

Trial Hearing
CIV-OTP-P-0011

(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 Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 9 March 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:33] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:54] Good morning.
15 Good morning, Mr Witness.
16 WITNESS: CIV-OTP-P-0011 (On former oath)
17 (The witness speaks French)
18 THE WITNESS: [9:34:07] (Interpretation) Good morning.
19 PRESIDING JUDGE TARFUSSER: [9:34:10] Today we have the whole day for the
20 questioning by the Office of the Prosecutor, to whom I give the floor immediately
21 without losing any time.
22 MR DEMIRDJIAN: [9:34:25] Thank you, Mr President. Good morning, your
23 Honours.
24 QUESTIONED BY MR DEMIRDJIAN: (Interpretation)
25 Q. [9:34:32] Good morning, Mr Kassaraté.
26

1 A. [9:34:35] Good morning.

2 Q. [9:34:37] This morning we shall continue with a few questions, and I want us
3 to continue to focus on the structure of the gendarmerie. We already have evidence
4 on the structure of the gendarmerie, so we will not go into all the small, intricate
5 details, but I would like you to start by telling us what the mission and the role of
6 the gendarmerie was in the FDS.

7 A. [9:35:04] The national gendarmerie of Côte d'Ivoire is a photocopy of the
8 French gendarmerie, and its mission is to ensure public security of persons and
9 goods all together and to provide security for the institutions of the republic as well
10 as that of the persons incarnating *them. To do this, it has a staff known as the high
11 command of the national gendarmerie, located in Adjamé in Abidjan.

12 Q. [9:35:37] Thank you. In the role which you have just mentioned - and I crave
13 your indulgence, I have a little problem with my display - here you have just told us
14 that the role of the gendarmerie is to provide public security. Where do you
15 position the gendarmerie within the forces of security and peace? How do you
16 position it in relation to ensuring public security?

17 A. [9:36:15] In our institution we have three types of forces: The first category
18 force, which is the national police; the second category force, which is the national
19 gendarmerie; and the third category force, which is the armed forces, land, air, and
20 marine.

21 Q. [9:36:47] Within the gendarmerie, what types of units did you have? What
22 types of police did you have?

23 A. [9:36:59] The gendarmerie has two subdivisions: One, the department of
24 gendarmerie, which has now become the territorial gendarmerie; and then you have
25 the mobile gendarmerie.

1 Q. [9:37:20] Very well. Regarding its role to provide public security, how is the
2 gendarmerie organised?

3 A. [9:37:35] As I told you, as soldiers we think in terms of missions. Therefore,
4 what was known as the departmental gendarmerie, today known as territorial
5 gendarmerie, is in charge of administrative, judicial, and military policing. Now,
6 when it comes to the mobile gendarmerie, they are in charge of training of staff and
7 for the services for maintaining order and dealing with foreign officials who may be
8 visiting Côte d'Ivoire.

9 Q. [9:38:21] Let us start with the first category, the departmental gendarmerie.
10 You have mentioned its three roles: Administrative, judicial, and military police
11 roles. Can you start by telling us about the administrative police; what is its specific
12 role?

13 A. [9:38:42] The administrative police ensures public security and works to stop,
14 as best possible, the commission of any crimes and offences. And when an offence
15 is committed, then the matter moves to the judicial police phase, which then collects
16 the evidence, establishes procedures, and then forwards it to the relevant military or
17 civilian parties depending on the situation of the case.

18 Q. [9:39:16] Very well. You talked about the administrative police and the
19 judicial police in your last answer. I am waiting to see the transcript. Now we
20 have it.

21 You have talked to us about the administrative and judicial police which gathers
22 evidence and so on and so forth. What about the military police, what does it do?

23 A. [9:39:51] The military police is a combination of the administrative and
24 judicial police dealing with matters pertaining to soldiers who may commit offences
25 in the discharge of their duties. In that regard we rely on the military prosecutor

1 who in Côte d'Ivoire is known as the government commissioner.

2 THE INTERPRETER: [9:40:18] The witness mentions his name as *Ange Kessi, the
3 current government administrator.

4 MR DEMIRDJIAN: [9:40:27]

5 Q. [9:40:27] I have some trouble distinguishing between the military and judicial
6 police. Can you help us to understand that better?

7 A. [9:40:34] I told you that we also deal with civilian matters. But when a
8 soldier commits an offence, the investigations are conducted by the national
9 gendarmerie.

10 Q. [9:40:47] Okay. Now, within the gendarmerie, what type of police
11 establishes that link with the military prosecutor?

12 A. [9:41:12] It's the departmental gendarmerie, which is today known as the
13 territorial gendarmerie. It is made up of various brigades, small units of
14 gendarmerie police which are in charge of investigations.

15 Q. [9:41:24] Very well. Those units that you have mentioned as belonging to the
16 judicial police, do they belong only to the judicial police or are they part of the
17 departmental gendarmerie? Is there a distinction between the two? That's what
18 I'm trying to understand.

19 A. [9:41:48] The gendarmerie has a very simple functional model. It is spread
20 over the national territory, including a company, a company is a group of one,
21 two -- or two, three, or four brigades.

22 We also have a gendarmerie brigade in each departmental headquarters. That is
23 the framework within which the gendarmerie set up their brigades to discharge their
24 normal policing duties.

25 Q. [9:42:27] Very well. Witness, now the role of the gendarmerie is defined in

1 the law, and I'm thinking here about the law organising the national defence forces;
2 is that correct?

3 A. [9:42:45] Yes. It was created by a law of 1960-61.

4 Q. [9:42:53] Very well. In a short while, we will be looking at this law. It will
5 be displayed on the screen, CIV-OTP-0054-0002, and that's number 200 on our list. I
6 am just trying to see if the document is now displayed. Very well.

7 MR DEMIRDJIAN: [9:43:35] (Interpretation) If we go to the next page, could we go
8 to the next page, please. Please kindly zoom in so that we can see the caption, the
9 highlighted title. There we have it.

10 Q. [9:44:00] Can you see the title of the 1961 law, Mr Witness?

11 A. [9:44:06] Yes.

12 Q. [9:44:07] Very well. If you go to the right, if you look to the right of your
13 screen, I would like you to focus on Article 7, which deals with responsibility of the
14 national level. You can see here that Article 7 provides that:

15 "The president of the republic, head of the armies, directs and coordinates the
16 defence policies."

17 Before I put any question to you, I would like you to also look at Article 9, which is
18 further down in the text.

19 Could we scroll down, please.

20 Here at Article 9 you see that:

21 "The minister of defence is in charge, under the authority of the president of the
22 republic, to execute military policies particularly in relation to the organisation,
23 management, recruitment, and mobilisation of," and so on and so forth.

24 Now, this initial structure with the president and the minister of defence, was that in
25 place in 2010?

1 A. [9:45:27] That hasn't changed.

2 Q. [9:45:29] Let us now move to the page ending in 0005 and zoom in on Article
3 18, please, to the left.

4 To left at the very top. Thank you.

5 Mr Witness, here we see as follows:

6 "The national armed forces are comprised of the national gendarmerie, the land
7 forces, the navy and the air force as well as schools."

8 Then under 18(b) we see:

9 "The national gendarmerie comprises the departmental and mobile gendarmerie
10 forces," as you just said.

11 Now, if we look at Article *18(a) and those four basic units, gendarmerie, national
12 gendarmerie, land, marine and air forces, and school, was this structure still in place
13 at the time of the events of 2010?

14 A. [9:46:53] Yes.

15 Q. [9:46:53] If we go to the right under Article 22, please scroll down. Thank
16 you.

17 Here this article deals with the supreme commander of the national gendarmerie,
18 who is placed under the authority of the minister of defence in all matters regarding
19 the implementation of the special services of this arm.

20 And then below we see that he receives instructions directly from the general chief
21 of staff in relation to the discharge of missions, military missions in particular when
22 the gendarmerie is called upon to cooperate in inter-armed operations pertaining to
23 internal or external defence.

24 Now, can you explain to the Court this dual nature of the relationship between the
25 minister of defence and the chief of staff?

1 A. [9:48:04] To my mind, there is no duality. The instruments of the republic
2 place the gendarmerie under the authority of the minister of defence. Now, when it
3 comes to the chief of general staff the same instruments of the republic provide that
4 in times of crisis or of serious events, the chief of general staff is accountable for
5 operational matters; and in that connection, all the other forces make available to
6 him the necessary human and material resources.

7 Second scenario, at the time we had what was referred to as cooperation with
8 France. And in that connection and within the context of upgrading our units, there
9 was an annual conduct of operations or every two years between the French and the
10 Côte d'Ivoire army, and in that connection this is done between the chief of staff of
11 the Côte d'Ivoire army and the chief of staff of the French army.

12 Q. [9:49:31] This law, Mr Witness, does not mention the Garde Républicaine.
13 That's the observation I make. Was that force part of the FDS, the Forces for
14 Defence and Security?

15 A. [9:49:51] Except I have mistaken, the history of the Garde Républicaine in
16 Côte d'Ivoire is quite specific. Before 1990 we had a single party in Côte d'Ivoire,
17 PDCRDA. And at that time the Republican Guard was made up of troops known
18 as the militia of the party. Now, with the advent of multiparty politics, the
19 Republican Guard lost that function as a militia and became directly linked to the
20 general staff of the army and was assigned to provide the security of the head of
21 state and the presidential institutions at the presidency of the republic.

22 Q. [9:50:52] Thank you, Mr Witness, for that clarification. But when we talk
23 about the gendarmerie, its soldiers, its troops on the ground, what type of troops are
24 they? Do they belong to the police, to the army, or what type of troops do you have
25 in the gendarmerie?

1 A. [9:51:10] Except there is some misunderstanding, the gendarmerie is the
2 gendarmerie, and the police force is a separate and distinct force.

3 Q. [9:51:30] Very well. A short while ago we talked about several, the various
4 police units within the gendarmerie, including the military police. Can you tell us
5 which instruments or laws govern the work of the military police?

6 A. [9:52:02] Off the cuff, I'm not able to tell you, but all our missions are outlined
7 in the laws of the republic.

8 Q. [9:52:12] Are you familiar with a *1996 decree on general discipline within the
9 armed forces?

10 A. [9:52:28] If it can be displayed, that could help. But in any event, in all
11 armies, including that of Côte d'Ivoire, there is always a rule on general discipline
12 determining the conduct of all and sundry in or outside of service and providing the
13 necessary attendant sanctions.

14 Q. [9:53:00] We can display that document for your benefit. It's document
15 number 202 in our list, CIV-OTP-0054-0119.

16 MR DEMIRDJIAN: [9:53:14] (Interpretation) Could we go to page 0130, please.
17 Thank you. Please zoom in to the top left part of that page. Thank you.

18 Q. [9:54:15] Mr Witness, to your left, you can see the title of the decree on general
19 discipline within the national armed forces. Is this a text that you were aware of at
20 the time?

21 A. [9:54:42] Yes, sir.

22 Q. [9:54:43] Very well. Just out of curiosity, when such a decree is passed, it's a
23 long decree as we will see, it comprising more than 100 articles, do the troops of the
24 gendarmerie at all levels receive a copy of this text? Or how do they become aware
25 of the material that we are looking at now?

1 A. [9:55:14] This text is published in the Official Gazette. It is not received by
2 the gendarmerie as such, but the gendarmerie receives its instructions from the
3 minister of defence.

4 Q. [9:55:36] Very well. What format, in what format are those instructions
5 received?

6 A. [9:55:43] Ministerial directives that are excerpts of the decree.

7 Q. [9:55:53] Very well.

8 Can we scroll down to the bottom of the page and focus on Article 7, please.

9 In this section and under Article 7, we see that the holder of a rank has the right and
10 duty to uphold the rules of discipline by all soldiers under his or her authority in the
11 hierarchical order even if they do not report directly to them or are not directly
12 under their authority.

13 How was this implemented in the gendarmerie? How did the supreme commander
14 ensure that this principle here was implemented?

15 A. [9:57:03] This article in itself is at the very base of the army, because discipline
16 is the substrate on which the army is built. So any commanding officer, at whatever
17 level, has the bound and duty to ensure that discipline is upheld.

18 MR DEMIRDJIAN: [9:57:26] (Interpretation) Can we go to Article 35, please. I think
19 that's two pages on. Thank you.

20 Q. [9:58:04] Mr Witness, Article 35 deals with the authority of chef, or leader.
21 And the second sentence provides that the leader must require permanent and total
22 obedience from his or her subordinates. In concrete terms, how was this
23 implemented?

24 A. [9:58:28] When it came to the gendarmerie, all orders issued to the
25 subordinates had to comply with the law.

1 Q. [9:58:45] So the starting point for you would be orders; is that correct?

2 A. [9:58:52] Yes.

3 Q. [9:58:54] Now let us go to Article 118 at page 0137. Thank you.

4 Here you have section 4 dealing with the exercise of disciplinary powers. We see at
5 Article 118 at the beginning that all soldiers have the duty and the right to point out
6 any offences committed, committed by a subordinate or by any soldier placed under
7 his hierarchy and has the possibility of inflicting sanctions or requiring that such an
8 officer who does not come under his authority is also dealt with accordingly.

9 Now, this duty of dealing with discipline, how can it be implemented effectively by
10 a commander?

11 A. [10:00:08] When an offence is committed, it is physical. A soldier who comes
12 late, commits a fault, a soldier who is not properly attired is at fault. A soldier who
13 doesn't obey the rules is at fault. So the leader has the right to implement the rules,
14 either by an oral warning, a written warning, or by transferring the said party to the
15 military court.

16 Q. [10:00:50] Now, within the armed forces, the FDS, how can a commander
17 ensure that he is aware of everything going on in relation to his troops and can thus
18 enforce this provision, action?

19 A. [10:01:11] *The senior commander of the gendarmerie has no direct action
20 over the armed forces, but if a civilian makes a complaint about a soldier's
21 behaviour, then the gendarmerie begins an investigation.

22 Q. [10:01:28] We will return to this point in a few moments, this point having to
23 do with investigations. Could we now have a look at Article 119, which stipulates
24 that only authorities hereafter are allowed to rule upon requests for punishment and
25 inflict the following punishment. Then we have the list of authorities, minister of defence, chief of

1 general staff, superior commander of the national gendarmerie, army commander, et
2 cetera. *So, as this decree had been adopted in '96, I just want to make sure, is it still
3 in force in 2010?

4 A. [10:02:12] Yes.

5 Q. [10:02:15] Very well. Now, if we could just discuss investigations for a
6 moment. How does the national gendarmerie go about investigating possible
7 misconduct of members of the judicial police, for example?

8 A. [10:02:44] Well, the national gendarmerie*, in its role as departmental
9 gendarmerie, has a number of units called brigades. And they are posted
10 throughout the entire country. Any citizen is entitled to go to the brigade and
11 report anything that may have been prejudicial to him; and if that is so, the
12 gendarme -- there is an investigation and an investigation is begun and this is done
13 with the public prosecution office in the area.

14 Q. [10:03:25] And can the commander act on his own volition?

15 A. [10:03:34] Could you please rephrase your question?

16 Q. [10:03:37] You just mentioned a particular case. Let us say an ordinary
17 citizen reports an offence. Is it possible *for the gendarmerie to act on its own initiative?

18 A. [10:03:49] Yes. As part of our mandate of providing administration policing,
19 *namely preventing the commission of offences, if we are dealing with a possible
20 offence, we must take action.

21 Q. [10:04:11] And I suppose the gendarmerie has jurisdiction to look into
22 wrongdoing by members of which institutions?

23 A. [10:04:22] I haven't quite understood what you mean. What do you mean by "organisation"?

24 Q. [10:04:34] Offences on the part of whom? Whom does the gendarmerie investigate?

25 A. [10:04:43] Well, this can come from any citizen, a military person or a civilian.

1 Q. [10:04:50] And when we mention soldiers or military people, is there any
2 particular category or does it involve everyone?

3 A. [10:05:00] It applies to all military staff, including members of the
4 gendarmerie.

5 Q. [10:05:08] Very well. And if an offence is committed by a member of the
6 national police, does that make any change or does the same principle apply?

7 A. [10:05:22] Well, the police is part of the police structure. We are informed of
8 the offence, and we report that "such an action has been attributed to this
9 policeman" and so on and so forth. *It's then up to them to start proceedings.

10 Q. [10:05:41] Very well. Now, within the gendarmerie, if an offence is
11 committed by one of your men, one member of the gendarmerie itself, is that
12 information sent up the chain of command? And if so, how far does it go? How
13 high up does it go?

14 A. [10:06:13] The gendarmerie is a very hierarchical organisation. You have the
15 departmental or territorial gendarmerie with the brigades. The brigade is led by a
16 senior non-commissioned officer. Then you have the company level led by an
17 officer. Then you have the legion led by a senior officer. In the event of a
18 violation, the information goes all the way up *to the senior command who in turn
19 reports to the Minister of Defence, and concomitantly to the military prosecutor who
20 is called the government commissioner.

21 Q. [10:06:57] Very well. Mr Witness, if we could now turn our attention to the
22 structure of the gendarmerie *in the year 2010. Now, we have received quite a bit of
23 evidence about the structure of the organisations, but let us begin with your unit.
24 Now, where was your headquarters in 2010?

25 A. [10:07:29] In the le Plateau area.

1 Q. [10:07:33] More specifically, exactly where in le Plateau?

2 A. [10:07:39] Opposite the police préfecture of Abidjan, not far from the
3 administrative office towers, not far from the ministry of the interior.

4 Q. [10:07:57] Very well. Could you explain who you worked with and what
5 people assisted you within your office?

6 A. [10:08:11] As I've been telling you, we are a very hierarchical organisation.
7 And at the top we have the superior commander of the national gendarmerie who
8 had a second in command, a second commander so to speak.

