

Trial Hearing
WITNESS: CIV-OTP-P-0009

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Thursday, 28 September 2017
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:50] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:11] Good morning. (Interpretation)
15 Good morning, Mr Mangou.
16 WITNESS: CIV-OTP-P-0009 (On former oath)
17 (The witness speaks French)
18 THE WITNESS: [9:32:22](Interpretation) Good morning, Mr President.
19 PRESIDING JUDGE TARFUSSER: [9:32:23] I will give immediately the floor to
20 the Office of the Prosecutor, the last day. And, Mr MacDonald, you have the floor.
21 MR MACDONALD: [9:32:39] Thank you, your Honour.
22 QUESTIONED BY MR MACDONALD: (Continuing) (Interpretation)
23 Q. [9:32:44] Good morning, Mr Mangou.
24 A. [9:32:56] Good morning, Counsel.
25 Q. [9:32:57] Without much ado let us proceed. I would like to know, during

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1 the post-election crisis -- that is, the same dates, 28 November 2010 to 11
2 April 2011 -- who was responsible for carrying out investigations if crimes had been
3 perpetrated by the FDS?

4 A. [9:33:44] Mr President, before I answer the question, I would like to ask for
5 your leave to answer or to respond to the claim made by the Prosecutor yesterday
6 that I had deployed the army without requisition, that I had not received that
7 requisition. I would like your leave to respond to that.

8 PRESIDING JUDGE TARFUSSER: [9:34:13] Please do so.

9 THE WITNESS: [9:34:19](Interpretation) Thank you, Mr President.
10 I would like to draw the attention of the Prosecutor to the fact that, in no army in
11 the world, no serious army will allow officers to deploy the army in a locality
12 which is under the authority of the police or the gendarmerie without a requisition.
13 I, indeed, received a requisition before deploying the army to Abobo.
14 I am not stupid, because the manoeuvres of the Prosecutor, by referring to certain
15 provisions in the preamble, was to lead to that conclusion. So I want to confirm
16 that, in fact, I received a requisition and it was after that requisition that the army
17 was deployed to Abobo.

18 Now, in response to your answer, the investigations of crimes are the responsibility
19 of the police and the gendarmerie, but for all crimes perpetrated by the army, it is
20 the gendarmerie which is competent to carry out investigations.

21 MR MACDONALD: [9:35:57] (Interpretation)

22 Q. [9:35:58] Very well. Mr Mangou, for the next topics I would like to talk
23 about the events of 16 December 2010. Were you informed that there would be a
24 march to the RTI on 16 December 2010 and, if yes, when?

25 A. [9:36:36] Yes, I was informed that there would be a march on 16

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1 December 2010. There was a memos from the minister of interior, Mr Émile
2 *Guiriéoulou, prohibiting the march, but the information was also circulated in the
3 media, and I was personally called by the prime minister Soro Guillaume who told
4 me that he was going to install the director general of the RTI. And he was asking
5 me to allow his men to pass.

6 Q. [9:37:29] And what was your answer to him?

7 A. [9:37:32] I respectfully told the prime minister that the government had
8 instructed *us, that the march was prohibited, so I was asking him very respectfully
9 to call off the march.

10 MR MACDONALD: [9:37:58] (Interpretation) Mr President, at this stage, we hope
11 that our difficulties, technical and so on, should have been resolved. We would
12 display 0074-0054, from minute 4.07 to 7.38. *It is an RTI report, from the 8 o'clock
13 news. It is document 452 on our list of documents. The transcript is 0087-0385 -- 85,
14 lines *1 to 40 and tab 517. I hope that will be the case throughout the day.

15 Q. If we can look at that video, Mr Mangou, I will then put some questions to you.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [9:39:23] (Interpretation of the video excerpt)

18 *LF: This was the declaration of the Security and Defense forces, regarding the
19 marches planned by the RHDP as of tomorrow. And we are going to go to military
20 affairs immediately. Tomorrow, Thursday, and after tomorrow, Friday, the RHDP
21 plans to march on Abidjan. For the FDS this march is going to create serious trouble
22 in law and order. The Defence and Security Forces believe that these marches
23 intend to oppose the population, and it is for this that the spokesperson is launching
24 an appeal for all those who live on the territory to not participate in this enterprise.
25 Information in possession of the general staff indicate that the organisation of two

1 marches will be carried out by the RHDP.

2 The first march is planned for Thursday, 16 December 2010, on the national
3 television, and it is intended to install the new director of the RTI. The second
4 march will take place on Friday, 17 December 2010 on the prime minister's office of
5 the Republic of Côte d'Ivoire in order to install the new prime minister.

6 The same information states that a special representative of the UN
7 secretary-general for Côte d'Ivoire supports these plans. Furthermore, he even
8 received an audience, a journalist of the foreign press and he gave him the
9 information.

10 It must be stated clearly that these marches may lead to serious trouble of law and
11 order and their final purpose is to oppose innocent populations to the regular
12 forces of law and order. And they hope to compel the Defence and Security Forces
13 to confront Ivorians.

14 The Defence and Security Forces of Côte d'Ivoire strongly denounce these marches.
15 They disapprove of the manoeuvres, the underground manoeuvres, for the purpose
16 of causing problems from people who are supposed to help Côte d'Ivoire.

17 In any case, the lieutenant general Philippe Mangou, chief of staff of armed forces,
18 *and of Homeland Security and Defence forces holds Mr Choi as responsible for the
19 consequences that might result from these marches. The Defence and Security
20 Forces launch an appeal to the brave Ivorians that those who live on the national
21 territory who like peace and like stability in Côte d'Ivoire should abstain from
22 associating themselves from such dangerous endeavours.

23 The Defence and Security Forces of Côte d'Ivoire call on them to continue to carry
24 out their activities in calm and serenity in their various occupations, and this is the
25 only way that they can guarantee a better welfare for themselves.

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1 May the grace of the God almighty, the only master of the destiny of the nations
2 and people, come on to Côte d'Ivoire during this period.

3 Done in Abidjan on Wednesday, 15 December 2010.

4 MR MACDONALD: [9:43:34] (Interpretation) Mr President, to clarify, it was
5 at *7.39.19.

6 Q. [9:43:54] Mr Mangou, a short while ago, you mentioned having said -- and I
7 read on page 3, lines 14 to 16, and I quote:

8 "So, I very respectfully told the prime minister that the government had instructed
9 us and that the march was prohibited and I asked him very respectfully to call off
10 the march."

11 Which authorities were instructed?

12 A. [9:44:48] The march was prohibited by the government.

13 Q. [9:44:55] Can you tell me who told you personally that the march was
14 prohibited?

15 A. [9:45:04] I said that it was a communiqué of the minister of the interior.
16 And we ourselves, we had a meeting with the minister of defence, and he informed
17 us that a march was prohibited by the government.

18 Q. [9:45:29] Did you take part in the drafting of that communiqué of 15
19 December by Colonel Babri?

20 A. [9:45:39] No, I did not take part in the drafting, but I was the one who asked
21 him to draft a communiqué.

22 Q. [9:45:50] On the eve of the march, which was on the date of the 16th, did
23 you meet with the president of the republic to discuss the issue with him?

24 A. [9:46:05] No, I did not meet with the president of the republic.

25 Q. [9:46:15] Very well. Mr Mangou, before we continue, on the eve of the

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1 march, did you visit the president of the republic?

2 A. [9:46:48] I said it yesterday and I stand by what I said. You know that it
3 was six years ago. I told you that the visits to meet the president in his residence
4 happened and, consequently, I cannot remember the dates. I cannot state clearly
5 or certainly that I met with him, but if you show me the documents, I will be able to
6 see whether I met with him or not.

7 Q. [9:47:36] We can show you the register or logbook of visits. Let us begin
8 with the visits to the residence, 0088-0863, and if we can display page 1009.

9 Mr Mangou, at the top of the page we can carry out a small exercise.
10 If we can scroll up.

11 We can see that unfortunately the dates do not appear, so we can go back to the
12 previous page, that is page 10087 -- or, rather, 1007. And at the top of the page, we
13 can see that it is the service of Tuesday 14 December.

14 And I will show you the page after that, which has no date. So if we can go now to
15 page 1011.

16 And we can see "Service of Thursday, 16 December 2010." Are we okay?

17 A. [9:50:25] I'm with you.

18 Q. [9:50:26] Now, let us come back to page 1009. And if you look at entry
19 number 19.

20 And if we can zoom in a little bit, thank you.

21 We can see "General Kassaraté + CMA" for the PR, entry 21.52, exit 22.55.

22 Then if we can move on to the next page which is 1011 at the top of the page. Top
23 of the page, please.

24 You can see entry number 20, "Minister Alcide Djédjé" and then *entry 21, "Minister
25 of defence" and then the "General director of the police" who arrived 22.28.

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- 1 Can I proceed, Mr President?
- 2 MR N'DRY: [9:52:01] (Interpretation) Mr President.
- 3 PRESIDING JUDGE TARFUSSER: [9:52:04] Continue till the end. Pose a
4 question and then I'll give the floor to Maître N'Dry.
- 5 MR MACDONALD: [9:52:06] Because then I'm going to ask a question.
- 6 PRESIDING JUDGE TARFUSSER: [9:52:08] Yes.
- 7 MR N'DRY: [9:52:11] Monsieur le Président.
- 8 PRESIDING JUDGE TARFUSSER: [9:52:12] No.
- 9 MR MACDONALD: [9:52:16] (Interpretation)
- 10 Q. The time of departure is 22.55. My question is do you remember having
11 visited the residence in order to meet with the president on 15 December 2010?
- 12 PRESIDING JUDGE TARFUSSER: [9:52:41] Mr Mangou, wait a little minute.
13 Now it's your turn. Maître N'Dry.
- 14 MR MACDONALD: [9:52:50] I'd like the witness to be stepping out,
15 your Honour, because -- I'd like the witness to be removed from the courtroom,
16 because Mr N'Dry is going to go into the content of the logbook.
- 17 PRESIDING JUDGE TARFUSSER: [9:53:00] He will not go into the content of the
18 logbook.
- 19 MR MACDONALD: [9:53:03] We had the same discussion with another
20 witness --
- 21 PRESIDING JUDGE TARFUSSER: Yes.
- 22 MR MACDONALD: -- about the missing date.
- 23 PRESIDING JUDGE TARFUSSER: [9:53:05] I will ask Maître N'Dry what he is
24 going to say and if the witness has to go out. It is not you who decides on if the
25 witness goes out or not.

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1 I ask Maître N'Dry if it's necessary for what you're going to say that the witness
2 goes out or not?

3 MR N'DRY: [9:53:29] (Interpretation) Mr President, I don't think it is necessary
4 for the witness to go out.

5 PRESIDING JUDGE TARFUSSER: [9:53:40] Please go ahead.

6 MR N'DRY: [9:53:41] (Interpretation) Mr President, I do not want to give the
7 impression of someone who makes needless interventions. I regret that each time
8 I make observations the Prosecutor does not take them into consideration. I have
9 no choice but to get up.
10 We said it yesterday and the day before, if there are questions to ask about the
11 register, he should ask the questions. He does not have to make comments. And
12 if he does that on ten occasions, I'm compelled to get to my feet as many times as he
13 does that. I really want to insist on that. He should ask questions and the witness
14 should answer.

15 MS KADJI: Monsieur le Président, s'il vous plaît.

16 PRESIDING JUDGE TARFUSSER: [9:54:40] Maître N'Dry, I must say -- no, this
17 is -- one speaks for or makes an opposition. This is enough.

18 Maître N'Dry, I say that in this case, and I repeat it was not needed, the only thing
19 the Prosecutor did was not making comment, but reading what we all read. He
20 was not making a comment. He read who was coming in, who was coming out,
21 what results on the logbook. And now he will ask the question, but he didn't
22 make a comment.

23 The question is the following: Do you remember, Mr Mangou, having been at the
24 residence at that time with those people in the day in this time period from 10 to,
25 about 10 to 11? This is the question.

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1 THE WITNESS: [9:55:44](Interpretation) Mr President, I am here for the
2 ascertainment of the truth. So to go to meet the president of the republic as the
3 chief of staff, I have no problem with that. If I go there it is to report to him on the
4 situation.

5 But this document raises a problem, in a jurisdiction, such documents should not be
6 presented. It can only be valid if you have a signature somewhere.

7 You see documents being scrolled up and down. The chief of the group has not
8 signed, the commander of the GSPR has not signed. This is a document that has
9 been -- seems to have been rubbed in mud. Anyone can come up with this
10 document.

11 What is the legal value of this document? I do not understand. I can produce a
12 document, put in people's names and the times of departure that correspond to an
13 event.

14 But now I would like to insist that regarding the meetings with the president at the
15 presidency, I've given times and dates. But in the residence, we went there several
16 times. *If he thinks my name is there because I met with the president, all I can say
17 is: yes, I met with the president there, but it was to report on the situation that was
18 prevailing at the time.

19 Thank you, Mr President.

20 PRESIDING JUDGE TARFUSSER: [9:57:32] I do understand your observations
21 on the document, but this is what we have, so we have to cope with this.

22 Because your name is on this document, and this document would show that you
23 entered and exited together with other people into the presidential palace, the
24 question is simply -- and on a certain date, which is the evening, late evening of 15
25 December, meaning a day before the march.

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1 So the question is legitimate to ask you if you recall to have been there, and if yes,
2 what was the discussion about it among the people with the president?

3 THE WITNESS: [9:58:33](Interpretation) Very frankly, Mr President, I do not
4 recall. I do not remember because it was quite a long time ago.

5 PRESIDING JUDGE TARFUSSER: [9:58:43] Thank you very much.
6 Mr Prosecutor.

7 MR MACDONALD: [9:58:54] Thank you, your Honour.

8 Q. [9:58:55] (Interpretation) So you do not remember.

9 For the purpose of refreshing your memory, I would like to refer you to your prior
10 statement, and it is 0051-0935. That is the first page. It is number 35 on our list.

11 And I will refresh your memory on page 0961, 0961, from line 891.

12 And if I'm not mistaken I was even the one putting the questions at the time.

13 "You have said that the deployment started on the morning of the 15th."

14 Your answer: "The 15th in the morning. Let us say the 14th."

15 And my question: "So the 14th?"

16 Your answer: "In the evening of the 14th."

17 And I asked you the question: "On the 14th in the evening, you went to the
18 residence?"

19 "To the residence.

20 And who was present? With whom did you go?"

21 And there you answer: "All the generals were there."

22 And the question is: "That means?"

23 Answer: Myself, Kassaraté, Dogbo Blé, Brindou, the director general of the police,
24 Detoh, Aka. So we discussed and we raised issues.

