

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Monday, 13 March 2017
10 (The hearing starts in open session at 10.51 a.m.)
11 THE COURT USHER: [10:51:53] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:52:11] Good morning.
15 Good morning, Mr Witness.
16 Good morning to everybody inside, outside the courtroom.
17 We are starting a little bit later because we had a closed session, ex parte session,
18 which didn't relate to the topic of the trial, but to the detention conditions and,
19 therefore, we had to discuss this. That's why we start only at this time, and we will
20 have twice two-hour sessions with a one hour and a half break for lunch.
21 So in order to -- so this said at the beginning, and before giving again the floor to the
22 Office of the Prosecutor, I was re-reading in part your testimony, the transcript - and,
23 Mr Witness, I'm talking to you - and I realized that repeatedly you said that to
24 questions that you did not recall, you did not know, or even that you learned things
25 through television.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 And I must say I'm a bit surprised because, in light of your positions, it sounds a little
2 bit strange the things you, you learned things through the TV or that you do not recall
3 or things like that and that you do not recall fundamental, very important things.

4 And as I said in the opening, and I repeat it throughout your testimony, you are
5 under the obligation to tell the truth.

6 There is a provision in the Statute, it is Article 70(1)(a), which provides that giving
7 false - and by "false" it is meant only also not complete testimony, when under this
8 obligation, it is an offence against the Court, and this offence for which the Court, the
9 Statute provides penalties up to five years of detention.

10 So this I want to really this, at the beginning of this week, I would urge you once
11 more, urge you very hard once more to fully, to fully and truthfully answer the
12 questions to the best of your knowledge.

13 Okay, Mr Witness?

14 THE WITNESS: [10:55:42] (Interpretation) Yes, Mr President.

15 PRESIDING JUDGE TARFUSSER: [10:55:44] Now I give the floor to the Office of the
16 Prosecutor.

17 MR DEMIRDJIAN: [10:55:51] Thank you, Mr President. Good morning. Good
18 morning, your Honours.

19 WITNESS: CIV-OTP-P-0011 (On former oath)
20 (The witness speaks French)

21 QUESTIONED BY MR DEMIRDJIAN: (Continuing) (Interpretation)

22 Q. [10:56:06] Good morning, Mr Witness. Can you hear me?

23 A. [10:56:08] Yes.

24 Q. [10:56:09] Good morning, Mr Witness.

25 A. [10:56:10] Good morning.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [10:56:11] Last Friday, we were talking about the 6th of December when we
2 broke off, and we were looking at a meeting that you had with your subordinates and
3 your commanders. So we continue from the 6th of December.

4 Last Friday we looked at a decree extending the curfew to the 5th of December. Did
5 you know that following the announcement of the election results another curfew was
6 introduced on the 6th of December? Does that jog your memory?

7 A. [10:56:46] Yes.

8 Q. [10:56:59] Very well. I would like us to look at that degree, 0018-0047, number
9 37 on our -- 36 on our list. Please go to page 0049, the third page of that document.

10 THE COURT OFFICER: [10:57:29] The level of confidentiality of the document?

11 MR DEMIRDJIAN: [10:57:32] (Interpretation) Public. Thank you. Please can we
12 zoom in to the bottom of the page, right at the very bottom of the page. Thank you.

13 Q. Mr Witness, the decree starts at the bottom of the page, 2010-310 of 6th
14 December on curfew.

15 Let's move to the next page to see the rest of the decree.

16 At the top left of the page, right at the top left. Please go to the next page, 0050, I'm
17 sorry.

18 Very well. The question I have for you, Mr Witness, is in relation to Article 1. And
19 as usual, we see the laws and decrees referred to. And if we could scroll down to
20 Article 1, you will see that it deals with the following, and it begins with "In view of
21 maintaining public order as required during the post-electoral period, following the
22 proclamation of the results of the second round."

23 Now, let us talk about this. What are the rules of engagement applicable in matters
24 of maintaining public order?

25 A. [10:59:14] Maintaining public order is a measure whereby the first category

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 forces, first and second category forces, police and gendarmerie are required to ensure
2 that there is public tranquility by deploying on the ground a number of troops first
3 from the police and then from the gendarmerie in cases where assistance is requested.

4 Q. [10:59:52] Very well. Now, when it comes to the rules of conduct, can you give
5 us an example of a situation where the first and second category forces are allowed to
6 use force?

7 A. [11:00:13] The engagement of forces requires a general requisition and
8 specifically it could be indicated that for a specific situation force can be used,
9 particularly if there is a force on the other side whereby legitimate defence will be
10 invoked.

11 Q. [11:00:42] If first and second category forces are used, for example, in cases of
12 demonstrations, in such circumstances, are there any criteria that must be met before
13 force could be used?

14 A. [11:01:05] When I say "use of force," I'm not necessarily relating to firearms.
15 We're looking at clubs and batons and water cannons in our circumstances which
16 could be sprayed on the population to bring them to leave the areas which they were
17 occupying, because in our understanding a demonstrator is not a combatant, it is a
18 citizen who has momentarily lost their bearings, so to speak, and there is no need for
19 use of firearms.

20 MR DEMIRDJIAN: [11:01:44] Can I ask the Registry to scroll down or rather scroll
21 up to the top of the page. Very well. Thank you.

22 Q. [11:01:52] Now, Mr Witness, you can see here that reference is made to a decree
23 of 1 August 1967, relating to the participation of armed forces in maintaining order.
24 Do you see that?

25 A. [11:02:11] Yes.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [11:02:11] Were you familiar with that text?

2 A. [11:02:15] Yes.

3 Q. [11:02:17] If I understood your answer a short while ago, you said at the end of
4 your answer that it is not always necessary to use firearms against demonstrators.
5 And so you're telling us that the use of force does not necessarily imply use of
6 firearms; is that correct?

7 A. [11:02:49] Yes, that is correct.

8 Q. [11:02:50] The use of warning shots, is that allowed during demonstrations?

9 A. [11:03:02] Yes.

10 Q. [11:03:03] In what circumstances is such allowed?

11 A. [11:03:07] It's a rare occurrence, but when the demonstrator becomes threatening,
12 warning shots can be fired to bring the demonstrators to leave the location. But I
13 have never experienced that.

14 Q. [11:03:25] If fire is opened during a demonstration or an event, is the officer on
15 the ground required to report that incident to his superiors?

16 A. [11:03:44] Yes, absolutely, yes.

17 Q. [11:03:46] When it comes to the gendarmerie, of which you are the supreme
18 commander, to what levels can the opening of fire be reported?

19 A. [11:04:10] I said I have never experienced this, but if per chance such a thing
20 were to occur, I am under an obligation to report to the minister of defence in writing
21 and verbally of such an incident.

22 Q. [11:04:27] Very well. If during such an incident there was loss of life or
23 someone died, to what levels would such an incident be reported?

24 A. [11:04:43] I said, and I repeat, that I would report to the minister of defence and
25 an investigation would be opened to determine the exact circumstances of the

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 incident, but I did not experience any such thing, in which case the military
2 Prosecutor would also be seized accordingly.

3 Q. [11:05:06] Very well. Mr Witness, let me take you to 9 December 2010, a few
4 days before the announcement of the results, about one week. Do you remember
5 going to the residence of the president of the republic on that day?

6 A. [11:06:03] Please repeat your question.

7 Q. [11:06:10] Yes. On 9 December 2010, do you recall going to the residence of the
8 president of the republic?

9 A. [11:06:22] I do not remember, but I know that following the announcement of
10 the results, all the military leaders went to the heads of state, to the head of state's
11 place to congratulate him and indicate that we were available.

12 But for that particular date, I don't know. I don't remember.

13 Q. [11:06:49] Last Friday we looked at your entry on 3 December. But now I'm
14 talking about 9 December, after the results.

15 But to help you, let us look at the Registry and see what is found there, 0088-0863.

16 Could we please call up that document?

17 THE COURT OFFICER: [11:07:12] Again, if you could please --

18 MR DEMIRDJIAN: [11:07:15] (Interpretation) It's public. Let's go to page ending
19 in figures 994, please.

20 Q. [11:07:49] Thank you. If we zoom in to the top of the page you would see
21 service of Thursday, 9 December. And I want to draw your attention to number 23,
22 24. Lower down in the page, please could we scroll down and zoom in for the
23 benefit of the witness. Thank you very much.

24 At number 24 you see your name and time of arrival 13.53 and time of departure
25 15.21. And it's the same information for General Mangou and for General Bi Poin

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 and General Deto Létho and General Vagba.

2 Here, this is happening six days after, one -- seven days, one week after the
3 announcement of the results. And here you are, according to the register, at the
4 residence.

5 Do you remember what you discussed at the residence at that time?

6 A. [11:08:49] Once again, I am under oath here to speak the truth and nothing but
7 the truth. So if I don't know something, I do not know it. If I've forgotten
8 something, please allow me to say that I've forgotten.

9 So according to this register, it is possible that we may have gone there on that
10 Thursday. But after the proclamation of the results, the chiefs of the military all
11 went to congratulate the head of state. And whether this is what is being referred to
12 here, I don't know.

13 Q. [11:09:27] Very well. Mr Witness, during that period were you aware that the
14 ECOWAS and the African Union had issued statements and communiqués on the
15 results of the elections?

16 A. [11:09:54] Yes. ECOWAS and the African Union and later on the European
17 Union had issued press releases to the effect that it was President Alassane Ouattara
18 who had won the elections.

19 Q. [11:10:10] I want to show you the date of one of those statements.

20 Can we please call CIV-OTP-0094-0280. Could we call that document up, please, 244
21 on our list, and it's a public document.

22 You can see here "Abuja, 7th December, final communiqué."

23 Could we zoom in a little more for the benefit of the witness. ECOWAS Commission
24 on the top left. Can we go to page 3 now.

25 7 December, can we go to paragraph 7, please. Take a moment and read that

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 paragraph, please, to yourself.

2 PRESIDING JUDGE TARFUSSER: [11:11:54] I would like the translators to put it on
3 the record in English, please. Thanks. Obviously also in French.

4 MR DEMIRDJIAN: [11:12:06] Read it on the record.

5 PRESIDING JUDGE TARFUSSER: [11:12:07] In order to have it on record to read it
6 and to translate it in English.

7 MR DEMIRDJIAN: [11:12:11] Yes. Your Honours, for the record, the English
8 version is also available at 0002-0625. We can read the paragraph on the record, Mr
9 President.

10 Q. [11:12:33] I'm quoting from paragraph 7 for the record.

11 "In order to preserve the legitimacy of the electoral process, the summit recognized
12 the results proclaimed" --

13 Why isn't it displaying on the screen?

14 "... the results announced by the Independent Electoral Commission and certified by
15 the Special Representative of the United Nations in Côte d'Ivoire, pursuant to
16 resolution 1765 of 16 July 2007 of the Security Council of the United Nations. In this
17 regard, the heads of state and of government recognize Alassane Dramane Ouattara
18 to be the president-elect of Côte d'Ivoire and thereby being the representative of the
19 freely expressed will of the Ivorian people." That's paragraph 7.

20 Does that tally with what you told us a short while ago, Mr Witness?

21 A. [11:13:47] What did you say?

22 Q. [11:13:48] Does that tally with what you told us?

23 A. [11:13:51] Yes.

24 Q. [11:13:51] If you look at the next paragraph, paragraph 8, the summit calls on Mr
25 Laurent Gbagbo to respect the results of the presidential election in Côte d'Ivoire as

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 certified by ONUCI and to promptly hand over power for the supreme interests of
2 Côte d'Ivoire.

3 This communiqué was released on the 7th. And my question to you was in relation
4 to the 9th of December, when you were at the presidential residence. Did you at any
5 time discuss this ECOWAS communiqué?

6 A. [11:14:33] Once again, we did not talk about it. And I say once again that this is
7 the truth, we did not discuss it.

8 Q. [11:14:50] If you didn't do that during this visit, did you broach that topic at a
9 subsequent visit, that is, namely, the press release of the ECOWAS, either among
10 generals or within the president of the republic?

11 A. [11:15:16] Please repeat your question. I need to understand it clearly.

12 Q. [11:15:22] You have told us that you do not remember having any discussion
13 during that meeting. Now, my question to you is, the release from ECOWAS, was it
14 discussed at any time at any other visit at the presidential residence?

15 A. [11:15:42] No, no.

16 MR GBOUGNON: [11:15:49] (Interpretation) Mr President.

17 PRESIDING JUDGE TARFUSSER: [11:15:51] Maître Gbougnon.

18 MR GBOUGNON: [11:15:56] (Interpretation) Mr President, I would like to point
19 out to the Prosecution that if they want to repeat the witness's answer, they should
20 read the transcript, because quite often they refer to what the witness did not say.

21 The witness did not say "I do not remember." The witness said "We did not." And
22 that's not what the Prosecutor said.

23 So I wish for the Prosecutor to repeat exactly what the witness may have said in order
24 to avoid any confusion as to what the witness may have said.

