

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Tuesday, 14 March 2017
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:35:55] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:16] Good morning. Hopefully in a
15 less -- or in a more peaceful atmosphere than the one we left yesterday.
16 Can I consider the questioning of the OTP as concluded, although very
17 harshly?
18 MR MACDONALD: [9:36:43] Could I -- we have two, two or three questions
19 to close off that in a serene atmosphere, your Honour, and then we're done.
20 It should take 5 minutes.
21 PRESIDING JUDGE TARFUSSER: [9:36:56] 5 minutes, okay. And then we
22 give the floor to the -- one thing just for also to keep a little bit of order, I
23 would really request that of each team, only the one who is in charge of the
24 questioning of the witness, and I refer very much to the team, Defence team
25 of Mr Blé Goudé, stands up. Yesterday we had the jumping up of three of

1 you all the time, and sometimes all at the same time on the same issue. So
2 this really creates a little bit of confusion. So I would really ask all the teams
3 to try to leave one, the person in charge for the questioning or for the
4 re-questioning or for whatever to stand up if there is something to say.
5 Thank you very much.
6 The word is to the Office of the Prosecutor.
7 MR MACDONALD: [9:38:06] Thank you, your Honour.
8 WITNESS: CIV-OTP-P-0011 (On former oath)
9 (The witness speaks French)
10 QUESTIONED BY MR MACDONALD: (Continuing)
11 Q. [9:38:16] (Interpretation) Good morning, Mr Witness.
12 I would like to conclude on the issue of your signature. Yesterday, the office
13 of Prosecutor in its questions came back to document 0044-0019, which had
14 been shown to you during your second interview when questions were put to
15 you. My colleague quoted the excerpt yesterday when he was putting
16 questions to you. And a short while ago I realised for the first time that it
17 was me myself who had asked you those questions on that document, the
18 letter to the minister.
19 So it can be displayed so that we know what we are talking about. It is
20 0044-0019.
21 (Speaks English) It is not public.
22 (Interpretation) Just to come back, and once again I refer to your prior
23 statement, Mr Witness. It is transcript 0082-0245 and specifically page 0251.
24 And I would like to read the lines 189 to 200 or, rather, line 188 to be more
25 specific.

1 The question was as follows: "Do you recognize this document?"

2 Your answer, "Yes, I signed it."

3 Question: "Is it you indeed, is that really your signature?"

4 And your answer, "That is correct."

5 The next question, "Very well. Do you remember --"

6 And your answer, "Yes."

7 "Do you remember the context of this letter?"

8 And your answer was, "When -- I'm sorry, when you say the context I

9 recognized --"

10 And then there was overlapping, after which you continued, "I admit I

11 recognize having written this." End of quote.

12 Now, Mr Witness, my question is as follows: During your second interview

13 with the OTP, did you at any point at all come back to this answer to clarify

14 or specify that it was not your signature?

15 A. [9:42:17] I will re-answer clearly, and I know that I'm under oath, we

16 never discussed the signature. We discussed the substance of the document,

17 the document. You asked me why I was answering on behalf of the FDS,

18 and I said this is because the minister asked me to provide clarification about

19 the documents. That is what I did. You and I, we never discussed the

20 signature.

21 Q. [9:42:53] Listen to my question carefully. During that interview, did

22 you at any point, that is, during the second interview with the OTP, did you

23 say at any one point: This is not my signature? That is my question to you.

24 A. [9:43:14] I will answer your question. This document was shown to

25 me only once. And during that one time we talked only about the contents

1 of the document.

2 Q. [9:43:32] And I will ask you that question for the last time because,

3 Mr Witness, I do not believe that --

4 Mr President, I do not believe that the witness is answering the question

5 which is specific. Maybe I need your assistance to ask that question.

6 Thank you.

7 PRESIDING JUDGE TARFUSSER: [9:43:49] That's what I thought. You are

8 not answering the question of the Prosecutor.

9 The question was -- and without looking on that side, on the side of the

10 Defence teams, please, look at me. The question was: If during this

11 interview, at any point in time during the interview said that this is not your

12 signature, or at any point in time you spoke about the signature not being

13 yours? Can you respond to this question?

14 THE WITNESS: [9:44:45] (Interpretation) Yes, Mr President. I said no.

15 And I will repeat that we never talked about the document. We only talked

16 about the contents of the document -- we never talked about a signature, only

17 the contents of the document.

18 PRESIDING JUDGE TARFUSSER: [9:45:04] Okay. Thank you.

19 MR MACDONALD: [9:45:04] (Interpretation)

20 Q. [9:45:07] And one last question. Subsequently, right up to the time

21 you came to testify here last week, did you at any point at all communicate

22 with the Office of the Prosecutor to inform them that it was not your

23 signature on this document?

24 Do not look at the Defence.

25 A. [9:45:48] I am not looking at the Defence.

1 PRESIDING JUDGE TARFUSSER: [9:45:50] Please, please, I already, I
2 already said to the witness that he should not look at the Defence benches,
3 what he did several times during these days, please.

4 MR ZOKOU: [9:46:03] Monsieur le Président, excusez-moi.

5 PRESIDING JUDGE TARFUSSER: [9:46:05] No. No, no, no. I want to
6 finish this, I want to finish this. I know that you want now to reply to this.
7 But let him finish the questioning and then you have the floor, please.

8 MR MACDONALD: [9:46:22] (Interpretation)

9 Q. [9:46:24] Mr Witness, I will repeat my question. Once again, it is a
10 simple and precise question. Before coming to testify here last week, did you
11 at any point at all communicate to the Office of the Prosecutor to inform that
12 this was not your signature on this document, which is now displayed on the
13 screen?

14 A. [9:47:00] Before coming to testify, I did not have any contact with the
15 OTP. I was received and set up in a hotel.

16 Q. [9:47:13] And lastly, the first time that you indicated that this was not
17 your signature was here in the course of your testimony; is that correct?

18 A. [9:47:25] That is correct.

19 Q. [9:47:28] Thank you.

20 MR MACDONALD: [9:47:29] Sorry, your Honour, we're done with our
21 questions. Thank you.

22 PRESIDING JUDGE TARFUSSER: [9:47:34] Thank you. Thank you very
23 much.

24 Now Maître Zokou.

25 MR ZOKOU: [9:47:41] (Interpretation) Mr President, I was on my feet. I am

1 not trying to judge the manner in which my learned friend is questioning the
2 witness. I have no advice to give him. But yesterday before we broke, there
3 was an attitude, not only condescending but threatening.
4 We came back this morning. We did not talk about it. But in front of you
5 once again he is addressing the witness and calling him into question. I
6 think he is not the one responsible for controlling for the conduct of the
7 proceedings here.

8 PRESIDING JUDGE TARFUSSER: [9:48:30] I think that yesterday the
9 reaction of the Bench was the right one, and I think that this morning we have
10 to, not to come back on what happened yesterday, but to continue with the
11 questioning in a hopefully serene atmosphere. The witness is there. The
12 witness knows his duties. The witness is a person who has to be treated with
13 respect by everybody, by the Bench, by the parties, and that's it.
14 This is how I want that we proceed, and we don't go back on what happened
15 yesterday. And if somebody goes further than what I think should be done,
16 I will for sure intervene at any time.

17 Now I will want to continue. Mr Knoops, please.

18 MR KNOOPS: [9:49:22] Mr President, I'm very sorry. Just an observation.
19 We regret, we regret that the Bench did make the remark in the presence of
20 the witness that the witness, in your perception, looked at the Defence teams
21 when answering the question. It may suggest that the witness has any
22 position to be taken.

23 PRESIDING JUDGE TARFUSSER: [9:49:51] No, no, no.

24 MR KNOOPS: [9:49:53] I'm sorry if I misunderstood your remark, but I
25 think for the neutrality of the Bench --

- 1 PRESIDING JUDGE TARFUSSER: [9:49:58] You miss -- no, no, no, come on.
2 You misunderstood completely my remark. I did a remark of fact because
3 the witness was looking on that direction, full stop. I didn't say anything
4 about the Defence.
- 5 MR KNOOPS: [9:50:13] Okay.
- 6 PRESIDING JUDGE TARFUSSER: [9:50:13] The Defence was not involved.
7 This was only --
- 8 MR KNOOPS: [9:50:15] Thank you. I apologise, Mr President. Thank you.
- 9 PRESIDING JUDGE TARFUSSER: [9:50:18] Okay. Now I want to give the
10 floor to the Defence for Mr Gbagbo for his questioning of the witness.
- 11 MR ALTIT: [9:51:32] (Interpretation) Thank you, Mr President. Good
12 morning, Mr President, your Honours.
- 13 QUESTIONED BY MR ALTIT: (Interpretation)
- 14 Q. [9:51:48] And good morning to you, Mr Kassaraté.
- 15 A. [9:51:51] Good morning.
- 16 Q. [9:51:52] My name is Mr Altit. I am the lead counsel for Mr
17 Laurent Gbagbo. And I'm going to put questions to you. Given that you
18 have already told us a lot, I would appreciate it if you are precise and brief.
19 Do you agree?
- 20 A. [9:52:13] Yes.
- 21 Q. [9:52:13] Very well. Let us begin. You have told us on several
22 occasions during your testimony that you were understaffed during the entire
23 period; do you remember?
- 24 A. [9:52:36] Yes.
- 25 Q. [9:52:37] And in response to a question of the Prosecutor on the total

1 strength of the gendarmerie, you mentioned 17,000 men, do you remember?

2 A. [9:52:52] Yes.

3 Q. [9:52:54] My question is this: This 17,000 men, were they throughout
4 the territory of the country under the government control?

5 A. [9:53:05] Yes.

6 Q. [9:53:08] Was this the staff strength in principal? What I mean is how
7 many men were effectively active, that is, who could be deployed? I know
8 there was 17,000 in total in the gendarmerie, but how many could actually be
9 deployed?

10 A. [9:53:37] Thank you. The staff strength that can be deployed or that are
11 operational are ordered by the staff headquarters. They can say: Gendarmerie,
12 give this number; police, give this number. But we never, never achieved the
13 numbers requested *for deployment in the field, under CCI command.

14 Q. [9:54:06] Thank you. If we take it that the staff headquarters wanted
15 to mobilise everyone who could be operational, how many of those 17,000
16 would that be?

17 A. [9:54:23] I cannot give you a precise number, but we were supposed to
18 mobilise a certain number of troops in the south and the same thing for our
19 brothers in the north. So under the CCEI, there was a number of men to be
20 deployed on the ground.

21 Q. [9:54:48] Very well. Let me phrase the question a bit differently. We
22 have the overall number, and you said 17,000. And I think you also
23 mentioned 15,000. Am I mistaken?

24 A. [9:55:10] No. It was in the document.

25 Q. [9:55:11] So it was between 15 and 17,000. So let me ask you this

1 question: At a particular time of the day, let us say on the day of the second
2 round, this is just a day that I'm giving, how many in the territory under the
3 control of the government, how many gendarmes were in service on active
4 duty?

5 A. [9:55:46] There we have two situations. There were the numbers
6 asked or requested by the general staff and then there are the other
7 gendarmes who are normally on duty inside the country. So you cannot take
8 everyone.

9 Q. [9:56:02] Yes. Let me be more specific. What is of interest to me here
10 is all the gendarmes, those who are mobilised for specific missions and also
11 all the gendarmes on duty or in service throughout the territory under the
12 government control, in the brigades, who are on mission and so on and so
13 forth, all the *gendarmes. What is the maximum number of gendarmes on
14 duty at any one time. To be even more specific, let us take away those who
15 are sick, those who are not available. And I think there are also shifts; for
16 example, you can have people working 8 hours three times a day. So I'm
17 talking about all the gendarmes at any one time under the control of the
18 government. Just an approximation.

19 A. [9:57:12] Well, I would say practically two-thirds, two-thirds of them
20 would be on duty in the brigades, in the squadrons throughout the territory
21 of the country which was under government control.

22 Q. [9:57:30] So we can say approximately 8,000 men. Does that appear
23 correct to you?

24 A. [9:57:37] Yes, counsel.

25 PRESIDING JUDGE TARFUSSER: [9:57:39] Two-thirds of 17,000 is not 8,000,

1 I would say. This is mathematics, but I'm not good in it.

2 MR ALTIT: [9:57:49] (Interpretation) That is correct, Mr President.

3 Approximately 10,000.

4 PRESIDING JUDGE TARFUSSER: [9:58:04] Ten, eleven, okay.

5 MR ALTIT: [9:58:06] (Interpretation) Absolutely.

6 Q. [9:58:09] Mr Witness, for the record, can you confirm that that figure
7 would be instead about 10,000?

8 A. [9:58:19] Yes.

9 Q. [9:58:20] Thank you. Now, these 10,000 men are supposed to be
10 responsible for a population of about how many people? I'm talking about
11 the territory under government control?

12 A. [9:58:43] That is a difficult question. The population of Côte d'Ivoire is
13 about 20 million, 22 million. So the two-thirds of the country was under
14 occupation, so the one-third that was remaining, well, you can divide the
15 20 million by 3 and you have an approximate number for the third of the
16 country. Even though the one-third of the country we are talking about was
17 more populated than the north.

18 Q. [9:59:24] Even if both of us are not high-level mathematicians, there
19 were many more inhabitants in the south than in the north; is that correct?

20 A. [9:59:36] Let me correct what I said. The south was more densely
21 populated than the north.

22 Q. [9:59:47] So if we take an approximation, a rather incorrect
23 approximation if I might say, these 10,000 gendarmes that we're talking
24 about, how many million people are they to be taking care of approximately?

25 A. [10:00:06] 10, 12, 15 million.

1 Q. [10:00:13] Very well. So now with regard to the international
2 standards, is that a very low ratio?

3 A. [10:00:23] Yes, indeed, a very low ratio, indeed.

4 Q. [10:00:30] So if we take the town or city of Abidjan itself, and if we
5 undertake the same calculation that we've just done, that is to say if we go
6 from true staff strength to theoretical staff rates and then talk about staff
7 strength at the specific time of day, you know, taking away those who are off
8 duty and resting, et cetera, how many gendarmes do we have on duty at the
9 same time in Abidjan itself at the time?

10 A. [10:01:12] To be closer to the truth, I would need to tell you that in
11 Abidjan we have five squadrons, and there is an average of 100 per squadron.
12 So that's 500 people. And we have five or six brigades, Koumassi,
13 Port-Bouët, Yopougon, et cetera, and there is 20 to 50 gendarmes. And if we
14 multiply, that is approximately the figure we will reach, and the rest are
15 administrative.

16 Q. [10:01:42] Very well. So a question with regard to the 20 or 50
17 gendarmes that make up a brigade, that's what you said, isn't it?

18 A. [10:01:56] Yes.

19 Q. [10:01:57] Very well. How many are on duty at the same time? I
20 imagine if there are 40 in the brigade, some of them will be resting, how many
21 are there on duty at once, two-thirds, a half?

22 A. [10:02:10] Two-thirds.

23 Q. [10:02:12] Very well. So if I understand correctly, and if I calculate
24 rapidly I might be wrong, of course, according to what you've just told us,
25 there were approximately 7 or 800 gendarmes in terms of staff strength in

1 Abidjan at any one time?

2 A. [10:02:37] Yes, indeed. And we're talking here theoretically, as you
3 say, so there is the theory and then there are people who are ill, there are
4 people on mission, there are people who are on holiday.

5 Q. [10:02:50] Very well. And with regard to this figure, I think we just
6 said, let me just check, it hasn't yet come up, but I said there was 7 to 800; is
7 that right?

8 A. [10:03:04] Yes.

9 Q. [10:03:04] From the 7 or 800, how many at the outset of the crisis, this is
10 what we are talking about, the outset of the crisis, how many of them could
11 be on duty at the same time still if we're talking about the same thing,
12 two-thirds, is that?

13 A. [10:03:19] Yes, indeed. When there was a crisis, we order all our
14 elements to join their units, and all of those who are on leave come back.

15 Q. [10:03:33] I understand very well. But my question -- I have taken
16 note of that. But my question is once again that not everyone can be on duty
17 at the same time because there is a shift system?

18 A. [10:03:47] Yes.

19 Q. [10:03:48] So two-thirds of 800 people, 7 to 800 people?

20 A. [10:03:52] Yes, indeed.

21 Q. [10:03:53] So I'm going to do a rapid calculation under the Chamber's
22 monitoring. So two-thirds of 800 is how much, how many? Is it true to say
23 that the true strength was between 5 and 600 individuals?

24 A. [10:04:11] We could say that.

25 Q. [10:04:13] Very well. So these 5 or 600 people were to take care of how

1 many inhabitants in Abidjan approximately?

2 A. [10:04:31] Abidjan has approximately 2 million inhabitants. And
3 public security is dependent upon the police mainly and then secondly upon
4 the gendarmerie, because the town does belong to the police.

5 Q. [10:04:50] Very well. And the same question as earlier on, the ratio
6 gendarme per inhabitant, was it particularly weak in terms of a comparison
7 with the international standards?

8 A. [10:05:02] Yes, indeed, it was very low.

9 Q. [10:05:06] Very well. So was this because you were understaffed that
10 you were explaining to us that police and gendarme were working hand in
11 hand as much as possible in order to face up to demand?

12 A. [10:05:20] Yes, indeed.

13 Q. [10:05:22] Very well. You became superior commander of the
14 gendarmerie in 2005; is that correct?

15 A. [10:05:34] Yes, indeed.

16 Q. [10:05:36] And the staff strength, did it remain the same between 2005
17 and the beginning of the crisis in 2010?

18 A. [10:05:46] It was virtually the same staff strength because we were
19 conducting an annual count.

20 Q. [10:05:54] Very well.

21 THE INTERPRETER: [10:06:00] We were conducting annual recruitment,
22 correction.

23 MR ALTIT: [10:06:04] (Interpretation)

24 Q. [10:06:05] You said to us at an earlier stage, could you remind us more
25 or less, I suppose you don't have the precise figures in mind anymore, the

1 staff strength for each of the legions if we take, you know, on the day of the
2 second round as a point of reference, let's say at the outset of the crisis if you
3 prefer.

