

Trial Hearing  
WITNESS: CIV-OTP-P-0483

(Open Session)

ICC-02/11-01/15

1 International Criminal Court  
2 Trial Chamber I  
3 Situation: Republic of Côte d'Ivoire  
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé  
5 ICC-02/11-01/15  
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and  
7 Judge Olga Herrera Carbuccion  
8 Trial Hearing - Courtroom 1  
9 Tuesday, 22 November 2016  
10 (The hearing starts in open session at 9.40 a.m.)  
11 THE COURT USHER: [9:40:05] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE TARFUSSER: [9:40:47] Good morning.  
15 Good morning, Mr Witness.  
16 Good morning, counsel.  
17 The floor goes immediately to the Defence of Mr Gbagbo. Is it now your questioning?  
18 Okay. Maître Altit.  
19 Just a sec. When we have finished with this witness, the Chamber would like to set out  
20 the programme for the next days until we stop for the Christmas recess, and I announce  
21 since now that we want to finish all the witnesses, so we will be very strict with all the  
22 witnesses we have planned to finish during this session or before the winter recess. So  
23 just to let you know in advance what is expected of you.  
24 So, please, yours the floor.  
25 MR ALTIT: [9:42:03] (Interpretation) Thank you, your Honour.

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1 QUESTIONED BY MR ALTIT: (Interpretation)

2 Q. Good morning to everyone. Good morning, sir.

3 WITNESS: CIV-OTP-P-0453 (On former oath)

4 (The witness speaks Liberian English)

5 THE WITNESS: [9:42:25] Good morning.

6 Q. [9:42:26] My name is Emmanuel Altit and I am the lead counsel representing  
7 Mr Laurent Gbagbo. And now it is my turn to put a number of questions to you. And  
8 since you have already told us a great many things, my questions will be primarily aimed  
9 at eliciting additional detail from your earlier replies so that we can better understand  
10 your replies. That is why I would be very grateful if you could answer my questions  
11 succinctly and very specifically, is that all right?

12 A. [9:43:14] Yes.

13 Q. [9:43:17] Thank you. Let's go ahead now.

14 Now, Mr Tarlue, do you remember that yesterday you were shown a video, and there  
15 were Liberian refugees featured in that particular footage, do you remember that?

16 A. [9:43:49] Yes.

17 Q. [9:43:50] And you told us that you knew many of the people who were to be found  
18 in front of the premises of the UNHCR and you knew some of the people who actually  
19 appeared on the video footage; is that correct?

20 A. [9:44:14] Yeah.

21 Q. [9:44:17] My question to you is this: How did you know these people? Where  
22 did you know them from? And just to help you, I would remind you that you said that  
23 you knew one gentleman and two ladies who were to be seen in the footage; is that  
24 correct?

25 A. [9:44:37] Yes.

1 Q. [9:44:41] So my question is: Where did you know these three people from?

2 A. [9:44:50] We were all living in the same community at Deux Plateaux, so that is  
3 where I knew them from.

4 Q. [9:45:02] Very well. So these people were living in Abidjan?

5 A. [9:45:13] Yes, yes.

6 Q. [9:45:16] Very well. And why were they there? What were they waiting for?  
7 What did they expect?

8 A. [9:45:35] Well, they needed help from the UN because by then the country was  
9 upside down, and as a result of that they did not want to live amongst the other citizens  
10 by then, so they needed help from the UN. That was the more reason why they went  
11 and stayed in front of the UN office.

12 Q. [9:46:05] Very well. In practical terms, what kind of help, what were they hoping  
13 for?

14 A. [9:46:20] Well, they were Liberians. At any time people spoke about Gbagbo  
15 within Ivory Coast, people talk about Liberians, and anything after 2002 that they heard  
16 about Gbagbo, they talked about Liberians.  
17 And, therefore, the Liberians who were living amongst the citizens in communities were  
18 not comfortable any longer to live amongst those citizens in the various communities.  
19 Therefore, because they were afraid, they decided to go and stay in front of the UNHCR.

20 Q. [9:47:07] I'm sorry I interrupted you, but I just wanted to get some things very clear.  
21 You said a great many things yesterday, and you explained sometimes in a very specific  
22 way and sometimes we need more precision. You provided us an explanation of the  
23 general framework and so, you see, now I'm asking you very specific questions. I'm  
24 going to rephrase my questions so they'll be more specific. They may be -- perhaps they  
25 weren't specific enough.

1 So my question was -- and you don't need to go back in time. We understand that all  
2 these people were in need. My question is very clear: What kind of help were they  
3 looking for? Food, clothing, a roof over their heads? What were they looking for?

4 A. [9:48:10] Like I told you, the environments within which they were living were not  
5 safe for them. They wanted to be included in the asylum programme. Therefore, they  
6 decided to go in front of the UNHCR office. So because there were problems that broke  
7 out within the communities, they did not feel safe any longer to live within those  
8 communities. Therefore, they went and stayed in front of the UNHCR office where they  
9 could seek for help.

10 Q. [9:48:50] Very well. Yesterday you told us that they were not getting anything  
11 from the UNHCR because they were pro-Gbagbo. Could you be more specific? Is that  
12 indeed what you said and, if so, could you be more specific? What did you mean by  
13 that?

14 A. [9:49:26] Well, from what I said yesterday, I had said before that at that time, at  
15 that time, when you heard about the Liberians, because by then the international  
16 community had concluded that the Liberians were supportive of Mr Gbagbo and,  
17 therefore, they were to be repatriated back to Liberia. So, in a sense, they were not ready  
18 to give them help within the country and not even for them to travel outside of the  
19 country under political asylum, so they just ignored them.

20 Q. [9:50:20] Very well. That is quite clear.

21 Yesterday you also told us that to your mind, and this was the case for you and all the  
22 people who were looking for refugee status, for all of you life was quite difficult and it  
23 was very difficult to get food because, first of all, there was not a lot of money and then,  
24 secondly, the prices had gone up; is that what you said?

25 A. [9:50:58] Yes, that is what I said yesterday. That is what I said yesterday exactly

1 and that was what happened.

2 Q. [9:51:09] Very well. So I suppose life was tough for everyone and you, yourself,  
3 what were your sources of income at that time; namely, at the beginning of the crisis?  
4 Did you have a job? What did you do to earn a little bit of money?

5 A. [9:51:36] After the crisis, I did not have anything else to do. I was not engaged in  
6 anything. That was the time I went to Mr Hubert Oulaï to ask him for help, and it was  
7 when I went to him and I passed the night in his house that the following day he helped  
8 me with some money.

9 Q. [9:52:00] Very well. Very well. So if I've understood you correctly, at one  
10 particular time you had no money left whatsoever, and you said that the only person who  
11 could give you money, that you turned to that person and you asked him for some money  
12 so that you could buy some food; is that what you're telling us?

13 A. [9:52:28] Yes.

14 Q. [9:52:31] Very well. And in actual fact, if I've understood your testimony, you  
15 asked this person for some money, not just to feed yourself, but also to feed some friends  
16 of yours who were with you; is that what you said?

17 A. [9:52:51] Yes, because, like I said before, I was the only person that all of them were  
18 looking up to.

19 Q. [9:53:06] Okay. So these friends, how many of them were there? I believe you  
20 said something about that, but it wasn't very clear, these friends that you shared the  
21 money that this man gave you.

22 A. [9:53:24] Well, we were about 15 or 16. We were not up to 20, but I recall we were  
23 about 15 or 16.

24 Q. [9:53:38] Very well. And the money that you received, what did you spend it on  
25 in actual terms, practical terms, clothing, food? How did you actually spend the money?

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1 A. [9:53:55] At that time nobody was thinking about clothing. We only thought  
2 about food. You get your food, you eat and then you keep your life going.

3 Q. [9:54:13] Okay. So at one point in your testimony you told us something, and I  
4 didn't quite understand, so I'm asking you this question: You said that you were drivers,  
5 drivers; is that correct?

6 A. [9:54:34] No, I have never driven a car before. I was not a driver.

7 Q. [9:54:45] Very well. It must have been a misunderstanding then or problems with  
8 interpretation.

9 MS PACK: [9:55:04] Perhaps we could have a cite for that, the bit about the drivers. It  
10 is not in my memory, but --

11 PRESIDING JUDGE TARFUSSER: [9:55:09] There was something about the driver, but  
12 it was not him.

13 MS PACK: [9:55:12] Yes, I think that's right.

14 PRESIDING JUDGE TARFUSSER: [9:55:13] I'm sure that there was something about  
15 driver, but it not referred to the person, to the --

16 THE WITNESS: [9:55:19] (Interpretation) Can I come through?

17 PRESIDING JUDGE TARFUSSER: [9:55:24] Yes.

18 THE WITNESS: [9:55:24] (Interpretation) Because I said Amos was the driver. He  
19 used to drive us. We were only three of us in the car, Amos, Kai Farley and myself. I  
20 have never driven a car in Ivory Coast before. It was Amos who was the driver, not me.

21 PRESIDING JUDGE TARFUSSER: [9:55:45] Okay.

22 MR ALTIT: [9:55:48] (Interpretation)

23 Q. [9:55:51] Mr Tarlue, thank you for providing that specific item of information, but I  
24 think you raised your hand just a few moments before that.

25 Now, in the French version of the unedited transcript, page 47, line 25, it reads:

1 "We were afraid. We were drivers." So, you see, that's why I put the question, but I  
2 think it's been cleared up, so we will not spend any more time on that.

3 Now, Mr Tarlue, yesterday you also told us about an attack on the RTI led by a number of  
4 rebels. Do you remember telling us about that?

5 A. [9:56:46] Yes.

6 Q. [9:56:48] Very well. You said that the fighting lasted three days, so my question  
7 to you is this, well, it's quite simple: To your knowledge how many attacks were there  
8 upon the RTI? And if you don't remember, to your knowledge, was the RTI a strategic  
9 target? Was there a lot of fighting at the RTI?

10 A. [9:57:31] Yes. At the RTI there were about two to three attacks, but at the time at  
11 the attack, the major who was moving with us told us that Soro Guillaume was coming to  
12 give us help. And he said Alassane Ouattara had already been announced as president.  
13 So he said everybody was supposed to keep fit.

14 And by then he said we were no longer thinking about -- it is now the government of  
15 Alassane Ouattara and that no other person -- nobody is thinking about the other side any  
16 longer.

17 So Soro, Soro never did it, and sometimes when you are in the position of security, we  
18 always used our friends who were not in uniform and not armed, they will go and behave  
19 like refugees, pretend to be refugees. They monitor situations and communicate with us.

20 So the UN tanks that the rebel groups were using with the UN barriers overhead, they  
21 came to us Carrefour de la Vie, and around that area where they sell the flowers around  
22 Cocody, and that was where they went and parked. So I called Katé and said that my  
23 friends have just called and told me that there are people who are in UN uniforms who  
24 are coming towards us, and these were the people who came and carried out the attack on  
25 that particular day.

1 So we waited. So it was getting late. The time they told us, it was already late. We did  
2 not know that they were just waiting for a short time before they could start operation.  
3 So there was a friend of ours, but I think he was in combat. He was killed in Ivory Coast.  
4 And I said that these people who are pretending to come for peace, I don't think they are  
5 coming for any peace. So I decided to go to the CECOS --

6 Q. [10:00:23] Now, you told us about this attack yesterday. And my question to you  
7 is simple. I'm trying to make progress here so that we understand what happened, so  
8 my question really was very simple: Were there several attacks? If you don't remember  
9 the exact number, can you tell us whether there were regular attacks?  
10 And you've responded quite clearly, and I thank you. But I didn't ask you to tell us how  
11 each and every attack unfolded. I'm just trying to structure things because, you see, we  
12 were not there. We are trying to understand so that we can understand what happened.  
13 We just need some guideposts, if you like.

14 A. [10:01:14] We only had three main attacks from the UN. Well, the other -- the  
15 initial attacks were not something that was actually too suppressive to us, but the three  
16 main attacks were those ones that were carried out by the UN and others who joined  
17 them.

18 Q. [10:01:49] Very well. And these attacks that you mentioned, when did they occur,  
19 do you remember? Early in 2011, do you remember which month? Might it have been  
20 in March, do you remember?

21 A. [10:02:09] Yes, I would say it was in the same 2011. I can't recall the exact dates,  
22 but I do not recall that we had any major attacks in the other months that either preceded  
23 or followed, but I do recall that, like you said, the major attack actually took place within  
24 that period you're referring to.

25 Q. [10:02:48] Very well. I was listening to the interpretation.

1 Now, a little bit later yesterday, and I'm going to quote you so that we know precisely  
2 what we are talking about, you said that in the entire residence, a huge crowd of people  
3 were killed, a huge crowd of people.

4 Now, to begin with, can you tell us who was in that crowd, who were the people that you  
5 have been referring to? I'm going to ask you questions about when and how, but as far  
6 as you know, who were these people?

7 MS PACK: [10:03:43] Can we have a reference for that as well? I mean I think I recall  
8 the evidence, but it might be helpful and also just to know where we're talking about.

9 PRESIDING JUDGE TARFUSSER: [10:03:53] Yes, please.

10 MR ALTIT: [10:03:58] (Interpretation)

11 Q. Obviously. This is on page 86 of the French transcript, line 13. And the witness  
12 said:

13 "The international community did not even take note of all those who were killed in the  
14 residence, a large crowd of people that were killed."

15 So to assist my learned colleague or my learned friend, my question to the witness was  
16 what he meant by a crowd of people that were killed.

17 A. [10:04:52] It happened on two different occasions, and the final day was the day  
18 that the president was taken over. It was a continuous two days of fighting. And when  
19 it happened, because at that time I was sleeping, and it appeared to me like a dream, as  
20 though someone came and hit me to wake up. So I woke up.

21 They started using the mortars from far away and the mortars were dropping in the  
22 residence. And at that time I realised that on that final day we could not make it. So I  
23 tried to find a way to move my people out of the building, but then they said nobody  
24 should go out of the fence. "You can ask Katé and the other commanders."

25 I said: These same people who said they were coming for peace talk are the same people

1 who are firing at us. And I said: What type of peace talk was that?  
2 I told you that we had the place where we were keeping arms close to the entry. I told  
3 you yesterday. So I wanted to go outside and the commissar said I should not go outside.  
4 He said: These people, the way they are coming, you shouldn't go outside. Let us see  
5 what they are coming to do.  
6 And I asked the guy, the guy who was close to the gate to open the gate. And he said,  
7 "No, I cannot open this gate, Junior. Do you know what you're doing?"  
8 I said, "No, just open the gate. I want to go out. People are trying to surround us."  
9 So I tried to get my men together, and I tried to take my people from there. I don't know  
10 what happened. It was just called. If you were there to see the kind of bullets that  
11 entered that residence, you will not imagine that anybody lived.  
12 When we came outside, we saw people who were dressed in Dozos regalia, people who  
13 were dressed in UN uniforms and people who were dressed in French army uniforms.  
14 So we tried to penetrate through a particular area, and we walked through so that we  
15 could manoeuvre.  
16 The next moment they realised that the president was in the residence. That was the time  
17 they started shooting the heavy weapons, the heavy artilleries into the residence.  
18 So immediately after those two attacks, and we were not that much affected because we  
19 were armed, but the civilians who were amongst us and the women and the youths, you  
20 know, the youths actually loved Mr Gbagbo, and they were working day in day out to  
21 ensure that he was protected.  
22 But at any time we were attacked, those who were armed faced it. But always we had  
23 more people who were hit, some of them not directly in the residence. And when we  
24 tried to escape from the back, the place I told you about going towards Hôtel Ivoire, and  
25 we realised that even those areas, they had surrounded there.

