

Trial Hearing
WITNESS: CIV-OTP-P-0107

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 30 November 2016
10 (The hearing starts in open session at 9.04 a.m.)
11 THE COURT USHER: [9:04:16] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:04:34] Good morning. Good morning here in
15 the courtroom and in the remote location. Before introducing the witness, I was
16 asked by Mr Knoops of the Defence of Mr Blé Goudé to address briefly the Court, and
17 I give him the floor for that.
18 MR KNOOPS: [9:04:58] Thank you, Mr President, good morning. Your Honours,
19 good morning. May I introduce to the Bench to my right-hand side Ms --
20 THE INTERPRETER: [9:05:11] We can't hear the chairman. We can't hear the
21 chairman. We can't hear the speaker. We can't hear the speaker.
22 MR KNOOPS: Good morning, Mr President.
23 THE INTERPRETER: We can't hear the speaker.
24 MR KNOOPS: Mr President, shall I wait?
25 PRESIDING JUDGE TARFUSSER: [9:05:44] There seems to be a problem.

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1 THE INTERPRETER: [9:05:48] Message from the interpreters: I believe that we had
2 a bit of -- we had a few problems with the channels. But I think we are -- we've
3 resolved the problems. Thank you for your patience.

4 PRESIDING JUDGE TARFUSSER: [9:06:24] Yes, I think so.

5 MR KNOOPS: [9:06:24] Thank you, Mr President. Good morning. Mr President,
6 may I introduce to the Bench to my right side Ms Josette Kadji. She's a member of
7 the Cameroon Bar, and she will be an associate counsel on our team. We are very
8 honoured that Ms Kadji has come especially from Cameroon to attend this session till
9 the 8th, 9th December. Thank you.

10 PRESIDING JUDGE TARFUSSER: [9:06:54] Thank you very much.

11 And welcome to you. Welcome to the Bench. Welcome in this Court. And I'm
12 sure we will have a good collaboration.

13 And thank you, Mr Knoops, for this brief introduction.

14 Now I would ask the court officer in the remote location to bring in the witness.

15 And at the same time I ask if the Dioula interpreters are here? They are.

16 So please can you introduce the witness, thank you.

17 THE COURT OFFICER: (Via video link) [9:07:41] Yes, your Honours.

18 (The witness enters the video-link room)

19 PRESIDING JUDGE TARFUSSER: [9:08:28] Hello. Good morning, Mr Witness.

20 Can you hear me?

21 WITNESS: CIV-OTP-P-0107 (On former oath)

22 (The witness speaks French)

23 (The witness gives evidence via video link)

24 THE WITNESS: (No interpretation)

25 PRESIDING JUDGE TARFUSSER: [9:08:47] Mr Witness, do you prefer to speak in

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1 Dioula? Is this easier for you?

2 THE WITNESS: [9:09:04] (No interpretation)

3 PRESIDING JUDGE TARFUSSER: [9:09:10] Okay. We have Dioula interpreters, so
4 you can speak in Dioula. I don't know if you have to wear the headphones. I have
5 no idea how it works.

6 THE WITNESS: [9:09:25] (Via video link) Mm-hmm.

7 PRESIDING JUDGE TARFUSSER: [9:09:33] But let's just start and then we'll see how
8 also technically this is organised.

9 Mr O'Shea.

10 We continue now with the questioning by the Defence of Mr Gbagbo. And I would
11 really ask you to concentrate on the questions and to answer the questions, okay?

12 THE WITNESS: (Via video link) [9:10:22] Mm-hmm.

13 PRESIDING JUDGE TARFUSSER: [9:10:26] If you have any need, any concern, just
14 tell me, okay? Otherwise concentrate on the questions and answer as you deem
15 appropriate and true.

16 Mr O'Shea, yours the floor.

17 MR O'SHEA: [9:10:50] Your Honours, I apologise for that small lapse in responding
18 to you.

19 Good morning again, your Honours, on another cold, frosty morning.

20 QUESTIONED BY MR O'SHEA: (Continuing)

21 Q. [9:11:02] Good morning, Witness. I'm sure it's not cold and frosty over there.

22 Yesterday we were talking about the announcement of Guillaume Soro of the march.

23 And I'm going to come back to something that you said in your statement. I've

24 already referred you to a couple of lines of your statement that you have given to the

25 Prosecutor. And we're talking about --

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1 (Defence counsel confer)

2 MR O'SHEA: [9:11:50] ... interpretation.

3 PRESIDING JUDGE TARFUSSER: [9:11:53] Well, I listen to you in English, so I don't
4 know.

5 MR O'SHEA: [9:11:56] Well, neither do I. I'm informed by others.

6 PRESIDING JUDGE TARFUSSER: [9:12:04] Can we understand what's going on?

7 THE INTERPRETER: [9:12:41] Message from the English interpreter: We apologise,
8 your Honours. There has been a few teeny problems, but we're all on the right
9 channels now we believe and we think we can go. Thank you.

10 PRESIDING JUDGE TARFUSSER: [9:12:54] I think the problem is solved, as I am
11 told by the English interpreters. We start again. We'll see if it works.

12 MR O'SHEA: [9:13:05] If I could just ask your Honours to indicate to the interpreters,
13 of course they know their job, but indicate to the interpreters that if I put a question to
14 the witness or the witness says something, to avoid an exchange, to simply interpret.

15 PRESIDING JUDGE TARFUSSER: [9:13:27] Yes, yes, yes.

16 MR O'SHEA: [9:13:29] I'm merely saying that because I've been informed.

17 PRESIDING JUDGE TARFUSSER: [9:13:34] Today, now.

18 MR JACOBS: [9:13:38] It's not being interpreted.

19 PRESIDING JUDGE TARFUSSER: [9:13:41] Yes, of course, I think the interpreters
20 have to interpret and not to comment.

21 MR ALTIT: [9:13:45] (Interpretation) I believe that what my colleague, Mr O'Shea
22 has just said was not translated at all into Dioula. And you see, Mr O'Shea has asked
23 that the Dioula interpreter --

24 PRESIDING JUDGE TARFUSSER: [9:14:10] No. It was, it was as I'm informed,
25 translated. But it was translated in French, from French into Dioula, and that's

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1 why -- well, that's what I hear. But let's just start and then we'll see. And I think
2 the interpreters have to interpret and that's it. And if something, some problem
3 arises, we will deal with it. I hope we are ready to go. Are we ready to go? Okay.
4 So let's start from scratch.

5 MR O'SHEA: [9:14:44] Right.

6 Q. [9:14:53] Can you hear me?

7 A. [9:14:54] Mm-hmm.

8 Q. [9:14:55] Okay.

9 A. [9:14:56] Yes.

10 Q. [9:14:57] Witness, now, I'm going to come back to one or two things that you
11 said to the Prosecutor. Can I just ask you, this morning do you have your statement
12 in front of you?

13 A. [9:15:08] Uh-huh.

14 Q. [9:15:31] I heard "uh-huh," but I don't then see anything on the transcript. Yes,
15 now I do.

16 Could you please put it aside?

17 A. [9:15:44] Uh-huh.

18 PRESIDING JUDGE TARFUSSER: [9:15:54] Could you please say "Yes" or "No,"
19 "Oui" or "Non" or however it is in Dioula instead of "Uh-huh."

20 THE WITNESS: (Via video link) [9:16:18] Yes, I've understood.

21 PRESIDING JUDGE TARFUSSER: [9:16:21] Okay, good.

22 THE WITNESS: (Via video link) [9:16:22] Yes, I understand.

23 MR O'SHEA: [9:16:30]

24 Q. [9:16:31] Witness, can I just confirm with you that you do not have your
25 statement in front of you right now; is that right?

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1 A. [9:16:44] Yes, I have it. Yes, I do have it.

2 PRESIDING JUDGE TARFUSSER: [9:16:58] Mr Witness, just put it aside. You're
3 not allowed to read from the statement. That's what the counsel wants to tell you.

4 THE WITNESS: [9:17:12] (Via video link) (Interpretation) I don't have it with me.
5 I don't have it with me.

6 PRESIDING JUDGE TARFUSSER: [9:17:15] Okay. Thank you.

7 Now, Mr O'Shea, let's start with 20 minutes of delay, but let's start.

8 MR O'SHEA: [9:17:22]

9 Q. [9:17:22] Thank you, Witness. Now, in your statement, in other words, in what
10 you said to the officer of the Prosecutor as we have it recorded, it says at paragraph 55
11 on page 9, and I quote in French, (Interpretation) "The prime minister, Mr Soro, called
12 everyone, women, young people, everyone, called upon them to take part in the
13 peaceful march upon the RTI. He said that it was President Alassane who had won.
14 So he said that he would have, that he would have a new, that he would have a new
15 director sworn in at the RTI."

16 Your Honours --

17 PRESIDING JUDGE TARFUSSER: [9:18:54] It's not "sworn in." It's "installed." Is
18 that what you are --

19 MR O'SHEA: [9:18:58] Yes.

20 PRESIDING JUDGE TARFUSSER: [9:18:59] Yes.

21 MR O'SHEA: [9:19:00] Yes. It's quite important.

22 PRESIDING JUDGE TARFUSSER: [9:19:03] Yes, yes, yes, yes. But I don't know
23 how it comes in French and in Dioula. In French it's installer. For him it's installer.
24 For us it's -- but I agree that's important.

25 MR O'SHEA: [9:19:16] Yes. All right. Well, I think the interpreters understand

1 what my concern is. So let's see how this goes. I'll just read it one more time.

2 Q. [9:19:30] (Interpretation) "President Alassane, who won, so he said that he
3 would install, so to speak, a new director at the RTI so that he could work."

4 THE COURT OFFICER: [9:19:45] My apologies, Mr O'Shea. We have technical
5 problems. We lost the video link.

6 PRESIDING JUDGE TARFUSSER: [9:19:52] It's a good day.

7 THE COURT OFFICER: [9:20:10] Good to go now.

8 PRESIDING JUDGE TARFUSSER: [9:20:17] Thank you. And just because of the
9 translation, when you read "Mr Soro," it's not "The prime minister, Mr Soro," no,
10 because it was translated on the record "The prime minister, Mr Soro." It was Mr
11 Soro and Mr Soro.

12 MR O'SHEA: [9:20:43] Thank you very much, your Honour.

13 Q. [9:20:45] I'm afraid I must start this again.

14 PRESIDING JUDGE TARFUSSER: [9:20:47] Can you hear us, Mr Witness, can you
15 hear us?

16 THE WITNESS: (Via video link) [9:20:57] (Interpretation) Yes, I can hear you.

17 PRESIDING JUDGE TARFUSSER: [9:21:03] Okay, thank you.

18 Mr O'Shea, please.

19 MR O'SHEA: [9:21:06]

20 Q. [9:21:06] All right. So as we have it recorded, you told the Office of the
21 Prosecutor the following:

22 (Interpretation) "Mr Soro called upon everyone, women, young people, everyone to
23 take part in the pacific march upon the RTI. He said that it was President Alassane
24 Who had won. So he said that he would instal a new director at the RTI so that he
25 could work." End of quote.

1 (Speaks English) Now, Mr Witness, did you hear that quotation clearly?

2 A. [9:22:04] Mm-hmm. Yes, I heard you. I've heard.

3 Q. [9:22:17] Now, is that correct as it's written, is that what you said to the Office of
4 the Prosecutor?

5 A. [9:22:32] Yes, that's what I said, your Honour.

6 PRESIDING JUDGE TARFUSSER: [9:22:49] No. He said "Uh-huh." He said yes,
7 or I don't know if in Dioula yes means uh-huh.

8 THE WITNESS: [9:23:00] (Via video link) (Interpretation) Yes.

9 PRESIDING JUDGE TARFUSSER: [9:23:08] Okay. Thank you.

10 THE WITNESS: (Via video link) [9:23:11] (Interpretation) Yes, once again, yes.

11 MR O'SHEA: [9:23:17] All right.

12 Q. [9:23:18] So I'm going to focus for one moment on the words "qu'il va installer
13 un nouveau directeur," okay?

14 A. [9:23:32] Yes.

15 Q. [9:23:36] Now, when you heard these words, did he say anything about what he
16 was going to instruct the soldiers under his command to do?

17 A. [9:24:04] Yes.

18 Q. [9:24:08] What did he say?

19 A. [9:24:12] An announcement was made on the radio, on the RTI radio saying that
20 Alassane had won. So the people who were saying things on the television were
21 wrong. It was a lie, a lie that was being broadcast. And a new director, Alassane
22 said that a new director would be installed, and Guillaume asked the men and
23 women to march so that this director would be installed or sworn in and take up his
24 new functions at the RTI.

25 Q. [9:25:23] What did Guillaume Soro say he would instruct the soldiers under his

1 command to do?

2 MS HENDERSON: [9:25:50] Mr President, from the record I don't believe that --

3 THE WITNESS: (Via video link) [9:25:56] (Interpretation) Guillaume Soro did say in
4 the presence of the soldiers that a peaceful march should be organised to help drive
5 out or remove the former director. He did not ask soldiers. He asked civilians to
6 take part in a march so that the new director could be installed.

