

Trial Hearing
WITNESS: CIV-OTP-P-0047

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé - ICC-02/11-01/15
5 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
6 Judge Geoffrey Henderson
7 Trial Hearing - Courtroom 1
8 Friday, 10 November 2017
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:11] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE TARFUSSER: [9:33:27] Good morning.
14 Good morning, Mr Detoh Letho, in Abidjan.
15 WITNESS: CIV-OTP-P-0047 (On former oath)
16 (The witness speaks French)
17 (The witness gives evidence via video link)
18 THE WITNESS: [9:33:38] (Interpretation) Good morning, sir. Good morning,
19 Mr President.
20 PRESIDING JUDGE TARFUSSER: [9:33:42] Good morning. Are you ready?
21 Everything okay?
22 THE WITNESS: [9:33:52] (Interpretation) Yes, everything is fine. I'm ready to proceed,
23 your Honour.
24 PRESIDING JUDGE TARFUSSER: [9:33:55] Yes. I can also tell you that it will not
25 last the whole day.

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1 So I give the floor to the Defence for -- what do you want to say, Maître Altit?

2 MR ALTIT: [9:34:15] (Interpretation) Thank you, Mr President. Is it possible to go
3 briefly to private session so I should say something to the Chamber?

4 PRESIDING JUDGE TARFUSSER: [9:34:31] Is it about the email we received?

5 MR ALTIT: [9:34:36] (Interpretation) No, not at all.

6 PRESIDING JUDGE TARFUSSER: [9:34:41] Okay.

7 Excuse me, Mr Witness, we just go a moment in private session and then we come back
8 for the questioning.

9 Let's go into private session.

10 (Private session at 9.34 a.m.)

11 (Redacted)

12 (Redacted)

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14 (Open session at 9.48 a.m.)
15 THE COURT OFFICER: [9:48:31] We are in open session.
16 PRESIDING JUDGE TARFUSSER: [9:48:45] Thank you very much.
17 Now, Mr Knoops, I give you the floor for the Defence for Mr Blé Goudé.
18 MR KNOOPS: [9:48:54] Thank you. Good morning.
19 Mr Gbougnon will conduct the examination on behalf of our team, after which I might
20 have additional questions. But the main examination will be conducted by
21 Maître Gbougnon. Merci.
22 PRESIDING JUDGE TARFUSSER: [9:49:08] Okay, thank you very much.
23 Maître Gbougnon.
24 MR GBOUGNON: [9:49:29] (Interpretation) Good morning, Mr President. Good
25 morning, your Honours.

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1 QUESTIONED BY MR GBOUGNON: (Interpretation)

2 Q. [9:49:34] Good morning, Mr Witness.

3 A. [9:49:38] Good morning, Maître Gbougnon.

4 Q. [9:49:41] I am Maître Jean Serge Gbougnon, lawyer at the Abidjan bar.

5 On behalf of the team of Mr Charles Blé Goudé, I'm going to put a certain number of
6 questions to you. Since many people have spoken before me, we are going to try to be as
7 concise and precise as possible. Have you understood?

8 A. [9:50:24] Yes.

9 Q. [9:50:25] Mr Witness, within the framework of security for the elections of 2010,
10 did you send elements of the ground forces to the northern area of the country, that is the
11 CNO zone?

12 A. [9:50:46] Yes. The FANCI at that time sent elements to the CNO area or zone.

13 Q. [9:51:06] These FANCI soldiers who went to the CNO zone, did they report any
14 events or incidents that might have taken place while they were at those various
15 locations?

16 A. [9:51:22] No, not specifically to me, no.

17 Q. [9:51:41] At the end of that mission to the north, did you prepare a report?

18 A. [9:51:53] I should say that this mission fell within the framework of the CCI. It
19 was the chief of staff with General Bakayoko and General Nicolas, who were responsible
20 for everything related to the relationship between the FAFN and ourselves. So if there
21 was a report, it would have been either General Nicolas or General Mangou who would
22 have written that report. But they never informed me about it.

23 Q. [9:52:44] Mr Witness, to refresh your memory I'm going to present to you a
24 document, and it is CIV-OTP-0071-0661. It is number 465 on our list of materials.
25 Do you have the report in front of you?

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1 A. [9:54:01] Yes, I have it.

2 Q. [9:54:05] Please turn to the last page of the document.

3 THE COURT OFFICER: [9:54:21] (Via video link) (Interpretation) The last page of the
4 document has been shown to the witness.

5 MR GBOUGNON: [9:54:32] (Interpretation)

6 Q. [9:54:33] Do you recognise your signature?

7 A. [9:54:35] Yes, I recognise my signature.

8 Q. [9:54:41] And so, Mr Witness, it is you indeed who wrote that report on 29
9 December 2010; is that correct?

10 A. [9:54:55] I didn't understand your question. What was your question, Counsel?

11 Q. [9:55:10] When I pause, it is to allow interpreters to complete their interpretation.
12 So I said that this report, dated 29 December 2010, was indeed prepared by you; is that
13 correct?

14 A. [9:55:29] Yes, Counsel.

15 Q. [9:55:32] We are not going to read it in its entirety, but if you peruse the document,
16 you will realise that there were several incidents reported to you by the elements that
17 were in the CNO zone; is that correct?

18 A. [9:55:57] Yes, Counsel.

19 Q. [9:56:02] I will nevertheless read the last paragraph, and I will read:

20 "It emerges from the above that the mission in the CNO zone was executed under difficult
21 conditions in the field, and the situation was hostile with the collaborators who were
22 distrustful and doubtful. However, the mission took place thanks to the Force of Defence
23 and Security, who were determined and devoted to their task. The collaboration of the
24 administrative and local authorities considerably attenuated the attitude of the parties
25 that were participating. It is, therefore, advisable that such actions should be planned in

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1 order to avoid the problems observed."

2 Does that refresh your memory, Witness?

3 A. [9:57:31] Yes, Counsel.

4 Q. [9:57:33] So the incidents in this report were indeed reported to you by the FDS
5 forces that were sent to the CNO zone; is that correct?

6 A. [9:57:45] That is correct, Counsel.

7 Q. [9:58:05] Mr Witness, within the army, between 2002 and 2010, who took the
8 decision for recruitments?

9 A. [9:58:33] It was the chief of general staff who after an assessment requests the
10 minister of defence to authorise him to recruit people. And usually the recruitment is
11 organised by the ministry of defence, but it is the general staff headquarters that actually
12 does the practical recruitment.

13 Q. [9:59:27] As the ComTer, that is, in light of the answer that you have just given, as
14 the ComTer, were you involved in that recruitment or at least in the decision to recruit to
15 begin with?

16 A. [9:59:46] Yes, we were involved, because this was in relation to the reports that we
17 submitted to the chief of staff that he realised that we were short-staffed, so on the basis of
18 those reports he would make an assessment and then make the request.

19 Q. [10:00:26] But ultimately the final decision is taken by the chief of general staff,
20 isn't it?

21 A. [10:00:32] Yes, Counsel.

22 Q. [10:00:40] Is it also -- well, when I make reference to the chief of general staff, I'm
23 referring to the entire team of people fundamentally. So fundamentally is it the chief of
24 general staff and his team who decide about how the new recruits will be allocated to the
25 various units after the recruitment has been done?

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1 A. [10:01:06] Yes. The human resources division first oversees the recruitment and
2 reports back to the chief of general staff and tells him what the situation is. And
3 depending upon the requirements within the forces, the new men are allocated. And the
4 chief of general staff, yes, is in charge of that and he reports ultimately to the defence
5 minister.

6 Q. [10:01:58] When the Prosecution was questioning you, and I make reference to the
7 edited transcript of 8 November 2017, page 41, line 13 and onwards, the Prosecution asked
8 you this:

9 "You spoke about recruits who had been allocated to the various battalions. At the
10 bottom of the document, do you see boxes with numbers and the various units? Were
11 you aware of that at the time? Were you aware of the allocation of these recruits to the
12 new -- to the various groups or battalions?"

13 And you answered: "Yes, ma'am, I was aware of that. To the 1st battalion, a hundred
14 people were allocated, the 1st armoured battalion 100, the BASA 100, and 98 to another
15 unit. I was aware of that."

16 Mr Witness, my question to you is this. You were shown a document, and I don't know
17 whether you remember, but you were shown a document, and at the bottom of the page
18 there was the number of new recruits allocated to various units. Do you remember
19 seeing that on the screen?

20 A. [10:04:16] No. I remember. I do remember.

21 Q. [10:04:24] When you were answering, when you said "Yes, ma'am, I was aware"
22 and you gave the numbers for the various recruits, had you seen the bottom of the page
23 and what was contained, or was it that, was it because you were involved in that
24 recruitment?

25 A. [10:04:44] It's because I had seen the document and I saw the allocation of the

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1 recruits who were to be trained within the battalions. I was aware of it.

2 Q. [10:05:05] Well, otherwise, I mean, for that recruitment, you were not part of the
3 exercise as is usually the case, so you weren't part of the allocation conducted by the chief
4 of general staff?

5 A. [10:05:21] I couldn't be aware. I couldn't be aware. But each time there is a
6 recruitment, the allocation, the allocation to the battalion was based on various
7 considerations. That allocation is respected. If you ask for 300, you get 300. But in
8 that particular case the chief of staff sent us recruits who needed to be trained. So, you
9 see, they had been recruited, but they had not been trained. We were the ones who were
10 to give them the training.

11 Q. [10:06:12] Thank you, Mr Witness. I'd now like to read out something to you, the
12 statement that Mr Mangou made regarding this particular document. I refer to the
13 edited transcript of 28 September 2017, page 82, line 2 onwards.

14 "What I can say about this document, it was not drawn up by the headquarters. It was
15 done by Detoh's people. And during the last recruitment that we conducted, we
16 allocated the new recruits and the armoured battalion. The BB did not receive any
17 recruits. I still remember the allocation of recruits during the last recruitment exercise."
18 End of quote.

19 Now, Mr Witness, that is what the chief of general staff said about this recruitment
20 exercise. Do you remember in the document that you were shown that there was
21 mention made of that some men had been sent to the BB, the armoured battalion? You
22 or --

23 A. [10:07:43] If you look closely at the general statement, it's like, well, that's like a
24 preamble. And now you're putting a question and the question seems muddled to me.
25 I don't understand your question.

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1 Q. [10:08:02] I shall rephrase. General Mangou said that during the recruitment
2 exercise that he authorised, that army headquarters authorised, when the document was
3 shown to him, he was not in agreement with the document, because no men were allocated
4 to the BB, the armoured battalion. But the document that was shown to you made
5 mention of men being allocated to the armoured battalion. *I no longer remember whether
6 it is known as the 1st armoured battalion, or the armoured battalion. And so, you see, he
7 said, well, the first thing he said about the document was that he saw that the 1st armoured
8 battalion, the BB, apparently received some new recruits, but he didn't send any. So that
9 was the first thing he noticed about that document. Do you see what I'm driving at?

10 A. [10:09:11] Yes, I do.

11 Q. [10:09:12] As you said to me, it was the chief of general staff and his team who
12 recruited and assigned recruits. They were the ones who allocated the recruits to the
13 various units, is that true, is that a true supposition I'm putting to you -- correction, he
14 said that at that time during the last recruitment, no men were allocated to the BB, the
15 armoured battalion, and that contradicts what the document says. Do you follow me?

16 A. [10:09:55] Yes.

17 Q. [10:09:56] Any explanation? Can you account for that?
18 I can move on to something else.

19 A. [10:10:07] Move on to something else.

20 Q. [10:10:09] Thank you.

21 Now, the headquarters of the land forces was within camp Akouédo, the old camp or the
22 new one?

23 A. [10:10:37] The old Akouédo camp.

24 Q. [10:10:47] And at that location you had records, archives, didn't you?

25 A. [10:10:57] Yes, yes, we have archives.

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- 1 Q. [10:11:01] Yesterday you said that the archives or the place that was used for
2 archiving documents in le Plateau had been looted. Did the land forces headquarters in
3 Akouédo, was that place looted as well?
- 4 A. [10:11:28] Yes. After the post-election crisis, we went into the field and all the
5 barracks, even the ministry of defence, even the headquarters and the ministry of defence
6 had been looted.
- 7 Q. [10:11:51] So the document was spared somehow or taken by someone, isn't that
8 so?
- 9 A. [10:12:01] Yes, Counsel.
- 10 Q. [10:12:09] And after the visit to Akouédo, to your headquarters, you reviewed the
11 situation, you inspected the place?
- 12 A. [10:12:25] Yes, I did that, but I didn't do a formal sort of inventory.
- 13 Q. [10:12:57] Thank you, Mr Witness.
- 14 Mr Witness, I'd like to show a document to you. This is a document that the Prosecution
15 has already shown to you, and this is CIV-OTP-0071-0521.
- 16 A. [10:13:42] If you don't mind, I'd like to address the Court. Regarding the
17 document that had to do with the first recruitment, since you asked me whether we could
18 move on to something else, I thought you were going to ask me a question. And then we
19 did go on to something else, but I do want to specify something.
- 20 Q. [10:14:08] Go ahead, Mr Witness.
- 21 A. [10:14:10] Thank you, Counsel. The document that you saw, I would like to see
22 the first page so that I can see where the document came from.
- 23 Q. [10:14:27] Just a moment. The document will be put up on the screen.
24 CIV-OTP-0071-0850.
- 25 THE COURT OFFICER: [10:14:53] (Via video link) (Interpretation) The document is

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1 displayed to the witness.

2 THE INTERPRETER: [10:15:38] CIV-OTP-0071-0850.

3 THE WITNESS: [10:15:45] (Interpretation) I have the document. What I wanted to say
4 about the document is this. I notice here that no mention is made -- well, usually when
5 you draw up such a document, we refer to a document coming from the headquarters, but
6 there's no such reference here. That's the first thing I notice about this document.

7 But in any event, everything being said and done, no force, no force can just go out and
8 recruit people all by itself because, you see, the allocation depends on what orders we
9 may have received from headquarters. That's my second comment.

10 That is why I'm surprised to hear that the general said that he was not the one who's
11 issued an order or that he didn't agree with the document shown to him.

12 PRESIDING JUDGE TARFUSSER: Ms Pack.

13 MS PACK: [10:17:03] Your Honour, I don't want to interrupt my friend's flow, it is just
14 to simply say on the second page there is more information, because it seems that it's
15 obscured on the first page by the cover slip. Just to make that point, that there is a
16 second page which has the whole of the first page of the document, if that assists. I just
17 make that observation.

18 PRESIDING JUDGE TARFUSSER: [10:17:18] You mean the second page of this
19 document?

20 MS PACK: [10:17:21] Yes. If you look at page 0851 --

21 MR GBOUGNON: [10:17:24] (Interpretation) Monsieur le Président.

22 PRESIDING JUDGE TARFUSSER: [10:17:27] -- it has the top of the document. That is
23 just the point.

24 MR GBOUGNON: [10:17:29] (Interpretation) Your Honour, your Honour.

25 PRESIDING JUDGE TARFUSSER: [10:17:30] Yes, yes, I'm giving you the floor. Don't

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1 be nervous. I give you the floor. Please.

2 MR GBOUGNON: [10:17:38] (Interpretation) I'm very calm, very calm. I'd like to
3 move on to something else, but it was the witness who asked to see the first page of the
4 document. It was not me who asked for the first page to be displayed. The witness
5 specifically deliberately asked to see the first page. He is the one who made the request
6 and who has just made a comment about the document.

7 May I proceed, your Honour?

8 PRESIDING JUDGE TARFUSSER: [10:18:05] No, because the witness, I see a sign by
9 the witness, he wants to say something more.

10 Mr Witness, please.

11 THE WITNESS: [10:18:14] (Interpretation) Thank you, your Honour. Well, the other
12 message about the same recruitment exercise, if you look at that, you can see that FM
13 ComTer, it's intended for all the battalion commanders involved. And we sent -- and the
14 line that read "re" was about -- well, I can read it very quickly.

15 THE INTERPRETER: [10:18:54] The witness is reading from a document that we do
16 not have in the booth.

17 PRESIDING JUDGE TARFUSSER: [10:18:58] Can we, Mr Witness, can we know from
18 where you are reading which document? What are you reading?

19 THE WITNESS: [10:19:09] (Interpretation) No. The document I asked for to tell you,
20 Mr President, that a few moments ago I said that we couldn't just all by ourselves get up
21 one day and start recruiting. The recruitment did occur. And you see, we received an
22 order from headquarters to do that. And I have the answer in this document.

23 THE COURT OFFICER: [10:19:33] (Via video link) The witness is referring to 0561, that
24 particular page, thus the second page of 0071-005 --

25 MS PACK: [10:19:53] (Overlapping speakers) I think it could be 0851, which is the

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1 second page, like I said, of this document 0850. I think that must be right, but --

2 THE COURT OFFICER: [10:20:06] (Via video link) Affirmative, the second page of the
3 document, 0851.

4 PRESIDING JUDGE TARFUSSER: [10:20:43] Well, is this the document? Is this now
5 the document? Okay.

6 Mr Witness, is this the document?

7 THE WITNESS: [10:20:52] (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [10:20:53] Is this the document we're referring to?

9 THE WITNESS: [10:20:57] (Interpretation) Yes, your Honour.

10 PRESIDING JUDGE TARFUSSER: [10:20:59] Do you want to add something else or
11 can we proceed with the questioning?

12 THE WITNESS: [10:21:05] (Interpretation) Yes, your Honour.

13 PRESIDING JUDGE TARFUSSER: Please.

14 THE WITNESS: (Interpretation) Yes, your Honour. Thank you.

15 Now, we can see "Re: Provision of recruits." We see reference to "Number 491/Army
16 Headquarters/Human Resources Division/Personnel Office/Staffing Strength 19
17 February 2011" et cetera.

18 What does that mean? It means, you see, in the past we received from the army
19 headquarters, from the HR office, from the personnel office, we received this. And the
20 reference was made. And already you see there was this list of volunteers, and it was in
21 relation to that that we drew up our document, the document that we were discussing.
22 That is the comment I wanted to make.

23 PRESIDING JUDGE TARFUSSER: [10:22:28] Thank you, Mr Witness.

24 Now I give the floor back to Maître Gbougnon.

25 MR GBOUGNON: [10:22:38] (Interpretation) Thank you, your Honour.

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1 Q. [10:22:44] Mr Witness, I had already asked for a document to be called up on the
2 screen, CIV-OTP-0071-0521. Can you see the document?

3 A. [10:23:35] Yes, yes, I'm reading it. I have it. I'm reading it. I wanted to read it
4 through right to the very end. I wanted to read right to the very end of the document.

5 Q. [10:24:13] Is that okay? Have you read it?

6 A. [10:24:17] Yes, Counsel, it's fine.

7 Q. [10:24:19] Very well. Thank you.

8 As I said, this document was shown to you previously by members, by the representative
9 of the OTP. And she asked you whether you recognised your signature without putting
10 any further questions. Now, what I'd like to ask you is this: This message or this kind
11 of message, both substance and form, were you used to drawing up such messages?

12 A. [10:24:50] Yes, Counsel. Even in our usual course of duties there would always
13 be a reminder to our men of the rules of engagement, the sort of behaviour to exhibit in
14 relation to the population. So this was the kind of reminder that we would issue to our
15 men.

16 Q. [10:25:28] So this kind of document, well, the document as we see it here, this is
17 not related to any incident or any event that might have occurred?

