

Trial Hearing
WITNESS: 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 Friday, 17 February 2017
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: [9:36:27] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:50] Good morning.
15 Good morning, Mr Witness.
16 Before giving again the floor to the Office of the Prosecutor, and following up on what
17 we said yesterday before adjourning on the timing, the Chamber has decided, I would
18 say, to hold today three sessions of an hour 45 instead of one 30 in order to try to, yes,
19 not to have it at the end of next week problems with the timing. And this would
20 then be 9.30 to 11.15, 11.45 to 13.30, and after the lunch break 15 to 16.45, so just for
21 everybody to know.
22 And order not to lose other time, I give immediately the floor to the Office of the
23 Prosecutor for his questioning.
24 MR MACDONALD: [9:38:17] Thank you, your Honour.
25 WITNESS: CIV-OTP-P-0046 (On former oath)

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1 (The witness speaks French)

2 QUESTIONED BY MR MACDONALD: (Continuing)

3 Q. [9:38:28] (Interpretation) Good morning, Mr Witness. We are going to continue
4 with our questions. We were talking about 2 December yesterday, that is in the
5 morning when you received information about the incidents that had taken place the
6 day before. Following that message -- I'm sorry, following that incident and after
7 receiving that report, that is on the morning of 2 December, did you issue any
8 instructions, any guidelines?

9 MR LAUCCI: [9:39:28] (Interpretation) Mr President, the nature of the question is
10 precisely in the core of the reasons why we need to go to private session.

11 MR MACDONALD: [9:39:43] (Interpretation) Very well, your Honour, with your
12 leave, we could go into private session.

13 PRESIDING JUDGE TARFUSSER: [9:39:51] Well, not for the answer to the question.
14 Then if we go into the details of what happened or what was the outcome I think yes,
15 but not for the answer, the strict answer to this question. No.

16 MR LAUCCI: [9:40:10] (Interpretation) I have no idea what the witness's answer
17 will be, whether he took measures or not. So according -- or, rather, based on the
18 answer, his responsibility could be engaged on the basis of superior responsibility.

19 MR MACDONALD: [9:40:34] (Interpretation) With your leave, Mr President, for
20 my learned friend and the witness, he can simply answer "yes" or "no". And on the
21 basis of that we will decide whether to go to private session or not.

22 PRESIDING JUDGE TARFUSSER: [9:40:54] That is exactly what I meant.

23 MR MACDONALD: [9:41:00] (Interpretation)

24 Q. [9:41:02] Mr Witness, simply answer "yes" or "no" without any details, do you
25 remember whether you issued any special instructions in relation to the previous

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1 events?

2 A. [9:41:22] I did not give any specific instructions relating to that event.

3 MR MACDONALD: [9:41:32] I would now seek, your Honour, to go into private
4 session for the next questions.

5 PRESIDING JUDGE TARFUSSER: [9:41:37] Yes. So please let us go into private
6 session. Thank you.

7 (Private session at 9.41 a.m.)

8 THE COURT OFFICER: [9:41:50] We're in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 9.44 a.m.)

5 THE COURT OFFICER: [9:44:35] We are in open session.

6 PRESIDING JUDGE TARFUSSER: [9:44:41] Mr MacDonald.

7 MR MACDONALD: [9:44:43] (Interpretation)

8 Q. [9:44:45] Now, Mr Witness, later on in the course of your day, the constitutional
9 council proclaimed the results. Do you remember that day? What happened at
10 your level? Did you go anywhere on that day?

11 A. [9:45:15] Yes. I went somewhere.

12 Q. [9:45:18] Where?

13 A. [9:45:22] I went out on several occasions. I was in the office. I could go home.
14 I could go to another meeting.

15 Q. [9:45:38] Did you meet with your colleagues of the FDS, the hierarchy, generals
16 on that day?

17 A. [9:45:48] Yes, indeed. We met.

18 Q. [9:45:53] What was the location?

19 A. [9:45:57] The army general staff headquarters.

20 Q. [9:46:02] Why?

21 A. [9:46:06] Upon the invitation of the army chief of staff.

22 Q. [9:46:13] What did you discuss?

23 A. [9:46:16] We did not discuss.

24 Q. [9:46:24] Listen, Mr Witness, what was the reason for your meeting?

25 A. [9:46:31] We were invited by the general, the chief of staff, and we went there to

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1 listen to him.

2 Q. [9:46:40] What did he tell you?

3 A. [9:46:47] He asked us to go to the Presidency. I do not know precisely what
4 word to use, but to attend a ceremony.

5 MR MACDONALD: [9:47:17] Your Honours, I will address the Chamber.

6 PRESIDING JUDGE TARFUSSER: [9:47:18] Pardon me.

7 MR MACDONALD: [9:47:20] I will address the Chamber. Can we do -- no. We
8 can do this in front of the witness. I can continue like this, question and answers the
9 way I'm doing it. But I think the witness should be reminded the purposes why he's
10 here and to provide -- is to provide facts. And right now I feel that I'm like a dentist
11 trying to get out some tooth out of a patient by having to continually do a tennis
12 match.

13 PRESIDING JUDGE TARFUSSER: [9:48:01] Maître Altit.

14 MR ALTIT: [9:48:03] (Interpretation) Thank you, Mr President. Mr President,
15 your Honours, it is not because the answers given by the witness to the Prosecutor are
16 not the answers expected by the Prosecutor that he should be put under pressure.
17 That is the purpose of the examination. The testimony is being given by the witness.
18 That is his testimony and that should be respected.

19 There is no way to go around what the witness is saying. There are procedural
20 means to rephrase questions or to cross-check what he's saying. There is no other
21 way, so we have to respect that. We know what the procedure stipulates, so we
22 have to respect the testimony of the witness, who knows what he is talking about and
23 who has repeated that on several occasions to your Chamber. That's it.

24 MR GBOUGNON: [9:49:08] (Interpretation) Thank you, Mr President. In
25 addition to what my learned colleague has said, I would like to add you have -- I

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1 don't want to say instructed the Prosecutor, but you have advised them to avoid such
2 questions, to avoid comments, and the witness will answer.

3 You have said that if there is any contradiction between what the Prosecutor said and
4 what the witness is saying right now, he can be confronted with a statement. But we
5 cannot accept what is being done now because the Prosecutor is not satisfied with the
6 answer. He is simply answering the questions that are put to him. So we cannot
7 accept that such statements should be made to the witness.

8 PRESIDING JUDGE TARFUSSER: [9:50:12] Well, I must say that first of all I will
9 remind the witness that he is here to answer truthfully all questions. And I must say
10 that when you say that you went to a meeting but you didn't know -- you don't know
11 what was discussed -- I can't remember now the exact wording, but then I have also
12 some, say, some hard times to believe that that is all what you have to say to this.
13 On the other hand, the Prosecutor has the possibility like the other party to confront
14 the witness punctually with what he said, in case it is contradicting with his former
15 statements. So I repeatedly say put the question. If there is a contradiction, put the
16 contradiction and then try to elicit, to elicit from the witness what you think is the
17 truth or what -- or ask him what is the true version.

18 But I will remind the witness, and this is not putting under pressure, but to remind
19 him of his duties, you have to say the truth, the whole truth, stop. That's it. And
20 here we are talking about facts, not about what you think. What happened. Okay.

21 THE WITNESS: [9:51:57] (Interpretation) Thank you, Mr President.

22 PRESIDING JUDGE TARFUSSER: [9:52:01] Thank you, Mr Witness.

23 I give again the floor to the Office of the Prosecutor.

24 MR MACDONALD: [9:52:05] (Interpretation)

25 Q. [9:52:12] Who was present at that meeting with the chief of staff?

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1 PRESIDING JUDGE TARFUSSER: [9:52:25] Can you recall the date, please, just.

2 MR MACDONALD: [9:52:25] 2 December, your Honour, the same day as the
3 announcement of the results by the constitutional council.

4 THE WITNESS: [9:52:43] (Interpretation) All the major commanders were present,
5 the chief of staff, the supreme commander of the gendarmerie, the director general,
6 myself and the commander of CECOS.

7 MR MACDONALD: [9:52:56] (Interpretation)

8 Q. [9:52:57] And what type of ceremony was scheduled to take place?

9 A. [9:53:04] It was the swearing in of the president.

10 Q. [9:53:14] When leaving the staff headquarters, did you go directly to the palace
11 or did you return to your office?

12 A. [9:53:25] From the staff headquarters I went to my office.

13 Q. [9:53:35] Was your trip interrupted?

14 A. [9:53:41] Later on after my arrival at the office.

15 Q. [9:53:46] What happened?

16 A. [9:53:50] Once again, we were called back to the general staff headquarters, to
17 the état major.

18 Q. [9:54:01] Who informed you that you had to go back to the staff headquarters?
19 And were you told the reason why?

20 A. [9:54:20] It was the chief of staff who called us once again to return to the état
21 major of the armies.

22 Q. [9:54:31] My question was who informed you that the chief of staff was calling
23 you back to the état major?

24 A. [9:54:41] I believe I answered the question. It was the chief of staff who gave
25 me that information.

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1 PRESIDING JUDGE TARFUSSER: [9:54:47] But personally, personal, did he call you
2 personally or through somebody else?

3 THE WITNESS: [9:54:59] (Interpretation) Generally speaking it is the chief of staff
4 himself who calls us. We are the major commanders. We are his colleagues. So
5 he is the one who calls us.

6 PRESIDING JUDGE TARFUSSER: [9:55:15] And did he tell you why?

7 THE WITNESS: [9:55:18] (Interpretation) Yes, indeed. It was when we arrived in
8 his office that he explained to us why he had brought us back.

9 MR MACDONALD: [9:55:34] (Interpretation)

10 Q. [9:55:34] And what was the reason?

11 A. [9:55:40] The reason was to return to the Presidency of the republic and attend a
12 swearing-in.

13 Q. [9:55:50] Mr Witness, let me go back to your prior statement. Are you certain
14 that the swearing-in took place on the 2nd, that is the date of the results? That is
15 where you have all the dignitaries, videos and so on, are you sure it was on
16 2 December?

17 A. [9:56:18] I do not recall the precise date, but I know that the first time we went
18 there we came back and then after we were called back. But I no longer remember
19 the date.

20 Q. [9:56:29] Now let us come back to your prior statement. For the record, it is
21 0014-0204. And I read out page 0221, lines 564 to 576. The question was as follows,
22 and let me read. Maybe you can switch off your microphone because you can be
23 heard. Let me quote:

24 "Very well. At that time, that is at the beginning of December 2010, were you asked
25 to pledge your allegiance to one camp or the other?"

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1 And your answer was this, let me quote:

2 "Yes, indeed. Regarding that, when the president of the constitutional court
3 declared that President Gbagbo had won the elections, the chief of staff asked us to go
4 and pledge allegiance to President Gbagbo. Obviously, when we were called up, it
5 was to the general staff headquarters. General Guiai Bi Poin said that it was not
6 normal, and I myself, I saw that. We came there, there were two of us, himself and
7 myself. We said it was not normal, because in fact it was the same day that we had
8 been told that. So we came back because we were not in agreement. We came back
9 to our offices. It was around 4 p.m. And then around 6 p.m. we were called back
10 and we were told, look, they were not asking for our opinion, we were being told to
11 pledge allegiance. And since all the others were going, we went because everyone
12 was doing the same thing."

13 Does that jog your memory?

14 PRESIDING JUDGE TARFUSSER: [9:59:15] End of quote. No, it's always for the
15 record.

16 MR MACDONALD: [9:59:17] Yes, yes, your Honour. Yes, your Honour.

17 Q. [9:59:28] (Interpretation) Does that jog your memory?

18 A. [9:59:33] Mr President, so far I did not say anything contrary. I said precisely
19 what is in the statement. If you want, I will repeat. I said that we went there on a
20 first time. Then we returned to our office and then we were called back. So it is
21 exactly the same thing that I said.

22 Q. [9:59:57] So you confirm also that it was to pledge allegiance?

23 PRESIDING JUDGE TARFUSSER: [10:00:09] Wait, wait, wait. I wouldn't say that it
24 is exactly the same thing, because the sequence was the same, but the reason why you
25 were called back is not the same. So the question which arises is is this, what you

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1 said in 2011 to the Office of the Prosecutor and what the Prosecutor read out from
2 your statement now, is this true or not?

3 THE WITNESS: [10:00:43] (Interpretation) Mr President, I can confirm what is
4 written in the document. *It is in fact "allegiance".

5 PRESIDING JUDGE TARFUSSER: [10:00:52] In the document, you mean what you
6 said in the statement and is written in the statement.

7 THE WITNESS: [10:01:04] (Interpretation) Yes, that is correct, Mr President.

8 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

9 MR ALTIT: [10:01:08] Monsieur le Président.

10 MR MACDONALD: [10:01:10] (Interpretation) Could I ask for the witness to be
11 shown out of the courtroom, in this case Mr Witness, because I really do not want the
12 witness to be influenced in any way whatsoever, Mr President.

13 PRESIDING JUDGE TARFUSSER: [10:01:23] No, of course.

14 MR ALTIT: [10:01:24] (Interpretation) Mr President, to -- well, the influential
15 question is really on one side rather than the other, this intentional attack.

16 I would like to make an appropriate and what I consider useful comment. The use
17 of previous statements do bring up a number of issues. I'd like to illustrate that.

18 The question of the investigator was a question --

19 THE INTERPRETER: [10:01:54] Overlapping speaker.

20 MR MACDONALD: [10:01:57] (Overlapping speakers) go outside of the room for
21 that very purpose. And it is (Speaks French). It's the procedure that we have
22 adopted your Honour.

23 PRESIDING JUDGE TARFUSSER: [10:02:07] In any case, you have to know that all
24 this goes to detriment of the time then is -- the time of the questioning. Can

25 we -- can the witness be brought out. Thank you.

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1 (The witness stands down)

2 PRESIDING JUDGE TARFUSSER: [10:02:44] Maître Altit.

3 MR ALTIT: [10:02:46] (Interpretation) I do thank you, Mr President. This
4 question -- well, my comment is with regard to whether the question is leading or not.
5 If we are going to have to show the witness out every time a question is leading or not
6 we're not going to make any headway.

7 The OTP or the Prosecutor needs to accept what the procedure lays out, notably that
8 objections are possible.

9 Now, in the statement, the investigators put a question to the witness, which is a
10 question which is somewhat leading in character. I don't have the exact phrasing.
11 Let me read it to you.

12 Well, where you were asked at that moment in time to pledge allegiance.

13 THE INTERPRETER: [10:03:48] Overlapping speakers.

14 MR ALTIT: [10:03:50] (Interpretation) No, no, no. Were you requested to pledge
15 allegiance? The question itself is leading. But that's not my point. My point is
16 that when the OTP comes back in the hearing using a leading question and requesting
17 confirmation or not, he is somewhat, you know, following in the line of leading
18 during his questioning because we need to be particularly attentive and prudent to
19 my mind.

20 I'm making a comment here, and that's why I would like it to be clear for us all, and
21 maybe the Chamber will remind all the parties and participants that we should avoid
22 using elements that might lead to a type of leading question.

23 This is why I am couching this in the form of a remark, Mr President, because we
24 have had this experience on a number of occasions. It's difficult for the questioning
25 party to avoid that indeed.

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1 But we really need to make an effort to do so because, of course, the witness is going
2 to go in the direction of the question, especially if he's already answered the
3 investigators. There we have it.

4 PRESIDING JUDGE TARFUSSER: [10:05:00] Maître Gbougnon.

5 MR GBOUGNON: [10:05:03] (Interpretation) Yes, Mr President. I second what
6 my learned colleague just said. And I come back to the comment that I made
7 yesterday and I will continue to underscore and remind us that what has been
8 reproached of me on many an occasion that we take sides without giving a context.
9 And on the following page I think the witness explains himself at length on what he
10 has said but, of course, the Prosecutor does not mention this.

11 So what I mean by this is that often we are afraid or one is afraid of what one does
12 generally speaking.

13 Now, jumping to conclusions, when we jump to our feet, we are separating substance,
14 matters of substance, comments that are based on matters of substance and asking the
15 witness to be brought out and comments that could be made in his presence or not.

16 And I think it is not a good thing that the Prosecutor always reminds us of this. It is
17 in their habit to behave in such a manner, and I have multiple examples of this. But I
18 think we have to look closely at what we --

19 THE INTERPRETER: [10:06:23] Overlapping speakers.

20 PRESIDING JUDGE TARFUSSER: [10:06:28] You have to wait until the translation is
21 finished, otherwise the translator cannot follow both speakers, please.

22 Now you can, when the translation of what I'm saying has finished, you can have the
23 floor.

24 MR MACDONALD: [10:06:46] Your Honours, I'm simply quoting the transcript. I
25 could go straight to the answer, but then we don't have the question. Fine, we don't

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1 have the context for the rest. My colleagues are in cross-examination, if they believe
2 that what is next is contradictory to what the witness is saying now, which I don't
3 think it is, the Chamber can take notice of the following pages, there is no -- the point
4 is that I think you saw it, I want to move on. The point has been made. The
5 witness was making allegiance to the president. That's it. That's all.

6 PRESIDING JUDGE TARFUSSER: [10:07:36] Let me, first of all, be clear. I do not
7 like tactical fouls, okay. And sometimes I have the impression that on both sides
8 the -- to jump up on their feet is a sort of a tactical foul.

9 Now, in this case I think that was -- is the confrontation, what I call confrontation. A
10 question put, a direct question, because this was the case today, direct question to the
11 witness, the witness said something which didn't respect or was in contradiction to
12 what he said in his statement, and it was read out and confronted, what is out of these
13 two versions the one you gave here -- you gave here and the one you gave in 2011,
14 which is the right one? And that's it.

15 I think that was the correct way to confront the witness with his statement, and with
16 his statement which allegedly contradicts what he says here.

17 About the leading questions, Maître Altit, I will come back to you when you are
18 questioning and say the same thing, because as we, if you go back to the directives,
19 there is requested, at paragraph 21, that parties put neutral questions, not leading
20 questions to the parties. So I will come back to this on the first leading question
21 coming also from this.

22 You are right, and yesterday I think I said to the Office of the Prosecutor several times
23 that he should put questions and wait for the answers and not answer the question
24 himself or not lead. So I tried to be also vigilant with the Prosecutor on that side.

25 But in this case I think it was the right way to confront him, the witness, with his prior

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1 statement.

2 This said, I would ask the court usher to bring the witness in and -- Maître Laucci.

3 MR LAUCCI: [10:09:53] (Interpretation) A brief remark, Mr President, having
4 quite a conservative notion of the extent of my mandate. I have kept myself from
5 indicating the manner in which the witness should respond to the parties. He, of
6 course, has the obligation to tell the truth, the whole truth and nothing but, but I
7 would just like to say that if the Chamber requests, I might be able to go slightly
8 beyond that and be, what can I say? Ask him to be somewhat more liberal in his
9 answers and talk a little bit more. But it's really with a view to having rapid and
10 quality discussions.

11 PRESIDING JUDGE TARFUSSER: [10:10:44] Maître Laucci, I don't know what you
12 consider under conservative notion of the extent of your mandate, but I think you're
13 not so conservative because you are intervening continuously, so it's not so
14 conservative as I think. But thank you.

