

Trial Hearing
WITNESS: CIV-OTP-P-0238

(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 Friday, 30 September 2016
10 (The hearing starts in open session at 9.42 a.m.)
11 THE COURT USHER: [9:42:08] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:42:40] Good morning.
15 Good morning, Mr Witness.
16 I would just like to say at the beginning that the Presiding Judge excluded or
17 requested the Registrar to exclude from the public gallery Mr Willy Bla because of
18 what seems to be an attempt to try to identify the witness and to give this information,
19 spread this information outside the Court, which is in violation of the orders of this
20 Court, and repeatedly repeated. And then we'll see how to continue in the following
21 days.
22 Mr O'Shea, please, for continuing of the questioning. Thank you.
23 MR O'SHEA: [9:44:12] Good morning, your Honours.
24 WITNESS: CIV-OTP-P-0238 (On former oath)
25 (The witness speaks French)

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1 QUESTIONED BY MR O'SHEA: (Continuing)

2 Q. [9:44:20] Good morning, Mr Witness.

3 A. [9:44:27] Good morning.

4 Q. [9:44:30] I shouldn't be too much longer with you.

5 Now, in terms of planning for a mission, the decision as to which weapons should be
6 taken on a mission, that decision would look, would it not, at a variety of factors;
7 would that be right?

8 A. [9:45:30] Yes.

9 Q. [9:45:41] One of those factors would be the intelligence which the head of the
10 corps would have in relation to the size of the enemy?

11 A. [9:46:08] Yes.

12 Q. [9:46:12] Another factor would be any strategic advantage which the enemy
13 had?

14 A. [9:46:38] Yes.

15 Q. [9:46:41] A third factor would be how well equipped the enemy was in terms of
16 quantity of weapons and ammunition, as to compare to yourselves?

17 A. [9:47:16] Yes, depending on the source of the intelligence.

18 Q. [9:47:21] And then, of course, there would be the other factor which you've
19 pointed out as to the type of weapons used by the enemy?

20 A. [9:47:41] Yes.

21 Q. [9:47:44] And you've already explained to the Chamber that that decision was
22 the decision, in your case --

23 MR O'SHEA: That should be redacted. Sorry.

24 Q. You've already explained that the decision, in the case of the BASA, would be in
25 the hands of Dadi as chef de corps and in that decision-making process, he would

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1 have the full range of information available to him for the purpose of making that
2 decision; is that right?

3 A. [9:48:50] Yes.

4 MR O'SHEA: [9:49:06] I'll just go into private session for this next question, your
5 Honour.

6 PRESIDING JUDGE TARFUSSER: [9:49:10] Let's please go into private session.

7 (Private session at 9.49 a.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Open session at 9.55 a.m.)

23 THE COURT OFFICER: [9:55:48] We're in open session, your Honour.

24 PRESIDING JUDGE TARFUSSER: [9:55:53] Mr O'Shea.

25 MR O'SHEA: [9:56:03]

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1 Q. Can you try your best to give us an approximate date for this incident.

2 A. [9:56:09] After the second round.

3 Q. [9:56:18] And you say: (Interpretation) And you said that: "After the incident
4 surveillance was very much stepped up." *Can you explain to us why you said that
5 and what it means?

6 A. [9:56:46] The men were asked to be more vigilant, well, very vigilant, you see,
7 because it was shameful that they were able to get weapons like that. And it showed
8 that people weren't really* looking out carefully, they weren't attentive, or that they
9 weren't really at their position.

10 Q. [9:57:15] And you speak about the FAFN. For the record, I mean obviously
11 we've heard this expression many times, but for the record can you explain what the
12 FAFN is?

13 A. [9:57:35] It's the armed forces of the New Forces, FAFN.

14 Q. [9:57:46] So at the time, according to your observations, was there active armed
15 forces within the Golf hotel operating from there?

16 A. [9:58:12] Yes, there were rebels. The rebels were there.

17 Q. [9:58:28] And they were armed?

18 A. [9:58:34] Of course.

19 Q. [9:58:38] And your blocus was designed to prevent them from coming out with
20 their weapons and attacking; would that be right?

21 A. [9:58:56] Yes.

22 Q. [9:58:57] And were there attempts to come out with weapons and attack?

23 A. [9:59:06] No.

24 Q. [9:59:15] Now, when you were answering questions to the Office of the
25 Prosecutor, you spoke about certain four-by-four vehicles, which were supplied to

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1 you, and you spoke about stickers which had been removed.

2 A. [10:00:11] Affirmative.

3 Q. [10:00:12] Now, in terms of where those vehicles came from, your knowledge
4 about this is based upon what someone told you; is that correct?

5 A. [10:00:21] It was from the two people who went to get the vehicles, in addition
6 to the officer from the technical service.

7 (Defence counsel confer)

8 MR O'SHEA: [10:01:02] I apologise.

9 Q. [10:01:27] Now I'd like to pull up a document for you to have a look at. It's
10 CIV-D15-0004-1924. And it's a public document.

11 MR MACDONALD: [10:01:58] Sorry, which tab? Because unfortunately they're
12 not in order of ERN, pursuant to no agreement between the parties.

13 Thank you, your Honour.

14 MR O'SHEA: [10:02:55] Grateful, your Honour.

15 Q. It's obviously going to be very difficult for you to work with this document on
16 the screen, Mr Witness. I'm going to give you a clean copy from this side.

17 So if this could please be shown to Mr MacDonald and then to the witness.

18 MR MACDONALD: [10:03:14] It's okay, it's okay.

19 MR O'SHEA: [10:03:35]

20 Q. [10:03:35] So, sir, if we look at the first page of this, it says it's taken from the
21 Journal Officiel, Officiel de la République de Côte d'Ivoire. (Interpretation) The
22 Official Journal of the Republic of Côte d'Ivoire.

23 (Speaks English) And in the second column towards the bottom it says, and I quote in
24 French: (Interpretation)

25 "Decree number 2014-11 of 14 January 2014 for the promotion exceptionally of

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1 soldiers within the Republican Forces of Côte d'Ivoire."

2 (Speaks English) So this is a document which is dated 2014 dealing with promotions.

3 I wonder if you could be kind enough to just take a moment to look through this

4 document and tell me or tell the Chamber whether there are individuals there you

5 recognize were working with the BASA at the same time as you during the events.

6 MR MACDONALD: [10:05:03] Sorry to interrupt, because you're talking about the

7 decree 2014-11, right?

8 PRESIDING JUDGE TARFUSSER: [10:05:12] Yeah.

9 MR MACDONALD: [10:05:13] Not the next one, 2014-12?

10 PRESIDING JUDGE TARFUSSER: [10:05:16] And the previous one, 10.

11 MR MACDONALD: [10:05:18] Yes, because, you know, there are many names on

12 this page, but only -- everyone can see that there is only two for the 2014-11.

