

Trial Hearing
WITNESS: CIV-OTP-P-0047

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 9 November 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:36] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:56] Good morning.
15 Good morning to you, Mr Detoh Letho, in Abidjan.
16 WITNESS: CIV-OTP-P-0047 (On former oath)
17 (The witness speaks French)
18 (The witness gives evidence via video link)
19 THE WITNESS: [9:33:33] (Interpretation) Good morning, Mr President.
20 PRESIDING JUDGE TARFUSSER: [9:33:36] I give immediately the floor to
21 Maître Altit, lead counsel for the Defence for Mr Gbagbo, of the Defence for
22 Mr Gbagbo.
23 And yours, the floor.
24 MR ALTIT: [9:33:49] (Interpretation) Thank you, Mr President.
25 QUESTIONED BY MR ALTIT: (Interpretation) (Continuing)

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1 Q. [9:34:22] Good morning, Mr Letho. How are you doing?

2 A. [9:34:25] Good morning, Counsel. I'm doing fine.

3 Q. [9:34:28] We are going to continue from where we left off yesterday. We know
4 that the rebels crossed the boundary between the two zones of the country, from the
5 north to the south, in March 2010. My question is simple: As from when did you
6 see the northern units arrive in Abidjan, or when were you informed that those units
7 had arrived in Abidjan?

8 A. [9:35:23] Yes, Counsel, we were aware that units had come from the north
9 because our positions in the northern zone had been attacked. They had been
10 attacked. And from the east to the west, our troops retreated. The first ones
11 retreated directly to Abidjan. It was ComThéâtre that remained in Yamoussoukro.
12 All the others came back to Abidjan.

13 Q. [9:36:21] Very well. Just to be clear, you said that the army units retreated in
14 the face of the rebel advance. But can you tell us approximately on which date in
15 March 2011 that those units retreated to Abidjan?

16 A. [9:36:54] If I remember correctly, it was as from the 23rd, 24th, 25th, right up to
17 the 11th they were in Abidjan.

18 Q. [9:37:09] Very well. These rebel units which were in Abidjan, who was their
19 commander?

20 A. [9:37:21] I was not aware of that. I do not know who was their commander.

21 Q. [9:37:30] The rebel troops which arrived in Abidjan, what was their composition,
22 who were their members?

23 A. [9:37:43] The rebel troops which arrived from the north, the major authorities
24 that we knew were the ComZones who were at the head of the troops, and
25 subsequently they entered Abidjan. I do not know if other external units came into

1 action at that time, but the people that we knew were there were the elements who
2 were commanded by the ComZones initially.

3 Q. [9:38:25] Very well. Upon arrival in Abidjan, did these troops engage enacts of
4 violence?

5 A. [9:38:41] Yes, because as far as our elements were concerned, and I usually take
6 the example of Abobo, because in Abobo they were killing our elements. In Abobo
7 during that period, there was the TV antenna in Abobo, the guard and his children
8 were burned, so our elements retreated to the Abobo Camp Commando.

9 It was impossible for them to go out, except when they needed to resupply, and that
10 was very difficult. Soldiers were burnt in that area. And in Anonkoua-Kouté in a
11 village in Abobo, the inhabitants were surrounded and massacred. There were
12 many dead. It was hellish for our elements.

13 The same situation prevailed in Koumassi, Boribana, Yopougon, all the
14 neighbourhoods. It was Cocody that was partially under our control.

15 Q. [09:40:44] Very well. Now, you have just talked to us about the Camp
16 Commando. Can you elaborate on the attacks against Camp Commando during that
17 post-election period?

18 A. [9:41:04] On a certain night, Commander Gbagbo called me to tell me that they
19 had come under fire. They were asked to retaliate and they fired back up till the
20 morning. And that ended.

21 And in the Camp Commando, I said it yesterday, during our daily supplies, our daily
22 supply runs, the elements are attacked right up to the *Sanmanké intersection, from
23 the Abobo roundabout, right up to *Sanmanké.

24 So you have young people wearing civilian clothes who were armed and who were
25 shooting at our convoy. They actually set a tank on fire on that road. So it was

1 really difficult to resupply.

2 Now, you have the main road from the former scrap yard to Abobo. So it was not
3 difficult -- it was not possible for us to move along that road. We had a unit in the
4 Abobo-Adjamé university, they were compelled to leave the main road and position
5 themselves in the area of the military hospital. So we found ourselves in that very
6 difficult situation.

7 Q. [9:42:56] Just to be very clear, if I understand you correctly, the main road had
8 been cut off by the rebels and so the supply convoys had to pass near the military
9 hospital; is that correct?

10 A. [9:43:20] They would leave the Camp Commando, pass through the Abobo
11 gendarmerie. They would arrive at the roundabout, *turn left, go through the
12 Sanmanké intersection and proceed towards the zoo. From the zoo, they go to Agban.
13 So all the units had to be assembled in the Agban camp for the resupply. Those from
14 the engineering corps who were at the university were compelled to use that road,
15 that's from the former scrap yard, right up to Abobo.

16 Q. [9:44:09] Very well. Now, this was for the Camp Commando located in Abobo.
17 Did other military camps in Abobo come under attack -- or, rather, in Abidjan, come
18 under attack during that period?

19 A. [9:44:30] The Abidjan gendarmerie *school was attacked. The 1st battalion,
20 that is the new camp, was attacked by aircraft. The former camp was also attacked.
21 And the units which were in the west were attacked and that is why they retreated to
22 Abidjan. There was a post in Tiébissou and Bondoukou who were attacked and all
23 of them retreated to Abidjan.

24 Q. [9:45:13] Very well. If we focus on FDS positions or camps in Abidjan, you
25 have mentioned some of them that were attacked, can you tell us approximately

1 when during the post-election period and particularly by whom? You have already
2 also mentioned an attack by aircraft, so can you tell us at what time, during which
3 period they were attacked and by whom?

4 A. [9:45:51] *The camps had been attacked. I forgot to talk about the 3rd battalion
5 in Anyama, which was attacked. The 3rd battalion was attacked. The 1st battalion,
6 that is the BASA, was attacked from the air by aircraft. If you go there, there is no
7 building there. Everything was pulverised by aircraft.

8 Q. [9:46:34] Just a moment please, just so that we should have all the information.
9 When you say aircraft, from which country?

10 A. [9:46:42] It was the French army. I know that because the pilots left from the
11 Golf. Before yesterday, I said that I knew two flight captains of the French air force.
12 They left from the Golf and they attacked. So it was the French army.

13 Q. [9:47:13] I interrupted you, so you can proceed and mention which positions
14 were attacked at which period and by whom?

15 A. [9:47:31] Regarding the 3rd battalion attack and the positions in the interior, it
16 was the FAFN that attacked us. There were many people, but there were mainly
17 people from the north.

18 Regarding the fighter aircraft, I took part in a meeting in Golf and there was an issue
19 of attacking the former Akouédo camp, and I told them that there were civilians there,
20 that there were 2,000 to 3,000 people there, and that if they attacked that Akouédo
21 camp there was going to be serious damage, because the main armoury was in that
22 area. The armoury is about 200 or 250 metres from the village and that the village
23 would be totally destroyed. That is why they did not shell or bomb the former camp
24 but they attacked the new camp.

25 Q. [9:48:51] Just to have clarification on that meeting, you mentioned a meeting in

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1 the Golf Hotel that you attended to decide whether to bomb government positions.

2 Can you tell us who took part in that meeting?

3 A. [9:49:16] The meeting was attended by admiral -- well, I forget his name, but he
4 was recently military attaché in Paris. There was Colonel Major Patrice, myself and
5 other elements. So every morning from 9 o'clock to 11 o'clock, we had a briefing on
6 the situation in the field.

7 Q. [9:49:55] Very well. Very briefly, can you continue to tell us what you were
8 talking about, that is the camps or FDS positions attacked, during which period and
9 by whom?

10 A. [9:50:19] I cannot remember the precise dates, but it was as from March,
11 March 2011. But the attacks by fighter aircraft were as from the 9th, 10th, 11 April.

12 Q. [9:50:54] These camps that were attacked during the post-election crisis, had
13 they been attacked between 2002 and 2010?

14 A. [9:51:09] Yes. The 2nd battalion based in Daloa was also attacked. The 3rd
15 battalion was attacked as well. And the 1st infantry battalion of Akouédo was
16 attacked.

17 Q. [9:51:40] Very well.

18 MR KANE: [9:51:45] (Interpretation) Mr President, Mr President.

19 PRESIDING JUDGE TARFUSSER: [9:51:48] Yes.

20 MR KANE: [9:51:49] (Interpretation) The counsel from Abidjan is of the opinion
21 that for questions relating to people who are still alive and who are occupying
22 important positions, it would be preferable to do that in private session given that the
23 witness is not protected. I believe it would be more appropriate to do that in private
24 session. Thank you.

