

Trial Hearing
WITNESS: CIV-OTP-P-0438

(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 Koudou Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera-Carbuccia
8 Trial Hearing - Courtroom 1
9 Thursday, 4 May 2017
10 (The hearing starts in open session at 10.34 a.m.)
11 THE COURT USHER: [10:34:12] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:34:39] Good morning. Good morning,
15 Mr Witness. Can you hear me?
16 WITNESS: CIV-OTP-P-0438 (On former oath)
17 (The witness speaks Dioula)
18 (The witness gives evidence via video link)
19 THE WITNESS: [10:34:57](Interpretation) Good morning.
20 PRESIDING JUDGE TARFUSSER: [10:35:01] Okay. So the floor is to the Office of
21 the Prosecutor for his last questions, and then it will go to the Legal Representative of
22 Victims and then to the Defence teams.
23 Okay, Mr Prosecutor, yours the floor.
24 MR LEDDY: [10:35:23] Thank you, your Honour.
25 Before I begin, your Honour, I just wanted to clarify one mistake from the transcript

1 yesterday. In my submissions to the Court, I indicated that we had difficulties with
2 the CMS interpretation of Dioula with Witness P-180 in the past, and I was mistaken, I
3 was referring to Witness P-190.

4 QUESTIONED BY MR LEDDY: (Continuing)

5 Q. [10:35:53] Good morning, Mr Witness. I want to ask you about the Baoulé
6 woman who you mentioned yesterday. What language did she use to speak to you?

7 A. [10:36:30] She told me that Mamadou had been burnt.

8 Q. [10:36:38] Yes. My question was what language did she speak in?

9 A. [10:36:58] She told me in French that my friend -- my brother had been burnt
10 and that they had been together in -- at the parking. She didn't speak to me in
11 Baoulé.

12 Q. [10:37:13] And did you understand her? Do you understand French?

13 A. [10:37:30] Yes, I do understand French. She told me in French -- she told me
14 what had happened, and I can repeat to you what she told me because I understood it.

15 Q. [10:37:48] I'd like to direct your attention to the Saguidiba roundabout, to the
16 location of Mamadou's body. Yesterday you indicated that there was a roadblock at
17 that location. Could you please describe the roadblock you saw at Saguidiba
18 roundabout?

19 A. [10:38:25] The roadblock was at the junction, at the roundabout. After that
20 junction there is a road leading to SIDECI and the other road goes off to the mayor's
21 office. That is where the junction is and that is where the roadblock was located,
22 namely at the roundabout or junction of the main road.

23 Q. [10:38:56] And who is in charge of this roadblock? Who did you see? Can
24 you describe what they were wearing, what they were carrying in their hands, if
25 anything?

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1 A. [10:39:28] I told you that the roadblock was made up of tables. There were
2 not too many people there, but I didn't pay much attention. I simply went there, saw
3 the dead body and then went away, so I cannot tell you whether they had any
4 weapons or not. I looked at my brother's dead body and then I went back to my
5 house.

6 Q. [10:40:01] You mentioned seeing the three bodies at the Saguidiba roundabout
7 that day. Did you see any other dead bodies in the area of Yopougon on that day or
8 the day after?

9 A. [10:40:33] I am not able to answer that question. What I saw is what I have
10 told you, and that is what I saw, and that is what I have been telling you right from the
11 beginning to the very end; namely, what I saw.

12 Q. [10:40:54] Now I'd like to bring your attention back to the mosque. Yesterday
13 we saw some images and you described being at the parking lot next to the mosque.
14 Do you remember seeing a wall in those images between the parking lot and the
15 mosque?

16 MR GBOUGNON: [10:41:25] Monsieur le Président.

17 PRESIDING JUDGE TARFUSSER: [10:41:27] Maître Gbougnon.

18 MR GBOUGNON: [10:41:30] (Interpretation) Mr President, I object because --

19 THE WITNESS: (No interpretation)

20 THE INTERPRETER: [10:41:43] The witness overlapping.

21 MR GBOUGNON: [10:41:46] (Interpretation) Please, Witness, hold on.

22 Now, Mr President, we are again at the very limit going to look at the image, but the
23 Prosecutor should not assert upfront that there is a wall between whatever and

24 whatever, and I don't know what he relies on to make that assertion. So my point is

25 that if we want to put a question to the witness, we should first show the image so that

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1 everybody can be sure about what we are talking about prior to putting the question.

2 PRESIDING JUDGE TARFUSSER: [10:42:22] But I would say that you cannot refer
3 to one of the videos because he does not know which video -- which picture we saw,
4 or you bring it up. I would say the best thing is to bring it up again and then put to
5 him the question.

6 MR LEDDY: [10:42:40] I'll just simplify it, your Honour.

7 Q. [10:42:44] Mr Witness, could you see the entrance of the mosque from where
8 you were located in the parking lot?

9 A. [10:43:13] What do you mean by "see" the entrance to the mosque?

10 Q. [10:43:19] Could you see it with your own eyes? Were you able to see the
11 entranceway of the mosque from where you were standing in the parking lot?

12 MR GBOUGNON: [10:43:43] (No interpretation)

13 PRESIDING JUDGE TARFUSSER: [10:43:44] Let me ask the question: Where
14 were you standing?

15 THE WITNESS: [10:44:03] (Interpretation) What I said is that the woman provided
16 me with the information and we were at the parking. Then we were driven away
17 because the mosque was being burnt down and we ended up at the first door of the
18 mosque, and then we were driven off and we went back to the parking, and that is
19 where the woman joined us. The time when the mosque was being burnt down and
20 the time at which we were at the parking, there was a very little lapse of time, very,
21 very little time between those two incidents.

22 PRESIDING JUDGE TARFUSSER: [10:44:45] Mr Prosecutor.

23 MR LEDDY: [10:44:48] Thank you, your Honour.

24 Q. [10:44:50] Just a few more questions, Mr Witness. At this time, did you see the
25 BAE or the police trying to stop the fire at the mosque?

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1 A. [10:45:21] No, the police did not intervene to put out the fire. The mosque
2 was burnt, the police did not try to put out the fire, nor to intervene.

3 MR LEDDY: [10:45:51] Your Honour, that's all the questions we have.

4 PRESIDING JUDGE TARFUSSER: [10:45:53] Thank you very much.

5 Mr Witness, the Office of the Prosecutor has now finished his questioning and now it
6 will be the Legal Representative of Victims who will put you some questions. You've
7 understood?

8 Mr Witness, can you hear me?

9 THE WITNESS: [10:46:55] (Interpretation) Yes, I can hear you.

10 PRESIDING JUDGE TARFUSSER: [10:46:58] I said that the Office of the Prosecutor
11 has now finished to put questions to you. Now the next person who will put
12 questions to you is the Legal Representative of the Victims, okay?

13 THE WITNESS: [10:47:33] (Interpretation) Yes, I have understood you.

14 PRESIDING JUDGE TARFUSSER: [10:47:34] Okay, yours the floor.

15 MR CARNERO ROJO: [10:47:38] Thank you very much, Mr President. If I can
16 start with a small preliminary matter, because we read the transcript of yesterday and
17 we have realised that our learned friend from the Prosecution, Mr Leddy, referred to
18 us inadvertently as members of the Victims and Witnesses Unit. So just to correct the
19 record, it is on page, record one -- Transcript 150, page 2, line 15, and page 17, line 18.
20 And now, Mr President, with your leave, I will start with the questioning.

21 QUESTIONED BY MR CARNERO ROJO: (Interpretation)

22 Q. [10:48:39] Hello. Bonjour, Monsieur le témoin.
23 Witness, do you hear me?

24 A. [10:48:48] Yes, I can hear you.

25 Q. [10:48:51] We met during the courtesy visit. My name is

1 Enrique Carnero Rojo and I work with the counsel for victims of this case. I am now
2 going to put a few questions to you and I will be seeking clarifications from you.

3 Please, if you need clarifications from me, please don't hesitate to ask.

4 Unfortunately, I do not speak Dioula and my French is not as good as my English,
5 therefore, I will be putting questions to you in English, but please don't be worried
6 because we have interpretation of my question and your answers. Do you agree?

7 A. [10:50:07] That's fine by me.

8 Q. [10:50:10] Okay.

9 MR CARNERO ROJO: (Interpretation) Now I want to point out to the interpreters
10 that I'm switching to English.

11 Q. (Speaks English) Mr Witness, yesterday you told us that, and I quote in French --

12 THE INTERPRETER: [10:50:35] Overlapping start of sentence, Mr President, for
13 switching of sentences.

14 PRESIDING JUDGE TARFUSSER: [10:50:39] Start again with the quotation.

15 MR CARNERO ROJO: [10:50:46] D'accord.

16 THE INTERPRETER: [10:50:48] Still an overlap, Mr President, the French channel
17 was still occupied.

18 PRESIDING JUDGE TARFUSSER: [10:50:54] Start again.

19 Now.

20 MR CARNERO ROJO: [10:51:05] (Interpretation)

21 Q. "People did not want to move around with their documents at the time or their
22 IDs because they could have run into problems because of that."

23 (Speaks English) And for the record, that is in the French transcript 150, page 21,
24 lines 19 to 21.

25 So, Mr Witness, who were these people who did not want to move from place to place

1 with their identity documents?

2 A. [10:52:04] Well, those of us who were foreigners were able to move about with
3 our IDs. Those of us who were Soninké, we had no problems. My brother, like I
4 told you, had an ID card which was already expired, but there were places at which
5 you would be asked to show your ID cards.

6 Now, when I said that people were -- well, I was not talking about everybody, I was
7 talking about a certain category of people.

8 Q. [10:52:48] And which category of people was this one?

9 A. [10:53:05] Well, let's start with the Dioula, for example, the Dioula.
10 Everybody knows them. When they say "the Dioula --

11 Q. [10:53:25] (Overlapping speakers) show their identity cards?

12 PRESIDING JUDGE TARFUSSER: [10:53:32] Obviously, we had only half of the
13 question.

14 MR CARNERO ROJO: [10:53:46] So I will repeat the question, your Honour.

15 Q. [10:53:49] Mr Witness, did the Dioulas have problems with their identity cards
16 when they showed their identity cards?

17 A. [10:54:16] That is what I said. At the time, if you had your ID and you were
18 Dioula, you were identified as a Dioula, but at that time being a Dioula was -- it was
19 not good for a Dioula to go from place to place with their identity card. So there
20 were times when we could have gone about with our ID cards and other times when
21 we could not.

22 Q. [10:54:59] So why couldn't you exit with your ID card or what were you afraid
23 of if you were going out with your ID card?

24 A. [10:55:34] At the time we were afraid. I must say that we were afraid. We
25 were afraid, that's all I can say, at the time, and that's the answer that I can provide to

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1 that question. You see, anything could happen on the road or along the way, and
2 that's the answer I have to your question.

3 MR CARNERO ROJO: [10:56:04] Mr President, they bring to my attention that
4 there appears to be an interpretation mistake in the English record. Page 8, lines 8
5 to 9, it reads:

6 "Those of us who were Soninké, we had no problems." And it appears that the
7 witness did not say that, so I -- I would put the question again.

8 PRESIDING JUDGE TARFUSSER: [10:56:43] Is it correct in French?

9 MR GBOUGNON: [10:56:54] (Interpretation) That is correct, the French is correct.
10 That is what I thought I understood from the witness. I don't believe that there's a
11 problem because that's what I understood, but maybe the question should be put to
12 the witness again. That might be the best solution, but I don't think there was any
13 problem.

14 PRESIDING JUDGE TARFUSSER: [10:57:09] No, but if the French is correct, then
15 we can check that if the English and French are identical and then, if they are not, then
16 we have a problem.

17 MR CARNERO ROJO: [10:57:22] Yes, your Honour, but we have a member of our
18 team, Mr Sako, who can speak Dioula. But if you can allow me just to reiterate the
19 question just to make sure that it's --

20 PRESIDING JUDGE TARFUSSER: [10:57:34] Reiterate the question.

21 MR CARNERO ROJO: [10:57:37] Thank you very much, Mr President.

22 Q. [10:57:42] Mr Witness, I was asking you before whether the people -- whether
23 people didn't want to move with their ID documents because they were afraid of
24 having problems with the documents.

25 PRESIDING JUDGE TARFUSSER: [10:58:06] Let me put the question.

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1 Mr Witness. No, I wait.

2 Mr Witness, you said -- the question was -- or, you said which foreigners -- the
3 foreigners were able to move around freely; is that correct, with their IDs, in relation to
4 the IDs, with their IDs?

5 THE WITNESS: [10:59:18] (Interpretation) That is what I said. At the time there
6 were areas where you needed to show or to have your ID on you to be able to go to
7 those places.

8 PRESIDING JUDGE TARFUSSER: [10:59:30] Yes. And who could go freely and
9 who could not go freely? Who was prevented to go around freely?

10 THE WITNESS: [11:00:11] (Interpretation) Well, one does not know everybody, but
11 what I said is that we are all referred to as "the Dioula", but when the question is put
12 to you in a certain way, one can panic, you see. But we talked about the Dioula and
13 what I said is that there was a time when one could not move about without one's ID.
14 However, today we can, and we have seen that people are able to go around, go about
15 with their identity cards.

16 PRESIDING JUDGE TARFUSSER: [11:00:54] And what about the Soninké?

17 THE WITNESS: [11:01:17] (Interpretation) I can't speak on behalf of him from where
18 I was. I knew the situation. And we were in our neighbourhood and at the time
19 you could move about with your ID cards. I don't know what the situation was like
20 elsewhere, but at the time we could move about with our ID cards. There were a lot
21 of Soninké people. I couldn't say what the situation was like for them, but we would
22 go out and we would move about with our ID cards. So you can't restrict that to the
23 Soninké, especially if you're talking about Dioula.

24 PRESIDING JUDGE TARFUSSER: [11:02:04] But one question which I would like
25 to put is: How could one understand from the ID card the ethnicity or where you

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1 come from? Is it written on the ID card?

2 THE WITNESS: [11:02:44] (Interpretation) When you have your identity card, it
3 shows your origins, it's written or recorded on the ID card. It's right there on your
4 card and that is considered -- it provides your place of birth, date of birth. That's
5 what they took into account.