15 If you remind your client to -- also to his obligation to the truth, this is very much
16 appreciated.

17 Now I would really ask, because now we have lost, well, about another 10 minutes of
18 questioning time, right, just for I would say for not very good reasons. Let's bring
19 the witness in again.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE TARFUSSER: [10:12:02] Mr Witness, I just remind you again to
22 be clear, to respond to the questions, to respond truthfully. And obviously the
23 Prosecutor and later the Defence will have the possibility to -- and have the possibility
24 to -- or, to remind you if you don't recall, or to confront you with previous statements,
25 previous declaration you made if there is a contradiction in what you say today and

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1 what you said some other time.

2 And then you have to -- you are obviously asked to take position, which of the two
3 versions is the right one. And this is how it works. But I would really ask you to be
4 clear and to respond truthfully to the questions of all parties in this Court.

5 Thank you very much. And I give back the floor to the Office of the Prosecutor.

6 MR MACDONALD: [10:13:06] Thank you, your Honour.

7 Q. [10:13:14] (Interpretation) Mr Witness, to your knowledge, and we shall come
8 to the events leading up to the march on the RTI in a moment, but we saw the
9 incident of 1 December. We broached the note that you wrote. Were there any
10 other incidents of a similar ilk in terms of loss of civilian life following 2 December?

11 A. [10:14:01] I heard indeed about the march on the RTI, but on the RTI there were
12 two marches. I don't know what the dates were, but there were two marches.

13 Q. [10:14:26] We shall come to the subject of the RTI and more specifically the
14 events of 16 December 2010.

15 But before 16 December, before that date, so between 2 December and 16 December,
16 were there any other incidents involving the FDS where there was loss of civilian life
17 of which you were informed?

18 A. [10:15:05] With regard to the period that I do not recall specifically, I do not
19 know whether the event of the PDCI enters that context, but I don't exactly recall.

20 Q. [10:15:20] Very well. So I would like to have called up item, and I believe we
21 can remain in open session, 0045-0527, please. We have a hard copy that can be
22 given to the witness. It is a document of approximately 13 or 14 pages specifically in
23 length.

24 Very well. So is this -- well, first question, Mr Witness: Is this a document that we
25 have been discussing from the beginning, that is a police report, a report of a duty

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1 officer from the 4th or 5th --*...2010 to the Police Prefect of Abidjan?

2 A. Mr. President, it is a document from the police.

3 PRESIDING JUDGE TARFUSSER: [10:17:15] The exchange was lost because of
4 overlapping speakers.

5 MR MACDONALD: [10:17:31] I'm sorry for that, your Honour. The face I'm
6 making, I'm making it to myself as a reminder, because it obviously -- I'm
7 interrupting myself.

8 PRESIDING JUDGE TARFUSSER: [10:17:46] This time I think it was more the
9 witness who answered immediately to your question.

10 MR MACDONALD: [10:17:55] (Interpretation)

11 Q. [10:17:56] Mr Witness, I would like to draw your attention more specifically just
12 as a point of information or confirmation of what I was saying to you previously, at
13 page 0531, 11.30, Plateau, we can see clearly that there was the ceremony swearing in
14 the president of Côte d'Ivoire. Were you present at the swearing-in ceremony at the
15 palace?

16 A. [10:18:44] I was present.

17 Q. [10:18:47] Very well. I would like to draw your attention to the following page,
18 0532, 11.30, Koumassi, if we could please bring up the page 0532 please, and at the
19 bottom of the page entirely there, and I read -- well, we can all see, but here is the title:
20 "A demonstrator dies subsequent to the intervention on the part of the gendarmerie
21 on this day or the 4th December 2010 at approximately 11.30."

22 And if we can follow on to the next page, it is indicated that this event gave rise to 8
23 wounded, of which the young person whose name appears here, 11 years of age,
24 Ivorian, who received 6 bullets in the leg and the right thigh, and he was evacuated as
25 an emergency to the CHU in Treichville and he deceased subsequent to his injuries,

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1 and the body was admitted to the morgue in CHU.

2 Was this incident reported back to you? That's my question.

3 A. [10:20:29] As the document indicates, I received the duty report, so the event
4 was indeed reported back to me.

5 Q. [10:20:42] It is not noted as -- it is not noted as noted in other entries as one can
6 see on this page or in other documents that we consulted yesterday that an OP was
7 opened. There is no indication of an OP or of a dossier number at the bottom. So I
8 note that fact.

9 To your knowledge, do you know whether there were any proceedings or there was
10 any procedure of any type subsequent to this incident?

11 A. [10:21:32] I do believe that there was an investigation opened, but maybe within
12 the context of this duty report the officer might have forgotten. But because the
13 event occurred in the area of Koumassi, certainly an operation was opened.

14 Q. [10:21:53] Merci.

15 PRESIDING JUDGE TARFUSSER: [10:21:56] Maître Altit.

16 MR ALTIT: [10:21:57] (Interpretation) Thank you, Mr President.

17 I do apologise, learned colleague, for interrupting you.

18 It's just that with a view this exercise that I'm wondering about. Why are we using a
19 document -- this is just a question I'm putting to my learned colleague on the other
20 side. Why use a document that the witness -- for which the witness is neither the
21 signatory, the sender nor the recipient with a view to putting questions to him?

22 Why not just put the question to him directly: Do you remember such and such an
23 incident? Et cetera. I do not understand the use of this document because he can't
24 authenticate because he just said --

25 MR MACDONALD: (Overlapping speakers)

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1 PRESIDING JUDGE TARFUSSER: Wait.

2 MR ALTIT: (Interpretation) I do not believe that I understood that the witness said
3 that he had received it. I don't believe I heard that or understood it. But more
4 generally speaking, I'm asking the question with regard to the utilisation of this
5 document or documents that the witness is not a signatory to or a recipient of. I
6 don't understand the logic.

7 We might -- or the OTP might just quite simply put questions to him with regard to
8 the events contained in this document. What is the use of using a document that he
9 cannot authenticate or other things. We're just talking about the document itself to
10 be clear, Mr President.

11 PRESIDING JUDGE TARFUSSER: [10:23:18] Mr MacDonald.

12 MR MACDONALD: [10:23:19] Thank you, your Honour. One quick minute. This
13 issue has been dealt with with the first document that I used to begin with. And this
14 I would submit is exactly what you discussed earlier as being an intervention that is
15 not necessary. I'm referring to your comments earlier 15, 10 minutes ago. Number
16 one.

17 Number two, the witness, and I can ask him again, has stated clearly that he was
18 made aware of this by this document.

19 PRESIDING JUDGE TARFUSSER: [10:24:00] No.

20 MR MACDONALD: [10:24:01] So I'm not done.

21 (Interpretation) As the document is indicated I received the duty report and the
22 incident was reported back to me. Page 21, line 10 --

23 THE INTERPRETER: Timestamp the interpreter did not get.

24 MR MACDONALD: (Interpretation) As for the rest, Mr President, it will be a
25 pleasure to me to explain to my colleague outside of this courtroom, we can have a

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1 coffee, and I will explain to him why I'm using this document and with what objective.
2 But I shall do that at the end.
3 MR ALTIT: [10:24:41] (Interpretation) With your leave, Mr President.
4 PRESIDING JUDGE TARFUSSER: [10:24:44] Yes, but we can't play ping-pong.
5 MR ALTIT: [10:24:49] (Interpretation) No, no, no. We're not going to be playing
6 ping-pong. I think we just need to clarify things for the proceedings to be held well
7 and the case itself. It's not a case of having coffee with each other. It's discussing
8 things in front of Judges so that they can take decisions. We're not joking about here.
9 The witness talked about the event. He didn't talk about the document. Let's not
10 confuse the two. I will put the question once again. How is this document of any
11 use in its presentation?
12 And with your leave, Mr President, I insist that to our mind it would have been more
13 useful and efficient to put the question to him with regard to the event itself.
14 Secondly, the Prosecutor says, "Well, I'm using it in the manner that I said that I
15 would use all of these documents at the outset of my questioning."
16 Well, not at all. He said at the beginning of his questioning, and this was brought up
17 by the counsel for the witness quite rightly, that he was going to put questions on the
18 form, and now he's putting questions on the substance. So we have a confusion here
19 between the form and the substance. And I think that if we move on in such a
20 manner, it might be at the end of the trial that it will be said that the witness has
21 authenticated documents, whereas he has not authenticated documents at all. He
22 was not recipient or sender or signatory. He talked about some incidents that were
23 mentioned in the document, yes, but I would like for it to be clear for the record so
24 that we do not have to come back to this at a later stage. We need, to my mind, to air
25 those questions at the time when they should be aired rather than at the very end of

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1 the trial, Mr President.

2 PRESIDING JUDGE TARFUSSER: [10:26:57] This is a document which the

3 Prosecutor uses. I think it's his line of questioning. It's his decision. When it

4 comes to the Defence, it will be the Defence questioning, questioning and using

5 documents they deem appropriate to be used.

6 I think this is now the case of the Prosecutor. And I think it's not for the Defence to

7 give instructions to the Prosecutor on how and which documents to use if they are

8 relevant to the case. And then we should also not forget who this witness is. So he

9 is the, say, the one who is the, in any case, factually and politically the collector of all

10 these documents, police documents. So I would ask the Prosecutor to continue with

11 his questioning.

12 MR MACDONALD: [10:27:57] Thank you.

13 Q. [10:27:58] (Interpretation) Let's continue, Mr Witness. Could you tell us

14 whether there was a blockade at the hôtel du golf?

15 A. [10:28:24] Yes, indeed, there was a blockade at the hôtel du golf.

16 Q. [10:28:31] Could you please give us or me the details, I'm going to ask a number

17 of questions in one, who -- sorry, the location, the location where this blockade was

18 set up and which forces were on location?

19 A. [10:28:52] The blockade was set up in two locations at the Riviera, at the Thérèse

20 intersection and at the M'Badon intersection. The forces present were the armed

21 forces in its -- the land army.

22 Q. [10:29:17] I'm going to repeat because I'm not sure that the second name was

23 well caught, that second intersection, could you please spell it? I do apologise.

24 A. [10:29:31] I said M'Badon intersection. It's the same intersection.

25 Q. [10:29:42] And how do you spell M'Badon and M'Pouto?

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1 A. [10:29:49] M-'-P-O-U-T-O, M'Pouto. M'Badon, M-'-B-A-D-O-N.

2 Q. [10:30:24] To your knowledge, why was the blockade set up?

3 A. [10:30:26] To prevent free movement. And I would like to say that the police
4 had an observation post at the Thérèse, Thérèse intersection. And this was attacked
5 by the rebel soldiers at the Golf. So more seasoned or more better equipped forces
6 took over.

7 Q. [10:31:11]

8 MR MACDONALD: [10:31:11] (Interpretation) Just a moment, your Honour.

9 (Counsel confer)

10 MR MACDONALD: [10:31:18] (Interpretation)

11 Q. [10:31:41] Mr Witness, do you remember the date on which that blockade was
12 mentioned to you that you got to know about it?

13 A. [10:31:57] I do not remember the date.

14 MR MACDONALD: So, your Honours, I would like to show the document I sent by
15 email this morning. It's a document I know that comes late. In terms of the timing
16 it's a two-pager. It's the order itself. I don't know, if there is an objection, we can
17 deal with it now, but it's just to establish the date, your Honour. Well, I mean, it's to
18 submit the document, let's not kid ourselves, but it's to establish the date.

19 PRESIDING JUDGE TARFUSSER: To establish the date of?

20 MR MACDONALD: [10:32:34] The blocus.

21 PRESIDING JUDGE TARFUSSER: [10:32:36] When there was --

22 MR MACDONALD: [10:32:37] When the witness was informed and with the details
23 of the blocus of the Golf hotel.

24 PRESIDING JUDGE TARFUSSER: [10:32:48] Maître Altit.

25 MR ALTIT: [10:32:49] (Interpretation) Thank you, Mr President. We note the late

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1 arrival of the document. We received it this morning. And it adds to the other 332
2 documents. But given our concern for the proceedings, we do not oppose. But we
3 want to point out that when we have so many documents, we do not have the time to
4 look at them.

5 MR MACDONALD: [10:33:26] So I would call, your Honour --

6 PRESIDING JUDGE TARFUSSER: [10:33:28] Wait.

7 Maître Gbougnon.

8 MR GBOUGNON: [10:33:30] (Interpretation) I realise that the Blé Goudé team was
9 almost ignored by the Prosecution.

10 We do not object, but I simply want to point out that when we have more than 300
11 documents, it is not fair to forget one or two that could be crucial. So we do not
12 object.

13 PRESIDING JUDGE TARFUSSER: [10:34:00] Okay.

14 MR MACDONALD: [10:34:00] Can we call the document, your Honour?

15 PRESIDING JUDGE TARFUSSER: [10:34:03] Yes.

16 MR MACDONALD: [10:34:03] 0071-0152, please. And we have a copy for the
17 witness.

18 PRESIDING JUDGE TARFUSSER: [10:34:25] But only if he asks it. Otherwise
19 we go --

20 MR MACDONALD: Okay.

21 PRESIDING JUDGE TARFUSSER: -- here and forth. If he needs it, if he asks for it,
22 then we do this. Otherwise it's a waste.

23 MR MACDONALD: [10:34:37] (Interpretation)

24 Q. [10:34:38] Mr Witness, you can see the document is from the chief of staff, and it
25 is sent to the major commands, including yours. Readjustment of the security

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1 structure. And then there is carrefour Thérèse and the M'Pouto intersection. Do
2 you recognize that document?

3 A. [10:35:07] Yes, indeed.

4 Q. [10:35:08] Very well. To your knowledge, who can order the chief of staff to
5 deploy in the city to set up such a blocus? And if necessary we can go to private
6 session.

7 A. [10:35:29] I am not the chief of staff. I know that the chief of staff has his line
8 minister who can give him instructions, but I don't know whether that was the case.
9 All I can tell you is that I saw the document --

10 MR MACDONALD: If you allow me, your Honour.

11 THE WITNESS: (Interpretation) -- and that is all I can tell you.

12 MR MACDONALD: [10:35:48] (Overlapping speakers) Just a second. I need a
13 reference from the prior statement. Okay.

14 Q. (Interpretation) Mr Witness, I will remind you of what you said previously on
15 this matter, page 0014-0271. That is the page of the transcript. And specifically
16 page 0286. Let me even begin with page 0285, from line 507.

17 I believe it will be displayed on the screen. In the meantime with your indulgence, I
18 will read it out, page 0285, line 507. The investigator, and I quote:

19 "You yourself, did you see any order to set up the blockade?"

20 Answer: "No, I never saw any such order."

21 Question: Where did you hear about this -- "Did you hear about this?"

22 Answer: "Yes, I heard about it.

23 Question: "From whom?"

24 Answer: "I heard about it. But the chief of staff gave orders for people to deploy
25 them."

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1 And you continue, and I quote: "That was an order and that is why I said the
2 military leader can give you all the elements."

3 Let us begin with that. Do you remember telling that to the OTP?

4 A. [10:39:54] I confirm.

5 Q. [10:39:56] We can see that there was also reception of a written order apart from
6 the verbal order; is that correct?

7 A. [10:40:08] When I gave my statement I did not remember having seen a
8 document, but I know that we had been informed orally.

9 Q. [10:40:24] Who, apart from the chief of staff, can order the deployment of heavy
10 weapons in the city?

11 A. [10:40:38] I do not know what to say. But the chief of general staff is
12 responsible.

13 Q. [10:40:56] Do you remember having been interviewed about this matter once
14 again during your meeting with the OTP investigators?

15 A. [10:41:06] Yes, I remember.

16 Q. [10:41:08] Do you remember what you said, who could ask, that is apart -- who
17 could ask the chief of staff to deploy heavy weapons?

18 A. [10:41:22] I remember.

19 Q. [10:41:24] And who is it?

20 A. [10:41:27] I remember what I said. The chief of staff has his own chief, that is
21 his line minister.

22 Q. [10:41:51] Let me ask you the question again. Do you remember what you said
23 about who had ordered the chief of staff to deploy heavy weapons?

24 A. [10:42:07] I remember. And I say that the chief of staff has a direct boss and
25 that is his line minister.

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- 1 MR MACDONALD: [10:42:32] (Interpretation) With your leave, Mr President, I
2 would like to confront the witness. Unfortunately I lost the reference. That is what
3 I am waiting for.
- 4 Q. Let me come back to page 0283 of the same transcript. I will read your answers
5 from page -- as from line 415, and I quote:
6 "Where they had prevented people from going in and out of the Golf."
7 Question by the investigator: "And so who set up the blockade?"
8 Answer: "This is an order of the head of state. That is an order of the head of state."
9 Answer: "Okay."
10 Interviewee, and that is you: "Implemented by the army."
11 And then it continues, to be fair with you, on line 427, the investigator asks you:
12 "And how do you know that it was an order of the head of state?"
13 Answer: "But the soldier cannot come and deploy weapons of war in the town.
14 That is how it is. It is not possible."
15 Question: "So what did they deploy, which weapons of war did they deploy?"
16 Answer: "I am not a soldier. I cannot know that. I know that these were weapons
17 of war because as I told you beyond machine guns, all the other weapons that come
18 there are weapons of war."
19 MR MACDONALD: [10:45:12] Can I finish the question, your Honour? I just
20 made a citation.
- 21 PRESIDING JUDGE TARFUSSER: [10:45:18] What is the -- Maître Gbougnon?
22 MR GBOUGNON: [10:45:23] (Interpretation) Mr President, since we talked about
23 fairness, I would like to have the witness leave the courtroom because we are talking
24 about fairness, I would like to read out to the Chamber a part of this same statement
25 so as to ensure the fairness that we are claiming here.

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1 PRESIDING JUDGE TARFUSSER: [10:45:48] Can the witness please leave the
2 courtroom. Thank you.

3 (The witness stands down)

4 PRESIDING JUDGE TARFUSSER: [10:46:14] Maître Gbougnon.

5 MR GBOUGNON: [10:46:16] (Interpretation) Thank you, Mr President. Page 286,

6 where the Prosecutor was before going backwards, line 517, the witness is asked:

7 "Now, yes or no, did he confirm that that order came from the head of state?"

8 The witness answers: "No. I can tell you that I am almost convinced that especially

9 for the army to be able to deploy such orders in the town, it is necessary to have an

10 order. These are state weapons. It is not a pistol. It is not a revolver and the

11 policemen cannot say 'go'."

12 This says on line 527: "I repeat once again, there are things I cannot tell you because

13 I'm not a soldier."

14 So when you need to read, if you want to be fair with the witness you have to read all

15 of that. The witness gave an opinion but he said he was not a soldier. That's what I

16 wanted to say, your Honour.

17 PRESIDING JUDGE TARFUSSER: [10:47:32] Maître Altit.

18 MR ALTIT: [10:47:36] (Interpretation) Yes, your Honour, the situation is quite

19 awkward. And I need to be on my feet to say that the Prosecutor's procedure is

20 misleading. If he read an element in the statement and then he moved on and

21 skipped to another part of the excerpts that are acceptable to him. And we think that

22 that is misleading.