25 PRESIDING JUDGE TARFUSSER: [9:52:27] Maître Altit.

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1 MR ALTIT: [9:52:29] (Interpretation) Thank you, Mr President. I have two points.
2 There is the self-incrimination issue that has been raised. I'm not sure that I really
3 understood what he meant. In fact, it goes beyond that scope. But if counsel is
4 saying that the witness runs a risk of reprisals because he's mentioning names of
5 people who are powerful and who did things at the time, I would propose that the
6 witness himself should tell us when he's going to mention people that he thinks are
7 powerful enough to harm him and, in that case, we go to private session.

8 PRESIDING JUDGE TARFUSSER: [9:53:37] I would ask the witness himself,
9 together with his counsel to ask for private sessions, I mean, but before saying the
10 things he wants to say in private session, of course, because once we have said it's
11 too late. So it's up to you, Mr Witness, and to you, Counsel, to ask for private session.
12 So I leave it up to you, okay?

13 MR KANE: [9:54:07] (Interpretation) Thank you, Mr President.

14 PRESIDING JUDGE TARFUSSER: Okay

15 MR ALTIT: [9:54:15] (Interpretation) Thank you, Mr President.

16 Q. [9:54:36] Now, sir, just to fully understand, you talked about attacks against
17 certain military camps in Abidjan between 2002 and 2010, not just the post-election
18 period. Can you give us precise information concerning the dates when those
19 attacks took place, for example, was it 2002, 2003, 2004? I hope you understand me.

20 A. [9:55:19] In 2004, the command post of the ComThéâtre was attacked. We had
21 our aircraft at that precise location, and those planes were destroyed.

22 Q. [9:55:47] I'm sorry, sir, attacked by whom?

23 A. [9:55:53] Can we go into private session, your Honour?

24 PRESIDING JUDGE TARFUSSER: [9:56:01] Yes, we can go into private session.

25 But I think we cannot ask all the witnesses the same questions.

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- 1 (Private session at 9.56 a.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
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- 1 (Redacted)
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- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Open session at 10.01 a.m.)
- 18 THE INTERPRETER: [10:01:28] Interpreter correction: Line 9, page 11, all the
- 19 battalions in the CO zone were attacked.
- 20 PRESIDING JUDGE TARFUSSER: [10:01:39] We are in open session.
- 21 MR ALTIT: [10:01:43] (Interpretation) Thank you, your Honour.
- 22 Q. [10:01:48] As a military leader, would you say that the post-election crisis of
- 23 2010 can only be understood from a military and strategic point of view against the
- 24 background of the 2002 and 2004 events or, if I could put it differently, was the
- 25 post-election crisis the continuation?

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1 A. [10:02:16] Yes. If there hadn't been the crisis in 2002, we would not have gone
2 through the situation that prevailed in December 2010.

3 Q. [10:02:29] Very well. If you don't mind, sir, I would like us to hark back to
4 what we were discussing earlier, namely, the military offensive led by the rebels in
5 March 2011 from the north down towards the south. So could you tell us, sir, which
6 troops made up this rebel army, to your knowledge, when these rebels swept down
7 from the north towards the south?

8 A. [10:03:06] For the most part, they were *FAFN members.

9 Q. [10:03:14] Were there Dozos amongst them?

10 A. [10:03:18] Yes, there were Dozos. There were Dozos, yes, amongst the
11 members of the FAFN. Many Dozos in actual fact.

12 Q. [10:03:35] And where did these Dozos come from, what country?

13 A. [10:03:42] They came from Côte d'Ivoire, mostly from Côte d'Ivoire. They came
14 from the northern part of Côte d'Ivoire, that is for sure.

15 Q. [10:03:54] And from other countries, too?

16 A. [10:04:00] I didn't quite understand. Could you repeat?

17 Q. [10:04:05] Did they also come from other countries?

18 A. [10:04:09] I couldn't tell you.

19 Q. [10:04:14] Were there mercenaries amongst these troops, mercenaries who had
20 been recruited in the subregion by the rebels?

21 A. [10:04:29] I was not there when they were doing their recruitment, so I couldn't
22 tell you. I couldn't tell you whether some mercenaries had been recruited. We
23 were squared off, facing troops from the north. They were made up of truly -- well, I
24 don't know. I don't know whether they recruited mercenaries or not.

25 Q. [10:04:57] Did you have any information about the kind of weapons the rebel

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1 troops had, these rebel troops that were sweeping down from the north?

2 A. [10:05:03] Yes. They had Kalashnikovs. They had 14.7s, vehicle mounted;
3 they had 12.7s; they also had shells. They were extremely well armed, like a regular
4 armed force.

5 Q. [10:05:32] Very well. When you say shells, do you mean guns with mortars?

6 A. [10:05:42] I'm talking about mortars. Yes, in particular mortars.

7 Q. [10:05:50] Very well. Did you have any information about the way in which
8 these rebels had obtained all these weapons, despite the embargo?

9 Could we go into private session, your Honour?

10 PRESIDING JUDGE TARFUSSER: [10:06:10] Yes, we can. As somebody would
11 have said, let's go into private session.

12 (Private session at 10.06 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Open session at 10.09 a.m.)

16 THE COURT OFFICER: [10:09:26] We are back in open session.

17 PRESIDING JUDGE TARFUSSER: [10:09:31] Thank you.

18 Maître Altit.

19 MR ALTIT: [10:09:40] (Interpretation)

20 Q. [10:09:47] Thus, Mr Witness, I'd like to ask you a question on the basis of
21 something that you said to us yesterday. Would it be fair to say that the various
22 arrangements to ensure the safety of the inhabitants of Abidjan which you have told
23 us about yesterday and the day before in relation to the 2010 post-election crisis, the
24 security arrangements or provisions dated back to 2002 and the following years?

25 A. [10:10:17] Yes. Well before 2002, actually. Like all major cities in the world,

1 Abidjan had a security plan. In particular, as of 2002, we enhanced our
2 arrangements throughout all the cities. In Abidjan we set up a -- well, well, we
3 divided the city into six zones. Beforehand it was five.
4 But as the Invisible Commando started to become active, we increased the number of
5 zones to six. These control points had been in place as of 2002 and actually even
6 before 2002.

7 Q. [10:11:16] Very well. You told us, sir -- I'm moving on to a somewhat different
8 issue. Now, yesterday you told us that you had left your position on 31 March.
9 And today you have told us about the French shelling upon FDS positions.
10 Did you leave your position when the French army intervened by shelling FDS
11 positions?

12 A. [10:12:00] Yes. I was at the Golf when the shelling of camp Akouédo was
13 conducted.

14 Q. [10:12:14] Very well. I will now move on to a different topic, and I'll be reading
15 something to you, something that you said on the 7th of November in response to a
16 question from the OTP. You said -- realtime transcript, French version, page 40,
17 lines 7 and onwards. Sir, this is what you said in response to a question by the
18 Prosecution. I'll read out to you what you said, and I quote:
19 "Me, I had realised that there were not enough men in Anyama, because in Anyama
20 barely anyone was left, barely anyone was there. And I reported back to the chief of
21 staff and to the president of the republic because, you see, I had made a report back to
22 the president. He was astonished. He didn't think, he didn't realise that there was
23 no one left. During the crisis many men defected. There were not enough men in
24 the battalions, and I'll give you an example. For example, when we needed to ensure
25 the safety of a particular zone, the battalions weren't able to even provide enough

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1 squads up to -- we needed up to 25 men per squad, but we just didn't have enough
2 people.

3 So in Bouaké, the situation was difficult. We were short of men. They were in
4 Anyama. Anyama was a dangerous area for our men. I spoke and I told him about
5 this problem. During this same meeting, General Kassaraté promised that he would
6 send us a platoon. This platoon came from Dimbokro. The day after they came,
7 you see, they had weapons with them, but the weapons dated back to 1949." End of
8 quote.

9 So I'd like to ask you a few questions in relation to what you've said. First of all, you
10 said that a platoon had been sent to you. How many people in a platoon,
11 approximately?

12 A. [10:15:26] Twenty five.

13 Q. [10:15:30] Very well. Second question, these weapons, these weapons
14 from 1949?

15 A. [10:15:39] MAS 26s.

16 Q. [10:15:40] Are they rifles?

17 A. [10:15:48] Yes, individual rifles.

18 Q. [10:15:51] Very well.

19 A. [10:15:53] And they fire shots individually. They are semiautomatic weapons.

20 THE INTERPRETER: [10:15:57] Interpreter correction, the weapon mentioned was
21 MAS 36s.

22 MR ALTIT: [10:16:08] (Interpretation)

23 Q. [10:16:09] Why was Anyama a very dangerous area for your men? That's how
24 you described it.

25 A. [10:16:15] It was very dangerous for our men, because, if you are familiar with

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1 Abidjan, Anyama, if you go from the MACA -- you see, Anyama is above. And so
2 the whole Abobo area was occupied by the Invisible Commando. So the 3rd
3 battalion was caught behind them and could not even get out of that place. If they
4 exited their camp, they would have to go by N'Dotr  intersection. They couldn't
5 head left into Abobo. They were truly in an extremely dangerous situation.

