

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 5 July 2017
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:44] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:35:02] Good morning. Good morning to
15 everybody.
16 The Prosecutor requested yesterday at the end of the hearing additional 15-20
17 minutes to complete his questioning of Witness P-156. The Presiding Judge notes
18 that the timing of the questioning and the compliance with one's expected timing as
19 notified to the Chamber, the parties, and the participants is critical for the purposes of
20 an efficient trial management. The Office of the Prosecutor, after requesting first
21 three hours, then four for the questioning of Witness 156, already took longer as the
22 four hours requested. There was no reason for this to happen. Only a few
23 objections. No questions asked by the Chamber. No breakdown or other difficulty
24 by the witness. The extra time was the result of the method and strategy followed
25 by the OTP. The Chamber takes indications as to the time requested by the calling

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 party seriously and establishes the calendar accordingly. If each time the indicated
2 timing is to be exceeded, there is no chance for us to comply with the calendar.

3 Furthermore, the Chamber should not be put in front of a fait accompli. It is not the
4 first time that the questioning party, after having exhausted his or her time, requests
5 and obtains additional time on the basis of purported importance of matters still to be
6 covered.

7 It is the responsibility of the calling party to make sure that any important matter is
8 covered well within the requested limits and to bear the risk to fail to address any
9 important matters well within the allotted time. To do otherwise would be
10 tantamount to introducing a margin of uncertainty as to the remaining duration of
11 this trial. This is not consistent with the principle of fairness or an example of good
12 trial management.

13 Accordingly, the request is rejected.

14 Now I give the floor to the Defence for its questioning.

15 Maître Altit.

16 MR ALTIT: [9:38:03] (Interpretation) Thank you, your Honour.

17 Good morning, your Honour, your Honours.

18 WITNESS: CIV-OTP-P-0156 (On former oath)

19 (The witness speaks French)

20 QUESTIONED BY MR ALTIT: (Interpretation)

21 Q. [9:39:25] And good morning, Mr Witness. My name is Emmanuel Altit. I am
22 the lead counsel for Mr Gbagbo, and I'm going to ask you a number of questions, and
23 I'd like to ask you to respond in a precise and concise manner, all the more so since
24 you have already said a lot of things during the direct examination led by the OTP.

25 A. [9:40:07] Fine.

1 Q. [9:40:08] We're going to discuss the CPCO. Do you remember the names of the
2 people in charge of the CPCO since you joined the army? I believe you said it was
3 1990.

4 A. [9:40:18] Yes. I joined the army around in the '90s. And at the time the CPCO
5 didn't exist in that form as such. The general staff always had an operational bureau
6 that developed over time and took on further responsibility in times of crisis or when
7 there was a crisis to manage. So it was in a smaller form. The CPCO in fact had
8 several other names -- became the CPCO. It was -- in 2002 it was the CC -- the COIA
9 and then we ended up with the CPCO. In 2002 -- correction -- it was CCIAT and
10 then COIA and then CPCO.

11 We refer to other major armies and follow the example, if you will, and therefore the
12 CPCO was the appropriate term, that is, the centre for planification and conduct of
13 operations.

14 Now, as regards the persons in charge, there were two. In the past it was simply an
15 operational bureau. I don't remember all of the names, but there was Colonel Sako,
16 the last one, and before him there was Colonel Kadjo Mizou; he's retired now. And
17 there was a marine colonel before him, and I'm afraid I don't remember other names.
18 Between 2002 and 2010, or maybe 2011, up to the post-electoral crisis, I believe there
19 were five heads of this bureau or, rather, three; in fact, three.

20 Q. [9:42:57] Very well. To be perfectly clear, you said that the ancestor, so to
21 speak, was the operations bureau; is that correct?

22 A. [9:43:09] Yes. And in our text it states that this operations bureau takes on
23 more responsibility, and I mentioned the other prior names already.

24 Q. [9:43:29] And since the crisis, is there still a similar body, a similar structure?

25 A. [9:43:36] Yes, there is a similar structure and more or less in the same premises,

1 which is called CIOA. In other words, we went back to the previous name just
2 before it became the CPCO. The CIOA.

3 Q. [9:43:56] And who is in command today?

4 A. [9:44:11] Well, this very major structure, which is at the very heart, it's really the
5 grey matter of the general staff in terms of operations. It has evolved even now.
6 There is a chief of bureau, it's commander -- or Major Alla (phon). And he is in
7 control of the CIOA. I'm not quite sure who is at the head of the CIOA, but the
8 operations, the OPEX office as well, that is, external operations, OPEX. So this has
9 again developed.

10 Q. [9:45:05] So what you are saying is that the structure has developed since the
11 crisis; is that what you mean?

12 A. [9:45:09] No. This more recent transformation occurred very recently.

13 Q. [9:45:15] Very well. Toward the end of the crisis, the CPCO, were the premises
14 of the CPCO looted?

15 A. [9:45:31] Yes. All of the general staff, the CPCO was in the same building as
16 the chief of staff, so the entire building was destroyed, ransacked.

17 Q. [9:45:56] I'm going rather rapidly because you've already told us many things.
18 You referred to the various cells that existed in the CPCO. Can you tell us who was
19 in charge of these various cells? J1, who was the officer in charge, and can you tell
20 us what he is doing today?

21 A. [9:46:25] It's going to be a bit complicated because, well, the J5 -- I was in the J5,
22 you know. The person in charge was also Colonel Sako, the chief of the CPCO. As
23 regards the J3, it was Colonel Kouaho. Today he's a pilot, but he was at one point in
24 time, he was a base commander. As for Colonel Sako, today, if I'm not mistaken,
25 he's part of the inspectorate. And then there was the J4 -- was under the command

1 of a captain. He's a major today in the air force, and he's still involved in that area in
2 the air force. The J2 is under the command of a major, Colonel Tchia (phon). Now,
3 as for the J1, I don't remember. So basically that's it.

4 Transmission, I don't remember. I think, well, there was a commander. There was
5 a major in charge of transmissions, but I don't remember the name. That's it.

6 Q. [9:48:12] Very well. Yesterday you spoke about the operational zones, and in
7 the French transcript I'm going to quote you, page 24, line 20. I'm waiting just a
8 moment.

9 You told us yesterday the following. "It was the operational orders. In an
10 operational order there are several parts. The J5, order is based on all of the cells'
11 contribution, and the J5 has its role to play. We have various tools that we use for
12 planning, and then later you described the role of the J5." End of quote.
13 My question is, in the drafting of an order, an operational order, how do the different
14 cells interact? Do you see what I mean?

15 A. [9:49:52] Yes, I think I understand. Well, let me explain how an operational
16 order comes about. The chief of staff gives instructions, the main orientations to the
17 chief of the CPCO. Meanwhile, he's had a meeting with his major subordinate, that
18 is, the various commanders, majors. And after this very high level meeting, the chief
19 of staff defines certain orientations to the head of the CPCO. And on the basis of that,
20 the chief of the CPCO is like an orchestra conductor, if you will. And on the basis of
21 very clear, very clear instructions, the various teams of the various cells of the CPCO
22 can contribute usefully to the development of this document.
23 And the J2, that is, intelligence, contributes intelligence about the enemy. That's the
24 word I used yesterday. I don't have any other word to describe those who are on the
25 opposite side, if you will, so that's why I used the word "enemy."

1 The J2 provides as much intelligence as possible about the enemy, it's NVA, its nature,
2 its volume, its attitude, et cetera. And then the engineers provide information about
3 the zone of operation, the various possibilities or the potential obstacles.
4 So each cell, if you will, each group contributes. The J1 will define which units can
5 be targeted and which units can be mobilised for the operation. So it's a collective
6 task. It's a team effort. And so it's basically a team, a team effort, with an orchestra
7 conductor, which is the head of the CPCO.

8 Q. [9:52:22] Very well. If I understand correctly then, each member of each of the
9 cells participates in this whole thought process and only contributes on the basis of its
10 own capacity. In other words, as you've explained it, one is more involved in the
11 terrain, et cetera?

12 A. [9:52:47] Yes, that's it.

13 Q. [9:52:48] So in order for this order to become viable, if you will, and
14 understandable and applicable to the troops in the field; is that correct?

15 A. [9:53:05] Yes, indeed. On the basis of this operational order, which is sent out
16 to the various forces, and you have the second and third categories, the gendarmerie
17 or the police may be involved in certain aspects of the order. But each of the various
18 corps will contribute depending on their means and their personnel. The idea is that
19 there is a reflection as to who can contribute what and at what level.

20 Q. [9:53:46] Thank you. That's very clear.

21 I have a few questions now about missions, the missions you referred to yesterday, in
22 particular, at PK18.

23 As regards the first operation, you said that when there was this sealing off, there was
24 an attack.

25 A. [9:54:23] Yes.

1 Q. [9:54:24] We understood that there was an attempt to seal off the area, but did it
2 succeed? What happened exactly?

3 A. [9:54:34] Well, as for the results, in fact, we did not succeed in reaching our goal
4 of sealing off the area. And given the fact that there were losses and also because of
5 the overall goal, the goal was to organise a search in order to find what was there on
6 the basis of the intel that we had. So we did not reach the goal.

7 Secondly, as regards the human losses and injuries, there were two vehicles of the
8 BAE that were to cover the zone. And when we needed them, when things started
9 to go wrong, they had already been hit. And that also contributed to the
10 dysfunctioning of the operation. There was already an incident, if you will. So
11 when we needed them, when things started to go wrong, they were not where they
12 were supposed to be.

13 Q. [9:56:00] Well, you used the word "accochés" in French, "hit." What do you
14 mean exactly? Were the vehicles damaged? Were there individuals injured?

15 A. [9:56:17] No, no. It was a minor incident. It didn't have major consequences
16 in terms of human loss or equipment loss.

17 Q. [9:56:28] But what you are saying is that did prevent them from being able to
18 come and reinforce the operation; is that what you mean?

19 A. [9:56:35] Yes, indeed.

20 Q. [9:56:42] And you're saying that there were losses during that operation; is that
21 correct?

22 A. [9:56:47] Yes.

23 Q. [9:56:48] Do you remember how many?

24 A. [9:56:50] Well, I know there was a young girl who was killed and two or three
25 FDS members who were injured, I believe. I don't have the exact numbers in mind.

1 Q. [9:57:10] When you refer to the enemy during this operation, were they
2 well-armed? And can you refer to a defeat of the FDS in this context?

3 PRESIDING JUDGE TARFUSSER: [9:57:37] Mr MacDonald.

4 MR MACDONALD: [9:57:38] We object to the way of the questioning. Can
5 questions be asked instead of having editorial comments within the question each
6 time.

7 PRESIDING JUDGE TARFUSSER: [9:57:45] Thank you very much. Yes, please,
8 make more direct questions. Put more direct questions in order to give the
9 possibility to the witness to answer the questions.

10 MR ALTIT: [9:57:56] (Interpretation) Well, I don't understand how I can ask a
11 more direct question than: Was the enemy armed?

12 PRESIDING JUDGE TARFUSSER: [9:58:09] Was the enemy armed? But I think this
13 is -- yes, was the enemy armed?

14 THE WITNESS: [9:58:24] (Interpretation) Your Honour, may I respond?

15 PRESIDING JUDGE TARFUSSER: [9:58:27] Yes.

16 THE WITNESS: [9:58:28] Yes, the enemy was armed because there were injured
17 people. And in this action there were individuals who were hit. They were using
18 personal weapons. They didn't have equipment. There were no damaged vehicles.

19 MR ALTIT: [9:59:03] (Interpretation)

20 Q. [9:59:04] Did you have a problem in terms of staff numbers for this particular
21 operation?

22 A. [9:59:13] Yes. Well, in the case of this operation, which was a major operation,
23 on the day when it was to take place, we couldn't -- it couldn't take place that
24 particular day. We had to postpone it because on the radio we heard that tomorrow,
25 the next day, in that area there was going to be a military operation that the chief of

1 staff -- and therefore the chief of staff decided to postpone it. In other words, this
2 kind of sealing off has to take place by surprise.

3 So on that particular day that it had been planned for, it did not take place. It was
4 postponed. So two or three days later, the chief of staff decided to launch the
5 operation that it was to take place.

6 So in fact, the meeting at 3 or 4 o'clock in the morning to take stock of the situation, at
7 that point the staff was not present, fully present, from the various units. So there
8 were not the number of individuals, the number of men, that had been planned, and
9 so that did cause a problem.

10 Q. [10:00:55] Very well. So you've told us that the mission had to be postponed,
11 and there was something on the radio?

12 A. [10:01:15] Yes.

13 Q. [10:01:18] To your knowledge, were other FDS missions revealed to the enemy
14 before they actually began?

15 A. [10:01:29] Yes, yes, quite often. At the beginning of our patrols, we would hear
16 on the radio that a particular officer was going to be doing this or that in Abobo. He
17 had to be stopped. So we had a great many infiltrators amongst us.

18 Q. [10:02:05] A great many infiltrators? Who?

19 A. [10:02:09] We were infiltrated by the enemy.

20 Q. [10:02:13] The people who were reporting to the Golf hotel?

21 A. [10:02:19] Well, I can't really think of it in that way. I really don't know where
22 the enemy or whom the enemy was reporting to. I just know what I experienced
23 myself.

24 Quite often, when we left the headquarters to go out on patrol, the names of the
25 officers who were commanding these patrols had been given over the radio, and it

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 was said you have to stop them.

2 As to whom the enemy was reporting to, I don't know.

3 Q. [10:02:55] Very well. When you say the radio, what radio system are you
4 talking about exactly?

5 A. [10:03:06] Well, it wasn't the national radio. I must admit I don't have the
6 actual name in mind, because people would call us. That is to say, people would tell
7 us, "we just heard on the radio that you were going to do this or that," and each time
8 it was accurate.

9 Q. [10:03:33] Very well. And this radio, was this the radio transmitter from the
10 Golf Hotel?

11 A. [10:03:44] Well, I must admit I never asked the people I was dealing with which
12 radio station or transmitter it was.

13 Q. [10:03:59] Very well. And were you yourself mentioned on one of these radio
14 broadcasts?

15 A. [10:04:09] Yes, indeed. That's why I'm quite comfortable talking about this. I
16 was mentioned. There was going to be a patrol, and I received a call, and I was told,
17 okay, you're currently on your way to Abobo with such-and-such number of men,
18 and --

19 Q. [10:04:36] That's all they said?

20 A. [10:04:38] Basically.

21 Q. [10:04:39] About you.

22 A. [10:04:41] Well, they said you have to stop going and massacring and killing
23 people.

24 Q. [10:04:57] Very well. And did you take these words to be threats, threats
25 against you?

1 A. [10:05:09] Well, immediately -- well, to be quite humble, I understood that we
2 had infiltrators amongst us. Secondly, I realised that it was a dialogue of the deaf.
3 We were not communicating. People were saying things that I hadn't done, that I
4 was not going to do, and that I had never done.
5 So those were the two emotions I was feeling.