6 PRESIDING JUDGE TARFUSSER: [11:03:06] Okay, thank you.

7 The floor is yours.

8 MR CARNERO ROJO: [11:03:14] Thank you very much, Mr President.

9 Q. [11:03:21] So, Mr Witness, you have just told us that, and I quote from the
10 English transcript, page 11, lines 4 to 5, that:

11 "There was a time when one could not move about without one's ID."

12 My question is: Why not? What could be the consequences of moving around
13 without your ID?

14 A. [11:04:14] Well, I just answered that question. When you have your identity
15 card, you would be stopped, and so people were afraid. And if you didn't have any
16 identity card or papers -- in my case, for example, I was stopped, my card was taken
17 away from me, and my friend was able to have me released. So I really don't want to
18 return to this point because I don't want to say something that might be contradictory.

19 Q. [11:04:55] Okay, thank you very much, Mr Witness. You have just referred to
20 what happened in this roadblock and how your friend assisted you. Do you know if
21 there was anybody else that went through the same events at the roadblock similar to
22 what happened to you?

23 A. [11:05:41] That's what I said. When I got there someone was talking; I don't
24 know what they were talking about. As for myself I don't know, I didn't try to find
25 out what they were talking about. All I know is what I experienced. I saw them,

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1 but it wasn't any of my concern. I didn't try to find out about that. I just wanted to
2 solve my own problem, that's all.

3 Q. [11:06:17] I will move now, Mr Witness, to what you told us yesterday that
4 your brother, Mamadou, went with his friend, Bakari, to the mosque on Friday, 25
5 February 2011, and this means that Mamadou was Muslim, right?

6 A. [11:06:49] Exactly.

7 Q. [11:06:52] And to which group or tribe did Mamadou belong?

8 A. [11:07:10] I said that we're referred to as Marakas, that is to say Soninké.

9 Q. [11:07:21] Yesterday, Mr Witness, you said that Mamadou died at the
10 Saguidiba intersection and you also told us that Mamadou was a very close friend of
11 yours and that you sent the information that he had died. My question is, have you
12 been able to recover the body of Mamadou?

13 A. [11:08:13] No, we were not able to get his body, his body had been burnt. We
14 just went and looked at his body, but we were not able to get it.

15 Q. [11:08:33] So it means that Mamadou has not been buried?

16 PRESIDING JUDGE TARFUSSER: [11:08:43] But if they haven't got the body, of
17 course it was not buried. I mean, it's a normal consequence.

18 THE WITNESS: [11:09:01](Interpretation) We were not able to recover his body.
19 We couldn't even get close to him. We just saw the body. At the time, if you
20 recovered a body, where would that lead you to, where would you have -- correction,
21 where would you have taken it? It's not easy to say, but we did not bury him, we
22 were not even able to get close to his body. We saw him and we went back. I can
23 say that he was torched, I saw the torched body, but we were not able to recover the
24 body.

25 MR CARNERO ROJO:

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1 Q. [11:09:53] Thank you, Mr Witness. And my last question: You have just told
2 us that you saw the torched corpse of Mamadou, and you told us yesterday that you
3 saw the mosque burning, and that when you went back to Doukouré you saw many
4 more bodies in the parking of the mosque. My question is: How have all these
5 events affected your life?

6 A. [11:10:41] Well, what I can say is this: Up until now, these are events that I
7 cannot forget, because you might forget some things, but what I saw is still in my
8 mind, and you can't completely forget such events. I wasn't badly hurt or I wasn't
9 mentally disturbed, but I still think of these things. I can't forget these events. I saw
10 my brother's body. Up until the very day of my death I will not forget that day. I
11 can't forget his dead body. I can never forget it.

12 Q. [11:11:37] Thank you, Mr Witness. And those are all my questions.

13 Mr President.

14 PRESIDING JUDGE TARFUSSER: [11:11:43] Thank you.

15 Mr Witness, now also the Legal Representative of Victims --

16 THE WITNESS: [11:11:58](Interpretation) I thank you.

17 PRESIDING JUDGE TARFUSSER: [11:12:01] Okay, Mr Witness, now also the Legal
18 Representative of Victims has concluded his questioning and I now give the floor to
19 the Defence for Mr Gbagbo, Maître Altit.

20 MR ALTIT: [11:12:24] (Interpretation) Thank you, your Honour. Your Honours,
21 the Gbagbo Defence team will be requesting Mr O'Shea to question this particular
22 witness.

23 PRESIDING JUDGE TARFUSSER: [11:12:40] Thank you, Maître Altit.

24 Mr O'Shea, yours the floor.

25 MR O'SHEA: [11:12:45] Your Honours, thank you.

1 QUESTIONED BY MR O'SHEA:

2 Q. [11:12:55] Good morning, Witness. Can you see me in the camera?

3 A. [11:13:13] Yes, I can see you on the screen.

4 Q. [11:13:17] My name is Andreas O'Shea, and I'm representing Laurent Gbagbo
5 in these proceedings. Now --

6 A. [11:13:39] Yes, I've understood. Good morning to you.

7 Q. [11:13:43] Thank you. Now, you are originally from Mali. Your knowledge
8 of Dioula, is that a language which you also spoke in Mali?

9 A. [11:14:16] Yes, I do speak Dioula.

10 Q. [11:14:27] I'm just going to ask, Witness, because I'm speaking in English and
11 it's being translated into French and to Dioula, and you're being translated into French
12 and to English, so I'm just going to ask you please to wait until I have finished asking
13 my question before you respond; is that all right?

14 A. [11:15:03] Yes, I've understood.

15 Q. [11:15:06] Now, is Dioula a language which you also spoke in Mali?

16 A. [11:15:29] In Mali I speak Dioula, I speak my language as well.

17 Q. [11:15:40] And would you describe Dioula as a mother tongue or as a second
18 language for you?

19 A. [11:16:11] I speak Maraka, but Dioula is spoken in our country, that is why we
20 understand that language and can speak that language as well.

21 Q. [11:16:30] Do you speak Dioula fluently or with mistakes?

22 A. [11:16:55] I understand everything that's said in Dioula.

23 Q. [11:17:05] And would you say that you speak it fluently as well?

24 A. [11:17:26] Yes, indeed. I speak Dioula fluently, it's my language as well.

25 Q. [11:17:42] And the Dioula which is spoken in Mali, is it exactly the same as the

1 Dioula that is spoken in Ivory Coast, or are there differences?

2 A. [11:18:17] The Dioula spoken in Mali and the Dioula in Côte d'Ivoire, I
3 understand both these languages. To my mind it's the same language.

4 Q. [11:18:42] So if someone is speaking the Dioula from Mali and in conversation
5 with someone who's speaking the Dioula from Ivory Coast, if I understand you
6 correctly, they will understand each other, but will there be any differences?

7 A. [11:19:20] Well, what I can say is this, I can't speak on behalf of everyone, but
8 personally I can tell you that I understand Dioula spoken in Côte d'Ivoire and Dioula
9 spoken in Mali. As for another person, I really can't say anything about their
10 understanding of that language. A person might speak English. I think that if you
11 understand well, it's -- it's the same language.

12 Q. [11:20:05] Do you have any knowledge of French?

13 A. [11:20:21] I understand a bit of French.

14 Q. [11:20:33] Now, how many times did you meet with the Office of the
15 Prosecutor?

16 A. [11:20:59] I haven't understood your question.

17 Q. [11:21:04] Do you remember that some individuals from the International
18 Criminal Court came to you and asked you questions about 25 February? Do you
19 remember those occasions?

20 A. [11:21:35] We met one another. I can't tell you exactly when it was. They
21 asked me some questions and -- but I can't tell you exactly what days. I can't tell you
22 whether it was twice or 10 times. I don't know.

23 Q. [11:22:05] Do you know if it was more than once?

24 A. [11:22:26] Yes, more than twice in any event.

25 Q. [11:22:33] And on each of those occasions when you met with these people

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1 from the International Criminal Court, was an interpreter present on each of those
2 occasions?

3 A. [11:23:03] Yes, that's right. As I said, I spoke in Dioula and the interpreter
4 translated into the language of the people from the Court.

5 Q. [11:23:22] And you've met these people, from what you've said, it appears, on
6 at least three occasions. Was it the same interpreter on each occasion, or were they
7 different interpreters?

8 A. [11:23:57] Each time that we met, it was the same person who was interpreting
9 what was being said.

10 Q. [11:24:15] That person that was interpreting for you, was it somebody that
11 you'd ever met before, or was this the first time you were seeing that person?

12 A. [11:24:44] I hadn't seen that person before, and since that interview I have no
13 longer seen that person. We have no dealings with one another.

14 Q. [11:25:04] When he was interpreting for you, were you able to tell whether his
15 Dioula was from Ivory Coast or from somewhere else?

16 PRESIDING JUDGE TARFUSSER: [11:25:28] But if he said it is the same language,
17 if he said it is the same language, for him it is the same language, so there is no Dioula
18 from Ivory Coast or from Mali. So I think we should -- and I think we should come
19 to the merit of the case, I would say.

20 MR O'SHEA: [11:26:17] I do have some more questions on this area. Is
21 your Honour stopping me here?

22 PRESIDING JUDGE TARFUSSER: [11:26:23] I'm not stopping you. I said I would
23 say that it would be time soon to come to the merit of the case because there is -- it is
24 not the investigation of the Prosecutor, but it's something else at stake here.

25 MR O'SHEA: [11:26:44] Well, just so your Honours are aware of the relevance or

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1 what we submit the relevance is, the nature of the investigation of the Prosecution is
2 indeed relevant in this case.

3 PRESIDING JUDGE TARFUSSER: [11:26:56] Yes, please.

4 MR O'SHEA: Yes.

5 PRESIDING JUDGE TARFUSSER: I know, but we talk at the end of this case about
6 this.

7 MR O'SHEA: [11:27:11]

8 Q. [11:27:11] Were you happy with the interpretation on those days you spoke
9 with the people from the Prosecutor's office?

10 PRESIDING JUDGE TARFUSSER: [11:27:20] Well, may I ask how can -- if he needs
11 an interpretation, he cannot be happy with the outcome of the interpretation,
12 otherwise he would have spoken in the language of the --

13 MR O'SHEA: [11:27:38] Well, I was trying to put --

14 PRESIDING JUDGE TARFUSSER: [11:27:40] Yes.

15 MR O'SHEA: [11:27:42] -- one question instead of five, to please your Honour,
16 essentially.

17 Q. [11:28:00] Did you have any concerns about the way you were being
18 interpreted on those days?

19 A. [11:28:29] No, I didn't have any concerns.

20 Q. [11:28:54] Now, in 2011, where precisely were you living within Yopougon?

21 PRESIDING JUDGE TARFUSSER: [11:29:14] Yes, please.

22 MR LEDDY: [11:29:15] If we may go into private session for this bit of information.

23 MR O'SHEA: [11:29:20] I disagree.

24 PRESIDING JUDGE TARFUSSER: [11:29:23] Now I think it is already on the record,
25 not in private session, right?

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1 MR LEDDY: [11:29:27] My concern is that it will reveal the specific place where the
2 witness resides.

3 PRESIDING JUDGE TARFUSSER: [11:29:32] Well, what do you want to know?

4 MR O'SHEA: [11:29:34] Your Honour, there's no protective measures for this
5 witness.

6 PRESIDING JUDGE TARFUSSER: [11:29:38] I know.

7 MR O'SHEA: [11:29:38] If anyone wants to know where this man was living
8 in 2011 --

9 PRESIDING JUDGE TARFUSSER: I think so as well, yes.

10 MR O'SHEA: -- they just go to the village and say where was he living.

11 PRESIDING JUDGE TARFUSSER: [11:29:46] I think so the same, of course.

12 MR O'SHEA: Yes.

13 PRESIDING JUDGE TARFUSSER: But this is this trying to go into private session to
14 protect something which is not protected, I mean.
15 Please go ahead.

16 MR O'SHEA: [11:29:57] Your Honour, thank you.

17 Q. [11:30:01] So in 2011 where precisely were you living?

18 A. [11:30:27] Well, I told you that yesterday and I'm going to repeat it again today:
19 I used to live in Doukouré neighbourhood. I did not live in any other neighbourhood,
20 otherwise I would have told you. I used to live in Doukouré. I am not going to talk
21 about another neighbourhood. All I'm going to tell you is what I saw in my
22 neighbourhood and I will stick to what I saw, particularly what happened to my
23 brother. That's why I'm here, I'm here to talk about that and not to address other
24 issues, other questions or events to which I was not a witness. I came here to testify
25 about what I saw and about what happened to my brother. And now if there's

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1 anything else that may have taken place and that you want to raise any questions in
2 relation to those or such events, I'm afraid I might not be able to provide you with the
3 answers.

4 Q. [11:31:37] Well, we'll see how it goes.

5 From where you were living, how many minutes would it take you to walk to the
6 mosque?

7 A. [11:32:14] I cannot tell you exactly how much time because I did not look at my
8 watch when I left my house to go to the mosque. However, I know the prayer times
9 and, well, in fact, I cannot really answer that question because I never really tried to
10 find out how much time it took to cover that stretch.

11 PRESIDING JUDGE TARFUSSER: [11:32:40] But, Mr Witness, is it five minutes, is
12 it a short distance, or is it -- had you to walk half an hour? Here we don't ask minutes
13 and seconds.

14 THE WITNESS: [11:33:17] (Interpretation) When I left my house, it did not take me
15 more than two minutes to get to the mosque.

16 PRESIDING JUDGE TARFUSSER: [11:33:25] Okay. Thank you.

17 MR O'SHEA: [11:33:30]

18 Q. [11:33:31] And in February 2011, at that particular time, were you working?

19 A. [11:34:01] Yes, I had a job.

20 Q. [11:34:02] And in February 2011 where did you go in order to work?

21 A. [11:34:33] I had to go to work but it is difficult for me to give you a specific
22 indication as to where I was working. I am not in a position to indicate where I was
23 working, but I -- I had a job, but I cannot mention my place of work to somebody. All
24 I can say is that I used to work.

25 Q. [11:35:04] Why would you have any difficulty saying where was your place of

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1 work in 2011?

2 A. [11:35:29] Well, you have the information in the document. Why do you want
3 me to talk again about what is already mentioned in the document, in the statement?

