

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
5 Goudé - 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 Thursday, 29 September 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:05] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:34:22] We wait for Maître Altit to get dressed
15 and good morning.
16 Good morning, Mr Witness.
17 WITNESS: CIV-OTP-P-0238 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: [9:34:40] (Interpretation) Good morning, your Honour.
20 PRESIDING JUDGE TARFUSSER: [9:34:58] Today we continue with the
21 Office of the Prosecutor, not too long as promised yesterday, then legal representative,
22 then the Defence of Mr Gbagbo starts. So I give immediately the floor to the
23 Office of the Prosecutor. With you everything is fine, Mr Witness?
24 THE WITNESS: [9:35:23] (Interpretation) Yes.
25 PRESIDING JUDGE TARFUSSER: [9:35:25] Thank you.

1 We are in open session, just to remind you. Thank you.

2 MR MACDONALD: [9:35:32] (Interpretation) Thank you, your Honour.

3 Q. [9:35:37] Good morning, witness.

4 I would like to continue with the topic that we were discussing yesterday. We had
5 a technical problem, but if you recall we were in private session, and we discussed
6 a number of issues, and I'd like us to revisit a few of them in private session because I
7 will be asking you some questions to obtain additional detail.

8 Your Honour, I would ask to go into private session, please.

9 PRESIDING JUDGE TARFUSSER: [9:36:14] Can we go in private session, if possible.

10 I don't know.

11 (Private session at 9.36 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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1 (Open session at 9.57 a.m.)

2 THE COURT OFFICER: [9:57:16] We are in open session, your Honour.

3 PRESIDING JUDGE TARFUSSER: [9:57:17] Thank you.

4 Mr MacDonald.

5 MR MACDONALD: [9:57:23] (Interpretation)

6 Q. [9:57:24] Mr Witness, I would like to refer you to paragraph 82. And I will read
7 from the statement. "In Yopougon there is only one large neighbourhood very
8 favourable to Ouattara located at Port Bouët II. I was told that a patrol was sent
9 there to ensure safety and order after the second round. There was shooting and
10 clashes between us and the local people."

11 Does that refresh your memory, what I have just read out to you?

12 A. [9:58:10] I know that we did conduct a mission there. I do remember the
13 mission. Yes.

14 Q. [9:58:17] And what was the purpose of that mission?

15 A. [9:58:21] To keep the people from demonstrating.

16 Q. [9:58:29] And why were the local people demonstrating?

17 A. [9:58:34] Well, they thought Ouattara had won.

18 Q. [9:58:41] Were there deaths at that time?

19 A. [9:58:46] Well, I wasn't actually there. I wasn't actually --

20 Q. [9:58:51] But apparently, or according to what you heard, I realise that you
21 weren't actually there, and we will try to go into the source of your information, so
22 who told you this?

23 A. [9:59:07] That there had been clashes?

24 Q. [9:59:13] I will continue. And I'm going to continue reading from this
25 paragraph: "There was the police, the BAE, the gendarmerie, probably the 2/1

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1 squadron of Yopougon, because they were not far away, but I am not sure. An
2 imam had been killed and the young people revolted."

3 I'll stop at this point. And even though we are in open session, I believe these are
4 events that we can ask you questions about in open session.

5 So who reported this to you?

6 A. [9:59:58] I no longer recall.

7 Q. [10:00:08] This imam was a brother or a cousin of President Ouattara. The BAE
8 was there already and was not able to keep the people under control. The BASA left
9 to beef up the security provisions.

10 Do you remember saying that to the OTP?

11 A. [10:00:36] I no longer recall.

12 Q. [10:00:37] You no longer recall having said that to the Prosecutor?

13 A. [10:00:41] Yes.

14 Q. [10:00:42] But today --

15 A. Well, we led the operation, a law enforcement operation subsequent to the
16 events there, indeed.

17 Q. [10:00:57] And who told you about this operation that you led?

18 A. [10:01:07] I no longer recall.

19 MR MACDONALD: Now, Mr President, we should need to go back into private
20 session now in order to continue with the questioning on the same subject that I
21 started the day off with.

22 PRESIDING JUDGE TARFUSSER: [10:01:41] Let's go into private session, please.

23 (Private session at 10.01 a.m.)

24 (Redacted)

25 (Redacted)

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11 (Open session at 10.14 a.m.)

12 THE COURT OFFICER: [10:14:06] We're in open session, your Honour.

13 PRESIDING JUDGE TARFUSSER: [10:14:08] Mr MacDonald.

14 Can you tell us about how long it will take, because the half an hour from yesterday is
15 gone.

16 MR MACDONALD: [10:14:20] I know, your Honour, but I have one important point
17 that I absolutely need to deal with this witness, which hopefully I can deal with in the
18 next 15 minutes.

19 PRESIDING JUDGE TARFUSSER: [10:14:32] Okay.

20 MR MACDONALD: [10:14:43] (Interpretation)

21 Q. [10:14:44] Mr Witness, we are in open session, but I would like for us to talk
22 about the 120 millimetres shells.

23 So these are questions of a general nature with regard to the usage of 120 millimetre
24 shells. Yesterday in your testimony you made mention of the fact that the BASA
25 was the only unit within the FDS that had 120 millimetre shells; is that correct?

1 A. [10:15:19] Yes. To my mind it was the only unit that should be in possession of
2 the 120 millimetre. We are the ones who have the 120 millimetre because this is an
3 artillery weapon. One cannot give 120, maybe a 60 or an 81 could be for the infantry,
4 but the 120 is for us.

5 Q. [10:15:46] So the first infantry battalion, what type of shells do they have?

6 A. [10:15:56] *No, I don't think they had any shells where they were.

7 Q. [10:15:58] The first BCP?

8 A. [10:16:02] I do not have information as to the equipment. At the BCP there was
9 a double-barrelled gun.

10 Q. [10:16:16] Of what calibre?

11 *A. 23 mm bitubes.

12 Q. 23 millimetres.

13 A. In front of the lobby; just in front of the lobby, at the entrance into the lobby, there was a 23...

14 THE INTERPRETER: [10:16:20] Overlapping speakers, too fast.

15 PRESIDING JUDGE TARFUSSER: [10:16:22] Overlapping speakers again.

16 MR MACDONALD: [10:16:30] (Interpretation)

17 Q. [10:16:34] Without necessarily providing us with -- rather, during the
18 post-election crisis, to your knowledge, were any 120 millimetre shells used?

19 A. [10:16:51] Yes, indeed.

20 Q. [10:16:57] And in your testimony yesterday or the day before yesterday, you
21 referred to the fact that this was a countryside weapon?

22 A. [10:17:06] Yes, indeed.

23 Q. [10:17:19] Is this a weapon that is used in an urban area?

24 A. [10:17:27] No.

25 Q. [10:17:29] Why is that?

1 A. [10:17:32] Because of the damage that it can cause in terms of the shrapnel given off
2 by the shell when it explodes. This is with a view to driving out an occupying force. So it is
3 not possible for it to be used in an urban area. It is not made for combat in an urban area.

4 Q. [10:18:07] So talk to us about what happens when you use the double-barrelled
5 or you launch the shell, what do you call the tube in which you --

6 A. [10:18:21] The tube.

7 Q. [10:18:22] Okay, the tube. So you open fire and the 120 millimetre shell takes
8 off, and then what happens at that moment in time subsequent to that? Describe to
9 us the behaviour of the shell up until the moment at which it lands.

10 A. [10:18:45] Well, it depends on the position. If you have the subordinates or the
11 position at which you are firing the shell, you would use the mortar in order to attain
12 the target. So whether it be 9, 7 or 8 kilometres, you charge the -- you load it and
13 then depending on the precision of the fire.

14 Q. [10:19:23] So you said, and I'll use your expression, with regard to the precision,
15 or the accuracy. What about the accuracy or precision of this type of shell?

16 A. [10:19:38] Well, you have to calculate, in order to fire a shell, you have to have the
17 position, you have to calculate and adjust the line of fire in order to attain a given objective.

18 Q. [10:19:51] And when the objective is attained or when the shell drops, whatever
19 the case, what happens to that shell?

20 A. [10:20:07] Well, then it fragments, it explodes.

21 Q. [10:20:10] And to your knowledge as a member of the BASA, what is the range
22 of defragmentation of a 120 millimetre shell to your knowledge?

23 A. [10:20:28] Approximately 500 metres.

24 Q. [10:20:30] So there can be shrapnel in a range or radius of 500 metres?

25 A. [10:20:41] Yes.

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1 Q. [10:20:44] And were it to fall in an urban area, what happens?

2 A. [10:20:55] Well, there's going to be damage.

3 Q. [10:20:58] What type of damage?

4 PRESIDING JUDGE TARFUSSER: [10:21:02] Mr O'Shea.

5 MR O'SHEA: [10:21:04] This witness obviously is not an explosives expert. He can
6 talk about specific incidents where shells were used and what were observed.

7 PRESIDING JUDGE TARFUSSER: [10:21:15] I am absolutely of your opinion.

8 MR O'SHEA: Yes.

9 MR MACDONALD: [10:21:16] Can I argue on this?

10 PRESIDING JUDGE TARFUSSER: [10:21:18] No, I think we cannot just generically --

11 MR MACDONALD: No, no. I'm sorry, I would like to --

12 PRESIDING JUDGE TARFUSSER: [10:21:23] Not I'm sorry. I'm speaking.

13 THE INTERPRETER: [10:21:23] Do not overlap. Please do not overlap.

14 PRESIDING JUDGE TARFUSSER: [10:21:33] This is something what I thought while
15 you were questioning, it's a general sort of general questioning on what happens
16 instead of going specifically to what he said, what he knows and what he has seen.
17 This is not an expert, obviously he can say something about it because of his, yes,
18 because of -- we know what.