6 Q. [10:05:54] Very well. You mentioned the number of men. To your knowledge,
7 given the problem with sufficient personnel at the time, to your knowledge, were
8 other missions aborted because there were not enough men?

9 A. [10:06:19] Well, it's no secret, we were a very small army. And gradually we
10 were getting smaller and smaller at all levels in every way. So we would ask for a
11 certain number of men, X number, and then we would get Y. And that would
12 whittle away at our effectiveness. So if you ask me which particular mission, I really
13 couldn't tell you. But I reiterate that was one of our problems, because there were also
14 men defecting. The men were discouraged. So all the weaknesses that an army
15 might have when placed in such a difficult situation.

16 Q. [10:07:22] Very well. Let us move on to the second mission or the second
17 operation that you talked to us about yesterday, namely, the CECOS mission and the
18 incident having to do with the CECOS. If I've understood correctly, and stop me if I
19 have got something wrong, but I think it's important for us to understand properly, if
20 I've understood you, you said that in a way there was, well, there was the CECOS
21 unit and some bait was laid out. There was a trap. Some men were abducted, and
22 someone from CECOS headed for the location of the alleged abduction and the
23 incident occurred.

24 So my first question is that, is that correct and is that correct? Is that what you said?
25 It wasn't entirely clear from yesterday's -- you seem to be saying that it was just a trap,

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 not really a kidnapping or an abduction.

2 A. [10:08:32] It was perfidy. It was deliberate. It wasn't, it wasn't a kidnapping
3 or an abduction.

4 Q. [10:08:45] So this story was made up to draw the CECOS into an ambush?

5 A. [10:08:54] Yes. That's a military assessment, because afterwards, what did the
6 patrol face, rocket launchers? That doesn't add up. So to my mind, yes, it was a
7 trap.

8 Q. [10:09:24] So the result of the incident was what? Were there deaths or injuries
9 on the FDS side?

10 A. [10:09:48] Yes. That patrol took some damage. One vehicle was torched.
11 Some people died. Some people were injured.

12 Q. [10:10:04] And if you remember, how many people were killed and how many
13 people were wounded in approximate terms?

14 A. [10:10:15] What I do remember is that there was a lieutenant who was leading
15 that platoon, and I trained him. He died during a patrol with some men and three
16 vehicles, maybe 15 men. I don't have the exact numbers for you.

17 Q. [10:10:40] Very well. If you don't mind I'm going to read out something that
18 you said to the OTP investigators, CIV-OTP-0083-1117, page 1122, line 162 onward to
19 line 190.

20 Sir, I'm now going to read out something that you said to the investigators, and I will
21 quote you, all right?

22 A. [10:11:50] All right.

23 Q. [10:11:50] I quote:

24 "Interviewee: Second action CECOS patrol.

25 Interviewer number 1: Mm-mm.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 Number 2: Yes."

2 The Interviewee, that is to say you: "I believe that there were three vehicles, three
3 crews. And the vehicles exploded."

4 Interviewer number 1: "Mm-mm.

5 Interviewee" --

6 PRESIDING JUDGE TARFUSSER: [10:12:19] Excuse me. Can we leave away the
7 "mm-mm." I know it's a quotation, but I think we should leave away, and this goes
8 to all of you, all these insignificant parts of the quotation, otherwise -- you deem it
9 relevant that one says "mm-mm"?

10 MR ALTIT: [10:12:50] (Interpretation) Your Honour, this is our custom. We want
11 the quotes to be accurate. But if you wish, of course, I can immediately cut to the
12 chase. I can immediately go to the important part as long as we agree on what's
13 important and how to do so.

14 So what I can do is I can try, and if we are all in agreement, fine, in accordance with
15 your instructions.

16 PRESIDING JUDGE TARFUSSER: [10:13:18] No. I just would leave away the
17 "mm-mm" and the "d'accord," because I think it's not relevant. Relevant is if there is
18 a question and if there is an answer in the -- because we have to read the transcript
19 later. So I think it's more readable if we don't have these parts in the transcript.

20 MR ALTIT: [10:13:50] (Interpretation) I entirely agree with you, your Honour.

21 But you must realise that we are not alone here, and we have our counterparts in the
22 Prosecution who are quite picky about details. So I shall comply with your
23 instructions.

24 Q. [10:14:12] So, sir, I'm going to read out once again what you said, but I'm going
25 just read out the important parts. So you said this about the CECOS patrol, you said,

1 and I quote:

2 "I believe that there were three vehicles, three crews. The vehicles exploded."

3 Then you added this, "So that means at least RPGs."

4 And then you said this, "Rocket launchers. And of course they tried to fight. They
5 weren't able to. They were all killed."

6 So you were asked how many deaths occurred, and you answered this, you said, "I no
7 longer recall. But I know that all three crews were decimated and the vehicles
8 exploded."

9 Then you were asked again about the number of deaths and you said this, "No, in fact,
10 all the crews in any event they -- there you have it, there were three vehicles."

11 Madam court officer, if we could move to the next page, please.

12 And then we continue. You said, "The three vehicles exploded and the personnel in
13 those vehicles were killed."

14 Then you added this, "Since there was a lieutenant who was the chief of the patrol, a
15 lieutenant, that means a section. So three pickups, there were at least, at least 20 of
16 them."

17 Does that refresh your memory?

18 A. [10:16:10] Yes, it does refresh my memory.

19 Q. [10:16:15] So is that indeed what happened?

20 A. [10:16:18] Well, what I can say is this. Honestly, I did not have the exact count,
21 casualty count. The investigators talked to me and they had a particular, they had a
22 particular mindset. And I think that that patrol -- and that was the second measure
23 in the area. There was this event, three pickups, about 20 people, the lieutenant died.
24 I don't have the exact specific number of casualties, people killed or injured.

25 Q. [10:17:13] Very well. You have nothing to add about this incident?

1 A. [10:17:23] Ultimately, this second mission was a failure.

2 Q. [10:17:28] Very well. Then you went on to talk about a third mission at Abobo
3 PK18, and you told us yesterday that it was led by a subgroup. It failed. And you
4 specified, I quote, page 72, line 5 of the French transcript, I quote, I quote, "A
5 lieutenant fell. 16 NCOs and gendarmes fell." End of quote.

6 Can you tell us in greater detail what actually happened?

7 A. [10:18:16] The third mission was intended to go and drive out the enemy that
8 were occupying that area. As soon as they got to the area surrounding that
9 intersection, they were attacked head-on. There was an exchange, and the column of
10 that unit that was heading -- well, the rear part of that column fell into an ambush.
11 And the seven NCOs fell and one lieutenant. I've forgotten the name of the BCI that
12 took the blow. And after that they scrambled. They were attacked from behind,
13 from in front, and quite often, you know, there is not a lot of options left, so they
14 decided to scramble. And even then there were a few people wounded. Ultimately
15 that mission too did not reach its objectives.

16 Q. [10:19:50] And this attack that the mission was subjected to, was it carried out
17 with RPGs, for instance?

18 A. [10:20:07] I really couldn't say. I didn't receive any such detail. I didn't
19 receive that information. However, I can deduce some things. If a unit made up of
20 this -- well, offensive patrol ultimately scrambles, it means that it was a pretty tough
21 weaponry, at least D90s, RPGs, collective weapons, 14.7s, it would have been a pretty
22 sturdy attack.

23 Q. [10:20:52] What do you mean by collective weapons? We are neophytes, of
24 course, in this area. And I think a T80 as well?

25 A. [10:21:05] A collective weapon is a weapon that needs a crew of people to

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 operate as versus an individual weapon. Collective weapons are used by several
2 people. So it's like the difference between small calibre and large calibre, often also
3 referred to as heavy weaponry.

4 Q. [10:21:37] And the T80, what's that?

5 A. [10:21:39] It is a collective weapon. It's not a heavy weapon though.

6 Q. [10:21:44] Very well. And you said at least?

7 A. [10:21:51] Yes, yes. The enemy opposite, yes.

8 Q. [10:21:57] But to your knowledge there could have been something else?

9 MR MACDONALD: [10:22:01] Objection.

10 PRESIDING JUDGE TARFUSSER: [10:22:03] There is an objection. Mr MacDonald.

11 MR MACDONALD: [10:22:06] We're asking a hypothetical question that the witness
12 cannot answer because he says "au minimum." I don't know what they had
13 additional or whatever. So, of course, anything is possible in the way the follow-up
14 question is phrased.

15 MR ALTIT: [10:22:25] Oui, Monsieur le Président --

16 PRESIDING JUDGE TARFUSSER: [10:22:30] Do you know anything about the
17 weapons? Do you know anything about the weapons they had?

18 THE WITNESS: [10:22:35] (Interpretation) Your Honour, according to intelligence,
19 we knew that the enemy also had 14.7s, which are bigger than T80s.

20 PRESIDING JUDGE TARFUSSER: [10:22:55] This is your knowledge, not a direct
21 knowledge, but on the basis of what you knew at a later stage?

22 THE WITNESS: [10:23:07] (Interpretation) Yes, that's right, your Honour.

23 PRESIDING JUDGE TARFUSSER: [10:23:17] Thank you very much.

24 Maître Altit.

25 MR ALTIT: [10:23:19] (Interpretation) Thank you, your Honour. If you don't mind,

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 your Honour, about this last exchange, I think there might have been a
2 misunderstanding. I understood that the witness said "according to our
3 intelligence," was that at the time, perhaps the question could be put again. I wasn't
4 listening to the English translation. I don't know what was said, but you said "You
5 learned that later?" And I believe the witness said "According to our intelligence at
6 the time, not later."

7 If you don't mind, I'll put the question again.

8 Q. [10:23:50] Mr Witness, I think you've understood the question. Now,
9 intelligence, you meant intelligence at that time or did you mean intelligence that you
10 received later?

11 A. [10:24:03] No. It was intelligence at the time. We had quite a specific idea of
12 the enemy.

13 Q. [10:24:12] So just to make sure it's crystal clear, when you talk about intelligence,
14 do you mean military intelligence?

15 A. [10:24:22] Yes, exactly. I'm talking about military intelligence.

16 Q. [10:24:35] We'll now move on to the fourth operation. Now, concerning this
17 fourth operation, you explained that from the MACA, the men were going along two
18 roads?

19 A. [10:24:49] At least two roads.

20 Q. [10:24:51] Very well. And that you were commanding one of these roads?

21 A. [10:24:56] Yes, that's right.

22 Q. [10:24:59] So you told us and -- well, you told us what the convoy was made up
23 of, this convoy moving along your road. So my question is more simple. Do you
24 remember how many vehicles you had and approximately how many men were
25 moving along this road with you?

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 A. [10:25:28] Well, in approximate terms, one section of the BCP was 25 people. A
2 section of the 1st battalion was at least 25 people. So there was 50. And then there
3 was a crew from the gendarmerie in an armed vehicle, 5 people. So now we're up to
4 55. I had a crew from the BASA, at least 5 people. So that totals 60. All in all, that
5 is the number of people who took part in this offensive along that particular road.

6 Q. [10:26:19] Very well. Several times you mentioned the rules of engagement
7 yesterday during your testimony. And my question to you is this, did you inform
8 your men of the rules of engagement in the field during this offensive?

9 A. [10:26:51] Personally, I beg your pardon, personally, that was a major concern.
10 But it needed to be the concern of all the chiefs, all the officers who had units out in
11 the field.

12 Q. [10:27:21] You say it was a major concern for you to inform your men of the
13 rules of engagement. Is that what you meant?

14 A. [10:27:29] Yes, that's what I meant.

15 Q. [10:27:30] Generally speaking, were these rules of engagement reproduced in
16 the operational orders sent out to the units in the field?

17 A. [10:27:47] Well, that's a heading within the operational order.

18 Q. [10:28:01] In your statement to the OTP investigators, you said more than that
19 and I --

20 MR MACDONALD: [10:28:14] Your Honour.

21 PRESIDING JUDGE TARFUSSER: [10:28:16] Mr MacDonald.

22 MR MACDONALD: [10:28:17] Can we ask the question to the witness first about if
23 he remembers what he said in his statement regarding this? We're jumping straight
24 in in the statement on providing the --

25 PRESIDING JUDGE TARFUSSER: [10:28:31] No.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: [10:28:32] I mean, in light of your mode of questioning -- sorry,
2 the mode of questioning retained by the Chamber --

3 PRESIDING JUDGE TARFUSSER: [10:28:38] No, no. You're right. But I don't
4 know what counsel is going to auto-refresh or to confront the witness with. Maybe
5 on the basis of what he said. I don't know yet.

6 MR ALTIT: [10:28:54] (Interpretation) Yes, yes, your Honour.

7 MR MACDONALD: [10:28:58] We need to ask him first. We need to ask him first.

8 PRESIDING JUDGE TARFUSSER: [10:29:00] Yes, yes. He could have already
9 asked. I don't know.

10 MR ALTIT: [10:29:05] (Interpretation) Thank you, your Honour. To respond to
11 the point raised by my colleague, my learned counsel opposite, I'll put the question
12 differently.

13 Q. [10:29:22] Now, you mentioned a heading, you mentioned a heading, a heading
14 in the mission order. Can you tell us what this heading was or what was contained
15 therein?

16 A. [10:29:44] In principle --

17 PRESIDING JUDGE TARFUSSER: [10:29:45] Excuse me. First of all, is it in writing
18 or orally?

19 THE WITNESS: [10:29:52] (Interpretation) Your Honour, in the operational order
20 there is a heading, so it's written, that has to do with this, namely, it describes the
21 rules of engagement and the rules of behaviour. In the field, the unit commander
22 has to repeat and ensure that the rules are complied with.

23 MR ALTIT: [10:30:26] (Interpretation)

24 Q. [10:30:27] Very well. Let us move on to something else. You told us
25 yesterday that the Abidjan zone had progressively become a second theatre of

1 operations. What did you mean by that?