25 MR DEMIRDJIAN: [11:16:45]

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

- 1 Q. [11:16:49] Monsieur le témoin --
- 2 PRESIDING JUDGE TARFUSSER: [11:16:51] No. On this, I mean --
- 3 MR DEMIRDJIAN: Your Honour, I will --
- 4 PRESIDING JUDGE TARFUSSER: -- because you say, "You have told us," and I
- 5 don't know where you -- what are you referring to? When has the witness told us and
- 6 where and what?
- 7 MR DEMIRDJIAN: [11:17:03] Yes. Your Honours, I am moving to a different topic,
- 8 but I --
- 9 PRESIDING JUDGE TARFUSSER: Yes.
- 10 MR DEMIRDJIAN: -- referred to his previous answer where he said that --
- 11 PRESIDING JUDGE TARFUSSER: Previous answer in this --
- 12 MR DEMIRDJIAN: -- relating to the communiqué of the ECOWAS.
- 13 PRESIDING JUDGE TARFUSSER: [11:17:12] Not to his previous statement?
- 14 MR DEMIRDJIAN: [11:17:14] No, no, no.
- 15 PRESIDING JUDGE TARFUSSER: [11:17:15] Okay.
- 16 MR DEMIRDJIAN: [11:17:16] To the answer he gave just before I showed him the
- 17 document.
- 18 PRESIDING JUDGE TARFUSSER: [11:17:18] Okay.
- 19 MR DEMIRDJIAN: [11:17:19] I apologise if I caused confusion.
- 20 PRESIDING JUDGE TARFUSSER: [11:17:22] Okay. Thank you.
- 21 MR DEMIRDJIAN: [11:17:23] Your Honours, we will be entering issues now which
- 22 may invoke Rule 74 matters. So at this stage I'm just flagging it to my learned friend.
- 23 If there is any need to go into private session, he has been alerted.
- 24 PRESIDING JUDGE TARFUSSER: It's not only your learned friend. It's also you,
- 25 you are alert, but you have also to be aware of the questions you are going to put. So

1 from that moment on also you are requested to request private sessions if need be,
2 okay?

3 MR DEMIRDJIAN: [11:18:06] Very well. Thank you, Mr President.

4 Q. [11:18:25] Mr Witness, we know that on the 16th of December there was a march
5 organised by the RHDP to instal a new director at the RTI. To begin with, I would
6 like to ask you, when was the first time you heard about that march?

7 A. [11:18:52] As you know, during the events there were two sources of
8 information, there was a television station broadcasting from the Golf and then there
9 was the national television. It was on the Golf television that a march was
10 announced to instal the new director general of the RTI appointed by President
11 Alassane Ouattara.

12 Q. [11:19:27] And when did you hear that?

13 A. [11:19:34] Once again, I have said that I am under oath, but dates are always a
14 problem for me. I'm sorry. Can I continue?

15 Q. [11:19:49] Please.

16 A. [11:19:52] Out of all the witnesses who have come here, well, I am based in
17 Dakar, most of them are based in Abidjan. And there they were given all those
18 documents to prepare. I had been called to come to Abidjan, but it was not possible.
19 So I came directly from Dakar. If I had gone back to Abidjan, I would have been
20 more familiar with the documents. So as I have said, for the past five years I have
21 been an ambassador, and I am far from those documents.
22 I can remember the facts, but I keep on telling you it will be very difficult for me to
23 remember dates.

24 Q. [11:20:44] Now, let us limit ourselves to the facts. There was a march on 16
25 December. When did you hear about it, one day before, two days, three days?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 A. [11:21:00] The fact is that it was announced publicly on television that there
2 would be a march to instal the new director general of the RTI.

3 PRESIDING JUDGE TARFUSSER: [11:21:12] The question could be posed as follows:
4 Did you learn from this march before it was announced? When it was announced,
5 did you already know because you learned from, say, police and gendarmerie,
6 internal sources, or did you learn from the television?

7 THE WITNESS: [11:21:38] (Interpretation) Thank you, Mr President. I heard
8 about it over the television.

9 MR DEMIRDJIAN: [11:21:52] (Interpretation)

10 Q. [11:21:57] Very well. Mr Witness, before the events, was the RTI guarded or
11 protected?

12 A. [11:22:10] From the very beginning, from 1960 up to this date, it has always been
13 protected.

14 Q. [11:22:20] Can you tell us who were the elements guarding the RTI 2010 and
15 during the other times?

16 A. [11:22:30] Before the events, it was the gendarmerie. But during the events it
17 was the gendarmerie soldiers and policemen who had been assigned to protect the
18 station, because it was a sensitive location.

19 Q. [11:22:58] So you heard that there was a march. Did the members or units of
20 the gendarmerie prepare themselves for that march?

21 A. [11:23:14] What do you mean by "preparation"?

22 Q. [11:23:20] Did they organise themselves in any way in anticipation of that
23 march?

24 A. [11:23:27] I have understood you perfectly. But allow me to say in times of
25 crisis, as was the case, it was the general staff of the armed forces that had all the

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 troops at its disposal and deployed troops here and there to act.

2 So in that particular case the police had been deployed to provide security or to guard
3 the RTI with the assistance of certain elements from the gendarmerie. That is what
4 happened.

5 Q. [11:24:04] Thank you, Mr Witness.

6 A. [11:24:08] You're welcome.

7 Q. [11:24:12] Were you informed of the measures that had to be taken by the
8 gendarmerie?

9 A. [11:24:18] Maybe I'm not making myself understood. The first line of
10 protection is the national police. The elements are placed at his disposal. So it is
11 the police authorities that determine the location of or positions of such and such a
12 unit. It is not the command of the gendarmerie that decides.

13 Q. [11:24:49] The question was not to know who positioned them there. But were
14 you informed, were there measures taken at the gendarmerie, your elements to
15 organise themselves, were you informed?

16 A. [11:25:10] It is the person responsible for the operation who deploys his men
17 depending on his intentions and planned manoeuvres.

18 Q. [11:25:23] Very well.

19 Document 0043-0336, can we display that, number 80 on our list, and it is a
20 confidential document. Very well.

21 Mr Witness, we have a document here from the archives of the 1st departmental
22 legion. And at the top right it is indicated 16 December. And the title is
23 "Presidential Election, situation report."

24 We talked about situation reports last Friday with you. At the top left you can see
25 that the document is issued by the departmental gendarmerie legion?

1 A. [11:26:27] Yes.

2 Q. [11:26:29] Before we go into the substance, the format of this document, is it
3 appropriate based on what we have seen before?

4 A. [11:26:40] Yes.

5 Q. [11:26:41] Let us look at the first entry in the column "Place and Events" at 3,
6 0300, placement of security measures provided for. And you can see that the
7 elements are deployed at the various points.

8 Now let us go down to the very bottom of the page. If we can enlarge the area,
9 "Recipients, destinataires." And you can see the first recipient is the supreme
10 commander of the gendarmerie, commander of gendarmerie operations and then
11 archives.

12 Now, these type of documents and this specific document, did you receive it on 16
13 December?

14 A. [11:27:43] Yes. And all those documents came to my cabinet and were
15 processed by Colonel Adou, who is still alive now.

16 Q. [11:27:57] You have said -- let me try to find out precisely what you said.
17 On page 14 you said that the first line of protection was the national police and the
18 elements placed at his disposal. And the person, the authority of the police
19 deployed those people.

20 Now, before this event, did you take part in any meetings for the preparation of this
21 day?

22 A. [11:28:40] Yes. At the risk of repeating myself, the meetings relating to such
23 activities always held at the general staff headquarters. The document that you see
24 there was produced by the legion of the gendarmerie. They deployed their elements
25 and they observed and reported. I can see this. I can report on what has happened.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [11:29:17] Very well. On the eve of the march, do you remember going to the
2 presidential residence in the evening with General Mangou and the director general
3 of the police, that is on the eve of the march?

4 A. [11:29:40] It will be the same answer for which I've been reproached for not
5 saying the truth. It is true that we went frequently to the residence, but I cannot
6 remember the dates. But I know that elements were deployed to protect the RTI.
7 And obviously there was a report to the head of state about what was happening on
8 the ground. I was not there.

9 Q. [11:30:11] Let us display register number 0088-0863, it is public, page 1010.
10 Mr Witness, at the top of the page, "Service of Thursday, 9 December 2010."
11 And if we scroll down, number 24, I'm sorry, it is the wrong page. Well, you are at
12 number 19 at the bottom of the page, entry 21.52, departure 22.55. And under your
13 name -- the page has been changed. Let us return to 1010, please.
14 Under your name "General Kassaraté," which is at number 19, there are the letters
15 CMA.

16 Can we go to page 1009 of the original version this time around, please. Thank you.
17 Let us scroll down to the bottom of the page.

18 Mr Witness, you can see at number 19, it is indicated "General Kassaraté" plus
19 "CMA." Can you tell us who this person is?

20 PRESIDING JUDGE TARFUSSER: [11:33:08] Maître Gbougnon.

21 MR GBOUGNON: [11:33:11] (Interpretation) Mr President, it is true that we are
22 quite willing to allow things go smoothly. But the witness did not write this register,
23 so we cannot ask him to tell us what is CMA.

24 PRESIDING JUDGE TARFUSSER: [11:33:31] We can ask him and he can respond
25 what he thinks it is, I mean.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 MR DEMIRDJIAN: [11:33:50] (Interpretation)

2 Q. [11:33:56] Very well. Before answering the question, let us go to page 1012 so
3 that we can see the other people who arrived at about the same time. Top of the
4 page, we can see Minister Djédjé, then the minister of the Defence and the DG of the
5 police. So this is the 15th of December, the eve of the march. Does that refresh your
6 memory about the topics that would have been discussed during that visit?

7 A. [11:34:43] Well, I -- at the risk of repeating myself, my answer will remain the
8 same. I cannot recall that it was such and such a topic. Ever since Abidjan to here,
9 that has always been my answer. I was asked to be a witness. I accepted. And
10 I'm a free witness. So I have the duty to tell the truth. But I cannot remember on
11 such a day at such a time such and such a thing was said. I'm sorry, I cannot simply
12 remember those details.

13 Q. [11:35:20] Very well, Mr Witness. The question was not to know -- very well.
14 Let me set that aside.

15 It was on the 15th of December, the eve of the march, the simple question is: Did
16 you discuss the march that would take place the following day?

17 A. [11:35:43] I do not remember. But I have told you that I heard over the -- like
18 everyone else, that there would be a march to the RTI. And the forces of law and
19 order were deployed on that day to prevent any problems. That is the truth.

20 PRESIDING JUDGE TARFUSSER: [11:36:07] Mr Witness, I come back to what I said
21 at the beginning of this session. You are the head of the gendarmerie; is that right?

22 THE WITNESS: [11:36:19] (Interpretation) Yes.

23 PRESIDING JUDGE TARFUSSER: [11:36:21] I find it in any case strange that you
24 hear over the television of the march, because that means to my understanding that
25 the gendarmerie in lower positions doesn't work very well, because it can't be that the

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 head knows such things from television.

2 Second, it's not normal and one should remember at least the fact, not the details, that
3 late in the evening, very late in the evening, you meet with all these people according
4 to the logbook at the presidential palace. And also this is not usual. You don't go
5 every day there. So you can imagine it is hard to understand that you do not
6 remember anything.

7 I accept that you don't remember the details, because time has passed, but that's it.

8 So this is just to say how I feel.

9 MR N'DRY: [11:37:53] (Interpretation) Mr President.

10 PRESIDING JUDGE TARFUSSER: [11:37:58] I'm waiting that the witness takes a
11 position to what I said, before you intervene.

12 Would it be maybe good to go into private session? We go into private session.

13 (Private session at 11.38 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 (Redacted)

2 (Open session at 12.21 p.m.)

3 THE COURT OFFICER: [12:21:09] We are back in open session, Mr President.

4 PRESIDING JUDGE TARFUSSER: [12:21:21] Mr Prosecutor.

5 MR DEMIRDJIAN: [12:21:22] (Interpretation)

6 Q. [12:21:36] Very well. Mr Witness, after the march of 16 December, did you
7 learn in relation to the march that any persons were injured or arrested?

8 A. [12:21:50] I was not the one in charge of the safety and security operation on the
9 RTI. It's the commissioner of that area who is in the best position to answer you.

10 And I say it once again, and you might think that it's not the truth, but that is the
11 truth. I was not on the ground. I was with my family in Agban and with my
12 security details.

13 Q. [12:22:11] Mr Witness, I understand that you were in Agban, but the question is
14 quite different. Did you receive information in your capacity as supreme
15 commander of the gendarmerie in relation to any injury or arrests on the ground
16 during the march on the RTI?

17 A. [12:22:38] Well, you continue to insist maybe to point out that I was unable or
18 incapacitated somehow. Well, what I had as information is what I have provided.

19 Q. [12:23:06] Mr Witness, during your second interview in 2015, for my colleagues
20 it's 0082-0284, page 308, you were asked the following question: "Were you
21 informed of developments that may have occurred?" And this is still in relation to
22 the RTI.

23 At line 831 your answer was the following, "Yes, I was told after that people had been
24 injured and people had been arrested."

25 Does that jog your memory, Mr Witness?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 A. [12:24:08] Let me be specific in my answer. When you say I was told is always
2 speculative, I have been asked here to tell the truth.

3 However, wherever there are demonstrations, when crowds are being pushed back,
4 people necessarily get injured. Some fall when water is being sprayed on citizens,
5 some of them do fall, and that's what happens during maintenance of order
6 operations.

7 Q. [12:24:45] Very well. Towards the end of the year 2010, towards the end of the
8 month of December, Mr Witness, did you learn that at the Human Rights
9 Commission that the High Commissioner for Human Rights, rather, had sent letters
10 to the then President Laurent Gbagbo and to General Dogbo Blé and to General Guiai
11 Bi Poin informing that of possible violations and breaches of international
12 humanitarian law that may have occurred during that post-electoral crisis? Were
13 you aware of those letters?

14 A. [12:25:26] Once again, you're returning to the issue of the Official Gazette.
15 General Guiai Bi Poin was in charge of CECOS, not me. General Dogbo Blé was in
16 charge of the Republican Guard and not answerable to me. So any letters that were
17 addressed to them, I am not aware of them.

18 Q. [12:25:47] Very well. Did you learn that on the 7th of January an international
19 commission of inquiry was set up by the then president Mr Laurent Gbagbo?