9 Q. [10:08:35] And in 2010, this second commander, was that General Affro?

10 A. [10:08:46] Yes, General Affro Raphael who has availed himself to his right of
11 retirement, he is now retired.

12 Q. [10:08:54] There was also a chief of staff I believe?

13 A. [10:08:56] Yes. I did have a chief of staff, Colonel Adou Donga Denis, and he
14 is still in service.

15 Q. [10:09:08] What about the command, who did you work with or what other
16 assistants did you have?

17 A. [10:09:17] Well, let us say that I had the various leaders of the offices, the "chef
18 de bureau" in French.

19 Q. [10:09:33] Let's not go too deep into the details, but who were these people in
20 2010, can you tell us?

21 A. [10:09:39] There was the head of the human resources office who handled
22 various matters including career. Then you had the office that handled instruction
23 and education of gendarme. There was a technical unit, and that particular office
24 dealt with all issues having to do with finance, material, equipment. So those were
25 the main offices.

1 Q. [10:10:21] Very well. Was there also someone in charge of an office for
2 documentation and the like?

3 A. [10:10:34] Yes.

4 Q. [10:10:35] And the role was perhaps his rank or his --

5 A. [10:10:42] That person's job was to gather information and intelligence. That
6 is to say -- well, you see, if information is brought together compiled, crosschecked,
7 it becomes intelligence.

8 Q. [10:10:56] And the head of that group at the time?

9 A. [10:11:01] Colonel Gnahoré Beugré, who is now a brigade general and he is
10 still serving.

11 Q. [10:11:07] Very well. Now let us have a look at the various legions. You
12 mentioned the mobile legion and the departmental legion. Let us begin with the
13 departmental legion. How was that structured?

14 A. [10:11:28] Well, we had the departmental or territorial legion in Abidjan. We
15 had a mobile legion in Abidjan. We had a *simple legion in Yamoussoukro and one
16 in San Pedro, because at the time our authority extended to the southern third of the
17 country.

18 Q. [10:12:03] If I've understood properly, the mobile legion was restricted to
19 Abidjan?

20 A. [10:12:09] Yes.

21 Q. [10:12:09] And the departmental legion in Abidjan, who was the head of that
22 legion at that time?

23 A. [10:12:24] Colonel Gbéli Gabo Gérard, who is now retired.

24 Q. [10:12:30] Very well. And the departmental legion in Abidjan, what did it
25 comprise exactly?

1 A. [10:12:42] A legion is a group of two, three, four *gendarmerie companies. A
2 gendarmerie company is a combination of three, four or more brigades.

3 Q. [10:13:08] Very well. Now, when a statement was taken in 2011 from you, I
4 believe you prepared a sketch, did you not?

5 A. [10:13:18] I haven't quite understood your question.

6 Q. [10:13:25] Very well. Do you remember providing a sketch to the
7 investigators demonstrating the organisation, the structure, of the national
8 gendarmerie when you met with those investigators?

9 A. [10:13:40] I don't remember.

10 MR DEMIRDJIAN: [10:13:41] (Interpretation) If we could please call up 0004-0335.
11 This is number 16 on our list of materials.

12 Q. [10:13:51] Can you see this document on the screen?

13 A. [10:14:23] Yes.

14 Q. [10:14:26] And do you recognise this document?

15 A. [10:14:30] This is the organisation chart of the national gendarmerie, but *the entries are not mine.

16 Q. [10:14:40] And 9 *October 2011 and a signature?

17 A. [10:14:46] Yes, that's my signature.

18 Q. [10:14:51] So this org chart, how was it prepared exactly?

19 A. [10:15:02] Well, the superior commander does not do a lot of writing. I asked
20 one of my officers to prepare the diagram.

21 Q. [10:15:11] Very well.

22 THE INTERPRETER: [10:15:16] Interpreter correction: The witness specified in an
23 earlier response that this was not his writing.

24 MR DEMIRDJIAN: [10:15:24] (Interpretation)

25 Q. [10:15:26] Now, we also see the departmental group here, and I would like to

1 ask you this. On the left we see first mobile legion and we also see the word
2 "squadron," and there are four subdivisions: 1/1, 2/1, 3/1. What are those numbers
3 all about?

4 A. [10:15:47] Well, the gendarmerie, like the cavalry, we call our units squadrons.
5 So 1/1 means the first squadron of the first legion. So the *numerator indicates the
6 unit, and the denominator indicates the corps it belongs to. So, 1/1; 2/1, is the
7 second squadron of the same legion, and so on and so forth.

8 Q. [10:16:21] Thank you. Now, the first mobile legion, who led that legion in 2010?

9 A. [10:16:34] It must have been commander *Akandri (phon.); then Obou
10 Gadeau. Akandri (phon.) is currently defence attaché for Côte d'Ivoire with the
11 Côte d'Ivoire embassy in South Africa. Obou Gadeau is still in post, but
12 elsewhere.

13 Q. [10:16:57] Are you saying that there were two people or was it one person and
14 then another person took over?

15 A. [10:17:02] Another person took over.

16 Q. [10:17:04] When did that happen?

17 A. [10:17:05] The same year.

18 Q. [10:17:11] Very well. So we can see these four squadrons within the mobile
19 legion. Could you give us the names of the commanders of these four squadrons?

20 A. [10:17:26] Oh, this is -- that's a tough one. If I could have a closer look at the
21 org chart maybe.

22 Q. [10:17:38] Well, I suppose it's difficult, but the way I've put the question, but
23 let's begin with Agban. Do you remember the Agban squadron in the
24 year 2010?

25 A. [10:17:51] I can see the person's face, but his name escapes me.

1 Q. [10:17:56] What about Yopougon?

2 A. [10:17:58] Yes, I remember that person, Captain Koukougnon or Commander
3 Koukougnon.

4 Q. [10:18:08] And Abobo?

5 A. [10:18:10] That must have been Captain *Obénieré.

6 Q. [10:18:15] Very well. And Koumassi?

7 A. [10:18:20] That must have been -- well, there were many changes. Captain
8 Lourougnon, I believe.

9 Q. [10:18:32] Very well. We can also see on the right of this particular chart, we
10 see the documentation and research department or area. And what are these other
11 units a bit lower down? Why is it that they are placed in that particular spot on the
12 org chart?

13 A. [10:19:02] Well, before I was -- before I became the superior commander of the
14 national gendarmerie, there was a unit. And it was called the *GIS, the "group
15 d'intervention et sécurité," intervention and security group that was made up of
16 these three other areas or offices that were part of the cabinet. And when I came in, I
17 *set that group aside and attached those four units to the cabinet. They would be
18 part of the cabinet.

19 Q. [10:19:43] Very well. And the last one, the "group des escadron" GEBGN; is
20 that correct? What was that unit?

21 A. [10:20:07] That unit was created in the 1990s. Why armoured? Because that
22 unit had some armoured vehicles. The others did not have armoured tanks. They
23 only had lightweight personnel carriers and the like.

24 MR ALTIT: [10:20:32] (Interpretation) I beg your pardon.

25 PRESIDING JUDGE TARFUSSER: [10:20:35] Maître Altit.

Trial Hearing
CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 MR ALTIT: [10:20:37] (Interpretation) Thank you, your Honour. I apologise for
2 interrupting, but I think we have a transcript problem. I didn't want to interrupt
3 my learned friend, but the French transcript seems to have frozen at page 19 and it's
4 been frozen for a few minutes now. Perhaps we should wait until the transcript
5 catches up before we proceed any further.

6 PRESIDING JUDGE TARFUSSER: [10:21:07] I ask the court officer, who is already
7 dealing with it.

8 MR ALTIT: [10:21:18] (Interpretation) Thank you, your Honour. The transcript
9 seems to have resumed, but there seems to be a gap. That is to say, there is a gap
10 and the last seven or eight minutes worth of proceedings seems to have -- they
11 seem -- that time seems to have fallen by the wayside.

12 (Pause in proceedings)

13 PRESIDING JUDGE TARFUSSER: [10:22:58] This problem exists. It is in any case
14 recorded and it will be then in the edited version, it will obviously appear because I
15 don't know if we can fix it now. If this is okay, is agreeable, then we will for sure
16 make sure that this is complete once the edited version comes out. For the moment
17 we don't know exactly what the mistake was because the relevant technician is not
18 there where -- somewhere else.

19 MR ALTIT: [10:23:45] (Interpretation) Thank you, your Honour. What's important
20 to our mind is that we need to have access to what was said by the end of the day,
21 but not later on, once the final transcript has been prepared, but within the real -- for
22 the time being, this is all right, this is all right. But we do need access.

23 THE COURT OFFICER: [10:24:13] From the gaps, the missing parts in the French
24 transcript will be complimented later in the edited version anyway if we are going
25 complete this gap. Thank you.

Trial Hearing
CIV-OTP-P-0011

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:24:25] Okay. Thank you very much.

2 Please, Mr Prosecutor.

3 MR DEMIRDJIAN: [10:24:30] Thank you, Mr President.

4 Q. [10:24:32] (Interpretation) Apologies, Mr Witness.

5 A. [10:24:42] No problem.

6 Q. [10:24:43] *You mentioned the word "armoured" a moment ago, that's what I
7 was having an issue with because I couldn't see it on the sketch.

8 So, GEB, you are talking here about a group of armoured squadrons?

9 A. [10:24:57] Groups of armoured squadrons from the national
10 gendarmerie.

11 Q. [10:25:03] And just to be perfectly clear about that, that is the unit established
12 in 2010 or the structure established in 2010?

13 A. [10:25:13] Yes.

14 Q. [10:25:13] Very well. Do you remember in general terms what was the total
15 manpower of the gendarmerie in October 2010 just before the election?

16 A. [10:25:28] 17,000 men approximately.

17 Q. [10:25:43] I'd like to now show you another document, and this is a document
18 that comes from the gendarmerie, 0004-057 -- 0057. 0044-0057.

19 It will just take a moment for the document to come up on the screen.

20 MR KNOOPS: [10:26:23] Mr Prosecutor, which number in your list, please?

21 MR DEMIRDJIAN: [10:26:25] I apologise, 149.

22 Q. [10:26:30] (Interpretation) Mr Witness, here we see a general chart showing
23 the various -- the staffing strength of the national gendarmerie. Can you see it on
24 the screen?

25 A. [10:26:43] Yes.

1 Q. [10:26:45] So you were pretty close. I see right here 15,332 as the total
2 strength. And you see the date?

3 A. [10:26:56] Yes.

4 Q. [10:27:00] *23 November. Just to be quite clear, now at the bottom of the
5 page, we see your name, a stamp, and a signature. Do you recognise these
6 elements?

7 MR DEMIRDJIAN: [10:27:11] (Interpretation) We can zoom in if you like just for the
8 witness's benefit. Could we just zoom in on the part of the document showing the
9 signature.

10 Q. [10:27:35] Do you recognise the stamp and the signature?

11 A. [10:27:48] The signature is that of the second in command, Affro Yao, and his
12 name, Mr Yao Rafael, his name is seen there, second in command of national
13 gendarmerie.

14 Q. [10:28:07] Thank you. And just to ask you a final question about the
15 structure, I believe you are aware of a special unit that was called the CECOS?

16 A. [10:28:19] Yes.

17 Q. [10:28:19] Would it be correct to say that some members of the gendarmerie
18 were also part of the CECOS?

19 A. [10:28:26] Not just gendarme. It was a joint unit. It included military
20 people, police, gendarme.

21 Q. [10:28:42] If we could now turn to communications within the national
22 gendarmerie. First of all, could you explain to us what means of communication
23 were used by the gendarmerie?

24 A. [10:28:55] Well, when you finish your general training you choose a particular
25 area. I did not opt for communications; I opted for the cavalry. I'm not a

1 communications specialist by any means, but we had VHF, we had mobile phones,
2 ordinary phones, mobile radios, that was the equipment that we had.

3 Q. [10:29:28] You've mentioned various pieces of equipment?

4 A. [10:29:39] Yes.

5 Q. [10:29:40] And I suppose there is also writing?

6 A. [10:29:44] Yes, messages.

7 Q. [10:29:49] Could you elaborate? What kind of messages, written messages,
8 were sent within the gendarmerie? What kind of messages exactly do you mean?
9 What messages would you send to people reporting to you at the time?

10 A. [10:30:08] Directives from the command of the gendarmerie, from the
11 supreme commander to various addressees specifying the mission and then you
12 have the text.

13 Q. [10:30:26] Very well. We will talk about that later. You talked about VHF
14 radios, mobile phones, writtens, written documents.
15 Now, could messages also be given verbally?

16 A. [10:30:47] When the supreme commander received an officer in his office, he
17 could give an oral message.

18 Q. [10:30:57] Very well. I asked you about the type of documents that you sent
19 to your subordinates. Now, looking at it from the other end, how important was it
20 to receive reports from your supporters, whether they were written or oral reports?

21 A. [10:31:22] As I have explained to you, the gendarmerie is scattered throughout
22 the national territory, and our units on the ground have as duties to send back to us
23 all messages in their possession, all information in their possession, on a daily basis.

24 Q. [10:31:49] And on a daily basis, did you receive such information at a specific
25 time of the day?

1 A. [10:32:02] Depending on the seriousness of the information, otherwise it
2 would be 6 p.m. At the end of the day there would be a summary, there was an
3 accident here, a flood there, a fire there, and so on. And these messages are
4 compiled by the bureau responsible for organisation and employment, which sends
5 the message to the chef de cabinet and then the chef de cabinet forwards it to the
6 superior commander; and based on the *situation, I would report to the minister of
7 defence.

8 Q. [10:32:44] Just a moment, please.

9 (Counsel confer)

10 MR DEMIRDJIAN: [10:32:55] (Interpretation)

11 Q. [10:33:11] Based on your answer, you said that depending on the situation
12 you would report to the minister of defence. Now, what type of situation would
13 require you to report to the minister of defence?

14 A. [10:33:29] I cannot identify all of them, but if there is a traffic accident
15 involving 10 to 20 vehicles, this concerns the chief, who is the minister of defence.

16 Q. [10:33:49] You said, you talked about the organisation and employment
17 bureau that deals with this document, deals with this document. Once it is drafted,
18 is there a specific way of processing it?

19 A. [10:34:06] All the documents that arrive are filed. Once it is processed, it is
20 sent to the various addressees and then it is filed in that office. And after a certain
21 time the document is sent to the archives. We have an archives unit ever since 1960
22 which is in the head office and you can find there all the documents that were
23 processed by the gendarmerie.

24 Q. [10:34:43] Very well. One point of clarification. You said if there was a
25 traffic accident involving 10 or 20 vehicles, this would require a report to the

1 minister of defence. Now, after that, who does the minister of defence report to?

2 A. [10:35:07] My responsibility stops at the ministry of defence, so what happens
3 after that, I do not know.

4 Q. [10:35:16] Did you ever learn that the minister of defence used information
5 given to him by you to forward it to his own superiors along the way?

6 MR GBOUGNON: [10:35:35] Mr President.

7 PRESIDING JUDGE TARFUSSER: [10:35:37] Maître Gbougnon.

8 MR GBOUGNON: [10:35:40] (Interpretation) Mr President, I think the witness has
9 answered the question clearly. He has stated what the situation was.

10 PRESIDING JUDGE TARFUSSER: [10:35:54] Therefore?

11 MR GBOUGNON: [10:35:59] (Interpretation) So the question is repetitive, it is
12 redundant, so it is not useful.

13 PRESIDING JUDGE TARFUSSER: [10:36:07] Do you know how many redundant
14 questions we have listened to? Okay.

15 Mr Prosecutor.

16 MR DEMIRDJIAN: [10:36:23] My question was very different, your Honours. I
17 think counsel can read the transcript.

18 Q. [10:36:30] (Interpretation) Mr Witness, I will rephrase. You have already told
19 us that your responsibility ended at informing the minister of defence. Now, are
20 you aware of any situation in which you sent information to the minister of defence
21 and then he sent it further up?

22 A. [10:36:58] As I have said, repetition is pedagogic. My responsibility is to
23 report to my direct boss, who is the minister of defence. That is what my -- that is
24 where my responsibility ends. Whatever he does, I do not know.

25 PRESIDING JUDGE TARFUSSER: [10:37:19] Yes. So the question was not -- your

1 answer was repetitive, not the question. The question was if you know or if you
2 don't know if in certain occasion the report was further transferred up to the
3 hierarchy. If yes, yes; if no, no. But we know exactly and you said what your
4 responsibility was. But if you know the further step, an occasion where this further
5 step was taken?

6 THE WITNESS: [10:38:00] (Interpretation) No, Mr President.

7 PRESIDING JUDGE TARFUSSER: [10:38:05] Okay. Thank you.

8 Mr Prosecutor.

9 MR DEMIRDJIAN: [10:38:09] (Interpretation)

10 Q. [10:38:09] Mr Witness, I'm simply waiting for the transcript. Very well. So
11 you do not know what happened to the information that you sent to the minister of
12 defence?

13 A. [10:38:40] Yes.

14 Q. [10:38:44] In no case at all?

15 A. [10:38:45] Yes.

16 Q. [10:38:47] Very well. Let me go to another question. You talked about the
17 archives unit in relation to written documents. I would like to show you some
18 types of documents from the gendarmerie. And I would talk about their basic
19 format. The first document is CIV-OTP-0044-0025, and it's number 132.

20 Mr Witness, can you see that document on your screen?

21 A. [10:39:46] Yes.

22 Q. [10:39:49] Can it be enlarged a little bit beginning with the top of the page.
23 You can see command superior command of the national gendarmerie and the date
24 23 September 2010. Can you see that?

25 A. [10:40:14] Yes.

1 Q. [10:40:15] It is indicated that you are sending it to the major general head of
2 the personal military staff of the president of the republic. Now, who is that?

3 A. [10:40:34] General Touvoloy Bi Zogbo, who was the chief of the personal staff,
4 personal ministry staff of the president.

5 Q. [10:40:48] And where is his office?

6 A. [10:40:52] At the presidency of the republic.

7 Q. [10:40:57] The presidential palace or the residence?

8 A. [10:41:02] The presidential palace.

9 Q. [10:41:05] Can we scroll down to the bottom of the page, please. Very well.
10 There you can see your name and a signature. Can you see that?

11 A. [10:41:29] Yes.

12 Q. [10:41:32] And you can see at the bottom copies director of cabinet, deputy
13 director of cabinet of the president of the republic, and then minister of defence.
14 What do you mean by "ampliation" in French, or copy?

