

Trial Hearing
WITNESS: CIV-OTP-P-0238

(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-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 28 September 2016
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: [9:36:17] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:51] Good morning.
15 I, before continuing with the witness questioning, I have three, the Chamber have
16 three short decisions to read. The first decision relates to the request by the Legal
17 Representative of Victims requesting to question Witness P-238. In the view of the
18 Chamber, the Common Legal Representative has adequately explained yesterday
19 how the issue that she wishes to address with the witness relate to the interest of the
20 participating --
21 THE INTERPRETER: [9:37:49] Please don't read too fast.
22 PRESIDING JUDGE TARFUSSER: [9:37:51] Sorry, sorry. You're right, you're right.
23 Sorry, sorry, sorry. This was me. Sorry.
24 I start again.
25 In the view of the Chamber, the Common Legal Representative has adequately

1 explained yesterday how the issues that she wishes to address with the witness relate
2 to the interest of the participating victims. The Chamber also does not consider that
3 the legitimate interests of the other participants, in particular of the Defence, are
4 anyhow affected and therefore grants the request.

5 Second, two days ago Mr Knoops requested that the Chamber do not sit on 3 October
6 2016, request which was supported by the Defence of Mr Gbagbo, 3 October being
7 next Monday, on account of it being a Jewish holiday when he cannot attend the
8 hearing.

9 The Chamber understands that this presents an inconvenience to Mr Knoops and
10 possibly to others. However, the holidays observed by court are pre-established and
11 do not include 3 October 2016. Moreover, the calendar for this trial has been
12 announced by the Chamber, including the date of 3 October 2016, on 6 June 2016.
13 After that, practical arrangements have been put in place taking into account the
14 amount of court time scheduled.

15 For these reasons the Chamber will not modify the calendar and we will sit also on
16 Monday, 3 October 2016 as previously announced.

17 This will allow us to finish Witness P-238 possibly this week and then also to hear
18 Witness P-578 before we take the next scheduled break on 5 October, or as of 6
19 October.

20 Finally, in order to ensure the continuation of the trial as planned, I will now give
21 orally the ruling of the Chamber on the Prosecutor's request for introduction of the
22 statement of Witness 578 under Rule 68(3) of the Rules.

23 The written application is filing 636 in the record of the case, and the responses of the
24 Defence teams are filings 650 and 651.

25 The ruling concerns the written statement of Witness P-578 and its annexes. The

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1 evidence registration numbers of the documents are specified in annex 1 to the
2 application.

3 The Chamber finds that the written statement of Witness P-578 is in principle suitable
4 for introduction under Rule 68(3) of the Rules and directs the parties to prepare
5 accordingly. The reasoning will follow in writing. The decision with respect to the
6 rest of the Prosecutor's application will also follow in writing in due course.

7 So this was the oral ruling as regards the video link. We will come with a written
8 ruling as soon as possible, but obviously, yes, the video link, the requested video link,
9 or the suggested video link by the VWU, will come in the next days with a written
10 decision.

11 Now I would ask the court usher to introduce the witness, please.

12 MR MACDONALD: [9:42:46] Just to inform the Chamber in relation to Witness 578,
13 the Prosecution is filing this morning, in the next hour, a request for ICPMs. We'll
14 send a courtesy copy to our colleagues. We did not file it earlier because not
15 knowing the decision of the Chamber or not. Anyway, it's not a good excuse, we
16 should have, but in any event I'm just informing it's not to provide less time or
17 anything to the parties. It's just the reality of the scheduling and also the different
18 tasks we have on the case. Sorry.

19 (The witness enters the courtroom)

20 PRESIDING JUDGE TARFUSSER: [9:43:55] Good morning, Mr Witness.

21 WITNESS: CIV-OTP-P-0238 (On former oath)

22 (The witness speaks French)

23 THE WITNESS: [9:44:00] (Interpretation) Good morning, Mr President.

24 PRESIDING JUDGE TARFUSSER: [9:44:02] Good morning. We are here again for
25 your testimony and listening to your answers and the questions, to the questions put

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1 by now the Prosecutor and later the other counsel. So therefore, I give immediately
2 the floor to the Office of the Prosecutor.

3 MR MACDONALD: [9:44:32] I'm just 578, your Honour. Sorry.

4 QUESTIONED BY MR MACDONALD: (Continuing) (Interpretation)

5 Q. [9:44:43] Good morning, Mr Witness.

6 A. [9:44:45] Good morning.

7 Q. [9:44:46] Now, this morning to start off, I'm going to leave to one side the subject
8 matter that we were broaching and I'm going to start with a map of Abidjan. It is the
9 map that has been authorised or, rather, that has been admitted. I do apologise.
10 And this map bears the reference numbers CIV-OTP-0092-0410. And I shall be
11 asking you initially, Mr Witness, whilst it is being brought up on the screen, I'm going
12 to request that you place on the map the new Akouédo camp and also the former
13 camp, all right?

14 A. [9:45:57] Okay.

15 Q. [9:46:14] So this is a map of Abidjan that you can see on the screen, and maybe
16 we could zoom in on it. Very well. Not too much. Leave it like that, no? Okay.
17 If we could go down the image somewhat, please. Very well. Let's leave it like
18 that.

19 Now, in looking at this map that you see on the screen, are you in a position to locate
20 the former Akouédo and the new Akouédo camp, or would you rather us to zoom in?
21 And if so, just indicate to us the direction that we need to take because, of course, I do
22 not want to influence your testimony.

23 A. [9:47:08] Could you please zoom in on the right-hand side.

24 Q. [9:47:13] Very well. Mr Witness, now, what's happening is that we are going to
25 request that you mark the map up. So you need to speak into the microphone if you

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1 address us, all right. So we're going to be zooming in on the right-hand side.

2 Very good. Now does this enable you to situate yourself somewhat?

3 A. [9:48:21] Yes.

4 Q. [9:48:23] Very well. So let's ask you to use a marker pen that is before you,
5 whichever colour you desire, and I'm going to ask you to indicate initially and write
6 the words "new camp" at the location where the new Akouédo camp is located and
7 "old camp" at the location where the old camp was located.

8 Very well. Now, with regards to the old camp, are you able to delineate the
9 perimeter and describe more or less where in that part of Abidjan the former camp
10 was located, please?

11 PRESIDING JUDGE TARFUSSER: [9:50:17] If we zoom in more, if we now zoom in
12 more, what the witness has written, does it disappear or what? It's just a question,
13 because now we can zoom in. I think we can try. If it doesn't disappear, just a little
14 bit in.

15 MR MACDONALD: [9:50:52] Can I propose the following in order to avoid
16 any -- why don't we capture that screen?

17 PRESIDING JUDGE TARFUSSER: [9:50:56] You mean make another one?

18 MR MACDONALD: [9:50:59] And then zoom in for the old camp Akouédo.

19 PRESIDING JUDGE TARFUSSER: [9:51:03] Yes, could be in -- what technically is
20 possible? What technically is preferable, technically? So this would be saved and
21 now we open another file. Okay.

22 MR MACDONALD: [9:51:58] (Interpretation)

23 Q. [9:52:52] Thank you, Mr Witness. Now we can remove the map and we shall
24 come back at a later stage to the map in order to locate or situate other locations.

25 But I would now like to come back to the subject that we were broaching yesterday,

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1 notably the presence of assessors from the UN and the inspection of weapons at the
2 BASA.

3 Now, could you please explain to us firstly during which period those assessors came?
4 Was it before or after the election period?

5 A. [9:53:56] It was before the election.

6 Q. [9:53:59] And to your knowledge, why do those, did those inspectors come to
7 conduct inspections?

8 A. [9:54:08] In order to ascertain which equipment we had.

9 Q. [9:54:16] You also yesterday mentioned, in order for us to remind ourselves, that
10 there were unannounced and announced visits. Now, with regard to the
11 unannounced visits, you mentioned that they were intercepted outside of the camp
12 initially?

13 A. [9:54:42] Yes, indeed.

14 Q. [9:54:44] And why was that done?

15 A. [9:54:48] Because we needed to report to the commanding officer, to the colonel.
16 And when they arrived, we would always report back to the commanding officer
17 who gave us instructions.

18 Q. [9:54:59] And to your knowledge, which instructions did he then give at that
19 time, the commanding officer?

20 A. [9:55:11] To let them do their work. But even before that there were
21 instructions that were left. When we knew that they were supposed to come on such
22 and such a day, we would not show all of our arsenal, and when they just came off
23 the cuff like that, then we had to -- well, they always had a notebook.

24 Q. [9:55:39] I'm sorry to interrupt you, but there is certainly a great deal of
25 information that you would like to impart. That's not a problem, but once again, the

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1 speed, the pronunciation for our colleagues the interpreters to be able to do their job
2 properly and also for the court reporters.