19 MR MACDONALD: [10:22:08] The fact that he's a member of the BASA and is -- I
20 know we are in open session, your Honour, that's why. I want my -- I want my
21 information noted on the record on this topic, because we are in disagreement with the
22 position of my learned friend. And I want a ruling on this, on this very topic. And
23 we can do it in private session if need be, considering the in-court protective measures.

24 MR O'SHEA: [10:22:44] I think a ruling has just been given, if I am not mistaken.

25 MR MACDONALD: [10:22:47] The Prosecution has not had a chance to argue after

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1 there was an objection. You rule without hearing our position on this?

2 PRESIDING JUDGE TARFUSSER: [10:22:57] No, no. But you can in any case. I

3 just said, I just said after Mr O'Shea has spoken, I said hmm, I had the same thoughts

4 going through my mind. So please, argue.

5 MR MACDONALD: [10:23:11] I want to argue in private session, please.

6 PRESIDING JUDGE TARFUSSER: [10:23:19] Let's go into private session, please.

7 (Private session at 10.23 a.m.)

8 (Redacted)

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- 11 (Redacted)
- 12 (Open session at 10.31 a.m.)
- 13 (The witness enters the courtroom)
- 14 THE COURT OFFICER: [10:31:53] We are in open session, your Honour.
- 15 PRESIDING JUDGE TARFUSSER: [10:31:55] Mr MacDonald.
- 16 MR MACDONALD: [10:31:59] (Interpretation)
- 17 Q. [10:32:14] Now, as part of the training that you had within the BASA, your
- 18 artillery training, what was taught about the defragmentation or breaking up of
- 19 a shell with, to be more specific, the use of shells in urban area?
- 20 A. [10:32:51] The shell can do a lot of damage.
- 21 Q. [10:32:58] Very well. Who must authorise the use of 120 millimetre shells
- 22 within the FDS?
- 23 THE INTERPRETER: Inaudible.
- 24 THE WITNESS: (Interpretation)
- 25 A. [10:33:18] Well, when you go into the field you are given orders.

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1 MR MACDONALD: (Interpretation)

2 Q. [10:33:24] So could you say who it was, the person who gave orders?

3 A. [10:33:33] If -- well, the day that you leave and you have to fire 120s, you are
4 given the order to do so. *The squad leader is there. It depends on the tactics used
5 on that day.

6 Q. [10:33:53] So it might be the leader of the unit?

7 A. [10:34:00] *No, no, not the squad leader.

8 It means that if ever you are told to liberate a position.... there is a position there, and
9 the infantry is nearby. The infantry has to advance to that position which is held by
10 the enemy. And they ask you for supporting fire.

11 You, you send it, and the infantry people who are nearby, they can then advance.

12 MR MACDONALD: (Interpretation)

13 Q. [10:34:29] And within the BASA, who would give the order to use 120
14 millimetre shells when you left for an operation?

15 A. [10:34:41] *I can explain. You have fully understood what I said.

16 When you go on an operation, it means you start off with the mortar.

17 That is, if the leader thinks a mortar is required, you go with the mortar, because the
18 leader felt it was necessary to go with the mortar, and so you go with it. It is not to all
19 operations that you go with mortars.

20 MR MACDONALD: (Interpretation)

21 Q. [10:35:09] And to your knowledge were mortars used in Abidjan?

22 A. [10:35:14] Yes.

23 Q. [10:35:17] Who gave the order to use mortars in urban areas?

24 A. [10:35:27] This is what I'm telling you.

25 If you go off on an operation and it is deemed necessary to use a mortar, we use it.

1 There's the -- the leader says the chief says if he sees that a mortar has to be used, the
2 mortar is used for the progression.

3 But in our case we were told and the chief would say "Use a mortar to support the
4 people" and we do that. So if ever, if ever you are asked to begin firing, you begin
5 firing. So it is the commanding officer. But the order doesn't come directly from
6 him because he doesn't say fire at that particular time.

7 Q. [10:36:24] Do you remember being questioned by the OTP about this particular
8 matter?

9 A. [10:36:34] I remember.

10 Q. [10:36:38] Paragraph 126 of the statement: "It was only on the orders of the
11 commanding officer that we could fire 120 millimetre shell."

12 A. [10:36:53] That's what I told you. If the commander told you, if he deemed it
13 necessary to use, we would fire. We didn't have 120s at all positions.

14 Q. [10:37:11] To your knowledge, during the post-election crisis, what did the
15 commanding officer tell you about using these weapons?

16 A. [10:37:30] To fire -- we were, we were under fire, we were under enemy fire, and
17 if we didn't react -- it was war, we were at war, so he told us to return fire. And we
18 had heavier weapons, slightly heavier weapons. For example, let's say opposite an
19 AK, and I have a 12.7 double-barrelled gun. We had greater fire power so we had to
20 use it.

21 Q. [10:38:06] And indeed let us talk about this point you just mentioned. The
22 Invisible Commando, to your knowledge what kind of weapons did they have in
23 Abobo?

24 A. [10:38:21] Kalash, RPGs.

25 Q. [10:38:35] And you as a member of the BASA using heavy weaponry did you

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1 know whether the RPG was considered to be a heavy weapon?

2 THE INTERPRETER: [10:38:45] Inaudible. Message from the interpreter: Could
3 the witness repeat his last reply.

4 PRESIDING JUDGE TARFUSSER: [10:38:51] Please repeat. The interpreters didn't
5 get the last reply.

6 THE WITNESS: [10:38:58] The RPG is not a heavy weapon.

7 MR MACDONALD: (Interpretation)

8 Q. [10:39:06] Indeed. When facing people who have AK-47s --

9 A. [10:39:17] Or RPGs.

10 Q. [10:39:19] -- or RPGs. And going by the training that you received, what kind
11 of weapons should be used, generally speaking?

12 MR KNOOPS: [10:39:39] Objection. Calls for an opinion, objection.

13 MR MACDONALD: [10:39:42] It doesn't call for an opinion, your Honour, because
14 I am asking him within his training.

15 PRESIDING JUDGE TARFUSSER: [10:39:47] No, it does not call for an opinion, it's
16 a -- please go ahead.

17 MR MACDONALD: [10:39:54] (Interpretation)

18 Q. [10:39:57] Thus, Mr Witness, I would like -- well we have nearly finished. I
19 would like you to tell us, when facing people with AK-47s what does your training
20 tell you, what kind of weapon do you use to retaliate?

21 A. [10:40:22] Equal weapons. You can't use heavier weapons than the enemy
22 because that is against the law.

23 Q. [10:40:39] *Indeed, if you return fire from an AK-47 with a 20 mm bitube, is
24 there also defragmentation when you use a 20 mm bitube ?

25 THE INTERPRETER: [10:40:52] Overlapping.

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1 A. [10:40:53] Affirmative.

2 THE INTERPRETER: [10:40:55] The witness has said affirmative.

3 A. [10:40:57] Affirmative. The dual barrelled, if it doesn't hit the target it breaks
4 up, it defragments 2 kilometres away.

5 MR MACDONALD: (Interpretation)

6 Q. [10:41:20] But if you use it 20 metres from a target?

7 A. [10:41:23] Well I'm telling you, *when the 23 mm shell doesn't hit the target, if it
8 doesn't hit the target *it breaks up, it explodes, it defragments. *But the range or the
9 radius of the 23 mm is 2 kilometres with a direct shot, and up to 2.5 kilometres with a
10 slanting shot. If it doesn't hit the target it breaks up.

11 Q. [10:41:53] So this machine gun mounted on top of a four-by-four in relation to an AK-47?

12 A. [10:42:09] Heavier. *But the 12.7 weapons really aren't artillery weapons. Even
13 the 20 mm canon is an infantry weapon. And since we were the infantry, the
14 commanding officer wanted all of that to be with us. Otherwise the 12.7, there aren't
15 really -- 12.7s really aren't artillery weapons, *but they were used quite a lot.

16 Q. [10:42:33] And you also made reference to the law as part of your training. The
17 members of the BASA, did you receive training in international humanitarian law?

18 A. [10:42:49] Everyone had such training.

19 Q. [10:42:54] Very well. Just to conclude, Mr Witness. To your knowledge did
20 Commander Dadi, did he have a position as an adviser to the president, to President Gbagbo?

21 A. [10:43:21] No, not in theory. He was the -- he was an adviser to the president but
22 he didn't go and see *the President to tell him, look, look... He was the -- well, he
23 was -- he was the adviser about firing. *That is what we are taught in school. He was the
24 firing adviser. But I don't think -- but I don't think *the President would be saying do
25 this or do that. *The President is not a soldier." Maybe with -- maybe with a general.

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1 *For example, Dogbo, a general might say something about being able to hold a
2 particular position or not, the fire power he has, and that he can do this or do that.

3 Q. [10:44:10] Do you know whether colonel -- whether the colonel and the
4 president were close to one another?

5 A. [10:44:26] I don't know.

6 Q. [10:44:26] Do you remember being interviewed about this when the statement
7 was taken, when the OTP took a statement from you?

8 A. [10:44:35] I no longer recall.

9 Q. [10:44:38] I would like to refer the Chamber to paragraph 27. I beg your
10 pardon, paragraph 29. The last line of this paragraph:
11 "And yet I know that Dadi was very close to President Gbagbo." Do you remember
12 saying that? Do you remember saying that?

