

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccia
7 and Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 27 September 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:20] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:43] I am very slow, because being slow
15 maybe gives the accused time to arrive, not because of the interpretation this time.
16 Good morning, Mr Mangou
17 WITNESS: CIV-OTP-P-0009 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: [9:34:20] (Interpretation) Good morning, Mr President.
20 PRESIDING JUDGE TARFUSSER: [9:34:25] Now for the third day of your
21 questioning. If the Defence teams agree, we start slowly the questioning, if they
22 agree. If they do not agree, we wait.
23 Maître Altit.
24 MR ALTIT: [9:34:48] (Interpretation) Thank you, Mr President. We have no
25 objection.

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1 PRESIDING JUDGE TARFUSSER: [9:34:52] Mr Knoops.

2 MR KNOOPS: [9:34:53] Good morning, Mr President. No objection.

3 PRESIDING JUDGE TARFUSSER: [9:34:56] Thank you. We will not deal probably
4 with the biggest topics now, but I would invite the Office of the Prosecutor -- here
5 they are. Please, Mr Prosecutor, it was good to have started slowly. Mr Prosecutor,
6 yours the floor.

7 MR MACDONALD: [9:35:16] Thank you, your Honour.

8 QUESTIONED BY MR MACDONALD: (Continuing) (Interpretation)

9 Q. [9:35:53] Good morning, Mr Mangou.

10 A. [9:35:56] Good morning, Counsel.

11 Q. [9:35:59] We are going to come back to where we were when we encountered
12 technical problems. And if I understand correctly, they have been resolved.

13 I'm going back to the communiqué. I showed you the one of 11 March yesterday.

14 You gave your answer. And today I'm going to present to you the one of 18

15 February. *And let me repeat for the record once again, *and to be clear, it is

16 *document OTP-0074-0079, tab 465. *We shall show that video. We are going to
17 show the extract from minute 25.36 to 28.30.

18 The transcript here is in tab 530, and it is 0087-0644. And with regard to the

19 transcript, if I'm not mistaken, I just want to confirm the lines, the transcripts, line 5 to
20 line 39. That is the transcript itself. Thank you.

21 THE COURT OFFICER: [9:38:14] Evidence channel 2.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [9:38:17] (Interpretation of the video excerpt) We are receiving

24 right now the Defence and Security Forces in the person of Colonel Gohourou, a

25 spokesperson. Good evening.

1 Decree number 2011-59 of *18 February 2011, instituting a curfew throughout the
2 entire territory of the republic. The president of the republic: Mindful of the
3 constitution; mindful of law number 60-209 of 27 July 1960 creating the national
4 armed forces; mindful of law number 61-209 of 12 June 1961 organising the defence
5 forces and the national armed forces; mindful of decree number 67-332 of 1 August
6 1967 relating to the participation of the armed forces in law enforcement; mindful of
7 decree number 2010-42 of 25 March 2010 spelling out the attributions of the members
8 of the government; mindful of decree 2010-309 of 5 December 2010 appointing the
9 prime minister; mindful of decree number 2010-312 of 6 December 2010 appointing
10 the members of government decrees as follows:

11 Article 1: A curfew shall be instituted throughout the national territory from Friday, 18
12 *February 2011 as follows: Friday, 18 February 2011 from 22h00 to 6h00; Saturday, 19
13 February 2011 from 21h00 to 06h00; and Sunday, 20 February 2011 from 21h00 to 06h00.

14 Article 2: All provisions contrary to this decree shall be abrogated.

15 Article 3: The minister of the interior, the minister of defence and civic services shall
16 be responsible, each one in his sphere, of the implementation of the present decree
17 which shall be published according to the emergency procedure in the Official
18 Gazette of the Republic of Côte d'Ivoire.

19 Done in Abidjan on 18 February 2011.

20 Laurent Gbagbo.

21 MR MACDONALD: [9:41:37] I am just confirming it was over the translation.

22 Sorry for the little delay.

23 Q. [9:41:44] (Interpretation) Do you remember this decree, Mr Mangou?

24 A. [9:41:49] This is a decree issued by the president of the republic to institute a
25 curfew. It is a curfew decree which is nothing other than prohibiting members of the

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1 population to come out at certain points of the day, generally at night, in order to
2 enable the Defence and Security Forces to better provide security in the area
3 concerned.

4 Q. [9:42:27] Regarding this adoption of the curfew, you yourself, did you issue any
5 curfews at your own initiative during the post-election crisis?

6 A. [9:42:52] No. I do not have the right. All I can do is propose a curfew to the
7 president of the republic.

8 Q. [9:43:00] And during the post-election crisis, it is therefore the president who
9 decrees the curfews?

10 A. [9:43:10] Yes.

11 Q. [9:43:14] And reading through the preamble, the decree of 1967 is mentioned
12 relating to the participation of the armed forces in law enforcement. But it does not
13 refer to any decree requisitioning the armed forces *on 5 January *and even less so to
14 the decree on 14 *November 2010.

15 A. [9:43:59] That is correct, Counsel.

16 Q. [9:44:04] Very well. Let me come back to 26 November 2010, that is two days
17 before the period of the election, the second round of the 28th. And to do that, I
18 would like to call up CIV-OTP-0045-1183, which is in tab 227. Mr President, with
19 your leave, can this document be displayed? It is a two-page document.

20 Do you recognise this document, Mr Mangou?

21 A. [9:45:24] Yes. It is a document instituting a curfew.

22 Q. [9:45:33] Let us now show the second page. So it is a document dated 26
23 November 2010, indicating that there is a curfew from Saturday, 27 November 2010,
24 right up to the evening of Wednesday, 1 December 2010.

25 With your leave, Mr President, if we can go back to the first page and have the entire

1 page on view.

2 Just to sort out the issue of the preamble, we can all see the references to this decree of
3 1967. And reference is also made *to decree of 2010-306 of 14 November 2010
4 requisitioning the armed forces of Côte d'Ivoire *- FANCI. Then there is also the
5 *reference to the decree *of 16 March 2007 creating the integrated command centre
6 *-- CCI – just above. Mr Mangou, my question is as follows: Who and when was it
7 announced that such a decree would take place?

8 A. [9:47:15] I'm sorry, I didn't quite understand.

9 Q. [9:47:23] When did it emerge that a decree would be issued, *that a decree of
10 26 November would be issued? When was the first time that you knew that such a
11 decree would be issued?

12 A. [9:47:38] As I pointed out previously, it is the military authority who, in light of
13 the prevailing situation, proposes to the president of the republic the issuance of a
14 curfew. So this curfew of 26 *November, we proposed it because there had been *a
15 previous incident that injured *many people. A group of young people close to the
16 FPI went to the headquarters of the RHDP and ransacked the headquarters.
17 There was a street fight that followed which caused about 20 injured persons.
18 Now, since the elections were being prepared, we proposed to the president of the
19 republic that a decree be issued enabling those who were responsible for the materials
20 to ensure that people should not destroy those materials. So that is why, *mindful of
21 the first incident, we proposed *to the president that this decree *of the 26th be issued,
22 so that those responsible for preparing *the election could do so in a serene
23 atmosphere to ensure that the next day all material should be available for the voting.

24 Q. [9:49:24] When did you make that recommendation to the president?

25 A. [9:49:29] Generally speaking, we make a recommendation two or three days

1 before so that the secretariat of the president can type the decree, prepare it, sign it
2 and then issue it.

3 Q. [9:49:45] Did the president announce that he was going to issue such a decree?

4 A. [9:49:53] Yes. Generally speaking, once the president gives his agreement and
5 the decree is typed, it is circulated amongst the population through the media.

6 Q. [9:50:10] Do you remember the debate of the leaders that you followed from
7 your residence on 25 November 2010?

8 A. [9:50:21] Yes. There are many decrees. The decree of the 26th did not raise
9 any issues.

10 Q. [9:50:33] Please, just listen to my question. During the speech, did President
11 Gbagbo refer to the prospective adoption of any decree?

12 A. [9:50:48] No. He could not think about a future decree if a decree had not been
13 proposed to him. We are the ones who always proposed curfew decrees.

14 Q. [9:51:08] Let me rephrase my question. Let us understand each other well.

15 During the debate of the leaders, between Mr Gbagbo and Mr Ouattara, did President
16 Gbagbo mention that he was in favour of adopting a curfew decision?

17 A. [9:51:32] Well, you interrupted me. I was coming to that. There were many
18 decrees and many days involved. I wanted to tell you that the decree of 26
19 November followed the first incident that I mentioned on 19 November. *That is
20 why the decree was issued. So on the 26th, there *were no *problems. However, the
21 decree of 27 November, which was issued on the eve of the second round of the
22 elections, created some problems. I believe it must have been a Saturday, because
23 Sunday was the 28th. President Compaoré, facilitator of the Ouagadougou accords,
24 arrived Abidjan. And so they found themselves at the Presidency of the republic,
25 President Laurent Gbagbo, president Blaise Compaoré, facilitator of the

1 Ouagadougou accords, President Alassane Ouattara, to discuss this matter.
2 President Laurent Gbagbo summoned us, the major commanders. There was the
3 chief of staff of the army. There was General Kassaraté, General Brindou and
4 General Guiai Bi Poin. And he asked us whether it was preferable to maintain the
5 decree or repeal the decree.
6 Given the presence of those personalities we were ill at ease, so I proposed that the
7 president should take a decision. The president, in the presence of President Blaise
8 Compaoré, said that there was not going to be a decree for a curfew. But after
9 President Blaise Compaoré left, the president signed a curfew decree.
10 The opposition demonstrated its discontent. And in Abobo there were
11 demonstrations which degenerated and led to three people being killed. That relates
12 to the decree of 27 November.
13 Relating to decree of 28 November, which was to be issued at the end of the elections,
14 since our concern is always security, I proposed to the president that a decree should
15 be issued. Can I proceed? To issue a decree.
16 Before signing the decree, the president convened us to his residence in Cocody, but
17 this time there was Prime Minister Soro present. And when he asked whether this
18 decree should be signed or not, the first persons to take the floor was Prime Minister
19 Soro, who said that, "Mr President, the elections have just taken place. It is the time
20 to gather the voting boxes and collate the results. People will not be trustful. They
21 will think that we are trying to manipulate the results. So I'm proposing that we not
22 sign the decree."
23 After that, I took the floor and I said, "Mr President, it is true that I propose that there
24 should be a decree for security reasons. But in light of what the prime minister has
25 said, I agree with him. This can lead to certain interpretations. So it would be

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1 preferable for the decree not to be issued."

2 But then once again the president signed the decree on his own initiative. That is
3 what I can say about the decree, so the 27 and 28 November.

4 Q. [9:56:18] We will try to clarify this for the Chamber. We have an Official
5 Gazette which was presented or displayed publicly, and it is CIV-OTP-0018-0047. It
6 is in tab 86. It's already tendered into the record, tab 86. We have a copy for the
7 court usher because the decree -- or, rather, the Official Gazette is composed of
8 several pages.

9 And before looking at it, Mr Mangou, I just want to clarify certain things. What did
10 President Laurent Gbagbo say during the debate of the leaders on this matters, that is
11 the curfew?

12 A. [9:57:54] He told president Compaoré --

13 Q. [9:57:58] Listen to my question. During the debate of the leaders, that is
14 between Mr Gbagbo and Mr Ouattara, what did Mr Gbagbo say to Mr Ouattara about
15 the curfew?

16 A. [9:58:15] That is what I wanted to say.

17 Q. [9:58:18] You said "Mr Compaoré"?

18 A. [9:58:22] Yes, because Mr Compaoré was there.

19 Q. [9:58:25] I am talking about the televised debate *when the two leaders faced each other one on one.

20 *A. [9:58:28] Ah, okay.

21 *Q. [9:58:29] The historic debate.

22 *A. [9:58:30] Okay.

23 PRESIDING JUDGE TARFUSSER: [9:58:31] But, excuse me. Don't we have this
24 registration of this debate?

25 MR MACDONALD: [9:58:34] No, we don't, your Honour.

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- 1 PRESIDING JUDGE TARFUSSER: [9:58:36] Okay, good.
- 2 MR MACDONALD: [9:58:38] But if the Chamber would like it, it is available
- 3 publicly. It's an open source.
- 4 PRESIDING JUDGE TARFUSSER: [9:58:45] Yes, well, that's what I thought, yes.
- 5 MR MACDONALD: [9:58:46] And we can register it at the -- but the Chamber will
- 6 have to request it at this stage because we're past our deadline for material to be
- 7 added to our list of evidence. But according to your powers --
- 8 PRESIDING JUDGE TARFUSSER: [9:59:00] Yes, I know, I know.
- 9 MR MACDONALD: -- we can provide you --
- 10 PRESIDING JUDGE TARFUSSER: I know our powers. Okay.
- 11 MR MACDONALD: [9:59:04] But, so I'm just -- I don't want to elaborate too long on
- 12 that.
- 13 PRESIDING JUDGE TARFUSSER: [9:59:08] No. I thought it was an experiment to
- 14 see if the witness recalls.
- 15 MR MACDONALD: [9:59:15] No, it's not an experiment.
- 16 PRESIDING JUDGE TARFUSSER: [9:59:17] Okay.
- 17 MR MACDONALD: [9:59:18] It's just because we don't have the video on our list of
- 18 evidence.
- 19 PRESIDING JUDGE TARFUSSER: [9:59:23] Okay.
- 20 MR MACDONALD: [9:59:24] So it's just to clarify that. I don't want to elaborate on
- 21 the debate and go on.
- 22 PRESIDING JUDGE TARFUSSER: Okay.
- 23 MR MACDONALD: It lasted two hours and 15 minutes to be quite exact. So, no.
- 24 PRESIDING JUDGE TARFUSSER: [9:59:31] Okay. Thank you. Go ahead.
- 25 MR MACDONALD: [9:59:33] (Interpretation)

1 Q. [9:59:34] Mr Mangou, the only thing I wanted to know is what did President
2 Gbagbo say or announce during the televised debate about that decree?

3 PRESIDING JUDGE TARFUSSER: [9:59:50] If you recall.

4 MR MACDONALD: (Interpretation)

5 Q. [9:59:51] Yes.

6 A. [9:59:53] No, Mr President, I did not pay attention to that aspect. What was of
7 interest to us during that debate was the programme of each candidate.

8 Q. [10:00:14] Very well. So yesterday we saw, if we come back to the decree of the
9 Official Journal, we saw that in the preceding days, the days preceding the
10 requisitioning of the law enforcement, that's page 0048, I'd like for us to go onto the
11 next page, that is the degree of 14 November at page 0049, that is the left-hand
12 column. Well, we see this decree number 10-307. So in numerical order, this is
13 after the decree of 14 November. You have the paper copy or the hard copy before
14 you, Mr Mangou. If you look at the third page of said document.
15 Now we can see that there is a curfew. This is the very same decree that you saw in
16 a simple version. And here we have it in the official journal itself.

17 A. [10:01:31] Yes.

18 Q. [10:01:32] And then we can look at the next decree, number 308, dated 1
19 December 2010, extending the curfew. That's the decree 308.
20 And then we have the decree of 5 December appointing the prime minister
21 subsequent to the elections, decree number 309, that is. So my question to you is as
22 follows: The Official Journal indicates that there is one decree only on 26 November.
23 Now, I just want to understand, because you talked about a decree on the 27th and
24 the 28th, but the Official Journal does not reflect this. Can you please explain to us
25 somewhat, could you come back on to the factual matters?

1 A. [10:02:36] Well, I can't do that. There are people who are tasked with updating
2 the Official Journal. This is not my responsibility. So I can't answer your question.

3 Q. [10:02:51] So for us to understand your testimony correctly, there is a decree that
4 was also adopted on 27 and 28?

5 A. [10:03:06] Yes.

6 Q. [10:03:07] That is in existence?

7 A. [10:03:12] Yes.

8 Q. [10:03:12] And that would be therefore between the decree adopted on 26
9 November and the degree adopted on 1 December that we can see in the official
10 journal?

11 A. [10:03:20] That is correct.

12 Q. [10:03:22] Very well. For the day of the vote in question, in addition to the
13 incident that occurred between some youth on 19 November, so you had contact with
14 the president. Were there any reasons for there to be a curfew adopted from a
15 security viewpoint at that moment in time for the vote to be held on the 28th,
16 according to your assessment of the situation in the field at that moment in time?

17 A. [10:04:23] Yes. According to my assessment and according to the information
18 that I was gleaning at the time, it was necessary to install a curfew, because we were
19 very close to the time of the vote. And if people were to ransack the equipment to be
20 used for the voting and the various ballot stations or polling stations, then the
21 Independent Electoral Commission was going to be up against a great deal of
22 problems*on the 28th..

23 Q. [10:04:55] Why was it then that at a later time, if I come back to what you said
24 earlier this morning, during the meeting with the prime minister and the president,
25 why was it then said that there was no necessity for a curfew?

