

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, 10 March 2017
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:28] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:31:55] Good morning.
15 Good morning, Mr Witness.
16 PRESIDING JUDGE TARFUSSER: [9:32:05] I immediately give the floor to
17 the Office of the Prosecutor so that he can continue with the questioning. I
18 just, and this is the only reminder I do to you, is the truth, we need the truth
19 in order to be able to decide as we deem it right. So please answer very
20 concisely and precisely the questions and truthfully, first and foremost.
21 Mr Prosecutor.
22 MR DEMIRDJIAN: [9:32:54] Good morning, Mr President. Good morning,
23 your Honours.
24 WITNESS: CIV-OTP-P-0011 (On former oath)
25 (The witness speaks French)

1 QUESTIONED BY MR DEMIRDJIAN: (Continuing)

2 Q. [9:33:08] (Interpretation) Good morning, Mr Tiapé.

3 PRESIDING JUDGE TARFUSSER: [9:33:13] It's a good start in today's
4 hearing. Well, please.

5 MR DEMIRDJIAN: [9:33:19] I promise it wasn't me.

6 PRESIDING JUDGE TARFUSSER: [9:33:21] No.

7 MR DEMIRDJIAN: [9:33:24] (Interpretation)

8 Q. [9:33:27] Let's start again. Good morning, sir.

9 A. [9:33:30] Good morning.

10 Q. [9:33:31] I'd like to begin by asking you for some clarifications of your
11 responses yesterday. Now, yesterday we looked at some messages from the
12 gendarmerie and under the heading "Info," sometimes the chief of the armed
13 forces and others were included, but for other messages, those people or
14 institutions were not mentioned under the heading "Info." What were the
15 criteria used to decide?

16 A. [9:34:07] It would depend on the importance of the topic dealt with in
17 the message.

18 Q. [9:34:15] Very well. If I could move on to something else. Now,
19 yesterday, I make reference to page 112 of yesterday's transcript and I'll quote
20 just to be perfectly clear, you said that the police when they conduct their
21 investigations, did the gendarmes remain under your responsibility as
22 supreme commander? And your answer, you said, I quote, "When they
23 were assigned to the police, they obeyed the orders of the police
24 commissioner at the location, and once their mission was over, they would
25 come back." That was your very words.

1 Could you clarify how many of your men were assigned to the CECOS?

2 What happened at the time when the gendarme were working at the CECOS?

3 A. [9:35:19] The CECOS was a separate unit, and it did not form part of
4 the gendarmerie. However, the centre -- the CECOS worked with the
5 gendarme, the police and the soldiers. So the gendarme who were sent to
6 the CECOS were deemed to be assigned to the CECOS. Their duties were
7 there.

8 Q. [9:35:46] Very well. I'll just wait for the interpretation to catch up.

9 So yesterday, if you remember, I believe we were talking about the end of
10 October and the efforts to ensure security during the first round of election.
11 Who was the commander of the CECOS at that point in time?

12 A. [9:36:10] The commander of the CECOS was General Guiai Bi Poin
13 George, Divisional General Guiai Bi Poin George.

14 Q. [9:36:25] And did this gentleman have other responsibilities?

15 A. [9:36:28] Yes. He was also the commander of the Abidjan
16 gendarmerie academy.

17 Q. [9:36:40] Now, this police academy, obviously it would have formed
18 part of the gendarmerie.

19 A. [9:36:49] Yes.

20 Q. [9:36:49] Very well. Now, so we have an individual here who was the
21 commander of the CECOS and the commander of the gendarmerie academy.
22 Could you explain to us whom he reported to for each one of these duties?

23 A. [9:37:11] As the head of the academy, as the head of the
24 commander -- as the commander of the gendarmerie academy located in
25 Abidjan, he reported to the superior commander of the national gendarmerie.

1 In terms of his responsibilities as the commander of the CECOS, according to
2 what I learned, I did not receive anything in writing, but apparently he
3 reported to the chief of staff of the armed forces, then after that, in turn, the
4 minister of defence.

5 So he reported to two people, to the head of the gendarmerie and then
6 through the chief of staff armed forces to the minister of defence.

7 PRESIDING JUDGE TARFUSSER: [9:38:13] Head of gendarmerie, meaning
8 you?

9 THE WITNESS: [9:38:20] (Interpretation) Of course, your Honour.

10 PRESIDING JUDGE TARFUSSER: [9:38:26] It would be clearer if you said
11 "reports to me as head of the gendarmerie," and just for the record it would be
12 clearer. Thank you.

13 MR DEMIRDJIAN: [9:38:42] (Interpretation)

14 Q. [9:38:43] Now, you said that you learned that this man reported to the
15 chief of staff armed forces and later to the minister of defence. How did you
16 learn this?

17 A. [9:38:58] I was told this during a meeting that was held at the army
18 headquarters.

19 Q. [9:39:10] And this meeting, when was it held?

20 A. [9:39:20] During our regular meetings, but I can't remember the exact
21 date.

22 Q. [9:39:32] Now, you don't need to give us a specific date, but can you
23 give us a general idea? Was it before the election, during the election period,
24 or what year?

25 A. [9:39:45] Well after the election.

1 Q. [9:39:53] One last clarification. You said that later it was the minister
2 of defence. He was the person to whom the general reported. When you
3 say "later," could you be more specific?

4 A. [9:40:10] Perhaps I'm exaggerating when I say "later." But it was the
5 chief of staff. And I asked to -- I asked him in terms of CECOS who was the
6 superior of the commander at the CECOS, and he told me that it was the
7 minister of defence, and we left it at that.

8 THE INTERPRETER: [9:40:35] Interpreter correction: The previous reply,
9 the witness said "well before the election," "well before the election."

10 MR DEMIRDJIAN: [9:40:43] (Interpretation)

11 Q. [9:40:47] So during the election, who did this man report to, just so we
12 can be crystal clear?

13 A. [9:40:53] Since the chief of staff was responsible for planning
14 operations, the CECOS commander also, well, this being a unit that was
15 engaged in operations, thus he reported to the chief of staff armed forces.

16 Q. [9:41:21] Very well. Otherwise, if we could return to the gendarmerie
17 academy and the students there and the groups, the various years, their later
18 assignments, if we could explore that area.

19 A. [9:41:41] All of that came under the responsibility of the supreme
20 commander of the national gendarmerie in his capacity as commander of the
21 school.

22 PRESIDING JUDGE TARFUSSER: [9:41:59] And therefore under the
23 capacity, under the capacity of whom? Make the name. Under which
24 responsibility? Under the responsibility of whom?

25 THE WITNESS: [9:42:27] (Interpretation) I haven't quite understood the

1 question.

2 PRESIDING JUDGE TARFUSSER: [9:42:31] You're saying, and I quote in
3 English, of course, "All of that came under the responsibility of the supreme
4 commander of the national gendarmerie in his capacity as commander of the
5 school."

6 And I ask, who is this person?

7 THE WITNESS: [9:42:53] (Interpretation) The commander of the
8 gendarmerie was General Kassaraté, who is here right now.

9 PRESIDING JUDGE TARFUSSER: [9:43:03] Okay, okay. That's what I
10 wanted to know. Of yourself.

11 MR VON BÓNÉ: [9:43:12] Can I have a moment?

12 (The witness confers with Mr von Bóné)

13 MR VON BÓNÉ: [9:43:30] Sorry.

14 PRESIDING JUDGE TARFUSSER: [9:43:31] I just wanted to explain that it is
15 easier for us in six months, one year, two years to read and to understand
16 what is written, because now we do know, but maybe in one year we think,
17 who was it? You know, it's easier if you put the name. Okay. Thank you
18 very much.

19 MR DEMIRDJIAN: [9:43:53] May we continue, Mr von Bóné? Yes.

20 Q. [9:44:02] (Interpretation) Very well. Mr Witness, I'd now like to move
21 on to something else. Before the election, what did you know about the
22 militias, the mercenaries who were active within Côte d'Ivoire?

23 A. [9:44:20] Côte d'Ivoire experienced its first crisis in 2002, and on each
24 side there were mercenaries, both within the New Forces, le Forces Nouvelles,
25 and also in the south because, you see, in the west there had been many

1 attacks and local leaders formed militia groups to defend their areas. That
2 was the case of Maho Glofiéhi who was part of the group.

3 Q. [9:45:02] Very well. Maho Glofiéhi, do you remember the name of his
4 group?

5 A. [9:45:16] I no longer recall, Mr Prosecutor.

6 Q. [9:45:25] Very well. Let's be a bit more general. What groups did
7 you hear about?

8 A. [9:45:37] There were several groups, the FLGO, F-L-G-O, the MPIGO,
9 M-P-I-G-O, the MJP, M-J-P, et cetera, and so on and so forth.

10 Q. [9:46:05] Did you know whether the people who belonged to these
11 groups were all Ivorian nationals?

12 A. [9:46:19] I couldn't tell you. But according to the information that we
13 had at hand, a good number of them came from neighbouring countries,
14 Liberia, Sierra Leone. I'm being cautious in my words. I don't have the
15 actual information right at hand.

16 Q. [9:46:45] Did you ever hear mention made of a group referred to as the
17 GPP?

18 A. [9:46:54] Yes.

19 Q. [9:46:58] And who were these people, to the best of your knowledge,
20 the GPP?

21 A. [9:47:08] It was a group of Young Patriots.

22 Q. [9:47:22] Now, you told us a few moments ago that Maho Glofiéhi, his
23 group was to the west and they were -- were they active there?

24 A. [9:47:32] They were young people based in Abidjan, to the best of my
25 knowledge.

1 Q. [9:47:38] Very well. Now, you have told us that to the best of your
2 knowledge they were Young Patriots. This group, the GPP, to your
3 knowledge, during which period of time were they in existence, as of which
4 date?

5 A. [9:48:02] I don't know the exact date. I knew that they did exist, that
6 the group did exist.

7 Q. [9:48:11] Very well. And did you know who the leader was or the
8 leaders of the GPP?

9 A. [9:48:21] I knew some names, but I can't quite recall at this particular
10 moment.

11 Q. [9:48:34] Very well. Now, you gave us a few names when a statement
12 was taken from you. Could I put a few names to you to refresh your
13 memory. Just a moment.

14 CIV-OTP-0016-0256, page 271. Page 271. And you mention a Mr Bouazo,
15 someone by the name of Bouazo. Does that name ring a bell?

16 A. [9:49:29] Yes.

17 Q. [9:49:29] Did you know very much about this man by the name of
18 Bouazo?

19 A. [9:49:34] That is the name that was given to me. Apparently he was
20 the leader of the GPP.

21 Q. [9:49:41] During which period of time?

22 A. [9:49:43] I'm sorry, I do have trouble with dates. But the group did
23 exist. He did exist.

24 Q. [9:49:56] And during the 2010 election and the post-election crisis, now,
25 first of all, did you know whether the GPP was still based in Abidjan?

1 A. [9:50:15] We did not have direct contact with the GPP.

2 Q. [9:50:25] Please go ahead.

3 A. [9:50:26] So I really couldn't tell you whether they were still in Abidjan.

4 But what I do know is that when I learned about it, then I knew that they
5 were in Abidjan. It was a group of young people from Abidjan.

6 Q. [9:50:39] Now, you just said when you learned about this that you
7 knew that they were in Abidjan. I know that you have trouble with dates.
8 But the general period of time would help us a great deal. When did you
9 find out that they were in Abidjan?

10 A. [9:51:04] In the run-up to the elections and during the election period
11 itself.

12 Q. [9:51:11] Very well. And going by what you learned or heard about,
13 was this group armed? Did they have weapons?

14 A. [9:51:19] No.

15 Q. [9:51:23] During never, no period of time?

16 A. [9:51:34] No.

17 Q. [9:51:37] If you would just give me a moment, please.

18 Very well. I will return to this topic later.

19 Just one last clarification. Do you know what district of Abidjan these
20 people were based in? I'm talking about the period before the election and
21 then during the election, those times.

22 A. [9:53:00] No. But they were young people in Abidjan in all the
23 neighbourhoods, and they would gather from time to time.

24 Q. [9:53:11] Very well. Let us backtrack. Yesterday we were talking
25 about efforts to ensure safety during the first round of voting, and we heard

1 evidence about the outcome of the first round of voting. And the various
2 parties have come to an agreement on a number of facts to the effect that on 7
3 November 2010, the former president, Mr Bédié, announced that he was
4 supporting Alassane Ouattara for the second round of voting.
5 I would imagine you were aware of that?

6 A. [9:54:01] Yes.

7 Q. [9:54:04] Very well. Now, during this period of time, let us now go to
8 the month of November. You were still the superior -- rather, the supreme
9 commander of the national gendarmerie, weren't you?

10 A. [9:54:22] Yes.

11 Q. [9:54:24] Yesterday you told us that your office was in the Plateau area.
12 Were you still based there in le Plateau in November 2010?

13 A. [9:54:35] Yes.

14 Q. [9:54:36] Mr Witness, at that time, November 2010, where were you
15 living?

16 A. [9:54:51] I was living in Agban, in the gendarmerie camp established
17 there.

18 Q. [9:55:00] And from Agban, would you go to work every day in le
19 Plateau?

20 A. [9:55:05] Yes.

21 Q. [9:55:06] At Agban camp, did you have your own offices as well?

22 A. [9:55:15] No.

23 Q. [9:55:18] Were there other people living at the camp, Camp Agban?

24 A. [9:55:30] It was a large group, a large barracks, so there were a great
25 many gendarmes who were there. And there were also primary schools in

1 the camp, Camp Agban.

2 Q. [9:55:50] So there were primary schools there. Does that mean there
3 were civilians living there too?

4 A. [9:55:55] They didn't live there. The teachers came from town to teach
5 the students in Agban. They also came from outside Agban for primary
6 education there in Agban. The school belonged to the ministry of education.

7 Q. [9:56:15] Very well. Could you tell us which units were based at the
8 Agban gendarmerie camp?

9 A. [9:56:27] We had the first squadron. We had the armoured squadron
10 group from the national gendarmerie. We had the intervention unit of the
11 national gendarmerie. We also had the VIP protection squadron. We also
12 had a company of people from the gendarmerie with a brigade dealing with
13 basically law enforcement, traffic, basically, traffic gendarmes.

14 Q. [9:57:22] Very well. Now, other than you, were there other
15 gendarmerie officers living in Camp Agban?

16 A. [9:57:35] All the officers who were commanding units that I mentioned
17 lived there in Agban.

18 Q. [9:57:48] Now, your deputy commander General Affro, did he live
19 there?

20 A. [9:57:55] Yes.

21 Q. [9:57:58] Was his office also in le Plateau?

22 A. [9:58:03] Yes.

23 Q. [9:58:06] When you used to go from Camp Agban to le Plateau, who
24 would drive you?

25 A. [9:58:17] A gendarme.

1 Q. [9:58:20] Was it always the same one? Did you have a specific driver
2 or did that change?

3 A. [9:58:26] It was the same driver.

4 Q. [9:58:32] Now, if you had a working session in le Plateau, would you
5 be alone, all by yourself in the car, or would you have other people with you?

6 A. [9:58:49] I would go in my official vehicle with two other vehicles, one
7 in front, one below.

8 THE INTERPRETER: [9:59:01] Correction: One in front, one behind.

9 MR DEMIRDJIAN: [9:59:03] (Interpretation)

10 Q. [9:59:03] Could you describe your dealings with Mr Affro, your
11 deputy. What was your relationship like with him?

12 A. [9:59:15] We were practically from the same year. We have known
13 each other ever since the time we were both lieutenants.

14 Q. [9:59:34] Now, at one point in time did you have any problems with
15 him or did you get along well?

16 A. [9:59:41] We got along well. We had no problems.

17 Q. [9:59:48] Very well. I apologise, perhaps you told us this yesterday,
18 but what has become of him? What is he doing now? Is he retired?

19 A. [9:59:59] Yes.

20 Q. [9:59:59] Very well. Now, President Bédié made his announcement on
21 the 7th and then the next day, do you remember a working session with your
22 units and the other people that you worked with, the unit commanders? Do
23 you remember that?

24 A. [10:00:24] I no longer remember.

25 Q. [10:00:31] Very well. And during that pre-electoral period, in fact,

1 before the second round of the elections in November, did you continue
2 working regularly? Did you have your working sessions and meetings?

3 A. [10:00:51] Yes.

4 Q. [10:00:55] Very well. I would like to show you another document
5 from the gendarmerie. It is 0043-0417, and it is number 94 on our list.

6 Very well. If we can zoom in a little bit, please. That's fine.

7 Mr Witness, this is another document that we found in the archives,
8 specifically in the communications centre in the Agban camp from CSG.
9 That is the supreme commander of the gendarmerie, then you have the
10 recipients, and then for information, the ministry of defence, CEMA, and the
11 chief of personnel military staff, and then urgent number. So there is
12 number 32.163/CSG/CAB.

13 Yesterday you said "CAB" refers to cabinet; is that correct?

14 A. [10:02:36] Yes.

15 Q. [10:02:37] It is dated 8 November and the subject is "Discussion on the
16 Security Situation." And in paragraph 1 it is stated that this meeting has to
17 take place the next day, that is, Tuesday, 9 November. That is in the
18 conference room of the gendarmerie camp in Agban. So was there a
19 conference room in Agban gendarmerie camp?

20 A. [10:03:08] Yes.

21 Q. [10:03:09] Very well. That is all I have for this document. But what I
22 would like to ask you is this: During that period, that is, the 8th, 9th
23 November, towards the second round of the elections, what was the main
24 activity of the gendarmerie in Abidjan?

25 A. [10:03:39] As usual, we were providing security for persons and

1 property.

2 Q. [10:03:54] Very well. I can see here that one of the recipients is the
3 commander of the gendarmerie academy, that is, General Guiai Bi Poin. You
4 mentioned him a short while ago. Did he regularly attend meetings when he
5 was convened?

6 A. [10:04:19] No.

7 Q. [10:04:20] Why? Can you elaborate?

8 A. [10:04:30] He had two principal duties. If he was unavoidably absent
9 because of his CECOS responsibilities, then he would have himself
10 represented by a deputy in the meetings.

11 Q. [10:04:47] Did he sometimes not attend at all and then not send
12 anybody to represent him?

13 A. [10:04:57] I no longer remember.

14 Q. [10:05:01] One last clarification. Next to the commander of the
15 gendarmerie school, you have "All co-legions." What is a co-legion?

16 A. [10:05:18] A co-legion is a legion commander. So all co-legions are all
17 legion commanders who are invited to the meeting.

18 Q. [10:05:33] So sometimes for commander you use the abbreviation
19 "CDT," but in this case it is "CO"?

20 A. [10:05:39] Yes.

21 Q. [10:05:40] Very well. A few days later on 14 November, we received
22 evidence of the adoption of a decree requisitioning the national armed forces.
23 That is a decree of the 14th of November. Do you remember that decree?

