

Trial Hearing
WITNESS: CIV-OTP-P-0164

(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 Geoffrey Henderson and
7 Judge Olga Herrera-Carbuccia
8 Trial Hearing - Courtroom 1
9 Tuesday, 20 June 2017
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:26] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:34:50] Good morning. Good morning,
15 Mr Witness.
16 I give immediately the floor to Maître Altit for his questioning.
17 Maître Altit.
18 MR ALTIT: [9:35:11] (Interpretation) Thank you, your Honour. Good morning,
19 your Honours.
20 WITNESS: CIV-OTP-P-0164 (On former oath)
21 (The witness speaks French)
22 QUESTIONED BY MR ALTIT: (Continuing)
23 Q. Good morning to you, Mr Witness.
24 A. [9:35:33] Good morning.
25 Q. [9:35:35] We shall now continue with the exercise we embarked upon yesterday.

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1 And I'd like to ask you a question about your family circumstances. Before and during
2 the crisis of 2010 and 2011, did you have brothers or cousins who belonged to the rebel
3 movement?

4 A. [9:36:00] No.

5 Q. [9:36:02] Very well. Yesterday during your testimony you told us or, rather, you
6 mentioned during your testimony a figure about the BASA staff level, you said about 600.

7 A. [9:36:20] *At least, that is to say around that figure.

8 Q. [9:36:23] Very well. I'd like to show you a document now. This is
9 CIV-OTP-0071-0754 at page 0758. The document will be coming up on the screen in just
10 a moment, Mr Witness.

11 Can you see the document?

12 A. [9:37:16] Not yet.

13 THE COURT OFFICER: [9:38:12] It's currently displayed in evidence channel 1.

14 MR ALTIT: [9:38:16] (Interpretation)

15 Q. [9:38:20] The page in question is right before you now, can you see it?

16 A. [9:38:25] Yes.

17 Q. [9:38:25] Very well. Now, can you see that there are various units listed in the
18 first column, and if we count down to the eighth, the eighth line, you can see the BASA.
19 Can you see that?

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

21 Q. [9:38:46] Very well. Do you see the total staff strength for the BASA?

22 A. [9:38:50] Yes, I can see that just fine.

23 Q. [9:38:52] Can you tell us what that number is?

24 A. [9:38:55] Well, I told the Court that the BASA and the BASS had merged.

25 Q. [9:39:02] Just a moment. Just a moment. If you could kindly answer my

1 question. Could you tell us the staff level or the staff strength for the BASA?

2 A. [9:39:16] The BASA, line BASA, I see 337. But somewhat lower down if you
3 continue, I see BASS, B-A-S-S, 300 and 337, and when you add the two, what's the total of
4 that sum? That gives you the total staff level or strength of the BASA. So I'm not
5 mistaken.

6 Q. [9:39:49] So in actual fact when you talk about BASA you're not talking about the
7 BASA plus the BASS?

8 A. [9:39:56] Yes.

9 Q. [9:39:57] During your entire testimony when you're talking about the BASA, you're
10 talking about the two units: The BASA plus the BASS; is that right? And please, please,
11 wait a few moments before you respond because our exchange is being interpreted.

12 A. [9:40:13] During my testimony, yes, I talked about two units. I talked about the
13 BASS and the BASA, and the two units had merged and they formed but one single unit
14 led by one single commanding officer, Colonel Dadi.

15 Q. [9:40:50] Very well. That is what you are telling us, but was there an official
16 decision or are there any official documents that bear witness to this merging of the two
17 units that you mention?

18 A. [9:41:14] Rather, I think you should refer to the commanding officer of the BASA
19 and to Mangou Philippe, General Mangou Philippe, and perhaps the supreme
20 commander of the armed forces, the very head of state. That person could answer your
21 question. But to -- when you talk to me about a document that says something to that, I
22 cannot answer; I'm not an administrator.

23 Q. [9:41:55] Very well. But you told us yesterday that you had spent 30 years, your
24 entire career, within BASA, you must know things about the unit.

25 A. [9:42:05] I've done many things within the BASA, but the administrative matters,

1 well, that sort of thing does not interest me because in our part of the world, you see,
2 administrative matters is for officers.

3 Q. [9:42:23] Very well. So you are familiar with the staff, you've told us that. Now,
4 at the time, were you understaffed within the BASA; were you short of men?

5 A. [9:42:40] Before the crisis I do think that we had our normal staffing levels, but
6 when the crisis began some people came and added -- well, joined our ranks. When the
7 crisis met a certain threshold, that is when the Blé Goudé men were sent to us, and now
8 you're saying that we are understaffed or normal staffing levels? I have told you I'm not
9 an administrator.

10 Q. [9:43:16] Very well. I'd like to show you once again a document that was shown
11 to you earlier by the lawyer from the OTP, and I believe you had a hard copy as well. Do
12 you remember receiving that hard copy? Do you have that document with you still?

13 A. [9:43:42] Currently, I have no document on this table here.

14 Q. [9:43:46] Very well. We have a new version that we can give you.

15 I'll give the reference number, CIV-OTP-0048-0857, CIV-OTP-0048-0857.

16 Do you have the document?

17 A. [9:44:27] Yes.

18 Q. [9:44:30] We'll just wait until the document comes up on the screen.

19 Sir, this is a battle order for the surface-to-air artillery battalion; can you see that?

20 A. [9:44:59] Yes.

21 Q. [9:45:00] Let's move on to page 0865 if we could, 0865, and can you see that
22 particular page?

23 A. [9:45:18] I think someone's going to have to help me find the spot.

24 Q. [9:45:58] Can you see that particular page?

25 A. [9:46:01] Yes, yes, it's right here in front of me.

1 Q. [9:46:05] Great. Now, here you can see the second last -- the second last column is
2 entitled *OBS 1, and then the very last one is OBS 2. These columns must be for
3 observations. And you can see at page 0865 that nearly all the positions that are listed
4 there are -- need to be staffed; in other words, there is -- these positions are vacant. And
5 if you look throughout the chart, you will see that the majority, perhaps even the vast
6 majority of the positions are vacant, to be staffed.

7 What is more, I think you'll realise that the first page of this document is 30 June 2010.
8 Thus, this document dates back to before the crisis. And we can see clearly that the
9 majority of the positions were not staffed at that time within the BASA. Can you confirm
10 that?

11 A. [9:47:27] Well, I cannot confirm that. I am not an administrator. I had nothing to
12 do with any of that.

13 Q. [9:47:40] I'd like to ask you my question. You told us that before the crisis staffing
14 levels were normal, but judging by this document, the staffing levels were not normal.
15 So would you say that the BASA was understaffed?

16 A. [9:47:58] I've also told you right off the bat that whether it was under normal
17 staffing levels or not, I cannot confirm any such thing because I am not an administrator.
18 Staffing levels, that's something that officers take care of. My job is to take men out into
19 the field. That's my work.

20 Q. [9:48:23] Very well. But you were at the BASA every day. Did you see many
21 people --

22 PRESIDING JUDGE TARFUSSER: [9:48:30] Yes, but now it was clear. I mean, the
23 response is clear, yes.

24 MR ALTIT: [9:48:58] (Interpretation)

25 Q. [9:49:00] We will now move on to another point. Yesterday you told us -- and I

1 make reference to the realtime transcript of 19 June, pages 54 and 55. I'm going to quote
2 what you said, Mr Witness, line 21 onwards. And you were the one speaking. And I
3 quote, sir:

4 "In actual fact, there was an exchange between us. There were conversations between us
5 and the northerners. And for the most part, once I got out of the prison, after a few days,
6 there were many young people like that from the north who called me because I still had
7 kept my mobile phone, and I had been able to get it or keep it by giving some money. So
8 it was possible to reach me. And people were calling me, saying that they did not feel
9 safe in Akouédo and there was a question of going on to that place -- what do you call
10 it -- Golf Hotel. And I was reporting to Colonel Patrice and he facilitated access to that."

11 My question: Did you facilitate the desertion of soldiers from the BASA before you got to
12 the Golf Hotel, you yourself?

13 A. [9:50:44] I would like to know what you mean by this word "desertion."

14 PRESIDING JUDGE TARFUSSER: [9:51:00] Mr Witness, you are a man of the army.
15 You should know what desertion means.

16 THE WITNESS: [9:51:17](Interpretation) Indeed. I know what a sergeant is. A
17 sergeant is a non-commissioned officer, the first rank amongst the non-commissioned
18 officers. And now he's talking to me about desertion. I put the question to him, what
19 does he call desertion.

20 PRESIDING JUDGE TARFUSSER: [9:51:38] First of all, he is Mr Altit. And second is
21 it's not you -- it's not you putting questions but Mr Altit putting questions. So if you do
22 not understand, you ask for a clarification, but you don't put questions. Okay.
23 So, Mr Altit, if you could clarify the question and then the witness will answer. Thank
24 you.

25 MR ALTIT: [9:52:13] (Interpretation)

1 Q. [9:52:15] Mr Witness, I shall rephrase my question to you. According to what you
2 told us yesterday, we are given to understand that you facilitated the desertion of BASA
3 members because, you see, they left their positions without authorisation. They left their
4 unit right in the very middle of the crisis and joined the enemy troops; is that what
5 happened?

6 A. [9:52:52] Myself at my level, I'm not talking about desertion because after given the
7 results of the election, it was said that the person who was in power at that time was no
8 longer the president of the republic, and thereafter there was the shelling of the BASA.
9 So those members of the BASA were threatened. Was I to leave them there, or was I to
10 send them to a place where they would be safer? Is that what you call desertion? I did
11 not oblige them, I did not go and get anyone in a vehicle, I did not help anyone and tell
12 him what way to go, but they went of their own will. There, there was safety; none of
13 them died and I'm proud of that.

14 PRESIDING JUDGE TARFUSSER: [9:53:53] The question, if I may, is did you facilitate
15 that people from the BASA left the BASA to go to the other side, to the Golf Hotel? This
16 is the question. Did you facilitate this, yes or no?

17 THE WITNESS: [9:54:19](Interpretation) I facilitated at their request.

18 MS PACK: [9:54:23] Your Honour, could I ask that there is a timing but on that because
19 the question that was put from yesterday was very much in -- the time frame was very
20 clear. I don't want to put that time frame in the witness's mouth, but just to make sure
21 what time frame we're talking about here.

22 PRESIDING JUDGE TARFUSSER: [9:54:41] When did this happen, more or less, which
23 days?

24 THE WITNESS: [9:54:49](Interpretation) It happened after the arrest of the president,
25 President Gbagbo.

1 PRESIDING JUDGE TARFUSSER: [9:54:54] So after 11 April?

2 THE WITNESS: [9:55:01](Interpretation) Yes, after then.

3 PRESIDING JUDGE TARFUSSER: [9:55:03] Maître Altit.

4 MR ALTIT: [9:55:05] (Interpretation) Thank you, your Honour.

5 Q. [9:55:22] Mr Witness, if you don't mind, I'd like to obtain some clarification. Now,
6 we based ourselves on what you told the OTP yesterday, and I -- I read out to you what
7 you said and it seems quite clear by reading your previous testimony that you were
8 talking about a specific point in time in the middle of the crisis because you said and you
9 reiterated that they were not safe, so it wasn't after the arrest of President Gbagbo; it was
10 before, wasn't it?

11 A. [9:55:59] According to what I said, I never said in this courtroom that I allowed
12 people to go back to the Golf Hotel before the arrest of President Gbagbo. First of all,
13 even Colonel Dadi fled the BASA before the arrest of President Gbagbo and after, after the
14 arrest of President Gbagbo, already those people were starting to call me, and I facilitated
15 their entry into the Golf Hotel so as to protect their lives.

16 Q. [9:56:41] Very well. So let's move on to something else.
17 What was the procedure followed when a vehicle or a piece of artillery broke down?
18 Can you tell us about that? What would happen? What would the person in charge of
19 the vehicle or the piece of artillery would -- what would that person do if there was a
20 breakdown?

21 A. [9:57:07] When a piece of artillery broke down, I would report this to my superior,
22 and he in turn would call the repair service or the emergency service, and in turn someone
23 would come and repair the broken equipment or vehicle. That is what would happen.
24 But there might have been minor breakdowns, and you as the captain of the gun, you
25 could do that yourself, and then you would report.

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1 Q. [9:57:47] Very well. And was that a common occurrence that vehicles or pieces of
2 artillery would break down or not work properly?

3 A. [9:58:04] Sometimes, yes.

4 Q. [9:58:06] Very well. At the beginning of the crisis, namely, at the time of the first
5 round of voting in 2010, were there many vehicles that were not operational within the
6 BASA?

7 A. [9:58:25] There were not enough vehicles. And I do remember that there was one
8 sergeant, Sori Makadi was his name, he had at least 12 -- no, 10 four-by-fours with 12.7
9 guns mounted on them, so if there had not been enough vehicles, he would not have
10 given us those vehicles. He said that those vehicles had been given by a lady from the
11 north, Nadi Bamba, with whom we worked.

12 Q. [9:59:13] Mr Witness, you've already told us that.

13 A. [9:59:17] Thank you.

14 Q. [9:59:17] We remember that and it's recorded in the transcript, so I'm going to ask
15 you to just answer the question just so that we can save some time. Okay?

16 A. [9:59:32] Fine.

17 Q. [9:59:32] I'd now like to show you a document. This is *CIV-OTP-0071-0754,
18 0071-0754. Now, we've seen this document once before and we will have another look,
19 page 0756, if we could move to that particular page.
20 Can you see that?

21 A. [10:00:17] Can someone come and assist me?

22 PRESIDING JUDGE TARFUSSER: [10:00:22] We cannot see it yet. Now we can.
23 Can you see it now, Mr Witness?

24 THE WITNESS: [10:00:38](Interpretation) I can see it, Mr President.

25 PRESIDING JUDGE TARFUSSER: Okay.

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1 MR ALTIT: [10:00:46] (Interpretation)

2 Q. [10:00:47] So I shall repeat the page number it is 0756 there we are, the page is up
3 and running. Can you see it, Mr Witness?

4 A. [10:01:11] Yes, I can.

5 Q. [10:01:12] Perfect. Could you please -- you see that there are three little tables
6 here. Can you look at the third little table entitled "summary of the costs of reparations
7 to existing vehicles. Do you see that?

8 A. [10:01:30] Yes, I do.

9 MR ALTIT: Madam court officer, could you please zoom in on that table.

10 Q. Can you see it better, sir?

11 A. [10:01:47] I can see it well.

12 Q. [10:01:49] So you can see that on the last line in the second column, it is noted that
13 123 vehicles - 123 vehicles - are under repair. All right? So those vehicles concern the
14 entirety of the ground forces, it would seem, of which the BASA. Does that seem to you,
15 somebody who knows the army very well -- you were in the BASA for 30 years. Does
16 that seem to be a high figure, 123 vehicles?

17 A. [10:02:36] Those figures are -- you know, I'm just lost.

18 Q. [10:02:42] Very well. Sir, the document is dated February 2011. This is a
19 document that we are looking at here, and according to what you told us yesterday you
20 sabotaged vehicles so they would not be in an operational state. Can you tell us how
21 many vehicles you sabotaged?

22 A. [10:03:34] At least four to five vehicles on which the 12.7s were mounted; that is to
23 say, four-by-fours.

24 Q. [10:03:42] Very well. So yesterday you also told us that during the crisis you were
25 assigned to the new Akouédo camp in the BASA. Apart from the missions that you

1 spoke to us about, for things to be clear, did you remain at the new Akouédo camp for the
2 entire duration of the crisis with the exception of the missions that you spoke about and
3 the arrests, but for the remainder of the time, did you remain at the Akouédo camp for the
4 entirety of the crisis?

5 A. [10:04:24] With the exceptions of the missions that I spoke of and the arrests, I did
6 not remain all the time at Akouédo camp because they were missions that were given
7 over to us, for example, making secure the corridors. I didn't mention that, and there
8 were few of such missions.

9 Q. [10:04:43] Very well. Was the new Akouédo camp attacked by the rebels during
10 the crisis?

11 A. [10:04:54] To my knowledge, no.

12 Q. [10:04:59] Very well. To your knowledge, did any rebel forces commit acts of
13 violence in the area where the new Akouédo camp was located?

14 A. [10:05:17] To my knowledge, no.

15 Q. [10:05:20] Very well. To your knowledge, was the new Akouédo camp attacked
16 by the French army and particularly by helicopters, combat helicopters?

17 A. [10:05:37] To my knowledge, no.

18 Q. [10:05:38] Very well. Did this new Akouédo camp come under attack by ONUCI
19 elements?

20 A. [10:05:44] Well, first and foremost, everything that you're talking about here, I was
21 in prison, so even if I said that it was the French forces and the ONUCI, that would be
22 saying too much. But I did hear that there was a helicopter that fired on the mission, the
23 BASA mission, the ammo -- ammunition depot of that mission. But can I say that with
24 any certainty? I do not believe so.

25 Q. [10:06:16] So a helicopter of which nationality, French?

1 A. [10:06:24] I keep on telling you that I was in prison at the time. If I tell you
2 something with any certainty, would I not be a liar?

3 Q. [10:06:51] To your knowledge, this bombing that you heard speak about, were
4 there any victims of this bombing in the camp?

5 A. [10:07:02] To my knowledge, according to what was said, because I was already in
6 prison at the time, when the bombing commenced, everybody started to leave the various
7 units. So to tell you that I saw victims would be a lie because I wasn't there myself.

8 PRESIDING JUDGE TARFUSSER: [10:07:24] But did you hear about victims?
9 Yesterday, you said that you from the north, you speak very much among yourselves and
10 you hear and that you telephone and, so the question is, did you hear about victims from
11 this bombing?

12 THE WITNESS: [10:07:51](Interpretation) To my knowledge, to my knowledge, those
13 people who reported information back to me did not talk about victims at our level, nor
14 on the other side. Rather, they talked to me of Colonel Dadi's escape. He escaped just
15 after the bombing. And it was during that very same period that other elements called
16 me to go to the Golf Hotel.

17 PRESIDING JUDGE TARFUSSER: [10:08:29] Maître Altit.

18 MR ALTIT: [10:08:31] (Interpretation) Thank you, Mr President.

19 Q. [10:08:42] So you, yesterday, talked about a mission at Camp Commando. My
20 question is simple: Did you know Abobo well?

21 A. [10:08:58] To say that I am 100 percent familiar with Abobo would not be true, but
22 I have family there, and as I say, I have the younger brother of my father who today
23 represents my father to whom I often pay a visit. So at least that area where he lives I am
24 familiar with.

25 Q. [10:09:31] Yes. So I shall be reminding you of what you said to the investigators

1 of the Office of the Prosecutor. You recall that you spoke to them, you provided them
2 with a statement. And I shall provide you with a reference of said statement. It is as
3 follows: CIV-OTP-0028-0481, 0028-0481. And I'm going to read to you, sir, what you
4 said to the investigators of the Office of the Prosecutor, and I'm going to quote. You are
5 speaking.

6 PRESIDING JUDGE TARFUSSER: [10:10:29] Paragraph?

7 MR ALTIT: [10:10:35] (Interpretation) Mr President, we were overlapping. I was
8 just about to say the number of the paragraph, and you're requesting the number of the
9 paragraph. And it is paragraph 88.

10 Q. And I'm going to quote you, sir:

11 "I know Abobo well. It is the most inhabited neighbourhood of Abidjan. Most of those
12 living in Abobo hail from the north and from the centre. I know this because I often go
13 to the neighbourhood. I have family there. I have my uncle, whose wife called me to
14 tell me that a shell had fallen on Abobo. I have cousins and friends living there."

15 Do you recall having said that?

16 A. [10:11:37] I remember only too well having said that.

17 Q. [10:11:42] So we can take it for given that when you say "I know Abobo well" and
18 you say that you went there often, it means that you went there often?

19 A. [10:12:01] Yes, that's indeed what I said.

20 Q. [10:12:03] Do you know any elders of the RDR in Abobo?

21 A. [10:12:08] No, because I'm not interested in politics.

22 Q. [10:12:18] Do you know, for example, any community leaders who were in contact
23 with members of your family whom you might have come into contact with?