6 Q. [10:17:00] Very well. Yesterday -- no, two days ago, the Prosecution displayed
7 a document to you, CIV-OTP-0005-0073, tab 27, and it showed the members or the
8 men by zone as of a particular date, 25 March, 2011. We'll now show you this
9 document, Mr Witness.

10 Would you like me to repeat the ERN number?

11 THE COURT OFFICER: (Via video link) [10:17:59] (Interpretation) I have already
12 brought the document up on the screen and I'm showing it to the witness.

13 MR ALTIT: [10:18:10] (Interpretation)

14 Q. [10:18:11] You can see it?

15 A. [10:18:13] Yes.

16 Q. [10:18:14] Okay. Do you remember seeing this two days ago?

17 A. [10:18:19] Yes, I remember.

18 Q. [10:18:21] Very well. My question is very simple, sir. Now, this document is
19 dated 25 March 2011. It's right up at the top of the document.

20 A. [10:18:32] I can see.

21 Q. [10:18:34] And the document displays the theoretical manning strength in
22 comparison to the actual number of men.

23 A. [10:18:45] Yes.

24 Q. [10:18:46] My question to you is simple, sir. The actual number of men,
25 soldiers, 25 March 2011, did that correspond to the true number of men in January

1 and February, that is to say, slightly before, in general terms? I can rephrase if you
2 wish. This document shows us a particular view, a realistic view of the number of
3 men on the ground in January and February.

4 A. [10:19:24] Yes, Counsel.

5 Q. [10:19:28] Very well.

6 A. [10:19:33] If you don't mind, I'd like to make a comment.

7 Q. [10:19:37] Sure.

8 A. [10:19:38] Thank you, Counsel. You can see 3rd battalion, first bridge, 25 men
9 were needed. There was no one there that day. Under Effectifs Realises, it's at 00.
10 Support command battalion in Andokoi, there were supposed to be 25 men; they only
11 had 17.

12 So if you scan the document, if you review the full document, you will see that there
13 were shortages. The first one, I don't know what day, but instead of 274, there were
14 only 238. They could only provide 238.

15 And in other situations it was the same state of affairs. That's what I can tell you
16 about this document.

17 Q. [10:20:40] Very well. Now, the actual number of men, these are overall figures;
18 is that correct?

19 A. [10:20:55] Yes, 238, yes, that is the overall figure. The second last column we
20 see the theoretical number of men. And you see, it depends on the mission. But it
21 was not possible to have enough men, so basically that day we had 238.

22 Q. [10:21:22] Very well. And my question is simple. Because we are talking
23 about overall numbers here, I suppose in actual fact the number of men on the
24 ground was actually less. Some of the soldiers must have been ill or resting. There
25 must have been some kind of shifts or system of shifts. For example, let's take

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1 the 238 that we see for Yopougon. If that's an overall number, that corresponds to
2 how many people actually serving in the field, one-third, two-thirds? Could you
3 give us a general idea?

4 A. [10:22:12] Well, I must say that it was somewhat difficult in terms of soldiers.
5 Two hundred thirty-eight, the 238, that number we see here, if they go the next day,
6 well, you have to replace them with another 238. So all our men were assigned to all
7 the fronts. So they couldn't spend a couple -- they couldn't constantly be in the field.
8 So yes, it was just not enough.

9 Q. [10:22:57] Yes, I completely understand your response, but could you
10 perhaps -- maybe this is too difficult, but could you tell us, out of -- this is theoretical,
11 hypothetical. I'm just trying to understand. Let's, okay, total 388 men. Depending
12 on the various procedures in the army and given the context, the circumstances and
13 everything you know, better than us, what did it really mean in actual terms? How
14 many men actually in the field, a hundred, 200, 250? Do you see what I'm driving at?
15 I'm trying to find out from you in terms of soldiers actually present at any given point
16 in time.

17 A. [10:23:51] Two-thirds.

18 Q. [10:23:56] Very well. You have mentioned the shortage of soldiers. You have
19 talked about the problems with ammunition during the post-election crisis. And I
20 have a very simple question for you. Did you receive any ammunition between 2004
21 and 2010?

22 A. [10:24:39] As for myself -- well, in 2004, I was in the field at that time. So if
23 ammunition was procured, it must have been, it must have been in the major stores.
24 But to my knowledge, well, ever since I left the field in 2004 -- well, no, not -- no,
25 because the ammunition that was stored in the barracks, in the storage vaults, were

1 always frequently checked by ONUCI.

2 Q. [10:25:33] You've also told us, sir, about the reports that you provided to the
3 chief of general staff. You told us that you reported back to him, sometimes sending
4 messages, but for the most part over the phone, using your respective cell phones.

5 What other means of communication -- and this time I'm talking about the
6 post-election crisis, 2010-2011. What other means of communications did you have
7 to communicate with the chief of general staff, the CPCO, your colleagues on the one
8 hand and then your subordinates on the other hand?

9 A. [10:26:31] Cell phone.

10 Q. [10:26:35] So that was the major means of communication, cell phones?

11 A. [10:26:42] Yes, Counsel.

12 Q. [10:26:43] Very well. To your knowledge, were your telephone conversations
13 over the cell phones being monitored by French authorities?

14 A. [10:27:16] I did not have a private service to spy on the French intelligence
15 service, so I really couldn't tell you whether the French were listening to us. But yes,
16 we were being listened to. After the conversations already in the field, people would
17 know about all our meetings. People knew in advance, even before we began a
18 mission. So I suppose, I suppose that there were people tapping our conversations.
19 But if it was -- I don't know. I can't tell you whether it was the French.

20 Q. [10:27:55] Let's make sure we've understood one another. So are you telling us
21 that you were definitely being listened to, but you didn't know whether it was the
22 French or the rebels; is that what you are telling?

23 A. [10:28:11] Yes, Counsel.

24 Q. [10:28:11] Very well.

25 A. [10:28:12] Well, you mentioned the French --

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1 PRESIDING JUDGE TARFUSSER: [10:28:14] Excuse me. And how do you know?

2 And how do you know, not suppose, know that you were listened?

3 THE WITNESS: [10:28:27] (Interpretation) Thank you, your Honour. When we
4 were thinking of conducting a particular manoeuvre, after the meeting, even before
5 we positioned our men in the field, the people opposite us already knew. They
6 would call one another. They would call and say, "You are heading this way for a
7 particular mission. We know about it." So we knew that people were listening to
8 our conversations.

9 PRESIDING JUDGE TARFUSSER: [10:29:09] Well, you suppose. Okay. Please go
10 ahead.

11 THE WITNESS: [10:29:18] I suppose.

12 MR ALTIT: [10:29:18] (Interpretation) Thank you, your Honour. Your Honour, I
13 believe that -- can I continue?

14 PRESIDING JUDGE TARFUSSER: [10:29:32] No. I think we can stop here if you
15 don't want to go along the same line with the wiretapping.

16 MR ALTIT: [10:29:41] (Interpretation) On the same topic, I have two or three
17 questions, but I can put the questions after the break, as you wish.

18 PRESIDING JUDGE TARFUSSER: [10:29:51] Put the two or three questions and then
19 you go -- when you go to a new topic, you tell me and then we suspend.

20 MR ALTIT: [10:29:58] (Interpretation) Thank you, your Honour.

21 Q. [10:30:07] Witness, you have said that the army had telephone subscriptions,
22 mobile telephone subscriptions. I'd like to know which telephone operators, which
23 service providers, were those subscriptions with. For instance, you could take the
24 example of your own cell phone.

25 A. [10:30:35] Well, I don't want to do free or advertising, so if you would prefer

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1 that I don't cite the name of a company, perhaps we can go into private session.

2 PRESIDING JUDGE TARFUSSER: [10:30:42] Well, of course. Let's go into private
3 session, although we don't advertise any company.

4 (Private session at 10.30 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Open session at 10.31 a.m.)

14 THE COURT OFFICER: [10:31:50] We are in open session.

15 PRESIDING JUDGE TARFUSSER: [10:31:56] Thank you.

16 Maître Altit.

17 MR ALTIT: [10:31:59] (Interpretation) Thank you, your Honour. In fact, I have
18 now completed my questioning on this topic.

19 PRESIDING JUDGE TARFUSSER: [10:32:07] Okay. Thank you very much. Now
20 we have the break for half an hour and then we come back with the questioning by
21 the Defence for Mr Gbagbo.

22 The hearing is adjourned.

23 THE COURT USHER: [10:32:17] All rise.

24 (Recess taken at 10.32 a.m.)

25 (Upon resuming in open session at 11.01 a.m.)

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1 THE COURT USHER: [11:01:58] All rise.

2 Please be seated.

3 PRESIDING JUDGE TARFUSSER: [11:02:15] Good morning once again. I give
4 immediately the floor to Maître Altit for his questioning.

5 MR ALTIT: [11:02:30] (Interpretation) Thank you, your Honour.

6 Q. [11:02:46] So, Witness, we shall now continue. Now, you have spoken to us
7 about meetings which took place at the presidential residence. And I believe it was
8 yesterday that you specified that you would attend those meetings with other
9 generals when the chief of general staff would report to the president, and those
10 reports would take place when there were incidents which involved fatalities, notably.
11 And I'm going to quote something in this connection.

