

Trial Hearing
WITNESS: CIV-OTP-P-0440

(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-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Friday, 12 May 2017
10 (The hearing starts in open session at 9.02 a.m.)
11 THE COURT USHER: [9:02:15] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:02:42] Good morning. Good morning to
15 everybody, good morning, Mr -- good morning, Mr Witness, in particular.
16 I will give immediately the floor to Maître Altit for his questioning. As I said, we
17 have three times two hours today, so 9 - 11 now.
18 MR ALTIT: [9:03:23] (Interpretation) Thank you, Mr President.
19 WITNESS: CIV-OTP-P-0440 (On former oath)
20 (The witness speaks French)
21 QUESTIONED BY MR ALTIT: (Continuing)
22 Q. [9:03:45] (Interpretation) Good morning, Mr Witness.
23 A. [9:03:48] Good morning, Counsel.
24 Q. [9:03:52] Mr Witness, I would like us to quickly hop back to the report which
25 you drafted relating to the incidents of 25 February 2011, and I need some clarification

1 from you.

2 The reference for the report is CIV-OTP-0046-0029. We have a hard copy of the
3 report which we can hand over to the witness. It might be easier for him to refer to
4 the hard copy.

5 Now, Witness, you have the report in your hands, and I am not going to return to
6 what you said yesterday regarding this report of 28 February. What we will do is go
7 through the document quickly together and I want us to look at the first page to begin
8 with, and I want you to look at paragraph 2. There are two major paragraphs, three
9 lines to the end, and the sentence begins with: "The young people who claimed to be
10 patriots." Do you see that sentence?

11 A. [9:05:47] Yes, I do.

12 Q. [9:05:48] Very well. I am going to read the sentence and then put a few
13 questions to you so that we can proceed quickly. I quote -- and I am looking at the
14 interpreters: "That is how acts of vandalism were carried out at the Doukouré
15 mosque and the Sidéci mosque. Some young people claiming to be patriots tried to
16 burn down the Doukouré mosque and the Sidéci mosque, and the Sidéci mosque was
17 ransacked."

18 So you say that young people who claimed to be patriots tried to burn down the
19 Doukouré and Sidéci mosques. Now my question, sir, is the following: Does this
20 sentence mean that there was no burning on that day on 25 February or was it simply
21 an attempt to burn?

22 A. [9:06:57] That is what I believe.

23 Q. [9:07:01] Very well.

24 All right. Mr Witness, do you remember when the mosque was burnt, if it was burnt
25 at all, given that it was not on 25 February?

1 A. [9:07:50] I know that the mosque was burnt but I don't remember when.

2 Q. [9:08:15] Very well. Now let's look further into this document.

3 I'm sorry, Mr Witness, we are cross-checking the document.

4 Now, in this very document you say, still on that first page and this is the last

5 paragraph which I am going to quote: "At the end of the clashes which were

6 dispersed using conventional law enforcement materiel, 14 corpses were identified,

7 four of whom were lynched, eight were burnt and two others killed by bullets."

8 Now, when you refer to law enforcement, what do you mean law enforcement

9 equipment? You referred yesterday to tear gas; is that what you are referring to?

10 A. [9:09:24] Yes, that is correct.

11 Q. [9:09:28] So if we understand the sentence and the clarification you have now

12 provided, you are saying that the police attempted to calm things down; is that

13 correct?

14 A. [9:09:40] Yes, that is correct.

15 Q. [9:09:42] Very well. Let us now move on to something else. You told us that

16 you left the police station on 31 March, or to be more specific, that you stopped going

17 to work on 31 March. Does that mean that on 31 March you were at the police

18 station, or does it mean that from 31 March you were no longer at (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [9:13:57] Let me tell you, it is not possible that any weapons would have been
3 left at the police station. Now, when he says that Maguy le Tocard was only able to
4 obtain weapons after they collected weapons from the police station, that is absolutely
5 incorrect. Maguy le Tocard already had weapons, and I told you that if -- during
6 their jogging they already had weapons. We had only a few. They had many
7 Kalashnikovs and we had three, which we brought back at the end of the crisis.

8 Q. [9:14:41] Very well. But can you confirm that it was after you left that
9 Maguy le Tocard occupied the 16th district police station?

10 A. [9:14:50] I do not know who occupied the police station after we left. I was no
11 longer concerned by that, actually.

12 Q. [9:14:59] Very well. Let me read out to you an excerpt of your statement to the
13 investigators of the OTP at page 0339, line 970, and I quote:

14 Interviewer number 1: "But did you receive information relating to the abuses and
15 excesses that were committed by the militia during that period?

16 Person being interviewed, and that is you: "Oh yes, a lot of it. Particularly after I
17 left, the many abuses had been committed, acts of violence. In fact, after I left, the
18 next day they came and took over the police station, the militia." Interviewer
19 number 1: "Very well."

20 Person being interviewed: "They occupied the police station of the 16th district."

21 Interviewer number 1: "Militia from which side?"

22 Person being interviewed: "Militia, Maguy le Tocard's militia." End of quote.

23 Therefore you told the investigators of the OTP that Maguy le Tocard's militia had
24 occupied the police station and today you are saying no, or that you know nothing
25 about it. Can you please take a firm position on that point?

1 A. [9:16:33] My firm position is that I wasn't exactly clear on who was occupying
2 the offices of the 16th. I knew that they were militia but I did not know exactly who
3 they were.

4 Q. [9:16:47] Very well. Now, when it comes to the weapons that you mentioned
5 a short while ago, you told us yesterday -- or, rather, the day before yesterday, and
6 I am referring to the real-time transcripts of 10 May, page 100, line 11: "When they
7 were jogging, they were armed." And I am going to quote you. The question was:
8 "Were they armed?"

9 Now, your answer was "No, when they were running or jogging, not all of them were
10 bearing weapons. When they were doing their jogging, some of them provided
11 guidance but we had a discussion with him and Maguy le Tocard," that's what you
12 said, "said that they were armed."

13 So in that segment you have referred in that interview to about 10 people being
14 armed, bearing Kalashnikovs, this is what you said; is that correct?

15 A. [9:17:56] Yes, correct.

16 Q. [9:18:00] Now, question number 1: Among those whom you saw, if you saw
17 any, were any of them carrying ammunitions or any magazines?

18 A. [9:18:12] When you look at a weapon, a priori you would think that there is
19 a magazine and you would think that it has ammunition so you don't necessarily a
20 priori cross-check to determine whether there is a magazine and various ammunitions.
21 So generally one does not necessarily pay attention to such detail.

22 Q. [9:18:37] But you yourself, you saw people armed with Kalashnikovs at that
23 time; is that correct?

24 A. [9:18:42] Yes, clearly.

25 Q. [9:18:44] Very well. Following your testimony or, rather, following what you

1 have said in this excerpt, you saw only about 10 people bearing weapons and it is
2 Maguy le Tocard himself who told you that some other militia, some of his militia
3 also were armed; is that correct?

4 A. [9:19:09] I did not say that other men were armed. I said that during their
5 jogging we saw about 10 of them who were armed and that that's what we saw, but
6 Maguy le Tocard told us that they were armed.

7 Q. [9:19:30] Very well. So you, you deducted from what Maguy le Tocard said
8 that the others were armed, but that you saw only about 10 of them who were armed;
9 is that correct?

10 A. [9:19:50] I think you are shamatising (phon) things too much, because when I
11 said that they were jogging, I did not say that they jogged only on one day, and it was
12 not necessarily the same people who were bearing weapons during the jogging. So
13 what you are doing now is you are putting it as a sort of a caricature.

14 Q. [9:20:17] Okay. Okay. Now let me return to the excerpt that I read to you
15 a short while ago, the excerpt of Witness P-108 --

16 MS PACK: [9:20:29] Can I just ask that my friend is careful when referring to
17 previous transcripts, even insofar as the evidence was in private session. Can we
18 just have some caution because we are in public session now. Thank you.

19 PRESIDING JUDGE TARFUSSER: [9:20:40] I know, I know that. I know we are in
20 public session but this is the -- yes, of course, if we, if this was said in private session,
21 we have to go into private session, of course. But ...

22 MR ALTIT: [9:20:53] (Interpretation) Thank you, Mr President. This is -- it is, well,
23 it is for us a priority to be extremely careful. Now, if our colleague opposite had
24 been paying attention carefully, she would have noticed that we asked regularly
25 whether this was in open session or in private session. And I think that for P-108's

1 testimony, for the most part, he was heard in public without any protective measures
2 and this excerpt was also used in public. So that's what I can say.

3 MS PACK: [9:21:36] I am not going to argue about it across the floor. I note that
4 there was a reference earlier to a part that was in private session. I would just urge
5 my colleague, my learned colleague, just to be extra cautious and, of course, it is
6 possible for him to refer to the facts stated without indeed referring to witness
7 evidence at all. He can simply just put facts.

8 PRESIDING JUDGE TARFUSSER: [9:21:57] No, but this is -- this is in the record of
9 the case, so one can refer to what is in the record of the case. So he can refer to the
10 facts or quote what was said, I think. This is without any doubt. Be cautious if
11 things were said in private session, but this goes without saying. Please go ahead.

12 MR ALTIT: [9:22:24] (Interpretation) Thank you, Mr President, and we understood
13 your instructions right from the beginning in that manner and we comply with them.
14 Now, when it comes to what our learned colleague is mentioning, when there is -- if
15 there was an excerpt in private session, then she can point it out to us, then we will
16 know what we are referring to.

17 PRESIDING JUDGE TARFUSSER: [9:22:44] The extract read before, I was told by
18 my team, from P-108, was indeed in private session.

19 MS PACK: [9:22:53] T-146, page 72.

20 PRESIDING JUDGE TARFUSSER: [9:22:56] Yes. I said this. It was read -- was
21 said in private session. So we redact this part. So I think that the OTP has a point.
22 Please be careful.

23 MR ALTIT: [9:23:18] (Interpretation) Thank you, Mr President.

24 Q. [9:23:32] Now, Mr Witness, do you recall that passage which I read out to you?
25 But, Mr President, with your leave, and for purposes of clarity, maybe we should go

- 1 into private session, to err on the side of caution.
- 2 PRESIDING JUDGE TARFUSSER: [9:23:53] Okay, let's go into private session,
- 3 please.
- 4 (Private session at 9.23 a.m.)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
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- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Open session at 9.25 a.m.)
- 21 THE COURT OFFICER: [9:25:27] We are back to open session, Mr President.
- 22 PRESIDING JUDGE TARFUSSER: [9:25:32] Maître Altit.
- 23 MR ALTIT: [9:25:35] (Interpretation) Thank you, Mr President.
- 24 Q. [9:25:39] Mr Witness, we will now move on to something else and that will be
- 25 the incident at the headquarters of the RDR.

1 I would like a few clarifications on what you said, namely that you went to the RDR
2 headquarters following a call from your hierarchy informing you that weapons were
3 going to be distributed at the headquarters of the RDR; is that correct?

4 A. [9:26:17] Yes, that is correct.

5 Q. [9:26:19] I now want to show you a document, reference CIV-OTP-0045-0066.

6 Mr President, this document is confidential. But as far as we are concerned, we
7 think that it can be shown publicly because it is an official document which does not
8 contain any particularly disturbing approximate material. And we have a hard copy
9 with the witness.

10 MS PACK: [9:27:02] We would agree with that, your Honour, Mr President.

11 PRESIDING JUDGE TARFUSSER: [9:27:04] Okay. Thank you. So we reclassify it
12 as public and we can show it publicly and we can give a copy to the witness.

13 MR ALTIT: (Interpretation)

14 Q. Mr Witness, do you have the document in your hands?

15 A. [9:28:06] Yes, I do.

16 Q. [9:28:09] Let us run through it quickly. Do you agree with me that it's Soit
17 transmis as title, to the director-general, the deputy director-general in charge of
18 security; is that correct?

19 A. [9:28:32] Yes, that's the first document, yes.

20 Q. [9:28:36] This Soit transmis or transmittal slip includes a number of reports that
21 were drawn up in relation to the incident at the headquarters of the RDR. The first
22 document as we turn the page is a report, in fact, a report of the deputy-general
23 director of -- in charge of security to the director-general of the national police of
24 13 December 2010. Do you see that?

25 A. [9:29:25] Yes.

1 Q. [9:29:27] Very well. On the very first page of this report, second paragraph, I
2 want to read out to you a small excerpt of that paragraph, and I quote. I'm with you,
3 interpreters. "In fact, within the context of the operations to control respect of the
4 curfew, a team of the national gendarmerie on patrol in Yopougon came under
5 sustained gunfire in Wassakara neighbourhood. Having heard those gunshots while
6 at the police station of the 16th arrondissement, the officer of the BAE reported to his
7 hierarchy that he had given instructions for cross-checking the facts." End of quote.
8 Have you followed that as I read through in your document?

9 A. [9:30:35] Yes, I'm with you.

10 Q. [9:30:39] Now, a question for you is the following: Mr Witness, you were at the
11 police station that evening as you told us. Did you hear any gunshots yourself?

12 A. [9:30:54] No, I didn't hear any gunfire.

13 Q. [9:31:00] Thank you. The BAE officer who was at the police station who,
14 according to this report, did hear gunshots -- let me finish my question. That officer
15 who was in the same building as you were because he was at the police office, did he
16 inform you of the situation?

17 A. [9:31:32] No. This report that I'm reading is partially false because the BAE
18 officer, as it states here, was not in fact at the police station, the commissaire. That's
19 not true. I told you that we met at the Keneya intersection with members of the BAE,
20 including the officer, but he was not with us at the 16th arrondissement commissariat.
21 The information I received came from my direct hierarchy chief, Tiagnéré.

22 Q. [9:32:20] Very well. You stated during your testimony, and it's the May 11
23 transcript, and I'm going to quote it, this is line 23, page 4, line 24: "Yes, we were
24 joined by a BAE unit and I don't know exactly. I believe there was also a unit of the
25 gendarmes." End of quote.

1 So you say that you were joined by other units, whereas this report seems to state that
2 some of those other units were there before you. Can you say a little bit more about
3 this discrepancy?

4 A. [9:33:25] I already stated that this report does not describe reality. The report
5 that I have before me does not correspond to what actually occurred. This is my
6 zone of responsibility. I was about 800 metres from the place. The BAE was about
7 a kilometre or maybe even two kilometres away, could not have arrived there before
8 us. We were the first to arrive.

9 Q. [9:34:13] Do you mean to say that there were no BAE units there that evening?

10 A. [9:34:17] That evening, no.

11 THE INTERPRETER: [9:34:24] Correction: There were no BAE units at the 16th
12 arrondissement commissariat.

13 THE WITNESS: [9:34:30] (Interpretation) No.

14 MR ALTIT: [9:34:32] (Interpretation)

15 Q. The report that we're referring to here seems to say that you arrived later. I'm
16 going to read a sentence which is about 10 lines after the passage that we looked at
17 a moment ago, and it's the third line from the bottom of the page. Can you see
18 where it starts:

19 "As usual the ordinary reports were carried out in the presence of the commissioner
20 of the 16th arrondissement with the support of the BAE."

21 From this text, it would appear that you arrived simply to make the ordinary reports.

22 A. [9:35:28] No, that's not the case. It's not that we arrived or that I arrived only to
23 make the report. The report says that the report was made in our -- in the presence
24 of the commissioner. And I also told you that when you make such a report, I told
25 you that the other forces participated.

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1 Q. [9:36:00] Very well. Now, we're still referring to the same report, same page.
2 It states that when the BAE arrived the gendarmes were still there. Now, can you
3 tell me whether when you arrived the gendarmes were present?

4 A. [9:36:23] I already told you that I don't believe that this report is truthful and
5 sincere.

6 Q. [9:36:35] Very well. So that is -- your position is to say that when you arrived
7 the gendarmes were no longer there; is that correct?

8 A. [9:36:46] Well, at least we didn't see any gendarmes.

9 Q. [9:36:51] Very well. I am still referring to the same incident. I have a question
10 for clarification on your report, which is CIV-OTP-0046-0099.
11 And we also have a paper copy for the witness.

12 Can you see the document?

13 A. [9:38:34] Yes, I have it.

14 Q. [9:38:37] Let's take a look at the page 0100, which is the next page. We can see
15 that the report is drafted on December 2, 2010, that is, immediately after the events; is
16 that correct?

17 A. [9:38:55] Yes.

18 Q. [9:38:57] What time of day did you finish this report?

19 A. [9:39:03] I -- I'm afraid I can't remember that.

20 Q. [9:39:09] Was it during the night, early in the morning, during the day sometime;
21 do you have an idea?

22 A. [9:39:19] I don't remember anymore.

23 Q. [9:39:25] Very well. Was it right away when you got back, you don't remember
24 at all whether you drafted it right away when you got back to the police station?

25 A. I have already said I don't remember.

1 Q. [9:39:36] Take a look at the top of the page, at the upper left-hand corner. We
2 can see that the report was faxed at 3.54 in the morning. Can you confirm that?

3 A. [9:39:51] Yes, I can see that, 3.54.

4 Q. [9:39:55] Very well. Unfortunately, the photocopy of this document was made
5 in such a way that the date is erased. Can you tell us when this, the date, when this
6 report was sent?

