

Trial Hearing
WITNESS: CIV-OTP-P-0483

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Thursday, 17 November 2016
10 (The hearing starts in open session at 9:35 a.m.)
11 THE COURT USHER: [9:35:48] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:14] Good morning, Mr Witness. How do you
15 feel today?
16 WITNESS: CIV-OTP-P-0483 (On former oath)
17 (The witness speaks Liberian English)
18 THE WITNESS: [9:36:30] (Interpretation) Today I'm not actually feeling well. At
19 least I managed to try the past two days, but actually today I'm not well.
20 PRESIDING JUDGE TARFUSSER: [9:36:45] What does that mean? Can we start with
21 the questioning and then we'll see peu à peu, step by step?
22 THE WITNESS: [9:36:58] (Interpretation) Yes, I will try.
23 PRESIDING JUDGE TARFUSSER: [9:37:00] So you tell me if you -- if there is
24 something you have to tell me, you speak slowly, we take it very slowly and hopefully we
25 come to the end of this day, otherwise we'll see, okay?

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- 1 THE WITNESS: [9:37:22] (Interpretation) Okay.
- 2 MR O'SHEA: [9:37:27] Good morning, your Honours, it's --
- 3 PRESIDING JUDGE TARFUSSER: Mr O'Shea.
- 4 MR O'SHEA: -- because I don't want to take the Chamber by surprise that I'm on my feet
- 5 now in fact, but however it was, it was a surprise.
- 6 I'd like to please make a short application. It's very important and I think it's important I
- 7 make it now, as I say, so as not to take the Chamber by surprise, or my learned friends,
- 8 and I'd prefer, if possible, if the witness just steps out for a moment. It won't take a few
- 9 minutes.
- 10 PRESIDING JUDGE TARFUSSER: [9:37:58] (Microphone not activated)
- 11 MR O'SHEA: [9:37:59] It won't take more than a few minutes.
- 12 PRESIDING JUDGE TARFUSSER: [9:38:03] (Microphone not activated)
- 13 I would ask the court usher to accompany out the witness for ...
- 14 (The witness stands down)
- 15 PRESIDING JUDGE TARFUSSER: [9:38:47] Mr O'Shea.
- 16 MR O'SHEA: [9:38:54] Everything all right? All right.
- 17 Yes, your Honours, it's not customary for me to make this kind of application. One
- 18 always tries to ensure that the proceedings are as expeditious as possible, and I have a
- 19 duty, just as much as the Court, to try and ensure that that's the case.
- 20 However, this is an application that the cross-examination of this witness does not start
- 21 until Monday. I could have made this application obviously when the questions of the
- 22 Prosecution were finished, but as I say I didn't want to basically catch anyone off guard.
- 23 Your Honours are aware of the history of this witness, and your Honours reached a
- 24 decision recently on 14 November 2016, noting in particular that the Chamber deplores
- 25 the fact that the Prosecutor made available to the Defence the translations into English of

1 the transcript in Liberian English.

2 PRESIDING JUDGE TARFUSSER: [9:40:00] We know already. We know.

3 MR O'SHEA: [9:40:02] You know your decision, of course. And of course the other

4 important aspect of that decision that I rely upon is the last sentence in the decision

5 whereby your Honours indicate that if it is necessary to take measures to redeem any

6 prejudice that the Defence may suffer, the Chamber is open-minded to that possibility.

7 Now, there are 500-odd pages of transcripts in English of this original transcript.

8 Obviously most of the preparation which I did was based upon the original transcripts,

9 and it was extremely difficult.

10 The existence of the English transcripts is something which, if the Prosecution knew of it,

11 obviously they ought to have disclosed them very early, and the situation is that the

12 witness has now been giving evidence for two days, and Ms Pack indicated that the

13 witness may be giving evidence for three days for the Prosecution, and I really need an

14 opportunity -- obviously, I've gone through the English transcripts, the English translation,

15 and I've tried to do so as carefully as possible, but at the same time I've had to follow very

16 carefully the proceedings and the evidence of the witness, and it's been very difficult for

17 me to carry out the task that I normally do with a witness, which is prior to the

18 commencing of the testimony to have a very good knowledge of the prior statements. I

19 need to compare what is in the transcripts, which is what is in these English translations,

20 in order to effectively examine, which is something that the Prosecution has had the

21 opportunity to do because they've had these transcripts over a long period of time. As

22 your Honours will have seen from the way in which Ms Pack conducted her examination

23 she was very familiar with those transcripts.

24 So that's my request, and essentially what I'm saying is that in order to be fair to the

25 Defence and to this accused, I need additional time to be able to be properly prepared for

1 this cross-examination and, as I say, I rely partially on your Honours' decision, but mainly
2 on the needs of the cross-examination.

3 PRESIDING JUDGE TARFUSSER: [9:42:48] Defence for Mr Blé Goudé.

4 MR ZOKOU: [9:43:00] (Interpretation) Yes, Mr President, we have the same concerns,
5 so we totally subscribe to that application from our learned colleagues. Thank you.

6 (Trial Chamber confers)

7 PRESIDING JUDGE TARFUSSER: [9:43:28] Sorry, but we have a problem here.

8 (Pause in proceedings)

9 PRESIDING JUDGE TARFUSSER: [9:43:47] Now is it working? There's just a -- okay.
10 The floor is to the Prosecutor to respond.

11 MS PACK: [9:44:00] Thank you, Mr President, your Honours. Very briefly, because I
12 don't want to engage in a debate on this issue, you don't want to engage in a long debate.
13 Just to clarify two things, number one, we did and your Honours did find that we
14 complied with our disclosure obligations by disclosing the French under Rule 76.

15 PRESIDING JUDGE TARFUSSER: [9:44:16] Yes, this was not in doubt.

16 MS PACK: [9:44:19] Absolutely. And the second point is in fact I didn't have the
17 English translations. What we said in the response was accurate and correct. We
18 received the English translations, and then we sent them onwards immediately, same day
19 to the Defence. I've been working on the -- with the originals and the French translations,
20 and I have a very, very efficient co-counsel, Ms Berdennikova, who has been finding the
21 English references as we speak, so just to clarify that. Other than that your Honours, we
22 defer to your Honours on this issue.

23 PRESIDING JUDGE TARFUSSER: [9:44:50] Okay, the request is granted and we go to
24 Monday as soon as the Prosecutor has finished with its questioning.

25 MR O'SHEA: [9:45:00] I'm most grateful, your Honour, and I'm sorry if I said

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1 something that wasn't the case with respect to Ms Pack. She obviously just has a
2 fantastic memory.

3 PRESIDING JUDGE TARFUSSER: [9:45:11] No, no. No, obviously this is a decision of
4 the Chamber because while you were speaking we were already trying -- consulting.
5 Okay. Now, let's bring the witness in. I was giving you the floor without having the
6 witness in, but now first the witness in. This does not mean that now you go until the
7 end of the day I should hope.

8 MS PACK: [9:45:38] No, of course not, your Honour. I wouldn't take that liberty.

9 PRESIDING JUDGE TARFUSSER: [9:45:44] No, of course. No, but just to say that.
10 Okay.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE TARFUSSER: [9:46:02] So now, once again, Mr Witness, we try to
13 start anew. I can also tell you that we will not go probably to the afternoon. I would
14 say we are sure we will not go to the afternoon, so you will finish at the latest by lunch,
15 and then you have three days to rest, three and a half, and we see each other on Monday,
16 okay, just for you to be assured that we take care of your conditions.

17 So now I think I can give the floor to Ms Pack to continue the questioning. Thank you.

18 MS PACK: [9:46:46] Thank you, Mr President, your Honours.

19 QUESTIONED BY MS PACK: (Continuing)

20 Q. [9:46:48] Good morning, Mr Tarlue. So we'll just try and take it very slowly again
21 because I understand you're not feeling well.

22 A. [9:46:58] Uh-huh.

23 Q. [9:46:59] We're going to go back if you remember to your agenda, so we go back in
24 time a bit and we're going to look at that document again.

25 A. [9:47:10] Uh-huh.

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1 MS PACK: [9:47:11] And just briefly on this, for your Honours, and perhaps I can come
2 back to the agenda later without the witness being present, but on use of the agenda in
3 Court, I would continue to use what we have uploaded, the copies we have uploaded.
4 Everything that is uploaded was in the original pile of originals that I've looked at myself.
5 There is other things there as well, but so far as what's in eCourt now, it's all there in a
6 little package that we inspected yesterday, and I think my friends -- I hope my friends
7 from the Defence have had a chance to confirm that that is indeed the case. I don't know
8 if they did but --

9 PRESIDING JUDGE TARFUSSER: [9:47:54] Yeah, but in any case we, the Chamber,
10 decided to go through it also with the court officer, so we will in any case be assured that
11 what is in that loose pieces of paper is what is in the eCourt, so --

12 MS PACK: [9:48:13] Yes, I think that there's more in the package than is in eCourt.

13 PRESIDING JUDGE TARFUSSER: [9:48:17] Yes, yes, yes --

14 MS PACK: Yes, but --

15 PRESIDING JUDGE TARFUSSER: -- okay, but what is in eCourt is also in the package.

16 Okay.

17 MS PACK: [9:48:23] Thank you. Thank you, Mr President.

18 Q. So I'm going to ask, please, if we could look at tab 22, it is the agenda, it is

19 CIV-OTP-0077-1319. And like before there will be some pages private, some public,
20 depending upon whether there are contact details on some pages.

21 MS PACK: I'm going to just ask if we can have page 1322 up first and that can be public.

22 Q. Now, I appreciate this is not that clear, so just a quick question: Do you know, are
23 you familiar with any of these insignia that we see on these two pages, and if you aren't
24 please just say so?

25 A. [9:49:55] Yes, there are some army ranks on the paper.

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1 MS PACK: [9:50:05] All right. We'll go to page 1333, and that is public as well.

2 Forgive me, it's private.

3 (Pause in proceedings)

4 MS PACK:

5 Q. [9:50:55] Now, you might have to just turn your head round, if we can't turn it

6 around, but I wanted you to look at the left-hand image. On the left side, there's some

7 writing, if we could perhaps get it around. Thank you very much to Madam Court

8 Officer.

9 So we have there -- now looking at that, can you read it and if you can't then we'll

10 have -- or at least can you recognize it, and if not we'll have someone come and help you

11 to read what it says.

12 A. [9:51:23] I'm seeing it, but I don't know.

13 MS PACK: [9:51:26] Well, it may of course then be appropriate to have the reading

14 assistance that was -- has been provided to be available for the witness, if someone

15 could -- is there anyone available?

16 PRESIDING JUDGE TARFUSSER: [9:51:39] (Microphone not activated) I know

17 obviously it was granted but I don't know where this materially -- how it, where it

18 materially is.

19 MS PACK: [9:51:52] I think the issue is that it may be an interpreter who has to

20 provide the reading assistance, so it could be a challenge.

21 PRESIDING JUDGE TARFUSSER: [9:51:59] It is done by the interpreters I'm told.

22 MS PACK: [9:52:02] I can just read it out, and then I can -- perhaps that's easier, and

23 perhaps if my colleague Mr Odum could just confirm that I'm reading it accurately for the

24 witness and that's that. I mean, I think that's fine. We can just do it like that, yes.

25 PRESIDING JUDGE TARFUSSER: [9:52:11] We can also confirm, yes.

1 MS PACK: [9:52:13]

2 Q. So I'm going to read it for you. It says:

3 "Préfet d'Abidjan," then it says "Mr Sam Etiassé." And then it's something else, it says

4 "Préfet de police d'Abidjan." And then it has another name, "Mr Sami Bi." And I won't

5 read the rest because I can't really read it. I think it's commissaire.

6 A. Yeah.

7 Q. [9:52:43] So just the first name.

8 A. Yes.

9 Q. "Préfet d'Abidjan, M. Sam Etiassé." So how come you have this written here on this
10 piece of paper?

11 A. [9:52:55] Well, you -- I think you have it on -- in my file, that when you asked me, I
12 said since the time we met Etiassé in Guiglo, and we -- later in Abidjan, when I went to
13 the shopping mall I met him, and he gave me this document that when I go to Central
14 Plateau, I can show this document to someone there who will help me to find his office.
15 That was just the first time that we were meeting in Abidjan, so it was something like an
16 appointment between him and I.

17 Q. [9:53:33] And can you say when it was, what year that you met him in Abidjan?

18 A. [9:53:43] At that time I think it was immediately after the 2002 war, that was when
19 I was in Abidjan. And there was no longer war until 2008. That was the time he gave
20 me this. I met him at the shopping mall and then he gave me this appointment, because I
21 knew him before and I had worked with him in Guiglo. By then he was in Guiglo and at
22 that time there was no war.

23 Q. [9:54:18] So just to clarify, you say it was 2008 that you met him in Abidjan?

24 A. [9:54:25] *Yes, it was around 2005 or 06, but by then there was no war, that was the
25 time we met, but at the time he was in Guiglo it was around 1995, '96, that was when he

1 was préfet, so he was working in Guiglo.

2 Q. [9:54:45] And this title here "Préfet d'Abidjan," do you know why this is written
3 there?

4 A. [9:54:57] Pardon?

5 Q. [9:54:58] It says -- in French it says "Préfet d'Abidjan."

6 A. [9:55:04] That was the time he was Préfet d'Abidjan.

7 Q. [9:55:08] And this piece of paper, this is a loose piece of paper that wasn't part of
8 the agenda or it was part of the agenda? Can you just tell us because we can only see it
9 on the screen, but it --

10 A. [9:55:19] It is part of my agenda. Sometimes when I was not able to write, I will
11 have to put it into my agenda.

12 PRESIDING JUDGE TARFUSSER: [9:55:31] But things which are part of the agenda
13 which we have now realised, I think it's not necessary to ask, it's part of the agenda --

14 MS PACK: [9:55:39] Yes.

15 PRESIDING JUDGE TARFUSSER: [9:55:40] -- also because we have seen it, to save time.

16 MS PACK: [9:55:42] Yes, I think actually you can see yourself whether it is a loose
17 piece of paper --

18 PRESIDING JUDGE TARFUSSER: Yes.

19 MS PACK: -- or it's actually the agenda --

20 PRESIDING JUDGE TARFUSSER: [9:55:48] But it is in the agenda.

21 MS PACK: [9:55:51] Yes. Whether it's a part of it though, or it's a separate, one of the
22 separate pieces of paper that there are in the agenda.

23 PRESIDING JUDGE TARFUSSER: [9:55:55] Yes, but it was still all in one.

24 MS PACK: [9:55:57] Well, I think there are separate pieces of paper, that's the point.

25 PRESIDING JUDGE TARFUSSER: [9:56:02] Yes, yes.

1 MS PACK: [9:56:03] That were sort of sleeved into the agenda.

2 Q. [9:56:05] And just did you have the agenda when this was written or was it written
3 before the agenda, before you had the agenda? Just to clarify.

4 A. [9:56:15] Pardon?

5 Q. [9:56:17] This name on -- and this information here on this piece of paper, was it
6 written out before you had the agenda, before you had the agenda in 2008 or was it at the
7 same time?

8 A. [9:56:30] I got it before I had the agenda because he had given me that document a
9 long time ago, so at the time I got the agenda, now I just used to put my individual
10 documents and papers in there, and my agenda was my private business. Because right
11 now the whole world is watching us talking in here.

12 I would not -- it was not part of anything special, it was my personal business. Like
13 commander supérieurs and any military something that you see there was my own
14 private something, it is something that had to do with the war. You can still ask me and
15 I will answer, but maybe, yeah, you would want to say something or I will say something,
16 and somebody else will say it in a different way, somebody else would see it in a different
17 way, but this is my private something, so I only used to write these things so that at any
18 time I have difficulties I will check them up and see them point by point.

19 And I was writing these things in these papers so that I can recall some things after time,
20 and I know as we are here now everybody, the whole world is watching at us.

21 MS PACK: [9:57:54] And can we just go over to the following page, and we can keep
22 that private too, it is page 1334.

23 Q. So just to let you know this page isn't coming out publicly, but we are talking about
24 it publicly but the page is just staying private. And if you look at the bottom document,
25 it's the other side of the piece of paper with the name Sam Etiassé on it; is that right, to

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- 1 your recollection? If you don't remember it's --
- 2 A. [9:58:46] No, I don't remember, I don't know.
- 3 MS PACK: [9:58:48] I need that for the parties to check with the originals.
- 4 Q. Now, so far --
- 5 A. [9:58:54] Okay, excuse me. At the back you have some writing, okay?
- 6 Q. [9:59:03] Yeah.
- 7 A. [9:59:04] Okay.
- 8 Q. [9:59:05] I'm sorry, it's a bit confusing with the screens and not having the paper --
- 9 A. [9:59:11] Well, I don't know the writing that I see here, but you said at the back
- 10 there is some writing.
- 11 PRESIDING JUDGE TARFUSSER: [9:59:18] Excuse me. But why don't we show him
- 12 the paper --
- 13 MS PACK: [9:59:24] If --
- 14 PRESIDING JUDGE TARFUSSER: [9:59:24] -- if we have it.
- 15 MS PACK: [9:59:26] -- we have it available in court, yes.
- 16 PRESIDING JUDGE TARFUSSER: Yes.
- 17 MS PACK: I can --
- 18 PRESIDING JUDGE TARFUSSER: [9:59:29] If it is important, I think we should just
- 19 show him now we have checked this materially.
- 20 MS PACK: [9:59:38] Maybe perhaps an idea for one of my colleagues to assist in
- 21 identifying the piece of paper because I know --
- 22 PRESIDING JUDGE TARFUSSER: [9:59:46] Can you give -- just give it to the Office of
- 23 the Prosecutor, the whole ...
- 24 (Pause in proceedings)
- 25 MS PACK: [10:00:40] We can come back to that while my colleague is looking for the

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1 actual page.

2 Q. Now I want you to look please at page --

3 PRESIDING JUDGE TARFUSSER: [10:00:49] But always do accelerate. Why don't
4 you tell your colleague to pick out all the pieces of paper you want to confront the witness
5 with and then one by one bring them there.

