

Trial Hearing
WITNESS: CIV-OTP-P-0047

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé - ICC-02/11-01/15
5 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and Judge Geoffrey
6 Henderson
7 Trial Hearing - Courtroom 1
8 Wednesday, 8 November 2017
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:04] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE TARFUSSER: [9:33:33] Good morning. Good morning to you,
14 Mr Detoh Letho, in Abidjan.
15 WITNESS: CIV-OTP-P-0047 (On former oath)
16 (The witness speaks French)
17 (The witness gives evidence via video link)
18 THE WITNESS: [9:33:51](Interpretation) Good morning, Mr President.
19 PRESIDING JUDGE TARFUSSER: [9:33:53] You feel okay? You're ready to continue
20 the questioning?
21 THE WITNESS: [9:34:03](Interpretation) Yes, Mr President, I feel fine.
22 PRESIDING JUDGE TARFUSSER: [9:34:07] Thank you. Then I
23 give the floor to the Office of the Prosecutor, to Ms Pack. Yours, the floor.
24 MS PACK: [9:34:13] Thank you, Mr President.
25 QUESTIONED BY MS PACK: (Continuing)

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1 Q. [9:34:16] Good morning, Mr Witness.

2 A. [9:34:20] Good morning, Counsel.

3 Q. [9:34:24] Now, I'm going to start off today with the events of 3 March 2011, the
4 women's march. You told us yesterday, and I'll remind you of what you said, that you
5 weren't aware of the march and it hadn't been discussed at the generals' meeting the day
6 before. That was in the French transcript at page 30, lines 21 to 26.

7 Now, my question is: What was reported to you about the women's march after it had
8 occurred?

9 A. [9:35:14] Thank you, ma'am. And during our meetings, I have told you that I was
10 not aware of any march of women in Abobo on 3 March 2011, and that is because,
11 generally speaking, when there is a march, a demonstration or an important event, the
12 ministry of the interior receives a document from the authorities who intend to organise
13 the event.

14 A copy is also sent to the chief of staff of the army. And we organise a meeting to be able
15 to monitor and provide security during that event. So before 3 March there was
16 any -- there was no news of any march that was to be organised. So no one was aware of
17 any such march on that day in Abobo.

18 Q. [9:36:45] When were you informed that there had been an incident?

19 A. [9:36:59] It was on 3 March itself, at around 10 or 11 a.m. General Mangou called
20 me to tell me that he had received information about a women's march in Abobo. He
21 asked me whether I was aware. I told him, "No." And that is because I had never heard
22 anything about a march that was supposed to take place on 3 March in Abobo.

23 In the morning I had not received instructions from him to take care of any march in
24 Abobo on 3 March. I should point out that on 3 March, none of our elements were at his
25 or her post of control. It was impossible for our elements to remain in their respective

1 positions. They were all gathered in the Camp Commando in Abobo.

2 So I asked Lieutenant Colonel Basile Niamké, who was in the field, whether he was aware
3 of any march, or whether he had gone to take care of any march in Abobo, and he told me
4 no. But on that day he had to carry out re-supplies, and when he arrived Gagnoa gare or
5 carrefour Abobo, they were attacked by unknown elements and they retaliated.

6 However, he retreated back to the Camp Commando. That is what he told me. I
7 reported this back to the chief of staff.

8 Q. [9:39:33] Now, when you spoke to Mangou, what did he say to you on the phone?

9 A. [9:39:49] The chief of staff told me that he had received information from
10 General Palasset and from the minister of defence and that he was going to cross-check
11 that information.

12 Q. [9:40:08] What information did he tell you he had received?

13 A. [9:40:20] That was in relation to the march that we are talking about, because when
14 there is an incident, he receives information from the field, but on that day in Abobo our
15 elements had not left the Camp Commando in Abobo. It was impossible for them to do
16 that.

17 Q. [9:40:42] Specifically, I asked you, what did General Mangou say to you on the
18 phone when he said there'd been an incident. What did he say had happened?

19 A. [9:40:58] He told me that he had been informed by General Palasset and the
20 minister of defence that a march of women had been repressed by our men, whether it
21 was true. So I called Colonel Basile, who was in the field.

22 Q. [9:41:19] Did he say how the march had been repressed?

23 PRESIDING JUDGE TARFUSSER: [9:41:23] Maître Altit.

24 MR ALTIT: [9:41:25] (Interpretation) Thank you, Mr President.

25 I'm sorry to interrupt you, my learned friend. Relating what the witness has said, he

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1 mentioned General Palasset on two occasions, and this appears in the English transcript
2 but not in the French transcript. So that is very important. And so that the French court
3 reporters should also indicate that name of General Palasset on the transcript.

4 PRESIDING JUDGE TARFUSSER: [9:42:06] Well, it's -- it's strange that the English
5 transcript is more accurate than the French one. I -- well, so I think it was received by the
6 court reporters.

7 And please, Ms Pack, continue.

8 MS PACK: [9:42:25] Thank you.

9 Q. [9:42:26] The question was, did he say, Mangou, when he called you, did he say
10 how the march had been repressed?

11 A. [9:42:39] No.

12 Q. [9:42:40] When --

13 PRESIDING JUDGE TARFUSSER: [9:42:42] Just one question before. So the
14 information was not that a march has happened, but that the march was repressed?

15 THE WITNESS: [9:42:58](Interpretation) Yes, the march was repressed.

16 PRESIDING JUDGE TARFUSSER: [9:43:03] Okay. And did he say or did he ask, did
17 he say by whom this march was repressed?

18 THE WITNESS: [9:43:18](Interpretation) Yes, Mr President, he said that the information
19 that he received was that the march was repressed by the elements of the Defence and
20 Security Forces. He asked me whether that was true, whether we had sent elements to
21 any march, and I told him no, I was not aware of any march because we had not talked
22 about it before. No one told me that they were going to take care of any march on that
23 day.

24 PRESIDING JUDGE TARFUSSER: [9:43:53] Okay, thank you. Ms Pack.

25 MS PACK: [9:43:55] Thank you, Mr President.

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1 Q. [9:43:58] Mr Witness, you've told us about a conversation you had with Niamké,
2 Niamké. Now, the evidence on the record in this case is that on 3 March, Toaly Bai
3 Williams was the operational zone commander in Abobo, not Niamké.

4 I'd like to finish the question, please. I haven't asked the question.

5 PRESIDING JUDGE TARFUSSER: [9:44:43] And Maître Gbougnon is also on his feet.
6 He's only on his feet. He has not yet said anything. Please. No. Go ahead with your
7 question.

8 MR MACDONALD: [9:45:00] Can he sit down.

9 MS PACK: [9:45:03]

10 Q. So tell us please, when you tell us you spoke to Niamké on 3 March.

11 A. [9:45:20] Yes, I remember Niamké's name on that day. It is the name of
12 Lieutenant-Colonel Niamké, who was at the head at that time. Since I have told you
13 since yesterday, taking service in Abobo was rotative, so people replaced each other in
14 shifts. And if you remember correctly, I had hesitated between Niamké and Toaly. But
15 it is Niamké who stayed at the head. In fact, it is with Niamké that I had the
16 conversation.

17 PRESIDING JUDGE TARFUSSER: [9:46:10] What is the question?

18 MR GBOUGNON: [9:46:16] (Interpretation) Mr President, can I have the floor,
19 please?

20 PRESIDING JUDGE TARFUSSER: [9:46:22] Yes. Okay. Please.

21 MR GBOUGNON: [9:46:23] (Interpretation) Mr President, my learned friend said
22 that there is information in the case file stating that Mr Toaly Williams was the one who
23 was in Camp Commando in Abobo on 3 March. But she did not mention any reference
24 on which she based her assertion that Toaly Williams was in Abobo on 3 March. Let us
25 go beyond that. But the witness --

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- 1 PRESIDING JUDGE TARFUSSER: [9:47:04] That's it. No, there is no need to expand
2 too much.
- 3 MS PACK: [9:47:09] I can give you the reference.
- 4 PRESIDING JUDGE TARFUSSER: [9:47:10] Please do so.
- 5 MS PACK: [9:47:11] Yes. The reference is T-171, which is a transcript reference clearly,
6 that's the English ET, page 67, lines 12 to 25. The French is T-171, page 70, lines 25 to, line
7 25, to page 71, line 14. And I leave it at that that. That's the evidence on the record of
8 this case. Right.
- 9 Q. I want to ask you a question. Did you speak to Commander Toaly Baï Williams on
10 3 March? Did you speak to -- did you hear the question?
- 11 A. [9:48:12] No, counsel. What did you say?
- 12 Q. [9:48:14] Did you speak to the operational zone commander in Abobo, did you
13 speak to Commander Toaly Baï Williams on 3 March 2011?
- 14 A. [9:48:32] I do not remember. I told you that I spoke with Basile. But now if you
15 have any document that proves that it was Toaly who was there, well, the only thing I do
16 remember is that I spoke with Basile, because he was the one who was supposed to be
17 replaced on that day, but at 11 a.m. he had not yet been rotated out because there were
18 difficulties.
- 19 The day before, a tank had been burnt in Samaké intersection and there were injured
20 people. But they succeeded in coming out. So we had had difficulties on that day, and
21 our elements had difficulties leaving the area. So that delayed the change of shift. I do
22 not know whether Toaly was there, but in my mind I remember that it was with Basile
23 that I spoke.
- 24 Q. [9:49:47] When did you first find out that women had been shot?
- 25 A. [9:50:06] On the 3rd, between 10 and 11 a.m. I have told you that it was the

1 general who called me to inform me of that. He asked me whether it was true, whether I
2 had sent elements to deal with any march; and I said no, that I was not aware of any such
3 march in Abobo. So it was on the 3rd itself that I became aware.

4 Q. [9:50:36] Now you told us that you spoke to Basile, Basile Niamké, after you find
5 out that women had been shot --

6 PRESIDING JUDGE TARFUSSER: [9:50:48] Women have been shot. "What did you
7 find out" I would say would be the first question.

8 What did you find out? What was the accident about, the incident about? I mean, until
9 now you spoke about incident which was told you that had happened. But in concrete,
10 what did you find out about this incident?

11 THE WITNESS: [9:51:22](Interpretation) When the general called me, he asked me
12 whether there had been a women's march repressed by our elements in Abobo. He said,
13 he told me that the information indicated that there had been people killed.

14 Later on during the meeting in the afternoon, the chief of CPCO briefed us on the
15 situation. And in the evening on television, all of us saw women who had fallen and
16 who were bleeding on the ground. So there were gunshots and people were scattering
17 everywhere. So we had that information in the evening.

18 Otherwise, when I received that information from the general, we met during our daily
19 meeting at the staff headquarters, and this was mentioned by the CPCO, the chief of
20 CPCO who is responsible for briefing us.

21 So it was during that meeting that we were told that the march was repressed by soldiers
22 and that people had been killed, women had been killed, six or seven women.

23 So at about 8 p.m. in the evening, we also saw the images on the television. That is what
24 I know about the march of 3 March 2011.

25 PRESIDING JUDGE TARFUSSER: [9:53:02] Thank you.

1 Madam Pack.

2 MS PACK: [9:53:05] I'd like to go into that in a bit more detail, please.

3 Q. You tell us that the chief of the CPCO briefs you in the afternoon meeting, briefs you
4 on the situation. What did he say, please?

5 A. [9:53:25] Counsel, I have told you that he told us that a women's march in Abobo is
6 supposed to have been repressed by our elements and that seven women had been killed.
7 This is the information that he gave us.

8 Q. [9:53:53] Right. So this is what the CPCO reports at your meeting. What was
9 said in relation to that? What was the response?

10 A. [9:54:11] The response from whom?

11 Q. [9:54:12] Does Mr Mangou say anything when the CPCO reports that there are
12 supposedly seven women killed who had been repressed by your elements? What does
13 Mr Mangou say in response to that report?