2 A. [10:31:19] In relation to the measures that the chief of staff had to take, that is to
3 divide the area into five sub-areas, it was because the threat was growing. And in
4 addition to the CPCO which was carrying out activities, he appointed a commander
5 for that organisation. So it became like another com-théâtre. So the CPCO
6 continued to play its role with the initial mission, that is the front line, and then the
7 second theatre of operations which had just been defined.

8 Q. [10:32:26] Very well. You said that the threat was growing. Do you mean that
9 the rebels were already in Abidjan? Is that what you mean?

10 A. [10:32:40] The term "rebels," well, I really do not know how to use it. I was in
11 battle, so I can simply say that the enemy was in Abidjan.

12 Q. [10:33:00] Very well. Now, after the second round of the 2010 presidential
13 elections, were you aware of any weapons caches prepared by the enemy and the
14 infiltration of enemy armed groups into Abidjan?

15 A. [10:33:32] Regarding weapons caches in specific locations, I really no longer
16 remember. But beyond the information received from the population and the
17 intelligence services, all those things were present. Without any exaggerations, there
18 were weapons everywhere. So I don't know whether we can talk about weapons
19 caches anymore. But we can talk about circulation of weapons as far as I'm
20 concerned.

21 Q. [10:34:18] Very well. And the infiltration of enemy combatants into Abidjan?

22 A. [10:34:32] That is what we were talking about. That was a reality until we
23 reached the point that we reached.

24 Q. [10:34:46] Those arms caches and infiltrated combatants, as far as you know, in
25 which neighbourhood of Abidjan were they?

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 A. [10:35:01] In the Abobo-Anyama area, there was also a presence in Koumassi,
2 because we had soldiers who were also taken apart or attacked there. So one can say
3 that these things were everywhere in Abidjan.

4 Q. [10:35:30] Very well. To your knowledge, when did the attacks against the FDS
5 begin?

6 A. [10:35:47] I hope my memory serves me correctly, but I can say it was between
7 the first and the second rounds. After the second round, this is a situation that
8 deteriorated progressively. But to talk about a specific date when those attacks
9 started, I can tell you that I cannot give you a precise answer to that.

10 Q. [10:36:22] Very well. Do you recall the first attacks that you heard about
11 against the FDS? And if yes, which types of attacks were they?

12 A. [10:36:44] This is quite consistent with what you just asked me a short while ago.
13 There was the attacks of detachments in movement. They attacked the positions that
14 we occupied. Then soldiers at home were also attacked. So there were all types of
15 attacks.

16 Q. [10:37:18] Soldiers at home? Do you mean that enemies actually went to search
17 for FDS members in their homes to kill them?

18 A. [10:37:32] Yes, indeed.

19 Q. [10:37:33] To your knowledge, were FDS members burned?

20 A. [10:37:45] Yes, I heard about that.

21 PRESIDING JUDGE TARFUSSER: [10:38:01] You heard about that how and from
22 whom and when?

23 THE WITNESS: [10:38:03] (Interpretation) Mr President, the information came
24 back to the CPCO which received all the information from the field. So the FDS that
25 came under attack, we were informed about that. And of course, these incidents

1 were also reported over the television.

2 PRESIDING JUDGE TARFUSSER: [10:38:39] But did you verify somehow these
3 reports or did you just take knowledge of the reports?

4 THE WITNESS: [10:38:50] (Interpretation) Mr President, I really do not know.
5 Given my official capacity in the general staff headquarters, I shared information and
6 I was given information, but it was not my duty to go and cross-check. But what I
7 can say about those types of incidents, the information was accurate. Soldiers who
8 were burned or attacked at home, well, there was evidence, like as in my capacity as a
9 commanding officer of unit, I didn't really have to go and try to cross-check, because
10 there was a procedure that followed. It would be said that a member of the FDS has
11 died, and there was a whole procedure to be followed by the family of that person.

12 PRESIDING JUDGE TARFUSSER: [10:40:08] Maître Altit.

13 MR ALTIT: [10:40:09] (Interpretation) Much obliged, Mr President.

14 Q. [10:40:14] Mr Witness, yesterday you said that the enemy occupied the PK18
15 area and N'Dotre. My question is this, did they also control the main roads in
16 Abobo?

17 A. [10:40:30] Yes. Abobo-Anyama was an area that was broadly occupied. So
18 when you say literally that the area was occupied by the enemy, it means the roads
19 were controlled by the enemy. The positions were held by the enemy. So in fact,
20 this part of the territory was no longer under the control of the FDS.

21 Q. [10:41:08] Very well. Did the enemy also control the area around the Abobo
22 town hall and the Banco intersection?

23 A. [10:41:27] Yes, because this was a road that we used to go to the PC at the Abobo
24 squadron where all the detachments were positioned. And we came under fire. So
25 obviously those were segments that were controlled by the enemy.

1 Q. [10:41:59] Very well. Were the enemies also positioned in the Banco forest?

2 A. [10:42:11] If I remember correctly, there was information or intelligence to that
3 effect. But as an individual, I did not necessarily observe any activities of the enemy
4 in the Banco forest. But I do remember that this was mentioned in the information
5 bulletins that we received.

6 Q. [10:42:48] Very well. You said something yesterday that was very interesting
7 from a military point of view. You said MACA was the gateway that would make it
8 possible to move from Abobo to the rest of the city; is that correct?

9 A. [10:43:12] Yes. From the N'Dotre intersection, which was controlled by the
10 enemy, once they launched an offensive against the MACA, well, this is an
11 assessment that we carried out. Once they would arrive, the MACA, in light of
12 experience, they would break into the prison, and they would be present in
13 practically all the roads in Abidjan.

14 So the general staff had to prevent the enemy from crossing the N'Dotre intersection,
15 reaching the MACA, and then attacking the rest of Abidjan.

16 Q. [10:44:07] You have partially answered the question that I wanted to ask, but let
17 me ask it again. Based on your intelligence that you received, were there any threats
18 against the MACA or the MACA area?

19 A. [10:44:23] One can say that it is based on experience. We had to ensure that we
20 did not lose control of the MACA.

21 Q. [10:44:44] Very well. Did you want to add something, Mr Witness?

22 A. [10:44:54] Yes. Please allow me to elaborate. The MACA and the main road,
23 the distance is about 2 kilometres. And so if the enemy between the MACA and
24 carrefour N'Dotre, if they're in carrefour N'Dotre, you have about 3 kilometres. And
25 if they held their positions there, and then were able to capture MACA, it is true that

1 it is a matter of distance only. The MACA is an entity that would be broken down
2 based on experience. They would be broken into, which would lead to another
3 problem to be managed. But in terms of distance, after the MACA, the road was
4 wide open. So this is what led the general staff to adopt a strategy to prevent the
5 enemy from advancing from N'Dotre.

6 Q. [10:46:08] Very well. You have just told us that if the enemy arrived at the
7 MACA, then the road would be wide open. When you say that, do you mean that
8 they would have open access to Abidjan?

9 A. [10:46:31] Absolutely.

10 Q. [10:46:33] Very well. Now let us move on to something else, which is of course
11 related to what we have been discussing, and that is the Camp Commando.

12 My first question to you, Mr Witness, is this. The access roads to the Camp
13 Commando, we talked about them yesterday, but we want to be clear; were they
14 blocked?

15 A. [10:47:11] Well, the two access roads, either through the pharmacy Sans
16 Manquer or through the main road passing in front of the town hall, I repeat that our
17 patrols and logistics convoys came under fire in those roads.

18 Now, in the afternoon of the 3rd, there was a civilian who provided intelligence or at
19 least information that the main road was being blocked with concrete, concrete
20 blocks.

21 Q. I'm sorry, but since we want to be very clear, the road was being blocked or
22 closed down by whom?

23 A. [10:48:00] If I repeat what was said, it was by people. This was information
24 that we were simply given. He told us that people were blocking the road with
25 concrete. That is around 5, 6 p.m., that is, at night fall. I did not ascertain that fact,

1 but he reported.

2 And as I said yesterday, when I was asked to retreat, since I was the commander in
3 the field, based on my experience and knowledge, the idea was to maintain control
4 over the Commando Camp in Abobo and the university campus.

5 So I calculated, rapidly moving out at night would be dangerous, and abandoning the
6 families of gendarmes and students of the university campus could have been
7 catastrophic.

8 So I reported to the general staff and proposed some solutions that would enable us
9 to spend the night there while looking for sustainable solutions, and that is what was
10 done.

11 Q. [10:49:45] Just to be clear, when you used the word "décrocher" in French, do
12 you mean "evacuate"?

13 A. [10:49:53] Yes, to vacate the premises.

14 Q. [10:49:59] I no longer have your exact words, but you said that it would have
15 been terrible for the families of gendarmes and the students. What would have
16 happened to them? Let me rephrase the question. If you had left, what would have
17 been the risks to them?

18 A. [10:50:24] The maintenance of control over those two entities, that is, protecting
19 those families and students, that was our mission. It was a particular area for us that
20 we had to protect because at one point the enemy would capture localities in Abobo.
21 So our area of control was reducing progressively. So we focused on the daily
22 logistics missions and the vicinity of our barracks to ensure our security as well as to
23 protect the families of the gendarmes living there and the university residential area.
24 So if we left the area during that night, then there would be risks.

25 Q. [10:51:35] We were not present there. And what we are doing is to try to

1 understand, particularly, the reasons for the actions or reactions of the protagonists,
2 for example, the soldiers. For those in Abidjan what were the risks right there?

3 A. [10:52:05] The fact that we were there to protect, amongst others, the families of
4 the gendarmes of Camp Commando and the university residential area, automatically,
5 we were allies or at least they were our supporters.

6 We had an enemy fighting against us and we had people that we were protecting.
7 So our presence and our actions made it possible for them to stay alive. And I
8 believe that if we abandoned them they would be exposed.

9 Q. [10:52:49] Let me simplify the question. If you left, their lives would be at risk;
10 is that it?

11 A. [10:52:58] If we left, then it would have been dereliction of duty, even though he
12 was a commander asking me to leave. But when you have members of a civilian
13 population under your protection or cohabiting with you, they would normally
14 provide information against your enemies. So if you leave without taking any
15 measures, then those people would be exposed.

16 Q. [10:53:39] I'm sorry, Mr Witness. I just want to take a moment here.
17 Now, Mr Witness, did the survival of Camp Commando depend on regular
18 resupplies because you were in charge of the logistics liaisons?

19 A. [10:54:52] Yes, because we had to supply foodstuffs in order to be able to feed
20 ourselves, and that same logistics mission made it possible to go and fetch spare parts
21 because there was equipment that had broken down. And we also seized the
22 opportunity to change shifts because the chief of the PC, some officers were replaced
23 after every 48 hours, but the people there would be replaced every week. So these
24 missions were inevitable.

25 Q. [10:55:39] Is there a major distinction between the daily resupply or logistics

1 convoy and the replacement or change of shift convoy?

2 A. [10:55:58] Yes. Those were different, because changing shifts involved all the
3 personnel. Obviously, the vehicles would be empty on their way out to the meeting
4 point at Agban camp on the day of the replacement. So there were more vehicles on
5 a day when shifts were to be changed.

6 Q. [10:56:34] Very well. A regular resupplies convoy would involve how many
7 vehicles, as opposed to a replacement or change of shifts convoy, just to have an idea?

8 A. [10:56:54] Just to have an idea for replacement, there was a section of the BCP,
9 an engineering corps section, a detachment of the police, a detachment of the BAE, the
10 police, and also the GR. That is the Republican Guard. That is between five and six
11 detachments. There was also a BASA detachment. These were not sections but
12 detachments. So in general, there were seven vehicles when shifts were being
13 changed, because they had to carry all those people.

14 But on the days that we limited ourselves to a logistics mission, there would be three
15 or four vehicles. Sometimes there would be an ambulance to evacuate some person
16 who was injured. So there would be three or four vehicles including some men to
17 provide security for the convoy.

18 Q. [10:58:08] Very well. If I understand you correctly, and I stand to be corrected,
19 each day vehicles left Camp Commando and each day vehicles arrived Camp
20 Commando. And if I understand you correctly again, in the mornings the vehicles
21 would leave the camp and in the afternoon or the evenings vehicles would return; is
22 that correct? And can you elaborate?

23 A. [10:58:41] Yes. This was the daily logistics mission. There had to be an
24 assembly at 7-7.30 a.m. to give guidelines about what had happened in the night.
25 The lieutenants rotated and the lieutenant on duty would designate the vehicles to

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 carry out the mission. They would prepare. And after their assembly, that is, after
2 8 a.m., they would leave. And since we accumulated everything that we had to do
3 since our movements were not easy because we were exposed, they would return in
4 the afternoon, depending on what had to be done logistically speaking.

5 Now, on the days that the crews had to be replaced, there was a specific time, because
6 there had to be coordination with the crew which had to take over. But all that
7 would happen at 1800 hours at the very latest.

8 Q. [11:00:09] Just to be clear, you had to coordinate with the troops that had to take
9 over duty and which were at Agban; is that correct?

10 A. [11:00:19] Yes, that is what I mean.

11 Q. [11:00:25] Is it correct to say then that every day the vehicles would come and go
12 and it was kind of a routine?

13 A. [11:00:38] Well, it occurred on a daily basis.

14 MR ALTIT: [11:00:44] (Interpretation) Your Honour, I see that it's 11 o'clock.

15 PRESIDING JUDGE TARFUSSER: [11:00:47] It is indeed 11 o'clock. Now,
16 Mr Witness, we have the break for half an hour and we come back at 11.30, so you can
17 have a rest and at 11.30 we resume. The hearing is adjourned.

18 THE COURT USHER: [11:01:06] All rise.

19 (Recess taken at 11.01 a.m.)

20 (Upon resuming in open session at 11.35 a.m.)

21 THE COURT USHER: [11:35:06] All rise.

22 Please be seated.

23 PRESIDING JUDGE TARFUSSER: [11:35:18] Good morning once again.

24 Good morning, Mr Witness, to you as well.

25 Maître Altit, please, you have the floor.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 MR ALTIT: [11:35:30] (Interpretation) Thank you, your Honour. Before I begin, if
2 I may, I would like to ask the Chamber if, at the end of this witness or any other time
3 you prefer, whether we could discuss the next witness. This morning at about 10.30,
4 we received an email telling us that the courtesy visit was going to be taking place
5 tomorrow at 1.30 in the afternoon. And that's going to be a bit of a problem, if we
6 finish this witness today, to be ready to begin questioning the next witness tomorrow.
7 So could you perhaps enlighten us as to how you think we are going to be organising
8 all of this? But of course, we can do this whenever you prefer, your Honour.