7 A. [9:40:22] I can see Abidjan, December 2.

8 Q. [9:40:27] That is the date of the report itself, but what I am interested in is the
9 date when it was faxed. We have the time of day, 3.54, but just to the left of that, we
10 can see a 2 and we can see a 10. This might lead us to think that it is December 12,
11 but since it's been erased it's hard to be sure. Can you confirm that the document
12 was faxed the very same day that it was drafted or could it have been faxed
13 a different day?

14 A. [9:41:04] It could not have been faxed a different day. Given the events, the
15 report was drafted the same day, virtually the same day, and the document would be
16 sent either in a vehicle or it would be sent by fax.

17 Q. [9:41:24] Very well. In other words, what you are saying is that this report,
18 which was drafted very quickly, was sent on December 2 at 3.54 in the morning; is
19 that correct?

20 A. [9:41:39] That's possible. I don't remember, but it's possible.

21 Q. [9:41:49] You just said it was sent on December 2, but it's 3.54 in the morning.

22 PRESIDING JUDGE TARFUSSER: [9:41:55] Maître Altit, we all know how these
23 things go.

24 MR ALTIT: [9:42:00] (Interpretation) Very well, your Honour. Let's now go to
25 page 102.

1 Q. [9:42:28] Can you see the page I'm referring to, Witness?

2 A. [9:42:36] Yes, yes. I have it.

3 Q. [9:42:41] Do you agree that this is a report, an interview report?

4 A. [9:42:49] Yes, it's an interview report of a witness.

5 Q. [9:42:57] This document is dated December 2; do you agree with me?

6 A. [9:43:06] Yes.

7 Q. [9:43:07] And again we have the same problem as with the previous document.

8 The person who photocopied or scanned the document did not remove the staple,
9 and therefore, the date is not visible. You can see the shadow there. But we can
10 read that it was sent at 8.40; is that correct?

11 A. [9:43:39] Yes, indeed.

12 Q. [9:43:42] So this document was faxed at 8.40 in the morning on December 2,
13 apparently?

14 A. [9:43:51] That's possible.

15 Q. [9:43:56] Very well. Now, if you look at the upper right-hand corner, you can
16 see P.2, which probably means page 2, page 2 of the fax. But we don't have page 1.
17 Could you tell us, if you remember, what would have been page 1. Do you have any
18 information about the missing page?

19 A. [9:44:25] No. Nothing at all. But I really don't know.

20 Q. [9:44:40] Very well. Let's go back to the previous page, page 101. And you
21 can see here that it is written. And this is the first paragraph. No, first paragraph
22 after the first three names.

23 Your Honour, the page on the screen is not the right page.

24 Thank you. Could we have a -- could we zoom in to the top of the page.

25 You, Mr Witness, have a hard copy of this text. Can you see at the very top? I am

1 going to read the first paragraph after the three names that are listed at the top. You
2 wrote as follows, and I quote: "According to normal practice, the bodies were
3 removed and taken by IVOSEP to the morgue at the university hospital CHU in
4 Treichville. I add that none of the individuals, none of the deceased individuals, was
5 able to be identified for lack of identification documents." My question is,
6 apparently none of those victims had ID on them?

7 A. [9:47:26] It is very common that people walk around without having their ID on
8 them.

9 Q. [9:47:31] Very well. The wounded that were there, didn't they tell you
10 anything about who those dead victims might have been? Didn't they tell you
11 anything about who they might have been?

12 A. [9:47:52] Well, if we had been able to actually investigate, do a proper
13 investigation, those witnesses would have told us the identity of those victims.

14 Q. [9:48:07] Very well. And when you were on site you didn't question them?

15 A. [9:48:14] Well, we were more concerned --

16 THE INTERPRETER: The end of the answer was unclear. Please ask the witness to
17 repeat.

18 PRESIDING JUDGE TARFUSSER: [9:48:34] "We were concerned -- we were more
19 concerned about." What did you say?

20 THE WITNESS: [9:48:46] (Interpretation) What I meant was that for us, it seemed
21 useful to us to be informed of the identity of the injured individuals. At the time we
22 didn't take the time, if you will, to enquire about the identities of the persons who
23 were dead.

24 MR ALTIT: [9:49:13] (Interpretation)

25 Q. But you did question the witnesses that were there?

1 A. [9:49:17] Yes, rather rapidly.

2 Q. [9:49:29] Very well.

3 MS PACK: [9:49:45] Your Honour, the relevant passages available in the French, and
4 I am sure it will be once the transcripts are amended, that the passages the interpreter
5 missed is available in the French and I can repeat it on the record.

6 PRESIDING JUDGE TARFUSSER: [9:49:58] No, No. He repeated it. I asked the
7 witness and he repeated it.

8 MS PACK: [9:50:02] It wasn't an exact repetition, but it will make it, hopefully, in the
9 amendments.

10 PRESIDING JUDGE TARFUSSER: [9:50:10] Okay.

11 MR ALTIT: [9:50:13] (Interpretation) [9:50:14] Well, I believe that if there's a little
12 portion missing, it can be corrected, and they can always refer to the French original.

13 Q. I have finished with that report. Yesterday, you were asked whether you had
14 received a response. And I would like to refer to the transcript, yesterday's
15 transcript.

16 When you were questioned by the OTP yesterday, you were asked whether you had
17 received any response to your report, any -- and you said no. And I am going to
18 quote. This is transcript dated May 11, realtime, page 15, lines 1. Let me quote:
19 "Question: Did you receive a response to this report that you sent to the prefect by
20 fax?

21 Answer: No response." End of quote. My question is as follows: Was there any
22 particular reason whereby you should have received a response to this report?

23 A. [9:52:07] Yes, I believe, yes.

24 Q. [9:52:10] Well, what would have been that reason?

25 A. [9:52:15] The reason I should receive a response?

1 Q. [9:52:22] The reason why you should have received a response to a report that
2 you sent. Well, let me deal with it from a slightly different angle. Perhaps my
3 question is a bit complex. Does this type of report lead to a systematic response?

4 A. [9:52:47] I believe that the facts mentioned in this report are sufficiently serious
5 whereby a response should be given.

6 Q. [9:52:58] We are trying to understand, so let's be perfectly clear. So what
7 you are saying is that this type of report doesn't necessarily lead to an automatic
8 response, but because of the facts reported in that report, it should have given rise to
9 a response; is that what you are saying?

10 A. Let me explain. Let me put it in different terms. Let me give you a simple
11 example, a report on an ordinary demonstration. May I continue? I am giving you
12 an example, a report dealing with an ordinary demonstration. Let's say a football
13 game took place and you covered it from the point of view of security and you report
14 that everything went well. So such an event, not a demonstration, such an event
15 does not require any response. But if there is a death, that's a serious fact, and
16 therefore that does -- that should lead to a response.

17 THE INTERPRETER: [9:54:17] Interpreter's correction: In the beginning of the
18 response when the witness referred to a manifestation, in French, he meant a sporting
19 event, for example, not a demonstration.

20 MR ALTIT: [9:54:30] (Interpretation)

21 Q. [9:54:31] What do you mean by "response"?

22 A. [9:54:33] Well, I mean instructions of some sort. Do this or do that or whatever.

23 Q. [9:54:42] I understand. Wouldn't it be fair to say that this kind of report goes
24 through the hierarchy and might be dealt with at different levels and that you may
25 not be informed of the various decisions that might be made?

1 A. [9:55:07] Well, given that I was involved, I would necessarily need to be
2 informed of any action that was decided. I was involved directly, in fact. I had
3 reported on the events, and therefore, it would be normal that I receive a phone call,
4 for example, to receive instructions.

5 Q. [9:55:27] Very well. Mr Witness, I would like to come back briefly to
6 something we discussed yesterday. Remember I showed you some photographs?

7 A. [9:55:47] Yes.

8 Q. [9:55:47] I am going to show you another one. The reference is as follows
9 CIV-D15-0001-0628.

10 You will find this on evidence 1, Mr Witness. I am going to ask you the same
11 questions that I asked you yesterday. Do you recognise this place?

12 A. [9:56:37] The way the photograph is -- is done, it's not possible to recognise the
13 place. But since you told me that it's the Lubafrique station, I take note of that.

14 Q. [9:56:50] My question is do you recognise it or not; do you recognise anything?

15 A. [9:56:55] I don't recognise the premises.

16 Q. [9:57:06] Do you recognise the faces?

17 A. [9:57:08] I don't remember any of the faces.

18 Q. [9:57:10] Very well.

19 Your Honour, by way of the follow-up to yesterday's discussion, this photograph that
20 I have shown to the witness is a -- part of the group of photographs from Corbis
21 agency, photographs on the post-electoral crisis which were taken in April 2011,
22 according to the information provided by that agency. The photographs that I
23 showed yesterday, and I am answering the question you put to me yesterday,
24 apparently belong to the same series. They're virtually identical. But we received
25 them through a different source. What we are trying to do here is to group together

1 the various images that we have from one particular source and compare them with
2 a recognised press agency in order to authenticate those photographs and to
3 authenticate certain facts described by a witness, so that we know exactly what the
4 source is and that we be able to ascertain their content. This is by way of response to
5 the question you put to us yesterday, your Honour. And, therefore, today we
6 believe that these photographs were taken in April 2011 with the reservations that I
7 have just expressed, including the photographs that I showed yesterday.

8 MS PACK: [9:58:54] I just think --

9 PRESIDING JUDGE TARFUSSER: [9:58:56] Do you know if before or after 11 April?

10 MR ALTIT: [9:59:01] (Interpretation) We are not certain. We cannot claim that with
11 certainty. We're awaiting a number of pieces of information to be able to clarify the
12 dates and the places where these photographs were taken, but what we are certain of
13 is that the date indicated is April, April, indicated by Corbis press agency.

14 PRESIDING JUDGE TARFUSSER: [9:59:41] Madam Pack.

15 MS PACK: [9:59:43] Nothing. Thank you.

16 PRESIDING JUDGE TARFUSSER: [9:59:44] Thank you. Just go ahead.

17 MR ALTIT: [9:59:52] (Interpretation) Thank you, your Honour.

18 Your Honour, ladies and gentlemen, the Gbagbo Defence team has no further
19 questions for this witness.

20 PRESIDING JUDGE TARFUSSER: [10:00:00] Thank you very much. So I revert
21 now to the Defence for Mr Blé Goudé.

22 MR KNOOPS: [10:00:08] Mr President, Mr Gbougnon will conduct the examination
23 on behalf of our team. Thank you.

24 PRESIDING JUDGE TARFUSSER: [10:00:17] Thank you very much.

25 Maître Gbougnon, you have now one hour.

1 Mr Witness, now, as you have -- as you can see, the questioner is changing. It is the
2 representative of the Defence for Mr Blé Goudé. And we go another -- we will
3 continue another one hour, then we have the break.

4 Maître Gbougnon.

5 MR GBOUGNON: [10:01:10] (Interpretation) Good morning, your Honour. Good
6 morning, ladies and gentlemen.

7 QUESTIONED BY MR GBOUGNON: (Interpretation)

8 Q. [10:01:18] And, Mr Witness, good morning.

9 A. [10:01:21] Good morning, Counsel.

10 Q. [10:01:25] My name is Jean Serge Gbougnon. I am a lawyer in the Abidjan bar,
11 and I am a member of the Defence team for Mr Charles Blé Goudé. And, therefore, I
12 will be asking you questions on behalf of the Blé Goudé Defence team.

13 I would like to insist, as a matter of honour, that throughout our discussions you
14 never forget that you are a police officer. Please always bear in mind that you are
15 a police officer throughout our --

16 PRESIDING JUDGE TARFUSSER: [10:02:19] This was absolutely not necessary, I
17 would say. This was absolutely not necessary to say to this witness.

18 Mr Witness, Mr Witness, you are a witness and you have the obligation of the truth,
19 be it as police or not as police. Okay. So that's the only recommendation: To say
20 the truth. Thank you very much.

21 Maître Gbougnon.

22 MR GBOUGNON: [10:02:50] (Interpretation) Thank you, Mr President.

23 Q. [10:02:54] Mr Witness, you met with Mr Maguy le Tocard at your police station
24 before the first round of elections; is that correct, one month before that?

25 A. [10:03:22] Yes, I think so.

1 Q. [10:03:31] In your testimony of 11 January or 11/05/2017, realtime
2 transcript -- transcript 87.

3 I am sorry. Let me find my page, please.

4 Mr Witness, I will return to the question when I locate the transcripts.

5 Mr Witness, we shall revisit the reports that you drafted. But first of all, when you
6 draft a report, what -- what is the purpose? What purpose does it serve?

7 A. [10:06:43] The purpose of any report is to give an account on a situation and
8 ultimately receive instructions.

9 Q. [10:06:54] So generally the person to whom you report is not present at the site
10 and that's the reason for which you file a report; is that correct?

11 A. [10:07:07] Yes, that is correct.

12 Q. [10:07:10] We would now seek to display the report that you drafted.

13 MS PACK: [10:07:32] Can we just have the number, and perhaps if there is an
14 opportunity for us to provide the hard copy, if my friend doesn't have a hard copy,
15 then that obviously makes it easier for the witness.

16 MR GBOUGNON: [10:07:49] (Interpretation) CIV-OTP-0046-0099.

17 MS PACK: [10:08:00] If possible, may I provide the hard copy? It's the same, Judge.
18 Thank you very much. Thank you.

19 MR GBOUGNON: [10:08:52] (Interpretation)

20 Q. [10:08:54] Mr Witness, you have the report before you. I think you have read it,
21 and this is a report you drafted. You read it several times already, I presume?

22 A. [10:09:03] Now, when you say "read it several times," I read it here.

23 Q. [10:09:09] I'm sorry. I meant that you have read it in the courtroom.

24 A. [10:09:13] Yes, that is correct.

25 Q. [10:09:17] Now, let us look at the first paragraph of that report, which reads as

1 follows: "On 01/12/2010 at around 22 hours 50 minutes, we received from PC radio
2 information whereby there would have been sustained gunfire in Yopougon
3 Wassakara." End of quote.

4 Now, Mr Witness, several times in this Court you have testified that in order to go to
5 Yopougon Wassakara, your boss called you in relation to a search for weapons,
6 whereas here, if I am not mistaken, you said that over the PC radio there was
7 information about sustained gunfire. Why that discrepancy?

8 A. [10:10:40] You know, when a report is being drafted, we generally tend to use
9 generic terms, and that's what I can say. My chief called me to tell me that.

10 Q. [10:10:57] Mr Witness, you know, I am the last one to question you --

11 PRESIDING JUDGE TARFUSSER: [10:11:00] And I am the first one to stop you if
12 you overlap.

13 MR GBOUGNON: [10:11:08] (Interpretation) Okay, thank you, Mr President.
14 I'm sorry.

15 Q. [10:11:14] Mr Witness, I am the last person to ask questions so I -- we don't need
16 to revisit the things that you have already testified to; we just need to clarify. You
17 have already stated to the Court several times that your boss called you. We want
18 you to clarify a few things for us, because here in the report you say that you learnt
19 from the PC radio but you do not mention that you were called by your chief. Now
20 your answer is that this is a general practice. But let's move on.

21 MS PACK: [10:11:50] Well, is that a comment, a question? Well, you know, this is
22 a question/answer process.

23 MR GBOUGNON: [10:12:05] (Interpretation) Mr President, I don't have much time.

24 And I'm trying to go quickly. My learned colleague opposite I believe has fully
25 understood me. I know that the Court doesn't want us to repeat the same things that

1 have already been testified to. That is why, when he says -- and I think it is very
2 clear, that his answer was very clear, so let's move on. I don't want more than that
3 from him. I just want us to move on based on the answer he has already provided.

4 PRESIDING JUDGE TARFUSSER: [10:12:40] Please go ahead.

5 MR GBOUGNON: [10:12:46] (Interpretation)

6 Q. [10:12:48] Now, Mr Witness, let's move to the second paragraph:

7 "We went to the site where we met Lieutenant Souamé, cell number 02-62-63-24, of
8 the criminality brigade and two of his team members. He explained to us that from
9 their base in Yopougon Bel Air, they had heard gunfire from Wassakara at Princess
10 Road." End of quote.

11 So here again the lieutenant has referred to gunshots or gunfire. This is what is
12 contained in that report, correct?

13 A. [10:13:46] Yes, that is what I wrote.

14 Q. [10:13:48] Therefore, contrary to what you said, there is no issue of searching for
15 weapons; is that correct?

16 A. [10:13:57] Yes, that is correct. Or, rather, we are not yet dealing with searching
17 for weapons.

18 Q. [10:14:10] "Since the firing continued, he preferred to retreat to the Keneya
19 junction in order to wait for reinforcements. We were, therefore, at the Keneya
20 intersection in the company of the BLCP team when two other teams joined us
21 successively; one from the marine, one from BAE, and two other teams from CECOS."
22 And let me continue reading: "Together, together we progressed to the location
23 where the shots were heard from." End of quote.

24 Mr Witness, when you say "together, together we advanced," together with the
25 reinforcement that had joined you; is that correct?

1 A. [10:15:08] You know, when it comes to drafting a report, you do not provide
2 every detail line by line, action by action in relation to what actually happened.
3 Now, but if you want, yes, we went together.

4 Q. [10:15:27] Mr Witness, I have already told you that I do not have much time, so
5 let us provide simply. Now my question is the following, which I put to you again.
6 In what I have just read out are you effectively saying that you went together with the
7 reinforcement to the site? Did you go to the location together with the
8 reinforcements? The answer can be "yes" or "no".

