

Trial Hearing
WITNESS: CIV-OTP-P-0330

(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, 8 September 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:31] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:34:49] Good morning.
15 Mr Witness, good morning.
16 WITNESS: CIV-OTP-P-0330 (On former oath)
17 (The witness speaks French)
18 THE WITNESS: [9:35:01] (Interpretation) Good morning, Mr President.
19 PRESIDING JUDGE TARFUSSER: [9:35:04] Well, after one day off we are here again
20 to conclude your testimony and then free you so you can go, release you so you can
21 go back home.
22 I think it's the Defence for Mr Blé Goudé who has to conclude, come to the conclusion
23 of your testimony, then it will be probably the Prosecutor making some further
24 questions, as I was informed not more than 15 minutes or something like that, and
25 then the Defence has again, if needed, the last word and then we are finished with

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1 your testimony and you can go back home.

2 Have you understood?

3 THE WITNESS: [9:36:00] (Interpretation) Yes, that's fine with me, your Honour.

4 PRESIDING JUDGE TARFUSSER: [9:36:06] Thank you.

5 So I give the floor to the Defence for Mr Blé Goudé, Mr Knoops.

6 MR KNOOPS: [9:36:13] Good morning, your Honour. Mr N'Dry will continue
7 with this examination. Thank you.

8 PRESIDING JUDGE TARFUSSER: [9:36:19] For -- well, I can ask him, only to give a
9 sort of an estimate and just to have a knowledge on where we are going.

10 MR N'DRY: [9:36:30] (Interpretation) Mr President, I think one hour, one and a
11 half hour maximum, probably less.

12 PRESIDING JUDGE TARFUSSER: [9:36:48] Thinking that you were nearly at the
13 end last two days ago, it's a lot of time, but still just start.

14 QUESTIONED BY MR N'DRY: (Continuing) (Interpretation)

15 Q. [9:37:36] Good morning, Mr Witness.

16 A. [9:38:02] Good morning, Counsel.

17 Q. [9:38:15] Mr Witness, we are going to continue from where we left off, that is
18 about the telephone which was handed to you when you arrived at the Golf Hotel.
19 Now, before that telephone, you met with these people, we will not give the names,
20 and they were mentioned in private session. Do you remember?

21 A. [9:38:57] Counsel, there are two facts that are totally different. You have
22 mentioned the telephone and you have mentioned the general. That is not what is in
23 my diary. They are different items.

24 Q. [9:39:19] Well, since we have spent a day without speaking, I didn't want to
25 mention the name of the general in public. Do you remember the fact that I'm

1 talking about?

2 A. [9:39:38] Yes, Counsel, I do remember.

3 Q. [9:39:47] Very well. In your diary it was noted that for the actions on the
4 ground I met this general at 9 a.m.

5 Which were those actions on the ground?

6 A. [9:40:10] Counsel, thank you. Counsel, I have a concern here because that is
7 not what I wrote down. I think you have skipped a part of my diary, and that part
8 you have skipped would be very relevant to the explanation that I might have to give.

9 Q. [9:40:35] Can you explain?

10 A. [9:40:39] Thank you, Counsel. You did not mention two people that I
11 mentioned before, and *it is with regard to those two people that I talked about as to
12 “guiding us on the ground”. That is what is in the diary. Can I explain?

13 Q. [9:41:16] Just to be clear, let us display that diary and then we will see what is
14 written in it in private session.

15 PRESIDING JUDGE TARFUSSER: [9:41:31] Can we go in private session.

16 (Private session at 9.41 a.m.)

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 (Open session at 9.46 a.m.)
- 21 THE COURT OFFICER: [9:46:37] We are in open session.
- 22 And the document has been removed from the broadcast.
- 23 PRESIDING JUDGE TARFUSSER: [9:46:51] Thank you.
- 24 Maître N'Dry.
- 25 MR N'DRY: [9:46:58] (Interpretation)

1 Q. [9:46:59] Mr Witness, what we can read in that diary is that there were two
2 French soldiers who guided you with a view to action on the ground.

3 A. [9:47:27] Thank you, Counsel. I did not say with a view to action on the
4 ground. I said they guided me, but I can explain if you will allow me.
5 Now, these two French people were present. You will remember that there was
6 fighting between the FDS, I think maybe it was on the 16th, the video was shown, and
7 then there were soldiers in the hospital.

8 So on that day, there was fighting, there were shells that were dropped. Some of
9 them did not explode, but which fell in the courtyard *of the Golf. So there were
10 French soldiers from the Licorne force who had a UN mission to provide security for
11 those who were inside the Golf.

12 And when we arrived, the Licorne had demarcated the perimeter not to be crossed.
13 So I would like to point out that there were members of the population, so these were
14 people opposed to President Laurent Gbagbo who had gone for a meeting at the Golf
15 Hotel. And after their meeting it was impossible for them to leave the location. So
16 there was a blockade around the hotel. That is how come those people remained at
17 the hotel. There were many civilians.

18 So these people were there to guide us so that people should not enter the perimeter
19 that was deemed to be dangerous or risky.

20 Q. [9:50:04] Before we come back to this explanation, I would like to read out to
21 you your statement to the OTP. It is CIV-OTP-0049-2676, page 2698, lines 732 to 733.
22 And because of the public, I will not mention the name of the general.

23 MR MACDONALD: [9:51:16] I'll formulate, your Honour, an intervention at this
24 stage because the quote would be selective --

25 MR N'DRY: [9:51:25] (No interpretation)

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1 MR MACDONALD: [9:51:29] Object --

2 MR N'DRY: [9:51:30] (No interpretation)

3 MR MACDONALD: No.

4 MR N'DRY: (Interpretation) You are guiding the witness. It is not an objection.
5 Please allow the witness to answer.

6 MR MACDONALD: [9:51:38] I would ask then that the witness be excluded from
7 the courtroom, your Honour if that is -- I don't think it's necessary what I am going to
8 say.

9 PRESIDING JUDGE TARFUSSER: [9:51:44] What is not necessary, what you --

10 MR MACDONALD: [9:51:47] For the witness to leave the courtroom for what I'm
11 about to say.

12 PRESIDING JUDGE TARFUSSER: [9:51:53] I don't know. You're responsible for
13 that --

14 MR MACDONALD: [9:51:55] I know.

15 PRESIDING JUDGE TARFUSSER: [9:51:56] -- what you are going to say. If it leads
16 the witness, we should bring him out. If it doesn't lead, you can say. But it's your
17 responsibility, of course.

18 MR MACDONALD: [9:52:04] Then I will ask for the witness to be excluded, 30
19 seconds.

20 PRESIDING JUDGE TARFUSSER: [9:52:08] Okay. Court usher, could we bring the
21 witness out.

22 (The witness stands down)

23 PRESIDING JUDGE TARFUSSER: [9:52:33] Mr MacDonald.

24 MR MACDONALD: [9:52:38] We are taking a sentence from a number of questions
25 that are being asked chronologically as to the events of the witness reaching l'hôtel du

1 Golf. I believe that it should read at least from line 723 in order to be fair with the
2 witness, and that is my intervention that I'm making. And also it avoids ultimately
3 having to come back in re-examination to clarify a quote or a previous statement from
4 a witness. Thank you.

