

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
5 Goudé - 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 Friday, 31 March 2017
10 (The hearing starts in open session at 9.39 a.m.)
11 THE COURT USHER: [9:39:42] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:40:13] Good morning. Good morning,
15 Mr Witness.
16 I was informed that the document we spoke about yesterday, you have it with you?
17 WITNESS: CIV-OTP-P-0010 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: [9:40:49] (Interpretation) Yes, Mr President, I have just been given
20 the document now.
21 PRESIDING JUDGE TARFUSSER: [9:40:55] Can you please, court usher, could you
22 please take the document we were talking about yesterday, which was the response.
23 Thank you.
24 Maître Altit, I think the floor is yours. We have the document here in front of us. It
25 is about the names which were redacted in that document. I have now a clean

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1 document of that, of the document we have seen yesterday, redacted in my hands. I
2 think it's useless to make the names publicly. It's not needed. But obviously I
3 circulate these documents also to the other parties.

4 MR ALTIT: [9:42:19] (Interpretation) Thank you, Mr President.

5 Mr President, your Honours, good morning.

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

7 Q. [9:42:35] Good morning, Mr Witness.

8 A. [9:42:37] Good morning, counsel.

9 MR ALTIT: [9:42:41] (Interpretation) Mr President, thank you. I understand that
10 the unredacted copy of the letter is produced into evidence. If that were the case, I
11 will follow your instructions and not raise any more questions because my questions
12 were in relation to the identity of the persons whose names were redacted. Since the
13 letter is now on the case file, that's fine by me.

14 PRESIDING JUDGE TARFUSSER: [9:43:00] Thank you very much. I think the OTP
15 knows the letter, and I just put it, well, the names -- no? Okay.

16 So can you give it also --

17 MS PACK: [9:43:13] No, we haven't seen it either. Thank you.

18 PRESIDING JUDGE TARFUSSER: [9:43:15] Can you give them also to the OTP, and
19 then we put the letter as it is on the case file.

20 MS PACK: [9:43:43] Thank you, your Honour.

21 PRESIDING JUDGE TARFUSSER: [9:43:50] Obviously all the other parties. And
22 then we give it a number, we register it and we put it on the case file. Just give it to
23 the court officer. We make a copy for the witness, to give a copy back to the witness,
24 okay. So we keep this, what we have now, this, say, original and give a copy to the
25 witness. Thank you.

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1 Now, Maître Altit.

2 MR ALTIT: [9:45:32] (Interpretation) Thank you, Mr President.

3 Q. [9:45:58] Mr Witness, yesterday when we broke up we were talking about
4 Captain Zoh Loua. Do you remember that answer?

5 A. [9:46:15] Yes.

6 Q. [9:46:15] I have a question in relation to him. As far as you know, did Captain
7 Zoh Loua deal with other detachments along with those involved in the CECOS?

8 A. [9:46:26] I don't understand your question.

9 Q. [9:46:31] I repeat, as far as you know, did Captain Zoh Loua, he had been
10 detached to the CECOS, did he have or was he going to have any other assignments,
11 détachementes elsewhere?

12 A. [9:46:55] Throughout my tenure at CECOS, Captain Zoh Loua was at CECOS in
13 the operations and planning division.

14 Q. [9:47:08] Very well. Let me quote from your previous statement to the
15 investigators of the OTP. Reference 0051-0392, page 0395. I'll wait until we've all
16 located the document.

17 This is what you said in that statement, and we start *from page 0393 -- at line 0393,
18 this is what you said:

19 "Person being interviewed: He was seconded to the CECOS, but you must say that
20 at some point he was also seconded to Congo, where he spent a few years, so he was
21 no longer at CECOS. He remained in Congo for a long time, seconded to a UN
22 mission in the Congo." End of quote.

23 Can you give us any clarification, further information about that?

24 A. [9:48:54] Okay, I see. I told you yesterday that all CECOS staff were not
25 managed by CECOS. I said that they remained under the organic authority of their

1 corps of origin, which may call them back at any time, reassign them or not to us as
2 the case may be. Captain Zoh Loua was called back to his corps unit, the
3 gendarmerie, at some point, and the gendarmerie subsequently at the
4 request -- because you know there is always a test of all officers for recruitment to
5 Haiti or to the Congo, so he passed the examination on behalf of the gendarmerie and
6 was subsequently detached to the Congo.

7 But this did not happen under the authority of CECOS. It happened when he had
8 already returned to his original unit, namely the national gendarmerie.

9 Q. [9:50:03] Very well. Now, still about Captain Zoh Loua, it was your testimony
10 that, and this is at page 12 and 13 of the transcript of 28 March, French transcript, that
11 he was unwell throughout the crisis, and I quote you:

12 "Throughout the crisis he was ill, and he was at home unwell, and so before I left he
13 was at his home." End of quote.

14 Can you, sir, please shed a little more light regarding his state of health or his illness,
15 if you know anything more?

16 A. [9:51:02] I can confirm that the captain was unwell. And the doctor of the
17 gendarmerie school certified his ill health and so he was given medical leave
18 throughout the crisis. He was no longer operational within the ranks throughout the
19 duration of the crisis.

20 Q. [9:51:33] Very well. Now, let me read your statement to the investigators of the
21 OTP. And the reference is 0051-0392 at page 0397. I quote:

22 "Interviewer number 1: Do you know what his illness was?"

23 And to be specific for my learned colleagues, for their benefit, I'm looking at line 158:

24 "Interviewer number 1: Do you know what his illness was?"

25 Person being interviewed: During a training session he was injured, I think, so he

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1 remained at his home throughout.

2 Interviewer number 1: For how long?

3 *Person being interviewed: It took quite some time. He was not available for at
4 least two months.

5 Interviewer: Ok.

6 Person being interviewed: Since maybe longer, at least --

7 Interviewer number 3: When was he injured by bullet?

8 Person being interviewed: Huh?

9 Interviewer 3: When was he injured?

10 Person being interviewed: He was injured, I believe, in October, October, November,
11 I believe, or maybe even earlier than that." End of quote.

12 So, Mr Witness, so to be clear, on 16 December 2010, you state that he was not at his
13 post; is that the case?

14 A. [9:53:42] He was unwell. He was at his home receiving treatment.

15 Q. [9:53:49] Very well. So you told us on 28 March, French transcript, page 11,
16 that you left the gendarmerie school on 31 March 2011, and I quote you at page 10,
17 line 28, in answer to the question, and I'm quoting:

18 "During the crisis, when did you leave the école de gendarmerie?"

19 Your answer at page 11, "On 31 March 2011," and then you add, still on page 11, line
20 19, and I quote:

21 "When I left my position, my post, all the trainees or the student gendarmes and
22 officers were given leave. As for the officers, for purposes of their own security,
23 were granted leave because we had specific information to the effect that the school
24 was going -- was a target and that I myself was a target." End of quote.

25 Now, Mr Witness, what did you mean by the school was a target?

1 A. [9:55:32] This meant that the school was likely to be attacked, based on the
2 intelligence we had gathered at that time. The school could have come under attack
3 at any time.

4 Q. [9:55:58] By whom?

5 A. [9:56:02] By those whom we were fighting against, by those whom the FDS were
6 confronting.

7 Q. [9:56:13] What did you mean by "I myself was a target"?

8 A. [9:56:34] Going by the same intelligence, my life was in danger and it was
9 possible that I could be attacked personally.

10 Q. [9:56:54] By whom?

11 A. [9:56:59] By the same persons we were fighting against.

12 Q. [9:57:07] Are you saying therefore that the officials of the FDS had become
13 targets of their adversaries?

14 A. [9:57:19] That is even more true given that on the same day, that is on the 31st or
15 maybe before, it might have been on the 30th or the 31st, the residence of the chief of
16 general staff of the armies was attacked and ransacked. He himself had to seek
17 refuge in a foreign embassy on the 31st.

18 Q. [9:57:51] Just to understand ourselves clearly, did you say that on the 31st there
19 was an attack on the officers of the FDS; is that what you're saying?

20 A. [9:58:12] I repeat what I said. On the 31st, I have information or I had
21 information or intelligence to the effect that I was a target and the school was a target,
22 targeted by those whom we were fighting. Now, on the same day, on the 31st, I was
23 informed that the residence of the chief of general staff, which was located in
24 Yopougon, had been ransacked and that the chief of general staff himself had sought
25 refuge on that very day in an embassy in Abidjan.

1 Q. [9:58:54] Very well. Did anything special happen on the 31st in that context?
2 Was there a change of context which may have explained why those attacks
3 happened or why there were such threats of an attack?

4 A. [9:59:18] On the 31st, the military situation on the ground had evolved in a
5 manner that was not in our favour. In the night of the 30th to the 31st, all the units,
6 all the detachments which were at the front all withdrew or retreated or fell back to
7 Abidjan.

8 Q. [9:59:49] Why?

9 A. [9:59:56] Under pressure from the enemy.

10 Q. [10:00:01] To help us understand better, are you saying that the detachments of
11 the Ivorian army or the gendarme or the police which were deployed across the
12 country all withdrew to Abidjan *on March 31?

13 A. [10:00:26] Yes. On 31 March, all forces had withdrawn to Abidjan.

14 Q. [10:00:34] My question is why? Because they were under attack?

15 A. [10:00:40] Because they had been attacked. They were under severe pressure
16 and they all retreated to Abidjan.

17 Q. [10:00:52] Very well. So what you are talking about here is military pressure; is
18 that correct?

19 A. [10:01:00] Yes, obviously.

20 Q. [10:01:03] Very well. From whom?

21 A. [10:01:09] The enemy.

22 MR ALTIT: [10:01:17] (Interpretation) My question, Mr President, is: Who was
23 the enemy?

24 Q. Who is the enemy? That is the question that I'm putting to you, Mr Witness.

25 A. [10:01:28] The enemy is the enemy that we have been talking about since the

1 very beginning of this questioning. Do I need to mention who is the enemy all the
2 time? I believe we have talked sufficiently about that ever since counsel for the
3 Prosecution was questioning me and even when you started questioning me. So we
4 fully understand each other on the concept of enemy.

5 Q. [10:01:55] Mr Witness, the records have information indicating that the
6 government forces of Ivory Coast outside of Abidjan were attacked, not only by what
7 you referred to as the enemy, but also by French forces, particularly French combat
8 helicopters. Are you aware of that?

9 A. [10:02:28] At the general staff we had some information, particularly during the
10 meeting of the 30th. But we were in Abidjan. But the commanders at the front sent
11 in that intelligence to the chief of staff.

12 Q. [10:02:53] Very well. Now, retreat of the government forces on 31 March. At
13 what time did the enemy that you are talking about reach Abidjan? I suppose they
14 were pursuing the government forces. So at what time did they reach Abidjan?

15 A. [10:03:23] After the 31st we no longer had meetings at the general staff
16 headquarters. We were dispersed. So I no longer had any military follow-up of the
17 operations. It was no longer possible for me to have those.

18 Q. [10:03:41] Whether there was military follow-up or not, if there was an attack
19 300 metres away from you, you would know about it. So my question is: When
20 did the enemy reach Abidjan?

21 A. [10:03:56] But I was no longer in position. I was no longer in my duty post. I
22 was no longer able to have access to that type of information because when you are
23 monitoring an operation, it is possible to have that information in realtime because
24 you have men in the field. But there were no longer any meetings at the general staff
25 headquarters, so I could not have this information.

1 If I tell you things that I did not personally observe in the field, that would not be
2 honest on my part.

3 Q. [10:04:50] Yes, yes, I understand you very well, Mr Witness. You are quite
4 correct to underscore what is important to you and to distinguish between what you
5 heard and what you witnessed. But yesterday you told us that from where you were,
6 you observed columns of vehicles with cannons. When was that, before or after the
7 31st?

8 A. [10:05:26] I point out that the information that I gave you yesterday date from
9 after 12 April.

10 Q. [10:05:38] Very well. You do not know precisely when the enemy reached
11 Abidjan. That is understood. But do you know the composition of the enemy
12 troops that entered Abidjan approximately during that period? I'm asking that
13 question because when I say who, how were the enemy troops composed? What
14 types of soldiers? Which groups, which units? Where did they come from? So if
15 you have any information on that, please let us know.

16 A. [10:06:27] I do not have information. I did not have information at that time.
17 It was long after the crisis that it was said that amongst the people who came in, there
18 were the FRCI troops and there were many other combatants who were not
19 necessarily of Côte d'Ivoire nationality. But this is information obtained after the
20 crisis.

21 Q. [10:07:03] And based on what you heard, where did these combatants come
22 from?

23 A. [10:07:15] From all the countries of west Africa, in any case from many countries
24 in west Africa.

25 Q. [10:07:21] Very well. Were there any Dozos amongst the enemy troops which

1 entered Abidjan during that period?

2 A. [10:07:35] The Dozos were amongst the troops that attacked us, so their presence
3 was known ever since 2002.

4 Q. [10:07:55] Very well. Am I to understand that ever since 2002, amongst those
5 who were the rebels and who started or continued attacking the FDS, right up to
6 2010-2011, there were always Dozos amongst them; is that correct?