9 A. [10:15:57] Okay, yes.

10 Q. [10:16:00] Thank you, Mr Witness. Why then is it that in your statement and
11 here in your testimony you said that since you were the highest ranking person, you
12 went alone with the officer who was with you?

13 A. [10:16:16] Because that is how it happened. I cannot say in a report that I
14 wasn't followed by my colleagues. There you have it.

15 Q. [10:16:28] Thank you, Mr Witness.

16 Thank you, Mr Witness. Now last paragraph. In the last paragraph this is what
17 you say: "Let us mention that following the statement by the letter, we contacted
18 Commandant Koukougnon by telephone, commander of the Yopougon squadron, to
19 find out whether he had conducted an operation in Yopougon Wassakara, specifically
20 at the RDR headquarters. His answer was in the affirmative when he stated that his
21 men had informed him that they had to fire back after having been shot at. And that
22 they even arrested a number of persons at that place and took them to their base."
23 End of quote.

24 You told the Prosecutor that what you gave as a statement to the investigators and
25 your testimony here in Court is different from the report because you wanted to

1 protect your colleague Koukougnon; is that correct?

2 A. [10:18:28] Yes, more or less. That's correct, more or less.

3 Q. [10:18:30] Now, Mr Witness, Mr Witness, did you, "yes" or "no", as you have
4 already stated here, did you want to protect Commandant Koukougnon; "yes" or
5 "no"?

6 A. [10:18:51] That is what I have just said. When I say "more or less that's what it
7 is", I actually mean yes.

8 Q. [10:19:02] Thank you.

9 In 2014 when you were interviewed by members of the OTP, did they show you the
10 report that you -- was drafted?

11 A. [10:19:32] This is the only report I saw at the end of my interview, at the end of
12 my interview. So much so that there are some things in the report that are
13 inaccurate. I talked about nine dead bodies and 14 injured persons, whereas there
14 were only four dead bodies and seven injured persons, and these are facts that I could
15 remember when I talked about these things with them. But it was only at the end
16 that I was shown -- not this report. Actually, I only saw this report here.

17 Q. [10:20:07] Mr Witness, please let me reiterate my question. Just be attentive.
18 Let me repeat my question. The report that I have just read, it is only here, it is only
19 here that you were shown this report; is that correct?

20 A. [10:20:27] Yes, that is correct. Yesterday or the day before. And in fact
21 yesterday, that's when I saw it.

22 Q. [10:20:40] You see, when the OTP team was interviewing you, you told them
23 that you had drafted a report which contained everything; is that not so?

24 A. [10:20:52] No. We, we never talked about a report because I wasn't expecting
25 them to even show me any, any reports, and so I wonder how they even came into

1 possession of these reports. What I want you to understand therefore is that I am
2 not the one who made these reports available to them. I don't know how they got
3 them. All I told them was the facts that I know of that were corroborated yesterday
4 here by, by a number of reports.

5 Q. [10:21:38] What I am simply saying to you is that at the time of the events you
6 drafted a report which, unfortunately, when the OTP team was questioning you, was
7 not shown to you; is that correct?

8 A. [10:22:00] Yes, that is correct.

9 Q. [10:22:04] However, you told them that you had prepared a report, you
10 had -- you told them, without showing them the report, that you had drafted a report
11 in relation to all the events and that for all events you had been filing reports; is that
12 correct?

13 PRESIDING JUDGE TARFUSSER: [10:22:22] Can we --can we put questions --

14 A. [10:22:24] I don't remember that such a question was put to me.

15 PRESIDING JUDGE TARFUSSER: [10:22:28] Can we just put questions to the
16 witness instead of discussing things which -- your opinion, saying what is your
17 opinion and what -- I mean here, the witness is here to be asked questions and to
18 respond to questions, and that report is not something detailed. I think this is well
19 known. So just, just put the question and get answers, Maître Gbougnon, please.

20 MR GBOUGNON: [10:23:02] (Interpretation) Mr President, that's exactly what I'm
21 doing. I'm trying to put questions to the witness based on a line of questioning, and,
22 Mr President, please, I would like to reassure you that I know where I am headed.
23 Please. I know where I am headed. Thank you.

24 PRESIDING JUDGE TARFUSSER: [10:23:23] Yes, just without commenting, without
25 commenting them.

Trial Hearing
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 MS PACK: [10:23:26] Mr President, we would ask also, if there is something specific
2 on the interviews to which my learned friend is referring, then please would the
3 interviews be shown to the witness or put to the witness. Because at the moment
4 there is just something in the interview, I don't know where, I don't know what page,
5 and it's not helping anyone, in my submission, in our submission.

6 PRESIDING JUDGE TARFUSSER: [10:23:44] Yes. We should refer to specific parts
7 of the interview and not just to the interview, which is quite, quite broad and many
8 pages.

9 Maître Gbougnon, please.

10 MR GBOUGNON: [10:24:05] (Interpretation) Mr President, the witness has already
11 answered. I will move on.

12 Q. [10:24:24] Mr Witness, I want to show you the report which my learned
13 colleague showed you a short while ago, CIV-OTP-0046-0066.

14 MS PACK: [10:24:42] Again, if we could pass the hard copy, if Madam Court Officer
15 could pass the hard copy to the witness for ease of reference.

16 THE INTERPRETER: [10:24:54] 0045-0066, reference number.

17 MS PACK: [10:25:37] Apologies, this is the one that my friend Mr Altit showed the
18 witness. I don't have a hard copy, but I know Mr Altit perhaps does. (Microphone
19 not activated) still has it.

20 PRESIDING JUDGE TARFUSSER: [10:25:50] But I don't know if it's -- you have it,
21 okay. Give it to the witness, thank you.

22 MR GBOUGNON: [10:26:13] (Interpretation)

23 Q. [10:26:17] Mr Witness, let us move to page 0071 where you find Abidjan,
24 2 December, Police Lieutenant N'Guessan.

25 Are you there?

1 A. [10:26:54] Yes.

2 Q. [10:26:56] Let's go to the next page, 0072, please. I am sorry, 0072, with the
3 paragraph beginning with, "The effect of having the curfew respected".

4 I would like to read the following paragraph after the curfew, and I read:

5 "At around 23 hours we were at -- we were at the police station of the 16th district, we
6 were at the level of the 16th district police station when we heard automatic gunfire
7 apparently coming from the Wassakara neighbourhood."

8 Now, Mr Witness, the one who drafted this report says that they were at the level of
9 the 16th precinct, not at the precinct proper. Do you see the difference?

10 A. [10:28:24] I am the one, I should rather put the question to you.

11 Q. [10:28:31] The report says that it is not in the police station but around the police
12 station.

13 A. [10:28:37] "Around" could be vague, it could be before, behind, in front or
14 behind. It's vague.

15 Q. [10:28:48] Mr Witness, please. As you wrote in your report, this person also
16 heard gunshots from an automatic weapon, and you mentioned in your report that
17 you heard over PC radio that there was gunfire from automatic weapons. Do you
18 confirm that this is similar?

19 A. [10:29:16] Yes, it is similar.

20 Q. [10:29:34] I'm sorry, let me read further:

21 "When we got to the level of Pharmacie Keneya, we saw a vehicle that was parked on
22 Rue Princesse, pointing towards Wassakara and there were people running around
23 it."

24 I notice that this is a photocopy of a photocopy, so please let me try to read as much
25 as I can:

1 "We progress on foot towards the vehicle with Police Lieutenant Souamé ... Souamé
2 Aimé of the criminality brigade of the BLCP."

3 End of quote. That is the same brigade you mentioned in your report a short while
4 ago; is that correct?

5 A. [10:30:51] Yes, that is correct.

6 Q. [10:31:05] I shall continue:

7 "When we were just a few metres from where they were, we signalled in order to
8 identify ourselves. At this point, it was around 15 minutes later the gendarme
9 informed us that the heavy firing came from the RDR headquarters of -- about five
10 minutes later they left us on site and, and left the area with the arrested individuals
11 on a Mitsubishi Canter vehicle ahead of our men for a destination that we were not
12 informed of."

13 THE INTERPRETER: [10:32:00] Could we have the next page, please, your Honour.

14 PRESIDING JUDGE TARFUSSER: [10:32:03] Can we please change page. Thank
15 you.

16 MR GBOUGNON: [10:32:24] (Interpretation)

17 Q. [10:32:31] "We were joined by two units of the criminal police of the CECOS and
18 a four-by-four dual cabin vehicle, and as well as a team of the FANCI, a unit of the
19 FANCI in a Canter Mitsubishi vehicle."

20 End of quote. Are these events the same as what you mentioned in your report,
21 witness?

22 A. [10:33:03] Yes.

23 Q. [10:33:11] "The police commissioner --" and I'm quoting again "-- of the 16th
24 arrondissement who joined us was supported by the BAE -- a BAE tank under the
25 direction of Méango and the normal reports were made on site."

- 1 End of quote. Police Lieutenant Méango Hyppolite.
- 2 Did you understand what I said? Did you follow me?
- 3 A. [10:34:13] Yes, yes, I followed.
- 4 Q. [10:34:26] You went to the RDR headquarters with the BAE unit?
- 5 A. [10:34:34] That's what's written in the report.
- 6 Q. [10:34:57] Did you know the men from the BAE?
- 7 A. [10:34:59] No, no, I didn't.
- 8 Q. [10:35:10] Did they call you about the drafting of this report?
- 9 A. [10:35:14] No.
- 10 Q. [10:35:14] Did he call you about the drafting of the report?
- 11 A. No, he didn't.
- 12 Q. [10:35:51] You said that after those events you watched the Ivorian television
- 13 and you heard things that disgusted you; is that correct?
- 14 A. [10:36:04] Yes.
- 15 Q. [10:36:05] I'm going to show you a video and we will see whether this is what
- 16 you were referring to.
- 17 Your Honour, the video is CIV-OTP-0074-0049, minute 11.23 to minute 13.24. The
- 18 transcription bears the following reference, CIV-OTP-0087-0349.
- 19 PRESIDING JUDGE TARFUSSER: [10:36:55] Can you give us also the source and
- 20 the date?
- 21 MR GBOUGNON: [10:37:08] (Interpretation) The video is dated December 2 and it
- 22 is on OTP video.
- 23 THE COURT OFFICER: [10:37:18] Evidence channel 2.
- 24 PRESIDING JUDGE TARFUSSER: [10:37:20] The OTP video from the Ivorian
- 25 television, probably.

1 MS PACK: [10:37:25] That's right.

2 PRESIDING JUDGE TARFUSSER: [10:37:26] It wasn't done by OTP. Okay, I

3 submit.

4 THE INTERPRETER: [10:37:33] Could counsel indicate the line number, please.

5 PRESIDING JUDGE TARFUSSER: [10:37:38] Can you also indicate the line number,

6 of the transcript I mean.

7 MS PACK: [10:37:52] I think it will be all.

8 PRESIDING JUDGE TARFUSSER: [10:37:54] Well, are you part of the Defence teams

9 of Mr Blé Goudé, I asked --

10 MR GBOUGNON: [10:38:04] (Interpretation) Your Honour, I was about to thank

11 Madam Pack for her helpfulness since the beginning of the morning.

12 PRESIDING JUDGE TARFUSSER: [10:38:13] So it's all.

13 MR GBOUGNON: [10:38:20] (Interpretation) Yes, your Honour.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: "The constitutional council takes over. We know that

16 security has been one of the major stakes of the second round of the presidential

17 elections in Côte d'Ivoire. We also know that several acts of violence have marred

18 the voting: before, during and after. And I call -- invite you to hear the statement by

19 the FDS spokesperson in Côte d'Ivoire, to make a point on the security situation

20 following gunfire yesterday, 1 December, Wednesday, in the Yopougon

21 neighbourhood in Wassakara, between the FDS and unknown persons during the

22 curfew. Yesterday night, Wednesday, 1 December 2010, at 22 hours 15 minutes,

23 following an anonymous call ... a mobile patrol of the FDS went on a verification

24 mission to Wassakara, in Yopougon commune. Information from the call indicated

25 that a suspicious parcel had been dropped in a courtyard. Once near the

1 neighbourhood, the patrol came under automatic gunfire. Firing back resulted in
2 four persons being killed and 14 persons being injured. Furthermore, nine other
3 persons were arrested on site who are currently at the headquarters of a political
4 party. The chief of staff of the army, or the general staff of the army, while deploring
5 loss of life and injury, has ordered an investigation to shed light on this situation.
6 Finally, the general staff of the army avails himself of this opportunity to call on the
7 population to remain calm once again, to remain serene, and to scrupulously respect
8 the curfew in force. Done in Abidjan, 2 December 2010."

9 MR GBOUGNON: [10:40:48] (Interpretation)

10 Q. [10:40:49] Mr Witness, have you already seen this video?

11 A. [10:40:53] I believe I have already seen it.

12 Q. [10:40:56] This was indeed the spokesperson of the national armed forces in
13 Côte d'Ivoire; is that correct?

14 A. [10:41:09] Yes, that's correct.

15 Q. [10:41:14] Was he in Wassakara when you carried out the operation?

16 A. [10:41:23] No, I didn't see him.

17 Q. [10:41:28] The police prefect, was he present in Wassakara when you carried out
18 the operation?

19 A. [10:41:36] No, he wasn't.

20 Q. [10:41:39] The director general of the police, was he there in Wassakara when
21 you carried out this operation?

22 A. [10:41:50] I believe I have already mentioned those who were there.

23 Q. [10:41:52] Witness, please answer my question: Was the general director of the
24 police present on site when you were carrying out that operation?

25 A. [10:42:03] Of course not, no.

1 Q. [10:42:07] In this report it is mentioned that there were four dead, as was written
2 in your report; is that correct?

3 A. [10:42:23] Yes, indeed.

4 Q. [10:42:26] In that report there is mention of an exchange of fire, as was the case
5 in your report; is that correct?

6 A. [10:42:37] I didn't mention exchange of fire in my report.

7 MR GBOUGNON: [10:42:54] (Interpretation) Your Honour, just for the purposes of
8 the recording, I would like to reread a passage from the report and then we can
9 continue. We have already read it, but just so that things be perfectly clear in the
10 transcription.

11 I quote: "Mention that following the statements by the proceeding before speaking
12 by telephone to Commander Koukougnon, commander of the Yopougon squad, to
13 find out whether an operation had been carried out in Yopougon Wassakara at the
14 headquarters, at the RDR headquarters. He answered in the affirmative, stating that
15 his men informed him that they had to retaliate after being fired at. They also even
16 arrested certain individuals at this place that they took back to their base." End of
17 quote.

18 Mr Witness, this is stated in your report. Just a moment, please. The spokesperson
19 refers to arrested individuals; isn't that what was written in your report?

20 A. [10:44:29] In my report there is mention of what Commander Koukougnon told
21 me. I didn't say that I said there was an exchange of fire.

22 Q. [10:44:47] My question is as follows, Mr Witness, and then I will go on to
23 something else. My question is as follows: In the report, as is stated, the
24 spokesperson refers to individuals arrested. Isn't that exactly the same thing as what
25 you wrote in your report?

1 A. [10:45:10] Let me repeat what I said. I said I mentioned in the report that this is
2 what Commander Koukougnon told me. But what I'm saying, you think that
3 Commander Koukougnon would tell me that my men went to the RDR headquarters
4 and that there was shooting. I think that if I had been in his shoes, I would have
5 done the same thing. That is to say that a shooting had occurred.

6 Q. [10:45:58] Witness, a moment ago you stated that the spokesperson of the army
7 was not on site, that the director general of the police, that the prefect of police, was
8 not there either. Wasn't it the prefect of police and the DG that you sent this report
9 to?

10 A. [10:46:22] Yes, they were the recipients.

11 Q. [10:46:27] You also stated yesterday that in this report you mentioned that
12 Koukougnon said what is written and you wrote it to cover him; is that correct?

13 A. [10:46:51] Yes, because -- yes, because he already told me that he said he didn't
14 know who had sent my men there, and they are going to kill me, and he also
15 mentioned the shooting, and so I couldn't put in the report that he didn't know who
16 had sent the men and that they were going to kill him.

17 Q. [10:47:18] Witness, in other words, in a report to cover him, you wrote
18 something in your report sent to your hierarchical superiors that there was an
19 exchange of fire, is that what you did? You wrote it to cover your colleague? My
20 question is as follows, your superiors who were not on site, how can they know that
21 the report doesn't correspond to the truth of what occurred on site?

22 A. [10:47:51] Well, they will simply have the report that I give them. That's all
23 they have. They will have to be satisfied with that.

24 Q. [10:48:01] So you voluntarily misinformed your hierarchical superiors; is that
25 correct?

1 PRESIDING JUDGE TARFUSSER: [10:48:13] That is what he is saying. That is
2 what I understood. And I would also ask you to keep the tone normal, normal
3 colloquial tone, with the witness. Thank you.

4 MS PACK: [10:48:43] Your Honour, and also there is a whole report and to
5 selectively take from one part, of course, is not entirely fair, given what is in the
6 preceding paragraph.

7 PRESIDING JUDGE TARFUSSER: [10:48:53] I would just like to ask you to take
8 a normal tone with the witness, ask, put him questions, yes, because you are heated
9 up.

