

Trial Hearing
CIV-OTP-P-0046

(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, 16 February 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:22] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:44] Good morning. Good morning to
15 everybody in the courtroom, in the public gallery.
16 And good morning to you, Mr Witness.
17 We are here for the second day of your testimony. It is the Prosecutor's turn, so I
18 immediately give the floor to the Office of the Prosecutor for the continuing of your
19 questioning. You are okay?
20 WITNESS: CIV-OTP-P-0046 (On former oath)
21 (The witness speaks French)
22 THE WITNESS: [9:34:42] (Interpretation) Yes, very well.
23 PRESIDING JUDGE TARFUSSER: [9:34:44] Mr MacDonald.
24 MR MACDONALD: [9:34:48] Thank you, your Honour. Thank you, your Honour.
25 There seems to be an issue like –

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- 1 PRESIDING JUDGE TARFUSSER: [9:34:53] I would be surprised if there is not an
2 issue.
- 3 MR MACDONALD: [9:34:56] No, but a technical one, your Honour.
- 4 PRESIDING JUDGE TARFUSSER: [9:34:58] Oh, okay. That's good.
- 5 MR MACDONALD: [9:34:59] It's an issue of a technical nature.
- 6 PRESIDING JUDGE TARFUSSER: [9:35:02] Yes, which one?
- 7 MR MACDONALD: [9:35:03] Transcript. I can't log on. I don't know if it's the
8 same issue with other people.
- 9 PRESIDING JUDGE TARFUSSER: [9:35:08] French or English?
- 10 MR MACDONALD: [9:35:10] Both. We can't -- the server is down.
- 11 PRESIDING JUDGE TARFUSSER: [9:35:13] I see, I have my transcript working.
- 12 MR MACDONALD: [9:35:16] I guess it's because you have your office in a different
13 tower.
- 14 PRESIDING JUDGE TARFUSSER: [9:35:23] Maybe. We'll try to fix it.
- 15 The Defence as well have a problem?
- 16 MR KNOOPS: [9:35:36] We have a problem with the English transcript as well, Mr
17 President. Thank you.
- 18 PRESIDING JUDGE TARFUSSER: [9:35:44] So also today my dream of an
19 uncomplicated hearing is -- it's not working.
- 20 MR MACDONALD: [9:35:57] Sorry. I was having interaction with the Court usher.
21 Am I the only one.
- 22 PRESIDING JUDGE TARFUSSER: [9:36:04] No, no, no, no. You're not the only one.
- 23 MR MACDONALD: [9:36:07] Okay. All right. How do you want to go about doing
24 this, your Honour?
- 25 PRESIDING JUDGE TARFUSSER: [9:36:10] I wait for the Court officer to give me

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1 advice.

2 I'll be informed in a few minutes how long it will take to fix the problem.

3 (Pause in proceedings)

4 PRESIDING JUDGE TARFUSSER: [9:37:57] I was unformed that it will take about 10

5 minutes. But on the other side I was also informed from the younger and

6 technical -- younger people whose technical skills are better than mine that if you

7 switch on the console, if you open through the console you can see it on the web

8 screen. So we could, if we all agree, start with this one in the meanwhile so we don't

9 lose time.

10 Has everybody understood what the console is?

11 MR MACDONALD: [9:38:44] I know, the console is the little box in front of us that

12 holds the mic, yes. So we have to put it on what?

13 MR ALTIT: [9:38:52] (Interpretation) No problem, your Honour.

14 PRESIDING JUDGE TARFUSSER: [9:38:56] English or French, the button near the

15 live, the live TV on the console. It's EN RT TC and FR RT TC.

16 MR MACDONALD: [9:39:17] All right.

17 PRESIDING JUDGE TARFUSSER: [9:39:18] Okay.

18 Mr Knoops, can we proceed this way?

19 MR KNOOPS: [9:39:21] Yes, Mr President, I've found the console. Thank you.

20 PRESIDING JUDGE TARFUSSER: [9:39:25] Okay. So when the problem will be

21 fixed on the transcript, I will be informed by the Court officer and I will tell you so

22 you can go out from there. Okay?

23 MR MACDONALD: [9:40:06] We're ready to go.

24 PRESIDING JUDGE TARFUSSER: [9:40:08] Okay. So, Mr Witness, sorry for this

25 inconvenience, this delay. Now I give the floor to the Office of the Prosecutor and

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1 we can start the questioning.

2 Mr MacDonald.

3 MR MACDONALD: [9:40:31] Thank you, your Honour.

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

5 Q. [9:40:35] Good morning, Mr Witness. We are going to continue with the
6 documents that we were looking at yesterday. We will look at different documents
7 today.

8 MR MACDONALD: [9:40:45] (Speaks English) Can I ask the Court usher to bring
9 back the documents that were presented yesterday because they're -- the witness
10 seems to be looking at things and I'm wondering what it is.

11 PRESIDING JUDGE TARFUSSER: [9:40:57] Mr Witness, Mr Witness.

12 THE WITNESS: [9:41:11] (Interpretation) Mr President, I have no document in front
13 of me, just blank pages.

14 PRESIDING JUDGE TARFUSSER: [9:41:24] Okay. Okay. So reassured?

15 MR MACDONALD: [9:41:25] Totally.

16 PRESIDING JUDGE TARFUSSER: [9:41:25] Okay, please.

17 MR MACDONALD: [9:41:26] And while I'm here, can we be informed once the
18 systems works again, please.

19 PRESIDING JUDGE TARFUSSER: [9:41:38] I'm sorry, but it's a nightmare, not even
20 any more a dream -- not a dream, but we have to stop everything because also in
21 courtroom 3 they have the same problems. We have to restart the whole system for
22 the whole Court, and therefore it will take us 10 minutes, 15 minutes. So we resume
23 at 10 o'clock sharp. Okay. So thank you very much. Sorry, sorry for this.

24 THE COURT USHER: [9:42:02] All rise.

25 (Recess taken at 9.42 a.m.)

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1 (Upon resuming in open session at 10.02 a.m.)

2 THE COURT USHER: [10:02:32] All rise.

3 Please be seated.

4 PRESIDING JUDGE TARFUSSER: [10:02:58] So good morning again, and let's
5 surprise ourselves, hope things are working.

6 Just for housekeeping matters, we will now go until 11 as usual, and we have a
7 normal schedule, one hour and a half, then one hour and a half, because we have time
8 obviously next week to adapt according to the necessities of all. One thing must be
9 clear that this witness has to be home at the end of next week, and this goes for all
10 parties. So the closer we come to -- as we go ahead on a daily basis, we try to adjust
11 in order that everybody's needs are well settled, okay? So now we go one hour and
12 one hour and a half.

13 I didn't expect you to raise, but now you have risen and I give you the floor.

14 MR LAUCCI: [10:04:10] (Interpretation) Your Honour, thank you. I just have a
15 clarification regarding the question you put to the witness before the break. Indeed,
16 he has some white sheets of paper in front of him, but he also has some handwritten
17 notes that he took yesterday, and that's why he was given those sheets of paper. I
18 just wanted to be perfectly clear.

19 PRESIDING JUDGE TARFUSSER: [10:04:32] Okay. If he has his own notes he has
20 done, that's okay.

21 MR LAUCCI: [10:04:35] (Interpretation) Yes, that's the only thing he has.

22 PRESIDING JUDGE TARFUSSER: [10:04:39] Okay. Now, the floor is to the Office of
23 the Prosecutor for the third time. Please, Mr MacDonald.

24 MR MACDONALD: [10:04:47] (Interpretation) Thank you, your Honour.

25 Q. [10:05:00] I would like to continue examining the types of documents or

1 reports that were drafted within the national police. Could you describe what a
2 duty report, a duty report is, please?

3 A. [10:05:27] Good morning, your Honour, since this is the first time I'm actually
4 speaking. The duty report is a report after a period of duty. During the normal
5 hours, an *official is working or a group of officials are working, and if there is a
6 break or a holiday, for example, you have the *group of duty officials on duty who
7 will report on missions that took place in a report. This is the duty report.

8 Q. [10:06:18] And at what level, at what rank is this report drafted, what level of
9 the hierarchy?

10 A. [10:06:35] The duty report is drafted at all of the *different levels: in the police
11 stations, to report to the district authorities, at district level, to report to the *préfet, at
12 the prefecture level, to report to the general director in charge of public security.

13 As regards the judiciary police, each department, *whether it be the financial police, the drug
14 squad, the criminal police – each major directorate provides duty reports because they also
15 have their duty officers, and they report to the person in charge of the judiciary police. And
16 the same applies for forensic police. It applies to all the deputy *director generals.

17 Q. [10:07:41] I'm going to show you a document, and I'd like to have document
18 0045-0527 as well as we also have a hard copy for the witness, if the usher would be
19 so kind as to give this document to the witness, please.

20 Take a moment to examine the document. Of course, we have the front page where
21 it says: "Report From the Central Duty Officer." It is sent to the prefect of police in
22 Abidjan. Is this the kind of document you were referring to a moment ago?

23 A. [10:09:05] Yes.

24 Q. [10:09:07] I see that there is a signature on the last page of the document. Can
25 we go to page 0539, please. Could we display it.

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1 MR MACDONALD: [10:09:19] (Interpretation) Is this document confidential? Well,
2 if not, if we're just displaying the first page, I think it's okay. I repeat my question:
3 Is this document confidential.

4 PRESIDING JUDGE TARFUSSER: [10:09:46] I think you should know.

5 MR MACDONALD: [10:09:47] I know it is. Sorry, why I'm asking that is it being
6 shown to the public? Sorry.

7 PRESIDING JUDGE TARFUSSER: [10:09:53] Oh, that's it. Okay.

8 THE COURT OFFICER: [10:09:56] Confidential, not shown to the public.

9 MR MACDONALD: [10:09:59] (Interpretation) Well, I just wanted to make things
10 perfectly clear.

11 Q. [10:10:07] Witness, again we see a fax number at the top as well as a date
12 *when this document was sent. I'd like to go back to the top of the heading of the
13 document. There is no *hand written reference number indicated as we have seen
14 on other documents. Is that exceptional?

15 A. [10:10:39] No, it's not exceptional. These reports, these duty reports, make it
16 possible for the director general to take -- to report to the minister of the interior on
17 the situation. And sometimes the *administrative services haven't started working.
18 I myself start very early *in the morning, so I don't wait, so I *need substance to report
19 back on, but it will reembody a normal format once the administrative services open. So,
20 sometimes there is no number as it's a first draft that I work on and then it's updated.

21 Q. [10:11:30] Fine. Is there a particular deadline in terms of a time of day when
22 these reports must be filed?

23 A. [10:11:42] I come into the office at 6 in the morning, so I must receive these
24 reports at the latest at 6.30, whereas the administration opens at 7.30. So obviously
25 while things are being perfected, we need these preliminary reports to begin

1 working.

2 Q. [10:12:04] How many of these reports do you receive in the morning, these
3 duty reports in order for you to be able to discuss with the minister?

4 A. I was saying yesterday that all of the *préfectures send us reports in the evening, their daily
5 information reports, their BQIs. * If, at night, those on duty are of the opinion that there is new
6 information, they compile a duty report. And of course, we *will receive reports from all of the
7 chiefs of police. In addition, there are two other reports from the *deputy director general *in
8 charge of the forensic police. So, in fact, I need three reports every morning so that I can make
9 my own synthesis report *of the night.

10 Q. [10:13:05] So you said you needed those reports in order to be able to inform
11 the minister of the interior; is that correct?

12 A. [10:13:12] Yes, that's correct.

13 Q. [10:13:14] And what time do you report to the minister of the interior usually
14 in normal practise?

15 A. Well, generally speaking, it would be between 7.30 in the morning and 8 o'clock.

16 Q. [10:13:42] Does it occur or can it -- no. Let me correct that. How do you
17 report? Do you report face-to-face or is it a telephone call?

18 A. [10:13:55] A telephone call, unless there is something very important, and if
19 over the phone they want more details, then there can be a face-to-face discussion.

20 Q. [10:14:15] There is something else I forgot to ask you yesterday and I'm going
21 to use this opportunity to do so. Where exactly is the office of the ministry of the
22 interior, what neighbourhood, and how far is it from your own office?

23 A. [10:14:30] The minister of the interior is in the Plateau neighbourhood, not far
24 from the Abidjan préfecture, the PPA. So there is just a road that separates the
25 préfecture from the ministry.

1 Q. So that things are perfectly clear, the DGNP is not *not at the police headquarters. The DGNP
2 headquarters is further south, if I understand correctly, on the map we were looking at yesterday.

3 A. [10:15:08] Yes, that's correct. The police préfecture -- well, rather, the DGNP
4 is place de la République, whereas the ministry is further north along the boulevard,
5 boulevard de la République.

6 Q. [10:15:31] Very well. Let's continue with your conversations with the
7 minister. Usually when you need to talk face-to-face, is he the one who comes to
8 you or do you go to him?

9 A. [10:15:54] Obviously I'm the subordinate. If I need to speak to him, I'm the
10 one who goes there; if he needs me, I also go to see him.

11 Q. [10:16:08] Other than the phone calls at the time you mentioned in the
12 morning, if there is a crisis situation, how frequently would you talk to him in a given
13 day, that is, talk to the minister?

14 A. [10:16:30] There is no pre-established rule. It all depends on the
15 circumstances. If there is an emergency situation or a particular crisis and if he has
16 time, but there is no precise pre-established predefined frequency for our discussions.

17 Q. [10:16:53] Thank you. I'd like to go *on to another document at this point *just with
18 regard to the heading. This is a different report, but we're not going to give you a hard
19 copy right away. I'd like to discuss the format first of all. This is document 0046-009.

20 THE INTERPRETER: [10:17:48] The interpreter is not certain to have heard the
21 number correctly.

22 PRESIDING JUDGE TARFUSSER: [10:17:53] The interpreter is not certain to have
23 correctly heard the number.

24 MR MACDONALD: [10:17:59] (Interpretation) Yes. It's 0046-0099.

25 PRESIDING JUDGE TARFUSSER: [10:18:39] Now we have it.

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1 MR MACDONALD: [10:18:40] (Interpretation)

2 Q. [10:18:48] Witness, could you take a look, please.

3 MR MACDONALD: [10:18:50] (Interpretation) But first of all, could we perhaps

4 enlarge the document. That's fine. Could we go down a bit so the witness can see

5 the document.

6 PRESIDING JUDGE TARFUSSER: [10:19:05] Is this also confidential?

7 MR MACDONALD: [10:19:06] Yes.

8 PRESIDING JUDGE TARFUSSER: [10:19:09] Okay.

9 MR MACDONALD: [10:19:09] Let's presume, your Honour, that all the documents

10 I'll be showing are confidential and we can deal with their confidentiality level maybe

11 after.

12 PRESIDING JUDGE TARFUSSER: [10:19:16] Okay.

13 MR MACDONALD: [10:19:17] I would propose.

14 PRESIDING JUDGE TARFUSSER: [10:19:19] Okay.

15 MR MACDONALD: [10:19:22] (Interpretation)

16 Q. [10:19:23] Do you recognise this type of report? I'm using the word "report"

17 because there is no clear title, *as we can see BQI, special BQI, central duty report, and

18 so on. There is no precise title here.