12 So to try and save a little time, I'm not going to quote, because, in fact, my question is
13 about the type of meeting. So when you would attend at the residence, generally,
14 the meeting was scheduled for what time of day?

15 A. [11:04:26] After 6 p.m.

16 Q. [11:04:30] All right. Did those meetings take place immediately upon your
17 arrival, that is to say, at the agreed point in time, or would you wait together for a
18 period of time before the meeting as such would start?

19 A. [11:05:01] We would wait quite some time.

20 Q. [11:05:07] All right. Can you give us an idea, an estimate? Let's imagine that
21 you were asked to attend at 6 p.m. How long would you wait, one hour, two hours?
22 Can you give us an estimate?

23 A. [11:05:28] Well, it depended on the schedule of the president. Often prior to
24 our arrival he was receiving visitors. So we would wait until those visits were over.
25 If the prime minister arrived in, for instance, then too we would wait until the

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1 president was ready for us. We might wait 30 minutes or 45 minutes. Forty-five
2 minutes would have been a longer waiting period.

3 Q. [11:06:13] Now, the meetings themselves, were they short or long?

4 A. [11:06:28] They were short. They were not that long. They were short. It
5 depended, of course, on the amount of time that the CEMA needed to explain the
6 situation and on the length of the contributions of the various people attending. But
7 basically they were not very long meetings.

8 Q. [11:06:52] And in general, about how long would such a meeting take, half an
9 hour, an hour? Can you give us an idea?

10 A. [11:07:06] At the most one hour.

11 Q. [11:07:10] Thank you very much. Now I'm going to read an extract from your
12 previous statement, and I'll give the reference. It is CIV-OTP-0080-1691, and the
13 page is 1733, line 1413 to 1415. So I'm going to read an extracts of this statement
14 which you made to the Office of the Prosecutor. Now it should appear upon your
15 screen within moments. Please let me know when you can see it.

16 THE INTERPRETER: The interpreter corrects: The reference is page 1733, line 1493
17 to 1495.

18 PRESIDING JUDGE TARFUSSER: [11:08:33] Yes, please, go on.

19 MR ALTIT: [11:08:37] (Interpretation) Thank you, your Honour.

20 Q. [11:08:39] So, Witness, you see before you the text, short text or extract, that I am
21 going to read to you. You are answering a question from the Office of the Prosecutor.
22 I quote:

23 "That, yes, yes, it's possible. When we would go, it would be (incomprehensible)
24 often you would go, you would leave at 6 p.m. and he would receive at you midnight.
25 You had to be available". End of quotation.

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1 Now, I just wanted to refresh your memory here and ask you, did it happen that you
2 would be summoned to attend a meeting and that you would have to wait as long as
3 you suggest here, for instance, that you leave at 6 p.m. and you are received by the
4 president at midnight.

5 PRESIDING JUDGE TARFUSSER: [11:09:40] Mr Witness, wait a minute. Wait a
6 second.

7 Ms Pack.

8 MS PACK: [11:09:44] I would ask, in relation to this reference much as my friend
9 suggested yesterday, that the context for this questioning were made more clear
10 insofar as this is a reference, questioning, in relation to the 12 January meeting in the
11 residential logbook, which puts the time frame at a certain time frame. I think it's
12 from 21.00 circa 21.00 to midnight 30. So that context, at least in fairness for this
13 question, could be made clear. Thank you.

14 PRESIDING JUDGE TARFUSSER: [11:10:22] Maître Altit.

15 MR ALTIT: [11:10:24] (Interpretation) Thank you, your Honour. Well, I have two
16 comments. First of all, I wanted to find out how things generally would proceed.

17 PRESIDING JUDGE TARFUSSER: [11:10:36] But generality, I mean, once it's like
18 this and the next day it's something else. We have to see this always with a little bit
19 cum grano salis, I would say. There is no generality.

20 MR ALTIT: [11:10:50] (Interpretation) That is why the question I put was, did it
21 happen that you might have to wait that long. And, secondly, yesterday we had a
22 discussion and we found it was unfortunate that the logbook was not presented to the
23 witness. But now it is being suggested the logbook is shown.

24 PRESIDING JUDGE TARFUSSER: [11:11:17] It was not unfortunate. It was first
25 said that there is no need to show it because we know it, and then it was not

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1 unfortunate, but decided, and then it was shown. In any case, it was on the screen.

2 Please go ahead.

3 MR ALTIT: [11:11:29] (Interpretation) Thank you, your Honour.

4 Q. [11:11:39] Witness, here we're talking about a specific meeting, and in response
5 to the question, you answered that you left at 6 p.m. and were actually received at
6 midnight.

7 Now, my question is whether there were other meetings where the waiting period
8 might be as substantial, several hours between the scheduled time and the actual time
9 the meeting took place?

10 A. [11:12:06] No, Counsel.

11 Q. [11:12:10] All right.

12 A. [11:12:18] We had many meetings, but in general the waiting period was not as
13 long as that.

14 Q. [11:12:30] All right. We shall now move to a new topic. So yesterday, as
15 regards 3 March 2011, you told us that you were not aware of anything. Now I'm
16 going to refer to the French transcript. This is still a draft transcript of yesterday's
17 hearing, page 3, lines 1 to 5. So I shall now read. I shall quote. You are speaking:
18 "So 3 March, far before, there was no talk of a march at which we should provide
19 security. No meeting had taken place on that topic and nobody was aware of such a
20 march taking place on that day in Abobo". End of quotation.

21 Now, that's very clear, but I want to make sure that we understand well what
22 happened and the sequence of events as you learnt what had happened. So first of
23 all, referring to 3 March and the alleged incident, you said that the first information
24 you received on it was that by means of a telephone call from General Mangou; is that
25 correct?

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1 A. [11:14:32] Yes.

2 Q. [11:14:37] He asked you what you knew about it, and you said that you didn't
3 know anything about it. And as this is something I'm not clear on, he, Mangou, said
4 that he had been informed by General Palasset; is that correct?

5 A. [11:14:54] Yes.

6 Q. [11:15:13] Now, one question. Who is General Palasset?

7 A. [11:15:18] He was a French general and commander of the French forces at that
8 point in time.

9 PRESIDING JUDGE TARFUSSER: [11:15:28] This is also on the record since some
10 time.

11 MR ALTIT: [11:15:38] (Interpretation)

12 Q. [11:15:39] Were you in contact with General Palasset during the crisis?

13 A. [11:15:44] I don't know him. I've never spoken to him. I don't know him
14 particularly.

15 Q. [11:15:56] You then said that in the afternoon, if I have understood correctly,
16 that your daily meeting with the other generals on that day, the day in question, what
17 you said is that you had your daily meeting with the other generals as part of the
18 CPCO on that day and that the alleged incident of 3 March was discussed and that
19 that incident had been discussed amongst other topics at the same meeting; is that
20 right?

21 A. [11:16:30] I'm afraid I haven't understood your question entirely.

22 Q. [11:16:36] Allow me to repeat. So then there was the daily meeting with the
23 other generals, which took place at the CPCO on the same day. And you said that
24 there was a discussion of the women's march and the crackdown, the alleged
25 crackdown on that march, that that topic was discussed amongst other topics with the

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1 generals on the day; is that correct?

2 A. [11:17:01] Yes.

3 Q. [11:17:05] And you also said -- and I would really like to pin down this point to
4 be clear on it. You said that at that meeting, you said that you had some information.

5 That is to say, you, the generals, had received some information from the CPCO
6 regarding the incident. And that information came from the head of the CPCO.

7 Now, my question is, if the head of the CPCO had provided information to you
8 regarding that alleged incident, where did he get it from, in your mind? Do you
9 know that he received that information from General Palasset or from another source
10 or from General Mangou, perhaps?

11 A. [11:17:58] When the incident took place, he spoke to the chief of general staff
12 about the matter. Then, as he was involved in conducting operations, he was in
13 contact with persons in the field, and the people that he was in contact with reported
14 to him on the situation in Abobo.

15 Q. [11:18:30] So at that point in time when he addressed, when the chief of the
16 CPCO addressed this matter and discussed it with you, did he provide you with
17 specific information? Did he say that he had been in contact with persons in the
18 field and that they had responded with information?

19 A. [11:18:51] Yes. He said that he had questioned troops in Abobo and that they
20 had reported to him that they had not supervised or monitored any march.

21 Q. [11:19:07] You said that they did not supervise or monitor a march. Do you
22 mean to say that they said that they did not fire upon a march?

23 A. [11:19:21] Well, if they were not present at the march they couldn't fire at the
24 march.

25 Q. [11:19:29] All right. And to make sure I've understood correctly, it was then

1 later that you, yourself, questioned your own subordinates who were also in the
2 field?

3 A. [11:19:48] When I received the information from the general, in the morning,
4 between 10 and 11 a.m., I questioned my own troops in the field. They also told me
5 that they had not participated in a march and, in fact, that they weren't even aware of
6 such a march having taken place.