20 A. [12:26:07] Yes.

21 Q. [12:26:12] Why was it set up?

22 A. [12:26:18] You may wish to put the question to the person who called for that
23 investigation.

24 Q. [12:26:26] What did you learn at that time?

25 A. [12:26:30] I did not learn anything.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [12:26:49] Was your office informed of a rally organised by Mr Charles Blé
2 Goudé?

3 A. [12:26:56] All the rallies or meetings organised by Mr Charles Blé Goudé were
4 announced publicly and I was informed.

5 Q. [12:27:07] Can we look at 0043-0426, 0426. I'm sorry, 0043-0426, number 99 on
6 our list. It's a confidential document.

7 Witness, in a short while you will see a document we found at the Agban
8 communication centre. It's a radio message which we want to look at from CB
9 Attecoubé.

10 Can you tell us what CB stands for?

11 A. [12:28:05] Brigade commander. You know in the gendarmerie we love to use
12 abbreviations.

13 Q. [12:28:11] And we see here addressees or to. Is it GDR?

14 A. [12:28:18] No, no, it's CSG/CAB/BOE, and it's research and documentation
15 group. And therefore this goes to all the persons who are supposed to receive and
16 disseminate this information.

17 Q. The subject: Meeting or mobilisation rally of the Galaxie Patriotique of Côte
18 d'Ivoire. And the content is "Honoured to inform you on Thursday, 6 January, from
19 15.30 to 17.40 was held in the agoras Attecoubé a mobilisation rally led by the
20 president of the Galaxie Patriotique, Mr Charles Blé Goudé. No incident to report."
21 Were gendarmerie troops also assigned to provide safety and security at this type of
22 rally?

23 A. [12:29:27] As I said yesterday, and I spoke the truth and nothing but the truth,
24 whenever people organised rallies and they need safety and security, they applied to
25 the gendarmerie. But even if they do not request such services from the

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 gendarmerie, it is part of our mandate to provide such services.

2 So the brigade, the gendarmerie brigade in Attecoubé has competence to provide such
3 services for such meetings organised in such locations.

4 Q. [12:30:04] Mr Witness, did you ever visit the presidential residence with a view
5 to meeting with the first lady?

6 A. [12:30:14] Yes.

7 Q. [12:30:18] Okay. Do you remember how many times?

8 A. [12:30:22] The first lady, I met her quite often. She is actually a sister.

9 But when there were incidents in Abobo Gare, she was the member of parliament for
10 Abobo Gare. But when the Commando Invisible took hostages in Abobo Gare and
11 committed killings, she was most affected in her capacity as member of parliament.
12 So she wanted to find out the measures that the security forces had taken to guarantee
13 security for her constituents. That's all.

14 So she did not react as a military person, but she reacted as a member of parliament
15 who was concerned about her constituency and its population.

16 Q. [12:31:17] Mr Witness, let me show you an entry in the Registry -- register,
17 rather, 0088-0863. It's a public document. And we are looking at page 1074.

18 Very well. Let us zoom in and focus on number 18. Please zoom in further.

19 Thank you.

20 At number 18, Mr Witness, you see General Kassaraté, that's you. And the visit
21 under that column is not PR. You see first lady, arrival 17.20, departure 18.30.

22 Now, the next visit for the first lady is at 19.07 after you left. Now, the date is 7
23 January. Do you remember having gone to see the first lady on 7 January 2011?

24 A. [12:32:35] I may be told again that I'm not telling the truth, but I do not forget -- I
25 do not remember the dates, I don't remember the dates.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [12:32:44] According to the register at that time it would appear that you were
2 the only one who during that period, that period met with the first lady. Do you
3 remember having met the first lady one on one?

4 PRESIDING JUDGE TARFUSSER: [12:33:06] Maître Gbougnon.

5 MR GBOUGNON: [12:33:08] (Interpretation) Could we ask questions and avoid
6 making remarks about what is not written? Could the questions focus only on what
7 is on the document and avoid making comments about matters that are not written
8 on the document that the witness is looking at.

9 Mr President, I stopped there because the witness is in the courtroom. That's why I
10 prefer to stop here.

11 Otherwise, when you say "one on one," what does that mean?

12 MR DEMIRDJIAN: [12:33:57] Your Honours, to be able to ask that question, I need
13 to bring to the witness's attention what I just brought up to be able to ask that
14 question. So I think it is fair to put the question to the witness.

15 PRESIDING JUDGE TARFUSSER: [12:34:08] Yes. But you cannot have a
16 ping-pong here. Don't say about fair to the witness, because we are all fair to the
17 witnesses.

18 MR DEMIRDJIAN: [12:34:15] It's a term of language, your Honours.

19 PRESIDING JUDGE TARFUSSER: [12:34:19] Maître Gbougnon.

20 But it's not a ping-pong here. Do you want to say something?

21 MR GBOUGNON: [12:34:31] (Interpretation) No, Mr President.

22 PRESIDING JUDGE TARFUSSER: [12:34:35] Okay. Please put the question, but
23 focused, to the point. And leave it to the question, without making all the premise
24 which then goes to the question but already has half of the answer inserted.

25 MR DEMIRDJIAN: [12:34:59] (Interpretation)

1 Q. [12:35:01] Mr Witness, the question is very simple. Do you remember having
2 visited the first lady and having been alone with her during that visit?

3 A. [12:35:14] I have never had a one-to-one meeting with the first lady.
4 Second, the first lady was a daughter of a gendarme. I know her father. I know the
5 family. We have known ourselves for a very long time.
6 But there was no meeting one to one between us.

7 Q. [12:35:40] Very well. You said a short while ago that she was a member of
8 parliament for Abobo. Now, when you went to meet her, what did you talk about
9 when you went to visit her at the residence?

10 A. [12:35:58] I did not go to visit her alone, except we were dealing with a personal
11 issue. But I have told you very clearly, without telling lies - because I've been
12 reminded not to do so - I have said again and again that she was the member of
13 parliament for Abobo Gare. That's the first lady.
14 She was against all expectations faced with a situation where her constituents had to
15 deal with the Commando Invisible which attacked a neighbourhood known as
16 Anonkoua-Kouté. That neighbourhood was attacked. People were injured.
17 People died. The ONUCI is aware of this. The people of that area were evacuated
18 and settled in various parts of Abidjan.

19 So the first lady received us in her capacity as a mother and as a member of
20 parliament and expressed concern about what had happened to her constituents.

21 Q. [12:37:05] Very well. Mr Witness, while you say you don't remember dates,
22 but let us look at the register at page 1090, please. Well, let's move to page 1088 to
23 begin with. Very well. Zoom in to the top of the page.

24 "Service: Wednesday, 12 January 2011." And that's just for the date. And then we
25 can now go to page 1090, please.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Thank you. Please zoom in to the middle of the page.

2 Mr Witness, at page 36 we see General Kassaraté, arrival 21.53, departure 00.30. And
3 on the same date we see General Dogbo Blé, number 37; number 35, CEMA, general
4 director of police; Bredou M'Bia, number 34, and other commanders from number 31.
5 On that day you can also see the names of other visitors during the same period. Do
6 you recall going to the residence on the 12th of January along with the other generals
7 mentioned here?

8 A. [12:39:21] Once again, I have trouble with dates. Even in Abidjan, one of your
9 representatives said that I had amnesia. I think it's in the report, they said I had
10 amnesia.

11 Now, I don't know, but I don't remember dates. I can trust this document.

12 PRESIDING JUDGE TARFUSSER: [12:39:47] Beside the date, 12th of January, in that
13 period, with those other persons mentioned, that's the question. It's not about the
14 date. It's about a period of time during the crisis, during the month of January, the
15 new year, not very far from the second round of the elections, from the proclamation;
16 can you remember this episode to have been together with these people, late in the
17 evening, by the way, because it's just before to after midnight, well, just before. This
18 is the question. It's not about the date.

19 You try to not to respond because saying you don't remember the date, but it's not
20 about the date. It's about the episode as such.

21 THE WITNESS: [12:40:51] (Interpretation) Mr President, when I answer, you say
22 I'm lying. So what do I do now? Should I --

23 PRESIDING JUDGE TARFUSSER: [12:41:02] I'm not saying -- no, no, no. Come on.
24 No, no, no, no. I can't accept this, that this is on the record. I've never said that you
25 are lying. I just said something is hard --

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [12:41:11] (Interpretation) I'm sorry.

2 PRESIDING JUDGE TARFUSSER: [12:41:15] Okay. In this occasion I just said that
3 the question posed by the Prosecutor was not so much about the date, but about the
4 episode of this meeting, at that time together with those people.

5 THE WITNESS: [12:41:43] (Interpretation) I think I said yes, that quite often we
6 went to meet with the head of state. That's one.

7 Second, it is not all those who go to the heads of state's house who meet with him at
8 the same time. Ten people might come to the residence, but each person has their
9 individual problem.

10 MR DEMIRDJIAN: [12:42:06] (Interpretation)

11 Q. [12:42:08] Mr Witness, you can see that at the same time as yourself, all those
12 other commanders were there, and then you see a number of ministers from 38, 39, 40
13 and so on and so forth.

14 Do you see at number 40, Minister Blé Goudé?

15 A. [12:42:24] Yes.

16 Q. [12:42:27] Time of departure for those ministers and for yourself is 00.30.

17 Now, first of all, do you recall having been to the residence to attend a meeting with
18 the president of the republic at which Mr Blé Goudé was present?

19 A. [12:42:51] Once again, my answer is we went to the head of state's residence
20 very often. But all those people enumerated there, I don't recall having a meeting
21 with them. I'm really sorry, but that's what I remember.

22 MR DEMIRDJIAN: [12:43:09] If the Registry could give us the floor, we would like
23 to display a video, CIV-OTP-0064-0110. Number 214 on our list. The transcripts
24 are CIV-OTP-0086-1013.

25 THE COURT OFFICER: [12:43:43] Could you please confirm the level of

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 confidentiality.

2 MR DEMIRDJIAN: [12:43:47] It is public. Thank you.

3 So we will start playing the video from the 3.49 mark up to 6.34 mark, if we can have
4 the confirmation that we can begin.

5 PRESIDING JUDGE TARFUSSER: [12:44:09] Is there a transcript?

6 MR DEMIRDJIAN: [12:44:11] Yes. I repeat, it's CIV-OTP-0086-1013. It's at tab
7 231.

8 PRESIDING JUDGE TARFUSSER: [12:44:29] And before starting I would like that
9 the interpreters are ready. So we can start. Thank you.

10 THE INTERPRETER: [12:44:40] Sight translation.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [12:44:43] (Interpretation of the video excerpt) Yesterday,
13 Wednesday, president of the republic, President Laurent Gbagbo, had discussions
14 with the chiefs of the command of the national army. Together they examined the
15 situation and took matters relating to security in the country and attendant measures.
16 At the meeting with the head of state, the President Laurent Gbagbo and hierarchy of
17 the military had a very important meeting in light of the scope of the attacks by
18 armed individuals who have targeted defence forces and the members of the
19 population who don't agree with their cause.

20 The president of the republic, Laurent Gbagbo, received reports on the matter from
21 the generals as they had received them before the commander of the armed forces, the
22 navy, the air forces and the land forces and CECOS, as well as of the gendarmerie,
23 took measures to provide security for our country and to check items to make certain
24 communes of our country manageable.

25 This meeting was held in the presence of the governor, particularly Gilbert Aké

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 N'Gbo. The lieutenant general of the army, Philippe Mangou, spoke to what was
2 happening in part of the country in this matter involving the UN blue berets.

3 THE INTERPRETER: [12:46:19] Overlapping, Mr President. Mr President,
4 overlapping intervention by the Prosecutor.

5 PRESIDING JUDGE TARFUSSER: [12:46:27] I do not understand why this little bit
6 of discipline requested, it's not the first day we are here. But it seems that we are
7 starting this trial with -- it's not so much to you, but a general remark.

8 MR DEMIRDJIAN: [12:46:44] We do tend to get lost in our stride, your Honours. I
9 apologise.

10 PRESIDING JUDGE TARFUSSER: [12:46:48] Yes. Thank you.

11 MR DEMIRDJIAN: [12:46:50] (Interpretation)

12 Q. [12:46:52] Now, Mr Witness, these images, do they refresh your memory
13 somewhat with regard to a visit dated the 12th of January?

14 A. [12:47:04] Yes, it does refresh my memory with, however, the fact that I always
15 mentioned that I reported back to the chief of the army with regard to the situation of
16 the army. And then he said that he ordered me to undertake everything to
17 guarantee the security of the army and everybody. That's what's said here in the
18 video.

19 Q. [12:47:31] We're talking about the amplitude of the attack and the violence
20 perpetrated against the FDS. What was happening on that very day?

21 A. [12:47:38] Individuals, non-identified individuals sometimes dressed in civilian
22 attire were attacking the FDS in the neighbourhoods on the streets.

23 Q. [12:47:55] And at that moment in time, do you or did you recall a mopping-up
24 operation in Abobo on the 11th?

25 A. [12:48:13] At Abobo Gare, a mopping-up operation? I do not remember.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [12:48:20] And the term "operation coup de poing," "Iron Fist," does that remind
2 you of anything?

3 A. [12:48:31] The coup de poing operation existed before 1990 when the security
4 situation was such.

5 Q. [12:48:38] I do apologise, in order to be a little bit more circumspect, the coup de
6 poing operation on that day, on the 2nd of January 2011?

7 A. [12:48:50] We never used the words "operation coup de poing." That's why I
8 was reminding you when it was in existence.

9 Q. [12:48:59] Subsequent to these events, Mr Witness, in the reports according to
10 which the FDS were the object of attacks, do you recall that the CEMA stated that
11 heavy losses during these operations had as a consequence placing the FDS in a
12 position of a legitimate defence?

