

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 16 March 2017
10 (The hearing starts in open session at 9.02 a.m.)
11 THE COURT USHER: [9:02:29] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:02:45] Good morning.
15 Good morning, Mr Witness.
16 Good morning, counsel. I didn't know what was the reason for you not being here
17 yesterday, but it wasn't a good one.
18 MR VON BÓNÉ: [9:03:14] Yes, your Honour. It looks worse than it is.
19 PRESIDING JUDGE TARFUSSER: [9:03:18] Okay.
20 MR VON BÓNÉ: [9:03:19] It keeps the middle between Vincent Van Gogh and
21 Zorro, but it's okay.
22 PRESIDING JUDGE TARFUSSER: [9:03:25] But it was not the reason for what
23 you -- it was not the reason for your absence yesterday.
24 MR VON BÓNÉ: [9:03:29] Yes, this is absolutely.
25 PRESIDING JUDGE TARFUSSER: [9:03:31] Okay.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 MR VON BÓNÉ: [9:03:32] This is the reason why I couldn't come here.

2 PRESIDING JUDGE TARFUSSER: [9:03:37] Okay.

3 So good morning, Mr Witness. Sorry for this.

4 I give immediately the floor to the Office of the Prosecutor -- well, to the Defence for
5 Mr Gbagbo - sorry, it's early in the morning - to the Defence of Mr Gbagbo for the
6 questioning of the witness. Thank you.

7 MR ALTIT: [9:04:40] (Interpretation) Thank you, Mr President. Mr President, I've
8 been told that there is somewhat of a problem with the sound and the pictures.
9 Maybe someone can address that before we proceed.

10 (Pause in proceedings)

11 PRESIDING JUDGE TARFUSSER: [9:06:47] Everything okay, settled?

12 I think the issue for Mr Gbagbo has been settled, Mr Blé Goudé not. Therefore, I
13 ask -- you're okay, yes -- if we can start. Somebody has been called to fix your
14 problem. But I would like to know if in the meantime we can proceed; otherwise we
15 could have started at 9.30, there was no point to start at 9. Okay. Thank you very
16 much. Okay.

17 Mr Blé Goudé says yes or he's nodding. So thank you very much. Somebody is
18 coming to fix the problem, I was told.

19 And therefore I give the floor now to Maître Altit for his questioning.

20 MR ALTIT: [9:08:57] (Interpretation) Thank you, Mr President. Good morning,
21 Mr President. Good morning, your Honours.

22 WITNESS: CIV-OTP-P-0011 (On former oath)

23 (The witness speaks French)

24 QUESTIONED BY MR ALTIT: (Continuing)(Interpretation)

25 Q. [9:09:16] Good morning, Mr Witness. We shall proceed with our exercise, with

1 your leave. And I want to start by asking you a question relating to one of the
2 remarks you made at page 70 of the edited French transcripts of 10 March 2017, line
3 20. This is what you said:

4 "We would receive from time to time courtesy visits from ONUCI officials at the
5 supreme command at general staff and at the police. They would come to our
6 barracks to check our equipment, our weapons and our materials."

7 This is my question for you: When did these visits start?

8 A. [9:10:16] From the time the ONUCI came to Côte d'Ivoire, it was agreed that the
9 ONUCI forces would periodically visit the barracks, the gendarmerie barracks and
10 military barracks. And whenever they came on such visits, they would report as to
11 whether everything was in order. And as far as I know, everything was in order.

12 Q. [9:10:49] Very well. The officers who came to inspect the barracks and to visit
13 you, did they -- were there any French officers among them?

14 A. [9:11:05] No. To the best of my knowledge, no. France was not part of
15 ONUCI.

16 Q. [9:11:13] As far as you know, those ONUCI officers or any other officers, did
17 they also check the weaponry of the rebels or, to be specific, the Forces Nouvelles or
18 the former rebels in the north of the country? And then when the ex-rebel
19 contingents were sent to the Golf, did they check at the hotel, at the Golf hotel as well?

20 A. [9:11:52] I cannot say anything about what happened at l'hôtel du Golf. But
21 prior to that they were inspecting weapons on all sides and reporting accordingly.

22 Q. [9:12:08] Very well. You told us that you have been an ambassador in Senegal
23 since July 2012; is that correct?

24 A. [9:12:25] Correct.

25 Q. [9:12:25] Before July 2012, that is from April 2011 to July 2012, what were you

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 doing?

2 A. [9:12:35] I was unemployed. I was always at home, but away from Agban.

3 Q. [9:12:38] In your capacity as a former head of the gendarmerie, were there any
4 problems with your being appointed ambassador? Were there any difficulties as far
5 as you know?

6 A. [9:12:59] No, nothing that I'm aware of.

7 Q. [9:13:05] As far as you know, were there any officers of the --

8 THE INTERPRETER: [9:13:29] Mr President, could counsel be asked to repeat his
9 question? We didn't quite understand it.

10 PRESIDING JUDGE TARFUSSER: [9:13:34] Could counsel please repeat the
11 question, which was not understood by the interpreters. Thank you.

12 MR ALTIT: [9:13:46] (Interpretation) Yes, Mr President.

13 Q. [9:13:50] As far as you know, were there any Saint-Cyrien, that is officers from
14 the Saint-Cyr school, or officers from Saumur or of that academy, did the French
15 officers in Côte d'Ivoire have any officers from Saint-Cyr and Saint-Cyr academies?

16 A. [9:14:19] That is correct, because most French officers are trained at Saint-Cyr
17 and so most of them who come to Côte d'Ivoire are graduates of the Saint-Cyr
18 academy.

19 Q. [9:14:31] Wouldn't it be correct to say that officers from Saint-Cyr when they
20 arrive would have normally introduced themselves to you, having been a
21 Saint-Cyrien yourself?

22 A. [9:14:52] Under normal circumstances, that would be the rule. But we were in
23 a crisis situation and so that tradition was not respected.

24 Q. [9:15:04] *You said that you were appointed military commander of the palace
25 between 2000 and 2005; is that correct?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 A. [9:15:21] Yes.

2 Q. [9:15:21] During that period, were there any unrests?

3 A. [9:15:47] No.

4 Q. [9:15:48] Between 2000 and 2005, the residents or presidency, did they come
5 under any form of threat?

6 A. [9:15:55] No. I don't know by whom, but the answer would be no.

7 Q. [9:16:00] You told us that you resided at Camp Agban. And I think you may
8 have addressed these issues, but it's not very clear to me, but I have two questions for
9 you. Did you live in Camp Agban with your family to begin with?

10 A. [9:16:33] Yes.

11 Q. [9:16:33] Were there many civilians living permanently at Camp Agban?

12 A. [9:16:48] Only gendarmes, their spouses and their children, both minors and
13 adults used to live in Agban.

14 Now, the civilians who came to Agban would have been teachers, civilian teachers
15 assigned to teach there by the ministry of education, and after their teaching they
16 would return to the city.

17 Q. [9:17:16] *You told us that you were appointed liaison officer with ONUCI and
18 the CNDDR. Now, my question to you is the following: Was the gendarmerie
19 involved in the DDR exercise?

20 A. [9:18:06] No.

21 Q. [9:18:11] Very well. From your testimony so far we have understood,
22 particularly at pages 31 and 32 of the French transcripts of 13th of March that CECOS
23 was generally used for providing security and safety. Is that what one should
24 understand?

25 A. [9:19:03] Yes.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [9:19:04] There was a discussion between you and the OTP during which the
2 question was put to you as to whether CECOS was on the ground on the 16th of
3 December at the time of the demonstration or the march of 16 December, and this is
4 what you told the Court, and I want to be fair with you, you said that you were not on
5 the ground and that, therefore, you were not very sure.

6 Now, I want you to clarify matters for us so that we can know what your real position
7 is, and I want to put the question to you again in a very simple way: Do you know
8 whether CECOS was on the ground on the 16th of December 2010 during the march?
9 If you know, yes. If you do not know, please just say you do not know and that's
10 fine.

11 A. [9:20:00] I do not know. But, however, allow me to add that they were on
12 standby at the gendarmerie academy, which was not far away from the RTI.

13 Q. [9:20:15] Very well. Now I want to show you a document again which was
14 already shown to you by the OTP. The document is CIV-OTP-0018-0240. The
15 document has now been displayed.

16 And now I want to ask the court officer to please zoom in.

17 Do you remember having been shown this document, Mr Witness?

18 A. [9:21:50] Yes.

19 Q. [9:21:53] You and the Prosecutor talked about this, but I'm not going to revisit
20 your testimony in this connection. However, when the representative of the OTP
21 asked you a question, you provided the following answer at page 79 of the French
22 transcripts of 13th March -- page 76, rather, of the French transcripts of 13th of March
23 at line 6, from line 6, and I'll quote your answer.

24 "Yes, I said so, that it was not up to a subordinate to write and state the following,"
25 and then you quote what is contained in the note.

1 *"In my command there is a parallel structure," and end of quote in relation to what
2 your subordinate said.

3 Now, then I continue with what you said in the transcript "However, if he himself felt
4 something that wasn't clear, he would come to me and we would talk to each other.
5 So CECOS was created in order to check criminality in Abidjan, and the choice was
6 taken to place it under General Guiai Bi Poin. It could have been another officer of
7 the police or the gendarmerie who was called to that position. That is it. So that
8 gave the impression of a parallel structure. But as a matter of fact, he was acting in
9 an area which had nothing to do with me or with my command structure."

10 Now, what you say here and for purposes of clarity, and you can see that sometimes
11 it's important to clarify things, sometimes when you say something and you read over
12 it, there might be some uncertainty, so to be able to fully understand what you are
13 trying to say here, now, did you or are you saying in this excerpt that the author of
14 that note or that letter, Colonel Gbéli Gabo Gilbert is saying that there is a
15 redundancy between the CECOS and the gendarmerie in general, therefore, a parallel
16 structure being set up?

17 *Are you saying that he is conflating the mission of CECOS with that of the
18 gendarmerie? Is that your reading of his text?

19 A. [9:24:50] Yes. But then at a second level, with your leave, as soldiers it is not
20 possible to understand how a subordinate can write a letter challenging two
21 command structures at the same time.

22 Secondly, that officer was in charge -- is in charge of the departmental gendarmerie,
23 which is a territorial gendarmerie today. And the brigades were not part of the
24 operations of CECOS at the time. So it is people from the squadrons, the mobile
25 gendarmerie force, who were part of the CECOS operations. That is why he himself

1 actually had nothing to do with CECOS, because he was not related to CECOS on the
2 ground.

3 I don't know if I've been clear enough.

4 Q. [9:25:42] That was clear. Now, to be even clearer, could it be said that you
5 blame him for not having been aware or having fully mastered the subject that he was
6 talking about? Can we put it that way?

7 A. [9:26:08] Yes, one could say so.

8 Q. [9:26:10] Very well. So in one word can you tell us how it is that the CECOS
9 mission is not redundant or parallel to that of the gendarmerie, to use your terms?
10 Can you tell us that?

