

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 16 November 2016
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:35:58] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:16] Good morning. Good morning to you,
15 Mr Witness.
16 I give immediately the floor to the Office of the Prosecutor with its questioning,
17 continuing of its questioning. Thank you.
18 MS PACK: [9:36:36] Thank you very much, Mr President. Good morning, Mr
19 President, your Honours.
20 QUESTIONED BY MS PACK: (Continuing)
21 Q. [9:36:44] Good morning, Mr Tarlue. I hope you've had some rest.
22 WITNESS: CIV-OTP-P-0483 (On former oath)
23 (The witness speaks Liberian English)
24 THE WITNESS: [9:36:54] (Interpretation) Not yet, because I'm not actually still
25 feeling too fine. But then I will try, I will try and be myself today again.

1 MS PACK:

2 Q. [9:37:02] Well, thank you very much. And if you have any problems, then I'm
3 sure if you communicate that to their Honours.

4 A. [9:37:14] Well, I said I'm still not feeling well, because since I came I have not
5 been feeling well. And the doctor told me that I needed some rest actually.

6 PRESIDING JUDGE TARFUSSER: [9:37:29] Yes, Mr Witness, this is maybe
7 something I should intervene now. But as I said yesterday, before starting the
8 questioning, now we will begin. But if at some time you don't feel to continue, just
9 tell me and then we'll see. But do you feel now to start?

10 THE WITNESS: [9:37:52] (Interpretation) Yes, I can go on today, but I think, I think
11 by tomorrow -- I don't think by tomorrow I will be able to continue.

12 PRESIDING JUDGE TARFUSSER: [9:38:06] Yes. But I don't think that you can now
13 decide what happens tomorrow. If you feel, if you feel to start, you will. If at any
14 time you have some problems, you tell me, and then we'll see. This is for today,
15 tomorrow, and okay?

16 THE WITNESS: [9:38:25] (Speaks English) Okay.

17 PRESIDING JUDGE TARFUSSER: [9:38:27] So we will not decide what happens
18 tomorrow. We will decide on what's happening now.

19 THE WITNESS: [9:38:32] (Interpretation) Okay, okay. No problem.

20 PRESIDING JUDGE TARFUSSER: [9:38:34] Okay. So we start. And then in case
21 you tell me, okay.

22 THE WITNESS: [9:38:38] (Interpretation) Okay.

23 PRESIDING JUDGE TARFUSSER: [9:38:40] Yours the floor Ms Prosecutor.

24 MS PACK: [9:38:42] Thank you, Mr President.

25 Q. [9:38:43] Mr Tarlue, again I'm going to try very hard today to speak slowly, and

1 I will wait for a little while after you've answered before I ask the next question, and
2 I'll just say again to you as well, no disrespect to you, but sometimes I might hold my
3 hand up like this just to say stop, let's wait for the interpretation and the transcripts,
4 and then you can start again.

5 A. [9:39:16] Okay.

6 Q. [9:39:18] Okay.

7 A. Okay.

8 Q. Now I'm just going to go back. Today we're just going to talk a little bit this
9 morning about the time between the period you've been talking about, 2002-2003 and
10 the elections in 2010, so that time, between those times, okay.

11 A. [9:39:38] Okay.

12 Q. [9:39:39] Yesterday, and I just remind you what you said, and this is at page 114,
13 and it's in the English realtime transcript, at page -- at line 23 to 24, you said:

14 After the war you were -- you said "After the war I was receiving 50,000 CFAs from
15 État Major."

16 So I just want to ask you about that a bit?

17 A. [9:40:17] Uh-huh.

18 Q. [9:40:19] So was this in the period after or before Mangou was chief of staff?

19 A. [9:40:32] Yes. Even when Mangou became chief of staff, I was still receiving
20 the 50,000, because after the war I was refused by the international community for me
21 to ask for asylum. So my asylum business did not work.

22 So later, because I was working with the military during the crisis, I was brave
23 enough to go and ask them for a laissez-passer, which will help me to be moving
24 around and then settling some of my problems. So that was the reason why, because
25 I had a laissez-passer and I was brave to ask the military, they were giving me that

1 50,000. And that was up to like 2010.

2 Q. [9:41:26] How often were you getting the 50,000?

3 A. [9:41:31] Sometimes when I went for the 50,000 and the chief of staff had not
4 given the others, sometimes I used to miss -- I used to miss it for about two months or
5 three months. If he was present, he would prepare the document and I will receive
6 the 50,000. But if he was not, then sometimes I missed out on it, maybe like two
7 month, three months.

8 Q. [9:42:05] So the process was you went where every month to get your money?

9 A. [9:42:14] CPCO, the État Major.

10 Q. [9:42:18] And at this time the CPCO was which person?

11 A. [9:42:23] It was Sako.

12 Q. [9:42:34] Now you mentioned before -- you mentioned Mangou. Did you ever
13 meet him yourself?

14 A. [9:42:39] Yes. I used to meet Mangou. He knows me very well and I, too,
15 know him.

16 Q. [9:42:47] And let's just see if you can remember any specific times that you met
17 him. So did you meet him in 2002-2003, that time?

18 A. [9:43:10] Before then, during the crisis, I always used to meet him at
19 Yamoussoukro. By then he was not chief of staff. So we had become friends.
20 Sometimes when I went for my salary and I saw him, I walked towards him, meet
21 him and then we have some chat.
22 And even when he got the position of chief of staff, I was very happy for him. So
23 always I used to meet him. Sometimes I ask him for some chances for some
24 privileges and he will accord me. So sometimes we'll meet and I say hi to him.
25 And most times I used to go and collect my money.

1 So he knows me very well. And even if you ask him, he will tell you that.

2 Q. [9:43:56] And when you say he gave you some chances, some privileges, what
3 do you mean?

4 A. [9:44:09] What I'm saying, if we met surprisingly -- he calls me general and
5 I -- yeah, sometimes he takes something from his pocket, his pocket and give it to me.
6 So sometimes he will give me something like transportation or something like that,
7 and sometimes when I went for my money, if he did not sign, then it will be difficult
8 for me. So, but if I went and the salaries were not yet ready, then he will give me
9 something from out of his own personal pocket. So that is what I'm talking about.

10 Q. [9:44:45] And the something, you're talking about his money, yes, cash money?

11 A. [9:44:54] Yes. When I know you, I can ask you for help. Maybe he will ask
12 one of his bodyguards to find transportation for me and he will give me some money.
13 We knew each other. Even after the crisis, we used to meet. So if I was jammed for
14 money, I would meet him for assistance, and he used to do that for me. So there
15 was that cordial friendship between the two of us.

16 Q. [9:45:24] And the État Major, the camp where the État Major was, was there a
17 place to eat?

18 A. [9:45:35] État Major is not a camp. It's a barracks. It was not like a refugee
19 camp. État Major is a military barracks. So when he was not there, he was not
20 there. État Major has something that they refer to as a mess, an officers' mess. So
21 most times when I went there I used to meet him there and then I will tell him, I say,
22 "Chief, I'm here," and he will say -- yeah, "Chief, I don't have anything now. Please, I
23 need some help from you."
24 Sometimes when I meet him at that mess, where he was together with some other
25 officers, if I ask him for assistance then he will do it. So that's it.

1 Q. [9:46:17] And you've told us that you, you got money at the État Major. Did
2 you know if anyone else was getting money at the État Major?

3 A. [9:46:29] No. I only know about myself. I'm not -- not about any other person.
4 I told you that from the beginning people said that they were being given money, but
5 I'm telling you even during the crisis or before the crisis, I did not know if people
6 were actually paid to go and fight.

7 Q. [9:46:54] When you went to the État Major, did you see anyone else there also at
8 the État Major at the CPCO?

9 A. [9:47:04] The place is a barracks. It is one of the biggest barracks in the country.
10 So if you went there you can see, you can see so many people.

11 But I only do speak to the person that I went particularly to or the person that I knew.

12 Q. [9:47:25] Just another topic, but yesterday you were shown a card if you
13 remember, it was in that context you were giving some evidence, and I just want to
14 remind you what you said at page 122, line 6 to 8, it's what you said about your own
15 card that you had. You said it was after the war that they started printing things like
16 this for the GPP and some other things, but this is not part of my own documents.
17 Can you tell us what you mean by that and what you know about things being
18 printed for the GPP?

19 A. [9:48:22] I just want to make something clear to you. I don't want you to bring
20 me to a story that I do not know about. If you ask me about my own card or my
21 own personal documents, I will tell you about them, but a card that I do not know
22 about, I don't know. My own card was from État Major and it was stamped. It
23 was like a straight, something like an ID card, a laminated ID card. It was not a
24 booklet like.

25 So the only thing maybe I know I -- maybe you must have got from me is the diary.

1 So this is just a new story that you are bringing to me now. I don't know about it.

2 So I can speak about what I know.

3 Q. [9:49:17] Of course you must only speak about what you know, of course.

4 A. [9:49:23] Okay.

5 Q. [9:49:24] Okay, no problem.

6 A. [9:49:25] Okay.

7 Q. [9:49:26] You mentioned the GPP yesterday, but if you don't know about that,
8 that's fine. Okay.

9 A. [9:49:30] I don't know about it.

10 Q. [9:49:34] Now, there's another -- I now realise I didn't clarify with you, in fact.

11 The word "mess," what do you mean by that? What does that describe? I think
12 probably everybody knows, but what is a mess when you say you went to the mess?

13 A. [9:49:52] A mess is in the military barracks where all the military officers take
14 their dinner. And when I went to État Major that was where always I went to meet
15 the chief of staff. So that sometimes he invited me, we dined together.

16 Q. [9:50:16] Now I just wanted to also remind you of another thing you mentioned
17 yesterday, just to see if you can help a bit more with that. And this is at page 114 of
18 the English realtime transcript from yesterday, and it's lines 1 to 5. And you said,
19 and I'm not sure about the time frame, so you will have to help me with this. You
20 said:

21 "And when Gbagbo came to power, he knew me from Yamoussoukro. He knew me.
22 And that was my first time to even lay my eyes on the president, because by then they
23 were having the peace corps in Yamoussoukro. That was the time I went to the
24 presidential palace."

25 Now, I just want to ask you a bit about that, if you can help us with the time you're

1 talking about and what you saw and what you know?

2 A. [9:51:44] Yes. How do I tell you that? I don't want you to misquote me. I
3 told you that that was the first time that I ever saw him when we went for the peace
4 meeting. We went to collect our feeding. And there was nobody to look after us.
5 When we went, we did not meet the people in the barracks, so we were forced to go
6 and meet Gbagbo himself. And I said that was the time Gbagbo came for the peace
7 meeting. We only saw him because we were in our own car, and we saw him in his
8 convoy and he came down and then and saw us and then spoke to us.

9 I said by then it was for the peace meeting. And that was the time we met.

10 PRESIDING JUDGE TARFUSSER: [9:52:27] Slowly please. Slowly please.

11 MS PACK: [9:52:34]

12 Q. [9:52:35] I do this just to say slow down, and then we can listen and then we
13 start again.

14 So this was for the peace meeting. Was this after the war you talk about, 2002-2003?

15 A. [9:52:48] The 2003 was after we took --

16 THE INTERPRETER: [9:52:59] Your Honour, Mr President, could the witness be
17 asked to slow down and repeat and start all over again.

18 PRESIDING JUDGE TARFUSSER: [9:53:04] Yes. We have absolutely to slow down.
19 Now please repeat what you said. I would ask also your lawyer, who is sitting next
20 to you, to sometimes do something if he goes too fast.

21 THE WITNESS: [9:53:28] (Interpretation) Okay. No problem.

22 PRESIDING JUDGE TARFUSSER: To shake him. Thank you.

23 THE WITNESS: (Interpretation) Okay, no problem.

24 Like I was saying, that means I have to go back to where everything started. When
25 we captured Toulépleu, where the group of Liberians left and entered Liberia --

1 THE INTERPRETER: [9:53:53] Your Honours, your Honour, Mr President, he still
2 has to slow down.

3 PRESIDING JUDGE TARFUSSER: [9:53:57] No, but we cannot continue like this.

4 MR ODUM: [9:54:03] Just speak slowly, okay. Slowly, slowly.

5 MS PACK: Microphone, microphone.

6 PRESIDING JUDGE TARFUSSER: [9:54:16] The interpreters are protesting very
7 severely, so please.

8 THE WITNESS: [9:54:21] (Interpretation) Okay, okay.

9 PRESIDING JUDGE TARFUSSER: [9:54:25] And I have a button here, as you see, I
10 can switch off your microphone. So I will do this. I will just switch off your
11 microphone if you go too fast, okay. Now it's on again.

12 THE WITNESS: [9:54:37] (Interpretation) Okay.

13 MS PACK: [9:54:43]

14 Q. [9:54:43] Okay. So let's just do little bits step by step. So you were saying that
15 this was the time -- we don't need to hear again what happened before with
16 Toulépleu and when MODEL went into Liberia. We don't need to know about that
17 again. So at this time you were in Yamoussoukro. It was 2003. And I want to
18 know, please, if you can just tell us a bit more about who it was that met Gbagbo,
19 Mr Gbagbo at that time.

20 A. [9:55:27] I said the people were having a peace meeting. Some people came
21 from Bouaké to come and meet the president in Yamoussoukro. So at that particular
22 time we also arrived there to collect our foodstuff. So we went to meet Gbagbo at
23 that time. He was at the comthéâtre. So in a sense we went to meet them there, and
24 by then we were in our own car and the president had just arrived in his convoy. So
25 that -- and we went to collect our food in the barracks, but because we did not meet

1 the people there, then we came back to see the president himself at Yamoussoukro.

2 Q. [9:56:03] We are talking about "we." Who is "we," you and who else?

3 A. [9:56:12] The commander that brought us from Guiglo. All of us were in the
4 car. We were seated in the car when we saw the president's convoy coming. And
5 then when they arrived, we saw him come down.

6 Q. [9:56:32] You've told us before that when you came from Guiglo to go to the État
7 Major or to get supplies you were with other Liberians, so on this occasion, just tell us
8 now, you were in a car. Were you with other Liberians in the car?

9 A. [9:56:49] We were three, myself, Kai Farley and Amos, including the
10 commander that was heading us, the guard of Guiglo.

11 Q. [9:57:07] And you told us just now, you said that Mr Gbagbo saw you and then
12 he spoke to you. Can you tell us, please, what he said to you?

13 A. [9:57:20] You asked me, I said you misquoted me. I said it was only Mangou
14 that could speak to the president. We saw the president during the peace meeting
15 and he was waving to all of us, to everybody. I did not go to him directly for him to
16 speak to me. I said it was only Mangou who could talk to him directly, yeah.

17 Q. [9:57:44] And when he saw you and was waving at you, where were you?

18 A. [9:57:52] There was a large population. We are not the only people there.
19 There was a large population. So he was waving at everybody.

20 Q. [9:58:07] I understand. Just to know where, this is whereabouts were you at
21 this time?

22 A. [9:58:13] I said at the mansion in Yamoussoukro.

23 Q. [9:58:19] Now, let me ask you just a bit more about this time. This is after the
24 war.

25 MS PACK: And, your Honours, I may need some guidance, because I may -- the

1 witness can't read and write, but there are documents that are relevant to the context
2 of his evidence. So I can refer to the documents and their content and perhaps give
3 the number for your Honours so at one point we can ask to introduce them.

4 In any event, I defer to your guidance, but I will lay some foundation and then it's a
5 matter for your Honours whether you want to receive these documents now or at a
6 later date.

7 PRESIDING JUDGE TARFUSSER: [9:59:33] Yes, but do you show them also to the
8 witness?

9 MS PACK: [9:59:36] Well, I'll see if you can lay some foundation first. But I
10 anticipate if I don't lay sufficient foundation, the context is nevertheless relevant and
11 they'll come up later.

12 PRESIDING JUDGE TARFUSSER: [9:59:46] Yes, yes, because we have granted
13 reading help, I don't know by whom, but it should be somewhere.

14 MS PACK: [9:59:55] Thank you.

15 Q. [9:59:55] Let me just ask you first, you mentioned the C -- we spoke yesterday,
16 in fact I read from your interview, about the CCIAT. Do you know what that is, the
17 CCIAT?

18 A. [10:00:10] I said CCIT. It was at État Major where Kadjo Miezou was working.
19 Where Sako also worked. That's at the CPC. Before then it was CCIAT. So I can't
20 actually tell what the difference is between the two. But that is what I am talking
21 about. It's located in the barracks.

22 Q. [10:00:40] So just to understand correctly, you said CCIAT was, or I think you
23 said CCAT was before CPCO, yes?

24 A. [10:00:55] Yes. At the time -- how do they call it? When Kadjo Miezou was
25 there, it was CCIT. But later it became CPCO. That was when initially it was CCIT.

1 So when the new people came, they changed the name and gave it a new, a new
2 nomenclature, but that was what it was.

3 Q. [10:01:30] And have you heard, again the same sort of time, have you heard
4 of -- just tell me if this name is something that you've heard before, Phaoundi, is it a
5 name you heard before, Phaoundi?

6 A. [10:01:48] Maybe it's a problem of pronunciation, but I don't think, if you
7 pronounce it that way, I don't think I know that name.

8 Q. [10:01:54] And the spelling is P-H-A-O-U-N-D-I. It probably is my
9 pronunciation, but we'll leave that?

10 A. [10:02:08] Uh-huh.

11 Q. [10:02:09] Now, you, were you, you told us about you receiving money from the
12 CPCO. Were you aware during any of this time, either during -- after, this time after
13 the war, were you aware of anyone from the LIMA group receiving money, wounded
14 LIMA members receiving money from the État Major or from anywhere?

15 A. [10:02:49] No, I don't have any idea. I only cared about my only business when
16 I went to État Major. État Major was the head of all the military activities in the
17 country. So when I went there, I only cared about my own business and nobody
18 else's business.

19 MS PACK: [10:03:18] Well, your Honours, I'm not going to ask the witness to read
20 the document but I will ask him to look at something on the second page, an image.
21 So it's CIV-OTP-0048-0038 and it's tab 54.