5 PRESIDING JUDGE TARFUSSER: [9:53:32] Thank you.

6 Maître N'Dry, can you live with this? It's just a major quotation to what you were
7 going to quote.

8 MR N'DRY: [9:53:51] (Interpretation) Mr President, I have here lines 732 and 733.

9 And it is "Interviewee:" "Interviewee:"

10 And then I read this: "In order to guide us on the actions on the field, I was received
11 by the general mentioned at around 9 a.m."

12 So it is the Interviewee.

13 MR MACDONALD: Your Honour.

14 PRESIDING JUDGE TARFUSSER: [9:54:42] Mr MacDonald, I don't know why you
15 interrupt.

16 MR MACDONALD: [9:54:44] Because the sentence is truncated by the investigator
17 that says, "Mm-mm."

18 PRESIDING JUDGE TARFUSSER: [9:54:49] Yes.

19 MR MACDONALD: [9:54:51] If you look at line 728 and the whole thing, the
20 investigator is simply --

21 PRESIDING JUDGE TARFUSSER: [9:54:56] That's okay, it's okay.

22 MR MACDONALD: [9:54:58] The investigator is simply saying, "Mm-mm."

23 PRESIDING JUDGE TARFUSSER: [9:55:03] Yes.

24 MR MACDONALD: [9:55:04] At the end of each sentence you have three little dots,
25 then the investigator is saying "Mm-mm," and then the witness continues his answer.

1 So in order to have the full answer of the witness, you need to give that.

2 So it's like I was -- "I went to Paris last night."

3 "Mm-mm."

4 "And after that I went to Rome and met someone."

5 "So you went to Rome and met someone?"

6 That's what we're reading right now. We're missing the part that "I went to Paris."

7 PRESIDING JUDGE TARFUSSER: [9:55:33] Okay, okay. If that is the case, I think
8 we should read the whole part, leaving beside the comments by the interviewer. Is
9 that okay?

10 MR N'DRY: [9:55:57] (Interpretation) I don't think I fully understand because what
11 I am reading is not an interpretation of the investigator's interventions. I'm simply
12 reading something, "Interviewee," two points, it simply means that the person being
13 interviewed is speaking, and he said, "In order to guide us on the actions on the field,
14 I was received by the general at around 9 a.m."

15 Mr MacDonald has said the investigator said, "Mm-mm." But the person being
16 interviewed said, "a few minutes after my arrival."

17 Now, what does this mean? "In order to guide us on the actions on the field, I was
18 received by the general in question at around 9 a.m."

19 And if we skip that "Mm-mm," the person is saying "a few minutes after my arrival."

20 Now, what does that change? "In order to guide us on the actions on the field, I was
21 received by the general in question at around 9 a.m." And if we skip that "mm-mm,"
22 the person is saying, "a few minutes after my arrival." What does that change? I do
23 not understand, what does that change?

24 MR MACDONALD: [9:57:26] (Interpretation) Let us all calm down. Mr President,
25 sometimes -- I'm going to say this in French so that everyone should understand.

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- 1 Very well. 725, Interviewer says: "You can proceed."
- 2 And the Interviewee says: "I arrived at the Golf Hotel."
- 3 And then the Interviewer says, "Mm-mm."
- 4 Then 728: "I was received by (Redacted). French soldiers present in the hotel."
- 5 And then Interviewer says, "Mm-mm."
- 6 And then, "To guide us on actions on the field."
- 7 THE INTERPRETER: Mr MacDonald, please slow down.
- 8 MR MACDONALD: (Interpretation)
- 9 I think that page can be presented to the interpreters.
- 10 And then it continues. What I'm saying to my learned friend is that the witness is
- 11 giving an answer which in the audio recording also captures the "mm-mm" of the
- 12 interviewer. And it seems to be a separate statement, but it is not. It is a
- 13 continuation of the answer of the witness.
- 14 So this just quoting that part of the statement would be misleading the witness, and
- 15 we do not want to mislead the witness.
- 16 PRESIDING JUDGE TARFUSSER: [9:59:31] I have it now in front of me, and I would
- 17 like Maître N'Dry, when he confronts the witness with the statement, to read
- 18 only - only - and in sequence the responses from, given by, given by the witness and
- 19 to avoid this "mm-mm" in the middle, just to read it as a sequence.
- 20 MR MACDONALD: [10:00:02] Starting from which line, your Honours?
- 21 PRESIDING JUDGE TARFUSSER: [10:00:06] I think, "J'arrive au hôtel Golf."
- 22 MR MACDONALD: [10:00:11] 725.
- 23 PRESIDING JUDGE TARFUSSER: [10:00:17] Well, 726.
- 24 MR N'DRY: [10:00:32] (Interpretation) Your Honour, there is no problem, I believe.
- 25 PRESIDING JUDGE TARFUSSER: [10:00:36] So as if it was complete, without

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1 interference, in complete sentence by the witness.

2 Can we now reintroduce the witness to the courtroom. Thank you.

3 (The witness enters the courtroom)

4 MR N'DRY: [10:01:41] (Interpretation)

5 Q. [10:01:42] Witness, we shall proceed. Now, this gentleman who gave you this
6 mobile phone, and you already had one, so he gave you the phone even though you
7 had one. Exactly why did he give you the phone?

8 A. [10:02:10] Thank you, Counsel. I was given the phone even though I already
9 had my own telephone on me. I myself mentioned that when I went to the French
10 barracks, my telephone was not taken away from me. But this person who gave me
11 the new telephone didn't know that and he thought I must have left everything back
12 at the camp, in the barracks, and that I didn't have any way of reaching my family.
13 So I suppose that's what he thought. I don't know what he thought, but that is what
14 I suppose.

15 I myself mentioned that and he gave me a telephone.

16 Q. [10:03:09] Was it a gift? Why did he give you the phone?

17 A. [10:03:18] Thank you, Counsel. I just said that I really am not in a position to
18 know what he was thinking. Maybe he imagined -- well, it was just an opinion, this
19 is just an opinion I'm expressing. He gave it to me and, and I said I think -- well, I
20 suppose, when I left my base, I must have left without the opportunity to take
21 anything with me, in particular, a phone. So maybe that is why he gave it to me, so
22 that I could be in contact with my family. So that's just my opinion.

23 Q. [10:04:06] And did your higher-ups know what your mobile phone number
24 was?

25 A. [10:04:20] Yes, they did.

1 Q. [10:04:33] Now, at a military level, the knowledge of wiretaps, was that known
2 by you?

3 A. [10:04:43] Thank you, Counsel. I'm not quite understanding your question.
4 What do you mean, the knowledge of wiretapping? I don't understand. Are you
5 talking about military wiretapping? I really don't understand.

6 Q. [10:05:06] Are you aware of the reality? Do you know that, for example, a
7 telephone can be tapped?

8 A. [10:05:20] That is a fact, I suppose and I know that, yes, I did hear talk about that
9 sort of thing.

10 Q. [10:05:38] If we could now discuss the episode relating to the French soldiers
11 who went and met with you at the Golf Hotel and showed you some photographs of
12 the camp, the Camp Commando in Abobo. Could you tell us something about the
13 conversation you had with them?

14 A. [10:06:08] Thank you, Counsel. So these soldiers arrived and they had some
15 photographs, and already they had surrounded the various -- rather, they had circled
16 certain parts of the photographs and they asked me if I recognised the places, the
17 locations, for example, my own barracks, the barracks of the Republican Guard, the
18 gendarmerie school, the naval base, and two other locations. I no longer recall
19 exactly which ones.