11 A. [9:26:33] Can I say something? All right. CECOS was created to check
12 spiraling criminality in Abidjan and in order to bypass administrative bottlenecks in
13 various neighbourhoods in the brigades and in the police precincts. Therefore its
14 mission, whereas the mission of the gendarmerie went beyond that, we were involved
15 in managing security on a daily basis *including administrative policing and judicial
16 policing. So the CECOS did not have any bearing as such on the functioning of the
17 gendarmerie. To the contrary, it was an additional benefit to the daily mandate of
18 the gendarmerie forces.

19 I don't know if I've been clear enough.

20 Q. [9:27:35] You have been very clear. Thank you.

21 During the crisis, sir, were you informed of any interventions or pressure from the
22 American ambassador on Ivorian generals asking them to join the Alassane Ouattara
23 camp?

24 A. [9:28:55] I was never aware of such a thing. However, earlier on I had testified
25 that two officers from the American embassy had visited me and they asked me

1 whether the gendarmerie was going to join or not. And my answer to them was that
2 the ongoing discussions were political discussions and that the gendarmerie was an
3 apolitical structure, and that was the end of our discussion. They left and I never
4 saw them again.

5 Q. [9:29:31] Yes, that is correct, that is what you told us. But my question was
6 different, slightly different. And let me put to you another slightly different
7 question to you. You yourself, were you called during the crisis by the American
8 ambassador?

9 A. [9:29:53] We are here to tell the truth. And if he had called me, I would have
10 already said so. So he never called me.

11 Q. [9:30:07] Very well. So when did you go to the hôtel du Golf at the end of the
12 crisis? Do you remember the day?

13 A. [9:30:36] I believe two or three days later, two days after the
14 assassination -- after the arrest of President Gbagbo.

15 Q. [9:30:47] Very well. How did you organise your arrival? I presume you were
16 in contact with people from the hôtel du Golf who told you to come on such and such
17 a day in such and such a way.

18 But first and foremost, let me ask you a question, a simple question: Did you go as
19 the commander of the gendarmerie or on your own behalf?

20 A. [9:31:17] Two aspects. As I said earlier, when President Alassane called me
21 asking me to come to the Golf hotel, I answered him saying that as commander of the
22 gendarmerie, I could not abandon my men in order to go to the Golf.

23 But according to the situation, I would come. And as you noted, I did indeed go.
24 There we are.

25 Q. [9:31:44] So as the commander of the gendarmerie you went there, is that right?

1 A. [9:31:55] Yes, indeed.

2 Q. [9:31:59] So putting the question to you that I wanted to put to you earlier, who
3 were your contacts in order to prepare and organise said visit?

4 A. [9:32:09] Well, firstly, for travel arrangements, I went with *Commissioner
5 Brindou, that is the DG of the police, under escort of UN forces, the Togolese
6 contingent notably.

7 Q. [9:32:30] Very well. So let's move on to another subject matter. You said to us
8 on 9 March 2017, page 93 of the French transcripts, lines 21 to 26, that's the edited
9 version, and I shall quote you:

10 "Soldiers from the Forces Nouvelles armed forces attacked the gendarmerie squadron
11 located in Yopougon and took weapons from them." End of quote.

12 So can you tell us when it was to the best of your recollection this attack upon the
13 gendarmerie of Yopougon took place?

14 A. [9:33:42] Once again I do apologise with regard to the dates, but the fact is a real
15 fact, the soldiers of the Forces Nouvelles attacked the squadron in Yopougon and
16 retrieved weapons from them. After negotiations, they handed back the weapons,
17 they wanted cohesion, they organised a football match and then things came to an
18 end.

19 Q. [9:34:09] Very well. So let's change subject matter again. During your
20 interview by the OTP investigators in 2011, let me provide you with a reference,
21 CIV-OTP-0016-0301, that is at page 0312, lines 422 to 433.

22 You note about, you talked about the Azito thermal plant attack in Yopougon by the
23 FRCI. And I shall read to you the relevant excerpt from your statement.

24 I'm looking towards the interpreters, who are saying that all is dandy, so let me go.

25 So I quote:

1 "Interviewee: The insecurity was increasing. For example, at each major post, let's
2 take the example of Yopougon, the gendarmerie was guarding the Azito thermal
3 plant, Azito. That is the corridor within Abidjan, that is where everything unfolds,
4 because if that zone had been attacked, Abidjan would have been thrown into
5 darkness. And it happened as such, I can confirm that.

6 Our mission is to protect the thermal plant in Azito. And so I had made sure that
7 when everything was all right I addressed the various commanders of the FRCI in
8 order to tell them that the gendarmes in Azito are not fighting, they are not at war
9 with them or with you. They have a mission to fulfil, that of protecting the thermal
10 plant, which is vital for Côte d'Ivoire."

11 And you go on to say, I go on with the quotation, "But whatever, they did attack us."
12 End of quote.

13 So what can you tell us more specifically than what you said, because you talk at that
14 moment about the impact, what can you tell us today with regard to that attack on the
15 Azito plant? First and foremost, do you recall when it occurred?

16 A. [9:37:27] Once again, maybe I apologise, may I apologise with regard to dates.
17 But this attack did indeed occur, and the impact was visible upon a number of
18 installations of the Azito plant.

19 With your leave, the gendarmerie within the context of its mission had to protect at
20 all times and during the time of crisis, they had to protect Abobo Gare and the Azito
21 thermal plant. So on the next morning, the ministers in charge of energy and all the
22 operators who were taking care of that plant, we all went there in order to note the
23 impact. And thank goodness, the heart of the thermal plant was not affected. And
24 since then nothing else has occurred.

25 Q. [9:38:36] Very well. I'm going to be showing you a document.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 The reference thereof is as follows, and I'm turning to the court officer,
2 CIV-D15-0004-2347. And it is a newspaper article dated 7 March 2011, and it is
3 public in nature.

4 Can you see the article before you, Mr Witness?

5 A. [9:40:01] Yes.

6 MR ALTIT: [9:40:02] (Interpretation) So I'm going to ask the courtroom officer,
7 because it seems a little bit small to me, to maybe zoom in sufficiently for us to be able
8 to read it and to scroll down slowly so that the witness can read the article, and then
9 I'm going to be putting questions to him on the article. It might be a good thing for
10 him to be able to read it to himself.

11 Q. Mr Witness, take your time. Read it, please. Please tell us when you have
12 finished reading.

13 A. [9:42:40] Yes, indeed I have.

14 Q. [9:42:41] Very well. So you read the article. *It talks about an attack on the
15 night of Friday the 4th and Saturday the 5th of April 2011 against the Azito thermal
16 plant. And my question to you is whether you were referring just now to the same
17 incident as described in the article?

18 A. [9:43:04] Precisely.

19 MR MACDONALD: [9:43:07] Your Honours.

20 PRESIDING JUDGE TARFUSSER: [9:43:10] Mr MacDonald.

21 MR MACDONALD: [9:43:11] If it's to situate a date, the Prosecution has no
22 objections to use open source material for that very purpose. Now, as to the content
23 itself, your Honours --

24 PRESIDING JUDGE TARFUSSER: It's clear.

25 MR MACDONALD: Sorry?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [9:43:28] It's clear, I mean, it's a journal, it's a
2 newspaper. We are not basing certainties on the content.

3 MR MACDONALD: [9:43:41] We follow each other then.

4 PRESIDING JUDGE TARFUSSER: [9:43:43] Of course.

5 MR MACDONALD: [9:43:44] Very clearly. But what I mean is open source
6 material can be quite useful to put dates on events. That's what I'm saying. So for
7 that purpose, yes. But for the rest, it's a question. You've described it perfectly.
8 Thank you.

9 PRESIDING JUDGE TARFUSSER: [9:44:05] Okay. Thank you very much.
10 Maître Altit.

11 MR ALTIT: [9:44:08] (Interpretation) Thank you, Mr President.

12 Q. [9:44:20] Well, let us continue with our questioning, sir. So it is said in the
13 article and you've read it, I quote, "Édouard Tiapé Kassaraté, General, who was also
14 present at the time vigorously condemned this attack, these attacks. The General,
15 Lieutenant General Édouard Kassaraté Tiapé, superior commander of the
16 gendarmerie nationale, he was also present, vigorously condemned these attacks."
17 My question to you is: Were you present at the time of the attack?

18 A. [9:45:03] Yes, indeed. It was my men who were guarding the thermal plant
19 and who were attacked on the ground.

20 Q. [9:45:11] Very well. So during your questioning by the OTP in 2011, you spoke
21 of the MACA. I'm going to put a question to you. Don't answer me straight off.
22 So you talked about the MACA, you recall, and, well, let me read it to you. I think
23 it's easier. So the reference is CIV-OTP-0016-0301, page 0312, lines 436 to 439, and I
24 shall quote:

25 "It was requested by the general staff of the gendarmerie that they reinforce, as was

1 the case for the police, that they reinforce the MACA. The gendarmerie sent
2 elements, of which a tank to the MACA, in order to reinforce the protection of the
3 MACA. So we know what happened subsequently when people started to drop off
4 at MACA." End of quote.

5 My question is: What happened subsequently?

6 A. [9:47:36] Well, to be more specific, the MACA is right next door to the major
7 forest in Abidjan, the Banco forest. And that forest was used by the Invisible
8 Commando in order to infiltrate Abidjan. So General Mangou, in order to stop the
9 Invisible Commando from opening the doors of the MACA and let out all the villains
10 contained therein, sent a tank in order to reinforce the elements who were there.
11 When the commando set off an offensive, the soldiers who were on location left, if
12 you are asking me what went on, they fled.

13 Q. [9:48:35] You just said that when the "commando set off an offensive," are you
14 talking here about an offensive against the MACA?

15 A. [9:48:51] Yes, indeed, and as the elements were stationed there in order to stop
16 their progression upon Yopougon.

17 Q. [9:49:07] Very well. So what you are saying to us is that subsequently there
18 was an attack of the Invisible Commando upon the MACA, *and they managed to
19 succeed in capturing the MACA, they opened the doors, allowing the bandits to
20 escape; is that what you are saying?

21 A. [9:49:26] Yes.

22 Q. [9:49:28] So I'm going to be showing a video to you, sir. And the reference is as
23 follows: CIV-D15-0001-0575, from 4.37 to 5 minutes. I've just heard that we haven't
24 notified the transcripts. We can send them to the interpreters, who are making
25 positive gestures at us. So we shall do that straight away?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

- 1 THE COURT OFFICER: [9:50:15] Just to confirm, it's public?
- 2 PRESIDING JUDGE TARFUSSER: [9:50:22] Yes.
- 3 MR DEMIRDJIAN: [9:50:24] Your Honours, can we find out which tab of the
- 4 Defence's list we can find the transcripts of this video, please?
- 5 PRESIDING JUDGE TARFUSSER: [9:50:34] Okay. Please.
- 6 MR ALTIT: [9:50:37] (Interpretation) As I just said, the transcript has not been
- 7 notified, so we're sending it immediately to investigators -- oh, investigators? I'm
- 8 sorry, I mean the interpreters, and to you as well of course.
- 9 Q. So, sir, we're going to show you a video. We're just loading it up. It's coming
- 10 immediately.
- 11 PRESIDING JUDGE TARFUSSER: [9:52:13] Are the interpreters ready?
- 12 THE INTERPRETER: [9:52:15] Yes, your Honour, we are indeed ready.
- 13 (Viewing of the video excerpt)
- 14 PRESIDING JUDGE TARFUSSER: [9:52:41] I would not like to be deaf at the end of
- 15 the day or the trial in any case.
- 16 THE COURT OFFICER: [9:52:52] Evidence channel 2.
- 17 (Viewing of the video excerpt)
- 18 THE INTERPRETER: [9:53:14] (Interpretation of the video excerpt) Today we
- 19 launch an offensive in order to liberate some of our brothers who were at the MACA.
- 20 And from there we launched the operation upon Yopougon on the same day.
- 21 Within 24 hours we swept through more than half of Yopougon with Niangon
- 22 remaining, but it's no easy task. Yopougon is extensive. And with all the
- 23 militiamen, we did it, but we did it.
- 24 End of transcript.
- 25 MR ALTIT: [9:53:45] (Interpretation)

1 Q. [9:53:47] So, sir, you saw the video or, rather, the excerpt of the video?

2 A. [9:53:52] Yes, counsel.

3 Q. [9:53:53] Do you recognize the man speaking?

4 A. [9:53:56] No, no.

5 Q. [9:53:57] And were I to refresh your memory, would that assist you in
6 recognising him?

7 A. [9:54:20] Yes, please.

8 Q. [9:54:21] Would it not be IB?

9 A. [9:54:23] The photo was not very visible, but it confirms what I said, namely, the
10 existence of the offensive upon the MACA with a view to releasing the prisoners and
11 launching an offensive upon Yopougon, or launching an operation upon Yopougon.

