

Trial Hearing
WITNESS: CIV-OTP-P-0362

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Monday, 13 November 2017
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:31:02] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:31:21] Good morning.
15 Good morning to you, Mr Witness.
16 WITNESS: CIV-OTP-P-0362 (On former oath)
17 (The witness speaks French)
18 (The witness gives evidence via video link)
19 THE WITNESS: [9:31:57] Bonjour.
20 PRESIDING JUDGE TARFUSSER: [9:31:59] Can you hear me? Okay, you can hear
21 me. Today we continue with the questioning by the Defence for Mr Gbagbo and
22 then we go to the Defence for Mr Blé Goudé, okay? I give the floor immediately to
23 Madam Naouri, I think, who has one hour maximum.
24 MS NAOURI: [9:32:24] (Interpretation) Thank you, your Honour.
25 QUESTIONED BY MS NAOURI: (Continuing) (Interpretation)

- 1 Q. [9:32:38] Good morning, Mr Witness.
- 2 A. [9:32:40] Good morning.
- 3 Q. [9:32:41] So I'd like us to go back to the video that you provided to the OTP,
- 4 okay?
- 5 A. [9:33:05] Okay.
- 6 Q. [9:33:06] Can you tell us where you were on the day that the hawker provided
- 7 you with that video, the coxer, in French?
- 8 A. [9:33:13] I was at the station.
- 9 Q. [9:33:14] Who else was there?
- 10 A. [9:33:24] I don't remember. I was there at the station.
- 11 Q. [9:33:31] Very well.
- 12 A. [9:33:35] I was at the station.
- 13 Q. [9:33:37] Okay. But were you all by yourself with this hawker or were there
- 14 other people?
- 15 A. [9:33:45] *Well, there were many people at the station, but what I know is that when I
- 16 saw the video there, I was with him. That's it. Because there are many people at the station.
- 17 Q. [9:33:54] Okay. But was he all by himself when he was watching the video?
- 18 A. [9:33:59] I saw him watching the cassette, the video on his mobile. He was
- 19 watching the footage. He gave it to me and I took it.
- 20 Q. [9:34:14] Okay. And was Djakis there with you that day
- 21 A. [9:34:19] What Djakis? You know, there is a lot of people at the station. ?* As I have
- 22 already told you. I cannot know all these things because there were a lot of people at the station.
- 23 MS NAOURI: [9:34:39] (Interpretation)
- 24 Q. [9:34:39] Now, this hawker, this guy looking for clients, did he give you any
- 25 other videos?

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1 A. [9:34:45] No, no, no, no, I was -- that was what I was interested in.

2 Q. [9:34:49] And did you ask him *when he got the video?

3 A. [9:34:59] No, I didn't. I looked at it with him, but I didn't ask him *since when
4 he had had it.

5 Q. [9:35:08] Did you ask him *how he obtained the video? Did he go on to the
6 Internet to find it? Did he explain to you where it came from?

7 A. [9:35:22] *Yes. I asked him, and he told me that he filmed it on the day of the
8 events. I really don't know. What is certain is that I saw it with him.
9 That's all I know.

10 PRESIDING JUDGE TARFUSSER: [9:35:34] Excuse me. Can you place the mic, or
11 you go closer to the microphone or you place the microphone closer to you, because,
12 yes, there is a lot of inaudible and not understandable.

13 THE INTERPRETER: [9:35:47] Message from the interpreters: Thank you very
14 much. And if the witness could be instructed to articulate.

15 PRESIDING JUDGE TARFUSSER: [9:35:54] Yes. And please speak clearly because
16 we have people who must understand and --

17 THE WITNESS: [9:36:03] (Interpretation) Yes, I hear.

18 PRESIDING JUDGE TARFUSSER: [9:36:05] Yes, but we have also to hear you clear
19 and in a way that it can be --

20 THE WITNESS: [9:36:11] (Interpretation) Okay.

21 PRESIDING JUDGE TARFUSSER: [9:36:12] -- heard and interpreted. Thank you.

22 MS NAOURI: [9:36:18] (Interpretation)

23 Q. [9:36:22] Mr Witness, do you know whether the hawker gave the same video to
24 other people?

25 A. [9:36:30] Well, there's a lot of people there at the station.

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1 Q. [9:36:35] Well, like the Presiding Judge, I'd like to ask you if you could repeat
2 your reply. Could you clearly tell us what your answer? You say that there were a
3 lot of people at the station. Did he give the video to other people at the station?

4 Mr Witness, are you still with us? Can you hear us?

5 A. [9:37:15] Yes, yes, I can hear you. I'm with you.

6 Q. [9:37:18] Very well. I'll repeat my question. Now, when you say that there
7 were a lot of people at the station, do you know whether the hawker provided the
8 video to other people at the station?

9 A. [9:37:33] Oh, I was there, there were a lot of men there, the ones -- some other
10 people might have taken it.

11 Q. [9:37:42] Very well. And did you show the video to other people before you
12 showed it to the OTP investigators?

13 A. [9:38:01] Well, I had it with me. It was on my mobile phone. I didn't show it
14 to anyone else.

15 Q. [9:38:10] Did you copy the video footage on to some other medium somewhere
16 else?

17 A. [9:38:21] No.

18 Q. [9:38:23] Mr Witness --

19 A. [9:38:39] Yes.

20 Q. [9:38:41] -- do you remember the day that some people were escorted by UNOCI
21 to the station and shown the area where the shell fell?

22 A. [9:38:55] The date or the day?

23 Q. [9:39:00] Let's take things one by one. Do you remember, does this remind you
24 of something, jog your memory?

25 A. [9:39:09] The day?

1 Q. [9:39:10] Tell us what day.

2 A. [9:39:13] It was a long time ago. I don't remember what day it was.

3 Q. [9:39:23] Very well. No problem.

4 Do you remember whom you were with that day?

5 A. [9:39:31] At the station, I was at the station, I was a bit late, but I saw the
6 investigators at the station. But everyone, everyone was *afraid of showing them
7 where the shell had fallen. And I said, "What are you looking for?"

8 *And they told me: "we want to see the spot where the shell fell". That's when I led
9 them to the place, and I told them: "this is the spot where the shell fell".

10 MS NAOURI: (Interpretation)

11 Q. [9:40:15] Very well. Now, you say that you were late, did you know that some
12 people were going to be there to inspect the location?

13 A. [9:40:23] No, I didn't know. I didn't know.

14 Q. [9:40:29] So you were the one who approached those people?

15 A. [9:40:37] It was the investigators. I approached them because they were going
16 around, and since I was there on the day of the event, I could tell them where the shell
17 had fallen.

18 Q. [9:40:54] Very well. Were other people who were -- showing the investigators
19 where the shell allegedly fell?

20 A. [9:41:04] No, no, I showed them. Everyone was looking at me.

21 Q. [9:41:11] Very well. Had you previously seen some people from UNOCI there
22 at that location?

23 A. [9:41:20] UNOCI. Well, I think maybe once. I don't really remember. I
24 might have seen them once. I no longer remember.

25 Q. [9:41:36] Very well. Do you remember whether you saw some people from

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1 UNOCI on the very day of the incident, 17 March 2011?

2 A. [9:41:50] No, I don't remember.

3 Q. [9:41:55] So you didn't see any people from UNOCI taking photographs of the
4 bodies?

5 A. [9:42:06] Well, I don't remember. It was such -- it was chaos.

6 Q. [9:42:11] No problem. Now, the OTP investigators, was there policemen from
7 Côte d'Ivoire with them?

8 A. [9:42:32] There was a judge. There was a white lady. There was a judge.

9 *There were... well, I can't say whether they were blue helmets or security forces. I
10 don't know which corps they belonged to, whether they were ONUCI or not, I no
11 longer remember. There was a judge, there was a white lady and a gentleman.

12 Q. [9:42:55] Very well. So how did you exactly hand over the video footage to the
13 OTP investigators?

14 A. [9:43:08] When I showed them where the shell had fallen, I went, I showed them
15 where the shell had fallen and they said to me, "Do you have any evidence?"
16 I said "Well, I have my memory card. I can give it to you."
17 So I gave the memory card to them.

18 Q. [9:43:28] Mr Witness, just to make sure we've understood one another, so you
19 were the one who took the memory card out of the phone?

20 A. [9:43:36] To give it to them. I gave it to them.

21 Q. [9:43:39] Very well. And you could still use your phone even without a
22 memory card?

23 A. [9:43:52] Huh?

24 Q. [9:43:55] I'll repeat my question. Could you still use your phone without the
25 memory card in the phone?

1 A. [9:44:06] I don't understand. I don't understand your question.

2 Q. [9:44:11] Okay. You took the memory card out of your phone. That's what
3 you've told us. Could you still receive calls or make --

4 A. [9:44:20] Oh, yes, yes. Without the memory card, yeah, you can still
5 communicate.

6 Q. [9:44:26] Okay. So the investigators went away with the memory card?

7 A. [9:44:39] They left, and they took my mobile number and they were going *to
8 call me back.

9 Q. [9:44:51] Did they explain to you how they were -- what they were going to do
10 with this memory card to get the video?

11 A. [9:44:58] Huh?

12 Q. [9:45:03] Yes, Mr Witness, I'm pausing for the interpretation, okay, so please
13 don't answer right away, please wait for a second.

14 A. [9:45:12] Okay.

15 Q. [9:45:13] Now, did the investigators say to you how they got the video off the
16 memory card from a technical point of view?

17 A. [9:45:24] When they took my memory card, they called me two weeks later. So I went.
18 They asked some questions. And they gave me the memory card back. After they called me
19 back four months later, and when they called me back again, they asked me a whole bunch
20 of questions. *And that's when they told me that they had made a cassette out of the video on
21 the memory card, so they showed me the cassette. They showed me a cassette.

22 Q. [9:46:17] Very well. And did you have anything else on the memory card of
23 your mobile phone?

24 A. [9:46:24] *There were many things in it. They just took what was of interest to them.

25 Q. [9:46:34] Okay. So they had access to everything on your memory card; is that

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1 what you are telling us?

2 A. [9:46:39] Yes. But they just took the video. They just took the footage. That's
3 what they were interested in.

4 Q. [9:46:47] But you weren't there when they took the video footage, the images,
5 you don't know what they took?

6 A. [9:46:54] Well, honestly, when I got there, they showed me the video. But the
7 rest, they didn't show me the rest. I don't know if they took anything else
8 since -- well, that's what I saw.

9 Q. [9:47:07] Very well. Mr Witness, what kind of mobile phone was it?

10 A. [9:47:20] *I lost it a long time ago. Um, it was -- I can't remember the brand. It
11 was a long time ago. Someone stole the phone from me a long time ago. I don't -- I
12 can't -- I really don't remember. It was a long time ago.

13 Q. [9:47:51] You say that the mobile phone was stolen and then burnt. When did
14 that happen?

15 Mr President, I think we have a problem. We've lost, at least, the image of the
16 witness.

17 PRESIDING JUDGE TARFUSSER: [9:48:40] Mr Witness, are you back? Can you
18 hear us?

19 THE WITNESS: [9:48:52] (Interpretation) Yes, yes. I'm here. I can hear you.

20 PRESIDING JUDGE TARFUSSER: [9:49:00] The question was when was your
21 mobile stolen? How much later?

22 THE WITNESS: [9:49:11] (Interpretation) Well, it was stolen about six months later,
23 six months later -- three months, three months later, two or three months later, two or
24 three months.

25 MS NAOURI: (Interpretation)

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1 Q. [9:49:36] Two or three months later in relation to what?

2 A. [9:49:40] I lost it. I went into a taxi and I lost it.

3 Q. [9:49:45] Very well.

4 PRESIDING JUDGE TARFUSSER: [9:49:47] Prosecutor, please.

5 MS SCHOETERS: [9:49:48] Thank you, Mr President. Just to clarify things for the
6 record, was the phone stolen and burnt --

7 PRESIDING JUDGE TARFUSSER: Yes, well --

8 MS SCHOETERS: -- or was it stolen?

9 PRESIDING JUDGE TARFUSSER: [9:50:01] Yes, well, he never said "burnt". I also
10 noted it, that's why I made the question because burnt, he never said "burnt", he said
11 "stolen". And I don't know why the Defence added the "burnt".

12 MS SCHOETERS: [9:50:18] Perhaps because it's on the French transcript.

13 MS NAOURI: [9:50:21] (Interpretation) Because he said that in French. It shows
14 in the French transcript. The witness said burnt. And my next question was to ask
15 the witness. And the witness has just said that he lost it. And I am not here to put
16 words into the mouth of the witness.

17 PRESIDING JUDGE TARFUSSER: [09:21:00] Come on.

18 THE WITNESS: [9:50:45] (Interpretation) I didn't say "burnt". I didn't say "burnt".

19 MS NAOURI: [9:50:54] (Interpretation)

20 Q. [9:50:56] Now, we have the transcript, page 9, line 17 to 18 --

21 PRESIDING JUDGE TARFUSSER: [9:51:00] Yes, but - excuse me - one is the
22 transcript and one is what he said. So the problem is we can go back to the
23 recording, not to the transcript, okay.

24 MS NAOURI: [9:51:10] (Interpretation) Of course, your Honour. And we will see
25 about that. But I would like to clear up the matter with the witness.

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1 Q. Mr Witness --

2 PRESIDING JUDGE TARFUSSER: [9:51:20] Just put the question neutrally. What
3 happened with the telephone? What happened with your telephone?

4 THE WITNESS: [9:51:35] (Interpretation) Hello?

5 PRESIDING JUDGE TARFUSSER: [9:51:36] Mr Witness, I ask you the following:

6 What happened with your mobile phone after you received it back from the Office of
7 the Prosecutor? What happened with the telephone?

8 THE WITNESS: [9:51:50] (Interpretation) The mobile? I lost it.

9 PRESIDING JUDGE TARFUSSER: [9:52:01] Before you said it was stolen. Then
10 you seem to have said it was stolen and burnt, but I don't know because it was
11 not - wait - it was not translated.

12 THE WITNESS: [9:52:11] (Interpretation) Yes, that's right.

13 PRESIDING JUDGE TARFUSSER: [9:52:13] What? What is right?

14 THE WITNESS: [9:52:15] (Interpretation) No. I never said it had been burnt. I
15 never said that it had been burnt. I said that my mobile had been stolen, stolen.
16 That means it was lost. I don't know. I think I -- I think I left it somewhere, I left it
17 in a taxi maybe. It was stolen maybe. That's all.

18 PRESIDING JUDGE TARFUSSER: [9:52:38] Okay.

19 THE WITNESS: [9:52:38] (Interpretation) I never said that it had been burnt.

20 PRESIDING JUDGE TARFUSSER: [9:52:43] Ms Naouri.

21 MS NAOURI: [9:52:45] (Interpretation) Thank you, your Honour.

22 Q. [9:52:51] Mr Witness --

23 A. [9:52:53] Yes.

24 Q. [9:52:57] -- now, the memory card that you gave to the OTP investigators, what
25 did it look like?

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- 1 A. [9:53:06] *What did it look like? But it's a memory card!
- 2 PRESIDING JUDGE TARFUSSER: [9:53:08] What does a memory card look like?
- 3 They look all the same.
- 4 THE WITNESS: [9:53:32] (Interpretation) A memory card like all the others.
- 5 PRESIDING JUDGE TARFUSSER: [9:53:35] No. Can we skip to another question,
- 6 please.
- 7 MS NAOURI: [9:53:39] (Interpretation)
- 8 Q. So two minor follow-up questions.
- 9 A. [9:53:49] Yes.
- 10 Q. [9:53:50] Did the OTP investigators ask you to put them in touch with this
- 11 hawker who originally had the video?
- 12 A. [9:53:56] No, they didn't ask me that.
- 13 Q. [9:54:01] Did they ask you to put them in touch with other potential witnesses?
- 14 A. [9:54:06] No, no, no.
- 15 Q. [9:54:10] Very well. Mr Witness, the OTP representative showed you some
- 16 video footage of the footage, and you said that you recognised Yaya. You said so in
- 17 the transcript.
- 18 A. [9:54:33] Yes.
- 19 Q. [9:54:34] Do you remember?
- 20 A. [9:54:37] Yes.
- 21 THE INTERPRETER: [9:54:38] Interpreter correction: Page 82, lines 18 to 23.
- 22 MS NAOURI: (Interpretation)
- 23 Q. [9:54:43] Were you there personally when the footage was shot?
- 24 A. [9:54:48] At the station? I was at the station. I was at the station.
- 25 Q. [9:54:56] Yes, Mr Witness. But my question is you, did you see him when it was filmed?

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1 A. [9:55:01] No, no. I didn't pay attention to that. *No, I didn't realise that there was
2 filming going on.

3 Q. [9:55:05] Very well. And did you personally see the scene in real life? Did
4 you see it yourself or did you just see it on the video?

5 THE INTERPRETER: [9:55:25] Answer inaudible.

6 MS NAOURI: [9:55:28] (Interpretation)

7 Q. [9:55:29] Yes?

8 A. [9:55:29] Yes, I saw it.

9 Q. [9:55:31] Very well. Did you know who was the gentleman with Yaya on the
10 video footage?

11 A. [9:55:37] Well, I don't know. I don't know. I don't know. I wasn't in a
12 position to know him.

13 Q. [9:55:45] Okay. If we show the footage again --

14 A. [9:55:49] You can put it again.

15 Q. [9:55:51] So that's what we'll do, Mr Witness. This is CIV-OTP-0046-1283, time
16 code 1.50 to 2.09.

17 And we'd like to ask for control over the playing of the video, Mr President.

18 (Viewing of the video excerpt)

19 MS NAOURI: [9:56:48] (Interpretation)

20 Q. [9:56:51] Did that refresh your memory, Mr Witness?

21 A. [9:56:57] Honestly, the video, I can't see it very well. I can't see it. Could you
22 maybe freeze it for a second? The guy beside Yaya, I can't see him very well.