7 MR O'SHEA: [9:26:29] To appease my learned friend, I had put the question and I
8 received the answer "Yes." My learned friend was just saying that she doesn't see in
9 the record anything about the soldiers. But it was my question and the response was
10 "Yes."

11 Q. [9:26:54] Apart from the radio message of Guillaume Soro, did you also see a
12 televised message from Guillaume Soro?

13 A. [9:27:28] I didn't see a message, a televised message. The announcement was
14 made over the radio. So the television was broadcasting messages that were
15 pro-Gbagbo. But there was no televised message made by Guillaume Soro.

16 Q. [9:28:04] Apart from the RTI television, did you personally during that time see
17 news from France 24 or TF1?

18 A. [9:28:40] No.

19 Q. [9:28:48] Did you have -- did you personally have access to the televised
20 messages broadcast by TCI?

21 A. [9:29:08] At that time the TCI was not operational. The TCI had not been
22 created, set up.

23 Q. [9:30:02] Mr Witness, just to reassure you, my smile had nothing to do with your
24 answer. It's because the lights went off here.

25 How do you know that?

1 A. [9:30:14] The results were given. I don't know when the TCI was created, but
2 the RHDP was broadcasting.

3 Q. [9:30:54] Was the RHDP broadcasting around the time of the march in
4 December 2016?

5 A. [9:31:11] Yes. The information was being broadcast over the radio. The
6 national radio was in the hands of Mr Gbagbo. So Alassane's people also set up a
7 radio station in order to broadcast information to the population.

8 Q. [9:31:45] I'm going to show you a video. It's CIV-OTP-0064-0707, and it's 32
9 minutes and 49 seconds to 33 minutes and 38 seconds. And it's public.

10 MS HENDERSON: [9:32:51] Could I ask my learned friend for the item number on
11 the list of material, please?

12 MR O'SHEA: [9:33:00] 19. It's the video we all know by heart by now.

13 MS HENDERSON: [9:33:08] It states 0101 at that number.

14 MR O'SHEA: [9:33:14] Okay. This is a difference between the way French people
15 and English people write the 1 and the 7, I'm sorry. 0101.

16 (Viewing of the video excerpt)

17 MR O'SHEA: [9:34:51]

18 Q. [9:34:51] Do you recognize that emission? Have you seen that emission before?

19 A. [9:34:56] In Abidjan? Yes, I did see it.

20 Q. [9:35:19] When did you see it?

21 A. [9:35:21] I saw it on the television after the march.

22 Q. [9:35:47] How long after the march?

23 A. [9:35:49] I saw it after the 16th of December. That's when I saw it.

24 Q. [9:36:14] Was this the day after, a few days after or what?

25 A. [9:36:26] A few weeks after.

1 Q. [9:36:40] And on which TV channel did you see it?

2 A. [9:36:51] Mr Gbagbo's channel, on Mr Gbagbo's TV channel.

3 Q. [9:37:19] And by that you mean the RTI?

4 A. [9:37:21] Yes.

5 MR MACDONALD: [9:37:41] Your Honours, if we can put the sound off 2 seconds?

6 PRESIDING JUDGE TARFUSSER: [9:37:48] It's always --

7 MR MACDONALD: [9:37:50] It's about the date of the metadata. And I don't want
8 to give it to -- but I want to remind the Chamber of the recurring discussions we had
9 about the date.

10 PRESIDING JUDGE TARFUSSER: [9:38:01] Yes.

11 MR MACDONALD: [9:38:02] And that's all I'll say.

12 PRESIDING JUDGE TARFUSSER: [9:38:04] Okay.

13 MR O'SHEA: [9:38:05] We all know that, your Honours, and we've had this
14 discussion before.

15 Q. [9:38:27] Now, apart from Guillaume Soro making an announcement on the
16 radio before the march, did you hear any other high personalities within the RDR
17 making similar announcements on the radio?

18 A. A communiqué was given out over the RHDP radio. But I do not know who
19 from the RHDP made that communiqué. But it was broadcast over the RHDP radio.
20 I can't know exactly who it was who said that.

21 Q. [9:39:39] And can you tell us as best as you remember what was said in that
22 RHDP communiqué?

23 A. [9:39:54] Well, I wasn't next to the radio. I know that it was announced. I was
24 told this at home, notably that Guillaume Soro had called upon people to go on a
25 peaceful march, and I heard that people were going to march to the RTI with a view

1 to installing a new director, because the former director was to be removed. That
2 was what I was told at home.

3 Q. [9:41:03] Before the march, did you attend any meetings or gatherings after this
4 announcement?

5 A. [9:41:40] No, Mr President.

6 Q. [9:41:52] So was the next thing you did in relation to the march to go to the
7 march?

8 A. [9:42:12] Yes, I left, I left.

9 Q. [9:42:34] And did you do this of your own initiative or on the request of
10 someone else?

11 A. [9:42:51] It was upon my own initiative that I left. What is more, it had been
12 said that people were to go and that the new director would be installed, because only
13 lies were being told over the radio. So I decided to join the march, the march of the
14 population in the direction of the RTI.

15 Q. [9:43:36] Do you know about le grins in Ivory Coast?

16 A. [9:44:23] Yes, I do know.

17 Q. [9:44:36] In the place where you were living, when you finished your work, did
18 you sometimes go to places to have discussions with friends?

19 A. [9:44:58] After work I would stay at home with my younger brothers and have a
20 talk. Sometimes I would go out and about and walk, but --

21 THE INTERPRETER: [9:45:26] Inaudible.

22 MR O'SHEA: [9:45:39]

23 Q. [9:45:40] And how did the grins operate?

24 A. [9:45:45] Well, we talk about all and nothing in the grins.

25 Q. [9:46:11] Did you go regularly to these grins to talk about all and nothing?

1 A. [9:46:19] I do not go to the grins. So after work I go home, spend time with my
2 family, talk to them, or I go out and visit neighbouring families. But I do not go to
3 the grins.

4 Q. [9:46:57] Did you know people who did?

5 A. [9:47:03] Honestly, I don't really know anybody who actually goes to those grins,
6 honestly.

7 Q. [9:47:23] Tell us about what you've heard about them. You've said that people
8 go there to talk about all and nothing. Are these members of the RDR who would go
9 to these grins to talk about all and nothing?

10 A. [9:47:55] Very often when we go out, there is a lot of rumours being mongered.
11 That's what we hear, you know, rumours being mongered.

12 Q. [9:48:22] What kind of rumours?

13 A. [9:48:34] There's all sorts of information. Sometimes we read information in
14 the newspapers and sometimes some people on the Gbagbo side talk about certain
15 things that we hear about.

16 Q. [9:49:11] But what have you heard about the grins?

17 A. [9:49:37] I never heard things directly discussed at the grins. So where I come
18 from I'm not aware of there being any grins.

19 Q. [9:50:03] On the day of the march before you started your journey, where were
20 you?

21 A. [9:50:12] I was in Yopougon. I was in Yopougon.

22 Q. [9:50:28] And what was the first place you went to in Abidjan?

23 A. [9:50:38] On the day of the march, we took a vehicle and we went down to
24 Adjamé.

25 Q. [9:51:02] And when you started your journey in Yopougon, where specifically

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1 were you geographically, where in Yopougon?

2 A. [9:51:20] Well, we didn't start the march in Yopougon. We took the vehicle in
3 Yopougon and we went down to Adjamé in it.

4 Q. [9:51:46] And when you left Yopougon, where exactly in Yopougon were you?

5 MS HENDERSON: [9:51:54] Your Honour, perhaps the witness could just be
6 instructed not to reveal anything that he shouldn't be saying in public session.

7 MR O'SHEA: [9:52:09] I don't think we have a protected witness here.

8 PRESIDING JUDGE TARFUSSER: Like what?

9 THE WITNESS: [9:52:13] (Via video link) (Interpretation) We went down to
10 Adjamé near Liberté.

11 PRESIDING JUDGE TARFUSSER: [9:52:20] Again, like what?

12 MS HENDERSON: [9:52:22] Your Honour, the answer the witness gave has waived
13 the concerns that I have. I apologise for the intervention.

14 PRESIDING JUDGE TARFUSSER: [9:52:31] Thank you.

15 MR O'SHEA: [9:52:32] Well, there should be no concerns. There is no protective
16 measures in this particular instance.

17 Q. [9:52:45] Witness, where were you living in Yopougon?

18 A. Well --

19 MS HENDERSON: [9:52:55] Your Honour, even though there are not protective
20 measures --

21 PRESIDING JUDGE TARFUSSER: [9:52:59] Where were you living in Yopougon?
22 What is the problem?

23 MS HENDERSON: [9:53:03] Your Honour, our concern is that even though the
24 identity of this witness is known --

25 PRESIDING JUDGE TARFUSSER: [9:53:07] Yes.

1 MS HENDERSON: [9:53:07] -- that it still should not be known to members of the
2 public where the witness lives. And so I would ask if my learned friend wants to
3 continue the line of questioning, that it occur in private session.

4 PRESIDING JUDGE TARFUSSER: [9:53:21] Well, if the witness is not protected, I
5 really don't understand. If a witness is not protected, he's not protected. I mean --

6 MR O'SHEA: [9:53:32] We have to follow your Honour's rulings. Your Honours
7 have made rulings on protective measures --

8 PRESIDING JUDGE TARFUSSER: [9:53:37] Yes.

9 MR O'SHEA: [9:53:37] -- and that's what we follow.

10 PRESIDING JUDGE TARFUSSER: [9:53:40] Yes, I think so as well, yes.

11 MR O'SHEA: [9:53:45]

12 Q. [9:53:49] At the time of the march, where were you living in Yopougon?

13 PRESIDING JUDGE TARFUSSER: [9:53:53] It's not a matter of house number, it's a
14 matter of area, I would say, right?

15 THE WITNESS: [9:54:06] (Via video link) (Interpretation) In Yopougon Koweït, I
16 live in Yopougon Koweït. I live in Yopougon Koweït.

17 MR O'SHEA: [9:54:36]

18 Q. [9:54:36] The population of Koweït is quite large, isn't it? So can you be a bit
19 more specific?

20 A. [9:54:48] It's the neighbourhood that's called Koweït and the neighbouring
21 neighbourhood is called Toits Rouges.

22 Q. [9:55:14] And when you went from Yopougon to Adjamé, were you
23 accompanied by any members of the RDR?

24 A. [9:55:33] No, Mr President, no. It was with public transport. That's what I
25 used, public transport.

1 Q. [9:56:19] Now, you were with a friend who was called or known as La Machine.
2 Why was he called that?

3 A. [9:56:29] That's the name of his camera, his camera. In other words, this was a
4 trendy name for somebody who worked with the press.

5 Q. [9:57:11] What was the name of the company or association that he worked for?

6 A. [9:57:19] Well, at the outset I didn't know his name. It is now that I got to
7 know his name. His name is Dossou Sékou. So rather he is a driver of public
8 transport. I've just remembered his name now, Mr Dossou Sékou, who is a driver of
9 public transport.

10 MR ALTIT: [9:58:57] (Interpretation) Mr President, your Honours, yes, I do
11 apologise for intervening. I was listening to the translation into French a few
12 moments ago, and it seemed to me, I might be wrong because it wasn't very clear on
13 the transcript, it would seem to me that the interpreter was commenting. He
14 translated what was said and then he said "That's what the witness meant by
15 rephrasing it." And it seemed to me to be a little bit like a commentary. I might be
16 wrong, but I believed that that was the case. Even if you're going to -- if you want to
17 shed light on it, but do not comment, please.

18 PRESIDING JUDGE TARFUSSER: [9:59:50] Yes. I don't think we should clarify
19 interpreting the thought of the witness, but only the words of the witness. If it is
20 understandable what he says or not, it's then for us or for the party to intervene in a
21 clarifying manner or not. So, please, just leave it to the interpretation. Thank you.
22 Mr O'Shea.

23 MR O'SHEA: [10:00:24] Thank you.

24 Q. [10:00:24] So am I to understand, Witness, that this gentleman who was
25 colloquially known as Machine bore that alias because he used to carry a camera,

1 even though he was a driver?

2 A. [10:00:50] Rather he was a driver. He is a driver.

3 Q. [10:01:12] And did Machine have a camera with him on that day?

4 A. [10:01:43] No, he didn't have a camera.

5 PRESIDING JUDGE TARFUSSER: [10:02:09] Mr O'Shea -- Maître Altit, sorry.

6 MR ALTIT: [10:02:14] (Interpretation) Thank you, Mr President. Mr President, in
7 the French transcript we have at page 18, line 11, on the occasion of a response
8 provided by the witness, he answers "It was the name of his camera, the camera that
9 is there" whilst the witness seems to have used the word "kambele." And "kambele"
10 does not mean camera, but it means young man and not camera.