10 MR GBOUGNON: [10:49:19] (Interpretation)

11 Q. [10:49:20] Mr Witness, you have stated that you were disgusted by what the
12 spokesperson stated on TV. Let me quote you fully so that there not be any objection
13 from the other side. This is CIV -- this is what you stated to the OTP regarding this
14 video. This is CIV-OTP-0062-0247, page 273, line 889, and I'm quoting: "This is
15 how the facts were transformed in the 1 o'clock news and also the 8 o'clock news
16 broadcast." Interviewer: "Okay." Person questioned: "I admit that I was
17 disgusted. I was really disgusted. But, well, I couldn't do anything else." End of
18 quote.

19 This is what you stated, isn't it, to the OTP investigators; is that correct, when they
20 were questioning you, can you confirm that?

21 A. [10:51:27] Yes, indeed, I confirm that, but if I may I would like to come back to
22 a question that you put to me that I didn't answer. You asked if I voluntarily
23 purposely misinformed my hierarchical superiors. I questioned witnesses and I did
24 not hide what they stated, I reported that.

25 Q. [10:51:57] Well, let me, let me -- I will get there, just a moment.

1 Mr Witness, during that period between October, which is the period we are
2 interested in, that is between October 2010 and April 2011, you drafted many reports,
3 is that the case?

4 A. [10:52:57] Yes.

5 Q. [10:53:00] How many reports were drafted for one reason or another, either to
6 cover a colleague or for another reason? How many reports were drafted in this
7 way?

8 A. [10:53:22] None.

9 Q. [10:53:24] Thank you.

10 Your Honour, I know there are seven minutes remaining, but if -- I would like to ask
11 you for your indulgence to allow me to stop here for the break and so that I can
12 consult my notes.

13 PRESIDING JUDGE TARFUSSER: [10:54:13] Yes, we can do that. So we break here
14 for, until 11.30, and we come back at 11.30. So you can rest. 11.30 we come back for
15 the next session of two hours. Thank you, the hearing is adjourned.

16 (Recess taken at 10.54 a.m.)

17 (Upon resuming in open session at 11.31 a.m.)

18 THE COURT USHER: [11:31:50] All rise.

19 Please be seated.

20 PRESIDING JUDGE TARFUSSER: [11:32:19] Good morning once again.

21 Maître Gbougnon, the floor is yours. Just remain -- don't sit down.

22 MR GBOUGNON: [11:32:36] (Interpretation) Thank you, your Honour.

23 Q. [11:32:42] Good morning once again, Witness.

24 A. [11:32:45] Good morning, Counsel.

25 Q. [11:32:49] The report that you prepared after the events that took place at the

1 Wassakara headquarters, you sent it to -- did you send it to the Court?

2 A. [11:33:13] As is the custom.

3 Q. [11:33:20] When you say "as is the custom," you automatically sent it to
4 the Prosecutor, is what you mean?

5 A. [11:33:31] Yes.

6 Q. [11:33:31] I would like to read what you stated to the Office of the Prosecutor
7 when they asked you that very same question. The reference is CIV-OTP-0062-0247,
8 page 0275.

9 I am reading from line 975 and it is page 0275, line 975, and I quote: "Well, when
10 you draft a report like that you include -- what do you call it? Well, you include the
11 reports, the statements along with the report. And you send it to the hierarchy, but
12 at the time I couldn't send that and I even called the prosecutor to tell him and he said
13 'okay,' so I took note of that." End of quote.

14 Witness, the passage I've just read out to you corresponds to what you stated to the
15 OTP investigator; is that correct?

16 A. [11:35:23] Yes, indeed. You don't actually transmit a report as such to
17 the prosecutor, you send the -- you send the PV, the procès-verbal.

18 Q. [11:35:40] I am going to repeat. I am not sure that was clear. You state
19 now -- well, you were saying, and I quote, "What's it called? Well, it's the full report
20 that's sent but at the time I couldn't send that." End of quote. That's what you said.

21 A. [11:36:06] Could you continue the sentence?

22 Q. [11:36:12] Line 985, I'm continuing: "No. Interviewer 1: Why not?" That's
23 the line before, 985. Person questioned: "No, I even called the prosecutor to tell
24 him and he said, 'okay.' I took note of that." End of quote.

25 I can continue if you like.

1 Interviewer 1: "Which Prosecutor did you call?" "Prosecutor Daléba." End of
2 quote.

3 A. [11:36:53] What I meant by that was that I didn't send the report as such to
4 the prosecutor, but that I sent him the procedural documents, and that's always been
5 the case for all procedures.

6 Q. [11:37:24] Mr Witness, what you are stating to the Chamber is that you sent only
7 the statements and not the report, is that what you're saying?

8 A. [11:37:56] Let me clarify. When we learned about the facts, we went on site, we
9 take note of the situation. We draft a report which is sent to the hierarchy and then
10 there is a procedure, a procedural document, if you will, that's sent to the prosecutor.
11 We don't send the full report to the prosecutor. That's what I meant.

12 Q. [11:38:28] That's what I was asking you. When you talk about procedure, what
13 I am asking you is you're stating that the report, your report, was -- is not actually
14 part of the procedure; is that what you're saying?

15 A. [11:38:50] That's exactly the case.

16 Q. [11:38:58] What is the purpose of sending the file to the prosecutor?

17 A. [11:39:16] What purpose? You are asking, you are asking what the purpose of
18 sending the file to the Prosecutor is? I am not sure I understand your question.

19 Q. [11:39:29] Let me simplify it. When you contact the public prosecutor, in
20 keeping with the criminal code, when you do that, when you contact the public
21 prosecutor, why do you do that?

22 PRESIDING JUDGE TARFUSSER: [11:39:51] Are we making a lesson in procedural,
23 criminal procedure?

24 MR GBOUGNON: [11:40:00] (Interpretation) Your Honour, if you like, I can ask the
25 witness to withdraw and I can explain to the Chamber the purpose of my question.

1 PRESIDING JUDGE TARFUSSER: [11:40:10] No, no. Please go ahead, because the
2 time constraints, but ... If we, if we ask the obvious, we don't go further. We don't
3 make steps ahead.

4 MR GBOUGNON: [11:40:32] (Interpretation)

5 Q. [11:40:35] Mr Witness, when you send the case file, when you send it to the
6 office of the prosecutor, what are you expecting?

7 A. [11:40:56] We're not expecting anything. To send a case file, you have to have
8 facts, whether you are talking about criminal or criminal -- crimes or misdemeanours,
9 whatever. We send the file to the prosecutor and it is up to the prosecutor to act
10 accordingly.

11 Q. [11:41:25] So when you hear -- when you have a report, you don't send the full
12 report to the prosecutor?

13 A. [11:41:35] Let me repeat once again. A report that is sent to our hierarchy is
14 never sent to the public prosecutor. That's the way things function in Côte d'Ivoire,
15 and I am sure that will continue in the future.

16 Q. [11:41:54] Thank you very much.

17 A. [11:41:56] You're welcome.

18 Q. [11:42:08] At the same period, that is December in Yopougon Attié, in the
19 neighbourhood called Wassakara, was there a similar incident to the one that took
20 place at the RDR headquarters in Wassakara?

21 A. [11:42:42] I'm afraid I don't remember.

22 Q. [11:42:44] You don't remember whether the headquarters of another party at
23 that period in time was attacked?

24 A. [11:42:59] No, I don't remember.

25 Q. [11:43:09] I would like to show you a video; perhaps that will help you.

1 The reference is CIV-D25-0036-0001 and this is a public video. The transcription is
2 CIV-OTP-0036-00 -- CIV-OTP-0036-0008.

3 We are going to only show part of it but you can read the transcription from the
4 beginning.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: "From the beginning the RDR headquarters was attacked.
7 The people were in a state of shock just a few hours after the attack of their
8 headquarters. It's a very distressing situation. Things have been burned, logistics
9 destroyed, everything has been looted. A witness describes at around 6.15 we began
10 hearing noise and we -- I was working in my office. I was told not to go out and that
11 the headquarters were being attacked by -- and the police asked us to stay inside.
12 Young people were saying, 'They're coming, they're coming, the RDR, young people
13 are coming.' And so at least three young people came in and we went to the shower
14 and they began breaking everything. Well, there was more fear than damage, in fact.
15 A car and a motorcycle was burned. One person was stabbed with a knife.
16 Somebody wanted to cut my throat and we fought back and I said, no, I was fighting.
17 This attack of the LMP headquarters took place in a very tense atmosphere awaiting
18 the second round of the presidential elections."

19 THE COURT OFFICER: [11:46:42] Just for the record, the exact ERN for the
20 transcript is CIV-D25-0036-0008.

21 MR GBOUGNON: [11:46:58] (Interpretation) We stopped at minute 02.08.

22 Q. Witness, does this ring a bell?

23 A. [11:47:30] Yes, now that I have seen the video I, I understand what you're
24 referring to.

25 Q. [11:47:37] They were your, your men from the 16th arrondissement. Well, well,

1 let me start over. Wassakara is part of your jurisdiction; is that correct?

2 A. [11:47:55] Yes, it was.

3 Q. [11:48:00] Were they -- was it your men who intervened at that headquarters?

4 A. [11:48:10] Yes.

5 Q. [11:48:15] Why? Why both when you were questioned by the OTP and when
6 you answered questions here in this courtroom when you were asked about the
7 incidents that you were aware of, that you had seen, why didn't you mention this
8 one?

9 A. [11:48:51] Given the seriousness of the facts, when I see this document, the
10 seriousness of the facts is not the same as in the other situation.

11 Q. [11:49:03] Thank you, Witness.

12 A. [11:49:06] You're welcome.

13 Q. [11:49:10] Mr Witness, I would like to go back over something that I had trouble
14 dealing with at the beginning of my questioning because I couldn't find my notes.
15 You met with Maguy Tocard for the first time in your office at the 16th
16 arrondissement; is that correct?

17 A. [11:50:29] Yes.

18 Q. [11:50:43] While my colleagues were questioning you, transcript dated 10
19 May of this year, page 87, line 2, and I quote --

20 THE INTERPRETER: [08:49:00] We don't have transcripts.

21 PRESIDING JUDGE TARFUSSER: [11:51:19] Just go ahead. They don't have the
22 transcripts.

23 MR GBOUGNON: [11:51:31] (Interpretation)

24 Q. [11:52:13] So, page 87, line 2, I quote: "I said to myself they were trying to
25 obtain our sympathy. In fact, they were afraid. They were afraid that we, the

1 police, were going to fight them. And therefore they were trying to obtain our
2 support, our sympathy, and they came to offer their services." End of quote. Do
3 you remember that statement?

4 A. [11:52:07] Yes, indeed.

5 Q. [11:52:19] Later on, page 91 of the same transcript, dated 10 May 2017, starting
6 on line 19, and I quote: "It must be said that at the time we were afraid of them,
7 more or less, because we really couldn't carry out any action against them, so we were
8 afraid of them and they could do what they wanted. They could come and go
9 without, without our being able to do anything." End of quote.

10 My question is: Why, in light of what I just read to you, why would they be afraid of
11 you, that is the police forces, if they were supported by your hierarchy?

12 A. [11:53:30] Did I say that? I didn't say that they had the support of our
13 hierarchy. I don't remember saying that. What I said was that the hierarchy knew
14 that they existed but didn't do anything. I didn't say that they were supported by
15 the hierarchy. I never said that. I'm pretty sure I didn't say that.

16 Q. [11:53:52] Thank you. Thank you very much, Witness.

17 As regards the weapons and your discussion with Maguy le Tocard, you stated on
18 page 86 of the edited transcript, line 13, and I quote: "Yes, he was very clear about
19 that. He said, 'I've received weapons from that colonel who was a member of the
20 Republican Guard.'" End of quote.

21 Do you remember saying that?

22 A. [11:55:13] Yes, indeed.

23 Q. [11:55:54] When the investigators of the OTP questioned you on the same matter,
24 this is what you responded, this is document CIV-OTP-0062-0157, page 0180.

25 I am reading from line 786: "Okay, and do you have any precisions regarding where

- 1 they obtained those weapons?" Interviewed person: "No, not at all, sincerely."
- 2 MS PACK: [11:57:39] If this is on the topic, there are other sections of the interview
- 3 that's on this topic of where the answer received is from.
- 4 MR GBOUGNON: [11:57:48] Monsieur le Président. Monsieur le Président --
- 5 PRESIDING JUDGE TARFUSSER: [11:57:51] Yes, but --
- 6 MR GBOUGNON: [11:57:51] (Interpretation) Your Honour --
- 7 PRESIDING JUDGE TARFUSSER: [11:57:52] No, not with this tone, okay? Not
- 8 with this tone. There are other sections?
- 9 MS PACK: [11:58:01] I am just aware that in the interview there are multiple parts in
- 10 which this topic is treated.
- 11 PRESIDING JUDGE TARFUSSER: [11:58:08] Yes.
- 12 MS PACK: [11:58:09] And so to take to one part, I am just reminding my learned
- 13 friend, that's all I am doing, because obviously there are other parts of the interview,
- 14 so let's not be selective.
- 15 PRESIDING JUDGE TARFUSSER: [11:58:21] Of course.
- 16 MR GBOUGNON: [11:58:27] (Interpretation) Your Honour, I read a particular
- 17 passage. I am involved in my own notes, I am reading my notes. And
- 18 the Prosecutor rises while the witness is in the courtroom to make that comment. It's
- 19 really not fair, your Honour.
- 20 PRESIDING JUDGE TARFUSSER: [11:58:59] Do you know how many times you
- 21 raised to make comments when the Prosecutor is questioning? This is normal that
- 22 the other party raises and makes comments or opposes or says something. This is
- 23 absolutely normal. So please go ahead. There was nothing said in the merits by
- 24 the Prosecutor. The witness was not influenced on what he has got to say on this.
- 25 She just said that there are other parts in this transcript referring to this episode. Full

1 stop. And I don't think this is something which should not have been done. Please
2 go ahead.

3 MR GBOUGNON: [12:00:21] (Interpretation)

4 Q. [12:00:22] Mr Witness.

5 A. [12:00:27] Yes.

6 Q. [12:00:30] In Abidjan, on the streets, how would you recognise a person
7 generally referred to as a Young Patriot? How would you distinguish between
8 a Young Patriot and an ordinary citizen?

9 A. [12:01:04] When you just look at them, there is no difference.

10 Q. [12:01:12] At first look, there is no difference, so how would you recognise
11 a militant or supporter of the RHDP?

12 A. [12:01:28] Taken individually, it is not possible to recognise them.

13 Q. [12:01:35] How would you recognise a student who is a member of FESCI?

14 A. [12:01:48] And when you take a student on an individual basis, you cannot say
15 whether that person is a student of FESCI or not, and the operational word here is
16 "individually."

17 Q. [12:02:05] That was in fact my question. Thank you.

18 A. [12:02:10] I thank you.

19 Q. [12:02:19] During that period you were the commissioner of the 16th
20 arrondissement ever since 2004?

21 A. [12:02:38] Since 2004 I was there, but I was not the chief of service. I was
22 deputy before that.

23 Q. [12:02:47] I am saying that you were a commissioner in the 16th arrondissement
24 since 2004; is that correct?

25 A. [12:02:54] Yes, indeed.

1 Q. [12:02:59] And you stayed there right up to 2011; is that correct?

2 A. [12:03:07] Yes.

3 Q. [12:03:16] The Doukouré and Wassakara neighbourhoods are not far away from
4 your commissaire of service; is that correct?

5 A. [12:03:29] Yes.

6 Q. [12:03:35] Prior to the election period did you in one way or the other receive
7 any information to the effect that there were often clashes or fighting between the
8 inhabitants of those two neighbourhoods?

9 A. [12:04:07] Before the electoral period, no.

10 Q. [12:04:12] Before the election period, you had never been informed of any fight
11 between people -- I don't want to talk about young people -- that is, between
12 inhabitants of those neighbourhoods?

13 A. [12:04:34] Any fight? You will realise yourself that whatever -- what you are
14 saying is really vague. It is too vague.

15 Q. [12:04:42] That is why I am being as broad as possible. If you do not remember,
16 say you do not remember. But my question is as follows: Prior to the electoral
17 period, did you receive any complaints or information about fighting, clashes, in
18 quotes, between the inhabitants of those neighbourhoods?

19 A. [12:05:27] I no longer remember.

20 Q. [12:05:28] When you say you no longer remember, it means it might have
21 happened but you do not remember; is that correct?

22 A. [12:05:35] Yes, indeed. It could have happened.

23 Q. [12:05:58] We will conduct the same exercise as a short while ago. We will read
24 CIV-OTP-0046-0029.

25 MS PACK: [12:06:29] Could we provide the hard copy, please, your Honour, again.

- 1 It was on our list of material. If Madam court officer could take that for us.
- 2 PRESIDING JUDGE TARFUSSER: [12:06:40] Yes, of course.
- 3 MR GBOUGNON: [12:06:55] (Interpretation) Thank you very much, Madam
- 4 Prosecutor.
- 5 Q. [12:07:54] Mr Witness.
- 6 A. [12:07:57] Yes, Counsel.
- 7 Q. [12:08:02] This is your report dated 28 February and you have it with you; is that
- 8 correct?
- 9 A. [12:08:10] Yes.
- 10 Q. [12:08:26] I would like us to read the second paragraph, that is, as from Friday,
- 11 25/02/2011, but let us start on line 5 with "ce dernier".
- 12 A. [12:08:58] Yes, I can see that.
- 13 Q. [12:09:02] This is what you say: "The latter --" I am sorry, I want to specify
- 14 that I'm quoting. "The latter, after having opened fire on Friday, 25 February 2011, at
- 15 about 7 am in Yopougon-Bel Air, the bus driver, having become afraid, parked the
- 16 vehicle and fled as well as the passengers who had been on board. And this is how
- 17 come these fellows used a Molotov cocktail and torched the said bus, which was
- 18 partially burned by the fire." End of quote.
- 19 Those you referred to as "quidam", or these chaps or fellows, are those indeed the
- 20 people that are alleged to have set the bus on fire?
- 21 A. [12:10:20] Yes, indeed.
- 22 Q. [12:10:25] Let me continue.
- 23 "In response to this act attributed to the young people of the RHDP, that is as
- 24 a retaliation against this act, attributed to the young people of the RHDP." End of
- 25 quote. If I understand you correctly, at that stage, these were barely -- this was only

1 suspicions, not facts; is that correct?

