

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 Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 3
9 Wednesday, 28 June 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:12] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:24] Good morning. Good morning to
15 everybody.
16 Just as said yesterday, we start with this issue on this reshuffling of the witnesses as
17 requested by the Office of the Prosecutor for the reasons in their filing. As said
18 yesterday, that tomorrow, that this morning we will have the discussion on this, but
19 the discussion was done in writing by all parties. So there is no major problem for
20 any of them. So the only thing we have to hear now is the VWU to see if there are
21 problems in respect to the request of the Office of the Prosecutor.
22 So I would give the floor to the VWU to tell us if this way of proceeding is feasible or
23 not.
24 MR OSEREDCZUK: [9:34:46] (Interpretation) Ladies and gentlemen and your
25 Honours of the Court, the VWU has considered the request made by the OTP to vary

1 the order of appearance of the witnesses, so it is not impossible to foresee witnesses
2 172 and 237 on the 10th and 11th of July respectively.

3 However, I should say that it's a very tight frame with view to their visas and their
4 travel from Côte d'Ivoire, because we only have one day in between. So we have
5 contacted the Dutch authorities to see whether it is possible to reduce the delay in
6 issuing visas, and they said that they will be able to issue them on the Friday, 30th of
7 June, rather than the 4th of July as initially planned.

8 I should say that the 10 days for issuing a visa are necessary, because then we have to
9 take -- send those documents to Côte d'Ivoire, because there is no representation of
10 The Netherlands in the territory.

11 So in theory, if there is no difficulty, we can move the date forward for hearing these
12 witnesses. So please be assured that on our side we have done and will do
13 everything for this to be done in the best possible time frame.

14 PRESIDING JUDGE TARFUSSER: [9:36:20] So you're saying to the Chamber that
15 what is proposed by the Office of the Prosecutor is difficult, but it's doable?

16 MR OSEREDCZUK: [9:36:32] (Interpretation) Yes, precisely, Mr President.

17 PRESIDING JUDGE TARFUSSER: [9:36:34] Okay. Thank you very much.
18 Therefore, the request of the Prosecution is granted.

19 I invite obviously the VWU to do its best in order to make it happen as reshuffled.

20 And in practice, we will have now as witness number 54, number 54, Witness 172; 55
21 is P-237; 56 is P-88; and 57 is P-87, which then goes to the end of the hearings before
22 the summer recess. These are the last four witnesses. Okay. Thank you very
23 much. I asked the VWU to update the Chamber on the steps they're making. And
24 thank you very much.

25 So I think we can now introduce the witness, Witness 226 again.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 Thank you to the VWU.

2 We can now continue with the Witness 226, in particular with the questioning by the
3 Defence for Mr Blé Goudé, who yesterday kindly told us that they will stay within the
4 first session. So I would start in the second session with Witness 239, this just for the
5 court officer.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE TARFUSSER: [9:39:06] Good morning, Mr Witness.

8 WITNESS: CIV-OTP-P-0226 (On former oath)

9 (The witness speaks French)

10 THE WITNESS: [9:39:19] (Interpretation) Good morning, Mr President.

11 PRESIDING JUDGE TARFUSSER: [9:39:23] Today it's time for the Defence for
12 Mr Blé Goudé to question you. Are you fine? Are you okay?

13 THE WITNESS: [9:39:36] (Interpretation) Yes, Mr President.

14 PRESIDING JUDGE TARFUSSER: [9:39:41] Then I give the floor to Mr Knoops, lead
15 counsel for the Defence team of Mr Blé Goudé, for his questioning. Mr Knoops.

16 MR KNOOPS: [9:39:54] Good morning, Mr President, your Honours.

17 QUESTIONED BY MR KNOOPS:

18 Q. [9:39:58] Good morning, Mr Witness. My name is Geert-Jan Alexander Knoops.

19 I'm a lawyer within the Defence team of Mr Blé Goudé. Good morning.

20 I'll ask you some questions on the use of mortars, after which my colleague Mr Claver
21 N'Dry will examine you on several other issues.

22 My first question relates to your testimony yesterday. You testified before the
23 Chamber, transcript page number 8 of the English version, lines 12 till 19, that you
24 were not able to complete your CA2 training during the post-electoral crisis because
25 the situation worsened subsequently. You can recall your testimony yesterday

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 before this Chamber.

2 Mr Witness, can you recall that you informed the investigators of the Prosecution
3 with a similar answer? You were questioned in 2013 and 2015. Can you remember
4 what you told the investigators of the Prosecution on the completion of your CA2
5 training?

6 A. [9:41:35] I no longer recall, but I do believe that I said so. It's a few years ago
7 now, but I do believe that I said so.

8 Q. [9:41:52] Yes. In 2013, Mr Witness, you informed the investigators of the
9 Prosecution that you did obtain the certificates of the CA1 and CA2 training.
10 It's for the Court reference number CIV-OTP-0039-0146, paragraph 10, last sentence.
11 I read what you said to the investigators. (Interpretation) "In 2006, I obtained the
12 Certificate of Arms number 1 and in 2010 I obtained the Certificate of Arms
13 number 2."
14 (Speaks English) This was said by you in 2013. Can you recall making that statement
15 to the investigators at that time?

16 A. [9:43:07] Ah, yes, I do recall. I do recall.

17 Q. [9:43:15] And why did you say so in light of your testimony yesterday that you
18 were not able to complete this CA2 training?

19 A. [9:43:23] I said so because indeed in the year 2010, as I said yesterday, I was in
20 training, training on the CA2 course at the BASA. We had completed the training,
21 and we had completed all of the assessments, except that when you finish a training
22 course in my country in our army, there is at the end of the training, there is a
23 message that is sent out saying that you have completed the training and says that
24 you have successfully completed it.

25 Now, in 2010, everything to do with the training, CA2 training, classical training,

1 basic training, everything was at a standstill. So for that message to come through,
2 the military authorities at the time said that it was not timely for them to go and sit in
3 an office and send out a message, a signed message attesting to that.

4 So in 2011, as I said, after the post-election crisis, the military authorities then had us
5 go through a 45-day briefing to see whether we had taken in the training that we had
6 had completed in 2010. And then that is what I explained to the investigation team.

7 Q. [9:45:27] Did you not or did you complete the training, CA2?

8 A. [9:45:37] Yes, counsel.

9 Q. [9:45:43] Why did you say yesterday that you were not able to finish it?

10 A. [9:45:50] I said yesterday that I hadn't finished that training, because in my mind,
11 completing a training needs to be accompanied with a message saying that you have
12 completed.

13 Now, at the beginning of a training course, there is a message that goes out saying
14 you'll start. And then at the end of it there is a message that goes out saying that
15 your marks have been calculated, and then it says that such and such an element is
16 authorised and has been accepted as a person who can utilise such and such a thing
17 within this army and within this unit.

18 So that message which would have marked the end of our training had not yet been
19 sent out. That's why I said to you that in 2010 we hadn't been able to finish our
20 training. But otherwise, everything had been wrapped up. But from an
21 administrative viewpoint, it hadn't. There we have it.

22 Q. [9:47:09] So you're saying that you didn't receive the official certificate from the
23 authorities that you had completed training? Did you receive a certificate, yes or no?

24 A. [9:47:20] There we are, yes, yes, yes, yes. In 2010, I had not yet received it.

25 Q. [9:47:28] Why did you say to the Prosecution in 2013 that you did receive that

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 certificate in 2010, while in 2015, two years later, you were also interviewed by the
2 Prosecution investigators and you said the same, that you received the certificate for
3 the CA2 training?

4 So on those occasions, Mr Witness, two times, in 2013, 2015, you informed the
5 Prosecution that you did receive a certificate of the CA2 training. And now you're
6 saying you didn't receive a certificate. So what is the truth?

7 A. [9:48:14] Counsel, we're talking about paragraph 11, the one that you just read
8 out. I believe that I said between November 2010 and April 2011, that's the period I
9 spoke about, in 2010, I said that I was completing my CA2 training. We finished that
10 training. But from an administrative viewpoint, in 2010, the diploma had not yet
11 been issued by the authorities. But in 2011 it was.

12 And I remember yesterday I talked about 2010. I no longer recall whether it was to
13 your colleague or to the Office of the Prosecutor when they asked me the year, I was
14 talking about 2010. But in 2011, yes, when the crisis, when the new authorities took
15 position, then as I said to you, we went through two or three weeks of briefing
16 training to see whether we still remembered it, and then the message was sent out.
17 So I came -- you know, there might have been some nuances here.

18 Q. [9:49:38] So you're now saying that you received that certificate in 2011? Is that
19 your testimony, you received the confirmation 2011?

20 A. [9:49:49] There we are. The confirmation, that is to say officially speaking,
21 officially speaking. I don't know whether I can explain it to you any better than I
22 already have.

23 THE INTERPRETER: [9:50:02] Overlapping speakers.

24 MR KNOOPS: [9:50:06]

25 Q. [9:50:06] Who issued that certificate? Which person gave you that certificate?

1 A. [9:50:13] The certificate was signed by the chief of general staff, Général

2 Delafosse -- General Bakayoko Soumaila, correction, Bakayoko Soumaila.

3 Q. [9:50:34] And when precisely was this certificate given to you by this person in
4 2011?

5 A. [9:50:39] Counsel, quite honestly, I can't give you a specific date, but it was in
6 the year 2011, yes.

7 Q. [9:50:55] So when you told the investigators in 2013 that you received that
8 certificate in 2010, because that's in paragraph 10 of your statement recorded, this was
9 not a correct statement --

10 PRESIDING JUDGE TARFUSSER: [9:51:14] But it's clear, if he now says 2011, I
11 mean ...

12 MR KNOOPS: [9:51:18] Right. Well, the witness disputes that it was
13 mentioned -- not mentioned in 2010, but it should be 2011.

14 Q. [9:51:34] Mr Witness, do you have a copy of that certificate? Can you show us
15 this certificate?

16 A. [9:51:49] Counsel, as I just said to you at an earlier stage, I knew that you were
17 going to put a question to me -- had I known that you were going to put this question
18 to me, I would have come with that message as to me receiving it.

19 But I don't see where the nuance is. I told you that in 2010, I finished my training.
20 Administratively speaking, in order to issue that diploma attesting to the fact, it
21 wasn't handed to me; otherwise I had completely finished my training, both on the
22 classical level and tactically speaking.

23 Q. [9:52:27] Mr Witness, my second question relates to your statement to the Court
24 yesterday. On transcript page 14, line 20, and transcript page 15 of the English
25 version, line 10 and 20, on three occasions, Mr Witness, you told the Chamber that

1 you believed that the radius of 120 millimetre mortar shell was 300 metres. Now,
2 can you please tell us the source of this information?

3 A. [9:53:09] As to where I got that information from, this I no longer have that
4 specific data. But I did study that weapon, and that's where I gleaned such kind of
5 information.

6 Q. [9:53:32] You used the words "I believe that the radius is 300 square metres."
7 This is your recollection to the course you received from the Russian instructors and
8 the Russian manuals you represented? Is this the source of the information?

9 A. [9:53:57] I remember yesterday that I believe that I said that I didn't have the
10 specific data. I no longer have the specific data, because I don't every day take up a
11 120 millimetre mortar when I wake up in the morning and use it, nor do I revise it on
12 a daily basis. I'm a soldier. I use the 120. I use other weapons on other missions.
13 But the figure that comes to mind, and I repeated it to the president, I believe, I think
14 it is 300 square metres, yes. That's what I said yesterday.

15 Q. [9:54:55] Thank you. My third question relates to the use of mortars 82 and 81
16 millimetres. Are you familiar with the use of 82, 81 millimetre mortars?

17 A. [9:55:11] Yes.

18 Q. [9:55:21] Did the BASA have possession of 82, 81 mortars, millimetre mortars
19 during the post-electoral crisis?

20 A. [9:55:32] Yes, the BASA did have them, but it wasn't with a view to using them.
21 It wasn't with a view to using them.

22 Q. [9:55:46] But did you ever use them yourself or were you in the vicinity of the
23 use of an 82 or 81 millimetre mortar?

24 A. [9:55:57] I approached them, yes. But I never used them, no.

25 Q. [9:56:06] Have you ever heard the sound of an 82, 81 millimetre mortar with live

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 ammunition?

2 A. [9:56:17] Yes, on several occasions I heard it.

3 Q. [9:56:23] And can you tell the Chamber what is the differentiation between the
4 sounds of an 82, 81 and 120 millimetre mortar?

5 A. [9:56:39] There is a great difference, a great difference. The ground does not
6 shake as it does with the 120 and the ground does not tremble as much as at a greater
7 distance as it does with a 120. I think it's like day and night. There is noise, of
8 course, but not as violent as the other one, no.

9 Q. [9:57:09] So for you it depends on the level of the shaking of the ground whether
10 or not a mortar is used of the 82, 81 or 120 millimetre calibre?

11 A. [9:57:23] No, counsel. *Any kind of terrain -- even in the water, the 120 hits
12 harder than the 80 mm or the 60 mm. Furthermore, even the 80 mm hits harder than
13 -- well, I don't know, an 81 mm hits harder than the 60. You know, the bigger the
14 number, the harder it hits. Even in the water, the 120 mm hits more than all of them,
15 just like on land. Everywhere, the noises are different.

16 THE INTERPRETER: [9:57:54] Message from the interpreter: The witness is
17 speaking far too fast. He needs to be slowed down and repeat his answer.

18 THE WITNESS: [9:58:03] (Overlapping speakers) (No interpretation)

19 MR KNOOPS: [9:58:06]

20 Q. [9:58:06] Thank you. My last question relates to what you told the Chamber
21 yesterday on the position of the gunner receiving the coordinates and the calculations
22 done based on these coordinates. It's transcript page, English transcript, 13, page 13,
23 line 9. Mr Witness, the coordinates which were reviewed by the gunner, how many
24 digits did these coordinates enhance?

25 A. [9:58:53] In decimals, there are two figures. There are the ordinates and there is

1 the longitudinal and the vertical. I don't remember what it's called. So there is the
2 horizontal and vertical figures, two figures, two sets of figures. But each figure is
3 given in four digits. Generally speaking, we give two digits, because we know that
4 the first two digits are already known; otherwise there is a first figure and then a
5 comma and then there is a second figure.

6 Q. [9:59:42] And how precisely geographically corresponds these two digits or
7 decimals with the reality on the ground based on the use of artillery maps? Can you
8 tell us?

9 A. [9:59:56] Yes. One of the figures corresponds to the height of the longitudinal.
10 The mortar comes out of the gun, goes very high and comes down at the requested
11 location. One of the other coordinates, the second digit, is the length of from your
12 position where the gun is located along the land, along the ground to the point to be
13 reached, those are the two coordinates to be used.

14 Q. [10:00:47] Could you confirm, Mr Witness, that when using artillery maps with
15 the coordinates ranging to two or four digits, the reality on the ground is
16 approximately 50 metres precise? So when you use the coordinates you mentioned,
17 the location you calculate on the map is with reality on the ground approximately 50
18 metres; is that correct? Is that your experience?

19 A. [10:01:23] 50 metres? Yes. As you have said, in realtime, it is provided for 50
20 metres or less. That is why it is not appropriate to do that in town. 50 metres on
21 the side, 50 metres on the other side, before and behind, so maximum 50 metres.

22 Q. [10:01:58] Thank you. These were Mr questions.

23 Mr N'Dry has some additional questions, Mr President.

24 PRESIDING JUDGE TARFUSSER: [10:02:04] Thank you very much.

25 Maître N'Dry.

1 QUESTIONED BY MR N'DRY: (Interpretation)

2 Q. [10:02:56] Good morning, Mr Witness.

3 A. [10:02:58] Good morning, counsel.

4 Q. [10:02:59] My name is N'Dry Claver, and I will continue putting questions to
5 you on behalf of the Defence team of Mr Charles Blé Goudé.

6 Now, let us go back to your mission to the MACA. You talked about that mission
7 yesterday. And you told us that there was a threat against that prison, that is the
8 MACA, and this threat was to liberate prisoners and detained persons. Based on the
9 information you had, this threat came from where?

10 A. [10:03:48] From the enemy, the enemy.

11 Q. [10:03:59] And who was the enemy?

12 A. [10:04:03] I cannot tell you, counsel.

13 Q. [10:04:44] You talked about the Invisible Commando with the investigators of
14 the OTP in relation to the enemy.

15 A. [10:04:52] No. I did not make that link. I told the investigators of the OTP
16 that we went to the Camp Commando of Abobo to fight against the Invisible
17 Commando.

18 Now, since you want to establish a link, well, the Invisible Commando is part of the
19 enemy, but it does not mean that they were the enemy.

20 At the MACA there was no mention of the Invisible Commando. It was in Abobo
21 that the enemy was the Invisible Commando.

22 Q. [10:05:41] I will confront you with your statement to the OTP,

23 CIV-OTP-0039-0143, page 168, paragraph 82. And I quote you: "The MACA
24 missions, the Abidjan prison, also took place during the same period. The MACA is
25 located opposite the Yopougon industrial zone on the edge of the Banco forest. It

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 had been said that the enemy would come to demolish the MACA and liberate the
2 prisoners. Our enemy was the Invisible Commando." End of quote.

3 Mr Witness, after reading your statement, it is clear that the enemy was indeed the
4 Invisible Commando.

5 A. [10:07:46] Do I answer?

6 Q. [10:07:49] Yes.

7 A. [10:07:52] When you read that excerpt, yes. But you have to understand the
8 mission to the MACA and the other missions took place. I also earlier talked about
9 the missions to the Camp Commando, and I mentioned the blockade at the Golf hotel.
10 But the enemy that had a face at least that I was aware of was in the Camp
11 Commando. When we went there, we were going to fight the Invisible Commando.
12 But for the other missions, no. But we knew that in the Camp Commando it was
13 confirmed that the enemy was the Invisible Commando.

14 Q. [10:09:03] Mr Witness, would you agree that the MACA is located on a
15 trajectory between Abobo and Yopougon?

16 A. [10:09:27] That is correct.

17 Q. [10:09:30] Very well. During your mission to the MACA, did you observe any
18 movement, that is an exodus of the population from Abobo commune towards
19 Yopougon?

20 A. [10:09:56] * Yes, and even in the other direction. They were not leaving Abobo
21 to Yopougon only. Others were leaving Yopougon to go to Abobo. There was
22 really a great deal of movement in each direction.

23 Q. [10:10:10] Mr Witness.

24 A. [10:10:13] Yes.

25 Q. [10:10:17] My question is this, during your mission to the MACA, did you

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 observe a massive exodus of the population of Abobo towards Yopougon?

2 A. [10:10:33] Yes. I told you yes, but in both directions.

3 Q. [10:10:39] So you also observed an exodus of the population from Yopougon to
4 Abobo?

5 A. [10:10:49] Yes.

6 Q. [10:10:50] Mr Witness, I'm simply trying to find out what you experienced and
7 what you saw.

8 A. [10:11:05] What I'm saying, I said that there were many people leaving
9 Yopougon towards Abobo and many people moving from Abobo to Yopougon. The
10 movement was in the two directions.

11 Q. [10:11:28] Very well. Can you tell us the period of that mission to the MACA?

12 A. [10:12:18] Give you a time frame? Well, relating to the events? I'm not certain,
13 but it was at the same period that we were going to the squadron in Abobo just like
14 we went to Marie-Thérèse and other locations. It was during that same period.

15 Q. [10:12:47] Very well. I will call up a document and then I will put some
16 questions to you. It is CIV-D15-0001-3446, number 124 on our list. And that is a
17 public document. It is an article from the newspaper Le Nouvel Observateur, which
18 was issued 25 February 2011 at *10.09 a.m.

19 Can you see that document, Mr Witness?

20 A. [10:13:57] The photograph with the gentleman carrying something on his head?

21 Q. [10:14:03] Yes. I will read out an excerpt and then ask you some questions.

22 MR MACDONALD: [10:14:15] The first question should be: Has he seen this news
23 article before?

24 PRESIDING JUDGE TARFUSSER: [10:14:18] Why?

25 MR MACDONALD: [10:14:19] And then the question is to simply put the facts to

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 him. But it's a news article, your Honour. If it's to establish a date or something,
2 we have no objection to that. But in terms of content --

3 PRESIDING JUDGE TARFUSSER: [10:14:29] Yes. We know --

4 MR MACDONALD: [10:14:30] I know.

5 PRESIDING JUDGE TARFUSSER: [10:14:31] -- how much a news article is, the value
6 of a news article is.

7 Mr N'Dry, Maître N'Dry.

8 MR N'DRY: [10:14:51] (Interpretation) Thank you. Mr President, I believe that
9 answer has always been given in these particular cases, so we could have been saved
10 that objection.

11 Q. [10:15:09] Let me read: "Thousands of inhabitants were leaving on Friday, 25th
12 February in the morning the neighbourhood of Abobo in Abidjan, the theatre for
13 several days of battles between the forces loyal to the outgoing Ivorian President
14 Laurent Gbagbo and an armed group. This is what was reported by AFP
15 journalists." End of quote.

16 Mr Witness, this journalist who reported this information mentions the 25th of
17 February. Does this date seem to correspond to the time of the presence, of your
18 presence at the MACA?

19 A. [10:16:12] The 25th of February? Yes, that is possible, almost towards the end.
20 I believe my memory is being refreshed now. January, February, yes.

21 Q. [10:16:29] Thank you, Mr Witness.

22 Now, this photograph that you see, this gentleman, when you were at the MACA
23 amongst these people relocating, and I'm not referring specifically to this gentleman,
24 were you familiar with such images while you were at the mission at the MACA?

25 A. [10:17:06] Such images, yes, but not this particular one.

1 Q. [10:17:13] Very well, Mr Witness. Your mission to the MACA had as objective to
2 ensure security. So how did you go about ensuring security at the MACA? You talked
3 about that to the OTP. But if you don't remember, I will refresh your memory.

4 A. [10:17:52] Yes, at the MACA, *we soldiers were there for defensive purposes.
5 We were not the only ones. *As part of our mission, we had policemen and
6 gendarmes with us. It was the police and the gendarmes who carried out identity
7 checks. On this photograph, there are no vehicles, but I can tell you that vehicles
8 were circulating in both directions. *It was an exodus on each side. And the police
9 and the gendarmerie were checking identity papers. *I even remember clearly that
10 once I was positioned by the twin-barreled ZU, and next to me there was a checkpoint
11 of the gendarmerie and the police. The police and the gendarmes were working
12 together, checking the bags of the travellers, and checking people's identities, because
13 it was no business of ours. We were there for combat, that's all.

14 Q. [10:19:06] Was it just the checking of identity papers?

15 A. [10:19:12] No. Also the search of the luggage, the bags, in both directions.

16 Q. [10:19:20] Very well. I'm going to read your statement, CIV-OTP-0039-0143.

17 And it is still page 168, paragraph 82. And I quote: "The point was therefore to
18 ensure security and to sort out the population to prevent anyone coming into our
19 zone with a weapon or anyone to leave that zone with a weapon." End of quote.

20 Do you confirm that statement?

21 A. [10:20:35] Yes. That was my statement.

22 Q. [10:20:39] Very well. Mr Witness, during the post-election crisis, did this threat,
23 that is to open up the MACA, was it ever carried out subsequently?

24 A. [10:21:13] During our presence, no. The MACA was never broken into during
25 our presence.

1 Q. [10:21:24] During your presence. But was it subsequently broken into?

2 A. [10:21:30] Yes, I believe so. It was a situation of chaos. I believe I heard about it.

3 Q. [10:21:41] Mr Witness, while you were at the MACA, did you in one way or the
4 other receive any information about the number of prisoners and detained persons
5 since you were at that location at the MACA?

6 A. [10:22:10] I never heard about it. I did not ask anyone about it.

7 Q. [10:22:22] Very well. A follow-up question about your mission. Yesterday you
8 talked about the change of itinerary when you were changing shifts, and you said the
9 purpose was to avoid confrontation with the population. Now, this itinerary taken by an
10 incoming team, did it depend on you, the soldiers or the commander of the unit?

11 A. [10:23:19] *When a new team comes in to take over, in times of peace, the itinerary is
12 determined at the base itself. The soldiers who come and get you, who replace you in the
13 field, the itinerary is carefully mapped out. It is included in the logbook, the logbook of the
14 vehicle. When the team is returning, you are supposed to take the same itinerary. That is in
15 peacetime. But during a time of war, the situation changes. You follow the itinerary, no
16 matter how many kilometres. You may even drive many kilometres for an entire day, as long
17 as you arrive safely. So from the Aboboet commando squadron to Agban, or be it Akouédo,
18 the itinerary was -- when the incoming team was coming, they would assemble with the
19 outgoing team, and together with the commanding officer or the commander of the
20 detachment, we would try to see the best route to take. The commanding officer would ask
21 whether any of the elements had information about the two possible itineraries or all the
22 possible itineraries. For example, if we took the Abobo highway, did anyone have
23 information about the members of the population attempting to come and block the road or
24 did anyone have information about possible attacks? Because soldiers have to look for
25 information. Did anyone find out that the soldiers could be attacked in one -- on one

1 particular route? So together a decision is taken. This is what happens during times of war.

