

1 International Criminal Court
2 Trial Chamber 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé
5 Goudé - 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 Monday, 28 August 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:44] Good morning. Good morning, after a
15 while, to everybody. Good morning also to Mr Gbagbo and Mr Blé Goudé.
16 Before starting with Witness 500, I have just a few things to announce or to discuss
17 with you. First of all, we have a slightly amended witness calling order, and this
18 taking into account some issues which are I think minor issues raised by the Office of
19 the Prosecutor. And after discussing these issues with the VWU, we will file this
20 order probably in the afternoon. But just for the time being, I want to announce
21 what we will do in the next -- this week and the next week so that you are aware.
22 We have the two witnesses, 500 and 316, for this week. Next week we will start, as it
23 was before, with 583, then we will have Witness 580, 582 and 581. The last three are
24 brought up, anticipated, because of problems we had with other witnesses.
25 Then in the week from 11 to 15 September, we will have Witness 585, then 364 and

1 184. And the rest, more or less, is the same as before.

2 Then I have to announce an amendment to the hearing schedule. There will be no
3 hearing in the week from 16 to 20 October, and this is because I have a commitment
4 with my domestic judiciary, so this is my fault, but I think I cannot just ignore it.

5 So we have three weeks for Witnesses 47 and 9. While we have some problems, we
6 will see how they develop with Witness 47.

7 The next issue is the end of the presentation of the evidence by the Office of the
8 Prosecutor as shown in this witness calling order. The Prosecutor will conclude the
9 presentation of her evidence at the beginning of December in any case before the
10 winter recess.

11 And for organisational purposes, the Legal Representative of Victims and the Defence
12 teams are requested to file no later than 29 September submissions as to the
13 subsequent stages of the proceedings. In particular, the LRV is requested to indicate
14 whether she intends to apply to present evidence and to provide an estimate as to the
15 amount of time which the presentation of such evidence would require should the
16 application be granted.

17 And the Defence teams are requested to indicate approximately the number of
18 witnesses they envisage to call and to indicate whether they will be requesting a
19 suspension for the proceedings before starting with the presentation of their evidence,
20 and in the affirmative, the approximate length of the suspension requested.

21 Now we have an oral ruling, and it is the Chamber's second ruling on Mr Gbagbo's
22 request to lift the redaction of the OTP interpreter's name that assisted in taking the
23 statement of a witness. I don't mention the number of the witness because all this
24 was done in private session.

25 On 3 May 2017, the Chamber had found that the Defence had failed to demonstrate

1 the relevance of the requested information and rejected the request by oral ruling.

2 I'm referring to the first decision in T-150, page 33, lines 13 to 25.

3 On 15 June 2017, by confidential filing number 960, the Chamber, while rejecting

4 Mr Gbagbo's request for leave to appeal the first decision, noted inter alia that the

5 Appeals Chamber had recently provided guidance as to the procedure to be followed

6 when deciding whether redactions to disclosable information are justified. I'm

7 referring to the decision 915, dated 11 May 2017, of which a public redacted version

8 was issued on 31 July 2017.

9 Accordingly, it ordered the Prosecution to make submissions as to the reasons

10 supporting the maintenance of the redaction to the interpreter's name.

11 On 23 June 2017, the Prosecutor submitted that the redaction should be maintained,

12 confidential filing 966, and on 3 July 2017, the Defence for Mr Gbagbo responded,

13 noting that the Prosecutor had failed to adequately substantiate the expectation to the

14 disclosure and further detailing the reasons supporting its request. I'm referring to

15 confidential filing 976.

16 The Chamber recalls that in decision 915 the Appeals Chamber clarified that, and I

17 quote, "In the Trial Chamber's assessment of whether redactions to disclosable

18 information are justified, there should be no burden placed on the Defence." It also

19 recalls that in accordance with the redaction protocol, the disclosing party has an

20 obligation to justify the redactions.

21 The Chamber is not satisfied by the grounds reiterated by the Prosecutor in support

22 of her request to maintain redactions for the following reasons.

23 First, these grounds consist to a large extent of general and abstract statements as to

24 the situation in Ivory Coast, the overall practice of the OTP and the need to preserve

25 the ongoing investigations.

1 Second, in the absence of specific and concrete circumstances indicating otherwise,
2 the very nature of the work of an interpreter, merely instrumental to enabling
3 communication between two or more persons who do not share a common language
4 and, as such, neutral vis-à-vis the merits of the case makes the connection between the
5 disclosure of an interpreter's identity to the Defence on the one hand, and the risk to
6 their security on the other, too flimsy in order to justify a departure from the principle
7 that information should be disclosed to the Defence.

8 Third, the Chamber recalls that disclosure to the Defence is not the same as disclosure
9 to the general public. The Chamber is satisfied that the confidentiality obligations of
10 the Defence constitute an adequate safeguard against any risk of -- against any of the
11 risks evoked by the Prosecutor.

12 For all these reasons, the Chamber grants Mr Gbagbo's request, orders the Prosecutor
13 to disclose the identity of the relevant interpreter to the Defence, and reminds the
14 Defence teams of their duty to ensure that the confidentiality of the disclosed
15 information is preserved in full.

16 The parties are instructed to file public redacted versions of their filings in this matter
17 as soon as practicable and no later than 30 September 2017.

18 This concludes the oral ruling on this issue.

19 There are, just to recall this, there are other, probably, a couple of decisions
20 outstanding, and they will be filed in due course. We are well aware and we're
21 working on these other decisions.

22 Now I would like to give the floor to the Office of the Prosecutor, who requested it, to
23 respond to the deadline requested by the Defence, February 2018, in relation to the
24 submissions of video evidence.

25 Mr MacDonald, you have the floor.

1 MR MACDONALD: [9:45:10] Thank you, your Honours.

2 If you allow me just before going into the request itself, if you allow me just to ask a
3 question or raise an issue which the Chamber is probably well aware in relation to
4 0184. It is our understanding -- it's just to verify if there have been recent
5 developments since the Chamber is proposing that after, well, the week of the 11th, as
6 a last witness we would hear 184. I think that's what you mentioned, the week of
7 11th to 15th of September, you referred to Witness 184.

8 PRESIDING JUDGE TARFUSSER: [9:46:26] Well, it may be. I don't see now in this
9 moment what I said, but 184 should come in the week from 6 to 10 November.

10 MR MACDONALD: [9:46:44] All right. Maybe we can come back after the break,
11 your Honour, because you said that it would be during the week of 11th and 14th of
12 September, if I'm not mistaken.

13 PRESIDING JUDGE TARFUSSER: [9:46:53] Could be. But so in any case, we will
14 file this new schedule and then you will see exactly in the week from 11 to 15
15 September, we should have, according to this, I think we have 585, 364, 363, 297.

16 MR MACDONALD: [9:47:19] Yes.

17 PRESIDING JUDGE TARFUSSER: [9:47:20] Yes.

18 MR MACDONALD: [9:47:21] That would be correct.

19 PRESIDING JUDGE TARFUSSER: [9:47:22] Yes.

20 MR MACDONALD: [9:47:23] I just want to make it clear --

21 PRESIDING JUDGE TARFUSSER: [9:47:25] 184 comes in the week from 6 to 10.

22 MR MACDONALD: [9:47:27] Yes. As we had recommended in our filing, just to
23 draw the attention of my colleagues of the Defence to filing 996 confidential.

24 All right. That's fine, your Honour. That's perfect. There may have been an issue
25 with the number cited.

1 PRESIDING JUDGE TARFUSSER: [9:47:48] Could be.

2 MR MACDONALD: [9:47:49] So that's why. Okay. I'm glad that that is sorted
3 out.

4 Now on the issue, your Honour, of the request of the Defence to be filing their
5 observations or submissions on our video bar table motion, the date requested is the
6 5th of February. Now, I think you've asked for submissions for 29 September on the
7 following schedule, which I understand obviously the Chamber is on top of.

8 But there may be considerations that are to be taken into account. Before we can
9 proceed, we would believe with the Defence presentation, there has to be a ruling on
10 or a decision on that request. And the reason why I'm saying that is that there are
11 three Judges on the bench. So therefore that will have to be factored in.

12 Before we can close our case, the presentation of our case officially, we need to have
13 certainty about our request, including the motives or the reasons or the challenges of
14 the Defence, because before closing our case, we need to know. We may have
15 requests and so on and so forth.

16 So therefore that has to be factored in in the schedule that the Chamber is looking into
17 setting up, I understand.

18 Also, your Honour, we would seek permission, your leave right now, to be also able
19 to file by the 29th also certain requests relating to the schedule, your Honour. And
20 I'm thinking something that I'm sure the Chamber is also thinking about, Defence
21 disclosure of evidence, list of witnesses, how long or what notice the delay for this
22 notice and so on, so that the Prosecution can then prepare and also but disclose any
23 counter evidence that the Defence may disclose to us.

24 So these are things we would like the opportunity to maybe inform the Chamber of
25 our thinking also on the 29th, if that would be suitable.

1 So basically, that's the only thing that we can say at this stage, your Honour. Thank
2 you.

3 PRESIDING JUDGE TARFUSSER: [9:50:53] Thank you very much. Obviously, the
4 OTP can file whatever they think they have to file at any time, and we will decide on
5 this.

6 Now, we come to the witnesses -- Maître Altit, you want to intervene?

7 MR ALTIT: [9:51:19] (Interpretation) Thank you, your Honour. Your Honours,
8 just one word on this particular point because it was a very important and interesting
9 point, particularly when it comes to our own organisation and logistics.

10 Clarification, please, I believe I've understood correctly, but correct me if I am wrong,
11 the 29th of September filings will help your Chamber better understand where we're
12 going, but in no case will they be approximations with approximate duration. Well,
13 I believe this is not an absolute deadline, so there still will be some manoeuvring
14 room, because the Prosecution still has some time, and I believe the same will
15 hopefully hold true for Defence.

16 If we have to deal with issues, we need to bring forward new witnesses, so this
17 December we'll not have -- this deadline will not have any impact on the bar table.

18 Now, the bar table motion, 231 videos, 51 hours of viewing, 150 hours of analysis, 300
19 hours. Where are we to find 300 hours for analysis? Because we have 28 witnesses
20 between now and the end of the year. We cannot do this, our means at our disposal
21 are quite modest, and it will only be after we have questioned the witnesses who will
22 be called by the witness only once that is over and once we have done all those other
23 tasks, only then we'll be in a position to respond.

24 So that is why your Chamber was asked for additional time after the end of the
25 presentation of the Prosecution's case, because there is, well, there is no other

1 possibility. It's as simple as that.

2 Of course, the 5th of February is a date for planning purposes, indicative purposes,
3 and if necessary the time could be reduced. But we will need time after the
4 Prosecution's case because during presentation of their case, we cannot find another
5 300 hours. So this is an important point.

6 I realise that the Prosecution may be wondering whether the 200 and whatever videos
7 and additional materials on his list of evidence that he wants to add to and what will
8 become of all that, but nothing keeps him from making use of the footage by way of
9 witnesses. So there is always a way for them to organise themselves.

10 I'm making these points because I think it's important for your Chamber to realise the
11 amount of work that lies ahead of us. We will do our best, of course, but no one can
12 walk on water.

13 PRESIDING JUDGE TARFUSSER: [9:54:53] Well, just to clarify, the 29 September is
14 not a strict deadline where the parties have to say exactly what is going on. It's just
15 an indication to the Chamber, for us to have, to organise ourselves in a broad, broad
16 terms. The deadline for the LRV is indicated in the directives at paragraph 21 where
17 it is said a month before the end of the presentation of the evidence by the Prosecutor.
18 And of course, the deadline as such for the Defence is later than that date. So it will
19 probably be at the end of the presentation of the case by the last hearing we have
20 before the winter recess.

21 But by the 29th we would like to have a broad indication on where we are going. So
22 this is just to clarify this point of view.

23 So now, Mr Knoops.

24 MR KNOOPS: [9:56:09] Mr President, good morning.

25 PRESIDING JUDGE TARFUSSER: [9:56:12] Yes, Mr Knoops, please.

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1 MR KNOOPS: [9:56:14] Mr President, I just want to emphasise two elements with
2 respect to the deadline of 5 February.

3 First, in addition to Maître Altit's observation that this material of the Prosecution
4 contains 300 hours of viewing and analysis of videos, it also contains 1798 pages of
5 comments, which has to be included in the assessment by the Court.

6 And secondly, the Prosecution received twice an extension of time and had more than
7 five months to file its application. In light of these five months, it's not what we
8 assume unreasonable to have the extension of time till 5 February. Thank you.

9 PRESIDING JUDGE TARFUSSER: [9:56:57] Thank you. Now I think we come to
10 this week. This week we have two witnesses.

11 MR MACDONALD: [9:57:09] Just on that, your Honour, for scheduling purposes, in
12 order to help the Chamber, I forgot to mention that we expect to be able to proceed
13 with the following, not this one, but the next one within three hours.

14 PRESIDING JUDGE TARFUSSER: [9:57:26] That is good news because we have two
15 witnesses, we have four days, working days. I just want to say that if need be, I
16 wanted to say, but probably we don't need now, if need be we go for extended hours
17 because we have to finish by Thursday evening. So for both witnesses.

18 And so just not to lose other time, I would ask the court usher to introduce the
19 following witness, which is represented also by Mr Wagemakers as his Rule 74
20 lawyer.

21 Good morning, Mr Wagemakers.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE TARFUSSER: [9:59:08] (Interpretation) Good morning,
24 Mr Witness.

25 (Speaks English) I would like to ask you to identify yourself, before giving the floor

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1 for your questioning, to identify yourself completely with your name, surname, date
2 and place of birth. And look at me, please. Yes.

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4 (The witness speaks French)

5 THE WITNESS: [9:59:46] (Interpretation) My name is Digbo Foua Mathias. I was
6 born on 17 May 1975.

7 THE INTERPRETER: [9:59:55] Message from the interpreter: If the witness could
8 be encouraged to speak up a bit. Many thanks.

9 PRESIDING JUDGE TARFUSSER: [10:00:00] Mr Witness, I was asked by the
10 interpreters for you to speak a little bit louder and closer to the microphone, please.
11 Can you put your microphone –

12 Mr Wagemakers, could you please push his microphone closer.

13 And where were you born?

14 THE WITNESS: [10:00:34] (Interpretation) In Adjamé, Côte d'Ivoire, in Abidjan.

15 PRESIDING JUDGE TARFUSSER: [10:00:37] So you're an Ivorian national?

16 THE WITNESS: [10:00:42] (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: [10:00:45] What is your current occupation?

18 THE WITNESS: [10:00:49] (Interpretation) I was a security guard, but before I
19 came, well, I thought it was best to resign because the company that I work in, you
20 can't be away for more than three days and, you see, I'm here for a while. So I
21 thought it was best for me to resign so that I could come here.

22 PRESIDING JUDGE TARFUSSER: [10:01:21] And what were you at the time of the
23 crisis, I mean, from say October 2010 to April 2011, what was your occupation?

24 THE WITNESS: [10:01:34] (Interpretation) I wasn't working, but I was -- well, I
25 was on a construction site and I was a mason's helper.

1 PRESIDING JUDGE TARFUSSER: [10:01:55] Thank you. Now, I give you now
2 some advice before giving the floor to the parties for the questioning.

3 First of all, something which relates to your possible self-incrimination, you have
4 been assigned a lawyer by the Court to provide you with legal advice about possible
5 self-incrimination. Mr Wagemakers is present and sitting near you. And if any
6 concern arises during the course of your testimony, he will be able to advise you and
7 to raise those concerns with the Chamber.

8 The Chamber itself gives you assurance, pursuant to Rule 74(3) of the rules of
9 procedure, of our Rules of Procedure and Evidence, that your testimony, all what you
10 will say here, will not be used either directly or indirectly against you in any
11 subsequent proceedings by this Court, except under Article 70 and 71 which are the
12 offences against the Court if you do not say the truth.

13 Accordingly, if any question is asked that could lead to your self-incrimination, we
14 will hear your answer in private session and keep this answer confidential.

15 The questioning parties are responsible for requesting private session, meaning to
16 exclude the public, prior to asking questions that may lead you to incriminate
17 yourself. And obviously also duty counsel is alert to intervene when he deems it
18 appropriate.

19 You will have realised that I'm speaking slowly. And I do so because we're speaking
20 different languages. You're speaking French. I'm speaking English. And this will
21 be the same also later when other parties are questioning you. So we need to assure
22 to understand each other and, therefore, we need the assistance of interpreters, and
23 we need also to write what you say, the questions and your answers, to write them
24 down correctly.

25 And to help the interpreters and court reporters to do their job, we need to speak

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1 slowly. So please, if sometimes I give you a sign, just slow down, okay?

2 THE WITNESS: [10:05:52] (Speaks English) Okay.

3 PRESIDING JUDGE TARFUSSER: [10:05:56] Okay. Now we come to your
4 testimony.

5 You are certainly aware that this Chamber has been established to try the case of the
6 Prosecutor against Mr Gbagbo and Mr Blé Goudé. And you are called as a witness
7 here to assist the Chamber in the search of the truth.

8 You will be asked questions by the Office of the Prosecutor and by the Defence for
9 Mr Gbagbo and Mr Blé Goudé, and your only duty is to say the truth.

10 And to this effect, the law requests you to make a solemn undertaking and, therefore,
11 I ask you to read out loud the formula you have in front of you.

12 THE WITNESS: [10:07:02] (Interpretation) I declare solemnly that I shall state the
13 truth, the whole truth and nothing but the truth.

14 PRESIDING JUDGE TARFUSSER: [10:07:11] Thank you.

15 I have to inform you also that giving false testimony is an offence against the Court
16 and, as an offence against the Court, it is punishable; do you understand?

17 THE WITNESS: [10:07:42] (Interpretation) Yes.

18 PRESIDING JUDGE TARFUSSER: [10:07:44] The last thing I forgot to ask you before
19 is can you tell us your faith and your ethnicity.

20 THE WITNESS: [10:07:53] (Interpretation) I'm a Gourou and I'm a Christian,
21 evangelical Christian.

22 PRESIDING JUDGE TARFUSSER: [10:08:11] Okay. Okay, thank you very much.
23 Now I think we are ready to start the questioning. And if you are ready as well, I
24 give the floor to the Office of the Prosecutor.

25 Mr Garcia.

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1 MR GARCIA: [10:08:25] Good morning, Mr President, your Honours. Just one
2 preliminary point, if I may, before I start questioning the witness. The Prosecution is
3 aware of the Chamber's decision, decision 498 -- ruling rather, from the month of May,
4 4 May 2016. Obviously the Chamber doesn't have that straight at mind, but I am
5 aware of that, and it's a decision regarding questioning that steps outside of the
6 temporal scope of the charges.

