

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 1
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 Tuesday, 3 October 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:41] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:01] Good morning.
15 Bonjour. Good morning to you, Mr Mangou.
16 I see Mr MacDonald on his feet, and this means that he wants to talk to the Chamber.
17 So please, you have the floor.
18 MR MACDONALD: [9:33:23] Good morning, your Honour.
19 PRESIDING JUDGE TARFUSSER: [9:33:25] If I interpret well.
20 MR MACDONALD: [9:33:27] It's a fair interpretation. Very succinctly, your
21 Honour, if we could have a few minutes outside the presence of the witness at one
22 point in time today, and just with the parties and participants, for a quick question for
23 the Chamber.
24 PRESIDING JUDGE TARFUSSER: [9:33:49] Okay. We will do it just before break.
25 MR MACDONALD: [9:33:51] Thank you.

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1 PRESIDING JUDGE TARFUSSER: [9:33:53] In order not to disrupt now, we will ask
2 the -- we finish the questioning just five minutes before the break.

3 So, therefore, I give now the floor to Maître Altit, to the Defence for Mr Gbagbo. You
4 have the floor.

5 MR ALTIT: [9:34:16] (Interpretation) Thank you, your Honour sworn.

6 PRESIDING JUDGE TARFUSSER: [9:34:26] Maître Altit, I would like also to ask you
7 not to insist sometimes, as you did yesterday, in asking the witness to say things you
8 would like to hear from him, meaning names, which we do understand what is
9 behind. But sometimes also in light of what you yourself you say in your
10 submissions, I can understand that some things are not spelled out by the witness.
11 But we understand. I hope you have understood what I mean.

12 MR ALTIT: [9:35:09] (Interpretation) Yes, your Honour.

13 PRESIDING JUDGE TARFUSSER: [9:35:16] We do understand sometimes also if it's
14 not spelled out in words, what is behind. So thank you.

15 WITNESS: CIV-OTP-P-0009 (On former oath)

16 (The witness speaks French)

17 QUESTIONED BY MR ALTIT: (Continuing) (Interpretation)

18 Q. [9:35:49] Good morning, Mr Mangou.

19 A. [9:35:50] Good morning, Mr President.

20 Good morning, Counsel.

21 Q. [9:35:58] Let us cut to the chase. Now, yesterday, you mentioned the security
22 arrangement that you set up throughout Abidjan, for example, the French transcript
23 edited 26 September 2017, page 53 and going on to page 54 and then on to page 55,
24 and I quote. Now, I think you remember that you gave us a very clear detailed
25 description of the military arrangements and you reviewed all the various locations

1 where you had set up, well, posted men, right?

2 A. [9:36:57] Yes, right, Counsel.

3 Q. [9:37:00] Well, let me just say one thing right off the bat. Now, let me be very
4 clear. We want to know how many men were posted. So there's two possibilities.
5 I could refer back to what you said and then you can tell us how many men or
6 perhaps you remember perfectly well and you can just give us the number of men
7 posted at these locations. What do you prefer?

8 A. [9:37:32] I will do the math myself, depending on the military arrangements and
9 what was set up. But I think I would be more accurate about the military
10 arrangements at the MACA and at the Abobo roundabout.

11 For those particular locations, I think we can say 120 people; 120 people at the Abobo
12 roundabout and 120 people at the MACA prison. As for arrangements elsewhere in
13 Abidjan, I think we can say 30 plus 30, two squads.

14 Q. [9:38:15] Very well. So if we look back to what you said, Yopougon, for
15 example, I believe I am -- well, I'm reading from a section of the 3rd infantry battalion;
16 is that correct?

17 A. [9:38:45] Yes. Basically, at the first bridge in Yopougon, one section from the
18 30th infantry battalion, one section or squad from the police; at the MACA, a more
19 concentrated operation, two groups. And I believe I mentioned that there were
20 South African armoured vehicles. Then there were paratroopers.

21 Q. [9:39:14] 30?

22 A. [9:39:15] 30: One squad from the 1st, one squad or section from the
23 engineering battalion, two 60-mortar guns, one team from the CECOS, one crew on a
24 vehicle with a machine gun mounted on the top. We had one squad from the
25 gendarmerie. They were being held in reserve. And the entire group was led by a

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1 commander.

2 Q. [9:39:57] Very well. So that is Yopougon?

3 THE INTERPRETER: (Overlapping speakers)

4 PRESIDING JUDGE TARFUSSER: [9:40:08] Overlapping.

5 MR ALTIT: [9:40:10] (Interpretation)

6 Q. [9:40:11] I was saying, so that was all of Yopougon and the MACA, the entire
7 military arrangements?

8 A. [9:40:18] Yes, that is correct, Counsel.

9 Q. [9:40:21] Very well. Then Adjamé, so just to make sure I'm clear, the entire set
10 of arrangements or the operations throughout the entire crisis; is that correct?

11 A. [9:40:36] Correct.

12 Q. [9:40:37] Very well. Now, Adjamé Plateau?

13 A. [9:40:45] Adjamé Plateau at the bridge, at the first bridge, at la Casse bridge, we
14 had one platoon from the gendarmerie. You could also call that a squad, but in the
15 gendarmerie the word they use is platoon.

16 Q. [9:41:04] 30?

17 A. [9:41:06] 30. At the GSPN, one squad from the police, Boribana. One squad
18 from the 1st battalion at la RAN, at la Gare RAN. Abidjan-Niger regiment, one
19 squad from the Republican Guard. And the entire group of men was commanded
20 by Lieutenant Colonel Mody with one section, one squad, rather, from the national
21 gendarmerie being held in reserve.

22 THE INTERPRETER: [9:41:50] Overlapping speakers.

23 MR ALTIT: [9:41:56] (Interpretation)

24 Q. [9:41:57] So if we could now move to Cocody, Cocody?

25 A. [9:42:01] In Cocody at la Riviera, we had three. One squad from the 1st BB, the

1 armoured battalion, at the Carrefour de la Vie. One squad from the infantry, Rue les
2 jardins. And we had Petro Ivoire, one joint squad police and gendarmes together at
3 Saint-Jean, one police squad at the RTI, one platoon from the gendarmerie, one squad
4 from the 1st paratroopers battalion. And the two squads were supported by an
5 armoured platoon and dual-barreled guns from the BASA. At the Golf, at the Golf,
6 we had, on the Marie-Thérèse, we had people stationed there.

7 PRESIDING JUDGE TARFUSSER: [9:43:23] Microphone.

8 MR ALTIT: [9:43:25] (Interpretation)

9 Q. [9:43:25] Regarding the Golf hotel, I'm sorry to interrupt for a moment, but that
10 was after the security arrangements were beefed up. So once the arrangements had
11 been beefed up?

12 A. [9:43:38] During the rest of the crisis, yes.

13 Q. [9:43:39] Go ahead. Go ahead, please.

14 A. [9:43:46] I'm trying to pause so we can understand one another.

15 So at the Golf hotel we had one platoon from the 1st armoured battalion. We had
16 the dual-barreled guns, two mortars, one vehicle with 60s, and also a CECOS vehicle
17 with a 12.7. Same set up over in Marie-Thérèse. In the gardens we had a crew from
18 the CECOP (phon), and they were being held in reserve for possible intervention.

19 Q. [9:44:25] Very well. Just to have a general idea, one armoured platoon, that
20 would be -- and stop me if I've got something wrong, but I believe you said that
21 would be three vehicles?

22 A. [9:44:38] At the armoured battalion, you have to remember that some, some of
23 the vehicles were armoured and then there were other vehicles. The section that was
24 set up at Riviera 3, well, they were actually men on the ground, boots on the ground,
25 not vehicles.

- 1 Q. [9:45:09] Very well. So a dual-barreled gun, how many people?
- 2 A. [9:45:17] Yes, yes, four or five people, a crew of four or five.
- 3 Q. [9:45:22] Very well. Two mortars, two or three people or four?
- 4 A. [9:45:25] Four times two is eight.
- 5 Q. [9:45:30] 12.7 gun from CECOS mounted on a Jeep?
- 6 A. [9:45:39] On a pickup truck. Those are civilian vehicles. A pickup truck.
- 7 Maximum of 10 people, I would say.
- 8 Q. [9:45:46] Very well. So that is the total amount of people at Marie-Thérèse and
- 9 then you had the same number of people on the other side, correct?
- 10 A. [9:46:00] Yes.
- 11 Q. [9:46:00] very well. I'm sorry for interrupting you. I crave your indulgence,
- 12 but I think we have reviewed all the arrangements for the Golf hotel. Now let's talk
- 13 about Abobo.
- 14 A. [9:46:13] At the Abobo roundabout and the arrangements there, we had the BAE,
- 15 the riot squad, with RG12s, also pickup truck; we had the BASA.
- 16 Q. [9:46:34] How many people?
- 17 A. [9:46:34] The BAE, I would say about 12 people per vehicle, 12 people per
- 18 vehicle.
- 19 Q. [9:46:41] How many vehicles?
- 20 A. [9:46:42] Two. As for the BASA, 22 people per pickup truck, 57 men from the
- 21 gendarmerie, from Camp Commando, 17 men from the CRS1, 18 from the CRS2, two
- 22 mortars, 60s, one armoured vehicle from the Republican Guard, 7 people on board,
- 23 and the vehicle could take 10 people. We'll exclude the 3-member crew, so that
- 24 means another 7. Then the 120 mortars, that was only during the second part of the
- 25 operations. So you'll have to allow 6 persons per -- it's a 6-man crew. Then the

1 GEM from the national gendarmerie. Once again, you have to allow 12 people.

2 So that was basically the arrangements at the Abobo roundabout. As for the
3 assessment we carried out, basically 120 people.

4 Q. [9:48:02] Very well. Now, everything that you have told us so far, does that
5 represent the entire number of people, the entire --

6 A. [9:48:14] Yes, Counsel, the entire arrangements. That was the full force and
7 Detoh Letho Firmin was the commander of the entire group. That's what I can tell
8 you about equipment and material and men.

9 Q. [9:48:36] Very well. So we'll move on to something else now. Now, regarding
10 the issue of whether or not to declare Abobo as a war zone, you said during previous
11 testimony, and I quote. 25 September, edited transcript, page 86, lines 24 to 28.

12 You were asked a question by the OTP, and the question was this: "Did you speak to
13 the president?"

14 Your answer was this, "Well, I reported to the minister of defence who spoke to the
15 president. And the president's answer was no. He said that in his speeches he
16 often said that there was no longer war in Côte d'Ivoire, and if he were to declare that
17 Abobo was a war zone, that would lead to confusion. So he was not going to do
18 that."

19 Questioned from the OTP: "So Abobo was never, was never" -- no, no, let me
20 rephrase, because the transcript is not clear.

21 "So Abobo was never -- neighbourhood inside?"

22 And then you added -- no. The Prosecution said, "Or a neighbourhood, or a
23 neighbourhood, a neighbourhood of Abobo. The neighbourhood of Abobo was
24 never declared a war zone."

25 And you answered this, you said, "Never."

1 Question, the Prosecution went on to ask you this, "But this discussion with the
2 minister, and my question, I'll put to you once again, just to be very clear, was that a
3 direct response or a direct discussion with the president or through the minister?"

4 And the answer, and you said, "No, I went and I saw the minister and I suggested
5 that to him. The minister called the president. They talked about the matter and he
6 received an answer from the president, and he brought the answer back to me." End
7 of quote.

8 So if I've understood your testimony correctly, the minister did not call the president
9 in your presence, right in front of you?

10 A. [9:51:46] That's correct, Counsel.

11 Q. [9:51:47] Very well. So you don't know whether the minister called the
12 president.

13 A. [9:51:59] I know he did because he reported back to me with the president's
14 reply.

15 Q. [9:52:10] But you did not actually see him placing the call or hear the call.

16 A. [9:52:15] No.

17 Q. [9:52:16] Very well. We'll now move on to a different point. Very quickly, the
18 whole issue of ceasefires -- correction, curfews. Now, if we've understood what
19 you've said to us, did you say in the video footage -- and I'll give the reference,
20 CIV-OTP-0074-0063 -- a curfew is an exceptional measure that allowed the FDS to
21 continue their operations of ensuring safety and security.

22 Now, it might be simpler for us to play some video footage, and I'll repeat the number,
23 CIV-OTP-0074-0063, time code 5.38 to 6.39. And this is an excerpt from the newscast
24 of 8 p.m., 12 January 2011.

25 If we could kindly have control, please.

1 Reference number, transcript CIV-OTP-0087-0485 at page 0486, lines 28 to 39.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [9:54:46] (Interpretation of the video excerpt)

4 Given such an atmosphere of danger and threats of war that the people of this
5 commune are experiencing, the threats of armed attacks upon the Defence and

6 Security Forces of Côte d'Ivoire, the following emergency measures are taken. One,
7 a curfew is hereby in place throughout the entire commune of Abobo Gare as of this
8 date, Wednesday, 12 January 2011, from 1900 hours up until Saturday at 0600 a.m.

9 This exceptional measure will allow the Defence and Security Forces of Côte d'Ivoire
10 to continue their sovereign mission of ensuring the safety and the protection of the
11 people.

12 MR ALTIT: [9:55:56] (Interpretation)

13 Q. [9:55:59] Sir, you heard the footage. You viewed it, yes?

14 A. [9:56:06] Yes, Counsel.

15 Q. [9:56:10] Now, this is a statement that you made regarding the establishment of
16 a curfew in two neighbourhoods. Now, this curfew was as of Wednesday the 12th
17 up until Saturday the 15th, and you said among other things that it was an
18 exceptional measure, an emergency measure. I won't quote the actual words, it was
19 quite clear. It's in the transcript. But my question to you is this, was each curfew in
20 response to a particular security situation?

21 A. [9:56:54] Yes, Counsel. Each curfew was in response, was in response to a
22 particular situation. These were exceptional measures. But when I defined the
23 curfew, I said it was a prohibition upon the population for a certain period of time,
24 usually at night, so that the Defence and Security Forces could ensure the safety of the
25 area where the curfew had been put into place.

1 Q. [9:57:25] Very well. So if we could move on to another point. Just to make
2 sure everything is crystal clear, now, you just said here that the goal, the goal, was to
3 protect, well, it was to protect the population, correct?

4 A. [9:58:01] Absolutely. All the measures that we took were safety and security
5 measures. During that period of time, you see, there were killings at night. So we
6 truly wanted to ensure the area was safe so as to reassure the population.

7 Q. [9:58:18] Very well. I think that's perfectly clear now, crystal clear.
8 We'll now move on to a different point. Could you tell us more specifically about
9 the rules of engagement. And, first, the rules of engagement when it came to
10 ensuring order, enforcing the law.

11 A. [9:58:57] Well, I really don't know what to say. I can't be too specific. But law
12 enforcement is the responsibility of the police and the gendarmerie. That's not really
13 our jurisdiction, our area of expertise.

14 Q. [9:59:13] Very well. Could you tell us more about the rules of engagement in
15 the case of legitimate self-defence?

16 A. [9:59:27] In the case of legitimate defence, well, all armies in the world use that
17 to justify their actions. A number of conditions must be met. The very first
18 condition is that there has been aggression. Then you have to retaliate and --

19 PRESIDING JUDGE TARFUSSER: [9:59:45] Can we just jump on this. I mean, it is
20 the law which tells us what the rules of engagement are. If they are different in Côte
21 d'Ivoire, then I could understand. But I don't think they're much different than in
22 any other country.

23 MR ALTIT: [10:00:04] (Interpretation) Your Honour, this witness is in a unique
24 situation. He was the man responsible for the army. And I'm trying to determine
25 first of all what the rules were, to determine whether the rules were followed, because

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1 in part this is the case of the Prosecution.

2 PRESIDING JUDGE TARFUSSER: [10:00:24] Please, ask if the rules are different
3 than in all other parts of the world. If they are not, we should know them. And if
4 there are particularities due to this, the crisis, then it's okay. But we are not making
5 lessons about what the rules of engagement are in generally speaking. Jura novit
6 curia, we say in Latin.

7 MR ALTIT: [10:01:06] (Interpretation) Very well.

8 Q. Mr Witness, you can see the problem, can't you. Now, this Chamber has
9 already heard a number of witnesses speak on the rules of engagement. So in order
10 to save time, it is not indispensable, according to the President, for you to repeat the
11 details pertaining to those rules of engagement. That's why I'm going to put the
12 question to you differently.

13 As far as you know -- well, how did you proceed to ensure that the rules of
14 engagement were followed during the operations on the field?

15 A. [10:01:48] It was generally through various reports. You see, when we drew up
16 various operations, notes, we would give instructions as to conduct pertaining to
17 rules of engagement.

18 In the army we say: Conduct to be observed in case of advancing or progression.

19 Now, in the army, this is what we say. If you come under surprise or if you come to
20 the benefit of surprising an enemy, please report accordingly. So, take a position
21 and report. So the initiative does not fall with us. Once an enemy is seen, a report
22 is sent back to the chief and the chief is the one who orders what to do next.

23 But if you are progressing and an enemy sees you and shoots at you, please fight back
24 or fire back and then report.

25 So in both cases, we don't have the initiative to fire first. We have to be fired at first.

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1 And once we are fired at, then we fire back or we report according to the specific
2 situation.

3 Q. [10:03:07] Now, that was the policy for your troops. Throughout the crisis, was
4 that the policy you applied to your troops, which they then implemented on the field
5 during the crisis; is that what you are telling us?

6 A. [10:03:23] Yes. That is correct. The main objective was to have discipline in
7 matters of firing. You don't fire haphazardly.