2 A. [12:11:11] Yes, indeed.

3 Q. [12:11:21] "The young patriots of the parliament of Yopougon Wakouboué
4 starting burning the transport minibuses commonly known as 'gbaka'." End of
5 quote.

6 In that part of the sentence, there is a difference with the first sentence because it was
7 an assumption in the first sentence. But in this case, it is actually a statement an
8 affirmation; is that correct?

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

10 Q. [12:12:19] In the case of the bus that was torched, were you present?

11 A. [12:12:30] No.

12 Q. [12:12:35] Now, what you reported was based on testimonies or information
13 received; is that correct?

14 A. [12:12:48] Yes, indeed.

15 Q. [12:12:56] In the second case, were you present, because that case you talk about
16 Young Patriots; were you present?

17 A. [12:13:05] Yes. Where I mentioned Young Patriots, we were present because
18 we were carrying out patrols. We were in the streets, and it was practically right in
19 front of us that it started happening. That is why I am not saying "we were told that"
20 or "it was alleged that."

21 Q. [12:13:44] The incident of the gbakas that were burned, at what time did that
22 happen?

23 A. [12:13:53] I have told you at around 7 a.m. -- or, rather, I am sorry; this was the
24 bus. As for the gbakas, it was around 8 a.m. A report has been shown here which I
25 dispatched at 8.40. So it was 8 o'clock, 8.30, that people started setting the gbakas on

1 fire.

2 Q. [12:14:46] The incident in which the gbakas were burned, this happened at
3 Saint-André; is that correct?

4 A. [12:15:05] There were several locations, as I have indicated in the report.

5 Q. [12:15:15] One of those locations was Saint-André; is that correct?

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

7 Q. [12:15:32] And where were the other locations?

8 A. [12:15:42] You can read the report. Everything is there. I really cannot have
9 a precise memory, but if we read the report you will be able to see.

10 Q. [12:16:02] Mr Witness.

11 A. [12:16:07] Yes, Counsel.

12 Q. [12:16:09] What I am asking you -- well, I said Saint-André. It is not mentioned
13 here, and you said yes. So what I am asking you is, apart from Saint-André, is there
14 any other location that gbakas were set on fire?

15 A. Yes.

16 MS PACK: [12:16:34] It's been asked and answered.

17 MR GBOUGNON: [12:16:51] (Interpretation)

18 Q. [12:16:54] So apart from Saint-André, which other locations were there?

19 A. [12:17:01] I believe Sable. Well, not as Sable. Lavage then SIPOREX, but
20 unless I read the report, I no longer remember the others. So it was Lavage and
21 SIPOREX.

22 Q. [12:17:24] So which of those incidents were you an eyewitness to?

23 A. [12:17:37] There is barely 300 metres between Lavage and the 16
24 arrondissement.

25 Q. [12:17:46] Mr Witness, I know Abidjan very well, but even though I am talking

1 with you, you are addressing the Chamber. I know Abidjan and I know that it is not
2 very far. But so as to enable the Chamber to understand, you have to explain clearly.

3 A. [12:18:10] In any case, I can see where you are going. I have to answer the
4 questions, but I can see where you are going. Let me tell you, those who were
5 burning the gbakas were not making any secret of the fact that they were Young
6 Patriots and they were shouting it from the rooftops.

7 Q. [12:18:40] Thank you, Mr Witness.

8 A. [12:18:52] You are welcome.

9 Q. [12:18:53] So based on what you have just told us, it is because those people
10 were Young Patriots. You thought they were Young Patriots and they were saying
11 so themselves very loudly. That is why you put it in the report; is that correct?

12 A. [12:19:11] Not only that, but also because we saw them come out of the
13 Wakouboué parlement which is just opposite the Lavage, quite close to it.

14 Q. [12:19:40] And so the second criterion based on which you mentioned this in
15 your report, that these are Young Patriots is that they as -- they allegedly came from
16 the parliament not from away from Wakouboué; is that correct?

17 A. [12:20:05] Yes.

18 Q. [12:20:06] And what you are telling the Chamber is that the parlements were
19 exclusively attended by the Young Patriots; is that correct?

20 A. [12:20:22] For the most part, in any case, in my area of jurisdiction.

21 Q. [12:20:30] Mr Witness, let us be quite clear. You have said categorically that
22 these were Young Patriots because they were coming from the parlement. That's
23 why I asked you that question and now you said "for the most part". But what I am
24 asking you is, those who went to the parliaments, were they exclusively Young
25 Patriots?

1 A. [12:21:10] I gave you my answer. I said, "for the most part."

2 Q. [12:21:34] And let me continue reading: "Between the RHDP militants and the
3 Young Patriots, assisting by a few vandals whose objective was to seize the
4 opportunity presented by the situation to indulge in pillaging." End of quote. In
5 this case, you seem to be making a distinction between Young Patriots and vandals; is
6 that correct?

7 A. [12:22:18] What I meant here is that I did not want to accuse the Young Patriots
8 without any clear justification. That is why I said that.

9 Q. [12:22:51] If I understand you correctly, you did not have any evidence to accuse
10 the Young Patriots while preparing this report; is that correct?

11 A. [12:23:06] Yes, in the case of the acts of pillaging.

12 Q. [12:23:39] I am sorry. In your report you mentioned looting or pillaging. Let
13 me read: "Young people claiming to be patriots tried to burn down the Doukouré
14 mosque." You did not join this or add this to what you said before?

15 A. [12:24:26] I do not understand what you mean.

16 Q. [12:24:29] You made a distinction between the burning and the pillaging.

17 A. [12:24:39] Yes, because I had no evidence that it was the Young Patriots who had
18 tried to burn the mosque. I had no evidence for that.

19 Q. [12:24:53] Thank you. You say that at the end of that -- those clashes,
20 conventional means were used to disperse people and then so far there were 14
21 bodies, including four that had been lynched, eight which had been lynched and then
22 burnt, and then two that had been killed by bullets.

23 And the next page, page 0030, you state: "It should be noted that the eight bodies
24 burned was not a result of the clashes but mainly due to the self-defence roadblocks
25 erected on the roads by the young people."

1 My question to you is this: You have described the skirmishes or clashes that are
2 supposed to have taken place between the 25th and the 28th.

3 A. [12:27:14] I described the clashes that took place on the 25th, but at the same
4 time, I report the name -- the number of dead that took place ever since a certain date.
5 If you read the report, that is what I am doing.

6 Q. [12:27:37] So what you are describing is not necessarily the events that allegedly
7 took place on the 25th and before the 25th; is that correct?

8 A. [12:27:57] Yes, indeed.

9 Q. [12:28:09] Now that we are in 2017, you no longer know which period. These
10 people that you are referring to, when precisely were they injured and so on and so
11 forth?

12 A. [12:28:36] All those who died that I have referred to here were killed or died
13 after the elections, after the second round.

14 Q. [12:28:46] After the second round. Unfortunately, you do not give any account
15 of -- well, you talked about people who died after those elections but you don't talk
16 about the circumstances or the details of these people; is that correct?

17 A. [12:29:37] Let me give you an answer. I told you that for the most part, it was
18 the officers in the field who prepared the daily information bulletins. If we were
19 informed about somebody who was burned, I can go to the field and the officer will
20 come and prepare a daily information bulletin. But when I make a report, I can
21 make -- I make an overall report right up to the end of the period, that is, the 28th.
22 Otherwise, regarding the identity of those who died, as soon as we had the facts, we
23 prepared a report. But this is an overall report detailing the events that happened
24 right up to 28 February, and I am the one who prepared the report, not the officers.

25 Q. [12:30:49] And you have said that, "But they are mainly the result of the

1 self-defence roadblocks set up by the young people on the roads." End of quote.

2 And since you have stated that these incidents are supposed to have taken place well
3 before 25 February.

4 A. [12:31:23] Well before the 28th.

5 Q. [12:31:31] Well before the 28 February, but you also referred to the electoral
6 period, and that's why I am saying well before 28 February you said that some of the
7 events dated back to the electoral period; is that correct?

8 A. [12:31:55] Yes, indeed.

9 Q. [12:32:00] That's why I am going to ask you the following question: The
10 so-called self-defence roadblocks, they were built up during that period that you've
11 referred to?

12 A. [12:32:22] I don't remember exactly when the appeal was made, the call to set up
13 these self-defence roadblocks, but it was after those roadblocks were built up that we
14 noted these cases of individuals who had been killed.

15 Q. [12:32:46] Witness, I would like to stay within keeping of what you have already
16 stated, in other words, you said that these deaths were not necessarily related to these
17 events that took place on 25 February but that -- and the deaths that occurred did not
18 automatically result from the events of the 25th.

19 A. [12:33:09] I said they were not related to the events; that's what I said.

20 Q. [12:33:13] So those deaths were not related to the events that took place on
21 25 February?

22 A. [12:33:19] Yes, that's correct.

23 Q. [12:33:22] According to what you have stated, these events occurred during the
24 electoral period; is that correct?

25 A. [12:33:30] No, that's not what I said. I said that they occurred after the

1 self-defence roadblocks were built up. That's exactly what the report says if you
2 read it carefully.

3 Q. [12:33:44] So according to what you have stated, those deaths did not occur on
4 25 February but occurred after Mr Blé Goudé's appeal; is that correct?

5 A. [12:34:04] Yes.

6 Q. [12:35:02] Mr Witness.

7 A. [12:35:06] Yes, Counsel.

8 Q. [12:35:10] Mr Tiagnéré, the former chief of the Yopougon district, he was your
9 friend, wasn't he?

10 A. [12:35:25] Yes.

11 Q. [12:35:32] And you took the initiative of organising a meeting with
12 Mr Blé Goudé? You made the proposal; is that correct?

13 A. [12:35:48] Yes.

14 Q. [12:35:50] You said that you had had a good relationship.

15 A. [12:35:58] Yes, we had a good relationship.

16 Q. [12:36:05] You are telling us everything? You haven't hidden anything from us;
17 is that correct?

18 A. [12:36:10] No, I haven't said everything. Well, he was my hierarchical chief.
19 I can't be friends with him in the same way as with someone else. When I say that he
20 was my friend, I mean that we had a good relationship.

21 Q. [12:36:37] I'm referring still to Mr Tiagnéré and I would like to refer to what you
22 stated to the investigators of the Office of the Prosecutor. This is
23 CIV-OTP-0062-0311.

24 I am reading from page 0337, starting line 892 -- 893:

25 "Well, as far as he goes, I have to say he was a friend. What I mean is that before he

1 became my boss I didn't really know him before, but we were transferred together
2 over there and he was the chief of the district and I was the head of the commissariat,
3 but we became friends." End of quote.

4 MS PACK: [12:38:21] What about the last sentence? Just to be complete.

5 MR GBOUGNON: [12:38:32] (Interpretation) Madam would like for me to read the
6 end of the paragraph.

7 Q. [12:38:41] "Well, when I say 'friends,' it is not like we went to each other's homes
8 or something like that, but we understood each other mutually." My question is,
9 you did make that statement to the Office of the Prosecutor; is that correct?

10 A. [12:39:03] Yes, indeed.

11 Q. [12:39:32] Line 901: "In any case, each time there was a situation, I reported to
12 him. He told me the truth and I told him the truth. That's that." End of quote.
13 Is that what you stated to the OTP?

14 A. [12:39:57] Yes, indeed.

15 Q. [12:40:03] So, as I was saying, you spoke to Mr Tiagnéré who was your boss but
16 who was also your friend and you suggested that you go to see Mr Charles Blé Goudé;
17 is that correct?

18 A. [12:40:26] Yes, indeed.

19 Q. [12:40:29] And you and Mr Tiagnéré, you always told each other the truth and
20 the whole truth?

21 A. [12:40:37] I believe I have already responded to that question.

22 Q. [12:40:47] You said that when you went to see Mr Blé Goudé, you stayed aside
23 and that he spoke to Mr Blé Goudé; is that correct?

24 A. [12:40:59] Yes, that's correct.

25 Q. [12:41:03] When they finished, did you ask him what they had said to each

1 other?

2 A. [12:41:18] No, I didn't ask him. I was waiting for him to tell me himself.

3 Q. [12:41:27] In the statement that I just read out, you said that you told him the
4 truth and that he tells you the truth. Let me finish. And you also said that he was
5 your friend. So my question is a simple one: Why didn't you ask him?

6 A. [12:41:59] Well, for the simple reason that I was afraid I would make him
7 uncomfortable. I would make him uncomfortable because of our friendship.
8 I didn't need to ask him that question.

9 Q. [12:43:15] Mr Witness, you mention the BQI, the daily information report,
10 earlier?

11 A. [12:43:29] Yes, the daily information report, the BQI according to the French
12 acronym.

13 Q. [12:43:37] And you stated that all of the information in this BQI came --

14 A. [12:43:47] It's all drafted by police officers. It comes from police officers.

15 Q. [12:43:54] In other words, it's only the police officers who provide information
16 in those daily reports, the BQI. Does that mean that -- let's say someone calls you
17 because there is an emergency, they call the police station and they provide
18 information. Does that kind of information, is that kind of information included in
19 the BQI?

20 A. [12:44:20] Yes, of course.

21 Q. [12:44:25] So the BQI is composed of information that your men have seen or
22 noted on site, as well as information provided by the population?

23 A. [12:44:44] Yes.

24 Q. [12:44:48] Yet you are not always able to verify the information that you receive
25 from the population at large; is that correct?

1 A. [12:45:01] Yes, that's possible, but when you draft a BQI it states clearly whether
2 or not the information has been seen or verified and where the information has come
3 from.

4 Q. [12:45:30] You are saying that in the BQI you can distinguish between pieces of
5 information that might come from a phone call and information that comes from
6 police officers?

7 A. [12:45:46] Yes, information that was verified. Yes.

8 Q. [12:45:54] I want to be absolutely certain that I understand. Well, when you
9 say it's been verified, what you are saying is that when someone calls, if it hasn't been
10 verified, how do you indicate that in the BQI?

11 A. [12:46:13] Well, I would like you to take a precise example. Here you are
12 talking in generalities, it is difficult to respond. Why don't you refer to, for example,
13 a call relating to a particular event and then I can tell you how we would proceed.

14 MR GBOUGNON: [12:46:31] (Interpretation) Your Honour, I would like to show the
15 witness document CIV-OTP-0045-0173. This is a confidential document. It's an
16 official document. I don't know if the Prosecutor has an objection. I believe we can
17 show it in public.

18 MS PACK: [12:47:14] Yes, that's fine.

19 PRESIDING JUDGE TARFUSSER: [12:47:16] So it can be shown in public as
20 a reclassified public document.

21 MR GBOUGNON: [12:48:15] (Interpretation)

22 Q. [12:48:17] Can you see the document on your screen?

23 A. [12:48:19] Yes, I can.

24 Q. [12:48:40] On the first page you have the information presented here. Can you
25 distinguish between something that comes from an actual police report or from

1 a phone call from the population at large?

2 A. [12:49:08] Well, you're mixing everything up, because this document is sent to
3 the General Directorate of the National Police, the DGPN, and the Directorate of
4 Public Security in particular, so the information we send them -- I mean, we don't give
5 them just anything. The -- we begin by giving information to the police prefect and
6 they then draft a more concise note which is sent to the General Directorate of Public
7 Security and then again a more concise version is drafted.

8 So what you are saying does not correspond exactly to what happens on the ground.
9 These are, these are summaries of what occurred.

10 MS PACK: [12:50:14] Your Honour, also, in fairness, the witness hasn't seen the
11 whole of this BQI in the other -- he was shown a different BQI before, but it is not to
12 say --

13 PRESIDING JUDGE TARFUSSER: Don't we have the hard copy of this?

14 MS PACK: [12:50:27] Yes, we do. We can provide that.

15 PRESIDING JUDGE TARFUSSER: [12:50:29] So that's it. I mean, we always
16 jumped up when -- before. I was waiting until you jump up also this time.

17 MS PACK: [12:50:37] Well, I thought it would just be one little entry, yes.

18 THE WITNESS: [12:51:02] (Interpretation) I have just taken a look at the document
19 and that doesn't change what I had to say. These are really brief summaries of
20 events that took place on the ground. You are not going to send all the minor details
21 to the general director, the DG. He wants the important items and, and that's what
22 you have here. As for the details, well, if he wants more details once he's seen this
23 concise report, then he will contact the police prefect and say, "Send me additional
24 information about that particular event". This is a summary, this is a concise
25 description of what occurred a particular day. This is not a BQI as such.