23 Q. [9:57:20] We'll play it again and then we're going to do a screenshot, okay?

24 A. [9:57:27] Oh, okay. Great, great.

25 (Viewing of the video excerpt)

- 1 MS NAOURI: [9:58:09] (Interpretation)
- 2 Q. [9:58:10] If you don't remember, Mr Witness, that's okay.
- 3 A. [9:58:13] No, I don't remember. Honestly, no.
- 4 Q. [9:58:16] Okay. Thank you.
- 5 A. [9:58:20] Mm-mm.
- 6 Q. [9:58:21] Mr Witness, could we go back to another point, the carrying of the
- 7 bodies, the transportation of the bodies.
- 8 A. [9:58:37] Mm-mm.
- 9 Q. [9:58:37] Now, the people who organised the transportation of the bodies, how
- 10 many were there?
- 11 A. [9:58:44] The person who organised that, there were, to my knowledge, there
- 12 was Sidi, there was Soulé (phon), he was the organiser, there was -- well, there was
- 13 Sidi, Soulé. I don't remember the others, I remember those two.
- 14 Q. [9:59:17] Very well. Soulé, the organiser.
- 15 A. [9:59:26] And Sidi.
- 16 Q. [9:59:28] So Soulé was the one who organised the transportation of the bodies?
- 17 A. [9:59:33] The injured people, the bodies, the family members came. The two
- 18 bodies, Adama and *Lasso, the relatives came. But the other bodies, honestly, the
- 19 injured people, they were taken to the hospital. But there was Sidi and Soulé, they
- 20 were organising that. But the two bodies, Lasso and the guy who was spread out on
- 21 the table there, *Adama, the relatives came and got them. The others, all the other
- 22 bodies, I don't know. I didn't know all of them.
- 23 Q. [10:00:11] That's very clear. Thank you, Mr Witness. Do you know who
- 24 carried Yaya?
- 25 A. [10:00:20] No, I don't know. I don't know.

1 Q. [10:00:25] And who transported Daou?

2 A. [10:00:29] Yaya. I don't know whether he was taken to his home or the hospital
3 *by his relatives. What is certain is that I saw him injured. I don't know, I don't know
4 who transported him. I don't know.

5 Q. [10:00:39] Okay. So you're talking about Yaya there, but I asked you about
6 whether you personally know who transported Daou?

7 A. [10:00:50] *Daou was transported in the *wotro*. Soulé, there was Soulé and some
8 others I don't remember about who transported Daou.

9 Q. [10:00:59] Okay. And do you know who moved Amara?

10 A. [10:01:05] Adama?

11 Q. [10:01:06] Amara, not Adama.

12 A. [10:01:10] Amara, the one who was wounded to the head?

13 Q. [10:01:13] Yes.

14 A. [10:01:16] He went to the clinic on foot himself. There was blood flowing, but
15 we were *right next to each other, and when the shell burst, he received a wound to
16 the head, but he didn't fall down, he -- blood was flowing, but he went to, he went to
17 a clinic to receive treatment.

18 Q. [10:01:34] Okay. So, Mr Witness, you've told us that there were various people
19 who were carrying away the wounded and the dead. Now let's return to the
20 transportation of the dead.

21 A. [10:01:52] Yes.

22 Q. [10:01:54] So the Prosecutor showed you video footage on Friday. On that footage
23 we see the moving of the bodies. Do you remember? Transcript from page 82, from line 27.

24 A. [10:02:09] Mm-mm.

25 Q. [10:02:10] Do you remember?

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1 A. [10:02:11] Yes, I do.

2 Q. [10:02:13] So these pictures were taken, were filmed at the same location as you
3 were on that day; isn't that right?

4 A. [10:02:20] Yes, that's right.

5 Q. [10:02:22] All right. Then let me show you a short extract from said footage,
6 video CIV-OTP-0042-0593, time code 3.20, all the way to 4.06, please. All right.
7 You'll be shown that in just a moment.

8 A. [10:02:47] Okay.

9 THE COURT OFFICER: [10:02:50] Public?

10 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

11 THE COURT OFFICER: [09:21:00] Okay.

12 MS NAOURI: [10:02:52] (Interpretation) This is for public showing.
13 (Viewing of the video excerpt)

14 *THE INTERPRETER : [10:02:55] (Interpretation of the video excerpt)

15 "Unidentified Speaker: You don't have any bags?

16 Unidentified Speaker: Black bag, black bag, in order to carry."

17 MS NAOURI: [10:03:47] (Interpretation)

18 Q. [10:03:51] So, Mr Witness --

19 A. [10:03:55] Yes.

20 Q. [10:03:59] -- we see a gentleman organising the transportation of bodies. Have
21 you seen that person before? We see that person on the footage.

22 A. [10:04:10] On this particular footage?

23 Q. [10:04:12] Yes.

24 A. [10:04:13] *The people who are transporting the body, I told you a moment ago. The
25 two bodies, that's Adama and Lassina. It was behind where the shell fell, just behind where

1 the bomb exploded, that was where they were moved. *There, where you have the fan
2 repairers. But I can't really make out, to be honest with you, who it is. *But it's those people
3 with the fans there, where the person selling fans was hit. And then there was a woman who
4 was *coming from the market. But I can't really make out the people who were transported.

5 Q. [10:04:59] Okay. Yacouba Tioté, does that name ring a bell to you, Mr Witness?

6 A. [10:05:09] Yacouba Tioté?

7 Q. [10:05:12] Yes.

8 A. [10:05:13] *No. They are not in the same business as us. We are on the other side.

9 There, you have the shops. As to Yacouba Tioté, I do not know him.

10 Q. [10:05:23] Okay. And you didn't assist the people?

11 A. [10:05:26] No, no. *No, no.

12 Q. [10:05:30] So you didn't go -- Mr Witness, Mr Witness, we're crossing over each other.

13 So you're answering a question that I haven't finished. So for the transcript, I'd just like to
14 resume my question. So you didn't assist in the transportation of the bodies; is that right?

15 A. [10:05:47] That's right, I didn't.

16 Q. [10:05:48] Okay. So, Mr Witness, you told us on Friday in oral evidence in
17 answer to the *Prosecutor's question going to said footage, let me quote, page 83,
18 from line 14, the question is put in the following terms:

19 "Mr Witness, have you ever seen that footage before?

20 Answer: Inaudible.

21 Question: And where did you see it?

22 Answer: Yes, because I hadn't heard the question in fact.

23 Question: Well, let me repeat my question. If I followed what you're saying, you said that you
24 had seen that footage previously. So here is my question: Where had you seen it previously?

25 Answer: Where did I see it? You know who I'm with there. Those had me see the

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1 film again. I saw the film the day before yesterday. Yes, it was the day before
2 yesterday. I was shown the video again, yes."

3 So my question is to establish who showed you that footage when you arrived here?

4 A. [10:07:15] Who showed me the footage? I saw it where I am now. I was
5 shown it.

6 Q. [10:07:27] Okay. But it's not the footage that you handed over to the Prosecutor,
7 the investigator?

8 A. [10:07:34] It's the same, it's the same, it's the same film. *It's the only one.

9 Q. [10:07:39] Yes, but Mr Witness, tell me, I cut you off, what were you going to
10 say?

11 A. [10:07:43] I said the footage that you've shown me here, it's the same film that I
12 was shown and that I was able to see.

13 Q. [10:07:54] All right. But it's not the film that you handed over to the OTP's
14 investigators, the second film, this one here, is it?

15 A. [10:08:03] The second film that you showed me a moment ago.

16 Q. [10:08:06] Yes.

17 A. [10:08:09] But I don't know what was in the footage. I don't know what was in
18 the footage that you've shown me. I don't remember. I'd like to see the entire
19 footage so I can really make my mind up. I don't know --

20 THE INTERPRETER: [10:08:28] Inaudible.

21 MS NAOURI: [10:08:29] (Interpretation)

22 Q. [10:08:30] Okay. So what we are going to be doing, Mr Witness, perhaps, I can
23 show you -- well, I can't really show you the entirety of the footage because it's very
24 lengthy, but I can show you the same extract again, all right?

25 A. [10:08:39] All right. That's fine. Yes.

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1 (Viewing of the video excerpt)

2 MS NAOURI: [10:10:00] (Interpretation)

3 Q. [10:10:00] So was this of any assistance to you to have the footage shown to you again?

4 A. [10:10:06] It's the same, it was the same one that you showed me. *I would like
5 you to show me the entire video.

6 Q. [10:10:10] Yes. But Mr Witness --

7 A. [10:10:12] Yes.

8 Q. [10:10:13] Yeah, but, look, the film is very long, so I can't show you in its entirety.

9 A. [10:10:18] Okay.

10 Q. [10:10:19] But the extract that I've just shown you now, that's a film that we have
11 on the case file. Now, you handed over some video footage to the OTP's
12 investigators. We're in agreement on that?

13 A. [10:10:32] Yes.

14 Q. [10:10:33] Okay. Now, those two films, are they different films altogether or
15 the last footage that we've just seen, have you already seen it? Could those pictures
16 have been edited out of a longer film? That's my question?

17 A. [10:10:53] Well, I don't remember -- *what is certain is that the video I handed
18 over must be in there...

19 PRESIDING JUDGE TARFUSSER: I would not understand the --

20 THE WITNESS: [10:10:56] (Interpretation) I don't remember.

21 PRESIDING JUDGE TARFUSSER: [10:10:57] I would not understand the question.

22 MS NAOURI: [10:10:59] (Interpretation) I will, I will re-put it. I'm doing my best
23 because the witness is muddling up things, I think, and making things a bit more
24 complicated.

25 MR GARCIA: [10:11:11] If I may your Honour, just --

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1 PRESIDING JUDGE TARFUSSER: [10:11:12] Yes, please.

2 MR GARCIA: [10:11:13] -- just a couple of seconds. I'm not sure how much this is
3 helping clear up the matter. There is a certain amount of confusion. There are two
4 videos.

5 PRESIDING JUDGE TARFUSSER: [10:11:20] Yes.

6 MR GARCIA: [10:11:21] Defence counsel has disclosure of which videos have been
7 given to the witness for the familiarisation stage, clearly indicated which video it is.
8 Now, clearly we're working here on a confusion --

9 PRESIDING JUDGE TARFUSSER: [09:21:00] Yes.

10 MR GARCIA: -- possibly on the part of the witness. And we're not adding, we're
11 not clearing it up actually. It's clear within the record what has been given to the
12 witness to look at. And now we're working, we've been on it for 10 minutes actually,
13 and I suggest to the Court that this is not helping.

14 PRESIDING JUDGE TARFUSSER: [10:11:45] No, I would even say this is confusing,
15 trying to confuse the witness.

16 MS NAOURI: [10:11:51] (Interpretation) Now, your Honour, the witness was
17 unambiguous, he said he saw the film the day before yesterday in answering
18 questions from the OTP. So this film isn't in the familiarisation protocol. So I agree
19 with you, the witness is confusing the film. He's even -- he looks as though he's
20 saying it's the same footage. And that's why I wanted to shed light on this, to really
21 see whether he'd seen it or not, because he was clear and unambiguous in his oral
22 evidence when he answered the Prosecution's questions.

23 PRESIDING JUDGE TARFUSSER: [10:12:24] Mr Witness, how many, how many
24 videos did you see a few days ago before testifying? How many videos were you
25 shown?

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1 THE WITNESS: [10:12:39] (Interpretation) Well, the memory card that I gave to the
2 investigators, that's the film footage I saw.

3 PRESIDING JUDGE TARFUSSER: [10:12:49] So you were shown one video?

4 THE WITNESS: [10:12:53] (Interpretation) That's right.

5 PRESIDING JUDGE TARFUSSER: [10:12:55] And is it the video of the film you gave
6 to the Office of the Prosecutor?

7 THE WITNESS: [10:13:07] (Interpretation) The film you showed me just a moment
8 ago, that one. Hello, can you hear me?

9 PRESIDING JUDGE TARFUSSER: [10:13:14] Yes, I can hear you.

10 THE WITNESS: [10:13:18] (Interpretation) The film that I gave to the investigators.
11 But the film footage that they just showed me now, I've seen the film, but I don't
12 know whether it's part of the same film. But I've seen that one. But I don't know
13 where the confusion comes from. But I don't think it's -- I don't know whether it's
14 the same one.

15 PRESIDING JUDGE TARFUSSER: [10:13:38] Okay. Thank you.

16 Madam Naouri.

17 MS NAOURI: [10:13:44] (Interpretation) Thank you very much, your Honour.

18 Q. [10:13:49] All right, Mr Witness. Going to this film, I'm referring to the second
19 one now, another question, do you know an association called the Way of the Active
20 Youth or the Voice of the Active Youth?

21 A. [10:14:06] No, I don't know that association.

22 Q. [10:14:10] Very well. And have you, what did you see on the day of the events,
23 anybody film with a digital camera?

24 A. [10:14:20] I don't remember that either because there was -- everything was
25 chaos and so I don't remember.

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1 Q. [10:14:27] Very well. All right, Mr Witness. Now, in your statement you are
2 recorded as saying that Daou allegedly was taken to Félix Houphouët-Boigny
3 hospital. That's paragraph 26. So here is my question: Who gave you that item of
4 information, please?

5 A. [10:14:59] Who gave me that information?

6 Q. [10:15:01] Yes.

7 A. [10:15:04] Is that your question?

8 Q. [10:15:06] Yes.

9 A. [10:15:07] Well, I was at the station. His wife was there. And *Daou and myself,
10 we left home to come. And I asked them, his brothers were there and I asked them. *And
11 they told me: "well, they sent it to the Abobo hospital". No, they said he should be sent to
12 the Houphouët-Boigny hospital. You see, at that time, the situation was very tense. It was
13 not possible to get to Houphouët-Boigny. It was really very dangerous.

14 THE INTERPRETER: [10:15:35] Inaudible.

15 THE WITNESS: [10:15:37] (Interpretation) But we couldn't go to that place because
16 it was shooting every which way. There was firing all over the place. And it was
17 from his relatives that we learnt that he was there after the fact.

18 MS NAOURI: [10:15:47] (Interpretation)

19 Q. [10:15:48] Okay. But you weren't there? You didn't go to the hospital?

20 A. [10:15:51] No. No, I didn't go to the hospital, no, because at that particular time
21 we couldn't, we couldn't get out.

22 Q. [10:16:00] Okay.

23 A. [10:16:01] We couldn't move around at all.

24 Q. [10:16:03] Okay. Thanks, Mr Witness.

25 Now, paragraph 18 of your statement you're recorded as saying the following, and let

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1 me quote:

2 "The pro-Gbagbo soldiers are at the Camp Commando. Every day, at 11 or midday,
3 there was their tank that was coming from the Agban camp and went to Camp
4 Commando at Abobo to bring food to the soldiers in that place."

5 Do you remember having said that, Mr Witness?

6 A. [10:17:04] Yes.

7 Q. [10:17:04] Very well. So the commander of squadron *31 said before this very Court the
8 following, Witness *0330 in-chief, *ICC-02/11-01/15-T-68, page 85, from line 15, public session:

9 Question: "I'd like to return to something that you mentioned earlier, Mr Witness.

10 *You told us about the resupply convoys. Now, about the times, at what time would
11 the convoy leave Camp commando or Camp Agban? How did it work"? That is the
12 question that is put to you.

13 And you answer: "Supplying was done at night. Some were done during the day,
14 but at different times because I said, and I mentioned this earlier on, our vehicles
15 came under attack, either from firearms or even stones that were thrown from
16 buildings on our people. So times were different, to basically not be subject to these
17 attacks."

18 So here is my question, Mr Witness: Are you sure that that's true, that the supply
19 convoy went through that location between 11 and midday?

20 A. [10:18:46] *Between 11 am and midday, yes.

21 Q. [10:18:48] Okay. Thank you very much, Mr Witness.

22 A. [10:18:50] Thanks to you, Counsel.

23 MR ALTIT: [10:18:54] (Interpretation) Your Honour, this puts an end to our
24 questions. We have nothing further from our bench.

25 PRESIDING JUDGE TARFUSSER: [10:19:05] Thank you very much.

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1 Mr Witness, the Defence for Mr Gbagbo has concluded his questioning. Now it's for
2 the Defence for Mr Blé Goudé to put questions to you. And I --

3 THE WITNESS: (Overlapping speakers)

4 PRESIDING JUDGE TARFUSSER: -- okay, and I give the floor to Maître Zokou.

5 MR ZOKOU: [10:19:25] (Interpretation) Good morning, your Honour. Good
6 morning honourable members of the Bench.

7 QUESTIONED BY MR ZOKOU: (Interpretation)

8 Q. [10:19:45] Good morning, Mr Witness.

9 A. [10:19:46] Good morning.

10 Q. [10:19:48] As his Honour said, my name is Counsel Zokou. I am counsel at the
11 Brussels Bar and I am part of Charles Blé Goudé's Defence team.

12 A. [10:19:56] Okay.

13 Q. [10:19:57] I'm going to put one or two questions to you.

14 A. [10:20:07] Okay.

15 Q. [10:20:08] I won't be too long. So if there's any problem, just say so.

16 Everything okay?

17 A. [10:20:12] Yes, everything is okay.

18 Q. [10:20:13] Fine. You still work in the transportation field that you were doing
19 at the time of the events in question; is that right?

20 A. [10:20:20] Yes.

21 Q. [10:20:21] So how is work going then?

22 A. [10:20:22] It's all going okay. Thanks very much.

23 Q. [10:20:25] Okay. So, Mr Witness --

24 A. [10:20:31] Yes.

25 Q. [10:20:32] -- you told us of roadblocks and you told us that in Abobo *there were

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1 roadblocks where, at the same time, there would be combatants, civilians and what have you.

2 A. [10:20:45] Yes.

3 Q. [10:20:46] So we agree on that, do we?

4 A. [10:20:47] Yes.

5 Q. [10:20:49] Can you give me some more details about those roadblocks? What
6 did they a look like? What were they made up of? What did they put across the
7 road? Can you tell us a bit more about that?

8 A. [10:21:03] Thank you for your question, Counsel. Yes, there were roadblocks
9 made out of wood. At each entrance to the station or the neighbourhood, there was
10 wood put across which would block the entrance into the station -- I do apologise, I
11 mean entrance not into the station, but into the neighbourhood. And that's how they
12 did it.

13 Q. [10:21:32] And at those particular roadblocks then, who were being checked,
14 who were being monitored? And what were you doing there? And what were
15 people doing there? They were checking who and what exactly?

16 A. [10:21:49] At those roadblocks, they would search people to check whether they
17 were carrying weapons and also to see whether people had been infiltrated. And so
18 when they found weapons they might, well, they might find weapons with passersby,
19 and then they would take those weapons away. That's how things were done, and
20 to avoid people coming in and doing, doing stuff on the other side.

21 Q. [10:22:23] All right. So you're saying that there were *infiltrators. So who
22 were they then? *Infiltrators in relation to whom? Where had they come
23 from?

