

Trial Hearing
WITNESS: CIV-OTP-P-0156

(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, 4 July 2017
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:27] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:35:18] So good morning. Good morning to
15 everybody. Back again in courtroom 1.
16 Good morning, Mr Witness.
17 Good morning, counsel of witness.
18 We received yesterday a courtesy copy, but is not yet filed, of a request by counsel, Article
19 74 counsel, counsel of witness. What I would say is that we proceed with the Article 74
20 assurances as we did with all the other witnesses until now and, therefore, I would
21 proceed the same way, if you agree on this.
22 Counsel, I'm talking to you. I'm speaking to you.
23 MR DIARRASSOUBA: [9:36:41] (Interpretation) Yes, Mr President, we agree.
24 PRESIDING JUDGE TARFUSSER: [9:36:44] Okay. Thank you, very much.
25 So, Mr Witness, I would ask you, first of all, to give us your complete name, your date and

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1 place of birth.

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3 (The witness speaks French)

4 THE WITNESS: [9:37:14](Interpretation) Thank you, Mr President. My name is Toaly
5 Baï Williams, born on 16 February 1968.

6 THE INTERPRETER: And the name of the location was not clear.

7 PRESIDING JUDGE TARFUSSER: [9:37:31] Where were you born, in which place?

8 THE WITNESS: [9:37:36](Interpretation) I was born in Abidjan, Côte d'Ivoire.

9 PRESIDING JUDGE TARFUSSER: [9:37:39] And you're on Ivorian citizen; is this
10 correct?

11 THE WITNESS: [9:37:45](Interpretation) Yes, I am Ivorian, Mr President.

12 PRESIDING JUDGE TARFUSSER: [9:37:49] Can you tell us your occupation at the time
13 of the crisis. I mean, at the end of 2010, beginning 2011, what was your occupation?

14 THE WITNESS: [9:38:07](Interpretation) I am a soldier by career and I'm an officer.

15 PRESIDING JUDGE TARFUSSER: [9:38:13] And can you tell us the rank you had at
16 that time.

17 THE WITNESS: [9:38:23](Interpretation) In 2010, 2011, I was a major, Mr President.

18 PRESIDING JUDGE TARFUSSER: [9:38:31] Now?

19 THE WITNESS: [9:38:37](Interpretation) And today I am a lieutenant colonel.

20 PRESIDING JUDGE TARFUSSER: [9:38:40] And you're still in service?

21 THE WITNESS: [9:38:46](Interpretation) Yes, still in the army.

22 PRESIDING JUDGE TARFUSSER: [9:38:49] So now I give you some preliminary
23 information, also to put you at ease. We will call you "Mr Witness" all of us. This is
24 because it is the current practice in the courtroom that the witnesses are addressed not
25 with their names. In any case, if you at any point of your testimony, you do have some

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1 issues to raise with the Chamber, you don't feel comfortable, or whatever needs you have,
2 please address them to me and we will try to accommodate your issues.

3 Furthermore, if there is something you might prefer to say in private session, meaning
4 that only us in the courtroom we know -- we hear the answer, please, also tell me and we
5 will try to accommodate it.

6 As far as self-incrimination or possible self-incrimination relates, you have been assigned
7 a lawyer who provides you with legal advice in case of possible self-incrimination.

8 Mr Diarrassouba is present, if I spell right the name, with you, and, obviously, if anything
9 arises, you can confer with him when you -- and then may answer the way you decide
10 together with him, meaning open or not in open session.

11 The Chamber in any case gives you the assurances pursuant to Rule 74(3) of the Rules of
12 Procedure and Evidence that your testimony will not be used either directly nor indirectly
13 against you in any subsequent proceedings by this Court, except the case of Article 70 and
14 71, which are the offences against the Court in case you do not say the truth, for example.

15 So if any question is asked to you that could lead to your self-incrimination, we will hear
16 your answer in private session and keep this answer confidential. All questioning parties
17 are responsible for requesting private session prior to asking questions that could lead,
18 that may lead, you to incriminate yourself. And, as I said, counsel should always be alert
19 to intervene when he deems it appropriate. Have you understood?

20 THE WITNESS: [9:42:36](Interpretation) Yes, I've understood, Mr President.

21 PRESIDING JUDGE TARFUSSER: [9:42:39] Very well.

22 Now we come to the issue related to the interpretation and the transcription of the record.
23 You will be testifying in French language and we -- and I'm speaking English, so we need
24 to understand each other. This means that we have to speak slowly in order to give the
25 possibility to the interpreters and the court reporters to interpret and to write down

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1 properly what we are saying. So, please, after hearing a question which is put to you,
2 just wait a little bit until the interpreter has finished the translation in the other language
3 and then start your response, to answer. And the same thing will be done by those who
4 are questioning. If I give you a sign, it's just to slow you down if you speak too quickly,
5 okay?

6 THE WITNESS: [9:44:11](Interpretation) I have understood you, Mr President.

7 PRESIDING JUDGE TARFUSSER: [9:44:14] Now we come to your testimony. You
8 are aware that this Chamber has been established to try the case of the Prosecutor against
9 Mr Gbagbo and Mr Blé Goudé, and you are called, you are here, you're called to assist us,
10 to assist the Chamber in our search for the truth. So you will be asked questions by the
11 lawyers, first by the Office of the Prosecutor, then by the Defence for Mr Gbagbo and
12 Mr Blé Goudé. And your duty, your only duty is to answer truthfully the questions
13 which are put to you. And to this effect, I would ask you to make a solemn undertaking,
14 reading out the formula that you have in front of you.

15 THE WITNESS: [9:45:31](Interpretation) I solemnly declare that I should speak the truth,
16 the whole truth, and nothing but the truth.

17 PRESIDING JUDGE TARFUSSER: [9:45:37] Thank you, very much. The last thing,
18 the last information I have to give you, is that giving false testimony is an offence against
19 the Court and, as such, punishable.

20 Now we are ready to start with the questioning. And if you are okay, I will give the floor
21 to the Office of the Prosecutor for his questioning. Is this okay; are you fine?

22 THE WITNESS: [9:46:22](Interpretation) Yes, I'm ready, Mr President.

23 PRESIDING JUDGE TARFUSSER: [9:46:26] Mr MacDonald, yours the floor.

24 MR MACDONALD: [9:46:31] Thank you, your Honour.

25 QUESTIONED BY MR MACDONALD: (Interpretation)

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1 Q. Good morning, Mr Witness.

2 PRESIDING JUDGE TARFUSSER: [9:46:58] Just to say one thing: All of us have read
3 your request of this morning, and we will decide when it -- when the issue arises. Thank
4 you.

5 MR MACDONALD: [9:47:13] Yeah, it's a complete oversight, your Honour, on my part,
6 and no one else on the team. It was in my outline, but.

7 PRESIDING JUDGE TARFUSSER: [9:47:21] But just to say that we will decide when
8 the time comes.

9 MR MACDONALD: [9:47:23] In the second session, probably.

10 PRESIDING JUDGE TARFUSSER: [9:47:25] Okay.

11 MR ALTIT: [9:47:32] (Interpretation) On this point, so as to be clear, we have
12 absolutely no objection at all in regard to what might happen.

13 PRESIDING JUDGE TARFUSSER: [9:47:52] Well, thank you, very much.

14 MR MACDONALD: [9:47:56] (Interpretation) I would like to thank my learned
15 friend.

16 MR N'DRY: [9:47:59] (Interpretation) Mr President, the Charles Blé Goudé Defence
17 team has no objection.

18 MR MACDONALD: [9:48:07] (Interpretation) Thank you, also.

19 PRESIDING JUDGE TARFUSSER: [9:48:08] Therefore, we will not raise it. You just
20 go ahead. Thank you, very much, to all for your collaboration. Thank you.

21 MR MACDONALD: [9:48:23] (Interpretation)

22 Q. [9:48:24] Good morning, Mr Witness. I would also like to greet

23 Maître Diarrassouba who is here with us. We had contacts for the representation of the
24 witness.

25 Mr Witness, I'm going to refer to you as "Mr Witness" because that is the standard practice

1 in this courtroom, and as already explained to you, I will be speaking in French so we
2 have to observe the five-second rule between question and answer so as to facilitate
3 interpretation.

4 Now, to begin my questioning, Mr Witness, I would like to come back to your biography,
5 your career, in the army. We are not going to go into details about the positions you
6 occupied in the Ivorian army, but I would simply like to know, when did you join the
7 army?

8 A. [9:49:42] Thank you, Mr President. I joined the army at the technical preparatory
9 military school, that is in 1979, where I did the secondary school level, right up to
10 terminale, then I went to the university, and then to the officers' training school in the
11 1990s. So I can say that I really began my military career in '90.

12 Q. [9:50:28] Very well. I would like to focus on a particular position. You were the
13 commanding officer of the 1st BCP. Can you tell us when you started work in that
14 position?

15 A. [9:50:51] I was commanding officer of the 1st BCP in 2009 and early 2010.

16 Q. [9:51:08] And who did you replace in that position?

17 A. [9:51:17] I replaced -- he was a colonel at the time, and that is, general Deto Letho
18 Firmin. He's a general retired now, but at the time he was a colonel.

19 Q. [9:51:32] And up to when did you stay in that position at the 1st BCP?

20 A. [9:51:40] Up to 2010.

21 Q. [9:51:43] Can you be more specific, please?

22 A. [9:51:53] I was commanding officer on two occasions that overlapped. And in the
23 interim, I went to the CPCO, and then I went to a training course also. So the first time I
24 was commanding officer was 2007, 2008, and then the second time was 2009, 2010. So,
25 and for those two periods the general total time was about nine months.

1 Q. [9:52:33] You referred a short while ago to the CPCO. When were you assigned
2 to the CPCO?

3 A. [9:52:44] Once again, I was assigned twice to the CPCO. The first time, as I said a
4 short while ago, in 2008, 2009, and then as from 2010 up till 2011 I was in the CPCO.

5 Q. [9:53:14] What does that acronym CPCO mean, just for the record?

6 A. [9:53:22] It is the Centre de Planification et de Conduite des Opérations.

7 Q. [9:53:34] In a short while, we are going to come back to your duties in the CPCO,
8 but before that, during your various training courses within the army, did you take any
9 courses in international humanitarian law?

10 A. [9:54:11] Yes, indeed. I am an instructor, adviser, in international humanitarian
11 law ever since 1995.

12 Q. [9:54:40] And who were you training in international humanitarian law?

13 A. [9:54:47] When I was at the FIRPAC, that is, the rapid paracommando training,
14 which is the former 1st BCP, I was also a trainer at the armed forces academy, where I
15 taught cadet officers. And during the crisis in 2002, 2003, I was co-opted with other
16 instructors by the international committee of the Red Cross to teach certain personnel in
17 the theatre of operations.

18 Q. [9:55:47] And are you referring there to the units, the various units that were
19 present at the front?

20 A. [9:55:54] Yes, that is correct.

21 Q. [9:56:09] What led to your departure from the 1st BCP in 2010 when you moved to
22 the CPCO?

23 A. [9:56:26] My transfer happened after an incident that I had with a captain, who is a
24 major today. He was working in the service responsible for fuel in the ground forces.
25 There was an altercation, a confrontation, between that captain and myself.

- 1 Q. [9:57:02] Just to be certain, can you tell us the month in 2010?
- 2 A. [9:57:09] That would be rather difficult.
- 3 Q. [9:57:15] Was this before or after the first round of the elections?
- 4 A. [9:57:21] Between the two rounds.
- 5 Q. [9:57:27] Following that incident, did you immediately take service at the CPCO or
- 6 was there a time that elapsed?
- 7 A. [9:57:43] I took one month's leave and then I joined the CPCO.
- 8 Q. [9:57:53] And did you join the CPCO before or after the second round of elections,
- 9 that is, 28 November 2010?
- 10 A. [9:58:05] I joined the CPCO after the second round, that is, if I remember correctly.
- 11 During the second round I was on leave.
- 12 Q. [9:58:23] Did you join the CPCO before or after Mr Gbagbo was sworn in as
- 13 president in December 2010?
- 14 A. [9:58:41] I believe I joined that unit shortly afterwards, shortly after that.
- 15 Q. [9:58:49] Very well. Now, let me come back briefly to one point. The 1st BCP, in
- 16 which Akouédo camp was it, because we know there was an old camp and a new camp
- 17 for the ground forces, but which of the two camps?
- 18 A. [9:59:20] The 1st BCP was located at the former camp which was where the
- 19 headquarters of the ground forces was located.
- 20 Q. [9:59:37] Now, describe the units present there, apart from the general staff of the
- 21 ground forces, those that were at the former Akouédo camp.
- 22 A. [9:59:56] The staff quarters, headquarters, was there and a unit known as UCS, the
- 23 service and command unit. Then there was the 1st BCP, then a tactical sub-unit.
- 24 Q. [10:00:20] So you were the commander of the first BCP. Who was the commander
- 25 of the UCS?

1 A. [10:00:35] It was a colonel whose name I no longer remember.

2 Q. [10:00:42] Who commanded the tactical sub-unit?

3 A. [10:00:47] The tactical sub-unit was commanded by Captain Ouande Zadi.

4 Q. [10:01:01] The name is Ouande Zadi. I'm repeating for the transcription. What
5 exactly was this tactical sub-unit or sub-group?

6 A. [10:01:16] The tactical sub-group that was set up by the ground forces command
7 was a service where each battalion was represented that belonged to the ground forces, in
8 particular, the 1st BCP, which was commanded by one section. The first infantry
9 battalion was represented by a section, the first armoured battalion by a platoon, and the
10 ground-air battalion by another platoon as well.

11 Q. [10:02:12] To confirm, within this sub -- this tactical sub-unit, the various units that
12 composed it, did they have their own organic weapons or did they have different
13 weapons?

14 A. [10:02:37] Well, I can only answer on behalf of the 1st BCP that I was commanding.
15 We were detached with its own organic weaponry.

16 Q. [10:02:52] The reason I'm asking this question is because given you were at the
17 camp in the same place there were various forces that were present; is that correct?

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

19 Q. [10:03:05] Therefore, can you confirm that the BASA and the other units had their
20 own organic weapons?

21 A. [10:03:17] The tactical sub-unit geographically was not within the 1st BCP. It was
22 housed where the main staff of the ground forces was. And there was a fence and there
23 was a road, actually, a two-lane road, and a grassy area of about 50 metres that separated
24 the two. And, therefore, I can't really say exactly what kind of weapons the other
25 sections or other platoons had, that is, the ones that composed the tactical sub-unit.

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1 Q. [10:04:12] Just to confirm, who was the commander of the ground forces?

2 A. [10:04:22] It was General Deto Firmin.

3 Q. [10:04:34] I'd like to call up a first document regarding your assignment at the
4 CPCO, and I'm going to just give the last four numbers each time. It's 0047-0740.

5 Mr Witness, in order to see the document you need to press "evidence 1."

6 MR N'DRY: [10:05:14] (Interpretation) We would like to ask our learned friend each
7 time to give the full reference so that we can find it immediately or, rather, the number on
8 the list, the number on the list.