1 So at any time we were attacked during those three major attacks, the people came with  
2 heavyweights. So there were three major attacks that actually affected people at the  
3 residence, the first two days and the third day that they actually attacked us now with the  
4 heavy mortars and the heavy artillery.

5 So for all those situations that happened, some of us blamed the president, because at any  
6 time the helicopter gunships came to attack the residence, he always -- we wanted to  
7 shoot down the helicopter gunships of the United Nations, but he will always tell his  
8 brother, his brother who was shot in the jaw, that he should advise us not to shoot against  
9 the United Nations helicopters. He said, "Nobody should shoot against the helicopters in  
10 the air because they had UN logos."

11 So that was the advice that he always told his brother to tell us, those of us who were  
12 carrying arms. But we could have brought the helicopter gunships down if we had  
13 wanted.

14 MS PACK: [10:10:08] Something with the transcript, your Honour, and I don't want to  
15 interrupt my friend, but it's just there's one name that keeps coming up, and I suppose it  
16 might be better to clarify it now. It was in the English at page 8, line 24, and it says "sole  
17 junior," and it came up once yesterday as well, and we can't think of what it might mean,  
18 so...

19 PRESIDING JUDGE TARFUSSER: [10:10:34] Did you understand what the Prosecutor  
20 said?

21 THE WITNESS: [10:10:44] No.

22 PRESIDING JUDGE TARFUSSER: [10:10:45] It is about a name.  
23 You said page 8, line?

24 MS PACK: [10:10:50] Yes. It's the realtime English transcript, page 8, line 24.

25 PRESIDING JUDGE TARFUSSER: [10:10:57] You said that "At the RTI there were

1 about two to three attacks, but at that time of the attack the major who was moving with  
2 us told us that the solo junior was going to come." What is solo junior?

3 THE WITNESS: [10:11:24] Soro Guillaume was the vice president for Laurent Gbagbo.  
4 They said he and some of the ministers, he, the vice-president, they were coming for a  
5 peace talk. Soro Guillaume was the vice-president for Abidjan.

6 PRESIDING JUDGE TARFUSSER: [10:11:45] S-O-R-O, I think.

7 THE WITNESS: [10:11:52] (Interpretation) Now he is the Speaker of the House in  
8 Abidjan.

9 PRESIDING JUDGE TARFUSSER: [10:11:58] Okay. So now we --

10 THE WITNESS: Okay.

11 PRESIDING JUDGE TARFUSSER: I think we have solved the issue.

12 Mr Soro.

13 The floor is back to you.

14 MR ALTIT: [10:12:20] (Interpretation) Thank you, your Honour.

15 Q. [10:12:23] Mr Witness, please listen to my questions very carefully. I asked you  
16 who, who were these people? Subsequently I'm going to ask you further questions, and  
17 then we will have a system, a table, because if you give us all the information at the same  
18 time, we will get lost, so we want to go step by step.

19 What I asked you was who. And if I have understood your answer, you said there were  
20 three attacks with heavy weapons. You have talked about mortars and so on, so three  
21 attacks against one, the people who were in the residence, and, secondly, against young  
22 people who found themselves there, because you have already mentioned that many  
23 times in your testimony unarmed young people who had come to support  
24 President Gbagbo and they were there; is that correct?

25 A. [10:13:41] Yeah.

1 Q. [10:13:43] Very well. And so when you talk of the crowd of people who were  
2 killed, who are you referring to? Are you talking about the people who were inside the  
3 buildings and everyone who was inside the residence itself, or are you referring to the  
4 young people who had just come there to support Gbagbo, or are you referring to all the  
5 above?

6 A. [10:14:22] I am referring to everybody that was either within the residence or  
7 around the residence outside.

8 Q. [10:14:35] Very well. Now, do you have an idea of the number of dead and  
9 injured people, because you have talked of a crowd? An approximate number, please.

10 A. [10:14:57] I can't tell the figures, because being an armed man, I was protecting the  
11 president for the citizens, because being an armed man and in action, at any time you paid  
12 too much of attention to some of those things, it will make you forget what your actual  
13 function is and it will dissuade your attention to some other thing, and you might fall into  
14 problem.

15 Q. [10:15:34] Very well. Please focus on my question. Either you can give me an  
16 answer or you cannot. There's nothing very serious about that. We simply want to  
17 understand each other.

18 A. [10:15:51] (Speaks English) Okay.

19 Q. [10:15:53] A short while ago you told us that you were asleep with your people  
20 during one of the attacks. And who are these people? You said "your people." Are  
21 they the same 15, 16 Liberians that you talked about?

22 A. [10:16:16] Yes, I'm referring to the same 15, 16 Liberians that were with me all this  
23 while.

24 Q. [10:16:33] Very well. And where specifically were you sleeping, what location  
25 inside the compound? Was it actually inside the residence itself or outside?

1 A. [10:16:53] No, it was inside the residence itself. When you leave where the  
2 president uses the entrance, there was a place that he always meets with his guests. I  
3 showed you an area within the residence yesterday where some cars were bombed, and  
4 that was the area, the back of that area, where we used to keep the arms and ammunition,  
5 and it was close to that area that I used to sleep.

6 Q. [10:17:29] Very well. Very well. Now you have talked to us about three attacks,  
7 three violent attacks with heavy weapons. And I'm simply trying to understand you.  
8 And you have no idea at all about the number of people who were killed or injured; is  
9 that correct?

10 MS PACK: [10:17:59] I think that's been asked and answered. I don't like to object,  
11 but...

12 MR ALTIT: [10:18:09] (Interpretation) I think the question was not put. There was a  
13 question about the number of young people who died or who were injured during one of  
14 the attacks. Now I am talking about the three attacks.

15 PRESIDING JUDGE TARFUSSER: [10:18:29] Please go ahead.

16 THE WITNESS: [10:18:34] (Interpretation) Can you kindly repeat that?

17 MR ALTIT: [10:18:48] (Interpretation)

18 Q. Yes, of course. A short while ago you told us about three attacks, if I understood  
19 you correctly, three violent attacks carried out with heavy weapons. And if I understood  
20 you correctly, these three attacks took place on three successive days.

21 Now, I asked you about whether you had an idea about the number of young people who  
22 had been killed or injured during one of the attacks, but now I'm asking you whether you  
23 have an idea of the number of dead and injured that these three attacks put together  
24 might have caused. And if you don't know, you do not know.

25 A. [10:19:37] Well, a good number of people died, but like I told you, when I was in

1 action trying to ensure that my people get peace, I was not too concentrated on knowing  
2 how many people died or how many people were injured. I knew that a lot of people  
3 died and a lot of people were injured, but I cannot tell you exact figures.

4 Q. [10:20:10] Very well. And yesterday also you told us that all around the residence  
5 there were snipers. Now, do you know from where these snipers were firing? From  
6 where did they fire shots into the residence?

7 A. [10:20:58] Yes, because at the time the spokesman of the army was talking to me,  
8 and when he left -- the way he was shot, the way the bullets entered, I could predict, I  
9 could guess that it was not one sniper that shot him.  
10 The first one must have come from Hôtel Ivoire area, and the one that entered his  
11 shoulder could have come from the French embassy area.  
12 The first two bullets -- the first bullet must have come from the Hôtel Ivoire area, and the  
13 second two bullets must have come from the French embassy area. It was not one person  
14 who shot him, because the bullets came from two different angles. He was the only  
15 person that was being shot by snipers that I know about.

16 Q. [10:22:13] Now, now the French embassy that you are talking about, is it located  
17 close to the presidential residence?

18 A. [10:22:28] Yes. When I say "the embassy," I think it was the residence of the  
19 French ambassador. When you come from the presidential residence, on your  
20 right-hand side is where the residence of the French ambassador was. And this area was  
21 a VIP area and, therefore, most of the residences of the embassies were located there. So  
22 by the presidential residence, the French residence was almost like adjacent. It was not  
23 far off from there.

24 Q. [10:23:17] Okay. And this gunfire by snipers, did this go on for several days or  
25 several weeks? In short, for how long?

1 A. [10:23:42] Some people complained to have being sometimes hit by the same kind  
2 of bullets, and in some certain cases some were killed, but the actual one that I saw  
3 happen was the shooting of the spokesman of the army by then. So that was what I saw  
4 live.

5 Q. [10:24:09] My question was a little bit different, but if you do not know, then you  
6 do not know.

7 So for how many days successfully did these snipers keep firing?

8 A. [10:24:34] Well, from information from what he told me, I think there was secret  
9 information that he came to tell the president on that day, and that was the day they hit  
10 him. But within those few days, attacks started again against us. And he came -- he  
11 was taken to the president's residence and at the clinic within the residence, and  
12 immediately after that thing happened to him, we had a spontaneous attack that same  
13 day.

14 Q. [10:25:23] Attack by whom?

15 A. [10:25:29] The rebel troops.

16 Q. [10:25:43] Okay. Do you remember that yesterday you said that it was French  
17 soldiers who had come into the residence; do you remember that?

18 A. [10:26:02] Yes.

19 Q. [10:26:03] Very well. My question to you is simple. Where were you at that  
20 specific time?

21 A. [10:26:14] I told you that by the time I was coming to the residence the  
22 bombardment had started. They bombarded through the gates. So, but we repelled the  
23 attack, so we were very happy returning home.

24 And I said there was a Ghanaian commander who told me about the situation. And  
25 when we were coming to the residence, they told us that -- I asked him that they told us

1 that today you were coming to attack the residence, and immediately after there was a  
2 launch into the gate of the entry of the residence.

3 So after the attacks that took place in three days, all of us took off our uniforms and all of  
4 us joined the youths as though we were all the same, and we went --

5 THE INTERPRETER: [10:27:16] Your Honours, your Honours, could the witness be  
6 asked to slow down with that area and repeat from where the interpreter stopped.

7 PRESIDING JUDGE TARFUSSER: [10:27:25] I stopped you because the interpreters are  
8 getting nervous, rightly. So please slow down and say the words, say clearly the names.  
9 Spell out clearly the names, please.

10 THE WITNESS: [10:27:49] (Interpretation) Yes. Blockhauss, Blockhauss is not far  
11 from the residence. So when they launched, all of us left and when to Blockhauss, and  
12 after that the bombardment continued.

13 So all of us decided to take off the military regalia, and we wore civilian clothing, and we  
14 joined the civilians and the youths. And together with the president and we -- they said  
15 that the president was leaving. And the French troops and the UN came with about 20  
16 armoured tanks and they were launching the residence. At that time there were no  
17 rebels at that time. It was only the French troops and the UN who were blocking people  
18 not to come closer to the residence. So after a few hours we saw the convoy of the UN  
19 coming.

20 Yesterday I saw a video clip.

21 MR ALTIT: (Interpretation)

22 Q. [10:29:09] Mr Witness, if you don't mind, please try to focus on the question. We  
23 know that you have a great deal of information to give us and we appreciate it. It is  
24 interesting, it is useful, but part of what you are telling us today you have already told us.  
25 We are simply trying to get a little bit more information so as to better understand, so

1 please focus on my question.

2 My question was simple: Where were you when the French soldiers attacked, and if I  
3 understood you correctly, you were at Blockhauss; is that correct?

4 A. [10:29:57] Yes.

5 Q. [10:30:00] Okay. Now, you talked about Ghanaian soldiers, and it was not very  
6 clear yesterday. So to your knowledge, did the Ghanaian contingent take part in the  
7 fighting on the previous days?

8 A. [10:30:36] No, no.

9 Q. [10:30:40] Very well. A short while ago you told us, and if I understand you  
10 correctly, I will tell you -- now, there was a rebel attack against the residence and you  
11 were pushed into the compound of the residence, if I understand you correctly, and that  
12 there was an exchange of fire through the fence, and it was after that that you saw this  
13 Ghanaian person that you talked about; am I correct?

14 A. [10:31:34] Yes, yes.

15 Q. [10:31:37] Very well. And this fellow you knew said that there was going to be a  
16 much more powerful assault and, thus, you needed to leave; is that right?

17 A. [10:31:52] Yes.

18 Q. [10:31:54] Very well, very well. So my question to you, sir, when you were driven  
19 back into the compound and you crossed into that area and you went through the gate,  
20 was that the first time that you found yourself within the compound?

21 A. [10:32:24] No, I was in the compound before the first attack took place.

22 Q. [10:32:33] Very well. I see, I see. And that was not the time, it wasn't during that  
23 incident that some soldiers were killed and you said that you had picked up the weapons  
24 from them. That was before?

25 A. [10:32:56] That was before, not that time.

1 Q. [10:32:59] Very well, very well. I see. Now, if you don't mind, I'd like to ask you  
2 about everything that happened, and we'll try to move quickly, everything that happened  
3 in the course of your life.

4 Now, you said that about 10 years you were -- at the age of 10 you were taken from  
5 Liberia to Côte d'Ivoire because there was a war in Liberia; is that what you told us?

6 A. [10:33:34] I said 11. I think it was 11. I can't really remember it fully, but it was  
7 11.

8 Q. [10:33:48] Very well. So you were taken there by your family. Was it your  
9 family that left; is that what happened?

10 A. [10:33:58] Yes.

11 Q. [10:34:03] Very well. And how many of you fled Liberia and went to  
12 Côte d'Ivoire?

13 A. [10:34:16] The whole family was like about 19, something like that, because we all  
14 came along with.

15 Q. [10:34:28] Very well. And were there any other families from the village?

16 A. [10:34:36] Yes. When we came to Zwedru, we all joined together and walked  
17 through the same forest to cross over to Ivory Coast. Those who stayed behind, some of  
18 them died, but those of us who crossed over, we all went together.

19 Q. [10:35:03] Very well. Now, I gathered from your response that you said that most  
20 of the families fled. Is that what you said; is that correct?

21 A. [10:35:14] Yes.

22 Q. [10:35:18] Very well. But, you see, it wasn't in the interpretation.

23 Thus, all these families or the village, if I understand correctly, fled and arrived in  
24 Côte d'Ivoire. Do we agree on that point?

25 A. [10:35:35] Yes.

1 Q. [10:35:38] Very well. But some people stayed behind, perhaps in the village or in  
2 the area surrounding the village and you said they were killed; is that correct, did you say  
3 that?

4 A. [10:35:52] Yes. My father and my uncle, they died.

5 Q. [10:36:03] Very well. Was the village attacked?

6 A. [10:36:10] No, it was in Liberia. It was during the Liberian war. That was where  
7 my father and my uncle were killed. My father was a military man, so he was fighting in  
8 Liberia before.

9 MS PACK: [10:36:24] Objecting very briefly. Just anticipating that we are going over,  
10 duplicating in effect, what was examined upon yesterday, and I'm sure my friend will be  
11 steering a line, but just to not go over exactly the same topics again because it is -- would  
12 be duplicative in that case.

13 MR ALTIT: [10:36:48] (Interpretation) My response is quite simple, I'm not going  
14 over an area already explored. I'm trying to elicit additional information; namely, to  
15 determine whether the entire family found itself in the other country. And I'm trying to  
16 put questions quickly and elicit answers quickly so that we can get a full picture of what  
17 happened so we can set the frameworks and move forward in our understanding.