15 A. [10:41:50] It means you prepare a document and you send it to certain people
16 for information. If the person has to execute or implement it, you say "for
17 implementation."

18 Q. [10:42:04] Is this a typical format of a gendarmerie document or a document
19 from the superior commander?

20 A. [10:42:14] No, it is not typical. I received a request and then I drafted my
21 response to that request.

22 Q. [10:42:26] And you can see the document. Is there a rule for the format?

23 A. [10:42:34] Can you scroll up so that I can see the title?

24 Q. [10:42:40] Yes. Let us scroll back up, please.

25 A. [10:42:59] Yes. It is the rules at the level of military correspondence.

- 1 Q. [10:43:05] Very well. You talked about messages. I would show you a
2 document titled: "Message." It is 0044-0097. It is number 158 on the list. Very
3 well.
4 You can see a document here with the word "message" at the top of the page. You
5 can see: Origin, superior command of the gendarmerie, and then the addressees.
6 And then you see: For information, MINIDEF, and I think it is ministry of defence?
7 A. [10:44:05] Yes.
8 Q. [10:44:05] Then CEMA, it is chief of staff; is that correct? And then you have
9 CEMP/PR, what does that mean?
10 A. [10:44:20] It's chief of the personal military staff of the president of the
11 republic.
12 Q. [10:44:23] So it is General Touvolvy you mentioned a short while ago? Very
13 well.
14 Then below that you have the number of the document and then a date. Is this the
15 normal way of writing a number and a date in such messages?
16 A. [10:44:55] Yes, that is according to the gendarmerie rules.
17 Q. [10:45:02] Yes, we are just talking about the format. Then after that you have
18 ATCR. What does that abbreviation mean?
19 A. [10:45:22] Since this is my hierarchical superior, I sent it to him as a report.
20 Q. [10:45:26] Very well. We are not going to go into the substance of the
21 message. But in the first paragraph, there is Major General Oumar N'Daw hall of
22 honour. Can you tell us where that room is?
23 A. [10:45:46] It is a meeting room that I had built inside the headquarters
24 premises in order to have meetings there and the room was named Oumar N'Daw
25 room.

1 Q. [10:46:07] Very well. Can we scroll down to the bottom of the page, please.

2 I'm sorry, that paragraph was not displayed on the screen.

3 Now, you have stop "et fin," stop and end. And then you have a stamp and

4 signature. Do you recognise that signature, Mr Witness?

5 A. [10:46:28] Yes.

6 Q. [10:46:29] When you were talking about message a short while ago, can you

7 tell us whether this message is a typical message from the gendarmerie?

8 A. [10:46:38] Yes.

9 Q. [10:46:48] Thank you. Let us move to a second document which is 0043-0220,
10 and it is number 57 on our list. It is 0220. Thank you.

11 Mr Witness, this is another document titled "message." Without going through all
12 the details, we can see the origin, superior command of the national gendarmerie.

13 We can see the addressees. There is a number and subject.

14 Now, if we go down to the bottom of the page, there is a stamp and some words that
15 are incomplete. Now, if we go back to the very top, please. You can see some
16 handwriting there. Can you tell us what this is?

17 A. [10:49:07] I cannot see it clearly.

18 Q. [10:49:13] No. At the left of the word "message," it is a letter there and a
19 small tick.

20 A. [10:49:27] It is probably just to indicate that I saw this.

21 Q. [10:49:34] Very well. Did you usually do that, put V and a tick?

22 A. [10:49:43] To indicate that I have seen it.

23 Q. [10:49:45] Very well. We have several documents and the subject is "working
24 session." Not this document, but others. Now, the term "working session,"
25 concretely, what does that refer to?

1 A. [10:50:08] I summon all the unit commanders to the cabinet so that we can
2 have an exchange, so that I give them directives to go and accomplish whatever
3 mission they are assigned to. That is what I refer to as working session.

4 Q. [10:50:26] Thank you. If we can display 0043-0432, which is number 103 on
5 our list. Very well. If we can enlarge the top of the page. Very well. That's fine.
6 Thank you.

7 We can see origin, CSG. What does this abbreviation refer to?

8 A. [10:51:16] CSG, superior command of the gendarmerie.

9 Q. [10:51:21] We can see the addressees, and then we see those who are copied
10 for information. There is a number and then "Subject: Working Session."

11 Now, can you see a letter there at the top of the page, the letter A, what does that
12 refer to, if you know?

13 A. [10:51:44] No, I have never written such a letter on any message.

14 Q. [10:51:52] Very well. So this is not the type of annotation that you would
15 personally make on such a document?

16 A. [10:52:01] No.

17 Q. [10:52:02] Let us go to the very bottom of the page, please. We can see other
18 notes at the bottom of the page and a few codes of names. You have QSL and a few
19 figures. Are you familiar with that handwritten note?

20 A. [10:52:35] First of all, it is not my signature, so I did not write this. And if I
21 write this message, I would sign, and then it would go to the radio. Maybe it was
22 through the radio that that was sent.

23 Q. [10:52:57] You say it was through the radio?

24 A. [10:52:59] That is possible.

25 Q. [10:53:02] Do you know what "QSL" means? You have a few names or words

1 at the extreme left, and then you have QSL. Do you know what that refers to?

2 A. [10:53:16] I no longer remember.

3 Q. [10:53:19] Very well. Now, and up at the top, if you see the letter A, I put it
4 to you that it may be archives. Is that possible?

5 MR ZOKOU: [10:53:34] (Interpretation) I'm sorry, but the document is not from him.

6 PRESIDING JUDGE TARFUSSER: [10:53:41] No. He says he does not know what
7 that means. So if he doesn't know, he doesn't know. All the rest is speculation.

8 MR DEMIRDJIAN: [10:53:50] Just to see if it refreshes his memory, your Honours.

9 PRESIDING JUDGE TARFUSSER: [10:53:54] Yes. But he did not say "I cannot
10 remember." He said "I don't know."

11 MR DEMIRDJIAN: [10:54:04] (Interpretation) Very well.

12 Q. [10:54:05] Mr Witness, when you say that it is possible that a message was
13 sent by radio, who dictates the request for a working session?

14 A. [10:54:20] Let me repeat clearly, the message is drafted by one of our bureaus,
15 and then it is sent to our units. I never write anything on it except the signature.
16 And since the message goes to the radio, maybe they insisted on annotating it before
17 dispatching it.

18 Q. [10:54:58] Very well. Another category of documents that we found are titled
19 "radio message" at the top of the page. Are you familiar with those types of
20 messages?

21 A. [10:55:06] It simply means that the message should be transmitted over the
22 gendarmerie radio.

23 Q. [10:55:16] Before asking you to comment, I will show you two or three
24 examples. The first document is 0043-0213, number 54 on the list. Thank you.

25 Once again please zoom in to the top part of the document. You can see at the top

1 of the page, Mr Witness, the title "Radio message." And then you can see origin.

2 CDT means commander, I suppose?

3 A. [10:56:14] Yes.

4 Q. [10:56:14] Then you can see the addressees. Then you have information and
5 then working session.

6 Now let us go to the bottom of the page. Once again you have stop and end, QSL,
7 some numbers, and then you have the small letter V and the tick. To begin with,
8 how is this type of document transmitted?

9 A. [10:56:48] The document is transmitted to the various addressees by radio.

10 Q. [10:56:56] When you say "by radio," do you mean verbally or orally or another
11 means of electronic transmission?

12 A. [10:57:06] We have radio units installed. And the message is there, it is read
13 and communicated. And the units that receive the message put it on paper and
14 send to all the addressees.

15 Q. [10:57:28] Thanks for the clarification. Let us go back to the top of the page,
16 at the very top, and let us zoom in on the handwritten notes at the top right. Very
17 well. There you can see a handwritten annotation and then you have the letters
18 EGA. Do you know what that might refer to?

19 A. [10:58:00] Let me begin by saying that I never annotate any messages, but
20 EGA may mean the gendarmerie school of Abidjan. But I'm not the one who wrote
21 that.

22 Q. [10:58:13] Very well. The next example is 0043-0214, which is number 55 on
23 our list. Thank you.

24 Once again you see the format, "radio message" at the top of the page, then you can
25 see the same indicators, origin, addressees, and so on. But unlike -- just like the

1 other document, there is no signature or stamp. There is another document
2 0043-0217, which is number 56 on our list.
3 MR ALTIT: [10:59:20] (Interpretation) I'm sorry.
4 PRESIDING JUDGE TARFUSSER: [10:59:23] Maître Altit.
5 MR ALTIT: [10:59:24] (Interpretation) Thank you, Mr President. I simply have a
6 question for my learned friend. Maybe I didn't quite understand, but I did not hear
7 any questions relating to the document shown to the witness. If I'm mistaken, I'm
8 sorry, but if you have a question, maybe you should ask the witness a question.
9 Otherwise, I do not see the point of the exercise. And that is document number 55.
10 MR DEMIRDJIAN: [10:59:58] Yes, Mr President, I'm about to ask the question after
11 showing this third document and I'll ask him a question that covers all three,
12 because they're of the same type.
13 PRESIDING JUDGE TARFUSSER: [11:00:06] Mr Knoops.
14 MR KNOOPS: [11:00:07] Mr President, just an observation. Is it the intention of the
15 Prosecution to ask the witness whether such a format existed in those days or is it
16 the intention to have the witness authenticate this document? That's the major
17 difference, because authentication is something different than asking the witness
18 whether such a format existed in those days and using these as examples.
19 And it seems that the Prosecution is asking the witness to confirm that this
20 document, this specific document which is not signed, really is authentic.
21 PRESIDING JUDGE TARFUSSER: [11:00:50] No. As far as I understood, we're
22 talking about the format, but this is how I understood it until now. But I've, in any
23 case, problem with the authentication and so.
24 But Mr Prosecutor -- and then we go to, you put the question after the break. You
25 just finish now, then we have the break, and then you put the question after the

1 break.

2 MR DEMIRDJIAN: [11:01:17] Sure. If I could finish with these three documents?

3 PRESIDING JUDGE TARFUSSER: [11:01:21] yes, yes. But the question you were
4 announcing on the three documents, you'll put it first thing after the break.

5 MR DEMIRDJIAN: [11:01:27] Very well, your Honour. Yes, thank you.

6 Q. [11:01:30] (Interpretation) Very well, Mr Witness. Could we zoom in to the
7 document, please. And once again it's a radio message, as you can see. The origin
8 this time is commander GDR, "groupement de documentation et recherche" which
9 you mentioned a short while ago; is that correct?

10 A. [11:01:59] Yes.

11 Q. [11:01:59] Thank you. Then addressees, all sections and units, info number,
12 date, and subject. I will not delve into that. And as the President has just
13 indicated, I will put the question to you after the break.

14 PRESIDING JUDGE TARFUSSER: [11:02:15] So thank you very much. We have the
15 break now of half an hour, and then we continue. Okay? Thank you. The
16 hearing is adjourned.

17 THE COURT USHER: [11:02:24] All rise.

18 (Recess taken at 11.02 a.m.)

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

20 THE COURT USHER: [11:32:59] All rise.

21 Please be seated.

22 PRESIDING JUDGE TARFUSSER: [11:33:05] Good morning, Mr Prosecutor. The
23 floor is yours.

24 MR DEMIRDJIAN: [11:33:09] Thank you, Mr President.

25 Q. [11:33:19] (Interpretation) Good morning once again, Mr Kassaraté.

1 A. [11:33:23] Good morning.

2 Q. [11:33:25] Just before the break, if you recall, we read through those three
3 radio messages, and I observed that the messages didn't bear any stamp or
4 signature. Can you say anything about that format?

5 A. [11:33:43] There is no signature.

6 Q. [11:33:49] Why?

7 A. [11:33:53] I don't know. Maybe you need to contact the drafters of the
8 message.

9 Q. [11:34:03] Would that be the normal format for radio message?

10 A. [11:34:08] Yes.

11 Q. [11:34:11] Very well. Before we proceed to other documents, I have two or
12 three clarifications to ask a few regarding questions that you -- or what you said
13 before the break. You talked about *Ange Kessi, the government commissioner.
14 Who was the commissioner in 2010-2011?

15 A. [11:34:42] He was the one.

16 Q. [11:34:44] I also asked you whether at your own behest it was possible for you
17 to conduct an investigation into any breaches by troops of the gendarmerie. In your
18 answer, you said that in the course of your work, if you observed any offences or
19 violations, you would. My follow-up question for you would be the following: It
20 is one thing to see what happens on the field, but it is also another to be aware of a
21 violation. Now, if you became aware of a violation, did you have power to conduct
22 an investigation into that matter?

23 MS KADJI: [11:35:29] Mr President, please. Yes, Mr President, I am not used to the
24 procedure here, but I want to ask a question on the three documents that we have
25 been shown a short while ago. The witness has said he doesn't recognise those

1 documents. What do we do with them? Is the Prosecutor going to produce these
2 documents into the case file, or what would those documents have served? What
3 purpose would they have served? I just want to find out how things happen here
4 because what I'm used to is that after documents are shown to the witness, the
5 Prosecutor would ask to produce those documents into evidence. Now, what
6 would these three documents have served? What purpose would they have served,
7 Mr President.

8 PRESIDING JUDGE TARFUSSER: [11:36:15] Well, I don't know what the purpose
9 they serve. But we will -- I think we have to wait for the Prosecutor and wait until
10 the end of his questioning, then we'll see, because I don't know either. I think until
11 now we are talking about the format, whatever this means, of the documents. But I
12 think we will see.

13 MS KADJI: [11:36:38] (Interpretation) Mr President, I'm sorry to insist, but it would
14 appear to me that the Prosecutor has moved on to another field of questioning, to
15 something else. That is why I rose to address this issue, so that we know what is
16 the outcome of the use of these documents which the witness has not recognised.

17 PRESIDING JUDGE TARFUSSER: [11:37:00] The documents are in any case
18 submitted and then they are not recognised and then they're used -- but they are
19 submitted in any case. So that's for sure.

20 So please go ahead, Mr Prosecutor.

21 MR DEMIRDJIAN: [11:37:16] (Interpretation)

22 Q. [11:37:17] Mr Witness, do you want me to repeat the question to you or do
23 you remember the question?

24 A. [11:37:24] Please kindly repeat the question.

25 Q. [11:37:29] Very well. Before the break you were addressing the power to

1 initiate investigations by yourself, and you said that if a violation or an offence was
2 observed in relation to one of your troops, an investigation would be conducted.
3 Now, my question was the following: You are not on the field, but you become
4 aware of a violation or an offence by one of the troops of the gendarmerie of the FDS.
5 Would you in those circumstances have the power to initiate an investigation?

6 A. [11:38:12] Any gendarmerie officer is a *judicial police officer. And if I
7 become aware of information about anything that happens in any area in Côte
8 d'Ivoire, I can ask the gendarmerie of that local area to conduct an investigation into
9 that specific incident.

10 Q. [11:38:34] Very well. Very well. Mr Witness, the next set of documents
11 bears the caption "message porté" at the top of the page, do you know what that
12 refers to?

13 A. [11:39:09] In general terms we use the radio to transmit our messages. But
14 where the radio fails for technical reasons or where there is no radio available to the
15 addressee, a "message porté" can be issued, which is handed to a transporter who
16 would go from town A to town B to handover the document to the police or
17 gendarme officer who is generally the brigade officer who will then receive such a
18 "message porté." Furthermore, we can use motorcyclists in Abidjan. A written
19 message can be sent through them to an authority and that message we refer to as a
20 "message porté."

21 Q. [11:39:58] Thank you.

22 MR DEMIRDJIAN: [11:39:59] (Interpretation) Can we displays document 0044-0026,
23 number 133 on our list.

24 Q. [11:40:13] Mr Witness, the document is before you, is it?

25 A. [11:40:31] No, not yet.

1 Q. [11:40:32] I have it on the screen. Do you have it now?

2 A. [11:40:42] Yes.

3 Q. [11:40:43] Now we see source, supreme commander of the gendarmerie,
4 addressee, names and dates. And then please let's go to the next page to see the
5 signature.

6 This document is two pages long. You mentioned Adou Donga Denis a short while
7 ago, your chief of cabinet. Do you recognise his signature here?

8 A. [11:41:15] Yes.

9 Q. [11:41:15] Thank you. Now, let us go back to the top -- go back to the top of
10 the first page, please. Thank you. You can see here under info, ministry of defence
11 and civic services, CEMA, CEMA personal of the president of the republic. And
12 you had mentioned that person just before the pause. And I want to ask you what
13 was his role, General Touvol?

14 A. [11:42:04] Before I answer your question, I would like to point out a mistake.
15 Before you have MINIDEF and service -- but since *1990 we don't have a ministry of
16 defence and civic services in Côte d'Ivoire, so that must have been a mistake. Now,
17 the chief of staff private to the head of state is in one word his military advisor.

18 Q. [11:42:35] Very well. As far as you know, what did he do with the messages
19 he received from the gendarmerie?

20 A. [11:42:45] The chief of staff private to the president in his role as the military
21 advisor to the president of the republic, when we sent messages to him, we thought
22 that he would inform the president of the republic accordingly.

23 Q. [11:43:10] When you say "we thought" -- one moment, please.

24 Yes, Mr Witness. General Touvol, as far as you know, did he inform the president
25 of the republic of all the messages that were forwarded to him from the

1 gendarmerie?

2 A. [11:43:43] It would be difficult for me to know whether he transmitted all the
3 messages. But we dispatched those messages. It was up to him to inform the
4 president accordingly. Now whatever he would have chosen to do would have
5 entirely depended on him.

6 Q. [11:44:05] Very well. Now, Mr Witness, I would like to remind you of your
7 interview in 2011 when you met with the investigators of the OTP. The following
8 question was put to you, and I'm referring here to the interview notes 0016-0426 at
9 page 433. It's a nuanced question, but this is what you say.