4 A. [10:06:26] The legions did not have the same staff strength. The
5 legions of Abidjan are more beefed up, and the legions inside the country are
6 less so.

7 Q. [10:06:39] Very well. You said to us that you did not have any
8 vehicles to fulfil your missions. Do you remember saying that?

9 A. [10:06:52] I do indeed.

10 Q. [10:06:55] Do you know, even in approximate terms, what the number
11 of vehicles was at the disposal of the gendarmerie of Abidjan on the day of
12 the second round of the presidential elections?

13 A. [10:07:15] At brigade level there were five, six or eight. We can say
14 that there were or was one vehicle per brigade. Per squadron there were two
15 to three vehicles maximum.

16 Q. [10:07:29] So if you don't mind I'm going to conduct a little calculation,
17 how many in total approximately?

18 A. [10:07:33] With your permission, so we had a brigade in Anyama.
19 There was one. There was one for the Abobo brigade. And Agban, there
20 was one vehicle. In Treichville there was one vehicle for the brigade. In
21 Port-Bouët there was one vehicle. There was one vehicle in Koumassi. So
22 that is a total of six vehicles. The squadrons in Abobo Gare had one vehicle.
23 One in Yopougon. The squadron in Agban had one vehicle. Koumassi had
24 two vehicles, I think. And that is a total of seven vehicles.

25 Q. [10:08:09] Very well. Unless I am mistaken, unless mistaken, and still

1 under the close monitoring of the Presiding Judge, we have 14 vehicles; is that
2 right?

3 A. [10:08:29] Yes, indeed.

4 Q. [10:08:30] Very well. So these vehicles that you are talking about,
5 what are they? Are they normal cars? Are they pickups? Are they vans?
6 Are they armoured vehicles?

7 A. [10:08:47] We had three types of vehicles.

8 Q. [10:08:50] To be specific, sorry, we're talking about the 14 vehicles that
9 you've just spoken about. We'll see if there are any other vehicles at a later stage.

10 A. [10:08:58] These were normal vehicles. We call them *VLRAs,
11 transportation vehicles for troops, *vehicles with sheets or pickup trucks.
12 They have tarpaulins over them.

13 Q. [10:09:08] So we're talking about 14 vehicles that are pickups; is that
14 correct?

15 A. [10:09:13] No. These were --

16 THE INTERPRETER: [10:09:14] Message from the interpreter: Too fast.
17 It's impossible to keep up.

18 *-- troop transportation vehicles: an enclosed cabin, with a sheet behind; so an
19 aft cabin and behind it, a cargo area covered with a tarpaulin.

20 PRESIDING JUDGE TARFUSSER: [10:09:22] Can you please. Thank you.
21 The interpreters have problems.

22 MR ALTIT: [10:09:29] (Interpretation)

23 Q. [10:09:44] Very well. So these were all of the vehicles of the
24 gendarmerie in Abidjan, yes, the gendarmerie vehicles in Abidjan, with the
25 exception of the armoured vehicles; is that correct?

1 A. [10:09:57] I could go on to add that we would need to extract the
2 command vehicles, the ones who come to the office in their cars. But these
3 are not vehicles for working out in the field, for making matters secure.

4 Q. [10:10:16] Very well. And of these 14 vehicles, were these 14 vehicles
5 all up and running?

6 A. [10:10:26] No. In Agban we called it the vehicle cemetery because
7 they were all out of service virtually.

8 Q. [10:10:36] So of the 14 vehicles, how many were in operation, normally
9 speaking?

10 A. [10:10:43] Let's say 7 or 8, half of them.

11 Q. [10:10:46] Very well. So to those vehicles, these normal vehicles, I
12 suppose we should add those armoured vehicles that are placed at the
13 disposal of the gendarmerie; is that correct?

14 A. [10:11:02] Yes, indeed.

15 Q. [10:11:02] And these armoured vehicles, how many were up and
16 running at the outset of the crisis in Abidjan approximately, if you recall?

17 A. [10:11:11] I believe that there were no more than four.

18 Q. [10:11:17] Very well. So at a given moment in time in your testimony, you
19 spoke in response to a question put to you by the OTP of tarpaulined vehicles that
20 you said were pickups. And you spoke about seven vehicles in number that were
21 given to the gendarmerie. And I want to put the question to you because I didn't
22 quite understand what you said. If I understood, given by regional councils?

23 A. [10:12:03] Yes, indeed.

24 Q. [10:12:06] So my first question, by which regional council?

25 A. [10:12:13] We received one vehicle from the Aboisso regional council to

1 the southeast of Abidjan, and it was, you know, given in a ceremony in the
2 presence of the préfet, the sous-préfets, the magistrates, et cetera.

3 Q. [10:12:32] Very well. So if I understand what you've just told me now,
4 you received one vehicle of the seven or did you receive seven vehicles?

5 A. [10:12:45] No. We're talking about the Abidjan vehicles. But in the
6 inside, the regional councils and the mairies, town halls take part *in the
7 effort to ensure security. And whenever they can they give a vehicle to a
8 brigade or a police station. And even now they do so.

9 Q. [10:13:03] Very well. So everything is crystal clear. The gendarmerie
10 in Abidjan received one vehicle of the seven that you made mention of?

11 A. [10:13:12] No. That was in Aboisso. The regional council in Aboisso
12 gave a vehicle to the gendarmerie in Aboisso. The other vehicles are
13 acquisitions from the state given to the gendarmerie.

14 Q. [10:13:32] So the gendarmerie in Abidjan, did it receive one or several of
15 these seven vehicles at any given moment in time? I'm talking about Abidjan.

16 A. [10:13:44] No. These are normally issued vehicles to the gendarmerie.

17 Q. [10:13:52] Very well. Very well, very well. So to understand matters
18 correctly, since we're talking about a normal issuance, these vehicles that you
19 are talking about, these seven vehicles are part of the fleet, the normal
20 gendarmerie fleet, and it might be that one or two of these vehicles were
21 counted amidst the 14 vehicles of Abidjan; is that correct?

22 A. [10:14:28] That is correct.

23 Q. [10:14:36] And you can confirm to us that these were indeed pickups?

24 A. [10:14:40] Part of them were pickups. Some of them were vehicle
25 transportation, troop transportation vehicles, we called them the VTTs.

1 Q. [10:14:51] Very well. Did you have -- we're talking here about the
2 beginning of the crisis. Did you have any fuel issues, you at the
3 gendarmerie, did you have access to all the fuel that you required?

4 A. [10:15:12] No. During and -- before and during, we never had access
5 to enough fuel in order to conduct all of our duties.

6 Q. [10:15:18] When you say "before and during," you're talking about
7 before and during the crisis?

8 A. [10:15:24] No. I'm talking about the entire duration. We always had
9 issues with fuels -- fuel when wanting to conduct our duties.

10 Q. [10:15:33] And did this stop you from fulfilling your missions?

11 A. [10:15:38] It didn't stop us. But it requested a great deal of effort on
12 the part of the Côte d'Ivoire gendarmes, who were obliged to buy fuel
13 themselves and to buy mopeds that they could go around and conduct their
14 duties with around Côte d'Ivoire.

15 Q. [10:15:58] And for us to understand correctly, what you say to us is
16 that this was an ongoing issue, it wasn't just during the crisis?

17 A. [10:16:11] Yes, indeed. It was ongoing. Sometimes they were out in
18 the field on mopeds that they had financed themselves.

19 Q. [10:16:20] When you say "today," you mean today, this can be verified
20 today as well?

21 A. [10:16:29] Yes, indeed.

22 Q. [10:16:30] Very well. So you said to us as well that in terms of
23 weaponry, you were under-equipped. Do you remember?

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

25 Q. [10:16:51] So my first question to you, does this mean that gendarmes

1 did not each have a pistol?

2 A. [10:17:01] Negative. Never.

3 Q. [10:17:02] Your answer is that they did not have pistols; is that correct?

4 A. [10:17:10] There were a few weapons. They had MAB15 pistols.

5 There might have been two or three per brigade for 20 to 50 people.

6 Q. [10:17:20] Very well. That's very clear.

7 So two pistols for an entire brigade comprising 20 to 50 individuals, is that

8 what you are saying?

9 A. [10:17:30] Yes, indeed.

10 Q. [10:17:31] Very well. And for these two pistols, was there any

11 ammunition?

12 A. [10:17:35] Yes, indeed, there was ammunition.

13 Q. [10:17:37] Very well. Did the brigades or any other gendarmerie units

14 have at their disposal any Kalashnikovs or any weaponry that was a little bit

15 heavier than simple pistols?

16 A. [10:18:00] The gendarmerie squadrons had Kalash, but still in

17 insufficient numbers.

18 Q. [10:18:11] For example, can you give us an example, such and such a

19 squadron had approximately how many Kalashnikovs?

20 A. [10:18:19] I do not have equipment figures before me. We can say 10

21 to 15 per squadron for approximately just over 100 individuals.

22 Q. [10:18:34] Very well. So the intervention units, from what you are

23 telling me, I'm attempting to understand you, the intervention units

24 themselves, contrary to the brigades, had Kalashnikovs, but very few in

25 number, because you are saying that there were 15?

1 A. [10:18:54] 10 to 15, you know, because I'm not counting.

2 Q. [10:18:59] Okay. 10 to 15. So for an entire squadron that comprises
3 between 20 to 50 individuals; is that correct?

4 A. [10:19:10] Yes, indeed.

5 THE INTERPRETER: [10:19:12] Correction: Between 100 and 150
6 individuals; is that correct?

7 THE WITNESS: [10:19:15] (Interpretation) Yes, indeed.

8 MR ALTIT: [10:19:19] (Interpretation)

9 Q. [10:19:21] Was there any ammunition for those Kalashnikov?

10 A. [10:19:25] Yes, indeed, there was ammunition.

11 THE INTERPRETER: [10:19:26] Message from the interpreter: Could a
12 pause please be observed between the two speakers.

13 PRESIDING JUDGE TARFUSSER: [10:19:32] Please pause. Don't forget to
14 pause. Thank you. You as well, please. Slow and pause after the question
15 by the counsel. Thank you.

16 MR ALTIT: [10:20:01] (Interpretation)

17 Q. [10:20:02] So you said to us, and I shall quote, "Since 2002, our barracks
18 came under attack by the rebellion, and weapons and vehicles were taken
19 away." End of quote.

20 Do you remember?

21 A. [10:20:18] Yes, indeed.

22 Q. [10:20:19] Can you please tell us an example --

23 MR DEMIRDJIAN: [10:20:25] (Interpretation) Could we please have the
24 reference? I do apologise for interrupting my learned colleague. Maybe
25 this could be practise, common practise so that we have the references so that

1 we don't have to stand on each occasion.

2 MR ALTIT: [10:20:30] (No interpretation)

3 PRESIDING JUDGE TARFUSSER: [10:20:40] And maybe I add also, repeat,
4 and I repeat myself again, that we should not ask questions if the witness
5 confirms what he already said. If he said it, he will confirm it. Otherwise
6 just put the question. Not ask him: Do you confirm that you said what you
7 said yesterday? You did it three, four, five times now already. Thank you.

8 MR ALTIT: [10:21:12] (Interpretation) Yes, indeed, you are entirely right,
9 Mr President. But here, you see, my question was: Could you give us an
10 example. If I don't say what we're talking about, then it's difficult for me to
11 ask for him -- him for an example, you know, if I don't provide a reference.

12 PRESIDING JUDGE TARFUSSER: [10:21:31] No. But before asking the
13 example, you ask if he confirms what he said. And then you said: "Do you
14 give me an example?" Instead just ask: "You said this, give me an example
15 of it," without asking if he confirms what he said. This is the --

16 MR ALTIT: [10:21:56] (Interpretation) I shall follow your instructions.
17 And with regard to the request, it is page 71 of the French transcript of 10
18 March 2017, lines 5 to 6.

19 Q. [10:22:14] And I shall repeat what you said. But I'm not going to ask
20 you to confirm. So you said, "From 2002, our barracks came under attack by
21 the rebellion and our vehicles and weaponry were taken away." End of
22 quote.

23 I'm waiting a little bit. I'm just waiting for the interpreters. Don't worry.
24 So can you -- this was very clear what you said, but could you provide us
25 with examples of barracks that came under attack since 2002 by the rebellion,

1 namely, and in particular barracks whence weaponry and vehicles were
2 taken?

3 A. [10:23:03] All of the gendarmerie units located in the northern region of
4 the country that was the entry for the rebellion, all of them came under attack
5 and the barracks were destroyed. It was the point of entry for the rebellion.
6 The communication equipment and the weaponry was taken away. But I
7 was not yet superior commander of the national gendarmerie at the time.

8 Q. [10:23:37] And this communication equipment that was taken away by
9 the rebels, was it to your knowledge subsequently used by the rebels?

10 A. [10:23:47] I wouldn't be in a position to say.

11 Q. [10:23:55] Very well. And you said just now that the north of the
12 country was the entry point for the rebellion. Where did those rebels come
13 from?

14 A. [10:24:03] It was clearly mentioned that they came from Burkina Faso.

15 Q. [10:24:13] Who commanded them?

16 A. [10:24:19] Up until the agreement, we did not have a clear picture of
17 those who were commanding the rebellion.

18 Q. [10:24:31] And after the agreements?

19 A. [10:24:35] After the agreements there was a secretary general, who was
20 Mr Soro Guillaume, and there was a military chief by the name of General
21 Bakayoko Soumaïla.

22 So after the agreements, no longer were they talking about the rebellion, they
23 were talking about the Forces Nouvelles with the military and political wing.

24 Q. [10:25:18] Very well. Did you make any requests to your ministry to
25 obtain vehicles and weaponry throughout that entire period when you were

1 at the head of the national gendarmerie?

2 A. [10:25:32] Yes, indeed. But as we were under an embargo, we were
3 not able to obtain any weaponry.

4 Q. [10:25:42] And at the time of the presidential elections, the situation in
5 terms of equipment and weaponry, was it better than the previous years, or
6 was there the still level of under-equipment that you were just bemoaning
7 now or was it worse?

8 A. [10:26:07] I would say that it was worse, because we did not have any
9 new equipment.

10 Q. [10:26:16] So we've just talked about weapons, have we not? I would
11 now like for us to talk about law enforcement equipment. So you said to us
12 that you had received law enforcement equipment such as batons and shields.
13 When was that? Do you recall?

14 A. [10:26:47] It was the ministry that provided us with this law
15 enforcement equipment such as batons and shields. I don't have the date in
16 mind, in head, in mind.

17 Q. [10:27:01] I'm going to show to you with your leave or I'm going to
18 once again show to you a document that was shown to you for the first time
19 by the representative of the OTP. So the number is CIV-OTP-0044-0101.

20 THE COURT OFFICER: [10:27:44] Is it a public document?

21 MR ALTIT: [10:27:50] (Interpretation) I am told it is confidential.

22 Q. [10:28:14] Can you see it?

23 A. [10:28:17] Yes.

24 Q. [10:28:19] Very well. You remember that there was a discussion with
25 regard to this document with the representative of the OTP. I'm not going to

1 come back to that discussion, but what I would like to know for us to
2 understand correctly, because we are not specialists in the field, is what we
3 are talking about specifically here. We're talking about three irritating tear
4 gas crates. What precisely is that?

5 A. [10:28:54] The product gives rise to sneezing and irritation of the eyes.

6 Q. [10:29:09] Very well. And subsequently mention is made of GM 2L
7 rifle grenades, a crate of. Are they tear gas guns?

8 A. [10:29:27] Yes, indeed.

9 Q. [10:29:30] So it's another type of tear gas here?

10 A. [10:29:34] Yes, indeed.

11 Q. [10:29:35] Very well. And then mention is made of a Tromblon, what
12 is a Tromblon?

13 A. [10:29:53] This is a device that is put on the barrel of the weapon where
14 you can affix the grenade in order for it to be launched into the crowd of
15 demonstrators.

16 Q. [10:30:04] So you can affix the tear gas canister; is that correct?

17 A. [10:30:08] Yes, indeed.

18 Q. [10:30:10] Concerning the equipment in possession of the gendarme,
19 did every patrol or intervention unit have a radio?

20 A. [10:30:45] Yes, a Motorola portable radio set.

21 Q. [10:30:56] Each patrol had a radio?

22 A. [10:30:58] Yes, there was a radio for each patrol.

23 Q. [10:31:02] Very well. Did you lack radio communication means at the
24 gendarmerie?

25 A. [10:31:15] Yes.

1 Q. [10:31:18] Can you explain to us, you have said that each patrol had a
2 radio, so it seems to me that there was equipment; so what was lacking?

3 A. [10:31:31] When I said "patrol, " two or three gendarmes leaving from
4 the brigade or squadron, they would be given the one -- the radio that is
5 available when they go on mission. And when they come back, they will
6 return it.

7 Q. [10:31:51] I would like to quote your statement to the OTP. In 2011,
8 the reference is CIV-OTP-0016-0204, page 0245. And on line 1492 during that
9 interview with the investigators of the OTP, you said, "The equipment was
10 put into pieces with the various crises, the radios were completely destroyed.
11 And so you said from the central radio there was communication to the
12 regional radio. But if it was not possible, it was the means available, you
13 take a message, you put in an envelope, and you give to the driver. " End of
14 quote.

15 Can you explain to us what you meant here? And does that correspond to
16 what you said a short while ago about the lack of radio communication
17 means?

18 A. [10:33:44] Yes. Since the gendarmerie is scattered throughout the
19 national territory, when the chiefs of the three or four brigades of a region
20 wants to communicate with his men, since there is no radio, there is a
21 message that is put into an envelope and given to a driver, and he is told:
22 When you reach brigade X, you hand this message to the brigade. That is
23 what I referred to as a makeshift means of communication.

24 Q. [10:34:23] Very well. To your knowledge, were your communications
25 monitored or listened to by French services?

1 A. [10:34:45] During that time, at the Presidency there was a French
2 monitoring service, and I am sure that that service was listening to our
3 communications.

4 Q. [10:35:07] We will dwell on that a little bit. You are talking about the
5 presidency of the republic; is that correct?

6 A. [10:35:15] Yes.

7 Q. [10:35:16] You are talking about the presidential palace?

8 A. [10:35:24] Yes, the presidential palace. There is a rear entrance of the
9 palace, and about 100 metres to your right you have that office manned by
10 French services.