14 A. [9:54:30] When you have an event of such a nature, especially when people die,
15 well, he deplored the fact that people had been killed. But we tried to find out who was
16 in the field, on the ground on that day, so he asked that an investigation should be carried
17 out.

18 Q. [9:54:55] Did the CPCO or anyone else at the meeting confirm that it was, in fact,
19 FDS elements who repressed the demonstration?

20 A. [9:55:14] No, because even at that time it was not clear that it was FDS elements
21 who had gone to the place of the march. So no one talked about that.
22 There was an event in the field, and it is reported to us. When that happens we try to
23 cross-check and then we tried to ascertain the responsibilities. So up to that time, they all
24 said that our elements, who were in the Camp Commando of Abobo, had not left because
25 they were all there on 3 March. No individual or group was able to leave Camp

1 Commando. It was no longer possible to carry out patrols.

2 Q. [9:56:17] You tell us that General Mangou says that he asked that an investigation
3 should be carried out. Who did he ask to carry out an investigation?

4 A. [9:56:37] The general staff has structures. There is an intelligence unit in the
5 general staff. And those of us coordinating actions based on our elements in the field, we
6 also ask them questions when there are incidents, and that is how we receive our
7 information or our intelligence.

8 Q. [9:57:02] I'm not clear what your answer is to my question. Who did Mr Mangou
9 ask to carry out an investigation?

10 A. [9:57:22] I have answered your question and I repeat: When there is an event in
11 the field, the general staff has an intelligence unit. They are the ones who carry out
12 investigations. They gather information and give us the results. But ourselves, we also
13 use our own elements who provide us information on such incidents, because they are in
14 the field and they experience the situation in the field. That is how it happens.
15 And I should also say that it was a war. There were -- we also had elements who were in
16 the field in civilian attire who also provided intelligence to us.

17 Q. [9:58:18] Did Mr Mangou ask you to investigate this incident?

18 A. [9:58:34] Specifically to me? No. When he asked that information should be
19 provided to him from the field, I also felt concerned because I coordinated events, so I
20 could not feel inactive. So in my investigations, I told him what the people in the field
21 told me.

22 Q. [9:59:12] Just to be clear, in your investigations, what investigation did you carry
23 out?

24 A. [9:59:30] That is what I'm telling you. The investigations of the army is not an
25 individual who carries out the investigations. The army is structured; they have units, so

1 the general staff in particular has an intelligence unit. So when there are incidents in the
2 field, if the chief of staff wants to carry out an investigation, it is actually intelligence, so
3 the intelligence unit provides information to us from the field. On that day it was said
4 that women had allegedly been killed in Abobo. So when the general, the chief of staff,
5 asked to carry out an investigation, the idea was to send people to the field to provide
6 information because no one else could carry out the investigation. So in addition, those
7 who experienced the incident, we asked them questions to -- for them to be able to tell us
8 what they knew about what had happened. That is how things are done.

9 Q. [10:01:00] Okay. I ask again, in relation to this meeting, did Mangou ask anyone
10 at this meeting to investigate, anyone at the meeting of the generals?

11 PRESIDING JUDGE TARFUSSER: [10:01:18] Excuse me, just to make it clearer: You
12 said that Mangou -- that Mr Mangou said that he wanted -- that this incident has to be
13 investigated. The question is: Did he delegate somebody to investigate or was it just un
14 peu parler?

15 THE WITNESS: [10:01:49](Interpretation) Well, he assumed that an investigation would
16 be conducted, but he did not assign it to someone. You see, this was a meeting for
17 dialogue. We took stock of the situation, we analysed the situation, and then we decided
18 upon future manoeuvres, but when he said that an inquiry was to be conducted, he was
19 not speaking to one person particularly. He didn't say, "General, carry out an
20 investigation." He knew full well that that's not the way it works. I don't go out and
21 conduct an investigation. That is why the various forces are involved, the gendarmerie,
22 the police forces, the FDS. But, you see, we had people, so there was that source of
23 information. He did not speak to me particularly. He didn't say, "General Detoh,
24 conduct an inquiry for me." He knew it would be done. I had the means. You see, we
25 would get the information from the men in the field.

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1 So he said that there should be an investigation, so, of course, I would tell my people in
2 the field to report back, to provide intelligence. He didn't ask me specifically to conduct
3 an inquiry. And you can cross-check that. You can ask the other generals, all the other
4 generals.

5 MS PACK: [10:03:30]

6 Q. [10:03:30] To your knowledge, was there any formal investigation carried out in
7 relation to this incident?

8 A. [10:03:49] I don't know.

9 Q. [10:03:52] We're going to move on to 17 March, please, 17 March 2011 in Abobo.
10 Was any incident reported to you on 17 March?

11 A. [10:04:17] What event does that have to do with? Many things happen on 17
12 March. Many things occurred that day; it was a day like any other. Which event or
13 incident are you asking about?

14 Q. [10:04:33] Did you receive information that there had been shellings on 17
15 March 2011 in Abobo?

16 A. [10:04:51] Regarding the shelling of mortars in Abobo, they were -- shells were
17 fired upon the market in Abobo. Are you asking about that, namely, the firing of shells
18 upon the market in Abobo? If that's what you're asking about, I shall reply.

19 Q. [10:05:18] Yes, please. When did you first hear about the shelling of the market in
20 Abobo?

21 A. [10:05:33] The day before, in the evening of 16 March, at about 11 p.m., I received a
22 phone call from a mobile, but the number was not displayed. It was an individual, a
23 private individual, who called me but the name didn't come up on the screen. He said to
24 me, "Did you hear any gunshots because I'm not far from Abobo myself." I went out on
25 to the terrace and indeed I could hear gunshots.

1 When such a situation occurs, the first thing to do is to turn to the chief of general staff. I
2 called General Mangou and I said to him, "I hear firing in the Abobo area." That was the
3 evening of the 16th or the 17th.

4 Now, was he -- I asked him whether he was aware of this, because well before that time, I
5 called quickly. I called the men in the field at Samaké, and they said to me that they did
6 not hear anything. At the Abobo roundabout, they said they had not heard anything.
7 The men who were within Camp Commando itself, they told me that they did not hear
8 any gunshots or firing.

9 And I reported that information back to the general. When I asked him, he said to me
10 that day -- and I'm talking about the night of the 16th to the 17th. It had been reported to
11 him. Apparently, he had called Commander Abéhi, and Commander Abéhi apparently
12 said to him that he was going to Abobo to clean up Abobo, but General Mangou said to
13 him, if he hadn't got there already, to turn right back and go back. But to confirm that, I
14 asked the men who were at the university campus in Adjamé, because they were able to
15 see the columns of vehicles going from the scrapyard towards Abobo, and they said that
16 they had seen Commander Abéhi with the GEB vehicles heading towards Abobo. That
17 is what I know about that incident, namely, the shelling of the Abobo market.

18 But the next day, like everyone, we learned that the market in Abobo had been shelled.

19 So there you have it. That is what I know about this issue.

20 Q. [10:08:52] How did you learn that the market had been shelled, from whom?

21 A. [10:09:07] When an event like that happens, the written press reports upon it, or if
22 they have footage, it's on the television as well. But it was in the written press that the
23 Abobo market -- that's when the report came out that the Abobo market had been shelled.

24 Q. [10:09:27] Did you discuss the shelling in your meetings with the generals, shelling
25 of the market?

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1 A. [10:09:51] As usual, when such an event, such a crucially important event occurs,
2 we talk about it. And once again, when we know -- well, when we gather intelligence
3 from our men and they tell us that they're not involved, we take that into consideration,
4 otherwise -- you see, when an event occurs somewhere and we're aware of it, we --

5 THE INTERPRETER: [10:10:22] Inaudible.

6 MS PACK: [10:10:25]

7 Q. Now --

8 A. [10:10:27] -- discuss it.

9 Q. [10:10:28] Are you aware of the evidence that is on the record in this case that there
10 were mortars fired from Camp Commando on 17 March? Are you aware of that
11 evidence?

12 MR ALTIT: [10:10:50] (Interpretation) Mr President.

13 PRESIDING JUDGE TARFUSSER: [10:10:53] Mr Altit.

14 Yes. Could you reformulate this question, please. I think this was, are you aware of
15 evidence in this --

16 MS PACK: [10:11:04] All right.

17 Q. [10:11:08] Now, the evidence in the case -- wait.

18 PRESIDING JUDGE TARFUSSER: [10:11:11] When you talk about that you know that
19 the market was shelled, what do you know and how was it shelled, with what? And
20 who shelled, and from where the shells came, and all what you know about this shelling,
21 or what you learned in the immediacy of the event.

22 THE WITNESS: [10:11:48](Interpretation) Thank you, your Honour. When it was the
23 question of this shelling of the market in Abobo, we learned that the market had been
24 shelled and that allegedly our men were involved.

25 The newspapers spoke of it. Everyone was talking about it. But what I can say from a

1 technical point of view about this event, I can say this, and I'm saying this with some
2 reservations because I was not actually on the ground, but I can tell you that if 60
3 millimetre mortars were to be shelled from -- fired from Camp Commando, those mortars
4 would not have reached their target because the distance between Camp Commando and
5 the market is more than the range of the mortars.

6 Given the configuration of the terrain and the buildings opposite, when I look at the
7 terrain, I don't know where our men would have placed themselves. Where would they
8 have placed themselves? What location would they have taken up a position to shell, to
9 shell Abobo?

10 Secondly, it wasn't even possible at that time for shells to be fired from Camp Commando.
11 At that specific time, and I am stressing this point, our men were trying to save their own
12 skins, to keep themselves safe, not conducting operations.

13 If you are familiar with 60 millimetre mortars, I don't know how many mortars were fired,
14 but a 60 millimetre mortar shell that falls in a marketplace, indeed, there will indeed be
15 holes, there will be marks. The Abobo market, I was not there, but after the crisis the
16 market was still there. I was never told that shelling did occur. I don't know. I don't
17 know. That is what I know.

18 There was shelling upon the market, apparently it was our men. But going by my
19 analysis, I don't know where the shells would have been fired from. From a technical
20 point of view, it would have been difficult. And since they could not leave the camp, I
21 don't know what position they would have taken up to conduct shelling upon the Abobo
22 market. From a technical point of view, it is not possible.

23 MS PACK: [10:14:58]

24 Q. [10:15:00] What weapons did BASA have at Camp Commando? What did
25 they -- what weapons were they deployed with at this time?

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1 A. [10:15:20] The BASA had 82 millimetre guns and they also had 60 millimetre guns.

2 Q. [10:15:31] What about the 120 millimetre?

3 A. [10:15:39] No, the 120 millimetre gun was reintegrated. After the warmer shots
4 from the Abobo -- from the forest, the general asked us to integrate the 120 millimetre
5 guns because, you see, they are heavy and they are difficult to use. We couldn't use
6 them. Just imagine, ma'am, 120 millimetre gun used. That's not possible. They had
7 the 60 millimetre guns mounted on vehicles and the 82 millimetre guns.

8 Q. [10:16:24] Did the BASA deploy to Camp Commando at any time with the 120
9 millimetre guns?

10 A. [10:16:43] We wanted to regroup and give and ensure a certain force, a certain
11 strength, a certain firing strength for our men. When we reorganised the entire
12 arrangements or array, it was asked that the BASA be at Camp Commando. But the
13 BASA left with the mortar, first with the 120 millimetre gun that we withdrew. And then
14 they were left with one vehicle, the Vera with 120 -- rather, no, with -- that is the -- those
15 are the weapons that they had at Camp Commando.
16 So they remained with the 82 millimetre mortar. The 120 millimetre gun had been taken
17 back to the barracks at the request of General Mangou.

18 Q. [10:17:48] I'd like to take you to your interview, please. It's the transcript at
19 0080-1575, and it's at page 1585 please, starting from line 350. One moment while this
20 comes up, please, Mr Witness.

