

Trial Hearing
WITNESS: CIV-OTP-P-0010

(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
5 Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 30 March 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:38] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:34:00] Good morning. Good morning to
15 everybody.
16 Good morning, Mr Witness.
17 First thing I want to raise just for a couple of minutes is that I heard yesterday that
18 duty counsel for the witness is not available as of Monday; is that right?
19 MR GILISSEN: [9:34:23] (Interpretation) Good morning, Mr President. Good
20 morning, your Honours.
21 In fact, myself and the witness both have a difficulty. I have another mission. I'm
22 taking a plane on Saturday morning and I will be unavailable for ten days. But the
23 witness has just informed me that he has already arranged with the victim and
24 witness section medical appointments on Monday afternoon in France. That's the
25 situation. We really are in a bit of a bind here.

1 PRESIDING JUDGE TARFUSSER: [9:35:03] Well, believe me, I was informed about
2 this yesterday evening. So it's not something which we have hidden, okay. Yes, of
3 course we can sit extended hours until midnight, I have no problem, on a daily basis
4 today and tomorrow. But I would also hear from the Defence teams what they think,
5 propose, whatever, suggest.

6 MR ALTIT: [9:35:40] (Interpretation) I thank you, Mr President, your Honours. It
7 is difficult for me to tell you exactly how much time at this moment in time my
8 examination will last. Of course, I will leave the team for Mr Charles Blé Goudé to
9 tell you about their examination, but I will know more at the end of the day.

10 It seems to me to be extremely difficult for us to round everything up in two days
11 because the examination of the calling party lasted a little more than three days. I do
12 not believe I will be able to come back upon everything, cover everything, and I'm
13 practically sure I won't be able to in less than two days, in a day and three-quarters,
14 say.

15 So I think it would be prudent to say to you that for the time being I believe that my
16 examination will last at least until Monday and probably a good part of the day of
17 Monday. I will know a little bit more, I'll be able to provide you an approximation,
18 at the end of today. But it will still be an approximation.

19 PRESIDING JUDGE TARFUSSER: [9:36:56] Mr Knoops.

20 MR KNOOPS: [9:36:58] Good morning, Mr President. For our team it's quite
21 difficult to estimate the time we seek to examine the witness. It depends on, of
22 course, the questions, the scope of the questions of the Defence to Mr Gbagbo. Of
23 course, as with P-11, the Court is mindful that our team will prevent any repetition.
24 But still, having this in mind, it's difficult for us to say whether we need one, two or
25 three sessions. It's simply not possible to tell the Court beforehand.

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1 And I think the Court has to be mindful also of the potential re-examination and,
2 therefore, my submission is that it's not realistic to finish this witness before
3 tomorrow evening, even with extended hours, apart from of course the level of
4 concentration we all need for this witness. That's of course for the Court to decide.
5 But I think it's really for our Defence team a problem to face now the pressure we are
6 potentially put under to finish before Monday morning. Maybe there is a solution
7 that the witness could potentially go for his medical examination Monday and return
8 Tuesday; otherwise I don't see an option that --

9 PRESIDING JUDGE TARFUSSER: [9:38:26] No, no, but I just wanted to ask.

10 MR KNOOPS: [9:38:28] Thank you, thank you.

11 PRESIDING JUDGE TARFUSSER: [9:38:30] There is no pressure at all by --

12 MR KNOOPS: [9:38:32] So in short we cannot beforehand say to the Court how
13 much time our team needs. Thank you.

14 PRESIDING JUDGE TARFUSSER: [9:38:37] Okay. I think we come back to this
15 during the day. I don't know. We will find a solution. We will find a solution,
16 whatever the solution will be. But of course there is no, from our side, of course, no
17 pressure put on anybody here, except on the Prosecutor, who had already, say, went
18 far over what the Prosecutor itself estimated. So therefore there is some pressure.

19 And now you have exactly 20 minutes and 30 seconds, because I'm not looking at the
20 timing of the court officer, but of my timing, and that at 10 o'clock it's over.

21 MS PACK: [9:39:29] Okay.

22 PRESIDING JUDGE TARFUSSER: [9:39:30] Yours the floor.

23 MS PACK: [9:39:31] Yes. Thank you, Mr President. And don't worry, I am feeling
24 the pressure.

25 PRESIDING JUDGE TARFUSSER: [9:39:35] Good.

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1 MS PACK: [9:39:36] Thank you.

2 WITNESS: CIV-OTP-P-0010 (On former oath)

3 (The witness speaks French)

4 QUESTIONED BY MS PACK: (Continuing)

5 Q. [9:39:37] Good morning to you, Mr Witness. Good morning to you.

6 A. [9:39:44] Good morning, Madam Prosecutor.

7 Q. [9:39:46] Now, I want to just pick up with where we left off yesterday and in
8 fairness to you remind you what you said at the end of the last session. And this
9 was related to the incident of 3 March 2011 in Abobo. And I was asking you about a
10 meeting with Mangou, Général Mangou at the état-major and about what was said.
11 Let me just remind you what you told us Mangou said. It's the French transcript for
12 yesterday, realtime at page 124, lines 1 to 14, and in the English realtime transcript,
13 page 139 at lines 13 -- sorry, 129 at lines 13 to 24. And I'll just take from within that
14 section. You're telling us what he said and you said this, that he said this at line 8, he
15 said, quote:

16 (Interpretation) "There were not any specific information yet, there wasn't any
17 specific information yet. But they were doing everything possible for investigations
18 to be conducted."

19 (Speaks English) And you go on. So let me just ask you please to be clear on this
20 issue. Did the CEMA, did he order an investigation into the incident of 3 March
21 2011?

22 A. [9:41:37] To my knowledge, I didn't hear speak of any instructions that the
23 CEMA would have given in that regard. However, that kind of measure has to be
24 initiated by another structure, for example the commissioner of the government.

25 Q. [9:42:15] Fixing your mind again upon this meeting at the état-major, at this

1 meeting did the CEMA deny responsibility of the FDS for this -- for these events of 3
2 March in Abobo?

3 A. [9:42:42] I do not recollect that he denied it. But I do not believe that he had
4 enough information with regard to the events. He did not have enough information.
5 Now, a little while later, because I wasn't always watching the television, I heard that
6 the statement by the spokesperson was to the effect that the military elements were
7 not involved in that incident.

8 But generally speaking, in all of the discussions that we had there, the CEMA was not
9 able to have the means and the witnesses out on the ground to know who was
10 involved and who wasn't.

11 Q. [9:43:40] Okay. I'm going to just refer to your interview with the Office of the
12 Prosecutor. And this is 0051-0462. And it's at page 0477, and lines 557 to 563.
13 Right. I'm going to read from line 557. You're describing what the CEMA said.
14 You say, quote, in French: (Interpretation) "They told us that the national and
15 international press is reporting to the effect that three -- well, a certain number of
16 women, you know, six women, seven women, are alleged to have been killed by the
17 security forces in operation in Abobo and that this is not true, because he
18 cross-checked the information with his commanders, with his operational
19 commanders on the ground, he cross-checked information to the effect that it is not
20 true. So he is going to be drafting a statement to request this information and it will
21 be read by the spokesperson of the army over the 8 o'clock news."

22 (Speaks English) Now, is that statement there, does that accurately record what you
23 said in your interview?

24 A. [9:46:05] There's just a little mistake. He's going to draft a response, not to
25 require, but to deny this information. It's just a mistake in the French.

1 Q. [9:46:27] No. Okay. Let me ask you, reading this, what you see on the page
2 and what you said there in the interview, what you said in the interview, does that
3 accurately record what you said in the interview to the Office of the Prosecutor, lines
4 557 to 563?

5 A. [9:46:44] Yes, indeed, Madam Prosecutor.

6 Q. [9:46:53] And is it true then, is it true then that the CEMA, the CEMA at this
7 meeting at the état-major, said to you that it was not true, that it was not true, the
8 allegations against the FDS related to the 3 March incident?

9 A. [9:47:15] Well, that's what I said in the document and that's what I'm telling you.
10 He said that he had information from the ground that came to him, and on the basis
11 of that information he was not certain that saying that his men were responsible was
12 founded. So the statement that the spokesperson read over the television was to that
13 effect.

14 Q. [9:47:47] Now, moving on from this, separately from the commission of inquiry
15 that was set up on 7 January 2011, which we know about, to your knowledge, did the
16 president, Mr Gbagbo, order any specific investigations into civilian casualties during
17 the post-electoral crisis?

18 A. [9:48:34] I know that a commission of investigation was put in place, but I do
19 not know the results of that, of the investigations.

20 Q. [9:48:43] Okay. Other than that, leave that to one side, did you know, are you
21 aware of any order or instructions from the president to conduct any investigations,
22 any specific investigations into civilian casualties during the post-electoral crisis?

23 A. [9:49:08] You mean all of the civilian victims during the entire post-electoral
24 crisis?

25 Q. [9:49:23] Any investigation into any civilian casualties, leave aside the

1 commission of inquiry, any specific investigations into civilian casualties of the crisis,
2 to your knowledge?

3 A. [9:49:39] No, I don't have any idea about that.

4 Q. [9:49:46] All right. Just quickly, because I'm moving swiftly forward, we're
5 going back to the report that we looked at yesterday, the CECOS report, right? We'll
6 bring it up quickly. It's 0048-1574 with the OTP prefix. We don't need to look at it
7 again, but it's just there.

8 Now, you told us yesterday, let me give you the reference, yesterday in the transcript
9 you said you became aware of this report in May or June 2011. And the reference in
10 the French to that is lines 13 to 15 of the French transcript at page 126 -- sorry, it's lines
11 24 to 25 of the French realtime transcript, page 126. I'll get the right reference, if my
12 friends can just take it from me I'm not misleading. Okay, it's lines 14 to 15, page 126.
13 Thank you to my colleague.

14 Now, let me just ask you again, just to be clear about this, who wrote this report?

15 A. [9:51:39] This report was drafted by a lieutenant, Lieutenant Sépan.

16 Q. [9:51:51] To be clear, is your evidence that he wrote this report of his own
17 initiative and that you didn't see it at the time in March 2011?

18 A. [9:52:03] Madam Prosecutor, let me repeat once again that I received this
19 document after the crisis, between the months of May and June, and I explained the
20 circumstances under which I received it. I was often called to the judges, by the
21 judges in a context of an investigation in the context of the crisis. I needed
22 information, and as I did not have enough information, I said, "Give me information
23 in such and such a context on such and such a fact." And I was given this document
24 in the month of May or June 2011 after the crisis.

25 When I read the document and when I remembered the verbal reports that the

1 CECOS communication officer gave me at the time, I realised that there was a little
2 discrepancy between those documents and the facts or events that I was told about,
3 because at the time no gendarme could leave the Commando Camp and go out into
4 the field and bear testimony to what was going on. So I can't really give much credit
5 to what these documents have to say. As I said, I received these documents after the
6 post-election crisis.

7 Q. [9:53:41] Was it not Katy Bi, your commander of the division de renseignements,
8 was he not responsible for this report?

9 A. [9:53:53] Well, as I told you, it was Lieutenant Sépan. Why are you going to
10 talk about Captain Katy Bi? I believe that it was Lieutenant Sépan, this document.
11 Katy Bi is the chief, but it was Lieutenant Sépan who, to my mind, furnished me with
12 this document.

13 Q. [9:54:15] Okay. Just to be clear, I'm going to go to your statement 0051-0480,
14 page 481.

15 And before that comes up, because it will take a few seconds, let me just ask you this.
16 This report, do you know what the purpose of it was, the purpose of this report, the
17 purpose in writing it?

18 A. [9:54:56] I was the requester. I requested information for me to answer the
19 questions put to me by the magistrates, the judges. My aim in requesting this
20 information was to be in a position to answer the judges' questions, to have enough
21 documentation in order to answer their questions. I had no other objective.

22 Q. [9:55:25] And was your interest related to the actions or activities of CECOS
23 elements?

24 A. [9:55:30] I don't really understand that question, Madam Prosecutor.

25 Q. [9:55:40] Was your concern to know whether CECOS elements were involved,

1 specifically CECOS elements, involved in the incident of 3 March?

2 A. [9:55:50] Well, I told you that yesterday, that was the main purpose, but that
3 was yesterday. This has nothing to do with the document that you're presenting to
4 me now. I said to you yesterday that my first reaction was to verify. But then I was
5 reassured, because from 26 February, there was no longer any CECOS elements
6 present in Abobo from 26 February. And the information contained herein occurred
7 around, well, these facts occurred around 3 March. So I was reassured in this
8 regard.

9 Q. [9:56:32] And let me just clarify with you -- we have the transcript up now. At
10 line 18 to 24, you say: (Interpretation)

11 "In fact, I asked the chief of the unit, and it was he who gave me that. So I suppose ...

12 Interviewer 1: Who was it?

13 Interviewee: It's one of his units. The chief of unit. It's captain -- no. It's the
14 police lieutenant. Well, there were two of them, a captain and a police lieutenant.
15 Well, I'll say it was Katy Bi. You know, the head of the unit was Captain Katy Bi, or
16 the police lieutenant who was responsible for this, one or the other, you know."

17 (Speaks English) So is he responsible, Katy Bi, for this report, just to be clear?

18 A. [9:57:46] I didn't state that therein. I didn't state that. The excerpt that you
19 have just quoted from finishes as follows, "One or the other, you know." So that
20 means I wasn't sure who gave me the document. It might be the drafter who signed;
21 that was Lieutenant Sépan, or it could have been Captain Katy Bi, who was the chief
22 of the unit and the chief of Lieutenant Sépan. So as my recollection was not perfect, I
23 said it was one or the other. So I wasn't sure myself.

24 Q. [9:58:25] And just quickly, because I have a few minutes left, I want to just call
25 up one document quickly, and that is 0018-0105. And while we're waiting for that

1 I'm going to read another part of this transcript.

2 And if your Honours can take it from me, it's on the transcript, and I'm reading it
3 accurately. It's at page 487 from the same transcript from which I've been reading,
4 0051-0480.

5 And you say this. You say at line 254, you're asked, quote in French: (Interpretation)
6 "And so you received what other verbal information at that moment in time?

7 Interviewee: Well, CECOS elements who were gathering intelligence gave this to me
8 and subsequently Captain Katy Bi gave me this.

9 Interviewer 1: Can you answer?

10 Well, it is oral, oral too."

11 (Speaks English) Is that what you said at the time? You recall saying those words in
12 your interview?

13 A. [10:00:06] Yes, in view of the fact that it's written there.

14 Q. [10:00:09] Is it true? Did you receive verbal information at the time, at the time
15 in March 2011, from Katy Bi?

16 A. [10:00:22] No, no. Let me specify that the information that I received I received
17 from the communications officer of CECOS, and as I said yesterday and I believe that
18 in the various statements that I made, I also made mention of this, what you're saying
19 here and now, I do not believe that this concerns what or contradicts what I said.

20 The first information that I gleaned when I received the information over the foreign
21 radio, I talked to the communications person, lieutenant, I might have asked other
22 intelligence officers subsequently, I might have asked them, but the first information
23 that I gleaned was from the communications officer of the CECOS.

24 Q. [10:01:24] I'm going to stop you there and ask you to look at this document just
25 for a few seconds. Just look at the head of it, please. It's dated for the record 11

1 March. It's the document I called up earlier, 0018-0105, addressed to état-major
2 particulier: Excellence, Monsieur le Président, (Interpretation) Excellency, Mr
3 President. "I have the honour of submitting to your attention the weekly activity
4 report for the CECOS."

5 (Speaks English) And it's entitled (Interpretation) period: 27 February to 6 March.

6 (Speaks English) Just two quick questions, is this a report you recognise?

7 A. [10:02:15] We're talking about the one in front of me? I've never seen it.

8 Q. [10:02:22] It's a CECOS report. You haven't seen it?

9 A. [10:02:29] This is not a CECOS report. The one that is before me, it is not a
10 CECOS report, Madam Prosecutor.

11 Q. [10:02:35] Okay. Just the second page, you can just see that, just so you've seen
12 the whole thing. If we could just go to the next page. And I note, looking at it,
13 there is nothing about Abobo in this report. Do you know anything about this
14 report's purpose? Quick question.

15 PRESIDING JUDGE TARFUSSER: [10:03:07] The question is, do you know anything
16 about this report's purpose?

17 THE WITNESS: [10:03:16] (Interpretation) I don't even know whether it's a CECOS
18 report because there is nothing here to tell me that. If you can give it to me with the
19 entire -- in its entirety with a headline or a title from the CECOS, then I might be able
20 to have a look at it.

21 PRESIDING JUDGE TARFUSSER: [10:03:38] Thank you.

22 MS PACK: [10:03:43] I have the copy. I can deal with that very quickly. I won't
23 ask questions, but I can just allow the witness to have it since he's asked.