12 Q. [9:54:53] Very well, very well. Do you know even in approximate terms how
13 many prisoners were released on the occasion of that attack? That was the Invisible
14 Commando, wasn't it?

15 A. [9:55:09] Yes. They were the ones who were at Abobo Gare.

16 Q. [9:55:12] Very well. So my question: How many prisoners to your knowledge
17 were released on the occasion of that attack by the Invisible Commando?

18 A. [9:55:24] Really, I wouldn't be able to tell you how many, because I don't know
19 the number of men present at the MACA on a daily basis, but approximately, but
20 really I can't tell you. It was very overcrowded.

21 Q. [9:55:45] Very well. You told us during the hearing of 13 March 2017 a few
22 days ago, on page 78 of the French transcript, line 7, and I'm quoting you, "As I said,
23 as I said, there were no longer any gendarmes present at Abobo Gare. They all left
24 the location. They all left the location." End of quote.

25 Because my question concerns the time at which they left the location, do you

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 remember approximately from when, from what moment in time there were no more
2 gendarmes present? From when or what time they left that location?

3 A. Once again, I do apologise with regard to dates, but it was when we didn't
4 manage to dislodge the Invisible Commando, and the general staff, whose elements
5 were occupying the squadron, decided to leave Abobo Gare and move back towards
6 the south. My elements left the barracks, they left.

7 Q. [9:57:07] Very well. In 2011 --

8 PRESIDING JUDGE TARFUSSER: [9:57:20] Excuse me. Just for the record, when it
9 starts, the English record at line 22, "Once again," this is the answer, because here it
10 seems it's a continuing of the question. Line 22, page 20. "Once again" is the start of
11 the answer by the witness.

12 Yes, now it's okay. Thank you.

13 MR ALTIT: [9:57:54] (Interpretation) Thank you, Mr President.

14 Q. [9:57:57] Now, Mr Kassaraté, in the year 2011, when you were questioned by the
15 investigators of the OTP, you stated, this is document or, rather, this is the reference
16 CIV-OTP-0016-0204, page 0251, line 1685 to 1701 -- or, rather, let me quote a little bit
17 before that, 1678 to 1701, and let me quote, and you're speaking, sir, quote:

18 "What one needs to know is that in the areas where military operations were
19 conducted ..."

20 Investigator: "Yes."

21 Interviewee, you, continue: "... we, generally speaking, had our units that were not
22 there to wage war."

23 Investigator: "Yes."

24 Interviewee: "It was the gendarmerie brigades."

25 Investigator: "Yes."

1 Interviewee: "There were gendarmerie brigades in Toulepleu and it wasn't with a
2 view to waging war."

3 Investigator: "Yes."

4 Interviewee: "There were gendarmerie brigades in Zouan-Hounien. That wasn't to
5 wage war. There were gendarmerie brigades in Bloléquin, Guiglo, Duékoué and
6 Bangourou."

7 Investigator: Yes.

8 Interviewee: "In Bangourou these were mixed brigades. They were our gendarmes
9 present."

10 Investigator: "Yes."

11 Interviewee: "... and those of our brothers from the FAFN at the time ..."

12 Investigator: "Yes."

13 Interviewee: "... and then there was us as well. So that town was not at war. But
14 when things broke out, our units returned, and then all of the brigades, this could be
15 physically verified, were destroyed. Toulepleu brigade, there is nothing left.

16 Bloléquin, there is nothing left. The buildings were destroyed. The equipment was
17 taken away and the vehicles and weapons."

18 Investigator: "Yes."

19 I shall continue. So we're not going to stop at 17.01, but 1710.

20 Interviewee: "Everything was taken away." And there are a few incomprehensible
21 words, and then "... but whatever the case."

22 Investigator: "Yes."

23 Interviewee: "But as the operations extended beyond our gendarmerie level ..."

24 Investigator: Yes.

25 Interviewee: "... it was the army that took a position in order to stop the

1 advancement."

2 Investigator: "Yes."

3 Interviewee: "And those were people we did not know. And in the midst there
4 were militiamen and whatever the case, there was everything in the mix." End of
5 quote.

6 So, sir, do you remember having said that?

7 A. [10:01:41] Yes, more or less, because the gendarmerie brigades are distributed
8 over the territory including these units for the purpose of carrying out the
9 gendarmerie mission, which I described to you. So those two attacks have
10 culminated in the nonexistence of those brigades to this day. *There are no more
11 brigades in Bloléquin and Toulépleu, except for the buildings.

12 Q. [10:02:19] What do you mean?

13 A. [10:02:25] You know that there were several attacks in that area. We had
14 attacks by the Forces Nouvelles. Then you had Mr Sam Bockarie's rebels who also
15 attacked. And I want to be very specific about that name, because he was involved
16 in wars in Sierra Leone, he was there. Now, who sent him or whatever happened, I
17 can't give you the details, but he caused a lot of trouble in those areas.

18 Q. [10:02:53] Very well. Still talking to the investigators of the OTP, you said the
19 following, and the reference is CIV-OTP-0016-0304, page 331, line 314.

20 I'm waiting for the page to be displayed. Can we proceed?

21 At line 314, sir, this is what you say:

22 "You know in that zone in the west, there is conflict, recurrent conflicts related to land,
23 land belonging to the natives and the foreigners in that area, the indigenous people as
24 well as those from outside. And it was -- this problem was not solved." Can you tell
25 us or can you help us to understand what you meant by "recurrent conflicts"?

1 In fact, my question is can you tell us a little more about the nature, the very nature of
2 these land-related conflicts and for how long. *You've talked about conflict between
3 the natives, the indigenous people and foreigners, people from outside. *Who are
4 these people? Can you explain to the Court so that we can understand what it is you
5 are referring to here? *What was the situation like in the West?

6 A. [10:05:38] There were three groups: The natives, that is the people who were
7 born in that area, who lived there and who were the owners of the land. *The
8 non-natives group was made up of the other Ivorian brothers, particularly the Akan
9 group who had settled in that area. And then we had the foreigners who are our
10 brothers from Burkina Faso who came to that area looking for land to settle.
11 This area was rich in land and resources and, therefore, attracted various peoples.
12 But land was not unlimited, and that's why tensions grew up between various people,
13 including those natives and foreigners. And so some would get one square meter of
14 land, *but the next day, they would occupy ten square meters. So that led to conflict.
15 Now, if you go even further to Duékoué, it is in the same area, there is the mountain
16 known as Mount Peko, P-E-K-O, where you had brothers from Burkina Faso who
17 were farming cocoa in those areas. *But one of their chiefs known as Ouérémi, who
18 is in jail now, turned the whole area into a ghetto and made it impossible for the
19 natives to farm in that area. So all of that led to a number of killings and he was
20 arrested by the FESCI and ended up in jail. So that's the situation I was referring to.

21 Q. [10:07:27] Very well. Let's move on to another line of questioning, sir, the
22 composition of the troops, the former rebels whom you referred to as the FAFN.
23 They converged on Abidjan after the crisis. What was the composition of those
24 troops? Who was part of that group?

25 A. [10:08:24] Yesterday in your questioning you raised with me the names of

1 various zone commanders. All of them were there, were part of it.

2 Q. [10:08:39] So all the com-zones we talked about yesterday, except those whom
3 you told us had been based at the Golf during the crisis, *all the other com-zones
4 came down to Abidjan, with their troops from the North to the South of Côte-d'Ivoire
5 at the end of the crisis; is that what your testimony is?

6 A. [10:08:58] Yes, in three directions from the centre, Bouaké-Tiebissou,
7 Yamoussoukro-Abidjan, Agnibilékrou-Abengourou, Adzopé-Abidjan, and then
8 Danané-Toulépleu, Bloléquin-Abidjan, with a few stops at San Pedro, and branching
9 out to San Pedro on their way down.

10 Q. [10:09:27] Those three progressions or those three axes, on those three roads that
11 were used to move down, were you aware of any abuses committed by the former
12 rebels, FAFN against the inhabitants? Are you aware of that?

13 A. [10:09:54] I wasn't an eyewitness, but what I can tell you is that in my area in
14 Tabou, there were many crimes committed and abuses. Some 30 young people were
15 publicly shot in front of their relatives and they also went about looting and pillaging
16 and destroying property.

17 Q. [10:10:23] Who was the rebel chief in Tabou at the time?

18 A. [10:10:32] *At the time -- or currently it was Coulibaly, Lieutenant Coulibaly, but
19 he came a little later. But at the time of the events, I was still in Abidjan. He is still
20 there. So I am not accusing him of anything, but he is still there.

21 Q. [10:10:42] Very well. The troops that came from the north, did they include any Dozo?

22 A. [10:10:55] Yes, there were some Dozo people in it, the Dozo who were already in
23 the south of Côte d'Ivoire, whereas their traditional, cultural area of operation was in
24 the north to protect wildlife and flora. *Since 98, they have tried to be pushed back
25 up into their area. I even was part of the mission, along with the former minister

1 Émile Bombet, who is still alive, we reached out to the Dozos to ask them to go back
2 to the north where they belonged, so to speak, but we failed in that attempt because
3 we were trying to tell them that they were not to be in the south.

4 Q. [10:11:42] Did those troops also include people from neighbouring countries,
5 countries which shared borders with Côte d'Ivoire?

6 A. [10:11:56] You know, when there is a rebellion, over time it is a group of people
7 who come together involving other people as they progress. Now, as they came
8 from the north, although I didn't see it, it is certain that there must have been some
9 people from Burkina Faso and from Mali among the rebels.

10 Q. [10:12:28] Very well. Those rebel troops that moved from the north to the
11 south at the end of the crisis included Dozos, Dozos people and people from Burkina
12 Faso. Were those troops well-armed?

13 A. [10:12:48] I told you already that as they came from Burkina Faso, they were
14 already armed, because at the time there was already information that they were
15 being trained in Pô in the south of Burkina Faso and close to the Ghanaian border. So
16 as they came from Burkina Faso they were already armed. They had their weapons
17 already. *They said that themselves in the comments they made.

