

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 Thursday, 5 October 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:34] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:34:05] Bonjour (Interpretation). Good
15 morning. Good morning to everybody.
16 Good morning to Mr Mangou.
17 We are here today to continue the questioning by the Defence for
18 Mr Gbagbo -- Mr Blé Goudé, sorry. And therefore I give the floor to Maître N'Dry
19 directly, I would say.
20 I saw Mr Knoops wanting to tell me that it's Mr N'Dry, but I know.
21 So Maître N'Dry, the floor is yours.
22 MR N'DRY: [9:34:48] (Interpretation) Good morning, good morning, Mr President,
23 your Honours.
24 WITNESS: CIV-OTP-P-0009 (On former oath)
25 (The witness speaks French)

1 QUESTIONED BY MR N'DRY: (Interpretation)(Continuing)

2 Q. [9:35:06] Good morning, Mr Witness.

3 A. [9:35:08] Good morning, your Honour.

4 Good morning, Counsel.

5 Q. [9:35:11] We shall now continue. Now, yesterday, Mr Mangou Philippe, we
6 ended the day with some questions about two items of video footage. And I held
7 my questions until this morning.

8 Now, in the first video, CIV-OTP-0064-0103, the journalist was giving an account,
9 some commentary about the events that led to Rabé Mali Marcellin, falling victim, as
10 well as Émile Jacques, two attacks on 29 December in Abobo, December 2010.

11 Now, 29 December 2010 in the commune of Abobo, can you confirm that?

12 A. [9:36:20] Yes, Counsel, I can. I confirm that.

13 Q. [9:36:25] Now, after taking some rest yesterday, can you remember the
14 circumstances? Now, you said earlier that you no longer recalled, but perhaps a
15 good night's sleep helped you. If so, could you tell us more about how those two
16 civilian victims were injured?

17 A. [9:36:58] Counsel, they were victims because, you see, there was a time when
18 the Young Patriots were stopping UN convoys, and the people who were injured
19 were alongside the road. And as the vehicles went by, they shot at them. And so
20 the fear of being arrested was such that they often fired at Young Patriots so that they
21 could pass by.

22 Q. [9:37:35] So those two people, do you know -- well, if you have the information,
23 do you know what kind of weapons were used by the UN forces?

24 A. [9:37:59] Generally speaking, it's usually, that sort of thing is usually done with
25 machine guns that are mounted on the vehicles. That's the usual way of it.

1 Q. [9:38:12] Very well. Now, there was a second item of video footage. And we
2 saw you yourself visiting your brothers who had been injured. And FDS Akadji
3 Dogbo Clément, the name could be clearly seen. And the journalist mentioned the
4 victims of the march of 16 December. And that was when you visited your brothers
5 in arms.

6 And just to repeat what Akadji Dogbo Clément said, he said:

7 "We fell into an ambush, and they began to fire at our vehicle. They asked us to get
8 out. And so we did get out of the vehicle. They had us go into a ditch and they
9 shot two of our guys. And they shot at me. And when they shot, well, you see,
10 there was a sort of ditch close by. I ended up falling down into that ditch and I
11 played dead." End of quote.

12 Can you confirm here in this courtroom that the FDS victim was on the day of the 16
13 December 2010 during the march upon the RTI?

14 A. [9:40:11] Yes, I can confirm that point.

15 Q. [9:40:14] Very well. Now, this victim made mention of an ambush. Could
16 you tell us more about the location of the ambush, the time of day?

17 A. [9:40:45] I don't know what the time of day was. I don't know what the
18 location was. But I know that an ambush is a tactical operation that consists of
19 finding a favourable position on the terrain and waiting for the enemy to arrive. As
20 soon as the enemy arrives, one opens fire very suddenly to stop the enemy from
21 progressing and perhaps taking some, causing casualties. But I don't know the exact
22 location nor the time of day.

23 Q. [9:41:27] Mr Philippe Mangou, other than this account from this FDS victim, do
24 you have information to provide the Chamber about 16 December 2010? Now, there
25 was this account that showed that amongst the demonstrators there were armed

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1 individuals and the FDS fell victim to these people.

2 A. [9:42:07] It would be difficult for me to answer in the affirmative, Counsel.

3 Regarding the march, we were not in contact with the marchers. What we did is that
4 we placed a number of members at sensitive spots in the city, and we occupied the
5 RTI, and we had some activities at the Golf. But we were not actually in contact with
6 the marchers to determine whether there were armed individuals amongst them.

7 Q. [9:42:42] Mr Philippe Mangou, for the time being, I'm not going to play the
8 footage, at least not for now. This footage has been seen many times, but did you see
9 video footage that spoke of the RHDP march on 16 December that showed a number
10 of individuals with heavy weaponry amongst the marchers, such as RPGs? Does
11 that description that I've just given you ring a bell?

12 A. [9:43:31] I did see some footage on Ivorian television with a number of people
13 who had une botte (phon) with RPGs. That's what I did see, that's the image I saw.

14 Q. [9:43:51] Very well. We're now going to play another video,
15 CIV-OTP-0064-0083. And this was broadcast on 19 January 2011 for the first time
16 and then again on 20 January on RTI. And we are going to focus on the passage
17 from timestamp 15.08 to 19.13. And this is tab 73.

18 I'd like to tell the Chamber that we do not have a transcript for this particular item.
19 The transcript will be sent in the course of the day. For the time being I'll be asking a
20 number of questions that will deal with the substance of the release and I don't think
21 you will miss anything at all.

22 PRESIDING JUDGE TARFUSSER: [9:45:18] No problem, Maître N'Dry.

23 THE COURT OFFICER: [9:45:21] The Defence has the floor, evidence channel 2.

24 (Viewing of the video excerpt)

25 MR N'DRY: [9:49:49] (Interpretation)

1 Q. [9:49:50] Mr Philippe Mangou, I'd just like to ask you some questions about this
2 footage, if we could just go back in time somewhat. Now, yesterday I showed you
3 some video footage, and there was an account from the FDS member who was
4 following a UN vehicle and headed back towards Sébroko. First of all, could you tell
5 us about Sébroko, what is Sébroko?

6 A. [9:50:27] Well, it's the headquarters of the UN in Attecoubé neighbourhood, not
7 far from Boribana.

8 Q. [9:50:42] Very well. And this FDS member gave you an account of the incident,
9 and he said that he was heading back when they heard gunfire, bursts of gunfire.
10 And I think one FDS member was killed. Can you confirm before this Chamber that
11 this is indeed what happened as we have heard? Now, there was additional
12 information, but that was provided to --

13 A. [9:51:26] Yes, that is indeed what happened because I went by the hospital to
14 visit the fellow myself, and he gave me that account of what happened, so that is
15 indeed what happened.

16 The only thing that I said to him was that, well, after forbidding passage, well, you
17 see, he should have turned around and gone back. But instead he went with the
18 others. He accompanied his men. So that is -- I had to -- it was not advisable for
19 him to go with men, and I criticised him for that.

20 Q. [9:52:10] And did you provide that information? Did you report back to the
21 person who was commanding the UN contingent? Did that information reach him?

22 A. [9:52:26] All those incidents were discussed at the four-party meeting. Each
23 time such an incident occurred, we would meet and we'd discuss it so that things
24 would not escalate. General Hafiz was informed of these various incidents.

25 Q. [9:52:53] Mr Philippe Mangou, brothers in arms who fire upon FDS members

1 when they were not in any kind of armed conflict or clash, do you have information,
2 any sort of disciplinary measures or follow-up, in relation to these UN members who
3 shot upon an FDS member? Do you know whether there was any follow-up, any
4 legal proceedings, any disciplinary measures?

5 A. [9:53:37] We never had any sort of judicial follow-up. When a leader is
6 informed of such a thing and punishment is inflicted, he must report back to the chief
7 of the person who was injured. But we never received any reports of judicial
8 follow-up or judicial measures.

9 Q. [9:53:59] We'll now return to the video footage, specifically, the release, the
10 statement from the headquarters. And I'd like to focus on one particular sentence in
11 that particular announcement.

12 "According to," and I'm quoting, "According to reliable intelligence from the CNO
13 zone occupied by the New Forces." End of quote.

14 Mr Mangou, what is the threshold of credibility for an item of information that leads
15 the headquarters of your army to issue a statement such as this one? In other words,
16 when does the army decide that an item of information or a piece of intelligence is
17 reliable?

18 A. [9:55:12] Quite often we receive the intelligence from the population. People
19 come and give us information, intelligence. And during a crisis or a war, well, war
20 is not waged only with weapons. There is also the war of communications, namely,
21 showing the enemy that we are well aware of what they are planning.

22 Quite often, these statements, well, if it is true and if that was reported in the
23 statement with the measures that we were taking, quite often they would think to
24 themselves, okay, they know what's up, and then they would not carry out whatever
25 they planned.

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1 So we would get that information out so that the enemy would know that we had
2 taken a number of measures.

3 Q. [9:56:09] Is there any sort of minimum cross-checking of information, any
4 threshold?

5 A. [9:56:23] To cross-check, usually within the headquarters, we have an
6 intelligence service or unit. And this intelligence service quite often sends men out
7 in civilian clothing into the enemy zone to gather as much information as possible
8 and then those men report back to us.

9 Q. [9:56:46] Very well. Thus, you have said, well, the statement, the statement, the
10 statement says that from a neighbouring country to the north, Mr Philippe Mangou,
11 according to that reliable information that was mentioned in the statement by army
12 headquarters, what is the country in question? Which country lying to the north?

13 A. [9:57:30] Counsel, I would rather not mention the name of that country. I think
14 you can easily guess why, why I would not like to mention the name of that country.
15 But usually tactics are discussed -- well, quite often you might mention a country by
16 colour. An orange country, a green country. So if you want the true information, it
17 might be best for us to go into private session, if the Presiding Judge is --

18 PRESIDING JUDGE TARFUSSER: [9:58:06] I'm fine with it, but we know the
19 country. But let's go into private session if you want it on the -- I mean ...

20 MR N'DRY: [9:58:16] (Interpretation) I think it would be better if we went into
21 private session.

22 PRESIDING JUDGE TARFUSSER: [9:58:21] Yes. Let's go into private session, and
23 then I have to say something.

24 (Private session at 9.58 a.m.)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Open session at 9.59 a.m.)

11 THE COURT OFFICER: [9:59:24] We are back to open session, Mr President.

12 PRESIDING JUDGE TARFUSSER: [9:59:32] Maître N'Dry.

13 MR N'DRY: [9:59:36] (Interpretation) Thank you, Mr President.

14 Q. [9:59:42] Still on that communiqué, and I'm going to quote. "The purpose is
15 clear. The troops of the FAFN with the support of their usual internal supporters."
16 End of quote.

17 Mr Philippe Mangou, during previous sessions here, you testified that mention was
18 no longer being made of Forces Nouvelles but, rather, of the republican forces of Côte
19 d'Ivoire. Can you tell us why the communiqué of the general staff maintained that
20 appellation, namely, Forces armée des Forces Nouvelles, whereas the date was 20
21 January 2011 at that time?

22 A. [10:01:07] Yes, that was the former name. But it is no longer known as the
23 Forces Nouvelles because, following the Ouagadougou agreements, as of 4 March
24 2007, these forces became known as the Forces Républicaines de Côte d'Ivoire. So
25 the correct title would have been Forces Républicaines de Côte d'Ivoire, Republican

1 Forces of Côte d'Ivoire.

2 Q. [10:01:48] Why then does your press release, whereas as of 4 March 2007,
3 according to you, that army no longer bore the name Forces Nouvelles, why then did
4 your communiqué carry the expression "armed forces of the Forces Nouvelles" on 20
5 January 2011? Which force were you referring to?

6 A. [10:02:13] That is correct. You see, as a matter of habit, Forces Républicaines
7 were referred to as Forces Nouvelles. And by habit, that is something that could
8 have happened. In any event, the right name is Forces Républicaines de Côte
9 d'Ivoire.

10 Q. [10:02:34] Very well. Mr Philippe Mangou, who are those referred to when the
11 expression "usual internal support" is used? Usual internal supporters of the Forces
12 Nouvelles, what face do you put behind that expression?

13 A. [10:03:20] I have already mentioned here that the usual internal supporters
14 during the crisis were the Jeeps that were often used before the attacks, they had
15 French instructors who usually were not part of the fighting but would provide
16 tactical assistance, and then you also have other persons who joined the fighting
17 forces. And that in broad strokes is what I mean, what is meant by the internal
18 supporters.

19 Q. [10:04:06] When you say "additional forces," what are you referring to? The
20 word in French being "supplétif"?

21 A. [10:04:14] These additional troops, or supplétif, are people who don't belong to
22 the army but who are involved in the fighting. We too had our own additional
23 forces, or supplétif, who took part in the fighting as well.

24 Q. [10:04:36] Let's move on. I'm going to quote from the communiqué once more.
25 "The Lieutenant General Philippe Mangou, chief of general staff of the army,

1 instructed all patrols and other checkpoints of the FDS of Côte d'Ivoire wherever they
2 may have been found to henceforth proceed with rigour and firmness when searching
3 UN vehicles bearing the UN logo." End of quote.

4 Mr Philippe Mangou, can you confirm that subsequent to that communiqué of 20
5 January 2011, orders were given to your men to search UN vehicles?