24 A. [10:06:02] No.

25 Q. [10:06:06] Did you become aware of the existence of a decree on the

1 requisition of the national armed forces in mid-November 2010?

2 A. [10:06:24] No.

3 Q. [10:06:26] During the electoral period, did you at any point learn that
4 the national armed forces had been requisitioned?

5 A. [10:06:45] As I have explained to you before, the chief of army staff had
6 as a duty to plan security operations, so he invited us to meetings or he sent
7 messages assigning people to specific missions and at specific locations and
8 times.

9 Q. [10:07:10] As far as you can remember, during your career within the
10 FDS and particularly the gendarmerie, did you ever learn about a situation
11 during which the national armed forces were requisitioned?

12 A. [10:07:34] I no longer remember.

13 Q. [10:07:35] Mr Witness, requisitioning a national armed force, what does
14 that mean? What is requisitioning?

15 A. [10:07:57] A requisition is an administrative measure which makes it
16 possible for the armed forces to become involved in restoring law and order,
17 which is not normally their duty. So in order to do this, you need a
18 requisition.

19 Q. [10:08:22] And so when the national armed forces are requisitioned,
20 what impact might this have on the work of the national gendarmerie?

21 A. [10:08:36] Zero impact.

22 Q. [10:08:50] Just a moment, please.

23 (OTP counsel confer)

24 MR DEMIRDJIAN: [10:09:33] (Interpretation)

25 Q. [10:09:34] Mr Witness, you have said that a requisition is not a usual

1 mission. So what types of situation would give rise to the requisition of the
2 national armed forces?

3 A. [10:09:57] In the case of a serious incident, the armed forces can be
4 requisitioned to assist the first and second category forces, namely, the police
5 and the gendarmerie.

6 Q. [10:10:14] Just to be clear, you worked with the gendarmerie within the
7 FDS. What would be an example of a serious situation or incident?

8 A. [10:10:33] Let me be very clear. I have never experienced any
9 situation of requisition of armed forces in Côte d'Ivoire.

10 Q. [10:10:47] Very well. Let me try to refresh your memory with a
11 document which is 0018-0047, number 36 on our list. You can see in front of
12 you the Official Gazette of Côte d'Ivoire, Thursday 9 December.

13 And let us turn over to the next page, please. Thank you. Can you zoom
14 in to the bottom half of the document and specifically to the right, please. A
15 little bit more towards the right. Thank you. That is perfect. No, not that
16 much. Very well.

17 Mr Witness, you have in front of you a decree, number 2010-306 of 14
18 November 2010 requisitioning the national armed forces of Côte d'Ivoire. It
19 begins with "The president of the republic, mindful of the constitution,"
20 mindful of a certain number of laws which includes a document on the
21 creation of the integrated command centre. And the last operative -- rather,
22 the last point is "mindful of the urgency." And then it is said that the
23 national armed forces are requisitioned and deployed throughout the entire
24 national territory.

25 That is why I asked you whether there was an impact on the work of the

1 gendarmerie when it comes to requisition, because there is talk here about
2 deployment throughout the national territory. So would the deployment of
3 the national armed forces have an impact on the work of the gendarmerie?

4 A. [10:13:33] As I told you yesterday, I was not a recipient of the Official
5 Gazette. Secondly, ever since 2002 when the first crisis broke out, the army
6 has always been in the field practically all the time to provide security
7 alongside the first and second category forces. So I believe this decree was
8 simply issued to regularise the situation.

9 Q. [10:14:08] Very well. Just to see the date, let's move to the next page,
10 top left-hand corner. We can see "Done at Abidjan, on 14 November 2010,
11 Laurent Gbagbo."

12 Now, you have said -- are you saying that you were never ever aware of this
13 text?

14 A. [10:14:44] No.

15 PRESIDING JUDGE TARFUSSER: [10:14:49] But let me just make a
16 comment. One cannot say, a citizen cannot say that he's not a recipient of the
17 Gazette, of the Official Gazette. You are per definition, per definitionem
18 recipient of it. And I recall one thing, that you have to say the truth, because
19 if you are not a recipient of the Gazette, you do know the law, what is in place
20 in Côte d'Ivoire, and this, for the commander of the gendarmerie, would be
21 maybe not the best thing.

22 MR DEMIRDJIAN: [10:15:58] (Interpretation)

23 Q. [10:16:02] As a follow-up to the Presiding Judge's question, you said
24 that you did not receive the Official Gazette. Now, if a decree was published
25 in the Official Gazette and it had an impact on the FDS, was there any other

1 way that you would receive such information?

2 A. [10:16:32] Let me repeat once again that I never received the Official
3 Gazette. On the other hand, the general staff of the army sent us messages
4 about the deployment of our forces as well as the other FDS forces, including
5 the water resources and forestry departments as well as the navy.

6 Q. [10:17:05] Mr Witness, during that period in November, that is between
7 the two rounds of the elections, do you remember having visited the
8 presidential residence?

9 A. [10:17:48] Yes.

10 Q. [10:17:50] Very well. To begin with, why did you go to the
11 presidential residence?

12 A. [10:18:08] I would go there after being summoned by the head of state.
13 And then in the residence, apart from the head of state, there are other
14 authorities there that you can go and visit.

15 Q. [10:18:29] And when you went to the residence, you have just told us
16 that you could go to meet with other authorities. As far as you can
17 remember, when you went to the residence, who did you meet with?

18 A. [10:18:50] I could meet with the head of cabinet of the head of state
19 who lived there now, Mr Narcisse. I could consult the doctor for health
20 issues. I could even go to greet friends who were working at the residence.

21 Q. [10:19:14] Very well. And when you went to the presidential
22 residence, you said "if summoned." Is that correct?

23 A. [10:19:29] Yes.

24 Q. [10:19:32] Now, during the period from early November up until the
25 end of the conflict, 11 April 2011, can you give us an approximate idea of the

1 number of times you went to the residence to meet with the head of state?

2 A. [10:20:00] I cannot recall, but I went there as often as I was needed
3 there for the reasons that I have mentioned.

4 Q. [10:20:14] Did you have any of the gendarmerie officers or elements
5 assigned to the presidential residence?

6 A. [10:20:25] Yes.

7 Q. [10:20:31] And when they were at the residence, what were their
8 duties?

9 A. [10:20:40] There is the security group of the president of the republic
10 and those gendarmes were members of this group, and the commander of
11 that group himself was a gendarme named Colonel Ahouma, who is now
12 deceased.

13 Q. [10:21:04] Very well. So once they were assigned to the presidential
14 residence, did they remain under your responsibility or authority?

15 A. [10:21:17] No.

16 Q. [10:21:23] Under whose responsibility would they be?

17 A. [10:21:28] They would be under the authority of the commander of the
18 presidential security group, Colonel Ahouma.

19 Q. [10:21:43] And who was his superior?

20 A. [10:21:48] His own superior was the chief of personnel military staff,
21 General Touvol.

22 Q. [10:22:04] Now, talking about the gendarmes who were at the
23 residence, did they maintain communication with you? Would they report
24 some information to you?

25 A. [10:22:18] Practically no, because they were carrying out their daily

1 duties.

2 Q. [10:22:31] What do you mean by "practically"?

3 A. [10:22:35] What I mean is that they are not under my direct command,
4 so they are not answerable to me unless in exceptional cases.

5 Q. [10:22:58] So you are talking about formal communications. Did you
6 have informal communications with the gendarmes posted at the presidential
7 residence?

8 A. [10:23:13] I must have expressed myself poorly. When I was passing
9 and entering the residence, the gendarmes would salute me. As usual I
10 would tell them good morning, so on and so forth, the usual greetings.

11 Q. [10:23:38] Very well. The gendarmes who were assigned to the
12 presidential residence, did they report any information to you, whether
13 formally or informally? And I'm talking about their work at the presidential
14 residence.

15 A. [10:24:12] No.

16 Q. [10:24:13] Mr Witness, let me refresh your memory with an answer that
17 you gave us during your interview in 2011. It is 0016-0315, and it begins
18 from line 548. This is the answer that you gave. I will quote as from there.
19 "There is a large number of gendarmes in the presidential security. So as
20 their leader, when they saw an authority arriving, it was a duty for them to
21 inform me that there was a meeting. We saw such and such a person. We
22 did not see you. Maybe I may have not -- I was not called, so I was
23 informed. When people arrived they informed me as their leader."
24 So that is what you said during your interview in 2011. So can you clarify
25 this statement of yours in 2011?

1 A. [10:25:48] The gendarmes who were at the residence did not report to
2 me on a daily basis about their activities. Their commander, Colonel
3 Ahouma, could inform me as the commander of the gendarmerie that we had
4 a meeting with such and such a person, but it was not on a daily basis.

5 Q. [10:26:16] What you said in 2011, was that the truth?

6 A. [10:26:23] That is what I have stated again.

7 Q. [10:26:29] Very well. When you were summoned to the presidential
8 residence, a short while ago I believe you said that it was the head of state
9 who would summon you. Was that the only person who could convene you
10 to a meeting in the presidential residence?

11 A. [10:27:04] The word "summon" may be a bit exaggerated. But we
12 were invited to attend one meeting or the other.

13 Q. [10:27:20] And when you went to the presidential residence, did you
14 go there alone or were you accompanied by others?

15 A. [10:27:33] All the meetings to which I was invited we took -- we
16 attended together under the leadership of the army chief of staff.

17 Q. [10:27:55] You used the word "invited." Now, when you are invited to
18 attend such a meeting, did you have the possibility of turning down an
19 invitation?

20 A. [10:28:12] That would not be possible, no.

21 Q. [10:28:19] Very well. Mr Witness, I would like to show you -- just a
22 minute.

23 When you arrived at the presidential residence, was there any specific
24 procedure to gain access to the interior of the residence?

25 A. [10:28:52] When we are invited, we leave our guard unit outside and

1 then we enter without a problem.

2 Q. [10:29:11] Very well. Your guards or yourself, when you arrive at the
3 Presidency, do you announce your presence in any way?

4 A. [10:29:19] When we are invited, we are expected at the specific hour
5 indicated, and so when we arrive it is for that specific invitation.

6 Q. [10:29:34] Very well. And do you know whether your arrival or
7 presence is noted down in any way?

8 A. [10:29:42] In all guard posts, there is always a logbook that indicates
9 such and such a person came in at this time and went out at this time. This is
10 a usual military practise.

11 Q. [10:29:59] Very well. I will show you now a logbook or a book. It is
12 CIV-OTP-0088-0863, and it is number 262 on our list. This is a visitor's book
13 that we found at the presidential residence.

14 Very well. Can we go to the page ending 0930, please.

15 Mr Witness, in fact, I would like to show you another page which was
16 transcribed. The original is on the preceding page, that is, 0929. Now,
17 Mr Witness, in order to make it easier to read the document, this
18 handwritten document, the document was transcribed electronically. But
19 what you can see before you is the original scanned or copy, photocopy.

20 And so to make things easier, let us go to the next page to read the
21 transcribed version.

22 Can we then go to the next page, please. Thank you. Can we zoom in to
23 the top of the page to begin with. Thank you.

24 Here we see, "Service, Friday 19 November 2010. Chief of post," and so on
25 and so forth. And then we have in order a number of entries. You see the

1 number, name of person. In the next column is "PERS D" and then time of
2 arrival, time of departure.

3 Now, let's scroll down the document, please. Thank you.

4 I draw your attention to number 12, 13 and 14. Can you tell us -- well, you
5 have already mentioned those names, Kassaraté, Bi Poin and Mangou.

6 Now, in principle, when you went to the residence, you said a short while
7 ago that from time to time you went there with the chief of general staff,
8 General Mangou; is that correct?

9 A. [10:33:31] Yes.

10 Q. [10:33:32] Very well. Next to those names we see the abbreviation
11 "PR." We know from evidence what PR represents, but can you please
12 remind us what that stands for?

13 PRESIDING JUDGE TARFUSSER: [10:33:53] Can you go to the question.

14 MR DEMIRDJIAN: [10:33:57] I just don't want to skip this part of the
15 testimony, your Honour, and he's giving an answer.

16 Q. [10:34:03] (Interpretation) Yes, Witness, what did you say? Did you
17 say "PR"? What does "PR" stand for?

18 A. [10:34:13] President of the republic.

19 Q. [10:34:17] We see time of arrival and we see that all three persons left at
20 the same time, at 15.10 on the 19th of November. That was during the
21 second round of elections. Can you tell us what the purpose of that visit was
22 and what you talked about during the visit?

23 A. [10:34:43] When it comes to discussing matters of security, all the
24 generals would go there under the leadership of General Mangou. But as
25 you have it here, I arrived at the control post and I went to the residence, and

1 no one ever asked me who I was going to see.

2 Q. [10:35:14] So you said security programme, and that when you had a
3 meeting with the president of the republic, what did you discuss in relation to
4 the security programme?

5 A. [10:35:32] The chief of general staff reports on our behalf to the head of
6 state on the security situation in the country.

7 Q. [10:35:49] Once he has reported on the security situation in the country,
8 what then happens thereafter?

9 A. [10:36:00] The president, being the supreme commander of the army,
10 then orders us to continue to provide security for the people and their
11 property.

12 Q. [10:36:16] Very well. Let us now move on briefly to something else.
13 In mid-November, in fact, on the same day, 19th November, were you aware
14 that clashes had occurred between members of the FESCI and militants of the
15 RHDP in Cocody?

16 A. [10:36:50] No, I don't remember.

17 Q. [10:36:56] Very well. During that period between the two rounds, do
18 you remember whether the gendarmerie received any requests from any
19 political parties asking for protection either of their people, their property or
20 their buildings.

21 A. [10:37:26] To be specific, no. But as a matter of general principle, in
22 Côte d'Ivoire, whenever there is a demonstration irrespective of its authors or
23 organisers, requests are made to the armed forces or the gendarmerie or the
24 police to provide safety and security at the location of such a rally or
25 demonstration.

1 Q. [10:37:57] Very well. Apart from rallies, were the gendarmerie or
2 police ever invited to protect the premises of any political parties?

3 A. [10:38:16] I have no such recollection.

4 Q. [10:38:21] Very well. Now, maybe to help you and to jog your
5 memory, let me show you a letter. CIV-OTP-0044-0060, which would be
6 number 152 on our list. Could we zoom in to the top part of the document.
7 Thank you.

8 At the very top letterhead we have RHDP and the date appears to be
9 Abidjan, Friday, 19 November 2010, to the supreme commander of the
10 national gendarmerie. Now, I would like to give you a little time to read
11 through the letter as we scroll down so that the general can read through that
12 letter, the purpose of which is or the subject is the request for troops of the
13 national gendarmerie to provide security for the RHDP house.
14 So I'll give you a moment and please let me know when you are done
15 reading.

16 A. [10:39:57] I'm done.

17 Q. [10:39:58] Before we delve into any details, you see at the top left of the
18 document a stamp and a date and a figure. Do you recognise that stamp for
19 incoming mail?

20 A. [10:40:24] Yes.

21 Q. [10:40:26] It would appear that the letter came in three days later, that's
22 on the 22nd of November, whereas it is dated on the 19th of November.
23 First of all, do you remember having received this letter or were you
24 informed that this letter was received at the supreme command office of the
25 national gendarmerie?

1 A. [10:40:49] I don't have a clear, exact recollection. However, this is
2 consistent with the possibility of an organisation requesting assistance from
3 the gendarmerie, and it is in fact their duty to do so.

4 Q. [10:41:06] Very well. So such an application would not be abnormal?

5 A. [10:41:15] That is correct.

6 Q. [10:41:17] Let us scroll down, further down to the document -- into the
7 document. We can stop there. Yes.

8 Now, we see the author, "National Campaign Director RHDP," and the
9 request is to provide security for the RHDP house in Cocody at the
10 headquarters of the PDCI-RDA throughout the period of the electoral
11 campaign and the voting for the second round of the presidential elections.

12 Now, question: Do you remember whether or not the gendarmerie granted
13 this request?

14 A. [10:42:05] It is their duty to do so.

15 Q. [10:42:08] Now, let us scroll up again to the top of the page --

16 PRESIDING JUDGE TARFUSSER: [10:42:13] Excuse me. The question was,
17 if they did, not if it's the duty. Of course it's the duty. But if they did
18 protect, if there was a concrete follow-up on this. Don't answer always in
19 general terms. The questions are -- when they are specific, they need a
20 specific answer. Thank you.

21 MR DEMIRDJIAN: [10:42:47] (Interpretation)

22 Q. [10:42:48] Witness, do you have a specific answer?

23 A. [10:42:55] Yes. The gendarmerie carried out that mission to provide
24 security for the RHDP house.

25 Q. [10:43:04] Now, I want to ask you about the middle of the page, we see

1 a handwritten minute, "CAB." Is that something you are familiar with?

2 A. [10:43:15] Yes, CAB is the cabinet.

3 Q. [10:43:18] Of the supreme commander of the national gendarmerie?

4 A. [10:43:22] Yes.

5 Q. [10:43:24] Very well. Now, I would like us to call up on the screen

6 document 0044-0059. Please zoom in. Thank you.

7 Mr Witness, what we have here now is a document from the supreme

8 commander of the national gendarmerie to the national director of the RHDP

9 campaign, and at the top of the page you see the date 22 November 2010. I

10 want to recall that on the previous document it was received on the 22nd of

11 November, that is, the same day as here.

12 Now, "Subject: Request for security assistance. Reference your mail of 19

13 November." And please let us scroll down and allow the general a little

14 time to read through the document. Please, let's scroll down so that the

15 witness can read through the document starting with the word "Maître."

16 Please zoom in again for the benefit of the witness and then scroll down.

17 Thank you.

18 Does this remind you of the events and the position of the gendarmerie at

19 the time?

20 A. [10:45:17] Yes.

21 Q. [10:45:18] Very well. Can we go to the very bottom of the page,

22 please. Can we scroll down to the very bottom of the page, please.

23 Is that your signature, Mr Witness? We can zoom in further if that would

24 help.

25 A. [10:45:55] That doesn't appear to be my signature.

1 Q. [10:46:07] When I ask you whether, after reading the letter, you are
2 reminded of the events, you said yes. What does it remind you of?

3 A. [10:46:19] This was an application for assistance from the RHDP. The
4 police was in the first rank of respondents. That is why the cabinet replied,
5 saying that they could but that the first respondents would be the police and
6 that subsequently we might reinforce them as need arose, if at all.

7 Q. [10:46:51] Now, to wrap up, what is the problem with the signature
8 which makes you say that this is not your signature?

9 A. [10:46:57] This is not my signature. But I agree that the text tallies
10 with our general ethics.

11 Q. [10:47:14] A short while ago when you answered the president's
12 question, you said that the request was granted, and now we see the letter.
13 Can you explain to us somewhat the answer that you provided a short while
14 ago.

15 A. [10:47:49] Over time I might have forgotten the specifics, but I can
16 confirm that this was a letter, and I am certain that the gendarmerie must
17 have sent troops to assist the police in providing security at the party house.