22 Just for my learned friend's sake, I would seek to have this introduced on to the
23 record now. If I can't do it, introduce it formally through the witness, then certainly
24 it makes sense to do it now.

25 Q. So let me just -- we're bringing up a document and I'm only just going to ask

1 you about an image, in fact, on the second page?

2 A. [10:03:56] Okay, okay.

3 Q. [10:03:58] It's public and it comes up on the screen in front of you. And I want
4 to look at page 0039.

5 And for my colleague Mr Odum, it's evidence 1 on the buttons. I don't know if my
6 colleague is aware of how everything is working.

7 I would like you just -- I would like you just to zoom in, please, at the bottom of the
8 page. If I can just ask the court officer to zoom in at the image on the right-hand side,
9 the bottom of the page as much as possible.

10 Can you look at that please, look at that image, and can you tell us if you recognize
11 that image?

12 A. [10:05:00] No.

13 MS PACK: [10:05:09] I'll leave it there, your Honours. I would ask just to submit
14 the whole of the document. It's two pages.

15 Q. [10:05:20] Now, let me just ask you, please, about where at this time you were
16 living, so we're talking now after the MODEL group goes to Liberia. Let's just pause
17 a minute there. Did all of the members of the group who you named, all of the
18 LIMA members that you named who then went into Liberia as MODEL, did they all
19 go in to, over to Liberia, the men you've mentioned?

20 A. [10:05:55] Yes, every one of them went back to Liberia. I was the only one who
21 decided to stay. A few other brothers who decided not to go, they stayed. But all
22 the names of the commanders that I gave yesterday, all of them crossed over into
23 Liberia.

24 Q. [10:06:12] And did they stay in Liberia or did some of them return at one point?
25 Do you know what happened to them after that?

1 A. [10:06:27] No. After the war most people got a job, so they got a job in Liberia.

2 None of the commanders then returned.

3 THE INTERPRETER: [10:06:40] Your Honour, the witness is still going very fast.

4 PRESIDING JUDGE TARFUSSER: [10:06:46] Please.

5 THE WITNESS: [10:06:47] (Speaks English) Okay.

6 PRESIDING JUDGE TARFUSSER: [10:06:48] Thank you.

7 MS PACK: [10:06:50]

8 Q. [10:06:50] And you yourself, did you stay in the west or did you move to
9 Abidjan at one point?

10 A. [10:06:56] No, I went back to Abidjan because I was going to register for a UN
11 programme in Abidjan. They were putting things together for this political asylum
12 in America. So I decided to go to Abidjan.

13 Q. [10:07:19] Whereabouts were you living in Abidjan? Which area?

14 A. [10:07:23] I was living at Marcory.

15 Q. [10:07:33] And did anyone else go with you from the west to Abidjan, any other
16 of the Liberians?

17 A. [10:07:44] No. I was not staying together with the other guys. But actually
18 most of the guys with whom we were together, most of them went to Abidjan also,
19 but we were not living together. But what happened was that when we applied for
20 the programme, for the UN programme, the asylum programme, we were not
21 satisfied, simply because they said we -- they saw us in uniform and we were uniform
22 carriers before. So we were disqualified.

23 Q. [10:08:17] So you said that most of the guys who you were together with went to
24 Abidjan also, but they weren't living with you. So are you talking here about the
25 Liberian LIMA members, they went to Abidjan?

1 A. [10:08:35] Yeah, most of them travelled to America. Those who were not
2 popular, those who people did not actually know that we were --

3 Q. [10:08:47] And just to clarify then, who was -- can you remember the names of
4 some of the men who were, the guys who were living, not together with you, but also
5 living in Abidjan when you were living in Abidjan this time?

6 A. [10:09:10] Mostly after the war everyone was trying to guide his way, his own
7 way out to travel out of the country. It was -- and even when I was in Ivory Coast, I
8 was used more to the Ivorians, more than my own brothers from Liberia, because by
9 then I was selling ice cream and I needed to get used to people.

10 Q. [10:09:41] And your friend, you mentioned earlier your friend Mission. Was he
11 someone who --

12 A. [10:09:51] Uh-huh.

13 Q. [10:09:51] Do you know where he was at this time?

14 A. [10:09:53] Mission was living at Deux Plateaux. Even me later I moved from
15 Marcory to Deux Plateaux, because Deux Plateaux was not far from the UN office.
16 But if you are from Koumassi, Koumassi, I will have to change up to like three, four to
17 five transportations before getting to the UN office, and I will have to spend up to 300.
18 So Mission was staying at Deux Plateaux. And then me too later, I decided to move
19 to Deux Plateaux.

20 Q. [10:10:24] And when you moved to Deux Plateaux, were there other Liberians
21 also, other LIMA members who were also there the same time as you?

22 A. [10:10:37] There were more Liberians living there. But most of them were not
23 fighters before. But it was because of the things that happened during the crisis,
24 most of them, almost everybody wanted to live very close to the UN, the UN office.
25 Yeah, because they were going through the UN interviews, they wanted to live very

1 close to the office, so they lived at Deux Plateaux.

2 Q. [10:11:08] Now, also just thinking about the same time, I want to also in a
3 moment just so my friends are aware of where I'm going also refer to a document.
4 It's tab 62, which is CIV-OTP-0018-0549. And I don't know if there will be argument
5 about this, but it was a document previously characterised, disclosed under Rule 77,
6 because it duplicated a number of other documents on our list of evidence and on the
7 list of material. And what I would seek to do is to introduce this version, because all
8 the documents are in one place, and because this version was sourced from, I think
9 the location is indicated in the metadata.

10 I won't say where now in the witness's presence. I can deal with that later perhaps.

11 But in any event that's the reason. I think it was communicated -- I know it was
12 communicated in an email, so I won't go further than that. But that's the reason.

13 And I would ask, I know of course it's late in the day, but just to use this version
14 instead of the other versions, plural, that were on the list of material of this collection
15 of documents.

16 MR O'SHEA: [10:12:55] Good morning, your Honours.

17 PRESIDING JUDGE TARFUSSER: [10:13:00] Good morning.

18 MR O'SHEA: [10:13:01] Yes, if we are talking about item 62, CIV-OTP-0018-0549,
19 there is an objection to the use of this document with this witness.

20 First of all, this document is not on the list of evidence of the Prosecution. Now, I'm
21 not talking about the list of notification to the parties that they're going to use it with
22 this witness. I'm talking about the list of evidence.

23 And I believe that in compliance with the legal framework which your Honours have
24 set out, if it's not on the list of evidence for the Prosecution, they cannot use it. That
25 would be the first basis for objecting.

- 1 MS PACK: [10:13:55] Excuse me. Just I really do apologise.
- 2 PRESIDING JUDGE TARFUSSER: [10:13:58] No, no, no. Let him finish and then --
- 3 MS PACK: [10:14:00] I wonder if in the absence of the witness if the second reason is
- 4 more substantive on the actual nature of the document, that's all. It's only in that --
- 5 PRESIDING JUDGE TARFUSSER: [10:14:08] But I think it's enough when --
- 6 MS PACK: I'm sure my friend --
- 7 PRESIDING JUDGE TARFUSSER: -- if the witness takes off the headphones, I
- 8 would say.
- 9 MS PACK: [10:14:12] I think he speaks English.
- 10 PRESIDING JUDGE TARFUSSER: [10:14:15] Yes.
- 11 MR O'SHEA: [10:14:16] Well, at the moment I think that I'm going to enter into that
- 12 kind of territory. Depending on how this discussion develops, I will ask the witness
- 13 to go out. But for the moment, we're fine.
- 14 PRESIDING JUDGE TARFUSSER: [10:14:28] Okay. So under your responsibility,
- 15 of course.
- 16 MR O'SHEA: [10:14:31] Yes.
- 17 PRESIDING JUDGE TARFUSSER: [10:14:33] Okay.
- 18 MR O'SHEA: [10:14:33] Yes. So --
- 19 PRESIDING JUDGE TARFUSSER: [10:14:35] Excuse me. There is no need for the
- 20 witness to be here, so I think in any case --
- 21 MR O'SHEA: [10:14:40] Yes, sorry.
- 22 PRESIDING JUDGE TARFUSSER: [10:14:41] -- without gambling, please can you,
- 23 can the court usher please bring the witness out for this discussion, during this
- 24 discussion and we'll see.
- 25 (The witness stands down)

1 PRESIDING JUDGE TARFUSSER: [10:15:06] Mr O'Shea.

2 MR O'SHEA: [10:15:08] Sorry, just to keep things in order, let me go back to the first
3 point briefly.

4 PRESIDING JUDGE TARFUSSER: [10:15:12] No, no. We have understood.

5 MR O'SHEA: [10:15:14] There is a decision of the 13th --

6 PRESIDING JUDGE TARFUSSER: [10:15:16] Yes, we know that. Just continue.

7 MR O'SHEA: All right.

8 PRESIDING JUDGE TARFUSSER: The 13th of --

9 MR O'SHEA: Well, paragraph 22.

10 PRESIDING JUDGE TARFUSSER: Paragraph 21, 22, we know.

11 MR O'SHEA: [10:15:22] Yes. The second, the second reason obviously is that we
12 know that this witness cannot read and write. So in my submission trying to employ
13 this document with this witness is totally useless.

14 And the third reason is because there is no proper connection or no proper nexus
15 between this document and the witness.

16 A letter from M Blé Aka to Simone Gbagbo concerning the note of a hotel of Liberian
17 militaries, this witness is neither the author, apparently neither the author nor the
18 recipient of this document and, in my submission, cannot comment on the document
19 itself.

20 If it's a question of getting evidence about payments, the simple way to go about it is
21 to put questions to the witness about payments and see what the witness knows.

22 But the witness will not be able to comment on this document.

23 PRESIDING JUDGE TARFUSSER: [10:16:57] Mr Knoops.

24 MR KNOOPS: [10:16:58] Yes, Mr President. Good morning.

25 We concur with the analysis of the defence team of Mr Gbagbo. We have an

1 additional objection by showing this document, which is as Mr O'Shea mentioned a
2 letter to Madam Gbagbo, it would potentially lead, be a leading question by showing
3 a document without having any foundation, and it could therefore amount to leading
4 the witness to a certain answer.

5 That would be an additional objection, apart from the objection raised on the
6 formality that the document was not part of the list of evidence which was disclosed
7 by the Office of the Prosecution, and the absence of a nexus between this witness and
8 this particular document. So this would be a third objection to introduce this
9 document through this witness or even showing it. Thank you.

10 MS PACK: [10:18:02] Can I just deal with --

11 PRESIDING JUDGE TARFUSSER: [10:18:03] The Prosecutor.

12 MS PACK: [10:18:05] -- yes, just a procedural issue first and then second the
13 substantive. On the procedural issue I would say that there is no prejudice
14 occasioned by the use of this document, because every one of the -- it's actually a
15 series of documents. I think there is four or five. I can't remember the exact
16 number. But every one of them is in another form on the list of evidence except one
17 of them, and that's a letter at page 05 -- sorry, a letter at page 0551. So there isn't any
18 prejudice. Everyone has read these documents before.

19 The second point is that these documents come from a source that is in fact -- is a
20 source -- is the presidential residence. So there is a good reason for having this
21 document insofar as their authenticity is challenged as documents, the first one, a
22 letter sent to Mrs Gbagbo, if the authenticity of that document is challenged, clearly,
23 that it was found at the residence is something that your Honours should have before
24 you.

25 So this document is sourced from the residence, and that's the reason why we want to

1 replace it with the other documents, it's actually the same, that are already on the list
2 of evidence bar one.

3 The second point on the substantive issue is, your Honours, I had understood
4 certainly from the questioning of Witness P-435 that where a witness could speak to
5 the context of a document and where there were questions relating to it that were
6 pertinent, that where the relevance is quoting in fact, as long as the relevance of the
7 documents or items in the context of that witness's testimony is established and the
8 questions relating thereto by the party or parties and persons, then there is the reason
9 to use the document with the witness, and that's, your Honour, on 5 September on
10 transcript 70. I'm afraid I will have to give you the time, the page number for that
11 reference later.

12 But in any event, I will be asking the witness, and I'll just be quite frank with your
13 Honours and my friends, there is a receipt, a bill for a hotel bill, and there is a list of
14 names on it. I might as well just take you to those now. It's at page 0552. Those
15 names include someone called Eric Baybol, someone called Capitaine Solo Dah and
16 someone called Capitaine Junior Tally.

17 Now, I just want to check, put those names to the witness, they're apparently
18 Liberians in Abidjan in 2005 staying at a hotel in Koumassi 05. So just to put those
19 names, what can you say about that?

20 And then there is a series of documents about the payment of the bill and lots of
21 names mentioned in those documents. I just want to put the names to the witness.
22 I don't want him to read it or be read the whole thing, just put to him the names,
23 show him the bill, read those out, that's that. And I do think it's relevant to the
24 context of his evidence.

25 MR O'SHEA: [10:21:26] May I reply briefly?

1 PRESIDING JUDGE TARFUSSER: [10:21:29] Yes.

2 MR O'SHEA: [10:21:30] Yes. Your Honours, the prejudice is cumulative. The
3 reason why we have these rules of disclosure is so the Defence is properly prepared
4 throughout the trial, right. So it's no good for the Prosecution to periodically stand
5 up and say there is no prejudice with this document, there is no prejudice with this
6 document. That is why we have rules, so that the disclosure regime can be respected
7 and your Honour's rules are followed.

8 With regard to the points made about the content of the document, one has to look at
9 these things on a case-by-case basis, and one can't see how this witness in his
10 particular circumstances can comment on any of the content of the document. So
11 there may be circumstances where documents, the nexus is not so strong and the
12 document can be used, but it at least has to be that the witness at least has to be in a
13 position to comment on the content of the document.

14 And so far as names are concerned, names can be put without the use of a document.

15 And the danger of using a document is that it then becomes a situation where the
16 Prosecution is essentially putting words in the witness's mouth, because you take
17 names from a document, you're leading the witness to a specific context where those
18 names are relevant, and then maybe not this witness, but some witnesses would take
19 advantage of that situation to embellish their evidence.

20 So it's not appropriate for the Prosecution to use a document to lead the witness
21 where the witness has not already gone. If she wants to put certain names to the
22 witness, let my learned friend ask the witness, "Do you know such and such a person?
23 In what context?" rather than telling him the context and then asking him the name.

24 PRESIDING JUDGE TARFUSSER: [10:23:52] Mr Knoops.

25 MR KNOOPS: [10:23:53] Mr President, brief reply. First of all, I think the response

1 of the Prosecution has confirmed our fear, that it's the intention of the Prosecution to
2 lead the witness to certain answers.

3 The witness can be asked whether he knows of any individuals who were present at
4 the presidential palace. By putting names to the witness he is leaded, he is led to a
5 certain answer.

6 Secondly, the source of the letter, which is supposedly to be introduced by the
7 Prosecution is according to our information redacted. The Prosecution didn't
8 disclose the source of the letter. So if you look at the metadata of the Prosecution
9 that source is redacted, meaning that we have no observation --

10 MR MACDONALD: [10:24:55] It's not redacted.

11 MR KNOOPS: [10:24:58] -- no conclusion that the letter is authentic.

12 I see Mr MacDonald nodding his head, but we have it in our system here. We
13 might -- then our information we have in our system is not correct. But according to
14 the information we have, Mr President, the source of the letter, where the letter came
15 from, is redacted by the Prosecution. That makes it even more difficult to present
16 this letter to the witness as suggesting that the letter is authentic.

17 We have no proof of its source and, therefore, its authentication. But predominantly
18 our objection relies on the nature of the way the document is introduced, to introduce,
19 which would amount to a leading question. Thank you.

20 MR MACDONALD: [10:25:43] On this very last point, your Honour, the
21 information is not redacted in the metadata, the provenance is not redacted. In any
22 event, we've just stated it was seized by the Prosecution at the residence itself where
23 the underlying documents that form that same document come from another source.
24 So you have it from two sources the same documents basically.

25 PRESIDING JUDGE TARFUSSER: [10:26:14] So we suspend to discuss and

1 deliberate on this, and we resume in one hour, so we take the break also and we
2 resume at 11.30.

3 MS PACK: [10:26:29] Your Honour, can I just reassure my friends that I do know
4 how to lay foundation, and I won't lead, you know, the witness.

5 PRESIDING JUDGE TARFUSSER: [10:26:37] (Microphone not activated) That's it.
6 The discussion is over.

7 MS PACK: [10:26:38] I'm sorry. Thank you.

8 THE COURT OFFICER: [10:26:41] All rise.

9 (Recess taken at 10.26 a.m.)

10 (Upon resuming in open session at is 11.31 a.m.)

11 THE COURT USHER: [11:31:30] All rise.

12 Please be seated.

13 PRESIDING JUDGE TARFUSSER: [11:31:35] Good morning again.

14 A very short decision on the issue we discussed before adjourning.

15 The Chamber, having noted the Defence objections to the Prosecutor's request to have
16 item CIV-OTP-0018-0549 submitted, and having heard the other parties, all the parties,
17 decides as follows:

18 In its decisions dated 13 May 2016, filing 524, the Chamber decided that it would, and
19 I quote, "no longer allow the addition of any further incriminating evidence," end of
20 quote.

21 Accordingly, item CIV-OTP-0018-0549 is inadmissible and the objection is sustained.

22 This makes it unnecessary for the Chamber to address the other arguments developed
23 by the parties.

24 The floor is yours again, Madam Prosecutor.

25 MS PACK: [11:32:58] Thank you, Mr President, your Honours.

1 Q. [11:33:00] And good morning again to you, Mr Tarlue.

2 Now, just before we had the break I was about to embark on some different topic, and
3 I want to put some names to you.

4 And just for notice for the parties and indeed for the transcribers, those names I'll be
5 taking from a document, the number is at tab 42, and it's CIV-OTP-0047-0164.

6 I'm not asking for it to be brought up, but just for reference purposes.

7 Now, I'm going to ask you some names, and if you recognize them, you can tell us
8 who the people are. Do you know the name general Bobby Johnson?