7 Now, the Chamber might have noticed this witness, some of the questions that I will
8 be dealing with this witness, I will be broaching a certain time period prior to the
9 post-election crisis. I'll not be spending much time in that period. Most of the -- or
10 the more important part of his testimony will regard the post-election crisis.
11 So I just wanted to give notice to the Chamber on that matter before I do start
12 questioning.

13 PRESIDING JUDGE TARFUSSER: [10:09:21] The Chamber is well aware of that
14 decision now that you recall it, and I was also going to recommend that that period
15 should be only the questions in this, relative to this period, should be very functional
16 also to the crisis, so to limit it as much as possible. Okay.

17 MR GARCIA: [10:09:43] Thank you, your Honour. Yes, indeed, I do take note of
18 that.

19 QUESTIONED BY MR GARCIA: (Interpretation)

20 Q. [10:09:51] Good morning, Mr Witness.

21 A. [10:09:53] Good morning.

22 Q. [10:09:54] We met briefly last week. My name is Lucio Garcia. I'm going to be
23 asking you questions on behalf of the Office of the Prosecutor today. I'm not going
24 to repeat the various indications that the Presiding Judge has already expressed, but
25 let me just say that if at any point in time you don't understand one of my questions,

1 please feel free to say so and I will repeat my question or rephrase it.

2 A. [10:10:34] Okay.

3 Q. [10:10:38] Another point which has its importance, when I ask my question,
4 please wait a few seconds before you respond so that your answer can be transcribed
5 and also interpreted. So wait just a few moments before you answer, please.

6 A. [10:10:59] Yes, okay. That's fine.

7 Q. [10:11:03] Mr Witness, my first question is, have you ever been to Guiglo?

8 A. [10:11:12] Yes, I've been to Guiglo.

9 Q. [10:11:17] Could you describe the circumstances of you're going to Guiglo for
10 the first time?

11 A. [10:11:30] I went to Guiglo on March 21st, 2003. And at the time Côte d'Ivoire
12 was in war. Côte d'Ivoire had been attacked. And so I had a friend, his name was
13 Antoine, and he told me that they were recruiting people and that we should go to
14 Guiglo.

15 Q. [10:12:11] You mentioned a friend. Where did that friend live?

16 A. [10:12:19] The friend lived in Yopougon with me, in the same neighbourhood.
17 So he was the one who told me.

18 Q. [10:12:36] So you were informed, and then what did you do?

19 A. [10:12:44] Then we went together. There was a young guy named JC, JC, and it
20 was through -- we went with him. We went with him, JC, to Guiglo.

21 Q. [10:13:10] If you can tell us briefly, can you tell us about the discussion you had
22 with JC?

23 A. [10:13:23] We got there and we asked JC where we should go exactly in Guiglo
24 because there was a war going on, and the people in charge in Guiglo were sending
25 us there to defend their families, and so we left, we went.

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1 Q. [10:13:58] You referred to the people in charge. Who exactly are you referring
2 to?

3 A. [10:14:03] Well, when I asked him who he was referring to, the men in charge,
4 the "cadres" in French, he said there was Hubert Oulaye, and there were other names
5 he mentioned, but I don't remember those names.

6 Q. [10:14:30] Does Alphonse Douati mean anything to you?

7 A. [10:14:38] Yes, yes.

8 Q. [10:14:39] You mentioned Oulaye Hubert. Can you tell us anything else about
9 him?

10 A. [10:14:57] Oulaye Hubert, well, I don't know him personally, but I heard about
11 him. But I don't know him. I know he's a man in charge.

12 THE INTERPRETER: [10:15:11] Inaudible.

13 MR GARCIA: [10:15:15]

14 Q. [10:15:15] At the time, did you know whether this person was allied or a
15 member of a political party?

16 A. [10:15:22] I learned afterwards he was a member of the FPI.

17 Q. [10:15:32] How did you find out later on?

18 A. [10:15:35] When I got there, I asked people, and that's how I found out.

19 Q. [10:15:52] Can you tell us what his function or what his role was?

20 A. [10:15:56] I don't know what precise function he had at the time.

21 Q. [10:16:02] You confirmed the name Alphonse Douati?

22 A. [10:16:12] Yes.

23 Q. [10:16:13] Don't forget to pause before you answer.

24 Do you remember whether you know or whether you knew at the time that that
25 person was linked with a political party?

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1 A. [10:16:23] Yes. Afterwards I learned that he was in the FPI.

2 Q. [10:16:35] Do you know whether he had any particular function in the FPI?

3 A. [10:16:44] I think he was an advisor.

4 Q. [10:16:57] He advised someone or what exactly?

5 A. [10:17:03] I don't know who he advised. I don't know exactly. When I spoke
6 to my friends, they said he was a conseiller, an advisor. I don't know exactly. I
7 don't know anything more about that.

8 Q. [10:17:17] Witness, let's go back to when you met with JC. How many
9 individuals were there?

10 A. [10:17:24] There were 27. There were 27 individuals.

11 Q. [10:17:27] What did you do then, that is you yourself and the 26 other
12 individuals?

13 A. [10:17:47] We went to Guiglo. We had a means of transportation and we went
14 to Guiglo.

15 Q. [10:18:02] Were you given any money?

16 A. [10:18:10] JC gave us 10,000, and then 5,000 to pay our tickets for transportation.

17 Q. [10:18:31] Witness, you mentioned the men in charge in the west. You said
18 there were others. Do you know why they were asking for people to go to Guiglo?

19 A. [10:19:42] Well, there was a war. There was a war in the west. People were
20 being killed. The population was being killed. And so we accepted to go there.

21 Q. [10:20:06] At any point in time either at the time then or since then, did you
22 learn who was doing the recruiting to go to Guiglo?

23 A. [10:20:21] JC told us that it was the men in charge who were sending us to
24 defend the local population and their families, the so-called cadres.

25 Q. [10:20:42] Thank you, thank you for that. When you got to Guiglo, where did

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1 you go exactly?

2 A. [10:20:51] When we arrived at the station, JC sent us to the house of a deputy,
3 the deputy from Guiglo, the MP. And we got there and --

4 Q. [10:21:28] Well, you said you went to the deputy's house. Do you remember
5 what party he had been, on what party platform he had been elected, this deputy?

6 A. [10:21:42] He was an FPI member.

7 Q. [10:21:54] Do you remember his name?

8 A. [10:22:04] No.

9 Q. [10:22:08] So that things be perfectly clear, you met with JC and you went to
10 Guiglo. Did you know exactly which group you were going to be part of?

11 A. [10:22:23] We were going to the west because there was war going on, and so,
12 well, I said to myself, if there is going to be 27 men going, there is going to be others,
13 other friends who will be there that we'll meet up with and that's how we left. But
14 the exact group I didn't know. But I knew that there were others who would be
15 waiting for us, and there were 27 of us, and we thought that there were others who
16 had already gone. That's all I knew. That's how it was when we left.

17 Q. [10:23:13] According to what you were told, were you going to join the army or
18 was it an independent self-defence group? What exactly what was it?

19 PRESIDING JUDGE TARFUSSER: [10:23:32] Hello.

20 MR GBOUGNON: [10:23:34] (Interpretation) Good morning, your Honour.

21 Your Honour, I have an objection here because I believe the response given by the
22 witness was very clear. He said he was going to join a group, and he didn't name a
23 self-defence group; he didn't name a precise group. And therefore the OTP
24 shouldn't be putting words in his mouth.

25 PRESIDING JUDGE TARFUSSER: [10:24:04] The OTP is not putting words in his

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1 mouth. They try to find out on the basis of what the witness said before to make him
2 say probably something more than what he is saying.

3 Please, Mr Witness, you are here under oath. You have to say the truth. If you do
4 not recall, say "I don't recall," but you are here to say the truth, okay?
5 Mr Prosecutor.

6 MR GARCIA: [10:24:37] (Interpretation)

7 Q. [10:24:44] Witness, to be absolutely certain that we understand fully, my
8 question is as follows: According to your conversation with JC at the time, did you
9 learn exactly which group you were going to integrate or whether you were going to
10 be part of a group; and if so, what group, was it the army, something else? Did you
11 know?

12 A. [10:25:14] We were going to integrate a group. But we didn't know the name of
13 the group at the beginning. That's it. It was only when we got there that I learned
14 which group it was.

15 Q. [10:25:31] And what was that group?

16 A. [10:25:34] It was the FLGO.

17 Q. [10:25:40] Who was the commander, who was the leader of that group?

18 A. [10:25:47] It was Mr Denis Maho Glofiéhi.

19 Q. [10:25:55] One more thing regarding your conversations with the JC. Did you
20 have any particular expectations? I understand you were asked to go to the west to
21 defend people, but did you expect anything in return? How did it, how did it work?

22 A. [10:26:23] Well, I didn't really have any expectations. My concern was that my
23 country had been attacked, that's it. And so that's why I left. That's why I left, to
24 fight against those who were attacking my country, and that's why I left.

25 Q. [10:26:53] Let me ask you a precise question. Did you want to be integrated

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1 into the army?

2 A. [10:27:04] Well, as regards integration into the army, JC said "Well, if you go, if
3 all goes well, you'll be able to join the army."

4 But he wasn't a general. He wasn't anything. So what I had, what my idea was was
5 to go to fight against those who were attacking my country. I wasn't expecting
6 anything. That's it.

7 Q. [10:27:33] Did you have a job at the time?

8 A. [10:27:36] Yes. We had set up a security company at the market. It was kind
9 of informal. But we were able to pay our rent and take care of our families.

10 THE INTERPRETER: [10:27:58] The end of the answer was inaudible unfortunately.

11 MR GARCIA: [10:28:04] (Interpretation)

12 Q. [10:28:05] You mentioned that when you got there you went to the deputy's
13 house. What happened then?

14 A. [10:28:11] We got to his house or his office, and Maho came and took us to his
15 place.

16 Q. [10:28:31] If I understand correctly, that all took place in Guiglo?

17 A. [10:28:35] Yes, that's correct.

18 Q. [10:28:38] So when you say you went to his place, can you explain what you
19 mean? Was it a camp? Was it a place where people were able to stay?

20 A. [10:28:49] We went to Maho's area and we sat under a big plain tree, and that's
21 where we stayed and that's where we spent the night.

22 Q. [10:29:06] Then what did you do?

23 A. [10:29:18] Then? Well, what do you mean? What do you mean? I don't
24 understand your question.

25 Q. [10:29:23] Well, let me rephrase. When you went to Maho's place, how many

1 men were there approximately?

2 A. [10:29:31] There were 27 of us.

3 Q. [10:29:38] And did you stay at Maho's place or did you go someplace else in
4 Guiglo?

5 A. [10:29:45] Yes. There were 9, well, some of them went back to Abidjan. There
6 were 9 of us left. And we went to the palace of justice across the way from where
7 Maho was. That's where we went.

8 Q. [10:30:19] So you said that there were only 9 of you. Can you explain what
9 happened exactly?

10 A. [10:30:28] Some of them were frightened. So that's it. So they preferred to go
11 back to Abidjan.

12 Q. [10:30:46] You spoke about a command post. One moment, please.
13 Witness, I'd like to come back to your answer. You said there were some who were
14 scared, who were afraid. Can you explain why?

15 A. [10:31:18] Yes. People were keen to begin with and then went and then
16 decided to go back again.

17 Q. [10:31:48] What was the ethnic group of those who went back?

18 A. [10:31:54] There were several ethnic groups, different ones. There was some
19 Yacouba there and -- how shall I put it? The elements of the NPGO and those who
20 had been in the west where the populations were attacked, there were mainly
21 Yacouba. And Maho's brother was there when we arrived. He welcomed us and
22 he said "You've come from Abidjan. That's true. But if there are any young
23 Yacouba among you, you should go back. Because it's the Yacouba from Liberia
24 who are fighting against us. And that's why some of them preferred to go back.

25 Q. [10:33:06] Did that explain why they wanted to go back?

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1 A. [10:33:14] He said there was no difference between the Yacouba from Liberia
2 and those from Côte d'Ivoire. They expressed themselves in the same way. So it
3 was better for them to go back.

4 Q. [10:33:32] You spoke about the command posts at the come room palace de
5 justice in Guiglo, so where were you?

6 A. [10:33:48] From Maho's place I went from the palace de justice to the Court
7 rooms.

8 THE INTERPRETER: [10:33:54] The end of the answer was inaudible.

9 Could the witness be asked to speak a little louder, please.

10 PRESIDING JUDGE TARFUSSER: [10:34:00] Mr Witness, please, could you speak a
11 little bit louder and closer to the microphone. Thank you.

12 THE WITNESS: [10:34:05] (Interpretation) Yes, I've understood.

13 MR GARCIA: [10:34:14] (Interpretation)

14 Q. [10:34:15] Aside from you and the group of nine people, were there any other
15 people present?

16 A. [10:34:20] Yes, there were others there as well.

17 Q. [10:34:24] Who were those people?

18 A. [10:34:27] They were young people too, young Ivorians. They'd come in the
19 same way as we did, the nine. They'd come from Abidjan.

20 Q. [10:34:48] And approximately how many of them were there?

21 A. [10:34:50] It was a considerable number.

22 Q. [10:34:53] Can you give us an idea? More than a hundred or less than a
23 hundred?

24 A. [10:35:00] More than a hundred. There were more than a hundred of them.

25 Q. [10:35:07] And what were you doing there? What did you do?

- 1 A. [10:35:13] Well, we were there. We were there. Yes.
- 2 Q. [10:35:22] How long did you spend there?
- 3 A. [10:35:25] I think we came back from Guiglo in September, so March to
- 4 September.
- 5 Q. [10:35:41] So when you were there, did you meet Maho Glofiéhi?
- 6 A. [10:35:53] Yes.
- 7 Q. [10:35:56] What was the reason? What did he say to you?
- 8 A. [10:36:01] He came to see us. That's all.
- 9 Q. [10:36:06] Just to make sure we understand, what happened during the day
- 10 when you were there? Did you train? What did you do?
- 11 A. [10:36:20] Well, our days, well, we kept ourselves busy. We walked around the
- 12 town. Well, we were there. We walked around. We didn't do much.
- 13 Q. [10:36:48] To make sure that we understand, I want to understand whether you
- 14 received any training while you were there with Mr Maho?
- 15 A. [10:36:56] Yes. We worked a little bit on weapons when we were there at
- 16 Maho's.
- 17 Q. [10:37:14] I want to make sure this is clear. When you talked about working on
- 18 weapons, what exactly do you mean?
- 19 A. [10:37:20] We learnt how to assemble and disassemble them, that's all.
- 20 Q. [10:37:30] What sort of weapons were they?
- 21 A. [10:37:35] An AK-47, for instance.
- 22 Q. [10:37:49] Now going to come back to Denis Maho Glofiéhi, can you give us any
- 23 information about him to begin with, what you knew at the time or subsequently, did
- 24 he have any connection with a specific political party?
- 25 A. [10:38:05] Maho Glofiéhi, he was the third deputy to the mayor of Guiglo.

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1 Q. [10:38:19] At the time the second deputy or the first deputy or the mayor, were
2 any of them there at Guiglo?

3 THE INTERPRETER: [10:38:32] inaudible.

4 THE WITNESS: [10:38:35] (Interpretation) The first and second deputy were no
5 longer in Guiglo. They had gone back to Abidjan.

6 MR GARCIA: [10:38:42] (Interpretation)

7 Q. [10:38:43] Witness, you will have to speak up a little more. Speak more loudly
8 and get closer to the microphone and that will make it easier for us all to understand.
9 We can see that part of your answer has not been recorded on the transcript. If I've
10 understood correctly, you've said that the first and second deputies, you said you
11 didn't know where they were?

12 A. [10:39:12] The first and second and the mayor, they'd all left Guiglo. They
13 were in hiding.

14 Q. [10:39:23] And at the time or subsequently, did you know whether Maho
15 Glofiéhi had any connection to any specific political party?

16 A. [10:39:34] He was a militant of the FPI.

17 Q. [10:39:39] Did you know then or later whether he had a specific function within
18 the FPI or any other information on that?

19 A. [10:39:48] No.

20 Q. [10:39:51] If I understand correctly, Mr Maho Glofiéhi, who was the third
21 deputy to the mayor according to your testimony, he was the only one who was from
22 the administration remaining in Guiglo; is that what you are saying?

23 A. [10:40:07] The municipal administration, yes. He was the only one there.

24 Q. [10:40:25] You said earlier that he was the commander or the leader of the FLGO.
25 Was it in Guiglo itself?

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1 A. [10:40:33] Yes.

2 Q. [10:40:38] According to what you saw when you were there, how many people
3 made up the FLGO at the time, at the time that you were there?

4 A. [10:40:54] A large number of people.

5 Q. [10:40:59] Once again, can you tell us whether you are talking about more than
6 or fewer than 500 people?

7 A. [10:41:09] More than 500.

8 Q. [10:41:14] And those people, you say more than 500 people, can you tell us what
9 was their ethnic group, those people you're talking about?

10 A. [10:41:37] They were Ivorians, yes, they were Ivorians. There were Liberians.

11 Q. [10:41:54] There were Liberians. Well, we'll come back to that in a little while.
12 But as to the Ivorians who were there, what was their ethnic group?

13 A. [10:42:03] All of the ethnic groups from the Côte d'Ivoire were there.

14 THE INTERPRETER: [10:42:10] Your Honour, the interpreters apologise, but once
15 again we must ask the witness to speak louder.

16 PRESIDING JUDGE TARFUSSER: [10:42:15] Yes. Again, I was asked by the
17 interpreters to ask you to speak louder.

18 Can we not put the microphone more in front of the mouth of the witness? Please,
19 court usher, could you go there and bring the microphone more to the mouth of the
20 witness. Thank you.

21 Mr Garcia.

22 MR GARCIA: [10:43:37] (Interpretation)

23 Q. [10:43:37] You were talking about a number of people in the FLGO at the time in
24 Guiglo. You also spoke about Denis Maho Glofiéhi. Do you know whether there
25 were any other people under his command who had some sort of authority vis-à-vis

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1 the people who were gathered there?

2 A. [10:43:53] Those people, well, at the time of the disarming, that's when I knew
3 who they were.

4 Q. [10:44:08] And who are those people?

5 A. [10:44:12] There was Banao and Colombo.

6 Q. [10:44:21] And who is Banao?

7 A. [10:44:31] Banao was someone who was in charge of a self-defence group.

8 Q. [10:44:39] Do you recall the name of the group?

9 A. [10:44:44] No, I don't remember. I really don't remember.

10 Q. [10:44:52] You also spoke about Colombo. So I put the same question to you.

11 A. [10:44:55] Yes, Colombo as well. I don't remember the name of their groups,
12 but they were leaders of self-defence groups.