13 MR O'SHEA: [10:05:30] Yes. I'm grateful to Mr MacDonald. He's quite right.

14 Q. [10:05:42] In the third column it states (Interpretation) "Decree number 2012-12

15 of the" --

16 THE INTERPRETER: [10:06:08] Message from the interpreter: Could counsel

17 please start the quotation again and tell us before he's going to quote. Thank you.

18 PRESIDING JUDGE TARFUSSER: [10:06:15] Could you please start the quotation

19 again and tell us before you -- and tell us where the quote starts and it ends. Thank

20 you, for the interpreters.

21 MR O'SHEA: [10:06:29] Your Honour, yes.

22 Q. So I'm quoting in French. (Interpretation) "Decree number 2014-12 of 14

23 January 2014, talking about the advancement table of active officers within the

24 republican forces of Côte d'Ivoire for the year 2014 and promotion of the 1st, 2nd, 3rd

25 and 4th trimesters -- of the 1st, 2nd, 3rd and 4th quarters," end of quote.

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1 So if you look at the names under that decree -- and presumably while this exercise
2 has been going you've had a chance to have a look to some extent, are there names
3 which you recognize as being from the BASA at the time of the events?

4 A. [10:07:59] Yes, indeed.

5 Q. [10:08:12] So if you could please -- perhaps I can do it in this way. If I start
6 with --

7 PRESIDING JUDGE TARFUSSER: [10:08:31] Excuse me, are we talking about 34
8 names, the 2 plus 13 plus 19? This is the list you --

9 MR O'SHEA: [10:08:39] No. We're talking about the ones under the decree that I've
10 just quoted.

11 PRESIDING JUDGE TARFUSSER: [10:08:45] So only those?

12 MR O'SHEA: [10:08:46] Yes.

13 PRESIDING JUDGE TARFUSSER: [10:08:47] In the last -- in the fourth column?

14 MR O'SHEA: [10:08:48] Yes.

15 *PRESIDING JUDGE TARFUSSER: [10:08:49] Okay.

16 MR O'SHEA: [10:08:50] So it's not --

17 PRESIDING JUDGE TARFUSSER: [10:08:51] (Overlapping speakers) 13 and 19, that's
18 the focus.

19 MR O'SHEA: [10:08:51] Yes, so as not to create confusion. There is no strategic
20 reason for that.

21 PRESIDING JUDGE TARFUSSER: [10:08:55] No, no, no, no.

22 MR MACDONALD: [10:08:57] There is an issue, your Honour, because my
23 colleague -- the decree continues on the following page. Everybody sees that it's
24 divided by units within the FDS, gendarmerie police and so on. So I'm not disclosing
25 anything. The document is public. So it continues on the following pages. If it would

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1 be also very helpful for the record that we refer to the pages by ERN. So if we are to
2 go to the next pages, if my colleague could read out which ERN page we're on so that
3 we later can find the information, because the first page is D15-0004-1924 and then it
4 follows sequentially for the other. But instead of saying second page, third page --

5 MR O'SHEA: [10:10:00]

6 Q. All right. So on CIV-D15-0004-1924, the first page, do you recognize any
7 names there, Mr Witness, fourth column?

8 A. [10:10:27] Not on the first page.

9 Q. [10:10:32] So if we then move on to the next page, 1925, the first column, do you
10 recognize any names?

11 A. [10:11:01] Yes, indeed.

12 Q. [10:11:04] Which ones?

13 A. [10:11:06] The first.

14 Q. [10:11:15] So Boa Rodrigue Albéric Kouassi, that one?

15 A. [10:11:22] Yes.

16 Q. [10:11:23] So he's been promoted to lieutenant. And what was his position
17 during the events as far as you know?

18 A. [10:11:37] He was promoted to the rank of captain, not to that of lieutenant.

19 Q. [10:12:24] Sorry, are you saying that he was promoted to the rank of captain in
20 2014?

21 A. [10:12:28] Yes, that's what is written, it says --

22 THE INTERPRETER: [10:12:37] Overlapping speakers, Mr President.

23 PRESIDING JUDGE TARFUSSER: [10:12:39] Overlapping speakers.

24 MR O'SHEA: [10:12:42]

25 Q. [10:12:43] So what was his position during the events?

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- 1 THE INTERPRETER: [10:12:46] Message from the interpreter: The witness's
2 answer was not captured because there were overlapping speakers. Thank you.
- 3 THE WITNESS: [10:12:53] (Interpretation) He initially had the position of deputy
4 officer and then I think he went to the BCS.
- 5 MR O'SHEA: [10:13:01]
- 6 Q. [10:13:02] Do you happen to know his ethnicity?
- 7 A. [10:13:14] Yes.
- 8 PRESIDING JUDGE TARFUSSER: [10:13:20] So say it. Say it.
- 9 THE WITNESS: [10:13:23] (Interpretation) *He's an Agni. He is an Agni from
10 Abengourou.
- 11 Q. [10:13:25] Which group is that?
- 12 A. [10:13:30] Akan.
- 13 Q. [10:13:54] Yes. Who else do you recognize on that first column, if anybody?
- 14 A. [10:14:02] Negative.
- 15 Q. [10:14:27] And just to be clear, that person Boa Rodrigue, he was working in the
16 BASA, was he, during the events?
- 17 A. [10:14:38] Yes.
- 18 Q. [10:14:49] So in the second column on the same page, 1925, did you see any
19 names you recognized?
- 20 A. [10:14:58] Yes.
- 21 PRESIDING JUDGE TARFUSSER: [10:15:45] Which one, would be the next
22 question?
- 23 THE WITNESS: [10:15:55] (Interpretation) Well, he wasn't -- well, I don't know
24 him. He wasn't from -- from the BASA during the events. After, he came. I don't
25 know whether that corresponds to your answer.

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- 1 PRESIDING JUDGE TARFUSSER: [10:16:13] Yes, but we still don't know who you
2 are referring to.
- 3 THE WITNESS: [10:16:18] (Interpretation) Koné Kémien, Koné Kémien, who came
4 afterwards.
- 5 MR O'SHEA: [10:16:33] All right.
- 6 PRESIDING JUDGE TARFUSSER: [10:16:34] And the number if it's easier.
- 7 MR O'SHEA: [10:16:38] It's under "Au grade des lieutenant-colonel," number 1 I
8 think, from the commanders.
- 9 Q. [10:16:50] Is that right, Witness?
- 10 A. [10:16:52] Yes.
- 11 Q. [10:16:53] So in terms of people who were in the BASA -- I'm sorry, you wanted
12 to say anything?
- 13 A. [10:17:03] (No interpretation)
- 14 Q. [10:17:03] Yes, in terms of people who were in the BASA during the events, is
15 there anyone else who was in that second column?
- 16 A. [10:17:10] Okay, yes, yes, yes, Kouassi Jean Bruno to the rank of commander.
- 17 Q. [10:17:19] This would be captains to the rank of lieutenant-colonel?
- 18 A. [10:17:44] Commander, commander?
- 19 Q. Au grade de commandant?
- 20 A. Au grade de commandant.
- 21 Q. Yes.
- 22 A. The rank of commander.
- 23 Q. [10:17:55] Yes. And what was his position during the events?
- 24 A. [10:17:58] He was the BEOI chief, BIO, bureau emploi opération instruction,
25 BEOI.