13 A. [12:49:32] Yes, he had announced that.

14 Q. [12:49:34] And do you recall that he had also announced that there was a curfew
15 in Abobo and in Anyama during that same period?

16 A. [12:49:48] I believe that we shall put the question to him on some day, because it
17 is not within his remit to decree a curfew.

18 Q. [12:50:02] Mr Witness, the application or putting a curfew in place, whose remit
19 is that precisely?

20 A. [12:50:21] The curfew is set up by the civilian authorities, whose responsibility it
21 is, and it is the police and the gendarmerie who put it into execution out in the field,
22 as I said to you.

23 Q. [12:50:35] Could you be a little bit more specific, which civilian authorities could
24 impose a curfew?

25 A. [12:50:42] The minister of the interior or the head of state himself.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [12:50:46] Well, I think this -- we have the decrees,
2 we have the decrees.

3 MR DEMIRDJIAN: [12:50:53] I'm moving on. I'm moving on, your Honours, yes.

4 PRESIDING JUDGE TARFUSSER: [12:50:56] No. We're not moving on now,
5 because we go for lunch. It's exactly two hours now. We go for lunch. We come
6 back at 2.30 with a two-hour session, okay. 2.30, two-hour session.

7 Thank you. The hearing is adjourned.

8 THE COURT USHER: [12:51:12] All rise.

9 (Recess taken at 12.51 p.m.)

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

11 THE COURT USHER: [14:33:42] All rise.

12 Please be seated.

13 PRESIDING JUDGE TARFUSSER: [14:34:01] So good afternoon.

14 Good afternoon, Mr Witness. We are going now for another two-hour session.

15 Is this sufficient for the OTP to conclude the examination?

16 MR DEMIRDJIAN: [14:34:19] Your Honours, as it stands, it should be sufficient.

17 PRESIDING JUDGE TARFUSSER: [14:34:22] Okay.

18 MR DEMIRDJIAN: [14:34:23] It depends if we have, you know, glitches or
19 interruptions.

20 PRESIDING JUDGE TARFUSSER: [14:34:27] Okay. So now you know.

21 Thank you. So the floor is yours.

22 MR DEMIRDJIAN: [14:34:36] Thank you, Mr President.

23 Q. [14:34:38] (Interpretation) Mr Witness.

24 A. [14:34:49] Yes.

25 Q. [14:34:50] In January 2011, did you have a meeting with the senior generals and

1 Mr Blé Goudé at the staff headquarters?

2 A. [14:35:06] We had a meeting with Minister Blé Goudé, but once again I cannot
3 remember the date. But we had a meeting with him.

4 Q. [14:35:19] Very well. I would like to show video 0064-0083. Number 194 on
5 our list, public, and transcript is 0094-0336, number 260 on our list. We started this
6 video 6.36 to 8.32 for the first part.

7 And if the interpreters are ready, they can tell us.

8 THE INTERPRETER: [14:36:36] The interpreters have just found the paper. Thank
9 you.

10 PRESIDING JUDGE TARFUSSER: [14:36:41] Interpreters are ready, we can go.

11 MR DEMIRDJIAN: [14:36:44] Thank you, Mr President.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [14:36:46] (Interpretation of the video excerpt)

14 Presenter: The head chief of army staff, General Philippe Mangou, has told the truth
15 to Alassane Ouattara and Guillaume Soro. He has called them to reason. General
16 Mangou announces that the national army is ready for any event. The chief of army
17 staff made this clarification after a meeting that he had with the minister of youth this
18 morning at the general staff headquarters.

19 Mambo Abbé: In his dual quality as leader of the young people and minister of
20 youth, Minister Charles Blé Goudé met with the chief of staff of the army of Côte
21 d'Ivoire, where the country is facing a war and called on the westerners and certain
22 neighbouring countries in complicity with the armed rebellion who have occupied the
23 north of the country. The time is now for the sacred union, one leader, one army,
24 one people.

25 Charles Blé Goudé: There are certain dreamers who thought that they were dealing

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 with a weak army. I believe that at a given point, if they are provoked, they will
2 respond. If they are provoked.

3 In fact, we are proud of our army, but at the same time we are proud of them. We
4 see each day at the front this crisis. Unfortunately, where there is fighting, we are
5 working there also. Unfortunately we have lost some of our armed brothers.

6 Charles Blé Goudé: Because it is together that we will defend our country, each of us
7 in our own respect. But the army is always at the front. Despite the calls for
8 division, despite the lies that have been told by certain radio stations, our army is still
9 working in solidarity.

10 My friends and myself, we have decided this Sunday, 23 January at the Champroux
11 stadium to organise a great assembly in tribute to our army.

12 PRESIDING JUDGE TARFUSSER: [14:39:15] Now.

13 MR DEMIRDJIAN: [14:39:16] Thank you, Mr President.

14 Q. [14:39:17] (Interpretation) Mr Witness, this is another video of the RTI of 20
15 January 2011. Is that the meeting that you had in mind when you told us that there
16 was a meeting with Mr Blé Goudé?

17 A. [14:39:37] Yes.

18 Q. [14:39:39] Let us go back to 8.41.

19 (Viewing of the video excerpt)

20 MR DEMIRDJIAN: [14:39:55] (Interpretation)

21 Q. [14:39:56] Mr Witness, who are those individuals sitting to the left and to the
22 right of Mr Blé Goudé?

23 A. [14:40:00] I can see the people. The names are on the tip of my tongue. But
24 these are his comrades. He is usually with them.

25 Q. [14:40:19] To the right with the dreadlocks?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

- 1 A. [14:40:26] That is a musician. I don't remember the name.
- 2 Q. [14:40:30] Very well. If I put it to you that it is Serges Kassy?
- 3 A. [14:40:34] Yes, it is Serges Kassy.
- 4 Q. [14:40:37] And to the left, who is it?
- 5 THE INTERPRETER: [14:40:40] It's very fast, Mr President.
- 6 PRESIDING JUDGE TARFUSSER: [14:40:42] It's very fast, the dialogue between,
- 7 among the two of you. Please just slow down. Thank you.
- 8 THE WITNESS: [14:40:57] (Interpretation) You reminded me of the name of Mr
- 9 Serges Kassy, and I said yes. You can do the same with the other.
- 10 MR DEMIRDJIAN: [14:41:09] (Interpretation)
- 11 Q. Is it Richard Dakoury?
- 12 A. [14:41:13] Yes, indeed, it is Richard Dakoury.
- 13 Q. [14:41:16] I will show you the second, the second part of this video, 14.05 to
- 14 15.05.
- 15 (Viewing of the video excerpt)
- 16 THE INTERPRETER: [14:41:36] Can the Prosecutor tell us the line numbers on the
- 17 transcript? It is very difficult to find.
- 18 PRESIDING JUDGE TARFUSSER: [14:41:41] Do you need -- are you just putting
- 19 questions or do we need -- do you play the video? So can you tell the line number,
- 20 please?
- 21 MR DEMIRDJIAN: [14:42:03] So we are at page 3 or the page ending with 0339,
- 22 starting at line 98, going at the very end of that line until the end.
- 23 Can we -- are the interpreters ready, your Honours?
- 24 THE INTERPRETER: [14:42:23] Yes, we have located line 98, your Honour.
- 25 (Viewing of the video excerpt)

1 THE INTERPRETER: [14:42:27] (Interpretation of the video excerpt)
2 And they should not say or do certain things. Today, this very Guillaume Soro
3 wants that the national army should be put at his disposal. Is it not him that fought
4 them yesterday? Is it not him who killed elements of the Defence and Security
5 Forces? Is it not him who lined up the brothers and cut off their throats with their
6 families and children? They are crying on the rooftops. They are looking for mass
7 graves. But I believe today that if the truth has to come out, the mass graves will be
8 found here, and they will be found elsewhere, and not -- and in the CNO zone. But
9 the fighting, but the fighting is of the institutions of the republic, nothing makes us
10 afraid. And since he wants us to be in front of the Lord, we are telling him that
11 Christ is our life. Death to us is only a promotion. We are ready and we are
12 waiting for him.

13 MR DEMIRDJIAN: [14:43:55] (Interpretation)

14 Q. [14:43:56] First question, was it usual for generals to meet with the president of
15 the Jeunes Patriotique?

16 A. [14:44:17] Each time it was necessary we would meet with him, but this I believe
17 was the first time at the staff headquarters of the army.

18 Q. [14:44:28] Mr Witness, what was the purpose of this meeting?

19 A. [14:44:33] In the video, he himself explained that it was to pay tribute to the
20 Defence and Security Forces.

21 Q. [14:44:47] That invitation to the Champroux stadium, did you go there?

22 A. [14:44:58] No.

23 Q. [14:44:58] And why did you not go?

24 A. [14:45:07] After that meeting, General Vagba approached me and he told me
25 that since this meeting may seem to appear political, it would not be advisable for us

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 to attend. In your capacity as number two, you should go and see General Mangou
2 so that you should not go to that meeting.

3 Immediately after that I approached General Mangou and gave him that information,
4 and he accepted that we should not go there. So I did not go there. Once again, I
5 stayed at home in Agban.

6 Q. [14:45:56] To your knowledge, did any generals of the Defence and Security
7 Forces go to the Champroux stadium?

8 A. [14:46:16] Later on I saw images, and I realized that General Mangou was there.

9 Q. [14:46:27] And to your knowledge, what was the relationship between General
10 Mangou and Mr Charles Blé Goudé?

11 A. [14:46:38] That is a personal issue I cannot tell you. Only Mr Blé Goudé and Mr
12 Mangou can say. As for me, I had a brotherly relationship with Mr Blé Goudé. I
13 cannot say anything about the others.

14 Q. [14:46:58] During your first interview, Mr Witness, in 2011, this question was
15 put to you, and to refresh your memory I will read out your answer; the question was
16 as follows. You were shown pictures. And then let me quote:

17 Investigator: "And do you know why Mr Blé Goudé was on the side of -- by the side
18 of General Mangou?"

19 Your answer: "They had a relationship that I believe was quite close, very close.

20 And I have a defect. I do not want to be an intruder. If I'm not called, I do not go."

21 Investigator: "So General Mangou and Blé Goudé had an intimate relationship, a
22 close relationship?"

23 Your answer: "Very intimate relationship." End of quote.

24 And it is 0016-0321, page 0336.

25 Mr Witness, when you were answering the questions of the investigator, did you tell

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 the truth?

2 A. [14:48:30] Which truth?

3 Q. [14:48:34] The answer that I have just read out to you, that is, when you were
4 answering the questions of the investigators, were you telling the truth?

5 A. [14:48:44] It is relative. It is the French language. I do not believe that I said
6 that they had an intimate relationship. I must have said -- it must have been
7 something else. Mr Blé Goudé was known by many, many people. I did not use
8 the word "intimate."

9 PRESIDING JUDGE TARFUSSER: [14:49:04] Yes, but a part of the words "intimate,"
10 there is a difference between what you said before, that you cannot tell, you said,
11 "This is a personal issue. I cannot tell." This is the translation into English about
12 the relation between General Mangou and Charles Blé Goudé, and what you said
13 during the interview, where you said they had a very good, a very, however you call
14 it, but a very close relationship.

15 So the question is: Do you know? Is it right what you said now, that you don't
16 know and you have to ask them? Or is it right what you said a few years ago
17 questioned by the investigators when you said they have a very close -- I don't know
18 the exact wording in French, but a close relationship?

19 THE WITNESS: [14:50:04] (Interpretation) I prefer the words "very close."

20 PRESIDING JUDGE TARFUSSER: [14:50:21] Okay. Mr Prosecutor.

21 MR DEMIRDJIAN: [14:50:22] Thank you, Mr President.

22 Q. [14:50:24] (Interpretation) Mr Witness, this morning we saw the decree setting
23 up the International Commission of Investigation, of Inquiry on 7 January 2011. Did
24 you receive the results or the findings of that International Commission of Inquiry?

25 A. [14:50:50] No, I did not receive the findings. I do not believe that I was a

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 recipient of the report.

2 Q. [14:51:01] I'm talking about the International Commission of Inquiry set up in
3 Côte d'Ivoire by President Laurent Gbagbo on 7 January 2011. Did you receive a
4 report of that commission?

5 A. [14:51:22] Oh, yes, now I understand. But no, I did not receive the report of
6 that commission.

7 Q. [14:51:28] Let us display document 0044-0019, confidential. It is number 127 on
8 our list.

9 Mr Witness, shortly this document will be displayed. It was found in the archives
10 unit of the supreme command of the gendarme. If we can zoom in to the top part,
11 please.

12 At the top right, Mr Witness, you can see the date of 23 February 2011. And on the
13 left, supreme command of the national gendarmerie cabinet.

14 Can you see the title "Fiche" there and then for the attention of the minister of
15 defence?

16 A. [14:52:39] Yes.

17 Q. [14:52:40] And subject: Comments and observations on the findings of the
18 International Commission of Inquiry on Human Rights.

19 But to begin with, let us go to the bottom of the page, please. First of all, Mr Witness,
20 can you confirm that this is in fact your signature and a stamp of the supreme
21 command of the gendarmerie?

22 A. [14:53:20] Once again, this signature is not mine. And during the meetings I
23 was told that I responded -- well, I must have responded to a correspondence from
24 the ministry. But it is the cabinet that actually prepares the response, the chief of
25 cabinet.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [14:53:55] Just a moment, please.

2 Mr Witness, this document was in fact shown to you during your second interview in
3 2015, and note 0082-0245, page 0251. That document is shown to you.

4 Now, let me begin line 186, and I quote:

5 The investigator: "Very well. First of all, you, do you recognize that document?"

6 Your answer: "Yes. I signed it."

7 The question by the investigator: "Is it indeed you? Is this indeed your signature?"

8 Your answer: "That is correct." End of quote.

9 Mr Witness.

10 A. [14:55:59] Yes.

11 Q. [14:56:00] When you were shown this document in 2015, you recognized your
12 signature. Now, here why are you saying that it is not your signature?

