

Trial Hearing
WITNESS: CIV-OTP-P-0010

(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 Wednesday, 29 March 2017
10 (The hearing starts in open session at 9.41 a.m.)
11 THE COURT USHER: [9:41:55] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:42:08] Good morning.
15 Good morning, Mr Witness.
16 We know that the two accused are not here yet, but they are on their way as far as I'm
17 informed, because there was some problems, I don't know which ones. But we
18 decided, the Chamber decided, to start with, if all the parties are in agreement with
19 this, to start anyhow because we have to advance the proceedings.
20 So if there is no particular opposition on this, I ask the Defence teams, in particular.
21 MR ALTIT: [9:42:53] (Interpretation) Thank you, Mr President. Mr President,
22 your Honours, we have no objection.
23 PRESIDING JUDGE TARFUSSER: [9:43:01] Mr Knoops.
24 MR KNOOPS: [9:43:02] Good morning, Mr President. We have no objection.
25 Thank you much.

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1 PRESIDING JUDGE TARFUSSER: [9:43:06] Thank you, very much. It should be, as
2 far as I was told, a matter of minutes. They're approaching the premises, so it should
3 be a matter of minutes. And, therefore, I give immediately the floor to the Office of
4 the Prosecutor, reminding on one side ourselves that we will have the four and a half,
5 full four and a half hours. Therefore we will stop now at 11.15 and not at 11, and
6 that you have today, and that's it. Thank you very much.

7 You have the floor.

8 Good morning, Mr Witness. Sorry.

9 You have the floor.

10 WITNESS: CIV-OTP-P-0010 (On former oath)

11 (The witness speaks French)

12 THE WITNESS: [9:43:54] (Interpretation) Good morning, Mr President.

13 MS PACK: [9:43:57] Thank you, Mr President.

14 QUESTIONED BY MS PACK: (Continuing)

15 MS PACK: [9:44:03]

16 Q. [9:44:04] And good morning, Mr Witness.

17 A. [9:44:06] Good morning, Madam Prosecutor.

18 Q. [9:44:07] Now, I'm going to start where we left off yesterday. We were going to
19 talk about the 16 December 2010 demonstration, and I want to just focus on that for
20 the next few minutes.

21 Now, did you attend any meetings at the état-major before the 16 December march?

22 A. [9:44:39] Thank you. Mr President, with your leave, and I crave your
23 indulgence accordingly, I would like to revisit some of the documents that the
24 Prosecutor showed me yesterday. I believe that some of those documents were
25 presented during private session, and I want to go back to them to discuss them again,

1 because last night I thought over these things and, because I don't have the
2 competence of the Prosecutor to react promptly on such documents, I simply
3 therefore want to crave your indulgence and ask you, Mr President, that we revisit
4 those documents for these reasons.

5 And I am referring here to the documents that were presented the day before
6 yesterday on -- I don't know if I can mention the topic -- on weapons and then the
7 documents presented yesterday relating to incidents in Koumassi and Adjamé. It
8 will not take much time, Mr President. I simply want to revisit those documents for
9 about a few minutes and, if necessary, make a few remarks about some of the ideas
10 that came to my mind overnight. Thank you, Mr President.

11 PRESIDING JUDGE TARFUSSER: [9:46:24] Thank you, Mr Witness. I would refer
12 this also to the Office of the Prosecutor, meaning that if this is the right moment to do
13 so or to do it at a later stage.

14 MS PACK: [9:46:42] Well, I'm on a strict time instruction, so of course I am reluctant
15 to take away. But I think if the witness wishes to address something, the problem is
16 there are quite a few document that were referred to, if you recall, in private session.

17 PRESIDING JUDGE TARFUSSER: [9:46:59] Yes.

18 MS PACK: [9:47:00] There is a whole sequence of documents. So this could take a
19 while.

20 PRESIDING JUDGE TARFUSSER: [9:47:03] Yes. But the witness said it's
21 something --

22 MS PACK: [9:47:06] Exactly.

23 PRESIDING JUDGE TARFUSSER: [9:47:07] -- which doesn't take much time.

24 MS PACK: [9:47:08] We can -- probably now is better than later, I think.

25 PRESIDING JUDGE TARFUSSER: [9:47:11] Yes, I think so as well.

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1 So, Mr Witness, please say what you want to say in relation to these documents.

2 You have the floor. Do you need the documents as such or --

3 MS PACK: [9:47:26] Can we go into private session first, because clearly it's the
4 documents that were shown in private session, and then I can actually bring up one of
5 the documents and we can just go from there and see if that assists in the process.

6 Thank you.

7 PRESIDING JUDGE TARFUSSER: [9:47:40] Okay. So let's go to private session.

8 (Private session at 9.47 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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22 (Open session at 10.02 a.m.)

23 THE COURT OFFICER: [10:02:14] We're in open session.

24 PRESIDING JUDGE TARFUSSER: [10:02:17] Thank you very much.

25 Yours the floor.

1 MS PACK: [10:02:20]

2 Q. [10:02:20] So we move again to 16 December, and I'll repeat the question that I
3 started with today. Did you attend a meeting at the état-major before the 16
4 December march?

5 A. [10:02:45] Yes.

6 Q. [10:02:48] On what day before the march?

7 A. [10:02:54] It must have been a day or two before the march. I don't know
8 whether it was the 15th or the 14th, but a day or two before the march.

9 Q. [10:03:07] Who was present at the état-major at the meeting that you attended?

10 A. [10:03:16] All the generals whom we've been talking about since the beginning
11 of this hearing, in addition to their major or their main collaborators, that is to say
12 senior officers. But if you want, we can go through their names again, Madam
13 Prosecutor.

14 PRESIDING JUDGE TARFUSSER: [10:03:40] No, we don't. We know them.

15 MS PACK: [10:03:43] We know them. I'm pleased to hear that.

16 PRESIDING JUDGE TARFUSSER: [10:03:46] We know them and we have the
17 logbook and I think --

18 MS PACK: [10:03:48] Well, this isn't -- yes, okay.

19 PRESIDING JUDGE TARFUSSER: [10.03.49] Well, we know --

20 MS PACK: [10.03.49] We know them. Right.

21 PRESIDING JUDGE TARFUSSER: [10:03:50] Yes.

22 MS PACK: [10:03:50]

23 Q. [10:03:50] Just apart from the generals, the usual generals who you've indicated
24 to us, was anyone else present from any other unit, units? You speak usually about
25 the gendarmerie, the police, the COMTER, Mangou. Was anyone from the GR

1 present at this meeting?

2 A. [10:04:12] Somebody who was not part of the FDS or do you mean somebody
3 else who was also part of the FDS?

4 Q. [10:04:22] Was there anyone from the Garde Républicaine at this meeting?

5 A. [10:04:29] Ah, well, maybe I should remind you that all the meetings that we
6 had, there was always a representative of the Republican Guard, the Garde
7 Républicaine.

8 Q. [10:04:44] And the representative on this occasion, was it the commander or was
9 it someone else?

10 A. [10:04:50] There was one representative. He was not the commander himself.
11 But it was a representative of the Republican Guard, if I am correct.

12 Q. [10:05:04] Now, tell us please what happened at this meeting, what was said?

13 A. [10:05:18] During that meeting, all the information that we had with regard to
14 the march that was due to take place and that had been sparked by the RHDP, all the
15 information was put on the table by the director general of the police and by the chief
16 of general staff of the army, everything that they had in ways of information and
17 intelligence, to be specific.

18 So on the basis of that information, the chief of general staff gave instructions to the
19 director general of the national police to plan and conduct operations to cover the
20 march of 16 December, because this was part of his remit with regard to the
21 regulations.

22 Q. [10:06:32] And did the chief of staff, did the CEMA, did he describe what the
23 aims of the operations to cover the march should be?

24 A. [10:06:48] Let me repeat. The chief of general staff requested of the director
25 general of the police to give his plan or outline his plan, because he was the person

1 who was going to be responsible for the operations of 16 December, so outline the
2 plan with regard to the security measures associated with the 16 March march, and in
3 that context the chief of general staff did not have anything to outline.

4 Q. [10:07:31] What then did the director general of the police then do or say at this
5 meeting?

6 A. [10:07:44] The director general of the national police outlined according to the
7 information and intelligence that he had to hand, outlined his plan and especially
8 expressed his needs in terms of resources, human resources, equipment, vehicles to
9 the chief of general staff.

10 Q. [10:08:16] What was the plan?

11 A. [10:08:27] The plan was that the march was not authorised, according to what
12 was said. It was not authorised. So they had to make sure that there was no
13 gathering of people on the streets or in certain locations, and especially reinforce
14 those sensitive locations such as the RTI and some public buildings.

15 Q. [10:09:01] So which locations, can you be more specific, did he say should be
16 reinforced?

17 A. [10:09:14] The RTI, of course; the Plateau, which is the business centre; and we
18 also according to the instructions had to make sure that our own barracks were made
19 secure.

20 Q. [10:09:42] And were there particular points which had to be reinforced,
21 particular points? Let's start with the RTI. Were there particular points related to
22 the RTI and access to the RTI which were to be reinforced?

23 A. [10:10:06] The RTI itself, that very installation, in addition to the radio at the
24 Plateau, are important points in themselves. Let us not forget that the aim of the
25 march was to install a new director general at the RTI.

1 Q. [10:10:34] And did the director general of the police state to which points,
2 particular points, particular carrefour, particular points to which units or men were to
3 be deployed?

4 A. [10:10:46] It was not up to him to explain that to us. He was explaining his
5 general plan to us, because he was a high-ranking officer. And then he had another
6 meeting with his major subordinates, to whom he gave specific missions in details.
7 He's not going to give the details of what he's going to do to the generals. He is
8 responsible enough in himself.

9 Q. [10:11:23] And did you learn which points were to be -- to which points men
10 were to be deployed in advance of the march?

11 A. [10:11:37] These were the details of an operation that one does not need to
12 discuss in a generals' meeting.

13 Q. [10:11:49] Now, you've told us that the units, according to the plan, was to make
14 sure that there was no gathering of people in the streets or in certain locations. What
15 was the plan in relation to those gatherings? How was it stated that those gatherings
16 should be stopped or prevented?

17 A. [10:12:21] The aim of the mission was to stop gatherings on public roads and
18 also to stop the occupation of public buildings. That was the general mission. Now,
19 it was up to each subordinate chief -- well, that's going to be covered in detail, but
20 that is not at our level, as I was saying earlier. The director general of the national
21 police requested means in terms of men and in terms of vehicles. But he is in the
22 habit of doing this kind of work, so he will do so, and he did.

23 Q. [10:13:22] Okay. I just want to ask you to look at your statement, again the
24 statement you gave to the Office of the Prosecutor. And I'm asking you to look,
25 please, at 0051, and it's 0335 is the number of the interview, at page 0353.

1 Now, just to read from that, I'm going from line 66, well, 662. You say in relation to
2 this meeting: (Interpretation)

3 "At that meeting, he gave extensive instructions ...

4 Interviewer 3: Okay.

5 Interviewee: ... clear ... where there were measures to be taken. It was in writing.

6 He talked there and then it was in writing because there was an officer from the

7 general staff whose duty it was, who presented this over PowerPoint. So there are

8 measures to be taken that he then communicated to everybody and he requested that

9 each and every one of us gave or place at his disposal men in order to put those

10 measures into reality."

11 (Speaks English) Are those the words that you stated in your interview? This is your
12 interview with the Office of the Prosecutor, the second interview in 2013.

13 A. [10:17:25] Yes, indeed.

14 Q. [10:17:29] And are the words stated there true?

15 A. [10:17:35] It is true and it's exactly what I'm saying to you. But I don't want to
16 at our level, because here these are the little details, these are the details that are
17 known, and that's not to my mind the most important point. The most important
18 thing is that he gave us his plan, and all of that is part of it.

19 But I don't want to go into those details. But those details are real. What I said to
20 the investigator is true, all of that is true. That is what I'm saying. He gave us his
21 plan of action, and in the plan of action there are lots of details, but I'm not going to
22 start repeating all of those details. If that is what you wanted to hear from me, well,
23 these are there, but I was talking about the plan that he detailed or outlined.

24 Q. [10:18:38] Yes, it's the details, please, because we are in court now and the
25 details that you gave in your interview aren't before the judges. So we need to

1 communicate those details. If I ask you questions about the detail, it's because I need
2 to have answers about the detail.

3 Now, we have reference here to a PowerPoint. Was there a presentation then about
4 the points that were to be occupied by the FDS in advance of the march?

5 A. [10:19:11] Yes, of course, these are the details. I am sorry, I didn't provide you
6 with those details, because indeed I am addressing the Court now, and it is a good
7 thing for the Presiding Judge and your Honours by his side be aware of the details
8 that are contained in my statement. So I'm very sorry about that. I do apologise.
9 So this was the plan that he outlined and it comprised all of the detailed information
10 contained herein, according to the various neighbourhoods, the various
11 neighbourhoods, whether it be in Cocody, Abobo, le Plateau, Adjamé, and all of the
12 neighbourhoods of Abidjan.

13 Q. [10:20:06] All right. And I'm going to show you another document from your
14 interview. This is your first interview. And it's at item 13 for my learned friends.
15 It's CIV-OTP-0007-0039.

16 And just before it comes up, do you recall in your first interview marking on a map
17 the points to which FDS were to be deployed around the RTI?

18 A. [10:20:55] Could you please present me with a map? Then I'll be able to
19 provide you with my confirmation.

20 Q. [10:21:09] It's actually the next page, please. Thank you.
21 Just take your time. Do you recognise this document?

22 A. [10:21:22] Yes, indeed.

23 Q. [10:21:26] And can you tell us then what it is, what it shows?

24 A. [10:21:35] This is a map of part or one part of Cocody, that is, notably, the RTI
25 neighbourhood. And here we can see on the plan, according to the plan of

1 intervention of the DG of police, the areas that he wanted to have his troops occupy in
2 order to isolate the RTI from demonstrators.

3 Q. [10:22:11] And is this a plan that you marked yourself?

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

5 Q. [10:22:21] And that was during your interview, was it, with the Office of the
6 Prosecutor?

7 A. [10:22:27] Yes.

8 Q. [10:22:35] Now, the units, the particular units to be deployed on that day, which
9 units were to be deployed for purposes of the 16 December march?

10 A. [10:23:00] I wanted to come back somewhat because I said earlier that when the
11 director general of the police outlined his plan, at the same time he voiced his needs.
12 So an operational structure was put in place, of which he was the chief. He, with his
13 main co-workers, notably the préfet de police and the chief of general staff, requested
14 from each of the participants that they place at the disposal of the DG of the police, at
15 his behest, the men that he required with the organic means of said men.
16 So the unfolding of the operation for the entirety of the day was under the exclusive
17 remit of the director general of the police. And when such a command structure is
18 put in place, it is the principle of the unified command that there should not be any
19 interference, no other chief should interfere, apart from the designated person in
20 charge.

21 So with regard to this, I cannot a priori say that he's going to do this or that. He is
22 the one who decides, according to the unfolding of the situation on the ground, he
23 decides what he's going to do.

24 But at the debriefing after the operation he explained to us somewhat what he did
25 and then we gleaned some information at the debriefing after the operation on an a

1 posteriori basis.

2 Q. [10:25:27] So there's a few things there I want to deal with. Let me just
3 start with, you're talking about the role of the DGPN. Now, was there, in terms of
4 this operation, was there a command post established, a police command post
5 established for the operation?

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

7 Q. [10:25:56] And where was that based?

8 A. [10:26:01] It was located at the PC Minos, the PC Minos.

9 Q. [10:26:14] Physically, where was the PC Minos situated?

10 A. [10:26:21] The PC Minos, the Minos command post, was located close to the
11 ministry of the interior.

12 Q. [10:26:38] You talk about the co-workers of the DGPN, the main co-workers so
13 far as this operation is concerned. Can you tell us anything about, please, the role of
14 the director of the police intervention units, Yoro, in relation to the 16 December
15 operation?

16 A. [10:27:09] Only the DGPN, that's the director general of the national police,
17 would be in a position to provide you with this information.

18 Q. [10:27:25] Can I ask you to look at a document. It's 0045-0742, with an OTP
19 prefix. It's item 106 on the list of material for my learned friends.

20 Just to be clear on the issue of Mr Yoro, we just take a look at this document. Let me
21 read there. It's a bulletin. It's dated 17 December 2010. Just for the record, it
22 purports to be from, on the first page, the PC operation ministere de l'intérieur
23 (Interpretation) the operational command post of the ministry of the interior, (Speaks
24 English) and indeed the expéditeur, (Interpretation) the sender; le chef PC operations,
25 (Interpretation) is the command post chief of operations. Destinataires

1 (Interpretation) Recipients: (Speaks English) the DGPN, CEMA, COMSUP, the
2 gendarmerie, and commandant CECOS, commandant CCI.

3 So do you recall receiving this document?

4 A. [10:29:12] As these events are somewhat back in time, I do not remember this
5 document in detail.

6 Q. [10:29:27] Just if we look at page 0744, we see it's signed here by Yoro Claude, le
7 chef PC opérations (Interpretation) the operational command post chief of operations.
8 (Speaks English) Question: Do you recall who was in command of the PC Minos?

9 A. [10:29:56] To my mind the person in charge of all of the operation, the entire
10 operation, was the DGPN. According to the decisions that were taken at the level of
11 the general staff, he was mandated in compliance with the texts to head up the law
12 enforcement or law enforcement operations on that day in question.

13 Q. [10:30:34] Back to the first page, please. Did you receive this document? I
14 appreciate you don't recall the document in detail, but did you receive it?

15 A. [10:30:50] Certainly, since I am one of the recipients. I am a recipient, I must
16 have received it. But it's been a long time ago and I cannot specifically remember the
17 content.

18 Q. [10:31:10] Okay. Now, back to the meeting. We had the -- the meeting with
19 the CEMA and others, do you recall whether or not the CEMA said at that meeting
20 whether he was going to meet anyone else after your meeting at the état-major with
21 him and the DGPN?

22 A. [10:31:46] I have not understood your question.

23 Q. [10:31:57] Okay. Let me just start with this. Do you recall at the meeting if the
24 chief of staff said whether he had received instructions from anyone?

25 A. [10:32:08] The chief of general staff in his position and during such events

1 certainly does receive instructions. He certainly does receive instructions, but I don't
2 know what the nature of such instructions would be. Normally, the DGPN being
3 the one responsible for conducting such events would also receive instructions from
4 his superiors. But I don't know what the content of such instructions would be.

5 Q. [10:32:52] All right. Now let's just go on to please the role of CECOS units on
6 the 16 December. Were there CECOS units deployed on 16 December?