9 A. [11:34:21] No.

10 Q. [11:34:23] Do you know the name Colonel Gbola Quiah? And let me just spell
11 that for the record, it is G-B-O-L-A Q-U-I-A-H.

12 A. [11:34:56] No, I don't know, because maybe it might be your pronunciation, but
13 I don't get that name. Maybe it might be a problem of pronunciation like I told you
14 earlier. But I know Bobby Sarpee, but that one you're talking about, I don't know.

15 Q. [11:35:20] Okay. Do you know Colonel Folly, that's F-O-L-L-Y, Folly Jalemy,
16 J-A-L-E-M-Y?

17 A. [11:35:35] No, I don't know.

18 Q. [11:35:36] Another one is Commandant Fugerson Barwas?

19 A. [11:35:51] No.

20 Q. [11:35:52] And just for the record, the spelling was F-U-G-E-R-S-O-N, Barwas,
21 B-A-R-W-A-S.

22 Capitaine Eric Baybol, and that's B-A-Y-B-O-L?

23 A. [11:36:21] No.

24 Q. [11:36:22] Capitaine Victor Nouah, that's N-O-U-A-H?

25 A. [11:36:39] No.

- 1 Q. [11:36:43] Capitaine Solo Dah?
- 2 A. [11:36:51] No.
- 3 Q. [11:36:52] That's S-O-L-O D-A-H.
- 4 Do you know someone else by the name of Solo?
- 5 A. [11:37:11] Yes. We had Solo. He was a Liberian. But I met him lately in 2011.
- 6 I met him with Jean Bosco. He's also a Liberian.
- 7 Q. [11:37:30] Okay. We come back to that. That's B-O-S-C-O.
- 8 You say Jean Bosco. Who is he?
- 9 A. [11:37:51] I don't know much about him. But I know that he was called Jean
- 10 Bosco. That is all.
- 11 Q. [11:38:00] Where is -- do you know where he is from?
- 12 A. [11:38:02] He's an Ivorian. He was in Ivory Coast.
- 13 Q. [11:38:10] We come back to this later, but just to read these names, the last one
- 14 here on this list, Capitaine Junior Tally?
- 15 A. [11:38:31] No.
- 16 Q. [11:38:40] That's T-A-L-L-Y.
- 17 Do you know, you talked earlier about Koumassi 05, Koumassi 05?
- 18 A. [11:38:47] Yes.
- 19 Q. [11:38:50] Do you know a hotel in Koumassi 05, it's called hotel Village Krokrom.
- 20 It's spelled K-R-O-K-R-O-M?
- 21 A. [11:39:04] No.
- 22 Q. [11:39:05] Do you know if any Liberians, a group of Liberians were staying at a
- 23 hotel in Koumassi 05 in 2005? Do you know about that.
- 24 A. [11:39:35] Can I explain a little bit of that?
- 25 Q. [11:39:38] Of course you can.

1 A. [11:39:41] What I know about it is that we had a hotel in Koumassi. It is not the
2 one that you referred to. The hotel that was in Koumassi was, it was Hôtel La Cane.
3 It was opposite Paul Richard's place. And we only stayed in that hotel. The hotel is
4 Hôtel La Cane, we only stayed in there when we came for our food when there was a
5 delay.

6 Q. [11:40:16] I missed just the last thing you said there. You stayed there when at
7 the Hôtel La Cane?

8 A. [11:40:24] I said Hôtel La Cane.

9 Q. [11:40:30] I missed what you said after. When did you stay there?

10 A. [11:40:37] Except you referred to that again. I said the only hotel I stayed in is
11 opposite Paul Richard's house, and it was called Hôtel La Cane. Sometimes when
12 we came and our food was delayed, that is the hotel that we stayed. But it is in the
13 same Koumassi and it's not far away from Paul Richard's house. And even if you
14 went to Koumassi today and asked people, they would tell you about that hotel.
15 But the other hotel that you referred to, that one I don't know. But the one I spoke
16 about, I stayed there.

17 Q. [11:41:22] Now, just to be clear, when you say you stayed at this hotel, the one
18 you stayed at, Hôtel La Cane, when you stayed for food, was this when you came to
19 the État Major to pick up supplies, that time?

20 A. [11:41:50] Yes. When we came to pick supplies and if there was a delay, that
21 was the hotel that we stayed at.

22 Q. [11:41:59] And just on the name which I'm coming back to later anyway, but just
23 so we're clear, are sure now, the name Bosco at page 30 of the realtime transcript for
24 the parties English at line 8, can you just say the first name again just so I can hear it
25 properly for the record.

1 A. [11:42:24] Which one of the first names are you referring to?

2 Q. [11:42:30] For Bosco, how do you say the first name?

3 A. [11:42:33] I said Jean Bosco.

4 Q. [11:42:39] Now, we --

5 MS PACK: [11:43:01] Your Honours, just, this is for you, I will either now or later

6 just be asking the document I mentioned just now at tab 42, I will be seeking to

7 introduce that under para 43 of your directions. I can do it now or I can do it later.

8 But I would like to do it. Thank you. I haven't brought it up but I'd like to do that,

9 yes. Thank you.

10 So that's CIV-OTP-0047-0164, and it's a public document.

11 Q. [11:43:35] Now, I'm here now referring --

12 MR O'SHEA: [11:43:37] Sorry, what was the number on the list again?

13 MS PACK: [11:43:41] It was at tab 42.

14 MR O'SHEA: [11:43:53] Thank you.

15 MS PACK: [11:43:55] And now just for information purposes for the parties and

16 Chamber, I am referring to tab 39, another document, CIV-OTP-0047-0158, another

17 public document.

18 Q. I want to ask you about some more names.

19 A. [11:44:17] Uh-huh.

20 Q. [11:44:20] Now, is the name Pouho Richard familiar to you? And it's

21 P-O-U-H-O, Pouho Richard.

22 A. [11:44:31] Yes, Paul Richard, I know that name.

23 Q. [11:44:36] I said Pouho, but is it the same as Paul, same name or same person?

24 A. [11:44:47] It's the same name. Paul Richard is English and Pouho Richard is in

25 French. It's the same person.

1 Q. [11:45:03] Okay. Thank you.

2 Have you heard of the name Odette Sauyet, is that familiar to you? And that's

3 S-A-U-Y-E-T.

4 A. [11:45:19] I don't know her.

5 Q. [11:45:23] And is the name Tony Oulaï familiar to you, Tony Oulaï?

6 A. [11:45:36] No.

7 MR O'SHEA: [11:45:44] There must come a point, your Honours, when one asks
8 questions in a different way. This is becoming rather like a fishing expedition at the
9 moment. If my learned friend has specific incidents that she has in mind to question
10 on or specific facts to question on; at the moment we really do seem to be on a fishing
11 expedition.

12 PRESIDING JUDGE TARFUSSER: [11:46:07] It was you who said before that she can
13 ask if he knows names. So, no, please, that's it.

14 MR O'SHEA: [11:46:13] And, yes, but there is a limit.

15 PRESIDING JUDGE TARFUSSER: [11:46:16] Well, but the limit is not decided by
16 you.

17 MR O'SHEA: [11:46:18] That, I understand.

18 PRESIDING JUDGE TARFUSSER: [11:46:21] Thank you.

19 Please. Still, it's a bit strange. I agree with the Defence, but --

20 MS PACK: [11:46:29] I'm getting to the end of the limit.

21 PRESIDING JUDGE TARFUSSER: [11:46:31] Okay, good.

22 MS PACK: [11:46:33] To the point of limit.

23 Q. [11:46:35] Just to clarify with Odette, the name Odette, do you know another
24 Odette, not Odette Sauyet but another?

25 That was a shake "no"?

1 A. [11:46:48] I want to tell you something. When you are asking me about some
2 other people, I don't know much about them. But when it comes to the military, I
3 can tell you, I can tell you what I know, because some of those people you are asking
4 me about, they were not part of me. They were not part of our programme.

5 Q. [11:47:12] Thank you, Mr Witness, Mr Tarlue.

6 MS PACK:

7 Now this is for the Chamber and the parties, I would seek, again, I think it probably is
8 obvious to you, Mr President, more than it is to me, that this -- I would like this to be
9 submitted, and I'm afraid I'm catching up on, but I would like this document at tab,
10 which I just have been, I referenced at tab 39, it's 0047-0158 with the CIV-OTP prefix.
11 I would like to submit that publicly and not through the witness, but have that done, I
12 think.

13 Your Honours, as a separate point, and I can do this later, I don't want to take time up
14 with the procedural issues, but there are related documents on the list of material that
15 relate to the two documents that I've already submitted and as a package I would
16 seek to have them submitted. And they are the documents that appear at tabs 41
17 and also at tab 40, 40 and 41, there are the other two, and they are referenced with the
18 OTP prefix and then 0047-0161 and also 0047-0162. And I see my friend is up
19 standing.

20 MR O'SHEA: [11:48:51] Yes.

21 PRESIDING JUDGE TARFUSSER: [11:48:52] I see him as well.

22 MR O'SHEA: [11:48:53] Yes, I'm being very -- a stickler for procedures today.

23 Your Honours, if documents are going to be submitted, there is a procedure for doing
24 that, which is called a bar table motion. If documents are being used for a witness,
25 then obviously they go on the record. But what my friend is doing at the moment,

1 I'm not quite sure what procedure that falls under.

2 PRESIDING JUDGE TARFUSSER: [11:49:14] I think I fully agree with you. I do not
3 understand why to make a bar table -- a so-called bar table motion. Why should we
4 do this in this way? Or you submit it to the witness. But I understand it's not very
5 useful.

6 MS PACK: [11:49:31] Of course I will do it, I will do it in writing in the coming days.

7 PRESIDING JUDGE TARFUSSER: [11:49:35] Okay.

8 MS PACK: [11:49:37] Yes.

9 PRESIDING JUDGE TARFUSSER: Also because, so you give the opportunity to the
10 other parties to take a position on it, okay?

11 MS PACK: [11:49:42] Of course, of course, your Honour.

12 PRESIDING JUDGE TARFUSSER: [11:49:44] Okay.

13 MS PACK: [11:49:44] I will be doing that in the coming days, we will be.

14 PRESIDING JUDGE TARFUSSER: [11:49:47] Thank you very much.

15 MS PACK: [11:49:48]

16 Q. [11:49:58] Now I want to ask you about another matter, and I'm sorry we are
17 going, jumping around a bit, but there are some things we need to get through. Let
18 me ask you about this. Do you remember during your interview giving -- showing
19 to the investigators - and please don't say their names - but to the investigators during
20 the interview, do you remember giving them a document which was called an agenda
21 that you had and showing it to them and them copying it?

22 A. [11:50:46] Yesterday you brought a document up on the screen. You showed
23 me a photo yesterday, a picture. I took --

24 THE INTERPRETER: [11:50:59] Your Honour, could the witness be asked to repeat
25 that area.

1 PRESIDING JUDGE TARFUSSER: [11:51:02] Slowly, slowly.

2 THE WITNESS: [11:51:04] (Speaks English) Okay.

3 PRESIDING JUDGE TARFUSSER: [11:51:06] And repeat, because you were talking
4 about yesterday. You were referring to the Prosecutor. Just repeat slowly.

5 THE WITNESS: [11:51:15] (Interpretation) I said yesterday when you brought up
6 the picture, I told you that I did not know anything about that picture. I said it was
7 only the diary that was called the agenda that they sometimes gave to the military at
8 the end of each year. We will have to sign that agenda.

9 And the interviewer asked me for the laissez-passer. I told her that on the picture,
10 the sticker was there and I wanted her to know about it. So the agenda, I brought it
11 to her at the hotel.

12 Q. [11:51:57] Do you have the agenda with you now, the original, here in The
13 Hague?

14 A. [11:52:07] No. I wanted to ask for it before bringing it. But as it is now, I don't
15 have it.

16 Q. [11:52:14] No problem. I'm just going to show you a document on the screen.
17 And it's at tab, it's tab 22 for my friends, and for madam court officer, it's
18 CIV-OTP-0077-1319. It's, well, I think it's public, but there are some pages with
19 identifying details. I don't know if it's possible to show some pages privately, some
20 public. If it isn't, then maybe we just show the document privately and the witness
21 can speak to the content publicly. I'm in the court officer's hands.

22 THE COURT OFFICER: [11:53:09] If you indicate exactly which page is public,
23 which is confidential, we can proceed.

24 MS PACK: [11:53:14] Thank you very much, madam court officer.

25 Mr President, I'll proceed in that way.

- 1 PRESIDING JUDGE TARFUSSER: [11:53:20] Okay.
- 2 MS PACK: [11:53:21] So if we can then just start with the first page public, 1319.
- 3 Q. [11:53:50] Can you see that okay on the screen?
- 4 A. [11:53:53] Yes, yes, it's for me.
- 5 Q. [11:53:59] Is this the front page of the agenda that you were just talking about?
- 6 A. [11:54:07] Yes.
- 7 Q. [11:54:12] And I don't know if you can read the date at the bottom, the letters,
- 8 the number 2008?
- 9 A. [11:54:22] Yes.
- 10 PRESIDING JUDGE TARFUSSER: But we can read in any case.
- 11 MS PACK: [11:54:25] Fair point, Mr President.
- 12 PRESIDING JUDGE TARFUSSER: [11:54:30] Yes.
- 13 MS PACK: [11:54:31]
- 14 Q. [11:54:31] Now, let me just ask you this, when you gave this to the investigators
- 15 during your interview, can you describe the condition of the agenda? Was it all
- 16 together or was it some parts not together? How was the condition?
- 17 A. [11:54:48] No. It was already shattered. It was scattered about. The thing
- 18 that you see here now, that was the same thing that was on my laissez-passer, and
- 19 that is what I am talking about.
- 20 Q. [11:55:04] Are you pointing there to the image in the middle? Maybe we
- 21 could -- we can see it.
- 22 PRESIDING JUDGE TARFUSSER: [11:55:13] We take it that it is in two pieces. We
- 23 see that. It is a photocopy of a document which once was obviously tied together
- 24 and now it is in two pieces.
- 25 MS PACK: [11:55:23]

1 Q. Yes. I was just asking about the image you mentioned, which you said was on
2 your laissez-passer, the one on the right-hand side in the middle there.

3 A. [11:55:32] Yes.

4 Q. [11:55:33] And apart from the agenda being in pieces, were there other pieces of
5 paper or documents that were with the agenda that you gave to the investigators?

6 A. [11:55:44] Yes, because it was my diary. So I had numbers of friends, I had
7 some other documents, some papers, yes.

8 Q. [11:55:55] When did you receive the diary?

9 A. [11:56:00] That's the year that you see on it, 2008.

10 Q. [11:56:09] Who gave it to you?

11 A. [11:56:15] Sometimes when the year comes an end, you will have to go for a
12 renewal. It was not something that was special. They gave it to, they gave it to
13 everybody. It was not just for a military matter. It was just a diary. It was not just
14 meant for the military.

15 Q. [11:56:39] When you say "they," who do you mean, just so we're all clear who
16 you got it from?

17 A. [11:56:47] I said I got it from the barracks. I asked for it and I saw it and I told
18 them I needed it, so they gave me.

19 Q. [11:56:58] And this is the État Major; is that what you are talking about when
20 you say barracks?

21 A. [11:57:05] Yes. It was a diary that was got from the État Major. You go into
22 the diary and then you will see, you will see everything, that it has been signed from
23 the État Major.

24 Q. [11:57:15] And what sort of things did you put in this, this diary? What did
25 you write?

1 A. [11:57:27] Well, sometimes if I wanted numbers from friends, I copied them in
2 there.

3 Q. [11:57:41] How did you do that if you can't read and write?

4 A. [11:57:45] I give someone else to assist me, yeah, to write the names and to write
5 the numbers. Maybe in the diary you can see some names where I put AP or AT just
6 to use initials, you can see.

7 Q. [11:58:04] Now, we just look at another page. I just want to go to public, page
8 1323. Do you recognize the building there on the left?

9 A. [11:58:51] Yes. It's the office of the Chef d'État Major.

10 Q. [11:59:02] Now we go to page 1333. And I think that better be private, please,
11 confidential. It has some telephone numbers. And can we zoom in on the top left
12 corner there. And can you tell us what this is?

13 A. [11:59:53] It's a call card for Kassaraté Tiapé.

14 Q. [12:00:06] Just so we have the spelling there, I'm sure it's going to be fine, it's
15 Kassaraté, which is known, K-A-S-S-A-R-A-T-E T-I-A-P-E.

16 How come you have this call card for Kassaraté Tiapé?

17 A. [12:00:28] Well, if he asked me, I met him at the time we went to Yamoussoukro
18 for the peace meeting. And Mangou told him that these are the guys that have really
19 given their lives to help us, and they are our good friends. So when he was leaving,
20 he told me that he had heard a lot about me, and so he said at any time I wanted or I
21 would like, I will visit him and then we will sit down and talk like one family.

22 Q. [12:01:04] I'm sorry, I was just checking, my writing has gone on my page.

23 So where were you physically when you had -- when Mangou said this and you met
24 Kassaraté, which place?

25 A. [12:01:46] I was in the president's residence in Yamoussoukro. So when the

1 president left, there were other dignitaries there. So the military, the Ivorian military
2 and some other people, Mangou, he was present, Mangou then told him about me,
3 that these are the guys. And then that was when he gave me the call card and it was
4 after that that we started communicating.

5 Q. [12:02:15] Can you tell us which, you were inside the palace or whereabouts
6 were you?

7 A. [12:02:24] No. We were outside but just around the palace.

8 Q. [12:02:29] And was it the same place then that you saw Mr Gbagbo, same place?

9 A. [12:02:41] No. When the president came, when Gbagbo came in, he went in.

10 But later on when he left, there was a party, because at any time he came they will
11 have discussion, Mangou will have discussions with people. So when he came, he
12 tried to ask about us and then he -- Mangou told him that these are the guys that
13 come from the lower side of the country, and these are the guys that have given their
14 lives to help us.