10 "The president of the republic" --

11 PRESIDING JUDGE TARFUSSER: [11:44:49] Are you quoting?

12 MR DEMIRDJIAN: [11:44:50] Yes.

13 PRESIDING JUDGE TARFUSSER: [11:44:52] Please say "and I quote" --

14 MR DEMIRDJIAN: [11:44:55] And I quote --

15 PRESIDING JUDGE TARFUSSER: [11:44:56] -- so it goes as a quotation on the
16 record, otherwise -- and give the exact reference from where you quote. This is
17 crucial. Thank you.

18 MR DEMIRDJIAN: [11:44:59] Yes, yes.

19 Q. [11:45:02] (Interpretation) I quote, page 433, quote:

20 "The president of the republic according to our constitution was informed of all the
21 messages through his personal chief of staff, who at the time was called General
22 Touvolé Bi Zogbo."

23 Does that jog your memory, Mr Witness?

24 A. [11:45:34] No, because our constitution does not provide that the chief of
25 general staff reports to the president of the republic. That is not written in our

1 constitution, if we are talking about the constitution.

2 Q. [11:45:57] All right. One moment, please. At line 239, Mr President, in any
3 event, that's an answer you provided during your interview, line 239, the supreme
4 commander of the army, the president of the republic - according to your
5 answer - was informed of all the messages through his chief of staff private. And
6 that was the answer you provided at the time.

7 Now, what knowledge did you have about what was addressed when documents
8 are handed over to the chief of staff, the private chief of staff of the head of state?

9 A. [11:46:58] Let me explain. The chief of staff of the president normally reports
10 to the president whenever he receives messages, but not according to a provision of
11 the constitution, no.

12 Q. [11:47:11] All right. Let's set aside the constitution, if that's where the
13 difficulty arises. Now, as far as you know, when he receives such messages he
14 would report to the president on messages received from the gendarmerie. Is that a
15 fair understanding of your answer?

16 PRESIDING JUDGE TARFUSSER: [11:47:39] Did you reply? Did you answer?

17 THE WITNESS: [11:47:43] (Interpretation) No. Could he repeat the question, Mr
18 President? Could counsel repeat the question?

19 MR DEMIRDJIAN: [11:47:58] (Interpretation)

20 Q. [11:48:00] Mr --

21 PRESIDING JUDGE TARFUSSER: [11:48:02] May I repeat the question. So I read it
22 from here. The question asked by the Prosecutor was: If it is a fair understanding
23 of your answer, setting aside the constitution, that when the chief of staff of the
24 president receives such messages, he will report them to the president -- messages
25 received from the gendarmerie, he would report them to the president of the

1 republic.

2 THE WITNESS: [11:48:51] (Interpretation) That should have been -- are we okay?

3 That's the principle. But I don't know what the chief of staff did with the messages.

4 I don't know.

5 PRESIDING JUDGE TARFUSSER: [11:49:05] Of course not. That's perfect. Thank
6 you.

7 MR DEMIRDJIAN: [11:49:08] Thank you, Mr President.

8 Q. [11:49:10] (Interpretation) Very well. Mr Witness, I want to clarify something
9 with you. The personal chief of staff to the president, who was his immediate
10 hierarchical superior?

11 A. [11:49:37] It was the president of the republic, the president of the republic.

12 Q. [11:49:41] A short while ago we talked about the minister of defence before
13 the break. Who is his hierarchical superior?

14 A. [11:49:55] Going by what I know obtains in the Côte d'Ivoire, there is the
15 president of the republic, there's the prime minister, and then there are members of
16 government.

17 PRESIDING JUDGE TARFUSSER: [11:50:05] We are talking about the obvious? We
18 understand that we are talking about the obvious.

19 MR DEMIRDJIAN: [11:50:08] Very well, your Honours.

20 PRESIDING JUDGE TARFUSSER: [11:50:09] Okay.

21 MR DEMIRDJIAN: [11:50:10] I'll move on.

22 Q. [11:50:11] (Interpretation) We have another type of document called
23 "bordereaux d'envois." Are you familiar with that type of document?

24 A. [11:50:30] Yes.

25 Q. [11:50:33] Could you briefly explain to the Court what this type of

1 document is?

2 A. [11:50:36] When you draft a number of mails they are recorded under a
3 document, and the document which outlines the attendant mails is called a
4 "bordereaux d'envois," or transmittal slip.

5 MR DEMIRDJIAN: [11:51:04] (Interpretation) Let us display 0044-00 --

6 THE INTERPRETER: [11:51:08] And the interpreters missed the last two digits of the
7 reference, Mr President.

8 PRESIDING JUDGE TARFUSSER: [11:51:13] The interpreters missed something, the
9 last numbers.

10 MR DEMIRDJIAN: [11:51:23] So 0044-0102.

11 (Interpretation) Very well. Please zoom in on the first part of the document.

12 Q. [11:51:48] Now, Mr Witness, if we look at this document from the
13 gendarmerie from the administrative and technical centre which you mentioned a
14 short while ago, we see your name at the top of the document and the addressee
15 lieutenant aide de camp of the supreme commander. And then you have the
16 transmittal slip.

17 MR DEMIRDJIAN: [11:52:16] (Interpretation) Can we go to the bottom of the page,
18 please. Thank you.

19 Q. [11:52:24] Here we see a stamp, a signature -- well, a signature and your
20 name. Do you recognise the signature?

21 A. [11:52:35] It is illegible.

22 Q. [11:52:38] Very well. Do you recognise the stamp?

23 A. [11:52:45] Yes. The stamp, yes.

24 Q. [11:52:54] Maybe we can hand you a hard copy if that could help.

25 MR DEMIRDJIAN: [11:52:59] Can the Court officer please assist.

1 MR KNOOPS: [11:53:04] Mr President, I just observe --

2 PRESIDING JUDGE TARFUSSER: [11:53:06] Mr Knoops.

3 MR KNOOPS: [11:53:06] -- just observe in line of your directions, this is outside the
4 scope of the charges, this is a document of October 2010.

5 PRESIDING JUDGE TARFUSSER: [11:53:14] Yes. Okay. I could also say that the
6 signature we can recognise the signature, so you know.

7 MR DEMIRDJIAN: [11:53:38] (Interpretation)

8 Q. [11:53:38] Now, Mr Witness, take a look at that signature and tell us whether
9 the hard copy helps you to recognise it?

10 A. [11:53:44] Yes.

11 Q. [11:53:58] Please keep the document so that you can look at a few details.

12 Now this is addressed to the aide de camp of the supreme commander of the
13 gendarmerie. Was that position one that existed at the time?

14 A. [11:54:15] Yes.

15 PRESIDING JUDGE TARFUSSER: [11:54:15] Excuse me. But the witness said yes,
16 he recognises but he didn't say anything more. He recognises it but that's not
17 enough, if you wanted the signature to be recognised. Whose signature is it? "Yes"
18 is not enough.

19 MR DEMIRDJIAN: [11:54:33] (Interpretation)

20 Q. [11:54:34] Mr Witness, whose signature is this, do you know?

21 A. [11:54:44] This document does not entirely reflect my signature. However,
22 furthermore, I do not understand how I could be sending a document to my aide de
23 camp, who works with me on a daily basis.

24 Q. [11:55:04] What do you mean when you say the document does not entirely
25 reflect your signature?

1 A. [11:55:15] I'm referring here to the origin and the addressee. The aide de
2 camp is the one who is with the commander of the gendarmerie together on a daily
3 basis.

4 Q. [11:55:27] I come back to my question. When you say the document does not
5 completely reflect your signature, what do you mean by "does not completely reflect
6 my signature"?

7 A. [11:55:37] It means it is an incomplete signature.

8 PRESIDING JUDGE TARFUSSER: [11:55:43] Let me please ask: Is this your
9 signature or is it a fake signature? There are only two possibilities. Or you have
10 signed it or somebody else has signed it, in your name or also not in your name.

11 THE WITNESS: [11:56:07] (Interpretation) Everything points to the fact that it's fake
12 because the supreme commander cannot be sending a letter to his aide de camp.

13 PRESIDING JUDGE TARFUSSER: [11:56:24] In any case, you say you have no
14 memory that you have signed -- seen or signed -- have you seen this letter?

15 THE WITNESS: [11:56:43] (Interpretation) I have no recollection of this, Mr
16 President, not at all.

17 PRESIDING JUDGE TARFUSSER: [11:56:50] Mr Prosecutor.

18 MR DEMIRDJIAN: [11:56:51] (Interpretation)

19 Q. [11:56:52] Mr Witness, at the time of the events did you see any transmittal
20 slip of this nature?

21 A. [11:57:22] No.

22 Q. [11:57:24] Very well. On this document there is mention of a box of
23 ammunitions having been given to the aide de camp. Does that jog your memory?

24 MR ZOKOU: [11:57:39] (Interpretation) Mr President, it is quite unfortunate that
25 the Prosecutor should insist on this because the witness has clearly stated that he

1 does not recognise this document and that it doesn't bear his signature. So why
2 does the Prosecutor insist and why is he trying to put words into his mouth that he
3 doesn't want to speak himself.

4 PRESIDING JUDGE TARFUSSER: [11:57:58] Yes.

5 MR N'DRY: [11:57:58] Mr President, I want to be very specific. And I look at the
6 official translation of the directives on the conduct of proceedings. Section H,
7 method of questioning, paragraph 27, this is what is written, and I quote:
8 "Questioning will be conducted" --

9 THE INTERPRETER: [11:58:37] Microphone, Mr President.

10 PRESIDING JUDGE TARFUSSER: [11:58:40] You say jura novit curia. We know
11 what is written there.

12 MR N'DRY: [11:58:47] (Interpretation) So I object on the basis that repetitive
13 questions are not allowed. That was my specific and concise point, Mr President.

14 PRESIDING JUDGE TARFUSSER: [11:59:01] Thank you very much, Maître N'Dry,
15 but I would just say that it is not correct, at least not in the translation, okay, because
16 here we have always this problem that as you said that he does not recognise or did
17 not recognise and that he said that he did not -- that this document didn't bear his
18 signature. He said: I have no memory. And I think that I have no memory,
19 because this was the question, my question at least, I have no memory that this is of
20 this document, and I think it is a fake signature. So I see Maître Altit wanting to
21 jump up on his feet, but just a second.

22 So therefore, I think that the try by the Prosecutor to refresh his memory is correct,
23 but obviously one should not insist too much or we should not put him against the
24 wall, I mean.

25 MR DEMIRDJIAN: [12:00:09] There's the --

1 PRESIDING JUDGE TARFUSSER: [12:00:10] Mr Prosecutor -- Maître Altit.

2 MR DEMIRDJIAN: [12:00:14] If I may just --

3 PRESIDING JUDGE TARFUSSER: [12:00:16] No, just Maître Altit wanted to say
4 something before.

5 MR ALTIT: [12:00:18] (Interpretation) Yes, thank you, your Honour. Just one word
6 in this regard. It's not just the signature. If I look at what the witness actually said,
7 page 51, French transcript, he said this, line 2:

8 "Everything leads me to believe that this is a fake for the mere reason that the
9 superior command cannot send a message or an email to his aide de camp."

10 So he has told us that there is no reason for such a document to exist, that this is
11 most likely a fake, a forgery.

12 PRESIDING JUDGE TARFUSSER: [12:01:00] I think it's exactly what I said. He's not
13 sure. This is a deduction. This is a deduction, not a certainty. No, it's not -- it's a
14 deduction and not a certainty. So please, Mr Prosecutor, as I said before, try, if you
15 have something to refresh the memory, do it. And then we go further.

16 MR DEMIRDJIAN: [12:01:22] Thank you, Mr President. And just to clarify, the
17 reason why I'm asking a follow-up question is that for matters of chain of custody,
18 this document was found in the archives of command superior of the army, so I have
19 to establish more of these.

20 PRESIDING JUDGE TARFUSSER: [12:01:40] But may I say another thing, sometimes
21 it is not the top of the top who knows things, all things. Maybe a mid-level is better
22 informed about how things are dealt with at a lower level. This is just a suggestion.

23 MR DEMIRDJIAN: [12:02:03] Very well.

24 Q. [12:02:09] (Interpretation) I'd just like to clarify one thing. In October 2010
25 until the end of the conflict, am I to understand that you never saw such a

1 transmittal slip?

2 A. [12:02:22] Not at all. Look carefully *at the bottom, it says "received at ... on
3 ... by ..." -- received where, when and by whom.

4 PRESIDING JUDGE TARFUSSER: [12:02:38] Can we please open again the screen,
5 because we see only the --

6 MR DEMIRDJIAN: [12:02:43] Zoom out, yes.

7 PRESIDING JUDGE TARFUSSER: [12:02:45] Zoom out, yes. Okay.

8 MR DEMIRDJIAN: [12:02:57] Very well.

9 Q. [12:03:05] (Interpretation) I'd like to show you another copy and I hope the
10 signature will be clearer.

11 MR DEMIRDJIAN: [12:03:20] (Interpretation) If we could please have 0044-0001.

12 No. 0101. Very well.

13 Q. [12:03:57] Now, here we see another transmittal slip and we see the same
14 origin, the technical unit of the gendarmerie, 28th of October. We see your name
15 and this time it seems to be for the head of squadron commander of the gendarmerie
16 group in Abengourou. Is it correct that there was a company of gendarmes there?

17 A. [12:04:36] Yes.

18 Q. [12:04:37] So you see the title, transmittal slip.

19 MR DEMIRDJIAN: [12:04:40] (Interpretation) If we could scroll down, please to the
20 left, stop please. Perfect.

21 Q. [12:04:51] Here we see ammunitions, we see what kinds - tear gas canisters
22 and the like - and we also see some observations. First we see ammunition
23 allocated to the Abengourou company and then a reference. Verbal order from the
24 superior commander of the national gendarmerie.

25 Can you see the stamp and the signature, sir? Could we zoom in, please?

1 Do you recognise that signature, sir?

2 A. [12:05:29] Same answer. I do not recognise the signature. And when the
3 gendarmerie receives a document, we fill out the parts of the document that say
4 received at a particular place on a particular date by a particular person. *I don't
5 know where it was received, who received it.

6 Q. [12:05:47] No. It's not so much what status or what state the document was
7 at. I'm asking you about the signature.

8 A. [12:05:57] I don't recognise it.

9 PRESIDING JUDGE TARFUSSER: [12:06:05] Again, do you mean by this, by saying
10 this, that this is not your signature or that you don't remember to have signed this or
11 that it is a fake signature?

12 THE WITNESS: [12:06:24] (Interpretation) It's a fake.

13 PRESIDING JUDGE TARFUSSER: [12:06:30] Thank you. But, excuse me, another
14 thing: Is it a fake which tries to imitate your signature?

15 THE WITNESS: [12:06:50] (Interpretation) Yes.

16 PRESIDING JUDGE TARFUSSER: [12:06:51] Thank you.

17 Mr Prosecutor, excuse me, is it possible that we are working always here on copies
18 on photocopies of photocopies? Because where are the originals of all these
19 documents? Just a question which it's now quite some months that I think about
20 because sometimes one could also make an expertise on this, but you can't make an
21 expertise on a photocopy. You must have the original. My question is then to the
22 OTP: Where are the originals?

23 MR DEMIRDJIAN: [12:07:27] Your Honours, when we collect documents, we make
24 photocopies, the originals always stay with the original source. They will not give
25 us the original copy. So we have our photocopies made on the spot and we have

1 reports of the investigators, indicating when they were taken, where, and with
2 whom they were at that moment when it was collected.

3 PRESIDING JUDGE TARFUSSER: [12:07:54] I will not further comment on this.

4 MR DEMIRDJIAN: [12:07:57] Yes.

5 Q. [12:08:02] (Interpretation) Mr Witness, now, you answered just now -- and
6 look carefully at the signature up on the screen if you will.

7 MR DEMIRDJIAN: [12:08:20] (Interpretation) Could we provide a hard copy to the
8 witness.

9 MS KADJI: [12:08:38] Your Honour, with your indulgence, may I? Your Honour, if
10 I could, how are we to -- what are we to make of this attitude shown by the
11 Prosecution? The witness has said that this document is a fake. He doesn't
12 recognise the signature. What is the Prosecution trying to do, providing a hard
13 copy of a photocopy to the witness? No. We can't go down that road, your
14 Honour.

15 PRESIDING JUDGE TARFUSSER: [12:09:21] Yes, but here the Prosecutor is doing
16 just the same thing he did with the other document, just showing to the
17 witness -- no, no. Come on, we cannot just make the dialogue -- showing to the
18 witness the same document with a hard copy.

19 I myself sometimes have hard time to understand why and what this is done for,
20 but --

21 MR DEMIRDJIAN: [12:09:47] I'm getting there. Can we put next to this document,
22 can we put them side by side, 0044-0025, please.

23 PRESIDING JUDGE TARFUSSER: [12:10:16] I would ask the witness to -- well, I
24 would ask first the Court usher to bring to the witness a piece of paper, white piece
25 of paper, and then I would ask the witness to make his signature, put his signature

1 on this piece of paper, this now.

2 MR VON BÓNÉ: [12:10:38] We have paper here.

3 PRESIDING JUDGE TARFUSSER: [12:10:42] Okay. So could I ask the witness to
4 put his signature on this piece of paper, to which we then give a number and we put
5 it on the record of the case. And therefore, all this next, what I think you want to do
6 to confront and try to find out if this is or is not his signature is -- becomes probably
7 useless. And I would really say I do not understand why the OTP does not seize
8 originals and leaves the photocopies behind, but this is -- because this prevents us to
9 do any possible technical investigation.

10 MR DEMIRDJIAN: [12:11:30] Your Honours --

11 MR VON BÓNÉ: [12:11:32] Mr President --

12 MS KADJI: [12:11:33] Your Honour, if I could, just to properly understand this
13 exercise that the Prosecution is -- correction, that the witness is engaged in, are we
14 trying to determine the authenticity of the signature or will we have some sort of
15 expert report on the signature?

16 PRESIDING JUDGE TARFUSSER: [12:11:58] No. This was the Chamber asking, not
17 the Prosecutor. I just asked the witness to sign on a white paper, to put his
18 signature on a white paper, full stop.