18 A. [10:25:42] No, no, it's not linked to any event whatsoever, because any army
19 worthy of that name always sets out the rules of engagement first. And the men are told
20 to follow the rules of engagement. This is a reminder. It has nothing to do with any
21 event whatsoever.

22 Q. [10:26:08] Mr Witness, I think we need to set one point straight. This is 17
23 March 2011, that's the date. 17 March 2011, that is the date on the document. Can you
24 see that?

25 A. [10:26:29] Yes. Yes, I can see the document, I can see the date.

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1 Q. [10:26:37] That is the date of the alleged, according to the Prosecutor, the
2 alleged -- well, the day on which the marketplace in Abobo was apparently the target of
3 firing, that it was shelled. Now, you're telling me that this document has no relationship
4 to the event?

5 A. [10:27:05] The document has nothing to do with that event. May I continue?

6 Q. [10:27:13] Yes.

7 A. [10:27:15] If you had seen -- well, we enhanced the arrangements, or each time the
8 men went out into the field, we reminded them of the rules to be followed. It had
9 nothing to do with the event.

10 Q. [10:27:36] Thank you, Mr Witness.

11 A. [10:27:51] Counsel, if you look at the document you'll see that it refers to a
12 document from army headquarters, "Number 0648/CPCO/COND of 15 March 2011."
13 So ever since 15 March 2011, the headquarters had been sending us such documents, and
14 we were to forward the information to our men, and that is what we did.
15 If you look at the bottom of the document, you will see that my deputy -- you see, I was at
16 headquarters then, it was my deputy, deputy commander of the land forces who signed.
17 So it had nothing to do with the event that you mention.

18 Q. [10:29:12] Mr Witness, you said here in the courtroom that you didn't remember
19 whether there had been an investigation, a more widespread general investigation into
20 the event mentioned. Up until now have you had any further knowledge about men,
21 soldiers being put on trial before the Abidjan military tribunal in relation to the event?

22 A. [10:29:48] I'm not aware of that.

23 Q. Could document CIV-D25-0041-0001 be displayed to the witness, number 462 on our
24 list.

25 THE COURT OFFICER: [10:30:52] (Via video link) Le document est présenté.

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1 MR GBOUGNON: [10:31:11] (Interpretation)

2 Q. [10:31:11] Do you see the document?

3 A. [10:31:14] I do.

4 Q. [10:31:17] Now, if you were to read this document, it would take quite some time
5 so --

6 A. [10:31:22] I have the document now.

7 THE COURT OFFICER: Could you please confirm that the document is public, please?
8 Could you please confirm that the document is public?

9 MR GBOUGNON: [10:31:48] (Interpretation) Yes, this document is public.

10 Q. [10:31:57] On the first page you see the names of two persons who are accused,
11 that is Commander Gnawa Dablé and MDL Chief Kamanan Brice Éric Tanoh?

12 A. [10:32:17] Yes, I know the first. No, I do not know the second. The name
13 Commander Kamanan Brice Éric Tanoh is meaningless to me.

14 PRESIDING JUDGE TARFUSSER: [10:32:58] Is there a question also to this document?

15 MR GBOUGNON: [10:33:05] (Interpretation) No, your Honour. I believe that it's
16 actually 10.30, so I think it's time for the break and that we should return to these matters
17 after the break.

18 PRESIDING JUDGE TARFUSSER: [10:33:15] Can I ask you just more or less the timing,
19 just to organise ourselves?

20 MR GBOUGNON: [10:33:32] (Interpretation) I didn't start on time, so I think I'm about
21 one-third through what I had planned. So I have completed one-third of my questioning.
22 I think I need approximately 45 minutes, roughly speaking, I hope.

23 PRESIDING JUDGE TARFUSSER: [10:33:52] Okay, so we take the break now.
24 Are you okay, Mr Witness?

25 THE WITNESS: [10:34:02] (Interpretation) Yes, I'm fine. Thank you, your Honour.

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1 PRESIDING JUDGE TARFUSSER: [10:34:04] Are you also okay to continue in case?

2 THE WITNESS: [10:34:15] (Interpretation) Yes, I could continue, your Honour.

3 PRESIDING JUDGE TARFUSSER: [10:34:19] Maître Gbougnon, let's go ahead. I
4 asked the witness and he's fine to continue.

5 Mr Witness, we try to continue another half an hour. If there is a problem, you tell me,
6 okay?

7 THE WITNESS: [10:34:59] (Interpretation) Yes, your Honour.

8 PRESIDING JUDGE TARFUSSER: [10:35:00] Okay.
9 Maître Gbougnon.

10 MR GBOUGNON: [10:35:14] (Interpretation)

11 Q. [10:35:14] Witness, I'm going to read a statement which you have made here and
12 then I'll put questions to you on it. Now, I'm going to read the edited transcript, T-204, 8
13 November 2017, page 35, but as the material did not appear, and I'm quoting now:
14 "But as the equipment was not delivered, each time that we would meet with the chief of
15 general staff, we would remind him of the matter, because in the field our troops were
16 lacking resources. Resources had become rare. And so it is that he said that the president
17 had said to him that he should meet with Mr Blé Goudé to discuss the matter." End of
18 quotation.

19 Since 2002, when the crisis erupted, you have heard a number of different high-level posts
20 in the Côte d'Ivoire army. You stated here that between 2002, 2010, 2011 you had
21 encountered difficulties when it came to resources being made available.

22 A. [10:37:18] I didn't say from 2002. In 2002, when war broke out, we did have
23 resources. But as time proceeded, our resources became more scarce, notably, munition,
24 but also vehicles, many of which were no longer in working order.
25 And we would report this to the army headquarters. And yesterday we would report on

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1 the status of rolling stock, in other words, our vehicles, for instance, at the BB. So our
2 supplies became very short. At one point in time we had no munition.

3 Q. [10:38:15] So at a certain point in time you had increasing shortages, and you held
4 meetings with your colleagues to find a solution to overcome this lack of resources; is that
5 right?

6 A. [10:38:37] Yes.

7 Q. [10:38:43] Now, at those meetings with your colleagues, fellow military officers,
8 Mr Charles Blé Goudé was present on one occasion. Was that a meeting regarding
9 military equipment?

10 A. [10:39:02] No, not at all.

11 Q. [10:39:10] Was his name mentioned at all in meetings on this topic that you had
12 with other generals, other officers?

13 A. [10:39:24] Other officers or other generals? But in any case, Counsel, we never
14 spoke about Blé Goudé as regards equipment. I was clear on the fact that we would
15 report on the situation, the current state of affairs to the president of the republic. And
16 we reported to the chief of general staff that we needed equipment.

17 Now, at that meeting the president said that he would resolve the issue in cooperation
18 with the chief of the general staff. Now, that was in the month of March. But there were
19 still difficulties in Abobo, and, notably, our troops were quite exposed because they did
20 not have cartridges in their magazines, they didn't have enough cartridges.

21 If you recall, all the forces that left their positions to Abidjan did so because they didn't
22 have ammunition. At the ComThéâtre, the objective was to hold back the enemy at all
23 positions, but they were unable to perform due to the lack of ammunition, and that is why
24 they returned to Abidjan.

25 There were difficulties when it came to vehicles also.

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1 May I continue on?

2 So in the wake of that meeting, now each time we would ask the chief of general staff for
3 an update, because the president had said in our presence that he would resolve the issue
4 with him, but we didn't see any movement, until he told us at one point that the president
5 had ordered him to go and see Mr Blé Goudé, and that is how I came to mention the name
6 of Minister Blé Goudé. Other than that, I didn't say that Blé Goudé was ever present at a
7 meeting where we were ever discussing equipment, no.

8 Q. [10:42:04] Thank you, Witness.

9 Did the chief of general staff also inform you why he had been instructed to see
10 Mr Charles Blé Goudé and to discuss what?

11 A. [10:42:25] That was in relation to obtaining the equipment, because each time we
12 would raise the issue of ammunition and other resources.

13 Q. [10:42:57] One minute, please.

14 (Pause in proceedings)

15 MR GBOUGNON: [10:44:23] (Interpretation)

16 Q. [10:44:25] We shall return to the matter, but we need first to identify the relevant
17 passage in our notes.

18 Witness, I'm going to show you a video, it's CIV-OTP-0100-0022, tab -- no, excuse me,
19 CIV-OTP-0061-0564 and transcript CIV-OTP-0100-0022.

20 THE COURT OFFICER: [10:46:24] You have the floor.

21 THE INTERPRETER: [10:46:48] (Interpretation of the video excerpt) A meeting took
22 place at the headquarters of the land forces. Brigadier General Detoh Letho convened a
23 meeting of all of the heads of the corps units under his command. First of all, he took
24 stock of the situation, then he congratulated them on their conduct during these difficult
25 times.

1 After 10 days after the second round of the presidential elections, Brigadier General
2 Firmin Detoh Letho, commander of the land forces, convened a meeting of his men to
3 relay a message to them from his superiors at this difficult time in Côte d'Ivoire. They
4 were all present, the heads of the unit corps under his command.

5 First of all, allow me to congratulate you, congratulate you for your courage and your
6 determination, the courage and determination which you have displayed throughout the
7 election process.

8 Secondly, I have something to say that follows directly on from this, and that is I would
9 call upon you to be vigilant, highly vigilant. For some days now it seems that each of us
10 has heard good news. The information that we are receiving unfortunately on most
11 occasions, and that which is familiar to most of us is this so-called recruitment which is
12 taking place or is said to be taking place amongst our ranks to recruit persons to various
13 political causes.

14 Now, be it true or false, that's not the issue. What is most important is that we be
15 conscious of the true danger which it represents.

16 We are military men. We are representatives of the state of Côte d'Ivoire. It is our remit
17 to defend the entirety of the country and the people of this country. The crisis that our
18 country is going through today is political, and politics should be left to those who are
19 responsible for it, that is politicians.

20 It is important that the law be complied with, even if we don't agree with it, because it is
21 the laws which form the very basis, the foundation of a civilised human society.

22 It is clear that there can never be a military outcome to such a conflict. Do not allow us to
23 be turned from our remit. Do not allow ourselves to be bought. That would be the most
24 disrespectful thing for a man in uniform to do.

25 The commentator: The soldiers present took good note of what was said. They were

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1 happy with the congratulations and they took note of the call for vigilance issued by the
2 ComTer, and they extended it to their respective units.

3 MR GBOUGNON: [10:50:27] (Interpretation)

4 Q. [10:50:29] Witness, was that you? Do you recall that video?

5 A. [10:50:36] Yes, indeed, that was me.

6 Q. [10:50:47] Now, I'm going to read an extract from what you said and I'm going to
7 read from the transcript. You said that
8 "... because laws must be complied with, even if we disapprove of them, because it is
9 through laws, and it is based on laws and through laws that the foundation of a civilised
10 human society lies." End of quotation.

11 Now, in December 2010, you made that speech. What laws were you referring to?

12 A. [10:51:33] In particular to the regulations which had been issued to ensure security
13 at or during the period of the elections.

14 Q. [10:51:52] You go on to say, and I quote, "We must not allow ourselves to be
15 bought or diverted or distracted from our true purposes. That would be the most
16 unworthy thing of a man in uniform."

17 Now, my question is: What are you referring to here?

18 A. [10:52:24] I'm referring to the army, because the purpose of the army is to defend
19 the people; so if you fail in fulfilling that task, that, I say, is unworthy of a military man.
20 That is what I am referring to.

21 Q. [10:52:53] Thank you, Witness.

22 Now, I found the document I was looking for earlier, so I'm going to go back to the matter
23 of what you stated earlier.

24 Now, you said that General Mangou, when you asked what the purpose of the meeting
25 with Mr Charles Blé Goudé was, you answered that the purpose of that meeting was to

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1 discuss equipment; is that right?

2 A. [10:53:32] Yes.

3 Q. [10:53:40] Now, I'm first going to read from page 35 of your statement, and that is
4 edited transcript 204 of *8 November 2017, starting from line 18, because I would like first
5 to read the Prosecutor's question. So the Prosecutor said:

6 "Now, to be absolutely clear, did Mangou specifically tell you what the president wanted
7 you to discuss with Mr Blé Goudé?"

8 And then we have your answer at line 20:

9 "He didn't say anything to us about that."

10 Do you recall saying that or stating that?

11 A. [10:54:29] Yes.

12 Q. [10:54:40] But a moment ago you said that General Mangou said that he was going
13 to visit Charles Blé Goudé to discuss the matter of equipment with him?

14 A. [10:54:58] Yes, I did say that. But the question that was put to me, the question
15 was as to what the president had said to General Mangou.

16 Now, we always asked General Mangou to report back to us on our requests regarding
17 missions and equipment, et cetera. So when he would meet with us and would state
18 something like that the president had requested that he visit Mr Blé Goudé, I am saying
19 that he was telling us that because it was in relation to a request which we had made.

20 Q. [10:55:58] So, in fact, you derived or you deduced from what he said that it was
21 about your request and you did not know exactly what had been discussed?

22 A. [10:56:12] No.

23 MR GBOUGNON: [10:56:26] Your Honour, I'm about to move on to a new topic which
24 is going to take some time. If we are going to take a break in five minutes, perhaps it's
25 preferable that I don't begin with it now; however, I can continue.

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- 1 PRESIDING JUDGE TARFUSSER: [10:56:39] Okay. So we break now. We come back
2 at 11.30 for the second session during which you conclude. Okay.
3 Thank you very much. The hearing is adjourned to 11.30.
4 THE COURT USHER: [10:56:55] All rise.
5 (Recess taken at 10.56 a.m.)
6 (Upon resuming in open session at 11.32 a.m.)
7 THE COURT USHER: [11:32:57] All rise.
8 Please be seated.
9 PRESIDING JUDGE TARFUSSER: [11:33:20] Mr Witness, you can hear me?
10 THE WITNESS: [11:33:27] (Interpretation) Yes, Mr President.
11 PRESIDING JUDGE TARFUSSER: [11:33:28] Thank you.
12 So I give immediately back the floor to Maître Gbougnon of the Defence for
13 Mr Blé Goudé.
14 MR GBOUGNON: [11:33:45] (Interpretation) Thank you, Mr President.
15 Q. [11:33:48] Good morning once again, Mr Witness.
16 A. [11:33:51] Good morning, Counsel.
17 Q. [11:34:01] During your testimony, you told the OTP that the commander, I'm
18 referring to transcript T-20 --
19 THE INTERPRETER: [11:34:19] Mr President, Mr Gbougnon read out the figures too
20 fast. If he could repeat.
21 PRESIDING JUDGE TARFUSSER: [11:34:25] Mr Gbougnon, could you read out the
22 figures again. It was a bit fast.
23 MR GBOUGNON: [11:34:41] (Interpretation) I'm sorry. I was referring to transcript
24 T-204 of 8 November 2017, page 60 to 61, lines 8 to 11.
25 Q. You said you were not able to meet with him; is that correct?

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1 A. [11:35:07] No, I was not able to meet with him.

2 Q. [11:35:17] You stated here that you went to the Golf Hotel on 31 March. My
3 question is as follows: At what time did you actually decide to go to the Golf?

4 A. [11:35:49] On the morning of the 31st.

5 Q. [11:36:02] So you say you decided to go to the Golf on the 31st in the morning; is
6 that correct?

7 A. [11:36:07] Yes.

8 Q. [11:36:09] Mr Witness, I will read out to you your statement to the Office of the
9 Prosecutor on the same issue. I'm referring to document CIV-OTP-0015-0298, page 0309.
10 I will read as from line 395, that is from what the interpreter says, and I quote:

11 "When did you personally take the decision to go to the Golf Hotel on the 30th,
12 Thursday, 31st March."

13 Line 401: "Was it on that day that you took the decision or had you taken it before and
14 you needed some time to implement it?

15 I took it before, but I could not talk about it to anyone. I was personally contacted, but I
16 did not want to say anything because my life was at risk, the life of my family was at risk.
17 I am the one feeding them, I was alone. And I said that I would go when the time would
18 be appropriate."

19 And I will continue on page 0311, from line 454:

20 "I already had my position, I had already taken my position."

21 Line 458: "But how did you manage to go to the Golf? How did you leave the place?
22 That was our problem, for all of us." End of quote.

23 Mr Witness --

24 A. [11:40:27] Yes.

25 Q. [11:40:27] -- do you remember having made that statement to the representatives of

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1 the OTP?

2 A. [11:40:34] Yes, I made that statement.

3 Q. [11:40:50] My first question is as follows: By whom were you contacted at the
4 Golf? We can go in private session if necessary.

5 A. [11:41:10] Yes, let us go in private session, because I'm going to talk about a
6 personality, an authority.

7 PRESIDING JUDGE TARFUSSER: [11:41:17] Can we go in private session, please.

8 (Private session at 11.41 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Open session at 11.42 a.m.)

18 THE COURT OFFICER: [11:42:17] We are back in open session, Mr President.

19 PRESIDING JUDGE TARFUSSER: [11:42:35] Maître Gbougnon.

20 MR GBOUGNON: [11:42:54] (Interpretation)

21 Q. [11:42:54] Mr Witness, while at the Golf, did you infiltrate officers to listen to what
22 your colleagues were saying?

23 A. [11:43:28] I don't quite understand your question. Did you say whether I invited
24 or listened to? I didn't quite understand the question.

25 Q. [11:43:46] Did you infiltrate, infiltrate, that was my question, your former

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1 colleagues for the purpose of listening to them or to know what they were saying in
2 meetings?

3 A. [11:44:09] No, I did not have that possibility. I was at the Golf. I was not in
4 contact with anyone outside.

5 Q. [11:44:51] I'll read your statement to the investigators of the OTP. And the
6 document is CIV-OTP-0080-1691, page, I'm sorry, page 1717. I will start from line 920.

7 PRESIDING JUDGE TARFUSSER: [11:46:09] We have it, we have it on the screen.

8 "Personne entendue: Bon."

9 MR GBOUGNON: [11:46:26] (Interpretation) "Interviewee: Very well." And I quote:
10 "Well, at that level after their meeting, after the meeting of all the BASA, in that meeting I
11 was told that there was Gouanou, Konan Boniface, Dadi himself, Commander BB, he was
12 not such -- he went there to get information, because after him there were tanks."

13 And line 927: "The commander of the 1st battalion, the 1st armoured battalion. But he
14 was not there for the meeting. He was Yao Adjoumani, Lieutenant-Colonel Yao
15 Adjoumani, so he was just going to see what they were talking about. So he was playing
16 a game with them, with the soldiers." End of quote.

17 Do you remember making that statement to the members of the Office of the Prosecutor?

18 A. [11:47:54] I made that statement in relation to the meeting attended on the day I
19 was going to the Golf. I said that I contacted Dadi on that day, but after that I did not
20 meet with anyone else, but I saw Adjoumani at the Golf. That is what I said on that
21 matter. But I did not invite them to infiltrate the Golf.

22 Otherwise, Counsel, when I went to the Golf I made a statement calling on the land forces
23 to place themselves at the disposal of the new president. That is what I did. But after
24 that, I did not have any further contact with anyone on the outside.

25 Q. [11:49:35] And I'm referring to transcript 204, page 44 to 45. You talk about an

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1 incident on 31 March. During that meeting in camp Akouédo, you talk about an incident
2 relating to the commanders of the corps meeting at that location. That information was
3 given to you by Mr Adjoumani; is that correct?