3 A. [9:56:08] Okay.

4 Q. [9:56:09] So when they arrived you know, off the cuff like that, unannounced,
5 what did you do?

6 A. [9:56:19] Well, they were blocked at the entrance to the camp.

7 Q. [9:56:22] Why?

8 A. [9:56:23] Because we had to keep some ammunition and not show all of our
9 ammunition.

10 Q. [9:56:37] And why was it that you could not show all of your ammunition?

11 A. [9:56:42] Well, we were during war. It was a time of war.

12 Q. [9:56:47] But you are an army, so you have the right to have weapons and
13 ammunition. I'm trying to --

14 MR GBOUGNON: [9:56:54] (Interpretation) Mr President, the witness has
15 answered. He is commenting now. The witness has answered and he can put
16 another follow-up question if he wants, but he should not be making any comments.

17 PRESIDING JUDGE TARFUSSER: [9:57:12] Well, I didn't see it as a comment. I
18 saw it -- but if you put it more direct, the question, then I do know what --

19 MR MACDONALD: [9:57:21] Your Honour, we may all know.

20 PRESIDING JUDGE TARFUSSER: [9:57:27] Yes.

21 MR MACDONALD: [9:57:27] Okay, we all may know. But the point is it has to go
22 on the record. So this is why I encourage seriously the Chamber to put that direct
23 question to the witness when the Chamber feels that a witness may not be clear
24 enough, because you are, ultimately, the intended people.

25 PRESIDING JUDGE TARFUSSER: [9:57:47] Can you be clear and tell us why you

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1 had to hide some of these weapons or, yeah?

2 THE WITNESS: [9:58:03] (Interpretation) Well, the commanding officer would
3 give us the order and I thought to myself that as a soldier, the enemy doesn't need to
4 know what power you have in terms of ammunition, weapons, Mr President. That's
5 how it is. You can't show everything.

6 MR MACDONALD: [9:58:29] (Interpretation)

7 Q. [9:58:30] Very well. Still during those unannounced encounters, how did you
8 go about not showing everything? What did you do precisely?

9 A. [9:58:39] Well, there were weapons that were withdrawn, and especially
10 ammunition, because it was the ammunition that they were coming -- well, they knew
11 all the weapons that we had, so the ammunition we would take away and we would
12 store it in other locations.

13 Q. [9:58:58] Very well. Maybe you could tell us specifically, the ammunition
14 initially during -- in this new camp in Akouédo, where was it habitually stored?

15 A. [9:59:17] We had what we called a closed garage, which was a large space where
16 we stored most of the shells that we had.

17 Q. [9:59:27] Could you describe the surface area of that garage approximately?

18 A. [9:59:34] Approximately half of a football pitch.

19 Q. [9:59:43] So larger than the courtroom here?

20 A. [9:59:45] Yes, larger, larger.

21 Q. [9:59:51] And what else were you keeping back or what else were you storing in
22 that garage apart from the shells?

23 A. [10:00:02] The vehicles.

24 Q. [10:00:08] Was that the only location in Akouédo where ammunition was
25 stored?

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1 A. [10:00:17] No.

2 Q. [10:00:23] What is the other location called? Please describe it for us so that we
3 should understand.

4 A. [10:00:32] We had ammunition. Grenades were in the offices. In the armoury
5 we had ammunition.

6 Q. [10:00:48] Regarding grenades, what type of grenades were there? Explosive
7 grenades or gas canisters?

8 A. [10:01:06] Explosives.

9 Q. [10:01:11] And the armoury, what was its size?

10 A. [10:01:16] It was a two-room armoury. So there was the person responsible for
11 the armoury and then the location where the weapons were stored.

12 Q. [10:01:29] And how large was that area where weapons were stored?

13 A. [10:01:35] Just a single room, one room.

14 Q. [10:01:43] Were there any other areas within the camp where you stored arms
15 and ammunition?

16 A. [10:01:49] No.

17 Q. [10:01:54] And when you removed ammunition when UN inspectors were
18 visiting, where did you take them to?

19 A. [10:02:14] It was the commanding officer who indicated to us the locations, and
20 then we would take them there immediately.

21 Q. [10:02:22] Can you tell us about some of those locations, please?

22 A. [10:02:28] Yes.

23 Q. [10:02:33] Please proceed.

24 A. [10:02:38] Behind the closed garage on the road to Djorogobité, because you
25 simply had to put the ammunition in the vehicles and then you drove out. And

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1 when the inspectors went away you brought them back. So you put the ammunition
2 in the vehicles and then you drove off with them. And after they completed their
3 inspections, then we would bring them back.

4 Q. [10:03:13] Very well.

5 I would like to call up a confidential exhibit, and I can't find a number on our list.

6 But the ERN number is 0048-1551. This is a document that was redacted for our
7 friends, but we can call up the unredacted version, but it is confidential and it cannot
8 be shown to the public for obvious reasons. It is the list on entry number 11.

9 What can we see on this image, Mr Witness?

10 A. [10:04:46] The witness, the head of the technical garage, and the observers, that
11 is at the closed garage.

12 Q. [10:04:58] And where is the witness on the photograph, just to confirm? I think
13 it is obvious, but we can confirm.

14 A. [10:05:06] On the right.

15 Q. [10:05:08] And what is the name of the other member of the BASA?

16 Please, before you say the name, let me ask that we go into private session, please,
17 given that we are identifying people in those photographs and their units.

18 PRESIDING JUDGE TARFUSSER: [10:05:32] Let's go into closed session -- into
19 private session, sorry.

20 (Private session at 10.05 a.m.)

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 (Open session at 10.06 a.m.)
- 11 THE COURT OFFICER: [10:07:03] We're in open session.
- 12 PRESIDING JUDGE TARFUSSER: [10:07:20] Mr MacDonald.
- 13 MR MACDONALD: [10:07:26] (Interpretation)
- 14 Q. [10:07:27] Mr Witness, to your knowledge, during the visit of those inspectors,
- 15 was there an embargo on weapons?
- 16 A. [10:07:42] Yes.
- 17 Q. [10:07:49] On the photograph we saw white inspectors. Which force did they
- 18 belong to?
- 19 A. [10:08:02] ONUCI.
- 20 Q. [10:08:07] Very well. To conclude on this topic, when there were announced
- 21 inspection visits, did you remove the weapons -- or, rather, the ammunition in the
- 22 same manner as you have described or was a different procedure used?
- 23 A. [10:08:42] The ammunition would be removed before they arrived.
- 24 Q. [10:08:48] And where did you take them to?
- 25 A. [10:08:52] There was no predetermined location. If we were told that they

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1 would arrive at 9 a.m., then already at 6 o'clock, 7 o'clock the vehicles would be ready.

2 There was a driver and a team leader and they would be told go to the Bingerville
3 road and wait there. Go to a certain location and just wait there.

4 Q. [10:09:22] The photograph that was taken, do you remember the year during
5 which it was taken?

6 A. [10:09:31] When I look at the rank, I would say 2008.

7 Q. [10:09:51] And when did the inspections continue, that is to which date in
8 relation to the elections?

9 A. [10:10:08] There were many of them. I cannot tell you the dates, but there were
10 many of them.

11 Q. [10:10:14] Up until when? At what time did they stop, that is those inspections,
12 to your knowledge?

13 A. [10:10:22] Before the elections.

14 Q. [10:10:27] Were there other locations where you stored ammunition other than
15 in the Akouédo camp?

16 A. [10:10:37] Yes.

17 Q. [10:10:43] Can you tell us the locations where ammunition was stored and the
18 types of ammunition?

19 A. [10:10:59] It was in the commanding officer's house in Bingerville on the road to
20 Alépé and then opposite the new camp.

21 Q. [10:11:20] And what is that location opposite the new camp known as? Does it
22 have a name?

23 A. [10:11:26] No, there is no name because people simply built houses there.

24 There was an uncompleted building there and then there were soldiers positioned
25 there who worked in shifts.

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1 Q. [10:11:44] And which types of ammunition and weapons were stored at that
2 location?

3 A. [10:11:56] The 120 millimetre shells, as well as the LRMs, which had been stored
4 here and there.

5 Q. [10:12:07] Regarding the 120 millimetre shells, apart from the BASA, were there
6 any other FDS units that had those 120 millimetre shells?

7 A. [10:12:32] To my knowledge, no one.

8 Q. [10:12:39] And these three locations that you have described where weapons
9 were stored -- let me rephrase.
10 Now, during the post-election crisis, these three locations that you have mentioned,
11 were they used to store weapons or ammunition also?

12 A. [10:13:15] In the commanding officer's house, yes, in front of the new Akouédo
13 camp also.

14 PRESIDING JUDGE TARFUSSER: [10:13:32] By "commanding officer's house" we
15 are always referring to Dadi, to Colonel Dadi, right?

16 THE WITNESS: [10:13:39] (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: [10:13:42] Just always for the record.

18 MR MACDONALD: [10:13:46] And on that note the Prosecution will take for
19 granted that each time the witness uses the expression "chez de corps," "colonel" or
20 "Mr Dadi" himself, we're referring to the same person.