7 *That's how we manage to coordinate actions together and that is done over the
8 phone.

9 So when Basile told me that, I reported to the chief of general staff to say that our
10 troops on the ground had not moved from the Abobo camp, they had not gone to
11 supervise any march.

12 First of all, the commander who was there was surprised, because when I asked him,
13 he said no, they have not gone out. He had tried to get supplies in Agban. But, around
14 the Abobo gendarmerie, specifically in Gagnoa gare, he was fired upon, so he turned
15 back.

16 On that day, two gendarmerie vehicles were damaged and some people were injured,
17 so they turned back.

18 Q. [11:21:25] So it is your testimony that to your knowledge any and all FDS who
19 may have been in Abobo on that day were in Camp Commando and nobody left it; is
20 that correct?

21 A. [11:21:46] Nobody could leave the camp. Nobody could leave Camp
22 Commando.

23 Q. [11:21:53] So once again, if I've understood correctly, at the point in time when
24 the CPCO meeting was taking place, none of the generals actually knew at that point
25 in time whether women had actually been killed or not; is that right?

1 A. [11:22:15] Well, when information of this type becomes available it is disseminated,
2 *we are told because when we report on what is happening in the field, the chief of
3 general staff calls immediately the senior commander of the gendarmerie and everyone in
4 the system in order to inform them of the situation. We had the same information i.e. it was
5 alleged that in Abobo, our troops had cracked down on a march and that there had been 7
6 fatalities, that 7 women had been killed but no one was informed that it was our troops,
7 because our troops had not moved. And I have always wondered about this, I have always
8 wondered where the march took place exactly, because you have the scrap yard, you go
9 through FILTISAC to get to Abobo, at the Anador point, there is an intersection, the first
10 big intersection, that's the Anador point, our troops were not there on the 3rd of March,
11 they could not be there on the 3rd of March. When you get to Abobo intersection, at the
12 town hall, for instance, there, too, there were no troops because, in fact, for the last two
13 weeks, or the two weeks preceding the incident, all troops were at Commando Camp.
14 Nobody was outside in Abobo. And I can absolutely confirm that and I maintain my
15 position that that was the case. Now, forces came from somewhere. I don't know who,
16 but it was not our men. Our men could not leave Camp Commando in Abobo.

17 Q. [11:24:21] We shall now turn our attention to a different topic. Yesterday, the
18 Prosecution put a question to you regarding alleged shelling of Abobo market by
19 mortar fire. You answered the following, and I refer to the draft French transcript of
20 yesterday, page 14, lines 22 to 28 and page 15, line 1 to 2. Now, I'm going to quote
21 your answer, I quote -- well, actually, this is a question regarding the shelling of
22 Abobo market by mortar. And you answered the following:
23 "The day before, at about 11 p.m., on 16 March, I received a phone call from a mobile
24 phone but the number was unknown. Somebody phoned me but the number did
25 not appear. And he said or he asked me whether I had heard gunfire because I was

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1 not far from Abobo. I stepped out on to the terrace and, indeed, I heard gunfire."

2 End of quotation.

3 Now, I'm going to walk through this with you because it's important. What you
4 have said is that, to your knowledge, there was gunfire in the night of the 16th to 17
5 March; is that right?

6 A. [11:26:44] Yes, I heard gunshots.

7 Q. [11:26:49] So given that this was your answer to the Prosecutor, that would
8 indicate that the incident took place that night. To your mind, to your knowledge,
9 was this the only incident that took place, and did that incident take place on the
10 night of 16 and 17 March?

11 A. [11:27:18] Yes, it was the only incident.

12 Q. [11:27:23] Fine. Then you said that on 17 March there was mortar fire. I
13 would like to know who did you receive that information from? Who did you
14 receive your initial information from?

15 A. [11:27:44] I'll start with the day before. As I said, the day before I received a
16 telephone call from an unknown number, a number I didn't know. That evening I
17 rang the chief of general staff and reported the matter to him. But before I did so, I
18 called troops in the field. The troops at Sans-Manquer told me that there was
19 nothing going on in their area. I rang those who were in Commando Camp and they
20 said that there, too, there was nothing to report.

21 I then rang those who were at Abidjan University Abobo, and they told me that they
22 had seen Commander Abéhi leave with young people and travel in the direction of
23 Abobo. I rang General Mangou. Then afterwards, he told me that he rang
24 Commander Abéhi and *that Abéhi allegedly told him that he was leaving for Abobo
25 in order to cleanse Abobo. But Mangou had told him not to take any initiative and

1 that, in any case, he did not want to see him there.

2 So that was the conversation that I had with General Mangou regarding the gunfire in
3 the night of the 16th or -- yes, the firing in the night of the 16 to 17 March.

4 Q. [11:29:42] Okay. That is what you learnt about what had happened in the
5 evening of the -- or, between the 16th and the 17th. Now, my question is slightly
6 different. On the 17th, somebody told you or you heard or you learnt something
7 new. So now I'm asking you about something new, and that is about mortar fire.
8 At what point in time and from whom did you hear about alleged mortar fire on 17
9 March? Who was that, was it a subordinate or was it General Mangou? Who spoke
10 to you of that?

11 A. [11:30:26] It was reported in the written press, in the newspaper. When there is
12 an event like that, it's reported on in the paper. We also went to the meeting and
13 spoke about it there. So at any time that there is a situation, we hold a meeting and
14 we discuss the matter.

15 Q. [11:30:52] Very well. Now, before this meeting that was held during the day,
16 the daily meeting, you've told us a great deal about those meetings, now, before the
17 daily meeting, no one in particular told you about *this alleged incident? Neither
18 General Mangou nor...

19 A. [11:31:11] No, no, no one.

20 Q. [11:31:13] Very well. So you went to the meeting of the generals and there, if I've
21 understood you correctly, you had a discussion amongst yourselves about this incident?

22 A. [11:31:27] *Yes, because when there is a situation, the CPCO gives us a report.

23 Q. [11:31:40] Very well. Now, in this regard, what did the head of the CPCO tell
24 you about this incident? Did he have information that could have been useful? Did
25 he tell you that he had information that would have allowed you to clear up the

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1 situation?

2 A. [11:31:57] No. He said that he received the information like us. He said that
3 apparently, apparently mortars had been fired upon Abobo. It was the information
4 that *he has received, that allegedly he had received.

5 Q. [11:32:11] Very well. Now, if you don't mind, I'll put a question to you so that
6 we can understand properly.

7 So he said that he got the information just like everyone else. So are you telling us he
8 was relying on information from the press?

9 A. [11:32:27] Yes.

10 Q. [11:32:29] So in response to my question, in actual fact, you're telling us that no
11 one had specific useful information?

12 A. [11:32:38] No. No, no, no. No. No one had any particular useful
13 information.

14 Q. [11:32:46] Very well. Well, and then if we've -- just a moment if you don't
15 mind.

16 (Counsel confer)

17 MR ALTIT: [11:33:04] (Interpretation) Yes, rightly so. Your Honour, could we go
18 into private session for a moment?

19 PRESIDING JUDGE TARFUSSER: [11:33:17] Let's go into private session.

20 (Private session at 11.33 a.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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- 17 (Open session at 11.37 a.m.)
- 18 THE COURT OFFICER: [11:37:28] We are back in open session.
- 19 PRESIDING JUDGE TARFUSSER: [11:37:33] Maître Altit.
- 20 MR ALTIT: [11:37:36] (Interpretation) Thank you, your Honour.
- 21 Q. [11:37:51] Sir, then you yourself put some questions to try to find out more.
- 22 But you specified, and that was quite clear, that a proper investigation was not
- 23 something in your remit; is that correct?
- 24 A. [11:38:19] Yes, Counsel.
- 25 Q. [11:38:23] Very well. So now *you questioned your subordinates, and you

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1 came to the conclusion -- and I'm trying to understand, because this is an important
2 point for us. You came to the conclusion that, first of all, there had been no shelling
3 or firing from Camp Commando; is that correct?

4 A. [11:38:49] Correct.

5 Q. [11:38:49] Very well. And secondly, even assuming that there had been firing
6 from Camp Commando, no shot could have reached the marketplace because it was
7 technically impossible, correct?

8 A. [11:39:12] Correct, *because a 60 millimetre shell covers 1,200 meters. The
9 distance between the market and camp Commando is more than 1,500 meters. And
10 across camp Commando, the buildings would have kept a 60 millimetre shell from
11 hitting the market. So perhaps it could have been possible to hit a building, but
12 which building? Given all the various difficulties that they had at Camp Commando,
13 when they were at Camp Commando at that time, they were just able to secure the
14 actual camp, the quarters.

15 The camp was being attacked and it was not even possible to leave the camp to go
16 anywhere. So technically, it was difficult. It would not have happened.

17 Yesterday, I asked the question. I did not lead the investigation, if there had been
18 investigations. Because, you see, a mortar, if a mortar is fired and hits, well, were
19 there impacts? I think it's up to the Prosecution to tell us, to tell me, whether there
20 was any impact. If so, how many shells were fired?