21 MR ALTIT: [10:18:49] (Interpretation) Could you kindly repeat the reference number
22 for us.

23 MS PACK: [10:18:54] Yes, it is page 1585, and it is line 350 down to line 356.

24 MR ALTIT: [10:19:05] (Interpretation) And the ERN number, please?

25 MS PACK: [10:19:10] It's on the screen now. It is 0080-1575. That's the first page.

- 1 And then it's at page 1585 is the actual reference.
- 2 All right. I'm going to start reading then from line 350. The interviewer says:
- 3 (Interpretation) "Interviewer 2: Could you clarify the calibre of the mortars that were at
- 4 Camp Commando and that were there on a permanent basis?"
- 5 Interviewee: There were the 87 millimetre guns that the BASA sent...no, the...the 120
- 6 mortars, the 120 millimetre mortars.
- 7 Interviewer 2: Yes.
- 8 Interviewee: They had their 60 millimetre.
- 9 Interviewer 2: Yes."
- 10 (Speaks English) Over the page, please. (Interpretation)
- 11 "Interviewee: They had their 12.7s that were on their vehicles.
- 12 Interviewer 2: Okay.
- 13 Interviewee: And then, of course, the assault weapons.
- 14 Interviewer 2: Okay.
- 15 Interviewee: 12.7 for the servants.
- 16 Interviewer 2: You're saying that at one particular moment there were 82 millimetres.
- 17 Interviewee: Yes, yes.
- 18 Interviewer 2: Okay. Okay, thank you.
- 19 Interviewee: That period, they sent the 82 millimetre.
- 20 Interviewer 2: But...but, certainly.
- 21 Interviewee: Yes.
- 22 Interviewer 2: There were always 120s and 60s.
- 23 Interviewee: Yes, yes, yes.
- 24 Interviewer 2: Okay? That's okay?
- 25 Interviewee: Yes.

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1 Interviewer 1: Okay

2 . I wanted to clear that up.

3 Interviewee: Yes."

4 (Speaks English) You recall saying those words in the interview?

5 A. [10:22:06] Yes.

6 Q. [10:22:07] Are they true?

7 A. [10:22:19] No, because I had omitted to tell you that the 120 millimetre guns had
8 been withdrawn. Other than that, the other weapons were there, to the -- the 82s, yes,
9 the 82s, the 12.7s mounted on a vehicle, the 60 millimetre guns. But the 120 millimetre
10 guns had been withdrawn.

11 Q. [10:22:51] I'm going to --

12 A. [10:22:53] I acknowledge having said that.

13 MS PACK: [10:22:56] I'm going to ask if we can go into private session briefly, because
14 I think just for Rule 74 reasons your Honours may prefer that we do.

15 PRESIDING JUDGE TARFUSSER: [10:23:11] Let's go into private session.

16 (Private session at 10.23 a.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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21 (Redacted)

22 (Redacted)

23 (Open session at 10.34 a.m.)

24 THE COURT OFFICER: [10:34:56] We are back in open session, Mr President.

25 PRESIDING JUDGE TARFUSSER: [10:35:06] Thank you very much. We are now

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1 back in open session but just to announce that we have the break now and we come back
2 at 11 o'clock.

3 You have a break and at 11 o'clock we continue with the questioning by the Office of the
4 Prosecutor.

5 Thank you very much. The hearing is adjourned.

6 THE COURT USHER: [10:35:28] All rise.

7 (Recess taken at 10.35 a.m.)

8 (Upon resuming in open session at 11.04 a.m.)

9 THE COURT USHER: [11:04:47] All rise.

10 Please be seated.

11 PRESIDING JUDGE TARFUSSER: [11:05:18] Good morning once again. Good
12 morning also to you, Mr Witness, in the remote location.

13 THE WITNESS: [11:05:31](Interpretation) Good morning, your Honour.

14 PRESIDING JUDGE TARFUSSER: [11:05:33] Good morning.

15 I saw Maître Altit on his feet. Maître Altit.

16 MR ALTIT: [11:05:40] (Interpretation) Thank you, your Honour. Your Honours, I'd
17 just like to put a brief request to you. We would like the exchange which took place just
18 before the break to be classified as being in closed session, please, private session.

19 PRESIDING JUDGE TARFUSSER: [11:06:02] Before the next break or now?

20 MR ALTIT: [11:06:08] (Interpretation) Allow me to re-word that; we would like to
21 have the exchange which took place to be reclassified as public, please.

22 PRESIDING JUDGE TARFUSSER: [11:06:20] We will discuss this and talk about it and
23 then decide on this. I ask the Prosecutor if this is okay.

24 MS PACK: [11:06:30] Yes, it was simply more an issue for Rule 74, if he wants to take
25 the chance to consider just the answer to one question. I think we went on too long in

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1 closed session in the end, so it was just the one question.

2 PRESIDING JUDGE TARFUSSER: [11:06:42] I think so as well. I also ask the duty
3 counsel in Abidjan what he thinks about this request for reclassification.

4 MR KANE: [11:07:00] I'm in the hands of the Court in that matter.

5 PRESIDING JUDGE TARFUSSER: [11:07:04] So we will decide in due course, but
6 during the day.

7 I give now back the floor to the Office of the Prosecutor for her questioning. Ms Pack.

8 MS PACK: [11:07:13] Thank you, Mr President.

9 Q. [11:07:16] Mr Witness, I want to show you a document, please, 0071-0521. It can
10 be displayed publicly. It is tab 207, for my learned friends. And just so we state for the
11 record, it is from the ComTer to various units, Commandant Toutes Unites, and then it
12 says, "Forces Terrestres - Tous Chefs De Bureaux," dated 17 March.

13 Take your time to read. We'll just go through. I'll ask you one quick question.

14 A. [11:08:28] I'm afraid I can't read it very clearly on the screen. That's better,
15 thank you.

16 MS PACK: Can we just scroll down --

17 PRESIDING JUDGE TARFUSSER: Scroll down.

18 MS PACK: -- and go over the pages slowly enough for the witness to read.

19 I think we can probably go down further and go over to the following pages. I'm not
20 going to ask about the substance, so we just can go quite quickly and we'll get to the last
21 page.

22 Q. All right, now we have the last page. And I merely want to ask you about the
23 signature. Do you recognise the written signature, please?

24 A. [11:11:05] Yes, ma'am, it is the signature of my deputy colonel, Major Koloubla.

25 Q. [11:11:15] We'll move on from this because time is short and we'll go to another

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1 topic entirely. I'd like to ask you, please, about another meeting with Mr Gbagbo. Do
2 you recall a meeting at the presidential residence in March 2011, specifically on 14
3 March 2011?

4 A. [11:11:59] We *may have had a meeting at the presidential residence on 14 March
5 because as I said yesterday, we always held a meeting if there was a specific situation.
6 On those occasions, we would meet with the president at his home to report to him, so it
7 is possible.

8 Q. [11:12:25] All right. I'm not going to show you the visitors logbook for the residence.
9 With your Honours' permission. I won't be showing that.

10 But just to inform you, there is a visitors' logbook for the residence that states that you
11 were present at the residence between the hours of --

12 PRESIDING JUDGE TARFUSSER: [11:12:47] It appears in the logbook that ...

13 MS PACK: [11:12:48] It appears --

14 PRESIDING JUDGE TARFUSSER: [11:12:51] It appears in the logbook that ...

15 MS PACK: [11:12:52] -- on the face of it to have your name --

16 PRESIDING JUDGE TARFUSSER: [11:12:57] Yes. Mr Altit, Maître Altit.

17 MR ALTIT: [11:13:00] (Interpretation) Thank you, your Honour. I think it would be
18 logical to display the book, to show it to the witness.

19 PRESIDING JUDGE TARFUSSER: [11:13:06] Yes, of course. But we don't have time.
20 You know it, we know it, we all know it. So we can display it or not, we know what is
21 on there. You can look at it. If it is wrong, say it. But we lose a lot of time.

22 Please go ahead.

23 MS PACK: [11:13:21] Okay. And just for the record it is 0088-0863. It will be
24 page 1260 of that document. And on the face of it, on this document, there is an entry
25 which has your name and then the hours of 1818 to 1948 in the evening.

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1 Now, just answer this, does that help you in recalling that you attended the residence
2 on 14 March between that sort of time?

3 A. [11:14:03] As I said, it is possible. I don't recall the exact dates on which we met
4 with the president of the republic. We had a number of meetings, so it certainly is
5 possible. And my name would not have been logged if I had not been there. So it is
6 indeed possible there was a meeting on that day.

7 Q. [11:14:31] Now, so far as meetings in March with the president then are concerned,
8 do you have any recollection of the content of any meetings in March with the president at
9 the residence?

10 MR ALTIT: [11:14:56] Monsieur le Président.

11 THE WITNESS: [11:14:58] (Interpretation) I'm afraid I'm unable to tell you that.

12 PRESIDING JUDGE TARFUSSER: [11:15:02] Yes, please.

13 MR ALTIT: [11:15:06] Merci, Monsieur le Président. Objection. Il a dit c'est possible.
14 Il n'a pas dit qu'il se souvenait d'une réunion.

15 PRESIDING JUDGE TARFUSSER: [11:15:08] Oui, oui, of course. I mean, how can he
16 remember any meeting if he has a lot of meetings?

17 MS PACK: [11:15:18]

18 Q. Right. I'm just going to show you to your interview very briefly. And it's the
19 transcript at 0080-1691, and it would be page 1739.

20 Okay, so I'm going to read from line -- you are shown this logbook actually, told the dates
21 of meetings, of entries in the logbook. And in relation to that, it's at line 1745 of this page,
22 you're asked: (Interpretation)

23 "There we have a date, 14 March.

24 Interviewee: 14 March.

25 Interviewer 2: You're at the residence, you meet with the president, it was your last

1 meeting at the residence according to the logbook.

2 Interviewee: Yes, yes.

3 Interviewer: Okay. So when the president...

4 Interviewee: I think that it was during that meeting, I think the last one, and as
5 we...insults where they were demanding or requesting or asking General Mangou
6 whether or not to continue warfare, and if so, to have the means to do so. He called us
7 but, in fact, he did not tell us whether we would receive the resources or not. He said
8 that he would consult with the chief of general staff. That was our last meeting. That
9 was it."

10 (Speaks English) Do you recall stating those words in your interview?

11 A. [11:18:03] Yes, ma'am.

12 Q. [11:18:06] And does that refresh your memory as to what happened?

13 A. [11:18:16] Indeed, that does refresh my memory very well.

14 Q. [11:18:21] Do you recall anything else of the content of this meeting?

15 A. [11:18:33] After that meeting, as we had had that discussion, we began to lack
16 resources quite substantially, and that's why we went to see, and the chief of general staff
17 took stock of the situation and as regards the resources and equipment available.
18 The vehicles had become quite old. Troop numbers had declined because, as I told you
19 yesterday, we were beginning to see a quite a lot of defections. So on that day the
20 president of the republic said that those various matters would be studied with the chief
21 of general staff and that we would receive resources. But, in fact, we did not receive the
22 resources until 11 April.

23 Q. [11:19:50] Now, around the time of this particular meeting, were you told by
24 Mr Mangou of any -- about any other meetings that he had had with Mr Gbagbo, with the
25 president?

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1 A. [11:20:16] No.

2 Q. [11:20:19] And --

3 A. [11:20:22] He didn't speak to us after that meeting, because each time that we
4 asked, "Where are the weapons that we requested?" he told us that he had discussed the
5 matter with the president, but that the resources had not yet become available. Each
6 morning or each afternoon we would reiterate that we needed more resources, but that we
7 hadn't received more resources.

8 He told us that he discussed the matter with the president of the republic and that we had
9 to be patient and continue to wait, and so we did. We made do without additional
10 resources.

