

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 Thursday, 14 July 2016
10 (The hearing starts in open session at 10.32 a.m.)
11 THE COURT USHER: [10:32:26] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:32:53] Good morning. Good
15 morning to everybody.
16 Good morning, Mr Witness.
17 WITNESS: CIV-OTP-P-0321 (On former oath)
18 (The witness speaks French)
19 (The witness gives evidence via video link)
20 THE WITNESS: [10:33:00] (Interpretation) Good morning, Mr President.
21 Thank you.
22 PRESIDING JUDGE TARFUSSER: [10:33:05] Bonjour à vous.
23 This is, should be, probably the last day of your testimony. I give
24 immediately the floor to Mr Knoops for the continuing of his questioning.
25 MR KNOOPS: [10:33:28] Thank you, Mr President. Good morning, your

1 Honours. Good morning to all the parties and participants.

2 QUESTIONED BY MR KNOOPS: (Continuing)

3 Q. [10:33:38] Good morning, Mr Witness. I have six additional questions.

4 A. [10:33:45] Good morning, counsel.

5 Q. [10:33:46] Good morning. I have six additional questions to you this
6 morning, Mr Witness. And the first one all have to do, by the way, with the
7 issue of the operational zone in Abobo. The first question can be dealt with
8 in open session.

9 PRESIDING JUDGE TARFUSSER: [10:34:04] Yes, we are in open session.

10 MR KNOOPS: [10:34:07] Yes.

11 PRESIDING JUDGE TARFUSSER: [10:34:09] Okay. Thank you.

12 MR KNOOPS: [10:34:14] Thank you.

13 Q. [10:34:14] Mr Witness, my first question relates to your testimony on
14 the 12 July, transcript page 36 -- sorry, 37, line 21 till 24. You might recall,
15 Mr Witness, that on 12 July you told the Chamber that during the events in
16 Abobo during the post-electoral crisis when the Commando Invisible had
17 their positions, they used taxis to be called wôrô-wôrô. Sorry for my
18 pronunciation.

19 "... using common taxis that we call wôrô-wôrô in Côte d'Ivoire. And in
20 those common taxis, they then opened fire on the policemen who were
21 stationed at the Abobo town hall roundabout."

22 That is what you told the Court on 12 July, and my question is the following:
23 Did you have information at that time or later what type of weapons were
24 used by the Commando Invisible when using the taxis?

25 A. [10:36:06] On that day Kalashnikov type weapons were used.

1 Q. [10:36:20] Did you have information that when using taxis, also types
2 of grenades were launched from taxis by the Commando Invisible?

3 A. [10:36:41] No, not in this type of intervention. But it was on other
4 occasions that they used them. However, in this specific intervention with
5 the taxis, namely, that that I was speaking of at the Abobo town hall, it was
6 only the Kalashnikovs that were used. But in other types of intervention,
7 indeed, I did hear that they lobed grenades on the defence and security
8 forces.

9 Q. [10:37:25] Thank you, Mr Witness. My second question also relates to
10 the events in Abobo during the time of the operational zone. You testified
11 on 12 July, that's page 38, line 4, that the Commando Invisible, apart from
12 using taxis and mixing themselves within the crowd, also "set up a number of
13 roadblocks against the supply and relief convoys."
14 My question to you is did you see yourself these roadblocks, or were they
15 reported to you later?

16 A. [10:38:09] The containers that were used in order to set up roadblocks
17 against the advancing supplies on Abobo were visible to all those who took
18 the road going from the Zoo, from the roundabout, that first roundabout in
19 Abobo, that I forget its name now, up until the town hall. This was visible to
20 everybody, those containers that were used.

21 Now, as for barricades that were erected using tables and benches, well, this
22 was in the public domain and it was broached in meetings convening the
23 members of the defence and security forces. So I didn't see it, but I learned
24 about it.

25 Q. [10:39:30] All right. So, Mr Witness, if I understand your testimony

1 correctly, you received reports on the existence of roadblocks which were
2 comprised of containers, but there were also roadblocks comprised of tables
3 and benches set up by the Commando Invisible; is that correct?

