

Trial Hearing
WITNESS: CIV-OTP-P-0440

(Private Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 11 May 2017
10 (The hearing starts in private session at 10.03 a.m.)
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Trial Hearing
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(Open Session)

ICC-02/11-01/15

1 (Open session at 10.04 a.m.)

2 THE COURT OFFICER: [10:05:12] We are in open session, Mr President.

3 PRESIDING JUDGE TARFUSSER: [10:05:14] Thank you very much. Can the
4 witness be brought in.

5 I just would like to say that yesterday the Office of the Prosecutor took one hour and
6 23, just for the record, out of the four envisaged. We will be quite strict. I don't cut
7 the word in half when four hours come, but very close to. So please try to be as
8 concise and to the point as possible. I will at the end of the next two days now, we
9 have a two hours session, we have extended hours today because this witness has to,
10 his testimony has to be finished by tomorrow evening in any case, therefore, we
11 started today having extended hours, so we go until 12 o'clock, and at the end I will
12 tell you how much time you have left so that you can organise yourself for the
13 beginning of the session after lunch.

14 So at 12 we go for lunch. Then we see where we stand. But eventually we go for
15 extended hours today the whole day so that tomorrow we are not so much under
16 pressure. Okay.

17 MS PACK: [10:06:45] Thank you, Mr President.

18 PRESIDING JUDGE TARFUSSER: [10:06:47] Now, good morning, Mr Witness.

19 WITNESS: CIV-OTP-P-0440 (On former oath)
20 (The witness speaks French)

21 THE WITNESS: [10:06:55] (Interpretation) Good morning.

22 PRESIDING JUDGE TARFUSSER: [10:06:56] Now we have the second day. The
23 floor is again to the Office of the Prosecutor.

24 And, Ms Pack, yours the floor.

25 MS PACK: [10:07:06] Thank you, Mr President.

1 QUESTIONED BY MS PACK: (Continuing)

2 Q. [10:07:12] Good morning to you, Mr Witness.

3 A. [10:07:15] Good morning, madam.

4 Q. [10:07:17] Now, I would like to start today with a new topic from yesterday. I
5 want to ask you about this, were there RDR premises in Yopougon?

6 A. [10:07:42] There were RDR premises in Yopougon. I think that's the best
7 answer I can give. But there is also a headquarters which was not in Yopougon.
8 But they did have premises in Yopougon.

9 Q. [10:08:08] And in Wassakara, what was there?

10 A. [10:08:19] One of their headquarters was Wassakara. Let me explain. They
11 had a main headquarters, which I believe is in Cocody, and then in each commune
12 they had a smaller headquarters. And so in Yopougon Wassakara they had a
13 smaller headquarters there.

14 Q. [10:08:42] About how far was the smaller headquarters in Yopougon Wassakara
15 from your commissariat?

16 A. [10:08:49] It was about 600 to 800 metres.

17 Q. [10:09:13] Now, during the crisis, was there an incident at this location that you
18 recall?

19 A. [10:09:19] Yes, indeed, there was a serious incident at the RDR headquarters in
20 Yopougon Wassakara.

21 Q. [10:09:38] Tell us please how you learned about the incident.

22 A. [10:09:54] Well, I was working at night once, and my boss called me and told me
23 that at the RDR headquarters in Yopougon Wassakara, they were passing out
24 weapons and that we needed to go there to check that piece of information, and so we
25 went. I took a group of police officers with me, including Lieutenant Kouakou

1 Mathurin, who was on duty that night, and we went to the RDR headquarters in
2 Wassakara.

3 But we had to stop when we got to Keneya. Keneya is an intersection which we call
4 Keneya. It's about a hundred metres approximately from that headquarters.

5 Q. [10:11:00] Let me just pause you there one moment. The boss who contacted
6 you about and told you as a result of the information from your boss you went to this
7 location, was that Tiagnéré you're talking about?

8 A. [10:11:20] Yes, it was Commissioner Tiagnéré.

9 Q. [10:11:37] When you got to the Carrefour Keneya, were there any other units
10 apart from your own?

11 A. [10:11:59] Yes, we were joined there by a BAE unit, a unit of the marine and
12 a -- well, I don't remember, but I think there was also a unit of gendarme.

13 Q. [10:12:18] Now, what time of day, if you can recall, did you get to the carrefour?

14 A. [10:12:39] It was around 10 o'clock in the evening, I believe.

15 Q. [10:12:42] And from the carrefour, did you then proceed to the RDR
16 headquarters?

17 A. [10:12:48] Yes. We had to move forward toward the headquarters, because it
18 was dark in the area. The electricity had gone out in that area. We didn't really
19 know why. And people were afraid in that sector, that area.

20 It was unusually quiet and calm in that area. So we -- people were afraid. And
21 amongst the men who were there, many of them didn't want to continue moving
22 forward. I had to go because I was in charge. I was the number one man in charge
23 of that zone; and, therefore, I went with Lieutenant Kouakou Mathurin and a couple
24 of other courageous men who followed us.

25 Q. [10:13:58] Did you see anything as you approached the premises, the

1 headquarters?

2 A. [10:14:01] Yes. At the entrance to the headquarters there were three bodies,
3 three human bodies stretched out in a pool of blood. And we went inside of the
4 headquarters, the RDR headquarters, and we saw other bodies. In all there were
5 nine dead killed by bullet wounds and about 14 wounded also by bullets.

6 Q. [10:14:53] When you were inside the premises, did you speak to anyone?

7 A. [10:15:05] Yes. Amongst the wounded there was one of them who recognised
8 us spontaneously, and he came to me. When he saw me he said, "I know you. You
9 are the commissioner of the 16th arrondissement." And I said, "Yes, that's true.
10 And who are you?"

11 He said he was the younger brother of Lieutenant Diarrassouba, who around 1998 to
12 2000 had been the commander of the urban corps in the 16th arrondissement. He
13 said he was the younger brother. And so I asked him, "What happened here?"
14 And he answered that it was the gendarme in the Yopougon squad who came and
15 shot at them.

16 Q. [10:16:04] Who is to your knowledge the commander of the gendarme
17 Yopougon squad?

18 A. [10:16:10] It was Commander Koukougnon.

19 Q. [10:16:26] And where were they based? What was the location of their base?

20 A. [10:16:36] Their base was in Yopougon Toits Rouges, not far from the
21 commissariat of the 19th arrondissement.

22 Q. [10:16:47] Now, when you were at the scene, did you report to anyone, as in
23 orally, did you use your mobile phone or any other device to contact anyone?

24 A. [10:16:58] Yes. Right away I called my boss who had sent me, and I told him
25 that it wasn't just a distribution of weapons but, rather, the gendarme had come to

1 shoot at civilians at this place. That's what I told him. And he said he joined me on
2 site.

3 I also called Commander Koukougnon from the gendarmerie, because I had his
4 number as well, and I asked him if he was aware of a mission of his men at the RDR
5 headquarters in Wassakara. *He answered me saying "yes. They have just told me
6 that they came from there – I don't know who had sent the men there". That is what
7 he told me. I told him about the massacre that we were faced with.

8 Q. [10:18:15] Did he say anything in response to that?

9 A. [10:18:27] Yes. He said he didn't know who had sent them there. He said,
10 "They're going to kill me." In other words, he meant that people were going to create
11 problems for him.

12 Q. [10:18:46] Did you know what he meant by that? Did you understand what he
13 meant by that, "problems for him"? What did that mean to you?

14 A. [10:18:53] He was saying that his men had committed a misdeed and that he
15 might lose his job or create problems for him. And so that's what he was thinking
16 when he said "I don't know who sent them there, and they're going to kill me." I
17 think that's what he meant.

18 Q. [10:19:22] How long were you at the scene that night?

19 A. [10:19:30] We stayed there until 4 or 5 in the morning approximately, because
20 we had to remove the bodies. And the hearse that was supposed to come was
21 supposed to come from IVOSEP in Treichville. And at the time, at that time of night,
22 the vehicles didn't go out. They were afraid to come, and so they had to be escorted
23 to come and pick up the bodies until they completed removing the bodies. And the
24 injured managed on their own to go and get care.

25 Q. [10:20:23] Now, in these hours that you were there on site, were there

1 any -- who was with you, apart from Kouakou, who you've identified, who was with
2 you at the scene?

3 A. [10:20:39] I mentioned Lieutenant Kouakou Mathurin and two or three other
4 men who followed us. And when we realised on site that it wasn't just, well, it
5 wasn't distribution of weapons, I called my boss and he came on site. And all of the
6 forces in the area came and joined us as well as the deputy chief.

7 Q. [10:21:13] By the deputy chief you mean whom?

8 A. [10:21:20] *I believe it was Koffi Yao Franck, commissaire principal if I'm not
9 mistaken.

10 Q. [10:21:35] And where was he based? What was his position?

11 A. [10:21:40] He was based in the same premises where we were. He was my
12 boss's deputy. So they were in the same offices.

13 Q. [10:22:01] Now I want to ask you about the investigative steps that you took on
14 the scene. First of all, let me ask you this, did you see in the premises any weapons?

15 A. [10:22:15] No, there were no weapons.

16 Q. [10:22:32] What steps did you take? You talked about the bodies being
17 removed by IVOSEP. What other steps did you take while you were at the
18 premises?

19 A. [10:22:57] We asked two witnesses not to leave because we wanted to take their
20 statement around 5 o'clock in the morning. Until 6 or 7, we were with them at the
21 commissariat to question them according to normal procedures.

22 Q. [10:23:19] And were there any photographs taken of the scene or any other way
23 in which the scene was documented?

24 A. [10:23:31] Yes. *I myself took photographs and also videos at the time because
25 I had a digital camera that I took from the office. I returned to the site because I

1 thought that it was a very serious situation, so I took photographs and videos as well.

2 There was blood everywhere, all of that, and I filmed it all at the time.

3 Q. [10:24:06] Did you retain those photographs and those video images?

4 A. [10:24:11] No, I did not keep them. I had to erase them. Given what was said
5 on the television news, I understood that I needed to erase them. So I erased the
6 photographs and the videos, but I still have the digital camera.

7 Q. [10:24:44] Do you have the photographs on the camera or just the camera itself?
8 I think you said you erased the photographs.

9 A. [10:25:03] Yes, I erased both the photographs and the videos.

10 Q. [10:25:08] The television news, you say you erased these images, recordings as a
11 result of what you saw, what was said on the television news. Tell us about that,
12 please. When did you watch a broadcast related to this incident?

13 A. [10:25:30] The next day. The event took place during the night. We
14 interviewed the witnesses until 6 or 7 in the morning, and that very same day on the 1
15 o'clock news, I was interested to see what was going to be said about that incident.

16 Q. [10:26:04] And what was said?

17 A. [10:26:12] On the 1 o'clock news, they said that there had been gunshots
18 exchanged between military soldiers and RDR members who were there.

19 Q. [10:26:27] What channel was this on?

20 A. [10:26:32] It was on channel 1 of the RTI.

21 Q. [10:26:42] On the journal télévisé?

22 A. [10:26:47] Yes, indeed.

23 Q. [10:26:56] Now, why was it as a result of what you heard on the news, the
24 particular thing that was said, that there had been gunshots exchanged between
25 military soldiers and RDR members, why was it that that report prompted you to

1 erase the record you had of the physical environment at the scene when you went
2 there?

3 A. [10:27:27] Because I said to myself that clearly they wanted to give a
4 misrepresentation of the facts and not say the truth. So I didn't want anyone to
5 discover on my person in my possession a video or photographs that showed the
6 actual facts.

7 Q. [10:27:58] Who, who wanted to misrepresent the truth so far as you were
8 concerned?

9 A. [10:28:06] I don't really understand your question.

10 Q. [10:28:19] Well, you say "they wanted to give a misrepresentation of the facts."
11 RTI did or who else? Who did you think wanted to misrepresent the truth?

12 PRESIDING JUDGE TARFUSSER: Maître Altit.

13 MR ALTIT: [10:28:39] (Interpretation) Objection to this question, your Honour.

14 MR KNOOPS: [10:28:50] Mr President, may we add that the witness is being asked
15 what he thinks. And the instructions of the Chamber are always to the witnesses not
16 to prompt on -- (Overlapping speakers)

17 PRESIDING JUDGE TARFUSSER: [10:29:02] Can you rephrase, please.

18 MS PACK: [10:29:07] Yes, your Honour, of course I'll rephrase.

19 Q. [10:29:15] Did you come to an understanding at any point as to why it was the
20 facts were being misrepresented in this way?

21 PRESIDING JUDGE TARFUSSER: [10:29:36] I understand that it's similar.

22 Were these facts misrepresented from your point of view?

23 THE WITNESS: [10:29:57] (Interpretation) Well, the facts were presented in an
24 erroneous fashion to hide the truth.

25 PRESIDING JUDGE TARFUSSER: [10:30:09] And how was this truth which you saw

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1 and lived, how was this truth hidden? What was said?

2 THE WITNESS: [10:30:22] (Interpretation) I have told you that at the 1 p.m. news it
3 was said that there was an exchange of gunfire at the Wassakara headquarters
4 between elements of the armed forces and armed elements of the RDR, and this was
5 obviously wrong.

6 PRESIDING JUDGE TARFUSSER: [10:30:57] So the wrong thing was the exchange,
7 the fact that there was an exchange?

8 THE WITNESS: [10:31:11] (Interpretation) Yes, indeed. The fact that there was an
9 exchange, and yet there was no exchange at all. These were people who had been
10 killed in cold blood.

11 PRESIDING JUDGE TARFUSSER: [10:31:22] Okay. Now I think it's clear.

12 MS PACK: [10:31:24] Yes, it's clear.

13 PRESIDING JUDGE TARFUSSER: [10:31:25] Thank you.

14 MS PACK: [10:31:26]

15 Q. [10:31:34] Did you report your observations in writing?

16 A. [10:31:48] Yes. I prepared a written report which I forwarded to the hierarchy.

17 Q. [10:31:56] Let me just please call up 0046-0099, OTP prefix. I'm going to bring
18 up a report that will be in front of you on the screen there. I have a hard copy, and I
19 think from yesterday your preference would be to look at that.

20 So let me just please ask the court officer, if possible, to give the witness a hard copy,
21 which we have.

22 Just so we're clear on the screen, if we could just turn to the following page, 0100. So
23 the second page, please, of this document, Witness, the one that's the hard copy in
24 front of you. Page 0100 for the record. I'm going to ask you to read through the
25 document at page 0100 to page 0101 and then the last page of that document at page

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1 0102. And, Witness, I'd just ask that you take your time to do that and you tell us
2 when you are done. And for the Chamber, perhaps we could just scroll slowly
3 through these pages so that everyone in the Court can see it.

4 Let me state for the record, this document is dated 2 December, the one at page 100 to
5 101, 2 December, addressed to Monsieur de Préfet de Police d'Abidjan.

6 (Pause in proceedings)

7 MS PACK: [10:35:04] Perhaps it's time for the second page. We're thinking at the
8 same time. Thank you.

9 Q. [10:36:01] First question. Are you ready, Witness?

10 A. [10:36:08] Yes, I am.

11 Q. [10:36:12] First question, page 101, which is the second page. The signature
12 there on 101, is that your signature?

13 A. [10:36:24] Yes, it is in fact my signature.

14 Q. [10:36:29] And this is a document addressed from you to the préfet de police
15 d'Abidjan?

16 A. [10:36:39] Yes, that is correct.

17 Q. [10:36:42] Does it relate to the incident that you've just described?

18 A. [10:36:51] Yes, except that here, instead of nine bodies, it is four bodies and
19 seven injured. The events took place about six years ago, so maybe my memory is
20 not quite correct. But regarding the specific facts themselves, they correspond to
21 what I said.

22 Q. [10:37:21] Thank you. We see at the very top there, we see your name and we
23 see what looks to be a fax number. Is that your -- was it at the commissariat your fax
24 number?

25 A. [10:37:36] I think, yes. But I no longer remember my number when I was in the

1 Yopougon commissariat. But I think that is the one.

2 Q. [10:37:54] Did you send this document, if you recall, by fax upon -- once you
3 had written it?

4 A. [10:38:06] Yes, I sent it by fax.

5 Q. [10:38:12] Did you receive any response to this report that you sent by fax to the
6 préfet?

7 A. [10:38:22] No response at all.

8 Q. [10:38:33] I want to ask you please just a couple of things about this document.
9 If we go to the second signature page, the person -- this large paragraph in the middle
10 of the page, you say, quote, (Interpretation) "We met a survivor whose name was
11 Loua Valery Valence."

12 Who was that? Was that the man you spoke about earlier or was that another
13 survivor?

14 A. [10:39:18] I think it was another one, because the one I talked about, his name
15 must have been Diarrassouba. And when I look at the document, in fact, there is a
16 person there named Diarrassouba Moussa, and I think he was the one.

17 Q. [10:39:43] I see that. That's at page 0100 where you list the wounded persons,
18 going over to page 101.

19 A. [10:40:05] Yes, indeed.

20 Q. [10:40:09] Just going over the page briefly to 102, there is a name there at the
21 very top, the officer I believe who takes the procès-verbal, Dadie Kalvados. Could
22 you identify who that is, at the very top of the page, 102.

23 A. [10:40:35] Yes, Lieutenant Dadie Kalvados was an officer who was working in
24 my commissariat in the 16th arrondissement. I believe he's still there today.

25 Q. [10:41:03] And then just going back again to page 101 at the bottom paragraph

1 there: (Interpretation) "Mentioning that following the statement of the latter, we
2 contacted Commander Koukougnon by telephone."

3 (Speaks English) I'll take it up to the last two sentences: (Interpretation) "He
4 answered us" -- (Speaks English) I'll just go into English again. This is in relation to
5 an operation at Yopougon Wassakara. In French: (Interpretation) "He answered us
6 in the affirmative and stated that his elements informed him that they had been
7 compelled to retaliate after having come under fire. They even detained some
8 people at that location and took them to their base."

9 (Speaks English) Now, I think you've been clear about this, but let me just be sure
10 about what your evidence is. Was there any evidence in the premises that you
11 investigated, any evidence of an exchange of fire?

12 A. [10:42:37] There was no evidence of an exchange of fire, and I wrote it down
13 because I could not write in the report that Commander Koukougnon had told me
14 that his elements would kill me, but that is what he told me. He said, "I don't know
15 who sent them there. These people will kill me."
16 It is true that he called me -- it is later that they said that they carried out an operation
17 there where they had come under fire. Otherwise, when I had called him, he had
18 said precisely this: "I do not know who sent them there. They are going to kill me."

19 Q. [10:43:38] Why couldn't you write in the report what Koukougnon, it may seem
20 obvious to you, but why could you not write in the report what Koukougnon in fact
21 told you?

22 A. [10:43:49] Because amongst brothers in arms we more or less cover each other,
23 so I could not imagine including such a detail in the report.

24 Q. [10:44:13] Whose responsibility was it to investigate this incident?

25 A. [10:44:26] According to the procedure, the responsibility would be the public

1 prosecutor, prosecutor of the republic. So I called him to report to him about the
2 event that took place the previous night. And he said, "Yes, duly noted. Follow the
3 procedure and send me a report." That is all.

4 Q. [10:45:07] And did you do that, send him a report?

5 A. [10:45:18] Yes, absolutely. We followed the normal procedure and we sent him
6 a report.

7 Q. [10:45:28] What was the name of the public prosecutor, do you recall?

8 A. [10:45:35] At that time it was Prosecutor Rouba Daléba.

9 Q. [10:45:56] Were you aware of any criminal or other legal proceedings into this
10 incident?

11 A. [10:46:12] No. There were no proceedings. I do not believe there were any
12 proceedings.

13 Q. [10:46:26] And were you aware of any other sort of inquiry or investigation into
14 this incident?

15 A. [10:46:34] I do not believe so, because if there had been an inquiry, at least I or
16 my elements who had been present during that event, during the report, would have
17 been questioned on the matter.

18 Q. [10:47:08] You've described this incident as involving a gendarme. Was there
19 any point at which so far as you understood your obligations to be that the police
20 should hand over the investigation to the gendarmerie?

21 PRESIDING JUDGE TARFUSSER: [10:47:35] Maître Gbougnon.

22 MR GBOUGNON: [10:47:37] (Interpretation) Mr President, she said "do you
23 think." That would mean an opinion.

24 MS PACK: [10:47:51] Well, I mean, really, I think there are some things that -- I think
25 this witness can be asked about the investigative process. I mean, he is a police

1 officer.