6 MS PACK: [10:01:01] She's doing that right now, yes.

7 PRESIDING JUDGE TARFUSSER: [10:01:03] Okay. Okay.

8 (Pause in proceedings)

9 MS PACK: [10:03:09] Forgive me, your Honours, but I now have one page and there
10 will just be a few, about four or something, that we'll -- there you go. Thank you very
11 much to Mr Court Officer.

12 PRESIDING JUDGE TARFUSSER: [10:03:23] So this is the document on the screen?

13 MS PACK: [10:03:27] (Microphone not activated)

14 Q. It should correspond to page 1334 in the -- on the screen on one side, that's the side
15 that has the medical document, and then if you look on the other side, which is page 1333
16 in the eCourt, then you see what we read out. If you turn over, please, and then you see
17 it is the same as was on the screen before. It says préfet d'Abidjan, Mr Sam Etiassé,
18 et cetera, et cetera; is that right? You can see?

19 A. [10:04:06] Uh-huh.

20 Q. [10:04:06] It is the same?

21 A. [10:04:10] Yes, I'm seeing it.

22 Q. [10:04:12] And this is the bit of paper you said already, you told us just before, that
23 this is something that was written down before 2008, before you had the agenda.

24 A. [10:04:28] Yes, that is what I said. I had it before the agenda. It was with me
25 from the (incomprehensible) préfet.

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1 Q. [10:04:41] And who wrote the information down?

2 A. [10:04:46] Himself. That was when I went to meet him.

3 Q. [10:04:51] Whereabouts did you meet him?

4 A. [10:04:54] At the shopping mall in Abidjan.

5 Q. [10:05:00] Now I'm going to ask you to look at another page and we'll bring you
6 the original.

7 MS PACK: For the benefit of everyone else, it's at page 1342 in eCourt and it's again
8 private. And we have the relevant page coming up. And like I say it was page 1342 in
9 eCourt, private. Now, if we could maybe just zoom in on the bottom right.

10 Q. I'll read out the name. It says there a name is "Watchard Kedjebo." And in the
11 document that you have in front of you, the page, can you see that it corresponds to what
12 you have there on the screen? We just want the bottom one, the bottom image actually.

13 A. [10:07:59] You mean the one up or the one on the bottom?

14 Q. [10:08:36] The one down at the bottom. We just want the bottom image, please.
15 We'll just wait for the bottom, it is the bottom image. But if you just try and look at the
16 bottom image and see what document you have in front, it is the same, is that right, the
17 document that you have now, the original?

18 A. [10:08:49] Yeah, the one that is down.

19 Q. [10:08:51] Yeah? Okay. And then we can look at the other side in just a moment,
20 but just on this side there is a name there, it says Watchard Kedjebo. And I want to ask
21 you why Watchard Kedjebo is written down here in your agenda. Why do you have that
22 name down there?

23 A. [10:09:25] I met Watchard Kedjebo at the roundabout at Koumassi. That was the
24 time they came for a party. They were having a youth meeting. By then I was going
25 out with one of my friends. And Kedjebo was one of the youth leaders, so we went to

1 speak to him.

2 And my friend told him about me, and then he gave the number to my friend. And he
3 said at any time we were together, we will try and talk to him. So he gave me this
4 number. So it was just like establishing friendship, that was all.

5 Q. [10:10:17] So is his number written down there underneath?

6 A. [10:10:23] I don't know because I didn't write it. It was my friend who wrote it.

7 Q. [10:10:28] And it says something just before Watchard Kedjebo there, I think it is a
8 "G" something "L." Do you know what that stands for?

9 A. [10:10:40] What is it? Those were my private issues that people wrote. So if
10 there -- so if there are names that have to do with military issues, then you can tell me,
11 you can ask me, but this is my private issue.

12 You just look through the documents and ask me about things that has to do with the
13 military actions, not this one. *This is my private issue, because there are names I will
14 put "A" and "B" against, or some names I will put "T" and "P" against. *These were just
15 things that I could pick sense out of, because I'm not educated.

16 Q. [10:11:19] Okay, just listen to me and I'll explain. I ask you about these names
17 because they're in your agenda. If you want me to ask the Judge if we go into private
18 because you consider there are things here you don't want to talk about in public, then we
19 can ask his Honour; otherwise I ask you the questions. Please, you give me your
20 answers. There's only a few names that I want to ask you about. And we just try our
21 best, okay?

22 A. [10:11:47] Excuse me. The agenda was brought to the investigator because some
23 of these things were at the back of the agenda. The things that are in my agenda are
24 what I'm telling you about.

25 You told me that I was using a particular card that I did not use. I said I had a badge

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1 from État Major that I was using. So if you are asking me, I will show -- I showed the
2 sign, the sign, the signature on that thing.

3 But this is my private issue. It has nothing to do with the war. It is not a military
4 business. So if there is anything that is private about me, that is not what you are here to
5 ask me about.

6 PRESIDING JUDGE TARFUSSER: [10:12:33] Mr Witness.

7 THE WITNESS: [10:12:37] (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [10:12:38] I can understand you, but this is your
9 agenda. You are here a witness. The Prosecutor is asking you why you have such
10 things in the agenda, which might be private, and if they are private then we'll see, but it's
11 us to decide where to put it, if it's relevant for the case or not relevant for the case, okay?
12 So just please, without arguing, please respond to the Prosecutor and so we can go ahead
13 well.

14 I see Mr Gbougnon on his feet and I will --

15 THE WITNESS: [10:13:20] (Interpretation) Okay, thank you, Mr President.

16 PRESIDING JUDGE TARFUSSER: [10:13:23] Okay.

17 MR GBOUGNON: [10:13:25] (Interpretation) Thank you, Mr President. Good
18 morning, your Honours.

19 I am seeing that the Prosecution is talking about G-A-L, page 16, line 15 of the transcript.
20 I'm looking at the document here. I'm not seeing the letters G-A-L. I do not know
21 whether it was badly transcribed or not, but I cannot see those letters G-A-L.

22 MS PACK: [10:14:03] I said "G something L." That's what I read. Everyone can read
23 it.

24 PRESIDING JUDGE TARFUSSER: [10:14:12] The Prosecutor didn't say G-A-L, but "G
25 something L."

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1 But I think it is useless to ask the witness what G-A-L means if he has not written it, I
2 mean, and he can't read it. So it has written somebody else, so I don't see the point.

3 MS PACK: [10:14:30] Let me just ask the witness.

4 PRESIDING JUDGE TARFUSSER: Please, yes.

5 MS PACK:

6 Q. [10:14:32] Was there a title that you're aware of that he had, Watchard Kedjebo, his
7 title?

8 A. [10:14:42] A title? Or what?

9 PRESIDING JUDGE TARFUSSER: [10:14:47] A military rank? A military rank? Was
10 this person --

11 THE WITNESS: [10:14:53] (Interpretation) No, I don't know about his rank. They said
12 he was just a youth leader. And when he came for that party, everybody was going
13 around him. So I also tried to establish friendship with him. But I don't know his rank.

14 MS PACK: [10:15:10]

15 Q. [10:15:11] The party, what was the party for?

16 A. [10:15:18] Well, they had a burial, they had -- one of the youths was deceased, so
17 the youth, the youths came together, and at any time they had a burial, they would all
18 come together and then do some business there. So that was the time we met, and then
19 he asked -- we asked for his number and then his -- then my friend wrote this for me. So
20 we asked for his contact and then my friend wrote it for me. It was my friend who wrote
21 it.

22 Q. [10:15:55] Do you know who was deceased, who in particular?

23 A. [10:16:01] No, no, no, I don't know.

24 Q. [10:16:03] Was this 2008, same year as the agenda, or some other time?

25 A. [10:16:13] No, no, no. By then I had the agenda already.

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1 Q. [10:16:18] Was there anyone else that you remember also at this party for the burial?

2 Anyone else you can remember?

3 A. [10:16:25] No, no, no. It was my friend who introduced me to him. I did not go
4 there for anything particularly. It was because he had known him before and he was
5 closer to him, so he introduced me to him and then we asked for his number and then I
6 asked my friend to copy that number for me.

7 Q. [10:16:47] Why did you turn up though at someone's party for their death? It is
8 quite an important --

9 A. [10:16:55] I was living at Koumassi, and the whole thing was -- the event was at
10 Koumassi. So we were young people, we were youths equally, so if there was a party,
11 we only went around there to see what was happening.

12 Q. [10:17:10] Why -- you recall the name Baygboe you spoke about, not Mr Gbagbo,
13 but Baygboe you talked about?

14 A. [10:17:23] (Speaks English) Yeah.

15 Q. [10:17:24] The Liberian, yes?

16 A. (Speaks English) Yeah.

17 Q. Do you remember that name, yes?

18 A. Yes, yeah.

19 Q. Is he alive now?

20 A. [10:17:26] No, no.

21 Q. [10:17:27] Do you remember when he died?

22 A. [10:17:36] I can't recall. But at that particular area, that roundabout, they had a
23 wake there, too, there was a vigil, because it is not far away from where I was living,
24 *because it is within the same Koumassi community.

25 Q. [10:17:52] So you go to his wake as well to Baygboe's wake?

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1 A. (Speaks English) Yeah.

2 Q. And that was in --

3 A. [10:17:59] Yes, he was my brother, he was a Liberian. So if he died, I went there.
4 And most of the fighters who fought with him before, all of us went there. So we were
5 all living in Koumassi before, so --

6 Q. [10:18:16] So why is he -- do you remember when he died?

7 A. [10:18:27] When they left, they went to Liberia. I think it was around 2003 or 2004.
8 So when he died his remains was brought to Abidjan, but I can't actually remember
9 exactly when, when the incident took place.

10 But there was a wake that was kept for him, a vigil that was kept for him, and that was at
11 the roundabout at Koumassi. And most other Krahn people who were living in Ivory
12 Coast came to participate at his wake. So that was how I also went there.

13 Q. [10:19:17] Apart from the Krahn people, who else did you see at the wake for this
14 Liberian fighter Baygboe? Who else did you see?

15 A. [10:19:31] Most of us were there because he was the chief of staff for most of the
16 fighters. So when he died, most people came back to participate at his vigil because his
17 remains was brought in convoy. So a lot of the fighters came back.

18 Q. [10:19:53] Who did you see at the wake, please?

19 MR GBOUGNON: [10:20:00] (Interpretation) Mr President.

20 PRESIDING JUDGE TARFUSSER: [10:20:03] Maître Gbougnon.

21 MR GBOUGNON: [10:20:05] (Interpretation) Mr President, I am objecting because it
22 has been five minutes now that the question has been put to the witness. He has
23 answered clearly, he has mentioned names of people, and the Prosecutor cannot go
24 beyond that. He has answered the question very clearly.

25 MS PACK: [10:20:28] Well, I will beg to differ actually. I think there is clarity that is

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1 required and I would like some names.

2 PRESIDING JUDGE TARFUSSER: [10:20:34] Yes, yes, yes. I think just go ahead,
3 please.

4 MS PACK: [10:20:37] Thank you.

5 PRESIDING JUDGE TARFUSSER: [10:20:37] But I have other doubts how this refers to
6 the charges, but --

7 MS PACK: [10:20:43] We hope we will get there.

8 PRESIDING JUDGE TARFUSSER: [10:20:45] Okay.

9 MS PACK: [10:20:46]

10 Q. [10:20:46] So some names please, not Liberians, other people, names of people who
11 were at the wake that you remember, please?

12 A. [10:20:59] I can't give names of people now, because by then to actually memorise
13 the names of people will be difficult, because the person who died was almost like a father,
14 he was a senior person for the fighters, and his remains was brought and then it was to be
15 taken back to Liberia. So I can only recall a few names from the side of the Krahn people
16 who were present.

17 Q. [10:21:33] You've told us about Watchard Kedjebo before. Was he at the wake?

18 A. [10:21:41] Yes, he was there. He came there, yes.

19 Q. [10:21:44] Okay. Anyone else?

20 A. [10:21:53] Oulaï Hubert. Most of the elderly Krahn people were present. It was
21 mostly the Krahn people and few Ivorian friends to people who were present there.

22 Q. [10:22:08] Anyone else for the youth?

23 PRESIDING JUDGE TARFUSSER: [10:22:11] But excuse me, so it seems that you have
24 the names somewhere, because you said them. Why don't you refresh the memory --

25 MS PACK: [10:22:22] I will do.

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1 PRESIDING JUDGE TARFUSSER: [10:22:22] -- or confront him with it instead of asking
2 continuously the same question?

3 MS PACK: [10:22:29]

4 Q. [10:22:29] Did you see Mr Blé Goudé there? And I reference the transcript --

5 PRESIDING JUDGE TARFUSSER: [10:22:33] No. The thing is you confront him, you
6 said "In your previous statement, if this and this, is this true or not?" This is how he
7 should be confronted.

8 MS PACK: [10:22:44]

9 Q. [10:22:45] Let me take you to your transcript. It is 0085-0664, it is pages 688 to 990
10 in the original. The French is 0088-0391, at pages 416 to 417. I'm going to read you right
11 now in English, the translation is 0096-0375. This is what you said at page 0400 --

12 PRESIDING JUDGE TARFUSSER: [10:23:19] To whom? To whom and when?

13 MS PACK: [10:23:20]

14 Q. -- to the interviewers during your interview with the Prosecution. And I want to
15 take you to lines 827 of the English translation and -- sorry, starting at line 824. I'll read
16 it.

17 MR O'SHEA: [10:23:37] Sorry, what is the page number in the English transcript?

18 MS PACK: [10:23:42] Page 0400, from line 8.

19 Q. Let me just start at 818 just to remind you. You said: "All of them came to the
20 burial of -- we had a meeting at a time when they were all having a wake for Baygboe in
21 Ivory Coast. Baygboe was the chief of staff for MODEL. After he died his corpse was
22 brought to Ivory Coast and was kept there for some time. So I met him on the day of the
23 burial and he gave me his number.

24 Question: The day of the burial?

25 Answer: Of Baygboe, Baygboe?"

- 1 Question -- sorry, "Interpreter: At the wake of the burial, the wake keeping of burial of
2 Baygboe.
- 3 Question: So when they say they all came, who came?"
- 4 Your answer: All the Krahn people and most of the youth, even Blé Goudé, everybody
5 was present at the wake keeping.
- 6 Question: Okay. And why did these people attend?"
- 7 And it goes on and on.
- 8 So you remember, you remember saying that in the interview; is it correct? Tell me is
9 that correct?
- 10 A. [10:25:07] It's correct.
- 11 Q. [10:25:12] So how do you know that Blé Goudé was there at the wake for Baygboe?
12 How do you know that?
- 13 A. [10:25:24] Please, please, come back again. I did not get that question clearly.
- 14 Q. [10:25:29] Did you yourself see Mr Blé Goudé?
- 15 A. [10:25:33] Myself, before I got there, they told me he had already left. But
16 everybody came there. It was just like when a senior person died, a senior fighter,
17 everybody will come there and say sorry or sympathise with the people.
- 18 Like -- like Paul Richard and the Liberians that came to have the meeting, they informed
19 everybody that Baygboe's meeting -- Baygboe's wake was going to -- his vigil was going to
20 take place at that particular time and that we all should be there. So and we went there,
21 and they told us that the remains was to be taken back to Liberia. So that was how every
22 one of us went there.
- 23 Q. [10:26:19] Okay. I'm going to remind you of what you said before in the English
24 translation. It is page 402, and it is -- sorry, it's at page 401 of the English translation, and
25 it would be in the French --

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1 MR O'SHEA: [10:26:54] Your Honours, I know these transcripts get corrected, et cetera,
2 but this is a little bit of a sensitive point for our team. In the French transcript "Baygboe"
3 is apparently being consistently written as "Gbagbo" in the French transcript. If that
4 could please be corrected.

5 PRESIDING JUDGE TARFUSSER: [10:27:14] Yes, I think the right name is Baygboe,
6 B-E-B-O.

7 MS PACK: [10:27:21] Well, I think --

8 PRESIDING JUDGE TARFUSSER: [10:27:22] This is in the transcript at least.

9 MS PACK: [10:27:24] It is written a couple of different ways in these transcripts
10 annoyingly. I have spelt it --

11 PRESIDING JUDGE TARFUSSER: [10:27:29] But we are referring in this transcript
12 since a while, we are talking about Baygboe or Gbagbo, it is not the accused Mr Gbagbo,
13 just --

14 MS PACK: [10:27:39] No.

15 PRESIDING JUDGE TARFUSSER: [10:27:40] -- just to be clear about that, I mean.

16 MS PACK: [10:27:42] Yes.

17 PRESIDING JUDGE TARFUSSER: Okay.

18 MS PACK: Very clear, of course.

19 PRESIDING JUDGE TARFUSSER: Okay.

20 MS PACK: But let me just spell it again. It's a name I've been spelling like this,
21 B-A-Y-G-B-O-E, Baygboe, that's how it has been written phonetically, confusingly enough.

22 PRESIDING JUDGE TARFUSSER: [10:27:57] Let's speak the Ivorians, please. I think
23 this is the best source.

24 MR ZOKOU: [10:28:06] (Interpretation) I am not up to speak about a Liberian name.

25 PRESIDING JUDGE TARFUSSER: That's right.

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1 MR ZOKOU: (Interpretation) I would simply wish that the Prosecutor should situate
2 us with regard to the period that we are talking about, because she was talking about a
3 much later date and here we are talking about Baygboe. So we no longer know which
4 period we are talking about. Can she situate us, please?

5 PRESIDING JUDGE TARFUSSER: [10:28:37] Well, I think we are talking about the
6 death of a person. So we should be quite -- we should have quite a precise date.

7 MS PACK: [10:28:47]

8 Q. Yes, I did ask you before about it, and you said that his death was after
9 the 2002-2003 war, after that. So do you know which year after that, which time he died?
10 Do you remember the year?

11 A. [10:29:02] No, I do not remember the year, because the problem here is -- because
12 the problem here is when MODEL took over Liberia, he did not reach into the city. He
13 stopped at the second capital city, which was Buchanan, and that was where he got killed.
14 So let's just estimate it to be between 2003-2004. That was the time he died, because by
15 then there was no war in Ivory Coast. War was only in Liberia. So let's take it by estimate
16 between 2003-2004. *That was the time he could have been killed.

