

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 Monday, 2 October 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:48] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:34:16] Good morning.
15 Good morning to you, Monsieur Mangou. It's time for the Defence teams of both
16 accused to question you, and to that effect I give the floor to Maître Altit.
17 We have taken note of your email of this morning. So if during the day we could, if
18 possible, be more precise on what you mean in terms of timing, I mean, with your
19 email, we will be happy, so we can foresee.
20 I just can tell you that next Tuesday we will not have a hearing, so if this happens,
21 what you are envisaging, we will continue on Wednesday with 384. Okay.
22 So the floor is yours.
23 MR ALTIT: [9:35:35] (Interpretation) Thank you, your Honour.
24 WITNESS: CIV-OTP-P-0009 (On former oath)
25 (The witness speaks French)

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 QUESTIONED BY MR ALTIT: (Interpretation)

2 Q. [9:36:26] Good morning, Mr Mangou.

3 A. [9:36:39] Good morning, Mr President.

4 Good morning, Counsel.

5 Q. [9:36:45] My name is Emmanuel Altit and I am the lead counsel representing

6 Mr Laurent Gbagbo. In turn, I will be asking you a number of questions, and if you

7 could kindly respond concisely and very accurately. Very well?

8 A. [9:37:04] Understood, Counsel.

9 Q. [9:37:05] Let us begin. You told us during your testimony in response to

10 questions from the OTP -- page 51 of the transcript of 28 September last -- you told us

11 that the impartial forces told you about a number of alleged incidents. Do you

12 remember saying that?

13 A. [9:37:37] Yes.

14 Q. [9:37:41] I will quote what you said, page 51, realtime transcript of 28 September.

15 I'm quoting from the French. You said this in response to a question from the OTP,

16 you said, and I'm quoting, "So I was informed by two people. The first person also

17 by the impartial forces, the second person by the minister, the minister who provided

18 me with that information. So he called me to ask me if our men had shot at women.

19 And the first thing that I did was, I called Detoh to find out more. And this part is

20 not very clear, but I believe what we're reading here is he said no in relation to what

21 happened in Abobo." End of quote.

22 First question. What do you mean by impartial forces?

23 A. [9:38:53] Thank you. Well, the person who told me about that was General

24 Palasset, who told me about incidents that occurred in Abobo. General Palasset was

25 head of the Licorne peacekeeping forces and he was working with the impartial forces,

1 so that's what I meant when I said impartial forces, General Palasset.

2 Q. [9:39:20] If I could put the question to you once again. I believe you've just told
3 us that because he was working with the impartial forces, you're talking about
4 Licorne forces?

5 A. [9:39:31] Yes.

6 Q. [9:39:32] Who were these people?

7 A. [9:39:38] Well, the detachment that came and was working with UNOCI. And
8 indeed with the commander of that force we had four-part meetings.

9 Q. [9:39:53] A detachment of which army?

10 A. [9:39:56] The French army.

11 Q. [9:39:57] Very well. And General Palasset was the commander of that
12 detachment?

13 A. [9:40:05] Yes. Licorne had a number of leaders, but the last one who worked
14 with us right up until the end of the post election was indeed General Palasset.

15 Q. [9:40:21] Very well. And when was he the commander, from when to when, if
16 you know?

17 A. [9:40:30] Well, that's going to be difficult. In general terms, they have a
18 two-year rotation usually. So I don't know exactly when he began. But I believe he
19 must have been there for two years. He finished his two years, I think.

20 Q. [9:40:48] Very well. And do you know what became of this general, General
21 Palasset?

22 A. [9:40:54] He went back to France and I did not hear anything about his
23 assignment thereafter, but I know that he did go back to France.

24 Q. [9:41:05] Very well. Now, during the crisis, where was the Licorne force
25 based?

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 A. [9:41:13] During the crisis, the force was at the 43rd in Port-Bouët.

2 Q. [9:41:21] Were there other French army bases in Côte d'Ivoire at the time?

3 A. [9:41:28] No, no other French army bases. That was the only one.

4 Q. [9:41:32] Very well. So you were informed by General Palasset, and
5 approximately what time, what part of the day was it? In general terms, when did
6 you receive this information from him?

7 A. [9:41:50] I was informed by General Palasset in the evening, I believe, because
8 when the event occurred, we had time to watch the television to find out what was
9 going on. And after that, the next day, I instructed the spokesman to issue a release.

10 Q. [9:42:13] Just to make sure we've understood one another properly, you went
11 back home, and then you learned about the alleged incident on the television or by
12 Palasset?

13 A. [9:42:28] No, no, not that way; it didn't happen that way. As soon as the
14 incident occurred, General Palasset informed me. But I hadn't seen the footage. It
15 was when I went back home at 8 p.m. on the news, that is what I saw the footage.

16 Q. [9:42:45] Well, this allows us to -- this allows me to narrow my question down.
17 What time of day were you informed? So if I've understood correctly, you're saying
18 late afternoon?

19 A. [9:43:01] Yes, yes, late afternoon.

20 Q. [9:43:03] Very well. And then you watched the television?

21 A. [9:43:14] Yes. But before that I had been informed by the minister. The
22 minister himself was informed by a number of journalists. And when he called me
23 on the telephone and asked whether I knew that women had allegedly been killed in
24 Abobo, I said no. I conducted an internal investigation to determine whether our
25 men were involved.

1 After that investigation, I went to see the minister and I gave him a report. And after
2 that report, he asked me to issue a release to deny any involvement by the FDS.

3 Q. [9:43:55] Very well. So the minister called you after you received the call from
4 General Palasset, right?

5 A. [9:44:01] Yes.

6 Q. [9:44:02] Very well. And this group of journalists, you say that they informed
7 the minister. Do you know anything about them? Do you know any of these
8 journalists? What can you tell us about them?

9 A. [9:44:20] Well, Counsel, I really couldn't tell you much, because it was the
10 minister himself who informed me of what he had learned from the journalists, but
11 with not a lot of detail.

12 Q. [9:44:32] Very well. Now, when Palasset called you, did he give you specific
13 information, for example, the names -- correction, the number of people who were
14 killed or injured, location? Did he give you any facts about what allegedly occurred?

15 A. [9:44:52] No. Unfortunately, he didn't. He just said that the FDS tanks
16 allegedly had killed women, some women, that's what he told me.

17 Q. [9:45:05] Very well. Now, tell me, about the impartial forces, you mentioned a
18 meeting with four different parties. Can you tell us more about these meetings?
19 What were they all about? How long had they been going on for?

20 A. [9:45:37] Well, you must realise that with the Ouagadougou accord signed on 4
21 March 2007, we began to work within the framework of the integrated command
22 centre in Yamoussoukro. And thus, well, I told you last time that we received a
23 number of missions from the integrated command centre by way of a government
24 decree, signed by the president of the republic, decree 207, et cetera, 2000, and that
25 was how the mandate of the integrated command centre was set.

1 And so you see, the four parties, the four sources found themselves within the
2 integrated command centre to take stock of the situation to see what needed to be
3 done. And if there were problems regarding the forces, we would sit down and talk
4 to find a solution. And as part of providing security for the electoral process, we
5 worked together and we had a joint operational plan to ensure safety.

6 So often we would meet at the CCI in Yamoussoukro or in Sébroko or at the 43rd
7 BIMA. Once we held the meeting elsewhere in a local hotel, I won't say which one.
8 So basically those were the meetings of these generals who led the various forces.

9 THE INTERPRETER: [9:47:20] Interpreter correction: Government decree
10 mentioned was government decree 2007-82.

11 MR ALTIT: [9:47:32] (Interpretation)

12 Q. [9:47:33] So you mentioned the various commanders, the Licorne force, the
13 commander of the UN force, the commander, the chief of general staff of the
14 republican forces of Côte d'Ivoire, the head of staff of the two former rebel armies, is
15 that what you are telling us?

16 A. [9:47:56] The chief of general staff of the republican forces and the chief of staff
17 of the national forces of Côte d'Ivoire.

18 Q. [9:48:04] Very well. We're just trying to understand.

19 A. [9:48:08] Yes, yes.

20 Q. [9:48:10] So you say the armed forces of Côte d'Ivoire. When you say -- you
21 mean yourself?

22 A. [9:48:16] Yes, I mean myself. So there was the commander of the Licorne forces,
23 the commander of the UNOCI, General Bakayoko, commander of the republican
24 forces, General Mangou, commander of the national forces of Côte d'Ivoire.

25 Q. [9:48:36] And when you mention the republican forces, you mean the former

1 rebels?

2 A. [9:48:41] No. I wouldn't -- well, yes, the former rebels who were, had engaged
3 in a mutiny.

4 Q. [9:48:52] So the ones who were in the north, if we could put it that way?

5 A. [9:48:55] Yes.

6 Q. [9:48:58] Very well. So if I've understood correctly, there were a number of
7 meetings bringing together these four high-level military figures, these four military
8 commanders, and they were held regularly to take stock of the situation, and that was
9 the case since 2007, right?

10 A. [9:49:19] Yes, that's correct, Counsel.

11 Q. [9:49:24] Well, now, in 2007 at the end of the crisis -- well, let me put another
12 question to follow up.

13 Now, were there such meetings held during the crisis?

14 A. [9:49:41] If you could be more explicit, because we've had a number of crises.
15 The first one in the year 2000 until the organisation of the first round of voting, and
16 then the second one.

17 Q. [9:49:54] I'll be more specific. Were there such meetings, meetings that brought
18 together the four military leaders during the post-election crisis, that is to say from
19 the first round of voting until - I'm speaking of the 2010 voting - up until April 2011?

20 A. [9:50:16] As I stressed, Counsel, these were the people that we were working
21 with as part of the process ensuring safety during the election process. Now, once
22 we had issued the message regarding the security, in light of the outcome of the first
23 round, we had to take stock of what had happened during the voting and we found
24 ourselves, once again, dealing with another message, and that had to do with the
25 second round.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 So after the results of the second round, we found ourselves meeting at a local hotel to
2 take stock of the situation and to see what should be done.

3 Q. [9:51:11] Now, from 2007 up until the 2010 presidential election, during that
4 period of time, I suppose that each time those four military leaders met, it was not
5 only to take stock of the situation but also to discuss possible incidents that might
6 have happened. Wouldn't that be so?

7 A. [9:51:35] Yes, indeed, the meetings we had focused on the problem of
8 disarmament. There was one particular time when we wanted to move to peace and,
9 thus, the forces had to be brought together so that we could proceed with
10 disarmament. And we also had to determine to what extent the armies -- you see,
11 the initial objective was to deal with all the weapons in Côte d'Ivoire. That was the
12 initial purpose. And then later we also talked about various problems with the
13 impartial forces moving around.
14 For a while the Young Patriots were stopping the impartial forces from moving about
15 freely. So those were the problems that we would discuss at our meetings.
16 But indeed, yes, we often did discuss a number of incidents.

17 Q. [9:52:38] And are you talking about incidents that occurred in the north or just
18 in the south or both?

19 A. [9:52:50] No. When there was an incident wherever, we would discuss it. We
20 would discuss it. Be it in the north or the south, we would discuss the incident.

21 Q. [9:52:59] Very well. So you mentioned a few moments ago the disarmament of
22 all those bearing weapons. Now, when you speak of that, do you include the army
23 of the north, the ex-rebels or however you want to describe them, the people in the
24 north, were they to be disarmed as well?

25 A. [9:53:25] Well, I think you need to understand that there were several

1 agreements. When the president of the republic and the prime minister, Mr Soro,
2 began the operation to bring the various groups together, we went through our own
3 regrouping and through the South African mediation process we had an agreement.
4 And the agreement said that indeed the former FAFN needed to disarm. And
5 members of the FDS, our disarmament would be likened to returning to barracks and
6 returning weapons to their storage places. That was subsequent to the 2005
7 agreement.

8 Now, when the Ouaga agreement was signed on 4 March 2007, it was no longer a
9 matter of disarming the forces of Côte d'Ivoire, because the agreement provided for
10 two armies in Côte d'Ivoire, one in the north, one in the south. And we, the chiefs of
11 staff, were supposed to be within an integrated command centre to co-manage all
12 military activities. So there was no question of disarmament, although in Bouaké,
13 we did have a ceremony, the ceremony of the flame, and a number of weapons were
14 destroyed.

15 Q. [9:55:02] Now, a few moments ago you explained how you had been informed
16 of the alleged incidents of 3 March, 3 March. And now I'll ask you about 17 March
17 and the alleged incidents on that day.

18 So you have said, sir, and this is the realtime transcript of 28 September, page 60, I'm
19 quoting from the French version, line 23, you said this, and I'm quoting:

20 "So General Palasset informed me and he said to me, he said that he thought there
21 had been three deaths, apparently three people had been killed."

22 So my first question is this, when were you informed?

23 A. [9:56:10] Well, the information, I received it late in the day, late in the day, at the
24 end of the day. And he specified the number of victims. He said shells had been
25 fired upon the market and that led to three deaths.

1 Q. [9:56:31] Did he ask you whether you knew about it already or was he just
2 calling?

3 A. [9:56:37] No, no, no. He just called me and told me what had happened at the
4 market.

5 Q. [9:56:42] Very well. Did he tell you how he had learned about this?

6 A. [9:56:49] No, he didn't tell me that.

7 Q. [9:56:52] Was he sure of his information?

8 A. [9:56:55] He was sure of his information because he specified the number of
9 victims.

10 Q. [9:57:05] Very well. So you said to us that the minister of defence -- well, was
11 this the same process as the previous time? Did the minister of defence call you after
12 you received a call from General Palasset?

13 A. [9:57:30] Exactly the same process. So we learned the same information, but
14 through different channels. The minister learned from the journalists. He informed
15 me. So it was the same process. I had an internal investigation done. When an
16 incident like this happens, the first thing to do is to find out what happened. You
17 ask for commanders to report back. And the reply was negative, and so I reported
18 back up to the minister to tell him what I knew.

19 Q. [9:58:06] So the response was negative. So you are saying that after this
20 investigation nothing hinted at the FDS being involved, is that what you are saying?

21 A. [9:58:21] Yes. And we specified that on that day the FDS was not attacked.
22 You see, otherwise they might have responded with fire, and that could have led to
23 collateral damage.

24 Q. [9:58:37] Now, this group of journalists, you have no more information than the
25 previous?

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 A. [9:58:44] No, no further information about the journalists, no.

2 Q. [9:58:49] I'd like us to move now to a somewhat different point. You told us
3 when you explained the general arrangements for the, well, the setting up of the army
4 positions and the like, the first day. And I'm going to quote something from the
5 French transcript of 25 December, page 12 -- September, and then on to page 13, line
6 1. 25 September, page 12, line 24 to 28, page 13, line 1.

7 So you said this in response to a question from the OTP, and I quote:

8 "So during the post-election crisis, we had two major entities, the units in the theatre
9 of operations, and Konan Boniface was the commander of that units, these units that
10 had been deployed to all of Abidjan, including Abobo, to ensure the safety of the city
11 and the safety of Abobo, which was entirely under the responsibility of Firmin."

12 Now just to make sure we've understand one another, these units outside of Abidjan
13 led by Boniface and then the units in Abidjan were led by --

14 THE INTERPRETER: [10:00:50] Overlapping speakers.

15 MR ALTIT: [10:00:53] (Interpretation)

16 Q. [10:00:54] As to the units outside of Abidjan, we know because it is in the record,
17 the rebels or the troops in the north, as you called them, crossed the line to the south
18 in March 2011. Can you confirm that offensive?

19 PRESIDING JUDGE TARFUSSER: [10:01:21] Don't start the answering too quickly
20 after the end, otherwise we will have problems with the interpreters. Thank you.
21 Please go ahead.

22 THE WITNESS: [10:01:32] (Interpretation) Thank you, Mr President.

23 MR ALTIT: [10:01:39] (Interpretation)

24 Q. [10:01:41] Please proceed.

25 A. [10:01:43] Yes, I confirm.

1 Q. [10:01:46] Very well. What was the objective of those troops? And we are
2 referring to military objectives here.

3 A. [10:02:02] This offensive took place, in fact, it started on the 28th of March 2011,
4 the purpose, the objective of the troops was to carry out an offensive on Abidjan.

5 Q. [10:02:28] And what was their purpose for going to Abidjan?

6 A. [10:02:38] Following the refusal of President Gbagbo to admit defeat, these units
7 advanced towards Abidjan.

8 Q. [10:02:53] To do what?

9 A. [10:02:56] Well, I cannot tell you. I know that there was an offensive, and at the
10 end of that offensive, they succeeded in capturing the president. So at the end of the
11 fighting in Abidjan, they succeeded in capturing the president.

12 Q. [10:03:20] You have talked of an offensive from the north to the south. Which
13 itinerary did those troops take? In other words, did they attack from many fronts?

14 A. [10:03:36] Yes, I confirm that there were many fronts. First of all, there was a
15 first offensive on the 28th. The first people to retreat from the security forces were
16 the units in Duékoué. They fought up until 1 a.m. in the morning, and they ran out
17 of ammunition. So I asked them to pass through Guiglo, take the people from
18 Guiglo, pass through Taï, and then be received by Allah and move to San Pedro.
19 That was done.