18 PRESIDING JUDGE TARFUSSER: [10:37:22] Yes, you're right. But still I don't  
19 understand what the -- we are back in the period in the '90s. Here the trial is about 20  
20 years later. Okay, so but this I thought yesterday and I think today.  
21 Please go ahead. Remember that we have to go to focus on something else.

22 MR ALTIT: [10:37:53] (Interpretation) Thank you, your Honour.

23 Q. [10:37:57] Now, my question to you is this: When you fled, why did you flee, the  
24 people in your village or family, the other families from the village? What were they  
25 fleeing? Who were they fleeing? Were they fleeing people in particular? Please

1 specify.

2 A. [10:38:18] They were running away from war.

3 Q. [10:38:24] Very well. But the word "war" is an entire concept. Were there  
4 enemies, specific people they were running away from? And if there were specific  
5 enemies, who were they?

6 A. [10:38:47] It was the rebels. They were running away from the Charles Taylor  
7 rebels.

8 Q. [10:38:56] Very well. Could we say that Charles Taylor's rebels were attacking the  
9 Krahn people?

10 A. [10:39:08] Yes, his war ignited tribalism between the Krahn and the Gio.

11 Q. [10:39:21] Very well. So in actual fact, your family, the village and perhaps the  
12 surrounding villages were fleeing the Gio; is that what you've been telling us?

13 A. [10:39:40] Yes.

14 Q. [10:39:40] Very well. So you ended up in Côte d'Ivoire, and I gathered that you  
15 were with your family in a refugee camp; is that correct?

16 A. [10:39:55] Well, the refugee camp was established in 1995. When we came from  
17 Liberia, we had our distant family in Ditroudra-Béoué in Côte d'Ivoire. So when we  
18 came we settled with them first. It was when the cross-border attacks took place in Tai,  
19 that was when we decided to move to the refugee camp. That was in 1995.

20 Q. [10:40:32] Very well. Thus, first of all, you stayed with your relatives, sort of,  
21 relatives of some kind, and you spent some time there. And I would imagine that was in  
22 the west of the country, not very far from the border with Liberia?

23 A. [10:40:56] Yes.

24 Q. [10:40:57] Very well. And then you made mention of an attack. If I've  
25 understood, this was a cross-border attack. Did people from Liberia enter Côte d'Ivoire

1 and attack the people who were in the region, these refugees, or the people native to that  
2 area; is that what you're telling us?

3 A. [10:41:24] At that time we were not thinking of becoming refugees. We knew that  
4 we had run away from war. But the attack at Tai was a kind of disturbance between -- a  
5 conflict between the army and the people who came from across. But by then we were  
6 not thinking of becoming refugees, because we have come and settled with our distant  
7 families. It was only after that attack that we went to the established refugee camp.

8 Q. [10:42:00] Very well. And who attacked there? Who attacked whom?

9 A. [10:42:10] By then it was only on information that reached us. I was not living at  
10 Tai.

11 Q. [10:42:22] And you had to go to a refugee camp. You ended up in a refugee camp.  
12 You must have specific information. Please go ahead.

13 A. [10:42:36] Well, after Tai was attacked, I left and I -- after the Tai attack, they were  
14 bringing trucks to collect the refugees and take them to the refugee camp at Guiglo, and  
15 that was the time I went to Guiglo. That was how everybody left their individual  
16 villages where they were residents and we were transferred to Guiglo.

17 Q. [10:43:12] Very well. Now, did you go to school before the refugee camp or when  
18 you were in refugee? Did you go to school at all?

19 A. [10:43:26] No, at that time, like I was saying, I was traumatised. I did not pay any  
20 attention to the education, because by then I was frustrated by the death of my father.  
21 My father had just been killed by rebels in Liberia. So when we got to that refugee camp,  
22 I was just selling ice cream and doing some other things.

23 THE INTERPRETER: [10:43:52] Your Honours, could counsel -- could counsel be  
24 cautioned to be waiting until the end of the interpretation.

25 PRESIDING JUDGE TARFUSSER: [10:44:00] Please wait until the end of the

1 interpretation.

2 But this ice cream issue, and now we know everything, what he is saying. I wonder  
3 where the novelty is.

4 MR ALTIT: (Interpretation)

5 Q. [10:44:18] Now, so there you were at the refugee camp. And if I've understood  
6 correctly, a while thereafter there was an attack from Liberia and the attackers took  
7 Toulépleu and Bloléquin. Have I understood correctly?

8 A. [10:44:41] Yes, I was at the refugee camp.

9 THE INTERPRETER: Message from the interpreters: We are working in relay mode,  
10 but the five-second rule is not being followed.

11 PRESIDING JUDGE TARFUSSER: Yes.

12 THE INTERPRETER: So we are trying to stay on the right channel at the right time, but  
13 we are having difficulties.

14 PRESIDING JUDGE TARFUSSER: [10:45:01] Well, I'm again reminded that you should  
15 not overlap, the five seconds or three seconds would be enough, but zero seconds is not  
16 enough rule, et cetera, et cetera. Speak slowly, et cetera. Thank you.

17 MR ALTIT: [10:45:31] (Interpretation)

18 Q. [10:45:32] So there was an attack from Liberia and Toulépleu and Bloléquin  
19 villages were taken. My question, and please answer quickly and succinctly so that we  
20 can make some progress, you see. So this attack, if I've understood your testimony, this  
21 attack occurred under Bédié before President Gbagbo was elected; is that correct?

22 A. [10:46:01] No, it was during Gbagbo's regime.

23 Q. [10:46:18] Very well. Very well. Now, who were these people who took control  
24 of these two towns, Toulépleu and Bloléquin? They were Liberians, but can you be more  
25 specific, exactly who were they?

1 A. [10:46:40] It was a group of men from Bouaké. Soro, Soro Guillaume -- some  
2 other people came from Liberia. They came to fight at the place. They got a -- they  
3 heard -- they had an information that was misleading that the Gbagbo army was killing  
4 the Liberian people so, therefore, they also came to attack across.

5 Q. [10:47:17] Very well. So what you're telling us is that the Ivorian rebels led by  
6 Guillaume Soro went by way of Liberia and attacked the west of Côte d'Ivoire and they  
7 took Toulépleu and Bloléquin towns; is that what you're telling us?

8 A. [10:47:36] Yes.

9 Q. [10:47:40] Very well. Amongst these people, were there Liberians?

10 A. [10:47:49] Yes, there were a few Liberians amongst them. And there were also  
11 Sierra Leonean fighters among them. But the head of the fighting was a Sierra Leonean  
12 called Sam Bockarie, who was also called Mosquito.

13 Q. [10:48:07] Very well. And these Liberians, were they part of a particular group or  
14 were they ordinary individuals?

15 A. [10:48:23] At the time Taylor was in power, they came from Taylor's angle, they  
16 came from Taylor's area and they came to cross over to fight, because Sam Bockarie  
17 himself was not a Liberian, he was a Sierra Leonean. So he was on a mere contract  
18 fighting for Taylor.

19 Q. [10:48:48] Very well. And what do you mean by "under contract" to Mr Taylor?

20 A. [10:49:01] That is what I'm trying to say. Because Mr Taylor was in power, and if  
21 somebody was hired from a foreign country that was not a national of the country you are  
22 fighting in, and they use you to cross over to another country, a third country to fight,  
23 then I will refer to that as a contract, because Sam Bockarie himself I know was not a  
24 Liberian but a Sierra Leonean.

25 Q. [10:49:30] Very well. Now, to your knowledge, these rebel forces made up of

1 both Liberians and Ivorians, did they commit any massacres when they were in  
2 Côte d'Ivoire? Did they kill people?

3 A. [10:49:51] Well, that is not a question to be asked, because during war or conflict,  
4 people must die. If we went for a peace meeting, probably people will not die. But as  
5 long as fighting, combat was going on, people were expected to die. So that is a question  
6 you are not even supposed to ask.

7 Q. [10:50:21] Very well. Very well. Now, what was the reaction on the part of the  
8 local people, the people from the region, the Liberians who had taken refuge? Were they  
9 indifferent? Did they respond in some kind of way? Can you tell us more about their  
10 reaction?

11 A. [10:50:58] That is the reason I'm here today, because when a Frenchman intends to  
12 take an action, and he says a Ghanaian has caused a problem in their country, and then  
13 they carry that idea, that concept about all Ghanaians and put them into one  
14 category -- excuse me, this is just an analogy I want to give you.

15 Because when we were in Liberia, we all came from different zones in Liberia, from  
16 different tribes, but if any Liberian caused a trouble in Ivory Coast, the Ivorians  
17 considered all Liberians to be bad people and they thought that we were all bad. So I am  
18 just giving you this analogy for you to simply understand what I am actually going to call  
19 your attention to.

20 Q. [10:52:00] Very well. I think I understand. You're telling us that this attack  
21 heightened the tensions. And the native-born people, the people native to western  
22 Côte d'Ivoire, where you Liberian refugees were, put all Liberians into the same category;  
23 is that what you're telling us?

24 A. [10:52:25] Yes, that is what I'm telling you.

25 Q. [10:52:27] Very well. Very well. So the logical question would be thus: Now,

1 these Liberian refugees who were afraid, you explained that they were afraid, what did  
2 they do? Did they try to turn to traditional authorities for protection?

3 A. [10:52:55] Yes, because when you speak about the traditional authorities, I said  
4 there was Maho Glofiéhi, he was one of the traditional authorities in Guiglo, he was the  
5 one that we went to and complained to that at least we wanted a settlement that would  
6 bring some understanding and cooperation between us, because we had realised that  
7 some of our brothers were now being disturbed, threatened or maybe they were not  
8 peacefully able to go around the community any longer.

9 Q. [10:53:38] Very well. So you're telling us that Maho Glofiéhi, he was a traditional  
10 chief; is that what you're saying?

11 A. [10:53:48] He was well known in the community and even amongst the youths.  
12 He was the only person that we could go through and he, too, could lead us to the other  
13 authorities and we could see how easily we would be able to reach a compromise.

14 Q. [10:54:16] Very well. Now, you explained that chaos reigned, there was fighting.  
15 Did the traditional leaders, particularly Glofiéhi, did he set up any self-defence groups or  
16 village militia groups? Did that happen? Did he do so himself?

17 A. [10:54:50] They did not form a group to fight, but they formed a group to monitor  
18 the situations. And we ourselves, the Liberians, amongst us we tried to come together  
19 and organise ourselves in such a way that we could monitor each other and actually try to  
20 weed out the bad ones.

21 Q. [10:55:18] Very well. So if I've understood you correctly, you Liberians organised  
22 self-defence groups even though you didn't have many weapons, but you did organise  
23 yourselves in a way to protect yourselves; is that what you've been telling us?

24 A. [10:55:37] Yes, yes.

25 Q. [10:55:38] Very well, very well. Now, when you went to see Maho Glofiéhi to ask

1 for protection, to ask for protection, did you suggest that you joined his own group,  
2 maybe -- perhaps self-defence group is not the right word, but his organised group to or  
3 protect his community, did you suggest that?

4 A. [10:56:10] Before we met Maho Glofiéhi, they were not happy to even talk to us,  
5 and they did not want to approach us in good faith. We brought up the idea. It was us  
6 who were affected negatively, therefore, we decided to come together, because we were  
7 foreigners, and we approached him so that he could approach his -- the other authorities  
8 for us to have a compromise, for us to have cooperation between ourselves.

9 Q. [10:56:45] And that is when you banded together and travelled along the same  
10 path, so to speak, for a while; is this what -- is this correct?

11 A. [10:56:57] Yes.

12 Q. [10:57:00] Very well. So you travelled together for a while. And if I've  
13 understood you, that meant that you went with some government troops for the  
14 reconquest of the entire town of Toulépleu?

15 A. [10:57:22] Yes, we went along with the military, the government troops, and all of  
16 us went together and we were fighting in consonance, we were fighting together.

17 Q. [10:57:40] Very well. And after the town of Toulépleu was regained, you said that  
18 you left because you thought you had done what you were there to do, you had made  
19 your contribution; is that correct?

20 A. [10:57:57] Yes, it's true, because when we took over Toulépleu we -- the larger  
21 village for the Krahn people was Toulépleu. All other villages across the other side were  
22 for the Gio.

23 So by then the president had said that Ivorians should go back to their normal things and  
24 that the country was for them and not for foreigners.

25 So let's just say a couple of weeks, the other people tried to cross over, manoeuvre into

1 Liberia. And for me, I returned. And later the people came again and took over  
2 Toulépleu. We went there and fought for almost four days. So that was the time we  
3 captured Bin-Houyé Ben and the --

4 THE INTERPRETER: [10:58:51] Your Honours, the witness is running so fast that the  
5 other names of towns and villages were not captured by the interpreter.

6 PRESIDING JUDGE TARFUSSER: [10:58:59] The names of towns and villages you  
7 should repeat. And then it is 11 o'clock.

8 THE WITNESS: [10:59:07] (Interpretation) Bin-Houyé, Zouan, Etty (phon) and  
9 Toulépleu.

10 And that was the time when we captured those places that they said we should have a  
11 real peace meeting in Yamoussoukro. And that was where we stopped when the war  
12 subsided.

13 PRESIDING JUDGE TARFUSSER: [10:59:29] Okay, I think we should stop here  
14 because it's 11 o'clock. And we resume, we have the break, we resume in half an hour.  
15 So the hearing is adjourned.

16 THE COURT USHER: [10:59:43] All rise.

17 (Recess taken at 10.59 a.m.)

18 (Upon resuming in open session at 11.33 a.m.)

19 THE COURT USHER: [11:33:25] All rise.

20 Please be seated.

21 PRESIDING JUDGE TARFUSSER: [11:33:33] Good morning once again.

22 Good morning, Mr Witness.

23 I give immediately back the floor to Maître Altit.

24 MR ALTIT: [11:33:47] (Interpretation) Thank you, your Honour.

25 Q. [11:34:01] Mr Witness, before the break we were talking about your contribution

1 towards the recapture of Toulépleu from the rebels, and then you decided to no longer  
2 collaborate with the authorities and to live your own life; is that correct?

3 A. [11:34:37] (No interpretation)

4 Q. [11:34:39] Very well. Now, was it only you alone or this entire small group of  
5 Liberians were with you?

6 A. [11:34:59] Yes, along with my group we are many, but at that time we knew that  
7 the war was already over, so we decided to leave and we never went again to fight.

8 Q. [11:35:28] Very well. If the rebels had won the battle of Toulépleu, for example,  
9 now, would the Krahn members of the population in the vicinity have been at risk or in  
10 danger?

11 A. [11:35:50] Yes, they were going to be at risk, because what happens in Africa when  
12 you captured a ground and that ground was being recaptured by rebels, they do their  
13 own things, and they would be very harsh with the people, because they were rebels and  
14 not government forces.

15 Q. [11:36:21] Okay. And it was to prevent such danger that the elders of the Krahn  
16 community met. You talked about a meeting in Koumassi. So they met to discuss and  
17 organise themselves; is that correct?

18 A. [11:36:45] Yes.

19 Q. [11:36:48] Very well. And later on, if I understood you correctly, the small group  
20 of Liberians, and that was after Toulépleu, the small group of Liberians returned to  
21 Liberia. And you have said that you wished to return peacefully to Liberia, you did not  
22 accompany them, but did they succeed in returning peacefully to Liberia at that time?

23 A. [11:37:31] Yes.

24 Q. [11:37:35] Very well. And you, yourself, you went to work. Did you go to work  
25 in Guiglo or in the vicinity, or did you go to Abidjan to work?