9 PRESIDING JUDGE TARFUSSER: [11:36:29] You mean that tomorrow at 1.30 there
10 is no possibility for you to --

11 MR ALTIT: [11:36:40] (Interpretation) Perhaps I need to clarify. The courtesy
12 visit that takes place before the questioning of the witness, there cannot be any
13 questioning of the witness tomorrow before that visit. In other words, we couldn't
14 start until Friday. In other words, if we finish this one today --

15 PRESIDING JUDGE TARFUSSER: [11:37:08] In any case, we start and finish the
16 witness on Friday.

17 MR ALTIT: [11:37:14] (Interpretation) Okay.

18 PRESIDING JUDGE TARFUSSER: [11:37:15] In any case, on Friday. Also because
19 tomorrow morning -- tomorrow is Wednesday.

20 MR ALTIT: [11:37:21] Thursday, Thursday.

21 PRESIDING JUDGE TARFUSSER: [11:37:25] Thursday. Tomorrow afternoon there
22 is another hearing.

23 MR ALTIT: [11:37:28] (Interpretation) Yes, I know.

24 PRESIDING JUDGE TARFUSSER: [11:37:30] We should finish this witness by
25 tomorrow some time and this should be, from the timing, okay. Then we

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 have -- you have the courtesy meeting, and on Friday we start with the next witness.

2 MR ALTIT: [11:37:47] (Interpretation) That was my question, your Honour. I
3 believe you've now answered very clearly. In other words, P-172 will not start until
4 Friday, regardless of what else happens?

5 PRESIDING JUDGE TARFUSSER: [11:38:02] Regardless of what else happens.

6 MR ALTIT: [11:38:04] (Interpretation) Okay. Thank you.

7 PRESIDING JUDGE TARFUSSER: [11:38:13] Okay. Now you have the floor.

8 Nobody else wants to intervene on this.

9 MR ALTIT: [11:38:17] (Interpretation) Thank you, your Honour.

10 Q. [11:38:27] Mr Witness, we shall continue. You explained that the convoys were
11 attacked. What orders were given as to how they were to react if they were
12 attacked?

13 A. [11:38:53] Given that these were resupply convoys, of course, there was a
14 minimum amount of security on board the convoy, but the point was to avoid contact
15 and to avoid combat. But if something were to occur, they were to accelerate and get
16 out as quickly as possible.

17 And if there was heavy fire, then they could retaliate to protect themselves so that
18 they could get out of there.

19 And in any case, they were not to stop to become any more involved in any combat.
20 Those were the instructions.

21 Q. [11:39:48] Very well. At Camp Commando, were you able to send patrols to
22 that zone?

23 A. [11:40:06] Yes. As I said, as things evolved, the patrols were sent around the
24 base. The principle was as follows. In order to defend a particular area or point,
25 you don't stay there; you have to be at a certain distance that you control. So the

1 patrols were organised in such a way to be able to deal with that situation.

2 Q. [11:40:51] You said something was limited. What you meant was that the
3 perimeter was reduced; your margin for manoeuvring, if you will, was reduced?

4 A. [11:41:14] Yes, as things evolved, yes, it was reduced.

5 Q. [11:41:16] Very well. If one of your patrols went beyond the security perimeter,
6 if it went a bit too far, what would happen then?

7 A. [11:41:32] Well, I spent some time there, and none of the patrols that I sent out
8 went beyond the limits that had been set. However, on a daily basis, the logistics
9 people went beyond that perimeter, and that's when they would be shot at.

10 Q. [11:42:03] Very well. Well, we're talking about patrols that go beyond the
11 camp a little bit. But my question is, Camp Commando itself, that is, within the
12 limits of the camp itself, was the camp attacked during that period?

13 A. [11:42:29] During the time that I was there, it was not attacked. But when
14 Colonel Niamké took over after me, the day after he received rocket attacks, RPG
15 attacks.

16 Q. [11:42:50] Very well. When you were at Camp Commando, what were the
17 numbers of staff that you had more or less, the number of staff you had at the camp
18 itself?

19 A. [11:43:26] Well, what I can say is that the camp itself, Camp Commando, had its
20 own personnel. They had gendarmes. There was a captain, a squad leader, and
21 they had about 150 men. And they had missions to carry out as well.

22 Now, there were other detachments that came from the PC. As we said earlier, there
23 were six to seven different sections, BCP, BAE, the police, the Republican Guard, GR,
24 the BASA, et cetera. So there were those units as well and the engineers as well.

25 And let me add that the number of units that were there was variable. These units

1 belonged to battalions, these units that came occasionally, but they also had other
2 missions sometimes. The Republican Guard or the BCP, they would sometimes send
3 a section to Abobo. And these large units also detached sections and units elsewhere.
4 So the number of men on site varied depending on the requirements of the battalions
5 that these sections belonged to.

6 Q. [11:45:09] Very well. That's very clear. Can you nonetheless give me an
7 approximate number of the number of men you had available; I mean the number of
8 people who were there?

9 A. [11:45:27] We're talking about sections, and usually that's 33. Sometimes it
10 goes down to 25, and depending on the various missions, et cetera. So if you
11 multiply 6 or 7 times 25.

12 Q. [11:45:53] Very well. So 6 or 7 times 25 men is roughly the overall number?

13 A. [11:46:01] That's a maximum, because if you take the BASA, they wouldn't come
14 with a full platoon. They would only detach a group of maybe five individuals who
15 had weapons. And the Republican Guard, they're not going to send a vehicle with
16 25 individuals. So it's a rough estimate.

17 Q. [11:46:25] Very well. We've understood that this is a maximum number. And
18 since of course there is a rotation, some may be off duty, others on duty, can you tell
19 us roughly how many men would be on duty at any given point in time? In other
20 words, the number of men that you could call upon at a particular time in the day.

21 A. [11:47:00] Well, I could perhaps explain how it's organised. In the morning
22 you have logistics missions. So about a third might be involved in that or one-fourth,
23 a third or a fourth. And then the remainder, part of them will be occupied with
24 security tasks providing security to the camp, and then another group would be
25 involved in something else, perhaps cleaning weapons or some of them may be

1 resting on site. But they're ready if they're called for duty if something happens.

2 So, you see, it's roughly three-thirds in terms of the organisation: One-third,
3 one-third, one-third for each task.

4 Q. [11:48:12] Thank you. You referred to the BASA detachment that was at Camp
5 Commando, a few moments ago, and you said they weren't very numerous. Do you
6 remember how many they were, to clarify?

7 A. [11:48:27] Well, there was no more than ten from the BASA.

8 Q. [11:48:39] Very well. And did this detachment have 120 millimetre mortars?

9 A. [11:48:51] No, they didn't have any 120 millimetre mortars.

10 Q. [11:49:04] Okay. We're changing topics slightly. Yesterday, you said that
11 there were radio communications difficulties. And I'm going to quote you in the
12 French transcript, page 27, line 7. I quote:

13 Question: "Why was communication difficult with that means of communication?"

14 And your answer was: "It was a problem of means. It was a problem of means,
15 having equipment with the appropriate performance." End of quote.

16 So here is my question, when you referred to means, what do you mean? Did you
17 mean you didn't have enough radios for every one or for all the units?

18 A. [11:50:35] Well, there was an issue related to the number of radios, but the real
19 or more serious problem was the problem of performance, the quality of
20 communications, the performance of the equipment that we had. That was really the
21 issue. That was the real handicap, if you will.

22 Q. [11:51:00] Very well. What do you mean it was a handicap, that is, the
23 performance? Are you saying that the performance was bad? You couldn't use it at
24 all? What do you mean exactly?

25 A. [11:51:20] Well, a regular army that uses cell phones to communicate during an

1 operation, well, it means that the equipment is not going to play the necessary role.

2 And that's what I mean by performance.

3 Q. [11:51:50] So to be perfectly certain we all understand, when you refer to the
4 means, you're saying the means of communication did not provide performance and
5 therefore you had to replace the radios by cell phones; is that what you are saying?

6 A. [11:52:05] Yes. We were using personal cell phones and they were charged by
7 the logistics J4 cell.

8 Q. [11:52:28] Very well. Now, what about the tapping of communications,
9 whether you are talking about radio or cell phones, like tapping by foreign authorities
10 such as the French, for example, was that an issue?

11 A. [11:52:55] I can't say anything about that. Perhaps there are people who are
12 more informed about such matters whose job is directly related to those issues could
13 give you further information, but I don't know.

14 Q. [11:53:10] Very well. Let's go back to the day of 3 March. You said that the
15 first person to call you after the departure of the convoy to ask you questions about
16 shooting, the shooting of soldiers during the women's march, was Colonel Sako.
17 One moment, please, let me check something.

18 My question is as follows. If you know, can you tell us how Colonel Sako or those
19 who called you afterwards, how they learned about this incident? Well, can you tell
20 us what you know about that?

21 A. [11:54:14] Colonel Kouakou Sako René was the first person to call me. And he
22 referred to someone from an NGO who had called him to ask whether the FDS had
23 shot at the women's march in Abobo. That was the first thing. And I said no.

24 Q. [11:54:46] Let me interrupt you a moment. Well, all of those who called you,
25 how did they learn about the incident, the alleged incident? You said that Colonel

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 Sako found out from someone from an NGO. Do you know which NGO it was?

2 A. [11:55:03] No.

3 Q. [11:55:04] And for the others, two or three, I think you mentioned your friend

4 Doumbia, do you know how he found out about it?

5 A. [11:55:12] Well, the information started circulating since Colonel Sako, once

6 Colonel Sako was aware of such an event of such scope, the news got around. And

7 Doumbia, who was a Colonel at the time and chief of a battalion, given his position,

8 he was keeping track of such communication. And they were close. We were close.

9 And he called me and then people were talking and the news got around.

10 And since people knew I was the PC chief in Abobo, they called me; several people

11 called me.

12 PRESIDING JUDGE TARFUSSER: [11:56:07] Mr MacDonald.

13 MR MACDONALD: [11:56:08] Just a reminder -- I'll speak in French.

14 (Interpretation) Well, your Honour, I would simply like to recall the instructions

15 that were given yesterday to the witness and of course to my learned friend as well,

16 that, if necessary, we can go into private session. Since we are in open session now, I

17 won't say any more. It was just a reminder, your Honour.

18 PRESIDING JUDGE TARFUSSER: [11:56:43] Mr Witness, yesterday at the beginning

19 we said that if there is at some point in time you don't feel comfortable to say things

20 in public or in the public hearing, tell me, and we will go into private session.

21 THE WITNESS: [11:57:13] (Interpretation) I've understood, your Honour.

22 PRESIDING JUDGE TARFUSSER: [11:57:18] Okay.

23 MR ALTIT: [11:57:18] (Interpretation) Thank you, your Honour.

24 Q. [11:57:23] Mr Witness, when were you appointed to Korhogo?

25 A. [11:57:29] I was assigned to the 4th military region in Korhogo in 2012.

1 Q. [11:57:44] Very well. What was your position there? What was your
2 function?

3 A. [11:57:51] I was the garnison major.

4 Q. [11:58:02] Are you certain of the date of the period? Wasn't it perhaps in 2011?

5 A. [11:58:17] No. It was mid-2012, because at the end of 2011, I was at the COIA.
6 So it was in 2012 that I was appointed to Korhogo.

7 Q. [11:58:46] Very well. Do you know someone by the name of Fofié?

8 A. [11:58:52] Yes. He was a member of the FESCI, the armed forces of Côte
9 d'Ivoire.

10 Q. [11:59:01] What was his role in Korhogo?

11 A. [11:59:05] He was the chef de corps, the commanding officer of the infantry
12 based in Korhogo.

13 Q. [11:59:20] Do you know what his role was during the post-electoral crisis?

14 A. [11:59:25] No, I don't know what his role was.

15 Q. [11:59:35] Very well. Yesterday the representative of the OTP asked you about
16 your activities in 2002 and 2003. I'd like to ask you a question to make something
17 more -- to clarify something. My first question is, where were you in September,
18 well, August-September of 2002?

19 A. [12:00:03] In 2002 I was a captain and I commanded the 2nd company of the
20 military fire brigade.

21 Q. [12:00:22] I'm asking you this because I believe the Prosecution put that question
22 to you to determine where you had been assigned. Now, after that, my question is
23 September and just before. Was that the same thing; is that what you are telling us?

24 A. [12:00:42] Yes, it was the same thing.

25 Q. [12:00:43] Very well. Did you take part in any fighting in September 2002?

1 A. [12:00:53] In September 2002, I was a military firefighter and, how shall I put
2 this? Well, like many, I was designated, like many other military firefighters, to go
3 out and engage in combat.

4 Q. [12:01:25] Where did you fight?

5 A. [12:01:30] Well, there were several things, but I can say that -- I beg your pardon.
6 Well, I would say one of the most striking events was the fighting of the town of Man,
7 19 December.

8 Q. [12:02:06] Very well. That was the 1st of December or 19 December?

9 A. [12:02:13] Yes.

10 Q. [12:02:14] So you fought in Man, and who were you fighting against?

11 A. [12:02:30] The enemy who had taken control of Man. We were fighting that
12 enemy. We fought them for about 10 days.

13 Q. [12:02:47] And were you able to regain control of Man?

14 A. [12:02:51] We regained control of Man and then we lost it on the 19th.

15 Q. [12:02:57] Very well. And the enemy you've mentioned, where did they come
16 from?

17 A. [12:03:09] Well, I would say that it was the conventional enemy in relation to the
18 crisis that Côte d'Ivoire was already going through. So that enemy had already been
19 defined at all levels, political levels, strategy level; at our level, tactics in the field.
20 We saw who we were dealing with in terms of their capacity and their resources.
21 We fought them. We drove them out of the town of Man and then they drove us out.
22 They regained control.

23 Q. [12:03:54] So the enemy troops were made up of whom? Where did these
24 people come from and so on and so forth?

25 A. [12:04:03] With all due respect, I think I have to give you the same answer again.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Private Session)

ICC-02/11-01/15

1 the enemy, well, we saw the abilities and the capacities and resources of the enemy
2 and, well --

3 Q. [12:04:18] Let me put the question somewhat differently. Amongst the enemy
4 troops, to your knowledge, other than the people who came from Côte d'Ivoire, were
5 there people who had come from other countries?

6 A. [12:04:34] Well, maybe we could ask the intelligence service that. After the fact,
7 other structures were in a position to bring out all that information.