20 Then the second to retreat was Kakou who was in Laoudiba in the most advanced
21 position. They retreated to Bondoukou and then to Abengourou.

22 There was the centre-west commander in Daloa who remained on the ground and the
23 commander in Yamoussoukro.

24 There was the same problem, the problem of ammunition, but apart from that, there
25 was demotivation of our forces.

1 There were the offensives of the republican forces from Man toward Duékoué.

2 Another offensive on the central road, Bouaké-Tiebissou, and then an offensive in the
3 east, because the last elements were in Tabou, maybe a bit further north in relation to
4 Laoudiba.

5 So they advanced towards Bondoukou. So, in general, there were three attack fronts,
6 a central front, a front in the east and then one in the west.

7 Q. [10:05:57] In the central axis, I believe there were many roads taken by the
8 armies of the north advancing to Abidjan?

9 A. [10:06:09] Yes.

10 Q. [10:06:12] Which were the various roads, and can you tell us who was the
11 commander on each of those roads, the former rebel commanders or the forces of the
12 north, if you want?

13 A. [10:06:28] In the west it must have been Commander Losseni. The central axis I
14 cannot be certain. I believe there were two commanders, Wattao and Chérif
15 Ousmane, and then in the east it was Mouro.

16 Q. [10:07:02] Very well. Now, were these commanders the people known as
17 com-zones?

18 A. [10:07:13] Yes, those were the com-zones.

19 Q. [10:07:16] Very well. Did their troops include Dozos contingents?

20 A. [10:07:29] Well, I cannot tell you that.

21 Q. [10:07:32] Very well. Did their troops include people who can be recruited in
22 Burkina, Mali or Guinea, in neighbouring countries?

23 A. [10:07:50] Well, I cannot tell you that because I was not there. I did not observe
24 it. Within the framework of the Ouagadougou political accords, there was
25 recruitment organised in the ministry of defence. Well, if apart from those elements

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 they took additional elements, I cannot tell you that. I don't have any evidence for
2 that.

3 Q. [10:08:20] Very well. You were not there of course, but you were chief of staff,
4 and you received information. You didn't receive any such information?

5 A. [10:08:36] I received such information during the first crisis. But during the
6 second crisis, during the second crisis, during the offensive, I was no longer chief of
7 staff, because I had entered the embassy, so I no longer knew what was happening.

8 Q. [10:09:03] Very well. I would like to show you a document,
9 CIV-OTP-0071-0594. We have a hard copy here.

10 Mr President, I'm being told it's confidential but I don't think there is any reason not
11 to show it publicly. But I have a hard copy for the witness. But I'll allow my
12 learned friend to say something.

13 MR MACDONALD: [10:09:52] (Interpretation) Thank you. If it was possible to
14 have the tab so as to try to cross-check because there are many documents.

15 Secondly, Mr President, it is just an observation to situate ourselves in time. I think
16 we were talking about March. And the witness said the 28th without specifying the
17 month. We assume it is March, but if he can confirm it, that would clarify things.

18 MR ALTIT: [10:10:37] (Interpretation) I can ask the witness the question before
19 going to the document.

20 Q. [10:10:45] Mr Witness, you heard the exchange. When you said the 28th, do
21 you mean the 28th of March 2011?

22 A. [10:10:56] Yes. That is indeed 28 March 2011. And we were also talking about
23 the offensive, and that offensive started on 30 March 2011.

24 Q. [10:11:13] Thank you.

25 MR MACDONALD: [10:11:14] It can be public, your Honour.

- 1 PRESIDING JUDGE TARFUSSER: [10:11:20] Okay. Let it be public.
- 2 Thank you very much. Let it show as public.
- 3 MR ALTIT: [10:11:26] (Interpretation) Thank you. It is tab 784. We have a hard
- 4 copy for the witness. It will be much easier.
- 5 Q. [10:12:07] Do you have the document?
- 6 A. [10:12:10] Yes, Counsel.
- 7 Q. [10:12:11] Very well. Have you already seen this document before?
- 8 A. [10:12:19] Yes. It is a document which was signed by myself.
- 9 Q. [10:12:24] Very well. So you confirm that the signature on page 0595 is yours?
- 10 PRESIDING JUDGE TARFUSSER: [10:12:35] He has signed it by himself, so ...
- 11 MR ALTIT: [10:12:42] (Interpretation)
- 12 Q. [10:12:44] Very well. Now, if we scroll back up, we can see that it is a message
- 13 from CEMA addressed to MINIDEF. And can you confirm what MINIDEF is?
- 14 A. [10:13:01] It is the ministry of defence.
- 15 PRESIDING JUDGE TARFUSSER: [10:13:05] We have by now learned all these
- 16 things.
- 17 MR ALTIT: [10:13:08] (Interpretation)
- 18 Q. [10:13:12] Then there is a series of acronyms after "info". Can you tell us
- 19 quickly what those acronyms are?
- 20 A. [10:13:25] After the word "info," we have COSUP GEND, superior commander
- 21 of the gendarmerie; DGPN, director general of the national police; COMAIR, the
- 22 commander of the national navy; the COMAIR, commander of the air force; CECOS,
- 23 commander of the operations centre; COMTER, commander of ground forces;
- 24 COMTHÉÂTRE, that is the commander of the theatre of operations.
- 25 Q. The date seems to be 14 January 2011, is that correct?

1 A. [10:14:10] Yes, 14 January 2011.

2 Q. [10:14:13] The message indicates, and I quote, "Volunteers".

3 I want to see whether the interpreters are following.

4 PRESIDING JUDGE TARFUSSER: [10:14:29] Just, please, can we start from the
5 assumption that by now all these acronyms are very well known by the Chamber, so
6 in order not to ask the obvious. We know all these acronyms. We are two years
7 now that we are here, so we do know.

8 MR ALTIT: [10:14:50] (Interpretation) Mr President, we're trying to just confirm to
9 whom these messages were sent. It is just for that reason. We want to have
10 concrete and material information on what happened.

11 PRESIDING JUDGE TARFUSSER: [10:15:10] We can read. We can interpret the
12 acronyms. We know to whom it was sent also if we are not asking these questions.
13 This is just for the future. Thank you.

14 MR ALTIT: [10:15:26] (Interpretation) Very well.

15 Q. [10:15:36] And I will quote the excerpt:

16 "Volunteers from the armies of the republics of Niger, Nigeria, Mali and Burkina Faso
17 are allegedly preparing in the north and west centre region, CNO, in order to proceed
18 or engage in destabilising actions in our areas."

19 That was in January. Can you tell us whether these soldiers who are from armies of
20 neighbouring countries, that is Nigeria, Niger, Mali and Burkina Faso and who are
21 supposed to have backed up the former rebel army, that is the army of north, can you
22 elaborate?

23 A. [10:16:54] If you look closely, it is an intelligence bulletin. We employed a
24 conditional. We do not confirm the presence of these people.

25 Generally when we receive such information we prefer not to keep it to ourselves.

1 We inform all major commands so that everyone should know what is happening.
2 But nothing is really confirmed or affirmative here. It is information we received
3 and that we conveyed to our colleagues. That is why we are using the conditional
4 here.

5 Q. [10:17:37] From whom did this information come?

6 A. [10:17:49] From a tactical point of view, all information is important. It could
7 be civilians coming from Bouaké who provide information, it could be our
8 intelligence officers in the field giving that information, and often it is true and
9 sometimes it is not true. So in this case we were not certain.

10 In January there is a rumour circulating in Abidjan indicating that ECOMOG was
11 going to come and remove President Gbagbo from power. So it was information
12 circulating. But we, ourselves, did not check or confirm that these people were on
13 the ground.

14 Q. [10:18:51] Very well. Further down, and I quote:

15 "The UNO vehicles are supposed to be serving to transport these people."

16 Can you tell us some more? To your knowledge, did the UN vehicles, were the UN
17 vehicles used at any point by troops that came from the north?

18 A. [10:19:19] Sometimes Licorne or UNOCI would transport them because when
19 we had meetings that needed travel by helicopters, they would be transported. And
20 sometimes even we used those vehicles. But these were not units, full units.
21 Usually there were one to three people. But we realised that these people were
22 transported in UNOCI vehicles.

23 What I would like to add also is that the population sometimes, as you know the
24 French army are sometimes made up of white people and black people, but who are
25 French, and sometimes when they see them, the civilians say "Oh, look, they are

1 transporting the republican forces of Côte d'Ivoire." And sometimes these are
2 simply French soldiers. So because they are black, quite often people think they are
3 republican forces of Côte d'Ivoire.

4 Q. [10:20:55] Very well. What you are telling us is that you did not know
5 precisely, and you had no way of verifying the information, but during that time were
6 you in a position to know whether there was military preparation going on in the
7 north for a possible offensive towards the south?

8 A. [10:21:24] Yes. What I can tell you is that each side was preparing itself. We
9 were preparing, they were preparing. So I can tell you that preparations were going
10 on.

11 Q. [10:21:39] Very well. A short while ago you told us that the offensive launched
12 by the troops of the north towards the south, the first battle took place, you gave the
13 name of the officer, but can you tell us the location again?

14 A. [10:22:02] Duékoué.

15 Q. [10:22:04] Duékoué. So the first attack, the first armed offensive of the troops
16 of the north was against Duékoué; is that correct?

17 A. [10:22:16] Yes.

18 Q. [10:22:19] In Duékoué, were the northern troops supported militarily by the
19 French forces?

20 A. [10:22:31] It would be difficult for me to tell you. I said that I did not have any
21 information other than what our elements gave us, so I cannot tell you whether they
22 received support.

23 Q. [10:22:50] During that offensive towards Abidjan, did you receive any
24 information according to which French combat helicopters supported attacks of the
25 northern forces?

1 A. [10:23:07] I do not have that information. Helicopter attacks cannot be
2 concealed. They would be known in the field. The comthéâtre did not inform me
3 of any such thing.

4 Q. [10:23:26] Very well. You told us that the officer that you talked about
5 defended himself but he was compelled to retreat because of lack of ammunition; is
6 that correct?

7 A. [10:23:39] Yes.

8 Q. [10:23:42] We will go to the western troops, the troops in the central axis and
9 those in the east. Did you order them to retreat? Because if I understand what you
10 have said, because of lack of ammunition, they couldn't defend themselves?

11 A. [10:24:11] That is correct, Counsel. I gave the order to retreat.

12 Q. [10:24:19] The order of retreat, for all the troops outside of Abidjan which were
13 being attacked?

14 A. [10:24:29] Yes, for all the troops.

15 Q. [10:24:32] Very well. So in fact, apart from the initial fighting that you talked
16 about, there was not a lot of fighting between the northern and southern zones and
17 then Abidjan; is that correct?

18 A. [10:24:48] Yes, that is correct.

19 Q. [10:24:52] Very well. Now, the troops of the north who were advancing were
20 fighting but, to your knowledge, did they commit any atrocities against the
21 population?

22 A. [10:25:11] No unit remained in the field to provide information to us on that.
23 Generally we received information from our commanders who told us what the
24 enemy was doing. But given that they had retreated, we no longer had the
25 possibility of receiving such information.

1 Q. [10:25:32] Very well. Did some of the officers that you asked to retreat during
2 this offensive, did some object because they couldn't -- they would say they would no
3 longer be able to protect the population, did any of them disobey?

4 A. [10:26:07] No. All of them obeyed. The last was comthéâtre who arrived
5 Abidjan around 21.30 hours, and when he arrived, he reported to me on his arrival
6 because during that time we were communicating through cell phone, and we were
7 using code. I told him "Konan, return this evening. I'm leaving the residence."
8 And Mr Gbagbo, who had been informed that all the troops were retreating, called
9 me. And I told him, "Mr President, I and you talked about your resignation. You
10 did nothing. In addition, we did not receive any ammunition, so it is not worth
11 fighting on."

12 And then the president said, "Well, well, well."

13 And then in that case call Dogbo.

14 And Dogbo called me and said, "I am sending you 50 men and BM-21s, and these are
15 orgues de Staline. These are very dangerous weapons that can be used up to 26
16 kilometres."

17 So I told him no, I had no instructions to receive from him and I left.

18 Q. [10:27:44] When you say you were leaving the residence, it was your own
19 residence; is that correct?

20 A. [10:27:50] Yes, that is correct.

21 Q. [10:27:52] Very well. Now, can you tell us about the weapons of the rebels or
22 what you call the troops of the north during the offensive towards the south?

23 A. [10:28:19] Generally speaking, as we did during the four-party meetings in
24 Bouaké, I know that they had bitubes, they had Kalashnikovs, they had RPGs, they
25 had grenades. Those were the types of weapons that they had.

1 Q. [10:28:43] Very well. Did they have any mortars?

2 A. [10:28:48] Yes. They had mortars.

3 Q. [10:28:54] Did you receive any information about how those troops from the
4 north had received those weapons in spite of the embargo?

5 A. [10:29:14] No, Counsel, no information at all.

6 Q. [10:29:21] Did you receive any information relating to the active presence of
7 members of French special services in the northern area 2010 and early 2011?

8 A. [10:29:43] Yes, I have that information. I know that in the first initial fighting
9 there were indications on the field because of the way the arms were packaged,
10 "Embassy of France" in a country that I will not mention. That was some
11 information I received. I know that there were also some French personnel with
12 them. That is what I know.

13 MR ALTIT: [10:30:20] (Interpretation) Very well. Your Honour, if we could very
14 briefly go into private session.

15 PRESIDING JUDGE TARFUSSER: [10:30:28] Yes, let's please go into private session.

16 (Private session at 10.30 a.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 (Open session at 10.31 a.m.)

2 THE COURT OFFICER: [10:31:19] We are back to open session, Mr President.

3 PRESIDING JUDGE TARFUSSER: [10:31:24] Thank you very much.

4 Maître Altit, the floor is yours.

5 MR ALTIT: [10:31:27] (Interpretation) Thank you, your Honour.

6 Q. [10:31:33] Sir, I'd like to show you a document now, and the reference number is
7 this, CIV-OTP-0071-0645, 812 on our list, 812. Similarly, just as was the case with the
8 first document, that was private yet could be shown openly, we believe that this
9 document also can be shown in public.

10 We have a hard copy as well for the witness.

11 Sir, if you could look at this document quickly. And once you have finished
12 reviewing it, could you answer my question, which is: Do you recognise this
13 document?

14 A. [10:33:36] Yes, I do recognise it.

15 Q. [10:33:41] Very well. Just for the sake of the record, can you confirm that this
16 was signed by you?

17 A. [10:33:47] Yes, I can confirm that.

18 Q. [10:33:51] Very well. Now, this document seems to follow the same template,
19 so to speak; the message from the CEMA, chief of general staff, sent to the same
20 institutions. And we will not go into the details of these various acronyms. We are
21 familiar with them.

22 So I'll quickly read out the substance of the message, and that way the translation in
23 English will be on the record. I quote -- so sir, I think you can see here first point,
24 first, I will now read from the document -- oh, I forgot to mention the date. Do we
25 agree, sir, that this is 16 March 2011?

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: We do agree.
- 2 THE WITNESS: [10:35:08] (Interpretation) Yes.
- 3 PRESIDING JUDGE TARFUSSER: [10:35:15] It's written here.
- 4 MR ALTIT: [10:35:18] (Interpretation) Very well.
- 5 Q. [10:35:19] I will now read out the substance of this document, and I quote:
- 6 "Licorne convoy headed to Bouaké stationed in the ..." --
- 7 A. [10:35:35] Tounzouébo.
- 8 Q. [10:35:41] Very well. "... Village located 12 kilometres north of Tiebissou 10
- 9 March 2011. A few moments thereafter the UNOCI helicopter landed on a
- 10 platform 200 metres from the said village."
- 11 "Second point: At approximately", I believe this is "1600 hours"?
- 12 A. [10:36:13] Yes.
- 13 Q. [10:36:13] "FAFN troops are seen at ..." Can you give us this name?
- 14 A. [10:36:18] "N'Djebonouan".
- 15 Q. [10:36:25] Very well. "And at 10 a.m. approximately, the south corridor of
- 16 Tiebissou comes under attack by an enemy group, both rocket fire and bursts of fire
- 17 from Kalashnikovs."
- 18 "Number 3: Response:" I quote, "Security arrangements put in place already made it
- 19 possible to repel the enemy."
- 20 Then fourth point, another point number "Four: Analysis of events: In light of the
- 21 events occurring at the same time, we can easily conclude that the enemy was
- 22 transported by the said impartial forces."
- 23 So, sir, there we are. Now, just before that date you gave us earlier, the date on
- 24 which you said the offence began, can you confirm that the attacks began mid-March?
- 25 A. [10:37:34] Yes, I can confirm that. The attack did occur there in Tiebissou and

1 the events occurred at the same time. And that is what we criticised the impartial
2 forces. We would see them come into a particular sector, and then quite often
3 thereafter there would be an attack. They would say it was just a coincidence, they
4 were just passing by.