24 PRESIDING JUDGE TARFUSSER: [10:03:50] This report.

25 MS PACK: [10:03:51] In hard copy.

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- 1 PRESIDING JUDGE TARFUSSER: [10:03:52] In hard copy?
- 2 MS PACK: [10:03:54] If your Honours --
- 3 PRESIDING JUDGE TARFUSSER: [10:03:55] And that's the last question?
- 4 MS PACK: [10:03:56] Yes. I mean, I don't have any further questions. It's just if he
- 5 wanted to see it he can see it.
- 6 PRESIDING JUDGE TARFUSSER: [10:04:02] Yes. Let him see it. And let him see
- 7 it in hard copy.
- 8 MS PACK: [10:04:36] Thank you. I just want to give you the chance to look and
- 9 then that's it.
- 10 His Honour can repeat the question, but that was it.
- 11 THE WITNESS: [10:04:53] (Interpretation) Madam Prosecutor, I have looked at it.
- 12 PRESIDING JUDGE TARFUSSER: [10:04:57] Yes. The question is the same as
- 13 before: Do you recognise it? Can you do anything with it? Do you know where it
- 14 comes from, where it goes to? Do you have any comment to make on this paper?
- 15 Have you ever seen it, et cetera?
- 16 THE WITNESS: [10:05:16] (Interpretation) Mr President, the document before me
- 17 was prepared by the personal chief of military staff of the presidency of the republic,
- 18 and it is addressed to the president of the republic. This is the formal document that
- 19 I am looking at before me. That's what it is.
- 20 PRESIDING JUDGE TARFUSSER: [10:05:40] And you have never seen it before?
- 21 Do you confirm this? Or have you ever seen it before?
- 22 THE WITNESS: [10:05:48] (Interpretation) The formal document that's before me is
- 23 the first -- this is the first time I'm seeing it. First, it's not addressed to me. Second,
- 24 I'm not the source of the document.
- 25 PRESIDING JUDGE TARFUSSER: [10:05:59] Okay. Thank you very much.

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1 MS PACK: [10:06:00] That's it. No further questions. Thank you, your Honour.

2 PRESIDING JUDGE TARFUSSER: [10:06:03] Thank you very much.

3 I would take this report the witness has seen to the record, so to give it a new number
4 because this one is the hard copy. I want the hard copy in the record.

5 Now, thank you very much. It's time for the Defence for Mr Gbagbo to put
6 questions to the witness. Mr Witness, now it's time for the Defence for Mr Gbagbo to
7 put you questions, and I give the floor to Maître Altit for this.

8 You have the floor.

9 MR ALTIT: [10:07:13] (Interpretation) Thank you, Mr President. Good morning,
10 Mr President. Good morning, your Honours.

11 QUESTIONED BY MR ALTIT: (Interpretation)

12 Q. [10:07:44] Good morning, Mr Witness. My name is Emmanuel Altit. I am
13 lead counsel for Laurent Gbagbo. I am now going to put a few questions to you, and
14 I please urge you to be concise and specific in your answers. Are we together?

15 A. [10:08:05] Yes, counsel.

16 Q. [10:08:05] Okay. Let us proceed. In your testimony on 28 March, you referred
17 to a curfew that was imposed shortly before the second round of elections. I have a
18 simple question for you. Before the second round, simple question, who was the
19 prime minister at the time?

20 A. [10:08:33] Mr Soro Guillaume.

21 Q. [10:08:36] Who was the minister of defence?

22 A. [10:08:41] I saw his photograph yesterday, yesterday, when he came to visit me
23 at the CECOS, but I've forgotten. I can see his face. But I don't remember his name.
24 Yesterday on the video we saw him when he came to visit me at the CECOS.

25 Q. [10:09:04] Please tell us when you remember. Thank you.

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1 Who was the minister of the interior?

2 A. [10:09:12] Mr Émile Guiriéoulou.

3 PRESIDING JUDGE TARFUSSER: [10:09:16] Please do not overlap, because now
4 you are speaking both French, which is dangerous because you tend to respond
5 immediately, but please wait because there is an English translation. Thank you.

6 MR ALTIT: [10:09:36] (Interpretation)

7 Q. [10:09:39] You mentioned the ceasefire and the situation prevailing at the time.
8 My question again is quite simple. Did the curfew make it possible for tensions to
9 drop?

10 A. [10:09:58] Yes.

11 Q. [10:10:01] Very well. The representative of the Prosecutor discussed with you a
12 decree requisitioning national armed forces, decree of 14 November 2010. And I put
13 a question to you again, who was the prime minister at that time?

14 A. [10:10:30] Mr Soro Guillaume.

15 Q. [10:10:32] Minister of defence, you will tell us when you remember his name,
16 correct?

17 In any event, let me briefly show you the following document, CIV-OTP-0018-0047, at
18 page 0049. Thank you.

19 Can you please enable us to read by going to Article 2 and zooming in so that we can
20 read Article 2. Thank you.

21 Mr Witness, you can see to the top left of that paper, Article 2. Can you see that?

22 A. [10:12:06] Yes, I can see.

23 Q. [10:12:09] Very well. I will now read it. It's a very short article. Quote:

24 "This deployment shall be placed under the control of the CCI, the Integrated Control
25 Command Centre," end of quote.

1 Can you tell us what the Centre de Commandement Intégré was, the CCI?

2 A. [10:12:38] The CCI was set up following the Ouagadougou accords. The
3 structure was one wherein the armed forces of Côte d'Ivoire and the Forces Nouvelles
4 were to learn to work together and to not be fearful of each other.

5 Q. [10:13:15] Very well. Do you therefore mean that the requisition being
6 mentioned in this decree had as its purpose to seek cooperation between the
7 government and the rebel forces?

8 A. [10:13:35] That is what happened in reality. What I'm saying is, under the
9 authority of a general officer of the Ivorian armed forces, who was a gendarme,
10 whose deputy was a colonel from the Forces Nouvelles, the rebel forces, that structure
11 was placed under the co-leadership of the chief of general staff of Côte d'Ivoire and
12 the chief of general staff of the FAFN. A number of detachments were therefore
13 made available to the structure, to be part of the CCI for purposes of deployment
14 during the electoral period as need be.

15 Q. [10:14:39] Very well. When you say that a number of detachments were made
16 available, who made the detachments available? The authorities of the FDS; is that
17 correct?

18 A. [10:14:50] Yes.

19 Q. [10:14:51] Very well. Who was the commander of the CCI?

20 A. [10:15:01] The CCI was under the command of, it was under the command of
21 General Kouakou Nicolas, who today at this very moment is the supreme commander
22 of the national gendarmerie of Côte d'Ivoire.

23 Q. [10:15:27] Very well. Now, if I have understood you, General Kouakou Nicolas
24 had command over a bi-composite structure which was made up of the general staff
25 of the national forces and the general staff of the forces rebelles or the Forces

1 Nouvelles; is that the case?

2 A. [10:16:02] Yes, that's correct.

3 Q. [10:16:03] Who was, if you do know, who was the representative of the Forces
4 Nouvelles, former rebels? Who was their representative on the CCI?

5 A. [10:16:15] There were a number of officers, but I wasn't close to the CCI. The
6 highest ranking officer whom I knew was Colonel Karim Ouattara.

7 Q. [10:16:39] Very well. Where was the headquarters of the forces rebelles or the
8 rebel forces physically located at that time, the headquarters and the general staff?

9 A. [10:17:03] In Bouaké.

10 Q. [10:17:07] Who was the leader of the forces rebelles or the rebel forces?

11 A. [10:17:17] The chief of general staff of the FAFN was General Soumaïla
12 Bakayoko. His deputy was commander, the then commander who was known as,
13 he was known by the name Wattao, Commander Wattao.

14 Q. [10:17:50] Very well. If you do know, can you tell the Court what this
15 structure -- well, you have just talked about the headquarters. What was the
16 structure of the former rebels in military terms, please?

17 A. [10:18:21] What I know is that they had a headquarters in Bouaké. Then they
18 divided up the territory under their control into various zones, and each zone was
19 placed under a commander who was known as the com-zone. I cannot be more
20 specific than that. I don't know how many zones they had. So that to my mind was
21 the structure of the FAFN.

22 Q. [10:19:24] Did each of the com-zones that you have just mentioned have troops
23 under his command?

24 A. [10:19:33] Yes.

25 Q. [10:19:34] Very well. Those com-zones as far as you know, or some of them,

1 were any of them accused of any abuses and/or excesses from the time they set up in
2 the northern part of the country till the year 2011?

3 A. [10:20:08] There was information going around which I wasn't able to
4 cross-check or confirm. There was information to the effect that there had been
5 clashes in Bouaké between some soldiers of the FAFN leading to several deaths,
6 including some senior officers of the FAFN.

7 Q. [10:20:48] To make things clear for purposes of understanding, are you talking
8 about settling scores between the FAFN?

9 A. [10:20:57] I wouldn't use that term, but there were clashes and confrontations
10 within the FAFN.

11 Q. [10:21:04] Do you know the reasons for those clashes?

12 A. [10:21:08] No.

13 Q. [10:21:09] Very well. As far as you know, were there any incidents in the
14 northern part of the country during the second round of elections?

15 A. [10:21:22] Yes.

16 Q. [10:21:25] Can you tell us what you know about that?

17 A. [10:21:37] We were informed that several incidents had taken place in Korhogo
18 and that in some instances people were prohibited from voting. Because of these
19 very incidents, some of the representatives of one of the two candidates were not able
20 to leave Korhogo to go to Bouaké with a view to supervising the elections.
21 Now, there was also violence in Korhogo targeted at the representatives of one of the
22 two candidates.

23 Q. [10:22:34] Very well. Some violence against the representatives of one of the
24 two candidates, which one?

25 A. [10:22:43] Candidate Gbagbo. And the CEMA's concerns were triggered at that

1 time, because within the context of the CCI, he had deployed several detachments of
2 the armed forces of Côte d'Ivoire to the north. And so when those acts of violence
3 broke out, he was afraid that his men may be held back in the northern part of the
4 country. He was concerned about this over several days.

5 Q. [10:23:33] A short while ago you said that some representatives of one of the
6 two candidates were not able to go to Korhogo. The representatives of which of the
7 two candidates?

8 A. [10:23:49] We were informed that some of the representatives of candidate
9 Gbagbo, who were going to Korhogo were held back in Bouaké and were therefore
10 unable to reach Korhogo on the day of the election.

11 Q. [10:24:07] Very well. You also testified that in Korhogo a number of voters
12 were prohibited from voting. Who stopped them from voting?

13 A. [10:24:28] Well, it was by those who were in charge of providing security for the
14 polling stations as well as some young people who were not under any -- who were
15 not being controlled.

16 Q. [10:24:51] Now, when you say they were prohibited or stopped, now, can you
17 simplify that for us so that we can understand? Were they stopped or prohibited
18 from voting by the pro-Gbagbo or the pro-Ouattara?

19 A. [10:25:10] They were pro-Gbagbo. So you yourself, you can understand what
20 happened. They were pro-Gbagbo, so the pro-Gbagbo could not have stopped the
21 pro-Gbagbo from voting.

22 Q. [10:25:24] Now, we are taking down everything you have said, and we want the
23 record to be very clear. Are you saying that the pro-Gbagbos were stopped from
24 voting by the pro-Ouattara; is that correct?

25 A. [10:25:48] Yes, not only in Korhogo, but also in other areas where there were a

1 few skirmishes and where some pro-Gbagbo teams also objected to pro-Ouattara
2 voters voting. So it happened in a number of areas. But what stood out was what
3 happened in Korhogo in Bouaké.

4 Q. [10:26:24] Very well. So when you were being questioned by the
5 representatives of the OTP, you told the Court that as of 4 December 2010, things
6 were not going too well and particularly in Abobo. And so my question is as follows:
7 On 4 December, shortly after the second round, were there many FDS related
8 problems?

9 A. [10:27:08] There was already tension upon the announcement of the first set of
10 results, first at the Golf and then second at the Plateau, at the Presidency of the
11 republic.

12 It is at that time that things started to heat up. Then there were attacks against the
13 armed forces, the FDS in Abobo at that time.

14 Q. [10:27:37] We're talking about 4 December here. So were there already victims
15 within the ranks of the FDS and within the civilian population?

16 A. [10:27:54] At PK18 in Abobo, and I said this yesterday when I was being
17 examined by the Prosecutor, a residential building used by the FDS was torched by
18 demonstrators. Soldiers and policemen were burnt alive in that building. Some
19 police officers were killed by bullet shots, still in Abobo, and there were a number of
20 cases like that in different areas. And at the same time there were also clashes
21 leading to the death of some civilians as well.

22 Q. [10:28:49] Very well. Now, who launched the attacks against the FDS?

23 A. [10:29:01] Well, a few days later, a few weeks later we found out that it was the
24 Commando Invisible. But at the time it was not possible to know.

25 Q. [10:29:17] Very well. Up to the 4th of December and up to the 16th of

1 December, the time of the march, let us use that as a temporary bearing, from the 4th
2 of December to the 16th of December the situation was similar; is that your
3 testimony?

4 A. [10:29:42] Yes. Things continued in the same vein, but maybe not with the
5 same intensity. Things didn't slow down, so to speak.

6 Q. [10:29:53] Very well. You mentioned the Commando Invisible a short moment
7 ago. Who -- what was the Commando Invisible?

8 A. [10:30:38] It was invisible. Well, at least the leader who claimed to be the
9 leader of that Invisible Commando was IB, IB.

10 Q. [10:31:03] Very well. In order to commit these attacks, you gave us examples of
11 the attacks. Did the Commando Invisible have any heavy weaponry?

12 A. [10:31:18] When the Madam Prosecutor put the question to me yesterday, I gave
13 a number of situations that really touched us. It was the use of RPG-7 against law
14 enforcement officers in the town. And they were burnt to death in their vehicles at
15 the Abobo intersection right in the centre of town. The RPG-7 is not a heavy weapon
16 in the classification of military weapons, we don't put that as a heavy weapon, but it
17 does have a devastating widespread effect, because specifically it is an anti-tank
18 weapon.

19 Q. [10:32:18] Very well. Did they have any mortars?

20 A. [10:32:23] Probably, but I didn't see the effects of any. They must have been
21 equipped with them, but I can't confirm that. But they must have been equipped.

22 Q. [10:32:37] Well, I'm going to quote to you an excerpt of your prior statement that
23 you made to the investigators of the Office of the Prosecutor. At number 0016-0130,
24 page 0144, page 0144, and I'm going to quote:

25 Interviewee, that is to say you: "It was the mortars with which we fire shells, but

1 that during the discussion that I had yesterday with my friend, those who were
2 attacking, those who were attacking the troops also had the same weaponry and
3 mortars as well. The commando" -- it says "The Invisible Commando also had
4 mortars. It was not only army that had mortars. The Invisible Commando also had
5 mortars. The Commando Invisible also had mortars. It's a good thing to know that.
6 I remember only too well that they had ..."

7 And the investigator interrupts you saying: "Mm-mm, okay." End of quote.

8 So you heard what I said to you and you have before you your answer, rather, that
9 you provided to the investigator. And we can see, sir, that the investigator of the
10 Office of the Prosecutor interrupts you when you're beginning to furnish an
11 explanation with regard to the usage of mortars by the Commando Invisible.

12 Can you finish your line of thought or your train of thought, because you were in mid
13 flow, could you please finish your train of thought in response to the question put to
14 you by the investigator of the office of Prosecutor with regard to these mortars?

15 A. [10:35:31] Counsel, I wanted to tell you that the investigator from the Office of
16 the Prosecutor is not in a position to interrupt me. If I had something to say, I would
17 have said so. He was not in a position to interrupt me.

18 MS PACK: [10:35:48] Your Honour, could I also ask for a date for the questions
19 around use of mortars? Could we have a date, please? I would be grateful.

20 PRESIDING JUDGE TARFUSSER: [10:35:57] It's in the statement.

21 MS PACK: [10:35:59] No. I mean for the issue of use of mortars.

22 PRESIDING JUDGE TARFUSSER: [10:36:04] I see, okay.

23 MS PACK: [10:36:05] Just to have that further elaboration.

24 PRESIDING JUDGE TARFUSSER: [10:36:18] No. The question was, well, later,
25 because I think there is other questions before that.

1 MR ALTIT: [10:36:25] (Interpretation) Yes, Mr President, I think that there are a
2 number of questions to be put before any possible re-examination. That's how it is.
3 And as to my question, I am quoting the prior statement of the witness. There we
4 are. That's as far as it goes. That's as far as it goes.

5 Q. [10:36:52] But, sir, I would like you to answer my question, which is: What can
6 you tell us in addition, what can you give us as explanation or further details for us to
7 understand what's going on? Because that's the issue here, you understand.

8 A. [10:37:09] Thank you. I just wanted to bring this clarification saying to you that
9 the investigator of the Office of the Prosecutor couldn't have interrupted my train of
10 thought if I had any to provide and go to the end of my train of thought.