13 Q. [10:45:11] You used the names Banao and Colombo. Do you know their real
14 names?

15 A. [10:45:17] No.

16 Q. [10:45:19] If we come back to the FLGO at the time, was there someone below,
17 beneath, Mr Maho Glofiéhi, in other words, someone to whom you answered?

18 A. [10:45:31] There was Yao Yao Jules.

19 Q. [10:45:44] And as for Yao Yao Jules, what was his function?

20 THE INTERPRETER: [10:45:58] Could the witness please repeat his answer?

21 PRESIDING JUDGE TARFUSSER: [10:46:01] Could you please repeat your answer,
22 Mr Witness.

23 THE WITNESS: [10:46:04] (Interpretation) We thought he was the aide de camp of
24 the general, of Maho.

25 MR GARCIA: [10:46:16] (Interpretation)

1 Q. [10:46:17] What were his functions? What did he actually do?

2 A. [10:46:21] He was with Maho. He was with him. I don't know what his exact
3 duties were, but wherever Maho was, he was there. So that's why we referred to
4 him probably as Maho's aide de camp.

5 Q. [10:46:44] Did you know anyone else at the time answerable to Maho Glofiéhi?

6 A. [10:46:50] There was Tiemoko.

7 Q. [10:46:57] Could you spell the name Tiemoko please?

8 A. [10:47:03] T-I, T-I-E-M-O-K-O.

9 Q. [10:47:18] You said Commissioner Tiemoko, didn't you?

10 A. [10:47:24] Yes, yes, yes. It was a pseudonym.

11 Q. [10:47:28] And what was his function?

12 A. [10:47:29] He was with Maho. I don't know what his function was.

13 Q. [10:47:45] Can you tell us what he would do in the camp?

14 A. [10:47:55] He was there with us from time to time. That's all. He didn't have
15 a specific function. He was there. Sometimes he was with Maho. Sometimes he
16 was with Jules. That's it.

17 Q. [10:48:22] Were there other people beneath Maho Glofiéhi?

18 A. [10:48:27] Just his men, his soldiers. That's all.

19 Q. [10:48:41] You referred to Denis Maho Glofiéhi. Below him there was Yao Yao
20 Jules and Commissioner Tiemoko; is that all or were there other people?

21 A. [10:48:54] I don't remember anymore, honestly. But those were the ones, the
22 ones I've given you the names of that I recall.

23 MR GARCIA: [10:49:32] Short video.

24 Q. [10:49:36] (Interpretation) Witness, I'm just going to show you an image
25 without any sound track, and then I am going to put a question to you to identify the

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1 people on the image that you'll see shortly. It's 0064-0101, number 31 on our list of
2 evidence. And we are going to play from timestamp 39.56 to 39.58, without any
3 soundtrack. The transcript is 0086-0980, page 0981, 13 to 15.

4 (Viewing of the video excerpt)

5 MR GARCIA: [10:49:32] (Interpretation)

6 Q. [10:51:01] Witness, can you see the screen? We're at 39.58.17 timestamp.

7 Witness, can you identify the people at that timestamp?

8 A. [10:51:11] Yes, I see General Maho Glofiéhi and Charles Blé Goudé.

9 Q. [10:51:18] Thank you, Witness.

10 Witness, I'd like to have this confirmed: Maho Glofiéhi, he's got -- he's wearing a hat,
11 and he's wearing clothes that are striped?

12 A. [10:51:50] Yes.

13 Q. [10:51:51] Thank you. Witness, did you just stay with Maho Glofiéhi or did
14 you join anyone else when you were there?

15 A. [10:52:10] I was with Maho Glofiéhi.

16 Q. [10:52:16] As far as you know when you were there, were there people from the
17 FDS who were there?

18 A. [10:52:30] We were opposite the command post and there were FDS at the camp.

19 Q. [10:52:37] Did you have any dealings with the FDS when you were there?

20 A. [10:52:46] I don't understand. Dealings?

21 Q. [10:52:50] Does the name Colonel Yedess mean anything to you?

22 A. [10:52:54] Yes, of course.

23 Q. [10:52:55] Explain who is Colonel Yedess.

24 A. [10:53:02] Colonel Yedess, he was the officer in charge of the operational zone of
25 the west.

1 Q. [10:53:21] Let's clarify this. Colonel Yedess, which section did he belong to?

2 A. [10:53:28] Colonel Yedess was a soldier, a military man, FDS. I don't know
3 whether he was infantry or anything else. Anyhow he was FDS, he was a military
4 man.

5 Q. [10:53:54] You said he was the commander of the operational zone of the west.
6 What exactly does that mean? What were his functions and responsibilities as far as
7 you know?

8 A. [10:54:05] He had full command of the operational zone of the west. That's
9 what I know. So he was the operational commander in charge of the operational
10 zone of the west.

11 Q. [10:54:22] Can you tell us which FDS units or platoons were there in Guiglo?

12 A. [10:54:41] There was the infantry, there were people from the BB, from the
13 BASA, and there were others as well.

14 Q. [10:55:12] Where exactly were Yedess's troops in Guiglo?

15 A. [10:55:20] The colonel was at the command post at the military camp in Guiglo.

16 Q. [10:55:33] Were you trained? Did you receive any training at any time by the
17 FDS people?

18 A. [10:55:47] There was Colonel Roger, who would have us run from time to time.
19 We'd go jogging, go running from one place to another, and then we'd come back to
20 the court of law.

21 Q. [10:56:15] So how did this happen? What exactly happened? Did you say
22 colonel? I think it was Koulaï actually who trained you. How did this -- how was it
23 organised? To begin with I think you were with Maho, but what happened after
24 that?

25 PRESIDING JUDGE TARFUSSER: [10:56:33] It was quite a complex question.

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1 Mr Gbougnon, Maître Gbougnon.

2 MR GBOUGNON: [10:56:45] (Interpretation) Yes, the question contained quite a
3 lot of words that actually were not pronounced by the witness. We're talking about
4 training, jogging, footing. I don't know exactly whether it's the same thing.

5 MR GARCIA: [10:56:59] I'm going to simplify the question.

6 PRESIDING JUDGE TARFUSSER: [10:57:02] Yes. I think that the Prosecutor did
7 not refer to fitness training but to military training. So the question is did you have
8 military training by the FDS?

9 THE WITNESS: [10:57:23] (Interpretation) No.

10 PRESIDING JUDGE TARFUSSER: Mr Garcia.

11 MR GARCIA: [10:57:28] (Interpretation)

12 Q. [10:57:29] Witness, could you explain to us, to begin with, you were with Maho
13 Glofiéhi, and then you underwent training by the FDS. What happened?

14 MR GBOUGNON: [10:57:41] Monsieur le Président.

15 PRESIDING JUDGE TARFUSSER: [10:57:47] Can you please rephrase the question
16 and --

17 MR GARCIA: [10:57:50] Yes.

18 Q. [10:57:51] (Interpretation) You said that Mr Roger would have you go running
19 from time to time. What exactly happened?

20 A. [10:57:58] In the morning he would take someone from the FDS and then we
21 would run, we would run from the command post to different points, for instance
22 where the zoo was, and then we would come back again and that was all.

23 Q. [10:58:28] But you were under whose authority at that time?

24 A. [10:58:34] We belonged to Maho, but we couldn't all be at Maho's place, and that
25 is why we were sent to the law courts, the palais de justice, because it was bigger,

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1 there was room for us to fit in.

2 MR GARCIA: [10:59:11] (Speaks English) Your Honours, I see the time. I'm about
3 to engage in a series of questions, if we could please take the break at this point.

4 PRESIDING JUDGE TARFUSSER: [10:59:17] We can take the break at this point.

5 And I just remind you we are still in, far away from the charges in terms of times, and
6 we should go closer to it as soon as possible.

7 Now we take the break and we come back at 11.30 for the second session. The
8 hearing is adjourned.

9 THE COURT USHER: [10:59:38] All rise.

10 (Recess taken at 10.59 a.m.)

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

12 THE COURT USHER: [11:33:35] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [11:34:05] Good morning. Good morning once
15 again also to you, Mr Witness. I give the floor immediately to the Office of
16 Prosecutor so he can continue with the questioning.
17 Mr Garcia.

18 MR GARCIA: [11:34:31] (Interpretation)

19 Q. [11:35:22] Mr Witness, I'd like us to return to the issue of the exercising that you
20 were doing with the FDS. Did you have any military training? Did you learn how
21 to shoot a weapon, anything like that?

22 A. [11:35:41] When I was with Maho, we worked on weapons. We learned how to
23 disassemble them and reassemble them. As for the FDS, we ran, we did running, we
24 did jogging. FDS, no.

25 MR GARCIA: [11:36:10] Your Honour, I'd like to confront the witness with a

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1 statement.

2 Q. [11:36:14] (Interpretation) Mr Witness, I'd like to refer to CIV-OTP-0085-1449,
3 page 1485, from lines 2230 -- correction: from lines 1230 to 1256.

4 I don't see it yet on evidence 1 or evidence 2, for that matter.

5 Mr Witness, I'll read this out to you, and this was when you were being interviewed
6 by the OTP investigators. You were talking about this whole matter of the time that
7 you spent with Colonel Yedess. And I'll start at line 1230, interviewer says this:

8 "And so the order was to train you? Answer: Yes, to train us. They started to
9 train us."

10 Then later on on the same page, line 1252, and the interviewer said, "Where was the
11 training?"

12 And you answered, "Well, in the military camp."

13 Okay.

14 And then your answer was: "There was, there were courses that we did there and
15 instructions on how to shoot weapons."

16 Now, I've read this excerpt to you, and can you confirm that whether or not you had
17 some instruction in firing weapons, as you said you did?

18 A. [11:39:29] Frankly, we, we did not have any lessons on shooting weapons.

19 Q. [11:39:37] Could you explain what you were referring to then?

20 A. [11:39:47] Well, when we got back from the exercise session, well, we were
21 working -- how should I say? We had instructions about shooting, but we didn't, I
22 don't know, we didn't -- well, when I say courses, you see, the soldiers at the
23 command post, those ones, because we already learned when we were with Maho, so
24 we had some work. We were helping them work on the weapons.
25 They, they taught us, but it wasn't, it wasn't --

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1 THE INTERPRETER: Inaudible.

2 A. -- direct from the Colonel. We were curious and we wanted to expand upon
3 what we had learned from Maho, the instructions about shooting and the like. At
4 the command post, what we did was we did running, jogging. But to say that there
5 was a specific programme, and after the jogging, we had instructions about shooting,
6 no.

7 Q. [11:41:19] If I've understood correctly, it was Colonel Yedess who gave the order
8 for you to be trained?

9 A. [11:41:27] Well, when I say "training," I'm talking about the jogging, the running.

10 Q. [11:41:37] I'd also like to ask you something else. Were you transferred from
11 within the FDS, and were your names recorded anywhere when you were with the
12 FDS?

13 A. [11:42:03] Well, there was the list of the young people who had been at the
14 courthouse. I was registered on that list.

15 Q. [11:42:14] Can you explain this list to us? What was the list all about?

16 A. [11:42:20] Well, it was a list of the young people from Abidjan, people like me
17 who had come from Abidjan who were staying at the courthouse, that list, because
18 they needed to have the names. So there was that list. So my name was on that list.

19 Q. [11:42:36] I'm just trying to understand, was it Colonel Yedess who was
20 supposed to register you on a list, record you? How did it work?

21 A. [11:42:47] When the first one was already at the courthouse, there was a list. So
22 it's possible, but that list was with the Colonel, because when we got there, Maho
23 would say something or he would say, "Put him on the list. Note him. Jot down."
24 He would give a note.

25 So these were the young people, these were the young people who were at the

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1 courthouse.

2 Q. [11:43:20] And what was the list used for?

3 A. [11:43:23] Well, to record our names, that's all.

4 Q. [11:43:30] And you said that he would give a little note to someone. To whom?

5 A. [11:43:38] To the Colonel, because, you see, we were opposite the command post,
6 so at least the list had to be --

7 Q. [11:43:53] Just for the Court record, when you mention the Colonel, you mean
8 Colonel Yedess?

9 A. [11:44:00] Yes, yes.

10 Q. [11:44:03] Now, while you were there and you went to Guiglo, did you take part
11 in fighting?

12 A. [11:44:11] No, no, I did not take part in any fighting.

13 Q. [11:44:14] So what did you do during that time? You said that you got there in
14 March. Can you tell us when you left?

15 A. [11:44:31] Left? Left for where?

16 Q. [11:44:34] When you went back to Abidjan.

17 A. [11:44:36] I went back in 2006.

18 Q. [11:44:41] Just so that it's perfectly clear, you arrived in March 2003. In 2003,
19 did you go back to Abidjan?

20 A. [11:44:50] Yes, we went back to Abidjan. I think it was in September, the
21 month of September.

22 Q. [11:44:58] Just for the Court record, September 2003?

23 A. [11:45:00] Yes, that's it. That's right.

24 Q. [11:45:05] So during that entire period of time, what did you do exactly?

25 A. [11:45:10] Well, we were there. We ran. We would do our running and then

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1 we were there.

2 Q. [11:45:20] Did you have weapons?

3 A. [11:45:22] No, we didn't have any. The FDS were the ones who had weapons.
4 We didn't have any.

5 Q. [11:45:30] Just one point. Now, when you ended up with the FDS, you stayed
6 at the command post and you came under the orders of whom exactly?

7 MR GBOUGNON: [11:45:43] (Interpretation) Your Honour, your Honour.

8 PRESIDING JUDGE TARFUSSER: [11:45:49] Maître Gbougnon.

9 MR GBOUGNON: [11:45:51] (Interpretation) I believe this is a rather complex
10 question and should be rephrased, because I think a lot of things are being lumped in
11 into the same category, so to speak. A lot of things are being confused.

12 MR GARCIA: [11:46:10] Your Honour, I can simplify.

13 PRESIDING JUDGE TARFUSSER: Yes, simplify. But I think that the question
14 "under whose command you are," it's quite a simple question. Are you aware, it's
15 quite a simple question.

16 MR GARCIA: [11:46:24]

17 Q. [11:46:24] So you were under the orders of whom?

18 A. [11:46:29] General Maho.

19 Q. [11:46:34] What I would also like to know to be more specific, now, if you were
20 to go out and fight, who would have been giving you the orders?

21 MR ZOKOU: [11:46:47] (Interpretation) Objection.

22 PRESIDING JUDGE TARFUSSER: [11:46:55] Yes, obviously, this is a hypothetical
23 question. He said he didn't go out to fight. So I think --

24 MR GARCIA: [11:47:00] Your Honour, the question is simply who could give that
25 order.

1 PRESIDING JUDGE TARFUSSER: [11:47:03] Yes, but who could give it. It didn't
2 happen, according to what the witness said. Under whose order have you been?
3 And he answered the question, and I think this should be enough.

4 MR GARCIA: [11:47:24] (Interpretation)

5 Q. [11:47:34] Mr Witness, I'd like to take you back to your interview.
6 (Speaks English) And I'd like to go to transcript CIV-OTP-0085-1590, page 1597, lines
7 220 to 222.

8 (Interpretation) We'll do the same thing as what we did a few moments ago. I'm
9 referring you to the statement that you gave to the OTP investigators on the same
10 point. I will start at line 215.

11 So you said that some people were able to leave and take part in the fighting.
12 You answered saying, yes, with the Liberians.

13 And your answer was this: "The Liberians. But I, I went to the fighting. The
14 Liberian? Who? You see, him. But he who can say to me -- the one who can say
15 to me "go to the front," that is Colonel Yedess, because Maho told me. On to line 224,
16 you said, "So if I have to go to the front, it is under the orders of Colonel Yedess."

17 MR GBOUGNON: [11:49:29] (Interpretation) Your Honour.

18 PRESIDING JUDGE TARFUSSER: [11:49:32] Mr Gbougnon.

19 MR GARCIA: [11:49:35] Your Honour, if we are going to get into the substance, then
20 I'd prefer that the witness not be here. But I leave that to the hands of Defence
21 counsel.

22 MR GBOUGNON: [11:49:50] (Interpretation) Your Honour, it's a matter of form
23 rather than substance. Learned counsel said he was confronting the witness, but
24 really what he has said does not contradict what has been recorded by the
25 Prosecution at all. I'm not going to go into the details because the witness is with us,

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1 but there is no confrontation here because I think we can go back to the question put
2 and the answer given. But really, there is no confrontation here.

3 PRESIDING JUDGE TARFUSSER: [11:50:23] There is no confrontation at all, no.

4 No, there is no confrontation, because it was a hypothetical question and an answer,
5 on an answer given by the witness. He said he didn't go. And now in here, in this
6 statement, you are confronting him. This hypothetical question is coming up again,
7 which was not admitted.

8 MR GARCIA: [11:50:49] There was, your Honour, if I may, the question that
9 preceded that one, which is a more precise question: Under whose orders he was at
10 the time. That is the question that, with this question I am confronting, obviously,
11 because obviously one can infer from this answer something, something else.

12 PRESIDING JUDGE TARFUSSER: [11:51:08] Infer, yes.

13 MR GARCIA: [11:51:09] For the Chamber.

14 PRESIDING JUDGE TARFUSSER: [11:51:11] Under whose order he was, and he did
15 respond.

16 MR GARCIA: [11:51:13] Yes.

17 PRESIDING JUDGE TARFUSSER: [11:51:14] Then you put the hypothetical question
18 of who would you -- who could order you something he said he didn't do.

19 MR GARCIA: [11:51:24] That's right. And the reason why I put up that follow-up
20 question was to be precise in what type of orders I was speaking about.

21 Now the question that I'm confronting with actually is under whose orders he was at
22 the time. This answer that he gave at the time to the investigators of the OTP could
23 lead us to believe something else, and that's the reason why. And I want to question
24 him on that point.

25 PRESIDING JUDGE TARFUSSER: [11:51:45] Mr Witness, could you please for

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1 clarity repeat under whose order you were at that time.

2 THE WITNESS: [11:52:01] (Interpretation) I was under the orders of Maho
3 Glofiéhi.

4 MR GARCIA: [11:52:07] I can ask, if I may clarify this point, your Honour, in the
5 transcript, because it is, it is a bit of a more complicated question than that, under
6 whose orders, but that's general. And that's why I was asking if one were to ask you
7 to go to the front, who would be giving those orders.