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- 1 A. [10:05:15] Because the arguments advanced by the prime minister were valid.
2 To install the curfew at a time when people were gathering the results, then this
3 would automatically lead people to believe that we were trying to skew the results,
4 because the conditions of the curfew would be that the people would not be allowed
5 to go out. And here the curfew would only allow those voting within the context of
6 the vote, and that would lead people to believe that the power, that those in power
7 were trying to skew the vote and trying to have an effect on the results.
8 So I followed what the prime minister was saying, because his arguments were valid.
9 Q. [10:06:09] *So according to what you are saying on the day of the vote it was no longer necessary.
10 PRESIDING JUDGE TARFUSSER: [10:06:19] Excuse me. There is a contradiction
11 just in the English transcript, because first at line 7 of page 14, the arguments of the
12 prime minister were not valid. And then at line, at line 18, they were valid.
13 So just to, in the English transcript, so were the arguments put forward by the prime
14 minister valid or not valid?
15 THE WITNESS: [10:06:49] (Interpretation) Thank you, Mr President. The
16 arguments put forward by the prime minister were valid.
17 PRESIDING JUDGE TARFUSSER: [10:07:02] So we have to correct at line 8, which is
18 more understandable. Okay. Mr Prosecutor.
19 MR MACDONALD: [10:07:10] Thank you, your Honour.
20 Q. [10:07:15] (Interpretation) And despite this, there is still a decree in force on 28
21 November 2011, is that correct?
22 A. [10:07:30] That is correct, because the decree was signed by President
23 Laurent Gbagbo.
24 Q. [10:07:40] So still at page 0049, we note that there is a decree dated 1 December
25 2010 extending the decree, extending -- I apologise -- the curfew. And once again I

1 note in the preamble thereto of decree 67-332 and also that of 16 March 2007 creating
2 the CCI and requisitioning the FANCI law enforcement dated 14 November 2010.
3 I would like to show to you a video and this video is dated 6 December, and it is item
4 0048-0493.

5 I do apologise. I do have the wrong number here. I'll start again. The video is
6 0075-0061. And it is at tab 481. We shall be presenting minutes 9.22 to 12.41. The
7 transcript is to be found at tab 536. It is item 0087-0828.

8 So if we could just look at this and then we'll come back with some questions,
9 Mr Mangou.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [10:10:09] (Interpretation of the video excerpt)

12 Decree number 2010-310 of 6 December 2010 instituting a curfew: The president of
13 the republic, in view of the constitution, mindful of the political agreement of
14 Ouagadougou dated 4 March 2007 and its complementary agreements; mindful of
15 law 60-209 of 27 July 1960 creating the national armed forces; mindful of law *61-209
16 of 12 June 1961 organising the Defence and the national armed forces; mindful of
17 decision CI-2010-EP-34/03-12/CC/SG of 3 December 2010 announcing the definitive
18 results of the presidential election of 28 November 2010; mindful of decree 67-332, 1
19 August 1967, relative to the participation of the armed forces in law enforcement;
20 mindful of decree 2007-82 of 16 March 2007 creating the integrated command centre,
21 mindful of the decree 2010-32 of 4 March 2010 appointing the members of the
22 government modifying and completing decree 2010-28 of 23 February 2010; mindful
23 of decree 2010-42 of 25 March 2010 attributing members of the government; mindful
24 of the decree 2010-306 of the 14 November 2010 requisitioning the national armed
25 forces of Côte d'Ivoire, the FANCI; mindful of decree 2010-308 *of December 2010

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1 extending the curfew ; *mindful of the urgency of the situation, decrees –

2 *[overlap]

3 MR MACDONALD: [10:12:36] Sorry, we can stop the translation. Thank you. It's
4 okay because we stopped earlier than expected. We stopped at "décrète". We have
5 the decree itself, your Honour, so I didn't want to show the video, but because I
6 wanted stop here at the preamble. That is what is important here at the moment to
7 the Prosecution.

8 And for the Chamber's benefit, the decree is at CIV-OTP-0048-0493, page 0495.

9 And if we could call that, please, now, and specifically page 0494, please.

10 THE COURT OFFICER: [10:13:59] Evidence channel 1.

11 MR MACDONALD: [10:14:14] (Interpretation)

12 Q. [10:14:15] So, Mr Mangou, do you recognise this type of document from Colonel
13 Kokou Sako René?

14 A. [10:14:29] Yes. This document from Colonel Sako shows that the decree was
15 taken or made, and as a result all the units needed to be informed of the fact that this
16 decree had been issued.

17 Q. [10:14:46] So is that the procedure to be followed upon the issuance of every
18 decree, namely, that there is a transmission from the CPCO or the staff headquarters
19 to all the Defence and Security Forces?

20 A. [10:15:01] Absolutely.

21 Q. [10:15:05] And just to confirm, if we look at page 0495, that is to say the first
22 page of the decree -- once again, we've heard this.

23 And I'd like to note this for the record, we're referring to the decree relative to the
24 participation of the armed forces to law enforcement dated 1 August *1967. And
25 we're once again referring to the creation of the CCI, *and also to the requisition of the

1 army *on 14 November?

2 A. [10:15:42] Well, I would like to give you a little bit more clarification, because I
3 think that your main concern here is based on the preamble itself. We are not the
4 ones who come up with a decree. We do not compile it. All we do is provide
5 proposals.

6 Now, those who draft it have their way of going about things. They would take a
7 number of laws that they include in the preamble, and then at the end there is the
8 actual body of the text of the decree. But we're not the ones who draft it.

9 Q. [10:16:18] You said, you specified, it was the president who decrees.

10 A. [10:16:23] It's the president who decrees.

11 Q. [10:16:25] It's the president who decrees. And you're the one who --

12 THE INTERPRETER: [10:16:29] Overlapping speakers, Mr President.

13 PRESIDING JUDGE TARFUSSER: [10:16:33] Overlapping speakers.

14 Maître N'Dry.

15 MR N'DRY: [10:16:42] (Interpretation) Mr President, the Prosecutor has his answer
16 himself, because I wanted to make an objection with regards to that. More than five
17 times now since the beginning this morning, he has been coming back to the preamble
18 once again, again and again, without putting any questions to the witness.

19 So I think that we need to, as I said yesterday or the day before I believe, we all know
20 how to read here, Mr President, and if we're not going to be putting questions
21 subsequent to reading, then I think we might as well just do away with this bit.

22 PRESIDING JUDGE TARFUSSER: [10:17:35] Mr Prosecutor, where do you want to
23 go with this preamble, submitting always the preamble.

24 MR MACDONALD: [10:17:51] I will have to ask the witness to leave the courtroom

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1 for that, your Honour. And I'm sorry for that, but I can't say more.

2 PRESIDING JUDGE TARFUSSER: [10:18:01] Okay.

3 Mr Mangou, with the help of the court usher, could you leave for a few minutes the
4 courtroom. Thank you.

5 THE WITNESS: [10:18:14] (Interpretation) Thank you, Mr President.

6 (The witness stands down)

7 MR MACDONALD: [10:18:24] And I will go further, your Honour. I would like to
8 go in private session to provide the answer.

9 PRESIDING JUDGE TARFUSSER: [10:18:30] Okay.

10 Let's go into private session.

11 (Private session at 10.18 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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Trial Hearing
WITNESS: CIV-OTP-P-0009

(Private Session)

ICC-02/11-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Open session at 10.23 a.m.)
- 11 THE COURT OFFICER: [10:23:35] We are back to open session, Mr President.
- 12 PRESIDING JUDGE TARFUSSER: [10:23:39] Thank you very much. The witness is
- 13 coming in.
- 14 (The witness enters the courtroom)
- 15 PRESIDING JUDGE TARFUSSER: [10:23:58] Yes, Mr Mangou, you can hear me?
- 16 THE WITNESS: [10:24:01] (Interpretation) Yes, Mr President.
- 17 PRESIDING JUDGE TARFUSSER: [10:24:05] I give the floor back to the Office of the
- 18 Prosecutor. Yours the floor.
- 19 MR MACDONALD: [10:24:11] (Interpretation)
- 20 Q. [10:24:12] To cut to the chase, Mr Mangou, there was an extension of the curfew
- 21 under the same conditions; that is correct?
- 22 A. [10:24:25] That is correct.
- 23 Q. [10:24:26] Very well.
- 24 If you will allow me a little moment, a brief moment, Mr President. I will require 30
- 25 seconds to see the next part of what I'll be covering in the light of what has been

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1 exposed so far.

2 (Counsel confer)

3 MR MACDONALD: [10:25:27] (Interpretation)

4 Q. [10:25:28] Very well. Now, Mr Mangou, I'm going to take you to 5 January.

5 We shall come back to December. But I'm going to go directly to 5 January.

6 So you've already explained on 5 January you had a meeting at the palace with the

7 president and the generals and two ministers. Now, what I would like to do with

8 you is to specify the date, because I'm going to suggest to you that this took place on 4

9 January.

10 Mr President, I shall be calling up item CIV-OTP-0035-1279 at page 1297. And we

11 have a hard copy for the witness. It might be of help.

12 PRESIDING JUDGE TARFUSSER: [10:26:40] Please provide the witness with the

13 hard copy. Thank you.

14 THE WITNESS: [10:27:03] (Interpretation) Thank you.

15 MR MACDONALD: [10:27:04] (Interpretation)

16 Q. [10:27:05] So, Mr Mangou, please go directly to page 1297. You will see that at

17 the bottom of the page there is what we refer to as an ERN number, an evidence

18 registration number in English, and the page is entitled "Programme of the meetings

19 and gatherings of the president of the republic."

20 And the four last numbers are 1297.

21 A. [10:27:53] Yes.

22 Q. [10:27:53] Very well. On Tuesday, 4 January, we can all read that, there is an

23 entry, at the palace, "The presidential palace at the Plateau" as indicated. And

24 indicated are those individuals in attendance. All right?

25 A. [10:28:18] Yes.

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1 Q. [10:28:18] Before putting my question to you with regard to the date, I would
2 like to call up another document just with a view to situating the date,
3 CIV-OTP-0003-0598, tab 68 on our list of Prosecution evidence for this witness. We
4 also have a hard copy. This is an article, I can't see the date, I think it's dated the 5th,
5 5 January 2011, 5 January 2011. I'm just giving you the time to establish the date.
6 Mr Mangou, you can set the document aside.

7 In light of the two documents that you have just seen, does that refresh your memory
8 that the meeting you referred to was on 4 January 2011?

9 A. [10:30:36] No. It was not that meeting. The meeting of 5 January 2011 took
10 place at night about 21.30 hours. And the meeting of the 4th, I'm still thinking about
11 the subject of that meeting.

12 Q. [10:30:58] Let us continue. Let us now talk about the operation of 11 January
13 2011. What was it all about? You actually started answering, but now we have the
14 opportunity for you to elaborate. Who took the initiative to issue instructions for the
15 conduct of this operation? Who took the decision?

16 A. [10:31:57] For the operation of 11 January?

17 Q. [10:32:05] 11 January 2011.

18 A. [10:32:07] That carried out by the national police -- for the operation conducted
19 by the national police, I explained to you here that since we received the requisition
20 decree in the night of 5 January 2011, around 21.30 hours, that must have been on a
21 Thursday. The next day, Friday, 6 January 2011, we met at the general staff
22 headquarters to see how to deploy the troops.

23 And during our discussions, the director of the national police said that what was
24 happening in Abobo was within the remit of the national police. So it was a law and
25 order operation.

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1 So I said, okay, you can carry on.

2 So this operation took place within the PC Minos, which is the PC of the ministry of
3 the interior.

4 Q. [10:33:22] Briefly on the PC Minos -- just a moment. Please listen to my
5 question. Did you have a representative of the armed forces within the PC Minos?

6 A. [10:33:41] No. The general staff did not have a representative at the PC Minos.

7 Q. [10:33:50] Very well. We will come back to that.

8 Explain to us briefly *what PC Minos is. *The Chamber has already heard Witness
9 0046, Mr Bredou M'Bia, but just clarify.

10 A. [10:34:14] Within the ministry of the interior, this is a command post that was
11 set up to manage law and order operations, and within those operations you have the
12 police and the gendarmes. And these operations are under the authority of the
13 director, the national director of the police.

14 Q. [10:34:48] Very well. I would like to call up a document which is already in the
15 case file, 0045-1429. It's an OTP document *0045-1429. And specifically, page 1431,
16 if that document can be displayed, please.

17 We also have a hard copy, if you have difficulty reading on the screen.

18 Obviously, it is a report on the operation to provide security in Abobo PK18 dated 13
19 January 2011. It is the CRS, but that is not where my question lies.

20 In reference to FRAGO number 68/EMA/CPCO, that is the reference, can you explain
21 to us?

22 A. [10:37:03] Before the two phases of the operation in Abobo were defined, there
23 were still incidents, people were still dying. And before the police took their
24 position, the operation was prepared on the eve at 0300 hours in the morning of the
25 11th. And that operation was prepared before the police took up position in Abobo.

1 Q. [10:37:38] And can you explain to us what it means "meeting briefings 03 hours
2 in the morning under the orders of Commander Toaly"? Was he the one to conduct
3 operations in the field?

4 A. [10:38:01] It was interpreted like a sort of patrol operations. But it was not
5 Toaly who was in charge. The first phase of the operation, as I've told you before, is
6 under the total control of the police.

7 Q. [10:38:22] Now, what was precisely that operation? How was it conducted?

8 A. [10:38:33] The first operation?

9 Q. [10:38:34] The 11th of January 2011, that is, for which Commander Toaly gave a
10 briefing to the present forces. *Did that 11 January operation have any other
11 objective different from the one you have just described?

12 A. [10:38:49] So this was a patrol operation in the Abobo area, and this consisted of
13 gathering as much intelligence as possible regarding incidents, indicia, whether there
14 were skirmishes or not, and then report back to the command.

15 Q. [10:39:16] This operation of 11 January, did it have any objective other than what
16 you have just described to us?

17 A. [10:39:28] Not at all. All military operations are carried out for the purpose of
18 defending integrity of people, to secure people and property. There is no other
19 reason for that.

20 Q. [10:39:49] Why were you going to Abobo to carry out an operation of this nature?
21 That is what we are trying to understand. In the early hours of the morning, why?

22 A. [10:40:06] We are the Defence and Security Forces of the Republic of Côte
23 d'Ivoire, and our mission is to act and to protect people and property throughout the
24 national territory. And if we felt that there were killings going on in Abobo and that
25 the population was not at ease, then we would carry out patrols in order to reassure

1 the population, to gather information to see what is not going on well, and then
2 report to the command. *So we -- it was not only in Abobo *you see. *Maybe you
3 have the report for Abobo. *But there was also the Koumassi Marcory zone and *the
4 commando gendarmes responsible for that *along with the Abidjan air base and they
5 conducted patrols there. And there were also patrols in Yopougon carried out by the
6 gendarmerie of Toits Rouges. So it was not only in Abobo that patrols were carried
7 out. These were done practically in all the neighbourhoods.

8 Q. [10:41:22] Mr Witness, or Mr Mangou, I would like to come back to another
9 document still related to this same operation. It is a document dated 19 January 2011,
10 and it is 0046-0316, which has already been tendered into evidence by our learned
11 friends of the Defence. We also have a hard copy because the document is quite long.
12 And with your leave, if a copy can be handed over to the witness.

13 (Speaks English) It's not on -- sorry, 245, tab 245. (Interpretation) I don't know
14 whether we are on the same page. We were on page *0046-0316. Mr Witness, we
15 can see that this is the ministry of the interior, and there is a report on the events. So
16 it is a more complete document. So my question to you is, were there any
17 unfortunate incidents when you carried out this operation?

18 A. [10:44:06] Yes, of course there were incidents. I believe there were people
19 injured, and there were people killed. The first operation that I talked to you about,
20 that is the patrol, it is different from the one you have just handed a copy of to me
21 now. When the police is deployed, sometimes they need to carry out searches.
22 And in order for those searches to be effective, they call on the army. The army does
23 not take part in the searches. They simply surround the area concerned, and the
24 police carry out the searches.
25 They are judicial police officers and they have the authority to carry out searches.

1 Here, the FANCI elements that backed up the police simply surrounded the area in
2 order to enable the police to carry out their work.

3 Q. [10:45:24] Mr Witness, yesterday the president showed you a document, a BQI,
4 and questions were put to you on that issue. I would like to go to page 0331.

5 After the operation, the troops returned to the parade ground of the general staff
6 headquarters. So what happened?

7 A. [10:46:31] The troops returned to the general staff headquarters. And so there
8 was a debriefing. They reported on how the operation happened. And at the end
9 of the debriefing the troops returned to their various units.

10 Q. [10:47:01] So there is a debriefing, there was a debriefing on the 11th?

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

12 Q. [10:47:13] About that operation?

13 A. [10:47:16] Yes. All military operations begin with a briefing, and after an
14 execution of the operation, then there is always a debriefing before the elements go
15 back to their bases.

16 Q. [10:47:35] Which locations were searched during that operation?

17 A. [10:47:42] I believe it was the PK18 area that was sealed off and searched. We are not
18 told precisely whether they went into the houses *and we are given precise information
19 in general that the area was searched. The area that was sealed off was searched.

20 Q. [10:48:06] And why was it searched?

21 A. [10:48:10] During a crisis, you look for information and intelligence.
22 Sometimes you can have ill-intentioned people who have weapons, whereas they're
23 not authorised to have it. So it is to have a maximum of intelligence in a given zone.

24 Q. [10:48:33] And during that time the police, the DGPN, the gendarmerie and the
25 armed forces *FANCI, as they supported and backed up, within which legal

1 framework *and authority were they working?

2 A. [10:48:54] When the army comes to assist the police for searches, the operation is
3 led by a judicial police officer who might be a policeman or a gendarme.

4 Q. [10:49:12] Do you remember which Ivorian law authorises this type of operation?

5 A. [10:49:27] *These are operations that are within the remit of the army. This *is always done
6 for security *purposes. No authority says go and carry out patrols. That is the responsibility
7 of the chief of staff of the armed forces. *When he feels that or receives information about an
8 area, he can ask for patrols to be carried out in order to make the area safe and secure.