11 Q. [10:35:42] These members of the French service who were listening to
12 or monitoring the communications of French authorities, for how long had
13 they been there? Since when had that office been in existence?

14 A. [10:36:02] I arrived the Presidency in 2000, but I'm sure that they had
15 been there for a long time. There was a French man called Mr Cousseker
16 (phon) who managed communications. I believe he's still there.

17 Q. [10:36:20] Very well. I understand what you say. Are you telling us
18 that that French monitoring service, listening service to listen to Ivorian
19 communications, did that service stay in place during the entire duration of
20 President Gbagbo's rule?

21 A. [10:36:58] Yes, that service existed and I believe it is still in existence, I
22 believe.

23 Q. [10:37:04] Sir, what you are telling this Chamber so that we should
24 understand you well, because we need to understand what happened, so to
25 your knowledge, there has always been a French monitoring or listening

1 service in the offices of the president in the presidential palace?

2 A. [10:37:29] Yes. That is a service that was there. *If he hasn't left, it's
3 possible to check if he is still there. Once with the Minister Kadet of the
4 Defence, we actually went to this particular office. I don't know whether
5 they're listening, but it is true, it is clear that it is a monitoring service.

6 Q. [10:37:53] Very well. Do you know whether those who are listening,
7 those who are listening are part of what is known as intelligence or the French
8 intelligence services?

9 A. [10:38:12] I cannot tell you that. I cannot tell you a lie, but that service
10 is there.

11 Q. [10:38:19] Very well. Now, during that period, that entire period
12 before the crisis and also during the crisis, were those communications
13 listened to or could they be listened to by the rebel forces?

14 A. [10:38:38] I think the answer is yes. As I said, after the Marcoussis
15 agreements and others, they were referred to as the Forces Nouvelles. They
16 were no longer known as rebels.

17 Q. [10:38:58] Do you want me to call them Forces Nouvelles? Do you
18 want me to call them Forces Nouvelles?

19 A. [10:39:05] It is up to you to choose a term that you wish.

20 Q. [10:39:10] Very well. You told us that you became a gendarme in
21 1977. How many presidents of the republic did you live under?

22 A. [10:39:31] I knew all the presidents, President Houphouët-Boigny,
23 President Henri Konan Bédié, General Guéi, President Gbagbo, and President
24 Alassane.

25 Q. [10:39:45] Is it correct to say that you continued with a brilliant career

1 under each of these presidents?

2 A. [10:39:58] President Gbagbo did me honour by appointing me --

3 PRESIDING JUDGE TARFUSSER: [10:40:05] It goes without saying, I
4 would say.

5 MR ALTIT: [10:40:06] (Interpretation) Are you saying that his career was
6 brilliant under each of those presidents?

7 PRESIDING JUDGE TARFUSSER: [10:40:12] I would say if he reached what
8 he reached, I think one can say this, yeah.

9 MR MACDONALD: [10:40:23] It's an opinion, your Honours.

10 PRESIDING JUDGE TARFUSSER: [10:40:24] Yes, in any case.

11 MR MACDONALD: [10:40:25] And it's also self-serving for the witness.

12 PRESIDING JUDGE TARFUSSER: [10:40:29] Yes, of course.

13 MR MACDONALD: [10:40:29] Has no value in the end.

14 MR ALTIT: [10:40:33] (Interpretation)

15 Q. [10:40:47] Did your ethnicity play a role in your successive
16 appointments, Mr Witness?

17 A. [10:40:52] With your leave or, rather, with the leave of the President,
18 our local press usually makes disparaging comments, if I do not say exactly
19 what I want to say here, tomorrow they will say something else in the media.
20 I should want, I should like to say that I had a good career. President
21 Gbagbo appointed me commander of the gendarmerie and later on President
22 Alassane Ouattara appointed me ambassador. If I don't say that, they will
23 say something else in the media.

24 PRESIDING JUDGE TARFUSSER: [10:41:36] Yes. But we are not making
25 this trial for the media, just for you to know. We make the trial because we

1 have to make the trial. It's not -- we are not here for the media. Okay.

2 Thank you.

3 MR ALTIT: [10:41:50] (Interpretation)

4 Q. [10:42:01] Sir, do you mean by that that you have to be cautious for
5 your own good?

6 MR MACDONALD: [10:42:11] Your Honours, can we go into private
7 session if we're to go on that topic, and with non-leading questions, your
8 Honour, I would recommend.

9 It's a valid point for my colleague to ask. The witness has just said
10 something very important that the Chamber will have to take into
11 consideration when evaluating his credibility. But if we're to go further
12 down that road, which relates to his own security or such questions, I think
13 it's preferable to do it in private session.

14 MR ALTIT: [10:42:47] (Interpretation) Mr President, if I understand
15 correctly, there is no objection, just a remark.

16 MR MACDONALD: [10:42:59] Huis clos partiel.

17 MR ALTIT: [10:43:01] (Interpretation) We need that to be clear. No
18 objection, just an observation. So that question was asked very clearly and
19 simply, and the witness answered the way he felt was best to answer.
20 And, Mr President, I will move on to something else.

21 PRESIDING JUDGE TARFUSSER: [10:43:32] Just excuse me, Mr Witness.
22 Have you any fear?

23 THE WITNESS: [10:43:43] (Interpretation) No, I have no fears.

24 PRESIDING JUDGE TARFUSSER: [10:43:47] So just once again, you're here,
25 you have to respond to the questions which are put to you. There is no

1 whatsoever interference from the outside. You should not speak and talk for
2 the outside world, but for this trial. That's it. Okay.

3 Maître Altit.

4 MR ALTIT: [10:44:15] (Interpretation) We will leave this topic. I do not
5 think that a private session is absolutely necessary. However, if my learned
6 friend of the Prosecution thinks at any one time that it can be necessary, he
7 can say so. I would not object, because the welfare of the witness is our
8 priority.

9 Q. [10:44:59] Mr Witness, I asked you the question. I don't think you
10 gave us an answer. Did your ethnicity play a role in your successive
11 appointments?

12 A. [10:45:11] No.

13 Q. [10:45:20] Very well.

14 PRESIDING JUDGE TARFUSSER: [10:45:21] Can I ask what ethnicity you
15 are from, which ethnicity? Which is your ethnicity?

16 THE WITNESS: [10:45:33] (Interpretation) I am a Krou, K-R-O-U, in the
17 southwest of Côte d'Ivoire.

18 PRESIDING JUDGE TARFUSSER: [10:45:44] Okay. Thank you.

19 Maître Altit.

20 MR ALTIT: [10:45:50] (Interpretation) Thank you, Mr President.

21 Q. [10:45:52] Sir, during your testimony, you gave us the names of certain
22 gendarmierie officers, generals, senior and junior officers. I will give you
23 those names and put simple questions to you, the position of the person and
24 the person's ethnic group.

25 It is possible, and I am talking to my learned friends here, that we may forget

1 certain names. If it may facilitate the task, we can give you the table of all
2 the names that we have extracted. So if you think of other names, you could
3 tell me so that the names should be exhaustive.

4 And the same to you, Mr Witness, if you think such and such a name was not
5 mentioned and you tell us?

6 A. [10:47:02] Yes.

7 Q. [10:47:02] You talked about Brigadier General Raphaël Affro Yao?

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

9 Q. [10:47:12] You said that he was your deputy?

10 A. [10:47:14] Yes.

11 Q. [10:47:15] What is he doing today?

12 A. [10:47:20] He is on retirement.

13 Q. [10:47:23] His ethnic group?

14 A. [10:47:25] He is Agni, east of Côte d'Ivoire *. I'm from the southwest.

15 Q. [10:47:29] Colonel Adou Donga, what was his position?

16 A. [10:47:44] He was my chef de cabinet. He is Attié, A-T-T-I-E, in the
17 south of Côte d'Ivoire, specifically from Adzopé.

18 Q. [10:48:03] Very well. Is he still in service?

19 A. [10:48:11] Yes.

20 Q. [10:48:12] What does he do?

21 A. [10:48:16] He is in the inspectorate general of the gendarmerie as far as
22 I know.

23 Q. [10:48:27] Bonga Denis?

24 A. [10:48:35] The name doesn't ring a bell.

25 Q. [10:48:39] Very well. Captain Anoma?

1 A. [10:48:50] Yes, he is Baoulé.

2 Q. [10:48:53] What was his position during the crisis?

3 A. [10:48:59] Anoma was in the armoured squadron. There are many
4 Anomas. I don't know whether we are talking about the same person, but
5 the one I remember was a member of the squadron.

6 Q. [10:49:16] Was there another one who was the deputy of the chef de
7 cabinet?

8 A. [10:49:27] I no longer remember. But there were many Anomas.

9 Q. [10:49:30] Very well. Captain Kra?

10 A. [10:49:38] Captain Kra is Baoulé. He was also a member of the
11 squadron.

12 Q. [10:49:47] Is he still in service?

13 A. [10:49:48] Yes.

14 MR DEMIRDJIAN: [10:49:58] (Interpretation) I'm sorry, but the last answer
15 did not specify the squadron. Can we clarify?

16 MR ALTIT: [10:50:08] (Interpretation) Yes.

17 Q. [10:50:11] Obviously, the more information we have, the better.

18 Mr Witness, can you talk about -- can you tell us the squadron that he was in?

19 A. [10:50:25] Kra and Anoma were in the armoured squadron group of
20 the national gendarmerie.

21 Q. [10:50:36] Is Anoma still in service?

22 A. [10:50:44] Yes. But I do not know where he is.

23 Q. [10:50:46] Very well. Colonel Major Gnaoulé?

24 A. [10:50:57] Gnahoré Beugré, yes, he is still in service and today he is a
25 brigadier general.

- 1 Q. [10:51:08] What was he doing at that time?
- 2 A. [10:51:12] During my time, he was the commander of the GDR.
- 3 Q. [10:51:19] And his ethnic group?
- 4 A. [10:51:21] He's a Bété from Soubré.
- 5 Q. [10:51:28] Colonel Sely Bolou?
- 6 A. [10:51:35] He is retired, but he was the commander of the intervention
7 unit of the national gendarmerie. Then he was transferred to Korhogo and
8 later on he served in the Ministry of Defence, but I didn't follow his career.
- 9 Q. [10:52:02] His ethnic origin?
- 10 A. [10:52:04] He is a Bété from Daloa.
- 11 Q. [10:52:10] Very well. Colonel Sely Bolou. I'm sorry, I didn't hear
12 what you said. Is he still in service?
- 13 A. [10:52:22] No. He is on retirement.
- 14 Q. [10:52:27] Colonel Major Aboya Kouamé Grégoire?
- 15 A. [10:52:39] He is Baoulé, but he is now retired.
- 16 Q. [10:52:45] Colonel Gnahoré Beugré?
- 17 A. [10:52:53] I just talked about him now. I said he is brigadier, brigadier
18 general. He was the commander of the GDR, the documentation and
19 research group.
- 20 Q. [10:53:06] Very well. Colonel Kouamé Boussin?
- 21 A. [10:53:22] Kouamé Boussin, he is on retirement. He was responsible
22 for the gendarmerie transmissions. Then he went to the ministry. He is an
23 Akan, *from the Baoulé region.
- 24 Q. [10:53:41] Aka N'Dri?
- 25 A. [10:53:51] Aka N'Dri was in the general staff of the mobile region. He

1 is still in service and today he is a defence attaché in South Africa.

2 Q. [10:54:02] His origin?

3 A. [10:54:05] Baoulé.

4 Q. [10:54:07] Captain Hugues Anselme Anouma?

5 A. [10:54:23] He should be an Attié.

6 Q. [10:54:29] Still in service?

7 A. [10:54:32] Yes.

8 Q. [10:54:32] Commandant Boly?

9 A. [10:54:47] Commandant Boly was the commander of the 1st
10 Gendarmerie Squadron in Agban. He must still be in service, but I have not
11 followed his career for five years.

12 Q. [10:55:08] Obviously. And his ethnicity?

13 A. [10:55:17] Boly, I really do not remember, but from his name he is
14 either Bété or Dida. These are neighbouring ethnic groups.

15 Q. [10:55:28] Very well. Captain Auguste Kra Kouakou?

16 A. [10:55:33] Our Akan brothers have so many common names that I no
17 longer remember what he was and what has become of him.

18 Q. [10:55:47] If I told you that he was at the 2/1 Squadron of Yopougon?

19 A. [10:55:55] Yes, I can confirm that. I agree with you.

20 Q. [10:55:58] Captain Obénieré Ouattara?

21 A. [10:56:14] Obénieré Ouattara is still in activity. He is Katiola, from the
22 north of Côte d'Ivoire. He was the commander of the squadron in Abobo.

23 Q. [10:56:32] Is he a Dioula?

24 A. He is a Tagbanan from Tagbana, from the Senoufo group, *but in
25 Katiola they are called the Tagwanan or Tagbana.

1 Q. [10:56:47] Commander Toualy William?

2 A. [10:57:00] He is a soldier. He's not a gendarme. But I know him. He
3 is a Gnaboua, G-N-A-B-O-U-A, and his father was a colonel.

4 Q. [10:57:18] Very well. Captain Lobognon?

5 A. [10:57:25] Lobognon was my aide de camp, and after that he was
6 transferred to the Koumassi squadron. And today he is in the inspectorate
7 general of gendarmerie. He is a Bété from Daloa.

8 Q. [10:57:44] Colonel Vako Bamba?

9 A. [10:57:56] Vako Bamba is from Touba. He is a Dioula from the west of
10 Côte d'Ivoire. But he *ended his career brigadier general and deputy
11 superior commander.

12 Q. [10:58:19] Lieutenant Colonel Gouanou?

13 A. [10:58:22] Colonel Gouanou is a soldier from the west, a Yacouba.

14 Q. [10:58:38] Colonel Djama?

15 A. [10:58:43] Colonel Djama, may he rest in peace, he's one of those who
16 were killed in Bouaké. So he's no longer alive.

17 Q. [10:58:57] Killed in Bouaké, which year?

18 A. [10:59:01] I do not remember the date, but there were about 60 to 100
19 gendarmes who were taken from the legion and taken to the 3rd Battalion
20 where they died.

21 Q. [10:59:19] If I tell you 2002?

22 A. [10:59:25] I cannot doubt that because you have a precise date.

23 Q. [10:59:32] Who killed him and the other gendarmes?

24 A. [10:59:38] They were taken to the 3rd Battalion in Bouaké, and there
25 they were shot dead. They were taken alongside their children who were

1 more than 15 years. So I had to deal with all the widows and orphans and all
2 those who were killed, the relatives of those who were killed. The file is still
3 pending before the military tribunal.

4 Q. [11:00:22] The children you have talked about, were they also killed?

5 A. [11:00:28] Some of them. But others were released, not all of them
6 were killed, including some gendarmes. Others were released.

7 Q. [11:00:39] They were killed by whom?

8 A. [11:00:42] By those who took them and took them away to Bouaké, the
9 3rd battalion. These are the information that we gleaned. I think there is
10 more complete information, but because it is pending before the tribunal,
11 please allow me not to say anything further.

12 Q. [11:01:03] Very well. I'm going to put the question to you somewhat
13 differently. Those who killed them, who killed the gendarmeries, fell under
14 the command of whom?

15 A. [11:01:16] They were under the command of the military chiefs who
16 were with them in Bouaké. But I can't tell you that it was such and such a
17 chief that did such and such a thing.

18 Q. [11:01:29] Very well. Military chiefs, rebel military chiefs, is that what
19 you are saying?

20 A. [11:01:37] Once again, from the agreements we talked about the Forces
21 Nouvelles, but we can call it as you like. But at the time we called them the rebels.

22 Q. [11:01:47] Very well.

23 Mr President, it's just past 11 o'clock. Maybe it might be a good time to rise.

24 PRESIDING JUDGE TARFUSSER: [11:01:58] Yes, I was just waiting for you
25 to finish the list of names. This is finished? No. Is it long?

1 MR ALTIT: [11:02:11] (Interpretation) With regard to the list of names, I
2 have about 15, I think.

3 PRESIDING JUDGE TARFUSSER: [11:02:21] Too many. Okay. So we
4 have the break. We come back in half an hour and for the continuing of the
5 questioning by the Defence for Mr Gbagbo. The hearing is adjourned.

6 THE COURT USHER: [11:02:33] All rise.

7 (Recess taken at 11.02 a.m.)

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

9 THE COURT USHER: [11:34:23] All rise.

10 Please be seated.

11 PRESIDING JUDGE TARFUSSER: [11:34:44] Good morning again.

12 Good morning, Mr Witness.

13 The floor is again to Maître Altit.

14 MR ALTIT: [11:35:10] (Interpretation) I thank you, Mr President.

15 Q. [11:35:11] Mr Kassaraté, we shall continue with our little exercise with
16 your leave. So we were talking about, I think we talked about Colonel
17 Djama, had we not?

18 A. [11:35:37] Yes.

19 Q. [11:35:38] Very well. So we were talking about or we got to Bré
20 Mémel?

21 A. [11:35:49] Bré Mémel served at the ministry of defence as a
22 comptroller, comptroller, and today he is a retiree. He is from Tabou, 45
23 kilometres from Abidjan and he's Adioukrou .

24 Q. [11:36:11] Very well. Captain Kamara?

25 A. [11:36:20] Captain Kamara is deputy, if this hasn't changed, to the San

1 Pedro legion commander. He's from Katiola and he's a Tagbana.

2 Q. [11:36:40] Very well. The person before, Bré Mémel, Bré Mémel
3 himself, is he still in position?

4 A. [11:36:45] I believe he is retired.

5 Q. [11:36:49] Very well. Abé Séka?

6 A. [11:37:10] Abé Séka is in service at the gendarmerie superior command
7 and he is commander of the intervention and security. He is Attié and he's
8 from Adzopé.

9 THE INTERPRETER: The witness spells it out at the speed of light. The
10 interpreter did not catch it.

11 PRESIDING JUDGE TARFUSSER: [11:37:34] Excuse me, what did you not
12 catch because it was said with the speed of light?