11 I would like this to be clear for the transcript, and of course this poses a problem in
12 terms of general comprehension, Mr President, yes, because our problem is that I
13 can't constantly be rising to my feet because it's going to pose a number of issues. So
14 in brief, I don't quite know what to do, and I'm submitting this to you, your Honours.
15 PRESIDING JUDGE TARFUSSER: [10:03:18] Well, the difference is not a small one, I
16 would say. But I think we have a problem, and I really don't know how to solve this.
17 But of course you can step on your feet whenever you think you need, and you do so,
18 so I don't think that I have to allow you, you do it anyway.

19 But we have to pay more attention, first of all, the interpreters and then also
20 ourselves.

21 MR O'SHEA: [10:04:02] May I make a proposal, your Honours?

22 PRESIDING JUDGE TARFUSSER: [10:04:04] Please do so.

23 MR O'SHEA: [10:04:05] I know that we're trying to be expeditious and all that, but
24 this could become very problematic if we let it get out of hand.

25 Can I suggest, because obviously the Dioula interpreters that are there, perhaps

1 they're not in court on a regular basis, perhaps if there is a discussion between the
2 French and the English and the Dioula interpreters for 5 minutes, it might help to
3 resolve things. I don't know.

4 PRESIDING JUDGE TARFUSSER: [10:04:31] Yes. So I make another proposal, this
5 discussion is postponed to the pause, so they have half an hour, and not only 5
6 minutes, and we continue, we try to follow as good as possible and to be careful.
7 And then I ask really the interpreters afterwards to try to, well, to discuss among
8 themselves in order to find the way out of this problem, which is a problem, I think
9 you realise.

10 So, Mr O'Shea, we have 55 minutes to be very attentive, and then hopefully when we
11 come back after the break the problem is more limited as it is now.

12 MR O'SHEA: [10:05:28] Very well, your Honour.

13 Q. [10:05:30] Now, when you were speaking with the investigators for the
14 Prosecution and you were talking about lies being told and this being part of the
15 rationale to instal a new director, you said the following at paragraph 55, you said,
16 (Interpretation) "... did not show good things on the television, only lies such as films
17 that revolted people, assemblies of old events or various old events put together."
18 (Speaks English) Did you hear about montages after 16 December in relation to
19 activities of the RHDP?

20 A. [10:07:34] Before 16 December, the former president had not won. So
21 information was being broadcast that it was not true. It was being said that Gbagbo
22 had won. The footage, the things that we were being shown, we realized that he
23 hadn't won, but he wanted to convince us that he had won no matter what the cost.
24 So Mr Guillaume made this call, he launched a call saying that we should march.
25 And the information was being broadcast, but we knew that Alassane had won, and

1 France 24 had announced that Alassane had been victorious.

2 In conclusion, the television was broadcasting lies. That is why Guillaume asked
3 people to take part in this march.

4 Q. [10:09:16] Did you hear it said that montages had been made in relation to the
5 march of December as well?

6 A. [10:09:31] I didn't see any footage, but on their television station they wanted to
7 prove that they had won, and they were saying things, they were saying that they
8 were the ones. And you see, and we were all shocked by all of that. And
9 Guillaume Soro asked that the new director be installed at the television station and
10 that is why that we went out and we marched.

11 Q. [10:10:14] When you went out to march, did you have or did the RHDP make
12 any security arrangements to control the crowd?

13 A. [10:10:34] No, they did not set up any military measures. You see, we were just
14 civilians.

15 Q. [10:11:15] Well, you've said that the march was supposed to be peaceful, so were
16 there people there to control others, other marchers?

17 A. [10:11:44] What was said before us, we were told that the people from UNOCI
18 were going to protect the people who were going to be marching. That is why we
19 went out and we had in mind this fact that UNOCI was going to protect us. So we
20 had the courage to go out and march because we knew that UNOCI was going to
21 ensure our protection during the march.

22 MR O'SHEA: [10:12:42] I wasn't there.

23 PRESIDING JUDGE TARFUSSER: [10:12:44] Maître Altit.

24 MR ALTIT: [10:12:45] (Interpretation) Your Honour, Mr O'Shea asked a question,
25 namely whether security measures had been taken by the organisers. He asked

1 whether security services were provided by the RHDP. The Dioula interpreter
2 seems to have translated in another way saying that were there gendarmes. So this
3 is not only mistranslation, this is also a translation that actually states the complete
4 opposite to the question that was put by Mr O'Shea.

5 PRESIDING JUDGE TARFUSSER: [10:13:36] Well, I don't know if it states the
6 opposite. In any case it is not the translation.

7 MS HENDERSON: [10:13:46] Your Honours, in light of the special measures,
8 perhaps just noting the demeanour of the witness at this point, it might be time for a
9 break.

10 PRESIDING JUDGE TARFUSSER: [10:13:56] Yes. I can take your suggestion, but I
11 think I made it clear to the witness that it is he, if he has a problem, he should raise
12 this problem. If he needs a pause, he can tell me. I don't know how you can say
13 that now he is in this situation.

14 How do you feel, Mr Witness? How do you feel? Are you okay?

15 THE WITNESS: [10:14:46] (Via video link) (Interpretation) Yes, I do need to rest a
16 bit.

17 PRESIDING JUDGE TARFUSSER: [10:14:50] Okay. So we do rest a bit.

18 And I really would ask the interpreters to liaise and try to find a solution to this,
19 because otherwise we are stuck. Thank you very much.

20 I would say half an hour, and we make the half an hour now, we come back at 10.45.

21 THE COURT USHER: [10:15:22] All rise.

22 (Recess taken at 10.15 a.m.)

23 (Upon resuming in open session at 10.49 a.m.)

24 THE COURT USHER: [10:49:11] All rise.

25 Please be seated.

Trial Hearing
WITNESS: CIV-OTP-P-0107

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:49:30] So here we are again. Court officer in
2 the remote location, please can you introduce the witness.

3 THE COURT OFFICER: (Via video link) [10:49:47] Yes, your Honour.

4 PRESIDING JUDGE TARFUSSER: [10:49:50] Thank you.

5 MR KNOOPS: [10:49:52] Mr President, in the meantime that the witness comes in,
6 we do have a request to the Chamber. Is the Chamber in a position to inquire first
7 whether the witness did use any form of medication or drugs, because to us it seems
8 that the witness is not responding. We're not experts, of course, but it's I think
9 important before we continue whether to assess whether the witness did use some
10 type of medication which can influence his testimony, also in light of the psychosocial
11 assessment of 1 September 2015, which is part of the record.

12 PRESIDING JUDGE TARFUSSER: [10:50:35] We will do this in the next pause, I will
13 ask the VWU to give me a response on this.

14 MR KNOOPS: [10:50:44] Thank you, Mr President.

15 MR MACDONALD: [10:50:45] Just one thing. The psychosocial assessments, my
16 colleague said they're part of the court record. That's not true. They haven't been
17 submitted. That's the nuance. They're in a filing, they've been discussed, but
18 they're not part of the court record in terms of evidence.

19 I have no objections if we want to file these to be submitted, by the way. But there is
20 a nuance.

21 PRESIDING JUDGE TARFUSSER: [10:51:14] Okay. We will deal with it during the
22 next, during the lunch-break.

23 Okay. Mr Witness, how do you feel?

24 THE WITNESS: [10:51:40] (Via video link) (Interpretation) I feel better now. I
25 feel better.

Trial Hearing
WITNESS: CIV-OTP-P-0107

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:51:46] Just a question to you, have you taken
2 any medication today?

3 THE WITNESS: [10:52:03] (Via video link) (Interpretation) No.

4 PRESIDING JUDGE TARFUSSER: [10:52:09] Okay. Now, please, I ask you really
5 to listen carefully to the questions, to respond to the questions truthfully, your truth
6 obviously with what you -- with what is true, and ask me if you have any questions,
7 any queries, any concerns, okay? You talk with me or if you want or need a pause or
8 whatever, okay?

9 THE WITNESS: [10:52:55] (Via video link) (Interpretation) Very well, Mr
10 President.

11 PRESIDING JUDGE TARFUSSER: [10:52:58] Really, I would not like to be suggested
12 by the OTP that he needs a pause because -- okay? We will, I will take care of it and
13 then try to find out. In any case I will ask him.
14 Mr O'Shea.

15 MR O'SHEA: [10:53:20] Thank you, your Honours.

16 Q. [10:53:26] Now, Witness, on the day that you went to the march, apart from
17 Machine, which other friends did you go with?

18 A. [10:53:37] I did not go with any other friend.

19 Q. [10:54:02] So from your home in Yopougon until Abidjan, you went the whole
20 way to the march with only one friend?

21 A. [10:54:24] Yes.

22 Q. [10:54:46] During this time, were you working?

23 A. [10:55:01] Yes.

24 Q. [10:55:14] Were you doing your job as a technician at the time?

25 A. [10:55:36] Yes.

1 Q. [10:56:13] And were you employed by someone or self-employed?

2 A. [10:56:22] I was working for somebody.

3 Q. [10:56:47] Did that person also go to the march?

4 A. [10:57:02] No.

5 Q. [10:57:23] Did you hear from your discussions with friends or from the media
6 that the march of that day had not been authorised by the authorities?

7 A. [10:58:10] I did not hear speak of it.

8 Q. [10:58:40] Before the march, did you hear or receive any instructions on how
9 and where to march?

10 A. [10:59:16] Yes.

11 Q. [10:59:42] Were you told that the security forces of the Gbagbo government
12 were not legitimate?

13 A. [11:00:05] I didn't quite understand what was said. Could what was said just
14 be repeated so that I could understand?

15 Q. [11:01:00] Were you told not to respect the security forces when on the march?

16 A. [11:01:11] No, nothing was said about that.

17 Q. [11:01:32] When you began your journey from Adjamé, did the security forces
18 warn you to turn back?

19 A. [11:02:04] In Adjamé there were soldiers. But that was not said to us.

20 Q. [11:02:41] We have recorded in your statement that you said to the Office of the
21 Prosecutor the following, at page 10, paragraph 62, and I quote, open inverted
22 commas, in French, (Interpretation) "We continued walking. While we were
23 walking from Adjamé to Cocody, there were FDS, gendarmes and soldiers who were
24 asking us to turn back, saying that there were Liberians and Angolans who were there
25 and that they were going to kill us."

1 (Speaks English) Now, you've just said in evidence that the security forces didn't
2 warn you to turn back. So is that the truth, that the security forces did not warn you
3 to turn back?

4 A. [11:04:23] We went down there. The first ones said nothing to us, because we
5 deviated. And it was from there on that we came across a group, and it was the
6 members of that group who talked to us. It wasn't the first ones that we came across
7 who we avoided.

8 Q. [11:05:04] How many times were you warned by security to turn back on your
9 journey towards the RDR?

10 A. [11:06:22] Approximately twice.

11 Q. [11:06:49] The second time you were warned, were you told to go back and
12 leave the march by the security forces?

13 A. [11:07:37] They did not tell us to stop marching. They just asked us to turn
14 around.

15 Q. [11:08:14] They asked you to leave?

16 A. [11:08:35] We left of our own volition. We were not told to leave. The
17 soldiers didn't tell us to leave. We left under our own steam.

18 Q. [11:09:02] So did you leave the march?

19 A. [11:09:13] No, we didn't stop marching. We continued marching.

20 Q. [11:09:33] So you were told by the security forces to turn around, and then did
21 you or someone else respond to the security forces and refuse?

22 A. [11:09:57] Yes.

23 Q. [11:10:16] What did that person say to the security forces?

24 A. [11:10:26] Well, he said that we were just marching towards the RTI and
25 everything that he said amounted to that.

1 Q. [11:11:02] So he just said to the security forces "We're marching to the RTI," and
2 he said nothing else to them?

3 A. [11:11:25] Yes, that's all he said.

4 Q. [11:11:46] And who was this person?

5 A. [11:12:04] I really don't know that person. We all met each other when we
6 were at the march.

7 Q. [11:12:37] And during that time between the start of your march and arriving at
8 the -- or arriving near the RDR, was there any other occasion when someone spoke to
9 the security forces from your group?

10 A. [11:13:13] Yes.

11 Q. [11:13:31] Where were you at that point?

12 A. [11:13:41] Around the headquarters of the RDR.

13 Q. [11:13:57] Did the security forces speak to you and those around you at that
14 point?

15 A. [11:14:16] Yes, they did speak to us.

16 Q. [11:14:36] What did they say to you?

17 A. [11:14:42] We were asked to leave; otherwise, if we persisted, things would get
18 serious. That is what they said.

19 Q. [11:15:13] Which person said that?

20 A. [11:15:29] The soldiers, Gbagbo's soldiers.

21 Q. [11:15:42] The particular soldier that said that, do you know anything about that
22 soldier, whether that soldier had a rank or what kind of uniform?

23 A. [11:16:18] Yes, yes.

24 Q. [11:16:37] Was it an ordinary soldier or did he have a rank?

25 A. [11:16:49] I didn't really notice particularly. In any event, he was wearing a hat,

1 the hat of a gendarme. But I don't know what rank he held.