7 A. [10:33:11] CECOS units were made available to the director general of the
8 national police upon his requests. Now, as to where and whether they were
9 deployed is an answer that you can only get from the person who was in charge of
10 the operations. We -- I had some information at the location of the deployment a
11 posteriori, that is, at the debriefing, and also after the troops had come back to the
12 base. And in order to find out what had actually happened, they gave me some
13 information. But I was not in a position to know ahead of time where they would be
14 deployed because I was not in charge of that operation.

15 Q. [10:34:10] Okay. Well, let's just remember that we are -- I'm asking you about
16 the details here, the details, and not about what a posteriori you were told.
17 So let's just start, please, with the carrefour de la Vie, the carrefour de la Vie. Was
18 there a CECOS unit or were there CECOS elements deployed to the carrefour de la
19 Vie on the 16 December?

20 A. [10:34:46] Well, we must specify that there was no CECOS unit deployed to the
21 carrefour de la Vie on 16 December. Now, I said to the investigators, and I repeat
22 this to the Court, during the operation the DGPN informed the chief of general staff
23 that some of his arrangements had been breached at the Agban barracks roundabout
24 and that the demonstrators were going towards the RTI through the Boulevard de
25 Martyrs and also through the main road going from carrefour de la Vie to ENA, for

1 those of you who know Abidjan, of course.

2 So the chief of general staff looked around and found that there was no unit at the
3 carrefour de la Vie to stop the demonstrators if they got there. So he called me and
4 told me to promptly deploy people to block off the carrefour de la Vie, because
5 apparently demonstrators were going to pass by the carrefour de la Vie, and this is
6 what I did.

7 So it was not a deployment that was made ahead of time. It is what we refer to as
8 action undertaken in the course of action.

9 Q. [10:36:49] All right. And still thinking about realtime, not afterwards, but in
10 realtime on 16 December, you get a call from the CEMA. Can you tell us about what
11 time of day on 16 December you get the call?

12 A. [10:37:16] If memory doesn't fail me, I think it was towards the end of the
13 morning that he became aware of that information and then gave instructions for that
14 roundabout to be blocked off.

15 Q. [10:37:36] You received that information and what did you do? Did you give
16 instructions to men or to a unit to be deployed?

17 A. [10:37:52] We had a few men of the CECOS detachment who were at the
18 gendarmerie base, and the distance between the gendarmerie school and the venue of
19 deployment was not very great. So instructions were given to a detachment from
20 the gendarmerie school to quickly move to that location.

21 Q. [10:38:34] Now, you mentioned two detachments at the gendarmerie school
22 earlier. Was this the groupe d'appui or was it the BMO that you instructed at this
23 point to be deployed?

24 A. [10:38:45] It must have been a detachment from the groupe d'appui. On that
25 day that detachment, given that there were no more officers since most officers had

1 been reassigned to the police, on that day I asked Commissioner Robé to lead up that
2 mission.

3 Q. [10:39:24] Now, I just want to check the name that you stated there. Can you
4 repeat the name of the person who was to lead up that operation, just for the English
5 transcript?

6 A. [10:39:39] The person who conducted the operation is Commissioner Robé.

7 Q. [10:39:50] About how many men did he lead on that operation, CECOS men?

8 A. [10:39:59] About 12, because at that time we did not have many men at the base.
9 I don't remember the specific numbers. It must have been one or two patrols, 12
10 people more or less. But in any event within that range.

11 Q. [10:40:26] What about Aboubacar Fofana, the chief of that groupe d'appui, was
12 he engaged in operations on 16 December?

13 A. [10:40:41] It was the troops of the BMO that were mostly made available to the
14 general directorate of the police. Now, the groupe d'appui intervened, but in other
15 areas.

16 Q. [10:41:14] All right. So just staying with this deployment to the carrefour de la
17 Vie, the men who were instructed by you to go there, were they armed?

18 A. [10:41:30] Most of them were armed with batons and shields and a few Kalash
19 for purposes of caution, because already some soldiers, some policemen had already
20 been killed at the time the demonstration began. So it was an armed march or an
21 armed demonstration.

22 Q. [10:42:12] Sorry, just to be clear there, were there instructions given then by you
23 to these men before they went in relation to the use of arms, to the use of the Kalash?

24 A. [10:42:34] The procedure is quite simple. I received instructions from the chief
25 of general staff, the venue, the mission, and so I called up the commissioner, who was

1 supposed to head up the small detachment. I didn't choose him haphazardly, I took
2 someone who was well experienced to lead up this detachment.

3 He knew very well that the types of instructions we give to our men in such
4 circumstances are the same. The weapons provided should be used in cases of
5 legitimate self-defence, with a view to ensuring that the demonstrators do not get to
6 the carrefour de la Vie by pushing them back using grenades that were made
7 available to them and by protecting themselves with shields.

8 This is what they did because they ended up, according to the report that I received,
9 pushing them back all the way to Adjamé and then they returned to the base.

10 Q. [10:43:56] Okay. Let's deal with this. Who reported to you then afterwards,
11 after the operation at the carrefour de la Vie to which these men were deployed?

12 A. [10:44:11] The officer who was in charge of the operation, he's the one who
13 reported back to me.

14 Q. [10:44:23] Robé?

15 A. [10:44:26] Yes.

16 Q. [10:44:30] Did he report any civilian injuries?

17 A. [10:44:36] I don't remember him mentioning any civilians being injured. He
18 simply told me that the demonstrators had been pushed back all the way to Adjamé
19 and that they had stayed at the carrefour for a while to ensure that other
20 demonstrators did not come that way. He did not talk to me about any injured
21 persons at that time.

22 Q. [10:45:12] Okay. Just to be clear, because you said he didn't talk to you about
23 any injured persons and you said you don't remember him mentioning any civilians
24 being injured, so just to be clear what your evidence is, did he or did he not report
25 any civilian injuries?

1 A. [10:45:25] As far as I know, I didn't hear mention of any civilians being injured,
2 except I am mistaken.

3 Q. [10:45:45] Let's just finish up then on other aspects of your evidence just now.
4 You talked about grenades. What type of grenades were these men using?

5 A. [10:45:58] These are grenades that are usually used for law enforcement
6 purposes, *i.e. tear gas and smoke grenades, and as we did not have many stun
7 grenades, they were given these grenades, but sparingly.

8 Q. [10:46:25] And just to be clear on the equipment these men had available to
9 them, were they using vehicles?

10 A. [10:46:37] They had patrol vehicles, the double cabin vehicles which I mentioned
11 before.

12 Q. [10:46:50] How many?

13 A. [10:46:54] There were enough vehicles, but I cannot tell you how many they had.
14 There were enough vehicles, and as I said a short while ago, their numbers were not
15 that great, so they had enough vehicles.

16 Q. [10:47:15] Were there machine guns mounted on the vehicles?

17 A. [10:47:22] Generally speaking, the vehicles of the support group had machine
18 guns, either the 12.7 or PKM, as we talked about yesterday. But I said also that the
19 vehicles were generally in a bad state of repair, were out of service. But ordinarily
20 they were equipped with *PKM-type machine guns, 16.62s.

21 Q. [10:48:05] Okay. Ordinarily they did, what about on 16 December?

22 A. [10:48:31] On 16 December, we were given instructions to dispatch at least two
23 patrols with machine guns and PKM and pursuant to the instructions of the chief of
24 general staff to go to the carrefour Marie-Thérèse Houphouët-Boigny.

25 *Now, this I know. The detachment that went to the Carrefour de la Vie, I gave

1 instructions at that moment. I went to my office. I did not go to check what means
2 they had when they left, but generally for the purposes of maintaining law and order,
3 AK47s are carried, particularly that on that day, the 16th of December, already in the
4 morning, there was talk on the radio of firing originating from the marchers, and that
5 some policemen had been killed, in Abobo. Therefore, they must have been
6 deployed like all other units with security in mind, and that is why they had Kalashs
7 and PKMs and such weapons, to be able to defend themselves should a similar
8 situation arise in their case, and that would be a matter of legitimate self-defence.

9 Q. [10:49:54] All right. I want to play a video, and I'm going to ask please to move
10 to the evidence 2 channel, if your learned counsel could switch the evidence to
11 evidence 2 on the control. If the Prosecution could have control of the evidence
12 channel. And it's for the record CIV-OTP-0083-1394. There's no transcript. The
13 time reference is 00:02:31 to 00:03:30. So just a minute. If we can just play that now.
14 And is the witness's channel on evidence 2, if I can just check with my learned friend
15 who is counsel? Thank you.

16 (Viewing of the video excerpt)

17 MS PACK: [10:52:16] Right. Could we go into private session very briefly?

18 PRESIDING JUDGE TARFUSSER: [10:52:21] Let's go into private session, please.

19 (Private session at 10.52 a.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
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- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Open session at 10.56 a.m.)
- 15 THE COURT OFFICER: [10:56:37] We're back to open session, Mr President.
- 16 PRESIDING JUDGE TARFUSSER: [10:56:38] Thank you.
- 17 Could you repeat the question. Thank you.
- 18 MS PACK: [10:56:41]
- 19 Q. [10:56:41] Was there a deployment to, a CECOS deployment to carrefour du Zoo
- 20 on 16 December?
- 21 A. [10:56:51] I am somewhat disturbed, madam, when you mention deployment of
- 22 CECOS troops and refer the question to me. Madam, I told you that this operation
- 23 was not under the command of the CECOS commander. It is the DGPN which was
- 24 in charge of the operation. Everybody, gendarmerie, army and the police made
- 25 available the required troops to the DGPN, and it was up to the DGPN to deploy

1 those troops depending on the evolution of the situation on the ground.

2 Now, a short while ago you put to me a question about carrefour de la Vie when we

3 undertook action in the course of action. That is fair. But now when it comes to the

4 other areas in Abidjan, including the Zoo, I believe that the information that I have in

5 relation to the said deployment would only be information that I received after the

6 deployment when the troops returned.

7 When I make troops available to the DGPN for deployment, I'm not in a position to

8 know when he is going to deploy them. If he sends them to Koumassi, I don't know

9 which area in Koumassi he will deploy them to and for what reason.

10 So now when you come to this issue of the Zoo, I was informed of it, but after the fact.

11 I am therefore not in a position to tell you that there was a CECOS detachment

12 involved, because I was not in charge. It was a joint command operation.

13 Q. [10:58:51] All right. Let's go to the point of after the fact, right. So we're after

14 the fact. Did you receive a report from any of your subordinate commanders related

15 to their activities at the carrefour du Zoo on 16 December?

16 A. [10:59:14] Well, when our men returned, I asked the unit commander whether

17 the equipment has returned in total, whether they didn't have any injured person,

18 whether they didn't lose any material. So the inspection of the equipment is done,

19 not at my level, but at the level of the unit commanders.

20 Now, the information, the real intelligence on the operation is provided directly to the

21 person in charge of the operation; that is, the DGPN. It is the director general of the

22 police, therefore, who would at a subsequent debriefing meeting inform us on the

23 unfolding of the operations throughout Abidjan.

24 Q. [11:00:14] We'll get to the debrief with the DGPN later, but now I want to ask

25 you about the unit commander and upon his return what you learned. So let's just

1 start with this, okay. So did you have a unit commander who was present at the
2 carrefour du Zoo with men under his command on 16 December?

3 A. [11:00:47] Well, I said that it was the directors of the police that deploys men at
4 its disposal. I had the information after the fact, that is to say that, you know, when
5 men come back, they tell us where they were deployed to, and the unit commander,
6 generally speaking, is the one who inspects all of the detachment to see whether there
7 have been any wounded persons, whether any equipment has gone amiss. And then
8 they inform us summarily of what they did at specific locations, whether they turned
9 demonstrators back, whether there was any clashes. They give us the information,
10 but it is not they who -- the information goes through the DGP.

11 You should not forget that the DGP, when deploying our men, deploys them under
12 the authority of this, of their own commissioners who are out on the ground and who
13 give them reports back with information sheets, details of the operation at such and
14 such locations, and they do all of that in the debriefings with us, the generals.

15 Q. [11:02:09] Lieutenant Ouidi, who you've told us was commanding officer of the
16 BMO, where, where was it that he was deployed on 16 December? I'm not asking
17 you who sent him there. I'm not asking how you learnt this. Just where was he
18 deployed first on the 16 December?

19 A. [11:02:35] We're still coming back to the same issue. When you say that I put
20 he and his men at the disposal of the DG of the police, well, they are no longer under
21 my command. I was no longer their commander. When they come back, they
22 provide me with a report as to where they were deployed to, and the events have
23 already come to an end at that point, so you see where they were deployed to and
24 whether they've all come back or not.

25 Q. [11:03:16] Okay. That's what I'm asking you very specifically. And let's just

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1 be clear, Lieutenant Ouidi, so he came back, did he report to you on 16 December
2 after, after he had been -- he had conducted his operations on 16 December, did he
3 report to you?

4 A. [11:03:39] Well, whatever the case may be, he gave me a report with regard to
5 his men, his equipment.

6 Q. [11:03:51] Right. So where was he operating on 16 December?

7 A. [11:04:02] He was at the carrefour du Zoo. That's what he said.

8 Q. [11:04:07] Right. When, when on 16 December or after that, when did he
9 report to you?

10 A. [11:04:16] Well, certainly when he came back to the base, certainly he told me
11 how the mission had unfolded.

12 Q. [11:04:32] Before your meeting or after your meeting with the DGPN? Before
13 the debrief or after the debrief?

14 A. I can't really remember because the debriefings are, generally speaking, between
15 4 and 5 p.m. because all the units have come back by that time. But I can't tell you
16 specifically.

17 Q. [11:05:01] Did Ouidi tell you what he did on 16 December, what his activities
18 were? Did he report those to you?

19 A. [11:05:20] I do recall that he said that there were demonstrators to be pushed
20 back from the Zoo towards the Agban gendarmerie camp. That's what he told me,
21 you know.

22 Q. [11:05:36] How many elements did he have under his command, CECOS
23 elements?

24 A. [11:05:40] Well, I can't give you the specific figure, the exact figure.

25 Q. [11:05:54] These were BMO elements, were they?

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1 A. [11:05:59] Of course, because he's the commander of that unit.

2 Q. [11:06:02] Did he report to you any civilian casualties, injuries?

3 MR GBOUGNON: [11:06:13] (Interpretation) Mr President, it is a lengthy
4 observation that I have to make and I would like to have the witness shown out of the
5 courtroom.

6 MS PACK: [11:06:28] Your Honour, if it's an observation and not a specific objection
7 to my question --

8 PRESIDING JUDGE TARFUSSER: [11:06:34] If it's an observation, there is no need
9 for an observation. I think we are here, questions and answers, and there is not an
10 observation. It's the witness of -- it's now the turn of the Prosecutor to ask. If you
11 have objections to questions, then you may make objections to questions, but not to
12 the -- the mode of how the witness is questioned by the Prosecutor is up to the
13 Prosecutor.

14 MR GBOUGNON: [11:07:09] (Interpretation) Mr President, I don't know whether I
15 was misinterpreted. I have an objection. I started, I said "I have an objection as
16 well." That means that the basis of the objection has been made. And I have an
17 observation in addition, which means that I'm going to make my observation.
18 But I would like, honestly speaking, not to do so in front of the witness. I would like
19 to -- I could have started off by saying, like many do here, like many people do here,
20 and then this would have made a lot of noise, but I would rather be honest with you
21 and ask you to have the witness shown out of the courtroom.

22 PRESIDING JUDGE TARFUSSER: [11:07:54] Yes. I have no problem with the
23 witness, asking the witness to leave the courtroom.

24 Please, Mr Witness, could you leave the courtroom.

25 THE WITNESS: [11:08:08] (Interpretation) Thank you, Mr President.

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1 PRESIDING JUDGE TARFUSSER: Thank you.

2 (The witness stands down)

3 PRESIDING JUDGE TARFUSSER: [11:08:19] And obviously you're allowed to make
4 objections, but objections to the question, please. Thank you.

5 MR GBOUGNON: [11:08:39] (Interpretation) Do I have the floor, Mr President?

6 PRESIDING JUDGE TARFUSSER: [11:08:43] Yes.

7 MR GBOUGNON: [11:08:44] (Interpretation) Mr President, on page 36 of the
8 realtime transcript, this is the question from the Prosecution: Did he report back to
9 you with regard to civilian victims and wounded?

10 My objection is with regard to the phrasing, with the word "civilians" that is used.

11 Since this morning there have been ten occasions on which the Prosecution has been
12 using this term. And even when the witness is not using the term and when she
13 puts the question, he always just says "victims" without specifying whether they are
14 civilians or not.

15 I don't need to teach the Prosecution how to do their work. She is an excellent and
16 very experienced learned colleague, but I think we all know what's going on here.

17 And we know what's going on and we know that these words are used knowingly.

18 So I believe that we can ask the witness, and especially since the witness has said that
19 the demonstration was armed; he said so this morning, the demonstration was armed.

20 So why since this morning we want to have the witness say that there were victims
21 who died or who were wounded who were civilians? Why not just say, "Were there
22 victims?" and then subsequently ask what type of victim this was? Why not?

23 Why do we specifically want to have the witness say that the victims were civilians or
24 not civilians or soldiers? That's what I wanted to say when getting to my feet and
25 making an objection, Mr President.

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- 1 MS PACK: [11:10:38] Well, I can ask about just casualties, if that's the objection.
- 2 PRESIDING JUDGE TARFUSSER: [11:10:44] Yes. I would also say to Mr
- 3 Gbougnon that also the judges are experienced, and they think -- we do know what is
- 4 meant by "civilians" as opposed to not civilians or whatever. I think we know
- 5 exactly where this is going and what is meant by "civilians" and in which sense it is
- 6 meant. We do understand.
- 7 And I understand civilians as opposed to FDS. But obviously I think we should
- 8 maybe use another term.
- 9 MS PACK: [11:11:39] I'll just say casualties.
- 10 PRESIDING JUDGE TARFUSSER: [11:11:42] Casualties, yes. Well, casualties is --
- 11 MS PACK: [11:11:44] Anyone.
- 12 PRESIDING JUDGE TARFUSSER: [11.11.44] Yes, anyone. Anyone, okay.
- 13 MS PACK: [11.11.45] Anyone at all injured that you heard about.
- 14 PRESIDING JUDGE TARFUSSER: [11.11.46] Okay.
- 15 MS PACK: [11.11.47] That's what I'll ask.
- 16 PRESIDING JUDGE TARFUSSER: [11:11:48] And then maybe after casualties, say,
- 17 "Who was harmed?"
- 18 So let's bring the witness in again, please.
- 19 (The witness enters the courtroom)
- 20 PRESIDING JUDGE TARFUSSER: [11:12:47] Thank you, Mr Witness, for your
- 21 patience. But sometimes -- thank you, Mr Witness, for your patience, but sometimes
- 22 it is needed to discuss things without you being in the courtroom in order to avoid to
- 23 influence you in one or in the other sense. That is why we ask you sometimes to
- 24 leave the courtroom. It's not out of disrespect.
- 25 So now I give the floor back to the Office of the Prosecutor.