8 Q. [10:03:38] Very well. On 25 September you told us -- and this appears in the
9 French edited transcript, page 74, lines 18 to 26 -- in answer to a question from the
10 OTP, which I will quote:

11 "According to the laws applicable in Côte d'Ivoire at the time, during the post-election
12 crisis, before the use of 120 millimetre mortar, was it necessary to obtain an
13 authorisation to use a 120 millimetre mortar?"

14 And this is your answer to that question, I quote:

15 "We already had authorisation. And we acted pursuant to a requisition. Therefore,
16 we had authorisation. We had the authorisation. From the time of the
17 requisitioning of the army, the army comes in with all its resources. When you take
18 off the RPG, you take off the mortars and you take away the tanks and the aircraft,
19 then you are no longer dealing with an army. What remains is more like a first
20 category force."

21 So if I understand you correctly, given that the question relates to the 120 millimetre
22 mortar -- I hope you listened to what I read out carefully. Now, if I understand what
23 you are saying, the possibility to use weapons of war, regardless of the category,
24 was -- that authorisation was implied in the requisition; is that correct?

25 A. [10:05:45] The use of weapons of war in a specific area or locality, given that

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1 those areas and localities are generally under the authority of the police and the
2 gendarmerie, what happens then is that when an army is requisitioned, the person
3 requisitioning the army has come to the conclusion that the army has to be used in
4 that locality and, therefore, when the army comes along it brings the weapons that are
5 available to it.

6 Q. [10:06:19] My question was slightly different. So just to be very clear, if I've
7 understood what you have said, you never received any specific delegation for the
8 use of a specific weapon. Do you understand my question?

9 A. [10:06:38] No, Counsel.

10 Q. [10:06:42] Very well. Quite briefly, because this is something you dealt with
11 already, so we're going to try to summarise, can you describe to us the chain for
12 disciplinary sanctions within the army?

13 A. [10:07:09] We have the confinement, we have detention and punishment. The
14 corporal can punish a soldier by confinement. The chief of section can hold in
15 detention for a number of days for soldiers and officers. And once a punishment has
16 been determined, a report is made to hierarchy accordingly.

17 Now, the first authority meting out punishment, if they come to the conclusion that
18 the punishment is sufficient, then the information is simply reported to hierarchy.

19 And, you know, once a soldier comes under punishment, that must appear in their
20 file.

21 If the punishing officer is of the view that the punishment is not sufficient, they
22 would report to hierarchy with a request for additional punishment. And that
23 request is then processed by the hierarchical boss. And if he comes to the conclusion
24 that the previous sentence is -- or, the previous punishment is sufficient, he can stop
25 at that, or if he comes to the determination that there is more severe punishment

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1 required, he reports accordingly to hierarchy. And this can go all the way to the
2 chief of staff or even as far as the president of the republic, depending on the nature
3 of the punishment.

4 Q. [10:09:03] Where can we find these rules of discipline?

5 A. [10:09:10] Those rules are included in our general discipline manner. And each
6 level of authority applies the applicable sanction, which can go as far as 30 days of
7 punishment. And the most serious form of punishment might come after the
8 defaulting party appears before a disciplinary council, and that can end up in
9 dismissal from the army, as the case may be.

10 PRESIDING JUDGE TARFUSSER: [10:09:44] And this was also a general lesson on
11 disciplinary measures.

12 MR ALTIT: [10:10:12] (Interpretation) Mr President, yes, this is an important
13 question. The Prosecutor did not provide any material on this issue, whereas he
14 dealt extensively with the issue of punishment. Therefore, we need to clarify matters
15 for us, not only for us, but for all parties and for the Chamber. It is important to
16 have this clarification.

17 PRESIDING JUDGE TARFUSSER: [10:10:35] Yes, but the law would have been
18 sufficient, the document. But in any case, go ahead.

19 MR ALTIT: [10:10:44] (Interpretation) Thank you, Mr President.

20 Q. [10:10:52] Who had authority to refer a matter to the military tribunal?

21 A. [10:11:01] The ministry of defence.

22 Q. [10:11:06] Very well. Is it possible that the commissioner refer the case, the
23 commissioner of the government refer the case at his own initiative to the tribunal?

24 A. [10:11:29] Yes, that is possible in some cases.

25 Q. [10:11:31] Very well. Let's move on to something else. You told us that

1 during the operation of 24 February in Abobo, General Palasset, commander of the
2 Licorne forces, is the one who told you about the use of the 60 millimetre mortar; do
3 you remember that?

4 A. [10:12:22] Counsel, I would like to draw your attention to the fact that there was
5 no operation on the 24th. We started the operation on the 23rd and we were
6 summoned to the presidency on the 24th to report to the president, which is what we
7 did. And then the second phase of the operation was on 25 February.

8 Q. [10:12:50] Very well. To make things amply clear, I will put the question to
9 you differently. You told us in answer to a question from the OTP that General
10 Palasset had informed you that the 60 mortar had been used at the Abobo operation.
11 Which operation was it and on which day did that operation take place?

12 A. [10:13:18] That information was provided relating to the first offensive on 24
13 February regarding the use of a 60 millimetre mortar.

14 Q. [10:13:35] Very well. Now, I want to put a very simple question to you because
15 somehow the date is not -- now, where did General Palasset get his information from
16 as far as you know?

17 A. [10:14:00] I did not ask him. But, you see, the impartial forces often went to
18 Abobo.

19 Q. [10:14:23] Let's move on to something else. You explained to the Court, page
20 28, lines 19 to 28, this is the French transcript of 27 September, page 28, lines 18 to 28 --
21 THE INTERPRETER: Lines 19 to 28, rather, corrects the interpreter.

22 MR ALTIT: [10:14:56] (Interpretation) And I quote, in answer to a question from the
23 OTP:

24 "I would like to hark back to the matter of your contacts with President Gbagbo,
25 Laurent Gbagbo as he then was. But I'm going to refer to a different period. I

1 would like us now to consider the time between 1 October 2010 and the date of the
2 second round of elections being 28 November. That period could be referred to as
3 the electoral period."

4 The question was: "Were you in contact with President Gbagbo?"

5 And this is your answer, I quote: "Yes, yes, I was in contact with President Gbagbo."

6 Question: "Was it always in the same manner, by telephone and face to face?"

7 Answer, you quote: "By both ways, that is, face-to-face meetings and by telephone."

8 Now, I'd like to seek clarification from you after ending that quote. I would like to
9 ask clarification from you regarding what you said. How many times did you meet
10 President Gbagbo during that period? And I want to give the time frame, that is
11 between the first and the second round of presidential elections.

12 A. [10:16:38] Counsel, this question was already put to me, and I said that I can be
13 specific when it comes to the meetings at the presidential palace. I'm aware of the
14 dates and the times specifically. But when it comes to meetings at the residences,
15 there were so many of them that I cannot tell you how many times I went there.
16 The president is the president of the republic, supreme commander of the army.
17 And you know very well that in times of crisis, the chief of general staff is called up
18 by the president and it is often either in person or by telephone that they have such
19 contact.

20 I am not able to give you an exact number of times.

21 Q. [10:17:24] Very well. But let me put my question to you again. You gave us
22 some dates during your testimony, dates covering the entire crisis period. But my
23 question is very specific, that is between the two rounds, the two rounds of voting,
24 that is if you can remember, how many times did you see President Gbagbo either at
25 the presidential palace or at the residence?

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1 A. [10:17:59] When it comes to the presidency, I have already provided the dates,
2 on 11 March at around 16.30 and 17 hours. Then I met him again on 24 February
3 around 16.30 to report on our first offensive on Abobo. And then I met him again on
4 10 December, around 13.30, to report on the situation which I mentioned yesterday.
5 And these are the meetings that we had at the presidential palace.
6 But when it comes to the palace, we were so often summoned there. I can remember
7 the report we made to him on 5 January 2011 on the general situation obtaining in
8 Abidjan, and then the requisitioning decree that was handed over to us on that date.
9 Otherwise, all I can say is that we had several meetings at the residence and I'm not
10 able to give you an exact number of times.

11 Q. [10:19:11] Very well. That answer is in relation to the entire crisis; is that
12 correct?

13 A. [10:19:38] Yes, that is correct.

14 Q. [10:19:40] Very well. You also explained to the Court that when you wanted to
15 talk to the president by telephone, you would call him on his landline. My question
16 is as follows. Did it ever happen that you would call and not be able to talk to him?

17 A. [10:20:09] Yes, it did happen that I would call and not be able to reach him.
18 Now, when I called, it was generally through the switch board at the residence. But
19 I know the president. I know his habits. So I avoid calling him before 10 a.m. I
20 used to call him from 11.30, noon or thereabouts and would be able to get through to
21 him.

22 Q. [10:20:49] You also talked to the Court about a number of meetings. Can you
23 tell us where these meetings generally took place and who generally was in
24 attendance and who would chair the meetings, who would open the meeting, who
25 would take the floor, and did the president speak or not? Can you describe how

1 those meetings unfolded? Give us an idea.

2 A. [10:21:30] The meetings were generally convened by the president of the
3 republic. When he wants to see all the forces' commanders, he would ask me to
4 summon them, to come at a specific time, and we would go there at that time and we
5 would be received by the president. And I must say that the president is a very
6 jovial man. And you see, before meetings, he would crack a few jokes and make us
7 feel at ease. And then he would give me the floor to update the meeting on the
8 situation and I would do so.

9 Those who could come in attendance generally would be the commanders of the
10 forces, the commander of the land forces, the commander of the air forces, the
11 commander of the national navy, the director general of the police and the director
12 general commander of the national gendarmerie. And General Guiai Bi Poin.
13 Dogbo would also often attend. The chief of security, Major Colonel Ahouman, his
14 personal chief of general staff, General Touvol, as well would generally be in
15 attendance.

16 And then we would update the president on the prevailing situation. So thereafter if
17 he has any instructions to give, they would be given. And if he doesn't have any
18 instructions, generally, he would end up giving us words of encouragement. This is
19 exactly how things unfolded.

20 THE INTERPRETER: Microphone, please.

21 PRESIDING JUDGE TARFUSSER: [10:23:12] Microphone.

22 MR ALTIT: [10:23:15] (Interpretation) The microphone is on.

23 PRESIDING JUDGE TARFUSSER: [10:23:21] Yes.

24 MR ALTIT: [10:23:27] (Interpretation)

25 Q. [10:23:27] All right, Mr Mangou. Where was I? Okay. Now, if I understand

1 you, what you're saying is that during those meetings, the president could either give
2 instructions or not do so. Did it ever happen that he would not give any
3 instructions?

4 A. [10:23:50] Yes, that is correct. If at the end of the report he did not have to issue
5 any instructions, he would not do so. Let me refer to the meeting of the 24th of
6 February for example, where we gave him an update on the situation in relation to
7 our first offensive in Abobo and told him of all the difficulties we had encountered.
8 At that meeting, he gave us an instruction, he said to free up the MACA Abengourou
9 road. Yes, that was a case where instructions were given. But there might be a case
10 where there was no need for any instructions to be given.

11 Q. [10:24:32] Do you remember any meeting at which he didn't issue any
12 instruction?

13 A. [10:24:44] Yes, I remember a meeting at which he did not issue any instructions;
14 that is, when we reported to him on the situation regarding providing security for the
15 electoral process. We also had a meeting at the CCI where we had worked with a
16 number of other groups to build or develop this plan. When we reported to him, he
17 didn't issue any instructions relating to the process.

18 Q. [10:25:29] Very well. If I understood you well, the purpose of those meetings
19 was for you to report to the president on the specific situations; is that correct?

20 A. [10:25:42] Yes, that is correct.

21 Q. [10:25:44] Very well. Now, to make things clear as well, if I understood you
22 correctly, you were the one who would speak or who would take the floor as the
23 person in charge and who would provide such a report; is that correct?

24 A. [10:26:05] Yes. In my capacity as chief of general staff, I would take the floor to
25 present a report on the prevailing situation to the head of state.

1 Q. [10:26:13] Very well. Prior to that meeting, did you, among yourselves as
2 generals and those in charge of security, did you talk among yourselves about how
3 you were going to present such-and-such a point in order to organise yourselves
4 accordingly? Did that happen or did it not?

5 A. [10:26:35] Between us as generals, there was no such problem because we were
6 functioning on the basis of our daily situation reports. And you see, sometimes
7 when he called us up, even without mentioning the purpose for which he called us,
8 we already had an idea of what may be needed and we had our material ready. So
9 when the chief calls, you have to be ready to answer. So at our level, we do a review
10 of all of these points before we appear before the president.

11 Q. [10:27:07] So you're saying that, in any event, you had daily reports and that
12 among yourselves as generals you discussed these things in order to come up with
13 these daily reports.

14 Now, for things to be clear, were those daily reports drafted at the staff headquarters?

15 A. [10:27:34] Yes. I have already testified here that during the crisis, every
16 morning from 8.30 or thereabouts, we had a situation report and then every evening
17 around 18 hours we also had a situation report.

18 But beyond that, it must be stated that the CPCO, the centre for the coordination and
19 planning of elections -- no, sorry, of operations, always had a daily situation report
20 whereby the chief of general staff was in a position to report promptly on any daily
21 situation.

22 Q. [10:28:20] Very well. So when you reported to the president at those meetings,
23 did you express the views of all the generals or was it your personal point of view
24 that was put forth?

25 A. [10:28:38] In the army we all speak with one voice. The leader speaks on behalf

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1 of all. We might have different opinions at meetings. Each person might suggest or
2 put forward an opinion, but once in front of the president, I was the one who spoke.
3 And anyone who would speak after me would be showing proof of lack of discipline.
4 That is a principle that obtains in the army.

5 Q. [10:29:10] Very well. Did the president listen to you?

6 A. [10:29:14] Yes. The president was very attentive to what was reported to him.

7 Q. [10:29:24] Very well. So would it be correct to say that when you were
8 reporting to the president that this report would be somewhat a reflection or the voice
9 of the generals?

10 PRESIDING JUDGE TARFUSSER: [10:29:45] He has said this. It's clear. I don't
11 know. Always, when you say, "Now just to be clear," you try to clear, to say things
12 which are already clear. I mean ...

13 MR ALTIT: [10:30:02] (Interpretation) One of the charges from the OTP is in
14 relation to the meetings which determine or relate to the mode of liability, according
15 to the Prosecutor's case. So we want to find out how the meetings took place. And
16 I will get to the reason for my question, your Honour.

17 PRESIDING JUDGE TARFUSSER: [10:30:29] I have understood that you want to
18 find out how the meeting took place. But we have understood. We can't
19 understand more than this. I mean, once it is 100 per cent said, you continue saying,
20 "just to be very clear" and then to be "crystal clear." It is everything clear because I
21 think the witness is very clear in answering the questions. There is no need to ...

22 MR ALTIT: [10:31:02] (Interpretation) I will proceed differently.

23 Q. [10:31:06] If I understood you properly, during these meetings you have told us
24 that it could happen the president would issue instructions or would not issue
25 instructions. You talked about the meeting of the 24th of February where he gave

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1 general instructions to recuperate a road.

2 My question is as follows, if I understood properly, during those meetings, apart from
3 general instructions that may have been given, were there any operational decisions
4 taken at those meetings; is that the case?

5 A. [10:31:58] You mean by the president?

6 Q. [10:32:01] Yes. Generally speaking, I'm just trying to understand what
7 happened at those meetings and, to go quickly, following instructions from the
8 president, there were no operational discussions taking place during those meetings;
9 is that the case? That's what I want to find out.

10 PRESIDING JUDGE TARFUSSER: [10:32:20] Mr Prosecutor.

11 MR MACDONALD: [10:32:21] I think the question should be put to the witness
12 clearly. And this is --

13 PRESIDING JUDGE TARFUSSER: [10:32:38] The question is as follows: Did the
14 president ever give you operational instructions, yes or no?

15 THE WITNESS: [10:32:49] (Interpretation) Yes, your Honour. When we provided
16 an update, it was an operational update. And when he gave an instruction, it was an
17 operational instruction.

18 Now, the question of freeing up -- well, that was one mission. In an army, a mission
19 is always expressed with a verb, a verb in the infinitive. So, to free a road.

20 PRESIDING JUDGE TARFUSSER: [10:33:30] Can you give us some examples?

21 THE WITNESS: [10:33:50] (Interpretation) Yes, Mr President. Liberate, that's one
22 verb. Another mission might ensure that, that the soldiers do not go out. And I
23 would turn those into operational orders. And the best way of ensuring that people
24 do not go out is to set up checkpoints.

25 For example, if I gave an update, and he would respond and tell me something, I

1 would turn those instructions into orders, operational orders.

2 PRESIDING JUDGE TARFUSSER: [10:34:30] Thank you.

3 MR ALTIT: [10:34:31] (Interpretation) Thank you, Mr President.

4 Q. [10:34:34] Now, the 24 February meeting, you said during your testimony,
5 French transcript, 26 September 2017, page 62, lines 1 to 7, and I quote, "Before the
6 lunch break" -- that is the Prosecution speaking -- "Now before the lunch break we
7 were talking about the 24th of February and a meeting with the generals and the
8 president, the minister of the interior and the minister of defence. What happened?
9 How did the meeting unfold?"

10 Your answer was this, and I quote, "Well, after the meeting, the president entrusted
11 us with a new mission, namely, to free that road, free up that road between the
12 MACA and Abengourou. That's a strategic road. And the people from the south
13 can move to the east and vice versa, and in that way goods can travel."