9 MR MACDONALD: [10:05:32] The tab number --

10 PRESIDING JUDGE TARFUSSER: [10:05:33] The number on the list because the full
11 reference of the CIV-OTP should be the same always, I think.

12 MR MACDONALD: [10:05:40] I'm very sorry.

13 PRESIDING JUDGE TARFUSSER: [10:05:45] So the reference on the list, yes, please.

14 MR MACDONALD: [10:05:50] I'll switch to French. (Interpretation) I beg your
15 pardon. I'm not used to indicating what number on the list because as regards the other
16 items there, most of them are in numerical order according to the ERN, so you'll be able to
17 find it very quickly if you take a look at the list. But we will try to do it. I might forget,
18 simply because I didn't jot it down. It's no ill intentions on my part, however.

19 PRESIDING JUDGE TARFUSSER: [10:06:29] However, try to do it because the other
20 parties -- it is easier to find.

21 MR MACDONALD: [10:06:37] I understand, but it is all in ERN chronology.

22 PRESIDING JUDGE TARFUSSER: [10:06:40] Yes, yes, of course. It is number 52 in
23 anyway.

24 MR MACDONALD: [10:06:48] That's what I was going to say, 52.

25 PRESIDING JUDGE TARFUSSER: [10:06:50] 52.

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1 MR MACDONALD: [10:06:57] (Interpretation) Could we call up the document,
2 please.

3 Q. [10:07:06] And you simply need to press "evidence 1" and you should be able to
4 see the document. Can you see it?

5 A. [10:07:14] Yes, I can.

6 Q. [10:07:15] Do you recognise this document?

7 A. [10:07:25] This is a document which has everything that enables me to understand
8 that it comes from the ministry of defence.

9 Q. [10:07:38] Is this the record of your assignment or your appointment?

10 A. [10:07:49] *I see that it refers to commander Mell Gerard Brice who is currently the
11 second in command at the 1st BCP and the designated interim commander of the 1stBCP.

12 Q. [10:08:03] I beg your pardon. Perhaps I got the wrong document here. Let me
13 see if I can find the appropriate one.

14 If I can have a moment, please.

15 I beg your pardon. There is a document that refers directly to your assignment at the
16 CPCO, but I'm told that the document was communicated according to Rule 77 and I can't
17 show it to you, unfortunately, and it's up to my learned friends to do so if they wish to do
18 it.

19 If I were to put it to you that you were assigned at the CPCO on November 8, 2010, does
20 that jog your memory?

21 A. [10:09:38] Well, I don't remember the right date when I was appointed to the
22 CPCO, but really that doesn't -- it doesn't change anything in terms of what I remember.

23 Q. [10:09:52] So let's go back to the document that's in front of you, that is, *0047-0740,
24 can you confirm that Mr *Mell Gerard Brice is the person to replaced you in the 1st
25 BCP?

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1 A. [10:10:18] Yes, I can confirm that.

2 Q. [10:10:38] I'd like to come back to the period 2002-2003 and ask you a precise
3 question. We know that in September 2002, on the 19th to be precise, starting from that
4 date, Côte d'Ivoire was separated into two parts, the north and the south. What were
5 your functions in the weeks that followed the separation between the north and the
6 south?

7 A. [10:11:21] I was a captain and I commanded the second group of the military fire
8 brigade.

9 Q. [10:11:31] And where were you exactly?

10 A. [10:11:36] On the 19th, at that date, I was at the firehouse.

11 Q. [10:11:44] Were you on the frontline in the following weeks?

12 A. [10:11:47] Yes. Since I was a military fireman, as was the case of many others, I
13 was sent to the front, as we say.

14 Q. [10:12:17] How long did you spend on the frontlines?

15 A. [10:12:26] I went in 2002 and I came back in 2003, 2004.

16 Q. [10:12:44] To your knowledge, were there -- following the rebellion, were -- was
17 there any recruiting in the armed forces?

18 A. [10:13:05] Yes, there was a national recruitment that took place.

19 Q. [10:13:15] Do you know how many individuals were recruited?

20 A. [10:13:23] Three thousand young people, approximately.

21 Q. [10:13:31] During that period when you were involved in the theatre of operations,
22 did you -- did Mr Blé Goudé visit you?

23 A. [10:13:44] Personally, no.

24 Q. [10:13:50] Did you see him at Yamoussoukro?

25 A. [10:13:59] I didn't see him with my own eyes, but I do know that he went through

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1 Yamoussoukro and he encouraged the soldiers.

2 Q. [10:14:24] How did you learn that?

3 A. [10:14:26] We all depended on the theatre, the authorities, that were related to the
4 chief of staff, and there were various units, and there were various units that
5 depended -- that were related to the theatre command, the com-théâtre.

6 Q. [10:14:58] Who was the commander?

7 A. [10:15:02] It was Mangou Philippe who was the commander, General Mangou
8 Philippe.

9 Q. [10:15:13] I would like to go back to the document that I was looking for earlier,
10 that is, the document that ends 0740, in fact, it is the 0741, the next page of the same
11 document that I wanted to show the witness. If we could have that on the screen now,
12 please.

13 Very well. Can you see the document?

14 A. [10:15:53] Yes, I can see it.

15 Q. [10:15:57] It's dated November -- 8 November and, therefore, as of 8 November
16 you were appointed to the CPCO.

17 PRESIDING JUDGE TARFUSSER: [10:16:14] The 8 November 2010, just for the record.

18 MR MACDONALD: [10:16:26] (Interpretation)

19 Q. [10:16:26] Is that correct, Mr Witness? Does that refresh your memory?

20 A. [10:16:31] Yes.

21 Q. [10:16:35] So you said you took a month of leave, so it was only in December that
22 you took on your position; is that correct?

23 A. [10:16:52] When there is an appointment, when the appointment is signed, for
24 example, the individual may be on leave at that point in time.

25 Q. [10:17:07] Fine. Before we go back to the CPCO, you mentioned the tactical

1 sub-unit. Who was in charge -- well, let me continue to be more precise in my question,
2 was it Commander Zadi? Or rather who did Commander Zadi report to at that time?

3 A. [10:17:36] The tactical sub-unit came directly under the ground force command.

4 Q. [10:17:48] Directly?

5 A. [10:17:49] Directly.

6 Q. [10:18:01] Let's come back to the CPCO. Can you describe, since you worked
7 there for several months, during the crisis, can you tell us what the role of the CPCO was;
8 what was it exactly?

9 A. [10:18:35] The CPCO, the Centre de Planification et de Conduite des Opérations,
10 planning and operation conduct centre, always had a single mission to plan and conduct
11 operations at national level.

12 Q. [10:19:03] But the operations of which forces?

13 A. [10:19:08] The operations of all the forces that came under the authority of the chief
14 of staff.

15 Q. [10:19:22] We can come back to that. What about the first category of forces, that
16 is, the police; did they come under the authority of the CPCO?

17 A. [10:19:42] To a certain extent, yes, because, let me recall the following. You
18 said -- you referred to third category.

19 Q. [10:20:01] No, I said the first category.

20 A. [10:20:04] The first category force, that is, the military forces, the CPCO was in
21 charge. Now, the situation was such that the command integrated to a certain extent the
22 second and third category forces, that is, the gendarmerie and the police, depending on
23 the mission and depending on the situation. We used a term at that time. We referred
24 to the FDS, that is, the Defence and Security Forces, the FDS. So the CPCO, in its mission,
25 depending on the circumstances of the mission, included the other category of forces but

1 which remained under their own commanding officer.

2 Q. [10:21:16] Very well. We'll discuss precise examples a bit later to see exactly how
3 these things functioned on the ground. But right now, I'd like to continue discussing at a
4 more general level the CPCO. First of all, where was it located, the CPCO?

5 A. [10:21:41] The CPCO was within the chief of staff building, the main building
6 where the offices of the chief of staff were situated.

7 Q. [10:21:55] So at Gallieni camp?

8 A. [10:21:58] Yes, that's correct.

9 Q. [10:22:09] When you joined the CPCO in December, who was in charge; who was
10 the commanding officer of the CPCO?

11 A. [10:22:22] The chief of the CPCO at that time was Colonel Kokou Sako René.

12 Q. [10:22:42] What was your own role when you were assigned to the CPCO?

13 A. [10:22:52] I was included in one of the groups, the J5 cell, so to speak, which was in
14 charge of planification, planning, rather, planning.

15 Q. [10:23:23] You and Mr Sako, was there an intermediate person that you reported to
16 before reporting to Mr Sako?

17 A. [10:23:43] Colonel Sako was the chief of the CPCO, but he also was the chief of the
18 J5 planning cell. And since I was part of that, I was incorporated into that, I worked
19 directly with Colonel Sako.

20 Q. [10:24:10] How many cells were there in the CPCO, and can you tell me what they
21 were?

22 A. [10:24:17] I'll give you the main ones. There was the J5, as I've just mentioned,
23 that is, planning; J3, which was the conduct of operations, and it was called "conduct"; and
24 J2, which was in charge of tactical intelligence; and J4, which was logistics; and J1, staff.
25 J9 was in charge of contacts and relations with civilian and military authorities, between

1 civilian and military authorities, and then the -- those are the main, the main cells in the
2 CPCO.

3 Q. [10:25:32] I'm waiting a moment for the transcript.

4 There was also transmission cell, wasn't there, but there's also a J something.

5 A. [10:25:57] I think it was J6 or J7.

6 Q. [10:26:06] So this is quite similar to the structure you find in armies around the
7 world, isn't it?

8 A. [10:26:12] Yes.

9 Q. [10:26:22] When you arrived in December -- I'm using your date of arrival as a
10 reference for my question. Now, when you joined the CPCO, can you give us an idea of
11 how many people were working within the CPCO?

12 A. [10:26:48] Well, since I wasn't part of the J1, it's hard for me to give you numbers,
13 precise numbers.

14 Q. [10:26:55] Can you give us a rough idea?

15 A. [10:27:04] On the average, each cell that I referred to had about five individuals,
16 and there was also a security group for the premises. And, well, I would say there
17 wasn't -- there weren't more than 50, 60 people in the CPCO.

18 Q. [10:27:37] This may sound like a stupid question, but I'm going to ask it for the
19 purposes of the record: Who did the CPCO report to?

20 A. [10:27:48] The CPCO was an organ of the chief of staff in operational terms, if you
21 will, so they reported directly to the chief of staff.

22 Q. [10:28:09] Can you describe, and I'm trying to understand the kinds of meetings
23 and exchange of information that took place within the CPCO, but first of all, did you
24 have meetings?

25 A. [10:28:32] Yes. Yes, we had meetings.

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1 Q. [10:28:39] Were those meetings organised at precise times of the day?

2 A. [10:28:47] That depended on the period.

3 Q. [10:28:52] Well, in a military camp usually there's a morning assembly, for example,
4 by way of example. So in the CPCO did you have a morning meeting?

5 A. [10:29:06] No, we didn't have a morning assembly at the CPCO. The CPCO is not
6 a corps as such. The CPCO is not a real unit, it -- it's part of the general staff. It's a
7 number of offices and groups and cells, so there was no overall general meeting, if you
8 will.

9 But every Friday and every Monday morning there was a briefing, an overall briefing, but
10 as I said earlier, the CPCO depended on the operational activities, so it was in function of
11 the operational activities that the CPCO organised the briefings or meetings. That's
12 basically how things took place.

13 Q. [10:30:20] So the events that took place on the ground would have an impact on the
14 frequency of such meetings; is that correct?

15 A. [10:30:30] Yes, that's correct.

16 Q. [10:30:31] And just to clarify, when you say every Monday and every Friday there
17 was a briefing or a meeting, did that include all of the 50 members of the CPCO staff?

18 A. [10:30:53] Well, it involved the heads of each cell. But, of course, we had duty
19 officers as well who came from other units over the weekend and who were on duty and
20 who would receive information or intelligence, and therefore there was a report of that
21 information. And this had to be shared with the other members of the cell. That was
22 the purpose of the Monday morning briefing.

23 Q. [10:31:36] And during normal times, what about the chief of general staff? Was
24 he present at the debriefings from Monday to Friday?

25 A. [10:31:48] No, the chief of general staff did not take part in these weekly meetings

1 on Monday.

2 Q. [10:32:13] And why were you assigned to the CPCO? I realised there was that
3 incident, but you could have been -- well, first of all, were you disciplined? No, let me
4 rephrase. Owing to this altercation with the captain, were you disciplined?

5 A. [10:32:40] I'm sorry, your Honour, if the question could be put a bit more
6 specifically. I don't understand.

7 Q. [10:32:53] Were you punished or sanctioned? Were you subjected to disciplinary
8 measures?

9 A. [10:32:59] Yes. Yes, I was punished.

10 Q. [10:33:07] What was the punishment?

11 A. [10:33:14] I was subjected to a number of days of rigueur, and I was relieved of my
12 duties as commanding officer.

13 Q. [10:33:34] Why were you assigned to the CPCO?

14 A. [10:33:43] *Well, it could have been somewhere else. Like any officer who had a
15 state diploma, I had the ability or the possibility of being sent to the CPCO.

16 Q. [10:33:57] Were you approached before you were assigned to the CPCO, or was
17 there a discussion about a possible assignment to the CPCO?

18 A. [10:34:09] No, I was not approached. I had my assignment, and that was quite
19 proper, and then I joined or -- well, I went to my post.

20 Q. [10:34:42] Please explain your specific role within the CPCO.

21 A. [10:34:54] My role within the J5, within the CPCO, was -- well, depending on the
22 intelligence that we got from the J2 -- as I said earlier, the J2 was the tactical part of the
23 organisation. And depending on what was going on and then dealt with by the J3 and
24 the J5 -- you see, they would try to anticipate what would happen and plan ahead. *That
25 in a nutshell is my role.

1 Q. [10:35:52] Could you explain to us, you said that you would try to plan for the
2 future, look ahead, figure out what would happen. We're neophytes, we're trying to
3 understand what your role exactly was.

4 A. [10:36:12] Generally speaking, you see, this was a crisis. We were at war. These
5 were the words being used. So in the field, when combat was underway, well, combat
6 was underway on a particular area or in a particular zone and, well, the CPCO through
7 the J3 would lead these operations on a day-to-day basis, assigning resources, assigning
8 units, shifting units from one place to another, deciding upon missions. And during this
9 time we tried to determine what lay in store for us in the upcoming days, and we tried to
10 anticipate what would happen and forecast, provide for what might happen. That was
11 the role of the J5.

12 Q. [10:37:25] A few moments ago you mentioned -- well, now, just before you said
13 something about writing things down, preparing written information; what was that?

14 A. [10:37:43] Operational orders. An operational order contains several components.
15 So the J5, during a particular operation, would prepare on the basis of the work done by
16 all the various cells, so within the J5, in that unit, or cell, rather, we would have various
17 tools put -- well, we had planning boards, for example, and we would take into account
18 what was going on, what our resources were. So simply put, we tried to anticipate what
19 might happen.

20 Q. [10:38:48] And who would approve the operational orders?

21 A. [10:38:55] The chief of general staff.

22 Q. [10:39:02] That was General Mangou at the time, I believe.

23 A. [10:39:06] Yes, indeed.

24 Q. [10:39:08] Now, one thing I'd like to clarify because sometimes people forget this
25 point, what was the operational zone? Was it just Abidjan or did it cover the entire

1 country?