4 A. [10:39:52] That is correct.

5 Q. [10:40:04] Thank you, Mr Witness. Did you also receive information
6 in those reports how the men were dressed which manned those two types of
7 roadblocks?

8 A. [10:40:13] They were dressed in what I referred to as a mishmash of
9 outfits. You know, somebody might be wearing a T-shirt, another might be
10 dressed in civilian clothing, another might be wearing a medley of clothings.

11 Q. [10:40:45] Yes. In the same context, speaking about still the
12 operational zone in Abobo, Mr Witness, you testified on the 12 July, on page
13 38, line 21, and I remind you we're in open session, so if you have the urge to
14 go into private session please indicate, because what you said to the Court on
15 12 July on page 38, line 21, was a general remark, but it might easily go into
16 your own position, if you understand me.

17 So I first confront you with what you told the Court on 12 July and then you
18 will hear my question. If you feel the need to go into private session, please
19 indicate, because the answer might reveal anything about your identity.

20 A. [10:41:49] Very well.

21 Q. [10:41:49] Thank you. I'll first bring you back to the transcript, page
22 38, line 21, where you told the Court in the context of the 32 policemen who
23 lost their lives and the ceremony who took place at the esplanade of the army
24 staff headquarters, you say there, I quote:

25 "So there was retaliation to these ambushes, and some of the policemen did

1 come out alive."

2 What I'm heading at, Mr Witness, is the remark you made to the Court, "So
3 there was retaliation to the ambushes..." So I want to go into the knowledge
4 of you as to the retaliation issue. This could reveal something about your
5 identity, so I ask you whether you are happy to continue or you want to go
6 into private session.

7 A. [10:43:04] No, I believe that the instances of retaliation that you are
8 talking about -- I don't quite know how the transcript was drafted, but I don't
9 talk about retaliation. *If these were measures that were taken by the forces
10 of defence and security in order to ensure that they had better levels of
11 security; otherwise, we're not talking about retaliation as a means *of
12 counterattack, of martyrising. These were security provisions that were
13 made to make sure that the forces of defence and security did not once again
14 fall into the hands of the Invisible Commando.

15 Q. [10:43:51] So if the transcripts -- transcript reads "retaliation," we
16 should understand it as measures to protect the defence and security forces?

17 A. [10:44:02] Precisely.

18 Q. [10:44:17] And are you, Mr Witness, at liberty to in open session go into
19 the nature of these measures, or could that reveal anything about your
20 background? Because what I would like to hear from you, what type of
21 military operational measures were taken to answer to these ambushes, et
22 cetera, so this might bring you into your own identity or your background,
23 and that's the reason I'm very cautious.

24 A. [10:44:55] Yes, indeed. No, these were measures of a general nature in
25 terms of protection, so I can talk about them. These general protection

1 measures involved the fact that all interventions should be grouped together.

2 They should be done --

3 THE INTERPRETER: [10:45:18] Correction: In groups.

4 THE WITNESS: [10:45:20] (Interpretation) And what we refer to as the

5 TTA, which means all weapons, all the weapons that we have learned about

6 securing convoys and movements of vehicles, had to be put into practise and

7 in the most rigorous way possible. These were the measures in general

8 terms that were taken.

9 MR KNOOPS:

10 Q. [10:45:47] Mr Witness, this concept of TTA bringing into all weapons

11 which could rigorously oppose the Commando Invisible, did that include

12 also heavy weapons?

13 A. [10:46:15] Do you mean did that involve or imply the use of heavy

14 weaponry on our part?

15 Q. [10:46:27] Yes, Mr Witness. Were you authorised in this specific

16 context of Abobo operational zone to -- was the FDS in general authorised to

17 use heavy weapons to secure their goals? And I'll come back later --

18 A. [10:46:50] Counsel, we saw or read into the message that was

19 published the nature of the weapons that were requested of each unit for

20 them to be placed at the disposal of the operational zone. So the message

21 itself prescribed the use of heavy weaponry.