2 PRESIDING JUDGE TARFUSSER: [10:48:08] You have described this, in English, it
3 sounds, you have described this incident as involving a gendarme. Was there at any
4 point at which so far as you understood your obligations to be that the police should
5 hand over the investigations to the gendarmerie?

6 Well, it could be formulated much more easy, saying should this, according to the law,
7 should this investigation have been handed over to the gendarmerie?

8 MS PACK: [10:48:50] Perfect question.

9 Q. [10:48:52] Would you answer that question, please, Mr Witness?

10 A. [10:48:58] In practice, this is how it happens. Policemen do not carry out
11 inquiries against gendarmes. And gendarmes also do not carry out inquiries against
12 the police. If there are proceedings relating to facts incriminating gendarmes, we
13 have a military tribunal, and that would deal with that issue. And that is the same
14 case with the police. If the police commit crimes, they are prosecuted by the military
15 tribunal. That is what happens.

16 So in principle, when we forwarded the report to the prosecutor, quite often he would
17 forward it to the military prosecutor, who would then initiate proceedings against the
18 perpetrators. That is what happens.

19 Q. [10:50:18] And in this case, so far as you were aware, did that happen? Was
20 that process followed?

21 A. [10:50:27] As far as I know, no.

22 Q. [10:50:39] I'll move on. Thank you, Mr Witness. I'll move on from this
23 incident. You can put aside that document.

24 I'd like to ask you about another report, a different topic. If we could move please
25 and have brought up 0046-0031, OTP prefix. I have a hard copy for the witness.

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1 Please, could we have that passed to the witness.

2 Right. If you would just take your time please, Mr Witness, and look at this
3 document. When you are ready, let us know.

4 I should have said these are all public documents, for the court officer, madam
5 registrar.

6 Now, could you tell us who wrote this report, if you know?

7 A. [10:53:02] I was the one. This is my handwriting.

8 Q. [10:53:10] When did you write it?

9 A. [10:53:17] 25 February 2011.

10 PRESIDING JUDGE TARFUSSER: [10:53:24] But it's written over there.

11 MS PACK: [10:53:26] Of course.

12 PRESIDING JUDGE TARFUSSER: [10:53:27] Yes.

13 MS PACK: [10:53:27]

14 Q. [10:53:28] We see, and I'll just refer to the fax line at the very top, and the time
15 there at 08.40. Was this report then, just to confirm this, was it sent, was it faxed at
16 8.40 a.m. on 25 February 2011?

17 A. [10:53:48] Yes, that is correct.

18 Q. [10:53:58] And does it reflect the content, the information that you had received
19 as at 08.40 hours on 25 February 2011?

20 A. [10:54:10] Yes, indeed.

21 Q. [10:54:24] Just to finish, it was sent to whom?

22 A. [10:54:30] As was the normal practice, to the prefect to police.

23 Q. [10:54:52] Right. We can put that report aside, please.

24 I would like to have shown up on the screen document 0046-0029. Again, public. It's
25 the OTP prefix. I have a hard copy again for the witness, if that could be passed to him.

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1 Again, Mr Witness, just take your time to read through the document and let us know
2 when you are ready.

3 (Pause in proceedings)

4 MS PACK: [10:56:45] For the Court, perhaps we can move to the second page, just
5 for the document on the screen. The witness is of course reading the hard copy.

6 Q. [10:57:43] Ready?

7 A. [10:57:44] Yes, yes.

8 Q. [10:57:46] Let me just ask you, the second page, it's page 0030, is that your
9 signature there at the bottom of the end of this report?

10 A. [10:57:55] Yes, in fact, it is my signature.

11 Q. [10:58:06] And just going back, please, to the first page, 0029. Again, for the
12 record, is this a report that was written by you on the 28 February 2011?

13 A. [10:58:38] Yes, correct.

14 Q. [10:58:41] To whom is it addressed?

15 A. [10:58:46] To the police prefect.

16 Q. [10:58:54] And we see the fax line there at the very top of the page. It's a little
17 bit unclear on the screen, but can you tell us what time on the 28th this document was
18 faxed to the préfet?

19 PRESIDING JUDGE TARFUSSER: [10:59:15] 19.05.

20 MS PACK: [10:59:17] Your Honour has better eyes than me because I couldn't see it.
21 Thank you.

22 Q. [10:59:21] 19.05 on the 28th, is that the time at which it was faxed?

23 A. [10:59:28] Yes, correct.

24 Q. [10:59:32] *And just to be clear, where were you, where were you exactly
25 situated on 28 February 2011 at 19h15?

1 A. [10:59:39] I was in my office, and it is from my office that I fax all documents.

2 Q. [10:59:55] And I'm actually talking about the 25th. So this is the 28th. But on
3 the 25th, do you recall where you were situated on 25 February 2011?

4 A. [11:00:07] I would have been in my office.

5 Q. [11:00:18] And do you recall if you left your office that day?

6 A. [11:00:28] Yes. *On the 25th, I left my office around 7 o'clock --

7 THE INTERPRETER: [The interpreter is not sure.]

8 *THE WITNESS: [11:00:40] (interprétation) -- because we heard that a SOTRA bus was on fire.

9 We therefore went to the place to see what was going on, who had set the fire and what we
10 could do in order to possibly arrest them.

11 MS PACK:

12 Q. [11:00:58] And let's just be correct with the time here, I think you said, was it
13 0700 hours; was that the time?

14 A. [11:01:06] Yes, it was indeed 7 o'clock in the morning.

15 Q. [11:01:18] And is this the information that you relate here on the first page of
16 this document? If we can just see the whole page, at page 0029.

17 A. [11:01:27] Yes, yes, indeed, that is the incident that's described here. In fact, we
18 were called around 7 o'clock, and we were told that there was a bus that was burning.
19 So we went immediately on site to see if we could find out who had set fire and why.
20 When we got there, those who had set fire to the bus had already left, and the bus was
21 burning. So we inquired with people in the neighbourhood, and they told us that it
22 was young people who bore weapons and they shot in the air, and that frightened the
23 bus driver. The bus driver parked the bus, got out and fled. And the young people
24 set fire to the bus. That was the information that we were given. But at the
25 Yopougon parliament, what we call the parliament, it's like an agora, people were

1 saying it was the RDR young people who had acted in that fashion, young people
2 from the RHDP who had done that, and therefore as a retaliation, they set fire to
3 smaller vehicles called *gbaka*. Those vehicles belonged for the most part to RDR
4 members or RHDP members. So that was their vengeance. And they attacked the
5 *gbaka* that they met with. They threw stones and they set fire to them. *And that
6 refers to the first report I drafted on the 25th at 8 h 40 in which I mentioned that two
7 *gbakas* that had been set on fire. And later, by the 25th, there were as many as eight
8 *gbaka* that had been set on fire, including shops that belong to people from the north
9 who were generally assimilated to the RHDP. The shops were ransacked and pillaged.
10 And that's why on Monday, the 28th, I drafted the report.

11 Q. [11:04:20] Just to be clear, on the *gbakas*, is that something you yourself
12 physically saw, or is that something that was reported to you?

13 A. [11:04:29] No, we actually saw it ourselves. The eight *gbakas* that were burned
14 and stones had been thrown at them and the shops that were looted, we saw this
15 ourselves.

16 Q. [11:04:54] And in terms of your actions on 25 February, that day, after these
17 incidents that you have described, were you -- where were you on the 25th? Were
18 you in your office or were you elsewhere?

19 A. [11:05:07] When events such as those occur, we go on patrol, so we can't remain
20 seated in our offices. We go on patrol to ensure the safety of the population and to
21 encourage people to go home and not stay out in the street.

22 Q. [11:05:34] Let me ask you, please, to look at the second page of this document,
23 0030. Now, the first paragraph, you talk about, quote, (Interpretation)
24 "Self-defence blockades built on the roads by young people."
25 (Speaks English) To which youth do you refer?

1 A. [11:06:17] Here I was referring to young people that we called the Young
2 Patriots. They built up roadblocks to monitor, as they said, the neighbourhoods.

3 Q. [11:06:39] And how is it that you were aware of roadblocks being erected by
4 men who call themselves Young Patriots? How were you aware of that? How do
5 you know that?

6 A. [11:07:00] Well, we saw them. We saw the roadblocks. And we ourselves,
7 when we were in our civilian vehicles, if we were not in uniform, we would also be
8 stopped. And so we could see those roadblocks on virtually every corner in
9 Yopougon.

10 Q. [11:07:29] And when you say these youths describe themselves as Young
11 Patriots, how are you aware of that? How do you know that?

12 A. [11:07:40] Well, you know, to describe the Young Patriots or to know that they
13 were Young Patriots, you didn't need to carry out an investigation. They were the
14 only ones in the street. You wouldn't see any young people from the RHDP building
15 roadblocks in Yopougon. So they were the only ones, the Young Patriots, who built
16 that type of roadblock.

17 Q. [11:08:27] Now, you say that we --

18 PRESIDING JUDGE TARFUSSER: [11:08:29] Wait.

19 Maître Altit.

20 MR ALTIT: [11:08:33] (Interpretation) Thank you, your Honour. I beg your
21 pardon to the Prosecutor.

22 I believe that there is a bit of the transcript in French that is missing. I will tell you
23 exactly where. I may be mistaken. The court reporters will check it. On page 23
24 of the French transcript, after line 20, line 20 and 21, you can see the sentence, "That
25 was the information that was given." This is after the description of the incident

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1 with the bus given by the witness. And then there was a question: "How can it be
2 that you were informed of the fact that the operation was led by Young Patriots?"
3 I may be wrong, your Honour, but I believe that there is something missing in the
4 French transcript at this particular spot.

5 PRESIDING JUDGE TARFUSSER: [11:09:39] Well, I cannot solve the problem now,
6 of course, but I think it is known to the court reporters and interpreters and it is on
7 the record, so we will arrange this later.

8 Madam Prosecutor.

9 MS PACK: [11:10:03]

10 Q. [11:10:03] Now, where were we? We were on the Young Patriots. Let me just
11 remember. You said, this is where you left off, just to remind you. You said, "That
12 they were the only ones, the Young Patriots, who built that type of roadblock."
13 What do you mean by that?

14 A. [11:10:25] At that period of time, the young people from the RHDP could not
15 build roadblocks, barricades, on the street. They could do that in their own
16 neighbourhood. In other words, to enter a neighbourhood, they could do that. But
17 it was only the Young Patriots that built such roadblocks on public roads.

18 Q. [11:11:05] And let's think about your zone of -- your jurisdictional zone. You
19 tell us that only the Young Patriots built such roadblocks on public roads. So where
20 were these -- let's just try this. How frequently in the roads, the public roads of your
21 jurisdictional zone did you see these roadblocks manned by the Young Patriots?

22 A. [11:11:36] Virtually all the time. There were very many roadblocks. You
23 couldn't drive 200, 300 metres without seeing a roadblock. They were all over.

24 Q. [11:12:02] And let's just be clear on the youth that you are seeing there. Let me
25 ask you this, you said that the police, even the police, when you were in civilian

1 clothes, were stopped at these roadblocks. Were you personally, you yourself, ever
2 stopped at a roadblock?

3 A. [11:12:19] Yes, several times. I was stopped several times. And they searched
4 through the trunk of my car. I told them that I had a weapon, and I said, "I don't
5 know what you are looking for. I'm a police officer."

6 And they answered that they were doing their job. And when they finished
7 searching the vehicle, they would let you go.

8 Q. [11:12:57] And did you have any other conversation with them? Did they say
9 anything else to you during these stops, these searches?

10 A. [11:13:09] Yes, because at one point we realised that they were asking people for
11 ransom, they were -- and people who refused to pay might be killed. They were
12 considered -- if they were considered assailants or rebels, they would be killed. So
13 there were a number of misdeeds, crimes being committed.

14 I believe it was on Monday, the 28th, my boss told me that we needed to patrol
15 around and ask the young people to remove those roadblocks. And we did that.
16 We patrolled large roads, the main boulevard, for example, and we had them remove
17 the roadblocks.

18 But the smaller roads that gave access to the various neighbourhoods, they absolutely
19 refused to remove the roadblocks, because they said that it was Mr Blé Goudé who
20 asked them to monitor the neighbourhood, so they were doing their job monitoring
21 the neighbourhoods, and only Mr Blé Goudé could ask them to remove the
22 roadblocks, and otherwise they were going to continue to monitor the
23 neighbourhoods.

24 Q. [11:14:37] And you're talking about, you're saying "we patrolled" and "we had
25 them remove some of the roadblocks, but they wouldn't remove the roadblocks from

1 the smaller roads," these words that they said, that you tell us they said to you about
2 Mr Blé Goudé, were these words that you, you yourself heard at these roadblocks?

3 A. [11:15:07] Yes, yes. They told me, myself, and they would say this day in and
4 day out. Every time we asked them to remove roadblocks, they would say no.

5 They were asked to monitor their neighbourhood because there were rebels infiltrated,
6 assailants, and therefore they had to monitor the neighbourhoods. And only Blé
7 Goudé could ask them, only Mr Blé Goudé could ask them to remove the roadblocks.

8 Q. [11:15:39] I'd like to just go back to the document in front of you. And we'll go
9 to -- it's again same page, 0030. And we just look at the second paragraph there,
10 please. And I want to look at the very last sentence of that paragraph. I'll read it
11 for the record. Quote, (Interpretation) "We believe that only an appeal made on
12 national television by the initiator of these roadblocks could really put an end to
13 them."

14 (Speaks English) Who do you mean by, quote, (Interpretation) "The initiator of
15 these roadblocks"?

16 A. [11:17:02] It is Mr Blé Goudé, because if I am not mistaken, I don't remember if it
17 was at a political meeting or on national TV, but he had called upon young people to
18 monitor their neighbourhoods, and at the time we referred to self-defence roadblocks.
19 And he said at the time the neighbourhoods were infiltrated by rebels, and therefore
20 the neighbourhoods had to be monitored, and therefore young people built up these
21 roadblocks pretty much everywhere.

22 So I said to myself, since people were being killed at these roadblocks, if we wanted
23 this to come to an end, the same person who had called upon these young people to
24 build the roadblocks would have to call upon them to remove the roadblocks, and
25 that if they had information about a particular individual, that they should inform the

1 police, and that is why I drafted the report as you have just read it.

2 Q. [11:18:09] And you say that Mr Blé Goudé called upon young people in the way
3 you describe. And then you say, "And therefore young people built up these
4 roadblocks pretty much everywhere." You say, "And therefore young people built
5 up these roadblocks everywhere."

6 And what I want to ask you is this: Do you recall how soon after Mr Blé Goudé
7 called upon young people to monitor their neighbourhoods and so forth, how soon
8 after that did you start seeing the roadblocks in the number you describe and the
9 crimes that you describe?

10 A. [11:19:10] Well, at the time, people listened to Mr Blé Goudé, so when he would
11 make that type of appeal, the very next day you would see those roadblocks. I don't
12 remember exactly what the date was when he made that appeal. But by 25 February,
13 more than eight people had been killed at those roadblocks. For the most part, they
14 had been burned. The person was lynched and then the body was burned. And
15 sometimes they were even burned alive. So we felt that something needed to be
16 done, absolutely.

17 Q. [11:20:07] I want to just go back and just dwell a bit upon what you tell us
18 Mr Blé Goudé said, and I want to go back to what you said just a moment ago, which
19 was that you didn't remember if it was at a political meeting or on national TV.
20 Do you recall if you yourself saw on national TV Mr Blé Goudé calling the young
21 people in the way that you describe today?

22 A. [11:20:49] I am convinced that I saw such an appeal, that appeal, on television.

23 Q. [11:21:02] And which channel of the television, which television channel? Can
24 you be specific?

25 A. [11:21:13] It would be channel 1 on RTI.

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1 Q. [11:21:22] And do you recall, I appreciate it's a long time ago, but do you recall
2 the time of the broadcast that you saw?

3 A. [11:21:36] To be frank, no.

4 Q. [11:21:46] You spoke about earlier seeing another broadcast related to the other
5 incident we've talked about today, and you've confirmed to me it was the journal
6 télévisé. Do you recall if this particular broadcast you've described in relation to
7 Mr Blé Goudé, whether it was broadcast during also a journal télévisé?

8 A. [11:22:11] No. To be absolutely sincere, I don't remember.

9 MS PACK: [11:22:26] I'd like to play a video, please. And I think if the Prosecution
10 can please handle the evidence channel, so it would be evidence 2.

11 And to my learned friend, there are different buttons on the console before you, and if
12 you press evidence 2, then the video will be played on that.

13 Now, it's 0064-0087 for the record. The timestamp is 00.14.02 to 00.15.14. The
14 corresponding transcript is 0063-2998, and the lines are page 3001, lines 57 to 69.

15 THE COURT OFFICER: [11:23:31] You have the floor, evidence channel 2.

16 MS PACK: [11:23:34]

17 Q. [11:23:34] Mr Witness, I'm going to play a broadcast. If you would just pay
18 attention to the screen in front of you. We'll play it now.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [11:23:56] (Interpretation of the video excerpt) *The order I
21 am giving you is the same for all neighbourhoods. When you return to your
22 neighbourhoods, make sure that UNOCI is prevented from moving about. That is the
23 first thing. The second is that as you return to your neighbourhoods; you should
24 contact the neighbourhood presidents and meet in order to see and to check who is
25 coming into and going out of your neighbourhoods and to report any foreigners

1 getting into your neighbourhood. MA: For a week, the operation will thus be
2 organised for Charles Blé Goudé. This is a delicate mission and it must seek to
3 absolutely avoid the trappings of civil war. CBG Before one week, before one week,
4 enough time to get properly organised in our neighbourhoods and for our systems to
5 work smoothly. We know that in Yopougon, behind us, there are no clashes, no
6 clashes behind us in Koumassi, and all groups have been organised and we know
7 who can do what and who must do what; before one week, I will be calling you in
8 front of the Golf Hotel."

9 MR KNOOPS: [11:24:59] Mr President, sorry.

10 PRESIDING JUDGE TARFUSSER: [11:25:02] Mr Knoops.

11 MR KNOOPS: [11:25:03] This video is subjected to litigation before the Court. It's
12 part of the request of the Prosecution to which the Defence responded and is not yet a
13 decision. The Court earlier in another witness situation granted the objection that as long
14 as these videos are subjected to a motion before the Chamber, which is not been decided
15 upon, such videos could not be used during the examination by the Prosecution.

16 MS PACK: [11:25:38] Your Honours, I just can't imagine, I can't imagine why we
17 can't play this. It's been submitted onto the record already. I mean really, there is
18 absolutely no basis.

19 PRESIDING JUDGE TARFUSSER: [11:25:49] If it's on the record, it can be used.

20 MS PACK: [11:25:51] Thank you.

21 Q. [11:25:58] Have you seen that broadcast before?

22 A. [11:26:04] Yes, I've already seen it.

23 Q. [11:26:21] Do you recall if you saw it at the time, at the time that it was
24 broadcast on RTI?

25 A. [11:26:31] Yes, because we followed the news very carefully.

1 Q. [11:26:45] And you've been talking about the youths and Mr Blé Goudé, and
2 you've been talking earlier about Mr Blé Goudé calling upon young people to monitor
3 their neighbourhoods and so forth. Can you tell us, so we're very clear, this
4 broadcast here, is this the broadcast you're talking about or is it another broadcast?

5 A. [11:27:19] There were many others as well, but this is one of them.

6 Q. [11:27:37] Now I'd like to ask you this. After you -- if we can just step back and
7 go back to your report. After you wrote your report on 28 February, did you take
8 any further action?

9 A. [11:28:34] Yes. When I drafted the report, I hoped that the hierarchy would call
10 Mr Blé Goudé and ask him to make another announcement on the television to ask
11 the young people to go home and to stop building up roadblocks in the
12 neighbourhoods. Unfortunately, that was not the case because it continued. And I met with
13 my boss and I told him that that was my proposal. *I proposed that we go see Mr Blé Goudé
14 and ask him to put an end to those self-defence roadblocks. That way the killings in the
15 streets would end. And he answered that it was a good idea, and he called him. I think he
16 called Mr Blé Goudé directly right away, and a few moments later he asked me to go along
17 with him. We went to the COJEP headquarters in Yopougon Toits Rouges where, indeed,
18 Mr Blé Goudé was to be found. And when we arrived, the two spoke separately. I was not
19 party to that conversation. And they talked to each other for 20 to 30 minutes. And after that,
20 he came back and we went back to our own base. Along the way, he didn't say anything to
21 me, and I didn't ask him any questions because I understood that it had been a failure.