19 A. [10:19:45] Can we move it down just a wee bit.

20 Q. [10:19:49] Yes, of course.

21 A. [10:19:52] No. I meant so that I could see the top. That's fine.

22 Q. [10:20:02] I see that there is mention of a DGPN. We're going to give you a

23 hard copy.

24 MR MACDONALD: [10:20:12] (Interpretation) Could the usher be so kind as to give

25 the witness a hard copy.

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1 Q. [10:20:16] But before that I would like to ask you, Witness, do you recognise
2 this type of document?

3 A. [10:20:23] Yes, in terms of its format, it's a police document; but you will see
4 that the préfet is addressing the district chief.

5 Q. [10:20:37] Yes, of course. We're still in open session, Witness, rest assured, but
6 if need be we can go into private session. And I know that this is not a document
7 that you yourself drafted if we take a look at the next page, we can see.

8 MR MACDONALD: [10:20:54] (Interpretation) Could we perhaps display the second
9 page of the document. Here we are. This is page 2. Now can we have the last
10 page. I beg your pardon. I need page 0101. It's, in fact, the third page of the
11 document.

12 Q. [10:21:48] So if we look at page 2 and page 3, that is for me page 3 is the one
13 that finishes 0101, *it's the service chief who indicates, if we go to page 0100, that the
14 document is sent to the chief of police of Abidjan, in parentheses "c/o the hierarchical
15 channels", and then the chief of police of Abidjan, on the first page, sends it up to the
16 district police chief of Yopougon, but there is a copy file number, registered to the
17 attention of the minister, the DGPN, the DGA CSP and PPA; is that correct?

18 A. [10:22:57] Well, there is something, there is a bit of a nuance. You say it's
19 recorded to the attention of the DGPN, *DGA CPS and the PPA. No, it's not -- it's
20 not sent to them. The format of this document means that the drafters of this
21 document *comes under the Minister of the Interior of the directorate general of the
22 national police, the director of public security and the chief of police. The document
23 is not sent to them. The préfet is sending this to the district *chief. It's not addressed to
24 the director general, or the deputy director general in charge of public security and the minister.

25 Q. [10:23:50] Thank you for that clarification. And yet I do understand that the

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1 document which is dated *December 10, 2010, is a normal police document in terms
2 of its format?

3 A. [10:24:04] Yes, I repeat, that's correct.

4 Q. [10:24:13] Very well. Let's go on. We'll come back to the content later on, but
5 I would like to show you another document, a different type of report, and this is
6 0046-0097.

7 MR MACDONALD: [10:24:45] (Interpretation) Before we give the witness a hard
8 copy, could you perhaps first of all proceed as we did a moment ago, could we zoom
9 into the heading of the document at the top of the page, please. Fine. Can we go
10 down.

11 Q. [10:25:22] We'll be giving you a hard copy in a moment, but before that I think
12 we already defined what the PPA means, the Abidjan police préfecture. So once
13 again if I understand correctly, you're not the individual who signed this document.
14 But my question is: Is this the kind of document that you would find in your
15 department *on 10December 2010?

16 A. [10:26:04] Yes. In terms of its format, it is a police document.

17 Q. [10:26:13] Thank you.

18 MR MACDONALD: [10:26:14] (Interpretation) Can we display the second page of
19 this document and also give the witness a hard copy in order to facilitate things for
20 him. And perhaps I could recommend that each time you bring a new document,
21 perhaps you can take back the previous ones.

22 PRESIDING JUDGE TARFUSSER: [10:26:52] Can you please take back the others you
23 gave him, so he has always one document.

24 MR MACDONALD: [10:27:02] (Interpretation) Thank you, your Honour.

25 Q. [10:27:19] Let's please take a look at the second page. Again, this is a fax. It

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1 seems that fax -- using the fax was the way that police stations communicated to the
2 préfecture or to the DGP; is that correct?

3 A. [10:27:38] No, it's not the only means.

4 Q. [10:27:42] Okay. It was one of the means. I beg your pardon. What are the
5 other means?

6 A. [10:27:50] Well, in an emergency, you can send a fax; but afterwards, you have
7 to send the hard copy, the official document itself -- or rather, the paper original.

8 Q. [10:28:13] Again, looking at this page, we see the date, yes, December 3, 2010, and
9 you can see that it goes through the hierarchy up to the division commissioner of the
10 police *, so the person in charge at the Abidjan police préfecture, December 10. This
11 page that has the number 0098, can you confirm that this is also a police document?

12 A. [10:29:01] Yes, it's another police document.

13 Q. [10:29:05] Very well. I'd like to -- I beg your pardon. Before I show you, I'm
14 going to ask you a question. I understand that you communicated with the minister
15 in the morning at 7.30, around 7.30 in the morning, and that you spoke to him on the
16 telephone. What were the other means of communication that you had with the
17 minister that you used during the period of interest, that is, between November 2010
18 to April 2011? Thank you.

19 A. [10:30:06] Obviously, there was the telephone or face-to-face meetings.

20 Q. [10:30:14] Did you communicate in writing?

21 A. [10:30:25] Yes. After the morning report, there are important documents that
22 could be forwarded in writing.

23 Q. [10:30:42] I would like to call up a document, 0047-0485. 0047-0485.

24 Look at the document and then I will ask you questions later. I will also show you
25 the second page. Can you move the document down, please.

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1 Now I will show you the second page, and it is number 0486. If you can scroll down
2 to the bottom of the page. Very well.

3 We are going to come back to this document, but for the time being I would like to
4 ask you: This is the type of notes that were sent to the minister of interior; is that
5 correct?

6 A. [10:33:04] That is correct.

7 Q. [10:33:08] So you recognise your signature on the document on page 0486?

8 A. [10:33:19] I recognise my signature.

9 MR MACDONALD: [10:33:28] (Interpretation) Mr President, I understand
10 also -- well, we are going to do this in a formal manner.

11 Q. [10:33:54] I will now go to the annex of your statement. So let me call up
12 document CIV-OTP-0010-0028. I will show you the same document.
13 Unfortunately, it is annotated.

14 MR MACDONALD: [10:35:01] (Interpretation) Can the witness be given a hard copy
15 and please scroll down so that the document can be clearer to the witness.

16 PRESIDING JUDGE TARFUSSER: [10:35:20] Can we also put questions to the
17 witness. That's why he is here for.

18 MR MACDONALD: [10:35:25] I know, but it will come, your Honour. It will come.

19 Q. [10:35:37] (Interpretation) Mr Witness, *you confirm therefore... we can see that
20 it is the same document. Do you remember having handed over this document to the
21 investigators at the end of November 2011, when you were interviewed by them?

22 A. [10:35:59] Yes.

23 Q. [10:36:00] You handed over this document to us, and the same document was
24 found in the archives of the DGPN. I simply want to ask you some questions about
25 the archives. Very briefly, what can you tell us about them? There is a registration

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1 number, 0183. The documents that come to the directorate, how are they archived?

2 A. [10:36:42] The documents are archived according to their contents and
3 provenance.

4 Q. [10:36:58] And how are they preserved?

5 A. [10:37:05] We keep them in our archives.

6 Q. [10:37:13] Are there individuals responsible for the archives?

7 A. [10:37:20] Yes. There are archives officers, and those who are working there
8 on a daily basis.

9 Q. [10:37:34] Very well. Let us move on. I will show you another type of
10 document titled: "Message at departure" or "outgoing message." What is an
11 outgoing message?

12 A. [10:37:51] A "message départ," or outgoing message is, if I'm the person
13 sending the message, that is what it applies to.

14 Q. [10:38:14] I'm sorry. I just wanted to be sure that my colleague found the right
15 document.

16 And it can be addressed from whom to who?

17 A. [10:38:30] Since there is no document in front of me, the *departing message
18 does indeed go from me to the directorate general. But it can go to *several
19 directorates, either to the deputy director for public security or *to the deputy
20 director general in charge of the forensic police or to the staff as a whole.

21 Q. [10:38:56] Does an outgoing message have a particular objective?

22 A. [10:39:04] Yes, indeed. It is a message that makes it possible for the director
23 general to transmit a message. And if that is done, it is because there is a particular
24 reason to do so.

25 Q. [10:39:19] Earlier you mentioned the fact that some documents are urgent. Is

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1 a message départ, or outgoing message, does it have to do with any timelines?

2 A. [10:39:53] It is not the same thing. I've told you if a message is sent by fax, it is
3 an urgent message and a proper message is sent later on. There are messages that
4 are urgent, sometimes even very urgent, and then you have regular messages. And
5 this is categorised by the person transmitting.

6 Q. [10:40:22] By definition, is an outgoing message, or message départ, generally
7 an urgent message or a regular message?

8 A. [10:40:37] Once again, the message is not necessarily to the hierarchy. I send
9 messages to my subordinates under me, and this type of message is a routine
10 message.

11 MR MACDONALD: [10:40:54] (Interpretation) Please display document
12 CIV-OTP-0048-1303, and we have a hard copy that can be given to the witness.

13 Q. [10:41:08] This document is on the screen now. It is dated 21 March 2011. It
14 bears your signature. Is this indeed an outgoing message, a message départ, as you
15 have described?

16 A. [10:42:08] Yes.

17 Q. At the top there is a fax number, the date of the 27 *February 2005 -- it looks
18 like there is an error there. It was not the correct date because we can see "2006."
19 *But I would like to know, just below "fax" and before the indication in the header, where
20 it is mentioned minister of interior, there is something, "NSS," what does that mean?

21 A. [10:42:45] That is the officer who drafted the message, so this makes it possible
22 to know that it is the person who produced that message and I mean the person who
23 typed it actually.

24 Q. [10:43:03] You dictate it and that person types it; it is not the person who drafts
25 the message as such. Is that what you mean?

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1 A. [10:43:11] Yes, that is correct. But as I told you yesterday, the director general
2 has a cabinet, an office. I cannot dictate everything. I can give instructions. It can
3 be one of my collaborators in the office. But the person who typed the message is the
4 one who has the initials above, "NSS."

5 Q. [10:43:39] And then we can see: "Honoured to inform you," and then there is
6 a hashtag and it means stop; is that correct?

7 A. [10:44:01] Yes, the hashtag means stop.

8 Q. [10:44:05] "Honoured to inform you that referencing the *service note" and so
9 on. I'm not giving you the number.

10 A. [10:44:20] You said "in the presence," whereas the word is actually "reference
11 to." I'm sorry.

12 Q. [10:44:31] Well, I should be the one to apologise, it is actually "reference."
13 Now, let us move onto another document. Incoming message, what can you tell us
14 about the incoming messages?

15 A. [10:44:43] Contrary to the outgoing messages issued by the director general,
16 the incoming messages, or "message arrivée," is what is prepared by my collaborators
17 and sent to the directorate general.

18 MR MACDONALD: [10:45:03] (Interpretation) I would like to call up document
19 0046-0013. There is a hard copy which is also available.

20 The document is displayed on the screen. Now can we zoom into this document for
21 the Chamber.

22 Q. [10:46:11] Can you explain to us what we can see on the document? There is a
23 sender, but before that there is the word "telegram" and then there is a number: "PC
24 radio of 6 December 2010 at 18.55. Sender DGPN. Receiver all" -- or rather,
25 "Addressees: All police services.* And so on and so forth. "*including the ministry

1 of the interior." Then there is text. It is explained *at the bottom right, "opéra."

2 That is what is indicated. What does that mean?

3 MR MACDONALD: [10:47:01] (Interpretation) If we can go right to the bottom of the
4 page, Court usher, please. And zoom in to the bottom right corner. Thank you.

5 Q. [10:47:24] "Acknowledgment of receipt." Then on the right: "Opéra,
6 sergeant" and then there is a name. Can you explain to us what this document is?

7 A. [10:47:40] If you observe carefully, on the stamp there is: "Republic of Côte
8 d'Ivoire, ministry of the interior, directorate of telecommunications and information
9 systems." That is the department that is responsible for transmitting
10 communications in message form. So opéra down there means operator, and it is
11 the person who transmitted that message; and that person is known as Sergeant
12 Tinan. So based on the form, it is a police document.

13 Q. [10:48:33] And when it is indicated "sender," it means the document is coming
14 from your directorate; is that correct?

15 A. [10:48:40] When I send out a message, it is reproduced in the transmissions service.
16 That is why the stamp is not the stamp of the DGPN. But the content *-- it is the dictated
17 content -- is the content of a document from the police... from the directorate general.

18 Q. [10:49:07] Very well. Now I would like to show you another document. I
19 will skip a document and go to document 0045-1522, 0045-1522.

20 PRESIDING JUDGE TARFUSSER: [10:49:54] Mr Prosecutor, could I just remind you
21 not to testify yourself but put the questions, because before --

22 MR MACDONALD: [10:50:02] I know -- yes, you're right.

23 PRESIDING JUDGE TARFUSSER: [10:50:04] Before you said you will put the
24 question, and then you gave also the answer and you explained: What does this
25 document mean? And then you started: There is written here, there is written

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1 there. But we can all read, be assured. What does the document mean, that's it.

2 Thank you very much.

3 MR MACDONALD: [10:50:24] Certainly, your Honour. You're totally right. I

4 was -- I guess I was more reading it for the record.

5 PRESIDING JUDGE TARFUSSER: [10:50:31] Yes.

6 MR MACDONALD: [10:50:31] So that it's clear.

7 PRESIDING JUDGE TARFUSSER: [10:50:34] But then other questions come up:

8 Why are these confidential if you then read them in public for the record?

9 MR MACDONALD: [10:50:39] As you've noticed, I'm just going on the form.

10 PRESIDING JUDGE TARFUSSER: [10:50:44] Yes.

11 MR MACDONALD: [10:50:44] I haven't touched on the content yet, but it's well

12 noted, your Honour.

13 So the next document is 0045-1522. And we have a paper copy for the witness.

14 Q. [10:51:15] (Interpretation) Mr Witness, what is this document?

15 A. [10:51:53] The collaborators have to report to the DGPN on the activities on the
16 ground, and that is an activity on the ground, that is a designation of elements on the
17 ground.

18 Q. [10:52:12] What does this mean, designation points, "point de designation," for
19 those of us who are not in the police force, what does this mean?

20 A. [10:52:24] When you look at this document, you can see that it is district 4, that
21 is the Adjamé district. So on that day there were -- there was a designation at the
22 Plateau. It was a vehicle, then another one in Boribana, six individuals in a vehicle.
23 And at the pharmacie Santé not far from the town hall, there was another identification, a
24 designation, another vehicle. *So, these are the designations in the district of Adjamé on that day.

25 Q. [10:53:10] And what does the police officer do *when he is designated to be at a specific place?

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1 A. [10:53:17] The person ensures that he carries out his protection mission, that is,
2 they patrol to see whether there are any unusual events; and if that is the case, he or
3 she approaches the individuals. They can search them. And if it is serious, then
4 they would take those people to the police stations. So the officers implement their
5 *public security mission.