22 Q. [10:47:28] Just for the Court's benefit, what is your understanding of

23 the concept of heavy weapons? What type of weapons can we subsume

24 under the terminology of heavy weapons?

25 A. [10:47:52] Well, under the umbrella term of heavy weaponry, I would

1 take those weapons that have more than one user. So when it's not only one
2 sole individual using a Kalashnikov. For example, when he uses weapons
3 like a PKM where you need an individual who loads up and a second
4 individual present too, then I put them in the category of heavy weaponry.

5 Q. [10:48:36] Can you give to us one or two examples of those type of
6 weaponry?

7 A. [10:48:48] For example, the smaller examples of heavy weaponry
8 would be the automatic weapon model 52 of French manufacture; also the
9 20-millimetre barrel, a French manufacture; also the anti-tank grenade
10 launcher of 89-millimetres, French manufacture once again; and the RPG,
11 which I think is approximately 73 millimetres. I would also include in that
12 group the vehicles which have barrels mounted from 12.7 to 14.5, 73
13 millimetres, 90 millimetres. Those are the examples I can provide you with.

14 Q. [10:49:48] Thank you. Mr Witness, yesterday you can --

15 A. [10:49:50] Yes, I'm also forgetting the shells or mortars themselves.

16 Q. [10:50:00] All of these type of weaponry was subsumed under the
17 authorisation of the TTA. Is that a correct conclusion I draw from your
18 testimony?

19 A. [10:50:20] No. The weapons that I have just named are those weapons
20 that were also available in the operational zone, and they were available to
21 the command of the operational zone. And of course, their use needed to
22 obey a certain number of rules.

23 Q. [10:50:49] That is indeed where I'm getting at, Mr Witness. Yesterday
24 you told us, or actually you confirmed your statement to the Office of the
25 Prosecution, where you said that the nature, the character of the conflict with

1 the Commando Invisible in Abobo resembled, and I will pronounce now the
2 English word, a guerrilla warfare. I tried to use yesterday the French word,
3 I'm sorry, but I'll now use the English one.

4 Do you remember that, Mr Witness?

5 Now --

6 A. [10:51:31] (No interpretation)

7 Q. [10:51:32] -- fighting a guerrilla warfare in an urban area imposes
8 certain potential restrictions on the warfare because you're dealing with an
9 urban area where civilians live.

10 Now, my question to you is you just said there were certain conditions which
11 we had to meet in order to use this heavy weaponry in the area of Abobo, the
12 operational zone, which was within of course an urban surrounding. Can
13 you tell the Court what the parameters were for the FDS to use heavy
14 weaponry, as defined by you, within the specific context of Abobo
15 operational zone?

16 A. [10:52:40] Those weapons were used in this context, firstly, in
17 conditions of legitimate defence; that is to say, when you have an RPG or an
18 anti-tank grenade launcher or rocket launcher, which is a collective form of
19 weaponry used in the combat group, if you have, for example, the enemy
20 who is firing upon you with an RPG or with an anti-tank rocket launcher, you
21 do not require authorisation to shoot back immediately with the RPG or the
22 anti-tank rocket launcher, anti-tank rocket launcher. You can return fire.
23 That is what I was explaining within the protocol. If in your progression
24 you are fired upon, you then return fire and you then report back to your
25 hierarchy describing the type of ammunition that you used in response to the

1 threat.

2 Now, if you are fired upon with a *60-millimetre mortar, then you can return
3 fire in the same manner. But when you move on to an 80 or 82 millimetre,
4 then you are requested to ask the authorisation of your hierarchy because in
5 view of the fact that this mortar has a large range or extensive range of
6 action, and in view of the fact that you are in an urban environment, in terms
7 of such a calibre you are required to request authorisation from your
8 hierarchy.

9 Q. [10:54:42] And do you know, Mr Witness, whether this authorisation
10 was dependent on certain conditions such as the safety of civilians?