5 And you can see the conclusion we came to, that the coincidence might justify the
6 attack, but they denied it saying that, well, at the meetings they denied the point.
7 But what I can tell you is that when we were in the theatre and when we were
8 engaged in fighting from 2000 to 2004, what we saw was that the attacks often -- well,
9 there would be a French jeep and one would have the impression that the French
10 would be reconnoitering and then there would be an attack.

11 And in this particular case, we had a meeting with the commander of the impartial
12 forces and he swore up and down, hand on his chest, that it was just a coincidence.

13 Q. [10:38:58] Let us try to understand one another properly. So you are telling us
14 that between 2000 and 2004, rebel attacks were often preceded by French
15 reconnaissance missions. So you thought that the French troops and the rebels were
16 working hand in glove? And in 2011 you saw the same modus operandi?

17 A. [10:39:25] That's pretty much it, pretty much. So but the impartial forces
18 denied that. The helicopters would land, would take off again and then an attack
19 would occur. So we complained. But when we went to the meeting we were told
20 that, no, it was just a coincidence.

21 Q. [10:39:47] Did you make an official complaint about this coincidence as you
22 term it?

23 A. [10:39:57] Yes, we did make an official complaint. And, well, the last time, you
24 must have seen when I was questioned by the video, I think we all saw the video
25 footage, and the release by the spokesperson regarding provocation by the impartial

1 forces, that was the goal.

2 Q. [10:40:23] When you say the impartial forces, do you mean that -- those
3 coincidences that you noted, namely the French forces and the army of the north?
4 Were they also occurring with the ONUCI forces and the forces of the north, is that
5 what you are telling us?

6 A. [10:40:51] Yes, that's -- that's what I'm telling you.

7 Q. [10:40:53] Do you know who devised the plan for the army of the north to
8 march toward Abidjan?

9 A. [10:41:09] No, I don't.

10 Q. [10:41:13] Did you receive any information to the effect that this plan was
11 devised by French military officials, in particular by members of the French special
12 services?

13 A. [10:41:28] I have no such information.

14 Q. [10:41:30] Very well. You told us a few moments ago that there was one front
15 at the west, one at the east and several in the centre.

16 A. [10:41:50] One in the centre, Bouaké, Tiebissou, Abidjan.

17 Q. [10:41:54] Very well. Now, the forces who were part of this central thrust,
18 when did they arrive in Abidjan to your knowledge? I'm speaking of the troops
19 from the north of course.

20 A. [10:42:07] I couldn't tell you because by then I was already in the embassy before
21 the troops arrived in Abidjan.

22 Q. [10:42:14] Very well. To your knowledge, some units from the north, for
23 example reconnaissance units, did they arrive earlier, before the main body of the
24 troops?

25 A. [10:42:32] I told you one particular case, the one that came to ensure security of

1 the process. During the joint plan it was provided that troops from the south would
2 ensure the security of the process in the north, and the troops from the north would
3 go down to the south.

4 And once security had been ensured for the electoral process, each set of troops
5 would go back home.

6 So we went down and they -- well, when they came down, part of them, part of them
7 went back to the north, some of them took shelter at the Golf.

8 Q. [10:43:20] So you're telling us some of the northern forces were at the Golf at
9 that time; is that correct?

10 A. [10:43:26] After the election, yes.

11 Q. [10:43:27] Very well. But my question was somewhat different. Now, were
12 units coming from the north in March during this offensive, were the units from the
13 north, advance units, did they precede the main group of soldiers from the north, did
14 they arrive in Abidjan before? Now, you said that was when you were in the
15 embassy, but did any reconnaissance units arrive in the days preceding? That is my
16 question to you.

17 A. [10:44:08] I don't think they were reconnaissance units because that term is a
18 tactical term. And that means you have to go seek out intelligence. I think you're
19 talking about advance forces or precursors, not reconnaissance.

20 Q. [10:44:33] Thank you for being so specific. I'll rephrase. Precursors or
21 advance units, did they arrive before the main body of troops in Abobo or Anyama
22 for example?

23 A. [10:44:50] Well, regarding Abobo, regarding Abobo, there were infiltrators. I
24 do have intelligence about Abobo, about Abobo. And I told you that I met with
25 President Laurent Gbagbo at the palace on 11 March, when he summoned me. And

1 then on 10 December at 1300 hours, but you must realise that for that meeting indeed,
2 yes, there had been infiltration. And I can tell you, the infiltrators who -- those who
3 had snuck in to set up operations in Abobo, I do know about that.

4 Q. [10:45:44] Please, go ahead. Tell us what you know.

5 A. [10:45:48] Thank you. Mr President, when I was questioned on 9 August 2011,
6 two questions were put to me. The first one was, did I know who the leader of the
7 Invisible Commando was. And I answered by saying that I knew, but only at the
8 end of the post-election crisis.

9 The second question put to me was this, did I know who were the members of the
10 Invisible Commando, and I said no.

11 But today with, well, with this second item of information, namely, the composition
12 of the Invisible Commando, and the counsel has asked me, I can now tell you that
13 President Laurent Gbagbo funded accidentally, accidentally, he funded the Invisible
14 Commando.

15 In actual fact, on 7 December 2010, the last government of Mr Laurent Gbagbo was
16 sworn in three days later. That is to say, on 10 December 2010, the president called
17 me and he asked me to come and see him at his office at 13.30 hours. When I got
18 there, he was there, standing in front of his work table, and along with him was
19 Minister Tagro.

20 And the president said this to me, and I'm quoting you word for word, "Tagro has
21 come back from a mission to Togo, and he met with Koné Zakaria in his hotel room.
22 And after speaking with him, Koné Zakaria has agreed in exchange for 500 million
23 francs to purchase weapons, ammunition and other equipment to disorganise the
24 armed forces, the former FAFN to the eastern part of Côte d'Ivoire, and he asked me
25 to tell him one particular point from which Koné Zakaria should begin such an

1 operation."

2 Surprised, surprised by such a request, I said, "Mr President, if you have that money,
3 give it to us. You know we don't have weapons or ammunition but why, why from
4 the east? Why begin such an operation from the east?"

5 And Minister Tagro said to me, "Well, it's that. That is how he has decided to begin
6 the action."

7 And I said, "I'm sorry, Mr President, but I don't have a map right here at hand, and I
8 can't tell you where Zakaria is going to begin his operation."

9 Certainly, I guess, certainly bothered by my response, he said to Tagro, "Well, if he
10 doesn't believe, give him the number of Zakaria, and he can call him himself."

11 So I was given Koné Zakaria's number. I was given Zakaria's number. I went
12 down the steps and I found myself on the platform of the palace, and I was waiting
13 for my driver, who had parked in the parking lot to come and fetch me.

14 And a gentleman about 50 years old came up and spoke to me. He greeted me and
15 he said this to me, "General, I am the one who provided Koné Zakaria and Minister
16 Tagro together; I put them in touch. And Koné is ready to work with IB. And IB is
17 ready. And General, time is of the essence."

18 I got into my vehicle, and once I got to Yopougon, I gave the number to the head of
19 my security. And, Mr President, I can give you the name of the head of my security
20 detail in private session. The person is still in the army. But I gave him the number,
21 and I said, "That's Koné Zakaria's phone number. Call him to find out whether it is
22 indeed him."

23 You must realise that my men knew him very well because, you see, he had done his
24 training with Koné.

25 And when he called and spoke to the person, he said, "General, it's him, it's him."

1 So I gestured to him and I said I wanted to speak to him. So he said, "Please stay on
2 the line. The chief of staff will speak to you."
3 Now, this man is a classy man. When I said hello, he said, "Good day."
4 And I said, "Hello, how are you?"
5 He said "Very well," and "I'm waiting for the money to begin the work."
6 And that meant that, when I left the presidency of the republic, someone had called
7 him to say that the general would be calling him. So, you see, this is what I saw.
8 And to answer your question, Counsel, indeed, there was collusion between IB and
9 Koné Zakaria.
10 Can I continue? Yes?
11 For this operation in Abobo. And short of logistical elements, he used tricks, Koné
12 used tricks, and he was treacherous, deceitful. He had President Gbagbo and the
13 minister believe that he would be conducting operations in the north-east, but
14 actually, they just went straight down to the south-east to conduct the operation in
15 Abobo.
16 So the money that was provided, Counsel, was used to pay for the infiltration,
17 lieutenants of Koné Zakaria and Ferré Konaté, for example.
18 If you go on YouTube, you will see some footage Ferré Konaté, Malinké by his name,
19 and he made a statement. Coulibaly Youssouf, his deputy, translated what he said.
20 And he was boasting that he had slit the throats of FDS members. And he was
21 asking for 600 people, people who had been recruited locally, right there.
22 The same Koné Zakaria, same person, who, when I went to the Golf on 12 April 2011
23 to swear allegiance to the new president of the republic, and he was there in the
24 afternoon, sitting under a tree, and he came up and said, "We have taken Tagro. But
25 he took a bullet to the head."

1 I'm a bit emotional. Correction, he shot himself in the head.
2 And I said, "Why? Was he armed? Is he dead? What?"
3 And he just said to me, "No. We took him to a clinic."
4 And I took advantage of that opportunity to say, "Money, ask about money?"
5 And he said yes. But what I can tell you, in light of the circumstances, I don't know
6 how much he got. So that information he gave me, Mr President, I think that that
7 was an acknowledgment of powerlessness. He was meeting his -- facing his maker,
8 and really, he didn't do much because he himself shot himself. He put a bullet -- he
9 shot himself in the mouth.
10 Now, I don't know all the circumstances. But the death of that great statesman who
11 always worked so hard for peace does bother me.
12 And each time that I close my eyes, I can see his face once again. And what Tagro
13 did, the face that Tagro made and, really, it all comes back to me, and I am
14 always -- my conscience is always troubling me nonstop.
15 And today I am speaking freely. I am getting this off my chest. And, you see, truly,
16 this troubles me very much. And now at one point in the crisis, didn't Tagro find
17 himself, well, perhaps he just -- I really wonder, I really do wonder.
18 Now, did he want to die? But I can say before God, and I am saying before this
19 Court, the justice of man, it is not fair to put the responsibility of actions taken by
20 certain advisers of Mr Laurent Gbagbo on the shoulders of others, particularly their
21 errors. And there were many such errors, a great many.
22 So that is how we were. That is how we were. We were manipulated in the
23 morning, forced to fight our brothers, to kill one another. And then the evening in a
24 foreign country, we found ourselves with them. We talked to them. We gave them
25 resources, and those resources were turned against us, against us.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 So when there was a lull, well, for example, there would be a lull, there would be
2 torching, then -- I can give you many examples of what happened, many examples.
3 So to answer your question, Counsel, indeed, yes, there were infiltrators, former
4 dissidents, such as him who arrived.

5 And if you look on YouTube, listen to the video footage carefully, you will even see
6 that he was arguing about the paternity of the Invisible Commando and whether IB
7 was truly the father of the Invisible Commando. So I think there was a problem,
8 truly a problem.

9 And you see, when people talk about Invisible Commando, people always look to the
10 Ouattara camp. But no, no, you just have to look at what IB was wearing. He was
11 wearing the stripes of a divisional commander. Bakayoko was a brigade
12 commander.

13 So he was showing that he had nothing to do with Bakayoko, that he was doing it all
14 on his own. And it was a coincidence that they were there, but he had nothing to do
15 with it.

16 So indeed, yes, Counsel, infiltration; there was infiltration. There was infiltration.
17 There were infiltrators.

18 Q. [10:58:59] Thank you, thank you, sir.

19 I think we will just allow the interpreter to translate all of that.

20 And, your Honour, I can see the time, and I think this might be the right moment to
21 take our break.

22 PRESIDING JUDGE TARFUSSER: [10:59:18] Yes, I think it's also the right moment
23 for the witness to recover from this.

24 Yes, we stop here. We have the break for half an hour and then we come back
25 at 11.30. The hearing is adjourned.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

- 1 THE COURT USHER: [10:59:36] All rise.
- 2 (Recess taken at 10.59 a.m.)
- 3 (Upon resuming in open session at 11.32 a.m.)
- 4 THE COURT USHER: [11:32:07] All rise.
- 5 Please be seated.
- 6 PRESIDING JUDGE TARFUSSER: [11:32:20] Good morning.
- 7 Good morning again, Mr Mangou.
- 8 I give back immediately the floor to the office of the Defence counsel for Mr Gbagbo
- 9 for his questioning.
- 10 MR ALTIT: [11:32:47] (Interpretation) Much obliged, your Honour.
- 11 Q. [11:32:52] Mr Mangou, we were talking about the offensive of March. When
- 12 the army from the north reached Abidjan, if I understood you correctly, and please
- 13 clarify us, the bulk of the northern army reached Abidjan at the end of March, the
- 14 very end of March; is that correct?
- 15 A. [11:33:28] Yes, that is correct.
- 16 Q. [11:33:33] Once it arrived Abidjan, did these armies start attacking the positions
- 17 of the FDS?
- 18 A. [11:33:44] I cannot tell you that because I was at the embassy.
- 19 MR MACDONALD: [11:33:56] Sorry, your microphone was on. I was just
- 20 indicating to my colleague so that ...
- 21 PRESIDING JUDGE TARFUSSER: [11:34:02] I heard it myself and I switched it off.
- 22 I heard myself.
- 23 MR ALTIT: [11:34:08] (Interpretation) Thanks. Thanks to both of you.
- 24 Q. [11:34:17] Mr Mangou, we will back track a little bit. I would like to know
- 25 what was happening in the west during the post-election crisis of 2010-2011. Can

1 you tell us what the situation was in the west of the country after the second round of
2 the presidential elections of 2010?

3 A. [11:34:53] After the second round of the presidential elections, all the population
4 of Côte d'Ivoire was waiting with impatience the proclamation of results. So there
5 were no particular incidents reported in the west.

6 Q. [11:35:16] Very well. You have said no particular incidents after the second
7 round, but when did the situation begin to degenerate in the west?

8 A. [11:35:36] I believe it was after the proclamation of the results that the situation
9 started deteriorating.

10 Q. [11:35:46] Very well. I would like to show you a document. It is
11 CIV-OTP-0071-0642, and it is document number 811 on the list of materials of the
12 Defence.

13 And it is classified as confidential, Mr President, but I think it can be shown publicly,
14 like the previous documents. I can see that my learned friend on the opposite side
15 accepts this proposal.

16 We have a hard copy for the witness.

17 Mr Mangou, please take your time to look through the document and I'll put a few
18 questions to you.

19 Have you seen it? Very well.

20 The document has the same format as the one previously shown. Message from the
21 CEMA to MINIDEF and the other institutions.

22 My first question, is do you recognise this document?

23 A. [11:38:08] Yes, Counsel, I recognise it.

24 Q. [11:38:13] This document on page 0644, that's the last page, mentioned an attack
25 carried out on 6 March 2011 in the vicinity of Toulepleu by, and I quote, "a coalition of

1 rebels," in brackets, "Sierra Leoneans, Liberians, Burkinabé."

2 Now, do you remember anything about this attack?

3 A. [11:39:19] Yes, I do remember that was, it was the position of our units in
4 Toulepleu which were attacked.

5 Q. [11:39:33] Do you have any information of similar attacks that were carried out
6 in the west of the country?

7 A. [11:39:53] Apart from Belleville and Toulepleu -- and Bellville is in the centre
8 west region in Daloa and Toulepleu is in the west. Apart from those two locations, I
9 don't have any others in mind.

10 Q. [11:40:11] Very well. In this same document, if you look at the first page, can
11 you see "first"?

12 A. [11:40:38] Yes.

13 Q. [11:40:39] Can you read what is mentioned there?

14 A. [11:40:46] Yes.

15 Q. [11:40:50] For the record, and stop me if I am mistaken, I will quote point one:
16 "Centre west groupement, on this day 6 March 2011, Alpha 4 a.m, beginning of the
17 operation baptised Aube for the purpose of recapturing Belleville." And there I have
18 difficulty reading what is in brackets. Can you assist us? In the north west of
19 Daloa; is that correct?

20 A. [11:41:33] Yes.

21 Q. [11:41:33] Very well. Now, my question is that, in the west, because during
22 that time on 6 March, when the parts of the countries, particularly in the west,
23 occupied by the forces of the north or at least attacked by the forces of the north?

24 A. [11:42:09] Here, Belleville is a locality belonging to the FDS. At one point the
25 enemy captured it and we tried to recapture the location. And when we arrived

1 there we realised that the enemy was no longer there. So we took over control.

2 And as indicated, also there was an attack at Toulepleu, and our troops which were
3 retreating in the direction of Duékoué at a certain village, they were attacked by the
4 population who snatched or who grabbed their weapons.

5 And if the OTP remembers, they said that the weapons were given to the civilians.

6 No, they were not given to the civilians. It was because when the population saw
7 the forces retreating, they grabbed the weapons and we went through to Toulepleu
8 and they handed back the weapons to our men.

9 Q. [11:43:28] To understand you correctly, that is, there was a threat when the
10 population -- when the army was retreating, so the population seized the weapons to
11 protect themselves?