25 And who else was there?

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- 1 These were the generals that I remember.
- 2 Were there any politicians, civilians?"
- 3 And there you say: "Often, often" and so on and so forth.
- 4 So you seem to say that there was a meeting on the 14th.
- 5 My question is: Does that refresh your memory?
- 6 A. [10:02:17] Yes, of course.
- 7 MR GBOUGNON: [10:02:22] (Interpretation) The question put to the witness
- 8 before was about the 15th and here we are talking about the 14th.
- 9 PRESIDING JUDGE TARFUSSER: [10:02:36] I realise that.
- 10 MR MACDONALD: [10:02:38] Le témoin --
- 11 PRESIDING JUDGE TARFUSSER: [10:02:40] Yes, yes, I know. Go ahead. I
- 12 realised that --
- 13 MR MACDONALD: [10:02:43] But it is more than that, your Honour. The
- 14 witness is in the courtroom when such a comment is made.
- 15 PRESIDING JUDGE TARFUSSER: [10:02:49] Yes, but, I mean, the witness is in
- 16 the courtroom, but the witness understands the difference between 14 and 15 that's
- 17 been -- come on.
- 18 MR MACDONALD: [10:02:57] Yes, yes. *I showed the register for the 14th.
- 19 PRESIDING JUDGE TARFUSSER: [10:02:59] Maybe I'll have to give the floor
- 20 also to Maître Altit.
- 21 MR ALTIT: [10:03:02] Oui, Monsieur le Président.
- 22 MR MACDONALD: [10:03:07] Again, I would like the witness to be removed
- 23 with your permission. It's okay, your Honour.
- 24 PRESIDING JUDGE TARFUSSER: [10:03:14] No.
- 25 Maître Altit.

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1 MR ALTIT: [10:03:19] (Interpretation) Thank you, Mr President. I just want
2 some clarification. I want to add my voice to the remarks of my learned colleague
3 and draw the following consequence. You cannot claim to jog the witness's
4 memory by referring to a date that has not been mentioned to the witness. So
5 there's an objection to that. This question should not be raised, because it doesn't
6 jog the witness's memory because it's not dealing with the 15th, it's with the 14th
7 instead. That's all I wanted to say.

8 PRESIDING JUDGE TARFUSSER: [10:03:52] I said I realised that, but as I cannot
9 look into the head of the person who is going to question.
10 Now it's on the record, and I ask the witness: Do you know about a meeting
11 where the march was discussed on 14 December?

12 THE WITNESS: [10:04:24](Interpretation) Yes, Mr President.

13 PRESIDING JUDGE TARFUSSER: [10:04:25] Can you talk about this meeting
14 and what was it about? Thank you.

15 THE WITNESS: [10:04:36](Interpretation) Mr President, we were convened to that
16 meeting to receive instructions to the effect that the march had been prohibited.
17 So we took advantage of that to update on the prevailing situation and also to
18 express the desire that the march should not take place, because we could foresee
19 that there would be disturbances.

20 So we highlighted that point and even asked the president whether it was possible
21 to ask Mr Choi to bring his influence to bear on the two big people to ensure that
22 the march doesn't take place, because we had a premonition that there would be
23 trouble.

24 PRESIDING JUDGE TARFUSSER: [10:05:28] Mr Prosecutor.
25 Thank you.

1 MR MACDONALD: [10:05:32] (Interpretation)

2 Q. [10:05:34] During that meeting, what was or did you receive instructions
3 from the president?

4 A. [10:05:50] Yes, we received instructions from the president to the effect that
5 the march should not take place, that the march was prohibited.

6 Q. [10:06:04] Very well. What arrangements were made?

7 All right, let me be more general. Following that meeting, were there any security
8 arrangements made and set up?

9 A. [10:06:27] Yes, indeed, following that meeting as some security
10 arrangements were made.

11 Q. [10:06:34] Briefly, what were those arrangements?

12 A. [10:06:39] Well, when it comes to the management of the march, and let me
13 be clear on this, after having looked at the transcripts I noticed a little bit of a
14 confusion.

15 Now there were three events taking place: One, the positioning of soldiers at
16 strategic points of the town, that was the duty of the army. Two, providing
17 security around the RTI was within the duties of the army. Now, when it came to
18 the Golf, you know that there was an exchange of firing, and that also fell within
19 the purview of the army. But when it came to the march proper, it was handled
20 by the national police with the support of CECOS. And the army has no
21 jurisdiction in either managing or providing coverage for the march

22 Now, turning to your question then, the arrangements were made in that manner.

23 Q. [10:08:00] Can we start by the RTI. What were the security arrangements
24 relating to the army at the RTI?

25 A. [10:08:14] The RTI army arrangements was as follows: There was already a

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1 gendarmerie platoon at the RTI. There was one section of the first parachute
2 commando battalion there. And those two sections were supported *by an
3 armoured platoon and two bitubes from the BASA. And in order to defend a
4 specific point, during the march, these troops came out.

5 Q. [10:08:51] Where were they positioned? Were they around the RTI?

6 A. [10:08:54] No. They were in front. But then there were other troops that
7 were added on. If you take the *Danga former Cocody road which goes through
8 the German cultural centre, we had some police students -- or, rather, students
9 from the gendarmerie academy at that location.

10 Then on this side of Cocody market, from the market to the roundabout of the
11 National Institute of Arts, the national gendarmerie was deployed.

12 At the Saint Jean roundabout, the national police was deployed.

13 CECOS conducted patrols between carrefour de la Vie and the gendarmerie
14 academy. So that was for CECOS. Part of the CECOS was also providing support
15 to the police during the march.

16 Now, on the jardin de la Riviera road, this was covered by students from the
17 gendarmerie academy, and so this is the arrangement that was set up around the
18 RTI.

19 Q. [10:10:26] So if we look at this arrangement around the RTI, just focusing on
20 that, who was in charge of that setup or that arrangement within that location, was
21 it under the army or the police?

22 A. [10:10:41] It was the army. Anything relating to the *RTI fell under the
23 authority of the army.

24 Q. [10:10:48] Very well. Let us now look at those who were at the
25 Marie-Thérèse Houphouët-Boigny roundabout. Under whose jurisdiction were

1 those troops and which troops were present there?

2 A. [10:11:08] The elements at M'Pouto included an armoured platoon, one
3 bitube, *two 60 mortar, and one 12.7 from CECOS. And then within the Golf
4 gardens there was one *platoon, and one infantry section.

5 At Marie-Thérèse we had an armoured platoon, we had one bitube from BASA and
6 *two mortars as well as a 12.7 from CECOS.

7 So if you notice it is the same disposition or arrangements on both sides, and that
8 arrangement fell under the jurisdiction of the army.

9 Q. [10:12:09] Was the army deployed to any other areas, specifically in relation
10 to prohibiting the march?

11 A. [10:12:21] Yes, the army was deployed to other areas of the capital. At the
12 Abobo roundabout we had joint force of police and gendarmes. We had one
13 section at Samaké. There was a section at Coco Service. And in Yopougon at the
14 MACA, the armoured battalion and the BAE were present. Now, when it comes
15 to the corridor, the usual troops that were there continued to provide the service,
16 customs, forestry, *police and gendarmerie troops working together.
17 At the Plateau and the gare RAN we had a section.

18 Q. [10:13:20] You mentioned a name rather quickly. Can you repeat that
19 name?

20 A. [10:13:26] La RAN, la RAN is the Niger-Abidjan rail station. So there was a
21 section of the police at la RAN. Now, when you get to Koumassi Marcory zone,
22 that area was reserved to the commando gendarmes. And ultimately if there was
23 need, there would be intervention from troops from the Abidjan air base.
24 Then in Sébroko there was a section of troops from the BCS, du Bataillon de
25 commandement et de service.

1 That in broad strokes is a description of the security arrangements that were put in
2 place, the military arrangements, rather.

3 But let me be specific. This military arrangement did not have contact with those
4 who were marching. We set up these arrangements at strategic locations for the
5 following purpose: One, to dissuade those who were marching; two, to ensure
6 that people from outside Abidjan do not infiltrate the area.

7 Q. [10:15:00] When it comes to the police, also referred to as the first category
8 force, what was its job specifically? What were its responsibilities on that day?

9 A. [10:15:17] The police had autonomous management, entirely autonomous
10 management of the crowd, because crowd management is a matter that falls within
11 the jurisdiction of the police, which uses conventional measures to discharge this
12 mission; whereas we soldiers are not able to do so. So the police was in contact
13 with those who were marching.

14 Q. [10:15:45] As far as you know, the policing of the march, where was it
15 managed or controlled from?

16 A. [10:15:58] I am not in a position to tell you. But what I know is that the
17 marchers left from Boribana, from Adjamé.

18 Q. [10:16:12] I'm sorry, but this is my question: Where was the police
19 command post for that day located?

20 A. [10:16:23] The police command post for that day was at PC Minos as usual.

21 Q. [10:16:32] Is the PC Minos located within the premises of the ministry of the
22 interior; is that correct?

23 A. [10:16:43] Yes, that is correct.

24 Q. [10:16:46] On that day, who was in control of the police, the director general
25 of the police; or who was in charge of the police on that day of the march?

1 A. [10:17:02] It was the director general of the police who managed or who
2 controlled the march, because he used troops from the préfecture and CECOS to
3 cover the march while he was in charge of managing the march.

4 Q. [10:17:22] When it comes to that specific aspect and in relation to his
5 hierarchy, who would he have received instructions from, if necessary?

6 A. [10:17:31] If he had to receive any instructions in that connection, the instructions
7 would have come from the minister of the interior, Mr Émile *Guiriéoulou.

8 Q. [10:17:49] For the military component and the attendant deployments,
9 where was the command post located?

10 A. [10:17:57] When it came to military deployment, the command post was at
11 the staff headquarters.

12 Q. [10:18:18] During that day -- I'll rephrase.

13 Who was present at the army command post on that day?

14 A. [10:18:33] At the army command post, the chief of staff was there.
15 General Detoh was there, because he was in charge of coordinating or actually
16 commanding the troops that had been deployed to strategic points across the city,
17 the troops at the RTI as well as those at the Golf. And I'm referring there to the
18 checkpoints at the Golf.

19 Q. [10:19:20] Well, I have a number of questions to put to you. Well, on that
20 day you yourself, how did your day begin and at what time did you start your day?

21 A. [10:19:33] On that day, very early in the morning at 7 a.m., I went to the RTI
22 to see what arrangements had been made there. I left my house and I went to
23 check on the arrangements at the RTI before going to the staff HQ, around 7 a.m.,
24 or thereabouts.

25 Q. [10:20:07] The army arrangements you have referred to, do you remember

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1 when the arrangements were made?

2 A. [10:20:19] The arrangements were made on the same day of the march, very
3 early in the morning. By 6 a.m. the men were already at their positions.

4 Q. [10:20:31] As far as you know, the police security arrangements, when were
5 they set up?

6 A. [10:20:37] I am not in a position to tell you. I don't have the specific time at
7 which the police set up their arrangements.

8 Q. [10:21:09] So the CECOS elements, *they were part of the army
9 arrangements. Because you mentioned that there were mixed or joint forces when
10 it came to the *army's security arrangements. Do those forces, where did they
11 receive their instructions from, or who gave them instructions?

12 A. [10:21:39] The arrangements around the Golf which I referred to were under
13 the responsibility of the one who had management for the troops around M'Pouto,
14 as well as the one who was in charge of the troops around *Marie-Thérèse. I want
15 to be specific --

16 Q. [10:22:03] I'm sorry, please go on but I have some clarification to seek from
17 you shortly.

18 A. [10:22:09] I want to specify that in the army when a unit comes in as support
19 or reinforcement, regardless of its origin, that unit comes directly under the
20 responsibility of the unit which receives it.

21 Q. [10:22:31] Who asked for the support of CECOS in relation to the army
22 security arrangements?

23 A. [10:22:45] It was the chief of general staff who asked for support from
24 CECOS, in addition to the arrangements of the army.

25 Q. [10:22:54] So without referring to the third person, are you saying it was

1 yourself?

2 A. [10:22:58] Yes, it was I, myself.

3 Q. [10:23:04] Who, as far as you know, requested support from the CECOS in
4 relation to the police operations?

5 A. [10:23:21] It must have been the general director of the police because, as
6 you must have noticed, in CECOS they had brigade that was specially created for
7 law enforcement.

8 Q. [10:24:07] Did you go back to the command post at the staff headquarters
9 after visiting the security arrangements?

10 A. [10:24:16] Yes, that's what I said a short while ago; namely, that I went back
11 to the staff headquarters.

12 Q. [10:24:25] How did you monitor the unfolding of events?

13 A. [10:24:31] When it comes to the march proper I was not in a position to
14 monitor how it was unfolding. I had no radio contact. I had no contact with the
15 general director of the national police. However, when it came to the military
16 arrangements, General Detoh reported to me. He provided me with information
17 as to what was happening by way of mobile phone.

18 Q. [10:25:02] In the command room, did you have any screens to follow the
19 march or the various events that were unfolding?

20 A. [10:25:14] Yes, in the command hall we had video screens, but they did not
21 cover the entire city of Abidjan. They focused mainly on the Abobo roundabout,
22 the two bridges, Houphouët-Boigny and de Gaulle bridges, and the part of the
23 tarmac of the airport.

24 Q. [10:25:47] Did you receive any reports?

25 A. [10:25:52] Reports began to come in when clashes broke out between the

1 troops at the Golf and our troops. Now, from the RTI I can say that I was
2 receiving reports because in the army, even a negative report is a report. Even
3 when you say nothing to bring to your attention that, too, is a report. So I was
4 receiving reports from that end as well.

5 Q. [10:26:34] The clash between the troops at the Golf and your troops, do you
6 recall at what time those clashes occurred?

7 A. [10:26:48] Yes. Maybe not the exact time, but I believe that the clashes
8 occurred at around 9 a.m.

9 Q. [10:27:02] Nine o'clock in the morning?

10 A. [10:27:05] In the morning.

11 Q. [10:27:13] Can you tell us what happened at that location and were any
12 marches involved?

13 A. [10:27:23] At that location there were no demonstrators or marchers. It was,
14 instead, the forward soldiers, the soldiers who had come out. When they -- the
15 advanced troops, when they came out they started shooting at our men and our
16 men fired back, and it then degenerated into combat, combat or fighting which
17 lasted some 30 minutes or so.

18 And on our side, we lost two men and three were injured. On the side of our
19 brothers, I don't know what the numbers were for them in terms of loss and injury.

20 Q. [10:28:23] Your troops who were deployed beyond or apart from the
21 roundabout as you have described, were they involved in other clashes and
22 combat?

23 A. [10:28:41] No, that was the only location at which there were clashes.

24 Q. [10:28:53] Were you in contact with the president of the republic at the time
25 of those events of that day of 16 December?

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1 A. [10:29:06] Yes. After the clashes at the Golf, I received a phone call from
2 General Palasset, asking me to keep the men at their position, to remain at their
3 position because, you see, generally, during clashes, if you see that you have the
4 upper hand, your troops then advance, but he told me to remain in our position.
5 So I called the president and reported to him accordingly. General Palasset was
6 very clear. He said if ever you touch the Golf, take it that you have declared war
7 on France. So when I reported accordingly to the president, he said, "Don't move,
8 remain in your position."