18 Q. [10:48:10] So as reinforcements?

19 A. [10:48:13] As reinforcements.

20 Q. [10:48:18] Very well. Mr Witness, there is a document about which I
21 seek your help as we move to another topic relating to providing security
22 during the election period. Let us please look at 0044-0076, number 157 on
23 our list. Thank you.

24 Mr Witness, yesterday we saw "message" at the top of the page and then
25 "From: Supreme commander of the gendarmerie. To: Commander First

1 Department Legion, Mobile Legion, 2nd, 3rd and 5th Legions."

2 Now, what do the 2nd, 3rd and 5th legions represent?

3 A. [10:49:36] The first legion of the national gendarmerie is in Abidjan.

4 The 1st legion of the mobile gendarmerie is in Abidjan. The 3rd legion is in
5 Yamoussoukro. It's delocalized in Yamoussoukro. It used to be in Bouaké
6 before the events. The 5th legion is in San Pedro, in the southwest of Côte
7 d'Ivoire.

8 Q. [10:50:06] And the 2nd?

9 A. [10:50:07] The 2nd legion is in Daloa.

10 Q. [10:50:10] Thank you. Now, you see the subject, "providing security
11 for the second round of presidential elections." Just before that reference,
12 "message, unclassified, urgent," with the attendant reference which again
13 appears to be the CCI, the message of 14th November from the CCI.
14 In practise, did you usually provide such references and implement
15 messages from the CCI?

16 A. [10:50:47] Yes. Given that the CCI was the structure created to
17 coordinate the activities of the FDS, the armed forces, the New Forces and all
18 various forces that were in Côte d'Ivoire at the time within the context of the
19 mission to provide security for the electoral process.

20 Q. [10:51:13] Very well. Now, below that we see the word "text" and then
21 there is "mission" in the subject reference: "Request to designate staff, 2,550
22 troops to be distributed as follows: Number 1, 1st departmental legion and
23 1st mobile legion, staff 630 troops."

24 This document is 15 pages long. I will just scroll to the second page to show
25 you the format of the document. Please let's go to page 2. Can we zoom in

1 please. Maybe less. Zoom out, please. Thank you.

2 Now, Mr Witness, on the next 14 pages of this document, we have tables
3 similar to this one, and here to the left we see the first entry, "PC Abidjan, 115
4 elements." And then you see it's broken down into Abidjan 1, Abidjan 2,
5 and so on and so forth, up to Abidjan 6 further down.

6 So from Abidjan 1 to Abidjan 6, what does that represent?

7 A. [10:52:46] This document was issued by the CCI. So you see company
8 mixed, a joint company who provides security for elections. So these were
9 joint figures produced in relation to our troops.

10 Q. [10:53:07] Very well. So for each town or each subsection you have
11 totals of 15, 25, 25, and so on and so forth. Is that in relation to the
12 contribution of those troops from the gendarmerie?

13 A. [10:53:24] To be specific, that is the request from the CCI which we
14 forward to our troops.

15 Q. [10:53:33] Very well. Let us return to the first page, please and on that
16 page -- rather, you have said that these are requests from the CCI which you
17 have forwarded to your troops. Now, in the text itself, this is what we read:
18 "You are requested to designate personnel or staff according to the following
19 distribution."

20 So before passing this on to your troops, is there any assessment that is made
21 of the requests received from the CCI?

22 A. [10:54:15] We send the texts to our people and they use the information
23 to determine whether or not they are able to provide the requested troops.

24 Q. [10:54:36] As far as you know, did you receive any answers from your
25 various units in relation to this request?

1 A. [10:54:48] I told you yesterday that we were understaffed, so we were
2 never able to reach even the theoretical staff strength that was expected from
3 or by the CCI.

4 Q. [10:55:04] My question, however, was to find out from you whether
5 you remember receiving any answers or replies from your units in relation to
6 this request.

7 A. [10:55:15] Yes. I would receive answers by telephone and I would be
8 told, "General, I can provide such and such a number."

9 Q. [10:55:26] Now, the global total of 2,550 troops is quite high, isn't it?
10 Yesterday we saw that in November your total strength was about 1,500 or
11 15,000. Now, the request was for 2,550. How much of that was satisfied or
12 was met?

13 A. [10:55:55] I do not remember.

14 Q. [10:55:57] As far as you know, was that request met, to a large extent?

15 A. [10:56:07] Yes.

16 Q. [10:56:10] Very well. Then once you have received the reactions from
17 your subordinate units, did you report accordingly to the CCI?

18 A. [10:56:27] To the CCI through the general staff of the armed forces.

19 Q. [10:56:34] Can we go to the last page of this document, please, to wrap
20 up. Please scroll to the bottom of the page, please, and zoom in.

21 The stamp there is from the supreme commander of the national
22 gendarmerie. Is that the stamp of the supreme commander?

23 A. [10:57:11] Yes, that's the stamp. Yes.

24 Q. [10:57:14] What about the signature?

25 A. [10:57:15] Well, once again, the chief of cabinet could sign -- could have

1 signed.

2 Q. [10:57:21] Who was the chief of cabinet?

3 A. [10:57:35] Adou.

4 MR DEMIRDJIAN: [10:57:36] Your Honours, I'm in a bit of a bind because
5 the next topic will take a little bit of time to expand upon. Is it okay if we
6 stop at this time?

7 PRESIDING JUDGE TARFUSSER: [10:57:45] It is absolutely okay. So we
8 stop here and we resume -- we have the break now and we resume at 11.30.
9 Thank you very much.

10 THE COURT USHER: [10:57:53] All rise.

11 (Recess taken at 10.57 a.m.)

12 (Upon resuming in open session at 11.32 a.m.)

13 THE COURT USHER: [11:32:12] All rise.

14 Please be seated.

15 PRESIDING JUDGE TARFUSSER: [11:32:37] The floor is to the Office of the
16 Prosecutor.

17 Good morning again, Mr Witness. We start now the second session of today
18 with the Prosecutor's questioning. Thank you.

19 MR DEMIRDJIAN: [11:32:56] Thank you, Mr President.

20 Q. [11:33:03] (Interpretation) Mr Witness, let us continue with
21 questioning. We were talking about the 23rd of November and the
22 document. That was before the break. I would now like to move to the next
23 day. I'd like to show you an entry from the visitor's log at the residence.
24 0088-0633, page 944, if we could please have that document put up on the
25 screen. Thank you. Could we zoom into the middle of the page and have a

1 closer look at the date.

2 Once again, this is the same as before. This is a transcription. We also have
3 the original. And if we go up a bit, if we scroll up, please, we see the 24th of
4 the 11th month, 2010. And here we see a list of visitors.

5 So it's the same principle as last time, the same column. If we can scroll
6 down to the bottom of the page, right to the very bottom.

7 I would like to ask you -- well, I draw your attention to entries 14 and 15.

8 Once again we see General Mangou and General Kassaraté, entrance for the
9 first person 20.21, the second person came in at 20.37, and the two people left
10 at 22.23.

11 If we could move on to the next page of the transcribed version, 0946,
12 following page, please. If we could zoom in and look more closely at the
13 top of the page.

14 Mr Witness, you will see that General Guiai Bi Poin came in at 20.33 and also
15 left at 22.33 hours and we also see Minister Kadet Bertin who came in at
16 20.59 and left at 22.23. So he came in 10 minutes before you.

17 Now, the 24th of November, a few days before the second round of voting,
18 first of all, can you tell us, sir, if you remember going back a second time in
19 November to visit the presidential residence.

20 A. [11:36:45] I don't remember, but I would often go to the residence.

21 Q. [11:36:49] Very well. Just like earlier today we see that you had
22 General Mangou with you, and I believe you said that you would go with the
23 chief of staff, General Bi Poin. And who was Minister Kadet Bertin at the
24 time? What was his role?

25 A. [11:37:12] He was the defence advisor of the president of the republic.

1 Q. [11:37:22] Very well. And here we see that you came in. You came in
2 at 20.37, left at 22.23, and the other gentleman as well. Do you remember
3 being at a meeting with the chief of staff at the residence that time along with
4 Minister Kadet?

5 A. [11:37:48] No.

6 Q. [11:37:50] Doesn't ring a bell?

7 A. [11:37:51] No.

8 Q. [11:37:54] So the first entry I showed you just before the break was on
9 the 19th of November, and this entry is dated the 24th of November, five days
10 later. What were you talking about in the run-up to the election? What
11 were the discussions about with the president of the republic?

12 A. [11:38:22] All those discussions that we had dealt with a single point,
13 namely, doing all we could to ensure safety during the upcoming election,
14 protecting people and their belongings.

15 Q. [11:38:39] Very well. Now, you also said earlier that on the 19th you
16 had a meeting and then that was a meeting of nearly two hours. And we
17 understand what the topic was. Can you give us more details. What was
18 said during the two-hour meeting?

19 A. [11:39:00] Well, the time is -- the entrance and departure times are there
20 but I can't necessarily say we spent two hours with the head of state.

21 Q. [11:39:13] Very well. Now, during the time that you spent with the
22 head of state, could you tell us more about that time? You said your task
23 was to do everything you could to ensure safety during the election. Can
24 you expand upon that.

25 A. [11:39:32] All of Côte d'Ivoire, all of Africa was awaiting the election.

1 And so the head of state, as the supreme commander of the army and at the
2 same time a candidate, was asking the forces of order and peace to do all they
3 could to ensure that the election could be held properly, to protect people,
4 protect their property.

5 Q. [11:40:13] I think you're touching upon this topic, about the topic again,
6 but what was actually said in practical terms? Not just the topic in broad
7 strokes.

8 A. [11:40:38] Well, I don't -- we talked about the general topic, ensuring
9 safety, but I can't really tell you about specific exchanges of views.

10 Q. [11:40:54] Very well. The next day, the 25th of November, did you
11 listen to the leaders' debate, the debate between Mr Gbagbo and Mr Ouattara?

12 A. [11:41:17] Yes, I listened to the entire debate.

13 Q. [11:41:22] And the day before, were there any discussions about the
14 debate?

15 A. [11:41:26] Between who and whom?

16 Q. [11:41:34] During your visit to the presidential residence, was any
17 mention made of the debate that was to be held the next day?

18 A. [11:41:41] No.

19 Q. [11:41:42] What can you tell us about the leaders' debate that you
20 listened to? You said you listened to the entire debate.

21 A. [11:42:03] Could you repeat your question so I can provide a very
22 specific reply.

23 Q. [11:42:09] Very well. You said that you listened to the leaders' debate.
24 What was said during that debate?

25 A. [11:42:25] The entire country was listening to the debate. It was a first

1 in the history of our democratic system. And it was a televised debate that
2 offered two contrasting views of plans for society, so to speak, "plan de
3 société" in French --

4 THE INTERPRETER: [11:42:52] Correction: "Projet de société" in French.

5 MR DEMIRDJIAN: [11:42:59]

6 Q. [11:42:59] You said that all of Côte d'Ivoire listened to the debate.

7 And in your case, as the supreme commander of the gendarmerie, what was
8 the importance of the debate?

9 A. [11:43:19] It was a first in the history of our democracy. And everyone
10 was curious. They wanted to know what was going to happen.

11 Q. [11:43:26] Very well. Now, at one time do you remember whether
12 mention was made of the establishment of a curfew during the debate?

13 A. [11:43:50] What I do remember specifically, if you don't mind me
14 saying this, at one particular point President Alassane called Mr Gbagbo
15 Laurent, and he said "You should give me a call, a telephone call."

16 THE INTERPRETER: [11:44:11] Inaudible.

17 MR DEMIRDJIAN: [11:44:26] (Interpretation)

18 Q. [11:44:26] Up until then, up until the point you heard that on the
19 television, did you have any knowledge of this entire matter, namely, the
20 curfew, or were you taken by surprise?

21 A. [11:44:34] Once again, given the situation, the security situation in the
22 Abobo Gare area, which was very bad, there was the possibility of a curfew in
23 that area, but the curfew was never actually put in place.

24 Q. [11:44:57] Why do you mention the neighbourhood of Abobo Gare?

25 A. [11:45:15] That is where many killings occurred. People were killed

1 by the Invisible Commando so -- and some kind of administrative measures
2 had to be taken to keep such killings from happening. That's what I
3 remember.

4 Q. [11:45:31] So on the 25th of November at the time of the leaders'
5 debate, there had been killings in Abobo Gare neighbourhood and already
6 people were talking about that? Is that what you are saying?

7 A. [11:45:55] No. Let me say this: There was a general feeling of
8 danger, and measures had to be taken to ensure the safety of the citizens.
9 That is why there was this possibility of putting a curfew in place. That is
10 what I said.

11 Q. [11:46:19] And this feeling -- just a moment.
12 So you mentioned a feeling of widespread insecurity or danger. Why were
13 people feeling like this in Abidjan?

14 A. [11:46:36] I don't have dates, but one thing for sure, there were two
15 reasons for concern, one in Abidjan and the other in the western part of the
16 country.

17 Q. [11:46:58] Very well. And if we could talk in more practical terms,
18 you said that there were worrisome security situations in these areas.

19 A. [11:47:13] There were armed clashes in the western part of the country,
20 and in Abidjan, people were being attacked in their homes. There were
21 people being attacked in their cars, carjackings.

22 Q. [11:47:33] Mr Witness, on that very same day, we do have a document
23 from the commander of the 1st mobile legion, 0044-0420. This is number 97
24 on our list. Thank you.

25 PRESIDING JUDGE TARFUSSER: [11:48:49] Maître Gbougnon.

1 MR GBOUGNON: [11:48:55] (Interpretation) I apologise. I was just waiting
2 for the right moment to speak. I don't know if this is the right time. But I
3 think there is a problem with the French transcript, page 27, line 23,
4 lines -- page 27, lines 23 onward, and I will read out what I see here.
5 "When it is a matter of -- when it is a matter of talking about security
6 programmes, we would go, all of the generals, and General Mangou would
7 lead."

8 But the way it's worded there, "how I get to the control post, I would go to
9 the residence. I was never asked for a walkie-talkie."
10 Now, Mr President, I remember the witness's response, but I think what we
11 see here in the transcript is not what the witness said. Perhaps the question
12 should be put again.

13 PRESIDING JUDGE TARFUSSER: [11:50:17] I don't know what the witness
14 said and what you are referring to. But correctly I think we should
15 request -- make the same question again so the witness has the possibility,
16 without being influenced, to say what he -- or to repeat what he said. Thank
17 you.

18 MR DEMIRDJIAN: [11:50:35] Thank you, Mr President.

19 Q. [11:50:48] (Interpretation) Mr Witness, now, the document that you can
20 see here, and as was the case yesterday, this is a radio message and we can
21 see that it comes from the commander of the 1st mobile legion and it was
22 intended for the commander of the Abidjan gendarmerie school or academy.
23 "Info: 25 November. Request for additional staff."
24 Have you had some time to read?

25 A. [11:51:14] Yes.

1 Q. [11:51:14] What we see here is a request for "50 men, including 4
2 officers and 10 people, must be ready and ready to go at the academy."
3 Ready to go. And when such a request is made to the commander of the
4 academy, what are we talking about here?

5 A. [11:51:42] Up until recently, there was only men, you see. There were
6 no women. And then two years ago, women were allowed to join the
7 gendarmerie. But this is in reference to the students at the gendarmerie
8 academy.

9 Q. [11:51:59] Very well. Now, these students who were at the academy,
10 before such a request was made, did the commander of the 1st mobile legion
11 have to get your approval?

12 A. [11:52:17] That is the golden rule of military discipline. He should
13 have turned to me, saying that he needed additional assistance. And he
14 thought he would be able to get this assistance.

15 Q. [11:52:43] Do you remember if the commander of the 1st legion did ask
16 for additional men, another 50 men, 50 students, late November?

17 A. [11:52:57] That is what the message says. He made such a request.

18 Q. [11:53:03] And do you remember such a request?

19 A. [11:53:08] Well, given the position that I was in, I wasn't actually at the
20 academy to determine whether there were 50 students there or --

21 Q. [11:53:20] Well, this was why I was asking you. Should the
22 commander of the 1st legion have turned to you first?

23 A. [11:53:31] In principle, yes. But in an emergency, he could have
24 turned directly to the commander of the academy, yes.

25 Q. [11:53:39] Now, your position at the time was what when it came to the

1 use of students from the gendarmerie academy? What position had you
2 adopted?

3 A. [11:53:53] What do you mean by "position" so I can answer your
4 question properly?

5 Q. [11:54:02] Very well. How can I make this clear? Well, what did you
6 think about the use of students or student gendarme? Just to remind you,
7 the document says during the election period. What did you think of
8 using --

9 PRESIDING JUDGE TARFUSSER: [11:54:26] Yes, it's not about what you
10 think. What did you do? It's not what you think because what anybody
11 thinks is not a fact. How did you act? What did you do? What was your
12 position vis-à-vis those who decided? These are the questions which should
13 be answered by you.

14 THE WITNESS: [11:54:59] (Interpretation) The commander of the 1st mobile
15 legion made a request for 50 men who were supposed to be on standby at the
16 academy, ready to be deployed to ensure order, but I don't believe they were
17 actually used. I don't know if that's clear enough, if I've been clear enough.

18 Q. [11:55:28] Well, let me be more specific. Were you in agreement with
19 this idea of using students for such a mission?

20 A. [11:55:40] Once again, let me be very specific. The training of our
21 students at the gendarmerie academy lasted two years. In the second year
22 they are taught the rudiments of being a gendarme and law enforcement.
23 So, you see, only students from the second year already trained in law
24 enforcement could have been used.

25 Q. [11:56:09] That is the principle.

1 A. [11:56:20] Yes.

2 Q. [11:56:21] Once again, perhaps I'm being repetitive, but what I'm trying
3 to determine is what was your position? Were you in agreement, in
4 principle, with the use of students from the gendarmerie academy?

5 MR GBOUGNON: [11:56:35] (Interpretation) Your Honour.

6 PRESIDING JUDGE TARFUSSER: [11:56:38] Maître Gbougnon.

7 MR GBOUGNON: [11:56:41] (Interpretation) I believe the witness has
8 responded. I believe what is being asked for is an opinion. The witness has
9 been clear. He has responded. I don't want to begin a debate, but he has
10 provided an explanation about the students from the first year and the second
11 year. But asking him for an opinion, that is, well --

12 PRESIDING JUDGE TARFUSSER: [11:57:09] That's what I already said. I
13 think also that he has responded.

14 MR DEMIRDJIAN: [11:57:13] No.

15 PRESIDING JUDGE TARFUSSER: [11:57:15] Yes, but if he has not
16 responded, if you have something to confront him with, please do it. But not
17 put three times and four times the same question, because it's the same
18 question: What do you think about it? What did you -- I mean, all --

19 MR DEMIRDJIAN: [11:57:30] Your Honour, maybe there is a mistranslation
20 because I didn't ask him what he thought. I asked him did he agree.