24 A. [10:12:27] To date, I have not yet met any figure of responsibility within the RDR,
25 even within my family, because my uncle is not a politician; he is a retired banker. And

1 the friends that I frequent are not politicians.

2 Q. [10:12:50] Very well. So with regard to your missions in Abobo, yesterday you
3 said to us -- and I'm talking about here the realtime transcript page 76, and I'm going to
4 quote the exchange that you have with the representative of the Office of the Prosecutor.
5 And I quote line 22 in response to the question: "When you went to Camp Commando,
6 when you were deployed there in March 2011, which way did you go, the first route or
7 the second route?"

8 And you respond by saying, "The second route or the second road because there, with the
9 killings, this was with regard to the killings of the women, people in Abobo were
10 defending themselves; we needed to avoid an ambush. We needed to change the way,
11 the route, we were taking and that's what we did."

12 So to be entirely clear, sir, what you're saying to us is that the supply convoy that you
13 were part of avoided taking its habitual route for fear of being ambushed; is that correct?

14 A. [10:14:21] Well, I wasn't talking about a supply convoy as such, it wasn't food or
15 arms or ammunition that I was sending there, but this was a convoy of personnel, that is
16 to say, the elements with whom I was to work. Those were the people I was travelling
17 with. And we were grouping together virtually all the units that were supposed to go
18 there, and we were travelling there together until we reached Camp Commando.

19 Q. [10:14:53] Very well. So you clarified that very well.
20 Now, can you answer my question: Did you change your itinerary for fear of falling into
21 an ambush?

22 A. [10:15:04] Well, in view of the fact that the youths were already defending
23 themselves -- they had barricaded the roads left, right and centre. If we had to then
24 remove the barricades before gaining access, I believe that we would have been even more
25 exposed because if we parked the vehicle, it would have been quite another thing.

1 However, the other road was not yet barricaded, and that wasn't the road that we
2 normally took.

3 Q. [10:15:32] Very well. But you yourself, when you were on mission in Abobo, did
4 you encounter any incidents? The convoy in which you found yourself on a number of
5 occasions, did it come under attack on the outgoing or return journey?

6 A. [10:15:58] My particularity is that I only went to the Abobo camp on one occasion.
7 And on the outgoing and return journey we did not encounter any incidents.

8 Q. [10:16:14] And why was that, if there was a reason?

9 A. [10:16:17] Well, I just say it's a piece of luck.

10 Q. [10:16:23] Very well. Let me read your statement to you, 0028-0481, paragraph
11 111. And you are speaking, sir, to the investigators of the Office of the Prosecutor. So
12 you say, and I quote:

13 "I and my elements had not encountered any incidents. Before leaving on mission to
14 Abobo, I called Patrice Kouassi at the Golf Hotel to warn him that I was going to Abobo
15 with a view to avoiding any incidents. I don't know whom he called, but I arrived in
16 Abobo without encountering any incidents."

17 So you spoke to us of this Patrice Kouassi who was one of the people in charge. He was
18 one of the military leaders at the hôtel du Golf. You spoke about him yesterday, and you
19 say that you were in contact with him. And in your statement, you say quite clearly that
20 if there were weren't any incidents, it was because you had called Patrice Kouassi at the
21 hôtel du Golf for him to give the order for there not to be any incidents or incidents to be
22 avoided around that convoy.

23 A. [10:18:02] That's not quite right. Let me explain. I was going on a mission to
24 Abobo. I have somebody at the Golf Hotel, and knowing that the discussions between
25 northerners was okay between Abobo and the Golf Hotel, I called my correspondent, who

1 was Colonel Patrice, and I said to him, "I'm going to Abobo; can you find a way for me not
2 to come -- for us not to come into any attack." He didn't actually say yes to me but he
3 said, "Let's see." We didn't have any further discussions. Subsequently, I went on my
4 convoy, and I would say specifically that I wasn't the leader here. It's not just a BASA
5 convoy; there were a number of units in that convoy. I also said that, when leaving, I
6 told my elements not to fire, but elements that were in the camp were firing willy-nilly, so
7 somebody might have come out and said that -- do you think somebody would have
8 come out to say that they were going to stand in the way of those bullets?

9 But the particularity of that itinerary that we chose to take was that there were no
10 barricades. If you go via the mairie, there were barricades there, and you would have
11 needed to get out, and we would have been more exposed. And I said that it might be
12 that my convoy, until reaching destination, the fact that we got there was a piece of luck.
13 I didn't confirm that I saw Colonel Patrice calling anybody, but you know that in life,
14 everybody needs to be able to confide in somebody, and he was my confident at that
15 moment in time. He and I were not entirely hand in hand because he was in charge of
16 me within the army, if you like. I didn't say that. I had -- I had a CA1 --

17 THE INTERPRETER: [10:20:15] Overlapping speakers.

18 MR ALTIT: [10:20:18] (Interpretation)

19 Q. [10:20:18] No, Mr Witness, please answer my question, and then we will be going a
20 lot faster and we will not disperse ourselves. You answered my question only too well
21 and thank you for that. Let's just leave it at that.

22 So you said to us yesterday as well with regard to the soldiers who were at the Camp
23 Commando -- that was page 89. Let me quote you very briefly, line 14, still at the
24 realtime French:

25 "We did not have the possibility of going out on patrol. We didn't even have the

1 possibility of making Camp Commando secure at a distance."

2 So just for us to be clear, you didn't have the possibility of going out on patrol because
3 you were coming under attack; is that what you mean or not?

4 A. [10:21:24] Because people were already talking about the women having been
5 killed, you would agree with me that when the units came out and were firing willy-nilly
6 at the time, then of course everybody would defend themselves. If you go out on patrol
7 and you are shot at, of course, it depended on the commander who were there. He was
8 the one who would have given the order to patrol. I wouldn't have taken my units and
9 gone out on patrol in the town. That wasn't my decision to take.

10 Q. [10:22:02] Very well. So for us to understand well, you were saying to us
11 yesterday that the soldiers based at Camp Commando didn't go out on patrol because, as
12 you say to us today, they were still running the risk of being shot at; is that correct?

13 A. [10:22:22] Yes.

14 Q. [10:22:23] Very well. So who was shooting at them? Who was shooting bullets?
15 Who was around Camp Commando?

16 A. [10:22:34] I believe that those who might have been around Camp Commando
17 would have been the young people living in Abobo because they were conducting their
18 self-defence activities.

19 Q. [10:22:52] Very well. Does it ring a bell, the Commando Invisible?

20 A. [10:23:01] I have heard speak of it. That's all.

21 Q. [10:23:10] Is that all?

22 A. [10:23:11] Yes.

23 Q. [10:23:14] When, for example, you were at the Camp Commando you stayed there
24 a few days and you said that you did not hear anyone saying that the rebels firing at the
25 soldiers at the Camp Commando were members of the Commando Invisible.

1 A. [10:23:31] That's your -- I'm learning that from you, otherwise I'm not aware of
2 that.

3 Q. [10:23:43] You said that you frequented many people in Abobo, that you had
4 friends there, that you had family, but you were never spoken to of the Commando
5 Invisible?

6 A. [10:23:57] When I went to visit my family, it wasn't with a view to speaking about
7 military matters. We would talk about family matters, so as to -- as regards to talking
8 about my work with my family, that's my -- not it's not my strong point. And when I
9 went to Abobo, the crisis was not at that sort of a level. We could freely move around.
10 And the FDS could even move around Abobo, the entirety of Abobo, freely.

11 Q. [10:24:30] Very well.

12 PRESIDING JUDGE TARFUSSER: [10:24:30] Excuse me, Mr Witness. Just to be clear,
13 what is, according to your knowledge, the Commando Invisible?

14 THE WITNESS: [10:24:46](Interpretation) I never worked with the Commando Invisible
15 and like you, I heard speak of them, but I can't tell you who exactly they are.

16 PRESIDING JUDGE TARFUSSER: [10:24:56] Nobody said that you worked with them.
17 But when you say that you heard "speaking about them," what did you hear? What is
18 the Commando Invisible?

19 THE WITNESS: [10:25:18](Interpretation) I had, quite simply, heard that the Commando
20 Invisible was attacking the FDS, but I never saw them, I was never confronted with them,
21 so I can't speak about them any more than that.

22 PRESIDING JUDGE TARFUSSER: [10:25:33] Maître Altit.

23 MR ALTIT: [10:25:35] (Interpretation) Thank you, Mr President.

24 Q. [10:25:45] So let us come to your statement once again, paragraph 40. I'm going to
25 quote what you said to the investigators of the OTP, and I quote:

1 "From the time that the presidential results were announced, fighting began in Abobo,
2 fighting began in Abobo. The Commando Invisible started fighting in Abobo with a
3 view to stopping the law enforcement from coming into the area, from coming into
4 Abobo, by barricading the entrance points to Abobo. The gendarmes started to desert
5 their barracks and the policemen their police stations, because they were coming under
6 attack by their Commando Invisible. That is why the Abobo Camp Commando was
7 taken as a military base."

8 You are saying to us, or rather you said to the investigators of the Office of the Prosecutor,
9 that as soon as the results of the presidential election came out, the Invisible Commando
10 started fighting, and you say a little further on that they were fighting the FDS. You've
11 been a military man for 30 years, and if I understand you correctly, the BASA organised
12 not necessarily with you, but with others, convoys on a number of occasions, convoys to
13 Camp Commando, of which you said to the investigators of the Office of the Prosecutor
14 that it was a base because it was within the area of the Commando Invisible, but you say
15 that you never heard speak of the Commando Invisible at that moment in time; is that
16 your testimony?

17 A. [10:28:11] To say that I never heard speak of the Commando Invisible -- if you
18 remember in this very courtroom, I have not said that. But what I have said is that we
19 heard speak of the Commando Invisible, but having not worked with them, rumours said
20 to us that the police and the gendarmerie had left their various police stations and
21 brigades because of the attacks perpetrated by the Commando Invisible. Now, as to
22 whether or not it was the Commando Invisible, I wasn't there, but these were the rumours
23 that were being mongered in Akouédo.

24 Q. [10:28:58] Very well. In order to commit these attacks on the gendarmerie and the
25 police stations, et cetera, the Commando Invisible had weapons, and in order to attack the

1 Camp Commando it certainly had heavy weapons. My question is, did they have heavy
2 weapons?

3 A. [10:29:29] If they had heavy weapons, then the Camp Commando would not have
4 been there for long.

5 Q. [10:29:35] Very well. So now we're going to look at your statement once again, at
6 paragraph 174.

7 THE COURT OFFICER: [10:29:57] (Interpretation) Maître Altit, could you please give
8 us the ERN pages? That would avoid us having to look for the paragraphs in the
9 statement. Thank you.

10 MR ALTIT: [10:30:09] (Interpretation) Of course. Would you give us a moment,
11 please. For the following, we'll give them to you, all right. Thanks.

12 Q. I'm going to quote what you told the OTP investigators, okay. Now, on the same
13 point you said this, and I quote:

14 "I can't confirm to you whether these young people or the Invisible Commando or IB
15 himself had heavy weaponry, but I do know that most of the police stations and the
16 gendarmerie brigades did come under attack and weapons were taken from those places."
17 And then you said, "Everyone knows that the weapons of the police force and from the
18 gendarmes are not heavy weaponries, so I don't know where these weapons would have
19 come from."

20 So if I understand correctly, what you've told us is that they were armed, you referred to
21 them as young people, youths or Invisible Commando -- that doesn't matter so much, but
22 what we're trying to determine is who was attacking the soldiers and they had
23 Kalashnikovs, that sort of thing?

24 A. [10:31:54] Yes.

25 Q. [10:31:56] Very well. If I've understood correctly, now since the soldiers at Camp

1 Commando could not leave the camp for fear of being fired upon, their attackers
2 were -- basically had put the camp under siege and were staying, surrounding the camp,
3 correct?

4 A. [10:32:29] In actual fact, these youths -- well, you see, Camp Commando was
5 surrounded by various buildings in Abobo, so if young people felt concerned, if they had
6 a weapon, well, each person would handle his own security because the FDS, when they
7 would go in or out of Abobo, they would fire as they wished. It was a place I don't
8 know.

9 Q. [10:33:01] Very well. And who was running the Invisible Commando; who was
10 giving the orders?

11 A. [10:33:12] I had nothing to do with them. I've told you that already. So if I were
12 to say that someone was leading or commanding this group, I would be telling a lie.

13 Q. [10:33:37] Do you remember what I read out to you from paragraph 174? You
14 yourself mentioned IB. Could you tell us who IB was?

15 A. [10:33:46] IB was Ibrahim Coulibaly, a member of the GSPM, he was a member of
16 the military firefighters brigade. He was staff sergeant before the crisis. During the
17 crisis, he became a general of his own making, so to speak. So as -- well, I don't know if
18 he was an official one, or recognised. I'm not the one who appoints generals.

19 Q. [10:34:20] Very well. Now, you explained to us that you had a particular mission
20 at Camp Commando, and could you help us better understand this mission? When you
21 went off on this mission, I believe you, you reported to the various people in your
22 hierarchy, or did you receive orders from the officials at Camp Commando? Simply put,
23 who were you reporting to when you were there?

24 A. [10:35:01] At Camp Commando, I reported to the chief who was there because I
25 cannot carry out orders that come from elsewhere. There was a chief there and I obeyed

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1 him.

2 Q. [10:35:27] Very well. So when you're at Camp Commando, you received
3 instructions from the chief of Camp Commando; is that right? Is that what you're telling
4 us?

5 A. [10:35:41] Yes.

6 Q. [10:35:41] Very well. And when you would leave the camp on a mission, would
7 you receive a mission order from your superiors at the BASA?

8 A. [10:35:54] Well, that's the charm of it. In my army to receive a written order, I
9 don't know how long it would take. Often there was no such thing. All the time, all the
10 missions I did, only when I left Abidjan for a particular location, Yamoussoukro or
11 something, then I would receive a mission order, but within Abidjan, no leader could say
12 to me that he had given a mission order to any of his men. I never received any such
13 thing.

14 Q. [10:36:32] Very well. Shouldn't you have at least given a report back to your
15 superiors at the BASA once the mission was over? Shouldn't you at least have reported
16 back?

17 A. [10:36:47] After accomplishment of the mission, unless there's an incident -- well,
18 you give a report if there was an incident, but if there was no incident you would stay in
19 barracks because at the time everyone was confined to barracks.

20 Q. [10:37:01] Very well. Now, did you report back on this particular incident or not
21 or was there no incident?

22 A. [10:37:15] When I was in Abobo, once I got back -- you see, was -- was I to provoke
23 the attackers? It was better for me to stay where I was.

24 Q. [10:37:40] So no report back? For the purposes of the transcript, the witness has
25 indicated no.

1 [10:37:57] Thus you had a somewhat general mission to carry out that was given to you
2 at the BASA. You left for Camp Commando and once you were there at the camp, you
3 came under the authority of the leader, agreed?

4 A. [10:38:09] Yes.

5 Q. [10:38:11] So that would mean that you could receive other missions when you're
6 at Camp Commando without your superiors at BASA knowing about it because the chief
7 of Camp Commando could say, oh, you must do this, you must do that, agreed?

8 A. [10:38:28] Agreed.

9 Q. [10:38:41] Thus, yesterday in relation to this mission that we've been discussing,
10 you said -- and I quote from the transcript, French transcript. I will read out to you what
11 you said in just a moment. Not to worry.

12 Page 60, line 10, and I quote:

13 "Just for that mission, the special thing, I don't know whether it was the exception, but
14 normally when the others would go there, they would go for 24 hours or 48 hours, but I
15 spent five days, from the 3rd to 7 March in Abobo."

16 So that's what you told us yesterday. You said that you didn't know why you had been
17 sent off for several days; is that correct?

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

19 Q. [10:40:15] Very well. In your previous statement, in your previous statement,
20 page 497, paragraph 110, and I quote, you said this, you said to the investigators, and I
21 quote:

22 "I spent four to five days at the camp, because the others who were coming to take over
23 were not there, they didn't -- they weren't coming in given that the Invisible Commando
24 was attacking them. The first route was not taken because the FDS were getting killed.
25 It was the route that had the most barricades."

1 So at that time you remembered that you stayed there for several days, and that was
2 because no one could actually get to the camp, because the various convoys came under
3 attack by the Invisible Commando. Does that refresh your memory?

4 A. [10:41:57] Yes, I remember saying that, in fact, yes. Usually when, if you took the
5 secondary route, when the FDS would leave Akouédo, and the others, the other soldiers
6 to head towards Camp Commando, they would shoot in various directions and it made
7 access easier for them.

8 Now, they could come under attack by the Commando Invisible, that was possible. But
9 was that necessarily the reason for my spending four to five days? I don't think so,
10 because during that, during those five days, people try to persuade me to carry out the
11 mission. And I, in turn, was asking for a written order. I even told you that I was
12 threatened by an officer. And subsequently, to my great surprise, he gave me to
13 understand that we were from the same region. And he also gave me to understand that
14 if ever I were to, if ever I were to leave the mission, I would be caught.

15 Q. [10:43:26] Yes, you've told us all of that, sir. If you could just answer my
16 questions very specifically, we would move more quickly.

17 Now, regarding this mission in Abobo, you told us yesterday that you received
18 instructions from Colonel Dadi a few days before you left, headed towards Camp
19 Commando. French transcript, line 1 of page 66.

20 In response to the question from the OTP you said this, and I quote: "You went to Camp
21 Commando, with what objective, with what goal?"

22 And your answer was this, and I quote: "First of all, before going to Camp Commando,
23 Colonel Dadi said to me a few days before, he said that I was leaving for -- what you ma
24 call it, what do you -- to fire 120s at that place at the Abobo intersection and I suppose
25 from the N'Dotre intersection, Carrefour N'Dotre."

1 So, so what you've said is you heard about this mission a few days beforehand, isn't that
2 so?

3 A. [10:45:12] Please, it was the same day that I was supposed to leave, that is when he
4 informed me, otherwise it wasn't a few days in advance. It was a last-minute mission.
5 The other missions in the past were in the morning. But on an exceptional basis, this
6 mission was in the afternoon.

7 Q. [10:45:41] So yesterday you misspoke when you said that Colonel Dadi had told
8 you a few days earlier that?

9 A. [10:45:51] I misspoke.

10 Q. [10:45:55] Very well. And you told us that it had to do with the shelling of two
11 positions and you were leaving for Camp Commando knowing what it was all about, so
12 logically that means you had accepted the mission?

13 A. [10:46:18] Well, normally, under normal circumstances, if I had accepted a mission,
14 well, my position was this, either I would be killed or I would be arrested. But in life,
15 well, you see, as a former soldier, you have to, you have to be tricky, you have to be
16 crafty.

17 Q. [10:46:40] Very well. But you -- but during the crisis, you refused other missions
18 and you sabotaged vehicles, as you've told us. So why did you agree to this mission this
19 time? Why didn't you turn it down? You're a person who had taken action against.
20 Why did you say yes this time?

21 A. [10:47:08] The mission I turned down, too, I believe that goes back to the 8th, after
22 five days of service, I was not the only one at the BASA, there were other men. Why
23 would it be me to have to leave? I needed rest.

24 Q. [10:47:35] Very well. In your interview, paragraph 112, page 0497, you said -- I
25 beg your pardon 0497, you said, "When I got to Camp Commando, I was told that my

1 mission was to shell the intersection where the town hall of Abobo was and the N'Dotre
2 intersection."

3 And then you went on to say at paragraph 113, "It was Commander Niamké who told
4 me -- who asked me, rather, to shell those two sites."

5 So according to your statement that you gave to the investigators, you learned about your
6 mission only once you had arrived at Camp Commando, because you said it was
7 Commander Niamké who asked me to shell those two sites. Can you explain why you're
8 now saying that the mission was given to you at the BASA?