9 Q. [10:49:59] So this was a normal law enforcement operation?

10 A. [10:50:05] Yes.

11 Q. [10:50:08] What was the impact of this operation on the continuation of the
12 events, that is the crisis? Did it have any impact, this operation and the loss of men?

13 PRESIDING JUDGE TARFUSSER: Mr Zokou.

14 MR ZOKOU: [10:50:33] (Interpretation) Thank you, Mr President. I will be brief
15 and I would like more precision from the Prosecution. He's talking about impact
16 over such a long period and so many different incidents and events.

17 PRESIDING JUDGE TARFUSSER: [10:51:11] When you say what was the impact of
18 this operation on the continuation of the events is a bit, maybe a bit broad.

19 MR MACDONALD: [10:51:18] Okay.

20 PRESIDING JUDGE TARFUSSER: [10:51:20] Just if you read --

21 MR MACDONALD: [10:51:22] I'll rephrase.

22 PRESIDING JUDGE TARFUSSER: [10:51:24] Rephrase.

23 MR MACDONALD: [10:51:26] (Interpretation)

24 Q. [10:51:27] The results, consequences and damages of this operation, the losses of
25 people, did it have an impact on the FDS, that is on the crisis, that is on the events

1 over the days that followed still in chronological order of the events?

2 A. [10:51:59] I admit that I really do not understand that question. But what I
3 want to say is that the operation in such an area is to find out if there are weapons or
4 substances such as drugs and others, that's it.

5 Q. [10:52:23] You said it was a law and order operation?

6 A. [10:52:28] Yes.

7 Q. [10:52:31] Let's go to 12 January now, that is the following day.

8 Can the documents be retrieved with your leave, Mr President?

9 Was there a meeting between you and the generals on the day following that
10 operation?

11 A. [10:53:46] It is difficult to know whether there was a meeting or not. What I
12 know is that in the night of the 11th to the 12th our policemen were attacked.
13 Obviously at the end of that attack, there must have been a meeting at the general
14 staff headquarters.

15 Q. [10:54:11] I would like to call up a document that has already been shown to you.
16 It is 0045-0359. And that is CIV-OTP-0045-0359.
17 I will show you the second page?

18 A. [10:55:34] Yes.

19 Q. [10:55:38] I'm not going into the war zone because the Chamber already covered
20 it. We can see that there was a meeting at 12.55 at the CPCO chaired by Colonel
21 Sako. And you are introduced into the room. And it is mentioned that "He advised
22 us to be vigilant because ONUCI had already circulated the information. And he
23 gave us his endorsement."

24 When you say "ONUCI had already circulated the information," what do you mean
25 by that?

1 A. [10:56:28] Let me come back to what I said yesterday. As far as I'm concerned, this
2 document is null and void. When you look at the military terms used it means absolutely
3 nothing. The police and the gendarmerie cannot support the army. It is not a document
4 prepared by a soldier. Secondly, here it is said *in brackets brigade Macaca (phon)
5 What does that mean? It means nothing. ""Macaca (phon) Charlie 9" and yet --

6 Q. [10:57:22] "BAE Macaci."

7 A. [10:57:24] We were never in Macaci. In the areas *and positions that I
8 mentioned yesterday, we were never in Macaci. *Who was in Macaci? To do what?
9 And then the person is *even Charlie 9. And who is this person communicating with?
10 *We did not have any means of communication. I have said that we communicated
11 mostly by cell *phone. So Charlie 9, Charlie 10, *that stuff did not exist.

12 Q. [10:57:54] Mr Mangou, we are just trying to understand. Thank you for your
13 explanations on the value that you are giving to this document. *But the question is
14 whether to your mind it was a matter of the ONUCI.

15 MS KADJI: [10:58:07] (Interpretation) Mr President, please.

16 PRESIDING JUDGE TARFUSSER: Madam Kadji.

17 MS KADJI: (Interpretation) Can we ask the Prosecutor not to waste the time of this
18 Chamber on such obvious matters. The witness has said and repeated clearly that he
19 does not recognise this document which is completely null and void. Can the
20 Chamber ask the Prosecutor not to waste the time of this Chamber.

21 PRESIDING JUDGE TARFUSSER: [10:58:37] Well, I try to remain calm because of
22 this intervention.

23 I think that, what I wanted to say is that I understood yesterday that this document is
24 not a good one, say, so to not use another term. So when you said we will come back
25 to this document, I really thought I don't know why, but now I think it's clear which

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1 is the answer of the witness, and I think we should just --

2 MR MACDONALD: [10:59:14] Just on this, your Honour, I'm sorry to -- it is a report
3 which a witness testified to --

4 PRESIDING JUDGE TARFUSSER: [10:59:24] Yes.

5 MR MACDONALD: [10:59:24] -- which said "seen" --

6 PRESIDING JUDGE TARFUSSER: Yes.

7 MR MACDONALD: -- right, which he explained the type of documents they are.
8 It's a report that indicates that --

9 PRESIDING JUDGE TARFUSSER: Yes.

10 MR MACDONALD: -- the witness -- there was a discussion. So I'm asking him
11 now, I can still -- I'm not debating the accuracy of the other parts, I'm asking him for
12 that, if there was a discussion about ONUCI and what it is about. That's all I'm
13 asking.

14 And I think that may be relevant and permissible, because the weight to be attributed
15 to this document ultimately as to the other parts will be for your Honours in light of
16 the totality of the evidence, including the answers of Mr Mangou.

17 He's not recognising himself because it's a police document. We understand that.

18 PRESIDING JUDGE TARFUSSER: [11:00:10] Mr Mangou, one question, one
19 question to this. This document, do you recognise anything in this document which
20 you think is true or valid or not?

21 THE WITNESS: [11:00:31] (Interpretation) No, Mr President. And I would like to
22 substantiate the tactical terms used are not the ones that we use as soldiers.
23 Secondly, I have explained when I, myself, took the decision to go and see the
24 minister of defence to propose the buffer zone, but at the end of the document it is
25 pointed out that General Mangou, and I'm the one who is concerned, announced to

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1 people that ONUCI *had been informed.

2 So I am saying that this is a totally fake document, even though I'm being told that
3 people came to testify here about it.

4 PRESIDING JUDGE TARFUSSER: [11:01:25] Okay. So I think now it's clear. We
5 can go further.

6 Thank you, Mr Prosecutor. Yours the floor.

7 MR MACDONALD: [11:01:38] Sorry, do you want to take the break now, your
8 Honour, or?

9 PRESIDING JUDGE TARFUSSER: [11:01:42] Yes. I didn't realise.

10 MR MACDONALD: [11:01:44] Sorry, I thought --

11 PRESIDING JUDGE TARFUSSER: [11:01:46] No, no, no. I didn't realise it's 11
12 o'clock and that it's time for the break.

13 We come back at 11.30 for the second session today.

14 Thank you very much. The hearing is adjourned.

15 THE COURT USHER: [11:01:57] All rise.

16 (Recess taken at 11.01 a.m.)

17 (Upon resuming in open session at 11.31 a.m.)

18 THE COURT USHER: [11:31:04] All rise.

19 Please be seated.

20 PRESIDING JUDGE TARFUSSER: [11:31:16] Good morning again, Mr Mangou. I
21 give the floor --

22 THE WITNESS: [11:31:35] (Interpretation) Good morning, Mr President.

23 PRESIDING JUDGE TARFUSSER: [11:31:41] I give the floor back to the Office of
24 the Prosecutor for his questioning.

25 MR MACDONALD: Thank you, your Honour.

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1 Now, Mr Mangou, let us continue. And I will now show you a video of 12 January
2 2011, and the document is CIV-OTP-0074-0063 from timestamp 3.14 to 11.38. The
3 corresponding transcript is 0087-0485. And with your leave, I need a second to find
4 the tab.

5 THE COURT OFFICER: 11:32:59] It's tab 522.

6 MR MACDONALD: [11:33:01] Thank you very much.

7 (Interpretation) That will be displayed on evidence 2.

8 Q. [11:33:22] Mr Mangou, we shall view the excerpt of this video. Are we
9 together?

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [11:33:46] (Interpretation of the video excerpt)

12 Ladies and gentlemen, good evening. A ceasefire is in place from this evening in
13 Abobo and Anyama. Here is the chief of general staff, General Philippe Mangou.
14 Please listen to him.

15 Declaration or statement by the Forces for Defence and Security of Côte d'Ivoire.

16 The recent demonstrations and trouble to public order, acts of vandalism and
17 barbarism, killings and assassinations carried out by militants of the RDP organised
18 by this political party of the opposition on 16, 17 of December 2010 led to the death of
19 21 members of the FDS of Côte d'Ivoire.

20 Since that time calm has never returned to this country. And tens of people have
21 died resulting from the use of war weapons against the elements of the FDS and
22 innocent people of Côte d'Ivoire.

23 Not a single day goes by without the FDS of Côte d'Ivoire, which are on a mission to
24 secure and protect, and provide protection for the population, *being targeted
25 principally by armed persons who are engaged in civil disobedience and insurrection

1 and *all types of assassinations in response to *continued calls from politicians *holed
2 up at the Golf Hotel. On 11 January, Tuesday, shots fired *with weapons of war
3 against the units of the FDS on patrol at Abobo Gare, specifically at PK18, led to the
4 death of *2 people while 9 were injured and various vehicles *were damaged, vehicles
5 belonging to the FDS of Côte d'Ivoire. Given such an atmosphere of quasi insecurity
6 and the threat of war against the hard working population of this commune and
7 attacks against the FDS, armed attacks against the FDS in this background, the
8 following urgent measures have been taken: A ceasefire is instituted in Abobo Gare
9 and Anyama in those neighbourhoods from today, Wednesday, 12 January 2011, from
10 7 p.m. till Saturday, 15 January 2011, at 6 a.m. in the morning.

11 This is an exceptional measure which will enable the FDS of Côte d'Ivoire to firmly
12 carry out their sovereign and republican mission, which is to secure and protect the
13 population.

14 The measure will be implemented by the FDS of Côte d'Ivoire in a bid to seek out and
15 unmask all persons responsible for these armed attacks and aggressions, to find all
16 persons who from their hideouts seek to attack the republic.

17 The FDS of Côte d'Ivoire hereby call on all human rights organisations at home and
18 abroad and national and international organisations to bear witness to these attacks
19 against it assimilated to acts of war perpetrated by these persons and therefore place
20 themselves in a position of legitimate defence.

21 Accordingly, it reserves the right henceforth to riposte henceforth using all possible
22 means to all attacks regardless of where they come from. That is why the FDS of
23 Côte d'Ivoire warn the other communes in Côte d'Ivoire about such actions that have
24 been reported above.

25 The communes will be identified accordingly and will face the same type of

1 retaliatory measures. Still in the absurd logic of destabilising Côte d'Ivoire, these
2 politicians who are holed up at the Golf are engaged in campaigns of intoxication of
3 the Ivorian people and causing officers and other categories of the soldiers to defect to
4 join what is purported to be a government based at l'hôtel du Golf.

5 The FDS of Côte d'Ivoire informs the worthy people of Côte d'Ivoire that its officers
6 involved in this information campaign no longer belong to their troops because they
7 have been henceforth relieved of their military obligations to the State of Côte
8 d'Ivoire.

9 In this regard, these people can continue to conduct themselves in whatever way they
10 deem appropriate. The FDS of Côte d'Ivoire reaffirm that they have never been as
11 united and in as much solidarity as now in all their components. They call on all
12 Ivorians to remain calm.

13 All battles seek to achieve an objective within a specific context. The main battle in
14 which the FDS is involved is unequivocally in this so called post-electoral crisis which
15 is borne of the absurd will or desire of some people, both within and externally, to
16 disrupt or disturb the total independence of Côte d'Ivoire *to determine its own
17 destiny.

18 The FDS therefore is involved in the singular fight to safeguard the sovereignty of
19 Côte d'Ivoire in the context of a scrupulous respect of its institutions and its
20 constitution.

21 Therefore, the FDS of Côte d'Ivoire call on the entire population to remain calm. It
22 asks the population to continue to go about their occupations quietly. This is the
23 guarantee for the well-being of all and sundry that would also contribute to the
24 economic relaunching of our dear fatherland Côte d'Ivoire. May God bless Côte
25 d'Ivoire.

1 Done in Abidjan on Wednesday 12 January 2011, signed the Lieutenant General

2 Philippe Mangou, chief of general staff.

3 PRESIDING JUDGE TARFUSSER: [11:42:11] Thank you. Yours the floor.

4 MR MACDONALD: [11:42:15] (Interpretation)

5 Q. [11:42:25] You must certainly remember this communiqué, Mr Mangou.

6 A. [11:42:35] Yes, indeed. When a communiqué is as clear as this one, then there
7 is even no need for discussion.

8 What I want to say is that I am the one who read out this communiqué myself.

9 However, there is something I want to point out, because things evolve. *After a
10 number of *personal investigations, I *had attributed responsibility for the killings in
11 *Abobo to the RHDP. *May they pardon me for that.

12 At the end of the crisis, I found out that the responsibility for the killings in Abobo
13 *did not lie with them. I have a testimony to give you in that
14 connection.

15 However, regarding everything else that is contained in the document, this indeed is
16 what we said.

17 Q. [11:43:35] When did the president authorise that decree which was read on the
18 news at 8 p.m. on 12 January 2011 at 8 p.m., my question is the following: At what
19 time did the president authorise you to read this release?

20 A. [11:44:13] As soon as the decree is received, we bring it to the attention of the
21 population.

22 Q. [11:44:20] Was this pre-recorded?

23 A. [11:44:27] Yes, it is indeed a pre-recorded item, because the cassette was
24 subsequently taken to the RTI.

25 Q. [11:44:41] At that time, mindful of what you say, were you in a state of war?

1 A. [11:44:49] Yes, I can affirm or confirm that because, you see, when you send
2 troops whom you have briefed that very morning on a mission to provide security to
3 the population in a given neighbourhood, and when those troops come back from the
4 mission and inform you that three to four of your men have fallen, I must confirm
5 that this is very, very hard to bear. It's difficult to bear.

6 You see, our mission, our mission is to defend our territorial integrity at all times in
7 all places under all circumstances with a view to protecting people and property.

8 Our mission is not to go and kill people.

9 So when we go out on mission, our troops come under attack by civilians, armed
10 civilians, who see us approaching given that we wear our normal uniforms and we
11 travel in our normal vehicles. Our vehicles are destroyed. Our men are killed.

12 And it is for this reason that a warning must be issued.

13 And in so doing, call on the population to be our witness. To also call on those who
14 also came to help us to be our witness. And I'm referring here to the United Nations
15 forces. It is in that context that we made this statement.

16 Q. [11:46:34] Before the reading, or should I say the recording, of this statement,
17 did you have a meeting at the general staff HQ with the generals?

18 A. [11:46:58] Yes, indeed. As you can see, the statement was made in the conference hall
19 of the general staff headquarters. So following the meeting with our forces' commanders
20 and pursuant to the many deaths *recorded among our men, we decided, after informing
21 *Minister Alain Dogou to issue a statement *calling on the people *to be witness to these
22 things and also to ensure that the *ONUCI is aware of what is going on.

23 Q. [11:47:44] One moment, please.

24 (Counsel confer)

25 MR MACDONALD: [11:48:04] (Interpretation)

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1 Q. [11:48:06] What was the legal basis for your presence at that time if you were in
2 a situation of war? And I'm referring to the Ivorian laws?

3 A. [11:48:31] When you see people using weapons of war, then in fact, these must
4 be war times. That's one.

5 Secondly, we had been requisitioned and it is in the context of that requisitioning that
6 some of our men fell.

7 (Counsel confer)

8 MR MACDONALD: [11:49:30] If you allow me, your Honour, just a few seconds to
9 find a video of the 15th, a video of 15 January, sorry.

10 Your Honour, if you allow me just a second. Just a second.

11 Your Honours, in light of the response of the witness and picking up on the
12 possibility of showing material not on the LOM, but on the list of evidence, I would
13 like to show a video of 15 January always on the question of the legal basis. It's the
14 reading of a decree. Yes, the ERN is 0064-0111. It's a video that has been the
15 subject of a bar table motion to which the Defence has additional time to respond.
16 So with your permission we would seek possibility to do that.

17 PRESIDING JUDGE TARFUSSER: [11:51:21] Maître Altit.

18 MR ALTIT: [11:51:23] (Interpretation) Thank you, Mr President. We do not object
19 to the playing of this video in the spirit of collaboration.

20 PRESIDING JUDGE TARFUSSER: [11:51:38] Thank you very much.

21 Mr Knoops.

22 MR KNOOPS: [11:51:41] Mr President, we leave it in the hands of the Chamber.

23 PRESIDING JUDGE TARFUSSER: [11:51:46] Okay.

24 MR KNOOPS: [11:51:46] We just observe that the Chamber has previously ruled
25 that materials which is subject of legal proceedings are not automatically to be

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1 disclosed by the Prosecution pending those proceedings.

2 PRESIDING JUDGE TARFUSSER: [11:52:00] Mr Prosecutor, please go ahead.

3 Thank you.

4 MR MACDONALD: [11:52:04] And I'm very sorry, we do not have a transcript.

5 But it's in the same vein as reading decrees. So if the court clerk or Registry could

6 call up the video, 0064-0111. And if I'm not mistaken, it starts from the very

7 beginning, 3.17, minute 3.17 to 4.35.

8 Q. [11:53:42] (Interpretation) I will be putting some questions to you,

9 Mr Mangou.

10 PRESIDING JUDGE TARFUSSER: [11:53:50] That is what you do since two days, so

11 nothing new.