1 A. [11:37:56] I went back to Abidjan to restart my business that I was doing, buying  
2 used clothing. And I used to take them to Guiglo, I do my trade for some time and then  
3 return to Abidjan.

4 Q. [11:38:24] Very well. So this was your source of income?

5 A. [11:38:31] Yes, that was how I was living my life.

6 Q. [11:38:37] Very well. And you kept that business right up to after the  
7 post-election crisis or didn't you?

8 A. [11:38:55] I was doing that business, but after 2002, 2003 and 2004 I went back to  
9 the business again, but not until 2010, 2011, when the war broke out again, when the rebel  
10 business started again, I stopped. But before then in 2002, 2003 and 2004 I was just -- I  
11 was still doing my trade.

12 Q. [11:39:31] Very well. It is very clear.

13 I have a question about Oulaï Delafosse. You talked to us about him, you said he was a  
14 mediator. So I understood that you, the Krahn refugees, needed a mediator with the  
15 traditional leaders and so on, and you needed someone to be sort of a spokesperson, so  
16 you needed a Krahn person, a Krahn person who was Ivorian; is that correct?

17 A. [11:40:14] Yes.

18 Q. [11:40:19] Very well. And in fact all your Ivorian contacts were Krahns who came  
19 from Toulépleu and the neighbouring areas; is that correct?

20 A. [11:40:41] Yes, yes, they were all Krahn.

21 Q. [11:40:49] Okay. Now, let me come back very briefly to the period when you  
22 fought to recapture Toulépleu. You said that during that period you sometimes went to  
23 fetch foodstuffs in Yamoussoukro, if I'm not correct please correct me, and you say there  
24 were three of you who went to fetch food in Yamoussoukro; is that correct?

25 A. [11:41:26] I will answer the question, but I told you that we were not just three in

1 the car, in the vehicle, but there was equally an Ivorian commander who had his own  
2 vehicle that always, that always led and we followed. So we were not just Liberians who  
3 went on that trip.

4 Q. [11:41:58] Very well. So you would go and fetch food. What type of food was  
5 that? And once you have told us what the food was, it was for how many people and for  
6 how long would it last, for weeks, days or months? And how many people used that  
7 food, can you tell us?

8 A. [11:42:42] We were many. It was for the number of fighters who were fighting.  
9 Sometimes we went for rice, oil, onions, couscous and all the ingredients that we could  
10 use to cook. But the food was only for the fighters. Sometimes we used it for two  
11 weeks or maybe more than that.

12 Q. [11:43:11] Very well. Now, for the members of your group and maybe the  
13 community, was Oulaï Delafosse an important personality, an important figure?

14 A. [11:43:41] Yes, he was an important person.

15 Q. [11:43:45] Very well. And you have told us that he was a sergeant; is that correct?

16 A. [11:43:55] Yes, he was a sergeant.

17 Q. [11:44:00] Very well. Now, still during that period, when you assisted in the  
18 recapture of Toulépleu, you said that on a one-off basis -- or, rather, infrequently you  
19 went to Abidjan to fetch food, but how many times? I understood that you went more  
20 frequently to Yamoussoukro for food. But during that period specifically, how many  
21 times precisely did you go to Abidjan for the same purpose?

22 A. [11:44:43] Well, I do not recall all the times. There were times that I went with the  
23 men and there are times that I did not go. But I cannot recall exactly the number of  
24 times.

25 Q. [11:45:06] Okay. But generally speaking, was it one or two times or more than

1 five or six times?

2 A. [11:45:16] When the war was going on, at the time we used to go, there were times  
3 I went one or two times or sometimes three times, but after all it was not all the times that  
4 I went to the men, sometimes I did not go.

5 MS PACK: [11:45:36] Sorry, can we just be clear, when it's one -- the question is one or  
6 two times or five or six times. Is that per week, per month, in the whole time frame?  
7 It's just not clear what -- in relation to what period we're talking about, the frequency.

8 MR ALTIT: [11:45:57] (Interpretation) I talked about the period when he  
9 accompanied the Ivorian soldiers to recapture Toulépleu. So he was part of that conflict,  
10 so he has the temporal framework. And we more or less understand what that time  
11 frame is, so I do not know how we can be more elaborate, but I will put the question to  
12 him.

13 Q. [11:46:28] Mr Witness, when you assisted the soldiers to recapture Toulépleu, how  
14 many times did you go to Abidjan? And we are talking about 2002-2003 so that there  
15 should be no misunderstanding.

16 A. [11:46:49] We are not having a misunderstanding. Actually, at the end of every  
17 month we went for food. So mainly, it was not all of the months that I went with the  
18 men. There were times that I was very much busy on the front line, so I didn't go at  
19 certain times. But after every month we went for food.

20 Q. [11:47:25] Very well. So now you went back to your small business of selling  
21 used clothes in Abidjan after the war. And if I understood you correctly, you applied for  
22 a laissez-passer, and I'm sure you said that it was around 2005 and you needed to return  
23 to Liberia, correct me if I'm wrong, but am I correct?

24 A. [11:48:01] I applied for a laissez-passer. But the reason was not for me to return to  
25 Liberia. The only time I returned was when I asked for the political asylum, when I was

1 refused, that I went to get the laissez-passer, because by then, after the war had ended,  
2 and when the UN refused me because they saw my photo, my picture on the bulletin, I  
3 had been refused for the asylum, so I was now having no documents that I could be using  
4 to move around, so that was why I decided to go and ask for the laissez-passer at  
5 État Major.

6 So the military gave me the laissez-passer so that I could be averted to some problems or  
7 interrogations by some other authorities like the police.

8 Q. [11:49:11] Do you mean by that you had absolutely no identity document?

9 A. [11:49:16] No, it was only the laissez-passer.

10 Q. [11:49:23] Very well. That application, approximately when did you file it?

11 When did you begin that process, approximately please?

12 A. [11:49:42] I do not recall the actual time, but it was immediately after the 2002 war.

13 So by then all of us were afraid. And I tried to get back to my normal life, because I did  
14 not want to be in the force any longer. So at the time when I asked for it and I got it, I  
15 was very happy. That could have been between 2005-2006, about that period. And that  
16 was at the end of the 2002-2003 war. That's the time.

17 Q. [11:50:34] Okay. But if I understand you correctly, this document served you as  
18 an identity card; is that correct?

19 A. [11:50:46] Yes.

20 Q. [11:50:48] Very well. You have told us at one point that the only person that you  
21 really knew well, I don't know whether it was at the État Major or not, and you are going  
22 to tell us that, you said it was Colonel Sako, and when you no longer had any money  
23 towards the end and you needed food, you went to see him and he would give you food  
24 to feed yourself; is that correct? He will give you money to buy food?

25 A. [11:51:24] Yes, it's correct. But before I received the card, it was not Colonel Sako,

1 that was the time the -- it was the time of Colonel Kadjo Miezou. But the second time I  
2 got the card was during the days of Colonel Sako.

3 MS PACK: [11:51:55] Your Honour, can I just ask if my friend could just please provide  
4 references to these big topics, because, of course, we do remember the direct examination,  
5 but not every single word, and it's just easier for everyone in the Court just to have  
6 references.

7 MR ALTIT: [11:52:49] (Interpretation) Page 51 of the realtime transcript in French,  
8 line 21, and I quote:

9 "Yes, I had contacts with colonels, for example, Colonel Sako, who usually helped me.

10 This is the only person."

11 MS PACK: [11:53:15] Sorry, could we just have the day as well, we just need the day?

12 MR ALTIT: [11:53:23] (Interpretation) 16 November.

13 Q. And then you go on to say, and I quote you, but I'm going to ask you a question:

14 "I had other contacts with friends responsible for security."

15 Do you mean that these were guards? I mean, what do you mean by people responsible  
16 for security, people in the building or the guards?

17 A. [11:53:58] Yes, because during the 2002 war, I told you that I was very much  
18 admired by Mangou. And during the 2000-2003 war and after he was being given a  
19 higher position, I always used to come for food at the bigger barracks, and by then I was  
20 able to get so many friends from amongst them. So I was referring here to the military, the  
21 military, the securities.

22 Q. [11:54:40] Very well. Now, the question I put to you about Colonel Sako -- well,  
23 you said that he helped you. How did he help you? What did he give you? Did he  
24 give you food or cigarettes, or did he give you money to buy food or cigarettes? So what  
25 specifically did he give you and to do what with?

1 A. [11:55:21] Yes, from the start I told you that even before I asked for the  
2 laissez-passer, I asked him for help. And he used to give me 50,000. And every month I  
3 used to go and receive that 50,000. And when he gave me that 50,000, I could buy some  
4 of the things I needed to take them home. So that was what I said before.

5 Q. [11:55:55] And what did you buy with 50,000?

6 A. [11:56:01] That was my private business. I sometimes used it to buy food or  
7 sometimes add to my business, my trade that I was doing.

8 Q. [11:56:28] If I understood you correctly, in 2010 you were living at Cité rouge; is  
9 that correct? I'm talking about 2010, and that is, to be more specific, at the beginning of  
10 the crisis.

11 A. [11:56:46] At the start of the crisis I was living at Deux Plateaux. It was in 2011  
12 that I went to Cité rouge. And that was when the crisis came, when I went to Hubert  
13 Oulaï to ask for -- to secure myself, and then he told me that I should pass the night there,  
14 nothing wrong was going to happen to me, and I asked him for assistance and he did it  
15 for me.

16 Q. [11:57:17] Mr Tarlue, we have understood that, because you have explained it  
17 several times. But what is of interest to me is where did you live at the beginning of the  
18 crisis? You have said Deux Plateaux, but where specifically?

19 A. [11:57:40] I was living at the back of Sococé, because if you went there now and  
20 asked anybody, they will tell you that indeed that was where I am at that time.

21 Q. [11:57:59] For a long time?

22 A. [11:58:03] Yes, I was at Deux Plateaux, because when I started the asylum  
23 programme, at the time I was at Koumassi, the UN place was far off from the refugee  
24 place, but Deux Plateaux was shorter to the UN office. That was the only reason I moved  
25 from there to come to Deux Plateaux.

1 Q. [11:58:39] How many rooms did you have in your house?

2 A. [11:58:43] I was living in a single room. And in Ivory Coast they refer to such  
3 houses as à Sicoboïs, those are the type of cheapest houses that you can find in the city of  
4 Abidjan.

5 Q. [11:59:08] And were you alone in that room, or did you share with someone?

6 A. [11:59:19] Well, I was with my girlfriend. I did not share the room with any other  
7 person but my girlfriend.

8 Q. [11:59:30] Very well. And from your testimony I believe I understood that at the  
9 very least, at the beginning of the crisis you no longer had any money, and the cost of  
10 living was very high, and you went and saw Oulaï, who was a Krahn personality, and  
11 you asked for money, but he did not immediately give you money. He only gave you  
12 money on 16 December, when you had come there for the third or fourth time; is that  
13 correct?

14 A. [12:00:23] Yes. He gave me 50,000.

15 Q. [12:00:28] Very well. So these are the 50,000 that you mentioned to us earlier that  
16 you shared with your Liberian friends in order to feed yourselves; is that correct?

17 A. [12:00:37] Yes, yes.

18 Q. [12:00:41] Very well. Now please excuse me, but it wasn't very clear in your  
19 testimony, did you not at the same time want to leave the town, leave, go away?

20 A. [12:01:02] No, that was the same time, because when I received the 50,000, it did  
21 not take long that the riot took place at the RTI. So that was the time.

22 THE INTERPRETER: [12:01:16] Your Honours, it has been realised by the interpreters  
23 that the witness is not waiting for the Liberian English interpretation. I wonder he  
24 presumes to be understanding the French.

25 PRESIDING JUDGE TARFUSSER: [12:01:30] Are you? (Microphone not activated)

- 1 Well, sorry, are you listening to the French question?
- 2 THE WITNESS: [12:01:41] (Speaks English) I listen to the interpreter.
- 3 PRESIDING JUDGE TARFUSSER: [12:01:43] You listen to the interpreter.
- 4 THE WITNESS: [12:01:46] (Interpretation) I'm listening to the interpreter, it's just cut  
5 off, that was why.
- 6 PRESIDING JUDGE TARFUSSER: [12:01:54] Okay, so it was just a request coming  
7 from the booth.
- 8 THE INTERPRETER: [12:01:57] Message from the interpreter: The Liberian English  
9 interpreters are requesting that the witness please slow down. Thank you.
- 10 PRESIDING JUDGE TARFUSSER: [12:02:05] And slow down please, okay.
- 11 Maître Altit.
- 12 MR ALTIT: [12:02:16] (Interpretation) I thank you, Mr President.
- 13 Q. [12:02:21] Now my question, and I shall put it to you again: At that moment in  
14 time or a little before, a little after, in the context of the crisis, did you not want to leave?  
15 Because I thought that I understood from your testimony, but once again it was not very  
16 clear and I'm putting the question to you once again for you to answer me more clearly,  
17 did you not try to leave? Did you not want to leave the town?
- 18 A. [12:02:49] Yes, I was trying to leave the town, but I could not make it because the  
19 people had taken over all around in the country, so it was tight for me. I could not easily  
20 escape. So that was the reason why I decided to just go and stay in a separate place.
- 21 Q. [12:03:22] Very well. So that's why you moved to Cité rouge, that's what you  
22 said?
- 23 A. [12:03:27] Yes.
- 24 Q. [12:03:30] Very well. So if I understood you correctly you were in Cité rouge  
25 when on 16 December you saw the marchers arrive, and you took fright and you sought

1   refuge not very far afield from there at Hubert Oulai's residence; is that correct?

2   A.   [12:04:01]   Yes.

3   Q.   [12:04:01]   Very well.   And tell me, I have a question that comes to mind, and I'm  
4   jumping around a little bit here, Colonel Sako, of which ethnic origin was he,  
5   Colonel Sako?

6   A.   [12:04:21]   I don't know his real tribe, I only knew him, but he was not a Krahn.

7   Q.   [12:04:34]   Very well.   Would it be correct to say that in attempting to leave the  
8   town, but not having any means or money at your disposal, you and your small group  
9   approached the residence hoping to be able to convince those who were there to provide  
10   you with assistance; was that the idea?

11   A.   [12:05:17]   Mostly when we were going to the residence, we were not thinking  
12   about money.   We were thinking about our safety.   We just wanted to be safe, and it  
13   was not actually for money, you know.

14   Q.   [12:05:36]   Very well.   And was it on the way that you came under attack, because  
15   you talked to us about an incident at a given moment in time, and it would seem to me  
16   that it was at that occasion, but tell me, was it on your way to the residence that you came  
17   under attack?   I believe that there was an incident and two died, was that it?

18   A.   [12:06:00]   Yes.

19   Q.   [12:06:03]   Very well.   So everything is becoming clearer.   And subsequently, if I  
20   understood you correctly, you over the next few days moved around, around the  
21   residence, and you brought some patrols together, is that correct, around the residence?

22   A.   [12:06:32]   Yes.

23   Q.   [12:06:36]   Very well.   Now, how many men were there approximately in a patrol,  
24   in those patrols that you took part in, those patrols that you were able to experience  
25   yourself?   How many men on average would be part of one of those patrols?

1 A. [12:06:59] It was the same 15 or 16 men, except for the forces that we met at the  
2 residence, they also sometimes joined us on the patrol.