2 Q. [10:25:33] Very well. In a nutshell, we have information that the change of
3 itinerary was for the purpose of avoiding the threat of the Commando Invisible. I
4 don't want to simply dismiss what you said about the population, but what I have
5 said, is that the reality?

6 A. [10:26:06] Yes. This is a fact that was also taken into account.

7 Q. [10:26:15] Very well. Mr Witness, do you know Mr Baba Elvis? Does that
8 name ring a bell?

9 A. [10:26:30] Counsel, yes, my answer to you is yes.

10 Q. [10:26:43] I'm sorry to talk about painful moments with you, but for purposes of
11 the record, we are compelled to do so. We would normally have avoided this, but
12 what can you tell us about this soldier?

13 A. [10:27:13] With great effort, I will tell you that Corporal Baba Elvis was a great
14 friend of mine. He had a lot of respect for me. I also had a lot of respect and
15 consideration for him. In spite of everything that could divide or split Ivorians at
16 that time, in fact, he was Bété, a Christian, while I was Senoufo and an animist, we
17 didn't have the same understandings of things, but every time we had a
18 misunderstanding, we would sit down and try to discuss and understand.
19 He had an adage, he said that Côte d'Ivoire belonged to both of us, everything would
20 come to an end, and we will be compelled to live together.
21 So when someone found him talking with me, they would complain: You are
22 talking with that person, and these are the people -- these are those people. So they
23 did not understand.

24 Unfortunately, I was with him on mission, we completed the mission and we had to
25 return. I found him there. He was preparing to leave the location. I came and

1 saw him and I asked him: What is happening?
2 He said no, he had been punished.
3 And I asked him why.
4 And he said the officer, who was a lieutenant, I no longer remember his name, the
5 officer felt that he was guilty of misconduct and that he had to double his shift.
6 And I said that it was necessary to negotiate so that he should be able to go and rest,
7 even for 12 hours and come back, because if you stayed there for 48 hours, things
8 could go bad.
9 He said: Go ahead. I will meet you in the camp.
10 Now, I went to the camp. I was in the shower. I even explained to the investigators
11 of the OTP, one of my colleagues came and met me crying. And I asked him what
12 was happening. He said: This is not the best moment, but I will tell you. You
13 have lost your friend Baba Elvis. He said he was in the ambulance.
14 I went there and I indeed found him there. I do remember that this was around 10
15 o'clock, 11 o'clock.
16 In the early afternoon, the ONUCI aircraft shelled us, and this affected me. Even
17 after the crisis, his parents called me to find out where the body was so as to carry out
18 the traditional rituals. I did not know, because I thought the ambulance burned with
19 him inside.
20 I do not like to think too much about this incident, but as you have said, counsel, for
21 the purposes of the record and to clarify the Court, I will stop there.
22 Q. [10:31:35] Thank you, Mr Witness.
23 And just to complete on that subject, who led that attack during which your friend
24 Baba Elvis lost his life? According to the information, you said you were not in the
25 field yourself. Who led that attack? And also tell us whether alongside him there

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 were other people who lost their lives, even if you do not know who they are. Could
2 you please just tell us who led the attack and how many people died according to the
3 information that you gleaned?

4 A. [10:32:05] As to who led the attack, I wouldn't be in a position to say. I said
5 that it was just the gendarmerie in Abobo. The people in charge said that officially it
6 was the Invisible Commando that was our enemy. But from other viewpoints,
7 people just talked about the enemy that have a number of faces.

8 I do not exclude that it might have been the Commando Invisible, but my -- I was told
9 that my friend had been lost at the MACA, yes.

10 Q. [10:32:47] I shall wrap up reading something to you in order to confront you
11 with your statement, CIV-OTP-0039-0143, page 169. And I read and I quote you:
12 "At least four individuals died amongst the FDS. Two died there and then and two
13 others died in the ambulance. It was the Commando Invisible that led that attack.
14 On that day I was not there. I was at the Akouédo camp. It was the colleagues who
15 were present who told me about it when they returned to the camp." End of quote.

16 Can you confirm your statement given to the investigators of the OTP?

17 A. [10:34:21] Yes, counsel.

18 Q. [10:34:24] Thank you, Mr Witness.

19 We have no further questions to put to you.

20 MR GARCIA: [10:34:32] Your Honour, if I may just on this last point, I think it
21 would be --

22 PRESIDING JUDGE TARFUSSER: [10:34:37] You have the re-questioning.

23 MR GARCIA: [10:34:40] I'm sorry?

24 PRESIDING JUDGE TARFUSSER: [10:34:41] You have the re-questioning now.

25 MR GARCIA: [10:34:43] Yes, your Honour. I can re-question obviously --

1 PRESIDING JUDGE TARFUSSER: [10:34:45] Yes.

2 MR GARCIA: [10:34:46] -- or Defence counsel can do it, just one additional question
3 as to when this occurred, which I think would be useful for the record.

4 PRESIDING JUDGE TARFUSSER: [10:34:52] All right.

5 MR N'DRY: [10:34:57] (Interpretation) Mr President, I thank you. The Charles Blé
6 Goudé team has no further questions to put to the witness.

7 PRESIDING JUDGE TARFUSSER: [10:35:09] Thank you very much.

8 Mr Witness, now all parties have questioned you. It's now the OTP has now an
9 opportunity to re-question you.

10 And I will ask the Office of the Prosecutor if they want to take advantage of this.
11 (OTP counsel confer)

12 PRESIDING JUDGE TARFUSSER: [10:36:06] Mr Garcia.

13 MR GARCIA: [10:36:07] I'm sorry, your Honour, I was just conferring with a
14 colleague. Yes, I do have additional questions, one or two questions, your Honour.

15 PRESIDING JUDGE TARFUSSER: [10:36:13] Okay. Please, yours the floor.

16 QUESTIONED BY MR GARCIA: (Interpretation)

17 Q. [10:36:26] Now, Mr Witness, you have just spoken to us on the basis of the
18 questions put to you by the Defence with regard to an incident that occurred. Are
19 you able to give us a time frame as to when that occurred? Was it before the
20 bombing that you spoke to us about, the Abobo market bombing, or was it after that?

21 A. [10:36:45] With reference to the decease of my colleague?

22 Q. [10:36:54] Yes. With regard to the last questions just put to you.

23 A. [10:36:57] Yes. It was a long time after the bombing of the market.

24 Q. [10:37:01] Do you have any other reference point with a view to providing us
25 with a specific date?

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 A. [10:37:09] Well, I do not have the specific date in mind, but the day that the
2 ONUCI aircraft came to visit us was the day before. On the same day, well, the
3 morning of that same day, the camp was bombed, the new camp was bombed by the
4 UN aircraft. It was in the morning. I can situate that in the morning between 9, 10
5 and 11 o'clock. And that's when it happened. It might have been the night before
6 or in the morning, but if my memory serves me correctly, my colleague said that, yes,
7 the one who came to tell me the news said that it was early in the morning. So it was
8 after thingy, after the bombing of the thingy, of the market.

9 Q. [10:38:14] I just want to refresh your memory on the basis of your statement,
10 and I'm referring to CIV-0039-0143, it's 0168, paragraph 83.

11 I will withdraw my question.

12 Mr President, I have no further questions.

13 PRESIDING JUDGE TARFUSSER: [10:38:59] Thank you very much.

14 I ask now the Defence counsel of Mr Laurent Gbagbo.

15 MR ALTIT: [10:39:09] (Interpretation) Thank you, Mr President. No further
16 questions.

17 PRESIDING JUDGE TARFUSSER: [10:39:13] And of Mr Blé Goudé.

18 MR KNOOPS: [10:39:15] No further questions, Mr President. Thank you.

19 PRESIDING JUDGE TARFUSSER: [10:39:18] Thank you very much.

20 Now I can tell you, Mr Witness, that your testimony in front of the International
21 Criminal Court has finished, has come to an end, and I thank you for the time you
22 have spent here answering the questions of all parties. Thank you very much.

23 Have a safe trip back home. Thank you.

24 Now I would ask the court usher to bring the witness out.

25 (The witness is excused)

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: [10:40:16] With your permission, your Honour, a logistical
2 issue.

3 PRESIDING JUDGE TARFUSSER: [10:40:21] Mr MacDonald.

4 MR MACDONALD: [10:40:23] We're changing Prosecution teams.

5 PRESIDING JUDGE TARFUSSER: [10:40:24] I imagine, yes. I just asked if it's
6 possible to have him here immediately so I would make all the preliminaries and then
7 make the break and then start with the questioning by the Office of the Prosecutor.

8 MR MACDONALD: [10:40:38] The problem is that the team that is to question the
9 witness is not in the courtroom, your Honour.

10 PRESIDING JUDGE TARFUSSER: [10:40:43] Yes. That's why I would start with
11 the questioning after the break. That's what I said.

12 MR MACDONALD: [10:40:49] Fine. We'd like to be present for the swearing in of
13 the witness, too.

14 PRESIDING JUDGE TARFUSSER: [10:40:53] Why? Come on. It's just for the
15 identification.

16 MR MACDONALD: [10:40:58] We're in your hands, your Honour.

17 PRESIDING JUDGE TARFUSSER: Yes.

18 MR MACDONALD: [10:40:59] We're in your hands.

19 PRESIDING JUDGE TARFUSSER: [10:41:01] It's for identification, the swearing in,
20 and then I can start.

21 We stop here and come back at 11.15.

22 THE COURT OFFICER: [10:41:24] All rise.

23 (Recess taken at 10.41 a.m.)

24 (Upon resuming in open session at 11.19 a.m.)

25 THE COURT USHER: [11:19:34] All rise.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

- 1 Please be seated.
- 2 PRESIDING JUDGE TARFUSSER: [11:19:57] Good morning again.
- 3 Good morning, Mr Witness.
- 4 WITNESS: CIV-OTP-P-0239
- 5 (The witness speaks French)
- 6 THE WITNESS: [11:20:11] (Interpretation) Good morning, Mr President.
- 7 PRESIDING JUDGE TARFUSSER: [11:20:13] Good morning.
- 8 Before starting the questioning by the parties, we have some preliminaries to do.
- 9 First is your complete identification. Can you please give us your name, surname,
- 10 the date and the place where you were born.
- 11 THE WITNESS: [11:20:42] (Interpretation) Okay. I am Coulibaly Minafe Joseph,
- 12 born on 18 April 1979 in Katiola, Tagbanan. Father, Coulibaly Tafoche (phon),
- 13 mother --
- 14 PRESIDING JUDGE TARFUSSER: [11:21:06] It doesn't matter. You are Ivorian?
- 15 You are Ivorian, right?
- 16 THE WITNESS: [11:21:08] (Interpretation) Yes, of course, Ivorian.
- 17 PRESIDING JUDGE TARFUSSER: [11:21:10] And can you tell us also your ethnicity
- 18 and your faith.
- 19 THE WITNESS: [11:21:14] (Interpretation) Tagbanan and I am a Catholic.
- 20 PRESIDING JUDGE TARFUSSER: [11:21:21] And what was your occupation during
- 21 the crisis? I'm referring to end 2010, beginning 2011.
- 22 THE WITNESS: [11:21:32] (Interpretation) A soldier.
- 23 PRESIDING JUDGE TARFUSSER: [11:21:35] Militaire, soldier in which division,
- 24 which army, which company? Can you be more precise? And what rank?
- 25 THE WITNESS: [11:21:49] (Interpretation) I was a brigadier at the artillery unit, the

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 BASA.

2 PRESIDING JUDGE TARFUSSER: [11:21:59] Okay. And today, what is your
3 occupation?

4 THE WITNESS: (Interpretation) I am still a soldier.

5 THE INTERPRETER: [11:22:12] Can the witness kindly repeat.

6 PRESIDING JUDGE TARFUSSER: [11:22:14] Can you repeat, because it has not been
7 caught by the interpreters. You said a militaire.

8 THE WITNESS: [11:22:21] (Interpretation) *I am still a soldier. I am a sergeant
9 within the Departmental General Resources Group.

10 PRESIDING JUDGE TARFUSSER: [11:22:40] Thank you very much. We will
11 address you as "Mr Witness," not with your name, because we do so with all
12 witnesses in this Court.

13 If you have any problems at any time, please address them with me and we will take
14 care of them.

15 THE WITNESS: Okay.

16 PRESIDING JUDGE TARFUSSER: [11:23:02] Further I want also to tell you if there
17 is at some point in time an answer you want to give -- you don't want to give in open
18 session, meaning that everybody hears it, you can ask me and we go into private
19 session if this is necessary, okay? Private session means only here we can hear your
20 answer.

21 THE WITNESS: [11:23:38] (Interpretation) Okay.

22 PRESIDING JUDGE TARFUSSER: [11:23:42] Another thing I wanted to tell you
23 before starting is that we have to speak slowly, you have to speak slowly.

24 Everybody here putting questions and you answering has to speak slowly and not to
25 overlap with, the two persons in dialogue should not overlap, because we have

1 interpreters and court reporters which have to translate in the other language, in this
2 case from me English to French and French to English in order for us to understand
3 each other.

4 Therefore, I would ask you to speak really slowly, like I'm doing, in order to help the
5 interpreters and court reporters. If I give you a sign with the hand, it's because you
6 are going too fast. Just slow down.

7 Now we come to your testimony. You are a witness in this trial. This Chamber has
8 been established to try the case of the Prosecutor against Mr Gbagbo and
9 Mr Blé Goudé, as you for sure know. And your duty here is to answer questions
10 which will be put to you by the parties, but not only to answer them, but to answer
11 them to the best of your knowledge and therefore truthfully. Is this okay, do you
12 understand this?

13 THE WITNESS: [11:25:27] (Interpretation) Yes.

14 PRESIDING JUDGE TARFUSSER: [11:25:30] So you are here as a witness, and as a
15 witness you should assist us, the Chamber, in the search of the truth. And I repeat,
16 the truth is the only thing which you have to tell us.

17 And to this effect, I would ask you to read out the formula you have in front of you,
18 which is the solemn undertaking to that effect, and this is requested by law. So
19 please can you read the formula out loud.

20 THE WITNESS: [11:26:10] (Interpretation) I solemnly declare that I shall speak the
21 truth, the whole truth and nothing but the truth.

22 PRESIDING JUDGE TARFUSSER: [11:26:31] Okay. Thank you very much. Now I
23 think we are ready to start the questioning.

24 I give the floor to the Office of the Prosecutor. He starts with the questioning, with
25 putting the questions to you.

1 Mr Demirdjian.

2 MR DEMIRDJIAN: [11:26:53] Thank you, Mr President. Good morning. Good
3 morning, your Honours.

4 QUESTIONED BY MR DEMIRDJIAN: (Interpretation)

5 Q. [11:26:57] Good morning, Mr Witness.

6 A. [11:26:59] Good morning.

7 Q. We met very briefly yesterday, but my name is Alexis Demirdjian. I have a
8 few questions for you concerning your experience in 2010-2011. For your
9 information we already have information about BASA, so we are not going to go into
10 too much detail about that organisation. My questions will be precise.

11 You have already said that you were *a corporal in the BASA. When did you join
12 the army?

13 A. [11:27:43] I joined the army on 1 August 2000.

14 Q. [11:27:50] And when you joined the army in August 2000, which unit were you
15 assigned to?

16 A. [11:28:04] I was recruited at the EFA in Bouaké. That is where I underwent my
17 training. And after the basic training, FCB, there were elections in 2000, but there
18 was a dispute between Mr Gbagbo and Guéï, we were sent to Abidjan. I was
19 assigned to BASA. On 21 February, there were other general transfers and I was sent
20 to the 1st battalion 3rd company, and I stayed there right up to 2002, when the war
21 broke out. I was transferred to the BASA in 2006 after my *CA1 artillery training.

22 Q. [11:29:08] Very well. Let us talk about your military training. You talked
23 about the joint basic training. Now, what type of other trainings did you undertake?

24 A. [11:29:27] *After my common basic training at the Bouaké EFA, I also took
25 further basic training at the 1st infantry battalion in 2001. After I took the CA1 at the

1 BASA and then after the CA2 where even everything was triggered, at the BASA also.
2 Currently I have a BA1 in surface to surface artillery, which I did in 2015 at the
3 surface to surface artillery battalion, the BASS, based in Bouaké.

4 Q. [11:30:12] Very well. Let us go to CA1 and CA2. When did you complete that training?

5 A. [11:30:20] I did the CA1 in 2006 and the CA2 started on 17 August 2010.

6 Normally it should have ended on 17 December 2010, but when we started, there was
7 a suspension or stoppage of the training because of the elections, the presidential
8 elections in 2010, so we did not complete the training. There was the general crisis,
9 and it was only in 2012 that we came back for the final tests and I obtained my diploma.

10 Q. [11:31:22] Very well. Now, just before the elections in October 2010, you had
11 the CA1. And is it training for surface to air artillery or both surface to air and
12 surface to surface?

13 A. [11:31:45] *During the crisis, the two surface units, that is, the surface to air unit
14 and the surface to surface unit were together. So we were taught both weapons.
15 There you have it. So I can say that my CA1 and my CA2, it was both weapons
16 because we were taught everything about the two weapons that were there.

17 Q. [11:32:04] Very well. Now, to situate us a little bit, in October 2010, just before
18 the electoral period, who was your superior in BASA?

19 A. [11:32:23] Colonel Rigobert Dadi, and his nickname was Rateau.

20 Q. [11:32:36] And what was your duty at that time in BASA?

21 A. [11:32:42] I had the rank of brigadier, and I was a gunner.

22 Q. [11:32:57] So you were a gunner?

23 A. [11:32:58] Yes.

24 Q. [11:32:59] And which battery did you belong to in October 2010?

25 A. [11:33:10] Since I was in San Pedro in 2010, when I was admitted to the CA2, I

1 did not belong to a battery in BASA. But it was my unit, but I was on secondment.

2 Q. [11:33:31] Very well. Now, just before the elections, were you assigned to a
3 mission just before the first round?

4 A. [11:33:51] Yes. Before the first round I was sent to Akakro, and that is where I
5 spent the first round. The second round in Akakro also.

6 Q. [11:34:12] What is Akakro?

7 A. [11:34:17] It is a training centre for the Republican Guard, the GR.

8 Q. [11:34:25] And what was your mission?

9 A. [11:34:29] Before I went to Akakro, they had sent ammunition before that, that is
10 ammunition for all the types of weapons that we had at BASA at the moment, at that
11 time. They were stored there. The following day *we -- we left with the weapons,
12 and our mission was to remain there and to keep an eye on that equipment.

13 Q. [11:35:01] With whom did you go to Akakro to take care of that equipment?

14 A. [11:35:07] There were five of us. *At that time, my commander was Sergeant
15 Mambo Kpangue. I was his deputy. One of my former classmates, so a trainee like
16 me, at that time, Kuman, who was the driver. And then there was Dedi. There was
17 another BASA corporal whose name I do not know.

18 Q. [11:35:35] Do you remember the specific date when you were sent to Akakro?

19 A. [11:35:45] The 28th of October 2010.

20 Q. [11:35:54] Very well. Now, what type of weapons were you supposed to take
21 care of in Akakro?

22 A. [11:36:14] There were two *RLMs, Stalin's organ, with two mortars. Those
23 were the weapons that we were looking after.

24 Q. [11:36:31] What calibre of mortars?

25 A. [11:36:35] 120 millimetre, Russian.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 Q. [11:36:43] Do you mean 120 millimetres?

2 A. [11:36:46] Yes, 120 millimetres.

3 Q. [11:36:51] Did you also have to take care of ammunition?

4 A. [11:36:55] Yes. That was part of the weaponry that was there, ammunition for
5 the orgue de Staline.

6 Q. [11:37:07] And do you know why those weapons and ammunition were sent to
7 Akakro?

8 A. [11:37:19] No.

9 Q. [11:37:20] Very well. Now, you were based there, as you have said, in October
10 and November and also December?

11 A. [11:37:32] Yes. I remained there right up until 25 December 2010, when I was
12 accused of training people in Akakro, and I was suspected of having phone calls with
13 the rebel FAFNs. I was relieved of my duties on that same day and imprisoned.
14 Captain Goué, who was the deputy at that time, questioned me. He told me what I
15 was being accused of. I asked him whether he had any evidence, and he didn't give
16 me any. At about 5.30 I was asked to report. And Colonel Dadi arrived late. He
17 took the floor. He asked me to leave. He took out his weapon and he said he
18 would shoot me. He said that I was in Akakro and training rebels, and he asked me
19 whether that was my mission. He *put the weapon back -- his weapon. I was lucky
20 because he could have pulled the trigger at any moment. *Once he was finished, he
21 ordered me detained. They locked me up, and I was imprisoned right up to 15 January.

22 Q. [11:39:25] Very well. I will come back in greater detail to your arrest. But
23 during that period, from 28 October right up to 25 December 2010 -- do you want a
24 little break, Mr Witness?

25 A. [11:39:44] No, no, no. We can continue.

1 Q. [11:39:48] During that period from 28 October to 25 December, you said you were in
2 that GR camp. Apart from the BASA elements, the five elements, who else was there?

3 A. [11:40:09] There were soldiers of the GR, and I believe there were also recruits.

4 Q. [11:40:22] Very well. Now, let us talk about these recruits. Did you see them yourself?

5 A. [11:40:31] Yes, I saw some of them. I saw many of them. *Upon our arrival, we found
6 that there were already recruits there. We talked with some of them when we were playing
7 ball with them. They told us that they had been recruited three weeks beforehand. They said
8 that the others had gone for the elections. They were supposed to go and get them. We
9 conversed about their training, how it had gone, how their recruitment had taken place,
10 because I was not aware. They entered into the details, because -- when -- before the electoral
11 campaign, President Gbagbo had gone to Agboville, and I believe he promised a young man to
12 have him recruited into the army. So it was during that period that they were recruited.
13 *There were many of them, I didn't know how many. Those we found there had not -- they
14 were sick, and according to people -- they had not learned much during the training, so they
15 had stayed there. They could not be used. So they had stayed there to continue the training.
16 Q. [11:41:57] Very well. When you conversed with those recruits, did you hear about
17 who had recruited them?

18 A. [11:42:02] They said they had been directly recruited *at the GR, upon the -- the
19 president -- the thing called -- There was Dogbo Blé who was there. So it was a direct
20 recruitment because -- since it was an order, maybe the president must have given a direct
21 order for that recruitment. They were recruited directly.

22 Q. [11:42:25] Very well. Did you observe the training of those recruits?

23 A. [11:42:30] No, no, no.

24 Q. [11:42:34] Very well. Did you learn who was training those recruits?

25 A. [11:42:43] The people of the GR themselves, they had their instructors. They had

1 everything there.

2 Q. [11:42:51] Very well. Did you know the names of any of the trainers or instructors?

3 A. [11:42:59] I knew their names, but I no longer remember. *I have forgotten. I
4 know them. We know one another. The army is small, so we know each other.

5 Q. [11:43:03] Okay.

6 A. [11:43:08] Apart from that, while I was still there, there were other recruits who came there to
7 visit before me, before I left Akakro. There were many of them, many of them. They came for
8 medical tests, I saw them do it. And they were supposed to receive training from us, but then I left.

9 PRESIDING JUDGE TARFUSSER: [11:43:34] Mr Demirdjian, if I'm not mistaken, this
10 Akakro comes out the first time now today now?

11 MR DEMIRDJIAN: [11:43:43] We've heard evidence about this camp with Witness 347 in
12 September, October last year, your Honours. But would you be assisted by --

13 PRESIDING JUDGE TARFUSSER: [11:43:52] No, just to --

14 MR DEMIRDJIAN: [11:43:54] Situated?

15 PRESIDING JUDGE TARFUSSER: [11:43:56] Yes, right. Thank you.

16 MR DEMIRDJIAN: [11:43:58] (Interpretation)

17 Q. [11:44:05] Mr Witness, can you tell us where that GR camp Akakro is located?

18 A. [11:44:10] I believe it is *directly (inaudible) Bingerville, about 10 kilometres in
19 the direction of M'bato Bouaké.

20 Q. [11:44:28] Mr Witness, do you know whether it was a temporary camp or a
21 permanent camp of the Republican Guard?

22 A. [11:44:40] I went there because I was assigned to a mission. When I went there, I
23 found people. There were not many of them, but I know that there were people who
24 were residing there. Everything was clean, but next to the camp, there was a small village
25 there. And we were told that people came there *to train people, they would leave, well -- but

1 there were always people who would stay to keep an eye on the camp and maintain the camp.

2 Q. [11:45:10] Very well. And you said it was 10 kilometres from Bingerville?

3 A. [11:45:19] Approximately.

4 Q. [11:45:21] In what direction?

5 A. [11:45:26] When you arrive Bingerville, you go straight on the main road and
6 you would arrive there.

7 Q. [11:45:39] We may understand that better with a map. Now, before your departure,
8 you talked about the second wave of recruits. Do you have an idea of the numbers?

