

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Friday, 8 July 2016
10 (The hearing starts in open session at 10.35 a.m.)
11 THE COURT USHER: [10:35:00] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:35:18] Good morning.
15 Good morning, Mr Witness.
16 WITNESS: CIV-OTP-P-0321 (On former oath)
17 (The witness speaks French)
18 (The witness gives evidence via video link)
19 THE WITNESS: [10:35:26] (Interpretation) Good morning, Mr President.
20 PRESIDING JUDGE TARFUSSER: [10:35:30] So now we start a new day of
21 questioning by the Office of the Prosecutor. In this moment we are in open
22 session, and I would like to ask, I ask the Office of the Prosecutor what she is
23 willing to do.
24 MS PACK: [10:35:51] What I would like to do today --
25 PRESIDING JUDGE TARFUSSER: [10:35:54] Yes.

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1 MS PACK: [10:35:55] -- Your Honour, is a couple of minutes, literally a
2 couple of minutes in private session, and then hopefully for the rest of this
3 session open.

4 PRESIDING JUDGE TARFUSSER: [10:36:03] So we go --

5 MS PACK: [10:36:05] With a few, sorry, going back and forth perhaps just to
6 do a few parts.

7 PRESIDING JUDGE TARFUSSER: [10:36:08] Yes, yes.

8 So now we go for, as I heard, a couple of minutes in closed session -- or in
9 private session, and then we come back in open.

10 Please, can you call private session? Thank you.

11 (Private session at 10.36 a.m.)

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- 15 (Open session at 10.42 a.m.)
- 16 THE COURT OFFICER: [10:42:40] (Interpretation) We are in open session,
- 17 Mr President.
- 18 PRESIDING JUDGE TARFUSSER: [10:42:57] Thank you.
- 19 The floor is yours.
- 20 MS PACK: [10:42:58] Thank you, your Honour.
- 21 Q. [10:43:00] Mr Witness, we're in public session now and I want to ask
- 22 you on the topic of units that were based at the presidential palace and the
- 23 residence. So now let me just go through that with you starting with the
- 24 presidential palace, which units were based there?
- 25 A. [10:43:28] The presidential palace had the Republican Guard, which

1 was responsible for the security of the *Presidential Palace. There was also a
2 detachment at the residence. But there was also the GSPR, that is the
3 security group of the president of the republic, which *also managed the
4 residence.

5 Q. [10:44:02] And just pausing with the Republican Guard, you
6 mentioned a detachment of that unit at the residence. Can you tell us which
7 detachment that was? Sorry, this is -- are we talking about the -- yes, the
8 residence or the palace there, the detachment.

9 A. [10:44:23] The palace security was exclusively the responsibility of the
10 Presidential Guard. But the residence was secured by both the GSPR and the
11 Republican Guard. This means there was a detachment of the Republican
12 Guard taking part in providing security at the residence of the head of state.

13 Q. [10:45:02] And at the -- again, back to the Republican Guard, the
14 commander of the Republican Guard was who during the post-electoral
15 crisis?

16 A. [10:45:15] General Dogbo Blé.

17 Q. [10:45:22] And he reported to who?

18 A. [10:45:24] Madam Prosecutor, I cannot tell you that because I know
19 that all the detachments of the Republican Guard reported to General Dogbo.
20 But I do not know whether General Dogbo Blé reported to the chief of general
21 staff or directly to the president of the republic. I am not in a position to tell
22 you that.

23 Q. [10:46:11] Was the Republican Guard part of the FDS?

24 A. [10:46:20] Yes. When we talk about the FDS, the Republican Guard is
25 part of that.

1 Q. [10:46:32] And what about the GSPR?

2 A. [10:46:44] The GSPR is also part of the defence and security forces
3 because it includes gendarmes, policemen, soldiers, that's it.

4 Q. [10:46:59] And who was the commander of the GSPR?

5 A. [10:47:17] Colonel Ahouman, A-H-O-U-M-A-N. That was the
6 commander of the GSPR, and may he rest in peace.

7 Q. [10:47:35] Who did he report to?

8 A. [10:47:40] I know that *all those people, they reported... in particular,
9 the GSPR commander reported directly to the chief of the private military
10 staff of the president, that is General Touvoly, T-O-U-V-O-L-Y. Then Bi,
11 spelled B-I. And then Zogbo, Z-O-G-B-O. Touvoly Bi Zogbo.

12 Q. [10:48:33] Tell us just a bit about General Touvoly. Can you tell us his
13 ethnicity?

14 A. [10:48:52] The chief of the private military staff, General Touvoly Bi
15 Zogbo, is Gouro. I think it is the same ethnic group as that as General Guiai
16 Bi Poin.

17 Q. [10:49:09] Now, just going back to General Dogbo Blé, did he occupy
18 any other position at the presidential palace?

19 A. [10:49:29] He was also the military commander of the palace and then
20 the commander of the Republican Guard. So those were the two positions
21 that he held cumulatively.

22 Q. [10:49:41] Was there at the palace a unit, another unit from the Garde
23 républicaine that was based there?

24 A. [10:49:54] The Republican Guard is made up of two detachments, one
25 at the Plateau, that is slightly below the presidential palace; and the second

1 detachment is based in Treichville.

2 Q. [10:50:24] The armoured unit of the Garde républicaine, where was
3 that based?

4 A. [10:50:29] The armoured unit adjoined the residence of the head of
5 state. It is right next to the residence of the head of state.

6 Q. [10:50:50] And then going back please to the GSPR, what was the
7 responsibility of that unit?

8 A. [10:51:08] Generally speaking, I know that this is the group that is
9 responsible for the security of the president of the republic. Now, regarding
10 their specific terms of reference, I cannot tell you that because I did not
11 occupy any position in that group.

12 Q. [10:51:37] Can you tell us were there any units subordinate to the
13 GSPR?

14 A. [10:51:45] *Other units, not in any formal manner. But I should point out
15 that there were people whose status, their specific status and activities within the
16 GSPR could not be clearly defined, such as Maître Bahi Patrice. *These people
17 were not soldiers. I know that they were not trained in any military academy,
18 but they wore military fatigues and participated in the activities of the GSPR.