23 PRESIDING JUDGE TARFUSSER: [10:48:13] Mr Prosecutor.

24 MR MACDONALD: [10:48:14] My point, I don't think, your Honour, caught that it

25 was about weapons itself. It was about the order. And that is what we are

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1 discussing right now, the order of the head of state. So it's not about weapons, the
2 type of weapons, that maybe, the military maybe go around town, and I think my
3 colleagues know that very well.

4 Thank you, your Honour.

5 PRESIDING JUDGE TARFUSSER: [10:48:43] May I just say that I think that the
6 Prosecutor said, read out this part and said as a matter of fairness, I read also -- no, I
7 read also further where exactly what you, Mr Gbougnon, said was the significance of
8 that, did you know it or did you guess it? I guess it on the basis of the weapons.
9 So I do not -- maybe he said it another ten times, but I think that here the fairness has
10 really been preserved by the Prosecutor. And in any case I repeat, this witness is
11 well placed to respond in the way he deems appropriate in saying this also in this
12 courtroom.

13 So I just would like to go ahead with the questioning and therefore I ask the witness
14 to be brought in again.

15 (The witness enters the courtroom)

16 PRESIDING JUDGE TARFUSSER: [10:50:23] Mr Prosecutor.

17 MR MACDONALD: [10:50:24] Thank you, your Honour.

18 Q. [10:50:30] (Interpretation) Mr Witness, what I read out to you, does it jog your
19 memory?

20 A. [10:50:43] I confirm that it is my statement.

21 PRESIDING JUDGE TARFUSSER: [10:50:53] No. I just would let him speak.
22 You confirm that is what you said in your statement?

23 THE WITNESS: [10:51:05] (Interpretation) Yes, indeed.

24 PRESIDING JUDGE TARFUSSER: [10:51:15] Mr Prosecutor.

25 MR MACDONALD: [10:51:16] (Interpretation)

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1 Q. [10:51:17] Do you still stand by what you said to the OTP?

2 A. [10:51:26] I said that I confirm it. If you read my statement I said that to use
3 weapons of war, it has to be an instruction from the head of the army.

4 PRESIDING JUDGE TARFUSSER: [10:51:46] Excuse me. Is it that you know or you
5 guess that it was an instruction of the head of state?

6 THE WITNESS: [10:52:02] (Interpretation) No. I am guessing, because in my
7 statement I said that in order for weapons of war to be used, it can be instructions
8 from the president of the republic. But I have no document to confirm or attest that
9 it is the president who gave those instructions.

10 PRESIDING JUDGE TARFUSSER: [10:52:27] Okay. Clear.
11 Please, Mr Prosecutor.

12 MR MACDONALD: [10:52:30] Thank you, your Honour.

13 Q. [10:52:32] (Interpretation) When did you learn that there would be a march on
14 Ivorian radio television, the Ivorian radio television corporation?

15 A. [10:53:11] Once again, I do not remember the date because we are talking about
16 several dates here. But in my statement I told you that according to the instruments
17 in force in Côte d'Ivoire, there was supposed to be a notification. So we received the
18 information at the same time as the event was actually taking place.

19 Q. [10:53:43] So you received the note on the same day?

20 A. [10:53:51] Yes.

21 Q. [10:53:54] And my question to you is this: You have talked about two marches.
22 Now, on the 16th was another march. Now, before the march itself, before the
23 march itself, were you informed by anyone at all that a march was scheduled for
24 16 December?

25 A. [10:54:31] We were informed, but we did not receive any document. Let me

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1 elaborate. At the police when you say you are informed, it means you are aware of
2 the itinerary that will be used, the beginning, the end. Those who are responsible for
3 the march. We did not have all those details.

4 We had received information that there was going to be a march, but the real details
5 of the information we got them on the day of the march itself.

6 Q. [10:55:13] Once again, my question is as follows: When did you learn, when
7 did you hear that a march would take place on 16 December?

8 A. [10:55:29] Let me repeat the same thing. I confirm that we were not notified
9 before I heard about it.

10 Q. [10:55:38] When did you hear about it?

11 A. [10:55:40] I do not remember precisely.

12 Q. [10:55:43] Very well.

13 PRESIDING JUDGE TARFUSSER: [10:55:46] Just one I think correction to the
14 English transcript where it is said at page 33, line 19 on the witness said: If you read
15 my statement I said that to use weapons of war, it has to be an instruction from the
16 head of army is written here.

17 It has to be read on the head of state. No?

18 MR MACDONALD: [10:56:15] Yes, it says from the transcript I read, yes.

19 MR ALTIT: [10:56:19] (Interpretation) No, Mr President. He said very clearly the
20 head of the army. Then there was -- there were questions from the Prosecutor. He
21 had said head of the army and the interpretation was quite correct.

22 MR MACDONALD: [10:56:38] Yes, your Honour, the witness to your question
23 answered the head of the army.

24 PRESIDING JUDGE TARFUSSER: [10:56:44] I'm just reading this here. So to me it
25 was a mistake. But I'm happy to learn that it's not. Okay.

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1 MR MACDONALD: [10:56:54] And that he guessed to the Office of the Prosecutor --

2 PRESIDING JUDGE TARFUSSER: [10:56:59] Yes, well, okay.

3 MR MACDONALD: [10:57:01] -- that it must have been the head of state. That
4 that's the essence.

5 PRESIDING JUDGE TARFUSSER: [10:57:07] Okay, thank you. Sorry. Please go
6 ahead.

7 MR MACDONALD: [10:57:11] I was informed that I may have made a mistake by
8 referring to 16 March. It's 16 December. We're on 16 December, just to be clear.

9 Q. [10:57:27] (Interpretation) Now, let us go back to the 16 December and the
10 days before that. And for that I would like to call up -- well, but before that I have
11 one question. What precisely did you hear?

12 A. [10:57:58] I heard about the march on the RTI, the Ivorian radio television
13 corporation.

14 Q. [10:58:11] Did you have any details of who were the organisers of the march?
15 Who would be involved? What were the objectives of the march and so on and so
16 forth?

17 A. [10:58:27] We heard it over the radio waves. There was a broadcast that the
18 secretary general of the rebellion wanted the RHDP members to march and go and
19 dislodge the director general of the Ivorian radio television corporation.

20 Q. [10:59:01] Just for the record, this person whose name you did not give, who is
21 that person?

22 A. [10:59:08] President Soro Guillaume.

23 Q. [10:59:13] Did you hear that the RTI was the only objective, or was there another
24 objective more personal to Mr Soro?

25 A. [10:59:26] For the time being I cannot say there was another objective, because

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1 the director general of the RTI was housed in the premises of the RTI.

2 Q. [10:59:41] Was there another location involved; that is where Mr Soro was
3 supposed to go?

4 A. [10:59:57] Frankly, I do not remember.

5 Q. [11:00:00] Very well. I would like to call up document 0045-0748. It's a
6 two-page document. If we could show the second page, please.

7 Just a little question. If we remain on this page, a little question, you, when you see
8 documents that come into your hands, do you make any annotations?

9 A. [11:01:18] Yes, indeed.

10 Q. [11:01:19] And what do you annotate?

11 A. [11:01:23] Well, it depends on the document. This is a note coming from the
12 préfet to give a piece of information to -- a report back to his chief. I do not have any
13 particular annotation to make, or only notes to make.

14 Q. [11:01:38] But generally speaking when you have cast your eyes over a
15 document, do you mark it up or make any annotations to the effect that you have
16 read the document?

17 A. [11:01:51] Yes, indeed.

18 Q. [11:01:52] And what do you annotate?

19 A. [11:01:54] Well, it depends on what I feel at the time. Well, I might put "seen"
20 or I see -- or, I mark down for documentation.

21 Q. [11:02:06] Very well. Let's come back to the first page. Let's please come back
22 to the first page. And if you look to the top right-hand corner of the screen, you see
23 the word "vu" or "seen". Were you the one who wrote it?

24 A. [11:02:31] Yes, indeed.

25 Q. [11:02:32] Very well. And we can see a fax dated 12 December 2010, 19.55,

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1 préfet de police in Abidjan. Let's continue.

2 At that moment in time, we say -- a point of observation to be observed on the
3 occasion of a demonstration on the part of the RHDP.

4 Were there any preparations ahead of this march of the RHDP *to ensure security
5 either for the RTI or the prime minister's office?

6 MR GBOUGNON: [11:03:45] (Interpretation) We have a problem with the French
7 transcript. It seems to have come to a halt.

8 PRESIDING JUDGE TARFUSSER: [11:03:51] Now it runs again. Okay. Thank
9 you.

10 MR GBOUGNON: [11:04:07] (Interpretation) Mr President, in view of the fact that
11 the transcript is now up and running, I can see on page 39, line 1, that it is indicated
12 that it is a point of information to be held on the occasion of an RHDP demonstration.
13 I don't know whether this is a document that we are reading from.

14 THE INTERPRETER: [11:04:33] Message from the interpreter: Mr Gbougnon is
15 speaking far too fast. Thank you. Could he please be requested to repeat because
16 he was speaking at such a speed the interpreter didn't catch it.

17 PRESIDING JUDGE TARFUSSER: [11:04:47] You spoke too fast.

18 MR GBOUGNON: [11:05:01] (Interpretation) Yes, Mr President, I was saying that
19 on page 39, line 1, I can see that the OTP says firstly page 38, line 28, I start with that, I
20 quote from page 38, line 28:

21 "And we can see a fax. It's dated 12 December."

22 Page 39 and he says, I quote:

23 "Let's continue. We indicate point of information to be held on the occasion of the
24 demonstration of the RHDP."

25 This is not precisely what is written here. So if we want to read out what is there,

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1 then we should read what is there. The Prosecutor did not say exactly what is
2 written on the document that he is reading from.

3 PRESIDING JUDGE TARFUSSER: [11:05:54] I cannot say this because I didn't see
4 the fax.

5 MR MACDONALD: [11:06:02] My question was not reading the document, your
6 Honour. My question was beyond the document. The witness recognized having
7 read this document. The witness was -- didn't remember if he had wind of also
8 going to install the prime minister, Guillaume Soro, at the Primature, but he had wind
9 of the march on the RTI in the days prior. He could remember the days.
10 So now I'm asking -- I'm going to another point now. I'm asking him in relation to
11 the Primature and the -- what -- the document that we see in front of us, and now the
12 marche on la RTI, were there any préparatifs, sorry, the word doesn't come in English
13 right now, and that's it. That's my question. Thank you.

14 PRESIDING JUDGE TARFUSSER: [11:07:07] Yes. But you spoke about the fax.

15 MR MACDONALD: [11:07:18] Sorry. The fax is on the bottom page, at the bottom
16 of the page completely. If we can bring the document down completely.

17 PRESIDING JUDGE TARFUSSER: [11:07:27] The number, it's a fax number.

18 MR MACDONALD: [11:07:29] Yes, it's at the bottom of the --

19 PRESIDING JUDGE TARFUSSER: [11:07:30] Yes. Yes, yes, yes, the fax number,
20 not --

21 MR MACDONALD: [11:07:33] There is a date next to it.

22 PRESIDING JUDGE TARFUSSER: [11:07:34] Yes, I -- but I thought it was the cover
23 sheet of a fax you were reading. I thought you were reading from a cover sheet from
24 a fax and not just the lines. So that's the whole issue. I think we were not -- just not
25 very clear. So I misunderstood and Maître Gbounon misunderstood.

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- 1 MR MACDONALD: [11:07:59] Then let me clarify --
- 2 PRESIDING JUDGE TARFUSSER: Yes, now --
- 3 MR MACDONALD: -- with the witness.
- 4 PRESIDING JUDGE TARFUSSER: [11:08:02] -- I think -- I think now it's clear, isn't it?
- 5 Okay. So let's go ahead.
- 6 MR MACDONALD: [11:08:14] (Interpretation)
- 7 Q. [11:08:16] Just a prior question, I'm going to come back so that we are sure that
- 8 we understand each other. What does the expression "PO to be set up mean"?
- 9 A. [11:08:30] Well, I answered the question saying that PO is the point of
- 10 observation. I shall reiterate the same thing.
- 11 Q. [11:08:37] Thank you. So my question, Mr Witness, we see this document, you
- 12 have seen it. You have also said at an earlier stage that you got wind of the march
- 13 on the RTI. And my question is as follows: For one or tother of the events, did you
- 14 or were there any preparations in order to make secure the locations in question?
- 15 PRESIDING JUDGE TARFUSSER: [11:09:21] Maître Altit.
- 16 MR ALTIT: [11:09:24] (Interpretation) Thank you, Mr President. For one or other
- 17 of the events we don't know precisely what you are referring to, dear colleague.
- 18 Maybe only the march of 16 December. And if there is another event, it would be a
- 19 good thing for you to say what you are referring to, especially for the witness so that
- 20 he knows what the question is all about.
- 21 MR MACDONALD: [11:09:42] I think it is pretty clear, your Honour, but I don't
- 22 mind doing that.
- 23 PRESIDING JUDGE TARFUSSER: [11:09:48] Please do.
- 24 MR MACDONALD: [11:09:49] But I will say it again. And my colleagues can
- 25 interrupt me as much as they want but they are the ones --

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1 PRESIDING JUDGE TARFUSSER: [11:10:05] No, please go -- please, go ahead.

2 MR MACDONALD: -- their --

3 PRESIDING JUDGE TARFUSSER: Please go ahead.

4 MR MACDONALD: [11:10:07] Next week we'll be sitting for a long time.

5 PRESIDING JUDGE TARFUSSER: [11:10:10] Please go ahead.

6 Q. [11:10:13] (Interpretation) So, Mr Witness, it is indicated, and I shall read the
7 title of the document that you have before you, and I refer to the same item ending
8 with 0748, point of observation to be set up on the occasion of the demonstration of
9 the RHDP with a view to installing prime minister Soro Guillaume. That's one thing.
10 And the other thing is the march on the RTI dated 16 December that -- or, that you got
11 wind of.

12 So I shall repeat my question: For one or the other of the events announced, were
13 there any preparations in order to make sure the two locations?

14 A. [11:11:33] For the march on the RTI, I said yes and no, and I'll explain to you.
15 No because in order for preparations to be made, those who initiated the march
16 needed to be on side with the police to prepare the march. And I said to you earlier
17 on those leading need to tell us from which point they will be departing and to which
18 point they will be going and when they will disperse and how many people they are
19 expecting. So that didn't happen and we didn't have any preparations.
20 However, we did get wind of an event and we couldn't remain there with our arms
21 crossed. So we took measures that if the march did take place, we would be in a
22 position to take measures.

23 Q. [11:12:42] And now if I refer to the document 0045-0748, holding points of
24 observation or setting them up on the occasion of a demonstration is part of -- well,
25 this document -- question: Is this document part of a context of such an activity of

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1 making a location secure?

2 A. [11:13:13] Yes, indeed, because point of observation or post of observation will
3 enable us to observe and glean information because if we do not know where they're
4 coming from or the preparations to do with the march, then ...

5 Q. [11:13:35] Mr Witness, if we look still looking at this very same document, this is
6 a fax, 19.55 on the 12 December at nearly 8 o'clock in the evening, 19.55. And this
7 information comes from the commissioner divisionnaire of the police, that is the
8 préfet de police of Abidjan who sends this out at that moment in time and you saw it.

9 You have seen it. My question to you is as follows: Did you receive any
10 instructions when you heard or got wind of the fact that there was going to be a
11 demonstration or demonstrations? Did you receive any instructions at all?

12 A. [11:14:48] I would admit that I did not receive any particular instructions for
13 that march.

14 Q. [11:14:57] For that march, are you referring or which one are you referring to for
15 us to be clear that we are talking about one and the same thing?

16 A. [11:15:06] I would say once again that there was one march, that march on that
17 day on the RTI. You're referring to the installation of Soro Guillaume. That didn't
18 happen. What did happen was the march upon the RTI.

19 Q. [11:15:28] Very well.

20 Mr President, I would suggest that we take the break at this moment in time because
21 I'm going to be launching myself into another series of documents.

22 PRESIDING JUDGE TARFUSSER: [11:15:39] Okay. So we break for half an hour
23 and we come back at 11.45.

24 THE COURT USHER: [11:15:45] All rise.

25 (Recess taken at 11.15 a.m.)

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1 (Upon resuming in open session at 11.48 a.m.)

2 THE COURT USHER: [11:48:41] All rise.

3 Please be seated.

4 PRESIDING JUDGE TARFUSSER: [11:49:07] Good morning once again. I give
5 immediately the floor to the Office of the Prosecutor.

6 MR MACDONALD: [11:49:18] (Interpretation)

7 Q. [11:49:26] Very well. Now, Mr Witness, let's move on. And let us place us
8 back or reposition ourselves where we were. You mentioned that you had not
9 received any instruction. And I shall put the question to you once again in the
10 following manner. The document, the last document that we brought up was
11 0045-0748 and you mentioned briefly and I'll paraphrase what you said, that this was
12 one of the measures taken with a view to making secure the march. This document,
13 we know that it was faxed, according to what is written, at 19.55 p.m.
14 So the question is very specific in nature, for this document to be made, were there
15 any instructions that you gave.

16 MR GBOUGNON: [11:51:07] Monsieur le Président.

17 PRESIDING JUDGE TARFUSSER: [11:51:12] But you've now interrupted the
18 witness.

19 MR GBOUGNON: [11:51:21] (Interpretation) I do apologise, Mr President. I was
20 standing on my feet before the witness answered. I was waiting for the transcript.
21 And I thought that you were going to immediately allow me to address the Court
22 once the -- when the Prosecutor had finished saying what he was saying.
23 Mr President --

24 PRESIDING JUDGE TARFUSSER: [11:51:39] Okay, my fault. Go ahead.

25 MR GBOUGNON: [11:51:40] (Interpretation) Mr President, the OTP says, page 44,

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1 line 28, you mentioned very briefly, I paraphrase, that this was one of the measures
2 with a view to making secure the march.

3 I think that everything is written down here, and this paraphrase is not just. The
4 witness never said what the OTP is attempting to put in his mouth. It is not a
5 paraphrase, it is his words. It is not the words the witness uttered.

6 PRESIDING JUDGE TARFUSSER: [11:52:23] well, that's what a paraphrase is about,
7 I would say. Of course it's not the word of the witness, but it's the word of the
8 Prosecutor paraphrasing the witness, and that's why it's called paraphrase, otherwise
9 it would be called quotation. (Overlapping speakers)

10 MR MACDONALD: [11:52:41] If you allow me, your Honour --

11 PRESIDING JUDGE TARFUSSER: No (Overlapping speakers)

12 MR MACDONALD: -- I'll rephrase. I'll rephrase. It's much faster.

13 PRESIDING JUDGE TARFUSSER: [11:52:50] Yes, Maître Altit.

14 MR ALTIT: [11:52:51] (Interpretation) Thank you, Mr President. You are indeed
15 very right, Mr President, it is not paraphrasing here, it is in fact a bad way of, how
16 could I say, a bad understanding of what the (Redacted)

17 (Redacted)

18 (Redacted)

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15 Q. [11:54:54] My question is very simple, Mr Witness. Did you, you yourself
16 personally give instructions for the police to man these points or posts of observation?

17 A. [11:55:22] No.

18 Q. [11:55:23] Very well.

19 Let's go into private session, please.

20 PRESIDING JUDGE TARFUSSER: [11:55:28] So let's please go into private session.

21 (Private session at 11.55 a.m.)