9 Q. [10:30:07] That discussion with the president, at about what time did it take
10 place?

11 A. [10:30:12] It was at the end of the fighting which, like I said, lasted about 30
12 minutes and, like I said, it started around 9 a.m., and so it must have been around
13 10 a.m. Well, the president -- no, I'm -- I generally call the president around 11 a.m.
14 He tends to go to bed late, *but he gets up late also, so I was able to call him around
15 11 a.m., that's the usual time at which I call him. So I was able to call him around
16 that time and reported to him accordingly.

17 Q. [10:30:48] Apart from the fact that you would be in war with France, did
18 you report on the loss of life, whether it's combatants or non-combatants?

19 A. [10:31:12] Report to who?

20 Q. [10:31:13] I'm sorry. During that call, after 11 a.m, with the president, did
21 you report to him about the casualties involving combatants or non-combatants,
22 civilian soldiers?

23 PRESIDING JUDGE TARFUSSER: [10:31:33] Maître Gbougnon.

24 MR GBOUGNON: [10:31:34] (Interpretation) Mr President, the question is not
25 precise because it does not follow the logic of the questioning. He -- Mr President,

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1 the way the question is put can mislead the witness, so it should be rephrased.

2 Since the witness is there I don't want to give details.

3 PRESIDING JUDGE TARFUSSER: [10:32:01] I know exactly what you mean.

4 Were there casualties?

5 THE WITNESS: [10:32:09](Interpretation) Yes, Mr President, there were military
6 who were injured.

7 MR MACDONALD: [10:32:20] (Interpretation)

8 Q. [10:32:20] You even said two dead?

9 PRESIDING JUDGE TARFUSSER: [10:32:24] All together, were there casualties
10 on that day during this event? On which side? How many?

11 THE WITNESS: [10:32:42](Interpretation) Mr President, at the Golf we lost two
12 men and there were three persons injured. At the RTI there was nothing to report.
13 With regard to the elements that we had positioned at strategic points, nothing
14 happened there.

15 PRESIDING JUDGE TARFUSSER: [10:33:07] And did you report this to the
16 president?

17 THE WITNESS: [10:33:23](Interpretation) Yes, Mr President. I reported to the
18 president of the republic by telephone.

19 PRESIDING JUDGE TARFUSSER: [10:33:29] Thank you very much.
20 Mr MacDonald.

21 MR MACDONALD: [10:33:46] (Interpretation)

22 Q. [10:33:47] During that call or before that call, were you informed of the
23 death of civilians?

24 A. [10:34:03] No, I was not informed about the death of civilians because I was
25 not in contact with the director general of the national police.

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1 MR MACDONALD: [10:34:16] So, your Honour, at this stage I'd like to confront
2 the witness.

3 PRESIDING JUDGE TARFUSSER: [10:34:24] With his previous statement?

4 MR MACDONALD: [10:34:26] Of October/September 2013.

5 PRESIDING JUDGE TARFUSSER: [10:34:29] Please do so.

6 MR MACDONALD: [10:34:37] Again for the record, statement 0051-0935.

7 Same thing, 35 on our list. I will have to read two parts.

8 Q. [10:35:17] (Interpretation) I asked you a question -- just one moment,
9 please.

10 (Counsel confer)

11 MR MACDONALD: [10:35:31] We can always go into private session if ever
12 there was a need in terms of Rule 74, your Honour. I'm not advocating it, I'm
13 just --

14 PRESIDING JUDGE TARFUSSER: [10:35:43] Let's go.

15 MR N'DRY: [10:35:53] (Interpretation) Can we have the page?

16 MR MACDONALD: [10:35:56] (Interpretation) To begin, 0972, lines 1303
17 onwards. It begins with an answer.

18 THE COURT OFFICER: [10:36:18] We are in private session, Mr President.

19 (Private session at 10:36 a.m.) * Reclassified into open session

20 MR MACDONALD: [10:36:20] I did not request private session.

21 PRESIDING JUDGE TARFUSSER: [10:36:22] No. There is no private session.

22 I did not order private session.

23 THE COURT OFFICER: [10:36:34] My apologies, Mr President, we're back to
24 open session.

25 (Open session at 10.36 a.m.)

1 PRESIDING JUDGE TARFUSSER: [10:36:40] Please go ahead, Mr Prosecutor.

2 MR MACDONALD: [10:36:44] (Interpretation)

3 Q. [10:36:46] So line 1303, and I am quoting you, quote:

4 "Mr Gbagbo was informed of the unfolding of the march."

5 The question is: "By whom?"

6 And the next page: "By me. And I told you that he didn't wake up before

7 11 o'clock, but at noon I called him and I reported to him about the march. So the

8 measures were taken."

9 We are going to take a little pause, correction.

10 And for the record, I'll read line 1316:

11 "When you said that there was a report of men killed in Abobo, people were lost.

12 Were you referring to elements of the FANCI or ..."

13 Answer: "Of the police."

14 You answered: "Of the police."

15 Question, 1322: "Did you report on the elements to the president of the death of

16 policemen?"

17 Answer: "Of the police."

18 1324: "Did you report at that time about the death of civilians to the president?"

19 Your answer, 1326: "Civilians also."

20 Let us stop here. And my question is as follows: Does it refresh your memory?

21 A. [10:38:51] Yes, it refreshes my memory and I admit what I said, but your

22 question to me was: During the march, the report that I made was at the end of

23 the march. So there are usually reports in the course of the action and also at the

24 end of the action, but during the march, I did not have that information, but at the

25 end I had that report.

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1 Q. [10:39:23] Just a moment. We are going to continue on that.

2 Please explain to us. You say that there was a first discussion at noon. Did you
3 have any further conversations with the president during that day?

4 A. [10:39:44] It was a report that I made to the president. Regarding other
5 discussions, I do not remember.

6 Q. [10:39:55] "Report." This is a matter of semantics. We are saying the same
7 thing. Did you have a discussion?

8 A. [10:40:07] It was a report. A discussion is not a report.

9 Q. [10:40:13] Please explain to us what the report was.

10 A. [10:40:17] At the end of the day? At the end of the day?

11 MR MACDONALD: [10:40:27] (Interpretation) There is an objection from my
12 learned friend.

13 MR N'DRY: [10:40:33] (Interpretation) It's not an objection, Mr President. I
14 don't remember the date of the specific decision, but you said that if we want to
15 quote the witness to confront him or her, we must bear in mind the idea not to
16 distort or to mislead the witness.

17 The Prosecutor has referred to this page. Is it possible to read what the witness
18 said right to the end of the page? I think we have to be complete on this matter.
19 Is it possible to do that?

20 PRESIDING JUDGE TARFUSSER: [10:41:15] Yes, everything is possible but I
21 don't think this witness can be misled. Okay. So nobody is trying to mislead, or
22 this witness cannot be misled. So I don't know what you're referring to, but I
23 invite the Prosecutor to go to the wherever, to the end of -- or go a little bit further.

24 MR MACDONALD: [10:41:37] Your Honours.

25 PRESIDING JUDGE TARFUSSER: [10:41:38] But I don't really don't know --

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- 1 MR MACDONALD: [10:41:41] Those comments -- I'll switch to
2 French -- (Interpretation) Mr President, those comments are inappropriate in the
3 presence of the witness. According to us, they have no objective regarding
4 influencing the witness. As you have said, the witness cannot be misled. They
5 will have the opportunity to ask questions. I'm not here to be dishonest with the
6 witness. I ask questions, he answers. This is really important what I'm saying,
7 Mr President, because ever since the end of the day, yesterday and this morning,
8 the Defence have been making inappropriate observations. That is what I submit.
- 9 PRESIDING JUDGE TARFUSSER: [10:42:32] Maître N'Dry, where do you think
10 the part should be read out, to which line?
- 11 MR N'DRY: [10:42:48] Monsieur le Président.
- 12 PRESIDING JUDGE TARFUSSER: [10:42:51] Please respond to the question.
13 To which line do you think the Prosecutor has to read the statement?
- 14 MR N'DRY: [10:43:03] (Interpretation) Line 1333 to line 1335.
- 15 PRESIDING JUDGE TARFUSSER: [10:43:11] Can we bring this up, please.
- 16 MR MACDONALD: [10:43:21] I can even read where I left off.
- 17 PRESIDING JUDGE TARFUSSER: [10:43:22] And I would like that the parties
18 would not make polemics among them because we have to go forward with the
19 case. All the other comments are not relevant to the case. So please, 1333, you
20 said?
- 21 MR MACDONALD: [10:43:38] I'm going to continue where I left off, your
22 Honour --
- 23 PRESIDING JUDGE TARFUSSER: [10:43:41] Please. Okay.
- 24 MR MACDONALD: [10:43:42] -- all the way down to that.
- 25 PRESIDING JUDGE TARFUSSER: [10:43:44] Okay.

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1 MR MACDONALD: [10:43:56] (Interpretation)

2 Q. [10:43:57] I will re-read the question from 1394. I'm sorry, 1324 onwards.

3 "Did you report at that time about the death of civilians to the president?"

4 1326: "Civilians also."

5 1327: "Also. And that the civilians died where?"

6 1328: "Mostly in Abobo."

7 1329: "In Abobo, amongst others."

8 Then there is overlapping.

9 "You said at Abobo, particularly."

10 1331: "When you say 'particularly in Abobo,' where are the other locations? Did
11 you report on them?"

12 1333, and your answer: "No, because in reports you have reports in the course of
13 the action. You have a march which is taking place which has not ended. So the
14 initial reports that I had I communicated them."

15 This has been read, Mr President.

16 PRESIDING JUDGE TARFUSSER: [10:45:30] Yes. Thank you.

17 MR MACDONALD: [10:45:32] (Interpretation)

18 Q. [10:45:34] Now, I'll come to the second report.

19 PRESIDING JUDGE TARFUSSER: [10:45:39] Maître N'Dry. And this is what
20 the witness had then specified, so what he said without having been, I mean,
21 spontaneously said, so I don't see the -- I didn't see the problem. Now, just to tell
22 you.

23 MR N'DRY: [10:45:57] (Interpretation) Mr President, the problem was that the
24 witness said, "I will confront the witness to his prior statement."

25 PRESIDING JUDGE TARFUSSER: [10:46:10] Yes, but it's a very formalistic, very

1 formalistic. I think in the substance, nothing has changed.

2 Please go ahead.

3 MR MACDONALD: [10:46:21] Thank you, your Honour.

4 Q. [10:46:30] (Interpretation) So was there a second report to the president of
5 the republic at the end of the event?

6 A. [10:46:48] Yes, there was a second report to the president of the republic.

7 And I would like to point out that the management of the march was essentially the
8 responsibility of the police. The police made its reports and addressed them to
9 their line minister. And at the end, I made a verbal report. And I remember that
10 it contained everything that happened throughout the national territory because I
11 looked at the report and there are many points that were not included.

12 He said that at Divo there were armed elements carrying out ambushes in the
13 neighbourhoods in Yopougon. Particularly in Port Bouët, there was one person
14 killed. In Wassakara, three injured. At the carrefour H, he said there were three
15 dead and eight injured. At Williamsville, Djeni Kobenan roundabout, there was
16 one dead, who died accidentally. I think he fell from a vehicle and he died. And
17 there were eight injured. At l'ENA, he indicated that there was one dead. So at
18 the Golf there were two of our elements who died who were included in the report.
19 At Koumassi there was a journalist who was attacked by the population, and who
20 unfortunately lost his life. In Abobo, he told us that around the 32nd
21 arrondissement, there were elements armed with 12-millimetre calibre weapons.
22 In PK18 there was a major demonstration. And at Anonkoua-Kouté there was a
23 death of a soldier and a policeman shot with live bullets at the town hall. At
24 Saint-Joseph there was a CRS element who was killed. And still in Abobo, three
25 elements of the FDS were burnt alive in their homes. In Bassam, the report

1 indicated that there was one dead and seven injured. And then 12 journalists were
2 arrested and then released. And this is the report that we received at the general
3 staff headquarters.

4 Q. [10:50:22] From whom? Because you did not specify it, just to clarify,
5 Mr Mangou.

6 A. [10:50:37] Yes, I said when the DGPN, orally he gave us that information
7 and I took notes. And I reviewed those notes.

8 Q. [10:50:49] Before you came to testify?

9 A. [10:50:52] That is my personal notebook.

10 Q. [10:50:54] Do you have it with you?

11 A. [10:50:57] No, not with me here.

12 Q. [10:51:05] So this report, did you forward it to the president? Did you
13 report about it to the president of the republic?

14 A. [10:51:22] Yes, I reported to the president of the republic, but in that case, I
15 mentioned that there were civilians who had died without giving details. But I
16 underscored soldiers who were dead, the three in Abobo, those who were killed in
17 the vicinity of Anonkoua-Kouté and at Saint Joseph. I placed emphases on those.

18 Q. [10:52:00] What was his reaction?

19 A. [10:52:05] The president deplored the fact that people had died.

20 Q. [10:52:15] Do you remember your answer during your second interview
21 relating to the reaction of the president when you made that report to him?

22 A. [10:52:34] I don't see where you are going there.

23 Q. [10:52:39] Do you remember that you were questioned before by the OTP on
24 the reaction of the president when you reported to him after the march?

25 A. [10:52:53] I would like you to refresh my memory.

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1 Q. [10:52:58] Very well. Just a moment.

2 It is transcript 0051-0978. And it is page 1005. And I'm going to read from

3 line 971 to 976 -- I'm sorry, 983. The question is:

4 "How did you communicate with him?"

5 Answer: "How I communicated? It was ... I called him on the phone."

6 Question: "Very well. And what did you tell him?"

7 Answer: "No, I explained to him the situation on the field. And I told him that

8 people had died, people had died, and that our elements, our elements at the end of

9 the march, which ended -- well, we decreased the arrangements. The elements

10 were still in their positions and there was CECOS and the gendarmerie patrolling

11 the areas assigned to them."

12 Question: "And what was his response? What did he tell you?"

13 Answer: "That he had understood."

14 Question: "Once again, he understood?"

15 Answer: "He understood, yes."

16 Question: "Did he give you other ..." Then there is overlapping.

17 And you said at line 982: "Sometimes, when he says he had understood, he says,

18 'It's fine. Courage, continue.' So what precisely did he say?"

19 And then you say: "He understood. He had understood. That's it."

20 MR MACDONALD: [10:56:18] If I may continue.

21 MR ZOKOU: [10:56:22] Yes, you can continue.

22 MR MACDONALD: (No interpretation)

23 PRESIDING JUDGE TARFUSSER: [10:56:24] I mean, we can't read all of it.

24 MR ZOKOU: [10:56:32] I'm sorry to have taken the floor without your leave.

25 PRESIDING JUDGE TARFUSSER: [10:56:36] No, it's okay.

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1 MR ZOKOU: [10:56:40] (Interpretation) I appealed to the Prosecutor to
2 continue because if he does not continue he would skip an answer that would have
3 put what he has quoted into context. He should have gone up to line 987.

4 PRESIDING JUDGE TARFUSSER: [10:57:08] Go to line 987 because it is only a
5 couple of lines more. Otherwise, I would have asked Maître Zokou to pose the
6 question, to come back to it, in the re-- when it's his turn to question. But I think
7 it's only a couple of lines. We can do this in order to gain time.