18 Q. [10:13:31] As the superior commander of the gendarmerie, were you informed
19 of any arms trafficking towards the former rebels or the FAFN which was against the
20 weapons embargo by the United Nations in 2010?

21 A. [10:13:52] I was lucky to have read a document from ONUCI in relation to the
22 embargo, so this information appears to be contained in that document, and
23 unfortunately I don't have the document with me.

24 Q. [10:14:18] Very well. When did you meet with the investigators of the OTP for
25 the first time?

1 A. [10:14:22] Well, there you go again with the dates. But as soon as they called me, I told
2 them I was available, and I met them at a hotel in Abidjan within three or four months. I
3 paid for my air ticket, which was about 8, 6 to 800,000 francs on each of these trips.

4 Q. [10:14:55] Let me help you. Your first meeting according to the file was on 10
5 August 2011. Do you remember?

6 A. [10:15:02] Even if I don't remember the date, it must be correct, the figures can't
7 lie.

8 Q. [10:15:07] Very well. Now, at that time on 10 August 2011, that was quite
9 shortly after or after the capture of the presidential residence in April 2011.
10 On 10 August 2011 or thereabouts, therefore, were there still clashes between the
11 former rebels who had become the FAFN and the population?

12 A. [10:15:36] *What we know clearly is that the Commando Invisible whose size we
13 don't know -- well, the short answer is that yes, there were still sporadic attacks in
14 Abidjan since they had moved from Abobo Gare to Koumassi, as you know.

15 Q. [10:15:55] Very well. Then we have on the record a second meeting with the
16 investigators of the OTP in early October 2011. My question for you, and it applies
17 both to August 2011 and to October 2011, who put you in contact with the office of
18 the Prosecutor?

19 A. [10:16:29] Not direct contact as such. I received a phone call from Prime
20 Minister Soro Guillaume. Whether he's the one or not, I don't know. But I received
21 a call from him and he told me that investigators of the OTP were coming to Abidjan
22 and asked if I would be available for investigations, and I said yes. But we had met,
23 the prime minister and myself, several times before, but we had never talked about it.
24 Now, whether it was he or someone else, I don't know. I know about the call, I can
25 confirm that, and it was after that call that we met and started to work together.

- 1 Q. [10:17:09] Very well. During one of your interviews you actually said to the
2 investigators, and it is contained in your statement, reference CIV-OTP-0016-0449,
3 page 469, line 706, 707, rather, 707. This is what you say, and I quote:
4 Interviewee, that's you: "Before they came, the Prime Minister Soro had called me."
5 Investigator: "Yes."
6 Interviewee: "To tell me the following."
7 And you quote him, "Well, Papa," inaudible, "Well, Papa, we have friends coming.
8 Please answer their questions." End of quote. These are the things that you say were
9 said to you by Guillaume Soro, so you said in your statement, "that we have friends
10 who are coming." How did you understand that, "friends who are coming?" Did
11 you understand that to be an order which you could not disobey?
- 12 A. [10:18:43] Very respectfully he told me that people from the ICC were coming to
13 Abidjan, yes. The word "Papa," yes. But I don't know whether you want me to talk
14 about the word "Papa." I can tell you, if you want me to, why he called me Papa.
- 15 Q. [10:19:00] Please do.
- 16 . [10:19:04] Mr Soro Guillaume and myself, Minister Blé Goudé, who is present in
17 the courtroom, we all have known ourselves for a very long time. At the time when
18 we were still -- when they were still young students and had run into trouble with the
19 powers that be at the time, *some people of good faith, including myself, gave them
20 shelter and food -- and Mr Blé Goudé is present here, that's why we are familiar with
21 each other --, and that is how Prime Minister Soro Guillaume has always referred to
22 me publicly, that this general, although I feel somewhat uncomfortable about it, he
23 says it publicly that the general had helped me and provided me with food and
24 shelter, along with my brother Blé Goudé.
- 25 Q. [10:19:47] Very well. Now, let me refer to another excerpt of your statement,

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 CIV-OTP-0027-0277, page 281, and I will quote from line 122. But then I will abstain
2 from quoting the name which you mentioned, because I think that name is clear to all
3 of us who are here, because it refers probably to an investigator of the OTP, but I will
4 not mention that name.

5 Now, this is what you say at line 122:

6 Interviewee: "I don't know whether it was at your period or at the time of" and you
7 mention a name. "However, quite clearly, the prime minister, Soro Guillaume,
8 called me and said that investigators were in the Ivory Coast, 'So make yourself
9 available to them.' And I said, 'As a soldier'" -- then put your own words -- "'Yes, sir,
10 okay.'" End of quote and end of my quote.

11 And then we move to page 281 of the same document with the investigators of the
12 OTP at line 147, you said the following:

13 "I accepted the principle. It was an order."

14 Now, do you remember having said that it was an order, Mr Witness?

15 A. [10:22:03] Yes, it was an order from the prime minister, minister of defence, and
16 all I had to do was to implement it.

17 Q. [10:22:14] Very well. During the several interviews you had with the OTP or
18 the investigators of the OTP, did you have a lawyer with you?

19 A. [10:22:30] No. That question has already been put to me and I said no, I've said
20 I didn't need a lawyer. If I had felt the need for one, I would have asked for one.

21 Q. [10:22:42] Very well. Do you remember the date or at least the period at which
22 you had your last interview with the investigators of the OTP?

23 A. [10:23:07] I don't know whether those who are in Abidjan are considered to be
24 investigators. The people in Abidjan called me and we met, we met twice before I
25 came here, before I came here to testify. On that day they gave me 45,000 CFA for

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 transport.

2 Q. [10:23:36] Very well. When was that more or less, was it just a few weeks ago,
3 a few months ago, a few years ago?

4 A. [10:23:43] No. This year, this year, just one month before I came here. I had to
5 go to Dakar first and then I went to Abidjan and so on and so forth.

6 Q. [10:23:58] Very well. With that group, did you discuss your testimony, what
7 you were going to testify about?

8 A. [10:24:08] This is exactly what they told me: "You are going to need a green
9 passport, and since there is no embassy of The Netherlands in Abidjan, please obtain
10 a passport and we will get a visa for you from Accra in Ghana."

11 And on that note I returned to Dakar. When they obtained the visa for me and the
12 programme of my stay here, including the date of arrival and date of departure, I was
13 made aware of that.

14 PRESIDING JUDGE TARFUSSER: [10:24:47] Just for clarity, who was this? Who
15 were you in contact with?

16 THE WITNESS: [10:24:57] (Interpretation) Mr President, he called himself. (Redacted)
17 (Redacted)
18 (Redacted). But there were two of them.

19 PRESIDING JUDGE TARFUSSER: [10:25:21] Okay. Now, just to be clear on, well,
20 we have the OTP, but we have also the VWU, I mean, just not to make confusion at
21 the end of the day. Thank you. I mean with the matter of the visa and what
22 happened a short time, a short time ago. Thank you.

23 MR ALTIT: [10:25:47] (Interpretation) Thank you very much, Mr President. The
24 idea indeed is to clarify, to shed as much light as possible on a number of gray areas.

25 Q. That is why I want to quote you, Mr Witness. Again, one of your answers on

1 13 March, a few days ago, at page 12 of the French transcript of 13 March --

2 MR DEMIRDJIAN: [10:26:21] I apologise for interrupting, your Honour, just for the
3 transcript, in the English version I see that at page 33, line 4, it says "the VPRS,"
4 whereas in French the witness answered "the service of assistance to the witnesses
5 and victims," just for clarity, yes.

6 PRESIDING JUDGE TARFUSSER: [10:26:40] Yes, the VWU, because indeed I heard
7 "VPRS," and I thought it was a misspelling by the witness himself, make confusion
8 between the two. But if in French he said VWU, then we should write VWU.
9 Thank you.

10 THE INTERPRETER: [10:26:57] Mistake from the interpreters, Mr President. It was
11 the VWU. Thank you.

12 PRESIDING JUDGE TARFUSSER: [10:27:01] Okay. Thank you very much.
13 Maître Altit.

14 MR ALTIT: [10:27:05] (Interpretation) Thank you, Mr President.

15 Q. [10:27:13] *So at the hearing of 13 March 2017, at page 12, line 16 of the French
16 transcript of that day, this is what you said, and I quote:

17 "All witnesses who have appeared here," and you were referring there to the ICC,
18 "Well, I was in Dakar. Most of them came from Abidjan, and they got all their
19 documentation in Abidjan. I was invited to Abidjan for orientation. That was not
20 the case. But it is from Dakar that I came here." End of quote.

21 Now, my question is very simple. And as the president has reminded us, we need to
22 get clarity. When you say "I was invited to Abidjan for familiarisation," what did
23 you mean by that?

24 A. [10:28:17] You are right. When they called me, they told me that your
25 departure for The Hague would be from Abidjan. But when you come here for two

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 or three days, you will have time to read through about 500 pages of documents.

2 And so I said "That is fine."

3 Q. [10:28:43] Thank you. Now, Mr President, just one point of clarification. At
4 page 22, line 24 of today's transcript, the reference I provided appears to be the wrong
5 reference. The right reference is the following, CIV-OTP-0016-0321, page 330, lines
6 314 to 316.

7 Can I repeat? Do you want me to repeat that, court officer?

8 THE COURT OFFICER: [10:29:33] No.

9 MR ALTIT: [10:29:37] (Interpretation) Thank you.

10 Now, Mr President, we will do something that will not take too much time, but it is
11 an exercise whereby we intend to show some 19 documents to the witness quite
12 rapidly. It is important for these documents to be produced through this witness
13 and then things will be clear.

14 Madam Naouri will proceed with this.

15 Mr Kassaraté, thank you for answering my questions. I now hand the floor over to
16 Madam Naouri. Thank you.

17 QUESTIONED BY MS NAOURI: (Interpretation)

18 Q. [10:30:59] Good morning.

19 A. [10:31:13] Good morning.

20 Q. [10:31:15] I think you've realised that we are now going to look at a number of
21 documents, review them, and each time I'll give the ERN number for the courtroom
22 officer, and that way the document will be displayed on your screen.

23 But with leave of the Chamber, I'd also like to provide you with a binder, and that
24 way you will have hard copies of all the exhibits, and you will be able to follow along
25 with me in the proper order.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Could this binder be provided to the witness with the relevant hard copies.

2 PRESIDING JUDGE TARFUSSER: [10:32:28] How many documents are there?

3 MS NAOURI: [10:32:31] (Interpretation) 19.

4 PRESIDING JUDGE TARFUSSER: [10:32:33] This would be that in half an hour we
5 are through about? Yes, okay.

6 MS NAOURI: [10:32:44] (Interpretation) And we did send all the documents to the
7 court officer in the correct order.

8 Q. [10:32:52] Witness, let's go one document at a time, and each time I will give you
9 a few moments to look at the document, and if you have anything to add in relation
10 to the questions I put to you, you can certainly do so and that way we will be able to
11 review these documents more quickly.