12 A. [11:43:46] Yes. The population seized the weapons to protect themselves. But
13 the issue was resolved.

14 Q. [11:43:58] So you came back and you were able to recover the weapons; is that
15 correct?

16 A. [11:44:02] Yes.

17 Q. [11:44:05] Now, let me move on to something else. Do you remember that you
18 explained to us the roads on which the offensive in Abobo took place in February?

19 A. [11:44:36] Yes, I remember effectively.

20 Q. [11:44:41] Very well. And you told us that the soldiers advancing on one of
21 those roads, that is, the PK18 road, retreated from the Abobo roundabout to the Camp
22 Commando; is that correct?

23 A. [11:45:04] Yes, that is correct.

24 Q. [11:45:06] And in the edited French transcript of 26 December 2017, page 75,
25 line 24, in relation to those soldiers that came to Camp Commando, you said and I

1 quote, "It was from the Camp Commando that they were that each day they would be
2 subjected to attacks. They would retaliate, and this was because we did not want to
3 give the impression to the population that we were abandoning them. So we
4 maintained the soldiers there, hoping that we would receive weapons and
5 ammunition, but we did not receive anything." End of quote.

6 Can you elaborate on the attacks against the Camp Commando, which types of
7 attacks? Can you tell us a little bit more?

8 A. [11:46:21] Usually, a unit that deployed and retreated should not have been
9 placed in that position, but we did it because we no longer had weapons and
10 ammunition.

11 And since we did not want to give the impression to the population that we had
12 abandoned them, we were compelled to place our elements in Camp Commando.

13 So they were in a situation where the enemy attacked them every day. And some of
14 our men reported that they had been attacked with mortar. So they were attacked
15 with Kalashnikovs, RPGs and sometimes mortars.

16 Q. [11:47:10] Very well. What about the other military camps in Abidjan,
17 Akouédo and so on, were they also attacked during the post-election crisis?

18 A. [11:47:37] When our soldiers were still in Abobo, none of those camps were
19 attacked. It was only, I believe, when the republican forces arrived Abidjan, Agban
20 was attacked.

21 Q. [11:47:58] Can you tell us a little bit more about these attacks? For example,
22 who attacked the Agban camp, which commander led the forces against Akouédo,
23 and so on?

24 A. [11:48:18] These are things that I did not observe, because I was in the embassy,
25 but I received information about the attack against the gendarmerie camp.

1 Q. [11:48:34] And did this information include the names of the leaders of the
2 attackers and the composition of the troops?

3 A. [11:48:43] I do not know the name of the commander of the attackers, but I
4 know the name of the commander who defended the attack, Commander Abéhi.

5 Q. [11:48:59] So you do not know which northern commander led the attacks
6 against Agban camp or Akouédo camp?

7 A. [11:49:12] No.

8 Q. [11:49:16] Very well. Now, these same military camps, were they attacked
9 between 2002 and 2010?

10 A. [11:49:29] Yes. Between 2002 and 2010, we had several attacks. There was the
11 attack of both the new and the old Akouédo camps, and our various positions were
12 attacked, also not camps, but corridors, Noé, Agboville. There was attempt to attack
13 Abengourou; the gendarmerie of Anyama was attacked.

14 Q. [11:50:09] Very well. So these attacks took place between 2002 and 2010; is that
15 correct?

16 A. [11:50:20] Yes.

17 Q. [11:50:21] And who was attacking all those FDS positions? Even though you
18 don't like the term, can we say it was the rebels and then the elements of the forces of
19 the north?

20 A. [11:50:37] Yes, indeed, I can confirm that because in the Noé attack, we caught a
21 prisoner who was serving in the Bouaflé region. So it is how we came to know that
22 they were the ones attacking us.

23 MR MACDONALD: [11:51:04] We have a translation issue, your Honour, which is
24 missing apparently both in French and in English. The name of the commander that
25 was defending the Camp Agban of the gendarmerie was named, but it's not reflected

1 on the transcript.

2 PRESIDING JUDGE TARFUSSER: [11:51:21] Okay. So we could ask the witness
3 again to name the person so that it will go onto the transcript.

4 MR ALTIT: [11:51:35] (Interpretation)

5 Q. [11:51:36] Can you repeat it for us?

6 A. [11:51:41] Thank you. It was Commander Abéhi, Gilbert Abéhi, A-B-É-H-I,
7 and then Jean-Noël.

8 Q. [11:52:11] Thank you, sir. In this same vein, you mentioned the name of a
9 prisoner which is not in the transcript. Can you tell us that name and spell it, please.

10 A. [11:53:06] Koné Pignon, K-O-N-É, and then Pignon, P-I-G-N-O-N.

11 Q. [11:53:32] Thank you, sir. Now, these attacks, they were led by commanders,
12 of course. Do you remember some of the commanders, 2002, 2010; that is, the
13 commanders of the north?

14 A. [11:53:57] No, I don't remember. I don't have any names. Generally, when
15 there is an attack, if you do not take any prisoners, it is difficult to know who attacked.
16 But with hindsight, I realised at my own level that even at that time this attack was in
17 preparation for the action against Abobo, because they tried to identify possible
18 itineraries. Passing by Noé, they had a lot of losses. We even took some prisoners.
19 They tried the Abengourou road, which did not work. But on the other hand,
20 Akouédo, Anyama, Agboville was the road that they used to retreat.
21 So, generally, these types of attacks precede major attacks. So it was to try to
22 identify itinerary to attack or retreat and analyse, if possible, the attitude of our men,
23 their vigilance and so on and also, if possible, retrieve military equipment. And this
24 is what was done.

25 And when the Commando Invisible arrived, when you look at the video that was

1 mentioned, when they tried to enter Yopougon the first time, they didn't succeed
2 because there was no way out. They tried Bingerville, but it was enclaved, so the
3 neighbourhood of Abobo was preferable because it was possible to leave, go to the
4 main road, and retreat towards the north.

5 Q. [11:56:17] If we understand correctly, you are telling us that the modus operandi
6 of the Commando Invisible in 2010-2011 was the same as that of the rebels that had
7 attacked between 2002 and 2010; is that correct?

8 A. [11:56:40] Yes, it is possible that it is not even the rebels, but the republican
9 forces that attacked. Those who went to Abobo, it was a trial run.

10 Q. [11:56:57] What I wanted to know was that, because in the attack of
11 Abidjan 2002 to 2010, they were preparing the later attack; is that correct?

12 A. [11:57:13] Yes.

13 Q. [11:57:18] Let me move on to something else. During the 2010-2011
14 post-election crisis, did the French army attack the government army?

15 A. [11:57:28] Yes, of course. After an offensive that we carried out on the
16 positions of the republican forces of Côte d'Ivoire, there was the destruction of the
17 French camp. We were carrying out operations, and we tried to find out what had
18 happened. They prevented us from going to find out what was happening.

19 Q. [11:58:08] Let me interrupt you because there is a little misunderstanding. I
20 believe you are talking about 2004?

21 A. [11:58:17] I think it was 2002.

22 Q. [11:58:20] So there was a misunderstanding. I will reformulate. Did the
23 French troops attack Ivorian FDS forces during the post-election crisis 2010-2011?
24 We are not talking about 2002, 2004.

25 A. [11:58:43] When I was still in my position, there was no attack.

1 Q. [11:58:49] In answer to a Prosecution question, French edited transcript page 74,
2 lines 27 and 28 to page 74, lines 1 to 3, that's page 74 to 75, and I quote you, "Look
3 yourself how the impartial forces arrived Abidjan. They were requisitioned and
4 they used tanks. I am a specialist in war vehicles who can shoot up to 200 metres for
5 cannons, and formation guns up to 1,200 metres and then even missiles, they even
6 used missiles."

7 Against whom did they use those weapons that you were referring to?

8 A. [12:00:09] I was answering a question of the OTP. They asked me whether
9 mortars could be used in the town. When an army is requisitioned, they come with
10 all their equipment and with the vehicles and the tanks, the weapons used were tanks
11 and machine guns. But the bombing of Abidjan used missiles.

12 Q. [12:00:50] I will ask you a question about 2004. A short while ago you said that
13 the bombardment of Abidjan was with missiles, and just before you said there were
14 machine guns and tanks that fired.

15 Now, machine guns of tanks, you mean French?

16 A. [12:01:23] French.

17 Q. [12:01:24] And they shot against whom?

18 A. [12:01:28] Against the population in front of the l'hôtel Ivoire 2004.

19 Q. [12:01:36] Several dead?

20 A. [12:01:37] Yes, several dead.

21 Q. [12:01:46] Several dead for the record.

22 And then you said the bombardment of Abidjan, it was with missiles. What was this
23 bombardment and which missiles?

24 A. [12:02:02] For the bombardment, it was the presidential palace, the residence of
25 the president. When you bombard with remote control missiles, there are usually

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 filaments that are used, and this showed that it was missiles.

2 When the Yamoussoukro airport was attacked and aircraft destroyed it was missiles.

3 So the next day you see filaments and you know that it was made with remote
4 controlled missiles.

5 Q. [12:02:44] These teleguided missiles include filaments?

6 THE INTERPRETER: [12:02:58] Mr President, not only is the witness speaking very
7 fast, but no pause is being observed. It makes it very difficult.

8 PRESIDING JUDGE TARFUSSER: [12:03:08] I must remind you again to speak
9 slower and not to overlap the voices. Thank you.

10 MR ALTIT: [12:03:20] (Interpretation)

11 Q. [12:03:21] You were saying that the PC at your HQ in Yamoussoukro was
12 destroyed by missiles fired by French troops; is that correct? Now that was in 2004;
13 is that your testimony?

14 A. [12:03:44] Yes, that's my testimony.

15 Q. [12:03:45] Very well. Why did the French troops destroy your PC HQ?

16 A. [12:03:58] The troops accused us of bombing their PC in Bouaké, so they reacted
17 to that alleged bombing and bombed our PC and destroyed our aircraft.

18 Q. [12:04:10] Very well. What was your role at that time, in November 2004, if I'm
19 not mistaken? It was November 2004, correct?

20 A. [12:04:26] Yes, that's correct.

21 Q. [12:04:27] What was your role? What was your military position at that time?

22 A. [12:04:34] At that time I was the commander of the theatre of operations. And
23 indeed, I was on the field at the time.

24 Q. [12:04:38] Very well. Did you authorise the actions against the lycée -- or,
25 rather, the French positions at lycée Bouaké?

1 A. [12:04:50] No, I did not, not at all. Our target identified to the pilots was the
2 corridor which was about 400 kilometres from the national school of
3 non-commissioned officers -- rather, I'm sorry, 400 metres from the
4 non-commissioned officers' school.

5 Q. [12:05:16] Sorry. Let me stop you there. We need to understand what is
6 obtaining. We know much less than you do. But please, when you say national
7 school of non-commissioned officers, what is that? Is that where the French troops
8 were stationed?

9 A. [12:05:30] No. The French troops were in a college, a college which is some 2
10 kilometres to the south of the national school of non-commissioned officers. So you
11 have the national school of NCOs, which is opposite the municipal swimming pool,
12 and then you have the corridor from that school, which is some 400, 500 metres away.
13 And that was the designated military target.

14 Q. [12:06:07] Now, one moment, please. You have mentioned the school of NCOs.
15 Why? Is it because it was a rebel position at the time or was it because it had some
16 link to the rebels? Why did you mention that school?

17 A. [12:06:27] I mentioned the school simply to describe the corridor in relation to
18 the school. We don't have a map on which we are working, so I've just chosen this
19 as a well-known location from which I could identify the corridor.

20 Q. [12:06:43] Very well. Therefore, the objective or the target was that corridor; is
21 that correct?

22 A. [12:06:50] Yes, the objective was that corridor, the target was that corridor.

23 Q. [12:06:54] What happened?

24 A. [12:06:58] During the manoeuvre, instructions were given to the pilots to target
25 that specific point with very clear coordinates.

1 Now, what got back to us is that the French camp was inadvertently bombed. We
2 were very surprised because at the French camp, there was a French flag indicating
3 the presence of the French army. And you know, when we issue instructions to our
4 men, it was clear that they should not attack the impartial forces and that they should
5 not attack the population.

6 So when we were informed of that bombing, we wanted to go to Bouaké to find out
7 for ourselves how this had happened, and we were prohibited from doing so.

8 Subsequently, when they took the injured to the airport for treatment and what have
9 you, we wanted to go to the Yamoussoukro airport to see them, and we were denied
10 that as well.

11 President Gbagbo even asked the government commissioner to go to Bouaké and
12 conduct investigations, but the government commissioner was refused access to
13 Bouaké.

14 So we were not able to obtain specific information as to what had truly transpired.

15 Q. [12:08:28] Very well. Now, based on the information available to you, what
16 happened? The information may not be complete but, that I understand, what
17 happened? What was your position in relation to that given that you were playing a
18 role at the time?

19 A. [12:08:48] When it comes to bombing, these things can happen inadvertently.
20 Even major powers like the United States and others can mistakenly shell a hospital.
21 So what happens in those circumstances is to stop, conduct an investigation to find
22 out what actually happened. But we did not have the opportunity to conduct such
23 an investigation to find out what had actually happened, so we were perplexed.
24 And you can see that there is great debate around the issue, even in France.
25 We were not given permission to go to the location to find out what had actually

1 happened.

2 Now, the pilots who bombed were not given the opportunity to return to the
3 operational centre for debriefing.

4 Q. [12:09:44] So you did not have the opportunity to interview the pilots?

5 A. [12:09:49] No, we did not. We did not have the opportunity to interview the
6 pilots.

7 Q. [12:09:57] To understand you clearly, were you prohibited from doing so by the
8 French?

9 A. [12:10:02] No. The French did not prohibit us. They did not stop us.
10 Well, the time to contact our pilots, the MIG-24, which went to Sakassou, on its return,
11 was attacked at the airport and destroyed at the airport. And then at 7 p.m., when
12 we were expecting our pilots to return, that is when the bombing of the PC started.
13 So we were not able to receive our pilots, those who had come from Yamoussoukro to
14 Abidjan. That's what happened.

15 Q. [12:10:48] Who attacked them, sir?

16 A. [12:10:52] When our planes returned, they generally land at the Yamoussoukro
17 airport for refuelling and various technical controls.

18 Now, there was a Licorne detachment at the Yamoussoukro airport. It was based
19 there. And its mission was to provide security for the Licorne aircraft. They are the
20 ones who shot down, at our helicopters.

21 Q. [12:11:25] Did you say that they came under attack from the French detachment?

22 A. [12:11:29] Yes, correct.

23 Q. [12:11:30] Did they destroy helicopters?

24 A. [12:11:33] Yes. When it comes to destruction, this is what I learnt: All the
25 helicopters, MIG-24, Puma which had been parked at the landing area in

1 Yamoussoukro were all destroyed at night. However, the destruction at the airport,
2 which was conducted, involved all the Russian aircraft, but the Puma, which is a
3 French craft, was not destroyed. All Russian crafts were destroyed. The French
4 Puma was not destroyed.

5 There was one French helicopter in Yamoussoukro as well, but because it was dark
6 and all the helicopters seemed to have the same shape, all the helicopters were
7 destroyed.

8 But when it came to the daytime destruction, the Russian crafts were all destroyed
9 and the French crafts were not destroyed.

10 Q. [12:12:50] When you say they, they destroyed, you're referring to the French
11 soldiers, correct?

12 A. [12:12:59] Yes, correct.

13 Q. [12:13:00] You say that you were shelled in the evening; is that correct?

14 A. [12:13:05] Yes.

15 Q. [12:13:06] By whom?

16 A. [12:13:10] It was by a French helicopter which came in, all lights switched off,
17 and started bombing. We were very discouraged by the news coming in from
18 Bouaké. And I had left the operational centre. And I was sitting on one of the steps.
19 And when we looked up, we could hear the sound of a helicopter, but all the lights
20 were switched off. And before we realised that it was a helicopter, the first shot had
21 already been fired. That's what happened.

22 Q. [12:13:51] Very well. So then there was the shelling and then the use of
23 machine guns on the population. I'm going to ask you about when, the
24 circumstances and then -- well, talked about the use of missiles and the bombing.
25 Can you give us the sequence as quickly and as briefly as you can, l'hôtel Ivoire, and

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 can you tell us about this, the sequence of events?

2 A. [12:14:58] First there was the bombing of my PC. And when the youth found
3 out that the PC had been burnt down and our crafts were destroyed, the youth started
4 to demonstrate, and the Licorne was at Côte d'Ivoire and the youth went there and
5 that's when they were shot at.

6 Now, then there was some --

7 THE INTERPRETER: [12:15:19] Overlapping speakers.

8 PRESIDING JUDGE TARFUSSER: [12:15:25] Mr MacDonald.

9 MR MACDONALD: [12:15:26] I will make a similar type objection that was made
10 while I was also interrupting the witness while he was answering, although I must
11 say I was doing it after maybe a longer exposé of the witness. I would say that the
12 witness was providing an answer, he's giving answers and he's being interrupted to
13 ask questions of clarifications. I understand that, which are important. But he
14 should be permitted to provide his full answer, we submit.