3 Q. [12:07:18] Very well. And who was in charge of the patrol?

4 A. [12:07:24] It was Séka Séka.

5 Q. [12:07:31] Now, I'm talking about who was in control or in command in the field,  
6 I'm not talking about higher up. You're talking about the fact that there were  
7 approximately 15 or 16 men, and of those 15 or 16 men who were walking around and  
8 going I do not know where --

9 A. [12:07:50] I was the commander. If any firing took place against us, I was the only  
10 man who moved my men to go and see what was happening. I did not stay aback. I  
11 always went with my men.

12 Q. [12:08:11] Mm-hmm. And when you say your men, these are still the 15 or 16  
13 Liberians, we do agree?

14 A. [12:08:20] Yes.

15 Q. [12:08:22] Very well. Now what qualifications did you have to command a patrol?  
16 What military qualifications did you have in your pocket?

17 A. [12:08:40] The situation was like we had just come from war, and we knew much  
18 about arms, so I said I was the only man who was trusted to do -- to undertake such a  
19 venture, because anywhere I went to, people were just shouting my name, "Junior Gbagbo,  
20 Junior Gbagbo," and anywhere I went, people recognized me as a brave fighter. So the  
21 only commander that they relied upon and trusted was me, Junior Gbagbo.

22 Q. [12:09:24] All right. The expression "Invisible Commando," does that bring a bell?

23 A. [12:09:51] Invincible? Ah, to say Commando Invisible, invincible commander?  
24 Yes.

25 Q. [12:10:09] And briefly, could you tell us what it was all about?

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1 A. [12:10:18] Well, to say invincible commander, even if you went to Abidjan now or  
2 you called anyone in Abidjan, they will tell you that you -- you will see that people were  
3 just being killed, and somebody will just jump out of a car and shoot at people, or maybe  
4 somebody will be driving and just shoot through the window at people. You know,  
5 even if you went to Abidjan today and asked, they will tell you that.

6 MS PACK: [12:10:53] Just for the transcript, and I'm not meaning to interrupt, but I'm  
7 sure it's clear to everyone, but the "invincible commander" on the English transcript, line  
8 19, I think it's obvious that that should be Invisible Commando or Commando Invisible,  
9 just so we're clear.

10 PRESIDING JUDGE TARFUSSER: [12:11:09] Yes, but the translator said "invincible."  
11 I don't know if this was a wrong translation, and then it was corrected invisible. It is said  
12 in both terms.

13 MS PACK: [12:11:19] Well, perhaps then I just can leave it to my learned friend to  
14 clarify if it was invincible commander.

15 PRESIDING JUDGE TARFUSSER: [12:11:28] But anyhow, I think it's clear because it  
16 comes out then as invisible.

17 MR ALTIT: [12:11:45] (Interpretation)

18 Q. I do apologise, Mr Witness, but maybe you could start your brief explanation again  
19 and tell us in a few words what you know, without going into details about whether there  
20 are attacks or not, tell us what it was, what they did and what was this Commando  
21 Invisible.

22 A. [12:12:05] The Commando Invisible started in the middle areas of the city.  
23 Sometimes we had a taxi in Abidjan called taxi compteur. People -- someone would just  
24 come out of a taxi and shoot at people. So they said Gbagbo did not want the elections to  
25 take place, so he had set up people who could be doing some funny things around. By

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1 then I was at Deux Plateaux. You can even ask people at the back of CECOS. It was  
2 around 10 o'clock in the morning when somebody jumped out of a taxi and started  
3 shooting at people around the business area, the business district.

4 So me, myself, I went to the point and I saw the bodies of people. And people were  
5 explaining around there that that was what they call Commando Invisible. So it  
6 happened that way. It happened at different times in different areas.

7 Q. [12:13:23] Very well. So what you mean by that is the Commando Invisible and  
8 those members of the Commando Invisible were conducting terrorist activities; is that  
9 correct?

10 A. [12:13:34] Yes.

11 Q. [12:13:38] Very well. Did you ever confront them?

12 A. Yes. I said the only time I witnessed the action was at the back of Sococé. But at  
13 that time I did not have any arm to say I did any other thing. But yes, it happened and  
14 they left.

15 MS PACK: [12:14:17] Could we have the --

16 MR ALTIT: D'accord.

17 MS PACK: Sorry, could we have that location? I think it's come out a bit strangely, at  
18 line 12 of the English.

19 PRESIDING JUDGE TARFUSSER: Sococé.

20 MS PACK: It's okay, it made it on. Yes.

21 MR ALTIT: [12:14:42] (Interpretation) Very well. Are we okay now?

22 Q. [12:15:20] Very well. So, Mr Witness, I'm going to put a question to you with  
23 regard to your contact, contacts with current authorities, and I'm going to talk about a  
24 report from an investigator of the OTP.

25 And I might be asking the OTP whether they want us to move into private session, and if

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1 so, they should say so.

2 MR MACDONALD: [12:15:54] Indeed, your Honour, we would have to go for the -- if  
3 it's the name of the investigator himself, it would be preferable to do this in -- just the  
4 name in private session.

5 PRESIDING JUDGE TARFUSSER: [12:16:05] Yes, but do we need the name of the  
6 investigator? Maître Altit, do we need the name, to mention the name of the  
7 investigator?

8 MR ALTIT: [12:16:18] (Interpretation) No, no.

9 PRESIDING JUDGE TARFUSSER: [12:16:21] No. If it's only about the name. Okay.  
10 So we will not go in private session.

11 MR ALTIT: [12:16:39]

12 Q. [12:16:39] So, Mr Witness, you met, well, you met on 22 August 2016, you met with  
13 an investigator from the OTP and an interpreter in Liberian English. They met with you,  
14 all right. I'm not going to say where, but you know where it was. That was on 22  
15 August 2016; do you recall?

16 A. [12:17:16] 2016?

17 Q. Oui.

18 A. [12:17:22] You mean out of the country or in Liberia?

19 Q. [12:17:30] Listen, I'm trying to keep things a little bit vague for you.

20 PRESIDING JUDGE TARFUSSER: [12:17:34] Excuse me, let's go into private session for  
21 this section, just so that we know exactly where and with whom, and then we go back into  
22 open.

23 So let's go into private session, please.

24 (Private session at 12.17 p.m.)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Open session at 12.20 p.m.)

25 THE COURT OFFICER: [12:20:45] We're in open session, your Honour.

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1 PRESIDING JUDGE TARFUSSER: [12:20:46] Okay. So back to you Maître Altit.

2 MR ALTIT: (Interpretation)

3 Q. [12:21:02] So, Mr Witness, the question that I am putting to you is how long have  
4 you known Mr Koffi Constant from the DST?

5 A. [12:21:15] I think it's from 2013. That was before I went to Liberia during the  
6 peace process for the Ebola crisis.

7 Q. [12:21:45] Very well. And was it not that Mr Koffi Constant that you met with the  
8 Office of the Prosecutor?

9 A. [12:22:08] When the investigator called me, I told her how she got on to me, but she  
10 told me she cannot explain that until she sees me. And I asked Mr Constant, I said, "You  
11 are the only person in Ivory Coast who has my number." And I said, "Some other people  
12 from the CPI came here and asked me questions." and I said, "How did they get my  
13 number? Do you know anything about it?" And then he answered to me, yes, he knew  
14 about them and that he was the one who made the contact between us.

15 Q. [12:23:03] Very well. Listen, that was a very clear answer, and I thank you for  
16 that. And I would like to thank you for having answered my questions.

17 MR ALTIT: [12:23:12] (Interpretation) Mr President, this draws my examination and  
18 the examination from the Laurent Gbagbo team to a close.

19 PRESIDING JUDGE TARFUSSER: [12:23:22] Thank you very much. Now I give the  
20 floor to the Defence for Mr Blé Goudé. The Defence for Mr Gbagbo has finished the  
21 questioning, now it's up to the Defence of Mr Blé Goudé to pose questions.

22 Maître Zokou.

23 MR ZOKOU: [12:23:42] (Interpretation) Yes, Mr President.

24 PRESIDING JUDGE TARFUSSER: [12:23:43] I'm sorry, yes. Let me just --

25 THE WITNESS: [12:23:44] (Interpretation) I want to use the bathroom.

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- 1 PRESIDING JUDGE TARFUSSER: [12:23:48] Okay
- 2 THE WITNESS: [12:23:50] (Speaks English) Okay.
- 3 (The witness stands down)
- 4 PRESIDING JUDGE TARFUSSER: [12:23:58] But we could -- did you want to discuss
- 5 something without --
- 6 MR ZOKOU: [12:24:08] (Interpretation) Yes, Mr President.
- 7 PRESIDING JUDGE TARFUSSER: Okay. Please tell me.
- 8 MR ZOKOU: (Interpretation) No, no, everything's fine. Our decision is taken, and
- 9 the Defence team for Mr Charles Blé Goudé, in view of the questioning conducted by the
- 10 team for President Gbagbo and in view of the time, we will not be putting any questions.
- 11 Thank you.
- 12 PRESIDING JUDGE TARFUSSER: [12:24:34] These are very good news. And,
- 13 therefore, it is for the OTP for the re-questioning. I don't know if they need or they ask
- 14 for re-questioning.
- 15 MS PACK: [12:24:45] Yes, please, your Honour, we do have some questioning in
- 16 re-examination. And it may be that we will -- I will be able to better refine it if I have just
- 17 some time over the lunch adjournment to consult with my colleagues, in particular,
- 18 Mr MacDonald and others, if your --
- 19 PRESIDING JUDGE TARFUSSER: [12:25:04] But I'm sure you have --
- 20 MS PACK: [12:25:05] If I can have that time, I would be very grateful, or if we can
- 21 adjourn now and come back, if that would be agreeable to your Honour.
- 22 PRESIDING JUDGE TARFUSSER: [12:25:13] It's not very agreeable to us, I would say,
- 23 because the time is -- time is a tyrant. I think you can start, and then we adjourn and
- 24 then we give you some other time later if you -- there are for sure some topics you already
- 25 know --

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1 MS PACK: [12:25:38] Yes, your Honour.

2 PRESIDING JUDGE TARFUSSER: [12:25:38] -- that you can cover, and then we might, if  
3 you don't -- if you don't conclude, we come back as we do at 2.30, and then you have  
4 some other time. But we would like to start with the next witness today, so this should be  
5 clear also to the Registry, just to tell.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE TARFUSSER: [12:26:07] Okay. Yours the floor.

8 MS PACK: [12:26:08] Thank you, Mr President, your Honours.

9 QUESTIONED BY MS PACK:

10 Q. [12:26:12] Mr Tarlue, I'm going to ask you some questions, your last set of  
11 questions before -- unless of course their Honours have some questions for you. So I will  
12 try not to take too much time.

13 And I would ask you please, like we tried during my first set of questions to you, if we  
14 can just -- if you can just think about my question very hard and try to answer just that,  
15 and keep it nice and short and slow so that all the interpreters can understand us and  
16 everything can be written down.

17 Now, I'm just going to ask you about some things, issues that were discussed during your  
18 questioning by the Defence teams. So my first questions are about, and I'll refer, let me  
19 just refer to the transcript so we're clear, questioning at page 83 of the realtime transcript  
20 for yesterday, it's lines 8 to 16. And it was on the topic, and I'll remind you what it's all  
21 about, it was about RTI and when you were talking, you were talking about the time that  
22 there was an attack on RTI and then that it was by Alassane's people. They were taking  
23 over RTI and then -- and let me just go through what you said, so I'll start at line 12:  
24 "So after a few minutes there was a convoy that came, and when the firing was very  
25 heavy, the convoy did not stay long. But at that time they said they were -- the Alassane

1 people were taking over RTI. And after a few hours, the loyal Gbagbo soldiers took over  
2 the area. And what happened that particular day, the UN, the rebels and our own side,  
3 everybody used the heaviest weapons that they had with them that time that particular  
4 day."

5 So just looking at that occasion, were you then amongst the loyal Gbagbo soldiers that  
6 took back RTI, or were you not amongst that group?

7 A. [12:29:41] Before that attack, I was at the residence. I was there. We fought for  
8 three days. Everybody knows about it in Abidjan. We fought for three days. When  
9 the president of the RTI was there, he was shot in his leg. I am not lying about it. And  
10 we fought.

11 Q. [12:30:06] Yes, I just wanted to ask you a little bit more, not to suggest anything,  
12 but to ask you --

13 MR ALTIT: [12:30:15] Monsieur le Président.

14 PRESIDING JUDGE TARFUSSER: Maître Altit.

15 MR ALTIT: (Interpretation) I do apologise for interrupting you. I'm sorry, I was just  
16 putting my earpiece in.

17 Now, I believe that I recall that my learned colleague did question the witness extensively  
18 on this point, so I do not believe that there is call for re-examination here, maybe there  
19 might be a different approach between the Chamber and ourselves, but in view of the fact  
20 that it was broached in the examination-in-chief, it is the freedom and responsibility of the  
21 Prosecution to know which questions he or she is putting or not putting, and if my  
22 learned friend deems that she did not put that question at the time when she was  
23 questioning the witness on the subject, then of course it is her responsibility, because there  
24 is no new approach, there is no new subject matter here, so there is no reason, to my mind,  
25 your Honours, to broach this subject matter that was already broached before.

1 PRESIDING JUDGE TARFUSSER: [12:31:34] Yes, but it is not about a new issue. It is  
2 about re-questioning on issues which might have need to be cleared up by the calling  
3 party. That's it. It is not about the novelty as such.

4 Please go ahead.

5 MS PACK: [12:31:59] Let me just -- sorry, let me just find where I was.

6 Q. [12:32:20] Now, so just to ask you about these attacks that you were part of, can  
7 you recall who it was who was in command of the group of loyal Gbagbo soldiers who  
8 took back RTI? Can you remember that?

9 A. [12:32:45] Yes, but I can't remember most of the commanders because at that time  
10 the commander from the mansion was also present, and General Dogbo was present. So  
11 those who were at the mansion, all of them came that day to see what was happening  
12 when they said it was a peace negotiation.

13 But when they came, the peace negotiation later changed into an attack. So when they  
14 took the RTI, we did not have anything else to stand on, so it was our responsibility to  
15 re-takeover the RTI.

16 Q. [12:33:32] And just if you can't remember who was most of the commanders, can  
17 you just tell us then which forces were fighting in the attack? So there is you and who  
18 else? What were the fighting forces? Can you describe them?

19 A. [12:33:49] Yes, we had a group from the residence, and Séka was the commander.  
20 We were there. We had a group from the mansion grand. Two, I think two pickups  
21 came from the mansion grand. Then we had the CECOS group from DMIR that was also  
22 there too to see what was going to happen, whether it was an actual peace signing.  
23 But we knew that with the presence of the UN there, it was not going to be an attack. We  
24 thought it was actual peace talks. But when it broke out into an attack, our groups also  
25 came back and tried to repel the attack. That was the reason why I told you the last time

1 when you asked the question, I said I even left the country for up to five years, because  
2 the people who died at that particular time, I have never seen those photos anywhere  
3 before. I thought by now the photos must have been in the public domain. Tanks,  
4 fighting tanks were damaged and vehicles were damaged, people were killed, because  
5 very heavy weapons were used in that particular attack.

6 Q. [12:35:16] And just to clarify with you, the group from the residence that Séka was  
7 the commander, was that just you and the other Liberians, or what were the -- were there  
8 others?