11 Now, with regard to the weapons of the Commando Invisible, I talked to a friend
12 who he is a soldier, he was close to the operations, because I wasn't, and he confirmed
13 to me that indeed the Commando Invisible did have mortars. But subsequent to the
14 to the crisis, the second half of April, weapons that were often circulating, going from
15 one side of the other to Abidjan, we could see mortars moving around. Maybe they
16 were going back to the base. We saw, you know, heavy weaponry such as cannons
17 and mortars that weren't being used, but they were going, they were moving around.
18 Maybe they were going to the warehouse. They were going to be put away maybe.
19 We saw that. I saw that in front of the école de gendarmerie, which is a major road.
20 I saw it with my own eyes.

21 But it wasn't the armed forces of Côte d'Ivoire that had that equipment. It was -- this
22 was the equipment either of the rebellion or of the Commando Invisible.

23 Q. [10:38:57] For us to understand correctly, you yourself saw with your very own
24 eyes columns, rebel or former rebel FAFN columns equipped with heavy equipment,
25 because you're talking here about mortars and cannons; is that what we're talking

1 about? Was that in Abidjan before your very own eyes?

2 A. [10:39:28] Yes.

3 Q. [10:39:29] Very well. What kind of cannon are we talking about?

4 A. [10:39:33] It seemed to me that it was 75 millimetre cannons. I think it was 75
5 millimetre cannons. I might be wrong. But the diameter seemed to correspond far
6 more to the 75 millimetre cannons because these are cannons that are pulled.

7 Q. [10:40:05] Did these columns comprise vehicles equipped with machine guns?

8 A. [10:40:13] Yes.

9 Q. [10:40:16] What type of machine gun, if you were able to ascertain?

10 A. [10:40:26] There were 12.7 machine guns, there were PKM light machine guns.
11 That's what I saw on the vehicles, because often there were patrols going around the
12 town that were organised with this type of vehicle, and there were many vehicles or
13 patrols around town after the crisis that were equipped with this.

14 Q. [10:40:59] We understand that these were rebel patrols?

15 A. [10:41:02] Yes, that are now called the FRCI.

16 Q. [10:41:07] So these are former rebels who became FAFN and then FRCI; is that
17 correct?

18 A. [10:41:15] Yes.

19 Q. [10:41:18] This equipment belonging to the forces that are not now the Invisible
20 Commando but quasi-official rebel military, did it seem to be new to you when you
21 saw it?

22 A. [10:41:45] I can't confirm that. It's military equipment. I can't say whether it
23 was new or old. I'm not in a position to confirm that.

24 Q. [10:41:54] Very well. But you did tell us yesterday, it would seem to me, that
25 there was an embargo on weapons to Côte d'Ivoire and that with regard to the

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1 governmental forces, they were regularly visited by inspectors who were verifying
2 that the embargo was indeed respected. So how to your knowledge, how did the
3 rebel forces or former rebel forces who became FAFN/FRCI, how did they get their
4 hands on all of that equipment that could or was difficult for them to hide? Wasn't it
5 submitted to an embargo? What do you know about it, if you know anything at all?

6 A. [10:42:48] I didn't have the means to put a date on the acquisition of that
7 equipment. Maybe this was equipment that they obtained before the embargo was
8 in place. I don't know. But what did surprise us during the crisis was that they
9 apparently had not run out of ammunition and had not run out of weaponry, whilst
10 we were really having a hard time.

11 Q. [10:43:26] Would it be correct to say that they were better equipped and better
12 armed than the government forces?

13 A. [10:43:32] I wouldn't go that far. But I would say that they had the equipment
14 they needed.

15 Q. [10:43:49] Very well. So I'm going to ask you, if you don't mind, for us to
16 specify the positions of the Commando Invisible in Abidjan. You annotated a map
17 during your prior statement to the OTP. And I think it would be faster for us if we
18 could bring up this map, which is CIV-OTP-0007-0034.

19 THE COURT OFFICER: [10:45:12] There is an unredacted version and a redacted
20 version. Which one do you want us to display?

21 PRESIDING JUDGE TARFUSSER: [10:45:20] What can be redacted in a map? The
22 name of a street or --

23 MR ALTIT: [10:45:33] (Interpretation) Well, this is a map that comes from the OTP.
24 Yes, indeed, a priori I agree with you that nothing can be redacted from a map. But
25 this comes from the Office of the Prosecutor, so maybe there is a specific point.

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1 THE COURT OFFICER: [10:45:55] The unredacted version is being displayed right
2 now.

3 MS PACK: [10:45:59] Can you just give me the item number and then I can quickly
4 check. This is to my learned friend. Thank you.

5 MR ALTIT: [10:46:09] (Interpretation) Number 11.

6 MS PACK: [10:46:17] Yes, it's only identifying the witness, so it's fine to be public.
7 Yes, thank you.

8 MR ALTIT: [10:46:35] (Interpretation)

9 Q. [10:46:38] So, sir, do you have the map before you?

10 A. [10:46:40] Yes.

11 Q. [10:46:43] Can you tell us, there are orange circles. Can you tell us what they
12 are?

13 A. [10:47:02] These are locations that were acknowledged to be positions held by
14 the Commando Invisible.

15 Q. [10:47:26] Very well. In reading this map, would it be true to say that the
16 Commando Invisible occupied or blocked the major roads in Abobo?

17 A. [10:47:40] Yes. Not only did they control the major roads, but because they
18 were fluid, they were everywhere in Abobo. And as they were not identifiable, they
19 were mixed in with the population everywhere.

20 Q. [10:48:01] Very well. Can you confirm that they also, the members of the
21 Commando Invisible, occupied the area around the town hall of Abobo and the Banco
22 neighbourhood?

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

24 Q. [10:48:17] So for the record it was a yes? I think we heard it. Did the
25 Commando Invisible lead incursions further south or in other areas?

1 A. [10:48:41] Yes, notably in Adjamé, at the la casse lieu-dit in Adjamé, at la casse in
2 Adjamé.

3 Q. [10:48:59] Do you mean thereby that they had a base there?

4 A. [10:49:05] No. They led incursions there.

5 Q. [10:49:09] Very well. You said and repeated today that on the one hand from
6 26 February the CECOS no longer went to Abobo, and that on the other hand, in
7 response to a question put to you by the OTP with regard to the events of 3 March,
8 and on the other hand that the gendarmes who were in Abobo did no longer come
9 out. You went on to say that they were closed up in their barracks and you said that
10 those barracks were the Commando Camp.

11 As you said this in two pieces, I want you to say this very clearly. The place or
12 location that you are talking about, where you say it was the only location where
13 there were gendarmes still at the beginning of March, was that Camp Commando in
14 Abobo?

15 A. [10:50:19] Yes, indeed.

16 Q. [10:50:23] Very well. Once again I'm going to put a question to you that might
17 be obvious to you, but it's important to us. Did you mean to say, when explaining
18 all of this to us, that the members of the FDS who were still in Commando Camp or
19 Camp Commando were entirely surrounded?

20 A. [10:50:48] No. They were not surrounded, but the level of hostility in Abobo
21 had become such that you couldn't even go out without being fearful of the first
22 person that you chanced upon. The gendarme couldn't go out of the door without
23 wondering who the first person they met was, because they could easily be an armed
24 member of the Commando Invisible.

25 Q. [10:51:29] Very well. And this Commando Invisible that was everywhere as

1 you say, did it also attack the civilian population?

2 A. [10:51:47] Well, I am going to tell you about a situation. The village of
3 Anonkoua, the inhabitants of said village were massacred. Anonkoua is a village of
4 Abobo, and the villagers who sought refuge in either the church or elsewhere within
5 the village were massacred. I don't even know the number of victims. And the
6 consequences that we endured with regard to that was that the chief of general staff
7 was part of that community and he was affected for the duration of the crisis. He
8 was a member of that community, the Ébrié.

9 For him to know that it was one of his, who he was -- one of those people, the chief of
10 general staff who was not able to protect his people, he was mortified by this until the
11 very end of the crisis. He was unhappy.

12 Q. [10:53:07] For this to be clear for the record, this civilian population, the Ébrié
13 you're talking about, were massacred by whom?

14 A. [10:53:23] By the Commando Invisible.

15 Q. [10:53:27] Very well. Who was the leader of the Commando Invisible that
16 committed said massacre, if you know?

17 A. [10:53:42] We didn't have any information with regard to the detachment, but
18 the head of the Commando Invisible was IB.

19 Q. [10:53:48] Very well. So with this situation, the civilian population, I'm not
20 only talking about the Ébrié people whom you just talked about, did they flee Abobo?

21 A. [10:54:03] There was a mass exodus towards the south. A lot of the population
22 was out in the streets going towards the south to Adjamé, to the west Yopougon, to
23 the southeast Cocody, Angré. It was a mass movement of the population seeking
24 refuge in the south.

25 Q. [10:54:30] And more or less, what moment in time was that?

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1 A. [10:54:33] I don't have the dates in mind, but it was at the moment in time when
2 the attacks upon those people that I just described had traumatised the people.

3 Q. [10:54:45] Very well. So what you're saying to us is that a major part of the
4 population of Abobo fled the violent acts committed by the Commando Invisible and
5 sought refuge in the other neighbourhoods of Abidjan where they spent the rest of the
6 crisis; is that right?

7 A. [10:55:03] Yes, indeed.

8 PRESIDING JUDGE TARFUSSER: [10:55:04] May I ask you, Maître Altit, why do
9 you always repeat what he said which is perfectly clear? So you always at the end,
10 you summarise what is said, what is perfectly clear on the record. It's a bit of a --

11 MR ALTIT: [10:55:26] (Interpretation) Mr President, I am very happy that it is
12 crystal clear. And this leads me, what is more, to tell you that I am going to be
13 moving on to another subject area, and I don't know whether you want us to rise
14 now.

15 PRESIDING JUDGE TARFUSSER: [10:55:47] Well, I don't know if the subject area is
16 a long one. Probably we can stop here and come back at 11.30. Okay. Thank you
17 very much, the hearing is adjourned.

18 THE COURT USHER: [10:56:01] All rise.

19 (Recess taken at 10.56 a.m.)

20 (Upon resuming in open session at 11.34 a.m.)

21 THE COURT USHER: [11:34:36] All rise.

22 Please be seated.

23 PRESIDING JUDGE TARFUSSER: [11:34:59] Good morning again. Just to let you
24 know that we are trying hard to find a solution for next week, and we will hopefully
25 know something more by the end of the day.

1 Maître Altit, yours the floor.

2 MR ALTIT: [11:35:31] (Interpretation) Thank you, Mr President.

3 PRESIDING JUDGE TARFUSSER: [11:35:46] May I just remind you that we have
4 to -- we have a little bit more than one hour because I have to leave a little bit earlier.
5 Thank you. And then we resume at 3 for two hours.

6 MR ALTIT: [11:36:08] (Interpretation) Thank you, Mr President.

7 Q. [11:36:16] Mr Witness, what did you know in your capacity as the officer in
8 charge of the gendarmerie and CECOS on the number of ex-rebel soldiers present at
9 the Golf Hotel? Did you have such information? And what did you know about
10 their weaponry?

11 A. [11:36:46] During the events I did not have much information. During the
12 events I did not have much information as to the strength or number of soldiers at the
13 Golf. However, shortly before the march of 16 December, there was a TV report on
14 the TV, which was known at the time as the TCI. During that programme we all saw
15 that a number of soldiers had assembled and were receiving instructions from their
16 leader in relation to the installation of the director general of the TV at the RTI.
17 It is through those images that we were able to know that there were soldiers at the
18 Golf; two, that they were armed and, going by the images and the number of persons
19 assembled, I think there were a number of them; there were many people there.

20 Q. [11:38:18] Thank you. The leader you just referred to a short while ago, who
21 was he, their leader?

22 A. [11:38:26] The one who was giving instructions on that day to the soldiers was
23 Commander Wattao.

24 Q. [11:38:36] Very well. Then subsequently, now what you are telling us about
25 happened in mid-December 2010, did you subsequently obtain any additional

1 information as to who was present at the Golf Hotel throughout the crisis?

2 A. [11:39:03] It was known that there were soldiers or detachments of the FRCI, but
3 we had no idea of their strength or the number of troops.

4 Q. [11:39:24] Very well. Did you have an idea about the identity of the former
5 rebel military leaders, that is, the military leaders of the FAFN who were at the Golf?

6 A. [11:39:43] What I'm certain of is that Commander Wattao was there.
7 Commander Mourou was also there. That is it. As for the others, I am not able to
8 provide you with any names other than those two about which I am certain.

9 Q. [11:40:09] Very well. Alassane Ouattara, was he at l'hôtel du Golf?

10 A. [11:40:13] Can you please repeat your question?

11 Q. [11:40:17] Alassane Ouattara, was he at l'hôtel du Golf?

12 A. [11:40:22] I would think so. I didn't go there, but I think he was there.

13 Q. [11:40:29] Very well. As far as you know did he have any French military
14 advisors at that time?

15 A. [11:40:41] I am not aware of that.

16 Q. [11:40:42] Very well. Did you learn that political, military and diplomatic
17 officials of French nationality were present at the hotel?

18 A. [11:41:03] I don't know about that either.

19 Q. [11:41:07] Very well. Were there any gendarmerie observation posts within the
20 proximity of the Golf Hotel?

21 A. [11:41:26] There was a police observation post within the proximity of the Golf
22 Hotel.

23 Q. [11:41:36] Very well. Only one post?

24 A. [11:41:44] Initially one post close to the Golf Hotel. As one came from Cocody
25 towards the Golf Hotel, not far away from the residence of Madame Thérèse

1 Houphouët-Boigny.

2 Q. [11:42:02] As far as you know, was that observation post attacked?

3 A. [11:42:08] Yes.

4 Q. [11:42:09] Who attacked it?

5 A. [11:42:22] The general director of the police reported to us at a meeting one day
6 that his troops detached to that observation post had come under attack from a
7 military detachment that had come from the Golf. They were attacked. Their
8 weapons were taken away, and two or three persons were taken hostage, and all what
9 they collected was taken back to the Golf Hotel. This report was made at the
10 meeting of the generals. The chief of general staff said that he contacted the soldiers
11 at the Golf requesting that one or all the police officers who had been taken hostage
12 be released and that their weapons be returned.

13 Shortly thereafter, the policeman or policemen were released, but the weapons
14 collected were never returned.

15 Q. [11:43:43] Very well. This attack that you are talking about, did it take place
16 before, during or after the elections?

17 A. [11:44:00] I think it was shortly after the elections when things became a little
18 tense, but I cannot be specific as to the date.

19 Q. [11:44:22] Very well. Is the hotel du Golf located close to the residence of the
20 president of the republic or the presidential residence at the time?

21 A. [11:44:36] No, there is quite some distance between the two. As the crow flies,
22 it would be between one and a half to two kilometres.

23 Q. [11:44:52] During that period which we are talking about, was there a risk that
24 the residence, the presidential residence, could have been attacked from the Golf
25 Hotel?

1 A. [11:45:07] For the planners, that was one of the hypotheses. For anyone who
2 had a good plan, that was part of the hypothesis, and the residence of the head of
3 state was, may I say, a very sensitive point.

4 Q. [11:45:35] Very well. Yesterday we talked about -- or rather, you talked about
5 with the Prosecutor at length on the -- or you talked about the march of 16 December,
6 that incident. The soldiers, ex-rebels, who were at l'hôtel du Golf, did they as far as
7 you know launch an attack on 16 December?

8 A. [11:46:12] Let me say that following the attack on the police observation post,
9 the chief of general staff of the armies decided to replace the soldiers -- the policemen
10 by soldiers. And the soldiers were then posted to the Madame Houphouët-Boigny
11 carrefour or roundabout.

12 You see, we had all seen the pictures on TV and the instructions that were given to a
13 detachment of soldiers with a view to coming to install the director general of the RTI.
14 One of the strategies envisioned by the chief of general staff was that those who were
15 planning to come and install the general director were necessarily going to pass by
16 that roundabout or that carrefour, and therefore there was need for that area to be
17 reinforced.

18 On the day of the march, I was in Cocody and the chief of general staff gave
19 instructions for CECOS to make available detachments of soldiers and gendarmes
20 and CECOS elements, and I think I heard some gunfire, intense gunfire at that
21 time -- sustained gunfire at that location, because from the gendarmerie school one
22 could distinctly hear the gunfire from that location in the morning.

23 When our men returned they reported back to us, and the chief of general staff that
24 very evening at our debriefing session confirmed that there had been sustained
25 gunfire between those who wanted to force their way through and those who were

1 assigned to stop them from passing through.

2 On that day two soldiers were killed -- or two or three were killed at that location, but
3 at the very least two were killed at that location. Now, as for the casualties on the
4 other side, I do not know.

5 Q. [11:49:07] Very well. So what you're telling us is that on 16 December, there
6 was an attack from the Golf Hotel on that observation point, that former police
7 observation point which was now occupied by soldiers and that it ended up with at
8 least two soldiers being killed; is that correct?