6 Q. [10:54:01] Mr Witness, is there a difference between the expression "point de
7 désignation," that is, designation point, or "*poste d'observation," that is, observation
8 *post, normally abbreviated "PO"?

9 A. [10:54:16] There is absolutely no difference. Designation point and
10 observation point are one and the same thing.

11 Q. [10:54:25] Very well. This was to confirm that this is a normal or *regular
12 document within the national police?

13 A. [10:54:39] Yes, indeed. Based on the form, it is a police document.

14 Q. [10:54:58] I have two other documents that would bring us to the end of this
15 line of questioning. I would like to discuss with you communications with the other
16 services of the FDS, that is, communications between you and the other services of
17 the FDS. To begin with, did that type of communication exist?

18 A. [10:55:35] Yes, this type of communication existed.

19 Q. [10:55:41] What type of communications? What was the form of
20 communication? I understand that you were in contact with your colleagues in the
21 FDS, either the gendarmerie or other services, but how was this communication
22 carried out?

23 A. [10:56:02] Apart from physical contact, there were messages.

24 Q. [10:56:17] What about the radio, portable radio units, telephones?

25 A. [10:56:24] For us, when you use the radio, it is the same thing, it is a message.

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1 So you have oral messages and written messages.

2 Q. [10:56:32] Very well. And so I suppose that you could send *written
3 documents or messages. Did you also receive them?

4 A. [10:56:50] Yes. We received them, but it was very rare, extremely rare, to
5 receive messages from the other services.

6 Q. [10:57:04] Let me repeat. Did you ever receive messages from the national
7 agency on strategy and intelligence, which is known by the acronym ANSI, A-N-S-I?

8 A. [10:57:31] Yes, that could happen; but, once again, it was very rare.

9 Q. [10:57:40] Very well. Now, let me show you a related document. We will
10 show you the first page and it is confidential. It is CIV-OTP-0045-0127. And we
11 also have a hard copy if necessary, but I simply wanted to show you the first page for
12 the time being.

13 MR MACDONALD: [10:58:22] (Interpretation) Please zoom in to the top part of the
14 document and then later on we will show the entire document. Scroll down please if
15 possible.

16 Q. [10:58:41] Do you recognise this type of document known as "Soit transmis"?

17 A. [10:58:56] Yes, I recognise it.

18 Q. [10:59:02] Let me show you the second page now.

19 MR MACDONALD: [10:59:11] (Interpretation) If a hard copy can be given to the
20 witness, and it is 0045-0128.

21 PRESIDING JUDGE TARFUSSER: [10:59:33] And this is an attachment to the first?

22 MR MACDONALD: [10:59:36] Yes, I'll clarify that, your Honour. That's where I was
23 going.

24 Q. [10:59:39] (Interpretation) Mr Witness, you have the Soit transmis and then
25 there is the information note which is attached; is that correct, Mr Witness?

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1 A. [11:00:03] Yes, that is correct.

2 Q. And the Soit transmis acted -- served like the cover page of a fax. *The cover
3 note... it... it is what this is about. This is not a fax, but I mean in its form it's just a cover
4 note and the contents, the actual contents, were in attachment; is that correct?

5 A. [11:00:27] Yes, that is correct.

6 Q. [11:00:30] Very well.

7 MR MACDONALD: [11:00:30] (Interpretation) With the leave of the Chamber given the
8 time, I will call up the last document. It is a similar document, it is 0045-0683. And we
9 also have a hard copy that can be given to the witness immediately.

10 I just switched off my microphone. Very well. Now, can the second page be displayed.

11 And lastly, the third page, just for as an example, can the following pages be displayed and
12 then I would have a question. Could we please display the pages one after the other. Very
13 well. I think we can now go to the very last page of the document.

14 Q. [11:03:31] Witness, you have the hard copy in front of you. What exactly is
15 this document?

16 A. [11:03:53] It's a message.

17 Q. [11:03:56] From whom to whom?

18 A. [11:04:01] You can see the signature. It's the chief of staff, the army chief of staff,
19 who is sending a message to all of the major commands, the director general of the
20 police, *the senior commander, the gendarmerie, the director general of maritime affairs,
21 all of the various armed forces commanders. It's a general message.

22 Q. [11:04:29] To be absolutely precise, I see it's dated March 18th, 2011. And
23 what do you do with a message like this?

24 A. [11:04:42] *Once the cover note is attached, I send it to the director general for
25 public security, I send it to the public (*inaudible*) for execution".

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1 Q. [11:04:55] Thank you very much. Those were the questions I wanted to ask.

2 MR MACDONALD: [11:04:58] (Interpretation) And it is time for the break, your

3 Honour. I think it is time, if you agree.

4 PRESIDING JUDGE TARFUSSER: [11:05:04] I do agree. Now we take the break.

5 We come back just after 11.30, 11.30-35. The hearing is adjourned.

6 THE COURT USHER: [11:05:17] All rise.

7 (Recess taken at 11.05 p.m.)

8 (Upon resuming in open session at 11.37 a.m.)

9 THE COURT USHER: [11:37:12] All rise.

10 Please be seated.

11 PRESIDING JUDGE TARFUSSER: [11:37:32] Good morning once again. Good

12 morning to you, Mr Witness.

13 Just before giving the floor to Mr MacDonald, I just want to speak out -- to read again

14 paragraph 27 of the conduct of the proceedings that:

15 "All questions shall be -- questioning shall be conducted in a focussed, precise, and

16 succinct manner. The parties are strongly encouraged to avoid long and

17 compounded questions."

18 And then on 6 February, the Chamber said that it would also like to stress that they

19 will be very vigilant over the mode of questioning of the witness, with a view to

20 ensuring *questioning here in the courtroom is fully transparent. This goes to you in

21 first instance now, but it goes also obviously later to the other parties. Thank you

22 very much.

23 Mr Prosecutor.

24 MR MACDONALD: [11:39:08] (Interpretation)

25 Q. Hello again, Mr Witness. Let's continue. I would like to come back somewhat and if

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1 we might call up once again document -- the first page of the document because there was a
2 question that escaped me. So this is item 0047-0485. And this was the note to the minister. If
3 we could go to the bottom of the page. We are in open session. This is a confidential
4 document.

5 Q. But this page, who is the technical advisor to your knowledge? *What precisely is that,
6 to your knowledge?

7 A. Well, I would like to say that *I was not part of the cabinet of ministers, but I
8 believe that this technical advisor was one of the advisors of the minister.

9 Q. [11:41:08] Very well. But this is a member of the police working within the
10 ministry itself who transmits the message that you addressed to him; is that correct?

11 A. [11:41:37] I believe that when a message or letter goes to the ministry, as he is
12 not able to read everything, he hands it over to one of his advisors, who then
13 provides him with a note. *He summarizes the report that was sent to him or the
14 note that was sent to him. I think that's what it's about.

15 Q. [11:42:01] Very well. So now I would like for us to talk about radio
16 communications. For the time being we shall talk about it in a generic manner and,
17 if need be, we will go into private session.

18 We understand that the police had a radio communications network. Could you
19 please explain to us what this consisted of?

20 A. [11:42:39] The radio network is a means enabling policemen to talk to each
21 other, or that would enable people to follow everything that is being said by the
22 policemen over that network. So there is a *commanding base that is under
23 command, and then you will have annex bases; and there is a radio in each.

24 Q. [11:43:20] So let's talk about the central base, the central radio base of the
25 police. Where was that located?

1 A. If you are talking about Abidjan, it was at the police préfecture, *the base is at the
2 command post of *the radio within the préfecture de police in Abidjan.

3 Q. [11:43:46] And within Abidjan itself, where were the annex transmitters to be
4 found, the annex bases if you like?

5 A. [11:44:01] You asked me yesterday with regard to the districts. The préfet de
6 police has authority over the districts. And the base is found at the préfecture and
7 the district bases are to be found in the districts. And those districts are to be found
8 within the various *commissariats.

9 Q. [11:44:28] And the -- I'm going to slow down. The intervention units, did they
10 have any radio bases?

11 A. [11:44:38] Well, these are two different networks. You have the public
12 security network, which is for the commissariat, and then you have the network for
13 the intervention units. These are two different networks. So as far as the
14 intervention units is concerned, the bases are to be found in each installation of an
15 intervention unit.

16 Q. [11:45:07] Let's take the BAE. It has its base at the CHU in Yopougon or just
17 next door. What about CRS1, well, that base was in Williamsville. Was there also a
18 radio base there?

19 THE INTERPRETER: [11:45:23] Overlapping speakers, too fast, impossible to
20 interpret.

21 PRESIDING JUDGE TARFUSSER: [11:45:27] Wait, wait. Yes, we understand. We
22 understand.

23 Please slow down and don't overlap. Thank you.

24 MR MACDONALD: [11:45:40] (Interpretation)

25 Q. [11:45:41] So at what I would refer to as barracks, each had their own radio

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1 base within their principal premises?

2 A. [11:46:01] Indeed, there is the network of the intervention units, which
3 *branches out into intervention unit.

4 Q. [11:46:15] And what about the CIPPA? You yesterday associated it at a
5 mission level with that of the CRS. Was it part of that network?

6 A. [11:46:31] The CIPPA was part of the préfecture de police in Abidjan, and it is
7 linked up as a result to the network of the préfecture de police, even if it is an
8 intervention unit.

9 Q. [11:46:50] When we say two networks, did they use the same frequency or did
10 they use different frequencies?

11 A. [11:46:59] Well, I'm not a specialist in transmissions, but what I do know is that
12 these are two different networks to the extent that when the VHF network speaks,
13 then the HF network cannot hear anything. But I don't know anything about
14 frequencies because I'm not a specialist.

15 Q. [11:47:27] So how did they communicate between or was there any
16 communication between the two networks, a way of communicating information
17 from one network to the other?

18 A. [11:47:37] I will repeat, these are two distinct networks. They do not
19 communicate between themselves, unless the central command post which generally
20 speaking has the two radios, the VHF and the HF, can give information from one
21 network to another, to another, because that is the command base, if you like.

22 Q. [11:48:08] We also *have in the case file information that other services within
23 the FDS had their own radio networks. What can you tell us about that?

24 A. [11:48:30] I can't tell you anything, because the network was part of the
25 command under each chief. I'm not a gendarme, so I can't talk to you about the

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1 gendarmerie network. And I'm not a soldier, I can't talk to you about their network.

2 So I can't give you any comments in that regard. I can give you information on the
3 police network.

4 Q. [11:48:59] On the basis of your response, you are confirming that the
5 gendarmerie had its own radio network. What about CECOS, did it have its own
6 radio network?

7 A. [11:49:11] Yes, indeed. Each of the structures had its own radio. And as I
8 said to you earlier on, this was a means of communication between the elements
9 working within this structure.

10 Q. [11:49:31] Was there any interface enabling people to share information
11 despite the fact that there were separate networks?

12 A. [11:49:44] Well, as we started to work together during the crisis, the level of the
13 police and the gendarmerie, we had what we called the Minos command post. That
14 is an interface between the police and the gendarmerie. At the headquarters, the
15 État Major, there is also an interface between the army, the police, and the
16 gendarmerie.

17 Q. [11:50:21] Where was the Minos command post?

18 A. [11:50:35] The Minos command post was located in the buildings housing the
19 ministry, but it was not under the ministry itself.

20 Q. [11:50:50] Which ministry are we talking about here?

21 A. [11:50:54] The ministry of the interior.

22 Q. [11:51:00] The interface that you mentioned that existed between or within all
23 the FDS, where was that located and what name did it bear, if it had one?

24 A. [11:51:22] If I am not mistaken, I know that there was a structure at the
25 ministry or, rather, at the army headquarters. But as things evolved all the time, I

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1 can't really remember. I don't know whether it was the CPCO or the *COIA. I
2 know that there was a structure that was in charge of coordinating operations and it
3 served as an interface between the various networks.

4 PRESIDING JUDGE TARFUSSER: [11:51:52] Just one clarification. I think it's the
5 first time that we hear about Minos, just to -- is this an acronym for what, if it's an
6 acronym?

7 MR MACDONALD: [11:52:08] Minos, Minos, minatar (phon). Minos and the
8 minatar.

9 PRESIDING JUDGE TARFUSSER: [11:52:10] Yes, but I'm asking the -- you're making
10 the witness again. I'm asking the witness.

11 What is Minos?

12 THE WITNESS: [11:52:21] (Interpretation) Mr President, this is the basis that
13 coordinates -- the base that coordinates the networks between the police and the
14 gendarmerie.

15 MR MACDONALD: [11:52:37] (Interpretation)

16 Q. [11:52:38] Why the word "Minos"?

17 A. [11:52:40] This is a name that was given. One might have -- it's a name. It's a
18 call sign.

19 Q. [11:52:55] It's a call sign. So I would like us to talk about call signs within the
20 police, all right? And in order to do so --

21 MR MACDONALD: [11:53:12] (Interpretation) Mr President, it might be preferable
22 for us to move into private session. I'm just wondering. I'm putting the question
23 out there.

24 PRESIDING JUDGE TARFUSSER: [11:53:31] I don't think so it's needed for the time
25 being.

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1 Maître Laucci.

2 MR LAUCCI: [11:53:36] (Interpretation) Mr President, I just got to my feet because I
3 could see that you were looking at me. If we're just talking about radio acronyms, I
4 would not myself have requested that we move into private session. But only the
5 Prosecutor knows what questions he is going to put, of course.

6 PRESIDING JUDGE TARFUSSER: [11:53:53] I would say if we are talking about
7 acronyms and the names and things like that which don't go into the details, I think
8 we can stay in open session. Then it's as always your responsibility. Thank you.

9 MR MACDONALD: [11:54:12] (Interpretation) Very well.

10 Q. [11:54:22] The commander of the intervention units at the time of the crisis, still
11 November 2010 to April 2011, did he have a code name or a call sign, rather; and if so,
12 what was it?

13 A. [11:54:44] In order to answer your question properly, are you talking about the
14 commander or the director of the intervention units?

15 Q. [11:54:54] I'm talking about the commander of the intervention units.

16 A. [11:54:59] I admit to not really understanding because for us the commander is
17 the commander of a unit. And all *of the units falls under a director. That's why
18 I'm seeking clarification.

19 Q. [11:55:13] I'm sorry, I'm taken a little bit unawares here because I'm basing
20 myself on a document that we might bring up, 0012-0254. And this might enable
21 you to answer this question looking at your document.