9 A. [12:35:30] Sako was not there at that time. By then I had no connections with  
10 Sako. I said it was Séka Séka who was the commander, although they had some other  
11 commanders at different locations, but I did not deal with them directly, because the GR  
12 commander was also there, but I did not have direct business with him. My own  
13 commander was Séka Séka. Anybody who lived around the Cocody area at that time  
14 would be able to tell you about that attack if you ask them.

15 Q. [12:36:12] Yes, I said Séka, but I probably didn't say it clearly enough. So Séka, I  
16 understand Séka.

17 A. [12:36:21] Séka, yes.

18 Q. [12:36:22] I have that.

19 A. [12:36:23] Séka Séka.

20 Q. [12:36:25] Okay, so the men with Séka, you said before he had gendarme. So was  
21 that all, did he have gendarme under him as well?

22 A. [12:36:34] Yes, they had the gendarme, because the protection of the residence, that  
23 was where they were. It was closer to the residence. So any time there was an attack  
24 against us, all of us came together.

25 Q. [12:36:52] And you mentioned also a group from the mansion. Is that -- do you

1 mean the presidential palace, is that what you're talking about?

2 A. [12:37:01] Yes.

3 Q. [12:37:03] Do you know which group that was?

4 MR GBOUGNON: [12:37:09] Excuse me, Mr President.

5 THE WITNESS: [12:37:10] (Interpretation) It was the same GR. They came with  
6 Dogbo, the commander de palais. They came along with him. And they all came  
7 together so that they will go into combat and try to free the RTI.

8 PRESIDING JUDGE TARFUSSER: [12:37:26] Maître Gbougnon.

9 MR GBOUGNON: [12:37:31] (Interpretation) Mr President, I believe that my learned  
10 friend frequently forgets to give the reference, and this makes it impossible for us to  
11 follow. So she should give the reference either of the testimony or the statement. I  
12 understand that she wants to go quickly, but we need the references.

13 PRESIDING JUDGE TARFUSSER: [12:37:57] As herself asked the opposite party, yes,  
14 of course.

15 MS PACK: [12:38:02] In fairness, that's right. It is from memory now, because of  
16 course it's happening in realtime, but it is circa page 60, 61 of the realtime transcript and  
17 62.

18 Q. [12:38:14] You mentioned another group. And I think it was also at page 61.

19 PRESIDING JUDGE TARFUSSER: [12:38:30] 61 of what?

20 MS PACK: [12:38:32] Of the realtime transcript from just now, English.

21 PRESIDING JUDGE TARFUSSER: [12:38:37] Today?

22 MS PACK: [12:38:38] Yes, today. I'm going through the groups that the witness is  
23 identifying in that passage from lines 6 and following.

24 Q. So we have the group from the residence and then we had the group from the  
25 mansion. And then at line 9, and just you can help me just with the name here, you said

1 DMIR or was it DMIR? Can you just tell us, was there another group? Just repeat that.

2 A. [12:39:03] They call the CECOS base DMIR. That was the group that was attached  
3 to the RTI. And that was the group that was bombarded, DMIR. It was the defence  
4 group for the city. They call them the CECOS. If anything happened within the city,  
5 they were the support, they were the rapid response group.

6 Q. [12:39:32] You said CECOS, and just say slowly the other one?

7 A. [12:39:37] CECOS. It is in French, it is not in English. I don't know how to call it  
8 in English. They were the defence forces for the city. If there was a riot, on upcoming  
9 riot, they were the ones who tried to calm it down. They were like the police.

10 PRESIDING JUDGE TARFUSSER: [12:39:55] It is quite some months that we are sitting  
11 here. We know what CECOS is for the time being.

12 MS PACK: [12:39:58] No, no. There was another one that had made it, I think it  
13 began with D, and I couldn't get quite the correct -- any sort of clear reading on the  
14 transcript.

15 Q. [12:40:09] So if you could just repeat, it was CECOS and you said D something,  
16 was it?

17 A. [12:40:14] I said the CECOS was part of the gendarmerie. They were the same  
18 military, the same government forces. They were not particularly that different from the  
19 other government forces.

20 PRESIDING JUDGE TARFUSSER: [12:40:32] Mr Witness, there is on the transcript, on  
21 the English transcript, there is a DMIR, probably the Prosecutor is referring to that. What  
22 is DMIR? You said: "And that was the group that was bombarded, DMIR. It was the  
23 defence group for the city."

24 It is line 7, page 64 of the English transcript.

25 What is DMIR or something like that?

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1 THE WITNESS: [12:40:57] (Interpretation) Well, that was the base, the base where  
2 they were living, where they had the barracks. That was the place that was referred to as  
3 DMIR. That was where the CECOS were based. They were live -- they were based in  
4 the same Cocody area.

5 MS PACK: [12:41:14]

6 Q. [12:41:14] And just so I'm clear, have you heard of, does this mean anything to you,  
7 DMIR? Does that mean anything to you or not?

8 A. [12:41:26] I said DMIR. I don't understand what we are talking about. That was  
9 the base for the CECOS in Cocody.

10 PRESIDING JUDGE TARFUSSER: [12:41:34] Probably we are talking about the same  
11 thing. Probably we are talking about the same thing. Okay.

12 MS PACK: [12:41:39] Now, let --

13 PRESIDING JUDGE TARFUSSER: [12:41:39] DMIR, DMIR, well, onomatopoeic  
14 is -- okay, please.

15 MS PACK: [12:41:50] Thank you. Now, let me just ask you, I'm going to ask to play  
16 the witness a video.

17 Q. And I'm going to ask you if it is a video that you recognize from around this time,  
18 it's CIV-OTP-0008-0010.

19 It's public, and I'd ask that we can play it, the Prosecution play it. It is tab 50. And then  
20 there's also a French transcript available, and the reference is CIV-OTP-0020-0321, that's  
21 tab 50 and 51.

22 MR ALTIT: [12:42:49] (Interpretation) Mr President, could we have a few moments to  
23 crosscheck the document, please?

24 MS PACK: [12:43:02] And while that's being done, I'll give the timestamp, and it's  
25 00:00:00-00:03:27.

- 1 PRESIDING JUDGE TARFUSSER: [12:43:36] Okay, let's go ahead. Let's go ahead.
- 2 MR O'SHEA: [12:43:38] Can we just have a moment, your Honours? We're just trying  
3 to verify the content of the video.
- 4 PRESIDING JUDGE TARFUSSER: [12:43:44] I was shown by Mr Altit to go ahead.
- 5 MR O'SHEA: Oh, I see.
- 6 PRESIDING JUDGE TARFUSSER: That's what I interpreted it like this.  
7 You did like this. I interpreted it the wrong way.
- 8 MR ALTIT: [12:43:55] (Interpretation) We are looking for this, but can my learned  
9 friend be kind enough to tell us whether this footage has already been shown before and  
10 what it is about.
- 11 MS PACK: [12:44:08] No, it hasn't. And if you look you can find the transcript, which  
12 you can just read, it will take you 30 seconds, at tab 51 of the binder of this. And I don't  
13 want to describe it before, if there is an objection, but it is shot at RTI, and it's a member of  
14 the FDS broadcasting, making a broadcast from there. And it is dated -- it was to  
15 basically situate the witness. It is dated -- sorry, it's dated 2 April 2011.
- 16 MR ALTIT: [12:44:49] (Interpretation) Mr President, indeed, in that case, it is clearer,  
17 the footage has not been shown before, and I believe that your Chamber has already  
18 decided in a similar case that footage cannot be used if it was not already used in the  
19 examination-in-chief. So this is a new piece of evidence or material, and we are objecting  
20 on that basis.
- 21 PRESIDING JUDGE TARFUSSER: [12:45:22] I think this is wrong, because it is the  
22 decision of March was superseded by the decision on the Conduct of the Proceedings.
- 23 MS PACK: [12:45:37] Like I say, it is on the list of material.
- 24 PRESIDING JUDGE TARFUSSER: [12:45:40] Yes, I know.
- 25 MS PACK: [12:45:41] Tabs 50 and 51. Shall we just play it, your Honours?

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1 PRESIDING JUDGE TARFUSSER: [12:45:47] Yes, please.

2 (Viewing of the video excerpt)

3 MS PACK: [12:49:22]

4 Q. [12:49:22] Now, just a few questions about that. Is that a broadcast that you've  
5 heard before or not?

6 A. [12:49:32] Well, that was the time we retook-over RTI. That was the time we  
7 retook-over RTI. I am saying the DMIR, they were within the same CECOS, but the  
8 DMIR is in Cocody. There is a military base there that is called DMIR.

9 The CECOS, they are all the same military. So that was the name I was calling, referring  
10 to as DMIR.

11 I do not know how to refer to it in English, but that was the way I was calling it as it is  
12 called now DMIR. They are all -- they are the CECOS. They are all the same military.  
13 So have you got it right now?

14 Q. [12:50:17] I have it right.

15 A. [12:50:19] (Speaks English) Yeah

16 Q. [12:50:20] I think.

17 A. [12:50:20] (Speaks English) Yeah.

18 Q. [12:50:23] Now, let me just check though. With that particular broadcast, is that  
19 one that you personally saw?

20 A. [12:50:36] Even before they went to that place, we had returned to our base. We  
21 did not have any privilege to go to that station there to go and see what was happening  
22 there.

23 What he said is what I am telling you. The attack came along with the troops and the  
24 rebels, even the man who was talking, he also got a -- received a shot in his leg, the man  
25 who was talking. After a few days he received a shot in his leg. So that was the same

1 thing I was telling you about.

2 On that particular day, the UN troops and all other troops, they attacked us. So it was a  
3 very serious, it was a very serious attack. It was then just for us.

4 So we could not have gone there to see what was happening for him giving his speech. It  
5 was the commanders in the military. They were the commanders in the military. He had  
6 the authority to go and do that, not us.

7 Q. [12:51:40] And you looking at that, do you know the names of any of the guys, the  
8 guy who was talking and anyone else? We know the name of the guy who was talking,  
9 because it was told to us. But anyone else around him do you recognize there?

10 A. [12:51:55] No. The videotape did not actually capture the faces of the people who  
11 were standing behind him. Yes, the commander's face was captured, and I know that he  
12 was a military commander, too. But for the others maybe he had -- he had a bigger rank  
13 more than Séka, I did not know, but we were the only men who were in Cocody.

14 Q. [12:52:36] Okay. So did you personally know the commander who was talking?

15 A. [12:52:44] No, I did not know him personally, I did not. The names -- the people I  
16 knew are the names I have been referring to you during my testimony.

17 Q. [12:52:56] And does the name Gouanou mean anything to you? Is it a name you're  
18 familiar with?

19 A. [12:53:03] Yes, Gouanou was a military man, but I was not close to him, and he  
20 was not close to me. The people that I was close to, we always chatted together, we  
21 always discussed in common, were the people that I knew. But for him, I was not close  
22 to him. I never went close to him, so I did not know him.

23 PRESIDING JUDGE TARFUSSER: [12:53:25] Maître Altit.

24 MR ALTIT: [12:53:26] (Interpretation) Thank you, Mr President. I'm sorry for  
25 interrupting.

1 Mr President, I believe that the questions about the attack against the RTI were put. I  
2 think this is a new examination-in-chief, because if this continues, then we'll have to  
3 cross-examine the witness again. So we have to be very careful.

4 PRESIDING JUDGE TARFUSSER: [12:53:56] What is not permitted is to make a new  
5 examination, of course, no doubt about this. But you can come back to things which  
6 were already questioned before or which were raised anew. So I will limit this, I will  
7 limit the Prosecution to this.

8 So we don't go to open new doors, so we go back only to what was -- to clarify things  
9 which have to be clarified, if there is something to be clarified.

10 MS PACK: [12:54:30] I leave it at that then, your Honour, of course.

11 PRESIDING JUDGE TARFUSSER: [12:54:33] Okay.

12 MS PACK: [12:54:34] And just so we're clear, the transcript states the date, because  
13 dates, it's good to have them on the record, it is 2 April 2011. You have it.

14 PRESIDING JUDGE TARFUSSER: [12:54:43] Yes, yes. It is on the -- I think it was on  
15 the record.

16 MS PACK: [12:54:45] On the transcript, yes. You hear it anyway.

17 Q. Now, if I can just move on to another topic then that was again something that you  
18 spoke about when you were asked questions by the Defence team. Now, I'm referring  
19 here to page 62 of yesterday's realtime English transcript, and it's lines 4 until 6. And  
20 you were -- and you said this, and I want to clarify because it is not clear what exactly you  
21 said. Some of the names didn't come out properly. So you said this, you're talking  
22 about being at the residence, when you're at the residence at this point, and you say:  
23 "The three people we were communicating with were Akouédo, the mansion, the mansion  
24 at the Plateau," and then you say, "And the AGR and the treasury."

25 So I just go back through those. We know Akouédo. The mansion, do you mean the

1 presidential palace?

2 A. [12:56:02] The mansion was not the presidential palace. In Ivory Coast they have  
3 a mansion different from the presidential palace. The mansion was where he worked,  
4 and the residence was where he slept.

5 We were having communication with those places during that time. But after all when  
6 Alassane was now declared the leader, the communication with the residents and the  
7 mansion, everything was cut off. It was only Alassane who could now talk to the nation.  
8 By then we were only using phones now. We were only using phones now, because any  
9 communication that had to do with military business was intercepted and everything was  
10 blocked. So we only used phones.

11 The mansion is where the president goes to job, and the residence is where he sleeps.  
12 The one in Plateau is the mansion, and the one in Cocody is the residence of the president.

13 Q. [12:57:12] Okay, I'm clear about that. It is just the other places that you said you  
14 were communicating with. One was the AGR. I wondered, is that right, did you say  
15 "AGR and the treasury" or were there other places?

16 You said Akouédo, the mansion, and the third place was what that you were  
17 communicating with, before the radio communications stopped?

18 A. [12:57:39] You are bringing me back to another time. I said the three places -- I  
19 said four places, in fact, when we were communicating with, because in Abidjan it was  
20 only four areas that we could communicate with.

21 Listen to me now. It was Akouédo, the residence, RTI, palais presidential, and  
22 Treichville. And that was the area that was responsible for the protection of the mansion  
23 at Plateau.

24 Q. [12:58:19] And you were communicating with these places by radio, is that right,  
25 by radio communications?

1 A. [12:58:30] I was not the one communicating. We had the chef de transmission de  
2 la résidence of the Republic of Côte d'Ivoire. It was Katé. He only relayed the  
3 communications to us for us to be informed. When he communicated and when  
4 information came or intelligence came, he will share it with us so we will be in the know.

5 Q. [12:58:56] Yes. Now, you were talking -- I'm not saying you personally were  
6 making the radio communications, but this was radio communications you're describing,  
7 and you say, is that right, radio communications?

8 A. [12:59:14] Yes, it was radio communication by the military. He was the chief  
9 communicator for the residence. So he was on the operations for all radio activities,  
10 because those were the only basis that we relied on.  
11 So we always wanted to get information, intelligence from them whether they were being  
12 attacked or what was going on with them.

13 PRESIDING JUDGE TARFUSSER: [12:59:39] It's 1 o'clock.

14 MS PACK: [12:59:40] Okay. I can just come back, there's one follow-up, but perhaps I  
15 can come back after the break, because there will be other, a couple of other topics, not too  
16 much.

17 MR ALTIT: [12:59:52] (Interpretation) Sorry, Mr President, but very briefly, can the  
18 Prosecution tell us how much more time they will have, and if that time is 10 minutes or  
19 15 minutes, and if that does not require a lengthy examination from us, then we will just  
20 simply conclude without going over.