9 A. [11:49:34] Yes, that is correct.

10 Q. [11:49:35] Very well. Now, for things to be extremely clear, a short while ago
11 you explained to us how the events unfolded, and you talked about instructions being
12 given on TV, instructions being given by the rebel's military leader to the effect that
13 they should go and install. Were you saying that these instructions were given by a
14 military official at the Golf, an official of the ex-rebels, to go and install the general
15 director at the TV; is that correct?

16 A. [11:50:21] Yes. That is what the officer indicated clearly.

17 Q. [11:50:25] Do you know whether the prime minister's office was one of the
18 targets of those who were demonstrating on that day, on 16 December?

19 A. [11:50:39] That is what was being said, but I have no confirmation of that.

20 Q. [11:50:48] On several occasions yesterday, you explained to the Court that it was
21 the DGPN, the general director of the national police, who was in charge of law
22 enforcement operations on 16 December 2010. My question to you is the following:
23 Was this normal that the police would be in charge of law enforcement during
24 demonstrations?

25 A. [11:51:24] That was the absolute rule.

1 Q. [11:51:31] Very well. You explained to the Court that there were armed men
2 among the marchers. You mentioned the weapons that they were bearing. You
3 also illustrated to the Court a number of incidents that had taken place on that day,
4 and then you went on to talk about an armed march. Now, what I would like to
5 know -- and I just want us to save time by not delving into every detail that you
6 mentioned. What I want to know from you specifically is whether those armed
7 persons who were part of the march, were they acting as an organised commando?

8 A. [11:52:32] I do not know whether they were organised. What I know is that
9 most of the soldiers of the FDS died on that day as a result of their activities, that is,
10 the activities of the armed persons.

11 Q. [11:52:55] Very well. You told us, and I'm referring here to page 50 of
12 yesterday's transcript, 29 March, French transcript, you indicated that at the main
13 locations where the march took place, there were always armed persons among the
14 marchers, particularly in Abobo. And I want to quote what you said at line 2,
15 question, and I quote:

16 "Very well. Where were there armed persons?"

17 Line 4, answer, your answer, I quote, "At all major locations where the marching was
18 taking place, was taking place, there were always armed persons when the crowds
19 were marching.

20 That's what you said -- that's what he said, there were always armed persons in the
21 crowds of marchers. That is what he said, particularly in Abobo," end of quote.

22 Were you saying in that testimony that on all the roads on which the march was
23 taking place and throughout the itinerary, there were armed persons?

24 A. [11:54:35] What I mainly wanted to say was that I was referring to the report
25 from the director general of the police to our debrief. In fact, he said that indeed at

1 various locations in Abidjan, his men had either been killed by gunshots or injured by
2 gunshots and that, generally speaking, those who fired the shots were hidden within
3 the crowd of marchers, and that is me telling the story of what he told us at the
4 debriefing session.

5 Q. [11:55:19] Very well. At what time did the gendarmes and the policemen
6 become aware that it was an armed march?

7 A. [11:55:38] When the first gunshots went off at different locations during the
8 march in Abidjan, and those gunshots were targeting the FDS, given that the march
9 had been prohibited; it wasn't authorised. It is at that time that the DGPN said that
10 he began to receive reports that most of the marchers were armed, if not all. Not all
11 of them, but many of them were armed.

12 Q. [11:56:18] Very well. Was that in the morning?

13 A. [11:56:24] He wasn't specific, and he didn't provide a date as to the specific
14 incidents. His report covered the entire day.

15 Q. [11:56:37] Very well. You told us yesterday at page 30 of the French transcript
16 the following, and I quote:

17 "In the morning the radios were announcing that shots had been heard coming from
18 the marchers," end of quote.

19 Were you saying that information on the various radios, police, gendarme, army,
20 CECOS were providing that information?

21 A. [11:57:14] Yes, yes. The reports were coming in in realtime from the various
22 detachment leaders on the ground. Therefore, all those who were listening to the
23 various radio networks were able to become aware or to know that indeed some of
24 the marchers were indeed armed and were actually shooting at some of the men of
25 the FDS.

1 Q. [11:57:48] Very well.

2 MS PACK: [11:57:51] Sorry, could we have that -- apologies. Apologies to my
3 learned friend. I just want to make sure I'm getting the references right as we go
4 through. Could we have that reference again, just to that earlier testimony?

5 MR ALTIT: [11:58:01] (Interpretation) No need to apologise. I was referring to
6 page 32 of the French transcripts yesterday, at lines 2 and 3.

7 Thank you, Mr President.

8 Q. [11:58:39] Yesterday at page 23 of the French transcript, you said that during the
9 operations of 16 December, the operations we're talking about, the DGPN, the general
10 director of the national police, indicated to the chief of general staff that some of the
11 arrangements had been breached and that it is for that reason that you were being
12 asked, and you told us that you sent about 12, 12 men, about 12 men to the Carrefour
13 de la Vie. I'm going to quote, I'm going to quote. Let me quote:

14 "The director general of the national police informed the chief of general staff that
15 part of his set-up had been breached at the carrefour, at the Agban barracks, and this
16 was by those who were marching towards the RTI through the boulevard des
17 Martyrs."

18 Now, that number of 12 troops whom you mentioned yesterday, and at page 25, 26 of
19 the French transcripts, you went on to say that they were armed with shields and
20 batons and a few Kalashs by way of precaution, and I quote what you said:

21 "Because there was already on the radio networks information about policemen
22 having been killed from the beginning of the march. Policemen had already been
23 killed, therefore it was an armed march."

24 Now, my question is the following: If I understood you very well, the Kalashs that
25 you mentioned were not available to everybody?

1 A. [12:00:40] In the situation of the embargo in which we found ourselves, there
2 was obvious concern about weapons. We did not have Kalashs for everyone. That
3 is true. In all the units of the FDS, including the gendarmerie, the police or the three
4 armies, the situation was the same.

5 Q. [12:01:09] Very well. More specifically, for that small group of about a dozen
6 men, how many Kalashs were there?

7 A. [12:01:24] Maybe the detachment took about two or three. I do not know.
8 One thing is certain, is that we could not have one for every individual. It was not
9 possible.

10 Q. [12:01:45] Very well. Page 26 of the French transcript of yesterday, you
11 indicated that lethal weapons which could kill could only be used in case of legitimate
12 self-defence. Can you briefly tell us logically about the rules of engagement in the
13 maintenance of law and order and then the rules of engagement when it comes to
14 legitimate self-defence; can you do that for us very briefly?

15 A. [12:02:37] Let me recall that the law and order enforcement operations are
16 governed by the instruments that were presented to us yesterday by counsel for the
17 Prosecution, 1967. And in accordance to those instruments, the use of force and
18 weapons for law enforcement should be done by, in accordance with specific
19 provisions, with specific requisitions for the use of force and special requisitions for
20 the use of weapons.

21 So those are the provisions for the rules of engagement for law and order
22 maintenance.

23 But generally speaking, there are possibilities for the legitimate self-defence, either of
24 yourself or your colleagues. Since the first hypothesis, that is the application of the
25 law, was not possible in the situation in which we found ourselves, that is the civilian

1 authority had to be on the field according to the law. But under those circumstances,
2 no civilian authority could be in the field. And you understand why.

3 So we have that other possibility, legitimate self-defence, and that is why we insisted
4 on that second hypothesis. When people had to be placed at the disposal of the
5 police, we had to recall those provisions to the police. So there had to be some
6 Kalashs as a precaution.

7 So if marchers had to be pushed back, we simply asked our men to be vigilant. If
8 gunshots were fired, those who had Kalashs had to automatically respond by
9 returning fire. Unfortunately for us, it was difficult, and that is why there was a lot
10 of harm caused, because those who were firing, after firing they would hide in the
11 crowd.

12 Q. [12:05:27] Very well. Just to be clear, you have told us that you reminded all
13 the CECOS units to be involved in the operations led by the police that legal weapons
14 could only be used in cases of legitimate self-defence; is that correct?

15 A. [12:05:51] Yes.

16 PRESIDING JUDGE TARFUSSER: [12:05:55] Perfectly summarised, perfectly
17 summarised what was clear also before.

18 MR ALTIT: [12:06:04] (Interpretation)

19 Q. [12:06:06] You have told us about two vehicles of the groupe d'appui which
20 were equipped with machine guns. And you told us that it was because those
21 vehicles were to cover the highways and prevent criminals from operating on the
22 highways; is that correct?

23 A. [12:06:41] Yes.

24 Q. [12:06:42] But you told us that the machine guns mounted on those vehicles
25 were frequently broken down. My question to you is: Were these machine guns in

1 a state of disrepair on 16 December?

2 A. [12:07:02] On 16 December, those weapons were not firing.

3 Q. [12:07:12] Why?

4 A. [12:07:13] On 16 December, those weapons were not operational, and in any
5 case, if you are not certain about the reliability of a weapon, if you shoot once or twice
6 and it stops or it freezes or it jams, it is better not to take such a weapon to the field.

7 Q. [12:07:40] Very well. You told us, page 34 of the French transcript, you told us
8 that when the general directorate of the national police deploys your men, it is under
9 the authority of their commissioners, and I quote you, line 23:

10 "Because one should not forget that the DGPN, when they deployed our men, they
11 deploy them under the authority of its commissioners," end of quote.

12 Let us understand each other well. Does that mean that in an operation such as the
13 one of 16 December, organised and conducted by the police, the CECOS units that
14 intervened are under the direct authority of police authorities, for example
15 commissioners? Let me rephrase the question.

16 A. [12:08:52] Yes, not only under the authority but under what we referred to as the
17 operational control of the police commissioners at the location of the intervention.

18 Q. [12:09:09] Very well. Now, in such a case, CECOS does not have operational
19 autonomy as a CECOS unit; is that correct?

20 A. [12:09:26] That is not exactly it. When it comes to operations of all sorts,
21 whether it is law enforcement or military operations, there is a chain of operational
22 command. Once that operational chain of command has been established, the
23 commander of that chain makes his needs known in terms of what we refer to as
24 capacity. We can talk about needs in men or capacity.

25 Now, within the framework of the operation of 16 December, the operational chain

1 established was under the DGPN. So they expressed their needs to all the major
2 commands. But once we are within the framework of the singularity of command,
3 or a unified command, the point is, when you place your units under the operational
4 command of a different authority, you can no longer issue operational instructions.
5 Your role is limited to logistical support. You can provide weapons, ammunition
6 and take care of them if they are injured. You can provide vehicles, fuel and so on.
7 But you can no longer give operational instructions, and sometimes you do not even
8 necessarily know the positions at which those units are deployed.

9 Q. [12:11:35] Very well. Now, regarding the students of the gendarmerie school
10 who had been sent to carrefour Texaco, page 42 of the French transcript, you said that
11 they were equipped with some weapons. You talked about shields and batons.
12 You even said that because of the shortages, there were no more than five weapons.
13 As far as you can remember, can you tell us which weapons and how many of them
14 were there in the possession of these people who were at the Texaco roundabout on
15 16 December?

16 A. [12:12:35] It was a small detachment, so I'm not the one who personally
17 manages such small detachments. But what you need to know is that at the
18 gendarmerie school, we do not have an intervention unit, so weapons -- equipment
19 and weapons is not a priority. You have the gendarmerie squadrons that have
20 weapons as a priority. But we had semiautomatic French weapons dating from 1956,
21 and then you had some old MAS 36 weapons from the Second World War. These
22 are the type of weapons that we had at the school, and these were mainly used for the
23 training of the students and for shooting practice.

24 Q. [12:13:48] Very well. Just to have an idea, about how many of those old
25 weapons did you have that were used for shooting practice?

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1 A. [12:14:02] Probably less than 80 and a large number of them were defective.

2 Q. [12:14:15] How many of them were in a good state of functioning?

3 A. [12:14:25] I cannot tell you. But out of the 80 or so weapons, a good number of
4 them were defective. And since these were old weapons, it was not easy to maintain
5 them.

6 Q. [12:14:42] Now, coming back to the men, the small group that you were talking
7 about, those who were sent to the carrefour Texaco, do you remember how many
8 operational weapons they actually had, approximately? I believe you said that they
9 did not have more than five weapons.

10 When you said five weapons, were you referring to rifles or other types of weapons?

11 A. [12:15:34] The two types of guns or rifles that I was talking about a short while
12 ago.

13 Q. [12:15:43] Very well. Now, if I understand you correctly, out of the
14 approximately 20 men that were sent to the Texaco carrefour, about 5 of them had
15 weapons; is that correct?

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

17 Q. [12:16:19] Very well. Did those five weapons have ammunition in them?

18 A. [12:16:25] Yes.

19 Q. [12:16:29] Now, I will read your statement to you, 0051-0335, page 0362. And I
20 will wait for my friends to be ready. I will quote, line 957.

21 THE INTERPRETER: [12:17:19] Mr President, can counsel wait for the page to be
22 displayed.

23 PRESIDING JUDGE TARFUSSER: [12:17:23] Can you please wait for the page
24 coming up on the screen. Thank you.

25 MR ALTIT: [12:17:48] (Interpretation)

1 Q. [12:17:51] Now, I will quote from page 959.

2 Person interviewed, and that is you. "But there was no ammunition because it was
3 not the 7.62. There was no ammunition.

4 Interviewer 3: I beg your pardon.

5 Person interviewed: There was no ammunition because those rifles were no longer
6 in service, there was no ammunition. It is just that they had to be used if they were
7 attacked. They would use them as a means of defence if they were attacked.

8 Interviewer number 3: But explain that to me. You gave ... well, because I'm trying
9 to understand the logic.

10 Person interviewed: Mm-mm.

11 Interviewer 3: The logic.

12 Person interviewed: Mm-mm.

13 Interviewer 3: You take students from the second year?

14 Person interviewed: Mm-mm.

15 Interviewer number 3: You give them arms?

16 Person interviewed: Mm-mm.

17 Interviewer 3: These weapons are functioning but they do not have ammunition,
18 and you are saying that they have to use them to defend themselves.

19 Person interviewed: To defend themselves as elements. As you know, it is the
20 weapon itself, if somebody is attacked, they can use it to push them back, but not
21 shoot.

22 Interviewer 3: Very well.

23 Person interviewed: Not to shoot. Do not forget that we are in a situation of law
24 and order." End of quote.

25 Now, based on what you said to the investigator of the OTP, you seem to have said

1 that in fact those five weapons in the possession of that small group did not have
2 ammunition, and you were saying that those weapons had to be used sort of like
3 blunt weapons; is that what you meant or is there something you need to correct?

4 A. [12:20:26] Generally speaking, for the Kalashnikovs, we have -- we had the
5 barrels, but for the Kalash -- but these weapons which were older had a more serious
6 problem, so finding ammunition for them was even far more difficult. I believe that
7 is what was on my mind.

8 So the detachment commander may have had a little bit of ammunition, some of the
9 ammunition that had been reserved for shooting practice. It is true that there was no
10 march there. It was out of precaution that they were positioned there. But I think
11 they did in fact have a small amount of ammunition.

12 Q. [12:21:31] When you say a small amount, how many bullets per rifle?

13 A. [12:21:52] I really do not know, but small quantities are given to people, four,
14 five bullets per person.

15 Q. [12:22:10] Very well. If I understand you correctly, the Kalashnikovs were
16 reserved to the units who ran the risk of being attacked on that day?

17 A. [12:22:29] No. I said that since we had difficulties procuring weapons, the
18 command established priorities. The two gendarmerie schools were not a priority
19 when it came to procurement of weapons. But we had a little equipment, which was
20 reserved for the defence of our own barracks.

21 Q. [12:23:02] Very well. That is clear.

22 Now, coming back to what we were talking about a short while ago, the positions that
23 were breached, which positions were breached and how did this happen?

24 A. [12:23:45] Based on what I was told, normally the marchers who were coming
25 either from Williamsville or from Adjamé would normally have been stopped at the

1 level of the Agban barracks. But this did not happen. And they took the direction
2 of carrefour Saint-Jacques in order to branch off on the boulevard des Martyrs. So it
3 was at that level that the DGPN realised that there was a problem and they referred
4 the matter to the general staff and positions had to be set up between the carrefour
5 Saint-Jacques and the other location, boulevard des Martyrs.

6 Q. [12:24:59] Very well. And how were these positions breached, in military
7 terms?

8 A. [12:25:05] The soldiers or, rather, the gendarmes who were responsible for
9 ensuring that the marchers should be stopped there maybe did not arrive their
10 positions on time. So they arrived when the marchers were already passing by or
11 had passed by. They could no longer intervene. Or maybe they were not there at
12 all; that is just a hypothesis that I'm putting forward.

13 Q. [12:25:41] Very well. And now to come back to the gunfire itself during the
14 march. You are a professional. Now, the roads on which the marchers were
15 marching and the methods which they used with the police, does that reveal an
16 operation of a military nature?

