

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 2 November 2016
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:33:01] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:33] Good morning.
15 Good morning, Mr Witness.
16 WITNESS: CIV-OTP-P-0435 (On former oath)
17 (The witness speaks French)
18 THE WITNESS: [9:33:44] (Interpretation) Good morning, Mr President.
19 PRESIDING JUDGE TARFUSSER: [9:33:47] I give immediately the floor to Defence
20 of Mr Gbagbo, I believe Mr O'Shea, in order for the questioning of the witness.
21 Yours the floor.
22 MR O'SHEA: [9:34:04] Good morning, your Honours. Thank you.
23 QUESTIONED BY MR O'SHEA: (Continuing)
24 Q. [9:34:13] Good morning, Witness.
25 A. [9:34:16] Good morning, Counsel.

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Private Session)

ICC-02/11-01/15

1 Q. [9:34:20] I'd like to go into private session, please, your Honours.

2 PRESIDING JUDGE TARFUSSER: [9:34:27] Let's please go into private session.

3 *(Private session at 9.34 a.m.) Reclassified into open session

4 THE COURT OFFICER: [9:34:36] We're in private session.

5 PRESIDING JUDGE TARFUSSER: [9:34:52] Mr O'Shea.

6 MR O'SHEA: [9:34:53] Thank you.

7 Q. [9:34:55] Sir, how long have you been detained by the DST?

8 A. [9:35:16] Two weeks.

9 Q. [9:35:19] And before you came here, were you detained by the DST?

10 A. [9:35:40] Before coming here I was detained by the department of public
11 prosecutions in Abidjan.

12 Q. [9:35:55] While you were detained by the DST, did you witness any violence,
13 either hear it taking place or see it in your place of detention?

14 I just remind you that you are in private session, which means that you can't be heard
15 by the public.

16 A. [9:36:45] There wasn't that much violence at the DST.

17 THE INTERPRETER: In fact, correction: I didn't witness any violence at the DST.

18 MR O'SHEA:

19 Q. [9:37:11] Have you witnessed, following the elections until today, authorities
20 committing acts of violence against detainees?

21 A. [9:37:52] Please kindly clarify, because I think you said after the elections was I
22 a witness of violence by authorities; is that the question?

23 Q. [9:38:07] Between the end of the election period, so the end of the Gbagbo era,
24 if you like, until today, until today's date, have you witnessed any acts of violence by
25 the Ivorian authorities against detainees?

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Private Session)

ICC-02/11-01/15

1 MR DEMIRDJIAN: [9:38:34] Can we have some clarity as to when that is, your
2 Honours.

3 PRESIDING JUDGE TARFUSSER: [9:38:38] Yes, I don't -- no, but from the time
4 frame I think it is clear, when he was in detention, I would say.

5 MR O'SHEA: [9:38:49] The time frame is very clear, your Honours. Thank you.

6 MR DEMIRDJIAN: [9:38:53] Not at all. Your Honours, if you believe that it is his
7 detention period, counsel is not referring to that, he's saying the end of the Gbagbo
8 era, and he was not in detention at the very end of the Gbagbo era.

9 So can we have real clarity as to when do we mean, date, month.

10 MR O'SHEA: [9:39:14] The answer to that, your Honours, is no. I've given a time
11 frame. And I hope I don't have too many *of these interruptions. I was very clear
12 in my question.

13 Witness, could you please answer the question.

14 PRESIDING JUDGE TARFUSSER: [9:39:29] Yes. Wait just a minute. The time
15 frame is after the era of Gbagbo, if that was the wording. And to my understanding
16 this is after 11 April, right? So this should be a clear date. And then the other date
17 is when he was in detention. Obviously not when he was somewhere else. So
18 I think the time frame is quite clear.

19 MR O'SHEA: [9:39:52] Well, it's relatively obvious that he can't witness anything
20 when he's not in detention.

21 PRESIDING JUDGE TARFUSSER: [9:39:58] I would say.

22 MR O'SHEA: [9:39:59] Yes.

23 Q. [9:40:01] So yes, from the end of the Gbagbo era, in other words 11 April, the
24 date has been given by His Honour, until today's date. That's the time frame, as it
25 was when I first asked the question. Thank you.

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Private Session)

ICC-02/11-01/15

1 A. [9:40:37] I didn't witness any violence against detainees because I myself was
2 not in detention, so it is not possible for me to witness any violence against detainees.

3 Q. [9:41:03] So approximately what was the total time that you spent in detention
4 from 11 April 2011 until today? If you could try to calculate that, the total period
5 that you spent in detention.

6 A. [9:41:43] I would say around 29 months, 29 months.

7 Q. [9:41:58] And you're telling the Chamber that during those 29 months you
8 never witnessed any act of violence by Ivorian authorities against detainees?

9 A. [9:42:31] Yes.

10 Q. [9:42:43] And what about against yourself?

11 A. [9:42:55] No.

12 Q. [9:43:01] And have you been subjected to any threats while you've been in
13 detention from the authorities, the authorities meaning the guards or anybody of a
14 higher rank?

15 A. [9:43:26] No.

16 Q. [9:43:30] And during those 29 months of detention were you offered any
17 inducements or promises in exchange for information or admissions?

18 A. [9:44:04] No.

19 MR O'SHEA: [9:44:07] We can go back into open session, your Honours.

20 PRESIDING JUDGE TARFUSSER: [9:44:10] Let's please go into open session again.
21 (Open session at 9.44 a.m.)

22 THE COURT OFFICER: [9:44:21] We're in open session, your Honour.

23 PRESIDING JUDGE TARFUSSER: [9:44:27] Mr O'Shea.

24 MR O'SHEA: [9:44:29]

25 Q. [9:44:49] Now, I asked a series of questions in closed session and I'm going to

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 ask a few more questions now in open session on the same topic, and the reason why
2 I'm happy to do it in open session is because of the nature of the answers I received.
3 But if the situation changes, I will of course revert back into private session.

4 MR MACDONALD: [9:45:19] Your Honours, it's quite fine. Actually, I was going
5 to suggest even this last part could be reclassified to public. It didn't lead to any
6 incriminating evidence.

7 PRESIDING JUDGE TARFUSSER: [9:45:32] Thank you.

8 MR O'SHEA: [9:45:35] Yes, thank you, Mr MacDonald.

9 Q. [9:45:40] So, Mr Witness, you have clarified that you have not witnessed any
10 acts of violence by Ivorian authorities, including guards, during the 29 months you
11 have been in detention. Now, my next question to you is: During those 29 months
12 that you've been in detention or at any other time since 11 April have you heard of
13 acts of violence, threats or promises made against detainees?

14 A. [9:47:08] Yes, I have heard about acts of violence after 11 April involving
15 people who had been arrested during the confrontations, that is during that period
16 before -- up until my arrest, I heard about violence against people.

17 Q. [9:47:48] Let's talk about that for a moment. Give us the first example of what you heard.

18 A. [9:47:58] To begin with, in the Adjamé neighbourhood where we had our national
19 base, when the FRCI managed to drive out the members of the GPP who were at the
20 Adjamé base, there were executions. One of our elements and also the son of Bouazo had
21 their throats cut as well, as a former trade union leader who was close to the FPI
22 government. He was known as Aboula Guéï (phon), *he was a young Bété . He was
23 well-known in the general public and specifically amongst trade unionists *in Côte
24 d'Ivoire.

25 Q. [9:49:48] Who specifically committed these acts of violence?

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 A. [9:50:07] In Adjamé it was the elements.

2 THE INTERPRETER: [9:50:17] The witness was not clear. Could he repeat the
3 name, please?

4 PRESIDING JUDGE TARFUSSER: [9:50:21] Could you please repeat the name
5 because it was not heard.

6 THE WITNESS: [9:50:28] (Interpretation) The elements of Koné Zacharia, that is
7 K-O-N-É, then Z-A-C-H-A-R-I-A, Koné Zacharia.

8 MR O'SHEA: [9:50:56]

9 Q. [9:50:58] Do you know what position Koné Zacharia holds today, if any?

10 A. [9:51:21] Today, as far as I know, he's a lieutenant colonel and commander of
11 the first infantry battalion at Akouédo.

12 Q. [9:52:01] Has he been tried in a court for allegations relating to this incident?

13 A. [9:52:24] I do not know.

14 Q. [9:52:33] Do you know if any of his subordinates who were there on that day
15 have been tried for this incident or if any trials have taken place in relation to this
16 incident at all?

17 A. [9:52:57] No, I am not aware of any.

18 Q. [9:53:04] So apart from that incident, what other acts of violence by the Ivorian
19 authorities have you heard since 11 April up until today's date?

20 PRESIDING JUDGE TARFUSSER: [9:53:23] May I --

21 MR O'SHEA: [9:53:25] Yes.

22 PRESIDING JUDGE TARFUSSER: [9:53:26] Are we in the wrong trial? This is my
23 question. I don't know where you want to go. We are after the events and I don't
24 see the relation to the charges.

25 MR O'SHEA: [9:53:51] Well, one aspect of this is to explain the reason why the

1 accused are here. It would be the assertion of the Defence that there has been a high
2 degree of political manipulation in bringing them to trial not on the basis of facts but
3 on the basis of political manipulation. So the selectiveness in terms of dealing with
4 the justice of the situation of what happened in Ivory Coast is to that extent relevant.
5 The second point is that there is other evidence which contradicts the evidence of this
6 witness with regards to the actions of the DST and the Ivorian authorities towards
7 detainees, and without saying much more, we wish to, not just through this evidence
8 but through other evidence as well, illuminate the Chamber as to how unlikely certain
9 statements are in the context of the position as a whole.

10 PRESIDING JUDGE TARFUSSER: [9:55:53] Such statements, you mean --

11 MR O'SHEA: [9:55:56] Well, I'm being careful how I put things because --

12 PRESIDING JUDGE TARFUSSER: [9:56:00] Yes, yes, of course, of course.

13 MR O'SHEA: [9:56:02] -- such statements which have been made in this court by this
14 witness. So that's the -- that's the relevance of this line of questioning.

15 PRESIDING JUDGE TARFUSSER: [9:56:20] I still have problems to see the relation
16 to this case because the selectivity of justice, I mean, it's not something which is here
17 at stake. We have a trial, we have charges, we have accused, and I think that's this
18 trial about. The illumination of the Chamber, I would say that the Chamber is quite
19 illuminated, if I may. You may go ahead, but we should really not prolong this line
20 of questioning. I also am being very careful in order not to say too much. Please go
21 ahead.

22 MR O'SHEA: [9:57:14] I'll keep it shorter than the exchange we've just had.

23 PRESIDING JUDGE TARFUSSER: [9:57:19] Okay. Thank you.

24 MR O'SHEA: [9:57:20]

25 Q. [9:57:21] So, among the examples, Mr Witness, among the examples of acts of

1 violence by Ivorian authorities that you have in mind, which of those examples, and
2 these are the examples that you've heard about as opposed to witnessed, which of
3 these examples relate to the treatment of detainees?

4 A. [9:58:14] I didn't quite understand the end of your answer. I don't know whether it
5 is the translation.

6 Q. [9:58:23] Well, you've stated that you did hear of violence being committed by
7 Ivorian authorities since 11 April until today's date, and I asked you for an example.
8 You gave an example which was essentially treatment in a public place. I'm asking
9 you now to focus specifically on any of those examples that you have in mind which
10 relate to the treatment of those in detention.

11 A. [9:59:35] *There are several people amongst us when I say "us", I mean... whether it
12 be FDS or combattants who fought for those formerly in power, who after their arrest – I
13 hadn't yet been arrested then - said that they had been tortured and it is under torture
14 that they admitted certain things, and some others did not, and this could be members of
15 the FDS or combatants who had fought for the former government. During that period I
16 was not yet arrested, so these people were telling us that they had been tortured.

17 Q. [10:00:46] Were these people that you knew personally?

18 A. [10:01:12] Well, there were some of my elements, for example, who were arrested
19 before I was, in the same area where I was arrested, and when they were arrested
20 they admitted to having participated in the same operation that I had led and they
21 even provided details of the operation. And when they were brought before the
22 investigating judge, they denied the facts and said that it was because they had been
23 tortured that they had admitted to having participated in those operations.

24 Q. [10:02:13] Did they describe to you the methods of torture employed?

25 A. [10:02:48] What they explained to me was that it had taken place in the area where

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 I was arrested and that they were taken by the FRCI elements and were sent to the
2 bush, they were taken into the forest. And first they tried to attack them with the
3 machete, but as the machete did not injure them, they then wrapped barbed wire
4 around their feet, legs and arms and then they hit them with pieces of wood, and the
5 limbs were affected. This happened before they were brought to Abidjan; the limbs
6 were swollen as a result.

7 MR MACDONALD: [10:04:08] Your Honours.

8 PRESIDING JUDGE TARFUSSER: [10:04:12] Mr MacDonald.

9 MR MACDONALD: [10:04:14] Coming back on the comments that you made, this is
10 outside of the time frame. There may be relevance as to what may have happened in
11 detention in light of previous testimony before this Court or coming testimony, but it
12 has to be linked to detention, not FRCI crimes after the events. That's why there is a
13 CIV2 investigation. But the point is, is that while there may be some relevance, we
14 have to come back and link it to an issue in this case. And currently we submit we
15 don't see that link.

16 MR O'SHEA: [10:05:15] The link comes in the next question.

17 PRESIDING JUDGE TARFUSSER: [10:05:21] So it leaves to me to say just hopefully.
18 Please.

19 MR O'SHEA: [10:05:26] Well, it's all a matter of perception but, in my submission,
20 the link comes in the next question.

21 PRESIDING JUDGE TARFUSSER: [10:05:36] Yes, yes, okay.

22 MR O'SHEA: [10:05:37]

23 Q. [10:05:38] Mr Witness, these individuals who explained these acts of torture
24 that they had received in order to make admissions, to your knowledge did any of
25 these individuals give evidence in any legal proceedings?

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 A. [10:06:16] I do not know whether they gave evidence in legal proceedings. As I said,
2 these elements and I were charged for the same reasons and it was during the
3 confrontation that we had before the Ivorian justice -- well, it was because they had
4 been tortured and prior to that they admitted to the facts, but when brought before
5 the judges, they denied everything, denied everything, and they said they had been
6 tortured and that they had admitted to having taken part in certain operations. I do
7 not know whether they testified or not because I didn't have any contact with them
8 subsequently.

9 Q. [10:07:25] And just to complete this discussion, did you hear from anyone
10 else - and I say anyone else because you say you didn't have contact with them - did
11 you hear from anyone else that any of these individuals had been approached to be
12 witnesses?

13 A. [10:08:07] No.

14 Q. [10:08:27] I'm going to move on to something else now. Do you know who
15 was the second in command to Dogbo Blé during the events?

16 A. [10:09:19] During the post-election crisis, is that what you're talking about?

17 Q. [10:09:27] Yes.

18 A. [10:09:39] *Within the Republican Guard the deputy commander for General
19 Dogbo Blé, was, I believe, Colonel Amichia.

20 Q. [10:09:59] Are you sure about that?

21 A. [10:10:11] I know that it was Colonel Amichia who was --

22 THE INTERPRETER: [10:10:18] Incomprehensible.

23 PRESIDING JUDGE TARFUSSER: [10:10:21] We didn't understand this answer.

24 THE INTERPRETER: Message from the interpreter: Could he be requested to spell?

25 THE WITNESS: [10:10:34] (Interpretation) I know that it was Colonel Amichia

1 who was the deputy of Dogbo Blé.

2 MR O'SHEA: [10:11:12]

3 Q. [10:11:12] What position did General Détoh Létho hold?

4 A. [10:11:41] General Détoh Létho was the commander of the land forces.

5 Q. [10:11:59] During what period do you say that you were present in the
6 Akouédo camp?

7 A. [10:12:35] I don't understand. What do you mean by "present"?

8 Q. [10:12:42] Did you at any time stay at the Akouédo camp?

9 A. [10:13:07] It was in February 2003.

10 Q. [10:13:23] For how long?

11 A. [10:13:43] Two weeks.

12 MR DEMIRDJIAN: [10:13:51] Excuse me, your Honours, I don't mean to interrupt
13 my learned friend. Can we have some clarity about which of the Akouédo camp we
14 are talking about, the new one or the old one? There's a distinction there, just for the
15 record.

16 MR O'SHEA: [10:14:09]

17 Q. [10:14:10] Which Akouédo camp did you stay at?

18 A. [10:14:13] The old one.

19 Q. [10:14:24] Were you the witness of any attacks during that period on the
20 camp?

21 Is this something you have to think about a lot?

22 A. [10:15:19] No, no. When there was the attack on Akouédo I was not present.

23 Q. [10:15:36] You used the expression "When there was the attack on Akouédo."

24 Is it your evidence that there was only one attack on Akouédo?

25 A. [10:16:08] Which period are we talking about, please? Because there were a

1 number of attacks. We're not any longer talking about 2003.