9 A. [10:48:54] Well, in fact, previously I had spoken to Colonel Dadi about this. But it
10 doesn't mean that as soon as I got -- that I would bypass the orders of the chief of that
11 location. He was the only one who could tell me, "Take your mortars, put them into a
12 battery, and here's the mission you've been assigned."

13 And what is more, as I've told you, we never received written mission orders, so if ever
14 there was a situation, it would just be one person's word against another person's. And
15 who would be in the right? Who would be believed? It wasn't a simple thing.

16 Q. [10:49:52] Very well. Let's move on to something else. Now, your mission to
17 Port-Bouët, you told us yesterday that you conducted a mission on 14 March 2011 to
18 Port-Bouët. You specified that you had been sent to Port-Bouët II Yopougon.
19 I beg your pardon, I will quote from your previous statement, not from the transcript.
20 Now, yesterday, you see, page 94 on, you talked about this mission to Port-Bouët II on 14
21 March 2011. And apparently you did not have a specific mission. This is what the
22 transcript seems to indicate. So my question is simple: Why didn't you ask what your
23 mission was all about?

24 A. [10:51:12] Well, previous to the date of the 8th, I had refused to carry out a mission,
25 and I know how I was treated. People heaped insults upon me. Kabran, an officer,

1 threatened me. And then on the 9th, Colonel Dadi himself called me to his office and he
2 said to me, "I'm going to send you on a mission to Port-Bouët II, but once you're there, I'll
3 give you the actual instructions." And do you expect me to say no to him? I don't think
4 so at my level, because I was risking either my life or my career.

5 Q. [10:51:56] Very well. So you didn't know what your mission was, but off you
6 went. So my question is this: Why didn't you ask him for a written order as you did at
7 Camp Commando on 3 March?

8 A. [10:52:14] Well, since it didn't involve my criminal liability, when you fire 120
9 millimetre shells into an area, you know what damage it's going to do, because the shell
10 falls and the radius is 300 metres, the diameter is 600 metres.

11 And we're talking about the town hall. Right beside the town hall there is a market.
12 Was I to go along with that? Was I to take that responsibility? There were risks. There
13 were -- the patriots were there, and here and there, and as a soldier I could get around
14 them.

15 Q. [10:52:59] Very well. But what I'm interested in is the mission itself. And please
16 answer the questions. It seems by what you said that there was sort of a chart with the
17 tasks and the like at the BASA.

18 A. [10:53:19] Yes.

19 Q. [10:53:19] So your assignment was up on the chart, the assignment chart or the
20 schedule?

21 A. [10:53:25] No.

22 Q. [10:53:26] How did you get to Port-Bouët, what means of transportation?

23 A. [10:53:32] Lieutenant Assi was heading off, heading towards the MACA and he left
24 me, he dropped me off at the Gesco. From the Gesco to Ananeraie, where I was living, I
25 travelled that distance on foot.

1 Q. [10:53:55] All by yourself?

2 A. All by myself.

3 Q. [10:53:58] Wearing a uniform?

4 A. [10:53:59] At that time who was going to go about wearing a uniform? I was
5 wearing civilian clothing. They even asked me to go there in civilian.

6 Q. [10:54:11] Why couldn't you walk around town wearing a uniform?

7 A. [10:54:15] Well, there were a great many risks at that time. Walking around in a
8 uniform, even in -- well, in an army, that means usually you have to be in a pair or a
9 group of three, you're safer that way. A group of men in uniform walking down the
10 street at a time when there are many acts of violence and abuse, if you're hit by something,
11 who would be responsible?

12 Q. [10:54:42] If you receive what? If you get hit by a bullet?

13 A. [10:54:47] Maybe a bullet, stones thrown at you, a machete. It could be lots --

14 Q. [10:54:56] Was that normal, to entrust a mission to
15 a single man?

16 A. [10:55:01] Particularly during that period of time, I can say that it surprised me a
17 great deal. But I'll also tell you that I wanted to see my family, because telephone calls
18 were not enough. I also needed to tell my wife to leave the area. And since I know that
19 it was possible to wiretap phones, if I were to do that, well, maybe my physical presence
20 would be better to protect my family, because, you see, my family was living in a
21 neighbourhood just beside Port-Bouët.

22 Q. [10:55:40] So in actual fact once you got to Port-Bouët, you went to see your family
23 directly; is that correct?

24 A. [10:55:49] First I went to see my family, and I can't remember whether I went to
25 Port-Bouët II first or I went directly to see my family, one of the two options, because it's

1 been a while ago, you know.

2 Q. [10:56:07] Very well. So in your statement you said, paragraph 124, page 499, and
3 I quote:

4 *"The Port-Bouët II neighbourhood was favourable to me because it was mostly inhabited
5 by northerners, Dioula people, so I didn't run any risk."

6 I am told that it might be better to turn the page, because the excerpt I just quoted from is
7 actually on the following page.

8 Do you remember having said that, sir?

9 A. [10:57:31] Yes, I remember I said that.

10 Q. [10:57:33] Very well. And you told us during your testimony that once you were
11 there in Port-Bouët, you called Colonel Kouassi who was at the Golf Hotel.

12 A. Yes.

13 Q. [10:57:49] Yes?

14 A. [10:57:50] Yes.

15 Q. [10:57:50] And he asked you to help the Ouattara supporters build some
16 *roadblocks against the BAE?

17 A. [10:57:59] Yes.

18 Q. [10:57:59] Let us make sure about this point. So once you got to Port-Bouët, not
19 only did you fail to carry out the mission assigned to you by your military superior that
20 you were unaware of, what is more, you went to Colonel Kouassi at the Golf to get your
21 orders, and he said, "Oh, you have to help the Ouattara supporters put up barricades,
22 too;" is that correct?

23 A. [10:58:27] Yes.

24 Q. [10:58:28] Very well. So your mission became a military mission against
25 government forces?

1 A. [10:58:37] Yes.

2 Q. [10:58:37] Very well. You told us yesterday, and this is page 94, line 18 of
3 yesterday's transcript, and I'm quoting:

4 "I left and I went there. To my great surprise, as soon as they had stopped speaking with
5 me, I saw the gendarmes heading towards the COOPEC. And they were heading in my
6 direction. And there were -- there was a BAE man, and they chased after me. And I
7 realised that Dadi wanted to do me in, eliminate me, and I had to get out of there. I
8 wiggled away, and I managed to get to Bonikro neighbourhood."

9 So is your explanation that -- you said that Dadi wanted to eliminate you. Isn't there a
10 more simple explanation, namely, that the BAE was chasing after you because you were
11 helping the Ouattara supporters and you were putting up barricades? Isn't that a -- isn't
12 that the explanation?

13 A. [11:00:04] Well, let me explain my dealings with the people from Port-Bouët II. It
14 goes back to the time of General Guéï Robert. It was said at one particular point in
15 time -- and this is going to take one or two minutes, no more than that.

16 So at one point in time there was one neighbourhood called CIE neighbourhood and then
17 there was Port-Bouët II neighbourhood. And people speculated and what they were
18 saying, that Dioula from Port-Bouët II are going to attack the young people from CIE.

19 And the young people from CIE want to attack the people at Port-Bouët.

20 So, you see, myself, I lived in Port-Bouët II at the new market, and I felt concerned. And I
21 was in the area, I went up to some of the young Dioula people in Port-Bouët II, because I
22 was active in that area. And Koné was there, too. And then after that I got into contact
23 with the people from Port-Bouët II. And we went together to see the people from
24 Énergie neighbourhood to ensure that there would not be any clashes between the two
25 neighbourhoods, because, you see, the rumour mill was saying that there was going to be

1 clashes.

2 And I knew people in that neighbourhood, I had lived there for a while, and I knew
3 Port-Bouët very well. Many people know me there. And when you help a
4 neighbourhood avoid such a conflict, you can see that you're their friend. So I was able
5 to go into Port-Bouët at any time, night or day, risking nothing. No one would hurt me, I
6 was sure of that.

7 Now, my mission at Port-Bouët II, if you look carefully at your document, you will see
8 that it started from the 9th and went to the 14th, my mission to Port-Bouët II. And
9 around the 14th, that is when Colonel Dadi called me.

10 First of all, first I was trying to reach him and I couldn't get through. And then I
11 contacted Captain Guéï, and later Colonel Dadi called me. And when he called me, we
12 were talking to one another, and as soon as he ended the call -- well, he asked me to wait,
13 and someone was going to give me something. I didn't know what that was all about.

14 As soon as he finished the call, I looked over at the COOPEC and I saw gendarmes
15 arriving. I wasn't worried about that, because I was heading towards my house at that
16 time. I went to Guichanrolin where I was supposed to wait for information. That was
17 Guichanrolin. That's a college around Ananeraie. And as soon as he finished the call, I
18 saw that the gendarmes were coming from the COOPEC and the BAE from the Antenna
19 area but there surprise was, once they got there, not far from me, they started to shoot
20 already, and I started to run and I went into the neighbourhood, and I saw that they were
21 going -- that they were chasing after me. So what was the intent, to capture me alive? I
22 don't think so. If I didn't know the neighbourhood well, I might not have survived and
23 ended up here. So I immediately realised that Dadi's intent was to eliminate me.

24 Q. [11:04:01] Very well. Mr President, I am aware of the hour, but I have only a few
25 questions to finish off this subject area. I believe that in seven to eight minutes I can

1 round up?

2 PRESIDING JUDGE TARFUSSER: [11:04:16] Yes, I think we can continue.

3 MR ALTIT: [11:04:25] (Interpretation)

4 Q. [11:04:26] Very well. Mr Witness, just a brief question. When you talk about
5 your master, you're talking about a sport, a combat sport?

6 A. [11:04:37] Yes, shotokan, shotokan.

7 Q. [11:04:40] Is that a combat sport?

8 A. [11:04:42] Yes, it is.

9 Q. [11:04:43] Very well. So in your statement, page 481 paragraph 124 -- sorry, 499,
10 paragraph 124, I'm going to quote what you were saying:

11 "After my mission in Abobo, I had remained in Akouédo. So you said to us yesterday
12 and I think again today that your mission in Abobo was from the 3rd to the 7th is that
13 right?

14 A. [11:05:25] Yes.

15 Q. [11:05:26] "After my mission in Abobo, I remained in Akouédo. I believe that it
16 was between the 9th and the 13th." So it is clear that you remained in Akouédo between
17 the 9th and the 13th. "I was sent to Port-Bouët II Yopougon on Monday, 14 March, 14
18 March."

19 So this doesn't exactly correspond to the dates that you have provided us with, sir. How
20 can you explain that?

21 A. [11:05:55] I am aware that this does not correspond to the dates I'm providing, but
22 the mission that I conducted commenced on the 9th. And I don't know between the 14th
23 and the 15th, that is when I called colonel, and I couldn't get through because he wasn't
24 picking up any more after people had tried to kill me. I called Captain Guéï who said it
25 was -- it would be best if I went back to Akouédo.

1 Q. [11:06:27] Very well. So it is your testimony that between the 9th and the 14th
2 you attempted to call your chief, Colonel Dadi, you didn't get through, and you calmly
3 remained in Port-Bouët II waiting to talk to him?

4 A. [11:06:46] I was in Ananeraie when I tried to get through to Colonel Dadi. I
5 wasn't in Port-Bouët II at the time. Because after I had been chased after, I didn't seek to
6 go back into Port-Bouët II. I just heard however that the imam had been killed.

7 Q. [11:07:06] Very well. You explained to us yesterday that you went home, so at the
8 location that you have just mentioned, and that you felt, and you smelt, I quote, "a strange
9 smell" when you went into your home. Can you tell us a little bit more about that?
10 What kind of substance was that to your mind?

11 A. [11:07:27] You know when you smell a chemical substance. I'm not a chemist to
12 be able to talk to you about it any further, but what I do know at the least is that I had
13 been banging on my door for a long time, my wife was asleep. I kicked on the door, my
14 wife was still asleep, and for at least 15 minutes the entire building was awake. I had to
15 break the door down in order to find my wife who woke up in a jump.

16 Q. [11:08:00] You told us that yesterday. That's clear. That chemical substance that
17 you're talking about, why was it there? What was it there for? What was the aim of
18 that chemical substance?

19 A. [11:08:12] I wouldn't be in a position to explain that to you, I'm not a chemist. To
20 my mind, it was a way of putting my family to sleep. It might have been that, but it did
21 smell of something.

22 Q. [11:08:27] Very well. And why did they want to put your wife to sleep?

23 A. [11:08:31] You know, my wife is very close to Dadi, talks to Dadi a great deal, and
24 the two friends who were still alive were -- my brother was alive, and those of Traoré
25 Nouhoum (phon) were very -- and Colonel Dadi was the godson of my child -- of my

1 cousin. And we were on good terms. So at the very early stage, Colonel Dadi was
2 frequenting my family. We would even go to work together in the gbaka, in the
3 minibuses, when he was a lieutenant, that is. And suddenly -- I'm getting there.
4 Suddenly he changed, just at the time when we were in Agnibilékrou. That was in the
5 year 2000. That's when his behaviour was different. But that was with me, not with my
6 wife. And his wife and my wife were very close friends. This is a lady I respect a great
7 deal.

8 Q. [11:09:51] Very well. In order to understand, it's a bit complicated. Are you
9 telling us that you at the time suspected Colonel Dadi of having introduced this chemical
10 substance into your home?

11 A. [11:10:07] He might have sent somebody, and maybe he himself did it because he
12 could move around freely at that moment in time. He had an incredible convoy.

13 Q. [11:10:19] Very well. And that apartment, your apartment that we're talking
14 about, who did it belong to?

15 A. [11:10:30] It belonged to Colonel Dadi.

16 Q. [11:10:31] So you were his tenant; is that correct?

17 A. [11:10:35] Yes.

18 Q. [11:10:36] Can I put a simple question to you: Did you regularly pay the rent?

19 A. [11:10:44] Well, I am in a tenancy agreement, so the army pays my rent, and if
20 there were any arrears, that's not my problem. I was living in that house. That's how
21 things happen in my country; there were no arrears in terms of rental payments between
22 myself and him.

23 Q. [11:11:05] Very well. Are you still living in that same apartment today?

24 A. After Klotiari was assassinated, it was better for me to leave. I requested that I be
25 assigned.

1 Q. [11:11:21] Very well. You explained to us that you were going to set up
2 roadblocks, roadblocks in the company of the young people from the neighbourhood at
3 that moment in time. My question is simple: The rebels, were they present in
4 Port-Bouët II at that moment in time, at the moment we're talking about, during that very
5 period?

6 A. [11:11:55] To say that the rebels were present, I do not believe so because the
7 youngsters from Port-Bouët II were conducting their own self-defence, and at that
8 moment in time there was a policeman who lived not far afield from me who had been
9 promoted to the rank of officer -- I think his name Zago Ignace, and his nickname was
10 chien méchant. He was from the BAE. Chien méchant means wicked dog.

11 Q. [11:12:31] Sir, sir, let's confine ourselves to my question because there's a logic to
12 my questioning, and my question to you is simple: The offensive by the rebels in
13 Port-Bouët II, did it not commence precisely on 14 March 2011 at the very same time when
14 you in Port-Bouët II?

15 A. [11:12:55] We weren't talking about rebels as such in Port-Bouët II. I don't know
16 what quite offensive you're referring to.

17 Q. [11:13:04] Let me put that question in a different manner. The offensive on the
18 part of the Forces Nouvelles in Port-Bouët II and associated pro-Ouattara groups, if you
19 like, did it not commence on 14 March 2011 in Port-Bouët II?

20 A. [11:13:22] At that moment, the Forces Nouvelles were not yet present in Abidjan
21 on 14 March.

22 Q. [11:13:29] And any associated groups?

23 A. [11:13:31] The associated groups? What I know is that it was the young people
24 from Port-Bouët II who were conducting their own self-defence.

25 Q. [11:13:40] Very well. You spoke to us, saying that after that you went back to the

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1 BASA; is that correct?

2 A. [11:13:48] Yes.

3 Q. [11:13:50] So you've told us --

4 And this is our last question, Mr President.

5 You told us yesterday and you told us this morning that Dadi wanted to kill you; he sent
6 gendarmes; he attempted allegedly to poison your family, et cetera, et cetera, and you
7 went back as if nothing had happened to the BASA. Why is that?

8 A. [11:14:23] You know, in our country we live on our salary, and we live from one
9 day to the next. And if there is a gentleman who was the president of the Côte d'Ivoire,
10 he knows the military situation only too well and will not say the opposite. If I didn't go
11 back to the BASA, my salary would be stopped. Who was going to feed my family?
12 And my intention to return to the BASA was that I wanted to chance upon Colonel Dadi.
13 Why do you think? Because I wanted to read him the riot page, and you know, people
14 don't avoid me on purpose. That's -- you know, that's characteristic of me.

15 MR ALTIT: [11:15:14] (Interpretation) Mr President, I think we have finished with
16 this.

17 PRESIDING JUDGE TARFUSSER: [11:15:18] Thank you. Thank you very much.

18 The hearing now, we break now, and the hearing is adjourned to 11.45 when we come
19 back with the questioning by Maître Altit.

20 THE COURT USHER: [11:15:31] All rise.

21 (Recess taken at 11.15 a.m.)

22 (Upon resuming in open session at 11.49 a.m.)

23 THE COURT USHER: [11:49:21] All rise.

24 Please be seated.

25 PRESIDING JUDGE TARFUSSER: [11:49:49] Bonjour. Hello, and good morning

1 again, Mr Witness. The floor is again to Maître Altit.

2 MR ALTIT: [11:50:13] (Interpretation) Thank you, Mr President.

3 Q. [11:50:20] Mr Witness, can we continue?

4 A. [11:50:21] Yes.

5 Q. [11:50:22] So you said to us during your testimony that you heard from your aunt
6 that there was a bombing at the Abobo market. Can you tell us precisely when she called
7 you, at what time?

8 A. [11:50:40] Indeed, my aunt did call me at approximately 11 o'clock, but it wasn't
9 about the Abobo market, rather, it was about the SOS neighbourhood. The -- I heard
10 about the Abobo market from one of my youngsters called Koné Klotiari, who was
11 assassinated.

12 Q. [11:51:09] So let's try and shed light on the matter. So your aunt calls you at
13 approximately 11. 11 in the morning or in the evening?

14 A. [11:51:23] In the morning.

15 Q. [11:51:24] In the morning, okay. And you -- who told you about Abobo market
16 and at what moment in time and under what circumstances?

17 A. [11:51:36] It was Koné Klotiari who informed me that the Abobo market had been
18 bombed, and at that moment in time I was already at the Mama, that is to say, at the
19 military penitentiary in Abidjan.

20 Q. [11:51:53] Did he call you?

21 A. [11:51:54] Yes, he did call me.

22 Q. [11:51:56] All right. And approximately what time and what day?

23 A. [11:52:00] I wouldn't be able to tell you the time or the day because I no longer
24 recall, but I do remember that it was at least him who informed me of that.

25 Q. [11:52:09] All right. So I'm going to read to you a brief passage from your

1 statement, at paragraph 128, page 500. All right. I'm quoting and you are speaking:
2 "In the night my aunt", you give her name but I'm not going to give it, "called me to tell
3 me that they heard a deafening sound of explosion and that they were killing them."

4 So that was at night-time that she called you?

5 A. [11:53:25] That was a mistake. I believe that they came in because people had
6 knocked or -- but the SOS Abobo was bombed during the day in the morning at
7 approximately 11 o'clock.

8 Q. [11:53:48] Very well. Yesterday, during your testimony you accused Pegard Egni
9 and Brice Kamanan of having been responsible for the shooting. The French transcripts
10 on this point are not very clear, which means that everything that you've said is not
11 entirely transcribed. Could you please tell us now, or could you tell the Chamber, in a
12 very simple manner why it is that you were pointing your finger at those two individuals?