13 A. [14:56:15] There was a debate on this document -- there was no debate on this
14 document. I was shown the document. Nothing was discussed about the signature.
15 But I said I understand. I recognize the substance. And if there is a problem, there
16 is an investigation. This document, the file was sent to the cabinet and the cabinet
17 must have sent a response, which I did not dispute.

18 Q. [14:56:53] I believe that you do not dispute the content or the substance?

19 A. [14:56:59] Yes.

20 Q. [14:57:01] But I quoted to you the questions and answers between the
21 investigator and yourself. And during your interview, your answer on line 189 was,
22 "Yes, I signed it." That is when you were being interviewed.

23 Now, during that time, did you speak the truth?

24 A. [14:57:28] In any case I know the document, but I do not recognize his signature,
25 because the head of cabinet can sign a document. So we must have answered to a

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 document coming from the ministry. So the report was drafted and it was sent.

2 That is what I said.

3 PRESIDING JUDGE TARFUSSER: [14:57:51] My question to you would have been
4 the following and is the following: Did it happen that you delegated the signature,
5 your signature to somebody else, like the chief de cabinet?

6 THE WITNESS: [14:58:15] (Interpretation) It is not a delegation, but he can sign a
7 document, and he usually signs documents.

8 PRESIDING JUDGE TARFUSSER: [14:58:26] Yes. I maybe misused the word. It's
9 authorisation, delegation, whatever it is. But is it possible that you, knowing
10 somebody else like le chef de cabinet, can sign on your behalf with your signature a
11 document, because maybe you are not present, it was read to you on the telephone,
12 you said, "Okay. It's okay. Sign it and deliver it." Is this possible? Did this
13 happen?

14 THE WITNESS: [14:59:07] (Interpretation) Yes. The deputy commander, the chef
15 de cabinet can sign documents on my behalf.

16 PRESIDING JUDGE TARFUSSER: [14:59:17] With your signature, say so, with your
17 name?

18 THE WITNESS: [14:59:25] (Interpretation) The stamp could be my stamp. But in
19 principle he has to put "par ordre," PO, and then he signs, name, stamp, PO, par ordre,
20 and then he signs.

21 PRESIDING JUDGE TARFUSSER: [14:59:45] And what happened in this case, where
22 it clearly appears something which is very close to what is your signature which you
23 delivered also here in front of us?

24 THE WITNESS: [15:00:04] (Interpretation) That is not my signature, but I've said
25 that I recognize the substance of the document. This is what they must have sent to

1 the minister. That is more important according to me.

2 PRESIDING JUDGE TARFUSSER: [15:00:25] Maître Altit, is it you wanted to
3 intervene?

4 MR ALTIT: [15:00:31] (Interpretation) Yes, thank you, Mr President. Mr
5 President, your Honours, thank you for those questions of clarification. But I
6 wanted to object to the last question of the Prosecutor, and I will tell you why. And
7 probably this will also be an objection to the next few questions because he has
8 already used this type of strategy or procedure a few times. He asked the witness a
9 question, then confronts the witness with his statement and then asked him, "Now,
10 what you said in your statement: Was it the truth?"

11 I can see Mr MacDonald on his feet. I have no objection for having the witness taken
12 outside, but my problem relates to the process being followed by the Prosecution.
13 But if we have to take the witness out, that's fine by me.

14 PRESIDING JUDGE TARFUSSER: [15:01:46] I think the question which should be
15 put is: Which one of the two versions is the true one? Yes. If there are two
16 different versions, one given some time ago, one today, and they are conflicting, one
17 must be -- or there is a third. But this is how it should be dealt with.

18 MR ALTIT: [15:02:13] (Interpretation) Mr President, what I'm saying is that I would
19 like to explain further, but the Prosecution rose, requesting that the witness should be
20 taken out of the courtroom. If that were done, we would be able to express
21 ourselves much more freely to the Court. So with your leave, maybe the witness
22 should be taken out and then I'll explain to you why I think what the Prosecution did
23 should not have been done.

24 PRESIDING JUDGE TARFUSSER: [15:02:45] Please let's bring the witness out of the
25 courtroom, just for a few minutes.

1 Thank you, Mr Witness, if you could leave the courtroom.

2 (The witness stands down)

3 PRESIDING JUDGE TARFUSSER: [15:03:15] Maître Altit.

4 MR ALTIT: [15:03:17] (Interpretation) Thank you, Mr President. Mr President,
5 your Honours, the question is very simple. In fact, the Prosecutor is questioning the
6 witness. He hears an answer from the witness. He's not satisfied with the witness's
7 answer for various reasons, including the possibility that it doesn't correspond to
8 what he might have said in a previous statement.

9 To be able to confront the witness with this statement, the witness can answer
10 whichever way he chooses to. Then at that time the Prosecution asks the witness
11 whether what he said at the time was the truth, just as you have observed, Mr
12 President. This puts the two statements, that is the testimony of today and the
13 statement at the time with the investigators, are now put at the same level. So there
14 is a problem of conflict of the two versions, and he asks which one is the truth. That
15 is what he does not do.

16 He actually says: Was it the truth at the time? That's my point, Mr President, and I
17 defer to the Chamber on this point, is that the Prosecutor cannot do that because in
18 doing so he is equating a testimony, which is what we are experiencing today. The
19 witness is here to testify, he's providing a testimony to the Chamber at the highest
20 level of what can be said and provided. So the Prosecution is putting a testimony
21 which is what the truth of what the witness recalls and his statement at the same time,
22 the statement which was provided in circumstances that we all are familiar with.
23 We also know what was involved. So there are two levels. The statement is at a
24 much lower level, and so the testimony cannot be put at the same level as the
25 statement. That is why you cannot now ask the witness whether that was the truth

1 because that was his statement.

2 Now, he wants him now to come back on what he had just said and to ally or align
3 with his statement. And I think, Mr President, this is not a procedure that your
4 Chamber can entertain. That's the thrust of my objection.

5 PRESIDING JUDGE TARFUSSER: [15:05:37] And that's exactly what I said, you
6 have to put it and then you have to ask which one of the two is the truth. Yes, that's
7 how it goes.

8 Mr MacDonald.

9 MR MACDONALD: [15:05:46] Exactly, your Honour. So we'd like the objections
10 to be simply rejected, and we have the audio recording --

11 PRESIDING JUDGE TARFUSSER: [15:05:53] Yes.

12 MR MACDONALD: [15:05:54] -- available where it is mentioned "J'ai signé," I
13 signed. Therefore, it's unequivocal.

14 The prior version, it's a question of prior versions. That's all.

15 PRESIDING JUDGE TARFUSSER: [15:06:08] Yes. The problem is how you deal
16 with this prior version in here. I think there is a question and an answer. If you
17 have to confront, you read out and then you ask: Which one out of the two, what
18 you said today or what you said earlier, is true, is what you state here? And that's it.
19 And then on the basis of that answer, we continue the questioning.

20 MR MACDONALD: [15:06:38] Totally right, your Honour.

21 PRESIDING JUDGE TARFUSSER: [15:06:41] Thank you.

22 MR MACDONALD: [15:06:42] And the witness has already answered.

23 PRESIDING JUDGE TARFUSSER: Yes.

24 MR MACDONALD: It's already on the record. We asked him.

25 PRESIDING JUDGE TARFUSSER: Yes, yes.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

- 1 MR MACDONALD: My colleague asked a question and he gave an explanation.
- 2 PRESIDING JUDGE TARFUSSER: [15:06:49] Yes. But here the thing is you cannot
- 3 ask "Is that what you said then true?" It's not about what one of the parties likes to
- 4 be true that should be asked if this is true. But more neutrally, which one of the two
- 5 versions is that what you now say is the true one? This is the only thing. Okay?
- 6 MR MACDONALD: [15:07:10] Yes. Noted. And the witness now is saying a bit
- 7 of both. But that's for you to evaluate at the end.
- 8 PRESIDING JUDGE TARFUSSER: [15:07:17] Yes, exactly. That's the matter of
- 9 evaluation.
- 10 So please, can the witness be brought in so we can continue.
- 11 MR VON BÓNÉ: [15:07:28] May I ask a question, your Honour.
- 12 PRESIDING JUDGE TARFUSSER: [15:07:31] Who is asking?
- 13 MR VON BÓNÉ: [15:07:33] It's me, your Honour.
- 14 PRESIDING JUDGE TARFUSSER: Yes. Hello.
- 15 MR VON BÓNÉ: [15:07:33] I'm unable to read the transcript in French, and I would
- 16 like to reread something of it.
- 17 PRESIDING JUDGE TARFUSSER: [15:07:43] Well, I'm the wrong person to be
- 18 asked.
- 19 MR VON BÓNÉ: [15:07:47] Okay.
- 20 PRESIDING JUDGE TARFUSSER: [15:07:48] But I can provide some -- well, the
- 21 court officer is coming to help you.
- 22 MR VON BÓNÉ: [15:07:55] Okay.
- 23 (The witness enters the courtroom)
- 24 MR VON BÓNÉ: [15:08:36] Your Honour, thank you very much.
- 25 PRESIDING JUDGE TARFUSSER: [15:08:40] Mr Prosecutor.

1 MR DEMIRDJIAN: [15:08:42] Thank you, Mr President.

2 Q. [15:08:44] (Interpretation) Mr Witness.

3 A. [15:08:52] Yes.

4 Q. [15:08:55] You told us a short while ago that before preparing your answer to
5 the request from the minister of defence, first question, did you address the issue of
6 civilians who were allegedly killed during the post-election crisis in that letter? Did
7 you address it in that letter?

8 A. [15:09:18] This is exactly what I said. I must have answered through my
9 cabinet to a request from the minister of defence. But the document which went
10 with that reply, I never read it. Now, when I looked at the documents that were
11 available here in the Hague, I saw a letter that was written in English, which I do not
12 know how to read.

13 Q. [15:09:47] The last paragraph of the document, can you see it, "Furthermore, the
14 Prosecution presupposes an accused, an accuser and an accused. Consequently it
15 would be best for victims or those knowing them to eventually complain before the
16 competent services."

17 At the time of the drafting of this document, why is there no reference to any
18 complaints from civilians to that commission?

19 A. [15:10:44] That's the answer I provided. You said "furthermore," so it's in
20 addition. And then it says it would be proper for something to happen. But then
21 that was not the case.

22 Q. [15:11:04] Mr Witness, the document is of 23 February. And that was during
23 the post-election crisis. During that period, did you have any intention to
24 investigate into any crimes for which the forces of defence and security may have
25 been accused?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 A. [15:11:34] For that specific purpose, it is the government commissioner who
2 initiates any procedure. I was not seized with any request for an investigation. If it
3 had been done, I would have done so in this specific case.

4 Q. [15:11:52] Mr President, I would like to call for video 0074-0066, number 224 on
5 our list. We would like to view that video.

6 For the interpreters, the reference is CIV-OTP-0087-0524, number 234 on our list.

7 And the video will start from 8.04.

8 THE INTERPRETER: [15:12:51] And, Mr President, could counsel be requested to
9 give the line number, start and end line numbers, please.

10 PRESIDING JUDGE TARFUSSER: Line number, please.

11 MR DEMIRDJIAN: [15:13:03] It starts at line 1.

12 PRESIDING JUDGE TARFUSSER: [15:13:14] And the end?

13 MR DEMIRDJIAN: [15:13:16] Line 38.

14 PRESIDING JUDGE TARFUSSER: [15:13:19] 38.

15 THE INTERPRETER: [15:13:21] Thank you.

16 MR DEMIRDJIAN: [15:13:22] We can play it?

17 PRESIDING JUDGE TARFUSSER: [15:13:24] Yes, please. Go ahead.

18 MR DEMIRDJIAN: [15:13:26] Thank you.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [15:13:37] (Interpretation of the video excerpt)

21 Going to the supreme command of the national gendarmerie, General Oumar N'Daw
22 hall, where there was a meeting of the various unit commanders in Abidjan, with the
23 chiefs of the various services of the national gendarmerie, under the control of
24 General Kassaraté Tiapé Édouard.

25 Report by Alvor Assa Kouamé: The agenda of the meeting included the security

1 situation and the last occurrence in Abobo commune, and you will remember that
2 some troops of the armed forces and the Defence and Security Forces were killed
3 during their mission to protect the people by rebels.

4 In a brief presentation Lieutenant Colonel Goué, chief of operations appointed by the
5 chief of general staff, explained the purpose of the operation, conducted together with
6 troops from the national police, the armed forces of Côte d'Ivoire, FANCI, and the
7 national gendarmerie. According to him, the operation was carried out following
8 intelligence with a view to dislodge rebels from the Forces Nouvelles, who had
9 infiltrated the commune of Abobo and who are causing trouble and disturbing the
10 peace of the population in that area, who have been doing so for some time.

11 The operation was conducted with a lot of sang-froid on the part of the Forces for
12 Defence and Security with a view to limit any loss of human life within the civilian
13 population. The idea was to ensure that the most beautiful community -- rather, the
14 purpose was to ensure that the international community, which was looking for mass
15 graves, would not avail itself of this opportunity once again to tarnish the image of
16 Côte d'Ivoire.

17 From the time of this operation, there have been rumours everywhere that certain
18 politicians have attempted to unsuccessfully cause disturbances between the FDS.
19 General Kassaraté was proud of his men for the conduct of the operation, which
20 unfortunately ended up with the loss of one policeman.