12 (Viewing of the video excerpt)

13 THE COURT OFFICER: [11:54:07] Evidence channel 2. Evidence channel 1, sorry.

14 It's on both.

15 (Viewing of the video excerpt)

16 PRESIDING JUDGE TARFUSSER: [11:55:53] Yes, please.

17 MR MACDONALD: [11:55:54] So we get the decree number of the one of 12 January.

18 And now for the preamble, I would like to show another decree that is read, if I'm not

19 mistaken, on the 19th.

20 PRESIDING JUDGE TARFUSSER: [11:56:13] Don't we have this decree in hard

21 copy?

22 MR MACDONALD: [11:56:16] No, we don't, your Honour. We don't. They were

23 not being published during that period to the Gazette officielle. So that's why the

24 only versions we have are the ones shown on la RTI. And the ERN number is the

25 same as I just mentioned, but the end numbers are 0112. The date will be mentioned

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1 in the broadcast itself of the decree.

2 Court usher, the timestamps, it's from the same time when it's being read at the start
3 of the news bulletin, and we can stop at the end of the preamble, okay? We don't
4 need to listen to the articles.

5 THE COURT OFFICER: [11:57:28] Can we please have the timestamp if it has to be
6 shown from the Registry bench, please? Thank you.

7 MR MACDONALD: [11:57:34] Unfortunately I don't have the timestamps, but it
8 should be around 3 minutes. Yes, we can start from there.

9 (Viewing of the video excerpt)

10 MR MACDONALD: Sorry. I'll come back to that with the timestamp. I thought it
11 was at the beginning, but obviously I'm mistaken. If you'll allow me just one second.
12 I'm sorry, I wasn't expecting showing this, your Honour, or having to show it. Just a
13 second.

14 So the exact, sorry, timestamps is 49.20, sorry.

15 (Viewing of the video excerpt)

16 MR MACDONALD: [11:59:31] Listen, I'll leave this, your Honour, we'll come back.
17 We'll come back. We'll come back. Sorry.

18 PRESIDING JUDGE TARFUSSER: [11:59:44] Yes. I must say, I don't understand
19 also the utility of reading the preamble of a decree, but it's up to you.

20 MR MACDONALD: [11:59:51] But, your Honours, for the same reasons I
21 mentioned --

22 PRESIDING JUDGE TARFUSSER: [11:59:55] Yes, I do know, but a decree normally
23 is somewhere also put in writing somewhere.

24 MR MACDONALD: [12:00:01] Yes, your Honour. But I --

25 PRESIDING JUDGE TARFUSSER: [12:00:03] If it's submitted it's in the record of the

1 case, so I do not understand. But I don't want to open a debate --

2 MR MACDONALD: [12:00:11] No --

3 PRESIDING JUDGE TARFUSSER: [12:00:12] -- I just express my --

4 MR MACDONALD: [12:00:16] -- I'm explaining --

5 PRESIDING JUDGE TARFUSSER: [12:00:17] No, no. I just express my views. But
6 please go ahead, otherwise we lose time and I don't want to lose time.

7 MR MACDONALD: [12:00:23] Okay. All right.

8 Q. [12:00:47] (Interpretation) So I'm going to be showing to you and I'm going to
9 be calling up an item from the national inspector of police, Monsieur Brindou M'Bia,
10 CIV-OTP-0045-1193.

11 Very well. So we are referring to the decree in the third line. And this is a
12 document still from Mr M'Bia. And we're referring to the decree of 12 January 2011
13 installing a curfew in the communes of Abobo and Anyama as follows.

14 So the military operations will be conducted by *units of the national armed forces
15 *(FANCI) and by the national gendarmerie. And I understand that the police are in
16 third position at this moment in time. That's my question to you.

17 A. [12:02:52] In third position?

18 Q. [12:02:57] That is to say that the FANCI are upfront, the gendarmeries and then
19 the policemen are bringing up the rear?

20 A. [12:03:06] No, not at all. He mentioned this in a dis-order, if you like, only
21 mentioning the units that are going to be taking part in the patrol, not in order.

22 However, in the order of combat, you have the forces of first and second category that
23 take up the first position and then the armed forces come as a support.

24 But here, this is a patrol mission. That is different than an operation that is led out in
25 the field.

1 Q. [12:03:37] So according to this document, the DGPN, or rather, the police, is
2 conducting law enforcement, and the FANCI and the gendarmes are too?

3 A. [12:03:50] All he did here was repeat the message that I had sent, you know, in
4 order to make secure the zone where the curfew had been decreed. So everyone was
5 taking part in making that area secure. Now as far as the operation is concerned, the
6 policemen may find themselves in a given area; *policemen, gendarmes and soldiers
7 carry out patrols.

8 Q. [12:04:22] At this moment in time I would like to pursue. And subsequent to
9 reading this communiqué, we can see you read the communiqué, did you have any
10 meeting with the president of the republic?

11 A. [12:04:51] No. I did not have any meeting with the president of the republic. I
12 specified at an earlier stage that in order to read the communiqué, we reported to the
13 minister of defence, and he is of course in charge of executing for the defence policy,
14 and he has to report back to the president of the republic.

15 Q. [12:05:14] Subsequently we've seen this communiqué. We've seen it being
16 presented over the 8 p.m. news. Did you then go to the residence to see the
17 president?

18 A. [12:05:31] No, I did not go to the *residence to see the president. We gave the
19 communiqué in order to call the attention of the population to a number of facts and
20 to warn the UNOCI. I do not believe that I went to the presidency.

21 Q. [12:05:53] So now I shall be calling up item 0088-0863, and if we could please go
22 *to page *1087 thereof. We can see here that this is the decree of 12th, 12th of January
23 2011, the logbook of the visitors to the residence. And if we could please turn over
24 to the following page, that is, page 1089, 1089, 1089, and if we could please zoom in
25 on page -- on line 34 to 44, lines 34 to 44, please, until the end of the document indeed.

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1 So we can see at entry number 34, Mr Brindou M'Bia who is logged in at 21.56; and
2 you yourself, the CEMA, at 21.50; General Kassaraté at 21.53; Mr Dogbo Blé at 21.54;
3 and we can also see that some ministers were there, including Minister Blé Goudé at
4 entry number 40 at 22.25, and we can see the time of departure.

5 MR N'DRY: [12:08:28] (Interpretation) Mr President, we're not going to come back
6 to the same observations time and time again. Is there a question to put to the
7 witness with regard to this logbook, you know, once and for all?

8 PRESIDING JUDGE TARFUSSER: [12:08:41] I just say what we see, we read. Just a
9 question.

10 MR MACDONALD: [12:08:48] I am, your Honour, if you'll --

11 PRESIDING JUDGE TARFUSSER: [12:08:50] Yes, but you are showing.

12 MR MACDONALD: [12:08:51] The transcript, what is a transcript going to show,
13 your Honour, nothing.

14 PRESIDING JUDGE TARFUSSER: [12:08:55] Yes. But we have the reference. So I
15 would like, just put the question: We see all people nominated from number 34
16 following, question.

17 MR MACDONALD: [12:09:16] (Interpretation)

18 Q. [12:09:17] Does this refresh your memory, Mr Mangou, with regard to a meeting
19 on 12 January 2011?

20 A. [12:09:25] Not at all. I would like to be specific. I defined to you the meetings
21 with the president of the republic at the presidential palace with specific dates that I
22 gave you. And I remember having said to you that with regards to the residence, we
23 had so many meetings that I can't give you a specific time or a date. I was clear on
24 that. So when you present a document to me, this is my name, but as to at what time
25 I was there, you know, I'm only human. And we forget things.

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1 So if you say that this is with regard to such-and-such a fact, I can tell you why I was
2 there. But if I see a logbook where there is the identity of the various individuals
3 visiting, including the CEMA, I can't remember what meeting we were in attendance
4 to.

5 Q. [12:10:21] Very well. I'm now going to be showing a video to you. And the
6 video that I'm going to be showing to you is a brief excerpt. It's 0064-0110, from
7 minute 3.49 to 6.34.

8 THE COURT OFFICER: [12:11:04] The Prosecution has the floor, evidence channel 2.

9 THE INTERPRETER: [12:11:10] Message from the interpreter: We would require
10 the tab number for the video, transcript please.

11 PRESIDING JUDGE TARFUSSER: [12:11:15] The transcript, video transcript, the tab
12 number? Can we please have the tab number of the transcript for the interpreters.
13 Thank you.

14 MR MACDONALD: [12:11:39] 494.

15 PRESIDING JUDGE TARFUSSER: [12:11:43] Thank you.

16 THE COURT OFFICER: [12:11:58] Public video.

17 PRESIDING JUDGE TARFUSSER: [12:12:24] So they're ready, ready to play the
18 video.

19 MR MACDONALD: [12:12:28] Yes, if we can show it, please.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [12:12:37] (Interpretation of the video excerpt)

22 Yesterday, Wednesday, the president of the republic *, President Laurent Gbagbo

23 *exchanged views with the chiefs of major *commands of the national army.

24 Together, they examined the security situation in the country and then they took
25 measures in order to ensure the security of the country and Ivorians.

1 This encounter with the chief of state, President Laurent Gbagbo with the
2 high-ranking military brass was of importance, was of capital importance. In view
3 of the amplitude of the attacks and violence perpetrated by armed individuals who
4 are targeting the Forces for Defence and Security and the population who do not
5 follow their cause, the president of the republic, Laurent Gbagbo, supreme
6 commander of the army, gave an account of the situation with the generals and well
7 in advance the chief of staff.

8 The commanders of the national marine, the air force, the ground force, the CECOS,
9 the gendarmerie and the police and the Lieutenant General Philippe Mangou
10 provided measures in order to make secure the territory and to put a stop to the
11 violence and to make certain communes of Abidjan uncontrollable.

12 This encounter was extended to the members of the government, namely, Prime
13 Minister Gilbert Aké N'Gbo.

14 The Lieutenant General Philippe Mangou coming out of the meeting denounced the
15 biased attitude in the field with regard to the UN Blue Berets.

16 Philippe Mangou: I have always accused the UN forces of being in cahoots with the
17 rebels. I've always said this, because we cannot understand after the attack, two
18 minutes just after the attack, that approximately 10 four-by-fours drive by, see our
19 dead, see our people lying wounded in despair and drive just, just drive by. They
20 say that they are seeking out the population and trying to make things secure for us.
21 We do not understand. And then a short while later they drove past again firing
22 into the air.

23 Now, I was very sour with General Hafiz. I explained my discontent to him. We
24 had a meeting and I told him the truth.

25 The journalist: This is provocation. According to you, for some time now, the UN

1 forces have been acting such according to you. Do you assimilate with provocation?

2 Yes, it is provocation. But it is shameful on their part because their initial mission is
3 to be impartial, is to act as an enter-position force and to bring peace. But here, this
4 is quite something else. And we find it is really, really shameful on their part.

5 Journalist: What are the measures that are taken?

6 The measures? Well, listen, you know that the measures that have been taken by the
7 government, the Ivorian government, you know what they are, don't you? They are
8 requesting that the forces leave once again. We do not want to work with these
9 forces any longer. Thank you.

10 This was an encounter with the high military ranks between the chief of state
11 Laurent Gbagbo and it lasted for two hours.

12 End of sight translation.

13 PRESIDING JUDGE TARFUSSER: [12:16:27] Thank you.

14 Now, Mr MacDonald.

15 MR MACDONALD: [12:16:29] (Interpretation)

16 Q. [12:16:38] Seeing this video once again, has it refreshed your memory?

17 A. [12:16:41] Of course it refreshes my memory. And I also know under which
18 circumstances I made said statement.

19 PRESIDING JUDGE TARFUSSER: [12:16:52] Please tell us.

20 MR MACDONALD: [12:16:55] (Interpretation)

21 Q. [12:16:56] Indeed, so what was the discussion that you had with the president
22 and those in attendance?

23 A. [12:17:05] Well, Mr President, I was very bitter with regard to the UN forces
24 because I am of the opinion that when a country is in crisis and when a force comes to
25 help you find the road to peace, then it has to behave itself in a certain way.

1 I do want to *discredit the entire impartial force that did, *as it were, a satisfactory job
2 in Côte d'Ivoire *by helping the country go towards peace, because we are soldiers.
3 And I know that when you leave your country, when you leave your family in order
4 to serve a country, it is not an easy matter. They did the basics. But in all grouping,
5 in all coming together of individuals, there are some individuals who by virtue of
6 their behaviour throw discredit or discredit the work of the group as a whole. So as
7 I say, I was very bitter, Mr President, because I was saying to you, in the night of the
8 11th to the 12th, our policemen who had gone out in order to make sure Abobo *was
9 safe and secure, were at the Abobo roundabout *and were surrounded, killed, and
10 vehicles were burnt to cinders.
11 And at the same time, a convoy of 10 vehicles arrived of impartial forces. Some of
12 them were still agonising. They were lying in their blood. They were still not dead.
13 And they looked at them, turned on their heels, got into their vehicles and left.
14 And we are here within the context of international justice. This is a very serious
15 error. The refusal to assist a person in danger. And amongst us soldiers, we
16 brothers in arms have a certain fraternity, and this is not just playing lip service to
17 that. It also needs to be felt in our behaviour and in facts.
18 Let me give you an example, Mr President. Nine officers from the armoured corps
19 who had just, who went to the west of Côte d'Ivoire, these were Bangladeshi –
20 correction, these were Bangladeshi soldiers. They were in *Youpougon Niangon and
21 they were surrounded by an enormous crowd, and *being in a state of fright they put
22 up their windows.
23 And as the population knew that it was hot and that they wouldn't be able to put up
24 with the heat, they just stood there and watched.
25 They were sort of cooking in the car. And General Hafiz called me and said, "I've

1 got people who have come here from the West, but they made a mistake with their
2 itinerary. And they went to Yopougon. And they can't move. Can you please
3 help me?"

4 I didn't even need, Mr President, to take any soldiers from the army. I just took
5 members of my guard. I arrived in Niangon. I talked to the people. I managed to
6 get them out of there one by one to put them in the Niangon police station until the
7 nine Bangladeshis were taken out, put in the police station. Two vehicles were taken.
8 Some of them got in the car with me. I took them home to my own residence. My
9 wife gave them something to drink. We gave them some food. I enabled them to
10 rest. I enabled them to recuperate. And then with two vehicles, I then went to
11 hand them over to General Hafiz of UNOCI.

12 But you don't have any documents about that because nobody said thank you for that.
13 But I don't expect to be thanked by fellow humans. I did this because I'm a Christian
14 man, because I'm a Christian, and because God will thank me.

15 So when they act like that in the face of our forces, it really is revolting. I find this
16 revolting, because today, Mr President, it's disgusting. There are, you know, would
17 we then allow those people to take it out on the youth of the country and then they
18 might find themselves in a situation where they can assist people and they turn their
19 backs? No.

20 You yesterday were talking about the DIH, you know, the humanitarian law. People
21 not respecting humanitarian law is a serious thing. So I was not tender with them.
22 I was not kind to them. I informed General Hafiz of the matter.

23 *A policeman who has fallen, who is agonising, who *was not yet dead, you leave
24 him there and off you go.

25 And the second reason I intervened is because with regard to the organisation of

1 patrols, even when the elements are of the same patrol and they're out and about
2 patrolling, we try and make sure that they don't come on the same terrain because at
3 nighttime, it's difficult to distinguish people. And then, you know, you might -- all
4 cats are grey. And you might fall upon the enemy. And if the UNOCI wants to be
5 part of our patrols, ask us. We won't say no. But if we go to Abobo and then we
6 see them coming, and then at nighttime when you see the lights on, you can't identify
7 who is coming.

8 So I found that really it was provocative, that it wasn't friendly on their part to not
9 come to the assistance of their brothers in arms, to see them dying without bringing
10 them any assistance of any form, getting in their cars and going on their way. And
11 that is why, Mr President, I made said statement.

12 PRESIDING JUDGE TARFUSSER: [12:24:01] Mr Prosecutor.

13 MR MACDONALD: [12:24:04] (Interpretation)

14 Q. [12:24:07] What did you talk about with the president on that evening before
15 you spoke on the television? So what was the subject or the substance of your
16 meeting with the president?

17 A. [12:24:26] Now, the subject of the meeting with the president is simple. Every
18 time we saw him, we would give him a situational report. We would tell him what
19 the situation or prevailing situation was.

20 And as I underscored, from the 11th to the 12th, there was the loss of six of our
21 policemen with the destruction of their accompanying equipment. And we also
22 talked about the situation prevailing generally speaking across the entire territory.
23 Don't concentrate too much on Abobo because we were taking into account the
24 territory that we were active in. *Regarding the various patrols that took place, even
25 if there is nothing to report, we would say in the report that there is nothing to report.

1 When there are losses, loss of life, or wounded individuals, then we would report that,
2 and that is the kind of meeting that we held with the president of the republic.

3 Q. [12:25:27] Did he give you any instructions subsequent to your debriefing?

4 A. [12:25:36] No. The president did not give any instructions. He knew that we
5 were doing our job, that we had been requisitioned. He didn't give any specific
6 instructions. At the time it was the police out in the field within the law enforcement
7 context, and there wasn't any specific situation that justified any moving around and
8 encountering the enemy. So really, it was reporting back on patrols and other
9 things.

10 Q. [12:26:08] So you have just mentioned and I would like us to understand
11 correctly that on the 12th of January, you were still in a law enforcement mode?

12 A. [12:26:28] On the 12th of January, we were still in law enforcement mode. And
13 I'm going to define the period from 11 January to 21 February, it was the police who
14 were fulfilling that mission.