22 THE COURT OFFICER: [11:55:39] We are in private session, Mr President.

23 (Redacted)

24 (Redacted)

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- 25 (Open session at 12.08 p.m.)

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1 THE COURT OFFICER: [12:08:20] We are in open session.

2 PRESIDING JUDGE TARFUSSER: [12:08:24] Mr Prosecutor.

3 MR MACDONALD: [12:08:26] (Interpretation) Thank you, Mr President. Let's
4 continue.

5 Q. [12:08:33] On 15 December 2010, were you informed of strategic sites being
6 made secure in Abidjan?

7 A. [12:09:00] Generally speaking, this is part of the mission of the police. It is our
8 daily work.

9 Q. [12:09:21] Ahead of the march on the RTI on 15 December 2010, did you receive
10 any instructions or information with regard to the security measures pertaining to
11 strategic sites in Abidjan?

12 A. [12:09:41] I will repeat again that this is our mission. I did not glean any
13 information, but we did take measures in order to set up observation posts that were
14 set up.

15 Q. [12:09:57] Very well. I'm going to be showing document 0045-0449 to you.
16 And as always, if necessary, we have a hard copy if it's easier than on the screen.
17 You have seen this document. Your initials are appended thereto?

18 A. [12:10:44] Yes.

19 Q. [12:10:45] When I say "initials" it is in fact the word "vu," "seen" written up
20 above.

21 Do you recognize this document and what is it?

22 A. [12:10:54] Well you can see that this is an information note. It is not
23 instructions per se, it is an information note, that is to say that the director of
24 the -- general of intelligence received this and shared it with us. It is not an
25 instruction.

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1 Q. [12:11:15] And it is noted that the --

2 THE INTERPRETER: [12:11:29] Message from the interpreters: Could counsel
3 please tell us where he is reading from.

4 PRESIDING JUDGE TARFUSSER: [12:11:33] Where are you reading from is asked
5 by the interpreters.

6 MR MACDONALD: [12:11:38] (Interpretation) There is in the document right at
7 the outset "the RTI and the surrounding area." I'm reading the last sentence, the last
8 sentence of this subsection. So I'll read it again:

9 "The current measures within the compound of the RTI seem to be insufficient." End
10 of quote.

11 And I'm going to read the last sentence of the next chunk, when reference is made to
12 the presidential palace, this is with a view to bringing away the demonstrators from
13 this target or to distance them from the target.

14 And we can conclude, reading from the next page, we're talking about the two
15 bridges, the De Gaulle and Houphouët-Boigny bridges at the time in the communes
16 of, in the communes of Abidjan, Riviera, Carrefour, Marie-Thérèse and M'Pouto,
17 these are the various intersections where the blockades were located at l'hôtel du Golf.
18 And finally, reference is made *to ONUCI and the *BIMa.

19 Is this an identification of a lacking in terms of security at that moment in time, this
20 information note?

21 A. [12:13:29] I shall repeat the same thing again. General intelligence might have
22 seen that they were failing, and they are making observations, but that does not mean
23 to say that that is what we put in place. These are their observations.

24 Q. [12:13:47] To your knowledge, the security measures ahead of the march of 16
25 December, subsequent to this note were these measures reinforced?

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1 A. [12:14:01] I believe that you showed an item at an earlier stage. I believe that to
2 my knowledge this is the document that we used throughout that entire period.

3 Q. [12:14:17] On 15 December, the same day that this service note was produced,
4 did you receive any instructions from whomsoever, from anybody whatsoever?

5 A. [12:14:37] I shall repeat once again, maintaining order is part of the police's
6 mission. And I would say that I did not receive any particular instructions.

7 Q. [12:14:54] Very well.

8 Let's go back to private session please.

9 PRESIDING JUDGE TARFUSSER: [12:15:01] Let's go to private session, please.

10 (Private session at 12.15 p.m.) *(Reclassified in public)

11 THE COURT OFFICER: [12:15:11] We're in private session, Mr President.

12 (Redacted)

13 MR MACDONALD: [12:15:19] (Interpretation)

14 Q. [12:15:20] Witness, I'm referring again to the visitor logbook at the president's
15 residence and my question is as follows: Do you remember that you went to the
16 president of the republic's residence, Mr Gbagbo, on the date of December 15, 2010?

17 A. [12:15:53] It's really very difficult, it's hard for me to remember the events, the
18 dates, the precise dates of events. You say the 15th. Perhaps we did, but I don't
19 remember.

20 Q. [12:16:09] That meeting took place the day before the march on the RTI, that is
21 the visit to the president's residency took place the day before the march. We have
22 information whereby you arrived at *at 22.28 hours and that you left at 22 hours
23 55 minutes. And during that same period, there were others leaving with you,
24 General Kassaraté and also the chief of staff of the army.

25 This is the day before the march on the RTI. Again, I repeat my question: Do you

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1 remember that you went to meet the president in the evening, do you remember
2 going to the residency in the evening with Mr Kassaraté and the chief of staff?

3 PRESIDING JUDGE TARFUSSER: [12:17:27] With or without, have you been at the
4 president's palace that day, that hour?

5 THE WITNESS: [12:17:41] (Interpretation) It's maybe possible, but once again I
6 really can't say with certainty about the date. It is possible.

7 MR MACDONALD: [12:17:52] (Interpretation)

8 Q. [12:17:53] Did you discuss before the march on the RTI with the president of the
9 republic?

10 PRESIDING JUDGE TARFUSSER: [12:18:04] Maître N'Dry.

11 MR N'DRY: [12:18:06] (Interpretation) I have two comments, your Honour. First
12 of all, I would like to ask whether or not the Registry could display this document, the
13 document we're referring to so that we can follow the Prosecutor's questions.

14 And secondly, I would really beg the Chamber to accept my apologies, but I'd like to
15 say that since yesterday you have recalled a number of points to the OTP, and yet
16 these points have been repeated time and time again during the questioning, and I
17 don't want to have to rise each time to make these points, but you have just clarified,
18 corrected the OTP question.

19 I think once again the Chamber needs to remind the Prosecutor of what has been said
20 to avoid the Defence having to rise so frequently, because we have no choice, your
21 Honour.

22 PRESIDING JUDGE TARFUSSER: [12:19:30] Yes, okay. I understand.

23 MR N'DRY: [12:19:32] (Interpretation) We have no choice. We're not doing it on
24 purpose. The Prosecutor is continuing.

25 PRESIDING JUDGE TARFUSSER: [12:19:38] I understood.

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1 Mr Witness, there is on your screen -- not any more.

2 MR MACDONALD: [12:20:02] Can I just indicate the page numbers? Because I
3 don't think I indicated them and it may help my colleagues. It's page 1011 and page
4 1012. Left-hand side will be the handwritten and the right-hand side the type
5 version for the arrival of the witness.

6 PRESIDING JUDGE TARFUSSER: [12:20:21] My question, my question, Mr Witness
7 is: Have you been at the residence in Cocody, the presidential residence on 12
8 December -- on 15 December from *22.08 to 22.58? I think this is the -- okay. This is
9 a simple question.

10 THE WITNESS: [12:20:54] (Interpretation) Let me repeat. I already said it's
11 possible, but I don't remember the date. It's possible.

12 PRESIDING JUDGE TARFUSSER: [12:21:04] It was also a very strange time, because
13 I don't think normally one goes to the presidential palace at 22.28. So I really ask
14 you to think about it and to respond truthfully.

15 THE WITNESS: [12:21:31] (Interpretation) Your Honour, I have said solely the
16 truth. I said it's possible. Well, if I knew more, I would tell you, but I don't.
17 Perhaps we went there, but if then I'm asked about the content of the discussion, the
18 truth is I don't remember going there on that date.

19 PRESIDING JUDGE TARFUSSER: [12:21:55] Okay. Thank you.

20 Mr Prosecutor.

21 MR MACDONALD: [12:21:58] So I understand the door is now open.

22 I see that my colleague is standing up again.

23 MR GBOUGNON: [12:22:10] (Interpretation) Your Honour, I have a problem with
24 this document that the OTP is referring to.

25 MR MACDONALD: [12:22:24] I would ask the witness to move out, your Honours,

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1 of the courtroom.

2 PRESIDING JUDGE TARFUSSER: [12:22:28] There is no problem. What problem
3 with the document can be?

4 MR GBOUGNON: [12:22:39] (Interpretation) A problem of -- well, your Honour, I
5 don't know if we're speaking about the same document. I have a document in front
6 of me, but I don't know if it's the one that's been referred to with the witness because I
7 don't see the date. This is CIV-OTP-0088-1009.

8 MR MACDONALD: [12:23:11] (Interpretation) Let me give you the reference and
9 how we reached the date, and in that case I'd like to ask the witness to leave the
10 courtroom if possible, if necessary.

11 MR GBOUGNON: [12:23:28] (Interpretation) Well, I think we need to understand
12 each other. I have just noted something, and if explanations need to be given, if
13 deductions are to be drawn, then perhaps we need to do that for information.

14 MR MACDONALD: [12:23:51] (Interpretation) No, there is no deductions to be
15 made. But it's fine. But I do prefer that this discussion take place in the absence of
16 the witness.

17 PRESIDING JUDGE TARFUSSER: [12:23:59] Mr Witness, can you please leave the
18 courtroom. Thank you.

19 (The witness stands down)

20 PRESIDING JUDGE TARFUSSER: [12:24:17] I think this discussion can be made in
21 open session, should be made in open session.

22 MR MACDONALD: [12:24:21] Certainly.

23 PRESIDING JUDGE TARFUSSER: [12:24:23] Let's go in open session.

24 (Open session at 12.24 p.m.)

25 THE COURT OFFICER: [12:24:34] Back to open session.

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1 PRESIDING JUDGE TARFUSSER: [12:24:37] Thank you.

2 Now Maître Gbougnon.

3 MR GBOUGNON: [12:24:46] (Interpretation) Your Honour, thank you. Now, the
4 document, the reference of which I have just read out, where there is supposed to be a
5 date, there is no date. There is no indication of the date. And therefore if the OTP
6 is drawing a conclusion or trying to calculate in some way what the date of the
7 document is, that is December 15th, then he needs to explain that process because the
8 document he's referring to has no date written on it. It bears no date. I don't know
9 if it's because it's faded away, but there is no date written, if it's December 15th, then
10 we need to be, we need to be told how it is that the OTP deduced that it is dated
11 December 15th. That was my comment, your Honour.

12 PRESIDING JUDGE TARFUSSER: [12:25:43] Mr MacDonald.

13 MR MACDONALD: [12:25:44] Your Honours, your Honours, I could be asking that
14 question, very same question without using the logbook, to begin with.

15 Second --

16 PRESIDING JUDGE TARFUSSER: [12:26:07] Yes, but why don't we go to the point?

17 MR MACDONALD: No, but to the point is look at page 1012, 1012 is indicated
18 "service du jeudi 16 décembre," which appears on page 1011. Page 1010 and page
19 1009, indeed, the section of the date is watered down. If you go to the previous page,
20 1008 and you see 1007, at the top hand side you have 14 December.

21 This is a ledger that was photocopied on both sides. The original is in the vault.

22 We didn't bring the originals because we feel that, of course, if we are to bring the
23 original it will be the same thing that you see on the left-hand pages successively.

24 But if that trust is not there, then we will ask for the ledger to be -- the logbook to be
25 called up so that the Chamber and my colleagues can see that themselves, although

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1 they've had all the opportunity in the world to go and visit and have a -- this.

2 So therefore at this stage, your Honour, I don't think any of -- the objection, the
3 intervention should be simply rejected, full stop.

4 PRESIDING JUDGE TARFUSSER: [12:27:38] Maître Gbougnon.

5 MR GBOUGNON: [12:27:49] (Interpretation) Thank you, your Honour. The OTP
6 has confirmed my fears. The OTP is deducing something on the basis of his own
7 logic. I could deduce something completely different. I am not convinced that this
8 document is indeed dated on the 15th. I think we can say that, we need to state that
9 the date is not mentioned. The OTP has explained that if you look at the previous
10 page and the page afterwards, you can draw a deduction, but you can come up with a
11 range of deductions. But the truth is we don't have a date on this page. I think that
12 needs to be stated. But if you affirm that there was a meeting on 15 December, but
13 there is absolutely no mention of the date December 15th by way of evidence of that
14 meeting, well, I just don't agree. That's what I have to say, your Honour.

15 And what the OTP is doing is presenting their own deductions, their own opinions,
16 and it is not what is stated here in the logbook. Thank you.

17 PRESIDING JUDGE TARFUSSER: [12:29:16] Can we go to the page 1010. No, the
18 original also. This is 1009.

19 THE COURT OFFICER: [12:30:06] 1010 and 1009.

20 PRESIDING JUDGE TARFUSSER: [12:30:30] Where it is said "deterioration by
21 water," there should have been written 15 hypothetically, say 15 December; is that
22 correct?

23 MR MACDONALD: [12:30:42] Logically.

24 PRESIDING JUDGE TARFUSSER: [12:30:44] Logically, yes, yes, yes.

25 MR MACDONALD: [12:30:45] Because you look at the previous page --

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- 1 PRESIDING JUDGE TARFUSSER: Because then you come to --
- 2 MR MACDONALD: -- there is 14 before.
- 3 PRESIDING JUDGE TARFUSSER: [12:30:49] And 16 after.
- 4 MR MACDONALD: [12:30:50] That's right.
- 5 PRESIDING JUDGE TARFUSSER: [12:30:54] Yes, yes, of course.
- 6 MR MACDONALD: [12:30:55] If you allow me, we are overlapping a lot it seems.
- 7 PRESIDING JUDGE TARFUSSER: [12:31:00] Of course. We are always because I
- 8 am speaking and you are interrupting me. That's why we are overlapping, simply.
- 9 So please, now speak.
- 10 MR MACDONALD: [12:31:07] Independently of this, your Honour, the Prosecution
- 11 submits that it can put to the witness independently of the use of the ledger -- the
- 12 logbook, can put it to him that he has been to the residence on 15 December with
- 13 those hours.
- 14 The witness independently of that and in any event said "it's possible" right now.
- 15 PRESIDING JUDGE TARFUSSER: [12:31:42] Yes.
- 16 MR MACDONALD: [12:31:43] That's what we have on record independently of the
- 17 logbook.
- 18 And then the question is, it's the day prior to the march, that is what is important
- 19 right now. It's the sequence of the events and the events as they unfold on the
- 20 ground and as you ask the witness. This is where we're at. Let's not be distracted.
- 21 PRESIDING JUDGE TARFUSSER: [12:32:04] Yes. I'm right. But if you had said
- 22 most likely on the 15th because on the logbook it is not readable would have
- 23 been -- maybe would have avoided the whole discussion.
- 24 Let's please now call in the witness again. And I not yet say what I think.
- 25 (The witness enters the courtroom)

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1 PRESIDING JUDGE TARFUSSER: [12:32:58] Mr Witness, I just repeat myself. Here
2 from the logbook of the residence, of the presidential residence it seems that on most
3 likely and on the basis of logic on 15 December at 22.28, you entered -- oh, no. Okay.
4 We have to go into private session.

5 (Private session at 12.33 p.m.) *(Reclassified in public)

6 THE COURT OFFICER: [12:33:40] We're in private session.

7 PRESIDING JUDGE TARFUSSER: [12:33:45] Thank you.

8 Just you entered into the presidential palace. This seems to come out from the
9 logbook. My only comment is that it's something which is not very usual, it's not
10 something one does every day. So I would really ask you to think about it and to
11 come with a true answer and on the basis of that, the Prosecutor will continue its
12 questioning.

13 THE WITNESS: [12:34:25] (Interpretation) Again, your Honour, I repeat that I do
14 not remember precisely. I do not remember the precise date whether or not I was
15 there. Indeed, the logbook indicates that we went there, but I must say I don't
16 remember.

17 PRESIDING JUDGE TARFUSSER: Mr Prosecutor.

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

19 Q. [12:34:54] Mr Witness, did you discuss with the president in the presence of the
20 chief of staff, Mr Mangou and Mr Kassaraté about the march on the RTI that was
21 supposed to take place on December 16th, 2010, did you discuss that with the
22 president?

23 A. [12:35:34] I'm afraid I'm going to be repeating myself, but I really don't
24 remember. You know, we were working on these matters on a day-to-day basis, it
25 was police work and I don't remember.

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- 1 MR MACDONALD: [12:35:58] (Interpretation) Could we return to open session,
2 your Honour.
- 3 PRESIDING JUDGE TARFUSSER: [12:36:03] Can we go back to open session.
4 Thank you.
- 5 (Open session at 12.36 p.m.)
- 6 THE COURT OFFICER: [12:36:13] We are in open session.
- 7 PRESIDING JUDGE TARFUSSER: [12:36:16] Mr MacDonald.
- 8 THE INTERPRETER: [12:36:21] In the previous answer the witness said, this is to be
9 added to his answer: I would be surprised that the president called us.
- 10 MR MACDONALD: [12:36:31] (Interpretation)
- 11 Q. [12:36:32] Let's go back to the day of the march itself. Where were you?
- 12 A. [12:36:49] The day of the march I was at my office.
- 13 Q. [12:36:53] What were you doing?
- 14 A. [12:36:57] I was doing my normal work and I was supervising my subordinates.
- 15 Q. [12:37:07] What do you mean by supervising exactly? What were you doing?
- 16 A. [12:37:11] I was listening to the police radio.
- 17 Q. [12:37:15] Which networks?
- 18 A. [12:37:17] Usually I was listening to the intervention unit's network.
- 19 Q. [12:37:24] Who was in charge of the operations that day?
- 20 A. [12:37:29] It was the police préfet. Anything regarding maintaining law and
21 order, that was the responsibility of the préfet in his zone.
- 22 Q. [12:37:39] What was the role of --
- 23 THE INTERPRETER: [12:37:43] Inaudible name. And the speakers are going too
24 fast.
- 25 PRESIDING JUDGE TARFUSSER: [12:37:48] The speakers are going too fast. The

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1 name was inaudible. And I hear shouting in my ears. So please, three things which
2 I would like to avoid. Thank you.

3 MR MACDONALD: [12:38:17] (Interpretation)

4 Q. [12:38:22] Who was in charge of the operations that day?

5 A. [12:38:37] It was the préfet de police, the police préfet who was in charge of
6 maintaining order in the city of Abidjan.

7 Q. [12:38:49] What was the role of Mr Yoro Claude on that day?

8 A. [12:38:58] He provided his support to the police préfet in Abidjan.

9 Q. [12:39:09] Very well. I'd like to show you your prior statement. I'm referring
10 to 0014-0400. And I would like to take a look at page 0403, line 98. I'm going to
11 read it out.

12 Question: "Okay. Who was managing the activities, if we take the example of the
13 march at the RTI on December 16, who was in charge?"

14 Answer: "It was the CRS commander ... I beg your pardon, it was the
15 commander" -- I'm repeating your answer: "It was the CRS commander ... I beg your
16 pardon it was the commander or the director of the intervention units." End of
17 quote. I'll stop there.