11 Q. [11:21:07] And before the meeting, this meeting with the president, do you recall
12 Mr Mangou telling you about any other conversations he'd had with the president?

13 A. [11:21:22] No, I don't recall. He did mention that he had had discussions with the
14 president of the republic, but he did not discuss matters that did not concern us with us.
15 But if you are looking for details on a specific situation, perhaps you could tell me what it
16 is you're driving at and refresh my memory. Other than that, the generals would not
17 have been au fait with the tenor of discussions with the president.

18 Q. [11:21:58] Okay. To refresh your memory, do you recall Mr Mangou telling you
19 about any discussions about Mr Blé Goudé?

20 A. [11:22:15] No. All we knew was that once Blé Goudé had visited the general staff
21 headquarters and we had met with him in the meeting room for visitors at the
22 headquarters. So he visited in the company or accompanied by Richard -- I'm afraid I
23 don't know his full name, but I recall a Richard and, well, two or three people. So we
24 received them in the VIP room at the general staff headquarters.

25 Now, if there were meetings between Blé Goudé and the generals or Blé Goudé and the

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1 president of the republic and the generals, that, I don't know. I was never told of such
2 meetings.

3 Q. [11:23:13] Okay. I'm going to take you to your interview transcript, and it's the
4 interview starting 0080-1467, it's page 1498, lines 1111 and following to 1128. All right.
5 I'll read it from line 1111. It says, you say: (Interpretation)

6 "Once I recall when we wanted -- when events really were happening very rapidly, we
7 wanted to cross the president of the republic.

8 Interviewer 2: You wanted to do what?

9 Interviewee: Encounter the president of the republic and say to him, 'Look, the situation
10 is such that it must stop or we would like it very much to stop.' The chief of general staff
11 of armies during that meeting said that he wanted -- that he had encountered him."

12 A. Oui, oui, oui.

13 Q. (Interpretation)

14 "Interviewer 2: Do you mean encounter the president, this is what you're saying?

15 Interviewee: Yes, encounter, meet with him.

16 Interviewer 2: Okay.

17 Interviewee: So he had met with the president.

18 Interviewer 2: Yes.

19 Interviewee: Well, two days or three days later, as we were saying, the situation is
20 getting worse and worse, what are we going to do? He had met with the president of the
21 republic. And the president had wanted to speak with Minister Blé Goudé. And I said
22 that I wouldn't attend that meeting with Blé Goudé because myself, because I, my direct
23 superior was the army, it was the president of the republic, and I was not -- and I was part
24 of that meeting."

25 THE WITNESS: [11:26:02](Interpretation) Yes, that's correct, that refreshes my memory.

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1 Thank you.

2 PRESIDING JUDGE TARFUSSER: [11:26:06] Maître Altit.

3 MR ALTIT: [11:26:07] (Interpretation) I have a couple of matters I'd like to raise.

4 First of all, I would like to raise the fact that the witness should state if this is hearsay or
5 not, because this seems to me to be an incorrect way of proceeding.

6 And then secondly, my learned friend --

7 PRESIDING JUDGE TARFUSSER: [11:26:38] What is hearsay? What is hearsay? You
8 say "this," it is not enough.

9 MR ALTIT: [11:26:43] (Interpretation) Yes, yes, I did mean to say hearsay and I'll tell
10 you exactly. I'm referring to the line starting or the sentence starting at 11.25 or 11.23.

11 PRESIDING JUDGE TARFUSSER: Okay.

12 MS PACK: I don't think this is an objection.

13 PRESIDING JUDGE TARFUSSER: [11:27:01] Yes.

14 MR ALTIT: [11:27:02] Il s'agit de --

15 PRESIDING JUDGE TARFUSSER: [11:27:05] Come on. I don't think that it's good
16 that you jump up and say something. Okay.

17 The word is to Maître Altit and then we continue.

18 MR ALTIT: [11:27:15] (Interpretation) Thank you very much. I'm referring to words
19 which Mister or General Mangou reportedly stated.

20 PRESIDING JUDGE TARFUSSER: [11:27:25] Yes, Maître Altit.

21 MR ALTIT: Oui.

22 PRESIDING JUDGE TARFUSSER: Maître Altit, we have understood. So this is the first
23 objection, is it hearsay from 11.23 to 11.28, okay.

24 MR ALTIT: [11:27:36] (Interpretation) Yes, that's right.

25 And then the second matter is that it would have been more correct with respect to the

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1 witness and to the Court that my learned friend read the first sentence, whereas she
2 started to read at line 1111 with words along the lines of "Once, I recall."

3 Now, we believe that it would have been more correct for her to begin reading at the
4 beginning of the statement by the interviewee at line 1110. He said, "I never witnessed
5 the president of the republic" --

6 PRESIDING JUDGE TARFUSSER: [11:28:26] Okay. This is enough. We've
7 understood.

8 MR ALTIT: [11:28:29] Okay.

9 PRESIDING JUDGE TARFUSSER: [11:28:30] No, otherwise, you are saying -- you are
10 doing the job of the Prosecutor, which you are now requesting him to do. But this is
11 your objection, okay.

12 MS PACK: [11:28:43] Right. As to the second point, I can read the first sentence out.

13 PRESIDING JUDGE TARFUSSER: [11:28:47] Although I think that correct or not
14 correct is very subjective.

15 MS PACK: [11:28:51] Yeah.

16 PRESIDING JUDGE TARFUSSER: [11:28:51] Of course. Because you jump up when
17 the Prosecutor is saying something and vice versa, so obviously, there is always a little bit
18 of discretion in this. Okay.

19 Please, but if there is no problem and there is no reason why you have omitted it, please
20 read it out.

21 MS PACK: No, I'm just trying to be quick. Line 1110, is the --

22 THE COURT OFFICER: [11:29:20] (Via video link) (Interpretation) Your Honour.

23 PRESIDING JUDGE TARFUSSER: [11:29:24] Yes.

24 THE COURT OFFICER: [11:29:26] (Via video link) (Interpretation) I beg your pardon,
25 your Honour. I apologise for interrupting. The witness has asked for a five-minute

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- 1 break and then he shall come back.
- 2 PRESIDING JUDGE TARFUSSER: [11:29:42] Yes, but we are -- no, we are not breaking.
- 3 Of course, okay.
- 4 THE COURT OFFICER: [11:29:48] (Via video link) (Interpretation) A maximum of five
- 5 minutes.
- 6 PRESIDING JUDGE TARFUSSER: [11:29:50] Okay. Technical times and -- okay,
- 7 thank you very much. So we give him these five minutes or even less, I think, and then
- 8 we continue. Okay.
- 9 THE COURT USHER: [11:30:20] All rise.
- 10 (Recess taken at 11.30 a.m.)
- 11 (Upon resuming in open session at 11.34 a.m.)
- 12 THE COURT USHER: [11:34:03] All rise.
- 13 Please be seated.
- 14 PRESIDING JUDGE TARFUSSER: [11:34:25] Hello, Mr Witness. You're back, you feel
- 15 okay? Everything fine now?
- 16 THE WITNESS: [11:34:41] (Microphone not activated)
- 17 PRESIDING JUDGE TARFUSSER: [11:34:43] Can you hear me?
- 18 THE WITNESS: [11:34:47] (Interpretation) Yes, I can hear you just fine. Loud and clear.
- 19 PRESIDING JUDGE TARFUSSER: [11:34:51] Okay, thank you. So there was a little
- 20 bit of a debate here in the courtroom on what the Prosecutor read you out from your
- 21 statement given to the Office of the Prosecutor, and the Defence claimed that, out of
- 22 fairness, the Office of the Prosecutor should read a sentence more, which would be the
- 23 first sentence of this part, which starts at line 1123, but in any case, I think, if I'm not
- 24 mistaken, yourself, you can see your statement on the screen, right?
- 25 THE WITNESS: [11:35:52] (Interpretation) Yes.

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1 PRESIDING JUDGE TARFUSSER: [11:35:52] So there is really no problem at all. He
2 can read himself the whole part. And I think the Office of the Prosecutor is ready also to
3 read it out to you, I mean, starting from line 1123, I think.

4 MS PACK: [11:36:14] It was actually 1110.

5 PRESIDING JUDGE TARFUSSER: [11:36:18] No, 11 -- yes, 1110, right.

6 So you can read it. The second thing is, if it is hearsay, what you are saying from 1123 to
7 the end of that paragraph, if it's your personal, direct knowledge or if what you say there
8 is hearsay, meaning that you have heard about it.

9 MS PACK: [11:36:44] I'll ask him first if he remembers saying this, your Honour.

10 Thank you.

11 Q. [11:36:52] 1110, just to read the first part of your answer: (Interpretation)

12 "I never was a witness to the president of the republic giving an order to the chief of
13 general staff. One single time I remember, we wanted, when the events were really
14 unfolding, well, at a speed kind of, we wanted to meet with the president of the republic."
15 I'll stop there because I then read you down all the way to line 1128. But you remember
16 what I read to you, and you can see it in front of you. So let me ask you, do you
17 remember stating these words?

18 A. [11:37:44] Yes, ma'am.

19 Q. [11:37:44] Do they refresh your memory as to what happened?

20 A. [11:37:53] Yes, ma'am.

21 Q. [11:37:58] And just, please, as to the suggestion that was reported to you, was that
22 something that you heard the president say in person or was that something that
23 Mr Mangou told you the president had said?

24 A. [11:38:32] It was Mangou who told us, because since -- well, there was the first part:
25 We were at the meeting. And that had to do -- well, are you asking about the first part or

1 the last part of my remarks? If it's about the time when we were with the president of
2 the republic, I heard he was there. He said that he was going to review the issue of fresh
3 equipment with the chief of general staff. But since the equipment, the new equipment,
4 was not coming our way, each time we met with the chief of general staff, we
5 would -- well, in the field our men did not have any resources. Resources were
6 becoming scarcer and scarcer.

7 And after, he said to us that the president apparently said to him to meet with
8 Mr Blé Goudé, to talk to him about it. And then I said to him that if it was Mr Blé Goudé,
9 I would not go to such a meeting because the supreme leader of the armed forces is the
10 president of the republic, and given the importance of the matter, I would rather that the
11 president of the republic speak to us. And we left it at that until, until we got, until I left
12 that place and without any further resources.

13 Q. [11:40:18] And just to be clear, did Mr Mangou tell you specifically what it was the
14 president had said he wanted you to talk to Mr Blé Goudé about?

15 A. [11:40:36] He didn't tell us anything about that. We knew -- well, we had asked
16 for resources in the presence of the president. We had asked for resources. We had told
17 him about our requirements, and the president said that the resources would arrive, but
18 we did not receive them.

19 But the decision between the president and Mangou, Mangou just told us that the
20 president had asked him to refer to Mr Blé Goudé and to wait. And we waited
21 until -- well, I left to the Golf on 31 March. We did not receive any additional resources.

22 Q. [11:41:22] Thank you, Mr Witness. I'd like to shift topics a little. Militias. Are
23 you aware of any militia groups in Abidjan during the post-electoral crisis?

24 A. [11:41:55] I did not manage the militias. I did not manage them. In my army I
25 did not work with militia groups, so I'm not aware of the existence of militia groups. But

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1 ever since the beginning of the war, right until -- right until 31 March, we had heard talk
2 about militias. What the people refer to as militia groups in ordinary language, if you
3 don't mind, I will try to summarise for you, Mr President.

4 PRESIDING JUDGE TARFUSSER: [11:42:37] Yes, please do so.

5 THE WITNESS: [11:42:39] (Interpretation) I'm asking for permission if I could
6 summarise or explain what people meant when they talked about militia groups.