21 PRESIDING JUDGE TARFUSSER: [10:14:03] Of course, of course. But sometimes
22 it's good if it's spelled also out, because I always see us reading this --

23 MR MACDONALD: [10:14:11] No, no. I know. And I'm getting messages of that
24 nature from my colleagues, but that's my answer to them that it's already on the
25 record.

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1 PRESIDING JUDGE TARFUSSER: [10:14:17] Yes, yes, of course.

2 MR MACDONALD: [10:14:32] (Interpretation)

3 Q. [10:14:32] Let us proceed, Mr Witness. Yesterday you told us that there *were
4 *documents that were falsified, that is reports on events or incidents. I will come
5 back to that, but not immediately. You said that there were these visits by the
6 inspectors and ammunition was removed. Now, were there any other types of
7 documents that were forged or falsified.

8 My colleague, I do not know what he is doing on his feet. Is he objecting? If he's
9 objecting, he said should "Objection."

10 PRESIDING JUDGE TARFUSSER: May I --

11 MR GBOUGNON: [10:15:25] (Interpretation) Mr Procureur, you are not the one
12 who should tell me what should happen here. When I am on my feet, it is the
13 Chamber that should authorise me.

14 PRESIDING JUDGE TARFUSSER: [10:15:36] Yes. May I guess? I think the word,
15 the word "falsifying" is the issue, I think, because I didn't hear the word "falsifying"
16 yesterday. But there was another expression used, if this is -- Maître Gbougnon?

17 MR GBOUGNON: [10:15:57] (Interpretation) Mr President, I think I need to make
18 this remark here. Yesterday my colleague talked about courtesy, and I would like to
19 tell the Prosecutor that we are all parties in this trial. He's not the one responsible for
20 controlling the hearing. So he has to be more courteous.

21 PRESIDING JUDGE TARFUSSER: [10:16:23] Yes. Okay. My question was: Was
22 this the issue, of the word "falsifying"?

23 MR GBOUGNON: [10:16:28] (Interpretation) Yes, your Honour.

24 PRESIDING JUDGE TARFUSSER: [10:16:32] So thank you very much.

25 I don't think, but when I say I don't think, it's always because I don't know exactly

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1 what he said in French.

2 MR MACDONALD: [10:16:41] No, no, no. I agree, I agree.

3 PRESIDING JUDGE TARFUSSER: [10:16:44] Okay.

4 MR MACDONALD: [10:16:45] (Interpretation)

5 Q. [10:16:46] Mr Witness, please do not be influenced by these discussions. Let us
6 simply come back to the issue we were talking about. You talked about documents
7 such as reports of events. What precisely did you do?

8 A. [10:17:24] We distorted the truth.

9 Q. [10:17:33] Now, are there any other types of documents where the truth was
10 distorted?

11 A. [10:17:39] Yes.

12 Q. [10:17:41] What type of documents?

13 A. [10:17:51] During missions, for example.

14 Q. [10:17:53] Please explain slowly.

15 A. [10:17:55] When the president had to travel, for example, we were asked to
16 bring a section on the list, we could put two or three sections. There was an official
17 list. But there was a different number that actually went, and that was for financial
18 reasons, so as to have more money. So every time we had to travel we would say,
19 for example, that the vehicles had broken down or that we had to change the tyres.
20 And since it was a presidential visit, the money would be handed over immediately
21 so that we should go and carry out the repairs quickly.

22 Q. [10:18:59] To your knowledge, who was the one who misrepresented the truth
23 in this document?

24 A. [10:19:15] The colonel.

25 Q. [10:19:20] Was he assisted in this task of changing the truth?

1 A. [10:19:27] That was quite usual. He was the one who would give the order.

2 When there were missions, we were told, if we were told send a section, we always
3 put three sections or two sections. In any case, when everything was done, he was
4 the one who always signed.

5 Q. [10:19:51] So you would increase the strength?

6 A. [10:19:57] Yes.

7 Q. [10:19:58] For what reason?

8 A. [10:20:02] For financial reasons, because we had allowances. When we carried
9 out missions, we had daily allowances.

10 Q. [10:20:13] And how did you learn about that?

11 A. [10:20:19] We all went on mission.

12 Q. [10:20:26] But more specifically, the misrepresentation of the truth for this type
13 of reason?

14 A. [10:20:39] I did not understand you.

15 Q. [10:20:42] You talked about changing the number of people who went on
16 mission. How do you know that those numbers were increased?

17 A. [10:21:00] Because the lists were drawn up by battery, by company. Maybe the
18 first company should send a section, the second section, and the third section. So
19 there was a list that was drawn up. So it was that list that was presented to the
20 person who had to pay us, and we would sign off on the real list and then the rest we
21 will put into the account.

22 Q. [10:21:42] And where did this surplus money go to?

23 A. [10:21:46] It was handed over to the commanding officer of the corps.

24 Q. [10:21:56] And do you know what the commanding officer did with that
25 money?

1 A. [10:22:02] No. But sometimes he told us that it was for certain expenditures in
2 the camp; to take care of the sprinklers or for certain other things.

3 Q. [10:22:30] I will simply wait for the French transcript because I want to see
4 precisely what you said. Page 20, line 7: "No. But sometimes it was for certain
5 things in the camp also."

6 A. [10:23:13] Yes, that's what the commanding officer told us. If he told us that it
7 was to repair certain things in the camp, maybe a door that was broken in an office,
8 we did not ask any questions.

9 Q. [10:23:30] To your knowledge, was the money used for other purposes, because
10 you said "also"?

11 A. [10:23:39] I do not know.

12 Q. [10:23:41] Very well. We may come back to this if necessary.

13 Apart from increasing the number, the numbers in the documents, were there other
14 documents that were amended or changed?

15 A. [10:24:06] Yes. The budget lines, the budget.

16 Q. [10:24:14] Yes. Can you explain, please?

17 A. [10:24:20] I remember that one time we stayed late there. There was an
18 accountant, very well, but the commander always kept an eye on the accounts of the
19 unit. So we had to fill up the budget lines. We went to the suppliers. We would
20 say we needed telephones in the offices, tables, such documents, whereas these things
21 were not really there in the offices.

22 Q. [10:24:59] And which -- where did that surplus equipment that you did not need
23 go?

24 A. [10:25:10] We did not actually receive that equipment. Let me explain. We
25 would arrange with the supplier, we can say on paper that we need four tyres for a

1 vehicle. But the tyres are in a good state because we had it to go on a mission.

2 Then we would say we needed tyres and we would do a pro forma invoice and we go
3 there. If the tyres cost 500,000, they would give us 300,000, and the Lebanese person
4 would keep the tyres but he would give us the invoice, which would be presented
5 later.

6 Q. [10:26:06] You are talking of CFA francs, are you?

7 A. [10:26:11] Yes, of course.

8 Q. [10:26:14] Let us go back to the vehicle pool. Was the truth misrepresented
9 when it came to the documents for vehicles? The documents in relation to the
10 vehicles that you had.

11 A. [10:26:41] No. The vehicles were there. But the vehicles that we received after
12 the second round, I believe CECOS came and took away three or four vehicles. They
13 simply changed the plates, the registration licence plates, and then they were
14 repainted in army colours. That is all.

15 Q. [10:27:13] So CECOS came and took some of the vehicles that the second wife of
16 Mr Gbagbo had given you?

17 A. [10:27:27] We had 21 of them I believe.

18 Q. [10:27:29] Very well. I would like now to move on to another topic and talk
19 about the means of communication. Can you tell us about your communication
20 equipment compared to the others in the FDS?

21 A. [10:28:06] The -- most officers had GP340s.

22 Q. [10:28:17] What we refer to as walkie-talkies?

23 A. [10:28:22] Walkie-talkies. I can say that the battery commanders all had a
24 GP340.

25 Q. [10:28:36] And that was Motorola make?

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1 A. [10:28:39] Yes, Motorola.

2 Q. [10:28:44] Just for the record, it's talkie-walkie in French.

3 Now what was the purpose of those radio sets?

4 A. [10:28:58] To be in contact with the commander and that we should all receive
5 the same information.

6 Q. [10:29:04] Who else had access to the network on which you communicated
7 within the BASA with these GP340s?

8 A. [10:29:17] The commanding officer, the deputy commander, the chief of the BOI,
9 the battery commanders and all chiefs of post.

10 Q. [10:29:41] Did you have any other means of communication, that is (Redacted)
11 (Redacted)

12 Do you want to go to private session? Very well.

13 With your leave, Mr President.

14 PRESIDING JUDGE TARFUSSER: [10:30:04] Let's go into private session.

15 (Private session at 10.30 a.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Open session at 10.30 a.m.)