20 And on the photograph showing my barracks, I said that there were spots that had
21 been pinpointed, just like in the video that you showed me recently.

22 And they asked me some questions about these marks, whether I could tell them
23 anything, and I said that indeed, yes, I think that was after the arrest of President
24 Gbagbo. I do think so. And I said to them, well, here, this means this, for example,
25 that marking shows that position. And they said they weren't so interested in the

1 various positions that were shown but, rather, they wanted confirmation that shells
2 had been shot from the barracks, and I didn't give them that confirmation, because
3 when I was there, no shell was fired.

4 In my presence, no shell had been fired. So they talked -- well, we say the word
5 "shell" when we are talking about the ammunition used for a mortar gun. And if it's
6 a rocket launcher, you use the word "roquette," "rocket," rather, for example, a rocket
7 launcher that you have on your shoulder, for example. So they asked me questions
8 about shelling, about shells. And apparently there was an aeroplane that
9 was -- correction, a helicopter that went around the barracks twice a day, filming and
10 observing, and they seemed to think that they had evidence that there had been shells
11 fired from the barracks.

12 Q. [10:09:23] Now, and regarding your camp, if I've understood correctly, you
13 wanted to say what you knew. And when they showed you the photographs of the
14 other camps, Locodjoro, the naval base, the gendarmerie school, the Republican
15 Guard in Treichville, why did they show you those other photographs?

16 A. [10:09:52] Thank you, Counsel. They were photographs taken from aircrafts.
17 They just asked me to give names for those locations and to tell them whether I was
18 familiar with the locations. And I was able to say, well, this is the Republican Guard
19 location, this is the naval base, and so on and so forth.
20 So those were the points that we discussed.

21 But on the aerial photos of my barracks, they were asking about the shells that had
22 been fired from that location.

23 Q. [10:10:46] So they came to see you, looking for information, and they thought of
24 you as a resource person, I suppose, when it came to weaponry and the like?

25 A. [10:10:56] Thank you, Counsel. I am saying that they were asking me about

1 shooting, about the shooting that had hit civilian targets. They really weren't asking
2 me about my brothers-in-arms. They were asking about the shooting.

3 Q. [10:11:27] Now, when you were at the Golf Hotel, you said that indeed when
4 you were still at Camp Commando, you saw the French helicopters flying at low
5 altitude. Can you confirm that?

6 A. [10:11:49] Yes, I do confirm that.

7 Q. [10:12:00] You first went to the 43rd BIMA on 3 March. And then can you tell
8 us more about these low flying French aircraft that were going over the camp?

9 A. [10:12:17] Thank you, Counsel. It was even before the first round already the
10 helicopters were flying over the location. Each time there was a major event
11 expected, a march, an election, that everyone knew about, those helicopters would fly
12 over the entire City of Abidjan. In particular, as best I know, even when we would
13 go off to meetings or briefings, when I was no longer in my neighbourhood or district,
14 I still would see the aircraft in the air flying over other neighbourhoods. So I
15 suppose they were flying over all the neighbourhoods of the city. But I do know that
16 the helicopters were flying over the barracks before the first round of voting.

17 Q. [10:13:30] And when they showed you the photographs, you realised that these
18 helicopters were not flying over these areas just to keep an eye on a demonstration?
19 You realised that?

20 A. [10:13:52] Thank you, Counsel. Even before the photographs were shown to
21 me, I already knew because *there weren't always demonstrations. When there were
22 no demonstrations, the helicopters would fly. That, well, I can confirm that it was
23 not in relation to the demonstrations. That's not why the helicopters were flying
24 over the areas. We saw them go over the barracks and there was someone quite
25 clearly visible who was filming or photographing. I've said that. I just said that.

1 Q. [10:14:35] I am a lawyer. I'm a layman when it comes to military matters. But
2 if I put it to you, for example, that these were spy, forms of spying, would that be
3 true?

4 A. [10:14:51] Thank you, Counsel. I think that myself, myself, I wouldn't use that
5 word because the Licorne forces had a UN mandate, just like the other UN forces, the
6 other contingents that were based in Côte d'Ivoire. So if it was as a foreign force,
7 maybe then you could talk about espionage, but as an impartial force, I really couldn't
8 say that.

9 In any event, I can confirm that, yes, they did take photographs or they seemed to be
10 shooting video footage.

11 Q. [10:15:55] So to the best of your knowledge, did this UN mandate of the French
12 forces include the right to take photographs, the weapons found in a Côte d'Ivoire
13 army camp?

14 MR MACDONALD: [10:16:12] Mr -- your Honours. Sorry, colleague. I think
15 we're now going into arguments with the witness.

16 PRESIDING JUDGE TARFUSSER: [10:16:18] Well, I think this is something he could
17 suggest, but not for sure not know from his position.

18 MR N'DRY: [10:16:36] (Interpretation) Your Honour, it is the witness who
19 mentioned the French having a UN mandate. I am trying to determine whether he
20 has full understanding of the UN mandate and what that included, what it meant to
21 the French forces, whether that included the right to take photographs of Ivorian
22 Armed Forces. It was the witness himself who gave us that information. So I am
23 trying to determine just what understanding he has of this UN mandate. But I
24 will -- I will move on. I will continue.

25 Q. [10:17:32] Witness, when you were at the Golf Hotel, you remained in contact,

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1 you had informers within the FDS. You mentioned infiltration the day before
2 yesterday. So once you had gone to the Golf Hotel, you remained in contact with a
3 number of people in the field who were feeding you information, isn't that so?

4 A. [10:18:17] Thank you, Counsel. Well, I was not placing calls -- to say that I was
5 not placing calls to find out what was going on, that would be a mistruth. So I made
6 some calls to find out what was going on around me.

7 Q. [10:18:51] Witness, my question was not to ask you what was going on or your
8 attempts to find out what was going on around you. Your informers, according to
9 your statement to the OTP -- and if you are having trouble with your memory, we can
10 read your statement back to you, that's not a problem. I don't mind.

11 But all this to say, your informers *at the Agban camp this was to get information
12 about you?

13 A. [10:19:40] The question is not clear to me, Counsel. You said my informers in
14 Agban wanted to get information about me? I don't understand.

15 Q. [10:19:57] I will find the statement and read it to you. I think that might be
16 simpler.

17 A. [10:20:03] Well, it's the question. You said about me, information about me. I
18 didn't understand that part.

19 Q. [10:20:11] Witness, when you were at the Golf Hotel, you remained in contact
20 with FDS members to get intelligence, and you told the OTP about that. That's what
21 I'm talking about, not information about you.

22 A. [10:20:39] Thank you, Counsel. That is what the question said. That is why I
23 asked you to rephrase. I thought that maybe there was an extra word in there. So I
24 said earlier that I remained in contact with some people to find out what was going
25 on. I've just said that.

1 Q. [10:21:16] I will find the specific part of your statement and we will have a look
2 at it.

3 I apologise, your Honour. I think I have the reference now, CIV-OTP-0049-2312 at
4 page 2335. I read from the statement, lines 816 to 823. But to be fair, I will start a
5 little earlier because I don't want to provoke any remarks from the Prosecution.

6 I'll start at line 812. First of all, the investigator says, "How did you know that?"

7 "10th of March. I said the 10th of March. As of the 7th, around the 7th then because
8 when I went to the Golf, that was a few days after. That is when there was an attack.
9 That was a pretty serious one. A number of tanks were set alight and I had soldiers
10 in them."