15 Q. [12:26:43] I would now like to call up CIV-OTP-0071-0407. And with regard to
16 the tab, unfortunately, I don't have it with me.

17 THE COURT OFFICER: [12:27:32] Tab 417.

18 MR MACDONALD: [12:28:08] (Interpretation) We also have a hard copy, but it
19 might be timely for us to now hand over a hard copy to the witness in view of the
20 length of the document.

21 Q. [12:30:07] Now, Mr Mangou, I'm going to interrupt you. This is -- what is this
22 document?

23 A. [12:30:19] Now, this isn't an operation. This is a given one-off activity in a
24 given area, a one-off activity in a given area. It's different from an operation or an
25 offensive that is led.

1 Q. [12:30:33] And what is this one-off action? And what area is it?

2 A. [12:30:39] It's in Abobo, because you have to understand that in terms of law
3 enforcement, when *nothing is happening, the policemen are in position and they're
4 observing, well, if there is an area where there is movement and gunfire, then we lead an
5 action there, because the policemen have conventional means *for law enforcement. But
6 it is different from the second operational phase where we are moving around. If you
7 want, it is a coup de poing operation, one-off operation that we lead in a given area.

8 THE INTERPRETER: [12:31:21] Overlapping speakers.

9 MR MACDONALD: [12:31:23] (Interpretation)

10 Q. [12:31:25] What is this kind of one-off operation?

11 A. [12:31:28] A one-off operation of this type *opération coup de poing, is *an
12 operation with a specific goal because it's quite precise in a given situation.

13 Q. [12:31:33] Now, let me draw your attention to the annex, page 0414, *the annex
14 where you find annex DIH. Are you there?

15 A. [12:32:15] *I am looking for it.

16 Q. [12:32:20] *(Microphone not activated)

17 A. [12:32:28] Yes, I can see DIH.

18 Q. [12:32:38] Page 0414. Now, at that time the rules and the missions were those
19 of law enforcement, the laws to be upheld, correct?

20 A. [12:32:52] Yes, that is correct. And this note deals with your concern as to
21 whether our soldiers received training in international humanitarian law. You see,
22 when we give them missions, we *lay emphasis on this. Now, the colonel who
23 handled this *FRAGO reminded the troops of human rights, *national laws and
24 customary rights that need to be respected. And then further down you see
25 reference is made to the rules to be observed in all cases: Respect of persons and

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1 property, prohibition to conduct or to proceed to acts of abuse and pillaging and
2 facilitating intervention by the *ICRC and the national Red Cross *and the medical
3 corps. So these are the rules that apply to the conduct of soldiers on the field.

4 Q. [12:33:52] Very well. So to confirm, did you say that you were in a situation of
5 war? Did you say that a short while ago *, in relation to your declaration *on RTI,
6 *your statement of 12 January*? Now, what about 18 January? *Was this a law
7 enforcement *operation ?

8 A. [12:34:20] Yes. Law enforcement mode as a one-off operation. When the
9 colonel made his statement, he talked about a specific zone which is 2,000 square
10 metres in surface area, can you see that? When it comes to the field, he specified that
11 we were dealing with an area of about 2,000 square metres. And I told you
12 yesterday that Abobo has a surface area of about 10,000 hectares. So this was an
13 operation carried out in the specific location mentioned in the report.

14 Q. [12:35:05] To wrap up questioning on this document, I would like to call up
15 page 0412 of this document and let's look at point 3.G, *and the caption is
16 "instructions on coordination". And at the bottom of the page is 0071-0412, item 3.G.

17 A. [12:35:55] Yes.

18 Q. [12:35:59] You can see: End of assembly, 12th January, 12th January 2011, at 14
19 hours, at the official grounds of the HQ.

20 So we're going back to the 12th of January, in this document of 18th January.

21 A. [12:36:24] Yes.

22 Q. [12:36:26] And there is a link established, isn't it?

23 A. [12:36:28] Yes.

24 Q. [12:36:29] Very well. Okay. Let's proceed. I would now like to call up the
25 next document, the next document on our list, CIV-OTP-0046-0507. I will be

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1 providing the tab in a second.

2 THE COURT OFFICER: [12:37:19] Tab 247.

3 MR MACDONALD: [12:37:21] 247, exactly.

4 Q. [12:37:44] (Interpretation) We will give you a hard copy of the document,
5 which is a few pages long.

6 Now, at page 0508, Mr Mangou, we see your signature. That is the second page of
7 the document.

8 A. [12:38:44] Yes.

9 Q. [12:38:47] What is this document about, apart from what we can read?

10 A. [12:38:58] *This is within the action principle, whereby following the assembly,
11 19-18 hours -- or, rather, from 19 hours to 08 hours there are patrols in Abobo.

12 Q. [12:39:42] Mr Mangou, I would like to set aside the matter of the offensive *and
13 the phases you referred to as being the *offensive activity *you were involved with in
14 the month of February. We will deal with that later this afternoon. But let me *first
15 of all now revisit a meeting of 20 January 2011 which you had at the staff HQ, and
16 *you already told the Chamber it was in the presence of Blé Goudé, Richard Dakouri,
17 Serges Kassy and the *generals. Can we do that? What can you tell us about that
18 meeting?

19 A. [12:40:34] On 20 January 2011 at around 9 a.m., we received at the staff HQ
20 Mr Blé Goudé in the company of Mr Richard Dakouri and Serges Kassy. They came
21 bearing an invitation from the Jeunes Patriotes to a ceremony to pay homage to the
22 Forces for Defence and Security.

23 Q. [12:41:15] Why?

24 A. [12:41:15] I cannot tell you why. We were invited to a ceremony, and it was for
25 us to answer or not to answer. But what I can tell you is that our response to the

1 invitation was favourable.

2 Q. [12:41:36] According to you, at that time and mindful of the two persons, the
3 acolytes of Mr Blé Goudé, namely, Mr Dakouri and Mr Serges Kassy, did he come as a
4 minister or as a youth representative?

5 PRESIDING JUDGE TARFUSSER: [12:42:09] Will you rephrase it.

6 MR MACDONALD: [12:42:10] I will, your Honour.

7 MR GBOUGNON: [12:42:13] (Interpretation) Mr President.

8 PRESIDING JUDGE TARFUSSER: [12:42:22] Maître Gbougnon.

9 MR GBOUGNON: [12:42:24] *(Interpretation) Thank you, Mr President. I have
10 another remark. In French, the word used is "acolyte," which is "sidekick" or acolyte.
11 *That word has a very serious connotation, Mr President.

12 PRESIDING JUDGE TARFUSSER: [12:42:33] I do understand perfectly. I do
13 understand it and it gives a negative, it has some negative impression, as in Italian.
14 So yes, yes, it has a negative meaning. I would ask you to be more neutral.

15 MR MACDONALD: I'll rephrase it.

16 PRESIDING JUDGE TARFUSSER: [12:42:48] Yes, please.

17 MR MACDONALD: [12:42:50] (Interpretation)

18 Q. [12:42:51] Mr Mangou, in what capacity did he come? I'm sure you understand my question.

19 A. [12:42:58] Well, I wanted to point this out myself, that the word "acolyte" or
20 "sidekick" is pejorative. The chief of general staff cannot be receiving acolytes. I
21 wanted to point that out. These are young Ivorians. Blé Goudé did not come in his
22 capacity as a minister. He came in his capacity as the leader of the Jeunes Patriotes.
23 And I said a short while ago that my answer to the invitation was favourable.

24 Q. [12:43:32] Did you have any discussions -- we see that there were generals
25 around the table. I'm not going to show you the video which you are familiar with;

1 the Chamber is familiar with that as well. I will not show you that video now.

2 A. [12:43:51] Mr President, we did not discuss the invitation. He simply called me
3 and told me that he *wished to come to bear the invitation himself. I am the one
4 who convened the generals because this was an invitation to the FDS.

5 Q. [12:44:06] At the ends of that meeting, did you make a statement or declaration
6 to the media?

7 A. [12:44:14] Yes. At the end of the meeting, I made a statement which focused
8 essentially on the prime minister. You see, at the time, Prime Minister Soro and
9 myself had been in touch, and our primary concern was to ensure that dialogue
10 would occur between the LMP candidate and the RHDP candidate.

11 On that point, the prime minister knew what my views were pertaining to the results
12 of the elections. He announced then that I know the results. But then, as a soldier,
13 it was not up to me to announce the results of the elections.

14 But let me skim over this very, very briefly because, you see, when Prime Minister
15 Soro travelled to Equatorial Guinea, he honoured me, because it fell under my
16 diplomatic constituency, he received me in his room. We had a talk. We
17 understood each other and I apologised to Prime Minister Soro.

18 And I wanted to thank him here because one must note that Prime Minister Soro
19 always had some measure of consideration when it came to me. You see, when he
20 was going to be appointed prime minister under the Ouaga agreements, he called up
21 Bakayoko and myself. It was an honour for us. So he sought our opinion before
22 doing anything. And I think that he seeks and considers my opinion.

23 So I want to put this incident behind me and I don't want to talk about it anymore.

24 Q. [12:46:09] *Very well. I will still show you the video, *0048-1670 and the
25 transcript. We shall show an excerpt from timestamp -- one moment, please. One

1 moment, please. The transcript is -- (Speaks English) Thank you. So the ERN of the
2 video is 0048-1670. The transcript is 0049-0040. And the timestamps, we'll start it
3 from the beginning until the end of the speech of Mr Mangou, or the intervention, I
4 should say, of Mr Mangou, your Honours.

5 THE INTERPRETER: [12:47:48] Message from the interpreters: Could we be given
6 the tab for the transcript.

7 THE COURT OFFICER: [12:47:53] Tab 308 for the interpreters.

8 THE INTERPRETER: [12:47:56] Thank you.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [12:48:15] Mr President, unfortunately, our binder doesn't bear
11 tab 308.

12 (Viewing of the video excerpt)

13 THE COURT OFFICER: [12:48:45] It's tab 306 for the interpreters, *page 58, line 7 on
14 evidence channel 2.

15 THE INTERPRETER: [12:49:23] (Interpretation of the video excerpt)

16 The chief of general staff, General Philippe Mangou, speaks the truth to Alassane
17 Ouattara and Soro Guillaume. He calls them to reason. He announces that the
18 army is ready for any outcome, and he made the declaration following a meeting with
19 the minister of youth this morning *at the staff HQ. Mambo Abbé.

20 Mambo Abbé:

21 In his *dual capacity as the youth leader and minister of youth, Minister Charles Blé
22 Goudé met the *general staff of Côte d'Ivoire at the time when the *state had to face a
23 war brought upon *it by the west and some *neighbouring countries which are
24 accomplices and working with the rebellion that has occupied the north of the
25 country.

1 CBG: This time is *for the sacred union. One chief. One people. *Whereas some
2 dreamers think they are dealing with a weak army, they are mistaken because they
3 got it wrong *and were stung when they came across it. We *are indeed proud of
4 our army. And although we are proud of it, at the same time we have to be at the
5 battlefront, at the forefront every day during this crisis. Unfortunately, where there
6 is fighting, where there is fighting, we are losing some of our brothers in arms.
7 We must defend ourselves together, defend our country together, each person in their
8 own area. But the army is at the front. And in spite of the division, in spite of the
9 lies which are carried over the radio, our army is together.

10 My friends and myself have decided *to organise this Sunday, 23 January, *at the
11 Champroux stadium, a major rally to pay homage to our army.

12 MA: Well received by the generals of the *defence and security forces, FDS, and
13 they gave an appropriate answer to Charles Blé Goudé *at that time.

14 Among other *issues they talked about at this meeting, *the chief of general staff
15 insisted on answering Guillaume Soro, who accuses them of not being on the side of
16 the truth.

17 Philippe Mangou: I would like to take advantage of the presence of Mr Blé Goudé
18 today as the president of the youth of Côte d'Ivoire. He has come to give, lend
19 support to the youth, to talk *a bit to another youth who because of the circumstances
20 has become the prime minister today, but who from that pedestal has been harassing
21 everybody. And let me say from here that this is the situation. I want to speak
22 about Guillaume Soro. In the interview, Guillaume Soro told me that I am not on the
23 side of the truth, that I am the son of a pastor. And I recognise, and I acknowledge
24 that. But I want to tell him that he is not on the side of the truth. He was a former
25 seminarian, so he too was a few steps away from being a priest, that is a man of God.

1 So things must be clear for all Ivorians. I want all Ivorians to know the truth. We
2 were approached by this gentleman to ask us, who asked us to put the army at the
3 disposition of Mr Alassane Ouattara, who said who, according to him, had just been
4 elected. We said no. He sent someone else simply as a ploy on his part to tell us
5 that we must -- that we shall be appointed chief of general staff.
6 And I told his emissary that I have been in this position for six years, and that even if
7 President Gbagbo wanted to dismiss me, I would simply go back to the village and
8 that I would not want to be chief of general staff under Alassane Dramane Ouattara.
9 Now, if that is what *determines that I am not with the truth, I can thus say that I am
10 not on the side of the truth. I have had discussions with Guillaume Soro. I told him
11 that he is the one leading up the process.
12 At some point he told me that he was the arbiter. I simply told him that we led up a
13 process, just as he did, too, and when he says he's an arbiter, as he was, he must tell
14 all Ivorians the truth. We all listen to Mr Guillaume Soro. He has always told us at
15 the meetings of generals that all the candidates *could only declare or make any
16 *statements after the constitutional council has announced the *final results.
17 Did he do that? Is that what happened? That is not what happened. Those of us,
18 of the Forces for Defence and Security, we have a mission, the mission to defend the
19 integrity of our national territory at all times and in all places under all circumstances,
20 regardless of the type of aggression, since we must protect the institutions of the
21 republic.
22 The institution of the republic has spoken. We rely on what it has stated. This
23 must be clear. I even told Guillaume Soro that he was at the helm - and I did so on
24 the phone - of those men who yesterday killed and slaughtered some of our brothers
25 in arms and disemboweled pregnant women. And enough is enough. That he's a

1 young man and that it would not be nice that the blood of Ivorians should be on his
2 hands.

3 I remember as if it were yesterday during a meeting organised by Minister Blé Goudé
4 at l'hôtel Ivoire, Guillaume Soro taking the floor to say the following: There are
5 people who called for war because they have not yet heard a cannon being fired.
6 So why is he today calling on all countries of the world to come and kill Ivorians, kill
7 Ivorians, whereas not too long ago he presented his apologies to the Ivorians.
8 Unfortunately, he's the one calling for war. He is the one calling on foreign forces to
9 come and kill Ivorians, whom he wants to command over tomorrow. And we say
10 enough is enough. He must stop. He must stop that. He must understand this.
11 If telling him so *causes him to think that this is the evidence *or that it means
12 insulting Alassane Dramane Ouattara, well, let me say that he is barking up the
13 wrong tree. He is taking a wrong road. He is a Christian just like me. Our God is
14 a God of justice, he's a God of justice. He must say this to himself: Well, he's good,
15 but slow to anger. And all that happens here on earth, sooner or later someone will
16 have to pay for it. He has to know that.

17 Above all, he must know that by calling on people to come and kill Ivorians, he
18 himself is not immortal. One day he also will depart. At that time both of us, we
19 would have to answer only to God. Let him know and remain humble. He has
20 been prime minister. We have respected *his position. Let him have at least a
21 minimum amount of regard for Ivorians, *let him at least have some consideration for
22 the national army, and may he refrain from saying certain things.

23 Today Mr Guillaume Soro wants us to put our national army at his disposition. Is it
24 not the one that he fought against yesterday? Is he not the one who killed troops of
25 the Forces de défense et de sécurité? Is he not the one who set up brothers to

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1 slaughter families, their family members and children? *They are raising outcries
2 from all rooftops.

3 Yes, they are looking for mass graves, but I think today that the truth will come out.

4 The mass graves, you will not find them here. You will find them elsewhere, maybe
5 in the CNO zone. For us and on our part, we are ready to fight, the fight for our
6 sovereignty, the fight for the institutions of the republic. We are not afraid of
7 anything.

8 And since he wants us to put God first, so we say to him that Christ is our life and
9 that death for us is gain. We are ready. We are waiting for him. That is very clear
10 *to everyone's mind Let us wait and see.

11 End of sight translation.

12 PRESIDING JUDGE TARFUSSER: [13:02:36] Thank you.

13 MR MACDONALD: [13:02:38] I will recommend that we maybe take the break here
14 and I'll come back with the questions.

15 PRESIDING JUDGE TARFUSSER: [13:02:45] That's what I was going to do.

16 MR MACDONALD: [13:02:47] Thank you, your Honour.

17 PRESIDING JUDGE TARFUSSER: [13:02:49] Thank you. Now we go for the lunch
18 break and we come back at 2.30. The hearing is adjourned.

19 (Recess taken at 1.02 p.m.)

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

21 THE COURT USHER: [14:32:50] All rise.

22 Please be seated.

23 PRESIDING JUDGE TARFUSSER: [14:33:13] Good afternoon. Good afternoon to
24 you, Mr Mangou.

25 THE WITNESS: [14:33:22](Interpretation) Good afternoon, Mr President.

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1 PRESIDING JUDGE TARFUSSER: [14:33:24] I give back the floor to the Office of
2 the Prosecutor. I would just remind that this is the ninth session, that we have
3 another three tomorrow.

4 MR MACDONALD: [14:33:36] We'll be finishing --

5 PRESIDING JUDGE TARFUSSER: [14:33:37] Okay.

6 MR MACDONALD: [14:33:38] -- in time, your Honour.

7 PRESIDING JUDGE TARFUSSER: [14:33:40] Okay.

8 MR MACDONALD: [14:33:41] It shouldn't be a problem.

9 PRESIDING JUDGE TARFUSSER: [14:33:42] Okay. Because we have until now,
10 it's 11 hours, so you already go over the expected.