13 THE INTERPRETER: [11:37:40] The interpreter didn't catch the spelling of
14 the location where this person comes from. Thank you.

15 PRESIDING JUDGE TARFUSSER: [11:37:48] We didn't catch the location
16 where this person comes from. Can you repeat this, please.

17 THE WITNESS: [11:38:05] (Interpretation) Yes, Mr President. Abé Séka is
18 Attié, A-T-T-I-E, acute accent, and he is from Adzopé, A-D-Z-O-P-E.

19 PRESIDING JUDGE TARFUSSER: [11:38:20] Thank you.

20 Maître Altit.

21 MR ALTIT: [11:38:31] (Interpretation) Thank you, Mr President. I can see
22 that the interpreters are shaking their heads. Is there a particular problem?

23 THE INTERPRETER: [11:38:37] No particular problem. Thank you.

24 MR ALTIT: [11:38:41] (Interpretation) And now I have a gesture of
25 encouragement, so I shall continue.

1 Q. [11:38:49] So, Mr Kassaraté, Aubrey Koukougnon, the commander?

2 A. [11:39:02] Aubrey Koukougnon was commander of the Yopougon
3 squadron, and he is a Bété.

4 Q. [11:39:16] Colonel Major Obou Gado Gérard?

5 A. [11:39:33] Obou Gado was commander of the mobile legion. Today he
6 is at the national gendarmerie inspectorate in Abidjan.

7 Q. [11:39:51] And he is of which origin?

8 A. [11:39:54] He is Bété from Gagnoa.

9 Q. [11:40:03] Colonel Gabo?

10 A. [11:40:10] Colonel Gabo is retired. He is Attié from Abidjan region.

11 Q. [11:40:19] Now Colonel Gbéli Gabo Gérard?

12 A. [11:40:31] I believe that he is the same person -- well, no. He
13 is -- Gérard is his name, he's Attié and he comes from the Abidjan region, and
14 he is retired.

15 Q. [11:40:42] Very well. We noted that this is probably one and the same
16 person. Very well.

17 Colonel Ahouman Brouhaha?

18 A. [11:40:57] Colonel Ahouman Brouhaha Nathanaël is from the Grand
19 Lahou region. He is a Dida, D-I-D-A, and he is deceased.

20 Q. [11:41:17] General Nicholas Kouakou?

21 A. [11:41:29] General Nicholas Kouakou, previously chief of the
22 integrated command centre, is today the superior commander of the national
23 gendarmerie.

24 Q. [11:41:44] And his origin?

25 A. [11:41:53] He is a Baoulé from Dimbokro.

1 Q. [11:41:57] Commander Jean-Noël Abéhi, Jean-Noël Abéhi?

2 A. [11:42:21] Jean-Noël Abéhi is a Baoulé from Yamoussoukro, and he is
3 today in prison.

4 Q. [11:42:29] Do you have any news from him?

5 A. [11:42:32] No, I do not. But I know he's in prison.

6 Q. [11:42:34] Commander Bassanté Badara?

7 A. [11:42:47] Commander Badara Ali Bassanté is the commander of the
8 intervention unit of the national gendarmerie. That is the equivalent of the
9 GIGN, the French GIGN. He is Mankono and he is from the north.

10 Q. [11:43:10] Is he a Dioula?

11 A. [11:43:14] Dioula.

12 Q. [11:43:15] Lieutenant Seyo?

13 A. [11:43:28] Lieutenant Seyo is today a captain. He is in San Pedro and
14 he hails from the mountainous west and he is a Wé, W-é. He is from
15 Facobly, F-A-K-O-B-L-Y. And he is the son of a deceased gendarme.

16 Q. [11:43:49] Is he still in service?

17 A. [11:43:54] Yes, he is still in service. He is a young officer.

18 Q. [11:43:59] Alexandre Baya?

19 A. [11:44:09] Alexandre Baya was previously -- he is currently
20 commander of a legion in San Pedro, and he is a Baoulé.

21 Q. [11:44:22] Colonel Major Apalo Touré?

22 A. [11:44:34] Colonel Major Apalo Touré is today a brigade general. He
23 is the deputy superior commander. He is the deputy to Nicholas Kouakou
24 of the gendarmerie.

25 Q. [11:44:52] Of what origin?

- 1 A. [11:44:56] He is from the north, Katiola, he is Tagbanan.
- 2 Q. [11:44:59] Can we say Dioula?
- 3 A. [11:45:04] No. You have the Senoufo in the north. You have the
- 4 Dioula. The Tagbanan, the Malinké, et cetera, et cetera. He is Tagbanan
- 5 from Katiola.
- 6 Q. [11:45:19] Colonel Gnaolé?
- 7 A. [11:45:28] I believe that it's the same as Gnaolé Beuglé, *who is
- 8 brigadier general now. He is in Abidjan. He is the president of the board of
- 9 administration of the retirement fund. He is a Bété from Soubré.
- 10 Q. [11:45:48] We did note your remark, perfect.
- 11 Colonel Yedess?
- 12 A. [11:45:59] Yedess is a soldier. I do not know if he is alive. But I think
- 13 he must be deceased.
- 14 Q. [11:46:19] Captain Aubin Nanan, N-A-N-A-N?
- 15 A. [11:46:24] Captain Aubin what?
- 16 Q. [11:46:27] Aubin Nanan?
- 17 A. [11:46:31] No, it doesn't ring a bell.
- 18 Q. [11:46:34] Commander Allah Kouadio?
- 19 A. [11:46:42] Commander Allah Kouadio, I believe he is a gendarme. But
- 20 because he is of a *particular ethnic group where some names are common, I
- 21 don't remember who is who.
- 22 Q. [11:46:57] Of course. And which ethnic group?
- 23 A. [11:47:07] Baoulé, the Akan. And they often have the same names that
- 24 are linked to their date of birth.
- 25 Q. [11:47:14] Very well. And I believe we haven't yet talked about

1 Lieutenant Colonel Sakho?

2 A. [11:47:23] Colonel Sakho is a soldier. He was the head of the planning
3 centre of operations at the staff headquarters of the side of Philippe Mangou.
4 You've seen the CPCO message. That's the officer. I believe that he must be
5 a Dida. I'm not very sure. He's a soldier.

6 Q. [11:47:56] General Bi Poin?

7 A. [11:48:05] General Guiai Bi Poin, G-U-I-A-I, then B-I, then P-O-I-N, he
8 is a general of a division. He was the commander at the gendarmerie's
9 academy and the commander of the CECOS at the same time. He is *a gouro
10 from Vavoua, 45 kilometres north of Daloa in the central north part of the country.

11 Q. [11:48:31] Very well. Is it or would it be correct to say, therefore, in
12 the light of what you've just explained to us that those in charge of the
13 gendarmerie hailed from diverse ethnic backgrounds?

14 *A. [11:48:53] Yes, we have -- I was the ninth superior commander of the
15 national gendarmerie and I am Krou, the one before me was Gouro, the one
16 before that was Guéré, the one before was a Baoulé, Agni, Baoulé, Agni.

17 THE INTERPRETER: [11:49:12] Message from the interpreter: Could the
18 witness please be requested to slow down when he is reeling off ethnic
19 groups. Thank you.

20 PRESIDING JUDGE TARFUSSER: [11:49:21] Can you speak more clear
21 when you talk about ethnic groups because it's difficult to understand.
22 Thank you.

23 THE WITNESS: [11:49:39] (Interpretation) You are right in so saying, Mr
24 President. I shall do so.

25 MR ALTIT: [11:49:47] (Interpretation) Thank you, Mr President.

1 Q. [11:49:51] Sir, could you tell us, we were talking about officers, but
2 could you tell us whether the gendarmerie was made up of troops and
3 officers, generally speaking, of all ethnic origins and confessions?

4 A. [11:50:09] The gendarmerie is an army by career, so we don't talk about
5 troops. That is only a term applied to the military. We have
6 non-commissioned and commissioned officers of all origins who enter the
7 gendarmerie on the basis of an examination.

8 Q. [11:50:29] Very well. So on the 9th of March last, the representative of
9 the OTP put questions to you with regard to the ceremony that was organised
10 on 7 August 2010 on the occasion of the 50th anniversary of Côte d'Ivoire.
11 Do you recall?

12 A. [11:50:59] Yes, indeed, counsel.

13 Q. [11:51:02] So my first question, who was the prime minister at that
14 moment in time?

15 A. [11:51:12] 2010, it must have been, unless I'm mistaken, Soro
16 Guillaume.

17 Q. [11:51:20] Was he present at that ceremony in August 2010?

18 A. [11:51:34] He was present at all ceremonies. I might be wrong, but he
19 was present at all ceremonies.

20 Q. [11:51:40] Very well. You explained to us that making the elections
21 secure, well, this was done by the FDS, the FAFN, and the United Nations.
22 Do you recall?

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

24 Q. [11:52:13] So my question, who was talking on behalf of the rebels and
25 who was talking for the staff headquarters?

1 A. [11:52:43] For the FDS it was the chief of staff, General Philippe

2 Mangou. For the Forces Nouvelles, it was General Bakayoko.

3 Q. [11:52:53] And who were the deputies of General Bakayoko?

4 A. [11:53:05] The chief of staff -- deputy chief of staff of the armed forces

5 of the Forces Nouvelles was Colonel Wattao Ibrahim. Well, we called him

6 Wattao.

7 Q. [11:53:20] Is he in service today?

8 A. [11:53:24] Yes, he is the commander of the Republican Guard.

9 Q. [11:53:29] And General Bakayoko, what is he up to today?

10 A. [11:53:40] He is -- he has retired.

11 Q. [11:53:44] And to your knowledge, were there any incidents on the

12 occasion of the first round of the elections?

13 A. [11:53:57] The first round, there weren't any incidents to my

14 knowledge.

15 Q. [11:54:00] So would it be right to say that the conversations between

16 the FDS, FAFN, and UN and the implementation of the measures decided

17 upon together was successful?

18 A. [11:54:20] Yes, they were successful, because everything was presented

19 and prepared together. FDS, FAFN, UN, and CCI.

20 Q. [11:54:34] The FAFN provided security for the first round in the south

21 of the country together with the FDS. And after this mission, where did they

22 go to?

23 A. [11:54:48] They went to Bouaké where their staff headquarters was

24 located.

25 Q. [11:54:58] So what you're telling us is that the staff headquarters of the

1 forces that we can call either the rebels or the Forces Nouvelles, as you said
2 earlier, was located in Bouaké; is that correct?

3 A. [11:55:13] Yes.

4 Q. [11:55:13] The staff headquarters, as you said, was in Bouaké. How
5 was the military structure of the Forces Nouvelles organised?

6 A. [11:55:40] I wouldn't be in a position to tell you that specifically
7 because I was not part of their staff headquarters. But they had divided the
8 northern area into a number of zones that fell under various chiefs, but I do
9 not have the details as such.

10 Q. [11:56:02] A zone chief, that was called the com-zone; is that correct?

11 A. [11:56:17] Yes, indeed, these were the abbreviations used.

12 Q. [11:56:20] Since the moment in time where you were appointed as the
13 head of the gendarmerie, did you go to any rebel zones to conduct any
14 discussion or for various reasons, did you go to any rebel areas?

15 A. [11:56:48] As I have repeated on a number of occasions, we called that
16 the CNO region, the central northern west region. And *given that confidence
17 had been restored between the two entities, we often went to Bouaké,
18 Korhogo, and Yamoussoukro and Abidjan, yes.

19 Q. [11:57:03] So what you are saying to us is that there were frequent
20 discussions, if I understand you correctly, between the military chiefs on both
21 sides; is that what I've understood?

22 A. [11:57:21] Yes, indeed, counsel.

23 Q. [11:57:22] And from what date?

24 A. [11:57:28] Since the agreements with the installation of the CCE, discussions
25 were frequently held either at the behest of the ONUCI or the staff HQ.

1 Q. [11:57:45] I know it's complex, especially when there are so many
2 events ongoing, but can you tell us approximately from what period, a year
3 or specific event, well, had this been going on for a long time before the crisis?
4 Can you remember the moment in time when those conversations or
5 discussions commenced, those discussions between military chiefs and
6 former rebel Forces Nouvelles chiefs and the government?

7 A. [11:58:19] I believe that effectively it was after the Marcoussis accords.

8 Q. [11:58:25] Very well. Did these discussions take place, if you like,
9 under the umbrella of French leaders?

10 A. [11:58:51] The French were in attendance at those meetings. They took part.

11 Q. [11:58:57] You mean that every time there was a meeting, there were
12 the military chiefs, governmental military chiefs, the former rebel Forces
13 Nouvelles military chiefs and --

14 THE INTERPRETER: [11:59:13] Too fast. No pause.

15 *And French military officials, is that right?

16 A. Yes, as well ONUCI.

17 Q. As well as ONUCI, all right.

18 PRESIDING JUDGE TARFUSSER: [11:59:15] Can you just slow down,
19 please, and keep a little bit of pause. Thank you.

20 MR ALTIT: [11:59:29] (Interpretation)

21 Q. [11:59:34] So you went to see them, they came to see you, and you
22 knew somewhat what the structure of their army was without full knowledge
23 thereof, but there must have been some things that you knew; is that correct?

24 A. [12:00:01] Yes. I knew their leaders who had left the FDS, General
25 Bakayoko, General *Gueu Michel, and so on and so forth. We knew each other.

1 Q. [12:00:14] Very well. The military structure of the Forces Nouvelles, was
2 it more or less based on the structure of the official army, as far as you know?

3 A. [12:00:33] No, because they had a general staff, and below the general
4 staff, there was directorate of the police and the gendarmerie, and that was it.

5 Q. [12:01:02] Very well.

6 A. [12:01:12] The directorate, by the way, was called Mr Tuo Fozié. He is
7 today the prefect of Bouna to the northeast of Côte d'Ivoire.

8 Q. [12:01:19] Very well. The units of the Forces Nouvelles army, were
9 they well disciplined, well organised?

10 A. [12:01:33] Counsel, I am not in a position to talk about the state of
11 discipline, but it's the chief who can do so. Whenever we met, we had
12 friendly military discussions.

13 Q. [12:01:52] A short while ago you said that the zone of the ex-rebels in
14 the north was divided into various portions, each of which was placed under
15 the command of a com-zone for each zone; is that the case?

16 A. [12:02:30] Yes.

17 Q. [12:02:30] Each of these com-zones, did each leader of the com-zone
18 have his own troops?

19 A. [12:02:41] Yes. Each com-zone had his commander and his troops.

20 Q. [12:02:45] Very well. Can you give us zone by zone, from zone 1 to
21 zone 2, the names of the com-zones? Who was the commander of zone 1 and
22 zone 2 and so on and so forth?

23 A. [12:03:04] This is going to be quite difficult for me because I do not
24 know how they were organised. In any event, I know Koné Zakaria was in
25 Séguéla. And then when he left, Issiaka Ouattara, known as Wattao, took

1 over in that zone. That's all I can tell you.

2 Q. [12:03:25] Very well. So the one who became the chief of the
3 Republican Guard, is that the one you're talking about?

4 A. [12:03:34] Yes, Wattao, yes. Wattao, yes.

5 Q. [12:03:38] Very well. Was he the head of the Anaconda company?

6 A. [12:03:48] I think so. But I think I heard mention of something like
7 Anaconda, yes.

8 Q. [12:03:53] Very well. What were Wattao's functions within the chief of
9 general staff of the Forces Nouvelles, the former rebels?

10 A. [12:04:10] He was the deputy to the chief of general staff.

11 Q. [12:04:13] Very well. If I mention zone 6, would you remember the
12 commander of that zone, the zone 6, which is Man's zone? Do you
13 remember the commander?

14 A. [12:04:28] Yes.

15 Q. [12:04:29] Who was he?

16 A. [12:04:30] It was Losseni, otherwise known as Loss, L-O-S-S.

17 Q. [12:04:38] And what about the Cobra company, who was the leader?

18 A. [12:04:44] I don't remember, but he was there at the time in Man and
19 he's still there.

20 Q. [12:04:50] What about zone 7, Touba, who was the com-zone?

21 A. [12:04:55] Counsel, I don't know.

22 Q. [12:05:03] Let me jog your memory. Aboudrahamane Touré, Dramane
23 Touba, does that ring a bell?

24 A. [12:05:10] Yes, but I had no contact with him. I knew General
25 Bakayoko and Wattao, *Issiaka Ouattara; and *Koné Zakaria, I did not

1 know him.

2 Q. [12:05:22] But he was the com-zone?

3 A. [12:05:31] Yes.

4 Q. [12:05:34] Zone 8, Odienné, who was the com-zone?

5 A. [12:05:38] Once again, please, can you help to jog my memory? What
6 I can remember is what I told you about people whom I had known before.

7 Q. [12:05:51] Ousmane Coulibaly, alias Ben Laden, if I said that to you
8 would it ring a bell?

9 A. [12:05:59] That's correct. Today he's a prefect in San Pedro in my area.

10 Q. [12:06:06] Zone 9, Boundiali? Do you want me to jog your memory
11 too?

12 A. [12:06:17] Please do.

13 Q. [12:06:20] Koné Gaoussou, alias Jah Gao?

14 A. [12:06:26] Yes, indeed. Colonel Gaoussou, Jah Gao, J-A-H, and then
15 Gao.

16 Q. [12:06:38] Very well. Zone 10, Korhogo, do you want me to jog your
17 memory?

18 A. [12:06:45] No. It was Fofié, Kouakou Fofié.

19 Q. [12:06:56] Was he the one in charge of Fansara 110 Company?

20 A. [12:07:01] I think so.

21 Q. [12:07:04] Zone 3, Bouaké, do you know who the com-zone was; do
22 you remember?

23 A. [12:07:22] No.

24 Q. [12:07:24] Chérif Ousmane, Papa Guépard, alias the cleaner, le
25 nettoyer, does that ring a bell?

- 1 A. [12:07:34] Yes. Today he's in Abidjan, commander of the parachute
2 battalion in Abidjan.
- 3 Q. [12:07:44] Guépard company, that's what he was commander of;
4 correct?
- 5 A. [12:07:53] Yes.
- 6 Q. [12:07:55] Zone 4, Mankono, do you need me to jog your memory?
- 7 A. [12:08:01] Please do.
- 8 Q. [12:08:03] Ouattara Zoumana, alias Zouma -- Zoua, rather?
- 9 A. [12:08:10] I heard that name, but I didn't get to meet him.
- 10 Q. [12:08:16] Zone 2, Katiola, do you want me to jog your memory?
- 11 A. [12:08:22] Please do.
- 12 Q. [12:08:29] Hervé Touré, alias Vetcho, does that ring a bell?
- 13 A. [12:08:33] Yes, I know him very well. Today he's the commander of
14 the 3rd battalion in Bouaké.
- 15 Q. [12:08:43] He was the commander of the Mystique Battalion; correct?
- 16 A. [12:08:46] Correct.
- 17 Q. [12:08:49] Zone 1, Bouna, do you want me to jog your memory?
- 18 A. [12:08:52] Please do.
- 19 Q. [12:08:53] Morou Ouattara, alias Atchengé, does that ring a bell?
- 20 A. [12:08:58] I know him very well.
- 21 Q. [12:09:02] What does he do today?
- 22 A. [12:09:05] I am not aware of the postings in the Ivorian army recently,
23 so I don't know where he is. I believe he is a deputy to the commander of
24 the special forces, I think so.
- 25 Q. [12:09:33] Morou Ouattara?