13 MR GBOUGNON: [10:45:25] (Interpretation) No, your Honour.

14 PRESIDING JUDGE TARFUSSER: [10:45:25] No, no, no. Please sit down. No.

15 This is a formal confronting the witness with a prior statement. No, please.

16 Otherwise, otherwise we have to take the witness out.

17 MR GBOUGNON: [10:45:47] (Interpretation) Your Honour, if necessary, your Honour.

18 PRESIDING JUDGE TARFUSSER: [10:45:56] You should know if it's necessary.

19 MR GBOUGNON: [10:46:01] (Interpretation) Yes, because, because here --

20 PRESIDING JUDGE TARFUSSER: [10:46:05] Yes, it is. Let's bring the witness out.

21 (The witness stands down)

22 PRESIDING JUDGE TARFUSSER: [10:46:28] Maître Gbougnon.

23 MR GBOUGNON: [10:46:29] (Interpretation) Yes, your Honour. First of all, I
24 would like to point out that the -- you see, I have been criticised several times for not
25 reading out entire passages. But in this case I think this paragraph really should

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1 have been read out in its entirety from the beginning to the end.

2 PRESIDING JUDGE TARFUSSER: [10:46:51] Okay.

3 MR MACDONALD: [10:46:51] I have no objections with that your Honour.

4 PRESIDING JUDGE TARFUSSER: [10:46:54] Okay, we will read it out from the
5 beginning to the end. The witness can come in again.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE TARFUSSER: [10:47:16] It is 29, right?

8 MR MACDONALD: [10:47:37] (Interpretation)

9 Q. [10:47:44] Now to refresh your memory I would like to read out the entire
10 paragraph to you. This is paragraph 29, quote: "I know that Dadi had his
11 instructions directly from the presidency. But I can't tell you whether Dadi received
12 orders directly from President Laurent Gbagbo or Dogbo Blé because Dadi did not
13 talk about what he discussed with the president. Normally, it was Dogbo Blé who
14 was responsible for the president's security and who gave instructions to Dadi. Yet I
15 do know that Dadi was very close to President Gbagbo."

16 My first question: Do you remember saying that to the investigators from the OTP?

17 A. [10:48:56] Yes.

18 Q. [10:48:56] Second question: Is this the truth at the time you said that?

19 A. [10:49:04] Yes.

20 Q. [10:49:06] Third question: "And yet I know that Dadi was very close to President
21 Gbagbo." How did you know that, that Dadi was very close to President Gbagbo?

22 A. [10:49:21] First of all, there is a mistake.

23 When I say "presidency" *I am always referring to the GR. When the Commanding
24 officer says "I'm going to the presidency", to us soldiers, it means GR, because it
25 would be the general there, General Dogbo Blé. If he went to see the president, I

1 wouldn't know, but when I talk about the presidency I mean it in a military kind of
2 way. So when I talk about the presidency -- *if Dadi says I'm going to the presidency,
3 when I'm going to the presidency or I left the presidency, for us that means he went to
4 see the general, or at least for me, that's what it means.

5 Q. [10:50:22] I beg your pardon, Mr Witness. So you define the presidency in
6 a certain way. Would you like to add something else about "very close to the
7 President Gbagbo"?

8 A. [10:50:39] *Well, when I say "very close", I mean that he worked a lot, he liked
9 him a lot. I have to say that. He liked him very much. I don't know whether they met
10 -- I don't know. When Dadi was speaking, I don't know whether he meant he had
11 seen the President. Since he talked a lot, he said many things. But surely the President
12 could maybe have already met with him once or twice, given that he was an
13 influential person, but I really don't know.

14 Q. [10:51:23] Very well.

15 I must clear up one last point before handing over to others. Now earlier this
16 morning mention was made of the distribution of AK-47s, and I asked you to situate
17 that in time. And you didn't have a date but you made a reference to the arrest of
18 Mr Gbagbo on 11 April, before or after, and you said "after". I'd like to return to this
19 point, the moment in time.

20 Do you remember that you were questioned about this by the investigators from the
21 OTP? And do you remember specifying or making an association between events?

22 MR O'SHEA: [10:53:02] Can we have the paragraph number, please. Can we
23 please have the paragraph number that my learned friend is referring to.

24 MR MACDONALD: [10:53:12] Before I haven't mentioned any paragraph. I will
25 get there, but I first ask questions.

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1 PRESIDING JUDGE TARFUSSER: [10:53:17] Not the paragraph, the way -- you are
2 referring to part of the statement of this morning.

3 MR MACDONALD: [10:53:24] You mean you want the reference in the record.

4 PRESIDING JUDGE TARFUSSER: [10:53:29] Yes, yes, I think so.

5 MR MACDONALD: Sorry.

6 PRESIDING JUDGE TARFUSSER: [10:53:31] You were referring now --

7 MR MACDONALD: [10:53:32] I think it's page 19, line 18, in the English one.

8 If you allow me one second, your Honour, because I cannot find the information that

9 I'm looking for. I know it's in the statement but I don't have the correct paragraph.

10 If you allow me just a second.

11 Sorry, your Honour.

12 Q. [10:54:37] (Interpretation) Mr Witness, do you remember that you were
13 questioned by the OTP about this?

14 A. [10:54:45] About what?

15 Q. [10:54:51] About the handing out of weapons?

16 A. [10:54:53] Yes.

17 Q. I realise that we were talking about that in private session, but right now we are
18 in open session, so we are trying to pinpoint this in time and space. Now do you
19 remember specifying the period of time during which the weapons were first handed
20 out?

21 A. [10:55:20] Yes.

22 Q. [10:55:22] And what did you say?

23 A. [10:55:24] I said "after".

24 Q. [10:55:25] Very well.

25 With the permission of the Chamber I would like to refresh the witness's memory

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1 with the assistance of his statement. Paragraph 162 of the statement, at page 1538
2 and paragraph 164. I would like to use these two paragraphs together.

3 MR KNOOPS: [10:56:07] This is not a matter of refreshing memory, this is a matter
4 of confronting the witness with a contradictory statement.

5 PRESIDING JUDGE TARFUSSER: Yes, absolutely.

6 MR KNOOPS: If that's the Prosecution's intention. So it is not refreshing. The
7 witness clearly under oath said twice after the president's arrest.

8 PRESIDING JUDGE TARFUSSER: [10:56:24] Yes. Yes. Yes, you are right. It is
9 confronting the witness.

10 MR MACDONALD: [10:56:25] But the first step of confrontation is reminding the
11 witness what he said previously.

12 PRESIDING JUDGE TARFUSSER: [10:56:31] No, no, no. Of course. No. First, if
13 he says "I can't recall" then you refresh. If he says something, "no, I don't know" or
14 he says something contradicting what he says before, then it's confronting.

15 MR MACDONALD: [10:56:46] Okay, all right. I'll --

16 PRESIDING JUDGE TARFUSSER: [10:56:50] Please.

17 MR MACDONALD: [10:56:50] I look at the time.

18 PRESIDING JUDGE TARFUSSER: [10:56:52] Yes. Confront him.

19 MR MACDONALD: [10:56:55] All right.

20 PRESIDING JUDGE TARFUSSER: [10:56:56] Please.

21 MR MACDONALD: [10:56:58] Because it may go over. Just the reading will take
22 more than the hour and a half, I mean the 11 o'clock, will go beyond 11. I'm
23 just -- I'm just indicating that, your Honour. I am happy to continue until you wish
24 to continue. But we can also pause here and come back at 11.30. And it's the last
25 topic, it's the last thing, and then -- that's what I am indicating, because just to read

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1 and deal with that it's going to take.

2 PRESIDING JUDGE TARFUSSER: [10:57:25] Okay, I think we pause and we come
3 back at 11.30. The hearing is adjourned.

4 THE COURT USHER: [10:57:37] All rise.

5 (Recess taken at 10.57 a.m.)

6 (Upon resuming in open session at 11.34 a.m.)

7 THE COURT USHER: [11:35:08] All rise.

8 Please be seated.

9 PRESIDING JUDGE TARFUSSER: [11:35:19] Good morning again.

10 Mr Prosecutor.

11 MR MACDONALD: [11:35:34] Thank you, your Honour.

12 Q. [11:35:40] (Interpretation) Now, Mr Witness, we are in open session. And I
13 would like to come back to paragraph 162 of your statement with regard to placing in
14 time the distribution of weapons. And here we have it, quote:

15 "After Duékoué was taken by the rebels, the young people in my neighbourhood
16 came to pick up weapons. It is not that they did so spontaneously, they were called.
17 The call was made at the La Fonction Agora and was made by people from the COJEP
18 whose names I do not know. I was not at the Agora when they made this call but
19 the young people from my neighbourhood told me this because they were all armed
20 with Kalashnikovs." End of quote.

21 Do you remember having told the Office of the Prosecutor this?

22 A. [11:37:10] Yes, indeed.

23 Q. [11:37:10] Was it the truth?

24 A. [11:37:11] Yes, indeed.

25 Q. [11:37:13] Do you recall the incident of Duékoué and the date at which this

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1 incident occurred?

2 A. [11:37:33] It was before the president was arrested.

3 Q. [11:37:38] Thank you, Mr Witness, that was the last question that I had to put to
4 you. I would like also to thank for you for your patience.

5 And I would like especially to thank the Chamber for its patience, its indulgence
6 towards me. And I would like to apologise once again if, in the heat of the action, I
7 get carried away.

8 Of course, once again, it is not that I seek to be disrespectful. Far from it.

9 PRESIDING JUDGE TARFUSSER: [11:38:07] This happens also to me, but I try to
10 control myself as much as I can.

11 Now the floor is to the Legal Representative Victims. Mrs Massidda.

12 MS MASSIDDA: [11:38:24] Thank you, your Honour. Good morning. I would
13 like to address with the witness a few issues which have been discussed yesterday in
14 private session. However, I do not think that we will need to go into private session.

15 PRESIDING JUDGE TARFUSSER: [11:38:51] Just go ahead, please.

16 MS MASSIDDA: [11:38:53] Thank. I will ask eventually the
17 Office of the Prosecutor to give me a sign if they think that some issue should be dealt
18 with in private session.