21 PRESIDING JUDGE TARFUSSER: [13:00:24] I think I can anticipate that it is not much  
22 more.

23 Is it? Isn't it?

24 MS PACK: [13:00:31] I couldn't -- well, I couldn't commit myself to 15 minutes.

25 PRESIDING JUDGE TARFUSSER: [13:00:35] Okay.

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- 1 MS PACK: [13:00:36] So I think it will go on a bit longer, and everyone is a bit tired. I  
2 would ask -- not me, of course.
- 3 PRESIDING JUDGE TARFUSSER: No.
- 4 MS PACK: I thought he was wanting to go on now.
- 5 PRESIDING JUDGE TARFUSSER: [13:00:43] No, no, no, no, no.
- 6 MS PACK: [13:00:46] I think less than half an hour, yes, of course.
- 7 PRESIDING JUDGE TARFUSSER: [13:00:48] Much less than hour an hour.
- 8 MS PACK: [13:00:51] Well, I hope it will be 15-20 minutes, yes, your Honour.
- 9 PRESIDING JUDGE TARFUSSER: [13:00:55] Okay, 15 minutes.
- 10 THE COURT USHER: [13:00:59] All rise.
- 11 PRESIDING JUDGE TARFUSSER: [13:01:00] We now break, we now break for lunch  
12 and we come back at 2.30, okay.
- 13 THE COURT USHER: [13:01:07] All rise.
- 14 (Recess taken at 1.01 p.m.)
- 15 (Upon resuming in open session at 2.32 p.m.)
- 16 THE COURT USHER: [14:33:01] All rise.  
17 Please be seated.
- 18 PRESIDING JUDGE TARFUSSER: [14:33:23] Good afternoon.  
19 Good afternoon, Mr Witness. I think you are relieved to know that it's not long and then  
20 you can go home.
- 21 Therefore I give immediately the floor to the Prosecutor for his questioning -- for her  
22 questioning, sorry. Please, yours the floor.
- 23 MS PACK: [14:33:53] Thank you very much, Mr President, your Honours.
- 24 QUESTIONED BY MS. PACK:
- 25 Q. [14:33:54] Good afternoon again, Mr Tarlue. So we won't be long. I'm just going

1 back to something we were just talking about just before the break very quickly, one of the  
2 words that you used, I just want to make sure I have it right on the record. So we were,  
3 it's the realtime transcript from today, and it is at the English transcript at page 72, line 13  
4 to 14, and you were talking about the locations for communications from the residence,  
5 and you talked about Akouédo residence, RTI, palais presidential and the treasury. And  
6 then you say this, "And that was the area that was responsible for the protection of the  
7 mansion at Plateau."

8 Do you mean Treichville where the GR were based? Is that what you meant to say?  
9 Just so I have it right.

10 A. [14:35:06] What I told you was they had the GR and the Treichville, and they were  
11 responsible for the protection of the mansion. Those were the areas that I referred to. It  
12 was at Treichville that they had the communication system that we communicated with.

13 Q. [14:35:33] Okay. And for the transcript at line 16 here of the English then, that  
14 should be "Treichville." That's what I heard the witness saying, not "treasury."

15 A. [14:35:44] Yes, Treichville.

16 Q. [14:35:46] Okay. Now just moving on briefly, during your questioning yesterday,  
17 you were describing people at the residence. And let me just get the transcript. It's  
18 yesterday's realtime transcript in English, it's page 62, and it's lines 17 to 19 that I'm  
19 looking at.

20 And you describe people at the residence and you say "some people," and then you end  
21 with "We had Captain Zoh and there also we had captain, he was -- we had Captain Zadi.  
22 Those are the people that I mostly worked with."

23 That's what you said yesterday. Now I want to clarify with you, because I also was  
24 asking you about Zadi when I was questioning you. And just so everyone is aware of  
25 the reference, that's at T-101, the English ET transcript, page 81, lines 5 to 8. And I asked

1 you if you saw Zadi around the time you were at the residence, and your answer at line 8  
2 was, "No, Zadi was not at the residence. I did not see him there."  
3 So I want to clarify with you now, did you see Zadi like you said yesterday, you said you  
4 saw him at the residence and he was one of the people you worked with; is that which  
5 is -- just to explain to the Chamber your evidence.

6 A. [14:37:50] Well, I said it yesterday that Zadi, he was not at the GR, he was at the  
7 residence. He was at the residence, and he was a military. But most the people that we  
8 knew about were Séka Séka and Captain Zoh. After Captain Zoh was the  
9 communications commander, who was Katé, after the commissaire de la residence.  
10 So maybe if I have forgotten, I knew him, but he was not someone that actually joined us  
11 in combat to go to the front line. He was someone that I knew and I saw. So if I forgot  
12 that yesterday, then I'm very sorry.

13 Q. [14:38:47] And just a bit more on Zadi then, did you know yourself, did you know  
14 what he was doing at the residence?

15 A. [14:39:00] At the residence, not every one of us went to the front line. There were  
16 people who were not brave enough to go to the front line. Zadi was not at the front line.  
17 They were some of the people who stayed there. They were just responsible for writings,  
18 maybe they acted as secretaries or so.

19 But sometimes we used to sit down and have some discussions, that is all.

20 Q. [14:39:32] Do you know what Zadi's specialisation was?

21 A. [14:39:38] No, I don't know.

22 Q. [14:39:43] Do you remember calling him in your interview, and this is at 0085-0766 at  
23 0783 of the original, and in the French it's 0088-311 at 332. Do you remember calling him  
24 before chef de la mortier?

25 A. [14:40:16] Yes, yes, yes, yes.

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1 Q. [14:40:17] Now, my last question is --

2 Could we turn into private session? It will only be 2 minutes, your Honour.

3 PRESIDING JUDGE TARFUSSER: [14:40:29] Let's go in private session, please.

4 (Private session at 2.40 p.m.)

5 (Redacted)

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12 (Redacted)

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21 (Open session at 2.53 p.m.)

22 THE COURT OFFICER: [14:53:57] We're in open session.

23 PRESIDING JUDGE TARFUSSER: [14:53:59] Mr MacDonald.

24 MR MACDONALD: [14:54:01] Thank you, your Honour.

25 Although in this case the definition of what is a mercenary is simply a factual one and not

1 a legal one, because the charges are not related to the use of the word "mercenary" as  
2 defined in international human rights law are the same, like Mr Knoops was saying, the  
3 witness has been testifying in a certain way where the minute we discuss the question of  
4 receiving money as part of a contractual, some sort of a contractual obligation, call it a  
5 salary, call it a stipend, redevances, whatever the word, the witness is reluctant in  
6 answering. I think the Chamber has seen this.

7 Now, in the course the questions of Mr Altit this morning, in relation to this individual  
8 that isn't identified, he gave a definition that actually is getting into what is the definition  
9 of a mercenary.

10 So we're asking and what we want to get the bottom line of is are you, yourself, afraid to  
11 be identified as a mercenary? While testifying, are you concerned with that?

12 Rule 74 applies, your Honour. This witness is testifying publicly, and he may  
13 believe -- I'm not done -- he may believe that by receiving money he then has -- he's  
14 meeting the definition of a mercenary, could be charged back home. So this is what we  
15 are trying to get at, the credibility issue, because in the end, the Chamber may believe this  
16 witness on everything he said except that aspect. And while going to the end of it in the  
17 way we're proposing it, then this may be helpful for the assessment of the credibility of  
18 the witness at the end. Voila.

19 PRESIDING JUDGE TARFUSSER: [14:56:15] Maître Altit.

20 MR ALTIT: [14:56:17] (Interpretation) I thank you, Mr President. Two things.

21 Firstly, the Defence would like this to be reclassified to public session from private session,  
22 because I think there was no reason whatsoever for it to be in private session, firstly.

23 Now, secondly, in response to the Prosecution's request, the manner in which

24 Mr MacDonald attempted to explain things speaks for itself. He tried to find any means  
25 possible. He jumped from one thing to another. He attempted to have the witness say

1 that he is a mercenary. He didn't manage to do so. He put the question 12 times. I  
2 think this discussion needs to be put an end to.  
3 Everything has been going swimmingly up to now, but the witness clearly said with his  
4 own words what the situation was. He was asked once again what he felt about it. He  
5 answered using his own words. We really need to stop treating people like children and  
6 try to manipulate them. We need to respect both the witness and justice.

7 PRESIDING JUDGE TARFUSSER: [14:57:32] Mr Knoops.

8 MR KNOOPS: [14:57:33] Mr President, this court is a court of international law, meaning  
9 that the Court will ultimately have to decide, to determine whether mercenaries were  
10 used in the terminology of international humanitarian law.

11 It cannot be so that we have two types of mercenaries in this Court, one as envisioned by  
12 the Prosecution in a factual way and one which is defined in Article 47 of the first protocol  
13 to the Geneva Conventions.

14 It's not, therefore, up to a witness who has no understanding of these definitions as a  
15 lawyer to ask whether he meets the criteria of a mercenary.

16 Now, the Prosecution says we didn't use the term "mercenary" in the charges as meant in  
17 international law.

18 So what are we doing here? This is a court of international law, Mr President.

19 Mercenary should be determined at the end of the road of this Court whether this meets  
20 the international criteria. Therefore, this is not a question directly nor indirectly to be put  
21 to this type of witnesses. Thank you.

22 PRESIDING JUDGE TARFUSSER: [14:58:58] The questioning in the terms that the  
23 Prosecutor wants to put it is not admissible. This is what the Chamber thinks.

24 We think we have also on this matter all the elements to make our free assessment and,  
25 therefore, also it's really not the way how the question should be put, and in any case it's

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1 not a matter of fact that he -- it's a perception, not a matter of fact.

2 But we have, the Chamber has all the elements to assess freely as it is said in the statute  
3 and the rules the evidence by this witness.

4 Please call the witness in again.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE TARFUSSER: [15:00:14] So here you are again. I give the floor  
7 again to the Office of the Prosecutor.

8 MS PACK: [15:00:19] Thank you, Mr President.

9 Q. [15:00:20] Mr Tarlue, I see you have your hand up, but I have no more questions for  
10 you, you'll be relieved to know.

11 A. [15:00:28] (Speaks English) Okay.

12 MS PACK: Thank you very much, your Honours.

13 PRESIDING JUDGE TARFUSSER: [15:00:32] Thank you, Madam Pack.

14 I would now ask the parties if they have questions to conclude this testimony.

15 MR ALTIT: [15:00:44] (Interpretation) Thank you, your Honour. No questions.

16 PRESIDING JUDGE TARFUSSER: [15:00:48] Thank you very much, Maître Altit.  
17 Mr Knoops.

18 MR KNOOPS: [15:00:53] No questions, Mr President. Thank you.

19 PRESIDING JUDGE TARFUSSER: [15:00:56] Thank you very much, Mr Knoops.

20 Unless you want to say something, because you have risen the finger, unless you want to  
21 say something which is obviously related to the case -- do you want to say something?

22 THE WITNESS: (Speaks English) Yeah.

23 PRESIDING JUDGE TARFUSSER: Okay. Then please.

24 THE WITNESS: [15:01:16] (Interpretation) Yes, Mr President. It is nothing related to  
25 the case. I know I have ended my testimony. It's just to say thanks to you because I

1 have been given the opportunity to come here and say the truth. I'm very happy that I  
2 have come to say the truth. And I am happy for you too, the Judges, and you  
3 particularly, Mr President, for the way you have conducted the whole case as we are  
4 going along. And I hope that with all what you are doing in this international tribunal,  
5 leaders around the world, especially African leaders will be able to conduct themselves  
6 well and tell themselves how they conduct their governance systems.

7 I thank you very much.

8 PRESIDING JUDGE TARFUSSER: [15:02:15] Thank you. Thank you, Mr Witness.  
9 Thank you for having been here, for your time. I hope you have a safe trip back home.  
10 This concludes your testimony. We will make the hopefully right use of it together with  
11 all the other evidence we are trying to collect. Thank you very much.

12 Thank you also to your counsel.

13 And this concludes the testimony.

14 THE WITNESS: [15:02:47] (Interpretation) Thank you, Mr President.

15 (The witness is excused)

16 PRESIDING JUDGE TARFUSSER: [15:03:09] Now the Prosecution, the Prosecutor has  
17 asked the floor for the programme of the next witnesses, for the scheduling of the next  
18 witnesses.

19 MR MACDONALD: [15:03:23] Yes, your Honour. But I understand that you yourself  
20 wanted to address the issue and when this morning you said that you wanted to go to the  
21 end of the list of witnesses.

22 PRESIDING JUDGE TARFUSSER: [15:03:34] Yes. No, we have, the Chamber has made  
23 its determination on how we should come to an end of this. I know that there is one  
24 witness which might be dropped by the OTP. But that's why we need from you all the  
25 news about the next witnesses, and then we make the schedule from now to the 9th of

1 December.

2 MR MACDONALD: [15:04:04] Now, your Honours, in light of your comments of this  
3 morning and past submissions, what I want, before discussing who is being called, the  
4 issue was with Witness 106. It was not a question of being dropped, it was a question of,  
5 for that witness, it was a question that he was not available because of a passport issue,  
6 where a passport has been issued, but unfortunately, the name is misspelled, so it has to  
7 be reissued, then a visa application made and so on.

8 So we would propose the following until the end of the 9th of December, in order:

9 Witness 513, Witness 230, they would be testifying in person. And then we would do the  
10 video link witnesses. Our request is to start with Witness 350, but there is a decision that  
11 has to be rendered on that. And then we do all basically the witnesses that we had  
12 intended to be by video link, so 350, 107, 587, 117, 555, 588, and 589.

13 We believe that depending obviously on the length of the cross-examination that the  
14 Chamber will grant since these are all 68(3) witnesses, we can finish with 589 by the 9th of  
15 December. It may necessitate accommodation in terms of extended hours depending on  
16 how quickly we can move forward.

17 We announce that we will not be calling Witness 0169. That was the last of the AVL  
18 witnesses. We are not calling him to -- I mean, he was to testify, sorry, maybe in person.  
19 So Witness 0106 then would be the first witness in 2017. So we propose two witnesses in  
20 the courtroom and continue nonstop with the video link witnesses, 350 being the only  
21 question mark.

22 PRESIDING JUDGE TARFUSSER: [15:06:35] Okay. Thank you very much.

23 Maître Altit.

24 MR ALTIT: [15:06:41] (Interpretation) Just a few comments, if you don't mind, your  
25 Honour. Just to ensure everything is clear, the next witness, no change. 107 -- no, 106,

1 rather, is replaced by 230. 230 is replaced by 350. And then once again judging by our  
2 line-up of witnesses, our block of witnesses, 350 replaced by 107, is that correct?

3 PRESIDING JUDGE TARFUSSER: [15:07:29] I would go and announce the whole --

4 MR ALTIT: [15:07:33] (Interpretation) Yes, but, your Honour, I do realise, but just one  
5 remark. We had an initial list we received in July 2016, and then a second list was  
6 received, and now we seem to be moving on to a third list that is completely different.  
7 And this is problematic for us, because when we are told that a witness is coming, we  
8 have to analyse all the statements, the possible evidence, and then at the very last minute  
9 we are placed in front of a fait accompli. This seems to be the usual way of going about  
10 things here.