1 A. [12:09:35] Yes, I think so.

2 Q. [12:09:36] Is he in charge of the protection of a senior personality or
3 was he in charge of protection?

4 A. [12:09:50] Quite often he was within the security group for the
5 protection of President Soro.

6 Q. [12:09:58] Very well. We have now talked about the FAFN, ex-rebels'
7 general staff. We have talked about the commanders of the various zones.
8 We have talked of the various units, even though we didn't talk at length
9 about those. Now, as far as you know, where did the former rebels get their
10 weapons from?

11 A. [12:10:26] Speaking under oath, I cannot tell you exactly where they
12 got the weapons from. What is certain, however, is that they recovered
13 weapons from our forces whom they had attacked in the northern area, more
14 specifically.

15 Q. [12:10:51] I will wait for a few seconds to read back what you have just
16 said.
17 Very well. You have just told us that they attacked your forces, the
18 government forces; is that correct?

19 A. [12:11:26] Yes, that is correct.

20 Q. [12:11:29] They attacked the government forces. When was that?

21 A. [12:11:32] At the onset of the rebellion when they came from Burkina
22 Faso. They were armed when they came in from Burkina Faso, and they got
23 the rest of their arsenal from our troops whom they defeated.

24 Q. [12:11:48] Very well. They came from Burkina Faso with troops.

25 Well, some of the men who came from Burkina Faso, were they of Burkina

1 Faso nationality?

2 A. [12:12:07] I am not in a position to say so. But since they came from
3 Burkina Faso, there must have been some Burkina Faso people in their ranks
4 and people from other nationalities.

5 Q. [12:12:23] What other nationalities?

6 A. [12:12:26] There might have been people from Mali, from Niger and
7 other countries, that's what I mean. And I'm not accusing them.

8 Q. [12:12:36] You're not accusing anyone. You are just observing.

9 A. [12:12:42] Yes, I've understood you.

10 Q. [12:12:45] So they came to the north. They arrived in the north. And
11 what did they do? Who did they attack?

12 A. [12:12:54] They first attacked our forces who were there. Then they
13 went on to attack part of the population that did not seem to be on their side.
14 Then they proceeded southwest -- southwards all the way to Abidjan. And
15 then the Defence forces launched a counter offensive, and then they returned
16 or they withdrew to Bouaké and the situation was stabilized at that level by
17 ECOWAS.

18 PRESIDING JUDGE TARFUSSER: [12:13:29] May I ask you if we go through
19 the history of Côte d'Ivoire once again now? Because all this is already on
20 the record.

21 MR ALTIT: [12:13:41] (Interpretation) Mr President, we are focusing on
22 those who attacked the Ivorian people over many years and who ended up
23 winning in 2010-2011. That's one.

24 Second, we are trying to get elements that can help us to understand what
25 happened in 2010-2011, thanks to this witness who can tell us what he knew

1 from his position at the time.

2 PRESIDING JUDGE TARFUSSER: [12:14:16] Yes, but our task is not to make
3 the history of Côte d'Ivoire, but to understand if there are responsibilities for
4 the crimes charged. And I think that what your -- if we go back to, as said
5 also by Mr Knoops, reminded by Mr Knoops that we should focus on the
6 charges, now we are outside the charges, we are making the history, which I
7 think, and I insist, is already in the record of the case, what happened before
8 2010, in the years from 2002 onwards.

9 So this is how I see it.

10 MR ALTIT: [12:15:02] (Interpretation) Yes, Mr President. I understand
11 very well. The Prosecutor's charges are based on the common plan and it
12 goes as far back as the year 2000, and this is written in black and white.
13 Now, it's very clear, if we want to talk about it, let's talk about what is part of
14 the charges. That's what I'm talking about, Mr President. What we are
15 trying to do and to demonstrate here is the chain of events so that we can
16 understand, you know, so that we can understand the pros and the cons and
17 all aspects of this matter in order for the truth to emerge which explains what
18 happened in 2010-2011. That's our evidence. That's our case, the Defence
19 case, we are presenting our case to the Chamber, Mr President.

20 PRESIDING JUDGE TARFUSSER: [12:16:02] Maître Altit, it's not the first
21 here -- the first day of hearing. We are here since more than a year. And in
22 this last year we have heard a lot of this. So I just said it is already on the
23 record. We don't have to repeat with every witness the same things. It's
24 already on the record what happened in the years before 2010. This is the
25 only thing I'm saying. We are not remaking the history with all the

1 witnesses, always the same things. That's all. Please go ahead.

2 MR ALTIT: [12:16:42] (Interpretation) Thank you, Mr President. I have
3 understood you, and it is true that we have material relating to all these
4 events on the case file. But this is complementary additional material. I
5 understand what you are saying, Mr President. I do.

6 Q. [12:17:14] Now, Mr Witness, I've lost my line of thinking, but let me try
7 to find it.

8 PRESIDING JUDGE TARFUSSER: [12:17:18] I'm sorry about having
9 interfered with your line of reasoning.

10 MR ALTIT: [12:17:25] (Interpretation) No, no, Mr President. Your
11 intervention was very, very timely. But I could have kept my train of
12 thought. But in any event, I'll find it.

13 Q. [12:17:38] Now, Mr Witness, let's move on to something else with your
14 leave. During your testimony you talked about a curfew that had been
15 ordered shortly before the second round of the elections. Do you remember
16 that?

17 A. [12:18:31] Yes.

18 Q. [12:18:32] At the time of the curfew, and that's the curfew which was
19 ordered shortly before the elections, who was the prime minister at the time?

20 A. [12:18:43] Before the elections, the prime minister was Soro Guillaume,
21 I think.

22 Q. [12:18:53] Minister of defence?

23 A. [12:19:01] I think he was prime minister and minister of defence. He
24 held both offices.

25 Q. [12:19:09] Minister of the interior?

1 A. [12:19:15] I don't have the list of the members of government before
2 me. Please help to jog my memory. But I know that he was prime minister.

3 Q. [12:19:27] Very well. Did the curfew help in lowering tensions?

4 A. [12:19:33] Yes.

5 Q. [12:19:34] Very well. The representative of the OTP raised with you a
6 decree of 14 December 2010 requisitioning the armed forces. Do you
7 remember that?

8 A. [12:20:03] Yes.

9 Q. [12:20:04] Who was the prime minister at the time?

10 A. [12:20:08] It must have been Mr Soro Guillaume.

11 Q. [12:20:13] Very well. And you say that he was also minister of defence
12 at the time?

13 A. [12:20:18] Yes, that's correct.

14 Q. [12:20:21] Very well. Now, I want to show you a document,

15 CIV-OTP-0018-0047, at page 0049, it's a public document.

16 Can we look at page 0049. To the top left of the page, please, could you
17 zoom in. Very good.

18 Article 2, do you see Article 2, sir?

19 A. [12:21:57] Yes.

20 Q. [12:21:59] In Article 2, let me read it out, I quote, "This deployment is
21 carried out under the control of the CCI, the integrated command centre."

22 End of quote.

23 Would it be correct to say that the requisition which you explained to us, you
24 gave us the administrative details about this requisition, could it be said that
25 it was in fact the first step towards the organisation under the control of the

1 integrated command centre? Is it in that context that the requisition was
2 made?

3 A. [12:22:47] I wasn't part of the design or conception of that document.
4 But as I told you, for the reason of reinstating confidence between the former
5 belligerent forces, the decision was made to put all the troops under the
6 command of the CCI. That is what I know. And I don't know if that's an
7 answer enough to your question.

8 Q. [12:23:11] It is in part an answer, but, you see, there is a decree of 14
9 November creating the armed forces. And I think -- or rather for the
10 requisitioning of the armed forces, and the Prosecution talked to you about
11 this already, Article 2 of that instrument provides that this deployment, and
12 this must be referring to the requisition, is placed under the control of the
13 CCI. My question therefore is whether this requisition was within the
14 context of that initiative to merge the forces, the *UN, the FAFN and other
15 forces *in order to ensure overall security; is that part of that initiative?
16 *That's my question. I don't know I was clear.

17 A. [12:24:04] Yes, that's very clear, it must have been part of it.

18 Q. [12:24:11] Let us now move to the second round of elections. As far as
19 you know, were there any incidents during the second round of elections in
20 the north of the country?

21 A. [12:24:30] As far as I know, no.

22 Q. [12:24:34] Very well. What about in the south?

23 A. [12:24:38] No.

24 Q. [12:24:42] As far as you know, were there any crimes committed
25 between 28 November 2010, namely, the end of the second round of elections,

1 and the 15 December 2010 by the rebels or by members of the Forces

2 Nouvelles or troops of the RHDP?

3 A. [12:25:19] Please kindly repeat your question so I can provide a proper
4 answer.

5 Q. [12:25:27] Of course I can. I will.

6 As far as you know, were there any crimes committed by those who were
7 referred to as the rebels or Forces Nouvelles or troops of the RHDP within a time
8 frame that fell between the second round of elections and 15 December 2010?

9 A. [12:25:53] I was not aware of any such crimes. I am not saying that it
10 was not possible. I am saying that I was not aware of that.

11 Q. [12:26:01] Very well. During your testimony, following questions
12 from the representative of the OTP, the matter you were examined on is in
13 relation to the announcement of the election results, if you remember. And
14 during that exercise, mention was made of the independent Electoral
15 Commission, a communiqué from ECOWAS and so on and so forth. Do you
16 remember all that?

17 A. [12:26:40] Yes, I do.

18 Q. [12:26:42] I have a simple question for you. As far as you know, who,
19 according to the Ivorian constitution at the time, who had the authority to
20 announce the results of the election?

21 A. [12:27:02] Several structures, first, the independent Electoral
22 Commission and then, second, the constitutional council. We were told that
23 ONUCI also had power to announce the results of the elections, but I did not
24 have *any official government document.

25 Q. [12:27:27] Very well. Let us move to another line of questioning now,

1 the march of 16 December, a matter that was dealt with at length here. Do
2 you remember?

3 A. [12:27:52] Yes.

4 Q. [12:27:56] You explained to the Court that during the events there were
5 two sources of information, the television broadcasting from the Golf and the
6 national television. What did you understand or what did you mean by the
7 television from the Golf?

8 A. [12:28:22] Programmes were being broadcast, according to what we
9 were told, they were being broadcast by a TV station that was set up in the
10 Golf. And this was being broadcast to the people.

11 Q. [12:28:41] What was the name of that TV station?

12 A. *It might have been TVCI. And I'm not sure, but you must have it in
13 your documents. I don't remember the exact name of that TV station.

14 Q. [12:29:00] If I understand your answer properly, it was the television
15 station that provided the point of view of Alassane Ouattara and his
16 supporters; is that correct?

17 A. [12:29:14] Yes.

18 Q. [12:29:15] Where was that TV station based? Where did it broadcast
19 from, from a physical location, which physical location?

20 A. [12:29:25] Well, you know that these things can be quite delicate, these
21 technical things. I'm not able to tell you exactly from where the broadcasts
22 were carried out, but *certainly from the Golf Hotel. And I can't say more
23 than that, *otherwise I'd be lying.

24 Q. [12:29:49] You told the Court, and that's what you said, and I need
25 clarification from you, it is on this TV station that the call for demonstration

1 on 16 November was made; is that correct?

2 A. [12:30:07] Yes.

3 Q. [12:30:09] Very well. And towards the end of the crisis in March,
4 April, around that time, the RTI official programmes were jammed, were they
5 not?

6 A. [12:30:26] During the moment of the crisis, they were technically
7 speaking jammed. But after that, everything was re-established.

8 Q. [12:30:37] So whilst the RTI programmes were jammed, the only source
9 of programmes was the pro-Ouattara TV?

10 A. [12:30:49] Yes. They were broadcasting in areas where there was
11 reception. There was also areas where there was no coverage.

12 Q. [12:31:00] Are you aware of an attack against the RTI antenna in
13 Abobo?

14 A. [12:31:08] Yes, indeed. This was the Invisible Commando that
15 attacked that antenna, because it was under the surveillance of the gendarmes
16 at that time, and they died. Those who attacked progressed towards Abidjan
17 towards a factory called FILTISAC, and they gunned down one of the
18 gendarmes there and the other one managed to escape.

19 Q. [12:31:42] Very well. Okay. Why did they attack the RTI antenna?

20 A. [12:31:58] Counsel, with your leave, as to why they did it, how am I
21 supposed to know?

22 Q. [12:32:11] Very well. Now, let's come back to the march upon the RTI
23 dated 16 December. Do you remember, because over the last few days it was
24 discussed, but you will excuse me, things were not that clear in the
25 exchanges. So I really need to know what we're talking about here. I'm

1 going to put questions to you. Do you remember if there was a meeting
2 between the FDS chiefs to talk about the security arrangements before, before
3 the march upon the RTI?

4 A. [12:32:47] Well, this is how we used to work. The staff headquarters,
5 with or without us, held meetings to look at the situation out in the field. I
6 wasn't there but certainly -- probably they talked about it. I wasn't present at
7 a meeting where they talked about the march. But we received directions
8 from the CPCO to deploy people in order to provide security for the RTI. So
9 gendarmerie police and military were deployed with a view to providing
10 surveillance for the RTI with those also in reserve at the gendarmerie school
11 that was not far away from the RTI.

12 Q. [12:33:44] So the instructions that you are talking about, that's what of
13 interest to me. When did you receive them, on the day itself, the day before,
14 two days before? Do you remember? If you don't remember, just say you
15 don't remember.

16 A. [12:34:09] I do not remember but it wasn't the day. It must have been
17 done the first day or two or three before. They probably sent us -- they sent
18 us the instructions in order to guard the television.

19 Q. [12:34:25] I'm putting the question to you because it's important for us.
20 Do you remember or don't you?

21 A. [12:34:29] No, I do not remember.

22 Q. [12:34:31] Very well. So with regard still to the 16 December, do you
23 know whether the prime minister's office was one of the objectives of the
24 marches?

25 A. [12:34:55] I didn't hear that said.

1 Q. [12:35:02] I'm going to be showing a document to you if you don't
2 mind. It's CIV-OTP-0043-0302, page 0302. I think it's already been shown to
3 you. I think the representative of the OTP has already shown it to you.
4 Please tell me when you can see it.

5 A. [12:35:50] Okay.

6 Q. [12:35:52] All right. So can we scroll up until the number 2 that is
7 entitled "Situation -- General situation at 7 o'clock." There we are. Great.
8 So you can see, sir, I think you can read "General situation at 7 o'clock." Can
9 you read what is underneath that?

10 A. [12:36:20] Yes, counsel.

11 Q. [12:36:21] So I'm going to quote myself. It is written here, "The
12 general situation over the last few days was marked by the call of a march
13 upon the RHDP -- of an RHDP march upon the RTI and the prime minister's
14 office." End of quote.

15 Can you see that?

16 A. [12:36:45] Yes, I can, counsel.

17 Q. [12:36:47] So my question to you is, did you as person in charge of the
18 gendarmerie, were you, first and foremost, informed; and if so, did you take
19 any measures in order to protect the prime minister's office?

20 A. [12:37:07] I do apologise. Let me answer, the only piece of
21 information that we had was that there was a march upon the RTI and not
22 upon the prime minister's office. So measures were taken with a view to
23 protecting the RTI. But the prime minister's office and the president's office
24 are places that are already -- always guarded, but not in this context, no.

25 Q. [12:37:40] Very well. And you can see still on this same document, it

1 is said, and I quote, "This call gave rise to violent demonstrations in the street
2 and even to war scenes, namely, in the district of Abidjan, with a large
3 amount of destruction."

4 Can you see that, sir?

5 A. [12:38:07] Yes, counsel.

6 Q. [12:38:10] In order to come back, now, I'd just like to shed light on a
7 matter that was already broached with a representative of the OTP, why the
8 people in charge of the RHDP did not tell those in charge when they were
9 saying over their television and calling upon their supporters to demonstrate,
10 and why was that?

11 PRESIDING JUDGE TARFUSSER: [12:38:52] Mr Demirdjian.

12 MR DEMIRDJIAN: [12:38:53] Yes, Mr President. I believe that this last
13 question will call for speculation. I'm not going to go any further. I leave it
14 at that.

15 MR ALTIT: [12:39:10] (Interpretation) If you allow me to respond, Mr
16 President. So the question is why, if the witness has information, he's in
17 charge of the gendarmerie, he might well have information that explains the
18 whys and hows, and if he doesn't have any information, then okay. I might
19 just be speculating here.

20 PRESIDING JUDGE TARFUSSER: [12:39:38] Yes. So please --

21 MR ALTIT: [12:39:40] (Interpretation) I'm sorry, Mr President, just a little
22 additional comment. The intervention of my learned colleague is excellent.
23 It might have influenced the witness somewhat.

24 PRESIDING JUDGE TARFUSSER: [12:39:55] Every intervention influences
25 the witness, of course. This is also what you've said now, everything

1 influences the witness. So in the one -- in the same moment somebody

2 intervenes influences the witness.