15 PRESIDING JUDGE TARFUSSER: [12:16:03] And I say the same thing as I said
16 before, and I again say also to the witness, you can in any case say everything you
17 deem necessary. Nobody can cut you off. But of course the flow of the questioning
18 is up to the person who is questioning. But if there is something particular you want
19 to say, please do so, okay.

20 Please go ahead.

21 MR ALTIT: [12:16:35] (Interpretation) Thank you, Mr President.

22 Q. [12:16:39] Mr Witness, my question was in reference to the "they" which you just
23 used. I can no longer find it. Can you give me a second, please. You just told us
24 before my learned colleague intervened that that is where they shot at the youth, and
25 you were referring to the youth.

1 I want to be specific as possible in the structure of your narration. As the President
2 said, tell it as you know it.

3 Now who is the "they" who shot at the youth?

4 A. [12:17:35] I'll repeat. My PC came under shelling from a French helicopter.
5 The aircraft at the PC were entirely destroyed by two helicopters which were firing
6 successively, one after the other.

7 After that event, the youth, the people, were revolted and they wanted to go to
8 the 43rd brigade, and this is what we saw on TV. And once they came to the De
9 Gaulle bridge, the helicopters from that location were shooting at them. And some
10 of them even jumped into the laguna.

11 Now, some -- the same scene repeated itself at the l'hôtel Ivoire where French tanks
12 shot at Ivorian youth. Following those two events French tanks took up position
13 across Abidjan: At the l'hôtel Ivoire, the airport -- our troops could not even go to
14 the airport -- in Koumassi; 43rd BIMA road was blocked, even the airport road had
15 been blocked by containers to stop any traffic to that area.

16 When I was appointed chief of general staff on 13 November, and when I took up that
17 position, I found that Abidjan was in a lock-down. Everything was in the hands of
18 the French. Having thus been appointed, I wanted to take control of matters, and I
19 decided to go talk to General Poncet, who was then commander of the French troops.
20 And I must confess that, after the shelling of my PC and after they had taken over all
21 of Abidjan, well, Abidjan south, because there was still some movement in Abidjan
22 north, I went to see him. I was very upset, very angry, and I thought that we were
23 going to have a rather stormy meeting.

24 I went there, I saw the general, and he told me, "General, I know that you are a
25 pastor's son, but before you tell me why you have come to see me, let us pray." I was

1 very surprised. So he took the New Testament and picked a verse from it and read it
2 out. And after we prayed, he then asked me why had I come to see him, what was
3 the purpose of my visit.

4 I started by thanking him for the prayer and I told him that I had just been appointed
5 chief of general staff of the army and that my men were not able to work because
6 there were French tanks all over the town, and that my desire was for those tanks to
7 go back to their barracks so that we can get to work and enable the people to move
8 about under normal conditions.

9 When I said that to him, he said, "Okay, congratulations on your appointment." At
10 the time I was a major colonel. And he told me, "Colonel, this will be done. But I
11 ask that you provide security for our men as they move about."

12 The Young Patriots must refrain from attacking the tanks. The population must
13 refrain from attacking the French tanks.

14 I gave him that assurance, and then we drew up an evacuation plan pursuant to
15 which the tanks were gradually taken out of town. That is how things happened.

16 Q. [12:21:46] Just to be specific, you talked about the young having come under
17 shelling who were going across the Charles De Gaulle bridge, what was the
18 nationality of those bombing?

19 A. [12:22:00] French.

20 Q. [12:22:01] They shelled those who were on the bridge; is that correct?

21 A. [12:22:07] That's correct.

22 Q. [12:22:07] Did anybody die?

23 A. [12:22:08] Yes. People died and people were injured.

24 Q. [12:22:14] Then you talked about l'hôtel Ivoire. Is that another incident?

25 A. [12:22:17] Yes, it is another incident.

1 Q. [12:22:19] So to be very clear, the French troops used machine guns to fire at the
2 population; is that correct?

3 A. [12:22:32] Yes. Machine guns mounted on tanks.

4 Q. [12:22:39] Were there any deaths?

5 A. [12:22:41] Yes, there were deaths and people were injured.

6 Q. [12:22:43] Very well. So that was in 2004. Are we agreed?

7 A. [12:22:47] Yes, correct, Counsel.

8 Q. [12:22:49] Now let's now move to 2010-2011, and here is my question for you.
9 During the crisis, that is up until 11 April, 12 April, if you wish, 2011, were there any
10 attacks by French troops on Ivorian troops?

11 A. [12:23:14] I didn't experience those attacks myself in person. But following
12 information that I received, the Akouédo camp was attacked and the armoury
13 destroyed. The president's residence was bombed. This is information that I
14 received, but I didn't see the action and the manoeuvring.
15 But from the position where I was, that is, I saw a helicopter hovering, and of course, I
16 saw that myself. It was a French helicopter.

17 Q. [12:24:01] Was it hovering and bombing?

18 A. [12:24:04] Yes. It was hovering and bombing. Like I said, we were able to
19 know it by the sound.

20 Q. [12:24:19] As far as you know, were there any attempts by the French troops to
21 kill President Gbagbo?

22 A. [12:24:30] I'm not able to say so. I was not able to experience this in person.
23 My residence was not far from President Gbagbo's residence. I could see the
24 helicopter which would come and go. And from the noise, I could tell that some
25 bombing was going on. But I'm not in a position to tell you whether there were any

1 expats or any other persons who had the intention to kill him.

2 Q. [12:24:58] Let me quickly read out to you an extract from the edited French
3 transcripts of 26 September 2017, page 13, 26 to 28, and page 14, lines 1 to 8. This is
4 your answer to the Prosecutor when you explained to him what happened when you
5 were in the embassy of South Africa. And I quote, and you are the one speaking,
6 quote:

7 "So we had a discussion. We talked and then she managed to convince me. And
8 then I went towards the ambassador and said, 'Well, madam, we will not go into exile.
9 We will stay back.'

10 And then that is when she told me, 'No, General, I cannot let you go out. You know
11 that my government is informed. If anything happens to you, I will be responsible.
12 I will be held responsible.'

13 So she somehow wanted to frighten me.

14 She said to me, 'Do you know that the French have reinforced their arrangements?'

15 Answer: I said, 'Yes. In times of crisis, there are reinforcements.'

16 But then she said, 'All the embassies are now informed that they will bomb all
17 embassies, and even if -- they are going to bomb the palace, rather, and even if they
18 have to kill President Gbagbo, they will do so. They have to finish him off.'"

19 My question to you then is very simple: Do you have any information about the
20 French decision to finish things off with French, with -- to finish off President
21 Gbagbo?

22 PRESIDING JUDGE TARFUSSER: [12:27:13] Mr MacDonald.

23 MR MACDONALD: [12:27:15] I would, on this point, your Honours -- I'm sorry to
24 intervene, but I would ask the witness to briefly leave the room, because it goes on a
25 matter that we need to address the Chamber.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [12:27:27] Yes. But --

2 MR MACDONALD: [12:27:29] Not to be misleading.

3 PRESIDING JUDGE TARFUSSER: [12:27:31] Yes. I would ask what does this, how
4 does this thing enter into the trial? What is the importance of this for the trial? I'm
5 wondering since some time.

6 MR ALTIT: [12:27:49] (Interpretation) Mr President, we are dealing with the facts
7 of the case and the charges, in time, from April and thereabouts, when there were
8 attempts by foreign troops to get rid of President Gbagbo, and that there was fighting.
9 And the trial deals with this fighting and the identification of the protagonists.

10 PRESIDING JUDGE TARFUSSER: [12:28:15] As far as I'm concerned, the trial deals
11 with the alleged responsibility of the accused in relation to charges. This is what I
12 think is the scope of the trial. And I let you, but I would really ask you also to
13 shorten all this part, because to my understanding, it has nothing or not very much to
14 do with the charges.

15 MR ALTIT: [12:28:46] (Interpretation) Mr President, just a word before my learned
16 colleague opposite speaks. Attempted murder or attempts to get rid of President
17 Gbagbo, I just want to find out more about the dates and the facts and what happened.
18 This is very important. There are charges relating to 11 April and 12 April. And I
19 think all of these come together.

20 I rely on what you say, Mr President, and I will keep it at that.

21 PRESIDING JUDGE TARFUSSER: [12:29:14] Mr Prosecutor.

22 MR MACDONALD: [12:29:16] I wouldn't -- your Honour, I understand the
23 Chamber's position. I wouldn't discount the relevance of the questions being asked
24 by the Defence. So that's the first comment we'd like to make.

25 I'd like to make a second one, though, without the presence of the witness, because it's

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 important on this issue, which has to be clarified so that the Chamber is aware of the
2 context and so that my colleague in his question has to be fair with the witness. It's
3 in that optic.

4 It's going to take 30 seconds, your Honour.

5 PRESIDING JUDGE TARFUSSER: [12:29:58] Yes. Mr Mangou, could you please
6 leave the courtroom for just a few minutes because the Prosecutor wants to address
7 the Chamber without influencing you. Thank you.

8 THE WITNESS: [12:30:16] (Interpretation) Thank you, Mr President.

9 PRESIDING JUDGE TARFUSSER: [12:30:20] Sometimes I leave things go because I
10 think it's more disruptive if I say something, but sometimes I have to, I take the
11 opportunity to intervene because ... yes, Mr Prosecutor.

12 (The witness stands down)

13 MR MACDONALD: [12:30:37] Thank you, your Honour. I don't have the number
14 of the UN Resolution of the Security Council, but at the time there was a UN Security
15 Council Resolution mandating what happened next.

16 So when my colleague is framing his question as a country trying to finish with the
17 Gbagbo, with Mr Gbagbo, we have to be careful. There is a legal background to this,
18 his actions, which were issued by the UN Security Council. So I just want to frame it
19 that way that we frame the debate in its proper context. Thank you.

20 PRESIDING JUDGE TARFUSSER: [12:31:31] Thank you. I don't think there is a
21 legal basis for a killing by the UN.

22 But, Mr Altit.

23 MR MACDONALD: [12:31:39] No.

24 PRESIDING JUDGE TARFUSSER: [12:31:42] I understand. I was --

25 MR MACDONALD: [12:31:42] -- the question is were we trying to kill Mr Gbagbo.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [12:31:47] Yes.

2 MR MACDONALD: [12:45:00] That's another issue.

3 MR ALTIT: [12:31:47] (Interpretation) Thank you, Mr President. That position will
4 be developed by the OTP in its final arguments. The issue here was to ask precise
5 and factual questions to the witness.

6 And regarding the fairness of the question, the question put cannot be any fairer than
7 that because I was really cautious to quote almost verbatim the witness's own
8 statement in order to allow him to respond.

9 And as you have asked, I was really asking him to clarify his position. All the
10 comments about why and how France did that, that is something else. If the witness
11 wants to talk about those, he's free to do so.

12 And in this case, to say get rid of or finish off, it is the witness, he used those words,
13 not him -- not me. He is a mature person, a big boy who knows what he's talking
14 about. And I simply limited myself to mentioning or quoting what he had said.

15 PRESIDING JUDGE TARFUSSER: No.

16 MR MACDONALD: [12:33:13] It's just the ERN, your Honour, for your reference.

17 PRESIDING JUDGE TARFUSSER: Yes.

18 MR MACDONALD: Has one reference point, they're -- we're checking the others,
19 it's CIV-OTP-0002-0616, and we can check if it's already submitted on the record or
20 not or if it's part of bar table motions. Just for your reference around this debate,
21 your Honour.

22 MR ALTIT: [12:33:40] (Interpretation) Mr President, this is a cross-examination.
23 Anything that will be illustration, final arguments and so on, this is something
24 different.

25 PRESIDING JUDGE TARFUSSER: [12:34:01] Of course. Of course. It's an -- yes.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 Right, I ask you to keep it short because I do not understand the relevance within this
2 trial on this matter because -- so please bring, ask the witness to come in again.

3 (The witness enters the courtroom)

4 PRESIDING JUDGE TARFUSSER: [12:34:41] Mr Mangou, sorry about this
5 interruption, but we are ready here to continue.

6 The floor is to Maître Altit.

7 MR ALTIT: [12:35:03] (Interpretation) Thank you, Mr President.

8 Q. [12:35:06] Mr Mangou, we were talking about the French army attacks. And I
9 have a brief question for you. We will revisit this. You said in answer to the
10 Prosecutor that you had gone to the residence of the president on 3 April; is that
11 correct?

12 A. [12:35:31] Yes, that is correct.

13 Q. [12:35:34] My question is simple. The residence that you said was attacked, to
14 your knowledge, were there any deaths in the residence of the president during the
15 attacks that were carried out against it?

16 A. [12:35:58] During my visit to the residence on 3 April, there were no attacks yet.

17 Q. [12:36:11] Very well. And you don't have any information which you had
18 afterwards on the attacks and any possible deaths or loss of life?

19 A. [12:36:29] No information.

20 Q. [12:36:29] Very well. Just a moment.

21 Relating to your visit to the presidency on 3 April, I quoted to you what you said to
22 the OTP regarding the French desire to get rid of President Gbagbo. Did you talk
23 with President Gbagbo about that on the 3rd, on the 3rd when you met him?

24 A. [12:37:25] I had that information. I told you that I didn't know about any
25 experts who wanted to get rid of the president. Maybe the ambassador told me that

1 to persuade me not to go out. But when I got that information, I thought it was
2 necessary to give the president that information. And I wanted to talk to him alone.
3 But when I went there, there were people in the courtyard. And after the attack in
4 my house, and after I had talked about my resignation, I told myself if I told him that
5 I wouldn't know the reaction given what might have happened if there had been an
6 attack against the president. So I did not have the courage to tell the president that.

7 Q. [12:38:32] Who carried out the attack against the residence?

8 A. [12:38:35] I think the republican forces had attacked, but they did not succeed.
9 So they had been repulsed. So I met everyone there, they were confident, so I did
10 not tell him about what I had heard at the embassy.

11 Q. [12:38:55] Very well. So at that time there was not yet any attack against the
12 residence?

13 A. [12:39:02] Yes, there was no attack. Following the meeting that President
14 Gbagbo organised, he told me, "I will receive you on Monday." We were on Sunday,
15 the 3rd. He said he would receive me on Monday but he couldn't because the
16 bombing had started.

17 Q. [12:39:23] The bombing of whom?

18 A. [12:39:27] There was firing, attacks. I couldn't even leave my house. So we
19 could not meet.

20 Q. [12:39:33] Attacks, firing by whom?

21 A. [12:39:38] It must have been the republican forces of Côte d'Ivoire attacking
22 those defending the palace.

23 Q. [12:39:46] Very well. Do you know the circumstances of the death of the
24 spokesperson of the army?

25 A. [12:39:54] No. Frankly, I did not observe that, but following what I heard, he is

1 alleged to have been killed by a fighter, by sniper, but I didn't personally observe the
2 facts.

3 Q. [12:40:19] Where was he when he was killed by this person?

4 A. [12:40:31] I did not hear about it. I heard that death and it was very painful to
5 me. So I was just told a sniper had killed him. And I didn't insist.

6 Q. [12:40:44] You know nothing about the location of his death?

7 A. [12:40:48] I cannot be certain about what I was told, unless I cross-check myself,
8 I simply know that he was killed.

9 Q. [12:41:01] By whom?

10 A. [12:41:03] No, I do not know.

11 Q. [12:41:06] Very well. Now, regarding 3 April, and please don't repeat what
12 you have already said because it was very clear, you explained to us that you came to
13 the residence with General Dogbo; is that correct?

14 A. [12:41:25] Yes. I was asked whether I was alone because I was usually with the
15 elements of my guard, and so he asked me to come and I went in an unmarked
16 vehicle.

17 Q. [12:41:51] Very well. When you went to the residence, did you see any troops
18 from the north or French troops?

19 A. [12:42:04] When I entered the area of the residence, you are talking about the
20 road to the residence?

21 Q. [12:42:11] When you went in the vicinity of the residence, were there northern
22 troops and/or French troops?

23 A. [12:42:25] No, I didn't see any French troops or troops from the north.

24 Q. [12:42:30] Very well. You said that there were many civilians, particularly in
25 the courtyard of the residence; is that correct?

1 A. [12:42:40] Yes, Counsel.

2 Q. [12:42:43] To your knowledge, those civilians, were they shot upon by snipers
3 around the residence, particularly from the residence of the French embassy?

4 A. [12:43:01] When I came there, everything was calm. The civilians were moving
5 about, going about their business, everything was calm.

6 Q. [12:43:14] Very well. Now, did you notify the chief of staff or the staff
7 headquarters or the French forces that you were going to the residence on that day?

8 A. [12:43:36] No. I didn't notify anyone. It was a decision that I took
9 spontaneously. And when I left that place, I told myself, well, I had not really
10 reflected on the matter before even taking the decision to go.

11 Q. [12:43:55] Very well. So you left the residence, and I think you said you went
12 to your home after the residence; is that correct?

13 A. [12:44:09] After the residence, I went directly to my official residence, not in
14 Yopougon, but in Cocody.

15 Q. [12:44:21] Yes, but to your official residence?

16 A. [12:44:25] I was no longer living in that residence because I had moved to my
17 own home. I simply passed by there.

