

Trial Hearing
WITNESS: CIV-OTP-P-0226

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Tuesday, 27 June 2017
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:35:10] All rise.
12 The International Criminal Court is now in session.
13 PRESIDING JUDGE TARFUSSER: [9:35:34] Good morning.
14 We have now the next witness on the stand, which is Witness 226. I would ask the court
15 usher to call the witness in if there is no other issue to be discussed before. As I see there
16 is none and then I'm happy about this.
17 (The witness enters the courtroom)
18 PRESIDING JUDGE TARFUSSER: [9:38:23] Good morning, Mr Witness.
19 (Interpretation) Good morning, Mr Witness.
20 (Speaks English) Before starting the questioning by the parties, I would like you first to
21 identify yourself completely with your name, your surname, the date and the place of
22 birth.
23 WITNESS: CIV-OTP-P-0226
24 (The witness speaks French)
25 THE WITNESS: [9:39:03](Interpretation) My name is Sekongo Zié. I am a sergeant in the

1 land army of my country. I was born on 25 June 1979.

2 PRESIDING JUDGE TARFUSSER: [9:39:25] And you are an Ivorian citizen, I suggest?

3 THE WITNESS: [9:39:38](Interpretation) Yes, Mr President.

4 PRESIDING JUDGE TARFUSSER: [9:39:38] Can you tell us your ethnicity and your
5 faith?

6 THE WITNESS: [9:39:50](Interpretation) I am a Senoufo, I am of the Senoufo ethnic
7 group, hailing from the north of my country, and my faith is animist.

8 PRESIDING JUDGE TARFUSSER: [9:40:06] Thank you. You said that you're a
9 sergeant of the army. Are you now a sergeant of the army?

10 THE WITNESS: [9:40:20](Interpretation) Yes, your Honour.

11 PRESIDING JUDGE TARFUSSER: [9:40:21] And at the time of the crisis, what was
12 your occupation?

13 THE WITNESS: [9:40:40](Interpretation) I was a soldier in my country and I was serving
14 in the army. I was a corporal.

15 PRESIDING JUDGE TARFUSSER: [9:40:49] Thank you very much.

16 Now just some further information to put you at ease. You will be addressed by all of us
17 with "Mr Witness" because this is the practice we use in this courtroom for all witnesses,
18 not with your name, with your real name, but "Mr Witness."

19 If there in any moment you have some problems by giving an answer you don't want to
20 give in open court, meaning that only we here inside the courtroom should hear your
21 answer because of any reason you may have, you just address me and then we can go, if
22 you so wish and we think it is needed, we can go into private session, and then in this case
23 we would exclude the outside world from your answer and maybe from the question
24 which is put to you. Have you understood?

25 THE WITNESS: [9:42:11](Interpretation) Yes, Mr President.

1 PRESIDING JUDGE TARFUSSER: [9:42:13] And in any case, if you have any other
2 problem or need, just address me and we will take care of what you will say to us, all
3 right?

4 THE WITNESS: [9:42:36](Interpretation) Yes.

5 PRESIDING JUDGE TARFUSSER: [9:42:38] Now I have some further information
6 regarding the language. I'm speaking English to you and you're speaking French. I'm
7 speaking slowly, because what I'm saying has to be understood by you and vice versa.
8 And in order to achieve this we have interpreters, and everything we are saying has to be
9 written down properly in both languages and, therefore, I would ask you to speak slowly
10 in order to help the court reporters and the interpreters to do their job as best possible.
11 And you will see that this is even more important when you will be addressed in French
12 and, therefore, you tend to respond immediately. Just pause, let the questioner finish his
13 questioning and then answer without overlapping the voices. If this in any case will
14 happen and I realise it, I will give you a sign to slow down, okay?

15 THE WITNESS: [9:44:21](Interpretation) Very well.

16 PRESIDING JUDGE TARFUSSER: [9:44:25] You are a witness in this case, which is the
17 case of the Prosecutor against Mr Gbagbo and Mr Blé Goudé. And as a witness you are
18 called to give answers to questions which will be put to you by the Office of the
19 Prosecutor and by the two Defence teams and maybe also by the Judges for the search of
20 the truth. So what you have to do, your obligation here is to answer the questions and to
21 answer truthfully the questions. You're not here against or in favour of anybody except
22 of the truth.

23 To this effect, before starting the questioning, the law requires you to give a solemn
24 undertaking and, therefore, I ask you to read the formula you have in front of you, which
25 is the solemn undertaking.

- 1 THE WITNESS: [9:46:05](Interpretation) I solemnly declare that I shall speak the truth,
2 the whole truth and nothing but the truth.
- 3 PRESIDING JUDGE TARFUSSER: [9:46:16] Thank you very much, Mr Witness. You
4 know, and this is the last thing I have to say to you before giving the floor first to the
5 Office of the Prosecutor, that giving false testimony is an offence against the Court. It is
6 clear?
- 7 THE WITNESS: [9:46:41](Interpretation) Yes.
- 8 PRESIDING JUDGE TARFUSSER: [9:46:42] Okay. Now we are ready. I give the floor
9 to the Office of the Prosecutor, Mr Garcia, please, for the questioning. Thank you.
- 10 MR GARCIA: [9:47:01] Good morning, Mr President, your Honours.
- 11 QUESTIONED BY MR GARCIA: (Interpretation)
- 12 Q. [9:47:03] Good morning, Mr Witness. Can you hear me, Mr Witness?
- 13 A. [9:47:20] I can hear things better now.
- 14 Q. [9:47:21] We're very close to each other, so I don't think we'll have a problem
15 today.
- 16 Firstly, the first thing I'd like to say to you is that I was wondering whether, you know,
17 were you not to understand a question that I'm putting to you, do not hesitate to interrupt
18 me, and in such a manner I can rephrase the question or put it again so that we can
19 understand each other better.
- 20 And also just before we commence I would like to say in terms of guidance is that what is
21 of most interest to me today is what you saw with your very own eyes and what you
22 heard. That is what is of main interest to me. What you were told or what you heard
23 from other people is not of interest for the time being. But if I do want information about
24 what people told you, then I will put this question to you specifically. Have you
25 understood?

1 A. [9:48:18] Yes, Counsel.

2 Q. [9:48:20] Thank you, Mr Witness.

3 So as the Presiding Judge just explained to you, we shall be careful not to overlap of
4 course in our question and answer session. So after I put the question to you, take a few
5 seconds to think about the question before answering it.

6 I think I understood from your answers to the Presiding Judge that at the time of the
7 post-election crisis, you were a corporal or were you a master corporal, which one? What
8 was your rank, your military rank?

9 A. [9:49:02] I was a corporal.

10 Q. [9:49:09] And at the time of the post-election crisis, where were you located?

11 A. [9:49:18] You mean in terms of where I was in service?

12 Q. [9:49:22] Yes, in service during the post-election crisis, geographically speaking,
13 which camp were you in?

14 A. [9:49:30] I was in the new military camp, the new Akouédo military camp.

15 Q. [9:49:39] Did you have a specific function?

16 A. [9:49:48] Particular? No, I was a soldier.

17 Q. [9:49:56] When I put the question to you as to whether you had a particular
18 function, just to specify, did you have a particular weapon that was allocated to you or
19 were you responsible for something in particular, if you didn't understand me initially,
20 that is?

21 A. [9:50:11] Yes, I was a gunner. I was a gunner, using my weapon.

22 Q. [9:50:21] And what type of weapon are we speaking about?

23 A. [9:50:27] The weapons that we were supplied with in my unit.

24 Q. [9:50:38] So you were a gunner, generally speaking, for the weapons that were
25 present in your camp; is that correct?

1 A. [9:50:48] Yes.

2 Q. [9:51:02] So, Mr Witness, did you beforehand or prior to that have any training in
3 weapons handling whilst in the army?

4 A. [9:51:13] Yes.

5 Q. [9:51:19] Could you please speak to us about that briefly, the kind of training that
6 you underwent with a view to becoming a corporal and a gunner?

7 A. [9:51:37] I underwent *back home what we call in our jargon the CA1 training,
8 letter C, letter A, and figure 1, CA1. That is the training that authorised me to be a
9 gunner on all of the weapons that were supplied within my unit.

10 Q. [9:52:19] And how long did that training last approximately?

11 A. [9:52:27] Between three and five months. It depended.

12 Q. [9:52:37] And that initial training or first training, the CA1, did it also cover the use
13 of mortars?

14 A. [9:52:46] Yes, of course.

15 Q. [9:52:52] And briefly, once again, because we can't spend too much time on this,
16 what did you learn in terms of mortar usage? Was it a basic form of training?

17 A. [9:53:10] We learnt how to use the weapon. You know, *there is the basic and the
18 classic form of training in the utilisation of the weapon. And the weapon itself before
19 using it, before using it you have to know the specifics or the specifications of the weapon.
20 The classic side is how to use the weapon, when to use the weapon, what to do with it,
21 et cetera. There we are.

22 Q. [9:53:54] So you talked to us about the CA1 training. Did you follow any further
23 training after the CA1?

24 A. [9:54:00] Yes. During the post-election crisis I was undergoing training in CA2, at
25 the CA2 level. So this is the furtherance of the CA1 training, but it's linked to another

1 rank.

2 Q. [9:54:21] You say during the post-election crisis, did you actually complete that
3 second training, the CA2?

4 A. [9:54:31] Yes, I was in training during the post-election crisis in the CA2 training.

5 Q. [9:54:41] I understand that you were in training, but did you manage to complete
6 that training, or were you completing it when the post-election crisis happened?

7 A. [9:54:57] No, I wasn't able to finish it because of the post-election crisis and the
8 situation that worsened subsequently.

9 Q. [9:55:08] In brief, Mr Witness, this training programme, this CA2, what was it all
10 about, what were you taught?

11 A. [9:55:22] Like the first level training, it was still all about using the weapon, but
12 this time it was at a different level. Now we were taught how to use it as a gunner.
13 And, well, the CA1 was about being a gunner. CA2 was about being captain of the gun.

14 Q. [9:55:51] And once again, did that second level training also cover the usage of
15 mortars?

16 A. [9:55:58] Yes, Counsel.

17 Q. [9:56:05] So I'll come back to the question of weapons in a few moments. But just
18 for more clarity, when you were at the new Akouédo camp, which unit were you in
19 within the land forces?

20 A. [9:56:23] I was in the surface to air artillery battalion, the BASA, B as in letter B, A
21 as in letter A, S as in letter S, and A as in letter A.

22 Q. [9:56:52] And how long had you been at the BASA, how many years? Can you
23 tell us in approximate terms?

24 A. [9:57:02] I wouldn't be able to tell you how many years, but I had been there
25 since 2001. I had been assigned to the BASA in 2001.

1 Q. [9:57:16] Still in this new Akouédo camp where you were, is that correct, or were
2 you elsewhere beforehand?

3 A. [9:57:25] Yes, I was elsewhere beforehand. I completed my basic training at the
4 Bouaké school of armed forces.

5 Q. [9:57:54] And after Bouaké, where did you go?

6 A. [9:57:58] I went straight to the BASA.

7 Q. [9:58:09] And at the new Akouédo camp located at the BASA, that is, who was
8 your hierarchical superior, your unit commander?

9 A. [9:58:21] At what moment in time? During the crisis?

10 Q. [9:58:25] Yes, I'm sorry about that, during the post-election crisis I mean.

11 A. [9:58:29] It was Colonel Dadi Rigobert.

12 Q. [9:58:50] Was there a second in command at that moment in time or a --

13 A. [9:58:56] Yes, of course, Counsel.

14 Q. [9:58:58] Who was that?

15 A. [9:59:04] It was Captain Goué.

16 Q. [9:59:38] Let's come back to weapons, Mr Witness. Could you briefly tell us what
17 or which weapons you had at the new Akouédo camp during the post-election crisis?

18 A. [9:59:57] In my unit we had AKs, we had 12.7 millimetre machine guns, we had 20
19 millimetre guns, we had dual tube 23 ZU millimetre guns, we had 120 millimetre mortars
20 and we also had BM-21s in addition.

21 Q. [10:00:50] I'd like to focus on the 120 millimetre guns, mortar guns. Now, you say
22 that you had that equipment at camp Akouédo. Now, were you in a particular location
23 or spot?

24 A. [10:01:09] Yes.

25 Q. [10:01:09] And what place was that?

1 A. [10:01:14] At the BASA within my unit.

2 Q. [10:01:24] And how would you gain access to these mortars? Was there a particular
3 procedure to follow?

4 A. [10:01:32] The procedure to follow, well, to have access to that mortar, you see, it was
5 in a locked-off area, *a closed area with a gate, and the entrance was under watch *by soldiers
6 like me. I actually was on watch there several times. And to gain access to that particular
7 area, well, you see, the commander or the second in command would have to respond to a
8 request, and you would have to make a request to the head of security. And then the
9 request would be written down in a logbook, and you would then be allowed to go in with
10 the crew to get the weapon, the 120 you mentioned, to get the actual weapon.

11 And when you left, the head of security would record once again the serial number of the
12 weapon, how many weapons were taken out, plus the registration number of the vehicle
13 because, you see, the weapon would be transported, and also the number of shells to be
14 used, how many you had taken as you were leaving.

15 Q. [10:03:14] So you needed written authorisation from the unit commander; is that
16 correct?

17 A. [10:03:23] Yes.

18 Q. [10:03:35] And to use a 120 millimetre mortar, how many people would you need,
19 a crew of how many people?

20 A. [10:03:43] Maybe -- I don't want to get anything wrong. Let me think. Oh, yes.

21 Q. [10:04:01] I can see, sir, that you have some paper. What's that piece of paper
22 exactly? Are those your personal notes or --

23 PRESIDING JUDGE TARFUSSER: [10:04:13] Mr Knoops.

24 MR KNOOPS: [10:04:16] Mr President, I noticed the witness has some --

25 PRESIDING JUDGE TARFUSSER: [10:04:18] Yes, yes.

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1 MR KNOOPS: [10:04:20] -- notes before him.

2 PRESIDING JUDGE TARFUSSER: [10:04:22] Can you tell us what are those notes,
3 Mr Witness?

4 Can the court officer take these notes and bring it, the court usher take these notes and
5 bring them.

6 What are those notes, Mr Witness?

7 THE WITNESS: [10:04:40](Interpretation) These are personal notes that I took once I had
8 finished reading over my statement because -- my statement to the OTP, because I
9 didn't -- well, you see, there were some typos that led to mistakes, and I don't want to
10 contradict anything that I said earlier.

11 PRESIDING JUDGE TARFUSSER: [10:05:16] But you have read the statements before
12 coming here in the last days and you noticed some, some differences?

13 THE WITNESS: [10:05:33](Interpretation) Yes.

14 PRESIDING JUDGE TARFUSSER: [10:05:35] Well, you will have all the possibilities to
15 go back to this and to explain which those differences are and why, why they exist, okay?
16 Now, Mr Garcia, please.

17 MR GARCIA: [10:06:19] (Interpretation)

18 Q. [10:06:19] Now, this question that I had put to you just a few moments ago, I was
19 asking you how many people were needed to use a mortar gun. *If there was a team,
20 how many people were in that team?

21 A. [10:06:34] The crew is made up of five people. But for actual implementation,
22 three people would be enough. But it's five. For actual firing, three.

23 Q. [10:06:58] Now, you told us that you were a gunner and you used all the various
24 weapons at the camp. What does a gunner do exactly within a crew? What is his actual
25 work or his duties?

1 A. [10:07:16] The gunner helps set up the weapon. It's set up into a battery. It's
2 placed -- he is the one who gets the sighting gear and puts -- and it is also him who
3 receives the coordinates. And the calculations are done on the map. You see, he
4 receives the coordinates and he displays them on the sighting gear. And once that is
5 done, if the weapon is to be shot, one of the ammunition handlers provides him with the
6 shell, and he is the one who puts it in the actual mouth of the weapon. And for the
7 actual firing, it's not exactly automatic. He is the one who actually pulls the trigger with
8 the rope that actually fires the gun. That is the role of the gunner *with a 120 mortar.

9 Q. [10:08:50] Now, you mentioned the training that you took, the two sessions. You
10 had taken CA1 and you were doing CA2. From a technical point of view, can you tell us
11 what the maximum range of a 120 millimetre mortar is? How far does the shell travel?

12 A. [10:09:16] The maximum range, 12 kilometres, 12 kilometres. They were Russian
13 weapons. And the maximum range was 12 kilometres.

