

Trial Hearing
WITNESS: CIV-OTP-P-0047

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Tuesday, 7 November 2017
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:32] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:04] Good morning.
15 Good morning here to you in the courtroom.
16 And good morning also to the remote location. I would ask if, first of all, if you can
17 hear me?
18 WITNESS: CIV-OTP-P-0047
19 (The witness speaks French)
20 (The witness gives evidence via video link)
21 THE WITNESS: [9:32:29] (Interpretation) Yes, I can hear you, your Honour.
22 PRESIDING JUDGE TARFUSSER: [9:32:35] Okay. Thank you very much. So we
23 can start not yet with the questioning because first we have to do some other things,
24 like to identify the witness.
25 Please, Mr Witness, could you give us your full name and the date and place of birth,

1 your nationality and all what is necessary to identify you.

2 THE WITNESS: [9:33:17] (Interpretation) Thank you very much. I am Brigade
3 General Deto Letho. I was born on 11 June 1956 in Asseyaokra, Béoumi
4 sub-préfecture. With the new division of electoral areas, my village is now part of
5 Kounahiri.

6 I am a Christian. I belong to an Evangelical Church. I am married. I did my
7 primary education in Boayakro, and that is part of the Béoumi sub-préfecture. It is
8 now part of the sub-préfecture of Kounahiri. After my primary education, I went to
9 the Bouaké school for high school and then I went on to Abengourou for my classical
10 studies.

11 After my father passed away, may he rest in peace, I made an application to the
12 ENSOA, at ENSOA, that is, the national school for non-commissioned officers.
13 After 11 months of training, we graduated and I was appointed to the rank of chief
14 corporal. After that, I applied for other training, the officers' school in Bouaké.
15 After two years of training there, on 11 June 1984, I graduated and I became a
16 sub-lieutenant. In 1985, I was assigned to the 1st battalion.

17 On 25 --

18 THE INTERPRETER: Inaudible.

19 THE WITNESS: -- I did my training, my service, and I decided to opt for the
20 infantry. And then I decided to become a commando. I stayed there until the year
21 2007.

22 At that time, I was assigned to the military academy and I was in charge of instruction
23 there. In the year 2001, I was reassigned to the 1st battalion for commandos and
24 paratroopers.

25 We were there and then the 2002 war broke out, 19 September 2002. Well before that

1 time, I was appointed commanding officer of the 1st commando parachuter battalion.
2 That war took us up to the year 2010. That is when the election occurred. After the
3 election results were announced in 2010, there were two presidents. There was
4 President Gbagbo Laurent and then there was President Alassane Ouattara. Both
5 gentlemen said that they had won the election.

6 Well before that, I forgot to tell you that in 2006, I was appointed prefect of the
7 Duékoué department. In 2010 I left that position and I was appointed commander of
8 the land forces, the ground forces.

9 Ever since 2010, I have been in that position, up until 2010 presidential election.

10 PRESIDING JUDGE TARFUSSER: [9:37:55] Mr Detoh Letho, can you stop here,
11 because this will be part of your questioning by the parties, the period you are
12 mentioning now. I just want to finish with all the preliminary issues. But thank
13 you in any case to have given an overview of your military career.

14 Now, before giving the floor to the Office of the Prosecutor, I want also to tell you that
15 we will have only short -- we'll have shorter sessions due to what was told us by the
16 VWU, and therefore, we will have only three sessions of one hour each, interrupted
17 by half an hour of a break. That means that we finish on this. I tell also to the
18 parties, we will not have a lunch break. We will have a lunch break at 1.30. So we
19 will have three sessions, both all three divided by twice, half an hour, okay.

20 Further, you have been assigned a lawyer, who is sitting near you, to provide you
21 with the legal advice about possible self-incrimination. Mr Kane is present -- or
22 Kane, I would say, is present with you. And if at any moment any concern arises
23 during your testimony, he will be able to advise you and to raise those concerns with
24 the Chamber.

25 In any case, the Chamber gives you the assurance, pursuant to Rule 74(3) of the Rules

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1 of Procedure and Evidence, that your testimony will not be used either directly or
2 indirectly against you in any subsequent proceedings by this Court, except in case of
3 offences against the Court if you do not say the truth.

4 So if any question is asked that could somehow lead to your self-incrimination, we
5 will hear your answer in private session and keep this answer confidential.

6 The questioning party is responsible for requesting private sessions prior to asking
7 questions that may lead you to incriminate yourself, and obviously also duty counsel
8 should be alert to intervene if he deems it appropriate.

9 I have another observation relating to the language. You're speaking French. I'm
10 speaking English. We have interpreters and court reporters here in the Court.

11 They have to understand us well in order to be able to translate, to interpret, what we
12 are saying and to write down properly what we are saying. So please, speak -- we
13 have to speak slowly, and we have to avoid to overlap. So when you are asked a
14 question, you are asked a question, please wait, wait for a couple of seconds before
15 responding.

16 You have understood this?

17 THE WITNESS: [9:42:04] (Interpretation) Yes, I've understood, your Honour.

18 PRESIDING JUDGE TARFUSSER: [9:42:13] Thank you. Now obviously you are
19 aware that this Chamber has been established to try the case of the Prosecutor against
20 Mr Gbagbo and Mr Blé Goudé, and you are here as a witness. And the witness is a
21 person who has to say the truth, to answer the questions, and to answer them
22 truthfully. So to that effect, I would ask you to -- I hope you have it in front of you;
23 I'm sure you have it in front of you -- to read the formula of the solemn undertaking.
24 Can you please read this formula. I don't know if -- okay, you should have it.

25 THE WITNESS: [9:43:17] (Interpretation) I solemnly declare that I shall tell the

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1 truth, the whole truth and nothing but the truth.

2 PRESIDING JUDGE TARFUSSER: [9:43:27] Thank you very much. Now, the last
3 information I have to give you is that not saying the truth is an offence against the
4 Court and, as such, punishable. So, your only duty is to answer the questions and
5 answer them truthfully.

6 And now I give the floor to the Office of the Prosecutor. Ms Pack, you have the
7 floor.

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

9 QUESTIONED BY MS PACK:

10 Q. [9:44:07] Mr Witness, Ms name is Ms Pack, and I'll be asking you questions on
11 behalf of the Prosecution. Good morning.

12 A. [9:44:20] Good morning, ma'am.

13 Q. [9:44:23] Now, I'll just go straight, please, to the post-electoral crisis, and by that
14 I mean from 27 November 2010.

15 What position did you hold during that time in the FDS?

16 A. [9:44:49] I was the commander of the land forces.

17 Q. [9:44:57] And up until what point did you hold that position?

18 A. [9:45:03] I was appointed commander of the land forces on 10 April 2010.

19 Q. [9:45:19] Did you leave service at one point during the post-electoral crisis?

20 A. [9:45:28] I remained commander of the land forces up until, up until 11 April
21 2010. But as of 22 January, up until 20 March 2011, I was designated commander of
22 Abidjan operations.

23 Q. [9:46:07] And on 11 April, were you confirmed in your position as commander
24 of the forces terrestres by President Alassane Ouattara?

25 A. [9:46:22] Yes, I was confirmed. But on 7 June 2011, I was appointed to the

1 position of deputy to the chief of staff of the armed forces of Côte d'Ivoire.

2 Q. [9:46:48] I'm going to ask you, please, to look at your curriculum vitae, your CV.

3 It is at tab 26. CIV-OTP-0005-0072. And it can be displayed publicly.

4 THE COURT OFFICER: [9:47:21] Would you like to have the redacted version
5 published or the original version?

6 MS PACK: [9:47:27] The original version is fine. Thank you very much.

7 Q. [9:47:56] Do you have the document in front of you?

8 A. [9:48:07] Yes, I can see it.

9 Q. [9:48:09] And you can confirm, can you, that that's your CV that you provided
10 to the Office of the Prosecutor?

11 A. [9:48:18] Yes, I can confirm that.

12 Q. [9:48:27] Now, as to your appointment to the rank of général de brigade, when
13 were you promoted to that rank?

14 A. [9:48:37] I was appointed brigadier general on 1 April 2010 -- no, 2011; I beg
15 your pardon.

16 Q. [9:48:57] During the crisis --

17 A. [9:49:03] 2010, please, 2010.

18 Q. [9:49:09] I want to ask you a bit more about your position as commander of the
19 forces terrestres. You received your orders from whom, in that position?

20 A. [9:49:25] As the commander of the land forces, I received orders from the chief
21 of staff, namely, General Mangou, Philippe Mangou.

22 Q. [9:49:54] And you reported to whom?

23 A. [9:50:04] To Philippe Mangou, chief of staff, responsible for all armed forces.

24 Q. [9:50:15] Can you describe very briefly your duties as commander of the forces
25 terrestres?

1 A. [9:50:23] Well, I can do that in two parts because, first of all, there was the role I
2 played in times of peace and then the role I played during crisis. During peace time,
3 as is the case in all armies, I was responsible for training my men. I was responsible
4 for keeping all equipment in a state of readiness. I was responsible for organising all
5 the troops so that they should be operational in the event of a possible crisis. So,
6 generally speaking, that was the role I played during peace time.

7 During times of crisis, upon instruction from the chief of general staff, I would lead
8 my troops when they were being deployed. If a crisis breaks out, it is the chief of
9 general staff who takes all command into consideration.

10 Q. [9:51:54] And just to be clear, in the chain of command, who was subordinate to
11 you, as the commander of the forces terrestres?

12 A. [9:52:05] As the commander of land forces, well, I must say that I had the chef
13 major, my headquarters, and that was basically made up of my deputy, then a
14 secretariat, and so, you see, that was the headquarters itself. What is more, I also
15 commanded all the battalions of the land forces, namely, the 1st infantry battalion, the
16 2nd infantry battalion, the 3rd infantry battalion, the 1st commando and paratrooper
17 battalion, the 1st engineering battalion, the land-to-air artillery battalion.

18 Then there was the support battalion, the unit that provided support to the land
19 forces. I had eight or nine battalions that I led in the field.

20 Q. [9:53:35] Let's just start briefly with your deputy. Who was that, the name,
21 please?

22 A. [9:53:46] My deputy was Major Colonel Koloubla Fidèle.

23 Q. [9:53:58] Just for the record, I think that was Koloubla; is that right?

24 A. [9:54:03] That is what I said, Koloubla.

25 Q. [9:54:13] He was based where?

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1 A. [9:54:20] He was at the land forces headquarters at the former Akouédo camp.

2 Q. [9:54:30] So far as the battalions under your command were concerned, you
3 have identified a number of battalions. You said there were eight or nine under your
4 command. The 1st bataillon blindé, was that also under your command?

5 A. [9:54:55] Affirmative.

6 Q. [9:54:56] The BASA, I'll use the acronym, was that also under your command?

7 A. [9:55:03] I mentioned the BASA, ma'am. I mentioned that particular unit a few
8 moments ago. It was under my command. The surface-air artillery battalion, the
9 BASA.

10 Q. [9:55:20] And so far as that unit is concerned -- you mentioned the BASA -- was
11 there also another unit, the BASS? B-A-S-S is the acronym.

12 A. [9:55:38] Yes, there was the BASS, but, you see, in light of the crisis, the BASS
13 was brought back to Abidjan. And the commander of the BASA was also the
14 commander of -- basically, one commander was in charge of the BASA and the BASS.
15 So there was the ground-ground artillery battalion and then there was the ground-air
16 artillery battalion. Both battalions were under the commanders, under the command
17 of that person.