8 MR MACDONALD: [10:57:29] (Interpretation) Very well. I will continue.

9 986: "Did he say, 'Courage, continue'?"

10 987: "No, no, no. I said 'sometimes.' He didn't say it this time around."

11 Is that okay?

12 Q. [10:57:56] Mr Mangou, does this refresh your memory?

13 A. [10:58:00] Absolutely. It refreshes, but the "courage, continue," it was not
14 as a result of the report that I gave the president. It is not because of that that he
15 said "courage, continue." Usually, when we are on the field and we make reports,
16 *where work has been done, not necessarily when people died, he usually says
17 "courage, continue" but the "courage, continue" here, it is not because I announced
18 to him that civilians and soldiers died. No, that is not the case *here.

19 Q. [10:58:51] Reassure yourself, this was not the purpose of my question. The
20 question was whether he told you he had understood.

21 A. [10:59:01] Yes.

22 Q. [10:59:04] Thank you.

23 I would propose, Mr President, to break at this time.

24 PRESIDING JUDGE TARFUSSER: [10:59:09] Yes, I would propose to give the
25 floor to Maître Altit, who asked for it.

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1 MR ALTIT: [10:59:14] (Interpretation) Yes, Mr President.

2 MR MACDONALD: [10:59:18] Can we *excuse the witness, your Honour,
3 because it's the break.

4 PRESIDING JUDGE TARFUSSER: [10:59:21] I know. I do know. Okay.
5 Maître Altit.

6 MR ALTIT: [10:59:28] Thank you, Mr President. At the end of the questions
7 from the OTP, I would like to have something corrected in the French transcript,
8 page 30, line 14. There is a question asked by the Prosecutor:

9 "So was there a 12th report to the president of the republic?" That is lines 14 to 16.
10 And then the answer of the witness:

11 "Yes, there was a 12th report." I remember that the witness said a second report,
12 not a 12th report. I just wanted to clarify that, Mr President.

13 PRESIDING JUDGE TARFUSSER: [11:00:21] It was a second, not a twelfth. I
14 think it is reasonable that it was only a second, correct?

15 THE WITNESS: [11:00:33](Interpretation) That is correct, your Honour.

16 PRESIDING JUDGE TARFUSSER: [11:00:33] So it was good to leave him here so
17 he could confirm that it was a second and a not a twelfth.

18 And now I break for half-hour lunch -- not lunch break but break, coffee break.

19 And we come back at 11.30 for the second session.

20 Thank you very much, the hearing is adjourned.

21 THE COURT USHER: [11:01:26] All rise.

22 (Recess taken at 11.01 a.m.)

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

24 THE COURT USHER: [11:31:23] All rise.

25 Please be seated.

1 PRESIDING JUDGE TARFUSSER: [11:31:45] So here we are for the second
2 session of today.

3 And I give immediately back the floor to the Office of the Prosecutor. Yours, the
4 floor.

5 MR MACDONALD: [11:32:00] (Interpretation)

6 Q. [11:32:07] Mr Mangou, let us proceed. As far as you know, were any FDS
7 troops sanctioned or punished in relation to the events of 16 December?

8 A. [11:32:25] No, no one was punished.

9 Q. [11:32:35] I would now like to hark back to the meeting of 24 February 2011
10 between yourself and the president, for clarification. I want to refer here to the
11 transcript of 26 September, RT, realtime, page 65, line 25 onwards. And I'm going
12 to read it back to you. I quote:

13 "You are with the card -- or the map, rather, and the president who gets up, and
14 that's the context. And the president told us -- well, he gave us a mission. He
15 said, Liberate the MACA Abengourou road. It is the same road that goes all the
16 way to Abengourou. Because he said that it was a strategic road, you must allow
17 the people from the south to go up to the east and those from the east to come to
18 Abidjan as well. Furthermore, you must make it possible for produce from
19 Abidjan to go to the east and vice versa."

20 Therefore, in your testimony of the 26th, that's Tuesday, he said, "Liberate the
21 *MACA-Abengourou road." Do you remember having been examined in
22 September 2013 in relation to that meeting and the words used by Mr Gbagbo were
23 in relation to liberating the MACA-Abengourou road?

24 A. [11:35:02] Yes, that was the mission assigned to us.

25 Q. [11:35:12] But do you remember the adjective used by the president in

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1 relation to liberating the road?

2 A. [11:35:33] Maybe you could jog my memory. What adjective are you
3 referring to?

4 Q. [11:35:47] Let me refer to transcript 0051-1045, at page 1064, which I'll read
5 just to make sure that I am not dishonest, from lines 978 to *692. Well, this is your
6 answer:

7 "On that day I had a map, a map of Abobo, and we opened the map, or we placed
8 the map on the wall and reported to him and we informed him. We reported to
9 him on the actions that we had undertaken and the difficulties we had encountered
10 on the ground."

11 Then I move on to the next page.

12 THE COURT OFFICER: [11:37:01] Could you please repeat the page number?

13 Thank you.

14 MR MACDONALD: [11:37:05] (Interpretation) I have just read page 1064, and
15 we now go to page 1065.

16 "Very well. Very well. And what was the president's answer?"

17 Your answer: "Well, to be informed on the actions that we have undertaken.

18 Mmm-mm.

19 The actions we have undertaken, it was our defensive at PK18 and N'Dotr .

20 Having realised that it was difficult, because we were being fired at, to fire back,
21 because the population was at the location, we then retreated. We then retreated.

22 And when we retreated, he asked us to do everything to liberate the
23 Abengourou-MACA road. That is the road that goes by N'Dotr ."

24 Q. Does that jog your memory?

25 A. [11:38:20] Yes, of course it does jog my memory.

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1 Q. [11:38:25] So he asked you to do everything to liberate the road?

2 A. [11:38:30] Yes, yes.

3 Q. [11:38:32] Very well. So I would now like to move on to the offensive of 25
4 February, which you mentioned, and that the Abengourou-MACA road with some
5 troops were under the command of Commander Toaly.

6 Now, for context and in relation to Commander Toaly, let me indicate that -- well, I
7 don't have the page, but it's in the transcripts. That would be the transcript 194,
8 French ET, at page 67, lines 21 to 22.

9 My question is as follows:

10 "During that offensive of the 25th, were any mortars used?

11 Not those of Banco, before. But I'm referring to the operation itself, the operation
12 proper, when Commander Toaly's forces were advancing."

13 A. [11:40:06] During the second phase of the operation and at the request of
14 General Detoh, I authorised a 120 millimetre mortar to be fired.

15 Q. [11:40:29] Were there any other firing? How many rounds were fired as far
16 as you know?

17 A. [11:40:37] I authorised the firing of the 120, and I told you last time that it
18 was a *warm-up shot, then a final protective shot.

19 Q. [11:40:56] Now, during that operation, were any mortars used?

20 A. [11:41:05] I told you already that the unit had 60 millimetre mortars. And
21 as I specified, these are weapons used by the infantry that belonged to the support
22 section of the company, which is generally under the command of a corporal, and
23 he is the one, the commander of the troops who has authority to give the order.

24 Now, once such a mortar has been used, the commander may report about the use
25 of such weapons. But that does not come under the responsibility of the chief of

1 general staff.

2 Q. [11:41:47] Were you informed that 60 millimetre mortars were used?

3 A. [11:41:52] Yes, I was informed that 60 millimetre mortars were used by
4 General Palasset.

5 Q. [11:42:00] Can you remind us who General Palasset is once again?

6 A. [11:42:07] General Palasset is the commander of the Licorne forces.

7 Q. [11:42:22] Following that, were you informed of the consequences of the
8 firing of that mortar?

9 A. [11:42:39] He did not inform me of the consequences of that, but he simply
10 told me that mortars had been used.

11 Q. [11:42:58] Where were those mortars used?

12 A. [11:43:00] That's the question. You see, you were talking to me about the
13 advancing, but we had two pieces of information from General Palasset regarding
14 the advance from MACA to N'Dotré. And he also gave me information about the
15 market which was much more detailed.

16 Now, but when it came to the march, he simply told me that mortars had been
17 used.

18 Q. [11:44:23] The person who informed you, do you remember your interview
19 with the OTP in September 2013 and what you said in that connection during that
20 interview about the person who informed you about the use of the mortar on
21 the 25th?

22 A. [11:44:46] September 2013. You might need to refresh my memory again.
23 Well, I mentioned the name of General Palasset, the commander of the impartial
24 forces of Licorne. I don't see anyone else.

25 Q. [11:45:10] I refer to transcript 0051-1045, specifically at - I'm sorry, I'm a little

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1 mixed up in my binder - at page 1076.

2 And to provide you with the context, I'll be putting a previous question to you.

3 You were informed about this operation; is that correct?

4 A. [11:46:22] Yes, that is correct.

5 Q. [11:46:30] Were you informed that a 60 millimetre mortar had been used?

6 A. [11:46:35] I would like you to be specific as to whether you're talking about
7 the manoeuvre or the general use of the mortar in Abobo because, you see, there's a
8 case in the market and then there is the case relating to the offensive march. which
9 one are you talking about?

10 Q. [11:46:54] We are not dealing with the market. We are looking at the
11 offensive conducted by Mr Toaly, Commander Toaly on 25 February in a bid to
12 liberate the road.

13 Now, during that operation, were you informed by your troops, your men that a
14 mortar, a 60 mortar, had been used?

15 A. [11:47:29] If I were to be informed, it would be through General Detoh
16 ordinarily.

17 Q. [11:47:35] Did General Detoh Letho inform you?

18 A. [11:47:38] Yes.

19 Q. [11:47:39] He informed you that a 60 mortar had been used?

20 A. [11:47:44] I think so.

21 Q. [11:47:52] Now, let me go back to your statement, 1076 at 1087, same
22 statement. And I read:

23 "So you were informed of the unfolding of the events?"

24 Answer: Not in relation to the use of weapons.

25 Question: So what you are telling me is that you were never informed?

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1 Mm-mm.

2 Okay, you were never informed.

3 Mm-mm.

4 If that's what you say.

5 Did you know on that day later on and in the following days ..."

6 And at line 1098 you say, "Yes.

7 That mortar were used?"

8 At line 1100, "Yes, I was aware of it. Yes, I was aware of it because the forces, UN
9 forces were talking about it."

10 And then there is a question: "When?"

11 And then at 1105, next page, at *1077: "Yes, the UN forces were talking about it.

12 They said that mortars had been used. But I became aware of that later."

13 Does that jog your memory?

14 A. [11:49:27] Yes, it does. And it's not far from the answer that I gave you.

15 Q. [11:49:31] Mr Mangou, we're simply trying to clarify the chain so that we
16 can understand the events which may have occurred a long time ago.

17 A. [11:49:39] That's what I'm telling you as well.

18 Q. [11:49:41] So you remember that it is the UN forces that informed you after
19 the events, subsequent to the events?

20 A. [11:49:47] Yes. When I talk about General Palasset, he was working with
21 the UN forces.

22 Q. [11:50:02] Did you authorise on that day the use of the mortar?

23 A. [11:50:05] No. And I have already indicated to you that the 60-millimetre
24 mortar is a weapon of the infantry, which can be used by the commander of the
25 unit without requiring any authorisation from the chief of general staff.

1 Q. [11:50:31] Where did that shell or that mortar drop when you were talking
2 with the UN forces?

3 A. [11:50:37] I'm not in a position to know. I was not on the ground. I was
4 not in the field.

5 Q. [11:50:48] To conclude, you were never informed?

6 A. [11:51:01] Which mortar are you talking about, the 120 or the 60?

7 Q. [11:51:05] You were never informed about the place at which the 60 mortar
8 dropped?

9 A. [11:51:11] No, no. I didn't authorise the use of the 60 mortar. It belongs to
10 the infantry. It is the unit commander who authorises its use. So I'm not in a
11 position to know where it may have dropped.

12 Q. [11:51:44] Do you remember what you said in your statement when you
13 reacted to hearing that 60-millimetre mortars had been used? Did you give any
14 instructions?

15 A. [11:52:07] Yes, I issued instructions, to call in Toaly for a more detailed
16 report.

17 Q. [11:52:20] When it comes to the use of the mortars, did you issue any
18 instructions in that regard?

19 A. [11:52:30] When it comes to the use of the 60 mortars, I really don't have any
20 instructions to give in that area. I don't give any instructions. It is the unit
21 commander who has the initiative to decide or not to use the -- to fire.

22 Q. [11:52:51] Just to be clear, once you learnt that the 60 mortars had been used
23 in the context of that mortar -- of that offensive, rather, did you take any measures
24 in relation to those mortars, the same mortars?

25 A. [11:53:14] No special measures were taken because this -- they were

1 basically at the end of their mission. And from 6 p.m. they were requested to
2 return to their initial positions -- rather, no, sorry in the second phase, they were
3 asked to return to Camp Commando.

4 Q. [11:53:40] Do you remember having been interviewed in relation to the
5 measures that you took regarding the use of those mortars? Do you remember the
6 answers you provided to such a question in your interview of September 2013 with
7 the OTP?

8 A. [11:53:59] I don't remember. However, what I know relating to the 120
9 mortar, which I authorised firing of, after it had been fired, I requested that the
10 mortar be brought back because, you see, the mortar itself is 600 kilograms and it's
11 a heavy weapon which is used in the rear, behind the enemy. And what we
12 wanted to do was simply to point out to the enemy that we had the weapon and
13 that they should be aware of its impact.
14 After the use, we took it back. Then the 60-millimetre mortars remained.

15 Q. [11:54:59] Let me continue to take you through the transcript, at line 1107:
16 "What sanctions did you take at that time on the ground, mindful of the fact that
17 you had not been consulted?"

18 "Mm-mm."

19 "In the use of such weapons."

20 Answer -- the answer you gave is: "I withdrew the mortars."

21 And you go on to say, "I withdrew the mortars."

22 "From whom?"

23 Your answer was: "What did you say?"

24 1116: "The mortars from which specific platoon?"

25 "Oh, yes, those who were at the platoon I told them this was not the appropriate

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1 weapon so I withdrew the mortars."

2 Do you remember having said that?

3 A. [11:56:05] Yes, because it appears on the transcript, but I must have mixed
4 up things in my mind. It is the 120 mortar that was withdrawn, but the 60
5 remained.

6 (Counsel confer)

7 MR MACDONALD: [11:56:44] (Interpretation)

8 Q. [11:56:55] Just to be complete, did you report to the president subsequently
9 or subsequent to these operations of this operation of the 25th?

10 A. [11:57:13] Yes, generally, at the end of a mission we report, but this time not
11 directly to the president of the republic, but to the minister of defence who certainly
12 reported to the president of the republic.