2 A. [10:39:32] The CPCO had a particular role which covered the entire territory, the
3 theatre of operations led by the com-théâtre, and then the area of Abidjan. And
4 gradually Abidjan became a second theatre of operations. So the CPCO was in charge of
5 the entire territory, that is to say, the entire country.

6 Q. [10:40:10] So between December and April, December 2010 and April 2011, the
7 CPCO was not focusing just on Abidjan; it was also responsible for the entire theatre of
8 operations?

9 A. [10:40:32] Yes, indeed. The com-théâtre, command of the theatre, and it's
10 structure -- well, that entity reported to the CPCO. The CPCO was the national body,
11 and the com-théâtre, as you can tell by the name, that is an operational command with a
12 specific zone. So during a conflict there may be several theatres, and at one particular
13 point, there was the theatre of operations in the north and the south, as you said earlier,
14 and then in Abidjan. Abidjan actually became another theatre of operations.

15 Q. [10:41:21] And according to you, when did Abidjan become another theatre of
16 operations?

17 A. [10:41:31] Well, generally speaking, I would say after the second round of voting
18 during the presidential election. Abidjan became a true, a true theatre.

19 Q. [10:42:01] Now, once the orders, once the operational orders had been approved by
20 the chief of general staff, how were the orders passed on for the conduct of these
21 operations?

22 A. [10:42:25] Well, the royal duty was -- took the form of messages via fax or
23 handwritten, hand delivered messages. And the various commands received orders in
24 this fashion, that is to say, the navy, the army, and the air force.

25 Q. [10:42:54] So you mean hand delivered messages?

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1 A. [10:42:57] Yes.

2 Q. Yes, I'm sorry. I need to slow down in order to avoid overlapping, the five-second
3 rule.

4 Now, Mr Witness, you said that there were these orders and that they were hand
5 delivered; is this correct?

6 A. [10:43:19] Yes.

7 Q. [10:43:21] And the other method was the good old fashioned fax machine?

8 A. [10:43:27] Yes.

9 Q. [10:43:43] Now, when the operations themselves were being conducted or
10 implemented, the order would be delivered and once a mission or an operation was to be
11 implemented, how would the communications ensue between the field and headquarters?
12 Correction, between the field and the CPCO?

13 A. [10:44:16] There was the transmissions cell, and they were in charge of setting up a
14 network or several networks, but there were major difficulties. So communications were
15 also conducted by cellphone.

16 Q. [10:44:41] You mean a mobile phone?

17 A. [10:44:44] Yes, a mobile phone.

18 Q. [10:44:52] And why were the communications over the -- well, let me rephrase.
19 What kind of radio?

20 A. [10:45:05] VHF radio.

21 Q. [10:45:18] Yes. And why were communications difficult. You said there were
22 major problems. Why was this type of communication problematic?

23 A. [10:45:28] Well, it was a matter of resources. It was a matter of resources,
24 equipment that worked well. That's how I would put it.

25 Q. [10:46:01] Let us talk about the efforts to ensure the safety and security of the city

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1 of Abidjan. We have a number of documents and we will be looking at them shortly.

2 How were these efforts to ensure the security of Abidjan organised?

3 A. [10:46:30] Well, at one particular point, Abidjan became very difficult. Massive
4 danger, attacks here, there, everywhere. I make this point because, you see, the chief of
5 general staff took a decision in light of the situation before him. He decided to divide
6 Abidjan into five security zones.

7 Q. [10:47:13] And off the top of your head, can you remember what these security
8 zones were?

9 A. [10:47:19] Well, there was the Plateau area, Koumassi, Abobo, and then there were
10 two other zones. And I can't remember the exact location of the PCs, that is to say, the
11 command posts.

12 Q. [10:47:42] Very well. I'd now like to call up -- and I believe we have two versions
13 of this particular document. I'd like to call 0045-0112. If that document could please be
14 displayed on the screen. This is number 39 on our list of materials. And I --

15 PRESIDING JUDGE TARFUSSER: [10:48:14] 112 is 40.

16 MR MACDONALD: [10:48:17] Okay, we could be --

17 PRESIDING JUDGE TARFUSSER: [10:48:19] Yes.

18 MR MACDONALD: [10:48:24] On our -- on our list that we have, unfortunately, it says
19 39. We'll figure it out, but at least it is around the same place on the list.

20 Q. [10:49:01] (Interpretation) Can you see the document?

21 A. [10:49:03] Yes, I can. There were six zones mentioned. Yes.

22 Q. [10:49:07] Well, yes, six zones. We'll get to that point. But just before we do that,
23 first of all, can you recognise this type of document?

24 A. [10:49:26] Yes, I do.

25 Q. [10:49:28] What is this document? We can read it, we can see it for ourselves, but

1 if you could tell us in your own words what kind of document is this, just for this first
2 document. We're trying to understand this kind of document, the template that these
3 documents that would be sent from the HQ.

4 A. [10:49:51] Well, it was from the headquarters, from the headquarters, and *there is
5 a mention: FM CEMA. It's intended for all the major units, the national directorate of the
6 gendarmerie and the various forces, land forces, air force, navy, and then for information
7 purposes CC, so to speak. It's also being sent to the ministry of defence and others. Oh,
8 it's also sent to the com-théâtre. And this is about beefing up security arrangements.
9 And this tells us that Abidjan is being divided up into six zones; first of all, Yopougon,
10 then Abobo-Anyama, then Adjamé-Plateau, then Cocody, south Abidjan, and ultimately
11 the autonomous port of Abidjan. So that's what this message is all about.

12 Q. [10:51:20] Very well. If we could now look at the last page just to seek some
13 clarity, 0116, if we could.

14 If we could zoom in and look at the signature. Now, I realise you're not an expert, but is
15 this the kind of signature that you would often or usually see, the signature of the chief of
16 staff and the stamp that he would use?

17 A. [10:52:16] This is the name of Philippe Mangou, army general, with a signature and
18 a stamp.

19 Q. [10:52:29] Is this the first time you've seen his signature?

20 A. [10:52:32] No, it's not the first time.

21 Q. [10:52:40] Is this what you would usually see?

22 A. [10:52:43] Yes. Yes, yes, that's the one.

23 Q. [10:52:48] Very well. Who was commanding the six -- or, rather, the fifth -- the
24 five -- there were five zones and then a sixth, but who were the people commanding these
25 zones?

1 A. [10:53:22] The chief of general staff had designated the head of land forces, *Detoh
2 Letho Firmin, to direct that organisation. It was for the purposes of consistency.

3 Q. [10:53:47] So the six areas or zones, the direct hierarchy was Commander General
4 Detoh Letho?

5 A. [10:53:58] Yes. Yes, General Detoh Letho Firmin, he was the one leading that
6 organisation or group.

7 Q. [10:54:16] And General Detoh Letho reported to whom?

8 A. [10:54:23] He reported to the chief of general staff.

9 Q. [10:54:30] And what happened to the CPCO? And I think we'll try to link a date.
10 The CPCO, what happened to the CPCO once you -- well, you said it yourself, General
11 Detoh Letho became the director of, or the head of this structure.

12 A. [10:54:51] The CPCO remained in existence, but the management of this particular
13 arrangement or structure was removed from the CPCO. I said earlier that the theatre
14 initially -- well, there was one, and then Abidjan became the second theatre of operations.
15 So for this particular organisation, the chief of general staff entrusted management of this
16 unit to *General Detoh. But the CPCO still did exist.

17 Q. [10:55:48] Could you give us some kind of timeline? Can you tell us when
18 General Detoh Letho became the commander and the one who was conducting operations
19 in the field?

20 A. In Abidjan?

21 Q. [10:56:13] Yes, for Abidjan, for Abidjan.

22 A. [10:56:19] I couldn't give you a specific date. I can say that when the order was
23 issued to announce the security arrangements, a leader was designated, and it was the
24 general, and this designation was done by the chief of staff.

25 Q. [10:56:47] I'd like to call up another document now, and I just want to be sure, if

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- 1 you'll allow me one moment to find the ERN number. This is CIV-OTP-0071-0520. I
2 believe it's item 66 or 67.
- 3 THE COURT OFFICER: [10:57:31] Tab number 66.
- 4 MR MACDONALD: [10:57:50] (Interpretation)
- 5 Q. [10:57:51] Can you see the document?
- 6 A. [10:57:57] Yes, I can.
- 7 Q. [10:58:05] Since you used to be at the BCP, are you familiar with this kind of
8 document?
- 9 A. [10:58:13] Well, once again, this is a message. The difference is that this one
10 comes from the command of land forces and it's intended to all units under his command.
11 And they are providing information; they are providing a report back.
- 12 Q. [10:58:37] We can see a reference as well. And what's going on here? Who is
13 sending what to whom? We can read the acronyms, but I believe it is important to have
14 this on the case record.
- 15 A. [10:58:54] The reference 25 February 2011.
- 16 Q. [10:59:07] So it means there was an order from the CPCO, the chief of staff?
- 17 A. [10:59:14] Yes. And in this particular case, there might be an order that is not
18 necessarily a continuation of what we have here, but rather, it is related to this message.
19 That's what the reference is all about. It might be an order or another message that had
20 been sent. And this one bearing this reference depends -- well, it's not necessarily a
21 continuation of something else.
- 22 Q. [10:59:55] This might seem to be a trivial detail, but Lieutenant Colonel Koloubla
23 seems to be sending information from the CPCO regarding the conference room. And on
24 21 February 2011, the conference room of the headquarters is being used for -- as a post, a
25 post for the CPCO. And secondly, access to this room will be strictly limited and

1 checked.

2 My first question: In relation to this date, 21 February, at which time it was noted that
3 the conference room is specifically for the conduct of operations in relation to this
4 particular date, do you know whether Mr Detoh Letho had become the commander of the
5 operations in Abidjan at that time, around that date?

6 A. [11:01:21] Quite honestly, I'll try to puzzle this out, but I can't really tell you much about
7 the date. But in terms of the message, when the order was sent from the chief of staff providing for
8 the security arrangements in Abidjan and the designation of *General Detoh as the one to head up
9 this security organisation, inevitably was a place chosen to have a command post. Well, it was the
10 conference room. So as of that time, the land forces and other forces coming to the general
11 headquarters had to know that that particular place was strictly off limits, or you had to have an
12 access badge. *And since the colonel was a second in command of the land forces, he actually
13 signed this and he put "PO", on behalf of, as if it was General Detoh informing his men that, "As of
14 now, when you go to headquarters, here, in the conference room, this will be the new situation."

15 Q. [11:02:35] We are now going to have a break, of course, if the Chamber is
16 amenable.

17 PRESIDING JUDGE TARFUSSER: [11:02:40] Now we have a break of half an hour, and
18 then we come back for the next, second session of today. I would just remind the
19 Prosecutor that when you said we can read the acronyms, but I believe it is important to
20 have this on the case record, we have it on the case record the moment we have it on the
21 screen. So we have it in two ways on the case record.

22 Thank you, very much. The hearing is adjourned to 11.30.

23 THE COURT USHER: [11:03:11] All rise.

24 (Recess taken at 11.03 a.m.)

25 (Upon resuming in open session at 11.32 a.m.)

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1 THE COURT USHER: [11:32:38] All rise.

2 Please be seated.

3 PRESIDING JUDGE TARFUSSER: [11:32:53] Good morning once again. Good
4 morning, Mr Witness, Counsel.

5 The floor is to the Office of the Prosecutor.

6 MR MACDONALD: [11:33:10] Thank you once more, your Honour.

7 Q. [11:33:13] (Interpretation) Mr Witness, I would like to show you another
8 document so as to clarify to the Chamber on the issue of the new responsibilities of
9 General Deto Letho during the crisis in his capacity as commander of operations in
10 Abidjan. It is document 0044-0026.

11 (Speaks English) It would be tab 31, your Honour.

12 [11:34:49] (Interpretation) Once again, I asked you explanations a short while ago, but
13 here, this is a gendarmerie document. I know that you were not a member of the
14 gendarmerie, but the reference is *NPU number 476/EMA/CPCO/COND of 18
15 February 2011.

16 I will read: Within the framework of the reinforcement of the security structure in
17 Abidjan asking you to take the following measures as from the Friday 18 February 2011.
18 And then you have the five zones and then the specific structure for the gendarmerie.
19 My first question to you is as follows: According to you, did the creation of the five
20 zones in 2011, according to the document that we see here, is this what led to the
21 appointment of Mr Deto Letho as commander of operations?

22 A. [11:36:29] When the chief of staff took the decision to set up this structure, he
23 informed the other first and second category forces, and therefore, those forces were
24 notified of this structure and of the fact that the director of operations was General Letho.
25 The situation prevailing at the time prompted the general -- the chief of general staff to

1 involve the other forces, because the theatre in Abidjan was rather unique because there
2 was fighting and there was general insecurity. So in light of the basic documents of the
3 other forces, such as this document from the gendarmerie, it became part of the
4 arrangement. So before the gendarmerie command issued that message, the chief of staff
5 had already set up a structure and appointed someone as commander of that structure.

6 Q. [11:38:03] Very well. We shall come back to that subsequently. Now, let's go
7 back to December. To your knowledge, that is, as far as you can remember, in December
8 did you still participate in the activities of the ground forces when it came to meetings,
9 ceremonies and similar activities?

10 A. [11:38:52] I was at the CPCO.

11 Q. [11:38:56] Very well. Now, let me call up a video excerpt. I will ask you to
12 watch it, and then if possible we will freeze at some point and I will ask you questions.
13 It is 0061-0564, and it is a television news cast of the RTI, 9 December 2010 at 8 p.m.
14 Approximate timestamp, 19.28 to 22.35. The transcript is 0100-0022, lines 3 to 43. And I
15 believe it is the last but one on our list. And the transcript, your Honour, is also with the
16 interpreters. And we would like to ask for the floor.

17 THE COURT OFFICER: [11:40:23] The Prosecution has the floor, evidence channel 2.

18 MR MACDONALD: [11:40:26] (Interpretation) Before we begin this video,
19 Mr Witness, switch to evidence 2.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [11:40:47] Sight translation.

22 (Interpretation of the video excerpt)

23 A word on the security of Côte d'Ivoire. There was a meeting today at the ground forces.
24 The general Detoh Letho brought together all the commanders of the units under his
25 command to address the situation. He congratulated them for their conduct in difficult

1 times and then he called for increased vigilance.

2 After more than 10 days of the second round of the presidential election, Brigadier
3 General Firmin Detoh Letho, commander of ground forces, brought together his men to
4 give them a message of the hierarchy of the forces on the difficult situation of
5 Côte d'Ivoire. They were all present.

6 The commanding officers of units placed under the direct command of Brigadier General
7 Detoh Letho to listen to the recommendations of the count and the advice of the
8 commander of the forces.

9 First of all, I would like to congratulate you for your courage and determination ever since
10 the beginning of the electoral process. The second point of my intervention relates
11 directly to the first, that is, an appeal for vigilance. For a few days now, each of us have
12 received good information, and this information is coming back quite frequently
13 regulating what we have in common. And I know it. And it is this recruitment which
14 is supposed to be happening amongst our ranks in order to join such-and-such a political
15 cause. Whether this is true or false, it is certainly out of the question.