11 The investigator says: "Very well."

12 Interviewee says: "So I learned of that and I called them."

13 Investigator: "How did you learn of that?"

14 Answer: "Some of my pals told me. They had remained. They were in Agban."

15 And the investigator says: "Very well."

16 Interviewee: "There you have it."

17 Investigator: "Okay. 823 that they informed us."

18 Another reference, CIV-OTP-0049-2389 at page 2401, lines 428 to 431. You said the
19 following:

20 "Because I still had men at the camp and I called them to find out what was going on,
21 to see if things were okay, if they had been attacked. And thus they were the ones
22 telling me what people were doing. They put some 90-millimetre cannons and they
23 pointed them at some neighbourhoods, and so on and so forth.

24 Witness, does that refresh your memory, 90-millimetre mortars?

25 A. [10:27:22] Yes, that is correct. That refreshes my memory, and I thank you. So

1 there are two references. The first reference speaks about the attack --

2 THE INTERPRETER: Inaudible.

3 THE WITNESS: (Interpretation) I myself mention that during the questioning. I

4 don't know whether you asked me the question, or one of the others, but I did

5 mention this serious attack. I was asked if, other than the attack not far away from

6 the brigade * was there another attack where the FDS... another serious attack?

7 Indeed, I did mention that attack of the armoured vehicles, and I was no longer there.

8 It was from those people that I found out. And I also mentioned that during that

9 attack an officer had been burnt quite badly, one of the GEB officers, and two

10 armoured vehicles allegedly were lost there.

11 Inside that tank I had one soldier who was positioned at the RTI, and when the

12 leaders decided it was no longer necessary and it was very dangerous, you see, for

13 that person who was isolated to be at that location, and they asked that all those

14 people go back to their original barracks. And so one soldier went to Agban. He,

15 well, he wasn't a GEB soldier himself, but he had himself transported. And when we

16 learned of the attack, I called him and he explained to me in detail how they had been

17 attacked.

18 Now, the second reference, when I say that I had some men, yes, indeed, the barracks,

19 that was our barracks and there were several units who had come as reinforcements.

20 My men did not take part, were not part of the convoys with fresh supplies or fresh

21 people. There was no fresh -- even, well, I knew that there still were people from my

22 barracks who were there. So I called them. And if they answered -- you see, I

23 could call them, and if they answered, I could find out whether things were okay

24 because, because I was worried. I was worried, concerned, even for their lives.

25 Q. [10:30:41] Very well. Let us now speak about a certain event, that is the attack

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1 on PK18. You recall that there were policemen who were killed. If I understand
2 correctly, you did not personally observe that attack. I think it was your deputy or
3 one of your colleagues who reported the information to you according to which there
4 was a Liberian amongst the injured. Do you recall that?

5 A. [10:31:47] Yes, I recall it.

6 Q. [10:31:52] So you are not the one who actually observed that, it was one of your
7 colleagues who was on the ground. And if I recall correctly, he obtained that
8 information from someone else; is that correct?

9 A. [10:32:12] Yes.

10 Q. [10:32:18] We are going to display a video to you and then we will come back to
11 this issue.

12 THE COURT OFFICER: [10:32:28] Could you please let us know the level of
13 confidentiality of that video.

14 MR N'DRY: [10:32:35] (Interpretation) It is public. CIV-D25-0013-0015. And I
15 repeat, CIV-D25-0013-0015, and for the transcript, it is CIV-D25-0013-0021.

16 (Viewing of the video excerpt)

17 MR MACDONALD: [10:33:40] I have an objection. I don't want to influence the
18 witness in any way. I'm looking at the metadata. We're on the RTI, right, PK18 RTI
19 incident? Just to clarify. Just to clarify, because we may be, and I don't want to
20 influence the witness -- I'll switch to French and I'll speak very slowly for the
21 translation.

22 (Interpretation) Questions are being put about PK18 and about the policemen,
23 Liberians, and then there is a video.

24 MR N'DRY: [10:34:41] (Interpretation) Mr MacDonald, can you give the witness
25 the answer?

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1 PRESIDING JUDGE TARFUSSER: [10:34:50] Let's please bring the witness out
2 again.

3 (The witness stands down)

4 PRESIDING JUDGE TARFUSSER: Mr MacDonald.

5 MR MACDONALD: [10:35:13] (Interpretation) Mr President, according to the
6 chronology of the questions, it is 16 December, the march on the RTI, PK18, and
7 some -- and a policeman who was injured. And now we want to show video footage
8 where there is a CRS video of 11 January 2011. So they are preparing to show
9 footage of 11 January 2011. But for this witness, this would be misleading him, to
10 show a video of 11 January regarding incidents of 16 December. That is the
11 objection of the Prosecution. Unless they're asking questions on a subsequent
12 incident regarding his knowledge at that level. Thank you.

13 PRESIDING JUDGE TARFUSSER: [10:36:45] Maître N'Dry.

14 MR N'DRY: [10:36:50] (Interpretation) Mr President, I do not know whether the
15 Prosecution is not aware that the witness is responsible enough to know the dates. If
16 the video that is being shown has nothing to do with the events in question, he can
17 say it himself.

18 Now that the Prosecution is on their feet and they're telling the witness that these are
19 RTI events, what answer can be expected from him? I have read all the statements to
20 the OTP by this witness. And at one point the investigators tried to clarify the
21 incident from this witness and they asked clear questions about the events of PK18.
22 So presenting this video footage to the witness is to have clarification, because the
23 event does not concern the march on the RTI.

24 I understand why the Prosecutor is on his feet, because it is not to his advantage that
25 clarification should be made. The event of the death of the two policemen does not

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1 concern the march on the RTI. It is the march on 11 January.

2 So we want the witness to comment on that. So what is the problem for the

3 Prosecutor?

4 PRESIDING JUDGE TARFUSSER: [10:38:54] Well, I think, in any case, we cannot

5 put traps to the witness. We have to be absolutely fair to the witness. So we must

6 confront the witness with things, with clear, with clear facts and clear pieces of

7 evidence in this case, footage. So I think the witness has to be somehow explained

8 on what he's going to see.

9 Please can you bring in the witness again.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE TARFUSSER: [10:40:15] Maître N'Dry.

12 MR N'DRY: [10:40:18] (Interpretation) Yes, your Honour, we are waiting for the

13 video footage.

14 (Viewing of the video excerpt)

15 MR MACDONALD: [10:40:30] Microphone not activated.

16 PRESIDING JUDGE TARFUSSER: [10:40:33] It doesn't matter. It has to be.

17 But, Mr MacDonald, you always, it seems that you have something which makes you

18 jump up all the time.

19 MR MACDONALD: [10:40:46] A spring?

20 PRESIDING JUDGE TARFUSSER: [10:40:47] Yes, please.

21 Mr N'Dry, please go ahead.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [10:41:01] From the interpreters, can the video be started from

24 the beginning again because they're continuing from the middle.

25 PRESIDING JUDGE TARFUSSER: [10:41:12] From the interpreters, please, can the

1 video be started again for the benefit of the interpreters, thank you.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [10:41:23] (Interpretation of the video excerpt) "For the
4 installation of a new director general of the RTI, during that day of madness of 16
5 December 2010. The demonstration was supposed to be peaceful, but what
6 happened was the exact opposite, unspeakable barbarism, extreme violence and
7 material damage and serious injuries, and people were killed.