9 A. [11:45:52] There were hundreds of them. There were many of them.

10 Q. [11:45:58] A few moments ago when I was asking you the name of the instructor,
11 you said you had forgotten the name. Now, there is a name in your statement that
12 you provided to the investigators, and I believe it was paragraph 78, Captain Blé?

13 A. [11:46:17] Yes, Captain Blé. He was the one in charge of the training centre. He
14 didn't live there. He would come and go. But he would *come and give instructions
15 about how people were supposed to be trained or he would go back and forth.

16 Q. [11:46:33] Did you see him?

17 A. [11:46:34] I knew him before. I had to work with him in Daloa before he was
18 part of the GR. We knew one another. He knew me as well.

19 Q. [11:46:47] And what was his nickname?

20 A. [11:46:50] I don't think he had a nickname.

21 Q. [11:46:52] His full name?

22 A. [11:46:55] Captain Blé. That's how I knew him. That's what I knew him by.

23 Q. [11:47:05] Very well. Now, did you learn anything about the period of time
24 that the recruits had the training? How much time did they have for their training?

25 A. [11:47:19] The second wave, the ones who began to visit in front of me, I don't

1 know how much time it was. I was no longer there. But *the ones who were there
2 before, the ones who stayed, the first wave, the survivors, they said that they took
3 three weeks for their training.

4 Q. [11:47:37] Now, in principal the training, basic training lasts how long?

5 A. [11:47:43] Well, myself, I was trained at the Bouaké military academy, and their
6 basic training was six months.

7 Q. [11:47:52] Very well. After the training, do you know -- well, wait. You said
8 there were two waves. The first wave, you said that they were ill and they couldn't
9 be assigned. Then there was a second wave. Do you know what happened to the
10 second wave of recruits? Were they trained?

11 A. [11:48:16] The second wave, there were *hundreds of them, so -- there were
12 many of them, they were visiting where they came to take over from me, and they
13 said, "here is what is going on, here is what they suspect you of," and so on and so
14 forth. So I don't know whether they were trained. I don't know exactly what
15 happened after that. I have no idea.

16 Q. [11:48:36] Very well. So you were explaining to us that *before getting the
17 training, you were arrested on the 25th?

18 A. [11:48:46] *The 25th -- Saturday, 25 of December 2010.

19 Q. [11:48:51] You've given us some details. You explained why you were arrested.
20 Now, who arrested you?

21 A. [11:49:02] On the Saturday morning at about 8 a.m., Lieutenant Atemené came with
22 two -- three people, a driver and two other people. And they said they had come to relieve
23 me of my duties. *He asked us to go and have a word with -- us, the members of the BASA,
24 because there were many people there. There were recruits who were visiting and so on,
25 there were people from the GR. So he said (inaudible) only people from the artillery that he

1 wanted to meet with. So we went to the place where we slept, and he had us gather and he
2 gave the information. Before giving the information, he asked my head of detachment who
3 was there, Mambo Kpangue, to say what had happened here, because it was he, apparently,
4 who had called and had given a report. He gave the information and he asked each one of us
5 questions. And to my knowledge, well, I believe I said to him, "Truly, I don't think this has
6 anything to do with me. I have no idea. I have no idea what these charges are all about, *this
7 has nothing to do with me. If you can give me some evidence." They didn't give me any
8 evidence. He just said "Colonel Dadi has come to get you" and then they sent me to the BASA.

9 Q. [11:50:21] That day?

10 A. [11:50:22] Yes, that very same day.

11 Q. [11:50:24] I'm being reminded to observe the five-second rule. Very well. So
12 you were taken to the BASA. And you said there was a gathering at 1700 hours?

13 A. [11:50:45] Yes.

14 Q. [11:50:46] What was that all about?

15 A. [11:50:47] Well, you see, in the morning we have a meeting, we come together,
16 and then there is another meeting at 11, 1400 hours, 1730 and so on. So the two
17 meetings that are mandatory are the morning one at 7.30 and the evening one at 17.30.
18 And that happens every day, it's a daily occurrence.

19 Q. [11:51:18] And who took part in these meetings or gatherings?

20 A. [11:51:22] Everyone, all staff.

21 Q. [11:51:25] All staff of the BASA?

22 A. [11:51:27] Everyone, everyone from the BASA was to attend.

23 Q. [11:51:31] Very well. And you were informed by Lieutenant Atemené in Akakro.

24 *And once you got back to the BASA, you said the second in command Goué spoke to you?

25 A. [11:51:54] Yes, he received me. He asked me what had happened. And I said to him, "I

1 have no idea." And he said to me, "Well, this is what people are saying about you." And I
2 said to him, "I do not -- *this has nothing to do with me." I asked for evidence. He didn't
3 have evidence. He even gave me advice. He said, "You know, these days you have to be
4 careful, this is what you should do." And I said again, "This has nothing to do with me. If
5 you have some evidence, fine. But you're accusing me of something that I was not involved in."

6 Q. [11:52:24] Very well. Exactly what were you accused of?

7 A. [11:52:27] I was accused of training people in Akakro, secondly, communicating
8 with the ex-FAFN.

9 Q. [11:52:43] Very well. And then you explained that there was an exchange with
10 Colonel Dadi?

11 A. [11:52:49] Yes. That was at the 1700 hour gathering in front of everyone,
12 *where he raised his weapon and threatened me.

13 Q. [11:53:02] And did you receive any kind of document about your arrest or your
14 time in prison?

15 A. [11:53:12] Yes. They sent me a document. Captain Goué, when he locked me
16 up, two days after, he sent me a document. I refused to sign it. It had to do with a
17 punishment. The document had to do with -- basically I was accused of being
18 involved in politics.

19 Q. [11:53:49] Just to clarify for the --

20 THE INTERPRETER: [11:53:51] Overlapping speakers.

21 THE WITNESS: [11:53:55] (Interpretation) *And then -- sorry. And then Goué went off
22 with the disciplinary report. One of the staff sergeants, who was the camp's warrant
23 officer, sent it back to me. Later, around 2100 hours, it was raining that day, they brought
24 me out of the cell and they wanted me to sign the report. He gave me some advice. He
25 said, "Kid, you shouldn't get into a conflict with your boss. Do what you want, but I think

1 you should sign. One thing for sure in life is that -- if you don't -- God help you. You have
2 to sign. If you don't sign, it will look like you are defying authority. That's not a good
3 idea." So I signed. And off he went with the report.

4 MR DEMIRDJIAN: [11:54:36] (Interpretation)

5 Q. [11:54:37] Who was this staff sergeant?

6 THE INTERPRETER: [11:54:40] Overlapping speakers. Could the witness please be asked --

7 PRESIDING JUDGE TARFUSSER: [11:54:48] Mr Witness, please wait before
8 answering. Wait until the --

9 THE WITNESS: [11:54:53] *Siba Diwele.

10 PRESIDING JUDGE TARFUSSER: [11:54:53] -- the question is finished and the
11 translation is finished, okay?

12 THE INTERPRETER: [11:55:01] Many thanks from the interpreters.

13 MR DEMIRDJIAN: [11:55:09] (Interpretation)

14 Q. [11:55:11] I wanted to ask you for a clarification. You said that you received a
15 CR de punition. What is that?

16 A. [11:55:20] A compte rendu de punition.

17 Q. [11:55:25] Very well. Then after that you were freed on the 15th of January?

18 A. [11:55:30] Yes.

19 Q. [11:55:32] Then what happened once you were released?

20 A. [11:55:36] Once I was released, I joined the BASA again. I was at the BASA for
21 two weeks. I took part in the gatherings. My family was in Daloa. And when I
22 went for the training I stayed at the base. Everything that I did was at the BASA.
23 We had quarters there. That's where I stayed. So after two weeks they started
24 assigning me to things, putting me on duty.

25 Q. [11:56:09] Very well. And once you were assigned to duties, was that within a

1 particular battery or squad?

2 A. [11:56:18] Yes, yes. They assigned me to the 2nd battery.

3 Q. [11:56:30] And the 2nd battery, was there a leader?

4 A. [11:56:36] Yes.

5 Q. [11:56:39] Who was that?

6 A. [11:56:43] Lieutenant Atemené as well, still him.

7 Q. [11:56:49] And was this battery specialized? Did it just use a particular weapon
8 or are all the weapons?

9 A. [11:56:56] No. We used all the various weapons that were there at the BASA.

10 Q. [11:57:03] Very well. Now, before we talk about your missions, I have a few
11 questions to ask you about the structure of the BASA and the weaponry. Now, we've
12 heard a lot of evidence about this already, so I'm not going to ask you to explain
13 everything about the artillery and the arsenal. I'll ask you some very specific questions,
14 okay.

15 Now, first of all, a battery, could you explain to us what a battery is made up of?

16 A. [11:57:37] A battery is a company, *as people say in the infantry, it's a combat
17 unit. There is the -- there is the commander of the battery, the warrant officer, and
18 the platoon leaders. And then as for the rest, it depends on the particular weapon
19 being used within a battery. It also depends on the personnel. If you have artillery
20 with a large number of soldiers and many weapons, a battery could be three, four, six
21 platoons. A platoon is called a section in French if you are talking about artillery.

22 Q. [11:58:32] And the second battery led by Lieutenant Atemené, do you remember
23 how many platoons there were?

24 A. [11:58:44] We had three platoons.

25 Q. [11:58:49] Were there specific weapons allocated to this battery? Perhaps you

1 could tell us, were there specific weapons assigned or allocated to the 2nd battery?

2 A. [11:59:02] No.

3 Q. [11:59:02] very well. Now, if you were sent out on a mission, could you
4 explain to us what kind of weapons you were issued and how you were issued
5 weapons?

6 A. [11:59:26] Well, each BASA mission had a specific weapon. For example, the
7 commanding officer Dadi, well, in the evenings when I was doing my training, *each
8 night we would go to his home to stand watch. Each evening we would leave with a
9 12.7 mm gun mounted on a four-by-four and two 20 mm guns, we would go off to
10 where he was. And then there was the camp's weapons itself. The camp was
11 surrounded. We had some positions within -- correction, positions had been set up
12 everywhere in the camp, with the twin-barrelled guns There were 20 mm guns as well.

13 Q. [12:00:20] Very well. And you said that you would go see Dadi, the
14 commanding officer, before the election call?

15 A. [12:00:31] After the election period. During the training in the morning, we would
16 have our courses and then in the evenings we would be on duty. We would --

17 Q. [12:00:45] Very well. So during this -- no, rather, after your liberation, what
18 kind of weapons were issued to you? What weapons were used by the 2nd battery?

19 A. [12:01:00] The 2nd battery used *120 millimetre mortars, 20 millimetre guns, the
20 dual-barrelled guns, the 12.7s, not to forget the Kalashnikovs.

21 Q. [12:01:22] Thank you. Now, we've already heard evidence about the various
22 kinds of weapons. Let's focus on the 120 millimetre guns. Could you explain how
23 this weapon works?

24 A. [12:01:46] The 120 millimetre is a mortar gun. It's of Russian make, because, you see,
25 there are several kinds of 120s. Some have plain tubes, some smooth, some are smooth

1 bore. Some have lined bores. *The ones we had at the BASA at that time were the
2 Russian kind. They use -- they require five people: a captain, a gunner, a shell handler, a
3 loader and then -- well, I've forgotten the other one. I can tell you the rest later if I
4 remember. It requires five people. That's how it's used. Each person has a particular role
5 to play. The captain of the gun assigns the roles, and then the gunner executes the shot,
6 carries it out and helps the others orient the gun, aim it in the direction chosen by the
7 captain of the gun. Then you have the ammunitions person who prepares the ammunition.

8 Q. [12:02:54] And what kind of shots?

9 A. [12:02:59] Grouped shots.

10 Q. [12:03:02] Very well. And do you know what the range is of the 120 millimetre
11 gun, the maximum range?

12 A. [12:03:10] The ones we had at BASA, up to 6 kilometres. They were a Russian make.

13 Q. [12:03:20] Very well. And once, once the 120 millimetre shell hit its target,
14 what was the radius and the diameter?

15 A. [12:03:32] The shell, 100 metres is the radius. So 200, a diameter of 200, I would
16 say. The 120 metre -- correction millimetre.

17 Q. [12:03:47] And when would a 120 millimetre gun be used, under what
18 circumstances?

19 A. [12:03:53] Well, all weapons are used during war. They are weapons of war.
20 They're used in warfare.

21 Q. [12:04:03] Just to be more specific, what kind of surroundings are --

22 A. [12:04:08] In the field, in the field -- or to destroy, well, sensitive or strategic or to
23 provide cover for troops. Let's say there is a dam or a bridge or some spot where
24 you have to cross, and then you call upon the artillery, and the artillery fires and the
25 troops proceed.

1 Q. [12:04:46] Very well. That's all I have to ask you about the 120 millimetre. But
2 I do want to ask you about the Stalin's organ.

3 Now, after you were released *on 15 January, did you see any of these Stalin organs at
4 *the BASA's Akouédo camp?

5 A. [12:05:05] Oh, yes, yes. Stalin's organs, yes. There was one -- no, two on the
6 grounds of the BASA that they had placed in position, one towards, facing the 43rd
7 BIMA, another one facing the Golf Hotel.

8 Q. [12:05:25] And these Stalin's organs, were they functional?

9 A. [12:05:30] Yes.

10 Q. [12:05:30] At any particular time, these two Stalin's organs, were they
11 deactivated?

12 A. [12:05:40] No, no, they were not deactivated.

13 Q. [12:05:53] Very well. Is there some way of activating or deactivating these
14 weapons?

15 A. [12:05:57] *Well, myself, I didn't have to, I never had to learn to use a Stalin's
16 organ, those. I was -- I don't know how they work. I was at San Pedro, and there I
17 learned how to operate the 120s. But when I got to the BASA, I saw the weapon. I
18 had a general idea of how they worked.

19 Q. [12:06:24] Very well. And is there a key perhaps for the Stalin's organs?

20 A. [12:06:28] Yes. There is a key for shooting.

21 Q. [12:06:30] What's that used for?

22 A. [12:06:32] Well, it's a key to turn it on, because, you see, it's mounted upon a vehicle.
23 So there is a key to turn on the vehicle and then a key for the Stalin's organ itself.

24 Q. [12:06:48] Very well. Now, you mentioned commanding Officer Dadi. Can
25 you tell us something about your dealings with him after the 15th of January, once

1 you were released?

2 A. [12:07:05] We were not on good terms because I, ever since that time, I grew
3 distrustful, and I distanced myself from him. I stayed in my corner, and I kept a
4 good distance away from him. I did not go up to him or anything like that.

5 Q. [12:07:25] Now, during that time, after the 15th of January, were there still daily
6 gatherings?

7 A. [12:07:32] Yes, yes, yes, always.

8 Q. [12:07:37] And did Commander Dadi address the people who were there?

9 A. [12:07:43] Often he did or the second in command, *Captain Goué at the time,
10 would speak to the troops most of the time.

11 Q. [12:07:52] Could you tell us what Dadi would talk about during these meetings
12 or gatherings?

13 A. [12:08:01] He would *come and spur us on -- he would encourage us to work
14 hard. At one point a lot of people were complaining, you see, so he said to us, "Well,
15 more personnel will be coming. Don't worry. Do this. Truly, don't give up. If
16 you give up, the enemy will gain the upper hand. You'll be dismissed."

17 Q. [12:08:38] And what was the context? When did he say that sort of thing that
18 you would be dismissed or so on and so forth?

19 A. [12:08:52] I think it was, it was his way of trying to energise the troops so that
20 people would work hard, be strong.

21 Q. [12:09:10] Now, you said that people were complaining. And apparently some
22 personnel were supposed to be coming. Did that happen? Did fresh members arrive?

23 A. [12:09:24] *Yes, I think so, many, thousands later on. I think it was in March,
24 yes, in March, many people joined our unit. I couldn't tell you how many, but a lot.

25 Q. [12:09:39] And exactly who were these people, these people who joined the

1 ranks of the BASA?

2 A. [12:09:51] I think that after the call issued by Blé Goudé, when he called upon
3 the young people to go and enrol at the headquarters, after that these people started
4 to come to the camps. Some were wearing ranger boots. Some were wearing, well,
5 various types of clothing, some camo clothing, sometimes not, this and that.

6 Q. [12:10:24] Just a clarification. You said "radié" in French. What did that mean?

7 A. [12:10:29] Well, it means you would no longer be an employee of the army.
8 You would no longer be recognised as a soldier.

9 Q. [12:10:41] Very well. And before we come back to this whole question of
10 personnel, you said that Dadi would speak to the troops during these rallies or
11 gatherings. And would he refer to the post-election situation?

12 A. [12:11:03] Yes, yes, he would refer to the post-election situation because he
13 would say, if ever President Alassane were to come to power, he would dismiss all
14 the soldiers, the FDS, and it was in our interest to fight.

15 Q. [12:11:39] Very well. You mentioned President Alassane. Did he mention
16 President Gbagbo?

17 A. [12:11:43] Yes. He said that he was getting orders from President Gbagbo
18 directly, that he was the strongman in charge of the situation, that President Gbagbo
19 trusted him and *had even entrusted him with the security of Abidjan, and that he
20 trusted him. And that everything he was saying was the truth. The President was
21 telling him what he was doing, and he was the military advisor to President Gbagbo.
22 So they were the ones who made the decisions.

23 Q. [12:12:20] When did he refer to President Gbagbo? You mentioned these
24 gatherings or meetings. What period of time was that?

25 A. [12:12:33] During the election crisis, during the election crisis, that is when he

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 would refer to *him. He even said --

2 THE INTERPRETER: [12:12:45] Inaudible.

3 THE WITNESS: [12:12:47] (Interpretation) -- *that there would be cars when he used to go
4 see the President. I knew that he would get the equipment, because the president trusted
5 him. And, indeed, when he went off, he sent a number of four-by-fours. And even
6 before, I didn't mention it during my interview -- some Russians and some other people
7 came for the training of staff for specific weapons, how to use the Stalin's organs. They
8 were white people. I don't know if they were Russian or not, but they spoke English.

9 MR DEMIRDJIAN: [12:13:16]

10 Q. [12:13:16] Once again, let's be specific. You mentioned the post-election period.
11 And when he spoke about President Gbagbo, was that after you were released?

12 A. [12:13:30] After, after, once I was out of the prison. That is when he would give those
13 speeches. Before, before I went into the prison, I did not hear those speeches at the BASA.

14 Q. [12:13:58] How did you learn that Commander Dadi was referring to President Gbagbo?

15 A. [12:14:04] He himself said so. He said he was getting orders directly from
16 President Gbagbo. "No one else can give me orders," *he said. He said that he was
17 one of his advisors. He himself said so, he said so openly. He did not make any
18 secret of it. He did not make any secret of that. He said so openly. Myself, I would
19 have liked him to have been there, because if someone had spoken to him face to face,
20 he would -- he could not deny, because when I am alone like that, that's not good.

21 THE INTERPRETER: [12:14:26] Message from the interpreter: If the witness could
22 be encouraged --

23 PRESIDING JUDGE TARFUSSER: [12:14:30] Mr Witness, can you speak clear into
24 the microphone so that the interpreters can hear you better.

25 THE WITNESS: [12:14:40] (Interpretation) Okay.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 MR DEMIRDJIAN: [12:14:42] (Interpretation)

2 Q. [12:14:45] Okay. Now, two points, Mr Witness. When he referred to
3 President Gbagbo, where was that?

4 A. [12:14:54] At the Place d'armes in front of everyone.

5 Q. [12:15:03] How often or how many times did he make reference to President
6 Gbagbo? Can you tell us that?

7 A. [12:15:09] Well, several times. I couldn't give you a number, but several times.

8 Q. [12:15:24] Very well. Just a moment, Mr Witness, if you don't mind.
9 Who else was present when Commander Dadi made reference to President Gbagbo?

10 A. [12:15:40] All the personnel of the BASA, everyone was there, everyone was
11 assembled, the entire staff of the BASA.

12 Q. [12:15:53] Very well. Now, if we could return to this issue of the personnel
13 who joined the BASA after the call issued by Mr Blé Goudé. Do you have any idea
14 how many people, how many recruits joined?

15 A. [12:16:13] There were many, really there were many. I do not have a precise idea.
16 I was not there during training when they were being taught to shoot. But they were
17 taught to shoot, and then they were assigned to the services. So I do not have an idea
18 of the number. But there were many of them. It could well be above 300.

19 Q. [12:16:50] Did you yourself see them being trained?

20 A. [12:16:54] Never.

21 Q. [12:16:57] Did you train them?

22 A. [12:17:01] Never.

23 Q. [12:17:03] Did you observe the training?

24 A. [12:17:06] Yes, I saw some of them being trained. *There were some trainees from my
25 year who at that time, they took -- they took some of them and they went off to train them.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 Q. [12:17:13] And you said that they were being trained to shoot. Where did this
2 training take place?

3 A. [12:17:21] At the BASA. There is a small forested area near the BASA.
4 Everything happened there.

5 Q. [12:17:32] And how long did that training last?

6 A. [12:17:43] Well, those who learned to shoot, they would simply be told to go. It
7 depended on how they could use the weapons.

8 Q. [12:17:52] Now, let us talk about your missions. You said *that about two
9 weeks after being released on the 15th of January, you were sent on mission. Can
10 you tell us where you went on mission?

11 A. [12:18:14] I participated in the blockade. I was in M'pouto, I was at
12 Marie-Thérèse, Abobo, PK18.

13 Q. [12:18:29] Very well. Now, let us begin with Abobo. How many times did
14 you go to Abobo?

15 A. [12:18:41] I do not really remember. I believe I went there three or four times.

16 Q. [12:18:55] Very well. The first time that you went to Abobo, where precisely
17 did you go to?

18 A. [12:19:05] The first time, it was a night patrol. We left *the BASA. We went to the
19 staff headquarters. There we were given bread and cans of sardines and then we left.
20 We went with the 1st battalion, with the BASA, and we all went to Camp Commando at
21 Abobo. We reported for duty at the camp. And as from 10 p.m. we started patrolling
22 the length and breadth of Abobo up till 6 a.m., where we went back to the base.

23 Q. [12:19:51] So the patrol was *from 6 p.m. to 6 in the morning?

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

25 Q. [12:20:02] Were there any incidents during that patrol?

1 A. [12:20:05] No, not on that day.

2 Q. [12:20:09] When did that first mission take place?

3 A. [12:20:14] I think it was towards the end of January, but I cannot give you a
4 precise date.

5 Q. [12:20:26] Now, in relation to your release on the 15th of January, that's
6 mid-January, you would say that first mission was at the end of January?

7 A. [12:20:39] Yes, end of January.

8 Q. [12:20:42] Just a moment. Do you remember the commander of the Camp
9 Commando during that first mission?

10 A. [12:20:53] Camp Commando? If I remember correctly, it was Commander
11 Goué of the gendarmerie. * I do think that was the case. It was his younger brother
12 who was at the BASA, if I recall correctly.

13 Q. [12:21:13] Very well. When was your next mission to Abobo?

14 A. [12:21:21] I cannot remember all the dates. But I know that I went there a
15 second time and then a third time.

16 Q. [12:21:36] Let us talk about the second time. Can you explain to us what the
17 mission was on that second occasion?

18 A. [12:21:51] The second time we went from the BASA with mortars, 120 millimetre
19 mortars, and we left in the morning at about 8 a.m. We took our equipment. We
20 assembled at the BASA parade ground and then we left. It was the GEB that
21 accompanied us. They took the lead and *we went to Camp Commando.

22 Q. [12:22:39] Just one moment. Very well. You say that you left in the morning
23 with the GEB. Can you tell us the route that you took?

24 A. [12:23:19] I carried out several missions, so I no longer remember. But I know that we left with
25 mortars. We went to Agban, and from Agban we went with the GEB right up to Camp Commando.

1 Q. [12:23:50] Very well. Apart from BASA and the GEB, were there any other
2 units in that mission?

3 A. [12:24:03] *There, in Abobo, when we were leaving, there was the -- my second
4 time there was the BCP, the 1st battalion, the GEB, and also the police. They were
5 leaving. I don't know whether the BAE or -- I don't know, or the CRS -- in any event,
6 one or the other --- they were leaving too, with the gendarmes as well, and the GEB.
7 The gendarmes from Camp Commando themselves were already part of the mission.

8 Q. [12:24:33] Very well. What was the role of the GEB in that convoy?

9 A. [12:24:47] Well, they were there to protect us. They were sort of like our scouts.
10 There was insecurity in Abobo, and they were there to escort us.

11 Q. [12:25:05] Very well. You left with that convoy and you say you had two 120
12 millimetre mortars. Did anything happen on your way or did you arrive the Camp
13 Commando without any incident?

14 A. [12:25:31] There was shooting before we arrived *at Camp Commando. We
15 were behind. We heard the first shots, and so everyone started shooting, until we
16 got to the camp. We went past Camp Commando and the shooting stopped. Then
17 we went back to Camp Commando. There was firing from Kalashnikovs.