14 Q. [10:09:42] Now, Mr Witness, I'd just like to ask you a few more questions about
15 your reply. Now, regarding the range of the weapon, how does that work exactly?
16 How do you ensure that the shell is fired and it reaches a particular distance? How can
17 you extend the range?

18 A. [10:10:09] Well, what I learned was that the -- well, you see, the more loads that
19 you put on the shell, the farther it will travel. The more charges you place, the farther
20 the shell will go. If you have fewer charges, the shell doesn't go as far. The maximum
21 range, the Russian version that I studied, I was taught that you need six charges or loads
22 so that the shell can travel the maximum range, 12 kilometres.

23 Q. [10:10:57] We understand that. If we could just hark back to your statement just
24 for a moment just to shed light on one particular point. And I think paragraph 25 of the
25 statement you gave to the Prosecutors, you told the investigators that the 120 millimetre

1 mortar had a maximum range of 6 kilometres. Could you just think twice. Do we have
2 the correct number here?

3 A. [10:11:34] You said the maximum range. 6 kilometres is the practical range.
4 That is the distance that a shell would travel and do the most damage when it lands. I
5 believe 300 square metres or a radius of -- well, in any event, if the shell reaches its target
6 in realtime, it's 6 kilometres. But you asked me what the maximum was and the
7 maximum range is 12 kilometres.

8 Q. [10:12:13] Thank you for clearing that up for us, Mr Witness.
9 Now, when you say "the practical range," that is the distance that the shell travels with the
10 charges or without them?

11 A. [10:12:32] Well, the shell doesn't go anywhere without the charge. The charge is
12 what propels the shell and gives it the momentum. You put it into the mouth of the
13 weapon and then --

14 Q. [10:12:54] You also mentioned the radius, the range, 6 kilometres, that is the
15 practical range. And 12 kilometres, you mentioned that. What is the radius in which
16 the shell will have its effect? I think you said something about 300 metres?

17 A. [10:13:19] I believe it's 300 metres. I don't know. I'm not -- it has to be 300
18 metres.

19 Q. [10:13:38] Now, when you say 300 metres, what is that exactly? Could you
20 explain that to us?

21 A. [10:13:46] Well, let me give you an example. Let's say I don't want the shell to
22 fall -- well, I don't -- well, I don't know what the square -- the surface area is or the footage
23 of this room is, but in any event, you have to consider the surface area. When the shell
24 falls and considering the shrapnel, how far it will travel, whether it hits the target,
25 whether you want to injure people or do physical damage, I would say 300 metres, that

1 would be the diameter.

2 Q. [10:14:25] If I've understood correctly, *it's a 300 meters range bursting charge. There you are.
3 You also told us during you testimony that during you CA1 training, you learned how to
4 use weapons and what circumstances in which you used weapons. So what sort of
5 circumstances or in what environment does one use a 120 millimetre mortar gun?

6 A. [10:15:07] Well, normally the 120 millimetre gun is a field gun. Normally it is
7 used in the countryside, but sometimes it can be used within a built-up area. And why is
8 that? If there is a particular site that may have been reconnoitred and it is deemed that it
9 is an enemy area, if the enemy is using, let's say, a bridge or something like that, and
10 you're asked to destroy it, if that is the case, in some cases the 120 millimetre gunners are
11 asked to destroy the site in a built-up area. But that is definitely within very-well
12 delineated circumstances; otherwise it's a gun used in the countryside.

13 Q. [10:16:14] Now, just to make sure we've understood one another, because we don't
14 have the same knowledge that you have when it comes to mortars, now, why is it, why do
15 you say that this is usually a field gun? Why in the countryside? Can you tell us about
16 the reliability or the accuracy of the weapon?

17 A. [10:16:40] It's used in the field, in the countryside, and the very name indicates that.
18 It is a piece of field artillery. It's quite clear it's a weapon used in the field. When you
19 fire a shell and you must consider many things; *let's say: you, from where you are you decide
20 to throw a pen at me. You decide where the pen would land; but you miss your target. It does not
21 mean that you are clumsy; it's just that some elements come into play. Me, during my training, I was
22 told that other factors come into play, the geography, the dispersion and its laws, the weather.
23 And so before you shoot within a built-up area or a village, you have to be very sure that
24 the target that you were supposed to hit is a site where there are no people or not
25 really -- or a minimum number of people in the field, because it's not so accurate. You

1 suppose that when you fire, the damage in terms of human lives will not be too high. So
2 there you have it.

3 That is why it is somewhat complex when you use such a weapon in the middle of a city
4 or a town. But in the field, in the countryside it is different.

5 Q. [10:18:41] Now, in practice, when you want to hit a particular target, is there a
6 particular procedure with the mortars? How do you reach a particular target? Just one
7 shot will do the trick or do you need to fire several shots?

8 A. [10:19:02] When you want to hit a particular target, it's quite difficult to hit a target
9 with the first shot. That's quite difficult. You need two or three shots, because the first
10 shot really is just to guide you and allows you to position the weapon properly, because,
11 you see, you're dug into the ground a bit. You put one or two shells in. So the first shot
12 is really to allow the weapon to be positioned.

13 And then your advance scouts will tell you, no, you were such a percentage away from
14 the actual target, because it's really -- you would have to be very lucky to hit the first time,
15 or if you're very skillful, you would then be able to hit a target the first time.

16 Q. [10:20:04] Now, just to finish with this particular point, is there one person within
17 the crew who is working and looking ahead to make sure that the shell has hit its target, a
18 sort of a lookout or an advanced person?

19 A. [10:20:30] Theoretically, yes, that is what is required, that is what is advised, that is
20 what you are supposed to do.

21 Q. [10:20:39] And this lookout person, where is he located usually?

22 A. [10:20:49] This person is at a reasonable distance from the target, between you and
23 the target, but at a reasonable distance. And the person can see with his own eyes or
24 with some kind of equipment.

25 Q. [10:21:11] Now, could you tell us what distance that would be?

1 A. [10:21:23] About 150 to 200 metres in the city, a hundred metres in the countryside,
2 that would be enough.

3 Q. [10:21:42] Now, Mr Witness, in light of your knowledge and training, do you need
4 any specific kind of authorisation to use a mortar?

5 A. [10:21:57] Special authorisation during combat, I would say yes and no.

6 Q. [10:22:06] Let's begin with yes and no. Tell us, when do you need such an
7 authorisation, and then we'll talk about what kind of authorisation is required.

8 A. [10:22:24] Well, to have this authorisation, you see, in my country where I'm from,
9 the general disciplinary regulations stipulate that orders are implemented without any
10 questioning whatsoever. But when criminal responsibility is involved on the part of the
11 person carrying out the order, one can discuss the way in which the order is implemented.
12 A 120 millimetre mortar, if you wanted to fire it in the middle of a town or a city to destroy a
13 site or a whatever, yes, you have to ask the person who gives you the order to fire, and even if
14 it's right then and there with a scrap of paper and a pen, *he has to write: "I declare that I
15 requested Mr X or Soldier X to do so and so" then he signs the paper and gives it to you.
16 You put it in your pocket and then you fire. Since that's in the city. And let's say the next
17 day if there is a complaint or if mention is made -- well, if any kind of report is filed or
18 complaint is made, you can show this scrap of paper or this request. But when it's in the
19 middle of the countryside, it is not necessary to receive any kind of authorisation, no.
20 Secondly, even in the middle of the town, if the position to be attacked, if we agree, well,
21 we -- we shoot under some circumstances, we use what we have.

22 PRESIDING JUDGE TARFUSSER: [10:24:37] Mr Garcia, can you come from the theory
23 to what happened on those days because --

24 MR GARCIA: [10:24:47] Yes, your Honour. I'm getting there.

25 PRESIDING JUDGE TARFUSSER: Okay.

1 MR GARCIA: Obviously I just want to cover the theoretical aspect and his knowledge,
2 and then I will be getting to that event.

3 Q. [10:24:59] (Interpretation) Now, Mr Witness, you mentioned an authorisation,
4 where would that or whom would that authorisation come from normally?

5 A. [10:25:12] That authorisation, well, if I'm a gunner, say, it would be the captain of
6 the gun who would give me the order to fire. Before firing I would check that he had the
7 written authorisation. If that's in the country -- no, I mean if that were in the city.
8 As a gunner I would ask the captain of the gun if he had a written authorisation. If I was
9 the captain, I would ask the head of the platoon, because if it's just a verbal order, it's one
10 person's word against another, and that becomes complicated.

11 Q. [10:25:52] And where would this written authorisation come from, the one that the
12 platoon commander had?

13 A. [10:25:58] Normally it would come from the unit command or from the command
14 in situ. For example, you might be conducting joint manoeuvres with other units and
15 there's one commander. Normally that person gives an order and you carry it out. *So
16 when you are alone, the order could come from the base and you carry it out.

17 Q. [10:26:26] And do you know who gives the order at the base to the head of the
18 unit?

19 A. [10:26:35] Well, there's only one head or chief, the unit commander. There's only
20 that, only him.

21 Q. [10:26:44] Several times you mentioned that they were Russian mortars. How do
22 you know that? How did you receive that information? How did you know that they
23 came from Russia originally?

24 A. [10:26:56] Yes, during my training I received instruction from Russian instructors
25 on how to use these weapons. And what is more, all the manuals were in Russian. So

1 even the equipment, the shells, all the equipment, it was Russian written on everything.

2 Q. [10:27:29] Very well, Mr Witness.

3 Now, I'd just like to ask you some questions, and we'll go in chronological order about
4 some things that you saw during the -- before and during the post-election crisis.

5 Now, before the crisis, had you ever been summoned to the presidency? Did you ever
6 have to take part in any meeting or any other kind of gathering?

7 A. [10:28:01] Meeting? *Meeting? I wouldn't say that it was a *meeting. I
8 remember at one time before the post-election crisis President Gbagbo had invited all the
9 FDS there, the Defence and Security Forces, to talk to them at the presidential palace, and
10 *it was in the public lobby, I believe. And I was one of the delegates from my unit.
11 That day he came and he spoke to all the Defence and Security Forces. And I remember
12 then after that they went back home, that's all.

13 Q. [10:28:51] And you were there, but in what capacity? How had you been invited?

14 A. [10:28:56] All the FDS were invited, and my unit had designated me to be part of
15 the delegation, and that is why I was there.

16 Q. [10:29:11] Do you remember the other people who were there?

17 A. [10:29:18] No, it's been -- I no longer recall. It was quite a long time ago.

18 Q. [10:29:25] Do you remember what was said?

19 A. [10:29:31] Well, I think there were five of us. But as to what was said, no, I no
20 longer recall. I no longer recall. Maybe -- no.

21 Q. [10:29:51] Now, if I could refresh your memory, Mr Witness, on this particular
22 point.

23 And this is OTP-0039-0143, same document as the one I was referring to earlier for
24 another -- this is paragraph 37, page 10 of the statement.

25 You told the investigators that one day a few months before the campaign

1 President Gbagbo --

2 PRESIDING JUDGE TARFUSSER: [10:30:25] And the quote for the record, please,
3 quote.

4 MR GARCIA: [10:30:31] (Interpretation) This is a written statement that was taken by
5 the investigators, and I'm going to quote what the investigators jotted down. Paragraph
6 37:

7 "One day" --

8 PRESIDING JUDGE TARFUSSER: [10:30:47] What you said, the Prosecutor is
9 quoting what you said to the investigators.

10 MR GARCIA: [10:30:56] (Interpretation)

11 Q. Please understand, Mr Witness, that this is what you said to the investigators, these
12 are your words, all right?

13 This was during your interview on the 15th *or the 23rd of January 2013. I'm going to
14 read paragraph 37 to you of the said statement. This is what you said, so and I quote:

15 "One day several months before the campaign President Gbagbo summoned all the armed
16 forces to the office of the president. I was also present. And during the official meeting
17 he said the following, 'You, the heads, if I fall, you fall too.' All the generals were
18 present. There was the armed forces chief of staff, Mangou; the commander of the
19 gendarmerie, Kassaraté; the director general of the national police, General Brindou;
20 General Dogbo Blé, who was the palace commander; General Detoh Letho, commander of
21 ground forces; the Navy General Faussignaux; and the commander of the air force, whose
22 name I can't seem to remember at the moment. They were all there with members of
23 their staff. Each corps had also appointed representatives to attend this meeting, and I
24 was one of those people who were appointed for the BASA." End of quote.

25 Now that I have read the excerpt from paragraph 37, does that enable you to think more

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1 specifically about the question that I put to you?

2 A. [10:32:50] Yes, I now recall, I now recall.

3 Q. [10:32:54] So the information that I -- or the excerpt that I have just read out to you,
4 is that correct?

5 A. [10:32:59] Yes.

6 PRESIDING JUDGE TARFUSSER: [10:33:02] Mr Witness, didn't you say that you have
7 read again a few days ago only the statement?

8 THE WITNESS: [10:33:16](Interpretation) Yes, Mr President.

9 PRESIDING JUDGE TARFUSSER: [10:33:18] But you read also this part, did you?

10 THE WITNESS: [10:33:25](Interpretation) Yes, I read through everything again,
11 your Honour. That's why I took some notes in order not to forget things, otherwise I
12 read through everything again, yes.

13 PRESIDING JUDGE TARFUSSER: [10:33:35] Okay.

14 Mr Garcia.

15 MR GARCIA: [10:33:51] (Interpretation)

16 Q. [10:33:52] Mr Witness, do you know whether there were any militiamen who were
17 part of the ground forces, whether it be all who were in the camp, whether it be before or
18 after the post-election crisis?

19 A. [10:34:04] Before the crisis, to my knowledge, no, but during the crisis, yes.

20 Q. [10:34:11] Could you tell us what you know about that. Firstly, were there any
21 militiamen or members of the militia in the BASA in your camp?

22 A. [10:34:27] Well, I don't know whether they were militiamen or we called them
23 militiamen. These were elements who were not taken into the army by -- properly, and
24 they were dispatched into the various units. And my unit had received, I don't quite
25 know whether it was approximately 30 individuals. And at that time other unit

1 commanders had refused because these were not soldiers, they had not been recruited in
2 the normal manner, that's all.

3 Q. [10:35:08] So these individuals who were recruited, are you in a position to tell us
4 when that was? I don't need a date necessarily, but could you link it to a given event just
5 to give us an approximate time?

6 A. [10:35:27] Yes, these elements, well, when we received those elements, when they
7 arrived, it was after the announcement of the results of the elections. I don't quite like to
8 say this, but there were two republics in my country.

9 Q. [10:35:51] We have understood that. I just want to -- I don't necessarily want us to
10 go down another line, just can you situate us as to when those elements were recruited to
11 your camp, when did they physically arrive in your camp?

12 A. [10:36:14] Well, it was during the period when people were talking about panels
13 and heads of states who were coming to, I don't know, find -- help us find a solution to
14 this crisis. It was during that period.

15 Q. [10:36:32] And during that period of time, at that moment in time, if I understand
16 correctly, you were at the new Akouédo camp when they arrived?

17 A. [10:36:40] Yes.

18 Q. [10:36:47] And their arrival at the new Akouédo camp, their training, was it
19 regular or irregular to your knowledge?

20 A. [10:37:06] Well, they arrived at a moment in time when everybody was struggling,
21 if I can say, to find a means to survive because the crisis had reached another level at that
22 time. So in terms of training, I can't say that there was any training at such because they
23 arrived at the same time, they were put into the various services, and there we are, and
24 out in the field we taught them the basics, if you like.

25 Q. [10:37:48] So, generally speaking, when somebody is recruited and assigned to a

1 given unit, whether it be the BASA or another, how do things unfold, who recruits that
2 person and how long does it take to train them?

3 A. [10:38:09] As to who recruits them I do not know, but what I do know is that there
4 is a service within the ministry of defence called the national service and it is they who
5 recruit, who -- who take stock of those they have recruited and report to the minister.
6 And there's a designated site or a designated military camp where they are trained. In
7 my case, I spent six months in training but I think that it was three -- after three months
8 that these people were appointed to the various units. I was at the BASA when I arrived.
9 I did a first training, then after which you are given the practical certificate CA1. And
10 because this is heavy weaponry you need a lot more training. So but anyway you get the
11 CA1 and that is the practical training, you know, you are taught how to become a gunner.
12 And then after that you complete the CA1, as I told you, that takes three to four months,
13 and then the CA2 is another three to four months and there you have it. But from the
14 CP1, right from the get go, you can already use an artillery weapon because you are
15 taught certain things with regard to the role that you play.

16 Q. [10:39:53] For things to be clear, the CP training, how long does that last? I think
17 you said so but I do want to hear that.