8 This is a reprehensible outcome. At least 20 people were killed, including 10
9 members of the FDS. And amongst the victims was an NCO who died in

10 Yamoussoukro and three young NCOs of the 2008-2009 batch at the CRS based at
11 Marcory who were killed in cold blood *by the rebels at Abobo PK18 Anyama road.

12 Sensitive to this disaster, the minister of the interior, Emile Guirieoulou visited on
13 Saturday the various families to mourn the victims and not -- and they said that these
14 were Ivorians and not Liberian soldiers as broadcast by foreign television stations.

15 "Emile Guirieoulou: Mr Patrick Achi dared to say over Africa 24 that our policemen
16 who were killed asked for it because they were Liberians. You have just seen the
17 footage. These are Ivorians. They are members of a police force who were savagely
18 killed. And those who killed them should assume the responsibility. In a country
19 ruled by law, we cannot arm people to come and attack the forces of law and order
20 and peddle lies to the international media.

21 "Journalist: The NCO officer Sedi Ahi Ignace who was killed by the rebels in
22 Yamoussoukro as well as his seniors and colleagues Yao Bi Houa André, Yada Blessé
23 Jean-Baptiste and Toure Sinenan, well, the minister of the interior paid tribute to
24 them.

25 "Emile Guirieoulou: We would like to seize this opportunity to tell the families,

1 whose police people were killed, we would want to pay to them our condolences.
2 These are young people who died on duty. They died for the fatherland and the
3 fatherland will remember them.

4 "Journalist: The minister of the interior was accompanied by various, during the
5 various visits by the minister of solidarity and social affairs Anne Gnahoré, the former
6 ambassador to Côte d'Ivoire in Mexico and the general controller Blé Doumbia,
7 director general of the national police as well as his close collaborators."

8 PRESIDING JUDGE TARFUSSER: [10:45:19] Maître N'Dry.

9 MR N'DRY: [10:45:22] (Interpretation)

10 Q. [10:45:31] Mr Witness, have you seen this footage before?

11 A. [10:45:36] No, Counsel, I didn't see it.

12 Q. [10:45:43] We're going to move on to something else.

13 Mr Witness, on the day of the arrest of President Gbagbo, were you still at the Golf?

14 A. [10:46:16] Yes, Counsel.

15 Q. [10:46:16] We are going to show a video, and then I will ask you questions and
16 that would be my last point. I think I would conclude in time.

17 A. [10:46:55] Thank you, Counsel.

18 Q. [10:46:59] It is CIV-D15-002 -- or, rather, 0002-6315. Timestamp 9.35 to 10.50.

19 There is no transcript for that and it is a public video.

20 (Viewing of the video excerpt)

21 MR N'DRY: [10:49:14] (Interpretation)

22 Q. [10:49:37] I would like to point out that before presenting this video footage, we
23 consulted with Mr Gbagbo because this could be traumatic images, so it is for that
24 reason that we did that.

25 Mr Witness, did you see this footage?

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1 A. [10:50:08] Yes, indeed, Counsel.

2 Q. [10:50:11] Were you in that room?

3 A. [10:50:15] Yes. And this is why I said before that I was able to see the son of
4 President Laurent Gbagbo who had an injury on his head. I have already said that.

5 Q. [10:50:40] Which room was that when you were at the Golf?

6 A. [10:50:46] That is where I slept.

7 Q. [10:50:51] That is where you slept?

8 A. [10:50:55] Yes, that is correct.

9 Q. [10:51:00] You had no link with the actions on the ground that led to the arrest
10 of President Gbagbo, and it was in your room that he came to. How many rooms
11 were there in the Golf Hotel?

12 A. [10:51:22] Thank you, Counsel. You have asked several questions and I will
13 begin with the last. I do not know the number of rooms in the hotel. I did not have
14 the possibility to find that out.

15 Now, in answer to your first question, I would say that I did not participate in any
16 fighting, let alone the operations that led to the arrest of President Gbagbo. I was
17 simply there because, as I have said, it was my room, and there were several members
18 of the FDS there. And there were two of us in that room, and the room was
19 requisitioned to host President Laurent Gbagbo and his family and close relatives.

20 Q. [10:52:52] You confirm that you had nothing to do with the actions on the
21 ground?

22 A. [10:52:58] I so do confirm.

23 Q. [10:53:03] Mr Witness, what was the role that you played when you were at the
24 Golf?

25 A. [10:53:39] Thank you, Counsel. I believe I have already answered that question,

1 and I will repeat, I did not play any role in relation to operations.

2 Q. [10:54:14] My last point regards the sharing of the cake?

3 A. [10:54:23] What does that mean?

4 Q. [10:54:25] I will explain it to you. At the very end, when you were at the Golf
5 with Mr Guillaume Soro, when everything came to an end, there was a distribution of
6 positions; is that correct? Which position did you opt for? That is at the very end,
7 which position did you choose?

8 A. [10:55:04] Thank you, Counsel. I will give you an answer, but I will clarify so
9 that everyone should understand correctly. At that time during the situation, the
10 current president of the assembly, he was playing the role of the minister of defence.
11 So he called us up to assign responsibilities, and that is how I said that after the arrest
12 of President Laurent Gbagbo, those of us gendarmes were asked to go and provide
13 security for the people at the Pergola hotel.

14 After that we were asked to say which positions we would like to occupy and I opted
15 for the port gendarmerie. But when we left that location, I was appointed as
16 commander of the armoured squadron, the armoured squadron group.

17 Q. [10:56:52] Mr Witness, you said to the investigators that Mr Soro, the speaker of
18 the national assembly told us that at the very end, when everything would have
19 ended, because after the arrest of President Gbagbo, everything had come to an end.
20 So he said that to you before, it had nothing to do with Pergola, it was before.

21 A. [10:57:38] Thank you, Counsel. You are the one saying it, that everything
22 ended with the arrest of President Gbagbo. You are an Ivorian, as myself, and you
23 know what happened after the arrest. So you cannot say that everything ended.
24 There was fighting afterwards, after the arrest of President Gbagbo. There was still
25 fighting going on. So not everything ended with the arrest of the president.

1 Q. [10:58:11] Well, I understand your answer. And you chose to be at the port,
2 right?

3 A. [10:58:24] The gendarmerie at the port.

4 Q. [10:58:26] And you were appointed to the armoured squadron group?

5 A. [10:58:32] Yes.

6 Q. [10:58:35] Well, I would like to end here. I would like to thank you for your
7 testimony here in the Court. And with the leave of the lead counsel, I can say that
8 we have no further questions on behalf of the Defence team of Mr Charles Blé Goudé.
9 We wish you a safe return to this country that we all love. Thank you.

10 PRESIDING JUDGE TARFUSSER: [10:59:07] Thank you very much. Now we have
11 the break. I thought we could finish before. We don't. We have the break and we
12 come back at 11.30. Thank you.

13 THE COURT USHER: [10:59:17] All rise.

14 (Recess taken at 10.59 a.m.)

15 (Upon resuming in open session at 11.36 a.m.)

16 THE COURT USHER: [11:36:35] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [11:36:39] Once again, good morning. Before
19 giving the floor to the Office of the Prosecutor, the Bench wants to put a question to
20 the witness.