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- 1 Q. [10:18:27] Do you know what ethnic group he belongs to?
- 2 A. [10:18:30] He's a Baoulé.
- 3 Q. [10:18:47] Anyone else in that column?
- 4 A. [10:18:50] No.
- 5 Q. [10:19:06] So if we go to the third column still on page 1925, do you recognize
- 6 anyone from the BASA at the time of the events in that column?
- 7 A. [10:19:18] Yes.
- 8 Q. [10:19:30] And who would that be?
- 9 A. [10:19:36] Tago Nado Patrice.
- 10 Q. [10:19:45] Tago Nado Patrice, number 15, Lieutenant --
- 11 A. [10:19:50] Yes.
- 12 Q. [10:10:52] Promoted to the rank of captain?
- 13 PRESIDING JUDGE TARFUSSER: [10:19:54] Captain.
- 14 THE WITNESS: [10:19:57] (Interpretation) Yes.
- 15 MR O'SHEA: [10:20:01]
- 16 Q. [10:20:02] Is there anyone else in that third column?
- 17 A. [10:20:21] No.
- 18 Q. [10:20:38] So if you now move to the fourth column, page 1925, so the same page,
- 19 anyone you recognize from the BASA at the time of events, from that fourth column?
- 20 A. [10:20:52] No.
- 21 Q. [10:21:15] Anyone you recognize in that fourth column from the side of the
- 22 rebels at the time of events?
- 23 A. [10:21:27] Yes.
- 24 Q. [10:21:42] Who would that be?
- 25 MR MACDONALD: [10:21:49] Before, before going any further, your Honour, I

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1 need to, for protective measures reasons, can we go very briefly in private session just
2 so that I can explain, and then we'll be able to come back in public.

3 PRESIDING JUDGE TARFUSSER: [10:22:07] Let's go into private session, please.

4 (Private session at 10.22 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 10.23 a.m.)

22 THE COURT OFFICER: [10:23:24] We're in open session, your Honour.

23 PRESIDING JUDGE TARFUSSER: [10:23:33] Thank you.

24 Mr O'Shea.

25 MR O'SHEA: [10:23:39] What I will do is I will carry on and then I will tidy up, as it

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1 Were

2 Q. [10:23:52] So can you answer the question which I asked, and who do you
3 recognize from the rebels in the fourth column?

4 MR MACDONALD: [10:24:07] You mean former BASA members, not rebels?

5 MR O'SHEA: [10:24:18] I mean what I say.

6 PRESIDING JUDGE TARFUSSER: [10:24:25] It makes sense.

7 MR O'SHEA: [10:24:32]

8 Q. [10:24:34] So who do you recognize, Mr Witness?

9 A. [10:24:37] Well, they weren't part of the BASA.

10 Q. [10:24:48] No. It's a different question. You've already said you don't know
11 anyone from the BASA in that column. Now my question is do you know anyone
12 from that column from the rebels or recognize the name of anyone from the rebels, I
13 should say?

14 A. [10:25:01] At the rank of lieutenant-colonel, Colonel Koné Zakaria, number 7,
15 and Commander Ouattara Issiaka, number 8.

16 Q. [10:25:28] And what can you tell us about the role of Koné Zakaria during the
17 events?

18 A. [10:25:36] Well, I don't know. So I am not able to tell you anything about him.

19 Q. [10:25:53] So the only thing you know was that he was a rebel leader?

20 A. [10:26:01] Yes, indeed.

21 Q. [10:26:05] What do you know about Ouattara Issiaka and his role during the
22 events?

23 A. [10:26:23] Well, it was one and the same thing. They were rebels.

24 Q. [10:26:27] And do you know if Ouattara Issiaka is the adjoint to anyone today?

25 A. [10:26:51] Yes. He's the deputy to the second in command of the Republican Guard.

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1 Q. [10:27:08] After the events, do you know if Ouattara Issiaka was charged with
2 any crimes?

3 A. [10:28:01] No, I don't know. I don't know.

4 MR O'SHEA: [10:28:08] Can we go into closed session for a moment please, your
5 Honour.

6 PRESIDING JUDGE TARFUSSER: [10:28:13] Private, you mean?

7 MR O'SHEA: [10:28:15] Private, yes. Sorry. Private session.

8 PRESIDING JUDGE TARFUSSER: [10:28:18] Let's go to private session.

9 (Private session at 10.28 a.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Open session at 10.29 a.m.)

25 THE COURT OFFICER: [10:29:38] We're in open session, your Honour.

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1 PRESIDING JUDGE TARFUSSER: [10:29:43] Mr O'Shea.

2 MR O'SHEA: [10:29:45]

3 Q. [10:29:45] So if we go to the next page, 1926, do you know anyone in the first
4 column who was in the BASA?

5 A. [10:30:47] No.

6 Q. [10:30:51] And in the second column?

7 A. [10:30:56] Yes.

8 Q. [10:31:28] And who would that be?

9 A. [10:31:32] Hobbah Koffi Eric. But he wasn't at the BASA unit. He was at the,
10 what do you ma call it, Yamoussoukro, the operations centre at the Yamoussoukro
11 detachment. He wasn't at the BASA. He was elsewhere. He was in
12 Yamoussoukro.

13 THE INTERPRETER: [10:31:58] Correction: Yamoussoukro.

14 MR O'SHEA:

15 Q. [10:32:02] So for the record that would be captains promoted to commander
16 number 4, Hobbah Koffi Eric?

17 A. [10:32:38] Yes...*but he was not at BASA.

18 He would come there on a few occasions. In fact, he was detached to Yamousoukro.

19 He was not with us.

20 Q. [10:33:03] What ethnic group does he belong to?

21 A. [10:33:05] He is a Baoulé person.

22 Q. [10:33:11] Now, if you can move to the third column on page 1926, same page,
23 again, same exercise, do you recognize anyone there?

24 A. [10:33:30] No.

25 Q. [10:33:53] Then if we go to the fourth column on the same page, do you

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- 1 recognize anyone there?
- 2 A. [10:34:01] No.
- 3 Q. [10:34:25] If you turn the page to 1927.
- 4 PRESIDING JUDGE TARFUSSER: [10:34:43] How many pages has this document?
- 5 MR O'SHEA: [10:34:46] It's got two more pages. This is the penultimate.
- 6 Q. [10:34:55] First column.
- 7 A. [10:35:23] No.
- 8 Q. [10:35:24] Second column?
- 9 A. [10:36:10] Yes.
- 10 Q. [10:36:14] Who would that be?
- 11 A. [10:36:17] Hobbah Koffi Eric and --
- 12 THE INTERPRETER: [10:36:25] Inaudible.
- 13 THE WITNESS: [10:36:27] (Interpretation)
- 14 A. -- Bruno. I already mentioned those two.
- 15 Q. [10:36:30] Yes.
- 16 THE INTERPRETER: [10:36:31] Kouassi Jean Bruno the witness has said.
- 17 MR MACDONALD: May we have the numbers?
- 18 MR O'SHEA: [10:36:38] Well, he's already said them, so I don't think we need to
- 19 pursue it.
- 20 Q. [10:36:53] Third column?
- 21 A. [10:36:55] Yes.
- 22 Q. [10:37:42] Who would that be?
- 23 A. [10:37:46] Number 14 and also number 18, if you look at number 18, Rodrigue
- 24 Albéric, I already mentioned those names.
- 25 Q. [10:37:57] Yes. Koiho Sam is number 14?