16 The important thing is that we should be aware of the real danger that this represents.
17 We are soldiers and we are agents of the state of Côte d'Ivoire, and our mission is to
18 defend the integrity of the territory and the lives of our populations.

19 The crisis in our country is political, and we have to leave politics to politicians because
20 we have to respect the laws, even if we disapprove of them, because it is through the laws
21 that we can reinforce the foundation of civilised human society.

22 It is obvious that there is -- we have a military conflict and we should not be distracted
23 from our real objectives. The soldiers' presence took note of the congratulations and the
24 appeal to vigilance in order to relay the message to their various units.

25 MR MACDONALD: [11:44:20] (Interpretation) We were waiting for the

1 interpretation.

2 Q. [11:44:24] Now, were you present?

3 A. [11:44:35] I was at the CPCO, so it was difficult for me to be present. This was an
4 activity of the general commanding the ground forces, and he had brought together his
5 commanding officers, the bureau heads, and the personnel under his authority.

6 MR MACDONALD: [11:45:05] (Interpretation) With your leave, Mr President, just a
7 moment for me to consult my colleague.

8 Q. [11:45:28] In order to clarify certain things, I will show you minute 21.54. Let us
9 freeze that frame.

10 Is that you with your face turned towards the left?

11 A. [11:46:06] This soldier wearing a cap, turning to the left, is -- has the epaulettes of
12 an NCO, and specifically a sergeant.

13 Q. [11:46:23] Very well. The reason why I'm asking you this question is because I'm
14 trying to situate still the date on which you joined the CPCO. Before today, did you ever
15 see these images?

16 A. [11:46:42] Yes, I saw them during my interview with the personnel of your office.

17 Q. [11:46:58] That is the investigators of the OTP. But before that, did you see the
18 images broadcast over the RTI during that period?

19 A. [11:47:14] I don't have any comment on that because there is nothing really specific
20 about that. So it would not have attracted my attention to the point of my remembering
21 it.

22 Q. [11:47:31] Did you see any commanding officers during that speech?

23 A. [11:47:40] Yes, I saw some.

24 Q. [11:47:43] So you were not there, and this is on 9 December?

25 A. [11:47:51] Yes, I was not there. I was at the CPCO.

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1 Q. [11:48:00] Very well.

2 I will now call up a document which is on the list of elements tendered to the Chamber.

3 And we will give you back the floor. 0071-0152. We are giving back the floor to you,
4 madam court officer. And it is number 61.

5 THE COURT OFFICER: [11:48:45] And back to evidence channel 1.

6 MR MACDONALD: [11:49:06] (Interpretation)

7 Q. [11:49:07] Can you see the document?

8 A. [11:49:08] Yes.

9 Q. [11:49:17] It is entitled "readjustment of the security structure". So you were at the
10 CPCO. Do you remember discussing this order from the chief of staff at the CPCO, that
11 is, setting up a blockade of the Golf Hotel?

12 A. [11:49:58] There were several orders which were issued by the chief of general staff
13 relating to the adjustment of the structures, because this also relates to the conduct of
14 operations. Now, this specific message, if you ask me whether I remember it or whether
15 I participated on any discussion on it, that would be difficult for me, but what I can say is
16 that it is related to the conduct of operations, and it also relates to the work of the CPCO.
17 So reorganisation is part of the work of the J3.

18 PRESIDING JUDGE TARFUSSER: [11:50:55] Maître N'Dry.

19 MR N'DRY: [11:50:56] (Interpretation) I would just want to point out that it is the
20 Prosecutor who mentioned the blockade. Ever since we started, the witness never
21 mentioned that word. And in the document produced here, I cannot see that word.
22 This is the observation I wanted to make.

23 PRESIDING JUDGE TARFUSSER: [11:51:19] I think it's -- it has some foundation, this
24 observation.

25 MR MACDONALD: [11:51:39]

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1 Q. [11:51:40] (Interpretation) Mr Witness, you previously talked about your role,
2 including anticipation. Was there any discussion or plans to limit access to the
3 Golf Hotel when you were at the CPCO, which led to the production or issuance of this
4 order?

5 A. [11:52:10] As I have said, if there was any intention or actions carried out to close
6 or limit access to the Golf Hotel, I would like to state that I did not take part because,
7 obviously, there would necessarily have been a working meeting, but I did not attend.
8 Not because it was not within the remit of the CPCO, but because the general staff is a
9 huge machine. There are several topics and subjects, and as an officer processing certain
10 issues, you cannot participate in everything, not because you are being excluded, but
11 because it is a huge machine, and you will not be in the loop when it comes to every
12 particular subject. It is the general staff headquarters that responsible for everything.

13 Q. [11:53:39] On this date -- and I mentioned a blockade. At the beginning of that
14 blockade, this order to limit access to the Golf Hotel, was General Letho responsible for
15 the conduct of operations in the field?

16 A. [11:54:06] General Detoh Letho Firmin started being in charge of operations on the
17 field when the general staff message announced the new security structure in Abidjan.

18 Q. [11:54:31] Very well. Now I would like to call up CIV-OTP-0071-0154, and it is
19 number 62 on our list. I will speak in English now.

20 (Speaks English) Your Honours, with your permission, maybe it would be better to
21 provide a paper copy. It's a recto-verso four-page document, so I think it would be
22 appropriate for the witness to have it.

23 PRESIDING JUDGE TARFUSSER: [11:55:29] Okay, the court usher is going to give it to
24 the witness.

25 THE WITNESS: [11:55:41] Merci.

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1 MR MACDONALD: [11:56:24] (Interpretation)

2 Q. [11:56:25] Mr Witness, we can see the first page "CEMA/CPCO" and it is signed by
3 Colonel Sako. According to you, who would have prepared or drafted that document?

4 A. [11:56:50] That document was produced by the CPCO.

5 Q. [11:57:06] When you look at this document, who would have drafted it or
6 conceived it?

7 A. [11:57:16] This would be a collegial piece of work. It is an order of operation, and
8 there are several aspects to that. Depending on the cells, each cell would make its
9 contribution, so it is a collective piece of work under the authority of the commander of
10 the CPCO.

11 PRESIDING JUDGE TARFUSSER: [11:57:43] Maître Altit.

12 MR ALTIT: [11:57:45] (Interpretation) Yes, Mr President, the previous question, it
13 seems that the Prosecutor wanted to have the document authenticated, and I do not think
14 that that would have been the best way to ask the question. He should have asked the
15 witness, "Have you already seen this document before?" If he says yes, then he can
16 continue. *If not, then he can't go on. So I think there was an attempt there to
17 authenticate the document without any foundation.

18 PRESIDING JUDGE TARFUSSER: [11:58:22] I didn't see it like this. I mean, I didn't
19 see it like an attempt to authenticate, whatever that means. Please. No.

20 MR ALTIT: [11:58:40] (Interpretation) That should, therefore, be stated clearly
21 because it was a bit fuzzy there.

22 MR MACDONALD: [11:58:50] I don't think there's any --

23 PRESIDING JUDGE TARFUSSER: [11:58:51] Mr MacDonald.

24 MR MACDONALD: I'm going into the content of the document. I'm going into its
25 form. The witness works at the CPCO, and my question, when I was interrupted, was,

1 and can I, if I can ask the question:

2 Q. [11:59:10] (Interpretation) Did you take part in the drafting of this FRAGO 69?

3 A. [11:59:22] Yes, as an officer of the J5, I worked with the other cells of the CPCO on
4 this document.

5 Q. [11:59:45] What is a FRAGO? What is the meaning of that acronym?

6 A. [11:59:50] A FRAGO, it is an order for action. So a situation is triggered, and then
7 there is an order for operations, and as a situation evolves there can be changes, and this
8 may lead to changes of missions or changes in the structures. So the FRAGO is derived
9 from the initial order of operations and explains the new guidelines or directives related
10 to the new changes that have taken place or that might take place. That is what is meant
11 by FRAGO.

12 Q. [12:00:58] So to anticipate a meeting of Mr Blé Goudé at the place de la République,
13 an order was handed down by the CPCO in order to anticipate that meeting of the
14 patriotic youth?

15 A. [12:01:21] Yes, to protect the demonstration on a one-off basis, but also as a part of
16 the general sécurisation policy of the city of Abidjan.

17 Q. [12:01:40] And I'm going to read from page 2 and I quote:

18 "The threat is real in that such a demonstration could lead to the infiltration of assailants
19 in order to perpetuate subversion or sabotage acts and to discredit the FDSCI and the
20 political power in the eyes of the international community."

21 So my question is as follows: As far as you know, how many demonstrations were there
22 on the other side, in other words, the RHDP or young youth, pro-Ouattara youth
23 movements, for which you handed down such an order in order to protect them. How
24 many times did that occur?

25 A. [12:03:02] If I may, I would like to take it from a different point of view. In a chief

1 of staff, and in particular of the CPCO and in the intel group, J2, it is their responsibility to
2 collect intelligence, and there are various intelligence groups outside of the CPCO, and
3 their goal is to provide intelligence to the chief of staff. Based on that, in the operational
4 order, the threat is evaluated, and then the CPCO works on it and produces an order,
5 reflects upon it, and produces an order.

6 So the exact number of incidents, is that what you said?

7 Q. [12:04:03] My question was as follows: To your knowledge, how many orders
8 were issued from the chief of staff, from the CPCO, in order to use the system, that is, the
9 FDS, in order to protect a pro-Ouattara demonstration during that period, between 28
10 November 2010 and 11 April 2011?

11 A. [12:04:47] Well, any demonstration of that kind led to a procedure that I am not in
12 control of because I was kind of a distance from that, but if there is a demonstration that
13 requires security, as is the case in this document, then the CPCO will sit down and take it
14 to task.

15 Now, as far as I myself goes, given my responsibilities, to tell you whether or not there
16 were orders relating to other demonstrations, I can't really answer that. But what I can
17 say is when there was a demonstration, and if we had intel that led to the threat that the
18 security situation deteriorate, then the chief of staff was asked to -- or the chief, rather,
19 was asked to draft an order to provide security.

20 Q. [12:05:58] Thank you. Do you know whether this demonstration actually took
21 place or not at the date mentioned here, or was the date changed, or was it moved to a
22 different venue?

23 A. [12:06:18] I believe it took place. It's kind of far back in the past. There were
24 very many demonstrations of youth groups. So it's difficult to tell you really whether or
25 not this one took place or whether it was postponed.

1 Q. [12:06:43] Thank you. Let us now go to 11 January 2011. On that date, and in
2 order to make it perfectly clear and to situate ourselves, I would like to refer to a
3 document, if you allow me a moment. I'd like to call up document 0045-1429, but I
4 would like page 1431, and it's document number 48 on our list. This is a document from
5 the national police, in particular, the CRS. As you can see, the document is dated
6 January 13, 2011. And I believe you've already seen this document. It was in your
7 discussions with the OTP.

8 A. [12:08:51] Yes, that's correct, I've seen it.

9 Q. [12:08:54] Very well. What we're interested in here is to confirm certain bits of
10 information as regards what occurred at PK18 on this date of 11 January. What do you
11 know about it?

12 A. [12:09:31] According to the intel at Abobo PK18, near the major intersection, in the
13 vicinity of less than 1 kilometre, we learned that there were occupied positions. I'm sorry,
14 I'm using some technical terms here; these are technical expressions.

15 So PK18 was held, it was occupied. And according to our intel, there were weapons and
16 armed individuals, and therefore, the enemy was quite clearly present upstream. This
17 operation was a police operation in order to discover these places that weapons were
18 hidden in, or even to find the combatants themselves.

19 So the CPCO organised, thought through the operation, having carried out reconnaissance
20 missions, or at least to have an idea of the extent of the zone. And then it was decided to
21 close down the area. It was a police operation, again, as I said.

22 The idea was to allow the second and third category forces, in other words, the
23 gendarmerie and the police forces, to search, to carry out searches in the zone and also to
24 provide security for the first category forces, in other words, the army.

25 And that's exactly what took place, so that's basically my summary. The area was

1 secured, was closed down, so that the gendarmes and police could carry out this police
2 operation.

3 Q. [12:12:04] You said close down or lock down the area. You've used different
4 terms in French, "bouclée or bouclage." What exactly do you mean by that?

5 A. [12:12:19] Well, there are two phases that take place at the same time. You have
6 the military forces that close in the perimeter so that the second and third category forces
7 are able to carry out the actual search mission. They're better equipped to carry out that
8 kind of search and seizure operation.

9 Q. [12:12:53] So where were they actually carrying out these searches and seizures?

10 A. [12:12:59] It was in the area of the intersection of PK18 and within a 1 kilometre
11 perimeter.

12 Q. [12:13:09] Well, you said within the perimeter that's locked down, if you will.
13 You said that searches and seizures were carried out, but what areas precisely were
14 searched?

15 A. [12:13:35] Well, I said that we had intelligence, otherwise, it wouldn't have been
16 possible to carry out such a mission, but unfortunately, that information is not here. But
17 you know, the gendarmes and the police, they have their instinct. They're in an area,
18 they've been told there are weapons and that there's a certain situation.

19 Q. [12:14:12] Mr Witness, my question was as follows. I would like to know where
20 exactly on the ground in physical terms these searches and seizures were carried out.

21 A. [12:14:38] I don't know.

22 Q. [12:14:51] Do you remember being questioned about this when you had your
23 interview with the representative of the OTP?

24 A. [12:14:56] Yes, I remember.

25 Q. [12:14:58] Do you remember what you said? In other words, you mentioned

1 certain physical places that needed to be searched.

2 A. [12:15:13] I believe I referred to the zone.

3 Q. [12:15:15] Would you like me to refresh your memory; would that be useful?

4 A. [12:15:24] Yes.

5 Q. [12:15:26] Okay, in that case, I would like to refer to the interview transcript

6 0083-1022, lines 41 to 48. And I'm going to quote it. Perhaps we can have it on the

7 screen so that you can see it yourself. And let me locate my copy of the transcript.

8 The transcript is page 1022, starting with line 41 and continuing. In fact, I'd like to start at

9 the end of line 42. And I quote:

10 "Because the operation that was to take place was a sealing-off, a sealing-off, bouclage in

11 French -- what does that mean? It is a police operation, in fact. What it means is

12 encircling the areas, and the police and the gendarmes can then go into the houses and

13 carry out a search. That's what the operation was. So we were in charge of planning

14 this operation."

15 Do you remember, Mr Witness? Well, did this refresh your memory?

16 A. [12:18:05] Yes.

17 Q. [12:18:07] Was that the purpose of this operation on January 11, 2011?

18 A. [12:18:17] 11 January 2011, yes, that is exactly the type of operation that was

19 planned, a sealing-off so that a particular zone be sealed off so that we could locate,

20 according to intel, and carry out searches, locate the combatants and carry out the

21 searches.