18 A. [10:40:01] It is about 45 days to three months.

19 Q. [10:40:05] And to your knowledge those elements who arrived, you gave us an
20 estimation of the time, did they complete any of those CP1, CA1 or CA2 training
21 programmes?

22 A. [10:40:23] No.

23 Q. [10:40:30] You say that they were used within the service, for what exactly, for
24 missions?

25 A. [10:40:41] Missions? I don't know, but as for -- I didn't conduct any missions with

1 them, but I was on guard service.

2 Q. [10:40:53] What are we talking about in terms of service? Now we talk -- we
3 talked about mission, now we're talking about service. What are we talking about here?

4 A. [10:41:02] When I refer to the word "service", when you are a guard, for example,
5 when you -- when you are on duty, when you are on duty that's when I talk -- well, that's
6 what I mean by service.

7 Q. [10:41:32] You talked about those elements. Are you in a position to tell us
8 whether they came from any particular groups?

9 A. [10:41:42] Groups in particular? I don't understand quite what you mean. What
10 do you mean by "group"?

11 Q. [10:41:59] These elements who arrived, had they already belonged to any other
12 groups whatsoever?

13 A. [10:42:06] Honestly, I don't really know. I don't know.

14 Q. [10:42:39] Now, Mr Witness, I would now like for us to broach the issue of the
15 missions that you fulfilled. Did you fulfil any missions whilst you were located at the
16 new Akouédo camp?

17 A. [10:42:59] Yes.

18 Q. [10:43:05] What type of missions?

19 A. [10:43:12] These were security missions, defence missions. There we are.

20 Q. [10:43:24] And in the context of these security or defence missions, did you get to
21 go to any specific locations outside of new Akouédo camp?

22 A. [10:43:37] Yes, of course.

23 Q. [10:43:43] Could you please tell us which locations you went to on mission, and
24 here I am, of course, talking about during the post-election crisis?

25 A. [10:44:00] Yes, I went on mission to Camp Commando in Abobo, to the

1 penitentiary in Abidjan, to the --

2 THE INTERPRETER: [10:44:23] Unintelligible intersection. Could the witness please
3 be requested to repeat his answer and speak more clearly. Thank you.

4 PRESIDING JUDGE TARFUSSER: [10:44:35] Can you please repeat your answer and
5 speak more clearly into the microphone, otherwise the interpreters do not get your answer
6 properly? Thank you.

7 THE WITNESS: [10:44:52](Interpretation) I said that I did conduct missions to the Abobo
8 commando squadron, to the Abidjan penitentiary, to the M'Pouto intersection in Cocody
9 near the Golf Hotel or the in direction of the Golf Hotel, at the Marie-Thérèse intersection
10 which is also located on the road to the Golf Hotel. There we are.

11 MR GARCIA: [10:45:53] (Interpretation)

12 Q. [10:45:54] Quite simply, Mr Witness, you talk about the M'Pouto intersection.
13 Could you quite simply spell it for us, the one near the Golf?

14 A. [10:46:02] M'Pouto, well, M-'-P-O-U-T-O.

15 Q. [10:46:24] Now, initially, Mr Witness, I'm going to be honing in on your missions at
16 the M'Pouto intersection and the Marie-Thérèse intersection. If I understand correctly,
17 these are close to the hôtel du Golf; is that correct?

18 A. [10:46:41] Yes.

19 Q. [10:46:46] Now, briefly, what did your missions to said locations involve?

20 A. [10:46:55] At the outset, we had gone to make -- to make those people who are
21 inside the Golf Hotel secure. From the base we had been told that the instructions were
22 to stop, any individual seeking to gain access or to leave said location with a weapon we
23 had to stop them.

24 We continued and continued until one day I remember, I don't remember the date, I recall
25 that the instructions changed in that if somebody were to gain access no one was to come

1 past us in order to go back into town, so we call this a blockade. So from being a security
2 mission, this evolved, people could no longer go in, nor could they come out any longer.

3 Q. [10:48:22] So you said to us that initially this was a security mission. Who had
4 ordered said security mission, where did you get your orders from?

5 A. [10:48:31] Well, the orders came from my unit, from my unit.

6 Q. [10:48:37] From whom?

7 A. [10:48:41] Well, as I said to you we are soldiers, an order coming from the unit, it's
8 going to come from the head of the unit and I told you his name.

9 Q. [10:48:51] So it is Colonel Dadi; is that correct?

10 A. [10:48:54] Yes, that is my commander of the unit.

11 Q. [10:48:56] I understand that it is clear for you, Mr Witness, but I'm putting the
12 question to you so for it to be clear in the case file, all right.

13 So this security mission, how many people were you to go to that location?

14 A. [10:49:10] As to a specific number, I couldn't tell you, but I could tell you the
15 number of heavy weaponry. There was a dual tube and a 12.7 millimetres. I think that
16 the dual tube required a crew of five and the 12.7 also, so there were approximately 10
17 people.

18 Q. [10:49:34] So whilst you were there in that first part, the security mission as you
19 called it, was there somebody commanding out in the field?

20 A. [10:49:44] Well, yes, of course, Counsel.

21 Q. [10:49:46] And who was that?

22 A. [10:49:48] Well, these were officers who would take turns. I was also on and off
23 duty sequentially.

24 Q. [10:50:07] So I understand that there were members of your unit from the BASA
25 who were there, but were there members of any other units at that location?

1 A. [10:50:16] Yes, at the outset there were, at the outset, yes.

2 Q. [10:50:20] Who were they?

3 A. [10:50:21] Well, if my memory serves me correctly, it was the armoured battalion
4 and the parachuters or the paratroopers commando, parachuters battalion.

5 Q. [10:50:41] So who were the individuals who were there within the paratroopers
6 commando?

7 A. [10:50:50] These were the -- it was the same situation as for us, they would come in
8 the company of officers under whose command they fell, and there were elements
9 presence like us, so I can't tell you specifically who was who, but it was the same
10 configuration, except that the weapons were different.

11 Q. [10:51:24] And I put a question to you a few moments ago but was there anybody
12 who was in charge of that mission out in the field, anybody in particular?

13 A. [10:51:35] At the beginning, no, we received orders from our base, but then when it
14 became a blockade then, yes, there was.

15 Q. [10:51:47] Who was it?

16 A. [10:51:53] I can no longer remember their ranks, otherwise I think there were two,
17 Captain Atsin Aké and Zadi, I can't remember his first name, Zadi. Those two, those two
18 from the BCP.

19 Q. [10:52:14] You say that it was after that that they became the people in charge of
20 that mission, the commanders in the field, that is Captain Atsin Aké and Zadi from the
21 BCP; is that correct?

22 A. [10:52:29] Yes, because, as I told you, at the outset this was a security mission, so
23 we came from different units. Each unit came with their own instructions and then we
24 entered service. Subsequently, when the mission changed then things needed to be
25 reorganised and that's when we had two chiefs.

1 Q. [10:52:59] Do you remember how long -- how much time elapsed between the time
2 when it was a security mission and then when there was what you referred to as a
3 blockade?

4 A. [10:53:10] I can't remember exactly, but approximately two weeks to one month,
5 two weeks to one month approximately.

6 Q. [10:53:44] And you, Mr Witness, did you glean who these Captains, Atsin Aké and
7 Zadi, from the BCP got their orders from?

8 A. [10:53:59] No. Well, I imagine that the orders came from the general staff.

9 Q. [10:54:22] You also talked about a mission to the MACA; is that correct?

10 A. [10:54:27] Yes.

11 Q. [10:54:27] That's the penitentiary?

12 A. [10:54:30] Yes.

13 Q. [10:54:35] Who was in charge of that mission and what was its aim?

14 A. [10:54:42] The aim of the mission was to make the penitentiary and its surrounding
15 area secure. There had been threats to the MACA, upon the MACA, people wanted to
16 attack it and release the prisoners. I think there were two officers. I think there might
17 have been a name BB, the other person was from my unit, Captain Goué. The second
18 person I think he was from the BB --

19 THE INTERPRETER: Says the witness.

20 THE WITNESS: (Interpretation) -- I don't know. There were two, the BB.

21 MR GARCIA: (Interpretation)

22 Q. [10:55:25] And you also talked to us about missions in Abobo; is that correct?

23 A. [10:55:29] Yes, Counsel.

24 Q. [10:55:32] So these missions, where did you go to in Abobo?

25 A. [10:55:38] I said we went to the commando squadron.

1 Q. [10:55:49] Is there a specific camp that you went to in particular?

2 A. [10:55:55] Yes, it's a gendarmerie squadron, yes, it's a military camp.

3 Q. [10:56:01] Is it the Camp Commando of the gendarmerie?

4 A. [10:56:05] Yes.

5 Q. [10:56:11] And what was the aim of your missions to Camp Commando?

6 A. [10:56:21] We went there with a view to patrolling and ensuring or guaranteeing
7 the security of the population. That was the aim of the mission.

8 Q. [10:56:43] And when you went there how did things unfold, did you go there
9 directly from your new Akouédo camp? How did things happen?

10 A. [10:56:54] At the outset, the unit -- well, we went straight to the Camp Commando.
11 And what is more, it was not only my mission that went there, at the outset people would
12 come from their own location, they would come together, they would join, gather there, at
13 the outset the units would come in small groups and they would come under regular
14 attack, they would come under gunfire. So the commander decided that in order to
15 come to Camp Commando all of the units needed to gather together at the gendarmerie,
16 the Agban gendarmerie camp, and at the -- from the Agban gendarmerie camp in single
17 file we would go to the Camp Commando.

18 Q. [10:58:04] And when you went to Camp Commando how long would you stay
19 there before you were relieved?

20 A. [10:58:11] At the beginning it was 24 hours. Subsequently, it became 48 hours.
21 And then after that, it was a week. But I didn't spend a whole week there. I did,
22 however, spend 24 hours and 48 hours there respectively.

23 Q. [10:58:31] And how come, how was it that these relief periods were extended from
24 24 to 48 to one *week, or the shift was extended?

25 A. [10:58:46] *Yes because people are getting tired you need to manage people and

1 those in human resources were thinking about how they could manage *the resources
2 because it was becoming lengthy. And secondly, some of our colleagues were falling
3 sick and this was adding to their state of fatigue. And as I said, thirdly, the entrance and
4 exit from Abobo wasn't like coming in and out of church, you know, it wasn't easy at a
5 given moment in time.

6 MR GARCIA: [10:59:23] Your Honours, I'm mindful of the time, I believe there is one
7 minute left. I ask that we adjourn at this point and I will not be taking that much longer
8 after the break.

9 PRESIDING JUDGE TARFUSSER: [10:59:31] Okay, let's break for half an hour. You
10 can have a rest for half an hour, so can the interpreters and court reporters, and then we
11 come back at 11.30 for the second session.

12 The hearing is adjourned.

13 THE COURT USHER: [10:59:44] All rise.

14 (Recess taken at 10.59 a.m.)

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

16 THE COURT USHER: [11:34:54] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [11:35:11] Good morning once again.

19 Now, before continuing the questioning by the OTP of the witness, I would just invite the
20 parties to make submissions on the filing, which arrived during the last session, by
21 tomorrow morning first thing when we resume. And I also ask the Registry to invite the
22 VWU for their submissions as well tomorrow morning so that we can decide on the
23 request of the Office of the Prosecutor.

24 This said, I give the floor again to Mr Garcia for his questioning. It is okay with you,
25 Mr Witness? Are you fine?

1 THE WITNESS: [11:36:19](Interpretation) Yes, your Honour.

2 PRESIDING JUDGE TARFUSSER: [11:36:20] Okay. Thank you very much.

3 Therefore, the floor is yours, Mr Garcia.

4 MR GARCIA: [11:36:26] Thank you, your Honour, Mr President.

5 Q. [11:36:30] (Interpretation) Mr Witness, where were you when the Abobo market
6 was shelled during the post-election crisis?

7 MR ALTIT: [11:36:43] (Interpretation) Your Honour.

8 PRESIDING JUDGE TARFUSSER: [11:36:45] Maître Altit.

9 MR ALTIT: [11:36:47] (Interpretation) Thank you, your Honour.

10 PRESIDING JUDGE TARFUSSER: [11:36:50] You're right, I already understand what
11 you want to say. We are not talking about facts which are obviously contested, so we
12 have to please change the questioning, reformulate your questions.

13 MR GARCIA: [11:37:08] (Interpretation)

14 Q. [11:37:09] Did you ever hear of any shelling of the Abobo --

15 PRESIDING JUDGE TARFUSSER: [11:37:12] No. No, no, where were you on that
16 day?

17 MR GARCIA: [11:37:21] Your Honour, I'd just -- I have difficulty putting that question
18 to the witness because of the statement. If we look at paragraph 111, the date, the
19 specific date. I don't want to lead on a specific date, I want it to be referred to by the
20 witness as an event. And the question as I framed it, the last question, is just simply if
21 he's heard about this type of event. Now, the witness can answer yes or no and he can
22 relay what he does or does not know on that event.

23 PRESIDING JUDGE TARFUSSER: [11:37:55] No, you have asked where have you been
24 when this has happened.

25 MR GARCIA: [11:38:00] The second question, your Honour, I asked is if he's heard

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1 about it, if I can ask that question, maybe that will --

2 PRESIDING JUDGE TARFUSSER: [11:38:03] Did you ever -- did you, Mr Witness, ever
3 hear about --

4 MR GARCIA: [11:38:15] That's why, your Honour --

5 PRESIDING JUDGE TARFUSSER: [11:38:17] -- a shelling in Abobo during the crisis?

6 THE WITNESS: [11:38:31](Interpretation) Yes, your Honour.

7 PRESIDING JUDGE TARFUSSER: [11:38:33] Well, then can you tell us more about
8 what you know about this event you refer to, what happened? Tell us everything you
9 know about that and, if possible, also to indicate when this event happened.

10 THE WITNESS: [11:39:03](Interpretation) The shelling of the Abobo market, I was not on
11 duty that day at Camp Commando but I was on duty at the new camp in Akouédo. And
12 from that location, the new camp, I heard the sound, the sound of the weaponry. And it
13 was so loud at the camp that we wondered, my colleague and I wondered whether it was
14 a tank, what kind of weapon was it, because no one -- no one wanted, no one thought that
15 a mortar -- that someone would be using a mortar in the very middle of the city. So
16 upon arrival, two days later when the new team took over, when the elements came to
17 Camp Commando --

18 PRESIDING JUDGE TARFUSSER: [11:40:14] But, excuse me, why two days later?
19 Let's talk about that day.

20 THE WITNESS: [11:40:26](Interpretation) That day I said that I was on duty at the new
21 camp and from the new camp I heard the sound, the sound of those weapons.

22 PRESIDING JUDGE TARFUSSER: [11:40:37] Yes, but did you not inquire what it was?
23 And then I give back to the Prosecutor.

24 THE WITNESS: [11:40:52](Interpretation) Of course, your Honour. Of course. I
25 wondered and some of my colleagues -- well, we were wondering what kind of weapon

1 the sound came from because there were various kinds of weapons in the field in Abidjan,
2 we were wondering whether it was a tank, but no one dared think that it was
3 *a 120 cannon, a 120 mortar, because at least we thought that "we are in town".

4 PRESIDING JUDGE TARFUSSER: [11:41:22] Yes, at what time, I would also ask and
5 then give back to the Office of the Prosecutor, please?

6 THE WITNESS: [11:41:41](Interpretation) If I recall correctly, it was after, after the event
7 that occurred at the Banco intersection where the women were killed in Abobo.

8 PRESIDING JUDGE TARFUSSER: [11:41:56] Mr Prosecutor.

9 MR GARCIA: [11:41:59] (Interpretation)

10 Q. [11:42:02] If we could just hark back for a moment to what you just said. The
11 sound that you heard, had you already heard that sound before in the past?

12 A. [11:42:14] Yes, yes.

13 Q. [11:42:18] And what kind of weapon did the sound come from, what did it match?

14 A. [11:42:23] There were only two kinds of weapons that could create such a sound, a
15 tank and the 120.

16 Q. [11:42:59] You mentioned the tank, what tank?

17 A. [11:43:03] Yes, the tanks that our army had been issued. I'm not a cavalry man to
18 tell you exactly what kind of tanks, but such a noise could come from a tank or from a 120
19 millimetre gun because the earth shook.

20 Q. [11:43:22] What kind of tank?

21 A. [11:43:28] *I am talking about the tanks that the soldiers have for the combat, those
22 equipped with big and elongated cannons. This could only be the sound of a tank or a
23 mortar being fired causing the ground to shake, with a very impressive noise.