4 A. [11:50:15] No, not Adjoumani, but Doumbia. When I called them in turn, it was
5 Colonel Doumbia who told me, he told me that and also Gouanou told me about it.

6 Q. [11:50:37] Let me be more specific. The incident according to which Mr Dadi is
7 supposed to have taken his colleagues hostage, who gave you that information?

8 A. [11:50:58] When I asked the question, it was Colonel Adjoumani who told me that.

9 Q. [11:51:32] And in the same transcript, page 44, line 27, you say that Colonel
10 Doumbia Lassina agreed with what you said; is that correct?

11 A. [11:51:48] Yes.

12 Q. [11:52:02] Today, in 2010, Mr Doumbia was lieutenant colonel; is that correct?

13 A. [11:52:19] He was lieutenant colonel.

14 Q. [11:52:21] What is his current rank?

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
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- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 PRESIDING JUDGE TARFUSSER: [11:56:31] Can we not come to a question
- 17 sometimes?
- 18 MR GBOUGNON: [11:56:49] (Interpretation) Mr President --
- 19 Q. [11:56:52] I'm sorry, Mr Witness, in light of what I have just read, with all the
- 20 people present, Mr Adjoumani was the commander of the BB, armoured battalion; is that
- 21 correct?
- 22 A. [11:57:11] Yes, Adjoumani was the commander of the 1st armoured battalion.
- 23 Q. [11:57:18] Is that meeting the same meeting that you were referring to?
- 24 A. [11:57:24] Yes, it was to that meeting that I was referring.
- 25 Q. [11:57:30] Thank you, Mr Witness.

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1 I have no further questions. Thank you for your cooperation.

2 PRESIDING JUDGE TARFUSSER: [11:57:38] Thank you.

3 Mr Knoops.

4 MR KNOOPS: [11:57:40] Mr President, I have two additional questions to the witness.

5 PRESIDING JUDGE TARFUSSER: [11:57:45] Yes.

6 MR KNOOPS: [11:57:46] Thank you.

7 QUESTIONED BY MR KNOOPS:

8 Q. [11:58:19] Mr Witness, good morning. My name is Alexander Knoops. I'm an
9 attorney admitted to the bar of the Kingdom of The Netherlands, and I'm counsel for
10 Mr Charles Blé Goudé.

11 A. [11:58:42] Good morning, Counsel.

12 Q. [11:58:43] Good morning. I have just two additional questions for you, sir. The
13 first relates to the video you were shown by my friend, Mr Gbougnon. That was the
14 video where you after the second round of the presidential elections address your forces,
15 the land forces at the HQ.

16 Now, sir, in this public statement you made as ComTer at that point in time, you address
17 your men with the following words, and that's to be found in the English transcript, page
18 31, line 1 till line 2. I quote from the transcript. You say to your men, Mr Witness, the
19 following:

20 "Do not allow ourselves to be bought. Do not ourselves to be bought."

21 Now, my question to you, sir, my first question on this address, you made this statement
22 in public as ComTer, did you have at that point in time any information that individuals
23 were trying to buy your soldiers?

24 PRESIDING JUDGE TARFUSSER: [12:01:14] Did you understand the question?

25 THE WITNESS: [12:01:26] (Interpretation) Yes, I understood. I was asked whether we

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1 had information that our soldiers were approached to be bought. And my answer is yes,
2 we had such information.

3 MR KNOOPS: [12:01:39]

4 Q. [12:01:44] Are you, Mr Witness, at liberty to speak on this subject in public or you
5 want to, you prefer to go into private session, because my next question will be what type
6 of information did you have? Who exactly approached or intended to approach your
7 men to be bought? Would you prefer that I --

8 PRESIDING JUDGE TARFUSSER: [12:02:14] Yes, okay.

9 THE WITNESS: [12:02:24] (Interpretation) I can answer the question in public.

10 Well, we had information, the sources of our information were the intelligence services of
11 the general staff and the ministry, and the ones, the authorities, were aware of that
12 information, they gave it to us. We also had people from the military intelligence service
13 in the field, and when they have such information, they give it to us.

14 And following that information, I wanted to sensitise my men. And when they tell us
15 that people were trying to buy them, opposite us, in the other side, there were two camps,
16 so those who were trying to buy would have been in the other camp. But they did not
17 give us any names. Our enemies wanted to buy people, but they did not give us any
18 names. That is the information we received.

19 MR KNOOPS: [12:03:50]

20 Q. [12:03:50] Thank you, sir. Can you recall in which time frame this information
21 came to you that the opposite forces or opposite individuals were trying to buy soldiers?

22 A. [12:04:19] It was after, I believe after the election. If it was during or up until the
23 time of the announcement of the results, it was during that time. I have problems with
24 dates, but it was after the election.

25 Q. [12:04:38] Thank you, sir.

1 My second question relates to the recruitment, General. Since Côte d'Ivoire came under
2 attack in 2002, as you told the Court on 8 November, how many recruitment campaigns
3 were conducted on behalf of the army as you can recall?

4 A. [12:05:21] To my knowledge, two campaigns, two major recruitment campaigns.
5 The first one was right at the very beginning of the war. We didn't have enough soldiers,
6 so a recruitment exercise was launched, and I believe we were able to recruit somewhere
7 between 2 and 3,000 people. And after, after the election as well, February or March I
8 believe, January or February or March, a recruitment campaign was launched.

9 Q. [12:06:06] Are you, Mr Witness, familiar with the recruitment campaign
10 in 2008/2009 in relation to mutinies, one being in Yamoussoukro?

11 A. [12:06:42] Well, as for the first campaign, the first soldiers were recruited and
12 trained. The second campaign, you mention Yamoussoukro, I don't know whether there
13 was a campaign there. But it was rather in Abidjan. I don't know whether there was a
14 recruitment campaign in Yamoussoukro.

15 Q. [12:07:05] Mr Witness, as a ComTer or as a commanding officer in general, could
16 you place a demand for recruits to the general staff, to the headquarters of the general
17 staff?

18 A. [12:07:23] Yes, I could make a request for recruitment. I could make a request for
19 recruitment if I saw that the strength, the staff strength was insufficient. Yes, I could
20 make a request to the chief of general staff.

21 Q. [12:07:43] Did you, sir, actually make any request for recruits since 2002 until the
22 outbreak of the post-electoral crisis yourself?

23 A. [12:08:07] No, in 2002 it wasn't me, I wasn't the commander of the forces. I was a
24 commander. I commanded the 1st commando paratrooper battalion. But I did not
25 make a request for any recruitment whatsoever. It was the headquarters that saw that

1 we didn't have enough staff. And so there was a general request, and so young people
2 came to be added to the ranks.

3 Now, the second recruitment I'm talking about, that was certainly after, in January,
4 February or March, we realised that staffing levels were insufficient.

5 First of all, many people were demotivated, and what's more the equipment wasn't being
6 received, and the service was such that it was difficult to send our men. It was the same
7 men who might have to stay two or three days located in one particular position without
8 any rest, any relief.

9 For example, *238 people, the next day you would have to find the same number to take
10 over from them, and that just wasn't possible. So, you see, we needed more staff. So the
11 force commanders like me, we had to ask for recruitment of soldiers.

12 Q. [12:10:01] Mr Witness, according to the knowledge as a ComTer or as a
13 commanding officer, can you say whether there was any requirement within the
14 admission process for recruits that the candidate recruit belonged to a certain ethnicity
15 within Côte d'Ivoire?

16 A. [12:10:40] The national recruitment is not based on criteria. When we need fresh
17 members, we carry out a recruitment exercise, either an announcement is placed in the
18 press or we go through the normal channels of communication of the headquarters. The
19 recruitment exercise is issued, but there is no mention made of ethnicity. Any citizen of
20 Côte d'Ivoire aged 18 or over can apply.

21 Q. [12:11:22] Mr Witness, that answer also applies to my next question, whether
22 within those criteria of admission for recruitment programme the candidates should
23 belong to a certain group or organisation. There was no question of such criteria within
24 the programme; is that correct?

25 A. [12:11:55] Indeed, that is correct, because recruitment is not just done for one

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1 region or one ethnic group, it is for the country, because the army must include all
2 ethnicities of the country. It's not based on a particular region. We never recruited
3 soldiers on the basis of ethnicity. That never has been the case, not from the time of
4 Houphouët-Boigny up until us. That has never been done.

5 Q. [12:12:32] Nor for belonging to a certain youth organisation?

6 PRESIDING JUDGE TARFUSSER: Never been done, never been done.

7 THE WITNESS: [12:12:45] (Interpretation) No, no. My first response also has to be
8 situated -- I was saying at the first, the first response I said, that there were no criteria in
9 particular for recruitment except, well, the only thing is it had to be a person aged 18 or
10 older in good physical condition. Any such person could apply. But there were no
11 criteria about ethnicity or region, no, no, no. We issued a call to all young people 18 or
12 older in good physical state to apply to be part of the recruitment.

13 Q. [12:13:46] Thank you, Mr Witness. Those were the questions of the Defence team
14 for Mr Blé Goudé.

15 Mr President, thank you.

16 PRESIDING JUDGE TARFUSSER: [12:13:52] Thank you, Mr Knoops. Thank you to
17 the Defence team for Mr Blé Goudé.

18 I see Ms Pack already putting together their papers.

19 But before that it's the Chamber wanting to ask some questions and then I will give the
20 floor to the Office of the Prosecutor for re-questioning.

21 Mr Witness, I will now ask you some questions.

22 One is regards your role, your overall role during the crisis, because you said here that
23 during the crisis the chief of the CPCO would receive instructions from the chief of
24 general staff and was the only one planning the operations. This is T-203, page 18,
25 lines 21 to 24 of the English transcript.

1 Then you said that you had been appointed, and I quote "... to serve as mechanism for
2 forwarding information or decisions from the CPCO to people in the field, that you were
3 not on the ground except occasionally," and this you said at page 26, line 15 to 23 of the
4 English transcript T-203. And then you said that you never took decisions. And I refer
5 to the English transcript, page 27, lines 3 and 4, T-203.

6 So you had sort of a small role during the crisis. General Mangou, who was here before
7 you, stated that you were le grand patron de la ville d'Abidjan, the one planning the
8 conduct of operations, that he never provided you with operational details because you
9 were the one dans le feu de l'action. And I'm referring to transcripts T-194, French,
10 edited, page 55, line 1; T-193, English transcript, page 12, lines 9 to 14; and T-198, English
11 transcript, page 30 and 31, from line 18 to line 30.

12 So there seems to be quite a discrepancy on what you are saying as said here and what
13 General Mangou said. Can you please elaborate on this?

14 THE WITNESS: [12:17:28] (Interpretation) Thank you, Mr President. In my statement I
15 said to you that I had been appointed commander of the Abidjan zone as of 22 January
16 and that that appointment was mainly because I had the most men. The land forces had
17 the highest number of men on the ground. That was the argument that was put forward at
18 the meeting.

19 Everything had to do with planning, right since the very beginning of the war until we
20 came to the time that I was designated, planning, drafting of messages, proposals,
21 analyses, the CPCO did all of that.

22 And since the Invisible Commando was active in Abobo, we wanted to really focus on the
23 city of Abidjan, because it wasn't just about Abobo. It was about all of Abidjan.

24 So once appointed, well, normally I should have been in the field with my men, all the
25 generals who have appeared before you and many others, may they rest in peace. My

1 role was at that time to supervise. Let me explain.

2 Let us say that a situation is unfolding on the ground. The men might call me, they
3 would call me or they would call the CPCO to report back to say what was going on the
4 ground. The CPCO, which was an organisation or a unit led *by Colonel Sako and a few
5 officers, it was like, it was like a mini headquarters, and the CPCO would report to the
6 chief of general staff, and I too would meet with him.

7 And then when it came to the actual conduct of operations, it was the CPCO at the level of
8 the theatre commander who would plan, establish everything that needed to be done.

9 But at the level of Abidjan there were officers who had been designated. Sometimes it
10 was on a daily basis, then later weekly.

11 At the CPCO there were officers who were designated on a daily basis to go out into the
12 field, and they were the ones who were actually in the various zones. And documents
13 exist that attest to that. I believe you showed me a document from March in which we
14 saw all the various zones, and you saw the people who were in charge in the various
15 zones, and my name wasn't there. No general was actually out in the field.

16 So, you see, what I was doing, I was reporting to the general, reporting about difficulties
17 in the field. And if the chief of general staff wanted, outside of the meeting, if he wanted
18 to hear about a situation and speak to those men, he would go through me, and I would
19 call the person in question, the commander in question. That is what I did. That is the
20 role I played up until the time that I left and went to the Golf.

21 So if the general said that I was the one out in the field, well, with all due respect, that was
22 not the truth. And other witnesses may come and tell you the same thing.

23 PRESIDING JUDGE TARFUSSER: [12:22:04] Thank you.

24 On the first day of your testimony, and I come to something else, you stated that after the
25 crisis you discovered (Interpretation) Twin guns in enormous quantities at the BASA

1 (Speaks English) the existence of which you ignored during the crisis. And you said this
2 on T-203, page 12, lines 16 to 23, English transcript.

3 Could you please be more specific about the circumstances of this discovery and why did
4 you decide to make this inspection? Was it on your initiative? Can you just elaborate
5 more on this.

6 THE WITNESS: [12:23:15] (Interpretation) Thank you, your Honour. In actual fact it
7 wasn't an investigation that I conducted. I told you that when the president of the
8 republic, Mr Alassane, took up his duties and wanted to appoint new leaders, initially he
9 kept me in the position of commander of the land forces.

10 And that day, there must be information about this, the chief of general staff, Mangou
11 Philippe, was also kept in his position. There was the person from ONUCI, Colonel
12 Beretta (phon), myself and many other senior people. We went about and took stock of
13 the situation. And so we found ourselves at the 1st battalion, the 1st infantry battalion,
14 that is to say the three camps: The BASA, the BB and the 1st infantry battalion itself.
15 So the BASA, you see, was at the right. Just after the police post, you had the BASA, to
16 the right. So we began with the BASA. And there, the first thing we saw was that
17 everything had been destroyed. All the infrastructure had been completely destroyed.
18 To the right there was a little house. In that little house in the debris we found several
19 twin-barrelled guns. And we had been looking for those guns during the crisis. We
20 wanted to use them. The commander of the BASA said that he had nothing.

21 But other than that, it wasn't an investigation that I conducted. It was during the field
22 visit that we went on to take stock of the situation with General Mangou and the ONUCI
23 representative at the new Akouédo camp.

24 PRESIDING JUDGE TARFUSSER: [12:25:40] How many weapons were there?

25 THE WITNESS: [12:25:48] (Interpretation) Many, many, and there was ammunition.

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- 1 PRESIDING JUDGE TARFUSSER: [12:25:52] But all the same --
- 2 THE WITNESS: [12:25:54] (Interpretation) And we ourselves saw --
- 3 PRESIDING JUDGE TARFUSSER: [12:25:58] Continue. I just wanted to ask you
- 4 which type of weapons yourself saw.
- 5 THE WITNESS: [12:26:06] (Interpretation) I said that they were twin-barrelled guns.
- 6 PRESIDING JUDGE TARFUSSER: [12:26:14] And then you said yourself saw?
- 7 THE WITNESS: [12:26:24] (Interpretation) Yes, I saw them myself.
- 8 PRESIDING JUDGE TARFUSSER: [12:26:30] And you were not aware that all these
- 9 arms were available at the time of the crisis?
- 10 THE WITNESS: [12:26:42] (Interpretation) No, Mr President.
- 11 PRESIDING JUDGE TARFUSSER: [12:26:45] Okay. Another question relates to the
- 12 meeting with the president on 24 February in the presidential palace.
- 13 General Mangou told us here, and I'm referring to T-194, pages 58 to 60, lines 21 to 27 of
- 14 the English transcript, that you together with others attended a meeting with
- 15 President Gbagbo on 24 February 2011 in the presidential palace where you discussed
- 16 positions held by the enemy on the basis of a map, and President Gbagbo gave the
- 17 mission: (Interpretation) Liberate the road between MACA and Abengourou.
- 18 (Speaks English) Do you have any recollection of this, of this meeting?
- 19 THE WITNESS: [12:28:00] (Interpretation) Yes.
- 20 PRESIDING JUDGE TARFUSSER: [12:28:02] Of this meeting and of this order or
- 21 request by the president?
- 22 THE WITNESS: [12:28:17] (Interpretation) Yes, your Honour. But when you say "you,"
- 23 do you mean me? Are you talking about me or all the people at the -- all the military
- 24 men at the meeting? Are you talking about me as an individual or Mangou or -- because,
- 25 you see, he was -- could you be specific?

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1 PRESIDING JUDGE TARFUSSER: [12:28:39] No. I'm talking about you as a person as
2 attending that meeting with others.

3 THE WITNESS: [12:28:50] (Interpretation) No, not to me, not me. It was the chief of
4 general staff, General Mangou, who was giving a report to him using a chart. But, you
5 see, the president asked that we liberate this, well, the N'Dotré intersection. And that is a
6 very important spot, because if you go by way of N'Dotré you get to the *east. So it's a
7 very important intersection, because after that spot, there are many important towns. So
8 it was absolutely necessary to free that intersection.

9 But not to me. It wasn't -- he didn't say Detoh Letho. When the president speaks, he
10 doesn't speak to the commanders. He speaks to his chief of staff. So no, it wasn't to me.
11 He asked General Mangou to liberate or to free up that intersection. And there were
12 witnesses. Witnesses can tell you about that.

13 PRESIDING JUDGE TARFUSSER: [12:30:06] Yes, but you were present at that meeting?
14 This is a question.

15 THE WITNESS: [12:30:16] (Interpretation) Yes, I was there. I was there.

16 PRESIDING JUDGE TARFUSSER: [12:30:20] Yes, thank you.

17 The next question regards the telephone call between General Mangou and
18 Lieutenant-Colonel Niamké. You stated that General Mangou at least twice directly
19 called your subordinates, in particular, Lieutenant-Colonel Basile Niamké, about the
20 women's march on 3 March, about the women's march on 3 March, and also Commander
21 Toaly on another occasion. And here I'm referring to transcript 203, page 31, line 2, and
22 page 32, line 4, of the English transcript.

23 *General Mangou here, asked whether he had ever held a phone conversation with
24 Niamké, stated that such a call could never have taken place in light of the hierarchical
25 principles presiding over the function of the army. He said, specifically, that you were

1 the only one, you, General Detoh Letho, were the only one he would call in accordance
2 with said hierarchical principles. And here I'm referring to transcript 200, English,
3 page 50, line 41 to page 51, line 2.

4 So General Mangou says he would never have talked with somebody who was not in the
5 hierarchical position to talk to, and that he could only talk to you, and you would have
6 forwarded his orders or messages. What can you elaborate on this?

7 THE WITNESS: [12:32:31] (Interpretation) Once again, thank you, Mr President. Let
8 me repeat once again that I regret to say that General Mangou did not tell the truth.
9 Initially, he was the one who called me to tell me that he had received information from
10 General Palasset, indicating that a women's march allegedly took place on 3 March and
11 that some of the women had been killed. He did not give me the number of women
12 killed. He asked me what I knew about it.

13 Immediately, I asked Niamké and asked him whether he had been in the field. Niamké
14 told me that he had gone to fetch supplies, but when they reached the gendarmerie at
15 Gagnoa gare, they were attacked, they came under fire, under enemy fire, and that he
16 retreated.