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- 1 A. [10:38:06] Koiho, Koiho, William.
- 2 Q. [10:38:14] Thank you, witness. William Koiho Sam, number 14, *went from
3 lieutenant to the rank of captain, and what was his position?
- 4 A. [10:38:28] Yao Koffi.
- 5 Q. Sorry.
- 6 A. [10:38:38] Appollo, Appollo.
- 7 Q. [10:38:42] And what was his rank and function in the -- during the events?
- 8 A. [10:38:50] Lieutenant.
- 9 Q. Okay.
- 10 A. He was deputy to commander of -- commander of the first battery.
- 11 Q. [10:39:17] Fourth column?
- 12 A. [10:39:53] Yes, number 49, Tago Nado Patrice.
- 13 Q. [10:39:59] okay. You've already mentioned him.
- 14 And on the last page, 1928, there are fewer names there. Just for the sake of
15 completeness could you tell us if you recognize any of the names on the last page?
- 16 A. [10:40:24] No.
- 17 Q. [10:40:41] Having looked through the names on this document, did you
18 recognize the names of anyone who during the events was considered as a spy?
- 19 A. [10:41:05] No.
- 20 Q. [10:41:21] And amongst the seven officers in the BASA during the post-electoral
21 period, how many of those seven are still in the armed forces today -- sorry, seven.
22 It was ten, wasn't it? Ten.
- 23 A. [10:42:12] All but one, the commanding officer.
- 24 Q. [10:42:32] Right. We can move away from this document.
- 25 You were shown a photograph by the Prosecution, it's CIV-OTP-0048-7557.

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1 Perhaps if that photograph could be brought back up, please?

2 MR MACDONALD: [10:43:36] Just to remind my colleague that it's confidential, the
3 picture itself.

4 MR O'SHEA: [10:43:42] Confidential.

5 THE COURT OFFICER: [10:44:20] Counsel, could you please kindly verify is it
6 0048-1551?

7 MR O'SHEA: [10:44:27] This is the problem of being in a mixed Anglo-French team,
8 we write our 7s differently. It's actually 7557. Is that right?

9 MR MACDONALD: There is one that appears right now. Maybe we can confirm if
10 it's the one or not.

11 MR O'SHEA: [10:44:51] Yes, yes, sorry, that's the one.

12 PRESIDING JUDGE TARFUSSER: [10:44:55] It's the one we have already seen.

13 MR O'SHEA: [10:44:57] Yes.

14 PRESIDING JUDGE TARFUSSER: [10:44:58] That was what was announced.

15 MR O'SHEA: [10:45:00] Yes. Yes. They're in fact 1s, so the Anglo-French division
16 is even greater than I thought, because they really don't look like 1s. No offence,
17 men.

18 Q. So we've got four individuals there. And there is an individual, a white
19 individual second to the right, so the white individual most to the right, what is the
20 symbol on his left shoulder?

21 A. [10:45:54] The French flag.

22 Q. [10:46:07] And is that the same symbol that we see on the white soldier next to
23 him?

24 A. [10:46:13] Yes.

25 Q. [10:46:22] And in terms of the UN inspectors, how many UN inspectors were

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1 there to your knowledge?

2 A. [10:46:41] They would come in vehicles, so I can't tell you exactly how many,
3 because when they would come there would be -- the ones who would come to the
4 garage, how could I say, whatchamacallit? Some would come to the garages and
5 others would come to the weapons depot.

6 Q. [10:47:08] In terms of the United Nations staff -- or not United Nations staff, but
7 in terms of the representatives of the United Nations from a military perspective that
8 you met or you saw, what proportion were from the French army?

9 A. [10:47:34] Well, I don't know. I don't know. *I don't know. I do not remember.

10 Q. [10:47:48] And the French soldiers who were there during the post-electoral
11 period, according to the information that you had, were they assisting the rebels?

12 A. [10:48:15] Yes, as I told you before.

13 Q. [10:48:20] And in what different ways were they assisting the rebels?

14 A. [10:48:23] We were told that they were providing them with weapons.

15 Q. [10:48:39] Apart from UN inspections, on what other occasions did you
16 personally see French soldiers on your missions?

17 A. [10:49:03] I didn't see any. During the missions we would see UN people with
18 vehicles that were clearly marked.

19 Q. [10:49:22] Did you see UN personnel mixed with rebels in your missions at any
20 point?

21 A. [10:49:35] No.

22 Q. [10:49:46] From what you heard about the missions of BASA, did you hear of
23 white personnel fighting with Commando Invisible?

24 A. [10:50:06] No, no. No.

25 MR O'SHEA: [10:50:45] Yes, I'm finished with the photograph. Thank you very

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1 much.

2 Q. [10:51:17] Now, you had several conflicts or confrontations around the RTI; is
3 that right?

4 A. [10:51:25] Yes.

5 Q. [10:51:32] Do you know why the RTI was important to the rebels?

6 A. [10:51:42] Well, the RTI, it's the television station. They would -- if they got
7 control of the television station, obviously that would be a major success, a big deal.
8 *That is why we protected the TV station.

9 Q. [10:52:04] So from the side of those forces of the state, what was the fear, if the
10 rebels took over the RTI, what was the fear? What would be the consequence?

11 A. [10:52:22] You're talking about the television. But, you know, it's powerful
12 media. With television, you can broadcast -- well, you can talk about all kinds of
13 things.

14 Q. [10:52:36] Would you be able to estimate how many confrontations there were
15 around the RTI during the post-electoral period?

16 A. [10:53:09] Two or three.

17 Q. [10:53:14] And when the armed forces went to the RTI, when the BASA went to
18 the RTI, what was the instruction which was given in the event of attacks?

19 A. [10:53:56] Well, that was obvious. We had to retaliate. We had to defend.
20 We had to defend. So if you're attacked, you retaliate.

21 Q. [10:54:05] In what circumstances was the instruction given to fire in the air?

22 A. [10:54:13] I don't know what you're talking about. You're talking about attacks.
23 We're posted somewhere. We have a position to defend. If people come towards
24 us and shoot at us, we're not going to shoot up into the air. If they're shooting at us,
25 we respond.

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1 Q. [10:54:44] Yes, of course.

2 Now I'm asking you, apart from attacks, in what circumstances was the instruction
3 given to fire in the air?

4 A. [10:54:57] Well, when we went off to Abobo at -- because, you see, it wasn't lit
5 at -- at the university in Abobo Adjamé, the university in Abobo Adjamé all the way
6 to Anador, there was no lighting, it wasn't lit.