22 Q. [11:30:39] Why did you understand it to have been a failure? What do you mean by
23 that?

24 A. [11:30:48] Because my boss was also my friend, as I told you. If he had heard a
25 favourable response, I wouldn't have needed to have asked him any questions. He

1 would have told me about it. But as we walked back, he didn't say anything. I
2 understood that there had not been a favourable response, so I didn't ask him any
3 questions either.

4 Q. [11:31:22] And in relation to your report of 28 February 2011, can you tell us
5 when it was that you went to see Mr Blé Goudé?

6 A. [11:31:41] The report was drafted on Monday, the 28th of February. It was that
7 very same week. I think it was on Thursday, March the 3rd, but I'm not absolutely
8 certain about the date. But it can be checked by checking the phone numbers.

9 Q. [11:32:03] And just in relation to something you said earlier, you talked about
10 your hierarchy or the hierarchy. You said, let me just try and find the reference there,
11 on the transcript, it's at page 33, line 8, you said that you, when you drafted the report,
12 you hoped that the hierarchy would call Mr Blé Goudé and ask him to make another
13 announcement on television and so on.
14 Who do you mean by "the hierarchy"?

15 A. [11:32:48] When I refer to the hierarchy, I'm referring to the director general of
16 the national police.

17 Q. [11:32:57] And just going then back to this meeting at the COJEP headquarters
18 in Yopougon Toits Rouges, now, you say the two spoke separately, Mr Blé Goudé and
19 Mr Tiagnéré. You weren't party to the conversation. How did you know that they
20 met?

21 A. [11:33:24] But I was the one who requested the meeting, I was the one who told
22 my boss that we needed to meet with Mr Blé Goudé to ask him to tell the young
23 people to go back home. He found that it was a good idea, and that is how come he
24 called Mr Blé Goudé. And it was five minutes after he had called that we went to
25 the COJEP headquarters.

1 Q. [11:34:00] Did you yourself physically see them talking?

2 A. [11:34:03] They were 10 to 20 metres away from me at the most.

3 Q. [11:34:21] And just to be clear in relation to this location in particular, at COJEP
4 headquarters, did you see any guards there present at the premises?

5 A. [11:34:36] Yes. I saw armed soldiers. I also saw one or two civilians carrying
6 weapons. But I saw armed soldiers who I suppose must have been the guard detail
7 of Mr Blé Goudé.

8 Q. [11:35:11] And the civilians carrying weapons, were you able to say, did you
9 know from looking at them from what group they came? Can you tell us anything
10 further about them, from their appearance?

11 A. [11:35:30] Based on their appearance, I could not tell whether they were from
12 COJEP or FESCI. But that is what I think. But I cannot be certain about where they
13 were from.

14 Q. [11:35:57] Can you describe what they were wearing, these guys, these men?

15 A. [11:36:01] Just normal civilian clothes. I cannot say whether they were wearing
16 jean trousers or normal fabric. I cannot remember those details, but I think they
17 were wearing ordinary civilian clothes.

18 Q. [11:36:26] And just in relation to Mr Blé Goudé, whom you saw talking to Mr
19 Tiagnéré, had you ever seen him personally before then, excepting when you had
20 seen him on television or when you had seen him at a big rally, had you seen him
21 personally before?

22 A. [11:36:50] Apart from the rallies that he led often at the CP1 square in Yopougon,
23 which is under my jurisdiction, and I went there myself or I sent elements when he
24 was having rallies to provide security, so apart from that, I never saw him anywhere
25 else.

1 Q. [11:37:25] All right. Now, you may have answered this before, but let me just
2 ask you, after this meeting you've described how you walked back, you went back
3 with your boss and how you judged that the meeting hadn't been successful, after this
4 meeting, did anything change in your neighbourhood? Did the roadblocks stop?
5 Did the crimes stop?

6 A. [11:38:11] No. The roadblocks were not dismantled and the crimes did not
7 stop.

8 Q. [11:38:21] And was there any call as you had hoped for, any call to stop the
9 roadblocks?

10 A. [11:38:32] No.

11 Q. [11:38:39] I want to ask you a bit more about the roadblocks themselves. Now,
12 you told us earlier, and let me just recall the language you used, you told us that the
13 youths, the Jeunes Patriotes at these roadblocks, they were stopping people, and they
14 were killing people, and you described the people they were killing as those they
15 considered to be assailants or rebels.

16 And this is at page 27, lines 1 to 3.

17 "If they were considered assailants or rebels, they would be killed."

18 I'm going to ask you more about this. What do you mean by assailants and rebels?

19 What did you understand that to mean at the time?

20 A. [11:39:58] That is not according to me, but it was according to them. They
21 referred to all those who came from the north, from Burkina Faso, Mali, Niger and
22 other countries, they referred to them as assailants and rebels, that is anyone who
23 came from beyond the Bouaké area, they would be considered as assailants or rebels.

24 Q. [11:40:38] And to your knowledge, how were they identified as such? *How
25 were people identified as being from the North or being from Burkina Faso, Mali or

1 Niger? How were they identified?

2 A. [11:41:00] Well, quite frequently during their facial features, their physical
3 features, when they looked at them, it was easily to identify them.

4 Secondly, they controlled identity cards. They would ask for your identity card, and
5 when they realised that you came from the north or from the neighbouring countries
6 that I have mentioned, you are a potential assailant. Then they would -- they could
7 also check whether you had a gris-gris on you. And the gris-gris are amulets that
8 people carry on them in order to protect themselves or to develop strength.

9 Q. [11:41:56] And so far as you were aware, was wearing a gris-gris associated with
10 any particular person from any particular place or region or group?

11 A. [11:42:12] Yes. During that time it was systematic. Once you were seen with
12 a gris-gris, it was considered that you came from the north or from a neighbouring
13 country, Mali, Niger or Burkina.

14 Q. [11:42:36] And just on the identity cards, what was it about the identity card that
15 would show that you were from the north or from neighbouring countries?

16 A. [11:42:55] Well, it was the name. All those who came from the north, they have
17 northern sounding names. And immediately they see a name, they would more or
18 less be able to determine your ethnic affiliation.

19 Q. [11:43:15] And just as an example, what would, what would you understand to
20 be a northern sounding name?

21 A. [11:43:20] If you take, for example, Touré, Coulibaly, Koné, Camara, there are
22 many of them.

23 Q. [11:43:44] And let me just ask you, how is it that you know that these youths
24 were checking identity cards? How do you personally know that?

25 A. [11:43:55] Not only do we have testimonies, but we were also more or less

1 victims ourselves. When we are wearing civilian clothes, they asked you to
2 introduce yourself. If you say you are a police commissioner, they demand to see
3 your card.

4 Q. [11:44:33] And just to understand the youths a bit more, you've described them
5 as Jeunes Patriotes, you've told us why they -- that they described themselves thus.
6 Can you tell us please what they were wearing, these youths at the roadblocks?

7 A. [11:45:03] Well, they were wearing civilian clothing like everyone else, and they
8 were dressed in an ordinary manner.

9 Q. [11:45:27] And were they carrying any weapons or anything of that nature?

10 A. [11:45:41] Based on what I observed, most of them were not carrying firearms.
11 *They had clubs, machetes, in any event blunt weapons. Out of a group of six, you
12 may see maybe one individual who was armed. But most of them did not carry weapons.

13 Q. [11:46:15] And the individual you would see who was armed, what sort of
14 weapon are you referring to?

15 A. [11:46:26] Well, you had all types. Some of them had hunting rifles, others,
16 well, but quite rarely, some of them had the type of arms that we used, but makeshift
17 locally-made weapons, yes, there were many.

18 Q. [11:47:03] And when you say some of the arms, type of arms that we use, are
19 you talking about the personal weapons your police had and Kalashnikovs?

20 A. [11:47:15] That is correct.

21 Q. [11:47:20] And did you yourself personally see armed men armed with the
22 weapons you've described at the roadblocks?

23 A. [11:47:32] Yes, on several occasions.

24 Q. [11:47:38] And the armed men at the roadblocks, what were they wearing?
25 Were they wearing the same as the other men or were they wearing different

1 clothing?

2 A. [11:47:49] They were dressed in the same way as the others, in civilian clothes.

3 Q. [11:48:03] Now, you've told us, you've told us that people were executed, people
4 from the north, people from the countries you've identified were executed at the
5 roadblocks, and you've referred to burning. Tell us please a bit more about that.
6 What did you learn was happening at the roadblocks?

7 A. [11:48:36] Based on what we heard, when they arrived, their identity cards
8 would be controlled. For those who were lucky with northern sounding names, they
9 would be asked for ransom. They would pay some money and they would pass.
10 But those who were unlucky would be considered as assailants, assailants and rebels.
11 They would be lynched and burned. Most of the time they had kerosene that they
12 would buy for 100 francs together with a box of matches and after lynching you, they
13 would put a tire around your body and then they would throw the kerosene on it and
14 set you on fire.

15 Q. [11:49:42] This process, the kerosene, the box of matches, was it known by a
16 particular name that you're aware of?

17 A. [11:49:56] Yes. At that time they referred to it as Article 125. So you would
18 buy -- they would buy kerosene for 100 francs and a box of matches for 25 francs.
19 That is what they would use to burn someone. And that is why they referred to it as
20 Article 125.

21 Q. [11:50:32] And how did you know about the burning at the roadblocks, the
22 killing and the burning at the roadblocks?

23 A. [11:50:54] Well, people called us, members of the public called us. At that time
24 there was an open number 170. If you were in an area and you dialed 170, it will
25 ring directly in the commissariat of the neighbourhood. And people would say such

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1 and such a thing had arrived -- had happened at that location and then we would go
2 and investigate. I myself, I had a cousin who suffered or almost suffered the same
3 fate, so we knew more or less how it happened.

4 Q. [11:51:35] And when you say you then went to the scene to investigate, did you
5 personally go to the scene of a burning to investigate?

6 A. [11:52:02] Yes. On several occasions, I myself, I attended. But at one point I
7 no longer went there, I dispatched my elements to go and do the job.

8 Q. [11:52:14] And how frequently were you getting reports of killings or burnings
9 or both at the roadblocks frequently with these reports coming to you?

10 A. [11:52:40] Up to the 28th, the number was eight bodies burned. But beyond 28
11 February, things became very serious and it was on an almost daily basis that we
12 would be called to be told that a body had been burned or that an individual had
13 been lynched to death.

14 PRESIDING JUDGE TARFUSSER: [11:53:11] Excuse me. One question, Just
15 because otherwise we go too far.

16 You said, and I'm reading English transcript at page 41, line 8:

17 "At that time they referred to it as Article 125. So you would buy -- they would buy
18 kerosene for 100 francs and a box of matches for 25 francs. That is what they would
19 use to burn someone. And that is what they referred to as Article 125".

20 Just now two questions. "They" to be clear, they who and how do you know? From
21 who did you know this? Who told you?

22 THE WITNESS: [11:54:09] (Interpretation) When I say "they," I am referring to the
23 Young Patriots. And regarding who told us, it was the testimonies that we received.
24 People spontaneously came to the commissariat and told us that is what was
25 happening.

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1 PRESIDING JUDGE TARFUSSER: [11:54:30] "They told us" means told also you, or
2 did you hear it from your -- from the policemen which were under your guidance,
3 under your authority?

4 THE WITNESS: [11:54:50] (Interpretation) The policemen who were under my
5 authority, of course, talked about that also, but members of the public also gave us
6 information, particularly those who experienced those incidents.

7 PRESIDING JUDGE TARFUSSER: [11:55:11] Yes. Just one thing, when you say
8 "us," do you mean also you personally? Did you hear it also you personally? Did
9 people talk with you personally about this?

10 THE WITNESS: [11:55:30] (Interpretation) Yes, yes, that is correct.

11 PRESIDING JUDGE TARFUSSER: [11:55:36] Okay.

12 Madam Prosecutor.

13 MS PACK: [11:55:39] Thank you, Mr President.

14 Q. [11:55:46] The burning of bodies, when did it start to your recollection? And
15 this is the burning you've been describing by the Young Patriots at the roadblocks.

16 A. [11:56:15] It mainly started basically when they started erecting self-defence
17 roadblocks on the roads. That is when we started realising that killings were going
18 on at the self-defence roadblocks.

19 Q. [11:56:46] Did you report these incidents that you describe, the incidents of
20 burnings and killings?

21 A. [11:57:06] As I have already told you, there was no incident that was not
22 reported. So for each single individual, there was a report.

23 Q. [11:57:24] And is this an oral report or a written report?

24 A. [11:57:31] These were written reports. We also made oral reports, but most
25 times it was written reports. Written reports were made for all killings. It is

1 possible to initially give an oral report, but later a written report would be prepared.

2 Q. [11:58:02] And you say "would be prepared." Did you prepare yourself written
3 reports?

4 A. [11:58:10] No. These type of reports were not prepared by myself, but by the
5 duty officers who actually investigated the incidents in the field. But when I
6 prepared my reports, it would be a report on the overall situation.

7 Q. [11:58:37] And your reports were addressed to whom?

8 A. [11:58:43] All the reports were addressed to the préfet de police. A copy was
9 sent to the chief of district, who was my immediate superior.

10 Q. [11:59:06] And just to understand, you've told us that you yourself were stopped
11 and searched at these roadblocks that were manned by the Young Patriots. I want to
12 ask you this. You're a police officer, did you say anything to them like "Remove the
13 roadblock. Stop committing crimes. Stop your actions"?
14 What did you say to these youths that stopped you and searched you, you, a police
15 officer, at these roadblocks?

16 A. [11:59:54] Well, on several occasions we asked them to stop, to cease and desist,
17 to go back home, because that was not their job, it was the job of the police. We did
18 that on several occasions. There were even times that we argued with them. But
19 when we said that, sometimes you would be considered yourself as an assailant. So
20 if you insisted that the roadblock be dismantled, they would consider you as an
21 assailant or a rebel.

22 MS PACK: [12:00:48] Your Honour, I'm aware of the time. So I think I better stop
23 my follow up there.

24 PRESIDING JUDGE TARFUSSER: [12:00:55] Yes. We have arrived to the lunch
25 break.

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1 Mr Witness, we will have now an interruption for one hour and a half, and we will
2 start at 1.30.

3 Now I give you the timing of the next -- of this afternoon and tomorrow so that we
4 are all aware of it, so in the --

5 MS PACK: [12:01:35] Your Honour, while --

6 PRESIDING JUDGE TARFUSSER: [12:01:37] We will have in the afternoon 1.30 to
7 3.30, and then from 4 to 5.30. Tomorrow from 9 to 11, from 9.00 to 11, from 11.30 to
8 13 hours and then from 14.30 to 16.30.

9 When we have arrived to the 16.30 tomorrow, we are a bit over the 4 plus 4 plus 4
10 hours requested and envisaged, just to let you know. So we should with this
11 schedule, we should reach the goal to finish the witness -- we will, not we should, we
12 will reach the witness.

13 The last point, the OTP is just a bit over 3 hours, 3 hours and a quarter, 15, about.

14 MS PACK: [12:02:39] Your Honour, there is one thing.

15 PRESIDING JUDGE TARFUSSER: [12:02:41] Yes.

16 MS PACK: [12:02:41] Mr MacDonald had wished to address the Chamber in the
17 absence of the witness.

18 PRESIDING JUDGE TARFUSSER: [12:02:47] Yes. Mr Witness, you can leave the
19 courtroom.

20 I would ask the court usher to accompany the witness out.

21 Can we not do that at the beginning of the following --

22 MR MACDONALD: [12:03:02] Yes, we can, your Honour. It's perfectly fine
23 that -- it's regarding the schedule. I sent an email. The reorganisation.

24 (The witness stands down)

25 MR MACDONALD: [12:03:14] I just wanted to indicate that when the Chamber

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1 ordered us to bring forward two witnesses, then when we reorganized, we weren't
2 totally informed as to the availability of some of the experts. So that's the primary
3 reason. And then we've been trying to work with them and their vacations and also
4 prior assignments.

5 PRESIDING JUDGE TARFUSSER: [12:03:36] It's not urgent for today for now.

6 MR MACDONALD: [12:03:39] No.

7 PRESIDING JUDGE TARFUSSER: [12:03:40] We're all happy to --

8 MR MACDONALD: Thank you.

9 PRESIDING JUDGE TARFUSSER: -- conclude this long morning.

10 Thank you very much. The hearing is adjourned to 1.30. Thank you.

11 THE COURT OFFICER: [12:03:47] All rise.

12 (Recess taken at 12.03 p.m.)

13 (Upon resuming in open session at 1.33 p.m.)

14 THE COURT USHER: [13:33:47] All rise.

15 Please be seated.

16 PRESIDING JUDGE TARFUSSER: [13:34:16] Good afternoon. We have a long day in
17 front of us, so the floor is immediately to the Office of the Prosecutor for her questioning.

18 MS PACK: [13:34:29] Thank you, Mr President.

19 Q. [13:34:34] Mr Witness, good afternoon.

20 I'm going to start where we left off, and let me just remind you what we were talking
21 about. We were talking about the roadblocks manned by the Young Patriots, and you
22 were telling us that you sometimes argued with them. And let me just quote from page
23 45 of the English transcript, line 3, in English:

24 "But when we said that sometimes you'd be considered yourself as an -- sorry, but when
25 we said that, sometimes you would be considered yourself as an assailant, so if you

1 insisted that the roadblock be dismantled, they would consider you as an assailant or a
2 rebel."

3 What was the risk being considered an assailant or a rebel for you?

4 A. [13:35:39] Well, for us, that is, for police officers, there was a lesser risk. If they
5 knew we were police officers, and for the most part they knew, as in our case, there was a
6 lesser risk.

7 MS PACK: [13:35:58] I'd like to go very briefly into private session, for Rule 74
8 purposes.

9 PRESIDING JUDGE TARFUSSER: [13:36:08] Yes, let's go into private session for a
10 moment.

11 (Private session at 1.36 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Open session at 1.40 p.m.)
- 24 THE COURT OFFICER: [13:41:02] We are in open session, Mr President.
- 25 PRESIDING JUDGE TARFUSSER: [13:41:09] Madam Pack.

1 MS PACK: [13:41:11]

2 Q. And just for the record in public, I asked you about any times when you personally
3 took steps to stop incidents as they were taking place, and you said yes. Can you
4 describe any of those occasions?

5 A. [13:41:42] One day, I don't remember the precise date, but one of those mini cars
6 that we call gbakas was full of people from Burkina Faso, about 18 people, and they were
7 going home to their country in Burkina Faso because they had undergone problems.
8 And they got to the intersections of Saint-André near where my commissariat was. The
9 mini car was blocked by a so-called self-defence group, a group of patriots, and they
10 wanted to set fire of the mini car with the passengers on board. And when I was
11 informed of that, I took a patrol of police officers, and we went on site, and we took the
12 mini car and the passengers to the police station, to the commissariat, to protect them.
13 But the commissariat was invaded by about a thousand young people who wanted to
14 fight us. They were insisting that we hand over those passengers of that mini car that
15 they wanted to kill. And we did what we could to clear out the entrance to the
16 commissariat, and we managed to get the vehicle out of the commissariat and out of our
17 zone of responsibility so that they could go back to their country. That's one example.
18 That's one action that we carried out.

19 Q. [13:43:49] Just insofar as the timing is concerned of this incident, do you
20 recall -- and let's just think when you sent your letter on 28 February, when you went to
21 see Mr Blé Goudé, as you described it, later on in that week, can you recall when this
22 incident took place in reference to those dates, possible?

23 A. [13:44:22] To be frank, I really don't remember, but I believe it was after the 28th,
24 after February 28.

25 Q. [13:44:40] Now, you mentioned your cousin earlier being stopped at a roadblock.

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1 Can you tell us about that?