11 MR MACDONALD: [14:33:50] Sixteenth hour, sixteen hours?

12 PRESIDING JUDGE TARFUSSER: [14:33:54] Yeah.

13 MR MACDONALD: [14:33:55] We had requested for 16 hours.

14 PRESIDING JUDGE TARFUSSER: [14:33:57] Yes, but four sessions is *another six;
15 you had 11. It's 17 at the end of the day tomorrow, would be about 17.

16 MR MACDONALD: [14:34:05] Okay, thank you very much, your Honour, for
17 your --

18 PRESIDING JUDGE TARFUSSER: [14:34:08] Just a reminder.

19 MR MACDONALD: [14:34:09] Okay.

20 PRESIDING JUDGE TARFUSSER: [14:34:10] Thank you. The floor is yours.

21 MR MACDONALD: [14:34:16] (Interpretation)

22 Q. [14:34:18] Good afternoon, Mr Mangou.

23 A. [14:34:22] Good afternoon.

24 Q. [14:34:26] Let us now revisit the excerpt which we viewed. You talked about
25 it before viewing it. Now, on 23 January, I understand that there was this meeting at

1 Champroux stadium in Marcory. Why did you accept the invitation at that time,
2 what were your motivations?

3 A. [14:35:14] I don't know whether the president is going to allow me to do this.
4 For all the videos you asked for my opinion, all previous videos you've asked for my
5 opinion, but on this particular one, you haven't asked for my opinion. In any event,
6 we must situate this problem in time. It is important for everyone to understand
7 this.

8 I talked about respecting the institutions of the State being a crucial matter for the
9 soldier that I am. I want, therefore, to tell you that the results were announced for
10 the LMP and RHDP candidates, and we were still in the period where President
11 Laurent Gbagbo lodged an appeal or recourse to the international community, calling
12 for an intervention.

13 In those circumstances, I had to fully play my role as *the chief of *army staff. For
14 the *FDIC, *since President Laurent Gbagbo had lodged *an appeal, in that context, he
15 was still president until the arrival of the international community. So the speech
16 that I delivered was the speech that should have been delivered by the chief of
17 general staff of the army.

18 I wanted this to be clarified so that if you were to ask me any questions in this
19 connection, I would provide you an answer.

20 Furthermore, Mr President, I have told you that the Ivorian crisis is a crisis that
21 repeated itself over and over, which raised many, many problems. I accused the
22 RHDP in my speech for having armed the Commando Invisible. That is not the case.
23 I would like to be able to clarify this point subsequently, if I'm given the floor to do
24 so.

25 Now, Mr Prosecutor, turning to your specific question, you asked me why I accepted

1 the invitation, is that the question?

2 Q. [14:37:20] What were the reasons, your personal reasons, for accepting the
3 invitation from Mr Charles Blé Goudé?

4 A. [14:37:33] Thank you. Being an African, one would understand this easily,
5 but from a European point of view, it might be difficult to understand. So this is a
6 matter of mentalities, state of mind, the African state of mind and the European state
7 of mind. The African is generally somebody who is warm, who has a warm attitude,
8 has more solidarity, and I'm not saying that Europeans are not. Now, when you
9 hand something over to an African, they would say, "Thank you." And the very next
10 day they might even bring their entire family to thank you for it.

11 Now, when you organise a ceremony to pay homage, these are types of ceremonies
12 that are organised in Abidjan. If you watch the TV in Côte d'Ivoire, you will see
13 programmes showing ceremonies to honour such and such a minister, such and such
14 a general manager, or even upon the election of the president who maybe does
15 something for a community; for example, providing a road network or a hospital or
16 anything of that nature. Any region or area which benefits from such an activity
17 would ordinarily organise a thank-you ceremony for the president of the republic.
18 So this is part and parcel of our attitude. And it is normal for the youth who will be
19 part and parcel of our future to pay homage to the army for what they have done for
20 the army -- for the country, rather, and they say so in appreciation of the work of the
21 army. That is what a tribute-paying ceremony is all about.

22 Q. [14:39:30] A last question on that point to wrap it up. At the time of the crisis,
23 what was the significance or importance of such a ceremony?

24 A. [14:39:46] The importance is the encouragement it brings, because it's not easy
25 for one to leave one's family, to go to the field, to spend six months fighting during

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1 operations, and for some of our soldiers, having no food to eat. Because, you see,
2 when they went to the battlefield these soldiers were provided with some food
3 money, but when they get to areas where there is no food, they can't buy anything
4 because there's no food. Some of them died defending the nation, defending the
5 republic. Some of them were injured for life.

6 Now, considering all those efforts, the children of the republic decided to honour the
7 army. And I think that this is something that we couldn't turn down. So we
8 accepted to go to hear what the youth had to say.

9 Q. [14:40:56] Thank you. Now, Mr President, we are now going to show a video,
10 CIV-OTP-0002-0995. (Speaks English) And the transcript is CIV-OTP-0007-0181.
11 Now, we will be playing this video, your Honour, from the minute 7.11, all the way
12 to -- if you allow me just one second. We're going to stop it around the minute 11.16
13 or so. Yeah, 11.16 or so.

14 THE COURT OFFICER: [14:42:07] Tab 79 for the interpreters.

15 MR MACDONALD: [14:42:09] Yes, thank you.

16 (Viewing of the video excerpt)

17 PRESIDING JUDGE TARFUSSER: [14:42:29] Evidence channel 2?

18 THE COURT OFFICER: [14:42:31] It will be displayed on evidence channel 2, yes,
19 Mr President.

20 PRESIDING JUDGE TARFUSSER: [14:42:35] Okay.

21 THE INTERPRETER: [14:42:42] Could the interpreters be provided with a line
22 number, please.

23 PRESIDING JUDGE TARFUSSER: [14:42:47] A line number, from which line on?

24 MR MACDONALD: [14:42:51] Yes, sorry. So 7.11 starts at 209. It is indicated on
25 the transcript also. So line 209.

- 1 THE INTERPRETER: [14:43:03] To which line, please?
- 2 PRESIDING JUDGE TARFUSSER: [14:43:06] To which line? From 209 to?
- 3 MR MACDONALD: [14:43:12] Around 339.
- 4 PRESIDING JUDGE TARFUSSER: [14:43:15] 209, 339.
- 5 Ready? Okay, ready
- 6 (Viewing of the video excerpt)
- 7 THE INTERPRETER: [14:43:29] (Interpretation of the video excerpt)
- 8 GG: The leader of the Young Patriots who we have just left, the discussions were
- 9 calm and the speeches were resolute. Those who come together and want to send
- 10 soldiers to take out Laurent Gbagbo will have to go through our dead bodies, and for
- 11 that no one can remove that from our heads. Thousands and thousands of youth, we
- 12 will not accept anybody whosoever, from the Élysée or the White House or wherever
- 13 to dictate their laws on us. We are ready to defend the integrity of our country to the
- 14 very last Ivorian.
- 15 MM: These staunch people, Guy wants to introduce them. Let's go to Treichville
- 16 *where the latest recruits are being trained. He finds the troops there. Patriotic
- 17 chants and uniforms but no weapons, not yet.
- 18 GG: We have had a crisis over eight years and that crisis was to *culminate in an
- 19 election which took place. *But I am somewhat saddened because the French, the
- 20 *white people, think that when it comes to Africa *all our institutions can be trampled
- 21 upon No. We can't accept that.
- 22 MM: Tomorrow these youth will be providing order at the political meetings at
- 23 camp -- of Gbagbo's group around their historic leader. *At 39, Charles Blé Goudé is
- 24 the one who is called *the general" and he is the supreme leader of the youth
- 25 movement. Blé Goudé today has brought together these troops in the stadium to unite

1 their forces to Laurent Gbagbo's armed forces, young militants to support Gbagbo.

2 CBG: What I want to tell you is that *all these people *you see here are part and parcel of the
3 army, not for war, but for peace. If we are attacked we will be bound to defend ourselves.

4 MM: This defence goes through our general mobilisation.

5 CBG: My General, through you, the youth of Côte d'Ivoire are here. They're here
6 this evening, whether they're at Gagnoa, Dimbokro, Dabou, Stotro, Bonoua, yes, they
7 are here. We are here. We are available to you. We're available to you.

8 MM: Available to the chief of general staff of Laurent Gbagbo's army.

9 CBG: Here in this stadium, I call on you to welcome here to the microphone General
10 Philippe Mangou.

11 GPM: Silence please. Silence please. I have come to tell you to be ready. God is
12 with us, and God *is fighting on our side.

13 MM: An omnipresent God in Laurent Gbagbo's *communication. *I distribute Bibles.

14 It's the word of God. It's the word of God. Are you Ivorian? GPM: Your brothers
15 whom you celebrate are ready, they have been ready for a long time. They're ready.

16 GPM: They have been working day and night to defend you, but we *would rather die first
17 and if the last FDS dies or falls, *then take over, so that we can free and liberate the country.

18 MM: More than two months after the second round of the Ivorian presidential
19 elections, Laurent Gbagbo remains on his presidential seat. And in spite of the
20 threats of military intervention by international community, the supporters of
21 Laurent Gbagbo are decided to even die for that cause.

22 *Unidentified speaker: [INI18]: Thanks for the victory. Thanks for the victory.

23 MR MACDONALD: [14:48:37] So, your Honours, we stopped at timestamp 11.44.

24 Is that -- that was it. And in the transcripts, it goes then to --

25 PRESIDING JUDGE TARFUSSER: [14:48:47] It's 14.04.

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1 MR MACDONALD: [14:48:50] No, but there's a mismatch. With the timestamps
2 that you see on the film, are not the ones of eCourt, so that is why it started at minute
3 7.11, even though it indicated 8 something. And we went to 11.46, which is line 367.
4 There is, for that video, unfortunately, there is a mismatch.

5 PRESIDING JUDGE TARFUSSER: [14:49:15] Okay.

6 MR MACDONALD: [14:49:24] (Interpretation)

7 Q. [14:49:25] Mr Mangou.

8 A. [14:49:27] Yes.

9 Q. [14:49:29] You have recognised those images. Did you? Did you recognise
10 those images? That's the question.

11 A. [14:49:37] Yes, I think that these are very beautiful pictures of the tribute
12 ceremony, very beautiful pictures.

13 Q. [14:49:46] We heard Mr Blé Goudé say that the youth present were available to
14 you; they were at your disposal. Well, we will come back to the meeting you had
15 with Mr Blé Goudé on 20 March 2011, maybe at your residence, maybe not, but
16 following that ceremony, did that have any effect on Ivorians when it comes to
17 enrolling in the army?

18 A. [14:50:20] No, not at all. Not at all. I believe that Blé Goudé spoke as a
19 charismatic patriotic leader. You see, when people are gathered in such numbers,
20 one can be carried away in one's speech, and so what he said did not reflect reality.

21 Q. [14:50:46] We will revisit that point subsequently, but for now, let me move
22 forward and address the Chamber.

23 (Speaks English) Your Honour, this morning there was an issue with a few curfews I
24 wanted to show. I've indicated the ERN numbers because I understand that there
25 are a number of curfews that were not in -- officially published in the Ivorian gazette

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1 because for some reason it's not available. So, therefore, the only way that we have
2 those curfews and the existence of them is by the communiqués that are mentioned
3 by the news readers on RTI. So I've mentioned earlier the ERNs of 0064-0111, 0112,
4 0113, and there's another one of 0074-0071. The Prosecution, even though it's not on
5 the list of *materials, and instead of showing them to the witness, would like these to
6 be submitted *into evidence, if there's *no objection from my colleagues, but anyway --

7 PRESIDING JUDGE TARFUSSER: [14:52:06] What are those, Gazette officielle?
8 No.

9 MR MACDONALD: [14:52:12] It's not complicated, your Honours. It's the decrees
10 of the government or signed by Mr Gbagbo.

11 PRESIDING JUDGE TARFUSSER: [14:52:23] It's official documents?

12 MR MACDONALD: [14:52:25] No, no, no. Just I need to explain.

13 PRESIDING JUDGE TARFUSSER: [14:52:28] Yes.

14 MR MACDONALD: [14:52:29] They're not documents, your Honour, they're
15 videos, your Honour --

16 PRESIDING JUDGE TARFUSSER: [14:52:32] Okay.

17 MR MACDONALD: [14:52:33] -- because the official documents do not exist. So
18 the alternative that we have are the visual reading of these decrees by the RTI, by the
19 news.

20 And my colleagues on the other side are making a lot of noise while I'm talking.

21 PRESIDING JUDGE TARFUSSER: [14:52:47] Yes.

22 MR MACDONALD: [14:52:48] So the point being is we would like these to be
23 submitted. They're in the video bar table motion, but since we're on this topic I'm
24 making the request now.

25 PRESIDING JUDGE TARFUSSER: [14:52:58] Okay, perfect. Thank you.

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1 MR MACDONALD: [14:53:00] That's what I've been trying to say since this
2 morning.

3 PRESIDING JUDGE TARFUSSER: [14:53:04] Okay.
4 Maître Altit.

5 MR ALTIT: [14:53:08] (Interpretation) Thank you, Mr President. Your Honours,
6 the bar table is a procedural means which allows direct tabling. And it is through
7 that channel that the opposition, the Prosecution, rather, should proceed. And so we
8 object to the Prosecution proceeding as suggested here.

9 PRESIDING JUDGE TARFUSSER: [14:53:32] Well, it's on the bar table, so it will in
10 any case be decided. Yes, yes.

11 It's here I think, if I interpret correctly, it's just to make the relation in the record to
12 those ERN numbers, so it's just --

13 MR MACDONALD: [14:53:54] Yes, your Honour.

14 PRESIDING JUDGE TARFUSSER: [14:53:55] Yes, that's it.

15 MR MACDONALD: [14:53:56] If not, I can spend 30 hours with the witness.

16 PRESIDING JUDGE TARFUSSER: [14:53:59] No, no. No, no. Okay.

17 MR MACDONALD: [14:54:01] And the Chamber doesn't want that.

18 PRESIDING JUDGE TARFUSSER: [14:54:01] Understood. Understood.

19 MR MACDONALD: [14:54:14] (Interpretation)

20 Q. [14:54:15] Mr Witness, lawyers.

21 THE INTERPRETER: Prosecution says "advocasseries".

22 MR MACDONALD: (Interpretation)

23 Q. I'm now going to show you another document. I want to show you a video,
24 CIV-OTP-0074-0076, tab 377. And I'm going from minute 3.50 to 8.09. And the
25 transcript is 0087-0607 or 0610. I think it's 0610, because we have two similar

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1 transcripts.

2 THE INTERPRETER: [14:55:53] Tab number for the interpreters, please?

3 MR MACDONALD: [14:56:01] We're having technical issues, your Honour, once
4 more. We start from minute 3.50 onwards. It's a spokesperson from the
5 government that will be speaking. At the end of his speech, we can stop. The
6 transcript is the full transcript of just that. So there shouldn't be any issues.

7 PRESIDING JUDGE TARFUSSER: [14:56:33] Can we have the tab?

8 THE COURT OFFICER: [14:56:35] Tab 528 for the interpreters.

9 (Viewing of the video excerpt)

10 PRESIDING JUDGE TARFUSSER: [14:57:07] Are the interpreters ready? Okay,
11 we can go.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [14:57:14] (Interpretation of the video excerpt)

14 Good evening and welcome to this 8 p.m. news.

15 We will come back to the final communiqué which took place --

16 THE INTERPRETER: From the interpreters: The tab doesn't seem to correspond to
17 the transcript.

18 PRESIDING JUDGE TARFUSSER: [14:57:56] The tab doesn't correspond to the
19 transcript is the message from the interpreters.

20 THE INTERPRETER: [14:58:39] Could the tab number --

21 MR MACDONALD: [14:58:43] There is no transcript for that one, your Honours,
22 apparently. We have different excerpts for that one. So I nevertheless would like to
23 show a brief excerpt at the beginning and we can -- just a second.

24 I have -- we sent another transcript, we sent another transcript which is not on the

25 LOM, but it is of that excerpt it seems also, and it is 0607, 0087-0607, which is not on

1 the LOM but which contains that excerpt. Can we --

2 THE COURT OFFICER: It has been provided in hard copy already.

3 PRESIDING JUDGE TARFUSSER: [14:59:34] Yes, please. Yes, please.

4 THE COURT OFFICER: [14:59:35] It has been provided in hard copy already to the
5 interpreters this afternoon.

6 MR MACDONALD: [14:59:41] And those timestamps are provided are the same.
7 They'll see it from the beginning of that.

8 PRESIDING JUDGE TARFUSSER: [14:59:46] Just we continue, because the
9 organisation is not at its top, I would say, so ...

10 (Viewing of the video excerpt)

11 PRESIDING JUDGE TARFUSSER: [15:00:17] Can we restart it? Can we restart it?
12 Stop it. We have to restart because nothing is coming through. We start, not from
13 the beginning, but from the beginning of this communiqué.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [15:01:07] (Interpretation of the video excerpt)

16 Ladies and gentlemen, good evening and welcome to this 8 p.m. edition.

17 This evening we'll come back to the final communiqué after the council of ministers
18 yesterday, Thursday, 10 January*(phon), at the presidential palace at the Plateau.