17 On that same day, and there is evidence for that on television, two vehicles of the
18 gendarmerie were ransacked, or destroyed. He said he did not go to any march.

19 I reported back to General Mangou, but when I called Niamké, he told me that he had
20 already been contacted by the general. That was the first time.

21 The second one was Commander Toaly, who was on duty at Camp Commando. I have
22 told you that at one point our forces could not leave Camp Commando. He called me
23 and he told me that they had difficulties because there were problems of re-supplies.
24 Our forces were hungry; and, secondly, their positions were under serious threat of attack.
25 I reported to the chief of staff himself, and he advised me to sort the matter out with

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1 Toaly.

2 So I reverted to Toaly and he told me that, in principle, there was no problems and that he
3 would take the necessary measures to leave that location if necessary.

4 Afterwards, I realised that Toaly had not yet left. He's the one who had told me there
5 were difficulties. I had told him that if he could leave he should leave. But he was still
6 there, so I asked him why was he still there. And he told me that it was the chief of staff
7 of the armed forces who had asked him to stay put.

8 PRESIDING JUDGE TARFUSSER: [12:36:27] Okay. So it means you are contradicting
9 on this General Mangou?

10 THE WITNESS: [12:36:38] (Interpretation) Absolutely, I'm contradicting him.

11 PRESIDING JUDGE TARFUSSER: [12:36:42] Another issue regards Witness 164, who
12 appeared before this Chamber and told us that you were contacted by Commander
13 Niamké on 4 March 2011 in respect of a mission to fire on the Carrefour N'Dotré and the
14 Carrefour de la Mairie. Do you remember this conversation between you and Niamké
15 on 4 March?

16 THE WITNESS: [12:37:25] (Interpretation) I do not remember, Mr President.

17 PRESIDING JUDGE TARFUSSER: [12:37:29] What Witness 164, Idrissa Kangouté, said
18 was that, "I received the orders specifically on 4 March after" -- it is, sorry, it is -- now I
19 don't know the number of the -- I don't know the page of the transcript.

20 "I received the orders specifically on 4 March after a meeting. Commander Niamké said
21 that I should carry out the mission for which I had been assigned in Camp Commando
22 and that I had to fire on Carrefour de la Mairie and Carrefour N'Dotré. I asked him for a
23 written order and he told me to leave, and after the written order arrived, he would alert
24 me. But the written order did not arrive up until there was another meeting on the 5th of
25 March.

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1 "During that meeting he called, Niamké, General Detoh Letho. And when he started
2 talking about the 120 millimetre mortar, General Detoh Letho said, and this is a quotation,
3 'I'm not involved in your heavy weapons issue.' End of quote. I was able to hear what
4 he was saying because the telephone was on loudspeaker."

5 Can you remember this conversation between you and Niamké?

6 THE WITNESS: [12:39:30] (Interpretation) No, Mr President. I could not give orders
7 directly to Niamké without having the authorisation of the chief of staff, especially if it
8 was in relation to firing 120 millimetre mortars.

9 I told you that everything was done using a procedure, that is, a message from the chief of
10 staff, placing us on mission. But if there was something already going on, he would call
11 me to give me instructions to those who were in the field.

12 But the chief of staff and myself did not talk about any firing on N'Dotré, let alone talking
13 about that with Niamké. That is in relation to firing at N'Dotré.

14 PRESIDING JUDGE TARFUSSER: [12:40:49] Well, on the same issue, the mortars, you
15 stated on transcript 203, page 56, line 20 to page 58, line 4, that you never ordered mortars
16 to be fired during the crisis apart from un tirs de flambage into the Banco forest of a 60
17 millimetre mortar.

18 General Mangou, however, stated here that he ordered two mortar shots, one 60 and
19 one 120 millimetres, and that he did so upon your request. And this he said in T-194,
20 English realtime, page 66, lines 24 and 25, and transcript 196, English, page 35, lines 13
21 and 14.

22 What do you say on this?

23 THE WITNESS: [12:42:10] (Interpretation) Thank you, Mr President. The tirs de
24 flambage or warming shot of mortars in the Banco forest, the general said that I was the
25 one who made the request? I do not know whether he showed you a document, but I'm

1 not aware of having made a request for mortar firing in the Banco forest.
2 His house had been attacked. We were in a meeting with him at the general staff
3 headquarters. And he asked that mortar shots should be fired in the Banco forest, first of
4 all, to intimidate our enemies and let them know that we had the resources. And that
5 was done.
6 Then he said we should bring in the 120 millimetres. But it did not come from me. He
7 said that this shot should be fired to frighten the enemy. Because his own house was
8 close to the forest, he asked for the shots to be fired. It was not at my request. And that
9 is because if I request that he should authorise firing, I should have justification, and at
10 that time I had no justification for such a request.
11 Please remember that I said that everything that happened in the field was the subject of
12 meetings.
13 In the final analysis, it is the chief of staff who decides *and the CPCO transmits the
14 decision by message. No other person in the other corps or in the gendarmerie can give
15 such orders without the chief of staff being aware. So I did not request the firing of
16 mortars as such.
17 PRESIDING JUDGE TARFUSSER: [12:44:43] Of no mortars, nor 60, nor 120 millimetres?
18 THE WITNESS: [12:44:57] (Interpretation) The two shots were fired on the same day,
19 *neither the 60 millimetre nor the 120 millimetre. The tirs de flambage, warming shot,
20 took place in the Banco forest and it was on the same day.
21 PRESIDING JUDGE TARFUSSER: [12:45:17] Thank you.
22 Now, I come to 17 March. You said -- and the 17 March incident. And you said that at
23 that time, you and your colleagues of the CPCO had seen information in the press that
24 there was an alleged shelling in the market of Abobo. You said that you did not have
25 any further information apart from the information from the press.

1 Now, my question is, did you take any particular action after this meeting to have more
2 accurate information? Did you or somebody you sent or some of your colleagues go to
3 the market to see what happened?

4 THE WITNESS: [12:46:20] (Interpretation) Thank you, Mr President. I have already
5 told you that at our level when there is an incident in the field, we receive information
6 mainly from our men in the field. We inquired from those who were in Abobo and they
7 told us that they had not gone to the field. On 3 March, they could not even go out to the
8 field. They were billeted in the Camp Commando of Abobo.

9 When they give us such information, that is how we are informed. In the past we had
10 military intelligence services, and they went to the field. But during the period that I am
11 talking about, no soldier could go to the field, because if it was discovered that he was a
12 soldier, he would be killed.

13 So I did not receive any information from soldiers that there had been firing at the market,
14 because information came only from the soldiers.

15 PRESIDING JUDGE TARFUSSER: [12:47:51] So to your knowledge, nobody from the
16 authorities went to the location?

17 THE WITNESS: [12:48:06] (Interpretation) I do not believe so, I do not think so, no
18 military authorities.

19 If military authorities had to go to Abobo, I would have been there with all the other
20 generals. But at that time we could not go to Abobo.

21 PRESIDING JUDGE TARFUSSER: [12:48:33] Okay. Now, the last question regards a
22 visit together with General Mangou to Dogbo Blé on 30 March 2011, because
23 General Mangou stated here that he went with you to see Dogbo Blé on 30 March to ask
24 for ammunitions, and he was told that the ammunitions had not arrived. And he said
25 this at T-198, English realtime, page 82, lines 10 to 13.

1 Do you remember such visit, you together with General Mangou going to Dogbo Blé to
2 ask for arms and ammunitions?

3 THE WITNESS: [12:49:38] (Interpretation) Yes, I remember that meeting. We were just
4 coming out of a meeting at the general staff headquarters. A meeting had been convened
5 and many people were not present. There was General Nicolas, myself and a few other
6 elements.

7 On that day General Kassaraté was not present, General Guiai Bi Poin was not there, and
8 *General Kodjo was not there. And since the meeting did not take place, the general asked
9 me to accompany him to go and see Dogbo Blé to ask for ammunition. When we arrived
10 there, Dogbo Blé received us very well. And the general started conversing with him.

11 In the course of the conversation, Dogbo Blé said that he wanted to pursue the battle of
12 Abidjan. That is on that day that I learned that there was the battle of Abidjan.

13 So I took the floor at that moment and I asked Dogbo Blé which battle he was talking
14 about, because from a military perspective *we had had covered 600 kilometres to arrive
15 Abidjan. We had people who were on the frontline. And for several days all the
16 elements who had been at the frontline had retreated.

17 So, Mr President, as soldiers, if you want to provide security for a location, you do not
18 remain at that location.

19 On that day I told them, "If you want to carry out the battle in Abidjan, how are you going
20 to do that? Because we are not in control of Abobo. We are not in control of Koumassi
21 or Adjamé."

22 I even asked him the question.

23 When we are talking about Yopougon, they thought that Yopougon belonged to the Bétés.
24 How many Bétés built houses in Yopougon? And I asked whether he had carried out a
25 census to know whether pro-Gbagbo people, they were more numerous than the others.

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1 I said that I did not think that we could start a battle in Abidjan, that it was not possible.
2 He got angry on that day. And I remember very well. He told me that I was one of
3 those who were demoralising soldiers and that we did not want the battle of Abidjan to
4 continue.

5 I told him that he was a chief of corps. I was a commander in the army, and I did not
6 have any direct relationship with him. When I wanted to talk to my troops, *I would talk
7 to the battalion commanders; and to my general staff at best. I do not talk to a soldier, a
8 soldier with whom I do not even have any contact, to tell them not to take part in the
9 battle of Abidjan. And when I left, I met Mr Kuyo, who was a director or deputy director
10 of cabinet of Mr Gbagbo. He approached me and he said, "General, we are aware that
11 you are at the Golf."

12 And I said, "Is that so?"

13 It is true that he had been directeur de cabinet of the president of the republic. And I did
14 not like the way he was approaching me, because I was a general. If he could one day
15 become a general, he should be able to go and pass the test to enter the academy, which is
16 difficult, and after 20 or 25 years he would become a general.

17 And I told him that on the day that I go to the Golf, I would not do it in hiding. I would
18 do it in broad daylight.

19 Then I went home.

20 So, in fact, General Mangou and myself visited General Dogbo Blé, and that is what
21 transpired on that day.

22 PRESIDING JUDGE TARFUSSER: [12:55:14] The last question on the weapons and
23 ammunitions, did you know or did you become aware later that at any time, that in the
24 souterrain of the presidential palace there were ammunitions and weapons?

25 THE WITNESS: [12:55:43] (Interpretation) Yes, Mr President. It was on television.

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- 1 After Abidjan was taken, we discovered this on television. And ammunition was shown
2 in the basement of the presidency.
- 3 PRESIDING JUDGE TARFUSSER: [12:56:02] Okay. Thank you very much.
4 I just give the floor to the Office of the Prosecutor.
- 5 Are you fine, Mr Detoh Letho? Are you fine?
- 6 THE WITNESS: [12:56:23] (Interpretation) Yes, I can manage.
- 7 PRESIDING JUDGE TARFUSSER: Okay.
- 8 MS PACK: [12:56:26] Your Honours, I wonder in any event if we could have 10
9 minutes to confer and then come back and ask questions. We won't be very long, 15
10 minutes.
- 11 PRESIDING JUDGE TARFUSSER: [12:56:36] Yes, but I do not understand. It's five
12 to 1.00. If we stop now, I would have liked to --
- 13 MS PACK: [12:56:49] Yes.
- 14 PRESIDING JUDGE TARFUSSER: [12:56:50] -- conclude before the two hours.
- 15 MS PACK: [12:56:54] I hadn't appreciated the time. I think we can confer in three
16 minutes, actually.
- 17 PRESIDING JUDGE TARFUSSER: Okay.
- 18 MS PACK: So if we could have a few minutes, and then we'll be 10 minutes.
- 19 PRESIDING JUDGE TARFUSSER: [12:57:03] Make it three minutes, okay.
- 20 MS PACK: Thank you.
- 21 PRESIDING JUDGE TARFUSSER: Thank you.
- 22 MR MACDONALD: [12:57:05] And we'll leave the courtroom very shortly,
23 your Honour.
- 24 PRESIDING JUDGE TARFUSSER: [12:57:09] So we will leave the courtroom very
25 shortly, three minutes, but I would like to conclude.

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1 MR MACDONALD: [12:57:13] Yes, yes.

2 PRESIDING JUDGE TARFUSSER: [12:57:14] Because then we --

3 MR MACDONALD: [12:57:15] Yes.

4 PRESIDING JUDGE TARFUSSER: [12:57:16] Because then we have to interrupt in any
5 case because of the change. So if we go now to the afternoon session, then we have a
6 really blocked afternoon session.

7 So we take five minutes, Mr Witness. We can take five minutes and then we come back
8 with the re-questioning by the Office of the Prosecutor. Thank you.

9 THE COURT USHER: [12:57:37] All rise.

10 (Recess taken at 12.57 p.m.)

11 (Upon resuming in open session at 1.03 p.m.)

12 THE COURT USHER: [13:03:22] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [13:03:42] Now, I hope it was enough.

15 MS PACK: [13:03:49] Thank you for the time. Thank you very much, Mr President,
16 for that opportunity. Thank you.

17 QUESTIONED BY MS PACK:

18 Q. [13:03:57] Mr Witness, I have a very few questions for you, but let me start. You
19 were just asked about and you just told us about a time when you met Mr Dogbo Blé and
20 when you spoke to Kuyo, Narcisse Kuyo Tea, the director or director general of the
21 president's cabinet. And you told us what -- that he -- that you didn't like the way that
22 he on that occasion approached you. You didn't like the way he was approaching you.
23 Tell us, please, what on that occasion did he say to you, if you recall.

24 A. [13:04:51] Thank you, Counsel. He told me that he had heard *that I, Detoh Letho,
25 that I had already left for the Golf, where President Alassane and Bédié were located. So

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1 I told him that I wasn't happy about that, because I was not located at the Golf.

2 And here in Côte d'Ivoire during the crisis, that's always how it was; people were hearing
3 this and that, but it wasn't necessarily the case. I -- I wasn't at the Golf and I didn't
4 appreciate him telling me that I was, because it was not the case; I was not.

5 Q. [13:05:46] All right. Now we're going to just go back to a topic you were
6 questioned about by his Honour, 17 March 2011. Now, as head of operations in Abidjan
7 on 17 March 2011, was there any reason to your knowledge to use mortars of any type in
8 Abobo?

9 MR GBOUGNON: [13:06:32] (Interpretation) Your Honour.

10 PRESIDING JUDGE TARFUSSER: [13:06:33] No. Maître Gbougnon, what's the
11 problem?

12 MR GBOUGNON: [13:06:47] (Interpretation) The question as has been framed is not
13 acceptable. The witness is present, but the witness has already addressed the factor of
14 use of mortars. I don't think that he's in a position to enlighten us on the reasons why
15 mortars would have been allegedly used that day.

16 PRESIDING JUDGE TARFUSSER: [13:07:06] Well, he's the commander of the ComTer.
17 Come on. So if it's not him who knows, who else?
18 Please go ahead.

19 MS PACK: [13:07:14] Thank you.

20 Q. [13:07:14] Would you like me to repeat the question?

21 A. [13:07:19] Yes, please do.

22 Q. [13:07:21] On 17 March 2011, as head of operations in Abidjan, was there any
23 reason to your knowledge to use mortars of any type in Abobo?

24 A. [13:07:45] No, there was no reason. Mortar firing didn't just happen any old way.
25 When there is a battle, there has to be discipline when it comes to firing. When soldiers

1 act, they don't just fire wildly. So there was not a reason, and that was the issue that you
2 put. I don't see the reason why you're putting that question, but I do not know of a
3 reason why there would have been firing on the 17 March, 16 or 17 March.

4 Q. [13:08:28] All right. Now, just shifting again slightly the topic --

5 But, your Honour, you quoted an extract from a testimony, and just to have it on the
6 record, you quoted from P-164, and just to have that reference, T-164, the English was
7 page 66, line 6 to 15, and the French was at page 67. That's just a note for the record.

8 Now, let me shift again to another topic about which you were asked during your
9 questioning by counsel for Mr Gbagbo, you were asked some questions about your
10 promotions over the years, and you testified about your promotions and the time between
11 each promotion.

12 I'll read you from the transcript of 8 November, T-204, and it's the French transcript,
13 page 64, lines 18 to 23 I'll read from. And in the English that would be lines -- page 59,
14 lines 4 to 9.

15 You say: (Interpretation)

16 "So as for myself, I spent more than five or six years at the grade of lieutenant colonel to
17 colonel. I was in the field, and it was in 2009 that I was appointed full colonel. And
18 then in 2010, when I was to take over command of the land forces, I was appointed
19 colonel major. And at the same time, I received the appointment decree appointing me
20 ComTer. That was on 10 April 2010. So I was promoted from rank to rank, as is the
21 normal course of things."

22 (Speaks English) Now, you say there that you were promoted as colonel major in
23 April 2010. So, please, can you clarify for us then when you were promoted to général de
24 brigade?

25 A. [13:11:16] I was promoted to brigadier general on 1 April.

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1 Q. [13:11:30] I'm going --

2 A. [13:11:32] -- to --

3 Q. [13:11:34] Now, you just told us, just let me -- you told us you were promoted to
4 the rank of colonel major in April 2010. So the rank of général de brigade, I'm assuming it
5 was later. But I'm going to show you a decree, and I hope that will help you. It is
6 CIV-OTP-0048-0545, very quickly, just the first page, if we could have that up.

7 PRESIDING JUDGE TARFUSSER: [13:12:16] It might be me, but I don't see the
8 relevance on when he has become general, brigadier general.

9 MS PACK: [13:12:25] I'll ask a question. Hopefully it will be relevant.

10 Q. Is that the right -- so here is the decree. And you can see the date at the top is 5
11 August 2010. And you see the promotion there, bottom of the page (Interpretation) to
12 the rank of brigadier general Deto Letho.

13 (Speaks English) Does that help you? You were promoted on 5 August 2010 to the rank
14 of général de brigade.

15 A. [13:13:04] No. Here, that decree is signed, but when there is a nomination, there
16 is a step that needs to be passed. This is the decree of the name indicating the names of
17 all those who will become a general in that year.

18 You will see that some are going to be promoted in January, February, March, and others
19 in March/April, then in July and then in *October. That is the last opportunity for
20 promotion that year.

21 Now, and I was promoted on 1 April 2010. But my name figured on the decree that
22 listed all of the generals to be promoted that year.

23 Q. [13:14:04] We'll leave it there.

24 Now, I want to go to another topic that you were asked about two days ago, I think, by
25 counsel representing Mr Gbagbo, and it was on the time when you were at the Golf Hotel,

1 and you were asked who was there, what happened. I'll read from T-204, the French ET,
2 page 53, lines 8 to 20, and in the English it is page 49, lines 15 to 25.

3 All right. You say this:

4 Question: (Interpretation) "And to your knowledge, were there UN contingents at the
5 Golf Hotel during that period?

6 Answer: Yes. I saw UNOCI contingents there. They were there. They were the ones
7 who I saw. There were also FAFN soldiers.

8 Question: Do you recall the nationality of the UNOCI contingents that you saw at the
9 Golf Hotel?

10 Answer: Yes. They were Senegalese. They were Senegalese.

11 Question: All right. And the FAFN that you've referred to, were they all Ivorian, or
12 were some of them of different nationalities?