15 Q. [12:03:18] Did Kassaraté say anything to you?

16 A. [12:03:24] No. He just told us that he does appreciate our efforts, and he said
17 thanks to us.

18 Q. [12:03:36] It was you and who else? You say "us." You and who else?

19 A. [12:03:45] We were only three in number amongst the people, Kai Farley, Amos
20 and myself. We were only three. Yes, I had always told you that the three of us
21 always came to collect our food. We were not many. We were three in number.
22 But the two people, Kai Farley, Amos, they did not speak French. I was the only one
23 who could speak a little bit of French. So I did the communication.

24 Q. [12:04:19] And when you say "only three," you mean only three Liberian people?

25 A. [12:04:25] Yes. We were the only Liberians.

1 Q. [12:04:33] Now, if we can just look down this page, perhaps enlarge it again and
2 go down, if it's possible, to turn the page to the left and go down the page, if that's
3 possible technically.

4 MR O'SHEA: [12:05:01] I'm sorry, if I may just ask, this business card, is it back in
5 the possession of the witness or does the Prosecution have the original?

6 PRESIDING JUDGE TARFUSSER: [12:05:10] That is also a question -- that is also a
7 question I would have had because as I heard, it seems that this -- he should have, the
8 witness should have brought it with him. So that means that it's not -- I mean the
9 whole diary is not in the possession of the OTP; is that right?

10 MS PACK: [12:05:31] That's right. It's just this copy that we have here that's
11 available to be inspected is a copy. And as you can tell in the interview, the copies
12 were made in situ by the relevant investigators and brought here to The Hague. But
13 the witness, Mr Tarlue, retained the original agenda with also the documents like this
14 card that were inserted into it. I can just confirm this.

15 Q. [12:05:58] That you have yourself kept the card here that we've just seen; you
16 have it still yourself?

17 A. [12:06:05] Well, the issue is when I bring the card and the card is right in front of
18 me -- look, excuse me if I bother you, I'm not educated, but I have wisdom.

19 If I had brought the card with me and it is right in front of me, you'll be able to ask me
20 questions and I will respond adequately and accordingly. But as it is now, the card
21 is not in front of me and then you want to bring me to the issue of the card asking me
22 questions regarding that. What do you expect of me?

23 So of course, yes, I have the diary with me in the hotel. The time I bring the diary to
24 court, then you will have the opportunity to ask me questions regarding the diary.

25 But as it is now, I don't have it with me.

- 1 PRESIDING JUDGE TARFUSSER: [12:06:55] Excuse me, Mr Witness. Just to be
2 clear, this what you now see on the screen which you say is your diary --
- 3 THE WITNESS: Mm-hmm.
- 4 PRESIDING JUDGE TARFUSSER: -- you have it, it's in your possession?
- 5 THE WITNESS: (Speaks English) Yes.
- 6 PRESIDING JUDGE TARFUSSER: And you have it here in The Hague?
- 7 THE WITNESS: [12:07:11] (Speaks English) No. In the hotel.
- 8 PRESIDING JUDGE TARFUSSER: [12:07:15] In the hotel room?
- 9 THE WITNESS: (Interpretation) No. In the hotel. Here, here.
- 10 PRESIDING JUDGE TARFUSSER: [12:07:18] Yes, but here in this country, not in
11 Côte d'Ivoire?
- 12 THE WITNESS: [12:07:21] (Interpretation) Yes, in this country, yes, yes.
- 13 PRESIDING JUDGE TARFUSSER: [12:07:25] Yes.
- 14 MS PACK: Well, your Honour, can I --
- 15 PRESIDING JUDGE TARFUSSER: [12:07:33] I will not say anything about the
16 non-seizure of this document by the OTP. But I think you should bring it with you
17 tomorrow or tomorrow, yes.
- 18 MS PACK: [12:07:47] Yes. If it can be brought from the hotel for this afternoon,
19 then even better. Yes, thank you, your Honour.
- 20 THE WITNESS: [12:07:56] (Interpretation) I told you I am not well. So there is,
21 there is -- I cannot even, I cannot even confirm whether I will be able to come here
22 tomorrow, whether I will be in court tomorrow. I cannot assure you of that. I told
23 you initially that I am not well.
- 24 MS PACK:
- 25 Q. [12:08:18] You're okay now? I'm going to continue to ask you questions about

1 this. It's all fine, yes, to continue?

2 A. [12:08:24] I want you to wait until I bring the diary tomorrow. Then you'll ask
3 me the questions. If the diary is not in front of me now, I cannot assure you of
4 answering the questions you want to pose.

5 Q. [12:08:42] Just wait there. Let me just address his Honour, Mr President.

6 One thing we could do, Mr President, now is to ask VWU to retrieve this diary now
7 so that it's available for us sooner rather than later so as not to delay the proceedings.
8 I mean, I can I think continue with the photocopy, but I think if this is, if the witness is
9 reluctant to do that, I don't want to cause any delay. And if VWU can be asked to
10 bring the diary, then that is something we could --

11 PRESIDING JUDGE TARFUSSER: [12:09:17] Yes. But my problem is that the diary
12 is among his personal belongings, and I think it would be a little bit a violation of this
13 to go into the -- well, that's what I think, Mr MacDonald, although you don't agree,
14 but that's what I think. And therefore I think we have maybe at lunch-time, we
15 could do this, but together with the witness, because I think it was not seized, so it's
16 not in your possession.

17 MR MACDONALD: [12:09:49] No, it wasn't seized.

18 PRESIDING JUDGE TARFUSSER: [12:09:51] Yes.

19 MR MACDONALD: [12:09:52] And we can discuss about that, but --

20 PRESIDING JUDGE TARFUSSER: [12:09:53] Yes, that's --

21 MR MACDONALD: [12:09:54] -- everyone is in good faith. Everyone makes copies
22 of originals and they're there. We've asked the witness to bring the diary. I don't
23 understand why the VWU did not bring it.

24 And second, we can ask the witness right now if he wants to consent to the VWU
25 going and getting it, and then it's here. That's also another option. Thank you.

1 PRESIDING JUDGE TARFUSSER: [12:10:16] I will not ask the witness to consent.

2 We will do this in the lunch-time if -- we will arrange this together with the VWU and
3 with the witness. And I can't remember that I'd given you the floor.

4 Madam Pack, please continue.

5 MS PACK: [12:10:41] Thank you, Mr President.

6 Q. [12:10:42] Now, Mr Tarlue, so you've heard, we've just discussed, will you -- I'm
7 going to show you still, if you are comfortable with this, some of the photocopy pages
8 so that we can just see them and talk about them and just do that now. We can come
9 back to it again later when you bring it. But I'm going to ask you about these pages;
10 is that okay, just the pages that were copied?

11 THE INTERPRETER: [12:11:17] Mr President, the witness, he mumbled. That is
12 not clear to the interpreter.

13 PRESIDING JUDGE TARFUSSER: [12:11:22] Mr Witness, we did not understand
14 your answer because you were mumbling.

15 THE WITNESS: [12:11:26] I said okay.

16 MS PACK: [12:11:30]

17 Q. [12:11:30] I just want you to feel comfortable about asking questions. If you
18 don't feel comfortable about doing that without the original, that's also fine. But if
19 you're comfortable with me just talking, showing you the photocopy, then we go
20 ahead now.

21 A. [12:11:45] It would be better for us to have the original in front of me here before
22 we go ahead with that. But if it is not present now, I don't think we can.

23 Q. [12:11:56] Okay. We wait, and then perhaps if there is any prospect, your
24 Honours, of just adjourning a little earlier, not right now, but that would probably
25 make it more coherent.

1 PRESIDING JUDGE TARFUSSER: [12:12:08] I will liaise with VWU.

2 MS PACK: [12:12:18] Thank you. Thank you very much. Excuse me.

3 Q. [12:12:22] I'm going to jump forward to ask you now to look at some
4 photographs. So it's the Prosecution who will bring these up. They're redacted
5 photographs for my friends, for the Defence team. They are public and will be
6 shown by the Prosecution, like I said, if we could be given the capacity to do that.
7 The first one is tab 59 and the ERN is CIV-OTP-0096-0046, redacted version. I think
8 does it appear on your screen or otherwise --

9 A. [12:13:44] Yes, it is there.

10 Q. [12:13:45] Okay. You have it.

11 MR KNOOPS: [12:13:49] Mr President.

12 PRESIDING JUDGE TARFUSSER: [12:13:51] Yes.

13 MR KNOOPS: [12:13:51] According to our information, the information on tab 59
14 was not disclosed by the Prosecution, so we have the situation which was earlier dealt
15 with by the Court with respect to the other item.

16 MS PACK: [12:14:09] Actually, I can correct my learned friend. And of course in
17 part he's right, but it's actually a screenshot from a video that is very much disclosed
18 as an incriminatory document and is on the list of evidence. So it's just to that extent.

19 PRESIDING JUDGE TARFUSSER: [12:14:26] Of course.

20 MS PACK: [12:14:27] It's a still of a video and the video is at 0061-0598 with the OTP
21 prefix, and the screenshot, just to put it on the record, so my friend has it all in front of
22 him is at 00.16.51.02 of that video. So I hope that's clear.

23 PRESIDING JUDGE TARFUSSER: [12:14:55] Well, this is very different.

24 MS PACK: [12:14:59] It's very different.

25 PRESIDING JUDGE TARFUSSER: [12:15:01] To the situation before. Please go

1 ahead.

2 MS PACK: [12:15:03]

3 Q. [12:15:03] Now if you look at your screen, do you recognize the individual in the
4 middle with the jacket?

5 A. [12:15:09] I knew him before the war. He's called Sam Etiassé. He was the
6 préfet for Guiglo during the days of -- or during our refugee days.

7 Q. [12:15:25] Now, I heard the name, I think, but I don't think it reached the
8 transcript, so can you just repeat the name again?

9 A. [12:15:35] Sam Etiassé.

10 Q. That's Sam Etiassé, E-T-I-A-S-S-É. And while we're here, can you recognize
11 anyone else on this photograph?

12 A. [12:15:48] No.

13 Q. [12:15:48] We'll go to another photograph, same principle actually, Prosecution
14 will show it, it's public, it's tab 60. It's a still from a previously disclosed video that's
15 on the LOE, list of evidence, it's 0096-0047 with the OTP prefix. And it's the
16 screenshot at 00:28:28:08 of video numbered CIV-OTP-0064-0105. Take your time.
17 Do you recognize anyone on this photograph?

18 A. [12:16:41] Yes. He was the minister of public function in Ivory Coast.

19 Q. [12:16:50] Thank you. And the name. I know you've said it.

20 A. [12:16:54] Oulaï Hubert, Oulaï Hubert. Or maybe you want to reverse it to say
21 Hubert Oulaï.

22 Q. [12:17:06] Okay. Thank you. I'll show you another one. And it's tab 45.
23 Again, this one in fact can be shown by the Registry. It's public. It doesn't need to
24 be redacted or anything. Do you have it? I think it's just coming up.

25 A. [12:18:14] No.

1 Q. [12:18:15] We'll just wait a bit.

2 THE COURT OFFICER: [12:18:21] Is it 0092-0281?

3 MS PACK: [12:18:26] Forgive me, did I read out the wrong number? Then yes, that
4 is the one. I do apologise if I've -- yes, I think I probably gave the wrong -- in any
5 event, that's the number 0092-0281, and it's public. It's a previously taken screenshot.
6 Do you have it there you can see?

7 A. [12:19:30] Yes, yes.

8 Q. [12:19:31] Do you recognize anyone on that photograph?

9 A. [12:19:36] Yes, Maho Glofiéhi.

10 Q. [12:19:41] And which one is he, right side or left side as you look at it?

11 A. [12:19:45] On my right side.

12 Q. [12:19:49] Thank you, Mr Tarlue.

13 That's the end of the photographs for now. Lots of documents.

14 A. [12:19:58] Okay. Thank you.

15 Q. [12:20:02] Thank you. Now I'm going to again, we're just going to be looking at
16 some documents, and I'm sorry if it moves a bit slowly, but that's what we're doing
17 just for the next 10 minutes or so.

18 Again, referring to a document without bringing it up, I would like your Honours to
19 refer to this document, it's public. It's CIV-OTP-0025-0075. It's tab 53 for my
20 friends.

21 I'm going to ask you just a couple of names. I just want to figure out if you recognize,
22 the list isn't too long, it's a shorter list this time. And I will be sure not to stray
23 beyond just going through those names. Let me check with you firstly, Bob Marley,
24 I think you already answered this question, but just remind me, did you know what
25 his full name was?

1 A. [12:21:27] You asked me yesterday and I told you that all the combatants did not
2 announce their real names. They only gave names, their fighter names. And I only
3 knew that name for him, Bob Marley. That was all I knew.

4 Q. [12:21:46] I'd just ask you just another three names. One is Amos Chayee.
5 Have you heard that name?

6 A. [12:22:01] Yes.

7 Q. [12:22:02] Who is that?

8 A. [12:22:03] Amos Chayee, before he got to Ivory Coast, he went to Liberia. He
9 was not part of the crisis in Ivory Coast.

10 Q. [12:22:21] He's Liberian?

11 A. [12:22:23] Yes. He's a Krahn man.

12 Q. [12:22:30] Okay. You know General Garan, Garant?

13 A. [12:22:37] Yes, John Garan I knew him, I knew him.

14 Q. [12:22:44] And John Garan, he was also a general, what general? General in
15 which armed force?

16 A. [12:22:51] He was a general during the crisis, because he was one of the
17 commanders. And when you are a commander from -- for the front line, you are
18 always referred to as general, general. It was not actually something that was
19 certified, a certified general from the army. But when you were, when you were a
20 senior security man, we always refer to you as a general. But it was not actually to
21 say you were a general in the military. But that was how everybody called him.

22 Q. [12:23:32] And do you know General Nemlin, N-E-M-L-I-N?

23 A. [12:23:42] Maybe it's a problem of names. Maybe we had another name for
24 him. But the name you have referred to I am not familiar with.

25 Q. [12:23:55] And just the last one Charles Julu or maybe Tchadjourou. My

1 pronunciation is terrible, I know. Let me spell first, Julu is J-U-L-U and the other
2 name that I said, Tchadjourou is T-C-H-A-D-J-O-U-R-O-U. And that's the last one.

3 A. [12:24:24] I don't know him. I never met him before.

4 MS PACK: [12:24:25] I'm going to leave it there, and I anticipate I'll be making a
5 written request in due course, but I'll leave it there with that document.

6 Q. Thank you. Thank you very much, Mr Tarlue. I know it's taking time.

7 Now, we'll come back to this period during the crisis you talked about in 2002 and '3
8 and the elections in 2010, we'll come back a bit after the break at lunch when we have
9 your agenda.

10 A. [12:25:02] (Speaks English) Okay.

11 Q. [12:25:04] So it makes more sense to talk about your agenda in 2008 in that time.
12 But now I'm going to move back, move forward to the elections in Côte d'Ivoire in
13 2010. So we'll just think about that time, okay?

14 A. [12:25:21] Okay.

15 Q. [12:25:26] Now, you've told us earlier about how you were receiving money
16 from the État Major. And my question is were you still receiving money from the
17 État Major in the time just before the months and the weeks before the elections in
18 2010?

19 A. [12:25:55] Well, I can tell you that it is something that I always asked for. But I
20 was not sure of getting it all the time. But mostly when I went there to ask for it, I
21 got it. But there were times that I did not get it, because I was always close to the
22 people, I was actually not working by then, but then it was something that I would go
23 and ask for and then they will help me with it.

24 Q. [12:26:34] And do you know, I mean, you say that you were asking for money.
25 You weren't sure you were getting it. Were you aware of any other men like

1 yourself, Liberian men who had fought in 2002 and '3 like you with LIMA, were you
2 aware of them also seeking money, not getting it?

3 A. [12:27:00] No. I can only tell you about myself, because before you have the
4 permission to enter État Major, you should be able to speak French. You'll not be
5 speaking English and you expect to enter État Major.

6 I am not a French man, but I spoke French. So that is the reason why I always went
7 there and I was permitted to enter.

8 I can only tell you about myself, but not any other person.

9 Q. [12:27:30] So we stay just with you and what you saw and heard and what you
10 did.

11 And before the elections in that same year, 2010, did you go to the État Major before
12 the elections?

13 A. [12:27:47] Well, before the elections, before we got through to get to the time of
14 the elections, things were not really very nice with me. So I was not going to the
15 barracks at all times. When the elections were closer, and everybody was so very
16 busy, so I could not go there at that time. So I was waiting for the election to come
17 pass by, and we'll get to the peaceful times, then I will be able again to put myself
18 together and do my continual -- (incomprehensible)

19 Q. [12:28:38] It just didn't make it onto the transcript. What would you do? You
20 would put yourself together and do what? We just missed the last bit. Will you
21 speak slowly?

22 A. [12:28:49] I said the people were putting themselves together for the elections.
23 And the military people were so very busy. So it was something that they were not
24 paying me for. It was something that I asked for.

25 And the elections were near. So the barracks people were so very busy. So I could

1 not have been going to the barracks asking for it at that time, because the election was
2 a busy period, and everybody was busy. So I was -- everybody, they were all
3 working. So I was waiting for a peaceful time.

4 Q. [12:29:26] And apart from asking for money, did you have -- so we move that
5 aside -- did you have any contact with anyone from the État Major at this time before
6 the elections?

7 A. [12:29:46] Yes. I had contact with the colonel who always used to help me, like
8 Sako. That was the only person. Maybe if I don't meet him, if I have chance to talk
9 to the general, then I can see him.

10 I had contact with some other security friends, but as it is now, I cannot give you their
11 numbers. I told you that I was very friendly to most of the security people, even
12 before the war, because I used to sell ice cream around those areas, and they knew me
13 at that particular time.

14 Q. [12:30:24] And was there a time in this period where you wanted to go back to
15 the west, to the west of Côte d'Ivoire?

16 A. [12:30:37] Yes, I wanted to go back to the west. But when it was elections time,
17 a lot of things happened. So I did not know who to meet, because before the
18 elections we did not know which parts of the military was for Gbagbo and we did not
19 know which part of the military was for the other president that was contesting the
20 elections.