3 THE COURT OFFICER: [10:31:05] We're in open session.

4 PRESIDING JUDGE TARFUSSER: [10:31:07] Mr MacDonald.

5 MR MACDONALD: [10:31:09] And of course there is an outstanding order from the
6 Chamber --

7 PRESIDING JUDGE TARFUSSER: [10:31:14] Yes, we know.

8 MR MACDONALD: [10:31:15] No, no, but --

9 PRESIDING JUDGE TARFUSSER: [10:31:16] To the public, okay.

10 MR MACDONALD: [10:31:18] -- to the members of the gallery, including journalists,
11 not to provide any identifying information.

12 PRESIDING JUDGE TARFUSSER: [10:31:24] That's right.

13 MR MACDONALD: [10:31:25] Thank you.

14 Q. [10:31:33] (Interpretation) What were the other means of communication
15 within the BASA?

16 A. [10:31:43] We had our mobile telephones because we were all part of the
17 military flotilla.

18 Q. [10:31:51] And who was the supplier, to your knowledge, of that pool of mobile
19 phones for military usage?

20 A. [10:32:06] No. We got our own subscriptions, but it was far easier for us to be
21 able to call each other. But you pay 5,000 or 3,000 francs now for the month and
22 everybody who is within the same pool can call each other, even if they don't have
23 money, if they don't have any credit.

24 Q. [10:32:30] And which network was that with, which company?

25 A. [10:32:37] MTN and then after Moov.

1 Q. [10:32:46] And how did you go about communicating with your colleagues with
2 those mobile telephones? Did you memorise all the telephone numbers? How did
3 it work?

4 A. [10:32:57] Well, the numbers are in the telephone itself. So we would call each
5 other.

6 Q. [10:33:07] And what kind of information was imparted over mobile telephones?

7 A. [10:33:14] Well, whenever the commanding officer would call you with regard
8 to specific things, we're all on the same network, and there are orders given over the
9 telephone, over the telephone, and when he wants you to do something without other
10 people being in the know, then he will talk to you over the telephone.

11 Q. [10:33:44] Okay. So we're going to stop here and develop on this somewhat.

12 So there is the GP340 network and then you had your mobile telephones.

13 And you indicated that some of the instructions, in order not to be heard, were
14 provided over mobile telephones. Could you explain to us how this happened?

15 Describe to us how you could move from a GP340 to a mobile telephone in order to
16 receive instructions from the commanding officer?

17 A. [10:34:34] Well, it's very simple. The GP -- well, we're all on the GP, the
18 commanding officer and the elements at the various positions, and if he has -- and if
19 he wants somebody who he was at the RTI to move or to go to another position, then
20 he gets his telephone and he calls the chief, saying to him: Leave that position or
21 leave the 12.7, and maybe take the 20 and go to another position.

22 Q. [10:35:19] And over the GP radios, the GP340, were there any codes that were
23 used by the commanding officer in order to go from the network to the mobiles?

24 A. [10:35:36] There was no code. He would just say "I'll talk to you on the phone."

25 Q. [10:35:46] Did the mobile telephones have a code name or a letter?

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1 A. [10:35:53] No. Rather, the posts had a code. Each post had a code, or each set
2 had a code. So when you want to talk to the general, for example, there is a code
3 attributed to that set. So if you want to talk to Marie-Thérèse position, you know it's
4 Marie-Thérèse according to the code. Every position had a code, so you don't need
5 to say over the telephone or over the GP you who were there, the general -- no, no, no
6 the general had his code.

7 Q. [10:36:36] And when you are referring to the general, just to clarify, which
8 general are we talking about?

9 A. [10:36:42] General Mangou.

10 Q. [10:36:43] The BASA for its network, did it have an antenna?

11 A. [10:37:04] Yes, we did have an antenna.

12 Q. [10:37:08] Where was it located?

13 A. [10:37:13] At the level of l'hôtel Ivoire.

14 Q. [10:37:20] And to your knowledge, were there any other units who had such
15 antenna?

16 A. [10:37:30] The Republican Guard, the CECOS, because the CECOS intervened
17 throughout the city, and they also had GPs, and so did the Republican Guard. And
18 all the officers had, I don't know whether they're GPs or Kenwoods. But whatever,
19 as you say, they were walkie-talkies.

20 Q. [10:37:59] Walkie-talkies, is that the word you used?

21 A. [10:38:01] Yeah, yeah.

22 Q. [10:38:03] So your answer leads me to put the next question to you: You are on
23 a GP340 network with your own antenna?

24 A. [10:38:24] The network is not --

25 THE INTERPRETER: Overlapping speakers, Mr President.

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1 PRESIDING JUDGE TARFUSSER: [10:38:29] Yes, I realised.

2 MR MACDONALD: [10:38:39] (Interpretation)

3 Q. [10:38:40] Yes, I do apologise. It is a GP340 radio set. We understand it. But
4 you want to communicate with these sets over a given network?

5 A. [10:38:53] Yes.

6 Q. [10:38:54] To your knowledge did the Republican Guard or the CECOS have
7 access to that network?

8 A. [10:39:01] No.

9 Q. [10:39:05] And you, did you have access to the network of the Republican Guard
10 or to the network of the CECOS?

11 A. [10:39:14] No. On occasion there were interferences, on some rare occasions
12 there was interferences. We heard other people speaking, but I can't say that --

13 THE INTERPRETER: Inaudible.

14 A. -- but on some rare occasions, otherwise we were on our own network. It was
15 the BASA network.

16 MR MACDONALD: (Interpretation)

17 Q. [10:39:36] To your knowledge the commanding officer whenever he was in
18 contact with General Dogbo Blé during operations, how did he communicate or how
19 did they communicate between themselves?

20 A. [10:40:04] By telephone.

21 Q. [10:40:08] And what type of telephone?

22 A. [10:40:15] A civilian telephone, a personal telephone.

23 Q. [10:40:22] Very well. We're going to change subject.

24 I would like for us to come back to the post-election crisis, to the organisation of the
25 BASA, with regard specifically to the management of events, all right?

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1 And I shall request, Mr President, that we very briefly go into private session and
2 we'll immediately come back into open session thereafter, just for this part, for this
3 beginning.

4 PRESIDING JUDGE TARFUSSER: [10:41:25] Let's go into private session. Thank
5 you.

6 (Private session at 10.41 a.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (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 (Open session at 10.46 a.m.)
- 19 THE COURT OFFICER: [10:46:20] We're in open session, your Honour.
- 20 PRESIDING JUDGE TARFUSSER: [10:46:22] Thank you.
- 21 Mr MacDonald.
- 22 MR MACDONALD: [10:46:24] (Interpretation)
- 23 Q. [10:46:29] Now, Mr Witness, I do understand that during the crisis there was an
- 24 operations centre that was set up within the BASA. Can you confirm that fact?
- 25 A. [10:46:47] Yes, indeed.

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1 Q. [10:46:52] Why was this operation centre created?

2 A. [10:46:56] In order to manage its tactical stance, in order to see what the
3 situation is with regard to the various positions.

4 Q. [10:47:08] And who was in charge of that centre, this operations centre?

5 A. [10:47:19] It was still the commanding officer. It was his unit, so he, first and
6 foremost, is the --

7 THE INTERPRETER: [10:47:29] The witness trails off.

8 MR MACDONALD: [10:47:32] (Interpretation)

9 Q. [10:47:33] But apart from the commanding officer, was there a particular person
10 in charge of managing or commanding that operation centre?

11 A. [10:47:40] Indeed.

12 Q. [10:47:54] Are you able to provide us with the name of that individual?

13 A. [10:48:01] There were two -- well, there was the deputy commander -- well,
14 either the deputy commander or the BOI chief, to whom we reported.

15 Q. [10:48:27] So you said that the manager -- that the centre managed the various
16 positions that the BASA had. And I understand from your statement that you're
17 making a distinction between the static and mobile positions. Let us start with the
18 static positions. You've already talked of certain of them. But let us go through
19 them again.

20 Let's talk about the positions, you mentioned some of them yesterday, whilst the
21 Golf Hotel was blockaded. Where were those static positions of the BASA around
22 the Golf Hotel at the time?

23 A. [10:49:15] At the Mary Thérèse intersection, at the US embassy crossroads, and
24 at the Golf Hotel crossroads --

25 or, rather, at the road coming to the Golf Hotel, not far afield from the *Mimosifcom

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1 Academy.

2 MR MACDONALD: [10:49:42] (Interpretation)

3 Q. [10:49:43] So those were the three positions where the BASA elements were to
4 be found when they were taking part in the blockade?

5 A. [10:49:49] There were other units that were accompanying us.

6 Q. [10:49:53] We shall come back to that, but at this moment in time let us
7 concentrate on the BASA elements. Who -- what were the other positions held by
8 the BASA, jointly or alone?

9 A. [10:50:14] The RTI, the residence of the commanding officer within the camp
10 itself. These are static positions, yes, within the camp.