8 PRESIDING JUDGE TARFUSSER: [11:52:22] No.

9 MR GARCIA: [11:52:23] So he can have the substance or the substance that would
10 demonstrate under whose orders he is. That's the reason.

11 PRESIDING JUDGE TARFUSSER: [11:52:34] But not who would, who did, not who
12 would, because he is a witness and he is here to respond on the basis of facts and not
13 on hypothesis.

14 MR GARCIA: [11:52:45] I can ask the question of who had the authority to ask the
15 witness or people of the FLGO to go to combat.

16 PRESIDING JUDGE TARFUSSER: [11:52:54] In which relation was Yedess to you,
17 Colonel Yedess?

18 THE WITNESS: [11:52:59] (Interpretation) I didn't have, well, I was under the
19 orders of Maho Glofiéhi Denis. I don't know. I was under the orders of General
20 Maho Glofiéhi Denis. I don't know what else to say other than that.

21 PRESIDING JUDGE TARFUSSER: [11:53:31] Last question on this. Colonel Yedess,
22 had he ever given you any order? Had you any relation to Colonel Yedess?

23 THE WITNESS: [11:53:41] (Interpretation) No, I did not receive any orders from
24 Colonel Yedess.

25 PRESIDING JUDGE TARFUSSER: [11:53:50] Mr Garcia, please go ahead.

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1 MR GARCIA: [11:53:54] (Interpretation)

2 Q. [11:53:55] Now, Mr Witness, I understand that you went back to Abidjan in 2003
3 as well. And who gave you permission to go back to Abidjan?

4 A. [11:55:07] Permission? Well, Maho was forced to take us back to Abidjan, so he
5 gave us permission to go back to Abidjan.

6 Q. [11:55:26] Why?

7 A. [11:55:29] Because everything had settled down, and I really didn't see what we
8 were to do there, because when we were there we weren't doing anything. Since
9 everything was calm, we went back to Abidjan.

10 Q. [11:55:53] You say that you forced Maho. Why did you phrase it that way?

11 A. [11:56:17] Because we were getting bored. We were there and we weren't
12 doing anything. So we had to go back to Abidjan.

13 Q. [11:56:33] Mr Witness, now, the name Oulaï Delafosse, does that name ring a
14 bell?

15 A. [11:56:38] Yes, yes, it does. It rings a bell.

16 Q. [11:56:42] Who was that person?

17 A. [11:56:46] He was a soldier.

18 Q. [11:56:52] Now, at that time when you were in Guiglo, did you ever see this
19 person?

20 A. [11:57:03] Yes, I did see him when I was there.

21 Q. [11:57:07] Under what circumstances?

22 A. [11:57:11] He came and he left a bag of rice at the courthouse. And we took
23 some. He got angry and he asked -- well, since we had taken his bag of rice, well, he
24 was angry. And I asked someone, "Who is that guy?" and the person told me that's
25 Oulaï Delafosse.

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1 Q. [11:57:51] And at the time did you know what his rank was?

2 A. [11:57:55] No, no, I didn't know what rank he was.

3 Q. [11:58:01] Just to make sure it's clear. Now, he was a soldier, you say. And
4 what unit or section did he belong to?

5 A. [11:58:13] Well, he was a soldier. He was an infantryman, or maybe he worked
6 as part of the crew of an armed vehicle, but all I know is that --

7 Q. [11:58:26] FDS?

8 A. [11:58:27] Yes.

9 Q. [11:58:31] Now, to the best of your knowledge, did he have other responsibilities
10 or duties when he was in Guiglo?

11 A. [11:58:46] I don't know.

12 Q. [11:58:49] To your knowledge, did he go off and fight?

13 A. [11:58:59] Yes, he did fight.

14 Q. [11:59:03] With whom?

15 A. [11:59:08] With the soldiers.

16 Q. [11:59:13] Soldiers, FDS soldiers?

17 A. [11:59:19] Yes.

18 Q. [11:59:21] Was there anyone else?

19 A. [11:59:25] There must have been some others, but I don't know.

20 Q. [11:59:35] When you say you don't know, do you mean you don't remember?

21 A. [11:59:44] I don't know.

22 Q. [11:59:47] I'd like to refresh the memory 0085-1590, that's the transcript number.

23 PRESIDING JUDGE TARFUSSER: [11:59:55] Excuse me.

24 Maître Altit.

25 MR ALTIT: [11:59:59] (Interpretation) I beg your pardon. Could we ask the

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1 witness how he learned all of this because he said he never fought. He said Mr
2 Delafosse went off to fight. How does he know that? Was this hearsay or what?
3 And depending on his response, whether it's positive or not, could we perhaps then
4 ask him more detailed questions about what he was doing, with whom, how and
5 when? I mean, there has to be some logic to the direct examination, it seems to me,
6 your Honour.

7 MR GARCIA: [12:00:43] Your Honour, I believe the witness will be able to answer
8 those questions once he's testifying.

9 PRESIDING JUDGE TARFUSSER: [12:00:48] Yes. But put the questions, please. I
10 mean, this is the first time we hear about fights, what he knows about fights in that
11 time where he didn't fight, so I think at least to know if fights were ongoing there
12 would be quite important.

13 How do you know that -- were there fights ongoing in that period you were there in
14 Guiglo in 2003?

15 THE WITNESS: [12:01:31] (Interpretation) Well, regarding Delafosse --

16 PRESIDING JUDGE TARFUSSER: [12:01:42] In general. In general, were there
17 fights ongoing?

18 THE WITNESS: [12:01:50] (Interpretation) Well, we were at the palais, the palace
19 of justice, but occasionally soldiers would inform us about fighting that was taking
20 place near a place --

21 THE INTERPRETER: That was inaudible.

22 THE WITNESS: (Interpretation) And they told us that there was fighting.

23 PRESIDING JUDGE TARFUSSER: [12:02:17] And how do you know that Oulaï
24 Delafosse was fighting in these fights?

25 THE WITNESS: [12:02:28] (Interpretation) Well, I saw Delafosse in a video once,

1 and he was with some soldiers, and the reporter was interviewing him on the ground.

2 And that's how I learned that he had gone off to the front.

3 PRESIDING JUDGE TARFUSSER: [12:02:49] Mr Garcia.

4 MR GARCIA: [12:03:11] (Interpretation)

5 Q. [12:03:14] Mr Witness, I'd like to go back over what you stated to the
6 investigators. And here I'm referring to page 1596 of the transcript 0085-1590 and, in
7 particular, lines 186 to 189. Your response on line 187:

8 "And I asked him 'And who is -- it was Oulaï Delafosse, he's the one who took care of
9 the group at the time.' All of that, that's how I knew him."

10 A. [12:03:58] That was the day when he complained about our taking his rice, his
11 bags of rice. And I asked a friend, "Who is that guy?" And he said, "Well, he's
12 Oulaï Delafosse." That's how I knew who he was.

13 Q. [12:04:23] When you referred to LIMA?

14 A. [12:04:27] That meant the Liberians.

15 Q. [12:04:34] The Liberians, can you tell us any more? What were they doing?

16 A. [12:04:42] The Liberians, they were also fighting with the FDS.

17 Q. [12:04:53] And when you say that he was taking care of the LIMA group, what
18 do you mean exactly by "take care of"?

19 MR ALTIT: [12:05:12] (Interpretation) Your Honour.

20 PRESIDING JUDGE TARFUSSER: [12:05:13] Maître Altit.

21 MR ALTIT: [12:05:15] (Interpretation) Thank you, your Honour. Your Honour,
22 unless I'm mistaken, this is how the scene took place, and I think the witness has
23 recalled that very clearly. Someone come who was fairly angry because the rice, the
24 bags of rice had disappeared, and it was Oulaï Delafosse. He didn't know who that
25 person was. He asked someone who was with him who that man is, and that person

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1 answered saying this is Oulaï Delafosse and said something about LIMA.

2 But this is not, this was never the witness who stated those things. And the way
3 things are being presented here it's as if the witness had a reservoir of knowledge on
4 certain matters, and he's being asked questions on this reservoir of knowledge,
5 whereas in fact he doesn't, he's only repeating what someone else told him. And
6 therefore it's not allowed to ask him questions like that because it's really betraying
7 the spirit and the letter of what he actually stated.

8 MR GARCIA: [12:06:20] Your Honour, that's essentially a pleading on the merits of
9 this witness's testimony. It shouldn't be at this point. Unless there is an objection to
10 a question for whatever reason that -- what Defence counsel is basically doing is
11 putting in his arguments regarding the merits of the witness's testimony.

12 PRESIDING JUDGE TARFUSSER: [12:06:36] No.

13 MR ALTIT: [12:06:37] Monsieur le Président.

14 MR GARCIA: [12:06:41] That should not be allowed.

15 MR ALTIT: [12:06:43] (Interpretation) Your Honour, one more comment if I may.

16 Something may be a bit fuzzy. He cannot be asked -- yes, when you say it's the
17 witness who is saying this, you cannot ask him. In fact, it's someone else who stated
18 what you are asking the witness, and that's my objection.

19 PRESIDING JUDGE TARFUSSER: [12:07:08] No. As far as I've understood it, the
20 witness is reluctant to say things and the Prosecutor is confronting him with what he
21 said in the statement. This is how I understand it and how it should be. So he's not,
22 he's not saying things which somebody else said but what the witness said in his
23 statement. Is this correct?

24 MR GARCIA: [12:07:37] That's correct, your Honour.

25 PRESIDING JUDGE TARFUSSER: [12:07:38] No. Well, on the other side they say

1 no. Because I've got the statement here in front.

2 MR GARCIA: [12:07:43] Your Honour, I did relate to the witness what he said to the
3 investigators during his interview.

4 PRESIDING JUDGE TARFUSSER: [12:07:47] Yes. But it's always unclear. This is
5 going on since now one year and a half. We do not -- we don't have direct and clear
6 questions and then direct and clear confrontations or refreshing the memory, it's all a
7 little bit mixed up. So that's why my intervention is more a guess than a certainty.

8 I would like to have clear questions to the witness. If he does not respond
9 accordingly to what you think he said before, then one confronts. One does not try
10 to get things which may be -- the witness doesn't want to say. One confronts or
11 refreshes the memory. That's why I asked the witness to respond truly to the
12 questions.

13 If the witness does not recall, he should say "I do not recall." And otherwise, if there
14 is a significant difference, there is a confrontation.

15 Maître Altit.

16 MR ALTIT: [12:08:56] (Interpretation) Thank you, your Honour. Just to try to
17 clarify things so that we're all on the same page, I'm going to read out briefly what the
18 witness said to the representative of the OTP in his statement. Let's talk about Oulaï
19 Delafosse.

20 Sorry, the reference is as follows. This is line 183 to 189, and it's the portion of
21 statement that was read out a moment ago by the OTP. So I'm quoting, I'm quoting
22 what the witness stated to the representative of the OTP, and I quote, I quote, this is
23 line 183:

24 "Let's talk about Oulaï Delafosse. He accused us. He said, as of now, we would no
25 longer work at the command post, that's it, because we had stolen his rice. That's it."

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1 End of quote.

2 It's very clear that he's talking about Oulaï Delafosse.

3 And then I continue further on, the witness states: "And then I asked, "But who is
4 that guy?" In other words, he's asking the people around him who that man is, the
5 one who said they're not going to serve anymore there because they'd stolen the rice.
6 And the answer that is given, and I'm quoting here, "No. That's Oulaï Delafosse.
7 He's the one, sometimes he's the one who takes care of the LIMA group, that's it.
8 Yeah, that's how I knew him." End of quote.

9 So you see, it's perfectly clear. And there is no reason to discuss any further with the
10 witness about what he said. He's not the one who talked about the LIMA. It's the
11 person he asked who Oulaï Delafosse was, that is, this man who was angry because
12 they had taken the rice. And the reference to LIMA is in the answer given by the
13 man who says it's Oulaï Delafosse.
14 So you see, really, I think the situation is perfectly clear. I don't know if there has
15 been a problem with translation. But how can we ask a question to the witness as if
16 he is the one who had stated that?

17 I hope, your Honour, that I've clarified the situation.

18 PRESIDING JUDGE TARFUSSER: [12:12:02] Yes. I have it in front also of me.

19 Mr Garcia.

20 MR MACDONALD: [12:12:07] Your Honours, if you allow me, because I'll take over
21 just for now. Yes, that's the whole point. Fine. It's someone else that told the
22 witness and that's what we wanted to confront him with in his statement.

23 We're moving on now. I think it's clear.

24 PRESIDING JUDGE TARFUSSER: [12:12:23] Okay.

25 MR MACDONALD: [12:12:23] We're moving on.

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1 PRESIDING JUDGE TARFUSSER: [12:12:25] Good. Mr Garcia.

2 MR GARCIA: [12:12:38] (Interpretation)

3 Q. [12:12:44] Witness, you referred to the Liberians who were also present. Can
4 you tell us how many there were, how many Liberians?

5 A. [12:12:56] Well, at least about 50.

6 Q. [12:13:05] Did they have weapons?

7 A. [12:13:08] Yes, they did. They were armed.

8 MR ALTIT: [12:13:13] (Interpretation) I beg your pardon once again to intervene,
9 but I have no choice. How many Liberians were present? Well, that was the
10 question. Where? I mean, can't you ask a precise question so that the witness can
11 answer clearly. Were they at the same place where the witness was? I mean, really,
12 I think we should have more precise questions here.

13 MR MACDONALD: [12:13:39] It was clearly stated at the beginning of his testimony.
14 We're still in the same period.

15 PRESIDING JUDGE TARFUSSER: [12:13:45] We're in Guiglo.

16 MR MACDONALD: [12:13:47] Exactly.

17 PRESIDING JUDGE TARFUSSER: [12:13:48] We're in Guiglo in the period from
18 March to September. And yes, and how many Liberians were in Guiglo in that
19 period? This is the question, Mr Witness. And what did they do, I mean?

20 THE WITNESS: [12:14:11] (Interpretation) They were fighting with Maho's
21 soldiers. That's what they were doing in Guiglo.

22 PRESIDING JUDGE TARFUSSER: [12:14:22] And when you said before at least 50,
23 you meant in that period in Guiglo, fighting, 50 Liberians?

24 THE WITNESS: [12:14:36] (Interpretation) They were the ones that went to Maho.
25 I said 50, but maybe there were fewer. The ones who went with Maho, sometimes

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1 they would come and go. Maybe there were only 40 at times, or 30.

2 PRESIDING JUDGE TARFUSSER: [12:14:59] Okay. Mr Garcia, I just want to say
3 that we are over half of the time which is allotted to you and we are still in 2003.

4 MR GARCIA: [12:15:13] Noted, your Honour, we'll be moving faster.

5 Q. [12:15:19] (Interpretation) Witness, can you give us the names of any of the
6 Liberians that you knew yourself?

7 A. [12:15:30] I saw Bebo, Bob Marley, somebody mentioned him, and in 2006
8 during the events, there was one named Tarzan.

9 Q. [12:15:54] The names you mentioned, for example, Bebo, do you know what his
10 rank was amongst the Liberians?

11 A. [12:16:10] Well, he was in charge, but I don't know what his rank was.

12 Q. [12:16:19] You mentioned Tarzan and Bob Marley. Do you know what their
13 functions were?

14 A. [12:16:30] Well, they were in charge, but they were the men in charge.

15 Q. [12:16:43] Witness, do you know whether those Liberians reported to anyone?

16 A. [12:16:58] They reported to Maho. Well, they went to Maho's place. I don't
17 know what they were talking about. But if there were any reports to be given, it
18 would have been to Maho. That's what I can say.

19 Q. [12:17:16] Can you tell us who took care of the Liberians?

20 A. [12:17:26] I think it was Maho who took care of them.

21 Q. [12:17:32] Do you know whether at that time the Liberians went to see the FDS?

22 A. [12:18:48] Some came to the camp. I don't know why, but I saw them come
23 once and then go back.

24 Q. [12:19:09] You referred to the post. What did you mean?

25 A. [12:19:17] I meant the command post in Guiglo.

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1 Q. [12:19:21] Is that where the RDS were in Guiglo?

2 A. [12:19:28] Yes.

3 Q. [12:19:31] You said they would come and perhaps leave again. Did you see
4 that yourself?

5 A. [12:19:36] Yes, once or twice I would see a vehicle, two or three of them, and
6 then they'd come and then they'd go back.

7 Q. [12:19:49] Do you know the names of the Liberians exactly?

8 A. [12:19:54] I don't know any other names except for the ones I mentioned a
9 moment ago.

10 Q. [12:20:02] Can you tell us who they came to see?

11 A. [12:20:07] No, because I wasn't with them when they went in, so I really don't
12 know who they went to see.

13 Q. [12:20:20] Witness, you left Guiglo, and where did you go when you left Guiglo
14 in 2003?

15 A. [12:20:33] Well, when we left Guiglo, they left us at a first location and then we
16 were told to go home.

17 Q. [12:20:55] When you referred to the first battalion, what did you mean?

18 A. [12:21:00] Akouédo, the first battalion in Akouédo.

19 Q. [12:21:03] Who was the commander?

20 A. [12:21:07] It was Colonel Tiemoko Auguste.

21 Q. [12:21:12] Was there someone else?

22 A. [12:21:19] Well, he was the commander of the first battalion.

23 Q. [12:21:26] Does the name Bombet mean anything to you Bombet Denis?

24 A. [12:21:33] Yes, that name rings a bell.

25 Q. [12:21:36] Who was it?

- 1 A. [12:21:37] He was a high-ranking officer.
- 2 Q. [12:21:41] Where was he based?
- 3 A. [12:21:45] I don't understand.
- 4 Q. [12:21:49] You recognise Bombet, but where was he posted?
- 5 A. [12:21:54] He was at the 1st battalion in Akouédo.
- 6 Q. [12:22:03] When you say "he met us there," how many men were there?
- 7 A. [12:22:11] Well, there were some 678, I remember.
- 8 Q. [12:22:21] Are you talking about 678 individuals who were with you who came
9 from Guiglo?
- 10 A. [12:22:27] Yes, yes.
- 11 Q. [12:22:30] Were they members of the FLGO?
- 12 A. [12:22:33] Yes, they were members of the FLGO.
- 13 Q. [12:22:40] So what did Mr Bombet say to you?
- 14 A. [12:22:45] He told us to go home and that there was a process ongoing and
15 things would be decided for us. And I learned later that there was the disarmament,
16 and so we were told to go home and we were told that they would take care of us,
17 and we were told to go home.
- 18 Q. [12:23:08] Did you go home?
- 19 A. [12:23:13] No. I didn't go home because I didn't have a home anymore.
20 Before I left, I was renting a house, and so when I came back, I didn't have any place
21 to go. So it was my friend Aubain who took me in at his house. And then
22 afterwards we went back to the Lauriers work site and we worked as apprentice
23 masons. It was a work site, bricklayers. We were bricklayers there.
- 24 Q. [12:23:56] Later on, did you go to the Saint Paul Cathedral?
- 25 A. [12:24:18] Yes.