18 Q. [12:44:33] Very well. Very briefly, can you tell us which road you took to go
19 from the residence to Cocody?

20 A. [12:44:43] Counsel, I don't know whether you know Abidjan well. There is a
21 road from the residence, I went to the Ivoire roundabout and went along the fence of
22 the Lycée Classique. After that you have Interpol. On your left, there is a road to
23 Lycée Classique, and that is the road that I took to my official residence. It is known
24 as the Rue des Ambassades.

25 Q. [12:45:18] Very well. Would it be correct to say that you went very quickly to

1 your residence, because you said you were not at ease at the residence?

2 A. [12:45:38] I didn't show that I was not at ease, apart from the slight
3 inconvenience when I was searched. At the end of the meeting, the president said I
4 would be received on a Monday. It was after the meeting ended that I left.

5 Q. [12:45:57] But once you were in the car, you went very fast?

6 A. [12:46:04] Yes. Once in the car, we went directly to the official residence.

7 Q. [12:46:12] You were still with Dogbo?

8 A. [12:46:17] Once he dropped me off, the Minister Kadet --

9 Q. [12:46:35] I want to interrupt you. You have already said what you told us
10 before. I simply wanted to know whether you were in the car with Dogbo still?

11 A. [12:46:46] Yes.

12 Q. [12:46:49] Very well. You told us that it was on that road to the Cocody
13 residence you had five troop transport vehicles filled with mercenaries and led by
14 Commander Séka Séka; is that correct?

15 A. [12:47:11] Yes, that is correct.

16 Q. [12:47:15] What type of vehicles were those?

17 A. [12:47:22] They were troop transport vehicles, military and civilian. Civilians
18 with people on the back, backs of the vehicles. They did not have tarpaulins. Séka
19 was in a Jeep which was not in a tarpaulin. So they were moving from the residence
20 towards the town, and we were going to the residence.

21 Q. [12:48:03] I'm sorry, but what type of vehicles are those?

22 A. [12:48:19] You want the make of the vehicle? It is difficult for me to give you
23 the make. I saw the shapes of the vehicles. They were troop transport vehicles, but
24 I cannot tell you the make.

25 Q. [12:48:43] Those transport troop vehicles belonged to which unit?

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 A. [12:48:52] It is difficult for me to say, Counsel. I didn't even look at the licence
2 plates. And even if I had done so, it would be difficult for me to say to which units
3 those vehicles belonged. It is easy to do that with tanks because the tanks have
4 names. But it is difficult with other vehicles.

5 Q. [12:49:31] So your position is that you recognised Séka Séka. In response to the
6 Prosecutor's questions you talked about his face and what he was wearing. But you
7 noticed nothing else about the vehicles; is that correct?

8 A. [12:49:55] No, I didn't note anything else.

9 Q. [12:50:01] A simple question, between the 3rd and the 9th of April, what did you
10 do?

11 A. [12:50:11] Between the 3rd and the 9th of April, I was at home in Cocody in a
12 residence.

13 Q. [12:50:28] And were you in contact with officers at l'hôtel du Golf, people from
14 the northern army?

15 A. [12:50:45] No, not at all. I had asked my wife and children to lock the doors. I
16 had my cell phone with me. The first contact I had was with Konan.

17 Q. [12:50:59] Very well. You told us -- and I'm looking at the interpreter to see
18 whether everything is fine. You said you went to pledge allegiance to Ouattara on
19 12 April.

20 A. [12:51:20] That is correct.

21 Q. [12:51:23] And you told us that the UN came to fetch you, an armoured vehicle
22 of ONUCI came to fetch you; is that correct?

23 A. [12:51:34] Yes.

24 Q. [12:51:37] My question is this, why did ONUCI come to fetch you, whereas I
25 believe I remember that the other officers went to the hotel, to the Golf hotel, using

1 their own means?

2 A. [12:51:53] No, that is not what I said. That is not what I said. They must also
3 have been transported by ONUCI. I was correcting what Captain Guiai Bi had said,
4 that the officers had assembled in my house in Abobo. I said I was not even living in
5 Abobo, so the officers could not have assembled there. I don't know specifically how
6 they went, but it was not by their own means.

7 Q. [12:52:27] I will read the edited French transcript of 26 September, page 33, lines
8 1 to 6. And it is one of your answers to the Prosecutor, and I quote you:

9 "General Béréna gave me an appointment at my official residence in Cocody, and it is
10 from there that an armoured vehicle of ONUCI came to fetch me. Each officer went
11 using their own means. We did not go in a group. Each officer went using their
12 own means. So we had to wait. I arrived about 9, 9.30. We had to wait for
13 everyone to be there in order to begin the ceremony." End of quote.

14 A. [12:53:55] That is correct. Maybe it's the word "their own means" that is
15 problematic. I simply meant that we were not in the same group. They must have
16 been transported by ONUCI, but I was not with them. That is what I meant.

17 Q. [12:54:12] Very well. Now, where did this ONUCI vehicle come to fetch you?

18 A. [12:54:21] An appointment was given at my official residence, that is, that
19 residence that they knew. They did not know where I was in Cocody.

20 Q. [12:54:39] So you were in contact with ONUCI officers during that time?

21 A. [12:54:46] No. You talked about of the 3rd to the 9th. I was not in contact
22 with them. But when I went to pledge allegiance on the 12th, I contacted them. But
23 you had been talking about the 3rd to the 9th of April.

24 Q. [12:55:04] To understand well, why is it that it is the UNO that would transport
25 a general Ivorian officer who is going to pledge allegiance to the new Ivorian

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 president?

2 A. [12:55:26] You understood what I said about the officer who lost trust simply
3 because he proposed to the president to resign. There were problems with
4 ammunition and weapons. So I had no choice. So I had to be under the cover of
5 ONUCI to go to the Golf, and that is what I did.

6 Q. [12:55:57] Very well. Relating to the Golf hotel, did you go there during the
7 crisis, that is, between the first round of the elections and 12 April?

8 A. [12:56:17] Only on 12 April.

9 MR ALTIT: (Interpretation) Mr President, I am looking at the time, and I wanted
10 to move on to another subject. Maybe we could take the break here.

11 PRESIDING JUDGE TARFUSSER: Very good. Now we have the break for the
12 lunch. We come back at 2.30 for the third session. The hearing is adjourned
13 until 2.30.

14 THE COURT USHER: [12:57:01] All rise.

15 (Recess taken at 12.57 p.m.)

16 (Upon resuming in open session at 2.32 p.m.)

17 THE COURT USHER: [14:32:49] All rise.

18 Please be seated.

19 PRESIDING JUDGE TARFUSSER: [14:33:12] Good afternoon. We are starting
20 now the third session of the day with the questioning by the Defence for Mr Gbagbo.
21 And I give the floor to Maître Altit.

22 MR ALTIT: [14:33:36] (Interpretation) Thank you, Mr President.

23 Q. [14:33:43] Mr Witness, we shall continue the examination.

24 I would like to read out an excerpt of the edited transcripts of last 25 September,
25 page 54, line 3 to 10, and you are speaking. I quote:

1 "Following the meeting, General Bakayoko approached me and told me that since we
2 were working together at the integrated command centre that we needed to make a
3 statement to the effect that President Alassane Ouattara had won the elections. So I
4 told him that I was aware of it, but that, as soldiers, it was not up to us to make such a
5 statement and that President Gbagbo had lodged somewhat of an appeal and that
6 heads of state were at work and that we must, therefore, wait for the final results from
7 the work of the heads of states before taking a position, meaning, therefore, that the
8 CCI continued to do its work."

9 Now, General Bakayoko, General Bakayoko asked you to make a statement. What
10 type of statement?

11 A. [14:35:44] A statement over TV.

12 Q. [14:35:50] Very well. What did he want you to say in that statement?

13 A. [14:36:01] He wanted us to say in the statement that President
14 Alassane Ouattara had been elected president of the republic. I told him that I was
15 aware of that but it was not up to us soldiers to do so and that we had to wait for the
16 panel of heads of state to come to a final decision.

17 Q. [14:36:19] Very well. When was this, what time frame, at what time did this
18 happen?

19 A. [14:36:28] In January at the quadripartite meeting we had upon the
20 announcement of the results.

21 Q. [14:36:37] Was General Palasset also in attendance?

22 A. [14:36:44] Yes, he was there, put they had left and Bakayoko and myself stayed
23 back and that is when the proposal came up.

24 Q. [14:36:54] Very well. Did he make that request several times over?

25 A. [14:37:03] No, once only. He didn't repeat it.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 Q. [14:37:06] Very well. But he had mentioned it to you before?

2 A. [14:37:15] No, it was only specifically on that day that he mentioned this to me.

3 Q. [14:37:22] Very well. As far as you know, did he talk about it with other
4 generals, did he ask other generals to make a statement?

5 A. [14:37:40] No.

6 Q. [14:37:40] Very well.

7 PRESIDING JUDGE TARFUSSER: [14:37:41] No, you don't know, or no, he did not
8 make a statement -- this request to other generals?

9 THE WITNESS: [14:37:52](Interpretation) Thank you, Mr President. He did not
10 make that request of other generals.

11 MR ALTIT: [14:38:06] (Interpretation)

12 Q. [14:38:12] Contacts with General Bakayoko, up until when did you maintain
13 those contacts; was it throughout the crisis or can you tell us up until when?

14 A. [14:38:28] After the last meeting in January which we've talked about, I had no
15 further contacts with Bakayoko.

16 Q. [14:38:42] Very well. One moment, please.

17 So those were the contacts that you had with the military wing of the pro-Ouattaras;
18 you didn't have any contacts with any other pro-Ouattara soldiers?

19 A. [14:39:26] No.

20 Q. [14:39:28] Throughout the crisis period, were there any meetings with
21 pro-Ouattara political officials?

22 A. [14:39:35] I never had any meetings with pro-Ouattara political forces.

23 Q. [14:39:44] Very well. Beyond these contacts, did you have any contacts with
24 any other military officials, French military officials?

25 A. [14:40:01] No, no further contacts beyond the working relationship with

1 General Palasset. Beyond that, I had no further contacts with French military
2 officials.

3 Q. [14:40:12] What do you mean by working relations?

4 A. [14:40:19] What I mean is that General Palasset and myself met in those
5 four-party meetings and beyond that, there were no other contacts with French
6 officials.

7 Q. [14:40:29] You never met one-on-one with General Palasset?

8 A. [14:40:32] Never.

9 Q. [14:40:36] Very well. Were you in touch with French officials, like the French
10 ambassador or other representatives of French authorities?

11 A. [14:40:53] No, never.

12 Q. [14:41:10] Very well. No French representative ever contacted you to ask you
13 to put an end to the fighting?

14 A. [14:41:25] Never, because there was no fighting, I was never in any fighting, so
15 no one contacted me.

16 Q. [14:41:35] When the forces from north crossed the demarcation zone and came
17 into Abidjan, was there not fighting?

18 A. [14:41:48] Yes, there was fighting. But as I told you, I caused the units to
19 retreat, because there was no fighting with them and there was no reason for a French
20 representative to ask me to put an end to the fighting.

21 Q. [14:42:02] There was no fighting in Abidjan?

22 A. [14:42:06] In Abidjan, I already mentioned that I was already at the embassy
23 and, therefore, I took part in no fighting.

24 Q. [14:42:13] Very well. During the crisis, were you accompanied by a
25 representative of the DGSE? These are the French Secret Service people.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 A. [14:42:29] I was not contacted by any of their representatives.

2 Q. [14:42:40] Did you know the representative of the DGSE at the French
3 embassy?

4 A. [14:42:45] No, I did not.

5 Q. [14:42:50] Did you have good relations with the ambassador?

6 A. [14:42:59] I did not used to go to the embassy, and so we didn't have any
7 special relationship.

8 Q. [14:43:30] So you said in a video referenced CIV-OTP-0049-0040, and the
9 French edited transcript -- well, a video was shown to you by the OTP, and I want to
10 provide the reference for the transcript of that video, CIV-OTP-0048-1670, at
11 page 1672, from line 54. And this is what you said. You had been approached by
12 Soro, Guillaume Soro, to make the army available to Alassane Ouattara and that you
13 said no. What period was that?

14 A. [14:44:59] That was immediately after the announcement of the results. I
15 have already mentioned that I had been in contact with Prime Minister Soro, not
16 because we wanted to do anything, but simply because I was trying to look for ways
17 and means of contacting or establishing dialogue between President
18 Alassane Ouattara and President Gbagbo.

19 Well, you may want to note that the prime minister himself had asked me in that
20 regard to come to the Golf to have a discussion with him.

21 But when I reported to President Laurent Gbagbo, he said no, that I should not go,
22 and he jokingly said that they would take me hostage.

23 But the prime minister knew that I knew that President Alassane was the elected
24 candidate.

25 Now, what somewhat upset me was that he announced to people that I was aware of

1 this; whereas as soldiers it is not for us to make any statements on the announcement
2 of election results. That's what upset me.

3 But otherwise we had some measure of understanding when he came to Equatorial
4 Guinea. We talked about this, and I apologised to him regarding what had
5 transpired.

6 Q. [14:46:31] Were you promised anything in return?

7 A. [14:46:35] No, never.

8 Q. [14:46:39] Very well. Would it be correct to say that on the one hand you told
9 Soro that you knew that Ouattara had been elected and on the other you continued to
10 serve as chief of general staff, asking the said army to fight against the invasion,
11 according to your statements, and particularly in relation to what has been put forth
12 by the Prosecutor these past few days; is that correct?

13 A. [14:47:16] I've told you that when presidential elections take place and the
14 outgoing president is defeated, he remains in office as president until the
15 handing-over ceremony.

16 Now, in such a situation, those of us of the army would be of the view, and we did,
17 that he was still the president, particularly mindful of the various appeals to the
18 international community to come and proceed to a recount.

19 So we had been waiting for the outcome of that process. So the speeches that were
20 made are consonant with the role of the chief of general staff of the army, because we
21 had to say no, we would not allow anyone to touch a single hair on
22 President Gbagbo's head. And so that was our role as soldiers, and it had to be our
23 role up until the time of the announcement.

24 Our role is not to fight to keep someone in power, but simply to provide defence of
25 the territorial integrity at all times and provide protection for persons and property.

1 Now, that is why when the Prosecutor questioned me last time I said it was necessary
2 to make a distinction between what I was saying and the duty of maintaining order,
3 because as far as we're concerned, until the results were announced,
4 President Gbagbo was still the president up until the time of the swearing in.

5 Q. [14:49:08] When you say announced, results announced, would that be the
6 announced results by the international community?

7 A. [14:49:16] Yes. When the international community said that President
8 Alassane Ouattara was the winner of the elections.

9 Q. [14:49:24] When was that?

10 A. [14:49:25] Following the panel that held in March, I believe March, the panel
11 went to Ethiopia on the 10th, I believe. And then on the 11th and the 12th,
12 everybody knew at that time that the panel had come out in favour of President
13 Alassane Ouattara.

14 Q. [14:49:52] Given that you were torn in this manner, why did you not resign?

15 A. [14:50:04] I told you, rather, I told you already that in 2007 when there were
16 rumours in the barracks that all those who had been at the battlefield would receive 6
17 million in allowances or bonuses, and President Ouattara had convened soldiers and
18 the chiefs and given them the floor, well, this never happens. You see, you saw
19 General de Villiers resign in France. When you ask soldiers to take the floor in the
20 presence of their superiors, that doesn't happen in the army.

21 Now, when I took the floor, I said that I was not a mercenary, that I was a soldier of
22 the republic, that I fought because my state was in danger, and that if the nation were
23 to recognise me, it will be better for me to be decorated rather than receiving some
24 money.

25 My soldiers booed me. And that very evening I called President Gbagbo and told

1 him that I was coming to see him. He said to come in. And I told him I was going
2 to resign.

3 Now, so, you see, because I proposed to President Gbagbo to resign, my residence
4 was attacked. How could I then have resigned during that period? That would
5 have been putting my -- people would -- exposing myself to people.

6 I come from Yopougon-Kouté. They would have attacked me. They would have
7 attacked my village. So rather than resign, I opted for another solution, namely, to
8 break the chain of command. That's what I did, otherwise I could have resigned.

9 Q. [14:52:09] So you broke the chain of command on the 30th, 31st, and the results
10 of the panel which you refer to were published on 10 March. So my question again:
11 Why did you not resign before 10 March or from 10 March, rather?

12 A. [14:52:32] Why did I not do it from 10 March? Well, you want to note that
13 on 11 March, President Gbagbo called me to tell me that the international community
14 had given up on him, clearly, because he had received information from Ethiopia.
15 He asked me my opinion about the resignation proposed by the president of South
16 Africa and Angola, and I told him that my answer would be "Please resign."
17 Then he said, "Okay, I have understood."

18 Now, after my residence was attacked, there was an announcement on TV to the
19 effect that the head of state was going to speak to the nation. So I thought that the
20 president was going to speak to the nation. I waited, I waited, I waited, and then
21 when the right time came, I left.