7 Q. [10:55:29] I'd like to just refer you to paragraph 132 of your statement where
8 you're talking about the confrontations at the RTI, and you say this, and I quote in
9 French (Interpretation) "Commander Dadi said that if things got out of hand, we
10 could shoot into the air."

11 What did you mean by that?

12 A. [10:56:03] Maybe in -- because -- well, maybe it wasn't -- maybe it wasn't
13 recorded right. Shooting in the air? *I don't understand.

14 MR MACDONALD: [10:56:16] Just to situate the witness, I think we have to be fair
15 to him and refer to which context the questioning was taking place and this was
16 mentioned, which incident we're referring to.

17 MR O'SHEA: [10:56:35] Well, the witness himself doesn't refer to which incident, but
18 I can contextualise it, I'll redo the previous sentence.

19 MR MACDONALD: [10:56:45] You mean from the beginning?

20 MR O'SHEA: [10:56:47] No. I'll read the previous sentence.

21 MR MACDONALD: [10:56:51] Well, I would ask just that there was a request when
22 the Prosecution was putting a line that we situate the witness, because the witness is
23 very well situated in his answer in those questions in that line of questioning. So if
24 you look at paragraph 132, there is only one such incident. I understand there may
25 have been other attacks at different times on the RTI, but the answer is given in a

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1 specific incident.

2 MR O'SHEA: [10:57:33] Your Honours, look, it's not for the Prosecution to force me
3 to read out other parts of the statement.

4 PRESIDING JUDGE TARFUSSER: [10:57:42] No.

5 MR O'SHEA: [10:57:43] I can contextualise it by reading the prior sentence, and then
6 if that helps the witness, so be it. If it doesn't, I'll leave it. If Mr MacDonald wishes
7 to come back to it, he can. So with your Honours' leave, that's how I intend to
8 proceed.

9 PRESIDING JUDGE TARFUSSER: [10:57:57] Please proceed this way.

10 MR O'SHEA: [10:57:59] Thank you.

11 PRESIDING JUDGE TARFUSSER: [10:58:00] From where do you read?

12 MR O'SHEA: [10:58:02] The previous --

13 PRESIDING JUDGE TARFUSSER: [10:58:03] Paragraph and --

14 MR O'SHEA: [10:58:04] Paragraph 132, line 5, and I quote in French (Interpretation)
15 "When there were marches, we were told to go and ensure the safety of the sites. We
16 were given various or assigned sites to make safe. The commander, Commander
17 Dadi, said that if things got out of hand, we could fire into the air." End of quote.

18 Does that help you contextualise what you said or was it -- I'm not, I'm not --

19 A. [10:58:59] Affirma -- okay.

20 Q. [10:59:02] I'm not refusing that it might still have been a mistranscription, you
21 can tell us.

22 A. [10:59:07] No, because when you asked me the question, that was during the
23 attack. And I am talking -- well, I'm on the same page as you, the attack. You
24 asked me a question and I answered the question that --

25 Q. [10:59:27] Yes, sorry. My fault indeed. I should have made it clear that I was

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1 moving away from the situation of an attack.

2 So can you explain, the instruction of Dadi is to fire in the air when things get out of
3 hand?

4 A. [10:59:49] Yes, because as I told you, you see, when you shoot let's say a 12.7, a
5 12.7, say, a 12.7, if you shoot, for sure the people beside, it can be a deterrence, it
6 can -- the noise it makes can be a deterrence. You see, the people will run away. So,
7 you see, that's what I mean.

8 PRESIDING JUDGE TARFUSSER: [11:00:18] It's 11 o'clock.

9 MR O'SHEA: [11:00:20] Your Honours, I don't expect to be very long at all. We can
10 finish here and then I'll think about things over the break. And in any event, I'm not
11 going to be much longer.

12 PRESIDING JUDGE TARFUSSER: [11:00:34] "Much longer" meaning?

13 MR O'SHEA: [11:00:37] Well, I don't think longer than a half an hour, certainly not.

14 PRESIDING JUDGE TARFUSSER: [11:00:42] Okay. Thank you.

15 THE COURT USHER: [11:00:50] All rise.

16 (Recess taken at 11 a.m.)

17 (Upon resuming in open session at 11.36 a.m.)

18 THE COURT USHER: [11:36:18] All rise.

19 Please be seated.

20 PRESIDING JUDGE TARFUSSER: [11:36:36] Yes, Mr O'Shea, we continue. Good
21 morning again to everybody and we continue with you, Mr O'Shea.

22 MR O'SHEA: [11:36:46] Thank you, Mr President, your Honours.

23 Q. [11:36:57] Now, I want to ask you about the senior commanders towards the
24 end. Now, do you know when Kassaraté defected?

25 A. [11:37:22] No, I don't really recall, but he said that, well, that he deserted, then

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1 not. But I don't really recall the date.

2 Q. [11:37:46] *But had he defected?

3 A. [11:37:52] It was said that he had defected, but then he himself said that he
4 hadn't.

5 Q. [11:38:04] Had he stopped his duties, as it were?

6 A. [11:38:11] Well, the gendarmes, we didn't really take care of them, you know. I
7 don't really know.

8 Q. [11:38:32] Now, when did General Mangou defect?

9 A. [11:38:37] I do not have the precise date.

10 Q. [11:38:54] Can you try and place it in terms of events?

11 A. [11:39:37] It was well before, I believe that it was well before the president was
12 arrested.

13 MR MACDONALD: [11:39:49] Sorry, I just want to note for the record that the
14 French transcript is not working. Obviously we can continue following the
15 testimony with the English transcript and the witness in French.

16 MR O'SHEA: [11:40:14]

17 Q. [11:40:14] And when you say well before the arrest of President Gbagbo, are we
18 talking about after or before the beginning of the battle of Abidjan?

19 A. [11:40:28] What I would need to remember, because quite honestly, I don't
20 really -- not able to situate --

21 THE INTERPRETER: [11:40:55] Overlapping speakers.

22 MR O'SHEA: [11:40:57]

23 Q. [11:40:58] What about Deto Létho, when did he defect?

24 A. [11:41:02] Well, he was one of the first to defect.

25 Q. [11:41:12] And can you try and place that in a time frame by reference to any

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1 events?

2 A. [11:41:20] I can't really remember. He was the first. But then there was
3 Mangou after that, that is General Mangou.

4 Q. [11:41:44] And these, these defections of high-ranking officers, what impact did
5 it have on the functionality of the military?

6 A. [11:41:57] Well, many of them felt discouraged. For example, I was very
7 surprised to see General Detoh saying *on TCI that he had defected. Well, because
8 at the COMTER he used to motivate us, he used to say lots of things to us. And then
9 all of a sudden, you see, the chief, you know, telling you to go and fight, and then just
10 from one day to the next he's on the other side. It's a bit strange.

11 Q. [11:42:43] What does Kassaraté do today?

12 A. [11:42:46] Well, if my memory serves me correctly he must be an ambassador or
13 something like that in Senegal, I believe.