8 MR ALTIT: [12:04:58] (Interpretation) Your Honour, with your leave, could we go
9 into private session.

10 PRESIDING JUDGE TARFUSSER: [12:05:02] Yes. Let's go into private session,
11 please.

12 (Private session at 12.05 p.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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Trial Hearing
WITNESS: CIV-OTP-P-0156

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0156

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0156

(Private Session)

ICC-02/11-01/15

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1 (Redacted)

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7 (Open session at 12.16 p.m.)

8 THE COURT OFFICER: [12:16:48] We are in open session, Mr President.

9 PRESIDING JUDGE TARFUSSER: [12:16:50] Maître Altit.

10 MR ALTIT: [12:16:51] (Interpretation) Thank you, your Honour.

11 Q. [12:16:57] Sir, yesterday you told us, and page 16, line 10, I'm going to quote

12 what you said. French transcript, rather. Well, I'll quote from the exchange, back

13 and forth.

14 So you were asked, "To your knowledge, within the army, were people from the rebel

15 movement from part of the north of the country, were some people recruited?" And

16 you said, "Yes, there was national recruitment."

17 And then you were asked: "Do you know how many people?"

18 And you answered this: "3,000 young people, approximately." End of quote.

19 So my question to you is this: Why were these young people recruited?

20 A. [12:17:55] Quite simply, because the army of Côte d'Ivoire had not had the

21 necessary recruitment for -- ever since the 1990s. So staff -- well, the military staff

22 were aging and necessarily during the initial fighting, we certainly felt that. So Côte

23 d'Ivoire decided through the appropriate services that recruitment would be carried

24 out at the national level because the soldiers and the HQ expressed that need.

25 Q. [12:18:51] Very well. So if I've understood correctly, this was a recruitment

1 done in the normal way, and it was to make up for the lack of recruitment for a great
2 many years?

3 A. [12:19:10] Yes, that's right.

4 Q. [12:19:15] What region did these young recruits come from?

5 A. [12:19:37] Well, what I know is that the recruitment was done in the part of the
6 country that the government had control over. Otherwise, well, I didn't mention a
7 particular ethnicity, but the government part, all the young volunteers could sign up
8 to become a soldier.

9 Q. [12:20:15] Let us try to understand one another. Why was it that the
10 recruitment was done in the part of the country controlled by the government and not
11 in the north?

12 A. [12:20:26] The government had control over only part of the country.

13 Q. [12:20:35] And who had control over the other part of the country?

14 A. [12:20:44] The other part of the country was under the control of the New Forces,
15 le Forces Nouvelles, so that is why, that's what they were called.

16 Q. [12:20:59] To your knowledge, these recruits who had come from the south,
17 from the government controlled part of the country, were they from all kinds of
18 different ethnic groups, all kinds of different backgrounds?

19 A. [12:21:21] When the 3,000 were recruited, I was at the front. And the
20 headquarters decided to have four training centres. Well, four instruction centres or
21 training centres. Four captains were appointed, and I was appointed, I was one of
22 them, and I went down and I was given management of one of these centres at the
23 police academy, and amongst these 3,000 I was responsible for training 900 of them.
24 And of the 900, there were all kinds of people. Well, I wouldn't say that there were
25 forms with headings like origin or ethnicity, but I can say that there were all kinds of

1 people, all kinds of different people, from all regions of Côte d'Ivoire had their sons
2 amongst the 900, the 900 that I had to train.

3 Q. [12:22:40] Very well. Sir, when did you meet with the OTP investigators for
4 the first time?

5 A. [12:22:57] The OTP investigators approached me late 2011 or early in 2012,
6 unless I'm mistaken. I wouldn't say -- it wasn't the same team. The first team
7 approached me sometime between late --

8 Q. [12:23:28] Just a moment if you don't mind, Mr Witness. If ever you mention a
9 member of the OTP, you can do so, but if so, please let us know you're going to do
10 that so that we can go into private session and that way we can avoid naming the
11 person in open court.

12 A. [12:23:55] I don't have names, but I can describe the people basing myself on
13 part of the skin colour and their, if that's possible, and the approximate
14 measurements.

15 Q. [12:24:09] Well, you said that there was a first contact, right?

16 A. [12:24:12] Yes.

17 Q. [12:24:14] With the first team?

18 A. [12:24:15] Yes, that's right.

19 Q. [12:24:17] When? What date?

20 A. [12:24:20] Late 2011, early 2012.

21 Q. [12:24:22] Very well. Now, do you remember how you were contacted by that
22 team?

23 A. [12:24:31] They approached me through the military tribunal or perhaps
24 through the ministry. But it was the military tribunal that called me and they said
25 this to me. They said there are people, there are people from the ICC who are here,

1 and they want to take a statement. But you don't have to, you can refuse if you
2 want.

3 And I was in a special situation. So I went.

4 Q. [12:25:10] If you don't mind, sir, now, what you just said, I think some people
5 have understood and others not, because it was sort of an image that you used. But
6 it was an image. Can you tell us, and we can go into private session so that we can
7 understand, you said that you were in a special situation and you were trying to cling
8 on it a tree.

9 What was the situation exactly? And then we can go back into open session?

10 A. [12:25:48] We can go. Well, this is something the people know about. Some
11 of the soldiers were in the same situation. It was a difficult situation just because
12 when you are facing charges before a tribunal, that's a different situation.

13 A number of charges, serious charges were levelled against us regarding things we
14 allegedly had done, and that is why I now have this duty counsel right beside me
15 who has been helping me.

16 Now, we were before a national court, military. And the counts were so horrible
17 that when the ICC approached me, I said to myself, well, on a human level, I think
18 there's a problem.

19 I am here. I don't know how this is going to end. This is a way out for me. I have
20 to go.

21 So that was, that was my motivation.

22 Q. [12:27:21] Very well. And did you inform your superiors of this initial meeting
23 with the OTP?

24 A. [12:27:36] Well, what they said to me, and I remember quite well, my superiors
25 knew, but they didn't need -- the way it was -- well, with the military tribunal, I

1 understood that that was what was going on, that -- well, I didn't inform my
2 hierarchy directly. I think they already were informed. But what the office said to
3 me, what the investigators, that they said it should remain secret.

4 So my dealings, well, how --

5 Q. [12:28:34] Let us try to understand one another. You are telling us -- I'm trying
6 to understand what you are telling us. So you've told us that they told you that your
7 hierarchy was aware. And then they told you that what they were going to talk
8 about was to remain amongst you and them?

9 A. [12:28:53] Yes, that's right.

10 Q. [12:28:54] Very well. So what was the topic of discussion during this first
11 meeting?

12 A. [12:29:06] Well, first of all, they were reassuring me. They did everything they
13 could to be reassuring. And then after that very quickly we moved onto the heart of
14 the matter. Each time they told me that I wasn't obliged, they reassured me. And
15 then, and you see, since I had information, they asked me about several things.

16 Q. [12:29:49] Very well?

17 A. [12:29:51] That had to do with the post-election crisis.

18 Q. [12:29:54] Very well. Were you assisted by your counsel, this counsel who has
19 been helping you ever since that time during the first meeting?

20 A. [12:30:07] Yes, yes. He assisted me throughout all the meetings. He was in
21 contact with them, what was to be done. Even if, even if he weren't there, he took
22 precautions so that things would be conducted properly. He was monitoring things
23 so to speak.

24 Q. [12:30:39] But he was there?

25 A. [12:30:42] Yes. But sometimes he was not there from beginning to end.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 Q. [12:30:48] Very well. You talked to us about a second meeting with a different
2 team; is that correct?

3 A. [12:30:56] Yes.

4 Q. [12:30:57] And when was that?

5 A. [12:31:02] There were three or four of them. I never saw the other team again.
6 It was the second team that I started seeing until my last statement.

7 Q. [12:31:20] Very well. Do you remember the approximate dates of the other
8 three or four meetings?

9 A. [12:31:25] That is difficult. The last one was in 2015. So approximately one
10 per year right up to 2015. I cannot be more specific about the dates.

11 Q. [12:31:44] During each of these meetings, did you sign a statement?

12 A. [12:31:55] Yes, I signed a statement on each occasion.

13 Q. [12:32:10] Very well. Now, when was the last contact you had with the OTP?
14 And I'm talking about contact, not necessarily a meeting.

15 A. [12:32:31] I would like to know relating to my travel or what?

16 Q. [12:32:37] The last contact irrespective of the reason.

17 A. [12:32:42] Before coming here, that is this month, in fact, the last month I had
18 repeated contacts.

19 Q. [12:33:00] Very well. And what did you discuss during those contacts?

20 A. [12:33:18] During the recent contacts, we discussed the modalities of our travel
21 here to the ICC and they deployed an armada in the area of information guidelines,
22 what precisely was the procedure for coming here and so on and so forth.

23 Q. [12:33:51] Very well. Were you made any promises to encourage you to
24 cooperate with the Office of the Prosecutor? For example, did you sign any
25 agreement promising that you would not be prosecuted if you cooperated with the

1 Office of the Prosecutor?

2 A. [12:34:10] I'm sorry, from whom?

3 Q. [12:34:15] From the Office of the Prosecutor.

4 A. [12:34:17] No. Absolutely not.

5 Q. [12:34:25] Did you give the names of any other potential witnesses to the OTP?

6 A. [12:34:40] In fact, all the names that I mentioned are in my statement. Apart
7 from those, I did not give them any other names.

8 Q. [12:34:53] Very well. Did you inform your hierarchy that you were travelling
9 to The Hague?

10 A. [12:35:03] Yes. I reported, and even my superiors in the ministry at the first
11 level is well informed about this situation.

12 Q. [12:35:19] The transcript is not yet up to date. But it appears you have said that
13 my superiors, at least at the highest level at the ministerial level is informed.
14 Are you talking about the minister himself or what?

15 A. [12:35:55] Yes, because the legal advisors of the minister of defence deals with
16 such matters. So my mission order was signed by the minister.

17 Q. [12:36:14] Very well. Mr Witness, I would like to thank you.

18 Mr President, your Honours, this concludes the questioning of the witness by the
19 Defence team of Laurent Gbagbo.

20 PRESIDING JUDGE TARFUSSER: [12:36:31] Thank you very much.

21 I now revert to the Defence for Mr Blé Goudé. But we could also stop here and start
22 in the afternoon. If I interpret your body language, then it is what you were going
23 to ask.

24 MR N'DRY: [12:37:01] (Interpretation) Yes, Mr President, I would want us to break
25 now and resume afterwards.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [12:37:13] Yes, Mr MacDonald.
- 2 MR MACDONALD: [12:37:15] So many things come across my mind right now.
- 3 I'd just like to inform the Chamber that we will have a re-examination and, therefore,
- 4 it would be much helpful to know how long the Blé Goudé Defence team will need so
- 5 that we can organise ourselves and also I understand that no matter what, how long
- 6 we can sit tomorrow morning, right?
- 7 PRESIDING JUDGE TARFUSSER: [12:37:50] Well, we can sit until 1.
- 8 MR MACDONALD: [12:37:52] That's right. So we have all the time.
- 9 PRESIDING JUDGE TARFUSSER: [12:37:55] We have the time.
- 10 MR MACDONALD: [12:37:57] Thank you.
- 11 PRESIDING JUDGE TARFUSSER: [12:38:03] Are you able to make an estimate.
- 12 MR N'DRY: [12:38:09] (Interpretation) Mr President, I believe that I will not need
- 13 more than one hour, in fact, much less. Not more than one hour, maybe 20, 30
- 14 minutes. But just to be on the cautious side I say one hour, no more.
- 15 PRESIDING JUDGE TARFUSSER: [12:38:33] So we restart at 2.30 and we will have a
- 16 normal session. When as soon as the Defence for Mr Blé Goudé has concluded, the
- 17 re-questioning by the OTP is starting.
- 18 Thank you very much. The hearing is adjourned.
- 19 THE COURT USHER: [12:38:58] All rise.
- 20 (Recess taken at 12.38 p.m.)
- 21 (Upon resuming in open session at 2.33 p.m.)
- 22 THE COURT USHER: [14:33:31] All rise.
- 23 Please be seated.
- 24 PRESIDING JUDGE TARFUSSER: [14:33:55] Good afternoon.
- 25 Good afternoon, Mr Witness. It's now time for the Defence for Mr Blé Goudé.

1 And I give the floor to Maître N'Dry.

2 QUESTIONED BY MR N'DRY: (Interpretation)

3 Q. [14:34:20] Good afternoon, Witness.

4 A. [14:34:22] Good afternoon, Counsel.

5 Q. [14:34:26] My name is Maître N'Dry, I am lead counsel for the Defence team
6 for Mr Charles Blé Goudé and also member of the Côte D'Ivoire Bar Association. I'm
7 going to ask you a number of questions on behalf of our Defence team.

8 I'd like to ask you about training. What do you understand by joint basic training?

9 A. [14:35:11] Joint basic training is the kind of training that's given to recruits,
10 young people who have joined the army. It's the initial training that they get. And
11 it takes about 45 days -- well, 45 days to three months maximum. So it's the basic
12 training that any soldier, regardless of his rank, regardless of what level, whether
13 they're an ordinary soldier or a non-commissioned officer or in officers' training
14 school, they all go through this FCB, in the French acronym, in the joint basic training.

15 Q. [14:36:13] Thank you. So you said the duration -- the minimum duration is
16 45 days?

17 A. [14:36:19] Yes, minimum 45 days.

18 Q. [14:36:28] You referred to the army, our army of Côte d'Ivoire that hadn't
19 recruited since 1970, so there were not enough soldiers, in particular, given the impact
20 of 2002 and that justified the recruitment of 3,000 soldiers. My question refers to
21 information that we've received from other witnesses, in particular P-164. And I'd
22 like to concentrate on the mode of recruitment. This was a massive recruitment.
23 Over and beyond that particular means of recruitment, was there any other form or
24 type of recruitment other than this massive appeal that you referred to as the national
25 recruitment?

1 A. [14:37:54] Well, I would say that there are three types of recruitment, there's
2 recruitment for officers, there's a competitive exam and also non-commissioned
3 officers through an exam.

4 I think you're referring to the recruitment of ordinary soldiers. Now, the only
5 recruitment that we have in the official text, that is the 3,000 soldiers who we
6 recruited in 2002 were done so through that means; in other words, there was a
7 structure, in fact I don't really have complete information about how it actually
8 functions myself, but I know that it goes through the town halls and then the
9 ministry of defence. But I don't want to say something that would be incorrect, but I
10 believe that that recruitment followed that procedure, it was a national recruitment
11 campaign.