18 Q. [9:56:17] Who was that person?

19 A. [9:56:22] Lieutenant-Colonel Dadi Rigobert.

20 Q. [9:56:33] And during the crisis, the commander of the 1st bataillon blindé was
21 who?

22 A. [9:56:40] Colonel Adjoumani.

23 THE INTERPRETER: [9:56:49] Interpreter correction, line 15, page 10, Lieutenant
24 Colonel Dadi Rigobert.

25 MS PACK: [9:56:57]

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1 Q. [9:56:57] Just for the transcript, I think it should be Rigobert Dadi.

2 So far as the 1st BCP was concerned, who was the commander during the crisis of that
3 unit?

4 A. [9:57:16] During the crisis, first of all, there was Commander Toaly Williams Bai,
5 and then he was replaced by Commander Brice, who replaced him in that position.

6 Q. [9:57:41] And so far as the locations of all these battalions, which battalions were
7 based with the état-major of the forces terrestres at the former, the old camp
8 Akouédo?

9 A. [9:58:02] It was the 1st commando parachuter battalion, but that was within the
10 headquarters itself. As support unit, there was the UCS, the unit that provided
11 support.

12 Q. [9:58:30] And Akouédo new camp, who was there? Which units were there
13 then?

14 A. [9:58:38] At the new camp there were three battalions. There was the 1st
15 infantry battalion led by Lieutenant Colonel Doumbia --

16 THE INTERPRETER: Inaudible.

17 THE WITNESS: The 1st armoured battalion led by Colonel Adjoumani and then the
18 BASA-BASS led by Colonel Dadi Rigobert. Those were the three battalions at the
19 new camp.

20 Q. [9:59:17] The 2nd infantry battalion was based where?

21 A. [9:59:20] The 2nd infantry battalion was based in Daloa.

22 Q. [9:59:34] And the 3rd infantry battalion?

23 A. [9:59:38] Initially, the 3rd battalion was in Bouaké. But because of the war, we
24 brought back that unit to Anyama, to Abidjan-Anyama.

25 Q. [9:59:59] Now, so far as the BASA is concerned, can you describe the organic

1 equipment available to the BASA, to that unit?

2 A. [10:00:10] First of all, it was in two parts. The first part was the
3 surface-to-surface battalion, or related to the surface-to-surface battalion. Now, they
4 had mortars, 120-millimetre mortars. They also had vehicles, Vera vehicles with 20
5 millimetre mortars, and the surface to air battalion had similar equipment. They
6 also had multi rocket launchers, 40 millimetre rocket launchers.

7 Q. [10:01:32] During the post-electoral crisis, were you aware of the quantity of
8 weapons that Dadi had, weapons and ammunition that Dadi had at his disposal?

9 A. [10:02:00] I wasn't aware of the quantity, the quantity of weapons available to
10 Dadi. Now, after the crisis, I should say after 11 April, I continued on as ComTer,
11 and in that capacity we visited a zone, premises where I discovered twin guns in large
12 quantities. Now, I wasn't aware of that previously because in the field we needed
13 weaponry, but it wasn't available to us. So I can certainly state that I wasn't aware of
14 all of the equipment, the means available to Dadi.

15 Q. [10:02:57] Where were these bitube discovered, which location?

16 A. [10:03:06] That was at the BASA, at the BASA location itself.

17 Q. [10:03:21] Now, are you familiar with the, in French, sous-groupement tactique?

18 A. [10:03:35] Yes, I'm fully aware of the tactical subgroup.

19 Q. [10:03:44] Was that also --

20 A. [10:03:48] Yes, ma'am.

21 Q. [10:03:48] Was that another unit that was subordinate to you?

22 A. [10:03:55] Yes. The tactical subgroup reported to me. It was set up before I
23 became ComTer. I think that General Bombet was ComTer at that point in time.
24 Now, the tactical subgroup was made up of soldiers from the BB, the infantry
25 battalion, and from the BASA and the 1st BCP. It was a large company. So there

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1 were soldiers from various units and those soldiers came with equipment, with their
2 own organic equipment. And the primary weaponry used was a 12.7 millimetre,
3 and that was installed on a tarpaulined vehicle. It was about -- there were about 100
4 people in the subgroup.

5 Q. [10:05:17] The commander was who, please?

6 A. [10:05:22] During my period it was Zadi, Zadi Clément who was the
7 commander of the tactical subgroup.

8 Q. [10:05:37] And where was this unit based?

9 A. [10:05:40] Sorry? Could you repeat your question? Thank you, ma'am.

10 Q. [10:05:51] Where was this unit based?

11 A. [10:05:56] That unit was based at the commander of land forces camp, the
12 ComTer camp.

13 Q. [10:06:11] And just briefly, before we move on, the engineers battalion, where
14 was that based, please?

15 A. [10:06:17] Well, it's actually you who informed me about an engineers battalion.
16 To my mind there wasn't an engineers battalion. There was the 1st engineering
17 battalion. It was originally in Bouaké and then it was moved to Abidjan-Anyama.

18 Q. [10:06:54] Thank you for that clarification. Right, we'll move on. We'll start
19 with the election period. In order for the ground forces, the land forces to participate
20 in operations in Abidjan, were they, were the land forces requisitioned during the
21 2010 election period?

22 A. [10:07:33] Yes, ma'am. The land forces are part of the Côte d'Ivoire army.
23 And the army was requisitioned and, therefore, they took part and they, they
24 responded to the requisitioning.

25 Q. [10:07:48] I'm just going to show you a document, it's CIV-OTP-0018-0047.

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1 And it can be displayed publicly. It's tab 67 in the binders. And if we could go
2 directly to page 0048 of this document. We need to move down the page, please, to
3 the second half of the page, the bottom half of the page, from -- if we could just move
4 the decree on the right, if we could have that at the top of the page, the 14 -- stop.
5 Thank you.

6 Just take your time please to read decree of 14 November, which is on the right-hand
7 side. And if we could scroll down, please. And then to the following page.

8 A. [10:09:45] Could you enlarge the font for me, please?

9 Q. [10:09:51] Okay. If we can go back to the first page, bottom right-hand side.

10 A. [10:10:25] (No interpretation)

11 Q. [10:10:25] Sorry, page 0048, 0048, please.

12 The decree that you've just been shown, have you seen it before?

13 A. [10:10:45] Well, before, it depends on at what point in time you're referring to.
14 Whether I saw it during the investigation or whether I saw it at an earlier point in
15 time as part of my review.

16 Q. [10:10:58] Were you aware of this decree during the post-electoral crisis?

17 A. [10:11:04] We received orders and they referred to this document. But I had
18 not previously seen this document.

19 Q. [10:11:22] And was the effect of this document, so far as you were aware, to
20 requisition the armed forces including the forces terrestres during the post-electoral
21 crisis?

22 A. [10:11:41] The requisition which took place was initially intended to ensure
23 security around the 2010 elections. Then there was another decree, the purpose of
24 which was also to requisition the national armed forces of Côte d'Ivoire, FANCI.
25 That second decree relates to the period after the president had been sworn in to April

1 2011. And the purpose of the second decree was also to protect the election process.

2 Q. [10:12:44] Do you recall the date of the second decree?

3 A. [10:12:47] No, I don't recall.

4 Q. [10:13:00] Now, let me show you another document, please, it's tab 62 and it's

5 0071-0695. I'm shifting topics slightly. We'll come back to the requisitioning of the

6 armed forces a little later, but for now we go to this document. Public, please.

7 Now, this is more a question about the form of this document than the content, which

8 I'm not going to ask you about. But take your time to look. For the record, it's

9 dated 2 December 2010 from ComTer to Chef PC période électorale.

10 If we can scroll down to the end and then to the following page.

11 A. [10:14:15] I don't have the top of the document in front of me. I can see the

12 passage concerning Delta, but I can't see the top. Could you show me the top of the

13 document, please?

14 Q. [10:14:27] We can go back to the first page again please. Thank you. And

15 then scroll down again, please, and to the second page, please, to the stamp and

16 signature.

17 The signature, do you recognise that, the signature? Can we go down to the

18 signature, please?

19 A. [10:15:43] Yes, that's my signature.

20 Q. [10:15:44] Okay. And we go back to the first page and we see the title of the

21 document is, it's a "Bulletin de Renseignement Quotidien (BRQ)". You just tell us

22 please how these documents were compiled?

23 A. [10:15:59] Well, each day a daily bulletin containing information was sent from

24 the various units in the field around the country. The information was then

25 compiled, and the compiled bulletin was then sent to the PC for the electoral period,

1 the chief of that PC.

2 Now, it's important to know that during the electoral period we had one person who
3 had full control of all matters related to the elections. So each day we would compile
4 a report on everything that had happened in that day, and also we would receive
5 information in return from the PC of elections.

6 Q. [10:17:18] And who is the chef PC période électorale on this document?

7 A. [10:17:22] I don't recall his name.

8 Q. [10:17:34] And do you recall why it was that this document dated after the
9 elections is addressed to the chief of the PC électorale?

10 A. [10:17:49] Well, the same individual remained in post, so he was still operational
11 in that post. So repeatedly as we received information, we would report it to him
12 and, similarly, he, if information was related to him from the field, he would send it
13 to us. The situation continued in that fashion.

14 Q. [10:18:33] How did you report to the CEMA, to the chef état-major des armées?

15 A. [10:18:43] I would report to the chief of general staff of armies, either through a
16 message or by telephone. We would have discussions on our cell phones or by
17 means of messages.

18 Q. [10:19:11] Now, I want to move to your position that you told us about earlier,
19 that you were appointed at one point during the post-electoral crisis as commander of
20 Abidjan operations, you told us earlier.

21 A. [10:19:38] Yes.

22 Q. [10:19:39] Who appointed you to that position?

23 A. [10:19:44] It was General Philippe Mangou, who was the chief of general staff of
24 the army.

25 Q. [10:19:58] And you told us earlier you were appointed to that position on 22

1 January; is that right?

2 A. [10:20:09] Yes, 22 January, 22 January. I took up my post on 22 January. In
3 fact, he appointed me in the course of a meeting.

4 Q. [10:20:29] Was there a command post established that related to your role as
5 commander of Abidjan operations?

6 A. [10:20:49] Yes. In fact, since the start of the crisis and indeed for some time
7 before that, there were planning centres, centres for planning and conducting
8 operations, which were led by Colonel René Sako. So as soon as I was appointed,
9 the general provided that structure, which he led himself, to me. He made available
10 to me and to the PC elections, PC crisis.

11 So, let me tell you how this works in practical terms. The chief of the CPCO receives
12 instructions from the chief of general staff. And he is the one who is responsible,
13 firstly, for translating the instructions from the chief of general staff to paper.

14 So, it is he who plans the operations. It is he who sets out the orders regarding the
15 various remits provided to him by the chief of general staff. He receives the
16 messages from the chief of general staff and relays them to the chief, chiefs of the
17 army corps, so the force commanders. So it is he who will commit to paper the
18 instructions he is receiving. For example, if there is a situation and soldiers need to
19 be designated, it is the CPCO who sends the message in the name of the chief of
20 general staff so that a unit is to be made available with a certain number of soldiers
21 and certain resources. And those documents would be written up by Colonel Sako,
22 but upon instruction from the chief of general staff.

23 So I never gave him orders, because I didn't have the right to give him orders. It
24 wasn't my role.

25 After the meetings, each time that the general staff would meet, there would be

1 discussions and the chief of general staff would issue instructions, take decisions, and
2 relay those to the CPCO.

3 Now, the CPCO would then commit those to paper or relay them in the form of
4 messages.

5 Now, the next day, to come back to the beginning, we met at 8 o'clock, and we had a
6 discussion about what had been happening the day before, in the night, notably.

7 There would be a discussion, and the chief of the general staff would give instructions
8 to the CPCO, and he would issue those instructions in writing in the form of
9 messages. So that was the role of the CPCO.