24 Q. [11:43:45] I just would like to take you back to your statement, ERN OTP-0039-0143,
25 paragraph 111, just to make sure that we're on the same wavelength. Quote:

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1 "I heard detonations from 120 millimetre mortars. I could tell that they were 120
2 millimetre mortars because they make quite a deafening noise and it feels like the ground
3 is shaking."

4 Is that, indeed, what you told us?

5 A. [11:44:29] Yes. Yes.

6 Q. [11:44:40] Is that correct, is that --

7 A. [11:44:42] Yes.

8 Q. [11:44:48] Then after that, once you had heard that sound, that explosion, did you
9 try to find out where the sound came from?

10 A. [11:44:58] Yes, I did ask some of my fellow soldiers because I -- I was wondering
11 and I had no answer, so I was asking some of the other soldiers and they were not able to
12 tell me exactly which kind of weapon it was.

13 PRESIDING JUDGE TARFUSSER: [11:45:25] The question was where it came from.

14 The question was where it came from.

15 THE WITNESS: [11:45:33](Interpretation) No, that day, in my statement, that day I was
16 wondering, I didn't know where it came from. Two days later, when the other soldiers
17 came in to relieve the first team that is when, and I explain that point a little bit further on.

18 MR GARCIA: [11:45:55] (Interpretation)

19 Q. [11:45:55] We'll get there, Mr Witness, we'll get there. Just wait. If we could
20 have a look at paragraph 111 of your statement. At the end of that particular paragraph
21 you said:

22 "With those detonations we tried to find out what was happening, and so one of our men
23 called Camp Commando and we received confirmation" - wait - "that the shots had in fact
24 come from there. It was said that the Invisible Commando had been at the market and
25 that was why 120 millimetre shells had been fired there. I don't remember anymore,

1 whether two or three had been fired."

2 Is that information correct?

3 A. [11:46:35] Yes, yes, yes. I now remember. Yes, yes. In order to determine what
4 happened, indeed. One of the other soldiers called, one of our fellow soldiers who was
5 there. We just had mobile phones, you see, and, yes, that man confirmed that the shots
6 came from Camp Commando and he even -- it wasn't written down -- he even went on
7 the loudspeaker and said why, why the weapon had been used, and the answer that his
8 colleagues gave him was that the infamous Invisible Commando had been seen there. So
9 there you have it. So it was a target and it had to be destroyed.

10 Q. [11:47:34] You mentioned not the next day but the day after.

11 A. [11:47:39] The day after that. I don't know exactly. Not the same day. Not the
12 same day at the shooting. But I think I did say that specifically to the OTP investigators.
13 I don't know if it was the day following or two days after.

14 Q. [11:47:56] If I could refresh your memory, paragraph 112, 0177, you began by
15 saying:

16 "The next day when the team that had fired had been relieved."

17 THE INTERPRETER: [11:48:13] Overlapping speakers. One at a time, please.

18 PRESIDING JUDGE TARFUSSER: [11:48:16] Please don't overlap, please.

19 MR GARCIA: [11:48:23] (Interpretation)

20 Q. [11:48:23] Mr Witness, take your time, explain to us in detail what you saw the
21 next day, what had happened.

22 A. [11:48:34] The following day when I was at the camp, the new camp, at Akouédo,
23 and then the relief came in. You see, the people who had been in the field were replaced,
24 relieved, and, you see, the men were received as -- they were welcomed back as heroes.
25 The other soldiers were clapping. And they were even received at the home of the unit

1 by the commanding officer of the unit of the day.

2 Each particular person received a beverage, perhaps alcoholic, perhaps not, depending on
3 what the man wanted. After that, one of my fellow soldiers went up to one of the men
4 and asked him why he had used the weapon right in the very middle of a built-up area.

5 And so they spoke, there was an altercation, and then, at the last minute, the sergeant who
6 went up to the head of the men to complain said, I was there and I saw, and he said, "Hey,
7 coming from you, you're a well-trained non-commissioned officer, how can you use field
8 artillery in the very middle of the city with the excuse being that there is an enemy?"

9 What is more -- and he shot or fired upon a market. And he said, "Well, it's done. I
10 don't know how this crisis is going to end, but if ever it ends, and I'm still alive, I will save
11 a little bit of money from my salary to get my ticket and my visa and go all the way to The
12 Hague to complain about you, to file a complaint about you because you say you got the
13 order. Yes, that's true, but you shot upon a market. Secondly, I have relatives who
14 were there at the spot where the shell landed. And others were injured. And I will not
15 forgive you for that."

16 And so there was some pushing, some shoving. They were separated, people separated
17 the two of them. That was towards the end of the day or perhaps -- or the next day, the
18 sergeant who was going to complain about the other soldier was taken away, his
19 Kalashnikov was taken away from him, he was taken to COMTER commissionnaire and
20 then he was taken to the gendarmerie to the search brigade. So those things confirmed to
21 me that, indeed, shots from Camp Commando had landed upon Abobo market.

22 Q. [11:52:09] Mr Witness, just -- this sergeant you mentioned, what was his name, the
23 person you mentioned?

24 A. [11:52:19] If the Court could allow me to give that name in private session.

25 PRESIDING JUDGE TARFUSSER: [11:52:25] Yes, let's go into private session. And

1 please give us the names of the two persons who were debating.

2 (Private session at 11.52 a.m.)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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14 (Redacted)

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7 (Open session at 11.57 a.m.)

8 THE COURT OFFICER: [11:57:36] We are back in open session, Mr President.

9 PRESIDING JUDGE TARFUSSER: [11:57:41] Mr Garcia.

10 MR GARCIA: [11:58:01] (Interpretation)

11 Q. [11:58:02] You also said that they were welcomed back as if they were heroes and
12 there was clapping and so on and so forth. What else happened?

13 A. [11:58:12] When I said that they were received as heroes, they were welcomed back as
14 heroes because some of the men applauded when they got there in their truck at Camp
15 Commando. Secondly, I said that they were received at the home of the unit, that is to say a
16 building, a room. There's a television room, there's a place where you can eat, you can drink
17 alcoholic beverages, not very strong alcoholic beverages. But in any event, they were
18 received at this place and each person had a drink, a beverage, alcoholic or not, paid for by the
19 unit commander after receiving the two heads of the men at -- in his office. And what is
20 more, when they went out of the unit commander's office that is when the sound began --

21 THE INTERPRETER: Well, correction, that is when the discussion, the argument began
22 between the two non-commissioned officers.

23 MR GARCIA: (Interpretation)

24 Q. [11:59:25] Now, this commander who received them --

25 A. [11:59:30] Colonel Dadi.

1 PRESIDING JUDGE TARFUSSER: [11:59:31] Please, please respect the end of the
2 translation, thank you.

3 MR GARCIA: [11:59:48] (Interpretation)

4 Q. [11:59:48] If you could kindly repeat, what was the name of the commander who
5 received them?

6 A. [11:59:56] Colonel Dadi.

7 Q. [12:00:05] You say that he received them in his office, and then where did they go?

8 A. [12:00:12] They went off and they changed and they -- well, they were going to
9 take some rest after the end of their duty.

10 Q. [12:00:24] Now, you say that they were given a beverage, they drank a beverage of
11 their choice, where was that?

12 A. [12:00:31] I said that when they got there in the vehicle, after they had finished
13 their shift, so to speak, they got out and normally, well, you get out of the vehicle and
14 you -- you hand over the weapon and you go to your room and you take rest.
15 After they got out of the vehicle, after the clapping there was noise, some of them were
16 encouraging them. They didn't come in unnoticed, that's for sure. The commander of
17 the unit came out of his office and asked them to, each one of them, to come into the foyer,
18 the reception room. He paid the bill, he gave instructions. And after the drink, he said
19 after the -- "After you've had your drinks come and see me in my office." So they quickly
20 had their drinks and then they quickly went into the office of the unit commander. And
21 once he had finished speaking to them they came back out and they went to their quarters
22 after they had integrated their weapons.

23 Q. [12:01:58] I have a few questions about Pegard Egni and Brice Kamanan. Pegard
24 Egni what was he, who was he and what was his position?

25 A. [12:02:15] Pegard Egni was the platoon leader of the 12.7.

- 1 Q. [12:02:28] You also mentioned Brice Kamanan, what was his position?
- 2 A. [12:02:37] Platoon leader of the 120 millimetre mortar.
- 3 Q. [12:02:46] What can you tell us about their experiences in the area of mortars?
- 4 A. [12:02:57] These were two NCOs that I respected because they were very good
- 5 with their duties and their weapons.
- 6 Q. [12:03:23] Mr Witness, we will continue.
- 7 Now, following the arrest of Mr Gbagbo, where were you?
- 8 A. [12:03:42] After the arrest of President Gbagbo I was in Abidjan.
- 9 Q. [12:03:55] And in which commune were you living?
- 10 A. [12:04:03] I already told the OTP that, it was Banco north.
- 11 *Q. [12:04:12] This is Yopougon, if I understand correctly?
- 12 A. [12:04:18] Well, Yopougon, well on the map Attécoubé. But it is usually referred to as Yopougon.
- 13 Q. [12:04:38] And we are talking here after the arrest of President Gbagbo, were there
- 14 any roadblocks in your neighbourhood, in your commune?
- 15 A. [12:04:54] In my neighbourhood, no, but in my commune yes, carrefour Sable.
- 16 I'm talking about the Carrefour Sable because I always passed by there while going to my
- 17 place of work and to my home.
- 18 Q. [12:05:21] Were there roadblocks elsewhere as far as you know?
- 19 A. [12:05:26] Yes, yes.
- 20 Q. [12:05:28] Where?
- 21 A. [12:05:39] There were roadblocks when you were going to the Sideci, 16th
- 22 arrondissement of the police, Sicogi ou Niangon, I'm not very certain, I already told the
- 23 OTP that, I do not quite remember. There is a Lubafrique station there. There was also
- 24 a roadblock on the road to the Yopougon cemetery.
- 25 Q. [12:06:27] And who was manning those roadblocks during that period? Did you

1 see those people?

2 A. [12:06:38] Manning the roadblocks, I'm not in a position to tell you. There were
3 young people there, some of them spoke English, some spoke French. I did not see
4 anyone that I recognised amongst them.

5 Q. [12:07:07] During that same period, Mr Witness, did you cross those blockades,
6 those roadblocks?

7 A. [12:07:15] After the arrest of President Gbagbo in the Yopougon commune, yes.

8 Q. [12:07:30] Did you cross the roadblocks with a colleague?

9 A. [12:07:34] Yes, I do recall one colleague who was with me. When the fighting was
10 at its height, the UN aircraft came and shelled our unit. It was a free for all. Everyone
11 ran away. We went to my home and, in my home, he said that he had spent two weeks
12 without going back to his house and he had heard that people were looting empty houses,
13 so he was going to fetch some clothes to come back and wait so that things should calm
14 down.

15 I tried to accompany him. We went through the Lubafrique roundabout. And to arrive
16 at that roundabout, we could not take the direct route, there were too many weapons,
17 people were shooting everywhere. We used minor paths. And what I saw in carrefour
18 Lubafrique, I believe I saw something that made me think a great deal, I do not know who
19 it was, but I had heard that it was an elderly person and he was burnt with tyres.

20 We used our professional cards and that is how we were able to cross, but with your
21 national identity card it was difficult. *But with the national identity card, you had to be
22 careful, either you spoke English or you made sure not to have a name that sounded like
23 an RHDP name. Otherwise you bypassed because it was not certain that you would be
24 able to cross. That is where I found that person being burnt. And then I remembered
25 something, because well before I had colleagues who had been telling me in the barracks

1 that when things will heat up you will be liable to Article 125. And when I saw someone
2 being burnt it was my young colleague who was saying to someone passing by that it was
3 Article 125, which was being implemented. And this was quite frequent.

4 Q. [12:10:54] Just to be clear, were you an eyewitness to this person who was being
5 burnt?

6 A. [12:11:07] I came and I found the head and the upper part of the body burning. I
7 don't know whether they cut off some parts, but I saw a tyre, I saw the head, I saw the
8 arms, but the rest of his body no longer existed.

9 Q. [12:11:31] Did you come to know the ethnicity of that person who was being
10 burnt?

11 A. [12:11:39] I no longer remember very well. I don't know whether he was a Dioula
12 or something else, but I believe I told that to the OTP.

13 Q. [12:11:56] Just to refresh your memory, this is page 0184, paragraph 126, and I quote you:
14 "At that roadblock these people arrested someone and he was a Dioula from Odienné. I
15 remember that very well."

16 Now, is that information correct?

17 A. [12:12:34] Yes, Counsel.

18 Q. [12:12:39] You also stated that you crossed some roadblocks with your colleague.
19 And my question is: Who was manning those roadblocks at that time?

20 MR ALTIT: [12:13:02] (Interpretation) Mr President, the witness has already
21 answered that precise question.

22 PRESIDING JUDGE TARFUSSER: [12:13:08] I have heard that he had already asked
23 that question, saying people speaking in English and in French, but I think that one could
24 be more specific and saying that people speaking English and speaking French is a little
25 bit generic. Can you be more specific on this?

1 THE WITNESS: [12:13:48](Interpretation) To be more specific, those who spoke French,
2 given their accent, I knew that these were my Ivorian brothers, but as to those who were
3 speaking English, I was not aware. I knew they were speaking English from
4 neighbouring francophone countries, I do not know, but rumours were circulating that
5 they were Sierra Leonais or Liberian mercenaries. In any case, they were from
6 anglophone countries. Those were rumours, but since I did not cross-check, I am not
7 sure, but for those who were speaking French I know that these were my Ivorian brothers.

8 MR GARCIA: [12:14:49] (Interpretation)

9 Q. [12:14:50] Mr Witness, let me refresh you, 0039-0113, and this is page 126 of your
10 statement, page 0184. And you stated, and I quote.

11 PRESIDING JUDGE TARFUSSER: [12:15:21] Yes, Maître Zokou -- Mr N'Dry, I'm sorry.

12 MR N'DRY: [12:15:29] (Interpretation) Just to ask the Prosecutor whether he is
13 refreshing the memory of the witness or to confront him with his prior statement?

14 PRESIDING JUDGE TARFUSSER: [12:15:45] Yes, but this is the always upcoming
15 problem, that there is never clarity if there is confrontation, or there is a refreshing of
16 memory, so I would really ask you to -- or, to confront him because there is something to
17 confront him with or to refresh the memory if he doesn't, if the witness doesn't recall.

18 MR GARCIA: [12:16:09] Yes, your Honour. This is confronting and I'm going to read
19 out the passage.

20 PRESIDING JUDGE TARFUSSER: [12:16:13] Okay.

21 MR GARCIA: [12:16:16] (Interpretation).

22 Q. [12:16:17] Mr Witness, I will read your statement, paragraph 126, and I quote:

23 "At each checkpoint there were members of the armed forces manning them."

24 And just before that sentence:

25 "Some of the people controlling the roadblocks were fellow uniformed personnel who I

1 recognised on site, but they pretended not to recognise us. They were police gendarmes
2 and soldiers."

3 Now, Mr Witness, is this information correct, that is what you told the investigators?

4 A. [12:17:10] Counsel, I said that, but even those that we recognised and who were
5 pretending, they were wearing regular uniforms of policemen, gendarmes and soldiers, so
6 as far as I was concerned these were colleagues. But then, alongside them there were
7 people dressed in civilian clothing, and that is why when you asked me a question about
8 militias I said I was not sure. But what you have read is true, they were dressed in
9 regular uniforms just like you are dressed. If I see you I know you are of the Court.

10 Q. [12:18:02] You said "these were colleagues that I knew." So these colleagues
11 belonged to which units because you said you recognised them?

12 A. [12:18:21] When I say "recognised them" it is because they were wearing uniforms,
13 they were wearing gendarmerie and police uniforms. That is how I recognised them.
14 But to say that they were the ones manning the roadblocks, *well honestly, I did not stay
15 long enough, because I had fear for my security; I did not stay long enough to be able to
16 identify who was really responsible. But they were there present at the checkpoints.

17 Q. [12:18:50] Mr Witness, just so as to be more clear with the dates, these roadblocks
18 that you saw, were they there after the new Akouédo camp, that is your camp, was
19 shelled, and we are talking of the date of 4 April?