21 So I could not have gone to Guiglo, because the country was not steady by then.

22 Q. [12:31:15] Okay. So what did you do when you thought the country was not
23 steady? Did you do anything?

24 A. [12:31:25] No. I was at Deux Plateaux. Even before I started moving to find
25 my way out in the city, at that time there were some riots, we sent some riots in the

1 town. Sometimes people would come out of ordinary taxis and open fire at people.
2 And by then, so at that time there was too much of fear in people. The only person I
3 could get close to at that time was the minister Hubert Oulaï and because he used to
4 receive Krahm people. And Paul Richard and others, we could not see them at that
5 time.

6 So the distance between Deux Plateaux to Cocody was not that far. So always if I
7 had a little problem, I will come and meet him and try to talk to him. And during
8 that time I will go to him and tell him that I needed transport to go back home and
9 then he will do something.

10 Q. [12:32:28] And you told us just now, you said that you had contact with the
11 colonel. This is at page 55 of the realtime transcript, lines 13 and 14. You said you
12 had contact with the colonel who always used to help you, like Sako.
13 So do you remember any particular contacts you had with Sako before the elections or
14 during the elections at that time?

15 A. [12:32:55] Maybe if you read my diary you'll find his numbers there. Since I
16 left the country, I only rely on that diary. So I don't know, I can't tell you, I can't tell
17 you exactly. I can't recall everything.

18 The last time we met was when the war came, after the elections, they said Gbagbo
19 lost the elections. I think that was the only time we met now at a place called -- how
20 do they call it? They called it the gendarmerie CECOS. I think that was the area
21 where the bombardment took place. That was the only time we met again.

22 Q. [12:33:42] And still on the same time frame, just going back just a bit earlier, do
23 you remember saying in your interview to the Prosecution -- and the reference for the
24 original interview is 0085-0591 at page 0598. And my colleague, Ms Berdennikova, is
25 finding the English translation right now. The French is 0088-0311 at page 319.

1 And in fact I've been provided with the French -- English, it's 0096-0300 at 0308.

2 I just want to just clarify something with you, and you can just maybe, maybe this
3 will help you remember or you can just tell me.

4 A. [12:34:51] Mm-hmm.

5 Q. [12:34:52] So now this is what you said, and just listen to that. It's at line 214 of
6 the English translation, line 214: "Some of my friends that were part of the force
7 LIMA before, they told me that there was no way out for us, because people knew us
8 from 2000. So when we would escape and the people would see us, they will know
9 that we fought for Gbagbo before and they will try to kill us. So since the people all
10 knew you, we would rather die with them than that they would kill us on the rebel
11 line. So I told them 'No problem.' So when I got back to État Major, I told them
12 that I accepted for us to cooperate. 'We want you all to work with us when you are
13 all get back, because we know all the sides we want to go to. The people were
14 already taking over the place.' They said 'Oh, thank you very much.' I said 'All
15 right.'

16 When they give me my first operation, when they called me, they told me 'We don't
17 have anything to give you like arms, but you will always be with us.'"

18 So can you -- this is from your interview. Is this before the elections; is that right?
19 You had this -- you went to the État Major and had this conversation?

20 A. [12:36:47] The thing that you are saying here is true. All the things that you
21 have said were said by me. I did say that I did not want to go back to Guiglo,
22 because things were getting too bad. So I preferred dying along with the people that
23 I had worked with before, like the Gbagbo people, rather than going across another
24 rebel line where people will just look at me suspiciously and kill me.

25 So when my friends came to me, that was when I told them, I told them that I will still

1 look at my own -- my old contacts and see what I can do.

2 But I cannot tell you whether it was before the election or after the elections, because I
3 am not too good at remembering those exact moments, because if you are bringing
4 me back here 2010-2011, it's just because I do not read and write. But if you want the
5 things to go nicely, you must allow the whole proceeding to go this way. We start
6 with 2000, if you are talking about 2002-2003, we continue with that and then we'll
7 come to -- we go accordingly. And then later we'll come to 2010-2011.

8 But you are mixing up, you are mixing up everything.

9 Sometimes you go down to 2002-2003, you bring me to 2010-2011, then you go to 2008.
10 Most of the things you see there, yes, I said them, but then I cannot remember the
11 dates exactly.

12 PRESIDING JUDGE TARFUSSER: [12:38:33] Mr Witness, please. The Prosecutor
13 can ask questions to you and you can't tell the Prosecutor how to question.

14 THE WITNESS: [12:38:42] (Speaks English) Okay.

15 PRESIDING JUDGE TARFUSSER: [12:38:45] Now we have passed from 2000 and
16 whatever to the election period.

17 THE WITNESS: [12:38:50] (Speaks English) Okay, okay.

18 PRESIDING JUDGE TARFUSSER: [12:38:52] And this was told to you at the
19 beginning of this, 10 minutes ago. So now we are in the period of the elections
20 2010-2011. So just focus on this. But don't argue with the Prosecutor on how she
21 has to put the questions, please. Just answer. Thank you.

22 THE WITNESS: [12:39:16] (Interpretation) Yes, okay. Thank you, Mr President.

23 MS PACK: [12:39:20]

24 Q. [12:39:21] And I don't want to confuse you, of course. So I'll read you the next
25 bit in the interview so you're clear that I'm not trying to go back and forward. I'm

1 just here, 2010-11 this time. So at line 225, same page, I'll just read what you said just
2 after what I read before, just after. You said, "They wouldn't give me a gun again,
3 but I will be with them in case of anything. So when they said that to me, I called the
4 minister of public functions, Oulaï Hubert, and he told me nothing will go on. He
5 would come to be with me. So every time I left from Deux Plateaux to go to Cocody
6 to Oulaï Hubert, because he knew that in 2002 we did a better job with the people.
7 So when I got into his yard, he told me he would be paying me 100,000 every month."

8 PRESIDING JUDGE TARFUSSER: [12:40:34] The question, I think, is did you say
9 this? And if yes, is it true or not?

10 THE WITNESS: [12:40:42] (Interpretation) Yes. But the issue of the money, I was
11 not even working. How, how could somebody be paying me 100,000? How could
12 Oulaï be paying me 100,000? My problem there with that statement is the issue of
13 the money. We spoke the same language. He said, "I am your elder brother and
14 you are my junior brother." He said, "We can meet each other intermittently and we
15 see what goes on and what happens."

16 MS PACK: [12:41:17]

17 Q. [12:41:17] Okay. But it's right, is it, just remembering what you said before,
18 that he said to you that he will be paying you 100,000 every month; that's right, yes?
19 Is that right?

20 A. [12:41:33] No. I disagree. I disagree with the issue of the 100,000. I agree
21 with all of the things that you have said there, but the issue of the 100,000 is what I
22 disagree with.

23 Q. [12:41:45] How do you disagree with that?

24 A. [12:41:47] I disagree with it because I only went to ask for a personal help for
25 transportation to Guiglo. He told me that if there was anything fishy that is going on,

1 I am part of government, I will be able to inform you. This was not a salary. I only
2 went to ask him for help so that he could help me go to Guiglo.

3 And by then I spoke with him, and that was the time I met Commander KB. And KB
4 told me -- and, in fact, I never went back to the residence. I never went back to État
5 Major. It was KB now that I used to talk to. I told him that I'm stuck with my uncle.
6 He said -- he said all the other boys who are working at the university campus and he
7 said he wanted all of us to be together, to get a space to be relaxed because the
8 community that we are living in was not too good for us.

9 Q. [12:43:01] I'm not trying to stop you, just you said a lot. There are some new
10 names. We have to take it slowly and go little thing by little thing. Not too much at
11 one time, okay?

12 Now just help me just to understand what you are saying, because I'm a bit confused.
13 So the issue of the 100,000 is what I disagree with, and I want to know what you
14 disagree with. Do you disagree, did you not say that? Is that what you say? Or
15 do you disagree, you got it wrong, and he didn't say that to you? You now say he
16 did not say to me, "I will give you 100,000 every month." Just so we are clear what
17 you mean?

18 A. [12:43:57] Really, before we come to this issue and you are talking about 100,000,
19 I went to him as a younger brother and he was my elder brother and we spoke the
20 same language. I wouldn't have gone to any other person that was not closer to me.
21 When I went for assistance, he said, "Do not run away. Nothing is going to happen."
22 He said if anything fishy was going to happen, I will inform you and I will help you
23 with your transportation to leave. And any time you think you are not comfortable
24 at Deux Plateaux, you can come over and stay with me.

25 But this issue of 100,000 was not kind of a salary that he was going to be paying me by

1 month. Yeah, he said he will be helping me with something like 50,000 and see how
2 my life comes back.

3 But to say 100,000, 100,000 is not true. That one, I disagree with it. But all other
4 things that you said in that transcript, I agree with. But the issue of the 100,000, I
5 disagree with. That money, it was not anything like a salary that I was going to be
6 paid.

7 PRESIDING JUDGE TARFUSSER: [12:45:11] May I make it easy. You said - I read
8 from the transcript - you said in your statement before the investigators, you said, and
9 I quote, "So when I got into his yard, he told me he would be paying me 100,000 every
10 month." End of quote.

11 Is this right or wrong? Is this true or not true? Did you say it or did you not say it?

12 THE WITNESS: [12:45:44] (Interpretation) I did not discuss the issue of money
13 being 100,000. Yeah, all other things there are true. And money -- and the issue of
14 money could be true. But the amount is what I have problem with. 100,000, I have
15 problem with that, I disagree with that.

16 PRESIDING JUDGE TARFUSSER: [12:46:07] So it's you who didn't say 100,000. It's
17 not that he didn't say to you 100,000?

18 THE WITNESS: [12:46:12] (Interpretation) No. He did not say -- he did not say
19 about, say something about 100,000 to me. He only -- he only told me that if there
20 was any problem around, if there was anything fishy, he could help me with
21 transportation so that I can leave.

22 PRESIDING JUDGE TARFUSSER: [12:46:32] And you yourself didn't say 100,000?

23 THE WITNESS: [12:46:37] (Interpretation) I said he told me, he asked me how
24 much I needed. This, the money that he would have given to us was only for us to
25 pay our way back home. But it was not anything like he said he would be paying

1 me 100,000. No. I was not going to work with him directly. I was only going to
2 stay with him in his house, you know.

3 PRESIDING JUDGE TARFUSSER: [12:47:07] Okay. Ms Pack.

4 MS PACK: [12:47:10]

5 Q. [12:47:10] And you said 50,000, you did receive 50,000? 50,000, not 100?

6 A. [12:47:19] No it was not 100.

7 Q. [12:47:22] But 50,000 you received?

8 A. [12:47:27] Before the 50,000 was given to me was the time there was the riots in
9 town. So I had wanted to leave that particular area so that I would go and join my
10 friends, then we would all live together at Cocody.

11 So the 50,000 came in at the time when the riots got to a height. And it was 50,000, I
12 agree with that, but it was not 100,000. And by then things were going wrong and I
13 was not safe. And I did not ever ask him to be paying me 100,000 every month. I
14 disagree with that.

15 Q. [12:48:09] We leave that. We leave that. We leave 100. We go for 50,000.

16 A. (Speaks English) Yeah.

17 Q. [12:48:12] When did you receive that from Hubert Oulaï? Do you remember
18 or --

19 A. [12:48:18] I think the first time I went to him was the time I received that. And
20 by then things were rough with me. And he even allowed me to sleep -- to pass the
21 night over in his yard.

22 I could not go back to Cité rouge because at Deux Plateaux, before and after the
23 elections, there was too much of control going on there and too much of riots. And I
24 did not want anybody to identify me as a Liberian. So I had wanted to cover up
25 together with my friends because it was very clear that if things were going to be

1 messed up, I will be in a dangerous position.

2 So I went to Commander KB and then I told him about it, about my position.

3 Q. [12:49:12] We'll get to him in a minute. I just want to, first of all, KB, it was
4 mentioned just now and also earlier in the transcript and I was just trying to find it a
5 moment ago, and I didn't see that it came out right. You mean "KB" in French, K-B,
6 is that what you mean?

7 A. [12:49:35] Yes, Commander KB, K-B.

8 Q. [12:49:38] Okay, that's KB in English. So that's how it should appear in the
9 transcript also before.

10 And just while we're on that name - we'll come to Oulaï in a minute - KB, KB, do you
11 know what this person was called, the full name?

12 A. [12:49:50] I only knew him to be Commander KB. He was the commandant for
13 the marines.

14 Q. [12:50:05] You say commandant for the marines. Okay. We come back to him
15 in a minute.

16 Just with Oulaï, you told us you went to stay with him. Do you remember if that
17 was before or after the elections? And if you don't remember, just you can say it.

18 A. [12:50:21] Well, it was at a time there was too much riots going on in the country
19 and that was the time I went to him to take over. The nights that the riot took place
20 was the night I slept in his house.

21 Q. [12:50:43] Was it before 16 December, the march on 16 December that you were
22 staying at Hubert Oulaï's house, place?

23 A. [12:50:50] You mean 15?

24 Q. [12:50:52] Before the march. You've been asked about before on 16 December,
25 you call it a riot, the 16 December, was it before then or after then that you were

1 saying at Hubert Oulai's place?

2 A. [12:51:06] No. When the riot started, that was the time I rushed to his place
3 because when the riot started, I could not have stayed out for people to see me and
4 identify me and say I'm a Liberian. So when I went to his place, he told me I should
5 stay there until after the end of the riots and then I will leave.

6 I passed the night there, and the following day I left. So after that was the time that
7 you came to Cité rouge.

8 Q. [12:51:38] Okay. And which time did he give you 50,000? Was it when you
9 went over that time or was it another time?

10 A. [12:51:46] That was the exact time after the riot when I was returning home,
11 because I told him that I was broke, I didn't have anything with me. So I told him
12 and I have friends who also depended on me. So he decided to give me 50,000 that I
13 could go and share with my friends just to get us maybe breakfast or something else.

14 Q. [12:52:09] And did you at any time in this period, did you work there at Hubert
15 Oulai's place? Did you work for him at his place?

16 A. [12:52:21] No. When you talk about working, and maybe there is something
17 you will say I either worked with him or he worked with me. Well, when I used to
18 go there, but to say I went and worked for him, if I did anything for him, was just
19 something like a gesture because he was a very nice person to me, he used to assist
20 him. So I did not go there to work for him for a salary.

21 Q. [12:52:50] And you've told us -- okay, so we'll just stay with this person just for a
22 while. We talk about KB and we talk about the campus you referred to. We'll talk
23 about that after lunch. But just now we have a few minutes.

24 You spoke about Hubert Oulai. Did you know about -- do you know of any other
25 Krahn men like him who were also politicians like him? He was, you told us,

1 minister. Any others that you remember?

2 A. [12:53:19] Well, I knew some of them, but I did not used to visit them or I was
3 not closer to them like Hubert Oulaï, Oulaï. Like Marcel Gossio, who was the port
4 director, he was also a Krahn. But mostly, before we even met those people, it could
5 only be at a time when they would go and launch a party for the Krahn people in
6 Guiglo. That was the time that I could be invited. Then I go there and I share time
7 with them, and then some of them will get to know me. But to say I was very close
8 to them is not really the case, because those of us who are Tchien in Liberia, we speak
9 the same dialect, this same dialect of Tchien like those in Ivory Coast.

10 Q. [12:54:17] The same dialect as the Krahn in Ivory Coast, is that what you mean?

11 A. [12:54:23] Yes, no difference. It's the same dialect.

12 Q. [12:54:25] Okay. And I didn't want to know so much about people who you
13 know well, like Hubert Oulaï, you know him well, you say. So it was the people that
14 you've heard of then who came to party in Guiglo, the other Krahn people. You said
15 Marcel Gossio. Can you remember other names of the Krahn people like this who
16 came to Guiglo who you remember?

17 A. [12:54:57] I said I did not actually have any direct dealings with them. Most
18 people knew him. He was the port director. He was an influential person. He
19 would come around. He had a big position. And people would come around him.
20 That was how I got to know him. But I was not really close to him.

21 Q. [12:55:15] I think maybe my question wasn't so clear. So not Gossio, but
22 anyone else that you remember, any other names that you remember?

23 A. [12:55:26] I said Marcel Gossio and Emile Guiriéoulou. Before I got to know
24 him, that was the time Gbagbo was teaching, and when he took up government,
25 Emile Guiriéoulou took the place of Hubert Oulaï as minister of public function.

1 That was the time I knew him.

2 Q. [12:55:54] I think the spelling there is for Guiriéoulou is G-U-I-R-I-E-L-O-U.

3 Does the name Voho Sahi ring a bell for you? Does he mean anything to you?

4 A. [12:56:12] Yes. I used to hear the name. But he's a Krahn man, too, but I was
5 not close to him.

6 Q. [12:56:18] Okay. And earlier on, and this is the last question before I think I
7 will ask their Honours if they are agreeable to adjourn for lunch, but you mentioned
8 yesterday, and this is on the English transcript, unedited, at page 112, lines 13 to 14,
9 you said "All people" -- if I just find it.

10 You said, you said, "Because all of the people who were contributing those moneys to
11 be brought to us were working for government." You were just talking then about
12 moneys back again in 2002-2003.

13 And I'm wondering if you can remember any of the names of those people that you
14 are talking about who were contributing money then who were working for the
15 government for you, the Liberians, who were part of the fighting forces in 2002-2003?

16 A. [12:57:32] No, I don't know anything about it. You told me yesterday, you said
17 what -- if I saw something, I should talk about it. But some people just -- the people
18 just spoke about him. But I don't know them. But I can only tell you about what I
19 saw and what I know.

20 Q. [12:57:57] Thank you. And just a quick follow-up with Guiriéoulou. Do you
21 know what job he was doing in the time you were staying with Hubert Oulaï, at that
22 time 2010?

23 A. [12:58:10] I was not with Oulaï when I knew Guiriéoulou. You know, when
24 Gbagbo was changing his government or shuffling his government, Emile
25 Guiriéoulou, Hubert Oulaï was changed and Emile Guiriéoulou took over the

1 position. But it was not like I met him. I used to watch television and I would see
2 him.