4 I did not talk about my place of work in the statement.

5 PRESIDING JUDGE TARFUSSER: [11:35:49] Mr Witness, what was your work?
6 What did you work, as what?

7 THE WITNESS: [11:36:09] (Interpretation) I already told you, I used to sell fish.

8 PRESIDING JUDGE TARFUSSER: [11:36:16] And how far away was this place
9 where you sold fish from your house? In minutes, in minutes to walk, I mean.

10 THE WITNESS: [11:36:46] (Interpretation) On foot it would take about 15 to 20
11 minutes, but less time by car. So on foot about 15 minutes.

12 PRESIDING JUDGE TARFUSSER: [11:37:02] Okay, thank you.

13 Mr O'Shea.

14 MR O'SHEA: [11:37:05] Thank you, your Honour.

15 Q. [11:37:09] On 25 February, were you working?

16 A. [11:37:26] I went to work on that day, very early in the morning. Then I went
17 to the Friday prayers and then I went to work at 10 a.m., and then I came back and
18 then there were disturbances in our neighbourhood. This is what I've been saying.

19 Q. [11:37:59] Your Friday prayers before 10 a.m., were they at the Antenne
20 mosque or were they at a different mosque or were they at home?

21 A. [11:38:34] On that day we went back to the neighbourhood because of the
22 disturbances, and there were no Friday prayers on that day.

23 Q. [11:39:09] Now you said that you had your Friday prayers before 10 a.m. Did
24 you walk to a mosque in the morning after doing your morning work session and, if
25 so, which one?

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1 A. [11:39:45] We left work to return home since we had been informed that there
2 had been disturbances. I -- I did not pray anywhere, in fact, we were not even able to
3 pray on that Friday. We didn't hold our Friday prayers, that is what I can say. So
4 maybe some people prayed in different areas, but there was no Friday prayers at that
5 specific mosque.

6 Q. [11:40:33] So did you receive this message at the mosque or somewhere else?

7 THE INTERPRETER: [11:41:09] Message from the Dioula booth: Could the
8 witness kindly repeat his answer.

9 THE WITNESS: [11:41:21](Interpretation) Yes, what I said is that there were
10 disturbances in the neighbourhood. And we had information and it is in this area
11 that those events happened. No other mosque was burnt. I was informed that the
12 mosque had been burnt down, and then I was also an eyewitness to what happened.
13 When it comes to other issues, I just want to say that I cannot deny what is contained
14 in my previous statement.

15 MR O'SHEA:

16 Q. [11:42:01] Let me just place you in time. You said that in the morning you
17 went to work early. Then you did your Friday prayers, then you came back. So
18 we're talking about the time period before 10 o'clock. So before 10 o'clock, did you
19 walk in the direction of a mosque?

20 A. [11:43:07] Well, I did not say that I went to pray in a mosque on that Friday,
21 what I said is that we had gone to work. And we were getting ready to go back home,
22 then we heard that there had been disturbances. I didn't go to pray anywhere on that
23 Friday. I never said that.

24 Q. [11:43:32] So when you received this message about disturbances, was this
25 before 10 o'clock?

1 A. [11:44:03] Yes, that's what I said. When I left the market it was a few minutes
2 to 11. People were in the streets. That's what I said yesterday. I told you that I left
3 the market around 10, 10.30 a.m. And by the time I got home it was a few minutes
4 to 11. That's what I said yesterday, that's what I'm repeating today. I don't have
5 any other statement to make, any contrary statement to make which would contradict
6 what I said already.

7 Q. [11:44:42] So when you talk about the market, you were working in the market;
8 is that right?

9 A. [11:45:17] We used to work at the market. We worked at the market. That's
10 where we sold fish. So there's no -- no difference. We went to work and then we
11 went home, that's it.

12 Q. [11:45:42] So was it when you were at the market that you received the
13 message about disturbances?

14 A. [11:46:12] I don't know how else to answer you. I've already answered that
15 question. I don't know what else to say. This is the third time that I'm answering
16 this question.

17 Q. [11:46:31] Were you at the market when you received the message about
18 disturbances?

19 A. [11:46:54] That's what I have been saying. We were informed of the
20 disturbances when we were at the market, that is the disturbances in the
21 neighbourhood. That is what I've been saying from the very first day. So this is the
22 third or the fourth time that the same question has been put to me. And that might
23 push me to providing different answers. I think we ought to stop putting the same
24 question to me over and over so many times.

25 Q. [11:47:30] So when you received this message at the market about disturbances,

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1 your reaction was to go home, was it?

2 A. [11:48:04] Yes. What do you really want me to say? We were at the market,
3 we were told that there were disturbances in the neighbourhood and usually we go to
4 our homes before going to the mosque. So I was not the only one in the streets, there
5 were many people, there were many people in the streets.

6 PRESIDING JUDGE TARFUSSER: [11:48:28] Mr O'Shea, you're always talking
7 about message and he is always talking about information, he got the information,
8 which is different. Just to use the same formulation.

9 MR O'SHEA: [11:48:45] Very well, your Honour. I don't think he's misunderstood
10 because of that aspect though, but yes.

11 PRESIDING JUDGE TARFUSSER: [11:48:51] No, no, no, no. But it is just because
12 everybody here is always jumping up when it's not used the exact wording used by
13 the witness, therefore, I now -- it's several times that he's talking about information
14 and you're talking about message.

15 MR O'SHEA: [11:49:08] Very well.

16 PRESIDING JUDGE TARFUSSER: [11:49:09] Thank you.

17 MR O'SHEA: [11:49:15]

18 Q. [11:49:30] So when you walked home from the market to your house, was it
19 your intention to stay at home at that point?

20 A. [11:50:09] Well, I got home, I got to my neighbourhood and there were
21 disturbances there, so no one could stay at home. I needed to become aware of what
22 was going on. Even the women came out. No one remained at home. So I did not
23 say that we were at home. What I said is in relation to what happened, but I did not
24 say that I was at my house. No one was at their home. I did not say that to anyone.

25 Q. [11:50:50] Well, try not to distract yourself with what you may have said in the

1 past, just try to listen to my question and answer it if you can.

2 You leave the market because you've received some information and you go in the
3 direction of your house. Is it your evidence that you never actually reached your
4 house, or did you go to your house and then go outside?

5 A. [11:51:39] I went to my neighbourhood, I went as far as my neighbourhood, but
6 I did not get to my home. We were being driven away, so I did not and I could not
7 get to my house. I was not able to get home.

8 Q. [11:52:08] Now, your home in Doukouré, you had been living in that home for
9 some years by the time it got to 2011; is that right?

10 A. [11:52:42] Up until 2011, yes, I had been there for a long time, until 2011.

11 Q. [11:52:56] You mentioned that you had a friend whose name was Eric who you
12 used to play football with. Where did you used to play football?

13 A. [11:53:31] Eric and I on Sunday, every Sunday, since we didn't work on
14 Sundays, Eric and I would leave our neighbourhood and go to play football together.
15 Every Sunday we would play football. And he is a young Bété man who was at the
16 Rue Princesse.

17 Q. [11:54:11] Which part of Yopougon is the Rue Princesse?

18 A. [11:54:34] Rue Princesse is in Yopougon. You would go past the mayor's
19 office and then take the road going towards the pharmacy, and it's in that area that
20 their house was located. But I never went to their home. All I know is that he used
21 to live at Rue Princesse, but I never visited him at his home.

22 Q. [11:55:06] Is Rue Princesse near the church?

23 A. [11:55:32] Yes, there is a church nearby and I -- I can say that he used to live on
24 Rue Princesse, but I cannot say more than that because I might end up lying.

25 Q. [11:55:52] Do you know which quartier he was part of?

1 A. [11:56:22] Which, which road are you talking about? There are several main
2 roads. Could you be more specific?

3 Q. [11:56:28] Do you know which quartier Rue Princesse was located in?

4 A. [11:56:46] Ah, the Rue Princesse is a main road which goes all the way to the
5 pharmacy and then crosses Cocody, but I don't know in which neighbourhood it is
6 found. I know, however, that it is a main road that goes across that neighbourhood.
7 And so I'm not able to provide you with an answer to that question, because this
8 wasn't part of my programme, I wasn't -- it wasn't programmed that I would answer
9 this kind of question.

10 Q. [11:57:34] Did you have a programme as to what questions you were going to
11 answer?

12 A. [11:57:54] No, not a programme as such, but when you put questions to me
13 about where a neighbourhood is found, what I'm saying is that I didn't expect such a
14 question, rather than programming. So I know that there is a main road. But as to
15 the specific geographic location of the neighbourhood, I am not able to say because I
16 didn't expect this kind of question.

17 Q. [11:58:30] Did somebody give you information as to what kind of questions to
18 expect in the Court?

19 A. [11:59:02] The types of questions that will be put to me in -- is that what you're
20 saying?

21 Q. [11:59:10] You just told us that you were not expecting these types of questions.
22 So my question to you is did someone provide you with information as to what kinds
23 of questions you could expect when you came here or when you gave evidence?

24 A. [11:59:49] No. I'm here, I'm present. We have gone through the first series of
25 questions, so we can continue in the same, in the same vein. Some questions were

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1 put to me, and I'm here to answer all the questions in any event.

2 Q. [12:00:17] Where was the football field located, the football field where you
3 used to go to play football with your friend, Eric, the Bété?

4 A. [12:00:44] We used to play football, but not at any specific area. We would
5 play at any open ground, because we did not have a field to ourselves. We would
6 play anywhere. We would from time to time go to the main field at 25th May, and if
7 we found other teams playing on a pitch we could join them, but we did not have our
8 own field at which we would play specifically. So what we did was every Sunday
9 we would go look for an area where we could play football.

10 PRESIDING JUDGE TARFUSSER: [12:01:28] Mr O'Shea.

11 MR O'SHEA: [12:01:30] Your Honour, yes. Ah, yes, okay.

12 PRESIDING JUDGE TARFUSSER: [12:01:35] Mr Witness, we now break for the
13 lunch time and we continue in one hour and a half at 1.30 for us, which is 11.30 for
14 you. Okay, you can have a break and a rest.

15 Thank you very much. The hearing is adjourned to 1.30.

16 (Recess taken at 12.02 p.m.)

17 (Upon resuming in open session at 1.36 p.m.)

18 THE COURT USHER: [13:36:09] All rise.

19 Please be seated.

20 PRESIDING JUDGE TARFUSSER: [13:36:30] Mr O'Shea, the floor is yours.

21 Good afternoon, Mr Witness.

22 THE WITNESS: [13:36:45] (No interpretation)

23 PRESIDING JUDGE TARFUSSER: [13:36:51] I give the floor back to the Defence for
24 Mr Gbagbo.

25 MR O'SHEA: [13:37:02] Your Honour, thank you. I didn't hear the translation of

1 what the witness said in English. I trust the English translator is in place. Okay.

2 Q. [13:37:20] Now, Witness, before the break we were talking about where you
3 were playing football and you explained that you would play in various areas and you
4 would go regularly with your friend, Eric. Now, apart from Eric, did you have a
5 group of friends that you would regularly go and play football together?

6 A. [13:38:19] I can't answer that question. I could mention Eric, I played football
7 with him, but as for the others I can't really say. Eric and I played football together.
8 As for the others who played football with us, I can't answer. Perhaps we could
9 move on to another topic. I can't answer that question.

10 Q. [13:38:45] Well, did you have other friends other than Eric that you played
11 football with?

12 A. [13:39:11] We used to play football together. There were several of us who
13 were playing football. But Eric was my friend. We used to play football with other
14 people who weren't my friends, per se, but Eric was my friend, and we used to play
15 football together. So it was because of the football, it was thanks to football that we
16 met one another.

17 Q. [13:39:46] And these football games, were they organised or was this just a
18 small group that you were part of that went off to play football?

19 A. [13:40:21] Truth be told, I -- these questions, I can't answer these kinds of
20 questions because we haven't -- we didn't have a team, we weren't a football club.
21 On Sunday we used to get together, we would play football with other people. So I
22 can't answer that question. I can only tell you what I've already told you. I can't
23 answer your question.

24 Q. [13:41:03] And in the area of Yopougon were there a lot of groups of young
25 people who used to go and play football in this way during this period?

1 A. [13:41:32] I can't answer. I'm not responsible for a team of football players, so
2 I don't like these kind of questions being put to me because I don't know what to say.
3 I can't answer. I've told you what happened in my neighbourhood, everything I
4 know about. So as for the rest, I don't want to be asked questions about these other
5 things. Maybe we could restrict ourselves to questions that have to do with what I
6 saw, what I was an eyewitness to.

7 Q. [13:42:11] You were in Yopougon at the time, we were not, so we'd like to get a
8 picture in relation to the way society was running at that time. So can you please
9 answer the question, were there a lot of football activities during the period, according
10 to your observations? You were living there.

11 A. [13:43:02] I can't answer that question because it has nothing to do with me.
12 I'm restricting myself to what things that have to do with me. I've come here to
13 answer the questions that have to do with what I saw. I can't talk about things that
14 have to do with other people. That's what I have to tell you.

15 Q. [13:43:37] You were living and working in Yopougon in Doukouré, and we're
16 talking about 2011. You've explained that you went and played football with Eric, so
17 you are in a position to answer my questions, so please do your best and answer this
18 question: During that period of time, were there a lot of groups of young people like
19 yourself getting involved in the playing of football games?

20 A. [13:44:49] I can't answer that question. I didn't ask. I'm not here to be asked
21 questions about football games. I'm here to answer questions about what happened
22 in Doukouré. And at first I said some things, and I don't want to talk about some
23 other things at the end of this dialogue. I can only give an account of things that I
24 saw. As for the other questions, I can't answer. Even if I'm put -- even such
25 questions were to be put to me, I would refuse to answer them.

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1 PRESIDING JUDGE TARFUSSER: [13:45:37] Mr Witness, can you hear me?

2 THE WITNESS: [13:45:50](Interpretation) Yes, I can hear you.

3 PRESIDING JUDGE TARFUSSER: [13:45:53] You are here to answer questions on
4 what you saw. And the question put to you by the lawyer of the Defence for
5 Mr Gbagbo is the following: Did you see while you were walking through
6 Yopougon, going to work, returning home, did you see people, young people playing
7 football on the street or beside the street? Did you see other people play football
8 sometimes?