22 MR MACDONALD: [11:55:32] (Interpretation) If we could bring this up on the
23 screen, please.

24 Now, we do have a hard copy of the document that we can show to the witness,
25 please. Entry number 1.

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1 PRESIDING JUDGE TARFUSSER: [11:56:11] I mean, if the witness needs this hard
2 copy document. If he doesn't need it, if he doesn't request it, because it's enough for
3 him to look at the screen, I would say in order to --

4 MR MACDONALD: [11:56:20] Yes, okay. All right.

5 PRESIDING JUDGE TARFUSSER: [11:56:22] *-- not to have this going back.

6 MR MACDONALD: [11:56:24] (Interpretation)

7 Q. [11:56:25] do you need a hard copy, sir?

8 A. [11:56:29] I do not need a document.

9 Q. [11:56:34] So I understand that this is a document that you penned on 2nd
10 January 2012 subsequent to a request for judiciary requisition. And you are talking
11 here about Sandrak, the commander, *and you mention the commander of the
12 intervention units. Who is the commander of the intervention units to you? You
13 name him here.

14 A. [11:57:05] I would say that this is, I would say that this is a slip of the tongue
15 because the commander of the intervention units really doesn't mean a thing. It is
16 rather the director of the intervention units who was indeed Sandrak, to answer your
17 question.

18 Q. [11:57:30] Very well. So the document has been brought up. Do you
19 acknowledge having written this document?

20 A. [11:57:37] Yes, indeed.

21 Q. [11:57:38] Do you have any corrections that you would like to bring to it, apart
22 from that, with regard to *Chronos Nimbus?

23 A. [11:57:52] Could we scroll down on the document.

24 Q. [11:57:58] Yes, certainly.

25 A. [11:58:00] Thank you. No, there are no further corrections to be brought to

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1 the document.

2 Q. [11:58:11] Very well, thank you.

3 I would now like to request the deputy director general of public security, did he
4 have a call sign or did he have a call sign; and if so, which?

5 A. [11:59:04] Yes, indeed, he did. His call sign was post trot, post trot.

6 Q. [11:59:16] Could you please spell that because I don't understand the first letter
7 I think. Are you talking about Foxtrot?

8 A. [11:59:24] Trot, T-R-O-T.

9 Q. [11:59:28] The first word?

10 A. [11:59:31] Post trot, P-O-S-T T-R-O-T.

11 Q. [11:59:42] The préfet de police in Abidjan at the time of the crisis?

12 A. [11:59:55] His call sign was Jupiter.

13 Q. [12:00:00] Did the CRS bases -- let's talk about CRS1 first of all, the radio base,
14 did it have a name?

15 A. [12:00:13] Yes. All the bases had names.

16 Q. [12:00:23] What was the name of the CRS1 base?

17 A. [12:00:27] I cannot remember right now; If I remember later, I will tell you.

18 Q. [12:00:36] If I put the name to you, maybe it could jog your memory?

19 A. [12:00:40] Yes.

20 Q. [12:00:43] Ramy?

21 A. [12:00:44] Ramy is CRS1.

22 Q. [12:00:53] CRS2, do you remember?

23 A. [12:00:59] I do not remember.

24 Q. [12:01:05] The BAE?

25 A. [12:01:15] I know that I know it, but I can't remember right now.

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1 Q. [12:01:25] We'll come back to that, that is CRS2 and BAE.

2 The minister of the interior, and this is still within the police radio network, did the
3 minister have a call sign?

4 A. [12:01:54] Yes, he has a call sign.

5 Q. [12:02:01] What is the call sign?

6 A. [12:02:04] Atlas.

7 Q. [12:02:07] A short while ago you said that PC Minos was the interface between
8 the gendarmerie and police networks. To your knowledge, does the minister of the
9 interior have the same call sign in the gendarmerie network?

10 A. [12:02:46] He has the same name, but I should point out that it is extremely
11 rare for the minister to intervene over the radio.

12 Q. [12:03:01] Still to your knowledge, these code names, you have talked about
13 the various networks, let me rephrase.

14 Now, to your knowledge, is it possible that Atlas be assigned to someone else on a
15 different network?

16 A. [12:03:30] Let me repeat. I can explain everything that has to do with the
17 police or what I know about the police.

18 Q. [12:03:44] What about the officers of CRS1, how were they identified over the
19 radio?

20 A. [12:03:56] I do not remember. If it comes back to me, I will tell you.

21 Q. [12:04:10] Do you know *what the call sign Record, 1, 2, 3, 4 and so on, what it refers to?

22 A. [12:04:21] Thank you for jogging my memory. *The "Records" are the CRSI
23 police officers.

24 Q. [12:04:35] Do you remember how the CRS2 were called?

25 A. [12:04:41] Faucon.

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1 Q. [12:04:42] And the BAE?

2 A. [12:04:44] I do not remember.

3 Q. [12:04:46] Athos or Athos, that call sign, was it used in the police network?

4 A. [12:05:08] Yes. A short while ago I made a mistake. Athos or Athos was
5 indeed the call sign of the deputy director in charge of public security. And Post trot
6 was the call sign for the deputy director general responsible for the judicial police.

7 Q. [12:05:36] What was the code of the director general of the police -- the call sign
8 I mean to say?

9 A. [12:06:00] Maybe you should precise. There were three deputy directors.

10 Q. [12:06:04] No, not the deputy directors. That is the inspector general of the
11 DGPIN at the time of the events.

12 A. [12:06:13]

13 There is a problem. I'm not the inspector of the police services. I am the inspector
14 *general of the director general of the police and my call sign is Omega.

15 Q. [12:06:32] Papillon, was Papillon a call sign used within the police?

16 THE INTERPRETER: [12:06:37] Scorpion actually. Correction from the interpreter:
17 Scorpion.

18 A. [12:06:49] Yes, it was.

19 Q. [12:06:51] And who was it used for?

20 A. [12:06:55] Thank you. You are the one putting the questions. So Scorpion
21 refers to the commander of CRS2.

22 Q. [12:07:07] And there I don't know whether it is *Radius or Radial. Does that
23 exist?

24 A. [12:07:20] Yes. There is *Radius that exists. I don't know whether CRS1 or 2
25 because those call signs were not used very frequently.

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1 Q. [12:07:39] Pharaon?

2 A. [12:07:41] We did not have the call sign in the police.

3 Q. [12:07:46] What about the other services, do you know whether it existed in the
4 other services?

5 A. [12:07:51] Let me say that call signs are very secret; that is why they are there in
6 the first place, that is to protect the individuals so that * is really why I am not in a
7 position to know who is Pharaon.

8 Q. [12:08:12] Viking?

9 A. [12:08:13] That did not exist within the police.

10 Q. [12:08:17] Vicky?

11 A. [12:08:22] No, it didn't exist either.

12 Q. [12:08:31] Rodeo 1, 2, 3 to 20 and beyond?

13 A. [12:08:35] Rodeo is a call sign that exists in the police. These are the officers
14 on board vehicles.

15 Q. [12:08:43] These are officers not attached to any intervention unit, can you -- is
16 that correct, can you clarify?

17 A. [12:08:56] The rodeos are officers assigned to vehicles. So if they are going to
18 a routine mission, they have their own call sign; but if they use a vehicle, they bear
19 the call sign rodeo.

20 Q. [12:09:25] Étoile?

21 A. [12:09:36] That call sign is not used by the police.

22 Q. [12:09:38] Force 1, 2, 3, 4 and beyond?

23 A. [12:09:41] Force like in F-O-R-C-E, no, it is not used in the police.

24 Q. [12:09:51] Last question on this topic, maybe two last questions, the person
25 responsible for the police radio, did that person have a call sign?

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1 A. [12:10:12] Maybe you should clarify. You have the director of transmissions,
2 but if you are talking about the officer in charge of the PC, or command post, each PC
3 has an officer who is responsible.

4 Q. [12:10:34] For both?

5 A. [12:10:36] As I said a short while ago, when an officer transmits at the PC, they
6 do not use their own call signs. They use PC radio so that it is known that it is the
7 base station that is transmitting.

8 Q. [12:10:57] What is the name of the base over the radio?

9 A. [12:11:00] PC radio.

10 Q. [12:11:06] And the officers in charge who replace each other, how can they be
11 identified, by their names or figures?

12 A. There is, there are no officers that replace each other there. *The person in charge
13 has an administrative role to check the arrival and departure times and make sure the
14 work is well done, and when that person transmits, they use the call sign PC radio.

15 Q. [12:11:40] Very well.

16 MR MACDONALD: [12:11:43] If you allow me just one second, your Honour -- well,
17 maybe more than one second.

18 (Counsel confer)

19 MR MACDONALD: [12:12:05] Sorry, your Honour.

20 Q. [12:12:15] (Interpretation) And the call sign Azaro, was it used within the
21 police?

22 A. [12:12:21] Yes, indeed. Azaro was the commander of CRS2.

23 Q. [12:12:33] I beg your pardon?

24 A. [12:12:36] Azaro was the call sign of the CRS2 commander.

25 Q. [12:12:40] CRS2.

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1 PRESIDING JUDGE TARFUSSER: [12:13:04] But wasn't it Scorpion?

2 MR MACDONALD: [12:13:06] That's what I'm trying to figure out right now. I'm
3 lost in the codes, your Honour.

4 Q. [12:13:13] (Interpretation) Who was Scorpion again, please?

5 A. [12:13:21] That is why I was telling you that things change over time. I gave you the
6 names during that period. You have Étienne, which was Azaro. *But if it's not him it's not
7 Azaro. Because they changed the call sign somewhat. As, I... the period is too short.

8 Otherwise both the call signs were used by the CRS2. I understand you are talking about the
9 period from this time to that, but I do not recall precisely who was there at that time.

10 Q. [12:13:58] Just to clarify - and we will come back to that later if necessary - the office
11 of the deputy director general for public security, *does the deputy have a call sign?

12 A. [12:14:24] Yes, I said Athos.

13 Q. [12:14:27] And under that person is the Abidjan police préfecture, the prefect?

14 A. [12:14:30] *Yes.

15 Q. [12:14:35] The prefect?

16 A. [12:14:38] Jupiter.

17 Q. [12:14:40] The deputy of the public security officer?

18 A. [12:14:47] There were two deputies *, but I do not now recall the call signs.

19 There were two deputies, one for public security and for administration.

20 Q. [12:14:59] Very well. We will come back to that, if necessary.

21 MR MACDONALD: [12:16:00] (Interpretation) Sorry, your Honour, I had to re-log
22 on. My transcript had frozen. I'm back on now. All right.

23 Q. [12:16:17] (Interpretation) Mr Witness, some points of clarification about

24 yesterday. I would like us to go back to DMIR, D-M-I-R. We simply wish to make
25 some clarifications. To your knowledge, *what was DMIR created and *on whose

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1 initiative?

2 A. [12:17:30] The DMIR, I believe it was created in 2002.

3 Q. [12:17:41] And do you know under what circumstances DMIR was set up?

4 A. [12:17:51] I cannot tell you very much about that because it is a structure which
5 is attached to the general staff of the army.

6 Q. [12:18:01] Are you able to assist us with regard to the composition? I know
7 you have mentioned that there were the two armoured vehicles of the BAE which
8 were loaned out. We are going to come back to that. Where -- from which forces of
9 the FDS did it draw its members or elements?

10 A. [12:18:34] Let me repeat what I said yesterday. You have the police, the
11 gendarmerie, and the army; and in the army this included members of the ground
12 forces.

13 Q. [12:18:52] So when you say "the army," you are referring specifically to the
14 land forces?

15 A. [12:18:58] Yes.

16 Q. [12:19:00] What about within the police? Did the members come from the
17 BAE -- or let me put it simply, who from the police became a member of the DMIR?

18 A. [12:19:22] The CRS units and the BAE.

19 Q. [12:19:34] Let me come back to this issue of armoured vehicles.

20 MR MACDONALD: [12:19:48] (Interpretation) With your leave, Mr President, and
21 my learned friends of the Defence, we have two videos. I'm not going to show the
22 first one. I would like to show a screenshot and I will speak in English now.

23 (Speaks English) Which is already, your Honour, a screenshot that is already on
24 record, but we didn't put it on our list of material unfortunately. So with the
25 indulgence of the Chamber and my colleagues -- it's already submitted on record.

1 But I just want to, my next question, instead of showing the video, I just want to show
2 a screenshot. And this screenshot can be found at 0079-6349. And if need be, we
3 can discuss this, but I would prefer that it be done outside the presence of the witness.

4 But I don't think it should be an issue. I'm in your hands, your Honour.

5 PRESIDING JUDGE TARFUSSER: [12:20:52] If it's already submitted, please show it.

6 MR MACDONALD: [12:20:56] (Interpretation) Madam Court usher, can we call up
7 that document, 0079-6349, please.

8 Yes, that is right.

9 Q. [12:21:33] Mr Witness, to begin with, do you recognise the vehicle?

10 A. [12:21:46] Yes, indeed.

11 Q. [12:21:48] Can you tell us what type of vehicle it is?

12 A. [12:21:52] It is a BAE tank.

13 Q. [12:21:58] Just to be clear, yesterday you stated that the BAE vehicles were
14 loaned out to DMIR; is that correct?

15 A. [12:22:19] Yes, that is correct.

16 Q. [12:22:23] And you mentioned the colour and the letters, and here it is
17 mentioned gendarmerie nationale -- I beg your pardon, it is actually police nationale.

18 PRESIDING JUDGE TARFUSSER: [12:22:40] But why don't you ask?

19 MR MACDONALD: [12:22:42] I'm coming, your Honour.

20 PRESIDING JUDGE TARFUSSER: [12:22:43] Yes.

21 MR MACDONALD: [12:22:43] I'm coming, your Honour.

22 PRESIDING JUDGE TARFUSSER: [12:22:44] Yes, but this is one of the things. Twice
23 you said yesterday -- you said: Do you confirm? You said yesterday you confirm.

24 If he said yesterday, of course he's confirming. So just put the question.

25 Q. [12:23:02] (Interpretation) At the back we can see that there is something white,

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1 but we cannot read. Can you see that? That is behind the -- at the back of the
2 vehicle.

3 A. [12:23:20] I do not see much. There is something that looks white, but it is not
4 clear.

5 Q. [12:23:25] To your knowledge, where are the letters BAE?

6 A. [12:23:32] Usually the letters BAE are on the four sides, that is on the two sides
7 and then in front and at the back.

8 Q. [12:23:44] At the front and the back. Do you mean it is on the licence plate?

9 A. [12:23:53] No. It is simply *screen printed on the four sides.

10 Q. [12:23:59] But here we can see that that is not the case?

11 A. [12:24:05] Yes, I agree with you. It is not the case here.

12 Q. [12:24:12] Very well. And I have to show the next video footage.

13 MR MACDONALD: [12:24:19] (Interpretation) We don't have a screenshot of that.

14 The video is 0003-0013.

15 And I believe we can show this footage from our side, Mr President, and we are going
16 to show an excerpt from the very beginning, that is 0000 seconds up to 18 seconds
17 and we will try to freeze on the image of a vehicle. That's it for the time being.

18 THE COURT OFFICER: [12:25:16] Is the video confidential? Is the video
19 confidential?

20 MR MACDONALD: [12:25:20] No, it isn't.

21 THE COURT OFFICER: [12:25:23] Okay. Thank you.

22 MR MACDONALD: [12:25:23] It is also, for the purposes of the record, it is also
23 already submitted, your Honour, but we don't have a screenshot. I guess we'll have
24 one after this that we will be registering.