19 MR VON BÓNÉ: [12:12:13] Mr President, would you like the witness to put the date
20 under that?

21 PRESIDING JUDGE TARFUSSER: [12:12:19] Yes, yes, please.

22 MR VON BÓNÉ: [12:12:20] Yes.

23 MR DEMIRDJIAN: [12:13:07] In the meantime, is the Registry capable of displaying
24 two documents side by side?

25 PRESIDING JUDGE TARFUSSER: [12:13:12] Can you tell me what for you put the

1 two documents side by side? Thank you.

2 MR DEMIRDJIAN: [12:13:17] Let's just pull up instead of putting it side by side,
3 0044-0025. Let's just pull that up. That's a document we showed earlier, your
4 Honours, which the witness recognised the signature on. Okay. That's all I'm
5 trying to achieve here.

6 PRESIDING JUDGE TARFUSSER: [12:13:29] Yes, but excuse me, one thing. We
7 cannot -- we have to accept what -- to accept the fact, not the conclusion of course,
8 what the witness says. And then we will draw all the conclusions. But we cannot
9 force the witness to say something which he denies or the contrary of what he said.
10 Then this is a matter of argumentation, I would say.

11 MR DEMIRDJIAN: [12:13:58] Very well. I take your point.

12 PRESIDING JUDGE TARFUSSER: [12:14:01] I would humbly submit.

13 MR DEMIRDJIAN: [12:14:03] I take your point, your Honours.

14 Q. [12:14:08] (Interpretation) Mr Witness, we'll move on to something else now.
15 Are you familiar with a document from the gendarmerie, and it is entitled "Point du
16 situation"?

17 A. [12:14:24] Yes.

18 Q. [12:14:25] What is this document?

19 A. [12:14:29] Well, every day, each and every day during the events, the
20 commander of the departmental legion - now known as the territorial legion - with
21 his brigades in Abidjan would give a report of what he saw and what he heard. So
22 it was like a daily situation report.

23 Q. [12:14:54] Very well. I'd like to show you an example of such a
24 document. 0043-03, 120 on our list -- 0320.

25 MR DEMIRDJIAN: [12:15:28] Just for the English transcript, it's 0043-0320.

1 Q. [12:15:45] (Interpretation) Wonderful. Can you see the document?

2 A. [12:15:49] Yes.

3 Q. [12:15:49] As you said just a moment ago, at the top of the page we see that
4 this document is from the first departmental gendarmerie. We see it is 111. We see
5 the date. If we could scroll down and take a closer look at the format of this
6 document. We see a chart. And then we see a heading, general situation at 1600
7 hours. We can stay at the bottom of the page, right at the very bottom of the page.
8 Great.

9 And here we see a description of the general situation at 1600 hours on February.

10 MR DEMIRDJIAN: [12:16:36] (Interpretation) If we could now move to the second
11 page, this is a two-page document, second page, please. Thank you. Could we
12 zoom in.

13 Q. [12:16:47] And we see the rest of this situation report. We see the recipients
14 and we also see the person who wrote this and the signature. Colonel Major Gbéli
15 Gabo Gilbert, commander of the first legion of the departmental gendarmerie?

16 A. [12:17:09] Yes.

17 Q. [12:17:10] And we also see recipients, superior commander of the
18 gendarmerie, that is to say you. And we read the COG commander of gendarmerie
19 operations; who is that person?

20 A. [12:17:25] That is an office actually led by an officer, and that person's
21 mandate was to take stock of all the situation reports and this is so that instructions
22 can be issued.

23 Q. [12:17:48] Very well. Do you recognise the signature of this person, the
24 commander of the first legion of the departmental gendarmerie?

25 A. [12:17:58] That's a tough one. I didn't see his signature on a daily basis, but I

1 do know of this person and what his duties were.

2 Q. [12:18:12] Just a moment. You just said, page 59, each day during the events
3 the commander of the departmental gendarmerie would report to us, it's telling us
4 what he had seen, what he had heard. So you received a report every day?

5 A. [12:18:37] Well, not every day, not every day.

6 Q. [12:18:44] Very well.

7 MR DEMIRDJIAN: [12:18:46] (Interpretation) And if we could go back to the first
8 page of this document. If we could move to the top of the page in the middle of,
9 day of 19 February 1800 hours to the 20th February 1600 hours.

10 Q. [12:19:16] Now, for this kind of situation report, was there a particular
11 deadline in terms of hours?

12 A. [12:19:26] It would depend from day to day.

13 Q. [12:19:30] Now, this situation report, this -- would you say that this is a typical
14 example of such a report?

15 A. [12:19:40] Yes, in terms of the format and so on, yes. But I didn't receive such
16 a report each and every day.

17 Q. [12:19:47] Very well. Now, we also came across another kind of report, a sort
18 of a monthly report regarding warfare, so to speak. What was that all about?

19 A. [12:20:09] That monthly report, that's a very military sort of report. It takes
20 stock of manpower, material, so many men, so many vehicles, and so on and so
21 forth.

22 Q. [12:20:25] Very well. Just if we could have a look at an example, *0043-0344.

23 THE INTERPRETER: [12:20:34] Message from the interpreters: Could counsel
24 please give reference numbers slowly.

25 PRESIDING JUDGE TARFUSSER: [12:20:38] Could counsel please give reference

1 numbers slowly; this is the message from the interpreters.

2 MR DEMIRDJIAN: [12:20:50] Yes, Mr President. I'll repeat it in English, 0043-0344.

3 I apologise if I was too quick.

4 Q. [12:21:10] (Interpretation) Now, before we get into all the details, sir, you can
5 see the situation, situation month of February. Do you recognise this kind of
6 document?

7 A. [12:21:25] Yes.

8 Q. [12:21:26] So we see Abidjan 24 March, and at the bottom we see head of
9 squadron Yéo Ousmane, commander Abidjan north company; is that indeed --

10 A. [12:21:45] Yes.

11 Q. [12:21:45] It says "prise d'armes" in French. What is this all about really. We
12 see many numbers? It's more about --

13 A. [12:21:58] Well, it's more about personnel, staff, the number of staff,
14 manpower, the strength.

15 Q. [12:22:03] Very well. Now before and during the election period, did you
16 also see documents having to do with requests for people to be exempted from the
17 TVA? Does that ring a bell?

18 A. [12:22:27] No.

19 Q. [12:22:29] Do you remember October/November 2010, that period, do you
20 remember receiving vehicles for your staff to use, new vehicles, brand new vehicles,
21 just purchased?

22 A. [12:22:47] Yes, there were some vehicles.

23 Q. [12:22:49] What kind of vehicles, do you remember?

24 A. [12:22:54] They were kind of vehicles with tarpaulins at the back.

25 Q. [12:23:03] And what were they used for?

1 A. [12:23:05] We provided them to the brigades so that they could ensure safety.

2 Q. [12:23:16] Could we now have 0044-0070. Number 257 on our list of
3 materials. If we could zoom in at the top at the left we see this: Superior
4 commander. And this is to the director general of customs day 27 October 2010, Re:
5 The purpose. I had mentioned TVA, but actually this is a request for not to have to
6 pay customs taxes and fees and charges. Now, if we look at the bottom of the
7 document, at the bottom of the document we see your rank, superior commander.
8 We see a signature and a stamp with the stamp of General Affro, your second in
9 command. Do you recognise his signature?

10 A. [12:24:42] Well, I know about Affro, but it would be difficult to say that that is
11 his signature.

12 Q. [12:24:47] You're not familiar with his signature?

13 A. [12:24:49] No.

14 Q. [12:24:57] If --

15 PRESIDING JUDGE TARFUSSER: [12:24:57] Excuse me. Also here, just to be clear,
16 you don't recognise it? You can't say if it's right, if it's his, or if it's a fake? So is this
17 the case?

18 THE WITNESS: [12:25:11] (Interpretation) I don't have the document at hand; I
19 haven't read it.

20 PRESIDING JUDGE TARFUSSER: [12:25:19] No, but here we are talking about the
21 signature. This signature, do you recognise it or do you not recognise it?

22 THE WITNESS: [12:25:35] (Interpretation) I'm not used to seeing his signature on a
23 daily basis, so it would be difficult for me to say whether it's his signature or not.

24 PRESIDING JUDGE TARFUSSER: [12:25:46] Okay. Thank you.

25 MR DEMIRDJIAN: [12:25:50] (Interpretation)

1 Q. [12:25:51] Well, we've talked about the format, now the substance. You said
2 that some vehicles had been purchased at the time. If we ask the director general of
3 customs, if we make a request not to have to pay customs fees for these pickup
4 trucks used to transport troops, do you know anything about these vehicles that
5 were purchased?

6 A. [12:26:28] No. In terms of correspondence, really, the head of the
7 gendarmerie would not be making such a request, he would be going through
8 another ministry, through other channels.

9 Q. [12:26:49] So would you go through the ministry of defence to ask to be
10 exempted from these fees?

11 A. [12:26:58] I wouldn't have the authority to do so. The ministry provides its
12 staff with their resources, the resources they need. So such a request would not
13 have come from me.

14 Q. [12:27:14] Very well. But the gendarmerie itself, did the gendarmerie make a
15 request to the ministry of defence to acquire these vehicles and did they send this
16 request to the director general of customs? Now you say that the request would
17 have gone through the ministry of defence?

18 A. [12:27:37] I don't remember, but I do know that the ministry of defence is the
19 authority with the responsibility for providing equipment and the like to staff
20 members, but I don't -- I don't know about these vehicles.

21 Q. [12:27:53] Just a moment. Do you remember -- in very practical terms, do
22 you remember receiving new vehicles at the high command during that period of
23 time, October 2010?

24 A. [12:28:17] Yes, we did receive --

25 MR KNOOPS: [12:28:23] I'm sorry, but in line with your directions, we were

1 instructed by the Chamber at the beginning of the new session that the questions
2 should be restricted to the scope of the charges including the timeframe. And we're
3 speaking about buying cars in October 2010. I'm very sorry, but I think it's not
4 relevant for the charges as directed by the Chamber.

5 PRESIDING JUDGE TARFUSSER: [12:28:46] Yes, but in the charges when we talk
6 about the relevance of the charges, in the charges confirmed it is said just before -- I
7 can't remember now the exact wording, but there is a saying which doesn't delimit it
8 from too exactly, but a little bit so we don't know what the time, how many weeks or
9 months before the effective election it is. And the election was proclaimed in
10 August, therefore I think we are inside the timeframe.

11 About the relevance, that's another problem, but that's up now to the Prosecutor.

12 MR DEMIRDJIAN: [12:29:29] I was moving onto another topic anyways, your
13 Honours.

14 Q. [12:29:38] (Interpretation) Now, Mr Witness, we have seen a number of
15 documents that were issued by you or people working for you. Do you also have
16 documents that were also sent to you by other organisations within the FDS, the
17 Defence and Security Forces?

18 A. [12:29:56] I haven't really understood your question.

19 Q. [12:30:02] That is my mistake. Let us begin with the army headquarters.
20 Did they send documents to you? Were you sent documents from the army
21 headquarters?

22 A. [12:30:19] What type of documents?

23 PRESIDING JUDGE TARFUSSER: [12:30:23] Don't you think that among the FDS it
24 is normal that there is an exchange of documents, of letters, of whatever? So we
25 could skip this and go into more concrete field of questions, I would say.

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- 1 MR DEMIRDJIAN: [12:30:43] Very well, your Honours. I mean, I'm being criticised
2 by skipping the steps, but I'll go straight to it.
- 3 PRESIDING JUDGE TARFUSSER: [12:30:50] No, no. Who is criticising?
- 4 MR DEMIRDJIAN: [12:30:53] Not from you --
- 5 PRESIDING JUDGE TARFUSSER: [12:30:53] No, no.
- 6 MR DEMIRDJIAN: [12:30:54] -- but I'll get objections of course.
- 7 PRESIDING JUDGE TARFUSSER: [12:30:56] Yes, but there is an exchange. They're
8 not among the different forces within the FDS, I would say that is something which
9 is absolutely normal and very normal and very basic.
- 10 MR DEMIRDJIAN: [12:31:12] Very well.
- 11 PRESIDING JUDGE TARFUSSER: [12:31:13] And that's why I understand also the
12 response of the witness who doesn't understand the question, because it's so normal.
- 13 MR DEMIRDJIAN: [12:31:45] (Interpretation) Very well. I will show a document,
14 0045-0110, and that is number 66 on our list.
- 15 Q. [12:32:02] What I'm going to show you, it is a document from the general staff
16 of the armies and it is a message. I am using the term "document," but here we
17 actually have a message. You can see CEMA/CPCO at the top. Then you have
18 address COSUP GEND and so on, and then message of the general staff
19 headquarters. Are you familiar with this message?
- 20 A. [12:32:43] Yes.
- 21 Q. [12:32:44] Very well. In this message in your gendarmerie documents you
22 have "origin" and "destinataire," but here in English we have "from" and "to." So the
23 first addressee is superior commander of the gendarmerie COSUP; is that correct?
- 24 A. [12:33:10] Yes.
- 25 Q. [12:33:11] Then we see the other addressees, DGPN, COMAR, COMAIR,

1 CECOS, COMTER, and GR.

2 Before we go into the substance of the message, was there a particular order for the
3 addressees to be listed?

4 A. [12:33:36] It is a military principle -- well, you have the chief of staff, the
5 superior commander, then you have the police commander, then the director general
6 of customs, and so on.

7 Q. [12:33:53] So that is the normal practise?

8 A. [12:33:56] Yes.

9 Q. [12:34:05] Then we can see for information MINIDEF, that is the ministry of
10 defence, that's just underneath.

11 Now if we can go to the bottom of the page, please, and let us zoom into the
12 signature area. We can see the name Colonel Kokou Sako René. Are you familiar
13 with the name?

14 A. [12:34:36] Yes.

15 Q. [12:34:37] And who was this?

16 A. [12:34:38] He is the officer who was the chief of the centre for the planning
17 and conduct of operations. And in that capacity he drafted messages for the chief of
18 general staff of the armies.

19 Q. [12:34:59] So the acronym CPCO was the normal abbreviation used for the
20 operations centre?

21 A. [12:35:07] Yes.

22 MR DEMIRDJIAN: [12:35:07] (Interpretation) Very well. Now, if we zoom out a
23 little bit and enlarge it a little bit, please, while scrolling to the top, towards the top.
24 Please go to the very top. Thank you.

25 Q. [12:35:36] One simple question, Mr Witness: According to what you see on

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1 the screen, is this a typical document that would be sent to you from the general staff
2 headquarters CPCO?

3 A. [12:35:50] Yes.

4 Q. [12:35:50] Very well. Let me move on to another topic. A short while ago
5 we talked about radio communications and you said briefly that you had VHF
6 radios on the ground. Now, to your knowledge were the communications to the
7 field protected?

8 A. [12:36:21] I'm not an expert in that domain, but I do not believe so.

9 Q. [12:36:27] Those who exchanged messages over the radio network as far as
10 you know, did they use their own names?

11 A. [12:36:40] In radio communications, people use codes.

12 Q. [12:36:44] Very well. And as a superior commander of the gendarmerie, did
13 you have a radio set?

14 A. [12:36:55] Yes, I did have a radio set, but I very rarely used it.

15 Q. [12:37:03] Did you have a code?

16 A. [12:37:08] At one point I was referred to as Planet. I had several call signs,
17 but I do not remember all of them.

18 Q. [12:37:20] Did your call sign Planet change at any time?

19 A. [12:37:30] I do not believe so.

20 Q. [12:37:35] What was the code name of your deputy commander, that is,
21 General Affro?

22 A. [12:37:42] I'm sorry, but I no longer remember.

23 Q. [12:37:45] If I suggest to you Étoile, does that ring a bell?

24 A. [12:37:53] It is a call sign, but I do not remember whose call sign it was.

25 Q. [12:38:04] Very well. Your commander of the first mobile region, Mr Obou

1 Gadeau, do you remember what was his code?

2 A. [12:38:19] No.

3 Q. [12:38:20] And Mr Gbéli Gabo Gilbert, the commander of the first
4 departmental legion, do you remember?

5 A. [12:38:33] No, I do not remember any codes.

6 Q. [12:38:36] Very well. During that period, do you remember how many
7 networks were used by the national gendarmerie?

8 A. [12:38:48] As I have told you, I'm not an expert in transmissions. We have
9 talked about VHF networks and so on, but I couldn't tell you what those are. Our
10 task is simply to communicate.

11 Q. [12:39:11] When you listened to the radio, you said you had a radio set.
12 What types of exchanges did you monitor over that radio set?

13 A. [12:39:22] I have said that I had a radio, but I used it very rarely. There is an
14 operation centre and it is that centre that is responsible for monitoring all
15 communications and to report to us.

16 Q. [12:39:46] You have said that you used it very rarely. When you used it, did
17 you use it to listen or to intervene over the network?

18 A. [12:40:00] It is a pity that we did not have any records of this, but I intervened
19 very rarely over the radio. We had units working on the ground and they sent in
20 situation reports.

21 Q. [12:40:19] Very well. Were there any situations during which you used the
22 radio to monitor situations that you had been asked to monitor?

23 A. [12:40:31] As I have told you, we had an operations unit responsible for
24 monitoring the radio.

25 PRESIDING JUDGE TARFUSSER: [12:40:43] Excuse me, Witness, you said that you

1 used it very rarely, at least this is the translation in English. Right? Now, if you
2 say "rarely," that means a few times you did; right?

3 THE WITNESS: [12:41:06] (Interpretation) Yes.

4 PRESIDING JUDGE TARFUSSER: [12:41:11] The question of the Prosecutor and now
5 mine is: Can you remember which are these few, one or two or three or five or
6 whatever, times you did, can you remember on which few occasions you did
7 receive -- use it passively or actively?

8 THE WITNESS: [12:41:44] (Interpretation) Mr President, I no longer remember, but it
9 is possible that I would call an officer to tell them that there is a meeting at such and
10 such a location, and you have to be there.

11 PRESIDING JUDGE TARFUSSER: [12:42:00] But do you remember one or two of
12 these particular occasions?

13 THE WITNESS: [12:42:06] (Interpretation) No, Mr President.

14 PRESIDING JUDGE TARFUSSER: [12:42:16] Okay, Mr Prosecutor.

15 MR DEMIRDJIAN: [12:42:20] (Interpretation) Very well.

16 Q. [12:42:24] One last question on this. When there was an important event,
17 would you monitor developments over the radio?