10 So if you like, I can summarise. Basically, the CPCO was provided to the PC crisis,
11 and that CPCO was a structure which served the general staff. The same CPCO,
12 therefore, was serving two purposes simultaneously: It was relaying instructions
13 from the CEMA, to theatre, and also to me. So he played the role of liaison between
14 the CEMA and the theatre and Abidjan operations.

15 Q. [10:25:21] You talk about the PC crisis, the crisis PC. Do you recall when,
16 when that was established?

17 A. [10:25:31] When I refer to the PC crisis, in fact, it's the same thing. The CPCO
18 and the PC crisis is the same thing. It's basically the structure that was put in place
19 to ensure that we could follow operations. So the PC crisis and the CPCO were the
20 same thing.

21 All of the generals attended morning or afternoon meetings, meetings in the morning
22 or the end of the afternoon at the PC crisis, and there we received information from
23 the CPCO who would inform us of what had been taking place in the field over the
24 course of the day.

25 He was in contact with units in the field. He was the contact. He was also the

1 person who appointed the leaders in the field. If I take the case of Abobo, every
2 second day or every week, because it's difficult to go to Abobo, he appointed the
3 officers who would serve in the field. And he maintained contact with them. I too
4 had contact with those leaders in the field.

5 So my role was to report to the chief of general staff on what was going on in the field
6 and also to relay the instructions from the chief of general staff provided to me by the
7 CPCO to the field and notably to the leaders in the field.

8 At the same time there were the leaders of the army corps, but also there was a group
9 of high-level army officers who were appointed, and they were appointed by the
10 CPCO.

11 Q. [10:27:53] Okay. Let me just ask you some questions now. I want to show
12 you a document, 0071-0520, public, and it's tab 169. Right. Just for the record, it's
13 from the ComTer to Commandant Toutes Unités, and then, FT-tous chefs de bureaux.
14 Just go down a bit, please, to the stamp. Can you just tell us, please, the stamp and
15 who that document is signed by?

16 A. [10:29:01] Could you scroll down the document a little bit further. I can
17 see -- oh, sorry. Could you move the document upwards. I'd like to see the top,
18 before BT. I can see it now. Okay. Please, you may lower the view. Thank you.

19 Q. [10:29:34] All right. The stamp there, do you recognise the stamp?

20 A. [10:29:40] Yes. I can see Colonel Major Koloubla and Second Commander
21 Land Forces, and I have signed it. Sorry, it's my deputy who signed it.

22 Q. Please, just before we break, the signature.

23 A. Yes, I can read the various references, and the signature is that, is that of Colonel
24 Major Koloubla Dakouri Fidèle, who was my adjutant, my assistant, at the land forces.
25 And there he has signed off on a message from the headquarters, the general staff,

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1 asking those who are not part of the general staff, the part of the PC crisis, not to
2 attend in the meeting room. So it seems that the meeting room had been reserved
3 for the CPCO to conduct operations. And the CPCO staff have left their usual place
4 of work to attend in that room, and in addition, there were representatives of all
5 forces, land forces, police, gendarmerie, that is to say, all of the components of the
6 FDS.

7 So that room was used to issue orders, the meeting of generals, et cetera. So it was
8 quite important. So here we see the chief of general staff to the force commanders,
9 asking them to inform their staff not to attend at that location. That was very
10 important, because that's where the decisions were being taken.

11 So that is a message which has been taken in hand by my deputy, and he is informing
12 the different battalions of this instruction.

13 MS PACK: [10:32:19] We'll pause there because I note, Mr President, that it is 10.30,
14 and I have some follow-up questions.

15 PRESIDING JUDGE TARFUSSER: [10:32:26] I was going to stop you because we
16 have one-hour sessions for today. Now we break and we come back at 11 o'clock.
17 The hearing is adjourned.

18 THE COURT USHER: [10:32:34] All rise.

19 (Recess taken at 10.32 a.m.)

20 (Upon resuming in open session at 11.01 a.m.)

21 THE COURT USHER: [11:01:34] All rise.

22 Please be seated.

23 PRESIDING JUDGE TARFUSSER: [11:01:59] Good morning once again. Good
24 morning in the remote location. Can you hear me? Are you ready?

25 THE WITNESS: [11:02:11] (Interpretation) Yes, I can hear you, your Honour.

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1 PRESIDING JUDGE TARFUSSER: [11:02:15] Okay. Thank you very much.

2 Now, therefore, I give the floor to Ms Pack again, the Office of Prosecutor, for the
3 questioning. Yours the floor.

4 MS PACK: [11:02:25] Thank you. Could we have the document back up that we
5 were looking at before. It was CIV-OTP, thank you, 0071-0520, for the record.

6 Q. [11:02:40] Now, just to be quite clear, who was head of the PC crisis at this time?

7 A. [11:02:56] I said that I didn't know. I don't remember the name of the person
8 who was the head of the election crisis post.

9 Q. [11:03:16] Let me take you to another document, 0045-0121, public display, tab
10 226 in the binder.

11 Now, I wonder, is there, are there any hard copies available for the witness to look at
12 in Abidjan? Just if there is a binder prepared, it might be easier for him. Just to
13 make sure I ask the question.

14 PRESIDING JUDGE TARFUSSER: [11:03:45] Well, but if you prepared the binder,
15 he will have it.

16 MS PACK: [11:03:48] No.

17 PRESIDING JUDGE TARFUSSER: [11:03:49] If you have not, he will not have it.

18 MS PACK: [11:03:51] We sent a list over, but if there is nothing available, then fine.

19 We'll stay with this.

20 THE COURT OFFICER: (Via video link) [11:04:01] (Interpretation) Your Honour, I
21 have the documents that have been downloaded onto my computer, and I can show
22 them to the witness on my screen in high definition.

23 PRESIDING JUDGE TARFUSSER: [11:04:16] Okay. Please do so.

24 MS PACK: [11:04:18] Sorry. I think I probably gave the wrong reference number.

25 It was 0045-0121, if that could be brought up.

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1 THE COURT OFFICER: (Via video link) [11:04:39] (Interpretation) Your Honour,
2 the documents are being shown to the witness here in the remote location on the
3 computer.

4 PRESIDING JUDGE TARFUSSER: [11:04:49] Okay. But is it about the name of this
5 commander?

6 MS PACK: [11:05:01] Yes.

7 PRESIDING JUDGE TARFUSSER: [11:05:02] Why don't you suggest the name and
8 ask him if this is --

9 MS PACK: [11:05:07] I think I better ask him to look at the document, actually.

10 Q. If you look, please, I'll read out for the record, talks about a (Interpretation)
11 "Working meeting led, chaired, by brigadier general commander of the land forces,
12 head of the command post, that will be held on Thursday, 24 March, at 10 a.m. in the
13 meeting room of the army headquarters."

14 So just to be very clear, were you the chef, the chief, the head, of the crisis PC at this
15 time?

16 A. [11:05:53] Yes, but I did not attend that meeting. Colonel Sako took that
17 meeting. I wasn't there.

18 Q. [11:06:14] Okay. So back on 21 February, when we see that a "post de conduit
19 des opérations" is established in the conference room of the état-major, were you at
20 that time also head of that command post?

21 A. [11:06:41] Yes, I still -- well, I left there on 31 March. I was still the chief. But
22 what I would like to tell you is this: Everything that had to do with the meetings at
23 the headquarters, meetings of general staff, having to do with the post-election crisis,
24 I did not chair those meetings. That meeting, it was the head of the CPCO who
25 chaired. He invited the head of the -- the heads of all the units, that is to say,

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1 amongst the forces, to attend the meetings. Because, if you scroll up or, rather, down,
2 you'll see the various zones that were -- so I think this -- if you could scroll up, please,
3 I would like to see which zones. Yes, there. There. Thank you.
4 So you can see the various acronyms. So you see, at first, there were five areas or
5 zones, but as we moved forward, as we progressed, we tried to improve the
6 arrangements, and all the heads were invited so that the intelligence could be
7 provided to them. But I wasn't actually there. I did not attend. I never chaired
8 any such meetings at army headquarters at that time.

9 Q. [11:08:42] And just to be clear, why was it that you were appointed to the
10 position of commander of Abidjan operations, as you've told us, and head of the PC,
11 the crisis PC?

12 A. [11:09:05] I told you that at the beginning. When I say "crisis command post,"
13 that was the unit that was set up, or the structure, so to speak, from the CPCO to
14 monitor operations in Abidjan. And the CPCO was led by Colonel Sako. At all
15 times it was the cell, the sub-unit, that made proposals, that drafted all the orders that
16 came from the general staff, especially everything that had to do with operations. So
17 when the post-election crisis broke out starting on 22 January, I was appointed to --

18 THE INTERPRETER: Inaudible.

19 THE WITNESS: -- to serve as mechanism for forwarding information or decisions,
20 rather, from the CPCO to people in the field. At the same time, the CPCO, that was
21 the unit that was responsible for the organisation of all
22 operations.I --

23 THE INTERPRETER: Inaudible.

24 THE WITNESS: -- in the field, I would come. I would come if necessary. I
25 attended some meetings in the morning or in the afternoon if necessary, if truly

1 necessary. But I wasn't in the field since 2004. I had not been in the field since 2004.
2 I had been in 2005 to 2010 the prefect of Duékoué, but from an operational point of
3 view, I was never in the field.
4 So, you see, I was there when there was a situation, because, you see, the general
5 appointed me because I had the largest number of men out in the field. That is why
6 I was appointed. But I never took decisions. I never took any decisions. I never
7 drafted any order whatsoever. It all came from the chief of general staff.
8 And the generals would group, would meet, at 8 in the morning or in the afternoon,
9 depending on what was going on in the field.

10 MS PACK:

11 Q. [11:11:40] Just pausing there with the meetings that you've just described in the
12 morning or in the afternoon, just tell us the meetings of the generals. Briefly, which
13 generals are you talking about who were meeting?

14 A. [11:12:01] All the generals, the chief of general staff, general of armies himself,
15 Mangou Philippe. There was General Kassaraté. There was General Guiai Bi Poin.
16 There was General Aka Kadjo. There was General Vagba Faussignaux. There was
17 also, well, there was myself.

18 Q. [11:12:35] What about General Dogbo Blé?

19 A. [11:12:40] No. He never came to those meetings. He never went to those
20 meetings at the headquarters, no.

21 Q. [11:12:51] Now, tell us, please, in relation to your role, to whom did you report
22 your role at this time, as head of the crisis post?

23 A. [11:13:11] I reported to the chief of general staff, Philippe Mangou. When he
24 had instructions for me, he would give them to me, and I would pass them on to the
25 heads of the units out in the field or to the relevant unit. And what is more, the men

1 in the field, if they had concerns, they would pass them on to me and at the same time
2 to the CPCO, because the CPCO would take stock. And the CPCO needed to be
3 informed of everything going on in the field. And I would meet with the chief of
4 general staff. For example, in Abobo, such and such a situation is going on, and then
5 we would -- he would summon us as necessary so that we could give information or
6 so he could provide decisions, as the case may be.

7 Q. [11:14:12] And just to be clear, when you received your instructions from Mr
8 Mangou, from the chief of general staff, can you describe how that was? Was it in a
9 meeting with others or on your own? How did that work?

10 A. [11:14:30] Sometimes it would be in front of everyone, and then later he would
11 call me in the field over the phone. If it was at night and the others weren't there, he
12 would call me and he would say, there is such and such a situation going on in such
13 and such a location; are you aware of that?

14 And if I was aware, I would say yes. And if I wasn't aware, I would say no. He
15 would ask me to find out whether it had been crosschecked. He'd ask me to get
16 more information about the situation. And since I was in contact with the men in the
17 field, with the CPCO, I would call, and the CPCO would call as well, and then we
18 would report back over the telephone. But let me repeat, I was never actually in the
19 field. I never went to the field.