7 PRESIDING JUDGE TARFUSSER: [11:42:47] Absolutely, yes, please do so.

8 THE WITNESS: [11:42:53](Interpretation) Thank you, your Honour.

9 When Côte d'Ivoire came under attack in 2002, the National Armed Forces of
10 Côte d'Ivoire were understaffed. The young people in each region organised themselves
11 into groups to defend their areas, their regions, and they remained in a state of -- well,
12 that's what people meant when they were referring to these militias, these groups.
13 There were many groups. The groups I remember, there was FLGO, APWÉ, and many
14 groups. So, you see, these were young people who had organised themselves within
15 their regions to defend their regions. You must realise that when Côte d'Ivoire came
16 under attack, all the towns and cities came under attack as well. And since there were
17 not enough soldiers to defend the towns and cities, the young people organised
18 themselves into groups to defend their regions.

19 So there was the GPP -- no, no, the APWÉ, the FLGO and many groups. I was -- well,
20 you refer to them as militia groups within Côte d'Ivoire, but other than that, I don't know
21 whether, during the post-election crisis, whether there were other militia groups other
22 than the groups that we already knew about in Côte d'Ivoire. It is possible, however,
23 that perhaps during the post-election crisis, other militias were on the ground. But
24 within the land forces, I never knew of any such thing. I never worked with any
25 members of any militia. At my level there were no militias.

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1 Thank you, Mr President, for allowing me to address the Court to explain what was
2 meant by militias or militia groups.

3 PRESIDING JUDGE TARFUSSER: [11:45:10] Thank you. Giving back the floor to the
4 Office of the Prosecutor, I remind her of the time. You're just already over the four hours
5 requested, so just to know.

6 MS PACK: [11:45:22] Very brief.

7 PRESIDING JUDGE TARFUSSER: [11:45:23] Okay.

8 MS PACK: [11:45:24] One topic after this, but very brief.

9 PRESIDING JUDGE TARFUSSER: [11:45:26] We have 15 minutes. You can do a lot
10 in 15 minutes.

11 MS PACK: [11:45:30] Thank you.

12 Q. [11:45:31] Now, you mentioned in your answer -- just perhaps it was a slip of the
13 tongue -- you mentioned GPP. Are you aware of that group, the GPP?

14 A. [11:45:51] Yes, the GPP, that stands for the groupement des patriotes pour la paix,
15 patriots for peace group. It was an organisation of young people who were working for
16 the cause of peace within Côte d'Ivoire. That's what I know about that particular group.

17 Q. [11:46:19] Talking about groups that you've been describing and the GPP, were
18 you aware of any of them operating in Abidjan during the post-electoral crisis, not the
19 west but Abidjan?

20 A. [11:46:42] No, I didn't know about that. You say that at that time during the
21 post-election crisis we were concerned with -- well, the resources that we were asking for
22 that were insufficient, we didn't have enough men to be working, operating in the fields.
23 So I don't know about -- all about, all of that, recruitment. I don't know. I was the
24 commander of land forces, and, you see, I had been designated to serve as commander of
25 the Abidjan zone. But everything that had to do with recruitment, that is not the task of

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1 the commander of land forces, so, no, I'm not aware. I reiterate, my men never worked
2 with any militia groups whatsoever.

3 Q. [11:47:36] I'm going to put a name to you. Does the name Fulgence Akapéa mean
4 anything to you?

5 A. [11:47:48] Yes, that does ring a bell. Fulgence Akapéa was an officer who left and
6 lived in exile back in 1985 or '86, and when the war broke out, he came back to
7 Côte d'Ivoire. He returned to Côte d'Ivoire, and he was based in Akouédo village. That
8 is where he lived, and he was in charge of some members of the GPP. That's the
9 information I have available to me.

10 Q. [11:48:45] What unit had he been an officer in before he left?

11 A. [11:48:57] Before he went into exile he was part of the CAP. That was the
12 airborne troopers company that later became the FIRPAC and now is the first commando
13 and paratrooper battalion. Before leaving, he was the commander of the first airborne
14 unit.

15 Q. [11:49:25] And do you know where the -- you say he was in charge of some
16 members of the GPP. Do you know whereabouts they were based, those members of the
17 GPP that he was in charge of?

18 A. [11:49:48] The people he was in charge of, they were in Yopougon SICOGLI,
19 Yopougon SICOGLI. If you are familiar with the market there, northwest of that market,
20 the men, those men were located there, and he himself lived in Akouédo, in Akouédo
21 village.

22 Q. [11:50:23] I'd like to show you a document, please. It is CIV-OTP-0071-0850. It's
23 a public document. It's tab 159 for my learned friends.

24 Can we just scroll down the page to the signature as well.

25 So first of all, do you recognise the signature on this page?

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1 A. [11:51:21] Yes. This is the signature of Colonel Major Koloubla, who was my
2 deputy when I was leading the land forces.

3 Q. [11:51:34] Okay; can we turn to the next page to get the full message, because this
4 page is obscured by the fax header, it seems, or the -- some sort of header.

5 Right. And for the record, from the ComTer to the commandants of the 1st battalion
6 d'infanterie, 1st BCP, 1st BB, and BASA, dated 21 February 2011. Again, we can
7 scroll down.

8 And that's Koloubla's signature at the bottom, is it?

9 A. [11:52:33] Yes, it's his signature, ma'am.

10 Q. [11:52:36] Have you seen this document before?

11 If we can have the whole page perhaps.

12 Is this a document you've seen before?

13 A. [11:54:05] I must have seen it.

14 Q. [11:54:07] Can we just --

15 A. [11:54:09] But you asked me if it was the command of the -- was it at the time of the
16 questions, when I was asked questions, asked to give a statement?

17 Q. [11:54:25] I don't think it was shown to you in your interview, if you're asking me a
18 question. The question is whether you are familiar with this document, you're aware of
19 it, you've seen it before?

20 PRESIDING JUDGE TARFUSSER: [11:54:55] At least you should know the --

21 THE WITNESS: [11:54:59](Interpretation) I've -- I must have seen it, but truly, when I
22 look at the date, 22 February 2011, I was at the headquarters. I was coming and going at
23 the office. But I must have seen it. It situates me.

24 MS PACK: [11:55:18] I would like you to have the opportunity to look at all of it, but
25 we'll have to just go through each page just reasonably swiftly, but just so that the witness

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1 can see right to the end of the document. I appreciate it is difficult electronically.

2 THE WITNESS: [11:55:42] I can see. I can see what the document is about.

3 PRESIDING JUDGE TARFUSSER: [11:55:49] Okay. Please ask the question.

4 MS PACK: [11:55:52]

5 Q. [11:55:52] And if we just look at the very top of this page, just as an example, we
6 see "Repartition GAD Pour La Formation Militaire". Can you tell us what GAD refers to?

7 A. [11:56:23] No, I don't know what it means; G-A-D, I don't know what that means.

8 But I believe these are recruits that were being allocated to the various battalions for
9 training, recruitment, second recruitment. And for their training, the chief of general
10 staff sent messages to the forces so that these recruits should be trained. And going by
11 the reference or the cover, that must have been -- they must have been sent to the land
12 forces. That's what I can tell you.

13 Q. [11:57:25] If we look at the very last page, 0850.

14 THE COURT OFFICER: [11:57:40] Ms Pack, this is apparently not the right number.

15 MS PACK: [11:57:45] Oh, I do apologise, sorry. It is 0859. Thank you.

16 PRESIDING JUDGE TARFUSSER: [11:58:28] Is this the page?

17 THE WITNESS: [11:58:31](Interpretation) Yes, ma'am.

18 MS PACK: [11:58:32] Yes, sorry. Can we just go down to the very bottom, please.

19 Sorry, I hadn't appreciated it had come up. Thank you.

20 Q. You'd mentioned just a moment ago recruits being allocated to the various
21 battalions. Was this -- we see at the bottom some blocks with the numbers allocated to
22 each unit. Was this something you were aware of at the time, the allocation of these
23 recruits to these units?

24 A. [11:59:17] Yes, ma'am. I was aware the 1st battalion was supposed to form 100,
25 the 1st armoured battalion 100, the BASA 100 and then the BCP 98. I was aware of that.

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1 Q. [11:59:35] All right. And the groups that we have identified just here on this last
2 page, we see GPP, is that the group you were talking about earlier in the last
3 penultimate -- the right-hand column?

4 A. [12:00:10] Yes, I see that. I see 97, Goore Bi Holy Hermann.

5 Q. [12:00:28] All right. Just go quickly to page 0 --

6 A. [12:00:32] Yes, yes, I can see GPP. I see it twice.

7 Q. [12:00:35] And just quickly to the page 0852 --

8 A. [12:00:43] 98, 99.

9 Q. [12:00:55] And I just want to ask you, the groups there you see in the second to
10 right-hand column, were you aware of -- well, can you just tell us what it means, the
11 group names listed here, what that relates to?

12 A. [12:01:30] It's the second last column, I see the title is "Groupe" and there we have
13 the GPP, GPP.

14 Q. Yes.

15 A. LIMA. These are youth groups, the various groups of young people.

16 Q. [12:01:54] And what does that mean then in the context of this document? Can
17 you tell us?

18 A. [12:02:08] Yes. What it means is that in the army there will be a group and the
19 various young people who were members of the youth groups that I've referred to, those
20 youth groups in the different regions, they will have enlisted or offered to serve in the
21 army, and that will be -- that information is retained in relation to that person in the army.

22 Q. [12:02:43] Now, just quickly rounding up this topic --

23 And I've got one very topic after this, your Honour, very quick.

24 Let me ask you this: The GPP that you mentioned earlier in Yopougon-SICOGI, how
25 were you aware that there was a group based there? What was the source of your

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1 knowledge on that, please?

2 A. [12:03:10] Well, it was well known that there was a group there. Everybody in
3 Abidjan knew that. It was a GPP group that carried out, well, sports activities. They
4 were well known because they would wear grey colours or mid-season colours.
5 Everybody was familiar with the group. That's the information that was available to us.
6 And I went to visit the group at one point in time to see if there were troops there. It's a
7 group which I visited. And I met Captain Akapéa there, he was my former corps leader.
8 I saw him there, we spoke. I left, but I did see him there quite some time before, quite
9 some time before the post-electoral crisis, that is. But I was aware of the fact that there
10 was a group there, a GPP group.

11 Q. [12:04:25] And last very quick topic, during the post-electoral crisis, when did
12 you -- you told us earlier you left service. The date you left service was which date?

13 PRESIDING JUDGE TARFUSSER: [12:04:35] 31 March.

14 MS PACK: [12:04:37] Thank you.

15 Q. 31 March 2011, where did you go, please?

16 A. [12:04:49] 31 March 2011, I went to the Golf.

17 Q. Why?

18 A. I went to the Golf. There were two reasons, two main reasons I went there, the first
19 of which is that I wanted the war to come to an end. Now, why I do I say that? Well,
20 it's because I knew that our troops in the field no longer had sufficient resources and that
21 Abidjan had been completely taken. So when you have troops with magazines with just
22 maybe 12 cartridges, basically that was like sending your troops to slaughter.
23 In 8 minutes a Kalashnikov will discharge 250 shots. And if you have 12 cartridges in a
24 magazine, it's no better than a club.

25 So being aware of the state of our resources, the state of our troops, and despite the wishes

1 of our superiors, I was aware of the lack of munitions. And so I no longer wanted to lead
2 battle, I felt it was like sending troops to the slaughter. I wanted to see an end to the
3 fighting.

4 And as you have opened this topic, if you allow me, I'd just like to say, having done what
5 I did, I have been called a mutineer, somebody who has deserted at a time of war, as a
6 traitor, but I believe that everybody in Côte d'Ivoire is aware of the circumstances that I've
7 just described to you.

8 On 31 March, I left for the Golf. President Gbagbo is here, he's listening to me. Mr Blé
9 Goudé or Minister Blé Goudé is here and he is listening to me. The whole of
10 Côte d'Ivoire and the international community is listening to me.