25 On which channel do we need to put ourselves?

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1 THE COURT OFFICER: [12:25:44] Evidence channel 2 usually.

2 MR MACDONALD: [12:25:46] Thank you.

3 (Viewing of the video excerpt)

4 MR MACDONALD: [12:26:00] Sorry, your Honour. We'll start again. We'll play a

5 little sequence, then we'll come back and try to stop when we see the letters on the

6 vehicle.

7 (Viewing of the video excerpt)

8 MR MACDONALD: [12:26:17] If we can play the sequence just again.

9 (Viewing of the video excerpt)

10 MR MACDONALD: [12:26:39] (Interpretation)

11 Q. [12:26:42] We are going to come back. Unfortunately the images are not as

12 clear as those on the other video, but can you recognise the vehicle?

13 A. [12:27:03] I can see the vehicle.

14 Q. [12:27:08] What type of vehicle is that?

15 A. [12:27:11] It is a tank.

16 Q. [12:27:15] And the letters that we can see on the side, that seems to be the

17 driver's door, it is BAE?

18 A. [12:27:27] That is correct.

19 Q. [12:27:29] So those were the types of letters or engraving that you were

20 referring to?

21 A. [12:27:35] Yes.

22 Q. [12:27:35] Very well.

23 MR ALTIT: [12:27:37] (Interpretation) Mr President, I'm sorry to interrupt my learned

24 friend. Just on the phrasing of: *and this tank is marked BAE. This is putting

25 words in the witness's mouth. It would have been better to say: What can you see?

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1 What are the letters you can see?

2 PRESIDING JUDGE TARFUSSER: [12:28:02] I cannot but give you all my -- you're

3 right, because that's what I ask continuously, to put the question. Now you said:

4 "And the letters that we can see on the side, that seems to be the driver's door is BAE;

5 is that correct?" That's not the way you have to put the question. What do you see?

6 What we all see, by the way. So, I mean, you have been the witness to this.

7 And this is what I try to say from the beginning: Put the questions and let the

8 witness answer the questions. I fully agree with the intervention of Maître Altit.

9 But it's hard to change, I can see, since some time. Please go ahead.

10 MR MACDONALD: [12:28:55] Thank you, your Honour. I'll move --

11 PRESIDING JUDGE TARFUSSER: [12:29:01] May I just say. Before we had at

12 page -- you can find it at page, of the English transcript, at page 12, lines 5 to 16, I

13 have it in my mind, where you put on the very first line a question and then 15 lines

14 of explanation of the question and answer to the question, 15 lines. So I really insist,

15 please put the question and the witness is absolutely capable to answer the question.

16 Thank you.

17 MR MACDONALD: [12:29:37] (Interpretation)

18 Q. [12:30:02] Mr Witness, I would like to continue. Yesterday you were asked to

19 state the name of the person responsible for CIPPA, C-I-P-P-A. Do you remember

20 that name today?

21 A. [12:30:22] I'm afraid I still can't remember the name.

22 Q. [12:30:33] I will suggest a name to you. Do you know the *practice Brice Oré?

23 A. [12:30:47] No, that name doesn't ring a bell.

24 Q. [12:30:53] Now a more general question about the police. Within the police

25 forces themselves, could you please describe to us which were the policemen or the

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1 units that intervened first and foremost and in order according to the gravity of the
2 situation?

3 A. [12:31:20] Within the police itself, the *commissariats of the arrondissements
4 within Abidjan itself are the first to have contact. If the policemen within the
5 *commissariats or police station realise that things exceed their capacity or their
6 means, they then report to the district. As I said to you yesterday, the district
7 coordinates all of the police stations or *commissariats. So the chief of district sends
8 a unit in order to provide support to the commissariat that was sent out first.
9 Now, if the district cannot do so at the time, then the chief of district requests
10 reinforcement from the préfet de police in Abidjan. It might be that the préfet de
11 police *doesn't manage to do so; and if so, then he refers it to the deputy director
12 general of public security, who coordinates all of the services of public security.

13 Q. [12:32:40] And just to move on with this concretely, out in the field, what are
14 the units that are going to intervene first of all and then after that with regard to the
15 gravity of the situation?

16 A. [12:33:04] I think I'm going to repeat. You showed to me a designation this
17 morning. And in said designation it was the first designation that intervenes out in
18 the field, *it isn't the police station itself that leaves and goes. So when they don't
19 manage and then it is the district who sends reinforcements. And I'm going to
20 repeat the same thing to you once again.

21 Q. [12:33:30] I just want to clarify. Let me put that the reinforcement is going to
22 be policemen at a commissariat level, is it, at a police station level? Sorry. So it's
23 going to be the police station who gets involved first of all, is it?

24 A. [12:33:49] Well, I'm going to try and make myself understood. If something
25 happens within the jurisdiction of a commissariat, the commissioner is responsible

1 for that. If he doesn't manage to manage the situation, he then requests
2 reinforcement from the district who he reports to directly.

3 Q. [12:34:09] And the district, and the district will then send men or elements
4 from the district itself or can they go and get men elsewhere at that moment?

5 A. [12:34:28] At that moment as it is, as it is not a prepared operation, then the
6 district will use its own elements because these districts *are in fact intervention units
7 within their *own territorial jurisdiction.

8 Q. [12:34:51] And then it goes up to the préfet level?

9 A. [12:34:54] Yes.

10 Q. [12:34:54] And the préfet will then call upon which forces or which units?
11 Which elements?

12 A. [12:35:03] This morning you talked about that again, and you said that I had
13 said yesterday that was the CIPPA was the intervention unit of the préfecture. And
14 it is the CIPPA indeed that gives reinforcements to the district within its jurisdiction.

15 Q. [12:35:23] And if that is not sufficient, then it goes up to the deputy director
16 general of public security; is that correct?

17 A. [12:35:33] Yes.

18 Q. [12:35:34] And then what does the deputy director general do, which forces or
19 units does he call upon?

20 A. [12:35:41] In the organisational chart that I gave you on the first day, the
21 deputy director general of public security has intervention units and the prefectures
22 that he can call upon. So if the préfet in Abidjan requests reinforcements, he will go
23 and get forces in the intervention units and notably the CRS if we are talking here
24 about law enforcement.

25 Q. [12:36:10] Very well. I would like to leave to one side structure and the

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1 organisational chart and intervention, I would like to now concretely broach certain
2 points throughout the period that is of interest to us. But before doing so, I would
3 like to start with the date, CRS3 in Divo, what happened in Divo in the month of
4 August 2010 or specifically at the barracks itself? My question is very general. It
5 seems very wide, but was there a ceremony in the summer of 2010?

6 A. [12:37:15] I would admit that I can't give you specific details in this regard.

7 Q. [12:37:22] Did you go to Divo on the 27th of August 2010?

8 A. [12:37:30] Really, I do not recall.

9 Q. [12:37:34] Do you recall having attended a speech of Mr Gbagbo's on 27
10 August 2010 in Divo?

11 A. [12:37:45] Ah, okay. It was the installation of the *Republican security
12 company number 4, yeah, number 4 is Divo. *It was on that date.

13 Q. [12:37:56] And apart from you, who else was present? Who were the
14 dignitaries who were present to your memory?

15 A. [12:38:17] From the police or generally speaking?

16 Q. [12:38:20] Both, generally speaking and from the police. Well, go ahead,
17 sorry.

18 A. [12:38:28] Well, as far as the police are concerned I know that *the minister was
19 with us. For the town itself there was the mayor and the president of the conseil
20 général.

21 Q. [12:38:45] When you say the conseil général, what do you mean by that?

22 A. [12:38:49] I said the president of the conseil général.

23 Q. [12:38:59] Which conseil général?

24 A. [12:39:03] We have a decentralised structure of which the conseil général.

25 Q. [12:39:15] I'm sorry, but I'm -- are you talking about the constitutional council

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1 or the general council?

2 THE INTERPRETER: Both Mr Gbougnon and Mr Altit are on their feet.

3 MR MACDONALD: [12:39:25] I have an honest question, your Honour. We can
4 have the witness leave court. I'm at a total loss. And I'm saying this frankly. I
5 have no clue what we're talking about when we say conseil général.

6 PRESIDING JUDGE TARFUSSER: [12:39:42] Maître Altit, just be aware that the
7 witness is --

8 MR ALTIT: [12:39:49] (Interpretation) Well, it's not very secret, you know, what a
9 conseil général is. It's nothing surprising or dissimulated. I think there is a cultural
10 misunderstanding that I would like to broach with your leave. But the witness
11 might be able to do that. What is a conseil général, speaking in very clear and
12 general terms.

13 MR MACDONALD: [12:40:14] (Interpretation) That was my question to the witness.

14 MR ALTIT: [12:40:17] (Interpretation) Yes, but we're talking here about the basic
15 knowledge of the administrative divisions of Côte d'Ivoire. And if we always ask a
16 question as to who a préfet is or a mayor is, we're not going to get anywhere. So
17 maybe we can speed things up a little bit and assist your Chamber, otherwise let's just
18 ask the witness what the subdivisions are in terms of the administration of Côte
19 d'Ivoire so we can move on.

20 PRESIDING JUDGE TARFUSSER: [12:40:45] I think also we don't go anywhere if we
21 ask what the task of the police is and things like this.

22 But please put the question.

23 MR MACDONALD: [12:40:55] I put the question to the witness, your Honour.

24 PRESIDING JUDGE TARFUSSER: [12:40:56] Yes.

25 MR MACDONALD: [12:40:57] Read the transcript. I'm sorry, I put the question to

1 the witness, okay? And he did not answer the question, hence my surprise. That's
2 all. I'm asking the question and I'm asking him.

3 Q. [12:41:10] (Interpretation) the conseil général has to do with the administrative
4 *authorities of a town hall, of a region? Let's answer this.

5 A. [12:41:24] Mr President, I think this is a decentralised structure that covers the
6 region of Divo. I don't know what else to say to you.

7 Q. [12:41:41] Very well.

8 A. [12:41:43] Well, thank you.

9 Q. [12:41:44] That was the question.

10 Were there any judicial authorities present during that speech?

11 A. [12:41:54] I would say I don't remember, but what I do remember is what I said
12 earlier, that the minister was present, the minister of the interior. There was the
13 president of the conseil *général and there was the major. There might have been
14 other people, but I don't remember.

15 Q. [12:42:07] And when you say the installation, there was the installation of the
16 CRS4, what do you mean by installation, quite briefly?

17 A. [12:42:23] Well, since independence with regard to the CRS, we only had one
18 unit. And then a second came into being, the CRS2. We realised that we needed a
19 unit within -- on the inside so that we could intervene if there was a law enforcement
20 issue. And then the CRS4 was set up in Divo.

21 Q. [12:42:54] I would now like to show a video to you, CIV-OTP-0018-005, and the
22 minute or timestamp if you bear with me -- so the minutes 05.00 to minute 7.38.

23 THE COURT OFFICER: [12:43:50] Confidential?

24 MR MACDONALD: [12:43:51] No, public.

25 PRESIDING JUDGE TARFUSSER: [12:43:57] Evidence 2 channel, yes.

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1 (Viewing of the video excerpt)

2 PRESIDING JUDGE TARFUSSER: [12:50:55] I think it was a little bit longer than 2
3 minutes and 37 seconds, just for the record.

4 MR MACDONALD: [12:50:59] It was.

5 PRESIDING JUDGE TARFUSSER: [12:51:00] Yes.

6 MR MACDONALD: [12:51:01] So we played from minute -- so until second 5 until
7 minute 5.57, which appears on the screen.

8 PRESIDING JUDGE TARFUSSER: [12:51:24] Nearly from the beginning.

9 MR MACDONALD: [12:51:25] From the beginning to minute almost 6.

10 PRESIDING JUDGE TARFUSSER: [12:51:29] Yes. Okay.

11 MR MACDONALD: [12:51:41] (Interpretation)

12 Q. [12:51:42] Did you recognise the pictures of President Gbagbo?

13 A. [12:51:46] Could you please repeat the question?

14 Q. [12:51:52] Did you recognise the pictures?

15 A. [12:51:58] Yes, indeed.

16 Q. [12:52:02] What is it?

17 A. [12:52:05] This is the speech made at the time of the installation of the CRS in
18 Divo.

19 Q. [12:52:12] Very well. Thank you. I would now like us to talk about the first
20 and second rounds of the election. Whose mandate was it to provide security
21 during the elections at or during the first round?

22 A. [12:52:41] At the first round there were those whose mandate it was to take
23 care of the CCI, that is, the integrated centre, the CI.

24 Q. [12:53:00] The CCI, we know it is the -- well, I had it in mind, but now I've lost
25 it. It is the integrated command centre. I apologise.

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1 A. [12:53:14] That's what I was saying. It is the integrated command centre that
2 used the FAFN elements and the FDS elements. So the FDS had police,
3 gendarmerie, and army elements; and the FAFN comprised policemen who were
4 trained for the purpose and FAFN, and those are the ones who ensured security
5 during the first round.

6 Q. [12:53:45] The FAFN, were there any in Abidjan at the time in order to provide
7 security around the elections?

8 A. [12:54:03] In order to complete my answer, before answering this one, we
9 should also add the ONUCI, the ONUCI, who accompanied all of the *elements.
10 The FAFN did come to Abidjan, yes. Those who came to Abidjan, we put up at the
11 Plateau *cité policière.

12 Q. [12:54:26] Do you remember how many you put up or provided
13 accommodation to?

14 A. [12:54:29] I don't remember how many, but I do know that we put them up at
15 the cultural centre in the *Adjamé cité policière.

16 Q. [12:54:44] Without knowing exactly how many, is it less, fewer than a
17 hundred, more than a hundred, 200, 500?

18 A. [12:54:55] I can't tell you, really. I didn't know how many there were. I
19 know that we received a group that came to provide security at the elections.

20 Q. [12:55:12] And to your knowledge in the northern area of the country that was
21 previously under the FAFN control, were there any FDS people there?

22 A. [12:55:20] Yes. There were also some FDS who had gone to the northern area
23 to make the area secure during the elections.

24 Q. [12:55:34] And who was in charge of the integrated command centre?

25 A. [12:55:40] It was *general Kouakou Nicolas, currently a general within the

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1 national gendarmerie.

2 Q. [12:55:51] Could you please repeat? Could you please repeat and
3 pronouncing it well for the record.

4 A. [12:55:57] I repeat, general Kouakou Nicolas, who is currently the general of
5 the national gendarmerie in Côte d'Ivoire.

6 Q. [12:56:09] And for the second round, did the same thing apply? The CCI,
7 were they in charge of making things secure?

8 A. [12:56:28] The things remained the same. It was the same elements fulfilling
9 the same mission.

10 Q. [12:56:59] When the second round of elections came to an end, when the
11 announcement -- when the election results were announced on 2 December with the
12 constitutional council, the FAFN, who were in Abidjan, to your knowledge, where
13 did they go?

14 A. [12:57:19] I don't really understand, do you mean did they go back to their base
15 or what?

16 Q. [12:57:35] Yes, to your knowledge. Well, did they go back to their base
17 or -- well, let's come back to this. I'd rather we come back to this at a later stage. I
18 do apologise.