14 Now regarding this meeting -- end of quote, end of quote.

15 Now, regarding this meeting of 24 February, the Prosecution read out to you part of
16 your 2013 statement. And I would like to read this out to you, and I'll just continue
17 on with my reading out. This is your previous statement, the witness's previous
18 statement, 0051-1047, page 1064 on to the following page. I will now quote as from
19 line 678 onwards.

20 Interviewee, namely, you: "Now, that day, the map."

21 Interviewer: Mm-mm.

22 Interviewee: And we used the map.

23 Yes.

24 Interviewee: Up on the wall. And we informed him, we gave an update on the
25 various actions we had taken and difficulties encountered in the field.

1 Interviewer number 1: Yes, yes.

2 And what was the president's response?

3 Interviewee: Well, be informed of the actions already taken.

4 Interviewer 1: Uh-huh.

5 Interviewee: Actions that we took, the offensive, and at PK18 and in N'Dotré, we
6 realised that it was difficult because we were coming under fire. It was difficult to
7 respond because the people were there, the population, and thus we withdrew. So
8 we withdrew. And when we withdrew, we were asked to do all we could to free up
9 that road, the road from MACA to N'Dotré.

10 Interviewee number 1: Very well.

11 Interviewee number 2: Beside the Banco forest?

12 Interviewee: Yes, that's right.

13 Interviewer number 1: Very well. And did he specify what he meant when he said
14 do everything you can, to do everything you can?

15 Interviewee: Yes, yes. He was specific. He said to see to it that the road be free so
16 that people in Abengourou could move about, come to Abidjan, and so that people
17 from Abidjan would also be able to travel to Abengourou." End of quote.

18 My question, so the president expressed the desire to regain control of the road.

19 That is clear from what you said.

20 Now, there was no operational discussion, if we've understood you correctly. And
21 when I say "operational," I mean the details. He gave a general instruction. This is
22 my question: Was there a discussion about the details?

23 A. [10:39:56] I beg your pardon. Counsel, it is not the president's task to define
24 the details. He merely said to free the road. I'm the one who takes care of the
25 details. I'm the general. At the level of the chief of staff, at my level, when I called

1 General Deto and I say to him, "Carry out a reconnaissance mission on the road
2 between the MACA and Abengourou, I don't give him details. And perhaps he goes
3 by way of the Plateau. He goes by way of the Plateau to get to Yopougon before
4 beginning reconnaissance. That's his business.

5 My, I -- that's what I want from him. I don't need the details, because if I give him
6 too many details and he comes across difficulties in the field, well, so you see, the
7 president at his level, he doesn't give details. He just says free up that road. Gain
8 control of that road. And which tact we take or which place we start, that's my
9 problem. I'm in charge of the details. And when I give instructions to my general, I
10 don't go into the small details.

11 And in turn, when he gives instructions to his children, that is to say, his men in the
12 field, it's the same principle.

13 Q. [10:41:29] Very well. Where is Abengourou?

14 A. [10:41:44] Abengourou, let's say it's to the east of Côte d'Ivoire, slightly to the
15 east. After Adzopé you have Abengourou. So slight, it's to the eastern part of the
16 country, somewhere to the east.

17 Q. [10:41:56] Very well. Just to make sure we've understood this road, does this
18 road go through certain zones?

19 A. [10:42:06] Yes. You go from the MACA prison. Then you have Abobo. And
20 then you have the N'Dotré intersection, then Anyama. And then you head toward
21 Adzopé. And after Adzopé, well, there's a few localities along the way before you
22 finally reach Abengourou.

23 Q. [10:42:35] And was it the time of year when cocoa is harvested?

24 A. [10:42:41] No, no, it wasn't harvesting season. But you must realise that this is
25 a production area, and often, well, you see, it is a large area, a large cocoa bean

1 producing area. And there is also the fact that this road can lead directly to the
2 border with Ghana. So it's a major road, an important road indeed. And N'Dotre
3 being cut off, that would mean that everyone from Adzopé all the way to
4 Abengourou and even beyond would not be able to go down.

5 Q. [10:43:26] So was it because this was a major road? For the transportation, for
6 the harvest, well, for cocoa beans and other commodities; is that why the president
7 wanted that road to be freed up?

8 A. [10:43:48] Yes, that's right. That's the main road that leads to the eastern part of
9 Côte d'Ivoire. It's the main road. Otherwise, you would have to take a roundabout
10 way. You would have to Bocanda, you would have to go -- not Bocanda. To get to
11 Yamoussoukro. So you would have to take a roundabout way. So yes, it's a very
12 important road.

13 Q. [10:44:35] Very well. I'll just ask for one moment if I could. We'll now move
14 on to another point, sir.

15 You mentioned certain press releases from the army press service. I'd like to quickly
16 read out to you one short excerpt on this particular point. And this is in the French
17 transcript 25 September and I'll read from page 77.

18 There was a question from the Prosecution, and I quote, "I'll just continue and ask you
19 about the FDS spokesperson. Now, we know that the spokesperson was
20 Colonel -- the late Colonel Babri Hilaire. We saw him. Explain to us what his role
21 was as spokesperson. How did he go about playing that role? What process was
22 followed for issuing releases and so on and so forth?"

23 Your answer was this, and I quote:

24 "Well, Hilaire played the same role as the ICC spokesperson. You have a
25 spokesperson here, and each time something happens, he informs people of what's

1 going on, what measures will be taken and so on and so forth. And it's the same
2 thing at army headquarters.

3 So when there is a problem and the chief of staff must make a statement, he sends the
4 spokesperson out to make a statement. And he made several statements, all
5 depending on the situation of the day. When the situation requires a statement, well,
6 then I would call him, and I would give an update to the minister of the prevailing
7 situation.

8 Sometimes the minister of defence would say 'Okay, issue a release,' and I would call
9 the spokesperson and say, 'Issue a press release' and we would report back to
10 President Gbagbo.

11 Sometimes when a release needed to be sent out, the president himself would ask for
12 it to be read to him. We would read the passage to him, and once everyone was in
13 agreement, the release would be sent out or the statement would be made. And
14 sometimes it was ourselves, we were the ones who did the release, and then we
15 would report to authorities." End of quote.

16 I gave you the entire quotation so that everything important that you said is there,
17 because I want to understand something. If we look at the end of this passage,
18 "Often we would take care of the president release and report to the authorities." Do
19 you mean that some releases would be prepared by the army without asking anyone
20 for permission and then afterwards you would report back to authorities?

21 A. [10:48:54] Well, all the releases were okayed by the minister of defence, all
22 releases. With the president of the republic, there would be an update or a report
23 back. And let me specify, only once or twice did the president ask to have part of the
24 release read to him. And I would do that over the phone. And then he would say,
25 "Okay fine." Other than that, the releases would be prepared after getting the

1 approval of the minister of defence.

2 Q. [10:49:31] Now, this release that you would submit to the defence minister, the
3 first draft was written by whom?

4 A. [10:49:48] By Colonel Babri Hilaire. He would always write the first draft.

5 Q. [10:49:54] Then he would submit it to you?

6 A. [10:49:56] Then he would submit it to me and then I would submit it to the
7 minister.

8 Q. [10:50:00] Very well. Well, we'll move onto something else now.

9 During your testimony you told us, French transcript, 25 September, 25 September
10 edited, page 48, lines 5 to 7. Quote:

11 "When Côte d'Ivoire was attacked, we almost were sending people to the front lines
12 empty handed." End of quote.

13 So the first question was, now, when you say that Côte d'Ivoire came under attack,
14 attack by whom?

15 A. [10:50:50] Côte d'Ivoire was attacked by the former rebel forces.

16 Q. [10:51:17] And when was that?

17 A. [10:51:20] September 2002.

18 Q. [10:51:22] Very well. Where did the attackers come from?

19 A. [10:51:29] Where they came from? Well, it must be said that during the first
20 attack, we knew where they came from because it was an attempted coup d'état, you
21 see. And that turned into an actual rebellion. They attacked the RTI and the DS
22 Forces were able to repel them to the very end of Côte d'Ivoire and ultimately these
23 forces retreated further.

24 Q. [10:52:05] Now, at the time, who was leading the rebel forces?

25 A. [10:52:10] Well, I can tell you this. They had a chief of staff, General Bakayoko.

1 Q. [10:52:21] That's the only name you're familiar with? Tell us, tell us,
2 more.

3 A. [10:52:31] No, no. Well, just to say that myself as a soldier, I deal with soldiers
4 opposite me. Those are the ones I see.

5 Q. [10:52:46] I didn't ask you who you were dealing with. I said who was the
6 leader of the rebels.

7 A. [10:52:52] Well, I'm answering that question.

8 Q. [10:52:54] Very well. To your knowledge, at that time did the rebels -- I'm
9 speaking of 2002 and the weeks following. Did the rebels engage in acts of violence
10 or abuse against the population?

11 A. [10:53:17] Yes. There was a great deal of violence and abuse in Bouaké. A
12 number of policemen had their throats slit, gendarmes, to be more specific.

13 Q. [10:53:31] You said, French transcript, 25 September 2017, in response to a
14 question from the Prosecution, page 79, line 18 to 25, regarding the instruction. And
15 I quote:

16 "No. During the post-election crisis, it must be said that in light of the fact the men
17 were deployed in the field in Yamoussoukro, in Abidjan, we didn't have time to go to
18 the barracks and give the instructions. But it was done well before the various
19 events occurred, because you must realise, since 2002, our men had remained in the
20 field right until the end of the post-election crisis.

21 And on that point truly, I wish to pay special tribute to them because it was tough.
22 But they stayed there. They stayed there and we had time to give the instruction."
23 End of quote.

24 So this phrase of yours, "You must realise since 2002 our men stayed in the field until
25 the end of the post-election crisis," now, did you mean that the 2010 crisis was a

1 continuation of the 2002 crisis?

2 A. [10:55:32] No. That's not what I meant. That's not what I meant. If you wish,
3 I can completely go over that particular point. Indeed, when we were attacked, we
4 went to the front lines and we had nothing. We were barehanded. Barehanded
5 because, and I stress this point here, Côte d'Ivoire had experienced a number of
6 mutinies a coup d'états, the weapons had vanished, our vehicles were needing repairs,
7 units were disorganised. That was the situation when we went to the front lines.
8 We had no weapons. I repeat, we had no weapons, no ammunition.

9 When -- and I remember very well. When I gave the initial instructions that our men
10 should move towards Tiébissou -- and you'll be surprised -- they were in civilian
11 vehicles, in gbakas, that they had to use. And those vehicles didn't even start. Our
12 men refused to get in. So I had to go from Yamoussoukro to Tiébissou to convince
13 them to get in those vehicles.

14 Today Commander Kouamé Germain, if he's listening to this hearing, and his men
15 who were there, they will remember this point. Our men fought right to the end,
16 and that is why I was paying tribute to them for what they did for the country. They
17 were hungry, they were fighting out of patriotism. They fought with empty bellies
18 because, you see, an army, when an army is, well, when there are, when you're
19 moving towards the deployment zone and already you have, well -- basically, our
20 men were travelling to the location, empty bellies and nothing to eat. So they were
21 operating in extremely tough conditions.

22 What is more, the vehicles that were provided to them, the vehicles were from
23 civilians. And in some cases they would take a weapon. They would have no
24 ammunition, or they would have ammunition but no weapons. They would have
25 vehicles, but the vehicles were not even operational. It was truly tough.

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1 So to answer your question, from 2002 up until 2010, the men were out in the field,
2 out in the field. Each one at his individual location, but that was not the only thing.
3 We also had to ensure the security of the election process, and that required
4 thousands of additional men.

5 Then there was the Ouagadougou political accord, deployment of our police officers
6 and gendarmes to fill that vacuum for various governments. All those men were
7 deployed.

8 So I can say from the year 2002 right up until 20 -- right until the end of the
9 post-election crisis, our men were deployed in very difficult circumstances.

10 MR MACDONALD: [10:59:21] I have an intervention on --

11 PRESIDING JUDGE TARFUSSER: [10:59:23] Thank you very much. Now you can
12 leave the courtroom. We break for the half an hour and, so you can leave the
13 courtroom, and then I give the floor to the Office of the Prosecutor, as promised at the
14 beginning of this hearing.

15 (The witness stands down)

16 PRESIDING JUDGE TARFUSSER: [10:59:57] Mr Prosecutor.

17 MR MACDONALD: [10:59:59] Yes. Well, I was standing up for the intervention I
18 wanted to make in relation to the question, the way it was asked, because that --

19 PRESIDING JUDGE TARFUSSER: [11:00:10] But now you intervene probably for
20 what you wanted to say.

21 MR MACDONALD: [11:00:13] But now I want to just say two things very quickly.

22 There was a question, there was a topic, the answer is not asked at all. The
23 instructions, it's instructions. It's the witness that uses the word "instructions" in the
24 context of training in international human rights law. That is the question, that is the
25 topic from line 11 at that same page. I'm just saying it.

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1 So this was taken completely out of context, put to the witness now to -- and the
2 witness is answering, thinking and instructions are not put in the context. That's my
3 intervention.

4 Now, the second point I wanted to make, and then my colleague maybe can respond,
5 is, your Honour, you've been aware, there is filing 1041 of the Defence, of the Defence
6 team of Mr Gbagbo, per your order, we note that it's a public redacted version that is
7 accessible to the parties.

8 Our request is for the Chamber to control or have an oversight as to the redactions.

9 If there -- all of them necessary in relation to the parties and participants, but I'm
10 speaking for the OTP, therefore, for the Prosecution.

11 So we note that there are a number of redactions. There is therefore a version that is
12 accessible to the Chamber only, and on certain points, it may seem at least that maybe
13 redactions are not warranted.

14 So this is why we're simply asking the Chamber for your usual oversight and allow
15 whatever information that should be available to us made available. Thank you.

16 PRESIDING JUDGE TARFUSSER: [11:02:09] So you think it's over redacted?

17 MR MACDONALD: [11:02:11] That's right.

18 PRESIDING JUDGE TARFUSSER: [11:02:12] Which is strange, because normally it's
19 the Prosecution which over redacts, okay.

20 MR MACDONALD: [11:02:17] I am asking the Chamber to verify if it is over
21 redacted.

22 PRESIDING JUDGE TARFUSSER: [11:02:22] Yes, yes, yes. I have understood.
23 Yes.

24 Maître Altit.

25 MR ALTIT: [11:02:27] (Interpretation) Thank you, Mr President. On the first

1 point, the matter was one of instructions. And in French, "instruction" means
2 "training" in French.

3 Now, if the Prosecutor insisted, we will put the question again. But I think that if we
4 use the word "instruction" in French, then it is about training and about the use of
5 weapons and so on and so forth. But if there is any doubt about the question, we
6 have no difficulty with putting the question to the witness again. There might be a
7 linguistic misunderstanding. These are things that happen. Maybe from time to
8 time the Prosecution perceives things differently. Now, we have no problem with
9 that.

10 The second point, each filing, each request, each motion, each submission from all
11 parties in this case and across the world is obviously submitted to the judges and the
12 judges, they come to a decision and a determination on all the points including
13 requests for redaction, especially when there are areas of redacted materials.

14 Now, why, one must ask, is there redaction? You have recalled, Mr President, that it
15 is the Gbagbo Defence team that redacts the least because we believe in transparency.
16 But then when it comes to some very important materials that touch on the strategy of
17 the Defence, that is soon going to make its case, then it becomes necessary, and I think
18 this is the time to do so. It must be redacted.

19 Now, for several years, the Prosecution has prepared its case without disclosing
20 anything, and that is only normal. And that is the reason why we had these slight
21 redactions in our document which have been submitted to the Chamber for their
22 control, as the case ought to be.

23 PRESIDING JUDGE TARFUSSER: [11:04:33] We will have another look on that and
24 decide accordingly. I think this was also the intervention of the LRV, I interpreted it
25 as such. In order to shorten the time, I just didn't give you the floor because I

- 1 already saw it. But that's what I thought.
- 2 Thank you very much. The hearing is adjourned, just after 11.30.
- 3 THE COURT USHER: [11:04:54] All rise.
- 4 (Recess taken at 11.04 a.m.)
- 5 (Upon resuming in open session at 11.38 a.m.)
- 6 THE COURT USHER: [11:38:11] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE TARFUSSER: [11:38:27] Good morning. Good morning, Mr
- 9 Mangou.
- 10 The floor is back to the Defence for Mr Gbagbo, to Maître Altit.
- 11 MR ALTIT: [11:38:45] (Interpretation) Thank you, Mr President.
- 12 Q. [11:39:12] Mr Mangou, we're back together again. And, Mr Mangou, would
- 13 you say that the post-election crisis of 2010 can be understood from a military and
- 14 strategic perspective without understanding what happened in 2002?
- 15 A. [11:39:36] At my level, I make a distinction between the two crises. The 2002
- 16 crisis is the one that led us up to the organisation of the elections. The first round of
- 17 the elections was highly appreciated by the international community. And then
- 18 there was the post-election crisis, which I distinguish from the previous crisis. I
- 19 don't establish a link between the two.
- 20 Q. [11:40:14] Very well. So I move on to something slightly different. You told
- 21 us on 28 September 2017, realtime transcript, French, page 73, lines 2 to 21, in answer
- 22 to a question from the OTP which was the following:
- 23 "What about militia?"
- 24 And your answer was as follows, I quote:
- 25 "I at my level have always distinguished between the militia and self-defence groups.