3 Q. [12:58:41] I'll leave it there.

4 A. (Speaks English) Okay.

5 MS PACK: (Microphone not activated)

6 PRESIDING JUDGE TARFUSSER: [12:58:44] It is indeed. I think we take the
7 lunch-break. And I will liaise with the VWU. So we will see how this can be
8 managed. And we resume at 2.30.

9 The hearing is adjourned.

10 THE COURT USHER: [12:58:58] All rise.

11 (Recess taken at 12.59 p.m.)

12 (Upon resuming in open session at 2.36 p.m.)

13 THE COURT USHER: [14:36:55] All rise.

14 Please be seated.

15 PRESIDING JUDGE TARFUSSER: [14:37:23] Good afternoon. Good afternoon,
16 Mr Witness. I know that you went together with the VWU to the hotel to get the
17 agenda, the diary.

18 THE WITNESS: [14:37:48] Sorry.

19 PRESIDING JUDGE TARFUSSER: [14:37:49] Okay. I know that you went with
20 the VWU to the hotel, right?

21 THE WITNESS: [14:37:54] (Interpretation) Yes.

22 PRESIDING JUDGE TARFUSSER: [14:37:55] Yes. And that you came back with
23 this diary?

24 THE WITNESS: [14:37:59] (Interpretation) Yes.

25 PRESIDING JUDGE TARFUSSER: [14:38:01] Have you had time to eat?

1 THE WITNESS: [14:38:06] (Interpretation) I started eating and they told me that
2 there was no more time. But we can go ahead, no problem.

3 PRESIDING JUDGE TARFUSSER: [14:38:20] Yes. I understood that. It was
4 quite English.

5 So we now go ahead, if there is anything you need, you just tell me and maybe we can
6 stop a little bit earlier or something like this, but just tell me if you have some
7 problems, okay?

8 THE WITNESS: [14:38:41] (Interpretation) Okay.

9 PRESIDING JUDGE TARFUSSER: [14:38:42] And then just to tell you, tomorrow
10 you should be here, and then you have three days of rest, okay?

11 THE WITNESS: [14:38:52] (Interpretation) Okay.

12 PRESIDING JUDGE TARFUSSER: [14:38:54] So I now give the floor back to the
13 Office of the Prosecutor. Yours the floor.

14 MS PACK: [14:39:01] Thank you, Mr President. Good afternoon, your Honours.

15 Q. [14:39:06] Good afternoon, Mr Tarlue. Now, you have your agenda with you,
16 do you?

17 A. [14:39:15] Yes.

18 MS PACK: [14:39:18] Your Honours, Mr President, I take your guidance as to how
19 to proceed. One of the things I think we might do is just if perhaps the --

20 PRESIDING JUDGE TARFUSSER: [14:39:26] The first thing to do I think is to show
21 it to the Chamber. So please, court usher, could you get it and show it to us?

22 THE WITNESS: [14:39:44] It is just in pieces so --

23 THE COURT USHER: [14:39:50] No problem.

24 PRESIDING JUDGE TARFUSSER: [14:39:51] We handle it carefully. Don't worry.

25 THE WITNESS: [14:39:54] Okay.

1 MS PACK: [14:39:56] And one thing I was wondering, just as it's coming over to
2 you, is if it is inspected by the parties and the Chamber, I wonder if the witness is
3 very keen to have it back. So it's just something to have in mind whether it's going
4 to be possible either to inspect and hand back or inspect, copy and hand back. I
5 don't know what the options will be, but just if it is something that he wants back,
6 perhaps we can just ask him at one point. We're waiting for their Honours to look at
7 it.

8 (Trial Chamber confers)

9 PRESIDING JUDGE TARFUSSER: [14:43:57] I hand it over to the Defence as I
10 think the OTP has seen it. No?

11 MR O'SHEA: [14:44:09] Your Honours, so as not to hold up the questioning, I'm
12 going to have a quick look at it now, but I would like a further opportunity to look at
13 it with a bit more care before it is taken away this evening.

14 PRESIDING JUDGE TARFUSSER: [14:44:22] Yes, yes.

15 MS PACK: [14:44:33] Your Honour, I wonder whether a way to proceed would be,
16 an additional way to everyone looking at it would be just if one of the court officers
17 were willing to compare the document that is now being examined, the original, with
18 the photocopy that is on eCourt so that we can just know that what is there is indeed
19 duplicated by the original, and then we can all feel satisfied that that at least has been
20 done with due diligence.

21 MR O'SHEA: [14:45:04] Yes, that's not my issue, but anyway, yes, that's fine.

22 PRESIDING JUDGE TARFUSSER: [14:45:08] Okay. That's fine.

23 (Pause in proceedings)

24 MS PACK: [14:45:33] Your Honour, I don't want to jump up and down in an
25 irritating way, but the other thing I'm thinking is if we're going to take a while and

1 the witness was having his lunch, then maybe he can just finish his lunch while
2 they're all inspecting this.

3 PRESIDING JUDGE TARFUSSER: [14:45:49] I would say something else. Why
4 don't we go ahead with the questioning on the --

5 MS PACK: [14:45:55] Okay.

6 PRESIDING JUDGE TARFUSSER: [14:45:56] -- agenda tomorrow, so in the
7 meanwhile we'll see it, and now you'll proceed with the -- because the --

8 MS PACK: [14:46:04] Yeah.

9 PRESIDING JUDGE TARFUSSER: [14:46:04] -- with what you finished before we
10 broke, so I think this could give us some time to look at it, and then you can proceed
11 tomorrow with the questioning on the agenda.

12 MS PACK: That makes much more sense. Thank you, your Honour, thank you.

13 PRESIDING JUDGE TARFUSSER: [14:46:19] Okay. So we are looking at your
14 agenda, and the question on the agenda, which was made this morning by the Office
15 of the Prosecutor, we will do it tomorrow, and now the Prosecutor will proceed with
16 the questioning as she did -- where she interrupted before lunch, okay? The
17 microphone. You must -- sorry. Okay. Is this okay for you?

18 THE WITNESS: [14:46:53] Yeah, we can go ahead without it and do the lunch
19 later.

20 PRESIDING JUDGE TARFUSSER: [14:46:58] Yes, okay. So please.

21 MS PACK: [14:47:00]

22 Q. Okay. So I'm going to go back to what we were talking about before lunch.
23 So we are back 2010, and we'll just forget the agenda now, we'll deal with that
24 tomorrow morning, okay?

25 A. [14:47:16] Uh-huh.

1 Q. [14:47:18] You were talking about Hubert Oulaï just before lunch time. Were
2 you the only Liberian former member of LIMA who was close to Hubert Oulaï or
3 were there others also that were close to him that you know of?

4 A. [14:47:44] I only know about myself. I don't know about other people.

5 Q. [14:47:52] And the other thing from before lunch when we were talking, that
6 then you had had talked about a hotel you stayed in, Hotel La Cane, it was at page
7 100 - sorry, page 31 of the realtime transcript, lines 4 to 9. And you went to stay
8 there when you were also going to the État Major that time to get supplies. Do you
9 know who paid for the hotel when you stayed there those times?

10 A. [14:48:27] Yes. The only thing I know is that when you call the name of the
11 other hotel, I told you that I don't know the other hotel. Where we stayed is what I
12 know. We came along with commanders like Oulaï Delafosse and other people.
13 For us when we come there we don't ask whether it has been paid for or not, we just
14 pass the night there, we just sleep there. It was Oulaï Delafosse who used to do
15 everything. We never knew from whom he was getting the money, but we knew
16 that it was Oulaï Delafosse that was paying for the hotel at any time we came to
17 Abidjan.

18 Q. [14:49:12] Okay. So now we go back again to 2010. And just before the
19 break you were telling us about how you went at one point to Commander KB in
20 English, KB in French, you went to him, and let me just quote to you what you said
21 just before the break, this is at page 65 of the realtime transcript in English and it's
22 lines 1 to 5. And you said this:
23 "And I did not want anybody to identify me as a Liberian, so I had wanted to cover
24 up together with my friends because it was very clear that if things were going to be
25 messed up I will be in a dangerous position."

1 And then you say: "So I went to Commander KB and then I told him about it, about
2 my position." So I stop there. I want to just ask this question before we ask about
3 KB, just this question: Why was it that you didn't want anyone to identify you as
4 Liberian? What were you afraid of?

5 A. [14:50:42] The reason why I was afraid was because the people knew us since
6 2002, and they knew that we had lived in the country before, and before 2010, we
7 were in uniform and we took photos and some of those photos were in public. So
8 that was the reason why at that time most of our friends, since they had seen us in
9 photographs and military fatigue, we were afraid, so, so -- and we went for the
10 interviews for the -- to the United Nations for us to have asylum, but then we were
11 rejected.

12 So when we run now, we are afraid, and the main reason why we are afraid,
13 during 2010 people had known us during 2002, and at that time we were fighters, but
14 after which we were no longer fighting, and those of us who volunteered we did not
15 have any more position in the government.

16 So the crisis that was in 2000 -- 2002-2003 and the areas, those areas that we had
17 captured before were now captured by rebels. So I did say that I would have
18 preferred to die with the people with whom we had struggled, the people with whom
19 we fought together than to go to areas where my life could have been in danger.
20 Actually nobody called me to say "come and join me" or something like that, but then
21 I was seeking for my own safety. That was what I was talking about.

22 Q. [14:52:37] So you said as a result of your fear, and you say you wanted
23 to -- you prefer to die with the people with whom you had struggled?

24 A. [14:52:50] Uh-huh.

25 Q. [14:52:50] You told us before you went to KB, and what did you do after that,

1 where did you go?

2 A. [14:53:04] Before I went to KB, when I went at Hubert Oulaï's place, I went to
3 KB because by then things were very difficult for me and I knew my uncle could not
4 understand me, and he was a civilian, so that is the reason why I decided to go to KB
5 because I was trying to let him understand the way he could have helped the
6 situation for me. And now I have been fighting for the president of Côte d'Ivoire, so
7 I could not have left them again to go and fight for any other group. So we went to
8 KB, and I tried to talk to KB how we could put some other modalities in place, but he
9 told me that we can only -- we can only be assisting you somehow, but we cannot
10 give you arms again to go and fight. The president's wife -- wife's bodyguard --

11 Q. [14:54:10] Just continue. I just go like this to pause a bit, and then continue.

12 A. [14:54:16] So he told me that and I said, "Okay, no problem." What I was
13 suggesting at that time was because that area was full of youths and they were not
14 people who were in army. He was the only person who was taking care of the
15 securities who were controlling the riots.
16 By then he told me that they were not in any position again to give us anything like
17 arms, but he said, "We got a good news that there will be somebody who will be
18 ready to help you." So, and that was the president's wife's bodyguards. They call
19 him Séka Séka. He told me about Séka Séka. And the time that Séka Séka came to
20 the Cité rouge he did ask me whether I knew anything about arms. Then I told him
21 we were the one who have been fighting this war since 2002. I have tried to go to
22 America but I couldn't. So we want to maintain our safety and things are getting
23 difficult for us. So he told us to go back and that he was going to get back to us. So
24 within two, three to five days he came back to us.
25 In about five days he came back to us and said that, "I cannot give anything to you

1 without you showing me evidences or proofs to show that you have been fighting
2 before." And when we showed him, he tried for us to experiment on the arms to
3 prove to him that we actually understood about arms.

4 Q. [14:56:16] I'm going to stop you there, and I'm going to just ask you some
5 questions about the account you gave. I don't want to stop you talking. And if
6 there's anything you want to add later, please do, but just for now to clarify some
7 things to get the names and I will ask you some questions, okay?

8 A. [14:56:38] No problem.

9 Q. [14:56:40] Okay. We go back please to where you went to. When you went
10 to KB, where was KB based when you went to him, which location?

11 A. [14:57:01] No, I never went to his residence. He told me to meet him at the
12 Cité rouge. That was -- that was where we met. So I met him at the Cité rouge. I
13 did not meet him at his residence.

14 Q. [14:57:15] And tell us briefly what is Cité rouge, because we all don't know the
15 Cité rouge? What is it? What was it?

16 A. [14:57:24] The Cité rouge is one of the biggest university campuses at Cocody.

17 Q. [14:57:33] And in relation to Hubert Oulaï's house, where Hubert Oulaï lived,
18 where is it?

19 A. [14:57:44] Hubert Oulaï too was not living far from the Cité rouge. That was
20 just the same community. Just from the Cité rouge, you cross over the next side of
21 the road, then you see Hubert Oulaï's house. It is just about a walking distance.

22 Q. [14:58:00] And RTI, in French RTI, about how far walking distance is RTI from
23 Cité rouge?

24 A. [14:58:13] The Cité rouge and the RTI, they are closer. You can be standing at
25 the Cité rouge seeing the RTI.

1 Q. [14:58:29] Now, can you tell me this: You say you see KB, you see him at Cité
2 rouge, and you told me before that he was a marine commandant?

3 A. [14:58:46] Yes, that was what I told you.

4 Q. [14:58:48] So I just have a question about that, which is why was a marine
5 commandant, KB, why is he at a university campus, Cité rouge? Why was he there?

6 A. [14:59:06] Well, I did not know. But that was where we used to meet. I
7 don't know the reason why he was there. At the time I told him that I wanted to
8 meet with him, he told me we should meet at the Cité rouge, and that was where I
9 met him. But I cannot actually tell the reason why he was on the university campus.
10 And I did not have the time to ask him the reason why he was at the campus.

11 Q. [14:59:31] And who else was at the campus apart from him?

12 A. [14:59:39] Everybody on the campus was a student. There was no particular
13 individuals there who were not students. We were the only ordinary people who
14 were there.

15 Q. [14:59:51] And you tell us you were the only ordinary people. That is you,
16 Mr Tarlue, and who else?

17 A. [15:00:08] My friends and myself, Mission, Emmanuel Baye and most of the
18 other guys. We were like up to 13 or 14 in number.

19 Q. [15:00:26] Let's take that slowly because we didn't get all the names. First of
20 all, these guys, 13 or 14 in number, all these Liberian guys?

21 A. [15:00:36] Yes, we were all Liberians.

22 Q. [15:00:40] And let me just ask you to go through the names slowly and then I
23 will try and spell the names as well. So you said Mission was also at Cité rouge?

24 A. [15:00:54] Yes.

25 Q. [15:00:54] And he's former LIMA?

- 1 A. [15:00:58] Yes.
- 2 Q. [15:00:59] He's a Krahn guy, he's a Krahn man?
- 3 A. [15:01:04] Yes.
- 4 Q. [15:01:04] And who else?
- 5 A. [15:01:12] Emmanuel Baye.
- 6 Q. [15:01:15] That's Emmanuel Baye, you said?
- 7 A. [15:01:22] Baye.
- 8 Q. [15:01:22] Okay. I think the last name there is, Emmanuel, and then the last
- 9 name is spelt B-A-Y-E for the record.
- 10 Anyone else? Let me just pause with him one moment. I apologize. Emmanuel
- 11 Baye, was he also Liberian?
- 12 A. [15:01:45] Yes.
- 13 Q. [15:01:46] Was he also former LIMA?
- 14 A. [15:01:49] Yes.
- 15 Q. [15:01:51] And do you know his ethnicity?
- 16 A. [15:01:57] Yes, he's Krahn.
- 17 Q. [15:01:58] And who else then can you name from the 13 or 14?
- 18 A. [15:02:06] We had -- did you get me?
- 19 Q. [15:02:24] I didn't.
- 20 A. [15:02:25] We had Zoko. We used to call him Zoko.
- 21 Q. [15:02:30] Okay. And that's Z-O-K-O for the record.
- 22 And just before we go to the rest, were all the guys you mentioned, the 13 or 14, were
- 23 they all former LIMA?
- 24 A. [15:02:46] Yes.
- 25 Q. [15:02:49] And Zoko, what was his ethnicity?

- 1 A. [15:02:55] He's Krahn.
- 2 Q. [15:02:56] And did he have a first name you remember?
- 3 A. [15:03:01] No, no.
- 4 Q. [15:03:07] Can you tell us anything about Zoko, anything else? Did he
- 5 go -- let me ask you this: Did he go with you to Cité rouge or was he already there?
- 6 A. [15:03:25] Zoko and the other guys, we were all living at Deux Plateaux. He
- 7 did not come with us. We met him there. He was, he was a security at the campus.
- 8 It was -- by then it was not even elections time. He was employed there as a security.
- 9 But by then he was not carrying arms. He had been there even before the elections.
- 10 Yeah, he was only being -- he was only serving there as a security to the warehouse.
- 11 Q. [15:04:03] Okay. And so before the elections, Zoko was security at the
- 12 campus. Do you know who he was working for, what person?
- 13 A. [15:04:16] No, I don't know. But I knew he was working at the Cité rouge,
- 14 because he had a big bag with him, he was serving as a security. And most of the
- 15 guys were there with them having the badge.
- 16 Q. [15:04:34] Okay. So apart from Zoko, there were other Liberian, former
- 17 LIMA, these guys who were also at Cité rouge before the elections working as
- 18 security?
- 19 A. [15:04:48] No. It was Zoko, because Zoko, Zoko was -- he used to work there,
- 20 and he had been employed there. Sometimes he would work for three weeks and
- 21 then he will have time off for two weeks. But for the other guys, no.
- 22 Q. [15:05:10] And again with Zoko later, when you went to Cité rouge this time,
- 23 do you know if Zoko was working for anyone at that time when you went to Cité
- 24 rouge?
- 25 A. [15:05:24] No, I don't know.