19 That communiqué is read to us by the spokesperson of the government, Minister
20 Ahoua Don Mello.

21 ADM: Communiqué of the council of ministers of Thursday, 10 February 2011. A
22 council of ministers took place under the effective chairmanship of His Excellency
23 Laurent Gbagbo, president of the Republic of Côte d'Ivoire. The council of ministers
24 listened to several verbal communications relating to the sociopolitical situation.
25 At the level of security, the government realises that there has been a return to calm,

1 except in Abobo where *infiltrated rebels continued to *rage. The vigilance of the Defence
2 and Security Forces and the curfew has made it possible to neutralise certain rebels.

3 In Duékoué, the government notes the persistence of the phenomenon of highway
4 robbers which continues to cause deaths and steal from the population.

5 The president of the republic gave instructions put to reinforce the human and
6 material resources to better provide security to Abobo and Duékoué and to maintain
7 the curfew in Abobo. Tribute was paid to the 32 members of the Defence and
8 Security Forces who died after the end of the elections in 2010. They were decorated
9 and promoted posthumously. And the president of the republic handed over the
10 sum of 160 million CFA francs as *immediate support to their family.

11 At the financial level, the compensation system is functioning in a satisfactory manner
12 ever since 9 February 2011. The government would like to reassure the population
13 and economic operators that the disturbances linked to the decision of UEMOA will
14 be reduced and eliminated. The bank operations and the availability of liquidities
15 will become regular.

16 The third stage of the vignettes and the salary service had been -- the third storey was
17 burnt. Measures have been taken to preserve the service of the licence numbers and
18 electronic documents of the payroll. Investigations are ongoing to identify the
19 causes of the fire.

20 At the social level, the minister of national education reported on his meeting with the
21 *parents of students in order to sensitise them to help the government to *ensure that
22 each student *has the right to education.

23 The *transit establishments in Abidjan and Daloa have actually registered *more than
24 3,000 students, which *demonstrates the desire of the children to go to school despite
25 the various calls.

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1 At the level of *information and communication technology, the government was
2 informed of the acts of vandalism *on telephone lines. The president of the republic
3 instructed the government to take *all measures necessary to ensure security of the
4 telephone network and to arrest the perpetrators of *those acts.

5 At the diplomatic level, a committee of experts *dispatched by five heads of *state, on
6 behalf of the African *Union, spent time in Abidjan to collect information in order to
7 report to those who had commissioned them. *The heads of state came in after on
8 20 February to propose a way out of the crisis.

9 MR MACDONALD: [15:06:08] And also, your Honour, if we could read line 52
10 and 53 of the transcript, if it could be translated to the Chamber, because we stopped
11 at the end of line 53.

12 THE INTERPRETER: [15:06:30] Line 52 sight translation: For the president of the
13 republic, His Excellency Mr Laurent Gbagbo, everything should be done in the strict
14 respect of the institutions and the constitution of the Republic of Côte d'Ivoire.

15 MR MACDONALD: [15:06:51] Thank you.

16 And the timestamp is 8.27.03.

17 Q. [15:07:07] Mr Mangou, did you see that report before?

18 A. [15:07:17] Yes, the communiqué of the council of ministers.

19 Q. [15:07:25] And let me ask a question. It is stated that tribute was paid to the
20 forces of law, of defence and security. It referenced a communiqué of 10 February,
21 so the ceremony took place on which date?

22 A. [15:07:49] No, it is not the same ceremony. The ceremony that took place in
23 Champroux stadium on the 23rd --

24 Q. [15:08:02] Champroux. I mean the ceremony of tribute to the 32 members of
25 the FDS who died.

1 PRESIDING JUDGE TARFUSSER: [15:08:12] Maître Gbougnon.

2 MR GBOUGNON: [15:08:16] (Interpretation) Mr President, in the report that we
3 have just said, there is no mention of a tribute ceremony. It is simply stated that
4 tribute was paid to -- (Overlapping speakers).

5 MR MACDONALD: [15:08:39] (Interpretation) I will correct my question.

6 Q. [15:08:43] The tribute of the nation was paid to the 32 members of the FDS
7 who had died ever since the end of the elections of 2010.

8 My question is this: This tribute which was in fact an event, which date did it take
9 place on?

10 PRESIDING JUDGE TARFUSSER: [15:09:15] Maître Gbougnon.

11 MR GBOUGNON: [15:09:22] (Interpretation) I will re-read the Prosecutor's
12 question: "The nation's homage was paid to the 32 members of the FDS who died.
13 And my question is this, this tribute, which was indeed an event."

14 This is a comment being made by the OTP. I think the question was to know
15 whether there was an event that took place or a ceremony. He cannot make that
16 statement. It is up to the witness to say whether there was a ceremony or if it was a
17 special event.

18 PRESIDING JUDGE TARFUSSER: [15:09:58] Was there a ceremony, was there a
19 special event?

20 MR MACDONALD: [15:10:02] Was there a ceremony, yes, but I think it is
21 obstruction right now, your Honour. We're obstructing the witness's answer.

22 PRESIDING JUDGE TARFUSSER: [15:10:12] Okay. Was there a ceremony for
23 these 32 FDS members who died?

24 THE WITNESS: [15:10:26](Interpretation) Yes, Mr President, this is a ceremony of
25 funeral tribute paid to the members of the security forces who died in the field of

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1 honour in Abobo, not only those who died, who were killed by the Commando
2 Invisible, but also those who were murdered in their homes. So that ceremony of
3 *tribute, your Honour, took place on 5 February which was on a Friday. *You see,
4 the communiqué *was issued on a Wednesday, *that is Wednesday the 10th. *The
5 council of ministers generally held on Wednesday. So if you go back in time this was
6 *done on the Friday *the 5th at the general staff HQ in the presence of the president of
7 the republic, Mr Laurent Gbagbo.

8 PRESIDING JUDGE TARFUSSER: [15:11:21] Mr MacDonald.

9 MR MACDONALD: [15:11:29] (Interpretation) I would like to call up document
10 CIV-OTP-0044-0026. It is a document dated 18 February 2011. Tab 165.

11 Q. [15:12:20] Mr Mangou, this is a document from the superior commander of the gendarmerie,
12 reference NPU number 476/EMA/CPCO/COND du 18 February 2011. What is this all about?

13 A. [15:12:59] It must be the measures that were taken by General Kassaraté for the
14 purpose of providing troops for the deployment that would be made in Abidjan
15 because the gendarmerie participated in the operation.

16 Q. [15:13:14] So it can be seen that you *issued an order -- the CPCO, I am sorry,
17 issued an order, or was it you who issued the order for there to be five zones ?

18 A. [15:13:27] As I said yesterday, the designation of elements to provide security
19 in Abidjan is done by the CPCO.

20 Q. And it is noted that there are five zones: Yopougon, *Abobo-Anyama,
21 Adjamé-Plateau, Cocody, and Abidjan Sud.

22 A. [15:14:03] That is correct.

23 Q. [15:14:07] Do you remember when these five zones were created?

24 A. [15:14:17] The five zones existed when we were at the frontline. I have told
25 you at the level of the *Com-Théâtre, there were five groupements. *Maybe I did not

1 name them all. We have five groupements, but in Abidjan, we had the Abidjan
2 groupement which was composed of these five zones.

3 Q. [15:14:48] My question is to know the structure and distribution of missions
4 for the five zones. When was this done?

5 A. [15:15:04] Ever since 2002.

6 Q. [15:15:11] Very well. Let me now display one last video for the same reasons
7 explained. It is CIV-OTP-0064-0087, tab 377, from minute 5.51 to 8.10. And the
8 transcript is 0063-2298, tab 371, *lines 4 to 18. (Speaks English) Can we play it now?
9 (Viewing of the video excerpt)

10 THE INTERPRETER: [15:16:26] (Interpretation of the video excerpt)

11 Decree number 2011-66 of 25 February 2011, instituting a curfew throughout the
12 entire territory of the Côte d'Ivoire. The president of the republic, mindful of the
13 constitution; mindful of law number *60-209 of 27 July 1960 creating the national
14 armed forces; mindful of law *61-209 of 12 June 1961 organising the defence *and
15 national armed forces; mindful of decree 67-332 of 1 August 1967 relating to the
16 participation of armed forces in law enforcement; mindful of decree 2010-42 of 25
17 March 2010 on the attributions of the members of government; mindful of
18 decree 2010-309 of 5 December 2010 appointing the prime minister; mindful of the
19 decree 2010-312 of 5 December 2010 appointing members of the government;
20 *considering the urgency; decrees as follows: Article 1. A curfew shall be instituted
21 throughout the national territory as follows: From Friday, 25 February 2011 to
22 Sunday, 27 February 2011. Friday, 25 February 2011 from 22 hours to 6 hours.
23 Saturday, 26 February 2011 from 2100 hours to 0600 hours. Sunday, 27 February
24 2011 from 21 hours to 6 hours.
25 Article 2. All the previous provisions contrary to this decree are hereby repealed.

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1 Article 3. The minister of the interior, the minister of defence and civic service shall
2 be responsible each in his own sphere for the implementation for the present decree
3 which shall be published according to the procedure of urgency in the official gazette
4 of the Republic of Côte d'Ivoire. Done in Abidjan 25 February 2011. *Very well.

5 MR MACDONALD: [15:19:17] (Interpretation)

6 Q. [15:19:26] Do you remember that there was a decree issued on this date and
7 for the entire national territory?

8 A. [15:19:35] I remember.

9 Q. [15:19:45] So this was during the second phase, in the evening?

10 A. [15:19:51] Yes.

11 Q. [15:19:52] Once again, reference is made to the decree of 1967-332. I would
12 like to come back to this decree. And I have a copy to the witness. If a copy can be
13 handed to the witness. And my questions will relate to the decree of 1967.

14 Article 1. Subject. It can be read. And I will take you directly to Article 23, which
15 deals with the equipment and weapons of the troops.

16 THE COURT OFFICER: [15:21:26] Can we please have the ERN number for the
17 record. Thank you.

18 MR MACDONALD: [15:21:29] Sorry.

19 (Interpretation) CIV-D15-0001-6219. It is already in the case file. We are just
20 waiting for it to be displayed.

21 And if you can go to page 6222 directly so that we can see Article 23.

22 THE COURT OFFICER: [15:22:37] It can be seen on evidence channel 1.

23 MR MACDONALD: [15:22:45] (Interpretation)

24 Q. Article 23, I *want to ask you that within the framework of an operation for the
25 enforcement of law and order, heavy *weaponry such as mortars, canons, mines,

1 defensive grenades, vehicles, ships and aircraft are only used by those running them
2 following orders from the head of state or from the person so delegated by him. Is
3 that correct? I would like to know whether during the crisis for the use of 120
4 millimetre mortars you had a delegation from the president?

5 A. [15:23:34] Yes, I had delegation from the president.

6 Q. [15:23:39] And when was that?

7 A. [15:23:40] As from the requisition that was given to me.

8 Q. [15:23:47] Which one?

9 A. [15:23:50] I don't remember the number of the requisition, but the army was
10 requisitioned, otherwise the army would have not become involved.

11 Q. [15:24:08] If you look at Article 24, the use of force does not necessarily imply
12 the use of weapons.

13 We can even go further at the end. The use of firearms can be justified only in case of
14 legitimate defence and then use of force without prior formalities.

15 My question once again, that authorisation to use heavy weaponry, that is war
16 weapons, it is still on 5 January that you received it?

17 A. [15:25:08] Yes.

18 Q. [15:25:08] Was that requisition published?

19 A. [15:25:12] Yes, the requisition was published and even read over the media.

20 Q. [15:25:20] Over the media such as over the RTI in the same way as the
21 communiqué on the curfew, was it read during a news bulletin?

22 A. [15:25:42] It was read over the RTI and it was also published in the
23 newspapers.

24 Q. [15:25:55] Mr Mangou, I must tell you that we have all the broadcasts of the
25 RTI from the 5th at 8 p.m. We can also look at all the resources on the net. There is

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1 no requisition that exists.

2 A. [15:26:19] I confirm that there was a requisition.

3 MR MACDONALD: [15:26:23] Your Honours, I can't establish a negative by other
4 ways than putting it to him, so I have to put our case to the witness.

5 PRESIDING JUDGE TARFUSSER: Yes.

6 MR MACDONALD: And I cannot do that any other way. And you have all the
7 material before you, but I cannot start showing him now every single news bulletin,
8 every single thing to demonstrate --

9 PRESIDING JUDGE TARFUSSER: [15:26:39] Yes, okay.

10 MR MACDONALD: [15:26:40] -- that this is non-existent. So I have to put it to
11 him.

12 PRESIDING JUDGE TARFUSSER: [15:26:46] Maître N'Dry.

13 MR N'DRY: [15:26:48] (Interpretation) Mr President, that is not a question to be
14 put to the witness, that is to make a deduction. The Prosecutor simply certifies that
15 he does not find a requisition in his own list of materials. So which question is he
16 putting to the witness? There is no question. We are here to put questions. And
17 in his final arguments he can then make his deduction on the credibility of the
18 witness.

19 PRESIDING JUDGE TARFUSSER: [15:27:33] Well, I think this is then something to
20 argue about when it comes to that moment.

21 MR MACDONALD: [15:27:50] (Interpretation) Very well. Just one moment,
22 please.

23 Q. [15:28:07] On 1 December 2011, do you remember that there was an incident in
24 Yopougon Wassakara?

25 THE INTERPRETER: [15:28:22] Correction from the Prosecutor: I actually meant

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1 1 December 2010.

2 THE WITNESS: [15:28:29](Interpretation) Maybe if you tell me what the incident
3 was, I may remember, but I don't recall anything.

4 MR MACDONALD: (Interpretation) I would like to call up video 0074-0049 from
5 *timestamp 11.59 to 13.24, tab 49. The transcript is 0087-0349, tab 509, lines 5 to 26.
6 *In fact tab 449 for the video.

7 THE COURT OFFICER: [15:29:29] This video will be displayed from the Registry
8 bench on evidence channel 1.

9 (Viewing of the video excerpt)

10 PRESIDING JUDGE TARFUSSER: [15:30:23] Are you ready in the booth? Okay.
11 (Viewing of the video excerpt)

12 THE INTERPRETER: [15:30:32] (Interpretation of the video excerpt) Sight
13 translation:

14 HGB: Yesterday, Wednesday, 1 December 2010, at 2215, following *an anonymous
15 call, a mobile patrol of the defence forces went on a verification mission to Wassakara
16 in Yopougon commune. Information received through the call mentioned that a
17 suspicious package had been dropped in a courtyard. Once *near that location, the
18 patrol came under fire from automatic gunfire. The riposte *from the patrol troops
19 ended up *with four persons being *killed and 14 persons being injured.
20 Furthermore, nine persons were arrested on the spot, which is the headquarters of a
21 political party. The general staff decries the loss of life and injury and has instructed
22 an investigation to shed light on that situation. Finally, the general staff once again
23 avails itself of this opportunity to call on the population to remain calm, serene and to
24 scrupulously respect the curfew in force. Done in Abidjan, 2 December 2010.

25 MR MACDONALD: [15:32:19] (Interpretation)

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1 Q. Does that jog your memory about the spokesperson?

2 A. [15:32:23] Yes, of course.

3 Q. [15:32:31] Why did the FDS spokesperson, why was he the one who went on
4 the air at that time on 1 December? I'm trying to understand whether there was a
5 specific reason why your representative, that gentleman, is the one who addressed
6 that incident on the air.

7 A. [15:32:52] That is a communiqué which should be broadcast and it is his duty
8 to do so.

9 Q. [15:32:57] Were you consulted?

10 A. [15:32:59] Yes.

11 Q. [15:33:00] Was the president consulted for the release of this communiqué?

12 A. [15:33:04] Not consulted, but he was informed about what was happening.

13 Q. [15:33:13] Was an investigation effectively carried out to clear things up?

14 A. [15:33:18] Unfortunately, we did not obtain the results of the investigation.

15 We asked the police to conduct an investigation. But we know that in the
16 corridors -- or, in the package there were bladed weapons, some weapons and a few
17 ammunitions.

18 Q. [15:33:37] Why did the investigation not go to its conclusion?

19 A. [15:33:47] Knowing the content of the suspicious package, well, they did not
20 go all the way to find the source. *Those who were accused and arrested went to the
21 gendarmerie. They certainly have the findings of the investigations, but the results
22 of the investigation were not released

23 Q. [15:34:06] So are you talking about *the --

24 THE INTERPRETER: [15:34:11] Overlapping speakers.

25 *THE WITNESS: [15:34:13] The nine arrested persons.

1 MR MACDONALD: (Interpretation)

2 Q. [15:34:15] The RDR supporters who died in the RDR premises at Wassakara? Is
3 that what we are talking about, or some other incident?

4 A. [15:34:30] Ah, no. Your question was about the communiqué from the
5 spokesperson, wasn't it?

6 MR MACDONALD: [15:34:38] (Interpretation) Is everything okay? All right. Let
7 us proceed to deal with the same topic. And I would like to play video 0064-0095 from
8 minute 3.41 to 6.29, at tab 380. It's the 8 p.m. newscast of 11 December 2010. Transcript
9 0101-0735, from lines 4 to *32. A copy was sent to the interpreters, if I am not mistaken,
10 because that document was not included in our list of documents. *The video was in
11 there, but not the transcript. The transcript was sent to the interpreters.

12 THE INTERPRETER: [15:35:41] Sorry, Mr President, we don't have a copy of the
13 transcript in the booth, speaking for the English booth.