24 THE INTERPRETER: Inaudible.

25 THE WITNESS: [10:22:39] (Interpretation) Well, there were people who were

1 coming to do harm to people and they wanted to settle scores. And because there
2 was a roadblock, these people could be searched to check whether they were carrying
3 weapons or not, for that matter, and that's how things were done.

4 MR ZOKOU: (Interpretation)

5 Q. [10:23:05] So can I derive from what you are saying then that people who are
6 being looked for were Gbagbo people or supporters of Gbagbo, for example?

7 A. [10:23:20] No. There is everybody there. Well, it was total confusion. There
8 was chaos. And people were being checked. And so that, that -- well, people didn't
9 try to make the difference between who was supporting Gbagbo and not. But what
10 they didn't want is people to go in on the other side and cause trouble and hurt
11 people.

12 Q. [10:23:49] All right. So if I'm following your evidence, you're saying, well,
13 you're saying that there was a prevailing sense of insecurity, of fear; is that right?

14 A. [10:23:58] That's right.

15 Q. [10:24:01] And so with these roadblocks then, were appeals made to you by
16 somebody to establish these roadblocks or did you do it off your own bat?

17 A. [10:24:14] No. The neighbourhood organised it, young people who wanted to
18 defend the neighbourhood. Young people were called in so that we wouldn't be
19 taken by surprise, and people might be bashing casserole dishes to say that there
20 were -- or saucepans to say that danger was approaching, something like that.

21 Q. [10:24:39] Thanks, Mr Witness. Thank you for your answer.

22 A. [10:24:41] Thank you for your question, Counsel.

23 Q. [10:24:44] I'd just like to seek a brief clarification. Based on your oral evidence,
24 if I've followed it properly, you're telling us that there were armed groups already
25 established, we agree on that. So now what I am interested in is the following: At

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1 what particular point in time did you see these particular groups carrying weapons
2 coming from in training camps as you said before? Is it just after the electoral
3 process? Can you, can you give us some sort of time bearings? Could you provide
4 clarification?

5 *A. [10:25:28] It was after the second round of elections.

6 THE WITNESS: [10:25:30] (Interpretation) It was at Abobo, at Abobo things
7 changed entirely. People had to stand up and defend people because otherwise
8 there *were too many killings. So they're volunteers who had come to defend the
9 neighbourhood because there was an attack. And if there was an attack, then they
10 could defend the neighbourhood. And that's how things went. It was when the
11 second round had been lost. It was around then I think when things got
12 troublesome.

13 MR ZOKOU: (Interpretation)

14 Q. [10:26:05] Okay. So these groups were already involved in fighting and were
15 conducting attacks at that particular time after the second round of the elections?

16 THE INTERPRETER: Inaudible.

17 THE WITNESS: (Interpretation) [10:26:24] *Abobo itself was spared, but it was at
18 PK 18 that everything started. It was when the FDS went off to PK18 to fight, and *on
19 their way back, they were firing into the crowd. Therefore, it was as from that time
20 that people got organised in order to defend themselves. And that's how it went.

21 MR ZOKOU: (Interpretation)

22 Q. [10:26:56] And during that particular time at Abobo, Mr Gbagbo's supporters,
23 could they hold any meetings, any political meetings, for example?

24 A. [10:27:11] There, at that particular place? No. During the second round of
25 elections, no, they couldn't.

- 1 Q. [10:27:24] Now, Charles Blé Goudé --
- 2 A. [10:27:42] Yes.
- 3 Q. [10:27:45] -- in relation to the fighting that you've just detailed to us --
- 4 A. [10:27:50] Yes.
- 5 Q. [10:27:50] -- Mr Blé Goudé, was he able to hold a meeting at Abobo?
- 6 A. [10:27:58] After the second round? After the second round?
- 7 Q. [10:28:00] Yes, yes. That's my clarification.
- 8 A. [10:28:03] Well, I remember that Mr Charles Blé Goudé, there was a meeting at
- 9 Abobo, yes, at a place that we call the parliament. But he wasn't able to do it in fact
- 10 because,* it was too risky. So, quite frankly, I did not see Blé Goudé leading a rally
- 11 in Abobo. I did not see that.
- 12 Q. [10:28:44] Okay. So, Mr Blé Goudé had a meeting in the -- well, he wanted to
- 13 do a meeting in the Abobo, in *Abobo-Avocatier, and he couldn't do it at the end of
- 14 the day. So to your knowledge why, why couldn't he do that?
- 15 A. [10:28:58] Well, he couldn't do it. He couldn't do it and I could see that he couldn't do it.
- 16 Q. [10:29:11] Then do you remember when that meeting was scheduled?
- 17 A. [10:29:17] The date?
- 18 Q. [10:29:18] Yes, more or less.
- 19 A. [10:29:20] No. I date, I don't, I don't remember.
- 20 Q. [10:29:28] Was it in January, for example, do you remember?
- 21 A. [10:29:32] I can't remember the date. But it was at the beginning of the PK
- 22 attack. I don't remember the date though.
- 23 Q. [10:30:03] If I look back to your statement on this point, you made a statement in
- 24 Abidjan, I just want to read part of what you said. Paragraph 49, and you said, "The
- 25 clashes *between this group", you were talking about the Invisible Commando here,

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1 and the pro-Gbagbo started at the time when Blé Goudé was supposed to go and talk
2 *at the parliament of Abobo Avocatier opposite the Sotra depot. There was an imam
3 in PK18 who *was allied to the pro-Gbagbo people. And on the basis of what some
4 friends of mine at PK 18..."

5 PRESIDING JUDGE TARFUSSER: [10:30:45] Are you quoting? Are you quoting or
6 summarising?

7 THE INTERPRETER: [10:30:54] No microphone from the counsel.

8 MR ZOKOU: [10:30:56] (Interpretation) I'm quoting a shorter part of what the
9 witness said, just to refresh his memory.

10 MR GARCIA: Your Honour, we --

11 PRESIDING JUDGE TARFUSSER: [10:31:07] Pardon, Mr Prosecutor.

12 MR GARCIA: [10:31:09] We do have an issue with the way that that has been put to
13 the witness actually. We'd ask that the paragraph, the start of the paragraph be read to
14 him because it's not clear. The way that it has been put to him, I think it's a bit misleading
15 as to who the witness was speaking about. It's paragraph 49 should be read to him.

16 PRESIDING JUDGE TARFUSSER: [10:31:24] Yes, yes.

17 MR GARCIA: [10:31:25] I'll not say anything more since the witness is hearing us.
18 But it should be put to him entirely so that it is accurate. The way that it has been
19 summarised is inaccurate.

20 PRESIDING JUDGE TARFUSSER: [10:31:35] Maître Zokou, let's read it entirely so
21 that he can better take a position on this. Thank you.

22 MR ZOKOU: [10:31:49] (Interpretation) No problem with that. I was just trying
23 to go a little bit faster.

24 Q. [10:31:59] So, Mr Witness, I'm going to read back to you everything you said.

25 A. [10:32:03] Very well.

1 Q. [10:32:05] This is paragraph 49, you said:

2 "I heard about the Invisible Commando after the second round of the presidential
3 elections, but we didn't know who they were. We knew that there was a group of
4 fighters at PK18 who were fighting against the pro-Gbagbo. Every time the
5 pro-Gbagbo came to attack them, they were defeated, they lost. The clashes between
6 this group and the pro-Gbagbo started at the time when Blé Goudé was supposed to
7 go and talk to the parliament of Abobo-Avocatier opposite the Sotra depot. There
8 was an Imam at PK18 who was allied with the pro-Gbagbo, and according to *what
9 some friends of mine at PK18 told me, the group of fighters had decided that if Blé
10 Goudé came, they were going to kill him. The imam allegedly called the
11 pro-Gbagbo people at 3 o'clock in the morning to tell them that the combatants had
12 decided to kill Blé Goudé if he came."

13 This is the end of the quotation. It's the part I wanted to read out to you.

14 Now, I'm just reading this out because I want to recall to you the fact that you said
15 that there was fighting and that there were armed fighters in Abobo. And I simply
16 want to ask you if this fighting had any relationship whatsoever with Mr Charles Blé
17 Goudé, because you said that there were fighting, but he didn't come?

18 A. [10:33:56] Everybody knew that there was fighting. After the post-electoral
19 crisis, the second round, after the second round --

20 THE INTERPRETER: Inaudible.

21 THE WITNESS: (Interpretation) -- * the BAE would come to PK to steal from people. They
22 searched and looted people's houses. That is when the combatants reacted. This means that
23 PK was within their reach, and so the FDS came there to fight against them. We heard the
24 noise, the sound of the Kalashnikov rifles. We heard the weapons being fired. So we knew
25 there was fighting going on. They knew there was fighting going on at PK. There you are.

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1 MR ZOKOU: (Interpretation)

2 Q. [10:34:38] Just a question, sir. Who wanted to kill Mr Charles Blé Goudé and
3 why?

4 A. [10:34:46] Mr Charles Blé Goudé, people thought that it was really him *who
5 was supporting, encouraging people to fight, encouraging hatred. He was the one
6 we saw on television. *And maybe they did not like what he was saying. So he was
7 also a target. Personally speaking, I only saw him once. He didn't do anything to me.
8 But people said that he was the one who was everywhere or on the front line and he
9 was considered as the enemy.

10 Q. [10:35:39] Thank you, Mr Witness, for having answered all my questions.

11 A. [10:35:43] Thank you.

12 Q. [10:35:45] And I'd like to wish you a good trip back home.

13 A. [10:35:48] Thank you.

14 MR ZOKOU: [10:35:50] (Interpretation) Thank you very much, your Honour. I've
15 finished my questions.

16 PRESIDING JUDGE TARFUSSER: [10:35:55] Thank you very much, Maître Zokou.
17 Now I ask, revert to the OTP to ask if they have a request for re-questioning?

18 MS SCHOETERS: [10:36:06] No further questions, your Honour.

19 PRESIDING JUDGE TARFUSSER: [10:36:11] Okay. Thank you very much.

20 So this concludes your testimony before the International Criminal Court, Mr Ballo.
21 Thank you very much for having --

22 THE WITNESS: [10:36:25] (Interpretation) Thank you.

23 PRESIDING JUDGE TARFUSSER: [10:36:26] Thank you for having been here.

24 I thank also the assistants of the Court in the remote location. Thank you very much.

25 And now I think we can disconnect.

1 (The witness is excused)

2 PRESIDING JUDGE TARFUSSER: Thank you. I would say before starting with
3 the next witness we have a break, make a break, so that it can be organised. I ask the
4 court officer if half an hour is sufficient?

5 THE COURT OFFICER: [10:37:20] It should be sufficient, your Honour, since the
6 witness is on standby. However, I prefer to double-check with my colleague from
7 VWS and revert to you shortly.

8 PRESIDING JUDGE TARFUSSER: [10:37:30] Okay. It's just so I know when to
9 adjourn, to when to adjourn the hearing.

10 (Pause in proceedings)

11 PRESIDING JUDGE TARFUSSER: [10:39:04] I think we go to 11.30, so we continue
12 with the normal iter. Iter, this was Latin.

13 Thank you very much. The hearing is adjourned to 11.30.

14 THE COURT USHER: [10:39:19] All rise.

15 (Recess taken at 10.39 a.m.) (Upon resuming in open session at 11.31 a.m.)

16 THE COURT USHER: [11:47:37] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [11:47:38] Good morning.

19 Just before introducing the Witness 381, I just wanted to say that we have here in The
20 Hague Witness 381, 567, 568 and 407. The Chamber would like to conclude the
21 questioning of these four witnesses by Friday, and if need be, we make extended
22 hours, but just to remind you that this is what we want to achieve to come to Friday
23 and hear four witnesses.

24 And if there is a need, just tell the Chamber and then we'll see how we go forward.

25 But we are ready to have extended hours. Can we now please introduce

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1 Witness 407 -- 381.

2 (The witness enters the courtroom)

3 PRESIDING JUDGE TARFUSSER: [11:47:38] Good morning, Mr Witness.

4 WITNESS: CIV-OTP-P-0381

5 (The witness speaks French)

6 THE WITNESS: [11:47:39] Bonjour, Monsieur le Président.

7 PRESIDING JUDGE TARFUSSER: [11:47:39] Before starting with the questioning by
8 the parties, I would ask you to identify yourself. Can you give us your complete
9 name.

10 THE WITNESS: [11:47:39] (Interpretation) My name is Daouda Dosso. I was
11 born --

12 PRESIDING JUDGE TARFUSSER: [11:47:39] Yes.

13 THE WITNESS: [11:47:39] (Interpretation) I was born in 1968, in Abidjan, in
14 Adjamé commune.

15 PRESIDING JUDGE TARFUSSER: [11:47:39] And you're Ivorian?

16 THE WITNESS: [11:47:39] (Interpretation) Yes, I am from Côte d'Ivoire.

17 PRESIDING JUDGE TARFUSSER: [11:47:39] And which ethnicity and which faith?

18 THE WITNESS: [11:47:39] (Interpretation) I am a Koyaka person. I'm from
19 *Worodougou, Mankono area. I am a Muslim.

20 PRESIDING JUDGE TARFUSSER: [11:47:39] Is this in the north, what you said,
21 where you are from?

22 THE WITNESS: [11:47:39] (Interpretation) Yes.

23 PRESIDING JUDGE TARFUSSER: [11:48:12] Now, Mr Daouda, what is your
24 occupation, the current occupation? What are you doing?

25 THE WITNESS: [11:47:40] (Interpretation) I am a member of the armed forces of

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1 Côte d'Ivoire. I am a soldier. My specialty is the archives. I'm an archivist.

2 PRESIDING JUDGE TARFUSSER: [11:47:40] And you're still an archivist, which
3 rank?

4 THE WITNESS: [11:47:40] (Interpretation) I am a staff sergeant.

5 PRESIDING JUDGE TARFUSSER: [11:47:40] And you had the same job during the
6 crisis as you have it now?

7 THE WITNESS: [11:47:40] (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [11:47:40] So I am glad that I perceived that
9 you're speaking slowly. Continue please to speak slowly because we have
10 translation issues. We have interpreters, we have court reporters, okay. Just speak
11 slowly so that we can understand and the court reporters and the interpreters can do
12 their job as good as possible, okay? Speak slowly and don't overlap, wait until the
13 person who questions you has finished the questions and then speak.

14 THE WITNESS: [11:47:40] (Interpretation) Okay, fine.

15 PRESIDING JUDGE TARFUSSER: [11:47:40] And I might give you a sign to slow
16 down. If I do like this, please slow down.

17 This Chamber has been established to try the case of the Prosecutor against
18 Mr Gbagbo and Mr Blé Goudé. And you are a witness to this case. As a witness
19 you have to say the truth, to answer questions and to answer truthfully. To that
20 effect, please read out the formula you have in front of you, which is a solemn
21 undertaking.

22 THE WITNESS: [11:47:41] (Interpretation) I solemnly declare that I shall tell the
23 truth, the whole truth and nothing but the truth.

24 PRESIDING JUDGE TARFUSSER: [11:47:41] Thank you. I must inform you also
25 that giving false testimony is an offence against the Court and an offence punishable.

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1 This, you do understand, yes?

2 THE WITNESS: [11:47:41] D'accord.

3 PRESIDING JUDGE TARFUSSER: [11:47:41] Okay. Now we have some technical
4 issues to solve before I give the floor to the Office of the Prosecutor.

5 The Chamber has before it your written statement. I mean, I'm referring to the
6 statement -- there is no transcript. Why is there no transcript? Also in French there
7 is no transcript. French, you have transcript? Okay. There is no English
8 transcript then.

9 Well, I continue while -- with these preliminaries. So we, in the meanwhile, we will
10 settle it.

11 The Chamber has before it, as I said, your statement, a statement you gave to the
12 Office of the Prosecutor on 27 and 28 September 2013. For the record this is
13 statement CIV-OTP-0049-2818. Have you this statement also before you?

14 THE WITNESS: [11:47:42] (Interpretation) Yes.

15 PRESIDING JUDGE TARFUSSER: [11:47:42] Can you please confirm that this is the
16 statement that you gave to the Office of the Prosecutor at the end of 2013?

17 THE WITNESS: [11:47:42] (Interpretation) Yes, that's indeed the statement.

18 PRESIDING JUDGE TARFUSSER: [11:47:42] And in these days, in the last days,
19 have you read this statement again? Have you had the possibility to read it again?

20 THE WITNESS: [11:47:42] (Interpretation) Of course.

21 PRESIDING JUDGE TARFUSSER: [11:47:42] Okay. Good. So the Chamber has
22 decided, on 6 June 2017, that your written statement can be introduced under
23 Rule 68(3) of our Rules of Procedure and Evidence into the record of the case. This
24 means that rather than you having to repeat to giving your entire statement here
25 orally, the Chamber can use your written statement as it is. But nevertheless you

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1 would still be asked questions by the Office of the Prosecutor and obviously by the
2 two Defence teams. And in this case also because requested by the LRV.
3 The Rule I was talking about, Rule 68(3) of the Rules of Procedure and Evidence state
4 that the Chamber can allow the previous recorded statements to be introduced if the
5 witness does not object, if you do not object in this case, and if the Prosecutor and the
6 Defence teams can examine the witness. So therefore I have to ask you would you
7 agree, do you agree with the introduction of your written statement as it is in the
8 record of the case?

9 THE WITNESS: [11:47:43] (Interpretation) I agree.

10 PRESIDING JUDGE TARFUSSER: [11:47:43] Okay. Thank you. So in light of this
11 the Chamber, your written statement, the Chamber decides that your written
12 statement is in the record of the case. And if I talk about the written statement, I talk
13 about the number I gave before. So this item is submitted.

14 I think that now we can start the questioning, supplementary questions by the Office
15 of the Prosecutor. And I give the floor to the Office of the Prosecutor.

16 MR LEDDY: [11:47:43] Thank you, your Honours.

17 QUESTIONED BY MR LEDDY:

18 Q. [11:47:43] Good morning, Mr Witness. As you may remember, my name is
19 Nicholas Leddy, and I'm a lawyer here with the Office of the Prosecutor. We met
20 last Wednesday at the courtesy meeting here in this building. Through my
21 questioning today I'm going to be addressing you as "Monsieur le témoin." It's not a
22 sign of disrespect, rather it's just the practice here of the Court.

23 Over the course of the next hour I'm going to be asking you to clarify some portions
24 of your written statement and I'll also be showing you some documents and asking
25 you to clarify certain aspects of those documents.