20 A. [12:19:15] I know that it was after the shelling of my unit. I am certain about that.

21 Q. [12:19:24] How long after, hours, days? I know it was a long time ago, so just give
22 us an approximate idea.

23 A. [12:19:41] It was in the late afternoon that the camp was shelled. And the next
24 day everyone tried to find their own way home. And one had to stop in public places or
25 churches, so I no longer remember, but I think my colleague and myself spent three or

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1 four days before arriving my home.

2 Q. [12:20:24] So three or four days after the shelling of your camp?

3 A. [12:20:30] Yes.

4 Q. [12:20:42] Mr Witness, just a moment, so that I should cross-check whether I have
5 concluded the questioning.

6 MR GARCIA: The Prosecution has no further questions for this witness, your Honours.

7 PRESIDING JUDGE TARFUSSER: [12:20:58] Thank you. Thank you very much.

8 I have a question because at page 52, line 6, you said, line 5 following:

9 "If you heard a name that sounded like a RHDP name and other things it would be
10 difficult to pass the roadblocks."

11 What is an RHDP name, what do you understand under RHDP name?

12 THE WITNESS: [12:21:40](Interpretation) A name that sounds like an RHDP name
13 would be a name coming from the three leaders of the Rassemblement of Houphouétists.
14 So if you had a name from the north, from the centre and a few names from the east or the
15 south even. I really do not know how to explain because people tended to look at the
16 influential members of those groups and then they would assume that those belonging to
17 their ethnic group would necessarily support those people. You can have my name and
18 support the LMP of President Gbagbo, but if you arrived there your name would not save
19 you.

20 PRESIDING JUDGE TARFUSSER: [12:22:55] You want to -- does the name identify
21 something, does the name somehow identify you or your ethnicity?

22 THE WITNESS: [12:23:13](Interpretation) Yes, Mr President.

23 PRESIDING JUDGE TARFUSSER: [12:23:14] So if you have a surname, one knows to
24 whom you belong, is that correct, to which ethnicity, to which part of the country and
25 things like this?

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1 THE WITNESS: [12:23:44](Interpretation) Yes, Mr President. In my country, based on
2 your family name, people would know from which region or ethnic group you come
3 from.

4 PRESIDING JUDGE TARFUSSER: [12:23:58] Thank you very much.
5 So the Prosecution has finished his questioning. I now give the floor to the Defence. I
6 see Maître Altit going on his feet, therefore I think the Defence -- I've heard the transcript
7 has frozen. Why? Also the French.

8 THE COURT OFFICER: [12:24:35] And for the English one. Yes, it is stuck since 12.18.
9 I contacted the technician and they are working on it. For the French one, it is stuck as
10 well, it is frozen.

11 PRESIDING JUDGE TARFUSSER: [12:24:53] Can you please inquire so that we know
12 where we stand, thank you.

13 MR MACDONALD: [12:25:16] The French works, your Honour.

14 PRESIDING JUDGE TARFUSSER: [12:26:12] So both are frozen, are still frozen, as far
15 as I know from the court officer, at the same time at 12.18.

16 MR MACDONALD: [12:26:24] The French, your Honour, is --

17 PRESIDING JUDGE TARFUSSER: No.

18 MR MACDONALD: -- seems to be working right now.

19 PRESIDING JUDGE TARFUSSER: [12:26:30] Well --

20 MR MACDONALD: [12:26:31] It may have frozen --

21 PRESIDING JUDGE TARFUSSER: [12:26:33] No, of course, of course. The English is
22 still frozen. We don't know why.

23 We could also take the break here, come back at 2.30 for two hours.

24 MR MACDONALD: [12:27:02] Or we can break for an hour and a half for lunch,
25 your Honour, and come back at one --

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- 1 PRESIDING JUDGE TARFUSSER: [12:27:09] Yes --
- 2 MR MACDONALD: -- by 2 o'clock.
- 3 PRESIDING JUDGE TARFUSSER: Yes, but then we have a two hour session in the
- 4 afternoon, okay. Is this agreeable to you?
- 5 MR ALTIT: [12:27:24] (Interpretation) Yes, but the resumption time is not very clear,
- 6 2 o'clock or 2.30?
- 7 PRESIDING JUDGE TARFUSSER: [12:27:35] I don't know if you -- if the Prosecution is
- 8 making the break or the Court. No, it's, it's a joke of course. It's 2.30.
- 9 MR ALTIT: [12:27:49] (Interpretation) Very well, Mr President.
- 10 PRESIDING JUDGE TARFUSSER: [12:27:52] Thank you very much. So the hearing is
- 11 adjourned to 2.30.
- 12 THE COURT USHER: [12:27:58] All rise.
- 13 (Recess taken at 12.28 p.m.)
- 14 (Upon resuming in open session at 2.33 p.m.)
- 15 THE COURT USHER: [14:33:42] All rise.
- 16 Please be seated.
- 17 PRESIDING JUDGE TARFUSSER: [14:33:53] Good afternoon.
- 18 Good afternoon, Mr Witness.
- 19 The floor is immediately to the Defence for Mr Gbagbo. Maître Altit.
- 20 MR ALTIT: [14:34:24] (Interpretation) Thank you, Mr President. Your Honour, before
- 21 I begin, there is a question to the OTP that I wanted to raise now. And I could raise this
- 22 at the end of the session if you wish.
- 23 PRESIDING JUDGE TARFUSSER: [14:34:48] Well, if it's unrelated to the witness and to
- 24 what you need to do now, then probably it's better to start and to do it at the end of the
- 25 session. Okay. I will take care. How long does it take you?

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- 1 MR ALTIT: [14:35:01] (Interpretation) It is a simple question on the duration of the
2 upcoming questioning of witnesses. So I will put that question at the end of the session.
- 3 PRESIDING JUDGE TARFUSSER: [14:35:17] So we put that question now so we have an
4 answer at the end of the session.
- 5 MR MACDONALD: [14:35:22] It's going to be the same, approximately the same length
6 as the current witness in-chief, your Honour, should be, for the next two witnesses. In
7 any event, the last witness for this week is planned an hour and a half in-chief. So we're
8 not, for the following witness, we do not intend to take the full time that we were allowed.
- 9 PRESIDING JUDGE TARFUSSER: [14:35:51] So it's more less than more, yes.
- 10 MR MACDONALD: [14:35:53] Of course, not knowing the future, but it should be less.
- 11 PRESIDING JUDGE TARFUSSER: [14:35:57] Okay.
- 12 MR ALTIT: [14:36:07] (Interpretation) Mr President, since the OTP has been kind
13 enough to give us that clarification, so if I understand well, it would be less time for the
14 coming witness, but maybe a little bit more for the next witness? Do we agree on that?
15 Very well. Thank you, Mr President.
- 16 PRESIDING JUDGE TARFUSSER: [14:36:32] Why do you say a little bit more for the
17 next witness? I don't know.
- 18 MR ALTIT: [14:36:37] (Interpretation) I thought I understood that the OTP will give
19 less time to the upcoming witness and a little bit more to the expert witness. That's what
20 I thought. But it's clear now.
- 21 PRESIDING JUDGE TARFUSSER: [14:36:56] No, but I think it's that what was estimated,
22 but if a little bit less than estimated. So this is how I understood it, and this regards all
23 the next witnesses. Okay.
- 24 Thank you very much. Now let's start the questioning. You have the floor.
- 25 MR ALTIT: [14:37:19] (Interpretation) Thank you, Mr President.

1 QUESTIONED BY MR ALTIT: (Interpretation)

2 Q. [14:37:26] Good afternoon, Witness.

3 A. [14:37:29] Good afternoon, counsel.

4 Q. [14:37:30] My name is Emmanuel Altit, and I'm lead counsel for Mr Laurent Gbagbo.

5 I will ask you some questions and I would like you to answer them precisely and
6 concisely. Is that okay?

7 A. [14:37:46] Yes, counsel.

8 Q. [14:37:50] Very well. Now let us begin.

9 This morning you said that you recognised the sound of a mortar shot from a certain
10 distance; is that correct?

11 A. [14:38:17] Yes.

12 Q. [14:38:20] Now, have you ever used yourself personally a 120 millimetre mortar?

13 A. [14:38:27] Yes.

14 Q. [14:38:29] Under what circumstances?

15 A. [14:38:34] During training sessions.

16 Q. [14:38:37] Very well. Have you ever used a 120 millimetre mortar in the field on
17 the ground, that is not in training, in a real context?

18 A. [14:38:56] I really do not know what you mean, but putting the weapon in the
19 battery, yes, but not actually firing it, except during training.

20 Q. [14:39:11] Very well. You, you were a specialist in a special weapon, is that it? Or
21 could you work with any other weapon?

22 A. [14:39:31] All the weapons assigned to my unit at that time I could operate as a
23 shooter during that period.

24 Q. [14:39:46] Very well. Let me be more specific. You had the ability, you explained
25 it to us this morning, because you received the training; is that correct?

1 A. [14:39:59] Yes.

2 Q. [14:40:00] My question is as follows. Training is something and practice is
3 something else. Were you assigned to a specific type of weapon or equipment, or during
4 your service would you be assigned to any one of the weapons?

5 A. [14:40:24] During my service I could be assigned to any type of a heavy weapon in
6 my unit. But of course the commander had preferences, and that is quite logical;
7 otherwise I could work on every heavy weapon.

8 Q. [14:40:48] Very well. How many operational 12.7s were there at the BASA at the
9 beginning of the crisis as far as you know?

10 A. [14:41:14] Counsel, there were enough. I no longer have the exact figures.

11 Q. [14:41:25] An approximation, two, three, four, five, seven?

12 A. [14:41:32] I know that it might have been up to ten, but not more than that, that is if
13 you are talking about the 12.7s. But the number was more than five, I believe.

14 Q. [14:41:49] Very well. And amongst those 12.7s, were some of them broken down or
15 out of commission during the crisis?

16 A. [14:42:10] To my knowledge, no, except that one day I observed a fact that led me to reflect
17 afterwards. I was designated to provide security in the home of my unit commander. *It was a night
18 shift. We left the base camp by the latest at 9 p.m. It's a few kilometres and there is the new Akouédo
19 camp, and he was in Bingerville. I can't give you an estimate of the distance but it's a few kilometres
20 for those who know Abidjan. I went and there was the authorisation, the written authorisation, so I
21 took the document with the driver from the garage, so the driver took the vehicle and he came.
22 I forgot a detail which I regret. *I took the weapon and the latest elements I said we had received,
23 some unit commanders had refused to take them, so I took them. We went to the home of the
24 unit commander because the weapon had left the field in the morning. And from what I know,
25 upon your return from any assignment, even if it's 30 minutes that you spent outside, when you

1 come back you clean the weapon. So trusting my colleague who came before me, I took the
2 weapon, I went, fortunately for me, I had cocked the weapon and I went, everything went well,
3 we came back. I disarmed the weapon. And the person responsible for armoury told me that
4 the weapon had to leave that vehicle and be mounted on another vehicle, which was a
5 four-by-four vehicle. He said that the vehicle was not yet ready, and the vehicle on which the
6 weapon was mounted had another mission. So I had to dismantle the weapon and put it in the
7 armoury. And since it had to be maintained, I dismantled it.

8 I am not yet through, counsel.

9 And while I was inserting some of the objects into the muzzle, there were certain items
10 that came out, cigarette butts and so on. So the muzzle or the barrel was obstructed. So
11 because of that, I called the person responsible for the armoury, and he was a sergeant,
12 and I said: Look at all these items coming out of the barrel.

13 Initially he did not believe me. He thought that I was the one who had taken out the
14 weapon and carried out the sabotage. And I am the one who told him. And so I told
15 him if I had been the one, I wouldn't have told him, I would have simply returned home.
16 So he went and reported it to the deputy commander, who in turn reported to the unit
17 commander. The unit commander came out to see for himself. Questions were being
18 asked left and right to me, and I can say that my life was saved because of the unit
19 commander. And he said: If he is the one who had blocked the barrel of the cannon,
20 would he have dared, would he have had the courage to show you these items?

21 And he said: Let us wait for another incident to pass judgment, otherwise this time there
22 is nothing confirmed. That is when I realised that there was a problem.

23 Q. [14:47:25] Thank you. How many 120 millimetre mortars were there at the BASA
24 during the crisis?

25 A. [14:47:51] I will not really be in a position to give figures for number of weapons,

1 because these are details that are usually secret and known mainly to the command of the
2 unit.

3 Q. [14:48:16] I do not want you to give me a precise number, but as far as you know,
4 approximately how many were there, just like you said a short while ago, two, three, four,
5 five? How many 120 millimetre mortars could have been there that were operational?

6 A. [14:48:42] At the BASA, I would say approximately six.

7 Q. [14:48:48] Very well. You said a short while ago that the mortars were Russian.
8 Did I understand you correctly?

9 A. [14:49:01] That is correct, counsel, yes.

10 Q. [14:49:12] Very well. Do you remember the model of those mortars, the make of
11 the mortars?

12 A. [14:49:22] I have no idea, because during the training we had brochures in Russian,
13 and even on the equipment and shells the annotations or writings were in Russian, except
14 the figures.

15 Q. [14:49:51] Very well. I will show you a document. It is CIV-OTP-0048-0857. We
16 have a hard copy for you, sir. We will have the document displayed on the screen, and I
17 will give you the same thing in hard copy. Can we look at this document together, sir.

18 A. [14:51:00] Yes.

19 Q. [14:51:03] This is a document, an official document dated *30 June 2010 at the top right and it's
20 the order of battle of the ground to air Artillery Battalion, that is to say the order of battle of the BASA.
21 What I would like you to look at is the manner in which the table is prepared. You can
22 look at, you can see each soldier and their duties. Do we agree on that?

23 A. [14:51:50] Yes, counsel.

24 Q. [14:51:54] And then you have 2, battery of 20 millimetre cannons, and you can see all
25 those who served on that battery. *Do you agree with that?

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1 A. [14:52:17] No, counsel. I am still at number 1.

2 Q. [14:52:24] But you can look at the hard copy, it is the same thing. It is on page 6.

3 You can see number 2, 20 millimetre batteries.

4 A. [14:52:43] *Right.

5 *Q. [14:52:44] The battery of 120 mm cannons, it's on page 6. You see a big Roman

6 'II: Battery of 13 cannons of 120 millimetres'. Do you see that?

7 A. [14:52:52] Yes."

8 Q. [14:52:44] And can you agree with me that if you continue looking at the document

9 and the tables you can see, for example, three, battery of dual tube ZU 23 millimetres. So

10 you can see all the various batteries and all those working on them; is that correct?

11 A. [14:53:12] Yes.

12 Q. [14:53:16] When you look at a document, take all the time that you need. When

13 you look at the entire battle order, you can see that there is no 120 millimetre battery.

14 Can you confirm that?

15 A. [14:53:49] I do not see it.

16 Q. [14:53:53] My question is simple, how can you explain that no 120 millimetre mortar

17 is mentioned *in the BASA' order of battle dated 30 June 2010?

18 MR GARCIA: I'm going to object to that question.

19 PRESIDING JUDGE TARFUSSER: [14:54:07] Are you familiar with this document?

20 MR GARCIA: [14:54:09] Yes, that should have been the first question.

21 PRESIDING JUDGE TARFUSSER: [14:54:11] Yes.

22 Are you familiar with these documents?

23 THE WITNESS: [14:54:14] (Interpretation) Yes, Mr President.

24 PRESIDING JUDGE TARFUSSER: [14:54:24] So you have seen this or similar documents?

25 THE WITNESS: [14:54:35] (Interpretation) I never saw a similar document, but what

- 1 I'm seeing here is the battle order of the surface to air artillery section.
- 2 And since you are still listening to me, Mr President, I can say that it is incomplete,
- 3 because the 120 millimetre weapons are not included, because these are surface to air
- 4 batteries, but the surface to surface batteries had been relocated from Bouaké to Abidjan.
- 5 And at the beginning of the rebellion, well before the post-election crisis, the chief of staff
- 6 of the time had decided that anything related to artillery, field artillery and surface to air
- 7 artillery should be in the same unit that is the BASA. So I said CA1 artillery and CA2
- 8 artillery, he was no longer surface to air. So I can say that it is incomplete, because there
- 9 were people working on the 120 millimetres, so I can say the document is not complete.
- 10 PRESIDING JUDGE TARFUSSER: [14:56:13] That's the answer to your question, I would say.
- 11 MR ALTIT: [14:56:20] (Interpretation) Thank you, Mr President.
- 12 Q. [14:56:28] Mr Witness, who worked with the 120 millimetres in BASA?
- 13 A. [14:56:35] In the same way as indicated in this document, there were elements
- 14 serving on that equipment from number 2, batteries of 20 millimetres batteries. The
- 15 same people could work on the 120 or the dual tube 23 and so on and so forth.
- 16 Q. [14:57:17] Mr Witness, do you know, do you know how the 120 millimetre mortars
- 17 arrived Camp Commando?
- 18 A. [14:57:32] Yes, counsel.
- 19 Q. [14:57:33] Can you tell us?
- 20 A. [14:57:37] The exact time and date, I do not remember. I believe I told the OTP, but
- 21 I was on duty there on that day. They arrived either in the early afternoon or around 3
- 22 p.m. at the commando squadron. They arrived in a vehicle, *I no longer remember the
- 23 make, KIA or something, but what is certain, in our military jargon, we talk about
- 24 "véhicule d'allègement" and this came with as a leader, a chief warrant officer. They
- 25 came with a leader, a commander, and if you want, I will give you his name in private session.