20 Q. [11:15:32] To be clear, when you talk about everyone, in front of everyone,
21 you're talking about the other generals, are you?

22 A. [11:15:42] In front of the generals. Because after, you see, after the discussion,
23 if there was a situation, there would be a discussion, and then the CPCO would
24 summarise. So yes, it would be in front of everyone. For example, we might say
25 tomorrow we are going to do such and such. But then it had to be put down on

1 paper so that the units who would implement the orders would be aware. In that
2 case, the CPCO would take the instructions and turn them into actual messages. In
3 that way, the other units would be aware that the next day they needed to provide
4 men, so many men, so many troops, to go to a particular place.

5 Q. [11:16:33] And so far as reporting to the chief of the general -- of general staff,
6 how did you do that? Was it in the same way?

7 A. [11:16:47] Yes, in the same way. Once I was released from the army
8 headquarters and then I was in charge of operations, then it would always be over the
9 phone; or, well, if it was a real emergency, sometimes I would go up to his office and
10 report directly to him. But that was a rare thing.
11 Usually --

12 THE INTERPRETER: Inaudible.

13 THE WITNESS: -- pretty much everything was over the telephone, over the cell
14 phone.

15 MS PACK:

16 Q. [11:17:25] And what about reports to you? Were you receiving reports from
17 commanders in the field in Abidjan?

18 A. [11:17:40] Could you repeat your question?

19 Q. [11:17:42] What about reporting to you? Were you receiving reports from
20 commanders in the field in Abidjan?

21 A. [11:17:54] Yes, yes, I did receive such reports, and then I would pass them on to
22 the chief of general staff. At times, he would talk directly to the commander in the
23 field, once or twice. I think, twice, I remember.

24 Q. [11:18:12] To be clear, when we talk about commanders in the field, are we
25 talking about operational zone commanders or commanders of particular units or

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1 both?

2 A. [11:18:28] Commanders in the zones; that was the framework we were operating
3 within. I think you're asking me about the point in time when I was chief of
4 operations. If that was the case, I would speak to the commanders of the zones, the
5 zone commanders.

6 Q. [11:18:52] All right. Now I'm going to ask you, please, just in relation to the
7 once or twice, you say, the two occasions upon which you remember receiving
8 reports. Can you just tell us, briefly, those two occasions. We may come back to
9 them later, but just tell us now the two occasions, once or twice, you say you received
10 reports from a commander directly in the field.

11 No, sorry, you tell us that Mr Mangou would talk directly to commanders in the field.
12 Can you tell us the occasions that you're talking about there?

13 A. [11:19:36] Once I spoke to Niamké Basile without --

14 THE INTERPRETER: Inaudible.

15 THE WITNESS: -- knowing. And it was about the women's march on 3 March. I
16 had received, and he called me to say that -- well, to ask me whether I was aware of a
17 women's march on 3 March. And I said I wasn't aware of it at all. First of all, it had
18 not been discussed at the meeting the day before, and, secondly, there had never been
19 any messages about such a march. So I was not aware of any such march. But well
20 before that time, he had already called Basile. So I was not at all happy that day.
21 And I said to the commander that he had bypassed the reporting lines and I was not
22 happy about that.

23 Secondly, when I was in camp Abobo and Commander Toaly told me about his
24 difficulties because they had been very much under threat, they had not had food for
25 a week, and it was very difficult to bring in fresh supplies. And he described the

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1 situation to me, and I suggested to him that -- well, before, before leaving the place, I
2 reported to the chief of general staff. And the chief of general staff, General Philippe
3 Mangou, said to me, he recommended that I go see Commander Toaly, who was in
4 the field.

5 And when I left and spoke to him again, Toaly said that the general had given him an
6 order to stay put. I talked to him about that. And he said if you think you can't
7 hold out, then you'll have to get the men out of there.

8 But a few moments later, I realised that Toaly had not left that place. And I asked
9 him, and he said that apparently the general had told him to stay put. So those were
10 the two cases where he gave instructions directly to the men without going through
11 me.

12 Q. [11:22:14] Thank you. We'll come back to those particular incidents later on in
13 your examination.

14 Just to clarify the name, Niamké, was he an operational zone commander in Abidjan?

15 A. [11:22:33] Niamké went to Abobo. I told you that a zone commander would be
16 designated by the CPCO. And the people working with Colonel Sako, Sako, head of
17 the CPCO, Sako, Colonel Sako, he was in charge of the CPCO. So once a week a
18 chief would be designated for each zone. So that was the period of time when Basile
19 was in Abobo.

20 Q. [11:23:12] I'd like to ask you, please, to look at a document, please. It's
21 0045-0112, and it's tab 204. It's public; it can be made public.

22 Now, just for the record, let me read out: From the CEMA to a number of recipients,
23 including ComTer, order 756, dated 16 March.

24 Can you take the time to read, and then can we move to the next pages as we go
25 through.

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1 A. [11:24:28] I don't have the document.

2 Q. [11:24:30] Can you see it on your screen now? It should be coming up.

3 Perhaps we'll go to the top again.

4 A. [11:24:35] Now I can see it.

5 Q. [11:24:37] Take your time to look through it, please. We can just move to the
6 next pages. In fairness, we'll have to go through each page, and then we'll stop at
7 the last page, please, the last page.

8 All right. So now you've had an opportunity to review the document. Is it a
9 document you've seen before?

10 A. [11:28:46] Yes, I have seen it before today.

11 Q. [11:28:49] If we can scroll up this page a bit to where it says "TERTIO:
12 Instructions de coordination." It says "Alpha: Coordination à charge ComTer." It
13 says "Zone 2: Abobo-Anyama: ComTer."

14 So at this time -- well, first of all, can you tell us what that means, "Alpha:
15 Coordination à charge ComTer"?

16 A. [11:29:32] I was going to say there is a language error. I was the ComTer, and I
17 was always at the command post, the army headquarters. He wanted to designate
18 me. He should have put "general" --

19 THE INTERPRETER: Inaudible.

20 THE WITNESS: But it means that I was supposed to handle the coordination.

21 MS PACK:

22 Q. [11:30:01] Repeat what should he have put that didn't make it into the English.
23 What should he have put?

24 A. [11:30:15] I said he put "ComTer" because I was the one responsible for
25 operations in Abidjan. He did not put "chief of operations in Abidjan." So it's a

1 language error.

2 So, you see, he designated by my usual role, which was ComTer, commander of land
3 forces. But he should have put "commander operations Abidjan."

4 Q. [11:30:50] All right. And Zone 2, Abobo-Anyama, ComTer, the chef of the PC
5 zone in this particular zone,

6 Abobo, was this the operational zone commander that you were speaking about
7 earlier?

8 A. [11:31:07] No. That doesn't matter -- sorry, that doesn't mean that I was the
9 commander of the Abobo zone. You can see that there were six zones. And my
10 remit here was to coordinate activities of the six zones, because Abidjan had been
11 divided into six zones. That is what is being -- that is what is stated at the document
12 I'm looking at there.

13 So my task was to coordinate across the six zones of Abidjan. I think that in this
14 message I am being requested to carry out that coordination, but not just at Abobo.
15 You see zone 1, 2, 3, 4, 5, 6.

16 Q. [11:32:03] And the commander, the head of the PC zone 2, Abobo, did he come
17 from the forces terrestres?

18 A. [11:32:15] No, not necessarily, not necessarily from the land forces. That
19 depends. It depended on the day. I don't know on 6 March who was in that
20 position, for instance. But what I'm basically saying is that the leaders in the field
21 were appointed by the CPCO.

22 And at the planning centre, that is to say the coordination and planning centre, there
23 were a number of officers manning that centre on a full-time basis. So when it comes
24 or came to the post-electoral crisis, firstly, corps leaders had to be designated. But
25 that was a problem because if the leader of a battalion is not heading up his battalion

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1 during the period of crisis, that is an issue.

2 And so it was agreed that the officers of the CPCO would be assigned to command
3 troops in the field. So I'm afraid I can't tell you who was the leader, the chef of zone
4 2, Abobo, at that time. But certainly somebody was appointed to that job. There
5 was somebody in that position on 16 March, but I'm afraid I don't know who. Now
6 I'm not in a position to say who that was.

7 Q. [11:33:50] All right. And the head of the PC zone in Abobo, who was he
8 getting his instructions from?

9 A. [11:34:04] He received instructions from the chief of general staff, either through
10 me or through the CPCO. They would have been informed of their orders before
11 heading into the field. They would already have been familiar with the remit that
12 had been entrusted in them. So those instructions would have been received from
13 the chief of general staff or via the CPCO, I would say from the chief of general staff.
14 And my task was to monitor goings on. If there were issues, to raise those and bring
15 them to the attention of the chief of general staff or, conversely, if the chief of general
16 staff had new instructions, he would relay them to me or relay them to me through
17 the CPCO. So the orders came from the chief of general staff.

18 Q. [11:35:03] And then just --

19 A. [11:35:04] I did not command them directly. I never was in that position, a
20 position of commanding directly. But they did report to me. They would report to
21 me on the situation on the ground and that information would be relayed up to the
22 chief of general staff.

23 Q. [11:35:23] Let's look, please, at 0005-0073. It's tab 27. And it can be displayed
24 publicly.

25 THE COURT OFFICER: [11:35:45] Ms Pack, we do have a redacted version. Which

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1 one would you like to have published?

2 MS PACK: [11:35:50] It's fine to have the unredacted version published. Thank you
3 very much.

4 Q. [11:36:17] Is this a document that you've -- first of all, can you see the document
5 in front of you?

6 A. [11:36:25] Yes, I can see the first part of the document. I can see zone 1, actual
7 force strength, and zone 2. I can see zones 1 and 2, the top of zone 2, but not further
8 than there.

9 Q. [11:36:48] If we can just scroll down to the bottom. Is this a document you've
10 seen before?

11 A. [11:37:27] Yes, I've already seen this document.

12 Q. [11:37:30] Did you provide it to the Office of the Prosecutor?

13 A. [11:37:37] Yes, I'm the one who provided it to the Office of the Prosecutor.

14 Q. [11:37:46] And tell us what it shows, please.

15 A. [11:37:51] So what we have here is a list of the zones with an indication of who
16 was responsible for each zone. The table describes the six zones, the leaders of those
17 zones and the positions in the zones and the troops, the troop numbers deployed
18 there.

19 Q. [11:38:25] All right. I'm going to ask you about another document, please. It's
20 tab 225. It's 0071-0544. I should have asked you, in relation to the last document,
21 who compiled it, the last document we had on the screen?

22 A. [11:39:10] It did not come from the CPCO.

23 Q. [11:39:19] Who did it come from, if you're aware?

24 A. [11:39:26] Could you repeat, please?

25 Q. [11:39:31] Who did it come from, if you're aware?

1 A. [11:39:37] I see ComTer, I see the top of the document in front of me, and it says
2 ComTer.

3 Q. [11:39:49] All right. We're on another --

4 A. [11:39:51] But I can't see who signed the document. I can't see the bottom of
5 the text to know who wrote it.

6 Q. [11:39:58] We're on another document for the record, and we'll stay with this.
7 It's just for the record --

8 A. [11:40:04] Ah, I see. I don't know.

9 Q. [11:40:07] Let me read for the record, it's from the ComTer. It's to the
10 commands of toutes unité, and then it says "FT Place d'Abidjan." It is identified as
11 number 924, 21 March 2011. If we can scroll down, please.