19 Were there any incidents at the time or between the first and the second rounds of the
20 elections, security incidents, that is, associated with the election?

21 A. [12:58:05] Really, I do not recall. I know that the FAFN elements who were at
22 the Adjamé police cité said that there was no enough food, problems like that, but I
23 don't think that was linked with the elections. There were no real issues.

24 Q. [12:58:28] Within -- well, there were forces taking part of making the elections
25 secure. But with regard to the civilian population, what was the atmosphere like?

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1 A. [12:58:43] Atmosphere? Well, it was a normal atmosphere. When one has to
2 give the election results, each person is waiting and expecting their party to win. So
3 this is just a normal atmosphere.

4 MR MACDONALD: [12:59:09] (Interpretation) I would like now to have called up
5 item - and we might round up with this, Mr President, before the lunch break - item
6 0010-0022, which is an annex to the statement of the witness. I think we need to
7 come back to evidence 1. We have a hard copy with your leave, Mr President.
8 And just to clarify, if I am not mistaken, this is annex 4 of the witness's statement.
9 Could we display the second page, please.

10 Q. [13:00:58] And we see your stamp and signature. And to simplify, do you
11 recognise this document, Witness?

12 A. [13:01:12] Yes, indeed.

13 Q. [13:01:16] If I understand correctly, this is a document that you gave to the
14 investigators in November of 2011 when you met with them; is that correct?

15 A. [13:01:26] Yes, that's correct.

16 Q. [13:01:29] What is this exactly? Could you explain the situation that led to the
17 sending of this message?

18 A. [13:01:43] I believe the note is very clear. We received information. We were
19 told that young people were *buying fuel at gas stations to go and play at being
20 arsonists; and to avoid that that reoccur, we asked our officers to do what was
21 necessary to -- so that that not be continued. That's basically the content of the
22 message.

23 MR MACDONALD: [13:02:17] (Interpretation) I think we can break now, your
24 Honour, with your permission. Otherwise, I could continue for a few more minutes.

25 PRESIDING JUDGE TARFUSSER: [13:02:26] This document?

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1 MR MACDONALD: [13:02:28] No, on another document.

2 PRESIDING JUDGE TARFUSSER: [13:02:30] Okay.

3 MR MACDONALD: [13:02:30] Maybe I can take the next few seconds just to also

4 refer to the transcript, and I'll let my colleague read out the transcript number

5 because I can't read her information. So I'll ask Ms Schoeters to just read it into the

6 record, please.

7 PRESIDING JUDGE TARFUSSER: [13:02:53] Yes.

8 MS SCHOETERS: [13:02:54] Hello. The transcript number of the video we played,

9 the video was CIV-OTP-0018-0005, and the transcript reference number is

10 CIV-OTP-0019-0007 at page 0008, lines 1 to 41.

11 PRESIDING JUDGE TARFUSSER: [13:03:28] Thank you.

12 MR MACDONALD: [13:03:30] And just to be clear, your Honour, I did not show the

13 entire video that lasts 18 minutes. We showed the beginning. I can show also the

14 end. But obviously we want the entire video to be recognised as submitted on the

15 record, just for the technical.

16 PRESIDING JUDGE TARFUSSER: [13:03:43] Yes, well, of course. And I would like

17 sometimes to see the entire video - thank you - and I will, of course.

18 This brings us to the lunch break. We are going now for lunch until 2.30, and then

19 we resume for the third session of this day. Thank you very much.

20 THE COURT USHER: [13:04:06] All rise.

21 (Recess taken at 1.04 p.m.)

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

23 THE COURT USHER: [14:33:52] All rise.

24 Please be seated.

25 PRESIDING JUDGE TARFUSSER: [14:34:10] Good afternoon. Yes.

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1 MR GARCIA: [14:34:16] Good afternoon, your Honours, Mr President.

2 PRESIDING JUDGE TARFUSSER: Good afternoon.

3 MR GARCIA: [14:34:19] I do apologise for tardiness of Mr MacDonald. He will be in
4 in a couple of minutes. He just had to rush up to his office urgently. A couple of
5 minutes. I do beg your indulgence in this.

6 PRESIDING JUDGE TARFUSSER: [14:34:31] No problem. The Chamber requests in
7 any case to re-look at the video, because in the meantime we requested to the
8 court -- I requested the court officer to give the transcript to the interpreters, so also to
9 the benefit of those who do not understand, we have the video in French with an
10 English interpretation. So therefore we can for the moment do without
11 Mr MacDonald, that's what I want to say.

12 MR GARCIA: [14:35:05] Thank you, Mr President, your Honours.

13 PRESIDING JUDGE TARFUSSER: [14:35:07] Okay. So I don't know who has -- the
14 interpreters have the transcript. So I would ask who is in charge to play again the
15 video in the same part we have seen just before break, the break.

16 THE COURT OFFICER: [14:35:40] You have the floor, evidence channel 2.
17 (Viewing of the video excerpt)

18 THE INTERPRETER: [14:35:51] "General, officers, all my friends from Lakota, I'm
19 very pleased that you're here. Policemen here, we're setting up, as general Bredou
20 reminded us a moment ago, that the CRS, the compagnie républicaine de sécurité,
21 was set up in 1944 and became operational in 1948. Those dates are important dates.
22 1944 was a period of major disorder in France. The war was over, but it wasn't really
23 over. It's a bit like here now. It was finished, but it wasn't really finished. General
24 de Gaulle and the government in exile in Alger disembarked in Paris and they took
25 over control. But there were still entire cities that were under the control of the

1 Germans and others were controlled by armed resistance fighters.

2 De Gaulle wanted to ensure the security of the institutions of the republic, and

3 therefore he created the CRS, the compagnie républicaine de sécurité, in order to fight

4 in the cities, to fight against troublemakers, to fight against the thugs.

5 And since 1944, the CRS has been there. In times of trouble, the CRS is in the

6 forefront in France. The reason I'm reminding you of this is not to give you a history

7 lesson but to remind you of the spirit in which the CRS was born and the tasks

8 awaiting it. The tasks awaiting are the tasks involved in battles, battles against

9 sham, disorder, chaos, chaos. But the tasks involved in peace as well with ordinary

10 citizens, the tasks of peace with ordinary citizens, thanks to you in this city and in this

11 region, normal citizens, ordinary citizens, conscientious citizens will be able to come

12 and go to work peacefully. They must be able to go to the movies, to go out dancing,

13 they must be able to go out and have a good time peacefully.

14 People have to be able to walk around normally with money in their pockets without

15 being afraid thanks to your presence. But because of your presence, all those who

16 want to go rob honest citizens will have to think twice before they go ahead with their

17 plan.

18 Dear friends, police officers, dear brothers, we're setting up this CRS company today.

19 You're not ordinary police officers. You're not the ordinary police officers in a police

20 station to sit and keep records. No, that's not your task. This is the compagnie

21 républicaine de sécurité, the CRS. Your role is to make *sure that the republic lives.

22 Your role is to make sure that the authority of the regional prefect applies throughout the

23 region, that the authority of the *departmental prefects applies throughout the

24 department, and that the authority of the sub-prefects applies throughout the

25 sub-prefecture. Your role is to enable republican authority to be alive.

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1 Your enemy -- I didn't say 'adversary,' I said 'enemy.' Your enemy is anyone who is
2 against the republic. Your enemy is anyone who is against peace in Côte d'Ivoire.
3 Your enemy are those who want to disturb the elections in Côte d'Ivoire. Your task
4 is a simple task. Your task is simple because the dividing line is very clear between
5 peace and disorder. You're in favour of peace and you're going to fight against those
6 who want to lead to disorder. Between what is legal and what is illegal, you are for
7 legality and you are going to fight against all those who are in favour of illegality.
8 That's your role."

9 PRESIDING JUDGE TARFUSSER: [14:42:04] Also before it was until the 6, okay.
10 Thank you very much.

11 Now the floor goes back to the Office of the Prosecutor, Mr MacDonald.

12 MR MACDONALD: [14:42:49] (Interpretation)

13 Q. [14:42:52] Good afternoon, Witness.

14 This morning we showed you a document regarding the purchase of gasoline.

15 During the period between the two rounds of the election, were there any barricades
16 set up by young Ivorian people?

17 A. [14:43:26] Yes.

18 Q. [14:43:33] And what occurred at those roadblocks, those barricades?

19 A. [14:43:41] At those roadblocks, there were *interventions -- the idea was to
20 prevent people from coming and going, to stop traffic.

21 Q. [14:44:06] And who was in attendance at those roadblocks?

22 A. [14:44:12] They were members of the LMP and the RHDP.

23 Q. [14:44:21] When you refer to the LMP, are they in favour of Gbagbo and the
24 RHDP are the Ouattara people, so those were the two sides that were opposed during
25 the elections; is that correct?

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- 1 PRESIDING JUDGE TARFUSSER: [14:44:39] Again, who is the LM --
- 2 MR MACDONALD: [14:44:43] Yes.
- 3 PRESIDING JUDGE TARFUSSER: [14:44:43] Yes, that's the way to ask questions.
- 4 MR MACDONALD: [14:44:45] I know, your Honour --
- 5 PRESIDING JUDGE TARFUSSER: [14:44:46] Yes, but --
- 6 MR MACDONALD: [14:44:47] -- but these are facts that are so well-known --
- 7 PRESIDING JUDGE TARFUSSER: [14:44:49] But if they are so well-known, then it's
- 8 useless to ask them. This is what I think. Or you ask them and the reply comes
- 9 from the witness; or if they are so well-known, I don't think it's needed to be asked,
- 10 they need to be asked.
- 11 MR MACDONALD: [14:45:04] Yes. Understood.
- 12 Q. [14:45:15] (Interpretation) Were any crimes committed at those roadblocks to
- 13 your knowledge?
- 14 A. [14:45:23] I can't really state in formal terms that crimes were committed. In
- 15 order for us to be informed, *a formal complaint would have had to be lodged with
- 16 the public security police headquarters.
- 17 Q. [14:45:44] What kind of acts were committed by those who were setting up
- 18 those roadblocks?
- 19 A. [14:45:51] Let me repeat what I said a moment ago. People were preventing
- 20 the population from coming and going; in other words, they were stopping free
- 21 circulation.
- 22 MR MACDONALD: [14:46:05] (Interpretation) If I may, your Honour, I would like to
- 23 refer to the prior statement made by the witness on a particular point regarding this
- 24 matter.
- 25 Q. [14:46:42] At those roadblocks, the people who were maintaining the

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1 roadblocks, did they have weapons?

2 A. [14:46:50] Well, from the point of view of the police, yes, they were armed. It
3 doesn't mean a rifle. It could be a knife. It could be a variety of things. So yes,
4 they had weapons. It could be a stick, a club.

5 Q. [14:47:06] Were there firearms to your knowledge, other than clubs and
6 machetes, et cetera?

7 A. [14:47:19] Firearms, I can't really say. We were told that people were bearing
8 weapons, but I myself did not see it.

9 MR O'SHEA: [14:47:29] Sorry, your Honour. I heard the word "couteau," knife. I
10 did not hear the word "machete."

11 MR MACDONALD: [14:47:55] I can rephrase or ask the question.

12 PRESIDING JUDGE TARFUSSER: [14:47:57] Yes, please, to put the question another
13 way. Yes.

14 MR MACDONALD: [14:48:02] (Interpretation) I beg your pardon.

15 Q. [14:48:04] You referred to knives, clubs. Were there any machetes?

16 A. [14:48:10] Yes, some had machetes.

17 Q. [14:48:18] *And you were informed by whom? I understand that you are a
18 police officer, but I am going to put the question to you for it to be clear.

19 MR LAUCCI: [14:48:27] (Interpretation) Well, given the line of questioning and since
20 we're referring to information that may have been sent to the witness during the
21 events, I would request that we go into private or closed session, your Honour.

22 PRESIDING JUDGE TARFUSSER: [14:48:47] Maître Altit.

23 MR ALTIT: [14:48:49] (Interpretation) Your Honour, if we're talking about
24 self-incrimination, it seems *to me we need additional information *because it is not
25 because the witness is talking about his duties... duties that he, by definition,

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1 conducts within a legal framework, that self-incrimination is possible. We need to
2 have a better understanding of what we're really afraid of, because otherwise we
3 have no criterion between what can be done in open session and what needs to be
4 done in private.

5 So I think that this has to be dealt with with great care, and given that it was a period
6 of tension, whenever any incidents occurred, the person who is testifying does so in
7 public because, after all, that was his job to manage such situations. I mean, that's
8 what he was supposed to be doing. Self-incrimination is a completely different
9 issue.

10 MR KNOOPS: [14:49:42] Mr President, I don't think there is a difference between the
11 reports which were put forward to the witness which were drafted by himself
12 containing information and the question which is now put to the witness, so there is
13 no reason to go to closed session in our opinion. Thank you.

14 PRESIDING JUDGE TARFUSSER: [14:50:03] Mr Prosecutor.

15 MR MACDONALD: [14:50:04] I leave it to your discretion, your Honour.

16 PRESIDING JUDGE TARFUSSER: [14:50:08] Maître Laucci.

17 MR LAUCCI: [14:50:12] (Interpretation) Well, I would be pleased to clarify my
18 concerns following Maître Altit's comments. But the documents have been
19 submitted as to their form but not the content. The content remains confidential.
20 As regards our particular fears, I've already referred to the concept of responsibility of
21 hierarchical superiors under Article *140(1) of the Ivorian Criminal Code which states that:
22 "When a hierarchical superior is informed of any acts, criminal acts that have occurred, a
23 number of measures need to be taken, otherwise he may be considered responsible. *These
24 measures include: bringing charges, arresting, cracking down on criminal activity and
25 reporting to the hierarchy."

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1 And therefore inasmuch as we're referring here to information he may or may not have
2 received, that the witness may have received, *at the time of the events within the
3 framework of his duties, and not just events that he learned about afterwards from
4 *the press or another source, this puts us potentially in the scope of the responsibility
5 of a hierarchical superior *as I do not have any information to be able to tell you at this
6 point what the witness may or may not have done *when he became aware.

7 PRESIDING JUDGE TARFUSSER: [14:51:34] Well, I think the crucial question is:
8 How did you know?

9 MR LAUCCI: [14:51:43] (Interpretation) Yes, indeed, I agree, your Honour.

10 PRESIDING JUDGE TARFUSSER: [14:51:47] Yes. Therefore, I would ask: How did
11 you know? You're saying all these things responding to the Office of the Prosecutor.
12 My question is: How did you know? From whom did you know?

13 THE WITNESS: [14:52:07] (Interpretation) This morning we saw a document regarding
14 the designations, and it's those individuals on the ground who informed us or the
15 population *who called 170, that is to say the police saying, this is what's happening.

16 PRESIDING JUDGE TARFUSSER: [14:52:24] Well, next question -- well, now I think
17 it's better to go into -- from your subordinates?