7 A. [10:08:21] Yes, yes.

8 Q. [10:08:28] Very well. And would it be correct to say, based on what you have
9 just said, that there were always fighters from various countries neighbouring to Côte
10 d'Ivoire?

11 A. [10:08:50] From the beginning of the crisis ever since 2002, that was a constant.

12 Q. [10:08:57] So your answer is yes?

13 A. [10:08:59] Yes.

14 Q. [10:09:03] Thank you. From time to time I want you to be more specific
15 because after some time we will be looking at your testimony in transcripts and we
16 will not have the context, so we really want to avoid any uncertainties.

17 Now, these enemy troops that travelled, that advanced from the north towards the
18 south and to Abidjan, to your knowledge, were they guilty of any crimes during their
19 advance from the north towards Abidjan?

20 A. [10:09:51] The only information that was known publicly was the events that
21 took place in Duékoué. Everyone in Côte d'Ivoire knows that, even the international
22 community is aware of that, what happened *in Duékoué, Petit Duékoué, Guitrozon,
23 the massacres that took place there, everyone is aware. But elsewhere I'm not aware.
24 In Yopougon, based on what was said later on, there were clashes and there were
25 young people who were not necessarily combatants who were killed in Yopougon.

1 Q. [10:10:42] And who were killed by the enemy forces that you are talking about;
2 is that correct?

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

4 Q. [10:10:48] Very well. Can you tell us something briefly about Duékoué so that
5 we should better understand who attacked, what happened and what were the
6 consequences?

7 A. [10:11:03] The forces that were attacking us in Duékoué attacked *members of
8 the guéré population. There were many people killed. There were many people
9 killed and many houses burnt down.

10 Q. [10:11:30] When you said many people killed, do you include men and women
11 also?

12 A. [10:11:39] This, yes, these were not combatants. Members, they were members
13 of the population living in their village. So that's where they were killed, and it
14 includes all segments of the population.

15 Q. [10:11:54] Very well. Killed, you talked about by the enemy, of course. But
16 do you know who was in command of the enemy forces in Duékoué at the time of the
17 massacre?

18 A. [10:12:11] The facts were sufficiently documented by the investigators of many
19 organisations, many international organisations, and the names that were regularly
20 mentioned was somebody from Burkina Faso, Ouérémi, and his men, and there was
21 also another military leader at that time who was on duty in Man. He is Ivorian and
22 his name was Loss.

23 This information is in the public domain after several investigations of the
24 international community.

25 Q. [10:13:30] And to assist us, can you spell out the names of the two warlords that

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1 you talked about?

2 MS PACK: [10:13:40] For the record, and sorry to interrupt to my learned friend, just
3 to have the time frame, because of course we have a period which is charged and then
4 that ends at a certain time, and just to be very clear about the time frame we're talking
5 about now, just so that for the record that is clear.

6 MR ALTIT: [10:13:57] (Interpretation) Mr President, I'm not sure this is an
7 objection because people ask questions the way they want. And nothing prevents
8 my learned friend to ask for clarification during re-examination. She can do that.
9 Regarding what we are talking about here, the temporal framework is clear because it
10 is when the enemy forces advanced towards Abidjan in March 2011. It seemed to
11 me to be very clear. But I can still put the question again to the witness if you think
12 it is necessary, Mr President.

13 PRESIDING JUDGE TARFUSSER: [10:14:51] No, I don't think so much it's necessary
14 because these facts, as the witness also said, are in public domain. But if you recall
15 us, just for the record, when this happened in Duékoué.

16 THE WITNESS: [10:15:18] (Interpretation) Dates are very problematic, especially if
17 the events took place so long ago, but I think it was in March, April 2011.

18 MR ALTIT: [10:15:37] (Interpretation) Thank you, Mr President.

19 Q. [10:15:58] Did you have any information about who was supervising those
20 enemy forces from the north to Abidjan? Who had organised them? Let me ask the
21 question in other words: Do you have information of French involvement in that
22 offensive or advance from the north to the south?

23 A. [10:16:33] I admit that I have no factual or objective information about that,
24 apart from what people were saying. But to be quite frank, I cannot base myself on
25 hearsay.

1 As a military leader, I have no factual information to confirm what you have said, but
2 in regard to what we said a short while ago, I would like to clarify that the Burkinabé
3 war leaders, or the enemy leader, *the Burkinabé person I was talking about, Ouérémi,
4 was arrested by the judicial authorities and he's currently in detention.

5 Q. [10:17:27] Thank you. Now, let us talk about radio communications. And
6 before we go to that, let me conclude on what we were talking a short while ago.

7 You had said that you left the gendarmerie school on 31 March, you left on 31 March;
8 is that correct?

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

10 Q. [10:17:59] When did you evacuate your officers and your gendarmes?

11 A. [10:18:11] The officers who remained at the school when my security detail was
12 taking me to shelter, they took care of that. It was not in my presence, but it was
13 during that same day of 31 March.

14 Q. [10:18:30] So the evacuation took place on 31 March, we agree on that?

15 A. [10:18:38] For the students.

16 Q. [10:18:42] Very well. On page 12 of the French transcript of 28 March, you told
17 us that you left some gendarmes on the spot so that the location should not be
18 abandoned. Let me quote you so as to be clear. It is page 12 and I believe it is line 1,
19 and I quote:

20 "A group of CECOS elements was asked, a very limited group was asked to remain
21 there to ensure security of the barracks, but in the event that things changed against
22 them, they should be able to leave. Those were the instructions that were left
23 behind."

24 And during your testimony later on, on 29 March, and this is on page 44 of the French
25 transcript, line 16, you stated:

1 "The headquarters of CECOS had premises that we had guarded by small groups of
2 five or six people who guarded the place and ensured the security of those who
3 worked in those premises." End of quote.

4 Are we to understand from those excerpts that on 31 March, you left that small group
5 of five, six, four men guarding the exits to continue guarding the place with the
6 possibility of leaving if they were overwhelmed?

7 A. [10:20:48] Those were the instructions.

8 Q. [10:20:50] So it was that small detachment that you left?

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

10 Q. [10:20:58] Very well. Now, let me move on to radio communications. The
11 Prosecutor asked you questions about the CECOS radio network. On 27 March,
12 page 60, 59, 60 of the French transcript and on page 60, you testified that you mainly
13 used the telephone. There was a question on line 10, and I quote, and I quote from
14 that page and line:

15 "How did you communicate with the sector commanders of CECOS most of the
16 time?"

17 And your answer "By telephone.

18 Question: "By cell phone?"

19 Your answer: "Always." End of quote.

20 Mr Witness, I would like to know, with regard to the equipment, did each patrol or
21 intervention group of CECOS -- and yesterday you told us that the patrols were six
22 men, is that correct?

23 A. [10:22:48] Yes.

24 Q. [10:22:49] Did each patrol or intervention group have a radio?

25 A. [10:22:54] To the extent possible, the various vehicles were equipped with radio

1 sets, that is if they were available. And each head of detachment was given a radio
2 set, a mobile radio set and receiver.

3 Q. [10:23:27] Is it correct to say that you lacked radio communication resources at
4 CECOS?

5 A. [10:23:39] It was not only at CECOS. It was all the forces, the gendarmerie and
6 particularly the army. They did not have the tactical military transmission resources
7 for the field, and they did not have secure communication links over the radio. In
8 the field, these communications really have to be secure or encrypted so as to avoid
9 any interference.

10 Q. [10:24:23] To your knowledge, were your radio and telephone communications
11 monitored by French services?

12 A. [10:24:33] I do not know whether they were monitored by French services, but
13 those of us using radio communications, we could be monitored or listened to by each
14 user who was familiar with electronics, because access was easy. If you have some
15 rudimentary equipment, you could have access to the frequencies and listen to the
16 gendarmerie, the army or CECOS networks.

17 Q. [10:25:15] Very well. Were you informed of the recruitment of mercenaries by
18 rebel forces in Burkina in early 2010?

19 A. [10:25:53] No.

20 Q. [10:25:57] Very well. Was the gendarmerie aware that groups of combatants
21 had been infiltrated into Abidjan before or during the presidential elections?

22 A. [10:26:26] What we knew was that there were many detachments of the FAFN
23 that had come to provide security for the elections within the framework of the CCI,
24 and these detachments had been taken into account by the general staff, which
25 deployed them in the main polling stations in Abidjan. But the infiltration that you

1 are talking about were an open secret because everyone knew that these types of
2 things were always possible, not only in 2010, but ever since 2002 that such activities
3 were observed.

4 Q. [10:27:28] Very well. Was the gendarmerie aware that there were arms caches
5 in Abidjan for the intention of the rebel groups before the elections or immediately
6 afterwards, the presidential elections?

7 A. [10:27:53] I have no idea about that.

8 Q. [10:27:56] Over the past few days you told us about three meetings with the
9 president of the republic, and you explained, page 95 of the French transcript of 29
10 March, you said that each time you were meeting with the head of state, it was the
11 CEMA who spoke on behalf of all the soldiers. And I will quote, it was on line 8, yes,
12 I think the interpreter is ready:

13 "For us soldiers, each time we were in the presence of the head of state, it was the
14 CEMA, that is the chief of staff, who spoke on behalf of all the soldiers." End of
15 quote.

16 What I would like to ask you, Mr Witness, is to explain to us concretely how did these
17 meetings take place materially and what was the duration? Please illustrate a little
18 bit. Did you arrive together or separately? Did you meet at the door? I think
19 maybe the first person who entered was the chief of staff. How did it happen?

20 MR MACDONALD: [10:29:43] Your Honours, what is the question? My colleague
21 is suggesting things of how they may present themselves and appear. Well, just ask
22 the question.

23 PRESIDING JUDGE TARFUSSER: [10:29:53] Well, that's a bit --

24 MR ALTIT: [10:29:55] (Interpretation) Monsieur le Président.

25 PRESIDING JUDGE TARFUSSER: [10:30:00] Oui.

1 MR ALTIT: [10:30:01] (Interpretation) Mr President, the question is clear:

2 How were these meetings conducted? And to be specific about what I am
3 asking about, I am giving some possibilities and it will be up to the witness to say
4 what he wants to say so as to explain to us how it happened.

5 PRESIDING JUDGE TARFUSSER: [10:30:19] Yes. You have exemplified, which
6 was not really needed, but please, Mr Witness, answer the question. Thank you.

7 THE WITNESS: [10:30:30] (Interpretation) We had several types of meetings. The
8 meetings that we had with the head of state before the crisis during the time I call the
9 normal period, but there were meetings that we had with the head of state during the
10 crisis period. These were meetings whose objective was related, the objectives were
11 related to military operations. So it was the soldiers whose spokesperson was the
12 chief of staff who came to give a situation report. And for that to happen, we had a
13 preparatory meeting.

14 And the chief of staff, who was conducting the operations, because -- and so he did
15 not need to be briefed, because he conducted the operations. So he would gather
16 together all the military information and intelligence and he would be accompanied,
17 not only by the generals, but by the respective staffs of some of the major
18 commanders, the police, the gendarmerie and himself. He had senior officers
19 working for him who accompanied us.

20 And so when we got into the room, then the president would come in. He was also
21 surrounded by his main collaborators, his advisors, and then he would give the floor
22 to the chief of staff, who would give a situation, a military situation report. That is
23 how it happened.

24 Q. [10:32:38] Very well. One moment, please.

25 Okay. Now, I think that it was the day before yesterday when you answered a

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1 question from the representative of the OTP, and you mentioned the defensive
2 statements made by the president. Do you recall whether during those three
3 meetings the president gave specific instructions in relation to military operations,
4 and did he play a role that was somewhat akin to or -- how do I put it now? Or did
5 he play an active role in -- how do I put this now? Did he go into any details, let's
6 put it that way, did he go into any details?

7 MS PACK: [10:34:36] Your Honour, with this part, I would ask, and I'm sorry to my
8 learned friend to interrupt, just with this part, just to be careful with just citing to the
9 transcripts, because of course -- and there was lots of different evidence, there were
10 three different meetings, different things said at different meetings, just so we're very
11 clear about which meeting and what the witness has previously said regarding what
12 the president said, just for the sake of clarity, and that's it.

13 MR ALTIT: [10:35:02] (Interpretation) Mr President.

14 PRESIDING JUDGE TARFUSSER: [10:35:07] Yes. At the end we need to know
15 exactly to which meeting the witness refers in answering the question. This is, I
16 think it's very important for the record. Maître Altit.

17 MR ALTIT: [10:35:23] (Interpretation) Thank you, Mr President. Just a word on
18 that point. I agree with that, but that's why I put the question to the witness broadly,
19 and the same questions that were put to him by the OTP in these last days.
20 I asked whether these meetings followed the same format. I think the witness
21 appears to have answered those questions. If they followed the same format, we can
22 deal with the three meetings accordingly. But let's put the question to the witness in
23 any event.

24 Q. [10:35:58] Mr Witness, did these meetings follow the same format? Please
25 could you answer that question?

1 A. [10:36:02] A short while ago I was saying that when it comes to the two major
2 meetings held at the Plateau, at the presidential palace, the object was the same, and it
3 all happened more or less in the same manner involving quite often the same
4 participants.