13 A. [11:54:34] I was pointing my finger at those two individuals because my first
14 mission at Camp Commando was to bomb the mairie intersection and the N'Dotre
15 intersection. If you look at the map and you see the access of the shelling, it is more or
16 less in that area. So from Camp Commando, it's not far afield and that's the itinerary that
17 the shells are going to take. And during the hand-to-hand payment *Kamanan Brice said
18 to me that he had fulfilled his mission and that he was not in charge, but subsequently he
19 denied that entirely. And at Camp Commando, I am certain of one thing. If the
20 commando might be invisible or if the young people of Abobo had mortars with the
21 attitude that the FDS had adopted towards the people of that neighbourhood, I do believe
22 that they would have used them, and Abobo Camp Commando would have been
23 deserted because everyone would have left. It is true that there were VABs there; there
24 was a GR tank, but when you have a mortar, you don't need to be just by, just near. You
25 can fire and obtain an objective. So even if they didn't even master the equipment too

1 well over the days, we would have received a shell and we would have deserted. We
2 didn't have any protection methods against shells at the Camp Commando. So I thought
3 to myself if indeed it was the youngsters from Abobo who were firing, they would have
4 fired rather towards Camp Commando rather than towards their family, and if we look at
5 the access of the shell, people will not say the contrary. Because from Camp Commando,
6 if you look at the angle of the shell, the market is not far afield near the mairie, so people
7 shouldn't say the contrary to me.

8 Q. [11:57:13] But an error is still possible. For example, the youngsters, the youth, or
9 the Commando Invisible, hypothetically might have made a mistake, aimed at a given
10 location and it would have fallen somewhere else.

11 PRESIDING JUDGE TARFUSSER: [11:57:33] Mr Prosecutor.

12 MR MACDONALD: [11:57:35] I submit that this question is speculative.

13 Anything -- the witness is providing his answer and, therefore, other hypotheses put to
14 this witness are hypotheses.

15 MR ALTIT: [11:57:58] (Interpretation) Mr President, if you allow me to say a word in
16 response.

17 Everything is hypothetical. The entire testimony of the witness is hypothetical.

18 Everything that he said yesterday to the OTP is hypothetical because he wasn't there. He
19 is saying what he heard, what he was told, what he believes is true or not true.

20 Everything is hypothetical, and in particular with regard to these bombings or shellings.

21 And if we say to the witness that we are interested in what he's talking about, he can
22 speak to the credibility or plausibility of what he did or did not hear. The case of the
23 Prosecution is hypothetical, and that is why we are hearing witnesses like this. Nobody
24 can make the claim that there was a shelling on such-and-such a day and such-and-such a
25 thing occurred. It is all hypothetical and that is why we are attempting to examine the

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1 various possibilities in an attempt to understand what happened and move closer to the
2 truth. That's what we're doing.

3 PRESIDING JUDGE TARFUSSER: [11:59:12] Moving closer to the truth is also
4 hypothetical. But if you say "the youngsters", for example, "the youngsters, the use of the
5 Commando Invisible, hypothetically might have made a mistake, aimed for the given
6 location and it would have fallen somewhere else," you ask this as a possibility. But this
7 is very much argumentative; of course this can be. But I don't see how the witness can
8 respond to such question. I, therefore, I would ask you to reformulate the question.
9 Thank you.

10 MR ALTIT: [12:00:20] (Interpretation)

11 Q. [12:00:21] Mr Witness, I'm sorry if I'm not very specific. You have the Camp
12 Commando and then you have SOS village --

13 MR MACDONALD: [12:00:31] Why don't we use a map, your Honour.

14 PRESIDING JUDGE TARFUSSER: [12:00:31] Pardon?

15 MR MACDONALD: [12:00:32] Why don't we use a map to show where Camp
16 Commando is instead of --

17 PRESIDING JUDGE TARFUSSER: [12:00:38] Yes, we know. In the meanwhile, we
18 know where Camp Commando is.

19 MR MACDONALD: [12:00:43] I know, and where the --

20 PRESIDING JUDGE TARFUSSER: [12:00:45] Yes.

21 MR MACDONALD: [12:00:46] -- locations are.

22 PRESIDING JUDGE TARFUSSER: [12:00:47] Yes.

23 MR MACDONALD: [12:00:48] -- in terms of SOS village, which has not been indicated
24 on the map.

25 (Overlapping speakers)

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1 PRESIDING JUDGE TARFUSSER: [12:00:53] It is now one and a half years we are
2 dealing with this, I would say, so.

3 MR ALTIT: [12:00:58] (Interpretation) Mr President, to avoid this torture of using
4 the -- a map again for the Chamber, I will reformulate, hoping that it will be satisfactory to
5 all the parties.

6 Q. [12:01:19] Mr Witness, would it be correct to say that Camp Commando and SOS
7 village are about 500 to 600 metres apart from each other?

8 PRESIDING JUDGE TARFUSSER: [12:01:33] The question could have been how far are
9 they, one from the other.

10 THE WITNESS: [12:01:46] I am not in a position to tell you because I don't have a map.
11 I did not have --

12 PRESIDING JUDGE TARFUSSER: [12:01:55] This is not acceptable. I mean, how far
13 away more or less is one and the other? Also without a map, I mean.

14 THE WITNESS: [12:02:07](Interpretation) I will say 500 metres, yes, approximately. I
15 cannot give you a precise answer.

16 PRESIDING JUDGE TARFUSSER: [12:02:20] That's what we need, an approximation,
17 not the precise number.

18 MR ALTIT: [12:02:26] (Interpretation) Yes.

19 Q. [12:02:27] My question is as follows: Now, these 500 metres, this is not a huge
20 distance. From the point of view of the artillery soldier that you are, is it a
21 possible -- does it constitute a possible margin of error? You have explained that the
22 mortars were not precise and the closer you are, the less precise they were, and you
23 needed grouped firing to reach a target.

24 A. [12:03:06] Everything depended on the experience of the person using the mortar.

25 Q. [12:03:13] So it was not very precise. Now, the 500 metres, does this constitute the

1 margin of error of a mortar?

2 A. [12:03:28] Yes, it can be part of the margin of error. It all depends on the targeting.
3 If you take an object and you put in a tube and has to be projected, if you raise the barrel,
4 you will agree with me that depending on the inclination, the distance will not be the
5 same. The speed will be the same, but the distance will never be the same. You can
6 even try with a piece of paper. If you throw it up, if you throw one up and one
7 horizontally, the two will not travel the same distance.

8 Q. [12:04:30] Is it -- what is true for the shell, what is true for the shells, generally, can
9 it be true for a shell shot at the Camp Commando?

10 A. [12:04:44] When you talk about the margin of error, it is difficult for me to answer. But I
11 know one thing, if the young people in Abobo had mortars, *you can be sure that the FDS who
12 were leaving, were firing everywhere, they had perpetrated acts of violence in Abobo, they would
13 have been left to carry on with their violent acts because all the road that went to the Camp
14 Commando, you had stray bullets that hit people, that did not hit people. In their anger, the
15 young people could use these mortars in that area. But I know at least that the young people
16 used the weapons that the gendarmerie brigades had and the *commissariat, and those brigades
17 and *commissariat have the *objective of providing security for the population, and you cannot
18 use weapons of war to provide security for the population.

19 Q. [12:05:56] Very well. Now, Mr Witness, let us come back to what we were saying
20 a short while ago. You accused Pegard Egni and Brice Kamanan yesterday and you just
21 confirmed that. Are you aware that Kamanan was acquitted of the crime that you have
22 accused him of?

23 A. [12:06:26] Yes, I am aware.

24 MR ALTIT: [12:06:29] Just wait, let me ask my question.

25 PRESIDING JUDGE TARFUSSER: [12:06:38] Mr MacDonald.

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1 MR MACDONALD: [12:06:40] Before the witness answers, your Honour, the
2 Prosecution has an objection to such questions, and we can deal with it in the presence of
3 the witness. That's not an issue. So my colleague can finish his questions, of course, but
4 before anything is said, we have an objection on the question.

5 PRESIDING JUDGE TARFUSSER: [12:07:00] Yes, but the question is already
6 formulated, I think, isn't it? You're referring to an acquittal of a person.

7 MR ALTIT: [12:07:16] (Interpretation) Yes, and this is in the public domain. I'm
8 asking the witness whether he is aware. And I really do not see where there is a problem
9 because there's going to be a follow-up question. And if it is a specific point which I
10 cannot see, we can talk about that later, but I don't see what the Prosecutor's objection is
11 about.

12 MR MACDONALD: [12:07:41] Very simple, your Honour. It has no relevance in
13 these proceedings that an acquittal or a conviction for that matter which cannot be used
14 either way to try to influence the Chamber's discretion. You are to listen to the evidence
15 that is presented in this case. We have no clue of what the evidence may have been in
16 relation to the charges. It's another proceedings, in another country, under another
17 system of law. Therefore, in and of itself, any answer -- and we're willing to admit that,
18 yes, there was an acquittal in trials there, but it doesn't -- has no relevance in these
19 proceedings, we submit, your Honour.

20 PRESIDING JUDGE TARFUSSER: [12:08:33] Well, that's up to the Chamber to decide.
21 Please go ahead with the questioning. But just go ahead.

22 MR ALTIT: [12:08:40] (Interpretation) With your leave, just one second. It is
23 important for me to give you our position. We are being told there's a Prosecution
24 witness saying something and we have a judgment from a national jurisdiction that is
25 saying it is not true; it is a fact.

- 1 PRESIDING JUDGE TARFUSSER: [12:09:05] Maître Altit, I said I find it relevant, so
2 please go ahead.
- 3 MR ALTIT: [12:09:10] (Interpretation) Very well. Thank you, Mr President.
- 4 Q. [12:09:15] Mr Witness, as you can see, it is not always easy?
- 5 A. That is very interesting.
- 6 Q. [12:09:29] I'm sorry. I've lost my train of thought a little bit.
- 7 PRESIDING JUDGE TARFUSSER: [12:09:33] Maître Altit, I just change the word
8 "relevant" with "admissible." Okay, in order not to -- so there is no misunderstanding.
- 9 MR ALTIT: [12:09:43] (Interpretation) Duly noted, your Honour. Thank you.
- 10 Q. [12:09:50] Now, let me repeat the question to you for the record: Are you aware
11 that Kamanan was acquitted of what you accused him of?
- 12 A. [12:10:04] Yes.
- 13 Q. [12:10:06] The second part of the question: Are you aware that Pegard Egni, the
14 other person that you accused yesterday and today, was not even prosecuted because the
15 investigating magistrate did not even think it necessary?
- 16 A. [12:10:31] Yes, I am aware.
- 17 Q. [12:10:34] Now you can explain what you think.
- 18 A. [12:10:40] Very well. Let me tell you something. Today, I am a witness here
19 because we want to know the truth. But when Kamanan Brice was tried and acquitted,
20 when I arrived Abobo in my uncle's place, the inhabitants who were there said that he had
21 betrayed -- "you betrayed us." And they asked me where I was; I said I was there; I did
22 not move. You can ask my hierarchy. I did not go anywhere. I was not summoned
23 for that trial. Do you think that it is normal? I was the one making the allegations, the
24 accusations, and why was I not summoned? One day Commander *Koffi Roger came
25 and took fuel in the unit in which I am today, and he said, "You misled us; you were not at the

1 trial." Ask everyone who was involved. When I had to leave Yamoussoukro to travel
2 to Abidjan, the people of the security, when they called me, I told them, "Refer to my
3 hierarchy."
4 I received military training. It is my hierarchy that needs to call me to tell me that, today
5 you have been given permission to go to such-and-such a place. I will not leave by
6 myself to go to the trial. As who? I was not even aware there was that trial at that time.
7 Do you think that is normal?

8 Q. [12:12:32] I will show you a document, and it is CIV-D15-0004-0097. And we
9 have a hard copy of that document which will be given to you, Mr Witness, as well as to
10 all the parties and to the Chamber.

11 MS PACK: [12:13:04] Your Honour, I object. And the basis for that --

12 PRESIDING JUDGE TARFUSSER: [12:13:09] To what do you object?

13 MS PACK: [12:13:11] The use of this document with the witness. It is -- well, you'll
14 see what it is when it comes up, but it is a judgment, a legal judgment. I really don't see
15 how --

16 PRESIDING JUDGE TARFUSSER: [12:13:20] No, I don't -- well, I already decided on
17 this. If it is a judgment, if it's a public judgment, it is a public document, I don't know
18 why it should not be admitted.

19 MS PACK: [12:13:30] No, it's not that. It is the question of legal -- asking him to look
20 at a legal document and interpret it.

21 PRESIDING JUDGE TARFUSSER: [12:13:38] No, we don't know what the question will
22 be. No, we don't know what the question will be. Let's hear the question, but the use of
23 the document as such, I don't know why it should not be allowed, and then we'll see on
24 the questions.

25 MR ALTIT: [12:15:30] (Interpretation)

1 Q. [12:15:31] Mr Witness, do you have the document with you?

2 A. [12:15:33] Yes.

3 Q. [12:15:36] Very well. Can you go to page 0100. It is the fourth page of the
4 document.

5 A. [12:15:49] Yes, I have page four.

6 Q. [12:15:51] At the top of the page it is indicated "instruction given."

7 A. [12:16:00] Yes.

8 Q. [12:16:00] I will read very quickly on that page.

9 The Court after deliberating states "mindful of the materials in the proceedings against
10 one Commander Gnawa Dable *and MDL Kamanan Brice Éric Tanoh," and then there is a
11 reminder of the charges and the articles of the criminal code. Given the military
12 witnesses -- and you can see that amongst those military witnesses you have your
13 name -- given the death of military witnesses that is called by the Prosecution. So it is
14 indicated in this document that these people were summoned, including you. You say
15 you were not aware, but this judgment said that you were summoned. Can you explain?

16 A. [12:17:34] I can explain very well. I am here at The Hague because I was
17 summoned and I answered the call. Why would I not have answered the call in my
18 country? I will tell you that I heard about this trial on television. I was seated at my
19 home after the verdict was issued. In the evening at around 8 p.m. there was a news
20 item there, and a few days later when I arrived at my uncle's house, the young people
21 there told me that I was a traitor because I had not been present. But I want to say that at
22 that time no one approached me; no one gave me a summons or notification to go to
23 Abidjan. If I was summoned, I don't know who summoned me. Do you see my
24 signature in any document? It is only my name. Does it indicate that I participated? I
25 do not know who spoke on my behalf; it certainly was not me.

1 Q. [12:18:53] Were you questioned by the Ivorian investigating magistrate?

2 A. [12:18:59] I do not know precisely what you are referring to as an investigating
3 magistrate, but I know that I was interviewed by Commander Roger. At least I know
4 that.

5 Q. [12:19:18] As part of legal proceedings?

6 A. [12:19:21] Yes, relating to the shelling of Abobo. And it was not only once, but on
7 the day of the trial itself, I was not there.

8 Q. [12:19:34] You were questioned within the framework of legal proceedings; is that
9 correct?

10 A. [12:19:39] Yes.

11 Q. [12:19:41] Very well. Now, you told us yesterday during your testimony that you
12 were arrested for the first time on 18 March 2011 and you were accused of having given
13 your cellphone to Kouassi Patrice who was at the Golf Hotel.

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

15 Q. [12:20:09] You also told us today that Kouassi Patrice was a pro-Ouattara military
16 leader at the Golf Hotel; is that correct?

17 A. [12:20:20] Yes.

18 Q. [12:20:22] Very well. I will show you a photograph; it is CIV-D15-0004-2454.

19 Now, I would like to ask the court officer, can you show the top of the document.
20 Can you see that photograph?

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

22 Q. [12:21:12] Who are the two people?

23 A. [12:21:15] I can see Colonel Patrice Kouassi and President Alassane Ouattara.

24 Q. [12:21:24] Very well. So according to you, the accusations against you were solely
25 for having given your cellphone to Kouassi and not for having sabotaged the BASA

1 vehicles. Is that what you are telling us?

2 A. [12:21:54] At that time, no one could know what I had done. Maybe I myself
3 voluntarily said it. Now, where I am, can you wear my glasses at your distance? He
4 was in the Golf Hotel and I was accused of giving him my telephone, and that was the
5 only reason I was accused.

6 Q. [12:22:32] You have just said that you might have talked about the sabotage to
7 some people, to whom?

8 A. [12:22:43] Only to the Court, those who were questioning me.

9 Q. [12:22:47] Which Court?

10 A. [12:22:49] In Abidjan, and the ICC people who came to interview me, I told them
11 about it.

12 Q. [12:23:00] Let me ask you a question. I believe I understood from your testimony
13 that you spoke to it with Colonel Kouassi because together you reflected on the best way
14 of immobilising the vehicles.

15 A. [12:23:22] In fact, I spoke with Colonel Kouassi because the 12.7s were used to kill
16 people from the north. And from a moral perspective, I gave myself a mission, that is, to
17 find the ways and means of putting an end to that.

18 Q. [12:23:43] Very well. You have already told me about what motivated you. I'm
19 looking at another aspect of this matter. The question is simple: Why you were
20 arrested and prosecuted? Did you commit any other acts of sabotage apart from
21 rendering those vehicles nonoperational?

22 A. [12:24:15] No.

23 Q. [12:24:28] You did not sabotage the machine guns, the 12.7s, on 6 March, for
24 example?

25 A. [12:24:39] I said that I sabotaged 12.7s, but when you're talking about 12 March, I

1 don't have any dates in memory, but I acknowledge having sabotaged weapons that were
2 being used to kill people from the north, my people.

3 Q. [12:25:03] Let us understand well, you sabotaged vehicles and you sabotaged
4 weapons?

5 A. [12:25:12] I never sabotaged weapons because that would have required a lot of
6 time. If you take salt and put in a reservoir and dismantle a weapon, what would you
7 choose, the easiest way would be to put salt inside that barrel.

8 Q. [12:25:37] Very well. That sabotage was discussed and decided with
9 Colonel Kouassi?

10 A. [12:25:47] Yes.

11 Q. [12:25:48] What did Colonel Kouassi ask you to do in addition?

12 A. [12:25:58] Nothing except the mission on Port-Bouët II, that is to help our brothers.

13 Q. [12:26:02] Very well. Now, I will read your statement, it is the same one,
14 paragraph 119, page 498. And I quote, and you are the one speaking:

15 "Patrice Kouassi is a colonel. He is Baoulé. We know each other since 1993. He was
16 the commander, the commanding officer of BASA before Dadi. He called me from the
17 Golf Hotel because he wanted me to give him information on the movements of the
18 army."

19 Witness: "Yes."

20 Question: "Patrice Kouassi currently works in the minister of defence."

21 So you have said that he called you so that you should give him information on the
22 movements of the army.

23 A. [12:27:15] At that time he was not in the ministry of the hotel -- of defence, he was
24 already in the Golf Hotel.

25 Q. [12:27:25] Let us be clear. He asked you to give him regular reports on all the

1 movements of BASA; is that correct?

2 A. [12:27:36] No, not regular reports. When I had to carry out a mission he asked me
3 to at least inform him so that he could give me advice. And in addition to that, there
4 were night missions in which we had no right to participate. Dadi would take what was
5 referred to as the Blé Goudé contingent and then he would go out at night. And when I
6 realised that sometimes, it was possible for me to call him and tell him about it.

7 Q. [12:28:20] Mr Witness, did you receive money from Patrice Kouassi during the
8 post-election crisis?

9 A. [12:28:34] He transferred phone credit to me, but I did not receive any physical
10 cash.

11 Q. [12:28:44] Did you receive money from someone else to carry out activities against
12 the FDS?

13 A. [12:28:54] As far as I know, I never received money from anyone.

14 Q. [12:28:59] Did Patrice Kouassi give you any means of communication?

15 A. [12:29:05] He never gave me any means of communication because I, myself, had
16 my cellphone.

17 Q. [12:29:13] Did you know any other saboteurs?

18 A. [12:29:18] I am aware of my missions, not about any others. Maybe other people
19 were involved in that, but I do not know. But people had an objective, that is to reduce
20 to the extent possible the killings on our side.

21 Q. [12:29:41] You say you all had an objective, you're referring to yourself and other
22 saboteurs?

23 A. [12:29:48] I do not know who you're referring to as other saboteurs, but I'm talking
24 about myself. The others had their ambitions. Somebody may get up and say this
25 person was killed by this piece of equipment and so I will do this. So I did not give them

1 any advice, I did not give them any motivations. So I do not know, I only know what I
2 did.