14 Q. [11:43:08] And what about Mangou?

15 A. [11:43:12] Well, he's an ambassador in Gabon.

16 Q. [11:43:30] Was there at some point an attack on a police station at Abobo?

17 A. [11:43:50] There was an attack at a police station at Derrière Rails.

18 Q. [11:44:16] And who attacked?

19 A. [11:44:25] It was either Invisible Commando or the rebels, probably the
20 Commando Invisible.

21 Q. [11:44:33] And again can you try to, I know it's difficult, but can you try to place
22 that in a time frame. I know it's difficult, but can you try to place that in a time
23 frame?

24 A. [11:44:59] It might have been after the second round.

25 Q. [11:45:20] And do you know what the consequences of that attack were in terms

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1 of the police?

2 A. [11:45:39] If my memory serves me correctly, I believe that there were deaths
3 and the police, well, the police station had, you know, been fired upon a great deal.

4 Q. [11:45:59] And did you, without naming them, did you lose friends in the
5 attacks on the patrols in Abobo?

6 A. [11:46:25] Yes.

7 Q. [11:46:40] And what about attacks on your positions at the RTI?

8 A. [11:46:50] Well, luckily we never, you know, we were always good at defending
9 ourselves.

10 Q. [11:47:08] And at the RTI, was *it the rebels that attacked you first?

11 A. [11:47:32] Yes, it was always them first.

12 MR O'SHEA: [11:47:36] Your Honours, with your Honours' leave I'll just consult
13 with Maître Altit for one minute and then I'll be able to tell you what the position is.

14 PRESIDING JUDGE TARFUSSER: [11:47:45] Okay.

15 (Defence counsel confer)

16 MR O'SHEA: [11:48:14]

17 Q. [11:48:17] Sir, thank you very much for your cooperation and have a safe
18 journey back.

19 Those are all my questions, your Honour.

20 PRESIDING JUDGE TARFUSSER: [11:48:29] Thank you very much. The floor is to
21 the Defence now of Mr Blé Goudé.

22 Mr Knoops, please.

23 MR KNOOPS: [11:48:35] Mr Gbougnon will conduct the examination and Maître
24 N'Dry or I will probably have some supplementary questions. Thank you.

25 PRESIDING JUDGE TARFUSSER: [11:48:45] Mr Gbougnon.

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- 1 MR GBOUGNON: [11:48:59] (Interpretation) Good morning, Mr President. Mr
- 2 President, I would suggest that we go into private session, please.
- 3 PRESIDING JUDGE TARFUSSER: [11:49:09] Yes, let's go into private session.
- 4 And I would like also to recall, you, Mr Gbougnon and the witness as you speak
- 5 French, both together, to speak slowly, because otherwise we have a problem.
- 6 Thank you.
- 7 MR GBOUGNON: [11:49:30] (Interpretation) I thank you for your
- 8 recommendation, Mr President.
- 9 Mr President, I would like first and foremost to address the Chamber.
- 10 (Private session at 11.49 a.m.) *(Reclassified partially in public)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
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10 (Redacted)

11 A. [12:28:56] (Redacted)

12 These are people who are not used to regular combat like us. They simply come,
13 they fire and they take off. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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6 (Redacted)

7 (Redacted)

8 MR GBOUGNON: [12:31:48] (Interpretation) (Redacted)

9 Q. [12:32:08] And so would it be correct to say that in the entire city of Abidjan at
10 that moment in time, at the time when the armed law enforcement people are killed
11 by the Invisible Commando, that there was a psychosis amongst the civilian
12 population?

13 A. [12:32:29] Yes, indeed, because they were everywhere, you know. The same
14 roadblocks were set up in Cocody at Riviera II, for example. At Riviera II on the way
15 to the Riviera Golf there were roadblocks there, because I went through there as well.
16 And in the other communes, we didn't go on the other side, but in Cocody because it
17 was on my way, there were roadblocks everywhere.

18 Q. [12:33:05] So you're telling me that the roadblocks, if I'm mistaken, you know,
19 subsequent to this psychosis created by the existence of bodies or dead people in
20 Abidjan?

21 A. [12:33:23] Yes, indeed.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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15 (Open session at 12.51 p.m.)

16 THE COURT OFFICER: [12:53:41] We're in open session, your Honour.

17 PRESIDING JUDGE TARFUSSER: [12:53:49] Thank you very much.

18 I would also take this opportunity, we are now in open session, to ask how, the way
19 forward by the Blé Goudé Defence team so in order to be able to manage the
20 situation.

21 MR GBOUGNON: [12:54:14] (Interpretation) Mr President, I intend to take it up to
22 the break. Professor Knoops has just said to me that he will be continuing for half an
23 hour after we come back. So I think that that's correct.

24 PRESIDING JUDGE TARFUSSER: [12:54:44] No, that's okay. So just to know if we
25 finish, if we have to extend the hours, or things like that. That was my concern.

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1 So please go ahead and then we break in 5, 6, 7 minutes, as soon as you've finished.

2 Thank you.

3 MR GBOUGNON: [12:55:00] (Interpretation) Thank you, Mr President.

4 Q. [12:55:04] The roadblocks started before Christmas according to what you say in
5 your statement; is that correct?

6 A. [12:55:22] After the second round, after Christmas I think, yes, if my memory
7 serves me correctly. Yes, it was before Christmas.

8 Q. [12:55:55] Before Christmas, thank you.

9 Mr Witness, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MR MACDONALD: [12:56:47] (Interpretation) Yes, there you go. There you go.

15 (Speaks English) And yes, we're facing the same problem that we faced

16 earlier -- yesterday, sorry. You'll see once we're in private session, your Honour.

17 PRESIDING JUDGE TARFUSSER: [12:57:05] Is this a request to go into private
18 session?

19 MR MACDONALD: [12:57:09] Yes, your Honour.

20 PRESIDING JUDGE TARFUSSER: [12:57:10] Let's go in private session.

21 MR MACDONALD: [12:57:12] By the witness himself.

22 (Private session at 12.57 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 9 (Open session at 1.01 p.m.)
- 10 THE COURT OFFICER: [13:01:44] We're in open session, your Honour.
- 11 PRESIDING JUDGE TARFUSSER: [13:01:56] Thank you. We adjourn the hearing
- 12 to 2.30 with the continuing of the questioning by the Defence of Blé Goudé. Then, if
- 13 requested, the re-questioning and, hopefully, the closing of this testimony by today.
- 14 Thank you very much. The hearing is adjourned.
- 15 THE COURT USHER: [13:02:18] All rise.
- 16 (Recess taken at 1.02 p.m.)
- 17 (Upon resuming in open session 2.39 p.m.)
- 18 THE COURT USHER: [14:39:41] All rise.
- 19 Please be seated.
- 20 PRESIDING JUDGE TARFUSSER: [14:40:05] Good afternoon.
- 21 Good afternoon, Mr Witness. I think I'm very confident that this is the last run for
- 22 you, the last rush.
- 23 And in order to accelerate things, I give immediately the floor to Mr Knoops.
- 24 MR KNOOPS: [14:40:30] Thank you very much.
- 25 QUESTIONED BY MR KNOOPS:

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1 Q. Mr Witness, good afternoon. I am Maître Knoops from the Amsterdam bar.