1 MS PACK: [11:13:23]

2 Q. [11:13:24] Just back to what I was asking you before: Did Ouidi, the
3 commander, did he report to you any injuries of any human persons on 16 December
4 when he came back?

5 A. [11:13:59] He didn't report back to me with regard to what you've just said.
6 And generally speaking, the commissioner under the order of whom he was working
7 would provide an exhaustive report to the DG of the police. But he didn't report
8 back to me with regard to what you've just said.

9 MS PACK: [11:14:19] Okay. And perhaps we can just squeeze in some more
10 questions just before the break, your Honour, if I may.

11 Q. [11:14:26] École de gendarmerie students, were they deployed anywhere on 16
12 December?

13 A. [11:14:44] I do not believe so. I do not have a specific recollection, but I don't
14 think so, unless I'm mistaken. But I don't think so.

15 Q. [11:15:00] All right. The carrefour Texaco, were you aware of anyone from the
16 école de gendarmerie being deployed to the carrefour Texaco on 16 December?

17 A. [11:15:20] Ah, all right, okay, yes. This was an intersection that the école de
18 gendarmerie had been occupying since 2002. According to the instructions, the école
19 de gendarmerie had occupied it since 2002 already. It is a point of observation, an
20 habitual point of observation for the école de gendarmerie.

21 Q. [11:15:52] Okay. But were they -- my question was though were they deployed
22 there specifically on 16 December, anyone from the école?

23 A. [11:16:12] Yes. This is an intersection that they habitually occupy. So on that
24 day there was a detachment from the school that was deployed to that intersection.

25 Q. [11:16:23] Do you recall who led them?

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- 1 A. [11:16:28] Well, there are a lot of details that I'm not in a position to know,
2 because at the level of the école de gendarmerie, as I was quite busy at the CECOS,
3 there is a deputy commander at the école de gendarmerie that was in charge of the
4 daily activities of the école de gendarmerie.
- 5 MS PACK: [11:16:57] I'm aware I've slightly run over your Honour's indication as to
6 when you would break. Would now be convenient?
- 7 PRESIDING JUDGE TARFUSSER: [11:17:04] Yes.
- 8 MS PACK: [11:17:05] Thank you.
- 9 PRESIDING JUDGE TARFUSSER: [11:17:10] The hearing is adjourned to 11.45.
10 Thank you.
- 11 THE COURT USHER: [11:17:17] All rise.
12 (Recess taken at 11.17 a.m.)
13 (Upon resuming in open session at 11.48 a.m.)
- 14 THE COURT USHER: [11:48:31] All rise.
15 Please be seated.
- 16 PRESIDING JUDGE TARFUSSER: [11:48:59] Good morning once again. The floor
17 is back to the Office of the Prosecutor.
- 18 MS PACK: [11:49:06] Thank you very much, Mr President, your Honours.
- 19 Q. [11:49:09] Again, Mr Witness, I'll resume where I left off just before the break.
20 We were just discussing the students who were deployed to the carrefour Texaco.
21 And you told us -- let me just check. You told us that there was a deputy
22 commander at the école de gendarmerie that was in charge of the daily activities of
23 the école de gendarmerie. Would you give us his name, please?
- 24 A. [11:49:57] He was Lieutenant Colonel Ayemmou, A-Y-E-M-M-O-U.
- 25 Q. [11:50:14] How many students were deployed to the Carrefour du Texaco?

1 A. [11:50:22] Generally speaking it is a platoon that is deployed, that is, between 20
2 and 25 men. Now, if we do not have that availability, then we might deploy 15 men.
3 It's in that area.

4 Q. [11:50:47] Who led the men on the ground?

5 A. [11:51:04] There was always either a subordinate officer, either a high-ranking
6 non-commissioned officer who was out in the field with the men. But generally
7 speaking it is, because generally speaking we don't have enough of such officers, so
8 sometimes it is a subordinate officer of a lieutenant or second lieutenant or otherwise
9 a warrant officer that is a senior ranking non-commissioned officer or a senior officer.

10 Q. [11:51:45] And these men, were they armed on that day, 16 December?

11 A. [11:51:58] Yes, they were armed. They had some weapons. I would specify
12 that we did not have enough weapons. Really, there was very much a lacking in
13 terms of weapons. So if there was a platoon moving around, that is to say the
14 equivalent of 20 to 25 men, what they had in terms of weapons would not be any
15 more than 5 weapons. And in particular, the école de gendarmerie, the priority in
16 terms of weaponry, the AK weapons, these were normally given over to the
17 intervention units at the école de gendarmerie. We had about 20 FSA rifles or
18 MAS-36 rifles.

19 MR GBOUGNON: [11:52:54] (Interpretation) Mr President.

20 PRESIDING JUDGE TARFUSSER: [11:52:57] Maître Gbougnon.

21 MR GBOUGNON: [11:53:00] (Interpretation) Yes, I'm sorry. I didn't want to
22 interrupt my learned colleague, but I'm hoping this is going to start working, but
23 since the break the French transcript has not been up and running.

24 PRESIDING JUDGE TARFUSSER: [11:53:14] Well, can I please -- yes, please. The
25 court officer is taking care of this.

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1 MS PACK: [11:53:53] I understand it's working now.

2 PRESIDING JUDGE TARFUSSER: [11:53:55] You might understand this. I don't.

3 Is it working?

4 MR GBOUGNON: [11:53:59] (Interpretation) Yes, Mr President. We have the

5 transcript of what has just been said, but we didn't have what was said before. I

6 don't know whether this will be fixed later on. But we have now what has just been

7 said a moment ago.

8 PRESIDING JUDGE TARFUSSER: [11:54:20] So the realtime is working this moment?

9 Okay. So you don't have it from the beginning of the hearing, the first five minutes?

10 Okay. But this is recorded, then it will be for sure integrated. Okay. So we can

11 continue, Madam Prosecutor, please.

12 MS PACK: [11:54:43] Thank you, Mr President.

13 Q. [11:54:45] You mentioned weapons. You said they were armed. You

14 mentioned FSA rifles. Is that what these men were armed with?

15 A. [11:54:58] Generally speaking, this is what is given to the students because these

16 are the weapons that we have at the école de gendarmerie. There are very few

17 AK-47s at the école de gendarmerie.

18 Q. [11:55:18] Did you receive a report of what these men, these students, what they

19 did at the carrefour Texaco?

20 A. [11:55:27] Certainly. But as it's a long time ago, I can't remember specifically

21 today. But yes, certainly I was reported back to.

22 Q. [11:55:44] Do you recall who reported to you, which person?

23 A. [11:55:52] I am no longer in a position to know who was the chief of detachment.

24 So generally speaking, when it's like this, it's Lieutenant Colonel Ayemmou would

25 tell me the men had come home, there is nothing to report, all of the equipment is

1 there, there are no wounded men, there are no absent men, they've all come back.

2 That's the type of report that would be made to me for that type of mission.

3 Q. [11:56:24] On this day in relation to this particular mission and the particular
4 report that you received, did you receive a report of any injuries to any persons?

5 A. [11:56:56] Wounded on which side?

6 Q. [11:56:58] I'm asking you specifically about any reports of injuries at this
7 location, carrefour Texaco. We're talking about the carrefour Texaco. Did you
8 receive, when the officer reported back to you, did you receive a report of any injuries
9 to anyone on any side, any civilian, any FDS? Anyone at all?

10 A. [11:57:30] I do not have any recollection of having been spoken to of wounded
11 individuals at that location.

12 Q. [11:57:40] Anyone died at that location?

13 A. [11:57:49] I have no recollection of having been told of any deaths at that
14 location.

15 Q. [11:57:56] Okay. And we talked about the carrefour de la Vie earlier,
16 specifically that location, that location. Let me just ask you in relation to that
17 location, when you received your report from Robé in relation to that location, were
18 you informed of any injuries or deaths to any person, any person?

19 A. [11:58:32] I've already answered that question saying that when the chief of
20 detachment returned, he did not speak to me of any wounded, of any dead. He told
21 to me -- he talked to me about the body of men that had returned and the equipment
22 that had returned.

23 Q. [11:58:54] Now, on 16 December, who was in charge at the CECOS HQ?

24 A. [11:59:19] I wanted to specify that there was no person who was responsible at
25 the CECOS HQ specifically. There are installations there that we have guarded by a

1 small detachment of four or five or six men who guard the entrance and the exit and
2 ensure the security for those individuals working at that HQ, that is to say, people
3 who are in charge of the radio network, those who take care of emergency calls for
4 intervention and who guide the detachments, the intervention detachments on a daily
5 basis within the CECOS. So there is no permanent presence at the CECOS unless it
6 is a working day.

7 Q. [12:00:15] On 16 December, just be specific please, on 16 December, was there
8 anyone in charge there at the CECOS HQ?

9 A. [12:00:27] In charge, what do you mean? Was it a duty officer? We do not
10 have any officer in charge. If it is somebody who is on duty, because there are duty
11 shifts, then we indicate the duty for each sector because each sector has detached an
12 officer for duty. And after working 24 hours, he is relieved by another officer, and
13 that's what we do in our HQ. And this duty unit has a detachment, a small
14 detachment of four or five men that ensure the security or provide security at our HQ.
15 Are there any other specifics that you want me to give you associated with this issue?
16 I don't know.

17 Q. [12:01:19] Yes, there are. Who was commanding officer of CECOS operations
18 on 16 December?

19 A. [12:01:29] At the risk of repeating myself, the CECOS did not have a particular
20 operation on the 16th of December. This is the second or third time that I am
21 repeating myself, Madam Prosecutor. The operations of the 16th of December were
22 under the director general of the national police, and it was under each major
23 command to put at his disposal detachments.

24 Q. [12:02:03] All right. Who was in charge of protecting, let's be more specific,
25 protecting the Cocody HQ for CECOS on 16 December?

1 A. [12:02:15] I no longer have recollection of that information, ma'am, because
2 these are details that a general cannot keep in his mind eight years after the fact.

3 Q. [12:02:37] I'll ask about you in that case. You, where were you based on 16
4 December?

5 A. [12:02:49] At the école de gendarmerie in Abidjan.

6 Q. [12:02:54] How were you communicating with your elements, the CECOS
7 elements, that we know were deployed on 16 December?

8 A. [12:03:11] I was not communicating with the CECOS elements because it was
9 not up to me to communicate with them in view of the unified or joint command
10 principle.

11 PRESIDING JUDGE TARFUSSER: [12:03:29] Well, may I say, I don't know why you
12 insist on this, or you have to confront him with something, otherwise we are always
13 turning around the same argument.

14 MS PACK: [12:03:43]

15 Q. [12:03:43] Were you following the operations on the -- we talked about radios
16 yesterday or the day before. Were you following the operations on 16 December on
17 the radio?

18 A. [12:03:56] Yes, like everybody else. I was following, but I didn't have the radio
19 stuck to my ear. But I wasn't following on a permanent basis. It was with the aide
20 de camp, the radio. And if there was something important, he would tell me about it,
21 but I didn't have it on my ear all the time. I had my telephone and I was waiting for
22 the CEMA or the senior commander to call me over the phone. As I said yesterday,
23 generally speaking, we would communicate over the telephone.

24 Q. [12:04:27] Okay. Now, you told us about a synthesis meeting -- sorry, you told
25 us about a debrief meeting that you had on 16 December. I'd like to ask you about

1 that. Where did that take place?

2 A. [12:04:43] At the army staff headquarters.

3 Q. [12:04:52] About what time?

4 A. [12:04:57] It was probably in the afternoon, at the end of the afternoon.

5 Q. [12:05:02] Who attended?

6 A. [12:05:06] At the risk of repeating myself, it was the same generals with their
7 respective staff.

8 Q. [12:05:19] Now, you told us earlier about the DGPN reporting at this meeting.
9 So what did he report?

10 A. [12:05:30] He gave us an overview of the day's operation, an exhaustive report
11 of the operation that had unfolded on the day. According to the locations, he gave
12 us a list of various incidents that had occurred according to the various locations, the
13 various communes, the various neighbourhoods; and he gave us a report as to the
14 number of people who had been killed within law enforcement. There are
15 approximately six or seven deaths recorded. Some were killed in their troop
16 transportation vehicles, killed with anti-tanks rockets, and they were completely
17 burnt alive and some in their vehicles in Abobo.

18 And he also talked about civilian deaths. He mentioned the fact that with regard to
19 civilian deaths we had to be very careful, because the individual that we deemed to
20 be civilians are, generally speaking, armed. There are no distinctive signs, but they
21 are armed according to the information that he had got back from people on the
22 ground.

23 So that was the report that the DGPN gave at the meeting.

24 Q. [12:07:01] How many civilian casualties did he report at this meeting?

25 A. [12:07:09] He spoke about them. He said there were some in Cocody, in

1 Adjamé, in Koumassi. As to the number, well, it might vary, but yes, he really
2 dwelled on that because it struck us, the death of our men by RPG-7s, with very
3 heavy weaponry, so you really need to understand the danger that was present on
4 that day.

5 Q. [12:08:01] I just want to make sure I have the translation correctly here. You
6 say he dwelled on the numbers, the number of civilian casualties? He gave you a
7 number, did he, of civilian casualties?

8 A. [12:08:28] Well, not specifically, but he did talk about the various locations
9 where his men had reported back to him that they had discovered civilian victims. I
10 spoke of Cocody, the ENA carrefour, and I also talked about Abobo. I talked about
11 neighbourhoods such as Adjamé, Koumassi, and so on and so forth.
12 But today how many, well, 10 or 15, 8, I'm not in a position to say. But our men who
13 were killed on that very day were very much struck by the situation because many of
14 them had died with weapons, and there were RPG-7 anti-tank weapons that were
15 used and that completely burnt the troop transportation vehicles.

16 PRESIDING JUDGE TARFUSSER: [12:09:47] Maître Zokou, well, Maître Zokou was
17 on his feet first. Maître Zokou.

18 MR ZOKOU: [12:09:57] (Interpretation) Maître Altit, please go ahead.

19 MR ALTIT: [12:09:59] (Interpretation) Thank you, Mr President.

20 And thank you for your indulgence, my learned colleague.

21 I don't know what you were going to say.

22 PRESIDING JUDGE TARFUSSER: [12:10:07] It's not a good sign because he did it
23 out of respect for the age. For you it's not a good thing.

24 MR ALTIT: [12:10:15] (Interpretation) I fear that you are right, Mr President.

25 My intervention was some -- well, you know, allow me because in the meantime the

1 transcript is moving forward, so let me come back a little bit somewhat. I think it's
2 around here somewhere. There we are.

3 Mr President, at a given moment in time, page 48 of the French transcript, line 4, the
4 witness said, "But where he really dwelled on things because this struck us, he
5 dwelled on the death of our men at the hands of extremely heavy weaponry, the
6 RPG-7." It is very clear in the French language that the witness said that the DGP
7 dwelled on the death of the FDS. It's very clear.

8 And then I think there is a little problem with the interpretation. That's why I got to
9 my feet. My learned colleague gets to her feet and says, and specifies in a question:
10 You say, turning towards the witness, she says, that he dwelled, that is, "the DGD
11 dwelled on the number of civilian victims," end of quote.

12 So it is quite the contrary to what the witness said.

13 PRESIDING JUDGE TARFUSSER: [12:11:50] Yes, but I must defend the learned
14 colleague, as you say, because here we are using this terminology, because in English
15 it was like this. So it was not a matter of -- it was a matter of translation probably.

16 MS PACK: [12:12:08] Yes, I suspected it might be wrong, which is why I specifically
17 went back to it, in fact.

18 PRESIDING JUDGE TARFUSSER: [12:12:12] Yes. So probably there is an issue, a
19 translation issue.

20 MS PACK: [12:12:17] So it's --

21 PRESIDING JUDGE TARFUSSER: [12:12:19] It was the same intervention of Mr
22 Zokou?

23 MR ZOKOU: [12:12:23] (Interpretation) Entirely.

24 PRESIDING JUDGE TARFUSSER: [12:12:27] Okay. Thank you.

25 So the floor is back to the Office of the Prosecutor.

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1 MS PACK: [12:12:33] Thank you, Mr President.

2 Q. [12:12:34] Now, we were talking about civilian casualties. Do you mean -- you
3 talked about a broad range of numbers, 8, 10, 15. Were these deaths or injuries?

4 A. [12:12:56] Well, it could be deaths or it could be deaths and injuries, but this is
5 not exhaustive in nature, because the DGPN gave us those figures. But I don't have
6 that specifically in mind. I'm giving you a ballpark figure.

7 Q. [12:13:24] Okay. Now, so far as you mentioned earlier, you said there was
8 something about the DGPN talking about civilian casualties being armed. What did
9 he say? Did he say all civilians who were casualties were armed? Please just clarify
10 what he said specifically.

11 A. [12:14:09] Well, what he wanted to say was that this was a march during which
12 there were a number of individuals who were like the ordinary marchers, but they
13 were armed; so they were firing upon the law enforcement officers who were not only
14 armed but they had weapons that really shouldn't have been there, you know, the
15 RPG-7s. These are anti-tank weapons.

16 Q. [12:14:42] Okay. Where, where did he say there were armed persons?

17 A. [12:14:47] Well, all of the main locations where the march was unfolding, there
18 were always armed individuals in the crowd of marchers. That's what he said.
19 There were always armed individuals in the crowd of marchers, namely in Abobo, in
20 Abobo.

21 Q. [12:15:18] Tell me this, please, did he say whether or not he was going to -- the
22 police were going to investigate these civilian casualties that he reported to you?

23 A. [12:15:39] He did not give us that information.

24 Q. [12:15:49] Are you aware of any investigation by the police into the civilian
25 casualties?

1 A. [12:16:03] Why not also about the military victims? Because six policemen
2 were killed on that day, so they have to begin with investigations about their own
3 elements. Some of them were killed in their vehicles with RPG-7 weapons. I
4 believe if he had to carry out an investigation, he would have to begin with the
5 massacre of his own men. In any case, he did not mention that. I insist on that.
6 There were seven policemen killed and some of them were killed with anti-tank
7 rockets, RPG-7s, during a march, not during a conflict, during a march.

8 Q. [12:16:54] Okay. Well, I'm going to insist on this, please, that you answer my
9 question. And my question related to the investigation by the police of civilian
10 casualties. That's my question. Are you aware of any investigation by the police
11 into civilian casualties?