2 Q. [10:16:22] When you just gave the answer and said "When there was the attack
3 on Akouédo camp I was not there," which attack were you referring to?

4 A. [10:16:54] I answered your question. You asked when there was the attack on
5 Akouédo were you present, and I said no. At the time where I stayed -- when I
6 stayed at the former camp, the old camp, there was no attack that occurred whilst
7 I was there. You said "When the attack occurred." *So, it wasn't a question, it was
8 the confirmation that there had been an attack, was I there? I said no, I wasn't there
9 when the attack took place. I was not present when there was an attack upon
10 Akouédo.

11 Q. [10:17:47] During the time that you were operational within the GPP, apart
12 from the BAE and the BASA which you've mentioned, were there any other military
13 corps that you had contact with personally?

14 A. [10:18:41] Yes.

15 Q. [10:19:03] Which one?

16 A. [10:19:09] With the gendarmerie, the Republican Guard.

17 Q. [10:19:38] Any other corps?

18 A. [10:19:50] With the army in general.

19 Q. [10:20:02] Now, the military cards that you had were signed by Jeff Fada,
20 weren't they?

21 A. [10:20:51] Yes, the GPP cards were indeed signed by Jeff Fada.

22 Q. [10:21:07] So these were cards which were produced by the militia themselves?

23 A. [10:21:33] The cards were produced by the militia, but they were recognized
24 by the Defence and Security Forces.

25 Q. [10:21:47] I want to refer you back to a document which I referred you to on

1 Monday, which is CIV-D15-0004-1966, and it is the Journal Officiel de la République
2 de Côte d'Ivoire, 31 December 2003, 1968, page 1968.

3 And following the excerpts that I read out on the last occasion, we have the following
4 excerpt which reads, and I quote in French --

5 THE INTERPRETER: [10:23:29] Could counsel please wait until the document is up
6 on the screen.

7 MR O'SHEA: [10:23:35] Yes. I'm sorry.

8 Since that was the translator, I will ask please that the -- we zoom in to the second
9 column, the middle of the second column so that the words can be seen more clearly.

10 A bit more, I think. We're on the right paragraph. Yes. Thank you. And I quote
11 in French:

12 (Interpretation) "We should underscore that this group emits -- issues and holds
13 irregular professional cards that are identical to those issued to the forces for defence
14 and security by the competent authorities." End of quote.

15 Q. [10:25:01] (Speaks English) *These cards were legal cards, weren't they?

16 A. [10:25:22] Yes, these cards were legal.

17 THE INTERPRETER: [10:25:25] Says the witness.

18 MR O'SHEA: [10:25:41]

19 Q. [10:25:42] My question was: These were illegal items and you knew that at
20 the time; is that right?

21 A. [10:26:06] Well, personally speaking, I do not know what you mean by illegal.
22 Illegal meaning that whenever we have such a card at a roadblock we are arrested for
23 forgery and use of fake documents? *Because when a car is let through at a roadblock,
24 then I cannot say that these cards were illegal, because they enabled us to move
25 about easily. When there were round-ups, whether they be systematic or general,

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 we, when presenting those cards or being presented with those cards, we would let
2 those people through. I didn't say that it was illegal as a result.

3 Q. [10:26:59] The paragraph before the paragraph which I just quoted --

4 A. [10:27:14] Yeah, the paragraph states that the GPP held cards, cards that were
5 identical to those issued to the Defence and Security Forces by the competent
6 authorities and that they held them in an irregular or illegal fashion. That's what the
7 document says.

8 Q. [10:27:50] And that -- the paragraph before that I shall quote as well.

9 MR MACDONALD: [10:27:56] Your Honours, with your permission.

10 MR O'SHEA: [10:28:00] Oh dear.

11 PRESIDING JUDGE TARFUSSER: [10:28:03] Mr MacDonald.

12 MR MACDONALD: [10:28:06] The witness was shown this document before.

13 The question is there's a step missing in the approach of my colleague. I understand
14 the witness is here. Sorry, I cannot -- but it cannot become an argument either with
15 the witness as to a legal --

16 PRESIDING JUDGE TARFUSSER: [10:28:30] Yes, I do understand. I do
17 understand you.

18 MR MACDONALD: [10:28:33] So we need to put facts to the witness.

19 PRESIDING JUDGE TARFUSSER: [10:28:36] Yes. I do understand you. I think
20 as well that the witness cannot judge on the basis of -- contradict something which
21 was published. But I would invite the --

22 MR O'SHEA: Your Honour.

23 PRESIDING JUDGE TARFUSSER: -- counsel to go ahead and confront him with
24 things he can be confronted with.

25 MR O'SHEA: [10:28:56] Your Honour, your Honour, the last answer of the witness

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 was an unprovoked answer on my part. I had not asked the question. I got an
2 answer without a question. So it's not that I was arguing with the witness on the
3 document -- the document -- the witness himself referred to the doc -- to the
4 paragraph.

5 I am now reading another paragraph.

6 And I'm not arguing with the witness, I'm simply putting to the witness what was
7 said at the time by the authorities and getting the witness' reaction on it through my
8 questions. So the paragraph --

9 PRESIDING JUDGE TARFUSSER: [10:29:37] But, excuse me --

10 MR O'SHEA: Yes.

11 PRESIDING JUDGE TARFUSSER: -- I don't think that the witness has ever read the
12 official journal of Côte d'Ivoire on 31 December. You know, it's -- we are confronting,
13 I think, pears with apples --

14 MR O'SHEA: [10:30:01] Your Honour --

15 PRESIDING JUDGE TARFUSSER: -- if I may say it in a --

16 MR O'SHEA: Your Honour, when I started with this document on Monday I very
17 fairly put it to the witness that I understand that he's not a lawyer, I understand that
18 he may not have read this. And I read out certain parts of it as a basis for
19 confronting the factual scenario at the time and allowing him to come back on certain
20 things.

21 Now, my questions are not just designed for the witness, they're also designed for
22 you, the Judges. Now, I know your Honour says, well, we understand everything,
23 but --

24 PRESIDING JUDGE TARFUSSER: [10:30:39] Not everything, but --

25 MR O'SHEA: [10:30:41] -- but that's not the issue, the issue is that I'm trying to,

1 through the witness, create a record that when you, when later the Judges are looking
2 at the witness' evidence, the points that are being made about the witness' evidence
3 are very clear. So -- so it's not -- it's not always the case that the witness has to have
4 read a specific document or have the level of education for dealing with the document,
5 the point is that there are facts contained in this document and the time frame within
6 this document which made, which are arguably inconsistent with some of the
7 evidence of the evidence -- of the witness. So by reading out the paragraphs I am
8 illuminating the Chamber as to what my thinking is as to what I'm confronting the
9 witness with, rather than just doing it in la fleur, as they say in French.

10 PRESIDING JUDGE TARFUSSER: [10:31:38] I do not say that we know everything
11 but we are not lay Judges, we are not a jury, we are professional Judges, so I
12 sometimes I think I have abundantly understood what the whole meaning is, but still
13 one continues bit by bit. You know, sometimes I think just submit the document and
14 then make the arguments. It would be a little bit faster, the whole -- the whole --

15 MR O'SHEA: [10:32:13] It would be --

16 PRESIDING JUDGE TARFUSSER: (Overlapping speakers)

17 MR O'SHEA: -- it would be a whole -- a whole lot faster if the Prosecution didn't
18 stand up to make objections which don't need to be made. You know, I'm
19 progressing expeditiously, I'm putting points to this witness.

20 PRESIDING JUDGE TARFUSSER: [10:32:30] Yes, you're progressing.
21 Expeditiously I would leave it away. Please go ahead.

22 MR O'SHEA: [10:32:37] Yes. Well, it's the interruptions. I'm sorry (Overlapping
23 speakers)

24 PRESIDING JUDGE TARFUSSER: [10:32:39] Yes, but the interruptions come up as
25 well when the Prosecution is questioning by the Defence, so that's a little bit also a

1 technique. But please, go ahead.

2 MR O'SHEA: [10:32:56] Your Honour, yes.

3 So I wanted to read a paragraph which, with your Honours' leave, I will read. And
4 I'm going to quote in French:

5 "The dissolution of the Groupement de Patriots pour la Paix in all its components for
6 falsely using titles, forgery and use of fake documents." Close quotation.

7 Q. Now, Mr Witness, these cards were forgeries, do you accept that?

8 A. [10:34:22] I believe that I have already answered that question. I have
9 explained. And we are talking here about 2003. I did not have a card directly from
10 the army, but I had my GPP card. And I have -- as I have said, a GPP card had the
11 signature of Moussa Zéguen and the signature of Jeff Fada. So there were two
12 signatures there. So personally I cannot consider those cards as forgeries because
13 they were written in italics and small characters that the Defence and Security Forces
14 should provide assistance at all roadblocks and that they should allow the bearers of
15 those cards to pass through all roadblocks and to provide assistance to them, and that
16 is what was being done wherever there were roadblocks and wherever there were
17 raids. So personally I have never been arrested for having presented that card and
18 I was never charged with forgery or fake use of cards. So I cannot tell you that these
19 are forgeries because I have never been arrested after having presented my card.

20 Q. [10:36:33] During the RTI march you were not under the orders of the FDS,
21 were you?

22 A. [10:37:16] I would say yes, I was.

23 Q. [10:37:21] They had their mission which you did not know; that's right, isn't it?

24 A. [10:37:41] Yes, of course.

25 Q. [10:37:43] And you had your own mission that they did not necessarily know.

1 A. [10:38:02] * It is possible that they might have missions that we do not know
2 about, that's normal. But as you are talking about the march, they were aware of us
3 and our mission, because they were aware of our presence.

4 Q. [10:38:26] You didn't know what the mission of the FDS was on that day, did
5 you?

6 A. [10:38:51] What I can say is that we were working in collaboration with the
7 FDS. Their main mission was to prevent the march, to stop the marchers from
8 marching, because it was a challenge to the state, it was an act of insurrection. So
9 their mission was to crack down on that insurrection. And this was our own mission
10 also. And if they received parallel instructions, we are not supposed to know them.
11 Whatever the ranks we could have in our organisation, the fact is that we were a
12 paramilitary group, so we could not know everything about the missions of the
13 Defence and Security Forces.

14 Q. [10:40:23] But on that day at the RTI, if you were under their orders, you
15 would have known their mission, wouldn't you? So you weren't under their orders,
16 were you, on that day of the RTI march?

17 A. [10:41:08] Counsel, whether *it be with the FDS or even it was in our group, I
18 could find myself with GPP elements, I will give them instructions, and then I myself
19 might have a special mission that I need to carry out without my men knowing. *I
20 found myself on several occasions in places with elements, and some of us had other
21 well-defined missions that were not known to the others. So that could also apply
22 between the Defence and Security Forces and ourselves. They were not supposed to
23 know everything about our own missions. We could have received the instructions
24 for a particular location, and when we go there we can come across FDS, two or three
25 FDS elements who are not aware of our mission. So they could meet us somewhere

1 without knowing the reasons for our presence.

2 But if it was a mission that was assigned by the authorities, we would carry it out .*If
3 there was a problem, if we are not allowed to talk about it to, maybe, the FDS who
4 arrested us, then they would arrest us, but later we would be released, of course. And
5 if that was not the case, we would introduce ourselves as elements, we would explain
6 that we were there for the purpose of a security mission, and then we would be
7 allowed to go. We were not supposed to know everything about the activities of the
8 FDS and they also were not supposed to know everything about our own activities.

9 Q. [10:43:08] Were there some individuals within your units who were arrested on
10 that day?

11 A. [10:43:25] No GPP members were arrested. In any case, I'm not aware, because
12 if they had been arrested we would have been informed.

13 Q. [10:43:37] Would it be right to say that your only role that you had given yourselves
14 that day was to support the FDS, and that apart from the fact that the FDS were stopping
15 a march, you knew nothing about the details of their mission; would that be right?

16 A. [10:44:19] Talking about the mission of the FDS, the one that I knew about at least,
17 the marchers had to be considered as rebels,*and if the need arose we had the
18 authorisation to open fire, because this was an act of rebellion. There had been an
19 election, there was a president who had been sworn in by the constitutional council,
20 so there was an appeal made by the head of the Forces Nouvelles, that is of the
21 former-rebellion (*phon.*). They said that they would come and impose a director
22 general at the RTI. So this was considered as subversive, as a coup d'état, and so those
23 who supported that move would be considered as assaillants, as rebels. And the
24 marchers who were arrested, either they were sent to the CECOS, BMO or the BAE,
25 and that depended on the instructions that the FDS had received from their superiors.

1 As for us, we would intercept the marchers and we would hand them over to the
2 members of the Defence and Security Forces with whom we were working. So that
3 was the role that we had to play.

4 Apart from that mission of the FDS, I cannot give you any more details.

5 Q. [10:46:35] But your ideas about what the mission of the FDS was are your
6 ideas, aren't they? This is not something that you've been told, you were told at the
7 time by the FDS?

8 A. [10:47:06] The instruction that we received from the military authorities were
9 very clear, so I think that at the very least the instructions that they would have
10 received would be the instructions that were given to us, so at the very least the
11 instructions given to them would have been the same as those given to us, the mission
12 could not have been different.

13 At that time we did not have the same prerogatives on that day actually.

14 Q. [10:47:49] Can you answer my question? These are not things that you were
15 told by the FDS, these are your own ideas; is that right or wrong?

16 A. [10:48:03] These are not my ideas. It is not my imagination. Those to whom
17 I was supposed to give the people, hand over the people to *at the level of Adjamé, in
18 particular, these are people with whom I worked often, those are people that I knew
19 outside of....before the march.

20 So if they give me instructions and then I carry out those instructions, it means it is a
21 mission assigned by the FDS. And even before that, my -- our leader had received
22 very clear instructions that our mission would be to intercept the marchers and then
23 hand them over to a well-identified service. That is the people that we arrested.

24 We knew exactly where we had to hand them over.

25 And when they came, those same people, when they came to fetch the people we had

1 arrested, they took them back to their own base. And so if that is what happened,
2 I cannot -- you cannot tell me that it is my imagination. That was the procedure that
3 was being followed, it was the normal procedure.

4 Q. [10:50:01] This is what you said to the Prosecutor with regard to your relation
5 with the FDS on that day. It's on page CIV-OTP-0063-1788, that's the page, and the
6 interview, CIV-OTP-0063-1765, what you said, and I quote in French at line 837, et
7 seq:

8 (Interpretation) "The elements who were there on the spot were working in
9 coordination with FDS elements, not under their orders, but in coordination. That
10 said, they did not hamper the work of the FDS. They were simply supporting them.
11 That means they had their own mission. The FDS had their own mission which we
12 did not know about. But generally speaking their mission was to arrest the
13 demonstrators and take them to the police préfecture at the Plateau." (Speaks
14 English) End of quote.

15 Did you say that to the Prosecutor? Just answer that question, did you say that to
16 the Prosecutor?

17 A. [10:52:52] Yes.

18 Q. [10:52:54] And do you agree with it? Do you agree with what you said on
19 that occasion?

20 A. [10:53:10] Yes, I stand by what I said.

21 Q. [10:53:26] And you've stated earlier that you received your instructions from
22 Bouazo. Do you still agree with that?

23 A. [10:54:10] Yes.

24 Q. [10:54:14] But you don't know, do you, who he received his instructions from;
25 that's the reality, isn't it?

1 A. [10:54:47] On the day of the march, when we were given the order to go out,
2 he did not tell me directly the name of any authority who would have given him
3 instructions, but he pointed out that before that, when the march was announced, he
4 had received -- after a meeting with the former Minister of the Interior, Mr Tagro, he
5 had received instructions that in case the march was maintained, we would have
6 certain instructions on the measures that we had to take to support the FDS. And so
7 it was because the march was maintained that the instructions were also maintained.
8 But it is true that he didn't come and tell me that such and such a person told him that
9 we should do this. That was not the case.

10 Q. [10:56:00] Now, in your interview with the Prosecutor you said as follows,
11 CIV-OTP-0063-1765, page CIV-OTP-0063-1775, line 349, and I quote in French:
12 (Interpretation) "And so on that day the four of them, those four, I myself, I took
13 part in the fighting" --

14 THE INTERPRETER: [10:56:56] The last word was not clear, Counsel.

15 MR O'SHEA: [10:57:01] (Interpretation) "... the fighting in the RTI. And it was on
16 the 5th that I returned to the palace."