2 PRESIDING JUDGE TARFUSSER: [13:44:46] Can we just go back a second.

3 MS PACK: [13:44:51] Of course.

4 PRESIDING JUDGE TARFUSSER: You are always -- about this incident, you were
5 talking about saying that "we went on site; "we took the mini car and the passengers to the
6 police station to protect them." When you say "we," was it you with others or was it you
7 as police commissariat? Were other people going there from your subordinates and then
8 telling you?

9 THE WITNESS: [13:45:36](Interpretation) When I say "we", it means I participated
10 myself with another officer, along with other men. When I say "we", I'm including
11 myself.

12 PRESIDING JUDGE TARFUSSER: [13:45:48] Thank you.

13 MS PACK: [13:45:48] Thank you, your Honour.

14 Q. [13:45:49] And about how many of you went to the scene, do you recall, on this
15 occasion?

16 A. [13:46:04] No, unfortunately, I really don't remember.

17 Q. [13:46:07] And you tell us that the persons who were about set fire to this gbaka,
18 you say they were Young Patriots. How do you know that?

19 A. [13:46:36] Young Patriots in the gbaka or at the roadblock?

20 Q. [13:46:40] The Young Patriots at the roadblock. You tell us that they were about
21 to set on fire the gbaka. I'd like to know how you were able to identify them as Young
22 Patriots.

23 A. [13:47:06] I've told you that at most of the roadblocks, at least the roadblocks in
24 Yopougon, they were held by Young Patriots. They were manned by Young Patriots. I
25 confirm that.

1 Q. [13:47:17] Now, let's go to your cousin, then. You mentioned an incident in
2 relation to him. Can you tell us what happened?

3 A. [13:47:39] Yes, one evening he was in front of the hotel Méambly in Yopougon.
4 That wasn't in my own zone of responsibility; it was part of the 17th arrondissement. It
5 was at night, late at night, around 1 o'clock in the morning when he left, and he found
6 himself in front of one of these self-defence roadblocks, and he was asked to identify
7 himself. He showed his identity card where it said Coulibaly Basile. So since he was
8 from the north, they considered him as an assailant and they wanted to burn him. That
9 was the very term they used, to set him on fire.

10 Q. [13:48:37] How did you learn this?

11 A. [13:48:47] He called me himself. Around 1 o'clock in the morning, I received his
12 phone call, and he told me that he was in the hands of the Young Patriots who were
13 saying "they want to set me on fire" and I told them that "I'm your brother". I told them I
14 was the brother of the commissioner of the 16th arrondissement, and they said, "Prove it."
15 And that's why he called me. So one of the Young Patriots took the phone and said the
16 following, "Yes, we're here with your brother. He says he's your brother and we wanted
17 to check. We'll give you 10 to 15 minutes. If you don't get here by then, we're going to
18 set him on fire." So it wasn't in my zone of responsibilities, so I called the commissariat
19 of the 17th arrondissement. It was commissioner Sanogo, and I asked him who the duty
20 officer was that particular day, and he told me it was Lieutenant Degnan. And since
21 Lieutenant Degnan had already worked with me before he was transferred to that area, I
22 had his phone number. So I said, "Okay, thank you; I'll call him myself." So I called
23 Lieutenant Degnan and asked him exactly where he was, and he said he was at his office.
24 And I asked him if the official vehicle was at the police station. He said yes, so I told him
25 to take that vehicle and take some men with him and to go to the Méambly hotel quickly

1 to save my cousin who otherwise would be set on fire. And he said okay. And,
2 fortunately, he went there very quickly and he was able to save him from the hands of
3 those individuals, and he took him to the police station, the commissariat, at 2 o'clock in
4 the morning and asked me what he should do. And I told him to keep him there so that
5 he would be safe, to put him in a prison cell temporarily so that he not meet anyone else.
6 And so they kept him overnight in the prison cell. Well, it was already 2 o'clock in the
7 morning. And that's what he did.

8 The next morning around 6 o'clock, he called me and asked me what he should do, and I
9 asked him to speak to my cousin. He handed him over on the phone, and I asked him
10 what he intended to do, and he said I'm going to go home immediately to the village.
11 And that's how he went back home to the village and that's how his life was saved.

12 Q. [13:51:58] And just reverting to the conversation with the Jeunes Patriotes who you
13 spoke to, he - he was on the phone and he -- the record I have is that he -- he was told that
14 you -- that your cousin was indeed your brother at the roadblock; is that right, that your
15 cousin said to them that you were his brother? I just wanted to get the translation
16 correct.

17 A. [13:52:42] Yes, exactly, that's what he said.

18 Q. [13:52:45] Now, I'd like to ask you a bit more about reporting. And you've told us
19 that you reported the deaths and the burnings that you received information about, that
20 you yourself saw, or at least the consequences of. Let me just show you one document,
21 please. It's 0045-0389. *First of all, the area of Banco II; Banco II, is that within your
22 jurisdictional zone?

23 A. [13:53:42] Yes, Banco 2 is under my zone of responsibility, or rather, was under my
24 zone of jurisdiction.

25 Q. [13:53:54] Perhaps you can just look at this, just full on the screen, first of all this

1 document. It can be publicly shown. Are you familiar with this type of document?

2 And just for the record it is headed "BQI Special" and its date is 28 February 2011.

3 A. [13:55:03] Yes, I'm familiar with this document.

4 MS PACK: [13:55:05] And can you just -- could please the court officer just scroll down
5 to the heading "District de Yopougon", which is sort of the bottom of the page?

6 PRESIDING JUDGE TARFUSSER: [13:55:18] With this document or with this type of
7 document are you familiar?

8 THE WITNESS: [13:55:40](Interpretation) Yes, I know this document and this type of
9 document. Actually, it's more precise to say this type of document. This precise
10 document, no, perhaps not.

11 MS PACK: [13:55:53]

12 Q. [13:55:53] Yes. We see at the top, and I'm afraid the screen has moved down, it's
13 noted "Expéditeur" is "Préfet de police d'Abidjan" and "Destinataires," under that we see
14 there the destinataires.

15 A. [13:56:21] That's what I was saying. I'm familiar with this type of document. It's
16 a BQI, a daily information report, which is drafted every evening by the police and sent to
17 the general director of police.

18 Q. [13:56:37] And back down then to the district of Yopougon. And there's an
19 incident there, it's recorded as 13 hours 55.

20 PRESIDING JUDGE TARFUSSER: [13:56:55] Maître Gbougnon.

21 MR GBOUGNON: [13:57:04] (Interpretation) The witness said he's familiar with this
22 type of document, but not this particular document, which he has never seen. And he is
23 neither the sender nor the recipient nor the drafter so I don't see how he can comment on
24 this document that he's not familiar with, so I object to the witness making comments on a
25 document that he's not familiar with.

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1 PRESIDING JUDGE TARFUSSER: [13:57:31] But he's not making comments on the
2 document, but on the fact which is written there, I would believe.

3 MS PACK: [13:57:37] Yes.

4 PRESIDING JUDGE TARFUSSER: [13:57:38] Perhaps.

5 MS PACK: [13:57:40] Yes, precisely so, Mr President. I'll read the heading for the
6 record at least. It says in French, (Interpretation) "An individual burned alive in
7 Yopougon Banco II."

8 (Speaks English) And then we read the description of the incident there.

9 Q. [13:57:57] Now, tell us please are you aware -- let me ask you this: Do you recall
10 this particular incident?

11 A. [13:58:13] This particular incident, no, but there were several cases like this, so I
12 can't actually remember precisely.

13 Q. [13:58:21] And are you aware of how it was that information as to events in the
14 district of Yopougon in the area of Banco II would find their way into a BQI such as this?

15 A. [13:58:49] Well, it was obviously us that relayed the information to the police
16 prefect, but there were many similar events, so I can't remember precisely each and every
17 case. But if it's drafted in this manner, then it was us, it was us who relayed the
18 information to the police prefect.

19 Q. [13:59:15] And by you, you mean the commissariat to the 16th arrondissement?

20 A. [13:59:25] Yes, indeed. When I say "us" or "we", I mean the commissariat of the
21 16th arrondissement.

22 Q. [13:59:35] And just generally, in relation to your reporting of these incidents, did
23 you receive any follow-up from your hierarchy, from your superiors in the police?

24 A. [13:59:54] No, there was no follow-up. No.

25 Q. [13:59:57] Were there any instructions given to you in relation to these incidents?

1 PRESIDING JUDGE TARFUSSER: [14:00:03] Well, no follow-up means no instructions.

2 I mean --

3 MS PACK: [14:00:06] It's fine.

4 PRESIDING JUDGE TARFUSSER: Yeah.

5 MS PACK: Of course. I apologise, your Honour.

6 PRESIDING JUDGE TARFUSSER: [14:00:09] Follow-up or instructions or things, it's
7 always the same thing.

8 MS PACK: [14:00:13] Okay.

9 Q. [14:00:13] Let me ask you this: You told us yesterday that you had meetings with
10 the préfet de police at his offices in -- at the préfecture in Abidjan. Do you recall at any of
11 those meetings - and we're moving away now from the roadblocks and from the burnings
12 and the killings at the roadblocks - do you recall at any of those meetings any incidents,
13 particular incidents being reported and discussed during the crisis?

14 A. [14:00:56] Well, yes. During one of the meetings, I no longer recall. I think that
15 day it might have been the deputy general of the national police. I don't know if he was
16 there that day, but in any event we were meeting with the police prefect and one of the
17 commissioners put a question, Bamba Soualio was his name, and he said, "Well, we are
18 police officers, we are witnesses to the looting and the vandalism upon the homes of
19 high-level people and other people from political parties. We know what's going on, but
20 we're not getting any instructions." So he asked the police prefect in question what the
21 instructions were, what were they to do. Now, unfortunately, the prefect did not answer
22 and we moved on to something else.

23 Q. [14:02:11] And just to be clear about the vandalism that he was talking about, the
24 looting and the vandalism, did he say by whom this was being done?

25 A. [14:02:33] He didn't say who was doing this, but we all knew who was doing these

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1 various things. They made no secret of it. It was a former general secretary of the
2 FESCI, Koffi Serge was his name. He made no secret of it. He said that he had set up a
3 movement and it was called the CRAC, C-R-A-C. The committee -- I don't remember
4 what the R stood for; the A was action; and C, concrete. So the CRAC, the committee of
5 concrete actions. And he would bring together these young people from the FESCI and
6 they would go off to the homes of high-level people from opposition parties such as the
7 RHDP, who were often at the Golf. These people would engage in looting and would
8 vandalise the homes. And this was known. He made no secret about it and there was
9 no request to arrest him or anything like that. And so that is why the commissioner
10 asked the police prefect, he asked him what was to be done, but we had no answer.

11 Q. [14:04:02] Do you recall about when this meeting took place, this particular one?

12 A. [14:04:13] No, I no longer recall.

13 PRESIDING JUDGE TARFUSSER: [14:04:18] What was the name of this former general
14 secretary of FESCI, Koffi and then? Because it's not written properly on the record, so
15 just to have the name.

16 THE WITNESS: [14:04:40](Interpretation) Koffi Serge.

17 PRESIDING JUDGE TARFUSSER: [14:04:41] Serge. Okay, thank you.

18 MS PACK: [14:04:47]

19 Q. Okay, we're going to move on to another topic and I want to play you a video first.
20 And it's public, it's 0064-0092, and the relevant transcript is at 0086-0919.

21 For starters I'm going to play a short extract without sound, so I won't give a
22 corresponding transcript reference, and that reference for this extract without sound is
23 00.07.23 to 00.07.29.

24 So I'm going to start with that. I'm going to play it without sound. And, Mr Witness,
25 I'd ask you to look at the images and then I'll ask you a question.

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1 (Viewing of the video excerpt)

2 MS PACK:

3 Q. Now, I have a question: Can you identify this person?

4 A. [14:06:15] Yes, that's Maguy Le Tocard.

5 Q. [14:06:18] Thank you.

6 MS PACK: I'll go now and go back to it beginning of the video and I want to now play
7 an extract in full. It's 00.06.07 to 08.02, and as for the transcript it's all of the lines in the
8 transcript.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [14:06:52] (Interpretation of the video excerpt)

11 "Here we have the information relating to the situation in Côte d'Ivoire. The young
12 people in the neighbourhoods had been asked to remain vigilant. These young people
13 were supposed to keep an eye on things and report any suspicious movements in the
14 neighbourhoods. Laurent Séry, who was in the field tells us more about this vigilance
15 which has been paying off.

16 Laurent Séry: These committees set up to keep an eye on things, set up by these young
17 volunteers in the communes of Abidjan are paying off. The boots of vehicles have been
18 searched, there has been surveillance both night and day to intervene whenever there is
19 any suspicious movements. And this has helped bring calm back to the neighbourhoods.
20 The political crisis that Côte d'Ivoire has been going through ever since the final results
21 were claimed by the Constitutional Council. And since that time we have seen urban
22 warfare, another form of rebellion supported or sustained by the RHDP. For the
23 self-defence organisations, similar to those led by Commander Maguy, it has been
24 necessary other than fighting the rebellion - this has remained the affair of the Defence
25 and Security Forces of Côte d'Ivoire - helping ensure the safety of the neighbourhoods in

1 the various communes."

2 The video footage continues and we have a new speaker:

3 "In the field in Yopougon, the largest commune in Côte d'Ivoire, these men are active to
4 defend and ensure the sovereignty of the people of Côte d'Ivoire. As far as Commander
5 Maguy is concerned, the president of the republic, Laurent Gbagbo, must be supported.
6 He is the very incarnation of constitutional legality, given that he wants Côte d'Ivoire to
7 be a sovereign, developed and democratic country where the interests of citizens are
8 respected. The visit to CRS1 and to the BAE to encourage Defence and Security Forces,
9 who are in phase with the people of Côte d'Ivoire, remained to be seen."

10 Finally, the footage ends with: "... roadblock and impose a non-elected leader.

11 Commander Maguy encourages the people of Côte d'Ivoire to remain united, stand
12 together for victory."

13 MS PACK: [14:09:59]

14 Q. [14:09:59] Yes. Question: Have you seen this broadcast before?

15 A. [14:10:09] No. Just today.

16 Q. [14:10:12] Okay, I'll just ask one question in that case is: Did you recognise the
17 location in the last part of the broadcast?

18 A. [14:10:26] I believe I recognised the BAE barracks, unless I'm mistaken.

19 Q. [14:10:36] Now, I want to return to Maguy Le Tocard. We'll leave that video and
20 ask you a few more questions because you started talking about it yesterday on the topic
21 of what he and his group were doing. And yesterday you told us this, and this is at page
22 98 of the transcript for yesterday, lines 22(a) and following. Now, you told us, and I'll
23 paraphrase, you said they were doing -- you heard they were doing police operations, and
24 then I'll quote from the following page, 99, lines 1 to 3, "Sometimes this would involve
25 arrests, arrests of people suspected of being either rebels or assailants."

1 Now, how did you hear about these activities, these arrests of people who were suspected
2 of being assailants or rebels by Maguy Le Tocard and his group?

3 A. [14:11:54] We did hear from some people, often from the people who had fallen victim.

4 Q. [14:12:04] And the suspected assailants or rebels, how -- how were they, to your
5 knowledge, identified as suspected assailants or rebels by Maguy Le Tocard and his group?

6 A. [14:12:38] *I don't know how they went about things really, but I believe as I said
7 before that it was by facial recognition. They would stop the person, check them and their
8 papers, look at the face, try to determine whether the person was from the North. If they
9 came to the conclusion that one was from the North, one was a potential attacker. They
10 might even go to check homes and conduct searches in what I call police operations.

11 Q. [14:12:59] When you say they tried to identify if persons were from the north, are
12 these the people they considered to be rebels or assailants?

13 A. [14:13:15] Yes, exactly. The way they understood it, a rebel or an assailant had to come
14 from the north.

15 Q. [14:13:24] Now, so far as Maguy Le Tocard and his group are concerned, you say they
16 conducted arrests. Now, they're not police officers, so what do you mean? What were they
17 doing?

18 A. [14:13:45] What they did with the people? I'm not in a position to know. But
19 what we heard was that quite often they would -- well, if they -- they would free them if
20 there was no problem, but initially they would beat them up and then later they would
21 send the people our way, *when these people are sent to us, we would interview them on
22 the record and then send them on to the DST, the directorate for the surveillance of the
23 territory which has a mandate to conduct these types of investigations. But, you see,
24 once the DST has interviewed them and learned from its investigations that there was
25 nothing against these people, these people would be let go systematically. But that was

1 not the case with the patriots and the militia members and others, so ultimately they no
2 longer brought us people. The ones they thought were rebels or assailants, they dealt
3 with them themselves as they deemed fit.

4 Q. [14:14:52] And just to understand, why did you send the people that Maguy
5 Le Tocard brought to you at the police station, why did you send them on to the DST?

6 A. [14:15:13] Well, for two reasons: First of all, if we immediately let the person go
7 and we -- we couldn't exactly be criticised, but we knew that the person would be lynched
8 immediately, so to protect the person we would send the person to the DST, *and then
9 there'd be an investigation and quite often the person would be released thereafter, but
10 they did not like this. So there you have it.

11 Q. [14:16:00] And you tell us then that -- that you were protecting the person. From
12 whom were you protecting the person by sending them on to the DST?

13 A. [14:16:26] We were protecting them against the Young Patriots.

14 Q. [14:16:30] And let me ask you this in relation to Maguy Le Tocard's activities.
15 When was this taking place, these arrests, the beating of suspected assailants and rebels?

16 A. [14:17:04] Honestly, I no longer recall, but I think it was in the run-up to the
17 election and then during the election, then after. That's when, I believe.

18 Q. [14:17:15] And how is it that Maguy Le Tocard and his group had the power to
19 arrest people and hand them to the police, hand them over to the police?

20 A. [14:17:37] I told you earlier that impunity reigned. Otherwise, during normal
21 times or right now that sort of thing would not be possible, not at all, because the
22 instructions are very clear: No impunity. If someone does something wrong, commits
23 a crime, that person is arrested and brought before a judge. But at the time these things
24 happened frequently. It might be a militiaman, it might be a member of the FESCI, or
25 even an ordinary patriot. They would detain people and then send them to us or deal

1 with these people themselves. So there was impunity everywhere the eye could see.

2 Q. [14:18:38] Now, you've described these activities of Maguy Le Tocard and his
3 group that you say was in the run-up to the election and during the election and then after.
4 Were there other activities that you recall that Maguy Le Tocard and his group were
5 involved in that you're aware of?

6 A. [14:19:11] There certainly were some, a lot, but I don't remember right off the bat,
7 but I think there were many. I do remember one particular incident. It wasn't
8 necessarily Maguy Le Tocard, but it was Young Patriots. They had abducted two
9 journalists from France 24 network and they held them for several hours. I had to go and
10 negotiate with them for a long time to obtain their liberation, and there was -- nothing was
11 done, there were no sanctions, nothing. That's what I said earlier, it was impunity as far
12 as the eye could see.

13 Q. [14:19:55] And on this incident, do you recall when this took place?

14 A. [14:20:06] No, I no longer recall the exact date.

15 Q. [14:20:10] And in relation to the activities of Maguy Le Tocard, the police operations that
16 he was, as you say, conducting, did you report his activities to your superiors?

17 A. [14:20:31] I no longer know whether I did that or not, but I don't think I needed to
18 because everyone knew what Maguy Le Tocard was up to and the proof of that was that
19 people were talking about these things on the national television. And no one -- well, no
20 one, no police officer, no soldier, no prosecutor, no judge, no one carried out any arrests,
21 yet they were talking about him on the national television.

22 Q. [14:21:04] Did you, yourself, ever receive any instructions in relation to his
23 activities from the authorities, from your superior, superiors?

24 A. [14:21:19] No, never.

25 Q. [14:21:20] Now, I've just got a couple of other very, very short topics, very short if I

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1 may just move on to those. Thank you.

2 PRESIDING JUDGE TARFUSSER: [14:21:29] At 2.30.

3 MS PACK: [14:21:30] Okay.

4 Q. Now, I want to ask you, just to move on to -- well, let me just deal with this very
5 quickly. After you left the police station, you told us you left on 31 March, do you know
6 what happened at the police station?

7 A. [14:21:51] I learned that the police station was ransacked. I also learned that the
8 young militia members set up operations there and they were doing the policing.