11 Q. [10:50:35] So that's Akouédo camp?

12 A. [10:50:37] Akouédo camp, of course, yes.

13 Q. [10:50:39] Were I to suggest to you the civilian prison, were there any members
14 of the BASA?

15 A. [10:51:03] Well, that was after -- what do you call it -- the events. After the
16 second round then we started going there.

17 Q. [10:51:14] And what was it called, that location? The MACA, I understand?

18 A. [10:51:22] Yes, we were in front of the MACA.

19 Q. [10:51:24] So there was the MACA, the Marie-Thérèse crossroads, *the M'Pouto
20 crossroads, the US embassy crossroads, the RTI, your commanding officer in
21 Bingerville. And after the second round to your knowledge, were there any other
22 static locations in Abidjan?

23 A. [10:51:41] The residence, the palace.

24 Q. [10:51:52] So the residence of whom?

25 A. [10:51:55] The residence of the President Gbagbo.

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1 Q. [10:52:00] Very well.

2 A. At the palace, at the presidential palace at the Plateau.

3 Q. And you made reference to the fact that there were also non-static positions,
4 that I shall refer to as mobile. Describe those, the objectives and use of these
5 positions and what do they cover?

6 A. [10:52:32] They were dissuasive patrols. So every evening before changing
7 shifts and repositioning our elements at the various positions, we would go on a tour.
8 We would go to see General Mangou for an hour or so. Because when you arrive at
9 a specific point, then you report back to the colonel and then he will tell you whether
10 to stay there or *withdraw. This was over the GP, you know. And then we would
11 get to a certain, certain point and he would say: Okay. Stay there.

12 And when we needed to *withdraw, then we would go back to the RTI, for example,
13 and then we would continue on our round until the last vehicle. We would go back
14 to the camp. And then the last vehicle would go back to the commanding officer.

15 THE INTERPRETER: [10:53:40] Message from the interpreter: Could the witness
16 please be requested to speak more clearly.

17 PRESIDING JUDGE TARFUSSER: [10:53:49] Mr Witness, the interpreters request
18 you to speak more slowly and clearly. Thank you.

19 THE WITNESS: [10:53:58] Okay.

20 MR MACDONALD: [10:54:03] (Interpretation)

21 Q. [10:54:04] It might be that you are eager to finish off this testimony, but we need
22 to slow down and take our time, all right? Because when you answer, on occasion,
23 the speed of your answer increases as you speak, and then we understand you a little
24 less clearly because you speed up. So let's take our time.

25 After the election period, in the neighbourhoods or the communes of Abidjan, were

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1 there any static positions added to those that you just mentioned?

2 A. [10:55:05] No.

3 Q. [10:55:19] Let us take Abobo, the commune of Abobo. To your knowledge,
4 were there any elements of the BASA posted in Abobo?

5 A. [10:55:32] Yes, indeed.

6 Q. [10:55:36] At which location were they posted?

7 A. [10:55:44] At the Abobo camp -- Commando Camp.

8 Q. [10:56:00] Were there any positions or members of the BASA, apart from the
9 Commando Camp that we know to be a gendarmerie camp, but were there outside
10 the camp any positions held by the BASA?

11 A. [10:56:19] Outside Abobo, do you mean?

12 Q. [10:56:23] Outside of the Commando Camp.

13 A. [10:56:25] No.

14 Q. [10:56:29] And finally, during the post-election crisis, at the time of the crisis,
15 were you aware of all of the positions where BASA elements were located?

16 A. [10:56:47] Of course, yes.

17 Q. [10:57:06] Do you remember the approximate date at which -- well, let me
18 rephrase.

19 During the post-election crisis, what happened to the new camp?

20 A. [10:57:23] It was bombed.

21 Q. [10:57:25] Do you recall at approximately which date it was bombed?

22 A. [10:57:31] I no longer recall the date.

23 Q. [10:57:37] Sorry?

24 A. [10:57:37] I no longer recall the date.

25 Q. [10:57:40] We know the date. It was an event, a specific event. I was sent an

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1 email with the date and I would invite my colleagues to confirm this date and then
2 we can put it on the record. So this would enable the Chamber to be situated in the
3 chronology of the events. This is my suggestion to my colleague.

4 What happened on that day precisely? Describe the events to us. Firstly, we shall
5 very briefly, I apologise, we shall very briefly go into private session and then I shall
6 request for us to rise, in view of the hour, and we might then come back at 11.30, Mr
7 President, rather than going back into open session subsequently. It's just a
8 suggestion.

9 PRESIDING JUDGE TARFUSSER: [10:58:43] I think we break now and we go in
10 private session when we come back, otherwise we have to go into open session to
11 announce the break.

12 Maître Altit.

13 MR ALTIT: [10:58:54] (Interpretation) I thank you, Mr President. Just in order to
14 organise ourselves as we know we're going to take the break now, could we request
15 of the Office of the Prosecutor how much longer he needs?

16 PRESIDING JUDGE TARFUSSER: [10:59:08] I would have done this in any case in a
17 moment. So I would have asked the Prosecutor before closing also an estimate of the
18 time he needs.

19 MR MACDONALD: [10:59:21] Hopefully my colleagues will be able to start this
20 afternoon after -- for the last half hour of the last session. It will lead us -- so next
21 session in full for the Prosecution.

22 PRESIDING JUDGE TARFUSSER: [10:59:42] Yes.

23 MR MACDONALD: [10:59:42] And another hour of the last session. So it may be
24 that the Chamber will wish that the cross-examination starts tomorrow or starts for
25 the last 30 minutes.

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- 1 PRESIDING JUDGE TARFUSSER: [10:59:54] We have the Legal Representative of
2 Victims.
- 3 MR MACDONALD: [10:59:58] That's right. I had forgotten.
- 4 MS MASSIDDA: [11:00:00] Thank you.
- 5 PRESIDING JUDGE TARFUSSER: [11:00:02] I had not forgotten. So probably you
6 will start tomorrow. But we will also make a calculation, because it can't -- well, just
7 to see if --
- 8 MR MACDONALD: [11:00:11] I'm on time.
- 9 PRESIDING JUDGE TARFUSSER: [11:00:12] Yes, yes.
- 10 MR MACDONALD: [11:00:13] And also with the --
- 11 PRESIDING JUDGE TARFUSSER: [11:00:15] We'll see.
- 12 MR MACDONALD: [11:00:16] With the speech of the witness.
- 13 PRESIDING JUDGE TARFUSSER: [11:00:19] We'll see, we'll see. Thank you.
- 14 The hearing is adjourned to 11.30.
- 15 THE COURT USHER: [11:00:26] All rise.
- 16 (Recess taken at 11.00 a.m.)
- 17 (Upon resuming in open session at 11.37 a.m.)
- 18 THE COURT USHER: [11:37:10] All rise.
- 19 Please be seated.
- 20 PRESIDING JUDGE TARFUSSER: [11:37:35] Good morning once again for this
21 second session.
- 22 If I'm not mistaken, we should go in private session shortly and then come back into
23 open. So please.
- 24 (Private session at 11.37 a.m.)
- 25 (Redacted)

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1 (Redacted)

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21 (Redacted)

22 (Open session at 11.39 a.m.)

23 THE COURT OFFICER: [11:39:45] We're in open session, your Honour.

24 PRESIDING JUDGE TARFUSSER: [11:39:48] Mr Prosecutor.

25 MR MACDONALD: [11:39:49] Thank you.

1 Q. [11:39:53] (Interpretation) I would like to move on to another topic,

2 Mr Witness. Let us talk about the CPCO, which was the centre for the planning and
3 conduct of operations. So to your knowledge, what was the CPCO?

4 A. [11:40:25] It was an operations centre larger than ours which was responsible for
5 all the operations involving all the units. So they were there to plan operations for
6 all the units.

7 Q. [11:40:46] And when you say "all the units," you are talking about all the FDS
8 units?

9 A. [11:40:52] Yes.

10 Q. [11:40:56] And where was the CPCO physically located?

11 A. [11:41:04] At the general staff headquarters, just below the CEMA's office, not
12 far from the tennis court.

13 Q. [11:41:22] At the Plateau?

14 A. [11:41:23] At the Plateau, yes.

15 Q. [11:41:27] To your knowledge, who was responsible for managing the CPCO?

16 A. [11:41:42] I have the name right there, but I can't remember.

17 Q. [11:41:58] If I put it to you that it was Colonel Sako?

18 A. [11:42:02] Sako, yes, that's correct.

19 Q. [11:42:06] Still to your knowledge, was he the one who was responsible for the
20 CPCO from the beginning to the end or was he replaced at some point? So who was
21 responsible for the CPCO?

22 A. [11:42:28] He managed the CPCO up till a certain point. There were several
23 phases. After the bombing, each person started leaving. Some people went to the
24 other camp, and so it was the people that stayed back that carried out the operations.

25 Q. [11:42:55] Very well. We will come back to that.

1 And when you are talking about the bombing, who was doing the bombing?

2 A. [11:43:03] The French. In Akouédo, it was an ONUCI plane, and at the
3 Presidency at the Plateau, it was French helicopters, I believe, because they did not
4 have the UN insignia. It was the French.