21 PRESIDING JUDGE TARFUSSER: [11:57:37] Yes, but --

22 MR DEMIRDJIAN: [11:57:38] That's what I said in French.

23 PRESIDING JUDGE TARFUSSER: [11:57:40] -- this was the second time that
24 you asked if he agreed.

25 MR DEMIRDJIAN: [11:57:42] Yes, and the first --

1 PRESIDING JUDGE TARFUSSER: [11:57:44] And the first time he
2 responded it's not a matter of agreement. They were the second -- students
3 of the second year which have been already trained, et cetera. So there was
4 no problem. This was my understanding. Now you ask again if he agreed,
5 and he will probably now of course say the same. But I don't know what
6 different thing you are expecting, because if you are expecting something he
7 already said, then please confront him.

8 MR DEMIRDJIAN: [11:58:16] Very well, your Honours.

9 (OTP counsel confer)

10 MR DEMIRDJIAN: [11:58:34] (Interpretation)

11 Q. [11:58:47] Mr Witness, we will come back to this particular matter later.

12 I'll now move on to something else for the time being.

13 Now, a little while ago we were talking about a curfew, a curfew that was
14 mentioned during the debate. And did you ever hear about the curfew
15 actually being implemented? I'm talking about the period before the second
16 round.

17 A. [11:59:21] Yes.

18 Q. [11:59:26] Do you know when it was actually put in place?

19 A. [11:59:31] I don't remember the dates.

20 Q. [11:59:38] If we could have document 0045-1183. And before we look
21 at this specific document, now, on principle, if a curfew is imposed, how does
22 that information come your way?

23 A. [12:00:07] There is a communication or announcements over the
24 television indicating the precise period.

25 Q. [12:00:23] Very well. Now, when there is a curfew, is the gendarme

1 requested to ask -- the gendarmerie requested to assist?

2 A. [12:00:39] Yes.

3 Q. [12:00:41] Who makes that request to the gendarmerie to assist?

4 A. [12:00:50] When a curfew is decreed, it is stipulated that the forces of
5 law and order shall be responsible -- responsible for implementing it. There
6 is no special request made as such.

7 Q. [12:01:09] Very well. Now, ensuring that the curfew is implemented,
8 is it coordinated in any way?

9 A. [12:01:25] As I have told you from the very beginning, it is the general
10 staff headquarters that is responsible for the coordination of all operations.

11 Q. [12:01:36] Very well. Mr Witness, we have in front of us decree
12 number 2010-307 of the 26th of November. Do you have it?

13 A. [12:01:51] Yes.

14 Q. [12:01:52] This is a decree instituting a curfew. It begins with "The
15 President of the Republic," and it is indicated "mindful of the constitution"
16 and a certain number of laws.

17 Now, let us scroll down to the bottom of the page. We can see the
18 organisation of defence; we can see the armed forces. There is a whole
19 number of laws. There is reference to the decree of 14 November
20 requisitioning the national armed forces. And then lastly, "mindful of the
21 urgency."

22 Next page, please. Very well.

23 We can see the articles, dates and times applicable to the curfew, from
24 Saturday, the 27th of November to Wednesday, the 1st of December.

25 My question to you is this: In Article 2 it is stated that the minister of the

1 interior and the minister of defence shall be responsible, each in his or her
2 own scope, for the implementation of the present decree.

3 My question is simple. Which measures are taken to ensure
4 implementation? And when I talk of measures, I'm limiting it to the
5 gendarmerie in this case.

6 A. [12:03:56] As I told you a short while ago, the gendarmerie, the army
7 and the police work together, and our duties are determined by the general
8 staff headquarters. And they ensure in Abidjan and elsewhere that the
9 citizens are effectively complying with the measures stipulated in such and
10 such a decree.

11 Q. [12:04:32] Now, is a decree instituting a curfew a normal or usual
12 measure, or is it exceptional?

13 A. [12:04:47] It would be difficult for me to answer that question. The
14 decree is not issued by the gendarmerie. It comes from the hierarchy.

15 Q. [12:05:03] Very well.

16 PRESIDING JUDGE TARFUSSER: [12:05:09] I think although for the
17 witness -- the witness could not say if a decree for a curfew is exceptional or
18 normal, I think all the rest of the people would understand if it's normal or
19 exceptional.

20 MR DEMIRDJIAN: [12:05:25] Thank you, Mr President.

21 Q. [12:05:26] (Interpretation) Mr Witness, you said that all those
22 operations were coordinated by the chief of general staff of the army. Did
23 you have -- rather, which discussions did you have with the CEMA regarding
24 the implementation of the curfew?

25 A. [12:06:01] There were no specific discussions. It is a decree. The

1 CPCO, which is a reflection unit of the general staff, talks about general
2 situations, specific situations, missions and so on. So there was no specific
3 discussion.

4 Q. [12:06:25] Very well. Mr Witness, on that day, the 26th of November,
5 there is a third entry in the visitor's book of the presidential residence and
6 you were summoned there. It is 0088-0863, page 950.

7 MR DEMIRDJIAN: [12:06:58] I can see that my learned friend is on his feet.

8 PRESIDING JUDGE TARFUSSER: [12:07:03] Maître Gbougnon.

9 MR GBOUGNON: [12:07:05] (Interpretation) Yes, Mr President. I am on
10 my feet once again because I raised an issue a while ago on the answer given
11 by the witness on this same document, on page 47 as from lines 7. You said
12 that a question had to be put to the witness so that he should answer. So I
13 believe that in order to save time, the Prosecution preferred to continue. But
14 if we now have to come back to the same document, that is the logbook, then
15 we should try to clarify what the witness said a short while ago. That would
16 be useful for the continuation of the proceedings.

17 MR DEMIRDJIAN: [12:07:58] Mr President, I don't believe that this is for the
18 witness to authenticate in any way.

19 PRESIDING JUDGE TARFUSSER: [12:08:05] No. I did not really
20 understand their position, I must say.

21 MR GBOUGNON: [12:08:14] (Interpretation) Mr President --

22 PRESIDING JUDGE TARFUSSER: [12:08:19] One thing is clear, that it was
23 not the witness who drafted and who had influence on the logbook, and
24 probably has also not seen the logbook. So, therefore, it's not for him to say
25 yes or -- to say something on the logbook itself. But he can be, of course,

1 asked on what the logbook is saying or appearing to say.

2 MR GBOUGNON: [12:08:55] (Interpretation) Mr President, I stood up
3 because the witness said the following: But as it is worded, when the OTP
4 showed the indication "PR," he said the way it is worded, it is what follows in
5 the transcription that does not seem to correspond with what the witness has
6 given as an answer in the courtroom. That is why I pointed it out.

7 And you said quite correctly that the question should be put to the witness
8 again, but the Prosecutor, in order to save time, preferred to continue.
9 I'm not asking about authenticating or not. But I believe that the witness
10 mentions something regarding a specific wording. So would it not be
11 preferable to raise that question now so as to be able to make progress
12 serenely.

13 MR DEMIRDJIAN: [12:10:19] This issue is something that does not arise
14 from the answers of the witness with respect to the content or his presence.
15 And this is a matter that, I think, confuses things. This is a matter that they
16 can deal with in the questioning of the Defence. I'm really not sure how to
17 recapture everything we said about the previous meetings. The witness can
18 answer now with respect to this meeting as to what's in the entry, and if there
19 is a problem at that moment --

20 PRESIDING JUDGE TARFUSSER: [12:10:45] Don't put this -- the problem is
21 if the witness was at that meeting and what was discussed in that meeting.
22 That's it. What the logbook says, PR or not PR, we do understand what PR
23 means --

24 MR DEMIRDJIAN: [12:11:00] Exactly.

25 PRESIDING JUDGE TARFUSSER: [12:11:01] -- and we can also read the

1 numbers and what the entry and the exit is. It's not that what is at stake. At
2 stake is if he was there and what was discussed. Yes, please.

3 MR DEMIRDJIAN: [12:11:14] Perhaps if we are going to continue -- before
4 we continue, if this is going to go a little bit deeper, perhaps it's better to have
5 this exchange in the absence of the witness, because we don't want to get into
6 an area --

7 PRESIDING JUDGE TARFUSSER: [12:11:25] Yes, until now --

8 MR DEMIRDJIAN: [12:11:26] Okay.

9 PRESIDING JUDGE TARFUSSER: [12:11:27] -- I don't know what you are
10 going to do.

11 MR DEMIRDJIAN: [12:11:28] I'm just -- yes.

12 MR ZOKOU: [12:11:30] (Interpretation) That would not be necessary, Mr
13 President. I am afraid that there is a misunderstanding on what Mr
14 Gbougnon said. We have to go back to page 27 referred to by Mr Gbougnon
15 earlier on, and there was the entry relating to the witness. The witness
16 talked about a walkie-talkie, and this does not correspond to the answer that
17 he apparently gave. That is why Mr Gbougnon wanted our learned friend to
18 put the question again so that the witness should say exactly what he wanted
19 to say.

20 So it is clarification, because there was a problem of interpretation, not to say
21 translation. So we should seize this opportunity for the witness to be asked
22 to say what he wanted to say on that page 27.

23 MR DEMIRDJIAN: [12:12:41] Your Honours, I'll wait for the translation.

24 PRESIDING JUDGE TARFUSSER: [12:12:48] It is translated, yes.

25 MR DEMIRDJIAN: [12:12:50] I think the best course at this point, because if I

1 have to go back to all the questions we put before the witness to reach that
2 answer, I don't know what we are going to get.
3 The best course would be during the lunch-time if we could ask our
4 colleagues from the Registry to listen to the audiotape and tell us what were
5 the words pronounced exactly. If we go back, we're going to waste another
6 10 minutes trying to figure out for each question around that time, what is
7 this walkie-talkie. Let's listen during the break to the audio and the answers
8 of the witness. If we can have that before we come back at 2.30, that would
9 be much appreciated.

10 PRESIDING JUDGE TARFUSSER: [12:13:23] I don't know what this
11 walkie-talkie is honestly. Is there an issue of a walkie-talkie? I can't
12 remember.

13 MR DEMIRDJIAN: [12:13:29] I don't remember hearing it at all. So I think
14 that would be the safest course, to listen to what the witness's answer was
15 and have the court stenographer --

16 PRESIDING JUDGE TARFUSSER: [12:13:40] I can agree with you if this -- if
17 the answering of the questions or of the issues raised by the Defence has
18 nothing to do with this meeting, with this line of -- with the questioning
19 around and on this meeting, if it is just a separate issue which was raised
20 because the context is the same, otherwise if it has an impact on this meeting,
21 then we have to -- on the questions related to this meeting, then we have a
22 problem.

23 MR DEMIRDJIAN: [12:14:17] I think if we stick to whether he was there,
24 who he met, I think we're within the realms of what is acceptable. And at
25 the end, your Honours, I'm being told it might just be a transcription error, so

1 really --

2 PRESIDING JUDGE TARFUSSER: [12:14:42] Yes. But if it's a relevant
3 transcription error, I think we have to deal with it. That's the only problem.

4 MR GBOUGNON: [12:14:52] (Interpretation) Mr President.

5 PRESIDING JUDGE TARFUSSER: [12:14:56] Excuse me, Mr Witness, can
6 you please leave the courtroom for a few minutes while we deal with this,
7 because I want to have the record clear, and I ask therefore the court usher to
8 accompany you out for a few minutes.

9 (The witness stands down)

10 PRESIDING JUDGE TARFUSSER: [12:15:18] Thank you. Because without
11 the witness in the courtroom we can speak clear without fear of influencing.
12 Now, Maître Gbougnon, I very much appreciated that you spoke cryptically
13 in order not to influence the witness. Now you have the floor in order to
14 speak clear so that I also understand what you meant and to find out what
15 the real problem is.

16 MR GBOUGNON: [12:15:59] (Interpretation) Thank you, Mr President. To
17 be very clear, I would go back to the same page, that is, page 27.

18 PRESIDING JUDGE TARFUSSER: [12:16:20] I can see also the reference in
19 the English. Thank you.

20 MR GBOUGNON: [12:16:44] (Interpretation) Can I?

21 PRESIDING JUDGE TARFUSSER: [12:16:46] When I'm on the page. Just a
22 moment.

23 So for the English, it's page 26, line 22 to line 27, just for the record. So the
24 question -- now, please, Maître Gbougnon.

25 MR GBOUGNON: [12:17:49] (Interpretation) Yes, Mr President, page 27 in

1 French, there was a debate on "PR" and so on. As from line 17 in French, the
2 Prosecutor says, and I quote, "We can see the times of arrival and departure.
3 2010, the 19th, during the two days of -- and can you tell us what this visit
4 was all about? What did you discuss?"

5 The witness's answer: "When it comes to discussing security programmes,
6 we go there, all the generals, we go there under the leadership of General
7 Mangou."

8 But the way it is written here, "when I arrived the control post, I go to the
9 residence. I was never asked for a walkie-talkie."

10 Mr President, the witness is not here, but --

11 PRESIDING JUDGE TARFUSSER: [12:19:09] Just in the translation, this last
12 part is translated "and no one ever asked me who I was going to see." So no
13 walkie-talkie issue is there.

14 MR GBOUGNON: [12:19:27] (Interpretation) Mr President, I totally agree
15 with you, because that is what I heard.

16 PRESIDING JUDGE TARFUSSER: [12:19:38] So you didn't hear
17 walkie-talkie.

18 MR GBOUGNON: [12:19:44] (Interpretation) Walkie-talkie, "talkie-walkie"
19 in French.

20 Mr President, this was important because we said from the very beginning
21 that we dispute this logbook because the witness said that what is written
22 there does not reflect what could have happened in the residence. That's
23 why I wanted it to be clear on the record.

24 PRESIDING JUDGE TARFUSSER: [12:20:11] Yes, but -- excuse me. Okay.
25 So you accept the English version, strangely.

1 MR GBOUGNON: [12:20:26] (Interpretation) The English version, that's
2 what I said. It is not a walkie-talkie. So as I said, the English version is
3 correct.

4 PRESIDING JUDGE TARFUSSER: [12:20:39] Okay.

5 MR DEMIRDJIAN: [12:20:42] Mr President.

6 PRESIDING JUDGE TARFUSSER: [12:20:43] Yes, Mr Prosecutor.

7 MR DEMIRDJIAN: [12:20:44] I think clearly you can see from the answer,
8 the question that I put and the answer we got, that this was a comment. So
9 it's a matter for cross-examination, really. I mean, if I were to put the
10 question again, we're not going to get the same result from the witness. I
11 mean, I think that we stick to what's in the transcript.

12 PRESIDING JUDGE TARFUSSER: [12:21:01] No. Of course we stick with
13 what's in the transcript.

14 MR DEMIRDJIAN: [12:21:04] Yes.

15 PRESIDING JUDGE TARFUSSER: [12:21:05] But in which transcript if the
16 two transcripts are differing.

17 MR DEMIRDJIAN: [12:21:10] Well, clearly it has to be revised, right?

18 PRESIDING JUDGE TARFUSSER: [12:21:13] It has to be revised.

19 MR DEMIRDJIAN: [12:21:15] Absolutely.

20 PRESIDING JUDGE TARFUSSER: [12:21:16] But I think this has to be
21 revised, and this is the message which I give to those who revise the
22 transcript.

23 Now it is clear. Can we continue, Maître Gbougnon? Are you satisfied by
24 this exercise?

25 MR GBOUGNON: [12:21:36] (Interpretation) Thank you, Mr President. We

1 can proceed.

2 PRESIDING JUDGE TARFUSSER: [12:21:39] It was a serious question,
3 because I wanted this to be clear before continuing.

4 Now we can call in again the witness. I don't know if somebody can hear
5 me, because the court usher has disappeared together with the witness.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE TARFUSSER: [12:22:29] Sorry for this, Mr Witness. We
8 have just tried to clarify something which was not so clear, but it seems to be
9 clear now. And I give again the floor to the Office of the Prosecutor for his
10 questioning on this meeting on 26 November 2010. And I ask you once
11 again, very insistingly, to try to recall and to say what you know.
12 Please, Mr Prosecutor.

13 MR DEMIRDJIAN: [12:23:05] Thank you, Mr President.

14 Q. [12:23:09] (Interpretation) Good afternoon once again, Mr Witness.
15 Now, do you have the logbook from the residence in front of you? Is it
16 displayed?

17 A. [12:23:29] Yes.

18 Q. [12:23:29] Thank you. We have an entry for the 26th of November
19 2010. That is two days after your last visit of the 24th of November. If you
20 can scroll or, rather, zoom in to the middle part of the page, please. Yes.
21 That is perfect.

22 I would like to draw your attention to numbers 10 and -- 10 and 11. We see
23 "General CA." I believe "CA" stands for corps d'armée. That is Lieutenant
24 Mangou. Then we see Kassaraté. Number 13, we see "General Guiai Bi
25 Poin." And then there is PR and the arrival and departure times. For you,

1 the arrival time is 22.56, and then departure is midnight 10.

2 Now, at number 8, do you see Mr Prime Minister?

3 A. [12:24:45] Yes.

4 Q. [12:24:46] So on the 26th of November 2010, maybe you can tell us who
5 he was.

6 A. [12:25:03] It was Mr Aké N'Gbo, I think.

7 Q. [12:25:08] That was before the elections of November.

8 A. [12:25:13] The prime minister? It was Mr Soro.

9 Q. [12:25:16] He arrived at 22.50 and then he left at midnight 10. Now,
10 do you remember having come to the residence on this day and while you
11 were there, Mr Soro also was there?

12 A. [12:25:39] I'm sorry, I apologise, but I no longer remember this meeting
13 in which I'm supposed to have taken part from 22 hours to 01 hours in the
14 morning, which was also supposed to be attended by Mr Soro in the
15 president's shell residence.

16 PRESIDING JUDGE TARFUSSER: [12:26:05] Have you ever taken part in a
17 meeting at the residence of the president in the presence also of the prime
18 minister?

19 THE WITNESS: [12:26:23] (Interpretation) No, I do not remember, except at
20 the presidential palace.

21 PRESIDING JUDGE TARFUSSER: [12:26:28] So you do not remember to
22 have taken part in any meeting at the presidential palace in the presence of
23 the prime minister, Mr Soro?

24 No, no, look at me. Don't look around, trying to find somebody who tells
25 you what to say. The question is easy. You are in your capacity of then

1 supreme commander of the gendarmerie. You said you have been quite
2 some time at the residence or at the presidential palace. Is this correct?

3 THE WITNESS: [12:27:17] (Interpretation) Yes. My specific answer is yes.
4 But not with Prime Minister Soro from 22 hours to 1 o'clock in the morning.

5 PRESIDING JUDGE TARFUSSER: [12:27:40] So this meeting the Prosecutor
6 is referring to didn't exist or it was not in any case in your -- you were not
7 present if it existed.