17 Q. [10:29:43] Okay. And you talk about it was Buchanan in Liberia? That's
18 B-U-C-H-A-N-A-N.

19 A. [10:29:51] Yes, yes.

20 Q. [10:29:51] Before they take Buchanan?

21 A. [10:29:56] Yes.

22 Q. [10:29:57] And this is before Taylor was removed, Charles Taylor?

23 A. [10:30:06] The same time Buchanan was taken, Taylor was almost removed by then,
24 because they used two fronts to attack the city.

25 Q. [10:30:16] Okay. Thank you.

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1 Now, let me just go back to this interview, okay. And you were asked about Mr Blé
2 Goudé --

3 THE INTERPRETER: [10:30:39] Your Honour, Mr President, the interpreter is not
4 intending in any way to hold the Court to ransom, but the interpreter is hard pressed by
5 nature, I have to use the restroom.

6 PRESIDING JUDGE TARFUSSER: [10:30:50] Okay, if you're pressed by nature, please
7 go ahead and tell us when you are back. Technicalities and then he will be back.
8 (Pause in proceedings)

9 THE INTERPRETER: [10:33:06] Thank you, your Honours, the interpreter is back.

10 PRESIDING JUDGE TARFUSSER: [10:33:11] Thank you very much. I think you feel
11 better.

12 And I give the floor again to the Prosecutor.

13 MS PACK: [10:33:22]

14 Q. We've had a little break, off we go again, okay?

15 A. [10:33:26] Okay, no problem.

16 Q. [10:33:28] I'm going to read your -- part of your interview with the Prosecution
17 investigators when you had your interview. And this is the English translation is at
18 0096-0375, page 401, lines 882 to over the page at line 897. And the French translation is
19 at 0088-0391, and it's at page 418, and then it is lines 916 to 931.

20 A. [10:34:09] Okay.

21 Q. [10:34:14] So you answer, you say: "I never met with -- I only met with Blé Goudé.
22 We never met in Ivory Coast."

23 And the question, next question: "So where did you meet him face-to-face? You met
24 him where?"

25 The interpreter says to you: "Where did you meet him?"

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- 1 You say: "At Baygboe wake."
- 2 A. [10:34:43] Uh-huh.
- 3 Q. [10:34:44] And then you say at line 888: "But we have never spoken together."
- 4 And then over the page in the English translation, it is starting at line 890, you say: "I
- 5 only see him among other group of people."
- 6 And the question at line 892: "So the only time that you met face-to-face Charles
- 7 Blé Goudé, it was...if I understood, the only time you met face-to-face Charles Blé Goudé,
- 8 it was during Baygboe's funeral?"
- 9 Answer: Yeah, yeah.
- 10 Question: That's only time?
- 11 Answer: Yes, that was the only time."
- 12 And you continue: "...we never met. Something else. That's that."
- 13 My question: Is that accurate then that you saw, you saw Mr Blé Goudé amongst a
- 14 crowd of people at the wake of the Liberian chief of staff for MODEL at the wake?
- 15 A. [10:36:04] Let me tell you something about the wake.
- 16 Q. [10:36:11] No, no. Stop, please.
- 17 A. (Speaks English) Yeah.
- 18 Q. Stop.
- 19 A. Okay.
- 20 Q. I asked you a question.
- 21 A. [10:36:14] (Speaks English) Yeah.
- 22 Q. [10:36:14] I said is it true, is it right, is it accurate that this is what you saw --
- 23 MR GBOUGNON: [10:36:24] (No interpretation)
- 24 PRESIDING JUDGE TARFUSSER: [10:36:25] No, no, no, no. No, no, no, no, please.
- 25 No, no, please. This is the right question to ask.

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- 1 MR GBOUGNON: [10:36:28] Okay.
- 2 PRESIDING JUDGE TARFUSSER: [10:36:30] Is it accurate what was written in here,
3 yeah.
- 4 THE WITNESS: (Speaks English) Okay.
- 5 MS PACK: [10:36:35] Please just answer that.
- 6 MR ZOKOU: (No interpretation)
- 7 THE WITNESS: (Speaks English) I'm listening to you.
- 8 MR ZOKOU: (Interpretation) Entitled to answer. Your Honour, I beg your pardon.
- 9 PRESIDING JUDGE TARFUSSER: No.
- 10 MR ZOKOU: She is entitled to put the question and she also has a duty --
- 11 PRESIDING JUDGE TARFUSSER: [10:36:47] Absolutely.
- 12 Mr Witness.
- 13 THE WITNESS: [10:36:49] (Interpretation) Yes.
- 14 PRESIDING JUDGE TARFUSSER: [10:36:50] The Prosecutor asked you a question, if
15 what she read out of the transcript of your interview with the investigators is what you
16 said and if it's correct. Then you answer to this question and then you add whatever you
17 want, but this is the first question.
- 18 THE WITNESS: [10:37:10] (Interpretation) Yes, Mr President, she asked me the
19 question, but she, she said something different about the Liberians. I saw him, but he
20 was not amongst Liberians. So that is what I was trying to refer to. But she said no. I
21 don't have any problem with that.
- 22 Should I go ahead?
- 23 PRESIDING JUDGE TARFUSSER: [10:37:33] No. I would like to ask you a question.
- 24 THE WITNESS: [10:37:37] (Speaks English) Yeah.
- 25 PRESIDING JUDGE TARFUSSER: [10:37:38] The Prosecutor read out part of your

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- 1 interview with the investigators, okay.
- 2 THE WITNESS: [10:37:45] Uh-huh.
- 3 PRESIDING JUDGE TARFUSSER: [10:37:47] Where you said what was read to you.
- 4 So did you say this to the interviewer? Yes or no?
- 5 THE WITNESS: [10:38:00] (Interpretation) Yes, yes, but --
- 6 PRESIDING JUDGE TARFUSSER: [10:38:04] Okay. Yes, okay. No, no, no. But I'll
- 7 give you all the floor.
- 8 THE WITNESS: (Speaks English) Okay.
- 9 PRESIDING JUDGE TARFUSSER: So the first thing is yes, you said this, okay.
- 10 THE WITNESS: (Speaks English) Yeah.
- 11 PRESIDING JUDGE TARFUSSER: Is this what you said to the interviewer true or not?
- 12 THE WITNESS: [10:38:14] (Interpretation) Yes, that was -- that was what I said.
- 13 PRESIDING JUDGE TARFUSSER: [10:38:18] Now you go ahead with your
- 14 explanation.
- 15 MS PACK: [10:38:21] Thank you.
- 16 THE WITNESS: [10:38:22] (Interpretation) Well, what I was trying to say, if she's
- 17 asking me that question, it was like I was working with -- if I am working with her, then
- 18 I'm working -- or I'm working with a group of people, then somebody pass away. Then
- 19 something happens --
- 20 PRESIDING JUDGE TARFUSSER: Slowly, please, slower.
- 21 THE WITNESS: (Interpretation) -- in that event, and if people come to sympathise with
- 22 me, he was the youth leader, and this person had been helping most of the Krahn elders in
- 23 most of the communities.
- 24 So if he comes to say, to sympathise, and we were Liberians, the Krahn youth, we were all
- 25 there, Hubert Oulaï and others, all of them were there to sympathise, so if he came there,

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1 and that was how it happened. And the man was a youth leader. That was what I said.

2 MS PACK:

3 Q. [10:39:25] Good. And I wanted to give you every chance to say anything extra.

4 It's just sometimes I have a question. It's just I want to know the answer just to my

5 question, and then you say exactly what you want. You must feel free to just say what

6 you wish to say after that, okay? Okay?

7 A. [10:39:41] Okay, thank you very much.

8 Q. [10:39:42] Good. Now, let me just ask to clarify. Now, you said this person, this

9 person had been helping most of the Krahn elders. And I want to know there

10 who -- which person are you talking about who had been helping the Krahn elders when

11 you said that, which person did you mean?

12 A. [10:40:03] I'm referring to the same Krahn people from Liberia. I told you, I told

13 you there was no difference between the Liberia Krahn and Ivorian Krahn. We are one

14 people.

15 So if somebody amongst us passed away, we were there to settle up things, how we could

16 take his remains to Liberia, and these were people who were around there to help us get

17 our brother back to our country.

18 Q. [10:40:37] And maybe you can -- so you're talking about Baygboe, he was the one

19 who had been helping the Krahn elders; is that what you meant?

20 A. (Speaks English) Yeah.

21 Q. Okay.

22 A. [10:40:50] Yes. Baygboe was a general for LIMA. He left, he went to Liberia.

23 And when he went there he was still a general. So after, after the LIMA, when he went

24 across to Liberia, he passed away, so they brought his remains back. So after the remains

25 were brought back to Abidjan and after the war had subsided in Liberia, we tried to get

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1 back his body to Liberia.

2 Q. [10:41:18] Okay. And just the last question about this wake. Why was it, do you
3 know why Baygboe was killed in Buchanan, all the way over there in Liberia, why was he
4 brought over to Ivory Coast for his wake? Why was his body brought over? Why was
5 he there?

6 A. [10:41:37] That is what I'm telling you, we are one people. The Krahn in Liberia
7 and the Krahn in Côte d'Ivoire, we are the same people.

8 So when he was killed, there was no need to keep him in Liberia. If we had money to
9 take his body to America, we could have done that. But because we were all settled in
10 Ivory Coast, we decided to bring his body down to Ivory Coast to Abidjan so that when
11 the war subsided we could take him back to Liberia. And he was a general.

12 MS PACK: [10:42:12] Okay, I understand. I have a date for when this person was
13 killed in Buchanan. It's not something that I have on any document. If it's helpful, I can
14 provide you with the date, Mr President, just to situate. The date that Baygboe was
15 killed in Buchanan, I'm informed, is August 2003. And I leave it at that.

16 PRESIDING JUDGE TARFUSSER: [10:42:40] Okay.

17 MS PACK:

18 Q. [10:42:47] Now we move on.

19 A. [10:42:49] Okay.

20 Q. [10:42:51] Okay. It's another -- let me just clarify though, so far as this wake is
21 concerned, you told us about Watchard Kedjebo. You met him at a funeral for a youth,
22 one of the youth. And you also see him here at the funeral for Mr Baygboe, General
23 Baygboe. So you see him twice in this time in Abidjan after the (Overlapping speakers)

24 A. [10:43:28] No. At the time I met him, I did not have the diary by then. He came
25 on his own personal business. It was at the party that I got his number.

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1 Q. Okay.

2 A. That was the time he came for the vigil. He was a friendly guy also, so that's it.
3 That was my second time meeting him. At the time he gave me this number, there was
4 no problem with Baygboe or that. It was a friend of mine who introduced me to him and
5 then he gave this number. And it was my friend who wrote the number for me. And
6 later I took the paper and kept it.

7 MS PACK: [10:44:08] Okay. Now I'm going to move please to page 1344 of the
8 agenda, and it also should be private. And I do have the original page also if Mr Usher
9 could take that to the witness to look at.

10 PRESIDING JUDGE TARFUSSER: [10:44:38] Of course.

11 MS PACK: [10:45:06] It is actually the top page on this screen. In fact, we can just
12 look at the whole thing and I can read it. I think we can read it enough.

13 Q. [10:45:20] So look at this screen and what you have in front of you. And I hope
14 you can see it in front of you now, these two pages together, joined together, yes?

15 A. [10:45:28] Uh-huh.

16 Q. [10:45:29] And I'm going to read out a name there at the top page in the middle, it
17 says "Mission." And then after that I think it actually says "Baygboe," this name I've been
18 spelling frequently onto the record.

19 Can you tell me first, Mission, do you know -- and there's a number under there as well,
20 which I won't read out. It says "Mission" and there's a number, so do you know why
21 that's -- why do you have his name there written on your agenda?

22 MR O'SHEA: [10:46:08] I'm sorry, I just have --

23 THE WITNESS: [10:46:09] (Interpretation) He's my friend. I told you from the
24 beginning that this is my private issue. Mission was my friend. He is not part of
25 anything. I told you yesterday that Mission and I are friends. The thing that I see here

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1 talking about lieutenant or so, I think you can go through it, it will speak for itself.

2 PRESIDING JUDGE TARFUSSER: [10:46:39] Mr O'Shea.

3 MR O'SHEA: [10:46:40] Sorry. I've just been requested to ask Ms Pack, my learned
4 friend, that when she's reading out the references, to do so slowly because we're not
5 having a chance to capture them sometimes.

6 PRESIDING JUDGE TARFUSSER: [10:46:55] Okay.

7 MS PACK: [10:46:56] I'm sorry, and I can even just perhaps in a break, if there are any
8 missing, I can just provide them.

9 PRESIDING JUDGE TARFUSSER: [10:47:02] Yes, but first --

10 MS PACK: [10:47:04] We'll try and make sure I've done that, but I will do better.

11 PRESIDING JUDGE TARFUSSER: [10:47:06] First of all, do better.

12 MS PACK: [10:47:08] Yes.

13 PRESIDING JUDGE TARFUSSER: [10:47:08] And if there is a mistake, we can get back
14 to it.

15 MS PACK: [10:47:10] I will do better in future. If there is anything from before, I will
16 provide it, if helpful.

17 Q. Now, we were just on this entry. You just told us about Mission, that's your friend.
18 Do you have any idea why there's also Baygboe written next to the name? It looks like
19 it's in --

20 A. [10:47:36] Baygboe is not in the diary. Before I -- Baygboe had died ever since
21 even before I got the diary.

22 Q. [10:47:48] Now if you can turn over the two pages you have in front of you, just
23 turn them over, look at the other side.

24 And then for eCourt it would be at page 1343.

25 And just if you can confirm that what's on the screen is the same as the other side of the

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1 page I just showed you?

2 A. [10:48:30] No.

3 PRESIDING JUDGE TARFUSSER: [10:48:33] Yes, but how should -- why should he
4 confirm something which is documentary?

5 MS PACK: [10:48:39] Okay, that's fine.

6 Q. So look at --

7 PRESIDING JUDGE TARFUSSER: [10:48:40] And he can't read and should confirm
8 something what is documentary?

9 MS PACK: [10:48:44] Okay.

10 Q. [10:48:46] It is very difficult to see this on the screen, but if you look at the top left,
11 I'm just -- this is for the parties and the Chamber, the top left-hand there's a name. Just
12 on my printout I can see it, and it says Hamed, but we can zoom onto that, if possible, the
13 top left-hand's name. It says Hamed. And while that's zooming in, if I can just ask you,
14 do you know why the name Hamed --

15 PRESIDING JUDGE TARFUSSER: [10:49:10] We can see it. We can see it. Hamed,
16 we can see.

17 MS PACK: [10:49:12]

18 Q. Do you know why the name -- thank you, your Honour --

19 Why the name Hamed would be written there in your 2008 agenda?

20 A. [10:49:22] Hamed was a Liberian.

21 Q. [10:49:26] Okay.

22 A. [10:49:28] That's a private number to me.

23 Mr President, can you -- excuse me, please. I just want her to go to the diaries that have
24 some military dealings or military names and we can talk about that.

25 So if you see places where you have lieutenant this or lieutenant that or captain that, then

- 1 we can further up with this discussion, but then the area where you are is not helping.
- 2 Q. [10:49:58] There's only one more thing actually I wanted to show you, and it's
- 3 going just back to the agenda. We looked at this page earlier, but I want you to see the
- 4 original, and it is at page 1333 -- sorry, 1333, and the original we have here.
- 5 And just if we look at the top left of this page, you have the card.
- 6 This is private again, please, to the court officer.
- 7 You look at the top left, you have the card there for Kassaraté that you talked about earlier.
- 8 We don't need to talk about it again, but you have that now in your hand, yes?
- 9 A. [10:51:00] Yeah.
- 10 Q. [10:51:02] Okay. And then there is just one more page relatedly and it's page 1348,
- 11 private, it is the last one.
- 12 Now, on this page it's just again, and it is the second column, I'll read it out. It says,
- 13 written down there it has "Kassaraté" and it has numbers and for, it says -- sorry, it says
- 14 "Kassaraté Tiapé" and then it has a series of numbers below that.
- 15 So can you tell me why are Kassaraté names -- his name and these numbers, why are they
- 16 also written down here in your agenda?
- 17 A. [10:52:32] Yes, I received this card like I told you yesterday in 2002 at
- 18 Yamoussoukro. By then he was commander at the gendarmerie.
- 19 So when I got this diary I did not want to mix it up with other documents. I asked my
- 20 friend also to write this number here. And the same number that is on this other paper is
- 21 the same number that I have on this card. So I just asked him to write it down.
- 22 Q. [10:53:14] Thank you, Mr Tarlue. Now, that is it on your agenda. No more
- 23 questions about your agenda from me.
- 24 A. [10:53:22] Okay.
- 25 Q. [10:53:24] Okay.

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1 MS PACK: [10:53:25] Now, your Honours, I was going to move on to another topic
2 with the witness, but there is something I would like to raise if I can in private, well, in the
3 absence of the witness with your Honours. So if now is a convenient time, if we're taking
4 the usual break, it's 11, I can do that in a couple of minutes now and let --

5 PRESIDING JUDGE TARFUSSER: [10:53:45] Without the witness?

6 MS PACK: [10:53:46] Without the witness. There is this one little issue related to this
7 that I would like to just deal with.

8 PRESIDING JUDGE TARFUSSER: [10:53:49] So, Mr Witness, you can have the break
9 for half an hour, a little bit more, and we'll be back at 11.30, you will be back at 11.30 as
10 well.

11 THE WITNESS: (Interpretation) Thank you.

12 (The witness stands down)

13 PRESIDING JUDGE TARFUSSER: [10:54:11] Ms Pack, we are wondering.

14 MS PACK: [10:54:14] Yes, your Honour. Just in looking through the papers that were
15 with the agenda, there were just -- Prosecution just identified two further documents that
16 we would like to have copied. I'm in your hands. They're not ones that were copied
17 before, and there are two pages that were in the pile of agenda pages and separate receipts.
18 So they're two receipts, and I'll just tell you what they say so that you know why I am
19 making this request. They don't have -- they're not interesting in themselves, the receipts,
20 but the name at the top that they're addressed to is Talou, spelt T-A-L-O-U, Junior, on
21 both of these.