12 A. [10:33:11] Very well. Understood.

13 Q. [10:33:13] First document is, I won't repeat the CIV-OTP part, I'll just give the
14 last four numbers. So the first document is 0043-0275. This is a report from the
15 commander of the 1st legion of the departmental gendarmerie, 12 November 2010.

16 Can you see this document?

17 A. [10:33:57] Yes.

18 Q. [10:33:58] Were you the recipient?

19 A. [10:34:00] Yes.

20 Q. [10:34:01] *Is this document characteristic of this sort of report, issued by a
21 legion commander of the gendarmerie, the usual format?

22 A. [10:34:22] In actual fact, this really isn't a report. It's an operational order. A report
23 is more neutral. *It states facts, contains suggestions. But this is about a mission, and it is
24 describing the general situation, or the specific situation, as we have seen.

25 Q. [10:34:40] Very well. Thank you for making that clear for us.

1 And we can now move on to the second document. And this is number 0043-0400.

2 Can you see the document up on the screen?

3 A. [10:35:08] Yes.

4 Q. [10:35:09] Very well. This is a message from 2010, 26 November 2010 from the
5 commander of the 1st mobile legion. And it is intended to the commander of the
6 squadrons group and the various commanders of the squadrons, squadron

7 1/1-2/1-3/1-4/1, Aboisso, GSP, GSA. And I believe you are indeed copied in this?

8 A. [10:35:43] Yes, I am.

9 Q. [10:35:44] *And is this the usual format for a message from a commander of a
10 mobile legion to the commander of the squadron group or to the squadron commander?

11 A. [10:36:00] Yes.

12 Q. [10:36:00] Very well. We'll now move on to 0403, and this is the seventh point, I
13 believe, it's the last page of this particular document, and I'm going to quote the seventh
14 point, the seventh paragraph. What we read here is "General instructions: Make the
15 people -- raise the awareness of the people involved in order to adopt professional and
16 courteous attitudes at all times, yet ensuring that one remains vigilant. Be careful to
17 give an account of anything you see. It is strictly prohibited to use firearms, except in
18 the case of legitimate self-defence. Place voters in a waiting line, in a line and divide
19 them into separate groups in order to avoid pushing and shoving."

20 THE INTERPRETER: [10:37:19] Message from the interpreters: Could counsel
21 please slow down a bit?

22 PRESIDING JUDGE TARFUSSER: [10:37:23] Could counsel please slow down a bit.

23 MS NAOURI: [10:37:26] (Interpretation) I beg your pardon. Of course.

24 Q. [10:37:32] I shall repeat myself. "Not respond to provocation. Be courteous,
25 but act firmly, show firmness." End of quote.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Were you informed of these general instruction, sir?

2 A. [10:37:56] Yes. These are instructions that were --

3 THE INTERPRETER: [10:38:02] Inaudible. Could the witness repeat his last?

4 PRESIDING JUDGE TARFUSSER: [10:38:10] These instructions were? What did
5 you say? These are instructions that were, and we didn't understand.

6 THE WITNESS: [10:38:18] (Interpretation) That, oh, I see, I was saying that what
7 the officer wrote there comes from instructions that we would give to our men when
8 they would go out into the field.

9 PRESIDING JUDGE TARFUSSER: Thank you.

10 MS NAOURI: [10:38:35] (Interpretation)

11 Q. [10:38:36] Great, perfect. Now we will now move on to the next document,
12 reference number 0048-0052. Can you see the document?

13 A. [10:39:02] Yes.

14 Q. [10:39:05] This is a message from the chief of general staff, 25 December 2010.
15 And I believe you are the recipient?

16 A. [10:39:17] Yes, I am, I was the recipient.

17 Q. [10:39:20] Is this document, is it the usual format of such a message?

18 A. [10:39:27] Yes.

19 Q. [10:39:28] Very well. We will now move on to the fourth document, reference
20 number 0043-0330. Can you see the document, sir?

21 A. [10:39:56] Yes.

22 Q. [10:39:57] Very well. Excellent. And you were the recipient?

23 A. [10:40:02] Yes.

24 Q. [10:40:05] *Is this document in the usual format of a message from the
25 commander of the 1st Legion of the departmental gendarmerie?

1 A. [10:40:17] Yes, yes. I think that the person was particularly zealous, but yes, it's
2 the right format.

3 Q. [10:40:26] If we could now move on to the fifth.

4 PRESIDING JUDGE TARFUSSER: [10:40:36] May I? You have the hard copies.

5 We have soft copies, whatever they are called. So when you are finished, it's only

6 then that it comes up on our screens. So now this fifth, you have now the fifth

7 document. So is it the Situation Post-électorale, is this the document you are talking

8 about? The fourth, I think the fourth, okay.

9 MS NAOURI: [10:41:13] (Interpretation) Yes, the fourth. And I'm now moving on
10 to the fifth exhibit. But I'll slow down and wait for it to come up on the screen, of
11 course.

12 Q. [10:41:29] We'll now move on to the fifth document. This is
13 CIV-OTP-0048-0329. And while we're waiting for it to come up on the screen, sir,
14 you can see the document?

15 A. [10:41:42] Yes.

16 Q. [10:41:42] So this is a report written by the commander of the 1st legion of the
17 departmental gendarmerie, 8 February 2011. And you were the recipient?

18 A. [10:42:06] Yes, I was the recipient of this document.

19 Q. [10:42:13] Does this document take the usual format of a report drafted by the
20 gentleman in question?

21 A. [10:42:21] Yes. I think the person in question might have been a bit zealous
22 trying to please his commander, but yes, it's the same format, the correct format.

23 Q. [10:42:35] I believe you've seen this document, sir. And do you remember the
24 attacks that occurred during the night of the 7th to the 8th, *attacks upon the police
25 stations in the 14th and 21st arrondissements of Abobo?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 A. [10:42:58] Yes, I do remember those attacks.

2 Q. [10:43:02] Very well.

3 PRESIDING JUDGE TARFUSSER: [10:43:06] We have still not the document. Well,
4 I don't have it. I think now I have it, yes. It's always the Situation Post-électorale,
5 the 8th Février?

6 MS NAOURI: [10:43:20] Oui.

7 PRESIDING JUDGE TARFUSSER: [10:43:21] But may I ask you why you say, it's the
8 second time that you say that the person who drafted it was zealous, trying to please
9 his commander? Why do you refer to this? Where can you see it, that he was
10 particularly zealous and wanted to please his commander?

11 THE WITNESS: [10:43:42] (Interpretation) Your Honour, in the usual messages
12 there is no circling of things, things are written properly. But there is no triangles or
13 diamonds or that sort of thing. So I think the person was trying extra hard.

14 PRESIDING JUDGE TARFUSSER: [10:44:04] You see it from the way it is drafted,
15 not from the content, but from the, say, from the format?

16 THE WITNESS: [10:44:15] (Interpretation) Exactly. Yes, your Honour.

17 PRESIDING JUDGE TARFUSSER: [10:44:17] Okay. Thank you.

18 MS NAOURI: [10:44:19] (Interpretation) Thank you, your Honour.

19 Q. [10:44:25] We will now move to the sixth document, 0043-0429.

20 A. [10:44:42] Yes.

21 Q. [10:44:44] Can you see the document?

22 A. [10:44:46] Yes.

23 Q. [10:44:50] I see that it's up on the screen now. Now, this is a message from the
24 Abobo brigade commander, 8 February 2011. And you were the recipient, weren't
25 you?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 A. [10:45:11] Yes.

2 Q. [10:45:12] Very well. And does this document take the usual form or format of
3 a message from a brigade commander?

4 A. [10:45:20] Yes, it does.

5 Q. [10:45:23] Very well. We will now move on to document number 7. This is
6 number 0044-0047. And could you have a look at the document as it's coming up on
7 the screen.

8 A. [10:45:52] Well, I can look at the hard copy.

9 Q. [10:45:55] Great. Now, you were the recipient of this message?

10 A. [10:46:04] Yes.

11 Q. [10:46:08] And is this the usual format of a report from a squadron commander?

12 A. [10:46:15] Yes.

13 Q. [10:46:19] You've been able to look at the document. Do you remember the
14 operation during which one soldier was killed and nine soldiers were wounded
15 by -- they were shot?

16 A. [10:46:39] Yes. The message, yes. But I don't remember hearing about
17 someone killed or people being injured.

18 Q. [10:46:54] We'll now move on to the eighth document, 0043-0242. Can you see
19 the document, Mr Witness?

20 A. [10:47:20] Yes.

21 Q. [10:47:22] This is the same document as we saw earlier, but as you can see,
22 someone has written something by hand, and we read "BOE" and "BRH mobile
23 legion." Could you tell us what that means?

24 A. [10:47:46] I think that those are the initial recipients who must have forwarded
25 the message on for processing. But I didn't write that. The BOE, that's the office for

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 the organisation of employment, and then BRH is the human resources office. And
2 since people died and people were injured, wounded, *I guess that's why those
3 acronyms are there, for information.

4 Q. [10:48:23] That's very clear. Thank you.

5 We'll now move on to the ninth document. And this is 0044-0046. Can you see the
6 document, Mr Witness?

7 A. [10:48:48] Yes, I can, ma'am.

8 Q. [10:48:52] And this is from your unit, isn't it?

9 A. [10:48:55] Yes.

10 Q. [10:48:58] And your second in command signed in your behalf and he put "for,"
11 F-O-R?

12 A. [10:49:10] Yes.

13 Q. [10:49:11] Is this the usual format for a message coming from the supreme
14 commander of the gendarmerie?

15 A. [10:49:16] Yes, because within the gendarmerie, the second in command takes
16 care of operations. So he can send out a message in that capacity.

17 Q. [10:49:26] Very well. So we see from this document, and I quote, "Request that
18 you send two copies of each case, detailed reports regarding injuries to soldiers
19 within your unit, the following people, the following name, *victims who were
20 injured during the sweeping-up operation in N'Dotr ," and then we see a number of
21 names with numbers.

22 Are we talking about the same operation that was mentioned in the previous
23 document, document number 8, 0043-0242, during which nine soldiers were
24 apparently wounded and one killed?

25 A. [10:50:35] That's right. It's the same report.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [10:50:36] Thank you. So if we've understood properly, your unit took the
2 necessary measures to get detailed information about the wounds suffered by these
3 soldiers?

4 A. [10:50:54] Yes.

5 Q. [10:50:55] Thank you very much, Mr Kassaraté. We will now move on to the
6 tenth document, 0044-0044, document number 10 on the list.

7 So what we see here is a message from the commander of the GEB, 26 February 2011.
8 Can you see the document?

9 A. [10:51:35] Yes.

10 Q. [10:51:36] And you were the recipient, weren't you?

11 A. [10:51:39] Yes, I was.

12 Q. [10:51:43] Can you see the stamp on the document?

13 A. [10:51:47] Yes.

14 Q. [10:51:50] Now, going by the stamp, this message arrived in your unit on 7
15 March 2011; isn't that so?

16 A. [10:51:59] Yes.

17 Q. [10:52:02] And the document is dated 26 February 2011. And so we see that 10
18 days went by between the time the document was written and the time it was
19 received by unit. Is that a usual sort of time or amount of time during a crisis?