19 QUESTIONED BY MS MASSIDDA: (Interpretation)

20 Q. [11:39:07] Good morning, Witness.

21 A. [11:39:09] Good morning, Madam.

22 Q. [11:39:11] We did not have the opportunity to meet each other because I was not
23 present at the courtesy meeting.

24 My name is Paolina Massidda and I am counsel for the victims participating in the
25 proceedings.

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1 I would like to, with you, come back to a subject that you broached yesterday
2 afternoon with the Office of the Prosecutor.

3 During yesterday's hearing you explained to us that having a northern-sounding
4 name was a cause for concern.

5 And I repeat what you said yesterday, this is page 86 of the non-edited version of the
6 French transcript from lines 22 onwards. And I quote:

7 "Okay, having a northern-sounding name was a cause for concern. Why was that?
8 Because we thought to ourselves that people thought that the Invisible Commando
9 was going to come to Yopougon and was going to -- the Invisible Commando, these
10 were people from the north, that they were going to come to the Yopougon and that
11 they were going to commit small acts of sabotage. So we needed to make sure that
12 they did not arrive." End of quote.

13 Mr Witness, with the exception of this fear of acts of sabotage occurring, to your
14 knowledge, were there any further reasons that would mean that people from the
15 north, as you said in your statement yesterday, were under some form of -- were
16 checked over or there were any --

17 THE INTERPRETER: Overlapping speakers.

18 PRESIDING JUDGE TARFUSSER: [11:41:38] Maître Gbougnon.

19 MR GBOUGNON: [11:41:40] (Interpretation) Really we are in speculation here,
20 Mr President, because the reasons that he will be giving here will of course be his
21 opinion.

22 MS MASSIDDA: [11:41:53] (Interpretation) This is not a speculation, it is a fact. But
23 if the Presiding Judge so wishes I can rephrase.

24 PRESIDING JUDGE TARFUSSER: [11:42:04] No, it is a fact. So please go ahead.

25 MR KNOOPS: [11:42:07] Mr President, I was brought under the impression that the

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1 LRV would abord two subjects which would not have been raised by the Prosecution.
2 That was the ruling of this court. So what the LRV is doing is re-examining the
3 witness on the same topic. And the court gave only leave for two subjects, which
4 allegedly would not have been raised by the Prosecution. And what LAV is doing is
5 taking the same transcript and asking questions which could be raised in
6 re-examination. But it's not a new topic, Mr President, and the court gave leave only
7 for these two topics, which presuppose that they were not aborded by the Prosecution.
8 So the LRV is not --

9 PRESIDING JUDGE TARFUSSER: [11:42:56] I have understood. I just try to find
10 the decision we took yesterday, so.

11 MR KNOOPS: [11:43:03] Well that's the way it was presented to the court.

12 PRESIDING JUDGE TARFUSSER: [11:43:06] Yes, I am trying to find and read what
13 we decided yesterday, if I may.

14 MS MASSIDDA: [11:43:29] Mr President, I'm sorry, but this specific issue was not
15 explored by the Office of the Prosecutor, and my request was, if I recall correctly the
16 transcript, to the extent that the targeting of the civilian population has not been
17 adequately covered by the Office of the Prosecutor, of course adequately in the sense
18 of not covering the specific interest of victims in these proceedings.

19 But again, if it helps, I can reformulate the question, your Honour.

20 MR KNOOPS: [11:44:25] It's not about the question, this is about the subject.

21 PRESIDING JUDGE TARFUSSER: [11:44:34] "In the view of the Chamber the
22 common legal representative has adequately explained yesterday how the issues that
23 she wishes to address with witness relate to the interest of the participating witness.
24 The Chamber also does not consider that the legitimate interest of the other
25 participants, in particular of the Defence, are anyhow affected and therefore grants

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1 the request."

2 THE INTERPRETER: [11:44:51] Please read slowly.

3 PRESIDING JUDGE TARFUSSER: [11:44:54] Yes, but it is just. I reread -- it is in
4 T-81, page 1 and 2 from the unedited English transcript.

5 I would ask Ms Massidda to go ahead. It is not a specific -- the decision is quite open
6 as long as the interests of the -- the legitimate interest of the participants are not
7 affected and the interests of the participating witnesses are covered.

8 So please.

9 MS MASSIDDA: [11:45:43] Thank you, Mr President

10 Q. [11:45:46] (Interpretation) Mr Witness, do you want me to put the question
11 again or can you remember it?

12 A. [11:45:51] Can you please start again.

13 Q. [11:45:56] So I have just read part of the transcript from yesterday in which you
14 furnish reasons for which people from the north, as you call them, were stopped,
15 checked, and violent acts were committed against them.

16 And my question is as follows: With the exception of the fear that you voiced,
17 notably that they might be people from the Invisible Commando, were there any
18 other reasons why the people from the north were stopped, checked, and crimes
19 committed against them?

20 A. [11:46:37] Well, I didn't say -- well, people, you know, people were mad during
21 that period. And you know that very often the northern-sounding names are
22 associated with Alassane Ouattara and the western-sounding names associated with
23 President Gbagbo. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted) You know, in Abobo

3 they say that is and RDR bastion, Yopougon is an FPI bastion. It's with regard to the
4 names.

5 However, you can find Muslim-sounding names, or -- well not Muslim -- or
6 northern-sounding names who can be FPI. But --

7 THE INTERPRETER: Inaudible.

8 MS MASSIDDA: (Interpretation)

9 Q. [11:48:05] Mr Witness, yesterday you also made reference to the case of
10 a gentleman who was killed.

11 MR MACDONALD: [11:48:14] I would recommend that we go in private session,
12 your Honour, because it's too close to home. And actually I will make --

13 PRESIDING JUDGE TARFUSSER: [11:48:24] Okay, let's go in private session.

14 MR MACDONALD: [11:48:27] And I would like to make an intervention in closed
15 session just before handing the floor back to my colleague on this issue.

16 (Private session at 11.48 a.m.)

17 (Redacted)

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19 (Redacted)

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5 (Open session at 11.58 a.m.)

6 THE COURT OFFICER: [11:58:02] We're in open session, your Honour.

7 PRESIDING JUDGE TARFUSSER: [11:58:06] Thank you very much.

8 Now, Mr Witness, the floor is to the Defence of Mr Gbagbo first, and when they are
9 finished of Mr Blé Goudé. And therefore I give the floor to Maître Altit.

10 MR ALTIT: [11:58:21] (Interpretation) I thank you, Mr President. A few seconds of
11 organisation.

12 QUESTIONED BY MR ALTIT: (Interpretation)

13 Q. Good morning, Mr Witness.

14 A. [11:59:41] Good morning, sir.

15 Q. [11:59:47] My name is Emmanuel Altit and I am lead counsel for Laurent
16 Gbagbo. I shall be putting some questions to you and I would be grateful if you
17 were to answer them in a precise and concise manner. All right?

18 A. [12:00:12] Yes, indeed.

19 Q. Thank you. I will be followed in this undertaking by Mr O'Shea who shall take
20 on the reins after me, okay?

21 A. [12:00:28] Yes.

22 MR ALTIT: [12:00:29] (Interpretation) Your Honour, if we could go into private
23 session, please.

24 PRESIDING JUDGE TARFUSSER: [12:00:34] Let's go into private session.

25 (Private session at 12.00 p.m.)

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19 (Open session at 12.32 p.m.)
20 THE COURT OFFICER: [12:32:42] We are in open session, your Honour.
21 PRESIDING JUDGE TARFUSSER: [12:32:51] Thank you, very much. Maître Altit.
22 MR ALTIT: [12:32:56] (Interpretation) I thank you, Mr President.
23 Q. [12:32:59] Now, Mr Witness, I was just asking you, I was asking you whether
24 you had an idea as to what became of those individuals who had been arrested by the
25 FRCI. And you said that you did know; is that correct?

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1 A. [12:33:31] Well I have no idea.

2 Q. [12:33:33] Very well. You told us that in the area that you know the FRCI had
3 remained for quite some time, but you weren't very precise. Can you tell us until
4 when they remained?

5 A. [12:33:56] Well they went there progressively because the new government in
6 place had requested that they leave the locations that they had taken, so it took
7 a while. I can't really tell you the precise date, I apologise, because it was done
8 progressively.

9 You, at a given moment in time, we could no really longer see them in the streets like
10 beforehand, you know, in the 19th arrondissement or at the Hôtel Apoha. Rather,
11 we would see them in their area, in their area. Sometimes you would see them
12 driving around. They were in the 19th arrondissement and, when you went through
13 the 19th arrondissement, you could see them there.

14 Q. [12:34:50] The FRCI, were they organised in a military fashion?

15 A. [12:34:59] No. Well there were some leaders and then they just left them there
16 like that. It wasn't military fashion, because, you know, if you looked at them they --

17 THE INTERPRETER: [12:35:11] The witness trails off.

18 MR ALTIT: (Interpretation)

19 Q. [12:35:13] Do you mean by that that they did not respect any form of discipline?

20 A. [12:35:19] They had a leader in each area, if you like, who led them. It's not like
21 in the army where you know that it is a hierarchical structure. I don't really know
22 what their organisational chart was, but whenever we saw them in the street there
23 was always one person who was their leader, you see.

24 Q. [12:35:46] And these leaders, do you recall some of their names?

25 A. [12:35:51] The -- I don't really remember the name, but I have already talked to

1 him once. That was the leader of the 19th arrondissement. His name is in here
2 somewhere and if I remember --

3 Q. [12:36:08] It will come back to you.

4 A. [12:36:10] That was the 19th arrondissement.

5 Q. [12:36:17] These groups that were under the command of small-time leaders, if
6 you like; is that right?

7 A. [12:36:31] Yes.

8 Q. [12:36:32] Who were they obeying, hierarchically speaking?

9 A. [12:36:36] Well I don't know. I could just see what was going on in my
10 neighbourhood. I saw the people, but I can't tell you who was their commander.
11 I can't tell you that.