17 A. [12:26:26] A priori based on what we heard from the field, you cannot say that
18 specifically. But from the crowd you have people who come out and shoot at the
19 forces, or people come out, they shoot, and then they dive back amongst the
20 population. So I cannot say that they were organised and they were using
21 conventional tactical strategies. That's not what I said.

22 Q. [12:27:09] Very well. On page 47 of yesterday's French transcript, you said,
23 and I quote, I believe it was line 19, line 19:

24 "He also talked about the civilians who were killed and he mentioned that when it
25 came to the civilians killed, we had to be very careful because the people considered

1 as civilians were generally armed persons. There was no distinctive sign. But these
2 were armed people, according to the information that was reported to him from the
3 field," end of quote.

4 My question is this: In the report of the authorities, for example the report that was
5 shown to you by the Prosecution counsel, when it is indicated civilian losses, this
6 could very well mean armed individuals, according to what you said; is that correct?

7 MS PACK: [12:29:14] I think perhaps may be more specific, because I think referring
8 to a report of the authorities that is shown to the witness without perhaps showing
9 the report again, I'm not clear what my friend is referring to. And I think in any
10 event the extended question calls for some sort of speculation on the part of the
11 witness. I'm not quite clear what the point is.

12 MR ALTIT: [12:29:39] (Interpretation) Mr President, well, I agree to quote one or
13 two examples of the reports that were shown to the witness, even though I'm trying
14 to save time.

15 MS PACK: [12:30:03] I mean, the point is also that my friend is calling for some kind
16 of speculative gloss on the words in the reports, and I must admit there were
17 objections when I asked for such things.

18 PRESIDING JUDGE TARFUSSER: [12:30:13] Let's look at the report and be then
19 more specific.

20 MR ALTIT: [12:30:17] (Interpretation) To answer my learned friend's concern, I'll
21 be more specific. I will call up a document, and that is CIV-OTP-0045-1157, and then
22 I'll ask the witness to comment.

23 MS PACK: [12:30:59] That actually wasn't shown to the witness, I don't think,
24 during my questioning, unless I've forgotten, but I don't recall showing it.

25 MR ALTIT: [12:31:07] (Interpretation) It is a different exercise. I am reacting to

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1 the observation of my learned friend by proposing something slightly different to the
2 witness so that it should be clearer.

3 Q. [12:31:43] Can you see the document in front of you, Mr Witness? Can you see
4 it?

5 A. [12:31:49] Yes.

6 Q. [12:31:51] Very well. Can we go to the page 1163. Can you see it?

7 A. [12:32:14] Yes.

8 Q. [12:32:18] Under the column "Civilians victims of the march of the RHDP of 16
9 and 17 December 2010," there are one, two, three, four, five, six, six names, six
10 individuals identified, and then five unidentified individuals; is that correct?

11 A. [12:32:48] Yes.

12 Q. [12:32:51] Based on what you heard about the way the incidents took place, now
13 these civilians, could they also have been armed assailants?

14 MS PACK: [12:33:10] Now, I will object to that. I just do not know what this
15 question -- there has to be some sort of foundation for asking the witness to look at a
16 document. It hasn't been asked if he's seen it before. It hasn't been asked if he
17 knows about the allegations. To then interpret it or comment or make some -- there
18 isn't a basis for proceeding with, yet with any question on this document. And in
19 any event, to then ask for some kind of opinion about whether or not this could mean,
20 this could mean the other, it's highly speculative, your Honours. I do object in fact to
21 this question, I must say. And I have shown some latitude. I mean, I have been
22 quite relaxed about it.

23 PRESIDING JUDGE TARFUSSER: [12:33:49] Yes, okay.

24 Maître Altit.

25 MR ALTIT: [12:33:52] (Interpretation) Thank you, Mr President. The question is

1 not to invite him to talk about the civilians in particular, quite naturally. The issue
2 here is to bring him to understand -- to bring us to understand this situation and to
3 understand what he has told us and what he told us in previous days based on his
4 knowledge of the events.

5 That's simply asking whether the civilians mentioned there could also have been
6 attackers. We just want to understand that, Mr President.

7 PRESIDING JUDGE TARFUSSER: [12:34:23] Yes. But the question can't be "Could
8 they, could they from the list those people have been?" Do you know if they have
9 been or don't you know? This is the question. This is the question: "Do you know
10 if those people were" -- not could they have been. I mean, that's speculative.

11 MR ALTIT: [12:34:44] (Interpretation) Mr President, now, it's in relation to the
12 word "civilian." We want to clarify that once and for all. The witness is here. He's
13 able to give us the true meaning of the word "civilian." In French, when we say
14 "civilian," we mean unarmed persons.

15 Now, the question here is to find out whether these persons could have been armed.

16 PRESIDING JUDGE TARFUSSER: [12:35:14] No. I think yesterday I said to me, in
17 this context, civilians are all those which are not the FDS. Right?

18 MR ALTIT: [12:35:31] (Interpretation) Yes, Mr President, you said so, and it was
19 clear. But the question here is a bit different. The question is to one of the
20 authorities of the FDS, the use of the word "civilians" in an FDS report, what did that
21 word "civilian" mean in an FDS report, whether it be CECOS or the gendarmerie or
22 any other branch of the FDS? We want to clarify that once and for all.

23 PRESIDING JUDGE TARFUSSER: [12:35:57] Yes, but then ask the question: What,
24 what does "civilian," the word "civilian," mean in the report?

25 MR ALTIT: [12:36:06] (Interpretation) Very well, Mr President, I agree with you.

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1 Q. [12:36:11] Now, Mr Witness, you have heard the discussion. Now, we want
2 you to clarify for the benefit of the Court what the word "civilian" means in the FDS
3 CECOS gendarmerie reports. Does "civilian" mean unarmed or does it refer to all
4 non-military persons, or does it cover those who may have been --

5 PRESIDING JUDGE TARFUSSER: [12:36:36] Without leading him, what does the
6 word "civilian" mean in the military report of CECOS or of the police or of the
7 gendarmerie?

8 MS PACK: [12:36:48] Perhaps --

9 PRESIDING JUDGE TARFUSSER: [12:36:49] No. This is the question. Please.
10 What does the word "civilian" refer to when it's written in a report of the police, of the
11 CECOS, of the gendarmerie, et cetera?

12 THE WITNESS: [12:37:05] (Interpretation) The first meaning of that word "civilian"
13 is someone who does not belong to any of the units of the FDS. That's the first
14 meaning.

15 Now, in the context in which we were, wherein several attacks came from persons in
16 civilian attire, not carrying any distinctive insignia that might indicate that they
17 belonged to any component of a security and defence force, and who had weapons
18 and used such weapons against the FDS and then would subsequently hide amongst
19 the civilian population, that was something that was extremely difficult for us.
20 So in the document before me here, the penultimate column refers to two unidentified
21 individuals from Duékoué of unknown nationality. And you see here they were
22 shot by the FANCI following a refusal to obey.

23 Now, generally these types of signs provoke the forces. You see someone in civilian.
24 He is asked to stop and he does not comply. And in the context in which we were,
25 the forces can think that this person or these persons are armed, and that's why they

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1 react accordingly.

2 So if one is being controlled or checked in the context of December 2010 and such a
3 thing happens and somebody does not comply, then one can assume that that
4 individual is an armed civilian. This is the kind of explanation I can provide.

5 PRESIDING JUDGE TARFUSSER: [12:39:46] Well, my further question is: Can you,
6 on the basis of your knowledge and looking at this document, say if one or more of
7 those people are civilians in one sense or in the other sense, as you've just explained?

8 THE WITNESS: [12:40:04] (Interpretation) Mr President, it is difficult for me to do
9 so, except I refer to the remarks that I have already made. From the other indications,
10 I am not able to determine whether those persons were probably bearing weapons
11 while appearing in civilian attire.

12 PRESIDING JUDGE TARFUSSER: [12:40:50] Okay. That's the response.
13 Maître Altit.

14 MR ALTIT: [12:40:56] (Interpretation) Thank you, Mr President.

15 Mr President, I know that you warned us that --

16 PRESIDING JUDGE TARFUSSER: [12:41:08] Yes, but we can go ahead another few
17 minutes.

18 MR ALTIT: [12:41:11] (Interpretation) Very well.

19 Q. [12:41:16] Now, Mr Witness, were you informed that the Prosecutor of the ICC
20 made a statement on the day of the march, that is on 16 December 2010?

21 A. [12:41:38] I no longer remember, counsel.

22 Q. [12:41:44] Very well. How can you, how can you as a professional and
23 someone in charge of the various units we talked about, how do you describe the
24 security atmosphere in Abidjan after the march of 16 December?

25 A. [12:42:14] Deleterious, deleterious, in a very deleterious environment.

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1 Q. [12:42:23] Why would you say it was deleterious and what was happening at
2 that time?

3 A. [12:42:31] Well, because the tension was still ongoing, tension between the
4 various groups. The target continued to be the FDS in Abobo, that is the targets of
5 the Commando Invisible.

6 Now, you showed me a document a short while ago. Up until 21 December 2010,
7 there were still incidents where people did not obey when the forces of law and order
8 stopped them to check a thing or two. So people were still fearful. People were still
9 defiant in relation to the forces of law and order.

10 Q. [12:43:23] Very well. As far as you know, was there any other march or
11 marches of the RHDP or any other groups in which armed persons were infiltrated or
12 disguised?

13 A. [12:43:49] Apart from the march of the 16th which extended somewhat into the
14 17th, I have no recollection of any -- of seeing any other march during the crisis. I
15 don't have any such recollection.

16 Q. [12:44:13] Very well.

17 Mr President, I am now going to broach a much longer topic.

18 PRESIDING JUDGE TARFUSSER: [12:44:24] Have we closed the 16th, the march, 16
19 December? Okay.

20 So I'm sorry, but we have to suspend here and to go to the afternoon. We will
21 resume at 15.00 hours, at 3 o'clock in the afternoon, and we will have a two-hour
22 session this afternoon.

23 The hearing is adjourned. Thank you.

24 THE COURT USHER: [12:44:52] All rise.

25 (Recess taken at 12.44 p.m.)

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- 1 (Upon resuming in open session at 3.04 p.m.)
- 2 THE COURT USHER: [15:04:48] All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE TARFUSSER: [15:05:17] Good afternoon.
- 5 Good afternoon, Mr Witness.
- 6 THE WITNESS: [15:05:24] (Interpretation) Good afternoon, your Honours.
- 7 PRESIDING JUDGE TARFUSSER: [15:05:28] So the floor is to the Defence for
- 8 Mr Gbagbo. Maître Altit.
- 9 MR ALTIT: [15:05:36] (Interpretation) Thank you, Mr President.
- 10 Q. [15:05:57] Mr Witness, we will now continue. Page 124 of the French transcript
- 11 of yesterday, you said that you learned from the foreign media what is supposed to
- 12 have happened on 3 March 2011 and that you talked about it in a meeting with the
- 13 other generals and the CEMA.
- 14 I will quote you, and that is line 1, I believe.
- 15 I'm waiting for the interpreters to see whether they are ready.
- 16 THE INTERPRETER: If there is no document, then the interpreters will simply
- 17 interpret.
- 18 PRESIDING JUDGE TARFUSSER: [15:06:59] Just go ahead reading slowly.
- 19 MR ALTIT: [15:07:07] (Interpretation)
- 20 Q. [15:07:09] And I quote, "We met at the general staff headquarters to talk, but the
- 21 march had ended, and it was the consequences that were in the entire national press
- 22 and even the international press. So it was the information in the media, national
- 23 and international, according to which women had been killed. It is that consequence
- 24 that the CEMA was explaining to us. He said he did not yet have any precise
- 25 information, but that he was doing everything possible, he was bending over

1 backwards to ensure that there were investigations." End of quote.

2 My question is this: You, and to your knowledge, you and the other generals were
3 only informed through the national and international media about what allegedly
4 happened, or did you receive any other information other than that from the press?

5 And I'm referring here to newspapers, radio stations, televisions and so on.

6 So my question is this: To your knowledge, you and the other generals, were you
7 informed after listening to or reading the media or were you informed through other
8 means?

9 A. [15:09:08] I do not know about the others, how they learned about it, but as for
10 myself, I heard it over a foreign radio station. And for my colleagues I do not know
11 how they learned about it because we met only much later in the course of the day.

12 Q. [15:09:39] Very well. Do you know whether the radio television of the
13 rebels -- well, the rebels, not the rebels, the Ouattara camp, did it cover the march or
14 did they speak about it?

15 A. [15:09:59] I no longer remember.

16 Q. [15:10:01] Very well. In that regard, a short while ago you talked about the TCI.
17 For the record, can you tell us what the TCI is just to be clear?

18 A. [15:10:27] Télévision de Côte d'Ivoire. And they were broadcasting from the
19 Golf or which was providing information from the Golf. They told the people about
20 what was happening in the Golf or about the point of view of the authorities who
21 were at the Golf.

22 Q. [15:10:54] Very well. Do you know who operated the TCI? Were they Ivorian
23 specialists or foreign specialists?

24 A. [15:11:06] I'm not in a position to give you details about that. I was not at the
25 Golf and I did not have any contact with the journalists working in that television

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1 station.

2 Q. [15:11:30] Very well. To your knowledge, as from when did the
3 Abobo-Anador road, as from when was it blocked?

4 A. [15:11:42] Dates are always problematic for me. But approximately I can say
5 probably March, but I'm not certain about that.

6 Q. [15:12:03] Very well. And do you know how that road was blocked, with
7 what?

8 A. [15:12:23] The troops had difficulties using that road to reach Abobo, and this is
9 what led us to believe that the road was blocked. Otherwise I do not think it was
10 physically blocked by vehicles or other objects. It was rather the frequent
11 harassment of troops whenever they took that road to travel to Abobo.

12 Q. [15:12:57] Very well. I would like to come back to your exchange with the
13 High Commissioner for Human Rights. We talked about that yesterday.
14 Can we display CIV-OTP-0094-0305.

15 Can you see the letter, Mr Witness?

16 A. [15:14:09] Yes, Counsel.

17 MR ALTIT: [15:14:14] (Interpretation) If we can go to page 0311, please, court officer.
18 This document is marked confidential by the Office of the Prosecutor if I am not
19 mistaken. I have a request and I would like to apply to the Chamber to decide to
20 reclassify this document as public, because I do not see any reason for its
21 confidentiality here.

22 MS PACK: [15:15:23] I think we reclassified, we reclassified the answer yesterday,
23 and I think the letter itself, that's of course, yes, public.

24 PRESIDING JUDGE TARFUSSER: Please go ahead.

25 MR ALTIT: [15:15:43] (Interpretation) Thank you, Mr President, and thank you to

1 my learned friend.

2 Q. [15:15:47] We are reading page 0311 of this letter and it is stated there, "I have
3 the honour" -- can you read well or do you want it to be enlarged?

4 A. [15:16:08] I can see.

5 Q. [15:16:10] "I have the honour to refer to the reports on the developments of the
6 situation of human rights in Côte d'Ivoire following the presidential elections of 28
7 November 2010." End of quote.

8 Now, so reference is made here to documents. Were there any documents,
9 information or elements that were communicated to you directly by the UN relating
10 to what is mentioned here? Did you receive any further materials?

11 A. [15:16:58] No.

12 Q. [15:16:59] Very well. Still on the same page of the same document it is stated,
13 and I quote, "Teams on the ground are supposed to have verified the allegations."
14 To your knowledge, did the teams of the office of the High Commissioner for Human
15 Rights, did they come to Côte d'Ivoire between 16 and 30 December 2010?

16 A. [15:17:46] I do not know whether these teams were there, but I pointed out
17 yesterday that when I sent my response to the high commissioner, a team of three or
18 four people introducing themselves as human rights officers in ONUCI in Abidjan
19 came to meet with me after I had sent my response to the High Commissioner.

20 Q. [15:18:22] Very well. But there you are talking about members of the human
21 rights division of ONUCI; is that correct?

22 A. [15:18:36] Yes.

23 Q. [15:18:37] To your knowledge, did representatives of the UN High
24 Commissioner's Office for Human Rights contact Ivorian authorities during that
25 period to obtain information from them on the post-election crisis?

1 And please observe the pause before you answer for the interpreters.

2 You can proceed.

3 A. [15:19:17] I'm not aware of that information.

4 Q. [15:19:27] Very well. Yesterday, page 63 of the French transcript, you testified
5 having, and I quote, "received immediately the response of the high commissioner."

6 End of quote. Did she send you a second letter?

7 A. [15:19:58] I believe that what I said was wrongly interpreted. I said that the
8 reaction that I realized, when I sent a response to this document here is that a team of
9 three or four people responsible for human rights in ONUCI Abidjan came to see me
10 at my base at the gendarmerie school. We discussed and decided to stay in contact
11 to follow up the activities of my men.

12 Q. [15:20:49] And did you stay in contact?

13 A. [15:20:53] They called me from time to time, but since the situation was
14 extremely difficult, later on I did not regularly meet with them, but we called each
15 other from time to time to assess the situation, and they asked me some questions.