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1 Now, you explained to the Judge that you've already reviewed the written statement.
2 My question is in addition to that written statement, did you also have a chance to
3 review the collection of documents with the Victims and Witness Service earlier this
4 week or over the course of the past week?

5 A. [11:47:44] Yes.

6 MR LEDDY: [11:47:44] For the record, your Honour, there are 64 documents in that
7 collection as listed on the handover note. Those are items 2 through 65 on the list of
8 materials.

9 Q. [11:47:44] Now, Mr Witness, were those additional documents that you
10 reviewed copies of FDS documents that you helped provide to the Office of the
11 Prosecutor as described in paragraph 62 through 66 of your statement?

12 PRESIDING JUDGE TARFUSSER: [11:47:44] The problem is there is no -- yes.

13 MR JACOBS: [11:47:44] (Interpretation) Your Honour, I object to the question that
14 was just put to the witness. The documents that were shown --

15 PRESIDING JUDGE TARFUSSER: [11:47:44] Let me please solve the question
16 because -- the issue, the technical issue.

17 (Pause in proceedings)

18 PRESIDING JUDGE TARFUSSER: [11:48:49] It's not immediately solvable, so we
19 suspend the hearing. It's about 10, 15 minutes, but we come back as soon as the
20 court officer calls us, okay. Thank you. The hearing is adjourned.

21 THE COURT USHER: [11:49:04] All rise.

22 (Recess taken at 11.49 a.m.)

23 (Upon resuming in open session at 12.05 p.m.)

24 THE COURT OFFICER: [12:06:09] All rise.

25 PRESIDING JUDGE TARFUSSER: [12:06:27] Mr Leddy. No, I think he has to

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1 rephrase and then you stand up, we don't -- because otherwise we have lost

2 the -- please make your question and then we'll see what happens.

3 MR LEDDY: [12:06:51] Thank you, your Honour. I'm happy to reformulate the
4 question.

5 PRESIDING JUDGE TARFUSSER: [12:06:54] Yes.

6 MR LEDDY: [12:06:56]

7 Q. [12:06:57] Mr Witness, in relation to paragraph 62 of your statement, you
8 indicated that on 31 July 2013, that you received information from General Detoh
9 Letho that members of the Office of the Prosecutor were going to pay you a visit and
10 review documents. And in paragraph 66 you indicate that certain documents were
11 scanned and provided to the Office of the Prosecutor. Do you remember that?

12 A. [12:07:30] Yes.

13 Q. [12:07:36] You also mentioned just now that you had a chance to review
14 additional documents over the past week in addition to your statement. Did you
15 recognise those documents that you reviewed in the past week?

16 A. [12:07:52] Yes.

17 Q. [12:07:58] And what did you recognise them to be?

18 PRESIDING JUDGE TARFUSSER: [12:08:05] Mr Jacobs.

19 MR JACOBS: [12:08:08] (Interpretation) Thank you, your Honour. If I
20 understand what the representative of the bureau of the Prosecutor is doing, he's
21 asking the witness to authenticate to witness documents which he saw or which were
22 given to him during the familiarisation stage. I think the familiarisation stage is not
23 his testimony, is not part of his testimony. And if the Prosecutor wants these
24 documents to be recognised by the witness, it must be during the hearing. It should
25 not be done during the familiarisation process, which should be done ex parte.

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1 PRESIDING JUDGE TARFUSSER: [12:08:41] No, he asked only if he has seen them.

2 What difference if it's authentication? He just asked him if he has seen these

3 documents.

4 Please, go ahead. Thank you.

5 MR LEDDY: [12:08:50] Thank you, your Honour.

6 Q. [12:08:54] Mr Witness, you said you recognised these documents. My question

7 to you is what did you recognise these documents to be?

8 A. [12:09:04] These were documents which were, well, I think were a decree.

9 *Then there are some documents on the battle order. I think there was the

10 organisational chart of the military headquarters. *And I believe there are also certain

11 documents relating to the recruitment of some young people.

12 THE INTERPRETER: [12:09:53] Correction from the interpreter: They did talk

13 about battle order.

14 THE WITNESS: [12:09:58] (Interpretation) And I think they concerned recruitment

15 of some youngsters.

16 MR LEDDY: [12:10:14]

17 Q. [12:10:14] Mr Witness, were these the types of documents that your office

18 provided to the Office of the Prosecutor in August 2013?

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

20 MR LEDDY: [12:10:36] I'd also like to note for the record, your Honours, that the OTP

21 investigator report, which is number 66 on our list of materials, documents the procedure by

22 which the documents were collected and includes annexes with the relevant ERNs.

23 Q. [12:10:56] So, Mr Witness, I'd like to ask you to clarify a few topics from your

24 written statement. In paragraph 37 you mentioned that you saw thousands of

25 youths come to camp Galliéni to enrol in the FDS in response to the call of Charles Blé

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1 Goudé. And you say that this was unusual. Can you tell us what was unusual
2 about that event?

3 A. [12:11:25] Well, in fact, when Mr Blé Goudé launched his appeal to youngsters
4 to come and to be enrolled at the headquarters, straightaway I thought things were
5 going a bit fast. And what I found unusual about this was that things shouldn't have
6 been done this way. I had seen not really thousands, but hundreds and hundreds of
7 young people who more or less invaded the headquarters of the Ivorian army, and
8 that was what frightened me, because saying one thing and then not doing it, that
9 really creates difficult circumstances.

10 Q. [12:13:14] Now, Mr Witness, I'd like to play two short excerpts of a video for
11 you and ask you to pay particular attention to the locations depicted in those
12 excerpts.

13 That's item number 71 on our list of materials. The ERN is CIV-OTP-0015-0501,
14 which can be played publicly. I'd request the floor to do so. The relevant transcript
15 is item 72 on the list of materials. That's CIV-OTP-0063-2902, and we'll be playing
16 the first excerpt, from timestamp 00.00 to 00.16.

17 THE COURT OFFICER: [12:14:10] Prosecution has the floor, evidence 2.

18 THE INTERPRETER: [12:14:11] Message from interpreters: Will sight translation
19 of the video be required?

20 PRESIDING JUDGE TARFUSSER: [12:14:16] The question is, did you hear it?

21 MR LEDDY: [12:14:18] No.

22 PRESIDING JUDGE TARFUSSER: [12:14:19] No.

23 (Viewing of the video excerpt)

24 MR LEDDY: [12:15:05]

25 Q. [12:15:06] Now, Mr Witness, from these first 16 seconds, were you able to

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1 identify the location depicted in this video?

2 A. [12:15:15] Yes, of course. This was the entrance to -- of the men going into the
3 headquarters.

4 Q. [12:15:34] For the record, the headquarters of what exactly?

5 A. [12:15:40] It was the general army headquarters.

6 Q. [12:15:53] Now I'd like to play a second clip, and that's timestamp 08.53 to 09.42.

7 And for the transcript, that's CIV-OTP-0063-2902 from lines 2.18 to 2.42.

8 And I don't think a sight translation is needed for this portion either.

9 THE COURT OFFICER: [12:16:33] And the video would be public?

10 MR LEDDY: [12:16:36] Yes, it is. Thank you.

11 (Viewing of the video excerpt)

12 MR LEDDY: [12:17:33]

13 Q. [12:17:34] So we'll stop the video there, Mr Witness. My question is the same.

14 Do you recognise the location depicted in this excerpt of the video?

15 A. [12:17:47] Yes, of course. This was the BCS stadium.

16 Q. [12:18:03] And does this video depict the event you described in paragraph 37 of
17 your statement to the Office of the Prosecutor?

18 A. [12:18:15] Yes, yes, it does.

19 Q. [12:18:28] And for the record, Mr Witness, can you clarify where exactly the
20 stade BCS is located? What are the surrounding buildings?

21 A. [12:18:50] The buildings around the stadium are where the soldiers are lodged,
22 some of the soldiers. It's not all the soldiers who work there at the headquarters or
23 at the BCS. But this is accommodation for some of the soldiers. And the BCS is
24 completely at the back.

25 Q. [12:19:32] And this is all within camp Galliéni, correct?

1 A. [12:19:38] I didn't quite get your question, sorry.

2 Q. [12:19:46] Is the stade BCS within camp Galliéni?

3 A. [12:19:53] Yes, it is. The BCS is within the Galliéni camp.

4 Q. [12:20:07] Mr Witness, did you hear whether Charles Blé Goudé came to the
5 état-major that day the recruits turned up to enrol?

6 A. [12:20:19] Can we call them recruits? I don't know, because I think we are the
7 people who call them recruits. Before the call for recruits -- this is what's in the
8 constitution: Every youngster from the age of 18 onwards has to go to the ward, the
9 relevant ward of his town in the sous-préfecture, and this has to be done at certain
10 appointed times. I believe at the end of November or towards December youngsters
11 have to go there.

12 Q. [12:21:30] Mr Witness, my question was simply whether you heard if Mr
13 Charles Blé Goudé was going to be at the état-major that day?

14 A. [12:21:48] Yes. We all saw him on television when he made his appeal to the
15 young people, yes.

16 Q. [12:22:00] Did you yourself see him at the état-major that day?

17 A. [12:22:07] I didn't see him with my own eyes. But over the microphone I heard
18 his voice. It was just about impossible to get into the area.

19 Q. [12:22:36] Now, moving on to the next subject, Mr Witness, in paragraph 38 of
20 your statement, you mention regular, almost daily, meetings that took place at the
21 CPCO, the centre de planification des opérations, that this happened during the crisis
22 with top FDS generals and unspecified government ministers. Sitting here today, do
23 you remember which ministers were present for those regular meetings?

24 A. [12:23:08] I think it was the last minister for defence.

25 Q. [12:23:39] And do you remember when those meetings started, approximately?

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1 A. [12:23:46] I don't really remember that.

2 Q. [12:23:57] If I put the date to you of 21 February 2011, does that refresh your
3 recollection?

4 A. [12:24:07] I'm sorry, I didn't quite get what you were saying there.

5 Q. [12:24:30] That's okay. We can move on.

6 The next question I have, Mr Witness, is in relation to paragraph 41 of your statement.

7 You mentioned that on or about 28 March 2011, pro-Gbagbo guards prevented the
8 FDS soldiers from leaving camp Galliéni. How did you know that these guards
9 were pro-Gbagbo guards?

10 THE COURT OFFICER: [12:24:58] Could the Prosecution provide the ERN number,
11 please. Thank you.

12 MR LEDDY: [12:25:03] Of the statement?

13 THE COURT OFFICER: [12:25:05] Yes, please.

14 MR LEDDY: [12:25:08] That's CIV-OTP-0048-2818 at page 2828 -- sorry, 0049, yes.

15 Q. [12:25:30] So the question, Mr Witness, is about how you were able to tell that
16 these guards were pro-Gbagbo guards.

17 A. [12:25:41] Well, in fact, the month of March had been very difficult. We were
18 constantly on alert, but we were not confined to barracks, which meant that from time
19 to time we could go back to our families and then go back to the camp.

20 And to do that, certain measures are taken. On that day, I had gone out by the exit
21 reserved for the families. I didn't go through the main entrance. And that day,
22 they stopped me from going out. *These were my fellow soldiers, like me, and I
23 don't know why, I said to him, "Well, let me go and see my family. I've been
24 sleeping here for the past four nights."

25 And he said, "You will not go out."

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1 I asked him, "Why not?"

2 And he said, "Do you want to go and be with the Forces Nouvelles?"

3 I said, "I don't have any weapons. How can I defend anybody as you are
4 suggesting?"

5 He said to me that if I left the camp, they would shoot me down. That's what they
6 said to me.

7 Q. [12:27:58] Now, Mr Witness, in paragraph 43 of the same statement, which has
8 the same ERN ending in 2828, you mention that English-speaking soldiers were in
9 camp Gallieni on or about 31 March 2011. Do you know who commanded these
10 soldiers at the time?

11 A. [12:28:21] Which soldiers are you talking about precisely, please?

12 MR JACOBS: Monsieur le Président.

13 PRESIDING JUDGE TARFUSSER: [12:28:38] Yes.

14 MR JACOBS: [12:28:40] (Interpretation) The statement talks about people speaking
15 English, not soldiers. Could we be precise on that point, please.

16 PRESIDING JUDGE TARFUSSER: [12:28:49] Yes. Please, can we read the
17 statement and then ask questions and not summarise it, so to have it clear?

18 MR LEDDY: [12:28:56] Sure. I'll read from the first few sentences of paragraph 43.

19 Q. [12:29:04] Mr Witness: (Interpretation) "On the morning of 31 March 2011, I
20 left my office and I saw many people in the camp. There were soldiers who were
21 confined to camp and young people who wanted to enrol in the army and go up to
22 the front. There were soldiers who had come back from the front during the night,
23 and mixed with them were people who were speaking English, who were just as well
24 armed and they too had come back from the front with the soldiers."

25 (Speaks English) So my question to you, Mr Witness, is if you know who commanded

1 these English-speaking soldiers?

2 A. [12:30:05] What?

3 Q. [12:30:10] These English-speaking individuals.

4 PRESIDING JUDGE TARFUSSER: [12:30:13] Yes, okay.

5 MR LEDDY: [12:30:16]

6 Q. [12:30:16] Who commanded them?

7 A. [12:30:18] I can't tell you. They had all come back from the front, all of them
8 had come back from the front, and these Liberian soldiers were mixing with the
9 Ivorian soldiers. And so there were young people who had been, for quite a while
10 now, been wanting to take up arms to defend the Côte d'Ivoire, and then there were
11 the others as well. It really was a complete mix-up.

12 Q. [12:31:09] And in your 11 or so years you spent at the état-major, had you ever
13 seen English-speaking soldiers there before?

14 A. [12:31:18] No. They were soldiers. I think they were, they were Liberian
15 soldiers because someone was shot in the thigh or in the shoulder, and he was
16 actually brought before my office. And when I came -- in fact, I spent the night in
17 the camp because I wasn't allowed to leave. And I asked him, "You're hurt. Go to
18 the hospital. There is actually an infirmary there." And he spoke to me in English.
19 *They were physically different, and had a different mentality; they did not resemble
20 Ivorian soldiers at all. They were wearing military caps on their heads. One of them
21 was doing the talking and translating. And I actually showed them the way to the
22 infirmary, so that he could receive treatment, but I do not think that he actually went
23 there. There were women as well. There were even children. But who was
24 commanding them, I can't tell you. They all came back from the front. In fact, they
25 came there on their way back at around 23.00 hours, and they were in their own vehicle.

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1 Q. [12:33:27] Next question, Mr Witness, is whether you recall the exact date that
2 you left camp Galliéni prior to Laurent Gbagbo's arrest.

3 A. [12:33:40] *Right. I can't forget this date. This was the day when the former
4 army chief of staff, the General Mangou, left the camp. No, in fact, I'm making a
5 mistake. It's when the soldiers came back from the front. And after having listened
6 to the ComThéâtre, I left the camp. I actually made the most of this confusion that
7 was there. And even people who were living in the camp took the opportunity and
8 left the camp.

9 Q. [12:34:41] Do you remember the exact date, the calendar date?

10 A. [12:34:47] It was 31 March.

11 Q. [12:34:55] Mr Witness, in paragraph 50 of your statement, which is the ERN
12 ending in 2830, I'll read the first couple sentences. You indicate: (Interpretation)
13 "It was dangerous in Yopougon because of the young militia and the Liberians.
14 There were many armed Liberians." (Speaks English) My question to you is, how
15 did you know that these individuals in Yopougon were Liberians?

16 A. [12:35:28] By the way they dressed, the way they spoke, and we knew that they
17 were Liberians. And they were merciless. *Most of these people were the ones
18 who misled our young people into making unacceptable errors.

19 Q. [12:36:17] And the danger they created in Yopougon, approximately how long
20 did that last?

21 A. [12:36:25] I think it was -- it started on mid-March until the arrest of the
22 president, Gbagbo, and after; it was 11 April until the liberation of Yopougon.

23 Q. [12:37:09] Mr Witness, you also describe in paragraphs 53 to 56 of your
24 statement, that's the ERN ending in 2831, that you collected documents upon your
25 return to camp Galliéni. In general, can you describe what type of documents it was

1 that you collected at that time?

2 A. [12:37:35] Yes. After the president was arrested on 11 April, everything was
3 over for me. So we were supposed to go back to the camp in peace, like any soldier.
4 So I actually saw that my archives at the headquarters were completely destroyed.
5 The documents were scattered all over the place. And as an archivist, my job was to
6 salvage these documents, any document I would see, I was supposed to salvage it.
7 And I picked the documents up.

8 Q. [12:38:41] And what kind of documents were they that you picked up? Could
9 you give us examples of certain categories of documents?

10 A. [12:38:50] They were different types of documents. The first thing I did was to
11 just collect all these documents and pick them up, and then when I started sorting
12 through them, I saw certain documents that did not come to my archive. These were
13 documents -- this drew my attention because these were documents relating to
14 recruitment. It was written: Recruitment of such-and-such youth. So these were
15 the documents that really caught my eye, because not everything was not done as per
16 how it was supposed to be done.

17 So, you see, everything was supposed to be archived, but this was not the case.
18 Certain documents were not brought into the archives.

19 Q. [12:40:26] In your role as archivist, would you regularly receive documents that
20 were also sent to the CEMA from other FDS organs, such as the gendarmerie or
21 national police?

22 A. [12:40:37] At that point I wasn't actually receiving any documents. The
23 situation had become such that the process of documentation had really slowed
24 down.

25 Q. [12:41:07] But prior to that, I understand you didn't receive documents in this

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1 time, but before that in your regular course of business, would you receive such
2 documents from other organs, the gendarmerie or the national police?

3 A. [12:41:26] I wasn't receiving most of these documents. These documents were
4 actually in the office of my superior. They were also sent to the cabinet of the chief
5 of staff. And it was confined there basically.

6 Q. [12:42:02] So to clarify, Mr Witness, are you saying that such documents would
7 not be archived?

8 A. [12:42:14] It really depended on the document. I'm an archivist, in the division,
9 one of the structures of the headquarters. Now, if these documents concern the
10 human resources organisation, then it would be in my archive, because my superior
11 does not have a place where he could keep these documents. He would put them in
12 the archives.

13 Q. [12:43:03] So, Mr Witness, I'd now like to show you certain categories of
14 documents that you provided to the Office of the Prosecutor. I'll begin with item
15 number 65 on the list of materials, that's CIV-OTP-0048-1181. My question to you,
16 Mr Witness, are you able to see it in front of you?