8 THE WITNESS: [12:27:57] (Interpretation) I do not know whether it took
9 place or not. I was not present.

10 PRESIDING JUDGE TARFUSSER: [12:28:05] Okay. Thank you.

11 MR DEMIRDJIAN: [12:28:07]

12 Q. [12:28:12] (Interpretation) Very well. Mr Witness, let us set aside the
13 prime minister for the time being. On the date that this curfew of the 26th of
14 November was adopted, do you remember having been together with
15 Generals Mangou and Bi Poin late in the evening? Does that remind you of
16 anything?

17 A. [12:28:40] Once again, no.

18 Q. [12:28:41] Very well. So far we have seen three visits to the
19 presidential residence with General Mangou and General Guiai Bi Poin. It is
20 noted that the director general of the national police was not present. Can
21 you tell us, was there a particular reason or we are mistaken?

22 A. [12:29:13] I do not know.

23 Q. [12:29:16] Very well. Mr Witness, let me go back to another -- let me
24 go to another topic. You talked about the use of students and whether you
25 gave your agreement or not. And the reason why I'm coming back to this is

1 because during your interview on 8 October 2011 with the investigators of the
2 OTP, you gave us the following answer and you will tell us why -- whether
3 this refreshes your memory or not. I will place you in context.
4 The first, colleague, is 0016-0321, and it begins from line 249, page 328. And
5 I quote, question by the investigator:
6 "I will come back to this misunderstanding between you and General
7 Mangou."
8 And your answer: "Correct.
9 Investigator: "Yes. When did this misunderstanding start and for how
10 long did it last?"
11 Your answer: "No, I discovered at that meeting that there had been
12 meetings behind my back whereby authorities were brought to understand
13 that the gendarmerie forces were reticent and that their forces were not being
14 provided for missions that are intended for the gendarmerie. I can mention
15 a specific case. I have a gendarmerie school in Cocody, in Daloa Cocody.
16 It is in Daloa. Colonel Konan of that school at the time was transferred to
17 the gendarmerie school here in Abidjan. When the events in the west
18 increased, that commander, Colonel Gouanou, went through that operation
19 area where he had command and Colonel Konan asked the chief of general
20 staff that I should make available gendarmerie students to reinforce the
21 troops. And I said no. Do you follow?"
22 Investigator: "Yes."
23 Then you go on to say: "I said no. Therefore, that refusal was an act of
24 disobedience and of non-collaboration. I read the text and these are
25 students who are in school and they have nothing to do with that business.

1 Wait for them to become active and introduced into the institutional system."
2 Now, your answer continues and you provide other examples. But on that
3 specific point, you say here that your answer was no.
4 Let me now hark back to my question of a short time ago whether you
5 agreed or not. The question was the following: Mindful of what you said
6 in 2011 to the investigators, is the example mentioned here correct?
7 A. [12:33:09] These are two different situations. The one to which you
8 are referring is a situation in which gendarmerie students in Daloa were
9 being requested to be made available to the second battalion of soldiers so
10 that they could be part of the front, of the battle front. So my answer was no,
11 these are students who do not yet have the adequate training to go to the
12 battle front.
13 But now the other case was in relation to maintenance of law and order. In
14 the second year, they are able to receive treatment -- rather, training which
15 makes them able to provide the services of maintaining law and order. So
16 these are two distinct and different situations.
17 Q. [12:34:07] If I understand properly, you're saying that in 2011, the
18 situation was different. The situation you've mentioned in your interview
19 was a correct situation. Your answer was correct; is that the case? That is,
20 during your interview in 2011 when you answered the question by the
21 investigators, the example you used about Colonel Gouanou in Daloa, was
22 that a correct answer?
23 A. [12:34:57] Yes, it was.
24 MR N'DRY: [12:35:03] (Interpretation) Mr President, you have always been
25 of the view here that all what is being said here will be read at some point,

1 maybe in a year or in two years. Nobody knows. So for purposes of total
2 clarity and to avoid any possible confusion, can the Prosecutor remind us of
3 the question which prompted this answer from the witness during the
4 interview with the investigators of the Prosecutor, because in a few years
5 things might be confusing.

6 It might be interesting for the Prosecutor to mention the question that was
7 put to the witness. And I'm simply drawing the Chamber's attention to the
8 fact that we have so far focused on the witness's answer, but no one in the
9 current circumstances knows what the question was that was put to the
10 witness at the time.

11 MR DEMIRDJIAN: [12:36:18] I thought I cited the question of the
12 investigator and the answer of the witness at full length. So if this is a matter
13 that my learned friend wants to come back to.

14 PRESIDING JUDGE TARFUSSER: [12:36:31] Yes.

15 MR DEMIRDJIAN: [12:36:31] At this time, is your Honour satisfied that it
16 covered --

17 PRESIDING JUDGE TARFUSSER: [12:36:35] No, because you started with
18 the investigator asking, "When did this misunderstanding start and for how
19 long did it last?"

20 Probably we don't know which misunderstanding, what the origin of this
21 misunderstanding was, which then the witness goes to explain.

22 MR DEMIRDJIAN: [12:36:54] If we go into that, we're moving into a
23 different topic which we will get to, your Honours. And I don't want to
24 precede the witness's testimony on this, if you know what I mean. I don't
25 want --

1 PRESIDING JUDGE TARFUSSER: [12:37:07] I do know what you mean.
2 I also would say to Maître N'Dry that he has raised this issue and therefore
3 when we go to read the transcript in, as he says, one or two years we will for
4 sure pay attention to this. So I would continue and, well, for the next 20
5 minutes before lunch.
6 MR DEMIRDJIAN: [12:37:38] Thank you, Mr President.
7 Q. [12:37:41] (Interpretation) Mr Witness, a short while ago we looked at a
8 request or an application from RHDP for services to be provided to secure
9 their premises in Cocody.
10 You told us that at that time you also provided security services for political
11 party rallies; is that the case?
12 A. [12:38:21] Correct.
13 Q. [12:38:22] Let me show you an example. 0044-0388, number 85 on our
14 list. Thank you. Could we please zoom in to the top of the page.
15 Mr Witness, this is a message once again from CEMA, which is similar to the
16 one we looked at yesterday. It is to you, DGPN, and so on and so forth, and
17 other generals. And for a report, ministry of defence. You can see the date,
18 21 November 2010. That was prior to the second round of elections. And
19 just below, "Meeting of His Excellency the President of the Republic in
20 Yopougon." Then you see "primo" and "secundo."
21 Can we scroll down the page, please. Thank you.
22 In the secundo, you see, "Alpha: Providing security for meeting or rally
23 area by system of concentric circles." Then you see, "First circle, GR-GSPR;
24 second circle, gendarmerie police; third circle, gendarmerie and CECOS."
25 In practical terms and on the ground, let me take two units, GR-GSPR,

1 gendarmerie and police, from a practical standpoint, how did things unfold
2 on the ground practically?

3 A. [12:40:38] The first circle, it disappeared. Now, you see under the first
4 circle, you see "GR-GSPR," Republican Guard and security group for the
5 president of the republic. So whenever the president moves to any location,
6 the immediate protection units are the GSPR and the GR. That's the first
7 circle. It's a figure of speech. Then you have the second circle which
8 involves the second category of forces, the gendarmerie and the police. And
9 then in third place you have the CECOS.
10 It's not a geometrical circle, but it is the positions that the troops take on the
11 ground during such an outing.

12 Q. [12:41:38] Very well. When it comes to the use of troops from the
13 gendarmerie, a short while ago you told us that this was coordinated by the
14 CEMA. So the gendarmes who were on the ground at the time, how was
15 that mission communicated to them?

16 A. [12:42:02] The message that we are looking at is transmitted to us. We
17 assemble the troops and gather at the general staff, where the distribution and
18 positioning on the ground is allocated to the various troops.

19 Q. [12:42:25] Very well. Now, let me move on to another question still
20 during the same period.

21 Mr Witness, do you remember whether you were in contact with the head of
22 security at ONUCI at the time?

23 A. [12:42:48] No. You see, before I became commander of the
24 gendarmerie, I was the liaison officer, and in that capacity we used to meet.
25 But when I was reassigned, then I was no longer in contact with him.

1 Q. [12:43:08] Very well. Am I then to understand that you were no
2 longer the liaison officer in 2010?

3 A. [12:43:18] That is correct.

4 Q. [12:43:19] Very well. In your capacity as supreme commander of the
5 gendarmerie, you never had any opportunity to meet or have contact with the
6 head of security at ONUCI?

7 A. [12:43:37] No. However, from time to time we had courtesy calls from
8 the officers of ONUCI to the supreme command and to the gendarmerie and
9 also to the police. From time to time they also came to our barracks to verify
10 our weapons and ammunitions.

11 Q. [12:44:02] In what context did ONUCI verify your weapons and
12 ammunitions?

13 A. [12:44:14] The Security Council had issued an embargo on Côte
14 d'Ivoire regarding weapons. So their mandate was to determine whether or
15 not that embargo was being upheld.

16 Q. [12:44:36] At that time still in November 2010, what was the status of
17 your weaponry or your weapons beginning with the gendarmerie where you
18 served as the supreme commander? Can you tell us what the state of your
19 weaponry was at the time.

20 A. [12:45:04] We were under-equipped when it came to weapons given
21 that the rebels had attacked our barracks in 2002, taking away weapons and
22 vehicles.

23 Q. [12:45:24] Did you make any requests from your superiors for
24 replenishing your equipment and your armoury?

25 A. [12:45:42] Yes. We made such applications to the minister of defence.

1 Q. [12:45:57] Were those applications also made during the post-electoral
2 period from November 2010 to April 2011?

3 A. [12:46:10] I do not remember because the embargo was in place at that
4 time.

5 Q. [12:46:17] Very well. I'm sorry, but please could you clarify something
6 for us. You said a short while ago that you made applications to the minister
7 of defence. Could you be more specific? During what period were such
8 applications made or requests made?

9 A. [12:46:52] I am not able to tell you, but given that we had noticed that
10 we didn't have weapons, we didn't have vehicles to enable us to implement
11 our republican mandate, we had to refer to our chief to request proper
12 equipment for our services, our forces.

13 Q. [12:47:18] When you made such applications, did the minister of
14 defence meet your requests?

15 A. [12:47:35] We received materiel for peace or maintenance of order, such
16 as shields and batons, for protective measures.

17 Q. [12:47:51] Shields and batons, is that all?

18 A. [12:47:59] In a nutshell, yes, that was all.

19 Q. [12:48:05] Yesterday I think I remember you said you also received
20 some vehicles; is that correct?

21 A. [12:48:15] Not those that were received by General Affro. These were
22 pickups that were bought by the minister of the economy and finance and by
23 regional councils. They provided us with such vehicles that were then
24 assigned to our brigades on the field.

25 Q. [12:48:37] Mr Witness, I would like to show you a document.

1 CIV-OTP-0071-2291, number 219 on our list.

2 Mr Witness, this document is one which you probably have not seen before.

3 It is the cues for the 20 Hours television news cast. It shows the titles for the
4 various programmes of the day. I would like us to zoom in a little bit.

5 Please look at number 8.

6 A. [12:50:00] Yes.

7 Q. [12:50:01] That is why I put the question to you a short while ago.

8 Here you see, "Presidential Elections 2010/Gendarmerie General Kassaraté
9 receives security chief ONUCI," and the date at the top is 27 November, the
10 day before the elections.

11 Now, does this remind you of any possible meeting between yourself and
12 the chief of security ONUCI before the day of the elections?

13 A. [12:50:30] I do not know exactly who is being referred to, because I told
14 you already that officials from ONUCI regularly came to meet us at the office,
15 not only once, but several times.

16 Q. [12:50:46] Did you meet them in person?

17 A. [12:50:50] They would come to pay me a courtesy visit in the office,
18 and we would talk about the status of the relationship with the gendarmerie.

19 Q. [12:51:02] Very well. During that meeting or during such meetings in
20 November 2010, did you ever talk about the presidential campaign for the
21 elections?

22 A. [12:51:22] Yes, of course. They told us that they were available to
23 support us for purposes of deploying our troops on the ground, especially
24 when it came to issues of mobility. So we got to meet several times and quite
25 often.

1 Q. [12:51:41] I also seek clarification, Mr Witness, under the number 2,
2 where you can see, "Presidential Elections 2010: Specification or details
3 provided by General Mangou on the curfew." I would like to know from
4 you whether you have any idea what needed to be clarified or what needed
5 to be specified?

6 A. [12:52:09] I don't know. He alone is in a position to answer.

7 Q. [12:52:16] Very well. We can now take that document off the screen.
8 Mr Witness, we know that the election, the presidential election, took place
9 on the 28th of November, and it took a few days for the results to be
10 announced. The evidence we have also indicates that the results were
11 announced by the independent Electoral Commission.

12 And I would like to find out from you whether you are familiar with the
13 incident that was televised during which a representative of the commission,
14 Mr Damana Pickass, took away from the hands of Mr Yacouba Bamba, the
15 spokesperson, the results of the elections; do you remember that incident?

16 A. [12:53:33] I saw that incident on TV. I saw the documents being taken
17 away from his hands on TV, but I was not physically present there when
18 those things happened.

19 Q. [12:53:46] I did not want to insinuate that you were present, but I just
20 wanted to find out whether you were aware of it. According to evidence
21 available to us, this happened on the 30 November 2010.

22 Now, we have looked at the curfew of the 26th which was extended over a
23 number of days. Do you know whether the curfew was extended?

24 A. [12:54:21] I do not clearly remember, but I think that it was prolonged
25 or extended I think.

1 Q. [12:54:32] Do you know why it was extended at that time?

2 A. [12:54:46] I have said before, but I might be mistaken, and I say this
3 with all possible reservations, I really don't have any specific answers to
4 provide in that connection.

5 Q. [12:55:03] Mr Witness, can you look at the next document, 0018-0047,
6 number 36 on our list. Can we go to page 3 of this Official Gazette, please.
7 To the top right, please zoom in. And here to the top right of the document,
8 Mr Witness, do you see decree number 2010-308? Can you see it?

9 A. [12:55:53] Yes.

10 Q. [12:55:53] This decree deals with the extension of the curfew. Once
11 again you see reference made to a number of basic laws and then you see
12 "mindful of the emergency, decrees as follows." And let's scroll down please.
13 Here, reference is made to the curfew of 26 November having been extended
14 to Sunday, 5 of December.

15 My question then to you is simple. A short while ago you explained that
16 during the campaign and the electoral period, a curfew was introduced on
17 26th February -- November. Now, in this context, does this extension
18 refresh your memory? Did it take place, such an extension? What were the
19 reasons for it?

20 A. [12:57:07] I cannot provide you with any reasons for which the curfew
21 was extended.

22 By the way, let me further insist that in my capacity as commander of the
23 gendarmerie we never received the Official Gazette. But in any event the
24 curfew was extended.

25 Q. [12:57:30] If you recall yesterday, in answer to one of my questions,

1 you said that the minister of defence would forward various decrees and
2 instruments to you. Are you saying then that this is one of those texts that
3 was not forwarded to you?

4 MR GBOUGNON: [12:57:53] (Interpretation) Mr President, could we be
5 provided with the references of the transcript my learned colleague is
6 referring to. He has referred to transcripts and a statement from the witness
7 made yesterday. Could he be more specific and provide the references so
8 that we can find out what exactly he is referring to.

9 PRESIDING JUDGE TARFUSSER: [12:58:21] Yes, please.

10 MR DEMIRDJIAN: [12:58:49] (Interpretation)

11 Q. [12:58:50] Yesterday, at page 10, line 19, Mr Witness, this is what you
12 said in answer to a text which I showed you: "That text comes from the
13 Official Gazette. The gendarmerie does not receive the Official Gazette, but
14 it receives instructions from the minister of defence."

15 A. [12:59:11] That is correct.

16 Q. [12:59:13] So in relation to the extension of the curfew that is before us,
17 did you receive any instructions from the minister of defence?

18 A. [12:59:31] As I told you, the instructions always came through the chief
19 of staff, who in turn would transmit them to us. Well, this was also
20 broadcast on TV and the chief of staff also instructed us to implement the
21 measures that had been handed down by government.

22 Q. [13:00:00] So at that time there were two lieutenant generals, yourself
23 and General Mangou; is that correct?

24 A. [13:00:08] Yes, correct.

25 Q. [13:00:09] You are the commander and you saw that this curfew had

1 been extended. Did you talk about it among yourselves, that is, among the
2 two generals, lieutenant generals?

3 A. [13:00:24] We cannot talk about state decisions. All we have to do is to
4 implement them by implementing the attendant measures pertaining to the
5 curfew.

6 PRESIDING JUDGE TARFUSSER: [13:00:36] This again was not the
7 question. The question was if you spoke together, not if you implemented
8 an order, because that you implemented an order is clear, is normal, is your
9 duty. The question was: Did you discuss, did you speak about this?

10 THE WITNESS: [13:00:57] (Interpretation) Am I to answer?

11 PRESIDING JUDGE TARFUSSER: [13:01:10] Yes, you are. Oui.

12 THE WITNESS: [13:01:12] (Interpretation) With your leave, I said yes, but
13 we did not discuss the issue between men because these were orders that we
14 received from the chief of staff through messages that were sent to us. So I
15 hope this is clear enough.

16 MR DEMIRDJIAN: [13:01:27] Perhaps just before the break, one last
17 question on this.

18 Q. [13:01:31] (Interpretation) As the Presiding Judge has pointed out, we
19 understand that you received these orders and you put them in place. You
20 implemented them. But amongst generals, this was a curfew. It was
21 extended. Well, first of all, did it have an impact on your work?

22 MR GBOUGNON: [13:01:54] (Interpretation) Your Honour --

23 MR DEMIRDJIAN: [13:01:58] It's a very clear question. It's a non-leading
24 question. This is obstructive at this time. I'm sorry.

25 PRESIDING JUDGE TARFUSSER: [13:02:04] Who said leading question?

1 MR GBOUGNON: [13:02:10] (Interpretation) It was the Prosecution. I had
2 not yet -- my microphone was not even on. And it certainly was not me who
3 said such a thing, that it was a leading question.

4 May I address the Court?

5 PRESIDING JUDGE TARFUSSER: [13:02:32] Yes.

6 MR GBOUGNON: [13:02:34] (Interpretation) Your Honour, I don't know,
7 and I really need to make this comment with the witness outside of the
8 courtroom, if I could.

9 PRESIDING JUDGE TARFUSSER: [13:02:51] Okay. So you'll make it
10 outside the court when we resume after lunch.

11 MR GBOUGNON: [13:03:04] (Interpretation) Thank you.

12 PRESIDING JUDGE TARFUSSER: [13:03:05] Okay. Now we have the
13 lunch break and then after lunch, at 2.30, we resume.

14 The hearing is adjourned.

15 THE COURT USHER: [13:03:14] All rise.

16 (Recess taken at 1.03 p.m.)

17 (Upon resuming in open session at 2.38 p.m.)