6 A. [10:06:07] Yes, indeed, yes. The order as the communiqué indicates came from
7 the chief of general staff. After the communiqué was read, we had a meeting with
8 the commanders of ONUCI, Licorne and the impartial forces. And they pointed out
9 to us that the State of Côte d'Ivoire had signed an agreement with UN prohibiting
10 such searches. That is true. We don't have the right to search UN vehicles or
11 ONUCI vehicles. That is why we then informed the chiefs of corps and the major
12 commanders to pass on that information to their men to desist from searching UN
13 vehicles. So that was never done. The searches were never carried out.

14 Q. [10:07:05] When you say immediately after the communiqué, how much time
15 thereafter?

16 A. [10:07:16] The communiqué was read on the 8 p.m. newscast and the next day in
17 the morning the two commanders of the impartial forces called me up, we met, and
18 thereafter the instructions were given for our troops to desist from searching those
19 vehicles.

20 Q. [10:07:34] Very well. So the communiqué was issued on the 20th and this
21 happened on the 21st, correct?

22 A. [10:07:46] Yes, or thereabouts.

23 Q. [10:07:49] We shall now play another video, CIV-OTP-0064-0084, broadcast on
24 RTI on 23 January 2011 on the 8 p.m. news cast. And we shall be looking at the
25 video from 5.14 to 7.13. It's in tab 375, transcript CIV-OTP-0094-0233, tab 554. And

1 for the transcript it will be the entire transcript. It's an FDS communiqué. And I
2 will then put questions to Mr Mangou thereafter.

3 THE INTERPRETER: [10:09:45] Mr President, the interpreters don't have a hard
4 copy of that particular transcript yet.

5 PRESIDING JUDGE TARFUSSER: [10:09:50] The interpreters don't have the hard
6 copy of this transcript.

7 MR N'DRY: [10:10:07] (Interpretation) We have a copy here. Would the court
8 usher please kindly take it up to the interpreters.

9 PRESIDING JUDGE TARFUSSER: [10:10:18] Thank you.

10 (Pause in proceedings)

11 THE INTERPRETER: [10:11:41] Mr President, we have the transcript.

12 PRESIDING JUDGE TARFUSSER: [10:11:43] Okay. Thank you.

13 Now we are ready.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [10:11:52] (Interpretation of the video excerpt)

16 Still on the post-election situation in Côte d'Ivoire, let's listen to the statement from
17 the FDS, statement read by the spokesperson Colonel Major Babri Gohourou. Let's
18 hear him.

19 Following instructions recently given by the chief of staff of the army to the FDS
20 patrol forces in Côte d'Ivoire to, henceforth, search vehicles bearing the UN logo
21 because of the established complicity of the UN forces with the rebels, this foreign
22 force has changed strategies to be able to freely circulate and avoid these checkpoints.
23 It has begun to use vehicles bearing civilian registration numbers no longer bearing
24 the UN logo.

25 The general staff of the army today has a list of 41 of such vehicles. Having been

1 informed of this other perfidious act by the ONUCI, the Lieutenant General Philippe
2 Mangou, chief of staff, has again instructed the gendarmerie and the police to
3 immobilise such vehicles once they are identified at various checkpoints and to
4 maliciously proceed to search their content and ask about the use being made of such
5 vehicles.

6 In any event, all the numbers of the concerned vehicles shall be published in the
7 media and posted at police stations and gendarmerie brigades and wherever need
8 may arise.

9 May God bless Côte d'Ivoire.

10 Done in Abidjan, Sunday, 23 January 2011.

11 PRESIDING JUDGE TARFUSSER: [10:14:02] You're ready, Maître N'Dry.

12 MR N'DRY: (Interpretation)

13 Q. [10:14:24] Mr Philippe Mangou, this release was issued subsequent to the first
14 communiqué and contrary to what you have told the Court, namely, that the initial
15 communiqué was not implemented. Let me read what we find in this communiqué,
16 quote:

17 "Following instructions recently given by the chief of general staff to the patrol forces
18 of the FDS in Côte d'Ivoire to, henceforth, search vehicles bearing the UN logo
19 because of the established complicity between the UN ONUCI forces and the rebels,
20 that foreign force has changed strategies to be able to freely move about and thereby
21 avoid such checks or searches."

22 Mr Philippe Mangou, contrary therefore to what you said, your patrols went into
23 action following your release, your press release?

24 A. [10:15:59] Counsel, you cannot, you cannot affirm that because the one who
25 gave the instructions is me, myself, sitting here. I tell you that we did not search the

1 vehicles. These measures were taken mindful of the first communiqué and because
2 their vehicles were being stopped.

3 The numbers that are mentioned were communicated to us by a UN official who
4 worked there. We were not in a position to invent those numbers. He is the one
5 subsequent to the first communiqué who informed us that they had decided to move
6 about in civilian vehicles. I, therefore, confirm that no vehicle was searched.

7 And what happens here is that we needed to find an introduction to bring up the
8 point that they had resorted to civilian vehicles.

9 So let me confirm once more that no vehicle was searched. And by the way, we did
10 not have the right to search those vehicles.

11 Q. [10:17:12] So what you are telling this Court is that after the release of your first
12 communiqué, you had a meeting with the ONUCI officials, and that in spite of that,
13 you went on to produce a second release; is that what you are telling this Court?

14 A. [10:17:31] Yes, that is what I'm saying because they changed their strategy.
15 Instead of using their vehicles, they resorted to civilian vehicles. So we, going from
16 the first communiqué, then went on to say that this is the strategy they have now
17 adopted and that attendant measures must consequently be taken.

18 Q. [10:17:52] Very well. So this is internal information to the army -- the army.
19 Any army has its own sources of information. I don't want to go into those details.
20 So it is pursuant to that information that the general staff referred to established
21 complicity between the UN forces and the rebels. Is it because that information was
22 reliable that you were able to put that in this communiqué?

23 A. [10:18:25] Yes, it is the reliability of the information because it is a UN staff,
24 ONUCI staff who gave us all the numbers.

25 You see, during war there are people who were -- who empathised with us, and so we

1 did not mind receiving that information from them. And yet there were people who
2 were rather hard and firmly against us.

3 Q. [10:18:54] Very well. Mr Philippe Mangou, those numbers, were they not
4 published in the Ivorian press at the time?

5 A. [10:19:09] The numbers were read on Ivorian TV and published in the media in
6 Côte d'Ivoire.

7 Q. [10:19:19] Very well. Now, I would like to address the information pertaining
8 to the delivery of Russian planes to Côte d'Ivoire pursuant to the ONUCI report.
9 Were you informed at the time that an ONUCI report had stated that three war planes
10 had been delivered to Côte d'Ivoire from Belarus, were you informed about this?

11 A. [10:20:20] Counsel, it would be useful that you specify what kind of craft or
12 planes you are referring to.

13 Q. [10:20:29] The point is that it's a craft that was delivered at the time of the
14 embargo. So not a civilian embargo -- not a civilian plane, rather.

15 A. [10:20:47] We received two types of craft. We had the MIG and the Sukhoi.
16 Sukhoi or MIG, I don't know what you are referring to.

17 Q. [10:21:04] During the Ivorian crisis, were you informed or did you become
18 aware of a report from the representative of the secretary general of the UN in Côte
19 d'Ivoire, Mr Choi, in which Belarus was accused of violating the arms embargo on
20 Côte d'Ivoire and going on to state that three craft had been delivered from Belarus to
21 Côte d'Ivoire. Were you aware of that information?

22 A. [10:21:49] Yes, I was aware of that information.

23 Q. [10:21:59] Very well. Did you also have knowledge at the time that shortly
24 thereafter, on or around 3 March 2011, the following was stated, and if you were
25 aware of it please say so. Quote, "Mr Alain Le Roy, from New York, chief of Peace

1 Operations, said the following, and I'll quote him, and if you are aware of this, please
2 do confirm. And I quote:

3 "I must admit, and it is henceforth very clear, that our mission report contained an
4 error or a mistake. No plane landed that evening. It was a mistake. I met the
5 chargé d'affaires of Belarus and expressed by deep regrets to him and tendered our
6 apologies to him for the prejudice caused to his nation pursuant to the erroneous
7 report issued by our mission." End of quote.

8 Now, going from that, first question: Did you receive information whereby after the
9 publication of the first report by Mr Choi on the Belarus crafts, the UN went on to a
10 apologise to Belarus? Did you have that information?

11 A. [10:24:09] No. Mr Alain Le Roy came to see me several times, but I did not
12 have this information.

13 Q. [10:24:26] Very well. We shall now show another video and this time it will be
14 more about the FDS.

15 One moment, please. The video is CIV-D25-0050-0021. The entire video. And it is
16 from tab 835, transcript CIV-D25-0050-0200, tab 837, the entire transcript.

17 I would like to draw the Chamber's attention that it is a video paying tribute to the 32
18 FDS killed at the battlefield. We'll review the entire video, and then I'll put some
19 questions to Mr Philippe Mangou.

20 PRESIDING JUDGE TARFUSSER: [10:26:34] We're ready. The interpreters are
21 ready.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [10:26:39] (Interpretation of the video excerpt)

24 The day of 4 February 2011 has just ended here at the place d'armes of the general
25 staff. In fact, this is pursuant to the post-election events in Côte d'Ivoire pertaining

1 to the 32 persons.

2 All the entire nation and President Laurent Gbagbo decided to pay homage to these
3 valiant soldiers fallen at the battlefield. And they have been promoted and
4 appreciated for their actions and the lives that they sacrificed for Côte d'Ivoire.
5 After this ceremony, there was a lot of emotion and acknowledgment and
6 thankfulness.

7 Mindful of the decree organising the ministry of defence, mindful of decree number
8 2010-312 of 6 December 2010, appointing members of government, decrees as follows,
9 article 1: Is promoted as of 1 January 2011 to the rank of lieutenant, sub-Lieutenant
10 Michael Gbagbo Célestin.

11 The minister of defence and civic services is charged with implementing this decree
12 which will be published in the Official Gazette of Côte d'Ivoire, done in Abidjan, 19
13 January 2011, Laurent Gbagbo, are hereby promoted posthumously as of 1 January
14 2011 the following gendarmes and soldiers, national gendarmerie to the grade or rank
15 of maréchal des logis-chef, the maréchaux des logis, Koné Mamadou, matricule
16 number 42746; Lokou Assama Guio, 2025; Sogou Mamba Uche, 29919.

17 One, land forces, Sergeant-Chef Ouakitogo Célestin, matricule number 0018711268;
18 Bataba Coulibaly 050870019. To the rank of sergeant-chef, Sergeant Taboseli,
19 matricule 002800931; Bougo Etienne Eba, 009880138. Two, to the rank of chief
20 corporal, the following corporals, Lon Aiba Ayolo, matricule 00150369; Gambou Polo,
21 0010150360; Kotia Martial Robespierre, 0010149252; Kaban Kouamé, 0010045212.

22 Article 2: The chief of general staff of the army and the superior commander of the
23 national gendarmerie are each in their individual capacity charged to implement this
24 decision, which will be published in the Official Gazette of the Republic of Côte
25 d'Ivoire. Signed minister of defence, Dogou Alain.

1 Article 1: Is appointed on an exceptional basis and posthumously to the rank of
2 police lieutenant, police sub-lieutenant matricule number 3525841. Article 2, the
3 minister of the interior and the minister delegate to the minister of the economy and
4 finance in charge of budget are each in their own respective capacities charged with
5 implementing this decree which takes effect from the date of signature and which
6 shall be published in the Official Gazette of Côte d'Ivoire. Done in Abidjan, 3
7 February 2011. Laurent Gbagbo.

8 Currently, 32 of our brothers in arms of the Forces de defense et sécurité de Côte
9 d'Ivoire lost their lives while discharging their republican mission and defending the
10 fatherland as all those who work in this area. Their mission was to stand against our
11 enemies and defend at the cost of their lives the institutions of the Republic of Côte
12 d'Ivoire, their only country.

13 Popular wisdom would have it that major pain is endured silently. However, Mr
14 President of the republic, allow me under these particularly painful circumstances to
15 express on behalf of the entire family of the Forces of Defence and Security of Côte
16 d'Ivoire the pain that we feel to see some of our members killed whereas they were
17 not engaged in war. Losing life in this manner, because of people who recklessly
18 and in a perfidious and hypocritical manner continue to operate, is indeed the
19 greatest mishap that can happen in the life of a soldier.

20 We will be killed in a cowardly manner, but we shall not be dishonoured because we
21 are committed to defending our country even to the very last sacrifice.

22 Our soldiers in the greatest honour and bravely have sacrificed their lives and this
23 sacrifice shall not be in vain. Honour and service is what you have shown and you
24 are soldiers we can be proud of in our country. You have shown love for your
25 fatherland and have upheld your commitment and sacrifice to the very end. You

1 did not fail. You gave your sweat and paid with your life to ensure that the republic
2 lives on. So for us, you shall remain models of commitment in the face of the perils
3 that our country has encountered.

4 You shall rest in peace and the army forces and the defence forces shall forever
5 remember you as they salute you with deference, consideration, admiration and
6 pride.

7 The authentic Ivorian nation recognises the sacrifices of your lives and reassures all
8 your families that are grieving in pain that your bravery and patriotism shall forever
9 be enshrined in the collective national memory.

10 All here present with broken hearts say to you adieu, adieu comrades, adieu dear
11 brothers in arms, adieu.

12 The bouquet of flowers will be presented followed by the national anthem. The
13 wreath will be placed followed by the national anthem.