17 THE INTERPRETER: And correction, at the beginning mention was made of the
18 date, the 4th, not four people.

19 MR O'SHEA: (Interpretation) "Very well, but let's go back earlier. The first time
20 that there were GPP elements at the RTI, which month was it?"

21 (Speaks English) Answer: (Interpretation) "It was in February."

22 (Speaks English) Question: (Interpretation) "But you have also talked about a
23 demonstration."

24 (Speaks English) Answer: (Interpretation) "This was in December 2010."

25 (Speaks English) Question: (Interpretation) "In December 2010."

- 1 (Speaks English) Answer: (Interpretation) "Because there was the march."
2 (Speaks English) Question: (Interpretation) "Very well."
3 (Speaks English) Answer: (Interpretation) "Supporters of the RHDP marching to
4 the RTI."
5 (Speaks English) Question: (Interpretation) "Very well. And so who gave you
6 the order or the instructions relating to that march?"
7 (Speaks English) Answer: (Interpretation) "Well, that I cannot say, but what I
8 know is that Bouazo sent FDS armbands with ropes or cordelettes and these were the
9 armbands that we had to wear for the FDS to know that we were together."
10 Q. (Speaks English) Now, just answer this: That conversation that I've read out,
11 does that accurately reflect what you said to the Prosecutor in your interview? Just
12 answer that question, whether it accurately reflects what you said to the Prosecutor.
13 A. [11:00:16] Yes.
14 Q. [11:00:17] And the next question is: Do you agree today with what you said
15 then?
16 A. [11:00:29] Yes.
17 MR O'SHEA: [11:00:31] Your Honours, it's the time, I think.
18 PRESIDING JUDGE TARFUSSER: [11:00:35] Yes. I would have stopped you in
19 any case. So we break and come back in half an hour.
20 THE COURT USHER: [11:00:41] All rise.
21 (Recess taken at 11.00 a.m.)
22 (Upon resuming in open session at 11.34 a.m.)
23 THE COURT USHER: [11:34:18] All rise.
24 Please be seated.
25 PRESIDING JUDGE TARFUSSER: [11:34:38] Good morning once again.

1 The floor goes immediately to Mr O'Shea.

2 MR O'SHEA: [11:34:50] Yes, thank you.

3 Q. [11:35:03] Witness, on 16 December how many cordelettes did your group
4 receive, as far as you can remember? You described this implement which was
5 made out of fishing yarn, I think, which in French you described as cordelettes.
6 How many of these were received by your group?

7 A. [11:36:15] We received approximately 20.

8 Q. [11:36:18] And on that day how many men did you have at Adjamé?

9 A. [11:36:55] In Adjamé, the elements at the base in Adjamé on duty were more
10 than 30 in number.

11 Q. [11:37:32] And of those 30 who were at the base, how many stayed at the base
12 and how many came out with you to deal with the marchers?

13 A. [11:38:13] There was approximately 20 at the boulevard des Martyrs, and the
14 rest were in or around the base.

15 Q. [11:38:39] So those 20 men who were at the boulevard, did they each have
16 a cordelette?

17 A. [11:39:02] Yes.

18 Q. [11:39:05] And of those 20, how many were carrying canes?

19 A. [11:39:53] Well, canes, we -- whoever was holding a cane in their hand, well, it
20 was of his own volition. The cane itself was not something that was issued to an
21 element on that day. So I cannot know how many elements had canes in their hands
22 because if they did, it was of their own volition.

23 Q. [11:40:34] Now, in the Simone Gbagbo trial, in the hearing of 28 June 2016, and
24 this is CIV-OTP-0093-0063, did you say the following during that trial? And I quote
25 in French: (Interpretation) "Yes, we were armed with Kalash."

1 (Speaks English) Do you remember saying that during the Simone Gbagbo case in
2 relation to the march?

3 MR DEMIRDJIAN: [11:41:47] Your Honours, could we just have the exact
4 page reference from the transcripts of the Simone Gbagbo case.

5 MR O'SHEA: [11:41:54] 0061.

6 Q. [11:41:57] Mr Witness, did you -- the question is simply this: Did you say that
7 in the Simone Gbagbo case?

8 A. [11:42:28] I said so, but the question you said -- you just put to me was as
9 whether we had this in Adjamé, and the question put to me in that trial was quite
10 a different one. Because I remember having explained that I personally was in
11 Adjamé *and I had dispatched 30 elements to Cocody with two Kalash. That's what
12 I said. Those were the two Kalashs that I had given to Louhoba Toaly Giscard and
13 Géisha Lala Cyprien (phon), and you put the question to me as to what we had in
14 Adjamé and that's what I answered.

15 *The question that was put to me: the GPP elements, my elements, what did... what
16 weapons did we have? I had sent those who were in Cocody and the two weapons I
17 had given, I was obliged to mention them, but personally in Adjamé I explained that
18 we had not received any instructions to use firearms in Adjamé. That's why we only
19 had cordelettes. *It is not because we didn't have any weapons at our disposal, but
20 only that if in Adjamé the march was armed, well, in that case I had the authorisation
21 to bring out those firearms because -- well, I've explained this on many an occasion.

22 Q. [11:44:19] Did you say in the Simone Gbagbo case, and I quote in French:
23 (Interpretation) "We had fired on the marchers."

24 (Speaks English) And it's the same reference.

25 Did you say that? That's the first question.

1 A. [11:44:58] I said that we had the authorisation, because when I say "we," I am
2 talking about the elements. And I already explained that about what happened in
3 Adjamé. But those who had the weapons had the right to open fire if the need arose,
4 because it was an insurrection, and as such this march and the marchers were
5 qualified or described as subversive marchers.

6 I personally was not in Cocody, as I explained. The elements who were there were
7 armed. They had the authorisation to open fire were the need to arise. But I
8 personally did not fire on anybody, because I was not carrying a weapon.

9 Q. [11:46:13] Listen to the question carefully. You can always of course elaborate
10 your answers, but listen to the question carefully. I want an answer to this question:
11 Did you say -- did you use the following words in the Simone Gbagbo case, and I
12 quote in French: (Interpretation) "We had opened fire on the marchers."
13 (Speaks English) Did you say those words? That's the question, yes or no, did you
14 say those words?

15 A. [11:47:00] They opened fire or we opened fire?

16 Q. [11:47:05] What I have recorded and what I am asking you, what I have
17 recorded is "We opened fire on the marchers," and I'm asking you did you say those
18 words in the Simone Gbagbo case? Can you answer that question, please. Did you
19 say those words?

20 A. [11:47:35] I didn't say that we, we had opened fire because, you know, Touré
21 and all that, the transcripts -- well I don't know at what level, but I explained also here
22 when the Prosecutor asked me that there was gunfire, there was gunfire. But I didn't
23 say that we personally had opened fire. But we did have the authorisation to open fire
24 if it proved necessary. But I did not say that we had opened fire.

25 Q. [11:48:16] So is the actual position that you heard gunfire, but you don't know

1 who opened fire; is that the reality?

2 A. [11:48:55] Well, I think I had already answered that question. I said that we
3 could hear gunfire. There was gunfire. I said that. There was gunfire. *Now, as to
4 -- how can we put it? Well, as to whether the marchers opened fire or the FDS opened
5 fire, well, the FDS came under fire, the FDS did open fire. Now, I wasn't there, but
6 when there is a march, then there is at least tear gas to disperse. We could hear
7 gunfire. So that's what I said, there was gunfire in direction -- the direction of the
8 marchers.

9 Q. [11:50:13] So I have two questions which arise out of what you've just said.
10 First of all, a question of clarification, because we have a -- we are unsure about
11 something in relation to the French and the English here.
12 When you spoke about the FDS opening fire, were you talking about the FDS opening
13 fire with tear gas or are you talking about opening fire with guns?

14 A. [11:50:59] They opened fire with the weapons that they had. They opened fire
15 with the weapons that they had, the weapons that they had been issued with. When
16 a march takes place, the FDS --

17 THE INTERPRETER: [11:51:27] Incomprehensible.

18 PRESIDING JUDGE TARFUSSER: The FDS.

19 THE WITNESS: [11:51:30] (Interpretation) The FDS I'm talking about -- I do
20 apologise, Mr President. When I say "FDS" I mean the Forces of Defence and
21 Security. I thought we had taken that definition on. But they had --

22 PRESIDING JUDGE TARFUSSER: [11:51:50] No, no. The definition was okay, the
23 problem was what you said immediately after which was not caught by the
24 interpreter.

25 THE INTERPRETER: [11:51:58] Message from the English interpreter: The witness

1 is not finishing his sentences.

2 THE WITNESS: [11:52:05] (Interpretation) *The FDS had been issued with warfare
3 arms and tear gas guns, grenade launchers, tear gas, inter alia, and they used
4 weapons. That's what I said when I said that the FDS opened fire. So even from our
5 position we could hear the gunfire.

6 *Now, I was not at a standstill at that location to be able to know what was being
7 fired. But what I also know is that the newspapers, when talking about the march --
8 well, we also arrested the marchers, we intercepted marchers and others. The
9 gentlemen that we intercepted said that he was not -- or they said -- they said that
10 they were not marchers and that they *were either running errands or on their way to
11 some kind of activity. But as there was gunfire, and that's why they were fleeing.
12 We intercepted people who were saying or claiming that they were not marchers.
13 We know that there was gunfire on the part of the FDS.

14 PRESIDING JUDGE TARFUSSER: [11:53:31] May I just, a clarification. The noise
15 the gunfire of bullets as opposed to tear gas makes, is it different? Can you
16 understand the difference just by hearing the noise from far if you are not present, if
17 you don't see?

18 THE WITNESS: (Interpretation) [11:54:05] Yes, Mr President. Gunfire, according
19 to their calibre, or the power or strength, I don't know how to put it really.

20 THE INTERPRETER: [11:54:32] Incomprehensible.

21 THE WITNESS: [11:54:37] (Interpretation) Or the strength of the --

22 PRESIDING JUDGE TARFUSSER: The calibre.

23 THE WITNESS: (Interpretation) -- calibre have a certain resonance, and it depends
24 on the calibre and the strength of the chien, which has an influence on the detonation,
25 and also according to the distance, things might differ.

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 But the tear gas launcher also makes a similar noise to a thingy -- *what do you call it?

2 A sniper rifle of a certain calibre like a Barrett, say, or the Dragunov that also has a
3 similar sound.

4 What I know, with regard to the shots, is that it wasn't pistol or handgun shots, rather
5 it was Kalashnikov fire... Kalashnikovs and grenade launchers.

6 I don't know if it was tear gas, but certainly grenade launchers.

7 THE INTERPRETER: [11:56:07] Message from the interpreter: The witness's
8 answers are so incomprehensible.

9 MR MACDONALD: [11:56:11] Your Honour, just a translation issue.

10 PRESIDING JUDGE TARFUSSER: [11:56:16] Yes, Mr Witness, could you speak in
11 a more comprehensible way to help the interpreters to translate better.

12 Please, Mr MacDonald.

13 MR MACDONALD: [11:56:31] Yes. The witness used a vernacular expression
14 "le chien," which is "la marteau" in French, which I don't know the translation in
15 English, but it's when you cock a firearm, it's the hammer that hits the bullet basically.

16 PRESIDING JUDGE TARFUSSER: [11:56:55] Okay, Mr O'Shea, sorry for the
17 interruption.

18 MR O'SHEA: [11:57:00] That's all right, Mr President. Thank you.

19 Q. [11:57:11] So a second clarification from what you said a little earlier, is it your
20 evidence that so as far as you know, the GPP did not open fire that day?

21 A. [11:57:51] On that day, as I said, the elements that I sent anyway did not open
22 fire.

23 MR WAGEMAKERS: [11:58:14] Can I have a second with my client, your Honour?

24 PRESIDING JUDGE TARFUSSER: [11:58:22] Yes, please.

25 MR WAGEMAKERS: [11:58:35] Thank you.

1 (Pause in proceedings)

2 PRESIDING JUDGE TARFUSSER: [11:58:37] Mr O'Shea.

3 MR O'SHEA: [11:58:57] Sorry, I was just checking the last answer.

4 Q. [11:59:12] So in your interview with the Prosecutor at 0063-1765, page 0063-1787,
5 the following question was put to you, line 782:

6 (Interpretation) "Yes, yes, it's fine."

7 Question: But were there people amongst your elements who were bearing weapons
8 on that day?"

9 (Speaks English) And that was the question. And the expression "for weapons" in
10 that sentence, and I quote, was as follows, "portaient des armes," close quote. So in
11 French "portaient des armes," which has just been translated as "weapons."

12 Your answer, 784: (Interpretation) "No, we did not have weapons. We didn't have
13 weapons. We are not allowed. Even if we did have any, we were not allowed to
14 even have a weapon on us. The people who had weapons on them there could be
15 able to get arrested." (Speaks English) End of quote.

16 Now my question, my next question is very specific, okay? And it's this:

17 When that question was put to you as to whether your men were carrying weapons
18 that day, do you accept from that question and that answer that you had clearly
19 understood from the Prosecutor that when he was talking about weapons he was
20 talking about guns?

21 You had clearly understood that to be the question, hadn't you?

22 A. [12:02:20] Yes.

23 Q. [12:02:55] And when the Prosecutor put the same question to you at transcript
24 of 20 October, page 78, and asked you if they were armed, you clearly understood
25 the Prosecutor here in court to be asking you whether they had guns, didn't you?

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 A. [12:03:38] Yes.

2 MR DEMIRDJIAN: [12:03:41] Just a second, your Honours, what excerpt is that
3 from the transcript? Because you're not putting it to the -- he's not putting it to the
4 witness and he's asking him to accept the statement he made. So I don't know what
5 the witness is saying yes too.

6 MR O'SHEA: [12:03:56] No, I'm not asking him to accept a statement he made. My
7 question was very clear. I think your Honours understood it. Yes.

8 PRESIDING JUDGE TARFUSSER: [12:04:04] But still I think if you find the part in
9 the transcript, then you read it out, I think it will be preferable.

10 MR O'SHEA: [12:04:13] Well, Your Honour, please, I'm in the middle of an exercise
11 here --

12 PRESIDING JUDGE TARFUSSER: I don't know --

13 MR O'SHEA: -- and I don't want to be told by the Prosecution add in such-and-such
14 a words or such-and-such a words.

15 PRESIDING JUDGE TARFUSSER: [12:04:25] Yes, I do understand. That's perfect.
16 You are not told, so --

17 MR O'SHEA: Yes.

18 PRESIDING JUDGE TARFUSSER: -- nobody told each other. I would, in any case,
19 as we agreed upon, like you to put the part he is talking about.

20 MR O'SHEA: [12:04:39] Well, I did, I did. It's --

21 PRESIDING JUDGE TARFUSSER: [12:04:42] No. In the statement, in the statement
22 of a few days ago.

23 MR O'SHEA: [12:04:49] I did. I said the Prosecutor said, "Were they armed?" End
24 of quotation. And that's the question of the Prosecutor and that's what my question
25 is about. And I'm in the middle of an exercise here and I would appreciate it if

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 the Chamber just bear with me.

2 PRESIDING JUDGE TARFUSSER: [12:05:12] I would like just that you tell on the
3 record where you -- where this is to be found.

4 MR O'SHEA: [12:05:17] I said it. It's transcript of 20 October, page 78. I said it.

5 PRESIDING JUDGE TARFUSSER: [12:05:22] Line?

6 MR O'SHEA: [12:05:24] Okay, the line I don't know. I'll find it later and give it to
7 your Honours.

8 PRESIDING JUDGE TARFUSSER: [12:05:30] Okay. All right.

9 MR O'SHEA: [12:05:50]

10 Q. [12:05:51] So, Mr Witness, when you were asking questions -- answering
11 questions of Maître Gbougnon the other day, Maître Gbougnon asked you about one
12 of your answers in court and it was the answer to those questions, in other words,
13 were the GPP carrying weapons, and he pointed out to you that the answer which
14 you gave was "Some of them, some of them." And when confronted with that
15 contradiction, you then said, "Well, arms includes armes blanches, in French. Do
16 you remember telling Maître Gbougnon that when he was confronting you on this
17 issue?

18 PRESIDING JUDGE TARFUSSER: [12:07:06] No, no. Please, please. No,
19 we cannot. Please stop it because otherwise we -- I know exactly. I would like you
20 to refer to the -- only to the page and the -- that's what you are asking for.

21 MR DEMIRDJIAN: [12:07:21] First of all, it's a convoluted question asking the
22 witness --

23 PRESIDING JUDGE TARFUSSER: Yes, but --

24 MR DEMIRDJIAN: -- to remember, asking the witness to remember what Mr
25 Gbougnon asked --

1 PRESIDING JUDGE TARFUSSER: [12:07:28] I don't give you the floor --

2 MR DEMIRDJIAN: Okay.

3 PRESIDING JUDGE TARFUSSER: I don't give the floor because I think we have to
4 continue on this.

5 I just would like you to give the reference of the page where this is said and to make
6 you clearly understood by the witness. I do understand we are in a very delicate
7 moment.