21 You can hear me?

22 THE WITNESS: [11:36:56] (Interpretation) I can hear you, your Honour.

23 PRESIDING JUDGE TARFUSSER: [11:37:03] Thank you. My question to you
24 relates to your testimony or the testimony you have given on Friday, 2 October in the
25 morning hours, when you testified about a fact, an incident where an officer

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1 attempted to put a battery of 120 millimetres mortars at Camp Commando. Do you
2 recall that? 2 September, yes -- no, 2 October. What are we now? 2 September.
3 Sorry. Yes, of course.

4 THE WITNESS: [11:37:55] (Interpretation) Yes, your Honour, I recall that.

5 PRESIDING JUDGE TARFUSSER: [11:37:57] Yes. For the parties I refer to
6 transcript in English and French, they overlap in this time, pages 2 to 7. There was
7 also a discussion about, in private session, about a name.
8 At a certain point you said, you spoke about, and I quote from the English "heated
9 discussions between two officers", which I will not name because one has been named
10 in private session, between the officer in the camp and one came in from the outside.
11 And the discussion was about this battery to be put or not to be put.

12 And this is page 3, line 15.

13 And then further on at page 7, after this discussion on private or not private session,
14 at page 7, line 10 to 12 in the English transcript and lines 15 to 17 in the French
15 transcript you said, and I quote: "The officer, chief of detachment who wanted to use
16 these 120 millimetres mortars said that he had received the order from the
17 presidency." End of quote.

18 My question is, were you part of this discussion? Also a passive part, *"...there
19 without taking the floor?

20 THE WITNESS: [11:39:50] (Interpretation) Thank you, Mr President. I did not
21 participate in the discussion but I was able to hear it. I didn't hear everything. But
22 when I went back up to the office with the command post officer, he was the one who
23 gave me all the other details.

24 PRESIDING JUDGE TARFUSSER: [11:40:18] So you heard personally the two
25 officers saying this?

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1 THE WITNESS: [11:40:30] (Interpretation) Yes, indeed, your Honour, I heard them
2 discuss. But I did not hear the entire discussion. After the conversation between
3 the two officers, the chief of detachment went back to his office. I went to that office
4 and he was the one who gave me further details on the discussion.

5 PRESIDING JUDGE TARFUSSER: [11:40:55] So what did you personally hear and
6 what did the officer give you in further details?

7 THE WITNESS: [11:41:06] (Interpretation) Thank you, Mr President. As I have
8 said before, the chief of the command post, who was there, observed an officer, a chief
9 of detachment, mounting the mortar battery. So he approached them. I was not far
10 away. And he asked him why he was mounting that battery. Was he intending to
11 use it? And the other one said yes, it was to use it.

12 And the chief said, "But you know the effects of this weapon? And you want to use
13 it here? Against whom?"

14 And "Did you receive any order for that?" *And they had a discussion.

15 There I heard "presidency", that is where I heard the word "presidency". And then
16 afterwards I went *up and the officer gave me all the details, because I was a
17 commander of the camp and we had frequent conversations.

18 PRESIDING JUDGE TARFUSSER: [11:42:44] When you say the other details, what
19 do you mean? That he confirmed or what do you mean by "other details"?

20 THE WITNESS: [11:42:54] (Interpretation) Thank you, Mr President. When we
21 went up to his office, he continued complaining and he said that he could not accept
22 that under his command additional orders should be issued without his knowledge,
23 because he would be the one answerable for them subsequently.

24 And that officer had told him that he received orders from the presidency, whereas he
25 himself was not aware of that. So he said he could not accept that and he would

1 report in order to find out what to do.

2 PRESIDING JUDGE TARFUSSER: [11:43:51] Thank you very much.

3 Now I give the floor to the Office of the Prosecutor, Mr MacDonald.

4 MR MACDONALD: [11:44:00] Thank you, Mr President.

5 QUESTIONED BY MR MACDONALD: (Interpretation)

6 Q. [11:44:13] Good morning once again, Mr Witness. Just a few questions of
7 clarification and particularly on this last point on which the witness had put questions
8 to you.

9 And I will come back to the excerpt that was read to you by my colleague, my learned
10 friend this morning, and it is transcript 0049-2389, and specifically page 2401. And I
11 will backtrack, because my learned friend read out just a part of the excerpt. I'm
12 going to come back to that conversation between the commander of the command
13 post in Abobo, I don't remember his rank, but his name is Doumbia. So there was a
14 conversation with this person who came to mount the battery, and I will read from
15 page 424, from line 424. I will not mention the name of the person because it was
16 mentioned in private session, and I will quote:

17 "Person X did not answer, and finally the battery was not installed. But on the
18 following days, that is after my departure, there were various cannons that were
19 *deployed in batteries and that were positioned."

20 Then there was a question from the investigator:

21 "How do you know that?"

22 And then your answer was this: "Because I still had people in the camp that I called
23 and who provided me information about what was going on, whether they had been
24 attacked.

25 So they were the ones who told me what people were doing. They mounted 90

1 millimetre cannons, 90 millimetres mortars directed at certain neighbourhoods."

2 So I just wanted to place you in context at the time you were at the Golf Hotel when
3 you heard that conversation with your colleagues, to know whether they had been
4 attacked?

5 A. [11:47:35] That is correct.

6 Q. [11:47:39] Are you able to give us the name of any of those people that you
7 spoke to who talked about the mounting of the mortars? And you can consult with
8 Maître von Bóné.

9 (The witness confers with Mr von Bóné)

10 MR VON BÓNÉ: [11:48:32] (Interpretation) Your Honour, I would like to ask to go
11 into private session.

12 PRESIDING JUDGE TARFUSSER: [11:48:42] Can we please go into private session.
13 Thank you.

14 (Private session at 11.48 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 11.51 a.m.)

7 THE COURT OFFICER: [11:51:07] We are back in open session.

8 PRESIDING JUDGE TARFUSSER: [11:51:14] Mr MacDonald.

9 MR MACDONALD: [11:51:19] (Interpretation)

10 Q. [11:51:20] Mr Witness, once again there was a term that was used by Mr N'Dry
11 at the very outset. I don't know whether my pronunciation is correct, but he said
12 "mogaba." I believe it is M-O-G-O-B-A. What does that mean?

13 A. [11:51:45] Thank you, Mr Prosecutor. This is a word from the Malinké
14 language. It means a big man or a dignitary, a major personality, something like
15 that.

16 Q. [11:52:13] Very well. Now, still as a follow-up to the questions put to you by
17 Mr N'Dry, not today but on Tuesday, Tuesday of this week, the Blé Goudé Defence
18 team presented two videos to you, and I will give the references, D25-0013-0016, and
19 on that footage we see demonstrators chanting "liberate, liberate," and there seems to
20 have been a rocket launcher, someone holding a rocket launcher?

21 A. [11:53:17] Yes, that is correct.

22 Q. [11:53:18] Now, regarding the rocket launcher, is that what is commonly known
23 as RPG?

24 A. [11:53:33] Yes, it is that weapon that is called RPG or Bazooka. In fact, it is
25 actually LRPG, but people usually use the shorter version, RPG.

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1 Q. [11:53:54] Now, before that video footage was shown to you in this courtroom,
2 had you seen it before?

3 A. [11:54:01] Thank you, Mr Prosecutor. I have never seen that footage before.

4 Q. [11:54:10] The second video excerpt, D25-0013-0018, you were shown this
5 footage on Tuesday, and once again there were red circles, and it was at the hospital
6 with members of the defence and security forces who were injured. Do you recall
7 that footage?