18 Who was in charge of the operations that day?

19 A. [12:41:47] Let me repeat. The person in charge of maintaining law and order is
20 the préfet of Abidjan, supported by the director of the intervention units, the director
21 of the intervention units who has a lot of forces under his control. So that's why he's
22 directing, if you will. But the person responsible was the police préfet.

23 Q. [12:42:18] What was your own, your own role more specifically other than just
24 listening to the radio?

25 A. [12:42:24] I followed operations as they took place on the ground, and if I see

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1 that there are difficulties, I try to provide a solution.

2 Q. [12:42:43] Do you remember having intervened over the radio on the day of
3 December 16th in the morning?

4 And we can indeed go into private session if that's necessary, your Honour. But I
5 think that if it's just a yes, no answer, we can perhaps wait and then go into private
6 session if need be. That's my suggestion.

7 A. [12:43:23] (Interpretation) Well, when it's a question of maintaining order, *I
8 frequently intervene. And if there is a difficulty that comes up, I provide a response.

9 Q. [12:43:34] My question was as follows: Do you remember -- Witness, my
10 question was: Do you remember whether or not you intervened that day in the
11 morning over the network?

12 A. [12:43:58] That's really a detail. How can I remember? It's possible. I don't
13 remember. I just don't remember.

14 PRESIDING JUDGE TARFUSSER: [12:44:04] Let's go into private session, please.
15 (Private session at 12.44 p.m.)

16 THE COURT OFFICER: [12:44:13] We're in private session.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 12.49 p.m.)

8 THE COURT OFFICER: [12:49:13] We are in open session.

9 MR MACDONALD: [12:49:14] It may simplify the whole thing. I think the witness
10 gave his answer already. So the last answer is superfluous. I'm sorry.

11 PRESIDING JUDGE TARFUSSER: [12:49:24] Okay. If this, if this is enough to
12 Maître N'Dry.

13 But I do understand your intervention and that's what I say, keep saying, but since
14 the beginning of the trial, not since yesterday, since the beginning of the trial I'm
15 saying this to all parties that we have to put direct questions and ask for answers.

16 And then we will draw the conclusions all together, you on your side and the
17 Prosecution on the other side, and then we take the decision.

18 So I would really urge all of you to go along this line.

19 So you withdraw your intervention, Maître N'Dry? It's a question.

20 MR N'DRY: [12:50:18] (Interpretation) Yes, indeed, Mr President.

21 PRESIDING JUDGE TARFUSSER: [12:50:20] Okay. Thank you very much.

22 So the witness can be brought in again.

23 MR MACDONALD: [12:50:26] And can we go back -- but I -- just to clarify so that
24 there are no surprises later on, although the cross-examination can be made on this
25 point --

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- 1 PRESIDING JUDGE TARFUSSER: [12:50:43] There's no -- I mean --
- 2 MR MACDONALD: It's okay.
- 3 PRESIDING JUDGE TARFUSSER: -- always what's --
- 4 MR MACDONALD: It's okay.
- 5 PRESIDING JUDGE TARFUSSER: -- on the record --
- 6 MR MACDONALD: It's okay. It's okay.
- 7 PRESIDING JUDGE TARFUSSER: -- is on the record. I mean we interrupt,
- 8 everybody will then interpret, but nothing to be clarified. We read and --
- 9 (The witness enters the courtroom)
- 10 MR MACDONALD: [12:51:01] (Interpretation) So we are back in open session and
- 11 we can remove the document from the screen and let's continue.
- 12 Q. Mr Witness, the operations associated with the march, did they continue into
- 13 the next day, that is 17 December?
- 14 A. [12:51:47] Yes. There were some elements who demonstrated.
- 15 Q. [12:51:56] And Mr Claude Yoro, did he still have the same role that he had the
- 16 day before?
- 17 A. [12:52:14] Yes, indeed. Maybe it is important for me to specify that the préfet
- 18 de police of Abidjan in the organisational chart only has one company. Now, the
- 19 elements that are put out there for law and maintenance are generally speaking CRS
- 20 elements that fall under the command of Claude Yoro.
- 21 Q. [12:52:43] Whether it be the 16th or the 17th, what was the role of the minister of
- 22 the interior on that day?
- 23 A. [12:53:05] I would say that the minister of the interior does not intervene with
- 24 everything concerning the march. If he had a particular role, I was not aware of it.
- 25 Q. [12:53:19] To your knowledge, was there an operational command post within

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1 the ministry of the interior on the 16th and 17 December 2010?

2 A. [12:53:36] As always, there was the Minos command post, as this was the case in
3 the discussions yesterday, was always within the ministry of the interior.

4 Q. [12:53:50] I'll put the question to you again. Well, let's move on to the
5 following question, sorry. Who was the identity of the person of the Minos
6 commander on the 16th and the 17th?

7 A. [12:54:07] I can't answer that. The PC or the command post were elements that
8 would -- you know, they were on shifts and they were constantly changing. So I
9 can't tell you who was present on that day.

10 Q. [12:54:25] I would like to have called up document CIV-0045-0742. This is a
11 document dated 17 December 2010.

12 Do you recognize this type of document?

13 A. [12:55:16] Yes, I do.

14 Q. [12:55:18] What is it?

15 A. [12:55:21] It is a daily information bulletin.

16 Q. [12:55:26] In the top left-hand corner we can see just above the title of the
17 document, we see "PC operations ministry of the interior." If we might zoom in on
18 this, or we do have a hard copy, what is that, Mr Witness?

19 A. [12:55:54] Well, there is nothing special. It might -- he might wanted to have
20 indicate that it was the police. Otherwise there is nothing special. The operational
21 command post for the ministry of the interior is the operational command post for the
22 police.

23 Q. [12:56:11] The sender is the chief operations of the command post. Is that PC
24 Minos or is that somebody else?

25 A. [12:56:24] I do believe that it was the PC Minos, Minos command post.

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1 Q. [12:56:37] I'm going to be showing you the last page, 0744.

2 If we could zoom in on the seal.

3 So the chief PC operations Yoro Claude and so that was the 17th. I suppose that on
4 the 16th he had the same role?

5 A. [12:57:09] It doesn't change. This is a daily information bulletin and it's exactly
6 the same document. If you see the document from the préfet de police, I can assure
7 you that it would contain exactly the same elements.

8 Q. [12:57:29] Can you confirm that Mr Claude Yoro was in fact the chief of
9 operations that day of the march upon the RTI?

10 A. [12:57:39] I could confirm that he was the director of the units of intervention,
11 and as such there were elements that intervened and he must have drawn up a report
12 which was similar to that drawn up by the préfet de police of the town.

13 Q. [12:57:57] I would like to come back to the role of the minister on the occasion of
14 that march, that is Minister Guiriéoulou. When there were important operations,
15 did the minister intervene during those operations?

16 A. [12:58:41] To my knowledge, never. And I would say that's whilst
17 Minister Guiriéoulou was at the ministry, I do not know whether he intervened in
18 any operations around a march or generally speaking in and around law and order.

19 Q. [12:59:11] I understand that PC Minos is inside the same building as the
20 ministry of the interior; is that correct?

21 A. [12:59:33] That is precisely the case.

22 Q. [12:59:35] So it is possible for a minister to have direct access to information via
23 the PC Minos; is that the case?

24 A. [12:59:50] It might be possible, but I would say that at that time I was not aware.

25 Q. [12:59:58] Very well. Did you compile any reports for the minister during the

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1 unfolding of the march of the 16th?

2 A. [13:00:24] All events of such importance, reports that I receive are then the
3 subject of a report addressed to the minister.

4 Q. [13:00:36] Were there any deaths during march of 16 December? And when I
5 say "deaths," once again we're going to talk about the deaths within the police force.
6 But were there any civilian or was there any civilian loss of life amongst the
7 demonstrators?

8 A. [13:01:01] Yes, there were deaths.

9 Q. [13:01:02] So how did this information -- let me rephrase.
10 When did you hear and how did you hear that there had been loss of civilian life?
11 A. [13:01:30] In all the reports that you received, you will realise that there were not
12 any deaths strictly speaking out in the field. These were people who were wounded
13 who were then taken to the CHU hospital and who then subsequently died from their
14 wounds.

15 Q. [13:01:52] I just want to rephrase my question so that we understand each other
16 correctly. How did you learn that there had been loss of civilian life?

17 A. [13:02:17] Via reports from my co-workers.

18 Q. [13:02:22] Did those reports only come in written form?

19 A. [13:02:26] Yes, indeed. They were written because that's why I was thinking
20 ahead, saying to you that there were deaths at the hospital after they had been
21 evacuated for treatment.

22 Q. [13:02:44] Did you receive any reports over the telephone?

23 A. [13:02:53] I repeat that the deaths did not occur out in the field. There were no
24 telephone calls. These were reports. Because they happened in -- they were
25 reported in the various information bulletins, daily ones.

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1 Q. [13:03:10] I'm going to call up document 0045-0735. This is a daily information
2 report number 249 of the Thursday 7 December 2010.

3 Are we in open session? Okay. We have a hard copy if necessary. Can we please
4 zoom in on the Adjamé section of the document. Perfect like that.

5 So, and I'm reading for the record here, so the hour is 7.30 in Adjamé, 7.30 a.m. And
6 the last sentence:

7 "Subsequent to this operation there was one death and three injured people who were
8 evacuated to the CHU in Cocody."

9 One dead and three injured. Just to come back to that, because you seem to be
10 indicating that no one died on location. But here it would seem to be the opposite
11 that is being indicated with regard to the deceased individual?

12 A. [13:04:58] Well, it is written that subsequent to the operation there was one
13 death that was -- one dead individual who was evacuated to Cocody.

14 Q. [13:05:11] So all of the people who were indicated to you died at the hospital?

15 A. [13:05:18] I can confirm what I said.

16 Q. [13:05:22] Now let's move on to the next document 0045-0510.

17 Have you seen this document?

18 A. [13:06:09] Yes, well, all of those daily reports I see, generally speaking.

19 Q. [13:06:13] Very well. I'm just going to take you to the page. For the record,
20 this is a duty officer's report, 16 December to 17 December 2010 in the section "Other
21 salient facts in chronological order".

22 I would like to take you to page 0511, in the section Adjamé, please. And we can all
23 read, but I'd like to draw your attention to the fact that this entry refers to 9.30 a.m.,
24 Adjamé, that, however, at approximately 15.45, three lifeless bodies were discovered
25 at the Abobo Adjamé road at the ASH company. They were all killed by bullet.

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1 And I would like to draw the attention on the third name because I believe that

2 Witness 0589 talked about this at length at the end of last year.

3 So we find here corpses on the tarmac or lying on the ground, I apologise. Does that
4 refresh your memory?

5 A. [13:08:02] Yes, indeed.

6 Q. [13:08:05] Very well. Now, also just for us to go further on down, 9.30 a.m.,
7 once again, but in Koumassi this time, first paragraph, the information gathered state
8 that the victim allegedly received a tear gas canister fired by some of the gendarmerie,
9 according to some people and according to others by the police. He received this in
10 the chest.

11 And can such a tear gas canister cause death?

12 A. [13:09:07] Yes. It depends upon how it was fired. If it was fired with a
13 grenade launcher, then it can result in death.

14 Q. [13:09:22] Let's go to 0512. The following page, that is. If we can hone in
15 on 10 a.m. Cocody 2 Plateaux ENA. On 16 December 2010, at approximately 10
16 o'clock, a lifeless body was discovered opposite the ENA, not far afield from Telecel.
17 The victim of masculine, masculine victim is wearing jeans and a green T-shirt and
18 bore marks of grenade shrapnel all over his body. According to the normal checks,
19 the corpse was not -- the body was not able to be identified because he did not have
20 any administrative documents on him. He was taken away and transported to the
21 military hospital of Abobo for conservation.

22 So you will agree with me that tear gas cannot give rise to shrapnel, tear gas canister?

23 PRESIDING JUDGE TARFUSSER: [13:10:57] Again the question was posed in the
24 wrong way. You will agree with me.

25 MR MACDONALD: [13:11:00] I will rephrase. Sorry, I will rephrase.

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1 PRESIDING JUDGE TARFUSSER: [13:11:03] Yes, but it's always the same problem.

2 MR MACDONALD: [13:11:05] (Interpretation)

3 Q. [13:11:06] Mr Witness, what kind of grenade can give rise to traces of shrapnel
4 giving rise to death in the manner alleged here according to your experience,
5 professional experience as somebody who uses tear gas and knows the existence of
6 other types of grenades?

7 A. [13:11:29] Well, it depends on the type of tear gas. There are a number of
8 different types. According to the service orders there are far more concentrated
9 forms of tear gas that can give rise to considerable shrapnel or bits.

10 PRESIDING JUDGE TARFUSSER: [13:11:54] Maître N'Dry.

11 MR N'DRY: [13:11:57] (Interpretation) That is precisely two questions or three.
12 And I observe, in reality, that the Prosecutor might have been able to put these
13 questions without reading the documents, because in order to ask whether tear gas
14 gives rise to shrapnel, I do not believe that we need to read this report.

15 PRESIDING JUDGE TARFUSSER: [13:12:24] As I just reminded the Prosecutor, it's a
16 part of the report, because I think it's always a report which goes to him, to the
17 witness, he is the overall head. But apart of that, it is the mode of questioning which
18 I think has to be changed radically, I would say. Just put the question.

19 MR MACDONALD: [13:12:49] Yes.

20 Q. [13:13:05] (Interpretation) Last question. Apart from tear gas, grenades, are
21 there any other types of grenades, to your knowledge, that can give rise to that type
22 of shrapnel, that type of wounds that then gives rise -- results in death?

23 A. [13:13:23] Yes, it can occur. But we only within the police use tear gas. I
24 repeat once again.

25 Q. [13:13:30] Just for us to understand, what kind of grenade is that? You used

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- 1 tear gas. But what kind of grenade could give rise to that in possession of the FDS in
2 Côte d'Ivoire to your knowledge?
- 3 A. [13:13:45] These are called OF grenades. But we do not use those.
- 4 Q. [13:13:49] What does OF mean?
- 5 A. [13:13:52] Offensive.
- 6 Q. [13:13:56] Next document, I would like to have called up 0045-
- 7 PRESIDING JUDGE TARFUSSER: [13:14:18] I think we have the lunch break
8 because now, before you call up this document, I think it's -- or is it 1? No, we have
9 another 15 minutes. Sorry, sorry. Yes, correct. Okay, sorry, it was my --
- 10 MR MACDONALD: [13:14:34] You're hungry?
- 11 PRESIDING JUDGE TARFUSSER: [13:14:35] Probably I was starving, so but okay.
12 Let's continue. And sorry, but another 15 minutes.
- 13 MR MACDONALD: [13:14:43] Actually, I was under the same impression, to be
14 quite honest, and that's why I was trying to use the last minute or two. But I'm
15 happy to continue now.
- 16 Q. [13:14:54] (Interpretation) Could we please have the document
17 CIV-OTP-0045-0973 please.
- 18 Is this another document that you saw?
- 19 A. [13:15:35] Yes, I saw this document.
- 20 Q. [13:15:40] I would like to draw the attention of the Court to the second page of
21 this document, 0974, at the bottom.
- 22 Well, to start with number 20. I'd like to draw the attention of the Chamber to the
23 third name listed there.
- 24 And, Witness, I'd like to draw your attention to the totals at the bottom of the page.
25 It states here the number of policemen who were killed.

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1 PRESIDING JUDGE TARFUSSER: [13:16:26] But put the question. We see it
2 though, everybody sees what is in there. You have not to repeat it. Just put the
3 question.

4 MR MACDONALD: [13:16:31] (Interpretation)

5 Q. [13:16:32] Can you confirm that this was information that you had at the time?

6 A. [13:16:44] I'm afraid I didn't understand your question.

7 PRESIDING JUDGE TARFUSSER: [13:16:50] Excuse me. If you ask and it's signed
8 "seen" --

9 MR MACDONALD: [13:17:00] I will rephrase, your Honour.

10 PRESIDING JUDGE TARFUSSER: [13:17:01] Yes, please.

11 MR MACDONALD: [13:17:02] (Interpretation)

12 Q. [13:17:03] Witness, there is no date indicated on this document other than the
13 title which indicates important aspects of the march.

14 First of all, is it exceptional that there not be a date on the document?

15 A. [13:17:25] Do you mean at the top or at the bottom of the document? What are
16 you referring to?

17 MR MACDONALD: [13:17:32] Perhaps we could give the witness a hard copy or we
18 could display the entire document from top to bottom and everyone will be able to
19 see that there is no date indicated unfortunately. May we give the witness a hard
20 copy, your Honour?

21 PRESIDING JUDGE TARFUSSER: [13:17:54] Yes, but if you say there is no date,
22 there is no date. I mean should --

23 MR MACDONALD: [13:17:59] (Interpretation)

24 Q. [13:18:01] Witness, there is no date on the document. I'm trying to ascertain
25 whether this is exceptional and whether or not you can help us as to when you might

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1 have received this document?

2 A. [13:18:25] Your Honour, I believe I answered this question yesterday and I'm
3 going to repeat the same thing. Given the activity at the police préfet, maybe they
4 didn't have time to sign a report or to stick to the normal format. But since this was
5 very -- of interest to us, sometimes the documents arrived in improper format, if you
6 will, and then later on a more standard format was sent in afterwards. But the
7 content was received as such.

8 Q. [13:19:00] I'd like to have annex -- I'd like it refer to annex 8 of your statement.

9 And we've shown this document previously, but we have another question regarding
10 this annex 8.

11 Your Honour, if you will allow me, I think it would be useful for the witness to have a
12 paper copy because here there are dates mentioned. So could we give the witness a
13 hard copy. The ERN is 0010-0028.

14 Witness, this is a document that you gave to us. And I have to start from the back, if
15 you will, forward. So could we start with page 0031 of this document, please. In
16 the upper right-hand corner you can see the timestamp December 17, 2010, 3.15 a.m.
17 That is the date and time when this report was sent. Do you agree with that?

18 If we look at the previous page, that is 0030, the date here sent from the préfet to the
19 DGA-CSP is December 17, 2010. Rather, December 27.

20 THE INTERPRETER: [13:21:39] The interpreter corrects.

21 MR MACDONALD: [13:21:45] (Interpretation)

22 Q. [13:21:46] If we go to the previous page 0029, the DGA of the SCP sent it on 26
23 January, roughly a month later, and you yourself on January 27 sent it to the minister.
24 And this is page 0028, in other words, the first page of this document.

25 Can you explain to the Chamber this time frame, the fact that it took one month?

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1 A. [13:22:26] Well, I must admit that I can't really explain because I was not the signatory
2 of the various documents. *The proof is that when it got to me on the 26th, I made a report
3 the next day, the 27th. Why was it it took so long in the other departments? I don't know.

4 Q. [13:22:48] Very well. Do you know, tell us if you know, when the minister was
5 informed of these events? Do you know -- well, what I am trying to say is to your
6 knowledge was the minister informed previously?

7 A. [13:23:15] Yes. The daily information bulletin that arrive, the ones that arrive
8 are automatically sent to the minister by fax the same day, and then the following day
9 a hard -- the original, the paper document itself.

10 Q. [13:23:35] So to be perfectly clear, you said you received the daily information
11 reports, the BQIs, and then they are sent to the minister. Have I understood you
12 correctly?