1 MR GBOUGNON: [12:51:52] (Interpretation)

2 Q. [12:51:55] You are saying it's not a BQI? It's not really a BQI?

3 A. [12:52:01] Well, it's -- it is a daily information report but it's not a complete
4 report. It's a summary. I don't know if you understand what I am saying. It is
5 a summary, it's a summary of -- and we are still doing it that way today in fact.

6 Q. [12:52:43] Mr Witness.

7 A. [12:52:46] Yes, Counsel.

8 Q. [12:52:49] What was at the time your political opinions or --

9 A. [12:53:08] Well, my political opinion was the police. Let me tell you why.
10 And I think it's an important point.

11 Q. [12:53:19] Well, let me ask you the questions and you can provide further detail,
12 if you like.

13 MS PACK: [12:53:25] Why can't he just finish his question, your Honour?

14 PRESIDING JUDGE TARFUSSER: [12:53:29] I hate if you jump up all the time just
15 interrupting like this without having the floor.

16 MS PACK: [12:53:37] Apologies, your Honour. Apologies.

17 PRESIDING JUDGE TARFUSSER: [12:53:46] So, Mr Witness, please finish your
18 answer.

19 THE WITNESS: [12:53:54] (Interpretation) Thank you, your Honour.

20 I'd like to just add that as a policeman I am not supposed to have a political opinion
21 or be a member of a political party. That has always been my manner of conduct. I
22 have never claimed to support one or the other political leader. I have never
23 participated in anything political. And that's why my political opinion is the police.
24 I am a police officer, period. I am a police officer for every party and every religion.

25 MR GBOUGNON: [12:54:46] (Interpretation)

1 Q. [12:54:50] You said here that Commissioner Tiagnéré was an LMP member.

2 A. [12:55:05] I didn't say that. I didn't even say he was an activist. I didn't say he
3 was an LMP activist. I said I believe, at least I had the feeling, he was an FPI
4 supporter. And this -- he made that clear on numerous occasions.

5 Q. [12:55:30] You had a difference of opinion in terms of politics with him; is that
6 correct?

7 A. [12:55:40] I did not have any differences of opinion in terms of politics with him,
8 no.

9 Q. [12:55:47] I'd like to read out your statement given to the Office of the
10 Prosecutor. It's CIV-OTP-0062-0311. I'm reading from line 898 until 902, and I
11 quote:

12 "And we shared a lot of things. So we became friends. I knew how he thought,
13 how he saw things. And I'm sure that he as well knew how I thought and the way I
14 saw things. But our friendship was such that we put ourselves above politics. At
15 least each time there was a situation I reported to him, he told me the truth. I told
16 him the truth. That's it."

17 End of quote. Is the passage I just read out, is that what you stated to the
18 investigators of the OTP?

19 A. [12:58:24] It's perfectly correct, except that I don't state what my political
20 opinion was, which side I was on.

21 Q. [12:58:32] Thank you very much, Witness.

22 A. [12:58:37] You're welcome.

23 Q. [12:59:18] What is a warning shot?

24 A. [12:59:31] Well, a warning shot is when you shoot into the air.

25 PRESIDING JUDGE TARFUSSER: [12:59:44] (Microphone not activated) we all

1 know what a warning shot is.

2 MR GBOUGNON: [12:59:52] (Interpretation)

3 Q. [12:59:56] That's different from -- it's different from what you call in French a
4 "tir tendu".

5 A. [13:00:11] Yes.

6 MR GBOUGNON: [13:00:23] (Interpretation) Your Honour, I'm going to be dealing
7 very quickly before the break with a topic which strays a bit from the ruling you
8 handed down and therefore, with your permission, I'd like to deal with something
9 that is a bit far from the period of 2010, if you will allow me.

10 PRESIDING JUDGE TARFUSSER: [13:00:52] I will. But not too long. If it's
11 important, of course I will, if it's important. But at the end sometimes one would -- it
12 would be good to know why it was asked, so please go ahead.

13 MR GBOUGNON: [13:01:19] (Interpretation)

14 Q. [13:01:31] Do you remember the demonstration of November 2004 in front of
15 Hôtel Ivoire with the French soldiers?

16 A. [13:01:41] I was not there but I saw it on television. I also saw video footage.

17 Q. [13:02:02] You were not there but you saw videos; is that correct?

18 A. [13:02:05] Yes.

19 Q. [13:02:27] You were not there but you stated in your interview to the members
20 of the OTP that on that day the French soldiers are supposed to have fired warning
21 shots to be able to extricate themselves.

22 A. [13:02:55] I would like to see that part.

23 Q. [13:02:58] I will show that to you.

24 CIV-OTP-0062-0282.

25 PRESIDING JUDGE TARFUSSER: [13:03:51] Line?

- 1 MR GBOUGNON: [13:03:56] (Interpretation) Line 504. 704, correction, 704. Or
2 rather, 754, 754.
- 3 PRESIDING JUDGE TARFUSSER: [13:04:33] It is reading a number, it is not so
4 difficult, should be. Which one is the right one?
- 5 MR GBOUGNON: [13:04:44] (Interpretation) 754, your Honour.
- 6 PRESIDING JUDGE TARFUSSER: [13:04:50] Okay. That's also because here we
7 have always to change the page, reload, take away, so ...
- 8 THE COURT OFFICER: [13:04:59] For the record, it is ERN 0303, page number.
- 9 PRESIDING JUDGE TARFUSSER: [13:05:25] We are ready.
- 10 MR GBOUGNON: [13:05:26] (Interpretation)
- 11 Q. [13:05:29] I will read, Mr Witness: "To the point where the French soldiers in
12 order to extricate themselves had to take measures to -- take warning measures in
13 order to be able to extricate themselves from that place." Do you remember now?
- 14 A. [13:05:53] Very well.
- 15 Q. [13:05:55] You said that to the OTP?
- 16 A. [13:06:05] You have taken a very selective part. What did I mean when I said
17 that?
- 18 Q. [13:06:11] I will ask you questions.
- 19 A. I know you are not going to ask me the question.
- 20 Q. [13:06:23] What I am asking you, that sentence that I have just read, did you
21 make that statement, yes or no?
- 22 A. [13:06:28] Yes, in fact.
- 23 PRESIDING JUDGE TARFUSSER: [13:06:30] Now, but now I would like to know in
24 which context you made this statement. In which context did you make this
25 statement?

1 THE WITNESS: [13:06:51] (Interpretation) Thank you very much, Mr President.
2 I think it is of crucial importance. I was saying that when Mr Blé Goudé makes a call,
3 it is followed. When he asked people to go to Hôtel Ivoire, people went there
4 massively and surrounded the French forces, and in order for them to escape, we had
5 to fire warning shots and that is quite logical. And I will continue. When he makes
6 a call or an appeal, it is followed. And you have seen in the video yesterday he
7 made an appeal that all ONUCI convoys should be systematically blocked or stopped,
8 and that was implemented. There was an ONUCI convoy coming from the
9 hinterland and -- at Yopougon, near the Théodora pharmacy. It was a convoy of
10 about four or five vehicles. They were taken to task by a crowd of young people,
11 thousands of young people. They were blocked there from around 10 a.m. to
12 around 5 p.m. So there were thousands of those young people and they said that in
13 order for them to release that convoy, Mr Blé Goudé had to be there and that the chief
14 of staff at that time had to be there. And we were all there, that is the forces of
15 Yopougon, and we were compelled to call them.
16 Mr Blé Goudé arrived. The chief of staff arrived before that convoy was released.
17 So the sentence he read was within this context that I have just described. Thank
18 you.

19 PRESIDING JUDGE TARFUSSER: [13:08:53] Mr Witness, just to go back to this
20 sentence and -- about the French and the shooting in the air. And you said why you
21 said this. But my question would be: Why do you know, if you were not there at
22 that time? How did you know that they had to shoot in the air?

23 THE WITNESS: [13:09:29] (Interpretation) It was simply from the reports that all of
24 us saw.

25 PRESIDING JUDGE TARFUSSER: [13:09:35] On TV?

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1 THE WITNESS: [13:09:37] (Interpretation) Yes, on television. And also on video
2 excerpts that were circulating on the internet.

3 PRESIDING JUDGE TARFUSSER: [13:09:48] Okay, thank you.
4 Maître Gbougnon.

5 MR GBOUGNON: [13:09:52] (Interpretation) Mr President, as the witness has just
6 said, he knows that these were warning shots because he saw it on videos and on
7 television. So, with your leave, I would like to show a video to the witness quite
8 briefly so that I should be able to ask my questions.

9 And the video is CIV-D25-0016-0009 from timestamp 2.36 to 3.23. And the transcript
10 is CIV-D25-0016-0010 and it is page 2, lines 71 to 81.
11 (Viewing of the video excerpt)

12 MR GBOUGNON: [13:13:45] (Interpretation)

13 Q. [13:13:47] Mr Witness.

14 A. [13:13:53] Yes, Counsel.

15 Q. [13:13:55] Have you already seen this video clip before?

16 A. [13:13:57] Several times.

17 Q. [13:14:02] When you talk about warning shots, are you referring to those shots?

18 A. [13:14:12] I will tell you very clearly, the video there does not make it possible to
19 know whether the first shots were directed straight at the demonstrators or they were
20 warning shots. It is not possible to determine that from the video.

21 Q. [13:14:35] Mr Witness, I will read to you what the Office of the Prosecutor said
22 regarding this same video.

23 MR MACDONALD: [13:14:44] Your Honours.

24 PRESIDING JUDGE TARFUSSER: [13:14:48] Mr Macdonald.

25 MR MACDONALD: [13:14:50] Your Honours.

- 1 MR GBOUGNON: [13:14:52] (No interpretation)
- 2 PRESIDING JUDGE TARFUSSER: [13:14:56] Yes, I know it is the responsibility of
3 the person who is questioning to ask if this could influence the witness to bring him
4 out, to ask me to bring him out.
- 5 MR MACDONALD: [13:15:06] Yes, your Honour. The witness has answered. He
6 was shown a video. He says that video, he cannot determine.
- 7 PRESIDING JUDGE TARFUSSER: [13:15:14] Yes.
- 8 MR MACDONALD: [13:15:15] We have put a position on the record, indeed, at the
9 beginning of the trial, but there were never, ever -- this topic was never discussed.
- 10 PRESIDING JUDGE TARFUSSER: [13:15:31] Yes.
- 11 MR MACDONALD: [13:15:32] This topic was never discussed. And maybe it is
12 better indeed that the witness leaves the courtroom and maybe we can even break
13 here if you so wish.
- 14 PRESIDING JUDGE TARFUSSER: [13:15:41] Well, the break here depends on the
15 length of the questioning by the Defence for Mr Blé Goudé because we have left what
16 we have left, so ...
- 17 MR GBOUGNON: [13:15:57] (Interpretation) We have 15 minutes left. I agree with
18 my learned friend that we should leave the witness go and debate this matter. After
19 the break I wouldn't need very much time. So I think we can let the witness go, with
20 your leave, please.
- 21 PRESIDING JUDGE TARFUSSER: [13:16:23] That's what I wanted to know.
22 So, Mr Witness, you can go for the lunch break. You are a little bit more lucky than
23 we are because you have a longer lunch break. We come back at 3 o'clock with the
24 last session of two hours. Thank you.
- 25 I would ask the court usher to accompany the witness out.

1 (The witness stands down)

2 PRESIDING JUDGE TARFUSSER: [13:17:11] Mr MacDonald.

3 MR MACDONALD: [13:17:12] Yes, you have heard the Prosecution and said that it
4 was willing to make an admission on record as to indeed the French forces firing on
5 the crowd. What we never admitted is the circumstances that led to that shooting.
6 What we have so far on the record is the testimony of 0435 on this issue, and there
7 were never, ever any mention by the Prosecution about possibly warning shots being
8 fired in the air, but what we said is that the surrounding circumstances led indeed the
9 French forces present to shoot at and indeed kill demonstrators. But -- so, in other
10 words, whatever I may have said on the record cannot be used to question this
11 witness because there was never -- we never recognised the circumstances that led the
12 French to shoot, including if there were "sommation" shots in the air. So I think we
13 are going, we are going nowhere with that.

14 PRESIDING JUDGE TARFUSSER: [13:18:37] And let me also say that what you said
15 on the record is not -- is not evidence. No, of course.

16 MR MACDONALD: [13:18:43] We made an admission. We admitted, your
17 Honours, the Prosecution admitted.

18 PRESIDING JUDGE TARFUSSER: [13:18:48] Maître Gbougnon.

19 MR GBOUGNON: [13:18:50] (Interpretation) Mr President, to begin with, I would
20 like to point out, in fact, I don't even know whether that is an objection or not. But I
21 do not understand the -- the fact that the Prosecutor rose to his feet so hurriedly. I
22 did not say that he had mentioned the circumstances or any such thing. I was
23 preparing to read precisely what the Prosecutor had said, which is that the Office of
24 the Prosecutor admits that the French forces shot into the crowd, nothing more than
25 that.

1 I am not saying that the OTP admitted the circumstances or not. The Office of the
2 Prosecutor here in open session -- and you have said that everything that is in open
3 session can be used. They said, and I quote to be quite clear. And it is a transcript
4 of 15 March 2016, page 33, line 28. Mr MacDonald: "The Prosecution is prepared to
5 accept this excerpt. Everything has been proven. Mr President: There is no
6 objection and the Prosecution admits or recognises that the French forces did indeed
7 shoot at the demonstrators." End of quote.

8 So, Mr President, here we are not talking about circumstances. The witness says that
9 the French fired what we refer to as warning shots. That is why I asked him from
10 the very outset from are warning shots. You felt that it was obvious, but I thought it
11 was necessary to ask him, and I continued by asking whether there was a difference
12 with direct shots, and he said yes. And I asked whether the French fired warning
13 shots on that day, and he said yes. So I showed him the video, and I asked him
14 whether it was those shots that he was referring to as warning shots. That was my
15 question. I was not talking about circumstances that would have required the OTP
16 to react. I was simply preparing to read out what the OTP admitted and also what
17 an eyewitness saw. The Prosecutor hurriedly stood on his feet and there was no
18 reason for that.

19 PRESIDING JUDGE TARFUSSER: [13:22:12] Well, Maître Gbougnon, I felt, and I
20 still feel, that it is obvious what a warning shot is, generally speaking. Okay.
21 Because that's what you requested. So now break.

22 MR MACDONALD: [13:22:30] (Microphone not activated)

23 PRESIDING JUDGE TARFUSSER: [13:22:32] Pardon? Another topic?

24 MR MACDONALD: [13:22:35] yes, just very briefly.

25 PRESIDING JUDGE TARFUSSER: [13:22:37] But if you raise another topic, then I

- 1 have to give the floor to --
- 2 MR MACDONALD: [13:22:40] I understand, your Honour. We sent an email.
- 3 PRESIDING JUDGE TARFUSSER: [13:22:44] I know, I know.
- 4 MR MACDONALD: If we have time after the --
- 5 PRESIDING JUDGE TARFUSSER: I know. I know everything. But we will not
- 6 have -- because the LRV is not here. This has to be dealt with more -- not with such
- 7 a hurry that you think it should be dealt with.
- 8 MR MACDONALD: [13:22:59] Yes, your Honour.
- 9 PRESIDING JUDGE TARFUSSER: [13:23:00] I think so.
- 10 MR MACDONALD: [13:23:00] But just to -- just to let you know, we would like to
- 11 supplement --
- 12 PRESIDING JUDGE TARFUSSER: [13:23:05] I know.
- 13 MR MACDONALD: [13:23:07] -- the reasons why the redaction should stand and
- 14 justify it for the last --
- 15 PRESIDING JUDGE TARFUSSER: [13:23:12] Yes, yes.
- 16 MR MACDONALD: [13:23:13] -- decision.
- 17 PRESIDING JUDGE TARFUSSER: [13:23:14] Of course, you can.
- 18 MR MACDONALD: [13:23:17] The last ALA that has been filed.
- 19 PRESIDING JUDGE TARFUSSER: [13:23:20] We will not decide upon this today.
- 20 We will give instructions to the party at the end of the -- the party at the end of the
- 21 hearing for the next days. Okay.
- 22 Thank you very much. The hearing is adjourned to 3 o'clock for the afternoon
- 23 session. Thank you.
- 24 (Recess taken at 1.23 p.m.)
- 25 (Upon resuming in open session at 3.04 p.m.)

1 THE COURT USHER: [15:04:15] All rise.

2 Please be seated.

3 PRESIDING JUDGE TARFUSSER: [15:04:44] Now we -- good afternoon, good
4 afternoon, Mr Witness.

5 We stopped and we broke the hearing for the lunch break with this discussion on the
6 questioning related to the -- to 2004 Hôtel Ivoire. This is something which is
7 completely outside the scope. The witness was not present there so we do not admit
8 any further questions on this.

9 And now I ask Maître Gbougnon to continue with his questioning.

10 MR GBOUGNON: [15:05:31] (Interpretation) Thank you, Mr President.

11 Mr President, I do not have any further questions for myself, but I will give the floor
12 to Professor Knoops.

13 PRESIDING JUDGE TARFUSSER: [15:05:51] Yes, please.

14 Mr Knoops.

15 MR KNOOPS: [15:05:54] Mr President, we have some additional questions which
16 will be posed by Maître N'Dry. Thank you.