13 Answer: I cannot say because I didn't make physical contact with them. I never spoke
14 to them. I did come to know that on the day that the Golf Hotel was attacked that one
15 soldier was injured, and that's how I learnt that they were Senegalese."

16 (Speaks English) The question about that was the Senegalese soldier you're talking about
17 just now, he was an ONUCI soldier, was he?

18 A. [13:16:36] Yes, Counsel. *They were wearing blue helmets, mostly those who
19 were injured. The Golf Hotel or the security at the Golf Hotel was being ensured by UN
20 forces, Blue Helmets. So the day that the Golf Hotel was attacked, it was a Senegalese
21 soldier who was injured. That's what I saw on that day.

22 Q. [13:16:59] And do you recall the date, the date when the Golf Hotel was attacked?

23 A. [13:17:14] Ah, dates. I was there, but I have difficulty recalling dates. I don't
24 know. But what I do know and what everybody knows is that the Golf Hotel was
25 attacked on that day, and it was on that day that the Senegalese soldier was injured. I

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1 don't think there's any secret about that.

2 Q. [13:17:35] Do you recall if it was before or after Mr Gbagbo's arrest that the Golf
3 was attacked?

4 A. [13:17:48] It was before the arrest of President Gbagbo.

5 Q. [13:17:52] Do you recall by whom it was attacked? Which forces?

6 A. [13:18:14] I was not outside, but troops attacked the hotel. Now, who attacked the
7 hotel, I think one would have had to have been outside the hotel to have seen who
8 attacked, but they fired on the Golf Hotel. I couldn't tell you who was there, because I
9 was not outside, so not able to learn that. But the Golf Hotel was attacked by armed
10 forces.

11 Q. [13:18:46] And you say they fired. What type of weapons, if you recall, were
12 fired?

13 A. [13:19:03] Madam, I heard Kalashnikov fire.

14 Q. [13:19:07] And was it only small arms fire or was there heavy weapons fire as well,
15 shellings?

16 A. [13:19:19] No, on that day it was Kalashnikovs, small-calibre weaponry.

17 Q. [13:19:26] That's all my questions on this topic.

18 But I wanted in terms of situating the date, there is a document in the Prosecution's
19 paragraph 43 application, CIV-OTP-0044-1383, page 1386 at paragraph 10. I just note that
20 just in terms of the date.

21 Then there is another document which I would ask to submit in relation to the date, which
22 is CIV-OTP-0008-0007. Now, that is a document on the LOE, List of Evidence of the
23 Prosecution, but not in any request for submission thus far. I don't want to show it to the
24 witness. It's a report in English, a news report. But I wanted to simply ask to submit
25 that for reference to the date.

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- 1 PRESIDING JUDGE TARFUSSER: [13:20:22] Maître Altit.
- 2 MR ALTIT: [13:20:26] (Interpretation) Thank you, your Honour. I think that the
- 3 correct procedure would be to carry out a Bar table motion and to allow things to proceed
- 4 today.
- 5 MS PACK: [13:20:47] I can simply read the date and say the time.
- 6 PRESIDING JUDGE TARFUSSER: Yes, yes, but that's okay.
- 7 MS PACK: It is -- 9 April is the date that's in the document.
- 8 PRESIDING JUDGE TARFUSSER: Yes, yes, yes.
- 9 MS PACK: And I think for the record if I can just read that.
- 10 PRESIDING JUDGE TARFUSSER: [13:20:56] I just would like to ask you how long it
- 11 takes you to come to an end?
- 12 MS PACK: [13:21:01] I'm finished.
- 13 PRESIDING JUDGE TARFUSSER: [13:21:02] You're finished?
- 14 MS PACK: [13:21:03] No, nothing else. Those are my questions. Thank you very
- 15 much.
- 16 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much.
- 17 MS PACK: [13:21:06] Thank you, Mr Witness.
- 18 PRESIDING JUDGE TARFUSSER: [13:21:08] Maître Altit.
- 19 MR ALTIT: [13:21:10] (Interpretation) Thank you, your Honours. We have no
- 20 questions.
- 21 PRESIDING JUDGE TARFUSSER: [13:21:14] Thank you very much.
- 22 Mr Knoops.
- 23 MR KNOOPS: [13:21:17] Just one question.
- 24 QUESTIONED BY MR KNOOPS:
- 25 Q. [13:21:22] Mr Witness, the Prosecution asked you about an attack on Golf Hotel

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1 where apparently a soldier was injured. Were you aware or did you have information
2 that ONUCI was involved in attacks on the forces of the FDS during the post-electoral
3 crisis or did support any military operations against the FDS?

4 MR MACDONALD: [13:22:00] Sorry, your Honour. It doesn't come out of the
5 re-examination. A re-examination is on a specific day on a specific event, and all those
6 questions are already on record. It's well-known. We're just asking a follow-up
7 question to situate an event.

8 MR KNOOPS: [13:22:15] I think this is directly coming from the question of the
9 Prosecution, suggesting that there were forces attacking ONUCI. Well, the reverse
10 question is whether ONUCI had any involvement in attacks on the FDS forces or was
11 supporting any operations against the FDS forces and whether the witness has knowledge
12 of those operations.

13 PRESIDING JUDGE TARFUSSER: [13:22:40] Mr Witness, can you briefly respond to
14 this question?

15 THE WITNESS: [13:22:53] (Interpretation) Thank you, your Honour. The first event
16 that comes to mind is regarding the march on 6 December 2010. Our troops were at the
17 Marie-Thérèse junction and they were attacked by the FAFN, which was supported by the
18 UN forces, the UNOCI forces.

19 A footage of this was broadcast on television, and it was clear on that film that they were
20 involved in that attack. Everybody in Côte d'Ivoire saw that film.

21 PRESIDING JUDGE TARFUSSER: [13:23:42] So your knowledge is -- comes
22 from -- your knowledge comes from the press?

23 THE WITNESS: [13:23:53] (Interpretation) Yes, from the press, but also troops on the
24 ground reported back to us that they had seen UNOCI troops.

25 PRESIDING JUDGE TARFUSSER: [13:24:15] Okay.

1 MR KNOOPS: These were my questions, Mr President.

2 PRESIDING JUDGE TARFUSSER: [13:24:19] Okay, thank you. Thank you very much,
3 Mr Detoh Letho. This concludes your testimony before the International Criminal Court.
4 Thank you for having been with us, responding to the questions which were put to you by
5 the parties and by the Chamber. And I wish you all the best for the future. Thank you
6 very much.

7 THE WITNESS: [13:24:48] (Interpretation) Thank you, your Honour. Your Honour?

8 PRESIDING JUDGE TARFUSSER: [13:24:51] Yes?

9 THE WITNESS: [13:24:54] (Interpretation) Thank you very much, your Honour. I
10 would first of all like to thank you for having given me the opportunity to tell the entire
11 international community and to the brave people of Côte d'Ivoire what I know of the
12 events which took place during the post-electoral crisis.

13 Now, if I may, with the leave of the Court, I would like to express my most sincere
14 condolences to all those who lost relatives, those close to them and my wish that those
15 who were injured rapidly recover.

16 I would also like to say that to all the people of Côte d'Ivoire, it's true that we have gone
17 through war, it's true that people died, but that Côte d'Ivoire is a great country and it is
18 strong and it will move forward and do so in an environment of peace, peace and
19 solidarity.

20 It's important that we all know that war is a terrible thing. We had war in Abidjan for 10
21 days and, therefore, your Honour, I would like to invoke the Lord, creator of the universe,
22 who's a just God, to assist you in your work, to see that the truth is recognised, and that
23 Côte d'Ivoire can move forward in peace. Thank you, your Honour.

24 PRESIDING JUDGE TARFUSSER: [13:26:55] Thank you very much. I thank you.

25 Now we –

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1 MR KANE: [13:27:06] (Via video link) I would like to thank the Court. I would like to
2 thank the Presiding Judges, the Chamber and the parties and wish you every success in
3 the pursuit of your task.

4 PRESIDING JUDGE TARFUSSER: [13:27:19] Thank you, Mr Kane. I nearly forgot
5 you because you're not in the picture, but I now -- you give me the occasion to also thank
6 the court officers and the court staff for their support. Thank you very much.

7 We can now disconnect with Abidjan.

8 (The witness is excused)

9 PRESIDING JUDGE TARFUSSER: And the only thing which remains to say is that the
10 hearing is adjourned to 3 o'clock, where we will start with Witness 362. And we will
11 have a two-hour session, so in order to go a little bit forward.

12 Thank you very much. The hearing is adjourned to 3 o'clock. Thank you.

13 THE COURT USHER: [13:28:04] All rise.

14 (Recess taken at 1.28 p.m.)

15 (Upon resuming in open session at 3.03 p.m.)

16 THE COURT USHER: [15:03:05] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [15:03:25] Good afternoon.

19 Before we start with the questioning of this witness, I just want to say two things,
20 organisational matters.

21 One is the Chamber wants to shorten, shorten, not wants, shortens, the time limit for
22 response to the request of the Office of the Prosecutor -- of the Defence for Mr Gbagbo of
23 this morning. And I'm referring to, I don't know now the number but it's, yes, la requête
24 de la Défense aux fins de faire reporter la venue de P-564, to shorten it to Wednesday this
25 week at close of business.

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1 The second thing is that on Tuesday, 14, next week, we will start 15 minutes early,
2 meaning at 9.15 instead of 9.30. And the second session will not take place because of an
3 institutional commitment I have. So just so we have the first session and then the third
4 session, okay, and we start at 9.15.

5 So this said, I revert now to the witness in the remote location, in Abidjan. Good
6 afternoon, Mr Ballo.

7 WITNESS: CIV-OTP-P-0362

8 (The witness speaks French)

9 (The witness gives evidence via video link)

10 THE WITNESS: [15:05:31] (Interpretation) Good afternoon.

11 PRESIDING JUDGE TARFUSSER: [15:05:32] So this means that you can hear me
12 clearly.

13 THE COURT OFFICER: (Via video link) [15:05:39] (Interpretation) We did not
14 receive the French interpretation, your Honour.

15 PRESIDING JUDGE TARFUSSER: [15:05:46] J'avais compris.

16 THE COURT OFFICER: [15:05:50] Affirmatif, j'entends l'interprétation, maintenant.

17 PRESIDING JUDGE TARFUSSER: (Interpretation) Do you have the interpretation
18 now?

19 (Speaks English) Well, I revert to English. Mr Witness, you can hear me clear?

20 THE WITNESS: [15:06:06] (Interpretation) Yes, I can hear you very clearly.

21 PRESIDING JUDGE TARFUSSER: [15:06:11] Before starting the questioning by the
22 Office of the Prosecutor and then by the Defence teams, I would ask you to tell us
23 your full name, the date, place of birth, nationality and all what contributes to
24 identifying you completely.

25 THE WITNESS: [15:06:47] (Interpretation) I am Ballo Adama.

- 1 PRESIDING JUDGE TARFUSSER: [15:06:57] You were born in?
- 2 THE WITNESS: [15:07:00] (Interpretation) I was born in Sianhala.
- 3 PRESIDING JUDGE TARFUSSER: On?
- 4 THE WITNESS: (Interpretation) The 7 June 1966.
- 5 PRESIDING JUDGE TARFUSSER: [15:07:17] What is your ethnicity?
- 6 THE WITNESS: [15:07:28] (Interpretation) I am Dioula.
- 7 PRESIDING JUDGE TARFUSSER: [15:07:31] And Muslim of faith, right?
- 8 THE WITNESS: [15:07:35] (Interpretation) Yes, I'm a Muslim.
- 9 PRESIDING JUDGE TARFUSSER: [15:07:39] What is your current occupation?
- 10 THE WITNESS: [15:07:44] (Interpretation) I am a driver.
- 11 PRESIDING JUDGE TARFUSSER: [15:07:57] Privately or in the public service?
- 12 THE WITNESS: [15:08:00] (Interpretation) I work in the public service.
- 13 PRESIDING JUDGE TARFUSSER: [15:08:10] Okay. And what was your
- 14 occupation in the time of the crisis end 2010, first half 2011?
- 15 THE WITNESS: [15:08:28] (Interpretation) I was a driver and *a garbage collector.
- 16 PRESIDING JUDGE TARFUSSER: [15:08:33] Okay.
- 17 Now, I will inform you, before starting, of something which we have put in place for
- 18 you.
- 19 First of all, that you will have all the assistance you need during your testimony,
- 20 including the assistance of reading if necessary. Beside you we have the court officer.
- 21 So you will have all the assistance.
- 22 If you need something, just address me and we will take care of it, okay?
- 23 THE WITNESS: [15:09:19] (Interpretation) Yes.
- 24 PRESIDING JUDGE TARFUSSER: [15:09:21] You are speaking French. I'm
- 25 speaking English.

1 THE WITNESS: [15:09:27] Oui.

2 PRESIDING JUDGE TARFUSSER: [15:09:29] In order to understand each other --

3 THE WITNESS: (Overlapping speakers)

4 PRESIDING JUDGE TARFUSSER: Oui. We in order to understand each other, we
5 have interpreters here in the Court and court reporters who write down what we are
6 saying. And in order to facilitate their work, please speak slowly.

7 THE WITNESS: [15:09:50] (Interpretation) Very well.

8 PRESIDING JUDGE TARFUSSER: [15:09:54] Okay. Now we come to your
9 testimony. This Chamber has been established to try the case of the Prosecutor
10 against Mr Gbagbo and Mr Blé Goudé. And you are called to assist us in the search
11 of the truth. Therefore, you are here to answer questions which will be put to you,
12 and your only obligation is to answer them truthfully.

13 And the law requires that, to that effect, you make a solemn undertaking and,
14 therefore, I would ask you to repeat with me the following words: I solemnly
15 declare that I will speak the truth --

16 THE WITNESS: [15:11:01] (Interpretation) I solemnly declare that I will speak the
17 truth --

18 PRESIDING JUDGE TARFUSSER: [15:11:06] -- the whole truth and nothing but the
19 truth.

20 THE WITNESS: [15:11:09] (Interpretation) -- the whole truth and nothing but the
21 truth.

22 PRESIDING JUDGE TARFUSSER: [15:11:16] I have to inform you that giving false
23 testimony is an offence against the Court and, as such, punishable.

24 Until now you have understood everything?

25 THE COURT OFFICER: (Via video link) [15:11:48] (No interpretation)

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1 PRESIDING JUDGE TARFUSSER: [15:11:56] Why?

2 THE WITNESS: Oui.

3 PRESIDING JUDGE TARFUSSER: Have you understood what I said?

4 THE WITNESS: [15:11:58] (Interpretation) Yes.

5 PRESIDING JUDGE TARFUSSER: [15:11:59] Okay. Now we come to, always

6 before giving the floor to the Office of the Prosecutor, to another issue, which is what

7 we call Rule 68 issue, meaning that the Chamber has before it the written statement

8 you gave to the Office of the Prosecutor on 16 and 19 July 2013. I'm referring, for the

9 record, to the statement CIV-OTP-0046-1271, 1282 and 1283.

10 I think you have these documents before you. Do you remember to have given a

11 statement to the Office of the Prosecutor in July 2013?

12 THE WITNESS: [15:13:03] Oui.

13 PRESIDING JUDGE TARFUSSER: [15:13:05] I can see that the court officer --

14 THE WITNESS: [15:13:08] (Interpretation) Yes.

15 PRESIDING JUDGE TARFUSSER: [15:13:08] Is this the statement you gave to the

16 Office of the Prosecutor, what you have now in front of you, as I can see?

17 THE WITNESS: [15:13:15] (Interpretation) Yes.

18 PRESIDING JUDGE TARFUSSER: [15:13:24] Was this statement in the last few days

19 read out to you?

20 THE WITNESS: [15:13:33] (Interpretation) Yes.

21 PRESIDING JUDGE TARFUSSER: [15:13:37] This statement has also, as an annex, a

22 video. Paragraph 33 of your statement says that you, Mr Witness, provided, gave

23 this video to the investigators. Were you shown this video together with the

24 annexes in the last few --

25 THE WITNESS: [15:14:05] (Interpretation) Yes.

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1 PRESIDING JUDGE TARFUSSER: [15:14:06] Was it shown to you?

2 THE WITNESS: [15:14:09] (Interpretation) Yes.

3 PRESIDING JUDGE TARFUSSER: [15:14:13] Okay.

4 THE WITNESS: [15:14:13] (Overlapping speakers)

5 PRESIDING JUDGE TARFUSSER: [15:14:13] The Chamber has decided on 6

6 June 2017 that your written statement is suitable for introduction under Rule 68(3) of

7 the Rules of Procedure and Evidence in the record of the case. This means, in other

8 words, that rather than you having to give full testimony orally here, the Chamber

9 can use your written statement. Nevertheless, you would be still asked

10 supplementary questions by the Office of the Prosecutor and questioned by the

11 Defence teams.

12 THE WITNESS: [15:15:05] (Interpretation) Yes.

13 PRESIDING JUDGE TARFUSSER: [15:15:06] So this -- the Rule 68 says also that the

14 introduction of this statement can be done if there is no objection by you and that the

15 Prosecutor and the Defence teams have the opportunity to question you; therefore, I

16 ask you, do you agree that your written statement that you gave to the Office of the

17 Prosecutor in June 2013 is introduced in the record of the case?

18 THE WITNESS: [15:15:48] (Interpretation) Yes.

19 PRESIDING JUDGE TARFUSSER: [15:15:50] Okay. So in light of the fact that you

20 are here and available for examination by the parties and the Chamber, the Chamber

21 notes that all requirements of Rule 68(3) are met.

22 The introduction of the written statement is allowed and I'm referring to the written

23 statement and to the annexes with the numbers I just read out. These items are

24 considered, therefore, to be submitted.

25 I note also that CIV-OTP-0046-1283, I'm referring to the video mentioned before, was

1 already submitted in the context of the testimony of Witness P-584.

2 So now we can start with the questioning. Are you ready?

3 THE WITNESS: [15:17:02] (Interpretation) Yes, I'm ready.

4 PRESIDING JUDGE TARFUSSER: [15:17:04] And I will give the floor to the Office of
5 the Prosecutor for supplementary questions. Yours, the floor.

6 MS SCHOETERS: [15:17:15] Thank you, Mr President.

7 QUESTIONED BY MS SCHOETERS:

8 Q. [15:17:24] Good afternoon, Mr Witness. My name is Sandra Schoeters and I
9 will be asking you a few questions today on behalf of the Office of the Prosecutor.

10 We had the opportunity to briefly talk to each other via video link during the courtesy
11 meeting which took place last week Friday. As I explained to you then, I will be
12 questioning you in English. But rest assured, everything will be interpreted into
13 French.

14 Now, I will ask you to listen to my questions carefully and if ever you don't
15 understand something, please tell me, and I will repeat or I will try to rephrase the
16 question.

17 As the Presiding Judge has already explained to you, your statement and the annexes
18 to your statement have been submitted on the record. So I will not be going into
19 every single detail of your statement, but instead what I am going to do is, I'm going
20 to ask you some supplementary questions.

21 Mr Witness, are your statement and the annexes to your statement true to the best of
22 your knowledge?

23 A. [15:18:43] Yes, ma'am.

24 Q. [15:18:54] Mr Witness, I would now like to show you the video which is annex 2
25 to your statement in order to ask some additional questions afterwards.