12 Q. [14:39:04] What you've just said, if I've understood you correctly, is that in
13 ordinary times the town hall, the mairies is involved; is that what you meant?

14 A. [14:39:22] Well, I think there's a sort of census that's taken every year in each
15 commune, so depending on the situation, of course, there was a process, but here
16 we're talking about a period of crisis. And many actions were carried out with either
17 greater flexibility or simplification of the procedure; in other words, it was a time of
18 crisis, so the procedures had to be adapted. But what I can say and what I am saying
19 is that the recruitment of those 3,000 soldiers corresponded to a military requirement
20 which was then transmitted to the politicians and they reacted and that's how 3,000
21 young people were recruited to reinforce the forces or -- and to add youth to our
22 armed forces.

23 Q. [14:40:36] Mr Witness, well, you're saying that it started from the military
24 authorities who relayed the information to the politicians and who granted that
25 request; is that what you're saying?

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 A. [14:40:51] Yes, exactly.

2 Q. [14:41:02] Very well. Well, I don't want to be repetitive, but to be perfectly
3 clear when you talk about the military authorities you're talking about the chief of
4 staff, the general staff?

5 A. [14:41:14] Yes.

6 Q. [14:41:23] Mr Witness, could we come back over the chronology. In 2002, if
7 you could try to remember, I know it's not easy, in 2002 Côte d'Ivoire was under
8 attack, we know there was a rebellion, and Bouaké became a held position; do you
9 agree with that?

10 A. [14:42:09] Occupied.

11 Q. [14:42:10] Occupied. Okay, all right, Bouaké became an occupied city. Do
12 you remember that in 2002 when Bouaké was occupied that the Ivorians, at least some
13 of them, in a sort of national movement, decided to go and free the city of Bouaké
14 barehanded? Do you remember that? Do you remember that particular point in
15 time, that period, that time of the crisis in 2002?

16 A. [14:42:52] Well, yes, I was a soldier and so I was -- I was concerned with
17 participating in the fighting as a soldier. We couldn't be blind and deaf to what was
18 going on, this massive movement of the civilian population. Civil society
19 was -- wanted to react, as you say. Yes, that's a fact.

20 Q. [14:43:37] The reason I'm asking the question is because you said you were in
21 Yamoussoukro. Do you remember during that movement hearing about
22 information relayed at the time which was that Bouaké had been liberated in 2002 at a
23 given point in time?

24 A. [14:44:07] Yes, that's part of the chronology of the various military operations.
25 When -- when the enemy was chased out of Abidjan and they set up in Bouaké there

1 was an offensive, indeed, and on the part of the army to liberate Bouaké. And things
2 didn't really go as planned and it didn't -- it didn't work out, I'll put it that way. But,
3 indeed, people went out into the streets, the inhabitants were in the streets to
4 demonstrate their happiness it being liberated. But, in fact, it didn't turn out the way
5 it was expected.

6 PRESIDING JUDGE TARFUSSER: [14:45:21] Excuse me. My question would be:
7 Do you know this -- how do you know this, do you know this because you were there
8 or do you know this because it is known in Ivory Coast? Do you know it from the
9 news, from the TV? How do you know these things you're telling us about Bouaké
10 in 2002?

11 THE WITNESS: [14:45:51](Interpretation) Well, I learned of it from two sources;
12 there was information going around amongst the army because there were -- the
13 military was involved and, secondly, I saw reports on the TV and I saw people
14 expressing their joy.

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

16 MR N'DRY: [14:46:25] (Interpretation)

17 Q. [14:46:26] Mr Witness, when you were in Yamoussoukro at that point in time,
18 the operations centre was at the residence of the first president of Côte d'Ivoire,
19 Mr Félix Houphouët-Boigny, is that correct, is that where the centre of operations was?
20 And second part of the question, if the answer is yes, was Mr Lida Kouassi in that
21 very same venue, in other words the minister of defence?

22 A. [14:47:09] The premises where the chief of staff of the contacts was situated
23 was in part of the guesthouse. It was a rather large domain, if you will. There was
24 the house that belonged -- where President Houphouët-Boigny lived but there were
25 other buildings, so it was part of the guesthouse that was used to house the

1 COMTHEATRE authorities, the COMTHEATRE chief of staff. Now, was the
2 minister of defence there? Well, of course it was his responsibility to come and see
3 his men.

4 Q. [14:48:14] I'm not asking you for a hypothesis, I'm asking you if he was there
5 or not. Do you know or not?

6 A. [14:48:21] Well, when exactly? I beg your pardon. But his role was not to be
7 continually at the COMTHEATRE but to be as close as possible to his troops.

8 Q. [14:48:39] Very well. When the representative of the Office of the Prosecutor
9 questioned you you referred to a visit on behalf of -- a visit of Mr Charles Blé Goudé
10 that you learned about through someone else. Do you remember whether that
11 moment of celebration that we talked about a moment ago when people were
12 celebrating the liberation of Bouaké, that led to this popular effervescence, did that
13 coincide, if you remember, with the point in time when Mr Charles Blé Goudé was in
14 Bouaké, only if you remember?

15 A. [14:49:35] Well, you're asking me to really tax my memory. I do remember
16 that Mr Blé Goudé came more than once to see the men. He didn't go to a particular
17 group, he went through the commander of the com-théâtre. And people were
18 informed that a leader was coming. He wasn't the only one, but a leader was
19 coming to encourage the soldiers.

20 Now, you're asking me about my memory and as regards Bouaké, the period that I
21 remember is afterwards, after 2002, that is 2003, not that far away. The number of
22 times -- or, I really, I really didn't keep track of that.

23 Q. [14:50:43] Okay. You just said that he wasn't alone. Who was he with?

24 A. [14:50:56] No, when I said he wasn't alone, of course he was with other people,
25 but what I said was that he was not the only movement from civil society that came to

1 support us. That's what I said. Of course when he came, of course, he wasn't alone,
2 he was a member of an organisation which was part of civil society.

3 Q. [14:51:34] Okay. Aside from him, if you remember, can you mention any
4 other individual from civil society who came to support the troops?

5 A. [14:51:51] When I was commanding officer of the BCP I was -- at one point, I
6 was second in command and we were attacked in Akouédo, at the two camps in
7 Akouédo. And in the evening, before the president of the republic arrived, the
8 supreme chief of the armed forces, someone else came to encourage us, but -- and
9 there were others, but I really can't tell you exactly how many.

10 Q. [14:52:34] Well, we weren't there. So when you say they came to encourage,
11 what did you mean? Were they just encouraging the troops, or were they saying
12 the -- the army of Côte d'Ivoire is behind you? Or what exactly do you mean by
13 that?

14 A. [14:52:53] Well, with all due respect, there was a portion of the population,
15 and I -- I say a certain portion, I can't evaluate how many from my position. There
16 was a war effort, you know, there was a collection of money, there were people who
17 were supporting a war effort and contributing money, so when I referred to
18 encouragement I mean a number of things, directives and ...

19 Q. [14:53:34] Well, when you talk about a war effort you mean contributions?

20 A. [14:53:38] Yes. It was stated publicly on television. Each time the
21 spokesperson on TV said that so and so from a particular organisation or activity
22 contributed a certain amount. So that was the idea. The ones who came to meet
23 with the soldiers, that was the idea.

24 Q. This war effort, whether it was financial or whatever, what was the idea behind
25 it, what was the purpose? Obviously I'm asking you questions that you might think

1 are useless, but the purpose of course is to have all this information in our case file
2 and that everything be perfectly clear.

3 A. [14:54:30] Well, these were citizens, civilians who had a variety of
4 responsibilities who were showing their encouragement to the soldiers who were on a
5 mission entrusted to them by politicians who -- or, rather, which was to liberate the
6 occupied area of the country. So all of those efforts, that was considered as part of
7 the encouragement, if you will.

8 Q. [14:55:12] One last question on this issue. The donations or contributions or
9 financial contributions, whatever you want to call it, if you remember, was there any
10 reporting about the amounts; for example, in the newspapers, was there mention of a
11 particular private corporations who had donated certain amounts of money? For
12 example, in the paper Fraternité Matin, do you remember any reports about that?

13 A. [14:55:55] I remember what was reported on television.

14 Q. [14:55:59] Very well. Witness, what is an advanced post or an advanced
15 position?

16 A. [14:56:20] An advanced position is when you have a main position, it could be
17 a groupement or a sub-group in a particular zone of action with a PC, for example, at
18 a precise location where you have most of the soldiers. And given the circumstances,
19 you can decide to set up an advanced position in the most dangerous direction,
20 toward the enemy, to avoid an effective surprise or whatever, but the advanced
21 position is in comparison to the main position.

22 Q. [14:57:18] Very well. You were at the PCO and I'd like to know whether there
23 was an advanced position of the FDS in Sapia; do you remember?

24 A. [14:57:40] I'm afraid not.

25 Q. [14:57:48] During the electoral crisis?

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 A. [14:57:51] I don't know.

2 Q. [14:58:04] And what about 2002, 2003?

3 A. I'm going to say something that you -- may not be the expected answer, but in
4 normal circumstances the various positions are located on a map and there are many,
5 there are several, so it's hard for me to tell you when or where there was an advanced
6 position. I really don't think I can answer that.

7 Q. [14:58:38] Very well. I'd like to go back -- well, let me rephrase my question.
8 Were you informed of an attack on the part of the enemy on the Abobo transmission
9 centre and, if so, if the answer is yes, can you tell us what you know about that?

10 A. [14:59:11] Well, obviously I wasn't informed ahead of time, but I know about
11 the results. Well, I'm not sure I know much about the numbers, but I know that the
12 antenna was attacked and the guard, the forces that were guarding the centre they
13 were killed, the guards were killed.

14 PRESIDING JUDGE TARFUSSER: [14:59:40] Also here I would ask to put it in
15 time.

16 MR N'DRY: [14:59:51] (Interpretation) That was my next question.

17 Q. I believe you heard what the Presiding Judge has just stated. Do you
18 remember when in time that occurred when the transmission centre was attacked in
19 Abobo?

20 A. [15:00:10] Well, it's hard for me to say. These were attacks that we underwent.
21 I know it took place. I know that the antenna was attacked, I know that there were
22 deaths, the guardian was killed, but as to the date it's a bit difficult for me.

23 Q. [15:00:32] But you're confirming that it was during the post-election crisis?

24 A. [15:00:38] Yes, I confirm that.

25 Q. [15:00:40] Very well. Mr Witness, I'd like us to return to the whole question

1 of the MACA, the Abidjan penitentiary. This morning several times, two or three
2 times, you mentioned this fear that this penitentiary would be opened and you linked
3 that to the experience, which experience or experiment are you talking about?

4 A. [15:01:20] Well, I almost said that in Africa conflicts are quite similar. I think
5 this point has been studied. So here and there often -- well, this is part of the
6 strategy of some people, because if you free prisoners that increases danger and
7 the -- it's not often the defender who does this, it's the attacker. So that's something
8 you have to consider because this has happened before and I think in Côte d'Ivoire
9 we've seen that sort of thing happen.

10 Q. [15:02:05] If I could put a date to you. The coup d'état against Henri Konan
11 Bédié in 1980, were the prison's doors open then?

12 A. [15:02:18] Yes, yes, that did happen.

13 Q. [15:02:20] And the consequences were, as you described, greater danger.
14 Now, during the crisis in Côte d'Ivoire and given this fear, was the Abidjan
15 penitentiary opened up?

16 A. [15:02:39] During the post-election crisis? Well, if I say it seems to be so is
17 that a valid response?

18 PRESIDING JUDGE TARFUSSER: [15:03:01] Did you know or you don't know?

19 THE WITNESS: [15:03:06](Interpretation) I don't know.

20 MR N'DRY: [15:03:08] (Interpretation)

21 Q. [15:03:09] Very well. Mr Witness, this morning, now, if we need to go into
22 private session just tell us and we will do so, you mentioned some charges that were
23 levelled against you and you received assistance from counsel and you say that you
24 were accused of some very serious things, yet you did not say what you had been
25 accused of or charged with. Now, can you tell us a bit more, if you wish, in private

1 session or in open court, as you wish?

2 A. [15:04:08] Indeed, as for the question that I received this morning and
3 supporting myself on the interview, these items of information I did pick up on.
4 Now, when the change occurred a number of soldiers were charged with -- well, first
5 of all, we were brought before the military tribunal and as a citizen we required the
6 services of a lawyer to deal with the charges, so I really couldn't say here because
7 actually the charges included all kinds of things, they were serious charges. And
8 thank God, with the support of my counsel, I was able to respond.

9 MR N'DRY: [15:05:33] (Interpretation) Your Honour, if -- if possible, could we
10 please go into private session.

11 PRESIDING JUDGE TARFUSSER: [15:05:41] Yes, let's go briefly into private
12 session. Thank you.

13 (Private session at 3.05 p.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Open session at 3.06 p.m.)

4 THE COURT OFFICER: [15:06:48] We are back in open session, Mr President.

5 PRESIDING JUDGE TARFUSSER: [15:06:55] Maître N'Dry.

6 MR N'DRY: [15:07:01] (Interpretation)

7 Q. [15:07:02] Yes, Mr Witness, you can answer the question. What kind of
8 offences were you charged with?

9 A. [15:07:10] Well, as I was saying earlier, a group of -- well, various things were
10 included in the counts; murder, offences upon a corpse, not respecting -- not
11 following orders, massacres, killings, a whole group of things. There were several of
12 us who faced these charges.

13 Q. [15:07:54] And were the proceedings in front of an examining judge or?

14 A. [15:08:04] Yes. As I said, we went off with our counsel to respond. And
15 there were hearings, proper hearings. There were some trials, proper trials. Others
16 were -- other people were acquitted.

17 Q. [15:08:28] Including you?

18 A. [15:08:29] Yes.

19 Q. [15:08:30] Very well. Mr Witness, did you ever attend a meeting with
20 Mr Charles Blé Goudé?

21 A. [15:08:49] I never attended a meeting with Mr Charles Blé Goudé.

22 MR N'DRY: [15:09:00] (Interpretation) Your Honour --

23 PRESIDING JUDGE TARFUSSER: [15:09:04] Maître N'Dry.

24 MR N'DRY: [15:09:05] (Interpretation) -- this concludes the questioning of this
25 witness by the Charles Blé Goudé Defence team.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 There is one error I believe that I would like to draw to your attention. It's in the
2 transcript. In English when I introduced myself I said I was co-counsel and in -- in
3 the English transcript we read lead counsel, so if that point could be corrected. I
4 don't want that error to be picked up and read over.