14 PRESIDING JUDGE TARFUSSER: [10:41:02] Maître N'Dry, we can proceed.

15 MR N'DRY: [10:41:06] (Interpretation)

16 Q. [10:41:07] Mr Philippe Mangou, can you put a date to these events? Can you
17 confirm 4 February 2011, can you confirm that date?

18 A. [10:41:38] Yes, I confirm that date, 4 February 2011.

19 Q. [10:41:48] Now, we have just viewed a ceremony in which you paid tribute to 32
20 FDS members who died and who were killed. Could you tell us, to the best of your
21 ability, the months, the months in which these FDS members were killed and, if
22 possible, to the best of your -- as best you can remember, the circumstances in which
23 these men died?

24 MR MACDONALD: [10:42:33] I think we went through that exercise with the
25 Defence of Mr Gbagbo with all the documents that were produced. And all those

1 circumstances are already detailed for the Chamber's information. Thank you.

2 PRESIDING JUDGE TARFUSSER: [10:42:50] Thank you. That's right, I think we
3 have all this information already in the record. I think we have all this information
4 on the record.

5 MR N'DRY: [10:43:10] (Interpretation)

6 Q. [10:43:12] Mr Philippe Mangou, amongst the 32 FDS members, were there -- the
7 six policemen who were killed at the Abobo roundabout, were they amongst that
8 number?

9 A. [10:43:35] It is a very sad memory. That was a ceremony at which solemn
10 tributes were paid to the FDS forces who fell in the line of duty. Amongst the
11 victims, indeed, there were the six policemen who were killed at the Abobo
12 roundabout.

13 Q. [10:44:04] Very well. Mr Philippe Mangou, during your speech, you made
14 mention of your brothers in arms who had been killed even though they were not at
15 war. Considering the modus operandi of the Invisible Commando in Abobo, could
16 we describe, you said this but I'm trying to elicit a particular word, could you
17 describe the practices in Abobo as urban warfare? That is my first question to you.
18 Now, secondly, could you tell us exactly when that began?

19 A. [10:45:23] Indeed, yes, it can be described as urban war, urban guerilla war. It
20 began in January. There were infiltrators. It continued in, well, it might have been
21 in December, but I think we can say that the actions by the Invisible Commando
22 began to be felt in January.

23 Q. [10:45:52] I'd now like to read something to you sir, something from one of the
24 interviews you gave when you were interviewed by the OTP, CIV-OTP-0011-0361,
25 page 381, lines 150 to 153, and I quote:

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1 "We lost men gradually as the police officers would carry out interventions. Thus,
2 we had these losses in December. And then also to some extent in January. So
3 there you have it. In December and in January. I don't have a specific date."

4 Mr Philippe Mangou, here you have made mention of those police officers who died
5 in Abobo during the march in 2010, December 2010. Amongst the 32 FDS members,
6 if we go back to the month of December, weren't there some amongst the FDS to
7 whom you paid tribute on 4 February 2011?

8 A. [10:47:57] Indeed. Those FDS members were amongst the people to
9 whom -- for whom the ceremony was organised. So the ceremony bore witness to
10 the military deaths, the deaths, well, the deaths of soldiers, of gendarmes and of
11 police officers.

12 THE COURT OFFICER: [10:48:21] For the record, the correct ERN for the witness
13 statement is 0011-0376.

14 MR N'DRY: [10:48:37] (Interpretation) Thank you very much. My apologies. I
15 realise I must be irritating you at times or causing you trouble.

16 Q. [10:48:55] Mr Philippe Mangou, now here you have provided us with a
17 temporal framework, that is to say the period of time, and that was decided upon by
18 the headquarters, and you mentioned 11 January or 20 February?

19 A. [10:49:22] 21 February.

20 Q. [10:49:23] 21st. Very well. From 11 January to 21 February. My question, sir,
21 before that date, before 11 January, what was the regime in place because you made
22 mention of FDS victims before that date, so I'm putting the question to you?

23 A. [10:49:57] Could you specify what you mean by regime?

24 PRESIDING JUDGE TARFUSSER: [10:50:04] It's a good question.

25 MR N'DRY: [10:50:06] (Interpretation) I will respond. I will respond, indeed. I

1 shall respond.

2 Q. [10:50:18] Now, you see, you spoke about -- well, I think that it would not be
3 erroneous to state that -- well, my reference is CIV, previous statement provided to
4 OTP investigators just so that you know exactly what I am speaking about,
5 CIV-OTP-0011-0341, at page 357, lines 578 to 580, and I quote:

6 "Thus we gathered and we said to ourselves, no, the army can't leave for the time
7 being. So we send out the police officers and the gendarmes to ensure order because
8 faced with troops, they have their conventional means of maintaining order."

9 So talking about a regime, what I mean here is that before 11 February 2011, who was
10 responsible in relation to the situation in Abobo, I'm speaking specifically about
11 Abobo?

12 A. [10:52:15] Before 11 January, you must realise that, well, from our point of view
13 these were still peacekeeping activities that could be given to the police or the
14 gendarmerie. All the same, the army did conduct patrols, and that had nothing to
15 do with the crisis. These were missions conducted by military units so as to reassure
16 the population by ensuring a presence. So we did carry out such missions.

17 Q. [10:52:54] Very well. Mr Philippe Mangou, I'd like us to discuss these people
18 who had infiltrated the FDS, the infiltrators. Now, the last time we looked at that
19 particular issue, I believe it was in response to a question from the Defence team of
20 Mr Laurent Gbagbo, they asked you about these people who had infiltrated and who
21 they were providing information to, and you said they were giving information to the
22 Invisible Commando. And I will quote, Mr Toaly Williams -- and this is a public
23 source of information. He was a witness here. I will quote what you said and then
24 after that I will put a question to you.

25 Now, this is transcript, the transcript of 5 June 2017, ICC-02/11-01/15.

1 THE INTERPRETER: [10:54:37] Interpreter correction: 5 July 2017.

2 MR N'DRY: [10:54:43] (Interpretation) Line 1, and I'm quoting, I'm quoting:

3 "Simply because it is a radio station, information was given that tomorrow, that

4 tomorrow in this zone, there will be a military operation. Thus, the chief of staff

5 decided to suspend because, as I said yesterday, a lock-down kind of operation, that

6 is something you have to do surprise; you have to surprise the enemy. You want to

7 discover. Thus all of a sudden the D-Day was not conducted it was

8 delayed -- correction D-Day was delayed."

9 Now here, Mr Toaly Williams said the chief of general staff decided to suspend the

10 operation. Can you confirm this information provided by Mr Toaly Williams right

11 here in this courtroom regarding this operation that was not held because information

12 was being leaked? And then after that I'll --

13 A. [10:56:27] No, I don't confirm that because I never listened to the radio. The

14 radio station in question, I never listened to it, so no, I can't confirm that.

15 Q. [10:56:42] So what you are telling us is that there never was an operation? Well,

16 was there an FDS operation that was supposed to occur but that was postponed?

17 A. [10:56:58] Well, the operation that was postponed, it wasn't due to the fact that

18 there was any leaks. It was merely due to the fact that units arrived late. And you

19 see, for a shutting down kind of operation, you have to act very early to get good

20 results. With the arrival of certain units late, we merely suspended the operation.

21 MR N'DRY: [10:57:32] (Interpretation) Your Honour, I'm looking at the clock, and I

22 think it might be the right moment to suspend.

23 PRESIDING JUDGE TARFUSSER: [10:57:38] Okay. I think it is. So we take the

24 first pause. It's 11. We come back at 11.30 for the second session. The hearing is

25 adjourned to 11.30.

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1 THE COURT USHER: [10:57:51] All rise.
2 (Recess taken at 10.57 a.m.)
3 (Upon resuming in open session at 11.33 a.m.)
4 THE COURT USHER: [11:34:01] All rise.
5 Please be seated.
6 PRESIDING JUDGE TARFUSSER: [11:34:34] Well, here we are again. Good
7 morning.
8 I give immediately the floor back to the Defence for Mr Blé Goudé, Mr Knoops.
9 MR KNOOPS: [11:34:45] Good morning, Mr President. May I introduce to you, Mr
10 President and the Chamber, a new case manager on our team.
11 PRESIDING JUDGE TARFUSSER: [11:34:55] Yes, please.
12 MR KNOOPS: [11:34:58] Madam Dignité Bwiza. She's a member of the bar of the
13 Democratic Republic of Congo and the bar of Brussels and she will assist us in this
14 case as case manager.
15 PRESIDING JUDGE TARFUSSER: [11:35:18] Thank you very much.
16 You are very welcome. Pleased to have you in the courtroom and wish you good
17 work for the team.
18 Maître N'Dry.
19 MR N'DRY: [11:35:39] (Interpretation)
20 Q. [11:35:45] Good morning once again, Mr Mangou Philippe.
21 A. [11:35:51] Good morning once again, Mr President.
22 Good morning, Counsel.
23 Q. [11:35:57] I have four more points to address with you, and I think we can do
24 that quite quickly. With a lot of luck, I hope to be done within the next 30 to 45
25 minutes.

1 And I would now like us to talk briefly about the RTI, the RTI.

2 You said that before the march of 16 December 2010, the RTI was guarded, and you
3 provided specific explanation around that point.

4 But do you remember the answer you provided to the OTP as to why soldiers were
5 present at that location even in times of peace? Do you remember the answer you
6 gave to the OTP?

7 A. [11:36:54] Yes, I do. I said that it was a strategic point, and that this is a target
8 during all attempted coup d'état, and once the TV is taken, the messages can be
9 conveyed through that channel. So it's a very strategic point.

10 Q. [11:37:24] Very well. Now, let me talk with you about MACA. And in the
11 same connection, can you tell us why a contingent was sent to the MACA, the
12 Abidjan prison?

13 A. [11:37:42] Yes, that is correct. It's the Abidjan prison. And you know when
14 there are movements, MACA can also be a target. If prisoners are released, that
15 becomes a problem, and that is why MACA has to be under surveillance by a
16 permanent team of soldiers.

17 Q. [11:38:10] Very well. As far as you know, was that civilian prison,
18 subsequently opened, still within the post-election crisis period?

19 A. [11:38:34] I don't have a clear recollection on that point, but I don't think that the
20 prison was opened. I don't think so.

21 Q. [11:38:45] Very well. Let's move to the third point. And you can see, we're
22 making much progress. I will be calling up a video, and the reference for that video
23 is CIV-OTP-0064-0083, the 8 p.m. newscast on RTI. And the timestamp 08.51 to 15.01
24 seconds, tab 374, transcript CIV-OTP-0094-0336, at page 338 from lines 40 -- sorry.
25 08 minutes to 11 minutes, 11.42. Transcript CIV-OTP-0094-0336, page 338, from lines

1 40 to 80.

2 I see that it's okay. We have already listened to this excerpt, but I would like us to
3 play this excerpt and then I'll put a few questions to you.

4 (Viewing of video excerpt)

5 THE INTERPRETER: (Interpretation of the video excerpt)

6 I would like to avail myself of the presence of Minister Blé Goudé, who is the
7 president of the youth of Ivory Coast, who has come here to bring us the support of
8 the youth. And I want to talk to one of the youth as well, who, as things would have
9 it, has become the prime minister today and who from his pedestal is bothering
10 everybody. And I'm referring here to Guillaume Soro.

11 In that interview, Guillaume Soro told me that I am not on the side of the truth and
12 that I am the son of a pastor. I do acknowledge that. But I tell him that he is not on
13 the side of the truth, that he was a former seminarian, and he was just a few steps
14 away from becoming a priest, a man of God.

15 So things must be very clear for all Ivorians. I want Ivorians to know the truth. We
16 were contacted by that gentleman who asked us to put the army at Mr Alassane
17 Ouattara's disposal, who according to him, had been elected.

18 And so we said no to him. We sent somebody, and this was probably a trick on his
19 part. He sent somebody, and this was a trick on his part, to tell us that we would be
20 appointed chief of staff.

21 I told his emissary that I had been in command for six years, and that even if
22 President Gbagbo had to dismiss me today, I would simply go back to my village
23 because I don't want to be Mr Alassane Ouattara's chief of staff.

24 Now, if he says that's why I am not in the truth, well, I say that I am not in truth. I
25 had discussions, Mr Guillaume Soro. I told him that he was the one who headed up

1 the process. At some point he said that he was even the arbiter. And I told him
2 simply that while we led up the process, like he said and like he did, it must be up to
3 him to tell truth to Ivorians.
4 We have always listened to Mr Guillaume Soro. He has always told us at the
5 meetings of generals that all the candidates would only make a statement after the
6 final results have been announced by the constitutional council. Is that what
7 happened? No. That's not what happened.
8 Those of us of the FDS have a mission. Our mission is to defend the integrity of the
9 national territory at all times, in all places and in all circumstances, regardless of the
10 aggression. And we must protect the institutions of the republic. The institution of
11 the republic has spoken and we rely on what it has said.
12 Therefore, that must be clear. I even told Guillaume Soro ...

13 MR N'DRY: [11:44:06] (Interpretation)

14 Q. [11:44:07] Mr Philippe Mangou, you explained everything clearly here in terms
15 of the appeal by the president, and all of that is very clear. And I don't want us to
16 revisit that point. But when you say here that the institution of the republic has
17 spoken, and we rely on what the institution of the republic has said, my question is as
18 follows: You are here referring clearly to the results announced by the constitutional
19 council, recognising Mr Laurent Gbagbo to have been the winner of the elections of 28
20 November 2010; is that correct? Yes or no?