18 Q. [12:26:04] Did your BASA vehicles also fire?

19 A. [12:26:08] Yes, we also fired.

20 Q. [12:26:12] And in what direction did you shoot?

21 A. [12:26:16] In the vehicle there are two benches, left and right, and everyone
22 shoots in the direction they are facing.

23 Q. [12:26:30] And what were you shooting at?

24 A. [12:26:36] Well, I really could not see anything. *Myself, I think that when
25 someone has fired some shots, you have to push your way through -- because you just

1 don't know, you have to force your way through. Myself, I think that in that situation,
2 if the first people came under fire, everyone was firing so as not to get caught.

3 Q. [12:26:50] Very well. You arrived the Camp Commando on that second
4 occasion. What happened after your arrival there?

5 A. [12:27:01] When we arrived *at Camp Commando, we had to take over from a
6 group that was already there. *So I think that they told us that the enemy was present in
7 the area of Anonkoua-Kouté. So the commander who was there asked us to go there.
8 Everyone took their equipment and then we left. We stayed at Dépôt 9 with our mortars
9 while the others continued. We placed our material *in a battery. And I think that we
10 were asked to fire. The commander who was there, a senior warrant officer, asked for
11 an order to fire. He said to the person who told him to fire, "Yes, I can fire, but I want an
12 order to fire, because these are weapons that you don't use like that. Tomorrow I
13 mustn't be put on trial." So seeing that there was this controversy, who was going to
14 give a piece of paper saying that these weapons must be fired, Captain Zadi, who was
15 there at that time, he himself -- had 81 millimetre or 82 millimetre mortars and he himself
16 fired. Afterwards, the others who had gone, who had continued along their way, they --
17 they withdrew and we packed up our equipment and we returned to Camp Commando.

18 Q. [12:28:46] Very well. Dépôt 9, where is it located?

19 A. [12:28:54] Dépôt 9 is in Abobo on the road to Anyama before the new Abobo *station.

20 Q. [12:29:12] You were asked to shoot. Who is the person who asked you to shoot
21 the 120 millimetre mortars?

22 A. [12:29:22] It was Captain Zadi who was with us who asked us to fire. Our chief
23 who was there, Yapo, said we could not fire because we needed a written order.

24 Q. [12:29:38] To which unit did Captain Zadi belong?

25 A. [12:29:44] I do not know his unit. He was based at Marie-Thérèse, in the

1 courtyard of Marie-Thérèse himself. That is where I saw him. He had his team
2 there. And so I found myself with him for the second time in Abobo.

3 Q. [12:30:08] Very well. Just to be clear, you say that you did not know his unit.
4 He did not belong to BASA?

5 A. [12:30:20] I think he was a member of the 1st BCP, because he was leader of a
6 unit at the COMTER there. That is what I think.

7 Q. [12:30:35] You also mentioned Senior Warrant Officer Yapo. Was he a member of the BASA?

8 A. [12:30:45] Yes.

9 Q. [12:30:45] And what was his role?

10 A. [12:30:49] He went with us as the leader of the artillery group. He was the chef de pieces,
11 *the gun captain, at the same time. My own direct chief was Kacou Egni, who was the captain
12 of the second gun. So since he held the highest rank, he was the coordinator, as gun captain
13 and at the same time the leader of the entire team at the same time. He coordinated both.

14 Q. [12:31:13] You said that Captain Zadi himself had 81 millimetre and 82
15 millimetre mortars?

16 A. [12:31:22] I'm not sure whether it was 81 or 82 millimetres.

17 Q. [12:31:27] You said he fired those mortars?

18 A. [12:31:31] Yes.

19 Q. [12:31:32] Did you see this with your own eyes?

20 A. [12:31:35] Yes. It was right in front of me.

21 Q. [12:31:42] In what direction?

22 A. [12:31:46] He said *that he was firing-- that there was a big hole there behind Dépôt 9 in the
23 direction of Anyama. There was a big hole there, and people were saying that people were
24 there, and it was in that direction that he was firing. I had never used 85 millimetre mortars.
25 The mortars that I used before the -- the 120 millimetre, you need a map, you need equipment.

1 You need to make a chart. But I don't know how it happens with the 81 millimetre mortars.

2 PRESIDING JUDGE TARFUSSER: Maître N'Dry.

3 MR N'DRY: [12:32:21] (Interpretation) Yes, Mr President. In the French transcript,
4 page 63, line 3, it is written Captain Dadi. I would like to point out that I heard Zadi.

5 THE WITNESS: [12:32:48] (Interpretation) It is Zadi.

6 MR N'DRY: [12:32:50] (Interpretation) Since we are going to *be using the
7 transcript, perhaps the unedited one, I thought I should make that correction.

8 PRESIDING JUDGE TARFUSSER: [12:32:58] Thank you.

9 MR DEMIRDJIAN: [12:32:59] Thank you.

10 Q. [12:33:01] (Interpretation) Mr Witness, let me come back to Senior Warrant
11 Officer Yapo. Can you tell us why he requested a written order?

12 A. [12:33:11] In artillery, we are very specific. Before using the artillery, we need a written order.
13 *Before even using the weaponry, the artillery, it is the President -- the President must give an order
14 in writing, because if there is a problem tomorrow, you have to assume responsibility. You are
15 responsible, because these are weapons of war. That is always how it works in the artillery.

16 Q. [12:33:35] You have said that these are weapons of war?

17 A. [12:33:44] Yes, weapons of war of massive destruction. The range depends on several
18 aspects. You can shoot in one direction and the mortar lands elsewhere because you can have
19 wind which distorts the trajectory. So there are several aspects that can affect the firing.

20 Q. [12:34:21] And in that situation, who is responsible for the written order?

21 A. [12:34:27] *Well, if there is an order -- someone who assumes responsibility, who
22 says "fire," he gives a written order, and you, you fire. You do it, but most of the time,
23 in training we were told that before carrying out orders, the president himself needs to
24 give his agreement, because tomorrow he would have to account for his actions as well,
25 because these are weapons of war that countries use against each other.

1 Q. [12:34:48] If I understood you correctly, you said the president himself has to
2 give his agreement?

3 A. [12:34:55] Yes.

4 Q. [12:34:57] Are you talking about the president of the republic?

5 A. [12:35:00] The president of the republic, of course.

6 Q. [12:35:04] Very well. And the fact that such an order has to come from the
7 president of the republic, where does this principle come from?

8 A. [12:35:30] *It is the principle that is followed in the artillery. I think these are very specific
9 weapons. The range is very far. No matter where you fire, you cannot even see where the mortar
10 is going to land. So this can cause enormous damage. So you as the operator, if you assume
11 responsibility, you will be charged. Even the commanding officer cannot give -- even -- you can
12 use these weapons for deterrence, so that people see them and are frightened, but when it comes to
13 using the weapons, the commanding officer cannot give the order. Because tomorrow if there is a
14 problem, he cannot say "I was the one who shot." If there is an oral order, he will talk with you.

15 Q. [12:36:21] How do you know that a written order has to come from the president
16 of the republic?

17 A. [12:36:27] We are taught that during our training.

18 Q. [12:36:32] How many times did Captain Zadi fire?

19 A. [12:36:46] I did not count the number of shells that he fired, but he did fire.

20 Q. [12:36:56] Very well. You say that you retreated back to Camp Commando; is that correct?

21 A. [12:37:13] Yes.

22 Q. [12:37:14] Did you return to the Akouédo camp?

23 A. [12:37:19] We stayed till the following morning when we were relieved.

24 Q. [12:37:27] Very well. When you gave your statement to the investigators, do
25 you remember marking the location of Dépôt 9 on the sketch? Do you remember?

- 1 A. [12:37:47] Well, if I see the document, I will recognize it.
- 2 Q. [12:37:56] When you were given your statement to reread, were you given the
3 sketches, documents with marks?
- 4 A. [12:38:06] Yes. There were photographs and so on, and I just went through
5 them rapidly.
- 6 MR DEMIRDJIAN: [12:38:13] If we can display document CIV-OTP-0037-0467.
7 And that is number 8 on our list of evidence.
- 8 Q. [12:38:42] Mr Witness, can you see an image on the screen?
- 9 A. [12:38:52] No.
- 10 Q. [12:38:56] You will get some assistance. And it is a public document.
11 Mr Witness, can you see the image in front of you?
- 12 A. [12:39:08] Yes.
- 13 Q. [12:39:10] Do you recognize that image?
- 14 A. [12:39:15] Yes.
- 15 Q. [12:39:18] What is it all about?
- 16 A. [12:39:23] It is our position, the location where we had our mortar, that is Dépôt 9, and
17 then the position of Captain Zadi. I can see the new Abobo station and Carrefour Agripac.
- 18 Q. [12:39:52] Very well. Now, the annotations on this map, when were they made?
- 19 A. [12:39:57] I think this is where we assembled our 120 millimetre mortar, at
20 Dépôt 9, and the position of Captain Zadi.
- 21 Q. [12:40:22] What I'm trying to understand, I want to understand is the
22 annotations on the map. Was this done during your interview?
- 23 A. [12:40:32] Yes, it was during the interview.
- 24 Q. [12:40:36] And to whom?
- 25 A. [12:40:40] I indicated it to those who interviewed me.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [12:40:50] I didn't hear what you were saying
2 because I was listening to the interpretation.

3 MR DEMIRDJIAN: [12:40:56] I switched off the transcript so I couldn't see how long
4 it was going for. Do your Honours have any questions on this image?

5 PRESIDING JUDGE TARFUSSER: [12:41:05] No.

6 MR DEMIRDJIAN: [12:41:06] Okay. I will move on.

7 Your Honours, are we going until quarter to?

8 PRESIDING JUDGE TARFUSSER: [12:41:13] A little over, 5 or 10 minutes.

9 MR DEMIRDJIAN: [12:41:16] Okay.

10 PRESIDING JUDGE TARFUSSER: [12:41:29] So we have a full session, that's what I want to do.

11 MR DEMIRDJIAN: [12:41:31] Yes.

12 Q. [12:41:35] (Interpretation) Mr Witness, let us move on to the next mission, the
13 third mission in Abobo. Where did you go during that second mission? After the
14 second mission, you said you carried out three or four missions to Abobo, we have
15 talked about the first and the second, where did you go for the third mission?

16 A. [12:42:01] *When we left, it was to relieve a team in Camp Commando. We left the
17 BASA in Agban. We went with people from the 1st battalion, the 1st BCP and the GEB.
18 We were in a convoy. On that day I think they told us that we could not use the normal
19 itinerary, so we passed by way of Sans-Manquer in order to get to Camp Commando.

20 Q. [12:42:47] Very well. Do you remember the month or the period when you
21 went for that third mission?

22 A. [12:42:59] I know that it was in March, but I don't know the precise date.

23 Q. [12:43:09] Very well. You have said that you passed through Agban. Before
24 leaving the BASA camp, which weapons did you take with you?

25 A. [12:43:29] Before leaving BASA, we took our Kalashnikovs. Each one, each person had

1 his Kalashnikov. And then we had a dual tube on our truck. And then we went to Agban.

2 Q. [12:43:52] Very well. During your second mission, when you were returning,
3 you were talking about the 120s. Did you return with the 120 millimetres?

4 A. [12:44:12] No. The 120 millimetre guns stayed put.

5 Q. [12:44:22] Stayed put where?

6 A. [12:44:23] At the Camp Commando, because when we changed shift, we left the
7 weapons there.

8 Q. [12:44:31] Very well. You say that you took an alternative road through
9 *Sans-Manquer ; is that correct?

10 A. [12:44:41] Yes.

11 Q. [12:44:41] Once again, on your road right up to Camp Commando, were there
12 any incidents or did you arrive directly at the camp?

13 A. [12:44:53] From the camp, right up to Agban, there were no incidents.

14 Q. [12:44:58] I mean from Agban right up to Camp Commando.

15 A. [12:45:04] From Agban to Camp Commando, there were no incidents. But we fired
16 the Kalashnikovs between *the station -- what is that place called -- Sans-Manquer -- all
17 the way to -- after SOS, because we kept on going, not going by the lycée, to after SOS,
18 and then we entered the neighbourhood and then we went back to Camp Commando.

19 Q. [12:45:38] So you opened fire between *Sans-Manquer until you reached the SOS village?

20 A. [12:45:50] Before the village, we stopped firing.

21 Q. [12:45:59] Why were you firing?

22 A. [12:46:01] We were at the back of the convoy. It is as if when they start
23 shooting, everyone follows. That is what happens. We don't want to be surprised.

24 Q. [12:46:15] Very well. Now, once you got to Camp Commando, what happened then?

25 A. [12:46:26] Once we got to Camp Commando, our chief reported on the problems that

1 we had had along the way. And the replacements, the people we were supposed to
2 replace, I think there was *the commander, Brice Kamanan, there was the commander,
3 Kamanan Brice, and then there was Sergeant Pegard, who is now a warrant officer,
4 Commander Brice, now a warrant officer, they were there. They were on the mortars and
5 we were to take over from them. We called them. They called *Kamanan Brice to the PC
6 and he left. They decided that they would engage in shooting to make a way through the
7 spots where we had had difficulty, *because the people who had been in front explained to
8 us where they had come under fire and where they had started to have trouble. So they
9 were to engage in shooting to clear the path so they could go back. So it was decided that
10 they would shoot upon the gendarmerie itself, *at the gendarmerie roundabout. And that
11 place, the gendarmerie itself, well, I don't know.*They shot and then they were on their way.
12 When they left on their way, one person was badly injured. They withdrew. They
13 withdrew. And once they got there, there was a nurse on site who tried to administer first
14 aid. After the first aid they changed their itinerary and they left again.

15 Q. [12:48:26] Very well. So you said "our leader, our chief," who was that that day?

16 A. [12:48:37] Well, *when we left there, there was a mixture of us, you see. There was
17 an officer from that unit, what do you call it, the first BCP. There was that, what you ma
18 call it, the first BCP. *There were infantrymen as well. The first infantry battalion had
19 provided some officers. You see, the officers from our unit did not go. They were
20 senior NCOs. When I said "our leader," I meant the person who was in command, the
21 person who held the highest rank and who led the entire group. He reported.

22 Q. [12:49:16] Very well. Do you remember the name of that chief?

23 A. [12:49:23] No.

24 Q. [12:49:26] Very well. And within the BASA itself, within your unit, who was
25 the leader of your detachment that day?

1 A. [12:49:38] That day, I don't know. I don't know. I kind of don't know.

2 Q. [12:49:45] Okay. So you got there with that convoy and you have explained that
3 your chief made a report. Let me just cross-check that I have the right word. You got
4 to -- and your chief reported on the difficulties. Who did he make a report to?

5 A. [12:50:10] At that time there was one high-ranked person. I think *he was a colonel
6 or a commander. I don't quite recall. *And staff headquarters had designated him to
7 lead those operations at that time. So he was the one who the officer had gone to speak to.
8 In light of the difficulties we had along the way, they decided to engage in shooting.

9 Q. [12:50:35] How did you learn that this chief had made a report to the colonel
10 who was at Camp Commando? How did you learn about that?

11 A. [12:50:47] Once we got there, when everyone had entered the yard, and we saw
12 him come in, we saw them, he went to the -- to provide, to give a report, to give a
13 briefing on the difficulties. And they spoke to one another. And each time it was like
14 that. So, you see, when a replacement group comes in, that's how things are done.

15 Q. [12:51:15] Very well. And did you see them speak to one another?

16 A. [12:51:18] No, no, no. *That was at the PC. We were outside. They went in,
17 they talked. And once they had finished talking, they called one of the commanders,
18 *Kamanan Brice, who is now a warrant officer, they called him. They went and gave
19 him the orders and they said you have to engage in the shooting. And he didn't
20 have the presence of mind -- he went and carried out the shooting.

21 Q. [12:51:44] So that moment when they called Sergeant Brice Kamanan -- did you see that --

22 A. [12:51:52] Yes, yes, yes. When they called him, we were -- once we got there, the
23 artillery men were there. We were together. We talked. We asked each other
24 questions, how things had been going, a bit of a debriefing. We described the situation,
25 how the mission had gone.

1 Q. [12:52:13] And Brice --

2 THE INTERPRETER: [12:52:14] Overlapping speakers.

3 MR DEMIRDJIAN: [12:52:18] (Interpretation)

4 Q. [12:52:18] Did you know him at the time?

5 PRESIDING JUDGE TARFUSSER: [12:52:20] Please don't overlap.

6 THE WITNESS: [12:52:27] (Interpretation) I was saying at the time the warrant
7 officer, I knew him at the BASA, I knew him at the BASA.

8 MR DEMIRDJIAN: [12:52:36] (Interpretation)

9 Q. [12:52:37] How long had you known him for?

10 A. [12:52:39] Well, ever since 2006, when I went there to do my CA1, he was one of
11 our instructors.

12 Q. [12:52:48] Very well. And you said that there was a chief who had come and
13 gave the order?

14 A. [12:52:55] *They called him. A chief called him into the office with the big
15 bosses. They were in -- they called him in. They went and they talked. And then he
16 came out and he called Sergeant Pégard, and then they went off and did the shooting.

17 Q. [12:53:12] Who was this chief, this leader? Do you remember the one?

18 A. [12:53:17] No. That one, I don't remember.

19 Q. [12:53:24] Just a moment. Very well. Mr Witness, now, that day when you got there
20 at Camp Commando, do you know who was the head of the PC at Camp Commando?

21 A. [12:54:05] The head of the PC? No.

22 Q. [12:54:09] And when you said that there was this order to Kamanan, Sergeant
23 Kamanan, did you see it? Did you see it when the order was given?

24 A. [12:54:25] *Well, let's suppose -- I said that it was an order that was given to him,
25 because we -- he was willing to pass on the instructions to our commander who had

1 come with us that day, and that is where we called him. And so he left more quickly,
2 and he was not able to pass on the order. It was after carrying out the shooting, that is
3 when he came and bumped off the other guy, and then they took off, they left.

4 Q. [12:54:48] Very well. Just let's make it simpler. What did you see exactly?
5 When Kamanan was called, can you describe the scene to us?

6 A. [12:55:05] Well, I don't know how to describe it, but we were there. We had got there.
7 There was that, *whatchamacallit -- the weapons that were there. And when we got there, we
8 already saw two weapons: the two mortars that we had sent beforehand were already positioned
9 alongside a building, one at the right end, one at the left end. And there were some 12.7s, some
10 12.7s were there. So each -- when we were leaving, each -- each commander was already -- he
11 knew his piece of artillery with his servers. So he was supposed to take precise instructions with
12 -- the person he was taking over from. It was automatic. We would say: "Okay, you, you are
13 the captain of the first gun. You, you are the captain of the second gun. You, you are on the
14 first mortar. You, you are on the second mortar." That's how it worked. So that day, when we
15 got there, the chief of the artillery asked for an assembly. He said not to disperse. He asked --
16 and then the other one, he said, well, the ones who were there said, "Okay. Where are the chiefs?
17 And each person passed on the orders to the person in front of him until he -- don't the weapon
18 that is there." That's how -- that's what was supposed to happen when they called him.

19 Q. [12:56:27] Very well. And then you say that you saw Kamanan go to the PC.
20 You saw that yourself?

21 A. [12:56:34] Oh, yes, yes, of course.

22 Q. [12:56:35] Okay. And then you say that he went out and he called Pegard,
23 Sergeant Pegard. You saw that as well?

24 A. [12:56:43] Yes, of course.

25 Q. [12:56:44] Okay. Explain to us what happened once he had called Pegard.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 What happened then?

2 A. [12:56:54] *Once he finished calling Sergeant Pégard, all of them went back to the
3 PC. And when they came out, they took -- we saw some shells, they had some shells
4 with them. And they headed towards the left -- no. *Toward the right end and then
5 they conducted the shooting There was a brigadier who helped them get the shells.

6 Q. [12:57:22] So there was a brigadier with them?

7 A. [12:57:25] Yes, who helped carry.

8 MR DEMIRDJIAN: [12:57:27] Is this the time, your Honours?

9 PRESIDING JUDGE TARFUSSER: [12:57:29] Yes. Now we break for lunch,
10 Mr Witness, and we come back at 2.30 for the second session, which then -- because
11 we did a whole session now, so to complete the questioning by the OTP. Thank you
12 very much. The hearing is adjourned to 2.30.

13 THE COURT USHER: [12:57:52] All rise.

14 (Recess taken at 12.57 p.m.)

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

16 THE COURT USHER: [14:32:21] All rise. Please be seated.

17 PRESIDING JUDGE TARFUSSER: [14:32:32] Good afternoon. Good afternoon,
18 Mr Witness. I give immediately the floor to the Office of the Prosecutor for his
19 questioning. Mr Demirdjian.

20 MR DEMIRDJIAN: [14:32:45] Thank you, Mr President.

21 Q. [14:32:49] (Interpretation) Good afternoon once again, Mr Witness.

22 A. [14:32:54] Good afternoon.

23 Q. [14:32:54] Now, just before the lunch break, you were explaining to us that you
24 had seen Brice and Sergeant Pegard with a third person, a brigadier, who was helping
25 them transport some shells. Do you remember the name of that brigadier?

1 A. [14:33:17] No, I no longer recall. But I know him quite well, as I said, I do
2 know him.

3 Q. [14:33:26] And he was one of the BASA men?

4 A. [14:33:28] Yes.

5 Q. [14:33:32] Very well. Just one little detail that I forgot to ask you about. Now, when
6 did you leave camp Akouédo that day, and what time did you get to Camp Commando?

7 A. [14:33:43] We left BASA at 8 and we went to Agban. From Agban we spent
8 some time there. And then about 11 o'clock we hit the road heading towards Abobo.

9 Q. [14:33:59] Very well. Very well. Now, you explained to us just before the break
10 that after -- no, let me start over again. You saw Staff Sergeant Pegard and Brice, and you
11 said that you saw them firing shells. What did you see exactly? Let's go step by step.
12 From the time you saw them carrying the shells, what did you see after that?

13 A. [14:34:33] *They took -- they left, they headed towards the command post, the
14 PC, with the shells. They went through the building -- the first 120, which was at the
15 left end, they went to the right end. And that is where they placed the first shell, it
16 went off, then they put the second one in, then it went off.

17 Q. [14:34:57] Now, where were you when they fired the shells?

18 A. [14:35:02] We were in the courtyard beside the 12.7s. We were gathered
19 together there, and we were awaiting orders so that we could carry out our duties.

20 Q. [14:35:17] Very well. Now, once they had started walking towards the 120,
21 did you see them *get to the 120, and then did you see them fire the shells?

22 A. [14:35:29] Yes. *I saw them firing.

23 Q. [14:35:35] Very well. And you mentioned two shots. How much time was
24 there between each one?

25 A. [14:35:43] Well, I couldn't tell you that, but it wasn't a long time.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 Q. [14:35:52] Very well. Now, you were there, and were you alone? Were you
2 the only one who saw this?

3 A. [14:35:59] No, I wasn't alone. That day all the ones who *had been
4 designated were there. That day, the ones who went with -- they were there, all of
5 them. There was the first battalion that was represented there. There was the
6 BASA, they were there. The first BCP, they were there. The police officers --

7 THE INTERPRETER: [14:36:24] Inaudible.

8 THE WITNESS: [14:36:27](Interpretation) -- they were there *too, either the BAE or
9 the CRS, I don't know, they were there.

10 THE INTERPRETER: [14:36:29] The GEB, interpreter correction, the GEB.

11 MR DEMIRDJIAN: [14:36:35] (Interpretation)

12 Q. [14:36:36] Very well. If I've understood correctly, those three people were
13 taking part in the firing of the shells?

14 A. [14:36:41] Yes, to the best of my knowledge, yes. I saw them.

15 Q. [14:36:46] Very well. I'd like to show you an image, something that *you
16 annotated during your interview. CIV-OTP-0037-0468 is the reference number. In
17 just a moment you'll see something coming up on the screen, Mr Witness.

18 PRESIDING JUDGE TARFUSSER: [14:37:49] Which channel?

19 THE COURT OFFICER: [14:37:55] It should be evidence channel 1. It is now
20 loading actually.

21 MR DEMIRDJIAN: [14:38:02] (Interpretation)

22 Q. [14:38:03] Can you see that image up on the screen?

23 A. [14:38:05] Yes.

24 Q. [14:38:06] Do you recognise this shot, this photograph?

25 A. [14:38:10] Yes, that's Camp Commando in Abobo.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 Q. [14:38:13] Very well. Now, once again, we can see the various locations that
2 have been pinpointed, *just like the first image which we saw before the break. Now,
3 these pinpoints here, were you the one who placed them on the image?

4 A. [14:38:34] Yes.

5 Q. [14:38:35] Very well. Let's start at the bottom to the left.

6 A. [14:38:42] Yes, that one. That's where a 120 mortar was located.

7 Q. [14:38:51] Very well. Here what we see is location of a 120 millimetre mortar
8 used. And then a little bit higher up, we see location of another 120 millimetre
9 mortar not used. Could you explain what that is all about? What does it mean?

10 A. [14:39:17] The first mortar that I said was used is where the shots were fired
11 from, further up to the *right, a bit to the right, as I was saying.