1 Q. [12:24:19] Why?

2 A. [12:24:22] We really didn't understand what was going on with our situation.

3 We trusted what we had been told by JC, that is, that we would join the army and we
4 were sent back to Abidjan, and we wondered whether that was the case. And then
5 we remembered what General Bombet said. He said someone would take care of us.
6 So we went to the cathedral to see if we could find out what was going on. And
7 that's why we went to the cathedral.

8 Q. [12:25:04] Can you tell us when that occurred in terms of the dates?

9 A. [12:25:12] I don't remember. It was in 2003, but I don't remember exactly the
10 date.

11 Q. [12:25:20] How many men were there in the cathedral?

12 A. [12:25:28] There were lots of men.

13 Q. [12:25:30] And what were your demands? You said you organised a hunger
14 strike. Why?

15 A. [12:25:41] We were trying to meet up with the president so that he would
16 understand our problems.

17 Q. [12:25:49] And were you able to speak to him about your problems?

18 A. [12:25:54] Yes. Yes, we talked to him.

19 Q. [12:26:01] And so that it be perfectly clear, when you refer to the president, who
20 do you mean?

21 A. [12:26:07] President Laurent Gbagbo.

22 Q. [12:26:10] So what happened exactly? Can you explain how you met him?

23 A. [12:26:19] We were in the cathedral, and Bombet came, General Bombet. And
24 he came and asked us to go home. He said he had some money for us so that we
25 could go back to our families. But we refused. We said our problem wasn't the

1 money. We wanted to go back to the front because there were -- our people were
2 suffering there, and so we wanted him to find a way to send us off to the front.

3 And so he left. And I think he told the president that there were some young men at
4 the cathedral and perhaps he should come to speak with them, and so the president
5 came.

6 Q. [12:27:31] In order for things to be perfectly clear, did General Bombet come
7 alone or with someone else?

8 A. [12:27:56] That day he was with Delafosse. He was with Delafosse on that day.

9 Q. [12:28:02] How much money was he offering you?

10 A. [12:28:11] There were a lot of us. He said 10 million that we could share so that
11 each of us could go home to our families. But we refused.

12 Q. [12:28:24] What happened then?

13 A. [12:28:26] Well, he left. We didn't accept the money and he left. An hour or
14 two later the president came.

15 Q. [12:28:41] Once again, when you refer to the president, who do you mean?

16 A. [12:28:46] President Laurent Gbagbo.

17 Q. [12:28:49] Was President Laurent Gbagbo accompanied by anyone when he
18 came?

19 A. [12:28:56] Yes, he was with other people.

20 Q. [12:29:01] What other people?

21 A. [12:29:07] I beg your pardon?

22 Q. [12:29:08] Who was with him?

23 A. [12:29:13] Well, it was a delegation of five or six men.

24 Q. [12:29:26] Do you know the names of these individuals? Who was with the
25 president?

1 A. [12:29:32] There was Mr Kadet Bertin, Kadet Bertin.

2 Q. [12:29:44] Who else?

3 A. [12:29:46] And the minister Charles Blé Goudé. Well, actually, I didn't see
4 Charles Blé Goudé myself, but my friends told me he was there. So if they told me
5 that, that means he was there.

6 Q. [12:30:03] What exactly did the president say?

7 A. [12:30:21] When he arrived, he greeted us and he asked the priest how things
8 were. And the priest explained to him how we'd come there, how we'd arrived and
9 all of that. The president greeted us and said, "You've been told that I'm giving you
10 10 million. Take the money and go home. Côte d'Ivoire will not forget you, but
11 give me time. Give me at least 10 days so that I can deal with what's happening in
12 the west, deal with the authorities, the administration there."
13 There was a spokesman who said to the president, "We understand what you are
14 saying, but we want to go back to the west. The priest has been helping us, so we'd
15 rather give the money to the priest because he gave us bread. He's done everything.
16 So the 10 million you should give to the priest."

17 And how shall I put it? We want to go back to the front, because there are people
18 dying there.

19 He said, "I understand you, but can you refuse what a father gives to his children,
20 what a leader gives?"

21 And we said, "No."

22 He said, "Take the money. Go back to your families, because here in the cathedral,
23 it's as if you are angry with me. Are you angry with me?"

24 And we said, "No, we're not angry with you."

25 And he said, "Go back to your families and stay where you are. Give me 10 days so

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1 that I can deal with the administration in the west."

2 So that's what happened. And when he finished speaking, our spokesman spoke a
3 bit as well about the agreement sort of being reached and we really didn't understand
4 what was happening with the agreement. It's better for us to go back to the west, we
5 said.

6 And he said, "I understand you, but go back to your families. Give me 10 days. I
7 will deal with the administration in the west. I'll try and get it replaced."

8 He said that Kadet Bertin was going to stay with us. And then he left. Kadet Bertin
9 stayed and we came up with a list that we gave to Bertin Kadet, and then he took it
10 and then he left as well. We took the money, we shared it among ourselves, and we
11 went back to our families. And we went to the work site.

12 Q. [12:34:17] You referred to a list that you gave to Kadet Bertin. What exactly
13 was the list?

14 A. [12:34:33] It's the list of the 678 people who were there. It's a list of those
15 people's names and we gave that list to Kadet Bertin.

16 Q. [12:34:43] What was the purpose of that list?

17 A. [12:34:48] We couldn't join the army, so the disarmament process was going it
18 go ahead. Maybe this is why this request was made. So we came up with a list and
19 we gave to him.

20 Q. [12:35:05] On the same day or a different, another day?

21 A. [12:35:09] We already had a list. It was ready. So I asked my friends that this
22 list be given to Kadet Bertin and that's what they did.

23 Q. [12:35:24] For the record, the 678, are they members of the FLGO?

24 A. [12:35:37] Yes.

25 Q. [12:35:40] And for the record, you witnessed all of this, what you've just told us

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- 1 about, you witnessed it?
- 2 A. [12:35:55] At the cathedral?
- 3 Q. [12:35:57] Yes, at the cathedral.
- 4 A. [12:36:00] I said to my friends instead of making a list, drawing up a list, I said
- 5 the list we've got here, let's give it, that one, to Kadet Bertin.
- 6 Q. [12:36:15] The hunger strike, did it begin afterwards?
- 7 A. [12:36:21] No. We went home.
- 8 Q. [12:36:25] Paul Nonzi, does that name mean anything to you?
- 9 A. [12:36:38] Yes, Paul Nonzi.
- 10 Q. [12:36:39] Who is that person?
- 11 A. [12:36:42] Paul Nonzi is one of the leads of the FLGO.
- 12 Q. [12:36:54] In charge of the FLGO where, in a particular region?
- 13 A. [12:37:01] No, of the FLGO; he came under Maho.
- 14 Q. [12:37:12] What exactly were Paul Nonzi's functions, just so we can have a good
- 15 understanding?
- 16 A. [12:37:17] At the FLGO, Paul Nonzi was in Abidjan. I think it's through him
- 17 that the first people left to go to Guiglo.
- 18 Q. [12:37:44] You're saying that it's through him that the first soldiers went to
- 19 Guiglo? Can you explain that, please?
- 20 A. [12:37:50] I think he's the one who recruited the first to send them to Guiglo.
- 21 Q. [12:37:59] How did you know that?
- 22 A. [12:38:01] My friends there told me.
- 23 Q. [12:38:06] After the hunger strike, did you at some point go back to the
- 24 cathedral?
- 25 A. [12:38:25] Yes.

1 Q. [12:38:28] How long after?

2 A. [12:38:33] Many months later.

3 Q. [12:38:37] For what reason?

4 A. [12:38:42] We were at the Lauriers work site, and there was a problem with one
5 of the people working there, one of my friends and, well, they ended up fighting.
6 He came to one of the houses being built there, and there was antagonism and there
7 were complaints, and people were accused of taking occupation of the house and
8 making things dirty. And he said it was because it was raining; that's why corn was
9 being burnt inside the house. We couldn't give a damn. Where are you from?
10 Filling up the houses. And the man said: This is where I sleep. On the work site
11 there were other brickies as well. And he said: This is where I sleep. And he
12 complained and said you've got to go. He was holding a bunch of keys, and when
13 he raised his hand, it had hit the young man's forehead and cut it, so that led to a
14 fight.

15 Q. [12:40:23] My question was, why did you go back to the cathedral?

16 A. [12:40:27] We went back because the president said 10 days. So we went to see
17 if we could get more explanation on the 10 days and our situation.

18 Q. [12:40:47] Did anything happen in the 10-day period that the president gave
19 you?

20 A. [12:40:55] Something, anything happened? What do you mean?

21 Q. [12:40:58] Did anything change as regards your situation?

22 A. [12:41:00] No.

23 Q. [12:41:04] And when you went back to the cathedral, what did you do?

24 A. [12:41:09] We intended to have a hunger strike. There were the CRS who asked
25 us to move on.

1 Q. [12:41:26] And you were there with whom?

2 A. [12:41:29] With whom?

3 Q. [12:41:31] Were you on your own or were you accompanied by other people on
4 this second occasion?

5 A. [12:41:36] Well, when we arrived, there were other people who were there, but
6 they weren't fighters. There were people there who were on hunger strike. There
7 were other people there.

8 Q. [12:41:56] You said at the very -- well, you gave a name at the start of your
9 testimony, Alphonse Douati, as one of the cadres, did you meet him?

10 A. [12:42:30] Yes, we saw him. We saw him going to his home with Paul Nonzi.
11 And we also met him at -- how shall I put it -- at his house, at the Plateau. That was
12 before the first hunger strike at the cathedral.

13 Q. [12:43:00] Okay. Well, let's talk about that first meeting you refer to. I
14 understand that it was at his home with Mr Paul Nonzi; is that correct?

15 A. [12:43:11] Yes, that was after the second hunger strike.

16 Q. [12:43:19] The first time you saw him after the hunger strike was where?

17 A. [12:43:26] Before the first hunger strike it was at his office at the Plateau.

18 Q. [12:43:34] What was his function at the time with Bertin Kadet?

19 A. [12:43:39] I'm not talking about Bertin Kadet.

20 Q. [12:43:41] I mean Alphonse Douati, I'm sorry.

21 A. [12:43:48] I don't know. I can't remember anymore.

22 Q. [12:43:52] Why did you go to see him?

23 A. [12:43:59] His name was mentioned among those who had asked us to go to the
24 west to defend the populations and the families there. So we thought that if we went,
25 he might find something for us. That's why. That's what we had in mind when we

1 went.

2 Q. [12:44:22] Did you get anything at that first meeting?

3 A. [12:44:26] Yes. He gave us a bit of money.

4 Q. [12:44:29] How much?

5 A. [12:44:29] 500,000.

6 Q. [12:44:33] And to be shared among how many people?

7 A. [12:44:35] More than 300.

8 Q. [12:44:41] And the 300 were members of the FLGO?

9 A. [12:44:46] Yes.

10 Q. [12:44:49] And then you met on the second occasion, you referred to that?

11 A. [12:44:55] Yes.

12 Q. [12:44:56] With Paul Nonzi?

13 A. [12:44:57] Yes.

14 Q. [12:45:00] What happened on that second occasion?

15 A. [12:45:04] We went to explain what had happened at the cathedral when there
16 was the second hunger strike. That's what we went to tell him about.

17 Q. [12:45:18] What did he say to you?

18 A. [12:45:25] He said he felt sorry for us, that's all. He didn't say anything else.

19 Q. [12:45:36] You also referred to Bertin Kadet. Did you meet him on other
20 occasions?

21 A. [12:45:47] Yes.

22 Q. [12:45:59] When did you meet him?

23 A. [12:46:03] The first time we met him was at the cathedral, first of all. And the
24 second time we went to see him to seek his advice.

25 Q. [12:46:17] Do you recall in which year you went to see him?

- 1 A. [12:46:23] It was in 2006.
- 2 Q. [12:46:28] Very well. And on that occasion, did you receive any money?
- 3 A. [12:46:37] Yes. He gave us 10,000.
- 4 Q. [12:46:41] You met him where?
- 5 A. [12:46:42] At his office at the Primature, the prime minister's office.
- 6 Q. [12:46:50] Why did he give you that sum of money?
- 7 A. [12:46:58] It was for transport costs. There were four of us. It was to cover the
- 8 cost of transport to go back.
- 9 Q. [12:47:08] Did he give you any advice that time?
- 10 A. [12:47:12] Yes. He gave us advice.
- 11 Q. [12:47:17] On that occasion were you on your own or were you with other
- 12 people?
- 13 A. [12:47:28] There were four of us.
- 14 Q. [12:47:33] Who were the people with you?
- 15 A. [12:47:44] Opeli Serge, Djella Mouessya (phon), Adjaro, and myself.
- 16 Q. [12:48:04] Who were those people?
- 17 A. [12:48:22] They were FLGO members.
- 18 Q. [12:48:29] You said that Mr Kadet gave you some advice. What was the advice
- 19 he gave you?
- 20 A. [12:48:51] First of all, we went to see him to ask -- I have a friend that's called
- 21 Marie-Claire, and then there was a brother of my friend, Aubain. And arriving at
- 22 about 9, Marie-Claire said, go with Opeli and the others. They're going to go and see
- 23 Mr Kadet Bertin. So we went with them. If you go with them, you'll be able to talk
- 24 to him. But tell me something at least so I know, because I can't just turn up and talk
- 25 about things if I don't know what's going on.

1 I've already told Opeli, because Opeli was the one who knew what we were going
2 there to talk to him about. So we arrived. Marie-Claire had asked Opeli to ask
3 Kadet Bertin whether it would be possible for us to have a sit-in in front of the
4 PNDDR, because there is nothing, nobody said anything about us. So can we
5 organise a sit-in? That's what Marie-Claire said.
6 But Opeli, when we arrived, when Kadet Bertin asked for news, Opeli said we're from
7 the FLGO. We want weapons to go and fight in Vavoua, because that was in the
8 hands of the others, and I was a bit disturbed by that.
9 And he said, well, listen, guys, what I am going to tell you, you're not going to like.
10 And we said, you can speak.
11 And he said, there is not war here. There is a process that's started. Stay calm.
12 Those who have attacked Côte d'Ivoire, shame on them. Let them be ashamed of
13 what they're doing. So leave them. There is a process underway. I think he was
14 talking about the disarmament process. And he said there are those who have
15 attacked the Côte d'Ivoire, but ignore them. Whatever happens, shame will come
16 down on them. We're not going to get involved in that.
17 And I said, okay, well, we've come for advice from you. And he said this is the
18 advice I give you: Leave them. Whatever happens, they will be ashamed. We
19 said we've understood.
20 Even outside I said to Opeli, what was happening was all a bit mixed up. And when
21 I got back to Lauriers, I said to Marie-Claire, what did you tell Opeli? And she said I
22 asked Opeli to ask him whether it would be possible for us to organise a sit-in.
23 And when I explained what Opeli had said, Marie-Claire was really surprised. And
24 I said this is the advice that Kadet gave us; he told us to leave those who attacked the
25 Côte d'Ivoire, leave them to their shame. That's what he told us.

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1 Q. [12:53:08] You said that you went to the Primature to meet him. Can you tell
2 us a bit more? Is it the same thing as the presidential palace or is it something
3 different?

4 A. [12:53:17] No. There is the presidential palace on the one hand and there is the
5 Primature on the other.

6 Q. [12:53:24] So they're next to each other?

7 A. [12:53:25] Yes.

8 Q. [12:53:25] As regards Bertin Kadet, can you tell us what his function was?

9 A. [12:53:32] No, I don't know what his function was.

10 Q. [12:53:34] Or his title, what was he doing at the Primature?

11 A. [12:53:38] I think he was advisor, something like that.

12 Q. [12:53:45] Advisor to whom?

13 A. [12:53:49] Advisor, but I honestly don't know to whom. But he was an advisor.

14 Q. [12:53:55] Okay, thank you.

15 At that time, it would have been 2006, did you have any contact with Denis Maho
16 Glofiéhi?

17 A. [12:54:11] In 2006, we didn't have any contact up until late June, something like
18 that.

19 Q. [12:54:28] When you say late June, do you mean 2006?

20 A. [12:54:35] Yes, 2006.

21 Q. [12:54:38] In what circumstances did you have contact with him in 2006 towards
22 the end of June?

23 A. [12:54:47] We're talking about disarmament, on the TV, radio, everyone was
24 talking about disarmament. We'd come to Abidjan. Maho was not telling us what
25 was going to happen. There was everybody who had come to Abidjan. We'd left

1 Abidjan for Guiglo, so we would come back, and we didn't have any information.

2 And then Maho didn't tell us anything either.

3 So we called up our friends there to get them to tell us what was happening, where

4 Maho was, so that if he came back to Abidjan we could meet him.

5 And so one day our friends called us and told us that Maho was in Abidjan. And

6 when he came to Abidjan he would go to the hotel, a specific hotel. And that's what

7 we did, we went to see him at the hotel.

8 Q. [12:55:58] Who were you with?

9 A. [12:56:04] FLGO people, everyone there was from the FLGO.

10 Q. [12:56:12] And what happened when you arrived there?

11 A. [12:56:22] If we stayed as a group, it might attract other people's attention. So I

12 told my friends to spread out, to try and find out from people in the bush what was

13 going on, for example someone in Guiglo, if they knew anything about the presence

14 of Maho.

15 And then there was my friend who told me that there were people in the bush who

16 were from Guiglo. So it was to find out whether Maho went out in the bush to see

17 those people as well.

18 Anyhow, Maho came and parked his car in front of the hotel. And we went up to

19 him. There were a lot of us, 10, 15 people. And he was a bit scared. We greeted

20 him, said, "Hello, how are you?"

21 And he said, "Give me your list."

22 And we said, "We haven't come with a list."

23 So he said, "Instead of staying outside, let's go inside to talk."

24 And when we went in, he had two bodyguards, so I put two soldiers in front of him

25 and behind him, and then his bodyguards were there. And we went into the hotel.

1 There was a corridor. It was already dark and it was nighttime. So in the corridor,
2 that's where Maho disappeared.

3 He grabbed the hand of one of his bodyguards and he disappeared. And when we
4 came out into the light, there was just one bodyguard left.