21 A. [11:45:11] Yes.

22 Q. [11:45:15] I would like to show you a last video, and I have two questions to ask
23 you about that video. And I'll be thanking you thereafter.

24 Here is the reference for that video.

25 THE INTERPRETER: [11:45:58] Microphone, please. Microphone.

1 MR N'DRY: [11:46:03] (Interpretation) I'm sorry. Reference CIV-OTP-0047-0670,
2 the entire video, tab 257. Transcript reference CIV-OTP-0048-1160, tab 304, the entire
3 transcript, as I said.

4 If the interpreters could indicate they have it. Yes, they do indicate that they have it.
5 Let's proceed then.

6 I would like to point out to the booth that we will be stopping at line 30. Thank you.
7 (Viewing of the video excerpt)

8 THE INTERPRETER: [11:49:19] Sorry, Mr President, the interpreters microphone
9 was switched off. Sorry.

10 PRESIDING JUDGE TARFUSSER: [11:49:23] The interpreter's microphone was
11 switched off. I listened to it in French so I didn't realise. It was switched off like
12 yours before, so I think we have to replay it.

13 THE INTERPRETER: [11:49:37] Thank you, Mr President.

14 MR N'DRY: [11:49:42] (Interpretation) We will replay the video, the entire video,
15 please.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [11:50:02] (Interpretation of the video excerpt)

18 At the great mobilisation and support rally for the army and workers of Côte d'Ivoire
19 at the behest of Charles Blé Goudé, General Mangou spoke to the crowd, saying that
20 God was with Côte d'Ivoire and God was with the army of Côte d'Ivoire.

21 We salute you. We say thank you to you. Thank you for having thought about us
22 and organising this tribute afternoon. We are touched to the very heart, because
23 somewhere it is said that no matter how strong and how powerful an army can be, it
24 is nothing without the support of its people.

25 Today you are demonstrating that you are with us. In 2000, you did so. Some

1 came with a bowl of rice, some with a little bit of money, and some with prayers to
2 support us, to enable us to continue to fight in this battle that we have led at the
3 battlefield.

4 By doing so, you have clearly stood by us, that we may fight even empty handed, to
5 say no to impostor. And with you, we have won the first step, namely, we have won
6 the first battle.

7 That is why we must give thanks to God in all things. And as if by happenstance,
8 God has brought all these people together in this garden of Eden where everyone was
9 together. What matters is that the devil today, through the international community,
10 has said go to the elections, go to the elections, and you will not eat that fruit. You
11 will not eat that fruit. That is why we must give thanks to God.

12 We are among those who remained at the battlefield. And when you pay homage
13 today to the uniformed officers, to the policemen, to the gendarmes, to the soldiers,
14 and the customs officers and these forestry workers, allow me to say thank you.

15 Thank you very much for that.

16 Your country has the luck to have men, men of determination, men of conviction,
17 men who work with professionalism and who are courageous, who today are still at
18 the battlefield providing security for the various localities. And all of that for you,
19 for you young people, so that you can go to school, so that you can go about your
20 businesses freely, so that the institutions of the republic may continue to stand. That
21 is why we do this.

22 Therefore, we can tell you that we'll continue to do so. We have told everyone,
23 having been on the ground ourselves, that we do not want war, because arms or
24 weapons are destructive, because we know the effects of weapons. We do not want
25 war because it leads to death, to many deaths. We do not want war because it leads

1 to many people being displaced.

2 I talked to our young brother Soro, I told him, and I repeat it and I will say it again

3 over and over again, he doesn't seem to be understanding what I'm saying. So let us

4 say it again, let us say it again if we are not being heard, if war is being imposed on us,

5 we will engage in war. We will engage in war. They want to frighten us. They

6 cannot frighten us.

7 It is men who go to war. It is men who come face to face. And when you say that

8 you are going to war, don't think that people will fall only on your side. People will

9 also fall on the enemy side. And so we say that having warned everybody, if people

10 really want to go to war, we are ready, we are waiting for them.

11 We are ready for them, we are ready for that. You see, for us soldiers, the best death

12 is when you die defending your fatherland and the people know it. There is no

13 better death than that. We are ready for it.

14 The general told you a short while ago to be very careful about what you hear the

15 opposition saying. This is fair in war, because the attempt is to discourage the

16 enemy. Now, you have heard them say we have so many generals, Mangou does

17 not even speak these days, and some even tell you "Well, General, we no longer feel

18 you. You are no longer who you were before. So you must go to -- you must have

19 a coup d'état."

20 Now, let me tell you, they have nobody. They promised us a list and we are still

21 waiting for that list. Only a few retired officers have accepted to join them. So

22 those who come to tell us, while it's taking a long time, you must go, you must have a

23 coup d'état and so on and so on.

24 Please, listen carefully to what I have to tell you. Listen carefully to what I have to

25 tell you. At some point in the history of a country, our saviour places somebody in a

1 position of responsibility. At some point in the history of a country, the Lord always
2 puts somebody in a position of responsibility.
3 Fate would have had it that this person at this time has been placed here by the Lord.
4 After making President Gbagbo president, he made the son of a pastor the chief of
5 general staff.
6 We have always learnt that authority comes from God, authority comes from God.
7 And that is the only reason why I will not be involved in a coup d'état.
8 Secondly, you cannot have a coup d'état in a divided country. Our soldiers are
9 shameful politicians.
10 Now, we must enable Côte d'Ivoire to come together under its 320,000 kilometres and
11 we need a politician who is designated by the Lord himself, and that's why President
12 Gbagbo has been re-elected.
13 The third reason, and not the least, the general mentioned it a short while ago, the
14 point is not who is or who is not the president. We know who the president of Côte
15 d'Ivoire is, is Laurent Gbagbo. And if one were to attempt to carry out a coup d'état
16 that will be fighting against the sovereign, whereas we are fighting for the
17 sovereignty of the state. Therefore, we cannot take our sovereignty and offer it to
18 foreigners. We will never do that.
19 The fourth reason why we will not have a coup d'état is that, you know, in life you
20 must be thankful. You must acknowledge things. Let me tell you that all those
21 who were with the president yesterday and who sat down and ate with him and may
22 believe that things were going well, but before the cock crowed, turned around and
23 back-stabbed him, open your eyes. You will see what will happen.
24 But you don't behave this way. I am a humble man. I know where I was when
25 President Gbagbo took me from. I know where he has taken me to. I know what

1 he has made me to become.

2 Our God is good, but he is also patient. He calls on us today to see the hidden face,
3 the hideous face of those who are in rebellion. God has enabled us to know this.

4 And he wants all of us to be knowledgeable as well.

5 No, you see, you only need to open your eyes. How do you expect an African
6 country like Côte d'Ivoire to attract the jealousy of the entire world? How can we
7 get out of this if we cannot rely on the Lord who has been doing things for us?

8 Haven't you noticed that whenever we have been required to do something, God
9 shows us the opposite of what is being done on the other side.

10 We have been asked -- or, rather, if we were to speak evil of our sovereignty, you see,
11 what will become of us? God is with us and God will always be with us.

12 See what happened in Tunisia. That is why, brothers and sisters, I would like to ask
13 you to not be discouraged. Do not be discouraged because President Gbagbo is
14 writing a new page of the history of Africa. And with his writings, his writings will
15 amount to jurisprudence for African states.

16 We, therefore, must all rally around him so that we can engage in this fight. We will
17 not be discouraged. We will go all the way even up to the ultimate sacrifice. And
18 we know that you, too, are committed to this fight.

19 It is based on his faith in the Lord and his belonging to the Lord that General Philippe
20 Mangou went ahead to dedicate a song to President Laurent Gbagbo indicating that
21 God is with the president, God is with Côte d'Ivoire.

22 The name Laurent Gbagbo gives me peace. I have peace in my life. No other name
23 gives me peace.

24 I cannot do without the name of Gbagbo. What a wonderful name.

25 PRESIDING JUDGE TARFUSSER: [12:03:02] I think, yes, we're through. Maître

1 N'Dry.

2 MR N'DRY: [12:03:07] (Interpretation)

3 Q. [12:03:21] Mr Philippe Mangou, you have said that in life one has to be grateful.

4 And you say that I know who, where I was, and I know from where President

5 Gbagbo came and took me. And I know what he did of me.

6 Just on that point, can you tell us something, can you elaborate?

7 A. [12:04:01] Concerning this point, I would like to speak about it in the various

8 periods. I was in my role as chief of staff of the armed forces. A short while ago,

9 you asked me a question, and my answer was a bit confusing about the institution

10 because I said the army for us, these are institutions, and I stand by that. For every

11 soldier, those are institutions.

12 After the elections, we have to defend institutions. What directs us is institutions.

13 And institutions have to be credible.

14 President Obama said it, in Africa you don't need strong men, you need strong

15 institutions.

16 And I wanted to underscore that because we were misled by the institution in which

17 we believed.

18 Now, coming back to your question, yes, I know where I was and I know to where the

19 president took me. I am grateful to the president of the republic, and that is why I

20 did everything possible so that the president should not be seated here today. That

21 is not where he should be. I fought with all my strength.

22 When he was taken --

23 Q. [12:05:58] Mr Witness, let me be more specific about my question. I did not ask

24 you what you did for the president --

25 A. [12:06:05] What he did for me instead?

1 Q. [12:06:06] No. Are you saying that you were at the comthéâtre in
2 Yamoussoukro, it is from there that you were taken; is that correct, yes or no, that is at
3 the time of your appointment?

4 A. [12:06:27] From comthéâtre to chief of staff of the armed forces.

5 Q. [12:06:33] Very well.

6 I see the Prosecutor on his feet. I don't know whether it is an objection or not.

7 PRESIDING JUDGE TARFUSSER: [12:06:40] Mr MacDonald.

8 MR MACDONALD: [12:06:41] Yes. My colleague asked a very open question
9 following that, what can you tell us on this, and he's answering and he's stopping
10 him.

11 PRESIDING JUDGE TARFUSSER: I would --

12 MR MACDONALD: And I didn't intervene, but the witness was answering.

13 PRESIDING JUDGE TARFUSSER: [12:06:54] I want to assure you that the Chamber
14 will make an open question then in any case to the witness.

15 So please go ahead.

16 MR N'DRY: [12:07:10] (Interpretation) Mr President, I don't understand what is
17 happening here. My question was specific, I asked him where were you? I
18 paraphrased the witness. I said where were you? From where did the president
19 take you and what did he make of you?

20 In his answer, the witness was elaborating on what he did for the president and that
21 according to him the president should not be here.

22 So I felt that the witness was not answering my question. So the Prosecutor should
23 not stand up to make unfounded objections.

24 PRESIDING JUDGE TARFUSSER: [12:07:58] Maître N'Dry, I gave you back the floor
25 in order to continue, not to polemise with the Prosecutor.

1 MR N'DRY: [12:08:11] (Interpretation)

2 Q. [12:08:17] Thank you, Mr Witness, for your intervention here. And as you said,
3 you greeted me warmly. At the beginning you said that I am your brother-in-law,
4 and I would like you to greet your wife in return when you go back.

5 I've concluded my questions and I will give the floor now to the lead counsel to
6 continue our questions.

7 A. [12:08:50] Thank you, Counsel.

8 PRESIDING JUDGE TARFUSSER: [12:08:51] Mr Knoops.

9 MR KNOOPS: [12:08:52] Mr President, we have some final questions for Mr
10 Mangou and those will be asked by Ms Kadji.

11 PRESIDING JUDGE TARFUSSER: [12:09:04] Yes.

12 MR KNOOPS: [12:09:05] And I think we can finish before the break, for sure.

13 PRESIDING JUDGE TARFUSSER: [12:09:09] Good. Okay. Thank you very much.
14 Ms Kadji, yours the floor.

15 QUESTIONED BY MS KADJI: (Interpretation)

16 Q. [12:09:31] Good morning, Mr President, your Honours.

17 Good morning Mr Philippe Mangou. I'm Josette Kadji, lawyer in the Cameroon Bar
18 and member of the Defence team of Mr Charles Blé Goudé.

19 I have questions of clarification to ask you. And the first question is this: Can you
20 tell this Chamber whether the FDS experienced or, rather, covered the elections in the
21 CNO area, region in 2010?

22 A. [12:10:24] Yes, indeed, the FDS was involved. There were 8,000 individuals to
23 be deployed. We provided 4,000, which were placed at the disposal of the CCI. At
24 the end of the elections there was a report of the chief of the centre, who indicated
25 what had happened. And at the end of the report he said that everything had gone

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1 well. That report was forwarded to the Independent Electoral Commission. But I
2 admit that we did not have the time to convene a four-party meeting to review the
3 situation.

4 Q. [12:11:20] Thank you, Mr Philippe Mangou.

5 Let us now talk about 2002. Before your appointment as CEMA on 13 November
6 2004, by President Laurent Gbagbo, from 2002 to 13 November 2013, you were
7 comthéâtre; is that correct?

8 A. [12:12:02] Yes.

9 Q. [12:12:03] On the front, that is Tanda Bondoukou in the north-east area since the
10 enemy was in Bouna. Can you tell the Chamber where your advanced position was?

11 A. [12:12:23] The advanced position of the FDS was -- just a moment. I think it
12 was Liadoua (phon).

13 Q. [12:12:40] If I put it to you that it was Laoudiba?

14 A. [12:12:46] Yes, Laoudiba. I'm sorry, it was Laoudiba.

15 Q. [12:12:51] Mr Witness, Witness P-435 came to this courtroom and told the
16 Chamber that he and his elements of the GPP were detached to the Bondoukou
17 platoon, particularly in Sapia, in an advanced position to fight in 2004 alongside the
18 FDS while you were comthéâtre. What can you tell us about that?