5 Q. [10:36:40] Okay. Therefore, to be very clear, I will now put my question to you
6 in another format. And for that purpose I would refer to your statement to the OTP,
7 at 0051-0462, page 0472. I'm waiting. I hope everybody is ready now.

8 Line 368:

9 Interviewer number 1, I quote:

10 "Very well. Did the president provide any opinions, opinions in relation to the
11 military operations and how they should be conducted?

12 Person being interviewed: What type, what type of opinion?

13 Interviewer number 1: Do you remember whether the president gave any other
14 specific instructions in relation to the types of military operations that should be
15 conducted during those meetings?"

16 Person being interviewed, and that's your answer: "No, I don't believe that he gave
17 any details on the military operations to the HQ. I believe that the HQ simply
18 reported to him."

19 Then at 0016-0014, page 0097, and we'll wait for everybody to get to that page. I
20 quote:

21 "Interviewer 2: When it comes to that specific mission, what were the instructions in
22 relation to what happened on the ground in Abobo?"

23 Person being interviewed, that is yourself: "He does not give specific instructions of
24 an operational nature. That is not really his role. He globally stated as follows: 'I
25 would like you to hold the ground. I don't want to lose Abobo. I don't want you to

1 lose Abobo. Hold Abobo.' Those were the types of general instructions that he
2 gave, the type of general instructions that he gave." End of quote.

3 Therefore, my question: For each of the three meetings we are talking about, was
4 that the case, namely that he gave general instructions?

5 A. [10:40:53] Well, when it comes to the two main meetings that took place at the
6 Plateau, I remember clearly. But maybe not every detail, I remember clearly all the
7 same that the president gave instructions, but never delved into any details about
8 military operations.

9 However, of all the presidents of Côte d'Ivoire whom I knew, he was the only one
10 who had been in the army and who knew the army. But he never went into any
11 details concerning military operations. He always gave instructions as follows:
12 "Hold on to Abobo. Reinforce your positions. Do whatever you can, but you must
13 keep Abobo."

14 That is what I told the Prosecutor the other day, Madam Prosecutor, that's what I told
15 her the other day, and we understood that to be referring to a defensive attitude.
16 So at the very best, what we had to do was to launch counterattacks to recover any
17 positions that we may have lost.

18 Q. [10:42:24] Very well. When you say that he knew the army, are you saying that
19 he did his military service?

20 A. [10:42:34] Yes, and brilliantly. He knew the army perfectly. He knew about
21 weapons. He knew about the weight of weapons. But he never delved into any
22 details about the military operations.

23 Q. [10:43:00] Very well. Over the last few days you talked to us about shortages,
24 to use your words, shortages of weapons and ammunition in particular, when it came
25 to the FDS. Was there any point in time during the crisis, January, February, March

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1 or any time whatsoever, when the situation in terms of equipment and weapons
2 became critical for the FDS, and more specifically for the gendarmerie and for
3 yourself?

4 A. [10:44:02] From the very onset of the crisis in 2002, we had serious structural
5 weaknesses. When it came to weapons in general and ammunition, we had serious
6 structural problems. Between 2002 and 2003, the authorities tried to raise the level of
7 our weapons, so we were able to obtain some equipment from eastern Europe
8 particularly. But for an army which was experiencing structural weaknesses in that
9 area for the last 20, 25 years, since its inception in 1960, it was not possible in 2002 to
10 make up for that deficit in that short period.

11 Q. [10:45:13] Thank you.

12 One moment, please.

13 (Counsel confer)

14 MR ALTIT: [10:45:31] (Interpretation) Mr President, there is an issue I would like
15 to address the Chamber on, but which does not deal with the testimony as such, but it
16 relates to counsel for the witness. And I believe that the sooner we talk about this
17 the better.

18 I see that we have a little more than ten minutes before the break. Thereafter I will
19 be looking at another more extended line of questioning, but I'm in your hands,
20 Mr President, whether I can address that issue now in the absence of the witness.

21 PRESIDING JUDGE TARFUSSER: [10:46:50] But not in the absence of the counsel of
22 the witness?

23 MR ALTIT: [10:46:53] (Interpretation) No, no, not at all. The counsel can be
24 present. It is in relation to his successor, come to think of it.

25 PRESIDING JUDGE TARFUSSER: [10:47:05] Okay. Mr Witness, please, we finish

1 your testimony for the moment now. We will resume it at half past 11, 11.30. So
2 you can have a longer break.

3 Please, court usher, could you please accompany out the, escort out the witness from
4 the courtroom.

5 THE WITNESS: [10:47:31] (Interpretation) Thank you, Mr President.

6 (The witness stands down)

7 PRESIDING JUDGE TARFUSSER: [10:47:52] Maître Altit.

8 MR ALTIT: [10:47:54] (Interpretation) Thank you, Mr President. Maybe we can
9 do this in private session, except you --

10 PRESIDING JUDGE TARFUSSER: [10:48:09] I can imagine what you are talking
11 about and I don't understand why we should do it in private session.

12 MR ALTIT: [10:48:15] (Interpretation) Very well. Very well then, very well.

13 Thank you, Mr President.

14 Yesterday evening you told us at the end of the hearing, you indicated that because
15 counsel for the witness would be absent next Monday, the solution suggested was to
16 have a representative of the OPCD to assist the witness during the few days of next
17 week that would amount to the last part of the witness's testimony.

18 Now, I would like to make things very clear on the matter of the relations between the
19 OPCD and Defence teams in general. Let me speak to our case specifically. The
20 person in charge of the OPCD had asked us on the day of the initial appearance to be
21 present in the courtroom on our side, sitting next to us on that day and then -- and I'm
22 speaking for my team -- it happened that OPCD assisted us from a logistical
23 standpoint with matters of disclosures. You know from time to time there are
24 problems with computers and what have you.

25 So OPCD through him gave us genuine and appreciated help when it came to

1 disclosures. So he explained to us that when it comes to disclosures, they have had
2 access right from the beginning, and he explained to us that they have access to our
3 confidential documents right from the very beginning. And as far as I know, they
4 still and have always had access to our confidential documents or our confidential
5 filings.

6 I know -- well, maybe I should put it this way. I believe that the relations between
7 OPCD and other Defence teams are sometimes more stringent or, rather, put it this
8 way, they have maybe closer or less collaboration with other Defence teams, but I
9 don't know about the details because I'm not involved.

10 However, when it comes to our team, this is the relationship we have with the OPCD.
11 So that this clarifies the issue of a possible conflict of interest and for the purposes of
12 transparency, that's why I make those comments. Thank you.

13 PRESIDING JUDGE TARFUSSER: [10:51:07] Thank you very much. Somebody
14 else want to intervene? Thank you.

15 Mr Knoops.

16 MR KNOOPS: [10:51:11] Yes. Good morning, your Honours. We have --

17 PRESIDING JUDGE TARFUSSER: [10:51:14] I just want to say we have also
18 considered all this, okay, just to -- okay, please.

19 MR KNOOPS: [10:51:20] Indeed, the relationship between the Defence team of
20 Mr Blé Goudé and the OPCD is similar to what the Defence team of Mr Gbagbo just
21 alluded to.

22 They have also assisted us in certain advisory work and have either, have also access
23 to the same material as the team of Mr Gbagbo. So in the perspective of
24 transparency, I think the Court should know that we have the same observations as
25 Mr Altit just presented to the Court. Thank you.

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1 PRESIDING JUDGE TARFUSSER: [10:51:57] Thank you.

2 Office of the Prosecutor.

3 MR MACDONALD: [10:52:01] We have no objection for Mr Keïta to represent, for
4 the purposes of Rule 74, the witness next week, your Honour. Thank you.

5 PRESIDING JUDGE TARFUSSER: [10:52:13] Thank you very much. We have
6 considered all of these things you have mentioned and nevertheless we think, for the
7 purposes of Rule 74 and looking at Regulation 77 of the Regulations of the Court, in
8 particular paragraph 4, letters (b) and (f), I think it is the clear mandate of the -- it's
9 one of the clear mandates spelled out clearly in the Regulations of the Court, of the
10 OPCD to do what they have been appointed to by the Chamber. So for this limited
11 purpose, I think really there is no point of conflict of interest.

12 So this said, I adjourn the hearing to 11.30, when we continue with the questioning by
13 Maître Altit, by the Defence for Mr Gbagbo.

14 Thank you. The hearing is adjourned.

15 THE COURT USHER: [10:53:30] All rise.

16 (Recess taken at 10.53 a.m.)

17 (Upon resuming in open session at 11.35 a.m.)

18 THE COURT USHER: [11:35:28] All rise.

19 Please be seated.

20 PRESIDING JUDGE TARFUSSER: [11:35:48] Before giving back the floor to Maître
21 Altit for his questioning, I would just read out the decision on the request of the
22 Prosecutor of yesterday at the end of the hearing on the documents and also to say
23 that next week we will have only Witness 176 and not Witness 108.

24 So after this witness, we have only one witness before the recess, and this is also due
25 to the fact that I am presiding another Chamber next Friday.

1 The decision on the oral ruling on yesterday's request by the Prosecutor to amend the
2 familiarisation protocol that any documents related to the proceedings with which a
3 witness comes to The Hague or familiarises himself with be given to the VWU, end of
4 quote, and that the witness have no access to those documents when his testimony is
5 started.

6 The request and responses can be found in English realtime transcript yesterday,
7 T-140, pages 103 to 107 -- 109, sorry.

8 In the view of the Chamber, this request is rejected. The witness is a free person
9 whose only obligation is to tell the truth on the stand. If between sessions the
10 witness wishes to consult documents that were produced by himself, documents that
11 were in the possession of the witness before they became exhibits in this case, or
12 documents that are in public domain, this is his right and not something that the
13 Chamber should in principle suspect or prohibit.

14 It does not as such mean that the integrity of the testimony is affected. To be clear,
15 this ruling does not deal with the documents that were prepared for the witness by
16 any of the parties or third persons in relation to their testimony.

17 This matter also has nothing to do with the reading of the prior statement as
18 regulated in the familiarisation protocol. However, the Chamber is of the view that
19 it is not appropriate for such documents, and I'm referring to the documents the
20 witness has with him, to be introduced in the proceedings without giving all the
21 parties proper notice and a reasonable opportunity to study them and to ask
22 questions as appropriate.

23 Depending on the nature of the document and especially the novelty of the
24 information it can contain, the Chamber may need to suspend the testimony of the
25 witness and/or give the parties additional time to question the witness.

1 However, given the nature of the document in this particular instance, the Chamber
2 sees no need for special measures to be taken and finds no difficulty in the document
3 being submitted as it was submitted.

4 This is the oral ruling, and now I give the floor again to the Defence for Mr Gbagbo, to
5 Maître Altit for his questioning.

6 MR ALTIT: [11:40:20] (Interpretation) Thank you, Mr President.

7 Q. [11:40:56] Good morning once again, Mr Witness.

8 A. [11:41:00] Good morning, Counsel.

9 Q. [11:41:04] On page 30 of the French transcript of 27 March, you stated that your
10 objective for CECOS was to have 1,500 men. And I will quote, "The objective that I
11 had set was to reach 1,500 or 1,700 men. I was not able to achieve that goal, so I was
12 around 1,400, 1,500 men," end of quote.

13 And then you explained, and I quote, "that the numbers reduced. We had much
14 fewer men to such an extent that at the end we had about 1,000, 1,200 around 2010."
15 This is page 31 of the French transcript.

16 So to be clear, at the beginning of the crisis, that is, during the time of the first round
17 of the presidential election, in principle you had about 1,200 men; is that correct?

18 A. [11:42:34] Yes.

19 Q. [11:42:34] Very well. My question is this: Out of those 1,200 men, how many
20 of them, taking into account sick leave, leave, and rotations and the various shifts,
21 how many men could you have available to you for deployment at the same time,
22 that is, on the day of the elections, for example, or at any particular time?

23 A. [11:43:12] To begin with, we were not directly involved in the security cover for
24 the elections.

25 Q. [11:43:26] I'm sorry. I am interrupting you because I just gave the first round

1 as a reference point, an example, but you can set that aside. But during the crisis, not
2 on the specific day of the election, at the beginning of the crisis, how many men could
3 you have that would be actually operational? And I imagine it cannot be all of them,
4 because some would be resting and so on and so forth. How many people could you
5 effectively deploy at any one time?

6 A. [11:44:16] There are five CECOS sectors. And ever since Monday, in answer to
7 the Prosecution's questions, I talked about the territorial coverage of CECOS. So we
8 have five sectors that used your services on a daily basis depending on the level of
9 criminality in the various communes.

10 So you would have about the equivalent of a platoon or a reinforced platoon based on
11 the means of mobility. This means that in Yopougon in a day, they could have
12 between 30, 40 or 50 persons maximum to carry out both day and night patrols. And
13 you would have that same size of the groups in the other sectors. And I should point
14 out that not all sectors had the same land area; **secteur sud* was larger than others.