22 Q. [12:18:39] Who were the combatants in that zone?

23 A. [12:18:44] I couldn't tell you. Even to this day I don't know, but we referred to

24 them as enemies, the NVA, nature, volume, and attitude of the enemy. But the exact

25 name was unknown to me and still is. At our level where we were, that is, those who

1 were involved in the sealing off, they had to have a definition of the NVA, what they were
2 looking for, who they might meet up with. And according to intelligence, there was
3 information, but I -- I don't have the details. It's been many years now. We were
4 looking for weapons and we were looking for combatants.

5 Q. [12:19:50] I think you mentioned earlier something about holding a point, holding
6 an area. What do you mean exactly by that?

7 A. [12:20:16] Yes, I use that expression to refer to the fact that the enemy in combat is
8 the fellow across from you who is shooting at you and that we refer to as the enemy. The
9 enemy was there, was -- and so our mission was to hold off. The enemy was living there,
10 was settled there with their own logistics and their means of warfare, and it was our
11 intelligence that allowed us to know that.

12 Q. [12:21:05] So it was an operation. Sorry, sorry, I withdraw that. So when you're
13 talking about holding off a point, it's a situation where the enemy is holding an area.
14 What about a point that is held? What do you mean by that?

15 A. [12:21:30] Well, in tactical terms, a point that is held refers to a point or a zone that
16 the enemy controls.

17 Q. [12:21:59] Fine. I'd like to confirm one thing you said. Regarding this document,
18 you said that the CPCO planned the operation?

19 A. [12:22:17] Yes.

20 Q. [12:22:19] It's an operation that's not a military operation?

21 A. [12:22:23] It's a police operation.

22 Q. [12:22:37] We're told here that was a meeting at 3 o'clock in the morning under
23 your orders. Can you confirm that that's the case?

24 A. [12:22:53] The sealing-off operation was planned by the CPCO, and there was a
25 reconnaissance. There were meetings where the various authorities of the various

1 detachments involved were present in order for everyone to be briefed, in particular, as
2 regards the manning strength that was required for the operation.

3 This type of sealing-off operation, according to our principles, is something that's done in
4 early hours of the morning so that the police operation make it possible to arrest those
5 that we're looking for. So it's the kind of operation that will be launched very early in the
6 morning. But the meeting that I referred to here under my command was the CPCO
7 meeting that brought together all of the various forces, and once that takes place then the
8 forces are deployed.

9 Q. [12:24:11] To your knowledge, at that date as regards this operation, was
10 General Letho the commander? General Detoh Letho, was he the commander?

11 A. [12:24:37] There was a chief for the operation who was a gendarmerie, a colonel.

12 Q. [12:24:58] Very well. The report which is already in evidence, according to the
13 report, there were two men who lost their lives during this sealing-off operation amongst
14 the FDS and a number of injured individuals.

15 Mr Witness, during a council of ministers meeting that took place in the following days,
16 the expression "coup de poing" was used.

17 The document is 0025-0897.

18 "Coup de poing" could be translated as "crackdown."

19 Sorry, this is number 21 on my list of documents, and I'd like to have page -- no, I'll stick
20 with the first page, 0897.

21 I'd just like to be sure I understand the terminology that's used. So you used the word
22 "bouclage" which is "sealing off," and here the term is "coup de poing," closer to
23 "crackdown." I'd like to know -- I'm not asking you what it means today in Côte d'Ivoire,
24 but at the time in 2011, were you familiar with that expression "coup de poing" or
25 "crackdown"?

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1 A. [12:27:39] Well, you know, you have to take account of the fact that there are three
2 or four different levels of report drafting and each level has its own terminology. In
3 strategic -- you have the strategic and tactical levels, and I was an officer. I was at the
4 tactical or operations level, whereas a ministerial council is the political level, and they're
5 going to talk in terms of strategy, so they use different terms, that is, the terms related to
6 strategy.

7 Q. [12:28:17] Very well. I'd like to call up document 0045-0359. This is dated
8 January 12, 2011.

9 MR ALTIT: [12:28:46] (Interpretation) There's a question regarding terminology. It
10 was -- counsel referred to council of ministers, where it was in fact the council of
11 government, and it is two separate bodies. So for the purposes of the transcription, I
12 wanted to point this out, and I think it would be worthwhile to distinguish between these
13 two different bodies, that is, the government council and the council of ministers.

14 PRESIDING JUDGE TARFUSSER: [12:29:20] Well.

15 MR MACDONALD: [12:29:21] My mistake, your Honour. My mistake, my mistake.

16 PRESIDING JUDGE TARFUSSER: [12:29:26] Yes, okay.

17 Maître N'Dry.

18 MR N'DRY: [12:29:31] (Interpretation) Well, there's another correction I'd like to make.
19 On page 50, line 27, "coup de poing" in the English line 52, line 12, it's written as "coup
20 d'état." It's the transcription that's erroneous.

21 PRESIDING JUDGE TARFUSSER: [12:30:03] In English, it is "coup de poing" translated
22 as "crackdown." This, you mean?

23 MR MACDONALD: [12:30:17] Operation fist, iron fist.

24 PRESIDING JUDGE TARFUSSER: [12:30:20] The translator will take care. Thank you
25 very much.

1 Mr MacDonald.

2 MR MACDONALD: [12:30:31] (Interpretation) I beg your pardon for just one
3 particular point. Who was the colonel of the gendarmerie who was the commander
4 responsible for operations that day, 11 January 2011, once again.

5 A. [12:30:51] Lieutenant-Colonel Goué Léopold.

6 Q. [12:30:58] Thank you.

7 Q. [12:31:10] So, Mr Witness, we know, and I mentioned this, we know that human
8 lives were lost within the defence and security forces and there were injured parties as
9 well during the operation. I make reference to 0045-0359.
10 Here we read that on 12 January a debriefing was held, given by Colonel Sako. He was
11 the chief of operations at the CPCO. And Colonel Sako makes reference to Abobo, and
12 he said that Abobo had been declared a war zone. Did you have any such discussions
13 within the CPCO after the operation, after the events that occurred in the field, to the
14 effect that Abobo had been declared to be a war zone?

15 A. [12:32:42] First of all, a particular area or part of an area that has been deemed to be
16 such a thing, a war zone in this case, that is a political matter. The highest political
17 authority makes that decision. The chief of general staff does not have the authority to
18 decree that a particular area is a war zone. However, however, I acknowledge that the
19 term may have been used here or there, but we have to think about tactics and the like.
20 Abobo was an area of combat, a combat zone. That means a zone where your troops,
21 your regular troops, are on mission. For example, a cordon operation or a sealing off,
22 you may come under attack, you may sustain casualties. And when it happens
23 repeatedly, yes, then the zone becomes an area of combat. But the statement to the effect
24 that Abobo was a war zone, I really have nothing to say about such a statement.

25 Q. [12:34:19] Why?

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- 1 A. [12:34:21] Because that wasn't my level.
- 2 Q. [12:34:28] And what authority would be able to declare that Abobo was a war
3 zone?
- 4 A. [12:34:34] Well, someone at a political level.
- 5 Q. [12:34:40] Who?
- 6 MR ALTIT: [12:34:43] (Interpretation) Objection.
- 7 MR MACDONALD: [12:34:46] Could the witness be escorted -- (Speaks English) out of
8 the courtroom.
- 9 PRESIDING JUDGE TARFUSSER: [12:34:51] Wait please.
- 10 What is the objection about?
- 11 MR ALTIT: [12:34:55] (Interpretation) Objection. The witness said that this was not
12 at his level.
- 13 MR MACDONALD: [12:35:04] Your Honours.
- 14 PRESIDING JUDGE TARFUSSER: [12:35:04] Yes.
- 15 MR MACDONALD: [12:35:05] I don't know agree with that. He's a military man.
- 16 PRESIDING JUDGE TARFUSSER: [12:35:08] Yes, well --
- 17 MR MACDONALD: [12:35:10] At the CPCO. He's also well versed in international
18 humanitarian law. He says he's even an instructor.
- 19 PRESIDING JUDGE TARFUSSER: No.
- 20 MR MACDONALD: [12:35:20] -- therefore, your Honour --
- 21 PRESIDING JUDGE TARFUSSER: [12:35:23] No, the question -- Mr Witness, can you
22 give an answer to the question which was posed to you by the Office of the Prosecutor?
- 23 THE WITNESS: [12:35:50] (Interpretation) Your Honour, what I can say is this: The
24 statement that an area is a war zone, that is a statement that comes from political
25 authorities. I acknowledge that the term might have been used here or there, but now

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1 that we take some distance we can explain. In Abobo, at our level, at the level of
2 operations and tactics, Abobo was considered to be an area of combat because all the
3 various things had come together to allow us to deem that area to be an area of combat.

4 PRESIDING JUDGE TARFUSSER: [12:36:37] When you say "now we take some
5 distance," you mean the distance in time?

6 THE WITNESS: [12:36:54] (Interpretation) Yes.

7 PRESIDING JUDGE TARFUSSER: [12:36:57] Mr Prosecutor.

8 MR MACDONALD: [12:36:59] (Interpretation)

9 Q. [12:36:59] Mr Witness, I know this isn't necessarily an easy thing to find oneself
10 here appearing as a witness. You have a chief of staff and then you have the supreme
11 commander of the armies. Are those the political authorities you're referring to?

12 A. [12:37:26] I said this earlier. Decreeing that an area is a war zone, that is not a
13 decision that comes from a military authority. The highest military authority is the chief
14 of general staff. And to my knowledge, there was no such official statement. I say this
15 to my knowledge, to my knowledge. Now, going by my academic knowledge, I would
16 say that a war zone is deemed -- well, yes, it is something that is designated by a political
17 authority, not by a military authority. Now, with all due --

18 Q. [12:38:20] I apologise for interrupting, but who was the person? What authority?
19 Who are you referring to? What are you referring to?

20 A. [12:38:38] I'm here in my capacity as an officer, an officer of the general staff. For
21 me, the political authority, that's a certain level, and that is above the military level. And
22 then, you see, I was at a level of strategy and operations and tactics. Myself as an officer,
23 the political level -- well, I reiterate, that is one level, one particular level.

24 Now, which authority at the political level makes that decision, or what is the mechanism
25 that is used for such a decision to be made, that is really not my area of expertise.

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1 Q. [12:39:36] Let's move forward. We can always come back to this later if necessary.
2 If we could now have item 0071-0407 up on the screen. Now, this is something that
3 follows up on item 69 that we saw a few moments ago, and this is number 64 on our list.
4 And if this is helpful, your Honour, now the document is seven pages in all. I have a
5 copy that we can provide the witness with.

6 PRESIDING JUDGE TARFUSSER: [12:42:55] Yes, please go ahead.

7 MR MACDONALD: [12:42:57] Thank you.

8 Q. [12:43:00] (Interpretation) Mr Witness, Mr Witness, I beg your pardon. What
9 does this mean exactly, "Exploitation FRAGO 69"?

10 A. [12:43:20] Well, this is a document, and it means you review the document and
11 take the information that is relevant to you and then you implement it.

12 Q. [12:43:35] Have you seen this document before?

13 A. [12:43:38] Yes, I have.

14 Q. [12:43:44] Did you help draft the document?

15 A. [12:43:50] As the J5 traitant officer, I did take part in that drafting.

16 Q. [12:44:01] Mr Witness, we saw that earlier, late December, there was FRAGO
17 number 69, and now this is 18 January, and we're talking about the use of FRAGO number
18 69. Can you explain what this all about?

19 A. [12:44:27] Well, I said, actually, that you have the initial order having to do with an
20 operation or a situation, and then the various FRAGO reports come thereafter, unless
21 there are major changes. If FRAGO number 69 or FRAGO whatever is -- well, if you
22 ask -- if you ask for it to be used later on, it means that the situation has not changed and
23 that nothing is new. It is really a reminder when you see this use of FRAGO
24 such-and-such a number. The commander must have noticed that not everything had
25 been implemented according to his orders, for example.

1 Q. [12:45:15] If we could now move directly to page 0412, point 3G.
2 Can you see that page, Mr Witness? It's also up on the screen for your benefit.
3 Now here we read the following: "Coordination instruction: Command, EMA/CPCO."
4 Then we see "chief of operations to be designated by CPCO." And then there are further
5 instructions having to do with coordination. I won't read those out.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Private session at 12.47 p.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 12.48 p.m.)

10 THE COURT OFFICER: [12:48:37] We are back in open session, Mr President.

11 PRESIDING JUDGE TARFUSSER: [12:48:39] Thank you.

12 Mr MacDonald.

13 MR MACDONALD: [12:48:49] (Interpretation)

14 Q. [12:48:51] Now, just to clarify that, if we go back to 0412, judging by this document,
15 there was a gathering *on 12 January 2011 at 1400 hours at the main square of the
16 headquarters. Were you present?

17 A. [12:49:27] I don't remember, merely because the position of the CPCO -- when the
18 CPCO issued an order -- now, well, the CPCO and the headquarters are both in le Plateau
19 area. Well, each movement of troops -- well, the detachment was made up of people
20 from multiple units, so the announcement would be at the HQ, and that was quite
21 harmless. That was part of the process. As an officer from the CPCO, whether I was
22 there or not, I really don't remember, because it really wasn't something specific to the
23 CPCO.

24 It was a matter of bringing together the troops who had been appointed in volume and
25 manner. They were to go to the headquarters and then go carry out their mission.

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1 Once they got there and gathered, it was to receive the final instructions and then be on
2 their way, go out. So that happened several times. I can't say whether I was at a
3 particular gathering or assembly.

4 Q. [12:51:01] Very well.

5 Your Honour, with your leave, I would like now to play some video footage. And there
6 was an email this morning. This is 0074-0082. And we will go from 13.29 to 17.54. This
7 is the RTI news report, the 8 p.m. news report of 23 February 2011. And the transcript,
8 the transcript, which I sent, it was attached to the email because we still have to request
9 the transcript, but we have a homemade version, so to speak. So if we could be given
10 control over the -- please press evidence 2.

11 THE COURT OFFICER: [12:52:09] The Prosecution has the floor.

12 (Viewing of the video excerpt)

13 MR MACDONALD: [12:52:58] You're not getting the translation, your Honour?

14 PRESIDING JUDGE TARFUSSER: [12:53:00] No.

15 THE INTERPRETER: [12:53:01] Message from the interpreters. Mention was made of
16 a transcript attached to an email, but we cannot find the transcript.

17 PRESIDING JUDGE TARFUSSER: [12:53:09] They're not finding the transcript to the
18 email.

19 MR MACDONALD: [12:53:12] I will let Ms Pineau take care of that, your Honour.

20 THE INTERPRETER: [12:53:23] We received 11 different transcripts this morning,
21 shortly before the hearing.

22 THE COURT OFFICER: [12:53:28] The email was sent this morning to the interpreters.
23 I just resent it.

24 THE INTERPRETER: [12:53:48] The interpreters now have the transcript.

25 PRESIDING JUDGE TARFUSSER: [12:53:53] Can we go? Can we go? Okay. So we

1 can start.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [12:54:05] (Interpretation of the video excerpt)

4 People are still talking about the crisis, the crisis that is still claiming lives and causing
5 injuries in Abobo commune. Yesterday, Tuesday, once again, victims fell within the
6 ranks of the FDS. Here's a report from the FDS spokesperson who explains what has
7 happened.