9 THE WITNESS: [13:46:55] (Interpretation) That's what I've said. That question,
10 myself, I'm answering as best I can. I've said that we used to play football on Sunday,
11 but as for the other questions I can't answer them. What happened at Yopougon, I
12 don't know what happened, but I can tell you what I saw. I think we can leave it at
13 that, at those events. Everything else is beyond me, I must say.

14 PRESIDING JUDGE TARFUSSER: [13:47:29] No, it's not that you -- you are not
15 deciding where we leave it. You are a witness and you have to answer the questions.
16 And it is a very simple question, and the question is, and I repeat it the last time, is the
17 following: Beside you playing football with Eric, did you, during the day, during
18 your going back and forth to work, or going from your house to the mosque, or during
19 your normal day life, did you see also other young people playing football? Yes or
20 no?

21 THE WITNESS: [13:48:31](Interpretation) When I left at dawn, when I left my home
22 at dawn to go to my workplace, and then I would leave at 5 in the morning and I
23 would come back at 1800 hours, so even if they might have been playing football, I
24 wouldn't have seen them. On Sunday we played football. I can confirm that. But
25 as for the other questions or situations, I can't answer questions having to do with that.

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1 PRESIDING JUDGE TARFUSSER: [13:49:07] Mr O'Shea.

2 MR O'SHEA: [13:49:09] Your Honour, thank you.

3 Q. [13:49:11] Now, on Sundays, when you used to have these football activities
4 with these other young men, did you also engage in physical exercise in order to make
5 you fit for those football games?

6 What's wrong with that? I'm saying what's wrong with that, because I see the
7 Prosecutor on his feet.

8 MR LEDDY: [13:49:50] We're just questioning the relevance of the question, your
9 Honour.

10 PRESIDING JUDGE TARFUSSER: [13:49:54] Yes, I myself don't understand the
11 relevance of the question, but I'm very curious.

12 MR O'SHEA: [13:50:01] Well, then let's disconnect the witness and I'll explain.

13 PRESIDING JUDGE TARFUSSER: [13:50:07] Let's disconnect from the remote
14 location, please.

15 MR O'SHEA: [13:50:25] Your Honour --

16 THE COURT OFFICER: [13:50:29] The transmission is cut, Mr President, now.

17 PRESIDING JUDGE TARFUSSER: [13:50:32] Mr O'Shea.

18 MR O'SHEA: [13:50:34] Your Honour, the Prosecution has a particular view or
19 narrative of the social dynamics that were going on in Yopougon in 2011, a narrative
20 which the Defence say is false. The whole idea that you had this divided population,
21 divided on grounds of ethnicity and one part of the population imposing itself on the
22 other, this is the narrative of the Prosecution, but this is not, we say, what the situation
23 was.

24 So my questions help the Chamber to get an insight into the real social dynamics
25 going on at the time and help to explain some of the wild assumptions made by the

1 Prosecution about certain aspects of the evidence in this case.

2 The Prosecution has shown you videos of people running in sports clothes and drawn

3 conclusions about what they're up to, that these were military exercises planned to

4 keep the president in power and so forth. So that's the narrative of the Prosecution.

5 So my questions are designed to undermine that narrative. And as we know, this

6 witness is from Mali. And on his own admission he speaks Dioula. And if he's

7 going out with his friends and playing football and doing physical exercises, then

8 what we have is we have a situation where in this particular part of Ivory Coast or

9 maybe in the whole of Ivory Coast, a lot of people played football on a regular basis,

10 there were lots of groups everywhere playing football, and as part of that they would

11 go on physical exercises to make themselves fit and this is it.

12 And I should add, your Honour, that it's not always incumbent upon the Defence to

13 give in the middle of a case full explanations as to their view of the case. But I

14 understand that it is exceptional that we stop in order to get explanations of the

15 relevance of things, so I've given an explanation.

16 PRESIDING JUDGE TARFUSSER: [13:53:32] Well, it was you to give a broad

17 explanation.

18 MR O'SHEA: [13:53:35] Yes.

19 PRESIDING JUDGE TARFUSSER: [13:53:36] It could have been more succinct I

20 could say, it is your choice to giving a broad explanation.

21 MR O'SHEA: [13:53:43] Well, I just took this opportunity for once to give a more

22 detailed explanation so that the Judges can see that there is a purpose behind my

23 questioning.

24 PRESIDING JUDGE TARFUSSER: [13:54:00] Can we reconnect.

25 In any case, Maître O'Shea, be assured that the Chamber is following as well.

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1 MR O'SHEA: [13:54:37] Yes, I assume that's -- I know that's the case.

2 PRESIDING JUDGE TARFUSSER: Good.

3 MR O'SHEA: [13:54:42] But of course I'm not in your Honours' head. But I know
4 that your Honours are following. But obviously when someone stands up and says,
5 "Well, what's the relevance of this?" then I want to make sure that the Judges
6 understand where I'm going.

7 PRESIDING JUDGE TARFUSSER: [13:54:57] Yes, here we are on the details --

8 MR O'SHEA: [13:55:01] Yes.

9 PRESIDING JUDGE TARFUSSER: [13:55:01] -- where I think it sometimes is a little
10 bit exaggerated from the details. But, okay, please go ahead.

11 MR O'SHEA: [13:55:09]

12 Q. [13:55:09] Yes, Witness, we're back. So I come back to my question that I put
13 to you, which is you said that on Sundays you would go and play football with other
14 young men, and my question to you was: Other than actual football games, did you
15 also together undertake physical exercises for the purpose of fitness?

16 A. [13:56:01] No. Every Sunday we just played football, just on Sunday, that was
17 the only day that we had a sports activity, we played football.

18 Q. [13:56:20] And the players in these football games, were they from a variety of
19 ethnicities?

20 A. [13:56:44] We met at the roadblock. But I didn't ask people who were there
21 what ethnic group they were from. We would meet and in order to play football.
22 There was a mixture of ethnic groups, there were several. But other than Eric, the
23 others, I never knew what ethnic group they belonged to.

24 Q. [13:57:33] Now, among the young people that you knew in Doukouré and the
25 other quartiers around Doukouré, would you say that there were a lot of young men

1 who didn't have jobs?

2 A. [13:58:06] I don't know. On Sunday I didn't ask whether people were working
3 or not. So I wasn't in a position to know whether or not they had a job.

4 Q. [13:58:23] I'm moving away from Sunday now, and I'm asking you about the
5 social dynamics in the area where you lived and worked, because you say that you
6 were there for years, you say that you used to work in the market, that you lived in the
7 area very close to the mosque. So we're talking about the area in which you lived
8 and worked for a number of years, and we're talking about the time period of 2011, all
9 right? And the question is: From your observations at the time, were there a lot of
10 young people who were unemployed?

11 A. [13:59:32] Well, I didn't ask people what their profession was. I went to my
12 place of work. And other people's work, I really couldn't say, because I didn't ask
13 questions about what they did as a worker.

14 When I left my place of work, I would go and eat, we would eat, have a meal, but I
15 didn't ask whether they were working or not, so I can't answer this kind of question.
16 So how am I to answer such a question? Because I do know that each person would
17 go to his place of work when they woke up. I really couldn't tell you whether some
18 of the young people were working and -- or whether some of the young people were
19 unemployed.

20 Q. [14:00:32] Did you have a lot of friends in 2011?

21 A. [14:00:49] My friends? Well, my friends, well, you meet with people and you
22 greet them, it doesn't mean that those are your friends. You can meet at the football
23 pitch and you greet each other, but those are really not true friends of mine. So I
24 cannot say that these were my friends in the same way that Eric was.

25 Q. [14:01:30] Was Eric the only person you considered as your friend at that time?

1 A. [14:02:00] I said that Eric is my friend, but he did not know where I lived. I
2 did not know where he lived also. So it was football that brought us together. After
3 football we would sit and speak, and then everybody would go back home. But
4 talking about friends, I would say it is the one who was killed. Apart from him, I don't
5 have any other friends.

6 Q. [14:02:41] Did you sometimes go out and sit with other young men and talk
7 and drink, or was that something you never did?

8 A. [14:03:19] Well, I cannot answer that question. I cannot sit down with people
9 who are not my friends, so I cannot answer that question.

10 Q. [14:03:36] Witness, you can answer every question. You're not being directed
11 as to how to answer the question, but you can answer every question. And the
12 question is a very simple one, it is: In the year 2011, did you sometimes sit with other
13 young men and discuss things and have a drink or have some food together, or is this
14 something that you never did? That's a simple question, one you can answer.

15 A. [14:04:23] In that case I can answer. My friend who died, we did everything
16 together. That is all.

17 Q. [14:04:37] And did you sometimes sit and talk with your friend when he was
18 alive in public places with other young men or not?

19 A. [14:05:24] After work, if we did not go to his house, we were in our house.
20 We did not have any grin, our own grin was limited to two people, that is myself and
21 him.

22 Q. [14:05:47] Which grin do you know about that existed in your area?

23 A. [14:06:17] Talking about the grin, well, you can see people seated in front of
24 their houses, they would be discussing. But that was not of any interest to me. I
25 went to work and then I would come back home, I could go and visit my friend, and if

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1 I did not meet him at his place, perhaps he would meet me in my own house. That's
2 all I can say.

3 Q. [14:07:12] Prior to 25 February, were there occasions when you saw groups of
4 young people fighting with each other on the boulevard?

5 A. [14:07:51] It is not possible for me to answer that question because I did not
6 witness any such incidents. Maybe it happened in my absence, but I personally was
7 not an eyewitness to such events.

8 Q. [14:08:17] Did you hear about gangs of young people having fights with each
9 other on the boulevard? Is that something you heard about?

10 A. [14:08:42] That is what I said. I did not speak with people. I cannot tell you
11 what I did not see. I was not an eyewitness to such incidents, so I cannot tell you
12 anything about it.

13 Q. [14:09:01] Well, the question I put to you was not whether you were an
14 eyewitness to such events. The question I put to you is simply this: Did you hear of
15 fights between groups of young men on the Boulevard Principal prior to 25 February?
16 Did you hear about it from other people?

17 A. [14:09:46] I said that I was not a witness, so I cannot relate to you what other
18 people said. So insofar as I wasn't a witness to any facts, I cannot talk about them.

19 PRESIDING JUDGE TARFUSSER: [14:10:07] Mr Witness, the counsel did not ask
20 you if you had seen. But you are a witness also of what you heard, and the question
21 is if you heard about this, not if you saw this, if somebody told you. Please answer
22 this question. Did you hear, did somebody tell you of fights between groups of
23 young people on the Boulevard Principal before 25 February?

24 THE WITNESS: [14:11:11] (Interpretation) I have told you that I leave my house in
25 the morning, so things that happened in my absence I cannot tell you about them or

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1 any other things linked to such facts. So since I did not see anything I cannot tell you
2 whether this happened or it did not happen. I cannot tell you lies. So in any case I
3 did not witness such events.

4 PRESIDING JUDGE TARFUSSER: [14:11:42] No, we don't want lies, of course.
5 But you leave in the morning at 5 o'clock, you told us, but then there is a moment
6 where you return home. And returning home, the question is: Did someone,
7 somebody tell you that during this or another day before 25 January there were
8 problems, fights, clashes among young people?

9 MR O'SHEA: [14:12:23] February, your Honour.

10 PRESIDING JUDGE TARFUSSER: [14:12:24] February, sorry.
11 Did somebody tell you?

12 THE WITNESS: [14:12:49](Interpretation) That is what I said. It is possible that
13 such things happened, but I did not see them. The only friend that I had never told
14 me about such events and I did not witness such incidents, so I cannot tell you what
15 someone else said. I cannot lie. So as long as I never witnessed anything, I cannot
16 talk about them.

17 PRESIDING JUDGE TARFUSSER: [14:13:17] So you have never seen and never
18 heard about fights before 25 February on the Boulevard Principal?

19 THE WITNESS: [14:13:45](Interpretation) In any case I never witnessed any such
20 facts. I talk with people -- well, I did not really discuss with any people other than
21 my friend when I left work to go to my house.

22 PRESIDING JUDGE TARFUSSER: [14:14:03] Mr O'Shea.

23 MR O'SHEA: [14:14:05] Your Honour, thank you.

24 Q. [14:14:06] Now, in 2011 you were selling fish in the market. And when you're
25 selling fish in the market, people who come to buy fish, people stand around and they

1 talk, people talk to you, is that not the picture, or did you not talk to anybody when
2 you were doing your work?

3 A. [14:15:01] I didn't really understand your question very well.

4 Q. [14:15:07] When you were in the market selling your fish, did you not have
5 conversations with the local community about what was going on in your area?

6 A. [14:15:48] In the market people talked about things, we sold our goods. It was
7 not the same type of conversations that took place in the neighbourhood. We did not
8 talk about what was happening elsewhere.

9 Q. [14:16:19] Were there problems with thieves in your area, either where you
10 lived or where you worked?

11 A. [14:16:56] I cannot answer yes, because I was never a victim of any theft, but I
12 cannot say that there were no cases of theft. So you really have to be indulgent with
13 me here because since I was never a victim of theft I cannot answer that question.

14 Q. [14:17:25] We are really trying to be indulgent with you, Witness.
15 When you were selling fish in the market, did you ever see theft going on or
16 muggings? Did you ever see anything like that in the market?

17 A. [14:18:07] Thefts or what? What did you say? Well, what I'm saying is that I
18 cannot talk about what I did not experience. The market is a large place, so I cannot
19 talk about things that happened elsewhere. Really, I do not want to go down that
20 road. If you want us to talk about conversations relating to my occupation,
21 commercial exchanges, well, I can answer those.

22 Q. [14:18:56] Let me put a very simple question to you. When you were working
23 in the market, did you ever either see anybody have something stolen from them, or
24 did you ever hear that something like that had occurred in the market? It's the last
25 time I'm asking this question, and it's a very simple question, so please tell us yes or

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1 no.

2 A. [14:19:52] I cannot answer. I was in the market, I was selling my fish. And
3 up to the time that the disturbances started, we were never victims of any theft. We
4 did not have any problem with anyone. The other people, if they were victims and if
5 I did not see that happen, I cannot talk about it.

6 Q. [14:20:25] So is the Chamber to understand you correctly that prior to 25
7 February, you were never aware of any incident of theft; is that your evidence?