2 It happens that we are in a way colleagues. (Redacted)

3 (Redacted)

4 And I have some follow-up questions regarding the nature of the combat your unit

5 was involved in during the post-electoral crisis. I will go back first as a starting

6 point to your testimony this morning. It is in the transcript page 46, line 5 till 12.

7 You say, Mr Witness, there: "When I talk about acts of sabotage, I'm talking about

8 our positions. For example, at one point there was a grenade that exploded at the

9 12/1. I do not know who threw the grenade, maybe they came by taxi, but there was

10 an explosion at the 2/1. These are people who are not used to regular combat like

11 this. They simply come to fire, they take off. That's what I'm talking about."

12 Mr Witness, in this answer I noted specifically that you refer to individuals, the

13 enemy, who was not used to regular combat like us.

14 Are you suggesting here, is my question, that the enemy you were facing at that time,

15 your unit were facing at that time, speaking about the post-electoral crisis, was in

16 your view an irregular force?

17 A. [14:42:47] *That is the Toit Rouge Gendarmerie squadron.

18 Q. Correct.

19 A. It is the gendarmerie squadron.

20 Q. [14:42:58] You are correct. Thank you. Yes.

21 A. [14:43:02] Now, in answer to your question, I would say this was not

22 conventional warfare. As far as I am concerned they were not soldiers, because they

23 were hiding behind tables or stalls, *and were firing at people. It was ... Well, that is

24 not how to fight. There you have it.

25 Q. [14:43:30] Mr Witness, you have mentioned here an example of sabotage. Can

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1 you give the Chamber some other examples you have experienced yourself or your
2 unit during the post-electoral crisis of these types of unconventional warfare?

3 A. [14:43:58] In Abobo, for example, there was the police station of Abobo
4 Derrière Rails, people attacked that station in the middle of the night. When we
5 went to Abobo, they would hide in various locations near people's houses and they
6 would fight. And I was referring here to the gendarmerie. I would refer that we
7 were going to the gendarmerie of Abobo, the squadron at Abobo.

8 MR KNOOPS: [14:44:51] Mr President, just to make sure, I assume that we are still
9 in private session.

10 PRESIDING JUDGE TARFUSSER: [14:44:55] We are not.

11 MR KNOOPS: [14:45:00] Okay. Then we should go in private session. Sorry.

12 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

13 MR KNOOPS: We should go in private session, yes.

14 PRESIDING JUDGE TARFUSSER: [14:45:05] Let's go in private session, please.

15 MR O'SHEA: [14:45:07] It is always dangerous as a lawyer to assume things,

16 Mr President.

17 Q. [14:45:13] Mr Witness, coming back to this --

18 PRESIDING JUDGE TARFUSSER: [14:45:15] We are -- wait just a minute.

19 MR KNOOPS: Sorry.

20 (Private session at 2.45 p.m.) *(Reclassified partially in public)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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12 A. [14:50:07] (Redacted)

13 But it is not easy, because when you are shot at, quite frequently people panic and

14 then just fire back, because they need to protect themselves.

15 (Redacted)

16 (Redacted)

17 (Redacted)

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16 (Redacted)

17 A. [14:57:26] I think it was the first time, because there was fighting in 2002, and
18 when people explained how it happened, it was not in that same way. You go to
19 a place and you see nobody, and then suddenly somebody fires at you, there are
20 bullets flying from all directions, you don't know anything so you also try to fire back
21 in any direction possible, so as to protect yourself. They do not have -- they did not
22 have any fixed position that you could come drive them out and then advance.
23 Because in the morning, when you are going, everything was calm, people were
24 going to Anador, grand carrefour in Abobo, the Abobo market and so on. We had
25 positions like that in the mornings and in the evenings.

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1 When you are passing *all places are deserted and there are roadblocks all over. In
2 fact, when I say roadblocks I mean that people have set up small things with womens'
3 tables. And as you go by, there would be firing at some point. Those are the
4 ambushes. They allow you to enter into their area and then they fire at you.
5 (Redacted)
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11 (Redacted)

12 (Redacted)

13 A. [15:03:14] It was tough, for me it was tough. We weren't able to overcome them, because

14 you see they were using methods. We didn't have a solution to their methods, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [15:10:31] (Redacted)

And

25 when the fighting started, when the fighting started it was after, that was when the

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1 people started to flee. There was a lack of food so people were leaving and also when
2 the Liberians entered Yopougon, indeed, the people who remained behind, it was like
3 the opposite situation to Abobo. The people who left -- correction, the people who
4 stayed behind, the people who remained behind, they started to flee as well because
5 the rebels had come in.

6 (Redacted)

7 (Redacted)

8 (Redacted)

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14 (Open session at 3.38 p.m.)
15 THE COURT OFFICER: [15:38:21] We are in open session, your Honour.
16 PRESIDING JUDGE TARFUSSER: [15:38:24] Thank you very much.
17 Mr Prosecutor.
18 MR MACDONALD: [15:38:26] (Interpretation)
19 Q. [15:38:27] My learned friend Mr O'Shea this morning put a certain number of
20 questions to you about the RTI. He read out a paragraph to you, and if I am not
21 mistaken I am going to locate it shortly. I do apologise.
22 Yes, paragraph 132. And he read out part of that paragraph to you.
23 This is what he read to you: "When there are marches we were asked to go and
24 provide security at certain locations and then there are times when we shoot in the
25 air?"

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1 Now, do you remember the RHDP march on the RTI?

2 A. Yes.

3 Q. Now you talked about the blockade, do you know whether the blockade was set
4 up before or after that RHDP march to the RTI, that is if you remember?

5 A. [15:40:08] Yes, I remember. While we were at Marie-Thérèse people were
6 supposed to march.

7 Q. [15:40:21] Did you receive any instructions, that is in relation to that march?
8 And I am referring to you, the members of the BASA.

9 A. [15:40:38] To go and reinforce the other forces, because they were overwhelmed.

10 Q. [15:40:45] And more specifically, regarding those who were marching, did you
11 receive any specific instructions that were issued to you? That is members of the
12 BASA and the front line forces, the police, and the gendarmerie.

13 A. [15:41:12] The instructions were just to control the march so that it should not go
14 out of control.

15 Q. [15:41:24] And what were you supposed to do with the marchers?

16 A. [15:41:31] Provide security.

17 Q. [15:41:37] Do you remember what you said during -- when you gave your
18 statement?

19 A. [15:41:42] I no longer remember.

20 Q. [15:41:49] I will read out paragraph 132 to you from the second line: "We were
21 to prevent the march, we had to crack down on the groups that were supposed to
22 march."

23 When you say "mater," in French which means to crack down, what really do you
24 mean?

25 A. [15:42:25] That is to disperse them, because if the march was not authorised and

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1 then you go and you start marching, they tell you do not march, but you want to
2 march. So it was to prevent them from going on that march.