11 A. [10:55:00] Yes, that's what I'm saying. So that is why we are obliged in
12 terms of the security of civilians. We need to approach our hierarchy, we
13 give the co-ordinates -- the specific co-ordinates of the location where we
14 wish to fire the mortar, and we do all of this before we use such mortars, and
15 it is because of these civilians that we request authorisation to fire.

16 Q. [10:55:38] So, Mr Witness, when somebody would say to you that the
17 use of heavy weapons is not permissible in an urban area, what would be
18 your answer?

19 A. [10:55:52] Generally speaking heavy weaponry, the use of heavy
20 weaponry is not allowed in urban areas. That's why I say to you that
21 guerrilla warfare is complicated because you are faced with an enemy that
22 does not observe the rules of war, and they're shooting 80- or 82-millimetre
23 shells at you, and you know that this person is in a location -- well, what do
24 you do? If you know where he is located, then you know and you send
25 shells to flush them out of the location where they are stationed.

1 Q. [10:56:45] Yes. You make the caveat, Mr Witness, in your answer:

2 "Generally speaking heavy weaponry, the use of heavy weaponry is not
3 allowed in the use in urban areas."

4 I ask you now in the specific context of the Abobo operational zone, what
5 would be your answer to the same question?

6 A. [10:57:06] Well, my response is what I just said. We will request
7 authorisation. After having located the location where they are stationed,
8 after having taken all the security measures, we can request authorisation to
9 shoot at a specific point.

10 Q. [10:57:36] Thank you, Mr Witness. My last question, fourth last
11 question will go into the result of the intervention in the operational zone in
12 Abobo.

13 You told the Court, Mr Witness, on 12 July, it's the transcript page of the
14 British version 39, line 11, 12, running till 16, line 16, that:

15 "... even after the operational zone had been set up, Abobo zone fell into the
16 hands of the rebels with the exception of the Abobo squadron, where it was
17 known that it was the defence and security forces who held it."

18 My specific question here is why, despite this intervention, despite the
19 setting up the operational zone, this zone was lost and fell into the hands of
20 the rebels? Do you have information why it came to be that despite this
21 intervention the rebels got hold of this zone?

22 A. [10:59:08] All right. Well, as I told you, the methodology of action that
23 we had noted with regard to the Invisible Commando, which would conduct
24 specific acts -- attacks upon the FDS, and they were trying to dislodge the FDS
25 and create panic or fear so that the locations that were held by the FDS were

1 deserted, and they all regrouped at the Abobo squadron.
2 We should also add that the attempts to flush out the Invisible Commando at
3 PK18 was unsuccessful, and as a result the sluice gates were open for the
4 Invisible Commando to set up wherever they wanted to in Abobo,
5 including -- and I also believe that the squadron, the FDS, I believe that they
6 left this location a few days before the generalised attack upon Abobo. So I
7 could say that this was between 4 and 5 April, approximately.

8 Q. [11:01:04] My specific question here, Mr Witness, you explain the
9 situation of Abobo area falling into the hands of the rebels by saying that the
10 methods of the Commando Invisible created fear and panic amongst FDS?

11 A. [11:01:31] (No interpretation)

12 Q. [11:01:32] Did you receive information that the reason why the Abobo
13 operational zone fell into the hands of the rebels was also due to the
14 circumstances that the FDS forces were restrained according to protocols in
15 the use of heavy weaponry?

16 A. [11:02:08] No, I don't have details about that. I really can't say. I
17 think that the commanders in the operational zone could give you additional
18 detail. I really don't know the underlying reasons for the disengagement of
19 those forces.

20 Q. [11:02:29] Thank you, Mr Witness. My final question will be also in
21 the context of the operational zone. Transcript page 38, line 16, you say that
22 32 policemen lost their lives during the attack by the Commando Invisible.
23 In this regard, you were questioned yesterday about the incident on 16
24 December 2010 at the RTI.
25 My question to you is did you receive on 16 December or later information

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 that law enforcement officers lost their lives in the course of the FDI march of
2 16 December 2010?