17 A. [12:43:48] Non.

18 Q. [12:43:53] No?

19 THE COURT OFFICER: [12:43:57] On evidence channel 1, please.

20 MR LEDDY: [12:44:15]

21 Q. [12:44:15] Can you see it now, Mr Witness?

22 A. [12:44:21] Yes, I can see the document.

23 Q. [12:44:25] I'd like to direct your attention to the top of the page. And you can
24 see this is a message from the CEMA to various commands. My question is on the
25 info line, you see several acronyms. One is "EMA/DEO." Can you tell us what that

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1 indicates, what that stands for?

2 A. [12:44:53] EMA/DEO, its état-major des armées, division emploi opération.

3 That's what it stands for, so basically the army headquarters and the deployment,
4 operations deployment division.

5 Q. [12:45:11] And the next acronym there "EMA/DLOG," what does that indicate?

6 A. [12:45:20] So EMA is état-major des armées, army headquarters. And DLOG is
7 division logistique or the logistics department.

8 Q. [12:45:38] Can you see the red stamp at the top of the page? Can you tell us
9 what that stamp is for?

10 A. [12:45:45] The document was sent to the postal division on 7-3-2011.

11 Q. [12:46:27] Thank you. And you see the handwriting as well on the document.
12 Do you know what the handwriting there indicates?

13 A. [12:46:35] Please, I haven't actually -- I have to come back to the stamp. Well, it
14 says "07-03-2011", I did not -- I missed something. I did not properly see it. The
15 stamp, please.

16 PRESIDING JUDGE TARFUSSER: Let's go to the stamp.

17 MR LEDDY: [12:47:19] Yes. It's on the top right of the page, for the record, please.

18 PRESIDING JUDGE TARFUSSER: [12:47:20] Can you zoom into the stamp, please.

19 THE WITNESS: [12:47:25] (Interpretation) Could you zoom in?

20 I can see the date, but what's written above is extremely unclear, and I can't tell you
21 much about it. I thought it was the postal division, but I don't think it's that. But
22 it's not, it's not that.

23 PRESIDING JUDGE TARFUSSER: [12:48:29] Well, it's not really easily readable,
24 so ...

25 MR LEDDY: [12:48:33]

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1 Q. [12:48:34] We can move to the next document, Mr Witness, it's number 64 on list
2 of materials, CIV -- I'm sorry, we'll skip that one and go to number 2 on list of
3 materials, CIV-OTP-0048-0554 -- I'm sorry, 0054.

4 My question to you, Mr Witness, this is a message from the CEMA/CPCO to ComTer.
5 And on the first page, that's Bates -- I'm sorry, that's ERN 0054, we see a slip of paper.
6 Can you explain the significance of the slip of paper to the Judges?

7 A. [12:49:14] This is actually a slip when a document comes in to the organisation
8 division of the human resources, the secretariat receives the document by post and
9 they actually put the slip on that document. This slip allows the head of the division
10 to analyse the file and assign the document or provide instructions with regards to
11 the message contained in the document. Here you can see the date of receipt and it
12 was -- actually, the document was analysed by the head of the staff's division and
13 then it came back to my archives.

14 Q. [12:50:39] The signature is here. It's indicated that the sous-chef of the DORH
15 signed it. Can you tell us who was your sous-chef back then?

16 A. [12:50:55] At that time it was Admiral Alla Kassi.

17 Q. [12:51:14] And is that whose signature we see there?

18 A. [12:51:24] It's not his signature. It's just an initial, in fact a sign, it's a stamp
19 saying that he's seen, he's seen the document. It's not his signature properly
20 speaking.

21 Q. [12:51:50] Mr Witness, the next document I'd like to show you is number 15 on
22 the list of materials. That's CIV-OTP-0048-0351. And this is a document from the
23 CEMA to the ComTer. And for info, you can see on the info line, to multiple
24 organisations as well as the EMA/DORH. Can you tell us what that acronym
25 indicates?

1 A. [12:52:36] EMA/DORH, EMA is état-major des armées, army headquarters;
2 DORH is division organisation ressources humaines, so human resource organisation
3 division.

4 *BPERS, bureau personnel, the staff position.

5 Effectif dû. I think this document was not sent, because there is no number and there
6 is no date, and there is no signature at the end of the document, so I don't think this
7 document was sent.

8 Now, this document actually makes a reference to another document. The reference
9 is No 102/TMA. And they're the ones who actually sent the document to the
10 état-major after the army chief of staff saw the document, *and then passed it on to
11 the Chief of the DORH for action. So this document I think was not sent, because
12 there is no number and there is no signature.

13 Q. [12:54:13] Mr Witness, the next document I'd like to show you is number 46
14 from the list of materials. That's CIV-OTP-0048-1014. You can see on the first page
15 this is an Ordre de bataille du bataillon d'artillerie sol-air.

16 This is dated 1 October 2010. Was this the kind of document you would receive in
17 the normal course of business as an archivist for the DORH?

18 A. [12:55:08] Yes, indeed.

19 Q. [12:55:13] And can you explain for the Chamber the purpose of this kind of
20 document?

21 A. [12:55:27] In fact, a battle order is a confidential and secret document. It's a
22 document that's properly managed and properly analysed in order to better manage
23 the staff and their mobility and the positioning determined by the hierarchy, so this
24 document has already been analysed and studied and has been sent to the various
25 units that must follow the instructions of the superior.

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1 Q. [12:56:31] Directing your attention to the last page of that document, that's the
2 ERN ending in 1035, I'll direct your attention to a red stamp in the middle of the page.
3 If we could zoom in on it.

4 Mr Witness, does that stamp courrier arrivée, was that stamp used in the normal
5 course of your business at your office?

6 A. [12:57:18] No.

7 Q. [12:57:22] Do you know who's stamp it was?

8 A. [12:57:27] If I could see the whole document, I can tell you who received the
9 document, whose signature it is.

10 Q. [12:57:55] It's okay. We can move to the next document. I'm sorry,
11 Mr Witness, do you have any comments about this red stamp before we move on?

12 A. [12:58:21] *Yes, periodically, the units must report whether they have indeed
13 implemented the battle orders, or they have to express their needs in terms of staff
14 and materials. So I think I can see the signature of Lieutenant Colonel Tohouri Dadi
15 at the bottom of the document. And he's actually sent the document to the army
16 chief of staff to see if things are compliant with what was planned. That's all.

17 Q. [12:59:10] Okay, Mr Witness, the last document I'd like to show you is
18 number 67 from the list of materials. Now, I understand this is not a document you
19 provided to us, however, the ERN is CIV-OTP-0043-0390. As you can see from the
20 top of the page, it's a message from the CEMA CPCO to various commanders and for
21 information to the CEMA ATCR about a meeting with President Laurent Gbagbo
22 on 24 November 2010. Was this document the kind of document you would receive
23 in the normal course of business as an archivist at the DORH?

24 PRESIDING JUDGE TARFUSSER: [13:00:03] Yes, please, I saw you both.

25 MR JACOBS: [13:00:09] (Interpretation) The representative of the OTP talked

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1 about a meeting in English. But it's a meeting in French. He said meeting with the
2 president and that's not what the document says. The word "meeting" has been used
3 in French here.

4 PRESIDING JUDGE TARFUSSER: [13:00:30] But this is another question that goes to
5 the merit, did you -- I know there is a different meaning in French and in English, but
6 the witness is a French speaker so he knows exactly what he's responding to.

7 Mr Witness, have you seen this sort of document? Is this a document you receive at
8 a certain point in time by doing your work?

9 THE WITNESS: [13:01:04] (Interpretation) Yes, because the document comes from
10 the chief of staff, and I can see that the DORH is not the recipient. So I couldn't have
11 received it in my archives. There are documents of the CPCO that I receive in my
12 archives when the division is kept abreast and informed.

13 PRESIDING JUDGE TARFUSSER: [13:01:51] Mr Prosecutor, it's 1 o'clock.

14 MR LEDDY: [13:01:53] Thank you, your Honour. I just have a last couple points.

15 The witness testified earlier that he had reviewed the documents with the victims and
16 witness service. It was about 64 documents. And it's my understanding that 56 of
17 those 64 documents have been submitted via our bar table motion. So of the eight
18 remaining documents that were not submitted via the bar table motion, there are two
19 that we'd like to submit today, and those are items number 33 and 39 on the list of
20 materials.

21 And for the record, the ERN is CIV-OTP-0048-0760 for the first document, and
22 number 39 is CIV-OTP-0048-0835. We have no questions for the witness about these
23 documents. There is no need to show him the documents, rather, we're seeking to
24 submit them today in court.

25 PRESIDING JUDGE TARFUSSER: [13:03:07] This concludes also your questioning?

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1 MR LEDDY: [13:03:20] Your Honour, I understand there might be one question after
2 the break at a maximum. It won't be more than a minute or two.

3 PRESIDING JUDGE TARFUSSER: [13:03:30] Maître Gbougnon.

4 MR GBOUGNON: [13:03:33] (Interpretation) Your Honour, with regard to the
5 documents referred to, well, referred to, how can I put it? That the Prosecutor has
6 just placed before you orally, we're going to have to show them to the witness if he's
7 seeking to authenticate them through the witness, because we need to see these
8 documents. They can't go in just like that, your Honour.

9 PRESIDING JUDGE TARFUSSER: [13:04:11] They can go in by bar table motion in
10 any case.

11 So please, yes.

12 MR JACOBS: [13:04:17] (Interpretation) I'm just referring myself to the transcript.
13 I just see what you've said. The Prosecutor can do it through a motion. And that's
14 what we were going to say. There is a procedure, however, to do that, if either you
15 get the document through the witness or -- okay.

16 PRESIDING JUDGE TARFUSSER: [13:04:40] You can do it by bar table motion,
17 okay.

18 MR LEDDY: [13:04:45] That's fine, your Honour.

19 PRESIDING JUDGE TARFUSSER: [13:04:46] Okay. I adjourn the hearing to 2.30,
20 and giving the floor to the Prosecutor for one minute as requested. Thank you. The
21 hearing is adjourned.

22 THE COURT USHER: [13:04:59] All rise.

23 (Recess taken at 1.05 p.m.)

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

25 THE COURT USHER: [14:31:27] All rise.

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1 Please be seated.

2 PRESIDING JUDGE TARFUSSER: [14:31:54] Good afternoon. Good afternoon,
3 Mr Witness.

4 THE WITNESS: [14:32:00](Interpretation) Good afternoon.

5 MR LEDDY: [14:32:04] Thank you, your Honour. We have no further questions for
6 this witness.

7 We'd just like to note for the record that the OTP report in connection with a
8 collection of documents from this witness is number 66 on the list of materials, and
9 that's CIV-OTP-0051-0166. Thank you.

10 PRESIDING JUDGE TARFUSSER: [14:32:25] Thank you. I think there is a request
11 from the legal representative.

12 THE INTERPRETER: [14:32:34] Microphone, please.

13 MR LARIVIERE: [14:32:38] (Interpretation) Thank you, your Honour. But we
14 don't have any questions for the witness, in fact. Thank you.

15 PRESIDING JUDGE TARFUSSER: [14:32:42] Thank you. I have an email from
16 the Defence for Mr Gbagbo, saying that they need two hours. Therefore, I would go
17 to the extended hours so that we finish today the questioning by the Defence for
18 Mr Gbagbo.

19 Mr Altit.

20 MR ALTIT: [14:33:04] (Interpretation) Thank you, your Honour. Your Honour,
21 our questioning will be made by Mr Jacobs. He'll be taking the witness.

22 MR JACOBS: [14:33:56] (Interpretation) Thank you very much, your Honour.

23 QUESTIONED BY MR JACOBS:

24 Q. [14:34:00] Good afternoon, Witness.

25 A. [14:34:01] Good afternoon.

1 Q. [14:34:02] My name is Dov Jacobs and I'll be putting questions to you on
2 behalf of Laurent Gbagbo's Defence.

3 Let me start with one or two questions about the organisation of human resources, the
4 DORH, where you've been working since 1999. What's the function of that
5 particular division within HQ?

6 A. [14:34:43] *As you can understand from its definition, it is the division for the
7 organisation and human resources. DORH is responsible for staff, staff within the
8 army, with a view to structure of that staff under the heads of various areas of
9 command.

10 Q. [14:35:26] Was this division involved in any decision-making related to staff?

11 A. [14:35:36] Of course. Of course. Yes.

12 Q. [14:35:47] The Prosecutor has gathered some documents from your division,
13 and in those documents you see that documents come from other areas of the army,
14 from the HQ and from various units, requests for units, but you don't see any
15 documents coming per se from your decision-making, taking a decision to reassign or
16 assign such-and-such a person to a particular area.

17 A. [14:36:31] As I said, the division is responsible for structuring, organising staff,
18 as according to needs. So how does this happen? One particular unit, for example,
19 needs staffing or needs some information, so a report needs to be made to the HQ and
20 then the HQ will provide instructions thereto, namely, to the division responsible for
21 executing those orders.

22 Q. [14:37:32] And talking about your archiving position, you're talking about
23 archiving documents going to staff for the avoidance of doubt?

24 A. [14:37:42] No, it's broader than that. In fact, in terms of staffing, it also
25 touches upon the life per se of a given member of staff. It can also relate to his or her

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1 family.

2 Q. [14:38:20] When you were assigned to this decision, if I follow things correctly,
3 in 1999, did you have any information about human resources or managing human
4 resources?

5 A. [14:38:36] *No. There were people there working, operating in the division.
6 Everything is specific, cell by cell. There are some people who are responsible for
7 human resources, therefore. There are IT people who are responsible for IT. For
8 my part, I was responsible for archiving, archiving within the division.

9 Q. [14:39:09] Well, yes, but if I followed your statement, CIV-OTP-0049-2818,
10 page 2821, paragraph 12, when you joined this division you were responsible for post;
11 is that right?

12 A. [14:39:29] Yes, initially at least.

13 Q. [14:39:34] So paragraph 12 you state that from October 2012 you were
14 responsible for tracking staff archives. So what does that involve and what do you
15 mean by that?

16 A. [14:39:53] At that particular point in time, the DORH was assigned an archivist,
17 because an archivist up until that point didn't exist at the HQ. But then, when a
18 specialist was assigned, I basically followed in his footsteps. And what I did initially
19 was being responsible for posts, in other words, all documents coming from various
20 units that would go then to the DORH for processing. I was responsible for sending
21 out that correspondence.

22 Now, afterwards, tracking the archives, I was responsible for that insofar as I had to
23 track all the documents already processed and already sorted. I was responsible for
24 tracking that and for filing that information.

25 Q. [14:41:20] Thank you.

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1 PRESIDING JUDGE TARFUSSER: [14:41:21] Mr Leddy.

2 MR LEDDY: [14:41:24] Sorry, your Honour, just a small clarification for the record.

3 I think the transcript reads -- the Defence question summarised paragraph 12 is
4 happening in October 2012; it should be October 2000.

5 PRESIDING JUDGE TARFUSSER: [14:41:47] Where is this?

6 MR JACOBS: [14:41:51] (Interpretation) Yes, if I said 2012, then it's my mistake
7 and that should be tidied up, in fact. I did mean 2000.

8 PRESIDING JUDGE TARFUSSER: [14:42:01] Okay. Thank you.

9 MR JACOBS: [14:42:03] (Interpretation) I continue.

10 Q. [14:42:05] Mr Witness, when you became an archivist, had you already
11 received training in archiving?

12 A. [14:42:13] Yes, I had been trained by the specialist who was there, and then,
13 after that, I received lessons in logistics.

14 Q. [14:42:32] When you mention this specialist, could you expand on that?

15 A. [14:42:38] Yes, there was an archives specialist, a specialist also in documents,
16 and he had followed training in France, I believe.

17 Q. [14:43:09] Thank you. If you'll just bear with me, Mr Witness.

18 (Counsel confer)

19 MR JACOBS: [14:43:54] (Interpretation)

20 Q. [14:43:57] Thank you much, Mr Witness.

21 Is there any legislation which details the proper procedures for archiving army
22 documents?

23 A. [14:44:07] As I said from the outset, there were no archives, per se, when I
24 joined the DORH. It was once I'd been trained by the archivist and then by a
25 national archivist that I was able, in my work, I was able to draw upon techniques

1 used for archiving with the French army, and that enabled me to create my own
2 archives. And so that had enabled me then to set up what existed after that point
3 under my responsibility.

4 Q. [14:45:02] Just for clarity. When you said "when I arrived the archives didn't
5 exist per se", you're talking about only at the DORH or across the entire Ivorian army?

6 A. [14:45:15] I'm talking about the division, the division of human resources, not
7 the -- not the management per se. Things were sorted in binders previously.

8 Q. [14:45:39] So just returning to my question, given the fact that archives existed
9 within the Ivorian army, wasn't there any directives about how to organise military
10 documents, then -- that you were then going to use to structure your work?

11 A. [14:46:00] No, it's in -- with us, particularly with little institutions, archiving
12 doesn't exist. It's only now with globalisation that archiving is done within Africa.
13 And when I did my training at the national archives, things aren't monitored or
14 tracked, per se.

15 Q. [14:46:47] So let's just turn to the archives and your division. Are there other
16 archives organised on a computer basis?

17 A. [14:47:01] Well, it's only now that that's being set in motion. We're doing that
18 now.

19 Q. [14:47:07] So at the post-electoral crisis where did things stand? There was no
20 computer organisation, was there?

21 A. [14:47:17] I'd already started doing that, but *everything was lost during the
22 crisis; -- but it didn't really exist, per se, because you need the requisite means to do
23 that, to document things properly, document archives properly.

24 Q. [14:47:45] In your written statement, CIV-OTP-0049-2818, page 2823,
25 paragraph 20, the documents that had to be sent for input, for ID input, were

1 recorded in another document. So when you're talking about IT input or input made,
2 input of information by the computer department, what do you mean by that?

3 A. [14:48:19] The computer department? Well, there were specific documents.
4 So here we're talking about inputting information -- how can I describe it? Digital
5 information. So it was a digital inputting. Let me just give an example. Let's talk,
6 let's say, about assigning somebody to somewhere, or maybe the death of a soldier.
7 In those circumstances, things need to be documented properly, needs to be an
8 administrative trace, so it's written down in a record, handed over to the IT cell,
9 which are then going to input that information. So, basically, they're going to
10 digitalise things. They're not going to archive things electronically; they're going to
11 digitalise it. It really depends on the data and on the individual in question. But
12 they won't actually have the hard copy, per se.