8 The spokesman goes on to say this: In the afternoon of Tuesday 22 February 2011, at
9 approximately 17.30 hours, a CECOS detachment at an observation post at the N'Dotre
10 intersection was approached by someone on a motorcycle. This person reported to the
11 FDS detachment that two gendarmes had been taken hostage by rebels at the Agripac
12 intersection at Abobo PK18.

13 Without hesitation and with the usual resolve that characterises them, approximately a
14 dozen CECOS men on three vehicles, four-by-fours, went to provide assistance to their
15 brothers in arms. Along the way, the detachment was ambushed. They fell into a trap,
16 a trap set by a group of some 50 rebels with heavy weapons of all kinds.

17 Under a hail of bullets, the men fired back with great courage and combat began for
18 approximately 30 minutes. The FDS men were able to get away from the enemy fire with
19 the exception of one vehicle. This vehicle manoeuvred in a certain way and fell into a
20 ravine.

21 The death toll subsequent to these clashes is as follows: On the FDS side, one death and
22 two men who were part of the team in the vehicle that fell into the ravine have gone
23 missing. Seven injured, they have been shot, and they have been evacuated to health
24 centres. Furthermore, CECOS vehicle number six was lost. It had fallen into the hands
25 of the rebels after it fell into the ravine. As for the rebels, seven were killed.

1 In light of these events, the Defence and Security Forces of Côte d'Ivoire call upon all
2 people within Côte d'Ivoire, particularly within the communes of Abidjan, to step up their
3 cooperation with military patrols that are ensuring security so as to carry out even more
4 effective measures in this fight against this kind of urban guerilla warfare.

5 What is more, for reasons of safety and security, army general Philippe Mangou, chief of
6 general staff, informs all those using the road network that the MPUTO lagoon traffic,
7 Mputo Marcory, sans fil et Blokauss Anoumabo (phon) and all traffic on these roads is
8 suspended until new order.

9 Consequently, no -- no ship is allowed to sail upon these particular routes during the
10 period of suspension.

11 THE INTERPRETER: Interpreter correction. The announcement is making reference to
12 waterways not to roadways.

13 Patrols are being carried out by the maritime police and the general directorate for
14 maritime affairs and port affairs so as to ensure that this measure is complied with as of
15 today, Wednesday, 23 February 2011. May God bless Côte d'Ivoire.

16 PRESIDING JUDGE TARFUSSER: [12:59:14] Mr Prosecutor.

17 MR MACDONALD: [12:59:20] I seem to have lost my sound.

18 Q. [12:59:28] (Interpretation) First of all, Mr Witness, have you seen this video
19 footage before?

20 A. [12:59:33] Yes, I have.

21 Q. [12:59:37] And when was that? At the time of the events, or did the investigators
22 show it to you?

23 A. [12:59:43] The investigators, they were the ones who showed it to me.

24 Q. [12:59:55] Did you see it at the actual time of the events?

25 A. [12:59:58] No. I told the investigators that I hadn't seen it.

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1 Q. [13:00:07] Are you aware of this operation on 22 February when these incidents
2 occurred, these incidents that have been described by the FDS spokesman?

3 A. [13:00:24] Yes, that information did reach the CPCO. The number of deaths and
4 casualties had been provided, and that was the second operation in that area which we
5 described earlier.

6 Q. [13:00:47] Yes, indeed. Indeed. The first operation was the sealing off or cordon
7 operation in January, and this was the second operation; is that right?

8 A. [13:01:00] Yes.

9 Q. [13:01:03] In that area.

10 After the break, with the leave of the Chamber, if we could have the break now, we will
11 then discuss the third operation that occurred in that zone.

12 PRESIDING JUDGE TARFUSSER: [13:01:12] Maître Altit.

13 MR ALTIT: [13:01:14] (Interpretation) Thank you, your Honour. Could we ask
14 the -- could the Prosecution be asked how long he intends to question.

15 PRESIDING JUDGE TARFUSSER: [13:01:23] Until not over the end of the day.

16 MR ALTIT: [13:01:29] (Interpretation) Right till the very end of the day?

17 MR MACDONALD: [13:01:34] (Interpretation) Listen, I think we are making good
18 progress right now and I believe I will finish this afternoon. Certainly, I won't go past
19 4 o'clock. I do hope so, and whether there will be 50 minutes extra left or, but I believe --

20 PRESIDING JUDGE TARFUSSER: [13:01:53] In any case, you go tomorrow. We won't
21 start today with the Defence.

22 Thank you very much. Now we go for lunch. We have one hour and a half lunch break,
23 and then we come back at 2.30. The hearing is adjourned.

24 (Recess taken at 1.02 p.m.)

25 (Upon resuming in open session at 2.32 p.m.)

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1 THE COURT USHER: [14:32:16] All rise.

2 Please be seated.

3 PRESIDING JUDGE TARFUSSER: [14:32:29] Good afternoon. The floor is immediately
4 to the Office of the Prosecutor for its questioning. Thank you.

5 MR MACDONALD: [14:32:40] Thank you, Mr President, your Honours.

6 Q. [14:33:06] (Interpretation) Good afternoon, Mr Witness.

7 Just one moment.

8 I would like to hark back to the last video that we saw with the spokesperson of the FDS.

9 We heard the description of the events. At the very beginning, given the abduction of
10 the two elements of the FDS, in light of those, was that at the beginning, what type of
11 operation was it?

12 A. [14:34:05] To begin with, I would like to briefly give you the context. After the
13 cordoning off or sealing off, even before that, there were patrols, large patrols, several
14 elements circulating in order to try to cross-check the information from the general staff.
15 So after the bouclage, which didn't go too well, there was a small operation CECOS, which
16 was a security unit made up of soldiers, policemen and the gendarmes. It was very
17 mobile and had the capacity to carry out quick searches. But the results were not very
18 positive.

19 The kidnapping of the two elements, without extrapolating -- well, the CECOS
20 detachment reacted, but the results were not very positive. So this was taken as a
21 continuation of the threat.

22 Q. [14:35:58] Very well. Now, the patrols that you were carrying out for intelligence
23 gathering, was that only for intelligence or were there other objectives?

24 A. [14:36:15] Obviously, when they were attacked, they would retaliate.

25 Q. [14:36:20] Let me rephrase my question. Even before coming under attack, if FDS

1 elements went into the areas such as Abobo and PK18, what were their missions, their
2 objectives?

3 A. [14:36:55] The objective was to clarify or cross-check information or intelligence,
4 even when they ran the risk of coming across the enemy, as was the case with CECOS.

5 Q. [14:37:29] In the excerpt that we saw, it is mentioned that the FDS were holding a
6 position. I don't know whether they mentioned a specific intersection or something. I
7 don't want to be leading, so we can listen to the excerpt again, even though we don't want
8 to do that.

9 Then there were people who abducted two of your men. Can you explain to us whether
10 the FDS held a position in that PK18 area?

11 A. [14:38:11] No. I had said earlier that the PK18 intersection and the vicinity were controlled by
12 the enemy. So those taking part in the two operations, the CECOS operation and the raid, paid the
13 price. *So HQ had to take back the junction through the main road in the direction of Anyama, and
14 so on and so forth, all the way to Adzopé. And so this became a strategic point for the general staff.
15 They had to recapture that area or to chase out the enemy who had positioned themselves there.

16 Q. [14:39:04] Mr Witness, I would like to go back to something you said before the
17 lunch break. Is there a difference between locations to be held and locations that are
18 held?

19 A. [14:39:38] Yes, there could be a difference. A location or position to be held is an
20 objective that has to be achieved. But a position that is held is either held by allies or by
21 the enemy.

22 Now, when it came to the CECOS operations, they did not hold the area, the area itself,
23 because the intersection itself was not that important, but the vicinity, the area around the
24 intersection.

25 Q. [14:40:22] Very well.

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1 What I would like to do now, Mr President, is to refer to those points, those locations, the
2 intersections, with the help of a map. And it is 0082-0016. It is annex 4 of the statement
3 given by the witness to the OTP. And I would like to use the map that was annotated by
4 the witness himself. And to see that map, I think you have to press evidence 1.

5 PRESIDING JUDGE TARFUSSER: [14:41:13] Done by the witness himself at the time of
6 the questioning by the investigators?

7 MR MACDONALD: [14:41:19] Yes. I don't think it's very controversial, the two points
8 we'll be discussing.

9 PRESIDING JUDGE TARFUSSER: [14:41:24] No, no. No, no.

10 MR MACDONALD: [14:41:26] That's why I'm not trying to --

11 PRESIDING JUDGE TARFUSSER: [14:41:33] For clarity.

12 MR MACDONALD: [14:41:38] (Interpretation) I have a hard copy.

13 THE COURT OFFICER: [14:41:44] Or we can maybe ask the Prosecution to display it
14 from your bench also if you need to have the map annotated of course, because we are
15 encountering some technical problems currently.

16 It is working now.

17 MR MACDONALD: [14:42:00] I would like still to maybe put -- provide a paper copy to
18 the witness, if that's all right, your Honour, just to --

19 PRESIDING JUDGE TARFUSSER: [14:42:08] Yes, please, do so.

20 MR MACDONALD: [14:42:10] Thank you. And the witness can annotate that one that
21 is on the screen. All right. Perfect.

22 Q. [14:42:26] (Interpretation) Very well. Mr Witness, I would like to guide you
23 because these are points that are not in dispute, locations that are known. We know that
24 to the northwest, that is the top left-hand corner of the map, there are two intersections.
25 There is the road, the main road, from Abobo and then there is an intersection which you

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1 circled.

2 Do you know the name of that intersection?

3 A. [14:43:17] I don't know the precise name, but it is in the same axis as the PK18
4 intersection, and it joins up with the main road.

5 Q. [14:43:40] So if you follow the road from Abobo and then you go up towards PK18,
6 there is a red circle. If I put it to you that it is intersection PK18; is that correct?

7 A. [14:43:59] Yes. On the left it is PK18.

8 Q. [14:44:05] Can you put a circle around the intersection that you understand to be
9 PK18, that is the road from the MACA.

10 (Speaks English) Can we zoom out just a bit, please? Can we zoom out just a bit?

11 PRESIDING JUDGE TARFUSSER: [14:44:38] Who zoomed in? Who was zooming in?
12 Oh, the witness.

13 MR MACDONALD: [14:44:44]

14 Q. [14:44:44] Can you zoom out, please.

15 THE INTERPRETER: And a correction, the Prosecutor said, "I'm not talking about the
16 road from the MACA."

17 THE WITNESS: [14:46:10] (Drawing)

18 MR MACDONALD:

19 Q. [14:46:12] There are two points there. One red, one blue. Now, which is the PK18
20 intersection and which is the N'Dotre intersection?

21 A. [14:46:29] That is the PK18 intersection.

22 Q. [14:46:39] You have just drawn a circle. And if you continue on the road leading to
23 the main road, that is the perpendicular road, to the right and up to the other red circle,
24 what is the name of that intersection?

25 A. [14:47:04] I do not know the exact name of that intersection.

- 1 Q. [14:47:10] Very well. Now, just to be sure, in either of those two intersections, left
2 or right, on the 22nd of March, was this position held by the members of the FDS?
- 3 A. [14:47:35] I am sorry, once again, I'm not at ease with dates. But I will relate to the
4 events as described by the spokesperson, that is when the CECOS detachment was
5 attacked.
- 6 During that time, the FDS did not control the N'Dotre roundabout or intersection, and
7 they did not control the area.
- 8 Q. [14:48:14] Very well. Now, what happened after that, the third operation?
- 9 A. [14:48:23] The third operation, considering the bouclage, that is the sealing off
10 operation and the searches, an operation which failed, and then the CECOS patrol as well
11 as the two gendarmes who were attacked, this confirmed that the area was occupied.
12 The threat was real.
- 13 So at the general staff there was this sub-unit, a joint sub-unit which went out with the
14 objective of recapturing the intersection or at least chasing away the enemy.
- 15 Unfortunately, it did not succeed. A lieutenant was lost and 16 gendarmerie soldiers
16 were victims. So there was a total failure of this operation.
- 17 The general staff was then compelled to send a fourth operation. There was a
18 detachment based at the MACA. The FDS no longer had control of this area. So they
19 had retreated to the MACA about 2, 3 kilometres away.
- 20 There was a detachment positioned there. And obviously that was to avoid the enemy
21 from advancing, because after MACA, *you are right in the Centre of Abidjan, Yopougon
22 and the Plateau and so on and the advance would be rapid. So the general staff decided
23 to carry out a major operation. In light of the experience of the previous major three
24 operations which had failed, the general staff launched an offensive to recapture the
25 N'Dotre area. This is how come offensive patrols were carried out on at least those two roads.

1 Q. [14:51:31] Did you take part in that mission?

2 A. [14:51:37] At around 6 p.m., the operation was being planned. There was the
3 material preparation, the designation of the various offensive units, the various
4 commanders of those patrols. And within that context I received orders, I was
5 designated to lead the offensive patrol on the MACA-N'Dotre road. So I went to the
6 MACA in the evening. My orders were to take a detachment in position where there
7 was a captain, and then the next day in the afternoon the operation would be launched.
8 So this was an operation involving several detachments with the purpose of chasing away
9 the enemy occupying the area of the N'Dotre intersection, the other intersection and the
10 area all around at least 1 kilometre inland.

11 Obviously, as you can see on the map, I said that the intersection is something else, but
12 the vicinity is important. To the west of the intersection, the place was also occupied,
13 and this is where the armoured vehicles of the police were attacked.
14 South of the N'Dotre roundabout, that is where the detachment involved in the operation
15 was viciously attacked when it fell into an ambush, and obviously there was a
16 confrontation.

17 Q. [14:54:10] I'm sorry to interrupt you. On the map there is a small box with the
18 word "MACA." Bottom left.

19 PRESIDING JUDGE TARFUSSER: [14:54:27] Can you zoom out a bit? Otherwise we
20 don't see the box. I've seen it, but not yet, not now. Now a bit.

21 MR MACDONALD: [14:54:35] Just a little bit more?

22 PRESIDING JUDGE TARFUSSER: [14:54:37] Yes.

23 MR MACDONALD: [14:54:37] Okay. We can leave it like that.

24 Q. [14:54:41] (Interpretation) So you have the MACA road towards the north. Where
25 does this road lead to?

1 A. [14:54:59] It goes to Anyama, Adzopé and towards the east inhabited area.

2 Q. [14:55:17] Very well. I will refer to the MACA-Anyama road for the purposes of
3 my questioning.

4 So you took part and even commanded an operation on this road. We are going to talk
5 about the details. But what I would like to know is this, at that time, what do you mean
6 by an offensive operation?

7 A. [14:55:49] Generally speaking, the FDS were in a defensive posture because their
8 mission was to defend the territory. Now, when the fighting started, the enemy was
9 capturing positions from us and occupying those positions. But we in our minds, we
10 were supposed to be defending. But since parts of the territory were captured, we had to
11 recapture them. And that is why offensive operations were launched so as to chase away
12 the enemy and recapture the initial positions.

13 Q. [14:56:47] This morning in the documents we saw that in February or March, there
14 were securisation operations, that is operations to secure areas. Is there a difference
15 between that and offensive operations? I just want us to be clear. You said that
16 recapturing N'Dotre was offensive. My question is as follows, is there a distinction
17 between an operation to ensure security and an offensive operation?