18 A. [12:42:36] It was my chef de cabinet or the operations centre that followed all
19 the operations or communications; I did not.

20 Q. [12:42:47] Very well. Where was the operations centre located?

21 A. [12:42:56] In the supreme command headquarters of the gendarmerie.

22 Q. [12:43:01] Very well. Mr Witness, are you familiar with the concept of PC
23 Minos?

24 A. [12:43:12] Yes.

25 Q. [12:43:14] Can you tell us what it is all about?

1 A. [12:43:20] PC Minos was a centre established in the interior ministry under the
2 authority of the police, and there were gendarmes and soldiers there, and that was
3 well before the events.

4 Q. [12:43:38] So it was set up before the events. Was it still operational during
5 the events?

6 A. [12:43:48] I cannot tell you that because I was not in the field.

7 Q. [12:43:54] Very well. Now, in your day-to-day management of staff, do you
8 know whether there were gendarmes assigned to the PC Minos from November
9 2010 to April 2011?

10 A. [12:44:16] No, I no longer remember. I think the PC Minos was no longer
11 operational.

12 Q. [12:44:26] I would like to show you a document, 0043-0419. In fact, it is a
13 document of the gendarmerie, not of PC Minos. It is number 96 on our list. At the
14 top of the page you can see: From commander of the 1st mobile legion of Abidjan;
15 and then: To commanders of the squadron group. We talked about squadrons a
16 short while ago, 1/1, 2/1, and so on and so forth. Then: For information CSG/CAB.
17 What does that mean, CAB?

18 A. [12:45:36] The cabinet.

19 Q. [12:45:40] So it is the cabinet of the CSG, that is the superior commander of the
20 gendarmerie?

21 A. [12:45:46] Yes.

22 Q. [12:45:47] Subject: Duty officers at the PC Minos. And the date is 23
23 November 2010. And it is dated with a view to coordination for the security of the
24 second round of the presidential elections asking you to designate your deputy for
25 duty services at the PC Minos according to the following programme.

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1 Mr Witness, does that jog your memory, that is, in relation to whether the PC Minos
2 was operational and that gendarmes were assigned there?

3 A. [12:46:32] Yes, I remember now.

4 Q. [12:46:37] Very well. Mr Witness, let us go now to summer of 2010,
5 specifically the 7th of August 2010, the 50th anniversary of the independence of Côte
6 d'Ivoire. You do remember this period. Do you remember taking part in the
7 commemoration of the event in Abidjan to mark this anniversary?

8 A. [12:47:28] Yes.

9 Q. [12:47:38] Do you remember who else was present from the Defence and
10 Security Forces?

11 A. [12:47:42] The 7th of August?

12 Q. [12:47:43] Yes.

13 A. [12:47:45] All the generals were present.

14 Q. [12:47:51] When you are talking about all generals, who are you talking
15 about?

16 A. [12:47:55] The generals of the army, the gendarmerie, and the police.

17 Q. [12:47:58] Very well. Could you possibly remember those who were with
18 you on that day?

19 A. [12:48:13] I didn't quite understand your question.

20 Q. [12:48:27] Well, I will drop that. I will move to something else.

21 It was the 7th of August and the 50th anniversary. Do you remember that a few
22 days before that several officers of the FDS were promoted, a large number of them?

23 A. [12:48:44] Yes.

24 Q. [12:48:50] Were you one of them?

25 A. [12:48:53] Which year?

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- 1 Q. [12:48:58] We're still in August 2010.
- 2 A. [12:49:00] No.
- 3 Q. [12:49:03] Do you remember the officers who were promoted at that time?
- 4 A. [12:49:16] That is really difficult, but there is a chart that is published. If I
- 5 had it with me, I would tell you who was promoted.
- 6 Q. [12:49:30] Very well. I put it to you that you were promoted to the rank of
- 7 lieutenant-general in August 2010.
- 8 A. [12:49:47] Yes, yes.
- 9 Q. [12:49:48] We are talking of August 2010. I'm asking this question because
- 10 this morning you said 2007.
- 11 A. [12:49:58] That was an error.
- 12 Q. [12:50:00] So you confirm that it was August 2010?
- 13 A. [12:50:06] Yes.
- 14 Q. [12:50:09] Still in August of the summer of 2010, do you specifically remember
- 15 the events of the 27th of August, the inauguration of the republican security
- 16 company number 3 in Divo?
- 17 A. [12:50:44] Yes.
- 18 Q. [12:50:45] Were you there?
- 19 A. [12:50:46] Yes.
- 20 Q. [12:50:53] Can you tell us who else was present?
- 21 A. [12:50:56] Each time the head of state travelled, you had the chief of staff, the
- 22 superior commander, the director general of the police. *We are the delegation.
- 23 Q. [12:51:11] Do you remember whether there were any dignitaries from the
- 24 justice department at that event?
- 25 A. [12:51:25] I no longer remember but it is obvious that if it was the

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1 inauguration of a police unit, that would come under the justice department.

2 Q. [12:51:36] Very well. Do you remember whether the president of the
3 constitutional council was present?

4 A. [12:51:47] I no longer remember.

5 Q. [12:51:52] Very well. Mr Witness, if you remember, a short while ago I
6 showed you a document dated 12 October dealing with a meeting, a working session
7 in the Oumar N'Daw room, and this was within the framework of the electoral
8 process. My question is this: How was security organised for the first round of the
9 elections?

10 A. [12:52:26] For the first round of the elections, security was provided jointly
11 with the FDS and the FAFN as well as with the UN forces present in Côte d'Ivoire.

12 Q. [12:53:01] In this respect, can you explain to us the role of the gendarmerie?

13 A. [12:53:06] As I explained to you before, we have three forces in Côte d'Ivoire:
14 One, the police; two, the gendarmerie; and three, the police. But in this particular
15 case the two armies, the FDS in the south and the FAFN in the north, the general
16 staff members met and then it was decided that the gendarmerie would provide this
17 number of elements and the army would provide so many under the authority of the
18 CCI and this would be under the authority of general Kouakou Nicholas, who is
19 today a commander of a unit.

20 Q. [12:54:08] Very well. Within the gendarmerie, are you familiar with the
21 setting up of a PC, or command post, for security during the elections?

22 A. [12:54:25] Yes, I know about that.

23 MR DEMIRDJIAN: [12:54:29] (Interpretation) In relation to that PC, I have
24 document 0043-0448. It is number 113 on our list. Thank you. If we can enlarge
25 it. Thank you.

1 Q. [12:55:04] We can see that it is from the commander of the Abidjan north
2 company, and it is to all the units of the company, and then for information, the
3 commander of the 1st departmental legion. Subject - and this was two weeks before
4 the elections - establishment of security for the elections. And the commander is
5 asking for acknowledgment of receipt of this message as well as the effective
6 implementation.

7 So what was the role of that PC for the security of elections within the gendarmerie?

8 A. [12:55:54] You can see the origin of the message. It is an officer - commander
9 of the company - addressing himself to his elements, so it does not concern me. But
10 the gendarmerie has a mission of protecting people and property. And if people
11 are to assemble, they set up structures to follow-up those who assemble or to ask for
12 reinforcements whenever necessary.

13 Q. [12:56:28] For us to understand, where was this PC? At what level was this
14 PC established?

15 A. [12:56:35] The main PC was at the general staff headquarters of the armies, the
16 joint staff headquarters.

17 Q. [12:56:43] Very well. During that period, as far as you know, were there any
18 officers that were transferred to the gendarmerie, that is, October 2010?

19 A. [12:57:16] Officers?

20 Q. [12:57:18] I'm sorry, I simply meant elements, soldiers.

21 A. [12:57:24] No. In the gendarmerie, transfers are made by gendarmes and for
22 gendarmes; and it does not concern external elements.

23 Q. [12:57:34] Very well. Now, within the gendarmerie itself, do you remember
24 whether there were any new assignments or transfers in October just before the
25 elections?

1 A. [12:57:48] Every year, whether it is during an election year or not, the
2 gendarmerie transfers officers and non-commissioned officers depending on service
3 needs. So it is possible that such assignments were done at that time.

4 MR DEMIRDJIAN: [12:58:10] (Interpretation) We are looking at the document
5 0043-0220, and that is number 57 on our list. Thank you. There we have a message
6 just like the last one. Can we zoom in a little bit for the witness? Thank you.

7 Q. [12:58:46] It is from the superior commander of the national gendarmerie, and
8 it is to all units and services of the gendarmerie. And you can see the date 25
9 October and the subject is security for the elections.

10 At the bottom of the page we can -- let us scroll up a little bit again, not right up to
11 the end, let's just scroll up a little bit to the beginning of the paragraph. Yes.
12 It is stated here --

13 PRESIDING JUDGE TARFUSSER: [12:59:34] Maître Gbougnon, one minute before
14 the break, just --

15 MR GBOUGNON: [12:59:41] (Interpretation) Thank you, Mr President.

16 Mr President, I'm sorry to interrupt my learned friend, but given the previous
17 examples that we had relating to documents, there was a wish that foundation
18 questions should be asked before we go to the substance, given what we have
19 experienced before.

20 PRESIDING JUDGE TARFUSSER: [13:00:12] Mr MacDonald.

21 MR MACDONALD: [13:00:14] Yeah, I'll field that question, your Honour.

22 PRESIDING JUDGE TARFUSSER: [13:00:16] Can we field it after lunch?

23 MR MACDONALD: [13:00:19] Let's do that. Thank you.

24 PRESIDING JUDGE TARFUSSER: [13:00:20] Let's do that.

25 We go for lunch, Mr Witness. Did you want to say something, Maître von Bóné.

- 1 MR VON BÓNÉ: [13:00:31] Yes, I just wanted to give this to the Court usher.
- 2 PRESIDING JUDGE TARFUSSER: [13:00:35] Okay. Oh, yeah. Sure. Yes, please.
- 3 MR VON BÓNÉ: [13:00:36] Okay. I'll hand it over.
- 4 PRESIDING JUDGE TARFUSSER: [13:00:37] To the Court officer.
- 5 MR VON BÓNÉ: [13:00:39] Absolutely.
- 6 PRESIDING JUDGE TARFUSSER: [13:00:41] Then we get a number for it. We will
- 7 communicate a number at the beginning of the afternoon session. Now we go for
- 8 lunch. We have one-hour-and-a-half break, lunch break, and then we'll come back
- 9 for the third and last for today one-hour-and-a-half session.
- 10 Thank you very much. The hearing is adjourned.
- 11 THE COURT USHER: [13:00:57] All rise.
- 12 (Recess taken at 1.00 p.m.)
- 13 (Upon resuming in open session at 2.31 p.m.)
- 14 THE COURT USHER: [14:31:41] All rise.
- 15 Please be seated.
- 16 PRESIDING JUDGE TARFUSSER: [14:32:02] Good afternoon. I was informed that
- 17 Mr MacDonald wants to address the Chamber without the witness. You have the
- 18 floor.
- 19 MR MACDONALD: [14:32:17] Thank you, your Honours. It's two -- I want to
- 20 broach two topics. First, very quickly, in relation to the intervention of Mr
- 21 Gbougnon while the witness was on the stand. It's just a reminder, your Honour,
- 22 maybe I'll just wait.
- 23 PRESIDING JUDGE TARFUSSER: [14:32:49] No, no. I can hear you. No, don't
- 24 worry. Sorry.
- 25 MR MACDONALD: [14:32:54] And you can multitask.

1 PRESIDING JUDGE TARFUSSER: [14:32:56] Yes, I can multitask a bit, although
2 being a man. But I can listen to you. Sorry for not paying you the attention also
3 with my face.

4 MR MACDONALD: [14:33:10] No, no. But I was just making sure that -- all right.
5 The point is, your Honour, as you know, during objections if we need -- the last
6 intervention referring to the question of the signature, when earlier during the
7 testimony there was an issue with the signature of the witness on one document, I
8 don't think that those remarks are appropriate when the witness is on the stand.
9 The Prosecution, the Prosecution, sorry, is in charge of presenting its case in its own
10 way. And the witness will be, I think capable himself to refer to the fact that he
11 remembers or not a document.

12 But when he recognises a document without having even looked at the signature,
13 then certain things may become redundant. That's the remark we want to make.
14 So the primary remark is not to influence the witness when making objection. So
15 my intervention is meant to be preventive. The purpose of Mr Gbougnon and a few
16 objections from the Defence were to that effect we feel were close or borderline in
17 influencing the witness in the way they want him to testify. That's the first
18 intervention.

19 The second intervention, your Honour, because it came twice, and I think the second
20 time you answered or responded it's the scope of the charges. So I just want to refer
21 to the confirmation hearing decision without quoting them. But obviously the
22 scope of the charges has been recognised in the Gbagbo decision in decision 656 in
23 the Gbagbo case as it then was starting paragraph 267 of the decision.

24 The same was mirrored in the Blé Goudé confirmation decision, obviously when it
25 was then a separate case, in paragraph 1883, and that's in the confirmation

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1 decision 186. So therefore the Chamber, as you noted -- the Pre-Trial Chamber
2 recognised that in advance of the presidential election of 2010, the common plan was
3 jointly conceived and implemented, and then by 27 November the implementation
4 of the common plan had developed to include a state or organisational policy.

5 That's what I wanted to remind. And therefore, all such objections are
6 unwarranted, we submit, and again as you had already noted. Thank you.

7 PRESIDING JUDGE TARFUSSER: [14:36:17] Thank you. I don't know if the
8 Defence wants to intervene on this. Obviously they can. Otherwise, I say what I
9 have to say.

10 Maître Gbougnon.

11 MR GBOUGNON: [14:36:37] (Interpretation) Thank you, Mr President. I'm happy
12 that it is Mr MacDonald himself who talked about influencing the witness, but let
13 me start by addressing the issue. There was an extended debate on such issues in
14 the presence of the witness. No one here, neither Prosecution nor anyone here,
15 asked for the witness to be taken out of courtroom. That discussion took place.
16 And it was at the end of that debate that a document was shown to the witness.
17 Let me observe that at that time Mr MacDonald was not present in the courtroom;
18 maybe that's why he has the reaction that he has now. So I suggested to the
19 Chamber - and I said it very clearly - that mindful of the previous circumstances,
20 wouldn't it be best to address the substance of the document? Wouldn't it be best to
21 address the substance of the document before putting any questions? I didn't even
22 talk about the signature.

23 And furthermore, the witness, contrary to what the Prosecution has said, the witness
24 never authenticated the document, the second document he was shown. That is
25 why I was suggesting to the Chamber that it would be best or wouldn't it be best

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1 because of what had happened previously for the question to be put before
2 addressing the substance.
3 And now I am going to clarify what I was thinking. At the time I talked about what
4 had happened previously and I stopped there, because that's all that needed to be
5 said, because the witness was in the courtroom.
6 So I don't want anybody to say that the witness was being influenced.
7 Mr President, you understand that when it comes to influencing the witness, I'm not
8 sure that it is the Defence that is doing that. Thank you.
9 PRESIDING JUDGE TARFUSSER: [14:39:06] Thank you, Maître Gbougnon.
10 Now, two things were raised by the OTP. One, the not influencing -- the request of
11 not influencing the witness through, say, oppositions to questions. And I think this
12 was said many times and this what is valid for the Defence is also valid for the
13 Prosecution. So obviously this should not be done. And I think furthermore, I
14 think we should not with oppositions which are more or less needless also in front
15 vis-à-vis a witness who is highly educated and is capable to respond as he deems to
16 respond. I think we should really try to refrain as much as possible to interrupt.
17 If, obviously, if it goes too far, then obviously every opposition is welcome. But
18 what I don't like so much is what I once called the tactical fouls by both sides. So
19 what Mr MacDonald said is obviously said to the Defence, but it's also said to the
20 Prosecution.
21 The second thing is what I was going -- what I was doing while you were requesting
22 my attention. I was addressing exactly this issue of the timeframe of the charges,
23 which twice this morning Mr Knoops raised.
24 And here 268 is:
25 "In advance of the presidential elections" so of 2010. So this is not an exact

1 timeframe, so it's not from a certain date. So we can a little bit interpret what is in
2 advance. Certainly it doesn't go back to 2002, may I say this.
3 And then if we quote the decision taken on 6 March, here it's said by the Chamber,
4 it's said:
5 "The only question relevant to the charges shall be allowed and accordingly the
6 subject matter of the question should be limited to the factual and temporal scope of
7 the charges as confirmed."
8 But furthermore it says:
9 "Any questions exceeding such factual and temporal boundaries shall be prevented.
10 But should the party wish to ask such questions, they will have first to explain to the
11 Chamber the relevance."
12 So it's not completely forbidden to go outside the scope, which - and I repeat - is not
13 designed with an exact date. Therefore, I think we should be a little bit flexible,
14 although not too much.
15 So this said, I think we can call again in the witness and continue with the
16 questioning.
17 And the less we intervene, the more time we have to put questions instead of
18 discussing matters which are maybe not necessary sometimes at least.
19 MR DEMIRDJIAN: [14:42:40] Your Honours, while we're waiting for the witness to
20 come in, could we pull up the document we had before the breaks to save some time.
21 PRESIDING JUDGE TARFUSSER: [14:42:50] Of course.
22 MR DEMIRDJIAN: [14:43:02] It was 0043-0220. Thank you.
23 (The witness enters the courtroom)
24 PRESIDING JUDGE TARFUSSER: [14:43:09] Good afternoon, Mr Witness. I hope
25 the court has provided with a good meal -- well, with a meal let's say.

1 And I give again the floor to the Office of the Prosecutor in order to continue his
2 questioning.

3 MR DEMIRDJIAN: [14:43:46] Thank you, Mr President.

4 Q. [14:43:47] (Interpretation) Good afternoon, Witness. If you do recall, before
5 the break I showed you the document on the screen, a message for the purposes of
6 securing the elections. Now I want us to look at the document together to analyse it
7 together paragraph by paragraph. Now, just to remind you, Mr Witness, at the
8 beginning we saw that from is the supreme commander of the national gendarmerie
9 to all units and services of the gendarmerie, 25 October, agreed.