8 A. [14:21:10] I cannot answer that. I'm talking about what concerns me. I am
9 not concerned with the entire market. I limit myself to where I was working. I
10 cannot talk about the entire market, which is very, very large. It is possible that
11 things might have happened, but if I am not an eyewitness I cannot involve myself in
12 those things. I really apologise, but I'm sorry I cannot answer those questions.

13 Q. [14:21:55] One last time: Is it your evidence that prior to 25 February you
14 never was told about or saw an incident of theft ever? Is that your evidence, yes or
15 no?

16 A. [14:22:33] That is not what I said. I said that I was not a victim of theft. I
17 cannot say that it did not happen in the market or in the entire Yopougon area. It is
18 possible that people were victims of theft, but I never spoke about such things. It
19 may have happened to other people. So you should not distort what I am saying.

20 Q. [14:23:19] And again in this period of 2011, did you know the community
21 leaders within your area?

22 A. [14:24:01] Can you kindly repeat your question? I'm not sure I understood
23 what you said.

24 Q. [14:24:15] Now, in Yopougon and in the specific quartier where you were
25 living and working, there were community leaders, weren't there?

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1 A. [14:24:50] The name? What about the name? Can you be more specific about
2 these people?

3 PRESIDING JUDGE TARFUSSER: [14:24:56] No. Excuse me, Mr Witness. The
4 counsel is asking you if you knew the leaders of the community where you lived.
5 Who were the community leaders in your area, in the area where you lived?

6 THE WITNESS: [14:25:38](Interpretation) In our neighbourhood I knew the local
7 authorities, three or four people.

8 PRESIDING JUDGE TARFUSSER: [14:26:03] And who were these three or four
9 people you knew and you refer to as "local authorities"? Do you know the names,
10 and if yes, give please the names.

11 THE WITNESS: [14:26:34](Interpretation) Yes, I can give you the names. One is
12 called grand Adama, Bobby, Chemogokoro and our older brother Kandé
13 Fofana (phon) -- or, rather, Kandé Tonkara (phon).

14 As for the others, it was a large neighbourhood and so I cannot know all of them.
15 Those were the people I knew in our neighbourhood.

16 PRESIDING JUDGE TARFUSSER: [14:27:19] Mr O'Shea.

17 MR O'SHEA: [14:27:21] Thank you, your Honour.

18 Q. [14:27:43] How well do you know Adama?

19 A. [14:28:04] I know Adama.

20 Q. [14:28:19] Have you attended any meetings with Adama present?

21 A. [14:28:52] They would meet and call the young people of the neighbourhood.
22 They sent messages to that effect.

23 Q. [14:29:09] So did you attend any of these meetings?

24 A. [14:29:33] I was sent a message to inform me of the situation. They would
25 send us messages and ask whether we deposited any documents, if that had been

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1 done. That was the content of the message.

2 Q. [14:30:01] What year are we talking about?

3 A. [14:30:19] It was in 2011 when my document expired.

4 Q. [14:30:33] Are you talking about your immigration papers when you say
5 "document"?

6 A. [14:30:58] No. He asked me whether my documents had expired and whether
7 documents had been prepared, and he said that was fine, and I thanked him and that
8 was all.

9 Q. [14:31:18] What documents are we talking about that are expiring?

10 A. [14:31:53] (No interpretation)

11 MR O'SHEA: [14:31:56] I didn't get a translation.

12 THE INTERPRETER: [14:31:58] Message from the interpreters --

13 THE WITNESS: [14:32:05](Interpretation) What documents are you talking about?

14 PRESIDING JUDGE TARFUSSER: [14:32:08] That was exactly the question.

15 Which document had to be renewed?

16 THE WITNESS: [14:32:36](Interpretation) I don't know. When you talk about
17 documents or cards, are you talking about mine or those belonging to another person?
18 I'd like to know.

19 MR O'SHEA: [14:32:46]

20 Q. [14:32:46] Witness, you, yourself, you just told us, when I asked you how well
21 you knew Adama, you just told us that he would organise meetings and messages
22 would be sent to us. And you said that he asked you about your document which
23 was going to expire and that you have had prepared documents, and it was fine.
24 That was just your evidence.

25 So the question is: What document are you talking about which was expiring?

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1 A. [14:33:47] Perhaps you haven't understood me. I said Adama sent me a
2 message saying that I was to go see him. I went to go see him. And he said to me
3 that my brother who died, his documents had expired, and had we filed the papers so
4 that our brother, our brother who had died, and the documents had expired. It's not
5 the same thing.

6 Q. [14:34:37] Very well. Now, this document of Mamadou, you're talking about
7 Mamadou, I think, this document of Mamadou which had expired, was this a piece of
8 paper from the authorities giving him permission to stay in Ivory Coast as a foreign
9 national, is that what it was?

10 A. [14:35:41] Whose documents or cards?

11 Q. [14:35:55] Witness, you didn't have problems to this extent yesterday, so please
12 make more of an effort.

13 You spoke about a document which your brother had which had expired. Adama
14 contacted you about this document of your brother. In evidence yesterday you spoke
15 about a card which had expired. So I'm asking you what is the nature of this
16 document which had expired?

17 Let me start by asking you this, this document of Mamadou which had expired, was
18 that a plastic card or was it a piece of paper? Let's start with that.

19 PRESIDING JUDGE TARFUSSER: [14:37:04] Wait a minute, Mr Witness.

20 Mr Prosecutor.

21 MR LEDDY: [14:37:07] Thank you, your Honour. I just have two brief points. One,
22 I just ask that editorial comments about the witness's testimony be kept to a minimum;
23 and, secondly, I've been informed by the Legal Representatives that apparently there's
24 been a misinterpretation, which might explain some of the confusion that's happening.
25 I guess this is for the English translation, page 48, line 8, the witness has indicated,

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1 "No. He asked me whether my documents had expired and whether documents had
2 been prepared and he said that was fine. And I thanked him and that's all."
3 Whereas we're informed that in Dioula he explained that he was referring to
4 documents related to his brothers, his deceased brother. So I think that's the source of
5 the confusion, that it's a translation issue.

6 PRESIDING JUDGE TARFUSSER: [14:38:01] Well, I don't know if this is the source
7 of the confusion, probably part of it.

8 Mr O'Shea.

9 MR O'SHEA: [14:38:08] Yes, I don't think, I don't think -- if there is a mistranslation,
10 I don't think that's where the problem lies here, as your Honour's rightly observed.

11 Just one point of procedural protocol in this Court, if the Legal Representatives of the
12 Victims identify a problem in the proceedings --

13 PRESIDING JUDGE TARFUSSER: [14:38:29] I would say the same.

14 MR O'SHEA: [14:38:31] Thank you.

15 PRESIDING JUDGE TARFUSSER: [14:38:34] It's -- the interlocutory of the Legal
16 Representative is not the Office of the Prosecutor but the Chamber. So just to ...

17 MR O'SHEA: [14:38:50] Your Honour, thank you.

18 Q. [14:39:03] So we know what document we're talking about, don't we witness,
19 we're talking about Mamadou's document which had expired which you've just given
20 evidence about. And I'm asking you was it a piece of paper or a plastic card?

21 A. [14:39:46] It was his identity card and the consular card.

22 Q. [14:39:55] So if I'm to understand you correctly, we're talking about two cards;
23 is that right?

24 A. [14:40:13] Yes, indeed, two cards.

25 Q. [14:40:19] And is the consular card the card which is the proof that he has the

1 right to stay in Ivory Coast; is that what that is or is it something else?

2 A. [14:40:52] Well, the identity card is the identity card, and it's not like a
3 residency card. There was -- there's the identity card and that's different to the
4 residency card.

5 Q. [14:41:14] So are the two cards we're talking about, one an ID card and the
6 other a residence card?

7 A. [14:41:41] No, no, it's the identity card that was expired. I didn't see him in
8 possession of a residency card.

9 Q. [14:41:59] And Mamadou was also a national of Mali if I'm to understand you
10 correctly; is that right? Was he a national of Mali?

11 A. [14:42:25] Yes, that's right.

12 Q. [14:42:26] And as a national of Mali, was his card in the same format or
13 different format to the card of a national of Ivory Coast?

14 A. [14:43:01] Which Ivorian card are you talking about? His card -- that card is
15 different -- his card is different to the card of an Ivorian.

16 Q. [14:43:25] And would I be right in saying, and correct me if I'm wrong, would I
17 be right in saying that his card would state his nationality but not his ethnicity?

18 A. [14:44:04] On the identity card you see your name, first name, the name of your
19 parents, place of birth, in Mali, what region and so on and so forth. All the papers
20 were identical.

21 Q. [14:44:34] And you say that these questions coming from Adama were in 2011.
22 Why was Adama involved in this question of the expired card? Is that not something
23 that's dealt with by the national authorities?

24 A. [14:45:15] I can't answer that question. Perhaps I'd have to ask Adama.

25 Adama did not prepare my papers. But I can't answer on his behalf. He is the one

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1 who processed the document, whether or not it was given to him, I can't answer that
2 question.

3 Q. [14:45:35] I can accept that, witness.

4 Do you know what Adama's other name was?

5 A. [14:45:57] The name I know is Adama. That was his name, that's all.

6 Q. [14:46:21] Now, you said earlier in your evidence that those who -- the
7 community leaders, such as Adama and Bobby, they would call people to meetings.
8 In 2011, did you ever attend any meetings called by Adama, Bobby or other
9 community leaders?

10 A. [14:47:07] What I told you was this: They asked me what was going on. And
11 I didn't go to the meeting. They asked us to take the measures and they thanked us,
12 we thanked them, but I didn't go to a meeting. Perhaps some people went, but
13 myself, I did not attend any meeting.

14 Q. [14:47:42] If I was to suggest to you that the other name of Adama might be
15 Diomandé, does that ring a bell for you?

16 A. [14:48:04] I don't know. The name I knew him by was grand Adama. I don't
17 know whether -- I never -- I never asked him or not.

18 THE INTERPRETER: [14:48:34] Interpreter correction: In the final reply the
19 witness ended by saying "I cannot say that he was Diomandé or not."

20 MR O'SHEA: [14:49:09]

21 Q. [14:49:09] Did you follow at all the evidence of Adama in this Court? Did you
22 watch it at all?

23 A. [14:49:37] I don't know. I don't know. Really, I didn't hear about that, nor
24 did I see anything. I don't know.

25 Q. [14:49:50] Well, the answer "I don't know" is a bit confusing, Witness, because

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1 either you saw it or you didn't see it. Is the answer that you didn't see it?

2 PRESIDING JUDGE TARFUSSER: [14:50:02] Well, I assume that this is the answer.

3 But did you -- excuse me, Mr Witness, did you ever follow this trial, hearings of this

4 trial in -- while you are in Côte d'Ivoire? Did you ever follow a hearing of this trial?

5 THE WITNESS: [14:50:44](Interpretation) Yes, sometimes. But, well, not religiously.

6 From time to time I would listen to the trial. I didn't have a lot of time. When I

7 didn't get back in the evening, I didn't have time to do that. I didn't even know I was

8 to come here.

9 PRESIDING JUDGE TARFUSSER: [14:51:07] Okay. The next question is: And
10 did you see in one of these times you followed the trial, Adama?

11 THE WITNESS: [14:51:34](Interpretation) No, I did not see Adama. I didn't even
12 know that he had come here.

13 PRESIDING JUDGE TARFUSSER: [14:51:39] Mr O'Shea.

14 MR O'SHEA: [14:51:42] Your Honour, thank you.

15 Q. [14:51:50] Witness, back in 2011 did you hear that the -- did you hear that the
16 community leaders from your area met with the community leaders of Yao Séhi?
17 Did anybody mention that, did you hear about it?

18 A. [14:52:40] That's what I told you, I did not see that. I can't tell you about
19 things I didn't see myself. That might have happened. So I can tell you that I was
20 not a witness of any such meeting. Because I leave the house very early in the
21 morning and I come back in the evening. So I did not see any meeting, I did not hear
22 about any such thing. I don't know if it even happened, no.

23 Q. [14:53:34] Did you hear in 2011 that the local community leaders of your area
24 and of other areas nearby had requested the assistance of young men for protection?
25 This is in 2011.

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1 A. [14:54:19] Well, one can do many things during the course of the day, but I
2 wasn't there. Perhaps you could forgive me because, as I told you, I leave early in the
3 morning, I come back home at night. And maybe such meetings were held, but I
4 don't know, I can't answer your question. So if -- so, honestly, if you could spare me
5 this question because I did not see any such meetings so I can't answer your question.

6 Q. [14:55:04] Did you work seven days a week?

7 A. [14:55:24] Lord knows, even Sunday I worked. Sunday I would end my day
8 at noon, but all the other days I would go to work, as I've said already.

9 Q. [14:55:42] And which route would you take to get to work, if you can describe
10 it, please?

11 A. [14:56:06] I'm sorry, I can't answer that question because the way I go to go to
12 work -- I can't answer that question. I apologise.

13 PRESIDING JUDGE TARFUSSER: [14:56:21] Mr Witness, why can you not answer
14 this question? It's a very simple question. You walk out from your house, then you
15 go to the right, to the left, you go straight. What is difficult in this question so that
16 you are not able to answer it?

17 THE WITNESS: [14:57:04](Interpretation) Well, the place I work -- I take the same
18 route, I go by way of Score, and I go along my way to get to my work, my place of
19 work. That kind of question, I don't like that kind of question, honestly, so I don't
20 want -- I don't want to tell any lies or ...

21 PRESIDING JUDGE TARFUSSER: [14:57:31] It's not a matter of liking a question or
22 not, or disliking a question. Here we are putting questions and we are asking you to
23 respond to this question, and this one is a simple one: Which road do you take to go
24 from your house to the market, where you work, and from the market back to your
25 house?

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1 THE WITNESS: [14:58:17](Interpretation) Please, I beg your pardon, that question
2 really -- I don't want -- I don't want to get involved in that kind of question, you know,
3 the way I go to work. I don't always go the same way. I don't always take the same
4 route. So when you ask me which way I go to get to work, honestly, I can't answer.
5 I beg your pardon, I apologise.

6 PRESIDING JUDGE TARFUSSER: [14:58:55] Mr Prosecutor.

7 MR LEDDY: [14:58:56] Your Honour, if I just may make a suggestion. Perhaps this
8 is, you know, a security issue that the witness might be more comfortable in
9 answering the question in private session.