1 Militia are groups which -- inaudible -- spontaneously, to fight; whereas auto-defence
2 teams are groups which are created to make up for a vacuum.

3 Now, in Côte d'Ivoire in 2002, the main war was between the Bouaké-Tiébissou road,
4 basically. And Bocanda and M'Bahiakro, the western road, particularly to the
5 north-west of the Tabou zone. And it was under the control of the French army until
6 mid-2003 when France left that area.

7 When it left that area, the forces that were attacking us began to infiltrate that area.

8 And in our arrangements, we had not deployed any military troops to the west to
9 check those who were infiltrating. Those who were in charge of the population in
10 that area, therefore, took up their responsibility in order to face the infiltration by the
11 enemy." End of quote.

12 Now, first question, sir. When you say, "the forces who were attacking us," who was
13 attacking you in that specific area as you have mentioned in your answer?

14 A. [11:42:57] Mr President, with your leave, I would like to make a correction to the
15 town that was mentioned a time ago. It's not Tabou it was Touba. If I said Tabou,
16 it's a mistake. The town is Touba.

17 Now, those who were attacking us were the same rebel forces. They were the ones
18 attacking us.

19 Q. [11:43:29] Very well. Do you know why the French troops withdrew, as you
20 mentioned, in mid-2003? Please clarify for us. But if I do understand clearly, they
21 were in the western region and they withdrew in mid-2003; is that correct?

22 A. [11:43:53] Yes, that is correct. But I am not in a position to tell you the reasons
23 why those troops withdrew.

24 Q. [11:44:01] You don't know whether it was for military or political reasons?

25 A. [11:44:07] I'm not in a position to provide you with an answer.

1 Q. [11:44:11] Very well. Let me hark back briefly to a while ago when you stated
2 that you practically went to the battlefield empty handed. I'm not going to read out
3 the passage again; I read it out to you a short while ago. Now, can you explain to the
4 Court what you meant by empty handed. Were you referring to a lack of equipment
5 or material?

6 A. [11:44:55] Yes. Empty handed might have been a very strong image, but what I
7 was referring to was the lack of equipment, material.

8 Q. [11:45:06] You told the Court about ammunition which allegedly arrived in 2003.
9 I'm not revisiting that point. Ammunition and some weapons. I don't want to
10 return to that except you have something special to add. But my question is as
11 follows: From 2003, from the time of those deliveries you mentioned, and you said
12 the deliveries were not sufficient, is that what you said?

13 A. [11:45:56] Yes, Counsel, I talked about the distribution of the weapons not being
14 adequate pursuant to the principles applicable to the army.

15 Q. [11:46:08] Very well. So my question is very simple. From 2003 up until the
16 end of the crisis, the end of the post-election crisis in April 2011, did you at any time
17 receive any weapons or ammunition?

18 A. [11:46:26] No, Counsel. From that time, we did not receive any other
19 ammunition. We were under an embargo, and it was impossible for us to receive
20 ammunition, although we were spending some. And the principle in the army is,
21 once you spend your ammunition, you must replace it. The answer simply is, I did
22 not receive any additional ammunition.

23 Q. [11:46:53] Very well. You said in edited transcript, French transcript, 28
24 September 2011, page 73, lines 12 to 16, I quote. And you are speaking:
25 "I told President Gbagbo, 'Well, Mr President, we are being asked to provide 4,000,

1 Bakayoko, and myself 4,000. I don't have the resources; I don't have the
2 ammunition.'

3 And on that day President Gbagbo answered as follows, 'Go ahead. Pick up sticks.
4 Use sticks.' These are law enforcement operations. Well, I have 4,000 and there are
5 about 1,500 who are there but without weapons." End of quote.

6 Now, at what time do you situate this discussion with President Gbagbo when you
7 told him that you didn't have weapons, what year, what time?

8 A. [11:48:11] This was in 2010, within the context of preparing to provide security
9 for the electoral process at the integrated command centre, CCI, and it was in
10 October.

11 Q. [11:48:31] Very well. What you said, well, anyway, let me put the question to
12 you so that we can understand clearly. Is that of the 4,000 people you were
13 requested to provide, only 1,500 would be armed; is that what you are saying?

14 A. [11:48:49] That is an example that I took. Of the 4,000 whom I was supposed to
15 provide, the 4,000 could not have weapons; maybe 3,500 of them would have
16 weapons while the other 500 would not.

17 Q. [11:49:07] Very well. Now, what about Bakayoko's 4,000 men whom you
18 referred to, were they armed?

19 A. [11:49:20] Each army relied on its own resources. We were all convened by the
20 president. I had difficulties deploying my people. The president summoned us in
21 the presence of Soro. The president ordered Bakayoko and myself to each deploy
22 the 4,000. But I didn't ask Bakayoko whether his 4,000 were armed or not.

23 Q. [11:49:52] You didn't ask any questions. But as chief of general staff, did you
24 know whether Bakayoko's 4,000 men were armed?

25 A. [11:50:06] That question does not arise with the chief of general staff. We were

1 not enemies, but in a time of conflict. If I had intelligence as to how much weaponry
2 Bakayoko had, those were matters of military secrets, and so these are matters of
3 intelligence that are not disclosed in that manner.

4 Q. [11:50:38] The Ivorian air force in 2010, 2010 being the year, what was it made
5 up of in 2010?

6 A. [11:50:53] The Ivorian air force did not exist in 2010.

7 Q. [11:51:03] Very well. If I were to put it to you, if I were to ask you whether you
8 know or you have an approximate idea of the number of vehicles available to the
9 army in Abidjan on the date of the second round of elections, what would you say to
10 that?

11 A. [11:51:26] It will be difficult to answer your question. But I simply want to
12 point out to you that we did not have resources. We didn't have vehicles. And this
13 had been the case from the time of providing security for the mobile courts. And I
14 mentioned this to the president, and he gave us 500,000 francs. Was it 500? 500
15 million francs for the purchase of vehicles.

16 But at that time, even to buy civilian vehicles at various dealerships was difficult
17 because vehicles could not be sold to us since we were under embargo.

18 So I'm revealing a secret here as to what actually happened. I went through a friend,
19 a lady friend, who had a dealership who was selling vehicles, who was able to sell
20 some civilian vehicles to us. So we were able to buy 10 civilian vehicles to use for
21 transportation.

22 It was difficult for Bakayoko. So when I reported to the president, he asked me to
23 give him three vehicles for the transportation of his troops. So we gave him three
24 vehicles and the idea was to go towards peace with the forces working together.

25 So from that time it became very difficult for us to acquire any vehicles. No one

1 wanted to sell vehicles to us.

2 Q. [11:53:06] Very well. The difficulties you have outlined are clear. But are you
3 able to give us an approximate idea of the number, 10, 100, 1,000 vehicles, maybe an
4 approximate number of vehicles not available to the army as such? It might be
5 difficult for you to remember that. But vehicles that were functional, that could be
6 used at that time, for the second round of the presidential elections. Do you have an
7 approximate idea?

8 A. [11:53:47] If you were to take all the units together, you would not have up to 50
9 vehicles in working order.

10 Q. [11:54:01] Very well. Did you have any problems with fuel?

11 A. [11:54:11] Yes. We had fuel problems.

12 Q. [11:54:19] CECOS, did CECOS too have very few weapons, or few weapons?

13 A. [11:54:30] No. It was quite the contrary. I already testified that CECOS was
14 better armed than the army and the police and the gendarmerie. So compared to
15 what we had, CECOS was quite well equipped in terms of weaponry.

16 Now, let me tell you about CECOS. Since we were under an embargo, all military
17 units which had the term "army" or "military" in their capacity was under embargo.
18 So you take GSPM. For GSPM, was the firefighters, it had the name "military" in it
19 and they fell under the embargo, although their mission is not one of war, but rather
20 one of providing rescue to those who are involved in fires and similar issues.

21 But because the word "military" is contained in the caption GSPM, they could not
22 acquire weapons.

23 Now, CECOS was an instrument which enabled the president somehow to
24 circumvent the embargo since the mission of CECOS was to fight highway robbery or
25 major criminality. So the term "military" did not appear in its name and therefore

1 CECOS was able to acquire military vehicles. And in that way, in an underhanded
2 way, CECOS was able to acquire its resources. And before people became aware of
3 it, it had already acquired the resources that it needed.

4 Q. [11:56:17] Very well. During his testimony, General Bi Poin explained to the
5 Court that he was understaffed and could not fulfil all the missions of CECOS. He
6 also stated that CECOS did not have its own weapons and that soldiers deployed by
7 each corps, police, gendarmerie and the army, came with their own weapons. And
8 I'm going to read out to you an excerpt of his testimony. After hearing --

9 PRESIDING JUDGE TARFUSSER: [11:56:59] Mr Prosecutor.

10 MR MACDONALD: [11:57:00] It's not to do an objection per se, it's just that there is
11 an issue between the English and French. In English, it captures the answer but
12 which is not mentioned in French. When the witness said that the president -- I'll
13 say it in French because I heard it in French. (Interpretation) "The president
14 circumvented the embargo" (Speaks English) when the witness is referring to the
15 CECOS. So, in English it is captured, but it's not captured in the French version. I
16 just wanted to make sure that this was clarified immediately.

17 PRESIDING JUDGE TARFUSSER: [11:57:40] Well, so what is the right -- what did
18 the witness say on this?

19 Mr Witness, can you remember what you said exactly on this point of the president
20 circumvented, circumventing the embargo? Please, can you repeat it just for clarity.

21 THE WITNESS: [11:58:03] (Interpretation) Thank you, Mr President. I said that it
22 was created with a view to circumventing the embargo.

23 PRESIDING JUDGE TARFUSSER: [11:58:19] The CECOS. Thank you.

24 THE WITNESS: C'est bien.

25 PRESIDING JUDGE TARFUSSER: Thank you.

1 Maître Altit.

2 MR ALTIT: [11:58:26] (Interpretation)

3 Q. [11:58:29] Reference ICC, 211 -- 02/11-01/15-T-137. Page 62, line 14 to page 63,
4 line 2. And I'll read that out to you in a second, with your leave. Let me read out to
5 you that exchange.

6 General Bi Poin answers as follows, quote:

7 "The CECOS troops have no weapons of their own, no weapons allocated to them
8 specifically. Each corps that sent us troops equipped its troops with the relevant
9 weapons.

10 Question: So the troops from the BMO, that unit which assigned men to you, as you
11 have told us a short while ago, in the same manner as the gendarmerie and the police,
12 which weapons did they have?

13 Answer. By General Bi Poin: "The men, as was the case with other sectors, the men
14 from -- or the sectors of CECOS, the men of the law enforcement brigade came with
15 the weapons from their corps of origin. I had said that the manpower was of about
16 200, but we did not have 200 weapons.

17 At the BMO, we had approximately 40 because -- 40 weapons, because the corps were
18 quite reticent to release their weapons to us, reticent to release their weapons to us.

19 They gave us their men, but very few of them came with their weapons.

20 So in total, CECOS was very, very, very, very poorly armed because we did not have
21 our own weapons. The weapons that we had were weapons that came from the
22 various corps, the gendarmerie, the police and the army, which they had made
23 available to us. They made available to us what they chose to make available to us."

24 End of quote.

25 Do you confirm that?

1 A. [12:01:38] No, I do not confirm that. When you look at the numbers in the
2 CECOS, he said 200 people. That is incorrect. It is incorrect. I had a situation
3 report with all the commanders. CECOS had 1,250 men to fight against banditry.
4 The two -- on 2 July 2005 when CECOS was created, men and weapons were taken
5 from the units to have, to make the corps of the CECOS. But after that, they had
6 machine guns and so on. We could not give them machine guns because our
7 elements were already in the field.
8 But over time, CECOS was well armed, well equipped with light and heavy machine
9 guns. They had the resources, and I say there was another order. There is an order
10 of commands, of weapons, made by the CECOS. So I don't know whether there was
11 an error, but I think I saw that. I knew that CECOS was well armed in relation to the
12 police and the gendarmerie.
13 And I will conclude. CECOS had the main function of fighting against banditry.
14 Why did it create the mobile brigade for maintenance of law and order? And such a
15 brigade does not use conventional weapons, but the CECOS had weapons brought
16 from the various units, and with those weapons you don't form such a brigade to
17 maintain order.

18 Q. [12:04:15] Page 49, line 23, of today's transcript in French, and I quote:

19 "I saw orders that had been issued."

20 And when I think you said you saw them here -- let me just cross-check. Let me just
21 put the question to you may be simpler. You said, "I saw orders pass by that were
22 issued."

23 It is not in the transcript. Can you say where you saw them?

24 A. [12:05:06] It is here. A document was displayed here. And I saw orders for
25 ammunition that had been made by CECOS.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 Q. [12:05:17] And when you are talking about here?

2 A. [12:05:19] Yes, I'm talking about here.

3 Q. [12:05:24] Let me put the question. When you say "here," you are saying
4 during your testimony?

5 PRESIDING JUDGE TARFUSSER: [12:05:32] Can we see that document? Well,
6 otherwise the Chamber will show it later. The document the witness is referring to,
7 he said he saw here. It is CIV-OTP-0073-0215. It's up to you. I just ask, do you
8 want to see it.

9 MR MACDONALD: [12:06:18] It was just posted, your Honour.

10 PRESIDING JUDGE TARFUSSER: [12:06:20] It's there. Okay. Now it's on -- are
11 you referring to this document?

12 THE WITNESS: (Interpretation) Yes, indeed, Mr President.

13 PRESIDING JUDGE TARFUSSER: [12:06:39] What do you know about this
14 document? Have you seen it before? I mean, before seeing it displayed here in the
15 courtroom.

16 THE WITNESS: [12:06:52] (Interpretation) No, Mr President. It is when I saw it
17 that my attention was drawn to it.

18 PRESIDING JUDGE TARFUSSER: [12:07:00] So, I mean, during the crisis in times
19 soon after November or February? I can't -- November, is it dated 1st November,
20 because I can't read it?

21 MR MACDONALD: [12:07:16] It's dated 1st November 2010.

22 PRESIDING JUDGE TARFUSSER: [12:07:19] Yes.

23 MR MACDONALD: [12:07:20] And the certification from CIV authorities is 2012.

24 PRESIDING JUDGE TARFUSSER: [12:07:23] Yes.

25 MR MACDONALD: [12:07:23] Because the originals are with them.

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1 PRESIDING JUDGE TARFUSSER: [12:07:26] So my question is --

2 MR MACDONALD: [12:07:28] Am I hearing a phone that is beeping by any chance?

3 PRESIDING JUDGE TARFUSSER: [12:07:31] Yes.

4 So you did not see it in the period of the crisis, say, between after 1st November up to
5 April 2011?

6 THE WITNESS: [12:07:49] (Interpretation) No, Mr President.

7 PRESIDING JUDGE TARFUSSER: [12:07:52] Maître Altit.

8 MR ALTIT: [12:07:59] (Interpretation) Thank you, Mr President. You asked the
9 questions that we were intending to ask.

10 Q. [12:08:06] Mr Witness, just a point of clarification. I think I heard and I can
11 quote the excerpt if you wish, that you were the one, when President Gbagbo asked to
12 propose a unit to fight against banditry, you were the one who proposed to him the
13 creation of CECOS; is that correct?

14 A. [12:08:33] Yes, that is correct.

15 Q. [12:08:37] And just to be clear, which year was that?

16 A. [12:08:47] 2005.

17 Q. [12:08:49] Very well.

18 And it was still you who proposed how CECOS could be structured and the
19 appointment of General Guiai Bi Poin; is that correct?

20 A. [12:09:09] Yes, that is correct, Counsel.

21 Q. [12:09:15] Concerning the missions of CECOS, you told the Prosecutor -- and
22 that is edited French transcript, page 17, of 25 September 2017, page 17, lines 24 to 28,
23 and page 18, line 1.

24 "Question: What was the primary mission of CECOS during the post-election
25 crisis?"

1 Answer, your answer: "The first mission of CECOS was a fight against banditry, but
2 given the equipment of CECOS, we used CECOS. But if you refer to the decree of
3 creation, CECOS was no longer within the framework of its creation or of its
4 missions." End of quote.

5 In your statement of 2013 to the investigators of the OTP, you told them, and I quote.
6 I will give the reference, CIV-OTP-0051-0618, page 0622, line 132 to page 0623, line 164.
7 And I quote. Interviewer 1 asked you -- and we are talking about your statement of
8 2013.

9 "Interviewer 1 asked you: Very well. And so after the creation of the CECOS, what
10 did they do as missions and operations?

11 Interviewee, that is you, sir: Well, in the area of missions, they were fighting against
12 banditry. But I had said that given the resources that they had, frequently they
13 intervened within the framework of --

14 And that means?

15 Answer: When there were demonstrations in Abidjan, they did that.

16 Question: Quite frequently, CECOS was found on the highway, on the highway, to
17 fight against highway robbers, which was not their mission.

18 Interviewer 1: Very well.

19 Interviewee, and that is you: The mission was limited to Abidjan?

20 Answer: Mm-mm.

21 Interview: They were also in the Bassam-Abidjan road allegedly to set out order
22 because there was a big traffic jam. But this primary mission was not carried out.
23 But because since CECOS was not under my authority and encroached on the FDS
24 missions, I had to call Guiai Bi Poin to tell him, no, that that was not his mission; that
25 his mission was to fight against banditry.

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(Open Session)

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1 Interviewer 1: Yes, mm-mm.

2 Interviewee: Because there were unit commanders who were complaining, so I
3 called the commander to tell him about him.