1 Mr President, could we please have the floor? And the video I am referring to is the
2 one that Mr President has already cited. It's CIV-OTP-0046-1283, which is tab 3 on
3 our list of material. And the video can be shown publicly.

4 The corresponding transcript of the video is CIV-OTP-0055-0653. And this is tab 21
5 on the list of material. And then I also refer to the translation of the transcript, and
6 this is, in the interests of the interpreters, it is CIV-OTP-0055-0512. And this can be
7 found at tab 20 of the list of material.

8 We will be watching the complete video. Your Honours, just to inform you, the
9 video lasts 2 minutes and 9 seconds.

10 And Mr Witness, I would like you to carefully watch the video and then I will ask you
11 some questions.

12 If we could please play the video.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [15:20:55] (Interpretation of the video excerpt)

15 Sight translation of the French translation of the video into English by the
16 interpreters:

17 Take him quickly to the hospital. Take him to the hospital.

18 My brother, you, you ... machine. You have to go there.

19 Yes, we belong to Allah and it is to Him that we shall return.

20 Unidentified speaker: He is dead. He is dead.

21 Get away from here. Get away from here. It is serving no purpose, all of that.

22 It is for that reason that we came here. What we are doing here ... send a motorcycle,
23 send a motorcycle.

24 Oh, God. Oh, my God. They have cut all of it.

25 He's my uncle. We are all in the same compound.

1 Look (incomprehensible) and then please leave the area, please leave the area.

2 MS SCHOETERS: [15:22:56]

3 Q. [15:22:57] I understand this is the video you gave to a representative, to an
4 investigator of the Office of the Prosecutor. Now I'd like us to go to an excerpt of
5 this video. So if we could play -- could we have the floor again to do so, and we will
6 play an excerpt starting from 1 minute 50 seconds up to 2 minutes 1 second. And
7 then we will freeze the frame at 2 minutes 1 second.

8 (Viewing of the video excerpt)

9 MS SCHOETERS: [15:23:56]

10 Q. [15:24:00] Mr Witness, who -- we froze the screen at 02.01.10. And, Mr Witness,
11 whom do you see seated on the ground?

12 A. [15:24:21] I can see Yaya, Mr Yaya.

13 Q. [15:24:29] And do you know what Yaya's last name is?

14 A. [15:24:33] He was referred to as Yaya actually, but the family name I don't quite
15 know.

16 Q. [15:24:51] We are now going to play another video, which is video
17 CIV-OTP-0042-0593, timestamps 02.48, so 2 minutes 48 seconds to 3
18 minutes 53 seconds. And it is tab 16 on the list of material. We will play this video
19 publicly. And if we could have the floor.

20 The corresponding transcript of the video is at CIV-OTP-0053-0096, at page 0098,
21 lines 42 to 50. And that's tab 18 on the list of material. And then for the interpreters,
22 the translation of the transcript of the video can be found at CIV-OTP-0053-0183
23 at 0186, lines 42 to 50. And that's tab 19 on the list of material.

24 So if we could please have the floor to play the video.

25 (Viewing of the video excerpt)

- 1 THE INTERPRETER: [15:26:41] (Interpretation of the video excerpt)
- 2 Sight translation by the interpreters:
- 3 Unidentified speaker: You do not have any sachets.
- 4 Unidentified speaker: Black sachets, black bags, black bags to carry him in.
- 5 MS SCHOETERS: [15:27:43]
- 6 Q. [15:27:44] For the record, we stopped the video at 03.53.13.
- 7 Mr Witness, have you ever seen this excerpt of this video before?
- 8 A. [15:28:06] Yes.
- 9 Q. [15:28:13] Where have you seen it?
- 10 A. [15:28:21] I did not hear the question.
- 11 Q. [15:28:43] Okay. I'll repeat the question. So if I understood your answer
- 12 correctly, you've said that you've seen this excerpt of this video before. So I just
- 13 asked you where you have seen this video.
- 14 A. [15:29:03] Where I saw the video? With the people that are with me here.
- 15 They are the ones who showed me the video. I saw the video the day before
- 16 yesterday. That's when they showed me the video.
- 17 Q. [15:29:32] Do you recognise the two people on the image you see before you?
- 18 A. [15:29:43] The two people lying down there?
- 19 Q. [15:29:55] Yes.
- 20 A. [15:29:57] There are two people lying down there. They were just passing by.
- 21 They had left the market and they were just passersby. So it is not possible for me to
- 22 know them. They were not there at the shed. It was just a coincidence that they
- 23 were there when the shell fell. *That is the woman who was at the hospital. So
- 24 these people did not work at the station, they were just passing by.
- 25 Q. [15:30:47] Thank you, Mr Witness.

Trial Hearing
WITNESS: CIV-OTP-P-0362

(Open Session)

ICC-02/11-01/15

1 We are now going to show you a 360-degree presentation of a location. The images
2 on this presentation were taken in July 2013. And the ERN is CIV-OTP-0073-0862.
3 We will be displaying panorama 1. And if we could please have the floor. We will
4 first show the complete panorama and then we will freeze the frame.

5 (Viewing of the panoramic excerpt)

6 MS SCHOETERS: [15:32:01]

7 Q. [15:32:06] Do you recognise this place?

8 A. [15:32:11] Yes, yes.

9 Q. [15:32:17] What is it that you see on the image?

10 A. [15:32:26] What I see here? It's the red door, the main door. The shell fell a
11 few metres away from that door, and it went through, it went right through the door.
12 It still hasn't been fixed. The door is still perforated. It fell a few metres away from
13 there. *On the spot where the fan is standing. That is where about seven, eight, 14
14 bodies, because when the shell fell, it fell opposite, a few metres away from them.
15 On the other side, that's the guys who --

16 THE INTERPRETER: [15:33:26] Inaudible.

17 THE WITNESS: [15:33:31] (Interpretation) -- the bags. So the shell fell opposite
18 there against that door that I see here.

19 MS SCHOETERS: [15:33:39]

20 Q. [15:33:41] Thank you. Could we have a screen shot of the image where we see
21 the red gate and submit it on the record.

22 We are now --

23 THE INTERPRETER: [15:34:04] Interpreter correction: In the previous reply, the
24 witness mentioned, line 3, page 85, "The guys who sewed the bags."

25 MS SCHOETERS: [15:34:26]

1 Q. [15:34:26] We are now going to move to the left on the same panorama.

2 Mr Witness, the fence that you can see on this image, was it there on the day the
3 shelling, if you recall?

4 A. [15:34:52] *Go to the left, where you have the roofs. No. At that time, that
5 roof wasn't there, that fence wasn't there. When the shell fell, that wasn't there.

6 Q. [15:35:07] And now I have two final questions to you.

7 A. [15:35:17] Yes.

8 Q. [15:35:19] Or, excuse me.

9 Could we also have a screen shot made of the fence and have it submitted on the
10 record.

11 And now I have two final questions for you, Mr Witness. How many dead bodies
12 did you see approximately the day of the shelling at the Siaka Koné market.

13 A. [15:35:50] The bodies I saw, the bodies I saw in front of the fans, at least, at least,
14 well, eight or nine bodies. All the bodies that I saw --

15 THE INTERPRETER: [15:36:14] Inaudible.

16 THE WITNESS: [15:36:16] (Interpretation) -- fourteen.

17 MS SCHOETERS: [15:36:20]

18 Q. [15:36:20] And how many injured people did you see approximately the day of
19 the shelling at the Siaka Koné market?

20 A. [15:36:29] Well, what I saw, the ones who were injured, *there was Bamba
21 Daouda. He is in the wotro.

22 THE INTERPRETER: [15:36:58] Inaudible.

23 THE WITNESS: [15:37:05] (Interpretation) Currently there was Ballo Seydou, little
24 brother; there was Diomande Amara, who was struck in the head by a piece of
25 shrapnel; Gana Moussa, he was badly injured, his hand was injured. It was truly -- I

1 can't tell you everything. I don't -- I can't give you all the names. I didn't know all
2 their names. Amongst those injured people, some of those people died later. And
3 then there was *Yaya, who I mentioned earlier, he was injured. He had an injury to
4 his leg. He was sitting down.

5 Q. [15:38:12] Thank you, Mr Witness.

6 MS SCHOETERS: [15:38:13] This concludes my questioning.

7 PRESIDING JUDGE TARFUSSER: [15:38:18] Thank you. Thank you very much.

8 Now, Mr Witness, it is time for the Defence to question you. And therefore I give the
9 floor to Maître Altit, lead counsel for the Defence for Mr Gbagbo. You have the
10 floor.

11 MR ALTIT: [15:38:39] (Interpretation) Thank you, your Honour. Your Honours,
12 the witness will be questioned by Ms Naouri on behalf of the Gbagbo Defence team.

13 PRESIDING JUDGE TARFUSSER: [15:39:09] Ms Naouri.

14 MS NAOURI: [15:39:22] Thank you, your Honour.

15 QUESTIONED BY MS NAOURI: (Interpretation)

16 Q. [15:39:27] Good afternoon, Mr Witness.

17 A. [15:39:29] Good afternoon.

18 Q. [15:39:30] My name is Jennifer Naouri and I am the one who will be putting
19 some questions to you now on behalf of the Gbagbo Defence team, okay?

20 A. [15:39:38] Okay. No problem.

21 Q. [15:39:46] Mr Witness, in response to a question from the Presiding Judge just a
22 few moments ago, you said that you were a truck driver and that you were working
23 for the public service. Can you give us the name of the company?

24 A. [15:40:16] Well, it was in private concern, well individual. Each person has his
25 own truck, you see.

1 Q. [15:40:26] Very well. So these were private individuals. Were you the owner
2 of the truck you were driving?

3 A. [15:40:38] I was the driver and the owner.

4 Q. [15:40:40] Very well. And you worked at the UTB station?

5 A. [15:40:52] Yes, yes. Right there, yes, the UTB, UTB station.

6 Q. [15:40:59] Very well. And as a truck driver, I would imagine you are familiar
7 with the transporters' union?

8 A. [15:41:10] Yes, of the villages. There is a difference.

9 THE INTERPRETER: [15:41:21] Correction, vidanges.

10 THE WITNESS: [15:41:27] (Interpretation) There is *one union of garbage
11 collectors and a union of woro woro transporters.

12 THE INTERPRETER: [15:41:30] Inaudible.

13 THE WITNESS: [15:41:31] (Interpretation) We call it the syndicate -- or, the union,
14 rather, to make the distinction.

15 MS NAOURI: [15:41:36] (Interpretation) Q. [15:41:36] We will make that distinction.

16 A. [15:41:38] Very well.

17 Q. [15:41:41] So first of all the transporteurs, le syndicat des transporteurs, that one,
18 are you aware of that?

19 A. [15:41:50] Well, what I told you earlier that there's two unions, one for the
20 transporters and one for the garbage collectors. We were doing, we were doing
21 garbage collection. *So, that is the union that I know.

22 Q. [15:42:08] Very well. And are you a member of that union?

23 A. [15:42:12] Yes.

24 Q. [15:42:13] Very well. And who is the boss or the head of that union?

25 A. [15:42:17] Moustapha.

1 *Q. [15:42:26] Do you remember his family name?

2 A. [15:42:32] I beg your pardon?

3 Q. [15:42:33] Do you know Moustapha's family name?

4 R. [15:42:38] Not really, he is known simply as Moustapha

5 THE INTERPRETER: [15:42:19] Message from the interpreters: Sound quality is quite
6 poor and we would like to ask if the five-second rule could be followed rigorously.

7 PRESIDING JUDGE TARFUSSER: [15:42:30] Yes. Being the sound not the best, it's
8 even more important to speak slow and to keep the five-second rule. Okay, go ahead.

9 MS NAOURI: [15:42:48] (Interpretation) Thank you, your Honour.

10 Q. [15:42:57] So you were a member of this union. Where were the meetings held,
11 the union meetings?

12 A. [15:43:05] At Marcory.

13 Q. [15:43:08] Very well. Were there also meetings at the UTB station?

14 A. [15:43:19] Yes. That was -- that was the Abobo association. They had their
15 meetings in Abobo. And they reported to our hierarchy.

16 Q. [15:43:43] Very well. So what you've told us is that the Abobo association had
17 meetings *at the UTB station, is that correct?

18 THE INTERPRETER: [15:43:57] Could the witness be requested to repeat his reply.

19 PRESIDING JUDGE TARFUSSER: [15:44:00] Mr Witness, can you please -- two
20 things: First repeat what you said; and then to speak closer to the microphone in
21 order for you to be heard better. Thank you.

22 MS NAOURI: [15:44:42] (Interpretation)

23 Q. [15:44:42] Now, could you kindly repeat what you just said about --

24 A. [15:44:46] Yes. *When there were events, those meetings they were in Abobo, that is,
25 the events concerning us, the trucks and then after we'd have our meetings at the place of

1 our boss in Marcory, the head of the union.

2 Q. [15:45:09] Very well. And when events occurred, for example, demonstrations,
3 did the union leaders give you instructions?

4 A. [15:45:24] The union leadership?

5 Q. [15:45:27] Yes.

6 A. [15:45:29] No.

7 Q. [15:45:31] Very well. Mr Witness, did you know that at the UTB station at the
8 time in 2010 and 2011, at the time of the crisis, that was one of the headquarters of the
9 transporters' union; did you know that?

10 A. [15:46:04] The transport union?

11 Q. [15:46:06] Yes.

12 A. [15:46:10] I don't see that.

13 Q. [15:46:17] Very well. Mr Witness, Amara Le Gros, do you know that person?

14 A. [15:46:25] I know him very well. I know him very well. Amara Le Gros.

15 Q. [15:46:35] He's a member of that union?

16 A. [15:46:38] Yes. But we're not working in the same area.

17 Q. [15:46:52] Very well. How is it that you know this gentleman?

18 A. [15:46:58] I've met him at the station, *at the gbaka station, you know, they are the
19 people who handle the problems of the gbaka union. But, you see, we're not, we're not
20 in the same area. The people, you know, you call that the gbaka, the gbaka.

21 Q. [15:47:24] And do you know *Gros Ouinzin?

22 A. [15:47:27] I've heard that name. I don't know him.

23 Q. [15:47:29] Very well. This gentleman Amara le Gros, he was one of the
24 spokespeople of the young people in Abobo; did you know that?

25 A. [15:48:05] He is the spokesperson for the union of gbaka drivers. But we don't

1 work in the same area.

2 Q. [15:48:14] Very well. Did you know that Amara le Gros was part of a group of
3 fighters, combatants in Abobo?

4 A. [15:48:35] Well, we see one another, but we're not close friends or anything like
5 that, I would say.

6 Q. [15:48:45] Okay. Mr Witness, you were an RDR supporter during the elections,
7 weren't you? And during the election campaign, did you attend any rallies to find
8 out about the 2010 presidential election? Is that possible?

9 A. [15:49:13] Rallies. *Yes.

10 Q. [15:49:16] Where?

11 A. [15:49:17] Abobo.

12 Q. [15:49:19] Could you be more specific?

13 A. [15:49:22] In Abobo.

14 Q. [15:49:25] But Abobo is a big place. Could you be more specific? Where in
15 Abobo were the rallies?

16 A. [15:49:34] Abobo à la Gare, and the roundabout.

17 Q. [15:49:38] Who organised the rallies?

18 A. [15:49:42] The organisers, I don't know if it was the mayor or the chart -- you see,
19 they make a chart for the roundabout, and there is a rally. But I don't know who
20 organises. I didn't get into all of that.

21 Q. [15:50:13] Very well. Now, if I've understood you, you said that the rallies
22 were announced, there was a big chart?

23 A. [15:50:19] No, no, no. At the roundabout, *the Abobo roundabout, people would gather
24 there, you know, the dancers come and they dance there and then there's rallies. That's all.

25 Q. [15:50:38] Very well. How many people would be present at these rallies?

1 A. [15:50:50] Those meetings, the RDR rallies, a lot of men. I couldn't count them
2 all. I was sitting there at the station. I would watch them and I would see a lot,
3 there were a lot of men. I would see a lot. I couldn't count them all.

4 Q. [15:51:10] Could you give us an estimate, 50, 100, 150, approximately?

5 A. [15:51:16] More than that.

6 Q. [15:51:17] Very well. And who would speak during these rallies?

7 A. [15:51:24] Well, *there were the representatives of the RDR who were making
8 speeches. I don't know all of them. But they would have a microphone, they
9 would talk into the microphone. But I don't know them.

10 Q. [15:51:41] Very well. And did you attend any rallies for Alassane Ouattara in Abobo?

11 A. [15:51:51] Yes, I was there, *on the day that Alassane came to Abobo, since, you
12 see, it is opposite where we work, it's opposite our work place. The rallies are right
13 opposite from where we work. So we have to, so we have to be there.

14 Q. [15:52:09] Where did you -- or whom did you go with?

15 A. [15:52:12] With whom? There were a lot of people *at the station. We were
16 together in a group. It's where we work. So we were there *and we were assisting
17 them. It's not like we have to travel there. It's right opposite.

18 Q. [15:52:26] Very well. Mr Witness, were you working during the period after
19 the 2010 election period?

20 A. [15:52:43] Sorry? I didn't hear you.

21 Q. [15:52:46] I'll speak closer to the microphone. Now, during the period after
22 the 2010 presidential election, were you working?

23 A. [15:52:57] Well, after the election we -- they had us working for a bit. But when
24 things got worse, we couldn't -- there was -- we couldn't work no more.

25 Q. [15:53:14] Very well. So what did you do to fill your days?

1 A. [15:53:20] We would get up in the morning. Even though we weren't working,
2 we would go to the station. We would sit down, sit with our friends. It was like
3 our grin. We couldn't just stay at home, so we would go to the station and we would
4 talk to each other.

5 Q. [15:53:45] How many people, 10, 20, 30?

6 A. [15:53:50] Huh? Well, there was a war going on, so often, often the station was
7 full. *And people were afraid, because there was shooting often. So 30, 20, a lot of
8 people. I couldn't count all of them.

9 Q. [15:54:14] Okay. And do you remember the names of some of the people who
10 were with you?

11 A. [15:54:23] With me at the station? Well, as I told you a few moments ago, there
12 was Sidi, Soulé (phon), qui est l'organisateur. There was -- well, our friends, the
13 drivers, Diomande Amara, Bamba, Diomandé Siaka (phon) -- no, I beg your
14 pardon -- Koulibaly Siaka (phon). Well, there were a lot of us really. I can't give all
15 the names. It was a long time ago.

16 Q. [15:55:17] Very well. That's not a problem. We're just trying to get an idea of
17 what you remember. And was there a person called Tahirou Kouyaté?

18 A. [15:55:33] Tahirou.

19 Q. [15:55:34] Do you know him?

20 A. [15:55:35] I can visualise. I can see him. He has a shop.

21 Q. [15:55:43] Very well. I'd like us just to rewind to Sidi. So you mentioned
22 someone called Sidi a few moments ago. Is that the same Sidi who met up with you
23 on the day of the incident?