10 PRESIDING JUDGE TARFUSSER: [14:59:06] Yes, the -- yes, well, let's go into
11 private session and then we'll see.

12 (Private session at 2.59 p.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Open session at 3.01 p.m.)
- 2 THE COURT OFFICER: [15:02:02] We are back to open session, Mr President.
- 3 PRESIDING JUDGE TARFUSSER: [15:02:10] Yes, just to say that we are breaking
- 4 now for half an hour and we come back just after 3.30 for the last session. Thank you.
- 5 The hearing is adjourned.
- 6 THE COURT USHER: [15:02:24] All rise.
- 7 (Recess taken at 3.02 p.m.)
- 8 (Upon resuming in open session at 3.35 p.m.)
- 9 THE COURT USHER: [15:35:50] All rise.
- 10 Please be seated.
- 11 PRESIDING JUDGE TARFUSSER: [15:36:15] Good afternoon again, Mr Witness.
- 12 Can you hear us? Can you hear me?
- 13 THE WITNESS: [15:36:27] (Interpretation) Yes, I can hear you.
- 14 PRESIDING JUDGE TARFUSSER: [15:36:33] Can I ask to try to use a map with the
- 15 witness.
- 16 MR O'SHEA: [15:36:43] With your Honours as opposed to with the witness?
- 17 PRESIDING JUDGE TARFUSSER: [15:36:46] I do understand the difficulty.
- 18 MR O'SHEA: [15:36:47] Yes.
- 19 PRESIDING JUDGE TARFUSSER: [15:36:49] But I think a try is -- we should try
- 20 because otherwise it becomes not really understandable.
- 21 MR O'SHEA: [15:37:00] Well, I think at the moment I'm more interested in the time
- 22 taken to get to places and what was seen during that route than the actual route, as it
- 23 were.
- 24 PRESIDING JUDGE TARFUSSER: [15:37:19] Yes, you are interested in that.
- 25 MR O'SHEA: [15:37:21] Yes.

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- 1 PRESIDING JUDGE TARFUSSER: [15:37:21] But then there is a Chamber which also
2 has an interest. As you always say --
- 3 MR O'SHEA: [15:37:26] Yes.
- 4 PRESIDING JUDGE TARFUSSER: [15:37:27] -- you do everything for the Chamber,
5 right, not for your interest.
- 6 MR O'SHEA: [15:37:31] No, I do everything for my client --
- 7 PRESIDING JUDGE TARFUSSER: [15:37:33] Yes.
- 8 MR O'SHEA: [15:37:34] -- but I have a duty to the Chamber.
- 9 PRESIDING JUDGE TARFUSSER: [15:37:36] Yes, okay.
- 10 MR O'SHEA: [15:37:36] So if the Chamber wishes me to --
- 11 PRESIDING JUDGE TARFUSSER: [15:37:42] Well, yes, yes.
- 12 MR O'SHEA: If the --
- 13 PRESIDING JUDGE TARFUSSER: No, if during your examination you could take
14 care of this we would be happy.
- 15 MR O'SHEA: [15:37:52] Very well.
- 16 PRESIDING JUDGE TARFUSSER: [15:37:53] So at the end, we would like to
17 understand better.
- 18 MR O'SHEA: [15:37:55] Yes. I think a map, as such, is going to be quite difficult
19 with this witness.
- 20 PRESIDING JUDGE TARFUSSER: That's --
- 21 MR O'SHEA: We know that there was a sketch map which was done by the
22 Prosecutors. Normally I would hate to give something that's been prepared by the
23 Prosecutor to the witness, but in this instance I don't really have a difficulty with it. I
24 can perhaps ask him to look at the sketch map which the investigators asked him to
25 look at.

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- 1 PRESIDING JUDGE TARFUSSER: [15:38:23] Well, you shouldn't hate this. Just do
2 it.
- 3 MR O'SHEA: [15:38:25] Yes.
- 4 PRESIDING JUDGE TARFUSSER: [15:38:26] Thank you. The floor is yours.
- 5 MR O'SHEA: [15:38:29] All right. Perhaps if we can bring up.
6 Perhaps if the Registry can assist to bring up CIV-OTP-0058-0611. That's not actually
7 the one that was shown to this witness. If we could bring up CIV-OTP-0057-1585.
- 8 THE COURT OFFICER: [15:39:50] Evidence channel 1.
- 9 MR O'SHEA: [15:39:56] Madam Registrar, thank you very much.
- 10 Q. [15:40:03] So we'll see how this goes, Witness. I don't know how easy you are
11 going to find this exercise, but in front of you you should see - it's okay, I can - you
12 should see a sketch map visual on the screen; do you see it?
- 13 THE COURT OFFICER: (Via video link) [15:40:44] Your Honours, the item is
14 currently being displayed to the witness from the laptop.
- 15 PRESIDING JUDGE TARFUSSER: [15:40:51] So he can see it now?
- 16 MR O'SHEA: [15:40:55] Thank you.
- 17 PRESIDING JUDGE TARFUSSER: [15:40:57] Tell us when he can see it. Is it
18 displayed?
- 19 THE COURT OFFICER: (Via video link) [15:41:01] This is not displayed on the
20 evidence 1 channel. It's not being streamed here.
- 21 PRESIDING JUDGE TARFUSSER: [15:41:06] Yes, but can he see the item?
- 22 THE COURT OFFICER: (Via video link) [15:41:11] Yes, I can confirm --
- 23 PRESIDING JUDGE TARFUSSER: [15:41:12] Okay.
- 24 THE COURT OFFICER: (Via video link) [15:41:13] -- that he can see it.
- 25 PRESIDING JUDGE TARFUSSER: [15:41:14] Just a minute, Mr O'Shea.

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1 Mr Prosecutor.

2 THE COURT OFFICER: (Via video link) We never --

3 PRESIDING JUDGE TARFUSSER: Yes, Mr Prosecutor.

4 MR LEDDY: [15:41:23] I apologise, your Honour. I just wanted to remind the
5 parties that this witness has been granted special measures including reading
6 assistance.

7 PRESIDING JUDGE TARFUSSER: [15:41:29] Yes, we know that. We know that.

8 We tried to do our best, and that's why also in the field there is some help.

9 So please in the field, could you give assistance to the witness for the following
10 questions related to this map. Thank you.

11 MR O'SHEA: [15:41:52]

12 Q. [15:41:53] Now, Witness, do you see this, do you see the sketch in front of you?

13 A. [15:42:01] Yes, I can see the sketch.

14 Q. [15:42:11] Okay. Don't worry too much if you have a difficulty reading the
15 words. Don't get too distracted by the words for now. But do you feel able to
16 comment on a sketch map, on a geographical sketch map?

17 A. [15:42:40] I can see a drawing. Which location would you like me to show you
18 on this map?

19 Q. [15:43:00] Okay. Now, can you see in the centre of the map there is a large road
20 that goes from the top to the bottom of the sketch?

21 A. [15:43:49] Yes, I can see the main road.

22 Q. [15:43:52] Okay. That's meant to represent the Boulevard Principal, the main
23 road where you have described seeing clashes. Then if you look at the -- if you -- if
24 the sketch --

25 A. [15:44:27] This is the main road from Siporex.

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1 MR O'SHEA: [15:44:35] Can I just ask the representative of the Registry in Abidjan,
2 the way the witness is seeing the map on the laptop, is it at the same angle as what we
3 see on evidence 1?

4 THE COURT OFFICER: (Via video link) [15:45:07] Now that the item is being
5 displayed on the main screen, I can confirm that both, the laptop item has been
6 displayed and the one being streamed, are the same.

7 MR O'SHEA: [15:45:22] Thank you.

8 THE WITNESS: (No interpretation)

9 MR O'SHEA: Thank you.

10 Q. [15:45:31] So, Witness, if you look at the top of the sketch, to the left of the main
11 road -- just allow me to finish my sentence first, all right?

12 If you look at the top of the sketch, to the left of the main road, you will see a drawing
13 of a mosque and that is meant to represent the mosque in your story. Do you see
14 that?

15 A. [15:46:14] Yes, indeed. The mosque is to be found at that location. I can see it.

16 Q. [15:46:31] Right. So I'm just trying to orientate you at the moment. So that is,
17 where the mosque is is Doukouré. And then on the other side of the main road, on
18 the right-hand side of the sketch is the quartier Yao Séhi. Clear so far?

19 A. [15:47:07] Yes. Yao Séhi is to the right.

20 Q. [15:47:18] And then at the bottom of the sketch you can see a circle which
21 represents the Siporex roundabout?

22 A. [15:47:40] Yes, it is indeed the Siporex roundabout.

23 Q. [15:47:49] Now, in terms of where you were living in 2011, which part of this
24 sketch would you place it?

25 THE INTERPRETER: [15:48:23] From the English booth, Mr President: It appears

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1 the French booth is having a problem. They are not interpreting and they're making
2 signs.

3 PRESIDING JUDGE TARFUSSER: [15:48:33] There is a problem in the French booth,
4 but I don't know which one.

5 MR O'SHEA: [15:48:45] (Microphone not activated) Is it that they want a copy of the
6 sketch perhaps?

7 PRESIDING JUDGE TARFUSSER: [15:48:49] Do you want a copy of the sketch?
8 No.

9 THE INTERPRETER: [15:48:54] It appears the microphone was not released. It is
10 now solved. Thank you.

11 PRESIDING JUDGE TARFUSSER: [15:49:00] Okay. We can go ahead.

12 MR O'SHEA: [15:49:08]

13 Q. [15:49:09] So we have the main road going down the centre of the sketch
14 and then to the left of the sketch we have, it's written here, I quote in
15 French (Interpretation):

16 "The road going towards Jessy Jackson."

17 (Speaks English) So if I say to you the word going towards Jessy Jackson, does that
18 mean anything to you?

19 A. [15:49:39] Which of the roads and towards where does that road go? It takes
20 you to the palais passing through Yao Séhi.

21 Q. [15:50:18] Well, Yao Séhi is on the right-hand side of our sketch. And Doukouré
22 is on the left-hand side of our sketch. Were you living on --

23 A. [15:50:35] Going up towards the palace, Doukouré is to your left and Yao Séhi is
24 to your right.

25 Q. [15:50:56] So were you living on the left side of this sketch, on the left side of the

1 boulevard looking at this sketch?

2 A. [15:51:24] Yes, indeed, I was in the Doukouré neighbourhood, and if you are
3 going the direction of the palace, Doukouré is to your left.

4 Q. [15:51:38] Now, if you were going to go from your home to the market where
5 you were selling your fish, which direction would you walk in? Would you walk
6 down this sketch or up?

7 A. [15:52:20] That is what I said. I'm showing you on the sketch, that is what I can
8 see, but please spare me that question at this point.

9 Q. [15:52:47] Well, you won't be spared any questions, Witness. But what I would
10 like to ask you is what is the name of the market where you were selling fish?

11 A. [15:53:13] I cannot say where that location is in public. I cannot answer that
12 question.

13 PRESIDING JUDGE TARFUSSER: [15:53:32] No, we want just to know the name of
14 the market, not the location. What is it called, the market?

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE TARFUSSER: [15:54:21] Can we go a minute in private session,
18 please, just for one question which I would like to put.

19 (Private session at 3.54 p.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Open session at 3.55 p.m.)

2 THE COURT OFFICER: [15:55:26] We are back in open session, Mr President.

3 PRESIDING JUDGE TARFUSSER: [15:55:28] Thank you.

4 Maître Altit -- Mr O'Shea.

5 MR O'SHEA: [15:55:33] Yes, your Honour. Thank you.

6 Q. [15:55:35] So the marché that we're talking about, is it within this sketch or is it
7 outside this sketch?

8 A. [15:55:51] I cannot answer that question. I have been saying the same thing all
9 along. The place of my work, the configuration of the market, that's where it ends.
10 You should ask me questions on what I experienced. I have said that up to three
11 times.

12 Q. [15:57:08] Is the market that we're talking about on the sketch in front of you or is
13 it outside the sketch in front of you?

14 PRESIDING JUDGE TARFUSSER: [15:57:21] It's a bit problematic now because
15 they're translating to him.

16 THE WITNESS: [15:57:33] (Interpretation) I cannot answer that question. I have
17 indicated to you the locations that I know. Regarding the differences, I cannot tell
18 you whether the market is on that sketch. I'm sorry, I can't answer that question.
19 And please, let's move on to something else.

20 PRESIDING JUDGE TARFUSSER: [15:58:04] Mr Prosecutor.

21 MR LEDDY: [15:58:05] Your Honour, I'd just like to mention that this witness is a
22 vulnerable witness for which special measures have been granted. He's repeatedly
23 expressed concerns about revealing the precise details of his -- the location of his home
24 and his work in public session. And we think there are understandable reasons for
25 that. I mean, we'd ask for any further questions along this line to be done in private

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1 session.

2 MR O'SHEA: [15:58:33] Well, I --

3 PRESIDING JUDGE TARFUSSER: [15:58:39] I think that it's a bit clearer now in any
4 case.

5 MR O'SHEA: [15:58:43] Yes. I mean private session, no. But I can certainly, I can
6 certainly deal with things differently from now onwards.

7 PRESIDING JUDGE TARFUSSER: [15:58:55] Yes, please.

8 MR O'SHEA: [15:58:57]

9 Q. [15:59:00] So you said that it takes you about 20 minutes to walk from your home
10 to the market. Now, if we can cast our mind back to 25 February, the first thing you
11 do that day, on your evidence, is when you leave your house early in the morning you
12 walk to the market, to your workplace. Now, during that 20-minute walk from your
13 home to your work place --

14 PRESIDING JUDGE TARFUSSER: [15:59:44] Fifteen, if I remember. Fifteen, 15, 20.
15 Fifteen, 20.

16 MR O'SHEA: [15:59:50] All right. I recall 20, but your Honour may be right.

17 Q. [15:59:59] So is that correct, Witness, it's 15 to 20 minutes, is it?

18 A. [16:00:07] Yes, I said that some people can walk faster than others while others
19 may go in a vehicle. I did not look at the time. And I have said that people walk at
20 different speeds, so I cannot give you the precise time that you may use to cover that
21 distance. Some people might be conversing while walking and so they walk slowly.