20 A. [10:52:22] No.

21 Q. [10:52:22] Why?

22 A. [10:52:24] Because the person who wrote it was in Agban, and the recipients
23 were --

24 THE INTERPRETER: [10:52:32] Inaudible.

25 THE WITNESS: [10:52:35] (Interpretation) -- higher command, and usually you

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 should receive such a message within 48 hours. This is so, this is what we can see.

2 MS NAOURI: (Interpretation)

3 Q. [10:52:42] Very well. Very well. And the events mentioned in the document,
4 is this the same incident you were referring to on the 14th of March 2017, when you
5 were answering a question from Mr Altit regarding the Invisible Commando, and I
6 quote, page 76, lines 8 to 10, quote, "Were they armoured vehicles?"

7 And you said "Yes, because they were able to destroy one of the vehicles, one of the
8 tanks in Abobo"?

9 A. [10:53:21] Yes, that's right.

10 Q. [10:53:22] Thank you, Mr Kassaraté. We can now move on to document
11 number 11. And this is 0044-0045.

12 Can you see the document, sir?

13 A. [10:53:44] Yes, I can.

14 Q. [10:53:48] You were the recipient?

15 A. [10:53:50] Yes.

16 Q. [10:53:54] And does this document follow the usual format of a message from a
17 squadron leader?

18 A. [10:53:59] Yes.

19 Q. [10:53:59] We can now move on to document number 12, 0044-0043. Can you
20 see the document?

21 A. [10:54:24] Yes.

22 Q. [10:54:25] And this comes from your unit?

23 A. [10:54:27] Yes, it does.

24 Q. [10:54:28] And it was signed by your deputy, signed on your behalf?

25 A. [10:54:36] Yes.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Q. [10:54:37] And is it the usual format?

2 A. [10:54:39] Yes.

3 Q. [10:54:40] Thank you. We can now move on to document number 13,
4 0048-0305. And this document is a message from the planning and coordination of
5 operations centre within headquarters, 9 March 2011. Can you see the document,
6 Mr Witness?

7 A. [10:55:19] 0305?

8 Q. [10:55:24] Yes.

9 A. [10:55:25] Yes, I can see it.

10 Q. [10:55:26] You were the recipient of this document?

11 A. [10:55:31] I don't see anything about the gendarmerie.

12 Q. [10:55:41] Well, we can see list of recipients, COSUP GEND.

13 A. [10:55:41] Where?

14 Q. The second page. This document is comprised of two pages. I think the two
15 pages might have been a bit stuck together.

16 A. [10:56:30] Yes, ma'am. I was looking at the first page.

17 Q. [10:56:32] Well, you see, the documents were stapled together, that's why.

18 Thank you very much.

19 *So now that we've got the right page, does this document take the usual format of a
20 message originating from the Chief of General Staff?

21 A. [10:56:49] Yes.

22 Q. [10:56:49] Now we can move on to document 14, 0043-0452. Can you see the
23 document, Mr Witness?

24 A. [10:57:06] Yes.

25 Q. [10:57:10] Weren't you the recipient of it?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 A. [10:57:13] Yes.

2 Q. [10:57:15] And does this document take the usual format of a message from a
3 brigade commander?

4 A. [10:57:21] Yes.

5 Q. [10:57:24] So do you have, can you --

6 A. [10:57:40] I'm reading it now.

7 Q. [10:57:41] Take your time.

8 A. [10:58:03] I'm done.

9 Q. [10:58:04] Perfect. *Now, the document seems to be saying that the rebels were
10 positioned not only in Abobo in March 2011, but also in Yopougon, is that right?

11 A. [10:58:18] Yes, it was urban guerilla fighting, they were fighting. *They were
12 moving from one location to another, from Abobo-Gare to Koumassi. Mr Altit is
13 very familiar with Abidjan. We're talking about at least 10 kilometre distance here.

14 Q. [10:58:31] Perfect. Thank you, Mr Kassaraté.

15 We'll now move on to document 15, and this is 0043-0311. Can you see the
16 document?

17 A. [10:58:52] Yes.

18 Q. [10:58:56] You were the recipient?

19 A. [10:58:58] Yes.

20 Q. [10:59:02] And does the document take the usual format?

21 A. [10:59:06] Yes, yes, as I was saying to the Presiding Judge, yes.

22 Q. [10:59:16] That's very clear, yes. I will read out part of this document. It's
23 about the Plateau area. What we read here is 1300 hours, attack by the ministry of
24 defence and the --

25 THE INTERPRETER: [10:59:37] Correction. If the counsel could kindly slow down.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:59:52] (Overlapping speakers) Can you
2 slow down a bit?

3 MS NAOURI: [11:00:00] (Interpretation) I'll repeat for the benefit of the
4 interpreters.

5 Q. "So 1900 hours approximately, two four-by-four vehicles with armed
6 individuals inside going along the road opened fire at the police post of the superior
7 gendarmerie command." End of quote.

8 So this police post came under fire, didn't it?

9 A. [11:00:50] It seems a bit odd, because whoever wrote this message was in Agban,
10 5 kilometres away from the superior command, *and that's where he announced that
11 the command where I was sitting was coming under fire. I do not recall.

12 Q. [11:01:12] That's clear.

13 We'll now move on to document number 16, number 0043-0310. Do you see the
14 document, Mr Witness?

15 A. [11:01:36] Yes, madam.

16 Q. [11:01:40] You are the recipient of that document; is that correct?

17 A. [11:01:43] Yes, madam.

18 Q. [11:01:46] Does this document appear in the usual format?

19 A. [11:01:50] Yes, madam.

20 Q. [11:01:52] Very well. Let us now move to document number 17, number
21 0043-0229. Do you see the document, Mr Witness?

22 A. [11:02:20] Yes, madam.

23 Q. [11:02:21] Very well. This document is addressed to you, correct?

24 A. [11:02:27] Yes, madam.

25 Q. [11:02:31] Is the document in the usual format?

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 A. [11:02:36] Yes, madam.

2 Q. [11:02:39] On page 2 of the document, there is an outline of food requirements
3 for soldiers and their families at Camp Agban. You who used to live there, do you
4 confirm that there was need for food?

5 A. [11:03:05] Yes.

6 Q. [11:03:08] Thank you.

7 MR DEMIRDJIAN: [11:03:09] Your Honours, Mr President.

8 PRESIDING JUDGE TARFUSSER: [11:03:24] Yes, please.

9 MR DEMIRDJIAN: [11:03:25] I note that the document is dated 20 July 2011, and the
10 question is addressed to the witness about him being the recipient. Could that be
11 clarified, please?

12 PRESIDING JUDGE TARFUSSER: [11:03:37] Yes, of course. It seems strange, yes.
13 Why is this document dated 20 July, 20 July 2011? Did you see that, Mr Witness?

14 THE WITNESS: [11:04:06] (Interpretation) No, I did not see the document. But
15 I'm reading its content. It's like --

16 PRESIDING JUDGE TARFUSSER: [11:04:16] If you read its contents you must see it,
17 otherwise you can't read, I would say. Have you the document in front of you?

18 THE WITNESS: [11:04:28] (Interpretation) Yes, Mr President, I have it.

19 PRESIDING JUDGE TARFUSSER: [11:04:34] And what is the date of the document?

20 THE WITNESS: [11:04:36] (Interpretation) 20 July 2011. That's strange.

21 PRESIDING JUDGE TARFUSSER: [11:04:46] So you said you have seen it. Can you
22 possibly have seen a document dated 20 July 2011?

23 THE WITNESS: [11:05:08] (Interpretation) With your leave, Mr President, I have
24 no recollection. I don't remember.

25 PRESIDING JUDGE TARFUSSER: [11:05:12] Okay. Thank you.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Let's go ahead.

2 MS NAOURI: [11:05:16] (Interpretation)

3 Q. Mr Kassaraté, could it be possible that there was a mistake in the date of a
4 document during the time of crisis?

5 A. [11:05:30] It is possible, but I cannot speak to that situation.

6 PRESIDING JUDGE TARFUSSER: [11:05:40] That's speculation. That's speculation.
7 Obviously it could be possible, everything could be possible.

8 MS NAOURI: [11:05:42] (Interpretation)

9 Q. [11:05:43] But on 8 April 2011, can you confirm that there was need for food at
10 Agban camp?

11 A. [11:05:50] In relation to the date, yes. But as I see in the document, there was a
12 time during the crisis when we actually needed food, and soldiers were sent to get
13 food supplies for us in Bingerville. People had died. And so that's what I'm
14 looking at in the content.

15 Q. [11:06:16] Very well. So let us now move to the very last document, the last
16 document, number 18, 0043-0436.

17 Mr Kassaraté, can you see that document?

18 A. [11:06:34] Yes, madam.

19 Q. [11:06:37] Are you the addressee of that document?

20 A. [11:06:41] Yes.

21 Q. [11:06:42] Does this document bear the regular format of a document from the
22 gendarmerie brigade?

23 A. [11:06:55] Yes, madam.

24 Q. [11:06:56] Thank you, Mr Kassaraté. That was the last document I wanted to
25 show you.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [11:07:06] (Interpretation) Mr President, can I clarify something?

2 PRESIDING JUDGE TARFUSSER: [11:07:08] You can, you can.

3 THE WITNESS: [11:07:10] (Interpretation) It is with the recipient. You see CAB,
4 BOE, GDR, so when the letters come to my cabinet, they are sent directly to the
5 various addressees and I often do not get to see them myself.

6 PRESIDING JUDGE TARFUSSER: [11:07:34] Thank you very much.

7 Maître Altit.

8 MR ALTIT: [11:07:38] (Interpretation) Thank you, Mr President. That puts an
9 end to our examination on behalf of the Laurent Gbagbo Defence team. Thank you.

10 PRESIDING JUDGE TARFUSSER: [11:07:46] That is exactly what I expected.
11 Thank you very much.

12 So after the break at 11.45, after the break at 11.45, the Defence for Mr Blé Goudé will
13 start its questioning. I don't know what Maître N'Dry is gesticulating.
14 But yes, Maître Zokou.

15 MR ZOKOU: [11:08:17] (Interpretation) Mr President, thank you. Now, on behalf
16 of Mr Charles Blé Goudé's team, I would like to say on behalf of the team that we do
17 not have any questions for General Kassaraté. We just want to inform you
18 accordingly as we proceed with the hearings. We want to avail ourselves of this
19 opportunity to thank Lieutenant General Kassaraté for his contribution to the
20 emergence of the truth.

21 PRESIDING JUDGE TARFUSSER: [11:08:51] Thank you very much.
22 Mr MacDonald.

23 MR MACDONALD: [11:08:56] With your permission then, I would recommend that
24 we reconvene for a request that the Prosecution will make, and I would also request
25 that Mr von Bóné stays around. We can do this without the witness being present,

1 just on the safe side, your Honour, for the presence of Mr von Bóné, and we'll then
2 make a request in private session. Also we have to -- sorry, we may have a
3 re-examination, your Honour, I just realized, I just realized I'm jumping the gun.
4 Sorry.

5 MR ALTIT: Monsieur le Président.

6 PRESIDING JUDGE TARFUSSER: [11:09:35] Yes, we will come back at 11.45 for the
7 re-questioning, re-examination by the Office of the Prosecutor and then --

8 MR ALTIT: [11:09:44] (Interpretation) Monsieur le Président.

9 PRESIDING JUDGE TARFUSSER: [11:09:49] Yes, Mr Altit, Maître Altit.

10 MR ALTIT: [11:09:52] (Interpretation) Thank you, Mr President. Except I'm
11 mistaken, we have not received anything from the Prosecution on the application
12 they intend to make. It might be a good thing for them to inform us so that we know
13 what we are dealing with when we reconvene.