18 A. [14:57:43] *I said "defensive", but if I may? The overall posture of the FDS as stated in
19 the ONUCI message was to provide security in the Abobo area. A threat had emerged so
20 we had to provide security. There were patrols carried out in sensitive areas. But since the
21 threat was growing and our positions were being captured, we had to do two things:
22 Defend those positions by carrying out defensive operations or by recapturing areas that had
23 been captured by using offensive operations such as the one that I mentioned before.

24 Q. [14:58:35] Very well. According to you, in your capacity as a soldier, is there a
25 difference in the area of the rules of engagement in the army when you are carrying out an

1 operation to ensure security and the other offensive operations?

2 A. [14:59:09] Yes. One of the FRAGOs specifies that fire can be opened if there is an
3 order. So the purpose was to ensure security. But if there is a threat, there is an
4 offensive operation to recapture the area. So the rules of engagement in that case are
5 different.

6 Q. [14:59:40] In the case of a military operation in the true sense of the term, was that
7 the case?

8 A. [14:59:47] Yes, it was a military operation.

9 Q. [14:59:51] Very well. Okay, so it was 6 p.m. A plan was developed. What was
10 the plan? Who was present and what was the discussion? I mean before the offensive
11 operation that we've described along the MACA N'Dotre road.

12 A. [15:00:16] Well, it wasn't, I can't -- I'm not sure I can give you the names of the
13 persons, but I can refer to the bodies of the entities that were represented.

14 Q. [15:00:29] I'd like to interrupt you, not for the pleasure of interrupting you, but there
15 is only one hour left and I have a number of topics still to deal with. So I would like to
16 go right to the essential.

17 Before sending men on the ground, you explained that there was a planning phase. I
18 would like to know who was involved in that planning before sending you out.

19 A. [15:00:57] Well, with all due respect, I can't tell you who precisely, but I can tell you
20 that the machine began functioning. There was the chief of staff, who had intelligence
21 and organised an offensive operation to take back a zone which was important from the
22 point of view of its posture, its position; and, therefore, there were units and officers who
23 were appointed and a mission was given to them.

24 Q. [15:01:35] Who appointed you?

25 A. [15:01:38] It was the command.

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1 Q. [15:01:41] Who exactly within the command? There was someone, a person who
2 informed you, who gave you the orders. Who was this person?

3 A. [15:01:55] The major, the major.

4 MR MACDONALD: [15:01:59] Your Honours, I think it's time for the Chamber maybe to
5 intervene to remind the witness that he's here to answer questions. A commandement is
6 formed by people.

7 PRESIDING JUDGE TARFUSSER: [15:02:07] Yes.

8 MR MACDONALD: [15:02:07] And I think the witness is simply evading the question,
9 to answer the question directly that I'm asking, which is very simple.

10 PRESIDING JUDGE TARFUSSER: [15:02:16] Mr Witness, the question is quite simple:
11 Who was above you? Who gave you the order?

12 THE WITNESS: [15:02:32] (Interpretation) It was the chief of staff. All of the decisions
13 came -- may I continue, your Honour? The chief of staff, he's the chief, the chief of staff,
14 so any appointment of staff, of personnel, any appointment is made under his
15 responsibility, so I would answer the chief of staff.

16 PRESIDING JUDGE TARFUSSER: [15:03:01] Thank you.

17 MR MACDONALD: [15:03:03] (Interpretation)

18 Q. [15:03:04] What about the J5, the J3?

19 A. [15:03:12] I beg your pardon? I didn't understand the question.

20 Q. [15:03:21] Well, we're referring to this operation that we described a moment ago,
21 the CPCO. Did the CPCO rather play a role?

22 A. [15:03:38] Well, Abidjan was divided into five zones, and I told you that General
23 Detoh Letho was in charge, and the CPCO always played its role. I don't
24 understand -- well, it's difficult for me to tell you who did what precisely, but it was an
25 operation that was organised at the chief of staff, at the main staff.

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1 Q. [15:04:16] Well, we'll come back to it in a moment. I'd like to clarify a few things in
2 terms of the different periods of time. You were at Camp Commando at given points in
3 time, and we'll come back to that again. That was in Abobo. Can you tell us what the
4 dates were when you were assigned to Camp Commando?

5 A. [15:04:39] It was after, after this operation.

6 Q. [15:04:50] Do you remember the dates when you were assigned to Camp
7 Commando?

8 A. [15:04:55] Well, with all due respect, I have great difficulty with the dates. I'm
9 afraid of saying something that's incorrect. I'm more comfortable describing the events
10 chronologically without giving precise dates. It's extremely difficult for me, and I'm
11 afraid I might make a mistake.

12 Q. [15:05:17] If I were to say that as of February 28th to the 4th of March 2011 you were
13 assigned to Camp Commando, does that refresh your memory?

14 A. [15:05:29] Yes, it refreshes my memory.

15 Q. [15:05:34] How many days before you were assigned or your arrival in Camp
16 Commando did this operation take place?

17 A. [15:05:50] Not more than three days. But let me add something. The role of the
18 PC in Abobo -- don't forget, it was part of an organisation; being assigned, it wasn't a
19 specific appointment as such.

20 Q. [15:06:17] We'll come back to that, Witness. Don't worry. I was just trying to help
21 you situate this fourth operation in time and space.

22 You said not more than three days before you arrived in Camp Commando?

23 A. [15:06:33] Approximately.

24 Q. [15:06:34] Very well. What were the organic means, to finish off on this operation
25 which took place a few days before you arrived in Camp Commando, what were the

1 organic means available for that offensive operation?

2 A. [15:07:09] For that offensive operation, I already said I had a detachment on site. It
3 was a joint detachment. There was a section from the 1st BCP. There was a section
4 from the engineering corps. There was a section from the 1st infantry battalion. There
5 was an armoured vehicle from the gendarmerie. There was a police detachment. And
6 there was also a group from the BASA, the B-A-S-A.

7 Q. [15:08:07] That's what you found on site or those were the means that you had
8 available to take back the MACA and Anyama road?

9 A. [15:08:25] Well, when I got there, they didn't -- the gendarmerie detachment was not
10 there, nor were the police there. They came the next day, because I got to the MACA in
11 the evening. So the chief of staff, as we were saying earlier, in fact, this operation
12 involved several different missions, and the various detachments were appointed by the
13 chief of staff, and so the detachments available when I arrived were then completed with
14 others that were sent after.

15 Q. [15:09:10] If it's an offensive operation, why would you have the police and the
16 gendarmerie in such an operation?

17 A. [15:09:19] We had to leave the MACA to carry out this operation and, therefore, the
18 prison was a very sensitive spot, a very sensitive point for a variety of reasons and,
19 therefore, the mission of the police was to secure the rear, in other words, the MACA.
20 But they were not involved in the direct contact in the operation.

21 Q. [15:09:54] During the operation, what weapons did you have available? You
22 mentioned the forces, not the ones that stayed in the rear, but which ones went along and
23 what kind of weapons did they have available?

24 A. [15:10:30] Let me add that along the two main roads there were two units. And I
25 was not informed of the neighbouring unit that was along the road. And I didn't know

1 either if there were other units. I told you it was a very major operation.

2 As regards my own operation along the road where I was involved, as I said there was the
3 1st BCP, the armed order battalion, the BASA and a GEB from the gendarmerie.

4 Q. [15:11:16] So what happened? What about the weapons? They had their own
5 weapons, each unit had its own weapons?

6 A. [15:11:26] Yes. The sections I mentioned had their own organic weapons. The
7 BASA had a B10 -- no. A dual tube, correction. And the other units had other weapons
8 on their turrets, a 12.7.

9 Q. [15:11:54] I beg your pardon?

10 A. [15:11:55] A 12.7.

11 Q. [15:11:57] *And the individual weapons?

12 A. [15:12:01] Kalashnikovs.

13 Q. [15:12:04] Did they have RPGs?

14 A. [15:12:06] In one infantry, in an infantry section, they always have at least *three RPGs.

15 Q. [15:12:16] Did you use all of those weapons during the operation?

16 A. [15:12:23] In this type of operation, the chief -- I told you, we had conventional
17 weapons, it was the organic weapons of each unit, so we used everything we had.

18 Q. [15:12:43] And the dual, the twin-barrel gun, what was the size?

19 A. [15:12:50] 22 millimetres.

20 Q. [15:12:54] Did you order the use of those dual-barrelled weapons?

21 A. [15:13:02] Given the backup, given the situation, they were used for support to open,
22 open the way. In order to do that, we had to use the dual, the dual-barrelled gun,
23 twin-barrelled gun.

24 Q. [15:13:28] On the map that we were looking at a moment ago, the shaded areas, are
25 these those so-called occupied areas? Can you tell us a little bit about the geography?

1 What kind of a place, what kind of places are they?

2 A. [15:13:52] These are neighbourhoods on the right.

3 Q. [15:13:58] So it's an urban area?

4 A. [15:14:00] Yes.

5 Q. [15:14:01] A residential area?

6 A. [15:14:03] Yes. It's in town, it's in the city.

7 Q. [15:14:09] To your knowledge, before using these weapons or anything else during
8 this period, did you declare in Abobo in PK18 or N'Dotre intersection, was it declared as a
9 war zone?

10 A. [15:14:44] I did not have any official information whereby Abobo was declared a war
11 zone. I myself as a military leader, I considered it as a zone where there was fighting
12 going on. And in light of the recent events, so we all had that in mind. It was an area
13 where fighting was going on. And on the basis of the intel that we had and on the basis
14 of recent events, it was a zone that was occupied by the enemy.

15 Q. [15:15:38] Is there a difference between a zone where combat is going on and a war
16 zone according to what you've just said?

17 A. [15:15:50] Well, a war zone, as I said earlier, is the result of an official decree on the
18 part of the political authorities on the basis of intel that they received from the military,
19 taking stock of the situation and then taking account of the political situation with a
20 number of other parameters that we do not have control of because we are not politicians.
21 But in the minds of the soldiers that we were and on the basis of our experience, that zone
22 was a zone where fighting was going on, where there was combat.

23 Q. [15:16:34] I think, Mr Witness, it's important for the Chamber to understand the
24 following. In your mind, does a combat zone mean a war zone without there being an
25 official declaration of war or a war zone?

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1 A. [15:16:55] No.

2 PRESIDING JUDGE TARFUSSER: [15:16:58] I mean, I think we have understood.

3 Maître Altit.

4 MR ALTIT: [15:17:04] (Interpretation) Thank you, your Honour. I also think that
5 we've all understood. And I think that the witness has stated clearly what the difference
6 was. And now we're trying to go back over it again asking, well, don't you think that
7 maybe it could be considered, et cetera, to try to get him to say something that he didn't
8 say and that he never has said.

9 Therefore, I think the matter is settled. I believe the witness has not answered once,
10 twice, but several times, very clearly, very precisely and, therefore, there is really no point
11 in going back over it again. I just think that the Prosecutor is trying to skirt around what
12 was said and get him to say something else.

13 MR MACDONALD: [15:17:47] It's okay, your Honour. If it's clear for the Chamber,
14 that's the most important thing.

15 PRESIDING JUDGE TARFUSSER: [15:17:50] What did you say now, because it was still
16 the translation ongoing.

17 MR MACDONALD: [15:17:59] If it is clear for the Chamber, I don't need to pursue the
18 matter.

19 PRESIDING JUDGE TARFUSSER: [15:18:05] No, no.

20 MR MACDONALD: [15:18:06] But I'm in your hands.

21 PRESIDING JUDGE TARFUSSER: [15:18:07] You don't need to pursue the matter, I
22 think.

23 MR MACDONALD: [15:18:12] (Interpretation)

24 Q. [15:18:16] Just to clarify nonetheless, since it's a combat zone as you've called it, in
25 your thinking -- well, let me say it differently. What are the rules of engagement that are

1 applied if it's a combat zone?

2 A. [15:18:41] The rules of engagement may vary depending on circumstances,
3 depending on the circumstances on the ground and depending on the mission. But the
4 minimum and the constant factor is to only deal with military targets, to use the
5 appropriate weapons, not to say conventional or organic; in other words, to spare as much
6 as possible civilian population, but in this case to spare noncombatants, because it was an
7 asymmetrical combat.

8 You had a regular army and that had weapons and conventional principles and were
9 wearing uniforms, they were identifiable, and they were fighting a group of armed men,
10 people who were fighting but who were not easily recognisable, which was one of the
11 main difficulties. But we nonetheless had to distinguish because of our rules of
12 engagement between combatants and noncombatants. Those were the rules that applied.

13 Q. [15:20:19] Very well. So you applied the rules of war? What you are describing
14 corresponds to the rules of engagement in a war.

15 MR MACDONALD: [15:20:49] We can argue it. That's okay. It's okay. It's okay.
16 It's all right. It's all right, your Honour. It's okay. I don't want to argue. I'm arguing
17 with the witness. I can see.

18 PRESIDING JUDGE TARFUSSER: [15:20:58] No. The witness is giving facts which we
19 then interpret.

20 MR MACDONALD: [15:21:01] Yes, yes, your Honour.

21 PRESIDING JUDGE TARFUSSER: [15:21:03] Thank you very much.

22 MR MACDONALD: [15:21:04] I went too far.

23 PRESIDING JUDGE TARFUSSER: [15:21:05] Okay.

24 MR ZOKOU: [15:21:10] (Interpretation) Thank you very much, your Honour, for
25 reminding the Prosecutor of the appropriate manner. I was going to do the same thing.

1 MR MACDONALD: [15:21:26] (Interpretation)

2 Q. [15:21:27] Were there any civilian victims during that operation, in other words,
3 noncombatant victims?

4 A. [15:21:41] Well, let me say again that the enemy that we were facing was not a
5 regular army. It was a group of armed men. And they were wearing civilian clothing.
6 In order to distinguish whether we were dealing with combatants, because they were
7 shooting at us, to determine -- well, to determine whether someone who was hit by fire
8 during the operation, to determine whether they were a combatant or not, it's extremely
9 difficult to answer that question, very difficult.

10 Q. [15:22:32] Very well. On February 28 until 4 March, you were at Camp Commando.
11 Can you explain the circumstances of your arrival at Camp Commando?

12 A. [15:23:01] The five or six zones that were defined by the chief of staff in its
13 organisation, in each of those there was a PC, a command post. And there were officers
14 at each PC, in particular at the one in Abobo.

15 In the beginning it was the commanding officer of the various ground battalions that took
16 turns, and just after this operation as it happened the chief of staff decided that the officers
17 working at the CPCO were going to be entrusted with that mission. And that is why
18 there was a certain -- there were a number of us. I happened to be the first one. And I
19 took over from Colonel Doumbia Lassina, who is a two star general today. He is deputy
20 chief of staff. He was the commanding officer of the 1st battalion.

21 So they were the ones who provided that service. It had been decided that the CPCO
22 officers would go to Abobo and take turns. So I took over from General Doumbia.
23 And then we would spend a week there. And there was Lieutenant Colonel Niamké,
24 who took over from me, et cetera. And that is how I was there from 28 February to 4
25 March.