3 So I would just ask you to reformulate, reformulate the question, because it

4 was formulated in a speculative way. If you formulate it in a way, in a

5 direct way, this would be okay.

6 But I just want that what I said this morning to the Defence for

7 Mr Blé Goudé, that they should limit the intervention by the counsel who is

8 questioning, I would -- this is also valid for the Office of the Prosecutor.

9 MR MACDONALD: [12:40:46] Yes, your Honour. It is noted.

10 PRESIDING JUDGE TARFUSSER: [12:40:51] But?

11 MR MACDONALD: [12:40:53] The foundation of this question is not on

12 record by the witness. So therefore we need the citation where this was said

13 before the question can be asked to move on to then what the knowledge of

14 the witness, because if you look --

15 PRESIDING JUDGE TARFUSSER: [12:41:08] Yes, okay.

16 MR MACDONALD: [12:41:09] That's all I'm saying.

17 PRESIDING JUDGE TARFUSSER: [12:41:10] We understand.

18 MR MACDONALD: [12:41:12] And this is not -- so where is it on the record,

19 first and foremost?

20 PRESIDING JUDGE TARFUSSER: [12:41:21] Maître Altit.

21 MR ALTIT: [12:41:22] (Interpretation) Thank you, Mr President.

22 Whatever the case may be, I shall rephrase as you have requested.

23 Q. [12:41:31] Now, Mr Witness, did you have any information as person

24 in charge of the gendarmerie, did you have any information leading you to

25 believe the strategy of those organising the march and the fact that they had

1 not told the authorities, did you have any -- do you have any elements of
2 information that can help us understand the hows and whys and why those
3 in charge of organising the march did not tell the authorities about it?

4 A. [12:42:05] I would not be in a position to say. I did not receive any
5 documentation announcing the *RHDP march upon the RTI. In the past we
6 had been informed. We would meet. We would discuss how things would
7 unfold and we would set up some kind of security measure. I know nothing
8 about this. But with *your permission the officer is talking about *very serious
9 matters. He is talking about war scenes. There weren't war scenes as such.

10 Q. [12:42:37] Well noted. Well noted.

11 So you will remember that in this very courtroom discussion, there was a
12 discussion of FDS and civilians on the occasion of this march?

13 A. [12:42:59] Yes. I said that I did not receive any documentation
14 announcing the *reported death of FDS in Treichville or anything like that.

15 Q. [12:43:12] Very well. The document or one of the documents that I've
16 just referred to was the one that talked about six FDS deaths and four
17 civilians in Treichville. And I shall provide you with the reference of these
18 exchanges.

19 MR DEMIRDJIAN: [12:43:44] (Overlapping speakers)

20 THE INTERPRETER: [12:43:44] Message from the interpreter: Could
21 counsel be requested to slow down. Could there be a pause observed.
22 We're getting very tired. Thank you.

23 PRESIDING JUDGE TARFUSSER: [12:43:51] The interpreters are getting
24 very tired. Therefore you are all asked to pay attention to this.

25 MR DEMIRDJIAN: [12:44:00] Mr President, I apologise for raising it, but I

1 see that my learned friend is trying to go fast. He makes reference to a
2 document and to information in it without displaying it on the screen. The
3 information he cited is incorrect. So if he wants to come to a conclusion, he
4 would need to put the document first in front of the witness. I will not say
5 what is incorrect about the document, again not to influence, but yes.

6 PRESIDING JUDGE TARFUSSER: [12:44:31] Well, I don't know what is
7 incorrect. But if this helps, it would be better to have it, the document on the
8 screen, so we have no discussion on correctness or not.

9 MR ALTIT: [12:44:51] (Interpretation) Absolutely, Mr President. You are
10 right. So I would request that the document be called up,
11 CIV-OTP-0043-0334, page 0335.

12 And while we're bringing it up for it to be in the record, I would like to
13 specify that when I was talking about the exchanges with regard to this very
14 same document between the representative of the OTP and the witness, this is
15 page 35 of the French transcript, 13 March 2017.

16 I think you can see this document, can you not, Mr Witness? It's up on the
17 screen. Can you see it?

18 Can you zoom in? Yes. Can you -- could we zoom in. But you can zoom
19 in. Can you zoom in, please.

20 So you can see that there is the word "deaths." And I'm going to read for us
21 to go a bit faster. "FDS: 6 of whom 3 policemen and 3 soldiers from the
22 engineering battalion, civilians: 4," and you can see the information that
23 was not correct.

24 But I did say precisely that, did I not?

25 MR DEMIRDJIAN: [12:46:29] It relates to the mention of Treichville alone,

1 your Honours. That's the bit that was incorrect. As my learned friend said,
2 there are six dead from the FDS and four from civilians in Treichville.

3 MR ALTIT: [12:46:52] (Interpretation) Well, listen, we're not going to
4 belabour this. I would like to refer you to your exchanges which reflected
5 that. But it doesn't really matter. He knows exactly what we're talking
6 about and he answered your questions.

7 So, well, that was the document, the document showing exactly what we're
8 talking about here.

9 Q. So I have a question to put to you in this regard, sir. We're talking
10 here about the death of four civilians, are we not? And FDS, of whom three
11 policemen and three soldiers were killed, I presume by assailants, these
12 policemen and soldiers. What do you think or what do you know, rather,
13 about this?

14 A. [12:47:45] As I said at an earlier stage, I was not informed about those
15 deaths. But if it did exist, there must have been an investigation to establish
16 responsibility. And if they were killed, it must have been by the marchers.

17 Q. [12:48:05] Well, that's the thrust of my question, so they were attacked
18 by somebody for them to meet their deaths. My question is as follows:
19 When you put 4 or it is put "4 civilians dead," amongst those civilians might
20 be there some assailants? You don't know that of course, but here we put
21 civilians. We don't know whether they're assailants or not, these civilians.
22 Is there a means of knowing who was and who wasn't an assailant, because
23 they were all in civilian attire?

24 PRESIDING JUDGE TARFUSSER: [12:48:40] If this question would have
25 been put by the OTP, by the Office of the Prosecutor the same way, after the

1 witness saying, "I don't know, I haven't seen this," probably on the other side
2 there would have been a jump-up. I don't know. But I think the rules are
3 for all the parties. So the witness said something and now you are
4 speculating or giving him raise to speculate on what this number -- this four
5 dead bodies could or would mean.

6 MR ALTIT: [12:49:29] (Interpretation) With your leave, Mr President, that
7 is not precisely the thrust. I will tell you in a moment what the idea was.
8 Well, first and foremost, we avoided objecting, if you look throughout the
9 transcript, with regard to this witness. We let the Prosecution quite free with
10 quite a margin of manoeuvre because we thought that it was useful for the
11 witness to be able to express himself.

12 Now, secondly, the question is as follows: How can one recognize amongst
13 civilian deaths whether there were people who were accused or not of
14 attacking? That seems important. We don't know. I'm asking the witness
15 whether there was a means or a criterium and whether these figures have
16 meaning, whether this generic theory can comprise assailants or not. That's
17 the question I'm putting to him in order to attempt to understand.

18 PRESIDING JUDGE TARFUSSER: [12:50:29] Yes, but we are trying to from
19 the number 4, we are trying to pick out something which is not, cannot be
20 written in the number 4. Number 4 is number 4. That's it. And the
21 witness doesn't know anything about this, and therefore I think all the
22 conclusions is something which we have to draw out of this and not the
23 witness.

24 MR ALTIT: [12:51:00] (Interpretation) Very well. So I withdraw my
25 question. I withdraw my question, Mr President. I follow what you are

1 saying.

2 Q. [12:51:18] So we're still talking about the march of the 16th of
3 December. Please take a moment, if you want to talk to your counsel, you of
4 course have the right to do so.

5 So we're still talking about the march of the 16th of December. Do you
6 know where the organisers of the march were, where they were physically?

7 A. [12:51:47] I do not know. But in Côte d'Ivoire, generally speaking they
8 are often at the HQ of their party from where the marchers depart. But as I
9 said, I don't know. And with regard to these figures, I know nothing about
10 it.

11 Q. [12:52:07] So you said to us, and it is true that it was subsequent to the
12 events of the 16th of December, in response to a question put to you by the
13 OTP, page 23 of the French transcript of the 13th of March, and let me quote
14 to you for things to be clear. I quote, "When the crisis was at its fullest, I was
15 no longer going to the office. I remained in Agban because there were
16 people who could snipe at individuals. And my security required that I do
17 not leave the camp." End of quote.

18 So my question to you is a simple one, you stayed back because you feared
19 that you would be shot at. Who might have shot at you?

20 A. [12:53:11] The Invisible Commando that had taken over the entire
21 Abidjan was in a position to fire at anything that moved.

22 Q. [12:53:19] Including Agban?

23 A. [12:53:20] Including Agban.

24 Q. [12:53:24] Were they very numerous?

25 A. [12:53:31] It would seem -- it seemed like it was an urban guerrilla.

1 They were very mobile. I don't know how many men strong they were.

2 Q. [12:53:42] Did they have any anti-armoured vehicle or anti-tank
3 weaponry?

4 A. [12:53:48] Yes, because they managed to destroy a tank at or in Abobo.

5 Q. [12:53:56] Were they targeting, were they specifically targeting those in
6 charge of the law enforcement units?

7 A. [12:54:10] Yes. They were the ones that the Invisible Commando were
8 shooting at.

9 Q. [12:54:19] So is it right to say that you yourself as person in charge of
10 the gendarmerie were a target for them?

11 A. [12:54:28] Yes.

12 Q. [12:54:29] Very well. So with regard to the Invisible Commando, who
13 was it commanded by?

14 A. [12:54:43] At the outset, it was an Invisible Commando as the name
15 suggests. So we did not know the nature, the volume or the attitude of it.
16 But subsequently, we came to hear that it was under the command of Ibrahim
17 Coulibaly, IB.

18 Q. [12:55:02] This IB, what was his career path in a few words?

19 A. [12:55:17] Well, as he is not a gendarme, I do not know his career path.
20 But from the little that I know, he was part of the security detail of Général
21 Gueï, and he was also part of the security detail of President Ouattara.

22 Q. [12:55:39] Very well. Let us come to the question of the march of the
23 16th of December. Do you know whether at the same time as the march was
24 unfolding there was an attack conducted from the Hôtel du Golf against the
25 security forces?

1 A. [12:56:26] I do not have the dates in mind, but I do know there were
2 attacks upon the FDS positions. I don't know whether we're talking about
3 one and the same thing here, but that's what I do know.

4 Q. [12:56:46] Very well.

5 So, Mr President, I'm going to be moving on to another subject matter. I
6 was hesitating because it's nearly 1 o'clock, it might be the right time for us to
7 rise.

8 PRESIDING JUDGE TARFUSSER: [12:57:38] Okay. So let's go for lunch,
9 have the lunch break, and we will be back at 2.30. The hearing is adjourned.

10 THE COURT USHER: [12:57:49] All rise.

11 (Recess taken at 12.57 p.m.)

12 (Upon resuming in open session at 2.34 p.m.)

13 THE COURT USHER: [14:34:24] All rise.

14 Please be seated.

15 PRESIDING JUDGE TARFUSSER: [14:34:48] Good afternoon.

16 Maître Altit, the floor is yours.

17 MR ALTIT: [14:34:57] (Interpretation) Thank you, Mr President.

18 Q. [14:35:05] Good afternoon, Mr Witness.

19 A. [14:35:08] Good afternoon, Mr Altit.

20 Q. [14:35:13] We shall now move to a different question or area of
21 questioning with your leave. In answer to a question from the Prosecutor at
22 page 43 of the French transcript of the 13th, yesterday, at line 18 -- correction,
23 transcript of 10th March, page 33, line 18, French transcript. I quote you, "It
24 was at Abobo Gare that several killings took place by the Commando
25 Invisible. It was therefore necessary to take an administrative and military

1 measure to put an end to that." End of quote.

2 Now, I want to revisit the administrative and military measures

3 subsequently. But I want to start by asking you the following question:

4 What killings do you remember? You told us a short while ago that the

5 Commando Invisible was everywhere in Abidjan, that it was a danger in all

6 areas, and that you yourself were targeted. And then now you've

7 mentioned Abobo Gare and several killings. Can you provide the Court

8 with some examples of the killings that may have occurred in that

9 neighbourhood or thereabouts, the killings that you may remember?

10 A. [14:37:04] Thank you, counsel. First neighbourhood,

11 Anoukoua-Kouté, A-N-O-U-K-O-U-A, Kouté, K-O-U-T-E.

12 That's a sub-neighbourhood of Abobo Gare which was attacked by the

13 Commando Invisible and which resulted in several injuries and deaths. The

14 inhabitants who were able to succeeded to flee from that zone. And the

15 survivors who were found were then brought to various churches and

16 temples in Abidjan.

17 Second specific case, PK18. Once again the Commando Invisible struck at

18 civilian populations in that neighbourhood.

19 That's all, counsel, two specific cases.

20 Q. [14:38:17] Very well. What did the inhabitants do in the face of those

21 attacks?

22 A. [14:38:28] These were people who were at a total loss whose only

23 salvation was to flee those zones, those areas, to more safe areas such as

24 Cocody.

25 Q. [14:38:42] Very well. So it was your testimony that in the face of those

1 killings, and I'm referring to the excerpt I just mentioned to, it was necessary
2 to take military and administrative measures to address that. And you said
3 that on the same day, in relation to the curfew, let me quote you, the French
4 transcript, 10th March, page 43, line 16, and I quote.

5 "Mindful of the security situation prevailing at the time in Abobo Gare
6 commune, there was need for a curfew in that area. But the curfew was
7 never implemented." End of quote.

8 First question, you explained the killings of the Commando Invisible and
9 gave us two examples. And you said there was need for administrative
10 measures and one of them is a curfew.

11 My question is the following: Is a curfew an appropriate measure in the
12 face of these types of killings and disorder?

13 A. [14:40:14] Maybe there was a mistake in the language. What was
14 intended was that Abobo Gare in the face of those killings should be declared
15 a war zone. But that measure was never implemented.

16 Q. [14:40:35] Very well. So it was never implemented. Can you tell us a
17 little more? Why was it not implemented?

18 A. [14:41:01] The idea was discussed at a meeting at the Presidency
19 chaired by the president of the republic, Mr Laurent Gbagbo. Opinions
20 differed between participants as to whether Abobo Gare should be declared a
21 war zone. And so the idea was that it wouldn't prosper if that were to be
22 done in a large city like Abidjan. So that is why the idea didn't prosper.

23 Q. [14:41:43] Very well. As far as you know, and in relation to Abobo,
24 after a certain date, there was no post or position of the security forces in
25 Abobo; is that the case? Or did the forces of security remain positioned in

1 Abobo throughout the crisis?

2 A. [14:42:35] The forces of security were stationed within the Abobo Gare
3 barracks -- squadron, rather, and at MACA in order to stop the advance of the
4 Commando Invisible towards Abidjan centre.

5 Q. [14:43:04] Very well. Now, the Commando Invisible and other
6 groups, other armed groups during the crisis, as superior commander of the
7 gendarmerie, were you informed at any time, and maybe before the
8 beginning of the crisis, before the presidential elections, just before or even
9 during or just after the presidential elections, were you informed of Abidjan
10 having been infiltrated by organised groups which were expected to launch
11 an attack at some point?

12 A. [14:44:03] I was not aware of it, but with the presence of the
13 Commando Invisible, it could have been supposed that there had been prior
14 infiltrators who organised themselves into the Commando Invisible to be able
15 to launch the attacks.

16 Q. [14:44:26] Were you informed, just before the elections, during the
17 elections and just after the elections or at any time whatsoever, of the
18 existence of weapons caches?

19 A. [14:44:49] Weapons caches? No, I was not aware of that. Everything
20 was happening peacefully with a view of providing security for the electoral
21 process. However, this did not preclude others who may have had other
22 intentions from setting up weapons caches.

23 Q. [14:45:15] Now I want to show you a document to begin with.

24 Reference CIV-OTP-0043-0410 of 5 May 2010. Do you see the document, sir?

25 Well, maybe we can --

1 A. [14:46:12] Yes.

2 Q. [14:46:13] Can you see it?

3 A. [14:46:14] Yes.

4 Q. [14:46:17] Do you -- one moment, please.

5 Sir, was this document addressed to you?

6 A. [14:46:50] Yes, the superior command was the addressee of the
7 document.

8 Q. [14:47:01] The subject is discovery and seizure of war, weapons of war
9 and military attire, date 5 May 2010.

10 Now, very quickly, I want to summarise the document and hear your
11 comments, if you wish to make any comments.

12 This document deals with weapons of war having been seized, including,
13 among others, on 5 May 2010, at the quartier Ran, not far from the Station
14 Afrique in Anyama, where the second place of seizure was at the residence
15 of Fofana Banya Marabout, and Kalashnikovs and various weapons and
16 pistols, anti-tank rockets and so on and so forth, all types of ammunition,
17 four cartons of various camouflage attires belonging to the gendarmerie and
18 to the police.

19 Can we scroll up? I'm sorry, I was reading and summarising, but I would
20 like the Registry to please scroll up so that we can see what items we are
21 dealing with. You are very right, learned colleague, thank you.

22 Now please read through the first page so we can go to the second page.

23 A. [14:48:50] Yes, done.

24 Q. [14:48:50] Can we go to the second page, please. Have you read the
25 second page now, sir?

1 A. [14:49:10] It's not on the screen. We can't see the document.

2 Q. [14:49:20] Now, I could give you a hard copy if that's better,

3 Mr Witness.

4 Please, court usher, can you help.

5 A. [14:50:20] Yes.

6 Q. [14:50:21] Perfect. Do you remember this specific incident relating to
7 the discovery of a weapons cache?

8 A. [14:50:34] No, I don't remember it at all. And the name Ahondjon,
9 which is next to the stamp, does not ring a bell at all when it comes to my
10 men *in Anyama at the time.