8 MR O'SHEA: [12:07:49] With your Honour's position I will give that reference in
9 a moment because I don't want to give too much time here.

10 Q. [12:08:04] Do you remember having this exchange with Maître Gbougnon about
11 why you had said "some of them" when asked about were they armed. Do you
12 remember this exchange between you and Maître Gbougnon?

13 A. [12:08:29] Thank you, Counsel. When Mr Gbougnon made reference to several
14 excerpts, I provided explanations and I explained that there was no contradiction
15 actually. Earlier, well, there was a bit of a nuance having to do with the context.
16 Once I was asked the question and I was quiet specific that we had the cordelette and
17 then I -- then it was explained to me, no, we are talking about firearms.

18 And I explained that we had weapons. Several times I have explained, before you
19 even asked the question, that in Adjamé, the last time, the position in Adjamé, we did
20 not have weapons because we had no authorisation to have weapons in Adjamé.
21 We did not have authorisation to have weapons in Adjamé.

22 I explained that some elements sent to Cocody and with them the two squadron
23 leaders left with them with firearms. And when I was asked -- when I was asked
24 about Adjamé and I was asked, "Did you have weapons?" I said, "No, we didn't
25 have weapons in Adjamé." I explained. Unless, you see, -- well, there was -- if

1 *there had been shooting, the people had weapons. And so the risk was quite clear
2 that there was a reason, we thus had a reason to bring out weapons, or if someone
3 had a weapon -- but you see, if someone had a weapon upon him, that person would
4 be arrested, because the instructions were clear. If we have been told not to use
5 weapons there, they know... those who have given the instructions, they know why
6 they did so. So, you see, there was a nuance. The specific reason was that they knew.
7 However, in Adjamé we did not have authorisation to have firearms.

8 Q. [12:10:46] Well, that's one explanation that you're giving now, but the explanation
9 that you gave when Maître Gbougnon was asking you the question was that there are
10 weapons, guns and there are also armes blanches, not guns, and that when you
11 answered the Prosecutor, some of them, you were talking about armes blanches, that
12 was your explanation when you were being questioned by the Defence for
13 Mr Blé Goudé.

14 PRESIDING JUDGE TARFUSSER: [12:11:21] Can we please have the reference of this?

15 MR O'SHEA: [12:11:25] Very well, I will search for it now.

16 THE WITNESS: [12:11:41] (Interpretation) I thought it was about Adjamé and I was
17 asked to talk about the different positions in Adjamé. I was shown maps. So the
18 difference, you see, is the location, Adjamé, unless I am mistaken.

19 MR O'SHEA: I'm just looking for the reference where Mr Gbougnon was asking the
20 questions.

21 Yes, I am getting the kind assistance --

22 PRESIDING JUDGE TARFUSSER: [12:14:00] I could refer you to, because you are
23 talking about two things, things which were said on two different occasions.

24 MR O'SHEA: [12:14:08] So the reference, your Honours, in the French transcript is
25 27 October, page 22, line 23, and the following. So I have the reference in the French

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 transcript. So I will try to get the English transcript as well. If I can just continue
2 with the witness for the moment.

3 Q. [12:14:39] So, Mr Witness, when Mr Gbournon was putting these questions to
4 you, you'd understood him to be referring to Adjamé. That's what I just understood
5 you to be saying; is that right?

6 MR MACDONALD: [12:15:00] Your Honours. I'm --

7 MR O'SHEA: [12:15:01] Please.

8 MR MACDONALD: No, no. I'm sorry, your Honour.

9 MR O'SHEA: Your Honours, please don't allow the Prosecution to do this.

10 PRESIDING JUDGE TARFUSSER: [12:15:06] I don't allow the Prosecution to do this,
11 please, no. I think we should go on. We are finding the relevant page.

12 MR MACDONALD: [12:15:15] It is more than that, your Honour. This currently is
13 completely incomprehensible because we are not putting the passage to the witness.

14 PRESIDING JUDGE TARFUSSER: [12:15:23] That's what I tried to -- that's what I
15 tried to achieve, please.

16 MR MACDONALD: I know you --

17 PRESIDING JUDGE TARFUSSER: That is what I tried to achieve. That's it.

18 MR MACDONALD: [12:15:30] But it -- my colleague is paraphrasing the witness
19 and putting things together.

20 PRESIDING JUDGE TARFUSSER: [12:15:35] Mr MacDonald, I said that's why I
21 asked Mr O'Shea to find the relevant part. Stop.

22 MR O'SHEA: [12:15:47] I am not referring to Mr Gbournon's questions right now,
23 I am referring to the witness's last answer, in the witness's last answer While we were
24 having this debate about the reference. I am asking him to clarify his last answer
25 and I am asking him --

1 Q. I am asking you, Mr Witness, am I right in understanding that your explanation
2 now is that when Mr Gbougnon was asking you questions, you thought he was
3 talking about the men in Adjamé? Is that the position; yes or no?

4 A. [12:16:31] *I have explained that in Adjamé we were not armed, and all the same,
5 some elements were sent to Cocody with two Kalash. Without those elements, those
6 people who had been sent to Cocody, they were organised in their own way there.
7 That is where those events happened, in that area. When you talk about or when
8 you -- I am trying to answer questions in accordance with the content, well, the period
9 that you tell me, or in accordance with the place that you mention.

10 When I'm -- I'm asked about something that happened in Adjamé or something that
11 happened in Cocody, back to Adjamé, I get mixed up, sincerely, honestly.

12 PRESIDING JUDGE TARFUSSER: [12:17:34] That is also what I think, because
13 you are referring to, as far as I understood, to two transcripts which have been made
14 on two different days and with two different subjects and somehow putting the
15 witness in a sort of a confusion. This is what I understood.

16 MR O'SHEA: [12:17:52] I'm referring to the discussion where Maître Gbougnon was
17 asking questions about 16 December 2010 and he was referring to what this witness
18 had said to the Prosecution when the Prosecution was asking, "Were they armed" and
19 he had answered, "Some of them." And Maître Gbougnon essentially drew out or
20 tried to draw out that there was a contradiction because at that moment in court
21 When answering the Prosecutor, he had said, "Some of them," whereas in his previous
22 answers he had said, "We were not armed." So that was the contradiction that
23 Maître Gbougnon was referring to.

24 And the explanation which this witness gave when Maître Gbougnon was asking
25 those questions was that there was a distinction between guns and armes blanches

1 and that he was referring to, when answering the Prosecution, he was referring to
2 armes blanches, in other words, in his mind, cordelettes, which are not guns.

3 Q. [12:19:28] So, Mr Witness, when you were talking about armes blanches in your
4 explanation to Maître Gbougnon about the sentence "Some of them," were you
5 referring to the men in Adjamé?

6 A. [12:20:06] Counsel, all the elements, the elements did not have firearms or
7 cordelettes or knives. *When the question was put to me, when I was asked, "Did
8 your elements have firearms in Adjamé, or did they have firearms in Cocody? I gave
9 a specific answer in relation to that.

10 If a question is put about another location and then you're asked a question about
11 another time, and then afterwards you want to put it all together, I explained -- I've
12 explained to counsel, to Mr Gbougnon, that there was no contradiction. There was
13 no contradiction because, you see, the various excerpts that he read out to me were
14 asked in different contexts about different locations and I don't know -- well, the
15 questions from the judge -- at one point we were talking about weapons and I said, no,
16 we only had cordelettes and then there was another question and I talked about
17 firearms.

18 So, you see, I answered the questions in light of what the questioner is trying to get
19 out of me. So you can put a question to me.

20 Mr Gbougnon asked me some questions, I answered, and the words -- well, the
21 words that he -- I don't remember the actual words.

22 Q. [12:21:55] So if my question to you now is as follows: Were the men in Adjamé
23 with you on that day, 16 December 2010, carrying armes blanches, would your
24 answer be "Some of them"?

25 A. [12:22:33] My answer was "Some of them."

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 Q. [12:22:43] And in your mind, is a cordelette an armes blanches?

2 A. [12:23:04] Yes.

3 Q. [12:23:05] Well, you see, Witness, the difficulty with that answer is that, when
4 I was questioning you earlier, I asked you how many cordelettes were received and
5 you said "20," and I asked you "How many GPP at Adjamé were there," and you said
6 "About 20," and I asked you, "Did each of them have cordelettes," and you said "yes."
7 So it is incorrect that only some of them had armes blanches, by your definition, isn't
8 it? By your definition, they all had armes blanches?

9 A. [12:23:53] Thank you, Counsel, You asked how many cordelettes were received,
10 how many elements were in Adjamé, and I said the elements, there were more than
11 30 there on duty. *As for the cordon at the boulevard des Martyrs, there were about
12 20 men there. The others were at the base and in the surrounding area. That is what I
13 said. I did not say that they were 20 in total: so that base was empty.-The base was not
14 empty. I talked about -- I said around 20 in reference to the people stationed at the
15 boulevard des Martyrs.

16 PRESIDING JUDGE TARFUSSER: [12:24:52] Can I just for the record put also the
17 English transcript so we find it later, because in the meanwhile we have the English
18 transcript on these two, two separate and different moments of questioning by
19 Maître Gbougnon.

20 MR O'SHEA: [12:25:07] Your Honour, yes.

21 PRESIDING JUDGE TARFUSSER: [12:25:09] One is transcript T-89, on page 62, lines
22 23 to 25. This is the "some of them" issue, if I can say this. And the other one
23 is -- the other one is transcript T-93 of 27 October, pages 16 to 23, but the relevant
24 place is on page 22, the first five/six lines, where they talk about blunt weapons.
25 Mr O'Shea.

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 MR O'SHEA: [12:26:05] Thank you, your Honours.

2 Q. [12:26:30] Now, on various occasions during the course of you discussing this
3 incident of the marchers going to the RTI *on 27 December 2010, you have made
4 reference to your premises. Where exactly were your premises?

5 A. [12:27:15] Our premises were located behind the stadium Delafosse in Adjamé.

6 Q. [12:27:33] And was it one building or several buildings, or one room?

7 A. [12:27:50] Two apartments on the ground floor, one was the home of Bouazo
8 and the other was an office, and there was a room for the men where they would
9 store their belongings, change, and then there was a room where I stayed.

10 Q. [12:28:19] Was this a block of flats, the building?

11 A. [12:28:28] Yes, there were apartments there.

12 Q. [12:28:33] So there are other apartments where people were living?

13 A. [12:28:40] Yes, there were other apartments where other people were living.

14 Q. [12:28:50] And these rooms, the one where you were staying and the office and
15 the room of Bouazo, they are all in the one building, are they?

16 A. [12:29:15] They were two apartments in two adjoining buildings. Both the
17 apartments were on the ground floor. But, you see, it was two separate buildings,
18 one beside another.

19 Q. [12:29:30] All right. So beside one another but in the same location?

20 A. [12:29:35] Yes.

21 Q. [12:29:39] Just tying it up. Just tying it.

22 PRESIDING JUDGE TARFUSSER: [12:29:43] I do understand, but beside means
23 beside, so.

24 MR O'SHEA: [12:29:48] Yes, I agree, your Honour, but sometimes we have
25 to -- because we come back to things, as you've noticed, or the witness comes back to

1 things.

2 Q. [12:30:01] So your evidence before this Court is that when you caught marchers
3 in Adjamé you would take them to your premises, the premises we've just spoken
4 about; is that right?

5 A. [12:30:44] Yes.

6 Q. [12:31:57] Have you on any other occasion told anyone that you took the
7 marchers to different places?

8 A. [12:32:36] I said that we handed them over to the law enforcement so that they
9 would come and directly pick them up at our positions or we would take them to our
10 base and then they would come and pick them up there. That's what I explained.

11 Q. [12:34:05] Now in your interview at page 1784, and that's in the interview
12 CIV-OTP-0063-1765, you said the following at line 680:

13 (Interpretation) "Those are the people that we intercepted."

14 "Very well. And what did you do?"

15 "We would whip them. We would whip them, but we would whip them, then we
16 would leave them. We wouldn't take them anywhere."

17 "What?"

18 "We would whip them, specifically, but we didn't take them."

19 (Speaks English) Question: (Interpretation) "When you say 'whip' ..."

20 (Speaks English) Answer: (Interpretation) "We would whip them with the
21 cordelettes."

22 (Speaks English) Question: "Mm."

23 (Speaks English) Answer: (Interpretation) "Without doing anything else."

24 (Speaks English) Sorry, yes, answer: (Interpretation) "Without doing anything
25 else."

- 1 (Speaks English) Question: "Were there any injuries?"
- 2 (Speaks English) Answer: "There were injuries" -- pardon. (Interpretation)
- 3 "There were injuries. I said that there were injuries."
- 4 (Speaks English) Question: "Very well. And then, what did you do?"
- 5 (Speaks English) Answer: "That was all."
- 6 THE INTERPRETER: [12:36:48] Message from the interpreter, could counsel please
- 7 not mix languages and when he's reading from a transcript could he please say
- 8 "Personne entendue" and "Intervieweur" then the interpreter can follow and it is clear
- 9 for the transcript. Thank you.
- 10 MR O'SHEA: [12:37:02] I have heard you Madam Interpreter. And sorry, that was
- 11 a mistake, I just accidentally slipped into English.
- 12 Q. [12:37:18] So my first question to you, and please answer the specific question
- 13 that I am putting now, does that conversation accurately reflect what you told
- 14 the Prosecutor in interview?
- 15 There's no need for this.
- 16 MR DEMIRDJIAN: [12:37:38] I am sorry.
- 17 MR O'SHEA: [12:37:40] I am entitled to ask this question.
- 18 MR DEMIRDJIAN: I -- I would need --
- 19 MR O'SHEA: There's no need for this.
- 20 MR DEMIRDJIAN: [12:37:45] I would need the witness to be removed for this one.
- 21 This is selective, your Honours.
- 22 MR O'SHEA: [12:37:50] Oh, come on, I've just read out almost a page.
- 23 MR DEMIRDJIAN: [12:37:54] There is a second interview and counsel knows very
- 24 well. I'm not going to say more.
- 25 MR O'SHEA: Well, sorry but --

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: No --

2 MR MACDONALD: [12:38:01] The question is not legal, your Honour, it has to be
3 first interview.

4 PRESIDING JUDGE TARFUSSER: [12:38:04] One. One.

5 No, please.

6 First of all, I do not understand why from a transcript one has then to -- we have
7 a transcript which I think a transcript is a transcript of what happened, then one asks
8 is it what you said. Of course it is what they said.

9 MR O'SHEA: [12:38:30] Well, can the witness please go out because it's important
10 that the Chamber understands the process that I'm going through. It's very
11 important. If the Chamber does not understand why I asked the question --

12 PRESIDING JUDGE TARFUSSER: Yes, please.

13 MR O'SHEA: -- does that accurately reflect? Then I have to explain it.

14 PRESIDING JUDGE TARFUSSER: [12:38:47] Let the witness go out, please.

15 (The witness stands down)

16 MR O'SHEA: [12:39:06] Your Honours, with your Honours' leave, I would like to
17 first of all express the following concern, when you are the non-calling party and
18 you are asking a series of questions to address potential - and I say
19 potential - contradictions within a witness's testimony, it is not only highly disruptive,
20 but also not very good practice to -- for the opposing party to leap up constantly in
21 the middle of that exchange.

22 I know that every party has the right to make an objection, I understand that. But
23 we all understand what's going on at any particular moment in time. And when the
24 non-calling party is, you know, putting something to a witness and then there's an
25 objection from the other side to have -- a perfectly proper question, the effect of that is

1 to give the witness time to think. And that's why I'm saying it's not good practice.

2 So that's my first point, because it is disruptive to the exercise that I'm carrying out.

3 Now the second thing is this, to answer specifically your Honour's question, why is it
4 necessary to state the obvious?

5 It's necessary because when you are putting questions as the non-calling party you
6 have to, as it were, close all the doors, not for the Chamber, not for the Chamber's
7 benefit, but for the witness. Because my exercise is obviously different from

8 your Honour's exercise, it is different from the Prosecutor's exercise, I'm the
9 non-calling party, I am confronting this witness, as it were, on the coalface, because

10 I don't have that prior experience with the witness.

11 So when I'm trying to achieve what I'm trying to achieve through my questions, I will
12 ask a series of questions which basically, if -- sometimes they may seem like they are
13 obvious points to the Chamber, but what I'm doing is I'm effectively closing the doors
14 around the witness.