15 And so on the basis of the example that I've just given, if you take the number 50, that
16 is the average men that the chief of sector can deploy for a period of 24 hours, if you
17 multiply that by 5, then on that one day at the level of CECOS, you would have about
18 250 people in the field.

19 And let me add also that the two units, the BMO and the groupe d'appui, do not
20 systematically go out in that manner. Generally speaking, the groupe d'appui would
21 carry out its daily patrols on the highway while the BMO does not actually go out,
22 unless there are events that require its deployment.

23 Q. [11:47:08] Very well. It is very clear, Mr Witness, you anticipated some of my
24 questions. That is precisely what I wanted to ask you.

25 And now, for us to be very clear, so about 50 people in service at the same time in

1 each of the sectors, and you have said that those sectors are different; some are bigger
2 than others and some are more densely populated than others. But to be clear, those
3 50 men, they have to intervene in an area of action sector by sector. But what is
4 approximately the population of those sectors?

5 A. [11:48:21] The least populated sectors are sector 4, Cocody, and sector 3, Adjamé.
6 Apart from that, the Yopougon sector, in fact, it is the most highly populated
7 commune of Abidjan, and then you have Abobo also, which is very highly populated.
8 There is also sector 5, that is the south sector. *It has at least four communes which
9 put together are very highly populated.

10 Q. [11:49:03] Can you give us an idea of the figures? The south sector with four
11 communes, about how many inhabitants? And what about Yopougon and Cocody?

12 A. [11:49:19] Yopougon can have more than 600,000 inhabitants. Yopougon has
13 quite easily more than 600,000 inhabitants.

14 Q. [11:49:35] What about Cocody?

15 A. [11:49:40] Fewer, about 200 to 300,000 inhabitants. Abobo is more than that,
16 about more than 400,000. Yopougon is the most highly populated commune.

17 Q. [11:49:59] And the south sector?

18 A. [11:50:03] If you put Treichville, Marcory, Koumassi, Port-Bouët, the four
19 communes, I think you can also go beyond that figure of 600,000 inhabitants.

20 Q. [11:50:22] Very well. We have understood approximately 50 men times 5
21 sectors, that is 250, plus BMO, plus groupe d'appui. So that is approximately the
22 overall number of men you have on any one day. Now, out of all of those people,
23 how many of them were trained in combat?

24 A. [11:50:57] The CECOS elements who were in the five sectors did not have any
25 combat training. They did not have any specific combat training. The only people

1 who had any combat training were the members of the groupe d'appui, the support
2 group. Even the BMO elements had some basic training in law enforcement, and
3 sometimes they had refresher courses. But the only elements who had combat
4 training were the elements of the groupe d'appui.

5 Q. [11:51:48] Very well. Now, can you tell us the numbers, about how many of
6 them had combat training?

7 A. [11:52:05] Generally speaking, 80 people.

8 Q. [11:52:09] Very well. Out of those 80 people, how many of them could be
9 mobilised at the same time during any given day?

10 A. [11:52:20] Yesterday, I said that we had about an average of four to six
11 operational vehicles. So it was the transportation capacity of those vehicles that
12 would determine the operational mobility of our men given that we would have
13 about six persons per vehicle.

14 Q. [11:52:51] Very well. Mr Witness, do you consider that you were understaffed?

15 A. [11:53:05] The overall population of Abidjan during that period, and this is an
16 estimate, I do not have specific numbers, it was about 4 to 5 million people. So if you
17 look at the ratios, we were very far away from what would have been needed to
18 ensure their coverage, and you will add to that the shortcomings relating to mobile
19 equipment.

20 When you carry out security in Abidjan, even if we have done what we did, that is,
21 pre-positioning of units, there necessarily has to be a lot of mobility so that the units
22 can be able to move very rapidly from one location to another, not more than 15
23 minutes. And we were not able to achieve those targets which we had set ourselves
24 in order to be as efficient as we wanted to be.

25 Q. [11:54:32] Very well. On page 31 of the French transcript of 27 March, you

1 testified, and I quote, and it is line 22, the question of the Prosecutor:

2 "Who placed those various elements at your disposal? Let us begin with the
3 gendarmes. Who placed those elements at the disposal of CECOS?"

4 And on line 26 you answered: "I expressed the needs to the supreme commander,
5 who assigned those gendarmes to the CECOS."

6 Question: "And the soldiers, who placed them at the disposal of CECOS?"

7 Your answer: "The chief of army staff."

8 Question: "And we are talking about the creation of CECOS and, therefore,
9 General Mangou; is that correct?"

10 "Yes."

11 Question: "What about the police, who put those elements at your disposal?"

12 Answer: "The minister of the interior and the director general of the police." End of
13 quote.

14 My question to you is this: So in reality, you did not directly select the members of
15 CECOS; is that correct?

16 A. [11:56:17] I did not select them. And this was one of the difficulties that I faced
17 in achieving full efficiency, because the organic commands, the corps of origin, if I say
18 that in three months I would need 100 gendarmes, the supreme commander would
19 place at my disposal a list of 100 gendarmes. And sometimes, and this is quite
20 amusing, you would have sick people who were unavailable in that list, so in the final
21 analysis I have less than 100 gendarmes.

22 *If I ask the police to give me 150 policemen -- and I'm not undermining the police here,
23 because I have great respect for them -- sometimes they send me people no one wants.

24 Very frequently, after 15 days and 30 days, we find out how they work. And they
25 send all those people to CECOS, and when we realise what is happening, we do a sort

1 of selection and sorting and return some of those people to their corps of origin.

2 Q. [11:58:00] Very well. Now, let me read your prior statement. And the

3 reference number is 0016-0130, page 0131. And I will wait for a short while. And

4 this is line 17. I quote:

5 "Person interviewed," and that is you: "There were two facts. The reputation of

6 CECOS started being tarnished because there was a lot of racketeering and many

7 actions that were not consistent with what I thought was our profession. And the

8 various investigations that were carried out showed that the policemen who were at

9 CECOS were quite involved in those things. So I sent back the policemen. I sent

10 back the policemen. So it means that the strength, the staff strength of the policemen,

11 was reducing progressively. That was the first thing.

12 Secondly, the minister -- and I believe the minister of the interior, he himself

13 voluntarily withdrew more than 300 policemen from CECOS. The minister of the

14 interior himself withdrew more than 300 policemen from CECOS, and he did not

15 replace them. He did not replace them.

16 So on the one hand are the people who are being excluded from CECOS for bad

17 conduct or misconduct, and then there are those who were voluntarily withdrawn by

18 the minister of the interior from CECOS. He had promised to replace them, but he

19 did not replace them. So this meant that the strength in terms of policemen

20 considerably reduced, and that is why -- but we every year would write to the

21 ministry of the interior to say that we want policemen. Every year we would write

22 to the gendarmerie. We would write to the police to say we want to beef up the

23 manpower. The gendarmerie would respond but the police would not respond, so

24 would not give us any extra manpower. That is the problem with CECOS."

25 So my question to you is that you successfully fought corruption within your unit,

1 did you not?

2 A. [12:01:52] Yes.

3 Q. [12:01:54] Could you tell us a little bit more about that with regard to this fight
4 against corruption that you led?

5 A. [12:02:06] Well, I'd especially like to talk about the results, because I sanctioned
6 many people, and I even gave or showed many an example of these disciplinary cases
7 to the investigators of the OTP. And there were also criminal proceedings instituted
8 against some elements. I also gave those examples to the investigators.

9 And then there are elements who were not subject to disciplinary action and that
10 were quite simply returned to their unit because we were of the opinion that they
11 were not up to scratch. They were not at the level that we wanted for them to work
12 within the CECOS. So that's what we tried to do for the availability of
13 Commissioner Brindou at the time, who was my deputy, and who adhered entirely to
14 my way of seeing things. And my objective was to, within CECOS, instil a culture of
15 punishment. And this was present within the gendarmerie units, but at the time it
16 wasn't quite the case within the police.

17 So we preferred to have a somewhat smaller manpower rather than have large
18 numbers of people for whom their conduct was likely to sully the reputation of the
19 unit. That's what I can say about that.

20 Q. [12:04:48] So if I've understood you correctly, those amongst your manpower
21 who were problematic were the policemen and not the gendarmes?

22 A. [12:05:04] Well, yes, but it's all proportional. There were also gendarmes.
23 There were gendarmes who were prosecuted, the subject of criminal prosecution.

24 Q. [12:05:20] Very well. So earlier on we were talking about the fact that you
25 received elements or manpower that you had not selected, and you did not know

1 who these individuals were. Could you tell us who was in charge of human
2 resources with regard to those with the manpower that were seconded to you,
3 whether it be policemen, gendarmerie or soldiers, those people; who was in charge of
4 that?

5 A. [12:05:55] It was the division that managed all of the logistics, because at the
6 same time therein there was an aspect of human resources. But I would like to
7 specify that this was quite a restricted management, if you like, in the sense that all of
8 the personnel of CECOS came under the various organic commands, and the
9 personnel dossiers or files were not with us. They were still with their corps of
10 origin.

11 Q. [12:06:44] So for us to understand correctly is that the administrative
12 management, the administrative side, if you like, of a soldier was managed by its
13 corps or his corps of origin, and the same applies to a gendarme and the same applies
14 to a policeman. Their case file and their career is managed by their corps of origin?

15 A. [12:07:12] Yes. They were with us; they were with the CECOS just for purposes
16 of employment.

17 Q. [12:07:20] Very well. And in view of the fact that the gendarmes were
18 managed by the gendarmerie, the police by the police, and the soldiers by the
19 army -- I'm talking about those who were seconded to CECOS, did you receive any
20 instructions, for example, from the police with regards to the policemen, from the
21 gendarmes with regards to their gendarmes, with regards to such and such an
22 individual who had been seconded from those corps of origin to you?

23 A. [12:08:06] Instructions of what nature?

24 Q. [12:08:12] I'm going to read your statement, your prior statement, 0016-0065,
25 page 0066.

1 *PRESIDING JUDGE TARFUSSER:[12:08:40] Line?

2 MR ALTIT: [12:08:44] Well, yes, quite, quite. It's line number 29, Mr President.

3 PRESIDING JUDGE TARFUSSER: [12:09:13] (Interpretation) Thank you.

4 MR ALTIT: [12:09:16] (Interpretation) Thank you, Mr President.

5 Q. [12:09:32] So I'm going to quote. So the Interviewee, that's you: "For example, all
6 the operational credits, the budget, all of that, that is down to the ministry of defence.

7 So it is he who verifies the means placed at the disposal of CECOS. The means, how do
8 we call it, credit, but men, well, I should say, I should specify here too that the men, the
9 policemen, the gendarmes and the men, instructions with regards to these men, it is often
10 the corps of origin, that is to say, the national police or the gendarmerie.

11 Investigator number 1: Does that mean that you can also receive instructions from
12 the police and the gendarmerie?"

13 And then we're going to turn over the page to go to the next page.

14 "Interviewee: Yes, yes. With regards to the men, personnel management, all of
15 that -- because these are men after all. I don't have men. I don't have any men."

16 There we are. So should we understand from this that everything to do with
17 administrative management, that is to say, any instructions regarding administrative
18 management of the manpower placed at your disposal was done elsewhere in the
19 corps of origin, the police, the gendarmerie, and the army?

20 A. [12:11:52] Yes. They were placed at the disposal of CECOS for us to use, so for
21 us to use in all of CECOS's activity in fighting against major criminality, for example.

22 Now, with regards to administrative management, financial advances, et cetera, it
23 was nothing to do with us. It was the corps of origin of each soldier. Also,

24 anything regarding disciplinary action that we would draw up, as I said to Madam
25 Prosecutor a few days ago now, we would send this to each corps of origin, that

1 would then confirm the sanction and would then send this to the human resources
2 department with regard to the advancements of said individual.

3 Q. [12:13:16] Very well. During your testimony, sir, you quoted a number of
4 people in charge of the CECOS, or you named them. I would like you to conduct a
5 little exercise here. I'm going to repeat the names of those individuals whom you
6 mentioned, adding some supplementary information that we have at hand, and I'm
7 going to ask you, with your leave, to give me their title or function within the CECOS,
8 their origin, their ethnic origin, and whether they are still in post today. So we're
9 going to start with Brédou M'Bia.

10 A. [12:14:16] Lieutenant General of the National Police Brédou M'Bia was the
11 deputy commander of the CECOS during the first years when it was first set up, the
12 first two or three years, and he was until very recently the director general of the
13 national police. And he hails from Agnibilekrou region; that is to say he is Agni
14 from Akan group.

15 PRESIDING JUDGE TARFUSSER: [12:14:58] And this was already in the perfect
16 knowledge of the Chamber.

17 MR ALTIT: [12:15:02] (Interpretation)

18 Q. [12:15:03] *Captain Mory Sakanoko?

19 A. [12:15:11] Today he is commander. He was lieutenant and captain within the
20 CECOS. He was lieutenant when he arrived and was promoted to captain. He was
21 in charge of the logistics and the human resources division we were mentioning
22 earlier. And today, according to the last news I received, he is working at the
23 état-major at the mobile gendarmerie legion at Agban camp. And Mory belongs to
24 the major Malinké group. He is a Dioula.