11 Q. [14:50:51] Very well. Do you remember any other incidents or any
12 other times when arms caches were discovered?

13 A. [14:51:02] No. I no longer have any recollection, not at all.

14 Q. [14:51:11] I will now show you another document, CIV-OTP-0044-0061.

15 THE COURT OFFICER: [14:51:42] Could you please indicate the level of
16 confidentiality.

17 MR ALTIT: [14:51:50] (Interpretation) Confidential.

18 Q. [14:52:15] Can you see the document now, sir?

19 A. [14:52:18] Yes.

20 Q. [14:52:18] This document is dated 22 November 2010 and is addressed
21 to you. Do you remember the document?

22 A. [14:52:31] Yes. Please, let's proceed.

23 Q. [14:52:33] Do you remember the document?

24 A. [14:52:38] No, no, I don't remember the document. But maybe I can
25 read through it and that might jog my memory.

1 Q. [14:52:50] Do you want us to read the document together? Please, let's
2 do. Now, the document is addressed to you. The subject: Proposal to
3 offer a written message of congratulation to the intervention unit of the
4 national gendarmerie.

5 I will summarise the content quickly, and I think this can be appropriate.
6 It states that there was an operation aiming to discover weapons caches in
7 Abidjan and surrounding neighbourhoods, particularly in Anyama, during
8 which gendarmes, and I quote, "were able to discover," and I quote, "a
9 genuine war arsenal made up of the following: Five LRPG, one AA52, one
10 T56, one SIG -- five SIG, rather, two AK-47, three PM MAT 49, two 12-calibre
11 guns locally fabricated, and 414 camouflage uniforms." End of quote.
12 Now, please, help us to understand, you are the professional. We know
13 nothing much about this. What is an LRPG?

14 A. [14:54:53] This is an anti-tank rocket.

15 Q. [14:54:57] Anti-tank weapons?

16 A. [14:55:00] Yes.

17 MR ALTIT: [14:55:08] (Interpretation) Registry, would you please kindly
18 scroll up as I read through the document, please scroll down to the bottom of
19 the document as I read. Further down, please. Further down again, please,
20 just a little bit further down, so that we can see the end of the document.
21 Thank you. Let's hold it there because I'm putting questions to the witness
22 on weapons that are listed as having been discovered.

23 Q. [14:55:52] Now, there is a T56. What is a T56?

24 A. [14:55:58] T56 is a handgun.

25 Q. [14:56:12] Five SIG, what is an SIG?

1 A. [14:56:14] Those are weapons that look like the Kalashnikov.

2 Q. [14:56:18] Two AK-47, what is an AK-47?

3 A. [14:56:24] It's Kalash.

4 Q. [14:56:31] Three PM MAT 49, what is that?

5 A. [14:56:38] These are machine guns.

6 Q. [14:56:39] Very well. Then reference is made to 414 camouflage
7 uniforms.

8 Now, first question, sir. Do you remember this specific incident or -- let me
9 rephrase. Do you remember the discovery of this specific weapons cache?

10 A. [14:56:58] No. I have no recollection whatsoever. If that had been the
11 case, our army's communication services would have issued a communiqué
12 as in previous cases.

13 Q. [14:57:12] Very well. Now, to make everything clear, I want to ask the
14 Registry to move us to the second page so that we can read it, you can read it,
15 and as you read through it, the content of the proposal in the document, then
16 you might maybe remember whether you are aware of this. Please read the
17 document silently to yourself.

18 A. [14:58:10] I'm done.

19 Q. [14:58:12] Does that jog your memory? Do you remember this specific
20 discovery of a weapons cache, or is your opinion the same?

21 A. [14:58:29] I don't remember because if that had been the case, the
22 suspect would have been prosecuted.

23 MR DEMIRDJIAN: [14:58:37] Mr President.

24 PRESIDING JUDGE TARFUSSER: [14:58:50] Mr Prosecutor.

25 MR DEMIRDJIAN: [14:58:53] Your Honours, could we just have a

1 clarification as to when this operation would have taken place? Because
2 there is a couple of dates on this document, and it's not perfectly clear right
3 now as to which time period we are talking about.

4 PRESIDING JUDGE TARFUSSER: [14:59:15] Maître Altit.

5 MR ALTIT: [14:59:17] (Interpretation) Thank you, Mr President. I'm not
6 sure I've understood the comment from my colleague opposite. I have read
7 out a document to my colleague, and we are both aware of what is in the
8 document. But the witness does not remember the operation, so I don't think
9 that we can get any more information out of him.

10 PRESIDING JUDGE TARFUSSER: [14:59:41] When is the document from?

11 MR DEMIRDJIAN: [14:59:47] Your Honours, the document, which is dated
12 22nd November, makes reference to 11th of June, a request of the 11th of
13 June. So that's the clarification.

14 PRESIDING JUDGE TARFUSSER: [14:59:57] Yes, of course. But if the
15 document is submitted, so we will draw the conclusion out of that. But if the
16 witness doesn't recall anything, it's useless to ask him about it, I would say.

17 MR DEMIRDJIAN: [15:00:14] Very well. Just so long as it's on the record
18 that it's in reference to an 11th of June request.

19 PRESIDING JUDGE TARFUSSER: [15:00:26] Yes, yes, of course. Okay.
20 Maître Altit.

21 MR ALTIT: [15:00:30] (Interpretation) Thank you, Mr President.

22 Q. [15:00:32] Let us go back to before the crisis of 2010, several months
23 before that, but not very long. As supreme commander of the gendarmerie,
24 what did you know about any possible recruitment of Burkina mercenaries?
25 Did you ever hear about any possible recruitment of mercenaries from

1 Burkina in the months preceding the election of 2010?

2 A. [15:01:13] No.

3 Q. [15:01:15] Very well. Did you hear, and now I mean later, during the
4 crisis period that mercenaries had been recruited in Burkina and gathered in
5 the north of Côte d'Ivoire, and they were waiting for the time to go down to
6 the south of Côte d'Ivoire; did you hear any such information?

7 A. [15:01:51] No, I did not have the information. I did not have any
8 people who could inform me from Burkina, *since it was a regular pay
9 period. So I didn't have such information.

10 Q. [15:02:03] Very well. I will rephrase because I asked you two different
11 questions, and maybe I was not quite clear.

12 My first question dealt with the recruitment of mercenaries in Burkina
13 during a peace period, a few months before the presidential election.

14 My second question was to know whether in 2010 after the crisis started, that
15 is November, December 2010, or January, February, March, April 2011, did
16 you hear during the crisis that mercenaries recruited in Burkina Faso were
17 assembled in the north of Côte d'Ivoire and were waiting to come south?

18 This is in the middle of the crisis. Did you have any such information?

19 A. [15:02:56] No, I didn't have any such information.

20 Q. [15:02:58] Very well. Did you at any time at all receive information
21 that a French special services were organising troops to go down to the south
22 of Côte d'Ivoire and set up or, rather, instal the president that the Electoral
23 Commission said had been elected, Alassane Ouattara?

24 A. [15:03:46] No, I did not receive that information.

25 Q. [15:03:51] Very well.

- 1 MR DEMIRDJIAN: [15:03:31] Your Honours.
- 2 PRESIDING JUDGE TARFUSSER: [15:03:55] What is the --
- 3 MR DEMIRDJIAN: [15:03:57] It's not about the questions themselves, but
- 4 about the basis, what is the foundation for these questions.
- 5 PRESIDING JUDGE TARFUSSER: [15:04:02] Yes.
- 6 MR DEMIRDJIAN: [15:04:02] Where are they coming from?
- 7 PRESIDING JUDGE TARFUSSER: [15:04:05] It's a question.
- 8 MR DEMIRDJIAN: [15:04:06] Of course. But there has to be a foundation, a
- 9 good-faith basis, not a fishing expedition as to where does this --
- 10 PRESIDING JUDGE TARFUSSER: [15:04:15] But why? It's a question.
- 11 This is the head of the gendarmerie of Côte d'Ivoire. I think that any
- 12 question which is somehow in his possibility of knowledge is acceptable.
- 13 MR DEMIRDJIAN: [15:04:36] But the information has to be based on
- 14 accurate information. We don't know where this is coming from. There has
- 15 to be accurate information on which it is based on. So the question is what is
- 16 the foundation.
- 17 PRESIDING JUDGE TARFUSSER: [15:04:50] Well, I think that the
- 18 foundation is the person he has in front, is the witness himself, and what he
- 19 was at the time of the crisis. So if he knows something about whatever, I
- 20 don't see that this is a question which should not be put to this person.
- 21 MR DEMIRDJIAN: [15:05:13] Very well, your Honours.
- 22 PRESIDING JUDGE TARFUSSER: [15:05:15] Thank you.
- 23 Maître Altit.
- 24 MR ALTIT: [15:05:23] (Interpretation)
- 25 Q. [15:05:29] Sir, you talked about the Golf Hotel. As the boss of the

1 gendarmerie, what did you know about the number of ex-rebels who were
2 now the Forces Nouvelles who were in the Hôtel du Golf, that is after the
3 election and the following months?

4 A. [15:06:03] There were many soldiers in the Golf Hotel. The soldiers of
5 the Forces Nouvelles, soldiers of the ONUCI, and from time to time French
6 soldiers. But I do not have the precise figures.

7 Q. [15:06:19] Did you have any information on the weapons there, for
8 example, did they have any heavy weapons?

9 A. [15:06:35] Yes, indeed. They had all sorts of weapons, handguns,
10 pistols, A52, automatic weapons and rockets.

11 Q. [15:06:53] Very well. Did you know who were the ex-rebel leaders,
12 that is the rebels who had become now the Forces Nouvelles, that is the
13 leaders of those forces that were in the Golf Hotel?

14 A. [15:07:16] Colonel Issa Ouattara, known as Wattao, who was deputy
15 chief of staff of the Forces Nouvelles was there at the Golf Hotel with other
16 zone commanders.

17 THE INTERPRETER: [15:07:33] There was a name the witness mentioned.

18 MR ALTIT: [15:07:44] (Interpretation)

19 Q. Which ones, can you mention names?

20 A. [15:07:46] There was Wattao, Chérif Ousmane, Colonel Tuo Fozie and
21 so on and so forth.

22 Q. [15:07:58] Very well. Were there military, political or diplomatic
23 French authorities in the Golf during that period?

24 A. [15:08:17] I knew with certainty that the ambassador of France to Côte
25 d'Ivoire regularly went to the Golf.

1 Q. [15:08:29] His name?

2 A. [15:08:33] I no longer remember and yet we met several times.

3 Q. [15:08:48] If I put it to you Jean-Marc Simon, will that jog your
4 memory?

5 A. [15:08:54] Yes, precisely, that is him.

6 Q. [15:08:56] Did you have any information about what he was doing at
7 the Golf Hotel? What was his role?

8 A. [15:09:02] No, I do not know his role. I think that from the moment
9 his country recognized President Alassane Ouattara as the elected official, as
10 a diplomatic representative he would go there to discuss relations between
11 Côte d'Ivoire and France. That is what I think.

12 Q. [15:09:24] Very well. And you do not have any information about the
13 possible presence of French military advisors in the Golf Hotel?

14 A. [15:09:37] French soldiers went there frequently, whether they were
15 advisors or not. But I knew that French soldiers went there *as advisers for
16 military purposes, and that is *not just my personal view.

17 Q. [15:09:51] Very well. We will now move on to another point that and
18 that is the rules of engagement. You have already given us some
19 information during your questioning by the Prosecutor, but can you tell us
20 more specifically about the rules of engagement in the maintenance of law
21 and order? And I will ask you another question later, what are the rules in
22 the area of legitimate defence?

23 But to begin with, I will simply want to ask you what are the rules of
24 engagement so that we can understand what the gendarmes can do and
25 what they cannot do.

1 A. [15:10:52] When it comes to preserving law and order, all the training
2 that we received in Côte d'Ivoire and elsewhere is that demonstrators are not
3 combatants. These are citizens that have temporarily lost their way, and so
4 force cannot be used against these people unless in case of legitimate
5 self-defence and it should be proportionate to the attack. If somebody
6 punches you, you can block it, the punch, but you cannot shoot at somebody
7 because he threw a stone.

8 Q. [15:11:43] To your knowledge, were those rules respected by the units
9 under your responsibility during the crisis?

10 A. [15:11:48] Absolutely.

11 Q. [15:11:53] Very well. You have just told us, but I want it to be clear,
12 the case of legitimate self-defence, what can gendarmes do in such cases, in
13 cases of legitimate self-defence?

14 PRESIDING JUDGE TARFUSSER: [15:12:14] There must be a law about that.
15 It's not -- I think it's not for a witness to say what can be done in the case of
16 legitimate defence. There must be a law disciplining the legitimate defence.
17 And if there is a law, the law is interpreted by the lawyers and not by the
18 witness. It's not a fact.

19 MR MACDONALD: [15:12:41] There is, your Honour, a law.

20 PRESIDING JUDGE TARFUSSER: [15:12:44] Of course.

21 MR MACDONALD: [15:12:45] It's been on the list of material of the Defence
22 for other witnesses, it's a Defence document. It's a law of Côte d'Ivoire of
23 decree 1967. That is available as Rule 77 -- sorry, that is in eCourt but is not
24 on the record, and we have no objections to -- it's a legal document from the
25 Côte d'Ivoire authorities.

1 I think on legal documents the Chamber can take judicial notice of this. So
2 we can provide the ERN number, but it's -- and we can send it so that it be
3 submitted on the record as per your powers, your Honour, to take notice of
4 local judicial laws. It's a presidential decree of 1967 under Félix
5 Houphouët-Boigny.

6 PRESIDING JUDGE TARFUSSER: [15:13:32] Thank you. But I --

7 MR ALTIT: [15:13:35] Monsieur le Président.

8 PRESIDING JUDGE TARFUSSER: [15:13:38] I really think we should not let
9 the witness go beyond what a witness should do, to speak about facts, not
10 about the law. The law is something which is there. It is submitted. It will
11 be submitted and we can evaluate it.

12 MR ALTIT: [15:14:07] (Interpretation) If I can say a word there, Mr
13 President. In France and also it is true in Côte d'Ivoire, *there are laws and
14 there are decrees. A decree is not a law. *That's the first thing.
15 Secondly, this is the testimony of the witness and we wanted to know
16 whether to his knowledge these rules, and it is not a law, these rules, were
17 they implemented and implemented correctly and how does it mean -- what
18 does it mean to implement them correctly? That is what we wanted to know
19 from him. *Neither you nor we were in the field. Nobody else was in the
20 field, for that matter. So it seems to me that the question could be asked.

21 PRESIDING JUDGE TARFUSSER: [15:14:42] There are two things. One is
22 the instructions was given to the gendarmes, one. Another thing is what is
23 the legitimate defence and how it operates. I mean, that we should know
24 and that is probably in some law or decree, some legal instrument. One is
25 the interpretation of that and one is what has been done in the field.

1 MR ALTIT: [15:15:16] (Interpretation) I think we are saying the same thing.
2 These possible instructions to the gendarmes, in fact, it may be necessary to
3 know whether they correspond to the legal or regulatory framework. And
4 so we wanted to know from the commander of the gendarmerie what was
5 this framework in practise, concretely, because you have theory and you have
6 practice. And I think basically we are saying the same thing, your Honour.

7 PRESIDING JUDGE TARFUSSER: [15:15:52] We'll see if we are saying the
8 same thing. We'll see as you continue questioning.

9 MR KNOOPS: [15:15:58] Mr President, I'm sorry, may I, in support of Mr
10 Altit's point, say to the Court that the rules of engagement are normally not
11 embedded in the law.

12 PRESIDING JUDGE TARFUSSER: [15:16:08] But we are not talking about
13 the rules of engagement. We are talking about the legitimate defence, what
14 are the rules for legitimate defence, and not how things were implemented on
15 the field. So if we talk of the rules of engagement, it's okay, because that is
16 something which is for the hierarchy to say, but not for the basis which is the
17 law.

18 Maître Altit.

19 MR ALTIT: [15:16:36] (Interpretation) Thank you, Mr President.

20 Q. [15:16:47] Mr Witness, you have listened to the exchanges, so you
21 know what is of interest to us. We want to know what happened exactly.
22 And to do that we should know the framework, the circumstances under
23 which one can organise legitimate self-defence. There are instruments or
24 documents which could be analysed. But you as the commander of the
25 gendarmerie, can you tell us what were the conditions for self-defence and

1 how was this implemented concretely?

2 A. [15:17:27] If there is aggression against an officer in charge of law and
3 order, the officer has to react using methods that are proportionate to the
4 attack. If it goes beyond that, it is vengeance and he should be accountable.

5 Q. [15:17:58] Tell me, if I understand you correctly, the key word is
6 "proportionality;" is that correct?

7 A. [15:18:13] Absolutely.

8 Q. [15:18:14] Now, to your knowledge, the gendarmerie units under your
9 authority who were answerable to you during the entire crisis, did they use
10 legitimate self-defence in the manner stipulated as you have told us, that is,
11 proportionately; or did they go beyond this framework on certain occasions,
12 that is that framework that you have described here?

13 A. [15:18:54] Let me recall that the gendarmerie acts mainly in rural areas
14 when there *aren't generally large crowds. *But in Abidjan it is usually the
15 police. *To be sure, we had never been attacked by demonstrators. And to
16 my knowledge, we have never used disproportionate means. So if there are
17 stones and roadblocks and -- which are frequently tyres*or car carcasses, we
18 don't use weapons; we simply take them away.

19 Q. [15:19:38] That is very clear. But you have talked of attacks against
20 gendarmes with firearms, and there was loss of life. In this case, would the
21 gendarmes defend themselves? What would they do?

22 A. [15:20:05] I was dealing with the case of Abobo Gare. Gendarmes had
23 been posted all the time to monitor the antenna in Abobo Gare for sound and
24 television. They were protecting that site. And that strategic site was
25 attacked by the Invisible Commando. There were two gendarmes. They

1 killed one, the other one fled. So in this case there was no exchange of fire.
2 They were in an inferior position. *We were not in combat position. So
3 talking about proportionality, one gendarme was killed, the other fled.
4 So they progressed in Abidjan from Abobo Gare towards Adjamé. There was
5 a factory called FILTISAC and it was protected by gendarmes. It is our
6 traditional mission to protect people and property. Those elements
7 progressed and once again they shot down the gendarmes who were there.
8 So it was not a case of maintenance of law and order. So it was an aggression
9 by the Invisible Commando against all the gendarmes that they came upon.