15 The witness, rightly or wrongly, reasonably or unreasonably can come back and say
16 "That's not what I said." Even if it's a transcript, we all know it's a transcript, if the
17 witness comes back and says "That's not what I said", then that's a point for us. If the
18 witness says, "Yes, I did say that", then I've closed one of the doors, so I can go to the
19 next level, so the witness can't come back at the end of my questions when I have got
20 to the crescendo and say -- yes, so I just wanted to explain that very clearly because I
21 understand that your Honours are sitting there thinking, well, that sounds a bit
22 obvious, that sounds a bit obvious, but -- but sometimes there is a rationale and the
23 rationale doesn't relate to whether the Chamber understands, it relates to not allowing
24 the witness to come back on something.

25 PRESIDING JUDGE TARFUSSER: [12:42:57] Prosecutor.

1 MR DEMIRDJIAN: [12:42:58] Thank you, Mr President.

2 First of all, your Honours, I know that you are perceiving that we're raising a lot this
3 morning, however, if the procedure is not fought accurately and if the record is unfair
4 to the witness we have to get up. And I'm sorry if it appears to my learned friend
5 that we're interrupting. We don't do it intentionally, but putting portions of a
6 witness's evidence where there are other portions of the interview which say the
7 complete opposite is unfair.

8 So my objection is this, your Honours, when we are quoting portions of the interview
9 of the witness and we say, and the question my learned friend put was, "Does it
10 accurately reflect what you told the Prosecutor in interview", that is misleading
11 because the interview lasted -- the first portion lasted six days, there were three more
12 days in the second interview. And my learned friend has read everything, he knows
13 that in the second interview the witness talked about intercepting, arresting people
14 and handing them over to the armed forces. So my objection is you cannot take
15 a portion of the interview, be it a statement or a lengthy interview and say, "Well, this
16 is what you said."

17 Had he said "This is what you said in the first interview and I am going to come to the
18 second interview," I would not have objected. If my learned friend was going to go
19 incrementally, I would not have objected at all. The problem is when we put
20 a proposition that is misleading and partial. And you remember the example of the
21 Uzis last week, we had the same example, and your Honours ruled at that time that
22 we have to give a complete picture to the witness before confronting him.

23 Thank you for your patience, your Honours.

24 MR O'SHEA: [12:44:42] Your Honours, in response to that, that is an entirely
25 unrealistic approach. I am astonished that my learned friend really believes in it,

1 and I trust he does, but I am astonished.

2 We have 1,200 pages of interviews, right. If my learned friend is right that the
3 witness has said something else or clarified something else on another part of his
4 interview somewhere else, then that is either a contradiction within those interviews
5 or it is something which can be explained. And the way to deal with it, to be fair to
6 the witness, is the Prosecution can in re-examination come back to the witness and
7 say, "Well, it was put to you by counsel that you said such-and-such on
8 such-and-such occasion. If we go to page X, we see you said the following."

9 And, well, I don't need to teach the Prosecution, but you see the point.

10 PRESIDING JUDGE TARFUSSER: [12:45:43] Neither the Chamber.

11 MR O'SHEA: [12:45:45] Neither the Chamber. But I am just obviously answering
12 the point that has just been made.

13 Now, when you are in cross-examination, you are essentially wanting to see how the
14 witness's answers come out. You are not, you are not bound to put every single
15 thing that the witness has said. Sometimes that is going to completely defeat the
16 purpose of the exercise, because if you think that what he said in his interviews on
17 day X is in contradiction with what he said on day Y, then you can't, you
18 can't just -- and I remember Maître Gbougnon was being criticised for this, rightly or
19 wrongly, taking various statements, reading them all out and then putting it to the
20 witness. And my learned friend stood up and said that was not fair to the witness.
21 If I take a specific series of sentences inside the transcript and I read them out to the
22 witness, and I say, "Did you -- is that an accurate reflection of what you said on that
23 day," there is nothing unfair about that question in my submission.

24 PRESIDING JUDGE TARFUSSER: [12:46:49] No, no. On that day, no.

25 MR O'SHEA: [12:46:50] Well, that's what I am saying. That is what I am asking

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 him.

2 PRESIDING JUDGE TARFUSSER: [12:46:54] I can't remember if you were talking
3 about the transcript or the day where he said that, in which context or in which
4 question.

5 MR O'SHEA: [12:47:03] I didn't use the word "day."

6 PRESIDING JUDGE TARFUSSER: Yeah, well --

7 MR O'SHEA: I didn't use the word "day." But without going into semantics, what I
8 did do is I say, "Are those words an accurate reflection," having quoted him in full
9 what the words were, "are those words an accurate reflection of what you told
10 the Prosecutor?"

11 PRESIDING JUDGE TARFUSSER: [12:47:20] Yes. I would say -- Maître Gbougnon,
12 please.

13 MR GBOUGNON: [12:47:32] (Interpretation) Mr President, I am getting to my feet
14 and I do apologise, because when you read the transcript 27 October 2016 from
15 page 29, 30, 31, you will see that the same thing that is happening now happened in
16 response to precisely the same question. The same contradiction, the same
17 observation was made, namely that we are being selective in the selection of the
18 responses provided by the witness.

19 Mr President, the problem that arises here is the problem that the OTP is aware of,
20 namely that when you send a witness off with 1,500 pages of testimony with the view
21 to -- with regard to one event, he can say three different things. And when you then
22 question him, you question him and you choose purposefully one version. So why
23 do you want the Defence to read to you what you want to hear, because you have
24 chosen to bring to the Chamber a witness who constantly contradicts himself, and
25 you do it on purpose; and so it is very important for the Defence to show those

1 contradictions by showing those excerpts in which those contradictions appear,
2 because what the Prosecutor has just said is that what the investigators are doing,
3 they are not seeking clarification, they are just asking questions. And in 2015 he
4 gave different answers in response to questions on the same event.
5 So why do you want me to choose the statement from 2015? I think that it really is
6 a very unfair thing that the OTP, knowing only too well where we are going, is trying
7 to assist the witness, the witness who is contradicting himself, and he -- they are the
8 one who chose him after all.

9 PRESIDING JUDGE TARFUSSER: [12:49:55] I think we are not in the closing
10 statements at this point in time, and therefore I would just state two things. The first
11 is I do understand that it is highly disruptive, but it is always also very difficult to
12 understand if it is just say a foul, if I use the football language, to interrupt the attack
13 or if it is a foul because it is out of the game that we have to do it.

14 I just say that we should really try to, all of us, to keep a little bit calm. Try to
15 limit -- but this goes to all of you, because when the Prosecutor is questioning, it is the
16 Defence jumping up with the same purpose, of course. So I would ask all of you to
17 be cautious and calm down.

18 The second, I hear continuously taking about the fairness in different contexts, the
19 fairness to the witness. I think this witness is, well, absolutely able to say what he
20 thinks, and he has often proven that he does not -- also say if an unfair treatment, he
21 is not receptive for something unfair, because he is good enough to reply or to
22 respond by the questioner saying "This is not right." So I think we should really also
23 leave the witness say what he has to say, the questioner put the question in a correct
24 manner and try to come to an end, which I think we should face now.

25 I don't know if you have to finish a certain argument?

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 MR O'SHEA: [12:52:10] Well, I hate to waste the Court's time, but I think it's
2 important that I actually read that out again.

3 PRESIDING JUDGE TARFUSSER: [12:52:19] No, no, no, no. It's okay, it's okay.

4 MR O'SHEA: [12:52:23] I have to read that out again.

5 PRESIDING JUDGE TARFUSSER: Yes, okay, perfect.

6 MR O'SHEA: Get my answer and then we can go on the break.

7 PRESIDING JUDGE TARFUSSER: [12:52:27] Okay. But tell him at what date this
8 was done, just to be more precise.

9 (The witness enters the courtroom)

10 PRESIDING JUDGE TARFUSSER: [12:52:59] Mr O'Shea.

11 MR O'SHEA: [12:53:01] Thank you, your Honours.

12 Q. [12:53:03] Okay, Witness, now I apologise for that, I apologise for that short
13 interruption, but at least it gave you a chance to stretch a bit. But a little bit of time
14 has passed since I put my question so I am going to do it again.

15 You were questioned by the Prosecution in May 2014 about the events involving
16 marchers towards the RTI on 16 December 2010. And I'm going to read out
17 a portion of what you appear to have said. And it's at CIV-OTP-0063-1765.

18 CIV-OTP-0063-1784 is the page number, and I'm going to read from line 677, and I
19 shall follow strictly my orders from the interpreter so, and I'm quoting in French:
20 (Interpretation) "Interviewee: For them to be able to cross the gutter in order to
21 arrive at 220 Lodgement, those who were in Adjamé were getting back to Adjamé.

22 Interviewer number 1: Mm-hmm.

23 Interviewee: Those are the ones that we were intercepting.

24 Interviewer 1: Very well. And so what did you do?

25 Interviewee: We whipped them. We whipped them, but we -- we whipped them,

1 then we left them. We didn't take them anywhere.

2 Interviewer number 1: What?

3 Interviewee: We would whip them specifically, but we didn't take them.

4 Interviewer number 1: When you say 'whipping' --

5 Interviewee: We whipped them with a cordelette.

6 Interviewer number 1: Mm-hmm.

7 Interviewee: Nothing more.

8 Interviewer number 1: Were there any wounds?

9 Interviewee: There were wounds. I did say that. There were wounds.

10 Interviewer number 1: Very well. And then what did you do then?

11 Interviewee: That's all." (Speaks English) End of quotation.

12 Now I just have two very specific questions for you, Mr Witness, which will follow,

13 there may be other questions after, but for the time being just two specific questions

14 which are "yes" or "no" answers, and the first question is this: What I have just read

15 out, does that accurately reflect what you told the Prosecutor's office back in

16 May 2014? Yes or no?

17 A. [12:57:47] Well, this is what is written.

18 Q. [12:57:52] And my second question is this: Do you agree with those statements

19 today? Yes or no?

20 A. [12:58:17] Before answering, I do apologise, Counsel. This was an interview,

21 and taking out a question and an answer, understanding that excerpts in a given

22 situation, because it's possible, because thinking that what I explained by that was

23 that we did not have the authority to take anybody to the public prosecutor's office or

24 the prefecture to take those people that we intercepted.

25 So I think that through the various interviews I thought it was necessary to explain

1 and go into detail as to how everything was organised. And I think that the question
2 was put to me as to where those people who came to pick them up would take them.
3 So I don't think that you can just cut a piece out of a questioning. Because this
4 question was broached on a number of occasions and I came back to it and explained
5 it in detail because the person had not grasped what I was explaining.

6 And those people whom we would intercept, we did not take them anywhere or
7 transport them anywhere, to the CECOS or the prefecture or any other place. But
8 what had to be done was that the forces of defence and security had a mandate to
9 take them, and whilst they were taking their time coming, we would take them to our
10 base and we would signal to them that we had people at our base and then, generally,
11 they would come and pick them up themselves at the theatre of operations where we
12 were to be found. So that is how I came to explain things in detail. Because we did
13 not have a mandate to transport anybody or to transfer anybody to any location, any
14 given location. But it did occur as events unfolded, that gave rise to the fact that we
15 did have certain detainees in our premises. So that's why I said what was written
16 and that's how my thought was translated when I expressed myself in such terms.

17 Q. [13:02:04] Now, just before we go to the break, with your Honours' leave, just to
18 come to the yes or no part of my question, today, do you agree with those statements
19 I read out, those things that you told the Prosecutor on that day? Do you agree with
20 the statements you've made, or not?

21 A. [13:02:31] Yes, that's what I said.

22 MR O'SHEA: [13:02:35] That's it, your Honours, for now.

23 PRESIDING JUDGE TARFUSSER: [13:02:38] Okay, thank you. We take the lunch
24 break and come back at 2.30.

25 THE COURT USHER: [13:02:46] All rise.

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

- 1 (Recess taken at 1.02 p.m.)
- 2 (Upon resuming in open session at 2.32 p.m.)
- 3 THE COURT USHER: [14:32:47] All rise.
- 4 Please be seated.
- 5 PRESIDING JUDGE TARFUSSER: [14:33:12] Good afternoon.
- 6 Good afternoon, Mr Witness.
- 7 Good afternoon to everybody. The floor is immediately to Mr O'Shea.
- 8 MR O'SHEA: [14:33:25] Thank you, your Honours. I think there is a mini trial
- 9 going on during our lunch break because every time I come back I'm on French.
- 10 PRESIDING JUDGE TARFUSSER: [14:33:44] Not me.
- 11 MR O'SHEA: [14:33:48]
- 12 Q. [14:33:49] Good afternoon, Mr Witness.
- 13 A. [14:34:01] Good afternoon, counsel.
- 14 Q. [14:34:05] Now I'm referring to here the Simone Gbagbo trial,
- 15 CIV-OTP-0093-0060, at page 0061, page 2, the hearing of 28 June 2016. And I'm
- 16 going to ask you, Mr Witness, if you said the following during that trial, and I quote
- 17 in French: (Interpretation) "We established a security perimeter at Adjamé during
- 18 the march upon the RTI and we were stopping the people taking part in the march."
- 19 (Speaks English) I'm just going to read that last bit again, Mr Interpreter.
- 20 (Interpretation) "And we would stop or detain the marchers and we would take
- 21 them to the various locations, either to the police station or to the CECOS camp and
- 22 our premises."
- 23 (Speaks English) So the first question is, did you say that in the Simone Gbagbo case?
- 24 A. [14:36:51] I said -- I indicated the place where the marchers were sent, the
- 25 location where the marchers were sent. I don't know how this was recorded. What

1 I do know, and this is what I've always said. We personally -- it was not our
2 mandate to detain anyone. I'm talking about the locations. I told that court what
3 locations those people were taken to, the places that we sent the marchers to, our base,
4 and I explained that those, some were taken directly to the base, or sometimes CECOS
5 would come and get them from us. These were the people that we were detaining.
6 Before they came to get them, they were taken to various places. So I've explained.
7 I've told you, I've told the courts what I know. It's not that we -- that I or the elements
8 took the people in question and we put them in a vehicle and transported them. But,
9 you see, when we were having a discussion with the police commissioner *from the
10 7th arrondissement, had it been our prerogative we would have taken them to send
11 them to a place that is (*inaudible*). But we were obliged to wait for the CECOS to come
12 and get the people, because we were not entitled to take these people and really
13 transfer them officially to anyplace. So that is -- well, perhaps the person preparing
14 this report didn't really understand. But those weren't the words really that I used.
15 Q. [14:39:11] So the words that are recorded here are not the words which you used.
16 So the statement "and we arrested the marchers and took them to different places,"
17 that statement is wrong, is it?

18 A. [14:39:34] It's not a matter of whether it's true or false, Counsel. It's really about how it
19 was recorded or reported on. I think I'll be more explicit, I'll explain. You see, according
20 to -- well, this doesn't make sense. When I read, when I read the statement from the trial
21 and I signed to show that I had read the statement, I read it, but I didn't approve of
22 everything because there were some things or some statements that*I don't think I said.
23 Because, at the trial, while...I am asked a question, and at the same time while I am being
24 asked a question there is a second question, at the same time, I am called a liar now and
25 also crazy. I expressed myself as best I could, and I gave explanations. But you see, the

1 conditions were different here where you are allowed to speak normally, explain..
2 express oneself fully. And when someone asks you a question, and another question is
3 popped at you, sometimes you're not sure if it's a rhetorical question or not, or if it's a
4 question seeking clarification. I explained where the people were. We set up a security
5 perimeter and I gave the places that the people were taken to, and I was surprised the
6 question -- well, the account of the -- in some interviews I see question-answer. *But here,
7 I see only answers. One cannot see which question was asked, whether it was several
8 questions asked at once and there were answers and then testimony is given saying "this
9 is what you said". I said, "I do not agree", I was just clear about not being in agreement
10 with that. While Mrs Simone Gbagbo's lawyer, Mr Dadje was asking questions, Mr
11 Bogoré (phon.) was also asking questions or Mr Dadje was asking other questions, and I
12 hadn't even finished answering and then I answered as best I could. I answered as best I
13 could in light of the question that was put to me. And I had the impression that it really
14 wasn't a trial. It was more a settling of scores. Everyone was emotionally involved. I don't
15 know. But I answered the questions. But what is written down here does not translate
16 what -- I think that what I said was twisted around. Each time I explained clearly that we
17 did not have the prerogative of taking anyone and handing them over or transferring
18 them or bringing them before. Thank you.

19 Q. [14:42:50] Yes. Thank you, Witness. So am I to understand you correctly that
20 you were given the opportunity to read through the transcripts of the hearing, and
21 you noticed some things which were not correct; is that right?