21 Talking about the collaboration between the national gendarmerie and the other
22 forces, namely, the national police and the FANCI, General Kassaraté said that the
23 relations between them are without any difficulty. The international community
24 continues to look for the mass graves in various parts of the area. And General
25 Kassaraté indicated that the national gendarmerie and all the armed, all the defence

1 forces and security forces of Côte d'Ivoire are never going to give them this possibility
2 before reminding people that the said international community knows where the true
3 mass graves are located and who the authors of those mass graves and those heinous
4 crimes are.

5 General Kassaraté invited his troops to respect the motto of the national gendarmerie
6 and to uphold those patriotic values.

7 PRESIDING JUDGE TARFUSSER: [15:17:29] Now, Mr Prosecutor.

8 MR DEMIRDJIAN: [15:17:31] Thank you, Mr President.

9 Q. [15:17:33] (Interpretation) Mr Witness, this is a video of 18 January during the
10 post-election crisis. First of all, do you remember having addressed the international
11 community in the words which are ascribed to you in relation to the quest for mass
12 graves? Did you say that the national gendarmerie and all the Defence and Security
13 Forces of Côte d'Ivoire are never going to give them this opportunity?

14 PRESIDING JUDGE TARFUSSER: [15:18:16] Maître Gbougnon.

15 MR GBOUGNON: [15:18:19] (Interpretation) Mr President, I'm not going to delve
16 into some details, but throughout the video we hear a commentary from the journalist,
17 and I'll stop at that.

18 PRESIDING JUDGE TARFUSSER: [15:18:31] I think this is the reason why this
19 question is posed, because if this was a comment made directly by General Kassaraté,
20 there was no need to interpret it. This is how I see it.

21 MR MACDONALD: [15:19:01] Your Honours, I have to intervene here, because I
22 will submit that the last intervention was totally inappropriate and uncalled for.

23 PRESIDING JUDGE TARFUSSER: [15:19:12] No. May I stop you. May I stop you.
24 I do understand, but I ask -- that's why I stopped it.

25 Mr Demirdjian, please go ahead. I think I said that you are trying to through your

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 questions to elicit what was interpreted by -- to make sort of an interpretation, a real
2 interpretation of what was said by the journalist. So please go ahead with this
3 questioning.

4 MR DEMIRDJIAN:

5 Q. [15:20:07] (Interpretation) Mr Witness, let's hark back a little bit. Is that the
6 Oumar N'Daw hall where the meeting took place?

7 A. [15:20:14] Yes.

8 Q. [15:20:15] Now, what we see on the screen, Mr Witness, those images, do they
9 reflect the meeting that you had with your immediate commanders?

10 A. [15:20:25] Yes.

11 THE INTERPRETER: [15:20:27] The five-second rule, Mr President is not being
12 observed.

13 MR DEMIRDJIAN: [15:20:32] (Interpretation)

14 Q. [15:20:33] Very well. Here we see that General Kassaraté congratulated his
15 men for the conduct of the operations, which unfortunately ended with the death of
16 several policemen. Does that remind you of which operation is being talked about
17 here?

18 A. [15:20:52] Let me explain. As I told you, we must understand each situation in
19 its context. At Abobo Gare, Abobo Gare had been occupied by a commando known
20 as the Commando Invisible, which was attacking the inhabitants and their property.
21 So we met at the headquarters of the armed forces to initiate an operation with a view
22 to dislodging the Commando Invisible.

23 During that meeting, we selected an officer to conduct the joint operation between the
24 gendarmerie, the police and the army. That operation was placed under Colonel
25 Goué, who is mentioned here, for the simple reason that Colonel Goué had been the

1 commander of the Abobo Gare squadron, and we deemed that he knew the terrain
2 better and was in a position to lead the operation and limit collateral damage.

3 You see, previously the police who were more numerous at Abobo Gare had
4 attempted to dislodge the Commando Invisible, but unfortunately many of them
5 were killed. And that is why the police came to the view that the gendarmerie had
6 not supported them enough and that that's why so many policemen were killed.

7 Now, the operation that was now -- was conducted by the colonel did not achieve its
8 objectives. And therefore, in order to limit damage, General Detoh, commander of
9 operations in Abidjan then suspended the said operations for those reasons.

10 Therefore, please, as a lot of rumours had gone around trying to pit policemen against
11 gendarmes, I convened my officer, who had been designated by the general staff to
12 conduct the operation, to explain to us exactly what had happened. That is why you
13 can see the report, in the report a number of words which I cannot mention.

14 Q. [15:23:28] So in your speech, did you say anything about the international
15 community looking for mass graves all over the place? Did you say that the national
16 gendarmerie and all the Defence and Security Forces will never give them that
17 opportunity? Did you ever say anything like that?

18 A. [15:23:57] I never used any such words. All I did was to invite my officer to
19 report to a meeting of all the officers on the manner in which he conducted the
20 operations, because our friends of the police were complaining that several people
21 had died in their own ranks. That was the only topic that we broached.

22 Q. [15:24:26] Did you mention the word "mass grave," Mr Witness, "mass grave"?

23 A. [15:24:43] No. I have said it and I repeat, because of the spoiled atmosphere
24 between the police and the gendarmerie, we needed to establish the truth and
25 indicate to the police that the gendarmes had not been passive or neutral when it

1 came to the operation. That's it.

2 Q. [15:25:07] Mr Witness, isn't it true that at that time you and several other
3 members of the Defence and Security Forces were placed on a list of sanctions by the
4 European Council?

5 A. [15:25:30] I heard mention of that. And it was published in the newspapers
6 that there were travel bans and that property was frozen and so on and so forth.

7 MR DEMIRDJIAN: (Interpretation) [15:25:47] Can we pull up 0045-0672, number
8 175 on our list of documents. It's a confidential document.

9 Q. Mr Witness, we have here a document from the national police. It's not being
10 attributed to the gendarmerie. The title of that document, the subject is,

11 "Honorarium for the counsel acting on behalf of the officers of the Forces of Defence
12 and Security who are victims of sanctions by the European Union."

13 Now if we scroll down that first page, a little further down, please.

14 This is a cover letter by the General Director Bredou M'Bia.

15 Please move to the next page. Thank you. Please zoom in.

16 Mr Witness, this is a document of 28 February from the director of intervention units.

17 And it refers to a meeting at which you are said to have been present with General

18 Guiai Bi Poin, Colonel Ange Kessi, government commissioner, and Maître Gilbert

19 Collard, lawyer at the Marseille bar with a view to defending the association of FDS
20 officers.

21 Do you remember this meeting?

22 A. [15:28:09] No, not at all, I don't remember, but I know that there was a list of
23 people who suffered from the European Union sanctions, and I remember that the
24 Swiss ambassador told me that the sanctions had been lifted.

25 Q. [15:28:25] Mr Witness, do you remember any meeting that took place at the

1 presidential palace on 24 February 2011 to deal with the situation in Abobo in the
2 presence of the president of the republic, Mr Laurent Gbagbo?

3 A. [15:28:50] Once again, a problem with the dates, but it is possible that such a
4 meeting might have taken place in relation to the situation in Abobo Gare.

5 Q. [15:29:02] Who else was present at that meeting?

6 A. [15:29:09] All the generals involved in the protection of people and their
7 property were present.

8 Q. [15:29:21] Who spoke at that meeting, Mr Witness?

9 A. [15:29:29] The army is a hierarchical structure. And if anyone spoke it is
10 always the chief of general staff who would report to the president of the republic in
11 his capacity as the supreme commander or the supreme chief of the armed forces.

12 Q. [15:29:50] What did the president of the republic say on that occasion?

13 A. [15:29:58] Well, you continue to embarrass me. The head of state continued to
14 advise us to do everything possible to ensure security and protection of people and
15 property.

16 Q. [15:30:14] The meeting I'm speaking to you about is the one with regard to the
17 security situation in Abobo. Now, in that context, did the president of the republic
18 speak to the generals?

19 A. [15:30:33] I do not recall what he might have said, but he gave the order to the
20 generals to do everything possible to bring security back to Abobo Gare by
21 extirpating the commando, the Invisible Commando that was doing so much harm to
22 the population.

23 MR DEMIRDJIAN: [15:31:00] I'd like to show the video CIV-OTP-0026-0020, at tab
24 46. The transcripts are 0044-2534. We will play a brief excerpt from 3.20 to 3.53.
25 For the interpreters it is page, well, the third page, which is really marked as page 1,

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 ending with 25.36, lines 30 to 35. Sorry. Lines 31 to 35 to be precise.

2 Can the interpreters let us know when they are ready.

3 THE INTERPRETER: [15:32:11] Message from the English booth: We are ready,
4 counsel.

5 MR DEMIRDJIAN: [15:32:15] Thank you very much.

6 Q. [15:32:17] (Interpretation) Now, Mr Witness, I'm going to be showing you
7 some images on the RTI dated 24 February 2011.

8 (Playing of said video excerpt)

9 THE INTERPRETER: (Interpretation of the video excerpt)

10 UN forces: The president of the republic, His Excellence Mr Laurent Gbagbo, noted
11 the state of advancement of the identification of these rebels of their movements and
12 gave instruction to reinforce the security measures in order for the population of the
13 commune of Abobo to in the least possible time come back to its state of peace and
14 tranquility and put these rebels out of a position of doing any harm." End of quote.

15 MR DEMIRDJIAN: (Interpretation)

16 Q. [15:33:21] So, Mr Witness, we have the spokesman for the government. Do you
17 remember -- Mr Don Mello. Do you remember any instruction from the president of
18 the republic to reinforce the security measures in Abobo?

19 A. [15:33:36] I believe that's what I responded to in your question, which was
20 giving the -- the president gave instructions to do everything to remove the Invisible
21 Commando from Abobo Gare.

22 Q. [15:33:52] Very well. Now, Mr Witness, do you recall having been to the
23 presidential residence on 28 February 2011 alone in the company of General Mangou
24 very late at night, that is past 11 o'clock, just the two of you that is.

25 A. [15:34:17] I remember well that two of us went to the residence, the residence of

1 the president of the republic.

2 Q. [15:34:25] So for the notes, we have an entry in the logbook, which is 0088-0863,
3 page 10 -- I'm sorry, well, it doesn't matter. We'll find the page in a moment.

4 This meeting late at night with General Mangou and the president of the republic,
5 what did you talk about?

6 A. [15:34:51] It's simple, during the meeting held at the palace of the presidency of
7 the republic, according to what I felt, it was reproached that the gendarmerie was not
8 obeying the orders of the chief of staff. So the various generals spoke and there were
9 a number of members of the government, because they were not in agreement with
10 this accession on the part of General Mangou, and it got a bit heated between him and
11 me. And one of the ministers suggested to the chief that you should receive, he said
12 to him "your two generals at your residence."

13 So the chief fixed a time for us to meet. We went there. We explained ourselves.

14 And he suggested that we meet some kind of cordial peace, and that's what
15 happened.

16 PRESIDING JUDGE TARFUSSER: [15:36:06] When you say "he suggested," you
17 mean the president of the republic?

18 THE WITNESS: [15:36:10] (Interpretation) You are right in so saying, Mr President,
19 it was indeed the president of the republic, Mr Laurent Gbagbo.

20 PRESIDING JUDGE TARFUSSER: [15:36:22] Okay. Thank you.
21 Mr Prosecutor.

22 MR DEMIRDJIAN: [15:36:25] (Interpretation) Thank you.

23 Q. [15:36:29] You said that a minister had suggested to the head of state that you go
24 and see him. Which minister was that?

25 A. [15:36:35] I might not be remembering it correctly, but I believe that it is

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Minister, the late Minister Tagro, may he rest in peace.

2 Q. [15:36:55] Very well.

3 MR DEMIRDJIAN: [15:36:58] For the record, your Honours, the entry in the logbook
4 is at page 1222.

5 Q. [15:37:01] (Interpretation) Mr Witness, during the post-election crisis, did the
6 gendarmerie note at any moment in time that there was a structural problem within
7 the gendarmerie itself?

8 A. [15:37:20] There was no question of structure or question associated with
9 structure within the gendarmerie.

10 MR DEMIRDJIAN: [15:37:35] Could we put up CIV-OTP-0018-0240, number 267 on
11 our list.

12 Q. (Interpretation) Mr Witness, I'm going to be showing a document to you that we
13 found at the gendarmerie academy in Abidjan.

14 Very well. If we can just zoom in on it somewhat.

15 This document was brought out by the departmental gendarmerie, and the subject is
16 reflection upon the commitment of the gendarmerie units. It is dated 1 March 2011.

17 And the beginning of the document you have a few paragraphs outlining the
18 situation. And then right at the bottom of the page, if we can go down there please,
19 there is a section entitled "The weaknesses of the measures." I'd like to read two
20 sentences.

21 The first sentence, "The security measures for the Forces of Defence and Security as
22 implemented in Abidjan district is experiencing some weaknesses in two areas."

23 I'd like to go to the top of the next page, please.

24 So here under that is the first point, operational, at an operational level, and I'm going
25 to quote, "The measures of a structure is suffering from true insufficiencies in terms of

1 coordination and conduct of operations due essentially to the existence of parallel
2 command structures and leadership issues." And a little further down you can see
3 that there is a point discussing the reorganisation of gendarmerie units.

4 Now, the first question that I have to put to you is, with regard to this existence of a
5 parallel structure, what did you know about it at the time?

6 A. [15:40:12] Mr Prosecutor, the officer who drafted this document is a subordinate
7 in military terms. It is not his remit to speak about what he wrote here in terms of
8 subordination, leadership, et cetera. I wasn't complaining about it, why would he?
9 If he had been in activity, I would be requesting some type of sanction because he is a
10 subordinate.

11 And with your permission, you said they talked about notes. This officer was a
12 person who came up with lots of notes regarding to situations willy-nilly.