22 And, your Honours, in an effort to find some clarity with the different ways in which the
23 witness is described and named, I'm also thinking about the receipt that your Honours
24 saw yesterday, the invoice your Honours saw yesterday for the hotel in Koumassi 05.
25 We would ask just to have those admitted -- copied, submitted.

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1 PRESIDING JUDGE TARFUSSER: [10:55:24] Sorry, sorry. What now, just for the
2 record, what is the date of the two?

3 MS PACK: [10:55:28] Yes, one is 13 July 2009, I think, and the other is 13th of
4 something 2008. And they're unrelated to anything of any consequence to our case in
5 terms of their content.

6 PRESIDING JUDGE TARFUSSER: [10:55:46] The Defence.

7 MR O'SHEA: [10:55:49] No, your Honours, would be our response. The background
8 to this is that the Chamber asked for the witness to bring in the diary. A few additional
9 documents have arrived with the diary. It is not at this stage of the proceedings that we
10 have additional evidence. I can see that there may be exceptional circumstances where
11 evidence is highly relevant and the Chamber may exercise discretion, but this is not one of
12 those circumstances.

13 PRESIDING JUDGE TARFUSSER: [10:56:22] Defence for Mr Blé Goudé. Yes.

14 MR ZOKOU: [10:56:34] (Interpretation) We support the position taken by our
15 learned friend. This document is not to be found within the database, nor has it been
16 disclosed, and we really see no reason why it should be put on the record at this point in
17 time. It's not part of the actual diary and we really have no idea where the document has
18 come from.

19 PRESIDING JUDGE TARFUSSER: [10:56:56] Okay.

20 MR MACDONALD: [10:56:59] Just one -- no, just one.

21 PRESIDING JUDGE TARFUSSER: [10:57:02] Yes, but it can't be like this. I mean, you
22 make a request, the parties answer and that's it.

23 MR MACDONALD: [10:57:08] Yes, but the requests are being made, your Honour, on
24 the spot.

25 PRESIDING JUDGE TARFUSSER: [10:57:10] Yes, I know. I do know, yes.

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- 1 MR MACDONALD: [10:57:12] And then sometimes there's further information that
2 can be provided --
- 3 PRESIDING JUDGE TARFUSSER: [10:57:15] Yes, but --
- 4 MR MACDONALD: [10:57:18] -- which would help, because what you're going to come
5 back and say is, like the decision you said yesterday, it's not on our LOE.
- 6 PRESIDING JUDGE TARFUSSER: [10:57:23] You don't know what we say when we
7 come back. Mr MacDonald, please. You don't know what we say when we come back.
8 You don't know.
- 9 MR MACDONALD: [10:57:32] But if you refer to your decision whereby you said the
10 incriminating deadline has passed and, therefore, we're foreclosed, then you need to
11 know why now we're asking this, what is new that we didn't know at the time which
12 would lead to understand why we're asking for it now. I think that will be maybe the
13 logic.
- 14 So if that is the case, then we can continue this legal debate at 11.30 if need be --
- 15 PRESIDING JUDGE TARFUSSER: [10:58:00] No, we --
- 16 MR MACDONALD: [10:58:02] -- on that very specific issue.
- 17 PRESIDING JUDGE TARFUSSER: [10:58:03] I mean, the problem is if I now give you
18 the floor, then we will have to give the floor again to the Defence, and then we are
19 playing -- so you made an application, I give the floor to the Defence and then we decide
20 on this application. That's it.
- 21 Thank you. The hearing is adjourned to 11.30.
- 22 THE COURT USHER: [10:58:26] All rise.
- 23 (Recess taken at 10.58 a.m.)
- 24 (Upon resuming in open session at 11.34 a.m.)
- 25 THE COURT USHER: [11:34:00] All rise.

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1 Please be seated.

2 PRESIDING JUDGE TARFUSSER: [11:35:08] The floor is again to the Office of the
3 Prosecutor for the last session, I would say.

4 MS PACK: [11:35:17] Yes, I very much hope so, your Honour.

5 PRESIDING JUDGE TARFUSSER: I very much hope so.

6 MS PACK: Very much hope so.

7 PRESIDING JUDGE TARFUSSER: [11:35:23] Okay.

8 MS PACK: [11:35:24] I will do my absolute best.

9 Q. [11:35:31] Now, Mr Tarlue, we're moving away now from this middle period and
10 we're going back to the time after the elections in 2010 that you were talking about
11 yesterday, so just think about that time now. We're just going to stay at that time, just go
12 right to the end of the post-election crisis. That's what we're going to talk about now,
13 okay?

14 Now, you were talking yesterday about Cité rouge, the campus, and you told us there was
15 students on the campus, page 110 of the English realtime, line 3.

16 Can you help me with this, if you remember: Can you describe what any of the students
17 were wearing?

18 A. [11:36:44] At that time there was nothing like a uniform that the students were
19 wearing, because by then school -- school was not going on. After the elections there was
20 no school. So everybody was wearing civilian, ordinary civilian clothing.

21 Q. [11:37:05] Now, you described yesterday, and this is page 109, English realtime
22 transcript, lines 8 to 11, you were describing how it was that when you came back from
23 your mission at the checkpoint at the port at 6 o'clock in the evening, KB would take your
24 arms from you. He would take the arms and the ammunition back. Do you know what
25 he did with the arms and the ammunition after he took them back from you, from you,

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1 the Liberian guys?

2 A. [11:37:51] No, when -- actually when we got there, when he collected the arms and
3 ammunition, he will take them, put them back into the vehicles and then he would take all
4 of them to where he came from.

5 So always he will -- before we get to the Cité rouge, he will collect the arms and
6 ammunition and even the uniforms from us, and then he will take it to his camp. He
7 never left the arms and ammunition with us at the Cité rouge.

8 And at any time we were leaving, he will move us from the Cité rouge going to the port,
9 and then after the headquarters, he would then allow us to retake the uniforms and the
10 arms and ammunition.

11 Q. [11:38:42] Do you know where his --

12 THE INTERPRETER: [11:38:45] Microphone, please, Counsel.

13 MS PACK: [11:38:50]

14 Q. [11:38:51] Do you know which was his camp; and if you don't, don't worry, but if
15 you know?

16 A. [11:39:00] Well, the camp was at Plateau. But I don't know exactly how they refer
17 to the place. It was from the marine, the marine base. He would only come for -- come
18 and collect us in the morning and then we will move to the port, because our place was
19 not that far from the port.

20 Q. [11:39:23] And then just this question then about when he collects you and you get
21 your uniforms and you get the weapons back, you get the ammunition back, where does
22 he give those to you? Does he give them to you at Cité rouge, or do you go somewhere
23 else before you get to the port?

24 A. [11:39:43] I said always he does that at the marine barracks. He will collect us
25 from Cité rouge and take us to the marine barracks. That is where we dress up in the

1 military fatigue and then he will give the arms and ammunition to us.

2 Q. [11:40:11] These marine barracks that he took you to, can you describe where they
3 are near?

4 A. [11:40:19] No, I don't know because ...

5 Q. [11:40:27] Go on.

6 PRESIDING JUDGE TARFUSSER: [11:40:28] Because?

7 THE WITNESS: [11:40:31] Huh?

8 PRESIDING JUDGE TARFUSSER: [11:40:33] You don't know because?

9 THE WITNESS: [11:40:37] (Interpretation) I said I don't know because when we got
10 there, I will only do the things that I was supposed to do so that we move out.

11 MS PACK: [11:41:09]

12 Q. [11:41:10] Now, you also talked yesterday about KB's unit in Cité rouge. I just
13 want to ask you about this a little. Can you tell us how many men were in KB's unit?

14 A. [11:41:33] But when you talk about unit -- when we talk about unit in the military
15 it could be something like 12 men. But he will not move with all his team to collect us at
16 the Cité rouge. And then when we are collected at the Cité rouge, when we get back to
17 his barracks, then he will pick up all of his men.

18 But he did not take much security personnel with him when he was coming to collect us
19 at the Cité rouge, so I cannot actually tell how many men. but he had his unit, but we
20 were not counting all of them at the time. and then he will only come with few men,
21 collect us at the Cité rouge, maybe two or three people, he will come with two or three
22 people. And then when, when they collect us then we will go. But when they come for
23 us, at that moment we will not be wearing uniforms. They will collect us, we will go to
24 the camp, that is where they give us the uniforms and then we wear them.

25 Q. [11:42:39] And then you said just now that at the barracks he picks up all his men.

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1 So do these men come with you also to the checkpoint or --

2 A. [11:42:54] Yes, we can go to the checkpoint alone. He will bring his own men,
3 add them on to us and then we all work together.

4 Q. [11:43:04] So how many men did he bring?

5 A. [11:43:13] They were not too much, maybe there could be five to six, including
6 himself, and then for us also, the Liberians, we can be like five, six, seven to eight.

7 Q. [11:43:37] Now, I want to just make sure we are clear on all the times that things
8 happen. And I know it's difficult for you to remember the months and the dates of
9 everything.

10 A. [11:43:52] Uh-huh.

11 Q. [11:43:53] So we're just now talking about the time from the elections in
12 Côte d'Ivoire in 2010 to the end of the crisis in April 2011, that time. Now I want to ask
13 you this, you've been asked before about the march on RTI, and just to answer this
14 question: Where were you staying at the time of the march on RTI?

15 A. [11:44:29] Before the riot started, the riot, when it started and when it was ongoing,
16 I was at Deux Plateaux. And that was where I was when the march took place, the first
17 march that took place at RTI.

18 Q. [11:44:47] So the march on 16 December, where were you then, the 16 December
19 march?

20 A. [11:45:01] Maybe that is the same march that we are both referring to. I said I was
21 at the house -- I was --

22 THE INTERPRETER: [11:45:11] Your Honour, could the witness be asked to slow
23 down and repeat that area.

24 PRESIDING JUDGE TARFUSSER: [11:45:15] I have to stop you again and to slow you
25 down. No, no, wait, wait, wait because -- until I don't move the --

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1 THE WITNESS: [11:45:28] (Interpretation) Okay, okay.

2 PRESIDING JUDGE TARFUSSER: [11:45:31] (Microphone not activated)

3 THE WITNESS: [11:45:32] (Interpretation) Okay.

4 I said before the march I was, I was in Hubert Oulaï's house, and that was where I was.

5 But after the march all of us came outside, we went there, we went -- we tried to see what
6 was happening and we realised that everything had subsided, everything was almost
7 finished and then I went back to the Plateau.

8 MS PACK: [11:46:27]

9 Q. [11:46:27] Now, I want to refer you please to your interview with the Prosecution.

10 And I'm going to give you some references just right away, please. And it is 0085-0693,
11 at page 0725, that's the original. The French is 0088-0422, at page 455. And then the
12 English is 0096-0405, and that's at page 0437. And it's lines, in the English, if I give the
13 lines it is lines 1087 to 1094:

14 "Question," this is what you were asked in your interview:

15 "Question: Okay, so and then there's the march there, 16 December."

16 Interpreter says: "Was the riot on 16 December?"

17 You answer: "Yes, the riots.

18 Question: So if I understand well, by then, by that riot you had been living already at the

19 "Cité rouge for one month?"

20 Interpreter says: "During the riots, you were staying in Cité rouge?"

21 Answer: Yes, we lived in Cité rouge for one month."

22 And the question is: "Okay, so then there's this day and the following day you call
23 Hubert Oulaï?"

24 And you answer: Hmmm. After the riots we went on the same day. I tried to call him,
25 but he didn't pick the call. But he picked up on the call on the next day.

1 Interpreter: On the day of the riots on 16 December."

2 And you say: "I was calling him, but he never picked up."

3 And then it goes on and that finishes at line 1100.

4 So can you tell me, please, is that what you said in the interview?

5 A. [11:49:32] Yes, but the time that they are giving here, the 16th, I did not tell them
6 the exact time, because I could not recall. I think they should have had the correct time
7 by themselves, and they posed the time to me and I answered yes. I did not give them
8 the time. The time frame was not given by me, it is they who estimated the time. And
9 they asked me the question, so we discussed on it and I agreed, I said yes, because they
10 could have been accurate on the specific time, but I was -- did not recall the time, but I
11 knew that I was at Cité rouge.

12 When I tried calling him, he did not pick the call. Then I tried to find a way to go to his
13 house and I went there. So the time you are referring to here, the 16th, was not estimated
14 by me, I did not say it exactly. They were the ones who estimated it and asked me, and I
15 answered.

16 And the riot actually took place. All the things that you have said here about the riot is
17 true. I said them. But with regards the timing, that time, the 16th, I did not say it
18 exactly. It was they who estimated it and asked me, and I answered.

19 Q. [11:50:57] Let's think hard about the place, Cité rouge that you are talking about,
20 the place Cité rouge.

21 And we look again at the same transcript. In the English it's at page -- it's at page 430,
22 0430.

23 And let me give you, for the benefit of the Defence teams, also the French transcript
24 references. It's 0088-0422, at page 449. Okay, so we start from -- okay, let me just start
25 with this. Okay, you're being asked about the 16 December march.

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- 1 Let's not show this in public please, because there's a name there. Can we have it
2 private? Thank you. An investigator name. Just the name -- just the transcript private.
3 Right, so you're asked:
4 "Question: Okay, do you mean the marches on 16 December?
5 Answer: Yes, yes, they came like this. Some came by road, some came from this side.
6 They could not pass at the other side because the youth were manning Cité rouge. They
7 were with Gbagbo, and they didn't use this side. This side was open to them and they
8 used it to get to the RTI.
9 Question: Let's for - an investigator name - to understand. So people, the marchers,
10 who were coming to --
11 Your answer: All this -- from all this place.
12 Question: They were coming from Boulevard des Martyr and Boulevard François
13 Mitterand, Boulevard de l'université towards the RTI which is there.
14 Answer: Yeah, yeah.
15 Question: They didn't come through the Boulevard de France because that's next to
16 the..."
17 Interpreter says: "To the Cité rouge."
18 You say: "Cité rouge.
19 And that was controlled by the" --
20 Oh, sorry. The question says:
21 "Cité rouge and that was controlled by the" --
22 And you say: The Gbagbo youth at line 851.
23 So I stop there at line 851 in the English.
24 So first question, is this something you remember saying to the investigators when they
25 interviewed you?

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1 A. [11:54:31] Yes, it is something that I remember saying, but I think I have some
2 explanation to that.

3 Q. [11:54:40] Well, before you give your explanation, can you tell me is it true, is it
4 correct, you were saying the truth?

5 A. [11:54:48] Yes.

6 Q. [11:54:50] And I'll let you come to your explanation, but just answer me this:

7 So you were at Cité rouge at the time of this march, the march on RTI on 16 December?

8 A. [11:55:09] The problem that we have here -- I just want to say something, because
9 the interpreter that was brought to me at that time was a Nigerian. He was not actually
10 comprehending the things that I was saying, so he would have to ask me to repeat many
11 times.

12 THE INTERPRETER: [11:55:30] Your Honours, Mr President, could the witness be
13 asked to slow down again and repeat that area.

14 PRESIDING JUDGE TARFUSSER: [11:55:35] Okay. Please slow down.

15 MS PACK:

16 Q. [11:55:44] Please just go on. Just slowly.

17 A. [11:55:46] Okay. What I was saying is that I was going -- I was at Cité rouge, but I
18 did not go to Cité rouge, and whilst I was coming, people were marching from Californie
19 Avenue, and people were being taken to come to the embassy of the Angolan embassy,
20 something like that.

21 So the names you are calling, Marcel or this or that, I don't know those names. But the
22 marching was coming from two sides because they could not have used the route from
23 Plateau, because the Plateau direction was going towards the school campus, and the
24 youths were -- had blocked Cité rouge, they were seated there. So the only route that
25 was coming from Deux Plateaux to come to RTI and was -- I was walking along coming

1 towards the area, but I did not reach again because the time the marching was coming I
2 tried to call him, but he did not pick the call.

3 Q. [11:56:57] Please go on, but slowly.

4 A. [11:57:01] So I already saw the people that were coming, but I never knew they
5 were coming towards Cité rouge. So when I got to Cité rouge I asked, I said, "There is a
6 march coming towards this way," and I told the people there that I was going to my uncle
7 and I will be back.

8 So by the time I could get to my uncle, the people had already reached the RTI.

9 So by then the police had started sending the tear gas. *So by the time I returned from
10 Hubert Oulaï's house, the marching had subsided, it was almost completed. So by then I
11 did not call any names specifically like that. I said that there was a road coming from
12 Deux Plateaux and another road coming from Adjamé, and they were going towards the
13 Angolan embassy. So Boulevard des Marseilles and all of those things that you are
14 talking about, I don't know about them. I only knew about Cocody.

15 So, really, I was in the streets walking, and when these people were approaching, I just
16 decided to go straight to my uncle because by then we did not have anybody to protect us.
17 So I went to my uncle's place. I was there until the things subsided, because already so
18 many people knew me around the area that I was a gun carrier before. So if I see these
19 things there and if he asked me about these things there, I agree I said them, but all the
20 things that you are talking about Carrefour de Marseilles, Carrefour de France, Carrefour
21 de what, I don't know about them.

22 Q. [11:58:47] I'm referring again to the same interview --

23 PRESIDING JUDGE TARFUSSER: [11:58:49] But, excuse me, here we have some -- in the
24 transcript, "I agree I said them, but all the thing that you're talking about," and then he
25 said something which was not caught by the interpreter. "I don't know them," and I

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1 didn't understand either.

2 MS PACK: [11:59:11]

3 Q. So you --

4 THE WITNESS: [11:59:13] (Interpretation) I can still repeat that.

5 PRESIDING JUDGE TARFUSSER: Yes.

6 THE WITNESS: (Interpretation) Mr President, I can still repeat.

7 What I'm trying to say, she's talking about the junctions, and the only junction that I know
8 is the Carrefour de la Vie and the route that was coming from Adjamé, because they were
9 coming from Adjamé side and Deux Plateaux side, the marchers. So Carrefour de
10 Marseilles and the other carrefours or the other roundabouts that she is talking about I
11 don't know. I only know about the two junctions that I have referred to.