1 Q. [15:24:59] In your opinion, was it normal to assign members of the CPCO to manage
2 ground operations?

3 PRESIDING JUDGE TARFUSSER: No, that's your opinion -- no.

4 MR MACDONALD: [15:25:16] Your Honours --

5 PRESIDING JUDGE TARFUSSER: [15:25:17] Yes, but this is not a fact. I mean, it's an
6 opinion. You're asking for opinion. But it's in your question, "In your opinion, is it --"

7 MR MACDONALD: [15:25:25] I didn't ask "In your opinion." That's the way it was
8 translated maybe, but --

9 PRESIDING JUDGE TARFUSSER: [15:25:29] Yes. It was translated "In your opinion."

10 MR MACDONALD: [15:25:31] I'll rephrase. I'll rephrase.

11 MR N'DRY: [15:25:37] Monsieur le Président.

12 PRESIDING JUDGE TARFUSSER: [15:25:39] Maître N'Dry.

13 MR N'DRY: [15:25:42] (Interpretation) What you heard in English is exactly what we
14 heard in French, your Honour.

15 PRESIDING JUDGE TARFUSSER: [15:25:48] Okay. Rephrase, please, but ask for facts
16 and not opinions. Thank you.

17 In any case, opinion or not opinion, this is a fact that he was appointed, then we will draw
18 the conclusions out of this. But --

19 MR MACDONALD: [15:26:16] Can I ask him how he felt?

20 PRESIDING JUDGE TARFUSSER: [15:26:20] No.

21 MR MACDONALD: [15:26:21] Can I ask him if it was normal?

22 Q. [15:26:24] Was it normal -- (Interpretation) Was it normal to assign a CPCO officer
23 for such tasks on the ground?

24 A. [15:26:39] Well, what do you mean by "normal"? I beg your pardon.

25 PRESIDING JUDGE TARFUSSER: [15:26:43] Did it happen some other times?

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1 THE WITNESS: [15:26:49] (Interpretation) Well, what you need to know is you have to
2 be aware of the quality of the individuals. We were officers from the CPCO. We were
3 all -- we had all graduated from the military school. We all had experience within the
4 chief of staff and we had experience on the ground.

5 Of course, I agree that in terms of principles or in the mode of functioning you have
6 officers who are commanding on the ground and others who are working at the chief of
7 staff. But it's up to the higher-ranking officers to make such decisions.

8 Why did they make such a decision to send the CPCO officers on the ground? Well, in
9 terms of know-how and training, we were able. And the proof is that before I was at the
10 CPCO, I was a commanding officer. So that's basically what I can say to you.

11 Q. [15:28:05] Very well. Do you remember what you said in your own statement to
12 the OTP regarding this issue?

13 A. [15:28:13] Yes. With your permission, I will even repeat it.

14 Q. [15:28:18] Go ahead.

15 A. [15:28:19] I said to the investigators that I shouldn't have been there because there
16 were the second in command, there were the second in command, and logically we
17 shouldn't have been there. But in terms of ability or skills, it's up to -- you have to ask
18 the commanding officer why they took that decision.

19 Q. [15:28:48] Do you know why that decision was taken?

20 A. [15:28:50] No.

21 Q. [15:28:52] You have no idea?

22 A. [15:28:53] No idea.

23 Q. [15:28:56] Very well. I would like to discuss the March 3rd events, the women's
24 march in Abobo.

25 And to do so, your Honour, I'm going to switch over to English, if you will.

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1 (Speaks English) I think we will have to with this witness tread carefully, even maybe go
2 into closed session to discuss the boundaries. And if you allow me, I would like to just
3 address the Chamber in closed session briefly, a minute on this topic, and then we can
4 come back into open session.

5 PRESIDING JUDGE TARFUSSER: [15:29:39] Let's go quickly into private session.

6 (Private session at 3.29 p.m.)

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19 (Open session at 3.32 p.m.)

20 THE COURT OFFICER: [15:32:38] We are in open session, Mr President.

21 PRESIDING JUDGE TARFUSSER: [15:32:40] Watch the time.

22 MR MACDONALD: [15:32:45] I think we should be good, your Honour.

23 PRESIDING JUDGE TARFUSSER: [15:32:49] Mr Prosecutor.

24 MR MACDONALD: [15:32:49] (Interpretation)

25 Q. [15:32:51] Mr Witness, how was Camp Commando provided with fresh supplies?

1 A. [15:32:57] Every morning we had a mission, which I called it the logistics mission.
2 So a detachment would go out. They would go and get spare parts for vehicles that had
3 broken down or an ambulance or to get food and other basics every day. We would also
4 take advantage of the opportunity to change shifts. They were two-day shifts. So it was
5 logistics, a logistics mission, and it occurred every day.

6 Q. [15:33:37] And what roads or what ways would you go?

7 A. [15:33:42] We usually took the main road, that is to say the motorway that goes in
8 front of the town hall. But there were other paths or itineraries. We might go by way of
9 Sans Manquer, because you need to understand that sometimes we came under fire. The
10 convoys would go by and come under fire. So we might change roads, but that was the
11 main road or the main itinerary we took.

12 Q. [15:34:15] And on the 3rd of March, did a convoy leave? If so, what men were part
13 of that convoy?

14 A. [15:34:28] Well, generally speaking, overall the detachment was made up of, well,
15 first there was a lieutenant, several lieutenants in the section. That person would leave
16 with the main vehicle and a few of his men. Then after that often there would be a police
17 vehicle, the BAE, the riot section. And then there would be another vehicle and
18 sometimes an ambulance, because in actual fact it was a logistics convoy. It did not have
19 any other purpose. But there would be security staff in the vehicles.

20 MR MACDONALD: [15:35:25] Very well. I would now like us to go into private
21 session if we could, your Honour, to continue with the rest of this account. And it may
22 take a while. Perhaps 5 to 10 minutes.

23 PRESIDING JUDGE TARFUSSER: [15:35:44] I think that we could speak still in open
24 session about what happened, if he knows what happened on the 3rd of March, if he has a
25 recollection of the 3rd of March and what happened.

1 MR MACDONALD: [15:35:56] (Interpretation)

2 Q. [15:36:01] Yes, indeed.

3 A. [15:36:04] May I? Your Honour, may I?

4 PRESIDING JUDGE TARFUSSER: [15:36:05] Yes, please.

5 MR MACDONALD: [15:36:07] (Interpretation)

6 Q. [15:36:11] Just waiting for the transcript.

7 What happened on the 3rd of March?

8 A. [15:36:20] On the 3rd of March, as usual, the logistics mission was organised. There
9 was a lieutenant with three or four vehicles, I don't remember exactly how many. And
10 the mission was to go out and conduct this logistics mission.

11 In the morning I received several phone calls. The first phone call came from Colonel
12 Sako, CPCO, and he asked me: "Have you seen my march, a march of women? And
13 did you shoot, fire upon them?"

14 And I said to him: "Colonel, first of all, I didn't even know that there was a march.

15 Secondly, you are the ones at headquarters who should have told me so if there was a
16 march."

17 And he gave me the amount of latitude that was possible, namely, you know, what were
18 we to do. We were to provide support, or would we prohibit the march? Would we
19 crack down on them? And I said, "I have no idea." I said to Colonel Sako, "I have no
20 idea." But he insisted, because he must have been called.

21 So then I got a second call. General Doumbia, a colonel at the time, he was older, you see,
22 and that was a personal call. He said: "What happened at Abobo? Apparently you
23 fired upon some women?" and so on and so forth.

24 I got a few more phone calls.

25 Q. [15:38:06] What time was it when you got those phone calls?

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1 A. [15:38:09] 9 or 10 in the morning.

2 (Redacted)

3 PRESIDING JUDGE TARFUSSER: [15:38:22] Now it's better if we go into private session
4 so we can make names now. That's why I think it's better to go into private session,
5 please.

6 (Private session at 3.38 p.m.)

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16 (Redacted)

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10 (Open session at 3.43 p.m.)

11 THE COURT OFFICER: [15:43:29] We are back in open session, Mr President.

12 PRESIDING JUDGE TARFUSSER: [15:43:36] Thank you.

13 MR MACDONALD: [15:43:43] (Interpretation)

14 Q. [15:43:44] Other than Colonel Sako, Colonel Doumbia, he was a colonel at the time,
15 did you have any other conversations or contacts with your superiors, for example,
16 Commander Deto Letho, for example?

17 A. [15:44:09] Yes, yes, since, yes, I also reported to him. I reported to him that that day
18 we only had a logistics mission. We did not have any mission that had to do with
19 dealing with a march.

20 Q. [15:44:38] Explain the conversation that you had with him, with the latter. Who
21 called whom? Give us the details.

22 A. [15:44:49] Well, I must admit I must have called him to report back or he must
23 have -- or he maybe called me. I must -- but, well, because in actual fact when Colonel
24 Sako was the first one to call to ask about what was going on, and I said to him -- well, I
25 gave him a full report about what was going on, and I think he shared that with the entire

1 headquarters since we mustn't hide the fact.

2 The information just spread very quickly, information to the effect that soldiers in Abobo
3 had shot upon a women's march. So all of a sudden, when Colonel Sako called me, I
4 reported back to him and he shared the information, and the information went up,
5 upwards in the organisation.

6 And I said, "Colonel, I don't think you told me anything about a women's march in Abobo,
7 and you didn't give me instructions. I didn't know what it was all about."

8 Q. [15:46:20] And what was the security situation like in Abobo after the event on that
9 very day, the 3rd of March? Did you receive any instructions from General Deto Letho
10 in that regard?

11 A. [15:46:34] The instructions were almost the same. We already -- seeing that the
12 danger was escalating, we had to be careful. We had to keep our eyes open. Really,
13 things were rising to --

14 MR MACDONALD: [15:47:01] Your Honours, I think your microphone is on. I can
15 hear you type. Sorry.

16 Q. [15:47:11] (Interpretation) Did you have contact with General Mangou?

17 A. [15:47:14] When, please?

18 Q. [15:47:20] On the 3rd of March.

19 A. [15:47:24] Yes, I do think so. Yes, I do think so, because it was of concern to the
20 entire hierarchy.

21 Q. [15:47:41] Were you asked -- well, first of all, did you write any report of any kind
22 whatsoever to your superiors about this event?

23 A. [15:47:54] Well, there was my weekly report. *But you mustn't forget that as head
24 of the command post, I did not send anyone to "tame the march", pardon my vernacular.
25 How would I put something like that in a report?

1 Q. [15:48:28] Were you asked to write a report in this regard?

2 A. [15:48:31] No, I was not asked to do so.

3 Q. [15:48:36] To your knowledge, did anyone whoever, was anyone subjected to
4 disciplinary measures owing to the events of the 3rd of March?

5 A. [15:48:50] I couldn't tell you. Merely to say, well, on the 4th, I was replaced on the
6 4th. The units went back home, that is to say the various sections went back to their
7 group or battalion. Well, I don't know whether if anyone was punished or sanctioned.

8 Q. [15:49:19] Before 11 April 2011, the day of Mr Gbagbo's arrest, president at the time,
9 during that period of time, were any measures taken whatsoever in relation to the FDS
10 members in connection with the events or the incidents of the 3rd of March?

11 A. [15:49:39] What kind of measures? Measures coming from whom?

12 Q. [15:49:45] Any kind of disciplinary measures, criminal charges, anything like that to
13 your knowledge?

14 A. [15:49:56] In relation to the march?

15 Q. [15:50:02] Yes, yes, we're talking about the 3rd of March.

16 A. [15:50:06] Yes. But the problem is the 3rd of March, that day, I'm responding as the
17 head of the command post. I did not give an order or receive an order to go and face a
18 march. So all these questions are confusing. I'm perplexed. I'm having a hard time
19 answering, because I responded. I reported back to my hierarchy that I was not aware.
20 And I certainly didn't give any orders in this regard. Now, if some people were
21 punished or if there were instructions, I must admit that I don't know.

22 Q. [15:50:52] Mr Witness, you say that you had a conversation on the 3rd of March with
23 Mr Mangou, General Mangou. Tell us about the content of that conversation, please.

24 A. [15:51:07] First of all, given my position as the head of the command post, I have no
25 direct dealings with the chief of general staff. My superior was Colonel Sako or General

1 Detoh, because he was the manager of the five zones.

2 If from time to time General Mangou might call us, well, sometimes he wanted to
3 encourage us or get specific items of information, but I don't remember anything that
4 might have happened in my zone.

5 Myself as the head of the command post, I would not be dealing with General Mangou.
6 That would be wrong.

7 Q. [15:51:53] Do you remember a conversation with him about staying at Camp
8 Commando or leaving the camp on the 3rd of March?

9 A. [15:52:01] Indeed.

10 Q. [15:52:06] And what was that all about? Describe it.

11 A. [15:52:09] Yes, indeed. In the afternoon a civilian came and gave us some
12 information. He told us that the main road was being blocked off and people were
13 setting up roadblocks, big hunks of concrete. And you see, he said: I'm sure they're
14 thinking that they're going to surround you. And that day the section at Sans Manquer
15 in Abobo had come under attack, so we thought that they wanted to surround us. So he
16 advised me to be on the look-out, that a skirmish could occur and I should leave the area.

17 Q. [15:53:04] Who recommended that?

18 A. [15:53:06] General Detoh.

19 Q. [15:53:08] And what was General Mangou's response?

20 A. [15:53:10] Well, I was a command post officer. So I had different instincts. I had a
21 different nose, so to speak. And I called General Mangou to report to him.

22 Q. [15:53:27] And what did you say to him?

23 A. [15:53:32] I described the situation to him, and that day I asked the GEB, the
24 armoured vehicles of the gendarmerie, and I explained that I could hold tight until the
25 following day, because if there was a night skirmish that might be -- that might cost us a

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1 lot. And he said you could stay.

2 Q. [15:53:59] At any time whatsoever on the 3rd of March, at any time were you
3 informed - I'm not asking for the name of the person - were you informed by anyone
4 whatsoever, no matter who it might be that there was a march and that indeed there had
5 been shots fired into the air, a blue gun as the expression was?

6 A. [15:54:35] I beg your pardon? I didn't quite understand the end.

7 Q. [15:54:40] That apparently the blue gun was fired, that is to say shots were fired into
8 the air?

9 PRESIDING JUDGE TARFUSSER: [15:54:45] Do you know the expression "canon bleu,
10 canon bleu"?

11 THE WITNESS: [15:54:49] (Interpretation) No.

12 PRESIDING JUDGE TARFUSSER: [15:54:50] Have you never heard this expression?

13 THE WITNESS: [15:54:53] (Interpretation) No, your Honour. "Bleu gun, canon bleu"?

14 MR MACDONALD: [15:55:01]

15 Q. [15:55:03] (Interpretation) That day were you informed that there had been shots
16 fired, shots fired up into the air?

17 A. [15:55:10] When and by whom?

18 MR MACDONALD: [15:55:16] If we could very briefly, 30 seconds, go into private
19 session, your Honour.

20 PRESIDING JUDGE TARFUSSER: [15:55:20] Let's go into private session.
21 (Private session at 3.55 p.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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- 14 (Redacted)
- 15 (The hearing ends in private session at 4.05 p.m.)