13 Q. [15:41:22] Mr Witness, I would like to remind you of the answer that you gave
14 in the interview when this document was shown to you in 2015. These are the notes,
15 0082-0245, at page 0248. So I'm going to be starting at line 90 with the question
16 from -- sorry. 88, line 88, and he says as follows:

17 "The structure is suffering from true insufficiencies in terms of the coordination and
18 conduct of operations that can essentially be put down to the existence of parallel
19 structures of command and to leadership issues." End of quote.

20 Do you have anything to add to that? Well, you can clarify it somewhat to us what
21 this was referring to.

22 This is the investigator.

23 And you answer saying, "Yes. In fact, let me specify that this was a legion
24 commander. I was commanding the gendarmerie in Abidjan with regard to the
25 situation then. He was making comments to his hierarchy. So we do not need to

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 follow what he was saying. The hierarchy is parallel. But he doesn't say this to us
2 clearly because, indeed, there was both gendarmerie and the CECOS. The CECOS
3 was under the command of a gendarmerie general who was also the commander of
4 the school." That is the end of the quote.

5 So that was the answer that you furnished in 2015 when that document was shown to
6 you. Does this refresh your memory somewhat with regard to this issue of parallel
7 structures?

8 A. [15:43:25] Yes. I said that this was not up to the subordinate to talk about such
9 parallel structures. But if he himself was feeling things, then he would come to see
10 me and we would have a discussion. The CECOS was created to face up to crime
11 and criminality in Abidjan. And this was a choice that was made by that command,
12 General Guiai Bi. It might have been another officer of the police or the army.
13 There you go. That was what gave the impression of there being some kind of
14 parallel structure. But, in fact, he was acting in a field that had nothing to do with
15 my command.

16 PRESIDING JUDGE TARFUSSER: [15:44:21] Excuse me, can we have the name of
17 this subordinate? Just we are talking about somebody which is called subordinate,
18 but he has a name. Please.

19 MR DEMIRDJIAN: [15:44:39] (Interpretation)

20 Q. [15:44:40] Yes, the document and the author is commander of the 1st
21 departmental legion and --

22 A. [15:44:48] It was Colonel Gbéli, G-B-E-L-I, Gabo, G-A-B-O, Gilbert. And he is
23 currently retired, Mr President.

24 PRESIDING JUDGE TARFUSSER: [15:45:07] Thank you.

25 MR DEMIRDJIAN: [15:45:09] (Interpretation)

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [15:45:10] Mr Witness, were you in the know that on 3 March 2011 there was a
2 peaceful march, a women's peaceful march in Abobo?

3 PRESIDING JUDGE TARFUSSER: [15:45:25] There was a march. There was a
4 march.

5 MR DEMIRDJIAN: [15:45:30] That's fine.

6 PRESIDING JUDGE TARFUSSER: [15:45:31] There was a march, please.

7 MR DEMIRDJIAN: [15:45:33] That's fine.

8 Q. [15:45:37] (Interpretation) Very well. So let me repeat my question,
9 Mr Witness. Did you know that on 3 March 2011 there was a women's march in
10 Abobo during which seven women lost their lives?

11 PRESIDING JUDGE TARFUSSER: [15:45:54] No, come on. It can't be like this, the
12 questioning.

13 Then "Do you know about the march?" "Yes," and then it goes on, but otherwise we
14 give, through the questions, you are giving the answer.

15 MR DEMIRDJIAN: [15:46:10] Your Honours, I'm not going to ask him about the
16 incident itself. I'm focusing him on the incident. But the question will not be on the
17 victims themselves.

18 PRESIDING JUDGE TARFUSSER: [15:46:22] But you know that this is contested,
19 right? We do know that this is contested, the fact. So please.

20 Do you know something about this march which was asked by the Prosecutor on 3
21 March 2011 in Abobo?

22 THE WITNESS: [15:46:55] (Interpretation) Thank you, Mr President. Once again,
23 I was not informed because I had no gendarmes left at the Abobo Gare brigade.
24 However, over the television images were shown to us of women who marched. I
25 don't know whether I've been specific enough, Mr President.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [15:47:16] Well, it's always strange that the head
2 of the gendarmerie knows about it through the telephone. To me, this is a bit
3 strange. But it doesn't matter.

4 Do you know what happened during that march or happened something during that
5 march? What did you learn about this march in your capacity as head of the
6 gendarmerie?

7 THE WITNESS: [15:47:49] (Interpretation) As I was saying, we no longer had any
8 gendarmes present in Abobo Gare, they had all left. But over the television it was
9 announced that there was a march of women on the RHDP that had been
10 reprimanded.

11 PRESIDING JUDGE TARFUSSER: [15:48:14] Mr Prosecutor.

12 MR DEMIRDJIAN: [15:48:16] Thank you, your Honours.

13 (Interpretation) Could we please bring up document 0043-0316. It is confidential in
14 nature, and it is number 75 on our list.

15 Q. Now, Mr Witness, the document that is going to be brought up in a moment
16 was found in the service, the archive service of the 1st departmental legion. And
17 could we please blow up the top half of the document. You can see that it is dated 4
18 March 2011. It is a document giving situation report.

19 Could we please move on to the next page. Could we please zoom in. And here
20 we have the recipients, yourself, commander of gendarmerie operations and archives.
21 And it is signed by Colonel Major Gbéli Gabo Gilbert.

22 Could we go back to page number 1, please. Can we please zoom in on -- there we
23 are.

24 Now, you have a section on Port-Bouët, then Adjamé-Abobo. Mr Witness, can you
25 see the terms "Women's peaceful march close to the RHDP" and then there is written

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 "No incident noted for the time being"?

2 A. [15:50:14] Yes.

3 Q. [15:50:15] Did that document reach you?

4 A. [15:50:17] I don't know. I can't remember. It's from my officer and he wrote a
5 lot about things in Abobo. But you can see COG. So that, you know, not
6 everything reaches me. But it did reach the gendarmerie operations centre, the
7 COG.

8 Q. [15:50:36] Very well.

9 Could we please bring up document 0001-0285, confidential in nature, number 28 on
10 our list.

11 Now, this is a document that is not from the gendarmerie. It is dated 24 March and
12 comes from the Abidjan Military Tribunal. And it is a search for investigation
13 purposes. I'm going to let you read this first page.

14 Can you blow it up a little bit, please.

15 Now, can you see, it is written that "We, magistrate captain of the Frigate Kessi
16 Kouamé Ange Bernard." Is that the person you mentioned to us?

17 A. [15:52:25] Yes, Mr Prosecutor.

18 MR DEMIRDJIAN: [15:52:27] Let's turn over the page. Could we please zoom in
19 somewhat. This is a two-page document, second page thereof. Could we please
20 zoom in from the word "Requérons."

21 Q. Now, Mr Witness, from the title "Requérons" it starts with "Colonel major,
22 commander of the group of documentation and research of the national gendarmerie"
23 that you mentioned to us. I am going to give you a moment to read what is being
24 requested.

25 Very well. You can see at the bottom of the page that it says, "Furthermore, it is

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 coming out of information that through certain international press that some women
2 demonstrating within the RHDP in Abobo are said to have been killed by law
3 enforcement, that shells were shot by a security mission from the FDS in Abobo
4 giving rise to a number of deaths within the civilian population. The GDR
5 commander will undertake a complete investigation into this case."

6 And if you go all the way to the bottom of the page, you can see that copy was sent to
7 the MINIDE, MINI/INT, COMSUPGEND.

8 Were you aware of this document at the time that it was dispatched?

9 A. [15:54:47] Yes.

10 Q. [15:54:58] Was an investigation indeed undertaken by the commander of the
11 GDR with regard to this incident?

12 A. [15:55:04] I was only cc'ed into this between the GDR who was going to report
13 on this investigation. I'm sure that he did open an investigation.

14 Q. [15:55:18] Did the commander of the GDR impart the results of the investigation
15 to you?

16 A. [15:55:33] No. In principle it's between the judicial police officer and the
17 magistrate that this is undertaken.

18 Q. [15:55:40] Very well. Mr Witness, I would now like to bring you to the date of
19 10 March 2011. Do you know that on that day a decision was produced by the
20 African Union with regard to the elections and the crisis in Côte d'Ivoire?

21 A. [15:56:09] You'll be surprised once again that I am not a recipient of these
22 decisions. But what did I hear is that ECOWAS and the African Union knew what
23 was going on with President Ouattara, but I did not receive any documents because I
24 am not a recipient thereof.

25 Q. [15:56:34] So we are in the month of March of 2011. Did you meet the

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 president of the republic subsequent to certain statements given by the African
2 Union?

3 A. [15:56:52] Well, there are lots of things here. If you could refresh my memory
4 somewhat, because I did meet with them on numerous occasions. As to who, what,
5 when, where and how, I don't know.

6 Q. [15:57:07] During those meetings -- just a moment, please.

7 Very well. Could we please watch video CIV-OTP-0061-0567, public, number 208 on
8 our list. And the notes are 0094-0278.

9 PRESIDING JUDGE TARFUSSER: [15:58:02] Time stamps?

10 MR DEMIRDJIAN: [15:58:05] (Interpretation) We are going to start at minute 02.50
11 and we are going to stop at --

12 Interpreters ready?

13 THE INTERPRETER: [15:58:35] For the time being we are rifling through our
14 mountains of documents and we haven't found it.

15 MR DEMIRDJIAN: [15:59:02] Would the interpreters like me to read the ERN again
16 or do they have it?

17 THE INTERPRETER: The interpreters have the ERN, but they do not have the
18 document.

19 MR DEMIRDJIAN: [15:59:20] Are you still searching or is your search complete?

20 THE INTERPRETER: [15:59:24] Our search is complete. I would like to add that
21 there was a mountain of emails this morning with various references, and we printed
22 off all that we were able to, but it was all rather confusing. Could it be brought up
23 on the screen to assist us? Thank you.

24 MR DEMIRDJIAN: [15:59:37] Let's bring up a copy. Can we give one to the usher?
25 Is it enough we put it on the screen?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [15:59:44] I think so.

2 MR DEMIRDJIAN: [15:59:45] Then we won't be able to view the video.

3 THE COURT OFFICER: [15:59:51] We will publish the transcript on the evidence 1
4 channel while the video will be displayed on evidence 2 channel.

5 PRESIDING JUDGE TARFUSSER: [15:59:57] See, a modern court.

6 MR DEMIRDJIAN: [15:59:59] Okay. So if you can give me a green light. Once the
7 transcript is pulled up, you can go straight to page 1, which is really page 2 in eCourt.
8 Thank you. And we will start from the beginning, so line 1 onwards.

9 Q. [16:00:54] (Interpretation) Mr Witness, we are going to see on the screen an
10 RTI report of 10 March 2011. We can proceed.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [16:01:12] (Interpretation of the video excerpt)

13 The 265th meeting of the Peace and Security Council of the African Union, which had
14 to take a decision on the post-election crisis of Côte d'Ivoire did not produce any
15 results. So there is nothing new. And our special envoy in Addis Ababa points out
16 that the work of the panel of five heads of African states at one point was alleged to
17 be dysfunctioning.

18 The summary of the final communiqué with Mambo Abbé.

19 Mambo Abbé: The 265th meeting of the Peace and Security Council of the African
20 Union, held on 10 March 2011, with the heads of state and government did not lead to
21 anything new when it comes to Côte d'Ivoire.

22 In paragraph 2, the counsel reaffirms all the decisions taken previously on the
23 post-electoral crisis in Côte d'Ivoire, recognising the election of Dr Alassane Dramane
24 Ouattara as president of the Republic of Côte d'Ivoire.

25 The rest of the -- we can't hear anything, Mr President. We don't know whether he's

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 continuing or not.

2 MR DEMIRDJIAN: [16:02:39] We stopped for the record at 3.42.

3 PRESIDING JUDGE TARFUSSER: [16:02:44] 3.42 it stopped. I don't know which
4 line.

5 MR DEMIRDJIAN: [16:02:51] 17, your Honour.

6 PRESIDING JUDGE TARFUSSER: [16:02:52] 17, line 17. But I think after the
7 quotation of this paragraph 2, it should have stopped. So we are through.
8 Please, Mr Prosecutor.

9 MR DEMIRDJIAN: [16:03:07] Thank you, Mr President.

10 Q. [16:03:09] (Interpretation) Mr Witness, we have seen this report of 10 March.
11 Following the publication of this decision of the African Union, to your knowledge,
12 was the issue raised that Mr Laurent Gbagbo should hand over power to Mr Alassane
13 Ouattara?

14 A. [16:03:43] What I know is that President Laurent Gbagbo asked for the votes to
15 be counted again. I do not know anything else.

16 Q. [16:03:55] Very well. Four days later there is an entry in the Registry,
17 0088-0863.

18 Can this be displayed. I'm sorry, there is no entry there.

19 There is a logbook entry which shows that several generals including yourself were
20 present in the residence on 14 March. But what I will show is a video 0069-0361.
21 And the transcript is 0094-0270. The portion that we will show is 12.20 to 13.30.

22 MR DEMIRDJIAN: [16:05:15] I'm checking in to see if the interpreters are ready.

23 THE INTERPRETER: [16:05:18] Yes, Mr President, the interpreters have it.

24 PRESIDING JUDGE TARFUSSER: The interpreters have it.

25 MR DEMIRDJIAN: [16:05:33] Thank you, Mr President.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [16:05:34] (Interpretation) We have the images of 14 March. Let us start them.

2 (Playing of said video excerpt)

3 THE INTERPRETER: [16:05:49] (Interpretation of the video excerpt)

4 We follow the truth and the vrai.

5 Now let us go to the presidency of the republic. The generals of Côte d'Ivoire went

6 and reaffirmed their loyalty to the head of state. This action is aimed at rejecting all

7 the rumours of defection and betrayal of certain generals. In a nutshell, they

8 discussed the security situation of the country, the insurrectional core at the Golf hotel,

9 the subversive elements in Abobo and all the other fronts that are opened to the rebels.