16 Q. [15:21:18] Did they ask you specific questions on specific events?

17 A. [15:21:23] No. On the activities of CECOS.

18 Q. [15:21:34] Were they trying to obtain confidential information?

19 A. [15:21:38] No, I do not think what they were looking for was confidential
20 information.

21 Q. [15:21:45] Do you remember the names of those four or five people?

22 A. [15:21:54] No, I no longer remember the names.

23 Q. [15:21:59] Not even a single one?

24 A. [15:22:02] No.

25 Q. [15:22:05] Did you collaborate with other human rights organisations before or

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1 after the crisis?

2 A. [15:22:20] Before, yes.

3 Q. [15:22:23] Please proceed.

4 A. [15:22:28] We often received officers of the Red Cross and other organisations,
5 but they were working with us and at the same time they had accepted to give
6 courses on international humanitarian law to our men, and so they had set up
7 international humanitarian law modules both at the school and within CECOS.

8 Q. [15:23:15] Very well. So those international humanitarian law modules, this
9 training given to CECOS, did it continue during the crisis period?

10 A. [15:23:35] No, we did not continue. There were many disruptions, so they
11 were not continued. The courses were given regularly before.

12 Q. [15:23:51] Very well. Yesterday we talked about a letter from you which you
13 sent in response to the letter of the High Commissioner. It is the same document.

14 Can we have page 0315. You can see the letter, Mr Witness, in front of you?

15 A. [15:24:53] Yes.

16 Q. [15:24:55] Very well. I have a few questions about that letter. To whom did
17 you send that letter?

18 A. [15:25:09] To Madam High Commissioner of Human Rights of the United
19 Nations in Geneva.

20 Q. [15:25:19] Very well. Were there any other addressees?

21 A. [15:25:23] No.

22 Q. [15:25:23] Let us move on to the next page, 0316. Can you read well?

23 A. [15:25:58] Yes.

24 Q. [15:25:58] Very well. Here it is stated, paragraph 6, and I'm going to read, and I
25 quote, "Similarly, I set up an annual seminar of one week focused on the teaching of

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1 international humanitarian law in the CECOS units. In the two cases we benefit
2 from the availability, support and participation of military magistrates, especially ..."
3 and then here you have a name that is redacted.

4 Do you remember the name that you included there?

5 MR MACDONALD: [15:27:05] Can we go in private session, please.

6 PRESIDING JUDGE TARFUSSER: [15:27:08] Why?

7 MR MACDONALD: [15:27:09] Because it relates to the provider that redacted the
8 copy.

9 PRESIDING JUDGE TARFUSSER: [15:27:15] Yes, but this is something --

10 MR MACDONALD: [15:27:17] In private session we can discuss this, your Honour.
11 We have no objections for the name to be given by the witness. We're just saying
12 that this name should be given in private session because it is redacted on the
13 document itself. That's all we're saying.

14 PRESIDING JUDGE TARFUSSER: [15:27:30] Yes, but the redaction is done by
15 somebody --

16 MR MACDONALD: [15:27:34] A third.

17 PRESIDING JUDGE TARFUSSER: [15:27:35] Not by the --

18 MR MACDONALD: [15:27:36] That's right, because it relates to their staff members
19 that are working in the field that they're trying to protect. And just to give you an
20 example, your Honour, two weeks ago, two UN staff members were killed in Congo,
21 if not three, MONUSCO.

22 PRESIDING JUDGE TARFUSSER: [15:27:56] Maître Altit.

23 MR ALTIT: [15:27:59] (Interpretation) That argument is inadmissible. We are
24 talking about law here. With your leave, Mr President, this is a question that has
25 arisen. This letter was written by the witness who is here before us. It is up to him

1 and to him alone to decide to share if he wishes or not with us the contents of this
2 letter. It is not up to the OTP to dictate which information may be given or not or
3 given confidentially and publicly or not.

4 I note that once again when we are talking about the UN, there is an attempt to
5 maintain a sort of obscurity relating to the acts or actions of the UN and members of
6 the UN and so on and so forth.

7 We remember what you yourself said about the witness from the UN. The witness
8 himself suggested that his superiors should have been called. But today regarding
9 the successive redactions, they don't want to say who did what because it is the UN.

10 And yet the Prosecutor is bringing evidence from the UN, incriminating evidence.

11 So this is beyond us. The issue relates to the transparency of the proceedings and the
12 transparency of the evidence. There is a possible alternative. Yesterday the witness
13 said that he had a personal copy of the letter. If he agrees to disclose the copy to the
14 Chamber and to the parties, which he has then, we are willing to receive it.

15 PRESIDING JUDGE TARFUSSER: [15:30:33] Have you the letter with you, this
16 letter?

17 THE WITNESS: [15:30:41] (Interpretation) I don't have it here, Mr President. I
18 have it in my things. I was told that you don't bring documents here. So I didn't
19 bring a single document with me here, but back at the hotel I do have the document.

20 PRESIDING JUDGE TARFUSSER: [15:30:56] Okay. So you bring the document
21 tomorrow.

22 THE WITNESS: [15:31:02] (Interpretation) Yes, indeed, with pleasure, Mr
23 President.

24 PRESIDING JUDGE TARFUSSER: [15:31:05] So we come back to this issue
25 tomorrow, the issue of the names, I mean; not the issue as a whole, of course.

1 MR ALTIT: [15:31:15] (Interpretation) Yes, yes. I have noted, well noted, Mr
2 President. So I shall pursue with this line of questioning tomorrow.

3 Q. [15:31:23] And, Mr Witness, I shall be moving onto another subject area. You
4 said that you went to two officers' schools in France. Which were those two schools?

5 A. [15:31:54] I attended the transmission school of the ground forces located in
6 Montargis, at the time, in France. I attended the school, the national gendarmerie
7 officers' school, located in Melun, and I ended up in the École Supérieure de Guerre in
8 Paris.

9 Q. [15:32:35] Did you remain in contact with your peers at the time?

10 A. [15:32:48] Not really, not many of them.

11 Q. [15:33:00] In Côte d'Ivoire were there any French officers, gendarmes or others,
12 who had the same training as yourself?

13 A. [15:33:11] In the context of the Licorne mission, there were some of my fellow
14 students from the École de Guerre in Paris who came for a mission at the head of their
15 regiment and sometimes they would be so friendly as to visit me at the école de
16 gendarmerie and they would also call upon me to visit them in their barracks located
17 at the lycée français of Abidjan.

18 Q. [15:33:54] Did you remain in contact with some of them during the crisis?

19 A. [15:34:01] During the crisis, no.

20 Q. [15:34:07] In which year did you enter the gendarmerie?

21 A. [15:34:17] I entered the gendarmerie in October 1978.

22 Q. [15:34:30] Very well. And when were you appointed the director of the école
23 de gendarmerie?

24 A. [15:34:42] I was appointed as commander of the école de gendarmerie on 28 or
25 29 of December 2000 -- '79, I believe, '79. Now, let me -- it was just after the coup

1 d'état in Côte d'Ivoire, just after the coup d'état. I think it was '79. It was in
2 December '79.

3 Q. [15:35:22] With your leave, sir, do you not mean '99?

4 A. [15:35:28] Yes. Sorry, yes. Not '79; '99. In 1979 I was still in Melun; I cannot
5 have been commander then of the école de gendarmerie.

6 Q. [15:35:40] Very well. And under which president was that that you were
7 appointed to that position?

8 A. [15:35:52] Under Guéï Robert.

9 Q. [15:36:03] From the time of your appointment, did the école de gendarmerie
10 come under attack?

11 A. [15:36:14] On a number of occasions.

12 Q. [15:36:20] So with your leave, we'll make matters very simply so that we
13 understand things correctly. The first attack, who attacked and on what occasion?
14 The second attack -- the first attack, the year and the period and by whom, et cetera, et
15 cetera, and in such a manner we'll have the list of the attacks, if you like.

16 A. [15:37:02] We came under a number of attacks, but I'm going to talk about what
17 was particularly -- what marked it. In September 2002, September, 18 September
18 2002, we came under attack at 1 or 2 a.m. Until 8 or 9 a.m., we were under enemy
19 fire. Reinforcements arrived from the Akouédo camp and this means that we could
20 get out of the enemy's grip.

21 We came under attack on another occasion in the night of the 31st to the 1st, 31
22 December, 1 January 2006, I think. And that attack commenced in all of the
23 Akouédo barracks at the same time and one or two vehicles equipped with machine
24 guns came from Akouédo to attack us. On that occasion we resisted using our own
25 means and we managed to destroy those vehicles. It was a generalised or

1 widespread attack over the Akouédo camps. It was the old and new camps in
2 Akouédo.

3 There were other attacks, but the two main attacks are those.

4 Q. [15:39:19] Thank you. Now, the attack of September 2002 that you came under,
5 who led it? Who attacked you?

6 A. [15:39:38] It was the beginning of the rebellion in Côte d'Ivoire, and as such it
7 was not only the école de gendarmerie that came under attack, but all of the barracks
8 in Abidjan, namely our largest barracks, gendarmerie barracks, the Agban camp.
9 Many people died.

10 At the école we didn't have any deaths, but in Agban there were many deaths.
11 Yamoussoukro came under attack. It was the beginning of the rebellion in Côte
12 d'Ivoire.

13 Q. [15:40:16] I'm going to put the question to you, we've understood what you've
14 said, but let me put the question to you so that it's crystal clear: Who attacked you
15 on that day? You and the other barracks, who, who was attacking the Ivorian
16 security forces?

17 A. [15:40:32] It was the rebels.

18 Q. [15:40:37] Under whose command?

19 A. [15:40:40] On that day we were not in a position to know. But at some time
20 later, a few days later, people claimed to have commanded the attack, namely, former
21 soldiers of the army who were in Bouaké and subsequently political claims were
22 made that the political wing was under the command of the president of the current
23 assembly, Mr Soro Guillaume.

24 Q. [15:41:22] Very well. Can you give us a name or two of military chiefs, rebel
25 military chiefs who claimed responsibility for those actions?

1 A. [15:41:34] There was Commander Wattao and there was especially one whose
2 name escapes me, but he is the préfet de police today, he spoke, he gave his name, he
3 is préfet de région today.

4 Q. [15:41:58] I'm going to refresh your memory, is it Tuo Fozié?

5 A. [15:42:04] Precisely.

6 Q. [15:42:04] Very well. Now, the second attack you're talking about, 2006, who
7 was it led by? I have understood that it was not only you who came under attack,
8 not only your barracks, but who attacked you? Same question as for the previous
9 attack.

10 A. [15:42:24] We believe that it was the same movement, the same rebel movement
11 to the extent that the power-taking process had not been completed, so we believe it
12 was the same objective, that is the initial objective to take power because regularly the
13 national television was coming under attack.

14 Q. [15:42:55] Well, what you say comprises a number of elements. The same
15 people, are these the same names as the ones you gave to us who were holding the
16 reins?

17 A. [15:43:09] For that second attack, no claims of responsibility were made, so we
18 could not clearly identify one, two or three individuals to say that they were behind
19 this attack.

20 Q. [15:43:24] Very well. But you said, and I quote you, a moment ago you said,
21 page 80 of the French transcript, the realtime version, "We believe that it was the same
22 rebel movement to the extent that the power-taking process was not yet complete, so
23 we thought that it was the same people. Then it's not very clear, but the idea was to
24 reach the same objective."

25 Well, so what leads you to believe that?

1 A. [15:44:14] Well, these are our own suppositions. We have no objective material
2 element to say who was behind that second attack. I must be clear enough on this.

3 Q. [15:44:37] So what do you mean by the phrase or the expression the
4 "power-taking process" that was not complete? What is that, this power-taking
5 process?

6 A. [15:44:53] Let me come back to this again, that this is part of our suppositions,
7 we were of the opinion that in view of the fact that the first attack in 2002 was with a
8 view to taking power, and as it did, it was not successful, then the recurrent attacks
9 that we came under we then attributed to the reason behind the first attack. But we
10 did not have any objective, clear elements saying that such and such a person had
11 claimed responsibility for it.

12 Q. [15:45:39] And that process continued after 2006, did it?

13 A. [15:45:47] I have no recollection of any attacks being perpetrated against us in
14 the year 2006 or towards the end of 2006, apart from the one I mentioned at the
15 beginning of 2006. There might have been a few clashes willy-nilly, but widespread
16 attacks attempting to take over one or two barracks, I have no recollection of us
17 coming under that type of attack.

18 Q. [15:46:29] Now, a few moments ago you spoke to us about attacks on the RTI at
19 the time. Can you tell us a little bit more about that, please.

20 A. [15:46:50] There was an attack on the RTI between 2002 -- no, before 2002, before
21 2002, there was a violent attack. And we had received instructions from the
22 commander of the gendarmerie to intervene. We lost one officer and one
23 non-commissioned officer during this defence operation of the RTI. There were
24 other attacks where other gendarmes also lost their lives in defending the RTI.

25 Q. [15:47:38] Other attacks after that on the RTI, is that what you mean?

1 A. [15:47:45] Yes.

2 Q. [15:47:46] When?

3 A. [15:47:47] Well, I can't put a date to it. Approximately, I don't know quite
4 exactly when, but I can't really put a date to it.

5 Q. [15:48:11] Very well. So then from the year 2006 onwards and the years
6 following 2007, 2008, 2009, up to the crisis, were there any other attacks upon the
7 école de la gendarmerie?

8 A. [15:48:36] I believe that when the Ouagadougou accords came into effect, really,
9 things calmed down. So with regard to the école de gendarmerie, apart from the
10 post-election crisis in 2010-2011, we didn't come under attack between 2007 and 2010.

11 Q. [15:49:23] Very well. With regard to the attacks upon the RTI, the various
12 attacks you've just made mention of, namely the first attack that you said was
13 particularly violent in nature, who attacked?

14 A. [15:49:40] We never identified the attackers. There was one attack upon the
15 RTI, but it was not successful because we were a little bit more on the ball than the
16 assailants, and that can be put down to IB, because on that day when the security
17 forces, Defence and Security Forces intervened, not only did they catch those who
18 were about to attack, but they also seized from them a computer that had a lot of
19 information on it, attack plans, the speeches that were due to be given, a lot of
20 information that the directorate general of the police retrieved in order to continue
21 their investigations.

22 Q. [15:50:50] Very well. So let's make things very clear by taking things one at a
23 time. First of all, the attack on the RTI which you talked about earlier, which I think
24 occurred in 2002, I understood that it was difficult for you to identify and name the
25 attackers, the assailants, but who were they generally speaking? Were they rebels?

1 Oh, sorry, are we talking about -- we're talking about 2002 and then I'm going to ask
2 you questions about the RTI attack by IB.

3 But now I'm talking to you about the first attack that you mentioned to us.

4 A. [15:51:32] Well, we see the attackers. And all the attackers that we saw coming
5 we would give a generic name of rebels. That's what we would say at the time.

6 Q. [15:51:49] Very well. Now, the second attack, the one you were talking about
7 led by IB, approximately when did it occur?

8 A. [15:52:03] After 2007 or during the year 2007.

9 Q. [15:52:13] Very well. And you said to us that a computer with the attack plans
10 and the speeches that were due to be made after the attack, successful attack, were
11 they taken by the gendarmes?

12 A. [15:52:28] Yes. They were taken by the Defence and Security Forces that used
13 the information and who were ahead of the attackers. So they quite simply rounded
14 them up and they had this computer on them.

15 Q. [15:52:49] Very well. So these assailants, because their plan was now accessible,
16 what was that plan or what were those plans? Who did they want to install in
17 power or bring to power?

18 A. [15:53:14] I don't know. It was IB. These are the images we talked about
19 when the police investigated. The images that came out of the computer was Chief
20 Sergeant Coulibaly Ibrahim. He was the one who was really putting himself to the
21 forefront in those images in the computer.

22 Q. [15:53:38] He didn't say who he was working for?

23 A. [15:53:43] I don't remember.

24 Q. [15:53:46] Very well. To your knowledge, were there any other attacks on the
25 RTI in the subsequent years?

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1 A. [15:54:03] I no longer recall, with the exception of those that took place during
2 the post-election crisis.

3 Q. [15:54:10] Very well. To your knowledge, how many attacks were there on the
4 RTI during the post-election crisis?

5 PRESIDING JUDGE TARFUSSER: [15:54:32] You may respond. Because I saw that
6 you do not respond because you had not the attention of the questioner. But you
7 may respond, because you have my attention in any case.

8 THE WITNESS: [15:54:50] (Interpretation) Thank you, Mr President.

9 PRESIDING JUDGE TARFUSSER: [15:54:53] The attention of the Chamber, I mean,
10 of course.

11 THE WITNESS: [15:55:03] (Interpretation) Thank you, Mr President. The attacks
12 upon the RTI, when they occurred, I was no longer present, because up until 31
13 March 2011, the RTI had not come under attack, with the exception of the march on 16
14 December, when there were people who had come to install a new director.