3 A. [11:03:53] Well, where was I -- I was, didn't hear about that.

4 Q. [11:04:01] Thank you, Mr Witness. These were my final -- oh, sorry.

5 PRESIDING JUDGE TARFUSSER: [11:04:05] It is final? No. Back again.

6 MR KNOOPS: [11:04:39] After consultation with my colleagues, we have no
7 further questions, Mr President. Thank you.

8 Thank you, Mr Witness.

9 It was a pleasure interviewing you. Thank you.

10 THE WITNESS: [11:04:51] (Interpretation) Thank you.

11 PRESIDING JUDGE TARFUSSER: [11:04:52] Thank you very much,

12 Mr Knoops.

13 This concludes this first round of questioning of you, Mr Witness.

14 Now we have the re-questioning, the so-called re-questioning requested by
15 the Office of the Prosecutor, and I am asking her to give an estimate, a time
16 estimate. I give her the floor.

17 MS PACK: [11:05:25] It's probably about half an hour, but you never know
18 with objections.

19 PRESIDING JUDGE TARFUSSER: [11:05:30] Of course, of course. So we
20 stay inside the first session, let's say?

21 MS PACK: [11:05:34] Yes.

22 PRESIDING JUDGE TARFUSSER: [11:05:35] Okay. The floor is yours.

23 MS PACK: [11:05:36] Thank you, your Honour.

24 QUESTIONED BY MS PACK:

25 Q. [11:05:40] Now, you were asked yesterday about the topic of

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

1 communications --

2 MS PACK: [11:05:43] In fact, can we go into private session for this. Thank
3 you.

4 PRESIDING JUDGE TARFUSSER: [11:05:52] Can we go into private session.
5 Is it for the whole time?

6 MS PACK: [11:05:58] No, just for a few minutes.

7 PRESIDING JUDGE TARFUSSER: [11:06:03] No, just for this brief topic.

8 Okay. Thank you.

9 (Private session at 11.06 a.m.)

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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- 23 (Open session at 11.32 a.m.)
- 24 MS PACK: [11:32:54] I would like to ask you please --
- 25 PRESIDING JUDGE TARFUSSER: [11:32:57] Wait a minute.

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 MS PACK: [11:32:57] I'm sorry.

2 THE COURT OFFICER: [11:32:59] (Interpretation) We are now in open
3 session, your Honour.

4 PRESIDING JUDGE TARFUSSER: [11:33:03] Ms Pack.

5 MS PACK: [11:33:05] Thank you, your Honour.

6 Q. [11:33:11] Now, you were asked quite a lot about the rules of
7 engagement of the FDS yesterday, and you were asked about various
8 scenarios, so I'm going to ask you about the rules of engagement a little bit.
9 Would the use, and just thinking about the rules of engagement, the use of a
10 14.5-millimetre cannon to shoot at women demonstrators, would that be
11 allowed under the rules of engagement?

12 MR GBOUGNON: [11:34:00] (Interpretation) Mr President, no, no, no, no,
13 no. Mr President, this is a deduction being made on the part of my learned
14 friend. The use of 4. -- 14.5-millimetre cannons to fire on demonstrators is a
15 conclusion reached by my learned colleague. At no moment in time did the
16 witness state that 14.5-millimetre barrels were fired at demonstrators.

17 PRESIDING JUDGE TARFUSSER: [11:34:37] Agreed.

18 MS PACK: [11:34:39] I'm just asking him the question, though. I'm --

19 PRESIDING JUDGE TARFUSSER: [11:34:41] Yes, but the question is quite
20 convoluted.

21 MS PACK: [11:34:47] We talked about human shields yesterday by
22 Mr Knoops.

23 PRESIDING JUDGE TARFUSSER: [11:34:51] Yes, please reformulate the
24 question.

25 MS PACK: [11:34:52]

1 Q. [11:34:53] So is it within -- I don't know how to reformulate. Was it
2 within the rules of engagement to use a 14.5-millimetre cannon to shoot at
3 demonstrators?