12 PRESIDING JUDGE TARFUSSER: [12:17:29] Civilian meaning not FDS?

13 MS PACK: [12:17:32] Yes, I think the witness --

14 PRESIDING JUDGE TARFUSSER: [12:17:34] No, no, just for the record.

15 MS PACK: [12:17:36] Thank you. Thank you.

16 THE WITNESS: [12:17:38] (Interpretation) Mr President, I'm not aware of the
17 findings of any investigation relating to the deaths caused during that march. It is
18 possible that there might have been an investigation, but I'm not aware of the findings
19 of such an investigation.

20 PRESIDING JUDGE TARFUSSER: [12:18:05] On any side, you mean?

21 THE WITNESS: [12:18:08] (Interpretation) Yes, on any side.

22 PRESIDING JUDGE TARFUSSER: [12:18:12] Okay. Thank you.

23 MS PACK: [12:18:13]

24 Q. [12:18:14] Now, just to deal with this, you mentioned use of RPG-7s. Where?
25 Where were you told they were used, these weapons?

1 A. [12:18:23] Abobo.

2 Q. [12:18:32] Now I would like to ask you to look at a document, please, 0045-0994
3 with the OTP prefix. It should go back on evidence 1, if it was on the other channel,
4 for my learned friend. Item 152 for my learned friends on the list of material.
5 Well, just for the record, this is a communication from the DGPN to the minister of
6 interior, referencing a communication of 26 January. I'm going to go over the page,
7 please, specifically to that communication, page 0997, in fact, please. Take your time
8 to look at this, please. If we could scroll down and then go over to the signatory.
9 And before I take you to specific paragraphs, the last page 0998, if we could just look
10 at that. It's stated to be from the chef du district, Adomo Bonaventure. That's the
11 4th district Adjamé; is that right?

12 A. [12:20:56] I do not know. I do not know.

13 Q. [12:21:01] Just remind us, the CECOS sector Adjamé, where was that based?

14 A. [12:21:10] Police district 2 in Adjamé. And the chief was Captain Fofana, not
15 this commissioner here.

16 Q. [12:21:28] Okay. We go to the preceding page, 0997. It's talking about a
17 location, the mairie d'Adjamé. One, two, third paragraph down, talking about
18 demonstrators. I'll read the last two sentences, the penultimate sentence:

19 (Interpretation)

20 "They were dispersed by the commissioner of the 3rd arrondissement, who was at the
21 head of an intervention group assisted by CECOS elements from the BMO. At the
22 end of that operation, there was one dead and three injured who were evacuated to
23 the CHU at Cocody."

24 (Speaks English) All right. Let's just go down to the fourth paragraph -- fifth
25 paragraph. Then we have, talking about a location, the boulevard Lagunaire,

1 demonstrators being there.

2 The next paragraph, quote: (Interpretation)

3 "They were dispersed by the elements of CECOS from the BMO and two marchers
4 were detained and one was killed by a bullet. The situation is under control.

5 Patrols are continuing to identify possible pockets of resistance."

6 (Speaks English) I think we should go into private session, please, your Honour.

7 PRESIDING JUDGE TARFUSSER: [12:23:47] Let's please go into private session.

8 (Private session at 12.23 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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16 (Redacted)

17 (Redacted)

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25 (Redacted)

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16 (Redacted)

17 (Redacted)

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24 (Open session at 12.31 p.m.)

25 THE COURT OFFICER: [12:31:35] We are back in open session, Mr President.

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1 PRESIDING JUDGE TARFUSSER: [12:31:45] Thank you.

2 Madam Pack.

3 MS PACK: [12:31:46]

4 Q. [12:31:46] Were there any arrests by CECOS elements on 16 December of any
5 persons in relation to the march?

6 A. [12:31:58] Yes.

7 Q. [12:32:03] Where were these people taken who were arrested?

8 A. [12:32:07] I was informed at the école de gendarmerie that about 30 people were
9 arrested by CECOS elements and taken to the CECOS headquarters. Once I was
10 informed, I called the DGPN immediately to report about those arrests and to ask him
11 where these people were supposed to be taken, because he was the one in charge of
12 the operations and so he was the one who was supposed to give instructions about
13 the persons arrested.

14 He told me that they had to be taken to the police préfecture. So I instructed my
15 men to transfer all those people to the police préfecture, and that is what was done.
16 It was done and reported, and I ensured that those people outside of CECOS knew
17 about it, including a lady named Madam Legna. Maybe I'm pronouncing her name
18 incorrectly. She was working at the international Red Cross in Abidjan. So she
19 confirmed the presence of these people at the police préfecture and confirmed it to me.
20 So I was reassured.

21 Q. [12:33:51] I'd like to ask you to look at a document, please. It's a confidential
22 document, prefix CIV-OTP-0094-0305. I'd also like to move into private session for
23 this topic.

24 PRESIDING JUDGE TARFUSSER: [12:34:13] Can we go back into private session.
25 Thank you.

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- 1 (Private session at 12.34 p.m.)
- 2 (Redacted)
- 3 (Redacted)
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1 (Redacted)

2 (Open session at 12.39 p.m.)

3 THE COURT OFFICER: [12:39:41] We're in open session.

4 PRESIDING JUDGE TARFUSSER: [12:39:46] Thank you very much.

5 We are now in open session. And I would also ask you not to start from where we
6 finished, but to restart from the beginning. Well, somehow to talk about this letter.

7 MS PACK: [12:40:02] Yes.

8 Q. [12:40:04] Now, we're talking about a letter that you said you received in
9 January. The letter is dated 31 December 2010, that you received from the United
10 Nations High Commissioner for Human Rights. This is what we've spoken about in
11 private session. You said you received this document.

12 And you were telling us how you have requested, prepared yourself and questioned
13 some of your former secretaries and an old secretary in relation to the answer you
14 gave the High Commissioner.

15 So let me just ask you then, now we're back in open session: The former secretaries
16 and so on to whom you approached to prepare yourself, can you identify those
17 persons?

18 THE INTERPRETER: [12:41:05] Microphone.

19 THE WITNESS: [12:41:07] (Interpretation) I did not go to meet my secretaries to
20 prepare myself. That is not what I said. What I said was this, Madam Prosecutor.
21 When I was interviewed by your investigators, I no longer knew where I had put the
22 answer to this letter. So I was not able to show that answer to them. But I showed
23 them this other letter, if I remember correctly.

24 Now, when I was informed that I would come here and I was preparing to come here,
25 I did everything possible to find my answer which I prepared to this letter from the

1 High Commissioner. So I consulted all my secretaries, my former secretaries at
2 CECOS and the école de gendarmerie. So one of them in their archives found a copy
3 of my answer, and I confirmed that it was precisely what I had written.

4 And I would like to reiterate, I read that answer again this morning before coming
5 here. It was well written, well documented, detailed and providing information to
6 the High Commissioner, who was not aware of the situation in CECOS and in the
7 école de gendarmerie. And I was very courteous in that letter.

8 Immediately after that, I received an answer from the High Commissioner. A team
9 of four or five human rights experts of ONUCI in Abidjan came to meet me at the
10 school. We had exchanges and we left. We stayed in contact for a good part of the
11 crisis. We informed them what was being done and so on. So they tried to follow
12 us to see what we were doing during a good part of the crisis.

13 Q. [12:43:37] Okay. We have the response. I'll show it to you in a moment, okay.
14 The document that you have with you, is that the response or is it another document
15 that you read this morning?

16 A. [12:43:50] It is the response that I sent to the High Commissioner, my own
17 response to the High Commissioner.

18 Q. [12:44:00] Right. Before we get to that, when you received the letter from the
19 High Commissioner, what did you do in response to -- once you received the letter?

20 A. [12:44:15] Of course I read it.

21 Q. [12:44:18] Did you take any -- this is a serious question. This is a serious
22 question.

23 A. [12:44:26] Yes, Counsel.

24 Q. [12:44:28] Thank you. Did you take any steps, any action in response to that
25 letter?

1 A. [12:44:42] When I received the letter and I read it, I did some research and then
2 prepared my response. And before that I asked one of my collaborators to find out
3 about the facts alleged in the letter. I asked one of my collaborators to investigate
4 the facts alleged in the letter.

5 Q. [12:45:12] Who did you ask to investigate?

6 A. [12:45:17] A captain from my staff, Captain Katy Bi.

7 Q. [12:45:28] This is the head of the division renseignement that we spoke about?

8 A. [12:45:34] Yes, indeed.

9 Q. [12:45:37] Did he write a report?

10 A. [12:45:43] I don't know whether he wrote a report. I can't remember. But the
11 problem is that he conducted some investigations, and he reported back to me
12 initially verbally that many things that were said herein were not observed out on the
13 ground. Many things that were said in that document were not observed out in the
14 field. That's what he said to me, after having investigated for a number of days.

15 Q. [12:46:15] Did you receive a written report from him?

16 A. [12:46:20] I do not believe so, but at the same time we were in a very delicate
17 period. And when he gave me this verbal report, we had gone off on another terrain
18 and there was another preoccupation: The crisis had worsened in February, March.

19 Q. [12:46:43] And in relation to the 16 December events, apart from this request of
20 Katy Bi to conduct some investigations, did you initiate any other investigations into
21 the events of 16 December?

22 A. [12:47:07] I had no reason to do so. I was not responsible for all of the
23 operations. I had no reason to do so. The police was responsible for those
24 operations and the police has judicial police units. And the men that we place at the
25 disposal of the police work under the authority of the police commissioners of those

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1 locations where they have gone to intervene.

2 Q. [12:47:35] So to understand correctly, the request of Katy Bi, was it to conduct
3 investigations into the conduct of CECOS elements, all of the CECOS elements that
4 were engaged on 16 December? Is that the request you made of Katy Bi?

5 A. [12:48:01] No, ma'am. This is the correspondence and the alleged facts
6 contained in the correspondence.

7 Q. [12:48:12] I'll ask you to look then at your response, please. It's at page 0315.
8 Did you conduct any other inquiry related to the 16 December events? Just before
9 we look at this, any other inquiry?

10 A. [12:48:51] What type of inquiry?

11 Q. [12:48:57] Well, let's just look at this letter. Let's just look. It's 11 January 2011.
12 Is this the letter that you read this morning?

13 A. [12:49:07] Well, give me the total, the totality, please.

14 Q. [12:49:13] Let me hand a hard copy. I think that's probably preferable. Just to
15 be clear, it's item 123. And we have a hard copy, if that could just be passed over,
16 just to the page, the relevant page 0315. Just those pages, 315, please, to 317. Just
17 pages 315 to 317, please.

18 PRESIDING JUDGE TARFUSSER: [12:49:46] The entire response?

19 MS PACK: [12:49:48] Yes. It's just response, just not --

20 PRESIDING JUDGE TARFUSSER: [12:49:51] Yes, yes, yes, the entire response.

21 Maître Altit.

22 MR ALTIT: [12:49:54] (Interpretation) I thank you, Mr President. Mr President, I
23 have a question. You will forgive me. I'm not entirely sure, the document, is it
24 being shown publicly or is it confidential?

25 THE COURT OFFICER: [12:50:08] It's confidential.

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1 MR ALTIT: [12:50:10] (Interpretation) Well, at that moment in time, Mr President,
2 could we request of the witness, this witness -- comes from him, whether he wants
3 this document to be shown to the public, that it remain -- that it be public or that it
4 remain confidential?

5 MR GILISSEN: [12:50:35] (Interpretation) The witness would like for it to be public,
6 Mr President.

7 PRESIDING JUDGE TARFUSSER: [12:50:42] Yes, good. So we can make it public.
8 It's his document. So I think --

9 MS PACK: [12:50:47] Well, this one isn't. And there is the recipient -- the provider
10 is -- I understand, it's okay. So there we go. Okay. Of course.

11 PRESIDING JUDGE TARFUSSER: [12:51:17] Is this a response, is this your response
12 to the letter we saw before of the UNHR?

13 THE WITNESS: [12:51:42] (Interpretation) Yes, Mr President.

14 PRESIDING JUDGE TARFUSSER: [12:51:44] Thank you.

15 Madam Prosecutor.

16 MS PACK: [12:51:46]

17 Q. [12:51:47] I wanted to ask you just in relation to the last page, page 0317, and the
18 penultimate paragraph, I'll just read it, it says, (Interpretation) "Whatever the case
19 may be, we have undertaken in association with the military prosecutor's office an
20 internal administrative investigation on the various actions of our men during the
21 events of 16 December 2010."

22 (Speaks English) Can you help me with this, please? I want to understand what
23 steps you took upon receipt of this letter. So did you undertake an internal
24 administrative investigation in association with the military prosecutor's office on the
25 actions of your men on 16 of December?

1 PRESIDING JUDGE TARFUSSER: [12:53:27] Yes, but the more you speak, the more
2 translate, the more he listens, and the time is passing.

3 MS PACK: [12:53:31]

4 Q. [12:53:32] Is this something you did?

5 A. [12:53:37] I told you at an earlier stage that I instructed Captain Katy Bi to
6 undertake research with regard to everything that is said in the correspondence from
7 Madam High Commissioner. Then I approached the commissioner of the
8 government to explain to him verbally, and he said he'll see about that, because he is,
9 after all, the military prosecutor. So the instructions that I gave to Captain Katy Bi
10 was to investigate the facts.

11 Q. [12:54:24] Did you undertake an internal investigation in liaison with the
12 military prosecutor's office or did you not?

13 A. [12:54:35] I conducted an investigation. I gave instructions to the cell who does
14 investigations. But I told the parquet verbally over the telephone, and then it was
15 the prosecutor's office to get on with the rest. But the internal investigation is not the
16 prosecutor's office that conducts it; we are the ones to conduct it.

17 Q. [12:55:05] Let me understand fully. Was there any written report established as
18 a result of an investigation that was conducted, initiated by you?

19 A. [12:55:54] Let me repeat myself. The officer whom I requested to conduct
20 investigations reported back to me verbally a few weeks later that everything that had
21 been alleged herein, he could not discover anything out on the ground. And when I
22 had that information in hand, then I stopped there. I cannot institute criminal or
23 judicial proceedings against those concerned.

24 Q. [12:56:28] And to fully understand, in relation to your approach to the
25 commissioner of the government, this was a call? There was no written report? It

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1 was a phone call?

2 A. [12:56:48] No, there was no written report. I informed him that I had received
3 that document, but the administrative investigation that I launched, I was waiting for
4 the results before telling him exactly what conduct to adopt. But as soon as I
5 received a verbal report that was clear enough in nature with the officer entrusted
6 with this investigation saying that the alleged facts contained herein have not been
7 verified out on the ground, then I brought it to a standstill. I didn't go any further.

8 Q. [12:57:29] Okay. We'll move on.

9 Now, we've seen your letter that you received. Were you aware that there was a
10 letter written also to Mr Gbagbo, to Mr Vagba Faussignaux and also to Mr Brunot Blé
11 Dogbo from the UN High Commissioner of Human Rights?

12 A. [12:57:52] Well, I'm not going to choose who the High Commissioner has
13 correspondence with. I have responded with regard to myself. I can't be in a
14 position to know with regard to others.

15 PRESIDING JUDGE TARFUSSER: [12:58:23] But the question, I think, was if you are
16 aware that also other people, the ones named by the Prosecutor, received such a
17 letter?

18 THE WITNESS: [12:58:41] (Interpretation) No, Mr President.

19 PRESIDING JUDGE TARFUSSER: [12:58:46] Thank you.

20 MS PACK: [12:58:54]

21 Q. [12:58:54] I'm going to move on. Now I'd like to show you another document.
22 It's 0025-0162. For my friends, it's item 121. And we'll deal with this quickly.
23 Headed "Division Renseignements," 30 December 2010, quote, (Interpretation) "For
24 the attention of the major general commander of the security operations unit."
25 (Speaks English) Did you receive this document?

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1 A. [13:00:21] Yes.

2 Q. [13:00:23] Prepared by whom?

3 A. [13:00:28] To the CECOS intelligence division.

4 Q. [13:00:39] So would that be Katy Bi?

5 A. [13:00:42] Yes, indeed. Yes.

6 Q. [13:00:45] And we won't stay with this, because we can move on, but just if I can
7 quote, and you can confirm broadly the content thereafter. It states at the bottom
8 that it relates to, quote, (Interpretation) "A situation report for the officers whose
9 turning over is not to be excluded."

10 (Speaks English) So it's an investigation, is it, of FDS officers?

11 A. [13:01:21] No, ma'am. And I did not order this document. It's an
12 investigation. It is what we refer to as a report. It is an initiative. He took this
13 initiative with regard to everything that he observed to make such a report to the
14 attention of his chief. It is up to his chief to either take account of this or not.

15 Q. [13:01:48] We can leave it there. I'm going to move on, please.

16 Now we go, we're going to go to the following year, 2011, January, 5 January. I'm
17 going to ask you to look at a video. I'd like please for the Prosecution to take control
18 of the evidence for the moment. It's 0064-0106. It's item 127, the video. There is
19 an accompanying transcript. It's item 128. It is ERN 0088-0780.

20 Now, we are short on time so I'm going to keep the clip short. So I'm going to show
21 00.24.27 to 00.25.33. And in the transcript, that corresponds to lines 1 to 24.

22 PRESIDING JUDGE TARFUSSER: [13:03:10] Wait a minute. Wait a minute. Wait,
23 wait. Wait a minute, please. They can't find it, which is nothing new, I would say.

24 MS PACK: [13:03:22] We have a spare. We can just bring it to the door. We're
25 ready with it.

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1 PRESIDING JUDGE TARFUSSER: [13:03:28] Yes, do so, please. Otherwise --

2 THE INTERPRETER: [13:03:32] Message from the interpreter: Mr President, we
3 have printed off several trees worth of transcripts and we are rifling through them at
4 high speed trying to find it and we have not found it. We do apologise. We do our
5 very best.

6 PRESIDING JUDGE TARFUSSER: [13.03.41] We have it here.

7 THE INTERPRETER: [13.03.44] Thank you.

8 PRESIDING JUDGE TARFUSSER: [13:03:47] We have it here.

9 MS PACK: [13:03:48] It's coming up, and just for the interpreters to be aware, I'm
10 going through the evidence in chronological order by date and I will deal with the
11 videos in chronological order by date.

12 THE INTERPRETER: [13:04:37] Message from the interpreter: We now have it.
13 Thank you.

14 PRESIDING JUDGE TARFUSSER: [13:04:42] So we can start. We can start with the
15 clip.

16 MS PACK: [13:04:52] Thank you.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [13:04:53] (Interpretation of the video excerpt) "The
19 minister of defence and civic service is visiting the special units under his authority.
20 Alain Dogou met this Wednesday the personnel of the centre of command of security
21 operations, the CECOS, and the report is being given by Alvor Assa.