5 PRESIDING JUDGE TARFUSSER: [15:09:43] Okay, thank you. Today you are
6 lead counsel.

7 It is now for the Office of the Prosecutor for re-questioning. Mr MacDonald.

8 MR MACDONALD: [15:09:57] Can I ask the indulgence of the Court for maximum
9 10 minutes' break? We'll finish today for sure, that's guaranteed but I need to get
10 some -- following the questions on two topics, I need to get documents in paper form.
11 We've been exchanging obviously like we can, as you know, but I just want to get my
12 head around it before going into it. So 10 minutes.

13 PRESIDING JUDGE TARFUSSER: [15:10:25] How much do you need for the
14 re-questioning?

15 MR MACDONALD: The re-questioning, I should be done by 4, for sure --

16 PRESIDING JUDGE TARFUSSER: [15:10:31] Okay.

17 MR MACDONALD: [15:10:32] -- or around that time, give or take.

18 PRESIDING JUDGE TARFUSSER: [15:10:35] Yes, yes, okay. So let's break for 10
19 minutes and we come back in --

20 MR MACDONALD: [15:10:40] Thank you very much.

21 PRESIDING JUDGE TARFUSSER: [15:10:40] -- 10 minutes.

22 Thank you. The hearing is adjourned.

23 THE COURT USHER: [15:10:48] All rise.

24 (Recess taken at 3.10 p.m.)

25 (Upon resuming in open session at 3.25 p.m.)

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

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

2 Please be seated.

3 PRESIDING JUDGE TARFUSSER: [15:25:52] Now, I give immediately the floor to
4 the Office of the Prosecutor, to Mr MacDonald.

5 And I would really ask the Defence to intervene only -- to refrain from intervening,
6 well, with the issue new and not new, questions trying to, to be, to intervene only if
7 it's really new, so I say so. Thank you very much.

8 Mr MacDonald.

9 MR MACDONALD: [15:26:25] Thank you, your Honour. I had a chat at the
10 break with my colleague, Mr N'Dry, and this is what I wanted to confirm with
11 him -- well, first of all, interview, but with him, and I'll ask questions about that, the
12 antenna incident to situate it in time for the Chamber.

13 QUESTIONED BY MR MACDONALD: (Interpretation)

14 Q. Good afternoon once again, Mr Witness. Now, let us return to this attack upon
15 the RTI broadcast tower. It's been agreed that the incident occurred on 27
16 February 2011. And what is more, a document from the OTP was disclosed to the
17 Defence in this regard. And I can provide the reference number. So would this be
18 the day before you took command of the Camp Commando post, does that refresh
19 your memory, 27 February the attack upon the radio broadcasting tower? And
20 according to your testimony and information we have, it was the following day or the
21 day after that that you took command at Camp Commando; does that refresh your
22 memory?

23 A. [15:28:09] In light of the dates, I can specify that it was the 27th, the attack
24 about the Abobo radio. I took command of the command post on the 29th. So that
25 point -- those dates have been established.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

- 1 MR ALTIT: [15:28:27] (Interpretation) Your Honour.
- 2 PRESIDING JUDGE TARFUSSER: [15:28:28] Maître Altit.
- 3 MR ALTIT: [15:28:30] (Interpretation) Thank you, your Honour. Very briefly.
- 4 I'm not so sure I've quite understood. There was an agreement about both the
- 5 incident and the date? I want to clear this up for the transcript and the case record as
- 6 far as we're concerned. Correction, there never was an agreement.
- 7 PRESIDING JUDGE TARFUSSER: [15:28:54] I don't know anything about
- 8 agreements. I just ask you: Do you remember, on the basis of what the Prosecutor
- 9 said, when this attack was, which date?
- 10 THE WITNESS: [15:29:17](Interpretation) Thank you, your Honour. What is for
- 11 sure I took command in Abobo on the 28th, and what is for sure the antenna was
- 12 attacked in Abobo and what is for sure it wasn't during my week in Abobo. But the
- 13 date of the attack upon the radio antenna I don't remember.
- 14 PRESIDING JUDGE TARFUSSER: [15:29:39] But was it before you took the
- 15 command or after? And how much before or how much after, how long I mean?
- 16 THE WITNESS: [15:29:56](Interpretation) Your Honour, that's a tough one. It was
- 17 in the same period of time. What I can say is that it wasn't during the time when I
- 18 was, but it was one of the attacks, one of the notable attacks by the enemy, an attack
- 19 that truly -- the actual time that it happened that's difficult for me.
- 20 PRESIDING JUDGE TARFUSSER: [15:30:22] Thank you very much.
- 21 Mr MacDonald.
- 22 MR MACDONALD: [15:30:25] Thank you, your Honour.
- 23 Q. [15:30:29] (Interpretation) The Gbagbo team may discuss with the Blé Goudé
- 24 team on this issue --
- 25 PRESIDING JUDGE TARFUSSER: [15:30:44] Please, Mr MacDonald, let --

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: (Speaks English) But the ERN --

2 PRESIDING JUDGE TARFUSSER: -- we are not -- we are putting questions to the
3 witness and we are not debating among teams.

4 MR MACDONALD: [15:30:51] I want to get the ERN where the information has
5 been disclosed. And if the Defence of Mr Gbagbo it verify this information, then
6 maybe we can have an admission on record because it relates to a date, to situate the
7 debate for the truth-seeking mission of your Honours. So the number is 0001-0256,
8 page 0257.

9 MR N'DRY: [15:31:31] (Interpretation) I think that the problem can be -- the
10 expression used by the Prosecution that there was agreement on the date. During
11 the break Mr MacDonald came and saw me, he asked -- he told me that we have a
12 date for the attack of the antenna, 27 February, and he said "Is this the same date that
13 you have in your file?" And I said "Yes." And in our file, indeed, that attack was on
14 27 February. Maybe it is that expression agreement between the parties that is
15 causing a problem.

16 MR MACDONALD: [15:32:20] I'll move on, your Honour.

17 PRESIDING JUDGE TARFUSSER: [15:32:21] Okay. Thank you.

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

19 Q. [15:32:27] Mr Witness, I would like to go back to some points of clarification in
20 light of the questions put to you by the Defence of Mr Gbagbo this morning. And to
21 that effect, I will give you the context of the questions and answers this morning.

22 And this is the French version, page 23, line 19. And the question was as follows,
23 and I quote:

24 "Now you mentioned rules of engagement on several occasions during your
25 testimony yesterday. My question is this, did you inform your men of those rules of

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 engagement in the field when you were on mission?"

2 And then you gave an answer, which I will skip because what I would like to refer to
3 is that you referred on page 24, line 6:

4 "It is a heading that is made up of the order of operation or the operational order."

5 Do you remember that?

6 A. [15:34:24] Yes.

7 Q. [15:34:26] Very well. Now, let me come back to some of the documents in
8 chronological order, documents which are on our list of materials for your testimony.

9 And the first document is 0048-0056, and that is tab 55 on our list.

10 If this document can be displayed on the screen, please.

11 Now this is a document from the chief of general staff. And the subject is the
12 reinforcement of the security measures. Reference is made to FRAGO 56bis of 12
13 October 2010 relating to precautionary measures.

14 Can we now turn over to page 2 please.

15 THE INTERPRETER: We are not yet on page 2. Can counsel --

16 MR MACDONALD: [15:36:21] (Interpretation) The second page, apart from
17 General Mangou's signature:

18 "Sexto: Coordination instructions. Alpha: General coordination responsibilities
19 CEMA. Bravo: Coordination of Abidjan zone responsibility DGPN. Charlie:
20 Coordination of the towns of the interior."

21 Q. Now, did you take part in the drafting of these documents?

22 A. [15:37:15] These type of documents come from specific places. I worked in
23 the general staff headquarters. And a FRAGO is a message. And there are so many
24 messages which are issued. So I cannot tell you today whether I actually took place
25 in the drafting of that document.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 Q. [15:37:42] This document seems to indicate, and it is stated that on that date,
2 the coordination of the Abidjan zone was still the responsibility of the police.

3 A. [15:37:57] Yes, that is what I said.

4 Q. [15:38:01] So the army was still playing a supportive role?

5 A. [15:38:10] That would depend on the zone. In the theatre of operations it is
6 not the police that is on the front line.

7 Q. [15:38:18] Very well. Now, let us go to the next document that I would like to
8 show you, 0071-0519.

9 PRESIDING JUDGE TARFUSSER: [15:38:32] Maître Altit.

10 MR ALTIT: [15:38:34] (Interpretation) Thank you, Mr President. Can we know
11 what was the link between this document and the rules of engagement?

12 MR MACDONALD: [15:38:45] (Interpretation) I'm coming to that.

13 PRESIDING JUDGE TARFUSSER: [15:38:52] Yes, what is the link between the
14 rules of engagement and this document and the heading you're talking about.

15 MR MACDONALD: [15:38:59] (Speaks English) The heading is --

16 PRESIDING JUDGE TARFUSSER: [15:39:00] Yes.

17 MR MACDONALD: [15:39:01] The heading is -- I'm going to show with four
18 documents, but I can't speak about this in front of the witness.

19 PRESIDING JUDGE TARFUSSER: [15:39:06] I understand. Please go ahead.

20 MR MACDONALD: [15:39:09] Thank you.

21 PRESIDING JUDGE TARFUSSER: [15:39:10] I think I have understood.

22 MR MACDONALD: [15:39:12] Thank you.

23 Q. (Interpretation) The next document is 0071-0519. If this document can be
24 displayed, please. It is a one-page document.

25 A. [15:39:39] Yes, it is a message.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 Q. [15:39:41] This is a message of the COMTER, and there is a reference to the
2 document that I have just read out to you, that is document 4185 of the general staff,
3 CPCO of 31 December 2010 relating to the reinforcement of security measures. But
4 when you say "Quinto ... Bravo: Coordination of the Abidjan region, responsibility
5 DGP". So, four days later the situation was the same in Abidjan, the police was
6 responsible for operations in the field?

7 A. [15:40:47] I can see here "Alpha: General coordination responsibility CEMA.
8 Bravo: Coordination Abidjan zone DGPN."

9 MR MACDONALD: [15:41:04] I'll take my time, your Honour, and if we have to
10 finish --

11 PRESIDING JUDGE TARFUSSER: [15:41:08] (Microphone not activated)

12 MR MACDONALD: [15:41:11] Yes.

13 PRESIDING JUDGE TARFUSSER: [15:41:12] (Microphone not activated)

14 MR MACDONALD: [15:41:17] (Interpretation)

15 Q. [15:41:18] The reason I'm putting this question is that the bouclage operation,
16 that is the sealing-off operation of 11 January, it was the gendarme Goué who was
17 responsible and as you indicated in your testimony. Was this essentially a police
18 operation? In any case, you recognise the existence of this document and the
19 situation in the field, that is my question?

20 A. [15:41:53] My answer is as follows, as I said some time ago, insecurity in
21 Abidjan had moved from the civilian level to a military threat, but to my knowledge
22 the civilian insecurity did not simply disappear, the two situations continued to exist.
23 So the general staff headquarters, in light of the progress made or changes, could
24 assign certain responsibilities to the police and other responsibilities to the army or
25 the gendarmerie, so I really do not understand your question.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 Q. [15:42:59] I will continue with the next document. I would like to recall the
2 document that we displayed during my examination, and this is related to the
3 questions put by Maître Altit this morning on the rules of engagement. 0071-0407.
4 We do have -- well, if we have a hard copy, well and good, then we can give it to you,
5 but it is FRAGO 69 of 18 January 2011. And I would like to refer you to page 0410.
6 So if we can display that page 0410. And if there is a hard copy we can give it to the
7 witness also. This document is document number 64 on our list of incriminating
8 materials. We have a copy for the witness, Mr President?

9 PRESIDING JUDGE TARFUSSER: [15:44:34] Mr Witness, can I put you a question:
10 Are these, the documents shown to you now by the Office of the Prosecutor, are these
11 what you called during your testimony order of operation or operational orders?

12 THE WITNESS: [15:45:00] The documents that are being shown to me, including
13 the hard copies that I have, are messages and the messages are referenced. They
14 represent continuity, that is if a commander wants to underscore a point or repeat a
15 point a message is repeated. But an order of operation has headings and one of the
16 last headings is "Coordination" and it includes rules of engagement and rules of
17 conduct.

18 Now, if we could have all the orders of operation and all the FRAGOs for that period,
19 respectfully Mr President, I would be able to situate myself, but based on a message
20 where we do not have any specific information, it is really not clear because another
21 operation includes the heading "Rules of engagement".

22 PRESIDING JUDGE TARFUSSER: [15:46:17] Mr Prosecutor.

23 MR MACDONALD: [15:46:33] I'm just waiting for the transcript because I want to
24 come back on the answer.

25 Q. [15:46:57] (Interpretation) Mr Witness, on page 89 of the transcript, in answer

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 to the Presiding Judge's question, lines 16 and 17, there is a message with no specifics,
2 but it does not contradict what I'm saying. I simply want to ask clarification, not to
3 contradict you, so I'm asking you to look at this document in front of you which is
4 0071-0407, but if you look at page 0414, Annex DIH, is that what you are referring to,
5 the rules of engagement?

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

7 Q. [15:47:47] Very well. Now let us go to page 0410. The heading "3A11.
8 Intentions." And I will read it for the record:

9 "With a view to normalising the security situation in the Abobo community and its
10 vicinity, I want to control the zone of action with efforts on PK18 with a modular
11 force based on armoured vehicles as from 12 January 2011."

12 This morning in your testimony, and I do not have the reference, you mentioned
13 participating collectively in the drafting of this document. I note that the
14 document -- well, my question is as follows: On page 0408 FRAGO 69, it is dated 18
15 January 2011, the question is as follows, was there a retroactive effect frequently, that
16 is FRAGOs, that were issued that would be applicable to past events in time, did that
17 happen?

18 A. [15:49:33] I must admit that I don't understand that question.

19 MR MACDONALD: [15:49:39] (Overlapping speakers)

20 PRESIDING JUDGE TARFUSSER: [15:49:40] I think it is very much argumentative.
21 Not factual.

22 MR MACDONALD: [15:49:43] (Speaks English) I'll move on. I'll move on, your
23 Honour.

24 PRESIDING JUDGE TARFUSSER: [15:49:46] I think it is argumentative, it's not
25 something which we can discuss.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: [15:49:48] I'm asking the witness, but it's okay.