4 Interviewer 1: Very well. What happened? When was that incident?

5 Interviewee: The incidents were frequent.

6 Interviewer 1: Mm-mm.

7 Interviewer 2:

8 Answer: It was frequent.

9 Interviewer 1: But which period?

10 Interviewee: Once before, before the post-crisis period.

11 Interviewer 1: Mm-mm. What happened?

12 Interviewee: No. They found them on the road, on the main road. Whereas their
13 mission was to fight -- the mission to fight against highway robbers was attributed to
14 the gendarmerie forces, and we thought that there could be problems. So we asked
15 Guiai Bi Poin to limit himself to his mission of fighting against banditry. That's it."

16 End of quote. Do you confirm saying that to the investigators?

17 A. [12:15:35] Yes, Counsel, I do so confirm.

18 Q. [12:15:39] If we understand you correctly, what you are saying is that CECOS
19 went beyond its missions, that they controlled traffic circulation instead of the
20 gendarmerie; is that correct?

21 A. [12:15:59] Yes. There is also the fact that CECOS set up a section for law
22 enforcement, whereas that is not fighting against banditry.

23 Q. [12:16:15] Very well. Let us move on to another point. In your testimony you
24 told us that during the 2002 crisis, the DMIR had a very important role to play.

25 What do you mean by that?

1 A. [12:16:46] I underscored why that unit was really requested, because these were
2 people who during peace time had trained with their commander and in the field
3 obeyed their commander. I am not discrediting the other units, who also behaved
4 very well, but DMIR participated in all the battles at the front. And I even called
5 Konan, my brother, as an atomic bomb, because whenever we attacked and if DMIR
6 was there, we were very sure to have good results. They played a great role in the
7 liberation of Daloa.

8 When Daloa was taken, the president instructed me to recapture it within 48 hours.
9 So we commissioned DMIR with other units and it was done. DMIR also worked a
10 lot in the southwest area and I can say that their effectiveness was really excellent, just
11 like the others. I don't want to discredit what they did.

12 Q. [12:18:19] Very well. Now, you are insisting on the role of DMIR in 2002 and
13 you gave us details on their activities. Is it because in 2010 they had a less prominent
14 role?

15 A. [12:18:44] No, not at all. In 2010 I told you, DMIR was an intervention unit in
16 Cocody. It should be pointed out that it was not under the command of the same
17 person. In the theatre of operations, it was Konan who was the commander. But
18 during the crisis it was a section of DMIR. It was not the whole DMIR. It was just a
19 section of DMIR.

20 Q. [12:19:30] Very well. In your testimony, French transcript, 25 September,
21 edited transcript, page 57, lines 21 to 25, in answer to a question which I quote:

22 "How does information from the field come to you?"

23 And your answer was, "I'm really going to disappoint you, because we were really
24 short of everything. The chief of staff that I was did not have transmission means.

25 If I tell you that today, you will not believe me, you will not believe me."

1 And my question is this, based on what you said, particularly there, but you added
2 things about resources relating to signalling and transmissions, which I will not
3 repeat, is it correct to say that all Ivorian army communications could be intercepted?

4 A. [12:21:04] Not that they could be intercepted. They were intercepted. They
5 were all actually intercepted. You can see what happens, you can see what happens
6 when you use cell phones. All communications were intercepted. We had no
7 encoding section or system for names of localities and so on. So we used mainly the
8 cell phones to communicate.

9 And even when it came to the bombing or shelling, what we did with the pilots, we
10 could see the position of the target on the map, we would give them the coordinates
11 of our elements on the ground, and we told the pilots that before going to bombard
12 something, they should pass over our own elements so that they should see the
13 helicopter; and after the end of the mission, they should come back over that position
14 and flip their wings to indicate that the mission was completed.

15 So there was a loss of time for pilots and the troops. It was really difficult. I would
16 like to give you an example that we had.

17 In the heat of the crisis, one of our units was attacked in Bouaflé, a few kilometres
18 from Daloa, from Yamoussoukro. It was attacked by elements which were far more
19 than our own elements. And it was Commander Alla in command. He called me
20 on the phone practically crying and saying that they were overwhelmed and they
21 needed air support. The fighting had already started. So how would we define our
22 position in relation to the enemy position?

23 So I told him, okay, we are going to send the MIG-24s, but what you should do is to
24 take used tyres, set them on fire and stay near those, around those tyres so that they
25 should know. And when they arrived, they passed over that position and we were

1 told: No, they're going to kill us. They're going to kill us.

2 The helicopter had to pass over that position again and so they said: Okay, that is
3 okay.

4 This is how we worked in great difficulty without transmissions. In addition, we
5 had different types of equipment from different countries. I gave you the name of
6 the country that provided materials. So even if there were manuals, we were unable
7 to read them; instructions, we were unable to read them.

8 See, what happened in France when the order for a war vessel was cancelled, we had
9 to remove the writings because those who had to use it could not even read it. They
10 had not worked on it in time of peace, and so it would be difficult for them to use that
11 equipment.

12 Q. [12:25:05] It is quite clear, and the two accounts that you have given, which are
13 quite illustrative of the facts. But you talked of the situation before 2004, before the
14 destruction of the aircraft; is that correct?

15 A. [12:25:36] If you talk about the entire period of the crisis, we were in total
16 shortage, which was particularly intensified after 2006, after the embargo. We could
17 not have anything. The impartial forces based on a document signed could go right
18 into the armouries, the stores, to be able to count the weapons that we had. They
19 knew where our armouries were.

20 And I can refer to the bombardment that was done. It was easy for them, because
21 they knew where our armouries were, they knew how much ammunition was there.
22 So when they controlled the arms and then they saw an additional weapon, they
23 would say: Where did this come from? Where did this come from?

24 It is only the presidential palace that they did not visit.

25 Q. [12:26:53] Let us come back to what you have said. When you mentioned

1 impartial forces, you are talking about UN forces and the French forces, that is

2 Licorne; is that correct?

3 A. [12:27:04] Yes.

4 Q. [12:27:05] So you were saying that the UN and the French knew the state of your
5 resources?

6 A. [12:27:13] Yes.

7 Q. [12:27:14] And you are telling us that it is because they knew the ammunition
8 and the area where they were stored, that is how they were able to bombard us, are
9 you referring to the bombardment during the post-election crisis?

10 A. [12:27:33] Yes.

11 Q. [12:27:34] Very well. At the beginning you gave us accounts. We have
12 understood that you totally had nothing at the end of the post-election crisis. But in
13 2004, you were talking about Ivorian aircraft; is that correct?

14 A. [12:27:55] Yes. I was in the field. I was not yet chief of staff.

15 Q. [12:28:00] And you have said that in 2010-2011, you did not have any better
16 communication as before, it means it was difficult; is that correct?

17 A. [12:28:12] We didn't even have any.

18 Q. [12:28:15] Very well. Did the French army services during the post-election
19 crisis, to your knowledge, did they have one or several monitoring stations in Côte
20 d'Ivoire?

21 A. [12:28:33] That would be a secret. It is not possible to know it. But what I
22 know is that each time they deployed a satellite, that would make it possible to see,
23 for them to see what was happening.

24 There was also a Breguet, an intelligence aircraft, which overflew the area
25 permanently and provided intelligence. But I cannot tell you about monitoring

1 stations, because even if they existed, we wouldn't know about it.

2 Q. [12:29:23] To be clear, we are talking here about the post-election period; is that
3 correct?

4 A. [12:29:27] Yes, that is correct.

5 Q. [12:29:28] When you say "a brequet," can you explain to the Chamber, you're
6 referring to an aircraft which collects intelligence; is that correct?

7 A. [12:29:50] Yes, an aircraft that takes photographs, that listens to conversations,
8 take photographs and flies at very high altitudes.

9 Q. [12:30:05] Can you tell this Chamber for purposes of clarity what the equivalent
10 of a breguet will be in the American army?

11 A. [12:30:18] I'm not able to tell you what the equivalent in the American army
12 would be. I can't see it.

13 Q. [12:30:30] Very well. You have explained the French army system to us. If we
14 were to reduce the scope of the question somewhat, as far as you know, were your
15 communications heard by the French service, the special French services?

16 A. [12:31:09] I have no doubt that they were eavesdropping. We were heard. I
17 have no doubt.

18 Q. [12:31:16] Very well. Another point, French transcript, 25 September, edited
19 transcript, 25 September, page 58, lines 9 to 14, this is what you say, quote:

20 "It was by cell phone, mobile phone that we communicated. Detoh, Konan had
21 mobile phones, and we would communicate. They would call me to communicate
22 orders. When we knew that we had been infiltrated and that this was not really
23 reliable, we would then call them to come and we would give them instructions.
24 Then they would leave. But they would be obliged to call us to report back. So,
25 and that would still be done by cell phone." End of quote.

1 My question is as follows, this sentence, "And when we became aware that we had
2 been infiltrated and that it was not really reliable" now, at what level were you
3 infiltrated? Was it at the level of the general staff?

4 A. [12:32:49] Yes, at the general staff and within the units.

5 Q. [12:32:55] Can you explain that further?

6 A. [12:32:57] At the general staff and within the units, we had troops, we had
7 soldiers who were with us who were forwarding intelligence to the enemy.

8 Q. [12:33:11] Very well. Who did they forward that intelligence to?

9 A. [12:33:20] During the 2002 to 2004 crisis, they would provide the intelligence to
10 the former FAFN.

11 Q. [12:33:30] Mm-mm. During the 2010-2011 crisis?

12 A. [12:33:39] During the 2010-2011 crisis, it was to the Invisible Commando that the
13 information was sent.

14 Q. [12:33:48] The case file has material indicating that some soldiers in some units,
15 for example in BASA, were involved in acts of sabotage against equipment and
16 material. Do you have any information in that regard?

17 A. [12:34:21] No. I have no information on that point. I think if there were any
18 acts of sabotage, General Letoh would have informed me in his capacity as
19 comthéâtre. I would have been informed and I was really quite, quite surprised to
20 hear this. In his capacity as COMTER he would have informed me.

21 Q. [12:34:54] Very well. There is material on the case file to the effect that some
22 people were spies on behalf of the Golf hotel. Do you have information in that
23 connection?

24 A. [12:35:10] On that point, I do not have information. There was an operational
25 centre at the Golf. But the intelligence that was transmitted is what I referred to a

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1 short while ago, that is information to the military units and to the Commando
2 Invisible.

3 Q. [12:35:32] One moment, please. We'll move on to something else.

4 I would now like to show you a video which was already shown to you by the
5 Prosecutor. The reference is as follows, CIV-OTP-0048-1651.

6 It's confidential, Mr President, your Honours. But I think that we could play it
7 publicly. It's number 301 on our list of material. There is no transcript for this
8 video. And we could play it from the beginning, and we will do a few screenshots
9 and put some questions to the witness accordingly.

10 PRESIDING JUDGE TARFUSSER: [12:37:03] Mr Prosecutor, on the confidentiality.

11 MR MACDONALD: [12:37:07] If you allow. But if it was shown to the witness
12 previously, this witness or in the case?

13 PRESIDING JUDGE TARFUSSER: [12:37:12] Yes, I don't know.

14 MR MACDONALD: [12:37:13] Because I don't remember anything being
15 confidential.

16 PRESIDING JUDGE TARFUSSER: [12:37:17] I don't.

17 Was it shown to this witness or to another witness?

18 MR MACDONALD: [12:37:32] It's public.

19 PRESIDING JUDGE TARFUSSER: [12:37:36] It's public? Okay. We can show it
20 public.

21 Evidence channel?

22 THE COURT OFFICER: [12:37:42] The Defence has the floor, evidence 2 channel.

23 (Viewing of the video excerpt)

24 MR ALTIT: [12:38:26] (Interpretation)

25 Q. [12:38:31] The timestamp here is -- no.

- 1 Mr President, with your leave, we would like to cross-check the timestamps.
- 2 Time code 9.19 seconds. Can you see the image, sir?
- 3 A. [12:39:18] Yes, counsel.
- 4 Q. [12:39:21] We see here a group of journalists.
- 5 PRESIDING JUDGE TARFUSSER: We see a group of people.
- 6 MR ALTIT: (Interpretation) You're right, Mr President, we see a group of people.
- 7 Q. But we have no information about the date on which this happened. But does
- 8 this picture bring to mind any particular event, sir?
- 9 A. [12:40:03] I said earlier that this was, it was the first time I was seeing that image
- 10 when it was shown to me. But I can see and recognize the location where people are
- 11 gathered.
- 12 Q. [12:40:18] What is that location, sir?
- 13 A. [12:40:20] It is the entrance to the presidency. Before you go down to the pas
- 14 perdus hall, there is a corridor, at the end of which there are a number of stairs that go
- 15 down, that lead down to the pas perdus hall.
- 16 Q. [12:40:47] Very well. So let's proceed.
- 17 (Viewing of the video excerpt)
- 18 MR ALTIT: [12:41:39] (Interpretation)
- 19 Q. [12:41:43] Do you see that image, sir?
- 20 A. [12:41:46] Yes, counsel.
- 21 Q. [12:41:51] What do you see on that image, please?
- 22 A. [12:42:02] This is a picture depicting the storage of ammunition boxes.
- 23 Q. [12:42:10] How do you know that these are ammunition boxes?
- 24 A. [12:42:16] By habit.
- 25 Q. [12:42:19] Does anything on these boxes lead you to know about its content?

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1 A. [12:42:29] I've talked about the boxes. I didn't talk about the content. So I
2 didn't say whether the boxes were empty or if they had anything in them. For now
3 what I can say is that these are ammunition boxes.

4 Q. [12:42:47] Do you know whether these ammunition cases would be or boxes
5 would be new, old? Would they be containing, would they be for a new model or an
6 old model?

7 A. [12:43:06] Well, I wouldn't put the question that way because, you see,
8 ammunition boxes which are to be found in the basement of the presidency, one
9 should raise one's hands to the sky and give thanks to the Lord that President Gbagbo
10 should be sitting on a real powder cake, because it would not have been normal for
11 the weapons to be found there.

12 Q. [12:43:35] Mr Witness, please, no commentary. Just answer my question.
13 The model of ammunition boxes, would these be boxes for old weapons or for new
14 weapons?

15 A. [12:43:51] It is not possible to determine whether it's old or new. That can only
16 be done based on the label on the box.

17 Q. [12:44:05] Very well. What are those boxes made of?

18 A. [12:44:13] I don't understand your question.

19 Q. [12:44:17] Well, I was not very clear. I'll rephrase. The boxes that you see
20 there, what kind of material are they made of, wood, metal?

21 A. [12:44:32] Wood.

22 Q. [12:44:34] There is some white substance on the boxes. What would that be,
23 sir?

24 A. [12:44:44] I'm not able to say.

25 Q. [12:44:54] Okay. Let's proceed.

1 (Viewing of the video excerpt)

2 MR ALTIT: [12:45:37] (Interpretation)

3 Q. [12:45:38] Can you see the picture?

4 A. [12:45:41] Yes, I can see it.

5 Q. [12:45:44] On the picture we can see that the box is somewhat open, and it might
6 be empty; is that not the case?

7 A. [12:46:01] Yes, quite possible.

8 Q. [12:46:13] Now, you see this box. Is it the same as the previous boxes?

9 A. [12:46:18] No. It's different. The one on top seems to be of metal while the
10 one below appears to be in wood.

11 Q. [12:46:35] Very well. The metallic box or even both boxes, do they appear to be
12 more recent models than the ones in wood which we saw a few seconds ago?

13 A. [12:46:52] It would be difficult to say whether they're more recent. It would be
14 difficult to say whether they're more recent, because we don't have any indicia by
15 which to come to that conclusion.

16 Q. [12:47:11] Is there any way by which one can know that the boxes here or the
17 ones that you saw before which you referred to as ammunition boxes, is there any
18 way to determine whether those boxes contain a particular type of ammunition or is
19 that impossible?

20 A. [12:47:35] It is often by what is written on the boxes that one can find out.
21 Generally there is a white label on the box which indicates the type of ammunition,
22 the calibre. And in this case we have no such indication, so it would be difficult to
23 say anything.

24 Q. [12:48:02] Were you aware of the existence of possible arms depot in the
25 basement of the palace?

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1 A. [12:48:18] No. I was not informed of that. And even if I were informed of it, I
2 don't think that this is the place where ammunition should be stored.

3 Q. [12:48:31] So you have no means by which to know at what point in time this
4 depot was created?

5 A. [12:48:41] What I can tell you, what I can tell you is that when the weapons
6 arrived, when the so-called craft came, and when our crafts were destroyed, there was
7 an important stock of material at the air base.

8 Now, when the impartial forces or the French forces became aware of this, they
9 quickly informed Air France and then Air France refused to land in Abidjan as long as
10 that ammunition was not taken away, because the shock waves could prompt sparks
11 which would cause an explosion that would blow up the entire airport, Koumassi and
12 Marcory.

13 And so I informed President Gbagbo, who then gave us 500,000 francs and asked us
14 to relocate all that ammunition to another location. Two possibilities were available,
15 one was to build an underground storage facility. And I did an estimate of what that
16 would cost. It came up to about 850 million francs. That is about 1 billion francs
17 CFA.

18 And then the second possibility was to go destroy the ammunition at sea. But that
19 was not a possibility either.

20 So we found a hangar in Abengourou, two hangars in Abengourou, and we were able
21 to transport the ammunition there facing all types of difficulty because, because of the
22 state of the road, we had to proceed very slowly to avoid any explosion arising from
23 movements of the ammunition.