2 Q. [11:17:24] So he said to turn back or things would get serious; is that the only
3 thing he said?

4 A. [11:17:50] Yes, there was a discussion with someone who was beside, but they
5 were a bit further off. He came, he said, "If you don't leave this place, if we find you
6 here, things will be serious."

7 There were a lot of us. So someone wanted to go by. So I don't know if it was that
8 person who wanted to go by or not obliged. So at that time we started to leave.

9 Q. [11:18:57] So at that time when you're near the RDR, you hear this being said, to
10 leave or things would get serious, from this soldier, that you don't know if he had a
11 rank; and is that -- was that the only thing that was said at that time when you were at
12 that area?

13 A. [11:19:40] Yes. He said if we were to be found at that place again, things would
14 be serious, it would be serious.

15 Q. [11:19:55] And did you or anyone else in your group respond to that officer and
16 say something -- or to that soldier and say something to him?

17 MS HENDERSON: [11:20:18] Mr President, I've let this go for a few minutes now.
18 It's the Prosecution's submission --

19 MR O'SHEA: [11:20:25] This is not a good time really. Please, this is not a good
20 time.

21 PRESIDING JUDGE TARFUSSER: [11:20:29] Yes. It might not be a good time, but I
22 think the OTP can, as you do as well, intervene.
23 Please.

24 MS HENDERSON: [11:20:38] It's our objection that these questions are asked and
25 answered, certainly not in oral testimony, but it's taken under 68(3) that the statement

1 of the witness is part of his evidence in this Court. This material has been covered at
2 paragraph 64 to 68 of his statement. There are -- I perhaps won't go into it further
3 with the witness in earshot.

4 PRESIDING JUDGE TARFUSSER: [11:21:04] Of course.

5 MS HENDERSON: [11:21:05] But there are things being put by my learned friend or
6 answers that are already supplied in the statement. In fairness to the witness, it
7 would be necessary to draw his attention perhaps to the matters in that statement and
8 then ask if there was anything else that was said, for example.

9 PRESIDING JUDGE TARFUSSER: [11:21:18] I've understood. I've understood.
10 Mr O'Shea.

11 MR O'SHEA: [11:21:21] I'm in the middle of an exercise, your Honours, I'm in the
12 middle of an exercise. Let me complete the exercise, it will be very, very clear what I
13 am doing.

14 PRESIDING JUDGE TARFUSSER: [11:21:31] Yes, I do know. If there is, I just say if
15 there is a contradiction between what the witness is saying here and the statement, I
16 would ask you to confront him with this contradiction. Thank you.

17 MR O'SHEA: [11:21:45] Can the witness be cut off for a moment please, your
18 Honour?

19 PRESIDING JUDGE TARFUSSER: [11:21:49] No. Please go ahead. Please go
20 ahead.

21 MR O'SHEA: [11:21:56]

22 Q. [11:22:17] Did you or anyone else in your group say anything in response to this
23 soldier?

24 A. [11:22:32] No one responded. When we were told that if we were to be found
25 there again, it would be serious, no one said anything back. They left. No one

1 responded or talked back.

2 Q. [11:23:04] Now, in the record that we have of what you told the investigators for
3 the Office of the Prosecutor, it is stated that you said the following, open inverted
4 commas, in French, (Interpretation) "We told them that we had come to march.
5 One of them came up to us and told us to leave. And someone from the crowd said
6 'No, we're not leaving.' The FDS officer was all worked up. He had a grenade that
7 was attached to his uniform. He said if we did not leave, he was going to take out
8 the pin of the grenade, and he was going to throw it at us."

9 A. [11:24:50] Yes.

10 Q. [11:24:51] So when it's recorded here, so when it's recorded here in your
11 statement that the officer of the FDS was annoyed, is that incorrect, because you've
12 told us that you didn't know the rank of the soldier who spoke?

13 A. [11:25:21] I answered. But what is written here and what is said, that is the
14 truth. What he said was the truth.

15 Q. [11:26:03] A moment ago you said you didn't know whether the soldier who
16 spoke had a rank. And in your statement he's described as an officer. So is the use
17 of the word "officer" by the investigators wrong?

18 A. [11:26:25] I don't know what his rank was. I don't know. I don't know what
19 his rank was, but I know it was a --

20 THE INTERPRETER: [11:26:47] Inaudible.

21 THE WITNESS: [11:26:51] (Via video link) (Interpretation) But I don't know what
22 his rank was.

23 THE INTERPRETER: [11:26:55] Correction from the interpreter: The reply
24 included the following words, "But I do know that he was a gendarme, but I don't
25 know his rank."

1 MR O'SHEA: [11:27:08]

2 Q. [11:27:09] Now, a moment ago in evidence before the judges you said nobody
3 responded. But it's recorded here that a person from the crowd said "No, we are not
4 leaving," in inverted commas, "Non on ne quitte pas," close inverted commas.
5 So which is correct, is it as you said today that nobody answered the soldier or is it
6 that somebody did answer the soldier and said "Non on ne quitte pas"? Which
7 version is correct?

8 A. [11:28:19] Well, I had forgotten that. Yes, that person did reply. Yes, indeed,
9 and continued the march. But someone responded, but I didn't remember that. But
10 yes, indeed, someone did answer.

11 Q. [11:28:49] So after this answer, what happened then?

12 A. [11:29:40] After the response was given, the soldiers got angry. One of them
13 threatened to throw a grenade at us. So we said to him, "No, don't do that." He got
14 angry. And he put his vehicle into drive and away he went.

15 Q. [11:30:22] And what about the other soldiers with him, did they also leave?

16 A. [11:30:52] They all left.

17 Q. [11:30:56] So the way the story goes is this, in summary, is that you are asked to
18 leave by the soldiers or things would get serious. Someone says "We're not going to
19 leave," and then all these soldiers just go. Is that the sequence of events?

20 A. [11:31:47] They left. After they left -- before they left they said that if they came
21 back and found us there, things would be serious. So after having said that, they
22 left.

23 Q. [11:32:12] So from the area of the RTI, where did you go?

24 A. [11:33:26] (No Interpretation)

25 Q. [11:34:00] I believe there was an answer.

1 A. [11:34:11] The soldiers or us?

2 Q. [11:34:17] You.

3 A. [11:34:22] We walked slowly. We raised up our hands to show that it was a
4 peaceful march, that there were no guns, no sticks and nothing, no weapons. So we
5 marched or walked slowly until we reached the big intersection. Once we got there,
6 the soldiers were there and they blocked our way.

7 Q. [11:35:07] At that point were you heading to the RTI or somewhere else?

8 A. [11:35:14] We were going in the direction of the RTI, so we had to pass through
9 that intersection, but at the intersection we were blocked.

10 Q. [11:35:45] Was it your intention to go anywhere else before the RTI or were you
11 just going to the RTI?

12 A. [11:36:04] We had the intention of going elsewhere because we wanted to meet
13 up with another group. That is at the headquarters of the PDCI. But when we
14 arrived the intersection, we stopped there. There were various roads, but we were
15 blocked at the intersection, so it was not possible for us to meet with the other group
16 we had intended to join.

17 Q. [11:37:03] Why the PDCI?

18 A. [11:37:11] Everyone came out for the march. Those who were RDR and not
19 RDR including the PDCI, we were all together. We were marching together with an
20 intention of dislodging the former director and installing the new one. That is why
21 everybody came out.

22 Q. [11:37:57] Who told you to go to the PDCI?

23 A. [11:38:13] Ourselves, that is amongst ourselves, we decided that by ourselves.

24 Q. [11:38:38] And when you say "we," who are you referring to?

25 A. [11:38:58] Those of us who were marching, that is us, the marchers.

1 Q. [11:39:14] How many were you at that point when you decided to go to the
2 PDCI?

3 A. [11:39:24] I cannot tell you the precise number.

4 Q. [11:39:47] Was it in the tens or the hundreds?

5 A. [11:40:04] Well, as I said, I do not know the precise number. Some people said
6 we had to meet the others at the PDCI. But I do not know the precise number.

7 PRESIDING JUDGE TARFUSSER: [11:40:38] Excuse me, Witness. Nobody asked
8 you precise numbers. We all realise that you have not counted all the people. But I
9 think you can say if you were only a few or many, if you were a few hundreds or if
10 you were less than a hundred or something like this, to give an estimate. That's
11 what the counsel is asking you for.

12 THE WITNESS: [11:41:20] (Via video link) (Interpretation) You want to know the
13 number of people who decided that we should go to the PDCI? About 20 people.

14 Well, not even up to 20. A little less than that who decided to go to the PDCI.

15 MR O'SHEA: [11:41:50]

16 Q. [11:41:51] And where were you geographically when this discussion and
17 decision was made to go to the PDCI?

18 A. [11:42:02] We did not go to the PDCI. We were at the intersection. And even
19 before we arrived there, some people said we should go to the PDCI instead of going
20 to the RTI. So those were ideas that were put forward. But we were not even able
21 to reach the PDCI. We went directly to the big intersection on our way to where we
22 are going. But we were blocked there. So we were at the big intersection.

23 Q. [11:43:03] So when you say that these were ideas which were put forward, try to
24 describe to the Chamber how the conversation went. Is this a situation where
25 somebody says, "I know, let's go to the PDCI" and someone else says, "No, let's go

1 somewhere else" and then you all agree to go to the PDCI?

2 How does the discussion, how did that discussion develop?

3 A. [11:43:38] We said that we should go to the PDCI, but later we agreed that we
4 should go directly to the RTI rather than to the PDCI.

5 Q. [11:44:21] What I'm referring to at the moment is the discussion which led to the
6 decision to go to the PDCI. You've said that you were around 20 at the time, and
7 ideas were being put forward. So how did this discussion take place? Did
8 someone amongst you say, "Okay, let's go to the PDCI"? Or how did the
9 discussion -- what was the discussion which led to that decision to go to the PDCI?

10 A. [11:45:11] We decided at the last minute to go to the RTI. That was the final
11 decision that the group took, that is to go to the RTI.

12 Q. [11:45:33] Okay. I understand that, but listen carefully to my question.

13 You've told us that you're around 20 people. People are putting ideas forward and a
14 decision is made to go to the PDCI. So let's leave the later decision to go to the RTI
15 for a moment and just concentrate on that moment when you as a group decided to
16 go to the PDCI.

17 Can you tell us how that -- what happened in that discussion? How did you come to
18 that decision?

19 A. [11:46:28] Some people said that we should go to the RTI while others said that
20 we should go to the PDCI. But at the end someone said that there was a group at the
21 PDCI. So we were supposed to go to the PDCI and meet that group and go to the
22 RTI together. But the final decision was that we should go to the RTI and the group
23 which was at the PDCI would come and meet us there. That is what we decided.

24 Q. [11:47:35] The person who said "We should go to the PDCI," did he have
25 anything on his clothing of significance such as an armband or anything of that

1 nature?

2 A. [11:48:13] No. There was nothing particular about his attire. He was dressed
3 normally.

4 Q. [11:48:39] So he was just a marcher like you, with no particular role?

5 A. [11:48:50] Yes, yes.

6 Q. [11:49:07] So then you, from there you go towards the RTI and you come across
7 some FDS; is that right?

8 A. [11:50:11] Yes. We met the FDS at the intersection.

9 Q. [11:50:38] Did they say anything to you?

10 A. [11:50:57] When we came to where they were, they did not say anything to us.
11 They had erected a roadblock, so the road was blocked. We were singing. They
12 had someone ask us to make a U-turn, but we continued singing until they started
13 throwing tear gas at us.

14 Q. [11:51:57] When they asked you to make a U-turn, did you or anyone else
15 respond? Was there any conversation that was engaged between the FDS and you
16 or others with you?

17 A. [11:52:32] Yes.

18 Q. [11:52:48] So what happened, did someone go and speak to them or did they
19 come to you and speak to you?

20 A. [11:53:05] They were the ones who came to us and spoke.

21 Q. [11:53:17] And you personally, you were close enough to hear the conversation,
22 were you?

23 A. [11:53:48] Honestly, I was not that close to be able to hear the conversations. I
24 was towards the back.

25 Q. [11:54:16] So in terms of what was said as between the FDS and the marchers, is

1 it the position that you didn't hear what was said?

2 A. [11:54:38] When the FDS were speaking, I did not hear what they were saying.

3 But later on we were told not to cross the roadblock, so we had to turn back. We did
4 not cross the roadblock. We were singing. We raised up our hands and continued
5 singing until they started throwing tear gas at us.

6 Q. [11:55:32] When you say later on, when you say that later on you were
7 not -- you were told not to cross the roadblock, how long is this after the conversation
8 which you say you didn't hear?

9 A. [11:56:16] When the person who was speaking to us finished, then he left. I do
10 not know what he told his colleagues, but they started throwing tear gas at us.