13 Q. [11:57:37] Was the minister of defence informed that shells had been used?

14 A. [11:57:45] Yes, but not in relation to the MACA-N'Dotré operation. He was
15 informed in relation to the market.

16 Q. [11:57:54] *I want again to go back to your previous statement of
17 September 2013.

18 Do you remember what you said yourself to the *OTP in relation to the subject or
19 the minister of defence?

20 A. [11:58:18] Are you talking about the market and the mortar?

21 Q. [11:58:22] No, I'm talking about the operation of 25 February 2011.

22 A. [11:58:26] Please, you need to jog my memory again because this happened
23 a long time ago, a very long time ago.

24 Q. [11:58:33] Yes. Very well. Same transcript. Can we go to
25 page 0051-1079.

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1 MR ALTIT: [11:58:52] (Interpretation) I'm sorry, learned colleague, I think your
2 question was: Do you remember what you said during that meeting with the
3 investigators of the OTP?

4 I think, Mr President, that there was need to put a prior question to the witness
5 before confronting him, and not go straight to the statement.

6 MR MACDONALD: [11:59:17] (Interpretation) I think the witness said that the
7 minister of defence was not informed but that he was, rather, informed about the
8 market. That's where I'm headed. But, Mr President, I'll rephrase for purposes of
9 clarity, with your leave.

10 PRESIDING JUDGE TARFUSSER: [11:59:34] Please do so.

11 MR MACDONALD: [11:59:36] (Interpretation)

12 Q. [11:59:38] Was the minister of defence informed that shells had been used
13 during that operation, not in the Banco forest, not the 120, but that mortars had
14 been used?

15 A. [11:59:54] Yes, the minister was supposed to know because I was informed
16 by the impartial forces, and I reported accordingly, so the minister was informed
17 about this.

18 Q. [12:00:07] And a question was also to know whether the president was
19 informed that shells had been used and had fallen beyond the Banco forest.

20 A. [12:00:20] Personally, I did not report to the president, but the minister must
21 have reported to the president.

22 PRESIDING JUDGE TARFUSSER: [12:00:32] Maître N'Dry.

23 MR N'DRY: [12:00:35] (Interpretation) Maybe I didn't follow well. I'm sorry if
24 that's the case. But did the witness talk about shells falling after or beyond the
25 Banco forest? I think the witness said he does not know where those shells fell.

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1 So maybe if I missed something I'm sorry about that.

2 PRESIDING JUDGE TARFUSSER: [12:01:05] I don't think you missed. I didn't
3 hear the witness (overlapping speakers)

4 MR MACDONALD: [12:01:11] I will rephrase.

5 PRESIDING JUDGE TARFUSSER: [12:01:11] Yes, please.

6 MR MACDONALD: [12:01:14] (Interpretation)

7 Q. [12:01:17] Did you inform the president that the 60-millimetre mortars had
8 been used?

9 A. [12:01:23] The minister was informed. Personally, I did not inform the
10 president, but certainly the minister would have informed the president of the
11 republic.

12 Q. [12:01:43] Let me come back to the same page, 1079. I'll even go back to
13 page *1078, line 1170:

14 "Was there a report to the president of the operation, given that you succeeded in
15 capturing the roundabout?"

16 Your answer: "Yes."

17 And on the next page, line 1175: "Did you talk about it?"

18 Answer: "Yes, I reported to the president that the roundabout had been liberated.
19 The roundabout had been liberated, but it so happens that a few days later, given
20 that my men could not remain on the ground because of lack of ammunition, I had
21 them go back to the squadron, and the roundabout was recaptured by the
22 Commando Invisible."

23 Question: "Was the minister of defence informed that shells had been used?"

24 Answer: "Yes, he knew because the impartial forces were talking about it."

25 Question: "Was the president informed that shells had been used?"

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1 Answer: "The president was informed."

2 Question: "What was the reaction of the president when he was informed that
3 shells had been used?"

4 Answer: "Well, when he knew that shells had been used, the president asked us
5 questions.

6 Question: "Yes."

7 Your answer: "Well, he asked us questions about how that had happened. And
8 we gave him the answer. But, we ourselves, we were not at the location to be able
9 to report on the scope of damage; that is, that it had damaged roofs, that it had
10 killed people. We did not report on that."

11 Question: "How did the president react in disciplinary terms given that mortars
12 were used in urban areas?"

13 Answer: "No, there were no disciplinary measures."

14 Question: "There were no disciplinary measures?"

15 Answer: "No."

16 Question: "What did he say? What were his comments?"

17 Answer: "He didn't say anything."

18 Question: "He did not say anything?"

19 Answer: "No."

20 Question: "Was he informed about the victims that were the result of that?"

21 Answer: "No, no. I've told you that the information came from the impartial
22 forces."

23 PRESIDING JUDGE TARFUSSER: [12:05:06] Can it be that you went a little bit
24 further than needed?

25 MR MACDONALD: [12:05:11] I don't think so, your Honour.

1 PRESIDING JUDGE TARFUSSER: [12:05:12] I think so, but. Maître Altit.

2 MR ALTIT: [12:05:16] (Interpretation) It is a recurrent problem because
3 statements are read, and there are answers to questions that do not respond to the
4 structure because there are leading-types of questions there. So it is problematic
5 because some of those questions are suggestive in nature.

6 MR MACDONALD: [12:05:52] The Chamber will be the master of that.

7 PRESIDING JUDGE TARFUSSER: [12:05:55] Yes, of course we will. Don't
8 worry.

9 Maître N'Dry.

10 MR N'DRY: [12:06:00] (Interpretation) Mr President, in the same vein, since the
11 Prosecutor went further than necessary --

12 PRESIDING JUDGE TARFUSSER: [12:06:17] You can, when it's your turn to
13 question. Why should we always stop the flow. When it's your turn do it, okay.
14 Thank you very much.

15 MR N'DRY: [12:06:26] D'accord.

16 PRESIDING JUDGE TARFUSSER: [12:06:28] I would like not to stop the flow.
17 I repeat we have to finish today. So please go ahead.

18 MR MACDONALD: [12:06:35] We should be on track.

19 MR N'DRY: [12:06:37] (Interpretation) Very well, Mr President.

20 MR MACDONALD: [12:06:42] (Interpretation)

21 Q. [12:06:43] Do you remember that answer?

22 A. [12:06:46] I remember very well. That was the report that was given to the
23 president. Since 2013, sometimes you can have problems with memory.

24 Q. [12:06:58] Very well.

25 I would like to move on to the events of 3 March 2011. Before 3 March 2011, were

1 you informed that a demonstration was planned in Abobo on 3 March, that is, by
2 women?

3 A. [12:07:31] No, I was not informed.

4 Q. [12:07:54] Were you informed that there were indeed women who died
5 during a demonstration in Abobo?

6 A. [12:08:02] Yes. Yes, I was informed.

7 Q. [12:08:06] By who?

8 A. [12:08:10] I was informed by two people. The first person, the impartial
9 forces. The second person, it was the minister who gave me that information.
10 He called me to ask me whether our elements had fired on women, and the first
11 thing I did was to call Deto to ask him whether he knew *there was a march in
12 Abobo. He told me no. And I also asked him whether he was informed whether
13 our men had fired on women, and he said no.
14 So I went back to the minister, and I told him that, following an internal inquiry
15 that we did, our men did not fire on women.

16 Q. [12:09:07] Just a point of clarification. Do you remember around when you
17 had this initial discussion with the minister asking you whether you were aware
18 that women had been involved in an incident in Abobo?

19 A. [12:09:29] I cannot remember the time, but I believe that when he informed
20 me, I was able to watch the information on television at 8 p.m.

21 Q. [12:09:49] Just to be clear, I would like to refer to transcript 0051-1086, your
22 statement of September 2013, page 1113, lines 926.

23 And in that passage you said, "Around noon." Does that refresh your memory?

24 A. [12:10:25] Yes.

25 Q. [12:10:32] So you spoke to General Deto Letho to inquire later on?

1 A. [12:10:41] Yes, I asked him to investigate and report back to me.

2 Q. [12:10:49] And his report was that there was nothing to that?

3 A. [12:10:55] No, not that there was nothing happening; it was that our men
4 were not involved.

5 Q. [12:11:04] Explain to us in detail what Mr Detoh Letho told you about what
6 happened in Abobo, since he told you that your men were not involved.

7 A. [12:11:16] After the second phase of the operation, our elements retreated to
8 the Camp Commando. The incident here happened on 3 March, so our men were
9 in Camp Commando. So he said, we were not attacked on that day, so what
10 happened with the women did not involve our soldiers.

11 Q. [12:11:45] Did you meet with the minister or did you call him*a second time?

12 A. [12:11:49] The minister gave me this information over the telephone. After
13 Detoh gave me the results of the brief investigation, I personally went to the office
14 of the minister to report. And after that report, he asked me to produce a
15 communiqué.

16 Q. [12:12:14] Did you produce a communiqué?

17 A. [12:12:18] Yes, we drafted a communiqué which was seen in the evening
18 during the 8 p.m. news broadcast on the same day.

19 Q. [12:12:35] Was Mr Gbagbo informed of that communiqué?

20 A. [12:12:41] No, he was not informed of that communiqué. It was the
21 minister who instructed me to prepare the communiqué. I assume that he must
22 have reported to the president of the republic.

23 Q. [12:13:00] When you reported to the minister and he suggested that he
24 should -- that you should draft a communiqué, did you make any proposals to the
25 minister?

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1 A. [12:13:15] Yes, I made proposals because in the communiqué that we drafted
2 we said that our men were not involved in what had happened. We presented our
3 condolences to the families and asked that an inquiry should be carried out and
4 investigations should be carried out.

5 Q. [12:13:45] Just one moment.

6 Do you know whether the minister conveyed that information to the president of
7 the republic. That is, the report that you had given to him, did he report the
8 incident to the president, that is, the minister of defence?

9 A. [12:14:40] I did not specifically ask him, but I suppose that the minister, after
10 my report, must have reported to the president of the republic.

11 Q. [12:15:39] Who approved the communiqué on that day?

12 A. [12:15:47] The minister of defence approved it.

13 Q. [12:15:52] To your knowledge, was the president, Mr Gbagbo, consulted at
14 any point?

15 A. [12:16:04] By me or the minister?

16 Q. [12:16:09] Either you or the minister.

17 A. [12:16:11] That is what I said a short while ago. I reported to the minister,
18 so I suppose that the minister would have reported to the president.

19 Q. [12:16:21] Did the minister inform you whether he informed the president?

20 PRESIDING JUDGE TARFUSSER: [12:16:26] It's clear now. It is -- to us it is
21 clear, or you have something to confront him with and then do so, otherwise it's
22 clear. The witness spoke with the minister and the minister, he assumed that -- I
23 don't know where you're going.

24 MR MACDONALD: [12:16:45] (Microphone not activated)

25 PRESIDING JUDGE TARFUSSER: [12:16:47] No.

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1 MR MACDONALD: [12:16:49] (Microphone not activated)

2 PRESIDING JUDGE TARFUSSER: [12:16:50] Please, if there is something,
3 confront the witness with it.

4 MR MACDONALD: [12:16:54] (Microphone not activated)

5 PRESIDING JUDGE TARFUSSER: [12:16:55] Please, Mr MacDonald, if there is
6 something, please confront the witness.

7 MR MACDONALD: [12:17:01] (Microphone not activated)

8 Q. [12:17:06] (Interpretation) Do you remember once again what you said to
9 the OTP in September 2013 on this matter regarding Mr Gbagbo's knowledge about
10 this communiqué?

11 A. [12:17:33] Generally speaking, when we have to issue a communiqué, the
12 minister is informed. Sometimes I report directly to the president and sometimes he
13 asked me to read some -- he would ask me to read some excerpts. But with this
14 particular communiqué, the minister asked me to draft the communiqué, and I assumed
15 that he must have reported to the president *who asked us to draft the communiqué.

16 Q. [12:18:04] Very well. I would like to call up transcript 0051-1086, page 1115,
17 from lines 1004 to 1019. And I will read it:

18 Question: "In fact, at that time who approves *the communiqué."

19 Answer: "The minister of defence approves the communiqué because there people
20 had died, so we saw the minister for him to approve the communiqué."

21 Question: "*To your knowledge, was President Gbagbo consulted at any one
22 point?"

23 Your answer: "He was informed."

24 Question: "By whom?"

25 Answer: "He was informed by his minister of defence."

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1 Question: "And how do you know that?"

2 "Ah, the minister told me that he reported. Such an event cannot happen without
3 him knowing, especially since the images were presented on the television, but
4 myself, with regard to these killings, sincerely, I would want an in-depth
5 investigation to be done."

6 Question: "Did you report to the president on that day?"

7 Answer: "The president knew. I have told you that the images were broadcast on
8 television."

9 Does that refresh your memory?

10 A. [12:20:12] Yes, and I'm not far from the reality.

11 Q. [12:20:18] So do you confirm that the minister said that he had informed
12 President Gbagbo?

13 A. [12:20:26] I can confirm that.

14 PRESIDING JUDGE TARFUSSER: [12:20:30] Maître Altit.

15 MR ALTIT: [12:20:32] (Interpretation) Thank you, Mr President. It seems to me
16 that it should be necessary to ask the witness informed of what. *This entire line of
17 questions, if I'm not wrong, addresses the communiqué: was the President informed
18 of this communiqué. But actually, when you look at the statement, there is talk about
19 information, but not about the information inside the communiqué itself, the substance of the
20 communiqué. So the question "was he informed?" is not sufficient. Informed of what?

21 PRESIDING JUDGE TARFUSSER: [12:21:12] About what were you informed by
22 the minister.

23 THE WITNESS: [12:21:22](Interpretation) Mr President, we are talking about the
24 communiqué.

25 PRESIDING JUDGE TARFUSSER: [12:21:27] Thank you.

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1 Go ahead, please.

2 MR MACDONALD: [12:21:32] (Interpretation) Very well.

3 Q. [12:21:42] I will display the communiqué as read, CIV-OTP-0026-0006,
4 television news of 4 March 2011, at 1 p.m., tab 122, minute 22.13 to 25.39. The
5 transcript is 0051-2250, from lines 181 to line 206, *tab 318.

6 THE INTERPRETER: [12:22:51] Could Mr MacDonald repeat the page number
7 of the video -- of the transcript again.

8 PRESIDING JUDGE TARFUSSER: [12:22:58] Can you repeat the page number of
9 the transcript.

10 MR MACDONALD: [12:23:08] (No interpretation) and the page itself is
11 page 2255.

12 Q. [12:23:52] Once again, Mr Mangou, we will look at it and then I'll ask you
13 questions afterwards.

14 THE COURT OFFICER: [12:24:10] Could the interpreters confirm that he has
15 found the transcript please? Thank you.

16 THE INTERPRETER: [12:24:14] Not yet, we are still searching.

17 (Viewing of video excerpt)

18 *Following the information accusing the Defense and Security forces of killing six
19 women yesterday in the commune of Abobo during a RHDP demonstration, the
20 Côte d'Ivoire Defence and security forces drafted a communiqué, read by their
21 spokesman, Colonel Major GOHOUROU Hilaire. GBH: according to what pseudo
22 witnesses said, press agencies relayed the information according to which the Côte
23 d'Ivoire FDS were responsible of the death of 6 women killed by firearms during the
24 RHDP militants' march in Abobo on Thursday 3 March 2011. This information was
25 automatically circulated since yesterday by international media. While deploring

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1 the memory of these women killed, the FDS of Côte d'Ivoire declare purely and
2 simply that they do not recognise this accusation which is has to be false, and
3 baseless. To those who are circulating this information, the Defence and Security
4 Forces recalls that similar marches of RHDP militants took place in place in Adjamé,
5 Marcory, *Treichville, Attécoubé, Bassam and other locations on the previous days.
6 These marchers were all dispersed by the Defence and Security Forces of Côte
7 d'Ivoire using conventional means without any killings by bullet, and there were no
8 acts of barbarism. The Defence and Security Forces of Côte d'Ivoire denounce these
9 spin doctors who, as professionals, take the facts lightly and manipulate them.
10 Consequently, the chief of staff of the armed forces asked the accusers to search the
11 perpetrators of the killings of the women elsewhere, because he states that the Abobo
12 area was never a theatre of operation of the forces of security of Côte d'Ivoire on this
13 Thursday, 3 March 2011, the day of the march. Lastly, the chief of General staff
14 specifies that the FDS troops of Côte d'Ivoire remained in their barracks in Abobo.
15 May God bless and save the Côte d'Ivoire. Done in Abidjan 4 March 2011.