22 Welcoming the minister of defence and civic service, Alain Dogou, the general of
23 division, Guiai Bi Poin indicated that his men and he are by the side of the legal
24 authorities established.

25 'We would like to assure you, Mr Minister, of our entire availability to work under

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1 your orders and to execute everything that you will command us to do. We measure
2 the extent of your responsibilities. That is why we have true conscience of our
3 obligations to you with regard to the nation at this very important moment in the
4 history of our country."

5 MS PACK: [13:06:02]

6 Q. [13:06:03] Do you recall this occasion?

7 A. [13:06:11] Yes.

8 Q. [13:06:12] Now, I want to ask you about some of the persons we see in the
9 footage. Now, there are some other people later in the footage. I would ask that
10 the Court take it from me that I'm going to show some stills that appear on the rest of
11 this footage rather than play the whole. They are just quite self-evidently stills from
12 the footage, to save time.

13 If we can just go to item 247 on the list of material. It's 0097-0087. And I'm just
14 going to show you some of the still images that were taken from the whole of this
15 footage, just to ask you to identify some of the persons who appear.

16 Right. So I think the evidence can go back to the Registry. Thank you.

17 THE COURT OFFICER: [13:07:10] Evidence 1 channel now.

18 MS PACK: [13:07:16]

19 Q. [13:07:17] So this person, can you identify him?

20 A. [13:07:22] Captain Anoma Hugues.

21 Q. [13:07:32] And who is he?

22 A. [13:07:39] This is Captain Anoma Hugues.

23 Q. [13:07:43] Okay. What is his position, please?

24 A. [13:07:45] Ah, his position. He was at the GEB, and he also worked with the
25 CECOS sector 4.

1 Q. [13:07:59] Okay. Next it's item 248. It's number 0097-0088.

2 MR ALTIT: [13:08:20] (Interpretation) I do apologise.

3 PRESIDING JUDGE TARFUSSER: [13:08:21] Maître Altit.

4 MR ALTIT: [13:08:24] (Interpretation) Thank you, Mr President. I do apologise to
5 my learned friend for interrupting you.

6 But, Mr President, this has been said a number of occasions now, that the beginning
7 of the intervention has been inaudible, a number of instances. You will recall that
8 we've had this problem since the outset, and really it's going to be very difficult for us
9 to present our examination with missing parts.

10 So maybe one of the ways of remedying this is to request our learned colleague that
11 she slows down a little bit, because I believe that there is no other solution. But
12 whatever the case may be, we have to be able to refer to complete transcripts.

13 PRESIDING JUDGE TARFUSSER: [13:09:09] Well, the problem is always if the
14 question arrives before the translation has ended. And I just want to say that now you
15 have it in French, but when it's your turn, we have it in English. So it's a bilateral, a
16 mutual problem. So I would just remind both of you of the two, three second rules.
17 So I got, with one stone I got two targets. Please.

18 MS PACK: [13:09:51] Okay. So just a couple more of these.

19 Q. [13:09:54] Identify this person, please?

20 A. [13:09:59] Lieutenant Colonel Robé, police commissioner.

21 Q. [13:10:09] Next is item 249 on the list of material, 0097-0089. Can you identify
22 this person?

23 A. [13:10:53] Abéhi, squadron chief.

24 Q. [13:11:03] And finally 0097-0097, it's item 251 on the list of material. Can you
25 identify this person?

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1 A. [13:11:33] Captain Gnéba, CECOS sector 1.

2 Q. [13:11:42] Thank you. That's it for those stills.

3 I'm in your Honour's hand. I was going to move to a new topic or carry on.

4 PRESIDING JUDGE TARFUSSER: [13:11:55] Carry on. I think it's better for you to
5 carry on.

6 MS PACK: [13:11:58]

7 Q. Now, I want to move -- we're staying in January 2011. You mentioned earlier,
8 in the last few days when you testified, transcript 138, you talked about two meetings
9 with the president Mr Gbagbo in 2011. You talked about a February meeting and
10 you talked about a March meeting in 2011, and these were both at the presidential
11 palace. So that's February and March.

12 Now, I want to take you, stay with you in January. So we're looking at before those
13 meetings. Now, I'd like you to turn your mind, please, to 11 January 2011. Were
14 you aware of an FDS operation on that day in Abobo, PK18, involving over 700 men?

15 A. [13:12:58] Without myself being able to put dates to this with any specificity, the
16 chief of general staff commanded an operation in Abobo that was given over with
17 regard to the command out on the ground to one of the gendarmerie senior officers.
18 I don't know whether this is one and the same operation. And the gendarmerie
19 colonel was a former commander of the gendarmerie Abobo squadron. And I also
20 believe that it was with this capacity or in this capacity and with his very perfect
21 knowledge of the ground that his senior commander and the chief of general staff
22 designated him to head up this operation.

23 I can't put any dates on it, as I said, but if you think that that's the operation we're
24 talking about, then let's go.

25 Q. [13:14:17] Let's go indeed. It's 0045-1429. Perhaps we can just look at this and

1 see if that helps you. It's tab 131 on the list of material. I'd ask please just to go
2 straight to page 1431. Take a moment to look. It's for the record a document dated
3 13 January 2011. It is declared as its objet, quote (Interpretation) "Aim: Report of
4 the operation to make Abobo PK18 secure. Reference: FRAGO No. 68."
5 (Speaks English) All right. Then you can see what the document says. Was this the
6 operation you were talking about or was it another operation?

7 A. [13:15:48] I believe that it is not the same operation.

8 Q. [13:16:16] You're aware of this operation?

9 A. [13:16:20] This one? This one that is mentioned in the document, please? I am
10 not aware of it, and I was not in any way associated with this operation.

11 Q. [13:16:40] Okay. And just look at the first page, page 1429. I want to just
12 check with you. Here I'm showing a document, just for the record, 31 January 2011,
13 addressed to the DGPN. Objet: (Interpretation) "Report of the operation to secure
14 Abobo PK18."

15 (Speaks English) Just if you look at the last paragraph -- I won't read it. Were you
16 aware of FDS casualties, because you've spoken about that, FDS casualties as a result
17 of any operation at this time?

18 A. [13:17:33] Yes. I remember an operation as I said a short while ago, and the
19 conduct of that operation in the field was assigned to a senior gendarmerie officer.
20 And that operation brought together all the detachments of the Defence and Security
21 Forces. And the operation ended with the death of a certain number of elements of
22 the FDS. And at the time we believed that the operation was a failure because the
23 CEMA put an end to the operation. That is what I remember. But whether it's the
24 same one or not, I cannot say.

25 PRESIDING JUDGE TARFUSSER: [13:18:28] Can you give us the name of this senior

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1 gendarmerie officer?

2 THE WITNESS: [13:18:39] (Interpretation) Lieutenant Colonel Goué Léopold.

3 MS PACK: [13:18:49]

4 Q. [13:18:49] I'd like you to look at another document, please.

5 Your Honour, I'll stop when you tell me.

6 PRESIDING JUDGE TARFUSSER: [13:18:55] No, go ahead another two, three
7 minutes.

8 MS PACK: [13:18:58] All right.

9 PRESIDING JUDGE TARFUSSER: [13:18:58] Then we go to 3 o'clock. We go to 3
10 o'clock. We resume for the last one hour and a half, possibly extend to two hours,
11 but that's it.

12 MS PACK: [13:19:09] Right. Well, we'll be quickly going through this document
13 then. It's 0071-0407.

14 Q. Now, take your time please just to look at this. Looking at the first page -- in
15 fact if we turn over please to page 0408. Are you familiar with this document?

16 A. [13:20:46] Can they move on to the other pages, if there are other pages?

17 Q. [13:20:55] If we can just move through the pages. And I would ask then to stop
18 at page 0411 briefly. All right. If we can just stop at 0411.

19 Now, you can see at the top of 0411, it says under the heading CECOS, you can see
20 there is a reference to CECOS and a date from 12 January 2011. Are you familiar
21 with another operation starting on 12 January 2011?

22 A. [13:22:46] I cannot tell you with any certainty. But it is particularly the person
23 who directed the operation, if it is the operation directly by Lieutenant-Colonel Goué,
24 then I would know, that is if this is the same. But if it is a different operation, it is
25 possible that other operations were carried out, and from the 4th of December, the

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1 situation started becoming very hostile. So it is possible that that operation took
2 place.

3 Q. [13:23:27] Do you recall that the CEMA announced a curfew in Abobo on the
4 evening of 12 January 2011 with effect from 7 p.m. that day?

5 A. [13:23:41] The CEMA does not have authority to impose a curfew.

6 Q. [13:24:01] It wasn't the question. Do you recall him announcing a curfew on
7 the television on 12 January?

8 A. [13:24:11] It is possible.

9 Q. [13:24:14] All right.

10 Can we break now, your Honour?

11 PRESIDING JUDGE TARFUSSER: [13:24:20] Yes, thank you. We come back at 3
12 o'clock. Thank you very much.

13 Just to tell you, we are over the 10 hours, right? We are beyond the 10 hours already.

14 MS PACK: [13:24:28] Your Honour has the examination sheet and your Honour can
15 see what else is coming up, and I will deal -- because I summarised in that, so I will be
16 as quick as I can.

17 THE COURT USHER: [13:24:40] All rise.

18 (Recess taken at 1.24 p.m.)

19 (Upon resuming in open session at 3.02 p.m.)

20 THE COURT USHER: [15:02:37] All rise.

21 Please be seated.

22 PRESIDING JUDGE TARFUSSER: [15:02:57] Good afternoon.

23 Good afternoon, Mr Witness.

24 The floor is again to the Office of the Prosecutor. Just start.

25 MS PACK: [15:03:14] Thank you, Mr President.

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1 PRESIDING JUDGE TARFUSSER: [15:03:15] Thank you.

2 MS PACK:

3 Q. [15:03:17] Mr Witness, I'll proceed again with my questions. And to remind
4 you where we were, had left off, we were in January, and I had asked you this
5 question before the break about the CEMA, "Do you recall him announcing a curfew
6 on the television on 12 January?" This was a curfew in Abobo with effect from 7 p.m.
7 that day. And you said "It's possible."

8 Just let me deal with this brief point. You told us that the CEMA doesn't have
9 authority to impose a curfew. Who does?

10 A. [15:04:10] This is not precisely what I said. He is not -- he does not have
11 authority to decree a curfew.

12 Q. [15:04:26] All right. Who has authority to decree a curfew?

13 A. [15:04:32] The government.

14 Q. [15:04:39] Now, did you meet with the CEMA on 12 January before the curfew
15 was announced on that day?

16 A. [15:04:55] It is possible, because we had regular meetings, so it's possible that I
17 met with him.

18 Q. [15:05:09] Let me just remind you of your interview. It's 0051-0434, and it's at
19 page 0448. Let me just start reading it, because it's coming up, but I can read it.

20 (Interpretation)

21 "Interviewer 1" --

22 PRESIDING JUDGE TARFUSSER: [15:05:59] Which line?

23 MS PACK: [15:06:01] Line 502 to line 505.

24 Q. [15:06:11] (Interpretation) "But just to be specific, the declaration of the curfew
25 was on 12 January 2011. And so were you at the état-major for a meeting on the

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1 same day as that declaration was made?

2 Person interviewed: We had a meeting with the chief of staff."

3 Does that accurately record what you said during your interview?

4 A. [15:06:52] What I said, that we had a meeting with the chief of staff; is that what
5 you mean?

6 Q. [15:07:10] I just asked you whether you stated what I've just read out. Is that
7 right? Is that what you've stated in your interview?

8 A. [15:07:19] Yes, that was my statement.

9 Q. [15:07:28] And is that true and accurate, what you say there?

10 A. [15:07:34] What are we really talking about? I really need to know precisely
11 what we are talking about.

12 PRESIDING JUDGE TARFUSSER: [15:07:42] The question is, do you recall now that
13 you had this meeting at the état-major?

14 THE WITNESS: [15:07:52] (Interpretation) Yes, Mr President.

15 PRESIDING JUDGE TARFUSSER: [15:07:56] Maître Altit.

16 MR ALTIT: [15:07:58] (Interpretation) Thank you, Mr President. In the same vein
17 as yourself, why not ask the question directly to the witness? Why use that
18 procedure? Ask him a specific question today rather than using the statement,
19 because we are in a testimony here. I'm not going to say more, but I think you
20 understand what I mean.

21 PRESIDING JUDGE TARFUSSER: [15:08:26] I do understand what you mean, but it
22 was asked, and he said, well, it might have been that we had, but he didn't recall.
23 And when he was interviewed he recalled. If the question now is only if that
24 was -- if he recalls better now, but nothing more, nothing less.

25 MS PACK: [15:08:52]

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1 Q. [15:08:53] Do you recall a meeting with the president on 12 January at the
2 presidential residence?

3 A. [15:09:06] Certainly, but I no longer remember. If you can assist me with
4 precise facts.

5 Q. [15:09:28] Well, specifically, do you recall -- I'm not here to give you the facts,
6 I'm here to ask you to give evidence. So let me just ask you about the meeting, if you
7 recall it, on 12 January at the residence. Who attended, please?

8 A. [15:10:02] I do not remember that meeting. I don't remember the meeting.

9 MS PACK: [15:10:08] Okay. Can I please have played, and I think the
10 Prosecution -- in fact, I think, yes, the Prosecution can deal with this. It's 0064-0110.
11 It's a video. And the transcript is at 0086-1013. If the Prosecution can take control
12 of that.

13 THE INTERPRETER: [15:10:54] Could counsel give us the line numbers, please?

14 MS PACK: [15:10:58] Yes. It's page 1014 of the transcript and it's lines 5 to 23. The
15 timestamp is 00:03 to -- sorry, 03:47 and 05:0. It's on evidence 2. If we can just play
16 that.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [15:11:59] (Interpretation of the video excerpt) "Yesterday,
19 Wednesday, the President of the Republic, Laurent Gbagbo, had an exchange with the
20 heads of the major commands of the national army. Together they examined the
21 security situation of the country and took measures to ensure security for the country
22 and Ivorians.

23 Laurent Séry reports: This meeting of the head of state President Gbagbo with the
24 high military authorities were of crucial importance. In light of the scope of the
25 attacks and violence perpetrated by armed individuals who are targeting Defence and

1 Security Forces and members of the population who do not support them, the
2 President of the Republic Laurent Gbagbo, supreme commander of the armies,
3 received a report during the meeting that the generals had with him at the staff
4 headquarters. The commanders of the navy, the air force, the land forces, CECOS,
5 gendarmerie and police as well as Lieutenant General Philippe Mangou took
6 measures to secure the territory and to put an end to the taking over of control of
7 certain communes in Abidjan. This meeting was broadened to members of the
8 government and particularly Prime Minister Gilbert Aké N'Gbo."

9 MS PACK: [15:13:38] We'll leave it there.

10 Q. [15:13:41] Do you recall being at this meeting?

11 A. [15:13:58] Yes.

12 Q. [15:13:58] Do you recall what you discussed?

13 A. [15:14:02] Security matters and the attacks that had become more and more
14 frequent in Abobo.

15 Q. [15:14:21] Do you recall anything specifically that was said at the meeting by
16 anyone, this one?

17 A. [15:14:33] These are details that I may or may not remember.

18 Q. [15:14:46] All right. We'll leave it there. I want to move forward. January
19 still. Do you recall a meeting at the état-major in January, specifically 20 January,
20 attended by Mr Blé Goudé along with Richard Dakouri, Serge Kassy? We have
21 footage. I'm not going to show that to you. It's 0064-0083 for the record. Do you
22 yourself recall that meeting?

23 A. [15:15:29] Yes.

24 Q. [15:15:33] You testified in the last few days about a meeting with the generals
25 attended by Séka, a relatively junior officer in the FDS. How did you react to this

1 meeting attended by Mr Blé Goudé and these other two people?

2 PRESIDING JUDGE TARFUSSER: [15:16:12] Maître Altit.

3 MR ALTIT: [15:16:14] (Interpretation) Thank you, Mr President. Mr President,
4 your Honours, I have the French transcript in front of me, page 83, line 12, and my
5 learned friend asked this question: "For three days now you have been talking about
6 meetings of generals where Séka was present. He was a young officer," end of the
7 quote.

8 Mr President, unless I am mistaken, the witness has talked about only one meeting.

9 So I do not want this question to mislead the witness or to lead him where he was not.

10 MS PACK: [15:17:05] Yes, I can respond. And if Mr Gbougnon has the same
11 complaint, it's the English was a meeting with the generals attended by Séka. So I
12 can repeat the question and then we can take it from there, unless there is an alternate
13 point to be made by my friend.

14 PRESIDING JUDGE TARFUSSER: [15:17:25] No. We're talking about one meeting.
15 Is there something else, Maître Gbougnon? Otherwise we have to finish.

16 MS PACK: [15:17:45] I don't know if my friend is thinking of an objection at this
17 point, but can I just get on with it?

18 PRESIDING JUDGE TARFUSSER: [15:17:50] I don't know. I don't know.

19 MR GBOUGNON: [15:17:56] (Interpretation) Mr President, do I have the floor?

20 PRESIDING JUDGE TARFUSSER: [15:18:03] Yes. We are waiting.

21 MR GBOUGNON: [15:18:06] (Interpretation) Thank you. Mr President, I want us
22 to save time, but I do not agree with the way the question is worded. The insidious
23 link that is made between a meeting in which Séka Séka took place and the other
24 meeting. And, in fact, the witness could have been asked about the nature of the
25 meeting.

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1 So the link that counsel is trying to make between a meeting in which Séka Séka was
2 present, and he was an officer, and another meeting in which Mr Blé Goudé was
3 present, I don't think we need counsel to make that link. We can ask the witness to
4 make a link if such a link exists.

5 PRESIDING JUDGE TARFUSSER: [15:19:07] Well, I have not completely understood.
6 But we are talking about one meeting where Séka was present. That is the meeting
7 and there -- to this meeting, there is the question of the OTP.

8 MS PACK: [15:19:20]

9 Q. [15:19:21] Okay. I ask you about --
10 Can I proceed?

11 PRESIDING JUDGE TARFUSSER: [15:19:27] Yes.

12 MS PACK: [15:19:27]

13 Q. [15:19:27] This meeting with Mr Blé Goudé, how did you feel about
14 Mr Blé Goudé --

15 PRESIDING JUDGE TARFUSSER: [15:19:32] Was at this meeting where Séka was
16 present, was also Mr Blé Goudé present?

17 MS PACK: [15:19:37] No, no. I'm not drawing that link. I want to ask him how he
18 feels about Mr Blé Goudé attending this meeting at the état-major.

19 PRESIDING JUDGE TARFUSSER: [15:19:45] Yes, but what do you mean "What he
20 feels?" We are not talking about feelings here. We are talking about facts.