22 Q. [14:53:30] Very well. Among your subordinates, were there any persons who
23 were or may have been contacted by soldiers from the north or officials of the RHDP
24 or people close to Alassane Ouattara?

25 A. [14:53:55] I didn't receive any such information, and nobody contacted me to

1 make such a proposal. I didn't receive such information.

2 Q. [14:54:20] As far as you know, did French officials contact your subordinates?

3 A. [14:54:26] Nobody reported to me along those lines.

4 Q. [14:54:35] You, yourself, were you contacted by American officials inviting
5 you to link up with Alassane Ouattara?

6 A. [14:54:43] No, I wasn't contacted by any American officials. The only
7 American who called me was someone who wanted to contact President
8 Laurent Gbagbo. They called the general staff and asked whether our president was
9 present on the national territory. I said yes, he was present. And I took my phone,
10 I called the president, and I had him on the phone and I told him that
11 President Obama wanted to talk to him.

12 So it is President Obama who wanted to talk to him. That's the only contact I had
13 with an American personality, whose name I don't even know.

14 Q. [14:55:32] When did this take place?

15 A. [14:55:37] I think it was after the first round of elections, after the first round.

16 Q. [14:55:44] That was before the second round?

17 A. [14:55:46] Yes, before the second round.

18 Q. [14:55:48] Very well. Did any American officials as far as you know contact
19 any of your subordinates?

20 A. [14:55:59] No one reported to me along those lines.

21 Q. [14:56:08] We have in evidence -- we have evidence whereby the US
22 ambassador at the time allegedly approached Konan Boniface to ask him to join
23 Alassane Ouattara. What do you say to that?

24 A. [14:56:36] I don't know who gave you that evidence, but Konan never made
25 such a statement to me, or he never talked to me about such a situation.

1 Q. [14:57:02] Let's move on to another point. After 11 April 2011, were there any
2 retaliatory measures taken against the FDS?

3 A. [14:57:17] Could you be specific, retaliation, what nature of retaliation?

4 Q. [14:57:26] Yes, of course. After 11 April, after President Gbagbo's residence
5 was attacked, did the troops from the north, the winners, did they conduct any
6 reprisals against the FDS?

7 A. [14:57:44] Yes, some of the FDS were attacked, and it is for that reason that
8 when Konan asked me to call for a cease fire, I promptly did so in order to ensure that
9 the troops from the north don't take it out on the FDS. And yes, indeed, some FDS
10 came under attack.

11 Q. [14:58:13] Very well. After 11 April 2011, were there any reprisals against the
12 civilian population in some neighbourhoods of Abidjan?

13 A. [14:58:27] I'm not able to tell you because I already said that, apart from
14 the 12th, I did not leave my residence except for going to Yopougon for the
15 disarmament purpose. I didn't -- I wasn't aware of those facts.

16 Q. [14:58:52] All right. We'll move on to another point.

17 You explained in answer to a question from the OTP that, after a meeting on 11 April,
18 the police intervened, and the meeting was one at which the police officers had
19 decided after looking at the situation in Abobo to conduct a police operation.

20 A. [14:59:36] Yes.

21 Q. [14:59:39] In military terms, or in law enforcement terms or in terms of security,
22 what, at that time -- that was just before the police operation was launched -- just
23 before 11 January, if I did understand you properly, what was the situation regarding
24 security in Abobo? Had there been any attacks and who was attacking whom?
25 Can you tell us a little about that?

1 A. [15:00:10] The security situation was quite alarming, was very alarming,
2 because Côte d'Ivoire was in a situation of insecurity, near total insecurity. People
3 had died, people had been dying in Abidjan basically on a daily basis.

4 Q. [15:00:39] Just a moment, please.

5 A. [15:00:43] Yes.

6 Q. [15:00:44] Deaths? You mentioned deaths, who was killed by whom? Who?
7 Who were the perpetrators of these crimes?

8 A. [15:01:01] By the Invisible Commando, civilian deaths, soldiers were killed.
9 That is the situation we were experiencing in Abobo. Those were the perpetrators.

10 Q. [15:01:15] Very well. You mentioned civilian deaths. Do you mean that the
11 Invisible Commando also attacked civilian members, civilian people in Abobo?

12 A. [15:01:26] There were several accounts of deaths. Now, who killed those
13 people, I'm saying it was the Invisible Commando, because we soldiers, we had many
14 casualties amongst our own ranks.

15 Q. [15:01:53] Very well. During the questioning by the OTP you mentioned the
16 FDS, and you mentioned a request, also you mentioned FDS people killed in their
17 homes, to quote your own words. So you were saying that the FDS members were
18 being attacked in their own homes outside their areas of duty; is that what you're
19 saying?

20 A. [15:02:32] Yes, that's what I'm saying, Counsel.

21 Q. [15:02:34] Can you give us examples?

22 A. [15:02:39] Yes. I told you about a number of FDS members killed in
23 Anonkoua-Kouté, who were killed, and also on the four FDS who were burnt alive in
24 their residence. I also told you about two police officers. One was killed close to
25 Saint Joseph school in Abobo, not far from the Abobo roundabout. And then the

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 two CRS who died at Anonkoua-Kouté.

2 Q. [15:03:26] Very well. Let's just make sure we've got this right. Now, all
3 these examples you've just given, all these people were killed between the second
4 round of voting and the police operation that started on 11 January; is that what
5 you're telling us?

6 A. [15:03:43] Yes, Counsel.

7 Q. [15:03:47] Very well. A few moments ago you said that Koné Zakaria's men
8 were infiltrating, and I'd like to ask you a question about these infiltrators, but in a
9 broader sense. I'd like to ask you this: Now, did the army know that groups of
10 combatants had snuck into Abidjan before or during the presidential election?

11 A. [15:04:26] Well, what I'd like to tell you is this: We, the members of the FDS,
12 were going through a very difficult situation. It was difficult because -- well, to
13 know that there were infiltrators, you would have to set up roadblocks. Each time
14 we did put up a roadblock, the businesses would complain, and it was a crisis at the
15 time, and businesses would complain that there were too many checks. So we
16 actually reduced the amounts of roadblocks, checks.
17 And since the two parties -- well, Côte d'Ivoire was divided in two and then reunified.
18 And it was impossible to prohibit a civilian, someone wearing civilian clothing, with a
19 card to go by. I mean, you would have to let them through and perhaps -- so it was
20 difficult for us because we couldn't halt the free circulation of people and goods. So,
21 you see, that's the situation we were dealing with.

22 Q. [15:05:46] Very well. Now, did the army know whether there were caches of
23 weapons in Abidjan that were intended? Well, let's not say rebels, but members of
24 the Invisible Commando or people from the north, people opposed to
25 President Gbagbo?

1 A. [15:06:08] We had that information, we were told about various caches of
2 weapons here and there. Sometimes we would go and check, but we never found
3 anything. We were also told that there were caches of weapons in the Banco forest,
4 and we went through that forest very carefully. We found no weapons in the Banco
5 forest.

6 Q. [15:06:46] Very well. You explained to us several times and it's all very
7 clear -- we're not going to go over that ground again. But you told us that at the time
8 of election the troops from the north who had come down to the south, 4,000 men I
9 believe you said, some of these men left and went back to the north, but some of them
10 went to the Golf Hotel; have I correctly captured your testimony?

11 A. [15:07:20] Yes, that's right, you have.

12 Q. [15:07:23] Very well. Do you have any idea, even approximate number of
13 soldiers from the north who did not go back to the north but who stayed and went to
14 the Golf Hotel?

15 A. [15:07:39] I would say one company, somewhat more than a hundred people, I
16 would say.

17 Q. [15:07:45] Very well. Did you have information at headquarters about what
18 was going on at the Golf Hotel?

19 A. [15:08:03] We had no information.

20 Q. [15:08:04] Very well. You have told us, sir, that General Abdoulaye Coulibaly
21 was at the Golf. Were there other generals at the Golf, other generals from the army
22 of the north at the Golf Hotel?

23 A. [15:08:23] Let me be very specific. He was not a general of the army of the
24 north, no; he was a retired officer. He was completely free to move about as he
25 wished to associate with anyone. He was not a serving member of military staff at

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 the time.

2 Q. [15:08:48] Very well. To your knowledge, who were the military leaders at
3 the Golf?

4 A. [15:09:06] I really couldn't give you names. I couldn't give you names. I do
5 know that there were some officers who defected, but the military leaders, no, I can't
6 remember.

7 Q. [15:09:26] Very well. So let me rephrase slightly: Who were the com-zones
8 at the Golf?

9 A. [15:09:42] The person -- I know Wattao was there. I know that Mouro was
10 there, because he was the one who came and got the machine gun at the intersection,
11 and during the -- the discussions there was Wattao and Mouro, so they were there.

12 Q. [15:10:10] Where was Soro?

13 A. [15:10:14] You mean the prime minister?

14 Q. [15:10:17] Guillaume Soro.

15 A. [15:10:18] He was there too.

16 Q. [15:10:22] And Alassane Ouattara?

17 A. [15:10:24] He was at the Golf.

18 Q. [15:10:29] Did he have French advisers?

19 A. [15:10:33] I can't say. I wasn't at the Golf, so I can't tell you whether he had
20 French advisers or not. I didn't know. I didn't know what he was up to at the Golf.
21 I have no such information.

22 Q. [15:10:50] Well, when the French ambassador went to the Golf you didn't
23 know about that?

24 A. [15:10:55] I wasn't in a position to know about that.

25 Q. [15:10:57] Very well. Were there UN contingents quartered at the Golf?

1 A. [15:11:24] Well, what I do know is they would often go there by helicopter.
2 We would see the helicopters coming and going. But I can't say that there was a
3 contingent there at the Golf.

4 Q. [15:11:41] Very well. A few days ago you told us, you gave us an account of
5 an incident, a convoy of 10 UN vehicles. Well, the members of a UN convoy saw a
6 number of police officers who had been killed. They were in their final death throes.
7 Do you know what nationalities these men were, these members of the convoy?

8 A. [15:12:26] Unfortunately, no.

9 Q. [15:12:27] Very well. Do you know what nationality was the ONUCI
10 contingent during the post-election crisis, the UNOCI contingents?

11 A. [15:12:54] That's a tough one, but I can give a few possible nationalities. I
12 know there were people from Bangladesh, the people from Bangladesh; there were
13 people from Togo; Moroccans, there must have been some Moroccans; people from
14 Benin.

15 Q. [15:13:35] Very well. If you think of any other nationalities, please tell us.

16 A. [15:13:40] Yes, understood, Counsel.

17 Q. [15:13:52] I'd like to quickly read out a passage from the edited French
18 transcript of 25 September. This is from page 70, lines 12 to 25. You were the one
19 speaking, and I quote:

20 "I remember that one time the cardinal of Abidjan himself, and that was just before
21 December 2010, travelled and came to see me at the headquarters. And he asked for
22 permission so that a priest could go and celebrate mass. And I said to him, 'But,
23 cardinal, you are flattering me. He can go. They need spiritual nourishment. They
24 don't need to be given permission.' It was not to deprive them of anything or to do
25 checks or anything like that, no."

1 And you were talking about people at the Golf. Let me go on to quote your words:
2 "Better, better, I even said to President Gbagbo, 'Mr President, the people who are
3 there at the Golf are authorities, and they're being asked to go back to their homes
4 and we can ensure their security. That wasn't being done; otherwise I would have
5 asked for that."

6 So, Mr Witness, when did you say that to President Gbagbo?

7 A. [15:15:57] When? Well, it was in January. It wasn't the blockade. The
8 checkpoint, the two posts were set up on 12 December, 12 December at about 4 in the
9 afternoon, and that was in January that I suggested to the president that we might
10 allow President Bédié and President Ouattara to go home, and we would ensure their
11 safety.

12 Q. [15:16:36] Very well. I would like to show some video footage to you. And
13 here's the reference number, CIV-OTP-0026-0016, time code, timestamp 20.01 to 22.53,
14 CIV-OTP-0052-0653 at 0659, line 201 to 212.

15 And if we could have control of the display, please.

16 THE COURT OFFICER: [15:17:35] The Defence has the floor, evidence channel 2.
17 (Viewing of the video excerpt)

18 THE INTERPRETER: [15:17:46] (Interpretation of the video excerpt)

19 The government cannot use means to -- I do not want blood to be spilled. I do not
20 want any more war. I do not want the blood of a single citizen of Côte d'Ivoire to be
21 spilled. I do not want a war in Côte d'Ivoire that could expand to neighbouring
22 countries and weaken them.

23 I am willing, under the constitution, the law of Côte d'Ivoire and the processes that
24 we freely entered into, to welcome a committee of assessment on the post-election
25 crisis in Côte d'Ivoire.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 This committee, led by an African Union representative, including representatives
2 from ECOWAS from the UEMOA, the Arab League, the United Nations, the United
3 States, the European Union, Russia and China will be given a mandate to conduct an
4 objective analysis of the events during the election and the process for the holding of
5 elections with a view to ending the crisis peacefully. This committee will also hear
6 from citizens of Côte d'Ivoire of good will.

7 I call upon the people who are still at the Golf Hotel to go back home. No one has
8 kept them from taking refuge in that hotel. No one will keep them from leaving the
9 hotel. They are entirely free to move about.

10 MR ALTIT: [15:19:46] (Interpretation)

11 Q. [15:19:46] Sir, have you heard this speech before, the speech given by
12 President Gbagbo?

13 MR MACDONALD: [15:19:53] I have to object to the question. It is part of the
14 speech. Have you ever listened to this part of the full speech of Mr Gbagbo?
15 Because it's an excerpt of a much longer extract --

16 PRESIDING JUDGE TARFUSSER: [15:20:04] Yes, but --

17 MR MACDONALD: [15:20:04] -- which we ask full submission, your Honour.

18 PRESIDING JUDGE TARFUSSER: [15:20:07] Of course. But it wouldn't be the
19 first time that we watch only extracts. It's normal here in this court that we do only
20 watch extracts of something which is fully submitted.

21 MR MACDONALD: [15:20:19] Yes.

22 PRESIDING JUDGE TARFUSSER: [15:20:20] Of course. Did you hear this part
23 which was shown to you or did you hear the whole speech and in particular this part?

24 THE WITNESS: [15:20:34] (Interpretation) Yes, Mr President.

25 MR ALTIT: [15:20:38] (Interpretation)

1 Q. [15:20:40] This is a speech given by President Gbagbo on 21 December and it
2 was broadcast on the news. And my question to you is this: When you say that
3 you suggested that people go back home, were you taking up an idea already
4 expressed by the president?

5 THE INTERPRETER: [15:21:06] Date of broadcast, 21 December 2010 on the RTI.

6 THE WITNESS: [15:21:16](Interpretation) Yes, Counsel. May I go ahead? Yes,
7 counsel, I did repeat an idea of President Gbagbo's. We were waiting for it to
8 become a reality.

9 MR ALTIT: [15:21:33] (Interpretation)

10 Q. [15:21:35] Very well. Now, regarding the Golf Hotel, you told us, French
11 transcript, 25 September, page 68, lines 19 to 23, and I shall quote. You were
12 answering a question from the OTP, and this is what you said:
13 "So this, this document, indeed, as we can see under 're,' it is all about making
14 adjustments to the security arrangements. At that place, before we issue a message,
15 there was only one single policeman in charge of the traffic at Riviera Golf. There
16 was a police officer who was there. He was directing traffic. That's all there was."
17 That single police officer was not enough?

18 A. [15:23:02] Well, that's called the policier intersection, because he's there every
19 day to direct the traffic. But when we set up our tank with a machine gun on top,
20 the policeman was nowhere, was no longer there.

21 Q. [15:23:25] Very well. Now, you specified, sir, during your testimony, French
22 transcript, 25 September, page 69, lines 8 to 13, and I quote:
23 "After the report back that I gave to President Gbagbo telling him that our brothers,
24 rather than going back to the north, that some had gone down to the Golf Hotel, the
25 president gave instructions. He said to see to it that they shall not leave and to

1 ensure that the soldiers inside do not leave. And I took that instruction and I turned
2 it into military orders. So the control post, the observation post was modified and it
3 became a control post." End of quote.

4 So you've already explained to us that those soldiers from the north had gone to the
5 Golf Hotel after the security operations. My question is this: Obviously, from what
6 you've said this was not expected, it was not planned, that they should go to the
7 Golf Hotel rather than going back up to the north?

8 A. [15:24:59] No, it was not expected or planned.

9 Q. [15:25:10] Very well. And you told us once again in response to a question
10 from the OTP that the security arrangements were beefed up around the Golf Hotel,
11 and that was decided upon in accordance with UNOCI officials; remember saying
12 that?

13 A. [15:25:29] Yes, Counsel, with General Talla.

14 Q. [15:25:33] Very well. Could you tell us more about that decision, how it was
15 taken? Quickly, of course. But how was that organised?