24 A. [15:56:21] *He met up with me.

25 Q. [15:56:23] Very well. I'd like to quote something to you from your statement,

- 1 okay?
- 2 A. [15:56:27] Okay.
- 3 Q. [15:56:31] Paragraph 26 of your statement, I'll read it out to you, Mr Witness.
- 4 A. [15:57:01] Okay. Go ahead.
- 5 Q. [15:57:05] "With my friend Sidi, we took Daou and we put him into a woro-woro,
- 6 a push cart, to take him to the Abobo south hospital." Okay?
- 7 A. [15:57:26] Mm-mm. I can see that.
- 8 Q. [15:57:32] So this man, Sidi, this is the person who I'm interested in, the guy who
- 9 you mentioned in your statement, okay?
- 10 A. [15:57:41] Mm-mm.
- 11 Q. [15:57:42] Do you know Sidi's full name?
- 12 A. [15:57:52] *Sidi Samaké.
- 13 Q. [15:57:54] Could you repeat your answer?
- 14 A. [15:57:55] *Sidi Samaké.
- 15 Q. [15:58:01] Very well. And what does he do for a living?
- 16 A. [15:58:14] He's in the union.
- 17 Q. [15:58:16] Very well. Mr Witness, do you know Sidibé Siaka, Sidibé Siaka?
- 18 A. [15:58:37] No, I don't think so.
- 19 Q. [15:58:39] Okay, no problem. Mr Witness, I'd like us to talk for a few minutes
- 20 about the station where the trucks were unloaded. What is the distance between that
- 21 station and the market?
- 22 A. [15:59:11] *Well, the two were right next to each other.
- 23 Q. [15:59:15] How much time would it take you on foot?
- 24 A. [15:59:19] Huh?
- 25 Q. [15:59:21] How much time by foot?

1 A. [15:59:23] Well, the station, well, and the market, not even five minutes, five
2 minutes.

3 Q. [15:59:37] Okay. And just anyone can go into that station?

4 A. [15:59:48] Anyone.

5 Q. [15:59:53] And in this station, who was working there, *transport companies,
6 gbaka drivers, people with woros-woros?

7 A. [16:00:09] Well, it's the garbage trucks. And just beside, when you leave, back in the
8 day there was -- there were some woro-woro. But basically, it was the garbage trucks.

9 I'm sorry, the -- there were the garbage trucks. But there were also the carrosseries trucks.
10 *Other trucks could come and park there. But basically it was for the garbage trucks, okay.

11 Q. [16:00:37] Okay. And the others could even park there, you said --

12 A. [16:00:47] Well, the carrosseries.

13 Q. [16:00:51] Very well. And within this *garbage truck station, were there some shops?

14 A. [16:01:00] Yes, there were shops just behind, where we saw that *roof. You
15 leave the station and then they're there.

16 Q. [16:01:17] Okay. Now, Mr Witness, there were some young fighters in Abobo
17 during the time of the post-election crisis, weren't there?

18 A. [16:01:30] Yes.

19 Q. [16:01:30] And you saw some of the young fighters who were training?

20 A. [16:01:33] Yes.

21 Q. [16:01:34] Who was giving the training to them?

22 A. [16:01:37] Huh?

23 Q. [16:01:38] Who was training them?

24 A. [16:01:41] I don't know who was training them. I don't know those people's
25 names.

1 Q. [16:01:46] Mr Witness, at paragraph 48 of your statement you said, and I quote:
2 "I'm calling them volunteers because amongst them you see, not really FRCI, because
3 there were some people amongst them who were people -- there were people who
4 had been in the army before. And there were also young volunteers who had joined
5 them and who were getting training."

6 So who were these people who had been in the army before?

7 A. [16:02:21] Well, we saw them. We knew that they were formerly from the army.
8 But when I would see them, I knew. *After inquiring, I would be told that they had been
9 in the army before, but I didn't know what their names were, but I did know.

10 Q. [16:02:44] Thank you. Witness, you know Mr Djakis, don't you?

11 A. [16:02:50] Yes.

12 Q. [16:02:51] Now, Djakis was also previously in the army, wasn't he?

13 A. [16:03:01] Djakis? No, no, no, no. Djakis wasn't in the army. Djakis was
14 amongst those who were carrying the injured, *but I didn't say that. I didn't say that
15 Djakis was in the army.

16 Q. [16:03:19] Sorry I interrupted you.

17 A. [16:03:21] Djakis was not in the army.

18 Q. [16:03:24] What is Djakis's full name?

19 A. [16:03:28] His name is Djakaridja, but I don't know his full name. His name is
20 Djakaridja, but we would call him Djakis. As his name was Djakaridja, we would
21 call him Djakis.

22 Q. [16:03:41] If I say to you Ouattara Djakaridja, would that refresh your memory?

23 A. [16:03:47] No. I don't know him.

24 Q. [16:03:50] All right. And do you know who Sidibet Amara is?

25 A. [16:04:03] Sidibet Amara, no, I don't know him.

1 Q. [16:04:06] All right. And Bolo, does that ring a bell?

2 A. [16:04:25] Bolo. Yes, Bolo, I would see Bolo at the station, the Dabakala station.
3 That's how it was called. And I would see him there from time to time. We didn't
4 have a particular relationship.

5 Q. [16:04:44] Okay. And how many young people did you see trained? How
6 many combatants?

7 A. [16:04:55] The number? I couldn't say. *There were many of them. I don't know the number.

8 Q. [16:05:02] Fine. And how were these young people recruited?

9 A. [16:05:12] They came voluntarily. They would volunteer to be trained because
10 things weren't going well, they would volunteer to be able to defend themselves.

11 Q. [16:05:37] And you, Witness, you personally, you visited a combatant base at
12 Derrière-Rails, isn't that right?

13 A. [16:05:45] Yes.

14 Q. [16:05:45] And you recall when that was?

15 A. [16:05:47] Well, it was a long time ago. I don't recall when. *But what is certain is
16 that I went there, because I had a friend there who I knew, and I went to see him.

17 Q. [16:06:00] How many combatants were there?

18 A. [16:06:02] I don't know the number.

19 Q. [16:06:05] But approximately. Maybe 50, 100, 200?

20 A. [16:06:15] More than 30, 40, but I'm afraid I can't be specific because I don't
21 know how many they were.

22 Q. [16:06:30] All right. Do you recall who you went there with, Witness?

23 A. [16:06:37] To the camp over there, I don't recall. I don't recall *wether I went
24 with someone.

25 Q. [16:06:55] Fine. At paragraph 43 of your statement, you say the following, and

1 I'm going to read it out:

2 "I know that there was a base at Derrière-Rails. I went there myself one day because
3 I had friends who were there. Those friends were Mamadou Bamba, Sibiri and also
4 Solo."

5 So did you go to the base at Derrière-Rails with those individuals?

6 A. [16:07:29] No, I didn't go there with them. As I said to you, I had friends who
7 lived there and I went to visit them. *Mr Bamba Mamadou was living there.

8 Q. [16:07:39] Thank you very much for having clarified that for us, Witness. Now,
9 your friend Mamadou Bamba, he was living at the base at Derrière-Rails; is that correct?

10 A. [16:07:50] Yes.

11 Q. [16:07:53] And what type of work did he do?

12 A. [16:08:00] He was a refuse worker like me.

13 Q. [16:08:06] And this gentleman was a combatant; is that right?

14 A. [16:08:13] Well, I know he lived there. I don't know if he was a combatant, but
15 what is sure is that he lived there.

16 Q. [16:08:24] Did you see other people who you knew at that combatant base?

17 A. [16:08:30] No.

18 Q. [16:08:33] And why were you there, Witness?

19 A. [16:08:39] Why I was there?

20 Q. [16:08:41] Yes.

21 A. [16:08:41] Well, to visit my friend, Mamadou Bamba.

22 Q. [16:08:48] Okay. And did you see if there were weapons caches at that base?

23 A. [16:09:00] No, I didn't see anything like that.

24 Q. [16:09:06] Now, Witness, as you are a truck driver, *you know how to read a
25 card, don't you?

1 A. [16:09:12] A *card?

2 Q. [16:09:14] Yes.

3 A. [16:09:16] Well, I have my licence.

4 Q. [16:09:20] By "carte" I actually meant map. Are you able to read geographical
5 maps?

6 A. [16:09:29] Yes.

7 MS NAOURI: [16:09:36] (Interpretation) Your Honour, you said that we should limit
8 the number of documents which we use, due to reading issues, but we have a map
9 that we would like to show to the witness and we would like to invite him to indicate
10 where the three rebel bases were that he refers to in his statement.

11 PRESIDING JUDGE TARFUSSER: [16:09:51] If he's able to.

12 MS NAOURI: [16:09:53] (Interpretation) Thank you, your Honour.

13 Q. [16:09:57] Now, this is document CIV-D15-0004-2721. And this is a Google
14 Maps screen dump, and it is on our list of reference, tab 26.

15 We provided a paper copy of this map to the court officer who is with you, Witness; is
16 that okay?

17 A. [16:10:29] Yes.

18 THE COURT OFFICER: (Via video link) [16:10:33] (Interpretation) Your Honours, I
19 can confirm that I have a copy of the map here. I don't know if the quality will be
20 good on the screen, but it's certainly the map that bears the reference number that Ms
21 Naouri has just cited. And I'm putting it in front of our witness.

22 MS NAOURI: [16:11:01] (Interpretation)

23 Q. Now, Witness, can you show us on this map where the base at Derrière Rails is,
24 the one that you visited?

25 A. [16:11:16] I don't see the railway tracks, because you cross over the railway

1 *tracks and I don't see them here. I can see the highway. Madam.

2 Q. [16:12:26] I'm listening to you, Witness.

3 A. [16:12:29] I don't see the railway track. *I can see the transmission centre, and I
4 can see Banco, but I don't see the railway line.

5 Q. [16:12:44] I'm going to ask that the carte or the map be enlarged so that you can
6 see it better.

7 Court officer, could you enlarge the size of the map or zoom in on the map that we're
8 looking at in court, please.

9 Now, Witness, do you see where it's marked "Abobo Gare"?

10 A. [16:13:19] Yes.

11 Q. [16:13:21] Very well. Now, we have removed all of the information because, of
12 course, we don't want to influence you, but this is a view of the neighbourhood that
13 you were referring to. Can you indicate to us now where that base allegedly was?

14 A. [16:13:45] I can't see the railway line there, it's just behind the railway line. I
15 see "Abobo" here, this is the *transmission centre, but it's not in this area, it's in
16 another area. I can't see the railway line.

17 Q. [16:14:22] That's all right, Witness. We made an effort. Don't worry about
18 that. We'll leave this to one side now. Thank you.

19 So it's a little bit complicated, so we'll return to your -- or, we'll use your statement
20 instead, okay?

21 Can you tell us where the combatants' roadblocks were in Abobo?

22 A. [16:14:59] The roadblocks, there was one in Banco; and one at the deuxième
23 arrêt. There was a roadblock there. There were a number of roadblocks. There's
24 one at deuxième arrêt, and then one beyond the railway line, Derrière Rails.

25 Soldiers would come, each time there was a clash, roadblocks had been set up

1 everywhere, *FRCI roadblocks, but also for the civilians. The idea was to ensure our
2 security. So when there was going to be an encounter, a clash, *or when Gbagbo's
3 men were approaching, those who were manning the barricades would bang on pots
4 and then everyone was alerted to the fact that there was danger. That's why the
5 roadblocks had been put there, to ensure our security.

6 Q. [16:16:13] Okay, Witness. Now, you said that there were roadblocks that you,
7 that had been set up by the people and those that had been set up by the FRCI. Can
8 you tell me where the two different types of roadblocks were?

9 A. [16:16:32] Most of the roadblocks were at the Derrière Rails -- or, rather, the
10 FRCI roadblock, roadblocks were generally at Derrière-Rails.

11 Q. [16:16:46] Okay. And can you tell us where the roadblocks were, the other
12 roadblocks were and who was responsible for putting them in place?

13 A. [16:16:56] We had appointed individuals in the neighbourhood.

14 PRESIDING JUDGE TARFUSSER: [16:17:01] Please slow down.

15 THE WITNESS: [16:17:05] (Interpretation) As there were often clashes, we were
16 afraid. We had identified persons in the neighbourhood who would set up the
17 roadblocks.

18 MS NAOURI: [16:17:24] (Interpretation)

19 Q. [16:17:29] Witness, were you involved in those roadblocks?

20 A. [16:17:32] No, I was not personally involved with the roadblocks, so no, I didn't
21 participate in that. I wasn't qualified, so to speak, to deal with that.

22 Q. [16:17:58] And who was qualified, Witness?

23 A. [16:18:01] Sorry? What did you say?

24 Q. [16:18:04] And who was authorised or qualified to set up roadblocks?

25 A. [16:18:09] Well, there were networks set up in our neighbourhoods. There

1 were young people who were authorised to deal with the roadblocks and to ensure
2 that people couldn't enter the neighbourhood, unexpectedly enter the neighbourhood.

3 Q. [16:18:30] And the combatant groups, they were armed, were they not?

4 A. [16:18:38] The combatant groups, yes.

5 Q. [16:18:42] And how did they obtain their weapons?

6 A. [16:18:48] When there were clashes with the FDS, that's when they were able to
7 get weapons.

8 Q. [16:19:01] So you mean to say that they would take the weapons of the armed
9 forces?

10 A. [16:19:06] Yes. When there was a front, when the FDS attacked, when there
11 was a front, and when the combatants were successful, they would take the weapons.
12 That's how they, how it was that they were armed.

13 Q. [16:19:23] Okay. And, Witness, have you heard of the Commando Invisible?

14 A. [16:19:29] Yes.

15 Q. [16:19:31] And PK18 was one of the bases of the Commando Invisible, wasn't it?

16 A. [16:19:39] Yes.

17 Q. [16:19:42] And to your knowledge, did the Commando Invisible have other
18 bases in Abobo?

19 A. [16:19:48] Well, in Abobo, I would say the Commando Invisible was primarily
20 based in PK18. Perhaps they would travel into and out of Abobo, but their base was
21 there at PK.

22 Q. [16:20:18] And were there members of the Commando Invisible in Derrière
23 Rails?

24 A. [16:20:23] That, I really don't know.

25 Q. [16:20:28] Witness, who was the leader of the Commando Invisible?

1 A. [16:20:41] The leader of Commando Invisible, well ...

2 Q. [16:21:09] Witness, do you know who the leader of the Commando Invisible was
3 in your neighbourhood?

4 A. [16:21:13] Abobo?

5 Q. [16:21:14] Yes, in your neighbourhood.

6 A. [16:21:16] Well, as I just said, the Commando Invisible was based in PK18
7 because there were a number of fronts there between them and the FDS. There were
8 a number of fronts in PK18. So that's where they were based.

9 Now, I didn't particularly see him. Some people said that it was DF. But I didn't
10 really know who it was. But I did know he was based in PK. I never saw him
11 myself. I never saw him myself with my own eyes.

12 Q. [16:21:54] Very well. Now, in your statement you referred to a Commander
13 Boer; do you recall that?

14 A. [16:22:02] Yes.

15 Q. [16:22:07] Do you know Commander Boer's real name?

16 A. [16:22:12] No.

17 Q. [16:22:16] Inza Karamoko, does that refresh your memory?

18 A. [16:22:23] Inza Karamoko, no, that doesn't. I don't know that person.

19 Q. [16:22:29] Do you know where Commander Boer was based in Abobo?

20 A. [16:22:38] He was in PK.

21 Q. [16:22:40] Did Commander Boer give orders to the Commando Invisible to
22 attack the FDS and to take their weapons?

23 A. [16:23:08] I don't know because I was not a member of their group.

24 Q. [16:23:11] And do you have friends in PK18?

25 PRESIDING JUDGE TARFUSSER: [16:23:13] Why do you stand up and talk? I

1 mean, we have interpreters. It's not so easy to ...

2 MR GARCIA: [16:23:28] Two things, your Honour. First of all, this line of
3 questioning. I think we should consider the witness that the Court has before it,
4 factual witness on a specific event.

5 Second of all, the question has already been asked. The witness has answered. The
6 rest is argumentative.

7 MS NAOURI: [16:23:42] (Interpretation) This is a witness under 68(3). He is
8 referring to -- or we are referring to his statement where he refers to Commander Boer.
9 We simply are asking him for specifics in this connection. That's my first point.
10 Secondly, he states in his statement that he has friends in PK18. So my following
11 question is, did his friends tell him certain things; in other words, does he have a
12 factual source for the information he is providing? So there is nothing tendentious
13 in what I'm saying.

14 PRESIDING JUDGE TARFUSSER: [16:24:21] He said that he's never seen
15 Commander Boer, and then you asked him if he gave the orders. Well, I mean.

16 MS NAOURI: [16:24:30] (Interpretation) I'm about to ask him if it is his friends
17 who spoke to him of this matter. We also have a press article which states that Mr
18 Boer has spoken in the press of these matters. Thank you, your Honour.

19 Q. [16:24:51] Witness.

20 A. [16:24:52] Yes.

21 Q. [16:24:52] Now, you have friends in PK, or you had friends in PK18. Did they
22 talk about what Commander Boer was doing, what actions he was taking, for
23 instance?

24 A. [16:25:00] Commander Boer was a combatant.

25 Q. [16:25:17] All right. And to your knowledge, did the combatants who were in

1 Derrière-Rails join Commander Boer? *The combatants that you saw at the base in
2 Derrière-Rails?

3 PRESIDING JUDGE TARFUSSER: [16:25:40] Excuse me here, but I must say that he said
4 that he doesn't know if there were people from the Commando Invisible. So that's before.

5 MS NAOURI: [16:25:49] (Interpretation) Perhaps I should reword my question.
6 The witness said that he visited a base in Derrière-Rails and that he had a friend who
7 lived there. And so my question is whether that friend or other persons who lived
8 there and who our witness met joined Commander Boer or not.

9 Q. [16:26:10] Do you know that or not?

10 A. [16:26:12] No.

11 Q. [16:26:16] Very well. Thank you, Witness.

12 Witness, apart from Commando Camp, were there still FDS in Abobo during the
13 post-electoral crisis?

14 A. [16:27:09] Could you repeat your question?

15 Q. [16:27:12] Yes, I'll repeat. Now, aside from Commando Camp, were there FDS
16 in Abobo during the post-electoral crisis?

17 A. [16:27:25] Yes, but after the crisis, before the clashes in PK, there were FDS.
18 That's when the clashes began to increase in number in PK. It's when the FDS would
19 come, they would come to attack. And often when they attacked, they were
20 defeated and then they would retreat. That's how things went.

21 Q. [16:27:57] But I believe that there were no more forces of public order in the
22 gendarmeries and the police stations of Abobo; is that not right?

23 A. [16:28:11] Yes.

24 Q. [16:28:14] Okay.

25 A. [16:28:16] Yes, they were limited to one specific area. There was one zone

1 where they were, at Dokui.

2 Q. [16:28:29] Were you aware of the fact that the Commando Invisible attacked the
3 FDS supply convoys on a number of occasions?

4 A. [16:28:46] Well, they would fire. They would fire on everything that moved
5 whenever they left Camp Commando.

6 Q. [16:28:53] Very well, Witness. So now we have been talking about the context
7 and now I would like to home in on the day of the event, okay?

8 A. [16:29:21] Okay.

9 Q. [16:29:22] Now, what time did you leave home that morning?

10 A. [16:29:27] At what time I left home?

11 Q. [16:29:30] That's right.

12 A. [16:29:34] I got up and I left at 8 a.m. It was around 8 a.m. that I left home.

13 Q. [16:29:43] Now, did you go directly to the refuse station?

14 A. [16:29:48] Yes, that's it.

15 Q. [16:29:50] And how did you go there? Did you walk or did you take your
16 truck?

17 A. [16:29:54] I walked.

18 Q. [16:29:56] Could you tell us which route you took.

19 Excuse me, your Honour, yes, of course.

20 I'll put my question again. Could you tell us which itinerary you took that day to go
21 from your home to the station, to the garbage station?