5 Q. [11:43:41] When you say that the CPCO was responsible for managing the
6 operations of all the units, is that what you said?

7 A. [11:44:02] When there was a mission, that is a joint mission involving all the
8 units, they were the ones who were there to coordinate, so it was the CPCO that
9 issued the mission and indicated what was to be done.

10 Q. [11:44:27] And to your knowledge, regarding what I would refer to as joint
11 operations involving various units within the BASA itself, you say it was the CPCO
12 that gave instructions. So these instructions, which chain of command did they
13 follow from top to bottom?

14 A. [11:44:59] CPCO, COMTER and then COMTER would convey the orders to all
15 the units. But since they were responsible for planning, they gave orders and would
16 request units. They could ask for a unit of the ground forces, in that case they would
17 send that request to the COMTER. If they wanted navy units, they would send the
18 request to the COMAR, so it depended on the force.

19 Q. [11:45:50] Now, let us focus on Abidjan and the conduct of or management of
20 events in Abidjan. To begin with, was Abidjan divided into various operational
21 zones?

22 A. [11:46:10] There were several zones. The answer is yes.

23 Q. [11:46:15] To your knowledge, how many zones?

24 A. [11:46:20] Four or five zones. I don't remember precisely, but I think four or
25 five zones.

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1 MR MACDONALD: [11:46:31] So at this stage, your Honour, I would call exhibit
2 CIV-OTP-0005-0073, which is number 12 on our list of material, and it's a document
3 that can be shown. Can we show it -- if you allow me just a second, I'll confirm the
4 level of confidentiality.

5 (Counsel confers)

6 MR MACDONALD: [11:47:24] At this stage, your Honour, we would prefer that it
7 remains confidential because of its use in the investigation. I'll limit that to that. I
8 can go into private session to explain if need be.

9 PRESIDING JUDGE TARFUSSER: [11:47:42] No. Let me just please before doing
10 so, and because we are in this moment where we can give also the two numbers, the
11 registration numbers of the two documents we have seen in the morning of the two
12 maps, screenshots of the two maps, so just to have it on the record, can you please,
13 court officer.

14 THE COURT OFFICER: [11:48:12] So the documents annotated by the witness today
15 bear the following numbers: CIV-REG-0001-0012 and CIV-REG-0001-0013.

16 PRESIDING JUDGE TARFUSSER: [11:48:44] Thank you.

17 Mr Prosecutor, you can proceed.

18 MR MACDONALD: [11:48:53] Now, your Honour, just to make sure which channel
19 do we need to put it to, evidence 2 or 1? 1? Okay. If we could enlarge it maybe
20 just a bit but still trying to capture the whole document. Thank you.

21 Q. [11:49:39] (Interpretation) Mr Witness, this is a document. Are you familiar
22 with this type of documents?

23 A. [11:49:55] Yes, I've already seen this type of documents.

24 Q. [11:49:59] What is it?

25 A. [11:50:03] It is a document on the zones into which Abidjan was divided, that is

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1 when it came to the intervention of the various units in certain zones.

2 Q. [11:50:27] The reason why the document cannot be shown in public is because of
3 the signature at the bottom of the page. It is dated 25 March 2011.

4 And zone 1 was identified as Yopougon, is that correct; zone 2, Abobo Anyama; zone
5 3, Adjamé Plateau; zone 4, Cocody; and zone 5, Abidjan south.

6 There is a sixth zone, that is the autonomous port of Abidjan.

7 To your knowledge, after the creation of the CPCO to manage the post-election crisis,
8 was zone 6 in existence or did it appear later on?

9 A. [11:51:44] Zone 6, the autonomous port, I'm not aware of that.

10 Q. [11:51:49] You do not know?

11 A. [11:51:50] Yes.

12 Q. [11:51:52] Very well.

13 Your Honours, with the indulgence of my also colleagues, there is an exact same
14 document at 0005-0074, which I presume is tab 13 or 13 on our list. In order to speed
15 up, can we have it submitted on the record without showing it to the witness since it's
16 a few days later? So if my colleagues can have a look at the document and confirm.
17 If not, I'll simply show it to the witness, but it takes time.

18 PRESIDING JUDGE TARFUSSER: [11:52:49] It seems it takes time also to get an
19 answer from the Defence.

20 MR ALTIT: [11:53:02] (Interpretation) We do not have any objection, your Honour.

21 MR MACDONALD: [11:53:10] (Interpretation) Thank you.

22 MR N'DRY: [11:53:19] (Interpretation) Mr President, we have no objection.

23 PRESIDING JUDGE TARFUSSER: [11:53:22] Thank you, thank you to both.

24 MR MACDONALD: [11:53:25] (Interpretation) Thank you.

25 Q. [11:53:40] (Interpretation) To your knowledge, well, you mentioned that the

1 COMTER would transmit the orders from the CPCO to --

2 A. [11:53:56] The units that were supposed to be involved.

3 Q. [11:54:02] Now, at that time, what was the role of Colonel Dadi?

4 A. [11:54:10] It was missions to ensure security. So we carried them out.

5 Q. [11:54:22] To your knowledge, did Dadi comply with the instructions coming
6 from the *Commander of the land forces in the context of the CPCO?

7 A. [11:54:39] Sometimes when we did not have enough soldiers, when orders came
8 and we did not have enough soldiers, he would let them know that we were covering
9 a lot of terrain and we could not make available the numbers requested.

10 Q. [11:55:01] And to your knowledge, up till when did the CPCO remain
11 operational?

12 A. [11:55:21] I'm not in a position to tell you.

13 Q. [11:55:29] Do you remember having been put questions on this issue
14 during -- when you gave your statement to the OTP?

15 A. [11:55:49] Well, I know that after the bombing started, at one point the CPCO
16 was no longer in existence.

17 Q. [11:56:02] During the bombing, where was the CEMA, that is the chief of general
18 staff?

19 A. [11:56:16] That is -- try to specify your question.

20 Q. [11:56:37] Because the CEMA was still in charge of the FDS until the arrest of
21 Mr Gbagbo.

22 A. [11:56:48] No, no. He defected afterwards.

23 Q. [11:56:54] Where did he go to?

24 A. [11:57:00] If I remember correctly, he went to a certain embassy.

25 Q. [11:57:12] General Deto Létho, to your knowledge, did he remain in charge of

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1 the ground forces until the arrest of Mr Gbagbo?

2 A. [11:57:26] No. He made, he gave a statement on the TCI. We had heard
3 information that he had defected, and then he actually made a statement over the TCI,
4 and that confirmed that he had indeed defected.

5 Q. [11:57:49] When the CEMA left or defected, who was appoint -- who became
6 responsible for the FDS?

7 A. [11:58:28] Commander Konan Boniface, Konan Boniface. I am not going to say
8 that he took over the FDS, but the last fighting units were the marines, the BASA, he
9 was the one who was in command. But he was not responsible for all the FDS
10 forces.

11 Q. [11:59:08] Very well. Let us take some time to go into the details. Which FDS
12 units continued fighting to the very end?

13 A. [11:59:32] The GR or Republican Guard, BASA, the navy, these are the people
14 that we saw in the field.

15 PRESIDING JUDGE TARFUSSER: [12:00:00] Excuse me. Which date you define
16 "the very end," to the witness? When the Prosecutor asked you "who continued to
17 fight to the very end," the question is what do you -- which date for you is the very
18 end, coincides with the very end?

19 THE WITNESS: [12:00:28] (Interpretation) Until the arrest of the president,
20 President Gbagbo.

21 PRESIDING JUDGE TARFUSSER: [12:00:32] Thank you.

22 MR MACDONALD: [12:00:35] (Interpretation) Indeed, let us return to that issue.

23 Q. [12:00:41] Do you remember how much time it was before the arrest of
24 President Gbagbo that General Mangou defected?

25 A. [12:00:57] I no longer recall.

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1 Q. [12:01:01] Now, is it the fact that -- well, let me put it a different way. General
2 Konan Boniface --

3 A. [12:01:18] He wasn't a general.

4 Q. [12:01:19] I beg your pardon?

5 A. [12:01:21] He was a commander.

6 Q. [12:01:25] The commander then, Commander Boniface took over from General
7 Mangou. Was that before or after the defection?

8 A. [12:01:40] After.

9 Q. [12:01:45] Now, there was another event. Once again, I don't want to suggest a
10 particular date to you, but I do want to situate you in time and the Chamber. The
11 battle of Abidjan as it was termed, could you tell us when that battle began or the
12 period of time, well, how much time after the arrest of Mr Gbagbo was that?