12 THE INTERPRETER: [14:39:34] Inaudible.

13 THE WITNESS: [14:39:35](Interpretation) *That mortar was below a – beside a
14 coconut tree, I think, or some kind of a tree. That one wasn't used.

15 PRESIDING JUDGE TARFUSSER: [14:39:37] Mr Witness, could you please speak a
16 little bit clearer, because the translators sometimes do not catch the words. Closer to
17 the microphone and clearer. Thank you.

18 THE WITNESS: [14:39:56](Interpretation) Okay.

19 MR DEMIRDJIAN: [14:40:00] (Interpretation)

20 Q. [14:40:00] Very well. Now, we see command post, PC. You also mentioned that.

21 A. [14:40:07] Yes.

22 Q. [14:40:08] Where were you located when the firing began?

23 A. [14:40:13] Well, there's a parking lot in the middle. I don't know whether you
24 see it or not.

25 Q. [14:40:19] Perhaps we could help you. Perhaps we could mark that on the

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 actual image.

2 A. [14:40:26] Okay.

3 Q. [14:40:27] We're going to give you a special marker in just a moment.

4 Now, perhaps if you could write the letter "A" to indicate the spot where you were.

5 A. [14:40:56] We were here, the parking lot.

6 Q. [14:41:00] Could you actually mark that spot, please.

7 A. [14:41:06] Around here, we were at the parking lot. Here, here.

8 Q. [14:41:15] Very well. Could you kindly write the letter "A" just for clarity.

9 A. [14:41:27] I -- actually it looks more like an R.

10 Q. [14:41:35] Yes, I think we understand one another. So that is the spot from
11 which you observed the firing of the 120?

12 A. [14:41:41] Yes.

13 MR DEMIRDJIAN: [14:41:42] Perhaps we could do a screenshot of this image,
14 please.

15 Q. Mr Witness, I've finished with this particular image, but if you could explain to
16 us, there were two shots, now, what kind of noise did it make or does it make when
17 you fire a 120 millimetre shell?

18 A. [14:42:08] The 120 millimetre, when the shell leaves -- well, when it falls, it
19 goes out with a big -- with a noise, and when it falls it makes an explosion.

20 Q. [14:42:24] Very well. I suppose I wouldn't want to be asking you to make the
21 sound, but could you perhaps describe, is it a -- or how far does the sound travel?

22 A. [14:42:37] When it falls you can hear it, because it falls and it makes an
23 explosion.

24 Q. [14:42:46] Very well. And the spot where the *mortar was located, now, was
25 that an open space or were there walls?

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 A. [14:43:00] At Camp Commando there are two major multi-storied buildings;
2 there's the PC, the command post, a large building where -- there's the road and then
3 there's the parking lot.

4 Q. [14:43:26] Very well. So between the road and the location of the mortar is
5 there anything between the two?

6 A. [14:43:35] That is where I put, marked the spot where you could park, the
7 parking lot.

8 Q. [14:43:41] Very well. Very well.

9 A. And after, right in front of each building there is a path for pedestrians.

10 Q. [14:43:59] Very well. At this point I'd like to show you another image, and
11 we are going to now see a 360 degree panoramic view of --

12 PRESIDING JUDGE TARFUSSER: [14:44:15] Can we first speak about the
13 non-utilisé? What does that mean, that it was not? It was broken, it was not
14 utilised? Why non-utilisés?

15 MR DEMIRDJIAN: [14:44:32] Sure.

16 THE WITNESS: [14:44:35](Interpretation) The mortar that was placed, that was the
17 second one, the one that wasn't used. It wasn't broken down. It's not that. It
18 wasn't used.

19 PRESIDING JUDGE TARFUSSER: [14:44:43] So it could have been shot, but it was
20 not done?

21 THE WITNESS: [14:44:47](Interpretation) Yes.

22 PRESIDING JUDGE TARFUSSER: Okay.

23 MR DEMIRDJIAN: [14:44:55] Very well. At this stage, your Honours, I would
24 like to show the witness the 360 degrees image. And we would need the floor for
25 that, I believe. The ERN is for the record CIV-OTP-0073-0862. And I'm just going

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 to move for a moment to control the image and help the witness along.

2 THE COURT OFFICER: The Prosecution has the floor to display the pano, evidence
3 channel 2.

4 MR DEMIRDJIAN: [14:45:42] 2, thank you very much.

5 Q. [14:45:53] (Interpretation) Mr Witness --

6 (Speaks English) We have to switch to evidence channel 2 as well to make sure he
7 sees.

8 (Interpretation) Mr Witness, I'd now like to show you a 360 degree panoramic view.

9 And we are going to rotate the image. Can you see the mouse?

10 A. [14:46:24] Yes.

11 Q. [14:46:25] This is me controlling this particular shot. This is panoramic shot
12 number 14. I'm now going to *close the map, and let's have a look here. Is this
13 familiar, this spot where we are right now?

14 A. [14:46:46] Yes, this is familiar.

15 Q. [14:46:49] Okay, what's this place?

16 A. [14:46:50] This is once again Camp Commando.

17 Q. [14:46:54] Very well. And if we start with this green gate, what entrance is that?

18 A. [14:47:01] That is *the entrance that leads to the housing estate for police
19 officers in Abobo.

20 Q. [14:47:09] And from the green gate, let's go to the right, and we see a building
21 here at 90 degrees from the green --

22 THE INTERPRETER: Correction: 180 degrees.

23 MR DEMIRDJIAN: [14:47:22] (Interpretation)

24 Q. [14:47:23] What's that building?

25 A. [14:47:25] I think that's the PC, the command post.

1 Q. [14:47:29] Very well. Now, I'll just open up the map as well, *still panoramic
2 view number 14. And so there was the green gate that was to the left, there, and
3 here, at 90 degrees would this be the command post, the PC?

4 A. [14:47:44] Yes.

5 Q. [14:47:45] Now, if we could go to panoramic view number 10. This seems to
6 be close to the mortar gun that you indicated on the previous image, okay? I'm
7 going to click on it now, this is panoramic view number 10. And let's rotate the
8 image, and you can get your bearings.

9 Do you recognise this place?

10 A. [14:48:36] Yes.

11 Q. [14:48:38] Very well. Now, on the map, at the bottom to the left of the camp,
12 of the image that we just saw.

13 A. [14:48:49] Yes, yes.

14 Q. [14:48:50] Could we begin with this building. What building is this, this large
15 building here?

16 A. [14:48:56] This is where the gendarmes lived.

17 Q. [14:48:59] Very well. And here we can see a wall?

18 A. [14:49:06] That's the fence.

19 Q. [14:49:08] Very well. And could you tell us where the mortar was at this
20 place, exactly where?

21 A. [14:49:25] The mortar was here.

22 Q. [14:49:26] Very well.

23 A. Do you want me to mark?

24 MR DEMIRDJIAN: I'm looking at the Registry. Should we now take a screenshot?

25 Your Honours, we're just going to do this once. We're going to capture an image from the

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 360 degrees, send it to the Registry, and within the next minute we'll be able to mark it,
2 which we'll just do this for this one time. Okay, the image was sent to the Registry. If the
3 Registry needs a bit more time, I can move on with my questions, or if we can do it within
4 the next minute, I'm happy to wait. Okay. So I think for the witness we will have to --

5 THE COURT OFFICER: [14:51:56] It's now available on evidence channel 1.

6 MR DEMIRDJIAN: [14:52:01] Yes.

7 Q. (Interpretation) Mr Witness, we've taken a screenshot of the 360 degree image
8 we just were looking at. Now, could you please indicate where the mortar, the 120
9 millimetre mortar was located?

10 A. [14:52:28] Here, it was here.

11 Q. [14:52:34] Very well. If you could kindly write the letter "A."

12 *A. [14:52:40] A little bit further back.

13 Q. [14:52:45] A bit further back? You can erase it if you want.

14 A. [14:52:49] A bit further back. Is it all right to erase it?

15 Q. [14:52:58] Yes, and you can perhaps just put a dot to mark the spot, a blue dot, if
16 you prefer.

17 If we could now take another screenshot.

18 Mr Witness, if we could revisit the whole issue of these shots fired, did you later learn
19 whether they hit any target?

20 A. [14:53:30] Well, immediately, no. Immediately, no.

21 Q. [14:53:44] Did you later hear about anything, what had happened with those shells?

22 A. [14:53:49] Yes, later. One of the chiefs was complaining a lot at the camp
23 saying that the shells hit apparently, allegedly hit one of his brothers who -- well, they
24 had shot at the target, and the shots did not go in the direction of the target.

25 Q. [14:54:20] Who was this person, this sergeant?

1 A. [14:54:23] MDL Kangouté was his name, Sergeant Kangouté.

2 Q. [14:54:32] Very well. And you learned that it had hit one of his brothers.

3 How did you hear about that? Were you there when he was talking about that, or
4 did you learn about it from other sources?

5 A. [14:54:45] *Well, as I have been saying, since I was a trainee -- when you're not
6 on duty, you see, there was a spot at the BASA by a tree where we would hang out
7 and talk and kill time. We were there, and he came up to us, and he told us about
8 that, and then he left.

9 Q. [14:55:17] Now, once again if I could hark back to Camp Commando, at the
10 time you saw the shells being fired, could you give us the name of the other soldiers
11 or officers who were close to you and who would have seen those shots as well?

12 A. [14:55:36] Well, truly, I no longer recall. But I do know that the people who
13 were there that day saw that, because the firing was done in front of everyone. It
14 wasn't done behind closed doors, so to speak, it was not as if they tried to hide it. It
15 was done openly.

16 Q. [14:56:11] Very well. Now, Mr Witness, I would like to show you some video
17 footage that was shot on 22 March, a few days later. And it actually appeared on the
18 RTI, on the Ivorian television, CIV-OTP-0075-0077. This is number 44 on our list.
19 And we are going to play an excerpt for you, timestamp 1.44.42 to 1.46.38. Can you
20 see that up on the screen?

21 A. [14:56:54] Not yet.

22 Q. [14:56:56] Very well. I think you need to go on to evidence 2 channel. There
23 we go. And for the interpreters and the court reporters, this is CIV-OTP-0087-0281.
24 And this is number 5 on our list of materials. And we will begin right at the very
25 beginning. And this is open source, public. Are the interpreters ready to go? Yes?

1 Very well, thank you. We'll begin at line 5 and go to line 18, so let's play the video.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [14:57:53] (Interpretation of the video excerpt) Sight
4 translation:

5 Government press release. On Thursday, 17 March 2011, information was broadcast
6 by foreign media reporting on an intervention carried out by the Defence and Security
7 Forces using heavy weaponry on a market located in the commune of Abobo. This
8 intervention allegedly claimed more than 27 lives, many were injured. The
9 government of Côte d'Ivoire, mindful of the need to respect human rights, has also
10 ordered -- correction, immediately ordered investigations to verify what happened.
11 Here are the findings: No damage done by shells was seen within the markets of
12 Abobo on Thursday, 17 March 2011. No victim of an alleged shelling was recorded
13 in the morgues in Abobo or Anyama. Thursday, 17 March 2011, no complaint was
14 filed with the police service. The Abobo gendarmerie squadron was in contrast
15 attacked by rebels twice during the day of Thursday, 17 March 2011. Could it be
16 that?

17 As one can see, the alleged events are not true. The attitude of the journalists of
18 international media are such that the government of Côte d'Ivoire must make the
19 following observations. These journalists are very quick to voluntarily broadcast
20 erroneous information.

21 MR DEMIRDJIAN: [15:00:14] (Interpretation)

22 Q. [15:00:15] Mr Witness, first question, have you already seen this televised
23 press release?

24 A. [15:00:23] This press release, well, I heard speak of it, but I did not see it myself.
25 I heard speak of it, but I did not personally see it.

1 Q. [15:00:34] When did you hear speak of it?

2 A. [15:00:39] I believe that it was when we came back that they said that there
3 had been a communiqué, a press release. So my friends told me about it, and I said,
4 "Oh, all right." Everyone's protecting their lives. It's not up to me to say anything
5 about that.

6 Q. [15:01:06] Very well. And when you talked to your colleagues about it, what
7 was said of this press release?

8 A. [15:01:13] They said that there had been a communiqué saying that there had
9 not been any firing and that nobody had done anything whatsoever. All right, okay.
10 No problem. But those who were there *all of them, they know that there was
11 mortar fire on that day. They know only too well that there was mortar fire in
12 Abobo in Camp Commando carried out by Pegard and *Staff Sergeant Kamanan Brice.
13 I don't know, as I no longer recall the precise date when the shells were fired or the
14 mortars were fired, I believe that it was in March, it was in March, but as to the
15 precise day, I do not know.

16 But I do believe that when they speak of the gendarmerie that came under attack, yes,
17 it was the gendarmerie brigade. They fled, they left the location and they went to
18 Camp Commando. They were there with us, indeed. But I believe there was
19 shooting. I can confirm it, I can confirm it because I was present.

20 Q. [15:02:32] Mr Witness, the communiqué also indicates that the Ivorian
21 government ordered investigations in order to *verify whether or not the events
22 actually did occur. To your knowledge, were there any investigations into these
23 *occurrences in the following days?

24 A. [15:02:52] Well, well, listen, I don't know whether there were any
25 investigations or whatever. Everybody has their opinion on an action. Whenever

1 *something has happened, everyone tries to protect themselves. That's what I think
2 is going on, that's the aim. But there were indeed shots. *One must tell the truth,
3 one should not lie.

4 Q. [15:03:17] Thank you, Mr Witness. I've finished with that subject area. I
5 would like to come back to an answer that you furnished this morning.

6 If you recall, I put questions to you on the subject of Colonel Dadi and the *allusions
7 that he made to President Gbagbo. This is at page 55 of the notes of *this morning's
8 transcript. You said that it was during the post-election crisis, he was referring to the
9 post-election crisis, and he said, he even said that there would be cars when he
10 *would go to see the president.

11 A. [15:03:57] Yes.

12 Q. [15:03:57] Now, I have this question for you. Did you know *at the time that
13 Colonel Dadi used to go and see the president?

14 A. [15:04:08] Well, as I said, he was one of the people that President Gbagbo
15 trusted. And I think he did go and see him. I think he did go and see him. People
16 can't say things without there being something. There's no smoke without fire or fire
17 without smoke.

18 Q. [15:04:37] What I am attempting to ascertain is whether you yourself were
19 aware of occasions on which Colonel Dadi went to see the president. Have you
20 knowledge of any specific examples?

21 A. [15:04:47] I do not have any knowledge of specific incidents, incidents of this,
22 but *since he said so himself, what are we to tell him in response?

23 Q. [15:04:59] And a last question on that subject. You said to us this morning
24 that Colonel Dadi said that he was going to receive equipment and the BASA did
25 indeed receive four-by-fours.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 A. [15:05:11] Yes.

2 Q. [15:05:12] Do you have any other examples of that type of equipment that was
3 received?

4 A. [15:05:17] *Well, there were the four-by-fours that he got and then -- the
5 equipment that he got, the four-by-fours on which some 12.7s were mounted. And
6 then the staff, he had promised that the BASA staff would be beefed up, to my
7 knowledge. That's all we got. I'm not sure there's anything that came in that I was
8 not aware of.

9 Q. [15:05:58] Very well. Okay. Just a moment, please. Okay. Very well.
10 Mr Witness, I have two other subject areas to broach before I wrap up my
11 questioning.

12 After that mission that you just spoke to us about, you also said that you had a
13 mission to PK18; is that correct?

14 A. [15:06:18] Yes.

15 Q. [15:06:20] Now, can you, first of all, explain to us when that mission took place?

16 A. [15:06:27] I think it was of an evening when they said that there were
17 individuals who were stopping traffic at the PK18 intersection. So our mission was
18 to go and move those people on from there.

19 We left the BASA. We went to the MACA via Yopougon. And after the BASA, via
20 Yopougon we came to the MACA, we found the police who were already on location
21 and the gendarmerie who were waiting for us. So we went on our way and we left.
22 We left to the PK18 intersection.

23 Q. [15:07:17] In order to locate this in time, was it before or after your third
24 mission to Abobo?

25 A. [15:07:24] Yes, it was towards the end of the month of March, near the end of

1 the month of March.

2 Q. [15:07:35] Very well. And you say that you went via the MACA. Then
3 which road did you take to reach PK18?

4 A. [15:07:46] After the MACA, well, there's only one road that we went straight
5 away -- straight ahead to Adzopé, that's the road we used.

6 Q. [15:07:59] So that is the road that goes behind the Banco Forest?

7 A. [15:08:04] Yes.

8 Q. [15:08:05] And which weapons did you take with you when you left?

9 A. [15:08:10] Everybody had their individual AK weapon. We went along with
10 a dual tube and I think there was a 12.7, or I think there was a 12.7, there was one or
11 two 12.7s. I no longer recall.

12 Q. [15:08:36] Very well. And with regard to those individuals who were
13 wreaking havoc in the traffic, what were your instructions?

14 A. [15:08:47] *Our instructions were to move them out of there. And indeed, we
15 managed to do so. There was an exchange of fire because one of ours had been
16 wounded, he was one of the men who were loading rounds on the 12.7, he was wounded
17 in the arm during an exchange of fire. But we managed to move them on out of there.

18 Q. [15:09:18] And did the BASA elements, did you fight -- did you shoot as well?

19 A. [15:09:24] Yes, we did shoot. We did shoot.

20 Q. [15:09:27] And the orders to fire came from whom?

21 A. [15:09:31] Captain Assi was our chief.

22 Q. [15:09:42] Very well. And who did he receive instructions from for that mission?

23 A. [15:09:46] Well, I don't know, *but him, I think that it's -- thing that happened
24 -- I believe that there were lots and lots of officers there. I believe there was the
25 gendarmerie, there was -- there were --

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 THE INTERPRETER: [15:09:59] Inaudible, unintelligible.

2 THE WITNESS: (Interpretation) *-- the gendarmerie had an officer there, the police
3 as well. Well, the three coordinated. We were all together with him and he was the
4 person who gave us the orders directly on the ground.

5 MR DEMIRDJIAN: [15:10:12] (Interpretation)

6 Q. [15:10:12] Do you remember which weapon was used to fire at that PK18
7 intersection?

8 A. [15:10:18] We used the dual tube, we used the 12.7, we used the AKs.

9 Q. [15:10:30] Very well. Now, I would like to take you to the end of the month
10 of March and more specifically to the date of 31 March. Can you tell us where you
11 were on 31 March, Mr Witness?

12 A. [15:10:47] I was at the BASA on 31 March, I believe. I believe. It must have been a
13 Thursday *or -- a Thursday, we were at the BASA. Our friends from Yamoussoukro --
14 first of all, very early in the morning, at approximately 10 a.m., the commanding officer,
15 Dadi, took a convoy of weapons and he said he was going *to the Presidency. He left
16 instructions for his second in command, Captain Goué, saying that he was supposed to
17 stay on location. And then the commander of the first battalion with the commander of
18 the BB arrived to see Captain Goué, and they discussed things, *I don't know what, I
19 wasn't standing nearby, but after, what I heard was that they had said to stop all activities,
20 to go back and to release us. He didn't want that, and he said that he did not -- he had not
21 received orders to that effect, his chief had not said that to him. Later in the afternoon,
22 Commander Konan Boniface, who was the com-théâtre at the time, talked to his men and I
23 think that they went to the first battalion, Captain Goué went to the PC of the first battalion.
24 There were discussions. And then when he came we saw the elements of the first
25 battalion getting undressed, going home. The first BB went home. Even some elements

1 from the BASA were taking their clothes off. And seeing all of that going on, I left there
2 with three officers, of whom Lieutenant Foto, *Lieutenant Bolou and the third was
3 Lieutenant Djigbe (phon), he is an MDL, a sergeant, Gnakan, an SOA who had just come
4 out, and we got into the car. It was Lieutenant Foto's car I believe.

5 Q. [15:12:54] You're being asked to slow down. I know that you have all those ideas
6 in your head, but you need to be a little bit slower for people to interpret what you have
7 to say and transcribe. So if I can start from the beginning of your answer again, take
8 things one by one. Firstly, you say to us that you heard that the -- that Dadi, the
9 commanding officer, took a convoy of weapons and that he went to the presidency?

10 A. [15:13:19] Yes.

11 Q. [15:13:20] How did you come back that information?

12 A. [15:13:22] Well, the -- it was in front of us. The convoy came together in front
13 of the commander post on the tarmac and they left in front of everybody, about
14 10 o'clock.

15 Q. [15:13:39] And what did that convoy comprise, Mr Witness?

16 A. [15:13:43] There were 12.7s, there were 12.7s, there were mortars as well, and
17 there were -- what do you call them? *Some 20 millimetre guns. That's what they
18 left with.

19 Q. [15:14:02] And what calibre mortars were there?

20 A. [15:14:06] Mortars? I believe that there were 81 or 82. I don't know the
21 calibre. 81 or 82. And there were -- there was a 120 millimetre mortar as well, I
22 believe. And there was ammunition.

23 Q. [15:14:29] Very well. Did you hear, were you told why Colonel Dadi was
24 going along with that convoy to the presidency?

25 A. [15:14:36] No, I didn't know why.

1 Q. [15:14:45] Very well. Subsequently you spoke to us of two meetings if I can
2 call it that. Firstly, you talked about Captain Goué who talked to the commander of
3 the first battalion to see whether they had ceased all activity or not, and you said he
4 said no, so he, you're talking about Captain Goué?

5 A. [15:15:09] Yes, yes. He had talked with Colonel Adjoumani from the
6 armoured battalion, the BB, with the commanding officer of the first battalion. And
7 when they talked we heard that they had decided to release everybody and
8 Captain Goué had refused, saying that he wasn't going to take instructions from them.
9 And subsequently the com-théâtre --

10 Q. [15:15:52] Just a little moment. Before moving on to that. The chef de corps
11 of the first battalion, what was his name, the commanding officer of the first --

12 A. [15:16:06] I think it was Doumbia. I think it was Doumbia. Well, I don't
13 know.

14 Q. [15:16:12] Very well. You say that subsequently the commander of
15 operations arrived. When did the com-théâtre arrive?

16 A. [15:16:26] It was in the afternoon *about 2 p.m., 1 p.m., around then. He
17 arrived with a massive cortège convoy. They arrived at the first battalion and they
18 called, I think, the chiefs who went to discuss matters at the first battalion. And
19 when Captain Goué arrived from the first battalion we saw the people from the first
20 battalion and the armoured battalion taking their clothes off, getting themselves into
21 civvies and going home. So that is how some of the elements of the BASA even
22 started to do the same thing. So I followed *the crowd. I went from there to the
23 BASA with three officers, who were lieutenants at the time -- now they are captains, I
24 believe -- and an MDL, a sergeant. There were five of us in the car. That was
25 Lieutenant Foto's car that we used, that's what we used to leave.

1 Q. [15:17:32] Very well. So how did you go about finding out about that
2 meeting with the com-théâtre and the commanders you indicated from the first
3 battalion? How did you learn about that?

4 A. [15:17:52] I believe that the -- when the com-théâtre, *Commander Koné,
5 arrived at the first battalion he sent somebody who -- called Captain Goué. Captain
6 Colonel Dadi, who wasn't there -- Captain Goué went off and subsequent to that he
7 came back. And upon his return, we observed another attitude on his face and
8 subsequent we saw people going home. We came to know that things -- well,
9 something was up.

10 Q. [15:18:32] Very well. Did Captain Goué talk to the members of the BASA
11 who were there?

12 A. [15:18:38] Yes, he didn't gather us together as such in order to talk to us, he
13 said that some of the elements, the first battalion wants -- wanted to cease hostilities
14 and we needed to organise ourselves to take the whole camp because the new camp is
15 comprising three units; there's the first battalion, the BASA and the armoured
16 battalion. So we needed to organise ourselves to guarantee the security of the camp.

17 Q. [15:19:17] Very well. At an earlier stage you said to us that Commander Dadi
18 went to the presidency. Are you talking about the palace or the presidential residence?

19 A. [15:19:29] He said he went to the presidency when he left the BASA. The
20 presidency to my mind is the palace, not the residence.

21 Q. [15:19:49] And for that entire duration, when you talk to us about
22 Captain Goué who was reading -- meeting all those people from the first battalion,
23 during that entire period where was Commander Dadi?

24 A. [15:20:02] Well, Commander Dadi *had been gone since the 31st, so all this was
25 going on in his absence. *I don't know if -- I know that he was informed about

1 everything because his second in command could report back to him.

2 Q. [15:20:10] Very well. So you left on that day. Did you return to the camp Akouédo?

3 A. [15:20:18] Yes, I left on that day. I didn't know where to go because my
4 family wasn't in Abidjan. *My family was in Daloa, as I told you. I spent my entire
5 time at the camp as I was a trainee. I was doing my training there. I didn't know
6 where to go. People dropped me off and I thought, well -- they said, we -- it's a
7 friend who is putting us up, so the lieutenant, Foto, said that it was "a friend who's
8 putting me up, I can't really help you out." So *Djigbé and Bolou got out and they
9 said that they were going to stay with somebody whom they called. So I was -- I
10 stayed with Gnakan. He said he was going to go on with Foto because he told him
11 and somebody was going to come and pick him up. So I got out and I didn't know
12 where to go, I just started walking.