12 A. [11:40:42] I'm afraid I can't read it. It's not a clear copy.

13 Q. [11:40:48] All right.

14 A. [11:41:11] Yes, I can see it.

15 Q. [11:41:13] It's signed, signed by whom?

16 A. [11:41:18] Colonel Major Dakouri Fidèle Koloubla, who was indeed my deputy.

17 Q. [11:41:36] And just very briefly I read out, (Interpretation) "Coordination:
18 Coordination between the six zones takes place at PC central, which is located at the
19 general staff of armies (Meeting room). Recipients of this message shall take all
20 measures necessary to execute the instructions, to execute and to take instructions
21 from the PC central."

22 A. Yes, if you look at this you will see that this is a message from my deputy
23 informing the battalions of a decision which was taken by chief of general staff, and it
24 was the decision to divide Abidjan into six zones.

25 And we saw the previous document, in that document the chief of general staff asked

1 me to coordinate activities in the six zones. So my deputy took that document and
2 used it as a basis to inform the battalions and the battalion commanders of the new
3 structure.

4 Q. [11:42:57] And we're nearly done with the documents, but over the next page of
5 this document, please, the following page, 0545, if you take a look at that.

6 And if we can scroll to the signature, is that your signature there at the bottom?

7 A. [11:43:38] Yes, that's my signature.

8 Q. [11:43:43] And just looking at the very top of this, just to confirm at this point,
9 Mel Gerard Brice, I think you referred to him earlier, he was at this point in situ, was
10 he, as commander of the 1st BCP?

11 A. [11:44:01] Could you move the document so that I can see the top with the date
12 of the message. I can't see the date of the message.

13 But what I can say based on this document is that we're looking here at the tours of
14 duty of the head of PC zone 4. Now, Cocody zone, here what we have is a list of the
15 persons who served as leader of zone 4, Cocody. So it's the names of the
16 commanders who held that position.

17 The chief of general staff wanted the commander of land forces to appoint the head of
18 Cocody zone, and this is a list of the periods in which different commanders were on
19 duty as leaders of that zone.

20 Q. [11:45:26] Thank you. Now we're going to move on from this document and
21 this topic, and I want to ask you about meetings with Mr Gbagbo.

22 So if we just think, please, about the period after the crisis PC was set up after you
23 were appointed as head of the PC, do you recall a meeting with Mr Gbagbo at this
24 time?

25 A. [11:46:00] Yes, I recall a meeting, or indeed two or three meetings. The one

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1 which I remember clearly, if I'm not mistaken, was a meeting which took place on the
2 22nd or 23rd of February. It took place at the presidency in Plateau. I recall that
3 meeting. And indeed any time that was necessary, we would accompany the chief
4 of general staff to sessions where he reported, where he reported on the situation on
5 the ground. That happened regularly.

6 Q. [11:47:03] All right. This meeting at the presidency, who else attended?

7 A. [11:47:14] The president of the republic was at that meeting. The prime
8 minister was also present. There was also the minister of the interior, the minister of
9 defence, the chief of general staff, General Mangou, and General Kassaraté, General
10 Guiai Bi Poin, General Brindou, General Dogbo Blé, Admiral Vagba, General Kadjo.

11 THE INTERPRETER: [11:48:11] Interpreter corrects: General Brindou was not
12 mentioned.

13 THE WITNESS: [11:48:16] Lieutenant Colonel Ahouman, may God rest his soul, and
14 myself.

15 MR GBOUGNON: [11:48:36] (Interpretation) Your Honour, one name was marked
16 as being inaudible. It was the name of the prime minister. I believe that was at line
17 18 on page 38.

18 PRESIDING JUDGE TARFUSSER: [11:48:57] Yes, I thought he has not even
19 mentioned. He's only mentioned that it was the prime minister but without saying
20 the name. That's what I understood.

21 What was the name of the prime minister?

22 THE WITNESS: [11:49:15] (Interpretation) Aké N'Gbo.

23 PRESIDING JUDGE TARFUSSER: [11:49:18] Okay. Thank you. Now please go
24 ahead.

25 MS PACK: [11:49:21]

1 Q. [11:49:22] All right. Now, what was discussed at this meeting, please?

2 A. [11:49:26] Sorry? What did you say?

3 Q. [11:49:36] What was discussed at this meeting?

4 A. [11:49:45] Well, the objective of the meeting was to report to the president of the
5 republic. Shortly before that, we had had a mission, a mission in Abobo, and that
6 mission unfolded in a most unfortunate fashion for us. On that day we lost two
7 policemen, two vehicles were damaged, and the troops had to return back to their
8 base.

9 So the next day, the president of the republic called us in so that we could report on
10 what had actually happened. So on that day we were reporting to the president of
11 the republic.

12 Q. [11:50:42] All right. What happened? What was said? Who spoke?

13 A. [11:50:53] Well, the floor was offered to the chief of general staff, who set out the
14 context, who related the events. And then the floor was offered to General Kassaraté,
15 to General Guiai Bi Poin and to myself.

16 Q. [11:51:19] Tell us, please, what did -- what in particular did you say at this
17 meeting?

18 A. [11:51:39] I reported on the fact that there was an insufficient number of troops
19 at Anyama, particularly. There was almost nobody present in Anyama, almost no
20 troops. And I reported that to the chief of general staff or, rather, to the president of
21 the republic that day.

22 He was most surprised because he did not realise that in some cases there was almost
23 nobody left manning battalions.

24 Now, I should state that during the crisis there were a lot of defections, and we were
25 left short staffed in the battalions. And I can give you an example of that. For

1 instance, when we had to provide security for a zone or a position, when we
2 requested a squad, the battalion was not in a position to furnish the squad, due to
3 under manning.

4 So the 3rd battalion that came from Bouaké was very under manned. There was
5 almost nobody left because they were in Anyama. Now, Anyama was a very
6 dangerous location for our troops. And I reported that, I reported that state of
7 affairs at the meeting.

8 At the same meeting General Kassaraté undertook to dispatch a platoon to us. That
9 platoon came from Dimbokro. And the next day, 25 men came from that location,
10 but they were armed with weapons from 1949.

11 But what I can say is that the chief of general staff, General Mangou, once he had
12 completed his report, he suggested to the president of the republic that Abobo be
13 declared a war zone. But the president did not take such a decision that day. He
14 said that he would take it under advisement.

15 Q. [11:54:09] And when the chief of general staff suggested to the president of the
16 republic that Abobo be declared a war zone, did anyone else amongst the group
17 attending the meeting respond or say anything in relation to that suggestion?

18 A. [11:54:33] Yes. I have a comment to make on this. Now, this suggestion that
19 was made by the chief of general staff to the general staff, Guiai Bi Poin said that it
20 was not a good idea to present that proposal. But at the meeting, the proposal was
21 nonetheless made, but was not taken up by the president.

22 Q. [11:55:05] And did you say anything in relation to that proposal at the meeting?

23 A. [11:55:13] When I took the floor, I stated that it would not be a good idea to
24 declare Abobo as a war zone. So basically I concurred with the position of General
25 Guiai Bi Poin.

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1 Q. [11:55:33] And why, why did you consider that it would not be a good idea to
2 declare Abobo as a war zone?

3 A. [11:55:42] There were difficulties in Abobo. The army is not there to kill the
4 local people. Rather, it is there to defend and protect the local people.
5 But if Abobo were declared to be a war zone, that would mean that there would be
6 collateral damage. Above all, given that in Abobo we were facing off against the
7 Invisible Commando in civilian clothing, and that is why we had asked for a curfew
8 in Abobo, so that the local people would stay indoors at night. And also we advised
9 local people to actually leave Abobo. However, people remained in Abobo, and so
10 we were obliged to combat the Invisible Commando there.

11 Each time that they fired upon our troops, they were dressed in civilian clothing,
12 which made our task extremely difficult. My position was that in declaring Abobo a
13 war zone was not a good idea from the point of view of the local people. And it was
14 also the view of the local people that Abobo should not be declared a war zone.

15 Q. [11:57:21] And why did the chief of general staff, why did he say that he wanted
16 Abobo to be declared a war zone? What was the reason that he gave?

17 PRESIDING JUDGE TARFUSSER: [11:57:41] Maître Altit.

18 THE WITNESS: [11:57:49] (Interpretation) In Abobo --

19 PRESIDING JUDGE TARFUSSER: [11:57:50] Mr Witness, just a minute.

20 MR ALTIT: [11:57:52] (Interpretation) First of all, it's difficult for the witness to
21 answer that question. And secondly, that question should have been put to the
22 previous witness when he was here.

23 PRESIDING JUDGE TARFUSSER: [11:58:04] You're right. But I think the first
24 question was as you said. But the second was what was the reason given in that
25 location. I mean, this is absolutely legitimate. What was the reason given by the

1 chief of general staff for requesting the war zone?

2 THE WITNESS: [11:58:35] (Interpretation) Should I answer now, your Honour?

3 PRESIDING JUDGE TARFUSSER: [11:58:42] (Interpretation) Yes. Please do.

4 THE WITNESS: [11:58:48] (Interpretation) Thank you, your Honour. Well, I
5 think that that is a question that should primarily be put to the general. But what I
6 know is that Abobo was very problematic for us. In Abobo we were being fired
7 upon with battle weaponry, combat weapons, and we were facing off against a force
8 that was unfamiliar to us, which was using combat weapons. It was very difficult
9 for us to riposte in Abobo and we lost control of Abobo.

10 If you want an answer as to why General Philippe Mangou made that proposal, you
11 should put the question to him. I could only speculate.

12 MS PACK: [11:59:39] I have --

13 PRESIDING JUDGE TARFUSSER: [11:59:40] Absolutely, absolutely, yes, you're
14 right. But the question was a bit different. You were in that meeting, so you heard
15 how he justified the request. I mean, a person just doesn't come in to a meeting and
16 say: We need to do this. But he has to justify, to reason, to give reasons for a
17 request.

18 And the question is, what were the reasons given for this request, if there was any?

19 THE WITNESS: [12:00:17] (Interpretation) I understand, your Honour. The
20 reasons that he gave were the ones that I mentioned earlier, that is that Abobo had
21 become a very dangerous area for us and the force that we were fighting against was
22 firing upon us using combat weapons. And we found ourselves having to carry out
23 warfare in this zone.

24 PRESIDING JUDGE TARFUSSER: [12:00:44] Okay. Another question is what are
25 the consequences of declaring a zone to a war zone?

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1 THE WITNESS: [12:01:01] (Interpretation) Well, if an area is deemed to be a war
2 zone, of course, that means a war is going to be conducted in that place, and thus you
3 can use combat weapons. And that is not a good thing for the local population. If
4 the population are there, they will be -- they will come under attack. That's the main
5 consequence.

6 PRESIDING JUDGE TARFUSSER: [12:01:25] Okay. Thank you.

7 It is 12 o'clock now. Is it okay if we suspend or do you want to have a question just
8 to conclude this?

9 MS PACK: [12:01:36] I'll have a couple of questions after the break.

10 PRESIDING JUDGE TARFUSSER: [12:01:39] Okay.

11 MS PACK: [12:01:39] It's probably going to be more than one actually on this
12 meeting. Thank you.

13 PRESIDING JUDGE TARFUSSER: [12:01:43] Okay. So Mr Detoh Letho, now we
14 have the second break of a half an hour and then we will have another session of one
15 hour and then we will close for today. Thank you very much.

16 The hearing is adjourned to 12.30.

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

18 (Recess taken at 12.01 p.m.)

19 (Upon resuming in open session at 12.33 p.m.)

20 THE COURT USHER: [12:33:08] All rise.

21 Please be seated.

22 PRESIDING JUDGE TARFUSSER: [12:33:39] Mr Detoh Letho, I was told that you
23 didn't feel well. Are you okay now?

24 THE WITNESS: [12:33:55](Interpretation) Yes, I'm feeling better, your Honour.

25 PRESIDING JUDGE TARFUSSER: [12:33:57] Okay. Thank you. If you have any

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1 issue, just tell me, okay?