19 Q. [10:52:44] Let's just focus on him then for a moment. Now, you say
20 this man, Patrice Bahi, if you could just spell that, would you, his last name?

21 A. [10:53:10] Yes. Bahi is spelled B-A-H-I, and then you have Patrice.

22 Q. [10:53:18] Now, Patrice Bahi, what was he doing? What were his
23 activities that you yourself were aware of within the GSPR?

24 A. [10:53:41] I observed Maître Bahi Patrice participating in the security of
25 the president of the republic. He had his men with him, and he had vehicles

1 and weapons at his disposal for that purpose.

2 Q. [10:54:17] Over what period are you talking about that you observed
3 Patrice Bahi?

4 A. [10:54:21] From the time that the president took over power, he was
5 always part of the security detail of the president of the republic.

6 Q. [10:54:39] And just did he have a title?

7 A. [10:54:43] No, not to my knowledge.

8 Q. [10:54:52] Any qualifications, to your knowledge, to occupy this role,
9 the security detail for the president?

10 A. [10:55:00] Professional qualifications, I would say no. As I said, I
11 never heard that he had received any training in a military school or any
12 academy for the protection of senior personalities. All I know is that he is a
13 karate master, but that is really not sufficient to play the role he was playing.
14 I really honestly think that he did not have the necessary qualifications.

15 Q. [10:55:52] About how many men did you observe him having under
16 his command?

17 A. [10:56:03] Well, I cannot be very specific, but towards the end of the
18 crisis, I would say between 150 and 200. And I could even go as far as 300
19 people, because the number increased over time.

20 Q. [10:56:33] Do you know where his men came from? Let me just
21 rephrase that. Were they civilians or were they military?

22 A. [10:56:51] Counsel, I really cannot tell you with any degree of certainty,
23 but I do not know all the elements that he had, but I can say with certainty
24 that some of them were civilians.

25 Q. [10:57:12] And do you know how those -- that -- some of the men who

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1 you've just mentioned, some of them who were civilians, do you know how
2 they came to be recruited into this unit under Patrice Bahi?

3 A. [10:57:32] No, Counsel.

4 Q. [10:57:43] Now, I've talked about a group of men. Did this group, the
5 unit, did it have a name?

6 A. [10:57:56] No, ma'am.

7 Q. [10:58:02] Where were they based?

8 A. [10:58:07] There was a base at the 22nd arrondissement near a bank, *close to
9 the 22nd arrondissement police station. There was a former... I don't know if it was
10 an air-conditioned bar. They had a base there, and another base near the DMIR,
11 which I talked about, and this was very close to the Lycée classique of Abidjan.

12 Q. [10:58:55] Why were they based at a bar?

13 A. [10:58:58] Well, what I really meant is that it was a former bar which
14 they took over and renovated and turned it into a base.

15 Q. [10:59:24] Do you know who -- Patrice Bahi, who he was reporting to?

16 A. [10:59:28] I do not know, ma'am.

17 Q. [10:59:36] Now, you describe -- in reference to this group, you've
18 described -- you've said to us that -- in starting to talk about this group, you
19 told us that there were, that there were no units subordinate to the GSPR in
20 any formal manner. And I'd just like to ask you this about this unit: How
21 did it fit, this unit, into the formal state structures?

22 A. [11:00:13] I really cannot tell you that.

23 Q. [11:00:25] Do you know if this -- the Patrice Bahi, did he have any
24 contact with senior FDS commanders?

25 A. [11:00:37] I don't know, ma'am.

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1 MS PACK: [11:00:48] Now, I'd just like to go into private session just for a
2 couple of minutes.

3 PRESIDING JUDGE TARFUSSER: [11:01:03] Can we go in private session.

4 (Private session at 11.01 a.m.)

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10 (Open session at 11.13 a.m.)

11 THE COURT OFFICER: [11:13:11] (Interpretation) We are in open session,
12 your Honour.

13 PRESIDING JUDGE TARFUSSER: [11:13:23] The floor is yours.

14 MS PACK: [11:13:25] Thank you.

15 Q. [11:13:26] We've been talking about Patrice Bahi, and now I want to ask
16 you about Séka.

17 Now, as aide de camp of the first lady, Mrs Gbagbo, what was his formal
18 role?

19 A. [11:13:47] His formal role was to ensure the first lady's safety and
20 security.

21 Q. [11:14:04] Who did he report to?

22 A. [11:14:08] He reported to the commander of the GSPR, the security
23 group responsible for the protection of the president, Colonel Ahouman, who
24 I mentioned earlier.

25 Q. [11:14:31] Did he have men under his command?

1 A. [11:14:35] Yes, ma'am. He did have a detachment under his
2 command.

3 Q. [11:14:50] And where were those -- where was the men from who
4 formed part of the detachment?

5 A. [11:14:59] The men came and they were taking part in service. They
6 were gendarmes who had come to take part in the efforts to ensure the safety
7 of the first lady, so they would come and then they would go back home at
8 the end of the day.

9 Q. [11:15:29] Now, Séka was appointed as aide de camp of the first lady
10 when? Just remind us the year.

11 A. [11:15:43] When the president came to power, I believe that would
12 have been between November and December of the year 2000.

13 Q. [11:15:56] And after that, Séka was involved in FDS operations? Apart
14 from the security for Mrs Gbagbo, he was involved in FDS operations?

15 A. [11:16:17] Yes, I would say that. You see, he was appointed in the
16 year 2000. In 2001 there was the attempt to undermine the safety of the state
17 by the rebels, and I'm talking about the defence of the barracks where he was.
18 He took part in that particular event.

19 Q. [11:16:45] Was it part of his official functions as aide de camp of the
20 first lady to engage in FDS operations?

21 A. [11:16:59] No, for that first operation. But since he was living in the
22 barracks that I mentioned and thus they were attacked at night, he had to
23 respond.