2 PRESIDING JUDGE TARFUSSER: [15:49:52] Maître Altit.

3 MR ALTIT: [15:49:53] (Interpretation) Thank you, Mr President. I was going to
4 talk about the argumentative aspect, but I would limit myself now to the reference
5 made by my learned friend. I would like to have the reference. The Prosecutor said
6 that it was during a time when the witness admitted having taken part in the drafting
7 of the document. It is possible that that is true but I do not remember so I would like
8 to have the reference.

9 PRESIDING JUDGE TARFUSSER: [15:50:32] He for sure said to a few documents
10 that he took part in the drafting, I can't remember if also on this, of course. So I think
11 we will find it --

12 MR MACDONALD: [15:50:47] (Overlapping speakers) I can ask.

13 PRESIDING JUDGE TARFUSSER: [15:50:48] I think we can find it in the next 10
14 minutes or ask: Did you take part in the drafting of the document in the sense you
15 said, I can't remember if this morning or yesterday --

16 MR MACDONALD: [15:51:02] Collective.

17 PRESIDING JUDGE TARFUSSER: [15:51:03] -- yes, as part of your section?

18 THE WITNESS: [15:51:17](Interpretation) This document is a FRAGO, it is produced
19 within the CPCO with the participation of all the cells, including mine.
20 The other documents were messages and that -- those were not subject to such a type
21 of drafting, it is simply a message to clarify something.

22 PRESIDING JUDGE TARFUSSER: [15:51:43] Perfect. We refer to this document,
23 so --

24 MR MACDONALD: [15:51:46] Yes.

25 PRESIDING JUDGE TARFUSSER: [15:51:47] -- please go ahead.

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: [15:51:49] (Interpretation)

2 Q. [15:51:50] I am informed that in the English transcript of this morning the
3 witness is supposed to have acknowledged on page 6 onwards having drafted this
4 document. And in any case --

5 PRESIDING JUDGE TARFUSSER: [15:52:14] He has done it also here, so it is
6 useless to go back.

7 Maître Altit.

8 MR ALTIT: [15:52:21] (Interpretation) Very briefly. We have to be very clear for
9 the record. I am not sure that this document was shown to him this morning and if
10 it was not shown he cannot admit or recognise it.

11 PRESIDING JUDGE TARFUSSER: [15:52:35] Maître Altit, the witness here has said
12 now that it is one of those documents which were collectively formed, so I think we
13 can go further and I give the floor back to the Office of the Prosecutor.

14 MR MACDONALD: [15:53:10] (Speaks English) We'll send the reference. But we
15 have found it, yesterday.

16 Q. [15:53:17] (Interpretation) Let us come back to my question. To begin with,
17 you will realise that --

18 PRESIDING JUDGE TARFUSSER: [15:53:30] Please put the question, not "you will
19 realise" put the question.

20 MR MACDONALD: [15:53:36] (Interpretation)

21 Q. [15:53:37] Which is the date on which the FRAGO was issued? And you can
22 look at page 0408 for that purpose.

23 PRESIDING JUDGE TARFUSSER: [15:53:45] Well, can we say it, I mean, if the date
24 is there.

25 MR MACDONALD: [15:53:50] That's what I was doing, your Honour --

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [15:53:52] Yes.
- 2 MR MACDONALD: [15:53:52] -- and then you said put the question.
- 3 PRESIDING JUDGE TARFUSSER: [15:53:55] Yes, but not an obvious question --
- 4 MR MACDONALD: [15:53:58] All right.
- 5 PRESIDING JUDGE TARFUSSER: [15:53:59] -- which is visible to everybody.
- 6 MR MACDONALD: [15:54:01] Your Honours, I would kindly --
- 7 PRESIDING JUDGE TARFUSSER: [15:54:03] Please.
- 8 MR MACDONALD: [15:54:05] -- I would kindly ask that we suspend.
- 9 PRESIDING JUDGE TARFUSSER: [15:54:08] No --
- 10 MR MACDONALD: Come back tomorrow morning.
- 11 PRESIDING JUDGE TARFUSSER: -- no, please we --
- 12 MR MACDONALD: I'm not finished.
- 13 PRESIDING JUDGE TARFUSSER: -- have six minutes to and we go --
- 14 MR MACDONALD: [15:54:11] Well, we'll have to come back tomorrow also.
- 15 PRESIDING JUDGE TARFUSSER: [15:54:15] That's okay.
- 16 MR MACDONALD: All right. Okay.
- 17 PRESIDING JUDGE TARFUSSER: We go until 4 o'clock and we come back
- 18 tomorrow.
- 19 MR MACDONALD: [15:54:19] Thank you.
- 20 Q. [15:54:23] (Interpretation) So the FRAGO was issued on 18 January 2011; is
- 21 that correct?
- 22 A. [15:54:31] Yes.
- 23 Q. [15:54:34] I would like us to go back to page 0410.
- 24 PRESIDING JUDGE TARFUSSER: [15:54:46] Excuse me. I just can give you the
- 25 reference for the -- so this is English transcript page 58, lines 13 to 17. French

1 transcript page 57, lines 2 to 6. So that's the reference.

2 Mr MacDonald, please go ahead. Just for the record.

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

4 Q. [15:55:16] A short while ago I read it out and I will not read it again, but it is
5 stated as from 12 January 2011. Can you see that?

6 A. [15:55:31] Yes.

7 Q. [15:55:33] So the FRAGO was issued on 18 January, but it is retroactive to 12
8 January.

9 A. [15:55:50] Why?

10 Q. [15:55:51] Because it is stated here that the armoured vehicles will be available
11 as from 12 January 2011.

12 A. [15:56:02] And the FRAGO was issued on the 18th?

13 Q. [15:56:06] Yes. Please can you explain that to us, you who participated
14 collectively in the drafting of this document?

15 A. [15:56:22] An order of operation of FRAGO, more specifically, is drafted when
16 there is a new situation. Once the guidelines are given by the general staff, we have
17 date D, and the purpose or intention, even if it is not written personally by the chief of
18 staff, it is his intention, so ever since the 11th, 11, he is thinking the situation that was
19 there. What can be done about it? But the issuance of the document itself is
20 something else.

21 Q. [15:57:09] I would like to take you to page 0412 before moving to the annex.

22 And it is mentioned under:

23 "Conduct. Permanent issue proof of a spirit of a civic character and the military
24 character in order to preserve the link between the army and the nation and the image
25 of the national armed forces in the zone of action."

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 What does that mean?

2 A. [15:57:59] That is part of the conduct, the rules of conduct that have to be
3 mentioned in all orders of operation, depending on the specific situation. So it is
4 telling the troops that will take action in the zone of action that this is the conduct to
5 be followed. Those are the rules to be observed.

6 Q. [15:58:30] Now, let us go to annex 0414. And it is entitled "DIH. I). Mission
7 within the context of the maintenance of law and order. Concerned rights: Human
8 law, national law, customary laws. Ii). Non-internationalised armed conflict. Laws
9 concerned: Human rights, rights concerns human rights and international
10 humanitarian law." And then under "iii). Rules to be observed at all times."

11 So my question to you is as follows: On 18 January when this FRAGO was
12 issued -- just a moment, let me rephrase my question. Between 3 January there is the
13 message that we saw referring to FRAGO 56bis and then the date of 18 January. Was
14 there a change in Abidjan, that is a change in the rules of engagement?

15 A. [16:00:17] Where?

16 Q. [16:00:21] The missions of the FDS in Abidjan.

17 A. [16:00:32] To begin with, FRAGO 56, we don't have it, but I would like to
18 underscore the fact that in all FRAGOs, in all orders of operation, even if there has not
19 been any specific incident or situation, the rules of engagement are always repeated
20 and the DIH basic principles are always mentioned.

21 Now, between the FRAGO 56 and the FRAGO 69, you asked whether there was a
22 change, I'm not in a position to answer that question, that is unless I had the
23 document with me.

24 Q. [16:01:27] Mr Witness, on January 18, in Abidjan, and this is my last question
25 for this afternoon, were you in the context of a small i) or small ii) in Abidjan, in other

1 words you who participated, since you participated collectively in drafting this
2 document?

3 A. [16:02:01] The purpose of this annex is pedagogical. There had been a change
4 and, therefore, we needed to reflect that information in a FRAGO.

5 Q. [16:02:22] Mr Witness, the CPCO is the grey matter of the general staff, the
6 grey matter. Was it under i) or ii)?

7 A. [16:02:41] After the second round of the presidential elections, the situation in
8 Abidjan had evolved exponentially, that is in terms of security. We had areas, we
9 had zones where there was fighting, there was combat and therefore there was a
10 threat. That's what I can tell you.

11 MR MACDONALD: [16:03:04] (Interpretation) Your Honour, I ask you for
12 permission to stop at this point for today. And unfortunately I will have to come
13 back tomorrow morning to continue.

14 PRESIDING JUDGE TARFUSSER: [16:03:13] Maître Altit.

15 MR ALTIT: [16:03:15] (Interpretation) Thank you, your Honour. I have two
16 points.

17 First of all, I believe that my learned friend went a bit too far, I think he could be
18 asked to be a little bit more courteous with the witness, that was my first point.

19 And secondly, the question that was put to him was already put to him previously,
20 that is the question that he just asked him right now is the very same question in a
21 different form that was already put to him by the very same representative of the OTP,
22 in a different form, that is referring to a war zone or combat zone. So I think it's a bit
23 too much. Are we talking about supplementary questions or are we continuing the
24 direct?

25 And if I may, one more question. As regards the continuation of the supplementary

1 questions tomorrow, again, we're told that four hours will be enough and at the end
2 of the day four hours are not enough, so we have to reorganise everything at the last
3 minute, once again. I'm afraid this is going to occur and reoccur and reoccur.

4 Could we at least ask the representative of the Office of the Prosecutor how much
5 time they're going to need tomorrow given that in any case he's probably not going to
6 keep to what he says. Could we nonetheless ask him the question and which themes,
7 which topics he intends to discuss so that we can speed things up.

8 PRESIDING JUDGE TARFUSSER: [16:05:00] Well, Maître N'Dry.

9 MR N'DRY: [16:05:08] (Interpretation) No comment from the Blé Goudé team,
10 your Honour.

11 PRESIDING JUDGE TARFUSSER: [16:05:11] This is in any case a re-questioning,
12 which is, well, it's a re-questioning which is disciplined also by paragraph 25 of the
13 directives, and it has to be in the boundaries of the paragraph 25. And now it's me to
14 ask the Prosecutor how much time he needs tomorrow for re-questioning? And then,
15 in any case, the Defence teams have the possibility to pose questions and obviously
16 also the topics which you think you have to cover.

17 MR MACDONALD: [16:05:57] In the same vein, your Honour, I have I think it's
18 one more document, it could be two, and then two other topics that I don't want to
19 reveal, but if they come out of the questions of -- or, answers of the witness -- can I say
20 this outside the presence of the witness maybe and then that would be better?

21 PRESIDING JUDGE TARFUSSER: [16:06:26] Yes, then you say also the topics.

22 MR MACDONALD: [16:06:29] Yes, I'll tell you.

23 PRESIDING JUDGE TARFUSSER: [16:06:30] Mr Witness, we finish for today. We
24 will be back, you will be back, everybody will be back here tomorrow morning at 9.30.
25 It will not be very long, but still you have to come at 9.30 to respond to the last

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 questions of the Office of the Prosecutor and maybe the two Defence teams. So you
2 can leave the courtroom now and we see you tomorrow morning at 9.30, thank you.

3 THE WITNESS: [16:07:03](Interpretation) Thank you, Mr President.

4 (The witness stands down)

5 PRESIDING JUDGE TARFUSSER: [16:07:18] By the way, I do agree also on the fact
6 that the questions have to be posed in much or neutral and less emotive way to the
7 witness.

8 Please now.

9 MR MACDONALD: [16:07:35] Damn, I thought I was doing good for the
10 questioning of this witness.

11 PRESIDING JUDGE TARFUSSER: [16:07:41] Yes, but --

12 MR MACDONALD: [16:07:42] It is late, your Honour, it is late, the witness
13 sometimes does not answer --

14 PRESIDING JUDGE TARFUSSER: Yes, okay. But, no, I just say, please, but I will
15 remind you --

16 MR MACDONALD: [16:07:51] I know.

17 PRESIDING JUDGE TARFUSSER: [16:07:53] -- okay. The topics.

18 MR MACDONALD: [16:07:54] I want to question on another document which is
19 0071-0521, which refers to the rules of engagement. I also want to refer to briefly to
20 confirm if 26 February was the last operation they conducted.

21 PRESIDING JUDGE TARFUSSER: [16:08:24] They who?

22 MR MACDONALD: [16:08:26] Sorry?

23 PRESIDING JUDGE TARFUSSER: [16:08:27] They?

24 MR MACDONALD: [16:08:29] The FDS. And as the commander on the ground, I
25 want to ask him about the rules of engagement as they are for that operation. I have

Trial Hearing
WITNESS: CIV-OTP-P-0156

(Open Session)

ICC-02/11-01/15

1 questions on that because it's linked to the FRAGOs now that -- following the
2 questions of Maître Altit, he says these rules of engagement are in these orders. I
3 need to identify the university on the map, annex A. Following the questions of
4 Maître Altit, they're protecting Camp Commando and the university, so I want to
5 know why the university became -- was all of a sudden a location and situate it on a
6 map. And I have a video of the spokesperson of the FDS, which is 0026-0006,
7 presented on the RTI that I'd like to show, shown on 4 March, your Honours, at
8 1 p.m. as to denials of the FDS. And it's after being asked the questions that certain
9 colonels are aware, being informed and women dying and so on, the next day there's
10 a denial. And that's the only video I want to show because other videos will be
11 shown at least one via Witness 172 about the lady that comes up and down.

12 PRESIDING JUDGE TARFUSSER: [16:09:58] Maître Altit.

13 MR ALTIT: [16:10:01] (Interpretation) Thank you, your Honour. Regarding the
14 video, I don't really see how that is related to our cross-examination, but as regards
15 the remaining issues, depending on how it's dealt with, but the very last one I believe
16 has nothing to do with our cross-examination and therefore cannot be part of the
17 re-direct. Thank you.

18 PRESIDING JUDGE TARFUSSER: [16:10:36] We will decide this tomorrow.

19 Now we adjourn to tomorrow morning, 9.30. The hearing is adjourned.

20 THE COURT USHER: [16:10:45] All rise.

21 (The hearing ends in open session at 4.10 p.m.)