24 But I think that President Gbagbo could not stay in that place with that kind of
25 ammunition there. He knows what Abidjan is like. And behind the presidency, the

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1 railroad, the rails run right behind the presidency. And if you are there at a meeting
2 and a train is going by, you can feel the ground shaking. And so if that kind of
3 ammunition were to be put there, it can explode from that kind of movement. And
4 the presidency would explode and the whole neighbourhood all the way to
5 Treichville would be affected.

6 I think we all remember what happened in one African country when there was such
7 an explosion and the various neighbourhoods that were affected.

8 So this kind of ammunition could not have been placed in that location at that time.

9 It was impossible. It is impossible.

10 Now, if this had been there for a very long time, then we must give thanks to God
11 that nothing happened to the president, because that indeed was really a time bomb
12 on which he would have been sitting.

13 Q. [12:51:53] Let us continue.

14 (Viewing of the video excerpt)

15 MR ALTIT: [12:52:39] (Interpretation)

16 Q. [12:52:40] Can you see that label?

17 A. [12:52:41] Yes.

18 Q. [12:52:43] Have you seen any labels from this company, Israel Military
19 Industries?

20 A. [12:52:50] No. This is the first time I'm seeing it.

21 Q. [12:52:53] Do you see any errors or mistakes on that label?

22 A. [12:53:00] Yes, of course. There are many errors on it.

23 Q. [12:53:04] Can you tell us some?

24 A. [12:53:08] On the first part is written in English.

25 Q. [12:53:14] Please proceed.

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- 1 A. [12:53:16] And the from --
- 2 PRESIDING JUDGE TARFUSSER: [12:53:20] Are we at school? Are we at school?
- 3 We can see the errors. Everybody can see them.
- 4 MR ALTIT: [12:53:24] (Interpretation) Monsieur le Président --
- 5 PRESIDING JUDGE TARFUSSER: [12:53:28] Yes.
- 6 MR ALTIT: [12:53:29] (Interpretation) I'm sure that you can see them, Mr President.
- 7 But what I would want to do is for the witness to see them so that I can put questions
- 8 to him accordingly.
- 9 PRESIDING JUDGE TARFUSSER: [12:53:37] Put the questions.
- 10 MR ALTIT: [12:53:40] (Interpretation)
- 11 Q. [12:53:45] Okay. Okay. Have you ever seen boxes of ammunition or military
- 12 material in your career bearing so many mistakes? Have you ever seen that?
- 13 A. [12:54:10] No.
- 14 Q. [12:54:14] Is it the first time?
- 15 A. [12:54:16] Yes, it's the first time I see such a thing.
- 16 Q. [12:54:21] Do you see any indication as to the date of delivery?
- 17 A. [12:54:28] No date is mentioned.
- 18 Q. [12:54:37] When the Prosecutor showed you this video, you indicated in the
- 19 French transcript, edited transcript, 26 September 2017, page 41, lines 18 to 24, your
- 20 first answer was the following, "No" -- and I quote:
- 21 "No, it was not in that area. I was the deputy commander of the Republican Guard,
- 22 and I know that area. Those boxes of ammunition that you see simply prove that it
- 23 is ammunition that arrived and was stocked there, because the armoury itself is
- 24 outside, it's outside. So this convinces me that the ammunition that was ordered
- 25 effectively arrived and was stocked in that basement." End of quote.

1 Now, what did you base your reasoning on to come to that conclusion given that we
2 don't have any dates indicated here?

3 A. [12:55:51] I, first of all, relied on matters of security, because the first thing I said
4 is that we have an underground bunker or arms depot. The presidency is the place
5 where the president of all Ivorians works. We know that this is his place of work
6 and the place where he receives other dignitaries.

7 Ammunition cannot be stocked in the basement of the presidency. So for security
8 reasons this would be an extremely grievous fault because it would be actually
9 amounting to putting the president on a time bomb or a powder cake, because I
10 already mentioned that there is an issue with trains going by the presidency which
11 already provide some shaking of the ground.

12 And you know that ammunition is very, very sensitive. You cannot afford to place
13 ammunition in the basement of the presidential palace. This would not happen in
14 any country. It would be totally unacceptable for such a thing to happen. That's
15 the first point.

16 The second point, you see the image continues because the anti-aircraft defence
17 systems that were instituted, that were set up, this would be a way of sort of a bait
18 that would bring planes to that area, because if they had dared to go slightly towards
19 the east and struck the armoury, the entire presidential palace would have come
20 down.

21 So those flags were placed in that area so that the pilots would strike the flags and
22 nothing else, because if they had gone elsewhere the entire Plateau would have
23 exploded.

24 Now, you have talked about this label. Yes, I can see the label. But what does it say?
25 Could it have been also another decoy, that mistakes were made deliberately on the

1 labels in order to mislead people?

2 You see, when you place an order, you provide the name of the country. How can
3 you afford to have the mistake in the name of a country, Cod d'Evoire. Is that not a
4 decoy? Is that not a distraction meant to mislead people? I think it was a
5 distraction, a diversion.

6 So the ammunition that we received to this day, to this day, the ammunition that we
7 receive is ammunition from France, is ammunition from France. But from Israel, we
8 never received such thing.

9 The only material in the army, in the Ivorian army is the Uzi which are from Israel,
10 manufactured in Israel. But I see here other ammunition. Well, I really don't know.

11 Q. [12:59:22] So going by these pictures, you cannot tell whether there are
12 ammunitions in those boxes and, two, what types of ammunitions those could be.
13 Therefore, given that there is -- or, rather, is it possible then to have known whether
14 the ammunition that may or may not have been there would correspond to the
15 weapons that you had at the time?

16 A. [12:59:49] Counsel, a short while ago you asked whether I had seen the video,
17 and I said yes. And now you have stopped at a point where the box is closed. I
18 don't know whether there is any ammunition in it or not. So please, maybe we can
19 proceed and see what this leads us to.

20 Q. [13:00:14] If we went on the basis that there were ammunition in there, what
21 would the interests be to hold ammunition in such delicate circumstances which you
22 have defined, whereas troops were in need of ammunition at that time?

23 A. [13:00:37] The answer to your question is the following. When troops need
24 ammunition, ammunition should not be at the basement of the presidency. It should
25 be at the basement of the general staff headquarters. Why not? There was a big

1 armoury in the staff headquarters. Why was the ammunition taken to the
2 presidency? I have the same question, too.

3 Q. [13:01:11] So what you are telling us is that it is absurd to keep ammunition at a
4 time when it is supposed to be used; is that what you're saying?

5 A. [13:01:21] Yes, it is quite absurd.

6 Q. [13:01:23] Very well. If you had ammunition and weapons, would you have
7 won the war of 2010-2011?

8 MR MACDONALD: That is speculation, your Honour. It is hypothetical. What
9 was the purpose of the question? I mean, it leads to nothing.

10 PRESIDING JUDGE TARFUSSER: [13:01:33] well, this is --

11 MR ALTIT: [13:01:34] Monsieur le Président --

12 PRESIDING JUDGE TARFUSSER: [13:01:37] Yes, if we have had, I mean, is not -- is
13 another question.

14 My question is another one. Do we know -- no, this is not a question, no.

15 Do you know or have you ever seen - you've said you've seen the film - my question
16 is: Do we know, do you know if there is something, arms or ammunitions, in those
17 boxes? Have you ever seen a film with these boxes opened? Or have you ever seen
18 them, these opened boxes, what is inside?

19 THE WITNESS: [13:02:16] (Interpretation) Thank you, Mr President. Maybe if we
20 play them on, then we would see that in certain boxes there is ammunition.

21 Now, counsel, you asked me whether if I had ammunition and weapons I would have
22 won the war. I would not have done so at all. I could not have done that.

23 Our mission is to defend the integrity of the territory at all times, everywhere, under
24 every circumstances, to protect people and property. You know what started the
25 crisis of 2000. It was because the results of the elections were contested.

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- 1 The army does not have to work to defend any president who has lost elections. So
2 that's the reason that I did not go to war for them.
- 3 MR ALTIT: [13:03:46] (Interpretation) It is 1 p.m.
- 4 PRESIDING JUDGE TARFUSSER: [13:03:48] Yes, it is 1 p.m., so now we go for lunch,
5 we have the lunch break and then we come back at 2.30 for the third session.
- 6 Okay. Thank you. The hearing is adjourned.
- 7 THE COURT USHER: [13:04:02] All rise.
- 8 (Recess taken at 1.04 p.m.)
- 9 (Upon resuming in open session at 2.34 p.m.)
- 10 THE COURT USHER: [14:34:56] All rise.
- 11 Please be seated.
- 12 PRESIDING JUDGE TARFUSSER: [14:35:15] Good afternoon.
- 13 Good afternoon, Mr Mangou.
- 14 I give immediately the floor to Maître Altit for his questioning for the last session
15 today. Maître Altit.
- 16 MR ALTIT: [14:35:30] (Interpretation) Thank you, Mr President.
- 17 Q. [14:35:35] Good afternoon, Mr Mangou.
- 18 A. [14:35:39] Good afternoon, Mr President. Good afternoon, Counsel.
- 19 Q. [14:35:44] Mr Mangou, we are going to finish with the video that we were
20 looking at just before the lunch break. And I will show you a freeze frame from that
21 video.
- 22 THE INTERPRETER: [14:36:24] Counsel's microphone.
- 23 PRESIDING JUDGE TARFUSSER: [14:36:26] Microphone. Madam Naouri, you
24 should be more attentive.
- 25 MR ALTIT: [14:36:34] (Interpretation)

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1 Q. [14:36:36] Can you see the photograph, sir?

2 A. [14:36:38] Yes, Counsel.

3 Q. [14:36:45] Mr Mangou, you can see the box on top because there are two boxes.

4 Can you read the date on the box on the top?

5 A. [14:37:02] There are many things written there. I can see 3-84. Maybe you're
6 referring to that?

7 Q. [14:37:42] No. Can you tell us what else you can see?

8 A. [14:37:47] I can see 1 over 473490, I believe.

9 Q. [14:38:00] Very well. And just above that?

10 A. [14:38:04] Above that I can see VI 1997.

11 Q. [14:38:20] Now, 1997 that is written there, is that a date, because you are familiar
12 with ammunition boxes?

13 A. [14:38:31] No, it is not a date.

14 Q. [14:38:33] What would that refer to?

15 A. [14:38:38] I really cannot tell because there you can see 40 and then III, in Roman
16 letters. Then you have a zero. The VI is in Roman letters. So it is not a date.

17 MR MACDONALD: [14:39:18] The timestamp?

18 MR ALTIT: [14:39:20] (Interpretation) Very well. We are 1.23.07. That's the
19 timestamp.

20 Q. [14:39:48] Thank you. We'll move on to something else. You talked to us
21 about an incident at Anonkoua-Kouté. And you told us, amongst other things -- and
22 it is French transcript of the 25th September, the edited transcript, page 36, lines 26 to
23 28, and page 37, lines 1 to 2, and I quote you:

24 "Madam Gbagbo, Madam Simone Gbagbo" -- in fact, that is the question by the
25 Prosecutor.

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1 "Madam Gbagbo, Madam Simone Gbagbo, during the post-election crisis, were you
2 in contact with that person?"

3 And you answered, "Only on one occasion. A single time when there were the
4 events in Anonkoua-Kouté. She summoned me. And when I came there I found
5 General Kassaraté and some chiefs of the Anonkoua-Kouté village." End of quote.

6 Now, very briefly, what incident are you referring to, or otherwise, what happened in
7 Anonkoua-Kouté?

8 A. [14:41:37] I think Anonkoua-Kouté, it must have been in February or early
9 March. I cannot remember the precise date. The village of Anonkoua-Kouté was
10 attacked by the Commando Invisible. There were deaths and injured.
11 The villagers fled the village, and it was after that attack that Madam Simone Gbagbo
12 called me up, she summoned me.

13 Q. [14:42:15] Who was the MP for the area of Anonkoua-Kouté at that time?

14 A. [14:42:27] I think it is part of Abobo, and Madam Gbagbo was deputy or MP for
15 Abobo.

16 Q. [14:42:39] So did she summon you in her capacity as MP for Abobo?

17 A. [14:42:45] I cannot tell you that, but I think she should not have. She would not
18 have summoned me.

19 Q. [14:43:01] Very well. What was she expecting from you? Did she tell you?

20 A. [14:43:16] She asked us to help in the assistance which was already being
21 planned in the general staff headquarters. So when I told her that it was already
22 being planned, I left the room to go back to headquarters.

23 Q. [14:43:41] You have told us, you explained to us during your testimony that you
24 no longer had ammunition. That is why you could not defend Anonkoua-Kouté.

25 A. [14:43:58] Yes.

1 Q. [14:44:01] Does that mean that the shortages in the Ivorian army were so serious
2 that you could not protect the population against attacks?

3 A. [14:44:11] Yes, indeed. After the second offensive, we no longer had
4 ammunition. I said here that the president had placed an order for more than eight
5 months, and we had been waiting for the ammunition for eight months. The
6 president told me to contact Mr Gossio, the director of the port, to take a lift to
7 Yamoussoukro, from Abidjan to Yamoussoukro, and this lift waited there for four
8 months.

9 And based on information, the ammunition had to arrive in the night. So it had to
10 be offloaded rapidly so that the impartial forces should not know. But four months
11 later, nothing. And we were told that it would go to San Pedro.

12 I sent the comthéâtre to go and tell the commander there that if the ammunition
13 arrived there, he should receive them. But we waited and nothing.

14 What was encouraging in Anonkoua-Kouté -- and right now I presented my
15 apologies to the population. The chief of village, the village chief of the village
16 himself, who was a commissioner, was in the operational centres, and he knew what
17 was happening. It was not only people from Anonkoua-Kouté. There was a
18 delegation from the west with Madam Angèle Gnonsoa, who had come to raise the
19 issue of ammunition. Our soldiers had no ammunition, and they had to retreat all
20 the time.

21 You have a chief Atchan, who was the Ébrié chief of Abidjan. They came and saw
22 me at the general staff headquarters. I told him we have no ammunition, but we
23 cannot tell people that we are awaiting ammunition. But they never came.

24 So when I see the stock of ammunition at the presidency, I'm wondering what
25 happened when this ammunition arrived? They kept it at the presidency without

1 handing even a box to the general staff? I remember that when we were short of
2 ammunition on the front line, I reported to President Gbagbo about that, and he
3 asked me, chief of staff, to go and see Dogbo to ask for ammunition.

4 But since I needed ammunition, I went and saw Dogbo. He gave me 15. He gave
5 me 15 boxes of ammunition for the entire front line in Abidjan plus 109 weapons.

6 And those were MAS-36 rifles used by the French army in 1936.

7 And these weapons were being used for firing or shooting practice by the
8 gendarmerie. So these arms were used by those people, and we gave those weapons
9 without ammunition.

10 And I would like to point out here also that on the 30th of March at about 1 p.m.,

11 Detoh and myself left the staff headquarters to go and see Dogbo to know whether
12 the ammunition had arrived. He told me, no, the ammunition had not arrived.

13 And so when I discovered this stock of ammunition at the presidency, is that normal?

14 I do not know. So effectively we did not have any ammunition.

15 Q. [14:48:35] So as to better understand what you are saying, page 76, line 20, you
16 have said, "After the second offensive, we no longer had any ammunition." End of
17 quote.

18 You are talking about the second offensive on Abobo on the 23 February 2011?

19 A. [14:49:08] The 25 February.

20 Q. [14:49:11] I'm sorry, the 25 February 2011?

21 A. [14:49:16] Yes.

22 Q. [14:49:19] Duly noted.

23 Now let us move to something else. You talked to us about the Ouagadougou

24 Accords. Do you know when Guillaume Soro, who was the leader of the rebellion,
25 was appointed prime minister by Laurent Gbagbo?

1 A. [14:49:49] I do not remember the date of the appointment of Prime Minister Soro.
2 It was within the framework of the agreement that he was appointed. I was
3 honoured to be invited to Bouaké with Bakayoko, and he told us that he had been
4 appointed prime minister, and he wanted our opinion. Bakayoko and myself, we
5 did not have any objections. We told him that we did not have any problems to
6 work with him.

7 The agreement was signed on the 4 March 2007. So that must have been during the
8 framework of the agreement.

9 Q. [14:50:43] When you say you didn't have any objections, in plural, you and
10 who?

11 A. [14:50:49] Bakayoko and myself.

12 Q. [14:50:51] And remind us who was Bakayoko.

13 A. [14:50:55] Bakayoko was the chief of staff of the Forces Nouvelles.

14 Q. [14:51:02] So the subordinate of Soro?

15 A. [14:51:08] No. You asked about the military commander. Soro was a civilian.
16 He's not a soldier. A short while ago you said military leader. He's not a soldier.

17 Q. [14:51:23] Very well. Let us forget the word "soldier." He was not Bakayoko's
18 superior or leader?

19 A. [14:51:37] I think in the organisation of the Forces Nouvelles, there were
20 branches. There was the political wing and the armed wing. And the chief of the
21 armed wing was Bakayoko, the chief of staff.

22 Q. [14:51:53] Very well. And the leader of the political wing?

23 A. [14:51:59] I cannot tell you that because, as I said some time ago, the person that
24 I worked with and discussed with during the four-party meetings was Bakayoko.