1 He arrived with a few elements, a handful of people, because there was a shortage of men
2 at the base that day.

3 So the weapons arrived. There were two mortars. I was on the 12.7. And the chief
4 sent one of the elements to us to ask me to come to him, because we had more experience
5 than the people he had come with. He asked us to come to assist him to assemble the
6 two weapons. We finished assembling those two weapons.

7 I remember that he -- there was a carte Michelin in Abobo. So I know that computations
8 had to be made, calculations had to be made, the map or carte had to be updated. It was
9 a little complicated. And in the calculations, we found coordinates, because he gave the
10 locations towards which the tubes had to be directed.

11 Q. [15:00:10] I'm sorry to interrupt you, but my question was very simple. I thank you
12 for giving a lot of information because it is useful, but let me be more specific.
13 My question was as follows, around which date approximately did these mortars arrive to
14 Camp Commando, that is if you remember?

15 A. [15:00:40] It was during the election crisis period. I believe it was before the
16 notorious killings at the Banco roundabout. It was before that, but in any *case it was
17 *during the post-election crisis.

18 Q. [15:01:14] Are you sure? Before what you are referring to are the killings, are you
19 sure of that?

20 A. [15:01:19] I believe so. I told the OTP, but since that was a long time ago.

21 Q. [15:01:32] Very well. Do you remember which vehicles brought in those mortars?

22 A. [15:01:36] Yes. I said a short while ago you were discussing with your colleague,
23 the mortars arrived in a single vehicle. I do not remember the make. I do not know
24 whether it was a Kia, but it is a vehicle where people sit back to back.

25 Q. [15:02:02] Very well. And if I understand, the person responsible for the arrival of

1 these mortars was a senior warrant officer, an adjudant chef, and you wish to give us a
2 name in private session?

3 A. [15:02:22] Yes.

4 MR ALTIT: [15:02:23] (Interpretation) Can we go into private session, your Honour?

5 PRESIDING JUDGE TARFUSSER: [15:02:25] Can we go please into private session.

6 Thank you.

7 (Private session at 3.02 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 3.04 p.m.)

4 THE COURT OFFICER: [15:04:19] We're back in open session, Mr President.

5 PRESIDING JUDGE TARFUSSER: [15:04:22] Maître Altit.

6 MR ALTIT: [15:04:24] (Interpretation) Thank you, Mr President.

7 Q. [15:04:28] Sir, at an earlier stage you said to the representative of the Office of the
8 Prosecutor that you are still a soldier today; is that correct?

9 A. [15:04:36] Yes, counsel.

10 Q. [15:04:36] Can I ask you what you are doing? I think you told them at an earlier
11 stage, you told us that you are today a corporal.

12 A. [15:04:54] Can we say that in public? I told you this morning that I am a sergeant.
13 I was a corporal during, and I am now -- and then I was -- now I'm a sergeant.

14 Q. [15:05:11] Well, everything is clear now, you're right.

15 And what is your unit today?

16 A. [15:05:18] I am in the 1st legion, military legion.

17 Q. [15:05:25] Does that mean to say that you are working at the staff headquarters at the
18 1st legion, the 1st military legion; is that correct?

19 A. [15:05:32] Yes.

20 Q. [15:05:36] You also said this morning that you are Senoufo. My question, have you
21 got any brothers and sisters or relatives who before or during the crisis were part of the
22 Forces Nouvelles, that is former rebels?

23 A. [15:05:58] I told you that I am -- I was a Senoufo and I am still a Senoufo. I am a
24 Senoufo. But I do not have any relatives in Abidjan who were former FAFN members.

25 Q. [15:06:23] Just one moment, please, sir.

1 Now, sir, during the crisis, did you receive any weapons during the crisis, you, the BASA?

2 Were there any weapons that were delivered to you during the post-election crisis?

3 A. [15:07:25] We often had grenades and AKs, but I do not know whether we had them
4 before or during the crisis. Whatever the case may be, these were new weapons.

5 Q. [15:07:44] So I'm going to read to you a brief excerpt of your statement. It's the
6 same statement that the representative of the Office of the Prosecutor used this morning
7 that you made to the representatives of the OTP. And the reference is
8 CIV-OTP-0039-0143_R03, page 150, paragraph 32.

9 And you are speaking, sir, and you say to the investigators, and I quote you, "To my
10 knowledge, no other weapons were received during the crisis. We went to fight with the
11 weapons that were already there." End of quote.

12 Can you confirm?

13 A. [15:08:47] Yes.

14 Q. [15:08:48] Very well. So just to clarify what you already said this morning, your
15 immediate superior to you, who were a gunner, who was that?

16 A. [15:09:16] At the time when I was a gunner, my immediate superior was of course
17 the chef de pièce or captain of the gun.

18 Q. [15:09:24] Very well. The name, the name of the chef de pièce?

19 A. [15:09:31] Well, the name of the chef de pièce? No. Any mission that I went on, I
20 was a gunner on a gun, and I had a chef de pièce. There we are. It isn't a team that you
21 know upfront. It's not like you and your team who are known to represent President
22 Gbagbo.

23 Q. [15:09:51] Very well. So what you are telling us, in fact, is that you never knew
24 where you would be, what the team would be, what team you would be, and where you
25 would be assigned to on the following day?

1 A. [15:10:08] No. What I'm trying to have you understand is that 24 hours or often 48
2 hours before the mission, we had a table of information where the battery warrant officer,
3 who is the person in charge of the battery and knows his resources, knows who is off sick,
4 knows who has such and such competences with which weapon, and this person
5 schedules the various people. And he might take Yao as a chef de pièce as an example,
6 he might have Ali as a gunner. He might have Séri and Konaté as ammunitions handler.
7 And *he goes and takes Kounan as a driver. But in all the cases, in all those, for all those
8 elements who are scheduled, each post has a qualification.

9 Q. [15:11:12] Very well. And the hierarchical superior of the chef de pièce, who was
10 that?

11 A. [15:11:20] The head of platoon.

12 Q. [15:11:23] Very well. Were these platoon heads numerous in the BASA?

13 A. [15:11:34] The chief of platoon, well, that's out in the field. Numerous? Yes.
14 Each rank in the artillery has a specific role to fulfil. You might even be a chef de pièce
15 and by default also be a platoon leader, or the platoon leader might have or the chef de
16 pièce, who is a sergeant or a chief sergeant, can also fulfil that role of chief of platoon.

17 Q. [15:12:06] Very well. And who were the hierarchical superiors of the platoon
18 leader?

19 A. [15:12:14] Are you talking about Camp Commando?

20 Q. [15:12:16] No. I'm talking generally speaking in the structure of the BASA.

21 A. [15:12:20] Well, when you look at the document at the page about on the battery of
22 20 millimetre guns under heading number two, I'm getting to it. I can't find it.
23 The chief of platoon needed to have a BA1 in artillery. The chief of the platoon had to
24 have a BA1 in artillery where he is a sergeant or above, because he had already received
25 the training.

1 Q. [15:13:06] In the hierarchical structure, who is above that chief of platoon?

2 A. [15:13:20] Who is above him? Well, I would say it would be the battery
3 commander.

4 Q. [15:13:32] A battery commander, does that have to be an officer?

5 A. [15:13:35] The battery commander has to be an officer, yes. But as I told you, we
6 are soldiers, and when there is a lack of an officer, then a non-commissioned officer of a
7 superior standing with *a BA2 can stand in.

8 Q. [15:13:54] And above the battery chief, who is there?

9 A. [15:14:03] Above the battery chief, well, it's just administrative. It depends. There
10 might be a deputy officer. After that there is the second in command and the unit
11 commander.

12 Q. [15:14:17] So if I understand you correctly, there are two levels above that, the level
13 of deputies to the unit commander and then you have the unit commander themselves?

14 A. [15:14:32] The two levels are not obligatory. If there is a deputy officer, there is one,
15 if there isn't, there isn't. The deputy to the unit commander can be a battery commander,
16 and then above him there is the unit commander. I believe that I gave an organisational
17 chart for this.

18 Q. [15:14:57] Very well. A detachment leader, could you please very briefly tell us
19 what that is?

20 A. [15:15:10] Well, what I know about a detachment leader, the detachment itself
21 comprises a small number of units organised and sent out into the field for a very specific
22 mission, or it might be a number of small units, a small number of small units who are
23 gathered together at the same time, sent out into the field for one and the same mission,
24 but who have one command, who is called the chief of detachment. It might be one unit
25 or it might be several units. It depends on the mission.

1 Q. [15:15:58] Very well. Did it ever arise that a chef de pièce stands in for a
2 detachment leader?

3 A. [15:16:11] Yes. During the post-election crisis on several occasions.

4 Q. [15:16:19] Very well. So you said that you went on mission to Camp Commando
5 during the crisis. Do you know Abobo well?

6 A. [15:16:34] Do I know Abobo? Well, that would be going a bit far. But I can't get
7 lost when I go there.

8 Q. [15:16:49] Do you know anybody in Abobo? Did you have any friends there, any
9 relatives?

10 A. [15:16:54] People that I knew, friends, yes, relatives, yes.

11 Q. [15:17:01] Did you know any well-known figures from the RDR in Abobo?

12 A. [15:17:10] No, no.

13 Q. [15:17:16] You said to us this morning, and I'm talking under your control here, that
14 the missions in Abobo were difficult because soldiers were getting shot at; is that correct?

15 A. [15:17:31] Yes, counsel.

16 Q. [15:17:34] You yourself, my question concerns you now, when you went on several
17 occasions to Abobo to Camp Commando or when you came back, did you or did your
18 convoy come under any attack or attacks when you were doing those to-ings and fro-ings
19 or did you personally come under attack?

20 A. [15:18:02] In those to-ings and fro-ings, it wasn't in Abobo commune itself. But in
21 Abobo at the Camp Commando, yes, we did come under gunfire in Camp Commando
22 that we would then repel.

23 Q. [15:18:16] Very well. Let me put my question to you. My question is simple in
24 nature. When you yourself went to Camp Commando on the journey, we're talking here
25 about the journey, when you came back from Camp Commando to Camp Akouédo, did

1 you ever come under attack?

2 A. [15:18:37] I said no. In Abobo commune, no. The only time, it wasn't a direct
3 attack, it was gunfire that we had come under in the Agban gendarmerie camp on the side
4 called the Casse, and that is when we were fired at. But as we were moving, we got out
5 of it quickly and it didn't really concern us too much because it was one or two people
6 that we could see clearly.

7 But as to Abobo commune, no. But on the way in the commune of Camp Abobo, no.
8 But at the camp itself, yes, on one occasion.

9 Q. [15:19:31] The witness, the previous witness whose name is Idrissa *Kangouté said
10 that he would call the Golf to warn that he was going, to avoid that the convoy that he
11 was going in came under attack, this name is Idrissa Kangouté, to avoid his convoy
12 coming under attack.

13 My question is simple, did you go about things in the same way? Did you warn
14 anybody at the Hotel de Golf to make sure that the convoy that you were in was not
15 attacked?

16 A. [15:20:17] No. I didn't know anybody there.

17 Q. [15:20:22] Very well. So what means did you use or what itinerary did you use
18 from the new Akouédo camp to the Camp Commando, what was your itinerary, in a few
19 words?

20 A. [15:20:45] There were two itineraries. Leaving from the main road that we all know
21 from the new Akouédo camp going to Adjamé, la Casse, the motorway to Abobo, and
22 then the gendarmerie brigade intersection, we go into Camp Commando.
23 After the women were killed and the market had been bombed, the population came out
24 barehanded to block us. So we went either via the zoo or via the motorway. We
25 switched from one to the other.

1 Q. [15:21:36] Very well. Could we say, if I understand what you say correctly, that
2 you changed itinerary at the time when the most direct itinerary was blocked?

3 A. [15:21:47] Yes. When we started to have difficulties, we would swap between one
4 and the other, the objective being to avoid contact with the population.

5 Q. [15:21:56] Very well. So when you were at the Camp Commando, were you able to
6 leave the camp in order to conduct patrols? Was that possible or not?

7 A. [15:22:14] Yes. It was in fact the objective of the mission at the outset, to conduct
8 patrols with a view to reassuring the population and say that the army is still there,
9 upstanding and ready to defend and protect it and at the same time guarantee security.
10 That was the objective.

11 Q. [15:22:42] And your predecessor who occupied your position prior to you said this,
12 and I shall quote, this was on 19 June 2017, French transcript, page 74, lines 13 and 14, and
13 I quote, and he's speaking here, Idrissa Kangouté, he says, and I quote:

14 "We did not have the possibility of going out and patrolling. We didn't even have the
15 possibility of making Camp Commando secure at a distance." End of quote.

16 So you have just told us one thing. He told us something else. What do you think
17 about that?

18 A. [15:23:46] Well, in answer to your previous question, you asked me to be brief.
19 Otherwise when he says that, the witness said that, he's right. After the bomb was
20 dropped on the market and at the intersection of the mairie, we started having real
21 problems with the population. But as I was explaining to you, and this was well
22 beforehand, there were killings even -- you know, things were still okay with the
23 population. They still came to see us. They still came to give us some supplies and
24 some water.

25 But when there was that bomb, then there really was a sentiment of revolt, I would say,

1 within the population. Abobo became hostile for all those who are the FDS, for all those
2 FDS.

3 So if you were wearing that uniform, you know, everybody knew that things had been
4 fired from Camp Commando. So it was just within the fence, if you like, the perimeter.
5 If you want to dare to go out, then fine.

6 Q. [15:25:16] Very well. Did you know the Invisible Commando, the Commando
7 Invisible?

8 A. [15:25:20] No. I've heard speak of it, but no. The infamous Commando Invisible,
9 no. I've heard speak of it.

10 Q. [15:25:28] So at the time you didn't know the Commando Invisible?

11 A. [15:25:33] No, counsel.

12 Q. [15:25:34] Very well.

13 For the record, the witness said "No, counsel."

14 And today does it ring a bell, Commando Invisible?

15 A. [15:25:43] Today as to whether I know it, I would say no. But I have heard speak of
16 it. As to the configuration, I do not know. But I presume that it must exist because
17 virtually everyone speaks of it. As to its configuration, I know not.

18 Q. [15:26:08] Sir, we are going to once again hark back to your statement, shall we not?

19 A. [15:26:23] Yes, Counsel.

20 Q. [15:26:27] Number 0039-0143_R03, page 171. So you say to the investigators of the
21 Office of the Prosecutor -- and I can see that the interpreters are trying to find the
22 document, so we're going to wait a little bit.

23 THE INTERPRETER: [15:27:04] Request from the interpreter: Could we please have a
24 paragraph number, Maître Altit?

25 MR ALTIT: [15:27:12] (Interpretation) Did I say paragraph 94?

1 Q. [15:27:19] Now, sir, you said the investigators of the OTP and I quote, it is you
2 speaking here:

3 "Camp Commando was a military building. It was a building that belonged to the state
4 during the crisis. The objective of the camp was to fight the Invisible Commando
5 because they attacked uniformed personnel. The objective of the camp was to combat
6 the Invisible Commando because they attacked uniformed personnel."

7 Do you recall having said that to the investigators?

8 A. [15:28:00] Yes, Counsel.

9 Q. [15:28:03] So at the time you knew the Commando Invisible, did you not?

10 A. [15:28:08] I said no. It's like an example, you know that you are here, you know
11 that there are technicians present here, but you don't know who is who, but you do know
12 that there are technicians working in the background. There you are.