3 Q. [15:42:48] And these were instructions that you received, that is the FDS, the
4 gendarmerie and the --

5 MR N'DRY: [15:42:58] (Interpretation) Objection, your Honour.

6 PRESIDING JUDGE TARFUSSER: [15:43:00] Maître N'Dry.

7 MR N'DRY: [15:43:03] (Interpretation) The witness was in a specific unit.

8 The Prosecutor cannot ask him such a broad question, that is why I am objecting.

9 MR MACDONALD: [15:43:23] (Interpretation) I will rephrase.

10 Q. [15:43:26] To your knowledge, given the questions that were put to you by my
11 learned friends, now, to your knowledge, Mr Witness, what were the instructions
12 given to the FDS on that day?

13 A. [15:43:41] That was not our primary mission. That mission was assigned to the
14 police and the gendarmerie. They were overwhelmed and then we were called to
15 assist. So our commanders, our own commanders gave us his orders.

16 Q. [15:44:09] To your knowledge what were the instructions given to the police and
17 the gendarmerie, if you know?

18 A. [15:44:14] I do not know. I do not know.

19 Q. [15:44:18] To conclude, to conclude, I would like to come back to those attacks
20 against the RTI. I would like to situate them in time and space, because they
21 had -- there were attacks at the RTI and the other evidence can corroborate that.

22 Now, regarding the battle of Abidjan, 30, 31 March 2011, now those attacks against
23 the RTI, was it before or during that period or after?

24 A. [15:45:07] Before.

25 Q. [15:45:11] How much time before?

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1 A. [15:45:14] *There were many attacks. I really cannot be precise, but I am just
2 saying it was before. (Overlapping)

3 Q. *Excuse me Captain Gabin. Could you just repeat? (Overlapping)

4 A. (Overlapping) I'm sorry, this was not meant for you. It was not meant for you.

5 Q. [15:45:34] Yes, I know that you were not answering my question. *But since I am
6 on my feet and let me do the job for my colleagues and put this on the record.

7 PRESIDING JUDGE TARFUSSER: Yes, please, a little bit of order. Thank you.

8 MR MACDONALD: [15:45:50] Your Honour, I haven't finished.

9 PRESIDING JUDGE TARFUSSER: [15:45:52] Yes, I know. I know you haven't
10 finished, but I would just ask the witness to concentrate on the questions by
11 the Prosecutor. And, yes, I know that you heard something because the microphone
12 was open, So, Mr Prosecutor, please go to conclude. Thank you.

13 MR MACDONALD: [15:46:08] (Interpretation)

14 Q. [15:46:12] We are still in open session. This name that you have just mentioned,
15 can you give it in open session?

16 A. [15:46:22] I remembered it suddenly so I didn't want to forgot. I should have
17 noted it down.

18 PRESIDING JUDGE TARFUSSER: [15:46:30] It is the name of the captain, you now
19 recall? Okay.

20 Maître N'Dry.

21 MR N'DRY: [15:46:37] (Interpretation) We were in private session at that time.

22 PRESIDING JUDGE TARFUSSER: [15:46:43] Excuse me, just not to overlap.

23 MR N'DRY: [15:46:47] (Interpretation) I was just pointing out that that question was
24 asked in private session.

25 PRESIDING JUDGE TARFUSSER: [15:46:57] The Chamber is aware that we were in

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1 private session. So I think we can leave it to the end. Please go to the end of your
2 questioning.

3 MR MACDONALD: [15:47:08] Yes. (Interpretation)

4 Q. [15:47:14] To conclude, my learned friend talked about chief secretary-general,
5 and then you said president in reference to the president of COJEP. But the young
6 people, how did they refer to Mr Blé Goudé? How did they call him? What did
7 they call him?

8 MR KNOOPS: [15:47:42] Mr President, the witness cannot speak, of course, for all
9 these individuals.

10 PRESIDING JUDGE TARFUSSER: [15:47:45] Of course not. But of course he
11 doesn't speak for all the individuals, but what is the -- what was the -- what was he
12 called by people?

13 MR MACDONALD: [15:47:59] (Interpretation)

14 Q. [15:48:00] Tell us?

15 A. [15:48:02] General --

16 Q. Le général?

17 A. The general.

18 Q. Le génie de? (Interpretation) The genius of --

19 (Speaks English) You just said it. You said "General génie de Kpo."

20 I'm just asking him to repeat slowly --

21 PRESIDING JUDGE TARFUSSER: [15:48:20] Please, but without, without
22 the Prosecutor driving, please, the answer to this question.

23 THE WITNESS: [15:48:26] (Interpretation) Your Honour, I already said it.

24 MR MACDONALD: [15:48:32] (Interpretation)

25 Q. [15:48:34] Repeat slowly, please.

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1 A. [15:48:38] The general. The general.

2 Q. [15:48:41] Were there other expressions?

3 A. [15:48:46] The génie of KPO. That is KPO, I believe.

4 Q. [15:48:58] Very well. Do you know any other names, to your knowledge? I
5 know it is Friday afternoon. I am sorry.

6 Did he have any other names?

7 A. [15:49:11] No, that is why -- those are the ones I know.

8 MR MACDONALD: [15:49:17] Thank you. Thank you, Mr Witness. These were
9 the questions of the OTP. And I know that after the completion of the testimony the
10 parties have the opportunity to meet with you and I will greet you at that time.
11 Thank you.

12 PRESIDING JUDGE TARFUSSER: [15:49:36] So according to Rule 140(d) I ask the
13 parties or the Defence counsel if they have still questions.

14 MR ALTIT: [15:49:49] (Interpretation) Thank you, Mr President. We have no
15 questions.

16 PRESIDING JUDGE TARFUSSER: [15:49:56] Thank you very much, Maître Altit.
17 Mr Knoops?

18 MR KNOOPS: [15:50:00] We have no further questions, Mr President. Thank you.

19 PRESIDING JUDGE TARFUSSER: [15:50:03] Thank you very much.

20 I hope -- you are smiling. This concludes your testimony. It lasted four days. So I
21 want to thank you for having travelled to here, to have given your testimony, and I
22 wish you a safe trip back home.

23 I ask now the court usher to accompany you outside. So we will --

24 THE WITNESS: [15:50:36] (Interpretation) Thank you very much.

25 (The witness is excused)

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- 1 PRESIDING JUDGE TARFUSSER: [15:50:50] It is Friday, 9 to 4. I hope nobody
- 2 jumps up making strange requests. I adjourn the hearing now to Monday at 9.30,
- 3 that's it, for the next witness 578.
- 4 Thank you.
- 5 THE COURT USHER: [15:51:10] All rise.
- 6 (The hearing ends in open session at 3.51 p.m.)
- 7 RECLASSIFICATION REPORT
- 8 Pursuant to the Trial Chamber' I's email instructions, dated 16 July 2019, the public
- 9 reclassified and lesser redacted version of this transcript is filed in the case.