21 MS PACK: [15:19:51] I want to ask him what his response was. He told us about a
22 meeting and the response of the generals earlier to someone other than the generals
23 attending a meeting at the état-major. I want to know what he felt about this
24 meeting with someone other than the generals coming to talk to him at the état-major.

25 PRESIDING JUDGE TARFUSSER: [15:20:08] Was it -- excuse me, let me rephrase.

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1 Was it a surprise to you that at this meeting somebody else, apart of the generals,
2 were present, meaning in this case referring to Mr Blé Goudé? And you referred to
3 the meeting we saw the footage of at the meeting we are referring to on the 12th.

4 MS PACK: [15:20:40] No. I skipped it over it because I'm trying to save time.

5 PRESIDING JUDGE TARFUSSER: Yes, but --

6 MS PACK: There was another meeting on the 20th of January. Your Honours have
7 seen it before. Mr Blé Goudé was present at the état-major. It's that one.

8 PRESIDING JUDGE TARFUSSER: Yes, you're right.

9 MS PACK: And I haven't shown it to the witness in fairness to him.

10 PRESIDING JUDGE TARFUSSER: [15:20:55] Yes. That's why this confusion comes
11 up. I think it's better to show it, and then we don't have a confusion,
12 otherwise -- because also in the meeting we saw the footage of Mr Blé Goudé was
13 present.

14 MS PACK: [15:21:13] He's accepted it happened, so I'm just going to leave it at that.
15 The footage is on the record.

16 PRESIDING JUDGE TARFUSSER: Yes.

17 MS PACK: I'll move on. Now, I want to stay --

18 PRESIDING JUDGE TARFUSSER: [15:21:22] No. The question is withdrawn.

19 Is that right? Do I understand it like this, when you say "we leave it at that?"

20 MS PACK: [15:21:32] Yes, I'm not asking any more questions about this.

21 PRESIDING JUDGE TARFUSSER: [15:21:35] Okay.

22 MR GBOUGNON: [15:21:46] (Interpretation) Mr President, do I have the floor?

23 PRESIDING JUDGE TARFUSSER: [15:21:48] Yes, you have the floor, but the
24 question was withdrawn. Tell us.

25 MR GBOUGNON: [15:22:01] (Interpretation) Mr President, where I come from we

1 can say let us go slowly because we are in a hurry.
2 She has just said everything is on record, we know that, if we look at it three, four
3 years from now. But he has taken it now as accepted that Mr Charles Blé Goudé, my
4 client, took -- had a meeting with the generals.
5 But she would like to have a link between the fact that Mr Séka Séka, an officer of the
6 FDS, took part in a meeting, and the generals reacted. And then what is his opinion?
7 We do not ask for opinions here. We want facts.
8 So they should show the video. And then it is said that the question is withdrawn,
9 but it is already on record that Mr Blé Goudé took part in that meeting. So he wants
10 to make a link between the meeting of the officers and the meeting in which
11 Mr Blé Goudé took part. That link already exists. That is what I was talking about.
12 MS PACK: [15:23:23] Your Honour, it's on the record. This meeting is on the
13 record. The video is on the record. It was played. Maybe my friend has forgotten.
14 I don't want to ask about opinions anymore. But the meeting, the video, is on the
15 record. And I just -- I think I want to save time. I'm not going to ask a follow-up
16 question. That's my point. Thank you.
17 PRESIDING JUDGE TARFUSSER: [15:23:44] Maître Gbougnon, there are the videos.
18 There is no artificial link to be drawn between anything. If Mr Blé Goudé was
19 present, we see it from the video. There is no need to ask the witness if he was
20 present, if we have it on the video, and there is no question as to what he feels about
21 Mr Blé being present because I think that's not relevant, what he feels.
22 And therefore I think we can proceed.
23 MS PACK: [15:24:17] 0064-0083. I don't ask for it. Just for the record to remind
24 my friend. He can check it out.
25 Q. [15:24:25] Now, staying in February 2011, I want to bring up please 0045-0672.

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1 For my friends, it's item 159. And the evidence 1 should be the number on the
2 control panel.

3 I'd like to go straight to page 0674, please.

4 All right. Take your time. Just look at that and then just to see the following page,
5 this document. For the record let me state it's dated February 2011. It's from, quote,
6 in French, (Interpretation) "The senior police commissioner."

7 (Speaks English) Stop quote. And that's Loba. And the object is cited as, quote in
8 French, (Interpretation) "Report of the meeting of the group of FDS officers
9 sanctioned by the European Union with Maître Gilbert Collard."

10 (Speaks English) Just a couple of questions. Do you recall a meeting for officers who
11 had been the subject, subject of European Union sanctions with a lawyer in February
12 2011?

13 A. [15:27:09] Yes.

14 Q. [15:27:10] If we just go to the bottom paragraph on that page, quote,
15 (Interpretation) "Maître Collard drew our attention to the apparent severity that our
16 situation could become given that in French judicial circles there is talk about
17 instituting proceedings against us before the International Criminal Court."

18 (Speaks English) Is that something you recall your attention being brought to?

19 A. [15:28:04] Yes.

20 Q. [15:28:14] All right. We go on. 12th of January -- sorry, 12 February 2011.
21 I'm going to ask for the Prosecution to play a video. It's 0064-0120, tab 155 for my
22 learned friends. And the transcript is 0094-0326. And that's tab 156.

23 If the Prosecution can have control of the video, it's evidence 2.

24 (Viewing of the video excerpt)

25 MS PACK: [15:29:14] Apologies, a little musical interlude. The time stamps are

1 00:15:27 to -- we're going to stop at 17:13:23.

2 THE INTERPRETER: [15:29:41] Page? Page?

3 MS PACK: [15:29:42] The line numbers for the transcript, it's just all.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [15:30:05] (Interpretation of the video excerpt) "Regarding

6 security, the command centre for security operations, CECOS, gave a statement of its

7 activities. It said that apart from the Abobo commune where the general staff of the

8 armies took over, CECOS controls the security situation in the other communes and

9 districts and the district of Abidjan.

10 Alvor Assa: The security situation in the district of Abidjan according to the

11 principal commissioner Joachim Robé, commander of operations in the command

12 centre for security operations, took a strike after the second round of presidential

13 elections with the development of urban guerillas, particularly in Abobo commune.

14 "Joachim Robé: The sector which is currently posing problems, it is Abobo sector,

15 the Abobo sector, because there, given the killings of the FDS members, the general

16 staff took exceptional measures and detached a composite patrol. Work is being

17 done. It will be assessed at the highest level and other measures will be proposed to

18 the authorities to restore order in that commune.

19 Each person responsible for the five operational sectors of the command centre,

20 CECOS, gave a statement about the security situation in his zone. It turns out that

21 apart from Abobo, where the situation is under control, CECOS is working in rotation

22 with more than a thousand men."

23 MS PACK: [15:32:05]

24 Q. [15.32.05] I just want you to take a look. I've got only a couple of questions

25 about this. Did you recognise the vehicles that we saw with the numbers on them as

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1 CECOS vehicles in this footage?

2 A. [15:32:16] It is the same vehicles we have been talking about for three days, the
3 double cabins and sometimes *with PKM-type machine guns mounted, and then you
4 have single-cabin troop transport vehicles. We have been talking about these for
5 three days. So I was able to recognise them.

6 Q. [15:32:47] And just frozen on the screen, and I'll ask you just to confirm this,
7 we'll play it in a few seconds, whether this is a BMO marked vehicle that you were
8 describing also. And if we could just play that for just the next one second.

9 (Viewing of the video excerpt)

10 MS PACK:

11 Q. There we are. Do you recognise that as a BMO marked vehicle, a CECOS
12 vehicle?

13 PRESIDING JUDGE TARFUSSER: [15:33:07] Yes, we too.

14 MS PACK: [15:33:09] Yes, thank you.

15 THE WITNESS: [15:33:11] (Interpretation) Yes, that's correct, BMO.

16 MS PACK: [15:33:13]

17 Q. [15:33:14] Now, we'll leave that and move on.

18 You mentioned in your testimony earlier, in the last few days, a meeting with the
19 president, Mr Laurent Gbagbo, at the palace, the presidential palace in February.
20 And I want to ask you now a bit more about that meeting, specifically about that
21 meeting at the palace in February.

22 Who was present at that meeting?

23 A. [15:33:48] It was a major meeting involving many participants, not only generals.
24 Some other senior officials, officers of the army, that is the ground forces, the
25 gendarmerie and the national gendarmerie as well as the police. They all gathered

1 under the leadership of the chief of general staff. We went to meet the head of state,
2 and the chief of staff of the armies presented the military situation in Abobo, which
3 had deteriorated further.

4 On the day of the meeting, four CECOS troops had just been killed on the same day,
5 four CECOS elements had just been killed, one officer and three non-commissioned
6 officers. *In N'Dotré, vehicles were taken away and CEMA had issued instructions
7 in military terms for a gendarmerie patrol that was in difficulty to be rescued.

8 It is when they were going to do so that they fell into an ambush. Some people were
9 seriously injured and some died. That was the situation, like other previous
10 situations which indicated that the situation in Abobo was deteriorating.

11 The FDS were increasingly being killed. So that meeting held in the palace, at the
12 presidential palace at the Plateau, and during the meeting the chief of general staff
13 presented the deteriorating security situation. We of the FDS were not in a position
14 of strength, so to speak, and we felt that the power balance was being -- was shifting
15 against us for a number of reasons which we may look into subsequently. But in any
16 event, those were the facts and they were the facts that were presented to the
17 president of the republic by the chief of general staff.

18 Q. [15:36:45] And just to be clear, on the incident that you describe related to the
19 CECOS elements, was this the incident on 22 February? Was that the incident you're
20 referring to?

21 A. [15:37:07] Two things happened. The incident of 22 February, you are right,
22 that's the incident I'm referring to. But there was also another incident at which the
23 casualty figures were lower. A young officer was killed, and I think it happened on
24 the 24th or the 26th. I no longer recall the exact date.

25 Therefore, there was an increasing number of casualties, of deaths. In any event, the

1 meeting took place at which the chief of general staff presented the security situation
2 particularly as it prevailed in Abobo.

3 Q. [15:37:59] And just to situate this meeting further, the CECOS element who died,
4 I want to suggest a name to you, and you can tell me if this is right. Was it someone
5 called Yapi Saturnin Désiré, lieutenant?

6 A. [15:38:18] Yes. But Yapi's death was subsequent to the death of the other three
7 persons.

8 Q. [15:38:31] Right. So let us go back to this meeting, the meeting with the
9 president. Now, you've told us broadly that you have not only the generals. So
10 that's the usual group of generals you describe; is that right?

11 A. [15:38:56] Yes.

12 Q. [15:38:57] You have some senior officials. Were there ministers at this meeting?

13 A. [15:39:12] I think that the president must have been surrounded by two
14 ministers, the minister of the interior and the minister of defence, and then his
15 personal chief of staff. As for the other authorities, I can no longer recall them. But
16 the persons I have mentioned were present.

17 Q. [15:39:36] All right. So Minister of Interior Guiriéoulou?

18 A. [15:39:45] Yes, Émile, Guiriéoulou Émile.

19 Q. [15:39:51] Defence minister?

20 PRESIDING JUDGE TARFUSSER: [15:40:01] Do we need the name?

21 MS PACK: [15:40:02] It's all right.

22 Q. [15:40:03] You told us that the chief of staff of the -- let me just get this right, the
23 title. The personal chief of staff, the head of the personal chief of staff of the
24 president was there. Just remind us, please, the name.

25 A. [15:40:18] The personal military staff of the president of the republic, General

1 Touvoly.

2 Q. [15:40:26] And was the aide-de-camp of the president there as well?

3 A. [15:40:31] Certainly, but I do not recall with specificity.

4 Q. [15:40:44] The usual generals, did that include also the chief, the commander of
5 the Garde Républicaine at this meeting?

6 A. [15:40:55] Yes, I think so as well. But I'm not sure. But I think so.

7 Q. [15:41:06] All right. So you tell us that at this meeting they all gathered and the
8 chief of staff presented the military situation in Abobo. So tell us please what
9 particularly, apart from the general situation, what particularly do you recall him
10 reporting at that meeting?

11 A. [15:41:35] I think that the issue, the main issue on which the chief of general staff
12 focused in his presentation was the development in the security situation in Abobo.

13 Q. [15:41:56] Did he talk about resources available to the FDS?

14 A. [15:42:04] Let us go step by step. He has already presented the military
15 situation in Abobo and thereafter, thereafter he expressed the needs of the units. I
16 told you a short while ago that the military situation was evolving in a certain
17 direction which was not necessarily in our favour. And one of the reasons for that
18 development was related to problems with weapons and ammunition, among other
19 reasons. But the main reason was in relation to weapons and ammunitions. He
20 therefore also presented that situation to the head of state.

21 Q. [15:43:02] And at this meeting did he say anything about ONUCI?

22 A. [15:43:08] No, there's nothing new to say. We were always complaining about
23 ONUCI. Even at our meetings at the general staff, we were complaining about the
24 uncontrolled movements of ONUCI, whatever they were doing at any time. So we
25 had every reason to believe that they were no longer impartial. So we at the level of

1 the general staff and at our meetings, based on the information we got from the
2 ground and from the inhabitants and from our troops, we were already complaining.
3 And that information tended to indicate that the ONUCI forces were no longer
4 impartial. So we had every reason to believe that they were progressively aligning
5 with the Commando Invisible, not in a visible manner, but rather perniciously.

6 Q. [15:44:09] Specifically, and I really would ask you to focus upon this meeting
7 and what was said at this meeting, specifically, did the CEMA say anything in
8 particular about this issue, about ONUCI at this meeting with Mr Gbagbo in
9 February?

10 A. [15:44:31] What I have said is that the attitude of the impartial forces displayed
11 by ONUCI was actually denounced, because the impression was that they were no
12 longer neutral. Our positions were -- they used to over-fly our positions regularly,
13 and the impression was that such information was disclosed to the enemy. So he
14 reported on that as well.

15 Q. [15:45:12] Do you recall how he made his report, how he presented? Did he
16 use anything like PowerPoint, which is something you described before?

17 A. [15:45:25] I think that he came with his documents and the necessary material
18 for his presentation.

19 Q. [15:45:39] So did he use an electronic presentation then to show what he was
20 trying to say?

21 A. [15:45:48] Yes. But we had a PowerPoint system. We didn't have a major
22 electronic system, just a computer *and a board.

23 Q. [15:46:05] Specifically, do you recall which room this meeting was in with
24 Mr Gbagbo?

25 A. [15:46:19] I'm not familiar with all the halls at the presidency because I didn't

1 use to work there, but the presentation took place in a hall.

2 Q. [15:46:32] Once the CEMA had given his report, can you tell us please who else
3 then spoke?

4 A. [15:46:52] You see, when we gather before the head of state as soldiers, it is the
5 CEMA who speaks on behalf of all soldiers. That was the case during that meeting.
6 He spoke to the commander of the armies. And thereafter the commander in chief of
7 the armies gave us some answers relating to what had been raised by the CEMA.

8 Q. [15:47:24] And before the commander in chief gave you some answers, did any
9 of the other generals, did anyone else make any suggestions as to how to deal with
10 the situation in Abobo?

11 A. [15:47:38] Well, I don't remember anyone else taking the floor, not clearly. But
12 what I know is that I raised a question. I talked about a situation which had been
13 mentioned in the CEMA's presentation in relation to the issue at N'Dotre.

14 In his presentation, the CEMA had given the impression that we were controlling
15 N'Dotre. And since I had just lost some men at that specific location, I informed the
16 CEMA that in military terms we didn't have any control over N'Dotre because some
17 of our men had been killed there. If we had had control over that area, we would
18 not have lost our men. Having control means that you are master of that area and
19 *that you have secured it.

20 So as far as I can remember, that is the only comment that I made myself, of course
21 with authorisation from the CEMA, from whom I sought such authorisation.

22 Q. [15:49:11] Did you make this comment about the situation in N'Dotre and the
23 fact that the FDS did not control N'Dotre, did you make that comment before the
24 president then spoke?

25 A. [15:49:28] I no longer recall clearly, but in any event I made that comment.

1 Q. [15:49:43] Now we go please to what the commander in chief, the president then
2 said. You said he gave you some, gave some answers related to what had been
3 raised by the CEMA. Can you tell us please what he said?

4 A. [15:50:04] First of all, the president began by encouraging the armed forces and
5 congratulated them for all the efforts they had deployed to deal with an extremely
6 difficult situation in Abobo. So he congratulated the chief of general staff and all the
7 Defence and Security Forces for their involvement in Abobo.
8 Then he went on to say that he was aware of the difficulties we were facing in relation
9 to equipment, weapons and ammunition. He said that at his level, he would make
10 all necessary efforts. But we were all aware that these were extremely difficult times.
11 Then the president gave us instructions to reinforce and to continue to hold our
12 positions at Abobo, keep Abobo. Those were the instructions which were of a
13 defensive nature that we received.
14 We need to specify, may I say, that in that phase we had been in a defensive position
15 at all times. We were never the ones who took the initiative to attack. We were
16 always in a defensive position and the instructions, therefore, were for us to hold
17 Abobo. Those were the instructions from the president.

18 Q. [15:52:02] Given what you had said in this meeting about the FDS not having
19 control over N'Dotre, was there anything said in relation to that point, the carrefour
20 N'Dotre, by the president?

21 A. [15:52:25] I don't remember what the president may have said on the carrefour
22 N'Dotre, but let me specify that in all the meetings we had with the head of state, he
23 never went into the details concerning military operations.

24 Q. [15:52:52] Do you recall if any particular points in the Abobo area were taken
25 after this meeting, taken by the FDS?

1 A. [15:53:06] Well, fighting was going on. There were operations on and off.

2 Progress was made on one day and retreat the next. So there was no significant

3 progress as such during that period or up until the month of March. There was no

4 significant progress or development.

5 Q. [15:53:47] Do you recall a mission to take N'Dotre after this meeting?

6 A. [15:54:02] I think that the chief of general staff had planned an operation to take

7 N'Dotre. There was also another position at Anyama behind N'Dotre which had to

8 be taken, because it was a position of the ground forces before the crisis. So he

9 wanted to link up the MACA prison and the position to the north of Abobo.

10 I don't know whether this operation was actually implemented, but I think it was

11 planned or scheduled. I don't know whether he was able to actually implement it.

12 *But it was extremely difficult to carry out.

13 Q. [15:54:52] And was the other point you're talking about, was that PK18, in

14 French, PK18?

15 A. [15:55:01] No, not PK18. It's not the same road. It was much further afield

16 than PK18.