4 MS PACK: [11:35:00] I don't know how to reformulate --

5 PRESIDING JUDGE TARFUSSER: [11:35:01] (Overlapping speakers)

6 MR GBOUGNON: [11:35:01] (Overlapping speakers)

7 MR KNOOPS: [11:35:04] Mr President, there is no foundation for it.

8 MR ALTIT: [11:35:01] (Overlapping speakers)

9 PRESIDING JUDGE TARFUSSER: [11:35:10] But I think, is it allowed to
10 shoot at somebody? Well, come on. I mean ...

11 MS PACK: [11:35:15] Well, I -- one of the scenarios, your Honour, and there
12 have been several other ones --

13 PRESIDING JUDGE TARFUSSER: [11:35:23] Yes, but these rules of
14 engagement, I think sometimes there are also written rules of engagement
15 which could be put forward. But it's you are asking the obvious.

16 MS PACK: [11:35:34] Indeed, your Honour.

17 Q. [11:35:52] Okay. So if we just take the weapon out of the
18 equation -- that's probably too much. Is it within the rules of engagement to
19 shoot at demonstrators? Just shooting at women --

20 PRESIDING JUDGE TARFUSSER: [11:36:02] No, no, no. No, I admit is
21 it -- is it in case --

22 MR GBOUGNON: [11:36:02] (Overlapping speakers).

23 MR ALTIT: [11:36:03] (Overlapping speakers).

24 PRESIDING JUDGE TARFUSSER: [11:36:04] No. If we change the question
25 in the sense, in the sense, when can it be possible to use firearms in the course

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 of demonstrations?

2 MR ALTIT: [11:36:16] (Interpretation) With your leave, Mr President, just
3 one comment. Putting a question which is precisely the contrary to what the
4 witness said on a number of occasions yesterday, it is precisely the opposite,
5 not only is it leading but it is trying to mislead the witness and the Chamber.
6 It is unacceptable.

7 PRESIDING JUDGE TARFUSSER: [11:36:39] But the Chamber cannot be
8 misled, I can tell you. So -- okay.

9 MR KNOOPS: [11:36:46] But, Mr President, with all due respect I think the
10 question is so general, that's why I did ask this morning in a specific context.
11 "Under which circumstances," that would be a better question, I think.

12 PRESIDING JUDGE TARFUSSER: [11:36:58] Yes, under which
13 circumstances would be a better question.

14 MS PACK: [11:37:07] Yes, well, your Honour, I'll ask the question.

15 Q. [11:37:08] So, Mr Witness, you've been asked by his Honour, and I
16 repeat the question, under which circumstance would it be, let me find the
17 question --

18 PRESIDING JUDGE TARFUSSER: [11:37:21] Possible or -- well, possibly
19 lawful or permitted.

20 MS PACK: [11:37:23]

21 Q. [11:37:24] -- within the rules of engagement to --

22 PRESIDING JUDGE TARFUSSER: [11:37:26] Use firearms.

23 MS PACK: [11:37:26]

24 Q. [11:37:27] -- use fire arms in the course of demonstrations?

25 A. [11:37:50] All right. Thank you, Madam Prosecutor. Well, should

1 say that law enforcement in general terms allows for a number of
2 demonstrations of -- if there is a demonstration that is fully calm, then we
3 accompany the demonstration. But if there is a hostile crowd as part of the
4 demonstration, then we are authorised to use the tear gas in order to disperse
5 the crowd. And the same thing applies to demonstration that are
6 unauthorised.

7 There are demonstrations that occur with a crowd in the midst of which we
8 could find armed demonstrators, and under such conditions weapons can be
9 used. And then there are the type of weapons that can be used that are
10 named.

11 PRESIDING JUDGE TARFUSSER: [11:39:07] Can I make a comment?

12 That's the obvious, which is in every country I would say this happens.

13 MS PACK: [11:39:17] Yes.

14 Q. [11:39:19] And dealing with another topic that you were asked about
15 just now, actually this morning, you were asked about -- you were testifying
16 about the use of mortars and the process by which you would, you
17 would -- how that would work, and the process involving giving
18 co-ordinates, and I'd like you to help us with that please.