13 Q. [15:21:18] Mr Witness, I have to interrupt you. The question that I wanted to
14 put to you was whether you went back *to camp Akouédo after 31 March?

15 THE INTERPRETER: [15:21:27] Message from the interpreter: There must be a
16 pause and they must slow down.

17 PRESIDING JUDGE TARFUSSER: [15:21:32] No, no, no, there must be a pause.

18 No, slow down please otherwise there is confusion in the interpretation.

19 So please restart Mr Demirdjian, please.

20 MR DEMIRDJIAN: [15:21:49] (Interpretation)

21 Q. [15:21:49] Okay. Let's go ahead nice and slow. My question was this:

22 Now, did you go back to camp Akouédo after 31 March?

23 A. [15:21:57] Yes, I did go back. I went back, I think it was on the 3rd, after *that
24 statement on Saturday the 2nd, I think it was, made by Gouanou, Colonel Gouanou, he
25 was the commanding officer of the 2nd battalion. After his statement on the television,

1 he said that people who had left should come back, that they had control and to come
2 back. So that was in the morning of the 3rd I went back. And along the way, thank
3 God I came across *Gnakan and we went back together and we got in front of the gate
4 and we were turned away. They wouldn't let us in. We were sitting there. Some
5 people are trying to get in, and then after a couple of minutes they came and they got
6 him but they turned me away. I don't know why. So I just stayed there. Later, a
7 brigadier by the name of Depied Oré and *four others -- I know that fellow well, we had
8 already served together. *He aimed his gun at me, he frisked me, he took my phone, he
9 took the money that I had on me, 425,000 francs, and he said to get out of there otherwise
10 *Sergeant Yoro had given him an order that if he saw me, he was to kill me.

11 Q. [15:23:34] Just a moment. So Yoro --

12 A. [15:23:41] He was from the BASA, *that's my class.

13 Q. [15:23:45] Very well. So he gave an order to kill you and then what, what did Depied --

14 A. [15:23:51] Depied Oré told me to get out of there. And when he said that to
15 me, thank God. Captain Goué -- well, that was at the main gate, the main gate. I
16 saw Captain Goué heading that -- up, heading I called out and he didn't answer. I
17 called out to him a second time, he didn't answer. I didn't know what to do. So I
18 stayed there for a few minutes and I thought, okay, and I decided I would go back to
19 the old camp. The old camp, I got there, I found *Colonel Mambo, the battalion's
20 second in command. He was with Colonel Touré Gnekremetchin. I explained the
21 situation to them. They called Captain Goué and he asked to speak with me. There
22 was a conversation on the phone. During the conversation, he told me that he didn't
23 want to see me around BASA anymore and not to come back. So Colonel Mambo
24 told me to stay there. So I stayed there until -- until everything was turned upside
25 down and I was able to leave and go stay with my family.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 Q. [15:25:00] And ultimately when were you able to leave and see your family?

2 A. [15:25:05] *I think that -- the day they shelled the BASA, it was the next day,
3 because it was evening when they shelled the BASA, so it was the next morning.

4 Q. [15:25:16] Very well. If I've understood, you said that you went back on 3 March?

5 A. [15:25:22] Yes, it was a Sunday.

6 Q. [15:25:23] A Sunday. And you were -- saw Colonel Mambo. And how
7 many days after that did you leave?

8 A. [15:25:31] Three. No, no, no, it was 3 April, not March.

9 Q. [15:25:42] It's late afternoon, sorry about that, Witness.

10 *So on 3 April, you went back to camp Akouédo. And how long did you stay there?

11 A. [15:25:51] Well, I spent Sunday there, and Monday, Monday evening, that was when
12 the BASA was shelled. And on Tuesday morning we left that place. We were afraid.

13 Q. [15:26:28] Very well. I have one last question in relation to these events that you have
14 experienced at Camp Commando, *the events during which you saw Staff Sergeant Brice and
15 Pégard fire the two shells. Now, did you ever give testimony before the Ivorian courts?

16 A. [15:26:49] No. Up until now *I have not made a statement, and I haven't
17 given any evidence. I think that when Pegard and Brice were imprisoned, I
18 think -- they were released no more than two years ago -- three years ago even. Let's
19 say they were released in 2013. I think that's why they went to prison.

20 THE INTERPRETER: [15:27:17] Message from the interpreters: Five-second rule,
21 please, and excessive speed.

22 MR DEMIRDJIAN: [15:27:20]

23 *Q. [15:27:22] During their trial, you didn't give testimony?

24 A. [15:27:24] No, I didn't give testimony.

25 Q. [15:27:26] Very well. Thank you, Mr Witness.

1 Your Honours, this completes my questioning.

2 PRESIDING JUDGE TARFUSSER: [15:27:32] Okay, thank you very much.

3 Mr Witness, the Office of the Prosecutor has finished its questioning. Now, I give the

4 floor to the Defence for Mr Gbagbo, but before doing so I want to ask two questions.

5 At pages 51, lines 14 and following, and 52, line 17 and following, you said: "He

6 said" - and you're referring to Colonel Dadi - "He said that he was getting orders from

7 President Gbagbo directly, that he was the strongman in charge of the situation, that

8 President Gbagbo trusted him and had entrusted him with the security of Abidjan,"

9 et cetera. And at page 52 you say more or less the same, at line 17, of the English,

10 line 18: "He himself said so. He said he was getting orders directly from

11 President Gbagbo. No one else can give" him "orders." And "he said that openly."

12 My question is: Did he also say what kind of orders he got or only that he got

13 orders? Did he detail this in the merits also or just said that he got orders?

14 THE WITNESS: [15:29:19](Interpretation) Okay. He just said that he received

15 orders, but he didn't give details.

16 PRESIDING JUDGE TARFUSSER: [15:29:25] So you don't know which kind of

17 orders these orders were?

18 THE WITNESS: [15:29:31](Interpretation) No.

19 PRESIDING JUDGE TARFUSSER: [15:29:32] The second question is at page 60,

20 line 24, and 61, line 1, you said, in the context of the written order that have to be

21 given by the president to fire a 120 millimetre shell, you said: "Someone assumes

22 responsibility and gives the written order. But in training we were told that the

23 president himself needs to give his agreement, because these are weapons of war."

24 My question is: Who did this training? When did you have this training and who

25 gave you this training and who said this in the training, during the training?

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [15:30:38](Interpretation) Myself, I'm from the artillery and my
2 instructor was Captain Goué who gave us instructions. He taught us, he told us that,
3 that was in 2006, that when you are in the artillery you have to be very careful, even if
4 you are with an officer. No matter what his rank, no matter what his rank be careful,
5 he can't give you an order to fire like that, even if you're at war, it has to be written
6 orders, because these weapons, when used, have to be truly -- it has to be an order
7 from the president because when you make a mistake, a 1 millimetre mistake, that can
8 mean kilometres in the field, so to be --

9 THE INTERPRETER: [15:31:27] Inaudible.

10 THE WITNESS: [15:31:30](Interpretation) So once it's all over and -- you know,
11 people are going to be afraid and they're going to ask you to fire, but be very careful,
12 that's what he said, be very careful upon instruction. He really insisted on that point
13 during the training.

14 PRESIDING JUDGE TARFUSSER: [15:31:46] But was this related specifically to the
15 120 millimetre mortars or generally speaking?

16 THE WITNESS: [15:31:59](Interpretation) It's a general principle when it comes to
17 artillery weapons, when it comes to artillery, because they're heavy weapons.

18 PRESIDING JUDGE TARFUSSER: Okay.

19 THE WITNESS: (Interpretation) It's not -- they're not ...

20 PRESIDING JUDGE TARFUSSER: [15:32:13] Thank you very much.

21 Now, I give the floor to Maître Altit for the Defence for Mr Gbagbo.

22 MR ALTIT: [15:33:16] (Interpretation) Thank you, your Honour.

23 QUESTIONED BY MR ALTIT: (Interpretation)

24 Q. [15:33:20] Good afternoon.

25 A. [15:33:21] Good afternoon.

1 Q. [15:33:21] My name is Emmanuel Altit and I am lead defence representing
2 Mr Laurent Gbagbo. I'm going to be asking you some questions and I'd be most
3 grateful if you could respond briefly and concisely.

4 A. [15:33:37] Okay.

5 Q. [15:33:37] Thank you. Now, let's begin. Now, let's start with Camp
6 Commando.

7 Madam court officer, could you kindly display CIV-OTP-0037-0468, could that be
8 placed on the screen.

9 THE COURT OFFICER: [15:34:15] Evidence channel 1.

10 MR ALTIT: [15:34:38] (Interpretation)

11 Q. [15:34:39] Can you see the image?

12 A. [15:34:40] Yes.

13 Q. [15:34:40] This is the same image that you were shown earlier. And we can
14 see your marks on it.

15 A. [15:34:47] Yes.

16 Q. [15:34:49] You're familiar with the location, but we aren't, so I'll ask you some
17 questions so we can better understand, okay? Okay?

18 A. [15:35:03] I agree.

19 Q. [15:35:04] Great. Fine. Now, first of all, could you tell us where we find the
20 points of the compass, north, south, east and west on this image?

21 A. [15:35:24] Well, this image I can't tell you that because I'm -- I would need a
22 compass for that. I don't know. I've been shown the image but I can't tell you
23 where the north and the south are.

24 Q. [15:35:43] Very well. So your answer is no, you can't.

25 Well, do you recognise the location? When you look at the image, immediately -- do

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 you recognise the roads and the buildings immediately?

2 A. [15:36:03] Of course.

3 Q. [15:36:04] Could you tell us where the main entrance to the camp is located?

4 A. [15:36:11] The two -- well, *both gates are used. They're the same height. I
5 don't know if there is a main gate or not, besides they even face one another.

6 Q. [15:36:22] Well, I'd like to ask the Registry if they could help you. And if it is
7 possible, could the responses be recorded?

8 A. [15:36:36] Well, we would go in --

9 Q. [15:36:41] Wait a second because the court usher will help you, help you
10 actually record your answers.

11 PRESIDING JUDGE TARFUSSER: [15:36:49] What do you mean by recording your
12 answers?

13 MR ALTIT: [15:36:54] (Interpretation) To note on the map the points; for example,
14 the entrance, et cetera.

15 PRESIDING JUDGE TARFUSSER: Okay.

16 THE WITNESS: [15:37:03](Interpretation) There's an entrance here.

17 PRESIDING JUDGE TARFUSSER: [15:37:06] Wait a minute. Mr Witness, just a
18 moment.

19 Mr MacDonald.

20 MR MACDONALD: [15:37:11] I just want to clarify one thing about the cardinal
21 points. One is visible on the document.

22 PRESIDING JUDGE TARFUSSER: [15:37:23] Yes, yes.

23 MR MACDONALD: [15:37:24] So if we want to be fair with the witness and also
24 the - everyone in the courtroom, so I think it's indicated.

25 PRESIDING JUDGE TARFUSSER: [15:37:33] Yes. But more fair than with the

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 witness than being indicated.

2 MR MACDONALD: [15:37:41] I mean the camp hasn't changed directions in the
3 last --

4 PRESIDING JUDGE TARFUSSER: [15:37:45] No, no, of course.

5 MR MACDONALD: [15:37:47] -- I mean, or orientation.

6 PRESIDING JUDGE TARFUSSER: No, no, of course.

7 MR MACDONALD: And north, south, east, west neither.

8 PRESIDING JUDGE TARFUSSER: [15:37:53] Yes.

9 Maître Altit.

10 MR ALTIT: [15:37:55] (Interpretation) Thank you, Mr President. The question
11 was as to whether he was able to position north, south, east and west. And the
12 intervention contributes to providing indications to the witness. So with your leave,
13 Mr President, I shall carry on with my questioning.

14 Q. [15:38:15] So do you have the possibility of annotating the map, what you're
15 going to say to me? You have told me about two entrances; is that correct?

16 A. [15:38:25] Yes.

17 Q. [15:38:26] Could you please annotate them. I believe you've just done so.

18 A. [15:38:29] Yes.

19 Q. [15:38:30] These are the two red points that we see?

20 A. [15:38:36] Yes.

21 Q. [15:38:45] Was one of the two entrances the big entrance, if you like, or were
22 they used indifferently?

23 A. [15:38:54] Well, I don't know how they were used there, but when we came we
24 went -- we came on an operation and we came in through this way, this way.

25 Q. [15:39:04] Very well. Wait a moment, please.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [15:39:09] Wait. What is "this way" because --
- 2 THE WITNESS: (Overlapping speakers)
- 3 PRESIDING JUDGE TARFUSSER: Okay, on the one signed with more emphasis,
- 4 you're saying? On the left side, the left entrance if we look at the picture?
- 5 THE WITNESS: [15:39:28](Interpretation) Yes, yes.
- 6 MR ALTIT: [15:39:30] (Interpretation)
- 7 Q. [15:39:31] So you went through this way coming from Agban; is that right?
- 8 A. [15:39:36] Yes.
- 9 Q. [15:39:36] Very well. You came from the bottom -- did you come from the
- 10 bottom of the image or from the top of the image in order to gain entrance there?
- 11 A. [15:39:49] From the bottom of the image.
- 12 Q. [15:39:51] Very well. So you came up the image and then turned right into
- 13 the camp; is that right?
- 14 A. [15:39:56] Yes.
- 15 Q. [15:39:58] Okay. So Agban is towards the bottom of the image?
- 16 A. [15:40:06] Well, I don't really know whether it's at the bottom of the image or
- 17 not because *the map I have, I don't know the map. I don't know where Agban is
- 18 located, but this is the Camp Commando map in front of me. Agban might be to the
- 19 north, or to, what do we call it, to the east. I don't know. I just know that we used
- 20 to leave towards the bottom, then we would go up.
- 21 Q. [15:40:36] You said that you recognised the *entrance by which you gained access?
- 22 A. [15:40:41] Yes.
- 23 Q. [15:40:42] All right. So if you remember what you did at the time you can see
- 24 well where you came to the entrance from.
- 25 A. [15:40:53] I said that we left the bottom to come up.

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 Q. [15:40:56] So you went --

2 THE INTERPRETER: [15:40:58] Mr President, overlapping speakers. Too fast.

3 Impossible.

4 PRESIDING JUDGE TARFUSSER: [15:41:11] I'm getting reprimanded.

5 MR ALTIT: [15:41:20] (Interpretation)

6 Q. [15:41:24] So when you came from Agban towards Camp Commando, was it more

7 or less in a straight line and can we infer from the fact that you came from the bottom of

8 the map that Agban was in the extension of the line that you indicate or not at all?

9 A. [15:41:42] Well, I'd say, I don't know, it's not a straight line, it's not a straight
10 line as if we were drawing it on a board.

11 Q. [15:41:53] Very well. So whatever the case may be, that road that we are
12 talking about --

13 A. [15:42:00] This road comes out at the gendarmerie -- Abobo gendarmerie
14 brigade roundabout.

15 Q. [15:42:12] Wait. So you mean to say that if we go straight on, we don't stop at
16 the camp, if we carry straight on we go on towards the Abobo gendarmerie brigade;
17 is that what you're saying?

18 A. [15:42:28] Yes.

19 Q. [15:42:29] Very well. So for the record the witness said yes.

20 The gendarmerie, the Abobo gendarmerie brigade, is that at a particular roundabout?

21 A. [15:42:43] Yes, it is at a particular roundabout, yes.

22 Q. [15:42:46] And what is it called?

23 A. [15:42:50] We call that in Abidjan the gendarmerie roundabout.

24 Q. [15:42:58] Very well. And if we continue, where do we get to? If we carry
25 on, straight on, on that same road, where do we get to?

1 A. [15:43:09] If we carry straight along that road, straight ahead, we arrive at the
2 gendarmerie roundabout. And then you can go to Anyama, or you can go to the
3 Abobo Mairie, you can go to the university, you can go to Adjamé, the opposite
4 Filtisac in Adjamé, or you can go towards the town hall, go towards Samaké, Samaké.

5 Q. [15:43:39] Are we far from the Abobo town hall when we are at Camp
6 Commando? If I ask you how long it would take by car to go to the Abobo town hall,
7 how long would it take approximately?

8 A. [15:43:56] By car?

9 Q. [15:43:58] Mmm.

10 A. [15:43:59] There are obstacles, that is to say -- are you talking about whether
11 there's a lot of traffic or what are you talking about? You know, are we talking about
12 during free time or what?

13 Q. [15:44:08] Wait. By foot, if it's easier, if it's simpler by foot how long?

14 A. [15:44:14] By foot, if somebody walks fast, 10 minutes, 15 minutes, 10 to 15
15 minutes.

16 Q. [15:44:21] Very well. That's very clear.

17 So then we have another route which is on the other side. If you look at the map.

18 A. [15:44:32] Yes, yes, I can see it.

19 Q. [15:44:34] Which is on the other side, which is parallel to the first, the one
20 we've just talked about. Can you see it?

21 A. [15:44:40] Parallel?

22 Q. [15:44:41] Parallel, that means to say in the same direction.

23 A. [15:44:47] Yes, yes.

24 Q. [15:44:48] So you agree you can see it?

25 A. [15:44:50] Yes, I can see it.

1 Q. [15:44:51] All right. That route, if we continue on it, straight ahead towards
2 the top of the map, where are we going towards?

3 A. [15:45:00] Towards the top of the map? We are going to reach avenue Kaza.

4 Q. [15:45:10] Very well. And after that if we carry on?

5 A. [15:45:15] There's the avenue Kaza, we go towards the university campus on
6 the tarmac, or you go towards the pharmacy, you get to the Matene pharmacy, and
7 then you go towards Camp Commando or you go towards the BC.

8 Q. [15:45:36] Very well. Now, if rather than going up towards the top of the
9 map, you go down the road towards the bottom of the map, where do we get to?

10 A. [15:45:47] Towards the bottom of the map if we go on down we will get to a
11 road that goes in front of the church. *The church is on the road and then the road
12 ends. You can continue, but the road ends there. You hit a road that goes in front
13 of a church whose name I don't recall and -- well, I don't know. Saint François or
14 something like that, it's a name -- Saint Xavier or something like that. Saint
15 François-Xavier. Thank you.

16 Q. Very well. When we look at the camp, if we look at the camp --

17 A. [15:46:38] Yes.

18 Q. [15:46:40] -- we note a delineation between the camp, the interior of the camp, a
19 boundary between the inside and the outside of the camp; would you agree with that?

20 A. [15:46:56] Yes.

21 Q. [15:46:56] I have a question for you. Right at the bottom of the camp we see
22 houses. Can you see those little houses with roofs?

23 A. [15:47:05] Yes.

24 Q. [15:47:06] Are those houses within the camp or outside of the camp?

25 A. [15:47:11] There is a fence that separates them.

1 Q. [15:47:15] I didn't understand your answer, sir.

2 A. [15:47:18] The camp itself has a fence around it, Camp Commando. There are
3 just two multi-storied buildings.

4 Q. [15:47:26] Well, hang on a second. Wait. So *do we agree that the line of
5 houses right at the bottom of the map, which is in the extension of the camp, is not
6 part of the camp. You are telling us that it is not part of the camp, is that correct?

7 A. [15:47:43] Yes.

8 Q. [15:47:44] Okay, okay. And we see all around of the camp, we see houses or
9 buildings, are these buildings or are some of these buildings -- are some of them
10 multi-storied outside of the camp that is, not inside the camp?

11 A. [15:48:05] I believe that there are some of them that are multi-storied and there
12 are some of them that are singled storey. There is the cité policière, the police area
13 that I can see at the top here, and then here, when you come down a little bit, *not
14 opposite the gate, but a little bit further down before you get to the intersection there
15 is a multi-storey building. That was used as a clinic or something like that. There
16 we are.

17 Q. [15:48:41] Very well. So my question: During the crisis, to your knowledge,
18 were some of those buildings or houses used by gunners or snipers to fire at Camp
19 Commando?

20 A. [15:49:02] Well, Camp Commando when I was there never came under attack,
21 so I do not know. Maybe after me. I don't know. After -- when I was undertaking
22 my missions it never came under attack. When you say on the -- whether -- when
23 we came under attack on the streets themselves I would say yes.

24 Q. [15:49:29] So for things to be crystal clear, for things to be crystal clear so that
25 we understand, when you say that when you were at Camp Commando it didn't

1 come under attack, or are you saying that to your knowledge it never came under
2 attack?

3 A. [15:49:42] When I was there Camp Commando never came under attack.
4 When I was there on mission Camp Commando never came under attack. To my
5 knowledge it was the brigade.

6 Q. [15:49:52] Wait, wait. So that's clear that when you were there Camp
7 Commando never came under attack, however you must have talked to colleagues, to
8 peers, to other soldiers who were there on other occasions. Did some of them say to
9 you whether Camp Commando came under attack when you were not there?

10 A. [15:50:14] Well, later, after my last visit there, I believe that everybody
11 withdrew from Camp Commando, they all withdrew, you know.

12 Q. [15:50:27] So you mean, thereby, that after your last visit there Camp
13 Commando, the troops who were based at Camp Commando withdrew?

14 A. [15:50:38] Yes, we could no longer gain access.

15 Q. [15:50:42] Wait. And the camp was abandoned; is that what you're saying?

16 A. [15:50:45] Yes.

17 Q. [15:50:46] Very well. Okay. When was your last visit?

18 A. [15:50:55] I told you that I don't have the dates in mind. I said that.

19 Q. [15:51:00] All right, all right.

20 Just for the clarity of your explanations, I think I understand, and tell me if I'm
21 mistaken, when you say, when you tell us that you saw a mortar being fired, that one
22 mortar was used and not the other; is that correct?

23 A. [15:51:32] Yes.

24 Q. [15:51:32] Very well. So I put a question to you a few moments ago that you
25 didn't really answer. Did other soldiers, other soldiers, who were at Camp

Trial Hearing
WITNESS: CIV-OTP-P-0239

(Open Session)

ICC-02/11-01/15

1 Commando at other moments from when you were there, did they tell you that there
2 were any attacks upon Camp Commando?

3 A. [15:52:00] When I was there?

4 Q. [15:52:02] No. No, not when you were there. We understood what you said
5 about when you were there. Now, did you hear speak of the fact that there were any
6 attacks at other times when you were not there?

7 A. [15:52:17] Well, I believe that they left Camp Commando and they said that
8 they left Camp Commando *because of the enemy.

9 Q. [15:52:28] Do you mean by there that they fled under attack?

10 A. [15:52:32] Yes.

11 Q. [15:52:33] Very well. That's all too clear.

12 PRESIDING JUDGE TARFUSSER: [15:52:40] Mr MacDonald.

13 MR MACDONALD: [15:52:43] The last question was a suggestion using the word,
14 plural, "attacks" that they fled following attacks. What the witness just indicated in
15 his prior answer was -- he didn't use the word "attacks," he said following "an attack."
16 So I submit to you right now that my colleague, while we know what he's asking for,
17 not getting the answer he's looking for, is framing it in a way that could be misleading.
18 Thank you.

19 MR ALTIT: [15:53:27] (Interpretation) With your leave, Mr President, first of all,
20 there are two things there: There's putting words in people's mouth and then there is
21 the objection. I'm going to answer the objection.

22 There are motives of course. It's very easy to have somebody say what one wants
23 them to say.

24 Now, with regard to the objection, I'm going to rephrase because this is an important
25 point, I want things to be crystal clear.

1 Q. You said to us -- I'm sorry?

2 PRESIDING JUDGE TARFUSSER: [15:53:55] Yes, no, please do so, please rephrase
3 so that is clear.

4 MR ALTIT: [15:54:00] (Interpretation) Thank you, Mr President.

5 Q. [15:54:02] I'm going to say exactly what you said, sir, if you will allow me one
6 moment.

7 You said, sir, and this is page 116 of the French transcript, line 13 or 12, 12, so that's
8 what you said, all right, I quote:

9 "I believe that they left Camp Commando, I think they said that it was *because of the
10 enemy that they left Camp Commando."

11 So when you say that they left the Camp Commando, who are you referring to?

12 A. [15:55:20] Well, they were the elements of the gendarmerie, the police, the
13 soldiers who had gone there.

14 Q. [15:55:27] Very well. When you say that they left Camp Commando, do you
15 mean that all who were present at Camp Commando left?

16 A. [15:55:34] Yes, all of those who were there.

17 Q. [15:55:37] Very well. And when you say "that it was under enemy fire that
18 they left Camp Commando", what do you mean by that precisely?

19 A. [15:55:50] When I say "under enemy fire" it means that they didn't maybe
20 feel -- well, they felt that their lives were threatened and that they left -- they stayed
21 there, they didn't know what would happen, they felt weak, they were under enemy
22 fire. Well, who's the strongest, me or you, you know, that's how it was. Maybe a
23 dissuasive force was being used and they were dissuaded in some way or another.