14 MR MACDONALD: I thought it was clear from the comments of the Chamber.

15 PRESIDING JUDGE TARFUSSER: [11:10:08] Maître Altit, I didn't receive, you are
16 right, we did not receive anything, and we did only receive a redaction of this
17 dialogue we had on this matter. But we didn't receive anything.

18 But I must let also the -- no. Just for one minute you can say, but then I must give
19 the pause to the interpreters and the court reporters, please.

20 MR MACDONALD: [11:10:40] I will send something, your Honour, but I thought it
21 was clear from the last intervention Tuesday. I will send an email. Also, I thought
22 we would discuss this tomorrow. I wasn't expecting to end so quickly. But it's a
23 very confined issue that is not very complicated. Thank you.

24 PRESIDING JUDGE TARFUSSER: [11:11:03] Well, it's my guess, my guess of two
25 days ago.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Thank you. We will come back at 11.45. Thank you.

2 THE COURT USHER: [11:11:13] All rise.

3 (Recess taken at 11.11 a.m.)

4 (Upon resuming in open session at 11.49 a.m.)

5 THE COURT OFFICER: [11:50:22] All rise.

6 PRESIDING JUDGE TARFUSSER: [11:50:24] I think we start with the request by the
7 Office of the Prosecutor, and therefore do you insist on going into private session?

8 MR MACDONALD: [11:50:40] No. I'm sorry, your Honours, I think I was very
9 sorry. We have two topics to cover in re-examination and maybe we can deal with
10 that afterwards. It's as you wish. The witness is not here. We can --

11 PRESIDING JUDGE TARFUSSER: [11:50:55] No. That's why I said not to
12 introduce the witness, in order to give you the floor for this, to make this request.

13 MR MACDONALD: [11:51:03] Yes.

14 PRESIDING JUDGE TARFUSSER: [11:51:04] But my question is: Why in private
15 session?

16 MR MACDONALD: [11:51:09] Because, your Honours, I can say I will provide all
17 those details in private session. The reason for the private session has to also be
18 given in private session. So what I would recommend to make it simple for now, I
19 think it's preferable that we finish the examination of the witness first, then the
20 witness can be freed, and then we can deal with this issue that I sent by email.

21 PRESIDING JUDGE TARFUSSER: [11:51:41] Do you mean to close completely with
22 the witness with the examination -- because all the Bench has a couple of questions to
23 put.

24 MR MACDONALD: [11:51:51] Yes.

25 PRESIDING JUDGE TARFUSSER: [11:51:52] Then the re-examination and then the

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 possible --

2 MR MACDONALD: [11:51:55] Yes.

3 PRESIDING JUDGE TARFUSSER: [11:51:56] -- re-re-examination and after we
4 release the witness to deal with this?

5 MR MACDONALD: [11:52:03] Yes.

6 PRESIDING JUDGE TARFUSSER: [11:52:06] So fine with me. So let's bring the
7 witness in again.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE TARFUSSER: [11:53:19] Good morning again once more,
10 Mr Witness.

11 I can now announce you that you will not have long to stay here anymore, that by
12 today you can be released from the stand. But before doing so, there are some
13 questions still to be put, because the Defence of Mr Gbagbo has finished, the Defence
14 for Mr Blé Goudé as well.

15 I would have some, I have some clarifications to ask you and some questions, one is
16 completely new. I thought the parties would raise it, but they didn't, so I raise it.

17 And in order to do this, I would ask the registrar to call up CIV-REG-0001-0024, at
18 page 110. And please zoom in on the second part, the bottom part of the page. It's
19 public. Can you zoom in on the second, the bottom part. Thank you. Say the
20 upper one. My question to you is the following, simple: Is this your business card?
21 Was this your business card at any time?

22 THE WITNESS: [11:56:26] (Interpretation) Yes. Excuse me. *When we were at
23 the Palace, as military commander in charge of the Palace, I had visitors cards to
24 distribute.

25 PRESIDING JUDGE TARFUSSER: [11:56:38] So this was your --

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [11:56:44] (Interpretation) Yes, indeed.

2 PRESIDING JUDGE TARFUSSER: [11:56:46] Thank you very much. Then I have
3 another couple of questions related to your testimony. When you were asked about
4 a meeting with Laurent Gbagbo on the security situation in Abobo at the end of
5 February 2011, you said that Laurent Gbagbo gave orders to do everything possible to
6 bring security back to Abobo by extirpating Commando Invisible.

7 And I refer to English realtime transcript T-134, page 82, lines 9 to 13; and page 83,
8 lines 14 and 15 in French transcript, edited transcript T-134, page 71, lines 24-26, and
9 page 72, lines 23 to 25.

10 So were you present at that meeting you're referring to?

11 THE WITNESS: [11:58:11] (Interpretation) Yes, I was indeed at that meeting. We
12 were providing a report back to the president about the situation in Abobo Gare, and
13 he was very arrogant.

14 PRESIDING JUDGE TARFUSSER: [11:58:25] Who was very arrogant? I don't know,
15 it was translated. "Alarming," not "arrogant."

16 THE INTERPRETER: [11:58:38] Sorry. Apologies from the interpreters: Very
17 alarming. The situation was very alarming. Apologies.

18 PRESIDING JUDGE TARFUSSER: [11:58:45] No. It was very strange to me, but
19 this was the translation I heard.

20 To whom these orders were given to bring security back to Abobo by extirpating
21 Commando Invisible? Was it a collective order or precisely given to one or the other
22 person present?

23 THE WITNESS: [11:59:21] (Interpretation) Mr President, with your permission,
24 *whenever we went to see the President, there was the chief of general staff, so people
25 would address the chief of general staff, and then we would execute the orders.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [11:59:37] And how was this order executed or
2 was it executed; and if yes, how?

3 THE WITNESS: [11:59:47] (Interpretation) We were not able to overcome the
4 Commando Invisible. That's why they progressed towards the MACA and towards
5 Abidjan as one of the orators of the Invisible Commando said.

6 PRESIDING JUDGE TARFUSSER: [12:00:09] Was there a coordination among the
7 FDS members by the chief of staff? Was there a coordination, coordination
8 meetings?

9 THE WITNESS: [12:00:29] (Interpretation) Yes, yes, because the chief of staff had
10 appointed a general officer as the chief of operations, General Detoh Letho.

11 PRESIDING JUDGE TARFUSSER: [12:00:47] Which had held the cooperation or
12 held contact with the other armed forces involved.

13 THE WITNESS: [12:01:09] (Interpretation) No. It was through a message. We
14 would meet at the general staff. Then he would draft a message to organise missions
15 against the Invisible Commando at Abobo Gare. But it was a failure.

16 PRESIDING JUDGE TARFUSSER: [12:01:23] Yes. But the question is: Were you
17 informed on what was going on under the lead of the chief of general staff?

18 THE WITNESS: [12:01:43] (Interpretation) Yes, Mr President, it was together, we
19 were together when he gave the orders.

20 PRESIDING JUDGE TARFUSSER: [12:01:50] On another topic, at a certain point in
21 time you spoke about the war zone, that during a meeting chaired by Laurent Gbagbo,
22 it was discussed that Abobo should be declared as a war zone, a zone de guerre;
23 English edited transcript T-135, page 72, lines 13 to 22; and French edited transcript,
24 page 68, line 2, 3, to page 69, line 6.

25 First question: Was it the same meeting we mentioned before related to this

1 extirpation of the Commando Invisible or was it another meeting?

2 THE WITNESS: [12:02:57] (Interpretation) It was the same meeting.

3 PRESIDING JUDGE TARFUSSER: [12:03:01] Okay. What does it mean, "zone de
4 guerre," what does it entail in terms of military terms, I mean?

5 THE WITNESS: [12:03:13] (Interpretation) Yes, Mr President. The idea was
6 proposed by the head of state in the presence of some ministers and generals. So we
7 thought it was not possible. It was not feasible. So it no longer existed. So we
8 wonder how it would happen, how to take out the civilians, because it was too
9 complicated. So that was not done.

10 PRESIDING JUDGE TARFUSSER: [12:03:53] Yes. But the question was: What
11 would the declaration of zone de guerre, which consequences in military terms would
12 this have had?

13 THE WITNESS: [12:04:12] (Interpretation) From the military point of view, it
14 would be to chase out the enemy from the position that they were occupying. And
15 the enemy was the Invisible Commando. But since they were infiltrated amongst the
16 population, we were afraid of collateral damage, so we no longer declared the war
17 zone -- *there was to be fighting if they resisted.

18 PRESIDING JUDGE TARFUSSER: [12:04:46] Thank you.

19 The next, the third topic regards the RTI march, the march of December 2010. You
20 said in relation to this march, you said that the general staff of armed forces had all
21 troops at its disposal and deployed them, and that the police was deployed with the
22 assistance of the gendarmerie.

23 And you said this, the English realtime transcript T-134, page 14, lines 25, to page 15,
24 line 6; and the French edited version at transcript 134, page 13, line 9 to 13.

25 You then a little bit later added that, while you were not present at any meeting

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 relating to the RTI, the measures to be taken would have been discussed at the
2 general staff, l'état-major, and that you received orders from the general staff through
3 the CPCO before the march.

4 And this you said English edited T-135, pages 59, line 22, to page 60, line 21; and
5 French edited transcript, page 56, line 24, to 57, line 26.

6 How exactly, if you know, were l'état-major and the CEMA involved in these
7 operations, in the operations relating to the march or to avoid the march?

8 THE WITNESS: [12:07:05] (Interpretation) The état-major deployed troops in a
9 concentric structure, the police, the gendarmerie and the soldiers to provide security
10 at the RTI so as to prevent the marchers from reaching it. And all that was done
11 under the command of the chief of operations.

12 PRESIDING JUDGE TARFUSSER: [12:07:39] But how did they coordinate, the chief
13 of operations with the different armed forces involved? How did they coordinate?

14 THE WITNESS: [12:07:51] (Interpretation) Structurally the chief of staff is at the
15 état-major in his office. Then there is an officer who is the chief of operations, and he
16 has under his command the chiefs of the various units to be deployed on the ground.
17 And it is that person who reports to the chef d'état-major on the conduct of the
18 operations. And after that he makes a written report to the chief of general staff, if
19 there were incidents and so on and so forth.

20 PRESIDING JUDGE TARFUSSER: [12:08:35] And who was this person? Can you
21 remember?

22 THE WITNESS: [12:08:38] (Interpretation) Yes. It was General Detho, chief of
23 operations, who is now on retirement.

24 PRESIDING JUDGE TARFUSSER: [12:08:55] Okay. Thank you very much.

25 I would now give the floor to the Office of the Prosecutor for its re-questioning.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 Have you many, it's a long re-questioning or not long?