22 A. [14:43:14] Yes.

23 Q. [14:43:22] And you drew it to the attention of those who had given you the
24 transcripts to read that there were errors and what those errors were?

25 A. [14:43:41] I said that really, I don't know, well, maybe there was a mix-up. It's having

1 taken part in the trial, we made statements, gave testimony. And some of the answers were
2 compressed, if I could put it that way, or put together. Several questions were put. It wasn't
3 the kind of trial where you would have someone transcribing while you were answering,
4 and then the lawyer would go on to another question. So I'm trying to answer, but, you see,
5 the answers were all put together. *Sometimes several questions are asked of me and while
6 I am being asked "where were you set up?" I am also asked "where was the person that
7 you handed over to the FDS taken to", I answer and then the answers, you see, were all
8 kind of compressed or squished together. I am saying that no, I, personally, the people I
9 handed over, I did not have that authority. I think I've explained everything.

10 Q. [14:45:12] Who was the person who took you through the transcript of the hearing
11 or allowed you to read through the transcript of the hearing? What was that person's
12 function?

13 A. [14:45:33] They were people from the Victims and Witnesses Unit. I think that's
14 what it's called, Victims and Witnesses, those people. It was a man. I don't know his
15 actual name.

16 Q. [14:46:06] And that specific sentence that I read out, do you remember whether you
17 pointed out to that person that that was wrongly transcribed?

18 A. [14:46:20] Well, the first remark I made had to do with the part where I had said to
19 Touré, and I said no, I didn't say that it was in Lomé. And then after I saw other really
20 real irregularities, so I asked "Why is it that the questions, why aren't the questions
21 relevant to -- or, why aren't the questions mentioned, the questions that match the
22 answers?" *Because you can take what somebody says and align them like that or put
23 them together, when the questions... we see are well spread out. But here, it's as if I had
24 held a long-winded speech, without anyone else intervening. I can see "SIR" written.
25 "SIR", "SIR", "SIR". I think that the little experiment, that when there is a questioning or

1 a cross-examination, I think that when "SIR", is written, it's with regard to a question that
2 was already put about (inaudible) answer. But right from the beginning to the very end,
3 all you can read is SIR, whatever that means. So, I pointed it out. You see, they put the
4 answers together and squished them together. When you divide it all up, I think
5 someone made a mistake. You see, here you can read SIR. So you see, when there were
6 questions or cross-examination, they put this acronym SIR. But right from the
7 beginning to the very end, all you can read is SIR, whatever that means.

8 Q. [14:47:51] During the course of the questioning before this Chamber at a certain point
9 in time my learned friend Mr MacDonald got to his feet and he drew the Chamber's
10 attention to the fact that all the questions were not written down in the transcript of
11 Simone Gbagbo. When Mr MacDonald said that, did you hear him say that?

12 A. [14:48:27] No.

13 Q. [14:48:40] At the march of the RTI, you're at Adjamé, when individuals came from
14 the direction of the main area of the march towards Adjamé, if they -- if you saw them,
15 if you saw that they were marchers and you saw that they were leaving the 220 as
16 you've called it, and crossed the motorway in order to go to Adjamé, those marchers
17 that were moving towards Adjamé, did you try to catch them?

18 A. [14:50:37] Yes.

19 Q. [14:50:40] So if they slipped by you and you saw that, you would follow them until
20 you got them, would you?

21 A. [14:50:55] Yes.

22 Q. [14:51:10] In your interview with the Prosecution, *CIV-OTP-0063-1784, to the page
23 ending with CIV-OTP-0063-1765, line 495 and this goes on to the following page, and I
24 read and quote in French: (Interpretation) "Interviewee: They were fleeing. Well, they
25 were fleeing. They were trying to leave, so they were running away. That is to say once

1 they left the neighbourhood, we chased them. They left our perimeter and that was the
2 end of it." The Interviewee went on to say this: "Once they left the 220 area, they crossed
3 the motorway to head towards Adjamé, the Gouro market and other over there, we ...
4 Saint-Michel, we did not continue chasing them after that." (Speaks English) Is that an
5 accurate reflection of what you told the Prosecutor on that day?

6 A. [14:53:39] Yes.

7 Q. [14:53:50] And when you arrested these people, did you believe that you had the
8 right to do it?

9 A. [14:54:28] Yes.

10 Q. [14:54:41] So if you ever said on another occasion that you didn't have that right,
11 that would be wrong, would it?

12 A. [14:55:06] What right are you talking about? What right that I -- now that I say I
13 have? I don't understand the question.

14 Q. [14:55:39] What was the mission of your group on that day? What was your mission?

15 A. [14:55:53] I explained that our mission was to intercept the marchers and to support
16 the Defence and Security Forces in their efforts to repress this march, which was a form
17 of insurrection. That was our mission there, namely, to put down the march. I said that
18 we did not have the right to bring someone before a court and take them -- or take them
19 to the police station or to one of the gendarmerie brigades. It was the Defence and
20 Security Forces who were supposed to take care of that, because you asked me a question.

21 *And, you see, if someone goes alongside you running away, and leaves Cocody, what
22 do you do? We chased after them, I said, but if they exited the perimeter we had given
23 ourselves, if you go via the roundabout towards Gouro market, for example, more than
24 100 metres away, this is no longer anything to do with Cocody, nor with the people
25 passing through. If we were going to pursue all those running towards Gouro market,

1 now, we had taken those who had gone to the market and who were... we would have
2 been running after everybody. So as far as that is concerned, we did not pursue someone
3 in that area. We did not pursue them. That is what I have explained. Now, I don't know
4 what right you have to still be talking about.

5 Q. [14:58:12] So was it part of your mission to arrest the marchers and beat them with
6 cordelettes?

7 A. [14:58:25] Yes, that was one of our prerogatives.

8 Q. [14:58:51] In your interviews, CIV-OTP-0063-1777, that's in the interview 0063-1765,
9 you said the following, you said, and this is line 438, and I quote in French:

10 (Interpretation) "Interviewee: That is to say in Cocody there were several units. The
11 CECOS people were going around. But one thing for sure, we, our mission was to
12 disperse the crowd. And we had armbands so that if the FDS saw us, they would not
13 be mistaken, and they might -- to ensure that they would not attack us either."

14 (Speaks English) So would you agree that arresting people and whipping them with
15 cordelettes goes a little bit beyond the mission of dispersing the crowd?

16 A. [15:00:54] I'm sorry, counsel, but I think that even if you did not take part at a
17 march, you have seen marches on television, and there are some of them who
18 saw -- who would see people 100 metres away and start retreating, others would
19 shoot stones at the forces of law and order. And also if you don't have a weapon and
20 you have a cordelette,*the person facing you might be a martial artist, or might feel
21 confident in their physical cabality. So there were people who were more sturdy
22 physically than us and so the people that we would not be able to bring under control,
23 we had to use at least two or three people to control them, because when you talk about
24 dispersing, it encompasses all these things. And we have a saying that it is the mission
25 that actually determines the true order, because when they say go and look for this

1 person, you simply don't just go and see him and say push back, but you cannot just say
2 that because if he does not push back and he even tries to attack you, what are you going
3 to do? So it's part of the same thing. You may decide to beat them, but if they tell you to
4 disperse them based on the methods or the resources that these people have, you have to
5 use your own resources to drive them away. So I didn't go into the details of explaining
6 everything, but dispersing means to disperse.

7 Q. [15:03:24] So if the marchers are running away from the march towards Adjamé and
8 beyond, is that also part of a mission to disperse a crowd? Is that the way you saw it at
9 the time?

10 A. [15:04:03] The instruction that we had was very clear, so all demonstrations were
11 forbidden * by the government. Those marchers were claiming to be of the opposition,
12 and they were claiming the presidency, the position of the president. And yet the
13 president had been sworn in by the constitutional council and their prime minister had
14 decided to challenge the government and install their own person at the head of the RTI.
15 So they were to be considered as subversives. And so when you are told to treat people
16 as subversives, well, then no one is going to be offended if those people are beaten up.
17 *So if you talk about subversion, it because it is the same as a coup d'état or a putsch.

18 Q. [15:05:33] And when you said in your interview, and this is in the section of the
19 interview that I read to you just before the lunch break, when you said in your
20 interview, and I quote, (Interpretation) "They were not taken anywhere," (Speaks
21 English) close inverted commas, that is not true; is that right? That's not true as a
22 statement?

23 A. [15:06:31] And what is the date of that statement? Do you have the reference?

24 Q. [15:06:49] Yes, with pleasure, sir. The very full passage I read out to you just before
25 the lunch break, and it's from May 2014, May 2014, so could you please just answer

1 the question that I'm putting to you now, the statement and I quote: (Interpretation)
2 "We did not take them anywhere." (Speaks English) *That statement is incorrect, or is
3 it correct, according to you?

4 A. [15:07:41]*It is correct, because I have explained what I meant when I said that we did
5 not take them anywhere. We did not have the authorisation to take people to a police
6 station or a gendarmerie station or other destinations. But I asked you for the date
7 because, if I'm not mistaken, it was the first interview, and I was asked to explain myself
8 and explain certain details based on the questions that were put to me. Because this
9 interview took place. And I can say that I was coming back from very far and my
10 memories were not quite there yet because this was barely two weeks after my arrest. So
11 I had spent more than two months in the bush living like a wild person, eating raw food
12 and so on. So my priority at that time was survival. *So, I didn't talk to anybody. I was in
13 a certain mindset or state of mind. *And when they questioned me, I said so... Firstly,
14 with regard to the time frame, could I please have the time frame, first, because in
15 December things happened in the period of December, the march, yes, but I gave
16 explanations, I did not go into details about how it was organised, how we behaved,
17 because, sincerely, at that time it was very, very difficult for me to memorise the events.
18 I was making great efforts to explain what had happened and then subsequently I would
19 elaborate, give more details and better explain the ideas that I had put forward. Thank
20 you.

21 Q. [15:10:45] So at the time of your interviews in 2014, your memory was failing you, was
22 it?

23 A. [15:10:50] What I can say is that it was not easy for me to explain everything in detail
24 because those events had taken place more than 10 -- or many, many years before. So
25 the situation that I had been a few days before that meant that I was not quite there yet,

1 because questions were put, being put to me on events that had taken place a long
2 time before. So it was really laborious or tedious effort for me, but I made the effort to
3 try and explain the events. And if at that time I did not give certain details, I'm sorry
4 for that, but it was not done deliberately so as to make sure that you do not
5 understand. And when I had the opportunity to better explain those events, that is
6 precisely what I did.

7 Q. [15:12:45] That's perfectly understandable, Mr Witness, that if something happens
8 in 2011, and especially if there's a lot of traumatic events going on in your life at that
9 time, that several years later, in 2014, it might be difficult to recall events.

10 What about today in 2016, is it difficult to recall events after these years have passed?

11 A. [15:13:34] As I have said, I'm doing my best. And I have been talking about what
12 I do recall, and that is what I am continuing to do.

13 Q. [15:13:52] And given that there may have been errors in your recollection in 2014,
14 do you think there might be errors in your recollection today?

15 A. [15:14:08] You are saying that -- you are seeing it as my making mistakes, but that
16 is not really the case because the way that I phrase my answers may have led to
17 confusion, but I have said, I have explained why I said what I said in 2014. I said that
18 when we caught these people we did not take them anywhere, and I explained why I
19 said that. Also, I needed to get used to the investigators and understand how they
20 worked and the manner in which I could best express myself. So there are many
21 areas that I was able to improve as the interview went on. So I can say it was a bit
22 more difficult to me at the beginning to remember certain things, more difficult than
23 today because there have been several questions and cross-examinations, and so I've
24 been able to remember certain things. That is why I told them also that I did not want
25 to give certain dates because it was difficult for me, but I could speak to the facts, and

1 that is what I have been trying do ever since that time.

2 Q. [15:16:27] In one of the answers you've given in the last few minutes, you've
3 mentioned the fact that you were in the bush for two months eating raw vegetables.
4 These raw vegetables, were they provided to you by the Dozo, or these things that
5 you got from the forest? Can you explain?

6 A. [15:16:51] I was in the area and I was being hunted down, I was being searched for by
7 the Dozos, the water and forestry departments and also the communities, members of
8 the communities who live in the area where I was. So even if I had food, I could not light
9 a fire to cook whatever it was because this would reveal my position. I was in the forest,
10 so I could not cook anything, so I had to eat the vegetables and the leaves that I could
11 recognize, such as cassava leaves. I ate those and I did everything to try and survive. That
12 is why -- what I ate. It is not the Dozos who gave me food, because if the Dozos had
13 found me before that, they certainly would have arrested me.

14 Q. [15:18:26] So the point in time that you were with the Dozo you were no longer
15 eating these raw vegetables?

16 A. [15:18:43] I spent a single day with the Dozos. So when they took me, they
17 handed me over to the gendarmerie the very next day.

18 Q. [15:19:11] But I thought you were eating raw vegetables to prove to them that
19 you were mad. Isn't that how you got out of their detention?

20 A. [15:19:51] They did not release me because they had a description of me.
21 Because I was being sought in the area, I had been sought for a long time, I played the
22 madman to come out because even if I said I was normal, somebody who saw the
23 way I appeared certainly would have doubted it.

24 So when they arrested me they were discussing amongst themselves. Some said I
25 was mad, others said no. But they already had my description, so they had to hand

1 me over to *their contact in the FRCI, but before they could take me elsewhere, I
2 stopped the gendarmes at the checkpoint and they were the ones who decided to take
3 me to the brigade in the town. That is what happened.

4 MR O'SHEA: [15:21:18] The answer's being given and my learned friend stands up.
5 Well --

6 MR MACDONALD: [15:21:24] I thought the witness had completed his answer on
7 the --

8 PRESIDING JUDGE TARFUSSER: [15:21:30] Have you completed the answer?

9 MR MACDONALD: [15:21:34] The witness indicates by a --

10 PRESIDING JUDGE TARFUSSER: [15:21:36] Yes.

11 MR MACDONALD: [15:21:37] -- a gesture that yes.

12 Your Honours, I think we're getting away from the relevance of the topics. I
13 understand we're in cross-examination, but discussing vegetables in the context that it
14 was discussed where the witness is simply indicating his mindset when he gave a
15 statement to the OTP, and now my colleague is latching on to that to -- trying to find
16 contradictions, I think we're getting away from the essential credibility issues in this
17 case and with this witness.

18 MR O'SHEA: [15:22:19] Well, I'm most grateful for Mr MacDonald for pointing out
19 to the witness that this was a credibility issue. I didn't expect that. But anyway, it's
20 done. But yes, that's it, your Honour, that's what it was all about. And I'll move on.

21 PRESIDING JUDGE TARFUSSER: [15:22:34] Well, I think the witness is intelligent
22 enough to have understood what's behind it, but (Overlapping speakers).

23 MR O'SHEA: [15:22:43] Oh, we don't know. I mean, I -- we don't know if the
24 witness understands what's behind my questions. And I'd appreciate my learned
25 friend not helping the witness to find out.

1 PRESIDING JUDGE TARFUSSER: [15:22:52] Yes, but please go ahead.

2 MR O'SHEA: [15:22:57] Thank you, your Honour.

3 Q. [15:23:13] Now, in the Simone Gbagbo case, were you asked the following

4 question and did you give the following answer: Question, and I quote in French

5 (Interpretation) "What was your rank?" (Speaks English) Close quotation.

6 Answer, open quotation in French, (Interpretation) "I was the deputy chief of staff."

7 (Speaks English) Did you give that answer to that question in the Simone Gbagbo

8 case?

9 A. [15:24:38] I answered that question there and I also answered that question here
10 in this courtroom.

11 Q. [15:24:45] Yes. And in the Simone Gbagbo case you said, and I quote,

12 (Interpretation) "I was the deputy chief of staff."

13 (Speaks English) Do you agree that you said that?

14 A. [15:25:05] I have explained myself at length on that matter. I said that contrary
15 to the former president, Touré Moussa Zéguen, Bouazo, apart from being president of
16 the GPP, also had the rank of general. *So even before my first function was
17 officialised, I was actually his chief of operations. Operationally, I had the rank of
18 deputy chief of staff, but when at some point towards the elections I occupied the
19 function initially because Bouazo did not have the experience, even though he was a
20 leader, so the operations in the field was my responsibility. So, I occupied the position
21 of chief of staff, firstly. The question was about a period, a specific period when I said
22 I was deputy leader. I explained that after February 2009. I was confirmed, and that
23 was when Bouazo appointed me. But as a general, he managed certain things. But
24 operationally or functionally, I occupied the position of deputy chief of staff because
25 there were certain military functions that he attended, because given his rank of

1 general, *he was higher ranking than me and it was he who appointed me.