3 Q. [12:30:18] Let me put it another way. Do you know whether there were any other
4 soldiers such as yourself who were trying to prevent troop movements from BASA who
5 provided information to their contacts in the Golf Hotel, for example?

6 A. [12:30:43] Well, you're asking me a little bit too much. I don't follow what other
7 people do, I just follow myself.

8 Q. [12:30:55] So at the BASA you do not know, that's your position, you did not know
9 and you still do not know whether at the BASA there were other soldiers who were
10 leading similar actions to yours?

11 A. [12:31:10] In fact, everybody was conducting their missions as best they could. I
12 can't understand or think in the heads of others. And in such a case I did not have any
13 discussions with somebody. Claude Shari was somebody that I talked to a lot but he is
14 no longer of this world. But neither did he tell me that he had conducted any sabotages.

15 Q. [12:31:39] So you said to us yesterday that you had gone to the Golf Hotel with
16 Babaï Ouattara, do you remember?

17 A. [12:31:59] Yes, I believe so.

18 Q. [12:32:00] And if I remember correctly you said that he was a soldier?

19 A. [12:32:04] Yes, he is a soldier, he remains a soldier.

20 Q. [12:32:08] He's still a soldier?

21 A. [12:32:09] Yes, he's still a soldier.

22 Q. [12:32:10] Which unit?

23 A. [12:32:11] From the BASA. He was a member of the BASA because he's no longer
24 in the BASA.

25 Q. [12:32:16] All right. And this gentleman, for example, did he also conduct any

1 activities in an attempt to sabotage the movements of the BASA to give any information
2 on the comings and the goings of the members of the BASA, et cetera?

3 A. [12:32:38] Well, as I said to you, you're asking me a little bit too much. I know
4 about the missions that I conducted. The missions of other people, they're in a better
5 position to tell you. Call them, ask them. Only -- may I? Only, only what I know is
6 that Ouattara Babai called me to tell me that the blockade of the Golf Hotel had been
7 dismantled. That's what he did, at least, but apart from that I don't know anything else.

8 Q. [12:33:17] Very well. So you were not arrested for having sabotaged the vehicles
9 because, as you say, nobody --

10 THE INTERPRETER: [12:33:29] Overlapping speakers. Overlapping speakers.

11 MR ALTIT: [12:33:32] (Interpretation)

12 Q. [12:33:33] As you just said, nobody knows, you didn't -- you weren't arrested for
13 intelligence with the enemy because nobody knows that you --

14 THE INTERPRETER: [12:33:41] Overlapping speakers, Mr President.

15 PRESIDING JUDGE TARFUSSER: [12:33:43] Please, don't overlap, just speak one after
16 the other. Thank you.

17 MR ALTIT: [12:33:51] (Interpretation)

18 Q. [12:33:52] Were you arrested for another reason, were you arrested for another
19 reason apart from the two that we've just examined?

20 A. [12:34:06] It is the reason that I gave you. I was told that I had given my mobile
21 phone to Patrice who then threatened Pegard Egni. I was in Akouédo, he was at the
22 Golf Hotel. I don't know how that is possible.

23 Q. [12:34:24] Very well. So I'm going to be reading your statement to you, it is
24 paragraph 35, page 487. So you say therein:

25 "I was sent to the military tribunal on that same day I was taken to the Mama where I

1 spent more than a week. It was the military judge, Captain Roger, who questioned me.
2 I do not recall his full name. Captain Roger said to me that he could not see anything in
3 my case file and that he does not understand or did not understand why I was arrested. I
4 was never tried for the charges levelled against me. I was also told that I had contact
5 with Diomandé Losseni, commander from the west within the Forces Nouvelles and
6 Commander Ouattara Siaka, alias Wattao, at the time when I was arrested."

7 Do you recall having said that?

8 A. [12:36:07] Yes, I do remember having said that.

9 Q. [12:36:11] So my first question to you: Are you a family member of Diomandé
10 Losseni?

11 A. [12:36:21] We are not related.

12 Q. [12:36:23] Are you related to Wattao?

13 A. [12:36:26] We are not family members but we hail from the same region.

14 Q. [12:36:31] Wattao?

15 A. [12:36:32] Yes.

16 Q. [12:36:33] Who is Wattao?

17 A. [12:36:35] Wattao is Issiaka Outtara.

18 Q. [12:36:40] And what does he do in life?

19 A. [12:36:42] He is a soldier.

20 Q. [12:36:46] Was he what's referred to as a com-zone?

21 A. [12:36:51] Yes, at the time he was a com-zone, but I didn't have his contact details
22 so I could not have discussed anything with him. Neither did he have my contact
23 details.

24 Q. [12:37:09] Did he lead or have a command over any troops at the end of the crisis,
25 call them as you like, *rebels, Forces Nouvelles, troops that came into Abidjan?

1 A. [12:37:21] I was not under his -- in his service, which means I did not work with
2 him, and to say precisely what he did would not be the truth. When I arrived at the Golf,
3 I gave myself a mission and, after having talked to Colonel Patrice, I was to ensure
4 security. I can't be a soldier, fire myself in a place and then not fear something about
5 everything that's going on there. And moreover, in that period, I believe that when I was
6 in the Golf Hotel we were being attacked from Treichville. There was sustained gunfire.
7 And thankfully I -- the ONUCI was there to provide security. But everyone was trying
8 to defend the zone. Because were the zone to fall in the hands of those on the other side,
9 can you imagine what would have happened.

10 Q. [12:38:21] Very well. The ONUCI was there for security, where was that, at the
11 hôtel du Golf?

12 A. [12:38:34] Yes, the hotel --

13 THE INTERPRETER: [12:38:35] Overlapping speakers. Too fast.

14 PRESIDING JUDGE TARFUSSER: [12:38:37] Yes, again. We are -- I mean, we have to
15 take care in account that somebody is translating and interpreting and transcribing, so
16 please slow down. Thank you.

17 MR ALTIT: [12:38:52] (Interpretation)

18 Q. [12:38:54] So we shall take it again slowly. You said there were ONUCI troops at
19 the hôtel du Golf; is that correct?

20 A. [12:39:06] Yes.

21 Q. [12:39:06] Did you know the origin of the ONUCI contingent at the hôtel du Golf?

22 A. [12:39:13] Well, we didn't discuss anything. I didn't approach them enough to
23 know where they hailed from.

24 Q. [12:39:22] Very well. Were there any French soldiers at the hôtel du Golf?

25 A. [12:39:28] I never saw any French soldiers at the hôtel du Golf.

1 Q. [12:39:32] Was President Ouattara at the hôtel du Golf?

2 A. [12:39:36] I heard that he was at the hôtel du Golf but I, myself, never saw him.

3 Q. [12:39:44] Was Wattao at the hôtel du Golf?

4 A. [12:39:48] I saw him once or twice at the hôtel du Golf, and we even greeted each
5 other and then he left. We know each other well.

6 Q. [12:40:01] Were there many people coming by the hôtel du Golf?

7 A. [12:40:05] What do you mean by lots of people coming by?

8 Q. [12:40:08] Lots of comings and goings?

9 A. [12:40:10] Yes. After the arrest of President Gbagbo, there were lots of people
10 coming in and out, and there were even people who came to greet their family members
11 who had been in the blockade throughout that entire time.

12 Q. [12:40:25] Very well. With regard to President Gbagbo, was he at a given moment
13 in time taken to the hôtel du Golf?

14 A. [12:40:36] Yes, he was taken there, but I wasn't there. I heard that he had arrived
15 at the hôtel du Golf.

16 Q. [12:40:47] Did other people close to President Gbagbo or were they, these other
17 people close to President Gbagbo, taken to the hôtel du Golf?

18 A. [12:40:57] Well, after him, I do not know whether any other people were taken
19 there, but I know that General Guiai Bi Poin in my presence came to take an oath, and he
20 came to see us and then he went to swear allegiance, swear allegiance to the president.

21 Q. [12:41:21] Very well. Let's come back to your detention. Did you preserve your
22 telephone throughout the duration of your detention?

23 A. [12:41:32] When I was at the research brigade my telephones were taken away
24 from me. When I was taken to the military tribunal I did not have my telephones.

25 When I arrived at the Mama, a little time -- a little while later somebody said in my ear

1 that if I gave something I could have my telephone. And who wouldn't want to have
2 news of their family; everyone would want that. So my family would come and visit me
3 at the time. And I received the visit of my brother-in-law, that is to say, my wife's
4 younger brother, who'd left me a little bit of money. So it was all a good means of
5 gaining information from my family. And I would thank the person who gave me that
6 money because he helped me a lot.

7 Q. [12:42:36] Very well. Did you call Babaï Ouattara from the research cell?

8 A. [12:42:47] From the research cell? I was in prison. My telephones had been
9 taken away; how could I call him?

10 Q. [12:42:54] Very well. So then you were sent to the Mama. When were you sent
11 there, at what date?

12 A. [12:43:02] Well, I know that I spent at least a week or -- and three days, that is to
13 say 10 days, so from the date of my arrest and detention, which was the 18th, so but from
14 26th, 27th, 28th, and then I was sent to the Mama.

15 Q. [12:43:32] Very well. Did you have any contact with the outside world during
16 your stay at the Mama?

17 A. [12:43:41] I did have contact with my family because I did find a means of getting a
18 hold of my telephone. It was normal for me to find out what was going on with my
19 family.

20 Q. [12:44:06] So I'm going to be reading your statement to you, paragraph 141, page
21 503, and you are speaking, and I quote. So I'm quoting you, sir, okay?
22 "Whilst I was still at the Mama, Koné Klotiari told me over the telephone that two shells
23 had been fired at Abobo. In the Mama prison, I arranged with the prison guards to have
24 my mobile phone on me and that's how I was able to communicate with him. After
25 having talked to Koné Klotiari, he told me that two shells had been fired from Camp

1 Commando. I don't know where he was at the time of the firing, but he must have
2 known because when something happens in Abobo any northerner seeks to find out
3 what. Koné Klotiari had ways of finding out; he could also find information from other
4 people. I do not recall the date at which I spoke to Koné Klotiari, but it was whilst I was
5 in prison at the Mama."

6 So who is this Koné Klotiari?

7 A. [12:46:12] In fact, Koné Klotiari was a soldier, but this person liked me very much,
8 and he was more or less my confidant there. I think he was a corporal and I was already
9 a sergeant. And at the height of the crisis, this was a gentleman that, when he was going
10 to do something, he always sought my advice, and that's not a bad thing because I am his
11 elder. And with regard to -- well, when I was in the Mama it was he, and I even said that
12 in this courtroom if I'm not mistaken, it was he who informed me of the shells that had
13 fallen at the market because I remember you already asked me that question, and I told
14 you that it was not my aunt who told me about the shells that had fallen at the market.
15 Rather, it was she who had told me about SOS. It was Koné Klotiari who told me about
16 the shells that had fallen at the thingy, at the market.

17 Q. Very well. So you were at the Mama on 26 March, and Koné Klotiari informed you
18 of the shelling of the market; is that correct?

19 A. [12:47:36] Well, it wasn't on 26 March that there was bombing. There was
20 bombing before that, but I didn't know. And when we were talking, during our
21 discussions, when we talked about the SOS neighbourhood, he had me understand at that
22 very moment in time there were also shells that had fallen on the Abobo market because I
23 didn't know that. I was already behind bars. And this was information that I might not
24 have been in a position to glean.

25 Q. [12:48:09] Very well. So it is your position to say that between 17 and 27 March,

1 you did not glean any information on the alleged bombing of the market; is that correct?

2 A. [12:48:26] I say that before my arrest, I was not in the know with regard to the
3 shelling of the market. However, during my detention at the Mama, Koné Klotiari called
4 me, and during the discussions that we had, I heard that there had been a bombing, the
5 bombing of the market.

6 Q. [12:49:08] Very well. You explained to us that you left, you escaped, you went to
7 the Golf. I have a question. Did you stay at the Golf until the end of the crisis?

8 A. [12:49:20] Staying at the Golf till the end of the crisis would be excessive. When
9 President Gbagbo was arrested, a few days later Colonel Patrice approached me, and he
10 entrusted a mission in me. Firstly, we had a bit of a talk and then he said that Minister
11 Banzio, who at the time was the minister of commerce, was due to travel to the west, to
12 Liberia, where foodstuffs were to -- food supplies were to be given to Ivorians who had
13 sought refuge there. And he was, you know, it was difficult to find people to go there,
14 and he was asking me to conduct the mission.

15 But knowing that area only too well, because I had been there since the beginning of the
16 Liberian war, and then going with somebody like that as a move of solidarity, I wasn't
17 going to refuse. I accepted.

18 Q. [12:50:32] Very well. So I have a few questions with regard to the handling of 120
19 millimetre mortars. You said that you had followed some training on handling 120
20 millimetre mortars?

21 A. [12:50:49] Yes.

22 Q. [12:50:50] In what year?

23 A. [12:50:50] If I gave you the year, it would not be precise because I don't have all
24 those years in my mind. But when I was completing my CA2, that is level 2, I did study
25 those 120 millimetre mortars. At the BASA, there was the artillery, the surface-to-air

1 battalion and the BASS, and these had been merged. So what the people from BASA
2 learnt, the members of the artillery also learnt, so and vice versa.

3 Q. [12:51:32] Very well. You said yesterday that you had conducted a few test
4 firings at the firing range.

5 A. [12:51:47] Yes.

6 Q. [12:51:48] If I understand you correctly, you were never in charge of 120 millimetre
7 motors in the theatre of operations; is that correct?

8 A. [12:51:59] In the theatre of operations, that would only be in Abobo that I was in
9 charge of a mortar. Otherwise before that, it was during the training programmes.

10 Q. [12:52:10] For us to understand correctly, on the basis of your testimony, I thought
11 I understood that you were not in charge of the mortar when you went to Abobo; you
12 were in charge of the detachment and each had their own chef de pièce?

13 A. [12:52:32] Well, when you're a chief of detachment, you have the responsibility of
14 all the weapons there, so I can't say entirely that I was not in charge of the mortar as a
15 chief of detachment. Any problem that might have arisen with regard to the mortar
16 was -- would fall directly on to my responsibility. That mortar was under my
17 responsibility, as were the people working on the 12.7.

18 Q. [12:53:04] Very well. At the BASA, were there any soldiers who had more
19 extensive experience out in the field of mortars than you did, that is to say, in the 10 years
20 of civil war, more extensive experience than you?

21 A. [12:53:21] Yes. When I take the case of an individual who started from the CP1
22 tireur gunner at the BASS until BA1, that would be the person who was my direct deputy.
23 Guy Dominique, that is. He is from the BASS. That means to say that he came from the
24 BASS.

25 Q. [12:53:52] Very well. So in that case, why was it you who was sent to the Camp

1 Commando on 3 March with, according to you, the mission of using mortars?

2 A. [12:54:06] As the chief of detachment, Guy Dominic was under my orders, so it
3 was I who was due to give the orders to Guy Dominic to execute, and I had the -- gave
4 support to him for the execution of that order, for it to be perfect.

5 THE INTERPRETER: [12:54:29] Overlapping.

6 THE WITNESS: [12:54:32](Interpretation) But the two of us, the one who was the better
7 in control, he had started to use that weapon in a different manner to me from the outset
8 of his experience in the army, but the result was that I actually was the person in charge in
9 that situation.

10 MR ALTIT: [12:54:49] (Interpretation)

11 Q. [12:54:50] Very well. Is there a minimal firing distance for a 120 millimetre
12 mortar?

13 A. [12:54:59] I do not believe so, but the minimal firing distance, well, you're not
14 going to take a mortar with an action radius of 300 metres and fire it at what you call it,
15 the thingamabob, 200 metres. Well, you'll die.

16 Q. [12:55:25] And the distance of 500 metres?

17 A. [12:55:29] 500 metres, you will already be safe from that 300 metres. And it might
18 not even hit you. And at 500 metres distance, it is as the crow flies. That's not 500
19 metres between, you know -- we know those little streets in Abobo, don't we.

20 Q. [12:55:55] Very well.

21 PRESIDING JUDGE TARFUSSER: [12:55:56] Maître Altit, I would just like to remind
22 you that we have 20 minutes, and you have, and you have 20 minutes.

23 MR ALTIT: [12:56:06] (Interpretation) Now, Mr President, with regard to the time
24 ticking, I have a few short questions on this subject area, and with your permission, I
25 would like to finish up on this. It will take us a few minutes, and then as regards the

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1 rest.

2 PRESIDING JUDGE TARFUSSER: [12:56:25] We go to 20 minutes, to three -- to 1.15.

3 but that's what I wanted to tell you, that you have until 1.15, and then you have exhausted

4 your time because you're well over the three hours approaching the time spent by the

5 Office of the Prosecutor. That's what I wanted to say.

6 MR ALTIT: [12:57:00] (Interpretation) Well.

7 MR ZOKOU: With Mr Knoops, we have discussed things, and I think that we can give

8 you an idea of -- well, we can take some time from our time and leave a little bit more

9 time to Mr Gbagbo because we won't need much time ourselves, just one hour maximum.

10 So they can use part of our time allocated.

11 PRESIDING JUDGE TARFUSSER: [12:57:34] Then you have 20 minutes plus half an

12 hour, so we finish today.

13 MR ALTIT: [12:57:45] (Interpretation) Yes, Mr President.

14 Q. [12:57:53] So sir, I would like to come back to a photograph that was shown to you

15 yesterday by the representative of the OTP. The reference is as follows,

16 CIV-OTP-0028-0513-R01.

17 Sir, can you see the photograph?

18 A. [12:58:46] I can see it very well.

19 Q. [12:58:49] Do you recall having seen it yesterday?

20 A. [12:58:51] Yes.

21 Q. [12:58:51] Very well. I have a very simple question to put to you. Is this a shell

22 of 120, 80 or 60 millimetres?

23 A. [12:59:05] It's a 120 millimetre shell, but they were grey in colour, the ones that we

24 had, but virtually the same format.

25 Q. [12:59:19] So on the photograph, you said to us that the photograph came from the

1 internet; is that correct?

2 A. [12:59:26] Yes.

3 Q. [12:59:28] On the photograph it is written a 120 millimetre shell. Do you know
4 where that photograph comes from, the source? It's on the internet, but do you
5 remember the site or?

6 A. [12:59:49] Well, you can see here that it's a photograph taken on a sheet on the
7 internet. If I were to tell you where that came from, it would be -- it wouldn't be the
8 truth.

9 PRESIDING JUDGE TARFUSSER: [13:00:02] But I think yesterday the witness said that
10 it was given him or shown to him by the investigator of the Office of the Prosecutor, so.

11 MR ALTIT: [13:00:15] (Interpretation) Yes, but they could have discussed about the
12 source or the site. But the answer of the witness is clear anyway.

13 Q. [13:00:31] When this photograph was found by the people interviewing you, were
14 you there; did you take part in the search?

15 A. [13:00:39] I never touched the computer, but I asked them to show the various
16 types of shells to me, and when they showed those shells, I pointed at this one as being
17 similar to the one we used, except that ours had been grey in colour.

18 Q. [13:01:04] Very well. We are not very familiar with these types of things. Let me
19 ask you a layman's question. When you put a shell in a tube, is it all that you see there
20 that goes in?

21 A. [13:01:27] Yes, that is the body of the shell. You can look at my left hand. That is
22 where the rocket was, but on the other side with the small holes, that is where the rounds
23 were inserted.

24 Q. [13:02:01] Very well. When it is fired, does it make noise?

25 A. [13:02:08] Yes, when it is fired, it does not make noise, it just makes toong (phon)

1 as it leaves the tube, but it is where it falls that there is noise.

2 Q. [13:02:23] To your knowledge, when the shell falls somewhere, does it create a
3 crater?

4 A. [13:02:38] What is that?

5 Q. [13:02:40] A hole.

6 A. [13:02:45] It depends on the type of soil. If it is soft, there is going to be a crater,
7 but if it is a tarred surface then it will then make -- create lighter danger.