10 In a few hours the generals will be once again received by Laurent Gbagbo and major

11 decisions shall be taken.

12 MR DEMIRDJIAN: [16:06:54] Is the translation complete, your Honours?

13 PRESIDING JUDGE TARFUSSER: [16:06:58] Yes, please.

14 MR DEMIRDJIAN: [16:06:59] Thank you.

15 Q. [16:07:00] (Interpretation) Mr Witness, this was on 14 March. During that

16 period, did the generals, the senior commanders of the Defence and Security Forces

17 ask President Laurent Gbagbo to hand over power to Alassane Ouattara and to

18 resign?

19 A. [16:07:27] Mr Prosecutor, I heard that. But we had a meeting at the general

20 staff headquarters to assess the general situation. We asked the chief of staff,

21 General Philippe Mangou, to go and meet with the president of the republic to

22 give -- to ask him what was his interpretation of the current situation.

23 So General Mangou went to that meeting. And when he returned, he told us, "I have

24 gone and I've spoken with the president, and what he told me I cannot tell you, but he

25 told me that he will receive all of you to give his decision."

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 I was not pleased with that, and I left. I went to Agban. So he had been sent to a
2 mission. He was supposed to report on what had been said.

3 Q. [16:08:40] During that period, did you learn what Mr Laurent Gbagbo's position
4 had been?

5 A. [16:09:07] The only thing I know with certainty, because he said it in my
6 presence, is that he wanted a recount of the votes.

7 Q. [16:09:19] This meeting that we saw on the screen, that visit to the presidential
8 visit -- residence, I'm sorry, what decision was taken at that time?

9 A. [16:09:39] You will once again be surprised, it is the same thing, guarantee the
10 security of the people and property during that difficult period.

11 MR DEMIRDJIAN: [16:09:53] Document 0045-0110, can we display that, please. It's
12 number 166 on our list.

13 Q. Mr Witness, shortly you will see a document. It's not from the gendarmerie.
14 It is from the general staff headquarters. It is 0045-0110.

15 Very briefly I will show you two different documents relating to the same issue on 13

16 March. The CEMA sent a document and the subject is "Working meeting, Primo:

17 Honour to inform you of a working meeting presided by the minister of defence and
18 the civic service. It will take place on Monday, 14 March 2011 at 3 p.m. in the cabinet
19 of the minister of defence." And then you have the participants, document 0045-0111.

20 That is the next document, number 167 on our list.

21 Very well. Mr Witness, this document was issued two days later, the first one on a
22 working meeting that was on the 13th of March, and this document is on the 15th of
23 March. It is the same person who sends it and then the same recipients, "Primo,"
24 contrary to the message referred.

25 The first question is: Did you in fact meet with the minister of defence after your

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 visit to the presidential residence on 15 March?

2 A. [16:13:01] Once again, I do not remember dates. But it must have taken place at
3 the ministry certainly. And if I am not present, I delegate my deputy.

4 Q. [16:13:15] Very well, just a moment.

5 Do you remember what was the topic for discussion during that meeting of 15 March
6 with the minister of defence?

7 PRESIDING JUDGE TARFUSSER: [16:13:37] Maître N'Dry.

8 MR N'DRY: [16:13:41] (Interpretation) I do not know whether I heard the witness's
9 answer correctly. He said that this meeting must have taken place. It is a
10 hypothesis. It must have taken place. And when I myself am not present, I send
11 my deputy.

12 And now a question is being put to him as if he had said that he had actually
13 attended, unless I misunderstood, but that was my interpretation.

14 PRESIDING JUDGE TARFUSSER: [16:14:16] No. Probably you didn't
15 misunderstand. But I don't think it is -- I think the witness is good enough to
16 respond in an appropriate way, whatever this is.

17 Mr Prosecutor.

18 MR DEMIRDJIAN: [16:14:35] Thank you, Mr President.

19 Q. [16:14:36] Mr Witness, I would like to show you a CEMA document, 0044-0038.
20 That is from the following day, 16 March. Number 139 on our list. It is a
21 confidential document.

22 Mr Witness, it is a five-page document. Let us begin by looking at the subject. 16
23 March number 756 from CEMA. "Subject: Reinforcement of security measures."
24 If you go to the bottom of the page, can we scroll back up a little bit, please. Very
25 well.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 The text begins, "Within the framework of reinforcement of security structure in
2 Abidjan, honour request you to take the following measures as from Wednesday, 16
3 March 2011."

4 And as we saw, you are one of the recipients as well as the DG of police. And then
5 now we look at the deployment of units on the ground.

6 To begin with, do you know whether these reinforcement measures were taken in
7 mid-March?

8 A. [16:16:44] Every time the need arises, we receive this type of document.

9 Q. [16:16:50] And did you implement it?

10 A. [16:16:52] Yes.

11 Q. [16:16:56] Very well. Now document 0044-0032, number 138 on our list,
12 confidential document. Very well.

13 We have a message porté from the superior or supreme command of the gendarmerie.

14 And you can see it is to the gendarmerie academy and the legions.

15 Let me draw your attention to the subject. "Reinforcement of security measures."

16 And the reference is 756 from the general staff. Is that a document implementing the
17 CEMA order that we saw a short while ago?

18 A. [16:18:07] That is correct.

19 Q. [16:18:11] Very well. Mr Witness, we have an entry in the logbook, the visitor's
20 book, which indicates that you were in the presidential residence on 3 April 2011,
21 0088-0863. And the page is 1304. I'm sorry, 1306. Very well.

22 This is Sunday, 3 April 2011, Mr Witness. And we can see the arrivals at number 18.

23 There is General Kassaraté, arrival 19.15, departure 20.40. There are other generals,
24 Mangou, Dogbo, Vagba, Konan and so on.

25 But to begin with, do you remember that visit of 3 April 2011 to the presidential

1 residence?

2 A. [16:19:55] I no longer remember. I really do not remember.

3 Q. [16:20:07] Mr Witness, do you remember your last visit to the presidential
4 residence before the arrest of Mr Laurent Gbagbo?

5 A. [16:20:17] Yes.

6 Q. [16:20:18] Did it take place during that period of the month of April?

7 A. [16:20:25] Yes.

8 Q. [16:20:29] When you arrived at the residence, can you tell us whether you saw
9 any soldiers?

10 A. [16:20:36] Yes.

11 Q. [16:20:41] Did you see members of militias or mercenaries?

12 A. [16:20:50] No, there was no indication of that. Everyone was wearing fatigues.

13 Q. [16:20:57] Did you enter into the presidential residence on that occasion?

14 A. [16:21:07] Yes, I entered into the residence and I can tell you of it if you want.

15 Q. [16:21:17] Briefly.

16 A. [16:21:18] Yes. If it is the same date, I realised that many generals were no
17 longer in their positions. So I took the decision to meet with the president of the
18 republic for a personal reason, to hand over power to Alassane Ouattara.

19 There was a heated exchange between myself and the elements at the door. Colonel
20 Ahouman then came and fetched me and said the president needed me. I saw him.
21 He said he learnt about what had happened and then we should let it go. Then I
22 returned to Agban. So it was a meeting just to talk about the incident that had
23 happened at the door.

24 Q. [16:22:15] What was the problem at your arrival, Mr Witness?

25 A. [16:22:19] The problem is that I was surrounded by the guards who were there

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 and then I was threatened. But the president was not aware.

2 Q. [16:22:34] Who precisely surrounded you?

3 A. [16:22:42] The uniformed guards that I found there, particularly the Republican
4 Guard.

5 PRESIDING JUDGE TARFUSSER: [16:22:58] Why? Why? What did they say?
6 What happened? What was the reason?

7 THE WITNESS: [16:23:08] (Interpretation) They did not tell me clearly, but they
8 simply did not like the fact that I was present there.

9 PRESIDING JUDGE TARFUSSER: [16:23:19] But they probably talked to you.
10 They spoke to you. They said to you something.

11 THE WITNESS: [16:23:25] (Interpretation) It was a crowd. They called me a
12 traitor and they were carrying weapons. My security detail protected me.
13 After that Colonel Ahouman came and fetched me. I went and saw the boss. I
14 reported to him. He said he had heard of it and that I should let it slide. That is
15 how it ended.

16 PRESIDING JUDGE TARFUSSER: [16:23:49] The boss is the president of the
17 republic?

18 THE WITNESS: [16:23:53] (Interpretation) You're correct, Mr President. It is
19 Laurent Gbagbo. Thank you.

20 PRESIDING JUDGE TARFUSSER: [16:24:00] Okay.
21 Mr Prosecutor.

22 MR DEMIRDJIAN: [16:24:03] (Interpretation)

23 Q. [16:24:04] Mr Witness, amongst the people who surrounded you, were there any
24 people speaking a foreign language?

25 A. [16:24:15] No, because when I left the president, accompanied by Colonel

1 Ahouman - unfortunately he's now deceased - the people had disappeared. These
2 are mercenaries. But there was no mark indicating that this is a mercenary and this
3 other person is not.

4 PRESIDING JUDGE TARFUSSER: [16:24:50] Ten minutes left.

5 MR DEMIRDJIAN: [16:24:51] Thank you, Mr President.

6 Q. [16:25:02] (Interpretation) Mr Witness, is it true that during that period your
7 house, your residence was looted?

8 A. [16:25:15] I was not living in Abidjan. I was living in Tabou in the southwest of
9 Côte d'Ivoire. My village is known as Karie, K-A-R-I-E. The elements who came
10 from the north arrived my village and they accused me as a pro-Gbagbo, and they
11 burnt down my house. It is actually being rebuilt.

12 When they arrived Tabou, they said: We are mistaken. He's not pro-Gbagbo.
13 He's actually pro-Alassane. And my house was looted. That is my tragedy.

14 Q. [16:26:00] Mr Witness, during your interview a question was asked to you. I
15 will refer it, it is 0016-0321. And you mentioned elements of the GPP. Does that
16 refresh your memory in relation to the looting of your residence?

17 A. [16:26:36] No, no, no, no. The GPP did not loot my residence. It was Aké Aké,
18 a gendarme who hid in the office who told me that the elements of the GPP returned
19 to the command and they are the ones who ransacked my office.

20 MR DEMIRDJIAN: [16:27:04] Your Honours, that concludes our examination.

21 MR MACDONALD: [16:27:06] No. My colleague's questions, sorry.

22 MR DEMIRDJIAN: My questions.

23 MR MACDONALD: Yes, my colleague's questions, because I have questions on
24 signatures, your Honour, for 5, 7 minutes.

25 PRESIDING JUDGE TARFUSSER: [16:27:16] Okay.

1 QUESTIONED BY MR MACDONALD: [16:27:20] (Interpretation)

2 Q. [16:27:23] I will not introduce myself, Mr Witness, because you know me.

3 I would like to come back to your signatures on your documents and your testimony
4 on that matter. At the beginning of the examination, on certain documents you did
5 not recognize your signature. And on Friday, transcript 32, French edited version,
6 page 32, line 20 onwards, you mentioned that your chef de cabinet, Mr Adou Donga,
7 could have signed documents, might have signed documents.

8 And rather this afternoon, page 60, line 19, when the Judge asked you questions, you
9 mentioned that the signature on the document that was displayed, that is the letter
10 that is the answer to the international commission, you said it could have been signed
11 by Mr Adou Donga.

12 So my question to you is very simple: Mr Adou Donga, did he have the
13 authorisation to use your signature?

14 A. [16:28:59] He does not have the authorisation to sign my signature, but he can
15 sign without my knowledge. That's what I'm telling you.

16 Q. [16:29:10] So you're saying he can sign without your knowledge? If I
17 understand your testimony correctly, and let us be clear, you are suggesting, you are
18 supposing that he could have signed without your knowledge; is that your answer?

19 A. [16:29:26] Yes. I said that the chief of cabinet and the deputy commander can
20 sign documents established at the supreme command.

21 Q. [16:29:37] I would like to call up the document that has already been shown to
22 you, and I will show you how Mr Adou Donga signed on your behalf.

23 0044-0053. If you can scroll up, take up, scroll up, please. Very well.

24 Mr Adou Donga, we can see his stamp and his signature. "OK du CSG."

25 Now I will show you 0044-0026. That is another document that has been shown to

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 you.

2 Next page, please. Bottom of the page, zoom in.

3 Look at the seal, your seal. Look at Mr Adou Donga's signature. Is that your
4 signature or his signature?

5 A. [16:31:40] It is his signature.

6 Q. [16:31:47] Very well. Last question. Mr President, the Presiding Judge,
7 reminded you on several occasions, several occasions about your duty to tell the
8 truth.

9 PRESIDING JUDGE TARFUSSER: [16:32:00] Please, Mr MacDonald.

10 MR MACDONALD: [16:32:02] I'll ask the question. I'll ask the question.

11 PRESIDING JUDGE TARFUSSER: [16:32:05] I would really like -- well, it's a little bit
12 more than I would like -- to address the witness in a more relaxed and respectful way.

13 MR MACDONALD: [16:32:15] Thank you. Thank you, your Honour.

14 Q. [16:32:21] (Interpretation) Mr Witness, Mr Witness --

15 MR N'DRY: [16:32:29] (Interpretation) Mr President, this is very important, Mr
16 President.

17 PRESIDING JUDGE TARFUSSER: [16:32:38] Maître N'Dry.

18 MR MACDONALD: I would like the witness to be removed from the courtroom if
19 that's the case.

20 (Defence counsel confer)

21 PRESIDING JUDGE TARFUSSER: [16:32:49] This hearing is adjourned to tomorrow.

22 THE COURT USHER: [16:32:51] All rise.

23 (The hearing ends in open session at 4.33 p.m.)