24 Q. [15:56:23] Very well. Well, earlier I asked you whether to your knowledge
25 were there any attacks when you were not present at Camp Commando, you didn't

1 really answer. Now, can you answer now. You answered speaking of the flight of
2 the personnel who were there, can you answer me whether there were any other
3 attacks?

4 A. [15:56:46] Any other attacks, what do you mean?

5 Q. [15:56:48] Well, were there times or moments when the enemies started
6 attacking? You know what an attack is, don't you?

7 A. [15:56:58] Of course I do.

8 Q. [15:56:59] Well, if you do, did enemies attack Camp Commando?

9 A. [15:57:02] Well, I don't know. I don't know because I wasn't there.

10 Q. [15:57:05] Very well. All right.

11 So Mr President, I have a question to put to you, are we going to be finishing at 4 or
12 4.30?

13 PRESIDING JUDGE TARFUSSER: [15:57:22] At 4.

14 MR ALTIT: [15:57:26] (Interpretation) Okay. Well, I shall use my few minutes.

15 PRESIDING JUDGE TARFUSSER: [15:57:33] Oui.

16 MR ALTIT: [15:57:40] (Interpretation)

17 Q. [15:57:43] You, yourself, personally have you already used a 120 millimetre
18 mortar?

19 A. [15:57:47] *Have I used one? Yes, I have, during an exercise, during training.

20 Q. [15:57:53] *Okay. During an exercise. And outside of training, not during
21 an exercise, in a real context, have you previously used one?

22 A. [15:58:00] In a real context, no, but one day we set it up at Dépôt 9, we didn't
23 use it, we just put it in battery, we didn't use it, we just assembled it.

24 Q. [15:58:14] All right. Generally speaking, if there is a general rule that is, did
25 you -- were you assigned to one piece of equipment or another?

1 A. [15:58:25] No, I said to you at the BASA we used everything, every soldier
2 used everything.

3 Q. [15:58:31] Very well. Now, with regard to the mortars --

4 A. [15:58:34] Yes.

5 Q. [15:58:35] -- you were questioned extensively by the OTP in this regard. I have
6 a few follow-up questions. What type of explosives are *used to make the charges
7 that comprise the shell?

8 A. [15:58:53] There are a number of charges. It depends on the objective, on the target.

9 Q. [15:58:58] Well, can you tell us the various charges used, rapidly that is?

10 A. [15:59:03] The charges? Well, the charge depends on the distance that one
11 wants *to fire from. One might use charge one, charge two, charge three. It
12 depends. One attaches them. If it's three distances, one can put two charges, umm
13 -- three charges on, that makes three charges. Otherwise, it's one charge like this,
14 and then one attaches it to the tail of the shell, if you like.

15 Q. [15:59:34] Very well. Now, I was -- I'm going to put the question to you
16 somewhat differently: Do you know what kind of explosives these charges
17 comprise?

18 A. [15:59:44] What type of explosive, no, I don't know.

19 Q. [15:59:52] If -- could it, for example, be TNT?

20 A. [15:59:56] TNT? There is the incendiary type of explosive that we are familiar
21 with. There are those that one uses to light up a situation. There are different types
22 of explosive.

23 Q. [16:00:19] Very well. Now, with regard to the charge itself, forgive me, my
24 question might be one -- the one of a layman and it might be nonsensical. *The
25 shells fired by a 120 mm mortar, do they explode upon impact or was there a system

1 to delay the explosion or to accelerate the explosion?

2 A. [16:00:49] It depends. It depends how you have set it. If you want it to
3 explode either at contact -- it depends upon you. It depends upon the objective that
4 you want to attain and the result that you want to attain.

5 Q. [16:01:10] And how do you set it? How do you decide upon the setting?

6 A. [16:01:16] Well, it is calculated and then you use a graphical system to gauge
7 the distance.

8 Q. [16:01:29] Very well. Before we part company, I would like to know if you
9 recall how many 12.7 there were at the BASA that were operational during the crisis?

10 A. [16:01:42] Well, all of the 12.7 that were there were up and running. I don't
11 know how many there were.

12 Q. [16:01:51] Wait a second. Can you tell us or give us an approximate figure?

13 A. [16:01:57] No, I can't give you any figures because I never thought about it.

14 Q. [16:02:04] You don't know at all?

15 A. [16:02:06] No, I can't give you a figure.

16 Q. [16:02:08] What about the dual tubes, do you know how many of those were
17 up and running?

18 A. [16:02:14] All the dual tubes that were there were operational.

19 Q. [16:02:17] How many were there?

20 A. [16:02:18] I don't know how many there were. All the 12.7s were also
21 operational, but I don't know how many there were.

22 Q. [16:02:25] And the 120 millimetres, how many were there?

23 A. [16:02:29] I don't know how many there were either.

24 Q. [16:02:30] Very well.

25 PRESIDING JUDGE TARFUSSER: [16:02:35] I think we should stop here.

1 MR ALTIT: [16:02:37] Oui.

2 PRESIDING JUDGE TARFUSSER: [16:02:39] Yes. We will -- Mr MacDonald.

3 MR MACDONALD: [16:02:40] A quick note for the record, your Honour. I'd like
4 it that it be noted for the record that when the witness was looking for the answer of
5 the church it is Mr Gbagbo that gave the answer to the witness, Saint François-Xavier.
6 Just so that it be noted on the record if it's necessary in the future. Thank you.

7 PRESIDING JUDGE TARFUSSER: [16:03:01] Okay. I would close here for the
8 hearing for today, adjourn to tomorrow morning at 9.30.

9 Now you can go have a rest and we see each other again tomorrow morning at 9.30.

10 The Defence for Mr Gbagbo will continue and followed by the Defence for
11 Mr Blé Goudé.

12 Thank you very much. The hearing is adjourned tomorrow 9.30.

13 THE COURT USHER: [16:03:32] All rise.

14 (The hearing ends in open session at 4.03 p.m.)

15 CORRECTIONS REPORT

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

17 *Page 9, lines 11-15:

18 "Any terrain, even in the water, the 120 makes more noise than the 81 and the 82.

19 You know, even the higher the figure of millimetre, it has more of an effect" is

20 corrected to "Any kind of terrain -- even in the water, the 120 hits harder than the 80

21 mm or the 60 mm. Furthermore, even the 80 mm hits harder than -- well, I don't

22 know, an 81 mm hits harder than the 60. You know, the bigger the number, the

23 harder it hits. Even in the water, the 120 mm hits more than all of them, just like on

24 land. Everywhere, the noises are different."

25 *Page 12, lines 20-22:

1 “Yes. They were not leaving Abobo to Yopougon only, but others were leaving
2 Yopougon to Abobo. But there was great movement” is corrected to “Yes, and even
3 in the other direction. They were not leaving Abobo to Yopougon only. Others
4 were leaving Yopougon to go to Abobo. There was really a great deal of movement
5 in each direction.”

6 *Page 13, line 18: “10.11” is corrected to “10.09”.

7 *Page 15, line 4: “those of us” is corrected to “we”.

8 *Page 15, lines 5-6: “We could be accompanied by policemen and gendarmes.” is
9 corrected to “As part of our mission, we had policemen and gendarmes with us.”

10 *Page 15, line 8: “It was an exodus on each side” is translated and added.

11 *Page 15, lines 9-13:

12 “I was at one position at one point, and next to me there was a checkpoint of the
13 gendarmerie and the police. They were the ones who were checking the luggage
14 and searching the bags of the travellers, because it was no business of ours” is
15 corrected to “I even remember clearly that once I was positioned by the twin-barreled
16 ZU, and next to me there was a checkpoint of the gendarmerie and the police. The
17 police and the gendarmes were working together, checking the bags of the travellers,
18 and checking people’s identities, because it was no business of ours. We were there
19 for combat, that’s all.”

20 *Page 16, lines 11-22:

21 “In times of peace, the itinerary is determined in the base itself. It is included in the
22 road map, and the same road map is used when the team is returning. But during a
23 time of war, the situation changes. Sometimes you can change the itinerary
24 throughout the day as long as you arrive safely. So from Abobo to Agban or to
25 Akouédo, when the incoming team was coming, they would assemble with the

1 outgoing team, and together with the commander of the detachment who was
2 present, we would try to see the best route to take, because the commander would
3 ask whether any of the elements had information about the two possible itineraries.
4 If we took the Abobo highway”
5 is corrected to
6 “When a new team comes in to take over, in times of peace, the itinerary is
7 determined at the base itself. The soldiers who come and get you, who replace you
8 in the field, the itinerary is carefully mapped out. It is included in the logbook, the
9 logbook of the vehicle. When the team is returning, you are supposed to take the
10 same itinerary. That is in peacetime. But during a time of war, the situation changes.
11 You follow the itinerary, no matter how many kilometres. You may even drive many
12 kilometres for an entire day, as long as you arrive safely. So from the Aboboet
13 commando squadron to Agban, or be it Akouédo, the itinerary was -- when the
14 incoming team was coming, they would assemble with the outgoing team, and
15 together with the commanding officer or the commander of the detachment, we
16 would try to see the best route to take. The commanding officer would ask whether
17 any of the elements had information about the two possible itineraries or all the
18 possible itineraries. For example, if we took the Abobo highway --”

19 *Page 24, line 8-9:

20 “I am still a soldier, a sergeant, groupement de moyens généraux” is corrected to “I
21 am still a soldier. I am a sergeant within the Departmental General Resources
22 Group.”

23 *Page 26, line 11: “a brigade in BASA” is corrected to “a corporal in the BASA”.

24 *Page 26, line 21: “training in artillery” is corrected to “CA1 artillery training”.

25 *Page 26, line 24, to page 27, line 3:

1 “Apart from my basic training at the Bouaké EFA, I also followed the further basic
2 training in the 1st infantry battalion. I took the CA1 in BASA and then the CA2 in
3 BASA also. Currently I have a BA1 in surface to surface, surface to surface batteries
4 based in Bouaké” is corrected to “After my common basic training at the Bouaké
5 EFA, I also took further basic training at the 1st infantry battalion in 2001. After I
6 took the CA1 at the BASA and then after the CA2 where even everything was
7 triggered, at the BASA also. Currently I have a BA1 in surface to surface artillery,
8 which I did in 2015 at the surface to surface artillery battalion, the BASS, based in
9 Bouaké”.

10 *Page 27, lines 13-16:

11 “During the crisis, the surface to air and surface to surface were together, so we
12 received a two year training. So I received training in both domains” is corrected to
13 “During the crisis, the two surface units, that is, the surface to air unit and the surface
14 to surface unit were together. So we were taught both weapons. There you have it.
15 So I can say that my CA1 and my CA2, it was both weapons because we were taught
16 everything about the two weapons that were there.”

17 *Page 28, line 11-12:

18 “the weapons arrived and our mission was to take care of that equipment” is
19 corrected to “we -- we left with the weapons, and our mission was to remain there
20 and to keep an eye on that equipment.”

21 *Page 28, lines 14-17:

22 “My commander was Brigadier Chef Mambo Kpangue. I was his deputy. One of
23 my colleagues was the driver. And then there was Dadi. There was another BASA
24 brigadier whose name I do not remember” is corrected to “At that time, my
25 commander was Sergeant Mambo Kpangue. I was his deputy. One of my former

1 classmates, so a trainee like me, at that time, Kuman, who was the driver. And then
2 there was Dedi. There was another BASA corporal whose name I do not know”.

3 *Page 28, line 22: “orgue de Staline and” is corrected to “RLMs, Stalin’s organ, with”.

4 *Page 29, line 19: “took out his weapon” is corrected to “put the weapon back -- his
5 weapon”.

6 *Page 29, lines 20-21:

7 “After that, he ordered me detained and I was imprisoned right up to January” is
8 corrected to “Once he was finished, he ordered me detained. They locked me up,
9 and I was imprisoned right up to 15 January”.

10 *Page 30, lines 5-10:

11 “Before our arrival, we found that there were already recruits there. We talked with
12 some of our colleagues and we were told that they had been there for about three
13 weeks. They had come for the elections. We conversed about how their
14 recruitment had taken place, because I was not aware. We entered into the details,
15 and” is corrected to “Upon our arrival, we found that there were already recruits
16 there. We talked with some of them when we were playing ball with them. They
17 told us that they had been recruited three weeks beforehand. They said that the
18 others had gone for the elections. They were supposed to go and get them. We
19 conversed about their training, how it had gone, how their recruitment had taken
20 place, because I was not aware. They entered into the details, because – when –“

21 *Page 30, lines 13-15:

22 “Those we found there were sick. They were not trained. They could not be used.
23 So they had stayed there to continue the training.” is corrected to “There were many
24 of them, I didn’t know how many. Those we found there had not -- they were sick,
25 and according to people -- they had not learned much during the training, so they

1 had stayed there.”

2 *Page 30, lines 18-21:

3 “by the GR. There was Dogbo Blé who was there. So it was a direct recruitment.
4 So the president must have given a direct order for that recruitment” is corrected to
5 “at the GR, upon the -- the president -- the thing called -- There was Dogbo Blé who
6 was there. So it was a direct recruitment because -- since it was an order, maybe the
7 president must have given a direct order for that recruitment. They were recruited
8 directly.”

9 *Page 31, lines 3-8:

10 “The army is small and we know each other. Apart from that, while I was there,
11 there were other recruits who came there before I left Akakro. They came for
12 medical tests, I saw them do it. And they were supposed to receive training, but
13 then I left”

14 is corrected to

15 “I have forgotten. I know them. We know one another. The army is small, so we
16 know each other.

17 Q. Okay.

18 A. Apart from that, while I was still there, there were other recruits who came there to
19 visit before me, before I left Akakro. There were many of them, many of them. They
20 came for medical tests, I saw them do it. And they were supposed to receive
21 training from us, but then I left.”

22 *Page 31, line 18: “behind” is corrected to “directly (inaudible)”.

23 *Page 31, line 25, to page 32, line 1:

24 “for training, but there were people who were always there in the camp” is corrected
25 to “to train people, they would leave, well -- but there were always people who

1 would stay to keep an eye on the camp and maintain the camp".

2 *Page 32, lines 14-15: "go and see how the training was coming along" is corrected
3 to "come and give instructions about how people were supposed to be trained or".

4 *Page 33, lines 1-3:

5 "what I saw there before is that the first wave had three weeks, three weeks of
6 training" is corrected to "the ones who were there before, the ones who stayed, the
7 first wave, the survivors, they said that they took three weeks for their training".

8 *Page 33, lines 11-13:

9 "a great many of them. I went to visit to see them and to find out what was going
10 on" is corrected to "hundreds of them, so -- there were many of them, they were
11 visiting where they came to take over from me, and they said, "here is what is going
12 on, here is what they suspect you of".

13 *Page 33, lines 16-17: "before the training, you stopped" is corrected to "before
14 getting the training, you were arrested".

15 *Page 33, line 18: "The 25th of December 2010, that's when I stopped my training" is
16 corrected to "The 25th -- Saturday, 25 of December 2010."

17 *Page 33, line 23, to page 34, line 4:

18 "And I well, you see, there were many people at the BASA, and there were
19 recruits to be visiting and so on and so on. So we went to the place where we slept,
20 and he gave me the information. Before giving the information, he asked my head of
21 detachment, he said, "What happened here?" because apparently he has something to
22 answer for" is corrected to

23 "He asked us to go and have a word with -- us, the members of the BASA, because
24 there were many people there. There were recruits who were visiting and so on,
25 there were people from the GR. So he said (inaudible) only people from the artillery

1 that he wanted to meet with. So we went to the place where we slept, and he had us
2 gather and he gave the information. Before giving the information, he asked my head
3 of detachment who was there, Mambo Kpangue, to say what had happened here,
4 because it was he, apparently, who had called and had given a report."

5 *Page 34, lines 6-8

6 "If you can give me some evidence." They didn't give me any evidence. They just
7 said "Colonel Dadi said to come and get you" and then they sent me to the BASA"
8 is corrected to "this has nothing to do with me. If you can give me some evidence."
9 They didn't give me any evidence. He just said "Colonel Dadi has come to get you"
10 and then they sent me to the BASA."

11 *Page 34, line 24: "In Akakro, once you got to" is translated and corrected to "And
12 once you got back to".

13 *Page 35, line 2-4:

14 "nothing about this has to do with me." I asked for evidence. He didn't have
15 evidence" is corrected to "this has nothing to do with me." I asked for evidence.
16 He didn't have evidence. He even gave me advice. He said, "You know, these
17 days you have to be careful, this is what you should do."

18 *Page 35, line 12: "where he raised his weapon and threatened me" is translated and
19 added.

20 *Page 35, line 21, to page 36, line 3:

21 "Goué went off with the punishment, and one of the staff sergeants, who was the
22 warrant officer of the camp, later, 2100 hours that same day, they brought me out of
23 the cell and they wanted me to sign. And they said to me, "You shouldn't defy your
24 chief. And if you don't sign you have to sign. And if you don't sign, it will be
25 as if you are defying authority. That's not a good thing." So I signed. And off he

1 went.”

2 is corrected to

3 “And then -- sorry. And then Goué went off with the disciplinary report. One of
4 the staff sergeants, who was the camp’s warrant officer, sent it back to me. Later,
5 around 2100 hours, it was raining that day, they brought me out of the cell and they
6 wanted me to sign the report. He gave me some advice. He said, "Kid, you
7 shouldn't get into a conflict with your boss. Do what you want, but I think you
8 should sign. One thing for sure in life is that -- if you don't -- God help you. You
9 have to sign. If you don't sign, it will look like you are defying authority. That's
10 not a good idea.” So I signed. And off he went with the report.”

11 *Page 36, line 9: “Okay” is corrected to “Siba Diwele”.

12 *Page 37, lines 16-21:

13 “an infantry company, a combat unit. There is the there is the commander of the
14 battery, the warrant officer, the squad leader correction, chef de section, in
15 French. And then as for the rest, it depends on the particular weapon being used.
16 The various staff members, if you have artillery and a large number of staff, you
17 could have three, four, six platoons and then the various squads” is corrected to
18 “as people say in the infantry, it’s a combat unit. There is the -- there is the
19 commander of the battery, the warrant officer, and the platoon leaders. And then as
20 for the rest, it depends on the particular weapon being used within a battery. It also
21 depends on the personnel. If you have artillery with a large number of soldiers and
22 many weapons, a battery could be three, four, six platoons. A platoon is called a
23 section in French if you are talking about artillery.”

24 *Page 38, line 7-12:

25 “we would go see him, and each evening we would leave with a 12.7 mounted on a

1 four by four and two 20 guns, we would go off to where he was. And the camp was
2 surrounded. We had some positions within -- correction, there were
3 twin-barrelled guns as well within the camp and also a 20 gun"

4 is corrected to

5 "each night we would go to his home to stand watch. Each evening we would leave
6 with a 12.7 mm gun mounted on a four-by-four and two 20 mm guns, we would go
7 off to where he was. And then there was the camp's weapons itself. The camp was
8 surrounded. We had some positions within -- correction, positions had been set up
9 everywhere in the camp, with the twin-barrelled guns There were 20 mm guns as
10 well."

11 *Page 38, line 19: "to use the 120 guns, the" is corrected to "120 millimetre mortars".

12 *Page 39, line 1-7:

13 "They use -- they require five people, a captain, a gunner, an ammunition handler.

14 Well, I've forgotten the other. I can tell you the rest if I remember. It's a Russian
15 make of gun. That's how it's used. Each person has a particular role to play. The
16 captain of the gun plays his role, and then gunner executes the shot, carries it out and
17 helps orient the gun, aim it. Then you have the ammunitions person who --"

18 is corrected to

19 "The ones we had at the BASA at that time were the Russian kind. They use -- they
20 require five people: a captain, a gunner, a shell handler, a loader and then -- well, I've
21 forgotten the other one. I can tell you the rest later if I remember. It requires five
22 people. That's how it's used. Each person has a particular role to play. The captain
23 of the gun assigns the roles, and then the gunner executes the shot, carries it out and
24 helps the others orient the gun, aim it in the direction chosen by the captain of the
25 gun. Then you have the ammunitions person who prepares the ammunition."

1 *Page 40, line 3: "on 15 January" is translated and added.

2 *Page 40, line 4: "the Akouédo camp in BASA" is corrected to "the BASA's
3 Akouédo camp?"

4 *Page 40, lines 15-16:

5 "No. Myself, I didn't have to, I never had to work with those. I was I don't
6 know how they work" is corrected to "Well, myself, I didn't have to, I never had to
7 learn to use a Stalin's organ, those. I was --"

8 *Page 41, lines 9-10: "Captain Goué at the time, would speak to the troops" is
9 translated and added.

10 *Page 41, line 13-15:

11 "call upon us to work hard. He would try to give us a pep talk, cheer us up. There
12 were a lot of people complaining, you see, and he would say" is corrected to
13 "come and spur us on -- he would encourage us to work hard. At one point a lot of
14 people were complaining, you see, so he said to us, "Well, more personnel will be
15 coming".

16 *Page 41, line 23: "Yes, many" is translated and corrected to "Yes, I think so, many,
17 thousands later on".

18 *Page 42, lines 19-22:

19 "had entrusted him with the security of Abidjan. Everything he said was the truth,
20 and that is what the president had said; and that he was the military advisor to
21 President Gbagbo, he was the one who made the decisions." is corrected to

22 "had even entrusted him with the security of Abidjan, and that he trusted him. And
23 that everything he was saying was the truth. The President was telling him what he
24 was doing, and he was the military advisor to President Gbagbo. So they were the
25 ones who made the decisions."

1 *Page 43, line 1: "that. He would say" is translated and corrected to "him. He
2 even said."

3 *Page 43, lines 3-8:

4 "He would say he would go see he would say that the president trusted him.
5 And, indeed, when he went off, there would be four by fours. And before I didn't
6 mention during now, you see, some people came for the training of staff for
7 specific weapons, how to use the Stalin's organs. They were white people. I don't
8 know if they were Russian or French. They spoke English."

9 is corrected to

10 "that there would be cars when he used to go see the President. I knew that he
11 would get the equipment, because the president trusted him. And, indeed, when he
12 went off, he sent a number of four-by-fours. And even before, I didn't mention it
13 during my interview -- some Russians and some other people came for the training of
14 staff for specific weapons, how to use the Stalin's organs. They were white people.
15 I don't know if they were Russian or not, but they spoke English."

16 *Page 43, lines 16-20:

17 "He said that openly. He did not make any secret of it. He did not make any secret
18 of that. He said so. He said --" is corrected to
19 "he said. He said that he was one of his advisors. He himself said so, he said so
20 openly. He did not make any secret of it. He did not make any secret of that. He
21 said so openly. Myself, I would have liked him to have been there, because if
22 someone had spoken to him face to face, he would -- he could not deny, because
23 when I am alone like that, that's not good."

24 *Page 44, lines 24-25: "There were some trainees from my year who at that time,
25 they took -- they took some of them and they went off to train them." is translated

1 and added.

2 *Page 45, lines 8-9: "after being freed" is corrected to "that about two weeks after
3 being released".

4 *Page 45, lines 18-22:

5 "BASA. We went to the staff headquarters. We were given bread and cans of
6 sardines and then we left. We went with the 1st battalion with the BASA, and we all
7 went to the Camp Commando at Abobo. And as from 10 p.m. we started patrolling
8 in Abobo up till 6 a.m., where we went back to the base" is corrected to
9 "the BASA. We went to the staff headquarters. There we were given bread and
10 cans of sardines and then we left. We went with the 1st battalion, with the BASA,
11 and we all went to Camp Commando at Abobo. We reported for duty at the camp.
12 And as from 10 p.m. we started patrolling the length and breadth of Abobo up till 6
13 a.m., where we went back to the base."

14 *Page 45, line 23: "from 6 p.m. from 10 p.m" is corrected to "from 6 p.m."

15 *Page 46, lines 11-12: "if I remember correctly" is corrected to "I do think that was
16 the case. It was his younger brother who was at the BASA, if I recall correctly."

17 *Page 46, line 21: "accompanied us right there" is corrected to "we went to Camp
18 Commando".

19 *Page 47, lines 3-7:

20 "The second time there was the BCP, the 1st battalion, the GEB, and also the police,
21 the BAE, I believe they were also there, and also including the gendarmes. The
22 gendarmes of the Camp Commando itself, they were part of the mission" is corrected
23 to

24 "There, in Abobo, when we were leaving, there was the -- my second time there was
25 the BCP, the 1st battalion, the GEB, and also the police. They were leaving. I don't

1 know whether the BAE or -- I don't know, or the CRS -- in any event, one or the other
2 --- they were leaving too, with the gendarmes as well, and the GEB. The gendarmes
3 from Camp Commando themselves were already part of the mission."

4 *Page 47, lines 14-17:

5 "the Camp Commando. We were behind. We heard the first shots, and everyone
6 started shooting, until we went by the Camp Commando and the shooting stopped.
7 We stayed at the Camp Commando." is corrected to "at Camp Commando. We
8 were behind. We heard the first shots, and so everyone started shooting, until we
9 got to the camp. We went past Camp Commando and the shooting stopped. Then
10 we went back to Camp Commando".