13 A. [13:23:49] When I receive the daily information bulletin, I have it sent to the
14 ministry by fax. I send exactly what I receive.

15 Q. [13:24:01] Do you also send the duty officer reports?

16 A. [13:24:07] Yes, that's correct. And I said yesterday that those duty officer
17 reports around 7.30 in the morning, 8 o'clock at the latest, they are compiled and sent
18 to the minister.

19 Q. [13:24:28] To your knowledge, does the minister then send on the information to
20 his own superior?

21 A. [13:24:47] Let me repeat what I said yesterday. I was not a member of the
22 cabinet and therefore I cannot know what the minister does with the documents that I
23 send to him.

24 Q. [13:24:58] As regards the incidents that took place on December 16, did you
25 discuss those incidents with the minister orally, in person, face to face, that is between

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1 December 16 and the end of the crisis on April 11?

2 A. [13:25:14] I know I reported to him. But we didn't discuss face to face.

3 Q. [13:25:22] Never?

4 A. [13:25:25] I don't believe so.

5 Q. [13:25:26] You're not 100 per cent certain?

6 A. [13:25:30] Yes, I confirm.

7 Q. [13:25:34] What about the telephone, you said no face-to-face discussions, but
8 did you talk to him on the telephone between December 16 and April 11?

9 A. [13:25:57] Let me repeat once again what I said yesterday, the reports that I
10 made to the minister were made by telephone. So obviously he was informed by
11 telephone.

12 Q. [13:26:09] And on the telephone, at any point in time, did the minister tell you "I
13 am going to inform whoever"?

14 A. [13:26:22] He did not say anything to me.

15 Q. [13:26:25] Never?

16 A. [13:26:26] Never.

17 Q. [13:26:27] In your conversations with the minister, you never discussed or the
18 minister never said to you, "Oh, thank you for giving me that information. I'm going
19 to send it on to so and so"?

20 MR GBOUGNON: [13:26:48] (Interpretation) He already answered.

21 MR MACDONALD: [13:26:51] (Interpretation) I withdraw my question.

22 PRESIDING JUDGE TARFUSSER: [13:27:00] I think so. I think there was enough.
23 Thank you.

24 MR N'DRY: [13:27:05] (Interpretation) Mr President.

25 PRESIDING JUDGE TARFUSSER: [13:27:08] Oui.

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1 MR N'DRY: [13:27:09] (Interpretation) May I? Well, I have a comment to make
2 and I might need about five minutes, maybe three to five minutes, if that's possible,
3 given how persistent the OTP is being. And we find that most unfortunate. I
4 would need about five minutes, if you will allow me. We could perhaps ask the
5 witness to withdraw and I could make my comments.

6 PRESIDING JUDGE TARFUSSER: [13:27:39] The witness can go for lunch. And we
7 will be here at 3 o'clock. You can make your comments but take three minutes
8 instead of five.

9 (The witness stands down)

10 PRESIDING JUDGE TARFUSSER: [13:28:02] It's for the benefit of all of us.
11 Maître N'Dry.

12 MR N'DRY: [13:28:30] (Interpretation) Your Honour, I rose to my feet because a
13 moment ago I asked the Prosecutor to continue, hoping that he would change his
14 method.

15 But I have realised that he's persisting along the same lines and, therefore, I have to
16 intervene once again. I would like to recall a particular point to the Chamber. I
17 said earlier, at the risk of repeating myself, the purpose here is not to bring things in
18 through the back door. The purpose here is to find the truth. We ask questions to
19 the witness so that he explain, and not to play with strategy.

20 Let me read out a previous answer in response to a question from the Prosecutor.

21 And I'd like to draw your attention to page 70 of today's transcript. It's very subtle,
22 it's very subtle, but I'd like to draw your attention to this.

23 Mr MacDonald was trying to find out whether the witness had relayed a message or
24 had sent a message on the very day of the march.

25 The witness said "No, I don't remember."

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1 And then, because Mr MacDonald insisted, the witness said "I repeat, I don't
2 remember."

3 And then subtly, and I'm taking great caution in the choice of my words, there is
4 reference made to a document from another witness who had testified here, today's
5 witness doesn't know who this is, and the Prosecutor quotes the content of a message
6 of that witness who has already testified. And all of this so that today's witness can
7 tell us whether yes or not he sent a message over the radio command post.

8 And the one thing that the Defence lawyers cannot set aside is that to recall to a
9 witness the content of a written note, which is exactly identical to the message that the
10 witness, the previous witness is said to have heard, and then very subtly the witness
11 is drawn into error and the witness says yes, there is nothing new, I have merely
12 recalled what was contained in that note in the radio message.

13 But in truth, in reality, that's not what the Prosecutor is interested in, but rather to
14 give credit to what the previous witness declared. And this very subtle manner of
15 proceeding, your Honour, this cannot be accepted by the Defence. When you ask a
16 question to a witness and the witness says "I don't remember sending a message on
17 that day", and then you quote a previous witness that the witness has no knowledge
18 of, you are inserting an error. If you reread the transcript, you will see that the
19 witness has been drawn into error.

20 I didn't rise -- I wouldn't have risen if Mr MacDonald hadn't continued in this same
21 strategy. I would not have stood to my feet, but I feel that I must do so. The
22 purpose here is not to lead the witness into error, the purpose is to ask him questions
23 and obtain his responses.

24 That is what I wanted to say to the Chamber. I see that Mr MacDonald has risen to
25 his feet. I have said my piece. Thank you.

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- 1 PRESIDING JUDGE TARFUSSER: [13:33:55] Mr MacDonald.
- 2 MR MACDONALD: [13:33:57] Two words.
- 3 PRESIDING JUDGE TARFUSSER: [13:33:59] Yes.
- 4 MR MACDONALD: [13:34:00] It's called refreshing and it's called corroboration.
- 5 Thank you.
- 6 PRESIDING JUDGE TARFUSSER: [13:34:10] Now we break. Now we break and
- 7 we come back at 3 o'clock.
- 8 THE COURT USHER: [13:34:19] All rise.
- 9 (Recess taken at 1.34 p.m.)
- 10 (Upon resuming in open session at 3.02 p.m.)
- 11 THE COURT USHER: [15:03:03] All rise.
- 12 Please be seated.
- 13 PRESIDING JUDGE TARFUSSER: [15:03:30] Good afternoon.
- 14 Good afternoon, Mr Witness.
- 15 Before giving the floor to the Office of the Prosecutor, who by now has questioned the
- 16 witness for 8 hours and 10 minutes, just for the record, I would really ask all the
- 17 parties to remain calm, not to obstruct the questioning of the Office of the Prosecutor
- 18 like the Office of the Prosecutor will be instructed not to obstruct the questioning of
- 19 the Defence parties. I think we all know and you teach me this, you all teach me this,
- 20 that the trial is thesis against antithesis and of course the Prosecutor has his theory,
- 21 his facts to submit to the Chamber through the evidence; you will have the same
- 22 opportunity.
- 23 So please let us not jump up for things which are really not very founded, with the
- 24 only aim to be obstructive. I wish, and I would very much encourage the parties
- 25 that the next hour and 45 minutes, until quarter to 5, will be constructive and that we

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1 will know facts and not things we don't need to know and to hear. Not observations
2 which are not conducive and not very useful for what we are here, to listen to
3 witnesses and to try to find out what happened.

4 This said, I give back the floor to the office of Prosecutor, which I remind once again
5 to put questions and ask for answers to these questions. That's it.

6 Mr N'Dry, Maître N'Dry.

7 MR N'DRY: [15:05:53] (Interpretation) Your Honour, I would like to come back to
8 one point. It seems to me that I was discussing with my case manager earlier, and I
9 believe that the document, and if you'll give me a moment so that I can give you the
10 reference.

11 Well, I just wanted it know whether or not that document was on the OTP's list or not,
12 reference was given earlier.

13 PRESIDING JUDGE TARFUSSER: [15:06:42] Which document are you talking
14 about?

15 MR MACDONALD: [15:06:44] Annex 6 of Witness 45's testimony.

16 PRESIDING JUDGE TARFUSSER: [15:06:51] Okay.

17 MR MACDONALD: [15:06:53] It's not on our LOM.

18 PRESIDING JUDGE TARFUSSER: [15:06:55] But it's in the record.

19 MR MACDONALD: [15:06:58] But it's submitted.

20 PRESIDING JUDGE TARFUSSER: [15:06:59] It's submitted. It's in the record of the
21 case.

22 MR MACDONALD: [15:07:01] And my understanding is you've ruled already that
23 we can use those.

24 PRESIDING JUDGE TARFUSSER: [15:07:05] Absolutely, yes.

25 So please, Mr Prosecutor.

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1 And I remind you, and then I stop and I remind you, Mr Witness, of your obligation
2 to say the truth and to recall things you recall, to say things you recall and you should
3 recall.

4 Mr Prosecutor.

5 MR MACDONALD: [15:07:51] (Interpretation)

6 Q. [15:07:52] Witness, before we continue, I would like to come back to the matter
7 related to the minister of the interior. I don't remember whether we were in private
8 session or not, but I think it can be dealt with in open court. I don't think there is any
9 particular problem. You mentioned that the minister was informed by yourself as
10 regards events on the ground.

11 On December 16, 2010, who had the power to order that the demonstrators be
12 dispersed?

13 A. [15:08:52] Well, when there is a major demonstration, the general director follows the
14 event as it takes place. And if we realise that there are demonstrators who are bearing
15 weapons, the minister receives the report and *either he instructs me to disperse the
16 demonstration, or I take the initiative myself to disperse it, and then report back.

17 Q. [15:09:30] And when they are not bearing weapons?

18 A. [15:09:42] Well, in that case the police préfet of the city, in this case Abidjan,
19 takes the necessary measures because he is responsible for public security.

20 Q. [15:09:57] I would like to refer back to your former statement, your prior
21 statement, which I'm going to quote, 0014-0400, page 0405, line 164 to 171. And I'm
22 going to read it out. The person being questioned, that is I told you -- I beg your
23 pardon. I will start over again:

24 "In other words, I said that everything that we have knowledge of we report to the
25 minister."

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1 And then you continue on line 167, and I'm quoting:

2 "And when, for example, when it relates to the dispersion of a demonstration, it is the
3 minister who gives the order."

4 Investigator asks you the question: "I beg your pardon, could you repeat the last
5 sentence just before?"

6 And then at the next line 107 you answer saying:

7 "When it's a matter of taking a major decision, such as the dispersion of a
8 demonstration, it is the minister who gives the order."

9 So there is no mention of weapons here, and it's the minister who makes that decision.

10 What do you say to that?

11 A. [15:11:52] Well, if you look at the sentence in line 170, when I stated when it's a
12 major decision. If it's a demonstration, where people are not bearing weapons, that's
13 not a major situation, if you will, whereas when there are weapons reports are given
14 immediately to the minister.

15 Q. [15:12:14] In other words, the word armed or bearing weapons was not
16 mentioned in your prior statement, can you confirm that?

17 A. [15:12:27] Yes, I confirm. But if you are a specialist, you understand, after all, a
18 normal, an ordinary demonstration where people are not bearing weapons, that's a
19 normal occurrence. But if you are talking about people bearing weapons, then it's of
20 more seriousness, it's a major event and therefore other decisions are required.

21 PRESIDING JUDGE TARFUSSER: [15:12:48] Was the demonstration of 16 December
22 a normal demonstration? In the meaning of what you consider normal.

23 THE WITNESS: [15:13:05] (Interpretation) No, no, it wasn't a normal
24 demonstration. You saw that in the results of the demonstration police officers were
25 killed and, therefore, if they were killed, it was they were killed by armed weapons

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1 and therefore it's not a normal demonstration.

2 And that's why the dispersion of the demonstration was ordered by the minister of
3 the interior.

4 PRESIDING JUDGE TARFUSSER: [15:13:30] Yes, but the normality of a
5 demonstration, you assess it in advance, not after?

6 THE WITNESS: [15:13:49] (Interpretation) Your Honour, it's very difficult to
7 evaluate that beforehand, because I've been saying since this morning that we did not
8 have an opportunity to discuss with those who had launched the march. If we had
9 had that opportunity we would have known, if we had been able to talk to the people
10 in charge we would have known that they were bearing weapons. But we were not
11 able to discuss with those who launched the march, and unfortunately we discovered
12 that indeed they were bearing weapons. And the proof is that unfortunately police
13 officers were killed.

14 PRESIDING JUDGE TARFUSSER: [15:14:25] Yes. So you were surprised by this
15 march?

16 THE WITNESS: [15:14:34] (Interpretation) Let me repeat what I said this morning,
17 we did not have the opportunity to receive that information. We didn't have a prior
18 statement or application, so we didn't know ahead of time.

19 PRESIDING JUDGE TARFUSSER: [15:14:50] So you were surprised by the march
20 again?

21 THE WITNESS: [15:14:57] (Interpretation) Yes, I can confirm that.

22 PRESIDING JUDGE TARFUSSER: [15:15:01] Thank you.

23 Mr Prosecutor.

24 MR MACDONALD: [15:15:02] Yes. Thank you, your Honour.

25 Q. [15:15:05] (Interpretation) Witness, I would like to continue examining some

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1 documents where there is mention of the lists of victims either within the security and
2 defence forces or amongst civilians, as well as injured individuals. And here I would
3 like document 0045-1157. And my question is have you already seen this document?
4 Your Honour, this is a document of about 10 pages. And I would suggest or request
5 that we give the witness a hard copy so that he can look through the entire document.
6 It's probably quicker than having to display each page, but I will draw the attention of
7 the Chamber to the important points.

8 PRESIDING JUDGE TARFUSSER: [15:16:14] Okay. These are of course always
9 clean documents, right?

10 MR MACDONALD: [15:16:33] Of course, with very subtle information written with
11 the invisible ink.

12 PRESIDING JUDGE TARFUSSER: [15:16:43] No, sometimes we have to put it on the
13 record.

14 MR MACDONALD: [15:16:55] (Interpretation)

15 Q. [15:16:57] I would like to draw your attention to page 1160 where you can see
16 the name of the division commissioner major who was the deputy director general in
17 charge of public security services, and then the document continues and refers to the
18 other victims of the RHDP march on December 16 and 17.

19 My question is as follows: Have you already seen this list in the past?

20 A. [15:17:49] Yes, indeed.

21 Q. [15:17:54] Do you remember why this list was compiled?

22 A. [15:18:02] The reason is a very simple one. At a given point in time we need to
23 know who the victims were and it needs to be known and we have to provide the
24 information and report on it.

25 Q. [15:18:22] I'd like to call your attention to page 1166. Could we have it on the

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1 screen, please. At 18.30 on December 17 there is a name and a place indicated and it
2 states "killed by a grenade that he tried to launch toward the FDS."

3 According to your professional experience, could this be a tear gas grenade referred
4 to here?

5 A. [15:19:23] I don't think so.

6 Q. [15:19:25] What kind of grenade, in light of your professional experience, could
7 cause such a loss of life?

8 A. [15:19:35] It could be either a defensive or offensive grenade.

9 Q. [15:19:40] And just to be perfectly clear, when you say defensive or offensive,
10 these are grenades that explode? You throw them or you launch them, to be
11 perfectly clear?

12 A. [15:19:51] Yes, yes, indeed.

13 MR N'DRY: [15:19:56] (Interpretation) Your Honour.

14 PRESIDING JUDGE TARFUSSER: No.

15 MR N'DRY: Your Honour, this is exactly the type of comment we don't want to
16 hear.

17 PRESIDING JUDGE TARFUSSER: [15:20:04] The question would have been what is
18 an offensive and what is a defensive grenade? What do you understand under
19 offensive and what do you understand under defensive grenade?

20 THE WITNESS: [15:20:24] (Interpretation) Your Honour, a defensive grenade is
21 used to defend oneself. It's used by the military. And the offensive grenade is less
22 severe in terms of its effect than the defence, defensive grenade. But they're not tear
23 gas grenades.

24 PRESIDING JUDGE TARFUSSER: [15:20:48] So the defensive or the offensive
25 depends by who uses it or is it, in itself, a different type of grenade?

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1 THE WITNESS: [15:21:04] (Interpretation) The grenade itself is different. An
2 offensive or defensive grenade is completely different from a tear gas grenade. It's
3 not at all the same type of weapon.

4 PRESIDING JUDGE TARFUSSER: [15:21:22] So a defensive grenade is a tear gas
5 grenade and offensive grenade is, say, hurts more?

6 THE WITNESS: [15:21:39] (Interpretation) The one that hurts the most is the
7 defensive grenade.

8 PRESIDING JUDGE TARFUSSER: [15:21:45] Okay. Mr Prosecutor.

9 MR MACDONALD: [15:21:49] (Interpretation)

10 Q. [15:21:50] To clarify, whether it's a defensive or offensive grenade, they both
11 explode; is that correct?

12 A. [15:22:02] Well, it's redundant to say that. A grenade is something that
13 explodes.

14 Q. [15:22:09] Very well. I would like to look at page 1164, please. We have it on
15 the screen, very well. At the top of the page you probably recall that we referred, if
16 I'm not mistaken, to a document, it wasn't the daily information report, it was another
17 report that referred to an incident in Port-Bouët. And here under number 1 it refers
18 to injured bullet wounds following clashes with students from the FESCI, and you
19 have the names of the various -- and the ages of the individuals who were injured.
20 Do you remember this incident?

21 A. [15:23:21] I know that there was an incident in Port-Bouët, but I don't remember
22 exactly what happened. But I do remember that there was an incident in Port-Bouët.

23 Q. [15:23:36] Yesterday we were talking about roadblocks which were mounted by
24 the young people from the LMP and the question was whether or not they had
25 weapons. I beg your pardon. So can you confirm that there were indeed

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- 1 individuals injured by bullet wound, students -- or, rather, the aggressors were
- 2 students from FESCI? Can you confirm that?
- 3 MR GBOUGNON: [15:24:12] Mr President.
- 4 MR MACDONALD: [15:24:16] I'll withdraw the last question, your Honour. The
- 5 document is submitted. I'll withdraw the last question. The document is
- 6 submitted.
- 7 PRESIDING JUDGE TARFUSSER: [15:24:25] Maître Gbougnon.
- 8 MR GBOUGNON: [15:24:30] (Interpretation) Your Honour, you have told us, I beg
- 9 your pardon, I'm trying to calm down before I speak.
- 10 PRESIDING JUDGE TARFUSSER: [15:24:39] Please --
- 11 MR GBOUGNON: [15:24:40] (Interpretation) You told us to make an effort. But
- 12 each time he's doing it on purpose and then withdrawing the question. It just cannot
- 13 be like that. And then he says all these things and then he just withdraws the
- 14 question. I'm afraid it's just not possible, your Honour.
- 15 PRESIDING JUDGE TARFUSSER: [15:25:00] I would refer to the other party not
- 16 with "he" and "she", but with "the Prosecutor".
- 17 I cannot -- how can I say that? I said put the question without being yourself the
- 18 witness.
- 19 MR MACDONALD: [15:25:28] I'll move on, your Honour.
- 20 Q. [15:25:32] (Interpretation) Who is in charge of the minister's security, I mean
- 21 the minister of the interior within the FDS?
- 22 A. [15:25:48] I don't understand your question.
- 23 Q. [15:25:50] Let me put it in simpler terms. You have the minister of the interior.
- 24 Who is in charge of providing for his security?
- 25 A. [15:26:07] It's the police who is in charge of his security.