15 MR ALTIT: [15:55:44] (Interpretation) You talk about attacks. Let me come back a
16 little bit. You talked about attacks upon the gendarmerie barracks in 2002 and the
17 victims thereof. During the rebellion of 18 September 2002, did any other members
18 of the gendarmerie lose their lives, apart from those who lost their lives in the attacks
19 upon the barracks that you mentioned a few moments ago?

20 A. [15:56:21] The gendarmerie paid a heavy price during the first months of that
21 crisis in 2002. Not only during the attack on the Abidjan barracks, notably the
22 Agban barracks, there were many non-commissioned officers who were killed. I
23 don't know the number now. But much later on in the various units, there were a
24 number of people who lost their lives, namely those units in the north of the country.
25 But something that was quite shocking was what happened in Bouaké, in Bouaké,

1 where the commanding officer and approximately 60 of his elements were massacred,
2 including, it is said, some members of their family, namely children.

3 Q. [15:57:44] And they were massacred by whom?

4 A. [15:57:56] In Bouaké, by the rebellion.

5 Q. [15:58:01] And who was heading up the rebellion in Bouaké?

6 A. [15:58:07] There were many military chiefs. I don't know who was in charge,
7 but there were many military chiefs in Bouaké saying that they were from the
8 rebellion, many of them in Bouaké.

9 Q. [15:58:24] After the rebel attack in September 2002, did gendarmes remain in
10 position in the rebel area, namely the north of Côte d'Ivoire?

11 A. [15:58:42] They were forcibly imprisoned. A number of them lost their lives.
12 And the most lucky managed under their own steam to get to the free area. And it
13 was each to his own, you know.

14 MS PACK: [15:59:20] Your Honour, I'm loath to interrupt my learned friend, but
15 we've been questioning, there's been questioning for quite a while now on the
16 pre-2010 period. And I know your Honours have very recently issued some
17 direction to us all on that, on 6 February, in which you made it very clear that we
18 should, I thought, seek permission before going before 2010, which I did in my own
19 questioning.

20 So I would say I think now is enough, and I would ask that perhaps there is some
21 indication of the relevance of this line of questioning, if it is indeed to continue,
22 because I think it's been long enough now.

23 MR ALTIT: [16:00:06] (Interpretation) Thank you. To begin with, I'm trying to go
24 as fast as possible, and I hope to conclude in less time than the Prosecution. I don't
25 want to put the cart before the horses. So there is no question of delays here. To

1 the contrary.

2 Secondly, you imagine that the attacks against the RTI is of concern to us, especially if
3 carried out by the same people. I'm not going to insist, but I can elaborate. The
4 witness is here, so I will not go beyond this.

5 Thirdly, this is an exchange, and we need to be clear. According to the Prosecutor,
6 there was a common plan. We are not the ones who imagined the narrative. We
7 were talking about 2001. We can go to the temporal jurisdiction concerning the
8 charges or we may not. Or we can go to 2010, that is okay with us too. So we
9 cannot -- you cannot have your cake and eat it.

10 So I believe that this should be resolved. If you want, we can dwell on this, but I
11 would like to progress. We can go very quick, but if you want us to speak about it
12 for a moment, we will do that. But we have a framework, and there is the ins and
13 outs of attacks. There is a logic. It is the same protagonists with the same logic, the
14 same causes, the same effects.

15 I believe that I have said everything. And this is the case of the Defence, it is to
16 present what we believe is the truth. The reality, the OTP cannot tell us which
17 questions to ask and not to ask. This framework was established by the OTP. If
18 they want to say that everything started in 2010, well, then that's okay with us.

19 PRESIDING JUDGE TARFUSSER: [16:03:01] Well, I must say that I kept silent for a
20 long time, because I can see that there is a logic to go back a little bit to develop. But
21 I have it here. I was going to interrupt you myself, saying, asking you please to
22 come to an end with rehearsing the first ten years of Côte d'Ivoire and to come as
23 soon as possible to the charges, to what is the core of this trial, meaning the period
24 from just before the elections until the April, so say 2010-2011.

25 MR ALTIT: [16:03:52] (Interpretation) Mr President, I totally agree with what you

1 have said, but you have seen that all my questions from the very beginning were
2 focused on what happened in 2010-2011. But I'm just coming back slightly to discuss
3 the ins and outs, and it reflects that -- that is what provoked the Prosecutor's reaction,
4 but it is essential to understand what happened later.

5 But I would like to point out that we are complying fully with your decision on the
6 conduct of proceedings to save time. The Chamber has mandated to discover the
7 truth.

8 THE INTERPRETER: [16:04:57] Mr Altit is reading very, very fast.

9 PRESIDING JUDGE TARFUSSER: You are reading fast. You are reading fast.

10 MR ALTIT: [16:05:06] (Interpretation) I'm sorry. I apologise to the interpreters.

11 I am trying to save time. And I will read slowly. It is paragraph 30:

12 "The Chamber has as mandate to discover the truth. And in order to avoid recalling
13 witnesses to the Court, the questions of the non-calling party will not be limited to the
14 framework of the questioning by the party that had called the witness, subject to the
15 fact that these questions -- they asked those questions, the questions had been asked
16 by the other party."

17 I will slow down. I'm trying, Mr President, to limit myself to your instructions using
18 the margin for manoeuvre that you asked us to use the information indispensable to
19 understand what happened in 2010-2011. So I come back there from time to time
20 and it seems to me to be crucial for the ascertainment of the truth. So we are trying
21 to maintain that balance and it is to the benefit of everyone to discover the truth. We
22 cannot limit ourselves to abstract notions.

23 PRESIDING JUDGE TARFUSSER: [16:06:46] I did not interrupt you until now.

24 You were interrupted. I would have probably interrupted you a few minutes later,
25 as the OTP did, by intervening. And I don't want you absolutely to go out of balance,

1 but I think the balance point is nearly reached.

2 So this is what I want to say. Do your job, it's clear, but we should then focus more
3 on what happened in 2010-2011. The margin of manoeuvre, of course, you have it,
4 but it's finishing as far as the past is concerned. So please, go ahead, but let's come
5 also to the core of the -- or let's get back to the core of the trial. Thank you.

6 MR ALTIT: [16:07:42] (Interpretation) Thank you, Mr President. Absolutely, this
7 was my intention, but with your leave, I had three more questions on this topic. If
8 you allow, I will ask them and then we would have concluded that point.

9 Q. [16:08:00] Mr Witness, since there were no longer, no gendarmes there if I
10 understood you well, and this period started in 2002 but ended in 2010, so we are
11 really approaching the time of the crisis, that is where I was driving at.

12 Now, during that period, Mr Witness, from September 2002 up till 2010, who was
13 protecting the population in the north of the country since there were no longer any
14 gendarmes?

15 A. [16:08:48] That, I do not know. I do not know. Those who occupied the area
16 organised themselves in a way to protect the population with the resources and the
17 men that they had, because for some time not only were there no gendarmes, there
18 was no administration, no justice and no prefects, no sub-prefects, no mayors and so
19 on and so forth.

20 Q. [16:09:24] Very well. We will move on to something else.

21 At the école de gendarmerie or maybe even at the CECOS, did you have any
22 cooperation with the French army? Were there any training courses, any exchanges,
23 any type of cooperation?

24 A. [16:09:59] Cooperation with the French army at the gendarmerie school stopped
25 after the crisis of 2004.

1 Q. [16:10:20] Very well. Now, you have told us that some students of the
2 gendarmerie school could be mobilised as reserve forces, and I'm referring to page 10
3 of the French transcript of 27 March, in case of crisis, and that was provided for by the
4 instruments in force.

5 Now, which texts or instruments were you referring to?

6 A. [16:11:04] The texts setting up the école de gendarmerie of Abidjan and which
7 state clearly that the school shall be a reserve force for interventions.

8 Q. [16:11:24] Very well. But you told us, and I didn't quite understand, correct me,
9 but you distinguished between two categories of students who had already been
10 trained and who were part of that reserve and students who were not yet trained and
11 who were not part of that reserve force. So please clarify.

12 A. [16:11:58] For practical reasons, the commander of the school and his officers
13 made a distinction between the students of the second year who could in fact
14 constitute a reserve force for interventions because they already had one year of
15 military training behind them, they had all the basic knowledge of the professional
16 soldier. And then you had the students of the first year who were still learning the
17 profession of soldier, and those ones were not necessarily included in the reserve
18 force for interventions.

19 Q. [16:12:52] Very well. How many presidents of the republic did you know
20 during your career ever since you were a commander or ever since you had
21 commands under you?

22 A. [16:13:12] I was the commander of a departmental gendarmerie company in the
23 birth place of President Bédié for about five years. And he did me the honour of
24 receiving me every time he visited his town of origin.

25 After that I was the commander of the école de gendarmerie for two years -- or, rather,

1 one year under General Guéi Robert, that is when he was president of the republic.
2 But before that I was commander of the transmissions service of the national
3 gendarmerie for a period of four years and President Houphouët-Boigny was still
4 alive and the president of Côte d'Ivoire.

5 Now as commander of the école de gendarmerie as from 2000, this was under
6 President Gbagbo.

7 Q. [16:14:50] Very well. Now, let us move on to something else. You have
8 explained to us, page 30 of the French transcript of 27 March and also on page 34 of
9 that same French transcript, you said that CECOS had been created to fight against
10 major delinquency in the district of Abidjan.

11 You were the first commander of that structure. Now, which was the first mission of
12 CECOS? In other words, I can be more specific, what were your priorities at the time
13 of your appointment?

14 A. [16:15:49] My priority at the time of my appointment, and I told the chief of staff
15 when he did me the honour of receiving me, once I knew my mission, I would not
16 want undue interference in the implementation of my daily activities. That was my
17 first concern. I didn't want interference from external individuals in the daily
18 activities of my unit.

19 Secondly, I asked him whether it was possible that everything, every need that I
20 would express, that a good part of those needs would be made available so that I
21 should become immediately operational.

22 And then there was the selection of the men. I presented that to him.

23 And lastly, I prepared a draft organisation chart, a draft structure that I presented to
24 him. That is what I did immediately after I was appointed.

25 Q. [16:17:30] And did the chief of staff accept the conditions that you put forward

1 prior to appointment?

2 A. [16:17:47] I cannot say these were conditions. I'm a soldier. I was at the
3 disposal of the chief of staff. I could not impose conditions on him. These were
4 simply my concerns so that I could become operational and effective.
5 He reassured me that he would try to make it possible for those conditions to be
6 fulfilled.

7 Q. [16:18:18] Very well. And from a practical perspective, according to your own
8 words, your concerns were accepted, you were appointed at the head of CECOS.
9 Now, you were fighting against what? What was your first intervention? Where
10 did you need to intervene? What did you decide would be your priority
11 intervention from the moment you became commander of CECOS?

12 A. [16:18:58] I was fortunate enough to have two collaborators who were senior
13 officers of the national police, Commissioner Brindou and Commissioner Robé.
14 These were very professional men who were very familiar with delinquents, the
15 situation of delinquency and criminality in Abidjan.
16 So from the very beginning they provided information and as soon as we had our
17 resources, we started going into the neighbourhoods where it was urgent to
18 intervene.

19 Q. [16:19:53] Very well. You have talked about urgency. What type of
20 delinquency did you target at that time? What were the emergency situations?

21 A. [16:20:09] Holdups in the residences, holdups of vehicles, armed robbery of all
22 sorts, and then the chief of staff had also insisted that we had elements outside who
23 would be prepared to defend against any initial attacks. We have been talking about
24 those types of attacks a short while ago.

25 Q. [16:20:55] So this should be clear, during the period of your appointment, 2005,

1 early 2006, this was a period during which attacks were feared; is that correct?

2 A. [16:21:08] Yes.

3 Q. [16:21:10] Very well. Attacks by whom?

4 A. [16:21:15] I talked about ordinary criminality, and then he also told us that this
5 was the right time because so far we had not had any units that could alert us if those
6 types of attacks happened, attacks such as the one in Akouédo, as on the television
7 station. These were the types of attacks that the chief of staff had been referring to
8 that concerned all the Defence and Security Forces.

9 Q. [16:22:15] Very well. You told us that you created and set up two different
10 structures.

11 And this is page 62 of the French transcript of the 27th of March. There was the
12 groupe d'appui, the support group which was also known as the Python units, and
13 then the BMO, the law and order maintenance unit.

14 Now, let us begin with the Python units. In answer to a question from the
15 Prosecution about the number of men, at line 18, you said approximately 80.
16 Now, 80 people in that unit. If you take away from that number those who were sick
17 and then those who had gone off service and were resting, so out of those 80, how
18 many of them could possibly be active at any one point, at any one time?

19 A. [16:23:54] If we had succeeded in having operational availability of about six
20 patrols ready to swing into action, that is about six times six people available, then I
21 think that would have been adequate.

22 Q. [16:24:20] What you are telling us is that 36 men or members working or active
23 at the same time was the objective?

24 A. [16:24:34] No, that is not what we were looking for. I am saying that if we had
25 those people at our base, those who were ready to be active, if we had six patrols of

1 six individuals each, we would have been as effective as we would have wanted.

2 Q. [16:25:01] Very well. If I have understood you well, the idea was to provide
3 security on the highway; is that correct?

4 A. [16:25:14] Yes, the highway.

5 Q. [16:25:17] Very well. I believe that when the Prosecutor asked you that
6 question, you answered and also in relation to the number of operational vehicles.
7 Now, can you tell us the number of operational vehicles available to those 36 men
8 active at the same time?

9 A. [16:25:51] Our objective was to have at least five or six double-cabin vehicles
10 available that would be functional. But we did not always have them given that
11 there were breakdowns, problems of fuel, and so on and so forth.

12 Q. [16:26:20] Can you hear me now?

13 A. [16:26:22] Yes.

14 Q. [16:26:23] Approximately how many of them were functional at the same time,
15 that is, vehicles?

16 A. [16:26:35] If we really made efforts, we would have four vehicles available at the
17 same time. So if the vehicles were well maintained and followed up, then it was
18 possible to have four vehicles available at the same time.

19 Q. [16:26:54] Very well. Let me seize this opportunity to ask you the same
20 questions about the BMO. The Prosecutor also asked you questions about the
21 number of vehicles. And if I remember correctly, your answer was that you did not
22 remember precisely. Can we do the same exercise? I will ask you the question:
23 Approximately how many vehicles did the BMO have -- could the BMO have at any
24 one time? Just give us an idea.

25 A. [16:27:39] I do not know precisely when it comes to the BMO, because the BMO

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1 was not used regularly. It was a unit that had a special mission, law and order
2 enforcement. And since during that period, the enforcement of law and order was
3 not a frequent activity, I really do not remember, but at that time it was not really our
4 priority; that is, the BMO.

5 MS PACK: Your Honours, sorry to interrupt my learned friend. There are
6 questions here that are quite broad, and I wonder if we could just be more specific as
7 to times, because I'm not really following whether we're talking still about 2005 or
8 whether we've moved on in relation to these particular units to the crisis.

9 PRESIDING JUDGE TARFUSSER: [16:28:33] I think it's generally speaking after
10 these two units were created. But have you something specific in mind as far as the
11 timing is concerned?

12 MR ALTIT: [16:28:59] (Interpretation) We are going to clarify. The intention of
13 the questions is to have more details.

14 Q. [16:29:21] Mr Witness, the idea is to know how many vehicles and how many
15 men did each of those new units that you created yourself have, obviously in theory,
16 under ideal circumstances and then in practice. And we are not talking about the
17 beginning of the process, but let's talk about it now. At the beginning of the crisis,
18 the groupe d'appui had four vehicles in 2005 that were functional at the same time.
19 What was the situation in 2010? Were there more or fewer or was the situation the
20 same?

21 A. [16:30:17] The groupe d'appui had about five or six vehicles at the beginning of
22 the crisis. As to the BMO, we had at least two troop transport vehicles, and that is
23 what made it possible to place them at the disposal of the national police. So it was
24 with these troop transport vehicles that they were put at the disposal of the national
25 police.

1 Q. [16:30:48] Very well. And these five to six vehicles and these two troop
2 transportation vehicles were all up and running at the beginning of the crisis at the
3 same time, were they?

4 A. [16:30:59] Yes.

5 Q. [16:31:00] Very well. So this brings me to ask you, and we did this earlier on
6 for the groupe d'appui, the number of staff of the BMO who could be on duty at the
7 same time. I think you made mention of 300 number of people in total. How many,
8 once we take into account those people who were sick, those who were resting?
9 How many people could be put in service or on duty at the same time in the year
10 2005-2006 and then again at the beginning of the crisis? Was there an evolution
11 upwards or downwards or was it stable?