13 MR GARCIA: [15:28:30] Your Honour, if I may, your Honour.

14 PRESIDING JUDGE TARFUSSER: [15:28:33] Mr Garcia.

15 MR GARCIA: [15:28:34] I think we would all gain if the questions, this sort of question
16 was asked more precisely by Defence counsel, I'm referring to page 86, if questions
17 regarding the Commando Invisible -- the question is: (Interpretation) "Do you know
18 the Commando Invisible?"

19 THE INTERPRETER: Mixing of languages.

20 MR GARCIA: [15:28:53] What exactly he means by that? If he's had contact, if he
21 knows of them? The question is so large. It would avoid at this point now putting a
22 confrontation to the witness which is, in my opinion, not really a confrontation.

23 MR ALTIT: [15:29:11] (Interpretation) Yes, Mr President. The first question should be
24 that and then we can go on to a number of other questions. But if we put them directly,
25 then we're putting leading questions, which is never a good thing. Whatever the case

1 may be, the witness has answered and I will, with your leave, move on or continue in fact.
2 And I'm just being shown, or what's just been pointed out to me that it's not an objection
3 but an observation on --

4 MR GARCIA: [15:29:53] It was an objection to that sort of question, to that sort of
5 framing the question, your Honour. I'd ask that in the future the questions be properly
6 framed and it be clear for the witness what exactly we mean by "Do you know of, est-ce
7 que vous connaissez." That's the objection.

8 MR ALTIT: [15:30:06] (Interpretation) Mr President, can we continue following on with
9 what the witness said?

10 PRESIDING JUDGE TARFUSSER: [15:30:16] Yes, we can continue. If we put the
11 witness in a position that he can understand best, best understand the question, it would
12 be good for the witness, so the answer could be more precise and clear. So please go
13 ahead.

14 MR ALTIT: [15:30:32] (Interpretation) Thank you, Mr President.

15 Q. [15:30:36] You said that you heard about the Commando Invisible. Can you just
16 tell us what you heard about them? Just to assist you, did you hear about their numbers,
17 objectives, their command, weapons, their locations in Abidjan and so on and so forth?
18 What did you hear at the time?

19 A. [15:31:12] At the time, that is what I've told you. You heard what I said. We went
20 to the Camp Commando to provide security because those who were recognised as FDS
21 were sometimes attacked. And when we asked, people said that this was the work of the
22 Commando Invisible. At one point I remember very well it was said that since our
23 command had decided that the vicinity of the presidential palace right up to the place de
24 la République had been declared a red zone and demonstrations were forbidden, there
25 was also a ministerial decree declaring Abobo as a red zone for the FDS elements.

- 1 It was after that decree that colleagues started experiencing those incidents. I did not
2 experience it personally, but FDS members started relocating from Abobo.
- 3 But to talk about the structure, administration, configuration, no, I have no idea, Counsel.
- 4 Q. [15:33:04] Very well. Irrespective of the number, those who were around Camp
5 Commando and attacking Camp Commando, did you know where those groups were
6 positioned?
- 7 A. [15:33:29] No idea. During our assemblies, the commander of the Camp
8 Commando said that they had heard that somewhere in N'Dotre, others were elsewhere,
9 but there was no idea. People were in the field trying to find information, but they were
10 there just like in this country where I am, but specifically where they were I have no idea.
- 11 Q. [15:34:08] At that time you had no information about the positions of some of those
12 groups?
- 13 A. [15:34:14] No precise information.
- 14 Q. [15:34:16] Very well. I will read out a part of your statement, the same one that you
15 gave to the investigators of the OTP, CIV-OTP-0039-0143, page *0177, paragraph 111.
- 16 Mr Witness, you were talking to the investigators about the bombing. Do you have the
17 document with you?
- 18 A. [15:35:35] Not yet. Yes.
- 19 Q. Paragraph 111?
- 20 A. Yes.
- 21 Q. [15:35:48] You talked about a shelling and you said, I will read the entire paragraph:
22 "I think it was one or two days after the women's march that they bombed the Abobo
23 market. One or two days after the women's march. I don't know the name of this
24 market, but it was the market at the town hall intersection on the side of the mosque."
25 Further on you continue:

1 "That day I was at the new Akouédo camp. At around 5 p.m. I heard detonations from
2 120 millimetre mortars. I could tell that they were 120 millimetre mortars because they
3 make quite a deafening noise and it feels like the ground was shaking. As I was at the
4 new Akouédo camp, and this was happening at Abobo, I could feel it. The distance
5 between the camp and Abobo is about 5 kilometres as the crow flies. I was surprised, at
6 that time I thought that perhaps someone had fired into the Banco Forest to deter the
7 Invisible Commando. With those detonations, we tried to find out what was happening,
8 and so one of our colleagues called Camp Commando and we received confirmation that
9 the shots had in fact come from there. It was said that the Invisible Commando was
10 positioned at the market and that was why the 120 millimetre shells had been fired there.
11 I no longer remember whether it was two or three that had been fired."

12 Mr Witness, you give two possible positions for the Invisible Commando; one at the
13 Banco area and then at the market. Was that information that was circulating at the
14 time?

15 A. [15:38:59] No. You didn't understand me. When I said I thought they had fired at
16 the Banco Forest, it is because there were many attempts. Others had been given to shoot
17 in built-up areas and the others were refused.

18 Q. [15:39:24] I'm sorry, that was not my question. Let me repeat the question. You
19 mentioned two locations for the possible positioning of the Invisible Commando. Now,
20 was there information circulating during that period locating the Invisible Commando at
21 those two positions?

22 A. [15:39:53] No.

23 Q. [15:39:53] Very well. Just one moment.

24 Still regarding that shelling, you stated that you felt the ground shake; is that correct?

25 A. [15:40:43] Yes.

1 Q. [15:40:44] If I understand you correctly, if it is a 120 millimetre mortar shot,
2 everything within 5 kilometres shakes?

3 A. [15:40:56] More than 5 kilometres. I gave you the maximum range. If the shell
4 falls there, I can talk about a radius of 6 kilometres and a diameter of 12 kilometres. So
5 that is where you can hear the noise and where the ground shakes.

6 Q. [15:41:19] Very well. This morning you talked to us about your colleagues,
7 Kamanan and Pegard Egni, and you attributed the role of the shelling to them.

8 A. [15:41:45] Yes, because they were the squad leaders or chef de pièce.

9 Q. [15:41:54] Very well. Are you aware that Kamanan was acquitted of all charges
10 linked to that shelling and that Pegard Egni was not even prosecuted because the
11 investigating magistrate did not even refer him to the military tribunal to be tried?

12 A. [15:42:23] Regarding Pegard Egni, and I believe he's a warrant officer now, I believe
13 he was questioned by the military tribunal and he was freed. I don't know how long
14 after.

15 Regarding Commander Brice, I really do not know. But when I gave my statement, he
16 was still detained in the military detention centre in Abidjan. But the information that I
17 have heard now, you are the one giving me. Thank God if he was acquitted.

18 Q. [15:43:01] Very well. Were there any attacks during the crisis against the new
19 Akouédo camp?

20 A. [15:43:15] During the post-election crisis, Counsel, to my knowledge, no, apart from
21 the ONUCI aircraft.

22 Q. [15:43:28] And what are you referring to, helicopters?

23 A. [15:43:32] Yes, helicopters.

24 Q. [15:43:37] And what did they do?

25 A. [15:43:38] You want to hear from me what they did? They shelled our premises

1 and everything went up in fire. Obviously, fortunately we did not lose any men, but
2 everything was set on fire.

3 Q. [15:44:12] Do you mean they threw shells?

4 A. [15:44:19] Grenades or shells, yes. But since there was military materials there, yes.

5 Q. [15:44:30] Did they explode?

6 A. [15:44:32] Yes, obviously, they burned.

7 Q. [15:44:40] Were there attacks from rebels against the camp to your knowledge?

8 A. [15:44:44] No.

9 Q. [15:44:49] Were there rebels at any one time who positioned themselves in the
10 vicinity of the camp towards the end of the crisis?

11 A. [15:44:59] No. Well before the crisis, no. At the end, no.

12 Q. [15:45:11] Let me repeat my question. To your knowledge, at the end of the crisis,
13 did the rebel groups position themselves in the immediate vicinity of the camp?

14 A. [15:45:23] No.

15 Q. [15:45:27] Was the new Akouédo camp attacked by the French army?

16 A. [15:45:35] To my knowledge, no.

17 Q. [15:45:40] This morning you said that you left the camp after the shelling; is that
18 correct?

19 MR ALTIT: [15:46:02] (Interpretation) For the record, the witness said "Yes."

20 THE WITNESS: [15:46:09] (Interpretation) Counsel, you can answer the question -- I
21 did not say "Yes," I was simply nodding to listen to you better.

22 MR ALTIT: (Interpretation)

23 Q. [15:46:23] Let me repeat the question. If I understood what you told me this
24 morning, after the shelling of the camp by the ONUCI, you left the Akouédo camp; is that
25 correct?

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1 A. [15:46:37] Yes.

2 Q. [15:46:39] Where did you go?

3 A. [15:46:41] Obviously I went home, to my home.

4 Q. [15:46:47] Very well. And after that?

5 A. [15:46:49] I remained at home until the new military authorities asked that we go
6 back to the new camp.

7 Q. [15:47:04] Did you not go to the Golf Hotel before the end of the crisis? And let me
8 specify the time frame, before the shelling of the Akouédo camp by the ONUCI aircraft
9 and the arrival of the new authorities, between that period you did not go to the Golf
10 Hotel?

11 A. [15:47:29] No.

12 Q. [15:47:31] The previous witness Kangouté, Idrissa Kangouté said that you were one
13 of those who asked to go to the Golf Hotel at the end of the crisis?

14 A. [15:47:52] Yes, at the ends of the crisis. But the various military leaders had already
15 gone to pledge allegiance at the Golf Hotel. That is when I went. Before that I had been
16 persuaded to go, but I had no courage to go there. But after allegiance had been pledged
17 by the leaders, I went there.

18 Q. [15:48:16] So to understand you correctly, you went to the Golf Hotel before the
19 shelling -- after the shelling of ONUCI?

20 PRESIDING JUDGE TARFUSSER: [15:48:32] Mr MacDonald.

21 MR MACDONALD: [15:48:33] That's not what the witness said and --

22 PRESIDING JUDGE TARFUSSER: [15:48:37] Yes, okay.

23 MR MACDONALD: [15:48:37] -- and I submit it's misleading right now in line of the
24 chronology of events.

25 PRESIDING JUDGE TARFUSSER: [15:48:45] Can you put a direct question.

1 When did you go to the Golf Hotel? When did you go to the Golf Hotel?

2 THE WITNESS: [15:49:00] (Interpretation) I went to the Golf Hotel, as I have just said,
3 after all the general officers had gone and pledged allegiance to the person who was at the
4 Golf. I no longer remember the precise period, but the Ivorian radio television station
5 even broadcast the event when the various commanders went and pledged allegiance.
6 And that is when I went.

7 PRESIDING JUDGE TARFUSSER: [15:49:47] Can you somehow give a period of time,
8 say a reference in terms of weeks, not the exact day, but something where we can more
9 precisely arrive at the date?

10 THE WITNESS: [15:50:06] (Interpretation) I no longer remember in relation to the
11 question that Mr Altit asked me, whether it was before or after the arrest of President
12 Gbagbo. But what is certain is that I went there after the officers went and pledged
13 allegiance. I cannot really give you the specific time because I don't know whether
14 President Gbagbo was arrested before the officers went and pledged allegiance or the
15 other way around; otherwise I know that I did this the day following the officers going to
16 the Golf Hotel to pledge allegiance.

17 PRESIDING JUDGE TARFUSSER: [15:50:59] Maître Altit.

18 MR ALTIT: [15:51:01] (Interpretation) Thank you, Mr President.

19 Q. [15:51:06] When you went to the Golf, were there rebel soldiers or at least ex-rebel
20 soldiers who had become the Forces Nouvelles?

21 A. [15:51:23] Yes, of course, because they were already talking about the FRCI, the
22 Republican Forces of Côte d'Ivoire, an assembly of the former FAFN, the FDS and militias
23 also.

24 Q. [15:51:45] Which militias?

25 A. [15:51:48] When I say militias, I'm referring to FLGO and others that I mentioned in

1 my statement. I cannot remember now. In any case, apart from the international forces,
2 the belligerent forces in Côte d'Ivoire had merged into an army after the person who was
3 at the Golf had issued a decree to that effect.

4 Q. [15:52:25] You talk about militia. Were there any militia in that group originating
5 from neighbouring countries to Côte d'Ivoire as far as you know?

6 A. [15:52:41] As I told you this morning some of them were speaking English, while
7 others spoke French. For those who spoke French, I knew they were Ivorians.

8 Q. [15:52:58] Very well. I'm sorry, but I no longer remember whether I asked you
9 were those soldiers ex-rebel soldiers, were there many of them?

10 A. [15:53:15] *In great number. In great number, since everyone was wearing military
11 fatigues, there was a bit of chaos, so I really do not know whether they were ex-FAFN or
12 ex-FDS because they were all mixed up.

13 Q. [15:53:37] Very well. Were there ONUCI contingents at the Golf Hotel?

14 A. [15:53:47] Yes.

15 Q. [15:53:52] The witness has said yes on several occasions for the record.

16 Do you know the countries of origin of the ONUCI soldiers?

17 A. [15:54:04] I will begin with my Senegalese brothers. I camped near the Senegalese
18 calvary. There were Afghans. There were Bangladeshis. There is another nationality
19 that I can't remember. Otherwise there were Senegalese, Afghans and people from
20 Bangladesh. I no longer remember the fourth country.

21 Q. [15:54:48] Very well. Did you see President Gbagbo at the Golf Hotel and a certain
22 number of people who had been with him when the residence was attacked?

23 A. [15:55:11] I was not even yet at the Golf Hotel when President Gbagbo arrived. I
24 saw it on television. It is now that I am remembering it was on television that I saw the
25 images.

1 Q. [15:55:25] I'll ask you questions on a certain number of people that you might have
2 met there. Patrick Kouassi, does that ring a bell?

3 A. [15:55:49] Yes.

4 Q. [15:55:51] Can you tell us about him? Who was he? What was he doing? How
5 did you meet him? What was your relationship?

6 A. [15:56:00] Patrick Kouassi, when I arrived BASA I even heard about him because he
7 was a unit commander on the organisation chart, because you had the various unit
8 commanders on the table. There were names and the people who had occupied those
9 positions and the periods. So I heard about him, his qualities as a great instructor,
10 someone who loved a job well-done and others. Later on at the Golf hotel I did not
11 converse with him, but I observed him doing certain things, and I understood that he
12 really loved doing things the right way. That is all.

13 Q. [15:57:03] And during the crisis, did you speak with him? Did you see him? Were
14 you even in indirect contact with him?

15 A. [15:57:16] I saw him, yes, but I did not speak with him. And there was no direct or
16 indirect contact.

17 Q. [15:57:24] Very well. Were you aware of sabotage that took place at the BASA
18 during the crisis?

19 A. [15:57:39] No, except that, as I told you, I observed one case.

20 Q. [15:57:49] Very well. You yourself, did you ever sabotage weapons or vehicles?

21 A. [15:57:56] No. My culture does not permit it. No.

22 Q. [15:58:03] Very well. Ouattara Babaï, do you know him? Did you meet him or
23 speak with him during the crisis?

24 A. [15:58:19] Yes. Babaï, I call him big brother and I know him very well.

25 Q. [15:58:34] What did he do during the crisis?

1 A. [15:58:37] During the crisis he was a chef de pièce, like the other NCOs.

2 Q. Was he a close friend of yours, a colleague or what?

3 A. [15:58:56] A colleague that I respected very much. I affectionately referred to him
4 as big brother. He respected me and I respected him.

5 Q. [15:59:09] Do you know whether at the end of the crisis or towards the end of the
6 crisis he went to the Golf Hotel?

7 A. [15:59:20] The precise date I do not know but, yes, he went there, but I do not know
8 the precise date.

9 Q. [15:59:30] Very well. Was it approximately at the same time that you, yourself,
10 went to the Golf Hotel?

11 A. [15:59:37] I know that I found him there. He was already there when I arrived. I do not know
12 whether he had arrived there one day, one week or one year before me. *But the exact date, no. In
13 any case I found him there. I do not know whether he had arrived there one day, one week or one
14 year before me. I do not know. But I found him there; he was there before me in any case.