25 Q. [14:52:18] And if I tell you Secretary-General Soro?

1 A. [14:52:23] Yes. I heard about it, the secretary-general of the armed forces of the
2 Forces Nouvelles, yes.

3 Q. [14:52:34] So we are talking about Guillaume Soro, the secretary-general?

4 A. [14:52:44] Yes.

5 Q. [14:52:45] Very well. Did you have regular contacts with him between 2002
6 and 2010?

7 A. [14:52:59] Regular contacts? No. It was only as from 2010, after the elections.
8 And particularly after the proclamation of the two results, we discussed, and I said
9 that the contacts were in order to see how to establish dialogue between President
10 Gbagbo and President Alassane so as to calm things down. That's why we
11 discussed.

12 The last time he called me was on 16 December for the march that was going to take
13 place; we discussed that.

14 Q. [14:53:45] Proceed, please.

15 A. [14:53:54] At that time we discussed over the telephone. He told me to allow
16 his men to pass. And I told him that we had received instructions. Officers did not
17 go out. Only armed elements went out. There were exchange of shots, which
18 degenerated.

19 Q. [14:54:18] When you're talking about who went out, you're talking about the
20 Golf?

21 A. [14:54:22] I'm talking about military officers, yes.

22 Q. [14:54:25] Very well. But Guillaume Soro, he was prime minister of President
23 Gbagbo as from 2007?

24 A. [14:54:38] Yes, indeed, as from 2007, he was Gbagbo's prime minister.

25 Q. [14:54:46] So did you have contacts as chief of staff with the prime minister

1 during that period?

2 A. [14:54:58] No contacts. I never reported to him. He never called me for any
3 problem, except when President Gbagbo summoned us in the company of Guillaume
4 Soro, when it was the time to take the decision of issuing the curfew of the 28th;
5 otherwise -- 28th November; otherwise, I did not have any contacts with him.

6 Q. [14:55:36] And the government from the Ouagadougou Accords was the
7 government of national unity; is that correct?

8 A. [14:55:43] Frankly, I cannot answer that question. I was a soldier, chief of staff
9 of the armed forces. I did not really discuss too much with the government to know
10 whether it was the government of national unity or not. It was not of interest to me.

11 Q. [14:56:07] Very well. You explained to us that the Ouagadougou Accords
12 created the CCI; is that correct?

13 A. [14:56:26] Yes.

14 Q. [14:56:27] You also told us that there were meetings, regular meetings.

15 A. [14:56:39] Yes.

16 Q. [14:56:39] What types of decisions were taken within the CCI?

17 A. [14:56:47] If I look at the missions of the CCI, the mission was the management
18 of military affairs in collaboration with the representatives of the Forces Nouvelles,
19 the implementation of PNDDR, that is, the disarmament and reintegration plan.
20 There was also providing security for the mobile courts, we talked about it.
21 Providing security for the electoral process, we talked about it. And lastly, the
22 protection of people and property throughout the national territory. Those were the
23 types of issues that we discussed within the CCI.

24 Q. [14:57:44] Now, so logically, the security of the elections was discussed within
25 the CCI. All operational decisions related to the deployment during the elections

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1 were taken within the CCI; is that correct?

2 A. [14:58:05] Yes, that is correct, Counsel.

3 Q. [14:58:09] Do you know the ADDR?

4 A. [14:58:17] Yes, I know. I know the ADDR. It is a mechanism that was set up
5 by the Ivorian states for the demobilisation, disarmament and reintegration of the
6 combating forces.

7 Q. [14:58:41] And when was that?

8 A. [14:58:43] It was after the elections. It was set up, I would say, 2012, 2013, if I'm
9 not mistaken. No. I think, let's say, after President Alassane took over power.

10 Q. [14:59:20] Let me put the question differently. Was the DDR not set up at the
11 moment of the Ouagadougou discussions with the rebels?

12 A. [14:59:37] No. It was not the DDR. There was the PNRG. I think it was a
13 different structure. It was in charge of disarmament. The DDR was quite recent.

14 Q. [14:59:55] Very well. I will show you a document now. I will show you a
15 document, CIV-OTP-0048-0038. We have a hard copy for the witness. This is a
16 public document. I apologise, and I apologise to you, we do not have a hard copy,
17 unfortunately.

18 MR MACDONALD: [15:01:26] (Interpretation) We have several copies if you can
19 kindly remind us of the tab number.

20 MR ALTIT: [15:01:34] (Interpretation)

21 Q. It will come up on the screen. You'll be able to see it on the screen.

22 A. [15:01:43] I can see it. I have it here.

23 Q. [15:01:47] Perfect. So you can see the document, and do you recognise this
24 document?

25 A. [15:02:05] Yes, I do. It is from me.

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1 Q. [15:02:08] Very well. Just to make things easy, this is correspondence dated 10
2 February 2005 from you to the minister of defence. And the purpose is to request an
3 increase in the advance fund of the CCIAT, the inter-army tactical command centre,
4 acronym CCIAT.

5 So this document was shown to you when you met with the OTP in 2013. Do you
6 remember?

7 A. [15:02:54] Yes. You mentioned the 20th but actually this is the 10th of February
8 2005.

9 Q. [15:03:04] Duly noted, and I thank you for that.

10 Here in this document we see that you are requesting an increase -- you are asking for
11 an increase in the advance fund of the CCIAT for, in particular, and I quote, on the
12 following page, 0039, 0039, if we can move to that page, and can you see this page?
13 So it says in particular for, and I quote, "interventions to come to the assistance" --

14 A. [15:04:03] I can see, yes.

15 Q. [15:04:06] Do you remember the explanation you gave to the Prosecution when
16 you met with the Prosecution in September 2013 regarding this intervention that was
17 mentioned here to help the injured people?

18 A. [15:04:32] I had explained that we had been working under South African
19 mediation. And as part of that mediation exercise, the 321 agreement stipulated that
20 the parties had to bring together all the various fighting forces in accordance with the
21 joint plan for disarmament that was drawn up on 9 January 2005 and updated on 6
22 March 2006 in Yamoussoukro. So that was the background. That is why I made
23 the request.

24 When you consider all these people who had been injured, families that had to be
25 supported, it was to provide support so that people in charge of the profiling could

1 take all of this into account. So that is why we made this request to the minister of
2 defence.

3 And you can see that it has not been stamped confidential, so it's open source, so to
4 speak. This letter was intended for the minister of defence.

5 Q. [15:05:56] I'll quote your statement, the statement that was taken from you at the
6 time. It's CIV-OTP-0051-0618 at page 0659, I believe, unless I'm mistaken. If I'm
7 mistaken, my apologies. Page 1495, and I quote:

8 Interviewee, namely, you, sir: "And in what we told them to go towards
9 disarmament, it's that we would take care of them, not for them to go out and fight,
10 but to ask them to be confined to barracks. And if there was an injured person, I
11 would take care of the injured people."

12 So here you say that it wasn't to go off and fight, but that they would be kept in
13 barracks. And then the interviewer asks:

14 "Why did you proceed in that manner?"

15 And then you said: "Well, there were many of them. They had weapons. They
16 were moving about everywhere. They did whatever they wanted to.

17 Interviewer number 1: Yes, but why did you make a recommendation that
18 assistance be provided to the injured people from the various forces if they were not
19 forces that" --

20 And then the interviewee says: "No, they were not groups that were fighting with
21 us. They were groups that were in the western part, and as I said, all those groups, I
22 had brought them together. I had brought them together and we provided for them
23 because it was necessary. So, you see, they had become, they had started blocking
24 the roads. They were doing all kinds of things. So we provided for them. We
25 gave them something to eat. That's all. It wasn't for fighting.

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- 1 Interviewer number 1: Okay.
- 2 Interviewee: You are representing me.
- 3 Interviewer number 1: So you fed them?
- 4 Interviewee: Yes.
- 5 Interviewer 1: Yes.
- 6 Interviewee: So that they could be disarmed.
- 7 Interviewer 1: So you supported them.
- 8 And interviewee: Yes. To disarm them.
- 9 Interviewer 1: Support.
- 10 Interviewee: Yes. But not weapons." End of quote.
- 11 Do you remember telling the OTP investigators this?
- 12 A. [15:09:18] Of course. That's very much in keeping with what I just said.
- 13 Q. [15:09:22] So you're confirming?
- 14 A. [15:09:25] Yes, I confirm what I said.
- 15 Q. [15:09:28] So if I've understood correctly, the assistance provided to these
- 16 groups was intended to see to it that they disarm and that they not become highway
- 17 robbers, not block roads and the like?
- 18 A. [15:09:46] Yes.
- 19 Q. [15:09:47] And this disarmament, that was part of the Accra III agreements?
- 20 A. [15:09:56] Let me repeat. It was not with -- it wasn't to disarm them so that
- 21 they wouldn't be blocking roads and robbing people on the roads. It was part of the
- 22 agreement, the agreement that we had under the South African mediation exercise.
- 23 So let me be more specific. Indeed, weapons were provided in Guiglo, and that was
- 24 in the presence of President Gbagbo. And the weapons were provided to the
- 25 impartial forces. These weapons were turned over after the exercise.

1 Q. [15:10:38] Very well. You told us -- I'm moving to a somewhat different point.
2 You said that you worked with General Bakayoko, who was the chief of staff, who
3 was your counterpart, your alter ego, so to speak, chief of staff of the army of the
4 north, and you said that he led the second army of Côte d'Ivoire. Remember saying
5 that?

6 A. [15:11:21] Yes, I said that.

7 Q. [15:11:25] Now, this army, we understand that there was a chief of staff for this
8 second army, Bakayoko, and you worked with him. And you worked with him in a
9 harmonious fashion all those years?

10 A. [15:11:51] We would meet at the integrated command centre. And let us say it
11 was our headquarters, our operational centre. That is where we would meet, at
12 meetings, and at a certain frequency. The meetings would be three times a month,
13 three times a month, within the CCI. We would meet with one another there.

14 Q. [15:12:23] Very well. So three times a month as of 2007, right?

15 A. [15:12:30] Three times a month as of 2007.

16 Q. [15:12:33] Up until 2010, nearly the end of 2010, right?

17 A. [15:12:38] Right.

18 Q. [15:12:39] Very well. You said, French transcript, 25 September 2017 -- 26
19 September 2017, you said, "It wasn't a rebel army. It was an army just like the FDC."
20 Page 36, lines 7 to 11. End of quote.

21 My question is this, and this is a military and structural kind of question. Now, the
22 structure of the army of the north, you said it wasn't a rebel army. Was the structure
23 of the northern army a copy of the structure of the Côte d'Ivoire army?

24 A. [15:13:27] Of course I said that. I even specified that we weren't talking about
25 the military issues during the Ouaga. Yes, the structure was the very same. It was

1 a carbon copy of the Côte d'Ivoire army. You must remember that the officers of that
2 army were former FDS members who had just gone to the other side.

3 So it was really copy and paste, the very same structure as what we had in our army.

4 Q. [15:14:09] Very well. Where were they based?

5 A. [15:14:20] In Bouaké, more specifically, at the 3rd Bouaké battalion.

6 Q. [15:14:24] Very well. Could you tell us about the com-zones here that were
7 leading the areas in the northern part of the country? What happened to the
8 com-zones once Mr Ouattara took power in 2011?

9 A. [15:14:50] Yes. In the case of -- well, within the framework of the unification of
10 the army, those men were assigned to military units. Wattao, who is now the
11 commander of the Republican Guard. Chérif Ousmane is the commander of the 1st
12 paratrooper battalion. We have Koné Zakaria, head of the service battalion. Moro,
13 I believe he is the commander of the eastern battalion, Moro. Hervé Touré, he's the
14 commander of the 3rd Akouédo battalion -- no, the 3rd Bouaké battalion, Touré
15 Hervé. Those are the names that come to mind.

16 Q. [15:16:01] Hervé Touré dit Vetcho?

17 A. [15:16:04] Yes, that's right.

18 THE INTERPRETER: [15:16:09] Hervé Touré, also called Vetcho.

19 MR ALTIT:

20 Q. Sorry if I've already mentioned it, but what about Moro Ouattara?

21 A. [15:16:21] Yes. I said he was the commander of the eastern battalion.

22 Q. [15:16:26] Very well. Ousmane Coulibaly?

23 A. [15:16:50] Ben Laden, he's now the prefect of the southwest region in San Pedro.

24 Q. [15:17:02] Ousmane Coulibaly. Koné Gahoussou?

25 A. [15:17:08] I don't know what his assignment is. I know that he was in Abobo,

1 but I don't know what his assignment is.

2 Q. [15:17:20] Traoré?

3 A. [15:17:21] I don't know who you're talking about.

4 Q. [15:17:24] Also called Dramane Touba?

5 A. [15:17:28] I don't know what you are talking about.

6 Q. [15:17:30] Martin Fofié?

7 A. [15:17:35] Fofié, unless I'm mistaken, I think he must be in Daloa. He's
8 assigned to Daloa, I believe.

9 Q. [15:17:48] Thank you. In a word, how can you tell us how your headquarters
10 were set up with your direct reports and their rules?

11 A. [15:18:02] Yes, Counsel. I specified that I did not have any deputy. I worked
12 with three people who reported directly to me, le sous-chef des logs, Colonel Séry; the
13 DEO, operational; the late Colonel Babri; and then DRH, human resources; Admiral
14 Alla. They also had offices under their particular responsibility.

15 So I was at the headquarters. I had my chief of staff. And then there was the CPCO
16 with Colonel Sako. And also at the headquarters, there was an office for the garrison
17 service army press office and an intelligence service. So those were the people that I
18 was working with at the headquarters.

19 Q. [15:19:14] Thank you. Now, in the year 2000, you spent one year in prison.
20 Can you tell us the circumstances?

21 A. [15:19:54] Yes. I spent one year in prison. In 2005 as the elections drew near,
22 some officers thought they would overthrow the government.

23 Q. [15:20:15] I'm sorry, sir. Sorry to interrupt, but just to understand, I see in the
24 year 2005 as the elections drew near, can you tell us what year? On 25 September in
25 your testimony you say that you spent a year in prison and you were released in 2001.

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1 A. [15:20:40] Yes. No. I'm telling you the whole story right from the very
2 beginning, right from the very beginning, you see. In 2005 elections were coming up
3 and President Bédié was still in power. And a number of officers organised
4 themselves. I was at the armoured battalion at the time. I was second in command
5 under the command of a cousin of General -- excuse me.

6 PRESIDING JUDGE TARFUSSER: [15:21:11] Why 2005? You spoke about 2005, so
7 it's on the English transcript.

8 MR ALTIT: [15:21:24] (Interpretation) I'm not suggesting anything, but I'm --

9 Q. [15:21:33] Do you mean 1995?

10 A. [15:21:36] 1995.

11 Thank you, Mr President. Thank you. Thank you.

12 PRESIDING JUDGE TARFUSSER: [15:21:47] We're now on track. Okay.

13 THE WITNESS: [15:21:53] (Interpretation) Yes, that's perfectly correct. In 1995, in
14 1995, you see, there was an attempt to overthrow the government. I was the second
15 in command at the armoured battalion. And a cousin of General Guéï was
16 commanding officer. And, you see, he often gave me instructions that were not very
17 clear to me. For example, go check certain vehicles; go check the starting of vehicles;
18 make sure we have ammunitions. Some of the instructions were really not very
19 clear.

20 And one thing leading to another, we realised that some officers were organising
21 something and possibly planning a coup d'état.

22 When we found out at the time, I was in Dogbo Blé, and also with Captain Kouamé
23 Julien, who is now a commander of the land forces. And it was the time of Remarck,
24 the rapid commando intervention force.

25 So we took a number of measures to keep the infantry units from going out. And he

1 on his side and me on my side at the armoured battalion, the coup d'état was
2 thwarted. And when it was thwarted, I was assigned to the Republican Guard,
3 second in command. And Remarck stayed at the battalion, at the FIRPAC.
4 And in 1999, at the time that President Bédié had imprisoned the six officers, General
5 Guéï was relieved of his duties as chief of staff but appointed minister of youth and
6 sports. In 1999, when the coup was successful, it was practically the same people
7 who came in.
8 So you must realise that I paid a very heavy price, a very heavy price for my defence
9 when they came in while they were there and Remarck was able to go to France,
10 going via the 43rd battalion. I didn't manage, so I was locked up.
11 And the conditions were quite hazy, you see, because Ange Kessi, who was the
12 commissioner of the government at the time, merely summoned us to the conference
13 room at the army headquarters and said to us that a certain number of officers, all
14 from the Akan group, all from the Akan group, and he said to us that what we had
15 done was very serious.
16 And we were reproached, criticised for endangering the state. And they said to us
17 it's very serious. We recommend you get lawyers. This is going to be very serious.
18 Go home. Get your things. You're heading for prison.
19 So I went to Yopougon, where my home was. I told my wife that I was going to be
20 going to prison. She gave me something to eat. My driver dropped me off at the
21 prison. I was the first there. The others came the next day. Once I was in prison,
22 well, I can tell you that I -- it was truly very serious, a real cross to bear.
23 One day they came, well, there were some other political figures. A number of
24 officers were there, Akan officers. Moro was there; the Minister of State, Émile
25 Bombet; General Mbaya, General Totu (phon), paix à son âme, may he rest in peace.