22 Q. [16:01:05] Now, when you are doing this walk towards the market, towards
23 where you were selling fish, did you notice anything in particular that morning, and
24 I'm talking about your first walk out of your house to the market?

25 A. [16:01:34] When I got up to go to the market, I didn't see anything along my way.

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1 I didn't see anything along my way as I was heading towards the market.

2 Q. [16:02:05] And your route to the market, does it involve at any stage going along
3 the Boulevard Principal or is it along other roads the whole way?

4 A. [16:02:23] I know what I said to you. The road that leads to the market -- I can't
5 go into the details, so let's move on to something else that I can talk about. I can't tell
6 you, I can't answer questions about the particular way I go to get to the market.

7 PRESIDING JUDGE TARFUSSER: [16:03:02] Let's go into private session, please.

8 (Private session at 4.03 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 4.05 p.m.)

4 THE COURT OFFICER: [16:05:23] We are in open session, Mr President.

5 PRESIDING JUDGE TARFUSSER: [16:05:26] Thank you very much.

6 Mr O'Shea.

7 MR O'SHEA: [16:05:28]

8 Q. [16:05:30] So we're now talking about 25 February and no other day. So you go
9 to your workplace. You don't notice anything in particular. You do some work at
10 your workplace, and then you leave your workplace with the purpose of going for
11 prayers; is that right?

12 A. [16:06:27] Yes, that's right. And I didn't see anything along my way, along that
13 road that leads to my work. There were disturbances. We wanted to pray. We
14 went to the mosque. But we weren't able to do our prayers there because of the
15 disturbances. I got there. The disturbances had already begun. That is what I've
16 said and this is what I say once again.

17 Q. [16:07:12] And when you left your workplace on 25 February, were you walking
18 or going by taxi?

19 A. [16:07:26] That day I went by foot.

20 Q. [16:07:45] And the route that you took back towards Doukouré from the market,
21 was that exactly the same route as the route that you took to go to the market? You
22 don't have to say what the route was because you've already told us. But on that day,
23 did you take exactly the same route back as you took to go there?

24 A. [16:08:20] I went by way of the -- well, the route that I took on my way back, that
25 was quite early in the morning.

1 Q. [16:08:46] But it was exactly the same route which you had taken to go to the
2 market, it was the same route that you took to come back; is that right?

3 A. [16:08:58] I don't want -- I can't answer that question. I can't, I can't, I can't
4 answer that question. I can't tell you which way I went every single day.

5 Q. [16:09:33] Could you perhaps look into the camera when you are giving your
6 answer?

7 A. [16:09:53] Yes. I'm looking at the map, that's why I'm looking downwards.

8 Q. [16:10:02] All right. Well, you don't need the map for these questions. And
9 the question is a very simple one, and I'm not asking you to describe the route,
10 because you've already done it in private session, I'm just asking you to confirm that
11 the way you came back to Doukouré from the market was exactly the same way that
12 you took to get to the market on that morning of 25 February.

13 A. [16:10:54] I've already said the day I took that way, I can say so, but I can't tell
14 you that every day I went the same itinerary. I can't answer such a question.

15 Q. [16:11:15] Well, the day in question is not any day. The day in question is the
16 day when your relative died. It's a significant day. It's not any day. But it's okay,
17 if you tell the Chamber that you don't remember which route you took to come from
18 the market to Doukouré that morning, that's okay. Is that the position, is it that you
19 don't remember the route that you took?

20 A. [16:12:04] You've asked me some questions about the path I took and you asked
21 me whether I took -- went the same way on 25 February, and I answered. So it's not,
22 it's not appropriate to ask the question again. I don't know what else to say. That
23 day, as I said, I took that particular path. I went that way. I didn't see anything. I
24 came back. So that's what you have to understand from my answer.

25 Q. [16:12:49] Well, with respect, Witness, I will decide what's appropriate for me to

1 ask, under the control of the Chamber. And I'd like to know from you, in terms of
2 the route that you took that morning coming back from the market to Doukouré, do
3 you remember which route you took that morning or don't you remember? Please
4 answer that question, yes or no.

5 A. [16:13:34] The route I took in the morning to get to the market, I took it for the
6 return to go back to my house. So it was the same route that I took that day for, to go
7 and to return.

8 Q. [16:13:58] Thank you. And you've already told us that when you went to the
9 market, you didn't see anything in particular on the route.

10 PRESIDING JUDGE TARFUSSER: [16:14:12] Well, if --

11 MR O'SHEA: [16:14:13]

12 Q. [16:14:14] Now, when you --

13 PRESIDING JUDGE TARFUSSER: [16:14:15] If he has already told, I mean --

14 MR O'SHEA: [16:14:18] I'm just ensuring that he understands my question, that's all.

15 Q. [16:14:23] Now, when you are coming back, at what point do you first notice that
16 there are large numbers of people and disturbances? Because you say that when you
17 came back from the market, you weren't able to reach home because the disturbances
18 had already started. So where were you when you first saw all the people and the
19 disturbances?

20 A. [16:15:18] I left the market and there were many people on the main road. I got
21 to the entrance to my neighbourhood and there were disturbances. So, and people
22 were throwing stones at us to drive us away, and we went back to the parking lot.
23 There was no one in the houses. That is what I have told you. That's what I said on
24 the first day and that's what I'm repeating today. So if you've understood me
25 properly, these are the -- it's the same thing. These are the same words, the same

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1 words that I am repeating to you.

2 Q. [16:16:07] So did you start to see large numbers of people immediately when you
3 left the market, or after 15 to 20 minutes when you were close to your home? At
4 what point did you start seeing the large numbers of people?

5 A. [16:16:46] I don't know how to answer that question.

6 PRESIDING JUDGE TARFUSSER: [16:16:50] Well, I think it's also already answered
7 because he says, "I got to the entrance to my neighbourhood and there were
8 disturbances."

9 MR O'SHEA: [16:16:59] He said two things, your Honour. He said there were large
10 numbers of people --

11 PRESIDING JUDGE TARFUSSER: [16:17:03] Yes.

12 MR O'SHEA: [16:17:04] -- and disturbances. And he said he saw large numbers of
13 people --

14 PRESIDING JUDGE TARFUSSER: [16:17:08] On the main road.

15 MR O'SHEA: [16:17:10] -- after he left the market.

16 PRESIDING JUDGE TARFUSSER: [16:17:11] No, on the main road.

17 MR O'SHEA: Yes, on the --

18 PRESIDING JUDGE TARFUSSER: "I left the market and there were many people on
19 the main road."

20 MR O'SHEA: [16:17:16] Yes.

21 PRESIDING JUDGE TARFUSSER: [16:17:17] So there is part of the main road. Then
22 he said, "I got to the entrance to my neighbourhood and there were disturbances."

23 MR O'SHEA: [16:17:23] Yes.

24 PRESIDING JUDGE TARFUSSER: [16:17:24] So.

25 MR O'SHEA: [16:17:24] So I'm asking about the people, because the main road, as we

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- 1 know, is the route that he takes when he comes from the market, and therefore --
- 2 PRESIDING JUDGE TARFUSSER: [16:17:32] Well, but the market --
- 3 MR O'SHEA: [16:17:35] Therefore, we're talking about a 15 to 20 minute walk along
- 4 the main road, are we not?
- 5 PRESIDING JUDGE TARFUSSER: [16:17:41] No. There is not -- not the whole path
- 6 is on the main road, of course.
- 7 MR O'SHEA: [16:17:43] Not all of it, but --
- 8 PRESIDING JUDGE TARFUSSER: [16:17:45] No. Half of it, say more or less. If I
- 9 look at the map, more or less half of it.
- 10 If I look on the map. Maître Gbougnon, I know you know the place, but --
- 11 MR O'SHEA: [16:18:02] So my question to the witness is when did he start to see
- 12 large numbers of people, is it at the end of his journey?
- 13 PRESIDING JUDGE TARFUSSER: [16:18:12] No, excuse me.
- 14 MR O'SHEA: [16:18:14] Or the beginning of his journey or the middle of his journey?
- 15 PRESIDING JUDGE TARFUSSER: [16:18:19] I know, but I think we, this -- Maître
- 16 Gbougnon, I hear you, yes.
- 17 I think "I left the market and there were many people on the main road."
- 18 MR O'SHEA: [16:18:29] Yes.
- 19 PRESIDING JUDGE TARFUSSER: [16:18:31] "I got to the entrance to my
- 20 neighbourhood and there were disturbances."
- 21 MR O'SHEA: [16:18:37] Yes. So the first, the first part of that, the first part of that
- 22 sentence is not clear, is it?
- 23 THE INTERPRETER: [16:18:44] Message from the interpreters: Overlapping
- 24 speakers. The French booth is suffering.
- 25 PRESIDING JUDGE TARFUSSER: [16:18:49] Suffering, yes.

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1 MR O'SHEA: [16:18:53] Sorry. Sorry, interpreters, sorry, your Honour.

2 PRESIDING JUDGE TARFUSSER: [16:18:57] So if Maître Gbougnon starts also to
3 intervene, we have a chaos.

4 MR O'SHEA: [16:19:05] You know, part of the problem here as well, your Honour, is
5 that I'm of course testing the evidence of this witness. So if your Honour is going to
6 explain what the witness is saying --

7 PRESIDING JUDGE TARFUSSER: [16:19:18] No, I read.

8 MR O'SHEA: [16:19:20] All right.

9 PRESIDING JUDGE TARFUSSER: [16:19:20] I don't explain. I read. Don't put in
10 my mouth things that I don't say. I read the transcript. I'm not explaining anything.

11 MR O'SHEA: [16:19:30] Well, then let me put it this way. If your Honour reminds
12 the witness of what the witness has said, then it doesn't help the exercise, with respect.

13 PRESIDING JUDGE TARFUSSER: [16:19:41] Yes. Then I stop it here because this
14 witness cannot be pressurised, as I said at the beginning. So I just try to keep this
15 balance of your right to put questions and on the fact that this witness, as we said at
16 the very beginning of this testimony, cannot be pressurised with questions.

17 MR O'SHEA: [16:20:06] Well, I don't think I've put any pressure.

18 PRESIDING JUDGE TARFUSSER: [16:20:08] Well, well --

19 MR O'SHEA: I --

20 PRESIDING JUDGE TARFUSSER: Well, I think if you put continuously the same
21 question, and the question to which the witness has somehow responded, and which
22 has to be interpreted of course, there is some pressure to -- put on the witness.

23 MR O'SHEA: [16:20:26] Well, let me say this, your Honour, I don't have --

24 PRESIDING JUDGE TARFUSSER: No, I --

25 MR O'SHEA: -- the answer to my question. Your Honour thinks that I do, but I

1 don't. So I will not ask the question because your Honour doesn't want me to, but I
2 do not have the answer to the question.

3 Q. [16:20:59] So when you reached the quartier de Doukouré, you say that there
4 were many people. Are we talking about 15, 20 people or are we talking about
5 hundreds of people?

6 A. [16:22:18] I'm sorry, I said that there were many people, but I couldn't count the
7 number of people there. So you mustn't ask me questions that I can't answer. I can't
8 say whether it was five people or thousands of people. I didn't have a notebook to
9 write that down. I said there were a lot of people. Who could determine the
10 number of people who were there at that location, at that spot?

11 Q. [16:22:51] I'm not asking you to determine the number of people, I'm asking you
12 to give the Chamber an idea of the numbers by saying whether we're talking about
13 hundreds or 20 people?

14 A. [16:23:15] I can't answer that question. I'm not in a position to tell you how
15 many people. I told you there were many people out in the street. I can't count
16 them. But, so -- well, there you have it. I can't, I can't answer this question.

17 Q. [16:23:38] The Boulevard Principal, was it full of people from end to end, from
18 edge to edge?

19 A. [16:23:50] Is there a limit to the boulevard that ultimately goes towards the
20 palace? I couldn't tell you how many people. My route was from my place of work
21 to my neighbourhood, and other than that I can't tell you anything else.

22 Q. [16:24:30] When you are walking and first noticed the disturbances, were you
23 walking on the right-hand side of the road or the left-hand side of the road or the
24 middle of the road?

25 A. [16:24:56] I can't answer that question, whether I was on the right or the left or in

1 the middle of the road. How do you expect me to answer such a question?

2 Q. [16:25:17] Is that because you can't remember or because you're refusing to
3 answer?

4 A. [16:25:26] I can't answer and say things that I don't remember. I can't answer
5 that question.

6 Q. [16:25:38] Okay. It's all right if you can't remember. Do you remember having
7 people all around you?

8 A. [16:26:07] You're talking about my neighbourhood?

9 Q. [16:26:10] I'm talking about the same thing. I'm talking about you've arrived at
10 the entrance of your neighbourhood, you're on the Boulevard Principal and you notice
11 disturbances. So at that point in time do you have people all around you?

12 A. [16:26:30] I said that there were a lot of people. But I, I was just going home.
13 So if you tell me that there were people and that those people were around me, I really
14 don't know what to say in response to this question.

15 Q. [16:27:14] Did you have people on one side of you only or did you have people
16 all around you?

17 A. [16:27:26] These questions. You asked me the question once, twice. So I can't
18 answer this question. You mustn't try to get me to say things that I don't know
19 anything about. I'm sorry, but I can't answer questions like this.

20 PRESIDING JUDGE TARFUSSER: [16:28:20] Mr Witness, the question was very
21 simple. When you walked home and you reached the Boulevard Principal, there
22 were many people, you said. So you had difficulties or not to go through this many
23 people. I'll put it this way. Was it difficult for you to go towards your house
24 because of the people, the number of people?

25 THE WITNESS: [16:28:55] (Interpretation) There were many people, but I was able

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1 to get to my house. There were many people on the road but, thanks to God, I was
2 able to get home. That is what I can say. I went on the paved road. There were a
3 lot of people. I got home. Nothing happened to me. No one -- no one did
4 anything to me, I didn't do anything to anyone, and I got home, and then to my -- I got
5 to my home in the neighbourhood.

6 MR O'SHEA: [16:29:51]

7 Q. [16:29:51] So from the point that you arrive at the entrance to your
8 neighbourhood and you see lots of people, how much time passed before you arrived
9 at your house?