11 *Page 47, line 24, to page 48, line 2:

12 "We were simply shooting. We were asked to shoot, and everyone was shooting" is
13 corrected to "Myself, I think that when someone has fired some shots, you have to
14 push your way through -- because you just don't know, you have to force your way
15 through. Myself, I think that in that situation, if the first people came under fire,
16 everyone was firing so as not to get caught."

17 *Page 48, line 5: "the" is corrected to "at".

18 *Page 48, line 6: "So I think that" is translated and added.

19 *Page 48, lines 9-17:

20 "in the battery. We were asked to fire, the senior warrant officer who was there
21 asked us to fire. The person who was there said, "Yes, I can fire, but I need an order
22 to fire."

23 But given that there was this need to have a written order, Captain Zadi, who was
24 there himself, he had 81 millimetre and 82 millimetre mortars and he himself fired.
25 We took our equipment and we returned to the Camp Commando"

1 is corrected to

2 “in a battery. And I think that we were asked to fire. The commander who was
3 there, a senior warrant officer, asked for an order to fire. He said to the person who
4 told him to fire, “Yes, I can fire, but I want an order to fire, because these are weapons
5 that you don’t use like that. Tomorrow I mustn’t be put on trial.” So seeing that
6 there was this controversy, who was going to give a piece of paper saying that these
7 weapons must be fired, Captain Zadi, who was there at that time, he himself -- had 81
8 millimetre or 82 millimetre mortars and he himself fired. Afterwards, the others
9 who had gone, who had continued along their way, they -- they withdrew and we
10 packed up our equipment and we returned to Camp Commando.”

11 *Page 48, line 19: “bus stop, bus depot” is corrected to “station”.

12 *Page 49, lines 11-13:

13 “at the same time. My own direct chief was Kacou.” is corrected to
14 “the gun captain, at the same time. My own direct chief was Kacou Egni, who was
15 the captain of the second gun. So since he held the highest rank, he was the
16 coordinator, as gun captain and at the same time the leader of the entire team at the
17 same time. He coordinated both.”

18 *Page 49, line 22, to page 50, line 1:

19 “there was a big hole there behind Dépôt 9, and it was in that direction that he was
20 firing. I never used 82 millimetre mortars. The mortars that I used, 120, you need a
21 carte, a map” is corrected to

22 “that he was firing-- that there was a big hole there behind Dépôt 9 in the direction of
23 Anyama. There was a big hole there, and people were saying that people were
24 there, and it was in that direction that he was firing. I had never used 85 millimetre
25 mortars. The mortars that I used before the – the 120 millimetre, you need a map,

1 you need equipment. You need to make a chart."

2 *Page 50, lines 6-7: "to use the edited transcript" is corrected to "to be using the
3 transcript, perhaps the unedited one".

4 *Page 50, lines 13-15:

5 "because if there is a problem tomorrow, you have to assume responsibility. So you
6 always need a written order" is corrected to

7 "Before even using the weaponry, the artillery, it is the President -- the President
8 must give an order in writing, because if there is a problem tomorrow, you have to
9 assume responsibility. You are responsible, because these are weapons of war.
10 That is always how it works in the artillery".

11 *Page 50, lines 21-25:

12 "Someone assumes responsibility and gives the written order. But in training we
13 were told that the president himself needs to give his agreement, because these are
14 weapons of war" is corrected to

15 "Well, if there is an order -- someone who assumes responsibility, who says "fire," he
16 gives a written order, and you, you fire. You do it, but most of the time, in training
17 we were told that before carrying out orders, the president himself needs to give his
18 agreement, because tomorrow he would have to account for his actions as well,
19 because these are weapons of war that countries use against each other".

20 *Page 51, lines 8-14:

21 "I think these are very specific artillery weapons. The range is very far. You
22 cannot even see where the mortar is going to land. So this can cause enormous
23 damage. So you as the operator, if you assume responsibility, it can be dangerous.
24 Even the commanding officer, we can use this weapon for deterrence and so on and
25 so forth, because tomorrow if there is a problem, you cannot say "I was not the one

1 who shot" if there is only an oral order" is corrected to
2 "It is the principle that is followed in the artillery. I think these are very specific
3 weapons. The range is very far. No matter where you fire, you cannot even see
4 where the mortar is going to land. So this can cause enormous damage. So you as
5 the operator, if you assume responsibility, you will be charged. Even the
6 commanding officer cannot give -- even -- you can use these weapons for deterrence,
7 so that people see them and are frightened, but when it comes to using the weapons,
8 the commanding officer cannot give the order. Because tomorrow if there is a
9 problem, he cannot say "I was the one who shot." If there is an oral order, he will
10 talk with you."

11 *Page 53, lines 16-19:

12 "It was going to relieve 18 in Camp Commando. We left BASA Agban. We went
13 with people from the 1st battalion, the 1st BCP and the GEB. We were in a convoy.
14 On that day we could not use the normal itinerary, so we passed by Samaké in order
15 it arrive Camp Commando" is corrected to "When we left, it was to relieve a team in
16 Camp Commando. We left the BASA in Agban. We went with people from the 1st
17 battalion, the 1st BCP and the GEB. We were in a convoy. On that day I think they
18 told us that we could not use the normal itinerary, so we passed by way of
19 Sans-Manquer in order to get to Camp Commando."

20 *Page 54, lines 16-18:

21 "Samaké up until after SOS, because we passed by the lycée and then we arrived at
22 the Camp Commando" is corrected to "the station -- what is that place called --
23 Sans-Manquer-- all the way to -- after SOS, because we kept on going, not going by
24 the lycée, to after SOS, and then we entered the neighbourhood and then we went
25 back to Camp Commando."

1 *Page 55, lines 2-4:

2 "Chief Brice, Brice, Commander Brice and Pegard, who is now a warrant officer,
3 Brice, warrant officer," is corrected to "the commander, Brice Kamanan, there was the
4 commander, Kamanan Brice, and then there was Sergeant Pegard, who is now a
5 warrant officer, Commander Brice, now a warrant officer".

6 *Page 55, lines 5-6: "Commander Brice to the PC and" is corrected to "Kamanan
7 Brice to the PC and he left."

8 *Page 55, lines 7-8: "Because the people who had been in front explained to us
9 where they had come under fire and where they had started to have trouble." is
10 translated and added.

11 *Page 55, line 10: "at" is translated and added.

12 *Page 55, line 11: "We did the shots" is corrected to "They shot".

13 *Page 55, line 16: "we left there. And" is corrected to "when we left there".

14 *Page 55, lines 18-21: "There was infantrymen. Well, you see, the officers had not
15 left. There were some senior NCOs. When I say "our leaders," I meant the higher
16 ranking people, the people who commanded us" is corrected to
17 "There were infantrymen as well. The first infantry battalion had provided some
18 officers. You see, the officers from our unit did not go. They were senior NCOs.
19 When I said "our leader," I meant the person who was in command, the person who
20 held the highest rank and who led the entire group. He reported."

21 *Page 56, line 5: "it" is corrected to "he".

22 *Page 56, lines 6-8:

23 "And he was designated to lead those operations at that time. And the officer went
24 to speak to him and said, in light of the difficulties we had along the way, they
25 decided to engage in the shooting" is corrected to

1 "And staff headquarters had designated him to lead those operations at that time.

2 So he was the one who the officer had gone to speak to. In light of the difficulties we
3 had along the way, they decided to engage in shooting".

4 *Page 56, line 16: "That was at the PC" is translated and added.

5 *Page 56, lines 18-22:

6 "They gave the orders and they said you have to engage in the shooting. And they
7 didn't have the presence of mind to carry out the shooting.

8 Q. [12:51:44] That is when that was when Brice did you see

9 A. [12:51:52] Yes, yes, yes."

10 is corrected to

11 "Kamanan Brice, who is now a warrant officer, they called him. They went and gave
12 him the orders and they said you have to engage in the shooting. And he didn't
13 have the presence of mind -- he went and carried out the shooting.

14 Q. [12:51:44] So that moment when they called Sergeant Brice Kamanan -- did you
15 see that --

16 A. [12:51:52] Yes, yes, yes. When they called him, we were --

17 *Page 57, lines 14-16:

18 "A chief called in the office, the big chief. They were in there. They went. They
19 talked. And then he came out and he called Pegard, and then they went off and did
20 the shot or the shooting, rather" is corrected to

21 "They called him. A chief called him into the office with the big bosses. They were
22 in -- they called him in. They went and they talked. And then he came out and he
23 called Sergeant Pégard, and then they went off and did the shooting."

24 *Page 57, line 24, to page 58, line3:

25 "Well, let's suppose it was an order that was given to him, because he was willing to

1 pass on the instructions. And we called quickly. He was not able to pass on the
2 order. It was after the shooting was carried out. That is when"

3 is corrected to

4 "Well, let's suppose -- I said that it was an order that was given to him, because we --
5 he was willing to pass on the instructions to our commander who had come with us
6 that day, and that is where we called him. And so he left more quickly, and he was
7 not able to pass on the order. It was after carrying out the shooting, that is when he
8 came and bumped off the other guy, and then they took off, they left."

9 *Page 58, lines 7-18:

10 "what do you ma call it, well, the men who were there. And when we got there, we
11 already saw two men. The two mortars that we had sent the other time, they were
12 already positioned on a one to the right, one to the left. And there were 12.7s, 12.7s
13 that were there. Each went off, and each chief knew his artillery, and they had to
14 give the specific instructions with the one who was taking over. It was automatic.
15 We would say: "Okay, you, you take over from you. You take over from you."
16 That's how it worked. So we got there. The chief of the artillery asked for an
17 assembly. He said not to disperse. And the other ones said, "Okay. Where are
18 the chiefs? And each one should pass on the orders before you come and touch the
19 weapon that is there." That's how that's what was supposed to happen"

20 is corrected to

21 "whatchamacallit -- the weapons that were there. And when we got there, we
22 already saw two weapons: the two mortars that we had sent beforehand were already
23 positioned alongside a building, one at the right end, one at the left end. And there
24 were some 12.7s, some 12.7s were there. So each -- when we were leaving, each --
25 each commander was already -- he knew his piece of artillery with his servers. So he

1 was supposed to take precise instructions with -- the person he was taking over from.
2 It was automatic. We would say: "Okay, you, you are the captain of the first gun.
3 You, you are the captain of the second gun. You, you are on the first mortar. You,
4 you are on the second mortar." That's how it worked. So that day, when we got
5 there, the chief of the artillery asked for an assembly. He said not to disperse. He
6 asked -- and then the other one, he said, well, the ones who were there said, "Okay.
7 Where are the chiefs? And each person passed on the orders to the person in front
8 of him until he -- don't the weapon that is there." That's how -- that's what was
9 supposed to happen when they called him."

10 *Page 59, lines 2-3:

11 "He called Pegard and they went to the PC" is corrected to "Once he finished calling
12 Sergeant Pégard, all of them went back to the PC."

13 *Page 59, lines 4-5:

14 "The right end and they did the shots. There was a brigadier who helped them
15 catch the shell" is corrected to "Toward the right end and then they conducted the
16 shooting There was a brigadier who helped them get the shells."

17 *Page 60, lines 13-16:

18 "They left, they headed towards the command post, the PC. They crossed the first,
19 headed towards the left end, and they went to the right end, and there they placed
20 the first shell, then the second, the two parts, and they fired" is corrected to
21 "They took -- they left, they headed towards the command post, the PC, with the
22 shells. They went through the building -- the first 120, which was at the left end,
23 they went to the right end. And that is where they placed the first shell, it went off,
24 then they put the second one in, then it went off."

25 *Page 60, line 21: "arrive there and then shell the --" is corrected to "get to the 120,

1 and then did you see them fire the shells?"

2 *Page 60, line 22: "Yes, they fired the shots" is corrected to "I saw them firing."

3 *Page 61, lines 3-5: "were at lunch were there, they were there" is corrected to "been
4 designated were there. That day, the ones who went with -- they were there, all of
5 them."

6 *Page 61, lines 8-9: "too, either the BAE or the CRS, I don't know, they were there"
7 is translated and added.

8 *Page 61, lines 15-16: "came up" is corrected to "you annotated".

9 *Page 62, line 2: "And we were looking at this before the break" is corrected to "just
10 like the first image which we saw before the break".

11 *Page 62, line 11: "left, as I was saying. Those mortars were beside an --" is
12 corrected to "right, a bit to the right, as I was saying."

13 *Page 62, lines 13-14: "That mortar was below a -- beside a coconut tree, I think, or
14 some kind of a tree." is translated and added.

15 *Page 63, line 24: "shell" is corrected to "mortar".

16 *Page 65, line 12: "rotate the image. And" is corrected to "close the map, and".

17 *Page 65, lines 18-19: "the entry spot that leads to Abbobo" is corrected to "the
18 entrance that leads to the housing estate for police officers in Abobo".

19 *Page 66, lines 1-2:

20 "number 14. And we can see the green gate at the left, and then" is corrected to
21 "still panoramic view number 14. And so there was the green gate that was to the
22 left, there, and here, at 90 degrees".

23 *Page 67, lines 12-16:

24 "A little bit further back. You can erase it if you want, or you can perhaps just put a
25 dot to mark the spot, a blue dot" is corrected to

1 "A. [14:52:40] A little bit further back.

2 Q. [14:52:45] A bit further back. You can erase it if you want.

3 A. [14:52:49] A bit further back. Is it all right to erase it?

4 Q. [14:52:58] Yes, and you can perhaps just put a dot to mark the spot, a blue dot,
5 if you prefer."

6 *Page 68, lines 5-8:

7 "Well, when you're not on duty, you see, there was a spot where we would hang out
8 and talk and kill time. And he came up to us, and he talked to us and then he left"
9 is corrected to

10 "Well, as I have been saying, since I was a trainee -- when you're not on duty, you see,
11 there was a spot at the BASA by a tree where we would hang out and talk and kill
12 time. We were there, and he came up to us, and he told us about that, and then he
13 left."

14 *Page 70, line 10: "and everyone knows" is corrected to "all of them, they know".

15 *Page 70, line 12: "one of the chiefs, Commander Brice" is corrected to "Staff
16 Sergeant Kamanan Brice".

17 *Page 70, lines 21-22: "allege the materiality of the facts" is corrected to "verify
18 whether or not the events actually did occur".

19 *Page 70, line 23: "facts on" is corrected to "occurrences in".

20 *Page 71, line 1: "there's a fact, somebody tries" is corrected to "something has
21 happened, everyone tries".

22 *Page 71, lines 2-3: "and it should be said. That's the truth and one should not lie" is
23 corrected to "One must tell the truth, one should not lie".

24 *Page 71, line 6: "comments" is corrected to "allusions".

25 *Page 71, lines 7-8: "the notes of this morning" is corrected to "this morning's

1 transcript".

2 *Page 71, line 10: "went" is corrected to "would go".

3 *Page 71, lines 12-13: "that at the time Colonel Dadi did indeed" is corrected to "at
4 the time that Colonel Dadi used to".

5 *Page 71, line 22: "as he says of himself" is corrected to "since he said so himself,
6 what are we to tell him in response?"

7 *Page 72, lines 4-7:

8 "Well, as for the four by fours, there was equipment, there were four four by fours on
9 which 12.7s were mounted. And then he had promised that the BASA staff would
10 be beefed up, to my knowledge. That's all that I'm aware of " is corrected to
11 "Well, there were the four by fours that he got and then -- the equipment that he got,
12 the four by fours on which some 12.7s were mounted. And then the staff, he had
13 promised that the BASA staff would be beefed up, to my knowledge. That's all we
14 got. "

15 *Page 73, lines 14-17:

16 "Our instructions was to move them out of there. We arrived, indeed, there were
17 was an exchange of fire because one of ours had been wounded, he was one of the
18 he was loading a rounds on the 12.7, he was wounded in the arm" is corrected to
19 "Our instructions were to move them out of there. And indeed, we managed to do
20 so. There was an exchange of fire because one of ours had been wounded, he was
21 one of the men who were loading rounds on the 12.7, he was wounded in the arm
22 during an exchange of fire".

23 *Page 73, lines 23-25:

24 "but I believe that there were lots of officers there. I believe there were the
25 gendarmerie, there was there were --" is corrected to

1 "but him, I think that it's -- thing that happened -- I believe that there were lots and
2 lots of officers there. I believe there was the gendarmerie, there was there were
3 --"

4 *Page 74, lines 2-4:

5 "We were together with him and he was the person who gave us the orders directly,
6 to the gunners that is" is corrected to

7 "-- the gendarmerie had an officer there, the police as well. Well, the three
8 coordinated. We were all together with him and he was the person who gave us the
9 orders directly on the ground."

10 *Page 74, lines 13-14:

11 "I was at the BASA, our friends from Yamoussoukro, it was very early" is corrected
12 to "or -- a Thursday, we were at the BASA. Our friends from Yamoussoukro -- first
13 of all, very early".

14 *Page 74, lines 15-16: "somewhere. Captain Goué said" is corrected to "to the
15 Presidency. He left instructions for his second in command, Captain Goué, saying".

16 *Page 74, lines 18-20:

17 "and then I don't know, I wasn't standing nearby, but what I heard was that they had
18 said that we should be released," is corrected to "I don't know what, I wasn't
19 standing nearby, but after, what I heard was that they had said to stop all activities, to
20 go back and to release us."

21 *Page 75, lines 2-4:

22 "Bolou and Lieutenant Djigbe (phon), he is an MDL, a sergeant, who had just come
23 out, and we got into the car and we got into Lieutenant Foto's car I believe" is

24 corrected to "Lieutenant Bolou and the third was Lieutenant Djigbe (phon), he is an
25 MDL, a sergeant, Gnakan, an SOA who had just come out, and we got into the car.

1 It was Lieutenant Foto's car I believe".

2 *Page 75, lines 17-18: "The 20 millimetre guns, and there were some equipment that
3 also went along" is corrected to "Some 20 millimetre guns. That's what they left
4 with."

5 *Page 76, line 16: "about 2, 3 p.m." is corrected to "about 2 p.m., 1 p.m., around
6 then".

7 *Page 76, lines 22-24:

8 "the movement, I went from there to the BASA with three officers, lieutenants,
9 Adjoumani and his captain I believe, and an MDL as sergeant," is corrected to
10 "the crowd. I went from there to the BASA with three officers, who were lieutenants
11 at the time -- now they are captains, I believe -- and an MDL, a sergeant."

12 *Page 77, line 4: "Commander Koné" is translated and added.

13 *Page 77, line 24: "he had gone" is corrected to "had been gone since the 31st, so".

14 *Page 77, line 25, to page 78, line 1:

15 "I don't know. I know that he was informed about everything but --" is corrected to
16 "I don't know if -- I know that he was informed about everything because his second
17 in command could report back to him."

18 *Page 78, line 4: "My wife was elsewhere" is corrected to "My family was in Daloa,
19 as I told you."

20 *Page 78, lines 8-9:

21 "the GB and Bolou got out and they said, well, they're going" is corrected to
22 "Djigbé and Bolou got out and they said that they were going".

23 *Page 78, line 14: "to camp Akouédo" is translated and added.

24 *Page 78, lines 23-24: "that statement, that release. Gouanou" is corrected to "that
25 statement, on Saturday the 2nd, I think it was, made by Gouanou".

1 *Page 79, line 3: "another person" is corrected to "Gnakan and".

2 *Page 79, line 7: "four others –" is translated and added.

3 *Page 79, line 8: "and he frisked me" is corrected to "He aimed his gun at me, he
4 frisked me".

5 *Page 78, line 10:

6 "one of them well, apparently someone had given an order to kill me" is
7 corrected to "Sergeant Yoro had given him an order that if he saw me, he was to kill
8 me".

9 *Page 79, line 12: "he was from my unit" is corrected to "that's my class".

10 *Page 79, lines 19-25:

11 "the second in command with Colonel Touré Gnekremetchin. I explained the
12 situation. They called Captain Goué and they asked to speak with me. There was a
13 conversation on the phone. And then they said they didn't want to see me around
14 BASA anymore and not to come back. So Colonel Mambo told me to stay there. So
15 I stayed there until until ultimately I was able to leave. It was chaos"
16 is corrected to

17 "Colonel Mambo, the battalion's second in command. He was with Colonel Touré
18 Gnekremetchin. I explained the situation to them. They called Captain Goué and
19 he asked to speak with me. There was a conversation on the phone. During the
20 conversation, he told me that he didn't want to see me around BASA anymore and
21 not to come back. So Colonel Mambo told me to stay there. So I stayed there until
22 until everything was turned upside down and I was able to leave and go stay with
23 my family."

24 *Page 80, lines 2-3:

25 "I think that was from the BASA the next day. It was in the evening that they

1 wouldn't let me in." is corrected to "I think that-- the day they shelled the BASA, it
2 was the next day, because it was evening when they shelled the BASA, so".

3 *Page 80, line 10: "Now, you went back, you went to the old camp" is corrected to
4 "So on 3 April, you went back to camp Akouédo".

5 *Page 80, lines 14-15:

6 "the events that you saw and what happened with the two sergeants who fired the
7 shells. Now, did you ever give testimony before Ivorian courts" is corrected to
8 "the events during which you saw Staff Sergeant Brice and Pégard fire the two shells.
9 Now, did you ever give testimony before the Ivorian courts?"

10 *Page 80, lines 16-19:

11 "I have not. I don't think I've given any evidence. I think that when Pegard and
12 Brice were imprisoned, I think they were released in 2013, they served two or
13 three years I think, but they did go to --" is corrected to
14 "I have not made a statement, and I haven't given any evidence. I think that when
15 Pegard and Brice were imprisoned, I think they were released no more than two
16 years ago -- three years ago even. Let's say they were released in 2013. I think
17 that's why they went to prison."

18 *Page 80, lines 23-25:

19 "Q. [15:27:22] During their trial, you didn't give testimony?

20 A. [15:27:24] No, I didn't give testimony.

21 Q. [15:27:26] Very well. Thank you, Mr Witness" is translated and added.

22 *Page 84, lines 4-5:

23 "there's two gates, they're the same height. And the main entrance faces Adjamé" is
24 corrected to "both gates are used. They're the same height. I don't know if there is
25 a main gate or not, besides they even face one another".

1 *Page 86, line 17-20:

2 "I don't know this the map. This is Camp Commando map in front of me.

3 Agban might be to the north, or to, what do we call it, to the east. I don't know. I

4 just know that we used to go down, downwards" is corrected to

5 "the map I have, I don't know the map. I don't know where Agban is located, but this

6 is the Camp Commando map in front of me. Agban might be to the north, or to,

7 what do we call it, to the east. I don't know. I just know that we used to leave

8 towards the bottom, then we would go up".

9 *Page 86, line 21: "exit" is corrected to "entrance".

10 *Page 89, lines 11-12:

11 "a church on the street. You can continue straight on, but the road goes" is corrected

12 to "The church is on the road and then the road ends. You can continue, but the

13 road ends there. You hit a road that goes".

14 *Page 90, lines 4-6:

15 "we do agree that the line of houses right at the bottom of the camp of the map,

16 which is the extension of the camp, is not part of the camp; do we agree?" is corrected

17 to

18 "do we agree that the line of houses right at the bottom of the map, which is in the

19 extension of the camp, is not part of the camp. You are telling us that it is not part of

20 the camp, is that correct?"

21 *Page 90, lines 13-14: "just opposite the --" is corrected to "not opposite the gate,

22 but".

23 *Page 92, line 8: "under enemy fire" is corrected to "because of the enemy".

24 *Page 93, lines 9-10: "under enemy fire" is corrected to "because of the enemy".

25 *Page 94, line 19: "You mean utilised as such or during an exercise?" is corrected to

1 "Have I used one? Yes, I have, during an exercise, during training."

2 *Page 94, lines 20-21:

3 "During an exercise. Well, okay, well outside of an exercise in a real context" is
4 corrected to "Okay. During an exercise. And outside of training, not during an
5 exercise, in a real context, have you previously used one?"

6 *Page 95, lines 6-7: "are the charges of the motor comprised of" is corrected to "are
7 used to make the charges that comprise the shell".

8 *Page 95, lines 11-14:

9 "to fire at. One might use charge one, charge two, charge three. It depends. And
10 if it's charge three we can attach two charges to it, otherwise it's one charge and then
11 it's fixed on to the tail of the mortar, if you like" is corrected to

12 "to fire from. One might use charge one, charge two, charge three. It depends.

13 One attaches them. If it's three distances, one can put two charges, umm -- three
14 charges on, that makes three charges. Otherwise, it's one charge like this, and then
15 one attaches it to the tail of the shell, if you like".

16 *Page 95, line 24, to page 96, line 1:

17 "The shells sent or fired by a 120 mortar, did they explode upon impact or is there a
18 delayed effect" is corrected to

19 "The shells fired by a 120 mm mortar, do they explode upon impact or was there a
20 system to delay the explosion or to accelerate the explosion".

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

22 *Page 54, lines 9 and 19: "Samaké" is corrected to "Sans-Manquer".