14 PRESIDING JUDGE TARFUSSER: [15:35:50] The English booth has no transcript,
15 they are saying.

16 MR MACDONALD: [15:35:53] They don't have the transcript?

17 PRESIDING JUDGE TARFUSSER: [15:35:55] No. Can the court usher bring the transcript.

18 MR MACDONALD: [15:36:00] I have a copy here.

19 (Pause in proceedings)

20 THE INTERPRETER: [15:36:56] Mr President, we have the document. Thank you.

21 PRESIDING JUDGE TARFUSSER: [15:36:59] Okay, so we can start. The
22 interpreters are ready.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [15:37:53] (Interpretation of the video excerpt)

25 Let us start from the statement from the Forces de défense et de sécurité on the

1 sociopolitical situation.

2 *HGB: In a communiqué published in the daily Inter number 3776 of Saturday, 11 and

3 *Sunday, 12 December 2010 at page 5, signed by the spokesperson of the *Forces Nouvelles,

4 Forces de défense et de sécurité at Côte d'Ivoire feel highly concerned. It is mentioned

5 deliberately therein that the Forces de défense et sécurité have been passive in the face of

6 abuses committed *against a certain category of persons. The responsibility of the FDS is

7 also charged particularly in relation to an event which occurred on Wednesday 1

8 December 2010 at 22 hours 15 in Yopougon at the headquarters of a political party. In this

9 regard, the FDS of Côte d'Ivoire recall to all that a public communiqué of 2 December 2010

10 dealt with these circumstances. It went on to talk about an immediate investigation being

11 opened for the public at large to be informed. This is the opportunity to reaffirm that the

12 FDS are committed to accomplishing their republican duties of providing security for the

13 entire population and those living within the zones under their control and of their

14 property without any exclusion *nor concern and in all circumstances. It is satisfied with

15 the discipline and professionalism of its troops during various operations. The FDS,

16 therefore, invite the entire population, regardless of who they are, to remain reassured, to

17 be serene, and to continue to live in perfect cohabitation among themselves. Finally, the

18 FDS of Côte d'Ivoire call on the spokesperson of *Forces Nouvelles to avoid sowing such

19 dangerous seeds of discord among the Ivorian people by calling on them to abandon the

20 FDS, which have always been committed to their protection, in a bid to confide them to

21 *ONUCI foreign forces, as indicated in the communiqué of *Forces Nouvelles. May God

22 Almighty protect and save Côte d'Ivoire. Done in Abidjan Saturday, 11 December 2010.

23 MR MACDONALD: [15:40:59] (Interpretation)

24 Q. Once again, it's the same subject matter. I would like to know who was in

25 charge of the investigation, was it the police or the gendarmerie?

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1 A. [15:41:06] The gendarmerie.

2 Q. [15:41:08] The gendarmerie. Very well.

3 Now let me briefly hop back to the matter of the blockade, that is the re-adjustment,
4 rather, of the security arrangements. I'm sorry, this was not deliberate. Well, we
5 saw the document of 25 September -- or on 25 September, and this is what I want to
6 refer to at transcript RT at page 80, lines 17 to 19. And in that excerpt of the
7 transcript, this is what you said: "The president gave instructions to make sure that
8 the soldiers who were there do not leave, do not get out." At that time, what
9 instrument gave you authority to act in that manner, whether it be you implementing
10 the president's instructions? What was the legal basis for your obeying his order?

11 A. [15:42:55] I don't know if I got the date correct. You talked about 25
12 September; is that correct?

13 Q. [15:43:00] No. *I mean 11 December 2011.

14 THE INTERPRETER: [15:43:05] Overlapping speakers.

15 *THE WITNESS: (Interpretation) [15:43:07] 11 December 2011.

16 MR MACDONALD: (Interpretation) [15:43:09]

17 Q. [15:43:09] When you reinforced the Marie-Thérèse intersection.

18 A. [15:43:11] That is quite correct.

19 Q. [15:43:15] And at the request of the president. You mentioned on the first day?

20 THE COURT OFFICER: [15:43:10] Overlapping speakers. Please mark a pause.
21 Thank you.

22 MR MACDONALD: [15:43:20] (Interpretation)

23 Q. [15:43:22] On what legal basis did the president act and on what legal basis
24 did you act to implement his instructions?

25 A. [15:43:31] The legal basis would be decree 2007 of 14 March 2007 outlining our

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1 missions within the CCI. Let us not forget that we are still in the electoral period
2 and there is a component of the decree which provides that we are assigned to
3 provide security for the electoral process. And I specified that the electoral process
4 begins from the time of the election campaign to the announcement of the results.
5 Now, those who were at the Golf are those who --

6 Q. [15:44:13] The announcement of the results, is that of the Constitutional
7 Council *made on the 3rd or the 4th?

8 THE INTERPRETER: [15:44:19] Overlapping speakers.

9 *THE WITNESS: (Interpretation) [15:44:20] No. Both sets of results. The two sets of results.

10 PRESIDING JUDGE TARFUSSER: [15:44:23] (Microphone not activated)

11 *MR MACDONALD: (Interpretation) [15:44:24]

12 Q. [15:44:24] So those of the 4th?

13 A. [15:44:25] The 4th December.

14 Q. [15:44:26] Okay. The 4th December.

15 A. [15:44:27] The 4th December.

16 Q. [15:44:28] Okay.

17 A. [15:44:29] *So, in the joint operations plan for *providing safety during the
18 elections or for providing security during the elections, the arrangement was for the
19 *FDCI to go to the north and the Forces républicaines *de Côte d'Ivoire to come to the
20 south and that at the end of this process each component *would go back to its zone.
21 So we brought *back ours, but they sent back only part of theirs to the north and *the
22 other part remained in the south.

23 MR MACDONALD: [15:45:01] (Interpretation)

24 Q. [15:45:02] I want to interrupt you, Mr Mangou, because you explained that
25 very clearly on the first day. But my question today is: What was the legal

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1 instrument, and you have referred to the Ouagadougou instrument creating the CCI?

2 A. [15:45:21] No, no, no. Not the agreement. It's a decree, it was a decree
3 creating the CCI.

4 Q. [15:45:29] So is that what gave you the authority, presidential --

5 A. [15:45:33] Yes.

6 Q. [15:45:33] -- to act and deploy an armoured vehicle to that location?

7 A. [15:45:39] Yes. I was acting within the framework of that decree.

8 Q. [15:45:43] Very well. I would now like to turn to 12 December and going by
9 the registers from the residence in the presence of -- well, you, yourself, the superior
10 commander of the gendarmerie and the general director of the police, you went to the
11 residence, according to the recording of the in and out data, you arrived at the
12 residence at 1553 with General Kassaraté, and the general director for the police
13 arrived there one minute before you at 52, and you all left at the same time at 17 hours
14 17. What do you say to that? That's my question.

15 PRESIDING JUDGE TARFUSSER: [15:46:55] Maître Gbougnon.

16 He was first. Only because he was first on the feet. Okay, Maître Gbougnon.

17 MR GBOUGNON: [15:47:02] (Interpretation) Mr President, I don't think that the
18 question can be put to the witness this way, assuming that the register was truthful or
19 was the truth itself. And, you know, during his testimony the witness has said that
20 he was not present although the register had been showed to him. Now, what the
21 Prosecutor is doing is presenting the material in the register as if it were the truth.

22 MR MACDONALD: [15:47:42] (Interpretation) I will rephrase.

23 PRESIDING JUDGE TARFUSSER: [15:47:44] Maître Altit.

24 MR ALTIT: [15:47:47] (Interpretation) Thank you, Mr President. Objection.

25 The question was: Did you come with *it? Now, if the question is to find out

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1 whether the witness came with, then *the Prosecutor must show the register and *it
2 should be cross-checked to see if register such and such a name and then he can be
3 asked to indicate that he came with. The Prosecutor himself cannot make that
4 assertion by himself *suggesting that he came with someone.

5 PRESIDING JUDGE TARFUSSER: [15:48:19] Please rephrase.

6 MR MACDONALD: [15:48:23]

7 Q. [15:48:24] Mr Mangou, do you remember going to the presidential residence
8 on 12 December, four days before 16 December?

9 A. [15:48:33] Let me repeat what I said before. I have said to you that I can give
10 you clearly the days and times at which I went to the presidential palace, but when it
11 comes to the residence we went there several times and I am not able to give you the
12 dates and times. Now, if you think that my name appears on the register, then I
13 must have been there around that time. Now, we are dealing with the 12th here, on
14 the eve, whereas I have pointed out to you an incident which happened in the
15 morning. Our weapon at Carrefour Marie-Thérèse had been taken away after our
16 brothers in arms came out and overpowered our soldiers and then took the *machine
17 gun and went to the Golf. That is probably why we went to the presidency to report
18 that incident. That's what I can say.

19 Q. [15:49:29] When it comes to reorganising the security arrangements and the
20 orders that you gave to your troops, *let me remind you that we also we saw that on the
21 first day *when we looked at document 0071-0152, and the date is *it bears is 11
22 December.

23 THE INTERPRETER: [15:49:49] Overlapping.

24 THE WITNESS: [15:49:51](Interpretation) What, what arrangements are you talking about?

25 MR MACDONALD: [15:49:56] (Interpretation)

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- 1 Q. [15:49:56] Very well. We will -- could we please call up document, the
2 document at tab 408, 0071-0152. I have a hard copy here. And that document is
3 captioned "Reorganisation of security arrangements" which we talked on the first day.
- 4 THE INTERPRETER: [15:50:28] Overlapping speakers again, Mr President.
- 5 *THE WITNESS: (Interpretation) Yes, I see.
- 6 MR MACDONALD: (Interpretation)
- 7 Q. What I call a blockade.
- 8 A. It is not a blockade.
- 9 Q. No. Okay.
- 10 PRESIDING JUDGE TARFUSSER: [15:50:30] Please do not overlap. Here now we
11 cannot, otherwise we don't understand the record. Please do not overlap. Go ahead.
- 12 MR MACDONALD: [15:50:56] (Interpretation)
- 13 Q. [15:50:57] Mr Mangou.
14 What is the problem now?
- 15 PRESIDING JUDGE TARFUSSER: [15:51:08] Maître Altit.
- 16 MR ALTIT: [15:51:10] (Interpretation) Thank you, Mr President. I do recall
17 from the ongoing discussion that my learned colleague from the Prosecution said
18 what I call blocus, which was inappropriate, and the witness answered "It was not a
19 blockade" and it is not transcribed. It's important for that to be on the record because
20 otherwise it is the OTP's version and the -- that will appear on the record rather than
21 the version of the witness.
- 22 PRESIDING JUDGE TARFUSSER: [15:51:56] Maître N'Dry.
- 23 MR N'DRY: [15:51:59] (Interpretation) Mr President, since we are dealing with this,
24 I would also want to point out to the Chamber a point, at page 77, line 4 and 5. And
25 I read: "Militants of the RDR in the RDR premises in Wassakara, that is what we are

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1 talking about, and another incident." Now, I want to point out to the Chamber that
2 this expression, militants of the RDR in relation to the Wassakara incident, is not an
3 expression used by the witness. It is a word used by the Prosecutor and not the
4 witness. The witness, rather, made mention of persons having been arrested in
5 relation to a suspicious package. Once again, the Prosecutor has used his own
6 words. And we believe that this type -- this manner of proceeding is inappropriate
7 in this case.

8 PRESIDING JUDGE TARFUSSER: [15:53:18] Okay, we will take care of this in the
9 edited version. Please go ahead.

10 MR MACDONALD: [15:53:28] Thank you, your Honour.

11 Q. [15:53:31] (Interpretation) Mr Mangou, now, to be specific, the adjustment of
12 these security arrangements which you ordered on the 11th, according to document
13 0071-0152, now, the question is: The next day you meet with the president,
14 according to the register, going by that, you meet with the president in the presence of
15 the general director of the police as well as that of the superior commander of the
16 gendarmerie. Now, my question --

17 PRESIDING JUDGE TARFUSSER: [15:54:14] No.
18 Please go ahead.

19 MR MACDONALD: [15:54:20] (Interpretation)

20 Q. [15:54:21] My question, Mr Mangou --

21 PRESIDING JUDGE TARFUSSER: [15:54:22] But you should ask if this is true, if he
22 was there.

23 MR MACDONALD: [15:54:24] Your Honour, let me --

24 PRESIDING JUDGE TARFUSSER: [15:54:25] You're saying -- you're giving a fact
25 as if it was a given fact.

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1 MR MACDONALD: [15:54:31] The witness said --

2 PRESIDING JUDGE TARFUSSER: [15:54:33] Ask him.

3 MR MACDONALD: [15:54:34] The witness said earlier, if I have it in the register,

4 if it's in the register, I must have been there, if you say so. I don't remember. That's

5 what he said. Now I ask him the -- listen, your Honour --

6 PRESIDING JUDGE TARFUSSER: [15:54:47] Why don't you show him the register

7 then.

8 MR MACDONALD: [15:54:50] I'd like, your Honour, the witness to be excused.

9 PRESIDING JUDGE TARFUSSER: [15:54:54] No, no. I'd like you to continue

10 because we have another six minutes and then we stop and we go to tomorrow.

11 Please, go, ask the questions.

12 MR MACDONALD: [15:55:06] (Interpretation)

13 Q. [15:55:08] I'm trying to determine the purpose of the meeting from the

14 chronological flow of matters on the file. Now, what did you talk about with the

15 president?

16 PRESIDING JUDGE TARFUSSER: [15:55:27] Do you remember this meeting, yes

17 or no?

18 THE WITNESS: [15:55:35](Interpretation) No, Mr President. I don't remember that

19 meeting. No, I don't remember that meeting. There you have it.

20 MR MACDONALD: [15:55:45] (Interpretation)

21 Q. [15:55:46] Would you like to see the register?

22 A. [15:55:49] I will not be bothered by that.

23 Q. [15:55:52] Very well.

24 PRESIDING JUDGE TARFUSSER: [15:56:02] Yes, let's see the register. But you

25 cannot ask what you remember of that meeting if he doesn't remember the meeting.

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- 1 MR MACDONALD: [15:56:08] Your Honours, please have a look at the answers of
2 the witness at the very beginning three minutes ago before this series of objections.
- 3 PRESIDING JUDGE TARFUSSER: [15:56:18] Well, I remember exactly that the
4 witness said if it's written there, it had happened probably, okay.
- 5 MR MACDONALD: [15:56:27] Then I ask him --
- 6 PRESIDING JUDGE TARFUSSER: [15:56:29] That doesn't mean.
- 7 MR MACDONALD: [15:56:31] -- what was the content of the meeting.
- 8 PRESIDING JUDGE TARFUSSER: [15:56:33] Come on. That doesn't mean that it
9 happened positively and the content of the meeting.
- 10 MR MACDONALD: [15:56:40] Very well.
- 11 MR ALTIT: [15:56:44] Monsieur le Président.
- 12 PRESIDING JUDGE TARFUSSER: [15:56:49] Maître Altit.
- 13 MR ALTIT: [15:56:50] (Interpretation) Mr President, I'm really sorry to take the
14 floor, but I feel that we don't object except when we have to, and that's our duty.
15 Now, let me answer my learned colleague. Now, secondly, *there is series of
16 questions to ask, but the fact that there is a line-up of names doesn't mean there's a
17 meeting. So the questions must be, who did he go to see, was there a meeting, who
18 was attending at the meeting. You cannot assume that because a number of lists
19 appear on a register there was a meeting. No. The witness is here. Let's put the
20 questions to him.
- 21 PRESIDING JUDGE TARFUSSER: [15:57:28] This intervention was not needed
22 because that's what I asked him to do. Okay.
- 23 Mr Prosecutor, please show for purpose of refreshing the memory, the logbook to the
24 witness.
- 25 MR MACDONALD: [15:57:56] (Interpretation)

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1 Q. [15:57:57] Mr Mangou, it will be 4 p.m. soon. Now, 0088-0863, at page 1001.
2 On that page you will see the date of 12 December 2010. And I want us to focus on
3 entries number 7, 8, 9 and even 10. 7, 8, 9, 10. Entry number 7, it might sometimes
4 be difficult to see.

5 DG police 15.52 to 17.17.

6 Entry number 8, *CEMA plus *Comsup, Com 15.53 to 17.17.

7 SG Government 16.00 leaves at 17.17.

8 So the day after the re-arrangements at Marie-Thérèse, four days before the march of
9 16 December, in the presence of these people, do you recall that you went to meet the
10 president in the presence of these people?

11 A. [15:59:48] The re-arrangement of our troops was on the 12th. The message
12 was issued on the 11th and the re-arrangements were made in the afternoon of the
13 12th with Colonel Niang of ONUCI.

14 Q. [16:00:06] So what was the purpose of your visit to the residence; was it to talk
15 about that?

16 A. [16:00:14] Yes. Well, what we must remember is that it is very difficult for me
17 to remember what I did at the residence. But generally when one goes to the
18 residence to meet with the president of the republic, it is to give him a situation report,
19 to tell him what is going on. So clearly, it must have been at one of those meetings
20 that we gave him a situation update. We must have talked with him about the
21 incident on the day before on the 11th, simply as an update on the situation.

22 Q. [16:00:50] Thank you very much, Mr Mangou. If you look at your watch it
23 must be 4 p.m.

24 Now, Mr President, it's been a long day. I would like us to take the break now.

25 And the Prosecution requests that we break now. Thank you.

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- 1 PRESIDING JUDGE TARFUSSER: [16:01:06] We would have broken in any case
- 2 now because it's 4 o'clock and we resume tomorrow morning at 9.30.
- 3 The hearing is adjourned.
- 4 THE COURT USHER: [16:01:19] All rise.
- 5 (The hearing ends in open session at 4.01 p.m.)