8 A. [11:54:54] Yes, Mr Prosecutor, I remember it.

9 Q. [11:54:58] Before coming to this courtroom, had you seen that video footage
10 before?

11 A. [11:55:06] Thank you, Mr Prosecutor. I had never seen that footage before, that
12 is before the day on which I saw it here in the courtroom. I had never seen it before.

13 Q. [11:55:29] But there is something that is certain, irrespective of the video footage,
14 you knew, and even if you didn't know you would have learned from the video that
15 there was fighting during the march to the RTI at the level of the Golf Hotel?

16 PRESIDING JUDGE TARFUSSER: [11:55:59] The question should be different. Did
17 you know that directly? Did you know that or not? Or even further: What
18 happened that day?

19 MR MACDONALD: [11:56:13] To his knowledge.

20 PRESIDING JUDGE TARFUSSER: [11:56:15] Yes.

21 MR MACDONALD: [11:56:15] Because of his location.

22 Q. [11:56:20] (Interpretation) Mr Witness, did you receive any information on that
23 day about the events at the Golf Hotel?

24 A. [11:56:31] Thank you, Mr Prosecutor. I really do not recall precisely, but I
25 know that I heard about fighting at the Golf Hotel, because we also had our own

1 issues and those involved some deaths, some people killed.

2 Q. [11:57:07] Let me come back to the issue of the impartial forces. My learned
3 friend Maître Altit put questions to you. He asked you whether there were rebel
4 forces at the Golf Hotel on 16 December, that is during the march to the RTI. He put
5 that question to you.

6 Now, for purposes of clarification, tell us, during the elections, were there impartial or
7 neutral forces to provide security during the elections?

8 A. [11:57:59] Yes, indeed, Mr Prosecutor, there were neutral forces, impartial
9 forces.

10 Q. [11:58:07] To your knowledge, apart from the United Nations, were there any
11 other participating parties that provided forces for these impartial units?

12 A. [11:58:30] I do not understand your question, Counsel.

13 Q. [11:58:36] Who were these impartial forces?

14 A. [11:58:39] Thank you, Mr Prosecutor. There were two categories, you had
15 forces with contingents such as the Bangladeshi forces, the Senegalese, the Togolese
16 and those from Niger, and they were called the UN forces.

17 And alongside those forces there was already a French base in Côte d'Ivoire known as
18 the 43rd BIMA. People thought that this force would leave after the insistence of the
19 Young Patriots, but the UN gave them a mandate, and it was after that that they
20 became known as the Licorne force, and they became an impartial force.

21 MR N'DRY: [11:59:49] (Interpretation) Mr President, can we know the source of
22 the impartial nature of this force that is being referred to by the Prosecutor? Was
23 this said by the witness?

24 PRESIDING JUDGE TARFUSSER: [12:00:12] Well, impartiality is in any case
25 something which is not carved in stone. What does "impartial" mean? This is the

1 question I think.

2 MR MACDONALD: [12:00:28] I was finished with that topic in any event, your
3 Honours.

4 PRESIDING JUDGE TARFUSSER: [12:00:33] But could you please ask what
5 "impartial" means? Why impartial?

6 THE WITNESS: [12:00:43] (Interpretation) Thank you, Mr President. Well, to my
7 mind, impartiality in this case was applied to the situation prevailing in Côte d'Ivoire,
8 because since before the elections, as soon as President Laurent Gbagbo's power came
9 under attack, there was the creation of a rebellion that was organised and that was
10 now out in the open and fighting took place, and finally it was decided that there
11 should be lines of demarcation with ceasefire agreements.

12 And in order to respect those agreements, then there had to be forces in place in order
13 to have those agreements respected. So those forces came and at the outset it was
14 purely a CDAO force that then opened the way to the United Nations force and the
15 Licorne force.

16 So they were not biased in any way as the term suggests.

17 PRESIDING JUDGE TARFUSSER: [12:02:21] Mr MacDonald.

18 MR MACDONALD: [12:02:24] (Interpretation) I am informed in order to respond
19 to Maître N'Dry's question that the witness used this term in response to your
20 questions at page 17, line 9.

21 Q. [12:02:48] So I would now like to round up with the last subject area. Now,
22 this takes us back to the west of the country in 2002-2004. Before the complete
23 ceasefire and the question that you just broached, notably the demarcation of the
24 territory and the impartial forces, let us leave the impartial forces to one side, let us
25 concentrate on the west of the country in 2002 and 2004.

1 Maître Altit put questions to you with regard to the crimes committed in the west of
2 the country concentrating on the rebel forces. Do you recall that?

3 A. [12:03:48] I do remember that, Mr Prosecutor.

4 Q. [12:03:55] Now, the LIMA forces, L for Liberians, who were at your side in that
5 fighting against the rebels, to your knowledge, did they commit any crimes?

6 PRESIDING JUDGE TARFUSSER: [12:04:24] Not intended in the judicial manner,
7 of course, because -- yes. I mean, "did they commit any crimes" presupposes
8 some -- I just said not, not in a judicial interpretation.

9 MR MACDONALD: [12:04:43] In the same way asked by Mr Altit.

10 Q. [12:04:51] (Interpretation) I'm using the word "crime" in the same manner that
11 Maître Altit used it and that you understood when you responded to his questions.
12 So I am asking you about the LIMA forces in this regard.

13 A. [12:05:07] Thank you, Mr Prosecutor. I do understand your question. And I
14 believe that there were some, and the event that marked me the most occurred in the
15 last town that we took. That's in Zouan-Hounien, in the Zouan-Hounien locality.
16 The town had already been taken, and we took up position or our troops took up
17 position in strategic locations in order to avoid any surprises. And the LIMA forces
18 were looting left, right and centre, but that wasn't the problem. We came across
19 civilians who were unarmed and many elderly people, many of those civilians were
20 elderly, of a very advanced age and, logically speaking, could not be combatants. I
21 say logically speaking.

22 We found nine individuals whom we decided to put to one side upon the instruction
23 of our chief of detachment. Subsequently it was within my area of competency or
24 jurisdiction.

25 I heard gunfire, because we put those individuals in a warehouse, and those people

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1 who had been put to one side were found by the LIMA forces and were executed and
2 were in a well, those nine people were in a well.

3 Q. [12:07:17] Was that the only incident of an execution having been conducted by
4 members of the LIMA force?

5 A. [12:07:32] Indeed, that was the only incident that I was a witness to. However,
6 because we were not always close by, there were many things being said that I was
7 not able to verify personally. So as far as what I personally witnessed, that is what I
8 have just mentioned.

9 MR MACDONALD: [12:08:13] With your indulgence, your Honour, just to verify if
10 I have any other questions.

11 (Counsel confer)

12 MR MACDONALD: [12:08:37] (Interpretation)

13 Q. [12:08:38] And what were you being told?

14 A. [12:08:40] Thank you, Mr Prosecutor.

15 MR ALTIT: [12:08:46] (Interpretation) I apologise for interrupting. This is
16 hearsay. The witness is going to be talking about rumours that we know nothing
17 about at all, and we are in re-examination here, Mr President.

18 PRESIDING JUDGE TARFUSSER: [12:09:05] Yes, but he can testify on what
19 he -- somebody told him then whatever this, the importance and the relevance and of
20 this is, of course.