11 But when this sort of thing happens systematically, this is truly problematic for us. We  
12 have serious problems here with this in terms of organisation, organisation of the  
13 Prosecution. I realise that things aren't always easy, but perhaps, perhaps the  
14 Prosecution could try, could try. And I believe that your Chamber did say to all parties  
15 and participants to speak to one another, to keep one another up to date and so on and so  
16 forth. And I must say, and I'm very sorry to have to say this, but, well, that's the way it is,  
17 never, never have we been told of any change like this by way of discussions amongst the  
18 parties. No dialogue whatsoever amongst the parties. This is a real problem, because  
19 this kind of justice requires the cooperation of all parties.

20 We have argued before a number of international courts and this approach from the  
21 Prosecution really is truly not helpful, and I think it might be suitable for the Chamber to  
22 remind the Prosecution that the parties do need to dialogue. I think it would be a much  
23 simpler way of going about things. We would be able to move more quickly.

24 I'm very sorry to have to say this, but we really -- these ongoing changes, one after another  
25 create quite a few problems for us, and I think a time comes when a party really has to

1 take some notice of the other parties.

2 And I'm very sorry, I believe I can say we have really come to the end of our rope. This  
3 just won't do. And the Prosecution takes no interest whatsoever in the positions of the  
4 other parties, and if -- no, truly, truly, your Honour.

5 PRESIDING JUDGE TARFUSSER: [15:10:30] No, but now I stop you because, I stop you  
6 because this was not the fault of the OTP. This, there was -- there are also administrative  
7 issues which sometimes have impact on --

8 MR ALTIT: [15:10:47] Très bien.

9 PRESIDING JUDGE TARFUSSER: [15:10:49] So in this case there is no fault by the Office  
10 of the Prosecutor. And you know that the Chamber is not always very, very nice with  
11 the Prosecutor when the Prosecution makes mistakes, but this time it was not. So simple.

12 MR ALTIT: [15:11:05] (Interpretation) If you don't mind, your Honour, with your leave,  
13 it is acknowledged that any change in the line-up of witnesses must be justified and  
14 proper grounds must be provided to explain any last minute change of witness.

15 In this particular case, it would appear in light of the request regarding Witness 350, it  
16 seems to be only on the basis of the stated preference of the witness that the Prosecution  
17 wants to wreak havoc with the witness schedule.

18 So I must insist, the criteria are just not being respected. Very sorry to have to say this,  
19 but that's how it is.

20 PRESIDING JUDGE TARFUSSER: [15:11:59] Mr Knoops.

21 MR KNOOPS: [15:12:00] Mr President, we share the concerns of the team of Mr Gbagbo.  
22 We should realise, of course, that the witnesses are divided within the Defence teams  
23 amongst the lawyers who, apart from also having obligations in this court, have also other  
24 obligations in the world.

25 So every time when a list changes at short notice, it creates simply a problem within the

1 Defence team to reshuffle the witnesses. And it's not to blame the Prosecution or the  
2 Court, but I hope the Court realises that this also for the Defence team creates a logistical  
3 problem that we again have to reshuffle within the team.  
4 For instance, next week, I'm a few days not available. And now when the witnesses are  
5 being reorganized, meaning that my witness will be -- has to be prepared by another  
6 counsel in my team, and this is of course our problem, we realise, but this simply creates a  
7 problem if a list is going to be changed for the third time.  
8 Thank you.

9 PRESIDING JUDGE TARFUSSER: [15:13:08] Thank you.

10 I repeat, we are all expert lawyers. We have all our expertise. We know that trials, in  
11 trials, unforeseen things happen in, especially in trial at this level where we have other  
12 actors outside having to deal with visa, with travel and things like that, with victims'  
13 protection. Not everything can be handled just by the calling party or the Court. But  
14 we have also to rely on what other people inside the Court, inside the Registry is telling us  
15 and, therefore, I really do not think that in this case something wrong was done.  
16 Now, I will issue, the Chamber issues a decision, an oral decision on all requests for  
17 in-court protective measures, special measures and video link for all the forthcoming  
18 witnesses filed by the Prosecutor so far pursuant to Rule 87 and 88 of the Rules, instead of  
19 going or making one decision for, one and more decisions for every witness, we make one  
20 cumulative decision.

21 These are confidential filings numbered 720, 743 and 754. And I will refer collectively to  
22 these filings to the Prosecutor's requests.

23 Information supporting these applications is also included in the confidential ex parte  
24 annexes to the filings.

25 And I go slowly for the interpretation, of course.

1 To these requests by the Prosecutor, the Defence for Mr Gbagbo responded respectively  
2 with confidential filings number 763 and 748, the Defence of Mr Blé Goudé with  
3 confidential filings 738 and 749. Both Defence teams object in particular to the granting  
4 of in-court protective measures aimed at preserving the confidentiality of the witness's  
5 identity while being open to some of the other measures requested to accommodate the  
6 witness's personal needs.

7 The Legal Representative of Victims responded by confidential filings number 737 and  
8 750, and I think, supporting the requests.

9 On 17 November 2016, the VWU informed the Chamber that whilst no security concerns  
10 could be detected as regard Witness 513, they took the view that in light of her profile and  
11 vulnerability, revealing her identity publicly might be detrimental to her well-being.

12 Accordingly, the VWU recommended the adoption of in-court protective measures with a  
13 view to protecting Witness 530's dignity and privacy.

14 On 22 November, earlier today, the VWU provided the Chamber with preliminary  
15 security assessments relating to the Witnesses 107, 555 and 587.

16 For none of these the VWU was able to identify an objective risk requiring the adoption of  
17 in-court protective measures for security purposes.

18 The Chamber, having considered the information provided by the Prosecutor, the  
19 objections submitted by both Defence teams, the submissions by the Legal Representative  
20 of Victims, the Victim and Witnesses Unit's assessment, assessments and  
21 recommendations, its previous relevant case law and the general background information  
22 relevant to this case takes the view that it is possible to decide on all these applications on  
23 the basis of the information already available to it, and in spite of the fact that responses to  
24 filing number 754 might still be filed today.

25 This also in light of the fact that several of these witnesses share similar profiles, this, of

1 course, is without prejudice to the possibility for either of the parties, the participants or  
2 the VWU to provide additional specific information which might make it necessary or  
3 appropriate to review this decision.

4 Accordingly, the Chamber decides as follows: The request for reading assistance to  
5 Witness 106, if it comes, 107, 117, 513, 555, 587, and 588 are granted.

6 The request for assistance for in-court movement and for regular breaks to avoid physical  
7 and/or psychological discomfort or to mitigate the risk for retraumatisation is granted for  
8 Witnesses 107, 117, 513 and 350.

9 The request to accommodate breaks for breastfeeding is granted for Witness 513.

10 As to request accommodate daily prayers for Witnesses 107 and 177, the Chamber has  
11 noted the objections raised by the Defence for Mr Blé Goudé.

12 The Chamber notes that similar requests granted to the benefit of previous witnesses  
13 never resulted in the need to make major adjustments to the schedule of the proceedings  
14 and trusts that it will be likewise possible to meet the witness's religious requirement in a  
15 similar way.

16 Accordingly, the requests are granted and will be implemented in such a way as to  
17 minimise the disruption to the proceedings.

18 The Chamber has noted the requests to limit the questioning to one lawyer per team for  
19 vulnerable witnesses 117, 513 and 350.

20 The Chamber notes that, on the one hand, the organisation of the questioning falls within  
21 the scope of each team's strategy. On the other hand, it is not possible to determine in  
22 abstract and in advance how a particular witness will react to being questioned in the  
23 courtroom.

24 By the same token, as stated in paragraph 31 of the Directions on the Conduct of the  
25 Proceedings, questioning shall remain at all times respectful of the dignity of the witness

1 and no exploitation of the vulnerability of the witness is allowed.

2 As stated in paragraph 32 of the directions, the Chamber will intervene and provide  
3 specific directions as necessary or appropriate in light of the specific and concrete  
4 circumstances of each witness.

5 Also granted is the request that Witness 350 benefit from the presence of a psychologist  
6 during the testimony.

7 For Witnesses 107, 117, 513, 555 and 587, the Prosecutor's request for in-court protective  
8 measures in the form of continued use of pseudonym, voice and image distortion and  
9 recourse to in camera proceedings for identifying portions of the testimony with a view to  
10 preventing the witness identities from being disclosed to the public.

11 As to Witness 117, 513, and 350, the Chamber grants the request, the requested in-court  
12 protective measures. The Chamber considers that due to the traumatic events they  
13 suffered, they are vulnerable and may indeed be exposed to retraumatisations if they were  
14 to testify publicly, also in light of their family and residence circumstances.

15 As stated by the VWU, in respect of Witness 513, the risk both for their security and their  
16 dignity, privacy, physical and psychological well-being might effectively be at least  
17 mitigated by the adoption of the in-court protective measures by preventing their public  
18 exposure as a witness.

19 Bearing in mind the need to prevent that the purpose of these measures be defeated, even  
20 if inadvertently, the difficulty to determine in advance whether it is necessary or  
21 appropriate to call a private or closed session and the desirability to avoid disruptive  
22 litigation as to such need or appropriateness arises, the Chamber finds it preferable that  
23 the entire testimony be heard in closed session and that, as appropriate, decisions as to the  
24 reclassification of part of the testimony be deferred to a later stage.

25 The in-court protective measures for Witnesses 107, 555 and 587 are rejected.

1 As to Witness 107, the Chamber notes the request is based on considerations of a general  
2 nature as to the political allegiances which would prevail in the neighbourhood where the  
3 witness resides without providing any element which would make such allegiance a  
4 specific factor of risk for the particular witness.

5 The VWU informed the Chamber that the witness stated his willingness to testify  
6 publicly.

7 Mr Witness 555, the Chamber considers that, as highlighted by the Defence for  
8 Mr Gbagbo, the information on which the Prosecutor bases her request was already  
9 available to her when she submitted her first application where no in-court protective  
10 measures were requested.

11 The Chamber also notes that this information is not specific enough to justify the granting  
12 of in-court protective measures.

13 Furthermore, the Chamber notes that the witness declared having spoken about those  
14 events to several people, including representatives of the ONUCI, victims organisations  
15 and representatives of the town hall of his neighbourhood.

16 Finally, the VWU indicated that P-555 did not have any objection to testify publicly.

17 As to Witness 587, the Chamber finds that the circumstances detailed by the Prosecutor, in  
18 particular the traumatic episode he reports having suffered during the post-electoral crisis  
19 at the hands of one particular neighbour do not substantiate the current existence of a  
20 concrete risk suitable, suitably justify the adoption of in-court protective measures, since  
21 no information is provided as to the current circumstances and whereabouts of such  
22 neighbour.

23 Although the witness seems to have minor concerns about testifying in public, as already  
24 stated, isolated past episodes and the witness's subjective take on the security situation  
25 cannot, per se, justify the granting of in-court protective measures, especially in light of

1 the fact that the VWU was unable to establish any objective risk.

2 Finally, the Chamber is satisfied that Witness 350's family circumstances would make it  
3 disruptive for her and her young family to travel to The Hague. Therefore, the  
4 Prosecutor's request that Witness 350 testify via video link from Abidjan is granted.

5 As already stated, video link testimony can be equated to viva voce testimony and can be  
6 instrumental in preserving the witness's safety, physical and psychological well-being.

7 This concludes the Chamber's oral ruling.

8 We now, just to recall, we now proceed with the testimony, with starting the testimony of  
9 Witness 530 I think -- no. 513. Then we go, followed by 230, 350, 107, 587, 117, 555, 588,  
10 and 589. This should be doable until the winter recess. We will see how the situation of  
11 Witness 106 develops. And in case we can put it, this witness at the end of this row, we  
12 have to finish with all these witnesses by 9 December, and as of next week, I will tell you  
13 tomorrow exactly how we will do this as of next week, we will have extended hours at  
14 least next week, and then we'll see where we stand at the end of the week, extended hours  
15 meaning three times 2 hours instead of three times 1 hour and a half.

16 So now it's the Legal Representative of Victims to ask for the floor.

17 MS MASSIDDA: [15:32:17] Thank you very much, your Honour. Just before the start of  
18 the testimony of the next witness, P-513, the witness is a dual-status witness. I wanted  
19 simply to request authorisation to the Chamber to question this witness.

20 Maybe for the efficiency of the proceedings, and considering normally the Defence has not  
21 objected to the Legal Representative questioning a dual-status individual, I can already  
22 inform the Chamber that the request concerns also Witness 555 and 350. So I'm making  
23 the request for all these three witnesses. For the sake of efficiency I thought it was easier  
24 to make this request at the same time.

25 As for the past, the legal representative wishes to question the witness in relation to the

1 extent of their victimisations and the impact that the events had on their lives. Thank  
2 you.

3 PRESIDING JUDGE TARFUSSER: [15:33:18] Thank you very much.

4 On this I will give immediately the floor to the parties.

5 I just received an email from the court officer as regard to the extended hours next week  
6 on how we proceed. What is proposed by the Registry is to have hearings from 9 to 11,  
7 from 11.30 to 13.30, 1.30, and then from 2.30 to 4.30.

8 (Trial Chamber confers)

9 PRESIDING JUDGE TARFUSSER: [15:34:04] So this is what is proposed by the Registrar  
10 and obviously accepted by the Chamber. So we start next week as of Monday at 9  
11 o'clock, not at 9.30.

12 To these requests of the legal representative to question dual-status witnesses, I will give  
13 the floor to the parties.

14 MR ALTIT: [15:34:35] (Interpretation) We have no objection, Mr President.

15 PRESIDING JUDGE TARFUSSER: [15:34:40] Mr Knoops?

16 MR KNOOPS: [15:34:44] In principle, no objection. Of course we wait for the precise  
17 questions to be put, as always. Thank you.

18 PRESIDING JUDGE TARFUSSER: [15:34:50] Okay. Thank you very much. I hoped  
19 that this would end like this.

20 I imagine that also from the Office of the Prosecutor there is no objection.

21 MS HENDERSON: [15:35:03] Good afternoon, Mr President, your Honours. Ms

22 Henderson for the record. I'll be conducting the examination of Witness 513, and there is  
23 no objection in relation to those three witnesses.

24 PRESIDING JUDGE TARFUSSER: [15:35:10] Okay. Thank you very much.

25 Now I have to order the closed session, I'm sorry, to the public, but we have to go in

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1 closed session and then introduce the next witness.

2 MS PACK: [15:35:31] Your Honour, I hope you don't mind if we switch seats here in the  
3 Prosecution.

4 PRESIDING JUDGE TARFUSSER: [15:35:34] No. I imagined that you would do so.

5 MS PACK: [15:35:37] Thank you.

6 PRESIDING JUDGE TARFUSSER: [15:35:42] What we will do, I think we have another  
7 20 minutes. We will do, we have to adjourn for 10 minutes to arrange this. So you can  
8 do it with a little bit of relaxed, not so in a hurry. We have to adjourn for 10 minutes to  
9 arrange with the Registry the whole -- the new scenario, and then come back. Then  
10 probably I will just introduce and identify the witness, and then we have I think to go to  
11 tomorrow morning, I would say.

12 MS PACK: [15:36:13] Thank you, your Honour. Thank you.

13 PRESIDING JUDGE TARFUSSER: [15:36:16] Thank you.

14 THE COURT USHER: [15:36:17] All rise.

15 PRESIDING JUDGE TARFUSSER: [15:36:19] 10 minutes.

16 (Recess taken at 15.36 p.m.)

17 (Upon resuming in closed session at 3.47 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (The hearing ends in closed session at 4 p.m.)