11 And I need to state I did not flee from war. I participated and led warfare when I had the
12 means to do so. And that is how it is that I was promoted to the rank of general.

13 And President Gbagbo is here, he's listening to me, and he knows that the reason why he
14 appointed me general is undoubtedly because of my qualities and my hard work.

15 The whole of Côte d'Ivoire knows how hard I worked and that I did not desert.

16 A war broke out. Very well, there was war. But that does not mean in and of itself that
17 one has to accept and allow that our soldiers be mowed down, be killed because they
18 don't have sufficient means. Those who continued to combat, I don't know where they
19 got their weaponry, munitions from. But based on what I knew, I left for the Golf. I did
20 not flee.

21 I contacted the colonel major and I contacted Colonel Gouanou, who led the second
22 battalion. I called Lieutenant-Colonel Doumbia, who led the second battalion and who
23 led the BB. I also called the adjutant to the general.

24 The first time that I contacted Colonel Gouanou, he told me that he was in a meeting.

25 That was on the 31st. And he was meeting with the colonel general, Lieutenant-General

1 Doumbia. All those who I mentioned, including General Dogbo Brunot, they were in
2 Abidjan meeting in Akouédo. And I told them that given that the forces were no longer
3 on our side, that we needed to cease combat. He told me that he would re-contact me,
4 but he never did.
5 He said to me in the ComThéâtre, he said to me, "My brother" because that's how he
6 would speak to me, he said, "We're going to try to reorganise and continue to fight."
7 I said, "How are you going to fight, with what means are you going to continue the fight?"
8 He said to me that he was at a meeting and that he would call me back, but he never did.
9 Lieutenant-Colonel Doumbia for his part, he did respond to me, he answered, and he said
10 that, having reflected on the matter, he felt that it my idea was a good idea. Furthermore,
11 he said to me that he couldn't leave where he was because he had been taken hostage by
12 Lieutenant-Colonel Dadi Rigobert, commander of the BASA-BASS.
13 Today if you go to the 1st infantry battalion, you'll see the impacts of bullets fired at
14 Colonel Doumbia's office because Doumbia wanted to stay in place. There was -- he
15 wanted to stay in place until the shelling began, and that is how it is that his office came
16 under fire and that is why I left for the Golf.

17 Q. [12:11:57] Briefly, did you appear on, make an announcement on television offer
18 on the day of your departure?

19 A. [12:12:15] No, I wasn't in a position to make any statement on television. Fighting
20 was being broadcast on television. It wouldn't have been possible for me to get to the
21 television station. We need to have authorisation. I would not have been able to get to
22 the television broadcasting location to make a statement. There was combat in Abidjan
23 around that area. However, I did inform all those who reported to me and I also
24 informed a number of people by telephone that I was going to the Golf.
25 And secondly, I had not been able to get in contact with General Mangou already for two

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1 or three days. Normally, his bodyguard would answer his telephone. And he said to
2 me, "Papa" -- because he used to call me papa. He said, "There's no point in you trying to
3 ring the general anymore because he has left for an embassy." I couldn't meet the
4 superior commander of the commandery, nor the head of the national police. All of
5 those were incommunicado, and I found myself alone, and so it was that I left for the Golf.

6 PRESIDING JUDGE TARFUSSER: Ms Pack.

7 MS PACK: [12:13:49] I just had one follow-up question. I'm sorry, this went on a bit
8 longer than I thought. I do apologise.

9 PRESIDING JUDGE TARFUSSER: [12:13:55] Yes.

10 MS PACK: [12:13:56]

11 Q. [12:13:56] Do you recall subsequently making a broadcast on the broadcaster TCI?

12 PRESIDING JUDGE TARFUSSER: [12:14:18] Did you make a broadcast on the TCI?

13 Well, I say I don't understand the question, because if he did, you should have it. If he
14 doesn't, so where is the point?

15 The question is, have you done a broadcast on the TCI?

16 THE WITNESS: [12:14:43] (Interpretation) Yes. When I went to the Golf I needed to
17 speak. I asked our men to cease combat and to join me so that the killing and the war
18 would end. I stated that the balance of powers had shifted and it was no longer possible
19 to continue to fight. So I made a statement to that effect on TCI.

20 PRESIDING JUDGE TARFUSSER: [12:15:19] Okay.

21 MS PACK: [12:15:22] Just one question about that.

22 Q. Did anyone ask you to appear on TCI? Were you asked to make that statement by
23 anyone?

24 A. [12:15:36] No. When I got to the Golf, RTI approached me in my room and asked
25 me to appear on television to make a statement. And that's what I did.

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1 Q. [12:15:54] I think you're talking about TCI.

2 A. [12:15:57] That's right. I said RTI, but I meant TCI.

3 MS PACK: [12:16:01] That's it from me. Apologies. It went on for a bit long, your
4 Honour.

5 PRESIDING JUDGE TARFUSSER: [12:16:07] Thank you very much.

6 Now we have the second break, half an hour, and then we come back and the
7 Defence -- it's the turn of the Defence. The Prosecutor has finished her questioning, and I
8 don't know who will start. The Defence for Mr Gbagbo will start the questioning in half
9 an hour, after the break. Thank you very much. The hearing is adjourned.

10 THE COURT USHER: [12:16:36] All rise.

11 (Recess taken at 12.16 p.m.)

12 (Upon resuming in open session at 12.46 p.m.)

13 THE COURT USHER: [12:46:54] All rise.

14 Please be seated.

15 PRESIDING JUDGE TARFUSSER: [12:47:09] Here we are now for the last session. Can
16 you hear me?

17 THE WITNESS: [12:47:17] (Interpretation) Yes, your Honour, I can hear you perfectly
18 clear.

19 PRESIDING JUDGE TARFUSSER: [12:47:21] Thank you very much.

20 Now, as said before, it's now the turn of the Defence to put questions to you, and I start
21 with Maître Altit, lead counsel of the Defence for Mr Gbagbo.

22 Maître Altit, you have the floor.

23 MR ALTIT: [12:47:43] (Interpretation) Thank you, your Honour.

24 QUESTIONED BY MR ALTIT: (Interpretation)

25 Q. [12:48:17] Good afternoon, Witness.

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1 A. [12:48:19] Good afternoon.

2 Q. [12:48:21] My name is Emmanuel Altit, and I am the lead counsel for
3 Laurent Gbagbo.

4 Now, I shall be putting a number of questions to you, and I would ask you to reply to
5 them in a concise and specific fashion.

6 A. [12:48:40] Yes, Counsel.

7 Q. [12:48:44] A moment ago you said that you left your post on 31 March 2011 and that
8 you then went to the Golf Hotel. Now my question is did you go directly to the Golf
9 Hotel on 31 March or did you go there later, and if so, on what day?

10 A. [12:49:11] I went there on the day that I arrived at the Golf.

11 Q. [12:49:23] And which day was that approximately, if you recall? Do you recall the
12 date?

13 A. [12:49:36] I went there after contacting General Mangou's bodyguard, who informed
14 me that General Mangou had left for an embassy.

15 Now, the next day in the morning, I went to the Golf at the beginning of the afternoon.

16 Q. [12:50:07] So would I be right in thinking that you went to the Golf on 1 April?

17 A. [12:50:18] I said the 31st because I had a conversation with General Mangou's
18 bodyguard. And the next day, in the morning, I rang the colonel who I referred to earlier,
19 and in the afternoon I went to the Golf.

20 Q. [12:50:46] And who did you contact before going to the Golf?

21 A. [12:50:59] I can give you the name of the individual who I met before I went to the
22 Golf. I'm happy to give you the name of the person who I saw before going to the Golf,
23 but if you prefer we can go into private session, if the Judge allow.

24 MR ALTIT: [12:51:24] (Interpretation) Yes, I do suggest we do go into private session.

25 PRESIDING JUDGE TARFUSSER: [12:51:27] Let's go into private session.

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1 (Private session at 12.51 p.m.)

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4 (Open session at 12.57 p.m.)

5 THE COURT OFFICER: [12:57:23] We are now back in open session, Mr President.

6 PRESIDING JUDGE TARFUSSER: [12:57:35] Thank you very much, court officer.

7 Maître Altit.

8 MR ALTIT: [12:57:38] (Interpretation) Thank you, your Honour.

9 Q. [12:57:40] So if I've understood correctly, you spent a certain period of time at the
10 Golf Hotel at the time. Did you meet Mr Ouattara at the Golf Hotel during that period?

11 A. [12:57:55] Yes, I did meet him. I met him once. He invited me to meet with him
12 and I met with him.

13 Q. [12:58:04] All right. And was Mr Ouattara living in the Golf Hotel at that point in
14 time?

15 A. [12:58:11] I'm sorry, I didn't hear.

16 Q. [12:58:13] Did he live -- did Mr Ouattara live in the Golf Hotel at that point in time?

17 A. [12:58:19] Yes, he was living in the Golf Hotel. He was living at the Golf Hotel.

18 Q. [12:58:29] Very well. Now, during that period at the Golf Hotel, did you see French
19 military or civilian advisors?

20 A. [12:58:43] Yes, I saw military advisors. I saw two captains and a fighter pilot.

21 Q. [12:58:58] And they were acting as advisors; is that correct?

22 A. [12:59:06] Yes, I saw them there. I saw two captains there, pilots both. But who
23 they were advising, I do not know.

24 Q. [12:59:24] Did you know or did you see ComZones at the hotel during that period?

25 And if so, who?

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1 A. [12:59:34] Yes, there were ComZones. There was Wattao Chérif Ousmane. All the
2 ComZones were there. At least, I saw them there.

3 Q. [12:59:49] I see. Now, those ComZones you've just referred to, were they there with
4 all of their soldiers or part of their soldiers?

5 A. [13:00:12] They were not always present there. They came one time because a
6 meeting was taking place with president Guillaume Soro. And on that day there were a
7 large number of people present, including them. However, they left after the meeting.
8 All I know is they left after the meeting. There were perhaps 1,000 soldiers there, but
9 they left after the meeting.

10 Q. [13:00:48] Now, these rebel forces, of course, one can understand rebel as one sees fit,
11 but those soldiers who were present, were they heavily armed, lightly armed? What is
12 your view on their degree of armament?

13 A. [13:01:14] I think that they were very well armed. They had 12.7s mounted on
14 vehicles. They were well armed, like a regular army, with serious effective weaponry.

15 Q. [13:01:32] To your knowledge, was there a UN contingency at the hotel?

16 A. [13:01:45] Yes. I saw a UN contingency. They were present. And I saw them
17 there. In addition to them, there were FAFN soldiers present, FAFN.

18 Q. [13:02:10] Do you recall the nationality of the ONUCI troops that you saw at the
19 hotel?

20 A. [13:02:18] Yes, I do. They were Senegalese. They were Senegalese.

21 Q. [13:02:33] And the FAFN that you referred to, were they all Ivorian or did they have
22 other nationalities?

23 A. [13:02:41] I'm afraid I never spoke to them. I just saw them. But on the day that
24 the Golf was attacked, I know that one soldier was injured and that's when I learnt that he
25 was -- or they were Senegalese.

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1 Q. [13:02:59] So during that period at the Golf Hotel, did you see individuals who had
2 been arrested at the presidential residence?

3 A. [13:03:24] Yes. I saw people who came. I saw the president himself. I saw his
4 wife. I saw Ms Swé (phon). I saw Commissioner Robé. I saw the president's doctor.
5 I've forgotten his name, but I saw him. I saw Madam Adjobi. I saw the minister,
6 Minister Tagro, may God rest his soul. He was in very poor condition at the time. So I
7 recall those names.

8 THE INTERPRETER: The interpreter corrects: It was not the president's doctor who
9 was present, but the president's minister.

10 MR ALTIT: [13:04:39] (Interpretation)

11 Q. [13:04:40] Very well. Now, to your knowledge, were all or some of those persons
12 badly mistreated?

13 A. [13:04:50] Not to my knowledge. Now, I must point out I spent most of my time in
14 my room at the Golf Hotel. I left my room rarely.