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1 Q. [15:26:13] And the police officers who are in charge of providing his security, do
2 they have explosive grenades or what you've called offensive or defensive grenades,
3 whatever?

4 A. [15:26:26] To my knowledge, no.

5 Q. [15:26:30] I'd like to have document 0047-0483.

6 Are you able to read the annotation written by hand to the right?

7 A. [15:27:25] *Voucher from DGP.N. DCA2. 17 December, and I can see the figure "1".

8 Q. [15:27:39] What does that mean exactly, this handwritten annotation?

9 A. [15:27:46] *It's a voucher from the DGP.N, prepared by DCA2, I believe, based on what I can see.

10 Q. [15:27:56] And what is DCA2?

11 A. [15:27:59] It's the deputy cabinet director number 2.

12 Q. [15:28:05] Of your own cabinet?

13 A. [15:28:08] No. The cabinet of the minister of the interior.

14 Q. [15:28:16] And what does it mean exactly, voucher on behalf of the DGP.N?

15 A. [15:28:25] It's a voucher for the general directorate of the national police, DGP.N.

16 Q. [15:28:33] Can you explain, does it mean there is a list of ammunition, grenades,
17 rifles, machine guns, et cetera?

18 A. [15:28:47] Perhaps I can anticipate to facilitate things. A voucher doesn't mean
19 that it has actually been filled, if you will. Someone can come and say I need such
20 and such, but just because the voucher is written out doesn't mean they've actually
21 received those -- that ammunition. So if I don't have the ammunition, then I cannot
22 provide it. But indeed, this is a voucher, but to my knowledge it was not actually
23 filled as such. *That is because I did not have all that equipment at my disposal.

24 Q. [15:29:24] Very well. Let's go on.

25 PRESIDING JUDGE TARFUSSER: [15:29:27] Excuse me. Who made this

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1 annotation in handwriting?

2 THE WITNESS: [15:29:35] (Interpretation) I think that it was a voucher sent by the
3 DCA2 to the DGP. You see, you have the chief of cabinet who wrote out this
4 voucher, but since he's not the hierarchical chief he had to send it up through the
5 hierarchy and that's why there's this handwritten annotation saying it was sent to the
6 DGP.

7 PRESIDING JUDGE TARFUSSER: [15:30:16] But you didn't respond to my question.
8 Who signed this handwriting under the date, 17/12 and then 1st or 1, whatever this is?
9 Whose signature is this?

10 THE WITNESS: [15:30:37] (Interpretation) I'll try to explain further, your Honour.
11 The chef de cabinet is under the directeur de cabinet. So it's the chef de cabinet who
12 establishes this voucher to the director general. And then it is the directeur de
13 cabinet who signs the voucher before it goes to the DGP.

14 PRESIDING JUDGE TARFUSSER: [15:31:06] And who signed this? Whose
15 signature is this under the, immediately underneath the date 17/12?

16 THE WITNESS: [15:31:17] (Interpretation) It is the signature of the directeur de
17 cabinet. You have already seen my documents. That is not how I sign.

18 PRESIDING JUDGE TARFUSSER: [15:31:28] No. But has this person a name?

19 THE WITNESS: [15:31:33] (Interpretation) Yes, he has a name. At the time it was
20 Commissioner Boblae.

21 PRESIDING JUDGE TARFUSSER: [15:31:52] Mr Prosecutor.

22 MR MACDONALD: [15:32:01] (Interpretation)

23 Q. [15:32:02] Can you repeat the name, please, because it is not on the transcript?

24 A. [15:32:06] Boblae is B-O-B-L-A-E.

25 Q. [15:32:19] Very well. There is another document which I would like to show

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1 you on people who were injured, who died or who were missing, and it is 0045-0052.

2 MR MACDONALD: (Interpretation) Can that be called up on the screen, please.

3 Mr President, just for the form, with your leave I can say it is 6 pages, some of them
4 handwritten, and there is a hard copy for the witness.

5 PRESIDING JUDGE TARFUSSER: [15:33:26] Yes, please.

6 MR MACDONALD: [15:33:44] (Interpretation)

7 Q. [15:33:45] It is your signature so you are the sender.

8 I would like you to look through the entire document. There is a date on the second
9 page. Can that be displayed? That is page 0053. And on the side we can see that
10 it is a fax once again dated 26 December 2010 at 10.25 a.m.

11 And I would like to come back to the question on the first page, that is page 0052.

12 Why this sentence, which I'm going to read: "This database will make it possible to
13 compile a document to support the authorities and which will also serve as a denial of
14 the rumours."

15 What does that mean?

16 A. [15:35:17] What I meant was that there was some information circulating as well
17 as rumours. People would come to see us or would call to say that such and such a
18 person died. So we wanted to have an exhaustive table so that if a question were to
19 be put to us, we would be able to give a precise answer.

20 Q. [15:35:41] During that period, that is in the aftermath of the march, and during
21 the days that followed, did the government of Mr Gbagbo, including his minister of
22 interior, come under pressure from international organisations in relation to the
23 civilians that had died as far as you know?

24 A. [15:36:22] To my knowledge, no.

25 Q. [15:36:27] Very well. Let us continue. To your knowledge, were there

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1 international journalists who were attacked by the forces of law and order during the
2 march of 16 December 2010?

3 A. [15:36:50] I believe it was the contrary. It was the marchers who attacked a
4 journalist who was injured and who was taken away from that place and we
5 accompanied him to the hospital.

6 Q. [15:37:12] Let me refer to document 0040 -- let us call up 0045-0489. Let me
7 repeat the number, 0045, yes, we have it right there on the screen.

8 Have you seen this document before?

9 A. [15:38:04] Yes.

10 Q. [15:38:06] It is a report of the duty officer, central duty officer from the 21 to 22
11 December 2010. Mr Witness, I would like to draw your attention to page 0492.

12 And there is an entry marked 11 hours 30 Cocody.

13 When it is said that in front of the headquarters of the RHDP in Cocody --

14 PRESIDING JUDGE TARFUSSER: [15:39:11] The question would be: What do you
15 say now to the question I posed before?

16 MR MACDONALD: [15:39:19] (Interpretation)

17 Q. [15:39:20] Mr Witness, was there an RHDP headquarters in Cocody?

18 A. [15:39:29] Yes.

19 Q. [15:39:30] What is the location?

20 A. [15:39:34] Let me continue answering. It is the PDCI premises that is in
21 Cocody on Boulevard de France. *Close to the Lycée Sainte Marie.

22 Q. [15:39:54] That is the clarification. It is not the RHDP headquarters, but the
23 PDCI office; is that correct?

24 A. [15:40:02] That is precisely what I said yesterday.

25 Q. [15:40:05] Very well. You were informed, you received this. Who were the

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1 attackers on the beige -- the two four-by-four beige vehicles?

2 A. [15:40:30] The elements who were on board the four-by-four beige vehicles were
3 not attackers. You have an exhibit which is already in the record which states that
4 the two elements on board the four-by-four vehicles were soldiers. Unfortunately
5 they had not informed us, so when they were attacked, we were compelled to remove
6 them in order to protect them. They were not attackers.

7 Q. [15:41:05] Very well. Let us move on.

8 During the days that followed, Mr Witness, did you tour the barracks of the
9 intervention units in Abidjan?

10 A. [15:41:29] That is correct.

11 Q. [15:41:31] Why?

12 A. [15:41:34] Let me repeat the contents. The question was already put to me as to
13 why I sent a message not to carry out acts of violence against the population. Later
14 on there was a service note which you have pointed out, and the objective was the
15 same, to say that a mission of the police was to provide security for people and their
16 property throughout the territory, and that they should not side with anyone at all.

17 Q. [15:42:14] So if it were possible to go back to the duty report, that is 0045-0479,
18 and specifically page 0480. We can begin by showing the first page so as to remind
19 everyone about that document. I'm sorry about that, the court officers. Can we
20 look at page 0479, please. Can we move down a little bit.

21 It is clearly indicated "other important events, 7.15, Abidjan district".

22 It is confirmed that you carried out this *tour very early; is that correct?

23 A. [15:43:59] Yes.

24 Q. [15:44:00] Let us simply turn over the page, that is to the next page. If we can
25 zoom in to the top part of this document. And I will read from the second

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1 paragraph and then ask my question.

2 PRESIDING JUDGE TARFUSSER: [15:44:33] Maître Laucci.

3 MR LAUCCI: [15:44:38] (Interpretation) Yes. I refrained from intervening on
4 several occasions, but there I really believe we should go into private session.

5 MR MACDONALD: [15:44:51] (Interpretation) I do not believe that, your Honour.
6 I am reading the second paragraph and I do not see what could be -- well, but just to
7 be cautious, we could do that and reclassify if we go to private session.

8 PRESIDING JUDGE TARFUSSER: [15:45:10] For, as a matter of caution, we go in
9 private session briefly and then on the basis of the response we can decide if to
10 proceed further or not in private session. Please, go ahead. Well, let's go in private
11 session.

12 (Private session at 3.45 p.m.)

13 THE COURT OFFICER: [15:45:37] We're in private session, Mr President.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Open session at 3.47 p.m.)

3 THE COURT OFFICER: [15:47:30] Back to open session, Mr President.

4 PRESIDING JUDGE TARFUSSER: [15:47:33] Thank you very much.

5 Mr Prosecutor.

6 MR MACDONALD: [15:47:35] I have an issue with the English translation, your

7 Honour.

8 PRESIDING JUDGE TARFUSSER: [15:47:48] Which issue?

9 MR MACDONALD: [15:47:50] Can we have the witness leave the Court? Because

10 it's a question of meaning to a word.

11 PRESIDING JUDGE TARFUSSER: [15:48:02] Okay. Mr Witness, can you please

12 leave the courtroom accompanied by the court usher. Thank you. Just for a few

13 minutes.

14 (The witness stands down)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE TARFUSSER: [15:49:46] Sorry. We have to go in private

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1 session for this issue. Thank you to Maître Laucci.

2 (Private session at 3.50 p.m.)

3 THE COURT OFFICER: [15:50:03] We're in private session.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Open session at 3.52 p.m.)
- 7 THE COURT OFFICER: [15:52:26] We are in open session.
- 8 PRESIDING JUDGE TARFUSSER: [15:52:28] Thank you.
- 9 Mr Prosecutor.
- 10 MR MACDONALD: [15:52:29] (Interpretation)
- 11 Q. [15:52:30] Can you tell us the barracks that you visited on that day?
- 12 A. [15:52:45] I visited the BAE, that is the riot brigade, CRS1, CRS2 and I ended
- 13 with the Abidjan police préfecture.
- 14 Q. [15:52:58] Very well.
- 15 Mr President, we have a video, two minutes approximately which we will present
- 16 and it is 0061-0577. There is a transcript which is available, and the transcript is
- 17 0094-0242.
- 18 PRESIDING JUDGE TARFUSSER: [15:53:57] And I would ask that the interpreters
- 19 to interpret from the transcript.
- 20 And again what is Mr Laucci -- Maître Laucci.
- 21 MR LAUCCI: [15:54:12] (Interpretation) I would simply want to -- it's not on the
- 22 same topic?
- 23 MR MACDONALD: [15:54:19] (Interpretation) It is public.
- 24 PRESIDING JUDGE TARFUSSER: [15:54:24] It's public.
- 25 THE INTERPRETER: [15:54:30] From the interpreters, the interpreter will do a sight

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- 1 translation so it will not necessarily correspond with the video.
- 2 MR MACDONALD: [15:54:37] (Overlapping speakers) as we speak by email?
- 3 PRESIDING JUDGE TARFUSSER: [15:54:44] I didn't get it.
- 4 MR MACDONALD: [15:54:45] We are sending the transcript --
- 5 PRESIDING JUDGE TARFUSSER: [15:54:48] Up? Yes.
- 6 MR MACDONALD: [15:54:50] -- by email as we speak.
- 7 PRESIDING JUDGE TARFUSSER: [15:54:52] Yes, yes, of course. And send it
- 8 upstairs as well.
- 9 MR MACDONALD: [15:54:55] That's right.
- 10 PRESIDING JUDGE TARFUSSER: [15:54:56] Yes.
- 11 MR MACDONALD: [15:54:56] We are -- no, no, but I mean that it's already on the
- 12 record this one, but we're sending it to the translators and transcribers.
- 13 PRESIDING JUDGE TARFUSSER: [15:55:04] Yes. And you could also do it before
- 14 so that they are maybe prepared for the next one.
- 15 THE INTERPRETER: [15:55:14] Mr President --
- 16 MR MACDONALD: Certainly, your Honour.
- 17 THE INTERPRETER: -- the interpreters have it.
- 18 PRESIDING JUDGE TARFUSSER: [15:55:17] Okay. Thank you very much. Now I
- 19 would like to know the time stamps from, to, so also to the benefit of the record and
- 20 the interpreters.
- 21 MR MACDONALD: [15:55:33] Yes, I'll let my colleague Ms Schoeters maybe give
- 22 the reference. It's easier that way. Sorry it's three minutes. It's 32.17. I had
- 23 written it wrongly on my outline. So it's minute 32.17 to minute 35.19.
- 24 (Viewing of the video excerpt)
- 25 THE INTERPRETER: [15:56:39] (Interpretation of the video excerpt)

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1 Sight translation:

2 "Brice Dagou Zouzoua followed the meeting between the director general of the
3 national police and the various intervention forces. The working session mainly
4 dealt with the security of people and property during this period of political crisis
5 report.

6 The essential objective of this meeting on the field between the controller general
7 Bredou M'Bia, director general of the national police, and the police elements of the
8 Abidjan district, under the BAE, the riot brigade, the CRS1 and 2, the republican
9 security companies of Williamsville and Marcory, the préfecture of the police of
10 Abidjan and the commissariat of police of the same town, the various meetings in
11 which took part the main collaborators of the director general of the police. First of
12 all to congratulate the police forces which managed with intelligence and
13 professionalism the march of the opposition of last Thursday to encourage this same
14 police force to maintain the same approach and to preserve in good effort and to
15 succeed in its mission of protection, protecting the property of people, and then to
16 hand over to this same police force the order of battle to respond with loyalty and
17 bravery to the call of the country and the call of the nation.

18 Mr Bredou M'Bia: During the campaign you were asked to be neutral, but today we
19 are not coming here to ask you to be neutral. Because during the campaign, there
20 were many candidates, and since everyone has their heart, it was asked that each
21 person should remain neutral, even if you have a candidate. Today, the
22 constitutional court, which is the Court of elections, has settled the matter: It is
23 President Laurent Gbagbo who is the president of the Republic of Côte d'Ivoire.
24 As from this moment on, in our missions, if you wish, you can look back in your
25 documents, you are going to see that the police has as mission to support the

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1 institutions. This is why it is being said that we are part of the executive power. So
2 to support the institutions and to ensure that the decisions taken by the institutions
3 are respected. So we are not coming here today to say you have to be neutral.
4 There is no question of neutrality. It is not that that we are talking about. It is a
5 question of supporting the institutions of the republic.

6 BDZ: The controller general of police, Brédou M'Bia, finally renewed his
7 condolences and the condolences of the hierarchy of the national police, as well as
8 those of the authorities of the country, to the families of the fallen policemen who
9 died in the line of duty for the Defence of the fatherland."

10 PRESIDING JUDGE TARFUSSER: [16:00:42] Now let the interpreter breathe.

11 MR MACDONALD: [16:01:37] (Interpretation)

12 Q. [16:01:38] Let's continue. I don't have any questions about the video, other
13 than the fact that you recognized yourself obviously. So all is well. I'd like to
14 continue, if I may, with the next document. Were there demonstrators who were
15 arrested during the December 16 march in 2010?

16 A. [16:02:35] Yes.

17 Q. [16:02:36] Can you give us any numbers, approximate numbers?

18 A. [16:02:47] No. I don't remember.

19 Q. [16:02:53] I'd like document 0045-0999. The reference is 0999.

20 A. Could you move it up so that I can check that it's the right reference? We were
21 on the wrong screen. Could we position the document so we can see the reference
22 number please.

23 Q. [16:04:46] Just to be sure we're talking about the right document, the same
24 document, it's 0999?

25 A. [16:04:53] That's it. Thank you.

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1 Q. [16:04:55] This is a four-page document. Could we have the next page, please.

2 Again, the document is signed by yourself?

3 A. [16:05:24] Yes, indeed.

4 Q. [16:05:26] Next page please, 1001. And here there is a table with your signature
5 at the bottom of the page; is that correct?

6 A. [16:05:39] Yes, indeed.

7 Q. [16:05:42] And could we have the last page, please.

8 Do you recognize this? In fact, it's annexed and you can see the date, December 22.

9 Can you confirm that this is a police document?

10 A. [16:06:20] Yes, yes, it is a police document.

11 Q. [16:06:22] We spoke about three journalists. Their camera had been confiscated.

12 They were from the French channel France 3, France 3. And here there is mention of
13 individuals who were released, including two journalists from France 24. They had
14 been apparently arrested and detained during the march which took place on the 16th.

15 Can you confirm that or what do you know about that?

16 A. [16:06:56] No, I would not confirm that. I know about one journalist that had
17 been molested and had been cared for. In fact, the other, as regards these other two
18 journalists I have no knowledge of that.

19 Q. [16:07:13] Very well. Let's continue. I would now like to have document
20 0047-0535. This is a two-page document.

21 Well, let's wait a moment. This is a document entitled "Situation of the
22 demonstrators detained in the Abidjan préfecture de police". And there is a
23 handwritten annotation. I can read "DCA, 24 February 2011". Could we see the
24 second page of this document, please.

25 Again we see the same list as earlier in the previous document which was attached to

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1 your correspondence dated December 22, 2010. Do you remember that this list was
2 sent to the minister of the interior?

3 A. [16:09:25] Yes, I remember. I remember.

4 Q. [16:09:30] Very well. Can we go on. Again it's a very similar list, same type of
5 list, I'd like 0045-0718.

6 Again there is a list, the same number of arrested individuals, 257. And I would like
7 to have the next page, please.

8 At the top you can see "List of individuals against whom there are no, there is no
9 evidence of guilt". And there are 86 names of said individuals. Can you confirm
10 that there were demonstrators who were arrested and detained and then released?

11 A. [16:11:04] Yes, I can confirm that.

12 Q. [16:11:09] This document comes from your offices?

13 A. [16:11:17] It's a police document.

14 Q. [16:11:21] Very well. I'd like to show you another document, just for the
15 purposes of authentication, because it has already been submitted into the case file
16 through another witness' testimony. But I'd like to show it to you just to show you,
17 it's 0045-1238, 1238. This is a document dated December 29, 2010 and it is sent to you,
18 as can be seen; is that correct?

19 A. [16:12:20] Yes, I see it's a police document.

20 Q. [16:12:23] And I would like to draw your attention to the page 1240. We can
21 see that the list refers to demonstrators who were brought before the first instance
22 tribunal in Abidjan Plateau on December 22nd. So am I to understand that you were
23 informed of those who had been released and those for whom -- those who had been
24 taken to court; is that correct?

