like this?

17 THE WITNESS: [16:33:49] (Interpretation) I do not think that there are
18 consequences. But on the other hand, in that area there were members of the
19 population who suffered a lot from certain acts, and those people were forced to leave
20 to come into the town itself. So Abobo was practically abandoned.

21 PRESIDING JUDGE TARFUSSER: [16:34:18] Mr Prosecutor. Thank you.

22 MR MACDONALD: [16:34:21] (Interpretation)

23 Q. [16:34:29] Mr Witness, well, if I -- well, I'm not going to put it to you, I cannot
24 suggest it to you.

25 What I am going to do instead, your Honour, is for a video to be played.

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1 Unfortunately the answer of the witness meant that we would -- we did not want to
2 show that video, but I think it is now necessary to -- important to show it in light of
3 the questions of the Chamber. And if you would allow, we would like to have one
4 moment to organise the playing of the video. And another hitch is that we probably
5 do not have the transcript of that video. Otherwise, I can continue and we can come
6 back to that on Monday. With your leave, please, I would like to take a moment.

7 (Counsel confer)

8 PRESIDING JUDGE TARFUSSER: [16:36:04] Well, let's come back on Monday with
9 the -- also with the transcript, possibly, if it's available.

10 MR MACDONALD: [16:36:09] Yes, we'll see, because there is two videos that
11 are -- we'll do that on Monday, your Honour. I'll continue for the next 10 minutes or
12 so, I understand.

13 PRESIDING JUDGE TARFUSSER: [16:36:30] Ten minutes and then we break for the
14 weekend.

15 MR MACDONALD: [16:36:38] Why don't we all go take a beer at the same time --

16 PRESIDING JUDGE TARFUSSER: Okay.

17 MR MACDONALD: -- because that's what -- with the colleagues of the Defence and
18 the Chamber because that's what it seems to sound like.

19 PRESIDING JUDGE TARFUSSER: [16:36:50] Let's go ahead.

20 MR MACDONALD: [16:36:52] All right.

21 Q. [16:37:01] (Interpretation) Mr Witness, I would like to show you now another
22 document. But before that, when you received the BQI, did you personally take any
23 measures, any specific measures given that the lead of the operations was now in the
24 hands of the army?

25 A. [16:37:36] There were no special measures to be taken, only that our own men

1 should not be in front, they should be behind. That is what we asked for and that
2 was accepted.

3 Q. [16:37:55] I will call up document 0045-1193.

4 THE INTERPRETER: Correction: The witness said because our men were not
5 sufficiently armed.

6 MR MACDONALD: [16:38:29] (Interpretation)

7 Q. [16:38:29] This is an outgoing message. If the document can be enlarged,
8 please.

9 You can see your signature obviously. Please take the time to read it and then I will
10 ask the question.

11 A. [16:38:44] You can put your question. I've already read it.

12 Q. [16:38:47] Very well. What is this document?

13 A. [16:38:51] It is a message that I addressed to all our collaborators.

14 Q. [16:39:00] What was the purpose? One can read the document, but why did
15 you send this document.

16 A. [16:39:10] I sent it to notify the curfew in Abobo and Anyama communes.

17 Q. [16:39:24] Do you remember on which date it was sent, because unfortunately
18 the document is not dated? Was it before or after receiving the previous document?

19 A. [16:39:40] Can we look at the top of the document, please?

20 Q. [16:39:45] Very well. Can we scroll back up to the top.

21 A. [16:39:58] If the decree is mentioned, it means it is immediately after that decree.

22 Q. [16:40:10] Can we confirm that Abobo is not mentioned as a war zone?

23 A. [16:40:18] In the document there, I mentioned Abobo as a curfew zone or area.

24 Q. [16:40:30] Is it possible that Abobo was never declared a war zone?

25 A. [16:40:37] No, I never said that. I told you, first of all, that my collaborator who

1 attended the meeting made a report stating that Abobo was a war zone, and I also
2 told you that at the meeting the chief of staff said that Abobo had been declared a war
3 zone. I've already repeated that.

4 Q. [16:41:02] But when it came to the facts on the ground and by official means,
5 such as by a decree and so on, there was no legal decision that Abobo was declared a
6 war zone?

7 MR GBOUGNON: [16:41:24] (Interpretation) This is argumentative.

8 PRESIDING JUDGE TARFUSSER: [16:41:28] If you speak over the translation, I can
9 really not get you. So please.

10 MR GBOUGNON: [16:41:41] (Interpretation) Mr President, it is not a question, it is
11 an argument. It is the theory of the Prosecution. This is not a question at all.