13 THE INTERPRETER: [12:02:21] Correction: Before.

14 THE WITNESS: [12:02:23] (Interpretation) I can't give you a specific date, I can't
15 remember the specific dates.

16 MR MACDONALD: [12:02:32] (Interpretation)

17 Q. [12:02:33] Very well.

18 PRESIDING JUDGE TARFUSSER: [12:02:38] But the Chamber knows. This is on
19 the record.

20 MR MACDONALD: [12:02:39] It's on the record, okay.

21 PRESIDING JUDGE TARFUSSER: [12:02:40] Of course it's on the record.

22 MR MACDONALD: [12:02:42] (Interpretation)

23 Q. [12:02:43] We do know that the battle of Abidjan occurred on 31 March, that is a
24 well-known fact, the night of the 30th to the 31st. And then on the 31st of March,
25 correct? Are we in agreement? When on that date, the 31st of March and the

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1 conflict in Abidjan, do you know who was leading the FDS?

2 A. [12:03:17] The FDS, well, that's a great many units. They represent many units.

3 But the units that were in the field, there was, well, I said that there were the BASA,

4 the navy and the gendarmerie -- the GR, correction, the Republican Guard.

5 Q. [12:03:38] Were there other units in the field with the three forces that you have
6 just mentioned?

7 MR O'SHEA: [12:03:50] The witness has given a clear answer. The witness has
8 given a clear answer already to that. He's already said BASA, marines, and the GR
9 were the only ones.

10 PRESIDING JUDGE TARFUSSER: [12:04:02] No, he didn't say "were the only ones."
11 They were the three. And then the Prosecutor asked if there is some others. And
12 now we'll hear it. If he says "No," then it's no. If he says "Yes," he will give an
13 answer.

14 Apart of the three you mentioned, was there another unit in the field?

15 THE WITNESS: [12:04:23] (Interpretation) Not to my knowledge.

16 MR MACDONALD: [12:04:33] (Interpretation)

17 Q. [12:04:34] Do you remember being questioned on this matter when you gave
18 your statement, Mr Witness?

19 A. [12:04:39] I no longer recall. Could you --

20 Q. [12:04:58] In your statement, CIV-OTP-0048-1503, at page 1519, you said, more
21 specifically paragraph 73, if you could just allow me a few moments to begin this
22 excerpt from the statement. I will begin at the very beginning of the paragraph, and
23 I quote:

24 "I no longer know when the CPCO died, so to speak. We reported to the COMTER,
25 the commander of the land forces. But at one particular point the land forces no

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1 longer had any leader because Detoh Létho had defected and Mangou had gone and
2 he took refuge at an embassy. What is more also at that time some soldiers or units
3 no longer wanted to fight. One thing for sure is that after the shelling by the Licorne
4 forces, there was no longer any of that. My commander began to lead. It was Dadi
5 who coordinated all our missions with Dogbo Blé" --

6 MR GBOUGNON: [12:06:57] (Interpretation) Your Honour.

7 PRESIDING JUDGE TARFUSSER: [12:07:00] Maître Gbougnon, what's wrong now?

8 MR GBOUGNON: [12:07:05] (Interpretation) I thought that my learned friend was
9 going to read out a passage and elicit information about the various units. But he
10 could have gone directly there rather than reading out the entire statement of the
11 witness.

12 PRESIDING JUDGE TARFUSSER: [12:07:25] Yes, but in this part of the statement
13 there were already things in which the witness had already said. So I don't see the
14 problem.

15 Please go ahead.

16 MR MACDONALD: [12:07:36] (Interpretation)

17 Q. [12:07:47] Now, in this particular case, Witness, just to refresh your memory,
18 you made reference to Dogbo Blé, the GR. You mentioned Konan Boniface, who was
19 in charge or the commander of the DMIR, D-M-I-R -- I can't quite remember the
20 meaning of that acronym, but I do have it in my notes -- and you also referred to the
21 commanding officer, Abéhi. And then you also made reference --

22 A. [12:08:31] Abéhi.

23 Q. [12:08:33] Abéhi, Abéhi, who was the commander of the *GEM. Does that
24 refresh your memory when it comes to the various units that were in the field after --

25 A. [12:08:51] When you put the question, you see, it's not the same, the units, each,

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1 for example, the BASA, the GR, they were at the Presidency, and they obeyed

2 or -- well, the GEB, they were -- they started --

3 THE INTERPRETER: [12:09:16] Inaudible.

4 THE WITNESS: [12:09:18] (Interpretation) *-- from Williamsville to -- well, it's *not,
5 those are not the same. I haven't really understood. *I thought you were talking
6 about another position. Were there other soldiers from another position who fought
7 with us? That is why I didn't -- Abéhi was at his position.

8 MR MACDONALD: [12:09:38] (Interpretation)

9 Q. [12:09:39] You mentioned Williamsville?

10 A. [12:09:41] Williamsville all the way to the corridor, the north corridor leading
11 towards Yopougon.

12 PRESIDING JUDGE TARFUSSER: [12:09:47] May I say that -- may I say something.
13 On this, what you said just now, Mr Witness, we will for sure not understand when
14 we read it in some time what you meant. So I would like you to say it in a better
15 way. The Prosecutor has put your question. Then he has read out part of the
16 statement. And now I would like to request that you take position to what, to this
17 statement you gave to the Prosecutor and give the answer to it.

18 THE WITNESS: [12:10:26] (Interpretation) Okay.

19 PRESIDING JUDGE TARFUSSER: [12:10:31] Please. He should --
20 You should now respond to what the Prosecutor read out to you.

21 THE WITNESS: [12:10:45] (Interpretation) Yes.

22 MR MACDONALD: [12:10:49] (Interpretation)

23 Q. [12:10:50] Do you remember saying that to the OTP?

24 A. [12:10:53] Yes.

25 Q. [12:10:55] And the --

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1 PRESIDING JUDGE TARFUSSER: [12:10:56] And is that what you said to the OTP
2 then correct, true, corresponds it to the truth?

3 THE WITNESS: [12:11:07] (Interpretation) It is the truth.

4 MR MACDONALD: [12:11:17] (Interpretation)

5 Q. [12:11:19] Very well. And why was it, why did the only units, the BASA, the

6 GR and the GEB and the DMIR, why were they the only units to be found in the field?

7 A. [12:11:47] Because they were soldiers, they were loyal. That's what I mean.

8 Q. [12:11:58] So they were soldiers and they were loyal?

9 A. [12:12:01] They were loyal, you see, soldiers, they supported the president.

10 Q. [12:12:12] Do you remember the term that you used in your statement to
11 describe these people who were faithful and remained loyal?

12 A. [12:12:21] I no longer recall.

13 Q. [12:12:25] I'll also read something else from the same paragraph, paragraph 73.

14 I'll just skip one sentence since we're in open court right now, and then I'll go on.

15 "The chief, these chiefs like Dadi were die hard supporters who fought right to the

16 very end for President Gbagbo and they were often at the Presidency. Everyone

17 knows that. It was General Dogbo Blé, Abéhi and Dadi who were running the show

18 and they were the ones who were really making the decisions."

19 MR N'DRY: [12:13:21] (Interpretation)

20 PRESIDING JUDGE TARFUSSER: [12:13:24] Maître N'Dry.

21 MR N'DRY: [12:13:27] (Interpretation) Your Honour, the Prosecution paused for a

22 moment, and the question really was a simple one: Do you know what word or

23 term you used when you gave your statement to the OTP? The word has been

24 uttered by the Prosecutor and really there was no point in continuing on with the

25 passage.

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1 PRESIDING JUDGE TARFUSSER: [12:14:01] I think you went a little bit far. The
2 word is the word, and these are words. But I do understand -- yes.

3 MR MACDONALD: [12:14:17] Okay. Noted, your Honour. Although as one will
4 see on the record, the first part of the answer, the previous reading is a follow-up on
5 that. In any event, I'll clarify that with the witness in any event.

6 Q. [12:14:37] (Interpretation) So the word you used here was "inconditionnel" in
7 French. Do you remember saying that to the OTP?

8 A. [12:14:49] Yes, in terms of their loyalty, they were loyal. When I said "die hard
9 supporters," I meant that, you see, they were pretty loyal in that they --

10 PRESIDING JUDGE TARFUSSER: [12:15:00] We do have understood that. We do
11 have understood. And we have understood also the meaning of what that, of the
12 words.

13 MR MACDONALD: [12:15:08] But, your Honour, I don't know what's the big deal
14 right here. We're talked about "fidèles inconditionnel."

15 PRESIDING JUDGE TARFUSSER: [12:15:16] No. We're talking about the same
16 thing continuously. We are not -- it doesn't --

17 MR MACDONALD: With to wit what?

18 PRESIDING JUDGE TARFUSSER: No. But now it's now 10 minutes that we're
19 talking about this.

20 MR MACDONALD: [12:15:23] I'm moving on.

21 PRESIDING JUDGE TARFUSSER: [12:15:25] Yeah.

22 MR MACDONALD: I am.

23 PRESIDING JUDGE TARFUSSER: No. Because, you know, I prevent the jumping
24 up and the jumping up then delays again and --

25 MR MACDONALD: [12:15:30] You will understand with my next question, I am

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1 certain.