22 A. [16:30:22] Well, *I left the paved road and then there is that spot, you know, well,
23 some short cuts. So I took some short cuts to get there.

24 Q. [16:30:44] Mr Witness, you say you took some short cuts. Could you be a bit
25 more specific?

1 A. [16:30:51] Well, there is several ways to get to the station, several ways to get
2 there. I took a short cut so I could get to the station.

3 Q. [16:31:05] Okay. *You were coming from Abobo-Bocabo, weren't you?

4 A. [16:31:13] Yes.

5 Q. [16:31:13] Okay. Did you go in front of some rebel bases *to get to the gare de vidange?

6 A. [16:31:27] No. I went by -- there were some checkpoints with volunteers. You
7 could see them. They were visible.

8 Q. [16:31:36] Okay. Now, once you got to the station, what did you do?

9 A. [16:32:19] Well, there was no work, so we were sitting there and we were
10 chatting. It was like a grin. We were chatting amongst ourselves because we
11 couldn't work.

12 Q. [16:32:35] Do you remember who you were with?

13 A. [16:32:37] Several of my friends, my friends who were drivers and apprentices.

14 Q. [16:32:55] Very well. Now, on that day Seydou Sidibet, did you see that person
15 on that day?

16 A. [16:33:07] I don't know him.

17 Q. [16:33:08] Okay. Brahima Sidibet?

18 A. [16:33:16] Don't know him.

19 Q. [16:33:18] Kola Sangaré?

20 A. [16:33:20] Huh?

21 Q. [16:33:21] Kola Sangaré?

22 A. [16:33:24] I don't know him. There is a lot of people at the station.

23 Q. [16:33:28] Drissa Coulibaly ring a bell?

24 A. [16:33:35] No. You see, each person has his partner.

25 Q. [16:33:43] Okay. Mr Witness, can you tell us exactly where you were when

- 1 your friend Lassina got to the garbage station?
- 2 A. [16:33:58] Lassina?
- 3 Q. [16:34:00] Yes.
- 4 A. [16:34:04] At the station.
- 5 THE INTERPRETER: [16:34:13] Question. The witness. Overlapping.
- 6 MS NAOURI: [16:34:15] (Interpretation)
- 7 Q. [16:34:16] Do you remember?
- 8 A. [16:34:17] Yes, yes.
- 9 Q. [16:34:20] Well, that was my next question. What is his surname?
- 10 A. [16:34:25] Bamba Lassina.
- 11 Q. [16:34:45] Very well. So exactly where were you when Bamba Lassina arrived
- 12 that day?
- 13 A. [16:34:54] I was at the station. I was at the station.
- 14 Q. [16:35:00] Yes, that's clear, Mr Witness. But the station, where were you within
- 15 that station? Were you in front of a shop?
- 16 A. [16:35:08] No. I was at the station. *The gare de vidange.
- 17 Q. [16:35:16] Okay. Were you separate from the other people that you were
- 18 chatting with, the people you mentioned earlier?
- 19 A. [16:35:42] Separated? What do you mean?
- 20 Q. [16:35:46] Well, let's take things one at a time. You get to the station.
- 21 A. [16:35:50] Yes.
- 22 Q. [16:35:51] You met up with some friends.
- 23 A. [16:35:53] Yes.
- 24 Q. [16:35:56] Then Lassina arrives, right?
- 25 A. [16:35:59] Yes.

1 Q. [16:36:02] So what did he do when he got there?

2 A. [16:36:05] Well, when he got there, we greeted one another, and what I saw, he
3 had paid for something to eat. So he was eating something. I left him. I went and
4 I sat down with the group *below the station.

5 Q. [16:36:31] Very well. And then did you meet up with him, go up and --

6 A. [16:36:38] No, I didn't go over and sit down with him.

7 Q. [16:36:42] Okay. Mr Witness, who were you with when you heard the boom
8 that day?

9 A. [16:37:06] The sound of the shell? I was, I was with Diomandé -- Koulibaly
10 Siaka -- no, pardon me -- Diomande Amara, Lassina, and Ballo Seydou.

11 Q. [16:37:28] Okay. Where were your other friends?

12 A. [16:37:31] They were sitting down. Well, where we were seated, we were
13 sitting down. We were in a group. And a truck that was full of rice, it was heading
14 towards PK, and we heard shooting, the shooting of Kalashnikovs. And he went
15 into the yard *of the station. And when he did that, I got up and he had parked his
16 truck just fine. And there was a spot, and I said okay. He's parked his truck,
17 parked it right. And when he parked his truck, I was beside him, and I wasn't able
18 to turn around and go back to my group.

19 Q. [16:38:25] Okay.

20 A. [16:38:28] And with him, we were talking and Amara and the other guy, they
21 came and met up with us there. From there I heard the noise.

22 Q. [16:38:49] Let's try to make sure we've understood all of this. Who was driving
23 the truck? Do you know the person?

24 A. [16:38:59] Yes. *I know him. His name is Lasso.

25 Q. [16:39:03] Lassina and Lasso, is that the same person?

1 A. [16:39:07] Yes, it's the same person.

2 Q. [16:39:12] Okay. And then what did you do when you heard the boom and
3 you were with Lasso and Amara?

4 A. [16:39:24] When I heard the noise, the station was full of dust. And I thought it
5 was the end of the world, because I had never heard a noise like that before. So we
6 were there and after, well, everyone scattered because the sound, it was huge.
7 Everyone panicked and everyone went off in one direction or another. They
8 scattered.

9 Q. [16:39:57] Did you see Lassina *and Amara leave, scatter?

10 A. [16:40:06] Well, we scattered together.

11 Q. [16:40:10] What direction did they head off in?

12 A. [16:40:12] Amara, he had been hit by a shell *on the head. And he went to a
13 clinic. He was running. Lasso, I didn't really see him again. You see, each person
14 tried to find shelter; each person took shelter.

15 Q. [16:40:33] Okay. Very well. And what direction were you running in?

16 A. [16:40:39] I was running, and there is a spot -- Marley, it's called. I went in
17 there to take shelter. We were afraid that there might be another explosion. So
18 everyone was afraid.

19 Q. [16:40:55] So you went into Marley neighbourhood, is that what you are telling
20 us?

21 A. [16:41:05] Yes.

22 Q. [16:41:07] How long did you spend there?

23 A. [16:41:12] Five, six minutes, something like that.

24 Q. [16:41:20] Where were you hiding?

25 A. [16:41:25] They were hiding me. Where I was hiding, huh?

1 Q. [16:41:30] I'm just waiting a little moment. I'm trying -- I was saying, were you
2 hiding in Marley neighbourhood?

3 A. [16:41:41] I didn't hear.

4 Q. [16:41:43] Mr Witness, can you hear me now?

5 A. [16:41:46] Yes.

6 Q. [16:41:46] Okay. Now, when you were in Marley neighbourhood, were you
7 hiding? Were you taking shelter?

8 A. [16:41:53] Yes.

9 Q. [16:41:54] Where?

10 A. [16:41:55] There was a stall where the carpenter -- there is a spot, like freezers.
11 So I was hiding behind that.

12 Q. [16:42:10] Okay. And then what did you do?

13 A. [16:42:18] Then I went back to the station. I went back to the station.

14 Q. [16:42:23] Okay. You didn't decide to go back home?

15 A. [16:42:26] No, no. I wanted to know what had happened.

16 Q. [16:42:32] Okay. And when you got there, what did you see, Mr Witness?

17 A. [16:42:37] When I went into the station, I saw it was a scene of desolation. My friends
18 who had been seated there, and I saw blood. *I saw that they were covered in blood.

19 Lasso, Lasso Bamba Lassina, who I had left behind I saw that he was down. The shell fell
20 just a few metres away from him, and it went right through his back. *Well, Mr Adama...

21 THE INTERPRETER: [16:43:14] Inaudible.

22 THE WITNESS: [16:43:16] (Interpretation) -- was on the bench. He had been facing the shell,
23 so it went through him as well. *I looked behind also. And I saw the bodies on the ground.

24 MS NAOURI: [16:43:27] (Interpretation)

25 Q. [16:43:29] Okay. Just to make sure we've understood, the first thing that you

1 saw when you got there, that was Lasso. You first --

2 A. [16:43:41] Lasso was a bit behind. The first thing I saw coming, well, when I
3 got, when I went back, I saw the table where we had been seated. I saw the shoes.
4 And they were in blood.

5 Q. [16:43:57] Okay. And when you got there, did you see the shops that had been
6 destroyed? What did you see around you?

7 A. [16:44:16] Well, *I didn't go in the direction of the shops. I was at the station.
8 And when I saw my friends who had died, I was there, I looked at them. I don't
9 think there were any shops destroyed. I wasn't over by the shops. The shops were
10 off to the side, not where our grin was.

11 Q. [16:44:38] Okay. Very well. And did you see some people who were injured
12 and did you go *help them?

13 A. [16:44:46] The injured? They were there, but what I was interested in, I wanted
14 to see who had died. That's what I wanted to see.

15 Q. [16:45:01] Okay. So first you went to see the people who had died?

16 A. [16:45:13] Yes, that's right.

17 Q. [16:45:17] Did you help the people who were injured?

18 A. [16:45:20] The people who were injured, that was Sidi and the others who were carrying
19 them. They put them into a wotro, *like Mr. Daou, the man whose leg had been fractured.

20 Q. [16:45:33] Okay.

21 A. [16:45:41] Mr Daou.

22 Q. [16:45:43] And Sidi was already there?

23 A. [16:45:44] Yes, he was already there.

24 Q. [16:45:45] Okay.

25 Now, you say that you were helping injured people; is that when you covered up the

1 bodies?

2 A. [16:46:09] Well, the bodies were there, and Lasso, he was down on the ground.

3 I think the relatives came to get them. Same thing for the one who was lying on the

4 table, Adama, his relatives came and got him. That's what happened.

5 Q. [16:46:35] Okay.

6 Who alerted their relatives?

7 A. [16:46:42] *We knew their relatives. We worked with them, you see.

8 Q. [16:46:54] Okay.

9 So let's take it one thing at a time slowly. So when did you, yourself, see Daou that
10 day?

11 A. [16:47:10] Before or after his injury?

12 Q. [16:47:14] After.

13 A. [16:47:16] *I saw him in the wotro.

14 Q. [16:47:20] So he was already in the wotro?

15 A. [16:47:26] When I saw the dead people, when I went and looked at the dead
16 people, there was some more shooting. There was some shooting outside. So after
17 that, I saw him in the wotro.

18 Q. [16:47:46] Very well. Did you call his friends or relatives to say he was in the
19 wotro?

20 A. [16:47:59] No, I didn't call those people. But I knew his wife. *He was a bit far
21 from the station. I didn't know the wife's cell phone number.

22 Q. [16:48:13] Okay. No problem

23 MS NAOURI: [16:48:22] (Interpretation)

24 Q. [16:48:23] Amara, did you see him personally yourself that day?

25 A. [16:48:26] No.

1 Q. [16:48:30] And Solo, the older person?

2 A. [16:48:38] Yes. His big -- well, the -- we could see the nerve, the heel, the nerve
3 of his heel, it was cut. *But he is still there, up till today.

4 Q. [16:48:58] And who came to help him, old Solo, that day?

5 A. [16:49:05] That day, the same person, Sidi, the one who carried him to the
6 hospital in the wotro, W-O-T-R-O.

7 Q. [16:49:20] Very well. And what about Yaya, did you see him yourself that day?

8 A. [16:49:33] Yes, I saw him.

9 Q. [16:49:38] Did you try to help him?

10 A. [16:49:44] No. *I could not, because his injuries were too serious.

11 Q. [16:49:50] Do you know Yaya's brother? *Diakité Lanzeni?

12 A. [16:49:56] Truly, well, they're shopkeepers, so we really don't deal with them. I
13 can see his face, but we really don't have contact.

14 Q. [16:50:09] Okay, that's not a problem. I'm just asking you the question.
15 But did you see him that day? Was he there to help Yaya?

16 A. [16:50:22] *Diakité Lanzeni? That's what I said, I saw a man who stopped
17 beside Yaya. I don't know if it was him or someone else.

18 Q. [16:50:33] Now, you say that there was someone beside him, a man beside him.
19 You saw a man?

20 A. [16:50:45] I saw a man -- you see, he was -- he was injured. There was someone
21 beside him. I don't know if it was his brother or -- I don't know.

22 Q. [16:51:03] Okay. *Did you see Kouyaté Tahirou on that day?

23 A. [16:51:14] There were too many people. *Tahirou, I know him, but I don't
24 remember seeing him.

25 Q. [16:51:34] Okay. Mr Witness, now, you have said paragraph 42 of your

1 statement, you explained some things about the video *that you had handed over to
2 the investigators of the OTP, and you said this, from timestamp 1.50 to 2.09, you said
3 that you could see Yaya seated and his legs were *crushed. He died two days later.
4 How did you know that he died two days later?

5 A. [16:52:03] Well, his relatives were there.

6 Q. [16:52:07] Mr Witness, please be more specific. Where were these people?

7 A. [16:52:14] Well, they had a shop there. That's where they worked. So the
8 other people working in the shop were there. And we learned from them that he
9 had died two days later, because we went to ask to see how he was, and we were told
10 that he had died. It was the shopkeepers. They're shopkeepers and we are
11 work -- we are truckers so ...

12 Q. [16:52:43] Okay. Do you remember who told you that, the name of the person?

13 A. [16:52:47] I no longer recall, but I know that we found out by going to the shop.
14 We went and we asked. But it was a long time ago.

15 Q. [16:52:59] No problem, Mr Witness. Mr Witness, do you remember that
16 someone filmed you that day? Do you remember that?

17 A. [16:53:21] Me? No, I wasn't filmed.

18 Q. [16:53:25] Okay. Mr Witness, I'd like to show some video footage to you.
19 They were put up on YouTube and they are thus public documents. The first one,
20 I'll give the reference for the case file, CIV-D15-0004-2732. *It was put on YouTube in
21 2011, on 19 March. We'll show the entire video footage and then we'll show you a
22 second piece of footage, CIV-D15-0004-2733. It was uploaded *on 14 April 2014,
23 uploaded and put on YouTube. And we'll also play the entire item to you. This
24 is -- these are tabs 33 and 34 on our list of items.

25 (Viewing of the video excerpt)

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1 MS NAOURI: [16:59:28] (Interpretation)

2 Q. [16:59:37] Witness, can you hear me?

3 A. [16:59:39] Yes.

4 Q. [16:59:51] I'm sorry, Mr Witness, I didn't hear you for a moment.

5 Now, the footage we just saw, it's the same footage as what you gave to the OTP?

6 A. [17:00:01] That's right.

7 Q. [17:00:03] So the video that you handed over to the OTP was already online, it had

8 already been online *since 19 March 2011. Had you seen the footage online before le

9 coxer turned it over to you personally, the video that you gave to the OTP investigators?

10 A. [17:00:24] No, I hadn't seen the video. It was after they showed it to me that I --

11 THE INTERPRETER: [17:00:34] Inaudible.

12 THE WITNESS: [17:00:35] (Interpretation) I don't know that it had been --

13 MS NAOURI: [17:00:38] (Interpretation)

14 Q. [17:00:39] Okay. So you had never seen the footage before?

15 A. [17:00:41] No. Maybe on television. I don't know. But I might have seen it

16 on television. I don't know. I don't know. It was after that I saw the video on his

17 mobile and he said he had shot it.

18 Q. [17:01:06] And you didn't ask this man his name when he gave you the footage?

19 A. [17:01:11] No, I don't remember anymore.

20 Q. [17:01:16] And did you see that man again? Did you see him in the period

21 between the incident and the point in time when he gave you the video?

22 A. [17:01:33] What did you say?

23 Q. [17:01:35] That individual who gave you the video, the coxer --

24 A. [17:01:41] Yes.

25 Q. [17:01:41] -- did you see him at any point between the incident and the day that

1 he gave you the video?

2 A. [17:01:46] Yes, I saw him.

3 Q. [17:01:48] So two years elapsed before he provided you with that video?

4 A. [17:01:58] *Yeah, yes. But I wasn't interested. I didn't show any interest. It's
5 just one day that I saw it with him, *then I took it.

6 Q. [17:02:11] And how did that come about, Witness?

7 A. [17:02:14] I saw his mobile phone. *He was looking at the films. And I asked
8 him if he had filmed. *He said yes, then I told him to give it to me, and I would copy
9 it. That is because on the day of the events, I did not have a mobile phone that could
10 record, so I could not film anything. Those of them who had androids filmed the
11 events. It was only later that I copied the recordings from them.

12 Q. [17:02:44] All right. So on the day that you got the video from him, *you had
13 an android phone?

14 A. [17:02:53] Yes. On the day of the events I didn't have that phone.

15 Q. [17:03:02] Okay. What I want to establish is who took the film, who shot it.
16 *Did he tell you that he was the one who had shot the video?

17 A. [17:03:08] I saw the video on his mobile phone, I showed an interest in it and he gave it to me.

18 Q. [17:03:18] So he had a video on his mobile phone, but he didn't say to you that
19 he himself had videoed it, that he himself had shot it?

20 A. [17:03:29] No. I just said to him, "Give me the video."

21 Q. [17:03:37] And how did he provide you with the video, technically speaking?

22 A. [17:03:43] Well, he transferred it to my phone using Bluetooth.

23 Q. [17:03:49] And when he transferred it using Bluetooth, I suppose his name and his
24 number must have appeared. I guess you had to synchronise your phones, right?

25 A. [17:03:59] No. His name didn't come up.

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1 Q. [17:04:04] Okay. Thank you very much.

2 Your Honour, I do see the time.

3 PRESIDING JUDGE TARFUSSER: [17:04:10] Yes, the registrar has already decided
4 that we have to go, so it's like in the restaurant when they put the receipt on the table.
5 Therefore, it's just over 5 o'clock, I think we have to close this for today and for this
6 week and to re-adourn on Monday at 9.30 for the continuing of the questioning by
7 the Defence for Mr Gbagbo, you have one hour left, and then to revert to the Defence
8 for Mr Blé Goudé. Yes, please, Mr Garcia.

9 MR GARCIA: [17:04:51] Yes, your Honour, if the Court would just give me 30
10 seconds outside the presence of the witness. It's regarding these last videos that
11 were shown by the Defence counsel.

12 PRESIDING JUDGE TARFUSSER: [17:05:00] Can we not do that in the morning
13 before we start?

14 MR GARCIA: [17:05:05] Yes, your Honour, that can be done.

15 PRESIDING JUDGE TARFUSSER: [17:05:08] Yes, because it's late.
16 So we finish for today the hearing. We see each other again at 9.30 our time, at 8.30
17 your time on Monday. Have you understood, Mr Witness?

18 THE WITNESS: [17:05:26] (Interpretation) Yes.

19 PRESIDING JUDGE TARFUSSER: [17:05:35] Thank you very much. Thank you to
20 the Court, people of the Court in the remote location, thank you for this week.
21 The hearing is adjourned to Monday, 9.30. Thank you very much.

22 THE COURT USHER: [17:05:48] All rise.
23 (The hearing ends in open session at 5.05 p.m.)