10 A. [16:30:07] I apologise, I can't answer that question. The time that it took me, I
11 can't answer. Maybe you could ask me some other questions. I can't answer this
12 question. I'm sorry, I apologise.

13 Q. [16:30:39] Well, you told us earlier in evidence that it takes four or five minutes
14 to walk from the mosque to your home. So if we're at the entrance of the Doukouré
15 neighbourhood, we're not far from the mosque, so presumably normally it would take
16 you four or five minutes to walk home once you reach the entrance of your
17 neighbourhood.

18 So on 25 February, when you say you came back from the market, there were lots of
19 people, thank God nothing happened to me, and I got home, did it take you four or
20 five minutes to get home or did it take you a lot longer?

21 A. [16:31:51] It is not possible for me to tell you that. I left the market to go to my
22 house. So the time it took, I cannot tell you.

23 Q. [16:32:07] When you arrived at the entrance of your neighbourhood and you saw
24 this, lots of people, did you keep walking towards your house or did you stop at any
25 stage?

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1 A. [16:32:30] I cannot answer that question. I've answered at least four times.

2 That question has been put to me two, three times. Beyond that I cannot answer. I
3 do not want to tell lies.

4 Q. [16:33:21] Actually, it's the first time this question is being put to you, and it's a
5 very simple question.

6 You've told us that you arrived at the Doukouré neighbourhood, you saw lots of
7 people but, thank God, you were able to get through these people and nothing
8 happened to you, and you got home. That's what you said a moment ago.

9 And the question is a very simple one: When you arrived at your neighbourhood
10 and you saw lots of people, did you keep walking towards your home or did you stop
11 at any stage? It's very easy to understand and very easy to answer.

12 A. [16:34:15] You asked me the question whether I arrived at the house, and I said I
13 did not arrive because there were disturbances. We fled. No one went to their
14 homes. So you cannot ask me that same question again. I cannot be put the same
15 question 15 times, 20 times and so on and so forth.

16 Q. [16:34:52] Well, focus a little less attention to the questions and think more about
17 your answers.

18 You told us a moment ago that you got through this, these many people who were
19 there, and you got home. Are you now saying that you didn't get home?

20 A. [16:35:24] I cannot answer that question.

21 PRESIDING JUDGE TARFUSSER: [16:35:29] No. Here the only thing is we want to
22 know if you went home or you went not home and stopped somewhere on the 25th
23 when you came from work. Did you go home or did you stop somewhere?

24 THE WITNESS: [16:36:02] (Interpretation) That is what I am saying. When I
25 arrived the neighbourhood, there were disturbances. I said it several times, at

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1 least 20 times. So I said that I was not able to reach my home. So I think that when
2 you ask me a question and I answer once, that is -- that should be it. Do you want me
3 to tell you absolutely where I was sleeping?

4 PRESIDING JUDGE TARFUSSER: No.

5 THE WITNESS: (Interpretation) There are limits.

6 PRESIDING JUDGE TARFUSSER: [16:36:46] Yes. But, there are limits of course, but
7 we wanted just to know if you went home or if you did not. So now you are saying
8 you didn't reach home because of the clashes, right?

9 THE WITNESS: [16:37:09] (Interpretation) I arrived the neighbourhood. But who
10 could go to his home? And where -- who are you going to find there? The women,
11 the children had all gone out. So I did not arrive at the home at which I was living.

12 PRESIDING JUDGE TARFUSSER: [16:37:33] Okay. "No" would have been
13 sufficient.

14 Mr O'Shea, I just remind you that you're over time.

15 MR O'SHEA: [16:37:45] It's not my fault, your Honour. Well, yeah --

16 PRESIDING JUDGE TARFUSSER: [16:37:48] Well --

17 MR O'SHEA: [16:37:49] Maybe your Honour thinks it is, but it is not my fault.

18 PRESIDING JUDGE TARFUSSER: [16:37:52] No, I don't think it is, but it is also, it's
19 the fault of everybody, of course, the shared fault.

20 MR O'SHEA: [16:37:59] No, I --

21 PRESIDING JUDGE TARFUSSER: [16:38:01] But still, I just tell you that you are over
22 time.

23 MR O'SHEA: [16:38:06] Yes.

24 PRESIDING JUDGE TARFUSSER: Okay.

25 MR O'SHEA: This one falls squarely with the witness, I'm afraid.

1 Q. [16:38:16] When you arrived at the entrance of your neighbourhood and you said
2 you saw disturbances and clashes, were there stones being thrown from all directions?

3 A. [16:38:36] Yes. Those who were on the paved road were throwing stones at
4 people.

5 Q. [16:38:58] And those stones were coming from different directions, were they?

6 A. [16:39:04] The crowd that was on the tarred road, they were throwing stones.

7 Q. [16:39:39] When you say the "tarred road", do you mean the boulevard?

8 A. [16:39:49] Yes, yes, that is the main road.

9 Q. [16:40:06] And you were also on the main road, right?

10 A. [16:40:16] No, I was not on the main road. That is not what I said. I arrived in
11 my neighbourhood. I left the market. I arrived in my neighbourhood. I did not
12 say that I was on the main road. I instead talked about the parking lot.

13 Q. [16:40:50] But before you get to the parking lot, you come from the main road to
14 the entrance of your quartier, and you told us a moment ago that when you arrived,
15 when you arrived at the entrance of your quartier, you noticed disturbances. So
16 when did you start seeing the stones being thrown? Did you start seeing them when
17 you were still walking on the main road, or did you only see that when you were at
18 the parking?

19 A. [16:41:50] I left the market. I arrived in my neighbourhood. I did not use the
20 road by the mosque. I arrived towards my house and stones were being thrown, so
21 we ran and found ourselves at the parking lot.

22 Q. [16:42:22] So is it your evidence that while you were walking on the main road
23 you didn't see any disturbances? You only saw those disturbances after you had
24 already left the main road?

25 A. [16:42:45] I didn't understand your question very well. What I said was that

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1 there were many people. Nothing happened to me, and I did nothing to anyone.

2 When I arrived the neighbourhood, stones were being thrown, and I found myself
3 where I was. But there were many people on the main road, but people were coming
4 out of the neighbourhood and going on to the parking lot.

5 Q. [16:43:48] So when did you start seeing stones being thrown? Is it when you
6 were standing in the parking or is it in another location within your neighbourhood?
7 When did you start seeing stones being thrown?

8 A. [16:44:12] I cannot answer that question again.

9 Q. [16:44:38] Let me try again. Let me try again.

10 A. [16:44:45] In any case I really did not understand the question.

11 Q. [16:44:49] All right. Let's try again. Where were you standing, in which
12 specific location were you standing or walking when you first noticed the stones being
13 thrown?

14 A. [16:45:18] That is what I said. When I arrived my neighbourhood, stones were
15 being thrown. And then we found ourselves in the parking lot. Everyone was
16 chased. And we found ourselves at the mosque intersection. In any case, if you
17 continue asking me these types of questions, it is not possible for me to continue
18 answering.

19 Q. [16:46:00] This is your story, Witness.

20 PRESIDING JUDGE TARFUSSER: [16:46:03] Yes, but --

21 MR O'SHEA: [16:46:05]

22 Q. [16:46:05] You were there.

23 PRESIDING JUDGE TARFUSSER: [16:46:07] Yes, but, I mean, you cannot pull out
24 something what -- it seems evident that there -- he will not have an answer to this. If
25 you put the question 10 times and 10 times he responds like this.

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1 MR O'SHEA: [16:46:32] Well, that's all right, your Honour. The answers of the
2 witness and the demeanour of the witness demonstrates things within themselves.
3 So yes.

4 Q. [16:46:57] Now, your neighbourhood --
5 I think we've moved on because --

6 PRESIDING JUDGE TARFUSSER: Yes.

7 MR O'SHEA:

8 Q. -- the Judge has made a ruling and I've accepted the Judge's ruling.

9 MR LEDDY: [16:47:06] I appreciate that. I just wanted to request again for the
10 Defence counsel to please refrain from making editorial comments on the witness's
11 demeanour.

12 PRESIDING JUDGE TARFUSSER: [16:47:17] The comment is only that we will
13 discuss about what we see at the appropriate time. And I think this is perfectly
14 legitimate.

15 Please go ahead.

16 MR O'SHEA: [16:47:28] Yes. I was addressing your Honour. I wasn't making a
17 comment to the witness. Your Honour, thank you.

18 Q. [16:47:39] Now, your neighbourhood consists of different locations. You've told
19 us about the mosque, you've told us about the parking area and then, of course, you
20 have the little roads as well. Now, you've told us that you saw the mosque burning.
21 Now, my question to you is in which location within your neighbourhood were you
22 standing when you first noticed the mosque burning?

23 A. [16:48:47] It was when I was in the parking area that I saw the mosque on fire,
24 and that is because the parking area is close to the mosque.

25 Q. [16:49:07] And the instant when you noticed the mosque burning, was this

1 before or after the instance when you first noticed the stones?

2 A. [16:49:27] The throwing of stones and the burning of the mosque, those
3 happened approximately at the same time. When people were chased, we arrived at
4 the parking area, the mosque was already burning.

5 Q. [16:50:15] So when you arrived at the parking area the mosque was already
6 burning. Did you notice the mosque burning before or after the tear gas was thrown?

7 A. [16:50:32] The mosque was being burned, stones were thrown, then there was
8 the tear gas. There was no major difference in the times. There was the fire. We
9 were chased. And then tear gas was being thrown, stones were being thrown. All
10 of that happened approximately at the same time. There was no major difference in
11 time.

12 Q. [16:51:30] While this incident was going on, did you try to move away to get
13 home?

14 A. [16:52:19] We stayed in the neighbourhood. We found refuge in various
15 locations, and we fled and found ourselves in the parking area.

16 Q. [16:52:57] Now, when you say "we", were you with anybody that you knew?

17 A. [16:53:11] No. I'm talking about myself. Well, so as not to go too far, let me
18 limit myself to myself. I was not able to reach my home. I had to take refuge
19 somewhere before arriving at the parking area.

20 Q. [16:53:46] So how long were you at the parking area before you left the parking
21 area?

22 A. [16:53:55] It is not possible for me to answer that question, how long did we stay
23 at the parking. If you ask me questions on that, I cannot answer. I was at that
24 parking area, but when it comes to the time that I spent there, I cannot tell you. And
25 if you continue putting that question, I will not answer.

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1 PRESIDING JUDGE TARFUSSER: [16:54:40] But the question is was it minutes or
2 half an hour or a long time or just a few minutes?

3 THE WITNESS: [16:54:58] (Interpretation) In the parking lot, we were chased. We
4 ran. People would go into the neighbourhood, then come back. So practically
5 throughout the day. So I cannot say precisely how long I stayed at the parking area.
6 That is what I can say.

7 PRESIDING JUDGE TARFUSSER: [16:55:29] Mr O'Shea, five minutes.

8 MR O'SHEA: [16:55:32] Yes, your Honour.

9 Q. [16:55:33] So you, while all this is going on, you don't notice anybody that you
10 know in the crowd; is that right?

11 A. [16:55:51] Where, in the neighbourhood or elsewhere?

12 Q. [16:56:11] Well, let's talk about the parking. When you are in the parking and
13 you're seeing the stones flying and the tear gas and the burning, at that time you don't
14 know anybody in the crowds; is that right?

15 A. [16:56:34] No. I knew the people of the neighbourhood. I had relatives, young
16 brothers, so we knew people in the neighbourhood. I had an elder brother, our
17 young brothers, as well as my neighbours. So we were moving from the parking lot
18 to the neighbourhood, and then from the neighbourhood back to the parking. And of
19 course there were people from the neighbourhood. I even said that a grenade injured
20 Chemogokoro and this was somebody I knew.

21 Q. [16:57:47] Of the people that you knew at that specific point in time, how many
22 were there? Were there a lot of people you knew or just five or six that you knew?

23 A. [16:58:03] Yes, there were many people I knew who were present, not on the
24 main road, but in the neighbourhood. I had my relatives, my younger brothers, my
25 elder brother and so on and so forth. There was also a young man there that I knew.

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1 We were all together.

2 Q. [16:58:45] Did you see any of your neighbours chasing others towards the police
3 station?

4 A. [16:59:02] The police people threw the tear gas while those who were on the
5 main road were throwing stones. That is what happened, and that is what I have
6 already said. Otherwise, I do not know how else to answer. I do not want to lie. If
7 I did not witness any facts myself, I cannot answer any questions relating to those facts.
8 So there is the paper that is there. I cannot swear and then tell lies afterwards.

9 Q. [17:00:07] And my last question for the day: You say that tear gas was being
10 thrown at the same time as stones, et cetera, when this tear gas was thrown did you
11 see a lot of smoke around you?

12 A. [17:00:25] I wasn't the only person to be affected when they threw the tear gas.
13 One man was injured. So, you know, when you throw a canister of tear gas, of
14 course there is going to be smoke.

15 MR O'SHEA: [17:01:07] Those are all my questions for now, your Honour.

16 PRESIDING JUDGE TARFUSSER: [17:01:10] Well this "for now" is worrying to me
17 because you went far over the three hours presented, and far over what the
18 Prosecution did, and we have still the Blé Goudé team to question. So my question is
19 what do you mean "for now"? What does that mean for tomorrow?

20 MR O'SHEA: [17:01:32] Well, I don't wish to start reacting the same way as the
21 witness, but at this point in time I don't know because -- well, I think your Honours
22 have seen exactly how this has progressed.

23 PRESIDING JUDGE TARFUSSER: [17:01:47] Yes, of course.

24 MR O'SHEA: [17:01:49] So I don't know is the answer. I will obviously try my best
25 to wrap things up and deal with things quickly, but in terms of time estimates, I'm in a

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- 1 very difficult position right now.
- 2 PRESIDING JUDGE TARFUSSER: [17:02:07] Well, we are in a very difficult position
- 3 either. So I will consult with the colleagues and then we'll see tomorrow how this
- 4 proceeds.
- 5 MR O'SHEA: [17:02:15] Yes, yes.
- 6 PRESIDING JUDGE TARFUSSER: [17:02:16] Thank you. The hearing is adjourned
- 7 until tomorrow, same time as today. Thank you.
- 8 THE COURT USHER: [17:02:25] All rise.
- 9 (The hearing ends in open session at 5.02 p.m.)