12 Q. [12:36:50] To your knowledge those groups, did they partake in any violent
13 acts?

14 A. [12:37:01] Probably. Surely. Surely. I say that because, you know, we were
15 in a neighbourhood where your brother or your father has been killed and then you
16 come back and you have this spirit of revenge. And there were lots of young people
17 who were frustrated and who returned and then they started to wear uniform. So I
18 thought to myself, of course, that they might seek revenge.

19 Q. [12:37:49] But yourself, you were not a witness to any violence?

20 A. [12:37:56] No.

21 Q. [12:38:03] With regard to the tension that existed in the neighbourhoods, you
22 told us previously that, and I shall quote this to you because then things will be
23 crystal clear.

24 MR MACDONALD: [12:38:32] (Interpretation) I do apologise, I would just like to
25 intervene. When we use the term "quartier" or "neighbourhood" and when we quote

1 excerpts that were spoken in closed session, this could be identifying. This is a
2 preventive measure on my part. But there we are, I just want to indicate this to my
3 learned colleague on a preventive basis.

4 PRESIDING JUDGE TARFUSSER: [12:39:04] Maître Altit, please just be aware that
5 this could, could lead to identification, if it was said in private session before, so.

6 MR ALTIT: [12:39:18] (Interpretation) Mr President, that is precisely what I was
7 going to do. And I do thank my learned colleague for his attention in the matter -- to
8 the matter. And now I am doubtful, whilst beforehand I was not.

9 Mr President, in order not to waste any time, let's go into private session. This will
10 stop the Prosecutor from being fearful. And then we will be able to broach a number
11 of points and put them to one side once and for all.

12 So please let's go in private session.

13 (Private session at 12.40 p.m.)

14 (Redacted)

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- 12 (Redacted)
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- 14 (Open session at 12.45 p.m.)
- 15 THE COURT OFFICER: [12:45:04] We're in open session. And if I may kindly
- 16 remind the counsel to switch off the microphone when the witness is speaking.
- 17 PRESIDING JUDGE TARFUSSER: [12:45:22] Also because the paper is touching on
- 18 the microphone so it -- we have it all the time in the ear. Thank you. So if you
- 19 could switch off and on it would be better. Thank you.
- 20 MR ALTIT: [12:45:50] (Interpretation) Yes, Mr President.
- 21 Thank you.
- 22 Q. [12:45:59] So we were talking about the attack upon this, these barracks. Can
- 23 you tell us a little bit more and, notably, when the first attack occurred?
- 24 A. [12:46:10] I don't really recall the dates, the dates.
- 25 Q. [12:46:15] More or less?

1 A. [12:46:17] I don't remember. I can't give you a date. I don't have dates.

2 Q. [12:46:26] Very well. Was it a long time after the second round of the
3 presidential elections, or not?

4 A. [12:46:39] Yeah, somewhat.

5 Q. [12:46:49] Very well. Could you tell us who attacked?

6 A. [12:47:03] The first gunfire came from an ONUCI aircraft.

7 Q. [12:47:17] Very well.

8 A. [12:47:19] Helicopter.

9 Q. [12:47:23] A ONUCI helicopter?

10 A. [12:47:26] Yes.

11 Q. [12:47:26] That fired upon the barracks, so that we understand?

12 A. [12:47:30] The first gunfire hit the closed garage where our ammunition was,
13 that's where they fired. And then they -- well, they fired upon the closed garage
14 where our ammunition was stored. And it exploded.

15 Q. [12:47:57] Did it explode?

16 A. [12:47:59] Yes, it exploded. And then everything caught fire and the camp
17 went up in flames.

18 Q. [12:48:05] So we can understand correctly, so tell me, you say that an ONUCI
19 helicopter fired --

20 A. On the inside.

21 Q. [12:48:15] -- on the ammunition depot?

22 A. [12:48:16] Yes, yes.

23 Q. [12:48:21] Okay. And that the ammunition exploded and that the fire spread to
24 the camp.

25 A. [12:48:27] The shells, when things started to explode, then the shells started to

1 fall on the offices, on -- how do you call it? -- the foyer, because there has -- you know,
2 if you looked at the photos you can see the -- the bullet marks.

3 And they also fired upon the positions that we had in the camp under the dual-barrel
4 guns, because the dual-barrel guns were trying to retaliate and they had the position
5 of our dual-barrel guns. And after that, during the night there was the attack by the
6 helicopters that started to fire upon the dual barrels. There were three of them.
7 There was one at the entry at the gate and there were two others behind the camp, so
8 they fired at the various positions.

9 Q. [12:49:50] So let us understand things correctly, "they," so it wasn't always that
10 same helicopter, was it?

11 A. [12:49:59] No.

12 Q. [12:49:59] So who was it?

13 A. [12:50:01] It was the Tiger helicopter, the French Tiger helicopter. I say it's the
14 French because, you know, it had the "UN" written on it so I thought it was the
15 French.

16 Q. [12:50:15] So if I understand you correctly there was an attack conducted by the
17 ONUCI helicopter, followed by a French helicopter; is that correct?

18 A. [12:50:27] Yes.

19 Q. [12:50:27] And the result of that attack, as you said to us earlier by virtue of the
20 fact that the ammunition store was hit, then the camp was bombed, was it?

21 A. [12:50:40] Yes, it was completely wrecked.

22 Q. [12:50:45] Wrecked. And you said that the attack by the French helicopter, if I
23 have understood you correctly, was more targeted at the dual-barrel position?

24 A. [12:51:00] Yes, on those dual-barrel positions, those who knew the position of
25 those dual barrels, yes.

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1 Q. [12:51:12] Where did they know the position of these dual barrels?

2 A. [12:51:16] I would not be able to tell you, but that they were firing at the position
3 where those dual barrels were, to such an extent that we were not able to use those
4 dual barrels. These double barrels are against aircraft flying at low and medium
5 altitude and we were able to defend ourselves, normally speaking, with that. But
6 unfortunately, by virtue of the fact that they were shelling those two positions we
7 were not able to.

8 Q. [12:51:51] I understand. In fact you are telling us, and stop me if I am wrong,
9 you are saying that they were targeting the double barrels because these were
10 antiaircraft weaponry?

11 A. [12:52:14] Yes.

12 Q. [12:52:16] Hence my question now, did you defend yourselves against that air
13 attack in any way?

14 A. [12:52:22] No, because it was only the dual barrel that was able to retaliate.
15 Because they were pounding that position, they knew the position of the
16 double-barrel guns. So, of course, the people who were there left. They weren't
17 able to retaliate, they weren't able to fire or to return fire.

18 Q. [12:52:49] You say they left, they fled?

19 A. [12:52:52] Yes, the position.

20 Q. [12:52:54] They didn't desert? They didn't flee?

21 A. [12:52:57] No, they didn't desert. They, they left the square or the position.

22 Q. [12:53:06] And that was the first attack. Were there any victims?

23 A. [12:53:14] Bizarrely, no. Quite honestly. At the BASA, no.

24 Q. [12:53:24] Okay, okay. And remember that we are in open session.

25 A. [12:53:30] Yes.

1 Q. [12:53:33] Were there any other attacks after that first attack?

2 A. [12:53:40] Yes, indeed.

3 Q. [12:53:45] So you are talking here about the second attack?

4 A. [12:53:50] This was the Tiger that came back again, the helicopters.

5 Q. [12:53:58] The helicopters that you say were probably French; is that right?

6 And when was that? I know it's complicated, but between the first and the second
7 attack how many days went by?

8 A. [12:54:18] It was the next day.

9 Q. [12:54:21] Oh, it was the next day, was it? And in that regard, when speaking
10 of the first attack, did you or do you not recall the approximate date?

11 A. [12:54:31] It was during the same period. They were pounding more or less
12 everywhere.

13 Q. [12:54:37] Who was "they"?

14 A. [12:54:39] The French.

15 Q. [12:54:41] Very well. And they were shelling whom?

16 A. [12:54:48] The presidency and the president.

17 Q. [12:54:52] Very well. So that second attack took place on the next day; is that
18 correct?

19 A. [12:55:03] Yes.

20 Q. [12:55:04] And what happened, in brief?

21 A. [12:55:08] Well, the same thing. They were firing at the various positions,
22 because the people came to -- back to the same positions, they didn't abandon ship.

23 Q. [12:55:21] And what was the result? The result of these attacks?

24 A. [12:55:26] For the camp?

25 Q. [12:55:27] Yes.

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1 A. [12:55:28] Nothing. We didn't have any deaths in the camps, there were not
2 any deaths, there were no deaths.

3 Q. [12:55:39] Now you're in open session, so in terms of equipment, what were the
4 results of that, those two consecutive attacks? What happened? Was there any
5 equipment?

6 A. [12:56:01] They didn't hit the equipment as such. When they fired they were
7 firing at the position, but they fired just to the one side. They fire and then they, they
8 fly off. So at that moment in time the equipment was not hit. At that time the
9 equipment was not hit.

10 Q. [12:56:29] Yes, yes. But the double-barrelled guns weren't?

11 A. [12:56:35] Well not at that moment in time to my knowledge.

12 Q. [12:56:38] And afterwards?

13 A. [12:56:40] Afterwards?

14 Q. [12:56:41] And the -- and the double barrels, were they hit? Were the
15 double-barrel guns hit?

16 A. [12:56:53] No.

17 Q. [12:56:54] Very well. When you say "not at that moment in time," was there
18 a third attack?

19 A. [12:56:59] No. Well not to my knowledge, because after that I was not privy to
20 any further information.

21 Q. [12:57:08] Is that because you left?

22 A. [12:57:10] No. The information that I had was information from people who
23 were positioned with the double-barrelled guns in the camp.