16 MR MACDONALD: [12:28:01] (Interpretation)

17 Q. [12:28:06] So it's the communiqué that we were talking about?

18 A. [12:28:10] Yes, it was the communiqué.

19 Q. [12:28:18] Very well. I will show you another video, CIV-OTP-0026-0018,
20 tab 124. *Time stamp 10.34 to 13.03. Corresponding transcript: 0051-2220,
21 tab 317, from lines 189 to 212. Or pages 2226 to 2227. It is Mr Ahoua Don Mello
22 speaking, this is TV one o'clock news broadcast of 5 March.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: (Interpretation of the video excerpt)

25 *HHB: The government of Côte d'Ivoire declines all responsibility relating to the

1 death of militants of the RHDP killed during a march organised in Abobo last
2 Thursday. And this is a communiqué of the spokesperson of the government,
3 Communiqué of the government of Friday, 4 March 2011. *Ahoua Don Mello,
4 government spokesman. Information broadcast by embassies and international
5 media indicate that a demonstration of RHDP women was repressed by the Defence
6 and Security Forces and led to deaths. The Defence and Security Forces of
7 Côte d'Ivoire in a communiqué confirmed that they were not directly or indirectly
8 linked to these accusations. The government protests vigorously against this gross
9 manipulation. The government denounces the surge for charges against the
10 president of the republic at a time when we are waiting for serenity for the arrival of
11 panel of heads of states of African Union and when we are preparing to celebrate the
12 women's day organised by the international community on 8 March 2011. The
13 government condemns the promptitude with which certain embassies and the
14 international press report in a light-hearted manner the accusations without any
15 foundation. *Among other things, there is this search for alleged mass graves of
16 demonstrators, who died in front of foreign cameras, and who, strangely enough,
17 came back from the dead. Also, the search for planes that are delivered in violation
18 of the embargo on military materials. The supposed operation of the forces of
19 defence and security against the elements of ONUCI at the airport at Yamoussoukro.
20 The government *warns the authors of such accusations that are unacceptable and
21 intolerable and reserves the right to engage proceedings against those who engage
22 in such manipulation of national and international opinion. Thank you.

23 PRESIDING JUDGE TARFUSSER: [12:32:37] Mr MacDonald.

24 MR MACDONALD: [12:32:48] (Interpretation)

25 Q. [12:32:50] I'm sorry. Have you already seen this government communiqué on TV?

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1 A. [12:32:55] Yes, I saw it on TV.

2 Q. [12:32:59] As far as you know, was an investigation subsequently opened to
3 determine whether women had actually died other than your internal
4 investigations with Mr Detoh Letho? Were there any other investigations to
5 determine whether women effectively had died?

6 A. [12:33:23] We had called for an investigation, and if the investigation had been
7 effectively conducted, we would have been informed of its results, but we *didn't
8 hear of any results, and I presume, therefore, that no investigation was conducted.

9 Q. [12:33:39] Were you informed at any time whatsoever from the time of the
10 events whether any troops were punished between 3 March and 11 April 2011?

11 A. [12:33:53] No.

12 Q. [12:33:57] Very well. I would now like to move on to the events of --

13 PRESIDING JUDGE TARFUSSER: [12:34:05] Excuse me. Just for the clarity of
14 the response, of the response. So you were never informed? Your answer "No" is
15 to the question "if you were never informed" or "if there have never been
16 sanctions"?

17 THE WITNESS: [12:34:34](Interpretation) I was speaking in relation to the
18 sanctions. I was never informed that any investigation was conducted and I was
19 never aware of any sanctions, Mr President.

20 PRESIDING JUDGE TARFUSSER: [12:34:44] Thank you.

21 MR MACDONALD: [12:34:52] (Interpretation)

22 Q. [12:34:57] Seventeen -- no, I'm sorry.

23 Now, the events at the Abobo market, we touched on that a little bit a short while
24 ago. Let's go back to those events.

25 How did you find out that shells had dropped on that market?

1 A. [12:35:22] The information again came to us from the impartial forces. I
2 believe that the minister of defence was also informed by the impartial forces and
3 by a group of journalists who brought the information to him.

4 Q. [12:35:55] Did you conduct any investigation?

5 A. [12:35:56] As is the case with all operations, when such an event occurs, the
6 operation is stopped and an investigation is conducted to determine whether it is
7 our men who are responsible for it. I asked General Detoh to conduct an internal
8 investigation and an internal investigation was conducted.

9 Q. [12:36:19] Who informed you from the impartial forces, and what did that
10 person tell you?

11 A. [12:36:26] It is General Palasset who informed me. And he told me, he
12 gave me -- he told me that three people were allegedly dead.

13 Q. [12:36:47] When you conducted your investigation, what was the nature of
14 that internal investigation?

15 A. [12:36:57] The internal investigation sought to find out whether our forces
16 had actually fired. No, they had not fired.

17 Now, when we also look at the nature of the weapon, the *60 millimetre mortar,
18 which I pointed out earlier is an infantry weapon which can fire up to a range
19 between a hundred and a thousand, our troops were at Camp Commando, and as
20 the crow flies it is 1500 to 2000 metres away. So we also have a number of large
21 buildings at Camp Commando.

22 Now, if you were to set up a 60 mortar, without a good view, it would be
23 impossible for us to have been able to fire a 60 millimetre from that location. It
24 appeared to be impossible for us.

25 Q. [12:37:54] What did Mr Detoh Letho tell you?

1 A. [12:37:57] Detoh Letho told us, told us that our troops had used grenades,
2 they had used grenades, that's what he said, but that no rockets were launched, no
3 60 rockets were launched.

4 Q. [12:38:16] What types of grenades?

5 A. [12:38:18] We have two types of grenades, offensive and defensive grenades.
6 And I defined both types to you previously, but let me repeat myself.

7 Q. [12:38:30] Was it an offensive or defensive grenade that was used? Did
8 Mr Detoh Letho say what type was used?

9 A. [12:38:39] No, he wasn't specific.

10 Q. [12:38:42] Very well. As far as you know, do you know if he went to the
11 spot or to the area?

12 A. [12:38:56] No, I don't think so. He didn't go there.

13 Q. [12:39:00] Once you became aware of this, what did you do with the
14 information you had received from *General Detoh Letho, from Commander
15 Detoh Letho? What did you do, General?

16 A. [12:39:18] Once I receive information from the field, the first person I report
17 to is the minister of defence. So I reported to the minister of defence, but he had
18 already been informed. And as soon as I received the information, I reported to
19 him.

20 Something which I forgot to mention, I also asked him to conduct a general
21 investigation.

22 Q. [12:39:58] What did he say to your proposal?

23 A. [12:40:05] To my proposal he said he was going to do so, but it was not
24 done.

25 Q. [12:40:17] Was the president of the republic informed?

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1 A. [12:40:22] Not by me, but I believe that the minister must have reported to
2 him.

3 Q. [12:41:25] Now, just to confirm, when you proposed that an investigation be
4 conducted, when you made that suggestion to the minister, do you know whether
5 that information was passed on to the president?

6 A. [12:41:53] I cannot make any affirmation in that regard. I reported to the
7 minister and I think that he must have reported to the president of the republic.

8 Q. [12:42:12] Do you know or did you authorise at any point in time
9 whatsoever during the time of the events, did you authorise the use of any mortar,
10 regardless of the calibre?

11 PRESIDING JUDGE TARFUSSER: [12:42:43] Maître Gbougnon.

12 MR GBOUGNON: [12:42:46] (Interpretation) Mr President, I object to this line of
13 questioning. He has put questions to the witness, who has answered saying *that,
14 according to their investigation, and given the market's location, they could not have
15 used a mortar. He actually mentioned grenades. So I don't know which mortar fire
16 authorisation we are talking about. And he has put the question to the witness, who
17 said that as the crow flies, it is 2,000 metres from the market, and mortars only have a
18 range of 1,500. So he thinks that grenades have been fired, and not a mortar.

19 Now he's going back to mortars. In relation to which question, Mr President?

20 MR MACDONALD: [12:43:31] Your Honours, there is a case before this
21 Chamber and there is a charge and there is evidence. I'm asking --

22 PRESIDING JUDGE TARFUSSER: [12:43:35] Let me please put your question:
23 Did you authorise at any point in time during the time of the post-election crisis the
24 use of mortars?

25 This is the question.

1 THE WITNESS: [12:43:52](Interpretation) Yes. I'm sorry. Yes, Mr President.

2 PRESIDING JUDGE TARFUSSER: [12:43:59] Can you tell us why, how and all
3 the circumstances of this. Thank you.

4 THE WITNESS: [12:44:09](Interpretation) Yes, Mr President. And I have already
5 said so in the course of my testimony.

6 I personally authorised at the request of General Detoh the firing of two mortars.

7 The first firing before the first advance from MACA, a 60 millimetre firing in the
8 Banco forest. This was an ungreasing firing and a warning *(or harassment) shot.

9 Why ungreasing? Because, you see, when the mortar comes out of the *armoury,
10 grease is usually used *to prevent rust. But even after the weapon is prepared for
11 use, *it is cleaned, but there is leftover grease which is burnt during the first shot
12 and smooths the bore of the canon.

13 Now, *why is it also warning shot also? Because our troops are going to be in that
14 area, and sometimes when you're going around a forest, you might come upon an
15 ambush. So the firing was designed to determine whether there was an enemy in
16 the neighbourhood; *if there had been, the enemy would have responded.

17 So since there was no response from the enemy, we proceeded *forward.

18 The second firing that I authorised was with the 120, and I already explained why we did
19 so. It is an impressive weapon, which is more than 6 kilograms in weight. The canon is
20 3 metres 20 long. *And the purpose of showing the weapon the arm or the weapon is
21 exactly that: to show it, not to use it against the population. Imagine a 120 mm shell
22 falling within a residential area, than Abobo would certainly have looked different.

23 So there, we shot twice: the ungreasing/warning shot which I have already
24 explained. And the final protective shot (tir d'arrêt in French) which is the one we
25 fired as close to the enemy position as possible in order to stop any possible move.

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1 And because of the nature of the weapon and its position, you see, the mortar is
2 usually fired from the rear of the various positions, and in view of all of this, I
3 asked General Letho to bring the weapon back because if we were to leave it there,
4 in case of withdrawal or retreat, the enemy may capture the weapon. That is why
5 the weapon was taken back.

6 Those are the two mortar firings which I authorised, Mr President.

7 PRESIDING JUDGE TARFUSSER: [12:46:48] Just one supplementary question.
8 Could you put them in temporal context?

9 THE WITNESS: [12:47:06](Interpretation) Well, the mortar firing was before the
10 manoeuvre, *it was from a static position. The people -- it was fired and then the
11 *people resumed advancing.

12 When it comes to the 120, it happened when our elements started the offensive, that
13 is some 100 or some 1 kilometre away from the *roundabout. We fired, took the
14 weapon back, and then the troops advanced during the second phase of the
15 operation.

16 MR MACDONALD: [12:47:36] (Interpretation)

17 Q. [12:47:37] On 25 February?

18 A. [12:47:38] Yes, on 25 February for the firing. The first firing was on 23
19 February and the second on 25 February.

20 PRESIDING JUDGE TARFUSSER: [12:47:49] Thank you.

21 Mr Prosecutor.

22 MR MACDONALD: [12:47:58] (Interpretation)

23 Q. [12:48:00] Mr Mangou, regarding the events of the 17th, did the
24 gendarmerie --

25 PRESIDING JUDGE TARFUSSER: [12:48:12] 17 March 2011, right?

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1 MR MACDONALD: [12:48:14] Yes.

2 PRESIDING JUDGE TARFUSSER: [12:48:14] No. It's just for the record.

3 MR MACDONALD: [12:48:16] Yes.

4 Q. [12:48:20] (Interpretation) So 17 March 2011, did the gendarmerie conduct
5 an investigation into these events?

6 A. [12:48:41] I'm not in a position to answer you. We conducted an internal
7 investigation, and we asked the state to conduct another investigation. So if that
8 investigation were to be conducted, it would have been carried out by the
9 gendarmerie, but I don't remember that the gendarmerie was asked to conduct
10 such an investigation.

11 Q. [12:49:09] Whether it be in relation to the events of the 3rd or 17 March 2011,
12 were any troops or elements punished, sanctioned in any way whatsoever in
13 relation to those events?

14 A. [12:49:31] Our troops could not be punished, because they were not
15 involved. It is only someone who has committed a fault that is subject to
16 punishment. So we could not punish people who were not involved in any such
17 conduct.

18 Q. [12:49:48] Yes, indeed, I am going to call up the last video for this morning.
19 And this afternoon I will definitely have enough time to finish.

20 Right now we want to play a video, CIV-OTP-0069-0376, from timestamp 6.30 to
21 11.40. That is item 405 in our file. And the entire transcript is
22 CIV-OTP-0087-0281. I think the tab is 613, if I'm not mistaken. So it will be the
23 entire transcript that corresponds to our excerpt of the video. 6.30 to 11.40
24 timestamp.

25 (Viewing of the video excerpt)

1 THE INTERPRETER: [12:51:16] (Interpretation of the video excerpt)

2 The government refers to the information in this regard. Mr Ahoua Don Mello,
3 spokesperson of the government. Government communiqué. On Thursday, 17
4 March 2011, information was broadcast by foreign media relating to an intervention
5 by the Forces de défense et de sécurité using heavy weapons in a market in Abobo
6 commune. This intervention is alleged to have led to 27 deaths and several
7 injuries. The government of Côte d'Ivoire, mindful of upholding human rights,
8 immediately ordered investigations with a view to verifying the materiality of these
9 facts. The following findings emerge: No damage from a shell was observed in
10 the markets in Abobo commune on Thursday, 17 March 2011. No victim of an
11 alleged shelling attack was registered in the mortuaries of Abobo and Anyama on
12 Thursday, 17 March 2011. No complaint arising from the operations of the FDS
13 was recorded in the police services. The Abobo gendarmerie squadron was, on
14 the other hand, attacked by rebels twice during the day of Thursday 17 March 2011.
15 Maybe that is what this is about. As can be noted, the alleged facts are materially
16 inaccurate. The conduct of international media journalists calls for the following
17 observations from the government of Côte d'Ivoire. These journalists promptly
18 disseminate erroneous information voluntarily. In this regard, government notes
19 the disturbing similarity between the alleged attack by heavy weapons at the
20 Abobo market and the alleged repression of the women's march in Abobo three
21 weeks ago. These same journalists become unjustifiably silent when atrocious and
22 revolting acts are committed by rebels.