24 Q. [11:17:18] But what about when he was involved in operations, apart
25 from defending barracks in which he was living, what about those

1 operations? Was that -- was his involvement in those part of his official
2 function as aide de camp of the first lady?

3 A. [11:17:48] No. For example, when I mentioned re-establishing control
4 over the RTI, that was not part of his duties.

5 PRESIDING JUDGE TARFUSSER: [11:18:12] Mr O'Shea.

6 MR O'SHEA: [11:18:13] Your Honours, there is something slightly
7 misleading about these questions. Séka participating in FDS operations, is
8 this part of his role in aide de camp of Simone Gbagbo, that's slightly
9 misleading. He is part of the FDS and as such he will be involved in FDS
10 operations. They may not be part of his role with Simone Gbagbo, but he is
11 part of the military. He is part of the military structure.

12 MS PACK: [11:18:41] Your Honour, I've got to stop my friend there, because
13 I -- I think he can't give evidence.

14 PRESIDING JUDGE TARFUSSER: [11:18:45] No. But this is -- yes, I know.
15 Let me.

16 MR O'SHEA: [11:18:49] So my point -- my point is simply this --

17 PRESIDING JUDGE TARFUSSER: [11:18:51] I know, but --

18 MR O'SHEA: [11:18:52] -- that it's slightly misleading to --

19 PRESIDING JUDGE TARFUSSER: [11:18:53] I know.

20 MR O'SHEA: [11:18:54] -- to put to the witness is it part of the functions in
21 his role as aide de camp --

22 PRESIDING JUDGE TARFUSSER: [11:18:58] Yes, this --

23 MR O'SHEA: [11:18:59] -- because he may have other functions.

24 PRESIDING JUDGE TARFUSSER: [11:19:00] Yes, but -- okay. This is but an
25 explanation you're -- this is something which has nothing to do with the

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1 questioning of -- this is your deduction. I could or not agree with you, it
2 doesn't matter, but I think here it's a matter of putting questions and answers,
3 and I think that the witness is perfectly able to say what he knows and not to
4 say -- to say what he does not know.

5 Then what you comment -- what the outcome is and the comment, that is
6 something else which is for the next future to decide upon.

7 MR O'SHEA: [11:19:41] Yes, I'm not commenting, your Honours. What I'm
8 suggesting is that the way the question is framed is misleading.

9 PRESIDING JUDGE TARFUSSER: [11:19:47] Okay. So we --

10 MS PACK: [11:19:52] Let me go into private session if I may, your Honour,
11 because then I can clarify. I'm trying to not be --

12 PRESIDING JUDGE TARFUSSER: [11:19:58] No. Just go ahead.

13 MS PACK: [11:19:59] Could I go into private session just on -- just to clarify
14 with the witness?

15 PRESIDING JUDGE TARFUSSER: [11:20:02] Okay. Let's go in private
16 session.

17 (Private session at 11.20 a.m.)

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10 (Open session at 11.28 a.m.)
11 THE COURT OFFICER: [11:29:01] (Interpretation) We are in open session,
12 your Honour.
13 (Trial Chamber confers)
14 PRESIDING JUDGE TARFUSSER: [11:29:38] Please.
15 MS PACK: [11:29:39] I'm just being respectful and standing up.
16 PRESIDING JUDGE TARFUSSER: [11:29:44] Oh, no, no.
17 MS PACK: [11:29:45] I'm not going to say anything.
18 PRESIDING JUDGE TARFUSSER: [11:29:47] Thank you very much. Now
19 we are in open session just to say that we have a problem with the transcript,
20 with the French transcript. We will try to solve this in the next half an hour.
21 So we take the break now for half an hour, we come back at 12 hopefully with
22 problem solved, and then we have one hour and a half session until 1.30, and
23 then from 3 to 4.30.
24 Thank you. The hearing is adjourned.
25 THE COURT USHER: [11:30:21] All rise.

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1 (Recess taken at 11.30 a.m.)

2 (Upon resuming in open session at 12.05 p.m.)

3 PRESIDING JUDGE TARFUSSER: [12:05:22] So we think that the mistake is
4 fixed. It is not fixed for what happened previously, but it is correctly
5 transcribed.

6 So at the end of the hearing you will receive a PDF in order to prepare, what
7 you said, so at the end of the hearing you in any case receive a PDF of what
8 happened, of the whole.

9 And if it happens again, should it happen again now, just be aware that it is
10 in any case correctly transcribed and that at the end of the day you will
11 receive the PDF of the whole in French, okay? So there shouldn't be a big
12 problem.

13 Now we are in open session, and I give the floor to the Office of the
14 Prosecutor again.

15 MS PACK: [12:06:14] Thank you, your Honour. I just -- perhaps just to
16 finish a few minutes of just the questioning that I was engaged in in private
17 session and then we'll go back into open.

18 PRESIDING JUDGE TARFUSSER: [12:06:56] Another thing, just
19 housekeeping. We make now one hour and a half, then one hour and a half
20 of break, and then two hours, because we missed the half an hour in the
21 morning. Okay? So just to -- so we finish at 5.

22 (Private session at 12.07 p.m.)

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9 (Open session at 12.19 p.m.)

10 THE COURT OFFICER: [12:19:39] (Interpretation) We are in open session,
11 your Honour.

12 PRESIDING JUDGE TARFUSSER: [12:19:59] Thank you very much.
13 Yours the floor.

14 MS PACK: [12:20:00] Thank you, your Honour.

15 Q. [12:20:02] Patrice Bahi, if he wasn't part of the formal structure, the
16 formal FDS structure, what structure was he part of?

17 A. [12:20:21] Well, when it comes to the duties or functions of Mr Bahi, let
18 me reiterate that I really didn't know what he did, so to my mind he was not
19 part or he had not received formal training. So I really don't want to tell you
20 something or tell you why he was there or what he was doing. I don't really
21 want to give you any more information than that.