9 Q. [14:22:07] And anyone you know by name?

10 A. [14:22:16] No, not at all.

11 Q. [14:22:18] Do you know what happened to Maguy Le Tocard at this time?

12 A. [14:22:29] At that time, no. When I went back home I was no longer interested in
13 any of that. I just wanted peace to return so that we could go back to normal life.

14 Q. [14:22:44] Now, I want to move on --

15 THE INTERPRETER: [14:22:46] Correction: So that we could go back to work.

16 MS PACK: [14:22:49]

17 Q. I want to move on to the topic of mosques in your zone of -- your jurisdictional zone.
18 And let me ask this: Did you receive at any time during the crisis any instructions
19 related to the mosques in your zone of jurisdiction?

20 A. [14:23:18] Yes, constantly we would be called and we would be told that there
21 were weapons in a particular mosque and to go and check, and so we would go, we
22 would go off and check. But often we were not alone. Sometimes militia members
23 would be with us as well while the checks -- while we were carrying out our checks. The
24 measures we were taking in relation to the mosques, for instance, we knew that we had to
25 take off our shoes. We did all of that. But that was not the case for all the militia

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1 members who were with us.

2 PRESIDING JUDGE TARFUSSER: [14:24:03] Called by whom? You started saying, "We were
3 called; we would be called and we would be told that there were weapons." Who called?

4 THE WITNESS: [14:24:20] (Interpretation) Quite often for that sort of thing, it would be
5 my direct boss, Commissioner Tiagnéré, who would give me the information and tell me
6 to go and check.

7 PRESIDING JUDGE TARFUSSER: [14:24:31] So it wasn't citizens who called the police,
8 but it came, instructions from the superior, hierarchy.

9 THE WITNESS: [14:24:44] (Interpretation) The instructions always came from our
10 superiors; never from civilians.

11 MS PACK: [14:24:50]

12 Q. [14:24:50] And when you went to search the mosques in your zone of jurisdiction,
13 did you in fact ever find any weapons?

14 A. [14:25:08] We never found any weapons in any mosque, never.

15 Q. [14:25:14] One quick other issue related again to mosques. You're aware of a
16 mosque in Port-Bouët II?

17 A. [14:25:28] Yes, I know there was a mosque there in Port-Bouët II, yes.

18 Q. [14:25:33] Is that in your zone of jurisdiction, or is it just outside it?

19 A. [14:25:44] No, it's outside. It's really right on the boundary, but it's not in my area.
20 It's outside the area handled by the police station of the 17th arrondissement.

21 Q. [14:25:59] And were you informed of any incident in relation to that mosque
22 during the post-electoral crisis?

23 A. [14:26:19] Yes, I did learn that the imam of that mosque had been killed. I learned
24 that from my boss because I had learned that the BAE had conducted an operation in
25 Port-Bouët II, and I also had learned that the imam had been killed. So I asked my boss

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1 and he said, "Yes, indeed, the imam at the mosque has died, yes."

2 Q. [14:26:49] And who did you learn the information from about the operation and
3 that there was a BAE operation there?

4 A. [14:27:09] We all knew. We were police officers. And my boss confirmed that,
5 yes, indeed, the BAE had conducted an operation at that place.

6 Q. [14:27:21] Do you recall roughly the date upon which that took place?

7 A. [14:27:29] No, I've forgotten.

8 Q. [14:27:31] Okay, one moment please, Mr Witness.

9 Just a perhaps if we can situate with the date, was it -- was it to your recollection before or
10 after you wrote your report of 28 February 2011, this incident?

11 A. [14:28:03] I think it was after, but, as I said, I really no longer recall.

12 Q. [14:28:14] Mr Witness, thank you very much for your time. Those are the last of
13 my questions. There will now be further questions for you.

14 MS PACK: [14:28:21] Mr President, I'm finished now with my questions.

15 PRESIDING JUDGE TARFUSSER: [14:28:25] Thank you very much.

16 Just one curiosity from my side. Don't you need to make a search in a mosque or
17 somewhere else, sort of an authorisation by the prosecutor or the judge, or can the police
18 go just on the instruction of the superior or on his own motion?

19 THE WITNESS: [14:28:55](Interpretation) Yes, we can act on our own initiative because
20 in our part of the world a judicial police officer does not need authorisation to conduct a
21 search. When we receive an item of information and we believe that it is justified, as
22 being a judicial police officer, we are allowed. And this is just for judicial police officers,
23 not just ordinary ones. Under these circumstances, you can conduct a search without
24 necessarily having a warrant from a judge.

25 PRESIDING JUDGE TARFUSSER: [14:29:26] Thank you very much. It's now time for

1 the Defence, and I revert to the Defence asking if there is an agreement or not, no, if there
2 is an agreement.

3 No, I just ask if there is an agreement among the parties or I have to decide on who starts
4 the questioning.

5 MR KNOOPS: [14:30:05] Mr President, after consultation with my team members, we
6 have no objection that the Defence team of Mr Gbagbo examines the witness first.

7 PRESIDING JUDGE TARFUSSER: [14:30:17] You have no objection, or you're in
8 agreement?

9 MR KNOOPS: [14:30:20] That's the same, Mr President.

10 PRESIDING JUDGE TARFUSSER: [14:30:22] Okay, good. So let me please suspend
11 five minutes, five, and come back exactly in five minutes. Thank you.

12 THE COURT USHER: [14:30:33] All rise.

13 (Recess taken at 2.30 p.m.)

14 (Upon resuming in open session at 2.35 p.m.)

15 THE COURT USHER: [14:35:20] All rise.

16 Please be seated.

17 MR MACDONALD: [14:37:07] Maybe the Defence of Mr Blé Goudé should start.

18 PRESIDING JUDGE TARFUSSER: [14:37:12] Yes, now we could -- this would be now
19 the --

20 MR JACOBS: [14:37:21] Maître Altit will be here in a moment.

21 PRESIDING JUDGE TARFUSSER: [14:37:28] Oui, oui.

22 I was going to give the floor to the Defence for Mr Blé Goudé.

23 Mr Witness, as you have realised, the Office of the Prosecutor has finished his

24 questioning, and it's now for the Defence for Mr Gbagbo to question you for one hour

25 now, and then we have a break, and then we have another session for one hour and a half

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- 1 today, and then we will -- we will stop until tomorrow morning.
- 2 Maître Altit, the floor is yours.
- 3 MR ALTIT: [14:38:28] (Interpretation) Thank you, your Honour.
- 4 QUESTIONED BY MR ALTIT: (Interpretation)
- 5 Q. [14:38:35] Good morning, Mr Witness.
- 6 A. [14:38:37] Good morning, Maître.
- 7 Q. [14:38:39] My name is Emmanuel Altit. I'm the Defence counsel for
- 8 Laurent Gbagbo, and I'm going to be asking you a number of questions, and I'd like to ask
- 9 you to respond in a precise and concise manner, if you will.
- 10 A. [14:38:56] Yes, okay.
- 11 Q. [14:38:58] Well, then, let's get started.
- 12 PRESIDING JUDGE TARFUSSER: [14:39:05] A warning to both of you, because you're
- 13 speaking now in French, both, that there is a big risk, a high risk, of overlapping. So,
- 14 please, just think about it, to speak slowly, not overlap, and do not interrupt each other.
- 15 Thank you.
- 16 MR ALTIT: [14:39:27] (Interpretation)
- 17 Q. [14:39:30] When did you meet for the very first time with the representatives, the
- 18 investigators, of the OTP?
- 19 A. [14:39:38] I believe it was in May of 2014.
- 20 Q. [14:39:48] You didn't have any contact with the Office of the Prosecutor before that
- 21 period?
- 22 A. [14:39:53] No.
- 23 Q. [14:39:58] How were you contacted by the Office of the Prosecutor?
- 24 A. [14:40:06] I received a call from them and they invited me to a place that we agreed
- 25 upon and I went there.

1 Q. [14:40:22] Who gave them your phone number?

2 A. [14:40:26] I have no idea.

3 Q. [14:40:33] Did your hierarchy ask you to speak to the Office of the Prosecutor?

4 A. [14:40:43] My hierarchy did not ask me to speak to the OTP.

5 Q. [14:40:50] But did you inform them when you agreed on an appointment to meet
6 with the OTP? Did you tell your hierarchical superiors or your colleagues?

7 A. [14:41:08] No. No, I didn't speak about it because I was asked not to speak about
8 it, and therefore, I did not speak about it. And it was just a few days before I was to
9 travel that I received a call from my hierarchy to confirm, indeed, that I was to travel.

10 Q. [14:41:32] You mean a few days before you travelled to The Hague; is that what
11 you meant?

12 A. [14:41:37] Yes, that's exactly what I meant.

13 Q. [14:41:41] If I may, your Honour, I'd like to go into private session for a few
14 moments.

15 PRESIDING JUDGE TARFUSSER: [14:41:48] Let's go into private session.

16 (Private session at 2.41 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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13 Page redacted – Private session

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1 (Redacted)

2 (Redacted)

3 (Open session at 2.45 p.m.)

4 THE COURT OFFICER: [14:45:49] We're in open session, Mr President.

5 PRESIDING JUDGE TARFUSSER: [14:45:58] Maître Altit.

6 MR ALTIT: [14:46:00] (Interpretation) Thank you, your Honour.

7 Q. [14:46:02] Mr Witness, were you given any promises to encourage you to cooperate
8 with the OTP?

9 A. [14:46:14] No, no promises were given to me. If I had been given promises, then
10 my hierarchy would have had to be informed and, as I told you, it was only at the very
11 last minute when I was to travel here that they themselves were informed. And they
12 asked me to travel, but I never received any promise of any kind.

13 Q. [14:46:35] Did you sign an agreement promising that you would not be prosecuted
14 if you cooperated with the Prosecutor of the International Criminal Court?

15 A. [14:46:49] I didn't need to sign such an agreement because I have nothing to be
16 ashamed of, nothing I could be accused of.

17 Q. [14:47:24] I'd like to go on to another theme. You told us or, rather, you showed
18 us, yesterday the neighbourhoods that you were responsible for in Yopougon and you
19 explained the scope of your jurisdiction. You mentioned a number of neighbourhoods
20 that made up that area, and I'd like to ask you some additional questions regarding those
21 neighbourhoods.

22 I'd like to take a look at the maps which are as follows: CIV-REG-0001-0160. And this is
23 a public document, I believe.

24 Thank you.

25 Mr Witness, the map is on evidence 1. Can you see the map?

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1 A. [14:49:15] Yes.

2 Q. [14:49:16] Very well. Now, I'm sure you recognise this map. This is your map.

3 And I'd like to do a little exercise, if you will. Yesterday, you explained, and we can see
4 quite clearly, that the main boulevard divides the neighbourhoods in two parts; that is, the
5 neighbourhoods that you're responsible for. Is that correct?

6 A. [14:49:47] Yes, indeed.

7 Q. [14:49:51] I would like to ask you to list precisely, following the main boulevard,
8 starting with the laguna and working upwards, the various sub-neighbourhoods on the
9 left and on the right of the main boulevard. For example, Doukouré, Yao Séhi. Could
10 you go up from the laguna and say "on the left you have this neighbourhood and",
11 et cetera. Moving northward. Can you do that?

12 A. [14:50:30] Yes, it is going to be a bit fastidious, but yes, I can do it. As you move
13 up from the laguna on the right-hand side --

14 PRESIDING JUDGE TARFUSSER: [14:50:38] On the right-hand side you mean east,
15 west? Because otherwise horizontally or not horizontally, to the east or to the west,
16 because left and right is not very precise.

17 THE WITNESS: [14:51:02](Interpretation) Well, if we talk about east and west, I may be
18 mistaken, but if we take the main boulevard as the middle line, so to speak, then it will be
19 easier for me.

20 MR ALTIT: [14:51:20] (Interpretation) I wonder whether it wouldn't be even more
21 useful if we ask the witness to inscribe the initials of the various neighbourhoods on this
22 map and that way we would know exactly what we're talking about. We could ask him
23 to annotate the map in that way.

24 Q. Would you mind doing that, Mr Witness.

25 A. [14:51:43] No problem.

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1 PRESIDING JUDGE TARFUSSER: [14:51:44] And when counsel said precisely, of
2 course, it is approximately.

3 THE WITNESS: [14:51:58] (Interpretation) I understand fully, your Honour.

4 Here you have Béago; this is Kouté, then you have Assonvon, Doukouré is here; Sicogi is
5 here, and then Selmer is somewhere here. Yopougou-Attie. And then Gabriel Gare, and
6 here you have the main road, the road, the main road, that goes from Yopougou to
7 Adjamé. And this is what we generally call the first bridge. Then à gauche you have the
8 main road, you have Siporex -- rather, to the left you have Siporex, then Banco II, SICOGLI,
9 then you have Yao Séhi, which is more or less in front of Doukouré. And then you have
10 Sideci, Sideci, and that continues almost down to here, it continues.

11 But there are sub-neighbourhoods. You have Lem here, Acadjoba (phon) here, and all
12 the way down here there's another Sideci, but I don't remember the other name. That's
13 more or less the layout.

14 MR ALTIT: (Interpretation)

15 Q. [14:55:55] Thank you. That's very clear. Thank you very much.

16 If I were to say Terminus 40, is that a neighbourhood or a sub-neighbourhood?

17 A. [14:56:10] That's a sub sub-neighbourhood. It's just before Assonvon. Before
18 Kouté you have Terminus 40 and then Assonvon.

19 Q. [14:56:24] Could you just write in T40 on the map.

20 Thank you very much. Thank you.

21 MR ALTIT: (Interpretation) Madam court officer, can we take a screenshot and I'd like to
22 have the document admitted into the case file.

23 PRESIDING JUDGE TARFUSSER: [14:56:53] It is.

24 MR ALTIT: [14:56:57] (Interpretation) We'd like to keep this document handy
25 because we may come back to it later on in our questioning.

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1 PRESIDING JUDGE TARFUSSER: [14:57:07] Can I ask, can I ask you how many people
2 live in this jurisdiction you have administrated, about, roughly?

3 THE WITNESS: [14:57:26](Interpretation) I don't remember any more. I used to know,
4 but I'm -- I'm sorry, I don't remember.

5 MR ALTIT: [14:57:37] (Interpretation) Thank you, your Honour.

6 Q. [14:57:39] *Mr Witness, you have stated that there were three brigades of 14 men
7 each in your commissariat and that these three brigades, and correct me if I'm wrong, that
8 they worked in rotation — a 3/8 shift system around the clock. So there would be one
9 brigade out in the field, and the two others would be resting, and then they would rotate
10 in that order. Is that correct?

11 A. [14:58:12] Yes, that was correct up until the elections, but then starting with the elections
12 we were all called in on duty permanently. We could no longer go home, we couldn't -- after the
13 military instructions were handed down, we could no longer follow that system.

14 Q. [14:58:38] What you said is that before the elections you never had more than 14
15 men, for example, to be able to go out in the field for a particular operation; is that correct?

16 A. [14:58:50] Yes, that's correct, more or less.

17 Q. [14:58:53] Very well. After the elections how many men could you have available
18 at any given point in time, because after the elections there were still people resting and
19 still people ill, for example, so how many men would you have at any given point at your
20 disposal to send them out on a mission?

21 A. [14:59:18] After the election at least 20 because, as I told you, we were all confined
22 to the commissariat, we actually slept there.

23 Q. [14:59:38] *Very well. Now I'm going to ask you the question the President put to
24 you a few moments ago but in a slightly different manner. All of the neighbourhoods
25 that were under your responsibility, under your jurisdiction, how much did that

1 correspond to in terms of population? I don't need a precise number, but generally was
2 it 300,000, 500,000? Do you have any idea at all?

3 A. [15:00:07] I think it was about 100,000.

4 Q. [15:00:13] Okay. So those 14 men before the elections or 20 men after the elections,
5 did they each have a gun? You explained that they had individual weapons, but you
6 didn't tell us if you had enough pistols, enough handguns so that each man would have
7 one when they went out on mission.

8 A. [15:00:50] In practice -- or, rather, in theory, each police officer should receive his
9 own handgun, but starting with the crisis in 2002, many of the young graduates, the
10 young policemen were not equipped with handguns. So of the 60 men that we had, only
11 50 to 55 had weapons, the others didn't.

12 Q. [15:01:30] And those who did have handguns, did they have enough ammunition?

13 A. [15:01:36] No.

14 Q. [15:01:44] How many bullets? How much ammunition did they have?

15 A. [15:01:53] Well, it varied. It was individual. I couldn't tell you. I wasn't in a
16 position to know how much ammunition each person had or how much he might have
17 had at home.

18 Q. [15:02:10] But I think you said it was not enough, in any event?

19 A. [15:02:15] Yes.

20 Q. [15:02:16] Very well. You also told us that your police station only had three
21 Kalashnikovs. Did you have ammunition for those weapons and, if so, did you have
22 enough?

23 A. [15:02:36] Whether we had ammunition? Well, yes, we did. But enough? No.

24 Q. [15:02:42] Very well. Did your men have shields, clubs, launchers for canisters of
25 tear gas, that kind of equipment for police operations?

1 A. [15:02:59] Yes, we had shields, clubs, we had launchers for tear gas, but at one
2 point we ran out of ammunition for the equipment used to lob canisters of tear gas.

3 Q. [15:03:17] And when did you run out of tear gas in approximate terms?

4 A. [15:03:29] I put it in the report. On the 25th there were movements underway,
5 quite a bit of movement between the young people of the RHDP and those from the LMP.
6 So during that demonstration we used a lot of grenades and we barely had any left.

7 Q. [15:03:55] And how many launchers for tear gas canisters did you have?

8 A. [15:04:04] Unless I'm mistaken, I think we had two.

9 Q. [15:04:09] Very well. Were there sub-stations that reported to your police station
10 in other parts, in other parts of the neighbourhood?

11 A. [15:04:24] No. There were no sub-stations that were part of our police station, but
12 we were part of the police district. We were in the same area, compound.

13 Q. [15:04:39] Very well. So you've explained to us that you had a deputy and you
14 gave that person's name, and there was about 10 police officers under that person's orders,
15 and then about 50 lower ranking police officers. So my question is simple: Did the
16 ethnicity of your men represent the diversity of Côte d'Ivoire?

17 A. [15:05:11] Could you repeat your question?

18 Q. [15:05:13] I'll rephrase my question. Did you have men and officers from a broad
19 range of ethnic groups and from different faiths?

20 A. [15:05:27] Yes.

21 Q. [15:05:28] Very well. Did some of your men come from neighbourhoods that
22 were within your area of jurisdiction?

23 A. [15:05:45] I didn't know each one individually, but I think so.

24 Q. [15:05:57] Very well. Did you choose these men when you had to send people out
25 to patrol or conduct a particular mission in a particular neighbourhood? Would you take

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1 the men who were from the particular area to take part in the mission?

2 A. [15:06:19] No, no, that's not what we did. It wasn't like that.

3 Q. [15:06:24] Very well. Now, did the national police know that groups of
4 combatants had infiltrated Abidjan before or during the election period?

5 A. [15:06:39] Please repeat.

6 Q. [15:06:41] Yes. Did the national police know whether groups of combatants had
7 infiltrated Abidjan, snuck in, I'm speaking of rebel combatants, had they snuck into the
8 city before or during the election?

9 A. [15:07:02] I think it would be the national police people who would be in the best
10 position to answer that question.

11 Q. [15:07:10] Very well. So, to your knowledge, in none of the neighbourhoods
12 within your area there were no rebels who had infiltrated?

13 A. [15:07:26] Yes, that's exactly right.

14 Q. [15:07:51] Were you aware of weapons that had been hidden, caches of weapons in
15 Abidjan before the election?

16 A. [15:08:04] Well, there was talk about caches of weapons, but I didn't see any. I no
17 longer know, but I don't think so.

18 Q. [15:08:15] I'd like to show you a document CIV-OTP-0043-0410.

19 I'm told that this is a confidential document, but apparently the Prosecution showed
20 similar documents in that same category in open court, so, your Honour, I turn to you, I'm
21 in your hands.