- 1 Q. [15:05:26] Let me go through with you the other guys just to see if you
2 remember any other names. So you said already Mission, you said Zoko, you said
3 Emmanuel Baye. Is there anyone else the names you remember?
- 4 A. [15:05:43] Huh? Yes, Jefferson.
- 5 Q. [15:05:49] And Jefferson, can you tell me again is he Krahn?
- 6 A. [15:05:55] Yes.
- 7 Q. Liberian.
- 8 A. Yes, Liberian.
- 9 Q. [15:05:59] And anyone else you recall?
- 10 A. [15:06:06] Sam Tode.
- 11 Q. [15:06:08] Can you repeat that name?
- 12 A. [15:06:11] (Speaks English) Sam Tode.
- 13 Q. [15:06:12] Is that Tode with a D, Sam Tode?
- 14 A. [15:06:19] Sam Tode.
- 15 Q. [15:06:20] So the spelling I would have for that is Tode, T-O-D-E.
16 Anyone else you remember?
- 17 A. [15:06:36] Méfie Doe (phon).
- 18 Q. [15:06:38] Méfie Doe?
- 19 A. [15:06:40] Uh-huh.
- 20 Q. [15:06:41] Now, that I think we have to leave as a phonetic.
- 21 A. [15:06:47] And there was another name, Chakla (phon).
- 22 Q. [15:06:51] Chakla?
- 23 A. [15:06:56] Those are the names that I was closer to and they too were closer to
24 me, but some other names, I do not recall now.
- 25 Q. [15:07:04] And these guys you all mentioned just now, all Krahn, former

1 LIMA?

2 A. [15:07:10] Yes, yeah.

3 Q. [15:07:12] Now, earlier today you mentioned another person, and I said I
4 would come back to him, you mentioned someone called Solo who was Liberian?

5 A. [15:07:26] Uh-huh.

6 Q. [15:07:31] So when did you -- when did you -- how did you know Solo?

7 A. [15:07:39] I got to know Solo when Jean Bosco and some of us, we got some
8 discussions and we met with Séka Séka. After that it was only at one time that I saw
9 Solo come to Cité rouge, and somebody told me that Solo had been in Guiglo before.
10 Then I told the person that I have not met him before. And then later when he came
11 and Jean Bosco took him and --

12 Q. [15:08:13] Go on.

13 A. [15:08:16] Later Jean Bosco picked him again and they went, because he told
14 me that he was not working at the Cité rouge. He was working for Jean Bosco. So
15 he picked him up and they went. That was the only time I saw Solo. But before
16 then I had not seen Solo and he was not with me.

17 Q. [15:08:39] I just want to ask you a bit more about Solo. Can you tell us please
18 the ethnicity of Solo? Did you know that?

19 A. [15:08:51] Solo was not a Krahn man, he is a Gio man.

20 Q. [15:08:55] And do you know if he was part of -- you said he was in Guiglo
21 before. Was he part of a group in Guiglo, do you know?

22 A. [15:09:05] Whether he was -- even if he was part of the group, I did not meet
23 him before then.

24 Q. [15:09:12] So do you know if he was former LIMA or you don't know?

25 A. [15:09:18] No, I don't know.

1 Q. [15:09:21] Now, Solo, you said that he was not working at the Cité rouge, but
2 you said you saw him at Cité rouge. Can you tell us please what you saw him doing
3 when you saw him at Cité rouge?

4 A. I saw him at Cité rouge. He was normal. He was like me, he did not have
5 anything different. So it was Mission who told me about him. He told him that
6 Junior Gbagbo is inside there. So he came and asked me about where I was working.
7 And I told him I'm not working. I asked him where he is living also. He told me
8 that he is with Jean Bosco.
9 So he told me that his boss man's car is parked outside and that he was leaving.

10 Q. [15:10:18] And do you know where he was living, where -- what he was doing
11 with Jean Bosco?

12 A. [15:10:25] I wouldn't have asked him that question.

13 Q. [15:10:30] Okay. Now, let me just ask you a bit more about Cité rouge.
14 You've told us these other Liberian guys, 13, 14 of them, you go to Cité rouge, do you
15 stay in Cité rouge, you stay over there?

16 A. [15:10:50] Yes, because at the time we went to Cité rouge, we met Séka. We
17 had nowhere to go, we were just based there.

18 Q. [15:11:03] Do you remember how long you were based at Cité rouge?

19 A. [15:11:10] I don't think we spent more than a month at Cité rouge, because at
20 Cité rouge, when we went to Cité rouge, our first mission was to go --

21 THE INTERPRETER: [15:11:23] Your Honour, could the witness be asked to slow
22 down and repeat that area.

23 PRESIDING JUDGE TARFUSSER: [15:11:30] Stop. Now you should repeat what
24 you said last, starting from the last sentence.

25 THE WITNESS: [15:11:37] (Interpretation) I said we did not spend over a month at

1 Cité rouge. When we went to Cité rouge, we did not stay long there. And then
2 things were messed up, but at the president's residence, we stayed for a longer time
3 there. That is the only place that I recall that we stayed for a long time.

4 MS PACK: [15:12:02]

5 Q. [15:12:02] And can you say about how long you stayed at the residence, we'll
6 come back to it, but just how long you stayed there?

7 A. [15:12:13] At the residence we spent almost four to five months there.

8 Q. [15:12:19] And can you tell us the situation in Abidjan just so we have an idea
9 of the time, what the situation was in Abidjan when you went to the president's
10 residence?

11 A. [15:12:36] When we were at the president's residence, there was a riot that
12 came against the president's own youth. They said Alassane must be the president,
13 and Gbagbo wants to stay in power, and then there was a serious riot. Then we left
14 and after which there was fighting.

15 Q. [15:13:08] Okay. We'll come back to that time a little later. So we go back to
16 Cité rouge, and you were talking about KB. I want to just ask you a bit more about
17 him and what you were doing, because you said to us in relation to him that -- let me
18 find where you said.

19 Now, you said at one point you went on a mission for KB and I want to ask you about
20 that, okay. So where did you -- what was the mission?

21 A. [15:14:07] Well, it was the first time that we went to a place called Vridi, close
22 to the port. And that was our first mission after we left KB. Séka Séka told us that
23 these guys already know about arms. So if there is anything we want them to help
24 us with, I think we must tell them; after which KB told us that they do not have
25 anything.

1 But he said if we want him to go with us, we must wear the same military fatigue like
2 him. He said we should be in full uniform, and the youths at the Cité rouge know
3 already -- knew us already, so we should be in full uniform.

4 He said they told us that there was a helicopter gunship that came to the port. So
5 they wanted us to be there with them and -- but protect their own side of Marcel
6 Gossio.

7 Q. [15:15:22] And that's -- we'll go back over this, but Marcel Gossio, sorry,
8 Marcel Gossio is the same person you mentioned before, he was the director?

9 A. [15:15:34] Yes, yes.

10 Q. [15:15:41] Now, let me just be clear about this mission to the port. So who
11 instructed you to go on this mission? Just tell me who.

12 A. [15:15:54] It was KB, Commander KB.

13 Q. [15:15:58] And who went on the mission, apart from you? Who else?

14 A. [15:16:07] All of us. Me and my brothers, those of us who had been working
15 with LIMA before, along with some of the marines from KB's side. We were all put
16 together.

17 Q. [15:16:23] So you went with your Liberian brothers from LIMA and you say
18 also that you had to -- some marine guys from KB's side?

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

20 Q. [15:16:39] Do you remember who they were?

21 A. [15:16:50] They were marines. They were in uniform. I did not have any
22 discussion with them. I only had talks with KB.

23 Q. [15:16:55] And you mentioned also that you had uniforms given to you, you,
24 the Liberian guys. So what were your uniforms?

25 A. [15:17:03] Yes, we were in uniforms.

1 Q. [15:17:05] Which uniform?

2 A. [15:17:07] Marine uniform.

3 Q. [15:17:13] And you also mentioned some youths who were with you. Who
4 were these youths?

5 A. [15:17:21] You are misquoting me. I said he told us that if we were in civilian
6 clothing, they will consider us to be either ordinary youths that have been collected or
7 students that have been collected from the campus to go and fight.

8 So he said he will not go with us when we are in civilian clothing. He said he will
9 only go with us if we wear the same military fatigue that he was wearing. And he
10 said that we should be in full uniform, because the students there did not know
11 anything about arms, and the youths themselves did not know anything about arms,
12 so he said we should wear military fatigue.

13 Q. [15:18:12] And just to clarify with you, let me be sure about the group that
14 goes to the port. Now, do you remember, and here I'm going to ask you to think
15 back again to the --

16 A. [15:18:32] Uh-huh.

17 Q. [15:18:33] -- to your interview, and I will refer -- we'll find the English
18 reference in a minute, but the original one is 0085-6 -- 0693 at page 702. The French
19 is 0088 at 04 -- sorry, 0422 at pages 431 to 432, and the English I'm just getting from
20 Ms -- is 0096-0405 and the page we'll find.

21 MR O'SHEA: [15:19:19] Yes.

22 PRESIDING JUDGE TARFUSSER: [15:19:20] Mr O'Shea.

23 MR O'SHEA: [15:19:21] This is not a point that I've been raising systematically, but
24 it is part of your Honours' directions that if the calling party wishes to refer to the
25 prior statements of the witness, they should ask for leave from the Chamber. That

1 hasn't been done, and I haven't complained. But in this instance I'd like to know what
2 the purpose of doing this is, because is it to contradict the witness or is it simply to
3 provide further information through the interviews? Because if it's to provide
4 further information through the interviews, then I'm objecting. If it's to contradict
5 the witness, then I'm not.

6 PRESIDING JUDGE TARFUSSER: [15:20:07] Well, this is done to contradict the
7 witness. If the witness says here something which is different from what he said in
8 the previous statement, then you have to confront him with it.

9 MR O'SHEA: [15:20:21] That, I understand.

10 PRESIDING JUDGE TARFUSSER: [15:20:22] Yes.

11 MR O'SHEA: [15:20:24] But at the moment I'm not sure that's what my friend is
12 doing.

13 PRESIDING JUDGE TARFUSSER: [15:20:27] Yes, I'm not sure because I'm waiting.

14 MR O'SHEA: [15:20:29] That's the importance of asking for leave.

15 MS PACK: [15:20:32] No, I'm aware of that. And in the past I have, but I just
16 have seen in the practice of the Chamber that there has been --

17 PRESIDING JUDGE TARFUSSER: [15:20:38] No, but --

18 MS PACK: [15:20:39] We have been referring to transcripts without asking for
19 leave. But, of course, I shall do if required and of course I will abide by that.

20 PRESIDING JUDGE TARFUSSER: [15:20:49] The same is done to Defence because,
21 of course, it is in paragraph 43, I think, I can't remember, but it should be there. So I
22 think you should go, but obviously the confrontation is in relation to some
23 contradiction, and this contradiction must come out clearly.

24 MS PACK: [15:21:07] Let me --

25 PRESIDING JUDGE TARFUSSER: [15:21:08] And that's why I would ask, and this

1 is not the first time, just to go exactly to the paragraph and quote and then confront
2 him with this discrepancy.

3 MS PACK: [15:21:22] Yes, I was just trying to do that. We were just trying to get
4 the English and then I can do that.

5 PRESIDING JUDGE TARFUSSER: [15:21:29] It not always emerge clearly.

6 MS PACK: [15:21:32] Yes.

7 PRESIDING JUDGE TARFUSSER: [15:21:33] And in this sense I think Mr O'Shea is
8 right, it should emerge clearly what is then the contradiction. Thank you.

9 MS PACK: [15:21:37] Yes, we are just in a moment, momentarily finding the page.

10 Q. [15:21:41] Let me just be quite clear then about what it is you are saying.

11 Apart from these guys, these two marines, apart from the Liberian guys, were there
12 any other guys with you, with you when you went on this mission you say to the port?
13 Were there any other guys with you on that mission?

14 A. [15:22:03] I said KB had his own troops. He had -- he was a commander. He
15 has his own marine. But we asked for help to be with them until we can find a way
16 for ourselves.

17 Among the 13 Liberians, I was the commander for them. They -- no youths joined
18 that team to go. They were with me and I joined -- they joined me to join KB to go.
19 That was the reason why I told you that he told us he will not allow us to go in
20 civilian clothing. He wanted us to be in uniform if -- should he allow me to go with
21 him.

22 Q. [15:23:08] Just one moment, please.

23 Okay, so let me ask you then about this. It is the English page specifically at
24 0096-0405, is at page 0414, and it is at line 275 and onwards, and I'm just going to read
25 that out. And the French --

- 1 MR O'SHEA: [15:23:44] Sorry, just forgive me.
- 2 MS PACK: Yes.
- 3 MR O'SHEA: I'm just a bit lost at the moment. You said 0405, did you?
- 4 MS PACK: [15:23:52] Yes, the front, it is 0096-0405. It is track 2.
- 5 MR O'SHEA: [15:24:02] Okay. It's all right. I have it. Thank you.
- 6 MS PACK: [15:24:05] And it is page 414, English lines 275 onwards. And then the
- 7 French is as I indicated previously.
- 8 Q. Let me just read that for you. You were asked this in your interview:
- 9 "How many people were at the checkpoint?
- 10 Answer: At the checkpoint we were 16.
- 11 Question: 16?
- 12 Answer: Yeah, 16 men.
- 13 Question: You and how many other Liberians?
- 14 Answer: I think we were only seven Liberians.
- 15 Question: Liberians, you were seven?
- 16 Answer: Yeah.
- 17 Question: And the rest?"
- 18 Interpreter goes: "The other people?"
- 19 You say: "The other people were Liberian" -- sorry -- "The other people were
- 20 Ivorians from the same school campus, but they belong to the GPP group.
- 21 Question: So from the GPP, okay. How many?"
- 22 Interpreter says: "How many were they?"
- 23 You say: "I can't remember how many, but we were 16 in number. Those that were
- 24 different from the military were 16, but including the captain and the lieutenant
- 25 will -- brought us to a total of 18."

1 And the point I want to ask you is about the Ivorian GPP who were there you say in
2 the interview also with you at the checkpoint; is that accurate?

3 A. [15:26:11] Please, I want to clarify something. You are telling me something I
4 know it is on the paper. I'm saying the 13, the 13 Liberians, before we got to the Cité
5 rouge, not all of us went together; you understand that? Because I was the only one
6 who understood French, sometimes we went seven together and sometimes six,
7 because sometimes things can get messed up. Even if we were 13 or 16, we did not go
8 together 16. Sometimes we were, we were separated, maybe seven people this way
9 and six people that way for us, the Liberians. So if we are talking about GPP on my
10 documents here, that surprises me because I was only talking about the Liberians and
11 there was nothing like GPP at that time that I knew about. The GPP were also a
12 student business. We were the only different people amongst the marines that we
13 went with. If KB had GPP, I don't know. You understand that? I have said
14 certain -- I said certain things that are not on the document now, but if there are
15 things that are there again that I did not say, so --

16 THE INTERPRETER: [15:27:44] Your Honour, the witness -- the witness needs to
17 slow down.

18 PRESIDING JUDGE TARFUSSER: [15:27:48] You have to slow down again.

19 Okay. (Microphone not activated)

20 THE WITNESS: [15:27:57] (Interpretation) So the seven that you are talking
21 about, sometimes we went seven together and sometimes six, and we were Liberians.
22 So if you are telling me about GPP, I don't know about GPP. And the people that I
23 worked with, the marines, they were not GPP. So sometimes maybe (Redacted) asked
24 me questions that she misunderstood. She asked me about the GPP. I told her that
25 I did not know about the GPP. It was at the time now that I returned from Liberia

1 that I knew about GPP. But at that particular time from the Cité rouge we did not
2 have anything like GPP. We were the only people, the Liberians from LIMA, that
3 joined KB to go.

4 MS PACK: [15:28:56] I wonder if we can go into private session for a short
5 moment.

6 PRESIDING JUDGE TARFUSSER: [15:28:59] Let's go into private session, please.

7 (Private session at 3.29 p.m.))

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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Trial Hearing

(Private Session)

ICC-02/11-01/15

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8 (Open session at 3.32 p.m.)

9 THE COURT OFFICER: [15:33:01] We are in open session.

10 PRESIDING JUDGE TARFUSSER: [15:33:03] Mr Witness, I just want to recall you,
11 we went now into private session in order to give you the possibility to say things
12 which you might not want to say in public, but I want strongly to remind you that
13 you're here and that you have to say the truth. And there is a discrepancy --

14 THE WITNESS: [15:33:28] Yes, that's why I'm here.

15 PRESIDING JUDGE TARFUSSER: [15:33:30] Yes. There is a discrepancy between
16 what you said now here to us and what you said to the investigators. And I would
17 like also to ask you not to mention the names of the investigators. But there is a
18 discrepancy and the question is: What is true, what you say here, or what you said
19 to the investigator? This is the question about the checkpoint and the 16, or more or
20 less 16 people. You were half Liberians and the other half, who were the other half,
21 more or less half?

22 THE WITNESS: [15:34:12] (Interpretation) Okay.

23 PRESIDING JUDGE TARFUSSER: [15:34:17] This is the question.

24 THE WITNESS: [15:34:17] (Interpretation) The other half were Ivorians, they
25 were not Liberians. We were half Liberians and the other half were Ivorians. But

1 what I told the investigator before was that before you get to our checkpoint, there
2 was a big hotel where they used to train the military before -- after 2002. So because
3 they were reserves they were not yet ready to use them. Most of them were camped
4 at that hotel, Palm Beach. Most of them were referred to as GPP. But most of us
5 who were at Cité rouge, we did not have anything like GPP there. At Cité rouge, it
6 was purely LIMA. And besides LIMA it was KB's own group, the marine. What I
7 said to the investigator was, before you get to our checkpoint where we are based,
8 you have to pass through Palm Beach first where the GPP were based, those who
9 were called the GPP.

10 MS PACK: [15:35:39]

11 Q. [15:35:39] Well, let me just ask you a bit about these men then. The GPP
12 at -- based at Palm Beach, can you tell us how you knew that there were GPP based
13 there?

14 A. [15:35:54] No. When you pass through there, they will tell you. After then
15 because everybody in the country -- can I go ahead?

16 Q. [15:36:14] You go ahead. Sorry, I was just finding my page.

17 A. [15:36:19] Everybody in the country loved the president, so when they saw
18 any military people in uniform using military car, they would shout and say, "Hey,
19 we are together, we are with you, we are with you." Then people will begin to ask
20 who are these particular guys and those who know will say, "Oh, they are the GPP."
21 So that was what was happening. So because these people had joined the GPP, they
22 had been trained already, they were based at a place for reserves. They had not yet
23 joined the army.