22 Q. [12:21:02] The civilians who form part of his unit, did you observe
23 where they were from?

24 A. [12:21:25] I don't understand the question. Where they came from?
25 What do you mean exactly?

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1 Q. [12:21:36] Yes, where they came from.

2 A. [12:21:47] I don't understand. From Korhogo? From Abidjan? I
3 really don't understand.

4 Q. [12:21:53] Well, yes, what location did you -- can you answer that
5 question?

6 MR KNOOPS: [12:21:59] Mr President, can the witness say anything about
7 150 to 200 men, where they come from?

8 THE WITNESS: [12:22:04] (Interpretation) No --

9 PRESIDING JUDGE TARFUSSER: [12:22:05] Yes, but we are not confusing
10 now, the witness is -- he just didn't understand the question. Then, just
11 reformulate. What can you say differently than "where they came from"?
12 From which territory, from the north or the south or the east, west, from the
13 town?

14 MS PACK: [12:22:28]

15 Q. [12:22:28] The men, the civilians you describe, were they from Côte
16 d'Ivoire or somewhere else?

17 A. [12:22:35] I don't know where they were from.

18 Q. [12:22:42] You told the -- let me just ask you this. You spoke two days
19 ago about a Pastor Koré, was he involved in providing men for Patrice Bahi's
20 unit?

21 A. [12:23:25] I can't confirm that point. I draw your attention to the mere
22 fact that I am saying that Pastor Koré Moïse, (Redacted)
23 (Redacted)

24 Q. [12:36:44] Let's pause a moment.

25 MS PACK: [12:23:45] Can we just go into private session, please.

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1 PRESIDING JUDGE TARFUSSER: [12:23:48] Yes, we can go into private
2 session. Let's pause a moment. I just want to say that I was informed that
3 the problem is still there, but if you don't mind we go ahead, and then you
4 will receive as soon as finished the PDF of the whole thing.

5 MR ALTIT: [12:24:06] (Interpretation) We agree, your Honour, of course.
6 We do hope that the problem will be dealt with as soon as possible.

7 PRESIDING JUDGE TARFUSSER: [12:24:19] We are dealing with it while
8 we are speaking. Thank you.

9 (Private session at 12.24 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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16 (Redacted)

17 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 12.32 p.m.)

5 THE COURT OFFICER: [12:32:48] (Interpretation) We are in open session,
6 your Honour.

7 PRESIDING JUDGE TARFUSSER: [12:33:10] Now we're in open session.
8 Please go ahead.

9 MS PACK: [12:33:14] Thank you, your Honour.

10 Q. [12:33:18] Now, we touched upon this, but who were the
11 civilians -- we're talking about people who were based, who were present at
12 the palace, the presidential palace. Can you tell us, please, which other
13 civilian persons were working at the palace, the presidential palace during
14 the post-electoral crisis?

15 A. [12:33:55] Ma'am, there was a good number of civilians and that I
16 really cannot name.

17 Q. [12:34:08] You mentioned earlier the private chief of staff, Touvolvy. So
18 was there any one else around the president or his private office that you
19 recall?

20 A. [12:34:25] I did not say that it was the private chief of staff. It was the
21 chief of the personnel military staff of the president of the republic.
22 Regarding civilians who worked with this chief of personnel military staff,
23 well, I do not know any. There were many civilians working in the
24 presidential palace, so I cannot give you all their names.

25 Q. [12:35:14] Did the first lady have a private office?

1 A. [12:35:17] Yes. The first lady had a cabinet with a chef de cabinet, a
2 secretariat, and so on.

3 Q. [12:35:42] And who was her chef de cabinet?

4 A. [12:35:48] I can remember the face, but I really don't know the name.

5 Q. [12:36:02] What about members of her cabinet, do you remember any
6 of their names?

7 A. [12:36:09] I can recognize them physically. I know that she had a lady
8 assistant, *a chef de cabinet and some secretaries, but I cannot give you the
9 names.

10 Q. [12:36:38] We'll come back to that a little later. And I'm going to ask to
11 move on to another topic and that is the supply of arms and ammunition.
12 Now, I'm keen to stay in open session for a bit longer, so I may move things a
13 little out of order, but if we can just start with this: In Abidjan, where were
14 arms and ammunition stored? Can you tell us the locations, different
15 locations?

16 A. [12:37:24] Very well. Each unit had its armoury. But we realised,
17 particularly at the end of the crisis, that there was a large stock of weapons in
18 the basement of the presidential palace.

19 Q. [12:37:54] Now I'll ask you about some specifics in a moment, perhaps
20 we'll go into private session, but just to be clear about this aspect, the
21 presidency and the weapons there, had -- and just looking at the period
22 before the crisis, had you yourself had access to this, the weapons that were
23 stored at the presidency in the basement?

24 A. [12:38:23] To be frank, we negotiated with Gnahoré, G-N-A-H-O-R-E ,
25 who was a warrant officer, and that is when we needed additional

1 ammunition. If we could not get it from our hierarchy, we would try to
2 negotiate with him with the support of General Dogbo Blé.

3 Q. Let me just ask you about this individual, Gnahoré, who did he work for?

4 A. [12:39:40] Warrant Officer Gnahoré worked in the cabinet of the chief
5 of personnel military staff, that is, General Touvoly Bi Zogbo.

6 Q. [12:39:58] And what was his role in relation to arms and ammunition?

7 A. [12:40:20] Regarding arms and ammunition, I had the impression that
8 the armoury was exclusively under his control.

9 Q. [12:40:30] What was his -- Gnahoré, what was his ethnicity?

10 A. [12:40:51] Gnahoré is a Bété.

11 Q. [12:40:56] In relation to the weapons stored in the basement of the presidency,
12 what type of weapons and ammunition to your knowledge were stored there?

13 A. [12:41:05] I cannot give you an exhaustive list, but *I know that I myself ...
14 I personally took about two... two boxes, I think, of 14.5-millimetre ammunition.

15 Q. [12:41:47] And you've mentioned the support of General Dogbo Blé.
16 Can you tell us, please, what role he had then in the provision of arms and
17 ammunition from the stock at the presidency?