12 A. [16:31:56] In approximately 2010, the gendarmerie placed at our disposal shields
13 and batons and also grenades. So this meant that in addition to the few Kalash that
14 we had within the BMO, we could line up the equivalent of approximately two half
15 platoons; that is, 15 on one side, 15 on the other, because that was the capacity, the
16 transport capacity for our troop vehicles.

17 Q. [16:32:47] Very well. You've just talked about grenades. What type of
18 grenades?

19 A. [16:32:53] The law enforcement grenades.

20 PRESIDING JUDGE TARFUSSER: [16:32:59] We have all this already on the record,
21 the numbers and the grenades, I think. Then I have a bad recollection, but I think we
22 have it.

23 MR ALTIT: [16:33:14] (Interpretation)

24 Q. [16:33:17] Very well. Now, for law enforcement, what do you mean, are they
25 tear gas, are they smoke gas, and some of them are also stunning? And we have all

1 of this on the record, Mr President, you are right in so saying.

2 PRESIDING JUDGE TARFUSSER: [16:33:44] Old but not old enough.

3 MR ALTIT: [16:33:51] (Interpretation)

4 Q. [16:33:52] So since when had the situation been insecure on this northern
5 highway? Because you'd set up the -- you felt the need to set up a highway police
6 unit. And who were the villains, for us to understand the reason behind you setting
7 up this unit.

8 A. [16:34:16] I don't know who the villains were. I do not know who they were.
9 I observed that the level of delinquency and criminality had shot up to such a degree
10 that the transportation vehicles and the people who travelled could no longer travel at
11 nighttime. And even in the daytime there were attacks.

12 So the minister was quite affected like that. We then followed his instructions, but I
13 do not know the identity of the villains.

14 Q. [16:34:56] We're not talking about identity. We're talking about -- what I want
15 to know is where this delinquency comes from. Is it refugee delinquency? Is it
16 delinquency from groups coming from elsewhere? Is it social delinquency? Why
17 was the delinquency there and then and not beforehand?

18 A. [16:35:20] Well, I didn't conduct such studies. I didn't conduct any such
19 studies.

20 Q. [16:35:29] Very well. The fact that a CECOS antenna was set up in each of the
21 five major communes in Abidjan, did that mean that in the neighbourhoods there
22 were not enough policemen and gendarmes to fight daily delinquency?

23 A. [16:36:13] I believe that these questions should be put to the authorities. I had a
24 mission, and I believe that this question should be put to the authorities. I had a
25 mission and it was to provide security for individuals and their possessions. And in

1 that regard I had put in place a structure that was accepted and the unit was up and
2 running.

3 Q. [16:36:58] So the question was put to you on a number of occasions with regard
4 to the chain of command, and on the basis of your answers and -- do tell me if I have
5 understood you correctly. It transpires that you were a subordinate as commander
6 of the gendarmerie. You were subordinate to the director of the national
7 gendarmerie, as commander of the CECOS on an operational level, you were under
8 the chief of staff of the army, and at a logistical level you came under the ministry of
9 defence; is that correct?

10 A. [16:37:53] Yes.

11 Q. [16:37:56] Very well. And in addition, on the occasion of one-off
12 demonstrations that we talked about on 16 September 2010, you could have been
13 placed under the authority of, for example, the director general of the national police,
14 is that -- of the national gendarmerie; is that correct?

15 A. [16:38:42] It's not exactly that. The CECOS was not placed under the authority
16 of the director general of the police, correction. The detachments of the CECOS were
17 placed at the disposal of the director general of the police at his behest and according
18 to his needs.

19 Q. [16:39:02] Very well. And in concrete terms, how did things work? Did the
20 original or the core of origin, in particular the police and the gendarmerie send you
21 men to you, the CECOS that you would then give over to the various sectors or to the
22 Groupe d'appui or to the BMO, did they send you some men for a given time and
23 then they would go back to their corps of origin or did they stay at the CECOS?
24 How did it work? Because, you know, I'm sorry, just let me finish my question,
25 because you, if I understood you correctly, had 45 percent of gendarmes, 45 percent of

1 policemen, 5 percent of the army. So how did this rotation, if you like, function,
2 because they did have a corps of origin?

3 A. [16:40:14] The commander of the CECOS voices his needs to these two major
4 corps and then to the extent of what is available is placed at his disposal the resources
5 in men that he needs. And as all the men of the CECOS were still from an organic
6 standpoint under the authority of their major commanders, the daily management
7 came from their corps of origin. And if after two or three years of presence in the
8 CECOS, well, some of them could be recalled by the corps of origin and they would
9 be replaced. The same people wouldn't stay for too long.

10 And if we weren't happy with the performance of some of the elements, we would
11 suggest that the corps of origin recall them and replace them.

12 Q. [16:41:28] Very well. Page 41 of the French transcript of 27 March, in response
13 to questions on Commissioner Robé, who headed up the CECOS planning division,
14 and you said that he was managing the planning, he compiled reports and he drew
15 up the CECOS statistics.

16 Now my question to you is a simple one: What was his place in the hierarchy of
17 CECOS? Would you say he was number two, number three, number four? Could
18 you please shed light on the matter?

19 A. [16:42:13] Number two of the CECOS was the second in command of CECOS.

20 MR ALTIT: [16:42:20] (Interpretation) I'm just waiting for the transcript, your
21 Honour. Please don't worry. I'm just waiting to see what has been transcribed.

22 Q. [16:42:58] Very well. But Mr Robé, what number was he?

23 A. [16:43:02] Well, he doesn't have a number. He was an officer within the
24 CECOS. He didn't have a particular number. With regard to the missions that he
25 was fulfilling, these were very important missions and it goes without saying that he

1 and the commander of CECOS or the second in command of CECOS would often
2 discuss matters, they would often discuss the march, the activities of the CECOS, et
3 cetera. But he didn't have any, what can we call it? He didn't have any higher rank
4 than the head of the division.

5 Q. [16:44:03] Very well. Did Commissioner Robé go out into the field?

6 A. [16:44:20] In order to establish some form of liaison with the commandant, the
7 sector commander, he would go and see him to tell him the results of his sector over a
8 week or two, and then they'd have a discussion about those results. And if they
9 weren't very satisfactory, he would explain to him so that measures be taken for this
10 to be corrected.

11 But as to going out on the ground, well, he hasn't got any troops so he can't go out on
12 the ground.

13 And the rare occasions when he did go out was the day of the march that I mentioned,
14 because we no longer had any officers, and it was rather delicate. So I wanted to
15 have somebody with a lot of experience, and he had plenty of experience. Otherwise,
16 in normal times, he was not commanding out in the field, because he didn't have any
17 troops at his disposal.

18 Q. [16:45:31] Very well. And Captain Zoh Loua, whom you said to us, page 44
19 and 45 of the transcript of 27 March, that he drew up the schedule for the training
20 exercises. Which rank would you ascribe to him in CECOS?

21 A. [16:45:59] Well, he's an officer like any other. Within a given division, he's an
22 officer like any other. He doesn't have any particular rank in the hierarchy of
23 CECOS.

24 PRESIDING JUDGE TARFUSSER: [16:46:29] When you think it's a good moment,
25 because the Prosecutor wants to intervene on a subject without the witness in the

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1 courtroom, so I would -- if you think it's a good moment, because I saw you thinking
2 about the next question.

3 MR ALTIT: [16:46:51] (Interpretation) Absolutely, Mr President. You are very
4 right. I was in the swing of things, but in my defence, we haven't received anything
5 from the Prosecution, so I was not in the know that they wanted to intervene.
6 But yes, I'm willing to stop here and I will continue tomorrow morning and leave
7 them the time to explain what they wanted to say, of course.

8 PRESIDING JUDGE TARFUSSER: [16:47:20] Okay. Thank you very much. So we
9 conclude for today the questioning of the witness.
10 Thank you, Mr Witness. We see each other tomorrow morning again at 9.30 as
11 today. And the Defence for Mr Gbagbo will continue his questioning. Thank you
12 very much for your time.

13 And I would ask the court usher to bring the witness out. Thank you very much.
14 (The witness stands down)

15 PRESIDING JUDGE TARFUSSER: [16:48:16] Mr MacDonald.

16 MR MACDONALD: [16:48:23] Thank you, your Honour. The point is about what
17 was raised about the documents the witness may have with him.

18 Now, there is the familiarisation protocol that can be found at decision 355 annex and
19 more specifically starting at section 2.6, which is paragraph 79 onwards. Reading in
20 provision of statement.

21 Now, there is nothing preventing a witness bringing documents with him, oddly
22 enough. Well, I mean the problem, we can bring personal documents for whatever
23 reason, read books, whatever, but there is nothing in relation to bringing documents
24 that are related to the proceedings.

25 And here the issue is the fact that the witness has an opportunity to refresh his

1 memory going back in the evening, it seems, to wherever he's located under the care
2 and control of the VWU and has the opportunity to look at documents he would have
3 brought with him related to these proceedings like this letter we were referring to.
4 Now, if you look at paragraph 91 of that decision on the -- sorry, the courtroom
5 familiarisation, the protocol, sorry, on familiarisation, it is clearly indicated that the
6 witness will be reminded that none of the material the witness has re-read can be
7 brought into the court. But these documents refer to documents being provided by
8 the parties for the purposes of refreshing reading material, his statement, annexes and
9 the lists as provided by the VWU to what the witness consulted.
10 Here it is, we submit, important that the parties have access to the material that the
11 witness is refreshing or consulting in the evening before coming to court. We don't
12 know what that is.
13 Is it limited only to the UN documents? Then fine. The witness is coming with this
14 document.
15 But as we have seen with other cases, including very recently, if a witness can consult
16 documents that the parties don't have access to, well, then his testimony is being
17 potentially, I don't want to use the word "influenced," but it's extrinsic to what the
18 parties have.
19 So therefore we would seek two things: First of all, if need be that the familiarisation
20 protocol be amended, that any documents related to the proceedings with which a
21 witness comes to The Hague or familiarise himself with be given to the VWU, and
22 that he has no, the witness, any witness has no access to that when his witness
23 testimony is started, and that includes obviously any statements he may have given to
24 the Prosecution. So that's the general principle.
25 The second here specifically is we would seek that all documents in his possession

1 related to the proceedings -- I'm not looking at medical records that the witness may
2 need to go next week. We're talking related to the proceedings that be handed over
3 to the VWU, and that you the Chamber have a look at these documents to decide if
4 the parties should have access to them, because it may -- if a witness is not allowed to
5 refresh his memory in the courtroom with the material that was provided to him, it
6 cannot be circumvented at night with other documents that he may have brought
7 with him. It's pure logic, like the parties cannot have contact with a witness while
8 he's testifying. It's the same thing. It's to preserve the integrity of a witness'
9 testimony. The credibility here is at issue.

10 So that is the point that we want to make, and it was raised when obviously the
11 Chamber requested the document be brought. Thank you, your Honour.

12 PRESIDING JUDGE TARFUSSER: [16:53:42] Thank you.

13 Maître Altit.

14 MR ALTIT: [16:53:47] (Interpretation) I thank you, Mr President. I'm getting to
15 my feet once again with some difficulty.

16 To be quite frank, I'm not sure I've really understood the logic followed by my
17 excellent colleague. Why can't we do things simply. We see that the witness has a
18 useful item for the establishment of the truth. Your Chamber respects that he bring
19 this. We discuss it all in an inter partes manner, adversarial manner; so where does
20 the problem lie? The familiarisation issues have nothing to do with this. The
21 witness can go on, have a look at Wikipedia on his computer if he wants to. He can
22 look at anything he likes. He's free. We're not going to stop him. He might
23 remember something important during his testimony and say, ah, yes, there is
24 something very important I forgot. Let me go and get it from my place.

25 We need to be simple. We're not going to, you know, build a mountain out of a

1 molehill for a letter that we have 90 per cent of its contents anyway.

2 I don't see the problem here. All I can see are the advantages to listening to him and
3 see what comes and then talk about things with the Prosecution, discuss things,
4 discuss this item, which is useful in the establishment of the truth. And it has
5 nothing, we're all in agreement, it has nothing to do at all with familiarisation. These
6 are two completely different things.

7 PRESIDING JUDGE TARFUSSER: [16:55:36] Mr Knoops.

8 MR KNOOPS: [16:55:38] Thank you, Mr President. In general I think the
9 suggestion of Mr MacDonald is reasonable if it applies to both sides, which is his
10 proposal. The question is whether the familiarisation protocol is to be amended for
11 this reason. If your Honours look at paragraph 90 of the protocol, in the second
12 sentence, the VWU can report when something exceptional occurs during the
13 statement reading process and when it comes to the attention of the VWU staff.
14 In that scenario, the VWU will report this to the entity calling the witness and the
15 Chamber. The VWU could be instructed simply to ask the witness whether he has
16 specific documents being brought to The Hague, not being any documents which
17 were part of the reading material, and then the protocol can actually do its way as it's
18 suggested in paragraph 90. So that's our observation, and we leave it in the hands of
19 the Chamber to accept this suggestion either by amending or by simply referring to
20 paragraph 90 of the protocol.

21 Thank you.

22 PRESIDING JUDGE TARFUSSER: [16:57:16] Thank you. The Chamber will come
23 with a decision, oral decision, probably tomorrow morning.

24 Before adjourning to tomorrow morning -- no.

25 MR MACDONALD: [16:57:28] Just -- no, no, no, very quickly, your Honour. Can

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1 there be a measure of preservation in the meantime? Because tomorrow morning,
2 that means the witness is going back right now.

3 PRESIDING JUDGE TARFUSSER: [16:57:40] Yes. But I don't think there is a
4 shredder in the hotel room.

5 MR MACDONALD: [16:57:44] No. But then -- okay, all right. I know there is not
6 a shredder, but there is mind refreshing overnight.

7 PRESIDING JUDGE TARFUSSER: [16:57:52] We can do it orally.

8 MR MACDONALD: [16:57:54] Okay.

9 PRESIDING JUDGE TARFUSSER: [16:57:55] We can deal with it in a different way.

10 MR MACDONALD: [16:57:57] Thank you.

11 PRESIDING JUDGE TARFUSSER: [16:57:59] Before adjourning, I just want to say
12 that the problem of Monday is solved, but in the meantime, we will sit. On Monday,
13 we will exhaust this witness regularly until it is needed. So counsel -- the witness
14 himself has accepted that another counsel be appointed, and the Chamber instructed
15 the Registry to appoint somebody from OPCD to be here on Monday morning to
16 assist as duty counsel for Article 74.

17 MR MACDONALD: [16:58:44] Last issue, scheduling. Can we take for granted,
18 your Honour, that Witness 108 does not need to travel to come and testify next week
19 since we have only four days and one day will be certainly taken by the continuation
20 of the testimony of the current witness?

21 PRESIDING JUDGE TARFUSSER: [16:59:07] Let's think about it a minute and --

22 MR MACDONALD: [16:59:10] Yes. By email.

23 PRESIDING JUDGE TARFUSSER: [16:59:11] Yes, yes.

24 MR MACDONALD: [16:59:12] If the parties can be informed. Of course, I don't
25 want to put the Chamber on the spot, but it is our assessment that that would be very

1 unlikely that certainly the cross-examination -- sorry, the questioning by the Defence
2 would take place even if 108 was to be heard.

3 PRESIDING JUDGE TARFUSSER: [16:59:29] Yes.

4 MR MACDONALD: [16:59:29] Also, we have a decision to render as to the mode of
5 questioning of that witness.

6 PRESIDING JUDGE TARFUSSER: [16:59:35] Yes, of course. We will deal with it by
7 early tomorrow morning. The hearing is adjourned to tomorrow morning at --
8 Please, Maître Gbougnon.

9 MR GBOUGNON: [16:59:53] (Interpretation) I'm sorry. I know that everyone is
10 tired, but I haven't really understood well. From what I understood, I'm not sure
11 that we will be finishing on Monday. If I understood what the Prosecution says, we
12 are obliged to finish. If I understood correctly, after Monday, there are three or four
13 remaining days for another witness. But I don't believe that we have yet said that
14 we will finish on Monday. I just want to make sure of this. If we're in agreement
15 on this, then I won't say anything further.

16 PRESIDING JUDGE TARFUSSER: [17:00:33] I said that we will continue on Monday
17 and we will exhaust -- we will finish exhausting this witness and not interrupt the
18 questioning. Whatever it is needed. Obviously, I urge also all the parties not to
19 raise the same questions which were already dealt with by the other parties. So
20 hopefully we can finish in a time -- in a foreseeable time. We know that on next
21 Friday, 7 April, we are not sitting because I'm sitting in another hearing and, therefore,
22 we have only four days left, and therefore we'll make the calculation suggested by the
23 Office of the Prosecutor, and early tomorrow morning, well, by tomorrow morning
24 we will have decided upon also this issue.

25 So now I think I can adjourn the hearing to tomorrow morning, 9.30. Thank you

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- 1 very much. Thank you.
- 2 THE COURT USHER: [17:01:42] All rise.
- 3 (The hearing ends in open session at 5.01 p.m.)