15 Q. [15:59:56] Very well. Coulibaly Yaya, who is he?

16 A. [16:00:05] That name does not ring a bell.

17 Q. [16:00:10] Very well. Traoré AKA Tracteur, does that name ring a bell?

18 A. [16:00:18] Ah, Tracteur, yes. I have heard that name.

19 Q. [16:00:23] So tell us?

20 A. [16:00:25] Yes, I have heard that name, but as to knowing that person, no.

21 Q. [16:00:30] So you were never in contact, indirectly or directly, from far or close up
22 with that person?

23 A. [16:00:39] As I said, I did hear that name, but I never saw that person. If you put
24 him in front of me, well, I don't know. I don't know if it's him or not.

25 Q. [16:00:47] Well, in what context did you hear that name? How did you hear it?

1 A. [16:00:57] Well, you just said Tracteur. I believe that it must have been after the
2 arrest of President Gbagbo when the fighting continued for, what do they call it, to free
3 the town of Abidjan from the militiamen. I heard that name Tracteur, Tracteur. But as
4 to going out in the field with him, no, no.

5 Q. [16:01:32] So you heard -- would you allow me to come back to the question because
6 your answer isn't very clear. *You heard it in connection with military operations; was
7 he a military chief? What was he?

8 A. [16:01:50] Yes. Tracteur, I don't remember who I was talking to on the telephone,
9 he said no. And this was well before, before the chiefs pledged allegiance. I don't
10 remember who it was who -- somebody who said if you want to go to the Golf you need
11 to see the Tracteur and he'll make your journey easier. That's all. I heard his name, so I
12 don't know whether it was he who was a facilitator between the FDS and the Golf Hotel or
13 what. But as it didn't mean much to me at the time, I didn't really, I wasn't really interested
14 in it.

15 Q. [16:02:31] Very well. Nico, gendarmerie captain by the name of Nicholas, alias Nico?

16 A. [16:02:46] No idea, Counsel.

17 Q. [16:02:48] Very well. Idrissa Kangouté?

18 A. [16:02:55] Yes, that's a colleague.

19 Q. [16:02:56] So you've talked to us a bit about him. Were you very close to Idrissa Kangouté?

20 A. [16:03:05] Very close? Not in family terms, but as a colleague. It's like in your
21 team, you know, you're close to everybody, but you get on better with some than with
22 others. It's like that. He was a colleague. He was like Kamanan Brice, like Egni,
23 Pegard Egni, like the warrant officer. There are ways of going about things.

24 Q. [16:03:35] Were you in the know with regard to his sabotage and intelligence
25 activities linked to the hôtel du Golf?

- 1 A. [16:03:50] No.
- 2 Q. [16:03:51] Diomandé Zoumana?
- 3 A. [16:03:55] I know him.
- 4 Q. [16:04:05] Well, can you tell us what he did, whether you were close, whether you
- 5 knew his activities, et cetera, et cetera?
- 6 A. [16:04:10] Diomandé Zoumana, chef de pièce, like Kamanan Brice, like Pegard Egni,
- 7 he also liked a job well-done. I would often sidle up to him to chat with him because he
- 8 had more experience than I did.
- 9 Q. [16:04:34] Very well. Karamoko Vakenan?
- 10 A. [16:04:44] Karamoko Vakenan, yes. He was a former -- well, yes. Just hello and
- 11 goodbye. That's all. Good morning, good morning.
- 12 Q. [16:04:55] Minafe Coulibaly?
- 13 A. [16:04:58] Yes, Minafe Coulibaly, yes. We arrived on the same day.
- 14 Q. [16:05:07] We arrived on the same day?
- 15 A. [16:05:09] In the army. We were recruited on the same day. Yes, yes. Yes, I do
- 16 know him, yes.
- 17 Q. [16:05:13] Should we understand from that that you were particularly close?
- 18 A. [16:05:21] Close? I don't quite understand what you mean by "close". That's why I
- 19 often abstain from answering that question.
- 20 *Q. [16:05:34] I'm going to try and say things a little bit differently.
- 21 A. [16:05:35] There you go.
- 22 Q. [16:05:37] Where you... I'm just waiting a little bit. Were you great friends?
- 23 A. [16:05:43] Friends, yes. Not great friends, but friends, yes.
- 24 Q. [16:05:50] Sekongo Maliki?
- 25 A. [16:05:53] Yes, a former soldier.

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1 Q. [16:06:01] A friend?

2 A. [16:06:02] A friend, yes, I can say so. We used to talk.

3 Q. [16:06:05] Now, Mr Witness, we heard that an element from the BASA who was
4 obeying orders from the Golf had recruited members of the BASA to lead pro-Ouattara
5 activities within the BASA. My question is did you know anything at all about the
6 recruitment of such individuals?

7 A. [16:06:36] No, Counsel.

8 MR ALTIT: [16:06:47] (Interpretation) Now, Mr President, could we go into private session, please?

9 PRESIDING JUDGE TARFUSSER: [16:06:51] Yes. Please, let's go into private session.

10 (Private session at 4.07 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 4.08 p.m.)

24 THE COURT OFFICER: [16:08:25] We are in open session, Mr President.

25 PRESIDING JUDGE TARFUSSER: [16:08:30] Maître Altit.

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1 MR ALTIT: [16:08:32] (Interpretation) Thank you, Mr President.

2 Q. [16:08:34] Sir, we also heard that all those people of whom you yourself would or
3 did meet on a number of occasions during the crisis in order to discuss the measures to
4 counter the FDS activities with a view to coordinating anti-FDS activities and had received
5 money and means of communication from the Golf in order to fulfil those anti-FDS
6 activities, my question is what do you think about what we have learnt and what can you
7 tell us about it?

8 PRESIDING JUDGE TARFUSSER: [16:09:29] Know, not what you think.

9 THE WITNESS: [16:09:46] (Interpretation) Mr President, what I know as I am testifying
10 before the Court, it would be a bit twisted to say that this is wrong. But what I can say is
11 that I'm not in the know with regard to what he just said. I am not aware that I was
12 recruited, that I was among, among the recrutees. And I never saw a dime, nor did I
13 receive any methods of communication.

14 THE INTERPRETER: [16:10:18] Microphone, please, Counsel.

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

16 Q. [16:10:22] Let me repeat my question. Sir, did you or were you part of those people
17 who were spying for the Golf Hotel?

18 A. [16:10:33] Spying for the Golf Hotel? No. I am a soldier and I am first and
19 foremost a spy for the republic, but not for the hôtel du Golf.

20 Q. [16:10:50] So, I am going to read a very brief excerpt of your statement made to the
21 investigators from the Office of the Prosecutor, CIV-OTP-0039-0143, page 166,
22 paragraph 81.

23 THE COURT OFFICER: For the record, it is page 168.

24 MR ALTIT: (Interpretation)

25 Q. [16:11:44] So I can see that you have the page before you. I am going to read what

1 you said to the investigators of the OTP and I quote, and you are speaking:
2 "In Abobo, too, I was employed as a gunner. I also did intelligence work for my personal
3 knowledge and to prepare myself for cooperating with future investigations so that justice
4 can be done and to ensure that this will never happen again."

5 So you say that at the time you were doing intelligence. My question to you is how are
6 we to understand what you say here?

7 A. [16:12:30] A little detail, I don't have this in front of me, but I trust you. I said to
8 you earlier that I am a soldier and the first mission of a soldier is to gather intelligence for
9 the republic. You can't go into battle without having information. And I did this
10 because during my training, when I entered the armed forces, there was an instructor, I
11 don't remember his name, and he gave us training in international humanitarian law, and
12 in the law of battle. And I felt that some of this law had been put to one side. So I was
13 conducting research not only for my own personal information, but to be able to tell my
14 grandchildren at a later stage.

15 And so that people didn't come and tell me that it had happened like this or happened
16 like that, at least I would be in the know, I would be wiser. But I didn't do this to give it
17 to the palace or to give it to the Golf. No. I wasn't officially doing it for anybody. I
18 was doing it for myself as to what you have just read, yes.

19 Q. [16:14:03] Did you report back on this intelligence work that you conducted to
20 anybody in particular?

21 A. [16:14:10] No, Counsel.

22 Q. [16:14:14] When does your first encounter or meeting with the investigators from the
23 OTP date back to?

24 A. [16:14:30] I think it must have been the beginning of 2013 or end of 2012. But I was
25 no longer at the BASA. I can see what you are talking about. I understand what you

1 are getting at, but I was -- we should make a distinction. I was no longer at the BASA. I
2 had been assigned elsewhere. If you dig deep, you'll see.

3 Q. [16:14:54] And where were you assigned to?

4 A. [16:14:56] To the BCS, the command and support battalion.

5 Q. [16:15:06] So for our benefit and for the benefit of all of those present, it would be
6 nice for you to spell it out. Is it OBCS?

7 A. [16:15:17] No, it's in the BCS.

8 Q. [16:15:29] And what is the BCS?

9 A. [16:15:32] Well, as the abbreviation says or suggests, it's the command and support
10 battalion.

11 Q. [16:15:40] And what were you doing there at the time?

12 A. [16:15:43] Well, it's written a little bit higher up. If you want, I can tell you what it's
13 all about. Otherwise it's written a little bit further up.

14 MR ALTIT: [16:15:54] Mr President, I believe that if we went into private session briefly,
15 that would be of use.

16 PRESIDING JUDGE TARFUSSER: [16:16:01] Thank you. Let's go, let's go into private
17 session.

18 (Private session at 4.16 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0226

(Private Session)

ICC-02/11-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Open session at 4.18 p.m.)
- 19 THE COURT OFFICER: [16:18:43] We are back in open session, Mr President.
- 20 PRESIDING JUDGE TARFUSSER: [16:18:44] Maître Altit.
- 21 MR ALTIT: [16:18:45] (Interpretation) Thank you, Mr President.
- 22 Q. [16:18:48] How were you contacted by the Office of the Prosecutor, sir?
- 23 A. [16:18:54] Well, at the time the military tribunal opened an investigation, a judicial
- 24 investigation or made a call for witnesses. There was a message circulated in the various
- 25 units and each soldier was called upon to testify in the Laurent Gbagbo case, that is what

1 was said. And it is later on that big brother Charles Blé Goudé was added. That is the
2 message that we received. The military tribunal was opening a judicial investigation via
3 the ICC Prosecutor and calling for witnesses. There we are.

4 Q. [16:19:55] Did you inform your hierarchy of the meeting that you had with the
5 Office of the Prosecutor?

6 A. [16:20:04] Yes. I do recall that on the first day of the meeting, it happened at the
7 military, and it was the public prosecutor who received us and introduced us to the
8 investigators.

9 Q. [16:20:22] Very well. So are you saying that there were representatives of the OTP,
10 there was the Ivorian public prosecutor and yourself; is that right?

11 A. [16:20:30] Yes. He himself came, he was a lieutenant, he came and introduced us to
12 the investigators from the OTP because we didn't know who was who. I think that's
13 normal. And he said: This is so and so. These are the investigators from the OTP, and
14 here is master corporal.

15 But before introducing or doing the introductions, he -- well, after that he went off and
16 carried on further duties.

17 Q. [16:21:14] Very well. So when you came here, did you inform your hierarchy?

18 A. [16:21:22] Yes.

19 Q. [16:21:26] Did they give you their agreement for you to come?

20 A. [16:21:32] I don't know. I was called by the legal advisor from the minister's cabinet.
21 I presumed that they did agree. I did tell them that I did not want to leave the country
22 without authorisation. I am a soldier and I remain it. Even if I want to go to my village
23 I need leave. And if I want to leave the country, I need to request it.

24 Q. [16:22:01] Sir, did you give the names of any other potential witnesses to the Office
25 of the Prosecutor?

1 A. [16:22:23] I think that a little further down in my statement there is the name or the
2 names, I don't know, because they had said to me that if there were people called to testify,
3 they might do so, and I gave some names. But if you read through my statement
4 carefully, I'm a little bit reticent to give names. And even at the end, the investigator said:
5 Why did you give your names without hesitating?
6 And I said: Well, no, they said that they were in agreement if one day they had to come
7 and testify, and that's why I gave those names.

8 Q. [16:23:02] So, sir, I have a question that I'm going to, with the leave of the Presiding
9 Judge, put to you in private session.

10 PRESIDING JUDGE TARFUSSER: [16:23:22] Let's go back into private session.

11 (Private session at 4.23 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0226

(Private Session)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 4.24 p.m.)

8 THE COURT OFFICER: [16:24:52] We are back in open session, Mr President.

9 PRESIDING JUDGE TARFUSSER: [16:24:56] Maître Altit.

10 MR ALTIT: (Interpretation)

11 Q. Thank you, Mr Witness.

12 This concludes the questioning of the witness by the Defence team for Mr Laurent Gbagbo.

13 Thank you.

14 PRESIDING JUDGE TARFUSSER: [16:25:09] Thank you very much.

15 I have one question to the witness. And if I go back to page 80 of the English transcript,

16 you say on the question put to you by Maître Altit, in relation to the two itineraries from

17 the new Akouédo camp to Camp Commando, just to put you in the right picture, you said,

18 "When we started to have difficulties, we would swap between one and the other itinerary,

19 the objective being to avoid contact with the population."

20 What do you mean by the object was to avoid the contact with the population and why?

21 THE WITNESS: [16:26:21] (Interpretation) I said that, Mr President, because there were

22 a series of events that had started to transform the attitude of the population towards us.

23 The population was becoming hostile towards us, our presence at Camp Commando.

24 And I do not know whether this is what happens with you, but in our country if you are

25 positioned somewhere where the population is not favourable to your presence, then, well,

1 if you then conduct a mission, you do so in such a way as to get on with the population so
2 that they are not hostile towards you, because the population is in charge.
3 So that is why that series of movements to Banco and those shells that were dropped on
4 the market, et cetera, had started to wind people up. And so we thought that, well, you
5 know, they thought that we were starting to kill them. So they -- you thought to yourself,
6 well, let's make sure that things don't, you know, go downhill. So each time, with regard
7 to the information that we had, we would swap between one itinerary and the other. We
8 would either go either via the zoo or via the auto-route, the motorway.

9 PRESIDING JUDGE TARFUSSER: [16:28:00] So you mean it was because you didn't
10 want to heat up the already up-heated situation?

11 THE WITNESS: [16:28:12] (Interpretation) Of course, Mr President, that's what we
12 were avoiding.

13 PRESIDING JUDGE TARFUSSER: [16:28:18] Yes, but then I have a further question,
14 because immediately after, on the next question by Maître Altit, you say, it was in fact, the
15 question was:

16 "So when you were at the Camp Commando, were you able to leave the camp in order to
17 conduct patrols? Was that possible or not?"

18 And you answered: "Yes. It was in fact the objective of the mission at the outset, to
19 conduct patrols with a view to reassuring the population and say that the army is still
20 there, upstanding and ready to defend and protect it and at the same time guarantee
21 security."

22 Is there not some contradiction in avoiding on the one side the population and on the
23 other side showing presence?

24 THE WITNESS: [16:29:21] (Interpretation) No. Maybe you didn't understand me
25 correctly.

1 PRESIDING JUDGE TARFUSSER: That's why I ask.

2 THE WITNESS: (Interpretation) I said, I said --

3 PRESIDING JUDGE TARFUSSER: That's why I ask.

4 THE WITNESS: (Interpretation) Oh, okay. I was saying that at the outset we went to
5 Camp Commando to take up position for the day. And the patrols were only conducted
6 at night at the outset, that was.

7 But then when there were the series of events that I just explained to you, then we no
8 longer dared leave the camp. Why was that? Because at nighttime we came under
9 attack on a very frequent basis. We came under attack. We don't know by whom. But
10 we were constantly being fired at.

11 So it was dangerous to go out. So at the same time if we need to go out when people are
12 relieved, then we would swap between the two itineraries, according to the information
13 that the chief had, and then you would go a particular way and then the chief would get
14 information from the population, from our informers and we would swap between the
15 two itineraries.

16 What was certain was that we wanted to avoid having any further contact with the
17 population because it is true that the population was at the end of its tether. And if in a
18 state of fatigue we had contact, there might be some mishaps. And that is really what we
19 were attempting to avoid.

20 PRESIDING JUDGE TARFUSSER: [16:31:15] I would ask the court usher to give this
21 back to the witness, these documents we had, we take from him this morning.

22 These are your things we took this morning. Now you have them back. But don't bring
23 them tomorrow in the hearing, which is adjourned to tomorrow morning at 9.30 with the
24 questioning by the Defence for Mr Blé Goudé.

25 The hearing is adjourned. Have a good evening.

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- 1 THE COURT OFFICER: [16:31:44] All rise.
- 2 (The hearing ends in open session at 4.31 p.m.)