19 A. [12:13:25] When I was comthéâtre, I was in the theatre of operations. We did
20 not have any militia fighting with us. Those who were fighting were those of the
21 east groupement and essentially soldiers.

22 MR MACDONALD: [12:13:51] Could we have the references, please, of the -- just
23 the transcript number --

24 PRESIDING JUDGE TARFUSSER: Yes.

25 MR MACDONALD: -- page, line or whatever.

1 PRESIDING JUDGE TARFUSSER: [12:13:57] I thought the same, but we -- you are
2 referring to the transcript but without giving the reference.

3 MS KADJI: [12:14:05] (Interpretation) Mr President, without opening up any
4 polemics, I know my work, that is what I was preparing to do. I was asking the
5 question to the witness, then I would give the reference. I am aware of what I have
6 to do.

7 It is the transcript of 25 October 2016, page 23, and it is Witness P-435.

8 I will read from lines 2 to 7. The witness was answering a question from Maître
9 Gbougnon, and he said:

10 "Counsel, while we were detached to Bondoukou, we were detached to Bondoukou.
11 And I have told you that we were sent to the platoon camp. And from the platoon
12 camp, when we were dispatched, we were placed under the authority of a lieutenant
13 whose name I have given you. I have given you his position that he currently holds.
14 And we were sent to the advanced post in Sapia under his orders."

15 That is what Witness 435 told us on 25 October 2016?

16 A. [12:15:46] Counsel, I confirm what I said in the east, there were only soldiers.

17 Q. [12:15:55] Mr Witness, you testified here on 27 September 2017 in answer to a
18 question from the Prosecutor, and that is page 72 of the transcript, lines 8 and 9, you
19 stated as follows:

20 "I believe that Blé Goudé spoke as a patriotic and charismatic leader."

21 Can you tell us what you mean by patriotic leader when it comes to Mr Charles Blé
22 Goudé?

23 A. [12:17:07] When I talk about Charles Blé Goudé as a patriotic leader, it's
24 someone who likes, who loves the fatherland, who is a patriot, who aims -- who likes
25 his country. And when I say he's charismatic, he has a capacity of mobilisation.

1 And you cannot deny that of him. I have acknowledged it and I have stated so.

2 Q. [12:17:37] Thank you, Mr Philippe Mangou.

3 Do you remember the answer that you gave to the Office of the Prosecutor during
4 your interview in Abidjan still in relation to Mr Charles Blé Goudé?

5 A. [12:17:55] Yes. I hope I am correct, I said that when we were trying to have
6 peace, he worked a great deal towards peace in Côte d'Ivoire.

7 While we were negotiating with our various brothers under the sponsorship of the
8 facilitators, there was South Africa, there was Burkina, he organised peace caravans,
9 even including Wattao and others. I hope, Counsel, that this is indeed what I said.

10 Q. [12:18:48] Generally speaking, yes, that is what you said, Mr Philippe Mangou.

11 Now, during your testimony here on 2 October 2010, transcript -- just a moment,
12 Mr President. Page 41 of the transcript of that day, you stated on line 3 onwards,
13 and I quote you:

14 "Sometimes we even received reports from our people who were in the field that they
15 had been subjected to mortar fire, so they were attacked with Kalashnikovs, RPGs
16 and sometimes mortar shells."

17 Still on that day -- I can see the Prosecutor on his feet.

18 PRESIDING JUDGE TARFUSSER: [12:20:59] Yes, please.

19 MR MACDONALD: [12:20:59] Your Honours, we're not getting the context of the
20 quotations. We're sighting something, you said this, but we have no clue in the
21 question.

22 PRESIDING JUDGE TARFUSSER: [12:21:09] Yes, but maybe it comes. I mean, wait
23 until the end of the question, then we can decide. I think we should -- now we have
24 the quotation, probably there -- a reasoning to this quotation will come.

25 Please.

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1 MS KADJI: [12:21:22] (Interpretation) Much obliged, Mr President. You fully
2 understood my procedure.

3 Now I was moving on to page 81, lines 9 to 11, where the witness states as follows,
4 still on 2 October, and I quote:

5 "And so there were crimes perpetrated by the Commando Invisible. There were
6 civilian deaths, deaths of soldiers, and this was the situation that was being
7 experienced, particularly in Abobo."

8 My question is as follows: Are we to understand, in light of your testimony, that
9 mortar shots were fired in Abobo, that is in that neighbourhood by the Commando
10 Invisible?

11 A. [12:22:46] Yes, Counsel. Based on a report made by Detoh Letho, the men in
12 Abobo were subjected to mortar fire.

13 Q. [12:23:01] And this was in an urban area; is that correct? Mr Witness?

14 A. [12:23:23] I thought the president was occupied with something.
15 I do confirm, Counsel.

16 Q. [12:23:28] You stated here that you were attacked in your residence on 14 March;
17 is that correct?

18 A. [12:23:36] That is correct, Counsel.

19 Q. [12:23:39] Mr Philippe Mangou, I would like to know if, from 14 March 2011 to
20 30 March 2011, when you took refuge in the embassy of South Africa, did you receive
21 any other threats?

22 A. [12:24:04] No, Counsel. After the attack, I didn't receive any further threats.

23 Q. [12:24:13] I'm asking you the same question. As from the 3rd of April when
24 you left the embassy of South Africa to the 11th of April, were you threatened in any
25 way, particularly in your new place of residence?

1 A. [12:24:38] No threats at all, Counsel.

2 Q. [12:24:43] Mr Mangou, you have reiterated here on several occasions that you
3 did not have weapons, no ammunition, and that this is one of the reasons why you
4 took refuge in the embassy of South Africa, because you could not continue
5 prosecuting this war.

6 As the chief of staff of the armed forces, did you in one way or the other inform your
7 men, those who were under your command, that is, of your decision to stop the
8 fighting and to take refuge?

9 A. [12:25:40] Thank you, Counsel. The lack of ammunition was not the only
10 reason. I reported to President Gbagbo; I told him that it was not worth fighting,
11 continuing the fight. So I left the residence. So the supreme commander of the
12 armed forces was informed that I was no longer prepared to fight.

13 And I was the one who ordered the retreat of my men from the frontline. These men
14 were under the responsibility of Navy Captain Konan. He was the one I was waiting
15 for.

16 And when he arrived -- I told you we had been communicating by telephone. I sent
17 him a coded message which he did not understand. I said, "Konan, go back to your
18 home, and I will go back to my home, because all the units that had retreated, that is
19 what happened to them."

20 Q. [12:26:49] So the Chamber should understand that there was no official
21 communication from the chief of staff of the armed forces?

22 A. [12:27:03] Yes, that is correct.

23 Q. [12:27:08] Regarding your exit from the embassy, you have said that you left the
24 embassy of South Africa at 14 -- at 16.30 hours. Transcript 26 September, page 14,
25 lines 15 and 16. Can you confirm that?

- 1 A. [12:27:42] Yes, I confirm that.
- 2 Q. [12:27:48] Very well. With your wife, you went to the mediator or ombudsman
3 of the republic; is that correct?
- 4 A. [12:28:05] Yes, that is correct.
- 5 Q. [12:28:06] Transcript of 26 September, lines 27 and 28.
6 Then you went to your official residence; is that correct?
- 7 A. [12:28:20] Yes, that is correct.
- 8 Q. [12:28:24] And from there you called Mr Dogbo Blé to come and fetch you and
9 take you to the presidency?
- 10 A. [12:28:34] That is correct.
- 11 Q. [12:28:36] Upon your arrival at the presidency, you have said that you waited
12 for other officers in order to be received together by President Gbagbo, correct?
- 13 A. [12:29:08] Yes.
- 14 Q. [12:29:10] At what time were you received? We have seen it in a videoclip here.
15 At what time were you received by the president?
- 16 A. [12:29:22] If I remember correctly, it must have been around 6 p.m., yes. That
17 may not be the precise time, but that's it.
- 18 Q. [12:29:41] If I say 8 p.m.?
- 19 A. [12:29:45] No. It was not at that time.
- 20 Q. [12:29:49] And when you came out from there, I think you gave an interview on
21 the esplanade; is that correct?
- 22 A. [12:30:04] Yes, that is correct.
- 23 Q. [12:30:08] And on your way back, you have said that you came across Mr Séka
24 Séka and some men in four or five vehicles?
- 25 A. [12:30:23] No. It was not when we were coming back. It was when we were

1 going to the presidency, because they were moving from the presidency towards the
2 town.

3 Q. [12:30:35] So there is an error in the transcript because the transcript of 26
4 September 2017, page 25, on line 8, in answer to the Prosecutor's question, you
5 say -- let us start from the beginning, that is line 6:
6 "It was when General Kassaraté was arriving, they were mocking him a bit.
7 Otherwise, when I was with Dogbo, we passed and went in. Now, it was on our
8 way back that I saw five unmarked troop transport vehicles full of -- I would not even
9 say soldiers, mercenaries."

10 That is what you stated on 26 September 2017.

11 A. [12:31:55] There must have been an error, because I said I was on the left and
12 they were on the right. If it is not mentioned there, I was on the left, and they were
13 on the right. So they were moving from the residence towards the town.

14 Q. [12:32:16] Thank you, Mr Philippe Mangou.

15 And then you go on to say, still on 26 September, that you knew all your soldiers,
16 absolutely all of them. Can you confirm that?

17 A. [12:32:45] No, not in those terms. I said --

18 Q. [12:32:53] Let me read out to you 26 September 2017, page 25, line 14, and I
19 quote you:

20 "I travelled extensively and I have been to the very smallest hamlets where our men
21 were found. I know them. I know their faces. Maybe not their names, maybe not
22 by name."

23 A. [12:33:33] That's the clarification I wanted to bring to your attention. When I
24 see them, I can recognise them facially, but I may not know their names. That's what
25 I wanted to clarify. I knew them more or less facially.

1 Q. [12:33:51] Mr Philippe Mangou, you testified here about the last recruitment.

2 When did that take place?

3 A. [12:34:01] The decision to proceed to the last recruitment was taken in January,
4 but we did not have time for training, which lasted only a month or a month and a
5 half. So from January 2011 to mid-February, a month and a half. And I'm referring
6 here to the 3,184 recruits.

7 Q. [12:34:28] Yes. That's the group I'm referring to. Could you also say here that
8 you knew all of them as well facially?

9 A. [12:34:36] No, no, madam, no. They had just been recruited. And I went on
10 to say that when they had passed the medical examinations, they were promptly
11 deployed to various positions to be trained by the unit commanders. I did not have
12 enough time to get to know them.

13 Q. [12:35:02] Mr Philippe Mangou, let me return to a question that was put to you
14 by my learned colleague Altit. He asked you whether you resigned or, rather, why
15 you did not resign. Do you remember that question?

16 A. [12:35:32] Yes, I do remember the question.

17 Q. [12:35:34] Very well. Now, this is my own question: Why is it that once you
18 were within the embassy of South Africa and in a place of refuge, an exile, so to speak,
19 why is it that from there you did not send a letter of resignation?

20 A. [12:35:56] It was difficult for me to send such a letter. I did not have the
21 necessary material. And even if I did, who would I have handed the letter to?

22 Q. [12:36:13] You also testified here, still in answer to Mr Altit's question, that you
23 had broken the chain of command.

24 A. [12:36:37] Yes, that's correct.

25 Q. [12:36:41] In what capacity then did you go to the presidency in the company of

1 all the officers upon leaving the South African embassy? In what capacity did you
2 go there?

3 A. [12:36:58] At that time I was no longer chief of general staff, and that is to my
4 mind. I went there to deliver a message to the president of the republic.
5 Unfortunately, I was not able to do so. You see, I've already told you here that they
6 were confident, they had warded off an attack, and the president had convened a
7 meeting of officers.

8 I was going, to my mind, in a personal capacity, to bring a message to him. If I had
9 been going as chief of staff, I would have taken up fighting again. I did not do so.
10 And I went back to my residence.

11 Q. [12:37:42] Mr Philippe Mangou, you have testified here that during a discussion
12 with General Bakayoko, I think, on 3 December 2010, and I'm referring here to
13 transcript 25 September at page 54, line 1, this is what you say:

14 "So we had a meeting with the commanders of the impartial forces in a hotel which I
15 will not mention, a hotel in Abidjan. Subsequent to that meeting, General Bakayoko
16 approached me and told me that given that we are, we are working within the CCI,
17 that it was important for us to issue a statement to the effect that President Alassane
18 Ouattara had won the elections. I then told him that I was aware of that, but that it
19 was not up to us as soldiers to issue such a statement."

20 You placed that meeting at the 3 December 2010. My question, Mr Mangou, is as
21 follows: On several occasions, you have testified here, you have stated here that you
22 are a Christian. Now, you have the information that President Gbagbo had not won
23 the elections. But up until 30 March 2011, you sent your men to battle. You
24 organised all that you organised and put in place all those arrangements for the
25 protection of RTI, Abobo, and all the fighting, while you as a Christian, all the time,

1 knew that you were sending your men to die for a cause which you knew was already
2 lost as of 3 December 2010.

3 What does your conscience say to that?

4 A. [12:40:50] What I can tell you is that you did not take into consideration the time
5 frame, the period. As far as I am concerned, up until 11 March, the president was
6 still the president of the republic. And I explained here that when an election is
7 organised and the incumbent loses, he continues in office until the handing-over
8 ceremony.