18 THE WITNESS: [14:52:38] (Interpretation) Yes, my subordinates, but also from the
19 population at large.

20 PRESIDING JUDGE TARFUSSER: [14:52:44] I think we have to go into private
21 session just to go deeper into this, and then we'll see how it develops. But for as a
22 matter of caution, I think we go into private session. Sorry about that.

23 MR LAUCCI: [14:52:58] (Interpretation) Thank you, your Honour.

24 PRESIDING JUDGE TARFUSSER: [14:53:02] Okay. Court officer, could you call the
25 private session.

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1 (Private session at 2.53 p.m.)

2 THE COURT OFFICER: [14:53:12] We are in private session, Mr President.

3 (Redacted)

4 (Redacted)

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16 (Redacted)

17 (Open session at 3.07 p.m.)

18 THE COURT OFFICER: [15:07:14] We are in open session.

19 PRESIDING JUDGE TARFUSSER: [15:07:17] Mr MacDonald.

20 MR MACDONALD: [15:07:20] Thank you, your Honour.

21 Q. [15:07:27] (Interpretation) So, Mr Witness, still in this very same transcript,

22 0014-0233, and we're on page 0236, bottom of the page, line 112, over to page 0237,

23 line 116. And I shall read, I shall read from line 108. The investigator puts a

24 question to you:

25 "Were you able -- was the police able to do away with the roadblocks in Abidjan?"

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1 Answer: "No. It's not possible."

2 Question: "Okay."

3 And then you go on to say: "It's not possible. Sometimes even they are more armed
4 than we are. I told you that we only have handguns, but I remember that on
5 occasion we had the cases of students in Port-Bouët, the students of the Riviera when
6 they arrive of course, they are in greater numbers, and then they are further armed,
7 and they stand up to our elements."

8 And further on you go on to say: "And we are obliged to negotiate, to negotiate for
9 them to leave."

10 End of quote.

11 So you said this in your former interview. Do you acknowledge the response that
12 you furnished to the Office of the Prosecutor at that moment in time?

13 A. [15:09:37] I can confirm my statement.

14 Q. [15:09:42] Very well. Was it the truth?

15 A. [15:09:51] I believe that I have taken an oath to say the truth *and, I confirm my
16 statement. So, I said that my conscience is my guide.

17 Q. [15:10:04] Very well. So let us continue.

18 MR KNOOPS: [15:10:13] Mr President, just for the record, before the part of the
19 transcripts before the intervention of Mr Altit, the Defence of Blé Goudé seeks for
20 declassification of that part of the transcripts as being public.

21 PRESIDING JUDGE TARFUSSER: [15:10:34] Do you mean the whole part we are
22 talking about? The whole part which was said in private session.

23 MR KNOOPS: [15:10:40] Yes, yes, yes. Thank you.

24 PRESIDING JUDGE TARFUSSER: [15:10:42] Okay. Thank you.

25 Mr MacDonald.

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1 MR MACDONALD: [15:10:48] You're asking for my position on this or -- yes. I
2 don't see any problems. Maybe later on or tomorrow the counsel of the
3 witness -- but I think it can be indeed reclassified as public.

4 PRESIDING JUDGE TARFUSSER: [15:11:02] It will be decided in due course.

5 MR MACDONALD: [15:11:18] (Interpretation)

6 Q. [15:11:19] I would like to go on now, Mr Witness. We know that the election
7 was on -- or the second round was held on 28 November 2010.

8 MR MACDONALD: [15:11:30] I hope that's all right instead of asking the question
9 itself.

10 Q. [15:11:40] (Interpretation) To your knowledge, before the elections was there
11 a curfew?

12 A. [15:11:52] Yes, there were indeed curfews.

13 Q. [15:11:59] So we shall be calling up 0045-1143, please -- no, let's not call it up.
14 But can you confirm that on 26 November there was indeed a curfew that was in
15 place?

16 A. [15:12:18] I can't tell you specifically what date, but I do know that there were
17 curfews; but as to the precise date today, I can't confirm to you.

18 Q. [15:12:30] Well, let's call up that item, 0045-1183.
19 And whilst we are doing so, Mr Witness, who was the person who decreed these
20 curfews?

21 PRESIDING JUDGE TARFUSSER: [15:12:52] Mr -- who decrees, though?

22 MR MACDONALD: [15:12:54] Yes, who. In my country, I know who.

23 PRESIDING JUDGE TARFUSSER: [15:12:58] Yes.

24 MR MACDONALD: [15:12:58] But it's not the same person.

25 PRESIDING JUDGE TARFUSSER: [15:13:01] But it will be on the screen rather?

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1 MR MACDONALD: [15:13:03] I'm asking from the witness.

2 (Interpretation) Very well. Can we show -- and scroll down somewhat, please. If
3 we could show the second page, please.

4 Q. [15:13:52] Does this refresh your memory, Mr Witness, these dates, 27
5 November 2010, where it is indicated that there was a curfew from 2200 hours until 6
6 in the morning on the 28 of November and so forth?

7 A. [15:14:28] This was made, this document, on 26 November 2010.

8 Q. [15:14:37] Yes. And I'm asking you the question that -- so you can confirm
9 that there were curfews before and afterwards, but do you recall that this had been in
10 force since 27 November?

11 A. [15:14:51] Yes, the document indicates this.

12 Q. [15:14:53] Very well. Now, I would like to call up item 0010-0024, which is an
13 annex to your statement. It is dated 26 November 2010.

14 So we might hand a hard copy over as well.

15 So this is an outgoing message and there are two pages. We can show the next page.

16 Do you recognise this document, Mr Witness?

17 A. [15:16:29] Yes, it is a document from my service.

18 Q. [15:16:33] Well, even more, you signed it?

19 A. [15:16:37] Yes, indeed.

20 Q. [15:16:40] And what is it precisely?

21 A. [15:16:45] I am informing my co-workers of the threat that can be associated
22 with the disturbances *during the presidential vote, and it is to that effect that I gave
23 these instructions.

24 Q. [15:17:10] And what were those threats?

25 A. [15:17:20] Well, I was talking about disturbances in public order following -- so

1 stopping people from moving around, stopping people from going out and about,
2 doing their shopping, all of this is disturbing public order.

3 Q. [15:17:44] Thank you. I would now like to move on to the next annex still to
4 your statement. This is item, I do apologise for that, 0026 -- sorry, 0010, 0010-0026.
5 If we can scroll down somewhat. Do you recognise this document, Mr Witness?

6 A. [15:18:57] This is a document signed by myself.

7 Q. [15:19:02] And this document is dated 27 November. And what is it?

8 A. [15:19:10] I gave instructions with regard to the use of hand -- of firearms. I
9 indicated that unless it was a case of legitimate defence, policemen were not
10 supposed to use firearms.

11 Q. [15:19:29] And why? Why was that?

12 A. [15:19:32] There is no why. This was the reason for using firearms in -- well,
13 with regard to my country anyway.

14 Q. [15:19:46] So in Côte d'Ivoire, it is normal to remind people on the eve of the
15 election that --

16 MR GBOUGNON: [15:20:02] (No interpretation)

17 MR MACDONALD: [15:20:06] (Interpretation) Very well, very well.

18 PRESIDING JUDGE TARFUSSER: [15:20:10] You can come back with this in a
19 discussion.

20 MR MACDONALD: [15:20:14] Indeed, your Honour, indeed.

21 (Interpretation) If you would allow me just a little moment. Let's continue.

22 Q. [15:20:51] So the second round was on 28 November, and there was a period of
23 uncertainty as to the results in terms of victory. Now, what about the CCI the day
24 after the vote, that is the integrated command centre that comprised all of the *armed
25 forces including the UN that was providing security during the elections, what

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1 happened to it?

2 A. [15:21:32] The CCI was running.

3 Q. [15:21:37] So the CCI was still up and running until what date?

4 A. [15:21:44] I would say that I do not remember the date when it was dissolved.
5 I do not recall.

6 MR N'DRY: [15:22:10] (Interpretation) Mr President.

7 PRESIDING JUDGE TARFUSSER: [15:22:11] Maître N'Dry.

8 MR N'DRY: [15:22:13] (Interpretation) It's not a question. I just wanted to ask the
9 Prosecutor whether it was his line of thought or whether he was trying to say
10 something else. The transcript in the French language says, page 85, line 20 to 22,
11 the Prosecutor says as follows:

12 "Let's follow on. So the second round was 28 November. There was a period of
13 uncertainty with regard to the results in terms of victory. Do you mean the results,
14 the results of victory?"

15 *M. MacDONALD (interpretation) : [15:22:46] Of course, I understand that there is a
16 winner at an election

17 M. N'DRY : [15:22:53] But it is always a good idea to say « results ». It would be
18 better."

19 PRESIDING JUDGE TARFUSSER: [15:22:53] Please, do not overlap. Please do not
20 overlap. Let one finish and then the other one, please, Maître N'Dry, because I didn't
21 get the end.

22 MR N'DRY: [15:23:14] (Interpretation) Ah, okay. No, the Prosecutor said as I said in
23 the French transcript, page 85, lines 20 to 22, and I quote:

24 "Let's move on. So the second round occurred on 28 November, and there was a
25 period of uncertainty as regards the victory in terms of result." That is what is

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1 written here.

2 I asked the OTP whether he was talking about the results, and then he went on to
3 confirm that.

4 PRESIDING JUDGE TARFUSSER: [15:23:49] I think it's quite clear that after 28
5 November, there was a period of uncertainty on who won the elections. I think this
6 is the -- that what is -- was it correct?

7 MR MACDONALD: [15:24:04] I understand, your Honour. It's a sensible subject.
8 Results is fine. As to the outcome of the results, it's fine too. Victory, result --

9 PRESIDING JUDGE TARFUSSER: [15:24:20] Yes, there was a period of uncertainty --

10 MR MACDONALD: [15:24:22] That's right.

11 PRESIDING JUDGE TARFUSSER: [15:24:23] -- as to when the results were
12 communicated. There was a period of uncertainty after the 28th of November. We
13 know that. This is knowledge I think by now of the Chamber. Please.

14 MR MACDONALD: [15:24:39] Thank you, your Honour.

15 Q. [15:24:47] (Interpretation) Mr Witness, I understand that there was -- on 2
16 December the constitutional council gave a statement. Now the question is -- well,
17 let's put to one side this CCI for one moment.

18 Who within the FDS, that is to say the army, the gendarmerie, and the police, was
19 there a coordinating activity at that moment in time?

20 A. [15:25:52] Yes, there was a form of coordination. Now, to put you in the
21 picture, you have the police that is the category, first category in terms of weapons;
22 and then you have gendarmerie, that is the second category. *It is part of the first...
23 second category, and then you have the armed forces. So those are the three of
24 them. And the coordination is provided by the chief of staff of the army.

25 Q. [15:26:31] And why was this coordination conducted by the chief of staff of the

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1 army?

2 A. [15:26:38] It's simple. In a period of crisis, everybody places themselves at the
3 disposal of the army, even the civilians.

4 Q. [15:26:53] So let me come back to the document 0010-0024 that you handed
5 over to us during the interview, and page 1 thereof, and I read from line 6 from the
6 bottom in the middle, and I quote:

7 "All of the observation posts conjointly *appointed by the major commands of the
8 forces of defence and security," FDS -- by document n°3014--, and there is a number,
9 "dated 26 November 2010 must be well managed by day as by night."

10 So that was annex 5 to your statement. This is a confirmation, is it not?

11 A. [15:27:52] I can confirm.

12 Q. [15:27:56] And this coordination that is happening between the three branches
13 of the forces of defence and security, the FDS, does this coordination bear a name?

14 A. [15:28:21] Well, I don't really understand.

15 Q. [15:28:29] Well, let's continue. We'll come back to that. So could you please
16 tell us what the centre for planning -- for planning and coordination of operations
17 was, the CPCO?

18 A. [15:28:48] The CPCO is the centre that enabled to get the three commands up
19 and running, the police, the gendarmerie, and the army.

20 Q. [15:29:06] And this centre, this CPCO was set up at approximately what date
21 approximately?

22 A. [15:29:21] Right at the beginning of the crisis the CPCO was set up.

23 Q. [15:29:30] And for you right at the beginning of the crisis, what month and
24 year are you talking about? Please shed light.

25 A. [15:29:37] I'm talking from 2002 when I say during a period of crisis.

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1 Automatically people would place themselves at the disposal of the national armed
2 forces.

3 Q. [15:29:52] So even at the time of the existence of the CCI, the CPCO was still in
4 existence, was it?

5 A. [15:30:02] The CCI was placed itself at the disposal of the armed forces. The
6 CCI cannot work without the CPCO.

7 Q. [15:30:16] Very well. Between November 30 -- I beg your pardon. Between
8 *28 November 2010 and December 2, 2010, before the constitutional council rendered
9 its ruling, that is on 2 December, my question is as follows: Were crimes committed
10 by the FDS that you were informed about?

11 MR MACDONALD: [15:31:03] (Interpretation) And in order to respond to that
12 question, I would request that we go into private session.

13 PRESIDING JUDGE TARFUSSER: [15:31:08] Yes, let's go in private session.

14 (Private session at 3.31 p.m.) *(Reclassified partially in public)

15 THE COURT OFFICER: [15:31:18] We are in private session.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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13 Page redacted – Private session.

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20 MR MACDONALD: [15:35:21] (Interpretation)

21 Q. [15:35:28] You've confirmed that this is a police document, but I'd like to draw

22 your attention to the content of this document. We're now in private session. And

23 my question is: Were you informed about the events that took place at the date

24 mentioned, four individuals were killed and *seven others wounded by bullet shot in

25 Yopougon Wassakara? And I believe I'm not mistaken in saying that it was the

1 headquarters of the RDR at that particular place.

2 A. [15:36:12] Yes, I was informed of that. If I'm not mistaken, it was not in the
3 offices, but in front of the RDR offices.

4 Q. [15:36:24] And it was alleged, if you recall --

5 PRESIDING JUDGE TARFUSSER: [15:36:35] What was alleged was the question.

6 MR MACDONALD: [15:36:37] What was alleged. Totally, your Honour.

7 Q. [15:36:45] (Interpretation) What was alleged?

8 A. [15:36:52] It seems to me you haven't finished your question.

9 PRESIDING JUDGE TARFUSSER: [15:37:08] No, how did -- how did this event
10 occur?

11 THE WITNESS: [15:37:17] (Interpretation) Thank you, your Honour.

12 MR MACDONALD: [15:37:20] (Interpretation)

13 Q. [15:37:22] By memory, if you remember. I see you are reading the document,
14 but I'm asking you to tell us what you remember.

15 A. [15:37:29] Well, you showed me a document.

16 Q. [15:37:31] Yes, but the point is to refresh your memory, and we're speaking at
17 the same time.

18 PRESIDING JUDGE TARFUSSER: [15:37:43] What do you know about these facts?

19 What have you -- yes. What at that time did you get to know about these facts?

20 THE WITNESS: [15:37:58] (Interpretation) I was saying that in Wassakara, events
21 took place, indeed. *Elements were injured by bullet wound in front of the RDR
22 headquarters.