1 And there you have it. We were imprisoned. And one day they came to fetch me.
2 And they said to me the president wanted to see me. And since it was extremely hot
3 in the prison, I was wearing a T-shirt and some shorts and I said, well, I'll change
4 clothes.
5 And they said, "No, no, just stay in the clothes you're wearing."
6 And I said, "What do you mean? The president is summoning me and you want me
7 it appear in front of him like this?" I said, "No way, I'm not moving."
8 So my other colleagues were able to convince me to go. "It's the president who is
9 calling you." So I got in, and that day, it was Chérif Ousmane who went and got me.
10 And I asked him later, and indeed it was him who came to get me. We went to the
11 presidency and from the presidency we went down to the Sotra and we ultimately
12 ended up at the Poudrière, which was a true concentration camp at the time, the place
13 where the ammunition was kept.
14 I got there on a Thursday at 9 in the morning. We were put in our underwear. We
15 were put under barbed wire. They pulled the barbed wire. The soldiers danced
16 over our backs. They beat us up from 9 to 5.30 in the afternoon.
17 And it was the arrival of --
18 THE INTERPRETER: Inaudible.
19 THE WITNESS: That was our salvation. The people who ended up there at the
20 Poudrière, many of them died. A few were injured for life. They lost an eye or a
21 leg.
22 So once again, it was Chérif who came to see me. He thought I was bleeding a lot.
23 And he gave me some cloth so that I could wipe my wounds. And then I was taken
24 to the Camp Commando of -- the Abobo Camp Commando at the time.
25 At the time when you left that place la Poudrière, which was like a concentration

1 camp, that meant they were going to kill you.

2 So you leave Abidjan. You head towards Abobo. I was praying. I was already

3 handing my soul over to God. I was taken to Abobo camp. I was shut up in a little

4 cell with only toilets, only a toilet, and I was told no water, no food. And the

5 commander of, the commander of that camp -- I'll give the names. They're all dead

6 now. The commander was Lieutenant Bépan (phon), Bépan.

7 So I was shut up. And as soon as I got there, I was so thirsty. From 9 in the

8 morning until the evening, 1700 hours, no food, nothing. We didn't have any -- they

9 poured stuff over my head and I remember that I had something to drink. I

10 collapsed. And Thursday, Friday, Saturday, I can show you my back. I still have

11 the scars. This back was completely broken, broken. And they didn't want me to

12 go for treatment.

13 My body was lacerated. I won't show you that. And then Sunday morning, it was

14 terrible. I didn't understand. I heard two gendarmes coming, two gendarmes.

15 One was sort of playing a game, diversion. He was going to say: We're going to

16 kill him. We're going to kill him.

17 They opened up the metal door and they said "Give me the cell phone number of

18 your wife." He was a young Ébrié fellow. I gave him the phone number. He went

19 and alerted the Red Cross and it was the Red Cross who came and got me out of

20 there.

21 I must say that that gendarme who became -- well, when I became the chief of staff, I

22 tried to track him down. I don't know who he was.

23 So I was taken. I was put back in prison. I was in prison until the Cheval Blanc

24 coup occurred. And the ones who carried out the coup d'état, when the general felt

25 very much in his skin, so to speak, and wanted to get rid of his, well, and he was

1 organising this other coup d'état, the white horse coup, and the ones who put us in
2 prison, they ended up with us. They ended up being with us. Once they got there,
3 we didn't want to see them.

4 And, well, later we came to an agreement. We accepted them. And there was Zaga
5 Zaga. I met up with him, not Wattao. So together, once again, in prison with these
6 fellows, these people, we organised prayer sessions. There were no Muslims.
7 There were no Christians. We were all the same. We ate together. We stuck
8 together. We stayed there.

9 And one day they sent off some units to the village. At 4 in the morning they picked
10 up my younger brother, may he rest in peace, and he was taken to Andokoi. They
11 climbed the fence. They found my wife. She had just had a baby, a one-month old
12 baby. They took everything they wanted in the house. They beat up my wife.
13 They grabbed the baby. They took the baby, put a pistol on his head, and they
14 wanted to kill the child. But then the pretext was that I had fled the prison. But we
15 were still in prison.

16 Ange Kessi decided to try us. The first to be tried were the NCOs. They were
17 sentenced to five years imprisonment. And so as people went to trial, the terms
18 were increased, five years, ten years, fifteen years. And then one of them was
19 sentenced to life imprisonment, called perpétuité, in French, but he did not even
20 know what it meant.

21 After the elections, when the general wanted to dispute the results of the election, and
22 it was President Gbagbo who had been elected, there was a first attempt. The
23 population came out to chase the general, but that attempt was aborted.

24 But we were still praying for God almighty to allow us to leave the prison. But
25 when we were hitting the walls, it was impossible. So the group of prisoners started

1 reducing. But on the second attempt, people succeeded in chasing out General Guéï.
2 So the door opened and there was a voice from outside which said: "Come out."
3 Inside, Lieutenant Kouakou Nicolas, who is also now deceased, said, "But if we go out,
4 we may be killed," because there was firing everywhere.
5 And someone else said, "If they want to kill us, they are going to kill us here anyway."
6 So we went out.
7 Our house in Anonkoua had just been looted. Every time there is an event, the
8 houses are looted. My wife had left and went to her sister's house. I disguised
9 myself with a friend called Kouadio who was in my batch. So we mingled amongst
10 the marchers. So from the Galliéni camp we went right to Abobo.
11 I spent three days with him, and when the situation calmed down, I went to fetch my
12 wife in her sister's house and then we returned to Abobo. It should be pointed out
13 that many of those who were involved died, have died now.
14 I was in a house that I had renovated in Akouédo camp. There was Colonel
15 Dekassan, who is deceased, he was COMTER. And he wanted to occupy the house.
16 He gave me half a day to move out of the house. My wife was almost at the point of
17 giving birth and she practically was on her knees to beg for Dekassan. And
18 Dekassan said no way. So we moved and he occupied the house. But all of them
19 are now dead.
20 And Colonel Kessi, Dekassan and Bépan, and all the soldiers who at that time were all
21 powerful, they could take everything from you, vehicles; they could take people's
22 jewelry, all of them are today deceased. Given that God knows how he does his
23 things.
24 I am the one who finally organised the funeral of General Guéï because I was chief of
25 staff. I was the one who gave the eulogy without any regrets. I didn't want to do it,

1 but the president asked me to do it. And so I did it. These are painful memories.
2 But that is what happens in people's lives.

3 Q. [15:38:08] Thank you. So that things should be clear, this account that you
4 have just given us, this important and difficult account, so it was General Guéï who
5 put you in prison, in prison, and it was the election of President Gbagbo that saved
6 you?

7 A. [15:38:49] Yes, I can say that it was the election of President Gbagbo that saved
8 us from prison.

9 Q. [15:38:58] You were appointed ambassador, you said that at the beginning of
10 your testimony, by President Ouattara. And when was that?

11 A. [15:39:14] I was appointed ambassador on 12 May 2012.

12 Q. [15:39:32] And what did you do between April 2011 when you pledged
13 allegiance and the time you were ambassador?

14 A. [15:39:41] I was not working. I was at home.

15 Q. [15:39:46] Now let us move on to something else. Can you explain to us briefly,
16 because we already have some information, what was the procedure for appointing
17 officers in the Ivorian army? For example, criteria of seniority and so on and so
18 forth.

19 A. [15:40:24] To appoint officers, there is a procedure to be followed, and there is a
20 procedure called advancement which involves a certain number of criteria involving
21 seniority in rank; then you have the marks of the last three years; then you have the
22 punishments that are taken into account; the diplomas or certificates that have been
23 obtained which are also taken into account.

24 So in a nutshell, those are the criteria. Maybe I am forgetting some because since I
25 left some time ago. Based on those criteria, there is a computation that is made using

1 a certain number of points and then the appointments are made.

2 Q. [15:41:38] When you were chief of staff, was that procedure always respected?

3 A. [15:41:48] Yes. When I was chief of staff, that procedure was always respected.

4 When it came to the armed forces, there is the advancement or promotion of officers.

5 There is work done at the level of the chief of staff's headquarters. Then we convey

6 the results to the ministry. And then together we review the work before the

7 appointments are made.

8 The appointments also are sent to the presidency of the republic. I believe that the

9 president takes into account the work done by the minister up to the rank of colonel.

10 But the appointments of generals or the rank of general is the exclusive remit of the

11 president of the republic.

12 Q. [15:43:01] Now, the last promotions before the post-election crisis, was it in

13 August 2010?

14 A. [15:43:21] Yes, indeed. They were in August 2010.

15 Q. [15:43:26] And those last promotions, did they follow the usual procedures?

16 A. [15:43:34] Yes. You don't just get a rank like that. The normal procedures

17 were followed.

18 Q. [15:43:47] A different question. Now, you have explained to us that former

19 rebels had joined the army. Now, were the former rebel leaders integrated as senior

20 officers or general officers?

21 A. [15:44:10] After the Ouagadougou political accords, President Gbagbo himself

22 issued a decree appointing two colonels, that is General Bakayoko and General Gueu

23 Michel, who was colonel at the time, he appointed the two of them generals, and that

24 was during his state visit to Odienné.

25 At the level of the ministry we were asked to carry out the harmonisation of the

1 process. Those who were commanders or captains, we did the work and they
2 remained at their ranks.

3 Now, President Alassane came and found those officers and he could only promote
4 them. So in the army when you achieve a rank and you are disciplined, you work
5 well, there is no choice but to promote you.

6 So those people were commandants or captains and they were promoted to lieutenant
7 colonels. So all of them are occupying positions of responsibility.

8 Q. [15:45:41] You talked about the chain of command that you drafted in 2013 with
9 the OTP. It is CIV-OTP-0047-0113. During your testimony you indicated, the
10 edited transcript, French, 27 September, page 8, line 26, page 9, line 8, and you are the
11 one speaking, and I quote:

12 "It has to be pointed out that President Alassane, who was newly elected as president
13 of Côte d'Ivoire, had formed his government. And when I went to the Golf on 12
14 April 2011 to pledge allegiance to the president, after the ceremony of allegiance, the
15 president received me in his office in the company of Mr Amon Tanoh, who was his
16 directeur de cabinet, and he told me that he would keep me in my position as chief of
17 staff of the armed forces.

18 And when he appointed his government, Mr Koffi Koffi Paul was minister of defence,
19 and Mr Koffi Koffi Paul asked me to give the report on the chain of command of the
20 armed forces of Côte d'Ivoire in times of peace and in times of crisis. So it was to Mr
21 Koffi Koffi Paul that I handed this report. He was the minister of defence.

22 Question: Do you remember the approximate date?"

23 You answer: "It must have been on 19 June 2011 if I'm not mistaken." End of quote.

24 Now, this new minister of defence, he's the one who asked you to produce a report; is
25 that correct?

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1 A. [15:48:16] Yes. But he asked me for a certain number of documents also. I
2 gave him reports on other points and he asked me about the chain of command.

3 Q. [15:48:36] The date that you gave, 19 June 2011, does not seem to be the correct
4 date. Is it not possible that you handed in that report instead in 2013?

5 A. [15:48:54] Yes. I have realised that it is not the correct date, because I was
6 appointed in May 2012. So it must have been well before I left for Libreville.

7 Q. [15:49:14] I will read your prior statement, CIV-OTP-0051-0556, page 0565, line
8 329 to 335. And the interviewer 1 is asking you the question:

9 "This report in front of you, can you confirm when you submitted this report to the
10 Ivorian authorities?"

11 Interviewee, yourself: "Yes, 19th of June.

12 Interviewer 1: 19 June 2013?

13 You: 2013.

14 Interviewer 1: That's correct. Very well. Okay. And it is noted under
15 CIV-OTP-0047-0113."

16 I have just added the number 335 in the ERN. So I'll repeat. It is
17 CIV-OTP-0047-0113.

18 So I would like to understand, in June 2013, you handed in, handed in a report
19 requested in April 2011?

20 A. [15:51:09] I am really confused about the date. Unfortunately, the report itself
21 is not dated, so I really cannot say. But it is a report that I may have done before or
22 after I left. But I don't have a date. I was even surprised to find that report here.

23 Q. [15:51:36] During the meeting that you are talking about with the minister of
24 defence, did anyone else or himself give you instructions on the substance of the
25 report?

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1 A. [15:51:50] No, no one else. It was the minister who instructed me. Nobody
2 else.

3 Q. [15:51:59] At that time were you told what was the purpose of the report?

4 A. [15:52:13] No, not at all. When he took over power, he asked for information
5 on military structure. So when he asked for a report on the chain of command, I
6 thought it would be related to the assignment of officers. That is why I did it
7 without any afterthoughts.

8 Q. [15:52:45] Were you informed that it would be sent to the ICC?

9 A. [15:52:56] Not at all. That is why I was surprised to see it here.

10 Q. [15:53:00] I will read to you CIV-OTP-0051-0697, page 07 to 09, lines 404 to 433.
11 And I will quote.

12 THE COURT OFFICER: [15:53:37] Could you please repeat the page ERN number,
13 please? Thank you very much.

14 MR ALTIT: [15:53:42] (Interpretation) The page, page 0709, lines 404 to 433.

15 Q. [15:54:08] And I will quote:

16 "Interviewer 2: Very well. And also tomorrow at a certain moment, we will come
17 back to the circumstances that led you to write the document that we refer to today or
18 particularly during the first part of our meeting today. The document whose last
19 numbers are 0047-0113, the document that you handed over, we know that you
20 handed it over to the Ivorian authorities on 19 June 2013. It would be necessary also
21 to explain to come back to the circumstances under which this document was written,
22 the reason why and the circumstances under which it was sent from Gabon to the
23 Ivorian authorities.

24 Interviewer 1: The last report.

25 Interviewer 2: The last report.

1 Interviewer 1: That you submitted to the Ivorian authorities.

2 Interviewee: It is simple.

3 Interviewer 1: And also you can answer now if you want.

4 Interviewee: Yes. But it is simple. The president of the republic was in Gabon
5 within the framework of the New York forum Africa, and he had also been invited to
6 be the sponsor of the 12th batch of the cadet officers of the general staff academy.
7 And amongst the people that visited him, there was Madam Bensouda. He who had
8 been invited, I believe, to the forum, and he had to be -- and she had to be received by
9 the president.

10 Interviewer 2: But do you know whether she was received, Madam Bensouda, as far
11 as you know?

12 Interviewee: I saw her arrive.

13 Interviewer 2: You saw her arrive, but do you know whether she met with the
14 president?

15 Interviewee: But I did not take part. I do not know whether she went in, whether
16 she did not go in. But she had been announced. That's it.

17 Interviewer 2: Very well.

18 Interviewee: And it was after that that the minister of defence asked me to produce
19 a report on the chain of command. So I prepared the report on the chain of
20 command, which I typed up myself. It may even be badly typed. And I sealed it
21 and handed it over to the minister of defence." End of quote.

22 Do you remember telling the investigators of the OTP that?

23 A. [15:57:55] Yes, indeed.

24 Q. [15:57:59] Let me put my question to you again. So it was after a meeting
25 between Alassane Ouattara and Fatou Bensouda in Gabon that you were asked to

1 prepare the report?

2 A. [15:58:15] No. Madam Bensouda was in Gabon. But I was also managing a
3 certain number of appointments. The ambassador is informed. She was
4 announced, but I did not see her, so I don't know whether she was received. But I
5 know that Minister Koffi Koffi was with the president, and he asked me to provide
6 the report.

7 I prepared it, but I didn't give it to him on the same day. I had to travel to Abidjan to
8 give it to him personally. Otherwise, Madam Bensouda was invited to the New
9 York forum Africa. And Mr Ouattara was also invited, and he was sponsor of the
10 12th batch of the school in Gabon.

11 But the president has a place where he received people. I saw her arrive, but I never
12 saw her enter to see the president. That is what I'm talking about.

13 Q. [15:59:47] Let us understand well. Today you're saying that she didn't meet
14 Alassane Ouattara?

15 A. [15:59:59] Yes.

16 Q. [16:00:00] But what -- in line 428, you say that she was announced. And on line
17 430 you say that "it was after that that the minister of defence asked me to prepare a
18 report on the chain of command." So at that time you seem to say that she arrived.

19 A. [16:00:25] No. I said that she was announced, but she did not come. That is
20 what I wanted to clarify.

21 Q. [16:00:36] When you wrote the report in question, had you read or were you
22 reading the documents drafted by the Prosecution of the OTP that set out the various
23 details of this case, the Prosecutor versus Mr Gbagbo, in particular, the document
24 containing the charges against Laurent Gbagbo?

25 A. [16:01:04] What document are you talking about? I don't quite understand

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1 what documents.

2 Q. [16:01:10] I'll rephrase my question. When you wrote this report, had you read
3 or were you reading documents -- and if the answer is yes, we will ask you which
4 ones -- documents having to do with this case, this case before the ICC, in particular,
5 what is called the DCC, the document containing the charges or perhaps other --

6 A. [16:01:39] I never saw such documents. I never saw the documents.

7 Q. [16:01:43] Very well. Did you listen to the confirmation of charges hearing that
8 was held a few weeks before you wrote your report in February 2013?

9 A. [16:01:59] Yes, I did listen to the hearings. Yes, I did.

10 Q. [16:02:07] Were you threatened if you didn't draft your report?

11 A. [16:02:13] Why? Why threaten? No one threatened me. Why would anyone
12 threaten me? No, no one threatened me.

13 MR ALTIT: [16:02:26] (Interpretation) Mr President, it's past 4. Probably this is
14 the time to suspend.

15 PRESIDING JUDGE TARFUSSER: [16:02:34] I was going to stop you. Yes, it is time
16 to suspend for today and to adjourn the hearing to tomorrow morning at 9.30.

17 Thank you very much. The hearing is adjourned.

18 Thank you, Mr Witness.

19 THE COURT USHER: [16:02:56] All rise.

20 (The hearing ends in open session at 4.02 p.m.)