2 THE WITNESS: [12:34:09](Interpretation) Absolutely. Thank you, your Honour.

3 Thank you.

4 PRESIDING JUDGE TARFUSSER: [12:34:12] Okay. So if you're ready, I give back
5 the floor to the Office of the Prosecutor. We have one hour still to question for today
6 and then we finish for today's hearing.

7 Ms Pack.

8 MS PACK: [12:34:28] Thank you, Mr President.

9 Q. [12:34:32] Mr Detoh, just back to the topic we were just talking about
10 previously, this meeting with the president. Now, you were talking about the
11 consequence of a war zone being declared, and you said it wouldn't be a good thing
12 for the civilian population, they'd be under attack.

13 Can you tell us, please, what are the procedures to protect civilians, to protect them
14 when a war zone is declared?

15 MR GBOUGNON: [12:35:26] (Interpretation) Your Honour.

16 PRESIDING JUDGE TARFUSSER: [12:35:28] Maître Gbougnon.

17 MR GBOUGNON: [12:35:30] (Interpretation) Your Honour, I'm not sure if the
18 interpreter has it correct or not, but on page 45, at line 14 approximately, there's a
19 question from the Prosecutor and that is: "To return to the topic we were discussing
20 earlier, that meeting related to the consequences of a war zone being declared, having
21 been declared ..." but the witness did not state that the war zone had been declared.

22 MS PACK: [12:36:11] Well, if the question has not been interpreted in the way that
23 it was put, then I'll just put it again, if I may.

24 PRESIDING JUDGE TARFUSSER: [12:36:22] No, no. We have understood, of
25 course, the war zone has never been declared. But this is clear.

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1 MS PACK: [12:36:27] Right, okay.

2 PRESIDING JUDGE TARFUSSER: [12:36:28] Okay. Please.

3 MS PACK: [12:36:30] So that's all clear. Now let's just go back to the question,
4 shall we.

5 Q. [12:36:33] What are the procedures, the procedures to protect civilians when a
6 war zone is declared?

7 A. [12:36:49] Initially the war is declared and thus, well, that is done through the
8 usual ways of the state, that is to say a zone is declared to be a war zone.

9 In our country, when such a statement is made of such importance, it is over the
10 television, the radio stations and often the -- well, you see, the population is made
11 aware of what is going on.

12 So if an area is declared to be a war zone, I believe the relevant authorities take the
13 necessary measures to have it declared as such. But as for the actual procedures, I do
14 not know what they are.

15 Q. [12:37:40] What about evacuating the civilian population?

16 PRESIDING JUDGE TARFUSSER: [12:37:48] Yes, but, I mean, if a war zone is not
17 declared, this is abstract.

18 MS PACK: [12:37:54] It is indeed, but this is the commander of the forces terrestres,
19 so I feel I can ask him the question.

20 PRESIDING JUDGE TARFUSSER: [12:38:03] Yes, of course. But, I mean, this is a
21 theoretical question. One could also read on the book, on the manual.

22 MR MACDONALD: [12:38:11] I'm sorry, your Honour.

23 PRESIDING JUDGE TARFUSSER: [12:38:13] I've seen you. Yes, Mr MacDonald.

24 MR MACDONALD: It is not theoretical.

25 PRESIDING JUDGE TARFUSSER: Oh, it's very theoretical.

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1 MR MACDONALD: No.

2 PRESIDING JUDGE TARFUSSER: Yes.

3 MR MACDONALD: It's advice that was given, your Honour, if you allow me to --

4 PRESIDING JUDGE TARFUSSER: [12:38:19] Yes, but then the question must be
5 put differently. It is not theoretical what happens if a war zone is declared. Of

6 course I understood that this was what the question was put for. I do understand
7 that. But probably it was not the best way to do it.

8 Mr Gbougnon, Maître Gbougnon.

9 MR GBOUGNON: [12:38:45] (Interpretation) Your Honour, I quite agree with
10 you. First of all, the area was not declared to be a war zone. I think we're all in
11 agreement on that point. We're talking about procedures, what procedures were put
12 into place. I don't really think this is the right witness to be putting the question to.
13 I think we are really definitely in the realm of hypothesis.

14 MS PACK: [12:39:13] Your Honour --

15 PRESIDING JUDGE TARFUSSER: [12:39:16] Who is the right or wrong witness,
16 that is another problem. I mean, he is the commander of the forces terrestres. I
17 think he could be the right. It is the way the question is put which I think should be
18 more concrete and not so generic --

19 MS PACK: [12:39:34] Of course.

20 PRESIDING JUDGE TARFUSSER: [12:39:35] -- that you can read on each manual.
21 Please.

22 MS PACK: [12:39:38]

23 Q. I'll go back to what you said earlier. You told us that civilians, you advised
24 civilians to leave Abobo. This is what you told us earlier, okay. So just tell us,
25 please, when was that advice given?

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1 PRESIDING JUDGE TARFUSSER: [12:39:52] Excuse me. The question is: Were
2 civilians advised to leave Abobo? If yes, by whom, when and what happened?

3 This is the question. This is the question.

4 MS PACK: [12:40:07] It is actually the evidence on the record. It's what he said
5 earlier. So thank you.

6 PRESIDING JUDGE TARFUSSER: [12:40:16] Yes, yes.

7 Please, Mr Detoh Letho, please can you answer the question. Thank you.

8 THE WITNESS: [12:40:32](Interpretation) Yes, your Honour, I can answer the
9 question. So, you see, if an area is declared a war zone, but -- well, I said earlier that
10 we were going to inform the population that the area had been declared to be a war
11 zone. And the authorities of the day would have taken the necessary measures to
12 evacuate the population. That is what I can tell you on that point.

13 And what are the procedures? I don't know.

14 PRESIDING JUDGE TARFUSSER: [12:41:18] No. But Mr Detoh, the question is
15 the following: Was there any moment when the population was requested to leave
16 Abobo?

17 THE WITNESS: [12:41:42](Interpretation) I don't really remember. I don't
18 remember.

19 PRESIDING JUDGE TARFUSSER: [12:41:46] Ms Pack.

20 MS PACK: [12:41:50]

21 Q. [12:41:58] All right. Did anyone say anything in this meeting about the
22 international community?

23 A. [12:42:18] I don't remember.

24 Q. [12:42:19] All right. I'm going to take you to your interview. It's 0080-1614,
25 and it's at page 1620, line 215. And I'll be going over to the following page. If that

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1 can be brought up.

2 All right. I'll start quoting if I may. So from page -- line 215, you say this in your
3 interview of 2015.

4 PRESIDING JUDGE TARFUSSER: [12:43:17] It's not yet on the screen. Now.

5 MS PACK: [12:43:26] Bottom of the page, please. Thank you.

6 (Interpretation) "So the chief of staff had suggested that the area be declared a war
7 zone, a war zone. And when we spoke, when he came to where I was, I said that
8 that was not a good thing, that we take a city to be a war zone."

9 Next page, please.

10 "So tomorrow, if there was something after, in particular the ICC did not pardon
11 President Gbagbo because he takes a neighbourhood of a city as a war zone, so not to
12 take it as a war zone, declare like a war zone.

13 Interviewer 1: I beg your pardon, the ICC?

14 Interviewee: I said -- no, I had said that the ICC, the international authorities, that
15 here we're coming to judge him as such is the case, but me -- that would be a serious
16 error on his part."

17 (Speaks English) Do you recall making this statement in your interview?

18 A. [12:45:19] Yes, I said that, but what I've said -- I beg --

19 THE INTERPRETER: [12:45:26] Overlapping.

20 MS PACK: [12:45:29]

21 Q. [12:45:30] Does it refresh your memory?

22 A. (No interpretation)

23 PRESIDING JUDGE TARFUSSER: [12:45:34] Mr Witness, just speak, just say what
24 you want to say to this statement you gave to the Office of the Prosecutor.

25 THE WITNESS: [12:45:52](Interpretation) I said earlier that when I spoke I said that

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1 it would not be a good thing to have the area become a war zone. What I said, I gave
2 arguments to show that, first of all, well, first of all, there was the population that
3 were being targeted, so that was not a good thing for the population.

4 Secondly, the international community would not be, would not be tender towards
5 the president of the republic. So it would not be a good thing to take that area as a
6 war zone. That is what is said earlier. I recognise, I acknowledge having said that.

7 MS PACK: [12:46:36]

8 Q. [12:46:36] And you told us earlier that the president didn't take a decision on
9 this issue at this meeting. Did he say anything about --

10 A. [12:46:52] No.

11 Q. [12:46:54] -- the proposal?

12 A. [12:47:00] He said, for the time being he was not going to declare the area to be
13 a war zone, but he would see. And perhaps he was going to be talking to the chief of
14 defence staff after. But I do remember we met in the course of 2013 or 2014, I don't
15 remember the date. I went back to that point and I said that the president of the
16 republic did not declare the area to be a war zone.

17 Q. [12:47:34] And just to be clear on what was said by the president, Mr Gbagbo,
18 at this meeting, was there anything, moving away from the issue of the war zone, did
19 he say anything else that you recall at this meeting?

20 A. [12:48:03] Well, first of all, I wanted to specify that the decision to be taken,
21 namely to declare Abobo to be a war zone, that was not the main topic of the meeting.
22 The answer that the president gave, well, I told you.

23 And what is more, what he said, it was necessary to liberate the N'Dotré intersection.

24 So he asked us to liberate that particular intersection, because N'Dotré, that is an
25 intersection that is along the main road in Abidjan, it's a very important intersection,

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1 that was the first reason; and what is more, past the N'Dotr , that's where the 3rd
2 battalion is, so our men were trapped in there, they could not get out. It was not
3 possible to get supplies in.

4 So it was very important for us to liberate that intersection. So we were told to do
5 whatever it took to liberate that intersection, whatever means were necessary to
6 liberate that intersection or at least to hold it.

7 Q. [12:49:21] And this is what the president said, is it, in this meeting?

8 A. [12:49:34] The mission to go and hold the intersection, the N'Dotr 
9 intersection?

10 Q. Yes.

11 A. I don't understand your question.

12 Q. [12:49:45] Specifically, what did the president, Mr Gbagbo, say in relation to
13 this?

14 PRESIDING JUDGE TARFUSSER: [12:49:50] Yes, but it was Mr Gbagbo who said
15 this.

16 MS PACK: [12:49:53] Okay. Okay.

17 PRESIDING JUDGE TARFUSSER: [12:49:54] I mean, we all understand the
18 language.

19 MS PACK: [12:49:58] I'm very glad.

20 PRESIDING JUDGE TARFUSSER: [12:49:59] I mean, why to insist on the same
21 thing?

22 MS PACK: [12:50:01] We'll leave it, we'll leave it, Mr President.

23 PRESIDING JUDGE TARFUSSER: [12:50:04] Good.

24 MS PACK: [12:50:06] Your Honour.

25 Q. [12:50:07] Do you recall an operation after this meeting to re-take the

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1 intersection, the N'Dotré intersection?

2 A. [12:50:39] I must admit I don't understand the meaning of your question.

3 Could you be more specific, ma'am.

4 Q. [12:50:46] After the meeting, was there an operation to take the N'Dotré
5 intersection, to liberate the intersection?