10 Now, if we go to the middle of the page, the first sentence, Mr Witness, deals with
11 the issue I raised the question with you, in the framework of the present message,
12 ask for all transferees to instantly join, go to their new units on Wednesday, 27
13 October 2010, at the latest, and this in connection with the preparation of the first
14 round of the elections.

15 THE INTERPRETER: [14:45:00] Mr President, could counsel be asked to slow down.

16 PRESIDING JUDGE TARFUSSER: [14:45:04] Please slow down. I was requested.
17 Thank you.

18 MR DEMIRDJIAN: [14:45:14] (Interpretation)

19 Q. [14:45:16] I repeat, the last sentence, if you see it, clearly states as follows:
20 "All soldiers who would not have joined their new units at the date mentioned
21 above will be severely sanctioned."

22 At the bottom of the page you see a stamp and a signature. First of all, when we
23 talk about transfers, can you tell the Court what transfers entailed on 25 October
24 2010 during that period?

25 A. [14:45:48] So we're not talking about the document?

1 Q. [14:45:53] Before we get to the document, let's talk about the transfers. What
2 is it all about?

3 A. [14:45:57] In the gendarmerie national, we transfer our men on a yearly basis,
4 either for service reasons or at their behest.

5 Q. [14:46:14] What was the need at that time for stating a deadline for such an
6 operation, that is 25 October 2010?

7 A. [14:46:25] That's a question relating to that document.

8 Q. [14:46:36] Okay. Let's then go to the document. Do you remember this
9 document at the time of the events?

10 A. [14:46:41] Not at all.

11 Q. [14:46:45] Very well. Let's step out of the document a little bit and talk again
12 about these transfers. Is this something that you remember?

13 A. [14:46:54] Yes. In the gendarmerie we are a highly hierarchical structure.
14 When an order is given to a soldier, you implement it immediately; so there is no
15 room for doing anything other than implementing the order. That's what is
16 contained in the document.

17 Q. [14:47:11] Very well. So if you look at the last sentence, it indicates that any
18 soldier who would not have joined his new -- his or her new unit will be severely
19 sanctioned. Is that a principle that you are familiar with?

20 A. [14:47:26] In the gendarmerie, this is impossible. All soldiers in the
21 gendarmerie usually implement all orders from their chiefs.

22 PRESIDING JUDGE TARFUSSER: [14:47:39] Maître Gbougnon, here we go again.

23 MR GBOUGNON: [14:47:44] (Interpretation) Mr President, maybe the witness
24 should be taken out of the courtroom, because I have a fundamental observation to
25 make in connection with the two answers that the witness has just provided.

1 PRESIDING JUDGE TARFUSSER: [14:47:59] Mr Witness, can you please leave the
2 courtroom because the counsel for Mr Blé Goudé has to address the Chamber
3 without you being present.

4 (The witness stands down)

5 PRESIDING JUDGE TARFUSSER: [14:48:44] Maître Gbougnon.

6 MR GBOUGNON: [14:48:47] (Interpretation) Mr President, unfortunately we have to
7 deal with this. And I didn't want to interrupt so that we could proceed quickly, but
8 I think we are now faced with a fundamental problem. I had suggested to the
9 Chamber a number of ideas regarding the background or the previous
10 circumstances. I now see that the Prosecutor wants to broach the substance of this
11 document, whereas this is what the witness has said.

12 In broad strokes, the witness questions or at least raises some doubt about the
13 originality of the document. This is probably the fourth or the fifth
14 document - maybe I'm mistaken - whose authenticity has been questioned in this
15 manner. So what are we going to do? Are we going to keep raising questions on
16 the substance without taking into account the prior statement that the witness has
17 made?

18 You see, the opposition or the Prosecution is asking a question which is linked to
19 that document. So, Mr President, I don't believe that we can proceed, we can
20 continue without -- or whereas the witness does not recognise the document that has
21 been placed before him. Can we not stop on all the documents and ask the witness
22 whether at least that document was issued by him or whether it came from the
23 gendarmerie?

24 I think on my part that this is a fundamental and substantive question. It is true
25 that we want to proceed expeditiously, but we need to proceed well as well.

1 MR N'DRY: [14:50:50] (Interpretation) I just want to add to what Maître Gbougnon
2 has said. The reference - for the benefit of the Chamber - is page 88, line 26, at
3 which the representative of the OTP asks the following question to the witness:
4 Question: "Now, let us return to the document. Do you remember this document
5 at the time of the events?"
6 And the witness's answer was at line 26: "Not at all."
7 So to be brief, before Maître Gbougnon -- what Maître Gbougnon was saying was
8 that prior to putting any questions on the substance of the document, wouldn't it be
9 proper, first of all, to authenticate the document with this witness and only
10 thereafter delve on any matters that are substantive to that document? That's what
11 was intended, because why would we put any questions to the witness on a matter
12 about which he would finally say he doesn't know anything about the document,
13 questions that would pertain to the substance, whereas the witness would end up
14 not recognising the document, why should we do that?
15 PRESIDING JUDGE TARFUSSER: [14:52:16] Maître Altit? Nothing.
16 MR ALTIT: [14:52:19] (Interpretation) No comments, Mr President.
17 PRESIDING JUDGE TARFUSSER: [14:52:22] Okay. Mr MacDonald.
18 MR MACDONALD: [14:52:24] Your Honours, again, the witness -- we asked first of
19 all -- the issue is the following -- the issue is the following: There are different ways
20 to authenticate a document. First of all, we can go straight to a signature and then
21 we get an answer. Also you will notice, top left, that on the document we could
22 have gone also straight to the mention that it was vu, but we have not. So we're
23 asking questions about the content straight and not the form. When we're asking
24 questions about the form, we want to ask questions about the content. There are
25 different ways to authenticate a document. The witness says he doesn't remember

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1 seeing this document, but we're going into the content to refresh his memory. That
2 may help. And then we can ultimately ask him: Well, then, do you recognise your
3 signature?

4 We don't need to go straight to the signature. There are different ways to
5 authenticate a document in light of the answer of the witness.

6 Now, I didn't want to argue -- I didn't want to argue this, your Honour, but it is
7 quite possible, and for this I would need to go in private session, as to the behaviour
8 of the witness himself on the stand under oath. And actually I'm going to ask to go
9 in private session a minute.

10 PRESIDING JUDGE TARFUSSER: [14:54:26] Let's go in private session, maybe more
11 than a minute, because then I have to give the floor also to the other parties.

12 (Private session at 2.54 p.m.) * Reclassified partially in public

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21 PRESIDING JUDGE TARFUSSER: [15:00:02] (Redacted)

22 (Redacted).

23 First of all, I think the Chamber is not -- has no need to be recalled that its ultimate

24 duty to assess at the end the credibility of evidence, being it witnesses or documents,

25 of course.

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1 Second, I want to say that -- and here comes again at stake what I said this morning
2 about the photocopies, because we have here a document which, by the way, has
3 been already this morning recognised by the witness, if I'm not mistaken and,
4 therefore, I don't know why it's now not recognised anymore.

5 But I come to the signature where or to the photocopy, which is a badly made
6 photocopy, because the signature is cut in half at the end. So that's what I said in
7 the morning. If we had originals instead of photocopies, we could make also better
8 assessment also maybe through an expertise, because it's right that we have
9 ultimately to assess, but we have also to assess on the basis of something concrete,
10 which we don't have.

11 (Redacted)

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18 (Open session at 3.05 p.m.)

19 THE COURT OFFICER: [15:05:14] We are in open session, Mr President.

20 PRESIDING JUDGE TARFUSSER: [15:05:23] Mr Prosecutor, yours the floor.

21 MR DEMIRDJIAN: [15:05:26] Could we zoom out, please, a little bit. Could the

22 Registry help me zoom out the document a little bit. And can we scroll up a little

23 bit, top of the document.

24 Q. [15:05:54] (Interpretation) This morning, sir, I showed you this document and

25 you saw the letter V and the checkmark beside it, didn't you? And this morning

1 you told us that that meant perhaps you had seen the document, is that right?

2 A. [15:06:16] Uh-huh.

3 Q. [15:06:17] If we look at the very bottom of the screen --

4 PRESIDING JUDGE TARFUSSER: [15:06:22] No. Just to be clear, "uh-huh" means
5 yes? Because then in the transcript we have the "uh-huh," and "uh-huh" is not yes
6 and is not no to my understanding. So please can you repeat the question and I
7 would like to have a clear answer.

8 MR DEMIRDJIAN: [15:06:49] (Interpretation)

9 Q. [15:06:50] Now, the document I showed you this morning with the letter V
10 and the checkmark at the top to the left of the page this morning, you recognised it,
11 didn't you?

12 A. [15:07:03] Yes.

13 Q. [15:07:04] And this morning you said that the V meant that you had seen?

14 A. [15:07:12] Yes.

15 Q. [15:07:13] Very well. Now, the question that I had about this particular
16 document, my question was about the last sentence which says that if a soldier does
17 not report to the new unit, he will be severely disciplined. What was that all about?
18 What sort of punishment or discipline would be --

19 A. [15:07:40] Disciplinary measures would be taken, up to 10 days or perhaps 20
20 or even 30 days of *suspension. After 60 days, the person would be brought before
21 an investigative panel and he could even be dismissed.

22 Q. [15:08:03] Very well. Unfortunately, the photocopy of the document is
23 somewhat deficient. The bottom of the document has been cut off. Could we
24 zoom in, please?

25 Can you see the signature?

1 A. [15:08:36] Yes, I can.

2 Q. [15:08:38] Very well. Do you recognise it?

3 A. [15:08:43] That's the signature; I don't recognise it as being mine.

4 Q. [15:08:49] What is the problem with the signature?

5 A. [15:08:55] It doesn't match my signature. That's what I mean. The actual
6 text is in keeping with the way that we operated.

7 Q. [15:09:08] All right. Just one more question about the signature. When you
8 say that it doesn't match your signature, what is the problem here? What is
9 problematic?

10 A. [15:09:26] It hasn't been entirely transcribed.

11 Q. [15:09:43] So is it because it's not completely transcribed that you can't
12 recognise it?

13 A. [15:09:51] Yes, that's right. But I recognise the substance of the documents,
14 and that is -- that's what the policy was when dealing with soldiers who did not
15 comply with the orders.

16 Q. [15:10:06] Very well. If I could hark back to a topic we looked at this
17 morning and a document we looked at this morning, it had to do with the *existence
18 of the PC Minos at the end of November 2010. And do you remember?

19 A. [15:10:31] Yes.

20 Q. [15:10:35] Could you please tell us how this centre worked, the PC Minos,
21 with the people who had been assigned there?

22 A. [15:10:42] The PC Minos was a command post. And Minos was a code or a
23 call sign given to this command post, the gendarmerie, the police, the soldiers would
24 go to the post one after another. And since each organisation has its own radio, any
25 information obtained would go through the officer from the gendarmerie who was

1 at the command post; and the same held true for police.

2 Q. [15:11:26] And this command post, what was the purpose of it? You say that
3 it was established by the --

4 THE INTERPRETER: [15:11:38] Message from the interpreters: Could the 5-second
5 rule please --

6 PRESIDING JUDGE TARFUSSER: [15:11:44] Message from interpreters: Could the
7 5-second rule please be implemented all the time. Thank you.

8 THE INTERPRETER: [15:11:51] The questions and answers are blending into one
9 another.

10 MR DEMIRDJIAN: [15:11:58] (Interpretation) It's my problem, my mistake.

11 Q. [15:12:04] Sorry about that, Mr Witness. I will repeat my question. What
12 was the purpose of this command post, which brought all this information together
13 from the various organisations you mentioned, the army, the police, the
14 gendarmerie?

15 A. [15:12:21] This command post brought together all the information and
16 provided instructions to the units to deal with the various issues that had arisen at
17 the command post.

18 Q. [15:12:44] Now, you say that they gave instructions to the units. Oh, I see.
19 And who led the PC Minos?

20 A. [15:13:05] At the time it was an officer by the name of *Siéloufé. He has
21 passed away. After him, I must admit I don't know who replaced him. I don't
22 know the structure.

23 Q. [15:13:21] Very well. Now, do you know within this command post, this
24 structure, you had the police, the gendarmerie, the armour, how did the various
25 stakeholders interact?

1 A. [15:13:50] There was the commander of the *PC Minos, and around him there
2 were the various staff members representing the three institutions, the gendarmerie,
3 the police *and the army. So they would take stock of the situation and prepare a
4 report, and the reports would go to the ministry of the interior, reports regarding the
5 situation in the field.

6 Q. [15:14:26] Very well. Now, there is something else I would like us to return
7 to. This morning you said that if in the course of your work or your investigations
8 facts might reveal that a police officer might have committed an offence, you would
9 hand over that particular case to the police. Now, what about the other way
10 around? Did it ever happen during the post-election crisis? I mean 28 November
11 2010 to 11 April, during that period, did it ever happen that the opposite would
12 occur, namely that the police working through the director general would provide
13 you with a file relating to an offence committed by a member of the gendarmerie?

14 A. [15:15:25] I no longer recall exactly, but I believe, I believe that in Yopougon
15 there were some clashes between gendarmes and civilians, and the police
16 investigated. The investigation was sent to the military Prosecution office.

17 Q. [15:16:04] So you say that the police investigated, and you mentioned clashes
18 between civilians and gendarmes?

19 A. [15:16:18] Yes, but I did not receive a report directly in that regard.

20 Q. [15:16:26] How did you hear about these clashes?

21 A. [15:16:29] About that matter, the brigade commander of Yopougon told me
22 about it. He reported to me that there had been problems between members of the
23 squadron and a number of civilians, but that the police was investigating.

24 Q. [15:16:50] And the brigade commander who told you about that, who was the
25 person, the Yopougon brigade commander?

1 A. [15:17:10] Yes. I no longer recall his name, but it was the squadron
2 commander who was aware of what had happened, captain Koukougnon, he was
3 the one who knew about it.

4 Q. [15:17:26] Did you ever hear anything about the outcome of the investigation?

5 A. [15:17:32] I was never told anything about it.

6 Q. [15:17:38] And the brigade commander, did he give you the details of these
7 clashes between the gendarmes and the civilians? What happened?

8 A. [15:17:52] Apparently, according to his report to me, the gendarmes and the
9 soldiers allegedly were beaten up by unidentified individuals who were bearing
10 arms, and they retaliated, and I believe some men died. That is what I know, and I
11 know that there was an investigation by the police.

12 Q. [15:18:20] And in that situation you had a number of gendarmes who were
13 involved. Can you explain why it was the police who conducted the investigation?

14 A. [15:18:35] The events occurred within the framework or the jurisdiction of the
15 police, it was a matter of jurisdiction from a territorial point of view or geographical
16 point of view. It was their turf.

17 Q. [15:18:50] Very well. Take your time, Mr Witness.

18 And did you ever hear about which neighbourhood?

19 A. [15:19:32] Yopougon Sicogi, Sicogi, it's a large neighbourhood and there's a
20 number of sub-neighbourhoods within it. That's where the events occurred.

21 Q. [15:19:43] And that was during which period of time exactly? We mentioned
22 the crisis, but more specifically, when did these events happen?

23 A. [15:19:59] Honestly, I no longer recall the period of time, but I do remember
24 the events.

25 Q. [15:20:17] You said that some men lost their lives. Were they civilians? Did

1 you learn -- well, was the RDR involved in this incident?

2 A. [15:20:32] Yes. We were told that it was RDR supporters who were involved,
3 who were gathered. They were in a meeting so to speak.

4 MR ZOKOU: [15:20:46] (Interpretation) I do apologise for interrupting, but just to be
5 perfectly accurate, the witness said that men had died and, page 103, line 6, he said
6 that:

7 "Apparently, according to what I was told, the gendarmes and the civilians were
8 attacked by unidentified individuals and they retaliated. There must have been
9 people killed."

10 He did not say that civilians had been killed.

11 PRESIDING JUDGE TARFUSSER: [15:21:37] Well, let's ask the witness.

12 What did you say? Do you know or have you heard? What have you heard about
13 the killing of civilians?

14 THE WITNESS: [15:21:48] (Interpretation) I was told that men had died and that the
15 police had conducted an investigation, but I did not receive the results of the police
16 investigation.

17 PRESIDING JUDGE TARFUSSER: [15:22:19] You don't know who died, civilians or
18 not civilians, or how many? Do you know any further details apart of that people
19 have been killed?

20 THE WITNESS: [15:22:30] (Interpretation) That is what was reported to me, but I
21 know nothing more than that. The police had been assigned to investigate and I
22 was waiting for the investigation report.

23 PRESIDING JUDGE TARFUSSER: [15:22:50] Mr Prosecutor.

24 You were waiting for the investigation report and then you never received it, you
25 said?

1 THE WITNESS: [15:23:04] (Interpretation) That's right.

2 PRESIDING JUDGE TARFUSSER: [15:23:05] Mr Prosecutor.

3 MR DEMIRDJIAN: [15:23:05] Thank you, Mr President.

4 Q. [15:23:07] (Interpretation) Other than this incident in Yopougon, were there
5 other situations for which you received information from the police directorate
6 general or from other leaders within the armed forces, any other information to the
7 effect that gendarmes had been involved in incidents, similar incidents, or different
8 ones, or any sort of incidents during which gendarmes may have committed
9 offences?

10 A. [15:23:46] No. I was not informed of any such thing. What I do know is that
11 some soldiers from the New Forces, "le Forces Nouvelles," attacked the squadron in
12 Yopougon and took weapons from them. We intervened to deal with the situation
13 and the soldiers handed over their weapons to the gendarme, and I believe there
14 was even a football match to celebrate the peace. That is what I know.

15 Q. [15:24:17] Just a clarification, sir, regarding this event you have told us about.
16 You say it was RDR militants who were meeting or who had gathered. Where were
17 they exactly? Where did they gather?

18 A. [15:24:54] As I said a few moments ago, I wasn't actually in the field. I was
19 told that the meeting was in Yopougon, a particular place in Yopougon, and that
20 there had been clashes.