23 For example, the massacre of *villagers in Anonkoua-Kouté in the Abobo commune
24 did not seem to interest these media outlets, neither did the slaughtering of persons,
25 by bullets, and burnt alive during terrorist attacks on the antenna of Radio Télévision

1 Ivoirienne, which is situated in the same commune. Abuses and killings committed by
2 rebels in Doké in the Bloléquin sous prefecture are amounting if not to genocide, then to
3 something close. And this has simply been the subject of indifference when it comes to
4 the international community. The international media raised the spectre of international
5 prosecution *while they broadcast *round the clock these types of imaginary attacks and
6 genocide. They contribute to adding impunity to the rebels and their accomplices who
7 are engaged in criminality, in the perpetration of crimes against humanity, and these
8 crimes which were conducted by rebels in Toulepleu, Bloléquin, Zouan-Hounien,
9 Bin-Hounien, Abobo and Anyama. And the embargo on medication as well as the
10 closure of banks and the prohibition to export cocoa have deprived the Ivorian population
11 of revenue, food and health as well as education for their children and a decent living.
12 The government of Côte d'Ivoire calls on the media to cross-check the materiality of the
13 facts before broadcasting them with a view to being professional and impartial in order to
14 also be able to not be seen as the accomplices of terrorists as the UN forces and the Licorne
15 forces *currently are, *the risk being that they, if they do not stop, they will be perceived as
16 the media extension of today's terrorism. This was the government's communiqué
17 regarding the way information on Côte d'Ivoire is dealt with by the international media.

18 MR MACDONALD: [12:56:45] (Interpretation)

19 Q. [12:56:45] Mr Mangou, do you remember this communiqué of *22 March at
20 the RTI -- on the RTI 8 p.m. newscast?

21 A. [12:57:00] I did not follow that communiqué.

22 MR MACDONALD: [12:57:05] (Interpretation) Mr President, I would like to
23 request that we take the lunch break now, and we will finish in time. We will
24 finish before 4 p.m. It will be brief, as brief as can be, but I cannot immediately
25 give you how much time it will take, 30, 45 minutes, but in any event, we will be

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1 finished before 4 p.m. absolutely.

2 PRESIDING JUDGE TARFUSSER: [12:57:32] And then we will be -- we go to
3 Monday. If this is what you were going to -- yeah, we will not start for the next
4 half an hour. Okay. And I think also the witness has merited his rest. So we go.
5 Once the Prosecutor has finished, we stop and resume on Monday morning.
6 So now it's time for the lunch break. The hearing is adjourned to 2.30. Thank you
7 very much. Thank you, Mr Witness.

8 THE COURT USHER: [12:58:05] All rise.

9 (Recess taken at 12.58 p.m.)

10 (Upon resuming in open session at 2.33 p.m.)

11 THE COURT USHER: [14:33:38] All rise.

12 Please be seated.

13 PRESIDING JUDGE TARFUSSER: [14:34:05] Good afternoon. Good afternoon,
14 Mr Witness.

15 I give the floor immediately to the Office of the Prosecutor for the last rush. Yours
16 the floor.

17 MR MACDONALD: [14:34:23] Thank you, your Honour.

18 Q. [14:34:28] (Interpretation) Mr Mangou, I will ask you once again to be a bit
19 patient, but we will conclude earlier than planned this afternoon. I will be dealing
20 with two subjects. The first, you mentioned in your previous testimony that you
21 had a meeting on 20 March with Mr Blé Goudé. Can you tell us about that
22 meeting with Mr Blé Goudé?

23 A. [14:35:13] On 20 March, Mr Charles Blé Goudé was on the RTI station to
24 transmit a message during the 8 p.m. news. During his message, he appealed to
25 the young people to come to the staff headquarters to enrol. I listened to the end

1 of the message and I waited for the broadcast to end. I called him and I said, "You
2 are *making commitments without even informing me. You are *telling the young
3 to go to such and such place and I don't even know. What is this?" And he said,
4 "Don't be worried. I will come, I'm coming to see you at your residence."
5 He came to my residence and he explained that it was a strategy. He said since he
6 knew there were no ammunition and weapons, he called the young people and the
7 numbers could influence the enemy and prevent them from attacking us. That is
8 how he justified that information. I did not see the necessity to go back to the
9 radio station to say anything else. That is what happened.

10 Q. [14:36:56] I would like to show you a video, OTP document 0064-0092
11 from 22.29 to 28.35, tab 379. The transcript is 0097-0161, tab 575. And it is the
12 entire transcript, if I am not mistaken.

13 So once again, Mr Mangou, let us look at the video and I will come back to ask you
14 questions.

15 As soon as the interpreters are ready.

16 THE INTERPRETER: [14:38:33] Yes, we are ready.

17 THE COURT OFFICER: [14:38:43] Evidence channel 2.

18 THE INTERPRETER: [14:38:47] (Interpretation of the video excerpt)

19 *"We are welcoming the leader of the Jeunesse Patriotique to talk about this order.
20 Good evening, Charles Blé Goudé. Charles Blé Goudé a long time ago we have
21 not heard from you. You have been silent, *and many were talking about this
22 silence.

23 CBG: I would like first of all to say good evening to the Ivorians, to the young people that I
24 would like to congratulate, those who are on the roadblocks, those who are making it possible
25 for people to sleep, who maintain law in the neighbourhoods politely and who are dissuading

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1 those who want to bring trouble to the country. And regarding *all the comments
2 regarding my silence, *they relate to the psychosis people want to create. It is not
3 every time that a leader speaks. When you speak it means it is important in Africa.
4 I'm telling Ivorians that when there are rumours circulating, when you are receiving
5 information from left to right and that you are not seeing *me on the screen, *and are not
6 hearing me speak it means that the situation is still under control, and that is why *I
7 haven't spoken earlier and I thought it necessary to speak today.

8 DTT: Now, *to talk about today you have launched several calls during that -- *since
9 the second round of the election campaign. And today you *made a last call for
10 young people to enrol. Why did you do that *and how has the situation developed?

11 CBG: I would like to say that there is a difference between the methods of those opposite and our
12 own methods. You see, in order to defend a nation, when you want to take up a weapon, you need
13 to have the right to have the weapon. Either you are a policeman, a gendarme or a soldier. But in
14 a country that you want to rule, you cannot distribute weapons to *civilians who put it under their
15 clothes and then they shoot everywhere in the country and they cut people's throats. *This is not
16 the way to govern Côte d'Ivoire. That is why the Young Patriots and the young people who want
17 to liberate their country and participate in the liberation of their country, they *think they can do it
18 militarily, but they have a legal way of doing that, and that is why I am appealing that tomorrow
19 they should go to the staff headquarters and the chief of staff, with his team, will find a way to
20 register them and enrol them in the army of Côte d'Ivoire. That is normal *with the rule of law.
21 And *to those who want to turn Côte d'Ivoire into another Rwanda, let me tell them: we want to say I
22 do not want *a civil war in this country. We do not want war in this country because you cannot
23 find a country where they're only pro-Ouattaras *because you got rid of all the pro-Gbagbos *or the
24 other way around. The only organisation that can make a difference is our army and that is why we
25 cannot destroy any one group. That is why I appealed to these young people to respond massively.

1 DTT: By this decision, Charles Blé Goudé, are you not justifying those who are
2 calling for *the organisation of a militia?

3 CBG: Madam, you see, I am not going to have this attitude of lies from the
4 opposite side. When you tell the young people go to the staff headquarters to join
5 the regular army, we are not talking about a militia, we are launching this appeal
6 because of the lies that have been told. There are so many lies that have been told.
7 Look at Mr Choi, the representative of the UN to Côte d'Ivoire, who created
8 problems in Côte d'Ivoire by precipitating into the certification of elections results
9 that *had not yet been announced by the constitutional council. This gentleman
10 has just announced some weeks ago that President Gbagbo acquired a plane from
11 Biélorussie in order to purchase weapons. Two days afterwards, UN presented its
12 apologies to the whole world and to Biélorussie without presenting their apologies
13 to Côte d'Ivoire acknowledging that that report was a false report. But you have
14 to go further and recognise that the first report on the elections was a false report
15 and that on the basis of the reports written and sent to New York and Washington
16 by Mr Choi you cannot judge Côte d'Ivoire. And from there, madam, I no *longer
17 listen to what these people are saying, I 'm just asking the young people to go
18 tomorrow massively to the staff headquarters to enrol in the army.

19 DTT: Now the last question, the last question, what will happen to these vigilance
20 committees in the neighbourhoods if these young people respond to your call?

21 CBG: Madam, we are organised. We are organised, we are disciplined. I think
22 since 2002, young people have joined the army, but others have remained to
23 participate in rallies. I have remained with the young people to continue with the
24 rallies because I am convinced, madam, that this is very important for the Ivorian
25 crisis to have a solution through political actors in Côte d'Ivoire. I'm convinced

1 that one day Mr Gbagbo, Mr Ouattara, Mr Bédié will end up sitting together and I
2 appeal to them to do that. I was going to say that there should be inter-Ivorian
3 dialogue because all those who are calling themselves mediators, the senior
4 representatives who come from everywhere, they are seeking to gain prominence in
5 the name of our country upon the blood of Ivorians. So while those people are
6 discussing, while *we are organising rallies, those who feel themselves capable,
7 those who are determined, those who think that they can defend their country
8 through military means, there is a legal means to do so. Tomorrow I am awaiting
9 those people at the staff headquarters and General Mangou Philippe is waiting for
10 them. I am just coming from a meeting with him. And tomorrow everyone is
11 awaited. And I'm insisting on that. Madam, I am insisting on that. We do not
12 want civil war in Côte d'Ivoire. And we think that it is still time, we still have time
13 to discuss because even after the war, we will end up discussing, and so it is better
14 to have negotiations now.

15 DTT: Thank you, Mr Charles Blé Goudé."

16 MR MACDONALD: [14:46:08] (Interpretation)

17 Q. [14:46:13] Do you recognise that video?

18 A. [14:46:23] Yes.

19 Q. [14:46:27] Is that the call that you were referring to or was it a different call?

20 A. [14:46:35] It was this one that I was referring to.

21 Q. [14:46:42] And just to confirm, it was after that that you met with

22 Mr Blé Goudé in your residence?

23 A. [14:46:54] Yes, it was after that call. But in his call here, I thought I heard he
24 said that I have just had a meeting with him. But he had no meeting with me
25 before that.

1 Q. [14:47:11] So what happened afterwards?

2 A. [14:47:14] He came to my residence and he explained the purpose of the call
3 that he had made, so it was impossible for me to go back to the RTI to deny the call.
4 And the 20th was already on Sunday, and we were waiting for Monday, the 21st.
5 On Monday the 21st, at 7.30, I arrived at staff headquarters and it was full. There
6 were many people. The ceremony was supposed to start at 9 a.m. And I refused,
7 I refused to leave. And it was my director of human resources, Admiral Alla, who
8 came to see me and told me that "The young people are asking for you. They want
9 you to come and speak to them. There are many people. And for security
10 concerns, it would be preferable for you to go and speak to them, because there
11 may be infiltrators. The staff headquarters is a strategic area. And if there is an
12 attack here, it will be catastrophic."

13 So I went there and I spoke to the young people. When I spoke to them, I told
14 them that I was greeting them. I congratulated them for their commitment to try
15 and defend the integrity of the territory, but that I would hand them weapons only
16 if the last FDS soldier would have fallen.

17 Blé Goudé approached me and he told me that we should pretend to be
18 distributing weapons to the young people. And I told him, no, we cannot do that.
19 We do not have weapons. We do not have ammunition. If my men see that I am
20 carrying out distribution of weapons, they will not be happy that soldiers are not
21 armed and weapons are being distributed to civilians. So I refused. I refused
22 and I asked the young people to go back to their neighbourhoods for those who
23 wanted to enrol, and that they should go to the town halls to register themselves.
24 That is what I told the young people.

25 MR MACDONALD: [14:50:06] Your Honours, I'm not going to show video which

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1 is already submitted, but I'm just drawing the attention of the Chamber to that
2 video of the youth with Mr Blé Goudé and Mr Mangou at the état-major. I'm just
3 going *to give the ERN, 0069-0375, and you have the two timestamps, 05.40 to 8.52.
4 And even from 8.52 until 14.08. And the corresponding transcripts are also
5 available for both excerpts. For the first excerpt the transcript is 0087-0730, and for
6 the second one it is 0087-0733.

7 And those are all on our list of material, your Honour. I'll just move right along.

8 Q. [14:51:36] (Interpretation) During the post-election crisis, was there any issue
9 of integrating militias within the FDS at any one point?

10 A. [14:51:57] Never.

11 Q. [14:51:58] At the beginning or during the crisis or at any time, were there any
12 militiamen within the security and defence forces?

13 A. [14:52:13] There were no militias within the FDS while I was chief of staff.

14 Q. [14:52:28] What do you mean by that?

15 A. [14:52:30] The entire time I was chief of staff of the armed forces there were no
16 militias within the FDS of Côte d'Ivoire.

17 Q. [14:52:41] And which dates are we referring to there?

18 A. [14:52:46] From 2004 to 2010, that is 30 March 2010, *which is when I arrived at the embassy.

19 Q. [14:53:01] You are talking about 2011, rather, not 2010?

20 A. [14:53:06] Yes, 2011.

21 Q. [14:53:10] And what happened afterwards?

22 A. [14:53:15] If you can be more specific?

23 Q. [14:53:21] After 30 March, what happened?

24 A. [14:53:25] After 30 March, I related to you the last meeting I had in the
25 residence of President Gbagbo. I said when I was going there, I saw five vehicles

1 packed with people sitting behind with ammunition, ammunition magazines.

2 And the way they carried their gun magazines were not the way our soldiers
3 carried them.

4 And so I said: These were mercenaries. So commander Séka Séka, aide de camp
5 of the first lady, did not have troops. He had under his responsibility almost a
6 company. So these were mercenaries.

7 Q. [14:54:26] What about the militias?

8 A. [14:54:31] I have always made a difference between a militia and a
9 self-defence group. Militias are groups that spontaneously emerge to maintain
10 law and order and to start combat; whereas self-defence groups are groups who
11 create themselves to fill a vacuum in a security domain.

12 In the west of Côte d'Ivoire, you had self-defence groups because, at the beginning
13 of the war in 2002, the war was mainly in the central area, Bouaké, Tiébissou,
14 Bokanda, M'Bayiakro.