6 A. [12:51:00] Yes, ma'am. It was decided to regain control of N'Dotré. Yes,
7 there was an operation.

8 Q. [12:51:09] And do you recall who led that offensive on the MACA-N'Dotré
9 road?

10 A. [12:51:25] Commander Toaly.

11 THE INTERPRETER: [12:51:29] Inaudible.

12 MS PACK: [12:51:30]

13 Q. [12:51:31] And on the other road, on the Abobo to PK18 road, do you know
14 who led that, the troops on that road?

15 A. [12:51:46] During our meetings I said I didn't remember. I don't know
16 exactly who was there that day. But that day I do know that there was Lieutenant
17 Colonel Doumbia Lassina, the current chief of -- correction, deputy general chief of
18 staff of the armed forces. So there was him, and I'm hesitating, there was also,
19 between him and the other guy, Basile Niamké, frankly, I don't remember which one
20 led that particular operation that day.

21 THE INTERPRETER: [12:52:23] Interpreter correction: In the previous reply the
22 witness mentioned Commander Toaly Williams Baï.

23 MS PACK: [12:52:35]

24 Q. [12:52:36] To your knowledge were mortars used in this operation?

25 A. [12:52:50] No, mortars were not used. Just, um, *some warmer shots were

1 fired from the Banco forest. And we did engage in that kind of firing, flambage, in
2 French.* It was to see, because the weapons had not been used since they were there,
3 it was to see if the weapons were working. So there was some shooting from the
4 Banco forest. That was well before the operation began, but not during the operation.
5 Other than that, we did not use any mortars.

6 Q. [12:53:36] And what kind of calibre weapons are you talking about that you
7 engaged in firing?

8 A. [12:53:51] 120 millimetre -- I beg your pardon, 60 millimetre mortars. But we
9 didn't shoot mortars for N'Dotré. I must say that the operation started somewhat
10 late, at daybreak. But, you see, to use such mortars, you have to be able to see. And
11 there were no mortars that day, we didn't use mortars that day.

12 Q. [12:54:31] And just on the issue of the use of mortars, did you at any time
13 during the post-electoral crisis, did you request authorisation to use those weapons
14 from anyone, mortars?

15 A. [12:55:02] I must say that, well, you see, I was the one who asked for such
16 approval to use such weapons. As I told you, when there is a particular need or
17 requirement, the people who are in the field go through the CPCO or they go through
18 me to make a request to the chief of general staff.

19 There was a request for mortars, but that was to the west, to the west, as well as
20 requests for ammunitions and other equipment. That request came from the west of
21 Côte d'Ivoire. I remember that. But other than that, I never asked for the use of
22 mortars in Abobo in particular. I never made such a request.

23 Q. [12:55:54] All right. Just on the use of these mortars and this operation you've
24 described here in Abidjan, can you tell us why you were using these sorts of weapons
25 if there had been no war zone declared?

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1 A. [12:56:18] No, never. I don't remember, and there was no -- I never received
2 any report of any such weapons being used. I'm not aware of any such thing. I
3 never gave such an order that mortars be fired. I don't remember. I don't know.
4 What time were those mortars fired?

5 Q. [12:56:43] I'm going to just leave this and go back to what you told us earlier
6 about a meeting with the generals. You said that before the meeting with
7 Mr Gbagbo, there had been a meeting with the generals where Bi Poin had said to the
8 chief of general staff: Don't raise the issue of a war zone, it's not a good idea. So I
9 want to ask you about that meeting, please, okay? When did it take place?

10 MR GBOUGNON: [12:57:29] (Interpretation) Your Honour.

11 PRESIDING JUDGE TARFUSSER: [12:57:31] Maître Gbougnon.

12 MR GBOUGNON: [12:57:32] (Interpretation) Your Honour, the question is quite
13 long and rather muddled, very muddled. I don't know whether -- perhaps it is a
14 poor translation, but the question seems quite long and very muddled.

15 PRESIDING JUDGE TARFUSSER: [12:57:47] The question is, as I have understood
16 it, about the meeting among the generals before the meeting with President Gbagbo,
17 right?

18 MS PACK: [12:57:59] Yes.

19 PRESIDING JUDGE TARFUSSER: [12:58:00] Yes.

20 MS PACK:

21 Q. [12:58:09] So when was that meeting, please?

22 A. [12:58:18] It was during a meeting of, well, the usual meeting of the general
23 staff. That day, we were at the office. We hadn't even got to the usual meeting
24 room. We were in the office of the chief of staff, and he whispered a few things.
25 There were some remarks made in that regard. He gave us an indication, so to speak.

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1 It was in the office of the chief of staff, Philippe Mangou. In his office, that's where
2 we talked about it.

3 Q. [12:58:54] Okay. What specifically did he say?

4 A. [12:59:00] No, he said that he wanted to suggest to the chief -- the head of state
5 that Abobo be declared a war zone in light of the difficulties we had been having so
6 that we could deal with the Invisible Commando for once and for all. That is what
7 he said to us. And it was that day General Guiai Bi Poin said that it was not a good
8 thing. But after -- it wasn't a formal meeting. When he said that, we went, and
9 during the meeting that we had with the president -- decision.

10 THE INTERPRETER: [12:59:44] Message from the interpreter. Could the witness
11 be requested to repeat the last sentence of his reply.

12 PRESIDING JUDGE TARFUSSER: [12:59:50] Mr Witness, could you repeat the last
13 sentence because the interpreter didn't get it.

14 THE WITNESS: [13:00:08](Interpretation) I was saying that in his office, the chief of
15 general staff told us about this idea to ask the head of state to issue a decree to declare
16 Abobo to be a war zone. And the general, General Bi Poin, said to him that that
17 would not be a good thing. That was in his office. But it was not -- it wasn't the
18 topic of the meeting. He said -- after that, we went to the room, the conference room,
19 the meeting room. But when we met in the meeting with the president he raised the
20 issue again, but the president did not issue a decree declaring Abobo as a war zone.

21 PRESIDING JUDGE TARFUSSER: [13:01:17] Madam Pack, may I assure you that
22 the Chamber has understood by now the issue of the war zone, although it might
23 seem to you that -- yes, but we have understood.

24 MS PACK: [13:01:29] I had no doubt that you hadn't understood, your Honour. I
25 just wanted to make sure that I covered all the meeting just so the evidence is on the

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1 record. And I think I have one follow-up on this one, and then we're done on this
2 meeting, the February discussions on this topic. If I could just ask that one question.

3 PRESIDING JUDGE TARFUSSER: [13:01:47] Yes, I don't know what you're going
4 to ask, but I just wanted to assure you that the Chamber has got the point some time
5 ago.

6 MS PACK: [13:01:55] Okay. I'm very pleased.

7 Q. [13:01:58] And as far as the evidence is concerned, just one follow-up question,
8 again, the same question as before. At this meeting, did General Mangou give his
9 reasons why he was making the suggestion that a war zone be declared?

10 PRESIDING JUDGE TARFUSSER: [13:02:15] But also this question was already
11 not only posed by you but also by the Chamber, and it was answered, and I don't
12 think that the answer, which now comes 10 minutes later or the third session instead
13 of the second, will be different. I think this was a question also put by me, and there
14 is a clear reply on the record.

15 MS PACK: [13:02:34] Yes, certainly at the meeting with the president.

16 PRESIDING JUDGE TARFUSSER: [13:02:39] Yes.

17 MS PACK: [13:02:40] Yes. All right.

18 Q. We'll leave it and we'll move on, please, to other meetings with Mr Gbagbo
19 during the post-electoral crisis.

20 And I want to ask you about meetings at the presidential residence. So do you recall
21 meetings during the crisis at the presidential residence?

22 A. [13:03:21] Yes. We had a meeting in December, the 1st, the 2nd, and I believe
23 the 4th or the 5th -- and the 5th. But these meetings involved the chief of staff going
24 to report on the situation prevailing in the field. Because I should point out that ever
25 since the two presidents had been sworn in, one at the Golf Hotel and the president

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1 himself at the Plateau, the Commando Invisible started attacking our positions. All
2 our positions were attacked by the Commando Invisible. This started in Abobo, and
3 people were killed.

4 So each time there was an event that occurred, the chief of staff would go and meet
5 with the president of the republic, and we were invited to those meetings. So all the
6 meetings that we had in the residence of the president of the republic were mainly
7 devoted to reports by the chief of staff.

8 Q. [13:04:53] Right. I'm going to take you to January and I'm going to ask to
9 play a video, please, and it's CIV-OTP-0047-0653. It can be displayed publicly.
10 We'll actually do it. I apologise. The OTP will take control of the evidence channel,
11 if we may, and we'll play it. The audio time frame is 00.00 to 04.32, and so far as the
12 transcript is concerned, it's 0048-1657. And the page to be -- the particular extract is
13 1658, lines 4 to 48. So we'll play that.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [13:06:08] (Interpretation of the video excerpt) I'll propose
16 to listen to the declaration of Philippe Mangou, chief of staff. Declaration of the
17 defence forces of the Côte d'Ivoire. The recent demonstrations and disturbances of
18 the public order, acts of vandalism and barbarism, killings and murders, perpetrated
19 by the militants of the RHDP during the insurrectional marches organised by the
20 opposition group on 16 and 17 December 2010 led to the death of 21 members of the
21 forces of defence and security in Côte d'Ivoire. Ever since this time, calm has never
22 returned in this country, and the deaths are in their dozens because of the attacks
23 using weapons against the FDS in Côte d'Ivoire. There is no day without the forces
24 of defence and security being attacked by hidden individuals who are heeding to calls
25 by -- for disobedience, civil disobedience and insurrection launched by authorities

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1 barricaded in the Golf. During the day of Tuesday, 11 January 2011, firing from
2 weapons of war against the units of the FDS in Côte d'Ivoire patrolling in Abobo Gare
3 and particularly in PK18 led to two deaths, nine injured, and the destruction of
4 vehicles amongst the FDS.

5 Faced with such atmosphere of insecurity and threats of war amongst the population
6 of this commune, threats of armed attacks against the FDS of Côte d'Ivoire, the
7 emergency message -- or, rather, the following emergency measure has been taken:

8 A curfew shall be installed in the Abobo Gare and Anyama areas from today,
9 Wednesday, 12 January 2011, from 1700 hours to Saturday, 15 January 2011 at 6 a.m.

10 This exceptional measure will make it possible for the FDS of Côte d'Ivoire to pursue
11 with commitment and resolution their honourable mission of providing security and
12 protection to the population. It should also be used by the FDS to search and
13 identify everyone who is responsible for armed attacks and other types of aggressions
14 and also to find everyone who return from their hideouts to attack the republic.

15 The FDS of Côte d'Ivoire call upon the human rights organisations here and
16 elsewhere, the international and national opinion, as witnesses against these armed
17 attacks against the FDS, which are being confused with acts of war and followed by
18 losses of life.

19 They, the forces, reserve the right to respond against any attacks from wherever they
20 come as from this time onward.

21 MS PACK: [13:10:44]

22 Q. [13:10:44] Now, Mr Witness, do you recall this announcement by the chief of
23 general staff on 12 January 2011?

24 A. [13:11:04] Yes, yes, Counsel, I remember.

25 Q. [13:11:06] Do you recall a meeting with Mr Gbagbo on the same day after this

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1 announcement by General Mangou?

2 A. [13:11:26] I should say that on the 11th, in the night of the 10th to the 11th in
3 Abobo, policemen were surrounded by invisible members of the Commando Invisible
4 and they were killed. Two of them were killed and nine injured. After that we had
5 a meeting. First of all at the general staff headquarters during which the director of
6 police decided that law and order had to be established, so as from this moment, it
7 was the police that was at the forefront and that they were supported by the soldiers.
8 When people are killed, the chief of staff reports to the president of the republic. So
9 we found ourselves at the president's house to report on the events that had
10 happened in Abobo on that day.

11 As I said a short while ago, we go to report on the situation prevailing in the field at
12 any particular time.

13 Q. [13:13:08] Okay, so back to the meeting with Mr Gbagbo, can you tell us who
14 attended that meeting?

15 A. [13:13:31] Which meeting are you referring to? There were many meetings.

16 Q. [13:13:36] So you tell us you found yourself at the president's house to report
17 on the events that happened in Abobo on that day. So who else was with you?