5 So Nonzi was already waiting. We went up to see him, and that was that.

6 Q. [12:58:38] Did you find him?

7 A. [12:58:40] Yes, we found him the next day.

8 Q. [12:58:45] How, how did you find him?

9 A. [12:58:50] I think that because Nonzi was there, he got a phone call saying that
10 Maho was at the Primature. So the next day we went, we drove off to the Primature.

11 Q. [12:59:15] And who did you see at the Primature?

12 A. [12:59:19] I saw Eugène Djué. But he'd come on his business. We didn't come
13 together. Maybe he came for something different.

14 Q. [12:59:39] At the Primature itself?

15 THE INTERPRETER: [12:59:41] Overlapping speakers.

16 MR GARCIA: [12:59:48] (Interpretation)

17 Q. [12:59:48] Maho Glofiéhi, did you see him?

18 A. [12:59:51] I didn't see him.

19 Q. [12:59:53] Did you receive any money on that day?

20 A. [12:59:59] Yes, yes, I said we were given some money.

21 Q. [13:00:07] Who gave them some money?

22 A. [13:00:09] I didn't go in, so I don't know who gave them that money. But they
23 were given money.

24 Q. [13:00:18] I understand that you didn't go in, but were you told that they were
25 given money by a particular person?

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1 A. [13:00:26] That's what I've said to you. They said they'd been given money. I
2 didn't say, "Who gave you the money?" I didn't ask that question.

3 Q. [13:00:43] Just so it's clear, who actually received the money?

4 A. [13:00:53] I believe it was, well, Packass (phon) and my friend Dakoury and
5 Agodio. It was said that they had given money to him.

6 Q. [13:01:09] And what was the amount of money?

7 A. [13:01:25] I no longer recall.

8 MR GARCIA: [13:01:30] Your Honours, I see the time.

9 PRESIDING JUDGE TARFUSSER: [13:01:34] Yes, I see the time as well. Now we
10 break for lunch.

11 I have seen, and I know what you want to say, I see Mr Altit just for the record and I
12 know what you want to ask.

13 I'm glad that Mr Garcia said that he's aware of the ruling of 4th May. But still we are
14 still far away of the charges. You have now questioned for more than two-thirds of
15 the time allotted to you. So I would think that it's time to come quickly to the
16 charges or nearby. And I would ask you how much you think you will need?

17 MR GARCIA: [13:02:19] Your Honours, I am nearing the end of the
18 examination-in-chief. I'll have about 5 or 10 minutes just to clear up some matters
19 right after the break and then I'll go directly into the last tier of his testimony
20 regarding the post-election crisis, but that will not take much.

21 I'm not sure what is the count on the time at this point?

22 PRESIDING JUDGE TARFUSSER: [13:02:33] It's about two hours and something.

23 MR GARCIA: [13:02:35] Two hours and something.

24 PRESIDING JUDGE TARFUSSER: [13:02:36] Yes.

25 MR GARCIA: [13:02:37] So I should be finished before the three hours or before then

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1 without any issue.

2 PRESIDING JUDGE TARFUSSER: [13:02:41] Yes. I think 2.15 or something around
3 there.

4 MR GARCIA: [13:02:44] It shouldn't be difficult, your Honour. We are entering the
5 last part of his testimony.

6 PRESIDING JUDGE TARFUSSER: [13:02:48] Okay. Thank you very much. So in
7 any case one of the two Defence teams will start with questioning after the break.

8 Thank you very much. The hearing is adjourned to 2.30. Thank you.

9 THE COURT USHER: [13:03:05] All rise.

10 (Recess taken at 1.03 p.m.)

11 (Upon resuming in open session at 2.31 p.m.)

12 THE COURT USHER: [14:31:58] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [14:32:21] Good afternoon.

15 Good afternoon, Mr Witness. I hope you had lunch. And so you're ready to
16 continue to answer the questions by the Office of the Prosecutor. And to this effect I
17 give the floor to Mr Garcia.

18 MR GARCIA: [14:32:44] Thank you, Mr President.

19 Q. [14:32:47] (Interpretation) Mr Witness, this morning we were talking about
20 money, money that a number of people had received at the Primature, the prime
21 minister's office.

22 And in this regard I would like to confront the witness with 0085-1801, page 1829,
23 962, line 962 to line 978.

24 Now, Mr Witness, I'm going to read back to you something that you said when you
25 were interviewed by the OTP investigators regarding this money. So line 962, you

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1 were asked this:

2 "You said that you were given some money.

3 Interviewee: Yeah, yeah.

4 Questioner: Who gave you money?

5 Interviewee: Well, I was outside. I know that they -- money was -- how do you say
6 it? Maho received money."

7 And then your answer was: "He gave us some as well. He gave money to those
8 who were our representatives."

9 Then the interviewee went on to say, "Our representatives there, they gave them some
10 too.

11 Interviewee: They came --

12 Interviewee: Give us a bit of money. Maho agrees."

13 THE INTERPRETER: [14:34:57] Message from the interpreter: We've --

14 THE WITNESS: [14:35:05](Interpretation) Yes, that's true.

15 MR GARCIA: [14:35:08] (Interpretation)

16 Q. [14:35:10] So how did you know that Maho had received money?

17 A. [14:35:15] My friends went into the prime minister's office and it was in front
18 of them that Maho received the money.

19 Q. [14:35:29] And who gave the money to Maho?

20 A. [14:35:33] They didn't tell me that.

21 Q. [14:35:38] You also mentioned just before the break that you had seen Nonzi;
22 is that correct?

23 A. [14:35:44] Yes.

24 Q. [14:35:46] And we're talking about the same person, Paul Nonzi?

25 A. [14:35:51] Yes.

1 Q. [14:35:53] To your recollection when you saw Mr Nonzi, was he alone or were
2 there people with him? What was he doing?

3 A. [14:36:03] He was with Mr Gammi.

4 Q. [14:36:08] And who is Mr Gammi?

5 A. [14:36:16] He is someone who is in charge of a self-defence group.

6 Q. [14:36:22] Do you remember which self-defence group?

7 A. [14:36:28] I think it was the MILOCI.

8 PRESIDING JUDGE TARFUSSER: [14:36:51] How do you spell that?

9 MR GARCIA: [14:36:55] (Interpretation)

10 Q. [14:36:55] MILOCI, could you spell that out for us?

11 A. [14:36:58] M-I-L-O-C-I.

12 PRESIDING JUDGE TARFUSSER: [14:37:05] And what does it mean?

13 THE WITNESS: [14:37:15](Interpretation) The Mouvement Ivoirien pour la
14 libération du Côte d'Ivoire. Ivorian Movement for the Liberation of Côte d'Ivoire
15 would be an unofficial translation.

16 MR GARCIA: [14:37:33] (Interpretation)

17 Q. [14:37:34] You also mentioned that you also saw Eugène Djué within the prime
18 minister's office; is that correct?

19 A. [14:37:42] Yes.

20 Q. [14:37:43] When was that? What was he doing?

21 A. [14:37:47] We met up with him there. He was within the compound.

22 Q. [14:38:01] Could you tell us whether you remember what he was doing in that
23 area when you saw him that day?

24 A. [14:38:07] He was there.

25 Q. [14:38:13] I'd like to refer you back to the statement you gave to the OTP

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- 1 Prosecution, 0085-1829, page 1825, lines 820 to 829, and I quote, you said this, I'll start
2 at line 819:
3 "Who did you meet there?"
4 And your answer: "We met Eugène Djué there.
5 Who?
6 Answer: Eugène Djué.
7 Eugène Djué?
8 Okay.
9 We met Eugène.
10 What was he doing there?
11 He was there, he was talking with Nonzi."
12 Is that information correct?
13 A. [14:38:54] Yes, he was there. He was talking with Nonzi.
14 Q. [14:39:15] Very well, Mr Witness. So after this meeting with Maho, at one
15 time did you find yourself back to Guiglo?
16 A. [14:39:30] Yes, in 2006 I went back there.
17 Q. [14:39:33] Why?
18 A. [14:39:37] For the disarmament.
19 Q. [14:39:39] Could you explain what that was all about and what you had to do
20 with the disarmament at that time?
21 A. [14:39:53] Well, the former combatants were supposed to demobilise and
22 disarm, and they would receive an amount of money. And those of us who had
23 already gone to the west, we were supposed to go back there as well and so that we,
24 too, would be amongst the people demobilised, so that is why we left.
25 Q. [14:40:23] Just so that it is clear for the court record, each person who was

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1 demobilised would get some money?

2 A. [14:40:30] Yes, yes.

3 THE INTERPRETER: [14:40:34] Interpreter correction: The amount mentioned
4 was 499,500.

5 MR GARCIA: [14:40:42] (Interpretation)

6 Q. [14:40:42] When you went back, were you all by yourself or there were other
7 people with you?

8 A. [14:40:47] I went with other people.

9 Q. [14:40:49] How many other people? Who were those people?

10 A. [14:40:53] FLGO members.

11 Q. [14:40:56] How many were you in approximate terms?

12 A. [14:41:02] There were many of us.

13 Q. [14:41:04] More than a hundred, less than a hundred?

14 A. [14:41:07] More than a hundred.

15 Q. [14:41:13] And were you supposed to meet someone there in Guiglo for the
16 disarmament? How did it work?

17 A. [14:41:20] We were former men working for Maho, so we were supposed to
18 see Maho. And there was the list. And I suppose we would go see the guys who
19 were there for the disarmament.

20 Q. [14:41:39] And you mentioned a list, which list?

21 A. [14:41:42] The list of the former FLGO combatants.

22 Q. [14:41:47] And were you able to get your name on this list of former FLGO
23 fighters or combatants?

24 A. [14:41:58] Maho -- well, you see in light of what happened in Abidjan --

25 THE INTERPRETER: [14:42:09] Inaudible.

1 THE WITNESS: [14:42:11](Interpretation) -- took our list. So ultimately we weren't
2 able to take part in the disarmament and we couldn't be demobilised.

3 MR GARCIA: [14:42:20] (Interpretation)

4 Q. [14:42:21] What happened exactly?

5 A. [14:42:25] Maho was angry from Abidjan with everything that had happen at
6 the hotel and all that, so he -- well, he was angry so we weren't able to go. And that
7 was a time, well, at that time the disarmament was blocked and so ultimately we
8 were not able to go through the disarmament process.

9 Q. [14:42:52] So you stayed there for how long approximately in Guiglo for
10 disarmament?

11 A. [14:43:02] Well, first of all we stayed at least 10 days, I think. Then we came
12 back to Abidjan. Then we went back, I went back to Abidjan in 2007, 2007, 2008,
13 something like that.

14 Q. [14:43:31] So you're saying --

15 A. [14:43:33] 2008, 2008, that's when I went back, 7 December 2008, that's when I
16 went back to Abidjan.

17 Q. [14:43:41] Just before you left, before we set aside the whole issue of
18 disarmament, do you know whether some FLGO members were disarmed?

19 A. [14:43:52] Yes, some, some were demobilised.

20 Q. [14:43:59] How many in approximate terms?

21 A. [14:44:01] 900 and change, something like that.

22 Q. [14:44:06] So 900 out of how many?

23 A. [14:44:09] Out of 2,000.

24 Q. [14:44:18] So you've told us that you went back to Abidjan in 2008 and you
25 also mentioned before the break that you were at le Lauriers construction site. What

1 were you doing there?

2 A. [14:44:33] We were working as assistant masons, helping the masons.

3 Q. [14:44:43] Were you there all by yourself doing that work or were there other
4 people with you?

5 A. [14:44:50] Well, now I was with my friend Aubain. Others were working on
6 other construction sites. Yes.

7 Q. [14:45:00] Well, I'd like to ask you whether there were other FLGO members
8 who were with you or were they elsewhere?

9 A. [14:45:12] Well, at the Lauriers site, I think that there would have been eight of
10 us; myself, my friend Aubain, we lived together, and five or six friends as well.

11 Q. [14:45:32] Just so it's clear, five or six friends from the FLGO?

12 A. [14:45:36] Yes, from the FLGO.

13 Q. [14:45:54] Mr Witness, could you tell us where this construction site was, what
14 commune?

15 A. [14:45:59] In Cocody, if you go along the road that heads towards Bingerville.

16 Q. [14:46:08] Now, during that time and well then after 2008, did you work at the
17 Cocody University?

18 A. [14:46:15] Yes, I was working there at the university in Cocody, yes.

19 Q. [14:46:23] What year approximately?

20 A. [14:46:26] 2009.

21 Q. [14:46:31] While you were there at the university did you meet anyone, any
22 high-level person, prominent person?

23 A. [14:46:40] Yes.

24 Q. [14:46:43] Who?

25 A. [14:46:48] Well, we were painting and Minister Blé Goudé came to visit the

1 construction site.

2 Q. [14:47:01] Exactly what did he come for? Why did he come to this site?

3 A. [14:47:06] Well, he was just looking at the site, seeing what was going on,
4 saying hello to his friends, greeting people, to see, he came to see how the work was
5 coming along.

6 Q. [14:47:25] I'd now like to show you a photograph, CIV-OTP-0082-0387.

7 And I have a hard copy as well. And if the court staff could kindly provide this
8 sheet of paper to the witness.

9 So we can see this on the screen as well. Can you tell us about this photograph?

10 A. [14:48:09] This is a photograph, a family photograph.

11 Q. [14:48:18] Are you here?

12 A. [14:48:19] Yes, I'm on this photograph.

13 Q. [14:48:22] Where are you?

14 A. [14:48:28] I'm wearing the blue and white striped T-shirt and I'm wearing a
15 hat.

16 Q. [14:48:40] So that would be to the right. And you're bent down a bit. You
17 are crouching down and you are wearing a shirt that's blue and white, blue and white
18 stripes. Who else was there that day when that photograph was taken?

19 A. [14:49:03] Well, there are the employees, the painters, and the guy in the blue
20 with the white helmet, he was the supervisor; he was supervising the work being
21 done.

22 Q. [14:49:24] And the person who's behind Mr Blé Goudé, I think he's wearing an
23 orange piece of clothing, who's he?

24 A. [14:49:35] That's -- I've forgotten his name. Socrate was his name.

25 Q. [14:49:46] Who is Socrate?

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1 A. [14:49:48] I didn't know him personally. My friend Adjallou -- with him, I
2 was typing my book. And since he was a student, gradually he showed me, he
3 pointed out Socrate to me and he said to me, that's Socrate, but he didn't say who.

4 Q. [14:50:18] And what did Socrate do at that time when you took this
5 photograph?

6 A. [14:50:29] He was part of the FESCI.

7 Q. [14:50:32] Well, if we look at the other side of this photograph -- next page,
8 please. If we could just zoom in, please, and I think we can see a date, 8th
9 of 2010 -- 8th month 2010, so August 2010?

10 A. [14:51:13] Yes.

11 Q. [14:51:14] Is that your writing on the back?

12 A. [14:51:17] Yes, it is.

13 Q. [14:51:19] So you've written "family photograph." What do you mean by that,
14 "family photograph"?

15 A. [14:51:27] All of us who were working there on that site, that family, that's
16 what I'm talking about.

17 Q. [14:51:45] Socrate is described as the general secretary FESCI?

18 A. [14:51:49] FESCI.

19 Q. [14:51:51] Old campus, former campus. Do you have any other information
20 about Socrate, anything else than the information that you wrote on the back of the
21 photograph?

22 A. [14:52:03] No, no.

23 Q. [14:52:07] Very well. Thank you.

24 I think we can go back -- we can have the staff take the photograph back from the
25 witness.

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1 Now, just before we ask you what you did during the post-election crisis, just a few
2 points to clear up.

3 Now, did you have any other names, nicknames, other than -- names other than the
4 ones you gave today?

5 A. [14:52:46] Yes.

6 Q. [14:52:47] What were they?

7 A. [14:52:50] Marcus Mausiah Garvey is another name that I go by, Marcus
8 Mausiah Garvey.

9 Q. [14:53:12] Marcus Garvey. Any other nicknames or pseudonyms?

10 A. [14:53:22] Yes. People also called me adjutant chef Garvey, Chief Warrant
11 Officer Garvey.

12 Q. [14:53:31] Any other nicknames or pseudonyms?

13 A. [14:53:36] Chef de dispo, that was another name that people used.

14 Q. [14:53:42] And why did they call you that, chef de dispo. What was that a
15 reference to?

16 A. [14:53:51] Because of the respect that my friends had for me, they gave me that
17 name and I could not refuse. It was a name indicating friendship.

18 Q. [14:54:06] And Denis Maho Glofiéhi, did he have any other names? Did you
19 know him by any other name at that time?

20 A. [14:54:14] Yes, General Maho, we would call him that, or the Crocodile,
21 Sereinto as well, another name for him. Maybe some other names, but I don't think I
22 can remember any others.

23 Q. [14:54:30] That's fine. Let's move on.

24 Now, when you were at this construction site, Lauriers, with other people from the
25 FLGO, when you had medical treatment where would you go?

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1 A. [14:54:47] Myself, I didn't receive any medical treatment.

2 Q. [14:54:54] But your co-workers from the FLGO?

3 A. [14:54:58] Yes, others did receive medical treatment. I don't know which
4 co-worker had some medical treatment.

5 Q. [14:55:10] Well, I'd like to know whether you went to military hospitals or
6 elsewhere for treatment.

7 A. [14:55:18] Yes. One of my friends his wife gave birth to her baby at the
8 military hospital. And my girlfriend actually was pregnant and I was advised to
9 take her there. I went, but then I saw that it was too long from Yopougon, so I
10 thought it was better for my wife to be treated in Yopougon.

11 Q. [14:55:53] And did you have some way of showing to people that you were a
12 member of the FLGO at the time?

13 A. [14:56:01] I had my card. I would go and say that I was from the FLGO.
14 Simple as that.

15 Q. [14:56:11] So you had a card; what kind of card?

16 A. [14:56:13] A combatant's card that was prepared for us.

17 Q. [14:56:18] And what information was shown on this card?

18 A. [14:56:27] My name, my date of birth and a registration number.

19 Q. [14:56:38] Any mention of the FLGO group on the card?

20 A. [14:56:42] Yes.

21 Q. [14:56:43] And when you would go there to a military hospital, would you
22 have to pay anything? How did it work?

23 A. [14:56:56] My wife -- I think that -- the only thing I paid for was the echo, but I
24 didn't pay --

25 THE INTERPRETER: [14:57:05] Inaudible.

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1 THE WITNESS: [14:57:07](Interpretation) I didn't have any money.

2 MR GARCIA: [14:57:08] (Interpretation)

3 Q. [14:57:09] I'll be more specific. Was there some advantage to showing an
4 FLGO card when you went to the hospital? Did it give you any advantages?