18 A. [12:42:06] *The weapons in the presidency I believe can be traced back
19 to the crisis of 2002 and 2003. I talked to you about the weapons that we
20 went to get from the airport. Some of the weapons were allocated by the
21 Equipment Department, which Chief Warrant Officer Gnahoré had taken to
22 the basement of the Presidency. That is how the stock of weapons in the
23 basement was constituted, for the use of the Republican Guard.

24 Q. [12:43:14] Why would you need his support, though, to get access to
25 those weapons?

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1 A. [12:43:18] Why would who need whose support?

2 Q. [12:43:33] Let me just understand correctly, that the stock of weapons
3 in the basement, was that all allocated for use by the Republican Guard? Just
4 to understand you.

5 A. [12:43:45] Yes, that is correct.

6 MS PACK: [12:43:52] Your Honours, could we go into private session for a
7 few minutes?

8 PRESIDING JUDGE TARFUSSER: [12:43:57] Can we go into private session.

9 MS PACK: I'd like to --

10 PRESIDING JUDGE TARFUSSER: No.

11 (Private session at 12.44 p.m.)

12 (Redacted)

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15 (Redacted)

16 (Redacted)

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- 18 (Redacted)
- 19 (Recess taken at 1.30 p.m.)
- 20 (Upon resuming in open session at 3.08 p.m.)
- 21 THE COURT USHER: [15:08:05] All rise.
- 22 Please be seated.
- 23 THE COURT OFFICER: [15:08:13] (Interpretation) Mr President, we are in
- 24 open session.
- 25 PRESIDING JUDGE TARFUSSER: [15:08:19] Thank you very much.

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1 Good afternoon to everybody. I think I immediately give the floor for two
2 hours, for two hours to the Office of the Prosecutor, meaning two hours
3 meaning that then it should be over, so that on Monday we can start with the
4 Defence.
5 Yours the floor.

6 MS PACK: [15:08:47] Could we go back into private session.

7 PRESIDING JUDGE TARFUSSER: [15:08:56] Can we go into private session.

8 (Private session at 3.09 p.m.)

9 (Redacted)

10 (Redacted)

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- 20 (Open session at 3.36 p.m.)
- 21 THE COURT OFFICER: [15:36:03] (Interpretation) We are in open session,
- 22 your Honour.
- 23 PRESIDING JUDGE TARFUSSER: [15:36:17] Thank you.
- 24 Mr Witness, now you can respond to the question.
- 25 THE WITNESS: [15:36:25] (Interpretation) I believe that *the surface to air

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1 battalion and the DMIR worked with the militias for the purpose of
2 recapturing the town of Abidjan.

3 MS PACK: [15:36:53]

4 Q. [15:36:53] And that would have been in April; is that right?

5 A. [15:37:00] Yes, ma'am. April 2011.

6 Q. [15:37:10] Do you know if any other unit commanders -- you
7 mentioned the DMIR and the BASA working with militias. Did any other
8 unit commanders receive mercenaries or militiamen?

9 PRESIDING JUDGE TARFUSSER: [15:37:38] Yes, please.

10 MR O'SHEA: [15:37:39] Your Honours -- well, could the -- just the witness be
11 disconnected for one second, please?

12 THE COURT OFFICER: [15:38:22] (Interpretation) Your Honour, the
13 people in the transmission room can no longer hear us.

14 PRESIDING JUDGE TARFUSSER: [15:38:31] Mr O'Shea.

15 MR O'SHEA: [15:38:32] Your Honours will notice that my learned friend has
16 framed a series of questions where she has asked about mercenaries. And in
17 each of the responses that the witness has given, he has chosen to use the
18 word "militia."

19 Now, in that context, in my submission, to continue to use the word
20 "mercenaries" is leading the witness, so I would invite my learned friend
21 simply to frame the question differently as if perhaps those who are not in
22 the official structure or adopt the expression of the witness, but not to lead
23 the witness or attempt to lead the witness into using the expression
24 "mercenaries."

25 MS PACK: [15:39:25] I'm happy to do that. I'll ask him to explain what he

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1 means by militiamen.

2 PRESIDING JUDGE TARFUSSER: [15:39:29] That's what I would have
3 suggested.

4 MS PACK: [15:39:31] Yes.

5 PRESIDING JUDGE TARFUSSER: [15:39:32] Can we reconnect.

6 THE COURT OFFICER: [15:40:09] (Interpretation) Mr President, we are
7 now reconnected to the transmission room.

8 PRESIDING JUDGE TARFUSSER: [15:40:17] Yes, the floor is yours again.

9 MS PACK: [15:40:20] Thank you, your Honour.

10 Q. [15:40:21] Mr Witness.

11 A. [15:40:26] Yes.

12 Q. [15:40:27] Now, you just mentioned militias working with DMIR and
13 BASA. What do you mean by the word "militias"?

14 A. [15:40:48] By "militias," because of what I had observed amongst them,
15 I am thinking about Ivorians who were used to reinforce the elements who
16 had to restore law and order.

17 *I was saying that I have a difficulty distinguishing between militiamen and
18 mercenaries because it is the same language that is spoken in the West, I
19 really do not make much of a distinction between militiamen and
20 mercenaries within the framework of this crisis.

21 Q. [15:42:02] Okay. So let's just move on. Thank you.

22 I had just asked you before we broke off, let me repeat, whether there were
23 any other -- you talked about DMIR, BASA working with militia. Were
24 there other units who worked with militia?

25 A. [15:42:39] No. These are the units that I remember.

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1 Q. [15:42:49] Do you remember Captain Zadi?

2 A. [15:43:03] Yes, yes.

3 Q. [15:43:07] What was his position?

4 A. [15:43:12] Zadi, I really do not know his precise position, but he
5 worked for the restoration of law and order. So he worked alongside DMIR
6 and BASA.