2 So I explained them -- I explained this, I gave details so that there should be no
3 confusion.

4 Q. [15:27:23] Yes, we heard that temporal explanation, Witness. But let me give
5 you a bit more context here to this question and this answer. We're talking about the
6 trial of Simone Gbagbo and her responsibility for what happened in Ivory Coast.
7 That's the context in which you are being questioned.

8 And the question is put to you, and I quote in French: (Interpretation) "What is the
9 GPP?" (Speaks English) Close quotes.

10 And then you give the answer, open quotes, (Interpretation) "The GPP is the
11 groupement Patriotique pour la paix."

12 (Speaks English) Then another question is put to you, open inverted commas,
13 (Interpretation) "What was its role?"

14 (Speaks English) Close quotes. Then the answer is put, open quotes, (Interpretation)
15 "The repression of marches, incursions into the mosques, intimidation." (Speaks
16 English) Close quotes.

17 And then comes the question and the answer which I've just referred to, "What rank
18 did you occupy?"

19 "I was the deputy chief of staff."

20 Now, it must have been very clear to you at that time when you were being
21 questioned during that trial that they were not talking about 2009, that they were
22 talking about 2010 and '11; that's right, isn't it?

23 A. [15:29:35] I answered that question, because in the organisation chart of the GPP
24 that I prepared, there was a president, the chief of staff, and the other positions. I
25 think the Presiding Judge asked me what was my position on that organisation chart,

1 and I pointed to the position just under the president, Bouazo. I explained that
2 Bouazo was supposed to be chief of staff, but in the organisation chart, the president
3 could not have that double function. So if I'm asked where I came in that
4 organisation chart, I came directly under him, the president. So I explained certain
5 details so that those listening should fully understand that Bouazo, having the rank of
6 general meant that I followed his instructions unless I had other prerogatives. And
7 if he opposed one of my decisions, I could not tell him, no, that is not your field.
8 I explained that during the period of Touré Zéguen and Jeff Fada, even Groguhet,
9 *this situation ... the legislative and the military within the GPP, were quite different.
10 So in this particular case, you had Bouazo, who took care of administrative matters.
11 And counsel had asked me why I did not meet every time authorities came, and I
12 explained Bouazo had a rank of general, so he could deal with military issues. He
13 knew what he talked about. He was not lost. *And coming out of the period of crisis
14 in the leadership of the GPP, then this reign forced his authority and credibility with
15 the interlocutors.
16 *Questions were put to me about Maguy's orders, the activities of Maguy and
17 whether I gave them orders directly, and I said no. Bouazo gave instructions directly
18 to Maguy, said, "Okay, take Tocard, ask Tocard to do such and such a thing in
19 Yopougon." But Bouazo, given his rank, had the authority. I could not simply
20 overlook him, ignore him, and then go and carry out an action. This is what I have
21 been trying to explain. So when you look at the organisation chart, there is the chief of
22 staff, but then I explained that there were certain others, and Bouazo was president at
23 the time. Would the chief of staff be allowed to do certain things? No. During that
24 period I would perform the duties of chief of staff, and that is why I gave that answer.
25 Q. [15:33:55] Now, Bouazo, you've explained would deal with the political issues

1 and you would deal with the military issues; is that right?

2 A. [15:34:33] Yes.

3 Q. [15:34:40] So during the march of 16 December on the RTI, did you make the
4 decisions about the positions of your men?

5 A. [15:35:01] I was the one who took the decisions about the positions of the men
6 in -- depending on the mission that had been given to me, namely to intercept the
7 people, the marchers, who were crossing and going through 220. And from a
8 strategy point of view, it would be simpler to intercept them at the boulevard de
9 Martyrs, because we knew that there were people -- there were also people in Cocody,
10 Adjamé, and we knew that there would be people between various buildings, people
11 would be going in various directions. So from a strategy point of view, it would be
12 better for us to take a position at boulevard de Martyrs and we could -- and the
13 people in Cocody, in --

14 Q. [15:36:41] Just pause there, Witness, because my question was simply this, and
15 you've answered it, my question was, was it you who decided on the positions of
16 your men? And you've given an affirmative answer to that question. So, with
17 respect, we don't need to rehash the events as it were. Now --

18 A. [15:37:12] I was just explaining that, in Adjamé, the positions were defined in
19 Adjamé, and the positions in Cocody had been defined by the FDS, the Forces of
20 Defence and Security. That was the point I was trying to get at, but then you
21 interrupted me. Now I've finished. I've finished. So that's what -- that's the point I was
22 trying to make.

23 Q. [15:37:38] And was it you or Bouazo who decided on how the men would move?

24 A. [15:37:54] Once again, I've explained in our jargon, in the field, *in the theatre of
25 operations, it's the mission itself that commands, because you can position a man here

1 and then, depending on the events, he might head towards another position. The
2 position that I defined was like -- well, that was the initial position because we had a
3 perimeter, a certain area of action, and the position depended on the direction that the
4 marchers were headed in. And so depending on them, we also made adjustments so
5 that we could contain them and intercept them. And so there you have it. That is
6 why I explained when we were talking about orders and coordination earlier, you
7 mentioned that, and I received orders from Bouazo.

8 In the field, for example when we're at the boulevard des Martyrs, when the FDS unit
9 came towards us and told us to leave the location, I would have to refer to Bouazo
10 first and say "We've been asked to leave the location. What do we do?" Because I
11 reported to Bouazo for that mission.

12 Q. [15:39:44] And according to your evidence, at this time you are not the deputy
13 chief of staff, but you are the chief of staff. So why if you are the chief of staff, and
14 you are making military and strategic decisions, as you put it, why are you not
15 attending meetings?

16 A. [15:40:37] I think I've explained several times, I've explained that, well, I wasn't
17 paying attention. I said --

18 THE INTERPRETER: Correction: Maybe you weren't paying attention.

19 THE WITNESS: (Interpretation) I said first that it was my personal decision, first,
20 and given that I took part first in a number of missions, undercover missions, as much
21 as possible, I was avoiding meetings where there might be, well, that kind -- meetings
22 with journalists. And we agreed with Bouazo, the fact that there was the whole
23 things about leadership, the leadership crisis within the GPP. And to give more
24 weight before the authorities, each time we spoke to a certain component of the GPP,
25 automatically *he would be there as the one and only contact point. And if I weren't

1 there it didn't matter, because all the same, the implementation of certain decisions, of
2 those decisions was done through me. So whether I was there or not, that didn't
3 bother me.

4 And I was avoiding also, for personal and family reasons, I was avoiding because I
5 didn't want people to be making links between me and certain activities. It had to
6 do with members of my family, so I really wanted to try as much as possible to
7 disassociate those two, those two things.

8 MR O'SHEA:

9 Q. [15:42:44] Now, at the beginning of the march when you leave your premises in
10 order to carry out your mission, do you already have your armbands and your
11 cordelettes when you are leaving your premises, or do these things come to you later
12 during the march, or after you've left your premises?

13 A. [15:43:25] Before the elements, before the deployment of the elements to the
14 operation, Bouazo went and he left and he came back with the cordelettes and the
15 armbands. Me myself personally, personally, I already had my own cordelette. I
16 already had my armband, my cordelette as well, *my handgun . I don't know.
17 Well, that day, whether he went to get the armbands or not that day, you see, we
18 wanted as many men as possible to be identifiable easily from far away so that they
19 would not be confused or actually -- or attacked by Defence forces. We were
20 working with them. But, you see, but we were in plain clothes, and so we got the
21 equipment in question and the elements were deployed.

22 Q. [15:44:57] Now, during your evidence you spoke about a march of the GPP
23 where you went to the Stade Delafosse. When you were at the Stade Delafosse, how
24 many men were you?

25 A. [15:46:08] Close to 2,000 people. More than 2,000 people, to be specific.

1 PRESIDING JUDGE TARFUSSER: [15:46:19] "You" GPP?

2 MR O'SHEA: [15:46:21] Yes, I'm about to, yes.

3 PRESIDING JUDGE TARFUSSER: [15:46:27] That's my question.

4 MR O'SHEA: [15:46:30]

5 Q. [15:46:30] Your answer relates to the GPP?

6 A. [15:46:33] I didn't understand the question. You're asking how many there
7 were of us for the march, how many men? I haven't really under -- I think I was the
8 one who didn't understand the question.

9 Q. [15:46:49] It's okay. Let's break it down. How many men of the GPP were at
10 the Stade Delafosse?

11 A. [15:46:57] More than a thousand people. I didn't count exactly that day, but
12 more than 1,000.

13 Q. [15:47:13] And how many people from other groups?

14 A. [15:47:24] I didn't count the number of people, so I really can't give you numbers.
15 Some people came on time, some people came late, and at one point we decided to
16 begin the march. From an organisational point of view, it was a bit of a mess.

17 Q. [15:47:51] Were there people from other groups sympathetic towards the GPP
18 who turned up?

19 A. [15:47:58] *There were various groups, different groups. You can talk about
20 denominations. Well, the GPP, as the first RPC, the GCLCI, Uni-24, there were several,
21 several groups.

22 Q. [15:48:32] So other than this 1,000 plus or minus GPP, from these other groups
23 were there large numbers as well?

24 A. [15:48:43] I don't really understand what you mean by "other groups". I'm not
25 getting it.

1 Q. [15:49:02] Well, you just mentioned certain groups who were there other than
2 GPP, haven't you? So those are obviously the groups I'm referring to.

3 A. [15:49:14] Well, I mentioned those groups who were associated. But now
4 you're asking me if there were other groups than the GPP who were associated. I
5 told you the groups that were there. These other groups who weren't part of the
6 ones you're talking about, can you explain exactly what you mean by "other groups"?

7 Q. [15:49:38] Well, you've spoken about 1,000 GPP, plus or minus. You've
8 mentioned that, apart from the GPP, there are other groups which you've named
9 which are associated with the GPP. So those other groups which you've named
10 which are associated with the GPP, did they come also in their thousands or less?

11 A. [15:50:18] I would say there were fewer, but still a good number, because,
12 because I think that during, during the questioning by the Prosecution, I think he
13 showed a document to me, the leaflet, the information leaflet about the march, *and it
14 said GPP march, the march of the GPP and self-defence groups. Self-defence groups,
15 that included all the self-defence groups. So, I had specifically said that we had called
16 it the UMAS, Union of Self Defence Movements of the South. So all those various
17 groups joined together, were associated with someone another, and they had the
18 same aspirations, namely, the same aim, they wanted to achieve certain results.

19 Q. [15:51:32] Were there, apart from the GPP and the groups associated with the
20 GPP, were there other people who came to the Stade Delafosse just to observe what's
21 going on?

22 A. [15:51:51] That day all the ones who saw the leaflet, who got the information
23 and who felt involved or concerned by our demands, who felt that they were, how
24 should -- well, who were supporters or sympathisers of the GPP took part. I've
25 already explained that the GPP itself, * we were between 10,000 and 20,000 -- 18 to

1 20,000 at the very most in 2007. And we were supposed to take part in the census of
2 former combatants, and we were asked to associate, to come together with the young
3 people from other movements such as the Agoras, the Parlements, the various
4 patriotic groups, because when orders were issued by the Patriotic Galaxy, they
5 would come out as well. They, these other people would come out too and help out
6 and provide assistance to the government. They were part of the patriots.

7 So the GPP owing to its, well, its definition it means Groupement des patriotes, so a
8 groupement of patriots. So they -- we were to come together, including young
9 people, all kinds of young people, young people who had not been in the military
10 before but became involved in or associated with the GPP. So the demands expressed
11 during the march, these demands, these demands were supposed to have a favourable
12 outcome, and people were going to benefit the list of the GPP in relation to the
13 authority, *there was an initiative in 2007 in Akouédo, and the names were on the list.

14 Q. [15:54:41] Just pause there, just pause there, Witness, because we're going into
15 a lot of other details now. We're talking about numbers at the moment. And I
16 asked you about bystanders about -- because presumably there was some degree of
17 publicity prior to this event. Could people from the outside come into the stadium
18 to see what was going on as well, other than these groups?

19 A. [15:55:15] That was possible. The press came as well. Well, first of all, the
20 place, it's an open or public area. It wasn't in a closed off place or a place where you
21 could shut off access. Before the beginning of the march, I put the troops in a
22 column in their ranks, and before we began the march.

23 Q. [15:55:57] And you mentioned that there were 18 to 20,000 of you in the GPP.
24 So why, why was only -- why did only 1,000 odd turn up to the stadium?

25 A. [15:56:25] There were others inside. Some were in Abidjan. I don't want to

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 give specific reasons, but I must say that in light of what had been promised to us and
2 what was given to us, each person had their own concerns. Some people were trying
3 to move matters forward. Other people were trying really to, to -- well, they were
4 acting like volunteers in a way, helping the government or the state with security.
5 Other people thought it was a waste of time. And the government, well, it was
6 always going to be the same thing as it had been for a long time, that we wouldn't get
7 anything that our -- if we had a favourable outcome, *If they weren't there on the day
8 of the march, well, some people thought it was an opportunity to extend one's hands
9 out to others. So, we couldn't call everybody and say: "why didn't you come?" The
10 most important thing is that enough people came and it was mentioned in the press.
11 For us, our objective was reached.

12 Q. [15:57:51] Okay. So the last thing I'm going to do for today is to show you a
13 video, and it's CIV-OTP-0082-0482 at timestamp 00.00.00 to 00.00.15. And it's public.
14 (Viewing of the video excerpt)

15 MR O'SHEA: [15:59:19]

16 Q. [15:59:20] What is that location?

17 A. [15:59:23] That's the stadium, stadium Delafosse.

18 Q. [15:59:35] And is that the event we're talking about?

19 A. [15:59:37] Yes.

20 MR O'SHEA: [15:59:50] Those are all my questions probably forever. I know that
21 Mr Altit will have some questions tomorrow, but we've got through a substantial part
22 of the Defence case for Gbagbo.

23 PRESIDING JUDGE TARFUSSER: [16:00:09] With this witness, you mean?

24 MR O'SHEA: [16:00:13] Yes.

25 PRESIDING JUDGE TARFUSSER: [16:00:14] Because you're talking about the case.

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 MR O'SHEA: [16:00:22] That would be something.

2 PRESIDING JUDGE TARFUSSER: [16:00:25] Yes.

3 Maître Altit, just to know where we stand for tomorrow.

4 MR ALTIT: [16:00:29] (Interpretation) Thank you, your Honour. Listen, at the rate
5 we're going, I think that I will need two sessions tomorrow. I certainly won't go
6 beyond two sessions, and I'll try to make it shorter than that. That's what I can
7 promise today.

8 PRESIDING JUDGE TARFUSSER: [16:00:49] Okay. Thank you very much. So I don't
9 think we need extended hours, I would say. Okay. So we will resume tomorrow
10 morning at 9.30 and have normal three one and a half hour sessions. I think tomorrow
11 will be the last day, your last day. So have a nice rest and see you tomorrow.
12 The hearing is adjourned.

13 THE COURT USHER: [16:01:21] All rise.

14 (The hearing ends in open session at 4.01 p.m.)

15 RECLASSIFICATION REPORT

16 Pursuant to the instructions of Trial Chamber I, the private session held between 9.34
17 a.m. and 9.44 a.m. (page 2 line 3 to page 4 line 20) is reclassified into open session.

18 CORRECTIONS REPORT

19 The Language Services Section has made the following corrections in the transcript:

20 *Page 5, line 22:" he was a young Bété" is translated and added

21 *Page 5, lines 23-24:"in Côte d'Ivoire." is translated and added

22 *Page 8, lines 11-13:"There are people who after their arrest said" is corrected to "

23 There are several people amongst us when I say "us", I mean... whether it be FDS or
24 combattants who fought for those formerly in power, who after their arrest – I hadn't
25 yet been arrested then - said "

1 *Page 10, lines 18-19 : "Within the Republican Guard the deputy commander
2 for -- under -- was Amichia." is corrected to " Within the Republican Guard the
3 deputy commander for General Dogbo Blé, was, I believe, Colonel Amichia."

4 *Page 12, lines 7-9: "So as to you requested whether there was confirmation for me as
5 to whether I was present when the attack occurred, and I said no, I was not present
6 when the attack occurred." is corrected to " So, it wasn't a question, it was the
7 confirmation that there had been an attack, was I there? I said no, I wasn't there when
8 the attack took place."

9 *Page 13, line 15: "These cards were illegal items, weren't they?" is corrected to " These
10 cards were legal cards, weren't they?"