5 A. [14:57:18] Yes, you could receive care. For example, one of my friends, his
6 wife had her baby there, I remember.

7 Q. [14:57:32] Very well, Mr Witness. Now, if we could go back to the whole
8 issue of the post-electoral crisis. Where were you living in 2010?

9 A. [14:57:44] I was at the Lauriers area.

10 Q. [14:57:49] Did you live there?

11 A. [14:57:51] Yes, I lived there.

12 Q. [14:57:59] So what did you do when the post-election crisis broke out?

13 A. [14:58:08] When the crisis broke out, I tried to find somewhere safe to stay.

14 Q. [14:58:23] What places did you think of?

15 A. [14:58:29] Well, I had been a combatant. It was war. People were starting to
16 take control of the city. If I stayed where I was, that was not going to be good for me,
17 so I went from one spot where I could have some way of fighting. First of all, I went
18 out with my friends and we headed towards the residence.

19 Q. [14:59:01] Can you tell us what date that would have been, the date on which
20 you --

21 A. [14:59:05] 31 March 2010.

22 THE INTERPRETER: [14:59:11] Overlapping speakers.

23 MR GARCIA: [14:59:16] (Interpretation)

24 Q. [14:59:18] Now, you mentioned a residence, which one?

25 A. [14:59:20] The residence of -- the president's residence.

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- 1 Q. [14:59:31] And were you able to get to the presidential residence?
- 2 A. [14:59:34] Yes.
- 3 Q. [14:59:42] So you left on 31 March and you got to the presidential residence on
- 4 the same day, or the next day?
- 5 A. [14:59:51] The same day.
- 6 Q. [14:59:55] Explain to us what happened once you got there just before. Were
- 7 you alone or with others?
- 8 A. [15:00:01] I was with some friends.
- 9 Q. [15:00:03] How many?
- 10 A. [15:00:10] I think there were four of us, something like that.
- 11 Q. [15:00:12] Now, these friends of yours, could you give us their names?
- 12 A. [15:00:28] I remember Anelka, but there were two others whose names I don't
- 13 remember.
- 14 Q. [15:00:37] Were they also members of the FLGO?
- 15 A. [15:00:39] No, they were not members of the FLGO.
- 16 Q. [15:00:44] Well, what about Anelka, was he a member of the FLGO?
- 17 A. [15:00:49] No.
- 18 Q. [15:00:51] So you went to the presidential residence and what happened when
- 19 you got there?
- 20 A. [15:00:59] When I got there, there were other young people there, and we tried
- 21 to make up a group with those other young people.
- 22 Q. [15:01:16] You say "young people." Who were they, were they members of
- 23 the FLGO or others?
- 24 A. [15:01:23] Others.
- 25 Q. [15:01:24] Did you know them? Had you seen them before?

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- 1 A. [15:01:28] Yes, they were friends from Lauriers.
- 2 Q. [15:01:36] And when you got there, when you got to the presidential residence,
- 3 did you meet with anyone from the FDS or any other person?
- 4 A. [15:01:51] I met someone whose name was Melèdge.
- 5 Q. [15:01:59] Who is Melèdge?
- 6 A. [15:02:02] He was a soldier.
- 7 Q. [15:02:06] Do you remember what unit or what section he was a member of?
- 8 A. [15:02:10] No.
- 9 Q. [15:02:22] Did you meet anyone else, any officers?
- 10 A. [15:02:36] Officers? Yes.
- 11 Q. [15:02:41] Who else?
- 12 A. [15:02:44] I don't remember their names.
- 13 Q. [15:02:59] I'd like to go back to your statement, Mr Witness. It's transcript
- 14 0085-1888, page 1921, lines 1153 to 1164.
- 15 Now, on page -- line 1153 you say, and I quote:
- 16 "So we got there and I went -- I was near -- there was this officer there, he himself. I
- 17 was there. I saw him. And there was just an officer. And he was perspiring."
- 18 And then further down you say, "There was music. And I asked if myself -- he
- 19 asked me, rather, if I was a member of the FLGO, and I said 'Yes, I'm a member of the
- 20 FLGO.'
- 21 And he said, 'Well, how can you prove that?'
- 22 And I said to him, well --
- 23 He said he didn't believe me,
- 24 But I said, "Well, what do you know?"
- 25 And we almost had an argument. And my friend said, "No. Who -- what kind of

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1 officer is it? And we're not -- what's his rank? What kind of officer is he?

2 And someone said his name is Commander Blé and he must be a commander or
3 major."

4 And so is this -- do you remember this?

5 A. [15:04:55] Well, I remember that he was referred to as having the rank of
6 commander.

7 Q. [15:05:03] So you met Commander Blé and then what happened, did you stay
8 there?

9 A. [15:05:11] I stayed there. I stayed there.

10 Q. [15:05:21] Do you remember any details of what took place at the time with
11 Commander Blé, did he ask you anything?

12 A. [15:05:29] Well, Commander Blé, after we had that exchange, I didn't see him
13 again.

14 Q. [15:06:14] Witness, once again, I'd like to look at your statement 0085-1888,
15 page 1922, and here I'm referring to line 1200 to 1205, and I quote:

16 "After that day, yes, I saw him, I saw him.

17 Mm-hmm.

18 And he said make up a name, a list of names. So there were four of us, there were
19 Abou, Anelka, myself and the little one, Max Hero," is this correct?

20 A. [15:06:55] Yes.

21 Q. [15:06:57] What was the list for?

22 A. [15:07:00] He asked me for a list. There were four of us. He -- I didn't ask
23 why. He asked for a list and so I gave a list with the names.

24 Q. [15:07:11] So you didn't know what the purpose of that list was? You didn't
25 wonder why he was asking for it?

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1 A. [15:07:27] Well, you know, when the cities were being taken over, Abidjan was
2 the last one left. So at the residence I wanted to have a means of defending myself,
3 that's why I went to the residence. I wanted to be side by side with those who were
4 with me to defend ourselves.

5 Q. [15:07:48] But did he explain why you needed to put your name on a list?

6 A. [15:07:53] No.

7 Q. [15:07:53] So you didn't know then and you don't know -- you didn't learn this
8 afterwards either?

9 A. [15:07:58] No.

10 Q. [15:08:00] So you stayed there. Was this the first time you went to the
11 residence? How long did you stay at the presidential residence?

12 A. [15:08:23] Until the morning of the 13th and then I went home, the 12th or 13
13 April.

14 Q. [15:08:37] Did you go somewhere else after going to the presidential
15 residence?

16 A. [15:08:46] Yes.

17 Q. [15:08:52] Where?

18 A. [15:08:53] I went to the gendarmerie academy.

19 Q. [15:08:57] And how long was that after you went to the presidential residence
20 approximately?

21 A. [15:09:03] Three or four days.

22 Q. [15:09:05] Can you explain what you did at the presidential residence from
23 that -- for that period of three or four days?

24 A. [15:09:22] I participated in the fighting.

25 Q. [15:09:24] Who were you fighting?

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- 1 A. [15:09:28] I was fighting the rebels who had come into Abidjan.
- 2 Q. [15:09:32] Did you have a weapon?
- 3 A. [15:09:35] Yes, I took a weapon from the gendarmerie academy.
- 4 Q. [15:09:49] In order to understand perfectly well, how many people were at the
5 president's residence at the time who were fighting?
- 6 A. [15:10:00] There were a lot of young people.
- 7 PRESIDING JUDGE TARFUSSER: [15:10:08] What do you mean by a lot? What
8 do you mean by a lot? A lot 10, 100, 1,000, more or less?
- 9 THE WITNESS: [15:10:26] (Interpretation) 100, 200.
- 10 MR GARCIA: [15:10:28] (Interpretation)
- 11 Q. [15:10:28] Well, to have a clear picture of the situation, you say 100 or 200,
12 were you a part of a particular group? How did it work?
- 13 A. [15:10:38] Well, in the beginning I was with a particular group.
- 14 Q. [15:10:43] Who put you in that particular group? Who appointed you there?
- 15 A. [15:10:48] It was Tchang.
- 16 Q. [15:10:57] Who is Tchang?
- 17 A. [15:11:01] Tchang was a security guard at the time. He was a security guard
18 at the Adjamé black market.
- 19 Q. [15:11:17] So to understand perfectly well, you were with Tchang in a group.
20 And who appointed the people who were to be in that group?
- 21 A. [15:11:30] Tchang took me with him in his group.
- 22 Q. [15:11:37] And when you were in Tchang's group, who gave you orders?
23 Who was your superior officer?
- 24 A. [15:11:43] Well, Tchang was the one who was -- who I answered to.
- 25 Q. [15:11:50] So you were there, and who gave Tchang orders?

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- 1 A. [15:11:55] I don't know.
- 2 Q. [15:11:55] You can't tell us?
- 3 A. [15:11:57] I don't know.
- 4 Q. [15:11:59] Who was the superior officer? Who was the commander on site at
5 the presidential residence?
- 6 A. [15:12:07] I don't know. I didn't try to know, I didn't try to find out.
- 7 Q. [15:12:12] You mentioned Blé.
- 8 A. [15:12:15] This Blé, we saw him and he was perspiring, and he's the one who
9 asked for a list. But I never really paid much attention. And then afterwards I saw
10 Tchang.
- 11 PRESIDING JUDGE TARFUSSER: [15:12:45] How many people were in your
12 group? How many?
- 13 THE WITNESS: [15:12:55](Interpretation) Well, there must have been 25 in Tchang's
14 group.
- 15 MR GARCIA: [15:13:04] (Interpretation)
- 16 Q. [15:13:05] Witness, I'd like to refer back to your statement, 0085-1888, page
17 1923 to page 1940, line 1240 to 1254 on this very matter of the organisation in different
18 groups. So on line 1240:
19 "Mmh, well, the members of the group that I was part of.
20 Yes.
21 There were many members, but I didn't take time to count them.
22 But how many were there?
23 Don't -- can't you evaluate?
24 Answer: Maybe 50.
25 Question: More than 50?

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- 1 Answer: Perhaps.
- 2 Question: And how was it organised? Who was the chief?
- 3 Answer: Oh, what was his name? What was his name?"
- 4 On line 1254: "There was a guy who's name was Melèdje."
- 5 And then on page 1258, you say: "I think he was a captain.
- 6 With what unit?
- 7 From the Republican Guard."
- 8 Is this information correct?
- 9 A. [15:14:37] Yes.
- 10 Q. [15:14:39] It's correct?
- 11 A. [15:14:40] Yes.
- 12 Q. [15:14:48] So a few days later you said, if I understood you correctly, you went
- 13 to the gendarmerie academy, where exactly?
- 14 A. [15:14:59] At the école de gendarmerie, the gendarmerie academy.
- 15 Q. [15:15:05] In what commune?
- 16 A. [15:15:08] Cocody.
- 17 Q. [15:15:12] When you got to the gendarmerie academy, how many of you were
- 18 there?
- 19 A. [15:15:26] There were quite a few.
- 20 Q. [15:15:28] And how did you go there? How did you get there? Can you tell
- 21 us?
- 22 A. [15:15:34] We had a military cargo vehicle.
- 23 Q. [15:15:39] How many soldiers were there in that cargo vehicle?
- 24 A. [15:15:46] I said it was a military cargo.
- 25 Q. [15:15:50] Were there any other military vehicles? Aside from the vehicle, the

- 1 cargo vehicle that you were transported in, were there other military vehicles?
- 2 A. Others came later.
- 3 Q. And how many of you were there going to the gendarmerie?
- 4 A. [15:16:26] We were numerous.
- 5 Q. More than a hundred, less than a hundred?
- 6 A. [15:16:31] More than a hundred.
- 7 Q. [15:16:31] Were they FDS members or others?
- 8 PRESIDING JUDGE TARFUSSER: [15:16:40] Slow down.
- 9 MR GARCIA: Noted, your Honour, I'm going to slow down obviously.
- 10 Q. [15:16:52] (Interpretation) My question is as follows: The men who were
- 11 with you, were they members of the FDS or others?
- 12 A. [15:17:02] There were men from the FDS.
- 13 Q. [15:17:05] Which unit?
- 14 A. [15:17:08] I don't know. They were soldiers, they were members of the FDS.
- 15 Q. [15:17:12] And the others that were with you, who were they?
- 16 A. [15:17:18] The young people, like myself.
- 17 Q. [15:17:25] Like you, were there other members of the FLGO?
- 18 A. [15:17:30] No. When I say "like myself," I mean young men who were not
- 19 soldiers.
- 20 Q. [15:17:41] Were there any other FLGO members aside from yourself?
- 21 A. [15:17:49] I was alone. There might have been others elsewhere, but I was
- 22 alone.
- 23 Q. [15:17:56] What did you do at the gendarmerie academy? You mentioned a
- 24 weapon I think.
- 25 A. [15:18:07] I fought at the gendarmerie academy.

- 1 Q. [15:18:11] Against whom?
- 2 A. [15:18:13] Against the rebels.
- 3 Q. [15:18:17] Did you get a weapon there or weapons in the plural?
- 4 A. [15:18:26] In a room, there was a weapon that I was able to take.
- 5 Q. [15:18:50] You mentioned a room that you went into and you found a weapon,
- 6 what was that?
- 7 A. [15:18:54] It was a room, one of the rooms that the gendarmes used.
- 8 Q. [15:18:59] What kind of weapon was it?
- 9 A. [15:19:02] An AK-47.
- 10 Q. [15:19:14] Did anyone else take any weapons?
- 11 A. [15:19:17] You mean in the academy?
- 12 Q. [15:19:20] Yes, that's what I mean.
- 13 A. [15:19:22] Yes.
- 14 Q. [15:19:23] What kind of weapons did they take?
- 15 A. [15:19:26] Well, whatever weapon you could find.
- 16 Q. [15:19:46] You mentioned the AK-47. Were there any other weapons?
- 17 A. [15:19:53] There were other weapons, but I don't know the names of those
- 18 weapons.
- 19 Q. [15:20:01] I'd like to go back once again to your statement, 0085-1928, page
- 20 1935, lines 214 to 217. And you stated, quote:
- 21 "So starting at 6 o'clock in the afternoon, we began being shot at, and the weapons
- 22 reserve was there, so I went there and asked for a weapon. I was given a -- that
- 23 horrible weapon there, what's it called? It was a MARS, a MARS 36."
- 24 Is this information correct?
- 25 A. [15:21:34] Yes, it is.

1 Q. [15:21:37] What is a MARS 36?

2 A. [15:21:42] It's a weapon.

3 Q. [15:21:48] Well, what kind of weapon?

4 A. [15:21:53] It's a weapon for warfare; what more can I say?

5 Q. [15:22:02] So you went to the gendarmerie academy and then what did you
6 do?

7 A. [15:22:13] The school, the academy was attacked and those of us who were
8 inside the perimeter, we defended the academy until the next morning.

9 Q. [15:22:23] So you stayed there on site, or did you go someplace else
10 afterwards?

11 A. [15:22:29] The next day we returned to the residence.

12 Q. [15:22:41] So when you went back to the presidential residence, who was in
13 charge of the soldiers fighting?

14 A. [15:22:52] Well, there were officers.

15 Q. [15:23:03] Which officers?

16 A. [15:23:05] I don't remember their names.

17 Q. [15:23:10] Well, let me refer to your statement, 0085-1928, page 1939, line 368 to
18 381. So during the interview you said, and I quote:

19 The next day. And it says the residence was attacked by whom.

20 By the FRCI. And we defended the academy and the residence.

21 Mm-hmm. Who was in charge of the soldiers at the residence during the fighting?

22 Answer: During the fighting it was Commander Séka.

23 And then line 380, and I quote: Commander Séka was an officer, an officer in the
24 army.

25 And line 382: From the army or the gendarmerie?

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1 And your answer: The Ivorian army, for sure he was an officer.

2 And then you were asked a question: Are you referring to the former bodyguard of
3 the first lady, to your knowledge?

4 And you answered: Yes.

5 My question is, the text that I've just read out, is this true?

6 A. [15:25:06] Yes, it is.

7 Q. [15:25:09] So what was Séka doing, what was Commander Séka doing at the
8 presidential residence when you returned there the second time?

9 A. [15:25:19] Well, when we went back the second time, when I went back, we
10 spent the night there and in the morning the residence was attacked. That's it. And
11 it was while we were defending the residence that I got to know Commander Séka.

12 Q. [15:25:43] Were there any other FDS units that were there as well?

13 A. [15:25:49] There were soldiers who were there.

14 Q. [15:25:53] Can you tell us what unit they were from?

15 A. [15:25:59] I can't. I'm afraid I can't. I don't even know. They were soldiers;
16 they were members of the military.

17 Q. [15:26:19] Who else was there other than the soldiers and your own group and
18 the officers that you've mentioned? Who else was there fighting?

19 A. [15:26:31] Well, there were the young people who were there.

20 Q. [15:26:42] Young people?

21 A. [15:26:43] Yes, young Ivorians who came to defend the residence as well.

22 Q. [15:26:47] So were there any other people aside from those we've just listed?
23 Were there anyone else who was fighting at the residence?

24 A. [15:27:02] I'm not sure I've understood your question. Can you explain,
25 please?

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1 Q. [15:27:26] Let me go back to your statement 0085-1928, page 1944, line 534 to
2 547. The question was: Other than -- amongst the soldiers at the residence, did you
3 see any Liberians?

4 And your answer was: Yes, yes, yes.

5 Question: Who were they?

6 And you said: Liberians. I saw Liberians.

7 And you were asked: Had you seen them before?

8 And your answer was: Yes, in the west. No.

9 Who were they?

10 They were combatants.

11 Is this statement true, Witness?

12 A. [15:28:22] Yes.

13 Q. [15:28:23] Did you see any other individuals, politicians, for example, on site?

14 A. [15:28:38] I don't remember.

15 Q. [15:28:39] Again, I'd like to look at your statement, 0085-1928, page 1949, 717 to
16 726 for the lines. And you mention here -- I beg your pardon, it's line 708. And you
17 say:

18 Yeah, Mian Augustin.

19 And you were asked what was he doing there.

20 And you answered: He came and at the time -- well, initially, yeah, there was music
21 and there were canvases set up.

22 And what was he doing?

23 And he came to -- to make a speech, et cetera.

24 MR GBOUGNON: [15:29:44] Objection.

25 PRESIDING JUDGE TARFUSSER: [15:29:48] Mr Gbougnon.

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1 MR GBOUGNON: [15:29:51] (Interpretation) Your Honour, for some time now
2 there have been several instances of so-called confrontation. The question was were
3 there any politicians. The witness says I don't remember. And then we're shown
4 this statement where there's a reference to Mian Augustin. I don't think there's any
5 contradiction in what the witness is saying. I'm not going to go into the details of
6 who Mian Augustin is, but really, I don't think this is what you could call a
7 confrontation.