15 Q. [13:05:10] You did not leave your room because you were not allowed to leave your
16 room or because you did not want to leave your room?

17 A. [13:05:20] No. I chose not to leave my room. Such is my nature. I spent my time
18 in my room; I didn't leave it much. And also given the context, Counsel, I couldn't leave
19 just at any point in time.

20 Q. [13:05:40] To your knowledge, what happened to Mr Tagro?

21 A. [13:05:47] Mr Tagro died, Counsel.

22 Q. [13:05:51] Are you aware of the circumstances of his death?

23 A. [13:06:03] When I saw him, his mouth had been torn open. He was very badly
24 injured such that I didn't want to look at him again.

25 Q. [13:06:28] Now, amongst these other persons that you saw at the hotel, did any of

1 them have injuries, bruises, what have you?

2 A. [13:06:48] I saw Commissioner Rabé Assi in a very bad state.

3 Q. [13:06:57] I see. And what happened to him?

4 A. [13:07:13] Robé, I think Robé was there. But I don't know what he did afterwards.

5 I don't know what his current position is. But when I left the Golf -- I think that when he

6 left the Golf he was put in prison. After that, I don't know what happened to him.

7 Q. [13:07:34] After the fall of the residence, do you know if there were reprisals against

8 the FDS or the civilian population? For instance, did the former rebels take action

9 against people who they suspected of having supported the government?

10 A. [13:08:07] I'm afraid I wouldn't be able to tell you because I wasn't outside. That's

11 the first thing. Then later, over time, we came to be aware of certain matters through

12 YouTube or other press sources. Through those means, we came to know what

13 happened at the president's residence. So I received my information via various

14 networks. Other than that, I was not aware of what was going on between the military

15 and the civilian population. A lot of military were put in prison, but also a lot of civilians.

16 That's what I can say.

17 Q. [13:08:56] Thank you. You've already told us, but could you reiterate for us the

18 roles that you played or the posts that you held at that time? Please go ahead.

19 A. [13:09:24] When the president received me, Mr Alassane said that I should continue

20 to be the head of the ComTer. And I remained in that position until 7 July of the year in

21 which I was appointed deputy chief of general staff of the Republican Forces of the Côte

22 d'Ivoire.

23 Q. [13:09:55] And who was that chief of general staff or who is the chief of

24 staff -- general staff?

25 A. [13:10:02] At that time it was General Bakayoko. He had been appointed to that

1 position, and I was his deputy.

2 Q. [13:10:10] Thank you. And until what date did you remain his deputy?

3 A. [13:10:22] Counsel, I didn't catch your question.

4 Q. [13:10:26] I shall repeat. Until what point in time did you remain his deputy?

5 A. [13:10:34] Until July 2016, when I was appointed inspector general of armies. And
6 Touré Sékou, who was a division general, replaced me in that post. So in fact, there were
7 two deputies. It wasn't a replacement, there were two of us.

8 When General Touré was appointed I took care of logistics and he took care of operations.

9 And it was from that position that I was appointed to the post of general inspector for the
10 army.

11 Q. [13:11:36] And is that still your post?

12 A. [13:11:37] No. I retired on 31 December 2016. So I am retired.

13 Q. [13:11:47] So as you just related, you held an important post or important posts in
14 the new administration. Now, have former FDS members contacted you or sent
15 messages to you, persons who may have been imprisoned?

16 A. [13:12:18] No. But a sergeant, I believe he was, contacted me or, rather, visited me
17 one time at home. He was a staff sergeant I believe, a certain Gossé (phon), and he came
18 to request my assistance. Aside from him, nobody has approached me to request my
19 assistance.

20 Q. [13:12:58] Now, to your knowledge, people who live in areas in which one could
21 term to be pro-Gbagbo, obviously the situation is more complex than that, but the people
22 who lived in those districts, were they mistreated by the forces who had taken Abidjan in
23 2011 and continued, April 2011 and continued to hold the city?

24 A. [13:13:40] I'm afraid I don't know. No grievances have been relayed to me
25 regarding the actions of the FLC. So I'm afraid I'm not in a position to answer you on

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1 that count, Counsel.

2 Q. [13:13:59] Now, Witness, I'm going to show a document to you that you saw
3 yesterday, it's CIV-OTP-0018-0047, at tab 67. Now, this document was shown to you
4 yesterday by the Office of the Prosecutor. And as I said in our document set it's tab 67.
5 This document may be displayed publicly.

6 PRESIDING JUDGE TARFUSSER: [13:14:54] I should say so, that the journal officiel can
7 be displayed publicly.

8 MR ALTIT: [13:15:00] (Interpretation) Yes, you're right, your Honour. But the
9 Prosecution had classified it as confidential.

10 PRESIDING JUDGE TARFUSSER: [13:15:09] Well, I avoid comment.

11 MR ALTIT: [13:15:27] (Interpretation)

12 Q. [13:15:28] Can you see that document on your screen, sir?

13 A. [13:15:31] Yes, I can see it, but it is not legible.

14 Q. [13:15:39] We will go to page 0048, and that is more legible. And specifically to the
15 bottom of the page, are you able to read that?

16 A. [13:15:58] For the time being, no. Yes, now it's fine. I'm able to read now.

17 Q. [13:16:09] Very well. I think you can ask the court officer who is by your side to
18 help you if you are not able to read.

19 THE COURT OFFICER: (Via video link) [13:16:31] The document is in front of the
20 witness.

21 MR ALTIT: [13:16:36] (Interpretation)

22 Q. [13:16:36] Now, we are page 0048. At the bottom of the page to the right, there is a
23 decree of 14 November 2010 requisitioning the army. Can you see that, Mr Witness?

24 A. [13:16:57] Yes, I can see that clearly.

25 Q. [13:16:59] So you can see -- in the introductory paragraphs you can see, "Mindful of

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1 the agreement policy Ouagadougou 4 March 2007 and its supplementary accords". Can
2 you see that?

3 A. [13:17:39] Yes.

4 Q. [13:17:40] Also you can see "Mindful of the document creating the CCI of 16
5 March 2007"?

6 A. [13:17:57] Yes, I can see.

7 Q. [13:18:02] So this is a decree adopting the political accord of Ouagadougou of 4
8 March 2007 and then the decree creating CCI.

9 In the case file we are also aware of the fact that the CCI brought together government
10 forces and rebel forces, that is following the agreement reached in Ouagadougou.

11 My question is as follows: Did you organise regular meetings within the framework of
12 the CCI and, if so, from when to when?

13 A. [13:18:52] The CCI meetings were held by the chief of staff in Yamoussoukro. He
14 attended those meetings with General Bakayoko, General Nicolas and maybe other
15 participants. But at their level they had regular meetings, Counsel.

16 Q. [13:19:23] Thank you, sir.

17 And to your knowledge, did those meetings unfold correctly or did you receive any
18 information about them?

19 A. [13:19:40] When the chief of staff informed us, he told us that they went well. He
20 never mentioned any problem at that level.

21 Q. [13:19:49] The next page, which is page 0049, still of that decree to the left, Article 2
22 of that decree, can you see that?

23 A. [13:20:10] Yes.

24 Q. [13:20:10] I will read the sentence, and I quote Article 2 of the decree:

25 "This deployment shall be carried out under the control of the Integrated Command

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1 Centre, the CCI."

2 Can you see that?

3 A. [13:20:42] I'm with you, Counsel.

4 Q. [13:20:45] Thank you. Now, my question: it seems to appear that the rebel forces
5 were part and parcel of the activities taking place within this framework; is that correct?

6 A. [13:21:09] Yes, that is correct.

7 Q. [13:21:14] Now we are going a little bit out of the framework of what we are talking
8 about, that is the CCI meetings. Now, did you have meetings with the representatives of
9 the impartial forces?

10 A. [13:21:32] Personally, no. I did not have meetings with representative of the
11 impartial forces.

12 Q. [13:21:43] Very well. Within the framework of your duties or at a personal level,
13 were you in contact with French officers?

14 A. [13:22:00] I knew French officers, particularly those of the 43rd BIMA, because we
15 had a training cooperation with them regarding the parachutists. Quite often we worked
16 together. So when there was a ceremony at the staff headquarters, or maybe at BIMA, I
17 was in contact with those officers, but not in any specific manner.

18 Q. [13:22:37] Very well. During the electoral period or just before, did one of those
19 officers or a French official caution you that it would be a good thing for you to leave your
20 position given that things were going to change?

21 A. [13:23:14] No, no French officer.

22 Q. [13:23:20] Very well. Now, during the crisis, that is as from the second round of the
23 presidential elections, were you ever approached by any representative of the French
24 authorities, a civilian or a soldier who asked you to put an end to the fighting?

25 A. [13:23:42] No. It was Commander Oulatta who approached me. During a

1 meeting in the house of the president of the republic I reported this and the commander
2 did not want to meet with me.

3 Q. [13:24:02] Can you spell that name for us, please?

4 A. [13:24:08] Oulatta Gahoudi Pierre. Oulatta, O-U-T-T-A. And then you have
5 Gahoudi, G-A-H-O-U-D-I. And then you have Pierre. Oulatta Gahoudi Pierre.

6 Q. [13:24:51] And what was his position?

7 A. [13:24:52] He was on retirement, but he was at the Golf. He was on retirement, but
8 at that time he was at the Golf. When he wanted to contact me to begin with, I reported
9 to General Mangou. But when we met at a meeting in the house of the president of the
10 republic, I reported also to him, but I did not want to meet him, even though General
11 Mangou wanted me to meet with him. I said no. And I reported to the president of the
12 republic that Gahoudi wanted to meet with me.

13 Q. [13:25:54] This commander, was he a French soldier?

14 A. [13:26:06] He was a soldier. And when I went to the Golf, he was wearing a
15 colonel's stripes. But I know that he was a commander.

16 Q. [13:26:27] Do you know Ambassador Simon?

17 A. [13:26:35] Yes, I know Ambassador Simon, but I don't have any specific relationship
18 with him.

19 Q. [13:26:45] During that period of the election crisis, did you have any contacts with
20 RHDP representatives?

21 A. [13:27:00] After the crisis, my wife had to travel to Europe, and I needed a visa, a
22 French visa. So through the embassy, I had that visa. And they authorised my wife to
23 have a passport. That is what I did. Otherwise, if there were no ceremonies at his
24 residence, we did not have any contacts.

25 Q. [13:27:47] Just to clarify, when you talk about a passport, was it a French passport?

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1 A. [13:27:57] I beg your pardon?

2 Q. [13:28:00] When you talk about passport, what nationality was that?

3 A. [13:28:06] It was for her to be able to travel from one country to another in Europe, a
4 Schengen passport or, rather, a Schengen visa.

5 Q. [13:28:29] Very well. Let me remind you of what the Presiding Judge said a short
6 while ago. If you feel a bit tired, please let us know.

7 A. [13:28:48] I would ask for 2 minutes or so before coming back, if that is possible.

8 MR ALTIT: [13:28:56] (Interpretation) Is that okay, Mr President?

9 PRESIDING JUDGE TARFUSSER: [13:28:59] Mr Detoh Letho, I just want you to know
10 that we have another 15 minutes, not more; 15, 20 minutes maximum. So if we could go
11 ahead these 15, 20 minutes, we would prefer to, if you feel like it.

12 THE WITNESS: [13:29:24] (Interpretation) It is possible, but I'm asking for at least 2 or
13 3 minutes. I really need them.

14 PRESIDING JUDGE TARFUSSER: [13:29:33] Okay. If you need 2 or 3 minutes, just we
15 suspend 2 or 3 minutes and then we continue, okay.

16 THE COURT USHER: [13:29:48] All rise.

17 (Recess taken at 13.29 p.m.)