10 Q. [15:21:33] Very well. That was very clear. We can phrase the
11 question differently.

12 To your knowledge, was there ever a case or incident which would have
13 required an investigation because the criteria or proportionality of legitimate
14 defence arose, and so your answer --

15 THE INTERPRETER: [15:22:08] Mr President, if they can observe a pause.

16 PRESIDING JUDGE TARFUSSER: [15:22:12] Please, please, please. Wait.

17 MR ALTIT: [15:22:36] (Interpretation)

18 Q. [15:22:37] Let me ask the question again so that you can tell the
19 Chamber clearly. To your knowledge, was there ever a single incident, one
20 or two? Can you tell the Chamber to your knowledge what happened
21 during the crisis?

22 A. [15:23:00] There was an incident that we have talked about here, that is
23 the incident at Yopougon in the Wassakara sub-neighbourhood between the
24 gendarmes under the command of Captain Koukougnon with soldiers, and
25 the incident led to loss of life amongst the people who were supposed to be

1 rebels.

2 And when it was crosschecked, these were RDR militants.

3 The police in that area took over the case, opened an investigation, and I

4 know nothing further. It is the commissioner of the government who is

5 responsible for that proceeding that is dealt with by the police and *by the

6 gendarmerie. That is what I know. Any other thing, I don't remember.

7 Q. [15:24:04] Very well. Let us move on to something else. You told us
8 of a certain number of appointments or meetings between the president and
9 the main leaders or commanders of the forces of law and order during which
10 you were present. And during these meetings, the leaders reported on the
11 prevailing situation in Abidjan to the president; is that correct?

12 A. [15:25:04] That is correct.

13 PRESIDING JUDGE TARFUSSER: [15:25:11] That was a question which was
14 not needed, one of the many questions which was not needed.

15 MR ALTIT: [15:25:25] (Interpretation) Mr President, it is just an aside here,
16 but I think it could be useful. If we are talking about the duration of the
17 questioning by the non-calling party, I think we are spending less time
18 questioning this witness than the Prosecutor. But I think that we can
19 conclude within a reasonable time frame. So from our point of view, the
20 questions are relevant and do not hamper the compliance with the time that
21 would have been allocated to the Defence. I'm saying this just to reassure
22 the Chamber.

23 PRESIDING JUDGE TARFUSSER: [15:26:20] No. But I'm just saying that
24 you put a question which also if you don't put, you ask the witness if he
25 agrees with what he said maybe 10 minutes ago. Of course he does. So

1 that's not it is correct. Just make the question.

2 MR ALTIT: [15:26:42] (Interpretation) Mr President, there has to be a
3 certain logic and the witness had not talked about this specific point today.
4 I'm referring to what happened in the past days. And this happened over
5 several statements over several days.

6 PRESIDING JUDGE TARFUSSER: [15:27:10] I just say this and then I stop.
7 In English it says: "You told us of a certain number of appointments of
8 meetings between the president, the main leaders and commanders of the
9 forces," et cetera; "is that correct?"

10 Of course it is. Just go to the question. Why this question "is it correct?"
11 But no. Please, go ahead.

12 MR ALTIT: [15:27:36] (Interpretation) Thank you, Mr President.

13 Q. [15:27:39] First question, Mr Witness, apparently, well, you have told
14 us that these were not very long meetings; am I mistaken?

15 A. [15:27:55] Yes.

16 Q. [15:27:57] Generally how long?

17 A. [15:28:00] 10 to 15 minutes, no more.

18 Q. [15:28:04] No more than that?

19 A. [15:28:07] Correct.

20 Q. [15:28:08] What happened so that we should try to see or visualize?
21 Who would take the floor and who would say what?

22 A. [15:28:20] The army is a hierarchical body, and when we went to see
23 the head of state, it was the chief of general staff who would take the floor
24 and give a situation report, and in this particular case it was General Philippe
25 Mangou.

1 Q. [15:28:45] Was he the only one who spoke?

2 A. [15:28:50] He was the only one who spoke, unless the president asked
3 questions and if there were things to be added.

4 Q. [15:29:01] So considering that the meetings were short, would it be
5 correct to say that specific items were not dealt with and the participants
6 discussed generalities?

7 A. [15:29:17] No, these were not generalities. You have seen the previous
8 documents, order of operations, general situations, specific situations. So it
9 was within this context that the chief of staff summarized the report to the
10 president of the republic. You have seen the time table, the president had all
11 the people to receive. So you could have one or two hours and the head of
12 state had to receive other people.

13 Q. [15:29:59] Thank you. You also told us what the head of state said, so
14 I will not go back to that. My question is this: Regarding the head of state's
15 response, was this a rigid process that was repeated on each of those
16 meetings?

17 A. [15:30:49] Yes.

18 Q. [15:30:56] Very well. Let us now talk about your visits to the
19 presidential residence. If I understood what you said at the beginning of
20 your testimony, you sometimes went to the residence at your own behest to
21 see some friends; is that the case?

22 A. [15:31:25] Yes, that is correct.

23 Q. [15:31:29] Could it be said that other Ivorian dignitaries also went to
24 the residence to see friends, in other words, those who were at the residence
25 were not always there because they had been summoned by the president of

1 the republic; is that correct?

2 MR DEMIRDJIAN: [15:31:49] I don't want to go too far, but this calls for
3 speculation about what other people are doing.

4 PRESIDING JUDGE TARFUSSER: [15:31:57] It is.

5 MR DEMIRDJIAN: [15:31:58] I will leave it at that.

6 PRESIDING JUDGE TARFUSSER: [15:32:00] It is. What other people are
7 doing is not what he has done. The witness is the witness. Okay.

8 MR ALTIT: [15:32:17] (Interpretation) I will rephrase.

9 Q. [15:32:23] Did you meet anybody at the residence who did not work
10 there but who were there without having been invited by the head of state?

11 A. [15:32:37] Counsel, with your leave, I did not have the president's diary
12 to know whether those who were there were invited or not. You know, in
13 Abidjan, the president works at his residence and at the Presidency. Some
14 take appointments at the residence while others take appointments at the
15 presidential palace. So it could happen that people for different purposes
16 can meet in the living room. There are four entries to the palace. And when
17 you get in, you have three living areas, three main rooms, and people can be
18 sitting there waiting to be received one after the other for different purposes.

19 Q. [15:33:18] Thank you. You testified about your last visit to the
20 residence. You mentioned an incident which happened during that visit.
21 Do you remember that?

22 A. [15:34:03] Yes.

23 Q. [15:34:04] Where were you coming from when you went to the
24 residence?

25 A. [15:34:10] I came from Agban, where I had been living for 10 years, and

1 I was going to the residence.

2 MR ALTIT: [15:34:26] (Interpretation) Mr President, I am waiting for the
3 transcript to come up.

4 Interpreters, is it okay?

5 Q. [15:34:57] Now, were there any French units or did you come across
6 any French units on your way to or from the residence?

7 A. [15:35:04] No. I rather met some soldiers at the RTI. They were at
8 that level.

9 PRESIDING JUDGE TARFUSSER: [15:35:17] French soldiers or soldiers?

10 THE WITNESS: [15:35:21] (Interpretation) No, no, no. Ivorian soldiers
11 who were guarding the RTI.

12 PRESIDING JUDGE TARFUSSER: [15:35:27] Okay. Thank you.

13 MR ALTIT: [15:35:33] (Interpretation)

14 Q. [15:35:38] At the end of the crisis, did the French army attack
15 gendarmerie bases in Abidjan?

16 A. [15:35:50] There were several attacks that took place. But with your
17 leave, if the Chamber does authorise me, I could say a little more.

18 Q. [15:36:02] The President allowing.

19 PRESIDING JUDGE TARFUSSER: [15:36:04] Of course, of course you may
20 say a bit more, whatever you know.

21 THE WITNESS: [15:36:07] (Interpretation) Thank you, Mr President.

22 The armies that were pitted against each other, the FDS and FAFN, did not
23 have an air force or aviation. Only ONUCI and the French forces had
24 aircrafts which attacked the Akouédo camp, they attacked the Navy. There
25 were two attacks on the Agban camp. The first attack led to the death of a

1 young girl, because the shell went through her father's living room and she
2 was struck. The second attack targeted the armoured vehicles of the
3 gendarmerie. *After that, there were no more attacks. And then thereafter
4 there were daily over-flights by a number of aircrafts over the Agban camp.
5 Now, whether up there it was *ONUCI or the French, well, *I am unable to
6 say that they carried out joint attacks. There were several flights over the
7 camp. And those are the attacks that took place.

8 PRESIDING JUDGE TARFUSSER: [15:37:21] What period are you talking
9 about when this happened, these attacks, air attacks?

10 THE WITNESS: [15:37:40] (Interpretation) Well, generally in the month of
11 March, when a Security Council resolution ordered the destruction of the
12 heavy weaponry of the President Laurent Gbagbo's army, that's in broad
13 strokes, yes, after the crisis, during that -- during that period.

14 PRESIDING JUDGE TARFUSSER: [15:37:59] So during the end of the crisis,
15 like March, March, April?

16 THE WITNESS: [15:38:07] (Interpretation) Yes, that is correct. Yes, that is
17 correct.

18 PRESIDING JUDGE TARFUSSER: [15:38:11] Maître Altit.

19 MR ALTIT: [15:38:13] (Interpretation) Thank you, Mr President.

20 Q. [15:38:18] Mr Kassaraté, just to make things clear, you said a short
21 while ago that aircrafts were over-flying the camp. Did you mean
22 helicopters?

23 A. [15:38:30] Yes, I'm sorry. I meant helicopters.

24 Q. [15:38:33] Very well. I think yesterday, incidentally, you said that: I
25 saw that several generals were no longer in position or in their positions.

1 What did you mean by that? What were you thinking about when you said
2 that? Can you explain this to the Court?

3 A. [15:39:11] I will be very specific. My gendarmes informed me that the
4 chief of general staff, General Mangou was neither in his office nor at his
5 residence. Rumours had it that he was in the embassy of South Africa in
6 Abidjan. That's one.

7 Two, over television which had been broadcasting from the Golf Hotel, I saw
8 pictures of General Touvoly Bi Zogbo, personal chief of general staff of the
9 president of the republic, who called on the army to surrender their
10 weapons. This was at the Golf. And then shortly thereafter, on the same
11 TV, I saw General Deto Letho, chief of operations in Abidjan, over this
12 television that was broadcasting from the Golf, I saw him inviting people to
13 stop fighting. So those are the main generals whom I saw on TV calling on
14 people to drop their weapons.

15 Q. [15:40:46] Very well. As far as you know, did RHDP and Forces
16 Nouvelles or French representatives, did they establish any contacts with
17 your subordinates in an effort to influence them during the crisis?

18 A. [15:41:09] None of my subordinates reported to me on any such
19 conduct, none of them.

20 Q. [15:41:25] Did representatives of RHDP, the Forces Nouvelles,
21 representatives of the Golf to be precise, or French representatives, did any of
22 them try to contact you and to influence you during the crisis?

23 A. [15:41:45] I did not have any contact with the French. However, I
24 received two defence attachés in my office. They must have been American.
25 Americans, I believe, who were asking whether the gendarmerie was going to

1 join ranks or not. And my answer to them was this is a political matter.

2 *I didn't have to discuss political matters with them.

3 Q. [15:42:17] Very well. Mr Witness, we're dealing here with very complicated
4 matters, and maybe it might be difficult to remember some of these things. Do you
5 want us to go into private session to talk about these things much more peacefully?

6 A. [15:42:34] About this issue?

7 Q. [15:42:35] Yes, about what may have transpired between the generals
8 and external intervenors.

9 A. [15:42:44] I am in the hands of the Judge. I have no decision to make.

10 PRESIDING JUDGE TARFUSSER: [15:42:48] No, it's the Judge who is in
11 your hands. I mean, if you feel comfortable, we just go ahead. If you don't
12 feel comfortable for any reason, you tell me and we go in private session.

13 (Witness confers with Mr von Bóné)

14 MR ALTIT: [15:43:18] (Interpretation) Mr President, I'm going to ask a few
15 questions in addition to this one which may also be quite delicate. So I am
16 requesting that we go into private session and this would make the witness
17 probably feel a lot more comfortable.

18 PRESIDING JUDGE TARFUSSER: [15:43:40] Well, so let's go in private
19 session and then -- well, just tell me something.

20 THE WITNESS: [15:43:45] (Interpretation) Mr President.

21 PRESIDING JUDGE TARFUSSER: [15:43:50] Yes.

22 (The witness confers with Mr von Bóné)

23 THE WITNESS: [15:43:56] (Interpretation) Mr President, I have no problem
24 dealing with these matters in open session.

25 PRESIDING JUDGE TARFUSSER: [15:44:04] Good. Let's go ahead.

1 MR ALTIT: [15:44:11] (Interpretation) But I have other questions that will
2 follow. But I understand that for this particular question there might be no
3 problem. But I have other questions which are different from this one, and
4 for that reason, I am applying for private session, Mr. President.

5 PRESIDING JUDGE TARFUSSER: [15:44:28] Okay. Let's go into private
6 session. So you know that as from now, when the court officer is saying it,
7 we are in private session.

8 (Private session at 3.44 p.m.)

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9 (Open session at 4.02 p.m.)

10 THE COURT OFFICER: [16:02:55] We are back in open session, Mr
11 President.

12 PRESIDING JUDGE TARFUSSER: [16:03:05] Thank you.

13 Before adjourning, I would like to hear from Mr von Bóné. Tomorrow, you
14 are not available?

15 MR VON BÓNÉ: [16:03:14] I'm not available, your Honour, that's right.

16 PRESIDING JUDGE TARFUSSER: [16:03:16] Okay. So the problem is that
17 we have to go to after tomorrow, meaning Thursday, so we have to go to
18 Thursday morning at 9.30, and I would like to know if we need extended
19 hours so we can immediately organise for extended hours. But this is now,
20 that's why I ask the Defence, both Defence teams and then probably
21 re-questioning, and we have to think about it.

22 Maître Altit.

23 The witness can leave the courtroom in the meanwhile while we arrange for
24 the next days, the hearing for the next days. Thank you.

25 Maître Altit.

1 (The witness stands down)

2 PRESIDING JUDGE TARFUSSER: [16:04:26] Yes.

3 MR ALTIT: [16:04:28] (Interpretation) Thank you, Mr President. As far as
4 we are concerned, I think we will not go beyond Thursday evening. We will
5 complete, conclude during the day of Thursday. I do not want to make false
6 promises, but as far as we are concerned, we will definitely end on Thursday.
7 In fact, I can be more specific. I think that I will need probably two sessions,
8 and I'm not sure about the third. It is possible that I may need a third, but it
9 is not certain.

10 PRESIDING JUDGE TARFUSSER: [16:05:11] Thank you very much.

11 I see the meeting in the Blé Goudé team.

12 MR KNOOPS: [16:05:23] Mr President, it's difficult to anticipate, but --

13 PRESIDING JUDGE TARFUSSER: [16:05:28] Of course.

14 MR KNOOPS: [16:05:29] We do not foresee any long interventions on behalf
15 of our team. We definitely will not have any repetition with the questioning
16 of the team of President Gbagbo.

17 PRESIDING JUDGE TARFUSSER: [16:05:43] That's a good effort.

18 MR KNOOPS: [16:05:44] Yes, yes.

19 PRESIDING JUDGE TARFUSSER: [16:05:45] But to be on the safe side --

20 MR KNOOPS: [16:05:49] Yes.

21 PRESIDING JUDGE TARFUSSER: [16:05:51] -- we do on Thursday extended
22 hours. We start with extended hours and then we see how we go on.

23 Otherwise we come -- I don't want to -- because then we have also
24 re-questioning, I don't want that these questions, the questioning is then
25 closed in a hurry. So I would really think that if we start on Thursday at 9

1 o'clock and we do extended hours, at least Thursday, and then we see how
2 we proceed on Friday.

3 Mr MacDonald.

4 MR MACDONALD: [16:06:30] Just for planning purposes, your Honour, the
5 Prosecution at the end of the testimony will be making an oral request for the
6 conserve -- for the Chamber to instruct pursuant to probably Article 56,
7 modified it in some way, for documents in possession of the Victims and
8 Witnesses Unit.

9 We're in public session, right? I will not say anything more.

10 So we'll need to have time to debate this briefly.

11 PRESIDING JUDGE TARFUSSER: [16:07:04] Yes, yes. Even more I go for
12 extended hours at least on Thursday, and then we see how we proceed.
13 Now, Maître Altit.

14 MR ALTIT: [16:07:18] (Interpretation) Mr President, just a word to my
15 learned friends in the Prosecution. Can we know what it is all about? In
16 that way we can prepare. Maybe a small written notice to one of us of what
17 it is about.

18 PRESIDING JUDGE TARFUSSER: [16:07:40] Yes. Let me take a guess,
19 signatures? Is it?

20 MR MACDONALD: [16:07:44] Your Honours, we're in public.

21 PRESIDING JUDGE TARFUSSER: [16:07:46] Yes.

22 MR MACDONALD: [16:07:46] I prefer I will send an email copying the
23 Chamber.

24 PRESIDING JUDGE TARFUSSER: [16:07:50] Yes.

25 MR MACDONALD: [16:07:51] But I think --

- 1 PRESIDING JUDGE TARFUSSER: [16:07:52] I am not very far of it.
- 2 MR MACDONALD: [16:07:54] Yes.
- 3 PRESIDING JUDGE TARFUSSER: [16:07:56] Yes.
- 4 MR MACDONALD: [16:07:56] Thank you.
- 5 PRESIDING JUDGE TARFUSSER: [16:07:57] The hearing is adjourned to
- 6 Thursday 9 o'clock with three times two hours, just for your knowledge.
- 7 That doesn't mean that you need the whole day. So you should -- within the
- 8 two first sessions, you should be -- it's 9-11, 11.30-13.30, 15-17 hours, okay?
- 9 Thank you. The hearing is adjourned.
- 10 THE COURT USHER: [16:08:29] All rise.
- 11 (The hearing ends in open session at 4.08 p.m.)