21 Q. [11:40:53] Very well. Now, just a moment ago you said something about
22 ensuring the safety and security of the camp, that the soldiers' priority was ensuring
23 safety and security. What did you mean? Do you mean that they were in a
24 defensive position and were not conducting offensive manoeuvres? Could you
25 answer that point, that question?

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1 A. [11:41:18] Yes. They were in -- they had adopted a defensive stance, yes.

2 They could not leave the camp. They could not leave the camp.

3 Q. [11:41:37] Very well. Very well, Mr Witness. We'll move on to something else
4 now.

5 Well, I have an initial question. Your first meeting with the OTP was in September
6 of 2013; is that correct?

7 A. [11:42:11] That's possible.

8 THE INTERPRETER: [11:42:13] Interpreter correction: 13 September 2011.

9 THE WITNESS: [11:42:18] (Interpretation) That's possible. We met for the first
10 time in 2011, yes, but the exact date, I don't remember.

11 THE INTERPRETER: [11:42:27] The witness mutters to himself.

12 MR ALTIT: [11:42:32] (Interpretation)

13 Q. [11:42:33] Very well. Could you tell us how it came to be that the OTP
14 investigators contacted you?

15 A. [11:42:42] I was contacted by the minister of defence, *Paul Koffi Koffi. He
16 called me and said to me, some investigators wanted to speak to me and that I was to
17 make myself available to them. I reported to General Bakayoko and he said there
18 was no problem with that and I should go and answer the questions. But well before
19 that, well before then, the military tribunal spoke to me twice.

20 Q. [11:43:37] very well. To your knowledge, after the first meeting that we had
21 been talking about, were there any discussions between people from the OTP and the
22 authorities of Côte d'Ivoire regarding that first meeting? That is to say, to your
23 knowledge, were there any -- well, any information exchanged regarding your first
24 meeting?

25 A. [11:44:09] Well, what I do know is that *I complained about the way I had been

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1 summoned because a case that concerns a general is not the subject, I am thinking of
2 myself, of ethics, of my rank, is not the subject of a non-protected message that was
3 lying about everywhere.

4 So I asked the minister and from that point on, if I was to be summoned, it had to be
5 done with complete discretion.

6 Now, whether or not there were exchanges amongst various authorities, I do not
7 know. I was not aware of that.

8 MR ALTIT: (Interpretation)

9 Q. [11:44:53] Very well. Then you met with the investigators a second time
10 between the 11th and -- is that correct? 11th and 13th 2011; is that correct?

11 A. [11:45:11] Correct.

12 Q. [11:45:12] Now, during the second meeting, the second meeting, were you given
13 any promises with a view to encouraging you to cooperate with the OTP?

14 A. [11:45:19] No. If that is what you're thinking, you are insulting me. I am not
15 aware of any such thing.

16 Q. [11:45:27] Very well. Were you told that you could be prosecuted by the
17 Court?

18 A. [11:45:36] No. On the contrary, on the contrary, certainly quite the contrary.
19 They said to me that I should be protected.

20 Q. [11:45:50] Very well. Now, during these meetings -- because there was yet
21 another one, I believe, after?

22 A. [11:46:05] Yes.

23 Q. [11:46:05] Very well. During these meetings, did you have any kind of counsel
24 alongside you?

25 A. [11:46:15] The first, the second meetings, I had a lawyer. The third as well.

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1 The first, the second, the third meeting, yes, I did have a lawyer.

2 Q. [11:46:31] Very well. Now, did you report back to your authorities about these
3 meetings?

4 A. [11:46:47] Yes. Each time I would report to General Bakayoko. I would tell
5 him that I had had a meeting with him, but I did not go into the details. I told him
6 that I did have meetings with these people from the OTP.

7 Q. [11:47:08] Very well. I'd like to show you some documents very quickly. The
8 first one bears the following reference number, CIV-OTP-0005-0073. And this is at
9 tab 27.

10 I apologise, your Honour. It's a confidential document. But I think it may be
11 possible to have it displayed in open court. We of course refer to the Prosecution.
12 What does the Prosecution think in this regard?

13 The first one.

14 PRESIDING JUDGE TARFUSSER: [11:48:17] Yes, I think it can be displayed publicly
15 because it was said this also by the Office of the Prosecutor, yes.

16 MR ALTIT: [11:48:26] (Interpretation) Indeed, that's the case for the first one, but
17 not for the following two. But of course we defer to the wisdom of the Court.

18 PRESIDING JUDGE TARFUSSER: [11:48:39] Who defers to the Office of the
19 Prosecutor.

20 MS PACK: [11:48:41] Not the wisdom of the Office of the Prosecutor, but just in
21 terms of practicalities, yes, of course, that's fine.

22 PRESIDING JUDGE TARFUSSER: [11:48:47] Yes, of course. Public.

23 MR ALTIT: [11:48:55] (Interpretation)

24 Q. [11:48:57] Mr Witness, can you see the document on your screen? Is it up on
25 your screen?

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- 1 A. [11:49:02] I can see the top part. *It has to do with the staff strength on 25 March 2011.
- 2 Q. [11:49:17] Now, this is the document we were talking about earlier?
- 3 A. [11:49:22] Yes.
- 4 Q. [11:49:23] So it's indeed the one we were talking about earlier?
- 5 A. [11:49:26] Yes, indeed.
- 6 Q. [11:49:28] Very well. If we scroll down and look at the right-hand side, do you
- 7 recognise your signature?
- 8 A. [11:49:38] Yes, I do see my signature.
- 9 Q. [11:49:42] Were you the one who recorded that date?
- 10 A. [11:49:46] That is my handwriting. I was the one who put the date.
- 11 Q. [11:49:50] Very well. You can see that at the top it reads "exhibit 5". Is this
- 12 appendix 5 to your 2011 statement? Are we in agreement?
- 13 A. [11:50:06] Yes, yes, I agree.
- 14 Q. [11:50:09] Very well. Now we are going to turn to another document.
- 15 Reference number is CIV-0005-0074 at tab 28. And please tell me once the document
- 16 is up on your screen.
- 17 A. [11:50:43] I have the document here up on the screen.
- 18 Q. [11:50:46] Very well. This is exhibit 6, appendix 6, to your 2011 statement. Do
- 19 you recognise this document?
- 20 A. [11:50:56] Yes, I do.
- 21 Q. [11:50:57] Very well. If we scroll down and have a look at the bottom, is that
- 22 your signature?
- 23 A. [11:51:10] Yes, that's my signature, and the same date, 13 October 2011.
- 24 Q. [11:51:15] So that's you. And were you the one who recorded the date?
- 25 A. [11:51:19] Yes, I recorded the date.

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1 Q. [11:51:21] Very well. Very well. We will now move on to another document.
2 Reference number is as follows, CIV-OTP-0005-0076. And this is tab 29. Please tell
3 me once the document is up on your screen.

4 A. [11:51:49] Yes, I can see it up on the screen.

5 Q. Very well.

6 PRESIDING JUDGE TARFUSSER: [11:51:51] Same thing. It's his signature. It's
7 the date he said. It's clear.

8 MR ALTIT: [11:51:59] (Interpretation) Please, if you could kindly be patient, we
9 will --

10 PRESIDING JUDGE TARFUSSER: [11:52:05] I am patient, but we are making the
11 same question, but it is absolutely clear.

12 MR ALTIT: [11:52:14] (Interpretation) Admittedly so, but I still need to put a
13 question.

14 Q. [11:52:26] So this is the seventh annex to your statement. Once again, do you
15 recognise the document? Did you sign it? Did you record the date?

16 A. [11:52:34] I recorded the date. I signed the document. And I do recognise the
17 document.

18 Q. [11:52:40] Perfect. I will now show you one last document. Reference number
19 is as follows, CIV-OTP-0068, and this is at tab 461; CIV-OTP-0068-0231, tab 461.
20 Please tell me once it's up on the screen.

21 A. [11:53:21] Yes, yes, I can see it. I have it here. This is the first document.

22 Q. [11:53:26] Please, just wait. I just want to make sure of one thing. We will
23 check. So please take the time to check the document and then we'll put a question
24 to you very quickly.

25 Yes, indeed. Could the Registry staff please scroll down so that the witness can look

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1 at the bottom of the document. So that the witness can look at the document, one
2 page at a time.

3 Please tell us once you are ready, sir.

4 A. [11:54:42] I'm ready.

5 Q. [11:54:43] Very well. Now, this document I'm showing you now, is this part of
6 the three documents I just showed you?

7 A. [11:54:54] Yes. But I saw one page where the date wasn't recorded.

8 Q. [11:55:00] Very well. So do we agree that the only difference here in relation to
9 the other three documents I showed you moments ago is that the addition annex 10
10 has been added to the top of the page, annex 10, at the top of the page. This is
11 page 0231. And the fact that information -- and you are quite right, the date and
12 your signature were erased or redacted, for example, at page 0231, 0232 and 0233; do
13 we agree on that point?