23 MR MACDONALD: [15:38:19] (Interpretation)

24 Q. [15:38:20] Did you learn which FDS forces were involved in that incident?

25 MR ALTIT: [15:38:35] (Interpretation) The answer is contained in the question. It

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1 seems to me the question should be rephrased.

2 PRESIDING JUDGE TARFUSSER: [15:38:44] Who was involved in that incident?

3 THE WITNESS: [15:38:53] (Interpretation) Really, it's hard to say today. I

4 *remember that our troops had gone on a recce at the time, as there were disturbances

5 at the time, but we didn't get any follow up. So, today I no longer recall, but I know

6 that there was indeed a murder in front of the RDR headquarters.MR

7 MACDONALD: [15:39:22] (Interpretation) May I read out part of the report, your

8 Honour, with your permission?

9 Q. [15:39:35] Witness, I would like to read what you have in front of you. I

10 believe you have a police report in front of you?

11 PRESIDING JUDGE TARFUSSER: [15:39:51] Is it the attachment to this?

12 MR MACDONALD: [15:39:53] It's not an attachment to this, your Honour. No.

13 The second page, please.

14 PRESIDING JUDGE TARFUSSER: [15:39:58] Yes, that's what I mean.

15 MR MACDONALD: [15:39:59] Sorry. If we can show the second page, sorry -- or

16 even the third one.

17 PRESIDING JUDGE TARFUSSER: [15:40:06] I think that the witness can take note of

18 it and then respond to the question.

19 MR MACDONALD: [15:40:11] (Interpretation)

20 Q. [15:40:12] Witness, could you read silently the last paragraph until the end,

21 where it starts "Mentionnons" in French, mentioning, et cetera, until the end of that

22 page. Read it to yourself, please.

23 A. [15:40:46] I've finished reading.

24 Q. [15:40:50] I would like to understand perfectly well, commander Koukougnon,

25 commander of the Yopougon squad, do you know this individual? Did you know

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1 him at the time? Did you know who he was at the time, commander Koukougnon?

2 A. [15:41:18] Commander Koukougnon is not a police officer and I don't know
3 him personally. I admit to that.

4 Q. [15:41:25] But you know who he is?

5 A. [15:41:26] No *I don't know. Maybe I know that he is the commander of the
6 Yopougon Toits Rouges squad, but I don't know him.

7 Q. Yopougon Toits Rouges. But you knew *he was a gendarmerie commander
8 there, you did know that?

9 A. [15:41:47] Yes, I can confirm that.

10 Q. [15:41:48] Thank you. And at the end to be perfectly certain that everyone
11 understands, it states here that an investigation *was opened under and there is a
12 reference, OP number. What does the OP mean?

13 A. [15:42:08] OP refers to operation.

14 Q. [15:42:09] And then there is a number that follows, there is a date and a time of
15 day, December 2, 2010 at *03:20 minutes. What does that mean exactly, an
16 investigation was initiated? And I beg your pardon for the cultural issues here.

17 A. [15:42:38] Well, when *the police is seized of an investigation, it opens an
18 investigation in its register. It is this investigation that shows that the police is
19 informed of the facts. And therefore this operation makes it possible to say that at
20 such a time in the register of the police station in the 16^e – because you can see "PU16"
21 meaning urban police – an investigation was opened.

22 Q. [15:43:05] And then the central duty officer was informed -- I'm reading the
23 rest of the text. *We are reporting to you, to all intents and purposes.

24 So in theory the next day the duty officer's report that should have contained that
25 information, did that come to your office, at least as far as you know?

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1 A. [15:43:47] Well, even before that, given that it's a serious event, we were
2 informed even before, even before the duty officer report was sent in.

3 Q. [15:43:59] So do you remember having been informed early in the morning,
4 very early in the morning, of this incident which was -- you yourself used an
5 expression that I'm not going to repeat, but do you remember being informed?

6 A. [15:44:16] Yes, indeed.

7 Q. [15:44:24] By whom?

8 A. [15:44:25] By the duty officer. Yesterday or maybe it was this morning we
9 discussed those duty officer reports, "rapport de permanence" in French. And so
10 that report was sent in, and therefore we were informed of these events.

11 Q. [15:44:47] Did you yourself report these events to the minister yourself?

12 A. [15:44:50] Yes, indeed, serious facts, serious events such as these cannot be
13 kept secret.

14 Q. [15:45:01] Was there any follow-up to this event?

15 A. [15:45:15] I cannot answer that question. But what I can say is that *there was
16 a complaint that was lodged, as the police headquarters was seized of the matter, as
17 was the duty office, and as a result an investigation was opened. And let me say that
18 if such acts were committed by the gendarmerie themselves, it's not up to us to carry
19 out the investigation. *Any acts committed by gendarmes or soldiers from the
20 gendarmerie, it was the gendarmerie that would carry out the investigation.

21 Q. [15:46:07] Witness, can you tell us how the minister reacted when you
22 informed him of this event?

23 A. [15:46:16] I can't say anything. I relayed the information. I don't know how
24 he reacted. I cannot say much about that.

25 Q. [15:46:30] Do you remember how you informed him, what means you used to

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1 inform him?

2 A. [15:46:36] Again, I repeat that in the morning I would call him on the
3 telephone.

4 Q. [15:46:42] To your knowledge, did he go on site?

5 A. [15:46:51] I don't remember.

6 Q. [15:46:52] And what about you, did you go there?

7 A. [15:46:54] No, I did not go there on site following these events because the
8 neighbourhood police station was there, the central *duty office went there as it had
9 been informed, so I did not go myself, no.

10 Q. [15:47:13] Very well. How did you react when you heard about this
11 information yourself? What was your own reaction?

12 A. [15:47:38] Well, I don't -- it's difficult. The day when -- I don't know if you
13 remember the report, when nine policemen were killed, I remember that I wept.

14 Q. [15:48:04] Why do you refer to nine policemen being killed when *I ask you
15 about your reaction to this event?

16 A. [15:48:10] Because it was an event that I remember, that I can't forget, and
17 every single time there is a person that's killed, I remember that event.

18 Q. [15:48:23] When you refer to people being killed, what are you referring to?
19 My question is: Do you distinguish between a civilian who dies or one of your
20 subordinates who is killed?

21 MR ALTIT: [15:48:45] (Interpretation) Your Honour, may I?

22 PRESIDING JUDGE TARFUSSER: [15:48:52] Maître Altit.

23 MR ALTIT: [15:48:53] The witness has answered, and I think it's particularly unfair to
24 repeat the question as if he hadn't answered the question in order to obtain a different
25 answer. He responded very clearly. He referred to the death of individuals, men

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1 being killed.

2 PRESIDING JUDGE TARFUSSER: [15:49:14] Maître Gbougnon.

3 MR GBOUGNON: [15:49:20] (Interpretation) The question: "Do you distinguish" --

4 MR MACDONALD: [15:49:27] (Interpretation) I'll rephrase so that it's more neutral.

5 I agree with the Defence.

6 PRESIDING JUDGE TARFUSSER: [15:49:35] Let us not overlap because here we

7 cannot read -- we cannot continue like this, overlapping continuously. Maître

8 Gbougnon.

9 MR GBOUGNON: [15:49:44] (Interpretation) Again, counsel was asking the witness

10 to speculate whether or not he distinguished between the death of a civilian or the

11 death of a subordinate. I think he really could have stopped with the answer given

12 by the witness.

13 MR MACDONALD: [15:50:04] (Interpretation) I'm going to rephrase the question, if

14 you will allow.

15 Q. [15:50:10] When you refer to the death of an individual, what do you mean

16 exactly, "mort d'homme"? What do you mean exactly when you refer to the

17 expression in French "mort d'homme"?

18 A. [15:50:35] Well, I don't know how to answer. Well, when someone is

19 murdered, someone is killed. I think that corresponds to what I mean by "mort

20 d'homme," the death of a person.

21 Q. Let us move on. Do you know, over and beyond the reference *to the

22 gendarmerie, do you know whether there were other FDS units that were involved in

23 this *incident?

24 MR ALTIT: [15:51:23] (Interpretation) Your Honour, may I?

25 PRESIDING JUDGE TARFUSSER: [15:51:33] Yes, Maître Altit.

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1 MR ALTIT: [15:51:36] (Interpretation) I really don't want to interrupt my colleague,
2 but -- and there is no point in giggling. I really wonder what the purpose of being in
3 private session is. It seems to me we've reached another phase. Stop making faces.
4 I have to ask these questions. I beg your pardon.

5 MR MACDONALD: [15:42:06] (Interpretation) I wasn't making faces. No, that was
6 not at all my intention.

7 PRESIDING JUDGE TARFUSSER: [15:52:24] I must say also I have some -- I was,
8 before you started the question I asked, Can we go in open session -- I would have
9 asked going in open session, but then you started and I wanted you to finish. But be
10 aware that we are in private session and I would ask you to ask me to go in open
11 session if you think that this is doable.

12 MR MACDONALD: [15:52:54] Noted, your Honour.

13 Q. [15:52:59] (Interpretation) This is a question for you, and we're still in private
14 session. Were you informed whether over and beyond the gendarmerie there were
15 other forces or other *FDS units involved in this incident?

16 A. [15:53:18] I did not have any information.

17 Q. [15:53:23] Very well. In spite of the fact that they were gendarmes, to your
18 knowledge, was there any follow-up to that incident; in other words, investigation,
19 prosecution, sanction?

20 A. [15:53:42] I don't have that information. And given that they were gendarmes
21 involved, it is up to them to carry out the investigation. And since they don't report
22 to me, I had no way of knowing whether or not there was a follow-up to it.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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22 (Open session at 3.57 p.m.)

23 THE COURT OFFICER: [15:58:04] We are in open session, Mr President.

24 PRESIDING JUDGE TARFUSSER: [15:58:07] Thank you.

25 Just one question. I'm referring to the English transcript page 85, line 14, where you

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1 said that: "It was the chief of staff of the army who in the crisis period coordinated
2 police, gendarmerie, and army." The question is: Who was the chief of staff of the
3 army?

4 THE WITNESS: [15:58:40] (Interpretation) It was Mangou Philippe who was the chief
5 of staff of the army at the time.

6 PRESIDING JUDGE TARFUSSER: [15:58:50] Thank you very much.

7 And the coordinator of the three, of the police, gendarmerie, and army?

8 THE WITNESS: [15:59:01] (Interpretation) That's correct, your Honour.

9 PRESIDING JUDGE TARFUSSER: [15:59:08] Mr MacDonald.

10 MR MACDONALD: [15:59:12] Would the Chamber be amenable to continue beyond
11 4 o'clock for half an hour?

12 PRESIDING JUDGE TARFUSSER: [15:59:30] Well, the Chambers, yes; but the
13 interpreters, not.

14 Maître Altit.

15 MR ALTIT: [15:59:36] (Interpretation) Your Honour, I don't want to intervene as
16 regards the response to that question; it's up to the Chamber. But I would like to
17 know whether we could ask the OTP how long they intend to need tomorrow so that
18 we can organise ourselves.

19 PRESIDING JUDGE TARFUSSER: [15:59:59] I was going to ask this in any case
20 because I think we must all make up our minds and try also to arrive somehow to the
21 end of this testimony by next week. And therefore, I think it's absolute necessary
22 that you all speak together in order to -- we are flexible, we are flexible. We don't
23 want to take any time or to put pressure on anybody, but I think you have to be
24 aware that next Friday this is finished.

25 So I would --

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- 1 MR MACDONALD: [16:00:43] Can I -- sorry.
- 2 PRESIDING JUDGE TARFUSSER: [16:00:45] No. I would have asked you, because
- 3 the interpreters are not in a position to continue; therefore, I think we have to stop
- 4 here.
- 5 MR MACDONALD: [16:00:52] Can we suspend now then in that case and
- 6 can the -- can we suspend now and can the witness retire?
- 7 PRESIDING JUDGE TARFUSSER: [16:00:56] Yes, of course.
- 8 MR MACDONALD: [16:00:58] And I'll provide the information.
- 9 PRESIDING JUDGE TARFUSSER: [16:00:59] Yes, of course.
- 10 MR MACDONALD: [16:01:01] Thank you.
- 11 PRESIDING JUDGE TARFUSSER: [16:01:02] So, Mr Witness, we finish here for today.
- 12 We see each other again tomorrow morning at 9.30 when the Prosecutor continues its
- 13 questioning, and so you can have a rest. Thank you very much. See you tomorrow.
- 14 (The witness stands down)
- 15 PRESIDING JUDGE TARFUSSER: [16:01:47] Now, obviously this is as I said before,
- 16 we have six days. During these days, six days, we are flexible as far as we can, as
- 17 flexible as we can. But of course we should from day to day have an outlook on how
- 18 we proceed on the following days. Mr Prosecutor, can you give us an outlook?
- 19 MR MACDONALD: [16:02:19] I've been told, your Honour, that - and this can be
- 20 confirmed by the Court clerk - that we have spent thus far apparently 6 hours and 5
- 21 minutes.
- 22 PRESIDING JUDGE TARFUSSER: [16:02:32] I would say 6 hours and 23, I would say.
- 23 Is that correct? Well, somehow, 24, 22, it doesn't matter.
- 24 MR MACDONALD: [16:02:46] Listen, it's not for 15 minutes that we'll start arguing --
- 25 PRESIDING JUDGE TARFUSSER: [16:02:50] Yes, of course.

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1 MR MACDONALD: [16:02:51] -- I think. Your Honour, I fully respect obviously the
2 interpreters. It's the end of the day. It's harder to indeed -- it's much harder. It's
3 just that I don't know, I felt I personally had more energy than let's say other times.
4 I think I'll need tomorrow in full for sure. Of course, we'll be finishing on Monday in
5 the morning. It all depends on how long it's going to last, how far we're able to go
6 tomorrow. I intend -- I think it will be much faster now that, you know, we kind of
7 have a rhythm in terms of the documents and, therefore, it makes it much easier.
8 But what I would recommend, while I respect the interpreters a lot, maybe we can see
9 with them later on this afternoon if during the day tomorrow it's possible to have
10 maybe 15 minutes more for the first two sessions -- well, the first morning session
11 certainly, 15 minutes more to make up a bit of time, because I don't want to undercut
12 either the cross-examination, and that's my worry.

13 So if we take a little bit more time tomorrow, we're saving it maybe for next week.

14 PRESIDING JUDGE TARFUSSER: [16:04:14] Yes. In any case, the news is that what
15 I expected, that you don't start tomorrow, so that's for sure. And then we'll see how
16 it develops. We try to do our best in order to give all the possible time to everybody.
17 So we adjourn the hearing to tomorrow morning 9.30. The hearing is adjourned.

18 THE COURT OFFICER: [16:04:44] All rise.

19 (The hearing ends in open session at 4.04 p.m.)

20 RECLASSIFICATION REPORT

21 Pursuant to the Trial Chamber' I's email instructions, dated 16 July 2019, the public
22 reclassified and lesser redacted version of this transcript is filed in the case.