12 So the other one that she's talking about I don't know, but all the rest of the things that she
13 asked me about I do understand, I agree with them, but the connections and the other
14 junctions or intersections that she is talking about, *I don't know about them, so that
15 was -- those were the two routes that the marchers took to come to the RTI.

16 PRESIDING JUDGE TARFUSSER: [12:00:05] Just for the record when he talks about
17 she, and it's not very polite, you mean Madam Prosecutor, right?

18 THE WITNESS: (Speaks English) Yeah.

19 PRESIDING JUDGE TARFUSSER: Okay.

20 MS PACK:

21 Q. [12:00:17] And let's just get those names right on the record now, and just slowly
22 because I think you said Carrefour de la Vie, yes? You just mentioned --

23 A. [12:00:24] (Speaks English) Yes.

24 Q. -- Carrefour de la Vie, which is --

25 A. Uh-huh.

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1 Q. [12:00:25] -- I think we have -- can get that on the record quite easily.

2 Okay, and the other place that you mentioned just now -- yeah, this was the only carrefour
3 that you mentioned just now.

4 And you know, do you, the road, do you know the road that Cité rouge is on, the
5 boulevard?

6 A. [12:00:59] No, I don't know the name boulevard. But when coming to Cité rouge,
7 they did not use that route. They only used the route from Deux Plateaux and Adjamé.

8 And the other routes that were going to RTI, where they have the Angolan embassy,
9 those are the two routes that they used, and these ones came from that side and the others
10 came from the other side.

11 So should you bring the map before me and show me it, then I will be able to describe
12 exactly the routes that they took. I can't read, so I don't know the boulevard.

13 Q. [12:01:38] You would feel comfortable looking at a map?

14 PRESIDING JUDGE TARFUSSER: [12:01:42] Yes, but I think we could also look at the
15 map --

16 THE WITNESS: [12:01:44] (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: [12:01:46] -- without the witness. We can also read
18 maps.

19 MS PACK: [12:01:50] I think you can, your Honours.

20 PRESIDING JUDGE TARFUSSER: [12:01:51] Yes.

21 MS PACK: [12:01:52]

22 Q. Let me just describe, just to understand what you're describing is you're saying that
23 the marchers *came from the top, above RTI, and you say that Cité rouge is below RTI, if
24 you look at the map?

25 A. [12:02:11] Can I print something here?

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- 1 PRESIDING JUDGE TARFUSSER: [12:02:17] Of course you can.
- 2 MS PACK: [12:02:20] If necessary, we can -- the witness has looked at a map before on
- 3 this, so we can just show him the one he looked at.
- 4 THE WITNESS: (Interpretation) [12:02:28] Yes, well, I'm not really a good map reader.
- 5 The map will not allow me to understand better. But should you give me a paper now, I
- 6 will be able to describe how the thing took place.
- 7 Q. [12:02:47] Okay.
- 8 PRESIDING JUDGE TARFUSSER: [12:02:48] He can also draw on the screen.
- 9 MS PACK: [12:02:51]
- 10 Q. Yes, I think a pen is being provided for you to draw on the screen.
- 11 THE WITNESS: [12:03:02] (Interpretation) Okay, no problem.
- 12 In the middle here, in the middle here where you see a mark is Cité rouge. Across the
- 13 road, this is RTI. Here is Carrefour de la Vie.
- 14 MS PACK:
- 15 Q. Stop a minute.
- 16 A. And here they had the Angolan embassy.
- 17 Q. You know how to write the letters ABC?
- 18 PRESIDING JUDGE TARFUSSER: [12:04:21] No.
- 19 MS PACK: [12:04:23] No?
- 20 THE WITNESS: [12:04:23] (Interpretation) Yes, yes.
- 21 MS PACK: [12:04:26]
- 22 Q. Yes? Okay. I think you can write letters if I tell you them. So you write "A."
- 23 A. [12:04:31] Okay, no problem.
- 24 Q. [12:04:32] You write "A" for Cité rouge.
- 25 A. [12:04:35] "A" is the Cité rouge.

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1 Q. Okay.

2 A. "B" is the RTI. "C" is Carrefour de la Vie. And "D" is the Angolan embassy. And
3 the road back of the embassy is the road that goes to Adjamé. And the road that is
4 coming here directly is from the Plateau. And the other road is for the école de
5 gendarmerie. Where the "C" is is where they came from. And opposite the embassy
6 from Adjamé is the other routes that they took.

7 So all these other areas that you are seeing here, so where you have the "E," they had a lot
8 of youths there, so you could not have used that route. So it goes to the Plateau. So the
9 road that is coming from Cité rouge it crosses over.

10 And here you have Marcel Gossio's place. And this is where you have his house right in
11 front.

12 So I took this other route, from the embassy, and I went directly through, and then I told
13 some people there that a riot is coming towards them. And this is where Oulaï's house
14 was, at the back there.

15 Q. Okay. Stop.

16 A. So around this whole area were the youths who were for the president.

17 Q. [12:06:11] You just have to mark, you have to mark with "F" Marcel Gossio, his
18 place.

19 A. (Speaks English) Yeah.

20 Q. And "G," please, Hubert Oulaï. So can you mark that, please, because you just said
21 the name.

22 A. [12:06:26] Pardon?

23 Q. [12:06:28] F.

24 A. [12:06:28] It's not F, it's E. E. Marcel Gossio will be F, and Hubert Oulaï will
25 be --

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1 Q. [12:06:38] You go "X," put "X" for Hubert Oulaï, okay?

2 A. [12:06:41] Okay, okay.

3 Q. [12:06:46] Thanks.

4 Okay, that's it for the map. Your Honour, I leave it there.

5 Thank you, Mr Tarlue. Now, we just go back.

6 So you have described quite carefully where Cité rouge is compared to RTI.

7 A. [12:07:03] Yes.

8 MS PACK: [12:07:05] We make sure that the screenshot is captured. Of course I'm
9 sure it will be.

10 PRESIDING JUDGE TARFUSSER: [12:07:10] Yes, of course, it will become a number,
11 which will be communicated now by the court officer.

12 THE COURT OFFICER: [12:07:17] Thank you very much. So the map as drawn by
13 the witness will bear a number CIV-REG-0001-0023.

14 PRESIDING JUDGE TARFUSSER: [12:07:30] Thank you.

15 The floor is yours.

16 MS PACK: [12:07:40]

17 Q. [12:07:40] Now you're telling us that you leave Cité rouge at one point, you're
18 walking, you go to your uncle's during the day time on that day of the march on RTI, you
19 were at Cité rouge; is that right?

20 A. [12:07:57] Yes, I was, I was at Cité rouge because by then we already had a
21 problem with KB. And I was at Deux Plateaux, I saw the march was coming closer, so I
22 moved. I did not have anybody there or money with me to protect me. So I decided to
23 go back towards the Cité rouge.

24 So from there I went to my uncle to get some money. The things that you saw written on
25 the paper were true. But about boulevard, I don't know the boulevard. But Hubert

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1 Oulaï was here, his house was here, and the other road was going to Plateau, and the
2 other road was from Cité rouge going all the way to Adjamé.

3 And at the back of the Angolan embassy, another road was going *direct to Deux
4 Plateaux. And from the two points, the two directions were where the riots came from,
5 the march pass came from.

6 Q. [12:08:59] Sorry, just for the record, you're pointing obviously going upwards from
7 bottom to top on the map is where Adjamé is. You don't need to answer that, I'm just
8 recording what you were showing with your hands.

9 Now let me just ask you a question about this day just to be clear. So the other Liberians,
10 the 13, 14 Liberians who were with you at Cité rouge were they also at Cité rouge on
11 16 December?

12 A. [12:09:31] Yes, when we started that mission on the 16th -- if you are talking about
13 the 16th, I told you that I did not recall the exact time, I was not accurate on the times, but
14 they suggested the time to me and then I answered yes. The investigator told me that
15 they knew the date that the riot took place, so they asked me and I answered.

16 MS PACK: [12:09:59] I'd like to go into private session just for a few moments, please.

17 PRESIDING JUDGE TARFUSSER: [12:10:03] Let's go into private session.

18 *(Private session at 12.10 p.m.) Reclassified into open session

19 THE COURT OFFICER: [12:10:09] We are in private session, your Honour.

20 PRESIDING JUDGE TARFUSSER: [12:10:21] Yes.

21 MS PACK: [12:10:22]

22 Q. I want to ask you a few more questions about 16 December. We are in private
23 session.

24 A. [12:10:27] Yeah.

25 Q. [12:10:29] I want to be clear what you say, you and the other Liberians, where you

1 were on 16 December.

2 A. [12:10:42] Uh-huh.

3 Q. [12:10:43] So are we clear? Okay?

4 A. [12:10:46] Yeah, it's clear.

5 Q. [12:10:48] And we are in private session now and I would ask that you think about
6 what you say.

7 A. [12:10:55] Yeah, uh-huh.

8 Q. [12:10:58] And you tell the truth, okay?

9 A. [12:11:01] Uh-huh, and nothing but the truth.

10 PRESIDING JUDGE TARFUSSER: [12:11:03] And now the question, please.

11 MS PACK: [12:11:06]

12 Q. [12:11:06] Now, you've said in your interview, same page for the English, page 430,
13 you said at line 853, you were asked that you said yourself:

14 "So at this point here we heard boom, tear gas was fired, we wanted to get off from here,
15 but KB told us not to do so."

16 So here is that correct what you said? You're describing what you heard on 16 December
17 from Cité rouge?

18 A. [12:11:44] Yes, I said that, but it was not on the 16th, it was not on the riot date.

19 After the riot, it was -- the day we came from the checkpoint, when we came back, we
20 were seated in a bar when firing took place outside.

21 The firing that went outside that killed some of the youths, it was not on 16 December.

22 When the riot came on 16 December, it was only tear gas that was fired. It was not the
23 day that the firing took place in front of Cité rouge.

24 So that was what I said. So we tried to call him, he said he was trying to call somebody,
25 but he never came back. So on the date of the riot it was only tear gas that was fired

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1 around. Nothing, nothing like that happened on that particular date.

2 Q. [12:12:46] You see, it's quite specific what you say about hearing the tear gas fire,
3 so I want to just be sure.

4 PRESIDING JUDGE TARFUSSER: [12:12:53] Yes, but excuse me.

5 MS PACK: [12:12:55] Okay.

6 PRESIDING JUDGE TARFUSSER: [12:12:56] Excuse me. The witness is saying
7 something. You are confronting him with his previous statement, which is in
8 contradiction with -- or it seems to be in contradiction with what you say. Now he gave
9 an answer. And then it is up to us to discuss about it and to evaluate it. I don't think
10 one can get much further.

11 And I think I got your opposition.

12 MR GBOUGNON: [12:13:28] (Interpretation) Yes, you have understood. That was
13 the first part of what I wanted to say. But the second part of what I want to say is I don't
14 know what we're doing in private session.

15 PRESIDING JUDGE TARFUSSER: [12:13:38] That's another, please. I don't know -- I
16 also don't know why we go in private session to confront. Where is the problem in
17 confronting it in public session? But okay.

18 MS PACK: [12:13:50] Well, there are 16 December, it's an incident that is --

19 PRESIDING JUDGE TARFUSSER: [12:13:52] Yes.

20 MS PACK: [12:13:53] -- charged.

21 PRESIDING JUDGE TARFUSSER: [12:13:54] Yes, well --

22 MS PACK: [12:13:56] I want to be careful and make sure that -- I know the witness is
23 represented --

24 PRESIDING JUDGE TARFUSSER: Yes, okay.

25 MS PACK: -- but I am being careful.

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- 1 PRESIDING JUDGE TARFUSSER: [12:14:00] Okay, but I don't think there is a need to
2 go into private session if we confront somebody with a previous statement.
3 Please, let's go into open session and continue. We have 45 minutes --
4 MS PACK: [12:14:12] Yes.
5 PRESIDING JUDGE TARFUSSER: [12:14:13] -- before 1 o'clock.
6 MS PACK: [12:14:15] And I think we can reclassify the last bit --
7 PRESIDING JUDGE TARFUSSER: Yes, yes.
8 MS PACK: -- that mean that it had to stay in private session, reclassify it to public.
9 (Open session at 12.14 p.m.)
10 THE COURT OFFICER: [12:14:27] We are in open session.
11 PRESIDING JUDGE TARFUSSER: [12:14:29] Thank you. The floor is yours.
12 MS PACK: [12:14:31]
13 Q. [12:14:31] Okay, we are moving on from there, from 16 December.
14 And I'm going to ask you, please, about what you told us yesterday when Séka, Séka
15 came, he collected you, he took you to the residence, the presidential residence. That's
16 page 111, realtime transcript, lines 17 to 18.
17 And you tell us yesterday, page 78 of the realtime transcript, lines 17 to 21, you say this,
18 and I want to ask you about it, you say, about Séka:
19 "In about five days he came back to us and said that I cannot give anything to you without
20 you showing me evidences or proofs to show that you have been fighting before. And
21 when we showed him, he tried for -- for us to experiment on the arms to prove to him that
22 we actually understood about arms."
23 And that's what your conversation with -- with Séka. So my question is: Where, what
24 did you do to show him, to experiment with arms, what did you do to prove to him that
25 you understood about arms? Where did you go? What did you do?

1 A. [12:16:14] When Séka arrived on the campus, he told us that he wanted us to help
2 him, but the information he got was that he did not know whether we were trained
3 guards, so he did not want to give arms and ammunition to somebody who could not use
4 them correctly, to kill someone unnecessarily.
5 So he took us in his car and we went to the barracks. So we went to Agban, a part of
6 Agban. That was when he called each and every one of us and he asked us whether we
7 knew about arms, we said yes, and he gave us the arms, in the first place, to each and
8 everybody.
9 And they put a poster in front of us to see how we did our firing. And we did all the
10 experimentation and he was satisfied with us. And he took us back to Cité rouge.
11 So when things were getting really bad, he was supposed to come and collect us at that
12 same hour, but he never came. He waited until the following day and he came and
13 collected us to his house. And there was not much distance between his -- Hubert
14 Oulai's house and his own house. *So when he came he told us that, "Gentlemen, I will
15 be getting ready for you guys."
16 And when he came back to Cité rouge, that same day he brought us back, at night a lot of
17 firing took place. So things were not actually okay.
18 And the following morning, from what I was explaining to you, the youth got firing and
19 KB came. KB was waiting for him because he was supposed to meet us so that we could
20 see how he could do things.
21 And around about 6 o'clock in the evening was when the firing took place against the
22 youth at Adjamé. So when the firing took place we were depending on KB to wait for us
23 to pick us and drop us, but he did not tell us anything, he only came to us in the following
24 morning. And he tried to call, he told us he will come back to us. *He did not come
25 back until heavy firing took place.

1 So we saw that there was firing going on. *Then one of his workers came and told us
2 that, "KB is not here." He said, "KB ran away." And we said, "We do not have anything.
3 How could we do now?" So in between that particular time -- I know about war, so we
4 came out. Later when we came out, we saw some army people that were hit. And they
5 were well armed, they were lying down in the street dead. So we collected their arms
6 and we went to the other part of Cocody at Cité Mermoz. We were there waiting. We
7 were waiting for him. So he told us that in less than 30 minutes he wanted to know
8 where we were, he will join us. So we had a younger brother there who was -- we tried
9 to position him *at the place, at (incomprehensible) Mermoz, who is (incomprehensible).
10 And he told us in 30 minutes' time he will come.

11 *Q. [12:19:59] Just wait one moment because I see a word there. You said Cité
12 Mermoz, and it's M-E-R-M-O --

13 A. [12:20:07] That is in the same Cocody.

14 Q. [12:20:11] I'll just repeat it in case it wasn't caught: M-E-R-M-O-Z in -- and now
15 just go on, just finish please, but take it very slowly because there are names that I have to
16 make sure I spell, so just take it slowly.

17 A. [12:20:31] Okay, no problem.

18 So when we got to Mermoz, we were at Mermoz, one of -- we sent one of the younger
19 brothers ahead as assignment as a spy because we were at Cocody now, so we were
20 thinking how Séka could leave the residence to come and meet us. And he was on the
21 line with me talking with me on the telephone. He told us that he was at the house. So
22 I told my brother, I said, "Look at your watch, check the time, because he said in 30
23 minutes."

24 So whilst we were waiting for Séka we saw a vehicle with military uniforms in there. So
25 we thought it was Séka on his way, coming. We said the man said in an hour's time or 30

1 minutes' time.

2 So I told all my brothers to be in bold arms, so everybody fixed his magazine. So I got in
3 front of them, each of them to get -- to get to the vehicle. And right away, in the vehicle,
4 someone said, "That's the man." So automatically there was open firing. So they started
5 firing. And then we, too, we returned firing and then we tried to manoeuvre, but during
6 that period we lost two men on the spot.

7 So there was no way to get Séka from his residence. So I particularly used my own skills
8 because if I had wanted to be on your side I will not be shooting there, I will give you my
9 back and shooting at other directions. If I turn my back against you, you will know I'm
10 not an enemy, I will be shooting against, towards another area.

11 THE INTERPRETER: [12:22:23] Your Honour, the witness is running too fast.

12 PRESIDING JUDGE TARFUSSER: [12:22:26] The witness is running too fast. You are
13 running too fast.

14 MS PACK: [12:22:35]

15 Q. [12:22:35] Take it slow. And we just finish this particular account, this account
16 you're telling us about. We finish that and then I'm going to ask you some questions,
17 please.

18 A. [12:22:46] Okay, okay.

19 So when they were firing at us we tried hard to push them back. So we were contacting
20 Séka. His phone was continuously ringing. So we thought he was going to come and
21 catch up with us. So how could we go back to the residence. So we said, okay, since
22 there's nobody attacking us now, everybody turn our backs against the residence because
23 from Mermoz there was a straight road that was going, so when we turn our backs
24 against the residence nobody was attacking us. And when some people saw us giving
25 our backs to them, they thought we were not against them. So we tried hard to enter the

1 residence. And when we entered the residence -- and army people that I knew in 2002,
2 so army friends, they were calling me, "Junior, Junior, Junior Gbagbo, Junior Gbagbo."
3 So that was how we managed to return back to the residence.