8 And for several minutes now, the OTP in one way or another has tried to include the
9 statement of the witness into the record. And I didn't want to interrupt earlier, but I
10 really think that this is such a vague question that he could have perhaps made it
11 more precise in order for the witness to be able to respond in a more precise fashion,
12 because, really, I'm not sure that you can say that Mian Augustin was really a
13 politician at the time.

14 MR GARCIA: [15:30:56] Your Honour, I simply add the question of whether the
15 information was correct and I'm moving on to a couple of last questions.

16 PRESIDING JUDGE TARFUSSER: [15:31:03] Please go ahead.

17 Although I think that it should have been only the name because you asked if there
18 were politicians, and then he said I can't remember. You should have mentioned a
19 name then if it is a politician or not, without going further in the reading of the
20 statement.

21 MR GARCIA: [15:31:26] Thank you, your Honour.

22 Q. [15:31:28] (Interpretation) Witness, was Mr Mian there at the president's
23 residence?

24 A. [15:31:39] Could you repeat that, please?

25 Q. [15:31:42] Augustin Mian, was he at the presidential residence? I read you a

1 brief excerpt.

2 A. [15:31:52] He was not at the residence. There were tarpaulins, there was
3 music. I think it was about the 1st of April that tarpaulins were put in place.

4 Everyone had come along. So he came and he tried to speak, to make a speech.

5 Q. [15:32:21] You referred to a certain Tchang. Could you tell us whether he
6 belonged to a military unit or group, as far as you know. Did you know at the time
7 or did you learn later?

8 A. [15:32:36] He was a security guard at the black market beforehand, if Tchang
9 was at the residence, because he was one of the young Ivorians, and if the country
10 needs its young people, no one can turn their backs on that, so he was there as well as
11 were other young people. As to whether he was a member of a group, I have no
12 idea.

13 PRESIDING JUDGE TARFUSSER: [15:33:16] Just for notice, you've reached the
14 time limit.

15 MR GARCIA: [15:33:21] If I could just have a couple of -- 15 seconds, your Honour,
16 and I'll probably have maybe just one extra question, if any.

17 Q. [15:33:54] (Interpretation) For the record, Witness, you left the presidential
18 residence when, approximately, on what date?

19 A. [15:34:06] I left the residence on the 12th -- no, the 13th, I left on 13 April.

20 Q. [15:34:20] Can you tell us what the other members of the FLGO did while all of
21 this was going on or after you had left?

22 A. [15:34:33] I was at the residence. The other FLGO members must know
23 where they were because -- well, I didn't see any FLGO members there, apart from
24 little Max Hero that I saw, I didn't see anybody else. Maybe they were somewhere
25 else, but I was there.

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1 Q. [15:35:00] I refer you to your statement, 0085-1928, page 1964, lines 1249 to
2 1254. A question was put to you concerning your FLGO friends: "What were they
3 doing in Abidjan?"

4 And your answer was: "They -- well, there were those who went to the camps. I
5 wasn't there. They got together to go to Yopougon. They went to the
6 Abobo-Doumé naval base."

7 Is that information correct?

8 A. [15:35:42] Those ones were not at the residence. Those were the ones I was
9 talking about.

10 Q. [15:35:51] So the information that you gave to the investigator is correct?

11 MR GBOUGNON: Monsieur le Président.

12 PRESIDING JUDGE TARFUSSER: Maître Gbougnon.

13 MR GBOUGNON: [15:35:53] (Interpretation) You see this way of proceeding is
14 misleading to the witness. The question put to him was to see what the situation
15 was from the residence. He will take the statement of the witness where the
16 question is quite a different one, it's not the same thing at all.

17 We're talking about the residence and then -- well, since the very start the witness has
18 been saying that at the residence he didn't see anyone from the FLGO. And he's
19 asked: What about the other members, where were they?

20 And he replies, referring to the residence, saying: I was at the residence, I only saw
21 Max Hero there. And then we have his statement where it's not all the same context,
22 it's not the same thing at all. So I don't even know whether it's a confrontation or
23 what is it. It's misleading to the witness, because he's not been asked the same thing.

24 MR GARCIA: [15:36:51] Your Honour, I refer the Chamber to the transcript
25 number. It's 105. And the question was a general question as to what the other

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1 members of the FLGO did afterwards. So there was nothing tying it in as Defence
2 counsel states. It was a large question.

3 PRESIDING JUDGE TARFUSSER: [15:37:03] The question was: "Can you tell us
4 what the other members of the FLGO did while all of this was going on or after you
5 had left?"

6 And the answer was: "I was at the residence. The other FLGO members must know
7 where they were because -- well, I didn't see any FLGO members there apart from
8 little Max Hero that I saw. I didn't see anyone else. Maybe they were somewhere
9 else, but --"

10 And then the counsel, the OTP, Mr Garcia, came in and said: "I refer to your
11 statement," where he was talking about others.

12 So I think it was correctly confronted. And please go ahead, but go to the conclusion.

13 MR GARCIA: [15:37:54] Last question, your Honour.

14 PRESIDING JUDGE TARFUSSER: [15:37:56] Yes.

15 MR GARCIA: [15:37:57] (Interpretation)

16 Q. [15:37:57] Witness, is what I've just read to you correct, in other words, the
17 members of the FLGO gathered to go to Yopougon and they went to the naval base at
18 Abobo-Doumé; is that correct?

19 A. [15:38:09] That's correct.

20 Q. [15:38:12] Merci.

21 (Speaks English) Your Honours, I don't have any further questions for the witness.
22 Thank you.

23 PRESIDING JUDGE TARFUSSER: [15:38:17] Thank you very much.

24 Now I revert to the Defence teams, and I would ask in any case to start the
25 questioning by one of the two. I don't -- I think it is up to you to decide who will.

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- 1 MR KNOOPS: [15:38:38] Mr President, I just have a remark on the English
2 transcript. It might be confusing. On page 104, line 10, the Prosecution quotes the
3 witness from his statement: "I saw Liberians. "
4 And you were asked had you seen them before.
5 And your answer was, "Yes. In the west, no."
6 In his statement though, Mr President, it is mentioned that -- it might be a mistake in
7 the English transcript, it is mentioned by the witness "At the west, no, no. D'accord."
8 And the witness says again, "No, no."
9 This might be different in the French transcript, but in the English transcript it might
10 lead to a different conclusion.
- 11 PRESIDING JUDGE TARFUSSER: [15:39:28] Okay. We'll take a note of this.
- 12 MR KNOOPS: [15:39:31] Thank you.
- 13 PRESIDING JUDGE TARFUSSER: [15:39:32] Thank you.
- 14 Maître Altit.
- 15 MR ALTIT: [15:39:36] Thank you, your Honour. Your Honours, I see what time it
16 is. To make things clear and make sure that we can all organise ourselves,
17 particularly for you, the Bench, let me say that I don't think I'd need more than two
18 sessions.
- 19 If our learned friends in the Charles Blé Goudé team, and I don't know, I'm putting
20 the question to them as I look to them, if the Charles Blé Goudé Defence team requires
21 one session, we should be able to conclude tomorrow, but I don't know what the
22 situation is. But it might be worth asking them the question.
- 23 PRESIDING JUDGE TARFUSSER: [15:40:41] If you don't know, I don't know, of
24 course. So let me ask the question.
- 25 MR ZOKOU: [15:40:56] (Interpretation) Your Honour, the Defence team for

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1 Charles Blé Goudé will require less time than the Defence team of Mr Gbagbo. I

2 would say maximum of one session, at most.

3 PRESIDING JUDGE TARFUSSER: [15:41:11] I would encourage you to start. I

4 mean, we have 20 minutes, it is a long time. So I think yes, I would rather prefer you

5 to start with the first questions and then we go to tomorrow and sure to conclude. If

6 we conclude earlier tomorrow, we can introduce the other witness so, I mean.

7 Thank you.

8 MR ALTIT: [15:41:44] (Interpretation) Very well, your Honour. Thank you.

9 QUESTIONED BY MR ALTIT: (Interpretation)

10 Q. [15:42:04] Good afternoon, witness.

11 A. [15:42:06] Good afternoon.

12 Q. [15:42:07] My name is Emmanuel Altit.

13 A. [15:42:11] Et moi, c'est Digbo Foua Mathias.

14 Q. [15:42:15] I'm the representative for the Defence team of Mr Gbagbo. I'm

15 going to be putting questions to you, and I would like you to answer clearly and

16 succinctly, please.

17 A. [15:42:25] Very well.

18 Q. [15:42:30] Witness, you said to us a few minutes back that you went to the

19 residence, the presidential residence on 31 March; is that correct?

20 A. [15:42:43] It's correct.

21 Q. [15:42:46] 31 March 2011. Very well.

22 For the record, could you just say "yes" or "no" so that everybody will be aware of

23 this.

24 A. [15:42:57] Yes, yes.

25 Q. [15:42:59] Thank you.

1 You said to us -- and in putting these questions to you I'm trying to understand what
2 happened, the logic sequence of events. You said that at the residence you found
3 other young people; is that correct?

4 A. [15:43:22] That's correct.

5 Q. [15:43:24] Very well. So you were there, a number of young people, you
6 arrived on 31 March, and you told us that you stayed at the residence until 12 or 13
7 April in the morning; is that correct?

8 A. [15:43:46] That's correct.

9 Q. [15:43:47] Very well. Over that period, between 31 March and 12 or 13 April,
10 the morning of that day, if I have correctly understood what you've said, you were
11 subject to attacks; is that correct?

12 A. [15:44:03] Correct.

13 Q. [15:44:06] I'm going to put a question to you that's already been put, I want to
14 clarify things: Who was attacking you?

15 A. [15:44:17] It was the FRCI.

16 Q. [15:44:20] Very well. In that period between 31 March and 12 or 13
17 April -- no, between the 31 March and 12 and 13 April, were there helicopters
18 attacking the residence?

19 A. [15:44:37] Yes, several times.

20 Q. [15:44:38] Very well. What was the nationality of the helicopters?

21 A. [15:44:43] They were French helicopters.

22 Q. [15:44:46] Very well. Did they shell the residence?

23 A. [15:44:56] They shelled the residence, the infirmary, the camp, they shelled
24 everything.

25 Q. [15:45:05] Was anyone injured or killed?

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1 A. [15:45:08] There were people injured and killed.

2 Q. [15:45:12] You said they shelled the infirmary. Which one are you referring
3 to?

4 A. [15:45:24] The infirmary was shelled.

5 Q. [15:45:32] We're talking about helicopters. Can you tell us whether the
6 helicopter attacks were occurring every day, several times a day or only every so ever
7 however many days? Can you give us an idea of the frequency of the attacks?

8 A. [15:45:54] The attacks were frequent. If I'm not mistaken, from the 4th to the
9 11th the residence was subject to regular shelling.

10 Q. [15:46:17] Very well. We've just been talking about helicopter attacks. Were
11 there snipers shooting at inhabitants or people at the residence? You know what
12 snipers are?

13 A. [15:46:32] Yes.

14 Q. [15:46:33] Very well.

15 A. [15:46:36] Yes, there were snipers shooting. I remember there was a young
16 person who was killed at the entrance when you -- well, if you left one house and you
17 turned around the road, there were two young men who were shot by snipers at that
18 point. And when you enter the residence there's a gate, and there's sort of
19 crossroads before you go in, and there was a person who was shot there as well by a
20 sniper. I was almost hit by a sniper. Thank God that he didn't get me.

21 Q. [15:47:23] Very well. So those young people who were killed, that was when
22 you were at the residence?

23 A. [15:47:27] Yes.

24 Q. [15:47:28] Very well. Those young people who were killed, were they armed?

25 A. [15:47:37] The two or three that I saw were not carrying weapons, they were

1 not armed. I don't know whether the weapons were taken later, but when I saw
2 them there were no weapons.

3 Q. [15:47:51] Fine. Where were the snipers shooting from, where were their
4 positions?

5 A. [15:47:56] The one that just missed me was on the roof of the residence of the
6 French ambassador.

7 Q. [15:48:09] Very well. Can you tell us, this is because we, with the exception of
8 a few people, are not familiar with Abidjan, but can you tell us where the French
9 ambassador's residence is in relation to the presidential residence?

10 A. [15:48:30] The residence is on the side. If you're behind the residence and the
11 side of the university, the ambassador's residence is a little bit higher up.

12 Q. [15:48:50] Fine. Are you saying that both residences are adjacent, that the
13 properties are adjacent to one another, attached, if you like?

14 A. [15:49:10] No, they're not.

15 Q. [15:49:13] Very well. You're saying that some of the snipers were on the roof
16 of the French ambassador's residence; is that correct?

17 A. [15:49:24] Yes.

18 Q. [15:49:25] Very well. Do you know, did you see or did you hear or have you
19 heard in any way that there were other places where other snipers were found?

20 A. [15:49:39] No, but the young men who were killed at the crossroads before you
21 come into -- come into the residence, the snipers were positioned somewhere close by
22 there.

23 Q. [15:50:04] Very well. I'm just making sure that I've understood you correctly.
24 You're saying that there were other snipers who were close to the entrance of the
25 residence and they were targeting anybody, including those young people, who were

1 at the entrance?

2 A. [15:50:21] Yes.

3 Q. [15:50:23] Very well. The snipers on the roof of the French ambassador's
4 residence, were they French soldiers or were they FRCI?

5 A. [15:50:43] They were soldiers, but -- well, honestly, they were wearing, how
6 shall I put it? Well, I'm not too sure. I saw them, but I didn't really notice them, but
7 I saw they were on the roof of the French ambassador's residence.

8 Q. [15:51:08] You're saying that you saw the snipers, you saw them with your
9 own eyes?

10 A. [15:51:13] Yes, because when I heard the bullet whistle just in front of my eyes
11 I asked the people there, "Who shot?" And one said, "Be careful. Look up there,
12 there are snipers." And I looked and I saw them. But I ran, I ran to hide. There
13 was a four-by-four close by, so I dived into it in order to hide rather than carrying on
14 walking.

15 Q. [15:51:56] So where exactly were you at that moment, where in the residence
16 or on the compound, if you like?

17 A. [15:52:06] I was close to the exit from the university, not up where the police
18 station is but down the hill. There's a, sort of, hill and it was around about there that
19 I was found.

20 Q. [15:52:29] So you weren't in a building, you weren't indoors, you were
21 outdoors?

22 A. [15:52:35] I was on the road. We were informed of the progression, the
23 advance made by the FRCI on that side. So we'd reached that point. And at the
24 time of the shooting, when they just missed me, I mean, nobody stayed out there, we
25 all went back into the residence.

1 Q. [15:52:59] Okay. Tell me, as far as you know, were there women, children,
2 old people who were hit, who were killed or injured? You said there was an
3 infirmary at the residence. So was anybody killed or shot by the snipers among
4 those categories and were people injured, treated at the residence?

5 A. [15:53:27] There was a young person I know under the name of Bébé
6 Commando, we met and then the next day I saw that he'd been hit in the arm, a
7 gunshot wound. And he was treated at the infirmary. Apart from him, I didn't see
8 anyone else. But when the infirmary was hit -- well, I don't know what happened, I
9 don't know whether people were evacuated, but it was completely razed to the
10 ground. And I don't know if anyone had been in it, but if they had been they would
11 all have been killed.

12 Q. [15:54:23] You are saying that you saw the infirmary after the shelling?

13 A. [15:54:26] Yes.

14 Q. [15:54:27] Okay. Tell me, in that period between 31 March and 12th/13th
15 April where did you sleep? Where exactly? I understand you were at the residence;
16 is that correct?

17 A. [15:54:50] Yes.

18 Q. [15:54:50] So where in the residence did you sleep?

19 A. [15:54:59] On 31 March we slept under the tarpaulins because there was a lot
20 going on. We stayed there until the morning. The next days we slept with a friend
21 in the Blockauss. We'd met them. And up until the 3rd or the 4th, we were
22 sleeping outside. When we went to the gendarmerie academy and then we came
23 back, we slept at the GR base, they set aside an area for us, and that's where we slept.

24 Q. [15:55:45] Okay. But before you went to the gendarmerie academy you were
25 there between 31st March and 12th/13th April, that's 12 or 13 days, and you say that

1 the first four days, you told us where you were, you stayed there, but what about the
2 next days before you went to the gendarmerie academy? Where did you spend the
3 night? Was it in the residential compound and if so where, and if not, where was it?

4 A. [15:56:16] Before we went to the gendarmerie academy we spent some days
5 under the tarpaulins. It's when we went to the gendarmerie academy -- or, after we
6 came back from it that there's the -- the barracks of the soldiers, that room was found
7 for us there, a space was found for us and we slept there.

8 Q. [15:56:47] Very well. When you say "under the tarpaulins", where were they?

9 A. [15:56:51] They were outside on the road going up to the barracks area.
10 There were tarpaulins. There'd been music organised. People actually weren't
11 sleeping, they were outside. But for those four days, people were not actually going
12 to sleep.

13 But it's when things got bad that people preferred to go home. The day we left to go
14 to the gendarmerie academy, that's the day that the tarpaulins were removed. And
15 the next day -- well, we stayed at the gendarmerie until the next day. And it was in
16 the evening of the next day that we came back. We came back into the residence
17 where there was a sort of barracks for the Republican Guard and that's where we
18 were.

19 Q. [15:57:55] Very well. The tarpaulins, were they outside the outer limits of the
20 presidential residence or were they inside; in other words, were they on the tarmac
21 outside or were they actually inside in a specific area?

22 A. [15:58:13] They were outside along the tarmac.

23 Q. [15:58:16] Very well. And if I understand you correctly, at least on the first
24 few days there was something going on, there was music, there were probably food
25 stalls and so on; is that correct?

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- 1 A. [15:58:31] Yes.
- 2 Q. [15:58:31] Very well. Is it correct to say then that the atmosphere at that
- 3 moment was festive rather than being like a war?
- 4 A. [15:58:43] Oh, it was festive.
- 5 MR ALTIT: [15:58:52] (Interpretation) Your Honour, I think it might perhaps be a
- 6 good moment to hold the proceedings.
- 7 PRESIDING JUDGE TARFUSSER: [15:58:58] Okay. I think we break here, we
- 8 come back tomorrow morning at 9.30, like today, we have three sessions, and most
- 9 probably at the end of the three sessions you can go back home.
- 10 Thank you very much. The hearing is adjourned to tomorrow morning, 9.30.
- 11 THE COURT USHER: [15:59:22] All rise.
- 12 (The hearing ends in open session at 3.59 p.m.)