9 Now, the handing-over did not take place. The president lodged somewhat of an
10 appeal by calling on the international community to proceed to recounting the ballots.
11 So our position is that it is not the soldiers who announced the results. Our focus,
12 our compass, as I stated a short while ago, is the institutions of the republic. The
13 president of the republic himself, in spite of the position of the constitutional council,
14 went ahead to ask the international community to come and proceed to a recount.

15 Is that not what was done within the context of the Independent Electoral
16 Commission when the commander of the -- one of the commanders proceeded to act
17 in a way that was contrary to the conduct put forth by the president in respect of all
18 candidates.

19 You see, by simply inviting the international community to come and recount the
20 ballot, was the international community bound to follow him or to do his bidding?
21 We don't think so.

22 Q. [12:43:01] Mr Witness, I don't really want to interrupt you, but my question to
23 you was quite simple. It related to your conduct in relation to your men, your troops
24 whom you sent to the battlefield.

25 A. [12:43:18] What I'm saying is my conduct, my attitude was normal, madam.

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1 Q. [12:43:24] Mr Philippe Mangou, you have also repeated several times here that
2 you were faithful to the institutions of the republic; is that correct?

3 A. [12:43:39] Yes.

4 Q. [12:43:40] Can you tell this Chamber whether the international community,
5 whom you say you agreed with when it declared Mr Alassane Ouattara to be the
6 winner of the elections, is that an institution of Côte d'Ivoire?

7 A. [12:44:10] Let me, let me --

8 PRESIDING JUDGE TARFUSSER: [12:44:14] What is an institution of Côte d'Ivoire,
9 the UN? No, of course not. So the question is responded to.

10 MR MACDONALD: [12:44:22] Thank you, your Honour.

11 PRESIDING JUDGE TARFUSSER: [12:44:23] We know that the UN is not an
12 institution of Côte d'Ivoire.

13 MS KADJI: [12:44:32] (Interpretation) Mr President, I think there might be a
14 translation problem. I didn't say United Nations. I talked about the international
15 community.

16 PRESIDING JUDGE TARFUSSER: [12:44:43] Also the international community is
17 not an institution of Côte d'Ivoire.

18 MS KADJI: [12:44:51] (Interpretation) Well, thank you, Mr Mangou. I have no
19 further questions for you.

20 Thank you, Mr President.

21 THE WITNESS: [12:44:58] (Interpretation) Thank you, Counsel.

22 PRESIDING JUDGE TARFUSSER: [12:45:02] Mr Knoops.

23 MR KNOOPS: [12:45:04] Mr President, that concludes our examination. Thank you
24 very much.

25 PRESIDING JUDGE TARFUSSER: [12:45:06] Thank you very much.

1 MR KNOOPS: [12:45:07] And thank you, Mr Mangou, for answering questions of
2 our Defence team. Thank you, sir.

3 PRESIDING JUDGE TARFUSSER: [12:45:13] Mr Mangou, I have now some
4 questions for you. The first question regards the CECOS and is related to the nature
5 and the mission carried out by CECOS. The first day of your testimony you said,
6 and I refer to T-193, page 20, lines 4 to 26 of the French transcript, and page 21, lines
7 14 and 15 of the English.

8 That CECOS, and I quote, has deviated from the mission, in particular, in the light of
9 the kind of weapons and ammunitions it had and also that you used CECOS for
10 certain missions. And you say, and I quote you again: Although his initial mission
11 was to fight major banditry, we, however, had to use him, the CECOS, for some
12 missions as well, some other missions.

13 The same point, or similar point, you made on the second day of your testimony, and
14 I'm referring to transcript 194, page 45 of the French and 50 of the English transcript,
15 line 12, and page 51, lines 22 to 24, when you said, and I quote you again:

16 "CECOS no longer played its given role. So mindful of the types of weapons it now
17 had, it was clear that it was different from its initial missions."

18 So can you explain in more detail for which kind of missions CECOS was used?

19 And also, when you said "we had to use it for certain missions," does this mean it was
20 your decision or the result of an initiative between you and General Bi Poin?

21 THE WITNESS: [12:47:41] (Interpretation) Thank you, Mr President. The decree
22 establishing CECOS assigned CECOS the following mission: To fight major
23 criminality or banditry.

24 Now, as far as I understand it, this mission requires the use of conventional weapons
25 that would enable CECOS to fight major criminality, as the case were.

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1 I testified here that over time, CECOS acquired weapons, weapons of war. When
2 you have a 12.7, a heavy machine gun which can shoot up to a range of 200 metres,
3 when you have RPGs -- or 1,200 metres -- when you have RPGs or weapons that can
4 destroy tanks, when you have grenades, offensive grenades as well as defensive
5 grenades, then I believe that you are no longer looking at major criminality. You're
6 looking at weapons of war which you can use in combat on the ground.

7 And as I said before, Mr President, mindful of the fact that all our units were at the
8 battlefield and that CECOS was in Abidjan, when it came to matters of security for
9 the city of Abidjan, we had to use that unit for that purpose, because our resources
10 were deployed to the battlefield, our men were at the battlefield, and that is why
11 CECOS was used in that way.

12 I also reported to you that at MACA, we had a detachment from CECOS. We had a
13 crew from CECOS as Golf on standby intervention. And so from time to time we
14 used CECOS in that manner.

15 Now, when it comes to CECOS deviating from its mission, Mr President, you must
16 have noticed that the composition of CECOS actually included law enforcement
17 brigade, which is not its primary mission. So that is the answer I can provide to the
18 question you have put to me on CECOS.

19 PRESIDING JUDGE TARFUSSER: [12:50:20] You didn't refer to, say, secret or
20 missions within the context of facing the enemy, which was at that time perceived as
21 the enemy?

22 THE WITNESS: [12:50:40] (Interpretation) No, Mr President.

23 PRESIDING JUDGE TARFUSSER: [12:50:45] When you talk about all these weapons,
24 grenades, and these war, war weapons, you were talking, do you recall the document
25 which was shown to you once by myself and then referred to you by other -- can we

1 please call it up. It is CIV-OTP-0073-0215.

2 So General Bi Poin, who also saw this document, commented on it, and I would like
3 you to go through it and tell me from your, if you know, from your knowledge if this
4 is something which realistically was part of the weaponry of the CECOS, if you know.

5 THE WITNESS: [12:52:29] (Interpretation) Mr President, my attention is drawn to
6 one point, for example, the 120 mortar, 120 mortar. Now, the 120 mortar is an
7 artillery weapon. It's a very impressive weapon which can shoot for a range of up to
8 7,000 to 13,000 metres. So why would CECOS have such a weapon? That would be
9 out of place.

10 Now we have deadly defensive grenades listed as well. But the grenade launcher,
11 that's good, that can work for law enforcement.

12 PRESIDING JUDGE TARFUSSER: [12:53:40] The question is do you know, have you
13 seen these weapons? Are you aware that these weapons, that the CECOS had these
14 weapons and in this amount? To be honest, General Bi Poin stated here that he did
15 never receive these items which are listed in this document.

16 THE WITNESS: [12:54:16] (Interpretation) I never saw these weapons. But when
17 I saw the document I thought that these were orders that were placed. The fact is I
18 never saw the weapons myself.

19 PRESIDING JUDGE TARFUSSER: [12:54:31] The next question regards the meeting
20 with Laurent Gbagbo at the presidential palace on 24 February 2011. It was the
21 meeting when the President Gbagbo gave instructions to free the MACA-Abengourou
22 road, and that on the next day, the second phase of the operation was initiated
23 following your instructions, operative instructions.

24 And you said this on the transcript 194, English edited version, page 58, lines 9 and 10,
25 and page 75, lines 16 to 18.

1 A few months ago General Guiai Bi Poin testified also about this meeting and he said
2 that at this meeting, on 24 February 2011, President Gbagbo gave the following
3 instruction, and I quote in French: (Interpretation)
4 "Reinforce, keep on holding on to Abobo, reinforce your men."
5 (Speaks English) This is transcript 139, French edited version page 83, lines 15 and 16.
6 What can you say about this "hold Abobo"?

7 THE WITNESS: [12:56:25] (Interpretation) Thank you, Mr President. I also
8 followed, and I took note of that point.
9 You cannot continue to hold Abobo. You only hold a point which is under your
10 control. So if you don't control Abobo, you cannot keep control of or defend Abobo
11 since the Commando Invisible was still there.
12 If it comes to holding Abobo, it would have presupposed that we had captured
13 Abobo and that the enemy was no longer there and, therefore, we were able to take
14 the measures to maintain or hold that area.
15 You have to be outside to be able to hold it. So that word, that expression doesn't sit
16 well with the nature of the mission. For example, let's take this courtroom, if I have
17 to hold this courtroom I don't have to be within the courtroom, I must be outside of
18 the courtroom to take all measures to ensure that no one from outside has access to
19 the courtroom.

20 Now, when it came to Abobo, the Commando Invisible was in Abobo and, therefore,
21 it was not possible to hold Abobo. And I pointed this out as well.

22 PRESIDING JUDGE TARFUSSER: [12:57:46] So you say that these words were
23 never spoken during that meeting?

24 THE WITNESS: [12:57:52] (Interpretation) No, those words were never used
25 during that meeting. The president got up from his seat, came towards the map and

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1 pointed at the road and asked, "Which road is this?"

2 And we said, "It is the MACA-N'Dotré road."

3 And he said, "Is that the road going to Abengourou?"

4 And I said, "Yes."

5 So he said, "Free up or liberate that road."

6 That was the mission. Even Guiai Bi said that the president did not give any mission.

7 But that's, that's exactly what the president did. He said free up this road and he

8 said that it was a strategic road which would enable the people to move about from

9 the south to the east and from the east to Abidjan and also enable movement of

10 foodstuff.

11 PRESIDING JUDGE TARFUSSER: [12:58:53] Thank you. Now, I posit another

12 argument. There was a witness, 164, Witness 164, a BASA non-commissioned officer,

13 who testified before the Chamber that on 4 March 2011, when he was at Camp

14 Commando, he received an order from Commander Niamké to fire the 120 millimetre

15 mortar at the N'Dotré junction and at the town hall roundabout.

16 The same witness states that after he refused this order, the following day he

17 witnessed a phone call between Commander Niamké and yourself, during which you

18 apparently asked Commander Niamké to do everything to persuade the witness,

19 Witness P-164, to execute the order.

20 And this is transcript 164, English edited, page 66, lines 6 to 18.

21 You, yourself, mentioned that Niamké was commander at the Camp Commando at

22 some point. My question is: Do you recall a phone call with Commander Niamké

23 of the kind I just referred to you?

24 THE WITNESS: [13:00:34] (Interpretation) No, Mr President. In the army the

25 rules are clear and that is the hierarchy. I cannot bypass General Deto and address

1 a unit commander under his orders. All my instructions will pass through General
2 Detoh, then to Niamké, not even to mention the soldiers themselves.

3 And he was not even able to say how many people are responsible for a 120
4 millimetre mortar. He was not even able to say it. And I remember you asked a
5 question of the trajectory of the 120 millimetre mortar. That is -- he didn't -- he
6 couldn't answer. So that is not correct.

7 So at the request of Detoh, it is myself who authorised the tir de flambage and the
8 harassment shot.

9 Given the mortar of that weapon, which is about 600 kilograms, it was asked that that
10 weapon should be taken away. So the distance that it can cover, the maximum
11 altitude is 1,800 metres and then the shell will fall at 4 kilometres away. At 2,668
12 metres altitude, the shell will fall 8 kilometres away. And over 4,000 metres, the
13 shell would go even beyond that distance.

14 So the soldier who talked about firing this weapon, he does not even know about the
15 shell, he doesn't even know about the crew which is made up of six people.

16 So the chief of staff cannot go right down to the level of the soldiers to discuss with
17 them. It is not possible.

18 PRESIDING JUDGE TARFUSSER: [13:03:06] The last question regards the Garde
19 Républicaine. Already yesterday I announced this question because on the first day
20 of your testimony you explained the mission of the Garde Républicaine and its tasks.
21 Yesterday, 4 October, and I refer to transcript 199, page 43, French transcript, line 14,
22 you said, and you had already said before, and I refer to transcript 196, page 83, line
23 28 of the French transcript:

24 "That the Garde Républicaine has received 300 recruits, more than other units." You
25 say a hundred here, 150, 100, 100, 300 Garde Républicaine.

1 You also said following that, the requisition that the Garde Républicaine contributed
2 with, and I quote you:

3 "Seven individuals within an armoured vehicle, seven."

4 You said this at transcript 193, page 25, lines 24 on the French, and page 27, lines 7
5 and 8 of the English transcript.

6 So the question is why was it given this amount of recruits in light of its specific
7 functions as detailed by yourself and of its limited contribution to the requisition? Is
8 not there this balance? Can you tell us why this was done?

9 THE WITNESS: [13:05:01] (Interpretation) Yes, Mr President. The Republican
10 Guard is a very large unit which is composed of two groupements; one groupement
11 in Abidjan and another one in Yamoussoukro. So in the distribution of the 300, you
12 would have only 150 in Abidjan and 150 in Yamoussoukro.

13 Regarding the guard duties of the Republican Guard, you also have providing close
14 protection for dignitaries. So you have the various ministers which have -- each
15 have a guard. So the Republican Guard deploys men to protect high ranking
16 authorities and then for the president.