19 The proper process, please, within the rules of engagement for use of
20 mortars, not talking about any in particular environment, but just for using
21 mortars, how would that, how would -- what would be that process? If you
22 could just clarify for us.

23 A. [11:40:00] The use of 82-millimetre mortars, for example, requires the
24 authorisation of the chief of staff of the army. And in this request for
25 authorisation, you provide the location that you are at, you describe the threat

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 that you have undergone, and you request to fire at a specific location. And
2 you provide the co-ordinates in an X, Y, Z format, and then a response is
3 provided, and you are provided with the authorisation to fire. And the
4 command will look at a map and mark the co-ordinates on the map, and in so
5 doing make sure that he doesn't have any -- but that no friendly fire occurs.

6 Q. [11:41:14] And just to help us with this, how are the co-ordinates
7 provided? Is there -- is it just using maps or is there a physical presence at
8 the point, at a point that is able to identify the co-ordinates accurately? How
9 does that work? Can you explain that for us?

10 A. [11:41:29] The co-ordinates were put on a map or they were indicated
11 on the basis of a map. And when the authorisation to fire is provided, we
12 are -- we must have somebody who is in a position to note that the mortar fell
13 on the position indicated, otherwise we have to correct those co-ordinates.

14 Q. [11:42:07] So your point is that to ensure accuracy, you have someone
15 on the ground able to identify where the mortars are falling to identify if the
16 point -- the point of accuracy?

17 A. [11:42:25] Yes, more or less.

18 MS PACK: [11:42:32] Now, I think we can just -- briefly, if we can just go
19 back into private session and that's that, the last question.

20 PRESIDING JUDGE TARFUSSER: [11:42:59] Can we go back in private
21 session.

22 (Private session at 11.43 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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12 (Open session at 11.49 a.m.)

13 THE COURT OFFICER: [11:49:42] (Interpretation) We are in open session,

14 Mr President.

15 PRESIDING JUDGE TARFUSSER: [11:49:47] Maître Altit.

16 MR ALTIT: [11:49:49] (Interpretation) I thank you, Mr President.

17 Q. [11:49:53] Now, Mr Witness, a moment ago you spoke to us of the rules

18 of engagement, notably when this concerns reacting to the presence of armed

19 individuals in the midst of a demonstration.

20 Now, my question is a simple one: During the post-election crisis, were

21 there any armed individuals in the midst of organised demonstrations that

22 were organised by the RHDP?

23 A. [11:50:39] Throughout my testimony, I noted the fact that the Invisible

24 Commando was acting as a guerrilla force in the sense that it was mixing in

25 with the population, and that made the interventions difficult with regard to

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 these armed individuals who were mixing in with the population. This was
2 the difficulty that we were up against.

3 So really so that we understand what we experienced and what we lived
4 through during this post-election crisis, I could describe it quite clearly as a
5 terrorist action because it is unexplainable and it is difficult for us who are in
6 this trade to understand that people are mixing themselves in with the
7 population and they're firing at you. It's very complicated.

8 You know, when there are terrorists and you want to do away with them, it
9 is an extremely difficult and complicated situation. And on a number of
10 occasions with the interventions of the Invisible Commando -- that's why, in
11 fact, we gave them that word, the Invisible Commando, because we didn't
12 manage to pick them out from amongst the members of the population, and
13 that's why the term "invisible" was slapped on them.

14 Q. [11:52:34] Thank you. Would you say that mixing in combatants with
15 demonstrators was a modus operandi during the post-election crisis that was
16 common, that was habitual for the RHDP?

17 A. [11:53:06] Yes.

18 Q. [11:53:11] Mr Witness, I do not have any further questions to put to
19 you, and I would like to also thank you for your availability and your
20 courage.

21 A. [11:53:24] Thank you.

22 MR ALTIT: [11:53:26] (Interpretation) Mr President, this draws the
23 re-examination of the Defence of Mr Laurent Gbagbo to a close.