25 Q. [12:15:59] Very well. Commissioner Yoro?

1 A. [12:16:08] Commissaire divisionnaire Yoro, within the CECOS as deputy
2 commander, he spent a short time. He was rapidly recalled by the director general
3 of the police and the ministry of the interior to take care solely of heading up the
4 intervention units. He is Bété, and I believe that today he is retired.

5 Q. [12:16:49] Very well. Commissioner Robé?

6 A. [12:16:58] Principal Commissioner Robé Joachim was in charge of the planning
7 division and operational division, planning and operations division, and the same
8 time he was also the commander of the CRS-1 in Williamsville for a time. Then he,
9 within the police still, when he was promoted, he was in charge of scientific issues
10 within the directorate general of the police. He is Bété, and today he is retired.

11 Q. [12:18:00] Very well. Captain Zoh Loua?

12 A. [12:18:15] Captain Zoh Loua works within the planning and operations division.
13 He is a gendarme and he belongs to the Yacouba group. Today, he has had an
14 illustrious career within the gendarmerie legion in Bouaké where he has been already
15 publicly congratulated on two occasions by the superior commander of the
16 gendarmerie.

17 Q. [12:19:08] Very well. Captain Katy Bi?

18 A. [12:19:13] Captain Katy Bi Jonas was in charge of the intelligence division. He's
19 a gendarme as well. He is Gouro, and today he is working within the national
20 gendarmerie superior command. And I think his expertise in terms of intelligence is
21 very much appreciated, and he is active in another capacity, maybe not within the
22 gendarmerie, but maybe in the ministry of the interior, if I'm not mistaken.

23 Q. [12:20:10] Lieutenant Cissé Amadou?

24 A. [12:20:16] Lieutenant Cissé also worked within the CECOS. I no longer recall
25 his functions. He is a member of the Malinké group, but I don't know what he's

1 doing today.

2 Q. [12:20:32] Very well. *Lieutenant Tébily Zézé (phon)?

3 A. [12:20:50] Lieutenant Tébily was also in charge of intelligence under Katy Bi's
4 orders. He is from the Bété group. From the national police -- I do not know which
5 unit he is working in today.

6 Q. [12:21:23] And his origin?

7 A. [12:21:24] I said he was a Bété.

8 Q. [12:21:25] I do apologise. Commander Nouko Ange?

9 A. [12:21:37] Commander Nouko was an officer in charge of public relations and
10 communications for the CECOS. A brilliant officer who studied to a high level, to
11 such an extent in fact that the gendarmerie would use him in the CECOS in the same
12 capacity. So he was in charge of communications in CECOS and also within the
13 national gendarmerie. Lieutenant Nouko is Gagou, and today is working within a
14 general staff for a major corps of the gendarmerie. In view of his expertise, he was
15 active for quite some years in Mali, within the African force deployed to Mali.

16 Q. [12:22:46] Very well. Commissioner Loba Patrice?

17 A. [12:22:58] Commissioner Loba was, before Katy Bi, in charge of intelligence
18 issues. He is a member of the Ébrié group, and very early on he was recalled by the
19 national police, and was commander of the BAE, the riot squad in Yopougon. I do
20 not know his position today.

21 Q. [12:23:36] I'm sorry, but I'm not sure whether you said what ethnic origin he is.

22 A. [12:23:41] I said he was an Ébrié.

23 Q. [12:23:43] Ébrié. All right.

24 Captain Obéniéré Ouattara?

25 A. [12:23:56] Captain Ouattara Obéniéré succeeded Lieutenant Colonel Goué as

1 sector commander, that's sector 2 in Abobo, and at the same time he wore the hat of
2 commander of squadron 1 of 3 stationed in Abobo. Captain Obéniéré is from the
3 Tagouana, Tagouana group to be found in Katiola, Tafire.

4 Q. [12:24:54] For us to understand correctly the Tagouana group, is it part of a
5 greater group?

6 A. [12:25:05] They're what we call the Sénoufo group.

7 Q. [12:25:09] Very well. Commissioner Idrissa Ouattara?

8 A. [12:25:17] Commissioner Idrissa Ouattara succeeded Captain Obéniéré in Abobo,
9 heading up sector 2 in Abobo. Commissioner Idrissa is from the national police, as
10 his name would indicate. He is a police commissioner, and he is from the major
11 Malinké group. Today, I do not know where he is working.

12 Q. [12:25:56] Very well. Lieutenant Goué Léopold, Lieutenant Colonel Goué
13 Léopold?

14 A. [12:26:11] Lieutenant Colonel Goué was for a long time commander of sector 2
15 in Abobo, still in Abobo whilst being commander of the 1/3 squadron in Abobo at the
16 Camp Commando. Goué is a gendarme -- he was a gendarme, and he is from the
17 Yacouba group. Today, he has requested to be let go and he is no longer a
18 gendarme.

19 Q. [12:26:55] Very well. Captain Zakpa?

20 A. [12:27:05] *Captain Lobognon Zakpa was in command of sector 5 of the CECOS,
21 and he was based in Koumassi, and at the same time he was the commander of -- he
22 is Bété, and he is still in service within the gendarmerie, without me knowing
23 specifically in which unit.

24 Q. [12:27:36] Commissioner Djokouehi?

25 A. [12:27:46] Commissioner Djokouehi was the sector commander for sector 3 in

1 Adjamé, and then he was recalled by the national police to occupy other functions,
2 and he's still there, I believe. Commissioner Djokouehi is, I believe, Dida.

3 Q. [12:28:19] Very well. Commander Jean-Noël Abéhi?

4 A. [12:28:30] Commander Jean-Noël Abéhi commanded sector 4 in Cocody. He is
5 a gendarme, and today he is in detention. He has been in detention since the crisis.
6 He is Baoulé.

7 Q. [12:28:53] Very well. Lieutenant Ouidi?

8 A. [12:29:01] Lieutenant Ouidi was the commander of the BMO law enforcement
9 brigade. Today he is an instructor in one of the two gendarmerie schools. I don't
10 know quite which one. And he is Bété.

11 Q. [12:29:32] Very well. Captain Aboubacar Fofana?

12 A. [12:29:37] Captain Fofana, a brilliant officer. He was the one who was
13 designated to head up the groupe d'appui. A brilliant officer, I'd like to underscore
14 that point. And today he is the head of a major gendarmerie unit in the north, in
15 Korhogo. He is a Malinké.

16 Q. [12:30:26] Very well. Lieutenant Colonel Ayemou?

17 A. [12:30:40] He is not in CECOS. He was my deputy at the gendarmerie school.
18 Should I speak about him? He is Agni. And not so long ago, he was the
19 commander of the largest gendarmerie intervention unit in Abidjan, the mobile
20 legion.

21 Q. [12:31:08] Very well. Is there any important officer of CECOS at that time that
22 we have overlooked, that we have not mentioned?

23 A. [12:31:21] The only omission that I can mention is the officer who replaced
24 Commissioner Djokouehi in Adjamé. And I also told the investigators of the OTP,
25 and that is Captain Fofana, who succeeded Commissioner Djokouehi when he was

1 called to other duties. Captain Fofana is a member of the Malinké group.

2 Q. [12:32:01] Very well. Mr Witness, would it be correct to say in light of what
3 you have just explained to us that the leaders of CECOS were from various origins?

4 A. [12:32:20] Yes.

5 Q. [12:32:23] More broadly, can you tell us whether the gendarmerie was made up
6 of troops and officers of all ethnic and religious affiliations?

7 A. [12:32:55] Yes.

8 Q. [12:32:55] Very well. I have a question to put to you, and I would like to
9 backtrack a little bit to the issue of the lack of equipment, weapons and ammunition
10 that you talked about. I will ask you a very short question.

11 During the crisis, did you receive any additional weapons and ammunition, that is at
12 CECOS?

13 A. [12:33:38] No. And I would challenge anyone to bring evidence to the
14 contrary.

15 Q. [12:33:48] Very well. To your knowledge, did French troops attack FDS
16 positions in March and/or April 2011?

17 A. [12:34:14] It is public knowledge that aerial shelling from helicopters of the
18 various barracks of Abidjan and of the presidential palace as well as the president's
19 residence were the result of the only force in Abidjan which has combat helicopters,
20 that is ONUCI and the Licorne.

21 Q. [12:34:58] Very well. This bombing or shelling took place over how many days
22 or weeks, if you remember?

23 A. [12:35:14] Up till 31 March, there had not yet been any aerial bombing or
24 shelling. It was after the 31st, right up to 10 and 11 April, it was during that period
25 that the shelling took place, and I had forgotten that the national television was also

1 bombarded or shelled.

2 Q. [12:35:46] By the French?

3 A. [12:35:47] In any case, it was shelled by helicopters.

4 Q. [12:35:55] Very well. Did French helicopters or troops attack gendarmerie
5 positions?

6 A. [12:36:12] The two main gendarmerie barracks, Cocody and the école de
7 gendarmerie and the Agban camp between Adjamé and Agban, they were
8 bombarded by helicopters, and I told the counsel for the Prosecution the other day
9 about it.

10 Q. [12:36:43] Very well. Were you approached by representatives of the rebellion
11 during the crisis?

12 A. [12:36:53] No.

13 Q. [12:36:56] Were you approached by representatives of French or American
14 authorities during the crisis?

15 A. [12:37:15] With regard to American authorities, no. But one day in my office,
16 one of my French gendarme friends, who was working in the French embassy, came
17 to my office, and we had a regular working relations, and he had come to have an
18 exchange. And during our discussions, I believe I heard a sort of threat, which was
19 not direct, but a little bit concealed, that if it continues this way, everything will end
20 badly.

21 I did not pay any particular attention to that, but apart from that, I was not
22 approached by the French authorities in any other way.

23 Q. [12:38:23] What is the name of your French colleague?

24 A. [12:38:31] I no longer remember the name. That was a long time ago. After
25 the crisis he continued working in the embassy.

1 Q. [12:38:41] Very well. Do you know whether amongst the major commanders
2 or whether other senior or general officers were approached during the crisis by
3 representatives of the French or American authorities?

4 A. [12:39:03] I do not know.

5 Q. [12:39:07] Very well. After your departure from the gendarmerie school on 31
6 March, where did you go to?

7 A. [12:39:33] I said the other day to the counsel for the Prosecution that I took
8 shelter.

9 Q. [12:39:40] Where?

10 A. [12:39:44] I took shelter. I was at a secure place.

11 Q. [12:39:52] In Abidjan?

12 A. [12:39:56] I took shelter in a secure location.

13 Q. [12:40:01] Well, since this is not a particularly important point, we will leave it at
14 that, with that ambiguity that you are maintaining. *But Abidjan is quite a large
15 place.

16 Well, at what time did you go to the Golf Hotel?

17 A. [12:40:32] On 12 April, the chief of staff called a certain number of generals to
18 his residence in Cocody, because his residence in Abobo had been totally destroyed
19 and ransacked. So each person used the means available to arrive at the residence of
20 the chief of staff at Cocody.

21 He informed us that we had to go to the Golf to present ourselves to the new
22 authorities. That is what we did on the 12th or the 13th, I no longer remember. But
23 we went to the Golf to present ourselves to the new authorities. And as usual, it was
24 the chief of staff who took the floor. A few of the generals were not present. And
25 so we were received by the minister of defence, who was at the same time prime

1 minister and the minister of the interior.

2 Q. [12:41:51] Who was this?

3 A. [12:41:54] The minister of the interior, of the defence and the prime minister was
4 Mr Soro Guillaume.

5 Q. [12:42:07] Were you not afraid to go to the Golf Hotel?

6 A. [12:42:16] We were escorted by elements of the FRCI who had come from the
7 Golf to fetch us from the home of the chief of staff in Cocody.

8 MR MACDONALD: [12:42:34] There is just a quick clarification that we want, we'd
9 like to clarify. I'm not sure if it's correct or which CEMA are we talking about when
10 the witness, and I'll read in French, page 55, line 9 (Interpretation):

11 "On 12 April, the chief of staff called a certain number of generals to his home, which
12 was destroyed and ransacked." I'm sorry, "His residence in Abobo was totally
13 destroyed and ransacked."

14 (Speaks English) There may be -- was it the previous chef d'état-major or the new one
15 after the arrest of Mr Gbagbo?

16 MR ALTIT: [12:43:43] (Interpretation) Mr President.

17 PRESIDING JUDGE TARFUSSER: [12:43:49] Maître Altit.

18 MR ALTIT: [12:43:50] (Interpretation) Well, when one reads and when one listens
19 to the witness, there is only one chief of staff who can summon them, because it is
20 their leader whose chief of staff's house was destroyed by the rebels. How many
21 chiefs -- which chief of staff can pledge allegiance in the Golf? That was quite clear.
22 But we can put the question to the witness if we want to come back to quite obvious
23 events.

24 Q. [12:44:29] Now, who was the chief of staff, Mr Witness?

25 A. [12:44:31] Right up to 12 April, there was no appointment of the chief of staff.

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1 It was still General Mangou who was on duty and who stayed in that position for two
2 or three months more.