7 Q. [15:43:45] Do you know what unit he was in, if you don't know his
8 exact position?

9 A. [15:43:51] I think he is from the land forces. But he participated in the
10 actions of DMIR, and it is in that capacity that he came to (Redacted) with
11 two vehicles that were carrying soldiers.

12 Q. [15:44:22] Pause a moment.

13 MS PACK: [15:44:27] Can we just go briefly into private session.

14 PRESIDING JUDGE TARFUSSER: [15:44:32] Let's go into private session.

15 (Private session at 3.44 p.m.)

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8 (Open session at 3.49 p.m.)

9 THE COURT OFFICER: [15:49:25] (Interpretation) We are in open session,
10 your Honour.

11 PRESIDING JUDGE TARFUSSER: [15:49:32] Yes, please.

12 MS PACK: [15:49:33]

13 Q. [15:49:34] You've talked about the DMIR. You've talked about Zadi.
14 You've talked about BASA. Were there any other units you recall working
15 with militia or receiving militia during the post-electoral crisis?

16 A. [15:49:56] I'm trying to remember, but apart from the people that I've
17 mentioned I really do not remember any others.

18 Q. [15:50:25] I'd like to ask you please about April 2011. You mentioned
19 earlier RTI and an operation to take, regain RTI. Who led this operation?

20 A. [15:50:52] It was Colonel Konan Boniface.

21 Q. [15:51:02] Who worked with him on this operation?

22 A. [15:51:17] That is what I said, Colonel Dadi, Gouanou, Captain Zadi.
23 Well, those are the main leaders that I remember. If others come to mind, I
24 will tell you.

25 Q. [15:52:07] Well, you've mentioned militia. Were they involved in this

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1 operation?

2 A. [15:52:16] Yes, ma'am.

3 Q. [15:52:20] And by "militia," just tell us what you mean.

4 A. [15:52:26] These are the people who had the English accent who took
5 part in the action to recapture Abidjan.

6 Q. [15:52:53] You mentioned colonel -- you mentioned Gouanou. Will
7 you tell us, please, what his position was?

8 A. [15:53:04] Colonel Gouanou was initially the commander of the Daloa
9 Battalion. But after the attacks on the town of Daloa, they retreated to the
10 DMIR base.

11 Q. [15:53:37] I'm sure the Judges are aware, but just to clarify,
12 whereabouts in Côte d'Ivoire is Daloa?

13 A. [15:53:46] I'm sorry, Daloa is in the west of Côte d'Ivoire after the town
14 of --

15 THE INTERPRETER: [15:54:06] And the interpreter didn't catch the name of
16 that town.

17 MS PACK: [15:54:15]

18 Q. [15:54:15] Would you just repeat the name of the town? It was missed
19 by the interpreter.

20 A. [15:54:21] Daloa is D-A-L-O-A.

21 Q. [15:54:45] Now, just again you mentioned these commanders. You
22 mentioned the militia with the English accents. You were talking about
23 Patrice Bahi earlier. Was he and his men, were they involved in this
24 particular operation?

25 A. [15:55:10] I cannot confirm with certainty. I think they did take part,

1 but I cannot be sure of that.

2 Q. [15:55:28] You were talking about Séka earlier, what about him?

3 A. [15:55:53] Yes, Séka also took part alongside them. I simply forgot to
4 mention him.

5 Q. [15:56:08] When you mentioned these men, militia with English accents,
6 when did you first see them in, not the exact ones, but when did you first see
7 militias with English accents in Abidjan during the post-electoral crisis?

8 A. [15:56:36] I believe that ever since the month of October, *in the city,
9 not in actual gangs, but in the city, during the various patrols we realised that
10 there were people who *did not look like... who were nationals... nationals...
11 Anglophone militiamen. That is, as early as October you could see that there
12 were militia in Abidjan. I should point out that I do not know on which side
13 those militias were, whether they were part of the Forces Nouvelles or part of
14 the groups that I've just mentioned, but they were already in Abidjan.

15 Q. [15:57:47] What locations did you see them at in particular?

16 A. [15:58:00] In the Colombie zone, the neighbourhood known as
17 Colombie. It is behind a large supermarket called SOCOCE and it is at
18 Deux Plateaux. So it's a place known as Colombie.

19 Q. [15:58:32] And these militia with English accents, do you know which
20 country they were from?

21 MR O'SHEA: [15:58:51] He's already answered that.

22 PRESIDING JUDGE TARFUSSER: [15:58:54] Yes. This is the same thought
23 I had.

24 MS PACK: [15:58:56]

25 Q. [15:59:00] Did you see them anywhere doing anything in particular?

1 A. [15:59:04] No, Counsel. After the arrest of President Gbagbo, I heard
2 that in the Yopougon area there were militias there. There was one who was
3 referred to as Gbagbo junior. But as far as I'm concerned, apart from
4 Colombie, I did not see any other militia elsewhere.

5 MS PACK: [16:00:06] Briefly I'd like to go into private session.

6 PRESIDING JUDGE TARFUSSER: [16:00:09] Can we go into private session.

7 (Private session at 4 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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25 (Redacted)

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1 (Redacted)

2 (Open session at 4.05 p.m.)

3 THE COURT OFFICER: [16:05:34] (Interpretation) We are in open session,
4 Mr President.

5 PRESIDING JUDGE TARFUSSER: [16:05:44] Thank you.

6 MS PACK: [16:05:47]

7 Q. [16:05:47] Now, I just want to ask you about Delafosse Oulaye and
8 what you know about militias in Côte d'Ivoire (Redacted).

9 A. [16:06:18] (Redacted)

10 (Redacted).

11 Q. [16:06:41] Did these -- I'm just moving to the period of post-electoral
12 crisis. Where were these militia, did they remain in the western sector or can
13 you tell us what happened to these militia or any part of them?