24 PRESIDING JUDGE TARFUSSER: [11:53:38] Mr Knoops.

25 MR KNOOPS: [11:53:39] Mr President, we have no additional questions to

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 the witness. Thank you very much.

2 PRESIDING JUDGE TARFUSSER: [11:53:44] Thank you very much.

3 Mr Witness, your testimony is finished. We will not see you again here on
4 this screen. I thank you very much for, yes, as also was said before, for being
5 here, for your openness, and for having given your contribution to us in order
6 to find the right decision to take. Thank you very much.

7 And I thank also all the staff and the legal advisor which are there in the
8 remote locations for being there and for having made this possible.

9 We will of course through the VWU, and I say this to you, keep an eye on
10 you, on your well-being. Thank you very much and, yes, we can disconnect
11 for the remote location.

12 Yes, oui?

13 THE WITNESS: [11:54:52] (Interpretation) Mr President, with your leave, I
14 also wanted to thank you and thank the Office of the Prosecutor, thank the
15 Court, and all the Chamber and the parties. I also wanted to, as a member of
16 the FDS, present my apologies if during these exchanges I might have had
17 any attitude or used any words that might have shocked people. I wanted to
18 apologise for that.

19 I'd like to apologise to the interpreters, who I think I've tired out by speaking
20 badly on occasion. I would like to thank everybody and say that I am
21 available for the Court.

22 PRESIDING JUDGE TARFUSSER: [11:55:56] Thank you very much. Thank
23 you again.

24 And now we can disconnect from remote location.

25 (The witness is excused)

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 (Video link disconnected)

2 PRESIDING JUDGE TARFUSSER: [11:56:30] Unless there are no other issues
3 to be dealt with, I think that we come to a conclusion -- I see Mr Knoops
4 threatening to jump in on his feet.
5 Please, Mr Knoops.

6 MR KNOOPS: [11:56:46] Illegal attempts, Mr President.

7 PRESIDING JUDGE TARFUSSER: [11:56:47] Yes, yes, yes.

8 MR KNOOPS: [11:56:48] It has nothing to do with the proceedings or the
9 witness. It has to do with an important issue on the detention condition of
10 Mr Blé Goudé, and he seeks leave to address the Chamber for 1 or 2 minutes
11 on an, for him, very important issue, which I believe should be dealt with
12 before the break -- the recess, sorry.

13 PRESIDING JUDGE TARFUSSER: [11:57:09] In open or in closed session?

14 MR MACDONALD: [11:57:20] With your permission, your Honour, I would
15 recommend closed session.

16 PRESIDING JUDGE TARFUSSER: [11:57:23] No. I ask the party and then
17 we'll see.

18 (Defence counsel confer)

19 MR KNOOPS: [11:57:36] I think for this moment it is better to do it in closed
20 session. Thank you.

21 PRESIDING JUDGE TARFUSSER: [11:57:40] Good. In private session?

22 MR KNOOPS: [11:47:33] Private session, sorry.

23 PRESIDING JUDGE TARFUSSER: [11:57:38] Yes, okay. So we go in
24 private session.

25 (Private session at 11.57 a.m.)

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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8 (Open session at 12.05 p.m.)

9 THE COURT OFFICER: [12:05:12] (Interpretation) We are in open session,
10 your Honour.

11 PRESIDING JUDGE TARFUSSER: [12:05:32] Yes, we are in open session for
12 the only reason now to adjourn the hearing. The adjournment -- when I saw
13 Mr MacDonald coming in, I thought there was an issue which he will be
14 raising, but luckily he is not. Luckily for all of us. Thank you.

15 So we adjourn the hearing to 30 August at 9.30, because it will be a witness
16 which will be a witness -- in-court witness and not a remote location witness.

17 So on 30 -- Tuesday, 30 August at 9.30 we see each other again, and I hope
18 you have all a good time from now till 30 August. Thank you very much.

19 The hearing is adjourned.

20 THE COURT USHER: [12:06:16] All rise.

21 (The hearing ends in open session at 12.06 p.m.)