8 Q. [13:03:04] Can you recognise the calibre because of the type of crater?

9 A. [13:03:11] What was being fired was not even on solid land. It could be on sea.
10 So if I tell you that you can judge the distance because of the circumference of the hole,
11 then that would be incorrect. How am I going to determine that? Because in Bassam
12 where we fired, it was in water, in the sea.

13 Q. [13:03:47] Very well. And when the shell lands, the explosive part explodes, there
14 is a part that remains?

15 A. [13:03:59] When it explodes, it is complete conflagration, everything explodes,
16 nothing remains.

17 Q. [13:04:17] Very well. Mr Witness, I'm going to ask you a few questions on certain
18 people that you might have met during the crisis. Coulibaly Yaya.

19 A. [13:04:45] I do not remember that name.

20 Q. [13:04:51] It doesn't ring a bell?

21 A. [13:04:54] No.

22 Q. [13:04:57] Traoré, AKA Tracteur, Ouattara's adviser?

23 A. [13:05:06] Yes, I remember that name.

24 Q. [13:05:07] And do you remember why you were in contact with that person?

25 A. [13:05:12] This person called me on one occasion. I was with a soldier of the BCS,

1 and it was not on my cellphone that he called; he called the other person's phone. And
2 during the conversation the other person gave me the phone and I spoke with Tracteur.

3 Q. [13:05:41] What did Tracteur want?

4 A. [13:05:45] Tracteur asked me to join them.

5 Q. [13:05:51] Join whom?

6 A. [13:05:55] Tracteur, I cannot identify him physically because I never met him
7 face-to-face, but since Tracteur is someone from the north, he called my friend who is also
8 from the north. We discussed, and knowing that I was from the north, there had to be
9 greater solidarity. So he asked me to join them, but it did not mean that I carried out
10 missions with them.

11 Q. [13:06:29] Them whom?

12 A. [13:06:29] Those of us from the north.

13 Q. [13:06:33] And what was Tracteur's position?

14 A. [13:06:39] I've told you, I never served with him, I never lived with him, he's not
15 my friend, so I cannot tell you what his occupation was.

16 Q. [13:06:53] This is someone who called you to recruit you and you do not know
17 what he did?

18 A. [13:07:00] He conversed with my friend who handed the phone over to me. For
19 example, the whites who were in Abidjan at that time, the best way so as not to be
20 attacked was to be in solidarity. If you saw your friend, a white person, and you wanted
21 to provide security for him, you would do that. If you want -- if you found a way out for
22 him, you would do that. It is not that Tracteur asked me to carry out any missions.

23 Q. [13:07:44] Very well. He asked you to join them, that is the pro-Ouattaras?

24 A. [13:07:52] I'm talking about the northerners. He did not mention Ouattara. I do
25 not even know whether he knows Ouattara or not.

1 Q. [13:08:01] Very well. What does it mean "join them," take part in meetings or
2 what?

3 A. [13:08:10] Talking about meetings, I never attended any meeting with him. To
4 join them means that when a population is oppressed, the only way to defend themselves
5 is to unite. I believe that is what he meant.

6 Q. [13:08:30] And your officer-friend who was there, who was he?

7 A. [13:08:35] He was not an officer, he was an NCO, like myself. If I'm not mistaken,
8 he's still a staff sergeant.

9 Q. [13:08:45] And his name?

10 A. [13:08:48] I no longer remember his name. We were not very close friends. We
11 have not seen each other for a long time. I can even say that since 2003, I have not seen
12 him till today.

13 Q. [13:09:03] Gendarmerie Captain Nico, does that ring a bell with you?

14 A. [13:09:09] No, no.

15 Q. [13:09:18] Nothing?

16 A. [13:09:19] No.

17 Q. [13:09:24] Diomandé Zoumana, does that mean anything to you?

18 A. [13:09:28] Yes.

19 Q. [13:09:29] What did he do at the time?

20 A. [13:09:30] He was at the BASA, like myself.

21 Q. [13:09:34] Very well. As far as you know, did he carry out any anti-MDS
22 activities? Did he provide information or carry out sabotage?

23 A. [13:09:49] I told you here that I'm aware of my mission, I'm not aware of the
24 missions of others, so if I told you that he carried out actions, I would have lied. It was
25 through Zoumana that I knew the person who put me in contact with Tracteur.

1 Q. [13:10:12] Very well. So Tracteur was in contact with other soldiers of the BASA;
2 is that correct?

3 A. [13:10:20] No, but it was Diomandé Zoumana who put me in contact with the
4 person who made it possible for me to have a conversation with Tracteur, that means the
5 friend of a friend, and so on and so forth.

6 Q. [13:10:42] Let me put my question in another way: As far as you know, was
7 Tracteur in contact with other soldiers of the BASA?

8 A. [13:10:51] I cannot tell you because when I had my conversation with Tracteur,
9 Diomandé Zoumana was not there.

10 Q. [13:11:05] Vakenan Karamoko?

11 A. [13:11:09] I know him very well.

12 Q. [13:11:10] What was he doing at the time?

13 A. [13:11:12] He was also from BASA.

14 Q. [13:11:16] As far as you know was he in contact with Tracteur?

15 A. [13:11:20] I'm not in a position to tell you.

16 Q. [13:11:25] Minafe Coulibaly?

17 A. [13:11:37] I also know him very well.

18 Q. [13:11:42] What was he doing at the time?

19 A. [13:11:44] He was also from BASA.

20 Q. [13:11:46] Was he in contact with Tracteur?

21 A. [13:11:50] I've already told you, I cannot say.

22 Q. [13:11:57] Do you know whether Coulibaly was involved in sabotage activities?

23 A. You can tell me if you know because I've told you, I didn't know what the others
24 were doing.

25 Q. [13:12:12] Very well. Sekongo Maliki?

- 1 A. [13:12:16] I know him very well.
- 2 Q. [13:12:17] What was he doing?
- 3 A. [13:12:20] This is the list of people that I myself sent to the Golf. I said, since
- 4 you're not secure, you can come to the Golf. Those are the people you're mentioning.
- 5 Q. [13:12:34] What was he doing?
- 6 A. [13:12:36] He was an artillery soldier. We worked together, and he is also my
- 7 friend.
- 8 Q. [13:12:45] Do you still have the list that you're talking about?
- 9 A. [13:12:48] The list of people that I sent to the Golf Hotel?
- 10 Q. [13:12:55] Yes.
- 11 A. [13:12:59] I do not need that list. If you tell me that you are not secure, I will say
- 12 you can come. If those others were secure, they remained, because the commanding
- 13 officer himself had already left.
- 14 Q. [13:13:16] Konan Konan Gilbert?
- 15 A. [13:13:21] I know him. He also asked me to assist him to go into -- to help him to
- 16 go to the Golf Hotel. So that is the list that you are reading.
- 17 Q. [13:13:34] From BASA?
- 18 A. [13:13:35] Yes, all from BASA.
- 19 Q. [13:13:38] Sekongo Zié?
- 20 A. [13:13:41] He also was of BASA.
- 21 Q. [13:13:44] Brigadier Kra?
- 22 A. [13:13:50] I cannot remember the face.
- 23 Q. [13:13:56] I will jog your memory. The brother of Konan Konan?
- 24 A. [13:14:05] Konan Konan was my bon petit or junior friend.
- 25 Q. [13:14:11] Brigadier Kra, was he in BASA?

1 A. [13:14:15] I cannot tell you precisely whether he was from BASA or not, but if he's
2 the brother of Konan Konan, then I know him.

3 Q. [13:14:25] Sergeant Coulibaly Lanzeni?

4 A. [13:14:31] Coulibaly Lanzeni, I believe he was in BASA. He was referred to as
5 Coulibaly Losseni.

6 Q. [13:14:42] *Hien Sié?

7 A. [13:14:48] He was from the BB, the armoured battalion, but I was not the one who
8 told him to come.

9 Q. [13:14:56] Who was he?

10 A. [13:14:58] I do not know.

11 Q. [13:15:00] Colonel Doumbia?

12 A. [13:15:04] I found Colonel Doumbia at the Golf Hotel, and I heard -- well, just a
13 minute. I did not find him there. He is the commander of the special forces today.
14 The one I know is called Abdoulaye, but he is a captain. I found him there. But I also
15 know Colonel Doumbia, if that is the person who is the commander of the special forces
16 currently.

17 Q. [13:15:42] One general question, a bit different from the previous questions. Now,
18 amongst those people that I've mentioned, to your knowledge, did some of them involve
19 themselves in sabotage or spying activities in favour of the pro-Ouattaras?

20 A. [13:16:10] It is possible, *but not with me, apart from Klotiari, because Klotiari
21 himself trained.

22 Q. [13:16:23] What is his role?

23 A. [13:16:25] He was a brigadier in the BASA. He was a young man who had a lot of
24 admiration for me. To talk about his protégé, that would be too much, but I was
25 someone who advised him, that he confided in.

1 Q. [13:16:49] Very well. So you are saying that he gave you information and you
2 conveyed that information to Colonel Kouassi in the Golf?

3 A. [13:17:03] He would inform me about anything. Babaï, for example, would call
4 me to say that the blockade had been dismantled. Since on the other side, there were
5 people from the Golf Hotel such as Kouassi Patrice, I would provide that information to
6 him, but I did not act as an intelligence officer.

7 Q. [13:17:27] Very well.

8 MR ALTIT: Mr President, I believe that we can stop here.

9 PRESIDING JUDGE TARFUSSER: [13:17:34] Yes, we break here. We break here for
10 the lunch break. We resume at 2.45 when you have another half an hour, generously
11 given to you by the Defence of Mr Blé Goudé.

12 I think I would alert also the OTP in case of, at the end of the questions of the Defence,
13 Blé Goudé re-requesting or not, that we, if possible, can finish today.

14 Thank you very much. The hearing is adjourned to 2.45.

15 THE COURT USHER: [13:18:11] All rise.

16 (Recess taken at 1.18 p.m.)

17 (Upon resuming in open session at 2.52 p.m.)

18 THE COURT USHER: [14:52:16] All rise.

19 Please be seated.

20 PRESIDING JUDGE TARFUSSER: [14:52:32] I was informed - good afternoon - I was
21 informed that the Defence for Mr Gbagbo wants to raise an issue in the absence of the
22 witness and, therefore, I give, that's right, I give the floor to Maître Altit? I would like
23 just to ask if it could be brief because we would like to, if possible, to close today, having
24 maybe a little bit of an extension of the one hour and a half. So please.

25 MR ALTIT: [14:53:10] (Interpretation) Thank you, Mr President. You will judge

1 whether it is brief. It is an issue that we think your Chamber should deal with. Mr
2 President, we want to confront the witness with an excerpt from P-234, disclosed by the
3 Prosecutor and relating to destabilisation cells. The excerpt that we would like to use to
4 confront the witness with are included in CIV-OTP-0041-0534, paragraphs 31 to 46.
5 Normally I would need to read all the paragraphs into the record, but since it is a bit
6 lengthy, we think it would be useful to distribute to all the parties and to the witness the
7 hard copies of those paragraphs so that everyone can read them and then I will put the
8 questions later.

9 Obviously we will distribute the copies to the court reporters so as to be included directly
10 into the record.

11 And to be clear and precise, I have a second issue that I would like to deal with in private
12 session. Thank you.

13 PRESIDING JUDGE TARFUSSER: [14:55:22] Let's go into private session.

14 (Private session at 2.55 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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19 (Redacted)

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- 1 (Redacted)
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- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Recess taken at 3.00 p.m.)
- 12 (Upon resuming in private session at 3.06 p.m.)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Open session at 3.07 p.m.)
- 18 THE COURT OFFICER: [15:07:09] We are in open session, Mr President.
- 19 PRESIDING JUDGE TARFUSSER: [15:07:21] The Chamber, having heard the parties on
- 20 the request of the Defence for Mr Gbagbo to confront this witness, the current witness,
- 21 with a statement, with a statement of a person who is not to be called by the Office of the
- 22 Prosecutor as a witness, because it was withdrawn, is rejected on the basis of the fact that
- 23 this is a person, it is not even a potential witness and, therefore, it is something who is not
- 24 part of this trial, it has not been part and is not in theory part of this trial.
- 25 The Defence obviously has the possibility to call the person who was withdrawn by the

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1 Office of the Prosecutor and then question it on the statement which the person has given
2 to in the investigative phase of the proceedings.

3 So I would now call the witness to be brought in, and for the witness to be brought in and
4 continue with the questioning by the Defence for Mr Gbagbo for half an hour, then we
5 have one hour for the Defence of Mr Blé Goudé, and then, if need be, the re-questioning, if
6 so requested by the Office of the Prosecutor.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE TARFUSSER: [15:09:30] Obviously the Defence for Mr Gbagbo can
9 put the question, but without making reference, can put the question which encompasses
10 the whole issue, but without making reference to the statement of the person we are
11 referring to.

12 Good afternoon, Mr Witness.

13 Maître Altit.

14 THE WITNESS: [15:09:55] Bonjour, Monsieur le Président, Maître Altit.

15 MR ALTIT: [15:10:05] Merci, Monsieur le Président.

16 Q. [15:10:45] (Interpretation) We have learned, Mr Witness -- Mr Witness, we have
17 learned that a person, a BASA member who was in contact with people at the Golf hotel,
18 was recruiting people amongst the BASA staff at the request of the people he was working
19 for at the Golf, people he reported to. We have learned.

20 Now, this person, Mr Witness, we have learned that this person had recruited, recruited
21 from --

22 And your Honour, in order to comply as much as possible with your ruling, would you
23 like me to give the name, the list of names in open court or in private session? This is
24 what we have learned from the list of persons who were recruited by the person who was
25 following orders from the Golf to recruit people who would engage in various activities to

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1 support the Ouattara camp.

2 PRESIDING JUDGE TARFUSSER: [15:12:48] I would put the question: Do you know

3 anything about this recruitment of these persons? Or what do you know about this?

4 But I would go into private session for the names. So let's go into private session.

5 (Private session at 3.13 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 3.15 p.m.)

10 THE COURT OFFICER: [15:15:57] We are back to open session, Mr President.

11 PRESIDING JUDGE TARFUSSER: [15:15:59] I think, Maître Altit, that the question
12 should now be: What do you know about this? How were they recruited? If he
13 knows and things like this, I mean an open one. Thank you.

14 MR ALTIT: [15:16:12] (Interpretation) Absolutely, your Honour. That was indeed my
15 thought. I would just like to conclude with the very premises of the question.

16 Q. We have also learned that within all the units of the various police and law
17 enforcement people, there were people placed there to destabilise on behalf of the people
18 at the Golf. So my question is this, as the Presiding Judge has just said, what do you
19 think or what have you learned and what do you have to say in response to this question
20 and these related premises?

21 A. [15:17:01] To my knowledge, no one contacted me to recruit me. That's the first
22 thing. I have not yet received money. I've not received money to do anything.
23 Perhaps if someone were to give me money now that would be most welcome. And
24 everything that you have mentioned, I am not them. They never came and told me that
25 they received money. And who recruited them?

1 It would also be a good thing to know who allegedly was doing this recruitment, because
2 I don't know.

3 PRESIDING JUDGE TARFUSSER: [15:17:43] Excuse me. Mr Witness, do you know all
4 these people which were nominated by Maître Altit?

5 THE WITNESS: (Interpretation) I know them very well.

6 PRESIDING JUDGE TARFUSSER: [15:18:02] And why do you know them?

7 THE WITNESS: [15:18:04] (Interpretation) We've always served together within the
8 BASA.

9 PRESIDING JUDGE TARFUSSER: [15:18:19] Do you know if at any point in time they
10 left BASA and where they went to?

11 THE WITNESS: [15:18:32] (Interpretation) While I was at the BASA none of them had
12 left, there were no deserters.

13 PRESIDING JUDGE TARFUSSER: [15:18:39] Yes. But do you know if they at some
14 point in time left?

15 THE WITNESS: [15:18:48] (Interpretation) They left only when the BASA had been
16 shelled. The commanding officer of BASA himself had fled from the BASA. And these
17 people did not feel safe. They called me. Because these were people I spoke to
18 regularly. We northerners, we had one another's numbers. And even if they didn't
19 have my number, they could easily get my number from someone else. And since I was
20 a man from the north, it would have been easy for them to get my number from someone
21 else.

22 PRESIDING JUDGE TARFUSSER: [15:19:29] And once they left the BASA, where did
23 they go to?

24 THE WITNESS: [15:19:32] (Interpretation) As soon as they left the BASA, I can't tell
25 you exactly where they went, but when they asked for my assistance, I told them to come

1 to that place, what do you ma call it, the Golf hotel, after reporting to Colonel Patrice, each
2 time that someone would call me, because he was the one I knew the best there.

3 PRESIDING JUDGE TARFUSSER: [15:20:02] And do you know if somebody helped
4 them to go from the BASA to the Golf hotel?

5 THE WITNESS: [15:20:10] (Interpretation) I couldn't tell you, but what I do know is
6 that when I left to the Golf hotel, I went Ouattara Babai, but the sector is not unfamiliar to
7 us, because even during the runs we would often go through that area. So we were
8 generally familiar with that area.

9 PRESIDING JUDGE TARFUSSER: [15:20:49] Maître Altit.

10 MR ALTIT: [15:20:51] (Interpretation) Thank you, your Honour.

11 Q. [15:21:03] Now, sir, when was it that you first met with the investigators from the
12 OTP?

13 A. [15:21:14] After the crisis in the 2002, 2003 -- no, I beg your pardon, just after, after
14 2011, I believe. Just after 2011, after the crisis. But before that I didn't even know them.

15 Q. [15:21:46] And what was the purpose of this initial meeting?

16 A. [15:21:49] Which meeting?

17 Q. [15:21:51] With the OTP investigators.

18 A. [15:21:56] To listen to me. They asked me what I had experienced, what events I
19 had experienced.

20 Q. [15:22:07] And your last contact with the OTP, when was that?

21 A. [15:22:10] I can't remember.

22 Q. [15:22:14] In approximate terms?

23 A. [15:22:18] I couldn't tell you because I can't remember.

24 Q. [15:22:21] Was it a long time ago?

25 A. [15:22:22] Yes, it was a long time ago.

1 PRESIDING JUDGE TARFUSSER: [15:22:25] But the question is: You did a statement
2 to the -- you gave a statement to the Office of the Prosecutor, which we have and it's dated
3 6 and 7 September 2012. The question is: Did you meet the Office of the Prosecutor
4 before you gave the statement and after you gave the statement? And if yes, more times,
5 one time, two times, three times?

6 THE WITNESS: [15:23:00] (Interpretation) Well, I think I met them at least twice. But
7 before I gave my statement, I had not met anyone. No one came to see me before that.
8 When I came, the first day I got there it was when they asked me what happened.

9 PRESIDING JUDGE TARFUSSER: [15:23:23] Maître Altit.

10 MR ALTIT: [15:23:26] (Interpretation) Thank you, your Honour.

11 Q. [15:23:30] Now, you didn't threaten Pegard Egni to send him to the ICC during the
12 crisis?

13 A. [15:23:40] I said to him that he was going to pay for what he had done. And after
14 that, I was in prison. The day I saw him in the prison, since we had grown up together, I
15 said to him I was the one who put him in prison, but sooner or later, he would accomplish
16 his mission, so I don't see where the threat was, I don't think there was any threat in that,
17 to send him to the ICC.

18 Q. [15:24:13] Very well. How were you contacted by the OTP? By whom?

19 A. [15:24:23] I was there one day and I got a phone call. I don't know who gave them my
20 number. And then I was with Colonel Koffi, Koffi N'Dry. And after our discussion, he said to
21 report back. *I was at the BSPD at the time — at the Bureau for Security, Prospecting, Defence.