25 A. [16:13:12] Yes, that's correct.

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- 1 Q. [16:13:16] Very well. I would like to ask you some questions about a duty
2 officer's report dated 29 to 30 December 2010.
3 If I could have just a moment, your Honour.
4 I'd like the document 0045-0457, I repeat 0045-0457.
5 Again, this is a note from the préfet. And you received this document, that's certain.
6 And I would like to turn to page 0460, please.
7 Now, if you look where it says 3.30 or perhaps it's 13.30, unfortunately the copy isn't
8 that legible, "Plateau Palais de Justice," again you're being informed of the individuals
9 who were arrested during the RHDP march that took place on December 16th and
10 there is note taken of the fact that 22 were acquitted.
11 My question refers to the next page, what occurred at 1400 hours in Yopougon, it's the
12 next page, please.
13 So on 29 December --
14 THE INTERPRETER: Says counsel.
15 MR MACDONALD: (Interpretation)
16 Q. -- 2010 at 2 o'clock there was to be a meeting with Mr Charles Blé Goudé. Do
17 you remember that at the end of January, did you have any contacts with
18 Mr Blé Goudé in that regard?
19 A. [16:16:42] I may be mistaken, but it refers to CP1 area in Yopougon.
20 Q. [16:16:53] Well, continue reading.
21 A. [16:17:19] I am reading "Postponement due to the arrival of the ECOWAS".
22 Does that mean it did not take place?
23 Q. [16:17:30] Indeed.
24 PRESIDING JUDGE TARFUSSER: (Microphone not activated)
25 THE INTERPRETER: [16:17:31] Counsel may continue.

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1 MR MACDONALD: (Interpretation)

2 Q. [16:17:33] My question is as follows: Did you have any prior contacts with
3 Mr Blé Goudé as regards this meeting at the place de la République which should
4 have been held on 29 December 2010?

5 A. [16:17:53] No, I did not have any contact.

6 Q. [16:17:59] Have you ever had any contacts with Mr Blé Goudé regarding the
7 organisation of a rally at the place de la République?

8 A. [16:18:12] Your Honour, no.

9 Q. [16:18:15] Let me continue. We can come back to that if need be if we decide
10 it's useful. Let's go on.

11 We're talking about January 2011 now. And this will be quicker. As far as you
12 know, was there an FDS operation, that is including the police, the gendarme as well
13 as the FANCI, on January 11, 2011 in Abobo?

14 A. [16:19:33] Yes, there were operations, but I don't remember the exact date.

15 Q. [16:19:43] And at the time of those operations, were there any losses of life
16 within the FDS?

17 A. [16:19:54] We lost many men.

18 Q. [16:20:04] Very well. Well, when I say "very well," you understand it just
19 means I'm recognising your answer, to be perfectly clear.

20 What was the reaction, the events that took place early January, did that change
21 anything in terms of how security was provided in the city of Abidjan and who took
22 the leadership on the ground?

23 A. [16:20:51] Yes, it did change. The events in Abobo were serious. We lost
24 many of our men. And therefore the army took over the leadership.

25 Q. [16:21:10] Thank you. I'm going to go on and take a look at another daily

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1 information bulletin, BQI. This one is handwritten. It's 0045-0359.

2 PRESIDING JUDGE TARFUSSER: [16:21:34] Excuse me. You said the army took
3 over the leadership. Of what?

4 THE WITNESS: [16:21:46] (Interpretation) Well, it was an answer to a question.

5 He asked if that changed the position of the army, and so I said yes, the army took the
6 lead.

7 PRESIDING JUDGE TARFUSSER: Of?

8 THE WITNESS: (Interpretation) Of the operations.

9 PRESIDING JUDGE TARFUSSER: [16:22:05] To preserve security, you mean?

10 THE WITNESS: [16:22:14] (Interpretation) Yes, exactly.

11 PRESIDING JUDGE TARFUSSER: [16:22:16] Thank you.

12 MR MACDONALD: [16:22:17] (Interpretation)

13 Q. [16:22:22] To be perfectly clear, up until that point in time, it was the first
14 category and second category forces, that is the police and the gendarmerie who had
15 been in charge. Well, I should put it different. Who was in charge, before the army
16 took the lead, who was in charge of providing security in the city of Abidjan?

17 A. [16:22:48] I will repeat that the préfet was responsible for keeping order. But as
18 of January it was a very difficult period. We had lost many men and therefore the
19 army took the forefront.

20 Q. [16:23:08] Very well. We have a handwritten document here. We also have a
21 hard copy if need be, if it's easier for you to read. There is also a second page. It's a
22 two-page document.

23 PRESIDING JUDGE TARFUSSER: [16:23:28] Can you read this? Is this okay for
24 you to have it on the screen?

25 THE WITNESS: [16:23:37] (Interpretation) It's the only document I have in front of

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1 me.

2 MR MACDONALD: [16:23:48] (Interpretation)

3 Q. [16:23:48] I believe the question was can you read it on the screen or do you
4 need a paper copy?

5 A. [16:23:53] If I could have a hard copy, a paper copy, it would be better.

6 MR MACDONALD: [16:24:21] (Interpretation) Could we display the second page as
7 well, if necessary for the Chamber.

8 Q. Have you seen this document which is dated January 12th, 2011, meeting report
9 from the chief of staff, the army chief of staff?

10 A. [16:24:56] Yes, I've seen this document.

11 Q. [16:24:58] Who was it drafted for?

12 A. [16:25:02] It was the report of the police DG, the director general or general
13 directorate.

14 Q. [16:25:14] I'm going to ask you a question but first I'll read out a paragraph.
15 According to the military authorities and it's Kokou Sako René?

16 THE INTERPRETER: [16:25:30] Could counsel indicate where in the text he's
17 reading from?

18 PRESIDING JUDGE TARFUSSER: [16:25:35] Could you indicate where you are
19 reading from so all of us, interpreter first, can follow.

20 MR MACDONALD: [16:25:41] If we can go back to the first page.

21 PRESIDING JUDGE TARFUSSER: [16:25:45] That's what was the problem.

22 MR MACDONALD: [16:25:49] And if we can make the document larger, please.
23 Thank you.

24 Q. [16:26:12] All right. I'll be -- well, let me ask you a question. I think you
25 mentioned the name of Mr Kokou Sako René, have you already mentioned it?

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1 A. [16:26:20] No, I haven't.

2 Q. [16:26:21] Who was he? Here it says he was the chief of operations of the

3 CPCO. That's why I thought you had mentioned him already.

4 A. [16:26:37] I did mention the CPCO, but I did not mention this gentleman's name.

5 Q. [16:26:43] Colonel Sako. So now I'm quoting.

6 "According to that military authority, Abobo is as of now declared a war zone. The

7 FANCI are taking control of the operations with the police and gendarmerie

8 supporting them." End of quote.

9 My question is as follows, Witness, and please listen carefully: Throughout the

10 conflict is it correct that -- throughout the crisis, is it correct that there was a

11 declaration --

12 PRESIDING JUDGE TARFUSSER: [16:27:41] If you start, if you start with "Is it

13 correct," then you obviously --

14 MR MACDONALD: Yes, your Honour, yes.

15 PRESIDING JUDGE TARFUSSER: -- suggest the answer.

16 MR MACDONALD: [16:27:48] (Interpretation)

17 Q. [16:27:53] To your knowledge, was there an official declaration according to

18 which Abobo was declared a war zone at any point in time during the post-electoral

19 crisis?

20 A. [16:28:12] Yes, I did receive that information.

21 Q. [16:28:17] How?

22 A. [16:28:26] Well, we have this document, we had a meeting at the chief of staff

23 and we were asked to withdraw our men given the situation. It was very dangerous

24 in that zone.

25 Q. [16:28:43] My question is as follows, and perhaps I can rephrase it to make it

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1 perfectly clear, perhaps I wasn't perfectly clear a moment ago: Was there a public
2 declaration from whoever, from a chief or from the president of the republic, from the
3 chief of staff, the minister of defence, was there any public statement or declaration
4 made stating that Abobo was declared in a war zone?

5 A. [16:29:30] Yes, the chief of staff relayed that information to us.

6 Q. [16:29:37] I don't think you understand my question?

7 PRESIDING JUDGE TARFUSSER: [16:29:43] Apart of that, was there prior to this,
8 because this is recognising something I think, as much as I understand it, was there
9 something official which declared the zone as a war zone from whomever issued, an
10 order, a decree, whatever, some legal instrument?

11 THE WITNESS: [16:30:27] (Interpretation) Your Honour, I don't remember, but let
12 me repeat what I've said, at a meeting at the chief of staff, we were told that Abobo
13 had been declared a war zone or in a state of war.

14 PRESIDING JUDGE TARFUSSER: [16:30:39] Yes, of course, by whom?

15 THE WITNESS: [16:30:57] (Interpretation) Let me repeat once again: It was at a
16 meeting at the chief of staff. The chief of staff himself told us that Abobo had been
17 declared in a war zone.

18 PRESIDING JUDGE TARFUSSER: [16:31:07] Okay. Is this your own, the only
19 source of knowledge of this declaration of war zone?

20 THE WITNESS: [16:31:15] (Interpretation) Yes, that is what I remember right now
21 because the document here is one of my collaborators who attended the meeting who
22 made a report. After that the chief of general staff himself called and said that
23 Abobo was declared a war zone.

24 PRESIDING JUDGE TARFUSSER: [16:31:43] And just that I am asking another
25 question: What does it mean to be declared a zone, a war zone? What does it mean

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1 on the ground? Which outcome has this? What is the change of this to what
2 was -- before it was declared a war zone?

3 THE WITNESS: [16:32:10] (Interpretation) Thank you, Mr President. I've already
4 said right here that within the police, the army and gendarmerie, we lost many men
5 in this zone, and we think -- we thought it was because we had not engaged in
6 organised manner that that happened. So the chief of staff took the lead and took all
7 the measures necessary *to mop up those areas?

8 And I would like to come back a little bit to say that two of our commissariats were
9 attacked, and men were lost during those attacks. So ever since this day, Abobo was
10 declared a war zone. And all the operations that had to take place in that area were
11 to be commanded by the chief of general staff of the armed forces.

12 PRESIDING JUDGE TARFUSSER: [16:33:27] But has it also an effect, an outcome in
13 terms of how you deal with the situation, on which arms you, the FDS are using or
14 things like this?

15 THE WITNESS: [16:33:49] (Interpretation) I do not think that there are
16 consequences. But on the other hand, in that area there were members of the
17 population who suffered a lot from certain acts, and those people were forced to leave
18 to come into the town itself. So Abobo was practically abandoned.

19 PRESIDING JUDGE TARFUSSER: [16:34:18] Mr Prosecutor. Thank you.

20 MR MACDONALD: [16:34:21] (Interpretation)

21 Q. [16:34:29] Mr Witness, well, if I -- well, I'm not going to put it to you, I cannot
22 suggest it to you.

23 What I am going to do instead, your Honour, is for a video to be played.

24 Unfortunately the answer of the witness meant that we would -- we did not want to
25 show that video, but I think it is now necessary to -- important to show it in light of

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1 the questions of the Chamber. And if you would allow, we would like to have one
2 moment to organise the playing of the video. And another hitch is that we probably
3 do not have the transcript of that video. Otherwise, I can continue and we can come
4 back to that on Monday. With your leave, please, I would like to take a moment.
5 (Counsel confer)

6 PRESIDING JUDGE TARFUSSER: [16:36:04] Well, let's come back on Monday with
7 the -- also with the transcript, possibly, if it's available.

8 MR MACDONALD: [16:36:09] Yes, we'll see, because there is two videos that
9 are -- we'll do that on Monday, your Honour. I'll continue for the next 10 minutes or
10 so, I understand.

11 PRESIDING JUDGE TARFUSSER: [16:36:30] Ten minutes and then we break for the
12 weekend.

13 MR MACDONALD: [16:36:38] Why don't we all go take a beer at the same time --

14 PRESIDING JUDGE TARFUSSER: Okay.

15 MR MACDONALD: -- because that's what -- with the colleagues of the Defence and
16 the Chamber because that's what it seems to sound like.

17 PRESIDING JUDGE TARFUSSER: [16:36:50] Let's go ahead.

18 MR MACDONALD: [16:36:52] All right.

19 Q. [16:37:01] (Interpretation) Mr Witness, I would like to show you now another
20 document. But before that, when you received the BQI, did you personally take any
21 measures, any specific measures given that the lead of the operations was now in the
22 hands of the army?

23 A. [16:37:36] There were no special measures to be taken, only that our own men
24 should not be in front, they should be behind. That is what we asked for and that
25 was accepted.

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1 Q. [16:37:55] I will call up document 0045-1193.

2 THE INTERPRETER: Correction: The witness said because our men were not
3 sufficiently armed.

4 MR MACDONALD: [16:38:29] (Interpretation)

5 Q. [16:38:29] This is an outgoing message. If the document can be enlarged,
6 please.

7 You can see your signature obviously. Please take the time to read it and then I will
8 ask the question.

9 A. [16:38:44] You can put your question. I've already read it.

10 Q. [16:38:47] Very well. What is this document?

11 A. [16:38:51] It is a message that I addressed to all our collaborators.

12 Q. [16:39:00] What was the purpose? One can read the document, but why did
13 you send this document.

14 A. [16:39:10] I sent it to notify the curfew in Abobo and Anyama communes.

15 Q. [16:39:24] Do you remember on which date it was sent, because unfortunately
16 the document is not dated? Was it before or after receiving the previous document?

17 A. [16:39:40] Can we look at the top of the document, please?

18 Q. [16:39:45] Very well. Can we scroll back up to the top.

19 A. [16:39:58] If the decree is mentioned, it means it is immediately after that decree.

20 Q. [16:40:10] Can we confirm that Abobo is not mentioned as a war zone?

21 A. [16:40:18] In the document there, I mentioned Abobo as a curfew zone or area.

22 Q. [16:40:30] Is it possible that Abobo was never declared a war zone?

23 A. [16:40:37] No, I never said that. I told you, first of all, that my collaborator who
24 attended the meeting made a report stating that Abobo was a war zone, and I also
25 told you that at the meeting the chief of staff said that Abobo had been declared a war

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1 zone. I've already repeated that.

2 Q. [16:41:02] But when it came to the facts on the ground and by official means,
3 such as by a decree and so on, there was no legal decision that Abobo was declared a
4 war zone?

5 MR GBOUGNON: [16:41:24] (Interpretation) This is argumentative.

6 PRESIDING JUDGE TARFUSSER: [16:41:28] If you speak over the translation, I can
7 really not get you. So please.

8 MR GBOUGNON: [16:41:41] (Interpretation) Mr President, it is not a question, it is
9 an argument. It is the theory of the Prosecution. This is not a question at all.

10 PRESIDING JUDGE TARFUSSER: [16:41:57] Well, the question was if there was a
11 legal decision declaring Abobo as a war zone? Was there a legal decision declaring
12 Abobo as a war zone ever? Well, that period of course. No, that's a question I'm
13 posing. That is the question I am posing.

14 THE WITNESS: [16:42:23] (Interpretation) Thank you, Mr President. In any case,
15 the document that I have in front of me, which I wrote is a decree talking about a
16 curfew in Abobo commune. But I have told you that I heard of war zone, but it is
17 not in this decree.

18 PRESIDING JUDGE TARFUSSER: [16:42:47] Okay. But is a decree, can a decree be
19 declared in a zone which is not a war zone? When do you declare -- when do you
20 declare through a decree a curfew?

21 THE WITNESS: [16:43:09] (Interpretation) Thank you, Mr President. In any case,
22 during the crisis we had many curfew decrees, many of them, and I think that within
23 that framework this was just another one that came to add to the others.

24 PRESIDING JUDGE TARFUSSER: [16:43:31] Thank you.

25 Mr Prosecutor, for a couple of minutes.

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1 MR MACDONALD: [16:43:38] Thank you, your Honour. Just one moment.

2 Mr President, the next point that I would have wanted to go to was to show a video,
3 but I think it is preferable.

4 PRESIDING JUDGE TARFUSSER: [16:44:20] We do that on Monday. I will ask the
5 question you want to ask. Don't worry.

6 So please, I first want to say to the witness that he can go for the weekend and that we
7 see each other again on Monday morning, 9.30, when the Prosecutor continues and
8 finishes its questioning. And then we will start with the questioning by the Defence
9 teams. Thank you very much. You can leave the courtroom. Thank you very
10 much.

11 THE WITNESS: [16:45:04] (Interpretation) Thank you, Mr President.

12 (The witness stands down)

13 PRESIDING JUDGE TARFUSSER: [16:45:24] And now I ask the question which
14 Maître Altit wanted me to ask, but I do it on my own motion, if I may.

15 Mr Prosecutor, what is your outlook in terms of timing? And I can also say that you
16 spent until now nine and a half hours.

17 MR MACDONALD: [16:45:45] I was going to say, I was going to say one full session,
18 your Honour, of two hours. And I would recommend that we start at 9 a.m.
19 Monday.

20 PRESIDING JUDGE TARFUSSER: [16:46:05] We can also start at 9.30 and have a
21 two-hour session.

22 MR MACDONALD: [16:46:10] As you wish, of course. But I was --

23 PRESIDING JUDGE TARFUSSER: [16:46:13] I'm coming here at 7, so I have no
24 problem.

25 MR MACDONALD: [16:46:18] Sorry, and I know that some of your colleagues also

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1 come pretty early. I was just thinking that maybe by starting at 9 o'clock, we can
2 have one full session until 11.

3 PRESIDING JUDGE TARFUSSER: [16:46:34] Yes.

4 MR MACDONALD: [16:46:37] Then have the normal, I don't know, but that's why I
5 was --

6 PRESIDING JUDGE TARFUSSER: [16:46:40] Yes. I ask the other parties, I have no
7 problem in starting at 9.

8 (Trial Chamber confers)

9 PRESIDING JUDGE TARFUSSER: [16:46:57] So is 9 o'clock agreeable? No. What
10 is it?

11 MR ALTIT: [16:47:03] (Interpretation) Thank you, Mr President. The members of
12 our Defence team have a family life and cannot all organise themselves to be there at
13 9 a.m., so I think that half hour that we are talking about, I don't think it is really
14 indispensable. But when the time comes your Chamber will decide whether it is
15 necessary to add one and a half -- add a half hour here and there. The only thing
16 that is indispensable is that the Prosecution should conclude within the time lines
17 indicated respecting all the rules. Thank you.

18 PRESIDING JUDGE TARFUSSER: [16:47:53] I would not like that you now give the
19 impression that we do not have life, family lives. So just to say this. I think
20 everybody has the same, the same problems. But I think we start at 9.30 and then we
21 go until -- we have the first session of two hours and then we'll see how it -- then I
22 will ask, obviously, the parties also what they foresee in general terms and then we
23 see how to behave in the following hours and days. Okay?

24 Thank you very much. The hearing is adjourned to Monday, 9.30.

25 THE COURT USHER: [16:48:32] All rise.

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- 1 (The hearing ends in open session at 4.48 p.m.)
- 2 RECLASSIFICATION REPORT
- 3 Pursuant to the Trial Chamber' I's email instructions, dated 16 July 2019, the public
- 4 reclassified and lesser redacted version of this transcript is filed in the case.