13 Q. [14:49:22] Yes, I follow what you're saying. They're not scanning the
14 document because that didn't exist in those days.

15 A. [14:49:29] *That is correct. It did not exist.

16 Q. [14:49:29] So to be clear then, the procedure that you're describing in your
17 previous statement was that prevailing in 2010, 2011; is that right? When you
18 describe how the documents were received and then sent for an IT input, what you
19 explained to the OTP investigators, *that was the procedure prevailing in 2013 or 2011?

20 A. [14:49:59] *Yes, yes. That was the procedure.

21 Q. [14:50:05] In 2013 or in 2011?

22 A. [14:50:14] It was the procedure in 2000. The procedure at -- well, since, since 1999
23 that's been the procedure, but I had to change things slightly when IT started being used.

24 Q. [14:50:25] So if the documents aren't managed on a computer basis or through
25 computers, how are they managed?

1 A. [14:50:39] Well, we've got cardboard boxes for archiving. So things are
2 categorised in that method, using that method, rather. I don't know how to put it.
3 Things are structured or organised based on the type of document. The records help
4 us collect computer data because we don't have computers ourselves.

5 Q. [14:51:24] And these registers or records that you speak of, they're held
6 physically at -- within your division?

7 A. [14:51:32] Yes, those records or registers, yes, they are kept and looked after
8 very well, I must say.

9 Q. [14:51:47] So once these records are full, I imagine they're kind of exercise
10 books. The question may come across as rather strange, but is there an archiving of
11 the archive material where they can be retrieved, where they can be consulted, for example?

12 A. [14:52:05] Well, first we archive any type of document within a kind of a book
13 or register. Now, there could be two or three types of such books, really depending
14 on the type of document. And then once things have been consigned and recorded,
15 well, then must go to the IT cell in order to feed in the data and use the data, because
16 each -- each soldier has information related to him in the -- among the information held.
17 And now, it's only recently now, in fact, that we've set up an IT system in order to
18 scan the documents.

19 So these documents are held in cardboard boxes. So once they're in the -- well,
20 you've got the records, you've got these exercise books, and then they're put in these
21 cardboard boxes. And these cardboard boxes have numbers, have codes, and that's
22 how it's done.

23 Q. [14:53:23] I'll be returning a little later to the codes that you, in fact, used, but
24 just on a general note who -- who decided which code to use?

25 A. [14:53:40] I did.

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1 Q. [14:53:49] And in your statement, in paragraph 25, you're recorded as
2 saying -- this is *page 2824, 0049-2818 -- that the codes are made deliberately to make
3 it very difficult *for anyone apart from the staff in the archives department to
4 understand what they are referred to.

5 A. [14:54:21] Of course.

6 Q. [14:54:22] So I've followed what you said about the fact that the archives were
7 created when you arrived, once you arrived, but wasn't there any rules to codify
8 archives, to make everything uniform, so everybody basically knew where to find
9 things?

10 A. [14:54:40] No. This is only specific to my particular division. Everybody
11 can find their way about the archives in the division. Everybody who works with
12 me can follow this system. It's not something that I just took out of a hat, no. This
13 was well thought through with these cardboard boxes that are very well organised so
14 that you could -- you can find your way to what you want.

15 PRESIDING JUDGE TARFUSSER: [14:55:17] Mr Leddy.

16 MR LEDDY: [14:55:19] Your Honour, just a small translation correction for the
17 record. I think in the French transcript, page 79 -- I'm sorry, the English transcript,
18 page 79, it indicates that --

19 PRESIDING JUDGE TARFUSSER: [14:55:31] Line?

20 MR LEDDY: [14:55:32] Sorry, line 16. He refers to staff, in the English, staff in the
21 archives department; whereas in the French I understand he's referring to staff
22 outside the archives department.

23 PRESIDING JUDGE TARFUSSER: [14:55:50] Well, it would be more logical also.

24 MR JACOBS: [14:56:01] (Interpretation) Can I continue?

25 PRESIDING JUDGE TARFUSSER: [14:56:07] Yes. Do you agree with this?

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1 MR JACOBS: [14:56:12] (Interpretation) Yes, I must confess --

2 PRESIDING JUDGE TARFUSSER: [14:56:14] Because if they don't understand
3 inside the archives, then it's problematic.

4 MR JACOBS: [14:56:18] (Interpretation) Yes, that's right, it is outside the division.

5 PRESIDING JUDGE TARFUSSER: [14:56:19] Okay, outside.

6 Q. [14:56:25] So just staying with this particular point, so if somebody is
7 transferred into your division, is there a document to help that person understand the
8 codes; or do they have to refer to you to understand the filing process for these
9 cardboard boxes?

10 A. [14:56:44] If somebody is transferred to our division?

11 Q. [14:56:48] Perhaps I can rephrase my question. Since the codes, you told us
12 the codes, you were the person who set that into motion, and this doesn't -- this isn't a
13 general practice right across the army. So I'm just trying to understand, if somebody
14 arrives in your division, somebody new, is there some sort of reference document that
15 both can refer to; or you yourself, if you're transferred elsewhere, then how does the
16 person who fills in your shoes is going to understand how things work?

17 A. [14:57:20] Yes, but, of course, when if you leave or come, of course, you need
18 to leave some sort of trace. History teaches us to act in that way. Those people
19 who work with me, they know the modus operandi. There is a time chart that I've
20 set up. Somebody calling for a document, for example, they don't need to know the
21 code or what have you, no.

22 But when he goes into -- well, comes into my cell, then he won't necessarily be able to
23 find the document, so he has to come to me, because we don't have any IT system, so
24 he has to come and see me. And then we can know, yes, that the document that the
25 person is looking for is located in such-and-such cardboard box or this side of the

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1 room or that side of the room.

2 Q. [14:58:25] Is there a procedure by which archives of a certain type, let's say, or
3 that have been filed for a long, long time are transferred elsewhere for the defence
4 archive, let's say, or the archive for the army as a whole?

5 A. [14:58:42] I told you that archiving, per se, well, I mean, in Côte d'Ivoire, for
6 example, when I arrived in 1999, archives going back to 1960s could be found there.
7 And so at a given point in time I had to stand up, step up to the mark and try and
8 secure and safeguard those archives.

9 Q. [14:59:16] I have a question. When you said that you found them there, what,
10 you found them in bulk or not?

11 A. [14:59:23] No, it wasn't -- they weren't in cardboard boxes. They were in
12 binders and in kind of bundles. That's how it was, which meant that I had to -- well,
13 my duty was to organise things. And I said to myself, look, this needs to be looked
14 after for the army at the very least. And that's why I got involved with the archiving
15 of that material. It was no joke, I can tell you.

16 Q. [15:00:05] Thank you. You said in your statement, paragraph 59, that you
17 retained some material in your desk drawer and you say, and I quote,
18 CIV-OTP-0049-2818, 2831 page:

19 "... that documents containing secret information such as the organigram of the EMA,
20 the army HQ, and the battle orders, I kept them in my desk drawer."

21 So, Mr Witness, was this standard procedure for archiving, to keep documents like
22 that in your office desk drawer?

23 A. [15:00:57] Yes, because there was no other place to keep them. There is no
24 place to keep them. Otherwise the only way would be to put them in a place which
25 you could put under lock and key. As I said to you, we didn't have any computer

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1 systems in the records and, therefore, we need to be inventive and find a way of
2 safeguarding these documents which didn't need to be seen by everybody all at once.
3 So this is why I did this.

4 Q. [15:01:42] With all these procedures you've outlined, were they approved by
5 your superior officers?

6 A. [15:01:51] Yes, of course. The different heads of division trusted me and they
7 kept me in my post because I was very, very serious about what I was doing about
8 my job.

9 Q. [15:02:10] Thank you, Mr Witness.

10 Now, I'd like to try and better understand the procedure you had when you received
11 a specific document or archive. Did you receive the document into your own hands,
12 say somebody dropped a document, would they hand that to you?

13 A. [15:02:32] Well, this is what would happen, and this is something which I
14 asked to be put into place. A document would arrive from a unit. It would be one
15 of the officers of the headquarters, for example, who might be asking for or giving the
16 position of troops. Now, we're talking about the personnel here, the staff.

17 And, first of all, this would arrive in the office to be transmitted to the headquarters,
18 to the headquarters staff, who would read the document and then would transmit the
19 document on to one of the divisions. And since we're talking about troops, about the
20 men, then this document would be passed on to the human resources division, which
21 then in turn would give instructions.

22 And once the document had been processed, then we would take the document back
23 classified as a headquarter document specifying the division which had produced it.
24 And this is how the archives were produced.

25 Q. [15:04:01] Thank you for the explanation. So let me just say you in your

1 division, you didn't receive a document, sir, directly from the people who drew them
2 up; it always went, first of all, through the cabinet of the headquarters, but documents
3 were never passed on directly to you from units in the field?

4 A. [15:04:21] No, that didn't happen that way in the army. A message cannot
5 come to you directly and just land up on your desk without the superior officers
6 seeing it.

7 It's afterwards that the officer would annotate it, and once the document was in the
8 division, after it was processed, then the whole of the message would come along
9 with the references that the message, which the HR director has put on that
10 document, all these documents together would come to us and we would be
11 entrusted with passing them on to the other units to get answers from them.

12 The original document would stay with me, and I would put that in the records. The
13 other documents, too, could come or the officers themselves, and this went right up to
14 the head of the division, they would then come along to me and say, "Please archive
15 this."

16 These archives are very sensitive, and thus we had experts in archiving who were put
17 in each unit. I am -- it's not as if I was at the centre of all the archiving. No, it didn't
18 work that way.

19 Q. [15:06:11] Transcript 72, *page 26, you said this:

20 "We put archiving experts in each unit or division in order to keep track of the
21 documents."

22 Do I understand that in 2010/2011 in each unit you did not have archiving divisions?

23 A. [15:06:43] No, that did not exist.

24 Q. [15:06:55] Thank you. Can you tell me if the documents, were they were
25 being sent off to the headquarters, were they sent off by hand or by other means, my

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1 fax or by email?

2 A. [15:07:10] The army is well organised, sir. You didn't just give a military
3 letter to a cyclist and say "Please cycle off to the headquarters." No. There was a
4 proper procedure, a well-established hierarchical procedure which was observed.

5 Q. [15:07:33] Well, of course. I'm just trying to understand in pragmatic terms
6 what happened when a document was sent from a unit to the headquarters how was
7 it actually transferred.

8 A. [15:07:47] Everybody knew that there was to be a transmission of the
9 document. This is the word we use, "transmission." Now, things have been
10 modernised and we use faxes, but previously we used the older system. It wasn't
11 faxes. People would come along and put the document in the office of the
12 headquarters or they would go straight along to the DORH.

13 Q. [15:08:20] Thank you for these details.
14 And when a document was sent by fax to the headquarters at a given moment in
15 time, would you or your division, would the headquarters, you or your division have
16 access to this document?

17 A. [15:08:40] We always had the fax. The original was what we call the
18 transmission, which, first of all, sends off this document and then they keep the
19 original.

20 Q. [15:08:59] Once the document arrived in your division, what was the
21 procedure? For example, you were authorised to look at the relevant signatures,
22 stamps and so on; is that correct?

23 A. [15:09:13] What documents are you talking about? Are you talking about
24 simple mail that came in?

25 Q. [15:09:23] If you received a document from a unit, a document, a missive from

1 a unit, and as part of the processing of that document did you look to see if there was
2 a date, a stamp, an official stamp, a signature?

3 A. [15:09:40] Sir, I've already explained all this to you. That wasn't my role.
4 The documents and letters would arrive. And as for all documents, there's a hierarchy,
5 it would come into the headquarters officers, who would give instructions to the
6 secretariats of the HR to then give instructions to his staff to process a document
7 depending on the type of document and this would then be processed. After that,
8 everything came back to me, and I was in charge of tracking the mail and classifying
9 it and putting it in the records properly.

10 Q. [15:10:33] I'm sorry, I think I didn't say this right. I wasn't really talking
11 about you and archives; I was talking about you and *your division, the DORH,
12 whether your superior officer who dealt with the documents. So were they
13 authorised to look at all the -- see if the documents were officially established or not?
14 *And if not, would they then send back the document in question to be properly issued?

15 A. [15:10:57] *No, no. Once a document arrived in the office at the
16 headquarters -- I don't know if I'm getting my message across here properly. At the
17 headquarters, all would depend on the chief of staff. We all report to him. And
18 when you look at the organisational chart of the headquarters, which has its own
19 structure and its own functioning, then we are all answering to the chief of staff, who
20 gives instructions following on from a message. *You just don't pick up any
21 message and process it. And the message can go from any division or department, or
22 whether it's the DO, the DLOG, the CPCO, BP, SA or whatever. Not including, of course,
23 without counting, sorry, all the other units which are sending documents and mail on to the
24 headquarters. So we're talking about a very hierarchical structure here at the DORH.

25 Q. [15:12:17] Thank you very much, Mr Witness. I'd like to ask you a few

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1 questions about the mission of the investigators when they came in July 2013 and
2 when they collected documents. Who told you that the investigators were going to come?

3 A. [15:12:37] It was General Detoh Letho, who at that time was the vice chief of
4 staff charged with support operations.

5 Q. [15:12:59] So if I understand your statement right at paragraph 62 -- this is
6 paragraph 2819 of your statement -- General Detoh Letho told you that investigators
7 from the Prosecutor's office were coming on the day of the arrival of --

8 THE COURT OFFICER: Page 2832 for the record.

9 MR JACOBS: Merci.

10 THE INTERPRETER: [15:13:41] Correction from the interpreter. This was on 31
11 July 2013.

12 MR JACOBS: [15:13:55] (Interpretation)

13 Q. [15:13:55] Did you have information at that point in time about how other
14 missions had been conducted by the Prosecutor's office when they went to get
15 documents and information when they'd gone to other parts of the army?

16 A. [15:14:11] You mean to other departments of the army?

17 Q. [15:14:15] Do you know, for example, if the investigators had visited the
18 archives departments of other departments of the army units of the FDS?

19 A. [15:14:24] No.

20 Q. [15:14:31] When the investigators came, did you meet them?

21 A. [15:14:40] Our first meeting with General Detoh Letho *was also attended, I
22 believe, by the Chef de Cabinet, one of the Minister's advisers. It was in General
23 Detoh Letho's office.

24 MR JACOBS: [15:15:16] (Interpretation) Your Honour, could we go into private
25 session, please.

1 PRESIDING JUDGE TARFUSSER: [15:15:20] Please, let's go into private session.

2 (Private session at 3.15 p.m.)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 3.16 p.m.)

21 THE COURT OFFICER: [15:16:56] We are back to open session, Mr President.

22 PRESIDING JUDGE TARFUSSER: [15:17:05] Mr Jacobs.

23 MR JACOBS: [15:17:12] (Interpretation) Thank you, your Honour.

24 Q. [15:17:13] In the course of this meeting, did anybody tell you what the purpose

25 of this fact-finding mission of the investigators was? Were you told what this -- their

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1 purpose was?

2 A. [15:17:26] I don't understand what you mean by collection.

3 Q. [15:17:30] Yes, the investigative officers from the OTP came; you had a
4 meeting with them. Did they tell you why they were there and what they were
5 looking for, what kind of documents they were looking for?

6 A. [15:17:43] They didn't say specifically. They were there to pursue their
7 investigations, to see if we had any archives and to see what might be of interest to
8 them.

9 Q. [15:18:10] So they didn't say specifically what kind of records they were
10 looking for or for what kind of period, for example?

11 A. [15:18:17] Yes, they did say dates, if I remember correctly, because even the
12 general asked me if these records still existed, and I think they were talking about
13 from up until April 2011. I think that is what they said right up to April 2011. I
14 can't remember from when but up to April 2011. And I had answered that in 2011 or
15 in April 2011, there had been no administration; there was nobody around. That
16 was what I said. But nevertheless, afterwards they ...

17 Q. [15:19:20] Thank you. So you say in paragraph 63 of your statement -- and
18 this is page 2832:

19 "The next day, three representatives of the Prosecutor's office came and started to
20 work with the archivist from the CEMA cabinet after having received the relevant
21 authorisation to do so."

22 Now, I'd like to show you a document, CIV-OTP-0051-0166, page 0173. This is the
23 mission report which the Prosecutor's office we're talking about -- I don't know if we
24 can show this in open court. I ask my learned friend. I turn to my learned friend on
25 that point.

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1 MR LEDDY: [15:20:50] Your Honour, we're okay with showing that page publicly.

2 PRESIDING JUDGE TARFUSSER: [15:20:54] Thank you.

3 MR JACOBS: [15:21:09] (Interpretation) I can provide a paper document for the
4 witness if you wish, but it's only one page's worth, so perhaps this will be sufficient as
5 it is. Maybe we can zoom in on this just a bit.

6 Q. [15:21:24] Can you see the document, Mr Witness? Was this the authorisation
7 which you were talking about in your statement?

8 A. [15:21:59] Can I look at who signed this document, please. I'd like to see if
9 there's a signature at the bottom of the page.

10 Q. [15:22:06] This is a very good question. This is a document as it stands.
11 Did you see this document? Is this the authorisation you were referring to in your
12 statement?

13 A. [15:22:46] In my statement, I don't know; which part of my statement?

14 Q. [15:22:53] The statement that you made to the investigators of the Prosecutor's
15 office, *in 2013 and which you agreed to have filed. And I quote, you said the
16 investigators of the Prosecutor's office had obtained the necessary authorisation, so
17 I'm asking you if this is the relevant document. *Have you also seen that document
18 before?

19 A. [15:23:16] I didn't see this document in my own hands in the presence of a
20 superior officer. It was after the meeting with the investigators of the Prosecutor's
21 office, in the office of General Detoh Letho that he said to us, "You must do this and you
22 must do that. I am making you available to the investigators of the Prosecutor's office."
23 I think that the -- this -- I think there was another archives expert who came in 2012,
24 maybe 2013, who drew up this document. When I -- when I saw this in his hand, I
25 said, "Why, why are you trying to block the investigation, saying that no scanning is

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1 allowed and so on? Why are you doing this?" And I was very angry about that.

2 Q. [15:24:20] So let me just understand that what you're seeing on the screen here,
3 you say this was drawn up by a member of the division?

4 A. [15:24:27] No, I did not say that it was drawn up by a member of the division.
5 That was not drawn up by a member of the division.

6 PRESIDING JUDGE TARFUSSER: [15:24:39] Excuse me. You're talking about an
7 oral authorisation, not a written authorisation.