3 Q. [12:44:55] Thank you.

4 Mr President, did you want to say something, because your microphone is switched
5 on.

6 PRESIDING JUDGE TARFUSSER: [12:45:10] Sorry. I switch it off. No. I was
7 switching it on, but then you intervened asking the question which was requested by
8 the Prosecutor. So there is no need for me to intervene. Thank you.

9 MR ALTIT: [12:45:26] (Interpretation) Thank you, Mr President.

10 Q. [12:45:31] Mr Witness, did you see any French soldiers at the Golf Hotel when
11 you went there?

12 A. [12:45:41] I saw many ONUCI soldiers, not French soldiers.

13 Q. [12:45:49] Did you see any rebel leaders -- well, ex-rebels, former rebels. So
14 they were no longer rebels. *Did you see FRCI chiefs there?

15 A. [12:46:08] No. We went directly to talk with the two government authorities
16 that I mentioned a short while ago.

17 Q. [12:46:23] Very well.

18 Mr President.

19 PRESIDING JUDGE TARFUSSER: [12:46:44] Mr Altit.

20 MR ALTIT: [12:46:50] (Interpretation) Yes, I was still thinking. I will continue for
21 a while, and then I have some documents to show to the witness so as to fit into the
22 time allocated to me. I will continue.

23 Q. [12:47:04] Mr Witness, when was your first meeting with the investigators of the
24 Office of the Prosecutor?

25 A. [12:47:13] I had that in my documents, but I no longer remember.

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1 Q. [12:47:27] I can refresh your memory. If I tell you 9 August 2011?

2 A. [12:47:34] That is possible. It was during that period that I had meetings with
3 the teams of the OTP, and that happened at the Hotel Tiama at the Plateau.

4 Q. [12:47:48] During that time, were there still clashes between the rebels and the
5 population?

6 A. [12:47:57] In Abidjan, no. In August there were no longer any clashes.

7 Q. [12:48:08] And elsewhere?

8 A. [12:48:10] Elsewhere, I cannot tell you with any certainty, but in Abidjan, where
9 the situation had been quite tense, in August there were no longer any clashes.

10 Q. [12:48:30] Very well. How did the members of the Office of the Prosecutor
11 contact you? How did they reach you?

12 A. [12:48:42] One day I was called on the phone by an advisor of the minister of
13 defence. He told me that there are representatives of the ICC who wish to speak
14 with you if you want. And I said fine. I did not have any problem with that. I
15 would go by the day that they would choose. Sometime after that, they put me in
16 contact with someone who said that he was from the ICC, and his name was Mr Ba.
17 So he was the one who called me.

18 Q. [12:49:43] Very well. Now, let us do something. We do not need to know the
19 names of the people of the OTP. So there is no point in mentioning those names.
20 So just say someone who introduced themselves as an investigator of the OTP, and if
21 there are many of them, you can say X, Y and so on and so forth.

22 Now, you said advisor of the minister of defence. And who was the minister of
23 defence at that time?

24 A. [12:50:25] Mr Soro Guillaume.

25 Q. [12:50:29] And who was the advisor?

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1 A. [12:50:30] I can say his name for that one?

2 Q. [12:50:33] Yes, yes, yes. Mr. Witness, to be clear, the members of the OTP of the
3 ICC, there is no point giving their names, but you have to give the names for all the
4 others so that we understand who did what.

5 A. [12:50:50] Very well. It was Mr Kamagaté who was the advisor of the minister.

6 Q. [12:51:00] Can you spell that name for us, please?

7 A. [12:51:05] K-A-M-A-G-A-T-E.

8 Q. [12:51:28] Very well. And then after that it was the people from the ICC who
9 called you after the call from Mr Soro's advisor; is that correct?

10 A. [12:51:39] Yes.

11 Q. [12:51:39] Very well. And then you subsequently met with them; is that
12 correct?

13 A. [12:51:49] Yes.

14 MR ALTIT: [12:51:56] (Interpretation) Just one second. Thank you.

15 Q. [12:52:34] Now, let me read your statement. CIV-OTP-0027-0289, and it is
16 page -- I'm sorry. I made a small mistake. Page 0289, and I will read it out as soon
17 as everyone is ready.

18 THE INTERPRETER: Can counsel give us the line numbers, please?

19 MR ALTIT: [12:53:58] (Interpretation)

20 Q. [12:54:04] The investigator of the OTP asked whether you had met Mr Kamaraté,
21 line 132.

22 "Person interviewed: The person you're talking about met with me before my
23 meeting with, and it is the people, the person of the OTP.

24 Interviewer 2: So before 9 August 2011?

25 Person interviewed: Before 9 August. And he informed me that I had to meet a

1 team from your office and that I had to take contact with ... he simply put me in
2 contact with" -- and you mention another person from the OTP of the ICC -- and it is
3 while speaking to" -- and you mention that same person -- "I had the clarifications that
4 I had to -- whether I was available to meet with them." And then you mention the
5 person again. "He gave me all the indications or details about the date, place, and
6 time of the meeting."

7 On line 147 further on you say:

8 "Person interviewed: He gave me the information" -- you have to scroll down please
9 to the bottom of the page. It is line 147.

10 "Person interviewed," and I quote: "He gave me the information that I had to meet
11 with the team, and that we were a certain number of authorities, a certain number of
12 authorities who certainly could be ... had to be interviewed. And so he passed me
13 over to this same person of the OTP. In any case, as far as I'm concerned, the
14 information that was given to me, and that is what concerns me, was that I had to
15 meet with your team." End of quote.

16 So they really didn't seek your opinion? They gave you orders; is that true?

17 A. [12:57:03] No, sir.

18 Q. [12:57:05] Please elaborate.

19 A. [12:57:07] No one gave me orders, and I don't think I am someone to whom
20 orders of this nature can be given. Generally, those of us in Africa, when we are
21 speaking your language, there are minor differences between "could" or "should," and
22 we really do not pay too much attention to that, especially when it is oral exchanges.
23 And so that is how interviews are conducted. In my statement you have the word
24 "devait, devait" which is "should," but it really does not mean what you are
25 suggesting.

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1 Q. [12:58:03] Very well. To your knowledge, did the representatives of the OTP of
2 the ICC contact the Ivorian authorities to discuss with them the substance of the
3 meeting of that first meeting of -- of that first meeting of 9 August?

4 A. [12:58:23] I do not know. I cannot tell you about that. I talked with them. I
5 indicated the location. And you have helped me with the date. And they told me:
6 Stay in contact and tell us when you are available.

7 Q. [12:58:47] Very well. I will go back briefly to your statement, still 0285, page
8 0289, line 114. I'm waiting for it to be displayed.
9 One of the representatives of the Office of the Prosecutor of the ICC on that occasion
10 told you, and I quote:
11 "On 9 August 2011, my colleague," and he mentioned the name, "met you with Mr --"
12 I believe it was some other gentleman from the OTP.

13 MR MACDONALD: [12:59:53] (Interpretation) You can mention the name. I
14 have no problem with my name being mentioned.

15 MR ALTIT: [12:59:58] (Interpretation) It's not you. It's not you.

16 MR MACDONALD: [13:00:08] I was present.

17 MR ALTIT: [13:00:10] (Interpretation) You were quite often there, but in this case
18 you were not there. It is not your name. Please be a little bit patient. We will get
19 to that. So if it's somebody from your office, I do not see the use in identifying him.
20 I can read all of it, if you'd like.

21 MR MACDONALD: [13:00:27] Your Honours, when it refers to obviously other staff
22 than the ones appearing in the courtroom, we have an issue with that because it's
23 mainly investigators.

24 Now, in terms of Prosecutors that appear before this Chamber, of course, I have no
25 problems with that, it's obvious. That's what I wanted to make as a comment.

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1 Now, also just before going any further, there was a first location that was mentioned
2 as to where the first interview took place. We have no problems with that one, but
3 for -- because it's a well-known location, Tiama Hotel, but other locations may be
4 more problematic.

5 And then before naming them, it's mainly a message to the witness, because he's the
6 one that indicated the location, that these locations should maybe be named in a
7 private session. We have no objection that they go on the record, but in private
8 sessions.

9 That's all I wanted to say. Thank you.

10 PRESIDING JUDGE TARFUSSER: [13:01:36] Okay.

11 MR MACDONALD: [13:01:37] There's also a short issue, sorry, your Honour. My
12 colleague would like to address the Court, because there's an interpretation issue that
13 we have to raise with the Chamber. We can't do it via correction for some reason,
14 apparently.

15 MS PACK: [13:01:49] Yes. Forgive me. It had better be raised now. I understand
16 we have to deal with it orally in court.

17 This is today, in the French transcript. It was page 26, lines 22 and following, the
18 answer to a question, the sentence beginning: (Interpretation) "*Perfectly they knew
19 how heavy they were, but they never went into the details of our military operations."

20 MR ALTIT: [13:02:32] (Interpretation) Mr President.

21 MS PACK: [13:02:34] Can I just say that the English translation, interpretation at line,
22 at page 25, lines 2 to 5, we would ask that that is examined again to capture the -- to
23 interpret what was said there. And it's probably best if it's not done now in court, or
24 I can read out the French again, but the English says --

25 MR ALTIT: [13:02:59] (Interpretation) Mr President, please.

1 PRESIDING JUDGE TARFUSSER: [13:03:04] Maître Altit.

2 MR ALTIT: [13:03:05] (Interpretation) Thank you, Mr President. I'm in the
3 middle of questioning the witness. We can come back to this at the right time. It
4 would be courteous to let me finish and not interrupt me for things that were said an
5 hour or two or three ago, so that I can keep in the logic of what I was saying.
6 We'll come back to that. We don't need to precipitate. We can come back to that
7 calmly. I'd like to be able to continue, if you don't mind.

8 PRESIDING JUDGE TARFUSSER: [13:03:32] I think in any case that it's 1 o'clock and
9 that we stop here.

10 MR ALTIT: (Overlapping speakers)

11 PRESIDING JUDGE TARFUSSER: Yes. Yes, yes, and then you continue.

12 MR ALTIT: [13:03:39] Pardon, Monsieur le Président. Pardon, pardon.
13 (Interpretation) I'm sorry, I should have been more specific, Mr President. It's my
14 fault. I just wanted to finish off in two minutes.

15 PRESIDING JUDGE TARFUSSER: [13:03:51] Okay, okay, because you were
16 interrupted by Mr MacDonald. Okay. But that's not -- please. Okay.

17 MR ALTIT: [13:04:01] (Interpretation) Thank you, Mr President. Thank you,
18 Mr President.

19 Q. [13:04:17] Mr Witness, we're going to come back to this so that we can finish off
20 on it. It's not very lengthy. I was reading, was I not, and I'll start again, line 114:
21 "On 9 August 2011, my colleague --" the representative of the OTP, and the name is
22 given, Mr MacDonald said we can give it, but I'm not going to "-- met you with --"
23 another individual whom I believe is somebody from the Office of the Prosecutor, but
24 I don't know who it is.

25 And I continue with my reading:

1 "Of course, the Ivorian authorities had informed us that potentially you were in
2 possession of information that could be useful to our investigation. Subsequent to
3 that, subsequent to this meeting, we communicated --" and then the person once
4 again gives the name of an individual from the Office of the Prosecutor "-- to
5 communicate with the Ivorian authorities with a view to informing them that the
6 information that you gave to us on 9 August 2011 was not exactly, was not exactly of
7 the same nature, or whatever the case may be was not in view of your position at the
8 time, was not, was not what we were expecting. So we indicated that, and Mr --"
9 and the individual from the Office of the Prosecutor "-- informed the Ivorian
10 authorities of this." End of quote.

11 So to come to my question. It was said to you that the representatives of the Office
12 of the Prosecutor had informed the Ivorian authorities of what had been said during
13 your first meeting. Do you remember that?

14 A. [13:06:35] Now that the document is before me, I can see that that was said in
15 the discussion. But I can remember now because the document is in front of me.

16 Q. [13:06:51] Very well. Were you in detention at that moment in time?

17 A. [13:06:56] No. Until 10 August I was not in detention.

18 Q. [13:07:05] And from when to when did you remain in detention?

19 A. [13:07:09] I remained in detention from 20 August until 27 December.

20 Q. [13:07:18] Very well. When did you then next meet the investigators from the
21 Office of the Prosecutor?

22 A. [13:07:29] I was in detention and that is when I met with the investigators from
23 the Office of the Prosecutor, when I was in detention.

24 Q. [13:07:39] If I were to say October 2011, would that ring a bell?

25 A. [13:07:43] Yes, that's what I said to you, that covers the period of my detention.

1 Q. [13:07:47] Very well. Who organised this meeting when you were in
2 detention?

3 A. [13:07:58] When I was on that day taken to the investigating judge's office, who
4 was taking care, if you like, in inverted commas, of my problem, and it was at the
5 secretariat of the investigating magistrate that I was told that it was the investigators
6 from the OTP that I was to meet with.

7 So it wasn't that I found it inconvenient, because I'd already met them beforehand and
8 at the outset I'd already given them the idea that I was available to meet with them.