12 PRESIDING JUDGE TARFUSSER: [16:41:57] Well, the question was if there was a
13 legal decision declaring Abobo as a war zone? Was there a legal decision declaring
14 Abobo as a war zone ever? Well, that period of course. No, that's a question I'm
15 posing. That is the question I am posing.

16 THE WITNESS: [16:42:23] (Interpretation) Thank you, Mr President. In any case,
17 the document that I have in front of me, which I wrote is a decree talking about a
18 curfew in Abobo commune. But I have told you that I heard of war zone, but it is
19 not in this decree.

20 PRESIDING JUDGE TARFUSSER: [16:42:47] Okay. But is a decree, can a decree be
21 declared in a zone which is not a war zone? When do you declare -- when do you
22 declare through a decree a curfew?

23 THE WITNESS: [16:43:09] (Interpretation) Thank you, Mr President. In any case,
24 during the crisis we had many curfew decrees, many of them, and I think that within
25 that framework this was just another one that came to add to the others.

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1 PRESIDING JUDGE TARFUSSER: [16:43:31] Thank you.

2 Mr Prosecutor, for a couple of minutes.

3 MR MACDONALD: [16:43:38] Thank you, your Honour. Just one moment.

4 Mr President, the next point that I would have wanted to go to was to show a video,
5 but I think it is preferable.

6 PRESIDING JUDGE TARFUSSER: [16:44:20] We do that on Monday. I will ask the
7 question you want to ask. Don't worry.

8 So please, I first want to say to the witness that he can go for the weekend and that we
9 see each other again on Monday morning, 9.30, when the Prosecutor continues and
10 finishes its questioning. And then we will start with the questioning by the Defence
11 teams. Thank you very much. You can leave the courtroom. Thank you very
12 much.

13 THE WITNESS: [16:45:04] (Interpretation) Thank you, Mr President.

14 (The witness stands down)

15 PRESIDING JUDGE TARFUSSER: [16:45:24] And now I ask the question which
16 Maître Altit wanted me to ask, but I do it on my own motion, if I may.

17 Mr Prosecutor, what is your outlook in terms of timing? And I can also say that you
18 spent until now nine and a half hours.

19 MR MACDONALD: [16:45:45] I was going to say, I was going to say one full session,
20 your Honour, of two hours. And I would recommend that we start at 9 a.m.
21 Monday.

22 PRESIDING JUDGE TARFUSSER: [16:46:05] We can also start at 9.30 and have a
23 two-hour session.

24 MR MACDONALD: [16:46:10] As you wish, of course. But I was --

25 PRESIDING JUDGE TARFUSSER: [16:46:13] I'm coming here at 7, so I have no

1 problem.

2 MR MACDONALD: [16:46:18] Sorry, and I know that some of your colleagues also
3 come pretty early. I was just thinking that maybe by starting at 9 o'clock, we can
4 have one full session until 11.

5 PRESIDING JUDGE TARFUSSER: [16:46:34] Yes.

6 MR MACDONALD: [16:46:37] Then have the normal, I don't know, but that's why I
7 was --

8 PRESIDING JUDGE TARFUSSER: [16:46:40] Yes. I ask the other parties, I have no
9 problem in starting at 9.

10 (Trial Chamber confers)

11 PRESIDING JUDGE TARFUSSER: [16:46:57] So is 9 o'clock agreeable? No. What
12 is it?

13 MR ALTIT: [16:47:03] (Interpretation) Thank you, Mr President. The members of
14 our Defence team have a family life and cannot all organise themselves to be there at
15 9 a.m., so I think that half hour that we are talking about, I don't think it is really
16 indispensable. But when the time comes your Chamber will decide whether it is
17 necessary to add one and a half -- add a half hour here and there. The only thing
18 that is indispensable is that the Prosecution should conclude within the time lines
19 indicated respecting all the rules. Thank you.

20 PRESIDING JUDGE TARFUSSER: [16:47:53] I would not like that you now give the
21 impression that we do not have life, family lives. So just to say this. I think
22 everybody has the same, the same problems. But I think we start at 9.30 and then we
23 go until -- we have the first session of two hours and then we'll see how it -- then I
24 will ask, obviously, the parties also what they foresee in general terms and then we
25 see how to behave in the following hours and days. Okay?

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- 1 Thank you very much. The hearing is adjourned to Monday, 9.30.
- 2 THE COURT USHER: [16:48:32] All rise.
- 3 (The hearing ends in open session at 4.48 p.m.)