22 PRESIDING JUDGE TARFUSSER: [15:09:04] Is this an OTP document?

23 MS PACK: [15:09:07] I think there's no reason why it should be confidential.

24 PRESIDING JUDGE TARFUSSER: [15:09:10] Okay, so we lift the confidentiality and
25 show it public. Thank you.

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- 1 MR ALTIT: [15:09:21] (Interpretation) Perhaps we could zoom in a bit. We can't see
2 much. Can you kindly zoom in so we can have a closer look at the top of the document.
3 Could you blow up the image so that we can see more closely.
- 4 PRESIDING JUDGE TARFUSSER: [15:09:51] Who is working on this? No. Can we
5 please zoom in a little bit. Okay.
- 6 MR ALTIT: [15:10:19] (Interpretation)
- 7 Q. [15:10:20] Can you see the document? Can you see the top? Let's start at the
8 top.
- 9 A. [15:10:27] Yes, yes, I can read it.
- 10 Q. [15:10:28] Very well. So you can see that this is a document from the gendarmerie
11 and you can see as well opposite it says "number" and then the 5th of the 5th month 2010?
- 12 A. [15:10:51] Yes, the 5th of May 2010.
- 13 Q. [15:10:57] Can you see "Re"?
- 14 A. [15:11:00] Yes, I can see.
- 15 Q. [15:11:01] I'll read this out. So "Re: Discovery and seizures of military weapons and military
16 clothing." *The text says that on 5 May 2010 at the Ran neighbourhood, *not far from Afrique Oil
17 station in Anyama commune, some weapons were seized. Do you agree with me on that?
- 18 A. [15:11:27] Yes, that's what is described. That's what I see.
- 19 Q. [15:11:31] My question to you is quite simple --
- 20 MS PACK: [15:11:34] Your Honour, I do wonder, this is -- I mean, the witness has come
21 as a commissaire from Yopougon. I just wonder whether the foundation has been laid
22 for asking questions about a document that appears to be about somewhere else. I'll
23 leave it at that.
- 24 PRESIDING JUDGE TARFUSSER: [15:11:49] Can we first ask if he has ever seen or
25 knows anything about this document?

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1 MR ALTIT: [15:11:56] (Interpretation) Your Honour, I've taken note that my learned
2 friend does not object, but I do wish to make one point because, you see, my question is in
3 response to something that nearly was an objection. I realise that is a document from the
4 gendarmerie, yes, indeed, but I'm trying to elicit from the witness.

5 Q. [15:12:19] So, Mr Witness, this is --

6 MS PACK: [15:12:23] I'm sorry, just to be clear, I'll object then. I'll object. I was being
7 polite.

8 PRESIDING JUDGE TARFUSSER: [15:12:27] Let me please ask you what you are
9 trying to elicit from the witness on a document on which he doesn't know anything or he
10 doesn't -- at this point in time we don't know even if he has ever seen it or if he knows
11 anything about it.

12 MR ALTIT: [15:12:46] (Interpretation) Yes.

13 Q. Now, my question was this: Did your men already take part in such operations?

14 A. [15:12:53] No. But I would like to say that up until now we continue to discover
15 weapons.

16 Q. [15:13:05] Very well. Now, you can see that once again reading this document, if
17 we scroll down somewhat, mention is made of, and tell me if you can, four boxes with
18 various kinds of uniforms for the army, gendarmerie and police.

19 A. [15:13:44] Yes.

20 Q. [15:13:44] Do you --

21 MS PACK: [15:13:46] Objection again.

22 PRESIDING JUDGE TARFUSSER: [15:13:47] I have not heard the question yet, so it
23 depends on the question.

24 Please.

25 MR ALTIT: [15:13:53] (Interpretation) Thank you, your Honour.

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1 Q. [15:13:57] Did you have any knowledge, sir, of the seizure of these effects belonging to
2 the police when you were carrying out your duties before the crisis or during it?

3 A. [15:14:18] Yes, we had already heard about such seizures, yes.

4 Q. [15:14:23] Just --

5 PRESIDING JUDGE TARFUSSER: [15:14:24] Such seizures, these which were
6 mentioned here or these kind of?

7 THE WITNESS: [15:14:38] (Interpretation) I'm talking about this kind of seizure in
8 general terms, not this specific one.

9 PRESIDING JUDGE TARFUSSER: [15:14:44] Okay.

10 MR ALTIT: [15:15:01] (Interpretation)

11 Q. [15:15:01] *Sir, please, just tell me one thing, if I could rewind for a moment to
12 something you just said, you said earlier as I was questioning you, you said that "in
13 practice -- well, in theory, each police officer is supposed to be issued a personal weapon,
14 a handgun when he leaves police academy. But from the time of 2002 crisis, many of the
15 graduates came out of the police academy without being issued a weapon". End of
16 quote. Here is the reference for what I just quoted: page 78 of the French transcript at line
17 26 to page 79 at line 4. So in actual fact are we to understand that the police seriously lacked
18 equipment since 2002, and since then until the time of the crisis, including the crisis?

19 A. [15:15:51] Yes.

20 Q. [15:16:07] Now, you said that you were born in Odienné in the north of
21 Côte d'Ivoire; is that correct?

22 A. [15:16:14] Yes.

23 Q. [15:16:15] Can you tell us what your ethnicity is, because I don't think you've
24 answered. You didn't answer the question on that particular --

25 PRESIDING JUDGE TARFUSSER: [15:16:23] He did, he did, at the beginning when

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1 I -- well ...

2 MR ALTIT: [15:16:33] (Interpretation) But I'm going to quote you just to ensure
3 there's not a shadow of the doubt. French transcript --

4 PRESIDING JUDGE TARFUSSER: [15:16:43] Just repeat it in case or say it or repeat it, I
5 don't want to stop it here, but what is your ethnicity?

6 THE WITNESS: [15:16:53](Interpretation) I am Tagbana in the centre of the northern part
7 of -- about 40 kilometres from Bouaké.

8 MR ALTIT: [15:17:07] (Interpretation)

9 Q. [15:17:08] And is this group part of a larger ethnic group?

10 A. [15:17:16] We are part of the Senoufo group.

11 Q. [15:17:21] Very well. When did you go to Abidjan?

12 A. [15:17:33] I haven't understood your question.

13 Q. [15:17:34] You were born in the north. Perhaps you were raised there, perhaps
14 you stayed there for a while? When did you arrive in Abidjan, at what age, at what
15 time?

16 A. [15:17:57] I was raised in several places, because I followed my uncle. He was a
17 teacher, so each time he was transferred I would go along with him. But for the most
18 part I would mostly be in Abidjan for my vacation time with another uncle. So I think I
19 can -- that was a very long time ago, when I was small.

20 Q. [15:18:24] Very well. *If I've understood, you are telling us, unless I'm mistaken,
21 that you went to the police academy in 98-2000, and since 2004 you had been transferred
22 to the police station of the 16th arrondissement?

23 A. [15:18:42] Yes.

24 Q. [15:18:43] What were your duties in 2004?

25 A. [15:18:49] I was the deputy to the head of unit for the 16th arrondissement.

1 Q. [15:18:54] Very well. And you told us that in October 2011 you were transferred
2 to the Port-Bouët police station, and then on you went to Marcory to head the police
3 station, and then you became senior police commissioner, is that right?

4 A. [15:19:11] Yes.

5 Q. [15:19:12] Simple question: When were you promoted?

6 A. [15:19:18] I was promoted in 2015.

7 Q. [15:19:28] So you were at the 16th arrondissement for a long time, and so you're
8 familiar with the neighbourhood. You've showed us the sub-neighbourhoods and the
9 diversity of the various neighbourhoods that make up the area that came under your
10 jurisdiction. If we could have another look at the map, please, that map that we were
11 looking at together.

12 You can see the map on evidence 1.

13 A. [15:20:26] Yes, indeed.

14 Q. [15:20:26] Could you be so kind as to tell us with this map right at hand what is the
15 geographical origin or the national origin or the ethnicity of the people living in the areas
16 that we've been talking about? Would that be possible? Could you tell us that, well, in
17 this area it's mostly people from this nation or that ethnicity or nationality? You see
18 what I --

19 A. [15:21:00] I see what you're driving at, but that's possible just for two
20 neighbourhoods. For the other areas, it's not an easy task.

21 Q. [15:21:08] Give us those two neighbourhoods and then explain why it's not an easy
22 task for the other sub-neighbourhoods.

23 A. [15:21:15] You have Yao Séhi neighbourhood or area and then you have Doukouré
24 neighbourhood. Now, as for the other neighbourhoods, it's not an easy task, it's not a
25 simple question, because people were -- well, these were cosmopolitan areas, there were

1 all kinds of people, a mixture of people lived there.

2 Q. [15:21:39] Very well. So let's make sure we've understood each other. Yao Séhi,
3 what was the --

4 PRESIDING JUDGE TARFUSSER: [15:21:47] Yes, we have understood what are the
5 two, Yao Séhi and Doukouré, how are they characterised.

6 MR ALTIT: [15:22:01] (Interpretation)

7 Q. [15:22:02] What were the ethnic origins of these people?

8 A. [15:22:05] That neighbourhood was more Guéré people and Bété people, Yao Séhi
9 neighbourhood.

10 Q. [15:22:14] Very well. And what about Doukouré?

11 A. [15:22:17] Doukouré was mostly people, well, Dioula people, people who had been
12 born elsewhere.

13 Q. [15:22:28] Very well. So would it be fair to say that along the boulevard, on each
14 side of the boulevard there were small businesses, small shops, or were these shops and
15 businesses restricted to certain areas or sub-areas?

16 A. [15:22:56] Well, they would be limited to Doukouré. In Yao Séhi there was
17 practically nothing opposite.

18 Q. [15:23:09] Very well. Now, to the best of your knowledge, these shops, did they
19 belong to a particular group of people of a particular origin? Can you tell us more?

20 A. [15:23:28] I must admit I really am not following you.

21 Q. [15:23:32] Very well. Were there more specialised groups, some groups that were
22 more business people than others that monopolise businesses?

23 A. [15:23:43] That monopolised? I think that would be going too far, but who were
24 running businesses, yes, it was mostly Dioula people.

25 Q. [15:24:02] So where were the Nigerians, the people from Niger, the Malians, the

1 people you've mentioned previously during various -- the foreign people? Were they
2 mostly in Doukouré or were they elsewhere?

3 A. [15:24:21] Most of them were in Doukouré.

4 Q. [15:24:31] Mr Witness, we have learned from another witness that in Yao Séhi there
5 were a number of refugees from Duékoué; can you confirm that?

6 A. [15:24:44] I didn't know that. I don't know that. At least, I don't remember.

7 Q. [15:24:51] Very well. We have also been told about people from Guinea, Niger,
8 Mali, Burkina Faso who lived in Doukouré. Can you confirm that?

9 A. [15:25:12] There were many people who had been born elsewhere, so obviously,
10 yes, they lived there too as well.

11 Q. [15:25:22] Very well. Was there a neighbourhood where Liberian refugees were
12 to be found or a sub-neighbourhood?

13 A. [15:25:34] To my knowledge, no.

14 Q. [15:25:48] Very well.

15 MR ALTIT: (Interpretation) Your Honour, I'm about to move to another topic. It is
16 really as you wish. I can stop at this point or I can go on, but it might be a bit difficult.

17 PRESIDING JUDGE TARFUSSER: [15:26:00] Let's stop and take the break now and we
18 come back at 4 o'clock for another session of one hour and a half this time. Okay, thank
19 you very much.

20 The hearing is adjourned.

21 THE COURT USHER: [15:26:14] All rise.

22 (Recess taken at 3.26 p.m.)

23 (Upon resuming in open session at 4.04 p.m.)

24 THE COURT USHER: [16:04:51] All rise.

25 Please be seated.

1 PRESIDING JUDGE TARFUSSER: [16:04:57] Good afternoon, for the last time today,
2 hopefully.

3 Mr Witness, good afternoon. We continue with the questioning by the Defence for
4 Mr Gbagbo, and I give the floor to Maître Altit.

5 MR ALTIT: [16:05:22] (Interpretation) Thank you, your Honour.

6 Q. [16:05:29] How are you, Mr Witness?

7 A. [16:05:31] Yes, fine.

8 Q. [16:05:33] We will now talk about crime, the crime in the neighbourhoods that
9 came under your jurisdiction. What sort of crimes were you referring to? And just to
10 be -- we're talking about that time when you were appointed to the police station at the
11 16th arrondissement.

12 A. [16:05:58] Well, theft, for the most part, ordinary theft, sometimes aggravated theft.

13 Q. [16:06:10] And what kind of people were committing these crimes, what sort of
14 perpetrators?

15 A. [16:06:22] Well, there was no specific kind of criminal. It really could have been
16 just anyone. I don't think you could really categorise these people engaging in crime.

17 Q. [16:06:46] Were they young people, old?

18 A. [16:06:51] Mostly young people.

19 Q. [16:06:56] Were there any particular areas with particularly high levels of crime,
20 where crime was quite prevalent in these areas under your authority?

21 A. [16:07:12] I would say so. Yao Séhi, that was a high -- that was an area with high
22 levels of crime. There were smoking establishments there and there were -- maybe
23 Banco II as well, perhaps also -- well, those were the two neighbourhoods for the most
24 part with high levels of crime.

25 Q. [16:07:45] Very well. Was there any particular reason for this? In those

1 neighbourhoods was there more unemployment, any objective reasons to explain the high
2 levels of crime?

3 A. [16:08:02] Yes, they were neighbourhoods where people were just scraping by.

4 Q. [16:08:08] You mean poor neighbourhoods?

5 A. [16:08:10] Yes, very poor neighbourhoods.

6 Q. [16:08:13] Very well. And were there areas where people were more well to do
7 and, if so, where?

8 A. [16:08:26] Well, it would be a bit of an exaggeration to say well to do or bourgeois,
9 but middle, sort of middle class, Selmer, for example, Assonvon, Sideci, those areas,
10 Yopougon-Attie.

11 Q. [16:08:56] Very well. And was there any increase in crime between the beginning
12 of your assignment and the end of your assignment at the police station and the 16th
13 arrondissement?

14 A. [16:09:12] What kind of crime are we talking about?

15 Q. [16:09:15] I believe you told us that crime was theft in the large, large extent:
16 Purse snatching, street crime, that sort of thing.

17 A. [16:09:31] Yes.

18 Q. [16:09:31] Did that kind of crime rise during the time that you were -- during the
19 years that you were at the police station in the 16th arrondissement?

20 A. [16:09:40] Yes, it did rise, and I believe it really -- yes, it did go up.

21 Q. [16:09:49] Was there a particular date when the crime rate rose quickly, or was it a
22 gradual increase in crime? What happened?

23 A. [16:10:09] I don't believe it was particularly sharp; it wasn't a sharp rise, no.

24 Q. [16:10:26] Very well. We have learned from a witness who came here that the
25 people in charge of Yao Séhi neighbourhood came to Doukouré and asked the officials in

1 that second neighbourhood to help them end crimes in their neighbourhood. Are you
2 aware of those -- these approaches they made?

3 A. [16:10:48] No, I was not informed of any such thing, no.

4 MR MACDONALD: [16:11:00] I don't want to slow things down, your Honour, but it
5 is the second time my colleague is referring to "a witness came". The same questions can
6 be asked by putting the facts. There's no reason to refer in this instance to prior
7 testimony or indicating that a witness testified about something. The facts can be simply
8 put to the witness.

9 MR ALTIT: [16:11:27] (Interpretation) Your Honour.

10 PRESIDING JUDGE TARFUSSER: [16:11:28] There is also no problem in putting what
11 is in the record of the case to the person, but then to indicate where the source is.

12 MR ALTIT: [16:11:44] (Interpretation) I can give the reference, your Honour.

13 P-46 -- no, 0436, rather, 2 May 2017, French transcript page 5, lines 3 to 28.

14 THE INTERPRETER: [16:12:20] Interpreter correction: Witness P-0436.

15 MR ALTIT: [16:12:26] (Interpretation)

16 Q. [16:12:29] While we're on this topic, I'll just continue with this. The witness
17 said -- P-436. He said, and I quote, once again, same excerpt:

18 "Yes, because when the young people steal, they know one another. They know one
19 another. They may not speak to one another because, if they speak, they may be subject
20 of settling of scores. So they don't talk, so they know the children, they know the parents,
21 but they can't talk."

22 So this witness told us that the young people, the young criminals, offenders, they knew
23 one another, and the officials of the neighbourhood, the parents, the leaders, they knew.

24 So these gangs who were stealing, were they made up of people from various different
25 groups, people from different neighbourhoods, different places, or were the gangs more

1 structured? Were they organised by neighbourhood or --

2 A. [16:13:49] I don't think they were necessarily all that structured.

3 Q. [16:13:54] So within one single gang you might have people from all kinds of
4 different origins, from different neighbourhoods?

5 A. [16:14:05] I don't know if you're referring to the crimes that occurred in Yao Séhi,
6 but regarding this -- well, in that area the complaints we received usually were complaints
7 about people who were stealing telephones, people who would go through the
8 neighbourhood, or were going along the side of the tarred road. Someone would come
9 up to them, snatch their phone and disappear into the neighbourhood of Yao Séhi. We
10 had constant complaints along those lines, but to say that they were organised groups of
11 young people, I don't think so.

12 Q. [16:14:51] *So if I've understood, they were quite -- how should I put it...
13 opportunistic or chance crimes, whereby an opportunity arose and the one or two or three
14 youth who were present would seize it. Is that correct?

15 A. [16:15:04] Yes, exactly.

16 Q. [16:15:12] Now, these officials within the neighbourhoods or leaders, the
17 community leaders, what would they do to try to reduce or at least restrict levels of crime?

18 A. [16:15:29] Honestly, I don't know. I can't speak for them.

19 Q. [16:15:37] They wouldn't visit you? They wouldn't come and see you with their
20 complaints, no?

21 A. [16:15:46] At first, yes, but eventually a time came when it was more obvious.

22 Q. [16:15:56] Why was that?

23 A. [16:16:00] Well, the crime -- well, the situation in the field was such that there was
24 a lot of distrust, so people would avoid speaking to one another. People took a lot of
25 precautions.

1 Q. [16:16:25] Do you know Brahima Bakayoko, also known as Bobi?

2 A. [16:16:32] No, I don't know him.

3 Q. [16:16:46] So Witness P-109, a witness who appeared here, confirmed that the
4 young people in Doukouré had decided to ensure policing themselves. French transcript,
5 9 May 2017, page 115, lines 7 to 28.

6 Were you aware of this, that the young people in Doukouré had decided to ensure
7 policing themselves, to be their own police?

8 A. [16:17:35] I think I said earlier that -- I said in most cases of self-defence, it was
9 Young Patriots taking action against the main perpetrators, but it was possible that in the
10 neighbourhoods that people from the RHDP and their neighbourhood at the roadblocks
11 would -- yes, that did happen. They'd be keeping an eye on their own neighbourhood.
12 It did happen.

13 Q. [16:18:06] Very well. Diomandé Adama, does that ring a bell?

14 A. [16:18:23] No, I don't know him.

15 Q. [16:18:26] Never heard about him?

16 A. [16:18:27] No. Well, maybe it's the name I don't recognise.

17 Q. [16:18:44] Now, this person is a community leader from Doukouré who did several
18 things, important duties really. Doesn't ring a bell? Diomandé Adama, that's the name.

19 A. [16:19:00] No, no, doesn't ring a bell.

20 Q. [16:19:02] Can you mention any well-known leader in that area, people that you
21 have dealings with, the more important people maybe?

22 A. [16:19:14] I really can't give you the name of any community leaders or -- from
23 these neighbourhoods, no, from -- not from Yao Séhi or Doukouré. It's a very broad area,
24 and so we were not able to get to know all the neighbourhood leaders, no.

25 Q. [16:19:39] So for seven years you were the police commissioner in that

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1 neighbourhood in Yopougon in that specific area, and in seven years you were never able
2 to meet with the people who were playing leadership roles in these neighbourhoods?

3 A. [16:20:01] No, it wasn't necessary.

4 Q. [16:20:13] Adama Touré, does that ring a bell, that name?

5 A. [16:20:17] Unless I were able to see the face, no, it doesn't ring a bell at all.

6 Q. [16:20:21] Very well. Did you ever hear the -- about an organisation a collective of
7 victims of Doukouré?

8 A. [16:20:47] No, never.

9 Q. [16:20:52] Very well.

10 THE INTERPRETER: [16:21:01] Interpreter correction: Collective of Victims of
11 Doukouré-Yopougon.

12 MR ALTIT: [16:21:08] (Interpretation)

13 Q. [16:21:09] Now, all that time when you were responsible for the police station in
14 the 16th, did you know the leaders of the RDR, the local leaders?