2 MR DEMIRDJIAN: [12:09:10] Very brief, your Honour, three topics, nothing more.

3 PRESIDING JUDGE TARFUSSER: [12:09:15] Okay. Thank you very much. Yours
4 the floor.

5 QUESTIONED BY MR DEMIRDJIAN: (Interpretation)

6 Q. [12:09:22] Good afternoon, Mr Kassaraté.

7 A. [12:09:24] Good afternoon.

8 Q. [12:09:25] I would like to go back to the meeting you have discussed with the
9 Presiding Judge, that is the meeting during which the term "war zone" was discussed.

10 You said generals were present. The ministers were also present; is that correct?

11 A. [12:09:43] Yes.

12 Q. [12:09:44] Which ministers were present, Mr Witness?

13 A. [12:09:46] The minister of the interior, the minister of defence, those were the
14 main ministers.

15 Q. [12:09:55] Very well. Are those the only two you can remember now?

16 A. [12:10:08] From memory, because they are the ones who have authority when it
17 comes to defence and the interior.

18 Q. [12:10:18] Very well. And amongst the generals, which of them were present at
19 that meeting?

20 A. [12:10:23] The chief of general staff, that is General Philippe Mangou, the
21 supreme commander of the gendarmerie, General Kassaraté, and then the
22 commanders of the air force, the ground forces and the navy, plus the police.

23 Q. [12:10:50] Very well. Let us go back to a question that Mr Altit asked you on
24 Tuesday, and it's page 59 of the French transcript, line 15, that is 14 March 2017. I
25 will quote to you the question and the answer, line 15:

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 "At the time of that curfew," and we are talking about the one just before the elections,
2 "who was the prime minister at that time?"

3 Your answer: "Before the elections, the prime minister was Soro Guillaume, I
4 believe."

5 Question: "The minister of defence?"

6 Your answer: "I believe that he accumulated the two positions, prime minister and
7 minister of defence."

8 What I would like to do is to show you a document on the list of ministers at the time.

9 Mr President, if we can display CIV-OTP-0025-0185. It is the document that we
10 asked permission to use by email. It is a decree, your Honour, of 4 March 2010
11 appointing the members of government.

12 PRESIDING JUDGE TARFUSSER: Yes, please. Please go ahead.

13 MR DEMIRDJIAN: Thank you, Mr President.

14 Q. Mr Witness, you can see, top right, decree of 4 March?

15 A. [12:12:51] Yes.

16 Q. [12:12:53] Appointing the members of the government. Let us scroll down to
17 the list of ministers. Number 6, can you see minister of defence, Mr Amani
18 N'Guessan Michel?

19 MS KADJI: [12:13:12] Your Honour.

20 PRESIDING JUDGE TARFUSSER: [12:13:17] Yes.

21 MS KADJI: [12:13:18] (Interpretation) Yes, Mr President, we would like to object as
22 a matter of principle to the use of this document. The Prosecutor wants to
23 strengthen or corroborate his evidence as usual, but this, he has been dealing with this
24 file for many years. Now, it is just not today that he discovered this document.

25 In the interests of the Defence, Mr President, I do not think that the Chamber should

1 authorise this type of practice that the Prosecutor has taken the liberty to do
2 frequently. The interests of the Defence have to be protected. The Prosecutor is not
3 simply discovering this document today. So the Defence of Blé Goudé is opposed to
4 the use of this document as a matter of principle.

5 PRESIDING JUDGE TARFUSSER: [12:14:27] I cannot see where the interests of the
6 Defence are somehow, are breached in a document which is in the public domain
7 which was publicised in the Gazette Officiel, which is an official decree.

8 Mr Demirdjian, please --

9 MS KADJI: [12:14:56] (No interpretation)

10 PRESIDING JUDGE TARFUSSER: [12:15:04] No. That's it. Therefore you can use
11 it. Please.

12 MR DEMIRDJIAN: [12:15:07] Yes. Thank you, Mr President.

13 Q. [12:15:10] (Interpretation) Mr Witness, after seeing this document, do you
14 stand by your answer two days ago, that is relating to the identity of the minister of
15 defence prior to the elections of 2010?

16 A. [12:15:28] Mr Prosecutor, what I know is that Mr Soro was prime minister and
17 minister of defence, maybe not at the same time. So maybe at that time he was no
18 longer minister of defence. But that does not exclude the fact that he at one point
19 was minister of defence, just like others before him and others after him.

20 Q. [12:15:52] Very well. Mr Witness, Mr Soro in his capacity as prime minister
21 and defence minister, was this under the reign of Mr Ouattara or Mr Gbagbo?

22 PRESIDING JUDGE TARFUSSER: [12:16:13] But this should be of public knowledge,
23 things like this. I mean, it can't be that -- if somebody is minister, it appears on
24 official documents, I would say.

25 MR DEMIRDJIAN: [12:16:32] Maybe one last question on this issue, your Honours.

1 Q. [12:16:37] (Interpretation) Mr Witness, in December 2010, that is before the
2 announcement of the results of the elections, who was the minister of defence?

3 A. [12:16:48] I think Mr Soro, I believe.

4 Q. [12:17:21] Very well, Mr Witness. I have a third topic to discuss with you. On
5 Tuesday once again in answer to questions by Mr Altit, from page 10 and 11, you
6 were asked questions on the strength of the gendarmerie, the numbers. Do you
7 remember?

8 A. [12:17:46] Yes.

9 Q. [12:17:47] Once again I will read it out to you. After a long exchange, Mr Altit
10 put it to you, and I quote, page 13, line 12, and I quote:

11 "Very well. If I understand you correctly, and if I make a quick calculation, based on
12 what you have just told us, 700 to 800 gendarmes in Abidjan."

13 Your answer, "Yes, in principle, because there were people ill and on leave."

14 That was your answer on Tuesday.

15 Now, Mr Witness, we have a document on this matter of staff strength that is in
16 principle and concretely. And it is document CIV-OTP-0043-0285.

17 (Speaks English) And, your Honours, for clarity, this is at tab 289. It appears on the
18 list of the Defence of Laurent Gbagbo, amongst the documents they showed this
19 morning, this one was not shown.

20 (Interpretation) It is a document dated 24 January, Mr Witness.

21 And maybe the Registry could help us to give a hard copy to the witness, please.

22 Very well. Mr Witness, we saw other documents from Colonel Major Gbéli Gabo
23 Gilbert. So it is the usual form from the departmental legion?

24 A. [12:20:19] Yes.

25 Q. [12:20:21] The second page at the top, "Activities Carried Out." *On Monday you

1 said that the 1st departmental legion currently has 7 companies with 44 brigades
2 including 3 traffic and 41 territorials, had a total of 2,082 gendarmes, including 29
3 officers and 2,053 non-commissioned officers. So the numbers in principle are well
4 beyond, are well beyond those that are normally required. *So now the figures that
5 were suggested to you on Tuesday, if you compare them to these ones, which are true?

6 A. [12:21:18] The 1st departmental legion goes beyond Abidjan, Abengourou right
7 up to Divo in the centre and to Aboisso in the southeast. So we had talked about the
8 brigades that were in Abidjan when it came to this matter of staff strength. That is
9 what I meant.

10 MR DEMIRDJIAN: Your Honours, this completes my questions. Thank you.

11 PRESIDING JUDGE TARFUSSER: [12:21:47] You've finished the re-questioning?
12 Okay.

13 Now I ask the Defence teams if they have further questions?

14 MR ALTIT: [12:21:54] (Interpretation) No questions, Mr President. Thank you.

15 PRESIDING JUDGE TARFUSSER: [12:22:01] Thank you very much.

16 I think --

17 MR ZOKOU: [12:22:05] (Interpretation) Obviously, no questions, Mr President.

18 PRESIDING JUDGE TARFUSSER: [12:22:09] Now, Mr Witness, your testimony here
19 in front of the International Criminal Court is over, is terminated, and I can release
20 you. You can go back to your occupation, to your daily occupation after having
21 spent quite some time here in The Hague. Thank you for having been here, for
22 having responded to the questions of all the questioners, and have a safe trip home.
23 Thank you also to your counsel, Mr von Bóné, for his assistance. And I would now
24 ask the court usher to accompany you out. Thank you very much.

25 (The witness is excused)

1 PRESIDING JUDGE TARFUSSER: [12:23:40] Now that we have finished this
2 testimony earlier as expected, I would say, there is one thing I have to do before going
3 into private session and giving the floor to the Office of the Prosecutor, is to read out
4 an oral ruling, a very brief and very simple oral ruling on the request for extension of
5 pages, which was filed by the Defence for Mr Blé Goudé for its response to the -- well,
6 now I go formal:

7 This is the Chamber's oral ruling on the Blé Goudé Defence request for an extension
8 of pages for its response to the Prosecutor's consolidated application under Rule 68,
9 and I'm referring to filing number 829, to a maximum of 50 pages.

10 The request was submitted by the Defence for Mr Blé Goudé on 14 March 2017,
11 filing 849.

12 The Chamber recalls that on 23 February 2017, the Chamber granted the Prosecutor's
13 request for an extension of pages for her own consolidated request on the basis of the
14 consolidated nature of the application and in light of the information submitted as
15 regards the number of the Prosecutor's forthcoming witnesses. And here I'm
16 referring to decision 825.

17 The Chamber finds that the same reasoning applies to the responses to the application
18 and that, accordingly, the requested extension is warranted pursuant to Regulation
19 37(2) of the Regulations of the Court. This extension is obviously granted to the
20 benefit of the Defence for Mr Gbagbo and to the LRV, if needed, although they did
21 not yet submit a request to the same effect.

22 This concludes the oral ruling.

23 Now, and I say this also for the public, we have to go into private session, requested
24 by the Office of the Prosecutor, because the Office of the Prosecutor wants to submit a
25 request to the Chamber in private session.

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Private Session)

ICC-02/11-01/15

1 And, therefore, I ask the court officer to call the private session.

2 (Private session at 12.26 p.m.)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Private Session)

ICC-02/11-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Upon resuming in open session at 3.03 p.m.)
- 21 THE COURT USHER: [15:03:52] All rise.
- 22 Please be seated.
- 23 PRESIDING JUDGE TARFUSSER: [15:04:10] Good afternoon.
- 24 This will be very short. I know. This will be a very short hearing, which is only
- 25 here to read out the oral ruling of the Chamber in relation to the request which was

1 made this early afternoon. And this request was made and discussed in private
2 session, so I have to go into private session to make the ruling and come back then in
3 open session to adjourn the hearing.

4 So please can we go into private session. Thank you.

5 (Private session at 3.05 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25 .

Trial Hearing
WITNESS: CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Open session at 3.09 p.m.)
- 5 THE COURT OFFICER: [15:09:11] We are in open session, Mr President.
- 6 PRESIDING JUDGE TARFUSSER: [15:09:18] Thank you very much.
- 7 The open session just to announce I think, if there is nothing else to discuss, but I
- 8 hope not, I think not, to announce that the hearing is adjourned to Monday 9.30,
- 9 where we start with Witness --
- 10 (Trial Chamber confers)
- 11 PRESIDING JUDGE TARFUSSER: [15:09:44] It is still Monday, but not this Monday,
- 12 but Monday -- can somebody help me? 27, on Monday 27 at 9.30, where we start the
- 13 questioning of Witness P-10.
- 14 Thank you very much. The hearing is adjourned.
- 15 THE COURT USHER: [15:10:13] All rise.
- 16 (The hearing ends in open session at 3.10 p.m.)