8 THE WITNESS: [15:24:49] (Interpretation) Yes, oral authorisation, yes. Yes.
9 That's not what's written here. What we have written here is after the meeting that
10 this archives officer, because of course we have our own regulations in terms of
11 keeping records. I didn't agree with this document which you have here. The
12 instructions given by the chief, he did not say this, okay?
13 The general asked me, "Do these records still exist?"
14 I said, "Yes, they do, General. I have come to the headquarters risking my life to
15 save the records and I was able to save a lot of records."
16 He didn't say, "Well, they can't take this or they can't take that or this." They didn't
17 specify anything. And this is why we were made available to the investigators. In
18 military terms, you are made available to somebody in order to facilitate the work of
19 the investigators, that is what it meant.

20 But this document here, I saw this afterwards with my colleague in the archives or
21 from the archives department.

22 MR JACOBS: [15:26:30] (Interpretation)

23 Q. [15:26:31] What you're saying is very clear. What I'm trying to simply
24 understand is, you said just a few minutes ago it was an archives officer who came
25 in 2012 or the beginning of 2013 who made these documents, so you're talking this?

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- 1 A. [15:26:48] I saw this document with him.
- 2 Q. [15:26:49] So you've seen this?
- 3 A. [15:26:51] I saw it with him.
- 4 Q. [15:26:54] Could the --
- 5 THE INTERPRETER: [15:26:55] The interpreter would like everybody not to
6 interrupt each other. Thank you very much.
- 7 PRESIDING JUDGE TARFUSSER: Slowly, slowly, slowly.
- 8 MR JACOBS: [15:27:01] Pardon, pardon. (Interpretation)
- 9 Q. [15:27:02] I'm very sorry, I'm getting a little carried away. So let me ask the
10 question again. When you say that you saw this document with him, was it he who
11 had drawn it up or was it somebody else who had drawn it up?
- 12 A. [15:27:18] I don't know where he got this from. He showed me this
13 document. He said, "This is what we have to do. Here are the instructions."
14 And I asked him to put in, to say who from. I said, "Was it your superior officer who
15 told you this?"
- 16 He said we must not show all the documents to the people who come from outside
17 our department. *I said that these were not people from outside of the service. The
18 boss giving his agreement, this went through the minister, who then sent his advisers
19 down to the headquarters. And even it was the vice chief of staff who called us
20 along personally in the presence of the investigators of the prosecutor's department
21 and plus the people from the ministerial cabinet.
- 22 But the document should have been signed by somebody at the ministry, and there's
23 no signature from there. We -- or somebody was wanting to skirt round or change
24 the intentions of the prosecutor's investigators, and I didn't think that was right.
- 25 Q. [15:28:45] Who wanted *to create a distraction?

1 A. [15:28:49] I'm talking about my colleague, I'm talking about my colleague. *I
2 can't say whether there were other people in the background or not. And I wasn't
3 happy at all with this.

4 Q. [15:29:12] Thank you, Mr Witness. After this first meeting, what contacts
5 would you have with the investigators from the Prosecutor's office?

6 A. [15:29:28] After the discussions or the conversations we had with
7 General Letho, the next day I was completely sidelined by these people, the people
8 who drew up this document, I was completely sidelined.
9 The general had given us instructions on how to receive and welcome the
10 investigators. The next day I was waiting for them. I'm the person who knew about
11 all the archives at that time. And I went along to the general's cabinet office and I
12 said, "I'm waiting for the investigators. *I can't find them, but they are there,
13 upstairs."
14 And the general said, "Well, they're upstairs. Haven't they been along to your
15 office?" I said "No."
16 I went to see the other guy. He had the investigators with him. And I said, "What
17 documents have you got to show him here in your office?"
18 And the colleague said, "Well, when they go, they'll not go anywhere else."
19 And I said, "Well, why have you called me along? Why did they call me?"
20 And I said to the investigators, "I have most of the records downstairs. You could
21 come along and see them."
22 And one or two hours later when they came down, they'd only spent a day with my
23 colleague, but when they came down to where I was, *we spent 10 to 12 days working
24 together.

25 Q. [15:31:38] So I just want some specific information concerning your statement,

1 paragraph 63, it's page 2832. "At this moment the archivist of the CEMA said to the
2 representative of the OTP that he wouldn't come to the DORH, which was actually in
3 contradiction with the orders that I had received."

4 When you said the orders that you received, what orders are you referring to?

5 A. [15:32:26] We all had received orders from General Letho, who received orders
6 from the minister's cabinet. The order was to actually make information available to
7 the investigators, to open up the archives to the investigators.

8 Q. [15:33:01] So you had special instructions -- or did you have, did you receive
9 special instructions on special documents?

10 A. [15:33:11] I'm an archives officer. And there are special documents that I
11 know of and there are documents for the public. I had the moral duty.

12 Q. [15:33:43] So, again, paragraph 63 of your statement, and this is what we can
13 see in the screen, you said that you have recovered documents from the CPCO and
14 you specify that "I have recovered them after the events."

15 Can you explain what do you mean by that, that "I have recovered these documents
16 after the events"?

17 A. [15:34:26] In my statement I said that there was a time when I was no longer
18 receiving documents in my archives. As I said, when I recovered these documents,
19 first of all, my instinct as an archives officer -- you see, I had documents all over the
20 place, the place was in a shambles. And I had to actually collect all the documents,
21 pick up all the documents.

22 Q. [15:35:14] When you said and -- were you talking of after the crisis? Let's be
23 more specific.

24 A. [15:35:20] Yes, absolutely, after, after President Gbagbo was arrested, two to
25 three days after when I came back to the camp, when I returned to the camp.

1 Q. [15:35:37] Thank you. I just wanted to specify the period, but I'll let you continue.

2 A. [15:35:44] That's all.

3 Q. [15:35:57] So in your statement, paragraph 52, page 2830, you talked about
4 your return to army headquarters after Gbagbo's arrest. So I'm not going to read the
5 whole paragraph. It's actually displayed on the screen. And you're describing
6 "When I returned, I realised that everything was topsy-turvy. The door of my office
7 and the archives room was broken, and the paper was all over the ground. The
8 courtyard was completely covered with piles of papers, on the tarmac, on the lawn,
9 and in the entire courtyard of the army headquarters."

10 And then you're saying that "In the archives room there were boxes that were torn
11 apart and paper all over the floor. I don't know who was responsible for all this
12 damage. And it's not only the army headquarters that was subject to this damage.
13 The entire public services was, in fact, destroyed." End of quote.

14 So if I understand your statement well, is it true if I say that all the archives of the
15 different departments were pillaged and were destroyed?

16 A. [15:37:45] I did not talk about pillage.

17 Q. [15:37:47] Okay, they were just destroyed, they were just damaged.

18 A. [15:38:04] You have to go through the Plateau before going to the army
19 headquarters. Then this is what I observed. There were papers everywhere on the
20 tarmac. And even before we could actually enter the army headquarters, even at the
21 administrative district, I saw papers on the floor all over the place.

22 Q. [15:38:55] So all these papers you saw were from all the public services, the
23 archives of all the public services? *And you said that all of them were ransacked
24 during this period?

25 A. [15:39:10] Well, *that is what I said: almost all the public services, because

1 when I was crossing the administrative district, I saw the damage everywhere, even
2 going till the army headquarters.

3 *Q. [15:39:18] So the documents that you recovered, there's not a single document
4 that was actually classified where it was supposed to be classified. They were all
5 scattered all over the place.

6 *A. [15:39:31] In fact, *by sheer luck, I found certain documents in the storage
7 boxes of the archives, in the folders of the archives. So I also found folders and
8 storage boxes and piles of paper, you know, like little mountains of paper.

9 Q. [15:40:14] So these documents from the CPCO that you recovered, where did
10 you store them; where do you keep them?

11 A. [15:40:24] I actually *arranged them. I put them away according to the
12 classification order.

13 Q. [15:40:50] Thank you. With regards to the choice and analysis of the
14 document from the investigation team, could you tell me the procedure that was
15 followed by the OTP's team?

16 A. [15:41:06] Could you please repeat that question?

17 Q. [15:41:08] Well, the investigators, did they request assistance to identify the
18 documents and your archives, or did they do it themselves?

19 A. [15:41:22] Well, there were archives and storage boxes that they could not
20 understand, because actually I had put a code on these documents and boxes. They asked
21 me what did that mean; what does that mean. Like CPCO was coded, it was in code. So
22 when I told them that this was CPCO or anything else, they would be interested. Where
23 they see a storage box and they did not know what it contains, so they would ask me, and I
24 would tell them what was in it. And if they're interested, they would open it up and see
25 for themselves if it could be of any assistance to them in their investigation.

1 Q. [15:42:34] When you talk about these boxes with codes, you describe that all
2 the papers were actually on the floor, on the ground, and they weren't in the boxes
3 after the events. *And that was after the crisis, if I understood correctly?

4 A. [15:42:51] I told you some of them were in the boxes; there were some on the
5 floor and some in the boxes. But first of all, you really had to bring them all together
6 and kind of bundle them up and then put them in the storage boxes that were
7 available. But -- so I had these old archive storage boxes in the archive room, so I
8 would put them inside and put a code.

9 Q. [15:43:28] Now, if I understood, you actually re-filed these documents *after
10 the looting?

11 A. [15:43:32] Yes, absolute. It was necessary to do so. I did not talk about pillaging,
12 by the way. It was just -- I said I found -- I did not see any person pillaging the archives.

13 Q. [15:43:50] Thank you. So if I can understand you well, when the investigators
14 asked you what was in the box, you would tell them, and it was on the basis of what
15 you told them they would decide if they wanted to see the boxes or not?

16 A. [15:44:07] Sometimes they would just take the initiative of opening up the
17 boxes and checking what's inside. Sometimes they would do so.

18 Q. [15:44:20] Now, with regards to the CPCO documents, did you direct the
19 investigators or did the investigators take the initiative themselves?

20 A. [15:44:33] You see, the message was quite clear, the -- you had to open up the
21 archives to the investigators. If the boxes are there and if there is -- there are no
22 lights or anything, they would definitely ask me: What is this and what is that?
23 And I'm actually forced to tell them this is this. But there were documents that they
24 would find as a pile on the file, and they would just take the initiative of going
25 through the documents and finding out what's in there themselves.

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1 Q. [15:45:20] Now, just so that I can understand. You did not guide the documents,
2 direct the -- sorry. You did not direct the investigators to certain documents?

3 A. [15:45:36] No, I did not guide them. I did not tell them. They have access.
4 They can see for themselves. But it's also logical that they could ask me sometimes.
5 They could ask me information about a box with a code, for instance. So that's how
6 it happened. It's not that I was systematically guiding them and I was telling them
7 what to do. It's not my role, it's not my job. I was asked to give them free access to
8 the archives. Open up the archives; that's the orders I received from my superiors.

9 Q. [15:46:18] Did the investigators ask you access to documents to other periods,
10 such as the beginning of the war in 2002?

11 A. [15:46:30] Well, I do not remember. That really dates back in time. I do not
12 recollect.

13 (Counsel confer)

14 MR JACOBS: [15:46:53] (Interpretation)

15 Q. [15:46:55] You said in paragraph 65 of your witness statement that you led the
16 team of the OTP to the archives room. Now, I'd like to show you a photo. This is
17 CIV-OTP-0051-0166, page 0222. So this is a photo that was taken by the
18 investigating team of the OTP. It's classified, technically classified, and I have no
19 problems in actually showing it publicly.

20 MR LEDDY: [15:47:38] We have no objection, your Honour.

21 PRESIDING JUDGE TARFUSSER: [15:47:42] Thank you.

22 THE COURT OFFICER: [15:48:38] Okay. The Registry bench is facing a technical
23 problem currently to display the documents. We are actively trying to solve the
24 issue.

25 MR JACOBS: [15:48:50] (Interpretation) I've got a paper version for the witness,

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1 but not for the others, not for the other participants.

2 THE COURT OFFICER: [15:49:03] I'm suggesting that we can give the floor to the
3 Defence bench and from evidence channel 2 you could eventually display the
4 document.

5 THE WITNESS: [15:49:18] (Interpretation) Your Honour.

6 PRESIDING JUDGE TARFUSSER: [15:49:22] Yes.

7 THE WITNESS: [15:49:24] (Interpretation) With your permission, I'd like to take
8 leave for a few moments, please.

9 PRESIDING JUDGE TARFUSSER: [15:49:33] Can the court usher accompany.
10 Not too far.

11 (The witness stands down)

12 (Pause in proceedings)

13 THE COURT OFFICER: [15:51:34] The document is currently being displayed on
14 evidence channel 2.

15 (The witness enters the courtroom)

16 THE WITNESS: [15:54:37] (Interpretation) Merci, Monsieur le Président.

17 PRESIDING JUDGE TARFUSSER: [15:54:40] Okay. Now you're okay? Good.
18 So now we can continue.

19 Mr Jacobs.

20 MR JACOBS: [15:54:47] (Interpretation) Thank you, your Honour.

21 Q. [15:54:50] So the photo on the left first. Could we just zoom in. So do you
22 confirm that this is the archives room?

23 A. [15:55:11] I can't see the picture.

24 PRESIDING JUDGE TARFUSSER: [15:55:14] You must press button evidence 2.

25 THE WITNESS: [15:55:19] Okay, okay.

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1 PRESIDING JUDGE TARFUSSER: [15:55:20] Okay, you see it.

2 THE WITNESS: [15:55:22] Okay.

3 PRESIDING JUDGE TARFUSSER: [15:55:23] Thank you.

4 MR JACOBS: [15:55:26] (Interpretation)

5 Q. [15:55:27] So I'm asking my question again. Is this the archives room?

6 A. [15:55:30] Yes, so to speak.

7 Q. [15:55:38] On the photo on the right you have two mattresses and also some
8 food on the floor. Can you explain why is this in the archives room, the photo on the
9 left?

10 A. [15:55:57] There are several reasons. As I said, I wanted to just keep my
11 archives safe and sound. And there are two things, that -- that I requested for two
12 things. But there -- people, you see, could not sleep in -- this is for the people to
13 sleep in the archives room so that this would be a deterrent to any unwanted
14 presence.

15 Q. [15:56:40] Thank you. I don't know if it's due to the quality of the photo, but
16 in the photo I feel that there is some marks on the ceiling. Was there a leakage or
17 humidity problem?

18 A. [15:56:57] I said that it's now that we are taking archiving very seriously with
19 the means we have. So with a small room like that, we're doing our best. It's not
20 water seepage. It's not water seepage. It's perhaps slight humidity or something,
21 or perhaps even dampness or some algae growing.

22 Q. [15:57:29] Now, the photograph on the right, you can see that most of the
23 documents are piled up and they haven't been put in a box or a folder. Does that
24 mean that these documents were not filed or classified?

25 A. You see, Counsel, I explained that it's only now that we are modernising our

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1 archiving system. Now, we do manage to find our way. If you actually ask me to
2 pull out a document, I will -- I will be able to do so.

3 Q. [15:58:26] So what we can see are documents that have been filed by you?

4 A. [15:58:31] We can't call that filing. So the documents that are piled and that
5 are in the folders, and even there are more documents right at the back of the room,
6 at -- so you really had to put them in pockets and store them there till we had the
7 possibility of putting them in boxes.

8 *Q. [15:58:55] So these are archives after you have re-filed, after the damage done
9 in 2011. This was the archive room as it stood when it was visited by the
10 investigators *in 2013?

11 *A. [15:59:19] In fact, it's the same -- all this is in the same room. And I managed
12 to have *other archives stored in a conference room at the headquarters as well.

13 THE COURT OFFICER: [15:59:58] For the information, we could fix the problem,
14 and now we can display the document from the Registry bench.

15 MR JACOBS: [16:00:16] (Interpretation) We will continue with these documents,
16 and then we will move. If we could zoom on the photo that's at the top.

17 Q. So this photo was taken -- was it taken in the same archives room?

18 A. [16:00:51] Yes.

19 Q. [16:00:54] So, again, we can see the state of the archives after the damage done
20 in 2011, the damage you spoke about.

21 A. [16:01:08] Now, this was the -- in fact, it was just a pile of rubbish. You can
22 see so much water and dampness, and I had to really brave the rains to actually
23 salvage the documents and put them there. You had to, first of all, salvage these
24 documents from the rain. And it's not the same thing. You first have to do this and
25 then you have to find archiving solutions.

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1 Q. [16:02:09] So if I've followed your evidence, you say today the archive room is
2 different?

3 A. [16:02:15] Well, we're -- now we're trying to --

4 Q. [16:02:20] But I'm trying to establish in the period 2011-2013, you told us that
5 there was damage, and the documents were scattered everywhere, and then you
6 retrieved them, and then you put them all together and re-categorised them and
7 sorted them. So I'm trying to understand, what we see here in this photograph is
8 this the fruit of that work, so it's the archive room following the sort out that you did
9 in 2011-2013?

10 A. [16:02:48] When I was able to sort -- stayed actually in my office, in my office, I
11 reiterate. What I hadn't dealt with at that point was a whole -- well, reams of
12 documents. So I'm talking about what I managed to sort, and what I managed to
13 sort I put in my office, because even my office was an archive room and that wasn't
14 right and proper.

15 Q. [16:03:18] Yes, I understood that. So -- but you sorted what were in your
16 office, but what we see here *in the archives room wasn't sorted?

17 A. [16:03:27] *Up until 2013, I was still working on this. So it's not fully -- so but
18 you have to go quite slowly and carefully.

19 Q. [16:03:53] So for the avoidance of doubt, everything we see here, all these
20 documents we see in the archive room weren't all sorted?

21 A. [16:04:01] They are not all the documents here. Up until 2013, yes, that's right,
22 beginning of 2013, I started sorting things little by little, and what I had managed to
23 sort was then stored on the other time, the others I managed to get into my office.
24 And that's how I operated. What though -- what -- they were near the door, the
25 documents that were near the door, those documents that were near the door, I hadn't

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1 yet finished to sort them.

2 Q. [16:04:39] Thanks, Mr Witness.

3 Now, we're going to have a little exercise.

4 Your Honour, I want to talk with the witness about documents retrieved in his

5 department by the OTP investigators from the basis -- on the basis of the list drawn

6 up by the Prosecutor. And I don't know whether we need to go into private session

7 to address this. That's my first question to the Bench.

8 My second, can I show to the witness the list of materials? Perhaps it would be more

9 straightforward to proceed in that fashion. So those are my two questions I place

10 before the Bench?