17 PRESIDING JUDGE TARFUSSER: [15:06:02] Okay, thank you.

18 Maître N'Dry.

19 QUESTIONED BY MR N'DRY: (Interpretation)

20 Q. [15:07:04] Good afternoon, Mr Witness.

21 A. [15:07:08] Good afternoon.

22 Q. [15:07:10] My name is Maître Claver N'Dry Kouadio and I am a lawyer at the
23 Côte d'Ivoire Bar. I am going to ask you a few questions simply for purposes of
24 clarification. Now, let us come back to the incident at Wassakara.

25 Mr Witness, according to the information that you received, at what time were shots

1 fired in Wassakara? I would like to tell the Chamber that maybe they would think it
2 is not founded, but we will clarify. There was something that was not clear to us.

3 At what time precisely did gunshots happen in Wassakara?

4 A. [15:08:19] I never said that I heard any gunshots in Wassakara.

5 Q. [15:08:25] According to the information that you received on the spot, since you
6 went with other people to that location in Wassakara and you took a statement from
7 certain people, at what time did they tell you that the shooting took place?

8 A. [15:08:55] I do not have the procès-verbal right here. You are asking me to
9 remember what people said when they gave me the statement. It is not easy for me
10 to remember.

11 Q. [15:09:08] You arrived the location at 2200 hours; is that correct?

12 A. [15:09:15] That was my testimony.

13 Q. [15:09:21] The incident had just taken place when you arrived the site; is that
14 correct?

15 A. [15:09:33] Yes, and I included the time in the report, 2250 hours.

16 Q. [15:09:41] Very well. You talked about a gentleman with whom you had
17 a conversation called Diarassouba. Do you remember that?

18 A. [15:10:02] Yes.

19 Q. [15:10:04] Then in your questioning by the Prosecutor, you say that he was one
20 of the injured.

21 A. [15:10:13] That is what I thought. And I'm saying this because in the report, I
22 included a list of the injured.

23 Q. [15:10:32] You were the one who drew up the list of the wounded?

24 A. [15:10:39] Yes.

25 Q. [15:10:45] This gentleman with whom you conversed, is he on that list of the

1 injured?

2 A. [15:10:55] Yes, I believe so.

3 Q. [15:11:00] By what was he wounded?

4 A. [15:11:10] He was injured by -- well, I really do not remember. I don't know
5 whether it was by the butt of a gun or by bullet. I simply know that he was injured.

6 Q. [15:11:27] So he was not seriously injured?

7 A. [15:11:31] No. Otherwise we would not have kept him for so long, up to the
8 early hours of the morning.

9 Q. [15:11:41] Very well. When you arrived on the spot at the location you met
10 with him -- I am going to go fast, but if I am incorrect in what I say, please do not
11 hesitate to intervene.

12 Now, the intersection at which you stopped, you said that there was a power outage
13 there and you do not know why?

14 A. [15:12:36] Yes, I said that the area was in darkness.

15 Q. [15:12:43] But even further you talked about -- you said the electricity was cut,
16 there was a power outage?

17 A. [15:12:54] Yes, I remember that I said that.

18 Q. [15:12:57] Very well. But in Wassakara was there a power outage?

19 A. [15:13:07] We are talking about events that took place more than six years ago.
20 I cannot remember whether electricity was cut everywhere in Wassakara or it was
21 only on that specific location, but the fact remains that that zone was in darkness.

22 Q. [15:13:28] And as soon as you arrived in darkness, this Mr Diarassouba
23 recognised you immediately?

24 A. [15:13:38] You really did not follow my account carefully or maybe I didn't
25 explain myself clearly. I found -- we found him inside. If you look at the statement,

1 the lights had been switched off inside the building. So we thought that there was
2 a power outage, but the fact is that they themselves were the ones who had switched
3 off the light. It was when the lights were switched on that he recognised me.

4 Q. [15:14:19] Who switched off the light?

5 A. [15:14:28] I believe it was those who were inside the building, in order to protect
6 themselves so that people should not return to attack them again. That is why
7 I believe they switched off the light.

8 Q. [15:14:47] I am going to read you a transcript of yesterday.

9 A. [15:14:52] Please go on. But while I was speaking a short time ago, I was not
10 talking about the transcript of yesterday, I was talking about my interview with the
11 OTP. If you check that, it should be in there.

12 Q. [15:15:07] I will read your transcript. That is transcript of yesterday, page 5,
13 transcript of 11 May 2017, page 5, lines 5 to 8. And I quote:

14 "Electricity had been cut off in the zone or area. We really did not know why and
15 the area was scary because, well, things were quiet, things were unusually quiet in
16 that sector."

17 End of quote. And I just want to point out that this was the real time transcript.

18 Mr Witness, here when you tell the Chamber while you know that they are the ones
19 who switched off the electricity, why did you insist on saying that "electricity had
20 been cut in the area and we did not really know why"?

21 A. [15:16:52] It is very simple. When I say "in the zone", I am not talking about the
22 premises themselves. I know that you know Abidjan. From the Keneya
23 intersection to that zone is about 300/400 metres. All that area was in darkness.
24 The headquarters itself was in darkness. But when we entered the building, they
25 switched on the lights. That is why we understood that it was they themselves who

1 had cut off the lights in the headquarters, but before that we did not know why the
2 place was in darkness.

3 Q. [15:17:43] Mr Witness, you are describing to us people who had just come under
4 gunfire. And you were there with your elements, they did not know who you were
5 because there was darkness, and then you are saying that just like that, they switched
6 on the lights. Is that what you are telling this Court today?

7 A. [15:18:17] I really do not know what else I can tell you. That is how it
8 happened, the way I described it.

9 Q. [15:18:27] Very well. Let us leave it at that. Mr Witness, when you were
10 conversing or talking with that gentleman Diarassouba, afterwards you called your
11 immediate superior. Now, at what time did you call Commander Koukougnon?

12 A. [15:19:06] When I called my immediate superior, before he actually arrived the
13 location, I seized the opportunity to call Commander Koukougnon.

14 Q. [15:19:20] Very well. So first of all, you called your immediate superior before
15 calling Commander Koukougnon?

16 A. [15:19:29] Yes.

17 Q. [15:19:30] Very well. Now, when I read to you the transcript of yesterday,
18 before calling Commander Koukougnon, you reported to your superior, your
19 immediate superior, and you are quite clear about that. You were quite clear about
20 that, that these were civilians who had been shot at by gendarmes even before you
21 called Commander Koukougnon. Is that something that a commissioner would
22 usually do, normally do?

23 A. [15:20:09] Yes. That is quite normal. In light of the information I had received
24 and the sin that I had actually witnessed.

25 Q. [15:20:23] So what you are telling us is that you arrived at a location to

1 investigate, and you listened to one side only, and you are telling us that this is
2 normal for a commissioner.

3 A. [15:20:49] Your interpretation is really a caricature, the way you are interpreting
4 things. A police commissioner really knows how to put things in perspective. He
5 is familiar with how a procedure or the process has to be conducted.

6 Q. [15:21:14] Well, let me end here. I believe that is a good thing for all of us.
7 Now let us move on to your visit to the COJEP headquarters. Now what is the
8 colour of the headquarters of COJEP in Toit Rouge?

9 A. [15:21:44] You -- if you ask me the colour of the headquarters of the RDR, I
10 wouldn't be able to tell you. Similarly, I do not remember the colour of the COJEP
11 headquarters in Yopougon.

12 Q. [15:21:57] You never told us that you went to the RDR headquarters but yet you
13 told us here that you went to the COJEP headquarters, so you went there. What are
14 the colours, do you know, don't you know, or do you not want to answer? Give us
15 an answer.

16 A. [15:22:19] When you say that -- I never said that I went to the RDR headquarters.
17 That is not true. Where would I have made the report? How would I have made
18 the report? I no longer remember the colours of the COJEP headquarters.

19 PRESIDING JUDGE TARFUSSER: [15:22:35] Mr Witness, you mean the colour of the
20 wall, of the outside, of the house? Is that what you mean, Maître N'Dry?

21 MR N'DRY: [15:22:49] (Interpretation) Yes, Mr President.

22 PRESIDING JUDGE TARFUSSER: [15:22:56] So what's your answer? What colour
23 is the house, blue, red, brown -- blue, yellow, green?

24 THE WITNESS: [15:23:09] (Interpretation) Mr President, I can no longer remember
25 the colour. That was the first and only time that I set foot there.

- 1 PRESIDING JUDGE TARFUSSER: [15:23:20] Okay.
- 2 Maître N'Dry.
- 3 MR N'DRY: [15:23:38] (Interpretation)
- 4 Q. [15:23:40] Let us set aside the colour. Did you step inside the courtyard of
- 5 COJEP?
- 6 A. [15:23:48] Yes, I did.
- 7 Q. [15:23:49] When you entered that courtyard, what is really striking there?
- 8 A. [15:23:54] When you enter the yard, the building is to your left, and straight
- 9 ahead of you there is an empty space as if some white sand had been deposited there.
- 10 And on the left I believe there is a tree. I think I can remember all those.
- 11 PRESIDING JUDGE TARFUSSER: [15:24:21] Mr MacDonald.
- 12 MR MACDONALD: [15:24:23] Looking at my colleague --
- 13 PRESIDING JUDGE TARFUSSER: [15:24:25] I know what you are going to say.
- 14 MR MACDONALD: [15:24:26] Thank you, your Honour. But I think the tone and
- 15 the -- what you just noticed yourself. The witness is very respectful.
- 16 PRESIDING JUDGE TARFUSSER: [15:24:37] I, no -- I don't know, we have ...
- 17 MR GBOUGNON: [15:24:42] (Interpretation) Mr President, I'm sorry, but everybody
- 18 can talk about tone here, but I don't think Mr MacDonald should be able to talk about
- 19 that at all.
- 20 MR N'DRY: [15:25:07] (No interpretation)
- 21 PRESIDING JUDGE TARFUSSER: [15:25:40] Okay. But we should not -- we
- 22 should not comment the answers given by the witness by laughing and being ironic.
- 23 Okay. This goes to all parties, not only to Maître N'Dry. Also to you,
- 24 Maître Gbougnon, to Mr MacDonald, everybody. Okay. Thank you very much.
- 25 Yours the floor.

1 MR N'DRY: [15:25:43] (Interpretation) Thank you, Mr President. But I must say,
2 Mr President, that we do not have the same style. I am a lawyer, and even as
3 lawyers we have different styles.

4 PRESIDING JUDGE TARFUSSER: [15:25:56] I am also a lawyer. I think I have my
5 style, but I would ask you not to comment in laughing or smiling or, in any case,
6 ironically, the answers given by the witness. You have time to comment them in
7 discussions later on. Thank you.

8 MR N'DRY: [15:26:25] (Interpretation) Much obliged, Mr President.

9 Q. [15:26:28] Mr Witness, this morning we showed a video on the incidents that
10 took place at Wassakara. We saw that the spokesperson of the FDS was practically
11 repeating, with just a few differences, and I am going to tell you those differences.
12 He was repeating -- there was a number of people arrested. And that is the
13 difference which was not mentioned in your report. So apart from that point, the
14 spokesperson of the FDS was repeating practically word-for-word your report. So
15 my question to you is this: Why is it that you would feel offended, as you have told
16 us here, about what people said who were simply repeating your report and who
17 were not present at the site?

18 PRESIDING JUDGE TARFUSSER: [15:28:04] Madam Pack.

19 MS PACK: [15:28:07] Your Honour, I am sure, of course, the witness don't need me
20 to object, but just to represent the video versus the report in that way is, of course, not
21 accurate. The video represented a word-for-word -- was repeating word-for-word
22 the report is, of course, not the case. I just make that point because it is not fair to
23 put it in that way to the witness. I am sure he can deal with it.

24 PRESIDING JUDGE TARFUSSER: [15:28:30] Maître N'Dry.

25 But if you are sure he can deal with it, as I'm sure he can deal with it, I think it was

1 not necessary to make this intervention.

2 Maître N'Dry, please go ahead.

3 MR N'DRY: [15:28:49] (Interpretation)

4 Q. [15:28:56] Mr Witness, let me skip this question because I really did not think
5 that the OTP would make such a comment because normally when such comments
6 are to be made, we have the witness leave the room.

7 Let me go to another question: You have said that on that day you had your camera
8 and that you took photographs and video footage, do you remember?

9 A. [15:29:26] I remember having said that.

10 Q. [15:29:30] And you said that this was because these were serious incidents?

11 A. [15:29:40] Yes.

12 Q. [15:29:40] Very well. Why did you not download those materials since this
13 was a digital camera? Why didn't you download the materials to save them
14 somewhere because you have said that the information could have been a threat to
15 you. So why did you not download that information to a USB and save it
16 somewhere?

17 A. [15:30:14] For the simple reason that I was not aware that one day I would be
18 seated here telling you about it. Otherwise, I would have done so.

19 Q. [15:30:25] Very well. Mr Witness, I would like us to return to the issue of the
20 socio-political contest. What was the security situation in Abidjan at that time,
21 February 2011?

22 A. [15:31:07] Well, I can give you an answer regarding my area, but not for the
23 entire city. I think the director general of the national police would be in a better
24 position to answer your question.

25 Q. [15:31:21] Please tell us about Yopougon, and since Yopougon is within the city

1 of Abidjan, could you tell us about the security situation in that area?

2 A. [15:31:38] All in all, things were calm, except there were a number of cases of
3 violence and abuse which we experienced.

4 Q. [15:31:48] So everything was very calm in Abidjan, is that what you are telling
5 us?

6 A. [15:31:56] Well, I wouldn't say very calm.

7 Q. [15:32:05] Did you hear anything about defence and security forces being killed
8 in Abidjan, particularly police officers?

9 A. [15:32:13] I wasn't there, but I did hear about it, in Abobo, FDS members killed
10 in Abobo.

11 Q. [15:32:28] Were you aware that there had been calls for civil disobedience from
12 the Ouattara government, from the Golf Hotel?

13 A. [15:32:40] No, because I was only watching the first network, and on the first
14 network there was no such call.

15 Q. [15:32:55] Were you informed that the people of Abobo were leaving the
16 neighbourhood in massive numbers because of the acts committed by the
17 Invisible Commando?

18 A. [15:33:06] Yes, I was aware. I believe I saw some of this. Some of the people
19 went to Yopougon.

20 Q. [15:33:25] Mr Witness, just a moment.

21 Now, do you remember when we were talking about the reasons for your not
22 reporting some incidents, namely, the attack upon the headquarters of the FPI? Do
23 you remember that?

24 A. [15:34:02] I believe I answered. I said -- I'll repeat what I've said. I prepared
25 a report for that incident. For any event I prepared such reports. I said I didn't

1 remember that. Now, perhaps it might have been because of the seriousness of the
2 events. I believe it was an incident involving a car and a motorcycle.

3 Q. [15:34:33] Yes, we agree on that point. Now, in the report that we looked at of
4 28 February 2011, I think we've looked at this report or this account sufficiently, you
5 mentioned some gbakas that had been torched and you specified the location where
6 you had seen those gbakas that had been set on fire. But in the same report you said,
7 and I will quote from your report: "At the end of the clashes which -- and the people
8 involved were dispersed using conventional means, conventional police measures,
9 after that 14 bodies were brought out. Four of these people had been lynched, eight
10 had been -- four had been lynched, eight have been lynched and then burnt, and two
11 of these people were shot and killed." End of quote.

12 As for the gbakas, we must consider the location of these incidents. As for the
13 deaths, why did you not indicate exactly where they occurred?

14 A. [15:36:26] I really don't know what to say. I couldn't give all the information.

15 Q. [15:36:34] Thank you, Mr Witness. Mr Witness, on 25 February 2011, when
16 were you present at your office in the 16th arrondissement? On the day of the 25th,
17 when were you there?

18 A. [15:37:11] At any and all times because, as I have said, we were staying, we were
19 at the arrondissement.

20 Q. [15:37:19] I am talking about the actual schedule because at one point you said
21 you went out to observe a bus that had been torched. I know it was a long time ago
22 and people's memory may fail, but were you actually at the office?

23 A. [15:37:37] I'm quite convinced that if I put the same question to you, you would
24 not be able to tell us what you did on the day of 25 February. I cannot remember,
25 Counsel.

1 Q. [15:37:52] Mr Witness, I'm not criticising you because you can't remember. It's
2 not that.

3 A. [15:38:00] Thank you, Counsel.

4 Q. [15:38:04] Now, the meeting at the COJEP occurred, according to you, between
5 your direct reporting officer and Mr Charles Blé Goudé?

6 A. [15:38:25] And that's what I thought. I can't be absolutely specific about the
7 date.

8 Q. [15:38:34] Now, before that date, other than the rallies and so on and so forth,
9 had you ever actually met Mr Charles Blé Goudé in person?

10 A. [15:38:50] Other than the rallies, no, never.

11 Q. [15:39:00] You didn't meet with him on 25 February?

12 A. [15:39:11] I don't remember meeting him.

13 MR N'DRY: [15:39:19] (Interpretation) Your Honour, we have concluded our
14 questioning.

15 THE INTERPRETER: [15:39:29] Interpreter correction, line 17 of page 101: The date
16 mentioned of the meeting was 3 March 2011. 3 March 2011.