21 THE INTERPRETER: [15:25:14] Interpreter correction: In the previous reply the
22 witness specified that he even organised a football match so that peace should
23 return, and then that was the end of it.

24 Q. [15:25:33] Now, you weren't actually in the field, so one question: Was there
25 an officer from your command who actually went into the field for this event or in

1 relation to this event in Yopougon?

2 A. [15:25:56] I no longer recall exactly.

3 Q. [15:26:06] If I suggest to you that the commander in second, General Affro,
4 had been in the field, does that ring a bell? Does that refresh your memory?

5 PRESIDING JUDGE TARFUSSER: [15:26:24] Are you confronting the witness with
6 the prior statement or refreshing the memory with a prior statement?

7 MR DEMIRDJIAN: [15:26:55] Your Honours, at this stage I'll move on and I'll see if I
8 need to come back on it at a later stage. Thank you.

9 PRESIDING JUDGE TARFUSSER: [15:27:01] Okay.

10 MR DEMIRDJIAN: [15:27:02] (Interpretation)

11 Q. [15:27:03] Now, before the break, sir, you mentioned ensuring the safety
12 during the first round of the election, and you mentioned the involvement of the
13 gendarmerie, the police, the armed forces. I'd like to ask you something: What is
14 an operational order?

15 A. [15:27:32] An operational order, let's say it is a tactical way of reasoning, so to
16 speak, that is written. And it is titled that way, general situation, specific situation,
17 mission for the units, undertaking the mission.

18 Q. [15:28:02] Do you remember issuing an operational order before the first
19 round of voting, before 31 October 2010?

20 A. [15:28:15] As I told you, during that entire period before, during, and after, it
21 was the chief of general staff who had the responsibility for planning operations; and
22 thus, we received his operational order which we carried out.

23 MR DEMIRDJIAN: [15:28:45] (Interpretation) I'd like to call up a document,
24 0043-0391. This is tab number 88. Great.

25 Q. [15:29:20] Now, this document is four or five pages. Let's look at the cover

1 page, the first page. And here we see that this document is from the supreme
2 commander of the gendarmerie, the recipients, we see 26 October is the date. Re:
3 Attachments, and the actual message is: "Please find attached operational order
4 number 1 regarding the presidential elections for implementation."
5 Then we see a signature and a stamp of the deputy commander General Affro. At
6 the very top we see CSG, which you told us stands for supreme command of the
7 gendarmerie. That is the first page.
8 Now let us turn to the second page. Here is the document operational order
9 number 1.
10 Now, you're familiar with the concept of operational order?
11 A. [15:30:39] Yes.
12 Q. [15:30:40] Okay. Before we go any further, let me take you to page 4 of the
13 document. It's 0394. That last page, there is a stamp and signature with your
14 name. Do you recognise your signature?
15 A. [15:31:12] Yes.
16 MR DEMIRDJIAN: [15:31:18] (Interpretation) Very well. Let us go to the page
17 ending with 392, let us go back to that page. Can we zoom in to the bottom part of
18 that page, that is as from "situation générale." Thank you.
19 Q. [15:31:55] Mr Witness, we can see here that the presidential elections would
20 take place on 31 October, that is point *1b: Mission. And the objective is to
21 provide security for the elections. And the last part is in view of guaranteeing the
22 good conduct of the presidential elections, I would like to reinforce the national
23 police in All the towns and to control all the campaign zones from 27 October 2010 to
24 30 November 2010.
25 The first question is: The 27 October 2010 as from then, can you explain to us that

1 time period for which you wanted to reinforce the national police?

2 A. [15:32:45] As I told you, the operations order comes from the general staff,
3 and we forward it verbatim to our units. So the time period is what was indicated
4 in the document received from general staff headquarters.

5 Q. [15:33:06] Very well. I understand that it comes from the general staff
6 headquarters, but do you have any explanation for that period, that is, one month
7 and some days?

8 A. [15:33:19] This was the campaign period for the elections.

9 Q. [15:33:29] Is that the explanation that was given to you at that time, that the
10 electoral campaign would last one month and a few days?

11 A. [15:33:42] As you know, when the general staff deploys units, they actually
12 covers a period before and a period after.

13 Q. [15:33:52] Very well.

14 PRESIDING JUDGE TARFUSSER: [15:33:53] Maître Gbougnon.

15 MR GBOUGNON: [15:33:59] (Interpretation) Mr President, it is true that you can say
16 the witness answered. But if we continue like that, we will go from speculation to
17 speculation. I do not want to go into detail, because the witness is here. But we
18 are hear for facts, and we are going into speculation. I prefer to stop here so as not
19 to say something else.

20 MR DEMIRDJIAN: [15:34:34] (Interpretation) I'm asking factual questions, Mr
21 President.

22 PRESIDING JUDGE TARFUSSER: [15:34:39] I don't know where the speculation is in
23 this moment because, I mean, the question was: Why from this period to this
24 period? Although I think it was quite clear, but it's a fact. It's not a speculation.

25 MR GBOUGNON: [15:34:57] (Interpretation) Let me explain myself. The question is

1 put to the witness: Why this period? And he said: I'm simply reproducing what
2 came from the staff headquarters.

3 And then continuing on this is speculation because he's being asked: Why is it that
4 in your opinion that period was one month? It is the general staff headquarters that
5 can answer that question, Mr President.

6 PRESIDING JUDGE TARFUSSER: [15:35:29] Yes, but after one year we could also
7 think what the period is about or not.

8 Mr Prosecutor.

9 MR DEMIRDJIAN: [15:35:41] Thank you, Mr President.

10 (Interpretation) Can we go to the next page, please. Thank you. Let us zoom in to
11 the top part of the page.

12 Q. [15:36:06] And, Mr Witness, you can see point B, implementation and
13 distribution of missions. The first point in the towns, district of Abidjan, reinforce
14 the national police with the following distribution.

15 Can you explain to us what it means for the gendarmerie to reinforce the national
16 police?

17 A. [15:36:31] There is always a problem of understanding. The gendarmerie, the
18 army, and the police, we are understaffed. So wherever the police does not have
19 enough personnel, the gendarmerie is requested to send people to go and assist the
20 police. That is what we refer to as reinforcements.

21 Q. [15:37:04] And if we look at the acts to be taken in Abidjan is to reinforce the
22 national police in the other towns. The legion commanders in collaboration with
23 the local authorities of the national police shall ensure the good conduct of the vote
24 in the respective zones.

25 Is there a difference in the *gendarmerie involvement between Abidjan and the other

1 towns?

2 A. [15:37:46] In Abidjan it is the national police which is responsible, but in the
3 other towns it is the national gendarmerie. But since we are understaffed, both in
4 the rural areas and in the towns, we always need to mutually reinforce each other.

5 Q. [15:38:08] Very well. When those gendarmes go to reinforce the national
6 police, whose authority do they come under? Who is responsible for those
7 gendarmes?

8 A. [15:38:50] When gendarmes are placed at the disposal of the police, it is the
9 police authority who is the head of operations.

10 Q. [15:39:12] So the police conducts the operations. Do the gendarmes remain
11 under your responsibility as the supreme commander?

12 A. [15:39:25] During the period when they are with the police, they obey the
13 orders of the commissioner of police in question. And when the operation ends, the
14 gendarmes go back to their own barracks.

15 Q. [15:39:43] Then we see in the rural areas the legion commanders in
16 collaboration with the CCI will take all necessary measures to ensure the security of
17 the elections.

18 You talked about commander Kouakou?

19 A. [15:40:11] Yes, General Kouakou Nicholas.

20 Q. [15:40:14] Can you tell us how the CCI functioned during that period?

21 A. [15:40:22] During that period Côte d'Ivoire was divided into two. Then there
22 was a demarcation zone. In the north you had the New Forces, the armed forces of
23 the New Forces; and in the south you had the FDS. With the ONUCI, the
24 government decided to create a structure, that is the CCI, that would bring together
25 elements from both the north and the south. And when they're together, they are

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1 answerable directly to the CCI. I do not know whether I have been sufficiently
2 clear.

3 Q. [15:41:15] And where was the command centre of the CCI?

4 A. [15:41:22] Yamoussoukro.

5 Q. [15:41:27] And here we can see that the CCI appears in the rural areas. I do
6 not see Abidjan or the other towns. So where was the CCI deployed?

7 A. [15:41:59] The command post of the CCI was located in Yamoussoukro. So
8 the elements, both from the south and the north, were placed at their disposal to
9 ensure security whether in the rural areas or in the towns.

10 Q. [15:42:31] Mr Witness, up until when did the CCI remain operational?

11 A. [15:42:50] I cannot give you any precise date, but I think it was immediately
12 after the end of the elections, immediately after the inauguration of president
13 Alassane Ouattara, the CCI disappeared because the two forces were put together
14 and became the FRCI. And today they're known as the FANCI, the armed forces of
15 Côte d'Ivoire.

16 Q. [15:43:31] Very briefly, what was the role of the CCI at that time? You have
17 already said that they brought together officers or elements from the north and from
18 the FDS; and once this was done, what was their precise role?

19 A. [15:43:51] At the risk of repeating myself, let me tell you that I was not the
20 commander of the CCI. I simply told you what I know. We placed our elements at
21 his disposal, and then the elements from the north joined. And so there was a
22 trustworthy unit that would provide security for the elections, both in the rural areas
23 and in the towns.

24 Q. [15:44:28] Under section D here, we can see that the operational centre of the
25 gendarmerie became operational on 9 October 2010. Where was it based?

1 A. [15:45:13] At the supreme command headquarters.

2 Q. [15:45:18] And once activated, how long was it operational?

3 A. [15:45:25] During the period -- or rather, the period depended on the events.

4 Q. [15:45:40] And as far as you know, regarding the events at the time, for how
5 long did this centre remain operational?

6 A. [15:45:51] During the entire period of the events and in fact today, it has
7 become a permanent structure.

8 Q. [15:46:03] Very well. Mr Witness, further down, just before "liaison," we can
9 see this sentence:

10 "The legion commanders in liaison with the local CEI and CCI representatives will
11 ensure the transmission of information to their higher levels."

12 Now, did the legion commanders inform you of their operations or activities in
13 collaboration with the CCI?

14 A. [15:47:14] Yes. That is when they sent in their situation reports.

15 Q. [15:47:22] The document that we saw a short while ago, situation reports, is
16 that correct?

17 A. [15:47:29] Yes.

18 Q. [15:47:33] Let us go to page 0395, the annex with the staff strength for each of
19 the districts; and if we move onto the last page, we can see the total numbers. So let
20 us zoom in to the summary, "section recapitulatif." Let us zoom into the bottom
21 part of the page. You can see "Summary: Total strength of gendarmerie 785," and
22 then it is divided into legions and so on and so forth.

23 Now, this order was dated the 26 October. Was it implemented?

24 A. [15:48:49] This was the staff strength imposed on us by the general staff, but
25 we never reached that level of staff strength because we were understaffed.

1 Q. [15:49:05] A short while ago you told us that the national police was
2 understaffed, so they needed to be reinforced. Now, these figures that we see here,
3 are those figures representing the number of gendarmes that had to go and reinforce
4 the national police?

5 A. [15:49:25] In relation to the mission defined by the general staff and according
6 to the operation orders, these were the numbers. And at our level, we tried to fulfil
7 those numbers; but quite frequently and regularly we were not able to reach those
8 numbers because of understaffing.

9 Q. [15:49:59] Very well. Following that order of 26 October, Mr Witness, were
10 any other measures taken by the gendarmerie to ensure security during the electoral
11 process?

12 A. [15:50:50] We did not have any mandate to plan operations, so we
13 implemented orders in the operations order issued by general staff headquarters. I
14 do not know whether I am clear enough.

15 Q. [15:51:10] Are you familiar with the concept of precautionary measures,
16 "measure conservatoires"?

17 A. [15:51:20] Yes.

18 Q. [15:51:21] What are they all about?

19 A. [15:51:25] The precautionary measures are simply supplementary
20 instructions.

21 Q. [15:51:30] Thank you, Mr Witness. Now, let us display document 0043-0441.

22 MR ZOKOU: [15:52:05] (Interpretation) The number on your list?

23 MR DEMIRDJIAN: [15:52:16] (Interpretation) 36.

24 Q. [15:52:19] Now, let us zoom in to the top part of the document, and this is
25 referred to as "message chiffré," that is with figures. What does it mean?

1 A. [15:52:40] It is a jargon used by the transmitters. That is a message that is not
2 written in words, it is figures. So one has to know what the figures correspond to.

3 Q. [15:52:53] So once again it is from the superior command of the gendarmerie
4 to all units, and the subject is "measures conservatoire," or precautionary measures.

5 And then the measure is MSG followed by a number and then the abbreviation
6 CCI/OPS of 29 September 2010, and the issue here is security for electoral process.

7 Now, this reference, MSG, what does it mean?

8 A. [15:53:35] As indicated, it is a message from the CCI. So they have their own
9 codes and their own abbreviations.

10 Q. [15:53:42] Very well. We can see "Primo: General measures to maintain"
11 and so forth and so on. Let us scroll down a little bit, please. There is "Secundo:
12 Specific measures."

13 And then "Quarto: Specific instructions in case of attack.

14 You have to respond and then report, strict respect of the regulatory security post
15 chore in the corridors."

16 What does that mean, "corridors"?

17 A. [15:54:32] The corridors are usually used to refer to the intersections, that is,
18 points of passage that are frequently used and therefore people go there to prevent
19 infiltrations from the enemies.

20 Q. [15:54:50] Then later on we have three points: Security upstream, FANCI,
21 control, gendarmerie, police, customs, water resources, and forests; and then you
22 have security element downstream FANCI.

23 Can you explain to us?

24 MS KADJI: [15:55:22] (Interpretation) Mr President, once again we are totally at sea.

25 We do not know who is the author of this document, which the witness is being

1 asked to comment on. We do not know its provenance; we know nothing about it.

2 PRESIDING JUDGE TARFUSSER: [15:55:43] Mr Prosecutor.

3 MR DEMIRDJIAN: [15:55:44] I'm getting to it, your Honours. I'm working
4 according to the sequence of the document.

5 PRESIDING JUDGE TARFUSSER: [15:55:48] Please do so.

6 MR DEMIRDJIAN: [15:55:50] (Interpretation)

7 Q. [15:55:51] Mr Witness, can you answer the question? So how was this
8 structure? How did this structure operate based on the elements that we have seen
9 here, gendarmerie, police, and so on? How did this work practically?

10 A. [15:56:19] To begin with, in principle, it was the general staff headquarters
11 that issued those type of documents. This means it has a sort of military flavour.
12 So a control post is a location where security has to be provided. So you have
13 people in front, people behind, and people at that location to control those who are
14 passing through. So these are tactical measures that are used and applying it within
15 the police system, this is something that is a bit complex to understand.

16 Q. [15:57:10] Very well. Let us go to the bottom of the page, please. We can see
17 the stamps. Do you recognise your signature?

18 A. [15:57:28] I said some time ago that I do not recognise this; and even the
19 substance of the document, I did not recognise it.

20 Q. [15:57:42] This is the first time I'm showing you this document?

21 A. [15:57:50] *No, not earlier, you are talking about the signature. We talked
22 about this earlier, the signature. But the contents of the document corresponds with
23 the way we function. I don't know whether you have understood me.

24 PRESIDING JUDGE TARFUSSER: [15:58:03] No. It wasn't finished, the interpretation.

25 MR DEMIRDJIAN: [15:58:11] (Interpretation)

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1 Q. [15:58:12] In this document, is it your signature? It is the first time I'm
2 showing you this document. Do you recognise that signature?

3 A. [15:58:26] No.

4 PRESIDING JUDGE TARFUSSER: [15:58:34] By the way, can we have the other
5 document which the witness signed and giving it a number for the record.

6 THE COURT OFFICER: [15:58:54] The ERN number, Mr President?

7 PRESIDING JUDGE TARFUSSER: [15:58:56] Yes.

8 THE COURT OFFICER: [15:58:57] Yes. So the ERN number for the handwritten
9 signature produced in the courtroom this morning is CIV-REG-0001-0139. It's not
10 uploaded yet in eCourt yet and will be after the hearing.

11 PRESIDING JUDGE TARFUSSER: [15:59:14] Okay. Thank you.

12 Mr Prosecutor, but we are going to close.

13 MR DEMIRDJIAN: [15:59:18] Just one or two more minutes, your Honours.

14 PRESIDING JUDGE TARFUSSER: [15:59:21] Yes.

15 MR DEMIRDJIAN: [15:59:22] (Interpretation)

16 Q. [15:59:22] Mr Witness, we saw the operations order and you recognised your
17 signature. Now, in this other document, what is your problem, because we can see
18 the origin is the supreme command of the gendarmerie, so what is your problem
19 with this signature?

20 A. [15:59:49] It is a problem of understanding. I told you that the content of the
21 document corresponds to the orders received from the staff headquarters, but the
22 signature is -- does not correspond to my signature. I do not deny its contents
23 because we were in the habit of receiving those types of orders.

24 Q. [16:00:18] I do not understand what is the problem with the signature. Who
25 signed that document, Mr Witness?

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1 A. [16:00:24] I'm not able to tell you, but I'm telling you that we received such
2 operation orders from the general staff headquarters, so I'm not disputing the
3 substance of the order, but this is not my signature. Otherwise, we are used to
4 receiving this type of orders.

5 PRESIDING JUDGE TARFUSSER: [16:00:53] Okay. I think we have come to a
6 conclusion for today.

7 Mr Witness, thank you for being here. I would like you to recall -- I would like to
8 recall you once more of your duties to say the truth. Tomorrow we will be here
9 again with the continuing of the questioning by the Office of the Prosecutor. Thank
10 you very much.

11 The hearing is adjourned to tomorrow 9.30.

12 THE COURT USHER: [16:01:31] All rise.

13 (The hearing ends in open session at 4.01 p.m.)

14 RECLASSIFICATION REPORT

15 Pursuant to the Trial Chamber' I's email instructions, dated 16 July 2019, the
16 public reclassified and lesser redacted version of this transcript is filed in the
17 case.