14 A. [16:06:58] I wouldn't be in a position to say, ma'am.

15 Q. [16:07:04] Do you know under whose --

16 MR N'DRY: [16:07:06] Mr President.

17 PRESIDING JUDGE TARFUSSER: [16:07:11] Maître N'Dry. Should we
18 switch off, no?

19 MR N'DRY: [16:07:15] (Interpretation) It's not important. We just need to
20 agree --

21 MS PACK: I think we should.

22 PRESIDING JUDGE TARFUSSER: [16:07:19] It's not important. He knows
23 what he's going to say, so -- yes, please.

24 MR N'DRY: [16:07:23] (Interpretation) Mr President, I would like for us to
25 go into private session, please, for me to be able to say what I have to

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1 announce to the Chamber.

2 PRESIDING JUDGE TARFUSSER: [16:07:34] Without, without

3 cutting -- okay.

4 MR N'DRY: [16:07:37] (Interpretation) No, it's not necessary. It's not
5 necessary.

6 PRESIDING JUDGE TARFUSSER: [16:07:42] We go into private session,
7 shortly.

8 (Private session at 4.07 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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8 (Open session at 4.17 p.m.)

9 THE COURT OFFICER: [16:17:46] (Interpretation) We are in open session,
10 your Honour.

11 PRESIDING JUDGE TARFUSSER: [16:18:06] Thank you very much.

12 MS PACK: [16:18:09]

13 Q. [16:18:09] Tell us, please, who was receiving money monthly in
14 addition to their salaries? This is just the FDS.

15 A. [16:18:29] There was Commander Bassanté Badara, there was
16 Colonel Dadi, there was Colonel Abé Séka, Abé, A-B-E, and then further on
17 Séka. And there was, God bless his soul, the late Commissioner Kouka.
18 There was also Captain Zadi -- oh, no, apologies. Dadi. No, Zadi, Z-A-D-I.
19 There was Colonel Obou, O-B-O-U, Gado further on. Those are the people
20 that I can recall.

21 Q. [16:19:37] Colonel Abé Séka, what was his position?

22 A. [16:19:42] At the time he began to receive his salary, he was a
23 commander of the squadron group, commander of the mobile squadron
24 group. And subsequently he was appointed to the position of
25 command -- company commander or legion commander, I apologise, at

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1 Yamoussoukro.

2 Q. [16:20:23] Now, Kouka, when he started receiving his salary, he was
3 commander of which unit?

4 A. [16:20:36] He was commander of the anti-riot squad.

5 Q. [16:20:48] The BAE?

6 A. [16:20:52] Yes, yes. Yes, ma'am.

7 Q. [16:20:54] And his replacement was who, after he --

8 A. [16:21:06] It was Commissioner Loba, yes, yes.

9 Q. [16:21:11] And did he receive a salary, the extra salary?

10 A. [16:21:14] I would not be in a position to confirm that fact, but I do
11 believe so.

12 Q. [16:21:24] What about Boniface Konan?

13 A. [16:21:36] I do believe that he did also receive money.

14 Q. [16:21:47] And do you know if Magloire Goué received any extra
15 salary?

16 A. [16:22:00] Yes, yes, also. He left his position such a long time ago, but
17 he was a squadron commander in Abobo and he also received a salary. That
18 is correct.

19 Q. [16:22:11] And what about Kouakou Adjoumani?

20 A. [16:22:21] Ma'am, I would not be in a position to say.

21 Q. [16:22:37] Anyone else?

22 A. [16:22:38] I do know that there are other people because the support
23 group comprised more than 10 individuals, so there are other people, (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [16:23:11] So tell us about that, that process, who was handing over
2 envelopes?

3 A. [16:23:26] It was Colonel Obou Gado who -- Colonel Obou Gado,
4 (Redacted) and he would pick them up himself
5 from General Dogbo.

6 Q. [16:23:47] Dogbo Blé?

7 A. [16:23:50] Yes, that is correct.

8 Q. [16:23:57] How do you know that, that he got them from Dogbo Blé?
9 (Redacted)
10 (Redacted)

11 Q. [16:24:18] Do you know where the money came from?

12 A. [16:24:23] No, ma'am.

13 Q. [16:24:26] Dogbo Blé's office, where are you talking about?

14 A. [16:24:34] At the presidential palace, ma'am.

15 Q. [16:24:44] Now, you've talked about unit commanders. Do you know
16 if any senior, more senior commanders -- do you know if any more senior
17 commanders received envelopes?

18 A. [16:25:11] Yes. I do not know what the amount was, but the senior
19 commander of the gendarmerie, the *Director General of the police, the chiefs
20 of general staff, regularly went to pick up envelopes at the presidential
21 palace, yes. *Every month.

22 MS PACK: [16:25:29] Can we go briefly into private session, your Honour.

23 PRESIDING JUDGE TARFUSSER: [16:25:33] Let's go into private session, please.

24 (Private session at 4.25 p.m.)

25 (Redacted)

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6 (Open session at 4.35 p.m.)

7 THE COURT OFFICER: [16:35:53] (Interpretation) We are in open session,
8 your Honour.

9 PRESIDING JUDGE TARFUSSER: [16:36:09] Please.

10 MS PACK: [16:36:13]

11 Q. [16:36:14] Now I want to ask you for just the last part of today, maybe
12 we'll get further, but let me just ask you about Abobo. Now, the operational
13 zone of Abobo, do you recall approximately when that was set up?

14 A. [16:36:52] I can say that it was in January. *The initial plans must have
15 started in December, but I think that that operational zone was set up some
16 time in January.

17 Q. [16:37:26] And do you recall who was the commander of the
18 operational zone, the first commander?

19 A. [16:37:39] Yes. You'll have difficulties pronouncing this name. It was
20 Colonel Gnekremetchin.

21 Q. [16:38:03] I was preparing for it because I knew it was going to be
22 difficult. Could you spell it as best you can?

23 A. [16:38:23] It is G-N-E-K-R-E-M-E-T-C-H-I-N, Gnekremetchin.

24 Q. [16:38:42] Okay. So after Gnekremetchin, after him, who was the
25 commander in that operational zone?

1 A. [16:38:52] I believe there was Colonel Doumbia, who was the
2 commander of the 1st Battalion of Akouédo, and then Captain Nanga, and
3 just to mention those ones.