24 Q. [12:57:22] Very well. Now we're speaking in general terms here, right? Okay.
25 So there was a second attack and all the personnel who were present, did they remain

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1 in a camp after the second attack? What did they do? What happened?

2 A. [12:57:47] They were there, everyone was there.

3 Q. [12:57:49] So nobody left?

4 A. [12:57:51] Nobody. People only left when the commanding officer -- well, that
5 was the day when the president was arrested and the commanding officer said that it
6 was all over and that they could go home. But when I say "everybody" I mean, you
7 know, people started to move or leave one by one. Some went on their way, others
8 stayed. The commanding officer came and said, "Okay, it's finished. It's over. We
9 lost. You can go home."

10 MR ALTIT: [12:58:38] Mr President, I believe that it would probably be a good time
11 to rise.

12 PRESIDING JUDGE TARFUSSER: [12:58:44] Yes, I was waiting for the witness
13 finishing his answer in order to adjourn the hearing to 2.30 for the continuation of
14 your questioning.

15 The hearing is adjourned.

16 THE COURT USHER: [12:59:00] All rise.

17 (Recess taken at 12.59 p.m.)

18 (Upon resuming in open session at 2.32 p.m.)

19 THE COURT USHER: [14:32:38] All rise.

20 Please be seated.

21 PRESIDING JUDGE TARFUSSER: [14:33:04] Good afternoon.

22 Good afternoon, Mr Witness.

23 I give immediately the floor to Maître Altit.

24 And as he asks information of the Prosecutor when he finishes, now I do ask
25 obviously, without any push, but just to have an idea.

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1 MR ALTIT: [14:33:43] (Interpretation) Thank you, your Honour. First of all,
2 regarding the time required for our examination of the witness, we have one more
3 session today, and we think that we will spill into tomorrow's first session and
4 perhaps use the first session tomorrow, but most likely we will not exceed the second
5 session tomorrow, so still two more sessions, I would say.

6 PRESIDING JUDGE TARFUSSER: [14:34:43] Okay. Thank you very much. So
7 also to prepare the Defence of Mr Blé Goudé for this.
8 So, Maître Altit, yours the floor.

9 MR ALTIT: [14:34:57] (Interpretation) Thank you, your Honour.

10 Q. [14:35:03] Good afternoon, Mr Witness.

11 A. [14:35:13] Good afternoon.

12 Q. [14:35:14] A few moments ago -- rather, before the break, you were telling us
13 about some attacks that occurred in (Redacted); do you remember?

14 A. [14:35:28] Yes.

15 Q. [14:35:28] Do you remember an attack against the BAE?

16 A. [14:35:45] (Redacted), the BAE? Which one? Which BAE?

17 Q. [14:35:57] I beg your pardon?

18 A. [14:36:00] Which BAE?

19 Q. [14:36:02] Were there any attacks upon the BAE stationed in Yopougon, in
20 general terms?

21 MR MACDONALD: [14:36:11] No, I'm sorry, I'm very sorry but -- to do this, to
22 interrupt my colleague, but it's -- I would ask -- we would need to go into private
23 session, with your permission.

24 PRESIDING JUDGE TARFUSSER: [14:36:31] For this question?

25 MR MACDONALD: [14:36:33] For this question, yes. And I cannot say in public

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1 right now because, in and of itself, it would be revealing certain things. I would ask
2 the Chamber to trust the Prosecution, to go briefly in closed -- private session so that
3 we can explain what is happening.

4 PRESIDING JUDGE TARFUSSER: [14:36:57] Maître Altit.

5 MR ALTIT: [14:36:59] (Interpretation) No objections.

6 PRESIDING JUDGE TARFUSSER: [14:37:01] Let's go in private session.

7 (Private session at 2.37 p.m.)

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- 15 (Open session at 2.43 p.m.)
- 16 THE COURT OFFICER: [14:43:26] We are back in open session, Mr President.
- 17 PRESIDING JUDGE TARFUSSER: [14:43:30] Mr O'Shea, please.
- 18 QUESTIONED BY MR O'SHEA:
- 19 Q. [14:43:37] Yes, good afternoon, Mr Witness.
- 20 A. [14:43:39] Good afternoon.
- 21 Q. [14:43:43] We've met briefly at the courtesy meeting. I'm Andreas O'Shea. I'd
- 22 like to start by asking you with regard to your interview with the Prosecution, was
- 23 your interview recorded?
- 24 PRESIDING JUDGE TARFUSSER: [14:44:17] With the investigators of the
- 25 Prosecution?

1 MR O'SHEA: [14:44:21] Yes.

2 PRESIDING JUDGE TARFUSSER: [14:44:21] Otherwise, we make a confusion.

3 MR O'SHEA: [14:44:23]

4 Q. [14:44:24] Your interview with investigators before you came here, was it
5 recorded on tape or only by way of notes?

6 A. [14:44:33] As I was speaking, they were writing on their computer.

7 Q. [14:44:49] And do you remember how many people were questioning you; in
8 other words, how many people were putting questions as opposed to how many
9 people were present?

10 A. [14:45:13] I don't remember exactly, but I think there were three or four, but in
11 pairs.

12 Q. [14:45:36] And was it a situation where one person was questioning and then
13 another person took over and started questioning, or was it a situation where, among
14 those three people, they would each ask questions in a spontaneous manner?

15 A. [14:45:54] No. I was with one who would ask me questions right to the end.

16 Q. [14:46:05] And the questions that were put to you by the interviewers, were
17 those questions all of an open nature in the sense of "Tell us your story, what
18 happened," et cetera, or were there also questions where they put specific things to
19 you and asked you whether you agreed or not?

20 A. [14:46:42] It would depend. They were questions -- well, when I had to be
21 more specific, they asked me to be more specific about one particular part or another.

22 Q. [14:47:00] You were asked about a paragraph in your statement. The
23 Prosecution asked you about Dadi's relationship with President Gbagbo. And in
24 asking you that question, you basically put your position, and then the Prosecution
25 tried to confront you with a sentence in your statement, the sentence being

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1 (Interpretation) "Dadi was very close to President Gbagbo."

2 (Speaks English) Is it possible that the investigators or the interviewers have gotten
3 mixed up between the notion of President and Presidents in your answers to their
4 questions?

5 PRESIDING JUDGE TARFUSSER: [14:48:15] That's a speculation, "Is it possible?"
6 It's quite speculative, the question. How can he know?

7 MR O'SHEA: [14:48:24] Well, all right, your Honour, but he was there.

8 PRESIDING JUDGE TARFUSSER: [14:48:27] Yes, I know. You could ask --

9 MR O'SHEA: [14:48:38]

10 Q. [14:48:39] Are you sure that you said Dadi --

11 PRESIDING JUDGE TARFUSSER: [14:48:41] You could ask, "Which words did you
12 use, president or presidency?"

13 MR O'SHEA: [14:48:48] Yes.

14 Q. [14:48:53] Did you use the word "president" or "presidents" in talking about, in
15 using the word "proche," as far as you remember?

16 A. [14:49:05] I don't remember. When I say close, I don't mean that that they
17 would use "tu" to one another or that they would frequent one another. So it was
18 more I meant -- I was referring to faithfulness, loyalty.

19 Q. [14:49:54] There is another paragraph in your statement which was read out to
20 you as a means of confronting you with a different position from what you had said,
21 and it was paragraph 162 of your statement, which starts by saying (Interpretation)
22 "After Duékoué was taken by the rebels, the young people in my neighbourhood
23 came to get weapons."

24 Now, when it says "after" in that statement, was that in response to a question: Was
25 it after or before the taking of Duékoué?

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1 A. [14:51:24] I haven't understood your question.

2 Q. [14:51:29] Well, you gave evidence that weapons were taken after the arrest of
3 President Gbagbo, by people who were not military. And Prosecution counsel, in
4 order to confront you on what you'd said, cited a paragraph 162 of your statement.

5 A. [14:52:07] Yes.

6 Q. [14:52:08] And he read out the following, which I remind you, (Interpretation)
7 "After Duékoué was taken by the rebels, the young people in my neighbourhood
8 came to get weapons."

9 (Speaks English) And the Prosecution read that out in order to suggest that this taking
10 of Duékoué was a significant pillar in understanding when weapons were taken.
11 So I'm just trying to understand here whether there may have been a margin of error
12 in how your statement was taken down. And what I am asking you is, when the
13 sentence starts "apres," after, was that in response to a question from the interviewer
14 asking, trying to find out a time scale? So was the question put to you: Was this
15 after or before the taking of Duékoué?

16 A. [14:53:19] No, I don't think it was the investigator who asked me the question.
17 I must have been speaking spontaneously.

18 Q. [14:53:29] And when you said "after," were you trying to tie it in to Duékoué or
19 did you just mean after?

20 A. [14:53:46] After, after -- not after the actual taking of Duékoué, because after
21 Duékoué, they went to Daloa. When I say after Duékoué, I first -- well, that's where
22 the battle started. They went down to Duékoué and then to that other place, what
23 do you call it, Daloa, and then they came towards Abidjan. So I said after. I'm
24 talking about all that time.

25 I'm, I'm, I'm talking about just about after that period. Day J, after.

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1 Q. [14:54:31] Thank you.

2 MR O'SHEA: [14:54:33] For my next questions I'll go into private session, your

3 Honour.

4 PRESIDING JUDGE TARFUSSER: [14:54:37] Let's go into private session.

5 (Private session at 2.54 p.m.)

6 (Redacted)

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6 (Open session at 3.13 p.m.)

7 THE COURT OFFICER: [15:13:39] We are back in open session, Mr President.

8 PRESIDING JUDGE TARFUSSER: [15:13:48] Thank you.

9 Mr O'Shea.

10 MR O'SHEA: [15:13:51]

11 Q. [15:13:53] Now, if we take the year 2009 as a focal point for my questions, so
12 before the election process, how many men were there in total in the BASA?