17 PRESIDING JUDGE TARFUSSER: [15:39:39] Mr Witness, I would -- I have a few
18 questions, two or three. And one is exactly related also to this 25 February 2016,
19 because one witness told us here in the courtroom that the convoy of four-by-four
20 vehicles arrived at 1600 -- at the 16th arrondissement police station on 25 February,
21 that people were shouting "General, general," and that on this basis people
22 understood - this is the witness - that Mr Blé Goudé was in the convoy.
23 Do you remember, have you any memory on that? And I'm referring to Witness 436,
24 and it is the English transcript 148 of 1 May, page 30. Now, at page 28, line 24 and
25 following. It is quite a long citation.

1 THE WITNESS: [15:41:10] (Interpretation) My answer to you would be no.
2 Mr Charles Blé Goudé at that time was a well-known person. If he had come to my
3 police station or in front of it, I would have been informed and I would have gone out
4 to have -- to greet him.

5 PRESIDING JUDGE TARFUSSER: [15:41:35] Well, the same witness, and I can also
6 read the part, but I gave the reference, the same witness told the Chamber that on the
7 same day, 25 February, a young man was attacked by the crowd with sticks and
8 stones and then torched, after having been pushed out of the police station. Do you
9 know anything about this episode, the person who was torched -- I am trying to find
10 the name -- Lassina Bakayoko.

11 THE WITNESS: [15:42:22] (Interpretation) Your Honour, no one was torched in the
12 police station or in front of the police station. We could not allow such a thing.
13 This is not true.

14 PRESIDING JUDGE TARFUSSER: [15:42:35] The last question. You said that the
15 police tried to restore order by firing tear gas grenades. Do you know whether
16 offensive grenades were also thrown by the police on that 25 February?

17 THE WITNESS: [15:43:05] (Interpretation) For the most part, the grenades that were
18 used were grenades that, that emit smoke, that irritate the nose and so on. So that is
19 what we used. But I did not see any offensive grenades, no.

20 PRESIDING JUDGE TARFUSSER: [15:43:27] Okay. These are the questions by
21 the Chamber. Now I ask the Office of the Prosecutor if there is a request for
22 re-questioning.

23 MS PACK: [15:43:37] Just one very quick point, please, Mr President.

24 PRESIDING JUDGE TARFUSSER: [15:43:41] Okay.

25 QUESTIONED BY MS PACK:

1 Q. [15:43:47] Mr Witness, I am just going to ask a very few questions about one
2 point which has been raised just now in questioning by Mr N'Dry and earlier also in
3 questioning by Mr Gbougnon and it was about another incident, and you were shown
4 a video about an incident, another one in Wassakara.

5 I wanted to show the witness, please, a document. And the ERN for that document,
6 it is not on our list but it has been submitted already through a prior witness, it is
7 CIV-OTP-0045-0793, and I want to ask the witness to look at page 0851, please.

8 MR ALTIT: [15:44:53] (Interpretation) Your Honour.

9 PRESIDING JUDGE TARFUSSER: [15:44:55] Mr Altit.

10 MR ALTIT: [15:44:56] (Interpretation) Thank you. I apologise for interrupting my
11 learned counsel, but I believe the Prosecution wishes to put a new item to the witness,
12 but I don't believe it is possible to do so during re-questioning of a witness.

13 PRESIDING JUDGE TARFUSSER: [15:45:14] Why shouldn't it be possible? It is
14 possible. Please go ahead.

15 MS PACK: [15:45:19] Thank you.

16 Q. I would ask you, please, just if you look at the screen, I know I have given you
17 hard copies before, but I think it is quicker now if I just show you the screen and look
18 at the second from bottom entry. You can see Yopougou-Wassakara, it is dated
19 2 December 2010, 0600 hours. And just please take a moment to read just that entry.

20 A. [15:46:08] Yes, I have read it.

21 Q. [15:46:15] Can you tell us, is this the incident that you had shown to you on the
22 video earlier today by the representatives for Mr Blé Goudé?

23 A. [15:46:29] Yes, exactly.

24 Q. [15:46:31] And can you just tell us what that last little, little block on the right
25 means? It says "Une enquête est ouverte" and continues. Is there any indication

1 there who is opening that enquiry into this incident?

2 A. [15:46:55] Of course, of course we were the ones who did the investigation. I
3 remember quite well that a statement was taken from the person, the fédéral Zaba
4 Zadi Lazar.

5 Q. [15:47:14] You are going to have to explain for me, but is there anything in the
6 registration number there, OP numéro, and it continues? Is there anything in that
7 number that would indicate that it was the 16th arrondissement that was opening this
8 investigation?

9 A. [15:47:40] Of course, we wrote that an investigation has begun under OP, and
10 the number is given; that is an operational number. And the "PU" stands for urban
11 police and then the "16" stands for the 16th arrondissement.

12 Q. [15:48:04] And then just quickly to go to the preceding page, please, page 0850.
13 And briefly, could you tell us the second entry there, could you tell us to what that
14 relates?

15 A. [15:48:59] It makes reference to the massacre that occurred at the
16 headquarters -- oh, no, no, I beg your pardon.

17 Yes, it's a reference to that. The massacre at the RDR base in Wassakara.

18 MS PACK: [15:49:21] Your Honours, that's it. No further questions from me.

19 Thank you. Thank you, Mr Witness.

20 PRESIDING JUDGE TARFUSSER: [15:49:27] Thank you. Now I revert to the
21 Defence for Mr Gbagbo.

22 MR ALTIT: [15:49:33] (Interpretation) Thank you. No further questions.

23 PRESIDING JUDGE TARFUSSER: [15:49:35] Thank you very much.

24 Maître Gbougnon, I see you are on your feet.

25 MR GBOUGNON: [15:49:41] (Interpretation) Your Honour, I do have one question

1 about this same document.

2 PRESIDING JUDGE TARFUSSER: [15:49:50] Please, can we pull it up again. The
3 last one or the first?

4 MR GBOUGNON: [15:49:58] (Interpretation) Yes, yes. In actual fact, well, the first
5 page. The page that was first shown and then the other one. Since I don't have the
6 ERN number at hand, I can't be more specific than that.

7 THE COURT OFFICER: [15:50:19] So, for the record, it is page 0851, first
8 page presented by the Prosecution.

9 PRESIDING JUDGE TARFUSSER: [15:50:29] Yes.

10 QUESTIONED BY MR GBOUGNON: (Interpretation)

11 Q. [15:50:36] Mr Witness, you said that on 2 December, the first -- well, the first box
12 shows Yopougon Wassakara, and then you said it was the same incident that you had
13 referred to when I put a question to you. Now, do you remember the video footage I
14 showed you? If you don't remember, that's fine; I can play it again. But do you
15 remember?

16 A. [15:51:06] Yes.

17 Q. [15:51:07] Now, in that footage, we saw that a man with a -- injuries, that he had
18 been hurt, wounded.

19 A. [15:51:23] Yes.

20 Q. [15:51:28] Now, on this entry here, is there any mention made of the man's
21 wound?

22 A. [15:51:46] This is a report from the police prefecture. It is not one of our reports.
23 Our reports are sent to the police prefecture. And this is summary, a summary of
24 the various daily reports in Abidjan, Wassakara, sports complex. So you will see on
25 the same piece of paper, Abobo, other places. You will see other communes

1 mentioned so this is not the report we drew up because we would not mention other
2 communes.

3 THE INTERPRETER: [15:52:17] Interpreter correction: In the first question,
4 mention was made of the man being injured by a -- with a knife, with a knife.

5 PRESIDING JUDGE TARFUSSER: [15:52:30] So your answer is? Your answer to
6 the question is? Your answer to the question, if on this entry there is any mention
7 made of the man's wound. I could give it.

8 THE WITNESS: [15:52:55] (Interpretation) I shall repeat, your Honour. This is
9 what I said. I said that this is a summary of various events that occurred during a
10 day. Now --

11 PRESIDING JUDGE TARFUSSER: [15:53:11] We have understood this. But the
12 question, the rhetorical question, was if there is a reference to the wounded person.

13 THE WITNESS: [15:53:25] (Interpretation) No. I don't see that in the report right
14 here.

15 MR GBOUGNON: [15:53:35] (Interpretation)

16 Q. [15:53:38] Now, on this entry and in relation to what you have told us, thus, you
17 in relation to what you observed and, well, your observations, you drew up a report,
18 and you sent it to your hierarchy, and the members of your hierarchy made
19 a summary of what you drafted. Is that what you are telling us?

20 A. [15:54:06] Yes, that's right.

21 Q. [15:54:07] And such -- for example, in this case, this isn't a comment. Now,
22 here, I think you'll agree that this is an account and a person was wounded, but this
23 person is not mentioned in the document. So it is possible that at times the events, as
24 you describe them and sent off, do not appear in the final report, the BQI of the
25 prefecture. Is that what you're telling us?

1 A. [15:54:42] That's possible.

2 Q. [15:54:44] I'd like us to show the other page to the witness, if we could.

3 PRESIDING JUDGE TARFUSSER: [15:54:51] We can. Yes, we can.

4 MR GBOUGNON: [15:55:04] (Interpretation) I would like to read out from this
5 report. "The investigation revealed that it was agents from the gendarmerie who
6 were responsible for the said shoot out." This is also a comment from the police
7 prefecture.

8 A. [15:55:32] Yes, exactly.

9 MR GBOUGNON: [15:55:34] (Interpretation) We have no further questions,
10 your Honour.

11 PRESIDING JUDGE TARFUSSER: [15:55:37] Thank you very much, Mr Witness,
12 this concludes your testimony. I know you have had many days here in The Hague
13 waiting for your turn. Thank you for having been here, and now you can go back
14 home. I wish you good trip home and all the best for your future, for your future
15 and your country, of course. Thank you very much.

16 The witness can be escorted out. Thank you.

17 (The witness is excused)

18 PRESIDING JUDGE TARFUSSER: [15:56:14] Thank you, Counsel, for having been
19 with us. To you, as well. Thank you as well, of course, for having been with us and
20 having assisted the witness. And I am sure that we will see each other some other
21 time during this trial.

22 MS PIRARD: [15:56:36] (Interpretation) Thank you very much, your Honour.

23 PRESIDING JUDGE TARFUSSER: [15:56:46] Now we have two or three things to do
24 before adjourning the hearing to Monday, 22 May. The first is to somehow schedule
25 the meeting for these three days because we have a short week, 22, 23, 24. And what

1 we want to do, but -- and I say it not before having thanked all the parties and
2 participants for their, yes, for having been collaborative with the Chamber and having
3 observed the timings. So on this basis what we, what the Chamber decided to do, is
4 to schedule for Monday, Tuesday, Wednesday; three days of extended hours. That
5 means that Monday, Tuesday, we will hear Witness 449, which, if we have extended
6 hours, four hours plus four plus four, is possible to do in two days.

7 Then we have on one day Witness 114, on Wednesday, for which there is a request by
8 the Office of the Prosecutor together with others on a Rule 68(3) basis. And here, I
9 will read out the ruling on this, and limit it to 114, because it is urgent.

10 Therefore, this is the oral ruling of the Chamber on the Prosecutor's application for
11 introduction of Witness P-114 under Rule 68(3) of the Rules. And I refer to the
12 application to filing 829, and the responses are filings 881 by the Legal Representative
13 of Victims, 883 by Defence for Mr Blé Goudé, and 884 by the Defence for Mr Gbagbo.
14 The ruling concerns -- this ruling concerns the written statement of Witness 114, one
15 annex and one associated video specified in annex 3 to the request. The Chamber
16 finds that the written statement of Witness P114 is suitable for introduction under
17 Rule 68(3) of the Rules. The reasoning to this will follow in writing, together with a
18 decision, with respect to the rest of the Prosecutor's application under Rule 69(3) in
19 due course. The Prosecutor has requested one hour for the questioning of Witness
20 114. It is filing 873, annex A.

21 An opportunity to put supplementary questions will indeed be accorded to
22 the Prosecutor, but in light of the substance of the witness statement, the Chamber
23 reduces the examination time to 30 minutes and instructs the Prosecutor to limit
24 examination to what is strictly necessary without putting questions which are
25 duplicative with respect to what is in the written statement.

1 As regard the request for in-court protective measures for this witness, the Chamber
2 awaits, obviously, the report of the VWU and will take a decision as soon as we have
3 this report.

4 The next thing is the appeals judgment. We have been notified about an appeals
5 judgment. Following the Appeals Chamber's instructions or decision, the Chamber
6 requests submissions by 22 May on the issue raised by the judgment in writing, so we
7 don't need -- this was the sign, I think. So we don't need -- we don't use the time for
8 the questioning of Witness 449.

9 Then we have -- ah, a request by the -- but we were working on this -- to define the
10 calendar of the hearings from after the summer recess until the winter recess, until
11 December. And we are not yet completely -- we have not completely defined it, but
12 I can in any case say that we will not begin before 21 August but probably a week
13 later. So just for you to have an idea. And we will hope to come with a -- with a,
14 say, a calendar in the week, in one of the three days in May when we come back. But
15 just now to let you know that we will not start before that.

16 And the last thing to do is, and I don't know if the parties want to take -- and I'm
17 referring to the Defence teams -- to take a position on this. But I find, so I anticipate
18 also what I think is -- I find it reasonable and take position on the proposed
19 rescheduling of some of the witnesses. I find it, in such, reasonable as it is not
20 revolution, but just a small redefinition of the list.

21 So I don't know if the parties want to intervene on this or not.

22 Maître Altit wants to intervene, as I see.

23 MR ALTIT: [16:03:36] (Interpretation) Thank you, Mr President. Your Honours, I
24 have two points in answer to your question on the request to reorganise the order of
25 witnesses. We are not objected -- we are not objecting to that, there are good reasons

1 for it.

2 Secondly, in relation to your decision that was just rendered now concerning the date
3 of 22 May for parties to make submissions relating to the decision of the
4 Appeals Chamber, our submission, Mr President, is that the onus of proof is on the
5 OTP and, in fact, the victims so it would be appropriate for us to have their positions
6 before reacting. so probably it would be better to give a date for the OTP and the
7 victims before another date for us to respond.

8 PRESIDING JUDGE TARFUSSER: [16:05:02] You are absolutely right. I could say
9 9 o'clock in the morning and at 10 for the others, but I will not. So 22nd and then say
10 Monday after because it is not so urgent, I think, so until the 22nd for the OTP and the
11 LRV, and then one week later for the Defence teams.

12 So the witnesses which were -- are to be called after 114, meaning then the last days of
13 May and then in June is as follows: Witness -- after 114 is 626, then 601, 607, 606 and
14 156. And then we'll see how we proceed. But from that point of view, it should
15 continue as it was in the list which was filed by the OTP. So if --

16 MR MACDONALD: [16:06:07] Just, just --

17 PRESIDING JUDGE TARFUSSER: [16:06:08] Yes, I was going to say if there is no
18 other issue, but there is.

19 MR MACDONALD: [16:06:11] No, no, no, but it is just, your Honour, we appreciate
20 that you are bringing forward 114 because I think he was due to start the following
21 Monday, if I am not mistaken.

22 PRESIDING JUDGE TARFUSSER: [16:06:21] Yes.

23 MR MACDONALD: [16:06:23] So with this reorganisation we will contact 626, 601
24 and 606. We will figure out the length just to make sure that it is not creating any
25 further issues.

1 PRESIDING JUDGE TARFUSSER: [16:06:44] I understood.

2 MR MACDONALD: [16:06:45] Because it's been so complicated to try to coordinate
3 these three experts and just discussing their agendas, it is more complicated than with
4 any other witness for some odd reason.

5 PRESIDING JUDGE TARFUSSER: [16:06:58] I know, I do know what, that this is
6 a problem, yes.

7 MR MACDONALD: And of course they were expecting coming later in the year.
8 Now they've -- you are coming in June, basically, end of May, June, yes, and it was on
9 short notice. So we'll come back if ever there is a problem, hopefully, but no matter
10 what we are working around those witnesses that you just named. We are not, we
11 are not bringing in anybody else.

12 PRESIDING JUDGE TARFUSSER: [16:07:24] Yes. Okay.

13 MR MACDONALD: [16:07:25] Thank you.

14 PRESIDING JUDGE TARFUSSER: [16:07:26] Thank you very much. No.
15 Mr Knoops.

16 MR KNOOPS: [16:07:33] Mr President, we just want to have clarification of
17 the Prosecution. Definitely, does it call P-118 in relation to the preparation?

18 MR MACDONALD: [16:07:51] If I am not mistaken, your Honour, that has been
19 clarified. Was it our last filing on the order? No, he is not --

20 PRESIDING JUDGE TARFUSSER: [16:08:00] I think so as well.

21 MR MACDONALD: [16:08:01] He is definitely not coming before the summer recess.
22 That is certainly guaranteed. I think he has been pushed back later in the order, but
23 I'm not, I'm not -- I don't have it by heart and I don't have it in front of me, but he is
24 not coming before the summer recess for certain.

25 PRESIDING JUDGE TARFUSSER: [16:08:23] So now I think we are done. Thank

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(Open Session)

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- 1 you very much. See you on Monday at 9 o'clock. So we finish a little bit later. At
- 2 9 o'clock because they are all viva voce witnesses so there is no -- so these two
- 3 witnesses are viva voce witnesses so we have no problem with the timing.
- 4 Monday, 9 o'clock, 22 Monday, 9 o'clock, with Witness 449. Thank you very much.
- 5 The hearing is adjourned.
- 6 (The hearing ends in open session at 4.09 p.m.)