11 Q. [11:57:06] So did you hear the FDS saying "Don't cross the roadblock," or you
12 didn't hear that?

13 A. [11:57:54] That, I heard.

14 THE INTERPRETER: [11:58:23] I didn't hear, says the Dioula interpreter.

15 MR O'SHEA: [11:58:28] Something came from the Dioula interpreter, but I didn't
16 hear what.

17 PRESIDING JUDGE TARFUSSER: [11:58:32] I don't think it was the Dioula
18 interpreter. I think the English interpreter.

19 MR O'SHEA: [11:58:36] Something came from the English interpreter about the
20 Dioula interpreter, but I didn't hear what it was.

21 PRESIDING JUDGE TARFUSSER: [11:58:43] Okay.

22 MR O'SHEA: [11:58:44] Was there something the interpreter wanted to say? I don't
23 know.

24 PRESIDING JUDGE TARFUSSER: [11:58:48] What did the Dioula interpreter say,
25 please?

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1 THE INTERPRETER: [11:58:59] The Dioula interpreter says: Can you kindly ask
2 the witness to repeat?

3 PRESIDING JUDGE TARFUSSER: [11:59:05] Did you hear that? Can you repeat?
4 But I don't know now what now has to be repeated. But, Mr O'Shea, I leave it to
5 you.

6 MR O'SHEA: [11:59:18] Yes. Thank you, your Honour.

7 THE INTERPRETER: [11:59:36] The Dioula interpreter: Can you kindly ask the
8 witness to repeat the very last thing he said?

9 THE WITNESS: [11:59:48] (Via video link) (Interpretation) That is what I said, we
10 were told not to cross the roadblock. We heard what they said, so we did not cross
11 the roadblock as they had asked us. So we listened to what they said and did not
12 cross the roadblock.

13 MR O'SHEA: [12:00:12]

14 Q. [12:00:16] Okay. Apart from saying "Don't cross the roadblock," did you
15 personally hear anything else said by the FDS at that moment?

16 A. [12:00:51] I do not remember them saying anything else. We were asked not to
17 go through the roadblock. We did not do so. We continued on our -- we continued
18 singing, and in the meantime they started throwing tear gas in order to disperse us.

19 Q. [12:01:19] So when the investigators say that you said the following, and I quote
20 in French, paragraph 73, (Interpretation) "As soon as we arrived at the intersection,
21 a member of the FDS told us that we should not go through the roadblock. He was
22 asking us to step back, and we refused to do so because we wanted to reach the RTI."
23 (Speaks English) Now, you've told this Chamber that the FDS told you not to cross
24 the roadblocks and didn't say anything else, and that you obeyed that instruction.
25 So the statement that they asked you to go back and you refused, that part is not true?

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1 A. [12:02:52] The truth be told is not everything can be said. But what I -- what is
2 written is the truth. So we were there. We did not go through the roadblock. And
3 we were only singing. That is the truth.

4 Q. [12:03:40] So if you were only singing, you did not actually refuse any
5 instructions; is that right?

6 A. [12:04:02] Yes.

7 Q. [12:04:12] So when it says in your statement that "We refused," that's a mistake,
8 is it?

9 MS HENDERSON: [12:04:30] Your Honour, it would need to be read out what it
10 was that the witness refused to do in fairness.

11 THE WITNESS: [12:04:40] (Via video link) (Interpretation) I know what is
12 written. And what I am saying is one and the same thing. So it's the same thing.
13 What I am saying and what is written in the document is one and the same thing,
14 what is written in my statement, namely.

15 MR O'SHEA: [12:05:10]

16 Q. [12:05:11] Did anybody say to the FDS that you were refusing to go back or
17 anything like that?

18 A. [12:05:26] Yes, it was said that we were to turn back, that we -- somebody said
19 we should not turn back.

20 THE INTERPRETER: [12:06:10] Correction from the interpreter.

21 MR O'SHEA: [12:06:24]

22 Q. [12:06:24] "Somebody said that we should not turn back." Is this the marchers
23 talking to each other or is this the marchers talking to the FDS?

24 A. [12:06:36] Those words were said to the members of the FDS, the Forces of
25 Defence and Security.

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1 Q. [12:07:10] Now, some minutes ago you said that tear gas was used. After you
2 did not move back, was that the first action of the FDS to use tear gas, or did they do
3 something else first?

4 A. [12:08:08] They first lobbed the tear gas at us, after which they did not do
5 anything further, because we had lemon juice and we put that in our nostrils in order
6 to reduce the effects of the tear gas.

7 Q. [12:08:45] So after using the tear gas they didn't do anything else, and before
8 using the tear gas they didn't do anything else; is that right?

9 A. [12:09:08] After that, what happened is there was smoke, so they started
10 shooting, people started falling down and we started running for our lives. They
11 started to lob tear gas at us.

12 Q. [12:09:47] Let me stop you there. Let me stop you there, Witness. We'll come
13 to that.

14 PRESIDING JUDGE TARFUSSER: [12:09:48] Yes. But let her also finish the
15 translation, otherwise --

16 MR O'SHEA: [12:09:53] Well, it's just that he's going off tangent.

17 PRESIDING JUDGE TARFUSSER: [12:09:57] Yes, but you're speaking while the
18 translation was still ongoing.

19 MR O'SHEA: [12:10:01] All right. I was trying to stop the witness because he was
20 going off on a tangent.

21 PRESIDING JUDGE TARFUSSER: [12:10:05] I know.

22 MR O'SHEA: [12:10:06]

23 Q. Can I just take the floor, Witness. I just want you to answer this question if you
24 would. We're talking about what the FDS were doing. And you've said that they
25 threw the tear gas and that that was the first thing they did.

1 So basically they -- so basically if I understand you, the FDS asked you not to cross.
2 They asked you to go back. You don't go back, and then the first action of the FDS is
3 to throw tear gas, and they don't do anything else before throwing the tear gas; is that
4 right?

5 A. [12:11:01] Yes, yes.

6 Q. [12:11:18] This is what you said to the Office of the Prosecutor, it's at paragraph
7 74 of the statement, open inverted commas, in French, (Interpretation) "At a given
8 moment in time, the FDS started to fire into the air in order to instil fear in us. But
9 we remained there serene singing. Then they threw tear gas, but we, we did not
10 move."

11 (Speaks English) So here in court you're saying that their first action was to fire the
12 tear gas. According to the investigators, what you told them was that they first fired
13 in the air to scare you and then, then they used the tear gas.

14 So which is correct, what you've told the judges now, in other words, that the first
15 action was to use the tear gas, or what's in the statement, the first action was to fire in
16 the air and the tear gas was afterwards?

17 A. [12:13:28] Well, what I said at the time is the truth. But sometimes I tend to
18 forget things. Otherwise, what was said by the Office of the Prosecutor is the truth.
19 So the statement that I made to the Prosecution is the truth, the truth.

20 Q. [12:13:57] So today you tend to forget things. At the time you made your
21 statement to the Prosecutor, did you not also have that tendency to forget things?

22 A. [12:14:20] No.

23 Q. [12:14:45] So why is that? Why is it that today you have a tendency to forget
24 things, but at the time you made your statement to the Office of the Prosecutor you
25 didn't have that tendency?

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- 1 PRESIDING JUDGE TARFUSSER: [12:15:02] Yes, but I mean, this is a fact. It's not,
2 it's not a fact. I mean, this is -- one can suggest or think and we all can know the
3 answer to this, but this is not a fact related to the march and the facts. Please.
- 4 MR O'SHEA: [12:15:23] Can I just ask --
- 5 MS HENDERSON: [12:15:25] Your Honour, it's the Prosecution's suggestion that
6 this is relevant to know.
- 7 MR O'SHEA: [12:15:29] Just a moment please. Just a moment please. Just a
8 moment please. The Judge was addressing me. The Judge was addressing me.
- 9 PRESIDING JUDGE TARFUSSER: [12:15:34] Yes.
- 10 MR O'SHEA: [12:15:35] Please.
- 11 MR MACDONALD: [12:15:36] Yes, but we agree with the Defence.
- 12 PRESIDING JUDGE TARFUSSER: [12:15:38] No.
- 13 MR MACDONALD: [12:15:40] That's what we want to say. So if Mr O'Shea --
- 14 PRESIDING JUDGE TARFUSSER: [12:15:43] No, please, Mr MacDonald, please.
- 15 MR MACDONALD: [12:15:45] If we can address the Court, your Honour.
- 16 PRESIDING JUDGE TARFUSSER: [12:15:47] No. I was talking to Mr O'Shea.
17 Now it's his word. And then you can talk. But everybody talks -- when I give you
18 the floor, you can talk.
- 19 Please, Mr O'Shea.
- 20 MR O'SHEA: [12:15:58] Well, I'm very sorry to my learned friend if I preempted an
21 agreement. That wasn't my intention. I just wanted to, since your Honour was
22 addressing me, to address your Honour back.
- 23 And I would like to ask that the witness be cut off for a moment while I address your
24 Honour.
- 25 PRESIDING JUDGE TARFUSSER: [12:16:25] Can we please mute the remote

1 location. Thank you.

2 MR O'SHEA: [12:16:42] Now I --

3 PRESIDING JUDGE TARFUSSER: [12:16:44] Now wait a minute.

4 THE COURT OFFICER: [12:16:46] The sound is cut off.

5 PRESIDING JUDGE TARFUSSER: [12:16:47] The sound is cut off. Please. The
6 sound is cut off, Maître O'Shea.

7 MR O'SHEA: [12:17:12] Your Honours, of course I understand that from where
8 you're sitting there is an imperative to focus on the facts, and perhaps sometimes my
9 questions don't ring with you, as it were, as to an exercise in focusing on the facts.
10 Let me explain why I was doing what I was doing, and your Honour may say "I
11 know," but I don't know if you know, so I am just explaining it.
12 The thing is that this being a 68 witness, everything that's said in the statement is on
13 record in the case. So every line from the beginning to the end is something that can
14 be employed by the Prosecution in their final brief. So it's of interest to us to see if at
15 the time that this statement was made, at the time that this person was giving answers
16 to the Prosecution, if there are any reasons to believe why the things said in this
17 statement might be unreliable. So that's the reason why I was dealing with things in
18 that way.

19 You see, your Honour, there are specific paragraphs which I can try to demonstrate
20 are unreliable, but then there is a generic question as to the reliability of the statement
21 as a whole. And that's what I wanted to say.

22 PRESIDING JUDGE TARFUSSER: [12:19:07] Do you want to intervene,
23 Mr MacDonald or Ms Henderson?

24 MS HENDERSON: [12:19:16] Yes, Mr President. We would only join our learned
25 friend in saying that it is relevant to know how the witness is placed at this point in

1 time, if there is a difference in the level of concentration, certainly your Honours must
2 assess reliability. And it will be our ultimate submission on this witness that there
3 has been a decline in concentration that your Honours will need to consider in
4 assessing his testimony and the general reliability of his statement at the time as
5 opposed to how he presents now.

6 PRESIDING JUDGE TARFUSSER: [12:19:48] Yes. Obviously I knew what you
7 were going to say. Sorry about this. I don't feel -- I don't seem very humble, but of
8 course I knew. But I repeat again that we are professional judges and we look at the
9 same thing and we read the same things as you do. We're not a jury. So sometimes
10 I think because, of course, what you are doing is through the witness speaking with
11 us, of course, yes. But yes. We are not -- we do understand.

12 MR O'SHEA: [12:20:30] There is always a hiatus between a bench and an advocate --

13 PRESIDING JUDGE TARFUSSER: [12:20:35] I know.

14 MR O'SHEA: [12:20:36] -- in the sense that I have lost cases in the past because I
15 haven't said things because I thought the Judge understood and he didn't. So we
16 have to be particularly careful. And of course, you're not a jury, your Honours.

17 PRESIDING JUDGE TARFUSSER: [12:20:46] No.

18 MR O'SHEA: [12:20:49] You're three judges. Only one of you speaks. And I'm
19 sure you're not psychic. So I speak to the three of you. And I don't like to make too
20 many assumptions about what you understand and don't understand.

21 PRESIDING JUDGE TARFUSSER: [12:21:02] But we're all three professional judges,
22 all three.

23 MR O'SHEA: [12:21:06] Yes, yes, of course. That, I understand of course.

24 PRESIDING JUDGE TARFUSSER: [12:21:08] That should be clear. And sometimes
25 I repeat myself. But yes.

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1 MR O'SHEA: [12:21:13] Of course, the other thing is, your Honour --

2 PRESIDING JUDGE TARFUSSER: [12:21:15] And I just think that the fact that one
3 can have small differences in a statement given three, four years ago, I think it's
4 normal, slightly differences, or that in 2012 he recalled better what happened in 2011
5 than in 2016 is also normal, I think.