13 A. [15:14:30] Well, I can't remember. I can't tell you that. In 2009, I couldn't
14 really tell you, I no longer recall.

15 Q. [15:14:47] And how many officers were there?

16 A. [15:15:03] I would say ten, ten, I would say. I'm not entirely sure.

17 Q. [15:15:52] Okay. And obviously bear in mind that we're now in public session,
18 okay? If you want to go into private session, let me know.

19 Of those ten or so officers, how many could be said to be from the north?

20 A. [15:16:30] Just one.

21 Q. [15:16:42] Can you please name the officers who you remember?

22 A. [15:16:48] The commanding officer, Dadi; commander -- second in command,
23 Goué; the chef BO Kouassi -- BOI Kouassi, he was head of the BOI; first battery, Assi.

24 PRESIDING JUDGE TARFUSSER: [15:17:55] Isn't this exercise identifying?

25 MR O'SHEA: [15:17:59] Not in my opinion, no, your Honour. We can go into

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1 private session to discuss whether it is if your Honour wishes.

2 PRESIDING JUDGE TARFUSSER: [15:18:11] Yes, but if he enumerates them all
3 then --

4 MR O'SHEA: [15:18:14] We'd better go into private session now, I think.

5 MR MACDONALD: [15:18:17] Just discussing it is problematic. Why don't we let
6 the witness decide if he needs to go into private session, like my colleague offered
7 him to do so? I think he's quite capable of --

8 PRESIDING JUDGE TARFUSSER: [15:18:28] Yes, yes.

9 Remember, you can ask me to go into private session if you think so.

10 THE WITNESS: [15:18:42] (Interpretation) Oh, I can give the names. I can give
11 the names.

12 PRESIDING JUDGE TARFUSSER: Okay.

13 THE WITNESS: [15:18:42] (Interpretation) Agnoro (phon) was the first, then Assi,
14 third, Traore, and each one of them had assistants or deputies. I don't know who
15 was in the -- but with non-commissioned officers, each battery commander had one
16 deputy. And then there was another officer aussi, officier trans and the deputy,
17 okay.

18 So you can say 12, I think 12. We should say 12 because I forgot, how do you call
19 that, the head of technical services and the deputy.

20 Q. [15:20:13] Now, among the men, during the post-electoral crisis or before, were
21 there situations where men basically gave up their post and deserted within the
22 BASA?

23 A. [15:20:41] Yes.

24 Q. [15:20:48] And can you give us a picture as to how big a problem this was?

25 A. [15:21:02] Well, I can't give you exact names, but there were always desertions

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1 because, you see, a desertion -- someone is not there. Okay, someone is not there.
2 And each day we take stock of the situation, and if someone is not there, we record
3 the person's absence. And this is considered a crisis; six days after that, you are
4 deemed to be a deserter.

5 Q. [15:21:45] And to your knowledge, did some of these deserters go to the other
6 side, as it were?

7 A. [15:22:05] Well, you have to situate me. You mentioned 2009. Now --

8 Q. [15:22:18] During the post-electoral crisis, or just before, is my time frame.

9 A. [15:22:34] Yes. During -- after the second round, we had -- there was one
10 officer who deserted, well, from his position, and there was someone else on the other
11 side who ended up at the Golf.

12 Q. [15:23:05] Can you put a name on the person you're thinking of at the moment?

13 A. [15:23:10] He was a second lieutenant. He didn't spend a lot of time at the
14 camp. Let me see.

15 THE INTERPRETER: [15:23:33] The witness is mumbling to himself. The
16 interpreter does not believe he gave a reply just now.

17 THE WITNESS: [15:23:39] (Interpretation) The name escapes me for now, but if I
18 remember, I'll tell you.

19 MR O'SHEA: [15:23:44]

20 Q. [15:23:44] That's all right, Witness.

21 A. [15:23:47] It wasn't a long time. He had just arrived. So we didn't really work
22 together very much. So there you have it. Chérif. Chérif.

23 Q. [15:24:04] Do you have the name or is that still escaping you?

24 A. [15:24:07] (No interpretation)

25 PRESIDING JUDGE TARFUSSER: [15:24:18] No, that's the name, Chérif, I think, is

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1 the name he recalls.

2 THE WITNESS: [15:24:22] (Interpretation) Maybe --

3 MR O'SHEA: [15:24:28]

4 Q. Yes, yes. No, I -- yes, I was just asking if you'd remembered the other name,
5 the person's other name.

6 PRESIDING JUDGE TARFUSSER: [15:24:34] No, I don't get it. He was talking for
7 one name and then he gave one name.

8 MR O'SHEA: [15:24:41] Most people have two or three names.

9 PRESIDING JUDGE TARFUSSER: [15:24:43] A second name, okay.

10 MR O'SHEA: [15:24:44] Yes.

11 THE WITNESS: [15:24:46] (Interpretation) The first name.

12 MR O'SHEA: [15:25:06]

13 Q. [15:25:07] Would you be able to hazard an approximate date as to the time of
14 desertion of this person?

15 A. [15:25:16] I couldn't tell you the exact date, but it was during the
16 blockade - during the blockade - because he was on duty and then --

17 THE INTERPRETER: [15:25:38] Inaudible.

18 MR O'SHEA: [15:25:40]

19 Q. [15:25:41] Did you maintain or did anyone else have any contact with this
20 person after desertion? And you may want to go into private session, I don't know.

21 A. [15:26:14] No. During. After the desertion, he came twice. After that, he
22 went off and we didn't see him again. When he left to the Golf, we didn't see him
23 again, and then later, after, you see, we were paid -- how should I explain? Well, we
24 got paid directly, you see, and that is when we saw another, one another. Just after,
25 just after the events, that's when we saw each other.

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1 PRESIDING JUDGE TARFUSSER: [15:27:10] "After the events" is always quite
2 indefinite. After?

3 THE WITNESS: [15:27:20] (Interpretation) After the arrest of President Gbagbo.

4 PRESIDING JUDGE TARFUSSER: [15:27:26] Thank you.

5 MR O'SHEA: [15:27:28]

6 Q. [15:27:32] So after the events, when you met this person, out of curiosity, did
7 you discuss with him what his situation was, what he was doing?

8 A. [15:28:05] We just talked to each other. I asked him why -- No. Well, we
9 didn't get into details. We saw each other, "Hi, hi, how are you."

10 Q. [15:28:17] Was he somebody who was in a position to give valuable information
11 to the rebels at the Golf at the time he deserted?

12 A. [15:28:32] He was an officer, he had information that the other officers also had.
13 So yeah, he could have.

14 Q. [15:28:57] Are you aware of situations where valuable information was passed
15 on to the rebels at the Golf from within the military units?

16 A. [15:29:28] I can't say so, given that they would do all these missions -- correction,
17 he went off on all these various missions. He had all kinds of information. Because
18 of the position he held, he could have given information.

19 Q. [15:29:55] Did it at any stage come to your knowledge - and when I say "at any
20 stage," I include after the events - did it at any stage come to your knowledge that
21 there were, within the BASA, spies?

22 A. [15:30:30] Yes, indeed. Well, in fact, the commanding officer was constantly
23 talking about this. He was asking us to follow the elements and to be very careful in
24 terms of communication, those who were constantly on the telephone at nighttime,
25 who would go places to talk. You had to be on your guard because, as I said, you

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1 had to make sure that nobody could give our position and give assistance to the
2 others to come and attack us.

3 Q. [15:31:24] When you were asked about this, these situations where people were
4 standing near you, I think I heard you say that you understood. Did you say you
5 understood?

6 A. [15:31:48] Around me when?

7 Q. [15:31:56] Well, you were talking about the fact that you felt, it was your
8 personal feeling, that there was a level of suspicion around you and that people stood
9 by you at a certain -- I don't want to say more than that at this stage, if you
10 understand me.

11 A. [15:32:17] Yes, I do understand what you are getting at.

12 MR O'SHEA: [15:32:23] I think I will go into private session at this point, yes.

13 PRESIDING JUDGE TARFUSSER: [15:32:27] Yes. Let's go into private session.

14 (Private session at 3.32 p.m.)

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- 10 (Open session at 3.36 p.m.)
- 11 THE COURT OFFICER: [15:36:55] We are back in open session, Mr President.
- 12 PRESIDING JUDGE TARFUSSER: [15:36:57] Thank you.
- 13 Mr O'Shea.
- 14 MR O'SHEA: [15:37:11]
- 15 Q. [15:37:11] Now, we're in open session. We try to be in open such as much as
- 16 possible because this is a public trial. But, obviously, be cautious in your answers
- 17 and tell me if you have any concerns, and we can go back into private session.
- 18 I want to ask you, if I may, about the position of the -- the position of the rebel, the
- 19 rebels. Now, as far as you know, how close were rebel positions to the new Camp
- 20 Akouédo?
- 21 A. [15:38:10] They were at the Golf.
- 22 Q. [15:38:19] And that's in, in terms of timing, when you say they were logés au
- 23 Golf, are you talking about the whole of the post-electoral period? At what point
- 24 were rebels outside the Golf?
- 25 A. [15:38:47] You mean inside the Golf?