14 A. [11:56:01] I agree.

15 Q. [11:56:06] But if we go to 0233, we see your signature once again; isn't that so?

16 A. [11:56:13] Yes. I see my signature there with the date.

17 Q. [11:56:18] Very well. I'd like to ask the Presiding Judge if we could go into
18 private session.

19 PRESIDING JUDGE TARFUSSER: [11:56:27] Can we go into private session, please.

20 MS PACK: [11:56:29] And could I just clarify, just for the record, just so there is no
21 mystery, I think what -- and as I look at the metadata for this document, that it was
22 annexed to --

23 MR ALTIT: [11:56:40] Pardon.

24 PRESIDING JUDGE TARFUSSER: [11:56:41] No. Let her speak.

25 MR ALTIT: [11:56:45] (Interpretation) Not in front of --

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1 PRESIDING JUDGE TARFUSSER: [11:56:47] I give the floor to the Office of the
2 Prosecutor. She's responsible for not interfering with the testimony of the witness.
3 Please speak.

4 MS PACK: [11:56:56] It's just simply so there is no mystery. I think annex 10 was
5 attached to another -- was clearly shown to another individual and the redaction was
6 made then to the signature of this individual. I just wanted to make that clear
7 insofar as there is no mystery around the annex number, for your Honours at least.

8 PRESIDING JUDGE TARFUSSER: [11:57:14] But there was no mystery.

9 MS PACK: [11:57:16] Thank you.

10 PRESIDING JUDGE TARFUSSER: [11:57:17] There was no mystery before.

11 MS PACK: [11:57:18] Indeed.

12 PRESIDING JUDGE TARFUSSER: [11:57:19] Okay.

13 MS PACK: [11:57:20] It seems as I look at the Ringtail metadata that that's the
14 situation.

15 PRESIDING JUDGE TARFUSSER: [11:57:27] Maître Altit.

16 MR ALTIT: [11:57:29] (Interpretation) Thank you, your Honour. Could we
17 kindly go into private session.

18 PRESIDING JUDGE TARFUSSER: [11:57:35] Let's go into private session.

19 (Private session at 11.57 a.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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24 (Redacted)

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6 (Open session at 11.59 a.m.)

7 THE COURT OFFICER: [11:59:14] We are back in open session.

8 PRESIDING JUDGE TARFUSSER: [11:59:20] We are back in open session. It's 12

9 o'clock. We break now after the second session. We come back at 12.30 for the

10 third and last session. And I just ask you if you think to conclude within the third

11 session.

12 MR ALTIT: [11:59:40] (Interpretation) Yes, your Honour. I don't want to venture

13 too far, *because you know that we cannot foresee everything, but I think that we will

14 finish during the first half-hour of the third session.

15 PRESIDING JUDGE TARFUSSER: [12:00:01] Okay. Within the third session.

16 Thank you very much. The hearing is adjourned to 12.30.

17 THE COURT USHER: [12:00:06] All rise.

18 (Recess taken at 12 p.m.)

19 (Upon resuming in open session at 12.33 p.m.)

20 THE COURT USHER: [12:33:45] All rise.

21 Please be seated.

22 PRESIDING JUDGE TARFUSSER: [12:34:12] Okay, here we are again. I give the

23 floor immediately to Maître Altit.

24 MR ALTIT: [12:34:31] (Interpretation) Thank you, your Honour.

25 Q. [12:34:40] Now, Witness, you met with members of the Office of the

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1 Prosecutor at a point in time when they were visiting to collect documents, this was
2 on 31 July 2013, they were collecting documents at the general staff headquarters; is
3 that correct?

4 A. [12:35:11] Yes.

5 Q. [12:35:13] All right. Now, how did that meeting take place?

6 A. [12:35:17] When they arrived, they asked if they could go through the archive
7 of the general staff and remove certain documents. So I took them to the office of the
8 chief of general staff, and the chief of general staff made the archives available to
9 them. So they went there and they selected a number of documents before we met
10 to talk with them.

11 MR ALTIT: [12:36:16] (Interpretation) Your Honour, may we enter private
12 session, please?

13 PRESIDING JUDGE TARFUSSER: [12:36:24] Let's go into private session.
14 (Private session at 12.36 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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19 (Redacted)

20 (Redacted)

21 (Redacted)

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9 (Open session at 12.55 p.m.)

10 THE COURT OFFICER: [12:55:32] We're in open session.

11 PRESIDING JUDGE TARFUSSER: [12:55:43] Maître Altit.

12 MR ALTIT: [12:55:45] (Interpretation) Thank you, your Honour.

13 Q. [12:55:50] Witness, I was about to read a passage from your statement of 2015
14 to you, and the number concerned is CIV-OTP-0080-1467, page 1469 to 1470, lines 66
15 to 83.

16 Now, Witness, I'm going to quote your answer to you. I see that the text is before
17 you. Now, I'm going to read your answer where you were answering regarding the
18 scope of the investigation. So interviewee, and I quote. Do you have the text before
19 you, Witness?

20 A. [12:57:03] Yes, I do I have the document here.

21 Q. [12:57:06] Okay, I shall begin.

22 "Yes, that answers my question, that answers my question, but not completely
23 because even if what we are doing is confidential, if we come to a country, you know
24 we are there. If you are with someone, we know that. What I can say to you, I can
25 say that we are perfectly capable of knowing at what date, who was with whom.

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1 Even coming from here, people know that I'm here. Do you understand?

2 Interviewee 2: Yes."

3 Interviewee, that's you, Witness: "So as regards matters, we realise that it's not done
4 on our side, but I understand, in fact you are investigating primarily into the
5 president, former President Gbagbo, and his wife and Blé Goudé, fine. But I can tell
6 you that you have not yet met with Wattao or the ComZones. That never happened,
7 and I can prove that. So we have the impression, well, there you go. We were
8 there, and so it's we who are at fault. Basically, I'm a soldier, I'm a military man, I'm
9 not going to get into the details, but we know what it's about."

10 So my first question is the following, to ensure that matters are clear. Now, when
11 you said that, and this is my question, was it a good thing to tell the investigators
12 with whom you were speaking, that everybody knew what they were doing and that
13 there -- any discussion with them was confidential? Was that what you were trying
14 to relay at the beginning of this answer?

15 A. [12:59:59] Is your question whether what I did was good, or -- well, what is
16 your question?

17 Q. [13:00:07] No, it's not a matter of whether it was a good thing or a bad thing.
18 Rather, I'm trying to understand exactly what you were saying in this answer so I
19 understand your position correctly. So I'm simply asking you to enlighten us on
20 what you meant, what you meant to say to the members of the Office of the
21 Prosecutor with whom you were speaking. Now, in the first part of your answer,
22 were you trying to say to them that everybody --

23 PRESIDING JUDGE TARFUSSER: [13:00:40] Why should you now tell me him
24 what he is trying to say? Let the witness say what he tried to say.

25 MR ALTIT: [13:00:50] (Interpretation) Yes, that is quite correct. I will ask you the

1 question as suggested.

2 Q. What were you saying in the first part of your answer to the OTP?

3 A. [13:01:03] I wanted to give them a message because we had realised that ever
4 since the beginning of the investigation we did not know; we had never seen that
5 investigations were being carried out on those on the other side. When they came it
6 was only for us. And they thought that when they come to a country what they are
7 doing is not known, but nothing was secret. If investigations had been carried out
8 on the others, we would have known. So I wanted to say that there was injustice
9 because we were being harassed. So if you see my statement, I met those elements,
10 nine or ten times, so I felt harassed, while the others were not being questioned at all.
11 That is the message that I wanted to give to them.

12 Q. [13:02:27] Very well. During your discussions with the OTP, did you suggest
13 the names of other potential witnesses for the Prosecutor? And if you want to
14 answer that question in private session, that is fine.

15 Mr President, I think the witness would like to go to private session.

16 PRESIDING JUDGE TARFUSSER: [13:02:58] Is that correct, Mr Witness?

17 THE WITNESS: [13:03:05](Interpretation) Yes, that is correct.

18 PRESIDING JUDGE TARFUSSER: [13:03:06] So let's go into private session.

19 (Private session at 1.03 p.m.)

20 (Redacted)

21 (Redacted)

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6 (Open session at 1.04 p.m.)

7 THE COURT OFFICER: [13:04:27] We are back in open session.

8 PRESIDING JUDGE TARFUSSER: [13:04:38] Maître Altit.

9 MR ALTIT: [13:04:43] (Interpretation) Thank you, Mr President.

10 Mr President, your Honours, I have finished with the substance of my question, but
11 we are left with the task of authenticating some documents through this witness, six
12 documents. We will be very brief and this will be done by Professor Jacobs.

13 Q. [13:05:16] Mr Witness, thank you for having answered my questions.

14 A. [13:05:20] Thank you, Counsel.

15 QUESTIONED BY MR JACOBS: (Interpretation)

16 Q. [13:06:15] Good afternoon, Mr Witness.

17 A. [13:06:21] Good afternoon, sir.

18 Q. [13:06:23] My name is Dov Jacobs, and as Mr Altit has said, I will ask you
19 some brief questions on certain documents so that you can understand them and
20 authenticate them.