9 But it was the fact that I was taken from the prison with my lawyer. We arrive, and
10 I'm not told specifically that it was the OTP, so we were ready in our heads for
11 meeting the investigating magistrate. And when we arrived, we were told, "No, no.
12 You're not meeting the investigating magistrate. It is the investigators that you're
13 going to meet." That was the only inconvenient thing about it. Otherwise meeting
14 with them was not a problem for me at all.

15 Q. [13:09:14] Very well.

16 Mr President, those were the few questions that I wanted to put to the witness for
17 there to be a logical succession in my questions, and I can stop here, of course.

18 PRESIDING JUDGE TARFUSSER: [13:09:24] It was my mistake, because I was a bit
19 confused by these interventions.

20 Okay. So now we break and we come back at quarter to 3, okay, 14.45 for the third
21 session. Thank you.

22 THE COURT USHER: [13:09:42] All rise.

23 (Recess taken at 1.09 p.m.)

24 (Upon resuming in open session at 2.50 p.m.)

25 THE COURT USHER: [14:50:49] All rise.

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1 Please be seated.

2 PRESIDING JUDGE TARFUSSER: [14:51:14] Good afternoon, Mr Witness.

3 THE WITNESS: [14:51:21] (Interpretation) Good afternoon, Mr President.

4 PRESIDING JUDGE TARFUSSER: [14:51:23] Good afternoon to everybody.

5 The floor is back to Maître Altit.

6 MR ALTIT: [14:51:31] (Interpretation) Thank you, Mr President.

7 PRESIDING JUDGE TARFUSSER: [14:51:43] Can you give us an indication, a large
8 indication?

9 MR ALTIT: [14:51:49] (Interpretation) Yes, yes, I can. I believe that we still need
10 at least half an hour, and at the most, counting a number of documents that we need
11 to present to the witness, I think 45 minutes, less than an hour, whatever the case may
12 be.

13 PRESIDING JUDGE TARFUSSER: [14:52:14] Okay. Thank you.

14 MR ALTIT: [14:52:23] (Interpretation)

15 Q. [14:52:25] So, Mr Witness, we parted ways when we were talking about your
16 interaction with the investigators from the Office of the Prosecutor. And I have a
17 question to put to you. Were you promised in any way in order to encourage you to
18 cooperate with the Office of the Prosecutor, were any promises made to you?

19 A. [14:52:56] To my knowledge, I do not see what kind of promises might have
20 been made to me with a view to collaborating with the Office of the Prosecutor.

21 Q. [14:53:14] So I'm going to be showing to you a document.

22 Mr President, I'm a little bit on the wall here. Should I request private session or
23 not?

24 PRESIDING JUDGE TARFUSSER: [14:53:37] I thought you were talking to me, I
25 thought you were talking to me because you don't find the documents. Okay.

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1 Maître Altit, please. You don't know if you need to go into private session.

2 MR ALTIT: [14:53:57] (Interpretation) Well, to avoid any -- yes, I think we can go
3 into private session, please, Mr President.

4 PRESIDING JUDGE TARFUSSER: [14:54:11] For a long time or just --

5 MR ALTIT: [14:54:18] (Interpretation) For a very short time.

6 PRESIDING JUDGE TARFUSSER: [14:54:21] So let's go for a little while into, a very
7 little, into private session, please.

8 (Private session at 2.54 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Redacted)

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5 (Open session at 3.15 p.m.)

6 THE COURT OFFICER: [15:15:39] We are back to open session, Mr President.

7 PRESIDING JUDGE TARFUSSER: [15:15:43] Thank you very much.

8 Maître Altit.

9 MR ALTIT: [15:15:46] (Interpretation) Thank you, Mr President.

10 Q. [15:15:53] We were talking about reservations put forth by you and your counsel
11 regarding conditions of the interview. Let me now turn to your previous statement,
12 reference 0016-0014 at page 0025. I'll wait for the document to be displayed.

13 Now, let me proceed by quoting:

14 "Counsel: Okay. Today for example" -- line 423, I quote:

15 "Counsel: Okay. Today for example, madam, today for example, it is clear that the
16 situation, the discretion, the discretion you intended for the meeting we are having
17 did not obtain.

18 Mm-mm.

19 Investigator 1: How then ... I'm sorry, yes.

20 Counsel: Yes.

21 The discretion was not provided. I mean that all the soldiers, everyone saw us
22 coming in here, et cetera, et cetera.

23 Investigator 1: Yes, but ...

24 Counsel: No.

25 Investigator number 1: He doesn't know with whom Mr Bi Poin is talking.

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1 Counsel: Do you believe that?

2 Investigator 1: Well, if you have communicated something, maybe ...

3 Counsel: Me? With whom? Since I came in, whom have you seen me talking to?

4 No, what I'm saying, what I'm saying is that everyone -- and the last time I saw you
5 here.

6 Investigator 1: Mm-mm.

7 Counsel: Well, there you have it.

8 Investigator 1: No, no, I know.

9 Counsel: I saw you and the people downstairs. Everyone knows that you are from
10 the ICC." End of quote.

11 Is this the discussion that took place between your counsel and the investigators of
12 the OTP, Mr Witness?

13 A. [15:19:10] Yes.

14 Q. [15:19:11] Did you say yes?

15 A. [15:19:12] Yes, I said yes.

16 Q. [15:19:16] Your counsel refers to soldiers. Does this mean that during the
17 interview you were in an environment where there were soldiers going and coming
18 or soldiers nearby?

19 A. [15:19:36] The soldiers being referred to here are those who guarded the
20 entrance to the special cell. Since I was a detainee, I came escorted by soldiers who
21 may have stopped at the door of the office of the investigating magistrate.

22 Q. [15:20:09] How many times thereafter did you meet again with the investigators
23 of the OTP?

24 A. [15:20:18] Are you referring to the same team or to other teams?

25 Q. [15:20:24] Regardless of the team, how many times did you meet representatives

1 of the OTP after the meeting of October 2011?

2 A. [15:20:37] Once in 2013 -- well, there have been other discussions and I -- not
3 necessarily for the purpose of the testimony, but simply to discuss issues of security to
4 find out whether I was experiencing any difficulties. *It lasted about ½ hour, then I
5 would go home. But for the purposes of an interview, we met again only once in 2013.

6 Q. [15:21:15] You had another major meeting in 2013, but before 2013 and after
7 2013, you have just told us that you had several other contacts with representatives of
8 the OTP and that there was no record of those meetings. And you seem to be saying
9 that Mr MacDonald -- I believe that's what you were talking about. Was it
10 Mr MacDonald whom you met on several occasions?

11 A. [15:21:49] In 2013, he is the one who interviewed me, and there were others in
12 the team that interviewed me. But on another occasion, he came to find out about
13 my security situation and to find out whether I had any concerns.

14 But on a regular basis, I was called and asked whether I had any specific concerns.

15 Q. [15:22:21] Very well. Okay, okay. Now, in addition to these interviews -- let's
16 set aside the 2013 interview. Let's set that apart. Now, apart from that 2013
17 interview, you had physical contact with representatives of the OTP as well as
18 telephone contact with the representatives of the OTP; is that correct?

19 A. [15:22:49] Yes, some telephone contacts.

20 Q. [15:22:52] Very well. When were those contacts, whether physical or by
21 telephone, made with representatives of the OTP?

22 A. [15:23:08] Well, I took some time to think, because I always have a few problems
23 with dates. The last person I met before coming here was not from the OTP. That
24 person provided me with information from another service. However, the date on
25 which I met representatives of the OTP for the last time, well, I no longer recall that

1 date with precision.

2 Q. [15:23:47] Do you have an idea of the possible time frame?

3 A. [15:23:55] It's a bit difficult because I don't recall the exact period.

4 Q. [15:24:03] Very well. Now, on 27 March 2017, during your testimony, you said
5 the following in the French transcripts, 27 March, page 8, line 25, and I quote you. I
6 wait for everybody to be ready, I quote you now:

7 "The examining magistrates who were studying the case file interviewed me several
8 times, and then I was charged, although I have remained a free man to this day."

9 End of quote.

10 You have talked about being indicted and being charged in a number of cases. You
11 mentioned a number of cases. Can you confirm how many cases?

12 A. [15:25:08] Two, two cases.

13 Q. [15:25:11] Very well. Are these proceedings still pending?

14 A. [15:25:22] Yes.

15 Q. [15:25:25] Very well. Does the fact that there are pending proceedings against
16 you in Côte d'Ivoire, did that influence you when you were answering questions from
17 the representative of the Prosecutor's office or when you were answering questions
18 from the Defence?

19 A. [15:25:53] I believe that since Monday we have all been gathered here in this
20 courtroom, and you yourself, Counsel, you have heard the answers that I have
21 provided to madam, the representative of the Prosecutor. Did you at any time feel
22 that I was stressed or anguished or that I had any concerns whatsoever when I was
23 answering? No, I don't think so.

24 My purpose here is to answer all the questions from the Prosecutor before this
25 honourable Court, compliant with my undertaking to speak the truth, the whole truth,

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1 and nothing but the truth.

2 Q. [15:26:46] Well, Mr Witness, your position has been well noted. Don't be
3 worried.

4 Mr President, your Honours, with your leave, at this juncture we will conduct a small
5 exercise whereby we want to produce a number of documents through this witness.
6 There will be seven documents.

7 *PRESIDING JUDGE TARFUSSER: [15:27:34] We know the exercise.

8 MR ALTIT: [15:27:35] It's not going to take time. We would like to produce these
9 documents through this witness. Madam Naouri will handle that aspect of these
10 proceedings and, thereafter, I will take the floor again for a very few minutes.

11 PRESIDING JUDGE TARFUSSER: [15:28:04] Madam Naouri.

12 MS NAOURI: [15:28:24] (Interpretation) Thank you, Mr President.

13 QUESTIONED BY MS NAOURI: (Interpretation)

14 Q. [15:28:33] Good afternoon, Mr Witness.

15 A. [15:28:36] Good afternoon, Counsel.

16 Q. [15:28:37] As you would have understood, we shall now be reviewing a number
17 of documents, and I'll be referring to the ERN numbers of those documents for the
18 benefit of the court officer who will then display those documents on your screen so
19 that we can all follow what we are doing.

20 We also want to provide you with a binder of the hard copies of the documents,
21 which you can look at, so that we can proceed together looking through the seven
22 documents that Maître Altit has referred to; is that fine by you?

23 A. [15:29:14] That is fine by me.

24 PRESIDING JUDGE TARFUSSER: [15:29:16] Can the court usher please bring the
25 documents to the witness. Thank you. Yes, please.

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1 MS NAOURI: [15:29:51] (Interpretation) Thank you, Mr President.

2 Q. [15:29:52] Now, Mr Witness, if you open the binder before you, you will see a
3 first document with reference ERN 0071-0594. I want us to go to page 0595, which is
4 the second page in the folder before you. This is a message of 14 January 2011 from
5 the CEMA to the ministry of defence. Can you see that document, Mr Witness?

6 A. [15:30:44] Yes.

7 Q. [15:30:47] You are a recipient of that document; is that correct?

8 A. [15:30:53] Yes, for information.

9 Q. [15:30:54] Yes. Did you say you are a recipient for information purposes?

10 A. [15:31:03] Yes, Counsel. Yes, indeed.

11 Q. [15:31:07] Now, I want to read the first point, primo, to you. "We have
12 recurrently received the following:

13 Alpha: Volunteers from the armies of the Republic of Niger, Nigeria, Mali and
14 Burkina Faso are conditioning themselves apparently in the centre, north and west
15 zone, CNO, with a view to carrying out actions for the purpose of destabilising our
16 zones.

17 Bravo: UN vehicles apparently are being used as a vector for mobility by them.

18 Charlie: Some are transported by helicopters and others by road." End of quote.

19 Were you informed that in January 2011 there were actions of destabilisation in the
20 centre northwest zone by troops from armies such as those from Burkina Faso?

21 A. [15:32:51] Let me make a little correction here. The CEMA briefed us on this,
22 but everything was in the conditional because there was nothing to establish that
23 these things had effectively transpired. He told us at the time that this was
24 information available to him, but that he was not in a position at the time to confirm
25 or to say that such and such an allegation or an assertion had already taken place.

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1 That is the only word of caution that I want to mention in that regard.

2 But yes, indeed, I was a recipient of this document.

3 Q. [15:33:40] Very well. Thank you, Mr Witness. We will now move to the
4 second document.

5 Second document, ERN, 0045-0616. This is a message of 19 January 2011 from the
6 CEMA to the ministry of defence. Can you see that document, Mr Witness?

7 A. [15:34:27] Yes, 19 January 2011.

8 Q. [15:34:30] Very well. And you are recipient of that document?

9 A. [15:34:36] Yes, for information purposes again.

10 Q. [15:34:41] Very well. Let me read out to you the primo of that document.
11 "The FAFN with the support of ONUCI have massively gone to Abidjan and in the
12 cities at the front line with a view to attack the institutions of the republic and to
13 conduct sabotage operations as well as urban guerilla warfare." This point is not
14 drafted in the conditional; is that correct?