11 PRESIDING JUDGE TARFUSSER: [16:05:28] Well, I don't know why we should go

12 into private session for this unless there is some problem with these documents, but --

13 MR LEDDY: [16:05:46] Perhaps if the Defence can elaborate on their concern --

14 PRESIDING JUDGE TARFUSSER: [16:05:51] Yes.

15 MR LEDDY: [16:05:52] -- for the need for going into private session.

16 MR JACOBS: [16:05:56] (Interpretation) First, I'd like to give Annex 3 to the

17 witness which provides a list of the *two hundred or so documents. And second,

18 since we're talking about documents retrieved by the OTP with a description label,

19 since this is part and parcel of the OTP investigation, well, not everything has been

20 disclosed, I'm just trying out of -- well, out of an abundance of caution, possibly from

21 my part, I don't see any problem --

22 PRESIDING JUDGE TARFUSSER: [16:06:23] We're in a public trial, so. I mean,

23 the public is -- the trial is public unless it is not, and not vice versa, so I would say we

24 go public and then if there is some issue, concrete issue on single documents then we

25 find out. We'll decide on a case-by-case basis.

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1 MR JACOBS: [16:06:59] (Interpretation) Thank you, your Honour. So with your
2 leave, I'd like to have handed to the witness Annex 3 of the data collection mission,
3 Annex 3 to the document, CIV-OTP-0051-0166, from page 0175.

4 And we hand over to you, Madam Registrar, for what follows.

5 PRESIDING JUDGE TARFUSSER: [16:07:51] Now, if I understand well, you call
6 up a number of documents to show to the --

7 MR JACOBS: [16:08:00] (Interpretation) No, Mr Prosecutor -- I do apologise,
8 Presiding Judge, no, we are going to provide commentary of the documents that were
9 retrieved and then seek explanations about codes and dates and what have you.
10 So 0175, that page, please.

11 Q. It's the first page of the document, Mr Witness, for your reference. I'm waiting
12 for it to appear on our screens.

13 PRESIDING JUDGE TARFUSSER: [16:08:34] To make also the job of the court
14 officer easier, are they in sequence, one after the other?

15 MR JACOBS: [16:08:45] (Interpretation) Yes, we're going to go through each page
16 one by one.

17 PRESIDING JUDGE TARFUSSER: [16:08:49] How many pages?

18 MR JACOBS: [16:08:51] (Interpretation) A certain number of pages, it varies,
19 locations within the documents.

20 Q. [16:08:58] So Mr Witness, can you see this first page of the document in
21 question? You can see there are five columns here, the list of documents retrieved at
22 the DORH drafted by the OTP.

23 So what do we see? We see a number of the document, that's the first column. And
24 then we see the ERN number, which is the number allocated to the document by the
25 OTP. Then we have the description of the document itself in the third column.

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1 Fourth column, the date of the document. And then finally, the description of the
2 archive cardboard box.

3 So here's my first question, Mr Witness: the description of the document column, the
4 third column, was this drawn up with your assistance, did you help the investigators
5 analyse the documents in this way -- provide the lists of documents in this way?

6 A. [16:09:58] Helping them? Did you say "analyse"?

7 Q. [16:10:00] Did you help the investigators understand the documents, where
8 did it come from, in what context where they were drafted and what have you?

9 A. [16:10:12] Yes, of course.

10 PRESIDING JUDGE TARFUSSER: [16:10:18] Mr Prosecutor.

11 MR LEDDY: [16:10:20] Your Honour, I would object to the question. We'd asked if
12 the witness had seen this chart before commenting on it, he hasn't indicated that he's
13 ever seen this chart, in fact.

14 PRESIDING JUDGE TARFUSSER: [16:10:32] Well, but this is not the point. Also
15 if he has not seen it, he can of course identify the document if it is described. If he
16 doesn't, then he will say he can't.

17 Please go ahead.

18 MR JACOBS: [16:10:49] (Interpretation) Thank you, your Honour.

19 Q. [16:10:50] So you say that you assisted the investigators in analysing the
20 document to understand properly, therefore, and the document -- found the
21 document, and they were coming to see you, and they say, "What is this?"

22 A. [16:11:09] That is right.

23 Q. For all the documents they came to see you, saw you in this way?

24 A. [16:11:13] Not necessarily for every document. What they didn't understand,
25 then they would put the question to me.

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1 Q. [16:11:19] Okay.

2 A. [16:11:22] Yes. If he --

3 PRESIDING JUDGE TARFUSSER: [16:11:22] I think he has already said this in the
4 last hour, he said this, that he did not assist; if the Prosecutor asked something, they
5 went to him and he told them.

6 MR JACOBS: [16:11:37] (Interpretation) That's right, your Honour. He said that
7 he told them where cardboard boxes were located. But here I'm asking him about a
8 particular document, the date, the contents, the author, and we haven't yet addressed
9 this point in my view, unless I'm mistaken.

10 Q. [16:11:51] Mr Witness, look at the first document. Do you see in the
11 description column a code *C122188-4182-2010. Can you tell us what that code
12 corresponds to, please?

13 A. [16:12:12] C1 and it stops there. C1 is the code. That's the code that I give at
14 the CPCO.

15 Q. [16:12:24] And what about the rest of the code? Perhaps we can go into
16 private session if that's of assistance to you so you can provide a more expansive
17 answer.

18 A. [16:12:35] Well, what do I need to tell you?

19 Q. [16:12:38] Yes, but we have a series of figures here, *"2188-4282." What does
20 that mean?

21 A. [16:12:49] Well, those figures are specific to the Court. I put a "C2" and at the
22 bottom I've put the year "2010." That's how I -- that's the sorting code I use. I put
23 the date of the year.

24 Q. [16:13:15] So you're telling us then that the description of the cardboard box
25 archive is not something that actually features physically on the cardboard? That's

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1 what the investigators wrote?

2 A. [16:13:27] I don't know whether it's by their hand, but "C1, C1," and then I put
3 the year at the bottom "2010." That's how I do it.

4 Q. [16:13:49] So if we go through the pages and we reach 0178 -- 77, I correct,
5 to 78, look at document 30. Can you see the column on the left? Perhaps it would
6 be more straightforward that way. Can you see the left-hand column?

7 A. [16:14:40] Yes.

8 Q. [16:14:42] *Well, here we see documents, but like in many other cases, it is
9 indicated "various documents, no order." So from this sorting I'm understanding
10 that the investigators didn't locate these documents in a specific binder.

11 A. [16:14:57] Yes.

12 Q. [16:14:57] So these documents weren't archived according to procedure?

13 A. [16:15:02] Yes. This is what I stated. There were things that I couldn't
14 recollect or things that didn't reach me anymore.

15 Q. [16:15:15] So in the absence of any archiving, you directed the investigators to
16 these documents; is that right?

17 A. [16:15:26] I remember full well what they found. They found those
18 documents in my archives because I had picked them all up. And I kept these
19 documents because this particular one came from my superior's office, my superior of
20 the time. And they found, they found lists that they looked at, and when I saw that,
21 I was a bit struck, a bit surprised. And they asked me, "Well, what is this? Because,
22 you know -- what's written on top of it, recruitment of whatever and the stamp,
23 what's all that about?"

24 Q. [16:16:09] Mr Witness, when you say they found it, so they looked in heaps of
25 various documents --

1 A. [16:16:15] Look, perhaps I can put it this way. They had access to the
2 archives, even damp archives, archives that were wet that we saw earlier on in the
3 photo. And they were curious and so much so that they went searching around in
4 those heaps, they were looking for something, and I wasn't going to stop them do this,
5 that and the other.

6 PRESIDING JUDGE TARFUSSER: [16:16:43] That is something he already said.

7 Yes. Maître Gbougnon, I see you're saying no, but this is what he already said.

8 (Pause in proceedings)

9 MR JACOBS: [16:17:30] (Interpretation)

10 Q. [16:17:33] Turning to document 0174, 0200 of the document.

11 *A. [16:18:19] 174?

12 Q. [16:18:22] For example, that number. Yes, and the one that follows. So here
13 we see battle order 2011. When you look at the date, 174, 175, 176, 179, what you see
14 is that all these documents date from 2010, but they seem to be filed in the 2011 battle
15 order file. Is there any reason for that?

16 A. [16:18:56] These documents, well, I don't know whether I remember rightly,
17 but these documents as luck would have it were found in those heaps of documents,
18 as like sort of rubbish. Most of these documents were in the heaps of rubbish, and it
19 was in there. These are very sensitive documents. So if I'd received them, then
20 automatically I would have put them in a cardboard box. But I hadn't yet received
21 them at that point.

22 Q. [16:19:29] So it wasn't you then who sorted the battle orders in 2010 with 2011
23 battle orders box?

24 A. [16:19:38] I must have or I must have done it, I must have done it, because you
25 had to go through quickly through the sensitive documents, you had to put them in

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1 archive cardboard boxes. But others I put to one side to return to them at a later
2 date.

3 (Counsel confer)

4 MR JACOBS: [16:20:13] (Interpretation)

5 Q. [16:20:15] Do forgive me, Mr Witness.

6 Now, during their assignment, did the investigators ask you to explain the codes that
7 featured on the boxes, or did they just ask you what the contents of the cardboard
8 boxes was? I don't know whether you see the distinction I'm drawing here.

9 A. [16:20:40] Yes, I do. I explained. Out of curiosity, they would say, "What's
10 that? What's in there?" And then I told them that that deals with that and this is
11 the code.

12 Q. [16:20:50] They asked you precisely what code you were using?

13 A. [16:20:54] "Well, what are you called?"

14 And I'll say, "That's the name."

15 "What's the name of this box?"

16 "Well, that's the name of the box is that" and that's how it went. That's how I
17 explained it to them.

18 Q. [16:21:04] Thank you very much, Mr Witness.

19 We've finished with this document. Thanks very much. Thanks very much for
20 lending yourself to that exercise.

21 So while the documents were being analysed by the OTP's investigators, were you
22 there? Were you present?

23 A. [16:21:27] Could you rephrase your question?

24 Q. [16:21:30] You said that it took 10 days or more than 10 days for the
25 investigators to choose and analyse these documents. Were you there all the time?

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1 A. [16:21:38] Yes, of course I was. I was there all the time. Even two weekends,
2 *for one weekend or two weekends they asked whether they could come, and I asked
3 my bosses and my superior's permission, and so they came.

4 Q. [16:21:58] Just for clarity, when I say "present," I'm saying physically present.

5 A. [16:22:02] Yes, I was physically present, and that's why I'm saying even on the
6 weekend I was there.

7 PRESIDING JUDGE TARFUSSER: [16:22:08] That's what we understood by
8 "present", yes.

9 MR JACOBS: [16:22:11] (Interpretation)

10 Q. [16:22:12] And from one day to the next then, the documents that had been
11 selected by the investigators, were they then stored somewhere in particular?

12 A. [16:22:22] Well, it's pretty logical, isn't it? In searching for something, you're
13 going to make a selection, aren't you? And you're going to put something to one
14 side. What is of no interest to you, well, then you'll let that go and you'll put it back
15 where you found it.

16 And then when they came into the archives room, they would see this, that and the
17 other, and they'd ask me questions, "What's this, that and the other?" and then they
18 would retrieve it. And then in my office, my office would also serve as an archive
19 room, because my office has air conditioning so that they could study things in more
20 comfortable circumstances. And so yes, I was always there.

21 Q. [16:23:00] Perhaps let me clarify my question. My question was more
22 about -- well, you say it lasted 10, 12 days. So in the evening the investigators would
23 go off again. But was there a safe area where these documents were stored that they
24 had previously selected; or did they go off with them?

25 A. [16:23:15] No, no. They left the documents there. And it was -- it was

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1 secure, the location. And I had left clear instructions to my colleagues, in my
2 colleague, and I was very clear on that point.

3 Q. [16:23:34] In your statement, paragraph 66, you are recorded as saying the
4 following, page 2833 is the page, and the ERN is 0048-2818 is the ERN. "At the end
5 of their review, the team received leave to scan the selected documents. The
6 scanning was done in the archives office. After the scanning, they handed me the
7 selected documents in a sealed box." Here's my question: Do you still have that sealed box?

8 A. [16:24:16] Yes, of course, in a secure area that's kept secret.

9 Q. [16:24:24] So that box could be examined by the Defence?

10 A. [16:24:26] No, no. I don't even want to open it up.

11 Q. [16:24:34] Why?

12 A. [16:24:37] It's under my responsibility.

13 Q. [16:24:39] Why can't we examine the contents?

14 *A. [16:24:40] But... they gave an authorization.

15 PRESIDING JUDGE TARFUSSER: [16:24:42] Excuse me. Excuse me. But this, I
16 don't think he can answer if it is accessible or not. It's not under his power. You
17 can make a request, and we can deal with it, but you can't deal with the witness if he
18 wants to open it or if he agrees to open it, I mean --

19 MR JACOBS: [16:24:59] (Interpretation) Mr President, the witness seems to have
20 information about this. I don't whether it falls under his duties. I don't know. But
21 it's up to him possibly to provide that information.

22 PRESIDING JUDGE TARFUSSER: [16:25:07] His information is that he has it, and
23 he knows where it is, and that's it, and it's closed. And then we'll see how, if and
24 how to access in case you need it.

25 MR JACOBS: [16:25:19] The witness seems to be suggesting he has other

1 information about accessing that information or an access made available to Defence
2 or not. But perhaps we'll move on to another area.

3 PRESIDING JUDGE TARFUSSER: [16:25:28] Good.

4 MR JACOBS: [16:25:42] (Interpretation)

5 Q. [16:25:43] I have one or two final questions, Mr Witness, and then we will have
6 finished.

7 This morning transcript, French transcript at least, unrevised, page 44, line 27, from
8 that particular point, in fact, and then in to page 45, you spoke this morning of daily
9 meetings at the CPCO. Were you in attendance?

10 A. [16:26:22] My role wouldn't allow me to, because I'm not a soldier. I'm not an
11 officer, I clarify.

12 Q. [16:26:32] Thank you, Mr Witness.

13 This morning you also spoke of the camp Galliéni situation at the end of the crisis. I
14 have got one or two follow-up questions going to that.

15 Page 46 of the transcript from line 5, you told us that you were not allowed to leave
16 the camp, that you were stopped from doing so. So according to military procedure
17 in times of war, do you need leave, authorisation to leave the camp?

18 A. [16:27:18] As I said, we were not prevented from leaving where we were, but
19 we were on alert. We were not confined to barracks. You could leave when you
20 wanted.

21 Q. [16:27:40] So your evidence is at the end of March in Abidjan during the war,
22 people could, soldiers could move around freely? They weren't on constant alert?
23 They weren't confined to barracks? Is that what you're saying?

24 A. [16:27:56] Well, the camp was empty. There was nobody at the camp
25 anymore. When we felt -- well, when our comrades were coming back from the

1 fronts and going to the south of Abidjan, there was nobody in the camp anymore, and
2 the camp remained empty.

3 Q. [16:28:25] Now, you've just spoken about, you've just spoken about your
4 comrades withdrawing from the front, and you made mention of that to the OTP this
5 morning. How do you know they were coming from the front?

6 A. [16:28:42] Well, I know them and we know each other. When they came back,
7 when they were requested by their superiors to withdraw, and when they crossed the
8 threshold of the HQ at approximately half past 11 at night, then -- I knew them, I
9 knew them. They are my friends. I'm a former soldier. When I see my former
10 military colleagues, I know them, and I knew that they had been at the front.

11 Q. [16:29:18] When you say they came from the front, which front?

12 A. [16:29:21] Well, the front.

13 Q. [16:29:27] Yes, but from the west, from the north?

14 A. [16:29:31] No, the entire front occupied by the FDS at the time, San-Pédro,
15 Daloa, Yamoussoukro. They all withdrew and came to Abidjan.

16 Q. [16:29:47] And why did they withdraw?

17 A. [16:29:49] Well, that, I couldn't tell you. They received the order to do so and
18 so they withdrew.

19 Q. [16:29:56] And so you've explained that amongst the people who were in the
20 camp and who had come back from the front, there were Liberians?

21 A. [16:30:35] Yes, I confirm that.

22 Q. [16:30:36] So these people also came from the front?

23 A. [16:30:39] Yes.

24 Q. [16:30:39] So they fell back with the soldiers?

25 A. [16:30:41] Yes, with the FDS.

1 Q. [16:30:44] And where did these people come from, which front did they come
2 from?

3 A. [16:30:50] I'm sure they came from the west towards Guiglo, around there.

4 Q. [16:30:57] Did they fall back with their families?

5 A. [16:31:03] Goodness, I don't know if they were with their families or not. But
6 all I saw was that there were -- it was ruthless. There was a child with them who
7 was being carried by a woman, I remember that, and she was with the men. And
8 there were other women, too.

9 But we were in a rush to try and get out of the camp. They arrived in the middle of
10 the night, and we didn't know what was going to happen. So we all fell back to the
11 houses of some people who were being accommodated in the camp. And we waited
12 for the chief of operations on the operations should give some orders, and then
13 everybody was trying to get away.

14 Q. [16:32:03] Were there any civilians in the camp?

15 A. [16:32:05] Yes, of course there were.

16 Q. [16:32:08] Many?

17 A. [16:32:11] Yes, lots of young people. They came -- well, *they were wearing
18 tee shirts of different colours, if you like.

19 Q. [16:32:22] Was the camp attacked by the French at that period?

20 A. [16:32:26] Not as far as I know. I don't know if the camp was attacked.
21 When people were falling back, it was a complete muddle. We were happy to see
22 some people that we knew. That's all.

23 Q. [16:32:49] Thank you very much, Witness.

24 MR ALTIT: [16:32:51] (Interpretation) Ladies and gentleman, your Honour, this
25 concludes the examination of the witness by Mr Gbagbo's team.

Trial Hearing
WITNESS: CIV-OTP-P-0381

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [16:32:58] Thank you very much.
- 2 Mr Witness, we have finished for today. Tomorrow morning at 9.30 I will give the
- 3 floor -- what? 9.15, yes, tomorrow 9.15, right. Tomorrow at 9.15 I will give the floor
- 4 to the Defence for Mr Blé Goudé, and 9.15, yes, you're right.
- 5 Thank you very much. The hearing is adjourned to tomorrow 9.15.
- 6 THE COURT USHER: [16:33:34] All rise.
- 7 (The hearing ends in open session at 4.33 p.m.)