17 Q. [15:55:18] Now, you tell us that in this meeting the talk was of defensive -- the

18 instructions were of a defensive nature. Was there any discussion of an offensive

19 nature, of offences to be undertaken by the FDS?

20 A. [15:55:45] In military terms, you would be referring to a counteroffensive. That is

21 what it is, madam. We had lost or had abandoned our former positions and the idea

22 therefore was to take them back, and that's what is referred to as a counteroffensive.

23 Q. [15:56:12] Okay. So was there discussion of a counteroffensive?

24 A. [15:56:22] I don't have exact recollections, but in the mind of the chief of general

25 staff, the issue was, one, to take back the N'Dotre position; two, to ensure that from

1 N'Dotre we could link up and provide security on the national road all the way to the
2 position in the north of Abobo, which had been previously occupied by the ground
3 forces, our ground forces. So that was part of the plan, as I said, part of his plan.

4 Q. [15:57:06] Okay. You've told us then that the plan in the mind of the staff, the
5 CEMA, you've told us the issues, to take back positions, take them back in Abobo.

6 Do you recall anything that the president, Mr Gbagbo, said in relation to taking back,
7 in relation to the counteroffensive operations that the CEMA was proposing?

8 A. [15:57:39] Apart from what I have already told you, namely that the president
9 told us to make sure that we did not lose Abobo, that we kept Abobo, I don't have any
10 other recollection of any other instructions that he may have given. Reinforce your
11 positions, hold your positions and ensure that you do not lose Abobo.

12 Q. [15:58:14] I just want to ask you more specifically about a statement in your
13 interview and see if this refreshes your memory further. It's 0051-0434 is the
14 interview, and we're talking about page 0451. And again, it's in relation to this
15 meeting, at line 639.

16 Right. Just reading from here, you say --

17 MR GBOUGNON: [15:59:51] (Interpretation) Monsieur le Président.

18 PRESIDING JUDGE TARFUSSER: [16:00:01] Maître Gbougnon.

19 MR GBOUGNON: [16:00:05] (Interpretation) Mr President, I rose quickly, and I'm
20 sorry, in order to stop, but with your leave, to stop the Prosecution from doing what
21 she is attempting to do, because the line which she has just quoted is the same thing
22 that the witness has said, except we want to take the witness out of the courtroom so
23 that we can all read.

24 Now, if we are confronting the witness, then it's something else, because the
25 paragraph she's intending to read is something that we should all talk and agree

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1 about in the absence of the witness before she's given permission to do so.

2 PRESIDING JUDGE TARFUSSER: [16:00:51] Maître Altit.

3 MR ALTIT: [16:00:59] (Interpretation) Thank you, Mr President. But let me just
4 add and clarify that two days ago you raised the concept of significant difference, and
5 I think that that is a specific enough explanation as to whether you can confront a
6 witness or jog his memory in one way or another. I think we need to clarify whether
7 there is a significant difference between what the witness said in his statement and
8 what he has said in court. And, therefore, is it possible in a third scenario to use the
9 statement for purposes other than confronting the witness or jogging his memory?

10 This is what I would like to say, Mr President. I don't know if you understand what
11 I am trying to say.

12 MS PACK: [16:01:52] Your Honour, I'll leave it. I'll leave this one. I'll leave it. I
13 think that's the right judgment. Thank you.

14 PRESIDING JUDGE TARFUSSER: [16:02:00] Yes.

15 MS PACK:

16 Q. [16:02:02] Now, I'll move on. We're still on this meeting. We're talking about
17 what everyone is saying. I want to ask you about the CEMA. Specifically, do you
18 recall any specific proposals the CEMA made to the president about how to deal with
19 the situation in Abobo?

20 A. [16:02:32] The concerns of the CEMA were to have more reinforcements, more
21 men, so the pools, the contributors of forces that we were, had to give troops. So he
22 was the head of the operations. And they were asking -- he was asking us to give
23 him more men, more capacity. So that was one of his concerns.

24 PRESIDING JUDGE TARFUSSER: [16:03:17] Also arms I suppose, right? That's a
25 question. Also arms because men alone wouldn't be sufficient. Was there

1 also -- did they speak also about arms and ammunitions or only about men?

2 THE WITNESS: [16:03:38] (Interpretation) In military terms, when armies are
3 asked, when corps are asked to contribute capacities, you express that in terms of
4 capacity. I don't say give me a platoon. I can say give me troops with armoured
5 vehicles, so it means I need armoured resources; or give me troops made up mainly of
6 para commandos. So I need the capacity of troops that are highly mobile and able to
7 penetrate areas and that have a lot of experience.

8 So when the CEMA tells us that we understand perfectly, that is just military
9 semantics, which we understand very well. So this was part of his priorities. He
10 expressed them, but unfortunately the contributors had already made available a
11 large number of resources, so their reserves were no longer as considerable as one
12 might have thought.

13 PRESIDING JUDGE TARFUSSER: [16:05:06] We are not so familiar with military
14 language, so thank you for this.

15 Madam Prosecutor.

16 MS PACK: [16:05:14]

17 Q. Now, we have on the record that at some point it was suggested that Abobo be
18 declared a war zone. Was that something that was discussed at this meeting?

19 A. [16:05:32] I do not remember whether it was during this particular meeting that
20 it was discussed or whether it was in the meeting of general officers at the état-major,
21 but I remember that we discussed the issue of Abobo as a war zone. But this was
22 done at the état-major.

23 The various positions were quite rigid, and we didn't make much progress, because
24 the disadvantages of declaring Abobo a war zone were much more important than
25 the advantages, because you had a large number of civilians there, and you had the

1 Invisible Commando, and there was nothing to distinguish between the members of
2 the civilian population and the Invisible Commando.

3 So they took the population hostage and they were still -- they used the population as
4 a sort of human shield. So such an asymmetric type of war or confrontation meant
5 that we could not take the risk of declaring Abobo as a war zone. That was the
6 argument put forward by many of the generals.

7 We were aware of our responsibilities. Our responsibility was to ensure the security
8 of people and property, not to cause the death of many people because of the Invisible
9 Commando that had infiltrated the population. And in the final analysis, the idea
10 did not prosper; it was abandoned.

11 Q. [16:07:40] So those were the disadvantages. What were stated to be the
12 advantages of declaring Abobo a war zone?

13 A. [16:07:49] The inconvenience or disadvantages were so many that I don't know
14 whether it is of any interest to talk about the advantages. Generally speaking, when
15 you declare an area an area of war, it means you go in there and you clear up
16 everything, because whatever is there is considered as enemy. We considered the
17 situation hostile. And we could not do that because of the reasons I have explained
18 to you.

19 PRESIDING JUDGE TARFUSSER: [16:08:37] Who was in favour, sorry, who was in
20 favour for this declaration of Abobo to a war zone and who was against it?

21 THE WITNESS: [16:08:55] (Interpretation) Mr President, there were many of us.
22 You had subordinate officers, senior officers, generals. We discussed, but in the final
23 analysis, what is important is the decision that was finally taken. I'm sorry to give
24 you just the final decision. I would like to limit myself to that, your Honour.

25 PRESIDING JUDGE TARFUSSER: [16:09:18] Now, I would just like, say, the four

1 generals, the CEMA, and the gendarmerie, yourself, and the police commander,
2 among these four, who was in favour and who was contrary to the declaration of war
3 zone? Who brought it up as a possible -- as a hypothesis?

4 THE WITNESS: [16:09:48] (Interpretation) Well, it was part of the elements for the
5 planning of the état-major. So for planning purposes the état-major has many
6 operational options. And the operational options proposed by the general staff were
7 those ones, and that particular issue was discussed and it was not adopted.

8 PRESIDING JUDGE TARFUSSER: [16:10:23] Madam Prosecutor.

9 MS PACK: [16:10:27] I didn't see an answer to your question, your Honour.

10 PRESIDING JUDGE TARFUSSER: [16:10:41] I didn't see an answer to my question,
11 but maybe it's Chatham House rule.

12 MS PACK: [16:10:49] Chatham House rule in the courtroom.

13 Q. [16:11:00] Now, I'm going to ask you again, because we are in a courtroom, okay,
14 I would like to know please who was it, who was it then who was in favour and who
15 was contrary to the declaration of the war zone?

16 A. [16:11:33] To begin with, in general staff meetings, there is no vote. It is an
17 operational option that was put on the table by the planners, which we discussed.
18 Each person gave their opinion, and the CEMA decided. It is the chief who decides.
19 We do not vote. He decided and said, "Listen, we reject this option" and that is what
20 we did and moved on.

21 Q. [16:12:06] What would have been the consequence of a formal declaration of
22 war in the zone of --

23 PRESIDING JUDGE TARFUSSER: [16:12:20] Excuse me. This is a little bit
24 hypothetical, and I think I already asked this, what the consequence would have been.

25 MS PACK: [16:12:28] The legal consequence, I think that's something that, I think

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1 that's something that someone would know from the witness's background. What's
2 the point of declaring a state of war in an area.

3 PRESIDING JUDGE TARFUSSER: [16:12:43] Yes, but from a legal point of view
4 we also know.

5 MR MACDONALD: [16:12:45] I'm sorry to intervene. It's a very important factual
6 question. The witness, first of all, is not answering the question that is being asked
7 by the Chamber itself, number one. The fact of declaring Abobo a war zone, you've
8 asked that to other witnesses.

9 PRESIDING JUDGE TARFUSSER: [16:13:06] Yes, I do know. I recall.

10 MR MACDONALD: [16:13:08] And the thing is this, what obligations do they know,
11 because they're discussing options, and these options will be discussed with someone
12 else at one point. Yes, your Honour. I'm sorry.

13 MR ALTIT: [16:13:21] Monsieur le Président.

14 MR MACDONALD: [16:13:22] I'm not done.

15 MR ALTIT: [16:13:24] (Interpretation) Mr President, I am talking about the witness.
16 He has to leave the room, please.

17 MR MACDONALD: [16:13:31] He can leave the courtroom, your Honour.

18 PRESIDING JUDGE TARFUSSER: [16:13:33] But I think we can just go back and I
19 put the questions and in a very serene atmosphere.

20 MR MACDONALD: [16:13:41] Yes. But we're on the crux of it, your Honour.

21 PRESIDING JUDGE TARFUSSER: [16:13:44] Yes, yes.

22 MR MACDONALD: [16:13:45] I think everybody knows we're on the crux of it.

23 PRESIDING JUDGE TARFUSSER: [16:13:50] Mr Witness, now, I didn't insist on the
24 question because I think I've understood the atmosphere on how the dynamic is.

25 But my question is as follows: Who put on the table the possibility to declare -- who

1 put to the discussion the possibility to declare Abobo a war zone?

2 THE WITNESS: [16:14:30] (Interpretation) I will repeat once again, Mr President,
3 at the risk of saying exactly the same thing, it is the planners who give the various
4 options. I have said that we had been driven to the wall in Abobo. We were losing
5 more and more people in Abobo. So in a search for military solutions, the planners
6 made that operational proposal. We debated, we discussed, and in light of the
7 arguments of each and every one, the CEMA decided that that option would be
8 rejected. It would not be adopted.

9 PRESIDING JUDGE TARFUSSER: [16:15:19] And these planners are people
10 subordinate of the CEMA or subordinates of the CEMA? Is that correct?

11 THE WITNESS: [16:15:37] (Interpretation) It is the planning unit working under
12 the orders of the CEMA.

13 PRESIDING JUDGE TARFUSSER: [16:15:44] Okay. Now the second question is:
14 What are the consequences of the declaration of a war zone, because obviously if you
15 reject it, if you decide to reject it, you decided to reject it because the consequences in
16 legal terms, let's say so, you know what the consequences are?

17 THE WITNESS: [16:16:19] (Interpretation) It was specifically because we felt that it
18 could go very far that there was a discussion on it; otherwise, generally speaking, the
19 chief of staff's decisions in operational matters are adopted. He implements them
20 himself.

21 But this particular option drew the attention of the various participants on the
22 consequences, which could be extremely dangerous. It was for that reason that it
23 was put up for debate.

24 PRESIDING JUDGE TARFUSSER: [16:17:08] Dangerous in what terms?

25 THE WITNESS: [16:17:15] (Interpretation) To the extent that everything that

1 would have been done, everything that would have happened as human damage or
2 loss, if that had happened, then certain people would necessarily have been
3 answerable for that.

4 PRESIDING JUDGE TARFUSSER: [16:17:44] Thank you.

5 I give back the floor to the Office of the Prosecutor.

6 MS PACK:

7 Q. [16:17:53] Was there a consideration at this meeting of the consequences in
8 terms of the international community of declaring Abobo a war zone?

9 A. [16:18:06] All those arguments were put on the table by the various participants
10 during the discussion. So account, concentration, was given to many factors.

11 Q. [16:18:34] And in terms of other factors on the table, was there consideration
12 given to the consequence in terms of obligations to the civilian populace in Abobo if a
13 war zone was formally declared?

14 A. [16:18:51] But of course, that is why that option was abandoned, because all the
15 normal inhabitants, in quotes, could not be taken out of Abobo and left behind, only
16 the Commando Invisible, because the Invisible Commando were not an army, and
17 that is why I referred to them as asymmetric combat. So they were not people
18 wearing uniforms as an army against whom you could fight.

19 Q. [16:19:40] And just to situate this meeting, the meeting you're talking about here
20 is at the état-major. Do you recall if it was -- when that was in relation to this
21 meeting that you've been describing with the president, with Mr Gbagbo?

22 A. [16:19:58] The issue of the decision to declare Abobo a war zone was in January,
23 and the meeting with the president I believe was actually in February instead. I no
24 longer remember the precise dates, but I believe that the Abobo issue was in January.

25 Q. [16:20:42] Can I ask for a document to be shown, please. 0045-0359. Tab 132

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1 for my learned friends.

2 Now, this is a document you were shown in your interview. I have got that right
3 this time. So take a look again, please. You've seen this before in your interview
4 with the OTP. I just want to ask -- it's dated 12 January 2011. It has as its object,
5 quote in French, (Interpretation) "Report of a meeting at the army general staff."

6 MR ALTIT: [16:22:15] (Interpretation) Your Honour, thank you, Mr President.

7 I'm wondering whether it would not be better to have the witness leave the room now
8 because I want to read an excerpt from his statement.

9 PRESIDING JUDGE TARFUSSER: [16:22:35] From his statement? Excuse me, we
10 don't know even what the question is about. I understand --

11 MR ALTIT: [16:22:48] (Interpretation) It is an objection on the use of this document
12 and we do not want to influence the witness.

13 PRESIDING JUDGE TARFUSSER: [16:23:09] But I think this document can be used,
14 because it can be used to see if he has seen it, if he knows it, and that's it, first of all.

15 MR ALTIT: [16:23:22] (Interpretation) With your leave, that is precisely my point.
16 Of course I can make it in the presence of the witness. I just wanted to be cautious.
17 I want to read an excerpt.

18 PRESIDING JUDGE TARFUSSER: [16:23:44] An excerpt of what?

19 MS PACK: [16:23:46] Well, if Mr Altit is concerned, the witness said in his interview
20 that he hadn't seen this before. So the foundation is not that he had seen this before
21 the interview, right?

22 PRESIDING JUDGE TARFUSSER: [16:23:56] Okay.

23 MS PACK: [16:23:57] And that's why I made very clear that it was shown to the
24 witness in the interview. So he's seen it before, but not before the interview. So
25 that's -- I'm perfectly happy just to deal with that.

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1 MR ALTIT: [16:24:09] (Interpretation) Yes, that is precisely what Ms Pack is saying.
2 The idea is there, but I wanted to be more specific. Let me switch on this
3 microphone.

4 The interviewer was asking: "Are you aware of the content of this document?"

5 Answer: No.

6 Does that ring a bell?

7 Answer: No."

8 So under the circumstances, how is it possible for this document to be shown to him
9 for him to make a comment? I think we are losing time here, Mr President.

10 PRESIDING JUDGE TARFUSSER: [16:24:57] Well, if we are losing time, it's for the
11 OTP we are losing time. But we wait for the question, I think we just wait for the
12 question of this, because it could be: "Have you seen it?"

13 "No."

14 "Have you seen it" -- and repeat what he has said. I don't know. But I don't see any
15 problem in showing him this document, in showing to the witness. Sorry for this.
16 Please.

17 MS PACK: [16:25:23] Yes. Thank you so much, Mr President.

18 Q. [16:25:26] You've just been telling us that the meeting -- about the meeting at the
19 état-major, and you said to us that the issue of the decision to declare Abobo a war
20 zone was in January. So I'm just showing you this document because I want to
21 clarify something with you.

22 The second paragraph states this in this document, quote, in French (Interpretation)

23 "According to that military authority, Abobo is henceforth declared a war zone. The

24 FANCI shall take control of operations with the support of the police and the
25 gendarmerie."

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1 Now, I just want you to help me with this because what this document states is that
2 the military authority -- well, you can see what it states.

3 Now, is that something that you can help us with now? Now, you've been testifying
4 about a meeting in January, about a discussion about -- let me finish the question,
5 please. I would like to finish the question.

6 PRESIDING JUDGE TARFUSSER: [16:26:53] Yes, please. Go ahead.

7 MS PACK: [16:26:55] Thank you.

8 Q. [16:26:56] You've been testifying about a meeting, and now you say in January
9 at the état-major you discuss the pros and cons of a war zone. And now we see here
10 a report that the military authority is from now on -- has from now on declared
11 Abobo a war zone.

12 So can you help me please with the outcome of your meeting?

13 PRESIDING JUDGE TARFUSSER: [16:27:20] No, no, he cannot.

14 MS PACK: [16:27:23] With the état-major.

15 PRESIDING JUDGE TARFUSSER: [16:27:24] This is -- no, he cannot, I think. He
16 cannot. The only thing I thought that you were going to, to the date.

17 MS PACK: [16:27:33] Yes.

18 PRESIDING JUDGE TARFUSSER: [16:27:34] But not to the content. I mean, he has
19 never seen it. He does not know. The testimony of the war zone issue is to the
20 contrary of what is written here.

21 MS PACK: [16:27:44] Yes, okay, I'll leave it.

22 PRESIDING JUDGE TARFUSSER: [16:27:47] I mean, we can deal with it
23 subsequently.

24 MS PACK: [16:27:51]

25 Q. Let me ask you about the date. Does this help you at all with the date of your

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1 meeting when you talked about the war zone?