4 Q. [12:23:45] Okay. Just answer me just a few words because I just want to know a
5 few specific things.

6 A. [12:23:54] Okay.

7 Q. [12:23:56] The residence now you are talking about, whose residence?

8 A. [12:24:01] It was the president's, the presidential residence.

9 Q. [12:24:05] Okay. Now I'm just going back to the beginning of what you said.
10 And keep it short. And then afterwards, if you want to say more, then please do, but just
11 for now keep it short.

12 You tell us that you go with Séka and you describe how you show him how you can
13 shoot. And you say each and every one, each and every one of you go with him. Who is
14 that, please, who goes with you?

15 A. [12:24:35] It was the same people that I told you that I was working with. KB and
16 all of us, the Liberians, who were going on the mission. It was -- all the guys that went
17 with me with Commander KB at the port, those were the same guys that I'm talking about,
18 and nobody else. We were the same people that went to Séka and nobody else. We
19 were numbers something like 14, 15, 16, something like that. And we were the same
20 people who managed to enter the residence.

21 Q. [12:25:13] You said before it's all the -- so it's the Liberian guys you've described,
22 and then did you say also KB as well went with you to the -- to Agban?

23 A. [12:25:27] No, Commander KB was not part of us at that time. KB was a marine.
24 He never went with us. At that time I'm talking about KB never went with us, it was
25 only with Séka Séka, Séka and his bodyguards and those of us who were together. We

1 never went with KB.

2 Q. [12:25:52] Do you know how KB and Séka how they know each other?

3 A. [12:26:00] They were all security personnel. They were supposed to know each
4 other. You cannot be a security man without knowing your fellow security men. They
5 were all military men. They -- yeah, they were in batches. They must have trained
6 either together or they trained in batches, so they should know each other, they belong to
7 the same army. So I did not know exactly how they managed to get in contact with each
8 other, but I know that they were all military men and they were -- they knew each other.

9 Q. [12:26:31] And you told us before, yesterday, that you were given instructions by
10 KB, he was the one, he told you to go to the checkpoint. Do you know who KB was
11 getting his instructions from?

12 A. [12:26:48] I don't know.

13 Q. [12:26:50] Okay.

14 PRESIDING JUDGE TARFUSSER: [12:26:55] Maître Gbougnon.

15 MR GBOUGNON: [12:26:56] (Interpretation) Mr President, I would like to point out
16 to my learned colleague that very often she is quoting excerpts, or what she refers to as
17 excerpts, without saying where she is getting them from. It would be preferable for all of
18 us to be able to follow. When she says that the witness said this or that yesterday, she
19 needs to provide us with a page and the sources in terms of transcript.

20 PRESIDING JUDGE TARFUSSER: [12:27:24] Thank you. True.

21 MS PACK: [12:27:26] True, yes. I was just -- actually, I was looking at what he just
22 said now and so I'm not referring. Yesterday -- let me just see. I can't find right now the
23 specific reference for KB and the checkpoint, but I mean we were talking about it all
24 yesterday. If my -- my colleague will look for it and can help my friend, then -- then
25 perhaps we can just wait for that.

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- 1 Q. [12:28:35] Now, let's just move on please. I want to take you to the residence.
- 2 PRESIDING JUDGE TARFUSSER: [12:28:41] Just when we are talking the time frame.
- 3 MS PACK: [12:28:48]
- 4 Q. [12:28:48] Now you go to the residence, the presidential residence. Can you just
- 5 try and think hard please what -- if you can remember the month when you moved there?
- 6 A. [12:29:02] I can't remember the month, but at that time the election results were out.
- 7 Maybe the -- the election results were out, but I cannot tell the exact time.
- 8 Q. [12:29:20] And you can tell us, please, when -- how long were you at the residence
- 9 when Mr Gbagbo was arrested? Were you there then?
- 10 A. [12:29:35] I think four to five months, something like that. We stayed there for
- 11 some time, but I cannot tell exactly.
- 12 Q. [12:29:43] Let's just go to the end. So at the end point when Mr Gbagbo was
- 13 arrested, were you at the residence or were you not at the residence then?
- 14 A. [12:29:53] At the residence? Before the election I was around the residence, but I
- 15 was not in the residence. It was only during the heavy attacks and during the
- 16 harassment of the president that I went there.
- 17 Q. [12:30:14] Okay. And up on the English transcript it says "Before the election I
- 18 was around the residence." I don't think that's what the witness said. I think he said
- 19 before the arrest you were around on the -- on the witness -- at the residence, is that right,
- 20 is that what you said, before the arrest?
- 21 A. [12:30:32] Yes, yes, yes, I was around the residence.
- 22 Q. [12:30:35] And you told us just now, and I can find the reference if need be, but just
- 23 now you told us that you went and you were trained with these other Liberian guys -- not
- 24 trained, excuse me, you went to Agban with these other Liberian guys. And did you
- 25 receive weapons from Séka?

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1 A. [12:30:58] No, that day we never received guns from Séka. Séka never gave us
2 arms. I told you at that moment, at the moment at -- of the attack when they fired at
3 Cité rouge, we were expecting -- how do they call him? We were expecting KB to come
4 and meet us. But he did not come. But after he saw the people that were dead already.
5 He was afraid. So he did not come. So when the firing became heavier, we tried to call
6 him to come and pick up, but he did not turn up. But when we got to the residence that
7 was the time we went under the command of Séka Séka. That was Séka Séka and his
8 own men.

9 Q. [12:31:46] Let me ask you about that. So when you got to the residence you were
10 under the command of Séka Séka. Tell us please why did he take you to the residence?
11 For what purpose?

12 A. [12:32:05] He did not take me to the residence, he was supposed to come and pick
13 us but he did not come. We used our own tactical measures to go to the residence.

14 Q. [12:32:17] Okay. You get there, you're there. I want to know why, why is it that
15 he wants you there at the residence? Why is it you were there at the residence? What
16 are you supposed to do there?

17 A. [12:32:28] At the residence? From the start, I told you that I fought for the
18 government. And my mission was not to go on the rebel side, because I was on the
19 government side already, anything could happen to me. And by then, because we were
20 protecting Gbagbo, so I was forced to go back to his residence, so I could not --

21 THE INTERPRETER: [12:32:56] Your Honour, Mr President, could the witness be
22 asked to go slowly again.

23 PRESIDING JUDGE TARFUSSER: [12:33:03] Slowly, slowly.

24 MS PACK: [12:33:16]

25 Q. [12:33:16] You need to just go slowly again. But what you were telling us about

1 what you told us from the start. What I want to know is you go to the residence and
2 what do you do there at the residence when you're there? You've told us you went with
3 these Liberian guys, the guys who were at Cité rouge with you, the guys who are former
4 LIMA, the guys who are Krahn men like you. You go to the residence. What do you do
5 there?

6 A. [12:33:52] I told you from the start that we were very few and we could not escape
7 totally. So we decided to join KB. So after everything, that was the only place that we
8 could have gone because when the attack was going on we could not have forced our way
9 to go to anywhere else. So we were forced because we had no option. And because we
10 loved the president we preferred that we go to his own place and protect him. So I could
11 not have gone to join the rebels, so I basically told them that they should join me to go to
12 the residence, to the presidential residence, so that was how we went and joined Séka
13 Séka.

14 Q. [12:34:36] Okay. We take this at the residence, this part, we take it slowly please
15 because it's important that what you say is interpreted and is written down, so we go
16 slowly, question answer, question answer, okay.

17 A. [12:34:52] Okay.

18 Q. [12:34:57] Now you just told us you go to the president, his place, and you go to
19 protect him, yes; is that right? You go there to protect the president?

20 A. [12:35:16] Yes. I was fighting for the government. So I was to protect the
21 president.

22 Q. [12:35:22] And you, you go with the Liberian guys, do you stay inside the
23 residential compound? Just to understand where you are.

24 A. [12:35:36] No. It was later that we actually entered the residence, but before that
25 we could not just sit at the residence. Maybe when something was going around against

1 the president in Cocody, I was the only person who could go there and clear it off. When
2 we got to the residence we went with Séka, we entered the residence and we came back
3 outside, and we were living opposite the presidential residence.

4 Q. [12:36:13] So you're living opposite the residence, you said, when you first get
5 there, when you're first working to protect the president. But, tell me, later, just to
6 understand, later you then go and you are living inside the residence, is that what you're
7 saying, later on?

8 A. [12:36:37] We never used to pass the night at the residence, but we were always
9 there. I used to run my own decision. So the house where we were housed was a little
10 mile away from the residence, it was a small hotel where people were no longer dwelling.

11 Q. [12:37:05] Do you know the name of the hotel?

12 A. [12:37:09] No, they just told us that it was a hotel, but we didn't know, so they took
13 us there and we stayed there.

14 Q. [12:37:18] Now, you've described how you got to the residence, you were
15 talk -- and you described now that you were going to protect the president, this is what
16 you were doing, your group, with Séka's group.

17 Now what, so you tell me now please, explain what was the actions that you took to
18 protect the president and the residence? What were you doing every day?

19 A. [12:37:53] Well, under usual circumstances, I think when you get there and ask
20 Séka, my name was given as Moby, my unit was called Moby 1.

21 Q. [12:38:11] Just wait a moment. We need to get that name correct. I think you
22 said -- just repeat the name again.

23 A. [12:38:22] My channel or my unit was called Moby, Moby 1. That was the name I
24 was using.

25 Q. [12:38:31] Is this Moby?

1 A. [12:38:37] (Speaks English) Moby Un.

2 Q. [12:38:38] Was it "un" as in French "1"?

3 A. [12:38:38] (Speaks English) Yeah, yeah, Moby Un. (Interpretation) Moby 1.

4 Q. [12:38:44] Okay. So Moby, M-O-B-Y, "Un" is "1," yes? And this was your radio
5 communication sign?

6 A. [12:38:50] Yes, that was the communication.

7 Q. [12:38:52] Okay. So you're explaining then how it is that you communicate with
8 Séka and your group when you are working and working with them?

9 A. [12:39:08] Sometimes when Séka leaves us he will be with his other men at Captain
10 Zoh. Séka is so very busy, sometimes he will not be with us, because the residence -- can
11 you again allow me to do some mapping on the screen so that I will explain properly?

12 Q. [12:39:35] Can we just finish, please. I just want to know from you, we can map
13 in a bit, but let's just find out now, I want to know what you were doing every day. So
14 you just tell me in your words and then, if we need to, then you can show me with the
15 map, but I want to know what you were doing every day you and your -- the Liberian
16 guys, what you're doing every day with Séka. And you mentioned Zoh, and we'll come
17 back to that.

18 A. [12:40:03] Well, when we were with the group, we and the military, we were
19 working with the military gendarmerie opposite the president's residence. The president
20 divided us into four to five, because we were to serve as the president's security.
21 Before we actually began to get closer, that was the time that they did the first
22 bombardment. All the heavy weapons that we were to use to protect the president were
23 bombarded by the French troops.

24 So the only thing that they were now doing was for us to be with our AK-47s and other
25 rifles to fight. At the time they did the bombardment was the time that we did a lot of

1 the job because almost every day people came to attack us. And that was how we
2 operated with Séka Séka.

3 Q. [12:41:07] Okay. I'm going to just ask you a few questions, just firstly on the
4 timing here that you're talking about. So you're talking about the time of the first
5 bombardment of -- bombardment of which place? Just say the place.

6 A. [12:41:23] The first bombardment of the residence that bombs down all the heavy
7 weapons that were at the residence.

8 Q. [12:41:35] At this time, at this time of the first bombardment, were you inside the
9 residence, staying inside the residence or still staying outside?

10 A. [12:41:47] No, at that time I was at the second department at the president's --
11 THE INTERPRETER: [12:41:57] Your Honours, could the witness be asked to slow
12 down again.

13 MS PACK: [12:42:05]

14 Q. Start again, but just slowly.

15 A. [12:42:09] (Interpretation) On that day, I was at the GR de la résidence. I was at
16 the (incomprehensible). On that particular day, they told me that Michel was walking
17 out, the president's son. You can ask that question and prove it. So they told me that he
18 was coming out. I told the commissaire, Katé, that they shouldn't allow him to come
19 outside.

20 Q. [12:42:41] Okay. There's just a slightly -- another thing that you've talked about
21 there and let me just deal with that and then I'm going to go back please to what you were
22 doing every day. But what you are talking about here is a time when you saw someone,
23 that you were told that someone called Michel, well, the president's son, was
24 working -- was there at the residence, was walking at the residence.
25 So he was there, did you see him yourself with your own eyes?

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1 A. [12:43:18] If you call Michel now, if you asked him, he will tell you he knows me
2 very well. It was as a result of me that he was not hit on that particular day. The
3 commander that was at the gate, Katé, told me that junior -- Michel told me that he wants
4 to go out. I said, "Who is Michel?" He said, "He is the president's son."

5 THE INTERPRETER: [12:43:42] Your Honours, could the witness take it slowly.

6 MS PACK: [12:43:51] Okay, so you were telling us about this time with Michel, the
7 president's son. Just take it slowly, what happened this time, this particular time that
8 you --

9 A. [12:44:04] Okay. So when Katé called me, he said, "Junior come."

10 I said, "What happened?"

11 He said, "Michel wants to come out."

12 And I said, "Is he coming out at this time when we are expecting people to attack us?"

13 He said, "He wants to leave at his free will. He wants to come outside." And said,

14 "Since it is looking this way, he should come."

15 So I joined him, opposite him, adjacent him with some of the securities and he said he did
16 not need much security.

17 I said, "Okay, I will go with you."

18 When we were going to the GR, when we entered, I had a hit on my -- I hit my left leg. I
19 told him, "I'm not happy that you are entering this place."

20 I said, "This is the military that is helping my father all the time. And I will just stay there
21 for something like 30 minutes."

22 And I said, "No problem."

23 So when we entered, he was trying to enter the bar, almost something like a mess. So
24 when he opened the door --

25 Q. [12:45:05] Okay, we need to just be clear about a couple of things. I don't want to

1 confuse you, but you just mentioned going to a place and it wasn't very clear. Can you
2 say again where were you going, which place? So the transcript at lines 15, page 78, you
3 say you were going to somewhere, where was that? G --

4 A. [12:45:28] It's the mess. It's in the same fence, but the fence has different layers.
5 They had a special place where the military was protecting the president. And they had
6 a special barracks there. So we went there, he told us to wait there because my left -- I
7 said my left foot was not good, he said -- he said he wanted to speak to the people. I said
8 it's not bad. So whilst entering --

9 Q. [12:45:59] Okay, and just while we're on this, do you know the name of the
10 military that was protecting the president, which group that was?

11 A. [12:46:12] They were gendarmes, gendarmerie.

12 Q. [12:46:15] Okay. And you said, just when you were telling us this account, you
13 said that you spoke to someone, it was Katé, that's what I heard, but can you tell me if
14 that's correct?

15 A. [12:46:27] (Speaks English) No.

16 Q. [12:46:29] Tell me.

17 A. [12:46:31] No, it's -- he's the chief for the residence, he was called the Katé.

18 Q. [12:46:42] Maybe just say that again slowly because I didn't get that.

19 A. [12:46:45] He was called Colonel Katé, he was the chief of the --

20 THE INTERPRETER: That word was not clear to the interpreter.

21 MR ODUM: [12:46:59] Repeat it again, chief of.

22 THE WITNESS: [12:47:01] (Speaks English) You didn't understand?

23 MS PACK: [12:47:04]

24 Q. I can understand. You say Katé. Is that French letters that you're saying or a
25 French name that you're saying, Katé?

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1 A. [12:47:12] (Speaks English) It's a French name.

2 Q. Okay.

3 A. (Speaks English) He was an officer.

4 MS PACK: [12:47:14] I think that would be K-A-T-É.

5 Q. Okay, so we have that name. And I don't want to interrupt you, but sometimes I
6 have to get the names from you properly.

7 A. (Speaks English) Okay.

8 Q. So you said he said he wanted to speak to the people. I think you are talking
9 there -- who - who wanted to speak to the people in this account?

10 A. [12:47:36] Michel.

11 Q. [12:47:38] Michel. So tell us please then what happened after that.

12 A. [12:47:44] Yes, when we got to the place I told you that I hit my left leg. When,
13 when I hit my left foot, I told him that -- when I hit my left foot, I told him that this
14 journey you're going on is not good, but he said, "Okay, just 30 minutes, we'll go back to
15 the residence." I said, "Okay."

16 And that was the time that the bombardment came in. We had about three
17 (incomprehensible) in the yard and they were hit by the French troops and they -- and the
18 glasses were all broken, so when we enter -- after the bombardment all the people that
19 were --

20 THE INTERPRETER: [12:48:33] Mr President, could the witness be still asked to slow
21 down.

22 PRESIDING JUDGE TARFUSSER: [12:48:38] I don't know what to do. I can't go there
23 and -- you have to slow down.

24 (Witness and counsel confer)

25 THE WITNESS: [12:48:56] (Interpretation) So when the bombardment went on,

1 before the bombardment started, opposite the same security area for the president, the GR,
2 there were youths who did not have arms. So at any time any bombardment took place
3 at the residence, those of us who had arms would not take much weight.

4 So when we took Michel from there, to escape from the bombardment, the following day
5 we had a commander who was the speaker for the military, he was the spokesman for the
6 military, they called him --

7 Q. [12:49:48] Take your time.

8 A. [12:49:48] The name just escaped me, but maybe if you ask him he will tell you.
9 He was the spokesman for the military *and I know him very well. He was called
10 Colonel Babri.

11 Q. [12:50:04] Babri?

12 A. [12:50:05] Yeah, Colonel Babri. He was the paramilitary of the Côte d'Ivoire. So
13 after bombardment, when he came to the residence where we were --

14 Q. [12:50:14] Let me make sure Babri is on the record. It's B-A-B-R-I.

15 So then you can tell us, so after the bombardment Babri comes to the residence. Tell me.

16 A. [12:50:25] After the bombardment we saw some dead bodies around the area, so
17 we tried to see how we could get them out, but it used to we are surrounding the place.
18 When the bombardment took place, most of them got hit by the bombardment. So there
19 was an explosion. So explosions can kill someone at any time. So most of those bodies
20 are to be taken out.