2 PRESIDING JUDGE TARFUSSER: [12:15:37] Yes, well, I don't comment on this.

3 MR MACDONALD: [12:15:40] (Interpretation)

4 Q. [12:15:40] So these die hard supporters, people loyal to President Gbagbo,
5 people loyal to him, what about the other units, what about them? What happened
6 with the other FDS units that were not mentioned here, that you did not mention?
7 What happened to them?

8 A. [12:16:07] They abdicated.

9 Q. [12:16:08] And do you know why they did that, why they switched sides?

10 A. [12:16:13] Because Abidjan, well, the whole country was already under the
11 control of them, and it was only Abidjan.

12 Q. [12:16:26] And in Abidjan, there were other units?

13 A. [12:16:31] Well, I have to say that they were not loyal leaders.

14 MR MACDONALD: [12:16:49] (Interpretation) If we could go into private session
15 for the next point, which could identify the witness.

16 PRESIDING JUDGE TARFUSSER: [12:16:55] Can we go into private session, please.
17 (Private session at 12.16 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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1 (Open session at 12.30 p.m.)

2 THE COURT OFFICER: [12:31:06] We're in open session, your Honour.

3 PRESIDING JUDGE TARFUSSER: [12:31:12] Mr Prosecutor.

4 MR MACDONALD: [12:31:13] (Interpretation)

5 Q. [12:31:33] After the elections, irrespective of your own role, can you tell us
6 which patrols could take place and can you give us the type of patrols?

7 A. [12:31:57] These were dissuasive patrols. Just after the elections, there was a
8 patrol to prevent people from coming out, because there was a curfew at that time, so
9 we had to enforce that curfew. And the patrols went out to act as deterrent. So
10 there were convoys with all the equipment, and so when the population saw that, it
11 was to deter them.

12 Q. [12:32:45] Very well. We are going to break that down. So you have said that
13 after the elections there was a curfew. To your knowledge in relation to the second
14 round of the elections, when did this curfew begin? *Did it happen subsequently or
15 had it already been imposed previously?

16 A. [12:33:06] I no longer remember.

17 Q. [12:33:08] So who are those who went out during that example for deterrent
18 patrols that you mentioned, which BASA elements went out?

19 A. [12:33:31] Be more precise, the BASA elements that went out?

20 Q. [12:33:35] All the elements?

21 A. [12:33:41] Of course, not all the soldiers. We cannot leave the base empty.

22 Q. [12:33:46] And which weapons did you go out with?

23 A. [12:33:53] With the patrols, we went out with the 20 and 12.7 millimetre cannons
24 and the double-barrelled cannons.

25 Q. [12:34:08] And you say you went out in a convoy and you referred to it as a

1 rame, that is a series of vehicles?

2 A. [12:34:17] *A set, columns. First we formed a set of vehicles, comprising several
3 vehicles. Then we made columns. So, several vehicles made up a set. OK? So, the first
4 could include two 12.7 guns, two 20 guns, then another... another set like that.

5 Q. [12:34:40] When you went out in that way in the example that you have given,
6 were there any incidents?

7 A. [12:34:49] Yes. It depended on the camps. There were many patrols.

8 Q. [12:35:08] So at the beginning, if we look at the beginning of December, we know
9 that the elections, the second round, was 28 November. And in early December it was
10 a dispute regarding who won the elections. So as from that time, early December,
11 describe to us the atmosphere in Abidjan. Did the clashes begin immediately?

12 A. [12:35:48] It was when people started coming out. At the beginning when we
13 were carrying out the patrols, things were calm and not many people outside.

14 Q. [12:36:05] Very well. Let us move to something else. Let us talk about Abobo.
15 You have said during your testimony of yesterday, you mentioned the Invisible
16 Commando. What do you know about that Invisible Commando? My first
17 question is when and how did you learn about the existence and the name of the
18 Invisible Commando?

19 A. [12:36:51] From people -- from newspapers.

20 THE INTERPRETER: Correction.

21 MR MACDONALD: (Interpretation)

22 Q. [12:36:58] Before the newspapers talked about it, was that term used to your
23 knowledge?

24 A. [12:37:05] No. But there was in fact resistance in Abobo. There was resistance
25 in Abobo. It was afterwards that people started referring to them as the Invisible

1 Commando.

2 Q. [12:37:23] And what did they do, the Invisible Commando? To your
3 knowledge, how did they operate?

4 A. [12:37:29] They had taken over the Abobo neighbourhood, so they needed to be
5 routed out and we had to ensure security in Abobo.

6 Q. [12:37:46] And how did you go about ensuring security in Abobo?

7 A. [12:37:54] We carried out patrols in Abobo. There were patrols in Abobo, both
8 during the day and at night.

9 Q. [12:38:08] And the BASA went out with which type of weapons?

10 A. [12:38:13] The 12.7s. We also had grenades.

11 Q. [12:38:29] Explosive grenades?

12 A. [12:38:32] Yes.

13 Q. [12:38:33] What were your instructions, the instructions from your commanding
14 officer when you went *on mission—the BASA—to Abobo?

15 A. [12:38:55] *But the commanding officer did not want one of us to fall. So, the
16 Invisible Commando was shooting at people. When you come to...because you had to
17 get to Camp Commando in Abobo... So, the way to Camp Commando, come off
18 the.... general staff headquarters at the Plateau and reach Abobo, especially at night,
19 it's difficult, especially at night. So, the Commanding officer did not want to lose
20 anybody, like any good leader. So, we had to use our weapons if anybody else used
21 theirs. That's what it's like in the army. If you are shot at, you retaliate.

22 Q. [12:39:53] Where was the Invisible Commando or where were the members of
23 that Invisible Commando when they shot at the FDS?

24 A. [12:40:08] Well, they were hiding. On the streets in Abidjan you have small stalls
25 or tables where people sell things. So it was behind those tables or behind buildings.

1 Q. [12:40:27] What were the instructions of the commanding officer of the corps at
2 that time?

3 A. [12:40:33] As I've said, if somebody shoots at you, it is your duty to retaliate, to
4 shoot back.

5 Q. [12:40:44] By doing what?

6 A. [12:40:47] By firing back.

7 Q. [12:40:50] Using which weapon?

8 A. [12:40:55] We had the 12.7s mounted on the pickups, so we had to fire with the
9 weapons we had.

10 Q. [12:41:01] And to your knowledge, since you are really familiar with these
11 weapons, the 12.7 millimetre cannons, do they shoot one at a time or do they shoot in
12 bursts, bursts of fire?

13 A. [12:41:28] Bursts of fire.

14 Q. [12:41:36] Specifically, did your commander give you instructions to use any
15 weapon, the 12.7?

16 A. [12:41:45] He said that we should fire back in any case. If there was shooting,
17 he didn't want us to lose anyone, if there was shooting, his instruction was for us to
18 fire back.

19 Q. [12:41:59] What about the explosive grenades, were they used?

20 A. [12:42:19] Yes. We used them once in Abobo as a deterrent measure.

21 Q. [12:42:30] Describe to us how it was used.

22 A. [12:42:34] We put them in places, locations where they really could not harm
23 anyone. It was just to deter people so that they should remain at home and not leave.
24 And this was at PK18 before on the road to N'Dotre.

25 Q. [12:43:03] How many explosive grenades?

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1 A. [12:43:07] I'm not in a position to tell you.

2 Q. [12:43:16] To your knowledge, were there any mopping up operations in
3 Abobo?

4 A. [12:44:05] Ratissage, mopping up, yes. This happens when after an operation,
5 then you go to see what -- whether there is a need to carry out that operation.

6 Q. [12:44:17] Explain what is mopping up after operations?

7 A. [12:44:21] Mopping up is after you have carried out the operation, then the
8 infantry people, you go and see whether there are enemies who are hiding
9 somewhere so as to flush them out.

10 Q. [12:44:48] I will now like to go to private session to talk about a specific
11 operation which could be identifying.

12 PRESIDING JUDGE TARFUSSER: [12:44:59] Can we go in private session.

13 (Private session at 12.45 p.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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6 (Open session at 12.49 p.m.)

7 THE COURT OFFICER: [12:49:56] We're in open session, your Honour.

8 PRESIDING JUDGE TARFUSSER: [12:49:58] Thank you very much.

9 We have this -- I think the problem is -- is it solved now. Well, it doesn't matter.

10 But we will have a problem in a few minutes because they have to restart the

11 transcript, so I think we stop now and go for the break and come back at 2.30 after the

12 lunch-break. So in the meanwhile I hope the problem, the technical problem will be

13 solved. Thank you very much. At 2.30.

14 THE COURT USHER: [12:50:30] All rise.

15 (Recess taken at 12.50 p.m.)

16 (Upon resuming in private session at 2.35 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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- 22 (The hearing ends in private session at 4.00 p.m.)