21 MR MACDONALD: [12:09:21] I will try to bring it outside the realm of anonymous
22 hearsay.

23 Q. [12:09:35] (Interpretation) Now, Mr Witness, what were you told about crimes
24 other than those just mentioned to us and also the looting by the LIMA forces?

25 A. [12:10:00] Thank you, Mr Prosecutor. I was told -- this is something I did not

1 personally witness -- that during our progression we came across individuals who
2 were unarmed and who often were disabled or people whom we deemed to not be
3 mentally healthy. So it would seem that the LIMA were not of the same opinion, the
4 LIMA forces. And they even shot at animals because, according to them, their
5 enemies were able to transform themselves into animals. So we -- the people whom
6 we would leave alive during our progression, they would come back and finish them
7 off.

8 Q. [12:11:17] And who mentioned that to you? And this is my last question to you.
9 You might also like to consult Maître von Bóné.

10 A. [12:11:30] I do not believe that this will be necessary. You know, when
11 conducting operations of this type, we do not always see the faces of those
12 individuals talking to us, because there is gunfire all over the place, and we don't
13 necessarily have the time to concentrate on the face of the person saying such things.
14 And on some occasions I did take people to places, these people I did not know their
15 names, and they did not come under my authority.
16 So these were people who were coming from all directions, from all localities whom
17 we gathered together and whose names I did not know. And even if I wanted to, it
18 would be difficult for me.

19 Q. [12:12:24] But you do confirm that these were people who were members of the
20 FDS?

21 A. [12:12:34] Indeed, I can confirm that.

22 Q. [12:12:38] Thank you, Mr Witness. These are the questions that I had for you.
23 And I would also like to thank you for your testimony and for having testified in
24 open court because, of course, this is important in our search for the truth. Thank
25 you.

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1 PRESIDING JUDGE TARFUSSER: [12:13:01] Thank you. Thank you very much.

2 Thank you to the Office of the Prosecutor.

3 Now I ask the Defence teams, who according to Rule 142(d) have the last word, if
4 they have any further question to this witness.

5 MR ALTIT: [12:13:36] (Interpretation) Thank you, Mr President. The Defence
6 agrees that the search for truth requires transparency. With regard to the
7 re-examination, the Defence for Laurent Gbagbo has no further questions, and we
8 thank you.

9 PRESIDING JUDGE TARFUSSER: [12:13:51] Thank you, Maître Altit.
10 Mr Knoops.

11 MR KNOOPS: [12:13:56] Mr President, the Defence team of Mr Blé Goudé has no
12 additional questions. Thank you.

13 PRESIDING JUDGE TARFUSSER: [12:14:02] Thank you very much, Mr Knoops.

14 So I am happy to announce to the witness that after all these days here in court, now I
15 can release you from here. So you can go back home.

16 I thank you very much for being here. I thank you also for the understanding, for
17 having been witnessing in open session. And I agree with the OTP and the Defence
18 that this is important. It is also an important signal which we are hopefully sending
19 outside to the further witnesses to come, of course, I'm intending, and to the public in
20 Ivory Coast.

21 Thank you very much. Have a safe trip home. Goodbye.

22 Please, court usher, could you accompany the witness outside the courtroom.

23 Oh, you want to say something? Yes, please.

24 THE WITNESS: [12:15:08] (Interpretation) I do apologise, Mr President. With
25 your leave, I would like to say a few words before leaving.

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1 PRESIDING JUDGE TARFUSSER: [12:15:21] Well, first of all, there is nothing to
2 apologise and, second, you have the floor.

3 THE WITNESS: [12:15:26] (Interpretation) Thank you, Mr President. So I would
4 like to thank you for the assurances that you have provided me with from the very
5 outset of these hearings, because it must be said that I did have reason to fear these
6 hearings. And with all these black capes or black robes, these uniforms that you see
7 in this courtroom, there is nothing reassuring about it, but you were able to reassure
8 me and I would like to thank you for that.

9 I would like to thank the Court for having enabled me to come to testify here.

10 I would like to thank both parties, the Office of the Prosecutor and the two Defence
11 teams. I hope that my testimony has been useful for both sides, for both parties in
12 the search for the truth. And I wish them all the very best.

13 I would like to also finish by thanking the Chamber for having granted me counsel.
14 Thank you for that.

15 PRESIDING JUDGE TARFUSSER: [12:17:08] I'm just on behalf of the Chamber, we
16 are lucky that we are in blue and not in black, otherwise we would be put in the same
17 arena. So we are in blue, good, we are less feared.

18 So thank you very much again. And have a good and a safe trip home. If any need
19 arises in connection to your testimony, I think you have all the possibilities to get back
20 to the Court, I mean to officials of the Registry and the VWU to raise them with them.
21 Okay. Thank you very much.

22 (The witness is excused)

23 PRESIDING JUDGE TARFUSSER: [12:18:08] We will now proceed just for the time,
24 necessary time to make up a little bit of a calendar for the next -- beg your pardon?

25 MR MACDONALD: [12:18:21] Sorry, your Honour. Before that, you may

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1 remember, before going into the schedule, would you allow us to come back on the
2 oral bar table motion for three documents, four documents that we have indicated by
3 email?

4 PRESIDING JUDGE TARFUSSER: [12:18:40] We do that when we come back.

5 MR MACDONALD: [12:18:41] Okay.

6 PRESIDING JUDGE TARFUSSER: [12:18:42] Let us do that when we come back.

7 I nearly forgot, but I don't -- thank you to the colleague for reminding me -- to thank
8 Mr von Bóné, because also he was here and helped us in performing the duties and
9 helped the witness to be on its ease. Thank you very much. And I guess we see
10 each other again during this trial sometimes, so thank you.

11 I would now come to the scheduling of the hearing starting from Monday.

12 Do you think we should go in private session? I don't think so. We don't talk about
13 any -- we talk about witnesses. We are not talking about --

14 MR MACDONALD: [12:19:33] But, your Honours, if it's only for next week, but
15 there is --

16 PRESIDING JUDGE TARFUSSER: [12:19:38] No, next two weeks, the two, three
17 weeks.

18 MR MACDONALD: [12:19:40] I would like to go then in closed session definitely,
19 definitely, like we've done in the past when we're discussing schedule.

20 PRESIDING JUDGE TARFUSSER: [12:19:48] Yes, but still, I mean, the public should
21 also know what is going on in the next time.

22 MR MACDONALD: [12:19:51] The public knows that we're back in court on
23 Monday.

24 PRESIDING JUDGE TARFUSSER: [12:19:54] No. I do not understand why we
25 should go in private session.

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1 MR MACDONALD: [12:19:57] Because, your Honours, I'll be giving details.

2 PRESIDING JUDGE TARFUSSER: [12:20:00] We are talking about timing and which
3 witnesses.

4 MR MACDONALD: [12:20:04] And rescheduling of some, proposals and things like
5 that and who they are, what they are bringing in order to provide information that is
6 valuable to my colleagues. I would not ask this, your Honour, I'm quite aware that
7 we can discuss some things in public. If the Prosecution is asking you to go into
8 private session for such a matter, it's because we've thought about it, and if not, I'll be
9 limited then. You'll see immediately that I'm not being open.

10 PRESIDING JUDGE TARFUSSER: [12:20:38] Now I refrain from saying what I think
11 and let's go in private session.

12 (Private session at 12.20 p.m.)

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- 16 (The hearing ends in private session at 12.31 p.m.)