21 So the following day at any time the residence was bombarded, we will get a heavy attack
22 with ground troops, from ground troops. So any time there was a bombardment, a
23 ground troop will come and attack us. So we will push them back, and then we are
24 trying to take these bodies away. so the next time again Katé called me that someone
25 was coming to the residence.

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1 THE INTERPRETER: [12:51:21] Your Honours, the witness still has to slow down.

2 MS PACK: [12:51:27]

3 Q. Okay. Take it slowly, and if you can finish up on this, and then I will need to ask
4 you some questions, so just take it slowly and so we can write it down.

5 A. [12:51:38] So when he came back, I think it was between the morning hours to the
6 afternoon, when he saw me, when any time I went to État Major, we used to see one
7 another. I thought, "Junior, you are not around," and I said -- he just shook my hand, he
8 did not say anything.

9 When he went away a little bit, I only saw him fall. He took a bullet here on his head and
10 on his leg, and he died on the spot. But that day there was no attack. To say there was a
11 ground troop that attacked us, no, they were not facing us.

12 Q. Okay.

13 A. So it was like a snipe -- it was like a sniper bullet. So someone who served as a
14 sniper killed him so he could not enter the residence that particular day.

15 Q. [12:52:34] Okay. Thank you. And just to clarify, you're talking about Babri here
16 being killed?

17 A. [12:52:39] Uh-huh.

18 Q. [12:52:40] Okay. So I want to ask you now about your group, what you did and
19 who else was at the residence when you were there.

20 A. [12:52:50] There was the military.

21 Q. [12:52:52] Wait. We take it slowly, one point by one point.

22 So your group, your group, the Liberian guys, were you wearing uniforms when you
23 were at the residence?

24 A. [12:53:10] Sure.

25 Q. [12:53:11] Which uniforms?

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- 1 A. [12:53:14] The government uniform.
- 2 Q. [12:53:17] Do you know from which -- you mean army uniforms?
- 3 A. [12:53:21] Yes, army uniforms.
- 4 Q. [12:53:24] Was it marine like before or something different?
- 5 A. [12:53:29] No, it was the army uniform.
- 6 Q. [12:53:33] And you were -- were you armed?
- 7 A. [12:53:38] Yes.
- 8 Q. [12:53:40] Same as before, AK-47s?
- 9 A. [12:53:44] Yes, the light arm.
- 10 Q. [12:53:47] You talk about Séka and his men, and you also mentioned earlier, you
- 11 mentioned someone called Zoh, that's Z-O-H?
- 12 A. [12:53:59] Yes, Captain Zoh, he was a gentleman to Séka Séka. Yes, at any time
- 13 you are a general, you have a deputy commander, so he was like the deputy commander
- 14 to Séka Séka.
- 15 Q. [12:54:14] You were telling us earlier about how you were calling to Séka, and I
- 16 want to know what you're using. You're using a mobile phone, you're using a radio?
- 17 A. [12:54:27] No, it was not a radio. It was a mobile phone.
- 18 Q. [12:54:32] You told us earlier -- you were telling us that you had -- the area was
- 19 divided up. And I have to find the reference for that.
- 20 We go right at the beginning of when you were talking to us, you were saying -- you said,
- 21 this is at page 76, line 6:
- 22 "The president divided us into four or five, because we were to serve as the president's
- 23 security."
- 24 So I want to know, I want to know, please, when you say "divided up," what was
- 25 the -- what were you responsible for, your group?

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1 A. [12:55:25] Our group, we were -- my group, for my group, anything that came
2 around the residence I would confront. If there was an attack, we will confront it, just for
3 the president to be in peace.

4 Q. [12:55:44] Okay. I'm going to leave it there. Just wait one moment.

5 MR MACDONALD: [12:55:53] Your Honours, I would recommend that we won't be
6 finished right now, and I think the interpreters are tired, and that's a reason why also
7 it's -- the witness may be talking fast and so on, but in order not to rush, we're almost
8 done, but we would seek the Court's leave to finish in the first half hour I presume in the
9 next session this afternoon. I think the interpreters need a break and also the witness
10 needs a break.

11 MS PACK: [12:56:29] I'll try and keep it to half an hour.

12 PRESIDING JUDGE TARFUSSER: [12:56:32] And I avoid to say what I think.

13 Let's talk to the interpreters. Now, if it is half an hour and the interpreters agree, we
14 could go on for half an hour, if it is half an hour. But I don't know what the interpreters
15 are saying, no. No, I don't see him because of the -- okay, so we will not -- so we will
16 come back at 2.30. I give you until 3 o'clock because we are far over the estimate, okay.
17 So I think we should really stick to the time.

18 THE INTERPRETER: [12:57:15] From the --

19 PRESIDING JUDGE TARFUSSER: [12:57:16] Yes.

20 THE INTERPRETER: [12:57:17] From the interpreters: The Liberian English
21 interpreters are really very tired.

22 PRESIDING JUDGE TARFUSSER: [12:57:23] No, no, but that's what I said, yes.

23 Okay. Thank you very much. The hearing is adjourned to 2.30.

24 THE COURT USHER: [12:57:30] All rise.

25 (Recess taken at 12.57 p.m.)

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1 (Upon resuming in open session at 2.33 p.m.)

2 THE COURT USHER: [14:33:47] All rise.

3 Please be seated.

4 PRESIDING JUDGE TARFUSSER: [14:34:16] Good afternoon.

5 Good afternoon, Witness.

6 The floor is to the Prosecutor for its questioning, Madam Pack.

7 MS PACK: [14:34:31] Thank you, Mr President, your Honours.

8 Q. [14:34:32] Good afternoon, Mr Tarlue.

9 We are now coming to the end of my questioning of you, and I want us to move as
10 quickly as we can. So, please, I ask you a question, if you can give me your answer just
11 to my question and we move as quickly as we can. Obviously I want to give you a
12 chance to speak, but we need to finish today, and so we have to move as quickly as we
13 can, okay? Okay, understood?

14 A. [14:35:03] Okay.

15 Q. [14:35:06] All right. Now, let me just come back to what you were saying a little bit
16 earlier. You told us about what you were doing when you were at the residence. Just
17 quickly let me deal with this. Page 84 in the English realtime, you were describing that
18 you were serving as the president's security. That's line 14.

19 Now, were you patrolling an area near to or around the residence, your group of men,
20 you, the Liberian men?

21 A. [14:35:43] Yes, we were around the residence. We were around the residence at
22 Cocody, around the area, around those -- around the community.

23 Q. [14:35:54] And can you name for me, and keeping it as simply as you can, just the
24 places, the places where you were patrolling around that area in Cocody?

25 PRESIDING JUDGE TARFUSSER: [14:36:12] Maître Gbougnon.

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1 MR GBOUGNON: [14:36:17] Mr President, this is two times now that my learned
2 colleague has used the word "patrol." I do not believe that the witness in his testimony
3 this morning talked about patrolling. I don't know whether it's the translation that is
4 wrong, but I do not believe that he used the word "to patrol."

5 MS PACK: [14:36:41] Okay. I'm trying to move quickly.

6 Q. [14:36:43] But you said you were providing security for the president. So how were
7 you doing that? What were you doing, your group, what were the actions you were
8 taking?

9 A. [14:36:51] If any attack came around the residence, we took action. We would try
10 to repel them.

11 Q. [14:37:01] And was there a particular area around the residence you were
12 responsible for or you were working in?

13 A. [14:37:06] Yes, that was all around Cocody from the president's residence, around
14 the RTI, the gendarmerie area. We did not cross to go to farther areas.

15 Q. [14:37:24] Just then I just want to repeat the areas you named. You said RTI, did
16 you?

17 A. [14:37:32] Yes. The RTI is the television station and around the gendarmerie area
18 also, the chef de gendarmerie area.

19 Q. [14:37:44] *Did I hear then you say école de gendarmerie area?

20 A. [14:37:48] Yes, the école de gendarmerie.

21 Q. [14:37:51] And who -- you said it was you, you're talking about your group, the
22 Liberian groups, did you go out with anyone else when you were going around working
23 in these areas?

24 A. [14:38:05] Yes, yes. We went along with Captain Zoh. He was the second man,
25 the deputy for Séka Séka. So if Séka Séka was not there, he would be there for us to go

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1 around. That's all about it.

2 PRESIDING JUDGE TARFUSSER: [14:38:31] Excuse me, may I?

3 Referring to page 87, line 18, where you said, "If any attack came around the residence, we
4 took action. We tried to repel them." My question is: Were there attacks? And how
5 did you repel them, if there were attacks?

6 THE WITNESS: [14:38:48] (Interpretation) Well, the attack was military. If the rebels
7 came and attacked us, we also go and repel them. But if there was no attack, we don't
8 attack anybody.

9 PRESIDING JUDGE TARFUSSER: [14:39:04] Yes. But the question is were there
10 attacks?

11 THE WITNESS: [14:39:12] (Interpretation) Yes. At all times we had attacks on the
12 residence.

13 PRESIDING JUDGE TARFUSSER: [14:39:15] And the next question is: How did you
14 repel them?

15 THE WITNESS: [14:39:19] (Interpretation) Well, they attacked us like soldiers, so we
16 went into combat.

17 PRESIDING JUDGE TARFUSSER: [14:39:32] With firearms? Okay.

18 THE WITNESS: [14:39:35] (Interpretation) Yes, they had arms and we also had arms,
19 so we went into combat.

20 PRESIDING JUDGE TARFUSSER: [14:39:41] Thank you.
21 Ms Prosecutor.

22 MS PACK: [14:39:43] Thank you, Mr President.

23 Q. Now I want to ask you this, you've told us some of the people who were at the
24 residence, so you told us, you were speaking about Babri, and I think you said on the
25 transcript earlier, but it's a bit confusing, so I wanted just to check with you, on the

1 transcript at page 81, and that was line 16, you said that he was spokesman for the
2 military. And then a bit later *at 20 A, it says he was the paramilitary for Côte d'Ivoire.
3 I want to just check which is the right -- maybe it's a mistake. So can you just tell us what
4 was Babri's position, please?

5 A. [14:40:37] He was the head of the paramilitary for État Major, and he was the
6 spokesperson for the military. So if there was anything that concerned the military that
7 the world needed to know or the country needed to know, he went on television or radio
8 to speak for the military.

9 Q. [14:40:55] How do you know he was head of the paramilitary for the État Major?

10 A. [14:41:04] I told you from the beginning that sometimes I met him at the État Major.
11 But at any time I watched television, he was the only person who was there to serve as
12 spokesperson for the military of Côte d'Ivoire. So that was how I came to know that he
13 was head of the paramilitary.

14 Q. [14:41:29] Okay. Now we go to other people at the residence. Can you name any
15 other people who were at the residence, and just keep this simple, any people, any
16 non-military people at the residence you remember?

17 A. [14:41:49] Yes. At the residence we had the people who were cooking there. They
18 had women amongst them. They had some women who were cooking at the residence.
19 And we used to eat at the residence. We did not, we did not eat outside of the residence.
20 So apart from within the residence itself, there were youths, we had a lot of youths
21 outside there. They were staying around the residence. But they did not carry arms.

22 Q. [14:42:27] Now, was there a journalist that you saw around the residence or in the
23 residence?

24 A. [14:42:35] Okay. Thank you, bringing me back to these ideas. Yes, journalists
25 were there. Sometimes when we had attacks on us --

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1 THE INTERPRETER: [14:42:50] Your Honours, your Honours, could the witness go
2 more slowly because the name of the journalist he referred to was not got by the
3 interpreter.

4 MS PACK: [14:43:00]

5 Q. [14:43:00] So we just want the name of the journalist, please?

6 A. [14:43:03] Yes. He told us that his name was Sidiki Bakaba. He had a French
7 passport. He told us that he was living in France.

8 Q. [14:43:14] Just say the name again, please, so I can hear.

9 A. [14:43:18] Sidiki Bakaba, Sidiki Bakaba. Maybe I am not getting the pronunciation
10 clearly. But that was the name. He said he was called Sidiki Bakaba.

11 Q. [14:43:30] And Bakaba is B-A-K-A-B-A.

12 You say French national. Do you know where he was from originally?

13 MR GBOUGNON: [14:43:45] (Interpretation) He's saying Kaba.

14 MS PACK: [14:43:53]

15 Q. Can you just telling us what you were saying? I was interrupted. I thought I'd
16 spelled what you were saying.

17 THE WITNESS: [14:44:01] Sidiki Bakaba.

18 MS PACK: Okay.

19 THE WITNESS: (Interpretation) Should I go ahead?

20 PRESIDING JUDGE TARFUSSER: [14:44:07] Yes. Go ahead.

21 THE WITNESS: [14:44:08] (Interpretation) He came along with Séka Séka. In fact, he
22 got hit at the time the bombardment took place and the French took him away at that time,
23 because we saw blood spilling from his side. We saw him lying down on the bed and he
24 got a shot.

25 So by then when the attack took place and his properties, his camera and other things

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1 were collected, and he was taken away.

2 So he was the only journalist that I knew there at that time.

3 Q. [14:44:46] Okay. Thank you.

4 A. [14:44:48] (Speaks English) Thank you to you too.

5 Q. [14:44:51] And also just other military men who were there at the residence that you
6 remember, just names, other military men?

7 A. [14:44:58] The military that was there I recall was only the commander called
8 Colonel Katé, Captain Zoh, and they had the commissaire.

9 Q. [14:45:25] Okay.

10 PRESIDING JUDGE TARFUSSER: [14:45:27] No. "The commissaire" and then I think
11 there was something not caught by interpreter. You said "Captain Zoh and they had" --

12 THE WITNESS: [14:45:39] (Interpretation) Colonel Katé.

13 PRESIDING JUDGE TARFUSSER: Yes.

14 THE WITNESS: (Interpretation) They had commissaire de la residence, the
15 commissaire de la residence. But I have forgotten his name.

16 PRESIDING JUDGE TARFUSSER: [14:45:51] Okay.

17 MS PACK: [14:45:55]

18 Q. [14:45:55] Now I want to ask you, you were speaking about Mangou yesterday or
19 the day before, one of those days, and I want to ask you if you saw General Mangou at all
20 during this time when you were at the residence?

21 A. [14:46:16] I saw him, but I did not talk with him, because the time he came there, he
22 only came there once, that is when the firing ceased, ceased of. The chief of staff, the
23 deputy --

24 THE INTERPRETER: [14:46:35] Your Honours, Mr President, could he go slowly with
25 the names?

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- 1 PRESIDING JUDGE TARFUSSER: [14:46:39] The names in particular.
- 2 THE WITNESS: [14:46:41] (Speaks English) Yeah.
- 3 PRESIDING JUDGE TARFUSSER: [14:46:42] I mean, we have to write them down, okay?
- 4 THE WITNESS: [14:46:45] (Interpretation) Okay, okay.
- 5 MS PACK: [14:46:48]
- 6 Q. [14:46:49] So he came, Mangou. And just tell us who else, slowly please?
- 7 A. [14:46:54] Mangou, Konan, those are the people I knew a little bit about. The other
- 8 commanders I did not know much about. Those are the two people that I knew.
- 9 Q. [14:47:06] So the time that Mangou came, did you see him at the residence?
- 10 PRESIDING JUDGE TARFUSSER: [14:47:16] (Microphone not activated)
- 11 MS PACK: [14:47:19] Sorry, forgive me.
- 12 Q. [14:47:20] And you say it was only that you saw a Konan with him? Is that the only
- 13 person?
- 14 A. [14:47:24] I said the two generals, Katé, Mangou and Konan. They came to the
- 15 residence, because they came to have a meeting with the president. But when they came,
- 16 we were doing our own business.
- 17 Q. [14:47:43] I think the name, the other general, can you say that name again, because I
- 18 didn't hear that properly?
- 19 A. [14:47:49] Kassaraté Tiapé.
- 20 Q. [14:47:53] Okay, okay. And this time that you saw them, did you also see as well as
- 21 in person, did you see anything on the television at the time about this or any other visit
- 22 by Mangou to the residence?
- 23 A. [14:48:11] When they came at that time, everything was over the television, because
- 24 when they came, they came to have a meeting with the president. So it was on television.
- 25 So we, too, we saw it over the television.

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1 Q. [14:48:28] Okay. Thank you.

2 I want to then just quickly play, it's tab 55 and it's CIV-OTP-0047-0817.

3 I'm going to play a video now. If you'll just look at the screen, it's going to come up
4 there.

5 A. [14:48:49] Okay.

6 MS PACK: [14:48:50] The timestamp, if the Prosecution perhaps, maybe it's easier if the
7 Prosecution takes control of the proceedings, the evidence. And the timestamp is
8 00:00:03 to 00:02:53. There is a corresponding transcript, your Honours, which is at
9 CIV-OTP-0049-2838. And both of the transcript and the video can be publicised, they're
10 public. The transcript pages at 2839, line 1, to 2840, line 49, that corresponds to what we
11 will be playing.

12 Q. [14:49:40] I want you just to look at what you see and then afterwards I'll have some
13 questions, okay?

14 A. [14:49:46] Okay.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [14:50:17] Message from the English booth: We did not receive
17 the transcript. Thank you.

18 (Viewing of the video excerpt)

19 MS PACK: Just for your Honours, because the dates are important just to make sure we
20 get that right, you probably would have seen on the screen, but the date that appeared
21 there, and it's at line 20 in any event of the English transcript, I'm sorry, the French, the
22 transcript in French at page 2839 of that is 3 April 2011.

23 Q. [14:53:07] And just a couple of questions on that. I was asking you about a visit
24 and a visit that you saw on television. Do you recognize that the images that you saw
25 there? Have you seen those before?