18 THE COURT USHER: [14:38:03] All rise.

19 Please be seated.

20 PRESIDING JUDGE TARFUSSER: [14:38:24] Now the witness is not here.
21 Mr Knoops.

22 MR KNOOPS: [14:38:48] Mr President, good afternoon.

23 PRESIDING JUDGE TARFUSSER: [14:38:50] Good afternoon.

24 MR KNOOPS: [14:38:51] Before the break you gave the opportunity for our
25 team to address the --

1 PRESIDING JUDGE TARFUSSER: [14:38:57] Yes.

2 MR KNOOPS: [14:38:58] -- nature of the questioning, the last portion by the
3 Prosecution.

4 PRESIDING JUDGE TARFUSSER: [14:39:04] Yes.

5 MR KNOOPS: [14:39:05] First of all, Mr President, I would like to seek leave
6 from the Chamber on behalf of Mr Blé Goudé to have the Court consider to
7 have Monday morning 10 minutes of the Court's time to address a very
8 pertinent situation in the detention centre which needs an urgent solution.

9 PRESIDING JUDGE TARFUSSER: [14:39:31] Here or there?

10 MR KNOOPS: [14:39:33] With the judges, if possible.

11 PRESIDING JUDGE TARFUSSER: [14:39:36] No. But in the detention here
12 or there?

13 MR KNOOPS: [14:39:38] No, no, no. In the detention centre itself.

14 PRESIDING JUDGE TARFUSSER: [14:39:42] Okay.

15 MR KNOOPS: [14:39:43] And that request is also endorsed by the team of
16 President Gbagbo. It will not take more than 10 minutes of the Court's time,
17 preferably ex parte and in private session. And we'll make sure that we have
18 the arguments being delivered in 10 minutes to the Court.

19 PRESIDING JUDGE TARFUSSER: [14:40:06] By ex parte you mean just
20 Defence?

21 MR KNOOPS: [14:40:10] Yes.

22 PRESIDING JUDGE TARFUSSER: [14:40:11] Okay. So for the other parties
23 it will start, say, at 10 instead of 9.30.

24 MR KNOOPS: [14:40:21] Unfortunately. Thank you, Mr President.

25 PRESIDING JUDGE TARFUSSER: [14:40:23] This is agreed. So I ask the

1 Prosecutor to take note of this, that for the LRV and the Prosecutor, the
2 hearing starts on Monday at 10 o'clock instead of 9.30.

3 MR KNOOPS: [14:40:36] And if the Court allows, the detainees would also
4 like to address the Court also then briefly for one minute.

5 PRESIDING JUDGE TARFUSSER: [14:40:45] Of course.

6 MR KNOOPS: [14:40:45] Thank you, Mr President.

7 Now, back to the issue we aborted before the break. Our objection in regard
8 to the last line of questioning --

9 PRESIDING JUDGE TARFUSSER: [14:40:57] Just one thing to complete this.

10 MR KNOOPS: [14:40:59] Of course.

11 PRESIDING JUDGE TARFUSSER: [14:41:00] This is related to what we
12 know from this morning? The issue also --

13 MR KNOOPS: [14:41:06] It has to do with that issue in combination with --

14 PRESIDING JUDGE TARFUSSER: [14:41:10] With something else, okay.

15 MR KNOOPS: [14:41:12] Which reinforces actually --

16 PRESIDING JUDGE TARFUSSER: [14:41:14] Of course, okay.

17 MR KNOOPS: [14:41:15] -- the situation for the two accused persons.

18 PRESIDING JUDGE TARFUSSER: [14:41:17] Just to have an idea.

19 MR KNOOPS: [14:41:19] Thank you, Mr President. Thank you. Now,
20 with respect to our objection, it's based on the directive of your Chamber,
21 directive 27, the matter of repetition in combination with the nature of the
22 questioning, which in our view is quite suggestive.

23 PRESIDING JUDGE TARFUSSER: [14:41:40] Could you please remind the
24 Chamber on the issue.

25 MR KNOOPS: [14:41:44] Absolutely, of course.

1 PRESIDING JUDGE TARFUSSER: [14:41:45] Otherwise, we are only -- we
2 know only half of it. I have to go back to the transcript.

3 MR KNOOPS: [14:41:52] Of course, yes. Page 74 of the English transcript,
4 line 23, the witness is asked whether he talked about the curfew that is
5 amongst two generals, lieutenant generals. The answer of the witness in line
6 74 -- page 74, line 24 is, "We cannot talk about state decisions."
7 This answer implies the answer no.

8 The second time this issue has been raised is on page 75, line 6, and the
9 witness answered, page 75, line 10, "We did not discuss this issue amongst
10 men," i.e., not being military men but amongst men, "because these were
11 orders."

12 So that's the second time the witness clearly answered this question.

13 And then for the third time, at transcript page 75, line 19, the Prosecution
14 comes back to this issue saying, "But you implemented them." "But
15 amongst generals this was a curfew, with the emphasis 'amongst generals'
16 this was a curfew, it was extended."

17 That is at the least suggestive saying that amongst generals this was a
18 curfew, i.e., it's suggesting that the witness did speak with his colleague
19 lieutenant general.

20 And then the questioning goes on, saying, "Well, first of all, did it have an
21 impact on your work?" By saying "first of all," the Prosecution intends to
22 come back to an issue which has already been answered by the witness
23 twice; first we cannot speak about state affairs -- state decisions, first and
24 that's the answer no.

25 Secondly, page 75, line 10, "We did not discuss this issue amongst men,

1 because these were orders."

2 And then third time, the Prosecution in page -- on page 75, line 19, comes
3 back for the third time to this curfew, suggesting that "but amongst generals,
4 this was a curfew."

5 And then of course the first question of the Prosecution is an open question,
6 first of all. "Well, first of all, did it have an impact" is an open question.
7 But in combination with the previous answers of the witness, it's clear that he
8 didn't speak with his colleagues about the merits. He's a military guy who
9 apparently from his position as a military officer has accepted this order as
10 such.

11 And by repeating this and by emphasising that the witness should tell the
12 truth, it might influence the witness and it might pressurise him unduly, and
13 that's why we believe, Mr President, that the witness did answer this
14 question twice and the Prosecution now intends to abord the issue of curfew
15 for the third time, suggesting that amongst generals this was a curfew, i.e.,
16 we come back to this issue because we have no faith in what you are saying
17 today.

18 That's the reason why we object to the line of questioning and coming back
19 again to the curfew. Thank you.

20 PRESIDING JUDGE TARFUSSER: [14:45:56] Maître Altit, do you want to
21 intervene? No.

22 MR ALTIT: [14:46:01] (Interpretation) No, Mr President.

23 PRESIDING JUDGE TARFUSSER: [14:46:04] Thank you very much.

24 Mr Prosecutor.

25 MR DEMIRDJIAN: [14:46:06] Yes. Your Honours, this was a follow-up

1 question to a question from the Bench. However, to save time, we are
2 moving to a different topic so I don't wish to engage any further on the
3 matter.

4 PRESIDING JUDGE TARFUSSER: [14:46:15] Yes. But let me just say two
5 things. One, "We cannot talk about state decisions" is one thing. "We did
6 not talk about -- discuss the decision," saying we did not, we did not talk
7 about state decisions is a second. And did the curfew, the extension of the
8 curfew have an impact is a third question. So whatever this suggests is
9 speculation, but this is a different question if it had an impact or if the two
10 persons spoke about it. So this is how I see it.

11 But I am happy to hear that the Prosecutor is going to address another topic
12 and, therefore, you have the floor.

13 And I would -- but before having the floor, I think we should better ask the
14 court usher to bring the witness in again. Thank you.

15 (The witness enters the courtroom)

16 PRESIDING JUDGE TARFUSSER: [14:48:13] Good afternoon, Mr Witness.
17 Before giving immediately the floor to the Office of the Prosecutor, I urge
18 you once more and recall you once more of your duties to say the truth, and I
19 add that with no witness before I made this recommendation as often as with
20 you. And it's up to you to draw the conclusions out of it. But please
21 continue -- please be aware that you are here under oath and you have to tell
22 the truth.

23 Therefore, I give the floor again to the Office of the Prosecutor -- not
24 "therefore" but as a consequence. Thank you.

25 MR DEMIRDJIAN: [14:49:04] Thank you, Mr President.

1 Q. [14:49:06] (Interpretation) Mr Witness, before the break, if you recall,
2 we were talking about the extension of the curfew of the 1st of December, and
3 beforehand we had talked about an incident on the 30th of November when
4 the election results were announced, the incident that people saw on the
5 television. And once again, we do have an entry in the visitor's logbook that
6 indicates that you visited the presidential residence. And if we could call up
7 document 0088-030863, page 964. 964.

8 PRESIDING JUDGE TARFUSSER: [14:50:25] This is an illegible document.
9 Now it's okay.

10 MR DEMIRDJIAN: [14:50:33] It was 864 and now it's 964.

11 Q. [14:50:36] (Interpretation) Just for the record, we see that this is the
12 logbook for Wednesday, 1 December 2010. We see a list of visitors. And I'd
13 like us to move on to page 966, the next page of this list, this list of visitors
14 who came on that date. Now, if we zoom in a bit, we see -- thank you.
15 You'll see that number 35 -- if we could just zoom in a bit more, please.
16 Item 35, we see your name, "Kassaraté. Arrival: 15.43. Departure:
17 16.40." And we also see General Mangou, Dogbo, and Guiai Bi Poin;
18 Comterre, we see. 29, we see, "Director general police." And apparently
19 you all left at 16.40.

20 Now, first of all, on 1 December, the day after the incident that was seen on
21 the television, what were you talking about on that day?

22 A. [14:52:14] I don't remember. I don't remember going.

23 PRESIDING JUDGE TARFUSSER: [14:52:23] I just wanted to ask. The first
24 question is: Do you know, having been at that meeting?

25 MR DEMIRDJIAN: [14:52:32] Sorry, your Honours, I did skip this step.

1 Yes.

2 Q. [14:52:37] (Interpretation) Let me repeat my question to you, sir. Do
3 you remember being at the presidential residence on the 1st of December
4 2010?

5 A. [14:52:50] As I said, I don't remember dates, so I'm not in a position to
6 remember exactly whether I went to the residence on that day or not.

7 Q. [14:53:10] Very well. At the top of the page, number 24, we see the
8 name "Mr Blé Goudé" from 15.15 to 00.34. Does that ring a bell? Were you
9 at the residential residence when Mr Blé Goudé apparently was there?

10 A. [14:53:35] I don't recall being at the residence in the company of
11 Mr Blé Goudé.

12 Q. [14:53:40] No, no, no, not in the company of. But once you got to the
13 residence, was Mr Blé Goudé present? Was that the situation?

14 A. [14:53:57] I don't recall at all.

15 Q. [14:54:04] The COMTER, commissioner --

16 A. [14:54:15] He was the commander of the land forces. And at the time
17 that must have been General Detoh Letho. But don't quote me on it.

18 Q. [14:54:32] Were you at the residence? Do you remember the time
19 when you were at the residence in the presence of the COMTER, the
20 commander of the land forces?

21 A. [14:54:48] Each time that I went to the residence it was with General
22 Mangou, not with the COMTER, the land forces commander.

23 Q. [14:54:57] Well, my question wasn't whom you went with but, rather,
24 when you were present at the residence, was there a situation -- might there
25 have been a situation during which General Detoh Letho was present?

1 A. [14:55:18] I don't remember, not at all.

2 Q. [14:55:31] Very well. Mr Witness, yesterday I asked you about the
3 situation in which the police informed you that members of the gendarmerie
4 may have committed violations, offences, for example, the incident in
5 Yopougon, and you said that in that context you mentioned a squadron
6 leader. Do you remember that?

7 A. [14:56:02] Yes.

8 Q. [14:56:02] Very well. And I think I asked you the question yesterday,
9 but I'll put the question to you again. Do you remember the period of time,
10 the specific time when that occurred?

11 A. [14:56:22] I don't remember the period of time at all, but I do know that
12 it did happen.

13 Q. [14:56:26] Thank you. Now, we have submitted a document that
14 indicates that the events occurred on 1st December 2010 during the
15 post-election period. Is that in accordance with --

16 MR N'DRY: [14:56:50] (Interpretation) I'd just like to ask if we could see the
17 document in question.

18 MR DEMIRDJIAN: [14:57:02] Your Honours, I don't intend to show it, but I
19 can make reference to it. For the record, it is a submitted document,
20 CIV-OTP-0046-0099. But I don't intend to spend any time showing it to the
21 witness.

22 PRESIDING JUDGE TARFUSSER: [14:57:18] And why?

23 MR DEMIRDJIAN: [14:57:22] Your Honours, we could. We could, but I
24 don't wish to belabour the point of the date really. That's not the point. I
25 just wanted to see if that would refresh his memory if I suggested a date to

1 him. But I will not belabour the point of the date itself. The document is
2 already submitted.

3 PRESIDING JUDGE TARFUSSER: [14:57:46] Maître N'Dry.

4 MR N'DRY: [14:57:48] (Interpretation) Your Honour, just to make sure
5 everything is crystal clear, I would rather that the document be displayed
6 because, indeed, there is a problem here. The witness is here and in light of
7 the responses given by the witness yesterday, I think there is a problem, but I
8 don't want to say any more than that in the presence of the witness.

9 PRESIDING JUDGE TARFUSSER: [14:58:19] Yes. I think we can spend
10 these few minutes.

11 MR DEMIRDJIAN: [14:58:26] Very well. So I've given the ERN. If we
12 could pull it up, 0046-0099. Well, no, just before we do that, can we just get
13 the witness to answer the question, because I really don't want to waste time.
14 And if my learned friend prefers to have the document --

15 PRESIDING JUDGE TARFUSSER: [14:58:57] No. But one thing is if there is
16 a reason, a substantive reason. The waste of time is not a substantive reason,
17 I would say. If there is a substantive reason, then I think we should --

18 MR DEMIRDJIAN: [14:59:08] Very well.

19 PRESIDING JUDGE TARFUSSER: [14:59:09] -- we should talk about it. If
20 it's just for the waste of time, let's waste this bit of time.

21 MR DEMIRDJIAN: [14:59:18] Publish the document. Can we go to page 2,
22 please.

23 MR N'DRY: [14:59:36] (Interpretation) Your Honour --

24 PRESIDING JUDGE TARFUSSER: [14:59:41] (Interpretation) Yes, yes.

25 MR N'DRY: [14:59:43] (Interpretation) I object, your Honour. I

1 would -- because I wanted the document to be shown, but I wish to make
2 comments with the witness outside of the courtroom. I was just waiting for
3 him to have the document put up on the screen.

4 PRESIDING JUDGE TARFUSSER: [15:00:04] Mr Witness, can you please
5 leave the courtroom for a few minutes in order for the counsel of
6 Mr Blé Goudé to make his opposition or his comments. Thank you.

7 (The witness stands down)

8 PRESIDING JUDGE TARFUSSER: [15:00:41] Maître N'Dry.

9 MR N'DRY: [15:00:43] (Interpretation) Just a minute. I annotated the event
10 and the case manager will bring up the transcript of yesterday, page 103.

11 But while waiting, I would like to make this observation. Mr President, we
12 are very well aware of the event that was being targeted by the Prosecutor.
13 The only point is yesterday when the question was put to the witness, he did
14 not refer specifically to the event which is the subject of the document that is
15 about to be shown to the witness.

16 The witness yesterday talked about an event in Yopougon Sicogi, which is
17 not Yopougon Wassakara, and today you are going to be shown a document
18 relating to Yopougon Wassakara. There is a problem there. I did not want
19 to make that remark in the presence of the witness, but he never mentioned
20 any incidents in Wassakara. He said Yopougon. And I remember it very
21 well.

22 Today the Prosecutor wants to show him a document relating to Wassakara.
23 It is not the same thing. That is why I asked the Prosecutor to make known
24 the document relating to Wassakara. The witness never talked about it.
25 He talked about an incident in Yopougon Sicogi.

1 MR ZOKOU: [15:02:55] (Interpretation) Mr President, I would like to add
2 something. Regarding this issue, the witness answered in relation to
3 whether he remembered the date and he said he did not remember. And
4 this is in page 103, lines 24-25. So my learned friend is stealthily seeking to
5 come back to this incident, and the date was not specified previously by the
6 witness.

7 PRESIDING JUDGE TARFUSSER: [15:03:38] Well, the witness doesn't recall
8 a lot of dates of things.
9 Mr Prosecutor, please.

10 MR DEMIRDJIAN: [15:03:42] Thank you, Mr President. Your Honours, a
11 lot of the objections I think that we've heard were argumentative about what
12 the document says or what it doesn't say. I think, as you noted, the witness
13 is a highly educated person who may say yes or no if it applies to the incident
14 he was referring to yesterday.

15 If you remember yesterday at page 102, I did put a preamble in my question
16 to ask to the witness whether during the post-election violence, whether any
17 incidents involving the gendarmerie was reported to him, and in that time
18 frame he said yes, there is one example in Yopougon. Now, he said
19 Yopougon Sicogi and he added "and Sicogi included Wassakara and other
20 neighbourhoods."

21 Now it is for him to say when this document is shown whether it applies to
22 that incident. I'm not sure if counsel is actually pleading that there was
23 another incident where Mr Koukougnon was involved, and if he was, then
24 we can explore that. But this is the one incident that we do have on this
25 document. Thank you.

1 PRESIDING JUDGE TARFUSSER: [15:04:57] Indeed, the witness said Sicogi,
2 Sicogi, which is a big neighbourhood with many sub-neighbourhoods, among
3 them was mentioned also Wassakara, which was not transcribed in English
4 but was transcribed in French. Therefore, the question is admitted.

5 I ask the court usher to reintroduce the witness.

6 In French at page 103, lines 22-24, where Wassakara is also mentioned, while
7 in the transcript, the English transcript, page 102, 20 to 22, it is not
8 mentioned.

9 (The witness enters the courtroom)

10 PRESIDING JUDGE TARFUSSER: [15:06:04] Mr Prosecutor.

11 MR DEMIRDJIAN: [15:06:06] Thank you, Mr President.

12 Q. [15:06:08] (Interpretation) Mr Witness, let me take you back to the
13 incident that you talked to us about yesterday in Yopougon. And there was
14 talk about the police. I have the document in front of me. You have a
15 document in front of you. It is not a document of the gendarmerie, so we are
16 not attributing it to you in any way.

17 So can we zoom in to that document a little bit, please.

18 At the top of the page you can see that this document comes from the police
19 station of the 16th arrondissement, Yopougon sent to the prefect of police
20 Abidjan. "Subject: Four individuals killed and seven others injured by
21 bullets at Yopougon Wassakara."

22 I'm not going to read the entire document because it's a two-page document.

23 And in the first lines we see reporting this day, 1 December 2010, around
24 22.50. "We have received by PC radio information according to which there
25 was sustained gunfire in Yopougon Wassakara." The document then goes

1 on to talk about the number of dead and injured.