18 (Upon resuming in open session at 13.33 p.m.)

19 THE COURT USHER: [13:33:44] All rise.

20 Please be seated.

21 PRESIDING JUDGE TARFUSSER: [13:33:53] So here we are again. Are you fine now?
22 We will continue another 15 minutes, okay?

23 THE WITNESS: [13:34:04] (Interpretation) Yes, Mr President, everything is fine.

24 PRESIDING JUDGE TARFUSSER: [13:34:08] Maître Altit.

25 MR ALTIT: [13:34:10] (Interpretation) Thank you, Mr President.

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1 Q. [13:34:14] Now, Mr Witness, during the crisis, amongst your subordinates, were
2 there any people approached by rebels or ex-rebels or by French authorities or even by
3 foreign diplomats?

4 A. [13:34:42] I did not have any reports to that effect.

5 Q. [13:34:51] Very well. Just one moment, please.

6 Now, regarding your career, your CV was included in the case file by the OTP. I will not
7 come back to it. I just want to quote the number. It is CIV-OTP-0005-0072. And that is
8 at tab 26.

9 I realise that between 1982, when you entered the army, and today, you have been
10 regularly promoted. My question is as follows: Did those promotions follow the
11 normal procedure?

12 A. [13:36:21] Yes, Counsel.

13 Q. [13:36:26] And what is the normal procedure?

14 A. [13:36:32] Based on the ranks, there was a structure that was set up. I will begin by
15 admission into the officers' academy. Can I proceed, Counsel? Now, when you
16 graduate from the school, and this is during our time, because things have changed, you
17 leave the school with the rank of second lieutenant. And generally you graduate in July.
18 In the following October, month of October, you're promoted to lieutenant. Then three
19 years, four years later, you are promoted to captain. And when you undergo your
20 training, because in the meantime you have training courses, so after captain, you are
21 promoted to major. And that requires four or five years, depending on how well you do.
22 I spent four years.

23 After that, there are training courses also. If you go to the general staff and you have
24 your diploma there and you are commander of a unit, because you have all those
25 parameters, you are promoted to lieutenant colonel and you can become commander of a

1 battalion. Then after four or five years, you are moved to the rank of colonel, then
2 colonel major.

3 PRESIDING JUDGE TARFUSSER: [13:38:40] What is this about?

4 THE WITNESS: [13:38:49] (Interpretation) Regarding myself, I stayed more than five to
5 six years between the rank of lieutenant colonel and the rank of colonel. I was in the
6 field, and it was in the year 2009 that I was promoted to full colonel. After that, in 2010
7 when I had to be promoted to the commander of the land forces, I was appointed colonel
8 major. And at the same time, the decree of my appointment as ComTer was issued.
9 This was in April 2010. So I followed the usual procedure of promotion within the ranks.

10 MR ALTIT: [13:40:02] (Interpretation)

11 Q. [13:40:03] Very well. Yesterday you talked to us about the PC crisis, and you said
12 that it is the same thing as the CPCO; is that correct?

13 A. [13:40:31] Yes. I said the PC crisis was the CPCO placed in at -- given to the staff
14 headquarters to manage the crisis.

15 Q. [13:40:52] Let me try to help a little bit. You tried to explain the duties of the CPCO.
16 It was not very clear. But the PC crise, does it mean it is when certain members of the
17 CPCO meet to meet a specific problem or when generals meet amongst themselves to
18 discuss? Is there anything that distinguishes the CPCO from the PC crise?

19 A. [13:41:31] To begin with, there are two issues. The centre for the planning and
20 conduct of operations was linked with, or to the crisis in the field. And it is when the
21 CPCO gives a report that the generals are present. So the CPCO remained with its past
22 structure.

23 So before the Abidjan zone was set up and placed under the authority of a ComZone, it
24 was the CPCO that was responsible for the entire national territory.

25 But when the Abidjan centre was created, they remained and were still in charge of the

1 ComThéâtre. So it is the CPCO that managed the operations in ComThéâtre and in the
2 Abidjan zone.

3 But specifically for Abidjan, all the generals used to meet to discuss the events that had
4 happened during the day or during the previous day.

5 Q. [13:43:10] Very well. I would like to move to something a little bit different and ask
6 you a few questions. Did the army know that a group of combatants had infiltrated into
7 Abidjan before or during the elections?

8 A. [13:43:41] During the presidential elections there was an agreement, I believe there
9 was a decree governing elections, and there were provisions in this decree stating that the
10 FANCI, the Security and Defence Forces, had to provide elements, and on the other side
11 the FAFN would also provide forces. The principle was that the FDS members would go
12 to the north and the FAFN elements would come to the south. And this was managed by
13 the CCI, I believe.

14 But after the proclamation of the results, the elements of the Forces Nouvelles stayed in
15 Abidjan. They did not all return to the north.

16 Q. [13:44:52] Very well. Another question, was the army aware that there were arms
17 caches in Abidjan for the intention of rebel groups?

18 A. [13:45:10] The army had information to the effect that there were weapons caches.
19 And hence, the patrols that we carried out, our elements were attacked quite easily,
20 because during that period I don't know how you would transport such heavy equipment
21 so easily. So we had information to the effect that there were weapons caches and we
22 were looking to identify them.

23 Q. [13:45:51] Now, yesterday you told us, and I cite the draft French transcript, page 59
24 from line 5. I'm going to read what you said yesterday. It will be very short and then
25 I'll put a question to you. And what I'm going to read is your answer to a question put to

1 you by the Prosecution. Now, in answer you say this and I quote:
2 "Yes, we had a meeting in December on the 1st, the 2nd, the 4th or the 5th. The second
3 meeting at that -- the chief of general staff reported on the situation in the field. The fact
4 of the matter is that since the two presidents had been sworn in, the Commando Invisible
5 had begun to attack all of our positions, all of our positions were under attack by the
6 Commando Invisible."
7 So if I understand correctly, the Commando Invisible began their attacks in December of
8 that year; is that correct?
9 A. [13:47:23] Yes.
10 MR ALTIT: [13:47:27] (Interpretation) Your Honour, I can see the time.
11 PRESIDING JUDGE TARFUSSER: [13:47:31] I can see the time as well, but we have
12 to -- you can go ahead another 2 or 3 minutes I think because we suspended for a couple
13 of minutes. So just if you close this topic and then we suspend.
14 MR ALTIT: [13:47:51] (Interpretation) Thank you, your Honour.
15 Q. [13:48:14] Witness, I have a few questions now on a different topic. Yesterday you
16 stated in the draft French transcript, transcript at page 13, line 1 -- or, rather, running from
17 line 2 -- no, I'll start with line 1, and I'll quote. I'll just miss out the first couple of words
18 of the sentence, but I think you'll recall saying this:
19 "Either he goes through the CPCO or through me to put a request to the chief of general
20 staff. There was a request for mortars, but that was in the west. So for the west to
21 provide munitions which would serve in the west, munitions and servants. But aside
22 from that, I don't recall there ever -- that mortars were ever used in Abobo. I never made
23 such a request." End of quotation.
24 Now, my question is, as regards this request that you refer to, the request for mortars to
25 be sent to the west, do you recall when your subordinates made that request to you

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1 approximately?

2 A. [13:49:58] I was at the headquarters, the general staff. It was approximately 6 p.m.
3 The chief of general staff had left for home. When I received a request, a request from
4 Colonel Major Séry Polie, who was responsible for logistics, stating that troops in the west
5 needed munitions, 82 millimetres I believe or 80 millimetres, and he asked whether I
6 could sign off on such a request because he wanted the munitions to be dispatched that
7 evening or the following morning to the west.

8 THE INTERPRETER: [13:50:57] The Interpreter corrects: 82 or 85 millimetre.

9 THE WITNESS: [13:51:02] (Interpretation) So I contacted chief of general staff and told
10 him that I had received this request and I asked him whether I had authorisation to sign.
11 And he said yes, that it was a good idea. So I signed off for the dispatch of 82 millimetre
12 munitions.

13 Now, in the west there was a regular rotation taking place. But as a rotation was
14 outstanding, we took advantage thereof to dispatch the munitions at the same time.

15 MR ALTIT: (Interpretation)

16 Q. [13:51:45] And do you recall when this was? Do you recall the month?

17 A. [13:51:52] Yes. It was in March, February or March, towards the end.

18 Q. [13:52:06] Very well. Now, I'm going to read your earlier statement, the earlier
19 statement that you made to the Office of the Prosecutor. This was in 2015. I'll cite the
20 reference number, CIV-OTP-0080-1525, 1525 from page 1536 to page 1537, from line 374 to
21 line 416 -- rather, 394 to 416.

22 Now, Witness, do you see your statement before you?

23 A. [13:53:13] Yes.

24 Q. [13:53:19] Very good. Just to give you the background, the Office of the Prosecutor
25 has shown you a document and you are speaking to that document. So I'm going to start

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1 quoting from line 394. Are you ready? Are you ready, Witness?

2 "Interviewer 3: Yes, yes, it's a document. It's a message.

3 Interviewee:" That's you, Witness "Mm-mm.

4 Interviewer 3: Which is, which is addressed to a unit commander and dated ... this one is
5 dated 6 December, yes, but it's from ComTer.

6 Interviewee:" That's you "Mm-mm.

7 Interviewer 3: This was against the background or the backdrop of provision of security
8 in the post-electoral period. I'm going to read that document to you.

9 Interviewee: Mm-mm.

10 Interviewer 3: This document is dated 6 December 2010.

11 Mm-mm.

12 Interviewer 3: And it's number is 0071-0684."

13 And there at line 408 you answer:

14 "Yes, that's right. I remember well that at that time the whole of the west, the whole of
15 the country, as of the 1st had begun to become under attack, and the troops based in the
16 west, specifically Guiglo, and those in Duékoué, et cetera, et cetera, all needed resources.
17 They needed resources. They had expressed that need. And that day the chief of
18 general staff, because he normally would send that equipment to the west, was not
19 available. The chief of general staff was not available, so the logistics division took the
20 request to me to sign off on rapidly so that the dispatch could be made that night, given
21 that as of 6 p.m. Mangou was no longer there, and so I signed."

22 Do you recall stating that?

23 A. [13:56:07] Yes, I do, Counsel. I recall having said that.

24 Q. [13:56:12] So you seem to be referring to the exact same incident, the incident that
25 you spoke of just before I read out this quotation. But in speaking to the officers of the

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1 Office of the Prosecutor, you refer to this taking place on 6 December. Does this refresh
2 your memory?

3 A. [13:56:40] Yes, it does refresh my memory.

4 Q. [13:56:45] Was the date or is the date of 6 December correct?

5 A. [13:56:48] No. I think that I signed when I was commander of Abidjan operations,
6 because prior to that, if a request had not come from one of my battalions, I wouldn't have
7 had the authorisation to sign it.

8 Now, if the request came before I was appointed, then the date of 6 December would be
9 correct. But if the request came afterwards, it would have been in March. And then 6
10 December wouldn't be correct. I don't know if you follow me.

11 Q. [13:57:40] I do. Thank you very much.

12 I turn now to the Presiding Judge. I'm going to move to a new topic.

13 PRESIDING JUDGE TARFUSSER: [13:57:48] Before you move to a new topic, I block
14 you and we stop it here for today. We have finished the third session.

15 We will come back tomorrow morning at 9.30 our time, at 8.30 your time, and then we
16 continue with the questioning by the Defence for Mr Gbagbo. Is it okay? You
17 understood?

18 THE WITNESS: [13:58:19] (Interpretation) Yes, yes, your Honour.

19 PRESIDING JUDGE TARFUSSER: [13:58:21] Thank you very much. So the hearing is
20 adjourned to 9.30, 8.30 respectively.

21 THE COURT USHER: [13:58:31] All rise.

22 (The hearing ends in open session at 1.58 p.m.)