6 MR O'SHEA: [12:21:39] Well, it will become a matter of degree when we see just the
7 extent of it.

8 PRESIDING JUDGE TARFUSSER: [12:21:45] Yes, but we're looking at the same
9 thing.

10 MR O'SHEA: [12:21:48] Yes, yes, indeed.

11 PRESIDING JUDGE TARFUSSER: [12:21:50] So we are cut off. That's why I -- but
12 now we go back.

13 MR O'SHEA: [12:21:56] I hope your Honours don't in any sense --

14 PRESIDING JUDGE TARFUSSER: [12:22:00] No, no.

15 MR O'SHEA: [12:22:00] -- think that I underestimate the professionalism or
16 intelligence of the judges. That's never my intention.

17 PRESIDING JUDGE TARFUSSER: [12:22:06] No, no, no, that's not your intention.
18 It's clear.

19 MR O'SHEA: [12:22:09] But what I do have in mind is that, because I've done it
20 before, is that when you're three years later and you're reading through written
21 transcripts, it's not quite as easy to understand as it is now at the moment.

22 PRESIDING JUDGE TARFUSSER: [12:22:26] Absolutely.

23 MR O'SHEA: [12:22:26] Yes.

24 PRESIDING JUDGE TARFUSSER: [12:22:28] Absolutely. And we leave it here and
25 we log on again.

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- 1 THE COURT OFFICER: [12:22:48] The sound is on again.
- 2 PRESIDING JUDGE TARFUSSER: [12:22:50] Yes, Mr Witness, can you hear us?
- 3 THE WITNESS: [12:22:53] (Via video link) (Interpretation) Yes.
- 4 PRESIDING JUDGE TARFUSSER: [12:23:04] Okay. I understood Dioula now.
- 5 Please, Mr O'Shea.
- 6 MR O'SHEA: [12:23:24]
- 7 Q. [12:23:24] So is the sequence that shots are fired in the air and then tear gas is
- 8 thrown?
- 9 A. [12:23:35] Yes.
- 10 Q. [12:23:50] And you said that when the tear gas was thrown you did not move.
- 11 Does that mean you did not -- does that mean you did not move at all?
- 12 A. [12:24:09] Yes.
- 13 Q. [12:24:20] And what is it you said you did with lemon juice?
- 14 A. [12:24:37] Well, we take the juice out and we put it on our face and in our
- 15 nostrils in order to reduce the effect of the tear gas.
- 16 Q. [12:25:09] And because of the use of this lemon juice, nobody in the crowd
- 17 moved; is that the position?
- 18 A. [12:25:26] Yes.
- 19 Q. [12:25:39] And how big was the crowd as that point? How many were you?
- 20 A. [12:26:00] There were many of us, many of us.
- 21 Q. [12:26:19] More than a hundred?
- 22 A. [12:26:24] Yes.
- 23 Q. [12:26:31] And looking around you, you didn't see anybody move?
- 24 A. [12:26:45] Yes.
- 25 Q. [12:26:59] Now, in your statement at paragraph 74 you say this, and I quote in

1 French, (Interpretation) "A person in our group had lemons that calmed the effects
2 of the tear gas."

3 (Speaks English) Who was this person?

4 A. [12:27:46] It was one of the marchers, one of our marchers.

5 Q. [12:28:03] And was this person an organiser or was he just an ordinary marcher
6 like you?

7 A. [12:28:17] He was one of the other marchers.

8 Q. [12:28:39] So as far as you know, he had no particular role in organising the
9 marchers?

10 A. [12:28:52] Nobody had an organisational role, nobody did that amongst the
11 marchers.

12 Q. [12:29:28] And was it one person who was supplying lemon as you say in your
13 statement, une personne, or were others also supplying it?

14 A. [12:29:58] Some of them took lemons that they had brought with them.

15 Q. [12:30:35] You said that you were at the back at one point. What kind of
16 marchers or numbers of marchers were in front of you?

17 A. [12:31:31] I was between the third row.

18 THE INTERPRETER: [12:32:27] From the Dioula interpreter: Can the witness be
19 asked to repeat the last sentence, because it was not complete.

20 THE WITNESS: [12:32:40] (Via video link) (Interpretation) I do not know the
21 number of people who were in front of me.

22 MR O'SHEA: [12:32:49]

23 Q. [12:32:54] But you were about in the third row, were you?

24 A. [12:33:01] Yes. There was a row of people in front of me. Three rows, yes.

25 Q. [12:33:29] And how many rows would you say were behind you?

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1 A. [12:33:35] I do not know the number of rows behind me, because there were
2 many of us. So I was between the second and the third group. I really do not know
3 the number of people who were behind me. There were many, many of them.

4 Q. [12:34:12] And following the logic of what you were saying before about your
5 journey, most of these people were people you didn't know; is that right?

6 A. [12:34:44] I was talking about the row in which I was. But there were about 200
7 to 300 people.

8 Q. [12:35:17] And were most of the people you saw people who you had not seen
9 before?

10 A. [12:35:38] We didn't know each other at all before that. We just found
11 ourselves together during the march. We did not know each other.

12 Q. [12:36:08] And if I understand your evidence correctly, but tell me if I haven't, in
13 this whole journey from your home in Yopougon to this point where you meet the
14 FDS near the RTI, during that whole journey, there is no conversations between you
15 and any organisers or no communication from any organisers to you during that
16 whole journey.

17 A. [12:37:18] We were following people who were leading the way. But we did
18 not have any conversations with those people. They simply showed us the way that
19 we had to follow.

20 Q. [12:37:41] When did you first notice these people who were leading the way?

21 A. [12:37:57] We met at Liberté, that is where we met.

22 PRESIDING JUDGE TARFUSSER: [12:38:32] Mr Witness, Mr Witness, Mr Witness, I
23 think we should break. I think we should break and have a break until 2.30. So we
24 have a little bit longer break. So you have time to eat and to regenerate, nearly two
25 hours, and then we come back; is that okay for you, Mr Witness? Can you hear me

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1 or are you doing -- are you pretending not to hear me?

2 THE WITNESS: [12:39:23] (Via video link) (Interpretation) Yes, I can hear you. I
3 can hear you.

4 PRESIDING JUDGE TARFUSSER: [12:39:31] Did you hear what I said?

5 THE WITNESS: [12:39:33] (Via video link) (Interpretation) I have heard.

6 PRESIDING JUDGE TARFUSSER: [12:39:37] Yes, okay. If we take the break now,
7 are you tired?

8 THE WITNESS: [12:39:47] (Via video link) (Interpretation) Yes.

9 PRESIDING JUDGE TARFUSSER: [12:39:51] Yes. I understand Dioula.

10 Okay. So we have the break now. We come back at 2.30 for the continuing of this
11 not always easy questioning. Okay. Thank you very much.

12 THE COURT USHER: [12:40:09] All rise.

13 (Recess taken at 12.40 p.m.)

14 (Upon resuming in open session at 14.40 p.m.)

15 THE USHER: [14:40:00] All rise.

16 Please be seated.

17 PRESIDING JUDGE TARFUSSER: [14:40:25] Good afternoon, good afternoon to all
18 in here and in the remote location.

19 THE COURT OFFICER: (Via video link) Good afternoon.

20 PRESIDING JUDGE TARFUSSER: Can you hear me?

21 THE COURT OFFICER: (Via video link) [14:40:36] Yes, your Honour, we can hear
22 you clearly.

23 PRESIDING JUDGE TARFUSSER: [14:40:42] Thank you. I would ask you to bring
24 in the witness. I cannot hear my voice in the -- can you not hear me now?

25 THE COURT OFFICER: (Via video link) [14:40:59] I cannot hear you.

1 PRESIDING JUDGE TARFUSSER: [14:41:02] Because I can hear you only very little.

2 No, I have not the sound in the ear as I normally have, so I don't -- can you hear me?

3 THE COURT OFFICER: (Via video link) [14:41:34] Yes, I can hear you, your

4 Honour.

5 PRESIDING JUDGE TARFUSSER: [14:41:37] Yes. Okay. Now, it's better. Can

6 you bring the witness in, please.

7 THE COURT OFFICER: (Via video link) [14:41:47] Yes, right away.

8 PRESIDING JUDGE TARFUSSER: [14:42:43] Thank you.

9 (The witness enters the video-link room)

10 PRESIDING JUDGE TARFUSSER: I am informed by the psychologist of VWU that

11 during the break the psychologist met with the witness, and said that the witness was

12 responsive to all questions and oriented in time and space, however, he does need

13 time to process questions and to respond to them, as it was always said in the

14 previous assessment. The witness informed the psychologist that he is very tired

15 because of the questioning and did not expect the level of intensity in the courtroom.

16 So we I think we should now do 45 minutes, then give him some rest and do another

17 45 minutes to go to the end. So and I would ask you also to put the question in a

18 simple way, you know, without having all the premise and just if you ask the

19 question in a simple way it's maybe better and maybe the responses is easier to get, so

20 I leave it to you, but I would guide you in this direction.

21 MR O'SHEA: [14:44:19] Your Honour, yes. I will of course do my best. The next

22 question I'm going to ask does require some premises because we have had a long

23 break, so I need to remind the witness of certain things, but I will of course bear in

24 mind what your Honour has said and, as I say, do my best.

25 PRESIDING JUDGE TARFUSSER: [14:44:40] Okay.

1 Mr Witness, are you okay? Do you feel okay?

2 THE WITNESS: (Via video link)(Interpretation) [14:44:54] Yes, yes

3 PRESIDING JUDGE TARFUSSER: [14:44:56] So as I said, we have now a little bit
4 shorter sessions, and then I'll give you time to rest and then we have another shorter
5 session, okay? Okay?

6 THE WITNESS: (Via video link)(Interpretation) [14:45:20] Yes.

7 PRESIDING JUDGE TARFUSSER: [14:45:22] Mr O'Shea, yours the floor.

8 MR O'SHEA: [14:45:26]

9 Q. [14:45:28] Yes, Witness, I hope you had a nice lunch and a good rest. I will just
10 remind you of a few of the things that were said before the break to contextualise my
11 next question. You've explained to us that there were many people behind you, that
12 you were in the third row, you've explained to us that you and the other marchers,
13 you didn't know each other. You've explained to us that the people who were
14 leading, or walking in front, that they were not talking to you. So that's the context
15 in which I ask my next question. You understand all that?

16 A. [14:46:59] Yes.

17 Q. [14:47:04] And my next question is this: In the circumstances in which you
18 were at the time, you, yourself, you were not carrying any weapons, but do you
19 accept that you were not in a position to say whether any other people there on that
20 day were carrying weapons?

21 A. [14:48:00] To be frank, no one had any guns. I didn't see anyone with a gun, to
22 be quite honest.

23 Q. [14:48:21] So when you say no one had a gun, that conclusion is reached
24 because and only because you personally did not see any guns; is that right?

25 A. [14:48:44] Yes.

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1 Q. [14:48:52] Yes, thank you.

2 Now, when the FDS throw the tear gas, does this create a lot of smoke?

3 A. [14:49:50] Yes, there was a lot of smoke.

4 Q. [14:50:01] And is it at this time, when the tear gas is thrown, is it while this tear
5 gas has been thrown and there's smoke, is that the time when you begin to hear the
6 shots?

7 A. [14:50:41] After there was a lot of smoke.

8 MR O'SHEA: [14:51:06] Is that all that was said, Mr Interpreter?

9 THE INTERPRETER: [14:51:29] Answer from the witness: Yes. After a lot of
10 smoke had appeared we started hearing the gunshots.

11 MR O'SHEA:

12 Q. [14:52:05] And when you started hearing the gunshots, did you immediately
13 start running?

14 A. [14:52:21] Yes, I fled, I ran away.

15 Q. [14:52:41] And while you were running, did you just look straight ahead of you
16 and keep running, or did you turn around and look?

17 A. [14:53:13] While running, I was looking ahead of me, but I also turned back to
18 look behind me.

19 Q. [14:53:45] And you looked in front and you looked behind, did you also look
20 above you, or you only looked in front and behind while you were running?

21 A. [14:54:17] I also looked above.

22 Q. [14:55:18] You've never had any personal dealings or contact with the military of
23 the Gbagbo government, have you?

24 A. [14:55:49] Are you referring to the soldiers or the pro-Gbagbos? Can you be
25 more specific?

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1 Q. [14:56:01] Well, without adopting your phraseology, Witness, what I'm saying is
2 apart from outside the context of the march, where of course you said you bumped
3 into FDS, through your family or your friends in your general life at the time, you did
4 not have contacts within the army, did you?

5 A. [14:56:46] In which neighbourhood or at my place?

6 Q. [14:56:57] Did you have any friends what were in the army? And when I say
7 "the army", I mean the established army at the time.

8 A. [14:57:27] No. I did not have any soldier friends. I didn't have any.

9 Q. [14:57:43] And did you have any family members or extended family members
10 who were in the national army at the time?

11 A. [14:58:07] No.

12 Q. [14:58:21] So would it be fair to say that at that time you had no knowledge of
13 the process of recruitment within the army?

14 A. [14:58:52] Do you mean recruitment as soldiers? I didn't quite understand
15 your question. Can you kindly repeat, sir?