4 Q. [16:39:23] And in relation to either of those, just while we have them here,
5 were they also either of them FDS commanders who received envelopes?

6 A. [16:39:34] I believe Colonel Doumbia, yes, but not Gnekremetchin.

7 Q. [16:40:00] Thank you. If you keep saying that name, I might learn
8 how to pronounce it by the end of your testimony.

9 Now, let's go back, please, to the operational zone.

10 Where was the base of the commander of the operational zone of Abobo?

11 A. [16:40:29] The base was at the commando squadron of Abobo. That
12 was the base of the operational zone.

13 Q. [16:40:51] And this camp was part of what, what part of the FDS?

14 A. [16:41:06] The Abobo commando squadron is a unit of the national
15 gendarmerie.

16 Q. [16:41:16] And what was the aim in setting up the operational zone?

17 A. [16:41:24] The purpose was to ensure security in the Abobo area.

18 Q. [16:41:42] Security against what, in relation to what in particular?

19 A. [16:41:50] There was the Invisible Commando wreaking havoc, and so
20 the markets could not hold. It was under those circumstances that the zone
21 was set up so as to *clear out the Invisible Commando, whose base was *at
22 PK-18. That is in the Agripac area still in Abobo.

23 Q. [16:42:28] Who were the Invisible Commando?

24 A. [16:42:36] The Invisible Commando were the men of Ibrahim
25 Coulibaly, who was also known as IB.

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1 Q. [16:43:07] You say they were wreaking havoc. What in particular? Can
2 you describe with reference to some events?

3 A. Yes. If I remember correctly, they attacked *a total of 32 policemen and
4 one gendarme. So these mercenaries used by IB -- well, I would like to ask to go
5 into private session because what I want to say can be identifying.

6 MS PACK: [16:44:01] Thank you.

7 PRESIDING JUDGE TARFUSSER: [16:44:02] Yes, thank you.

8 Let's go in private session.

9 (Private session at 4.44 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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16 (Redacted)

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7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Open session at 4.57 p.m.)
11 THE COURT OFFICER: [16:57:57] (Interpretation) We are in open session,
12 Mr President.
13 PRESIDING JUDGE TARFUSSER: [16:58:08] Thank you. The floor is yours.
14 MS PACK: [16:58:11]
15 Q. [16:58:13] Now, I'd like to play you, please, a video, and it's
16 CIV-OTP-0082-0357.
17 MS PACK: [16:58:32] And it's been submitted previously, your Honour.
18 And I'd like for the video to be played from a timestamp on the list of
19 material. It's item number 151. If I read it onto the record, it's 00.03.36.24 to
20 00.04.42.06.
21 Q. [16:59:02] Now we're going to play a video, and I'd like you to help me
22 with identifying vehicles. It's just a limited part of a video. The vehicles
23 that we see in the passage of moving vehicles in this video. So if you just
24 focus on it and then afterwards I'd like you to identify them. And if
25 necessary, we'll go and look at some photographs separately.

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1 MS PACK: [17:00:58] I'm aware of the time, your Honour. I don't know
2 whether we -- if you'd prefer, we can just deal with this on Monday. There is
3 a few other issues. I hope I would be about half an hour, because I will
4 be -- I do have a few -- I will have some follow-up questions, obviously, after
5 the video, but I -- I realise I'm a bit ambitious.

6 PRESIDING JUDGE TARFUSSER: [17:01:19] I can see -- I think so.

7 MS PACK: [17:01:20] Yes. I think I was ambitious. I thought I could
8 quickly deal with it.

9 PRESIDING JUDGE TARFUSSER: [17:01:25] Maître Altit.

10 MR ALTIT: [17:01:27] (Interpretation) Yes, yes, I believe that it would be a
11 wise thing to stop here in view of the general state of fatigue.

12 And with regard to Monday, I have taken note that the Prosecution requires a
13 further half an hour, no longer; is that correct?

14 MS PACK: [17:01:44] I won't be longer than the first session in terms of my
15 friend's questioning beginning, and I will just try and be as quick as I can.

16 I -- obviously, I hope to be less than half an hour, but I will aim for half an
17 hour as my top time.

18 Yes, sorry, my friend is wanting to add something.

19 MR ALTIT: [17:02:01] (Interpretation) Yes, Mr President, I'm sorry, I'm a
20 little bit dubious here. You talked about half an hour. We're now talking
21 about an hour and a half. Could we know approximately for us to be able to
22 prepare?

23 PRESIDING JUDGE TARFUSSER: [17:02:16] No. It's -- the thing was that
24 Madam Pack talked about half an hour, then she said no longer than one
25 session, and then again half an hour. So I'm confused as well.

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- 1 MS PACK: [17:02:27] No, I meant -- I meant half an hour. I just thought my
2 friend --
- 3 PRESIDING JUDGE TARFUSSER: [17:02:29] Okay.
- 4 MS PACK: [17:02:30] -- was more anxious about when he was going to start
5 his questioning and I was trying to be helpful.
- 6 PRESIDING JUDGE TARFUSSER: [17:02:35] Okay, okay.
- 7 MS PACK: [17:02:36] I mean, he will be starting before the end of the first
8 session, so that was the point by referring to the -- he's not going to be starting
9 the second session. It will be the first session. And I'll try and make it half
10 an hour.
- 11 PRESIDING JUDGE TARFUSSER: [17:02:46] Okay. It will be no more than
12 half an hour, 30, 35 minutes. When then the Prosecutor has finished this 30,
13 35 minutes, I'll give the floor to the Defence for the rest of the first session.
- 14 MR ALTIT: [17:03:03] (Interpretation) I thank you, Mr President.
- 15 PRESIDING JUDGE TARFUSSER: [17:03:07] Thank you.
- 16 So the hearing is adjourned to Monday 10.30 as always. Thank you.
- 17 THE COURT USHER: [17:03:17] All rise.
- 18 (The hearing ends in open session at 5.03 p.m.)