2 PRESIDING JUDGE TARFUSSER: [16:28:04] But excuse me, also this, here it is
3 written, he already said in January.

4 MS PACK: [16:28:09]

5 Q. The 12th of January, is that the date?

6 PRESIDING JUDGE TARFUSSER: [16:28:12] If it's the 13th, what changes? 11, 12,
7 13, what changes? January is January.

8 MS PACK: [16:28:18] It's not. The 12th of January is the 12th of January. I can put
9 that date, please.

10 PRESIDING JUDGE TARFUSSER: [16:28:22] Yes.

11 MS PACK: [16:28:23]

12 Q. [16:28:23] 12th of January.

13 MR GBOUGNON: [16:28:25] (Interpretation) Monsieur le Président.

14 PRESIDING JUDGE TARFUSSER: [16:28:29] No, here it is written the 12th of
15 January. But the witness has never spoken about the 12th of January. The witness
16 has spoken about January, right?

17 MS PACK: [16:28:36] Yes.

18 PRESIDING JUDGE TARFUSSER: [16:28:37] Okay.

19 MS PACK: [16:28:37] So I'm asking him the date, if that helps him to identify the
20 date of his meeting, 12th of January.

21 PRESIDING JUDGE TARFUSSER: [16:28:42] Does it help you to identify the date of
22 the meeting? I'm sorry for the overlapping.

23 THE WITNESS: [16:29:00] (Interpretation) Thank you, Mr President. The
24 document in front of me here is a document from really junior officers. And this is
25 not a negative connotation. This is a chief of a police district who had a meeting

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1 with a senior officer, of course, but who is not high ranking at the general staff. So
2 when he left the meeting, he made his report to his boss, who is the prefect of police.
3 So you can see that he mixed up everything, because it is not in this meeting that
4 decisions are taken.

5 PRESIDING JUDGE TARFUSSER: [16:29:50] Well, but the only question is, can that
6 be the meeting where this issue was discussed? Not the decision taken as far as it is
7 written here, but the issue of the war zone was discussed. You said it was January.
8 Can it have been the 12th of January?

9 THE WITNESS: [16:30:23] (Interpretation) No, Mr President. If the meeting took
10 place on the 12th of January -- well, I don't remember the date, but this meeting is not
11 the forum in which these type of decisions are taken.

12 PRESIDING JUDGE TARFUSSER: [16:30:40] Okay. Thank you. I give back the
13 floor to the Office of the Prosecutor, and I really urge her to --

14 MS PACK: [16:30:52] Move on.

15 PRESIDING JUDGE TARFUSSER: [16:30:53] Move on, yes.

16 MS PACK: [16:30:55]

17 Q. [16:30:57] I want to move on to your March meeting, the other meeting you
18 spoke about at the palace with the president. Can you tell us please -- think about
19 that meeting. What -- who attended?

20 A. [16:31:12] Well, the same generals, plus other senior officers of the army, the
21 gendarmerie and the national police, still meeting with the president of the republic.

22 Q. [16:31:42] Were there ministers present at this one?

23 A. [16:31:47] Yes, the ministers in charge of security and defence, I think.

24 Q. [16:32:00] Can you tell us, please, what was said then at this meeting?

25 A. [16:32:10] Once again we discussed the problems and the evolution of the

1 military situation. The chief of general staff presented a second report relating to the
2 developments in the military situation.

3 Q. [16:32:35] And briefly, what did he describe of the developments at that time?

4 A. [16:32:42] Well, things had not changed significantly as we would have hoped
5 for. We still had some problems with the impartial forces of ONUCI and their
6 operations on the ground and the fact that we could not control their movements, and
7 that this significantly disturbed our own operations.

8 Once again, on our behalf, he insisted on the issue of resources in terms of weapons
9 and ammunition. I believe that on that occasion he added additional requests for
10 more reinforcements in troops.

11 Q. [16:33:50] And do you recall what the president, Mr Gbagbo said at this
12 meeting?

13 A. [16:33:58] The president said the same thing; he continued to encourage us to be
14 steadfast. Between February and March, we were fully aware of what was going on.
15 It was clear that there was an embargo against us, and so the issue of weapons was
16 crucial. And so the president again continued to encourage us and then -- well, I
17 believe that that is essentially what the president said.

18 Q. [16:34:51] And in relation to what the CEMA had said about requests for more
19 reinforcements of troops, did the president say anything in relation to that issue?

20 A. [16:35:08] It was not really in those terms. What the CEMA did was to raise a
21 point on the various contributions that were being made in numbers and troops. He
22 somehow complained that the gendarmerie did not entirely make available to him the
23 quantity of troops he had requested. And this did not meet with the approval of the
24 supreme commander of the gendarmerie, who spoke back somehow verbally, and
25 there was a small clash over that, a verbal clash on that issue. But the chief of -- the

1 head of state, rather, quickly called them to order and then encouraged us and went
2 on to close the meeting.

3 He subsequently invited them to his residence for further discussions. But we were
4 not invited to that meeting.

5 Q. [16:36:27] Do you recall any decisions being made at the meeting?

6 A. [16:36:34] The CEMA had requested for some troops, and he was given
7 permission to contact the minister of defence to see how he could work with the
8 minister of defence, as requested by the president, to conduct some kind of
9 recruitment. But I'm opening a parenthesis here because this option was not
10 convincing to some of the generals, because at that time we did not have sufficient
11 weapons for the men who were present. So getting more men did not lead to a
12 situation where we would have sufficient weapons.
13 So that proposal was not -- did not sit well with a number of generals. In any event,
14 that was the proposal of the chief of general staff.

15 Q. [16:37:59] And just to be clear, just to be clear for the record here, you say that
16 the CEMA was given permission to contact the minister of defence to conduct some
17 kind of recruitment. Who gave him permission to do that?

18 A. [16:38:17] The minister was there. The minister was there. That was not the
19 responsibility of the head of state, but the minister said, "When we get out of this
20 meeting, please contact me so that we can look into this matter with the human
21 resources department of the ministry."

22 Q. [16:38:44] Now, apologies, I'm trying to find my place on the transcript. Yes.
23 You tell us that this issue was not the responsibility of the head of state. That was
24 the issue of recruitment. Why not?

25 A. [16:39:18] Well, I spent 41 years in the army, and recruitment to the army has

1 never been done at the presidency of the republic. It is usually done at the ministry
2 of defence in its recruitment services.

3 Now that he asked the question in front of the president of the republic, maybe he
4 was expecting the president to say, "Go and talk to the minister." But ordinarily this
5 is not a matter that lies with the head of state. There is a service within the ministry
6 of defence known as the human resources department which conducts recruitments.

7 Q. [16:40:08] All right. I want to ask you about a further meeting with the
8 president in March. This meeting we're talking about, this was at the palace, was it?

9 A. [16:40:25] Yes.

10 Q. [16:40:27] Now, let me just show you the logbook that we were looking at earlier,
11 the visitors' logbook for the presidential residence. The number is 0088-0863. And
12 we'll be quick with this. There's an entry, please, if we could turn to 14 March 2011.
13 The first page is at 1258 and the page I would like to look at is 1260.

14 Okay. There we are. You can see entries from 41. At 41, 42, 44 through to 48,
15 different generals entering and leaving the residence. Do you recall entering and
16 leaving the residence on 14 March between those hours? You can see there 18.12,
17 19.48.

18 A. [16:42:22] Yes. We must believe the logbook. Yes, I went there.

19 Q. [16:42:30] Do you recall a meeting with the president between those hours or
20 roughly at that time?

21 A. [16:42:40] I do not know exactly what type of meeting it may have been. I don't
22 have a recollection of what was discussed at such a meeting.

23 Q. [16:42:59] I'm going to ask please just to play a video. Again, the Prosecutor
24 can play it, please.

25 This is CIV-OTP-0069-0371, and the transcript is 0094-0270. And the video will be

1 played at 00.12.22 to 00.13.30. The transcript reference is lines 4 to 13, page 271.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [16:44:13] (Interpretation of the video excerpt) "The generals of
4 Côte d'Ivoire went to reaffirm their allegiance to the head of state. That action is
5 meant to silence all rumours about defections and treason on the part of some
6 generals. The issue globally discussed was in relation to the security situation of the
7 country and the insurrection at the Golf Hotel and the subversive appendix at Abobo
8 and all the other fronts opened by the rebels.

9 In a few hours the generals will once again be received by Laurent Gbagbo and major
10 decisions are expected."

11 MS PACK: [16:45:09]

12 Q. [16:45:10] Question: Do you now recall if you had a meeting with the president
13 on this occasion at the residence?

14 A. [16:45:25] Thank you, Madam Prosecutor. You have jogged my memory and
15 now I see that we indeed went there. And it happened very quickly, we didn't
16 spend much time there, and we left shortly thereafter. Yes indeed, we were there, as
17 you can see. The entry and exit times and the waiting times do not add up to much.
18 So indeed, yes, we went there.

19 Q. [16:45:57] Do you have now, now you recall the meeting, do you have a
20 recollection of what it was that was discussed, that you discussed at this meeting?

21 A. [16:46:08] We discussed the security problems because at that time there were
22 problems in Abobo where there were attacks, so it was essentially focused on security
23 issues. We met with the head of state, and recurrently that is the issue that came up.
24 We had nothing else to talk about. We didn't go to see the head of state to talk about
25 politics. That was not our remit.

1 Q. [16:46:43] Different topic, moving off from this meeting. At any time, do you
2 recall discussing with the CEMA or any of the other generals asking Mr Gbagbo to
3 stop FDS combat activities?

4 A. [16:47:06] At some point we had discussions among ourselves and we looked at
5 a number of factors such as developments in the situation which were against us,
6 unfavourable to us, as I said a short while ago. Then there was the conduct of the
7 impartial forces which had become openly pro-rebels, that is the ONUCI, their
8 conduct. Then we had the problem of weapons which we were facing.
9 For all these reasons there was an increasing number of killings. And so when we
10 went to talk with the chief of general staff, we suggested to him in the context of his
11 discussions with the chiefs of the corps of the army that he suggest that politicians
12 find a political solution for peace.
13 We knew that the president right from the beginning had already proposed some
14 political solutions, but we still made the request to the CEMA to again convey that
15 suggestion on our behalf to the head of state.

16 Q. [16:48:54] You told us you discussed ONUCI and their conduct. Did you at
17 any point discuss with the état-major, at the état-major, that level, the civilian
18 casualties?

19 A. [16:49:15] Yes. It is all those things put together. We are Ivorians, after all. It
20 was all these people who were being killed on the one part and on the other, and then
21 there were people, one can say, who were collateral victims or damage, so to speak.
22 And I really don't want to use that term. For that reason we felt that it was
23 important for the chief of general staff to convey our message to the head of state and
24 ask or find out whether it was not possible to have discussions with the other camp to
25 seek a political solution.

1 We did not know the ins and outs of everything, but that was our position, because
2 we were on the ground and we noticed that we were not -- we were losing more and
3 more men, and it had become increasingly difficult to inform families of the deaths of
4 young soldiers, young gendarmes, and this was the most painful mission that a chief
5 could undertake.

6 That is when I understood what the Tassigny, the marshal said when he was going to
7 announce the death of his son to his wife, he said, madam, and he mentioned the
8 name of the lieutenant, his son, who had fallen at war, and the woman to whom he
9 was talking was his own wife, but he spoke in the third person and he said this was
10 the most painful time of his life. And I experienced that myself too. And that is
11 why we made this proposal to the chief of general staff.

12 Q. [16:51:14] Just before we move on to another topic, do you know if the CEMA
13 communicated these concerns that were raised by you at the état-major, whether this
14 was communicated to Mr Gbagbo?

15 A. [16:51:36] Well, it's the CEMA who went there. I was not with him, but he told
16 me, "I have conveyed your concerns to the head of state and at the right time he will
17 give you an answer."

18 However, we knew that right from the beginning, right from the beginning, the
19 president continued to call for a recount of the votes.

20 Now, with hindsight, we see today that this kind of solution is something that has
21 been successfully implemented elsewhere and has limited damage elsewhere in
22 Africa. And I can say this today on hindsight.

23 Q. [16:52:23] And just to finish up on this, can you recall when it was, when it was
24 you were having these discussions at the état-major?

25 A. [16:52:33] Madam Prosecutor, I don't have the specific date in mind. I am sorry

1 about that, but we had this discussion. I'm sorry, but these events took place seven
2 or eight years ago.

3 Q. [16:52:48] I'm going to move on now swiftly to the third. I'm going to move to
4 the women's march in Abobo in March 2011, I'd like to ask you about that.
5 Now, did you have a meeting at the état-major related to that march in Abobo in
6 March 2011?

7 A. [16:53:12] Yes.

8 Q. [16:53:19] Can you tell us please what was -- this was after the march, was it?

9 A. [16:53:29] We met at the headquarters to have a discussion, but the march was
10 over. But its consequences were all over the national and international press, and it
11 is against that backdrop that the information from the national and international press
12 whereby women had been killed. That is what CEMA was explaining to us.
13 He said that he had not received specific information, but that he was doing
14 everything for investigations to be opened. However, it was a hostile zone and no
15 one could have easy access to it. That is why it was not easy to obtain reliable
16 information on the events in relation to what the media was reporting.

17 Q. [16:54:37] Now, you just told us he said he didn't have specific information, but
18 he was doing everything for investigations to be opened.

19 Were you aware of denials of FDS responsibility for this event on RTI?

20 A. [16:54:59] Madam, I haven't understood your question.

21 Q. [16:55:14] Do you remember the spokesman for the état-major? Do you
22 remember Gohourou Babri going on television to deny this incident?

23 A. [16:55:31] It is possible because no one had access to the venue of the incidents
24 to establish the facts and impute responsibility ultimately to possible perpetrators.

25 Now, if he said so -- what I said a short while ago is that the CEMA said he did not

1 have specific explanation and information on the incident because the zone was
2 hostile, and it was not possible to access it.

3 We had thought that the impartial forces that were circulating or moving about freely,
4 both in our zone and in the zone of the Commando Invisible, we thought that those
5 forces in circumstances where there were gendarmes and police, as part of those
6 forces, we thought that those forces may have conducted investigations or even taken
7 our police and gendarmes under their security umbrella and take them to those places
8 for investigations.

9 But although that was what we were thinking, the proposal never came and we never
10 received such assistance. The situation in which we were therefore was one where
11 one was left only with conjecture. The gendarmes at Abobo were in their barracks.
12 There was nobody on the ground to inform them. The ONUCI troops who, mindful
13 of the resources available to them, could have been of assistance to the chief of general
14 staff, but they were not.

15 So I am not surprised at what you have just said in relation to the statement from the
16 spokesperson of the army.

17 Q. [16:57:38] All right. I'd like to ask you to look at a document, 0048-1574. It is
18 tab 32 for my friends on the list of material.

19 All right. Just for the record this document coming up is dated on its face 10 March
20 2011, and it is from the division renseignement CECOS (Interpretation) CECOS
21 intelligence division, (Speaks English) Headed, in French, (Interpretation)
22 Investigation report. Subject: Killing of seven women in Abobo in March 2011.
23 Supposed or real involvement of the FDS.

24 (Speaks English) Is this a report that you have seen before?

25 A. [16:59:26] Now, let me clarify something about this report. I told your

1 investigators that I became aware of this report after the crisis, and I made this clear
2 to your investigators. That was in the month of May or June. That's when I got
3 aware of this report. I had been called up by the examining magistrate every now
4 and then. My recollections were not always clear. And I asked for documents, at
5 which point I was given this document, but I did not give it much importance because
6 there are a number of facts in it that I do not agree with.

7 I told your investigators that I received this document after the crisis, not during the
8 crisis.

9 Q. [17:00:26] Did you ask for a report about the events of 3 March in Abobo at the
10 time?

11 A. [17:00:39] I did not ask for a report. I had nobody in Abobo. Who was I going
12 to ask for a report from? On 26 February 2011, the CECOS was no longer present in
13 Abobo.

14 Q. [17:01:03] Did you receive any information, such as the information that we see
15 in this report, in another way, not in a written report, after the events of 3 March?

16 A. [17:01:20] I heard the information on foreign radio, and I called the
17 communication officer of CECOS. I told him, "*Nouko, I have just heard over
18 foreign radio stations that seven women are supposed to have been killed in Abobo.

19 Can you check with your journalist friends and find out what it is all about?"

20 He contacted his people in the media and also his gendarme friends, because he is a
21 gendarme, the friends who were in Abobo. But he told me that the gendarmes in
22 Abobo did not go out, so the information given was not firsthand, and they were
23 locked up in their barracks. So the information that they gave him was of the same
24 level as the information I received from the media.

25 So through his research he told me, "Yes, I also heard about it in that way."

1 After that, when we went to the staff headquarters, and I told you what the chief of
2 staff said, we heard this, but there was nothing more than the information that we
3 already had. The sources were not really reliable because Abobo had become very
4 difficult and hostile.

5 PRESIDING JUDGE TARFUSSER: [17:03:13] It's 5 o'clock.

6 MS PACK: [17:03:15] I'm very aware of that. There are some follow-up questions I
7 need to ask about the answers that have been given in relation to this document.

8 Your Honour, I can do it now or in 20 minutes in the morning.

9 PRESIDING JUDGE TARFUSSER: [17:03:29] No, in 20 minutes, no. You can do it
10 now in 5. Come on. I mean, we are 12 hours now we are sitting.

11 MS PACK: [17:03:36] I do appreciate that. But there are issues that require me to
12 refer back to the statement, the interviews.

13 PRESIDING JUDGE TARFUSSER: [17:03:42] No. There is a re-questioning. There
14 is a re-questioning.

15 MS PACK: [17:03:46] I think in fairness to my friends, they should have the
16 full -- your Honours, I do ask that I am given just 20 minutes just to complete this
17 issue. It's important that it is completed, that I take it to its full conclusion in terms
18 of the evidence that you have heard, that it is received in a way that is complete, that
19 is fully explored forensically by me in questioning of this witness, before, in fairness,
20 my friends cross -- sorry, question, and then a re-examination.

21 In my submission I would say it's not fair to the Defence and it doesn't mean that I
22 have fully explored this issue, fully eked the truth out of this issue. And I would ask
23 for that time. I can do it in 20 minutes, but not in 5. I would ask for that time, your
24 Honour.

25 PRESIDING JUDGE TARFUSSER: [17:04:44] Well, majority decision, tomorrow, 20

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- 1 minutes, 20, but second, okay. On the second, I stop you.
- 2 MS PACK: [17:04:50] To the second.
- 3 PRESIDING JUDGE TARFUSSER: [17:04:51] Okay. The hearing is adjourned to
- 4 tomorrow morning at 9.30.
- 5 And just let me say something, that tomorrow, it's now me, I have a commitment,
- 6 therefore I have to close for lunch just 10, 15 minutes before and resume at 3 in the
- 7 afternoon. So we have a little bit longer pause, but nothing more.
- 8 Thank you. The hearing is adjourned.
- 9 THE COURT USHER: [17:05:20] All rise.
- 10 (The hearing ends in open session at 5.05 p.m.)