15 A. [16:21:25] No, none of them until the massacre occurred at the RDR headquarters.
16 That's when I met Mr Abas. Other than that, no.

17 THE INTERPRETER: [16:21:35] Interpreter correction: The party mentioned was the
18 RDR.

19 MR ALTIT: [16:21:40] (Interpretation)

20 Q. [16:21:40] Very well. During the crisis no RDR official came to see you to say, oh,
21 well, we have a problem; we need your help for this or that, or no one came to you with
22 complaints or explanations about what had been going on?

23 A. [16:21:58] Yes. There was one person representing the youth from the RDR,
24 Mr Mamadou Doumbia was his name, something like that. He came to see me.

25 Q. [16:22:18] And what was his role within the RDR?

1 A. [16:22:24] I don't know what his role was. He just told me that he was a
2 representative of the youth. But he came to see me at one specific period of time and for
3 one specific problem.

4 Q. [16:22:38] Very well. Now, regarding the young people from the RDR, did they
5 take care of security in the neighbourhoods where they were to be found, to your
6 knowledge?

7 A. [16:22:50] To my knowledge, no.

8 Q. [16:22:56] Where did they gather?

9 A. [16:23:01] I don't know.

10 Q. [16:23:21] Were there many grins in this area that you were responsible for?

11 A. [16:23:27] Many what?

12 Q. [16:23:30] Grins, the grins.

13 A. [16:23:34] What's that?

14 Q. [16:23:37] Very well. To the best of our knowledge, it's a place where people
15 would come together and perhaps they would have something to drink and then have a
16 chat and, in particular, drivers would gather. Does that ring a bell now?

17 A. [16:23:58] No, I don't know anything about these grins.

18 Q. [16:24:19] Very well. And these RDR youth, did they do any sports training?

19 A. [16:24:27] I don't know.

20 Q. [16:24:30] So the only ones you would see over those seven years, those were the
21 young people from the -- "à côté," but not from the RDR?

22 A. [16:24:42] Don't say that, don't say during those seven years. I mentioned Young
23 Patriots, but that was just before the election, during the election and after the election, but
24 other than that, before the problem did not exist in Yopougon. There were no young
25 RHDP people or young LMP people, Young Patriots, no. That problem didn't exist at

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1 that time.

2 PRESIDING JUDGE TARFUSSER: [16:25:18] Excuse me. You just -- before you said,
3 talking about this Mr Mamadou Doumbia, representing the youth from the RDR, at the
4 question of the counsel, you said that at one specific period, and then there is a something
5 which I can't read, the time and for one specific problem. He came one specific time for
6 one specific problem to you. What is this specific problem and what is the specific time?

7 THE WITNESS: [16:26:13](Interpretation) He came to see me at noon, around then, the
8 day of the second round of voting and he was complaining that there were supporters of
9 his party who were not able to vote because they were being called foreigners.

10 PRESIDING JUDGE TARFUSSER: [16:26:35] Supporters of the RDR?

11 THE WITNESS: [16:26:48](Interpretation) Yes, supporters of the RDR.

12 PRESIDING JUDGE TARFUSSER: [16:26:50] And what did you do?

13 THE WITNESS: [16:27:02](Interpretation) For the most part, for most of the cases that
14 came to us, we ensured that people would be able to vote, they were able to vote.

15 PRESIDING JUDGE TARFUSSER: [16:27:10] No, but I'm referring to that case which
16 Doumbia came to tell you about. Did you take action after he came and told you that in
17 certain parts people couldn't vote?

18 THE WITNESS: [16:27:39](Interpretation) When he told us that some people were being
19 kept -- that his supporters were being kept from voting, we said "Send them to the police
20 station." They were sent to the police station and we escorted them to the polling station.
21 So they were able to vote. And then after that I never met him again.

22 PRESIDING JUDGE TARFUSSER: [16:27:59] Thank you.

23 Maître Altit.

24 MR ALTIT: [16:28:02] (Interpretation) Thank you, your Honour.

25 Q. [16:28:08] So I'd like to ask you about the roadblocks. I asked you and you made

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1 a distinction between the ones that were on the main boulevard and the ones that were set
2 up in Doukouré. I'd like to read out what Witness 109 said. Transcript of 10 May 2017,
3 pages 17 and 18, line 28.

4 So this witness said, and I quote --

5 MR MACDONALD: [16:28:53] Can we just confirm if it was in public session? I'm
6 sorry to interrupt, your Honour, but I think it would be advisable, considering the
7 protective measures that you had put in place for that witness, just in case.

8 MR ALTIT: [16:29:12] (Interpretation) It was in open session.

9 PRESIDING JUDGE TARFUSSER: [16:29:15] Okay.

10 MR MACDONALD: [16:29:16] And also are we quoting from -- it would be important
11 because I take the stand here in view of my colleague, but we're having discussions, the
12 last reference was a reference to the realtime transcript when the edited transcript exists,
13 so we need to make sure that when we refer to a transcript that we indicate if it was a
14 realtime --

15 PRESIDING JUDGE TARFUSSER: [16:29:42] Or an edited.

16 MR MACDONALD: [16:29:44] Edited because then the numbers don't work.

17 PRESIDING JUDGE TARFUSSER: [16:29:47] Okay. Okay. This I think
18 is -- absolutely should be done like this, so thank you.

19 MR ALTIT: [16:29:58] (Interpretation) Thank you. Thank you, Mr President.
20 Realtime, it's realtime. I think I provided the references already, correct? Okay.

21 Q. [16:30:28] Now, Mr Witness, let me read out what the witness said:

22 The question to him was: "After the confrontations of 25 February, the youth of
23 Doukouré set up roadblocks, correct?"

24 Answer: "Yes. They did so by setting up roadblocks and blocks in order to stop the
25 traditional rulers from discussing with them."

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1 THE INTERPRETER: [16:30:59] Mr President, could counsel be asked to start all over
2 for the benefit of the interpreters. Thank you.

3 PRESIDING JUDGE TARFUSSER: [16:31:04] Can you slow down by reading and I was
4 requested also to restart all over. Thank you.

5 MR ALTIT: [16:31:15] (Interpretation) I'll repeat.

6 PRESIDING JUDGE TARFUSSER: Okay.

7 MR ALTIT: (Interpretation)

8 Q. [16:31:22] So let me repeat for the benefit of the interpreters, and I quote:

9 "After the clashes of 25 February, the youth of Doukouré set up roadblocks, right?"

10 And the witness answered: "Yes. The neighbourhood was closed off by putting wood
11 and zinc around in order to avoid it. We expected the traditional rulers to have
12 discussions with them because since they said that there were rebels in the
13 neighbourhood, they came and there were gunshots, there was no reply to those
14 gunshots, so they tried to seek peace, but the youth of Yao Séhi didn't want to hear any of
15 that, not at all." End of quote.

16 Now, Mr Witness, the witness has clearly indicated here that the youth of Doukouré set
17 up roadblocks at all the entrances. When he said the neighbourhood was blocked off, *it
18 would appear that all the entrances to the neighbourhood, at least some of them, were
19 closed; is that correct and were you aware of this?

20 A. [16:33:04] Was I aware that there were roadblocks or was I aware that the
21 neighbourhood was closed off? Which one is the question?

22 Q. [16:33:13] Were you aware that the people of Doukouré, the youth of Doukouré
23 had set up roadblocks at the entrances or exits to or from the neighbourhood with a view
24 to closing off the neighbourhood according to this witness?

25 A. [16:33:28] I think I already said so twice. I said yes, they had set up roadblocks in

1 order to close off their neighbourhood, yes.

2 Q. [16:33:44] Very well. Did you try to dissuade them from setting up those
3 roadblocks?

4 A. [16:33:52] No.

5 Q. [16:33:55] Very well. Did you see any of those roadblocks?

6 A. [16:34:17] Are you asking if I saw any of the roadblocks? If I said yes, I am at risk
7 of telling lies and if I say no, I would also be at risk of telling a lie.

8 Now, but this is what I can say: I believe that the facts you are referring to took place on
9 the 25th because it was on that day that there were true clashes between the RHDP and
10 RDR youth, particularly those of Doukouré and Yao Séhi. And I told you that on that
11 day we were concerned about law enforcement. We were doing our patrols and
12 launching grenades with a view to maintaining order. Now, whether I particularly saw
13 those roadblocks, what I can say is that I didn't pay attention.

14 Q. [16:35:16] Very well. Were there any clashes between the youth of the RHDP and
15 the LMP youth whom you have referred to as in the previous question?

16 THE INTERPRETER: Interpreter corrects.

17 MR ALTIT: (Interpretation)

18 Q. Clashes before 25 February?

19 A. [16:35:50] Yes, I think before 25 February there had been some clashes.

20 Q. [16:35:56] Did any witnesses tell you about what had happened through any of
21 those or during any of those clashes?

22 A. [16:36:04] Not specifically, but we were able from time to time to notice that -- or,
23 to establish those facts when during the campaign an RHDP camp would set up on one
24 side while the LMP camp would set up on the other or vice versa, and therefore this often
25 led to a number of skirmishes and confrontations which we tried to manage as best we

1 could.

2 Q. [16:36:41] Those skirmishes that you refer to, did they usually ignite because of
3 issues related to theft or complaints about thefts *or is it that there were simple offences
4 which may have triggered the clashes?

5 A. [16:37:08] No, it had nothing to do with any such misdemeanours.

6 Q. [16:37:16] You have talked about unemployed youth who were involved in some
7 kind of street crimes. Were they part of some of these groups belonging to one camp or
8 the other? I mean, and I'm referring there to the groups of young people.

9 A. [16:37:38] No. Those groups of young people did not involve themselves in those
10 types of misdemeanours.

11 Q. [16:37:56] When Alassane Ouattara came into your neighbourhood during the
12 campaigns, how did all that unfold?

13 A. [16:38:10] If you were to show me a report which I made in that connection, as I
14 did with other incidents, I might make a comment on it, but I don't have anything off the
15 cuff to say in that regard, otherwise if you show me a report, I'll be able to comment on it.

16 Q. [16:38:33] Very well. But do you, do you remember whether Alassane Ouattara
17 came into your area of jurisdiction during the campaign period? Did he or did he not
18 come?

19 A. [16:38:49] I think he came.

20 Q. [16:38:58] What did you do? What was your mission? Can you tell us a little
21 more about what happened when he came?

22 A. [16:39:07] The mission was specifically one of providing safety and security. We
23 needed to provide safety and security for the candidate for the supporters, and the same
24 rule applied to all candidates who visited Yopougon.

25 Q. [16:39:24] Very well. Did you deploy any policemen for that particular mission?

1 A. [16:39:30] Yes, as was the case with all other missions, I think so.

2 Q. [16:39:39] Who were you in contact with on Alassane Ouattara's side for the reason
3 of properly organising the safety and security mission for the candidate Ouattara?

4 A. [16:39:52] I'm sorry, I don't remember.

5 Q. [16:40:10] Would it have been people you knew or you did not know?

6 A. [16:40:14] I don't remember. I really don't know, but that's why I'm asking for a
7 report. If I had a report, I might be able to tell you, yes, this is how it happened.
8 Working from memory is not easy for me, so I don't remember.

9 Q. [16:40:38] Were you contacted by representatives of the rebellion or the Forces
10 Nouvelles or the FRCI during the crisis?

11 A. [16:40:53] Contacted? Well, I don't see by whom, no.

12 Q. [16:41:01] You never had any contact during the crisis with an official of the RDR
13 and, moving out of your neighbourhood, somebody who may have been at the Hôtel du
14 Golf? And when I say RDR, I'm referring to a Ouattara official who may have been
15 based at the Golf Hotel.

16 A. [16:41:21] I've told you that I don't remember, no.

17 Q. [16:41:43] Were any of your subordinates contacted by the representatives of the
18 Ouattara camp, regardless of how they were being referred to?

19 A. [16:42:01] If such a thing had happened, they did not talk about it with me and I
20 have -- or I may have forgotten.

21 Q. [16:42:10] Very well. Did the RDR organise any demonstrations for its supporters
22 within the neighbourhoods under your jurisdiction from the beginning of the campaign to
23 the time of the arrest of Mr Laurent Gbagbo?

24 A. [16:42:32] Certainly, yes.

25 Q. [16:42:33] Can you be more specific and tell us what demonstrations those would

1 have been and maybe the date, if you recall, or if not, please, the period?

2 A. [16:42:45] You talked about the period before the elections, so it must have been to
3 campaign, and so I think that people of Ouattara's camp certainly must have come to
4 campaign in our area. I think so, but I'm not able to tell you how, when and so on and so
5 forth.

6 Q. [16:43:08] Did everything go well?

7 A. [16:43:15] If there were any clashes, I don't remember.

8 Q. [16:43:20] Very well. Now, after the elections, after the results were announced,
9 or should I say after the second round of the elections, were there any demonstrations
10 organised by the Ouattara camp in the entire area under your jurisdiction?

11 A. [16:43:40] Yes. *When the results were announced and the CEI declared
12 Alassane Ouattara winner, the group, in fact the entire Doukouré neighbourhood, was in
13 celebratory mood.

14 PRESIDING JUDGE TARFUSSER: [16:44:12] The entire group was.

15 THE INTERPRETER: [16:44:14] The entire group was "en liesse" in French. The
16 interpreters will check. "En liesse" means they were celebrating, celebrating. Thank you.

17 PRESIDING JUDGE TARFUSSER: [16:44:30] Thank you.

18 MR ALTIT: [16:44:43] (Interpretation)

19 Q. [16:44:44] Very well. Were there any marches organised by the Ouattara camp
20 after the second round of elections?

21 A. [16:45:00] I don't think so and I don't -- I no longer know.

22 Q. [16:45:08] Do you remember the march of 16 December 2010?

23 A. [16:45:19] As I have said previously, if you have a report it will help me, but
24 otherwise I don't, I don't see anything along those lines.

25 Q. [16:45:30] Now we are going to show you a document, reference

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1 CIV-OTP-0045-0748.

2 Mr President, to be very clear about this document, let me say that this document was
3 already produced into evidence but was only notified this morning, so I extend my
4 apologies to my learned colleagues of the OTP and to the Defence for late notification, but
5 it was already on the case file.

6 PRESIDING JUDGE TARFUSSER: [16:46:23] Okay.

7 MR ALTIT: [16:46:50] (Interpretation)

8 Q. [16:46:51] Witness, you have the document under evidence 1. Can you see it?

9 A. [16:46:57] Yes, I can see it.

10 Q. [16:46:59] Now, what we're going to do, because the document is not very clear,
11 please, let's zoom in to the top part of the page, please.

12 And now we will scroll down slowly so that the witness can read through the document,
13 to the very bottom. Further down, please. And then on to the next page, please.

14 Now, Mr Witness, you can see a signature. Can you see it?

15 A. [16:48:35] Yes, I see it clearly.

16 Q. [16:48:38] "Le préfet de police d'Abidjan".

17 A. [16:48:44] Yes.

18 Q. [16:48:45] You can see the duties, the missions, as you can see?

19 A. [16:48:52] Yes.

20 Q. [16:48:53] Let us now return to the first page, please.

21 At the top of the document we have a title, and please confirm. PO to -- in relation to the
22 demonstration of the RHDP with a view to installing the prime minister,

23 Mr Soro Guillaume. Can you tell us what a PO is?

24 A. [16:49:41] PO stands for les postes d'observation, observation post.

25 Q. [16:49:51] So you see that on the first page of this document, the observation posts

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1 were supposed to be set up in Yopougon; correct?

2 A. [16:50:04] Yes.

3 Q. [16:50:06] I don't know how we're going to achieve this technically, but, please, can
4 you display the map. I'm talking to the witness, but I'm looking at you. The map of
5 yesterday which the witness saw without the annotations, and can you use that map to
6 point out to us where those places indicated to be part of Yopougon here appear on the
7 map --

8 THE INTERPRETER: [16:50:44] (Overlapping speakers)

9 THE COURT OFFICER: [16:50:45] Just for clarifications, is that the map with the first
10 annotations or the original map without any annotation?

11 MR ALTIT: [16:50:52] (Interpretation) I'll provide you with a reference,
12 CIV-REG-0001-0160.

13 Q. [16:52:20] Mr Witness, you have the map before you. Is it possible to show the
14 witness the little list of Yopougon observation posts? If not, then we can read them out.
15 The first bridge, where is that located on this map?

16 A. [16:53:01] Here.

17 Q. [16:53:04] Where is Sable located?

18 A. [16:53:13] There.

19 Q. [16:53:16] Carrefour Policier?

20 A. [16:53:23] It must be somewhere around here. Or, rather, here.

21 Q. [16:53:34] Very well. And MACA?

22 A. [16:53:40] Then we need to go further up on the map. It's on the other side, but a
23 little further on.

24 Q. [16:53:47] Very well. Very well. Let's keep it at that. We understand. Now,
25 these are the observation posts. Were you aware of the existence of these observation

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1 posts?

2 A. [16:54:01] No, because that note was not addressed to me because, you see, for the
3 distribution of forces the Yopougon district and the 16th arrondissement police station
4 were not mentioned. It was only the BAE that was informed of the situation.

5 MS PACK: [16:54:24] Your Honour, just quickly, it may be an idea to mark these
6 locations with numbers or something because when they fall to be considered, it is just a
7 bunch of circles for now.

8 PRESIDING JUDGE TARFUSSER: [16:54:36] Well, or at least to make them more
9 identifiable vis-à-vis the transcript. But if you could write the names of these places just
10 near the circles you drafted, I think it would be helpful.

11 THE WITNESS: [16:55:02](Interpretation) Okay. Here is the first bridge. Here is
12 Carrefour Sable, and here you have Carrefour Policier. And this is nothing; it is to be
13 deleted.

14 PRESIDING JUDGE TARFUSSER: [16:56:27] I think we're ready.

15 MR ALTIT: [16:56:29] (Interpretation) Thank you, Mr President.

16 Q. [16:56:33] Thank you, Mr Witness. So here we can see that two of the observation
17 posts are located in your area of jurisdiction but you were not aware of their existence. Is
18 that correct? Is that your position?

19 A. [16:56:49] Yes, exactly.

20 Q. [16:56:51] Now, let's turn to the march of 16 December. Do you remember that
21 march of 16 December?

22 A. [16:56:59] Yes, now that I have seen the report, I do recall that it was organised to
23 install the prime minister.

24 Q. [16:57:06] Very well. Now, regarding the march of 16 December 2010 -- regarding
25 the march of 16 December 2010, were there any specific arrangements made by yourself

1 with a view to providing safety and security around any building or any place within the
2 areas under your jurisdiction? Were there any specific measures taken in view of the
3 march of 16 December?

4 A. [16:57:49] I am going to tell you how we function. Whenever we have a major
5 event, we prepare what is known as a service note, note de service, which outlines the
6 responsibilities of all and sundry, as well as an identification of the forces that are to be
7 used for that purpose. So when you are not concerned by the service note, basically you
8 have nothing to do with the event.

9 Q. [16:58:23] So to be very clear, and if I've understood you clearly, nobody asked you
10 to take any specific measures relating to 16 December 2010; is that your position?

11 A. [16:58:35] I think that that is correct.

12 Q. [16:58:40] Very well. Now, on that day, the area under your jurisdiction, you did
13 not observe any peculiar or specific on that day in your area of jurisdiction; is that correct?

14 A. [16:58:57] I do not recall that anything in particular happened, but there might
15 have been something but I don't remember.

16 Q. [16:59:06] Very well. Do you recall that this was a march on the RTI?

17 A. [16:59:16] Yes, that is correct.

18 Q. [16:59:19] Very well. Were there any convoys from the neighbourhoods in your
19 jurisdiction or passing through from other neighbourhoods? Were any convoys of any
20 sort observed going through your jurisdiction on that day?

21 A. [16:59:39] Let me hark back to the answer I gave you a while ago. When you are
22 not concerned by a service note, this means that you have nothing to do in that connection.
23 So I did not dispatch any men; I did not have to produce any report. Otherwise, I would
24 have produced a report stating that such-and-such a situation had taken place at
25 such-and-such a place. This is what I think.

1 Q. [17:00:05] But as far as you know, did any convoys go through or pass through any
2 of the zones or any of the areas under your jurisdiction or did that not happen at all?