17 And in addition, the Republican Guard has to protect official buildings. So the
18 number of 300 seems large to you in relation to the other units, but it was distributed
19 between the Abidjan groupement and the Yamoussoukro groupement.

20 PRESIDING JUDGE TARFUSSER: [13:06:25] I have a question to the Office of the
21 Prosecutor, if the Office of the Prosecutor wants to re-question the witness?

22 MR MACDONALD: [13:06:32] Possibly. And I'd like to have the lunch-time period
23 to think about it.

24 PRESIDING JUDGE TARFUSSER: [13:06:36] No, just because I have another couple
25 of questions. If you would not have re-questioned, I would have finished.

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1 Otherwise we break here and we come back at 2.30 or just after. So I have just two
2 questions and then you can re-question.
3 But I'm quite sure that we will finish by today. This is to the witness.
4 Okay. Thank you very much. The hearing is adjourned.
5 THE WITNESS: [13:07:03] (Interpretation) Thank you, sir.
6 THE COURT USHER: [13:07:04] All rise.
7 (Recess taken at 1.07 p.m.)
8 (Upon resuming in open session at 2.33 p.m.)
9 THE COURT USHER: [14:33:41] All rise.
10 Please be seated.
11 PRESIDING JUDGE TARFUSSER: [14:34:14] So good afternoon.
12 Good afternoon to you, Mr Witness, Mr Mangou.
13 Before giving the floor to the OTP, to the Office of the Prosecutor for re-questioning, I
14 have another two questions for you.
15 The first question relates to the march in Abobo on 3 March. And you said that you
16 received information to the effect that the FDS were not implicated in this incident
17 and you also mentioned to have seen images on the TV.
18 And this is said in transcript 196, page 54, lines 24 and 25 of the English, and page 51,
19 lines 24 and 25 of the French transcript.
20 I would ask now the court officer to show the video, and this is file
21 CIV-OTP-0077-0411.
22 And after we have seen this video, I will ask you a couple of questions.
23 And please don't give me the floor, because I wouldn't know what to do with it. I'm
24 addressing the Registry, of course. From the beginning, it is six or seven minutes I
25 think, yes. This video we have on the record of the case.

1 THE COURT OFFICER: [14:36:27] It will be shown on evidence channel 1 from the
2 Registry bench.

3 (Viewing of the video excerpt)

4 PRESIDING JUDGE TARFUSSER: [14:44:57] So the first question is if this is the
5 video you have seen, if these are the images you have seen on TV?

6 THE WITNESS: [14:45:12] (Interpretation) Yes, Mr President.

7 PRESIDING JUDGE TARFUSSER: [14:45:12] And can you tell us when, taking as
8 parameter the date of 3 March, immediately after or weeks after, a month after?

9 THE WITNESS: [14:45:33] (Interpretation) The images, Mr President, were
10 broadcast over television that same evening at the 8 p.m. news.

11 PRESIDING JUDGE TARFUSSER: [14:45:42] Have you -- you have not been there,
12 of course, I assume. But as chef d'état major, have you any comments to make on
13 this, I mean on facts, what you know, any comments you can make on this video and
14 on these events?

15 THE WITNESS: [14:46:16] (Interpretation) Mr President, I must say that when I
16 saw those images over Ivorian television, I was really shocked, shocked to see women
17 chanting happily, simply asking for the results of the election not to be falsified, and
18 that they were treated in that way.

19 The first thing I did was to carry out an internal investigation with General Deto to
20 see whether we were involved. And he told me that all our men were in Camp
21 Commando and that no one attacked.

22 But over the video there is a BTR followed by another vehicle, and the vehicle that I
23 see is even an ambulance, if I'm not mistaken. Our elements were not in that unit.

24 In the orders given later, the injured people were sent, transported by military
25 ambulances to the nearby hospital. The ambulance is a complicated vehicle, and we

1 did not have many of them. We didn't have them at the chief headquarters, chief of
2 staff's headquarters. It was at HMA that has an ambulance.

3 So the column that was passing by there, I really do not understand, they're not
4 necessarily from the elements that were in the field. So we think or thought that a
5 real investigation should be carried out so that those who are involved should be
6 punished.

7 But there were so many contradictions. People said the women died, others said the
8 women did not die. But I believe that the women actually died. We had authorities
9 and those authorities actually confirmed the deaths of the women.

10 And in our African tradition, people respect death very much. People cannot play
11 dead. You cannot ask anyone to mourn during an entire day someone who is not
12 really dead. But now it has been seven years and these people are still mourning
13 their children.

14 So it is necessary in my opinion to carry out a serious investigation to find out those
15 who are actually responsible and that they should be made to pay for it.

16 PRESIDING JUDGE TARFUSSER: [14:49:35] But we saw two armed vehicles, if
17 I'm not mistaken, first an armed vehicle followed by as you said an ambulance and
18 then a few seconds after a second armed vehicle. It's not only one. Did you see
19 that?

20 THE WITNESS: [14:50:00] (Interpretation) The first armoured vehicle was the BTR, I
21 believe. Normally it is mounted with two machine guns, the main machine gun 14.5,
22 and the second one 7.62 millimetres, because it is a coaxial machine gun. The 14.5
23 millimetre machine gun is normally used against armoured vehicles. But the second
24 vehicle, I really did not see it, it passed so fast that I didn't see it. But there seems to
25 be some writing on it. It passed so fast that I was not able to determine the type of

1 vehicle.

2 PRESIDING JUDGE TARFUSSER: [14:51:02] Can we please go back to see the
3 second vehicle, the second armed vehicle.

4 Mr MacDonald.

5 MR MACDONALD: [14:51:13] If you allow me, we have stills that are on our LOM
6 but also on record, your Honour, stills of the vehicle, so it may be easier.

7 I would recommend if you look at tab 608 of our LOM, CIV-OTP-0079-5973 is the first
8 vehicle. And if you look at 0079-6054, you have an image of the second vehicle, and
9 that's at tab 609. Tab 610 you have another vehicle. 611 you have all the -- so they're
10 all in sequential order, your Honour, from 608, I think, yes, 608 in order of
11 configuration if I'm not mistaken.

12 PRESIDING JUDGE TARFUSSER: [14:52:25] Please let's show to the witness these
13 images, which are images taken from this video clip. This I think is the first followed
14 by the ambulance or what seems to be an ambulance.

15 THE COURT OFFICER: [14:52:49] The first picture is 0079-5973.

16 PRESIDING JUDGE TARFUSSER: [14:52:59] Okay. Can you recognise this
17 vehicle?

18 THE WITNESS: [14:53:11] (Interpretation) Yes, Mr President. That is the BTR, which
19 is an armoured vehicle that can carry 10 people, including 3 members of the crew and
20 7 foot soldiers. It is mounted with one 14.5 and one 7.62.

21 Then you have that opening that allows the soldiers to fire their weapons. Inside
22 there are certain clips that make it possible for the weapons to be manoeuvred and be
23 precise. So if there is an ambush, the soldiers can shoot sideways to enable the
24 vehicle to escape.

25 The bigger machine gun can fire 500 rounds per minute. The other, 200 rounds per

1 minute. And even the other guns can fire 600 rounds per minute.

2 On the turrets, there are holes that make it possible to launch grenades if the vehicle is
3 ambushed. It is also an amphibious vehicle, Mr President, that means it can also be
4 used in water.

5 PRESIDING JUDGE TARFUSSER: [14:54:55] In water. Thank you.

6 Can we go to the next image.

7 THE COURT OFFICER: [14:55:03] Next image is CIV-OTP-0079-6054.

8 PRESIDING JUDGE TARFUSSER: [14:55:28] Just to the first photo. Is this an
9 armed vehicle of the FDS? Who does it belong to, this first vehicle?

10 THE WITNESS: [14:55:46](Interpretation) It would be difficult for me to say because
11 the armoured vehicle has that vehicle and also the Republican Guard has those
12 vehicles. Generally speaking, armoured vehicles have baptismal names, but there I
13 don't see any name, but even if you don't see the licence plate number, by the name
14 written on it, it would be possible to see to which unit it belongs.

15 PRESIDING JUDGE TARFUSSER: [14:56:19] So now to this image, this vehicle on
16 the image you see now.

17 THE WITNESS: [14:56:34](Interpretation) This is a civilian-type vehicle which was
18 painted, but there is a canon mounted on the back, in the back of the vehicle.

19 It is a vehicle, a DCR vehicle. It is an anti-aircraft weapon and can also support
20 fighting on the ground. The canon can fire up to a distance of 1200 metres, but that
21 vehicle is not an armoured vehicle; it is a civilian-type vehicle with a canon mounted
22 in the back.

23 PRESIDING JUDGE TARFUSSER: [14:57:25] And also here, do you know who it
24 belongs to?

25 THE WITNESS: [14:57:38](Interpretation) Generally speaking, the BASA could have

1 this vehicle, and the infantry also, and as well as armoured vehicles. So these are
2 support vehicles; it does not belong to any specific corp.

3 PRESIDING JUDGE TARFUSSER: [14:58:01] Okay, let's go to the next.

4 THE COURT OFFICER: [14:58:07] Next picture is CIV-OTP-0079-6177 -- 6157.
5 My apologies.

6 PRESIDING JUDGE TARFUSSER: [14:58:33] Mr Mangou.

7 THE WITNESS: [14:58:39](Interpretation) Mr President, that is -- that is simply a
8 troop transport vehicle which itself is not armed. It is simply the soldiers inside who
9 are armed with their own individual weapons.

10 PRESIDING JUDGE TARFUSSER: [14:58:59] And to whom does it belong? I
11 mean, according to the colour maybe, because I don't see anything written on it.

12 THE WITNESS: [14:59:24](Interpretation) Mr President, all units have troop
13 transport vehicles, so it would be difficult to assign it to any particular unit.

14 PRESIDING JUDGE TARFUSSER: [14:59:40] But still FDS, generally speaking?

15 THE WITNESS: [14:59:48](Interpretation) Yes, Mr President, it's still the FDS.

16 PRESIDING JUDGE TARFUSSER: [14:59:52] Next photo or next screenshot.

17 THE COURT OFFICER: [15:00:04] Next picture is CIV-OTP-0079-6177.

18 PRESIDING JUDGE TARFUSSER: [15:00:26] This seems to be the ambulance.

19 THE WITNESS: [15:00:33](Interpretation) Indeed, an ambulance. You can
20 recognise it because of the cross on the side panel.

21 PRESIDING JUDGE TARFUSSER: [15:00:50] But this ambulance is used within the
22 FDS or is it an ambulance which belongs to some health station, hospital or something
23 like this?

24 THE WITNESS: [15:01:11] (Interpretation) It is an ambulance that belongs to the
25 army.

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1 PRESIDING JUDGE TARFUSSER: [15:01:15] Okay. So the next screenshot.

2 THE COURT OFFICER: [15:01:23] Next picture is CIV-OTP-0079-6349.

3 PRESIDING JUDGE TARFUSSER: [15:01:31] This is I think the last one.

4 THE WITNESS: [15:01:49](Interpretation) Well, you can read what it says on the side.

5 This is a vehicle that belongs to the national police and you can read "national police"
6 on the side.

7 PRESIDING JUDGE TARFUSSER: [15:02:04] And what kind of vehicle is it?

8 THE WITNESS: [15:02:09](Interpretation) It's an RG12, an armoured vehicle for law
9 enforcement operations. It allows police officers onboard to be protected and -- well,
10 you see the vehicle itself is armoured. And usually they have machine guns.

11 PRESIDING JUDGE TARFUSSER: [15:02:50] This was the last one, right?
12 Correct?

13 THE COURT OFFICER: [15:02:54] Correct, Mr President.

14 PRESIDING JUDGE TARFUSSER: [15:02:55] So you said at the beginning of this
15 questioning on this topic, you said, you talked about "our elements." You said "our
16 elements were not involved." What do you mean by "our"?

17 THE WITNESS: [15:03:14](Interpretation) Well, when I said "our elements," I meant
18 the elements who are at the Abobo roundabout who carried out the two offensive and
19 found themselves then at Camp Commando.

20 PRESIDING JUDGE TARFUSSER: [15:03:30] This seems to be a convoy, right, a
21 convoy of military vehicles. Is it normal that these convoy is composed by vehicles
22 of the army and of the police and of -- a mixed convoy, so if I can say so?

23 THE WITNESS: [15:03:59](Interpretation) Indeed, that's what I'm saying,
24 your Honour, it is a mixed convoy. What is more, given the orders that we gave to
25 the elements at Camp Commando, when they had to go down to Camp Agban, that

1 was not the itinerary they were supposed to take; that is to say, Camp Commando
2 main road to go down to Adjamé. That was not the path or itinerary. When they
3 go from Camp Commando, they go in front of SOS village, around the Abobo market.
4 There is one road that goes more to the east, to the east. They go by way of the
5 former cinema and then they pick up the Abobo-Zoo highway and then go straight
6 down by the zoo to the gendarmerie, but the vehicles seem to be taking the highway
7 going towards Adjamé, the first bridge la Casse and then they seem to be heading
8 towards the gendarmerie camp. That was not the itinerary given. That was not
9 their itinerary.

10 What is more, the replacements, the replacement, was at 1800 hours or 18:30, the
11 changing of shifts, and when we saw that it took quite a bit of resources, we decided
12 that it would be one week. So the unit commander who would go up with the troops
13 would stay in Abobo until they would come back Friday evening.