24 Q. [15:36:53] And how could you tell they were GPP, could you tell us?

25 A. [15:37:00] Well, they were all men -- they were all men who were together and

1 they loved the president, and any time they saw people in military fatigue, in military
2 vehicles, they will shout for them and say, "We are with you, we are together." And
3 that was the time I told the investigator about the GPP and he -- the investigator
4 asked whether I knew them. I said, "No, I don't actually know them, but I do see
5 them shouting when they see people in military fatigue and in military vehicles."

6 Q. [15:37:39] Okay, so let's just go back to the checkpoint, this situation.

7 A. [15:37:45] Yeah.

8 Q. [15:37:46] And just tell me then -- you told us earlier that you were a
9 commander of the Liberians there at the checkpoint?

10 A. [15:37:54] Uh-huh.

11 Q. [15:37:55] Were you armed?

12 A. [15:38:00] Yes, all of us were armed.

13 Q. [15:38:01] And what weapons did you have?

14 A. [15:38:04] AK-47. Light arms.

15 Q. [15:38:09] And how long were you there then at the checkpoint?

16 A. [15:38:16] Sometimes we go to the checkpoints, we are there through the
17 morning until the afternoon, and in the evening we return, but we never pass the
18 night there. And the area where you see these seven Liberians that -- that is what
19 makes it difficult because there were people amongst us who could not speak French,
20 so we did not go altogether. I will always go with a set of them because I was the
21 one who spoke French, and the following shift, I will go with another group.

22 Q. [15:38:56] Okay, so when you say seven, you mean seven on one time and
23 seven the other time, but you go both times with both groups, both shifts?

24 A. [15:39:06] Yes, on both shifts I'm always there.

25 Q. [15:39:13] And you were saying that you weren't staying the night here so you

1 were staying still at Cité rouge at this time? Where were you staying?

2 A. [15:39:24] No, no, no.

3 Q. [15:39:25] Where were you staying at this time?

4 A. [15:39:27] We were based at the Cité rouge.

5 Q. [15:39:32] Now, we talked about payment earlier. We were talking about

6 money that you received. You said you received some money from Hubert Oulaï.

7 Now, did you receive any more money at this time while you were in Abidjan, from
8 anyone else?

9 A. [15:39:55] In the case of Hubert Oulaï, I told you what I went there for and I
10 told you he gave me 50,000 for feeding. And he went to the minister for the port and
11 the minister then asked us to go to the port, and he told us that if things go on nice,
12 then he would find something to do for us. At that particular time, I was not
13 actually looking out for money, I was only trying to secure my life. So at that time if
14 somebody -- if somebody gave me 20,000, 30,000, 40,000, then no problem.

15 THE INTERPRETER: [15:40:37] Your Honour, the witness should be asked to
16 reduce his speed, please.

17 PRESIDING JUDGE TARFUSSER: [15:40:42] You are asked to reduce your speed.
18 And I take the opportunity to ask you, when you say "at that time," just tell us what
19 time you're talking about.

20 THE WITNESS: [15:40:55] (Interpretation) That was the time that the city was
21 totally riotous and that is the time that I am talking about.

22 PRESIDING JUDGE TARFUSSER: [15:41:07] In terms of period, month, year?

23 THE WITNESS: [15:41:17] (Interpretation) It was during the same elections
24 month, before the results were out, at the time before the results were out.

25 MS PACK: [15:41:28]

1 Q. [15:41:29] Okay. So you said you -- if someone gave you 20,000, 30,000,
2 40,000, did you receive money? That's the question.

3 A. [15:41:40] I did not say 40,000, I said 20,000, 20,000, 30,000. I said if somebody
4 gave me that as a token after the security mission, we appreciated it. But we were
5 not thinking about that money. We just wanted to engage ourselves somewhere
6 where we could be protected, that was all.

7 Q. [15:42:04] Okay. I don't ask you if you were asking for money or if you're
8 thinking about money, just if you get it and who you get it from, okay?

9 A. Yeah, he gave --

10 Q. Just listen to my question.
11 Did you get money, yes, at this time or not?

12 A. [15:42:26] At the time I was with KB?

13 Q. [15:42:27] Yes.

14 A. [15:42:30] Yes, I used to receive money from him. I was the head. I was
15 getting 30,000 from him and the junior ones were getting 20,000.

16 Q. [15:42:42] And how many times did you get 30,000 from KB?

17 A. [15:42:47] After every week I will get that 30,000, but we always had our food
18 and everything to eat at the Cité rouge. Those monies were just like pocket money.
19 So every end of week he will give me 30,000 and the junior ones will be given
20 20 -- 20,000, and we can stay something like one week and a half or two weeks,
21 something like that, and that was how we found our way out.

22 Q. [15:43:18] So just -- you say every week you received this money, so how many
23 weeks did you receive this money?

24 A. I don't think we even spent up to two weeks there, because they had already
25 had the elections and everybody was waiting to hear who won the elections. And by

1 then the city was totally riotous and people were -- people were doing things
2 helter-skelter. So we only wanted somewhere where we could be to save our lives
3 and to be engaged in something that we will be getting -- we will be getting small,
4 small money.

5 That was the time that KB was giving us that 30,000 and 20,000 because we, we did
6 not have any account in the country because we were not working to say we were on
7 salary. So he was giving us that money from his own pocket. So at any time we
8 went on assignment and maybe after the week, the end of the week, then he will give
9 me -- give us those monies.

10 Q. [15:44:22] Okay. I got that. So we talked about one assignment at the
11 checkpoint, just we go back to this. What were you doing at the checkpoint, the one
12 at the port?

13 A. [15:44:38] The checkpoint, we were doing security job. It is the commander
14 that gives order to everybody. I had no right to say that we should do a specific
15 thing. There was military in the country, there was an army in the country, and he
16 was the commander at that particular point. So what he told us to do was what we
17 did. And at that checkpoint he told us that some people were going to Marcel
18 Gossio for him to be arrested from the port.

19 Q. Okay. Slow down.

20 THE INTERPRETER: [15:45:14] Your Honour, the witness mumbled at the tail end
21 so the interpreter did not get it clearly.

22 PRESIDING JUDGE TARFUSSER: [15:45:21] At the end, Mr Witness, at the end
23 you mumbled the last words so we did not --

24 THE WITNESS: Okay.

25 PRESIDING JUDGE TARFUSSER: The interpreter didn't get it.

1 MS PACK:

2 Q. So the last --

3 THE WITNESS: [15:45:33] (Interpretation) Okay. I will repeat.

4 MS PACK:

5 Q. [15:45:37] The last thing you said -- you said was that people were going to
6 Marcel Gossio for him to be arrested from the port. And you can you tell us then
7 why was that, just briefly.

8 A. [15:45:50] Yes, he told us before, but I did not believe, because he was the port
9 director and he had port security, but after the election results were out he never had
10 security again. Marcel Gossio never had security. So he asked us to mount a
11 checkpoint there, that sometimes when the French marines came that we will have
12 to -- they will have to give them proper document before they enter the port so he
13 told us that --

14 Q. [15:46:27] I just want to make sure that the transcript says French marines at
15 this point, so you said something about the French marines. And go on, just
16 continue.

17 A. [15:46:41] Well, at that time all the activities in the country were undertaken by
18 the French marines. And really, within four to five days, the convoy that the French
19 troops came with to the port they encircled the port, and he came to the French
20 commander and told him that it is -- now it is marine that is taking care of the port
21 and he did not want any Frenchman to come to the port, and he said if they wanted to
22 do anything they should wait until they get command from État Major, from the
23 commander, from État Major before they go ahead.

24 Q. [15:47:20] And do you know what was at the port, what was there at the port?

25 A. [15:47:24] No, I don't know. He only told me that they had an army gunship,

1 that an army gunship came to the port and that the French troops wanted to take it
2 away from Gossio. I had not seen it. So we only went there to get something, and
3 when we went to mount that checkpoint that is what he told us.

4 Q. [15:47:57] Okay. So you talk about this mission, this was at the port, the
5 checkpoint at the port, and then you said there was another mission that you went on
6 for KB; is that right? Was there another mission for him?

7 MR O'SHEA: [15:48:23] Can we just have the transcript reference please?

8 MS PACK: [15:48:27] Let me find it.

9 Q. [15:48:50] Oh, you used the word "assignment." So let me just get this right, I
10 don't want to put words into your mouth. So you say, "Anytime we went on
11 assignment and maybe after the week, then he will give you money," and that's at
12 page 104, lines 7 to 8.

13 And then, okay, so let me just ask you this question, Mr O'Shea is quite right to
14 correct me. Did you go on any other assignment apart from this assignment, any
15 other assignment for KB?

16 A. [15:49:50] I did not go for any other -- on any other assignment for KB besides
17 the assignment at the port. They almost complete in two weeks. The city was
18 actually shaky, so we came back to the Cité rouge.

19 THE INTERPRETER: [15:50:10] Your Honour, the tail end of the witness'
20 testimony again was not clear to the interpreter.

21 PRESIDING JUDGE TARFUSSER: [15:50:16] There is again something missing.
22 The last part of what you said is missing.

23 THE WITNESS: [15:50:23] (Interpretation) Uh-huh. (Speaks English) Of what
24 I said?

25 MS PACK: [15:50:29]

1 Q. [15:50:29] So let me tell you what you said. You said you came back to Cité
2 rouge, Cité rouge because the city was actually shaky so you came back to Cité rouge.
3 Did you remember something after that? Is that it?

4 A. [15:50:47] After I came to Cité rouge, we had the -- the reason why KB was
5 shocked, at Cité rouge they had the youths, they were not asking anyone for money,
6 they had their own checkpoints. When you come, come in your car, they will want
7 to know whether you are living in Cité rouge. So the car -- when a car was coming
8 in, they will have to check the car properly, the engine, the back boot. Cité rouge
9 was at Cocody, and that was where the president was staying. And because by then
10 the military was not together, nobody could tell which part of the military was for the
11 government and which one was not for the government. So at any time they came
12 they will have to check them properly.

13 So when we came to the Cité rouge that night, KB went inside. KB was seated inside
14 and we heard firing outside. And it was continuous firing bap, bap, bap, bap, bap.
15 So after the firing, the boy we met there told us that they told the soldiers who came
16 in the pickup, "We are government officials." They did not know they were rebels.
17 So we also -- we also went there to open fire against them. Then they dropped three
18 people and then we came back. And then when I tried to talk to KB, when I tried to
19 talk to KB on the telephone, I did not get anything from him, and from that moment
20 he did not tell me anything.

21 Q. [15:52:39] Okay, I'm going to ask you about this, so we just take it slowly, okay,
22 about these checkpoints and the youth and this last thing that you mentioned about
23 the firing.

24 So let's just start with the checkpoint in Cocody where the youth were on -- do you
25 know which side the youth were on, which side in the politics?

1 A. Well, they were for the president of the country. Alassane had not been
2 declared as president, it was only Gbagbo who was known to be president, so they
3 were for him. And in Côte d'Ivoire and in Ivory Coast, when you talk about the
4 youth, you talk about Gbagbo. Well, maybe in Bouaké they will talk about some
5 other person, but in Abidjan in Ivory Coast they all -- they did not know any other
6 person at Cocody save Gbagbo. And even the university campus boys, they were all
7 for Gbagbo.

8 Q. [15:53:40] Okay, so this check -- the checkpoints you talk about in Cocody, did
9 you see them yourself?

10 A. [15:53:51] Yes, yes, even before I went to Hubert Oulaï, they were there. And
11 all the cars that went to Cocody, the youths at the checkpoint would check those cars
12 properly to know if there are arms or ammunitions in there. Then after they check
13 your car, after they check your car, then you have to something to give to them, you
14 can give to them. But they were not forcing anybody to give money to them. They
15 were doing their own checking.

16 Q. [15:54:23] Okay. Now, you know the checkpoints, you see the checkpoints
17 because you go through them or were you also there alongside the youth?

18 A. [15:54:35] No, I did not go to them. Let me be bold to you. Any time we
19 come from mission, 6 o'clock in the evening, KB, KB will take the arms from us, we
20 will not carry the arms or the ammunition. He always told us, he always told us that
21 they were for his unit. In the Cité rouge, we do not carry our arms. The only time
22 we carry the arms is when we are, is when we are going on the mission at the port.

23 Q. [15:55:07] KB's unit in Cité rouge, were they wearing uniforms?

24 A. [15:55:13] Yes, yes, He wouldn't tell us where they were coming from. They
25 came with him in the morning to Cité rouge. They will already be in uniform when

1 he come there. And what we did, when they come, they meet us at Cité rouge, they
2 will collect us, we join them, we go up to like areas up from that area. We go to
3 around Deux Plateaux and then there we will change and wear the military fatigue.

4 Q. [15:55:42] So these guys, do you know if they were also in the military, were
5 they in the military themselves or were they just wearing the uniforms? I don't
6 understand.

7 A. [15:55:57] The difference there is that -- is because I can't read. But all of them
8 had their names. But the uniforms that they were wearing had no names. Even the
9 students who were on campus knew most of them who were in uniforms.

10 Q. [15:56:15] And you yourself, just to be clear, I don't understand whether you
11 went on other missions, you went to other places apart from the port wearing military
12 fatigue, because you said you go around Deux Plateaux, "and we change and wear
13 military fatigue." So did you go other times around in military fatigue apart from
14 when you went to the port?

15 A. [15:56:40] No. If you tell me about Deux Plateaux -- let me come back to you.
16 It means you are missing -- we are missing the discussion. The time that you saw me
17 at the Deux Plateaux was when I was with Séka Séka. That was the time you saw me
18 in uniform at Deux Plateaux.

19 When I left the residence, my first mission was at Petroci in Angré. That was the
20 time I passed through Deux Plateaux. It was only once. I didn't go there again.

21 And then I went to Séka Séka. That was not the time for KB. KB's time was for the
22 ports. After the ports, he collected all the arms from us, then we went back.

23 Q. [15:57:29] Okay. We'll ask about Séka Séka and the presidency, the residence
24 tomorrow morning, I'm afraid it's going to be.

25 Your Honour, I just have one further follow-up.

1 Just what you were talking about earlier, and you described an incident where you
2 heard gunfire, and I want to know what this was. You were in Cité rouge. You
3 heard gunfire. Who was firing guns? Was it -- did you see?

4 A. [15:57:57] When we heard the firing, we were seated in the Gbagbo cabin.
5 When the people came, we did not know who the real soldiers were, who were for the
6 government. So when the people came, they used to check them. So I tried to go
7 and talk to somebody to call him. By then KB had left and he did not come back.
8 And we heard the firing.

9 So the youth told us that we took that -- the troops that came, we are on the
10 government's side, but they opened fire against us. So those of us who were there
11 now --

12 Q. [15:58:36] Please finish. Please finish.

13 A. [15:58:38] Yes, so those of us who were there were afraid. So we tried to get the
14 number for Séka Séka. We tried to call him, and he told us he will get back to us the
15 following day. And when Séka Séka did not come on time, and the firing continued
16 at the RTI, and he collected us from there and took us to the residence.

17 Q. [15:59:08] Thank you, Mr Tarlue.

18 I think now would be, if it's a convenient time for your Honours.

19 PRESIDING JUDGE TARFUSSER: [15:59:15] Yes, I think we break now and we
20 will see each other tomorrow morning for sure.

21 THE WITNESS: [15:59:19] (Interpretation) Okay.

22 PRESIDING JUDGE TARFUSSER: [15:59:22] Mr O'Shea.

23 MR O'SHEA: [15:59:25] Just two housekeeping matters. The first is --

24 PRESIDING JUDGE TARFUSSER: [15:59:30] I just wanted to --

25 MR O'SHEA: [15:59:34] Yes.

1 PRESIDING JUDGE TARFUSSER: [15:59:34] -- to ask the witness to leave the
2 courtroom.

3 (The witness exits the courtroom)

4 PRESIDING JUDGE TARFUSSER: Thank you. If one of the housekeeping matters
5 is the timing, it is one of the things I would ask as well.

6 MR O'SHEA: [15:59:59] Well, then one housekeeping matter.

7 PRESIDING JUDGE TARFUSSER: [16:00:02] Okay.

8 MR O'SHEA: [16:00:03] And it's just this, if the staff could perhaps make available
9 the original diary tomorrow so I can examine it during one of the breaks, I'd be
10 grateful.

11 PRESIDING JUDGE TARFUSSER: [16:00:18] Okay.

12 So the diary is where, the original, at this moment? Who has it? The court officer.

13 So I can also make it available to the OTP now, and tomorrow morning if you hand it
14 over to the Defence, so okay?

15 MS PACK: [16:00:40] Yes, because that's --

16 PRESIDING JUDGE TARFUSSER: [16:00:41] Because you have to question on this.
17 This is one thing.

18 And the second thing is that as far as I know you are about on the 7 hours, maybe 5
19 minutes less, but it's 6 hours and 40 so I am told now, 6 hours 40, so just to tell you,
20 yes.

21 MS PACK: [16:01:04] I'll try and keep to my 8 hour limit, which will take me
22 through the first session tomorrow.

23 PRESIDING JUDGE TARFUSSER: [16:01:09] Yes.

24 MS PACK: [16:01:10] But it may be, given the pace --

25 PRESIDING JUDGE TARFUSSER: [16:01:12] No, no, I can -- yes.

- 1 MS PACK: [16:01:14] -- challenges, it may go over into the second session.
- 2 PRESIDING JUDGE TARFUSSER: [16:01:17] We take into account that it's not a
3 very easy task to fulfil with this witness due to the language issues. But just to tell
4 you so in order to give the Defence also a little bit of an outlook.
- 5 MS PACK: [16:01:35] I want to be able to say that I'll be finished at the end of the
6 first or second session, but I don't feel comfortable positively saying that I'll
7 definitively be done by the end of the first second, maybe going over into the second
8 session as well.
- 9 MR O'SHEA: [16:01:50] I don't want to rush anybody, I just want to have a good
10 idea.
- 11 PRESIDING JUDGE TARFUSSER: [16:01:54] No, no, no. Of course. That's it.
12 Okay, thank you very much. The hearing is adjourned, tomorrow morning at 9.30.
13 Thank you.
- 14 THE COURT USHER: [16:02:03] All rise.
- 15 (The hearing ends in open session at 4.02 p.m.)