16 A. [15:25:51] Well, there had been that incident with the machine gun that was set
17 up, but then withdrawn, removed by people at the Golf, taken back to the Golf, and
18 then there were negotiations with General Gueu and Wattao, the machine gun was
19 put back. After that incident, the impartial forces, the UNOCI officials were
20 informed, the General Hafiz, detached General Talla Niang from the Golf. He called
21 me, and he was the one who said exactly where we were to position the control post.
22 And as we were setting up that control post, already there were men at the Golf Hotel
23 who were leaving. They were stopped by the general and he told them to turn
24 around and go back. That is how the control post was set up.

25 THE INTERPRETER: [15:26:56] Interpreter correction: The general mentioned

1 was General Hafiz, General Hafiz, detached General Talla Niang.

2 MR ALTIT: [15:27:09] (Interpretation)

3 Q. [15:27:10] You've been very clear. Were there French military officials who
4 took part in the discussions?

5 A. [15:27:18] No, there were no French officials.

6 Q. [15:27:24] Well, okay. I'll move on to something else now.

7 Now, in video footage, we can see images of you, and this was played by the OTP
8 actually. You were explaining that 21 FDS members were killed during the
9 insurrection, namely, the march; do you remember saying that?

10 A. [15:27:53] Yes, 16 and 17 December.

11 Q. [15:27:57] We can play the video footage again or I can just ask you the
12 questions without playing the footage. Which would you prefer?

13 A. [15:28:10] Just ask the question.

14 Q. [15:28:17] So you mentioned two marches, on the 16th -- well, I beg your
15 pardon. Just for the case record, transcript number -- or, rather, video number
16 CIV-OTP-0087-0485, timestamp 3.14 to 4.09.

17 In the video footage you mentioned two uprising, two marches. Can you tell us
18 more about the marches, the one of 16th and the one of the 17th, the two marches that
19 you mentioned in the footage?

20 A. [15:29:23] Well, on the 17th, the march of the 17th was to swear in the director
21 general of the RTI -- on the 16th, the 16th the director general of the RTI. The 17th
22 was the prime minister trying to get to his office on -- in the Plateau area at the prime
23 minister's office, but that second march didn't actually occur.

24 Q. [15:29:52] Very well. Well, you say that he wanted to go to his office.

25 Wasn't there already a prime minister in that office, the prime minister's office?

1 A. [15:30:06] The prime minister, well, I can't read his mind, but I think he
2 thought that the new president of the republic, just elected, choosing him as prime
3 minister, well, he would have to go to the Primature, the office of the prime minister.

4 Q. [15:30:30] Well, wasn't there a second prime minister appointed by the other
5 prime -- a second prime minister appointed?

6 A. [15:30:37] Yes, there was the prime minister appointed by President Gbagbo.

7 Q. [15:30:46] Very well. So in the video footage, you give a list of FDS members
8 who had fallen, who had been killed. No, let me start again. You announced the
9 number of FDS members who died during the March of the 16th, 21 deaths, and then
10 in response to a question from the OTP you said -- well, you gave an account, a list,
11 and I will provide the transcript reference. 28 September 2017, page 30, 31. You go
12 into some detail, but what I'm interested in is the circumstances. Can you tell us the
13 circumstances in which the FDS whom you mentioned died on 28 September, if
14 possible?

15 A. [15:32:23] I think that I've been very clear when it comes to the march. I said
16 there were three points regarding the march. The march itself, which wouldn't fall
17 within the ambit of the chief of staff, because the march itself was covered by the
18 police, and the police -- I am -- I think I'm feeling a bit tired, but, yes, the police
19 autonomously managed the march proper and, therefore, it is the police that can
20 provide the number of deaths, the source of deaths. And so if you look at the 20
21 deaths mentioned, that is found in the police report, which found that some 20 people
22 had died, including civilians.

23 Now, when it comes to the oral report made by Brindou when he arrived at the chief
24 of staff HQ, that's what I talked about. Now, when it comes to the march proper,
25 that should be done by the police, not by the chief of general staff.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 Q. [15:33:35] Since there was a verbal report, do you remember what was said
2 and, in particular, do you remember whether the FDS, whether it be soldiers or police
3 who were killed during that march, were they killed by firearms?

4 A. [15:33:58] Yes, I stated that in Abobo three to four soldiers were killed by
5 firearms and a number of them were also burnt alive in their -- burnt to ashes in their
6 homes.

7 Q. [15:34:22] Very well. So if I understand well, during that march, the FDS
8 were killed not only in Abobo; is that correct?

9 A. [15:34:29] This information can only be provided by the police, but otherwise
10 the number of deaths is close to the one that you have mentioned. What I'm saying
11 is that only the police can provide the details as to the numbers, but for the general
12 staff, we took the number of soldiers identified and reported to the minister of
13 defence accordingly.

14 Q. [15:34:58] How many soldiers were wounded?

15 A. [15:35:03] Three at the Golf were injured, two died, and I think that in Marcory
16 we also had some soldiers injured.

17 Q. [15:35:21] Very well. A short while ago you mentioned civilian deaths.
18 Were you able to know or to distinguish which of these civilians were unfortunately
19 caught in cross-fire or those who may have been bearing weapons? Were you able
20 to make that distinction?

21 A. [15:35:55] I have already told you that only the police can provide you with
22 such detailed information. We did not have direct contact with the marchers at any
23 time whatsoever.

24 Q. [15:36:22] Now, when you talk about the word "civilian," you don't make that
25 distinction, do you?

1 A. [15:36:28] No, when we use the word "civilian," we do not make that
2 distinction because for us one death is as good as another or equal to another.

3 Q. [15:36:40] Very well. Did you have any information tending to indicate that
4 things might go wrong during the march?

5 A. [15:37:03] Yes, Counsel. We received information that pointed to the fact that
6 the march was going to go wrong. It is for that reason that the chief of general staff
7 instructed the spokesperson of the army to speak and to particularly call on Mr Choi
8 to use his influence to contact the two presidents, Ouattara and Gbagbo, to ensure
9 that the march doesn't take place. That was our suggestion. Unfortunately, it
10 wasn't heeded.

11 Q. [15:37:44] Very well. Did you have information about the possibility of
12 armed persons infiltrating the marchers or hiding within the marchers?

13 A. [15:37:57] Yes, we received that kind of information, from both sides, by the
14 way. The LMP and the RHDP were accusing each other mutually in relation to
15 possible infiltration by armed persons. The RHDP says there were Liberian
16 infiltrators; the LMP said these were infiltrators of the Force Nouvelles. Yes, we
17 received that kind of information.

18 Q. [15:38:26] Very well. Now, when it comes to the arrangements, the security
19 arrangements, around the Golf Hotel on 16 December, you gave us a description, a
20 specific description, of that arrangement, and you talked about the M'pouto and
21 Marie-Thérèse arrangements. Do you remember that?

22 A. [15:38:58] Yes, that's correct, Counsel.

23 Q. [15:39:01] So my question is very simple. On several occasions you have
24 talked about a platoon. How many troops are there in a platoon, to be specific?

25 A. [15:39:14] A platoon and a section are one and the same thing. In the

1 gendarmerie, you would talk about the platoon; in the military, it will be a section.
2 So when it comes to the vehicles they have, they have three vehicles per platoon, three
3 armoured vehicles. And in each armoured vehicle there are three people, so that
4 would be three by three, nine. But at the time we had what was referred to as jeeps,
5 which could be used to carry what was referred to as cavaliers portés, because you
6 know that when a tank moves, it needs to be secured. If you see the three vehicles of
7 the platoon, then that would be -- basically you would have three times
8 four, 30, 35, 35 to 40 persons in a platoon. That is how I would put it.

9 Q. [15:40:17] Very well. Thank you. You talked about armed clashes between
10 the troops within that arrangement and soldiers who came from the Golf at around 9
11 a.m. in the morning. This is what you said. Now, if I understood what you said, on
12 16 December, your security arrangement was attacked by soldiers from the Golf; is
13 that correct?

14 A. [15:40:46] Yes, that is correct, Counsel.

15 Q. [15:40:48] What was their military target?

16 A. [15:40:59] They were supposed to provide protection for those who were still
17 in the Golf. Now, it is when they came out, there was an advance exit which led to
18 an exchange of gunfire which rapidly degenerated into clashes.

19 Q. [15:41:23] Very well. Did any contingents of the UN participate in the
20 fighting?

21 A. [15:41:30] Yes, Counsel. Going by what we saw on TV, after the fighting, the
22 UN contingents, some UN contingents actually took part in the fighting. Well, not
23 entire contingents, but we saw five people from ONUCI on TV involved in the
24 fighting.

25 Q. [15:41:53] So to be clear, those people of the ONUCI, on which side were they

1 fighting?

2 A. [15:41:57] The attack took place at Marie-Thérèse, and it was in the
3 Marie-Thérèse area that they were involved.

4 Q. [15:42:05] These people from ONUCI, were they on Ouattara's side or on
5 Gbagbo's side?

6 A. [15:42:16] They were on the side of the Republican Forces of Côte d'Ivoire for
7 the fighting.

8 Q. [15:42:21] Are you saying Ouattara?

9 A. [15:42:23] No, I can't say -- I'm not saying Ouattara. I'm talking about
10 soldiers among themselves. If you're talking about reinforcing your arrangements, it
11 is only soldiers who reinforce the military arrangements. They do not reinforce a
12 president.

13 Q. [15:42:40] Very well. So you also talked about a telephone conversation with
14 General Palasset. And I'm going to quote you, referring to realtime transcript of 28
15 September 2017, page 22, line 4, and this is your answer to the question from the
16 representative of the OTP.

17 And I'm now looking up at the interpreters. Very well.

18 "Answer: Yes, after the clashes at the Golf, I received a phone call from
19 General Palasset asking me not to move the men and that we should remain at our
20 position, because generally after a confrontation or clash, when you see that you have
21 the upper hand, your troops then would advance. But he told me to remain at our
22 position.

23 I called the president to report to him accordingly. General Palasset was very clear,
24 he said, 'If ever you attack the Golf, take it that you have waged war against France.'
25 So when I reported this situation to the president he told me, 'Don't move. Remain

1 at your position."

2 So when did General Palasset call you, what time of day?

3 A. [15:44:22] General Palasset called me some two hours after the fighting, I
4 believe. Well, we didn't even consider moving, because we were to remain at our
5 position. What he told me was that if you touch the Golf, you have waged war
6 against France. So I called the president, and the president told me, "Don't move.
7 Remain at your position."

8 Q. [15:44:45] Very well. As far as you know, were there any French soldiers at
9 the Golf on that day?

10 A. [15:44:49] I'm not in a position to tell you, but I don't know, I don't know
11 whether there were soldiers. I don't think there were any soldiers there.

12 Q. [15:45:02] So from what you're saying, it emerges that General Palasset was
13 afraid that you may move your troops all the way to the Golf; is that it?

14 A. [15:45:15] Yes, that's correct.

15 Q. [15:45:17] Why was he afraid?

16 MR MACDONALD: [15:45:21] It cannot be an opinion, your Honour. Did he
17 convey why he was scared? But it cannot be an opinion.

18 MR ALTIT: [15:45:29] (Interpretation) Mr President, I'll rephrase.

19 Q. [15:45:34] Did he tell you why he did not want you to move your men?

20 A. [15:45:44] Well, I think that at that time - and I was not in his mind, but I will
21 try to interpret his reasoning - he was probably thinking about the new authorities
22 who were lodged at the Golf, and so he must have thought that we were going to
23 attack them physically, whereas that was not our intention.

24 Q. [15:46:08] Very well. Let's move to another line of questioning.

25 You said, French edited transcript, 25 September 2017, page 14, line 6 to 9, and I

1 quote:

2 "When it comes to my case, since we were in the heat of the action, and mindful of the
3 urgency, I reported both to the minister of defence and to the president of the republic
4 to be sure that both of them had the same level of information."

5 So you testified that you reported to the minister of defence and to the president.

6 But in the messages from your service which we looked at a short while ago, you do
7 remember, I showed you some messages, and the president intervened in relation to
8 one of those messages, particularly when it came to who was copied, and you also
9 talked about who the addressees of the message would be, but in these documents we
10 don't see reference to any services at the presidency except I'm mistaken; is that
11 correct?

12 A. [15:48:33] Yes, that's correct.

13 Q. [15:48:33] So the presidency was not systematically copied on the messages
14 that you sent to the minister of defence; is that correct?

15 A. [15:48:42] Yes, that is correct.

16 Q. [15:48:44] So if I understand well, what you said -- and if I go by the way the
17 messages are formatted, the minister of defence is systematically copied on all of your
18 messages; is that correct?

19 A. [15:49:02] Yes, that is correct.

20 Q. [15:49:04] Now, when one of your messages was sent to the presidency, which
21 service would that message be sent to?

22 A. [15:49:15] When we send a message to the presidency, it will be to the personal
23 chief of general staff of the president of the republic.

24 Q. [15:49:27] Very well. Do you know whether the personal chief of staff of the
25 president read everything that he received to the president?

1 A. [15:49:36] I'm not in a position to know, Counsel.

2 PRESIDING JUDGE TARFUSSER: [15:49:45] And I would say of course not.

3 MR ALTIT: [15:49:51] (Interpretation) Perfect.

4 Q. [15:50:11] So let's move to another point. Sir, you've talked to us several
5 times about the curfew after the crisis -- during the crisis, rather, after the requisition,
6 for example, the curfew of 18 to 20 February 2011; do you remember that?

7 A. [15:50:37] Yes, Counsel, I do.

8 Q. [15:50:41] Very well. So you explained to us during your testimony, and I'm
9 referring here to the French edited transcript of 27 September 2017, at page 6, line 10,
10 lines 10 to 14, and I quote you, you were answering a question from the
11 representative of the Prosecution, and I quote:

12 "As I underscored previously, in fact, it is the military authority who, mindful of the
13 prevailing situation, proposes to the president of the republic that a decree be issued
14 relating to a curfew. The curfew of 26 November was proposed because of a
15 previous incident at which several people were injured."

16 Well, I'm sorry, I'm missing a line here from the transcript. "But this was followed by
17 a street fight in which some 20 people died. And because of the impending electoral
18 period, we proposed to the president of the republic that a decree be issued to ensure
19 that those who were preparing the material and that once the material was available,
20 people should not have the possibility to go and destroy the material at night. So it
21 was mindful of this first incident that we proposed on 26 November for the president
22 to take a decree to ensure that those who are preparing for the elections can do so in a
23 serene atmosphere so that all material would be ready for elections the next day."
24 Therefore, now for that particular one, now regarding elections, I understand that this
25 measure was discussed within the CCI, that is with General Bakayoko; is that correct?

- 1 A. [15:53:31] No, not at all.
- 2 Q. [15:53:44] But it was in relation to the security for the elections?
- 3 A. [15:53:53] No. It was not discussed within the CCI.
- 4 Q. [15:53:58] Let me put this to you differently. During the elections, was the
5 issue of the need and relevance of a curfew suggested by the military authorities?
- 6 A. [15:54:20] During the elections?
- 7 Q. [15:54:23] Yes, during the elections.
- 8 A. [15:54:27] Please, Counsel, can you be more specific? You see, there are
9 elections which go all the way from the voting to the announcement of the results. I
10 want to be clear what your question is.
- 11 Q. [15:54:39] Well, one moment, please.
12 We are looking at the decree of 26 November 2010, just before the second round.
13 Now, my first question was whether this issue was discussed within the CCI. Your
14 answer was no. That's clear.
15 Second question: Was this issue discussed as being a useful measure which could
16 maybe reduce tension, that is discussed within the military authorities, was it a
17 proposal from the military authorities?
- 18 A. [15:55:15] Yes. I indicated already that from the very first incident, we were
19 concerned about matters of security. So we wanted that all electoral materials
20 should be prepared under ideal conditions, and it is for this reason that we suggested
21 to the head of state to decree of curfew. So we proposed this to the head of state, and
22 it was for him to decide how to proceed.
- 23 Q. [15:55:42] Very well. I just want to understand now whether this proposal
24 before it was put to the political authorities, was it discussed within the CCI or within
25 the CPCO?

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 A. [15:55:59] Yes, it was discussed within the CPCO, which deals with all matters
2 relating to manoeuvres on the ground, and so they proposed to the chief of general
3 staff that a curfew be decreed, and then I would report to the minister or directly to
4 the president for the requisite action to be taken.

5 Q. [15:56:23] So if I understand you properly, the decree simply validates the
6 outcome of a very complex decision-making process; is that correct?

7 A. [15:56:35] Yes, that is correct.

8 Q. [15:56:35] Very well.

9 Now, Mr President, it looks like we are gradually getting to the end of the hearing for
10 today.

11 PRESIDING JUDGE TARFUSSER: [15:56:48] The questions or the hearing? Yes,
12 we are. You were passing on to another argument, that's what you want to say?

13 Okay. So also because the witness is tired, I think, as he said just half an hour ago, I
14 think it's time to suspend here and to adjourn to tomorrow morning at 9.30 for the
15 continuing of the questioning by the Defence for Mr Gbagbo. The hearing is
16 adjourned, tomorrow 9.30. Thank you.

17 THE COURT USHER: [15:57:34] All rise.

18 (The hearing ends in open session at 3.57 p.m.)