22 Q. [15:24:54] So you're saying that your superiors were informed?

23 A. [15:24:58] Yes. Each time I had to leave because I never take initiatives without
24 informing my superiors.

25 Q. [15:25:08] Very well. So before coming here you informed your superiors?

1 A. [15:25:14] They, themselves, gave me permission.

2 Q. [15:25:17] Very well. Were you given any promises to encourage you to cooperate
3 with the OTP?

4 A. [15:25:33] I did not receive any promises.

5 Q. [15:25:39] Did you sign any agreement to the effect that you would not be brought
6 before the Courts if you cooperated with the ICC?

7 A. [15:25:49] Not yet.

8 Q. [15:25:53] Did you give the names of any potential witnesses to the OTP?

9 A. [15:26:06] Yes. I gave some names. I even told them to go to Abobo so they could
10 get more intelligence. I don't know whether they went or not.

11 Q. [15:26:41] Which names?

12 MR MACDONALD: [15:26:44] Your Honours, could we go into private session in order
13 to provide these names? It's a request in order to --

14 PRESIDING JUDGE TARFUSSER: [15:26:53] Of course. Yes, of course. Let's go into
15 private session for the names.

16 (Private session at 3.27 p.m.)

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20 (Redacted)

21 (Redacted)

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Trial Hearing
WITNESS: CIV-OTP-P-0164

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0164

(Private Session)

ICC-02/11-01/15

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10 (Open session at 3.32 p.m.)

11 THE COURT OFFICER: [15:32:11] We are in open session, Mr President.

12 PRESIDING JUDGE TARFUSSER: [15:32:15] Thank you very much.

13 Maître Altit.

14 MR ALTIT: [15:32:18] (Interpretation) Thank you, Mr President. Mr President, your
15 Honours, this concludes the questioning of the witness by the Defence for Mr Gbagbo.

16 PRESIDING JUDGE TARFUSSER: [15:32:32] Thank you very much. Mr Witness, the
17 questioning by the Defence of Mr Gbagbo has terminated, and now I give the floor to the
18 Defence for Mr Blé Goudé and to this effect to Mr Knoops, which is the lead counsel of the
19 Defence for Mr Blé Goudé. Yours the floor, Mr Knoops.

20 MR KNOOPS: [15:32:54] Thank you, Mr President.

21 QUESTIONED BY MR KNOOPS:

22 Q. [15:33:00] Good afternoon, Mr Witness. My names is Geert-Jan Alexander Knoops,
23 I'm a lawyer in The Netherlands, member of the Defence team of Mr Charles Blé Goudé.
24 I have some additional questions on the evidence you gave on the use of mortars. My
25 first question is since you studied the dealings with the 120 millimetre mortars, sir, could

1 you tell us whether you are familiar with the technical abbreviation CEP? It's a technical
2 abbreviation which is used in the military science of ballistics. And my question is have
3 you ever heard of this technical abbreviation CEP?

4 A. [15:33:58] I do not remember.

5 Q. [15:34:10] You gave the investigators at the time of your interview some notes. It
6 was a small booklet, annex 14. Can you remember which year you wrote down those
7 notes in this notebook you presented to the investigators?

8 A. [15:34:34] What I have been saying, I do not really remember the year in which I did
9 my BA1. And those notes come from my BA1 notebook.

10 Q. [15:34:58] Could it be around 1987 because I learned that you enlisted in the army in
11 1987, and shortly after your basic training you went to artillery training of the BASA? So
12 could it be around 1987, 1988 that you wrote down those notes?

13 I guess that's yes? That's a yes?

14 A. [15:35:38] In '87, I had just been called, the BASS did not yet exist in Akouédo, so it
15 cannot be during that period. The BA2, I did it between 2003 and maybe 2005, 2006,
16 around that, so you're talking about a time well before that.

17 Q. [15:36:16] And during this CI2 course, the technical term CEP was not presented to
18 you? It doesn't ring a bell, this term, CEP?

19 A. [15:36:40] No.

20 Q. [15:36:41] You ever heard about the circular error probability, the term circular error
21 probability, or the circle of equal probability? That's the abbreviation CEP?

22 A. [15:36:57] When you talk about circular, maybe I would talk of deviation. Or I
23 don't know whether you're talking about the launching of the shell, the trajectory that it
24 takes before it lands.

25 Q. [15:37:38] I conclude you are not familiar with the term CEP. It's a term which is

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1 used in the military sciences of ballistics, it's a measure of weapons system precision
2 defined as a radius of a circle centred on the mean whose boundary is expected to include
3 landing points of 50 per cent of the rounds. That's the technical explanation of CEP.

4 Does this ring a bell to you?

5 A. [15:38:22] If I understand correctly, you're talking about the radius of action that the
6 shell affects when it lands; is that correct?

7 Q. [15:38:37] I think to put it simply, yes.

8 PRESIDING JUDGE TARFUSSER: [15:38:40] Mr Knoops.

9 MR KNOOPS: Yes.

10 PRESIDING JUDGE TARFUSSER: I think we have also a potential problem with
11 interpretation --

12 MR KNOOPS: [15:38:44] Yes.

13 PRESIDING JUDGE TARFUSSER: [15:38:45] -- because it's very technical --

14 MR KNOOPS: Yes.

15 PRESIDING JUDGE TARFUSSER: -- and you're speaking English, it's translated by --

16 MR KNOOPS: That's correct.

17 PRESIDING JUDGE TARFUSSER: [15:38:49] -- not ballistics experts.

18 MR KNOOPS: Yes.

19 PRESIDING JUDGE TARFUSSER: It could be that it arrives not in the correct way.

20 MR KNOOPS: [15:38:56] Yes.

21 Q. [15:39:00] Mr Witness --

22 MR MACDONALD: [15:39:02] Maybe, your Honours, with your permission, maybe my
23 colleague can simply read the French version available on Wikipedia because I believe
24 that's where he --

25 PRESIDING JUDGE TARFUSSER: Yes.

1 MR MACDONALD: -- took the information and put it in French to the witness, maybe
2 it's going to be clearer.

3 PRESIDING JUDGE TARFUSSER: [15:39:14] Yes, but the witness is a soldier, not an
4 expert in ballistic, I mean.

5 MR KNOOPS: [15:39:23] My next question, maybe we agree that there might be a
6 translation issue.

7 Q. [15:39:29] My point is, Mr Witness, are you familiar with the conventional 120
8 millimetre mortar CEP in the sense you just explained for yourself, so the radius of the
9 boundary which is expected to include the landing of a round?

10 A. [15:40:15] When you talk about the radius, what I learned during my training is that
11 I know the radius of action, which is about 300 metres, and the diameter is 600 metres. If
12 there are other rayons, I would not know, but maybe you can talk about the wind effects,
13 and it may be up to 300 metres, but we can also talk about the shrapnel, the distance that
14 it travels.

15 Q. [15:41:09] Today you gave evidence to the Chamber saying that 500 metres can be
16 part of the margin of error of this radius. That was said by you on page 71, line 10 of the
17 transcripts of today.

18 You can recall this? You answered on questions of the Defence counsel for President
19 Gbagbo that 500 metres can be part of the margin of error.

20 In the conventional 120 millimetres mortars manuals, the CEP, the radius, the boundary of
21 the projectiles to be expected to fall is mentioned around 130 till 140 metres. Are you
22 familiar with those figures?

23 A. [15:42:08] No. I was never told these numbers. The numbers that I'm familiar
24 with is 300 metres and 600 metres, 300 metres of radius and 600 metres of diameter. If
25 there are other figures, I was not taught those.

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1 PRESIDING JUDGE TARFUSSER: [15:42:33] Mr Knoops, but we should also know what
2 your source is. I mean --

3 MR KNOOPS: [15:42:38] Yeah, that's my next question.

4 PRESIDING JUDGE TARFUSSER: [15:42:40] I think could be, your source could be
5 wrong, huh?

6 MR KNOOPS: [15:42:45] Yeah, that's my next question to the witness would have been
7 and will be:

8 Q. [15:42:51] Mr Witness, you were taught with the figures 300 versus 600 metres.
9 Who, what was the basis of this information? Who gave you that information when it
10 concerns the radius of a 120 millimetre mortar?

11 A. [15:43:17] The figures were given to us by our instructors during the training, and
12 then we noted them down so as to learn them.

13 Q. [15:43:29] Yes.

14 A. [15:43:36] Now, since I never fired a mortar and then measured it, I could not have
15 crosschecked those figures.

16 Q. [15:43:47] You never used a mortar in live fire, I understand, you've never used a
17 mortar in a type of warfare; is that correct?

18 A. [15:43:59] I never used mortars in live battle.

19 Q. [15:44:11] You told us earlier that you had a French instructor. You were given a
20 course by a French instructor. Was it at that time that these figures were taught to you,
21 the figures 300 versus 600? Or were the instructors from the army of Côte d'Ivoire?

22 A. [15:44:40] The instructors during my BA1 training were all Ivorian. When I talk
23 about French instructors, I'm talking about the law of war, humanitarian law and so on.
24 And these were French instructors. And it was a long time ago. I was still a corporal.
25 It was not during the crisis.

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1 Q. [15:45:11] Thank you, Mr Witness.

2 My second question relates to what you told the Chamber yesterday in transcript page
3 3043, line 18. Your evidence was that there was no forward position to help the gunner
4 at the time of the alleged shelling. Do you remember that you gave that statement
5 yesterday?

6 A. [15:45:42] Yes.

7 MR KNOOPS: [15:45:51] Yeah.

8 Q. [15:45:53] Normally there is - normally there is overlapping speakers - normally
9 there is with regard to the firing of mortars a forward observer?

10 A. [15:46:07] You should have asked those who fired the shell why they did not
11 position a forward observer. But I don't believe that at that time someone would have
12 taken the risk to go and be a forward observer because they could be harmed themselves.

13 Q. [15:46:29] That was exactly, Mr Witness, my question. Why in this situation there
14 was no forward observer? Can you tell us about the risk you're referring to, the reason
15 why there was no forward observer, was it the risk of the FDS being shot at?

16 A. [15:46:55] During that period, after there was talk about the killing of the women,
17 everyone defended themselves. Would an FDS soldier have had the question to go -- the
18 courage to go and stand forward and say "Shoot further to the left or to the right"? No.
19 I, myself, if I had been sent there, I wouldn't have gone.

20 Q. [15:47:25] Were you taught, Mr Witness, whether there are any military operational
21 circumstances thinkable where the use of mortars is permissible without a forward
22 observer?

23 A. [15:47:39] Yes, indeed, that can exist. That is possible.

24 Q. [15:47:57] Can you mention one example?

25 A. [15:48:02] I can take, for example, a situation of insecurity. A friend shooting

1 against an enemy, you cannot tell a friend to go over to a road or a bridge, for example,
2 which is being used by the enemy for resupplies. If you want to destroy that bridge or
3 road, for example, you cannot tell somebody to go there and observe the shooting.

4 Q. [15:48:47] Would you agree with me, Mr Witness, that once a unit would have the
5 possession of an artillery carte, a navigational chart and would have given the
6 co-ordinates of a certain target, the use of mortars is permissible?

7 PRESIDING JUDGE TARFUSSER: [15:49:17] Very hypothetical, very hypothetical
8 question.

9 MR KNOOPS: [15:49:21] Well, it's in his statement. Well, it's of course directly related
10 to the incident, and I'm not going to detail why, then I would I think help the witness, but
11 I think I can ask the witness whether indeed such a situation is thinkable. And my
12 second question would be whether these artillery cartes were available in the military
13 camp at that time.

14 Q. [15:49:56] So my first question is, if a mortar unit has the possession of an artillery
15 carte and were given co-ordinates of a certain target and there is no forward observer, can
16 the battalion commander or the commander of the mortar unit fire a mortar grenade?

17 A. [15:50:26] When the co-ordinates are given, even though there are no observers, you
18 can fire. If you take the case of a bridge, for example, and you have to -- you need to cut
19 off the resupplies of ammunition or foodstuffs from the enemy, after the co-ordinates you
20 can fire.

21 If I take, for example, a location where there are residential houses, it is risky because if
22 you make an error, then you will have to assume responsibility.

23 Q. [15:51:15] Yes. Mr Witness, can you recall whether artillery cartes were present at
24 the time of the alleged use of this mortar in Camp Commando, I mean in specific artillery
25 cartes of the area of Abobo?

1 A. [15:51:33] When I personally went there, I did not have any cartes. I was not given
2 any cartes, I was given co-ordinates, and when I was given those co-ordinates, I was told
3 that it was to fire mortars on the Mairie Carrefour and N'Dotre and that those co-ordinates
4 corresponded to the actions that I was supposed to carry out. Otherwise I was not given
5 any artillery cartes.

6 In fact, even with that, there are risks if the co-ordinates did not come from me. I even
7 mentioned the name of the person who made the calculations.

8 Q. [15:52:43] But you would agree with me that in order to use the co-ordinates, you
9 would have the ability to use a map, artillery carte?

10 A. [15:52:57] Well, I do not disagree. You do understand more or less the reasons why
11 I did not execute the order.

12 Q. [15:53:16] Yes. Have you any information for the Chamber how accurate the
13 artillery cartes were in those days, I'm speaking of the time frame of February, March,
14 April 2011, the artillery cartes which were available for the FDS?

15 A. [15:53:44] During that period I did not use any cartes. So I cannot tell you whether
16 they were precise or not. If you refer to Colonel Dadi or Captain Brunot, they are in a
17 better position to explain to you. I didn't use any cartes during that period. So I cannot
18 confirm or deny the precision that those cartes would have provided.

19 Q. [15:54:24] But you must have used, I think in your 30 years career within the army at
20 any point in time, an artillery carte or you must have looked at a carte during those 30
21 years and, if so, can you tell us what is your experience with the accuracy of artillery
22 cartes?

23 A. [15:54:49] The cartes that I personally used were maps or cartes of Akouédo and its
24 vicinity. So they gave us small cartes of an area that we could study. But to say that we
25 had the entire carte or map of Abidjan or Abobo or Yopougon, I did not use any such

1 cartes.

2 One could even take a carte or map of Europe and work with it. The person being given
3 the training would simply be told this is how it is done. And I even remember that
4 during a cause, there was a carte of Akouédo, a map of Akouédo, but which was not up to
5 date, it was actually outdated. So there were areas that were in existence that were not
6 indicated on the carte.

7 For example, the carte that was given to me, the map that was given to me a short while
8 ago and I was asked to mark Carrefour Mairie and N'Dotr , you will realise that it took
9 me some time because there are areas that are not precise, there are only really numbers.
10 But I cannot tell you what they mean. A map has a legend, and based on that legend it is
11 possible to say what the map means. I did not have the legend, so I preferred not to
12 really be --

13 Q. [15:57:01] Mr Witness, I'm sorry. Mr Witness, I'm sorry. The map you are
14 referring to is of course not an artillery map, it wasn't presented as an artillery map. The
15 reason that I ask you this question that is in paragraph 157 of your statement, you say:
16 (Interpretation) "The distance is calculated as the crow flies in reference to an artillery
17 carte. The carte is a reduced representation on paper of a particular site. Co-ordinates
18 of the target are given, and based on that calculations are made and the barrel is targeted
19 in the direction of the site."

20 (Speaks English) So in your statement you did inform the investigators that it was usual to
21 use artillery cartes as a starting point with the co-ordinates to identify the target, isn't it?

22 A. [15:58:26] Yes. A carte with co-ordinates also has a legend which indicates what
23 can be on the carte or the map. You can have forests or small hills, in fact the general
24 topography, but when you talk about measures, as the crow flies, if I am going towards
25 you, if I go towards the president before going to you, the distance is long, longer than if I

1 take something and throw in your direction, it is direct. So this is as the crow flies, but
2 on foot you have to divert.

3 Q. [15:59:32] Mr Witness, you informed us that sometimes with the use of mortars the
4 first and second round are being used to hit the target. You need -- in your evidence you
5 told the Chamber that you sometimes need more rounds to hit a target. Would you
6 agree with me that a military target can be hit with the first mortar round?

7 A. [16:00:11] I absolutely agree with you, but it depends on the person who is using the
8 equipment.

9 Q. [16:00:28] Now, with respect to your education, Mr Witness, were you taught in the
10 urban warfare in general at the time of your education, military education?

11 A. [16:00:43] Urban combat, as you refer to it, yes, I did learn it, but not in depth.

12 Q. [16:00:57] Did you learn or did you not learn that once a military target is identified
13 within an urban warfare theatre, one may attack either offensive or in self-defence?

14 A. [16:01:29] Yes, that's normal.

15 Q. [16:01:31] At the time of the alleged shelling were you aware of the existence of rules
16 of engagement which were issued by the commander of Camp Commando?

17 A. [16:01:41] He had told me that there were enemies there, that is to say at the
18 intersection where the town hall was and the N'Dotre intersection. But I had no way of
19 cross-checking. That's what he had told me. And I had no one to send ahead to
20 cross-check, because I couldn't risk my men's lives.

21 Q. [16:02:11] Were you aware, were you aware that at that time the commander issued
22 the rules of engagement dictating that in the event of an attack on FDS units, they were
23 allowed to defend themselves? Were you aware of such existence?

24 A. [16:02:34] I couldn't tell you because that was not said in my presence.

25 Q. [16:02:41] And would you agree or not whether for such a situation a written order

1 would be required or in such a situation no order is required that a military person can
2 once under attack can defend himself?

3 A. [16:03:04] To my knowledge where I was at the Camp Commando I was not under
4 attack. No one was shooting towards me or no small calibre weapons. I was told that
5 there were some enemies there. I was not told that the enemy was attacking people. I
6 was told to destroy them and --

7 Q. [16:03:33] Mr Witness, I'm sorry. Okay, sorry. My question was simply whether
8 you can confirm that for the invocation of self-defence for a military person, he or she
9 needs a written order?

10 A. [16:04:03] When you are engaged in combat, you don't ask for a written order,
11 otherwise you may end up dead. But I was not engaged in a combat. There were no
12 enemies. I was not confronting any enemies directly. I was told that there was
13 someone over there and we had to shoot.

14 Q. [16:04:21] Thank you. That was not my question, but thank you.
15 My last few questions, Mr Witness, relate to what you told the Chamber yesterday,
16 transcript page 28 of the English version, line 6. Mr Witness, you told the Chamber
17 yesterday that at a certain point in time in 2003, the BASA received reinforcements. My
18 question is, what was the reason that BASA was apparently in need of reinforcements?

19 A. [16:05:02] First of all, when the crisis broke out, not the post-election crisis, but the
20 rebellion in the Bouaké area, our military authorities decided that it was necessary to
21 reinforce all the units and where to reinforce them and by whom.
22 It was not a matter of soldiers coming to reinforce us, rather we had to engage in
23 recruitment. For example, when I was recruited into the army, I went from the town hall
24 of my town and I filled out a form and later I was called up.
25 But in this case, there was an announcement. If you are interested in joining the army,

1 come to a particular place. And it was at the time of a particular head of -- chief of staff.
2 And I'll tell you who was recruited; they just shot up, they shot into the air, and the
3 people who ran away were not recruited. Those who remained calm were recruited.
4 That's how they recruited at the time.
5 I'm speaking of those who were at the headquarters.

6 THE INTERPRETER: [16:06:36] Interpreter correction: The general mentioned was
7 General Doué Mathias.

8 MR KNOOPS: [16:06:43]

9 Q. [16:06:44] Thank you very much. You told us yesterday Mr Witness that these
10 persons received an accelerated training instead of 90 days, 45 days. Was there a special
11 reason why the training was accelerated in those days? Had it to do with the crisis?
12 Was it a time of urgency?

13 A. [16:07:08] Well, as far as I'm concerned, I do think it was because of the crisis, but not
14 the post-election crisis, because right now we're talking about 2003, 2002-2003.

15 Q. [16:07:23] Thank you.

16 A. [16:07:24] And it was -- it's just the commanding officer who can decide how much
17 time is needed for training. But right now, considering human rights and the law of war
18 and all that, I don't think they were trained in that. I don't think so.

19 Q. [16:07:41] And, Mr Witness, can you confirm to us whether or not the BASA or the
20 army in general in and during the post-electoral crisis received reinforcements, recruits
21 from the population?