2 And on the following page, please, can we move on to the following page,
3 and please zoom in to the bottom of the page.

4 I would like to draw your attention to the last page, which begins with
5 "Mentionnons."

6 "Let us mention that following the statements of the latter person, we
7 phoned Commander Koukougnon, commander of the Yopougon squadron,
8 to find out from him whether he had carried out an operation in Wassakara
9 Yopougon, specifically at the RDR headquarters "

10 His answer was yes, and added that his elements were forced to fire back
11 after having been fired at.

12 Yesterday you talked about an incident at Yopougon, and when I asked you
13 about the location you said Sicogi.

14 PRESIDING JUDGE TARFUSSER: [15:09:25] Put the question, please. Put
15 the question, please.

16 MR DEMIRDJIAN: [15:09:28] (Interpretation) I am coming now to my
17 question.

18 Q. [15:09:28] To begin with, now, does this document reflect the event that
19 you described yesterday?

20 A. [15:09:45] I did not quite understand the question, sir.

21 Q. [15:09:49] The commissioner's report that we have here on an incident,
22 incident in Yopougon, does it refer to the event that you related to us
23 yesterday involving Commander Koukougnon?

24 A. [15:10:12] That is correct.

25 Q. [15:10:13] Very well. Now, yesterday when I asked you what

1 happened subsequently, you said that an investigation --

2 PRESIDING JUDGE TARFUSSER: [15:10:27] Put the question. The
3 question is much, much longer than the answers because you are giving the
4 answer. Just ask the question. And then if he gives -- if it's different, then
5 you go back to what was said. Otherwise we are -- you are putting in the
6 mouth the answers.

7 MR DEMIRDJIAN: [15:10:56] (Interpretation) Very well.

8 Q. [15:11:01] Mr Witness, you said that it was the police carrying out the
9 investigation. That's what you said yesterday, right?

10 A. [15:11:09] Yes.

11 Q. [15:11:11] Subsequently, can you tell us what measures the
12 gendarmerie took following that investigation, if they took any measures?

13 A. [15:11:25] Given that the investigation was being carried out by the
14 police, we were waiting for the outcome of the police investigation.

15 Q. [15:11:39] Did you receive the findings?

16 A. [15:11:45] No.

17 Q. [15:11:49] Was this event common knowledge or public knowledge,
18 that incident?

19 A. [15:12:03] Yes.

20 MR DEMIRDJIAN: [15:12:12] Could I ask the Registry to have the floor to
21 display a video, please. It is going to be CIV-OTP-0061-0547, tab 207 of our
22 list. The transcripts are CIV-OTP-0094-0291. The time code for the video
23 will be from 3 minutes to 5 minutes 54.

24 PRESIDING JUDGE TARFUSSER: [15:12:49] Public?

25 MR DEMIRDJIAN: [15:12:50] Public.

- 1 PRESIDING JUDGE TARFUSSER: [15:12:52] Thank you.
- 2 MR DEMIRDJIAN: [15:13:07] We have to be on Evidence 2, I believe.
- 3 THE COURT OFFICER: [15:13:10] Evidence channel 2, yes.
- 4 MR DEMIRDJIAN: [15:13:21] Before we play it.
- 5 Q. [15:13:22] (Interpretation) Mr Witness, what you will see on the screen
- 6 now is a video from the RTI, the 1 p.m. news. And for the record, it was
- 7 broadcast on 11 December 2010 on television. Let us proceed.
- 8 PRESIDING JUDGE TARFUSSER: [15:13:59] Excuse me. Have you the
- 9 transcript? No. The interpreters have not the transcript.
- 10 THE INTERPRETER: [15:14:06] Mr President, the interpreters usually need
- 11 notifications 24 hours before. But we can try now, if we get the transcript.
- 12 PRESIDING JUDGE TARFUSSER: [15:14:19] They have not the transcript.
- 13 Well, they're telling, interpreters are telling that they have not the transcript.
- 14 I don't know, because the OTP is making ample gesture saying that you
- 15 should have it.
- 16 THE INTERPRETER: [15:14:41] Your Honour, we have dozens of
- 17 transcripts, but they have to indicate which one they are going to play, and
- 18 that is what they do not know -- they do not say.
- 19 PRESIDING JUDGE TARFUSSER: [15:14:50] They have dozens of
- 20 transcripts, and you have to indicate which one you are going to play and this
- 21 is missing.
- 22 MR DEMIRDJIAN: [15:14:59] Okay. Do they need the ERN?
- 23 PRESIDING JUDGE TARFUSSER: [15:15:02] I'm only the postman, uh? I'm
- 24 not the one making this --
- 25 MR DEMIRDJIAN: [15:15:10] I believe that our case manager has resent it.

1 PRESIDING JUDGE TARFUSSER: [15:15:14] You should have it now
2 because the court officer sent it. Can you give me a hint when you are
3 ready? You are? Okay. Just give me a hint. You see how much time we
4 lose, we waste, other than displaying a document.

5 MR DEMIRDJIAN: [15:16:00] It seems to be part of our reality, your
6 Honours.

7 PRESIDING JUDGE TARFUSSER: [15:16:03] It's our reality.

8 THE INTERPRETER: [15:16:05] From the interpreter, can counsel kindly
9 repeat the number again.

10 PRESIDING JUDGE TARFUSSER: [15:16:09] Could you kindly repeat the
11 number again, of the transcript probably.

12 MR DEMIRDJIAN: [15:16:15] With pleasure.

13 PRESIDING JUDGE TARFUSSER: [15:16:17] "With pleasure," he said.

14 MR DEMIRDJIAN: [15:16:19] CIV-OTP-0094-0291. And it's at tab 246 of
15 our list.

16 THE INTERPRETER: [15:16:42] Mr President, the interpreters simply
17 received the long list again. If we can have a hard copy, that would be much
18 better.

19 PRESIDING JUDGE TARFUSSER: [15:16:53] The following message is they
20 have received only the list again. If they had a hard copy, it would be better.
21 Mr MacDonald.

22 MR MACDONALD: [15:17:05] And I would tell them and we will help them
23 as much as we can, but printers in this building exist everywhere. I mean,
24 there is so much we can do at one point. I'm sorry for my tone, but we've
25 been collaborating as much as we can, and I'm sorry.

1 PRESIDING JUDGE TARFUSSER: [15:17:22] Yes, but we have to find a
2 solution to this. And I don't know how to deal with it. And I think the ICC
3 doesn't make it the best --

4 MR MACDONALD: [15:17:36] We'll send them a copy. I don't know where
5 we need to go. Maybe they can give us a hint where we need to go in their
6 booth to give them a copy right now.

7 PRESIDING JUDGE TARFUSSER: [15:17:45] Please do so. I don't know
8 where they --

9 THE INTERPRETER: [15:17:49] Mr President, a colleague will come down to
10 the entrance to the courtroom, to your right.

11 PRESIDING JUDGE TARFUSSER: [15:17:58] Somebody will come down to
12 my right at the entrance of the courtroom.

13 In any case, the court officer is telling me that on the 1st of March she has
14 sent all the transcripts to the interpreters so there was sufficient time to print
15 them out and to look at them.

16 I really apologise for this, but not so much inside, but outside this courtroom
17 for this, which is not really the best signal.

18 THE INTERPRETER: [15:19:21] We have a copy now, Mr President.

19 PRESIDING JUDGE TARFUSSER: [15:19:27] So can we start with this? Can
20 we start with this video? I'm asking.

21 THE INTERPRETER: [15:19:40] Yes, we can start, Mr President. Even
22 without preparation, that's fine.

23 PRESIDING JUDGE TARFUSSER: [15:19:45] We can start with the video.
24 (Viewing of said video excerpt)

25 THE INTERPRETER: [15:19:51] (Interpretation of the video excerpt)

1 The presenter: It relates to the socio-political situation. We will listen to
2 Major Colonel Gohourou Babri Hilaire.

3 Gohourou Babri Hilaire: In a communiqué appearing in Inter newspaper,
4 number 3676 of Saturday, 11, and Sunday, 12 December 2010, on page 5, and
5 signed by the spokesperson of the Forces Nouvelles, the Defence and Security
6 Forces of Côte d'Ivoire feel that they are being called upon. It is deliberately
7 mentioned that there is passivity within the Forces of Defence and Security of
8 Côte d'Ivoire in the face of the acts of violence supposed to have been
9 perpetrated on a certain category of members of the population.

10 The responsibility of the Forces of Defence and Security was also called into
11 question or committed in the case of the event which took place on
12 Wednesday, 1 December 2010 at 22.15 in Yopougon at the headquarters of a
13 political party. In this regard the Defence and Security Forces of Côte
14 d'Ivoire recall to everyone that a communiqué published on Thursday, 2
15 December 2010 relating the precise circumstances of the event was issued.

16 This communiqué --"

17 MR DEMIRJIAN: (Overlapping speakers)

18 THE INTERPRETER: Mr President, that's what we were talking about. We
19 have many documents. They have to indicate the specific one and where it
20 ends. That was the clarification we have to make.

21 PRESIDING JUDGE TARFUSSER: [15:21:58] Yes, this was indicated, the
22 timestamp was indicated, and it's on the record from 5.00 as I recall to --

23 MR DEMIRDJIAN: [15:22:06] 3.00.

24 PRESIDING JUDGE TARFUSSER: [15:22:09] It's 3.00 to?

25 MR DEMIRDJIAN: [15:22:10] Yes, to 5.54. We stopped a few seconds

1 before that, yes.

2 PRESIDING JUDGE TARFUSSER: [15:22:15] To 5.54.

3 MR DEMIRDJIAN: [15:22:17] We stopped it at 4.46, just for the record, 4.46.

4 PRESIDING JUDGE TARFUSSER: [15:22:22] Okay. So please,

5 Mr Prosecutor.

6 MR DEMIRDJIAN: [15:22:24] Thank you.

7 Q. [15:22:25] (Interpretation) Mr Witness, did you recognise Colonel

8 Major Gohourou on the screen?

9 A. [15:22:38] Yes.

10 Q. [15:22:39] Did you recognise Colonel Major Gohourou Babri on the
11 screen? As I told you this was broadcast on the 11th of December over the
12 television, and he mentions the event at Yopougon. Is that the same event
13 that we were talking about a short while ago?

14 A. [15:23:08] Yes.

15 Q. [15:23:09] My question –

16 PRESIDING JUDGE TARFUSSER: [15:23:08] Go slowly, please, slowly.

17 MR DEMIRDJIAN: [15:23:20]

18 Q. My question is this: Following the investigation that was to be
19 carried out, was this incident the subject of discussion within the supreme
20 command of the gendarmerie?

21 A. [15:23:42] Yes.

22 Q. [15:23:44] Can you elaborate on those discussions, Mr Witness.

23 A. [15:23:54] I had the Commander Koukougnon convened. He's
24 mentioned in the document, so he should be able to say precisely what
25 happened. And briefly, he said that armed individuals attacked his men and

1 in the course of the cross-fire people died, but that it was the national police
2 carrying out the investigation.

3 THE INTERPRETER: [15:24:34] Can the witness repeat the last part of his
4 answer. It was not clear.

5 PRESIDING JUDGE TARFUSSER: [15:24:38] The last part of your answer
6 was not clear to the interpreters. Could you please repeat.

7 THE WITNESS: [15:24:50] (Interpretation) Mr President, I was saying that I
8 did not receive a copy of the investigation carried out by the police. The
9 police investigation report would be sent to the commissioner of the
10 government, the HTC.

11 PRESIDING JUDGE TARFUSSER: [15:25:30] Mr Prosecutor.

12 MR DEMIRDJIAN: [15:25:31] Thank you, Mr President.

13 Q. [15:25:39] (Interpretation) Mr Witness, to your knowledge, following
14 that discussion with Commander Koukougnon, was anybody the subject of
15 disciplinary measures or sanctions in relation to that incident?

16 A. [15:26:00] I do not remember, but I was waiting for an investigation
17 which would necessarily lead to a judgment or trial.

18 Q. [15:26:17] We can see the date of the event. How long afterwards did
19 you have that exchange with Commander Koukougnon?

20 A. [15:26:31] Not more than three days. As soon as we were informed, I
21 had him summoned.

22 Q. [15:26:40] Very well. Mr Witness, I will move on to something else.
23 Within the framework of the work of the gendarmerie, and let us limit
24 ourselves to the period of the electoral crisis, if in a situation it is learned, the
25 gendarmerie learns that an offence has been committed which deserves

1 discipline or sanctions, which sanctions can be implemented?

2 A. [15:27:30] After investigation, if the facts are confirmed, then the
3 elements will be subject to a disciplinary detention; then send a report to the
4 government commissioner. In that case the police will carry out the
5 investigation and this would be out of the mandate of the gendarmerie.

6 Q. [15:28:01] Very well. Which unit carries out investigations in the
7 gendarmerie?

8 A. [15:28:13] Any brigade of the gendarmerie can carry out an
9 investigation, but specifically we have a research unit that does that. But, in
10 principle, all gendarmerie brigades can carry out an investigation.

11 Q. [15:28:36] During the time of the investigation, if one of your elements
12 is the subject of an investigation, are there any interim measures taken?

13 A. [15:28:55] The element can be placed under disciplinary detention.

14 Q. [15:29:02] Very well. Mr Witness, I would like to show you a
15 document of the gendarmerie, CIV-OTP-0043-0289, and it is number 68 on
16 our list. Thank you. Can we zoom in to the top half of the document,
17 please. Very well.

18 Mr Witness, we have a document here captioned "Punishment File." Are
19 you familiar with this kind of document?

20 A. [15:30:02] Yes.

21 Q. [15:30:05] At the top of the page you see "Supreme Commander of the
22 National Gendarmerie." The date is 13 January 2011. And we can see here a
23 number of sections dealing with the identity of the soldier, the authority
24 requesting punishment. And I want to draw your attention to section 3. I'll
25 give you some time to read through that section and then I'll put a question to

1 you.

2 Can we scroll down a little bit, please. Sorry. Do you want us to expand
3 the document?

4 A. [15:30:52] Yes, please.

5 Q. [15:30:53] Could we zoom in. Thank you.

6 A. [15:30:56] I'm done.

7 Q. [15:31:22] Are you familiar with this incident?

8 A. [15:31:26] Yes.

9 Q. [15:31:27] Thank you. Here, what is the problem here? What did this
10 individual do?

11 A. [15:31:33] I don't remember, but the officer asking for the punishment
12 was the hierarchical superior. And the sanction was meted out, was meted
13 out and thereafter the issue was that a report was forwarded to hierarchy
14 without -- to the superior without respecting hierarchy.

15 Q. [15:32:04] Are you aware of what was contained in it?

16 A. [15:32:08] It is a request for punishment from the Divo company.

17 Q. [15:32:14] This document refers to a correspondence that was directly
18 forwarded to the lieutenant general supreme commander of the forces
19 without reporting through hierarchy. Do you remember receiving this
20 correspondence from that soldier?

21 A. [15:32:37] That is what I have been trying to explain to you. In the
22 army there is hierarchy. Once a captain has requested for a sanction against
23 that particular soldier, that request goes to Abidjan to the gendarmerie legion,
24 which is the head of the unit within that level. The legion commander
25 processes the file and then transmits it to the supreme commander. That's

1 the hierarchy.

2 Q. [15:33:10] My question was whether you received the letter from that
3 soldier which was addressed to you, because here we are talking about a
4 correspondence which did not respect the rules pertaining to military
5 correspondence. So the question is: Did you receive that letter that was
6 written by that soldier, that military -- that initial letter from that soldier?

7 A. [15:33:36] I have no such recollection.

8 Q. [15:33:39] Let us move on to the next page. Could we zoom in.
9 And here we see that the punishment is 4 days of stoppage. My question is
10 in relation to the proposed wording, "Young subordinate officer who is
11 displaying a spirit of délation."
12 "Espirit délation," what does that mean?

13 MR ZOKOU: [15:34:34] (Interpretation) Objection. I'm wondering what the
14 relevance of the question is.

15 PRESIDING JUDGE TARFUSSER: [15:34:38] In fact, there is a relevance to
16 the question. Who is the object of the delation? Well, the relevance is given,
17 and the question is what was the object of the delation.

18 THE WITNESS: [15:35:04] (Interpretation) I did not receive the details, but
19 delation, as understood in French, means that discourteous language was
20 used pertaining to incriminating material in relation to his chief. So I am not
21 the one who wrote the correspondence, but it is the author who asked for
22 matters pertaining to delation.

23 Now, when we receive such a document, we study it to find out whether the
24 accusation is based or baseless, and then that's what we do.

25 MR DEMIRDJIAN: [15:35:38] (Interpretation)

1 Q. [15:35:38] Do you know anyone who goes by the name Séka Yapo
2 Anselme?

3 A. [15:35:47] Yes, he was a gendarmerie officer.

4 Q. [15:35:52] In 2010-2011 during the post-electoral crisis, what was his
5 position?

6 A. [15:36:05] Commander Séka Yapo Anselme was the aide de camp to
7 the first lady, Madam Ehivet Simone Gbagbo.

8 Q. [15:36:19] During that period, the post-electoral period from 28
9 November to 11 of April, did Mr Séka Yapo Anselme at any time make a
10 request of you to receive weapons, of weapons to be provided to him?

11 A. [15:36:43] He cannot make such a request directly to me because he's
12 answerable to the commander of the GSPR, through whom he is bound to
13 pass for making any such requests. Certainly he must have done so, I think.

14 Q. [15:37:06] Who could grant or refuse such a request within the
15 gendarmerie?

16 A. [15:37:16] The supreme commander can reject such a request if it is
17 baseless.

18 Q. [15:37:23] Very well. Could we display 0044-0053. Could we zoom
19 in please to the top of the document.

20 Here we see, "Presidency of the Republic, Cabinet of the First Lady. Date: 2
21 December." I would like you to take some time to read through the
22 document as we scroll down into it, please. Please read that paragraph
23 beginning with "Compte tenu"

24 Could we scroll up a little, please. Thank you.

25 Do you see the handwritten note, "OK CSG"?

1 A. [15:39:02] Yes.

2 Q. [15:39:03] Okay. What does that represent exactly?

3 A. [15:39:05] Those are not my initials. It is the chief of cabinet Adou
4 Donga who wrote "OK CSG."

5 Q. [15:39:13] Mr Witness, on that day, on 2nd December, and I'm moving
6 onto something else, we know that the constitutional council adopted a
7 decision on the results of the elections and declared Mr Laurent Gbagbo to be
8 the president of the republic.

9 My first question to you is the following: Following that announcement,
10 were you aware of that announcement on the 2nd of December to begin with?

11 A. [15:39:54] Yes.

12 Q. [15:39:58] Did the major commanders gather to discuss this decision?

13 A. [15:40:05] No, not as far as I know.

14 Q. [15:40:12] Following that decision, did the major commanders go to the
15 residence of the president of the republic?