11 *Page 13, lines 23-25: "Because when we let a car through at a roadblock, then
12 I would say that those cards were legal because the car could go through. But
13 when there were searches," is corrected to " Because when a car is let through at a
14 roadblock, then I cannot say that these cards were illegal, because they enabled us
15 to move about easily. When there were round-ups,"

16 *Page 18, lines 1-3 : "It is possible that they might have ordinary missions that we do
17 not know about. If you are talking about the march, they had given us a mission,
18 that is to the president." is corrected to " It is possible that they might have
19 missions that we do not know about, that's normal. But as you are talking about the
20 march, they were aware of us and our mission, because they were aware of our
21 presence. "

22 *Page 18, line 17:

23 "it be with the FDS or" is translated and added

24 *Page 18, lines 19-20 : " them. So we went on mission with." is corrected to "I found
25 myself on several occasions in places with"

1 *Page 19, lines 2-7:" If the FDS in the course of such a mission arrested us, then they
2 would arrest us, but later we would be released and later on we would explain that
3 we were there for the purpose of a security mission, and then we would be allowed
4 to go." is corrected to " If there was a problem, if we are not allowed to talk about it
5 to, maybe, the FDS who arrested us, then they would arrest us, but later we would
6 be released, of course. And if that was not the case, we would introduce ourselves as
7 elements, we would explain that we were there for the purpose of a security mission,
8 and then we would be allowed to go."

9 *Page 19, lines 17-23: "and if the need arose they had the authorisation to open fire,
10 because this was an act of rebellion. There was a president who had been sworn in
11 by the constitutional council, so there was an appeal made by the head of the Forces
12 Nouvelles. They said that they would come and impose a director general at the
13 RTI. So this was considered as subversive and so those who supported that move
14 would be considered as rebels." is corrected to " and if the need arose we had the
15 authorisation to open fire, because this was an act of rebellion. There had been an
16 election, there was a president who had been sworn in by the constitutional council,
17 so there was an appeal made by the head of the Forces Nouvelles, that is of the
18 former-rebellion (*phon.*). They said that they would come and impose a director
19 general at the RTI. So this was considered as subversive, as a coup d'état, and so
20 those who supported that move would be considered as assaillants, as rebels. "

21 *Page 20, lines 17-19: "at the level of Adjamé, these are people with whom we
22 worked often, those are people that we knew. These are people with whom I
23 worked." is corrected to " at the level of Adjamé, in particular, these are people with
24 whom I worked often, those are people that I knew outside of....before the march."

25 *Page 25, line 11: "and I was going to send off 30 elements to Cocody with two

1 Kalash" is corrected to " and I had dispatched 30 elements to Cocody with two
2 Kalash. "

3 Page 25, lines 15-16: "The question that was put to me as to who we had precisely," is
4 corrected to " The question that was put to me: the GPP elements, my elements, what
5 did... what weapons did we have?"

6 Page 25, lines 19-21: "We didn't have any weapons at our disposal, but even if in
7 Adjamé the march was armed, well, in that case I had the authorisation to bring out
8 those firearms because " is corrected to " It is not because we didn't have any
9 weapons at our disposal, but only that if in Adjamé the march was armed, well, in
10 that case I had the authorisation to bring out those firearms because --"

11 Page 27, lines 3-4: " Now, as to -- how can we put it? Well, as to whether the
12 marchers opened fire or the FDS opened fire, well, the FDS did open fire. " is
13 corrected to " Now, as to -- how can we put it? Well, as to whether the marchers
14 opened fire or the FDS opened fire, well, the FDS came under fired, the FDS did
15 open fire."

16 Page 28, lines 2-4: " The FDS had been issued with warfare arms and tear gas,
17 inter alia, and they used weapons. " is corrected to " The FDS had been issued with
18 warfare arms and tear gas guns, grenade launchers, tear gas, inter alia, and they
19 used weapons. "

20 Page 28, lines 6-7: " Now, I was not arrested on location, but" is corrected to "Now, I
21 was not at a standstill at that location to be able to know what was being fired. But"

22 *Page 28, lines 10-11:
23 "had -- THE INTERPRETER: [11:53:14] Incomprehensible. THE WITNESS:
24 [11:53:17] (Interpretation) -- been involved in an activity, because there was gunfire,"
25 is corrected to "were either running errands or on their way to some kind of activity.

1 But as there was gunfire,"

2 Page 29, lines 1-6: " what do you call it? There is a gun that has a similar breech and
3 a similar noise, but this is according to the gunfire or the pistols used.

4 THE INTERPRETER: [11:55:51] Incomprehensible. The witness is mumbling and
5 totally incomprehensible.

6 THE WITNESS: [11:56:02] (Interpretation) Kalashnikovs and grenade launchers,
7 whether they be tear gas or not." is corrected to " what do you call it?

8 A sniper rifle of a certain calibre like a Barrett, say, or the Dragunov that also has a
9 similar sound. What I know, with regard to the shots, is that it wasn't pistol or
10 handgun shots, rather it was Kalashnikov fire... Kalashnikovs and grenade launchers.
11 I don't know if it was tear gas, but certainly grenade launchers. "

12 Page 34, lines 1-7: "if there had been shooting. And so it was quite clear that there
13 was a reason, we thus had a reason to bring out weapons, or if someone had
14 a weapon -- but you see, if someone had a weapon upon him, that person would be
15 arrested and the people knew, the people -- the elements knew why that was the case.
16 So, you see, there was a nuance. The specific reason was that in Adjamé we did not
17 have authorisation to have firearms. " is corrected to "if there had been shooting, the
18 people had weapons. And so the risk was quite clear that there was a reason, we
19 thus had a reason to bring out weapons, or if someone had a weapon -- but you see, if
20 someone had a weapon upon him, that person would be arrested, because the
21 instructions were clear. If we have been told not to use weapons there, they know...
22 those who have given the instructions, they know why they did so. So, you see, there
23 was a nuance. The specific reason was that they knew. However, in Adjamé we
24 did not have authorisation to have firearms. "

25 Page 36, line 4: " I have explained that in Adjamé we armed " is corrected to " I have

1 explained that in Adjamé we were not armed,"

2 Page 36, lines 7-8: " When the question was put to me, when I was asked, "Did your

3 elements have firearms in Adjamé," the firearms were in Cocody." is corrected to "

4 When the question was put to me, when I was asked, "Did your elements have

5 firearms in Adjamé, or did they have firearms in Cocody?"

6 Page 38, lines 11-15: " As for the boulevard des Martyrs, there were about 20 men

7 there. The others were at the base and in the surrounding area. That is what I said.

8 I did not say that there was more than -- the base was not empty. I talked about -- I

9 said around 20 in reference to the people stationed at the boulevard des Martyrs."

10 is corrected to " As for the cordon at the boulevard des Martyrs, there were about 20

11 men there. The others were at the base and in the surrounding area. That is

12 what I said. I did not say that they were 20 in total: so that base was empty. --The

13 base was not empty. I talked about -- I said around 20 in reference to the people

14 stationed at the boulevard des Martyrs."

15 Page 39, line 3: "on 16 December 2010," is corrected to " on 27 December 2010,

16 Page 52, lines 9-12: " from the 7th arrondissement, we would take them first to a

17 place and then we would wait to wait and then the CECOS would come and get the

18 people," is corrected to "from the 7th arrondissement, had it been our prerogative we

19 would have taken them to send them to a place that is (*inaudible*). But we were

20 obliged to wait for the CECOS to come and get the people,"

21 Page 52, lines 22-25 and 53, lines 1-4: "I don't think I said. So I really was wondering.

22 So people were -- I expressed myself as best I could, and I gave explanations. But,

23 you see, the conditions were different. And when someone asks you a question,

24 sometimes you're not sure if it's a rhetorical question or not. " is corrected to " I

25 don't think I said. Because, at the trial, while...I am asked a question, and at the

1 same time while I am being asked a question there is a second question, at the same
2 time, I am called a liar now and also crazy. I expressed myself as best I could, and I
3 gave explanations. But you see, the conditions were different here where you are
4 allowed to speak normally, explain... express oneself fully. And when someone asks
5 you a question, and another question is popped at you, sometimes you're not sure if
6 it's a rhetorical question or not, or if it's a question seeking clarification. "

7 Page 53, lines 6-13: "But here, I don't see that. I think there might have been several
8 questions and then answers and then -- but I don't agree. I don't agree. While the
9 lawyers were asking questions, well, they were putting all kinds of questions. I
10 hadn't even finished answering and then I answered as best I could. I answered as
11 best I could in light of the question that was put to me. " is corrected to " But here, I
12 see only answers. One cannot see which question was asked, whether it was several
13 questions asked at once and there were answers and then testimony is given saying
14 "this is what you said". I said, "I do not agree", I was just clear about not being in
15 agreement with that. While Mrs Simone Gbagbo's lawyer, Mr Dadjé was asking
16 questions, Mr Bogoré (phon.) was also asking questions or Mr Dadjé was asking
17 other questions, and I hadn't even finished answering and then I answered as best I
18 could. I answered as best I could in light of the question that was put to me."

19 Page 54, lines 5-9: " And while I was being asked one thing, for example, they would
20 ask a question about the people that we handed over to the FDS, and then the
21 answers, you see, were all kind of compressed or squished together.

22 I think I've explained everything. " is corrected to " Sometimes several questions are
23 asked of me and while I am being asked "where were you set up?" I am also asked
24 "where was the person that you handed over to the FDS taken to", I answer and
25 then the answers, you see, were all kind of compressed or squished together. I am

1 saying that no, I, personally, the people I handed over, I did not have that authority.
2 I think I've explained everything."

3 Page 54, lines 22-25 and page 55, lines 1-3: " Because you can take what somebody
4 says and align them like that or put them together, when the questions... we see are
5 well spread out. But here, it's as if I had held a long-winded speech, without anyone
6 else intervening. I can see "SIR" written. "SIR", "SIR", "SIR",. I think that the little
7 experiment, that when there is a questioning or a cross-examination, I think that
8 when "SIR", is written, it's with regard to a question that was already put about
9 (inaudible) answer. But right from the beginning to the very end, all you can read is
10 SIR, whatever that means. So, I pointed it out. " is translated and added

11 Page 55, lines 22-23: " CIV-OTP-0063-1784, page CIV-OTP-0063-1765, line 695," is
12 corrected to " CIV-OTP-0063-1784, to the page ending with CIV-OTP-0063-1765,
13 line 495"

14 Page 56, lines 21-25 and 57, lines 1-4: "And, you see, if someone goes alongside you
15 running away, we followed. We chased after them, but if they exited the perimeter
16 towards Gouro market, for example, more than 100 metres away, you see, in Cocody,
17 people were -- people crossed through, so running to the market and try to determine
18 who was there, no. So as far as that is concerned, we did not pursue someone. We
19 did not pursue them. That is what I have explained.

20 Now, I don't know what right you're talking about." is corrected to " And, you see, if
21 someone goes alongside you running away, and leaves Cocody, what do you do?
22 We chased after them, I said, but if they exited the perimeter we had given
23 ourselves, if you go via the roundabout towards Gouro market, for example, more
24 than 100 metres away, this is no longer anything to do with Cocody, nor with the
25 people passing through.If we were going to pursue all those running towards Gouro

1 market, now, we had taken those who had gone to the market and who were... we
2 would have been running after everybody.

3 So as far as that is concerned, we did not pursue someone in that area. We did not
4 pursue them. That is what I have explained. Now, I don't know what right you have
5 to still be talking about"

6 Page 57, lines 20-24: " the person facing you might be a martial artist, so there were
7 people who were more sturdy physically than us and so the people that we would
8 not be able to bring under control, we had to use those, because when you talk about
9 dispersing, it encompasses all these things." is corrected to " the person facing you
10 might be a martial artist, or might feel confident in their physical capability.

11 So there were people who were more sturdy physically than us and so the people
12 that we would not be able to bring under control, we had to use at least two or three
13 people to control them, because when you talk about dispersing, it encompasses all
14 these things."

15 Page 58, line 11: " by the government" is translated and added

16 Page 58, line 17: " So if you talk about subversion, it is not too similar to a coup d'état
17 or a putsch." is corrected to " So if you talk about subversion, it because it is the
18 same as a coup d'état or a putsch."

19 Page 59, lines 2-3: " That statement is incorrect, is it, or is it correct?" is corrected to
20 "That statement is incorrect, or is it correct, according to you?"

21 Page 59, line 4: " I have explained what I meant" is corrected to "It is correct,
22 because I have explained what I meant"

23 Page 59, line 12: " So, I didn't talk to anybody." is translated and added

24 Page 59, lines 13-17: " And in fact, I was not able to situate the events in time, because
25 when it came to the march I gave explanations, I did not go into details about how it

1 was organised because, sincerely, at that time it was very, very difficult for me" is
2 corrected to " And when they questioned me, I said so... Firstly, with regard to the
3 time frame, could I please have the time frame, first, because in December things
4 happened in the period of December, the march, yes, but I gave explanations, I did
5 not go into details about how it was organised, how we behaved, because, sincerely,
6 at that time it was very, very difficult for me"

7 *Page 62, line 1: "their contact in the FESCI," is corrected to " their contact in the
8 FRCI,"

9 Page 63, lines 16-22:" So even before my first function was officialised, it was actually
10 chief of operations. Operationally, I had the rank of deputy chief of staff, but when
11 at some point towards the elections I occupied the function permanently because
12 Bouazo did not have the experience of a military leader, so the operations in the field
13 was my responsibility.

14 So the question was asked whether I was deputy chief of staff, and I explained that
15 after February 2009" is corrected to " So even before my first function was
16 officialised, I was actually his chief of operations. Operationally, I had the rank
17 of deputy chief of staff, but when at some point towards the elections I occupied the
18 function initially because Bouazo did not have the experience, even though he was a
19 leader, so the operations in the field was my responsibility. So, I occupied the
20 position of chief of staff, firstly. The question was about a period, a specific period
21 when I said I was deputy leader. I explained that after February 2009"

22 Page 64, line 1:" he was higher ranking than me and that is why he took part." is
23 corrected to " he was higher ranking than me and it was he who appointed me."

24 Page 65, line 9:" this situation between the militia group and the soldiers was quite
25 different. " is corrected to " this situation ... the legislative and the military within the

1 GPP, were quite different."

2 Page 65, lines 13-14:" And coming out of the period of crisis, then this reign forced" is
3 corrected to " And coming out of the period of crisis in the leadership of the GPP,
4 then this reign forced"

5 Page 65, lines 16-18:"Questions were put to me about the activities of Maguy and
6 whether I was responsible, and I said no. Bouazo gave instructions directly to
7 Maguy," is corrected to " Questions were put to me about Maguy's orders, the
8 activities of Maguy and whether I gave them orders directly, and I said no.
9 Bouazo gave instructions directly to Maguy,"

10 Page 66, lines 24-25:" if the theatre of operations, it's the mission itself of the command,
11 because" is corrected to " in the theatre of operations, it's the mission itself that
12 commands, because"

13 Page 67, line 25:"they" is corrected to "he "

14 Page 68, line 16: ",my handgun . " is translated and added

15 Page 69, lines 19-21:"There were various groups, different groups. You mentioned
16 denominations. Well, the GPP, the first PC, the GCLC, the level 4, there were several,
17 several groups." is corrected to " There were various groups, different groups.
18 You can talk about denominations. Well, the GPP, as the first RPC, the GCLCI,
19 Uni-24, there were several, several"

20 Page 70, lines 13-17:"and it said GPP march, the march of the GPP and self-defence
21 groups. Self-defence groups, that included all the self-defence groups and of -- the
22 various self-defence groups from the south. So all those various groups" is corrected
23 to " and it said GPP march, the march of the GPP and self-defence groups.
24 Self-defence groups, that included all the self-defence groups. So, I had specifically
25 said that we had called it the UMAS, Union of Self Defence Movements of the South.

1 So all those various groups"

2 Page 70, line 25 and 71, line 1:"we were between 10,000 and 20,000 -- 18 to 20,000 at

3 the very most. And we were" is corrected to " we were between 10,000 and 20,000 --

4 18 to 20,000 at the very most in 2007. And we were"

5 Page 71, line 13:"there was an initiative in 2007, and" is corrected to "there was an

6 initiative in 2007 in Akouédo, and"

7 Page 72, lines 7-11: "well, some people thought it was an opportunity to extend one's

8 hands out to others.

9 And, you see, also we had to consider the press, and the objective or the aim was

10 reached." is corrected to " If they weren't there on the day of the march, well, some

11 people thought it was an opportunity to extend one's hands out to others. So, we

12 couldn't call everybody and say: "why didn't you come?" The most important thing

13 is that enough people came and it was mentioned in the press. For us, our objective

14 was reached. "

15 The Court Management Section has made the following corrections in the transcript:

16 *Page 3, line 11: "of things interruptions. " is corrected to " of these interruptions. "