16 Q. [14:59:17] Given what you've just told us, you've told us that you did not have
17 family or friends in the army, would it follow from that that so far as how soldiers
18 became soldiers, in other words, how people went into the army, that process was
19 something that you had no knowledge of at the time; is that right?

20 A. [15:00:01] Yes.

21 Q. [15:00:11] Yes, thank you, Witness.

22 Now, when you were running and you heard the shots going off, it must have been
23 difficult for you to see how many people were shot; is that right?

24 A. [15:01:56] Yes. It was difficult to determine how many people had been shot.

25 Q. [15:02:29] When you were running through the smoke, is that the time that you

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1 heard explosions?

2 A. [15:02:47] Yes.

3 Q. [15:02:57] So since you were running through the smoke, it must have been
4 difficult for you to know where those explosions were coming from. Do you accept
5 that?

6 A. [15:03:38] There was an explosion. And I was thinking where did it come from.
7 So there was this explosion, and all I could do was run.

8 Q. [15:04:23] Witness, what is a DCA?

9 A. [15:04:35] Well, they have a gun that they place on a four-by-four, on a
10 four-by-four vehicle, so it has a long barrel. That's what a DCA is.

11 Q. [15:05:26] You said to the investigators that the bullet of a DCA is long. Can
12 you with your fingers demonstrate how long it is?

13 THE INTERPRETER: [15:05:46] Message from the Dioula interpreter: Could the
14 interpreter -- correction, could the witness be asked to reply again.

15 THE WITNESS: (Via video link)(Interpretation) [15:06:09] I don't know how long it
16 is, it's different to a bullet of -- from a Kalash. It's different, it's not the same.

17 MR O'SHEA: [15:06:16]

18 Q. [15:06:34] When you say you don't know how long it is, do you know if it's long
19 or short or you don't know?

20 A. [15:06:57] I can't tell you how long one would be, but it's not the same length.
21 It's not the same kind of bullet as a bullet that comes from a Kalashnikov, it's larger
22 than a bullet from a Kalashnikov.

23 Q. [15:07:34] Do you know what the range of a DCA is?

24 A. [15:07:56] I don't know. But I just know that the bullet travels quite a long
25 distance.

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1 Q. [15:08:22] When did you see the bullet from a DCA? When did you, with your
2 eyes, see the bullet of a DCA?

3 A. On the television. When the weapons were shown, you could see all of that on
4 the television. It was on the television.

5 Q. [15:09:18] Who told you that the bullet from a DCA travels a long way?

6 A. [15:09:41] No one told me. So I just thought that it would go a long way
7 because that gun is different to other guns.

8 Q. [15:10:03] You don't know that area, that geographical area very well, do you, or
9 you didn't at that time; is that right?

10 A. [15:10:43] Which place? Which one?

11 Q. [15:10:51] When you arrived at the point where you saw FDS, which you have
12 described as being around 200 metres away from the RTI in your answers to the
13 Prosecution, when you reached that point and then you say you were blocked and
14 then the tear gas was thrown and you were running away, that area there, is that an
15 area of Abidjan that you knew well at the time or not?

16 A. [15:11:51] It was the second time that I had gone to Cocody, so the place where
17 we were stopped I hadn't been there before, I've even actually forgotten the name of
18 the intersection.

19 Q. [15:12:21] So it would follow, of course, that while you were running you didn't
20 know what roads were where or what buildings were where?

21 (Counsel confers)

22 THE WITNESS: (Via video link)(Interpretation) [15:12:49] What?

23 MR O'SHEA:

24 Q. [15:12:57] Well, I don't want to assume anything, Witness, but it would appear
25 to follow, would it not, that if you did not know this area that, while you were

1 running, you didn't know what buildings were on your left, your right, what roads
2 might be on your left or your right? Would that be a fair comment?

3 A. [15:13:35] Yes.

4 Q. [15:13:53] So if there had been soldiers who supported Ouattara in side roads
5 around that area, or in buildings around that area, you wouldn't have known, would
6 you?

7 A. [15:14:36] That's what I'm talking about. We were stopped at the intersection.
8 I've forgotten the name of the intersection.

9 Q. [15:15:08] How long did it take from the time that you started running to the
10 time that you got a safe distance away from the FDS?

11 A. [15:15:48] The RDR? I wasn't able to get any access to those people from the
12 RDR.

13 PRESIDING JUDGE TARFUSSER: [15:16:10] No, excuse me, Witness. The question
14 is how long did you run until you were safe in your perception?

15 THE WITNESS: (Via video link)(Interpretation) [15:16:32] I don't remember how
16 much time I might have spent running.

17 PRESIDING JUDGE TARFUSSER: [15:16:43] That's what I thought would be your
18 answer. But we don't need the exact timing in minutes and seconds, but did you run
19 for a while or just short, about 2, 3 minutes or 10, 20 minutes?

20 THE WITNESS: (Via video link)(Interpretation) [15:16:58] Well, I ran. It was more
21 than 30 or 40 minutes.

22 PRESIDING JUDGE TARFUSSER: [15:17:25] Mr O'Shea.

23 MR O'SHEA: [15:17:28] Thank you, your Honour.

24 Q. [15:17:51] And how many minutes passed approximately, or how much time
25 passed approximately, from the time that you started running to the time that you

1 realised that you had been shot?

2 A. [15:18:31] Honestly, I'm not in a position to know how many minutes it was. I
3 ran for a long time. So I can't tell you how much time it took exactly.

4 Q. [15:18:55] When you realised that you had been shot, had you been running for
5 a couple of minutes or had you been running for more than half an hour?

6 A. [15:19:09] I ran for about 30 to 40 minutes. As I was running, my foot gave out
7 on me.

8 PRESIDING JUDGE TARFUSSER: [15:19:59] But after having been aware that you
9 were shot, have you continued to run or did you stop? And how did you realise that
10 you have been shot?

11 THE WITNESS: (Via video link)(Interpretation) [15:20:18] As I was running I fell.
12 As I was running I felt pain, a pain in my foot, and then I fell. I got back up to run
13 once again. I couldn't run any more. My leg was just too heavy. So I looked at
14 my foot. I thought that my leg was broken or something had happened to me.
15 I didn't even think about a bullet, but it was when I looked at my leg I saw blood
16 streaming, and it was on my trousers, and I realised there was a hole in my trousers.
17 And I tried to move forward, but I fell.

18 Two of the marchers were there. I called out to them. And I asked them to come
19 and help me because I was injured. These marchers came towards me and took hold
20 of me. And one of them put my arm on his shoulder. He couldn't actually raise me
21 up because I was heavy, so another person had to take hold of me as well.

22 MR O'SHEA:

23 Q. [15:22:20] Was it your left foot or your right foot that started paining?

24 A. [15:22:40] The left leg. The left leg.

25 Q. [15:23:07] And on which part of your leg did you see the hole?

1 A. [15:23:27] Just behind the left knee, behind the left knee.

2 Q. [15:23:41] Is this on the side of your leg or on the back of your leg?

3 A. [15:23:56] Well, where the knee bends, behind there.

4 MR MACDONALD: [15:24:18] Your Honours.

5 PRESIDING JUDGE TARFUSSER: Mr MacDonald.

6 MR MACDONALD: [15:24:24] I'm looking at the time. I'm looking at an
7 examination that is basically going through paragraph by paragraph, line by line,
8 stretching the time, even though the witness may be slowly answering, but I think my
9 colleague is not -- he's looking for contradiction by going through the statement line
10 by line and we could be here for a long time if that is the way we continue,
11 your Honour. I think it's already over three and a half hours, if not more, when
12 initially this witness was planned for three hours, but I understand he's not an easy
13 witness to question.

14 PRESIDING JUDGE TARFUSSER: [15:25:14] Yes, and we know it, first of all, that it's
15 not an easy witness to question, but I think we have to go through it. I will
16 obviously urge, as I did the counsel, to -- how to say it, consider that we are seeing the
17 same thing and we are hearing the same things. Please go ahead.

18 MR O'SHEA: [15:25:46] Well, I haven't been asking the same questions.

19 Is there a break?

20 PRESIDING JUDGE TARFUSSER: [15:25:58] Not yet a break. In 3 minutes we have
21 a break in 10 minutes.

22 MR O'SHEA: [15:26:04] That wasn't meant for you, your Honour.

23 PRESIDING JUDGE TARFUSSER: [15:26:06] But I heard it because the microphone
24 was open, as mine is open.

25 MR O'SHEA: [15:26:17]

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1 Q. [15:26:22] Now, would you accept that given the fact that you were running
2 nonstop for 40 minutes or so --

3 PRESIDING JUDGE TARFUSSER: [15:27:03] 30 or 40 minutes.

4 MR O'SHEA: [15:27:08]

5 Q. [15:27:08] -- 30 or 40 minutes and that for at least the first part of that running
6 you were in smoke, would you accept that it was difficult for you to see the exact
7 positions of the FDS?

8 A. [15:28:08] I disagree.

9 THE INTERPRETER: [15:28:24] Message from the Dioula interpreter: Could the
10 witness please be asked to repeat his reply.

11 PRESIDING JUDGE TARFUSSER: [15:28:32] Mr Witness, could you repeat what
12 you said because it wasn't got by the Dioula interpreters.

13 THE WITNESS: (Via video link)(Interpretation) [15:28:50] I'm asking you to answer
14 the question -- to repeat the question.

15 MR O'SHEA: [15:29:07] Not to answer the question, to ask the question. I'm told
16 this is why we need a break but it's okay, I'll carry on until the break.

17 Q. [15:29:22] I'm going to put another question: Do you know canisters of tear gas
18 were projected into the crowd?

19 A. [15:29:57] Honestly, I'm not in a position to know that. Frankly, I'm not in a
20 position to know that, but everyone knows what tear gas smells like.

21 Q. [15:30:22] When the tear gas was fired, and in the time that followed, did you
22 begin to feel disorientated because of it?

23 A. [15:30:53] I was conscious.

24 Q. [15:31:08] Yes, of course you were conscious, Witness, but the question is did
25 you feel disorientated in any way?

1 A. [15:31:30] No.

2 PRESIDING JUDGE TARFUSSER: [15:31:33] So now we take the break and we come
3 back at quarter to 4. What is it?

4 MR MACDONALD: [15:31:43] I was just wondering if we can have an estimate of
5 how long when we come back (Overlapping speakers)

6 PRESIDING JUDGE TARFUSSER: [15:31:46] Yes, we will when we come back. At
7 least by the end of this hearing day I ask for that.

8 Now, we have a break for about 10 minutes, a little bit more, quarter to 4 we're back
9 for 45 minutes.

10 The hearing is adjourned.

11 THE USHER: All rise.

12 (Recess taken at 3.34 p.m.)

13 (Upon resuming in open session at 3.50 p.m.)

14 THE USHER: [15:50:06] All rise.

15 Please be seated.

16 PRESIDING JUDGE TARFUSSER: [15:50:34] Here we are again. Good afternoon,
17 Mr O'Shea.

18 MR O'SHEA: [15:50:39] Good afternoon, your Honours. Before I proceed with the
19 witness, there's just one matter I'd like to raise in the absence of the witness, and it
20 relates to the last intervention by my dear Mr MacDonald. I don't know how the
21 expression falls in Canadian English, but in English where I come from if you say to
22 somebody that he's stretching things out, there's kind of an implication of bad faith in
23 that phrase. And I can assure him and your Honours that there's nothing deliberate
24 on my part to stretch things out. That's the first point.

25 And second point is this, which is a point which I've raised before but it's an

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1 important one, which is why I raise it. The next thing that my learned friend said
2 was that going through the statement line by line. Now, we're told this witness can't
3 read. I don't know whether he can read or not from my part, but that's what we are
4 told, so it may not be that important for this witness, but it might be important for
5 other witnesses, but I object to the idea of witnesses being given, as it were, clues as to
6 how to deal with my questions, if I can put it that way. Because obviously if counsel
7 says going through the statement line by line, he might be right or wrong about my
8 methodology, but the point is he's telling the witness what my methodology is, which
9 he shouldn't be.

10 PRESIDING JUDGE TARFUSSER: [15:52:24] Well, after this, I would ask you to
11 continue --

12 MR O'SHEA: [15:52:29] Yes.

13 PRESIDING JUDGE TARFUSSER: [15:52:30] -- with the questioning, always bearing
14 in mind that that, yes, sometimes some details are unnecessary, I think, because we
15 see the same thing, we acknowledge the same things. I cannot and I will not go
16 further, but please, go ahead.

17 THE COURT OFFICER: (Via video link) [15:53:09] The court officer is asking if the
18 witness can be brought back inside?

19 PRESIDING JUDGE TARFUSSER: [15:53:14] Of course. Sorry, sorry, court officer.
20 Thank you.

21 MR O'SHEA: [15:53:19] It certainly would have been unnecessary for me to ask the
22 court officer questions.

23 PRESIDING JUDGE TARFUSSER: Probably you would have had quicker answers,
24 from the speed I must say, not from the content.