16 A. [15:40:22] Yes.

17 Q. [15:40:26] Why did they go to the residence?

18 A. [15:40:36] It is traditional practice in the Ivorian army that when the
19 president is elected or re-elected, we go to pay him our respects and then
20 make ourselves available to him for service.

21 Q. [15:40:52] Were all the generals in agreement when it came to going to
22 the residence on that occasion?

23 A. [15:41:03] Yes. There were no problems.

24 Q. [15:41:11] When you were going to the residence, first of all, who asked
25 you or informed you that you had to go to the residence?

1 A. [15:41:24] The chief of general staff.

2 Q. [15:41:29] Can you tell us who you were with exactly and with whom
3 you went to the residence on that day?

4 A. [15:41:51] The chief of general staff himself, the supreme commander,
5 myself, the director general of the police, and clearly the CECOS commander
6 and other officers whose names I do not remember.

7 Q. [15:42:11] Very well. Mr Witness, on that day -- rather, the
8 constitutional council made its decision on 2 December. When did you go to
9 see the president at the residence?

10 A. [15:42:47] At the very most, 48 hours after. At the very most.

11 Q. [15:42:53] Did you participate in his inauguration? Did you
12 participate in his inauguration?

13 A. [15:43:05] Yes. It happened at the presidential palace at the Plateau
14 and I was present.

15 Q. [15:43:13] Very well. Mr Witness, we have in the case file an Official
16 Gazette of 6 December. I will give the reference for the record soon. But it
17 indicates that the president of the republic formed his government on the 6th
18 of December, and the reference is CIV-OTP-0044-0487. Were you aware that
19 such a government was formed?

20 A. [15:43:54] Yes.

21 Q. [15:43:58] So in the days following the swearing-in of the president of
22 the republic, when you convened your commanders -- or did you summon
23 your commanders?

24 A. [15:44:20] No.

25 Q. [15:44:23] Very well. In the days following the swearing-in of Mr

1 Laurent Gbagbo, what happened in Abidjan?

2 A. [15:44:40] With your leave, what do you mean by "what happened in
3 Abidjan"?

4 Q. [15:44:54] Were there any reactions to the decision of the constitutional
5 council and to the swearing-in of Mr Laurent Gbagbo that followed? Were
6 there any reactions from the oppositions?

7 A. [15:45:19] I don't remember. What I know is that what happened is
8 that there were reactions by President Alassane, and I don't know what the
9 legal word is, but I think he took the oath of office too.

10 Q. [15:45:38] At the level of the gendarmerie, did that situation -- what did
11 that situation have as an impact on your work?

12 A. [15:45:53] It created a lot of uncertainty within our ranks. And the
13 wish was for the candidates to agree on the results.

14 Q. [15:46:11] A short while ago you mentioned that President Alassane,
15 and I want to find the right word, took the oath of office.

16 A. [15:46:22] Yes.

17 Q. [15:46:26] Did you also meet him after he took the oath of office?

18 A. [15:46:35] No. It wasn't a public event, but it was through
19 correspondence to the constitutional council.

20 Q. [15:46:45] Very well. Then you went on to say that it created
21 uncertainty because the candidates did not agree on the results. Now, you
22 within the gendarmerie and in your capacity as supreme commander, did
23 you issue any instructions to your commanders in view of that situation?

24 A. [15:47:12] When it happened, there was still peace, so no specific
25 instructions were issued. We were simply observing the situation.

1 Q. [15:47:27] Very well.

2 MR DEMIRDJIAN: [15:47:32] The following footage, your Honours, if we
3 could have the floor, that's CIV-OTP-0075-0061. The transcripts are
4 CIV-OTP-0094-0323. The clip will begin at 29.50. For my friends, the video
5 is at tab 229, the transcript at tab 248. If the Registry could give us the floor.

6 PRESIDING JUDGE TARFUSSER: [15:48:15] And what about the transcript?
7 Do we have the transcript? I'm asking the interpreters.

8 THE INTERPRETER: [15:48:24] Mr President, we have a whole bunch of
9 documents here. It's best if a copy could be sent up right away. It would
10 save time that way.

11 PRESIDING JUDGE TARFUSSER: [15:48:36] I received a message from the
12 interpreters that if a copy could have been sent to them, a hard copy, it would
13 save time, same as we did before.

14 MR DEMIRDJIAN: [15:48:52] Yes, we have it your Honours. We'll hand it
15 over to the court usher. Thank you very much.

16 PRESIDING JUDGE TARFUSSER: [15:48:57] The hard copy is arriving.
17 Hard copy in the eCourt is arriving.

18 THE INTERPRETER: [15:49:02] Thank you, Mr President.

19 PRESIDING JUDGE TARFUSSER: [15:49:15] I see Maître Altit.

20 MR ALTIT: [15:49:20] (Interpretation) Thank you, Mr President. I simply
21 want to ask for permission to address the Court briefly, 2, 3 minutes by the
22 end of today's session, because I have a question and an observation to make.

23 PRESIDING JUDGE TARFUSSER: [15:49:39] It is granted. We will finish in
24 5, 6, 7 minutes with the questioning and then you have the floor.

25 THE INTERPRETER: [15:50:04] Mr President, we have the document. If we

1 could be advised on the timestamp, that would be useful.

2 PRESIDING JUDGE TARFUSSER: [15:50:11] Could you repeat the
3 timestamp, because now they have the document. The timestamp or the
4 line, I don't know how it is construed, this document.

5 MR DEMIRDJIAN: [15:50:21] It's a one-page transcript. We will begin from
6 the beginning at 29.50 of the transcript.

7 THE INTERPRETER: [15:50:30] Yes. And end at?

8 PRESIDING JUDGE TARFUSSER: [15:50:32] And end?

9 MR DEMIRDJIAN: [15:50:33] And then we will go until line 36, so from line
10 1 to 36.

11 PRESIDING JUDGE TARFUSSER: [15:50:38] Okay.

12 THE INTERPRETER: [15:50:39] Mr President, the interpreters will need a
13 little bit of time to prepare for this.

14 PRESIDING JUDGE TARFUSSER: [15:50:46] What do you mean?

15 THE INTERPRETER: [15:0:48] Ordinarily, Mr President, if transcripts are to
16 be used in court, they are to be provided to interpreters ahead of time so that
17 they can prepare and deliver appropriately. Thank you, Mr President.

18 PRESIDING JUDGE TARFUSSER: [15:51:03] I'm informed by the court
19 officer that all these documents were provided to the interpreters on the 1st of
20 March. Is this correct, court officer?

21 THE COURT OFFICER: [15:51:14] Yes, Mr President. In fact, there were
22 many emails I received from the OTP case manager with different video
23 transcripts, and I automatically immediately send it to the court reporters and
24 the interpreters.

25 PRESIDING JUDGE TARFUSSER: [15:51:27] So this is the answer.

1 So I would now please ask the interpreters to do their job, and I would ask
2 the court officer to start the video and then we can come to an end of this
3 hearing.

4 THE INTERPRETER: [15:51:47] Mr President, Mr President, if the
5 interpreters may, there was correspondence also requesting that whatever
6 transcripts --

7 PRESIDING JUDGE TARFUSSER: [15:51:59] I know, I know. Let me just
8 say we cannot now debate on this issue. All right? We are here in the
9 hearing. We are not debating these things. We do this outside the time of
10 the court, of the hearing. We have a few minutes to go.
11 Please, the OTP may play the video.

12 THE INTERPRETER: [15:52:25] Sight translation.

13 MR DEMIRDJIAN: [15:52:29] (Interpretation) Just before we play the video,
14 I'll just give you a bit of background. This is from the RTI, from the news
15 broadcast, and we'll play the video in just a moment.

16 PRESIDING JUDGE TARFUSSER: [15:52:46] On which day? Sorry. On
17 which day was it displayed?

18 MR DEMIRDJIAN: [15:52:51] The 6th of December 2010.

19 PRESIDING JUDGE TARFUSSER: [15:52:54] 6th of December 2010. Thank
20 you.

21 (Viewing of said video excerpt)

22 THE INTERPRETER: [15:52:58] (Interpretation of the video excerpt)

23 Lieutenant general, superior commander of the national gendarmerie, had a
24 working session with the unit commanders and the heads of services. On
25 the agenda for this meeting, congratulations and encouragement from the

1 hierarchy. Here is a report, Alvor Assa.

2 Alvor Assa, the reporter, says the following: After a brief introduction
3 made by the chief of staff, Colonel Ado Donga Denis, the supreme
4 commander took the floor, observing that clearly that all the heads of service
5 and unit commanders are present and at their positions. He began his
6 remarks by taking stock of the situation in a very clear fashion. He said,
7 "We are soldiers, not politicians. We are not getting involved in politics,
8 our mission being to defend the institutions of the republic, and we are
9 continuing with that mission right to the very end."

10 Then there is a change of speaker, and Mr Kassaraté says: Officers, heads of
11 bodies, unit commanders, heads of services, gentlemen, brigade
12 commanders, I would like to pay tribute to you all and tell you that I wanted
13 us to have this meeting so that we could see one another. We're all here.
14 Everyone is at his position. And I wanted us to be able to exchange
15 information about the accomplishment of our mandate to protect the
16 republic.

17 We, the gendarmes, more than one other, we know what the price of betrayal
18 is. We knew what the price of this rebellion was, so people should not come
19 and distract us here. That is why I wanted all us of to be here this morning,
20 because during a time of crisis, anything seems to be allowed; for example,
21 informing, putting others down, tribal instincts are awakened. I am saying
22 this because we have experienced a number of events here and there. The
23 gendarmerie has been working like a single man always faithful to its motto
24 to defend the nation.

25 For the time being we are called upon to defend the institutions of the

1 republic and they are known. Any other debate is not of interest to us.

2 When politicians decide upon another institution, we will all go along. But

3 for the time being we must respect the institutions of the republic and you

4 are doing this task very well with the others as well.

5 End of the sight translation.

6 PRESIDING JUDGE TARFUSSER: [15:56:28] The translation has stopped.

7 So the floor is yours. Thank you.

8 MR DEMIRDJIAN: [15:56:33] (Interpretation)

9 Q. [15:56:34] Mr Witness, did you recognise the hall in which that meeting
10 took place?

11 A. [15:56:42] Yes. It's the General Oumar N'Daw Hall, which I built.

12 Q. [15:56:50] Very well. At some point in the course of your speech to
13 your commanders, you said, "We have experienced the cost of rebellion so we
14 should not be distracted."

15 Now the question for you is as follows: During that meeting, why did you
16 refer to a rebellion?

17 A. [15:57:18] As a gendarme we were able to feel that tension was
18 mounting. And mindful of the previous war during which the national
19 gendarmerie paid the highest price by the loss of more than 100 gendarmes
20 and their children in one day, it was my duty then to remind my troops to be
21 very careful so that we avoid experiencing what we had already experienced
22 in Bouaké and elsewhere.

23 PRESIDING JUDGE TARFUSSER: [15:57:58] Just one question for
24 clarification. What do you refer to by "previous war"?

25 THE WITNESS: [15:58:06] (Interpretation) Mr President, I was referring to

1 the 2002 rebellion. 2002, 2004, gendarmes were killed in Bouaké.

2 PRESIDING JUDGE TARFUSSER: [15:58:24] Thank you very much.

3 This concludes for today and for this week the questioning. I let you to your
4 weekend and I'll see you back in the morning on Monday at 10 o'clock, I
5 would say. Yes, at 10 o'clock, not at 9.30, because we have to deal with
6 other things before that. So at 10 o'clock on Monday. Thank you very
7 much.

8 I would ask the court usher now to bring the witness out so I can give the
9 floor to Maître Altit for not more than 2, 3 minutes, as he announced.

10 (The witness stands down)

11 PRESIDING JUDGE TARFUSSER: [15:59:28] Maître Altit.

12 MR ALTIT: [15:59:31] (Interpretation) Thank you, your Honour. Your
13 Honours, an initial request. Could we ask the Prosecution whether they are
14 in a position to confirm what they told us yesterday; namely, that they would
15 not be using more than two sessions on Monday so that we can organise
16 ourselves. That is my first request.

17 My second request, your Honour, is -- it was initially a comment, but it now
18 has become a request. In relation to the documents that have been notified
19 to us regarding Witness P-11, this witness, first of all, I would like to thank
20 the Prosecution for being so kind as to send many of these documents before
21 the deadline, the five-day deadline.

22 And I particularly thank them and I thank the Chamber particularly since
23 this has allowed us to work suitably under good conditions, but we do note
24 that ever since the five-day deadline went by, and that deadline fell on the
25 1st of March 2017 because P-11 was supposed to start on the 6th, and since

1 that date, the Prosecution has notified six lists, six updated lists, so six times
2 a new list of documents adding a total of 24 new documents. In other
3 words, the increase, you see, in relation to the initial list is approximately 10
4 per cent. Thus, we understand the need for flexibility in this regard. We
5 understand that a party may need to amend its list of materials on an
6 exceptional basis and we understand that it may be necessary to make up for
7 an occasional oversight. And one may have to adjust one's approach while
8 one examines a witness. We understand all of that.

9 All the same, in this particular case we do note that the Prosecution has
10 provided no explanation why they did not respect the five-day deadline.
11 And an initial analysis of the new items sent by the Prosecution is -- and I
12 believe even today we were sent new items.

13 So the initial analysis of the items show that all these possible exhibits deal
14 with topics that the Prosecution could have reasonably expected to be asking
15 Mr P-11 about or it would have been quite foreseeable. For example, the
16 resistance, for example, the exhibit ending in 0863, I believe it was quite
17 foreseeable that that document would be shown to the witness. Similarly,
18 two of the five documents that the Prosecution added to its last list, which
19 was notified today at 13.41, document ending in, well, CIV-OTP-0071-0154.

20 THE INTERPRETER: [16:03:22] Many numbers read quickly at the end of a
21 demanding day.

22 MR ALTIT: 0018-0240. Now, these documents as well were shown to the
23 witness. So I will leave it at that, your Honour. I think it is necessary to ask
24 your Chamber to remind the Prosecution that they should add items to their
25 list of materials only on an exceptional basis and they should give us and the

1 parties and the Chamber reasons for such additions; otherwise, they really
2 should not be allowed to add such items. This would be most helpful if we
3 could receive notification in a more harmonious manner. I thank you, your
4 Honour.

5 PRESIDING JUDGE TARFUSSER: [16:04:16] Mr Knoops.

6 MR KNOOPS: [16:04:17] Mr President, we have the same observations as the
7 team of Mr Gbagbo with respect to the second remark.

8 As to the first remark, there is also a request of the counsel of the witness in
9 regard to the schedule of next week. So if Mr Altit addresses the Court on
10 the timeframe, the Court is probably mindful of the absence of the counsel
11 on the 15th, I assume so. We would like to hear from the Chamber if the
12 hearing on the 15th will continue or not, in order to prepare our defence
13 materials and examination. Thank you.

14 PRESIDING JUDGE TARFUSSER: [16:04:57] Mr von Bóné, as I learned from
15 one submission, on the 15th, you are not in a position to be present, right?

16 MR VON BÓNÉ: [16:05:08] That's right, your Honour.

17 PRESIDING JUDGE TARFUSSER: [16:05:10] Okay.

18 Mr MacDonald, first I would have posed you the question about how to
19 proceed on Monday with this witness for the timing. And to the second
20 issue, obviously, I think there is some reason in what Maître Altit said and
21 Mr Knoops said.

22 MR MACDONALD: [16:05:33] Yes. Certainly, your Honour. We will
23 need the full day on Monday, your Honour. I've been informed that we're
24 close to the seven-hour mark, excluding objections or things like that. I
25 understand we've been slowed down on a number of occasions in light of the

1 answers of the witness. So that answers that question. I understand now
2 that we're starting at 10 o'clock and if not later, because there is a 30 minutes'
3 delay I think between ex parte sessions and public ones.

4 PRESIDING JUDGE TARFUSSER: [16:06:15] No, no. Well, I don't know --

5 MR MACDONALD: [16:06:18] That was the old system, but it may still be
6 the case.

7 PRESIDING JUDGE TARFUSSER: [16:06:21] Maybe we have improved with
8 the new building. Could be, hopefully.

9 MR MACDONALD: [16:06:24] Well, certainly not printing-wise.

10 PRESIDING JUDGE TARFUSSER: [16:06:27] No.

11 MR MACDONALD: [16:06:28] The thing is, your Honour, on the remark of
12 my colleague, I just want to mention that I think it was on a Wednesday we
13 finished the last witness, and the next day we disclosed 178 or so documents
14 out of the total now, which is 270. So as of the five-day deadline, we had
15 disclosed 247 documents on our list of material. Since the five-day deadline,
16 we've disclosed or added to our list of materials, sorry, 23 documents.

17 It is true that what's good for the geese is good for the gander, so I would be
18 very careful. That's a message that I would address to my colleagues, that if
19 we want to limit the use of documents, it applies to everyone.

20 These are important witnesses. We have a current witness who has testified
21 in a given manner which then needed readjustment on the part of the
22 Prosecution. And there are no surprises, because all of these documents
23 have been disclosed a long time ago.

24 So when we're referring, for instance, I'm using one example, to the logbook,
25 which was discussed in the interview of the witness, and it is an oversight on

1 our part to adding that one, it's no surprise that we're adding it after we've
2 filed or submitted 247 documents. And there are other such examples.
3 We always strive to provide all the material that we intend to use with a
4 given witness. We always do that. And we haven't made any comments in
5 court in the past to the Defence's practice to do the same. And it has
6 happened from both teams, but primarily the Gbagbo team. And I've sent
7 emails to my colleague to that effect, not raising it with the Chamber because
8 it's an inter partes issue.

9 So I understand that here the amount of documents was bigger than usual
10 that we've added. We strive not to repeat this. But we're also adapting to
11 the way the witness is testifying. Thank you, your Honour.

12 PRESIDING JUDGE TARFUSSER: [16:09:12] Yes. This is understood.

13 Two things. Monday, the whole day; not on Wednesday, because of the
14 absence of Mr von Bóné. We have to finish with this witness on Friday.

15 We can go for extended hours, if need be, but I would like to hear all of you
16 on Monday if there's a need for extended hours or not. For sure this has to
17 be done on Monday. And then we decide appropriately. But one thing
18 must be clear on Friday, this witness has, latest, to leave the stand. This to
19 the first request.

20 To the second request, I just would like really to hear -- it's not the location to
21 make polemics and I did this and I did not that, you know. It's not about
22 what is done but what was not done. So this is the problem.

23 I urge the parties to be collegial, to try to make each other's work, and this is
24 mutual, to make the work of the other parties easier, not to try to or to make
25 it more difficult. So this should be the message which I send out to all of

- 1 you.
- 2 So thank you very much. I leave you to the weekend, and see you on
- 3 Monday 9.30 with the Defence and 10 with all of you. Thank you very
- 4 much. The hearing is adjourned.
- 5 THE COURT USHER: [16:11:03] All rise.
- 6 (The hearing ends in open session at 4.11 p.m.)