18 A. [13:13:54] There were so many meetings, but the chief of staff was there, the
19 superior commander of the gendarmerie was there. And I will mention the names,
20 the chief of staff was General Mangou, the director of the gendarmerie was
21 General Kassaraté, director general of the police was General Brindou, General Aka
22 Kadjo was there, Major General Guiai Bi Poin was there, I, myself, was there.

23 PRESIDING JUDGE TARFUSSER: [13:14:31] All these meetings, always --

24 MS PACK: [13:14:34] Yes.

25 PRESIDING JUDGE TARFUSSER: [13:14:35] -- the same people are there so --

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1 MS PACK: Yes.

2 PRESIDING JUDGE TARFUSSER: I think we ask always the same things. It's
3 always the same people there.

4 THE WITNESS: [13:14:39](Interpretation) It was the same people in fact.

5 MS PACK: [13:14:43]

6 Q. [13:14:43] What was discussed please, if you recall?

7 A. [13:14:56] I have just told you, and I will repeat that these were reports on the
8 events in the field that took place on the day, on the previous day also. This was the
9 report made to the head of state.

10 When we went to see the president of the republic it was to brief him on the situation.

11 Q. [13:15:26] I'd like to show you a document, please, and -- just one moment.

12 On this report that you gave in relation to the events of the day before, do you recall
13 on this occasion Mr Gbagbo's reaction to the report?

14 A. [13:15:57] Can you remind me of the date of the meeting, please? I would
15 like to know the date.

16 Q. [13:16:02] We're on 12 January. You've just seen the announcement --

17 A. [13:16:08] (No interpretation).

18 Q. [13:16:09] -- announcement made by the chief of general staff about the curfew
19 on RTI and then you met the president after that. You've told us you reported to
20 him about the events of the previous night/day. Question: What was the
21 president's response, what did he say?

22 A. [13:16:39] Each time he appealed to us to pursue the war. Our mission was to
23 protect the population. The populations of Abobo and Anyama and, to a lesser
24 extent, Koumassi were taken hostage by the Commando Invisible. So our mission
25 was to protect the population from attacks.

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1 There were elements there and some of those elements were -- some of those elements
2 were killed. There was even an element who was killed. So we went and reported.
3 He did not have any particular thing to say. Each time we went to see him, he
4 appealed to us to do what we could, everything possible to ensure that we put an end
5 to those attacks. I don't think there was any particular reaction, but I don't recall, it
6 is possible. If you have any information on that you can tell me.

7 Q. [13:17:51] Thank you. I'd like to show you a document, please, 0045-0359.

8 And it's publicly displayed, please. It's tab 1112.

9 Right, it's on the screen. If we can just scroll down all the way through the
10 document, please. And if we can go to the following page as well.

11 Now if we can just go back to --

12 A. [13:19:53] I have seen the document.

13 Q. [13:19:54] Thank you. We'll just go back to the first page, please. Now I just
14 want to look, please, at the -- you can see it's dated 12 January 2011.

15 If we could just go down to the first and second substantive paragraphs. There we
16 go. Thank you.

17 All right. Now, it says in the second paragraph --

18 MR GBOUGNON: [13:20:24] (Interpretation) Mr President, there should be a
19 foundation question to be asked whether the witness saw that document yet or not.

20 PRESIDING JUDGE TARFUSSER: [13:20:41] Have you ever seen this document?

21 THE WITNESS: [13:20:50](Interpretation) I saw it. I was shown when your
22 elements came to interview me. They showed it to me.

23 PRESIDING JUDGE TARFUSSER: [13:20:59] So you don't, you've never seen it
24 before?

25 THE WITNESS: [13:21:06](Interpretation) Before that, no, because if you look at the

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1 source of the document, it is a policeman, the head of the district of Abobo who is
2 providing information. He had a meeting with Colonel Sako and he was reporting
3 to his boss. So he had a meeting with Colonel Sako at the general staff headquarters
4 and that is the substance of his report.

5 PRESIDING JUDGE TARFUSSER: [13:21:46] Do you know the person who signed
6 this report?

7 THE WITNESS: [13:21:55](Interpretation) No, I do not know that person.

8 PRESIDING JUDGE TARFUSSER: [13:21:59] Ms Pack.

9 MS PACK: [13:22:02] I'd like to ask a question about something that's stated in this
10 report.

11 PRESIDING JUDGE TARFUSSER: [13:22:06] No, no, no, it depends on the
12 question.

13 MS PACK: [13:22:11] Okay, so I'm going to read it out.

14 PRESIDING JUDGE TARFUSSER: [13:22:13] One is the document and one is what
15 the document says. It depends on the question.

16 MS PACK: [13:22:17]

17 Q. [13:22:17] Okay, so just in fairness to you I'll read out what is said and then I'll
18 ask the question.

19 (Interpretation) "According to that military authority, Abobo has henceforth been
20 declared a war zone and the FANCI are taking over control of operations with the
21 support of the police and the gendarmerie."

22 PRESIDING JUDGE TARFUSSER: [13:22:47] I can assure you, Mr Gbougnon, that
23 the Chamber knows, can make cross-references.

24 MS PACK: [13:22:56] Question.

25 PRESIDING JUDGE TARFUSSER: [13:22:56] So don't worry. Please.

1 MS PACK: [13:22:57] Thank you, your Honour.

2 Q. Question, did the army, did the army take control of operations at this time?

3 A. [13:23:15] When we realised that things were becoming complicated in Abobo,
4 the army took over the lead of operations. But I have to say that at that particular
5 point these were joint patrols at that time. There was no specific operation as such to
6 be carried out against any particular target, these were simply patrols and it was in
7 the course of those patrols that our elements were attacked.

8 Since we realised that many policemen had been killed the army took the lead, but
9 they were simply organising patrols. And that even started at the beginning of the
10 war of 2002. We were always in a defensive posture. Only our forces were
11 attacked. And, of course, when we were attacked we responded. That is the
12 instinct of the soldier, if you're attacked you return fire. So to answer your question,
13 the army had taken over control, but at that time it was only carrying out patrols.

14 Q. [13:24:56] Okay. Question: Who ordered the army to take over control?

15 A. [13:25:10] Counsel, the army is in the field and elements of our forces are
16 attacked. Do we really need an order? We are within the framework of our duties.
17 We had to restore calm in Abobo at all cost. And it is because of that that we
18 organised patrols. When our elements were attacked, we would riposte. We did
19 not need any order. So it was simply a continuation of orders that had been given
20 before, that is, to protect Abobo. And if we are in Abobo and many of our men are
21 attacked, then we would retaliate.

22 Q. [13:26:07] Okay, I asked you, I asked you a question - please - I asked you a
23 question, you told us the army took over control. My question is: You're the
24 commander of the forces terrestres who ordered you to take over control of
25 operations at this time?

1 A. [13:26:32] Let me come back to the beginning. I am commander of the land
2 forces. You have the commander of the air force, the commander of the navy, we are
3 in a crisis situation, our men are in the field and then they are attacked.
4 If they are attacked, the staff headquarters, which has a centre for planning and
5 conduct of operations, upon the order of chief of staff, it applies to all the forces. So I
6 should say that even before that post-election violence there was security provided in
7 Abidjan, our forces were present in Abidjan and in all the towns of Côte d'Ivoire.
8 There were checkpoints in all the towns. So it was in the exercise of those duties that
9 our elements were attacked.
10 I should point out that when orders are issued you have FRAGO orders, fragmentary
11 orders, which follow up situations. So there is a general situation prevailing, then if
12 there is a specific incident, then there is a reaction to restore order.
13 So it is not the commander, it is not the commander of the land forces or ground
14 forces or the commander of the air force or navy who take decisions to pursue the
15 fighting. So there is no specific action -- or, rather, no specific issue or, rather, order
16 issued, it is in continuation of the orders of the chief of staff.
17 No unit will just go and carry out an operation. At that time it would be the chief of
18 staff of the army who re-organises structure and the elements started working
19 accordingly.

20 Q. [13:29:21] Okay, just to be clear, when you're -- we're talking about this time
21 when the army take control, was this discussed in a meeting with the chef, with the
22 chief of general staff and the generals?

23 A. [13:29:39] Yes, of course. Yes, of course. As I said from the beginning, every
24 time there is an incident there is a meeting. And since the situation was much more
25 critical we met every day to decide on what to do next. Upon the orders of the chief

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1 of staff, we met with him and he would give instructions on how to carry out the
2 orders.

3 Q. [13:30:11] And around this time, and this is just to finish up on this document,
4 around this time, do you recall a discussion amongst the generals with the chief of
5 general staff about declaring Abobo a war zone.

6 A. [13:30:38] No, there was no question of declaration of a war zone. Our
7 elements were in the field, they were attacked and the reaction has to be appropriate.
8 We were not yet at the stage of the declaration of war, or a war zone. Elements in
9 their positions had been attacked; two policemen were killed and nine people injured,
10 so we had to fess up to that. All our elements were always attacked at their place of
11 work or even in their homes. So at that time we reacted, so it was not a question of a
12 war zone, it was simply to assume our responsibilities and see how we would
13 organise ourselves to prevent many people being killed and injured in the field.
14 These were the routine meetings of the general staff headquarters.

15 MS PACK: [13:31:43] Mr President, I'm aware of the time.

16 PRESIDING JUDGE TARFUSSER: [13:31:45] Yes. You're always pointing out this
17 document and - sorry, you are --

18 MS PACK: [13:31:51] I'm done.

19 PRESIDING JUDGE TARFUSSER: You're always referring to this document.

20 MS PACK: [13:31:53] Yes, indeed.

21 PRESIDING JUDGE TARFUSSER: [13:31:54] Yes. But we do know what other
22 people said on this document.

23 MS PACK: [13:31:59] Yes, but I'm --

24 PRESIDING JUDGE TARFUSSER: Okay.

25 MS PACK: -- asking the witness about --

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- 1 PRESIDING JUDGE TARFUSSER: [13:32:02] Yes, yes, yes, no, but --
- 2 MS PACK: Yes.
- 3 PRESIDING JUDGE TARFUSSER: -- that's what I wanted to say --
- 4 MS PACK: [13:32:06] Yes.
- 5 PRESIDING JUDGE TARFUSSER: [13:32:07] -- there are other statements on this
- 6 document.
- 7 MS PACK: [13:32:10] Yes, indeed --
- 8 PRESIDING JUDGE TARFUSSER: Okay.
- 9 MS PACK: -- but flowing from that this witness --
- 10 PRESIDING JUDGE TARFUSSER: [13:32:13] Good, just --
- 11 MS PACK: -- testified about this.
- 12 PRESIDING JUDGE TARFUSSER: [13:32:14] -- was just checking if we are on the
- 13 same page.
- 14 Thank you very much. The hearing is adjourned to tomorrow morning 8.30 for you,
- 15 Mr Detoh Letho, and 9.30 for us. Thank you very much. See you tomorrow.
- 16 THE COURT USHER: [13:32:30] All rise.
- 17 (The hearing ends in open session at 1.32 p.m.)
- 18 CORRECTIONS REPORT
- 19 The Language Services Section has made the following corrections in the transcript:
- 20 *Page 46 line 25 and page 47 line 1
- 21 " Just, um, there was firing, flambage firing from the Banco forest.
- 22 Is corrected by
- 23 " Just, um, some warmer shots were fired from the Banco forest.
- 24 *Page 47 line 2
- 25 "It was to see, because the weapons had not been used since they were there, it was
- 26

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1 to see if the weapons were working.” Is added