25 (The witness enters the video-link room)

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1 PRESIDING JUDGE TARFUSSER: Mr Witness, here we are again. Can you hear
2 me?

3 THE WITNESS: (Via video link)(Interpretation) [15:54:26] Yes.

4 PRESIDING JUDGE TARFUSSER: [15:54:28] Now we have a little bit more than half
5 an hour. I would like you to concentrate on the questions and respond as good as
6 you can, okay?

7 Mr O'Shea.

8 MR O'SHEA: Thank you, your Honour.

9 Q. [15:55:18] Now, Mr Witness, obviously the president of the republic made
10 statements which were televised, and because those statements are televised they still
11 exist, but what I'd like to ask you is this: In 2010 what statements did you hear from
12 president Gbagbo from the television?

13 A. [15:57:17] I cannot give you an answer to that question because I really do not
14 know precisely which statement you are talking about.

15 Q. [15:57:38] Well, pick a statement that you remember from the television. Do
16 you remember any of the words of president Gbagbo at the time? Sorry, as I say,
17 Witness, as I say, what I'm asking you about is what you remember being said, but of
18 course there's no secret, there are television omissions which are accessible and which
19 still exist. What do you remember?

20 A. [15:58:41] Yes, I remember certain things. Yes, I do remember certain things
21 well. On television in 2010, in 2010 it was said "We win or we win." He or they
22 were saying that. And then also, in French, (Speaks French), there's nothing on the
23 other side, just corn.

24 Q. [15:59:42] Okay. Pause there.

25 Is there any other statement from president Gbagbo that you remember? And I want

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1 you to think about the exact words that you remember the president using on the
2 television, not what people said, but the exact words that you heard. And if you
3 don't remember, say "I don't remember the exact words he used." But if you do
4 remember, tell us what they are.

5 A. [16:00:43] What I remember is what I have just said.

6 Q. [16:01:01] And in terms of the exact words used by president Gbagbo, are those
7 the only words that you clearly remember today?

8 A. [16:01:29] Well, for the time being, what I remember is what I've told you.

9 Q. [16:01:58] In 2010 how often did you watch television?

10 A. [16:02:26] At night I would watch the news during the campaign.

11 Q. [16:03:44] How well do you know Abobo?

12 A. [16:03:57] Yes.

13 Q. [16:04:06] Does that mean you know it well?

14 A. [16:04:16] Yes.

15 Q. [16:04:34] Tell us about the Commando Invisible?

16 A. [16:04:51] Yes.

17 Q. [16:05:01] Tell us what you know about the Commando Invisible?

18 PRESIDING JUDGE TARFUSSER: [16:05:28] Mr Witness, can you hear me? What
19 is the Commando Invisible? What do you know about it?

20 THE WITNESS: (Via video link)(Interpretation) [16:05:43] I know about them. I
21 heard about them, you see. I know a little bit about the Invisible Commando.

22 PRESIDING JUDGE TARFUSSER: Tell us this little bit.

23 THE WITNESS: (Via video link)(Interpretation) [16:06:20] Got it. When I was
24 wounded in Abobo, after a few weeks -- well, one day I heard some shots around the
25 station and so there was a lot of noise and clashes between the youths and Gbagbo's

1 people. And when you see the young people demonstrate, Gbagbo's soldiers -- that
2 was before the election. After election they were still based there in Abobo. So the
3 young people were not so active, but then, you see -- well, they were not working
4 much, they were afraid to go to work because the soldiers were watching their
5 movements, and there were difficulties between the soldiers and the young people in
6 Abobo, and so often we would hear gunshots exchanged amongst them.

7 One day I was at home, about 3 o'clock at home, and we heard gunfire and the
8 gunfire started from 2300 hours until 4 in the morning, in the morning. In the
9 morning then we woke up and we went to see, and we found that the army was there
10 on the road. Some people say that the people in Abobo were fighting amongst
11 themselves. So I thought that was not the case. And some people thought that
12 wasn't the case. Others said no, it was the people from the Invisible Commando
13 who had come to Abobo. So that is how these things started in Abobo.

14 MR O'SHEA:

15 Q. [16:09:22] Witness, can I just confirm one thing, can I just confirm that you do
16 not have your statement in front of you at the moment?

17 I'm sorry, your Honour, but I have to ask.

18 PRESIDING JUDGE TARFUSSER: [16:09:37] We said in the morning that he not got
19 his statement in front of him, and there is a court officer and that he has not the
20 statement in front of him, and in any case he cannot read.

21 MR O'SHEA: [16:09:49] All right. I'm prepared to take that from your Honour that
22 there's no statement in front of him.

23 The transcript has -- oh, it's coming.

24 PRESIDING JUDGE TARFUSSER: [16:10:41] Yeah, the transcript is very slow today
25 I must say.

- 1 MR O'SHEA: [16:10:45] I apologise as well because I'm sort of dependent on it.
- 2 PRESIDING JUDGE TARFUSSER: [16:10:49] I'm dependent, too, on it. Okay.
- 3 MR O'SHEA: [16:12:52] Oh, I'm just waiting for the transcript, I know you know,
- 4 your Honour, but some behind me didn't know that.
- 5 PRESIDING JUDGE TARFUSSER: [16:12:58] Are we to wait for the transcript?
- 6 This is my question, otherwise we're wasting time, we are annoying also the public.
- 7 MR O'SHEA: [16:13:07] I know. I know. In this instance, yes, I'm sorry.
- 8 THE COURT OFFICER: [16:13:12] Just for everyone to know there is a delay with
- 9 the English realtime transcript, we have to bear with it unfortunately, so maybe for
- 10 the ease, for everyone to follow the French if possible.
- 11 MR O'SHEA: [16:13:31] Right.
- 12 Q. [16:13:36] So when you say that there was fighting between soldiers and young
- 13 people in Abobo, by "soldiers", do you mean FDS?
- 14 A. [16:13:54] Yes.
- 15 Q. [16:14:02] And the young people, what were they using to fight?
- 16 A. [16:14:26] Honestly, I -- I didn't see any particular weapons or anything else that
- 17 the young people were using, but I know that there were these clashes between the
- 18 youths and Gbagbo's people, but I didn't see any actual weapons.
- 19 Q. [16:14:53] Were you part of those clashes?
- 20 A. [16:15:02] No. No, not at that time because I was wounded. So I couldn't take
- 21 part in that struggle because I was already wounded.
- 22 Q. [16:15:22] When you were wounded in December, how many months did it take
- 23 before you were able to walk around freely again?
- 24 A. [16:15:52] More than 5 months, more than 5 months.
- 25 Q. [16:16:07] So during those 5 months, did you stay indoors much of the time?

1 A. [16:16:21] Sometimes I would go out to walk a little bit.

2 Q. [16:16:39] And you say that you couldn't be involved in the fighting because you
3 were wounded, were you involved in the fighting before you were wounded?

4 A. [16:17:07] About that, no. I did not take part in that fighting.

5 Q. [16:17:27] And during the 5 months while you were recovering, you say you
6 went out for walks sometimes, are we talking about once a day, twice a week? What
7 was the frequency you would go out for walks during that 5 months when you were
8 recovering?

9 A. [16:18:06] I didn't go out every day, so sometimes, sometimes I would go out
10 and see what was going on when, for example, when there was noise outside.

11 Q. [16:18:32] Given the fact that you were injured, were you not afraid to go out to
12 see what was happening?

13 A. [16:18:52] Well, when the noise died down people would go out, and so I would
14 go out and go see.

15 Q. [16:19:07] So when the noise died down, you would go out and see. And
16 generally, how long would you walk for before you'd go back home? Are we talking
17 about 5-minute walks or longer?

18 A. [16:19:35] About 30 or 40 minutes.

19 Q. [16:20:01] Did you hear about Commando Invisible or did you also see
20 Commando Invisible?

21 A. [16:20:20] I heard about them, but I never saw them. I don't know them to see
22 them.

23 Q. [16:20:32] And from what you heard, were they very active in Abobo?

24 A. [16:20:50] I heard that they were invisible, that is why they were referred to as
25 the Invisible Commando.

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- 1 Q. [16:21:11] Were you told why they were referred to as invisible?
- 2 A. [16:21:27] Yes.
- 3 Q. [16:21:31] Why was that?
- 4 A. [16:21:42] That's what I said. So it was a person that you couldn't see.
- 5 Q. [16:22:13] Did you hear that the Commando Invisible was ambushing the FDS?
- 6 A. [16:22:39] I don't know.
- 7 Q. [16:23:45] The time when you heard the rocket launchers in Abobo, you said
- 8 between 11 o'clock and 4 o'clock in the morning, was most of the fighting that took
- 9 place in Abobo during those hours?
- 10 A. [16:24:23] 2300 hours. I heard the rocket launchers at around 2300 hours.
- 11 After that, there was some exchange of fire between Kalashnikovs, I could hear
- 12 Kalashnikovs being fired.
- 13 Q. [16:25:00] And was that the pattern in terms of hearing fighting going on
- 14 outside, that it would take place mostly during the night?
- 15 A. [16:25:24] Yes.
- 16 Q. [16:25:37] So when you were in Abobo and you heard shots being fired, most of
- 17 the time you were asleep, were you?
- 18 A. [16:25:59] No, I couldn't sleep.
- 19 Q. [16:26:06] Because you were woken up by the noises?
- 20 A. [16:26:21] I was so afraid I couldn't sleep.
- 21 MR O'SHEA: [16:26:32] Your Honours, I'm looking at the time. It will take --
- 22 PRESIDING JUDGE TARFUSSER: I could say we have 2 minutes.
- 23 MR O'SHEA: [16:26:45] Well, it would take 2 minutes before we're finished so ...
- 24 PRESIDING JUDGE TARFUSSER: [16:26:50] What do you mean?
- 25 MR O'SHEA: I mean can I stop here?

1 PRESIDING JUDGE TARFUSSER: [16:26:55] Yes, you can stop here if you tell us
2 what you are aiming at in terms of time. I would just want to recall you that on 9
3 December we finish, so just for you to know.

4 MR O'SHEA: [16:27:10] Yes, yes. Well, the good news is that in the light of some of
5 the answers that I've received during this session I've been able to cut through quite a
6 lot, more than I expected so --

7 PRESIDING JUDGE TARFUSSER: [16:27:29] Let me first say to the --

8 MR O'SHEA: Yes.

9 PRESIDING JUDGE TARFUSSER: I call the court officer in the remote location.

10 THE COURT OFFICER: (Via video link) [16:27:39] Yes, your Honour.

11 PRESIDING JUDGE TARFUSSER: [16:27:42] Yes, we are through for today.

12 THE COURT OFFICER: (Via video link) [16:27:44] Okay, okay.

13 PRESIDING JUDGE TARFUSSER: So the witness can be released. And I would
14 also say hello to the witness, see you tomorrow morning at 8 o'clock.

15 THE COURT OFFICER: (Via video link) [16:27:54] Okay. Thank you.

16 PRESIDING JUDGE TARFUSSER: Thank you very much.

17 THE COURT OFFICER: (Via video link) Yes, thank you.

18 PRESIDING JUDGE TARFUSSER: So we disconnect from the remote location and I
19 give back the floor to Mr O'Shea.

20 (The witness stands down)

21 MR O'SHEA: [16:28:04] Yes, despite the time lapses with transcripts, et cetera, I have
22 nonetheless, through the answers that have actually been received, been able to
23 realise that I've done things much faster than I was expecting to this morning, so
24 I would estimate less than an hour.

25 PRESIDING JUDGE TARFUSSER: So that's good news.

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- 1 Then I ask the Defence team for Mr Blé Goudé.
- 2 And you're the only one questioning this witness?
- 3 MR O'SHEA: [16:28:40] I'm the only one questioning this witness.
- 4 PRESIDING JUDGE TARFUSSER: Okay.
- 5 MR O'SHEA: Of course, bear in mind, your Honour, that I take instructions from
- 6 others.
- 7 PRESIDING JUDGE TARFUSSER: [16:28:48] Yes, I know. But that's okay. But
- 8 just to have an outlook, a realistic outlook.
- 9 The Defence for Mr Blé Goudé?
- 10 MR KNOOPS: Mr President, Mr Gbougnon will conduct the examination by our
- 11 team and he estimates an examination of at least one session, maximum two sessions
- 12 for our team.
- 13 PRESIDING JUDGE TARFUSSER: [16:29:14] We have sessions of two hours, okay?
- 14 So --
- 15 MR KNOOPS: [16:29:19] We strive to conclude within two sessions maximum.
- 16 PRESIDING JUDGE TARFUSSER: [16:29:31] Well, because we will have to organise
- 17 the next witness, so I will organise the next witness for the afternoon session,
- 18 sometime in the afternoon session.
- 19 Okay. Thank you very much. The hearing is adjourned until tomorrow morning,
- 20 9 o'clock. Thank you.
- 21 THE USHER: [16:29:46] All rise.
- 22 (The hearing ends in open session at 4.30 p.m.)