22 A. [16:08:02] I do know that at one particular period of time when President Blaise
23 Compaoré was to come to Abidjan there were some patriots who wore orange or white or
24 green T-shirts, something like that, and wearing jeans. They were taken towards the
25 l'aéroport. And we thought it was the population who had risen up to protest the arrival

1 of President Blaise who had arrived. And I believe, actually, I believe it was President
2 Gbagbo who was in power at the time.

3 So to say that during the post-election crisis recruitment occurred, those were the only
4 ones I saw.

5 Q. [16:09:01] Mr Witness, in the deposition you gave to the investigators of the
6 Prosecution in paragraph 83, you told the investigators that:

7 (Interpretation) There were no new youths who were recruited into the army during the
8 post-election crisis of 2010-2011."

9 (Speaks English) And you recall making that statement to the investigators?

10 A. [16:09:39] Unless I'm mistaken, during that period, 2010-2011, other than the men
11 who were wearing jeans and the like, there was no recruitment per se. Military
12 recruitment, well, that recruitment when they shot up in the air and they took the men
13 who did not panic and run away, that was in 2002-2003.

14 Q. [16:10:11] Thank you very much, Mr Witness.

15 These were my questions. Mr Claver N'Dry has some few additional questions, Mr
16 President.

17 PRESIDING JUDGE TARFUSSER: [16:10:19] Thank you very much.

18 Maître N'Dry.

19 QUESTIONED BY MR N'DRY: (Interpretation)

20 Q. [16:10:50] Good afternoon, Mr Witness.

21 A. [16:10:52] Good afternoon, counsel.

22 Q. [16:10:53] I am N'Dry Claver Kouadio, counsel and a member of the Côte d'Ivoire
23 bar. I will continue putting a number of questions to you on behalf of the Charles Blé
24 Goudé Defence team.

25 Now, my first question for you, sir, is this. Mr Witness, in Côte d'Ivoire, when two

1 people from Côte d'Ivoire speak and they say, for example, "Give me your telephone or
2 give me your mobile, give me your phone, give me your mobile," can that be interpreted
3 as give me your telephone number?

4 A. [16:11:59] Yes. In Côte d'Ivoire quite often when you hear someone saying "Give
5 me your mobile," he's actually asking for your number.

6 Q. [16:12:16] So you would agree with me then that the expression "Give me your
7 telephone number," that people from Côte d'Ivoire would say "Give me your mobile" or
8 "Give me your phone"?

9 A. [16:12:37] Yes, I quite agree.

10 Q. [16:12:38] Very well. Now, in relation to what your military authorities accused
11 you of, namely, that you had given your telephone to Mr Kouassi Patrice, who was at the
12 Golf hotel, in our way of speaking in Côte d'Ivoire, that's not -- that wouldn't be talking
13 about the actual physical telephone. You would be talking about the telephone number.

14 A. [16:13:21] Well, actually to my knowledge, current Kouassi Patrice knew Pegard
15 Egni quite well and didn't call me to ask me for that person's phone number.

16 But, rather, I was accused of, and I said this to Colonel Major Gbeugre, when I finished
17 speaking, he said really this whole thing, this is -- we'll investigate to see what comes of it.

18 But perhaps he would have said, Colonel Gbeugre, who was responsible for the
19 investigation brigade, when you're accused of giving a telephone number, he did not
20 specify that to me. And as the person responsible for the brigade, for the investigation
21 brigade, I think he knew his stuff. I don't think it would be interpreted differently.

22 Q. [16:14:22] Mr Witness, in Côte d'Ivoire our way of speaking is very characteristic,
23 very unique. That's why I am laying the foundation for you. Let's say two people from
24 Côte d'Ivoire are speaking to one another, and you are accused of giving the telephone,
25 because to me it's so surrealistic, and you've given several examples, and you've even

1 gestured and waved your eyeglasses to make a point.

2 Now, wasn't it you were accused of providing your telephone number to Mr Kouassi

3 Patrice, because that's how it would have been put in our way of speaking, and that's

4 what you had attested to, isn't that, isn't that what you were accused of? And you

5 acknowledged that because you gave several communications with Mr Kouassi Patrice?

6 A. [16:15:25] Well, after what you've said, perhaps I might turn the question around

7 and ask you.

8 Q. [16:15:34] I believe the Presiding Judge has made it very clear that you are not

9 putting questions. We're putting --

10 A. [16:15:40] When I was heard, when the investigations were conducted, if it was them

11 who said that I had given my number to Kouassi Patrice and that's why I was arrested, I

12 do think the investigation brigade would not have freed me. They were not under

13 pressure. And when they finished their investigations and all that stuff, they said to me

14 that there was nothing in my file and I could -- so, really, I think we're not talking about

15 telephone numbers here, it was not about phone numbers, because the person who

16 accused me of that was Colonel Gbeugre, and he made it very clear, he said: You gave

17 your telephone, your mobile telephone to Patrice.

18 And I answered saying "I have my mobile phone right here at the Golf. How could I

19 have given it to him?"

20 And if it is what you insinuate, I do think that the investigation brigade would not have

21 released me, because they did not find anything in my file.

22 Q. [16:16:53] Very well. Sir, we've understood one another. Now, Mr Witness, a few

23 moments ago you described to us the conditions under which the recruitment occurred in

24 2002-2003, how the men were directed, namely, there was a gun shot or two into the air,

25 and the people who remained were chosen.

1 Where do you get that information from?

2 A. [16:17:30] Well, there are very few secrets in our country. When recruitment occurs,
3 everyone tries to find out what's up. And not even you, not even you can tell me the
4 contrary. The rumours, well, everyone was saying, they themselves were saying, the
5 people who recruited were saying this. So it's normal for me to say the same thing.

6 Q. [16:17:56] Very well. Yesterday, you told us about the ethnicity of the various
7 recruits. You gave a bit of an ethnic breakdown. You said there was some Bété people,
8 Guéré people, Kroumen, people from the south and these Ébrié. Do you remember?

9 A. [16:18:26] Oh, yes, I remember.

10 Q. [16:18:28] So that means that when the shots were fired into the air, it was mostly
11 Bété, Guéré, Kroumen and people from the south who remained?

12 A. [16:18:41] To my knowledge, the patriots were amongst them. The people from the
13 north amongst the patriots, what would they be looking for? And perhaps even there
14 might -- well, there might have been a few, but very few.

15 Q. [16:19:03] Mr Witness, I don't know whether my question has been specific. In
16 relation to what you said I'm saying this, the people who were successful in the
17 recruitment were the people who remained when shots were fired in the air.

18 A. [16:19:21] When you talk about the majority, for example, when the elements --

19 Q. [16:19:26] We're going to get there. We're going to get there, Mr Witness.

20 A. [16:19:30] I'm talking --

21 Q. [16:19:31] No, no, no, no. This is -- we're getting to that point. I'm just saying in
22 relation to the method used for selecting the recruits, the people who remained, who were
23 chosen, isn't that so?

24 A. [16:19:46] Yes, I do think that was the case.

25 Q. [16:19:48] Very well. Yesterday, 19 June 2017, page 19, lines 25 to 28 and then page

1 20, line 1, you said this, and I quote: "Amongst these patriots there were a good number
2 of Bété people, Guéré people, Kroumen people, people from the south, let's say, let's say
3 the Alladian, the Ébrié and then a few, a very few people were from ... people from the
4 west, the Bété. The Bété and the Guéré formed the majority." End of quote.

5 A. [16:21:25] May I respond?

6 Q. [16:21:27] I still haven't put a question to you, Witness.

7 Now, so that is what you have said. And let us try to agree on something. Now, when
8 you say "Amongst those patriots there were a good number of Bété people," are you
9 talking about the recruits when you talk about the patriots? Let's try to understand one
10 another. When you said "Amongst these patriots there were a good number of Bété," so
11 are you referring to the patriots as the recruits?

12 A. [16:22:01] Well, I wasn't the one who gave them that name. Even when they came
13 into the army, the baptismal name that they were -- well, they were, they were referred to
14 as Blé Goudé's soldiers.

15 Q. [16:22:18] We've heard that already.

16 Now, you are in front of the Court now, and you are using words. And you said
17 "Amongst the patriots there were a good number of Bété people." My question to you is
18 this: When you talk about these patriots, are you talking about the recruits?

19 A. [16:22:41] Yes.

20 Q. [16:22:43] Very well. Now, a few moments ago you said that when the crisis
21 occurred, and you weren't talking about the post-election crisis but, rather, when the
22 armed rebellion attacked Côte d'Ivoire, the military authorities issued this call, this
23 movement to recruit. Very well.

24 Now, my question is this, was that to make up for the shortage of soldiers within our
25 army? Yes or no?

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- 1 A. [16:23:32] I do think so.
- 2 Q. [16:23:35] So yes?
- 3 A. [16:23:36] Yes.
- 4 Q. [16:23:36] Very well. So those who responded to this call from the nation and who
5 were recruited, they're the ones who you referred to as the patriots in your earlier
6 statement; is that what you're telling us?
- 7 A. [16:24:02] Those are the patriots.
- 8 Q. [16:24:03] Very well.
- 9 A. [16:24:06] Those are the ones who were referred to as patriots.
- 10 Q. [16:24:11] We have understood one another.
11 This morning you said that you were not an administrative person?
- 12 A. [16:24:24] Exactly.
- 13 Q. [16:24:25] *That you are a soldier?
- 14 A. [16:24:26] Yes.
- 15 Q. [16:24:27] Now we have a number here, 3,000 recruits in the year 2003. So my
16 question is this: You were not an administrative person, so how did you or how could
17 you have given a breakdown based on ethnicity?
- 18 A. [16:24:46] It's so easy when you are in the middle of people depending on the language
19 they speak. Well, I don't know you. I've never seen you before in my life. But if someone
20 asked me where you were from, I would say you were from the centre because of your name.
21 So you could tell from the language people were speaking and people -- if there is a group of men
22 speaking that language, well, it's quite clear that most of those people were Bété.
- 23 Q. [16:25:20] So you had access to those 3,000 people?
- 24 A. [16:25:26] Well, to say that I had access to those 3,000 people, that would be an
25 exaggeration. But in Akouédo, many of them spoke Bété. And I think you'll agree with

1 me that the first camp that they went to in Abidjan was Akouédo.

2 Q. [16:25:51] How many of them were there, the sample that you took to provide a
3 breakdown?

4 A. [16:26:02] I couldn't give you actual figures. I don't have the statistics. But
5 judging by the people that I heard speaking, that's what I concluded.

6 Q. [16:26:11] Mr Witness, we are before the International Criminal Court, and this is a
7 very serious matter that we are dealing with. Your statements, you said that there was a
8 recruitment within a particular country or nation and that you have just told the Chamber
9 of the International Criminal Court that here is the ethnic breakdown of the recruits. You
10 can thus tell us what sample you took, what sample you worked with, how many were
11 there in your sample, the sample that you used to prepare this ethnic breakdown.

12 A. [16:26:57] As I said, I couldn't give you the actual number because I don't have the
13 statistics. But I do know that in my country, to enter the army, you have to go first to the
14 town hall and you register or you go to the sub-préfecture. Do you know a single person
15 who went to the sub-préfecture or to the town hall? I think not.

16 Q. [16:27:24] Very well. Very well. Now, a few moments ago you mentioned an
17 unusual or exceptional circumstances that necessitated this recruitment. Now, Côte
18 d'Ivoire had come under attack. That being the case, would there be an ordinary
19 recruitment?

20 A. [16:27:45] Why not? What was the emergency? What was the emergency? Can
21 I --

22 Q. [16:27:51] No. That's fine, that's fine. You said there was no emergency. Fine.
23 Mr Witness, 2003, the CNO area, does that ring a bell, that?

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

25 Q. [16:28:19] What is that? What does it stand for?

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1 A. [16:28:23] I don't remember exactly the definition, but it does ring a bell, yes.

2 Q. [16:28:30] It's centre west?

3 A. [16:28:38] West centre, north centre.

4 Q. [16:28:42] CNO, northwest centre, that was part of the country occupied by the
5 armed rebels, correct?

6 A. [16:28:52] Very well.

7 Q. [16:28:53] So what you are telling us, what you are telling this Chamber is that an
8 armed rebellion was occupying the country and there was no emergency to recruit new
9 soldiers, is that what you are telling us?

10 A. [16:29:07] Well, the very first ones who pushed back those rebels, I was amongst
11 their ranks.

12 Q. [16:29:13] Mr Witness, could you answer my question? I'm saying this --

13 A. [16:29:19] Yes.

14 Q. [16:29:20] So a rebellion was under way. And part of the country was occupied.
15 And you are now telling us, because you've been talking to us about recruitment, and I
16 said to you that there was an exceptional situation, and you didn't seem to agree with me
17 on that point.

18 Now, my question to you is this: A rebellion that occupies part of the territory and
19 which is extending its tentacles, you didn't think -- you don't think that's an emergency?
20 Yes or no?

21 A. [16:30:06] No.

22 Q. [16:30:06] Very well. Mr Witness, did you ever meet someone by the name of Baba
23 Elvis?

24 A. [16:30:27] Yes, I did. I know a certain person by the name of Elvis, but Baba Elvis,
25 I'm not so sure.

1 Q. [16:30:38] And where did you know him?

2 A. [16:30:42] I knew Elvis at Akouédo.

3 Q. [16:30:46] And what is he doing now?

4 A. [16:30:49] I do not know.

5 Q. [16:30:58] Mr Witness, Corporal Baba Elvis, who died during a mission of the BASA
6 battalion, you don't know who he is?

7 A. [16:31:20] Well, I understand now he was one of those who died at the Golf hotel or
8 somewhere around there. I no longer remember where he died, but I know that he died.

9 Q. [16:31:39] And why did it appear that you did not know that a short while ago?

10 A. [16:31:46] I did not pretend not to know. It is when you jogged your memory that I
11 remembered. I do not have everything in my memory. It is said that a man uses only
12 about 10 per cent of his memory. But I have other concerns.

13 Q. [16:32:07] One of your colleagues who died?

14 A. [16:32:14] I will tell you something that you do not know. Baba Elvis was a
15 colleague. He was not a close friend of mine. You cannot say that you're a close friend
16 to everyone in your own service.

17 Q. [16:32:32] Very well. I'm not going to add anything to that.

18 Now, your mission to the MACA, during that mission, you talked about that yesterday,
19 you said that you heard that the prisoners wanted to escape; is that correct?

20 A. [16:33:00] That is the information that we were given at the BASA during the
21 assembly before we went on mission.

22 Q. [16:33:09] The additional information that we have, whether it is founded or not, is
23 that those prisoners were supposed to be liberated by the Commando Invisible; is that
24 correct?

25 A. [16:33:30] You are the one telling me that.

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1 Q. [16:33:35] Very well. Mr Witness, can you tell us the date of that mission to the
2 MACA approximately?

3 A. [16:33:45] I do not remember.

4 Q. [16:33:51] Now let me look at your statement to refresh your memory.
5 CIV-OTP-0028-0495, page 15. And I quote the witness, paragraph 97, "The first mission
6 that I carried out during the crisis was to provide security at the MACA, because there
7 were rumours to the effect that the prisoners of the MACA were going to be freed by the
8 Commando Invisible, and so we were assigned to secure the MACA." End of quote.
9 Mr Witness.

10 A. [16:35:23] Yes.

11 Q. [16:35:24] Do you remember having told that to the investigators of the OTP?

12 A. [16:35:31] Yes.

13 Q. [16:35:33] Very well. Now, when I talked about prisoners being freed by the
14 Commando Invisible, why did you say the information is from me?

15 A. [16:35:47] When you talk about rumours, it is information circulating here and there.

16 MR N'DRY: [16:36:00] (Interpretation) Mr President, I have no further questions for
17 this witness.

18 PRESIDING JUDGE TARFUSSER: [16:36:03] Thank you very much. So this
19 concludes --

20 MR KNOOPS: [16:36:07] I'm sorry, Mr President. It concludes the examination by the
21 team of Mr Blé Goudé.

22 PRESIDING JUDGE TARFUSSER: [16:36:11] Thank you very much. And I must say
23 perfectly in time as promised. I'm referring to the time.

24 Now I ask the Prosecutor if there is a request for re-questioning.

25 MS PACK: [16:36:27] Just one question, please.

1 PRESIDING JUDGE TARFUSSER: [16:36:29] Just one question, yes.

2 QUESTIONED BY MS PACK:

3 Q. [16:36:35] Mr Witness, good afternoon.

4 A. [16:36:40] Good afternoon, Madam Pack.

5 Q. [16:36:41] I just have one issue I wanted to come back on. And it was from your
6 questioning earlier today on behalf of Mr Gbagbo by Mr Altit. And you answered when
7 you were being questioned, it was talking about Patrice Kouassi in answer to a
8 question -- and let me just give the references. This is at page 64 of the realtime French,
9 lines 2 on to 9. That was your answer. So that's the reference.

10 Your answer in relation to a question about Patrice Kouassi was this: (Interpretation)
11 "It is not a regular report. He had told me that when I carried out missions, he asked me
12 to tell him about that so that he should give me advice. And quite often in addition there
13 were night missions in which we were not authorised to participate. This means that
14 Dadi would take those who were referred to as the Blé Goudé contingent and he would
15 go out with them at night."

16 (Speaks English) So my question is this, it just relates to the phrase you used, "Blé Goudé
17 contingent," who were they?

18 A. [16:38:23] These were young people who had been recruited at the general staff. It
19 was a baptismal name, not given by the army, but by members of the population. So the
20 patriots, when they joined the army, they were simply referred to as the Blé Goudé
21 contingent.

22 Q. [16:38:47] And just to understand correctly, these are the recruits you refer to from
23 the period 2002 to 2003?

24 A. [16:38:56] Yes, indeed.

25 Q. [16:39:00] Thank you very much, Mr Witness. That's all from the Prosecution.

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- 1 Thank you very much, Mr President.
- 2 PRESIDING JUDGE TARFUSSER: [16:39:06] Thank you.
- 3 Maître Altit.
- 4 MR ALTIT: [16:39:08] (Interpretation) Thank you, Mr President. No questions.
- 5 PRESIDING JUDGE TARFUSSER: [16:39:15] Thank you very much.
- 6 Mr Knoops.
- 7 MR KNOOPS: [16:39:19] No re-examination. Thank you.
- 8 PRESIDING JUDGE TARFUSSER: [16:39:25] Thank you very much, Mr Knoops.
- 9 Mr Witness, now I can tell you that your examination as a witness for the International
- 10 Criminal Court is concluded. You can go back home. Thank you very much for having
- 11 been here. And I would ask the court usher to bring now the witness out. Thank you.
- 12 THE WITNESS: [16:39:53] (Interpretation) Thank you, Mr President.
- 13 (The witness is excused)
- 14 PRESIDING JUDGE TARFUSSER: [16:40:03] Before adjourning the hearing, and
- 15 thanking you for your collaboration, we did it in two days, I would ask to go in private
- 16 session for a communication.
- 17 (Private session at 4.40 p.m.)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Open session at 4.42 p.m.)

14 THE COURT OFFICER: [16:42:08] We are back in open session, Mr President.

15 PRESIDING JUDGE TARFUSSER: [16:42:13] Thank you very much.

16 Just to say that we will have a very tight programme for the next days until the summer

17 recess, especially next week. We will have 14 hearing days until the recess with 9

18 witnesses, according to the decision filed on the 7th of June. The Chamber is very much

19 determined to fulfil such programme, and obviously this can be done only with the help

20 also of the parties.

21 If need be, we will go to extended hours, if there is a necessity. But in any case, the

22 Chamber expects from all of you very accurate and good time management. This means

23 also that some questioning, that the questions which should go straight to the point

24 without dispersing in things which maybe are not so much needed.

25 I just want to say that in order to fulfil the programme, the Chamber has to be and will be

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- 1 very strict with the timing.
- 2 This said, I adjourn the hearing to Monday morning, next Monday morning at -- Tuesday,
- 3 sorry, Tuesday morning at 9.30. The hearing is adjourned.
- 4 THE COURT USHER: [16:43:55] All rise.
- 5 (The hearing ends in open session at 4.43 p.m.)