21 The first document is CIV-OTP-0048-0654, it is tab 412. I'm waiting for it to be
22 displayed.

23 THE COURT OFFICER: [13:07:05] (Via video link) (Interpretation) The document
24 has been presented to the witness.

25 MR JACOBS: [13:07:12] (Interpretation)

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1 Q. I will allow you to look through it. We have the first page here.

2 Please let me know when you have finished.

3 A. [13:07:51] Yes, I will let you know.

4 I have finished.

5 Q. [13:09:08] Thank you, sir. For the record, it is a message dated 8 June 2010
6 from CEMA, and addressed, if you look at the bottom left, specifically to the ComTer
7 also, and I would like to know if you received this message.

8 A. [13:09:36] Yes, it was sent for information to MINIDEF, ComTer, all the forces
9 and all the major units.

10 Q. [13:09:51] Let us go to page 0056. That is the third page of the document. It
11 is a memo to the major general chief of staff, and the date is 27 May, and it appears to
12 come from the command of the land forces. Can you indicate to us whether it comes
13 from your service?

14 A. [13:10:36] I would like to see the signature.

15 THE INTERPRETER: [13:10:39] Mr President, they are speaking at the same time.

16 PRESIDING JUDGE TARFUSSER: [13:10:43] You are speaking always at the same
17 time. So, okay, but after two years one should have also learned.

18 THE INTERPRETER: [13:11:07] The answer of the witness was: "Yes, the
19 document is from me."

20 MR JACOBS: [13:11:15] (Interpretation)

21 Q. [13:11:15] The document talks about the discovery of a weapons cache in
22 Anyama. My question is, in mid-2010, was there already information about a
23 weapons caches in Anyama?

24 A. [13:11:34] Yes, because, as you can see, in the attachment, Articles 466 and 467
25 of the Criminal Code, were mentioned in that message, so we are repeating here the

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1 message of the chief of staff relating to the weapons cache that was located in
2 Anyama. Because when we receive documents from the chief of general staff, we
3 circulate them to our elements.

4 Q. [13:12:15] Thank you, Mr Witness. I will now go to the second document
5 which is CIV-OTP-0071-0667, and it is tab 450.

6 THE COURT OFFICER: [13:12:35] (Via video link) (Interpretation) The document
7 is being presented to the witness.

8 THE WITNESS: [13:13:35](Interpretation) Yes, I have just read the document.

9 MR JACOBS: [13:13:39] (Interpretation)

10 Q. [13:13:40] Very well. This document is dated 21 December 2010 and it is a
11 message addressed by you to the commanders of all the units; do you confirm having
12 issued this document?

13 A. [13:13:55] Yes, I do so confirm. It is my signature at the bottom of the page.

14 Q. [13:14:01] Thank you, Mr Witness. I will now move on to the third document,
15 CIV-OTP-0071-0712. It is tab 456. *Mr Witness: I am not really going to ask you
16 questions about the content of the document, so I don't think that it is worth reading
17 it thoroughly, you could just review it.

18 A. [13:15:40] Yes.

19 Q. [13:15:42] -- I am going to ask you questions. It is a report from you, General
20 Detoh Letho, dated 29 April 2011. At the bottom of the page there is no signature,
21 but do you remember having drafted this report?

22 A. [13:16:12] No, I do not think so because at that time I did not even have an office.
23 When I was appointed deputy chief of staff of the Republican Forces of Côte d'Ivoire, I had
24 to wait for seven months to have an office, so I did not have an office and I do not know at
25 what location * and in which conditions I might have drafted such a document. And for

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1 security problems, I could not even go to the former camp of the ground forces. I went
2 there on a single occasion when I was asked to assess the situation of the equipment.
3 After that, we went to the new camp where I addressed the forces, and we made an
4 assessment in the new camp. After that, I never set foot there up until my appointment as
5 deputy chief of staff of the Republican Forces of Côte d'Ivoire.

6 Q. [13:17:45] Thank you, Mr Witness. I will move on to the next document. It
7 is CIV-OTP-0071-0713, and it is tab 457. If you look at the first page it is "Situation of
8 the Vehicle Pool." The date is not very clear, but on the left you can see 1
9 February 2011. We can scroll down to the last page.

10 A. [13:18:46] I can see that it's Colonel Yao Adjoumani, commander of the 1st
11 armoured battalion, who issued this document. He is the one who signed.
12 During that period we asked for an assessment of the rolling stock of all the
13 battalions, so this was his report.

14 Q. [13:19:16] At the bottom left it is mentioned that the ComTer received the
15 document. Did you receive it?

16 A. [13:19:25] Yes, it was drafted at my request and to all the battalions. And I
17 asked them to give me the situation report on all the vehicles.

18 Q. [13:19:42] When you look at the table, there is the vast majority under the
19 column "Indisponible," was that the situation for all the battalions?

20 A. [13:20:02] Practically the same thing. In some battalions the situation was
21 even worse.

22 Q. [13:20:08] Thank you. I'll move to the next document, CIV-OTP-0071-0564, it
23 is tab 443. We can go to the second page because one can better read the second
24 page.

25 You have the document in front of you? It is a message addressed by the

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1 commander of the BASA to the ComTer. And the date is 22 February 2011. Do you
2 remember having received this message?

3 A. [13:21:19] Yes. If you allow I will make some clarifications. I should point
4 out that during that period I was at the general staff headquarters as commander of
5 operations in Abidjan. But that did not stop the activities of the battalions. The
6 battalions were as active as in the past. And all the documents coming from the
7 various corps were being dealt with. I was still ComTer, and frequently I was not -- I
8 did not have access to some of those documents, but I know that it came *from the
9 BASA that reports the injury of a corporal to the ComTer.

10 Q. [13:22:39] Thank you, Mr Witness.

11 I will go to the last document, it is CIV-OTP-0071-0584, and it is tab 444.

12 Once again, it is a message from the commander of BASA addressed to the ComTer.

13 And the subject is a mission to Abobo on Thursday, 28 February. Do you remember
14 the message?

15 A. [13:23:37] Scroll down. At the top you can see the visa of the ComTer, the visa
16 of the deputy commander and then the assistant deputy commander. When I was in
17 ComTer, that letterhead was on all the messages such that the authority receiving the
18 message would know. I did not sign, *the deputy senior officer did not sign either. It
19 is the operation and HR office that signed it. That means that the commander of the
20 office responsible for operations and HR saw the document on the 1st of March 2011.
21 And this was on 1 March 2011. I was at home. And usually I would be told that
22 such-and-such an incident happened in such-and-such a situation.

23 Q. [13:24:43] Thank you. If I understand what you have said, this message was
24 received at the ComTer, but not necessarily read by yourself?

25 A. [13:24:58] That is correct.

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1 Q. [13:25:00] Thank you, Mr Witness.

2 MR ALTIT: [13:25:03] (Interpretation) This concludes the questioning of the
3 witness by the Defence team of Mr Laurent Gbagbo.

4 PRESIDING JUDGE TARFUSSER: [13:25:10] Thank you very much.

5 Mr Witness, now the Defence team for Mr Gbagbo has concluded. Tomorrow we
6 will continue with the Defence team for Mr Blé Goudé.

7 So you can go back to your daily duties now until tomorrow morning, we see each
8 other at 8.30 your time, 9.30 The Hague. Thanks to you, thanks to your counsel,
9 thanks to the court officer in Abidjan and we can disconnect.

10 Now we are disconnected. I just received a request from the Office of the Prosecutor
11 to have the floor, shortly, because we're -- well, you have the floor, Mr MacDonald.

12 MR MACDONALD: [13:26:16] Thank you very much. Your Honour, it was an
13 issue that was addressed in private session with the witness, so I would kindly
14 request that we go in private session.

15 PRESIDING JUDGE TARFUSSER: [13:26:27] Let's go into private session.

16 (Private session at 1.26 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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1 (Redacted)

2 (Open session at 1.32 p.m.)

3 THE COURT OFFICER: [13:32:48] (Microphone not activated)

4 PRESIDING JUDGE TARFUSSER: [13:32:59] Maître Altit, if you talk about
5 tomorrow, then we will have one, one or something like this session with the Defence
6 for Mr Blé Goudé, and then we will have maybe the re-questioning, maybe some
7 questions by the Chamber, and latest the third session we'll start with the new
8 witness, if this is what you are seeking.

9 MR ALTIT: [13:33:27] (Interpretation) Exactly. Thank you, your Honour. That
10 is exactly the question I wanted to put.

11 PRESIDING JUDGE TARFUSSER: [13:33:30] This is how I picture the day of
12 tomorrow.

13 So I have nothing else than to adjourn the hearing to tomorrow morning at 9.30 with
14 the questioning by the Defence for Mr Blé Goudé.

15 Thank you very much. The hearing is adjourned.

16 THE COURT USHER: [13:33:52] All rise.

17 (The hearing ends in open session at 1.34 p.m.)