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- 1 Q. [15:38:53] You said they were at the Golf.
- 2 A. [15:38:56] Oui.
- 3 Q. [15:38:56] Were there other positions except for the Golf during the
- 4 post-electoral period?
- 5 A. [15:39:01] Abobo. Abobo.
- 6 Q. [15:39:17] Anywhere else?
- 7 A. [15:39:29] Well, those are the two places.
- 8 Q. [15:39:37] And you've answered questions about the Commando Invisible, both
- 9 to the Prosecution and to Mr Altit. Were the Dozos part of the Commando Invisible,
- 10 or were they a separate group?
- 11 A. [15:40:01] I don't know. I don't know. I wasn't in that area.
- 12 Q. (Overlapping speakers) Did you hear about the Dozos?
- 13 A. Yes.
- 14 PRESIDING JUDGE TARFUSSER: [15:40:23] Yes, but the answer is coming on a
- 15 question which was not recorded.
- 16 MR O'SHEA: [15:40:34] The question, for the record, was: Did you hear about the
- 17 Dozos? And the answer was "Affirmative."
- 18 PRESIDING JUDGE TARFUSSER: [15:40:41] Yeah, yeah, yeah. The question was
- 19 not in -- recorded.
- 20 MR O'SHEA: [15:40:45] Your Honour, thank you.
- 21 Q. [15:40:51] So on the basis of what you heard from other military or other people,
- 22 what do you know about the Dozos?
- 23 A. [15:41:07] That they were fighting with the rebels.
- 24 Q. [15:41:17] And in what kind of numbers? Were they numerous or not?
- 25 A. [15:41:33] I had never seen any. Well, I had never seen any in the field. Well,

1 in the newspapers, yes.

2 Q. [15:41:50] Was there a degree of cooperation between ONUCI and the rebels?

3 A. [15:42:22] I don't know. But we, what we needed to do, we were told that,
4 what do you call it, that the ONUCI was supplying, that's what people were saying,
5 that the ONUCI were supplying the rebels and that they needed to be stopped from
6 doing so, and that whenever we had that information, we had to stop them.

7 Q. [15:42:59] Did you have information as to the nature and type of supplies which
8 the United Nations was providing or trying to provide?

9 A. [15:43:28] Well, I don't know. I just know that one time the vehicles had been
10 taken at Riviera II. It was food or rabbit, I think. They were going to go and give
11 some rabbit to people at the Golf. I don't know.

12 Q. [15:44:05] Now, at Abobo, you've described how the BASA went on patrols, and
13 the objective of those patrols was to essentially keep the peace, wasn't it?

14 A. [15:45:02] To keep peace, to make the population of Abobo secure.

15 Q. [15:45:09] And how regularly were those patrols attacked?

16 A. [15:45:16] Very often.

17 Q. [15:45:21] Can you try to be a little bit more precise, what you mean by "very
18 often"?

19 A. [15:45:35] Once or twice a week.

20 Q. [15:45:43] And when these attacks took place, what kind of strategies were being
21 used by the rebels in terms of where they attacked from?

22 A. [15:46:11] They would hide behind -- well, alongside the road, you see, there are
23 people who have little stalls or tables, little tables, stalls, and there they would put the
24 tables on top of one another along the side of the road. So you would be going by
25 and they would shoot at you from there, at the -- or at the buildings. It was not

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1 conventional warfare. It was more like they were snipers.

2 Q. [15:46:56] Did they use grenades?

3 A. [15:47:04] RPGs, a lot, they really liked using the RPGs.

4 Q. [15:47:13] And from a military point of view, how difficult or easy was it to
5 defend oneself against RPGs being fired from above?

6 A. [15:47:35] Very difficult, very difficult, especially when you don't see the enemy,
7 who can pop up from anywhere.

8 Q. [15:48:06] And these four-by-fours with the 12.7 millimetre guns mounted on
9 them, which you said were used by rebels as well, what is the --

10 MR MACDONALD: [15:48:26] I will formulate an objection. The context is
11 different between the questions asked by Mr Altit. The witness was referring to not
12 the Commando Invisible with 12.7 mounted on them this morning. So right now I
13 understand we're discussing the Commando Invisible. My colleague --

14 MR GBOUGNON: [15:49:03] (Interpretation) Your Honour, the witness is here.

15 MR MACDONALD: [15:49:08] If we have to, the witness can go out. It's just that it
16 hasn't been established -- well, it has been established by the Prosecution in its
17 examination what type of weapons the group we're talking about had. But my
18 colleague is going further and suggesting things that were not said by the witness in
19 his testimony so far. But he's using the word "rebels," my colleague is using the
20 word "rebels," which has not been defined with this witness, or it actually has. So it's
21 two different things.

22 If I'm not making myself clear, because the witness is here, then I would ask that we
23 kindly request the witness to be excused.

24 PRESIDING JUDGE TARFUSSER: [15:50:01] Yes. Mr Witness, can you go out.

25 Court usher, could you please accompany out the witness.

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1 And I think, I think that as we have only a few minutes to go, well, we'll see if we can
2 continue for a few minutes.

3 (The witness exits the courtroom)

4 PRESIDING JUDGE TARFUSSER: [15:50:31] Mr MacDonald.

5 MR MACDONALD: [15:50:32] The Commando Invisible is one thing. The FRCI
6 coming down and the battalion Abidjan and the type of vehicles, weapons they had,
7 is another. So far, in relations to the Commando Invisible, there is a mention of
8 AK-47 and RPGs, lance roquettes.
9 Now, my colleague is using the word "rebels" and he's saying the rebels had 12.7
10 mounted on vehicles. The witness said it's the FRCI that had that, never used the
11 word "rebels." It is my colleague that is suggesting. We're fudging Commando
12 Invisible and FRCI into one group. And the witness, so far, has not done so. So this
13 is why it is, by analogy, mixing two groups using all the weapons they may have,
14 these two groups separately, into one. And it could be misleading towards the
15 witness, so this is why I think it has to be rephrased in order to be clear with the
16 witness and not misleading him.

17 PRESIDING JUDGE TARFUSSER: [15:51:52] Mr O'Shea.

18 MR O'SHEA: [15:51:54] There is no need for me to respond. There is no need for
19 me to respond.

20 PRESIDING JUDGE TARFUSSER: [15:52:02] So I would ask you to rephrase, to put
21 the witness better into the picture, and then we continue.

22 MR O'SHEA: [15:52:09] Very well.

23 PRESIDING JUDGE TARFUSSER: [15:52:10] Okay. The witness can come in again.
24 But in fact I was thinking also what one understands on the "rebel," so --

25 MR O'SHEA: Your Honour, I'm not going to --

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1 PRESIDING JUDGE TARFUSSER: [15:52:43] I could give you evidence of my
2 thoughts, because I --

3 MR O'SHEA: [15:52:46] Yes, I'm not going to go down that particular path. If the
4 Prosecution wants to go down a definitional path, he can do so in due course. But
5 for my part, I don't need to.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE TARFUSSER: [15:53:01] Okay. So now we have another 5
8 minutes and then we close for today.

9 MR O'SHEA: [15:53:05] Yes.

10 Q. [15:53:07] Mr Witness, during the course of your testimony you have spoken
11 about machine guns, 12.7 millimetre mounted on four-by-fours. Is that something
12 which was seen in Abobo?

13 A. [15:53:40] No. I saw the 12.7s in Yopougon when I was going out, the first
14 vehicles I saw. In Abobo, it was more shooting with Kalashnikovs and also RPG-7s.

15 Q. [15:53:59] Thank you. Now, I just want to, while we're talking about this
16 vehicle, I want to ask you, from a military perspective, what kind of, what kind of
17 threat does one of these machine guns mounted on these four-by-fours, what kind of
18 threat does it present to military who are trying to defend themselves?

19 A. [15:54:38] I can't answer your question because I haven't really understood.

20 Q. [15:54:43] You've said that this was not -- you didn't observe this in Abobo, you
21 observed this in Yopougon. But I'm not, I'm not necessarily centring myself on
22 Abobo anymore. I'm simply asking the question: When the military is confronted
23 with a four-by-four, with a 12.7 mounted on the top, what kind of threat does that
24 present to a convoy?

25 A. [15:55:21] For the enemy, it's -- for the enemy, a 12.7, it's frightening. It's also a

1 weapon used for deterrence. But it depends on the weaponry opposite. You have a
2 Kalashnikov and I have a 12.7, the two weapons are equal. It's like having RPG-7 on
3 one side that you can fight with as well. You're not on an equal footing.

4 Q. [15:55:54] Now, coming back to Abobo, when the patrols were attacked, what
5 kind of numbers of men were they in the Commando Invisible who were attacking?
6 I mean, I know it depends from attack to attack, but was there a pattern in terms of
7 the numbers that were confronted?

8 A. [15:56:32] We couldn't see them because they were hidden. They would shoot
9 at us. They were hiding behind things and they would shoot at -- and they were
10 shooting at us. So we didn't see them. We just were being fired upon. So I can't
11 tell you how many there were. They were shooting from all directions, so I really
12 can't say how many people there were.

13 Q. [15:56:58] And what concrete steps did the patrols take when facing those kinds
14 of attacks?

15 A. [15:57:09] Well, you see, in the army, once you are being fired upon, you return
16 fire. And so you fire too, you fire, you return fire. You retaliate.

17 Q. [15:57:32] And in terms of the attacks that you know about from the Commando
18 Invisible on convoys in Abobo, how effective were those attacks from a military point
19 of view?

20 A. [15:57:44] Effective? Yes, I would say yes, because they did instil fear. When
21 you were told that you were going out that day to patrol, you were afraid because
22 you would go out and you didn't know where the enemy were. The enemy could
23 emerge from anywhere, so you were always on the alert, on edge. So they did instil
24 fear.

25 When you're told Abobo today, your group is going out, it wasn't an easy thing.

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- 1 MR O'SHEA: [15:58:28] If it's a convenient moment, your Honours.
- 2 PRESIDING JUDGE TARFUSSER: [15:58:32] It is a convenient moment. We
- 3 adjourn the hearing to tomorrow morning at 9.30 for the continuation of the
- 4 questioning by the Defence of Mr Gbagbo, and then we go over to the Defence of
- 5 Mr Blé Goudé.
- 6 The hearing is adjourned.
- 7 THE COURT USHER: [15:59:00] All rise.
- 8 (The hearing ends in open session at 3.59 p.m.)