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- 1 A. [14:53:20] Yes, I recognize them, and I have seen them before.
- 2 Q. [14:53:24] And those images there, is that the same visit you've just been talking
3 about or is it a different visit?
- 4 A. [14:53:36] No. That's the same visit.
- 5 Q. [14:53:37] Okay. Now is the name Zadi familiar to you, Z-A-D-I?
- 6 A. [14:53:53] Yes, I know Zadi.
- 7 Q. [14:53:55] Did see him at all around the time that you were at the residence?
- 8 A. [14:53:59] No. Zadi was not at the residence. I did not see him there.
- 9 Q. [14:54:07] Now let me just ask you, now we move on, because we just have to move
10 quite fast. I'm sorry that we may miss out some things --
- 11 A. [14:54:24] (Speaks English) Okay.
- 12 Q. [14:54:24] -- I know you want to say some things. But there will be more questions
13 for you from the other parties.
- 14 A. [14:54:30] Okay.
- 15 Q. [14:54:31] Okay. So we know that Mr Gbagbo was at one point arrested. He was
16 arrested, okay. Now I want to know after that, where did you go? Yes.
- 17 A. [14:54:44] Yeah, well, the day the bombardment took place, we left because the
18 bombardment went on.
- 19 Q. [14:55:23] And where, let me just ask you this, where was the last place that you
20 ended up, that you got to in Abidjan?
- 21 A. [14:55:31] In Yopougon, Kowëit.
- 22 Q. [14:55:35] You said Yopougon. I didn't hear the next bit that you said?
- 23 A. [14:55:39] Yopougon Kowëit.
- 24 Q. [14:55:42] Kowëit?
- 25 A. (Speaks English) Yeah.

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1 Q. Which is K-O-W-E-I-T.

2 Now, did you go somewhere particular after that, to a particular location in --

3 A. [14:55:51] Yes. After all they took the president away. So we left from Blockhauss.

4 I tried to manoeuvre with my same men. And then we went to Kowëit. We were at

5 Kowëit. We did not have any specific place. But when we got there, people were still

6 arguing that the president was still at the palace. I said no, I was keeping guard on the

7 palace. The president has been taken over.

8 So we said we came here at least to try to put ourselves together because things were now

9 getting difficult.

10 Q. [14:56:37] And where was the last place that you went to then? Did you go

11 somewhere else after Kowëit?

12 A. [14:56:47] Kowëit is almost close to the military, the marine military barracks. At

13 Kowëit they had a military barracks that was called the marine base. There was a

14 military brother that you call Andy. Andy had been with us together. He told us that

15 we can't sleep at the house, so we needed to go to the base. So we went to the barracks,

16 the marine barracks and --

17 THE INTERPRETER: [14:57:28] Your Honours, the last thing of the witness's statement

18 was not clear to the interpreter.

19 PRESIDING JUDGE TARFUSSER: [14:57:35] The last part of the statement was not clear.

20 MS PACK: [14:57:36]

21 Q. [14:57:37] So just I'll repeat, you went to the marine barracks, and then what did you

22 want to say after that?

23 A. [14:57:42] Yes, when we went to the marine barracks, at the time *they took the

24 president, things were in disorder. We met people in arms. Everybody was confused.

25 So when people heard my name, Junior Gbagbo, they had belief in me. So they said I

- 1 should not sleep in a different house. I should go to the base. So we went to the base,
2 in the marine base. That was where we are based until the time we were able to escape.
- 3 Q. [14:58:13] And just a couple of questions about this place, the marine base. Do you
4 know the name of the base, the marine base?
- 5 A. [14:58:24] No, I only knew that it was a marine base. I did not know any particular
6 name for the place. It was a marine base, because the brother who took us there, he
7 himself was a marine. He was called Andy. But he, too, died during the war.
- 8 Q. [14:58:43] And just to know where it is, as you stand in the marine base and you
9 look over the water, what can you see over?
- 10 A. [14:58:52] It's not far from the marine base, when you leave the marine base, you
11 have the lagoon, you have the lagoon, after the lagoon you meet the palais de treasury,
12 and then you cross over the water. And by then they had an old ship, they had an old
13 ship that had been on top of the sea for a long time. That was where -- that was close to
14 where the marine base was.
- 15 Q. [14:59:27] And you told us you went there to Yopougon from Blockhauss. Can you
16 just say again where you went? Did you say Blockhauss?
- 17 A. [14:59:37] Blockhauss, yes, that is what I told you from the beginning. It's a place
18 where we used to go and enjoy ourselves after some attacks. If there was no attack, we'll
19 go to Blockhauss. It was part of l'hôtel Ivoire, but it was not from the president's
20 residence. So from the same place we took a canoe and then we went to Yopougon,
21 because there was no direct road to go to Yopougon. And when we went to Yopougon
22 we were able to go to the marine base.
- 23 Q. [15:00:06] Okay. You said Blockhauss, Blockhauss, and it's --
- 24 A. [15:00:13] Blockhauss, it is in French.
- 25 Q. [15:00:17] Okay. I'll just leave that to phonetics, but it starts out B-L-O-C-K and I

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1 leave the rest, or B-L-O-K.

2 The second -- I just want to clarify, you said, you said you went by canoe from Blockhauss
3 to Yopougon, is that right, just quickly?

4 A. [15:00:43] Yes.

5 Q. [15:00:43] Okay. Now, let me just deal with one -- a few matters about where you
6 were at this marine base. Can you tell me, please, were there marines there?

7 A. [15:00:51] Well, there were people in marine uniforms. There were people in
8 ordinary, in ordinary clothing. By then things were just upside down. So I could not, I
9 could not discern who actually was a marine and who was not a marine.

10 But it was a friend who was part of the marine that took us to that place called Andy. So
11 when we left, he also helped us to go to Yopougon. But when we were at Yopougon, we
12 did not undertake any fighting or any other thing, because by then we did not have any
13 support.

14 Q. [15:01:33] And just two more things on the base. Firstly, were there -- can you
15 estimate, and I know it's difficult, how many? You're talking about the different people
16 who were there, you said that there were people in ordinary clothing. Can you estimate
17 the numbers? If not possible, don't worry.

18 A. [15:01:54] No, I can't estimate the number because everybody was just there.

19 Q. Okay.

20 A. So I can't tell, I can't numbers, because by then I was fighting hard to manoeuvre for
21 me to leave the country, so I did not take notice of that.

22 Q. [15:02:10] And apart from you, were there other Liberians with you there at the
23 marine base?

24 A. [15:02:17] Yes, Mission, Mission and I. Those of us, the Liberians who were at the
25 residence, we were the ones who went to Yopougon. I left Mission and all the other

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1 people there.

2 Q. [15:02:33] Okay. And just I want to ask you a name, and if it's familiar to you, you
3 can say if not.

4 A. [15:02:40] Yeah.

5 Q. [15:02:40] Locodjoro, Locodjoro, does that mean anything to you?

6 A. [15:02:45] Maybe, maybe I left Yopougon before they went to Locodjoro, but I never
7 went there. From the barracks to Andy's house and from Andy's house, there I went.
8 The distance from there to Locodjoro, you will have to pass through some other areas. I
9 did not go towards that area. I did not go -- that place that you are referring to, I did not
10 go there.

11 Q. [15:03:14] And you know a marine barracks called Locodjoro, you know that or
12 you're not familiar?

13 A. [15:03:37] I don't know about that. I only tell you that at Yopougon I stayed at the
14 marine base.

15 Q. Okay.

16 A. But Locodjoro, I don't know. I said that was not my area. I did not, did not know
17 that particular area well.

18 MS PACK: [15:03:54] Now, there is one last thing I wanted to do. It won't take long, Mr
19 President. And it's just to show -- just to read some names from a list, and it's a list of
20 names. It's at tab 43. It's CIV-OTP-0048-0203. Now it can be public. And you don't
21 need to -- it doesn't need to be brought up.

22 PRESIDING JUDGE TARFUSSER: [15:04:29] And it could be shown to the Chamber
23 because we --

24 MS PACK: [15:04:31] It can be shown to the Chamber, of course.

25 PRESIDING JUDGE TARFUSSER: [15:04:33] Yes, thank you. So at least we know

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1 where we are.

2 MS PACK: [15:04:35] Yes, we know where we are.

3 PRESIDING JUDGE TARFUSSER: Okay.

4 THE COURT OFFICER: [15:04:59] And the page number?

5 MS PACK: [15:05:01] Okay. *I think we can go please just to page 0205. And I'm
6 looking, it's difficult to read, but let's see, I'm looking at entry 13, I think that will do.

7 Q. Can you just tell us, please, FS LIMA, that's FS LIMA, does that mean anything to
8 you?

9 THE WITNESS: [15:06:06] (Interpretation) The FF, I don't know. But LIMA, I said it
10 was our group. But I don't know the FF that you are referring to.

11 PRESIDING JUDGE TARFUSSER: [15:06:14] Maître Altit.

12 MR ALTIT: [15:06:15] (Interpretation) Yes, thank you very much. I'm sorry for
13 interrupting.

14 Your Honour, I do have a question that I would like to put to my learned friend opposite,
15 and this might involve the Chamber as well. But I'm not quite sure what the exercise
16 here is really all about, because mention was made of a particular document that the
17 Chamber could view, and I believe that this document was refused by the Chamber and
18 the witness was not to comment on it. On the other hand, if we're just talking about the
19 words being put to the witness, then that would be acceptable as long as the wording is
20 not deemed to have come from the document.

21 And I believe the Chamber yesterday in actual fact or quite recently did decide that the
22 document could not be presented to the Court through this witness who cannot read or
23 write.

24 I'm just trying to understand exactly what kind of exercise that we are involved in. If it is
25 the document, this is not possible. If it is the wording from --

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1 PRESIDING JUDGE TARFUSSER: [15:07:32] I'm sorry. It was the Chamber having
2 asked to see the document instead of having the spelling by the Prosecutor. It's just the
3 help, it's just the help.

4 MS PACK: [15:07:50] And quite frankly, I just want to make sure that my friend doesn't
5 think it's not the document where there was a decision yesterday. It's a completely
6 different document. This is all fine. It's fully disclosed. There is no problems in that
7 regard. It's on the list of evidence.

8 PRESIDING JUDGE TARFUSSER: [15:08:03] Yes.

9 MS PACK: [15:08:03] It's not the ones where there was a decision yesterday that we
10 couldn't use it. So just in case there is a confusion, but I don't know whether --

11 MR ALTIT: [15:08:11] (Interpretation) Thank you for that. But the document itself has
12 been not presented. I think we agree on that point. This is the point that I'm trying to
13 get at here.

14 PRESIDING JUDGE TARFUSSER: [15:08:25] No. No, of course not. Do you think that
15 the document with a list of names is so decisive? But okay. Okay, okay. It's not.
16 Please, it's just a help for us to read the names.
17 Please go ahead.

18 MS PACK: [15:08:45] And if your Honour determines that I need to separately apply
19 under paragraph 43 to submit it, then fine.

20 PRESIDING JUDGE TARFUSSER: [15:08:51] You have not to apply, but just you have to
21 submit, not to apply.

22 MS PACK: [15:08:53] I'm sorry, separately submit in writing, then of course I will do.
23 I'm not sure if that's the request.

24 Q. So let me just, I just want to read a name. So it was FS LIMA I said, not FF, just to
25 be sure you heard me clearly. Did you hear me say, Mr Tarlue, FS LIMA?

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- 1 PRESIDING JUDGE TARFUSSER: Yes, that's what you said.
- 2 THE WITNESS: (Interpretation) [15:09:17] I'm getting you. You said FS LIMA.
- 3 MS PACK:
- 4 Q. [15:09:21] Okay. Now, I want to ask you some names, if you've heard of them; if
- 5 you haven't, just say. Joel Blégré, have you heard of that name?
- 6 A. [15:09:32] No.
- 7 MS PACK: [15:09:37] Okay. And there is a number of names, and I'm really not going
- 8 to read them all, of course, your Honour.
- 9 But let's just go to page 0208, just take a couple of other names.
- 10 Q. [15:09:50] *Is the name at entry 183, Tode Pehe Anderson; is that a name you know?
- 11 A. [15:10:40] No.
- 12 MS PACK: [15:10:16] I can spell it for the record, T-O-D-E. No, I don't need?
- 13 PRESIDING JUDGE TARFUSSER: [15:10:19] That's why we have it here.
- 14 MS PACK: [15:10:21] That is the reason why we have it.
- 15 Q. [15:10:23] Okay. So then we just go please very quickly, I'll just pick another name.
- 16 At page 0209, the name there Patrick Zima, entry 214?
- 17 A. [15:10:40] No.
- 18 MS PACK: [15:10:41] We leave that. I'm not going to read all of the names, of course,
- 19 your Honour. So I leave it there with this document. There is only one other issue, this
- 20 is just an issue of clarity, my friend Mr O'Shea very helpfully repeated a name that I think
- 21 I kept on misspelling from the phonetics from the witness yesterday, and I wanted just to
- 22 check, we've got it right on the record, so if I could just ask the witness to repeat. He's
- 23 talked about somebody called Dagbeson. And I want to just get the name right phonetically.
- 24 I kept on spelling it D-I-G-B-E-S-O-N. I think that probably wasn't correct.
- 25 Q. [15:21:15] So let me just ask you again. You were talking about Dagbeson I think

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1 it was yesterday, the day before. I just want you just to say the name very clearly for the
2 record so we can just write it down.

3 A. [15:11:29] Colonel Dagbeson, Dagbeson.

4 Q. Okay.

5 MR O'SHEA: [15:11:42] If my learned friend replaces the "I" with an "A," then we have
6 the phonetic English.

7 MS PACK: [15:11:47] Thank you. I'm just not going to try and spell it. I'll leave it to, if
8 I can, just the transcribers. I don't want to risk misspelling it again.

9 Now, your Honours, there was just one other thing, which was of course we had asked
10 earlier about the two extra documents, we're leaving that.

11 PRESIDING JUDGE TARFUSSER: [15:12:05] I do know.

12 MS PACK: Okay.

13 PRESIDING JUDGE TARFUSSER: I mean, you have already made the application, and
14 we know what we are -- the Chamber is aware.

15 MS PACK: [15:12:11] Well, you'll be very thankful to know, your Honours, that that is
16 the end of my questioning.

17 Q. [15:12:16] And you'll be thankful, too, Mr Tarlue, because that's the end of my
18 question for today. Thank you very much. The only other issue is what to do
19 physically with the --

20 PRESIDING JUDGE TARFUSSER: [15:12:26] It's coming.

21 MS PACK: [15:12:27] But I leave that to your Honours with the agenda.

22 PRESIDING JUDGE TARFUSSER: [15:12:29] It's coming.

23 MS PACK: [15:12:30] Thank you very much, your Honour, Mr President.

24 PRESIDING JUDGE TARFUSSER: [15:12:34] Thank you. This concludes at least the
25 questioning, the questioning of the OTP, and we will hear about the re-questioning after,

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1 the questioning by the Defence. So we close here, but we have one issue still outstanding
2 and it relates to the agenda, to your agenda, which I think you want back in original?

3 THE WITNESS: [15:13:06] (Interpretation) Yes.

4 PRESIDING JUDGE TARFUSSER: [15:13:08] So as far as the agenda is concerned, it was
5 the Chamber requesting the witness to bring it to the courtroom and to submit it to the
6 Chamber. Therefore, it is submitted in its entirety as it was presented to the Chamber,
7 and the Registry is requested to scan it entirely, including any separate paper contained in
8 or attached to it, and to upload it in the record of the case, and this, of course, without
9 prejudice to any determination as to its relevance.

10 So this concludes today's hearing. You have now three days off, three and a half. We
11 see each other on Monday, because the hearing is adjourned to Monday, 9.30. And then
12 you will start to answer the questions by the Defence teams.

13 So the hearing is adjourned to Monday, 9.30. Thank you.

14 THE COURT USHER: [15:14:24] All rise.

15 (The hearing ends in open session at 3.14 p.m.)

16 RECLASSIFICATION REPORT

17 Pursuant to the Trial Chamber I's instructions, the private session starting at 12.10 p.m.
18 and ending at 12.14 p.m. (page 51 line 18 to page 54 line 9) is reclassified into public.

19 CORRECTIONS REPORT

20 The Court Management Section has made the following corrections in the transcript:

21 *Page 8, line 24:

22 "Yes, it was around 2005 or '6," is corrected to "Yes, it was around 2005 or 06,"

23 *Page 14, line 13:

24 "This one is my private issue," is corrected to "This is my private issue,"

25 *Page 14, lines 14-15:

1 "These were just things that I could put sense out of," is corrected to "These were just
2 things that I could pick sense out of,"

3 *Page 17, line 24:

4 "because within the same Koumassi community." is corrected to "because it is within the
5 same Koumassi community."

6 *Page 23, lines 16:

7 "That is the time he could have been killed." is corrected to "That was the time he could
8 have been killed."

9 *Page 45, line 9:

10 "so by the time I returned from" is corrected to "So by the time I returned from"

11 *Page 46, line 14:

12 "I don't know about it," is corrected to "I don't know about them,"

13 *Page 47, line 23:

14 "came from the top, from above RTI," is corrected to "came from the top, above RTI,"

15 *Page 51, lines 3-4:

16 "direct to the Plateau." is corrected to "direct to Deux Plateaux."

17 *Page 55, line 14:

18 "So when he came he told us that, 'Gentleman'" is corrected to "So when he came he told
19 us that, 'Gentlemen'"

20 *Page 55, lines 24-25:

21 "He did not come back and until heavy" is corrected to "He did not come back until
22 heavy"

23 *Page 56, line 1:

24 "then one of his workers" is corrected to "Then one of his workers"

25 *Page 56, line 9:

- 1 "at the place, at Mermoz" is corrected to "at the place, at (incomprehensible) Mermoz"
- 2 *Page 56, line 11:
- 3 "12:19:59] Just" is corrected to "Q. [12:19:59] Just"
- 4 *Page 69, line 9:
- 5 "and I know him very" is corrected to "and I know him very well."
- 6 *Page 74, line 19:
- 7 "Did I hear you then say" is corrected to "Did I hear then you say"
- 8 *Page 76, line 2:
- 9 "at 28" is corrected to "at 20 A"
- 10 *Page 82, lines 23-24:
- 11 "they took the president's" is corrected to "they took the president"
- 12 *Page 86, line 5:
- 13 "I think we can go please just to page 2025" is corrected to "I think we can go please just
- 14 to page 0205"
- 15 *Page 88, lines 10-11:
- 16 "Q. [15:09:50] Is the name at entry 183, Tode Pehe Anderson; is that a name you
- 17 know?" is corrected to "Q. [15:09:50] Is the name at entry 183, Tode Pehe Anderson; is
- 18 that a name you know? A. [15:10:40] No."