15 In the west, particularly the northwest, in the Tabou area, it was held by the French
16 army right up to *mid-2003, when France left the area. And when they left the
17 area, the forces that were attacking us started infiltrating into that region. And yet
18 in our structure, we had not planned for military personnel to be in the west to
19 counter the actions of the infiltrators, so the populations of that region assumed
20 their responsibilities in order to face up to the infiltrators.

21 So in the west there were self-defence groups. You had the FLGO, which is the
22 liberation front of the greater west led by Maho Glofiéhi. You had the *AP-Wê of
23 Bonao, Association of Wé Patriots, you had the MILOCI of Commander Batoua, the
24 movement for the liberation of the west of Côte d'Ivoire.

25 You also had another movement led by Pasteur Gammi. So these were

1 self-defence groups which had weapons who defended their regions and who were
2 frequently assisted by Liberians. Because when you look at both sides of border
3 between Côte d'Ivoire and Liberia, you'll find that there are practically the same
4 ethnic groups, the Yacoubas in Côte d'Ivoire, the Yacoubas in Liberia, the Guérés in
5 Côte d'Ivoire, the Guérés in Liberia.

6 So this relationship made it such that when there is one group in danger, out of
7 solidarity, the other group will come to assist them.

8 So we had Liberians in the area who also were involved in the fighting. So should
9 we refer to these people as mercenaries? No. A mercenary is a foreigner
10 that *one can recruit in the country in conflict, or in another country to come and
11 fight and he's given some money. But those who were there, they took their
12 payments themselves. They took the loot from the war. So when they came and
13 fought, they would take roofs, they would take materials. So they would come
14 and fight, and in the evening, they would gather all the items that they could gather
15 and then leave.

16 Now, in Abidjan, there was a group that I can call -- they were sort of militias -- the
17 GPP. The groupement *of patriots for peace, led by Touré Zéguen, *recently
18 christened Nehemie. It is a group that I tried to dismantle. As soon as I became
19 chief of staff, that group *came up in Williamsville, and it continued harassing the
20 population. Sometimes they even attacked the Security and Defence Forces.

21 *There were deaths. They once *occupied the Houphouët-Boigny maternity in
22 Adjamé, and I had to chase them out of there. We had to set up an engineering
23 unit there *so they would not come back. What we tried to do was to tell them to
24 put down their weapons, but sometimes they will play tricks on us because they
25 knew that we were always after them. They did not have weapons *or they

1 looked like they had not weapons. I had organised a manoeuvre where people
2 would go to where certain young people were positioned. Very early in the
3 morning, we would bring them out and they would be searched. And I would say,
4 in Abidjan there were very few weapons during that period, and these were
5 weapons taken from the GPP. For the others, I don't know whether they were able
6 to hide their weapons, for the rest, we went very early in the morning and did not
7 find any weapons with them. That is what I can say.

8 Q. [15:00:58] Do you know whether they held those areas -- where they obtained
9 those weapons before you tried to disarm them?

10 A. [15:01:11] *Regarding the weapons, I have already told you that in *2000 we *went
11 nearly barehanded to the front line. We were short of ammunition and weapons.
12 Our country had experienced several mutinees and a coup and all materials were
13 almost finished. As things were, there was an effort by the president to obtain
14 weapons from a major foreign power. And I will not name that country here, *you
15 can easily understand why.

16 When these weapons arrived at the airport, the general staff at the time, given the
17 emergency, did not find it necessary to send *the weapons to the barracks *to
18 record them, before giving them to people. So the distribution of the weapons was
19 done at the Abidjan airport. So clearly, some personalities took weapons and they
20 gave them to civilians. There were certain self-defence groups or the leader of the
21 FLGO, Maho, the third assistant to the mayor; they had weapons. And at the
22 university, *since I was in Cocody, *at Cité Rouge, shots were frequently fired from
23 there. There was a group called KK and they had weapons. I summoned them.
24 They were fighting all the time. So there were groups that had weapons.
25 I think his name is KB, KB.

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1 Q. [15:03:14] KB?

2 A. [15:03:16] KB, yes, must be the initials, KB. They might have gone by
3 another name which I don't remember.

4 Q. [15:03:28] Maréchal KB or KB?

5 A. [15:03:36] Yes, he's of the merchant marine.

6 MR MACDONALD: [15:03:39] Mr President, maybe without going into private
7 session, I would like the name of the country that the witness was referring to to be
8 written down so that the Chamber can see it and the cameras don't have to film that.
9 Maybe we can do that right away and ask the witness to simply write down the
10 name of that country and hand it over to the Chamber.

11 PRESIDING JUDGE TARFUSSER: [15:04:16] I don't know if it's important, but in
12 any case, we can do it in private session.

13 MR MACDONALD: [15:04:18] Let's go into private session then, Mr President.

14 (Private session at 3.04 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 3.05 p.m.)

4 THE COURT OFFICER: [15:05:42] We are in open session, Mr President.

5 PRESIDING JUDGE TARFUSSER: [15:05:44] Thank you, court officer.

6 The floor is back to the Office of the Prosecutor. Mr MacDonald.

7 MR MACDONALD: [15:05:55] (Interpretation)

8 Q. [15:05:57] With your leave, I will rephrase the question which I put at the
9 beginning of this line of questioning. Now, as far as you know, were there any
10 self-defence group members who were recruited during the post-election crisis,
11 namely, recruited into the FDS?

12 A. [15:06:26] Like I said before, up until the 30th, when I joined the embassy, no.
13 But thereafter, yes, there was a recruitment that was conducted.

14 Q. [15:06:47] So you're saying that a recruitment was conducted thereafter.
15 What can you tell the Court in that connection?

16 A. [15:06:55] I became aware of it even through the trials that took place in
17 Abidjan. People came and testified that they had been recruited into the
18 Republican Guard. They were not part of the last recruitment which we carried
19 out.

20 I also became aware of this because some of our soldiers who were involved in the
21 fighting also reported to us on that matter.

22 Q. [15:07:22] The soldiers who were fighting, they reported to you at what time.
23 Now, let's forget about the trials in Côte d'Ivoire. But at the time, at the time you
24 left to the embassy until, from that time until you left office in July 2011, what were
25 your sources and what did you find out?

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1 A. [15:07:54] My sources told me that some young Ivorians were enlisted and
2 fought alongside the Garde Républicaine.

3 Q. [15:08:05] Who told you that?

4 A. [15:08:08] My guards are the ones who told me.

5 Q. [15:08:16] Your security guards mindful of your position?

6 A. [15:08:19] Yes.

7 Q. [15:08:21] Your close protection guards?

8 A. [15:08:23] Yes.

9 Q. [15:08:26] Very well. Now, I would like to show you a document, and that
10 will be the last document that I intend to display today. CIV-OTP-0071-0850.

11 That document can be found at tab 433. I have a hard copy of the document for
12 the witness, if I'm allowed to show it to him. The document is a few pages long
13 and it's a public document.

14 Witness, please take a few seconds and look at the document.

15 I would like us specifically to go to page 0851.

16 Now, Mr Mangou, my question for you to begin with is on page 0851. Have you
17 seen this document before? And I'm referring to the second page, which is on the
18 flip side of this document, 0071-0851. A message from COMTER copied to CEMA
19 ATCR.

20 Have you ever seen it?

21 A. [15:10:59] No, I've never seen this document.

22 Q. [15:11:00] Now, let's turn to one page which we can look at together.

23 But, Mr President, maybe - and I am in your hands - the page I'm going to refer to,
24 0852, should be a confidential page given that it contains the names of some
25 persons.

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1 PRESIDING JUDGE TARFUSSER: [15:11:25] Let us not show it publicly, but I
2 think we can discuss it publicly.
3 MR MACDONALD: [15:11:31] That's right.
4 PRESIDING JUDGE TARFUSSER: Yes.
5 MR MACDONALD: (Interpretation)
6 Q. [15:11:34] Now, Mr Mangou, at page 0852, Distribution GAD for Military
7 Training. What does GAD stand for? Groupe d'auto defense?
8 MR MACDONALD: [15:11:58] It's okay. It's okay, your Honour. It's okay.
9 PRESIDING JUDGE TARFUSSER: [15:12:05] Do you know from your own
10 knowledge what GAD means?
11 MR MACDONALD: [15:12:10] The witness was *nodding no, okay. I want it for
12 the record that the witness was saying no.
13 PRESIDING JUDGE TARFUSSER: [15:12:14] Okay. Let me ask the witness.
14 Mr Mangou, did you know before you received the hint from the Office of the
15 Prosecutor what GAD, the acronym GAD, I think it's an acronym, means?
16 THE WITNESS: [15:12:33] (Interpretation) Quite sincerely, no, Mr President.
17 PRESIDING JUDGE TARFUSSER: [15:12:39] Okay. And if it is said to you that
18 according to the Office of the Prosecutor -- what was it?
19 MR MACDONALD: [15:12:53] Groupe d'auto defense (Interpretation) Groupe
20 d'auto defense, self-defence group.
21 PRESIDING JUDGE TARFUSSER: [15:13:07] Groupe d'auto defense, have you
22 ever heard of it?
23 THE WITNESS: [15:13:10] (Interpretation) Yes, Mr President.
24 PRESIDING JUDGE TARFUSSER: [15:13:12] Tell us the context or what you heard
25 about it, the context of what you heard and what you know about this?

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1 THE WITNESS: [15:13:29] (Interpretation) That's what I was saying a short
2 while ago, Mr President. The self-defence groups are generally set up to make up
3 for a security vacuum. You see, in the neighbourhoods of Abidjan where there is
4 major criminality and where people find out that the police is not always present,
5 they would set up self-defence groups. That's what happens.

6 Now, coming to this document, it wasn't crafted or drafted by the general staff. It
7 was done by Detoh's deputy.

8 In our last recruitment, we proceeded to distribution of those who had been
9 recruited. And the BB did not receive any personnel.

10 I still have in my memory the distribution that was made after the last recruitment.

11 I don't know if you want me to say anything about that.

12 PRESIDING JUDGE TARFUSSER: [15:14:29] Please do so.

13 THE WITNESS: [15:14:30] (Interpretation) Thank you, Mr President. During
14 the post-election crisis, that is from 2002 to 2010, during that period we conducted
15 three recruitments. In 2003 we recruited 4,000 persons because we were short
16 staffed and so we recruited 4,000.

17 Now, these are the people, Mr President, who were referred to as the Blé Goudé
18 generation. I mistakenly said Gbagbo generation, but it's the Blé Goudé
19 generation.

20 The fact is that it was not Blé Goudé who recruited them. It is simply because
21 during that time the young and the youth were involved extensively in rallies and
22 demonstrations. And so those who were recruited were young, highly educated
23 Ivorians, some of them had their first degrees, some of them had their second
24 degrees, and they joined the army through the legal channels.

25 A press release was issued by the council of ministers stating the conditions for

1 recruitment.

2 Now, the minister of defence, who was in charge of implementing the defence
3 policy of the government, endorsed the communiqué and the young people were
4 invited to come. They went through the various tests and 4,000 of them were
5 recruited.

6 Unfortunately, when we started to work within the framework of the South African
7 mediation, point *3.2.1 required that we take all necessary measures to move
8 towards disarmament. And for that reason those young people felt that they had
9 been abandoned to their own devices, and they thought that the crisis was coming
10 to an end. Many of them asked to sit various competitive examinations into the
11 police, the gendarmerie, into the forestry departments, and a lot of them left.

12 Now, *on 27 and 28 September 2008, there were two mutinies, in Yamoussoukro
13 and in Daoukro. We were able to control the one in Yamoussoukro. The one in
14 Daoukro was taking on a greater life, and some of them wanted to come all the way
15 to Abidjan. And I had to use a company under Captain Toaly to go there and
16 bring these mutineers back as prisoners.

17 He brought back more than 182 soldiers, 91 of them were dismissed, 73 of them
18 were imprisoned, and 13 of them were able to flee.

19 So there was again need for recruitment into the army. That is why in December
20 2009 a press release was issued, and pursuant to that 2,000 people were recruited,
21 and they received training in January and February and March 2010 and were
22 subsequently transferred to various units.

23 The last recruitment, after the elections, the last recruitment was one where we
24 reviewed the conditions and increased the age limit to 27 years, and the only
25 requirement was ability to read and an ability to handle weapons.

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1 More than 3,184 persons were recruited at that time. Those 3,184 persons were
2 distributed as follows: BCP 1, 200; infantry battalion 1, 200; BASA, 200;
3 engineering battalion 1, 200; Republican Guard, 300; BCS, 100; theatre of the
4 operations at the centre-west groupement, centre-west groupement Daloa we sent
5 652 persons; groupement east, 262 persons; groupement southwest, 321 persons;
6 west groupement, 301 persons; DMIR, 250 persons; and southwest groupement, 301
7 persons.

8 This is the distribution.

9 Now, when I see here on the list BB, we did not send anybody to the BB.

10 PRESIDING JUDGE TARFUSSER: [15:20:06] Just for clarity, no, just one for
11 clarification. You said the last recruitment after the elections.

12 MR MACDONALD: [15:20:13] That was my question.

13 PRESIDING JUDGE TARFUSSER: [15:20:15] After the elections 2010, you mean?

14 MR MACDONALD: [15:20:21] I'm going to go and ask those questions, your
15 Honour.

16 PRESIDING JUDGE TARFUSSER: [15:20:23] Okay.

17 MR MACDONALD: [15:20:24] (Interpretation)

18 Q. [15:20:26] When you say that there was a recruitment, yes, was there a
19 recruitment in 2010?

20 A. [15:20:37] Yes, there was a recruitment in 2010.

21 Q. [15:20:39] What date?

22 A. [15:20:40] In January. No, January, rather, January 2011. The 2010
23 recruitment was in a matter of training. The decision was taken in 2009 and the
24 training was done in 2010. That is the second recruitment. The next recruitment
25 was in January, and we didn't have time to complete the three months.

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1 Q. [15:21:11] What happened to those recruits?

2 A. [15:21:15] Those recruits were directly transferred to the units mentioned for
3 training there in view of the urgency. But with the retreats and withdrawals, that
4 also led to the withdrawal or retreat of the recruits.

5 Q. [15:21:37] Mr Mangou, those were all the questions I had for you. I want to
6 thank you. And I believe that we'll be seeing each other again next week. I wish
7 you a good long weekend.

8 Thank you, Mr President. That will be all from the Prosecution by way of
9 examination.

10 PRESIDING JUDGE TARFUSSER: [15:21:57] Thank you very much to the Office
11 of the Prosecutor.

12 Thank you, Mr Mangou, for having until now answered to all the questions.

13 Now I have nothing else to say than to adjourn the hearing to Monday, Monday at
14 9.30, where I'll give the floor to the Defence for Mr Gbagbo in order to put to you
15 the questions that they deem necessary for the Defence.

16 Thank you very much. A good long weekend to everybody. The hearing is
17 adjourned to Monday, 9.30.

18 THE COURT USHER: [15:22:43] All rise.

19 (The hearing ends in open session at 3.23 p.m.)