14 So the convoy that goes off with an ambulance, I really wonder where that convoy
15 came from and what about that ambulance with them.

16 PRESIDING JUDGE TARFUSSER: [15:05:56] Last question on this. During the
17 clip, one can hear three loud, I would say, shots, if you remember. From your
18 experience, can you tell us what kind of shot was it, what kind of munition was shot,
19 or who shot, or from where these shots were fired? Or not so from where, but what
20 kind of gun fired these three shots?

21 THE WITNESS: [15:06:57](Interpretation) I thought about that, Mr President.

22 PRESIDING JUDGE TARFUSSER: [15:06:59] We can -- you can hear it again.

23 THE WITNESS: [15:07:07](Interpretation) Yes. Well, I'll talk to you about the
24 vehicle and then after -- well, I mentioned the BTR and I can tell you about the two
25 kinds of weapons onboard and the possibility to shoot out of the side openings. So

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- 1 we can listen to the firing of shots and we'll see.
- 2 PRESIDING JUDGE TARFUSSER: [15:07:29] Let's go back to the firing.
- 3 MR MACDONALD: [15:07:39] The Chamber needs the minutes for that?
- 4 PRESIDING JUDGE TARFUSSER: [15:07:41] No, but I don't have the minutes.
- 5 MR MACDONALD: [15:07:44] No, no, no, but if I'm not mistaken it is about 3.20
- 6 onwards, I think you have it, from memory.
- 7 PRESIDING JUDGE TARFUSSER: [15:07:54] Yes.
- 8 MR MACDONALD: [15:07:55] I think so. Thank you.
- 9 (Viewing of the video excerpt)
- 10 PRESIDING JUDGE TARFUSSER: Well, if it's a bit more, don't worry.
- 11 (Viewing of the video excerpt)
- 12 PRESIDING JUDGE TARFUSSER: [15:09:51] That's it. That's enough. You can
- 13 stop.
- 14 THE WITNESS: [15:10:04] (Interpretation) After listening to the firing, I would say
- 15 that those were -- that was firing from Kalashnikovs, but from the tank.
- 16 PRESIDING JUDGE TARFUSSER: [15:10:14] Okay. So we keep this as a guess, of
- 17 course, and not as a certainty, I would say. Thank you very much.
- 18 Now I go to another point. Today we saw a video, CIV-OTP-0047-0670, at
- 19 timestamp 1.32.14, you mentioned that the FDS has won the first phase, the first
- 20 combat. What do you mean by this, "the first combat." You said "le première étape,
- 21 le premier combat." What do you mean by "first combat"?
- 22 THE WITNESS: [15:11:11] (Interpretation) I'm not sure which video you're speaking
- 23 of, Mr President.
- 24 PRESIDING JUDGE TARFUSSER: [15:11:16] Can we call it up. I already gave the
- 25 reference. We go to timestamp 1.30.

1 (Viewing of the video excerpt)

2 PRESIDING JUDGE TARFUSSER: [15:11:54] Here.

3 (Viewing of the video excerpt)

4 PRESIDING JUDGE TARFUSSER: [15:12:15] Can you answer? Is it enough?

5 Okay, then we can stop.

6 THE WITNESS: [15:12:25](Interpretation) I was referring to the first combat, not
7 with weapons, but rather victory, the victory we had won since the Constitutional
8 Council had declared that the president had won. But at the same time the council
9 asked that the international community come and count the ballots again. So that's
10 what I meant by the first combat, I meant the first victory.

11 PRESIDING JUDGE TARFUSSER: [15:12:53] So it is not a combat with arms, it is a
12 combat with the ballots, okay. Thank you very much.

13 Just one question: Do you know Junior Gbagbo? Do you know a person called
14 Jerome Wali Junior Talué, nickname Junior Gbagbo?

15 THE WITNESS: [15:13:26](Interpretation) Junior Gbagbo? No, I don't know who
16 he is.

17 PRESIDING JUDGE TARFUSSER: [15:13:33] This is a person who testified before
18 the Chamber. And he must be probably the young Liberian that you say you saw.

19 You said this in transcript 193, English edited, page 7, line 1.

20 And the witness himself, this person, which is Witness 483, stated that he met you in
21 Yamoussoukro before you became chief of staff and that you sometimes gave him
22 money. Specifically he said that sometimes he met you at the officers' mess at the
23 general staff. And this is said in transcript 100, page 4, lines 18 to 25, and page 5,
24 lines 20 to 25.

25 THE WITNESS: [15:14:43] (Interpretation) I'm surprised, those remarks. That he

1 came to see me? I'm surprised by such remarks, surprised.

2 PRESIDING JUDGE TARFUSSER: [15:14:56] Okay. Now, the last really from our
3 point, the last thing: On 26 September, and I'm referring to transcript 194, page 41,
4 lines 10 to 12 of the French, and page 44, line 3 to 5 of the English transcript, you said
5 that many errors occurred, were made, and you said precisely, and I quote you,
6 "Mr President," and you addressed me, "be assured such errors, well, there are many
7 of them and I'm quite ready to talk about all of them, about them all," this is the right
8 spelling.

9 Now, my question as I said before that I will leave you an open question at the end, I
10 ask you if there is anything else you would like to add, to rectify, to add to what you
11 have said so far which you consider of importance?

12 THE WITNESS: [15:16:16] (Interpretation) Not particularly. The mistakes I was
13 referring to, I was talking about the mistakes made when managing the crisis. I
14 think there were many mistakes made, many mistakes, because at each particular step
15 of the process I approached the president, I said, "Watch out, Mr President. Don't go
16 for an election because our brothers still have weapons. They haven't disarmed.
17 Don't have elections."

18 Even when the UN officials came to see us at headquarters, we would say to them,
19 well, closer to us in the Congo we have examples, disarmament was not done and
20 there were problems.

21 So people still have weapons and you want elections to be held? At each step in the
22 process we drew officials' attention to this problem.

23 What is more, the discussions in Ouaga, from a military point of view, no soldier was
24 there from our side. We from the FDS, us, the soldiers, no one there, but decisions
25 were taken. And it was difficult to implement the decisions.

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1 We needed to make our men aware, that we had to give them to understand that the
2 safety of our country was at hand, and we had to move towards peace. But those
3 were difficult things to actually implement.

4 So those are the mistakes, those are the mistakes I was talking about.

5 PRESIDING JUDGE TARFUSSER: [15:17:56] Thank you very much, Mr Mangou.

6 And now I give the floor to the Office of the Prosecutor for a re-questioning, which
7 will be followed if they so request by the re-questioning of the two parties, and then I
8 think we should come to the end.

9 Mr Prosecutor, yours the floor.

10 MR MACDONALD: [15:18:24] Sorry. Could I have a few seconds with my
11 colleagues, because --

12 PRESIDING JUDGE TARFUSSER: [15:18:32] A few seconds you can have.

13 MR MACDONALD: [15:18:34] Thanks.

14 (Counsel confer)

15 MR MACDONALD: [15:19:03] Thank you, your Honour. The Prosecution does
16 not have a re-examination.

17 PRESIDING JUDGE TARFUSSER: [15:19:09] Thank you very much.

18 So even better for you. Now your testimony has come to an end. Thank you very
19 much for having been here, for having answered all the questions and I would also
20 add quite clearly, in a clear manner. Thank you very much.

21 I wish you all the best and a good return home to your duties. Thank you very much
22 for having been here.

23 Yes, Mr Mangou.

24 THE WITNESS: [15:19:45] (Interpretation) May I say a few words?

25 PRESIDING JUDGE TARFUSSER: [15:19:48] You may say a few words, but please,

1 but I know that you know, no political statements. Okay, I know that you know, but
2 I had to say this.
3 Please.
4 THE WITNESS: [15:20:13] (Interpretation) Mr President, I would like to thank you
5 very sincerely, thank you very much for having me come here to tell you my truth
6 before the country, internationally, and before the International Criminal Court.
7 By doing so, Mr President, I merely said what I did, what I saw, what I heard and
8 what people did and what people said, supporting myself, naturally, on the oath that
9 I made here on 25 September 2017, and also basing myself on the words of the gospel:
10 You shall not tell a lie, you shall not give false testimony against your fellow man.
11 I did so not so that anyone should be found guilty, no, because Côte d'Ivoire needs all
12 of its children. I did so so that the truth should be known by all, so that everyone can
13 take advantage of what has been said here so that never ever again shall our country
14 fall into the deepest depths of history.
15 I gave my testimony quite freely. I did not try to cover anything or anyone up. And
16 one has done nothing, one is not afraid of justice. And when one tells the truth, one
17 has no reason to lie.
18 And with your leave, your Honour, with your leave, I would like, and this is not
19 political, and of course with your permission, I would like to apologise on behalf of
20 all the FDS, the Defence and Security Forces that I had the honour to lead. And on
21 my own behalf I would like to apologise to the entire community of Côte d'Ivoire for
22 the difficulties that we may have caused during the post-election crisis.
23 I express our deepest condolences to all families who lost a loved one and I do hope a
24 speedy recovery to anyone who was injured.
25 I will leave, I will end my testimony. And ultimately may God bless you, may God

1 bless all members of the Court, may God bless President Gbagbo, my brother

2 Blé Goudé, Charles Blé Goudé.

3 And I call upon the Lord to guide you, to inspire you so that when the time comes the

4 Lord shall give you the wisdom, the wisdom of Solomon. And I thank you.

5 PRESIDING JUDGE TARFUSSER: [15:23:38] Thank you once again. I would ask
6 now the court usher to accompany -- thank you also to counsel.

7 MS BLAKE: [15:23:51] Thank you.

8 PRESIDING JUDGE TARFUSSER: [15:23:51] -- for having been here and assisted.

9 And before adjourning, the only thing we have to do is to read out an oral decision.

10 (The witness is excused)

11 PRESIDING JUDGE TARFUSSER: [15:24:33] This is now the oral ruling in relation
12 to the level of classification of the Defence filing. And I'm referring to the Defence
13 for Mr Gbagbo, ICC-2/11-1/15-141, confidential ex parte, which are the Defence
14 submissions as to the subsequent stages of proceedings following the conclusion of
15 the presentation of the evidence by Prosecutor.

16 Currently, this filing is available only to the Defence for Mr Gbagbo and to the
17 Chamber, excluding not only the public, but also the Prosecutor, the Legal
18 Representative of Victims participating in the proceedings and the Defence for
19 Mr Blé Goudé.

20 The Defence of Mr Gbagbo explains in the filing this level of classification is
21 warranted because the filing contains information as to the Defence strategy. A
22 public redacted version of the document has been filed which contains redactions
23 vis-à-vis the other parties.

24 Yesterday the Prosecutor has requested, yesterday or two days ago, I can't remember,
25 two days ago maybe, and I quote, "For the Chamber to control or have an oversight as

1 to the redactions." This is T-198 realtime and page 39, lines 22 and 23.

2 The Chamber has indeed reviewed the level of classification of the filing, pursuant to
3 Regulation 23bis (3) of the Regulations of the Court, and considers that it is not
4 warranted.

5 There are several legal bases in the Statute that can justify ex parte submissions to the
6 Chamber during trial. By way of example, I refer to Article 68(1) of the Statute or to
7 Article 57(3)(c) in conjunction with Article 64(6)(a) and Article 61(11).

8 However, the protection of a party's strategy is not in and of itself a legitimate reason
9 for which the Chamber may accept that information is submitted to it ex parte.

10 This is particularly the case at this point in time when we are approaching, and I
11 would add we are rapidly approaching, the end of the presentation of the evidence by
12 the Office of the Prosecutor. And now is the time for the parties and the Chamber to
13 organise themselves so that the trial continues to unfold smoothly.

14 For this purpose, the Chamber requested the Defence on 28 August 2017 to make
15 submissions as to the subsequent stages of the proceedings, in other words, now it is
16 the time for the Defence to begin executing its strategy.

17 Ultimately, the Chamber does not see how revealing the filing in question to the other
18 parties could have any bearing on the effectiveness of the strategy of the Defence of
19 Mr Gbagbo or, for that matter, have any adverse impact on Mr Gbagbo's fair trial's
20 right.

21 Accordingly, the Chamber orders the Registry to reclassify as confidential filing
22 ICC-02/11-01/15-1041, and not 1141 as I said before I think, confidential ex parte.

23 The Chamber clarifies also that as to access to the filing by the public, the extent of the
24 redactions is currently acceptable.

25 And this concludes the oral ruling on this.

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

- 1 I saw, with the hand over the eye, Mr Altit on his feet. And I give you the floor.
- 2 MR ALTIT: [15:29:26] (Interpretation) Thank you, your Honour. Your Honours,
- 3 we shall appeal the decision that your Chamber has just issued. And to this end, we
- 4 wish that the suspensive effects be held until the Appeals Chamber can rule --
- 5 PRESIDING JUDGE TARFUSSER: [15:29:46] We will decide on this.
- 6 MR ALTIT: [15:29:50] (Interpretation) -- on the request for leave to appeal, of
- 7 course.
- 8 PRESIDING JUDGE TARFUSSER: [15:29:53] We will decide also on this. Okay,
- 9 thank you very much.
- 10 Now, the only thing to do is to adjourn the hearing till Wednesday, next Wednesday,
- 11 11 October, and when we will hear, I say it on 584, is that right, Witness 584, at 9.30.
- 12 The hearing is adjourned. Thank you very much.
- 13 THE COURT USHER: [15:30:37] All rise.
- 14 (The hearing ends in open session at 3.30 p.m.)