3 A. [17:00:21] You're asking me to work off memory, and that's difficult for me. But it
4 might have been possible, but I don't recall.

5 Q. [17:00:33] Very well. What you have told us, then, is not a single policeman was
6 deployed to observe or deal with any demonstration.

7 A. [17:00:49] That's not what I said. Policemen belong to the BEA.

8 Q. [17:00:53] I rephrase my question. Not a single policeman under your jurisdiction
9 was assigned to watch and look at the demonstrators, if there were any; is that correct?

10 A. [17:01:08] Yes, I think that's correct.

11 Q. [17:01:11] As far as you know, were there any other marches organised by the RDR
12 or its political allies during the crisis?

13 A. [17:01:31] I think that there was a march on 25 March, but I don't remember.

14 Q. [17:01:39] A march on 25 March, from where to where?

15 A. [17:01:44] I told you that I think so, but I don't really recall exactly. I'm not
16 convinced about this. In fact, I really don't know.

17 Q. [17:01:53] Even vaguely, even in relation to Yopougon, you have no memory?

18 A. [17:02:00] No, I have no recollection.

19 Q. [17:02:06] So this is the only march, apart from that of 16 December, which you
20 remember?

21 A. [17:02:13] I remembered it because you showed me a report.

22 Q. [17:02:18] Are you referring to the march of 16 December?

23 A. [17:02:21] Yes.

24 Q. [17:02:22] Very well. Now, sir, you told us that the young people who were
25 running were often seen running, jogging, and they were often wearing police armbands;

1 isn't that right?

2 A. [17:02:53] No, that's not what I said. I said they were wearing black T-shirts.

3 Now, when they did police operations, that's when they were wearing such armbands.

4 Q. [17:03:02] Very well. Do you know where they got these armbands?

5 A. [17:03:15] They're to be found in Adjamé. They are for sale, freely.

6 Q. [17:03:23] How much do they cost?

7 A. [17:03:25] No more than a thousand CFA francs, maybe 2,000.

8 Q. [17:03:31] And if we wanted to buy a police armband in Adjamé, we could go and
9 buy one easy as pie?

10 A. [17:03:40] Yes, exactly.

11 Q. [17:04:13] Now, sir, when did the new forces, the FRCI, arrive in the
12 neighbourhoods that you were responsible for?

13 A. [17:04:27] I told you that I left the service on 31 March and I have not returned
14 there since. But according to the information I have received, I believe it was after the
15 arrest of Mr Laurent Gbagbo.

16 Q. [17:04:52] Why did you not go back to the service after 31 March?

17 A. [17:05:04] Because I thought things were heading towards an armed clash or -- I
18 am a police officer. I don't have the equipment for that sort of thing, so I stayed at home
19 and that's what I asked my men to do.

20 Q. [17:05:38] Very well. A battle between whom and whom?

21 A. [17:05:44] I suppose a battle between the FRCI and the FDS, the forces of defence
22 and security, because apparently the FRCI were at the very doorstep of Abidjan. That is
23 what people were saying.

24 Q. [17:06:05] And were they indeed at the very doorstep of Abidjan?

25 A. [17:06:11] I don't know.

1 Q. [17:06:12] But you're in a good position to know such things; you were a police
2 commissioner.

3 A. [17:06:17] I think they were there, but I did not have confirmation of that.

4 Q. [17:06:23] Mm-hmm. And the French forces, they attacked the police, the
5 gendarmerie, the army and -- at that time, and security forces?

6 A. [17:06:44] When?

7 Q. [17:06:44] As of 31 March, the period of time we're talking about.

8 A. [17:06:56] I didn't hear any talk of the French forces attacking the police or the
9 gendarmes or the army. I don't know, but I did not hear any talk of that.

10 Q. [17:07:08] Did you have colleagues in the police? You had -- did you have
11 colleagues amongst the police that you talked to?

12 A. [17:07:15] Yes.

13 Q. [17:07:17] Very well. And no one mentioned or -- an attack by the French forces
14 against security forces?

15 A. [17:07:25] No.

16 Q. [17:07:30] Very well. I'd now like to play some video footage, and the reference is
17 CIV-D15-0001-3948, time code 2.34 to 2.44. Transcript is CIV-D15-0004-1195.

18 Perhaps if we could be given control of the -- could we be given control, madam court
19 officer?

20 THE COURT OFFICER: [17:08:20] You have the floor, evidence channel 2.
21 (Viewing of the video excerpt)

22 THE INTERPRETER: [17:08:43] (Interpretation of the video excerpt) Gbagbo is
23 dealing with us. We're going to bring him down. Some of these warriors are veterans
24 of the 2002 conflict before the partition of the country. They take their first victims, their
25 first prisoners in the neighbourhood named Yopougon. What do you say? I wouldn't

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- 1 say anything if I were you. Don't talk again.
- 2 THE COURT OFFICER: [17:09:35] Excuse me, can we remove the map from evidence
3 channel 1 and register it?
- 4 MR ALTIT: [17:09:44] (Overlapping speakers)
- 5 THE COURT OFFICER: [17:09:46] Yes, thank you.
- 6 MR ALTIT: [17:09:54] (Interpretation)
- 7 Q. You saw the footage, sir. Does the footage ring a bell?
- 8 A. [17:10:02] Judging by what I have seen, those are the new forces who were coming
9 and they were going to drive out Mr Gbagbo.
- 10 Q. [17:10:15] Yes, but the comments or the voice over, rather, say that the events
11 occurred in Yopougon.
- 12 A. [17:10:25] Yes, but it doesn't -- they didn't say when. No date was given.
- 13 Q. [17:10:30] That is why I'm showing you the footage.
- 14 MS PACK: [17:10:33] Perhaps we could have a date for the record or at least for the witness.
- 15 PRESIDING JUDGE TARFUSSER: [17:10:38] We have seen this film.
- 16 MR ALTIT: [17:10:44] (Interpretation) *This is a news story from ARTE channel. It
17 is a French-German TV network. The story was broadcast on 18 April 2011, and it was
18 about the battle of Abidjan. The filming was done shortly before, shortly before.
- 19 Q. [17:11:02] Now, sir, this footage --
- 20 PRESIDING JUDGE TARFUSSER: [17:11:04] Before what?
- 21 MR ALTIT: [17:11:07] (Interpretation) Just before, just before the broadcast. It
22 probably was actually filmed a few days before the broadcasting.
- 23 PRESIDING JUDGE TARFUSSER: [17:11:19] And it was broadcasted?
- 24 MR ALTIT: [17:11:27] (Interpretation) Yes, on 18 April 2011.
- 25 PRESIDING JUDGE TARFUSSER: [17:11:30] Okay, thank you.

1 MR ALTIT: [17:11:36] (Interpretation)

2 Q. [17:11:36] Sir, in the streets of Yopougon in the areas you were responsible for, did
3 you see any soldiers from the new forces similar to the ones that we've just seen?

4 A. [17:11:53] Before the 31st, no, I never saw those people, those kinds of soldiers in
5 Yopougon.

6 Q. [17:11:59] Very well. So after the 31st?

7 A. [17:12:06] After the 31st I wasn't there anymore, so all I could have seen would
8 have been -- well, I wasn't -- I was no longer there.

9 Q. [17:12:17] But you did go back to Yopougon at one moment?

10 A. [17:12:23] Yes, I did go back to Yopougon. After the arrest of Mr Gbagbo, I
11 believe the week that -- it must have been the week after. We were asked to report back
12 to duty but we didn't go back immediately to Yopougon. We resumed our duties at the
13 police station about one or two months after. That is when we returned.

14 Q. [17:12:51] If I've understood correctly, the arrest was on 11 April and you resumed
15 towards 18 April?

16 A. [17:13:03] I think so, but at the Abidjan police préfecture, not in Yopougon.

17 Q. [17:13:12] And at the police préfecture you were aware that the new forces were in
18 Yopougon?

19 A. [17:13:18] Yes, we were aware of that.

20 Q. [17:13:22] Very well. Were you informed, were you made aware of violence or
21 abuse committed by the new forces, les Forces Nouvelles in French?

22 A. [17:13:39] Yes, I think we were told that these forces did engage in violence and
23 abuse.

24 Q. [17:13:49] What kind of violence or abuse?

25 A. [17:13:58] Murders, rioting. I didn't hear anything about rapes.

1 Q. [17:14:11] Looting?

2 A. [17:14:12] I didn't hear anything about looting.

3 Q. [17:14:15] Just murders?

4 A. [17:14:16] Yes.

5 Q. [17:14:28] Very well. So torture?

6 A. [17:14:40] I think so.

7 Q. [17:14:41] Very well. Now, you say that you went back to your duties at the
8 police station one or two months after.

9 A. [17:14:54] Well, I said one or two months after. I don't believe -- it would have
10 been in August I think.

11 Q. [17:15:02] Very well. And the FRCI violence and abuse were still occurring at the time?

12 A. [17:15:11] No, once we went back, there were no longer any such cases.

13 Q. [17:15:19] Very well. And when you came back to the police station, were you
14 made aware of any complaints that had been filed against the forces?

15 A. [17:15:30] I must admit that when we went back, the police station was not
16 operational. It had been torched, so we had no equipment, we didn't have anything
17 to -- not even anything to record a complaint. We just went back to ensure a presence
18 within the premises.

19 Q. [17:15:53] Very well. But once you were back there, and I suppose the police
20 station became operational, you were back?

21 A. [17:16:02] Yes, but we didn't have the equipment. We did receive complaints
22 from people, but mostly people who had come and they lodged complaints about looting,
23 and quite often they would say, "Here is what happened, those are the henchmans".

24 Q. [17:16:28] *So what you are telling us is that the victims of the FRCI did not... they
25 did not lodge any complaints. Is that correct?

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1 A. [17:16:31] I said that the police station was not operational.

2 Q. [17:16:34] Well, whether it was operational or not, did they come and file
3 complaints?

4 THE INTERPRETER: [17:16:42] Message from the interpreter: If the five-second rule
5 could be respected.

6 MR ALTIT: [17:16:47] (Interpretation)

7 Q. [17:16:48] Very well. Should we --

8 PRESIDING JUDGE TARFUSSER: [17:16:52] If it was not operational, I mean, how can
9 they go to file something if it is not operational? But this is my question I would have.

10 MR ALTIT: [17:17:04] (Interpretation) It seems to me, your Honour, but I can put the
11 question to the witness. If someone is sitting on a chair at a -- at a desk with a piece of
12 paper, that person can take a complaint.

13 THE WITNESS: [17:17:20] (Interpretation)

14 A. [17:17:20] *No, that's not true. That is not the way it works. You also had to have
15 the court in place. That wasn't the case. We really weren't operational.

16 Q. [17:17:29] I will --

17 MS PACK: [17:17:30] Objection, objection. Your Honour, there's been -- I mean,
18 there's a lot of questions here. It's a long time after the period that is relevant to this case.
19 I let it go for a while, but, your Honour, at one point it should stop, in my submission.

20 PRESIDING JUDGE TARFUSSER: [17:17:42] Yes. It is not that you let it go, I let it go.

21 MS PACK: [17:17:46] Apologies.

22 MR ALTIT: [17:17:49] (Interpretation) May I put in one word.

23 PRESIDING JUDGE TARFUSSER: [17:17:52] No, I just want to say if something is not
24 operational, it doesn't work, it doesn't work. To me this is clear.

25 MR ALTIT: [17:18:02] (Interpretation) Very well. I'll rephrase.

1 Q. [17:18:08] When you were there, was there a person or several people, victims who
2 came and were you unable to take the complaint because you were lacking the resources?

3 A. [17:18:20] I no longer know. I don't know.

4 Q. [17:18:26] Very well. Did you draft any reports, because even if it wasn't
5 operational, you can write reports. Did you write any reports about the crimes by the
6 FRCI?

7 A. [17:18:44] Crimes that did not occur in my presence, I don't know what kind of
8 report you would want me to draft if I haven't had a visit from people who have given me
9 an account of what happened.

10 Q. [17:19:01] Very well. The FRCI who engaged in violence and abuse, I'm speaking
11 about the areas under your control, did they set up operations somewhere? Did they
12 stay in that area, in one location in that area under your control?

13 A. [17:19:19] When I came to Yopougon, there was no longer any FRCI in my area, no.

14 Q. [17:19:32] Chérif Ousmane, does that name ring a bell?

15 A. [17:19:36] Yes.

16 Q. [17:19:37] Was he in Yopougon at one particular point in time, in that area under
17 your control between 31 March and your initial return to the police station at the 16th?

18 A. [17:19:51] Yes, I think he was there.

19 Q. [17:19:56] Very well. Do you know where people were taking refuge, the people
20 who were fleeing the FRCI in Yopougon?

21 A. [17:20:20] No, I wasn't there, I did not receive any such intelligence, no.

22 Q. [17:20:27] If I mention Saint-André's cathedral, does that ring a bell?

23 A. [17:20:34] Yes, I'm very familiar with the cathedral.

24 Q. [17:20:36] During the crisis, did people take refuge there? Were there refugees at
25 the cathedral? If so, what were these refugees fleeing from?

1 A. [17:20:47] First of all, I did not learn that there were refugees there. I wasn't there
2 but I didn't have that information and I don't know why they went.

3 Q. [17:21:00] Very well. So even though you left the police station on 31 March 2011,
4 perhaps you can answer the question regarding the composition of the rebel troops who
5 came into Abidjan on that same date, 31 March, the FRCI troops, also known as the new
6 forces. Do you know what their composition was, what groups were contained within
7 the forces and who was leading?

8 A. [17:21:47] *Who was their commander? I think it was the war lords as they were
9 known at the time: Chérif, Zakaria, Wattao and others.
10 That's what I think.

11 Q. [17:22:13] Were there any Dozos amongst their ranks?

12 A. [17:22:17] I learnt that there were some Dozos amongst them.

13 Q. [17:22:21] Very well. Lubafrique, does that ring a bell?

14 A. [17:22:36] Yes, I know that area, that neighbourhood.

15 Q. [17:22:40] Very well. Can you tell us what is to be found there at that intersection,
16 the major buildings?

17 A. [17:22:54] I know that there is a service station there. I also know that there was a
18 COOPEC there. I know that opposite there is a market. Well, that's pretty much it.

19 Q. [17:23:06] Very well. I'd like to show a few photographs to you, reference number
20 CIV-D15-0001-0782, and I'd like to ask the court officer if she could kindly put up page
21 0800 and 0802 up on the screen, 0800 and 0802.

22 Now, you can see the two photographs here. Can you see them?

23 A. [17:24:46] Yes.

24 Q. [17:24:48] Could we zoom in on this first photograph, channel evidence 1. So, sir,
25 can you see clearly the people who are depicted here?

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1 A. [17:25:07] Yes, I can see them just fine.

2 Q. [17:25:10] Very well. First of all, do you recognise the place?

3 A. [17:25:16] No, I don't.

4 Q. [17:25:18] Very well. Do you recognise faces?

5 A. [17:25:42] No, I don't.

6 Q. [17:25:43] Very well. If we could move to the second photograph and we're going
7 to go through the same exercise.

8 Can you see the people, Mr Witness?

9 A. [17:26:03] Yes, I can see them very clearly, just fine.

10 Q. [17:26:09] Do you recognise the location?

11 A. [17:26:13] No.

12 Q. [17:26:16] Do you recognise any faces?

13 A. [17:26:21] No, I don't. Not either.

14 MS PACK: [17:26:26] Do we have -- do we have dates for the photographs, just for the
15 record, I mean?

16 PRESIDING JUDGE TARFUSSER: [17:26:36] Have we dates and places maybe?

17 MR ALTIT: [17:26:40] (Interpretation) The date is on its way, very soon.

18 Q. [17:26:44] Now, as for the places, this is the Lubafrique service station at the
19 intersection mentioned earlier, sir, but I'd like to ask the witness about this particular
20 point.

21 Now, sir, when you resumed your duties at the police station of the 16th arrondissement,
22 did you -- were you ever informed of the arrest, abduction and disappearance of civilians
23 who had been shut up, locked up at the service station?

24 A. [17:27:25] I'd like to specify that Lubafrique service station is not within my area of
25 control or jurisdiction. If there were any complaints, those complaints should have gone

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- 1 to the 17th arrondissement.
- 2 Q. [17:27:43] Very well.
- 3 MR ALTIT: [17:27:48] Your Honour, I believe this might be the right moment to
- 4 suspend if we have your leave to do so.
- 5 PRESIDING JUDGE TARFUSSER: [17:27:57] Yes.
- 6 MS PACK: [17:27:58] We didn't get the date either. Just perhaps -- I hate to ask again.
- 7 PRESIDING JUDGE TARFUSSER: [17:28:01] It's on the way.
- 8 MR ALTIT: [17:28:03] (Interpretation) Yes, I heard.
- 9 PRESIDING JUDGE TARFUSSER: [17:28:05] It's on the way. So --
- 10 MR ALTIT: [17:28:09] (Interpretation) We can --
- 11 PRESIDING JUDGE TARFUSSER: [17:28:10] It might be a long way, but I don't know.
- 12 MR ALTIT: [17:28:13] Alors, on peut donner une --
- 13 MR MACDONALD: [17:28:21] I'm sorry, your Honour, each time we show a video, we
- 14 are being asked -- (overlapping speakers)
- 15 PRESIDING JUDGE TARFUSSER: [17:28:24] No, no, no, but --
- 16 MR MACDONALD: [17:28:26] So my colleague, I think, was giving a date. Now he's
- 17 sitting down. They don't have the date, they have the date.
- 18 PRESIDING JUDGE TARFUSSER: [17:28:36] Yes, okay, please.
- 19 MR MACDONALD: [17:28:37] Thanks.
- 20 MR ALTIT: [17:28:38] (Interpretation) These are photographs. We will provide an
- 21 explanation, because after 11 April, probably very shortly after 11 April, specifically we
- 22 are cross-checking, we are cross-checking with a number of press photographs, so it's a bit
- 23 of a difficult exercise.
- 24 PRESIDING JUDGE TARFUSSER: [17:29:06] Yes, okay. So it will be done tomorrow
- 25 morning first thing, I would say. Okay.

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- 1 So let's -- is there somebody -- did you want to say something Maître N'Dry?
- 2 MR N'DRY: [17:29:23] (Interpretation) Yes, at this particular junction, your Honour --
- 3 PRESIDING JUDGE TARFUSSER: [17:29:32] Can we release the witness?
- 4 MR N'DRY: [17:29:37] (Interpretation) That would not be a problem.
- 5 PRESIDING JUDGE TARFUSSER: [17:29:40] Okay, Mr Witness, now we -- for today
- 6 we have finished with the questioning and we resume tomorrow morning at 9 o'clock.
- 7 So we will see each other again tomorrow at 9. Have a good rest and see you tomorrow.
- 8 (The witness stands down)
- 9 PRESIDING JUDGE TARFUSSER: [17:30:05] Maître N'Dry.
- 10 MR N'DRY: [17:30:23] (Interpretation) We are talking about dates here now, and on 24
- 11 April 2017 Mr MacDonald promised when he displayed a document CIV-OTP-0002-0995,
- 12 he had promised before you to provide the date to the Defence teams. I just want to
- 13 remind him that we are still waiting.
- 14 PRESIDING JUDGE TARFUSSER: [17:30:56] Okay. Mr MacDonald, tomorrow
- 15 morning first thing. Also to you.
- 16 MR MACDONALD: [17:31:01] Yes, your Honour.
- 17 PRESIDING JUDGE TARFUSSER: [17:31:03] Also to you. So tomorrow we set the
- 18 record straight on these two dates.
- 19 And I just want to remind you because I'm the -- yes, that tomorrow we have to finish
- 20 this. We are on a good path. You have taken about two hours and 15/20, so by the four
- 21 hours I will stop you, but you can stop before, of course, and then we'll have exactly
- 22 another four hours for the Defence of Mr Blé Goudé.
- 23 And we don't have any time for the re-questioning and therefore I think we should make
- 24 three times two hours, and then if we don't need them, better, but we should envisage to
- 25 make 9-11, 11.30-13.30, 15-17. Within this time frame we should exhaust, easily exhaust.

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- 1 If we finish earlier, better for all of us.
- 2 Thank you very much. The hearing is adjourned to tomorrow 9 o'clock.
- 3 THE COURT USHER: [17:32:17] All rise.
- 4 (The hearing ends in open session at 5.32 p.m.)