15 A. [15:35:31] Yes, that is correct.

16 Q. [15:35:32] Thank you, Mr Witness.

17 Let us then proceed to the third document, ERN number 0071-0596. This is a
18 message of 27 January 2011 from the CEMA to the ministry of defence. Do you see
19 that document, Mr Witness?

20 A. [15:36:09] Yes, I can see it. It's before me, 27 January 2011.

21 PRESIDING JUDGE TARFUSSER: [15:36:15] It's easy because he has it in a binder.

22 MS NAOURI: [15:36:24] (Interpretation)

23 Q. [15:36:27] You are recipient for information of this document, correct?

24 A. [15:36:30] Yes, Counsel.

25 Q. [15:36:34] I want to read out the primo of this document. "Persistent

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1 information indicate that a commando made up of special French forces and forces
2 from the Burkinabés estimated at about 300 men is carrying out patrols with
3 armoured vehicles in Bouaké."

4 This is not drafted in the conditional tense; is that correct?

5 A. [15:37:14] Yes, that is correct.

6 Q. [15:37:15] Very well. Thank you, Mr Witness.

7 Now let us move to the fourth document, ERN number 0045-0732. This is a daily
8 report, daily information report, from chief PC operations of 17 September 2010.

9 You are a recipient of this document, Mr Witness, is that correct?

10 A. [15:38:08] Yes.

11 Q. [15:38:11] Let me read out the excerpt in the box where you have "District,
12 Abobo district police: 22h28, Abobo FILTISAC: Hooded shooters opened fire on
13 the CRS1 and CECOS crew whilst they were patrolling the FILTISAC-Anador street
14 and were in total darkness. Two CRS1 dead, one pickup of CRS1 damaged."

15 Do you remember this attack that was carried out at an ambush in Abobo FILTISAC
16 against the CRS1 and CECOS team?

17 A. [15:39:17] Yes. When they came back they reported accordingly, and it was
18 included in our daily report.

19 Q. [15:39:25] Very well. Thank you, Mr Witness.

20 We shall now move to the fifth document, ERN number 0025-0168. This is an
21 information note from CECOS on 7 January 2011. Can you confirm?

22 I now wait for the documents to be displayed on the screen so that we can all see it.
23 There it is.

24 This is indeed a CECOS document; is that correct?

25 A. [15:40:17] Yes, correct.

1 Q. [15:40:18] I'm going to quote part of that document. "According to a source,
2 elements of the rebellion based in Vavoua intend to infiltrate Abidjan using public
3 transport. The deadline set indicates that they intend to be in Abidjan at the latest on
4 Saturday, 8 January 2011." End of quote.

5 Can you tell us who the com-zone of Vavoua was?

6 A. [15:41:07] For a long time it was Commander Koné Zakaria, but he was replaced
7 by someone else whom I don't remember.

8 Q. [15:41:21] If I said Issiaka Outtarra, alias Wattao, would that jog your memory?

9 A. [15:41:28] Yes, he was in Séguéla, but maybe he was there too. *He was in
10 Séguéla at some point and he's the one who took over from Koné Zakaria.

11 Q. [15:41:39] Very well. Thank you, Mr Witness.

12 Now let us move to document number 6, ERN number 0043-0452. This document is
13 a radio message from the brigade commander in Yopougon on 14 April 2011 to the
14 CECOS commander specifically. Can you confirm that you were one of the
15 addressees of that document?

16 A. [15:42:29] Yes, I was informed of its content.

17 Q. [15:42:34] Very well. So let me read the secundo part of that document:

18 "Training on CECOS patrol team, training for CECOS patrol teams on 19A. Receive
19 gunshots from rebels at the roundabout Sable Yopougon."

20 So rebels were not only in Abobo in April 2011 *but also in Abobo; is that correct?

21 A. [15:43:15] Yes. There were some infiltrations into various neighbourhoods.
22 There were infiltrations into various neighbourhoods around Abobo, whether it be
23 Adjamé, Cocody or Yopougon. These areas were infiltrated.

24 Q. [15:43:35] Very well. Thank you, Mr Witness.

25 PRESIDING JUDGE TARFUSSER: [15:43:38] Just a correction. So rebels were not

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1 only in Abobo in April 2011 but also in Yopougon, not in Abobo. It's written twice
2 Abobo. So it's a mistake.

3 THE INTERPRETER: [15:43:54] Thank you, Mr President.

4 MS NAOURI: [15:43:56] (Interpretation) Thank you, Mr President. It was not in
5 April, but it was in March. Correction from the witness. Let us correct the date. It
6 was in March. Thank you, Mr President.

7 Last document, number 7, ERN number 0045-0216. It's a letter from the chief of the
8 Yopougon police district to the prefect of the police district in Abidjan on 14 March
9 2011. The subject is, and I quote, "Attack of the static point of the first sand bridge."
10 Do you see that?

11 A. [15:45:17] Yes.

12 PRESIDING JUDGE TARFUSSER: [15:45:18] Mr MacDonald.

13 MR MACDONALD: [15:45:19] There will have to be a first question.

14 PRESIDING JUDGE TARFUSSER: [15:45:21] Yes.

15 MR MACDONALD: [15:45:21] Because --

16 PRESIDING JUDGE TARFUSSER: [15:45:23] Yes, but there is no question yet. So
17 we need to know.

18 MR MACDONALD: [15:45:26] I know, I know. And I know the witness is on the
19 stand. But I think we understand each other about what that question should be in
20 light of this document. I'll not say any more.

21 PRESIDING JUDGE TARFUSSER: [15:45:41] Good.

22 MS NAOURI: [15:45:45] (Interpretation) Mr President, the witness is neither the
23 recipient nor the sender of said document, *but it deals with CECOS, and in his
24 position we're going to ask him to comment on part of this document. There we are.

25 Q. [15:46:05] So, Mr Witness --

1 PRESIDING JUDGE TARFUSSER: [15:46:06] First of all, ask if he has ever seen this
2 document although not being recipient or having drafted it.

3 Have you ever seen this document?

4 THE WITNESS: [15:46:20] (Interpretation) No.

5 PRESIDING JUDGE TARFUSSER: [15:46:25] Do you know anything about the
6 subject, the attaque du point statique du première pont sable?

7 THE WITNESS: [15:46:39] (Interpretation) Yes. With regard to the report given
8 on our wounded, it was explained to me under which circumstances our elements
9 were wounded.

10 PRESIDING JUDGE TARFUSSER: [15:46:54] Now, Madam Naouri.

11 MS NAOURI: [15:46:56] (Interpretation) Thank you, Mr President.

12 Q. [15:47:21] Can you please tell us under what circumstances they were
13 wounded?

14 A. [15:47:24] Well, they explained there were exchanges, because in all the time
15 before then they were not present. It was when over the network the events were
16 reported, the events that are outlined in the first part of the document, that they then
17 pursued them according to the description provided. Then there was exchange of
18 gunfire. There were wounded. And they went after the villains, and the police
19 realised, well, two of those villains were shot down.

20 Q. [15:48:07] Very well. And at the end of the document, that is to say on the
21 second page, 0217, it is indicated that the headcount that can be made currently is,*the
22 GR: three wounded; CECOS: four wounded; rebels: two dead and one disappeared.
23 Can you confirm?

24 A. [15:48:37] Yes.

25 Q. [15:48:39] Thank you, Mr Witness. I have no further documents to show to

1 you.

2 PRESIDING JUDGE TARFUSSER: [15:48:44] Thank you, Madam Naouri.

3 Maître Altit.

4 MR ALTIT: [15:48:48] (Interpretation) Thank you, Mr President.

5 Q. [15:48:56] Mr Witness, now, I have a question for you. Why did you refuse to
6 receive or meet with the Defence?

7 PRESIDING JUDGE TARFUSSER: [15:49:14] When? Excuse me. I don't know.

8 MR ALTIT: [15:49:16] (Interpretation) With your leave, Mr President, I'm going to
9 go stage by stage. I want to know why in principle. I'll put the question that you
10 are asking me to put. I will be putting it. But if you will just allow me to move
11 ahead.

12 Q. [15:49:34] So why did you refuse to meet with the Defence?

13 A. [15:49:38] Did the Defence contact me in these or during -- in these days?

14 Q. [15:49:47] Well, I'm going to come to the question indeed of the presiding Judge.
15 Are you not aware that the Defence wanted to meet with you in 2012?

16 A. [15:50:04] Ah. When I received the information, I went to discuss it with my
17 counsel, and he said to me, "How long have you been talking to the Office of the
18 Prosecutor?" and I said "Since 2011." And as he was the person who had
19 accompanied me on at least one occasion or two during the interviews with the Office
20 of the Prosecutor, he said to me, "Under these conditions, you cannot be a witness for
21 the Prosecution and a witness for the Defence."

22 So it was because of that that I said that I'm already a witness for the Prosecution, and
23 whatever the case -- being witness for the Prosecution for me coming here, whether it
24 be for the Defence or the Prosecution coming here -- I'm not on either side, the
25 Prosecution or the Defence. I'm on the side of the truth according to the questions

1 put to me.

2 So we agreed that I would come to testify for the Prosecution in order to say
3 everything I know about the events associated with the post-election crisis.

4 Q. [15:51:36] So it was your counsel who advised you not to answer the Defence; is
5 that correct?

6 A. [15:51:45] Yes. I couldn't take such initiatives without talking to my counsel
7 about it.

8 MR ALTIT: [15:51:54] I haven't quite finished, if you don't mind.

9 MR MACDONALD: [15:51:57] But it's privileged communications, your Honour.

10 PRESIDING JUDGE TARFUSSER: [15:51:59] Yes. Let -- there is nothing in the
11 merits. Nothing is said now, please.

12 MR MACDONALD: [15:52:05] I understand, your Honour. I understand that the
13 witness is capable of responding, but we are going into client-lawyer privilege.

14 PRESIDING JUDGE TARFUSSER: [15:52:16] I will not allow to go into that. But to
15 say that it was counsel to advise him in this respect, I think it's legitimate, and then
16 we'll see how it continues. But also you, Mr Altit, you would not like that this
17 would -- that something you said with your client would be asked by the Prosecutor.
18 So, please, you're perfectly aware how far you can go.

19 MR ALTIT: [15:52:48] (Interpretation) Nobody is asking the witness to tell us the
20 contents of these privileged conversations. We're asking him who advised him not
21 to meet with the Defence. And it's important because --

22 PRESIDING JUDGE TARFUSSER: [15:53:05] Counsel.

23 MR ALTIT: [15:53:05] (Interpretation) -- because the witness is saying to us that the
24 reason was that he didn't want to be witness for one and the other side, but that is not
25 how it was presented.

1 Q. The Defence never wanted you to testify for the Defence, because you had
2 already been approached by the Office of the Prosecutor. The Defence asked to
3 speak to you via the normal channels, that is to say, via the Office of the Prosecutor.
4 So it was the Office of Prosecutor who must have said to you that these are normal
5 channels and that he doesn't -- they are not asking you to be a Defence witness, that
6 they have the right to go through us, because you are our witness, witness for the
7 Prosecution, and that you have the right -- they have the right, the Defence, to come
8 through us. Did no one tell you that?

9 A. [15:53:57] Nobody told me what? Sorry?

10 Q. [15:54:00] I shall rephrase. I shall rephrase. I know it's a little bit complicated.
11 But, you know, once you're a witness, if you're a witness --

12 PRESIDING JUDGE TARFUSSER: [15:54:10] It's not complicated. It's very easy.
13 He was advised by his counsel not to meet with you and this is absolutely legitimate
14 somehow. I think I stop this here.

15 MR ALTIT: [15:54:25] (Interpretation) So I shall put the question.

16 PRESIDING JUDGE TARFUSSER: [15:54:29] This is stopped. No. No. Madam
17 Naouri, it's needless that you advise. This is stopped.

18 MR ALTIT: [15:54:39] (Interpretation) All right. We're not going to talk about
19 counsel anymore.

20 Q. Did the Office of the Prosecutor tell you that this was normal procedure and
21 that you were not going to be questioned as a Defence witness? Did you have that
22 piece of information, Witness?

23 A. [15:54:59] No. I talked to my counsel, who is Ivorian.

24 MR ALTIT: [15:55:14] (Interpretation) You see, Mr President, you see, it's
25 problematic for us.

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- 1 PRESIDING JUDGE TARFUSSER: [15:55:19] No, I don't see that it's problematic for
2 you. But I don't know where you want to continue to go.
- 3 MR ALTIT: [15:55:36] (Interpretation) So this concludes the examination of the
4 witness by the Defence for Mr Laurent Gbagbo.
- 5 PRESIDING JUDGE TARFUSSER: [15:55:57] Thank you very much.
6 Now the Defence for Mr -- I'm only smiling because yesterday I meant Mr Gbougnon.
7 He asked to go to Monday, and I will not give him the last four minutes now. So he
8 reached his goal. I think we stop here. We have the weekend. And on Monday
9 we will be back with the questioning by the Defence for Mr Blé Goudé.
10 Thank you very much. The hearing is adjourned. Thank you, Mr Witness, and
11 hopefully have a good weekend.
- 12 THE COURT USHER: [15:56:41] All rise.
13 (The hearing ends in open session at 3.56 p.m.)