

Trial Hearing
WITNESS: CIV-OTP-P-0350

(Closed Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing Courtroom 1
9 Tuesday, 29 November 2016
10 (The hearing starts in closed session at 9.06 a.m.)
11 (Redacted)
12 (Redacted)
13 (Redacted) *(Reclassified into public session.)
14 PRESIDING JUDGE TARFUSSER: [9:06:54] Before starting with the questioning of the
15 witness, I'd like to read an oral decision on the request of the Defence of Mr Gbagbo to
16 have the identity of the intermediary related to Witness 350 lifted.
17 This request is from 28 November 2016. The redaction protocol - and obviously, after
18 having heard orally and in writing the other parties and participants - the redaction
19 protocol provides a legal basis for the redaction of names and contact information of
20 intermediaries when disclosure would put them or the ongoing investigation at risk.
21 Referring to decision 737, annex A, paragraphs 26 to 30, and decision 202. Although the
22 redaction protocol refers mainly to the intermediary of a calling party, the same applies to
23 the LRV's intermediaries. The main objective of the redaction is the same to protect these
24 individuals from intimidation or interference and not to prejudice ongoing or further
25 investigations.

1 In fact, in her observations, the LRV stated that, and I quote, "Lifting these redactions
2 would affect the activities of the legal representative in the field because the disclosure of
3 the information is very likely to lead to the intermediaries ceasing to cooperate with the
4 Court and, in turn, to the victims disengaging from proceedings." End of quote.
5 The redaction protocol further states that, and I quote again, "Nonetheless, the current
6 determination under Rule 81(2) of the Rules can be reassessed at a later stage should
7 circumstances change or new information emerge." This is paragraph 39 of decision 737.
8 However, at this stage, the Defence has not substantiated why the name of the said
9 intermediary has become a live issue in this case. Thus far, the Defence appears to be on
10 a fishing expedition exercise and its allegation remains wholly unfounded. So far, as
11 noted by the LRV, the Defence has not pointed out the relevance of this person's identity
12 for the Defence case. In fact, the Defence requests amounts to requesting the lifting of all
13 redactions of intermediaries, both of the LRV and the Prosecution in order to, and I quote,
14 "Find out what the persons might have done," end of quote, in T-106 of the Defence
15 submissions.

16 Accordingly, the request to lift this redaction is rejected. *(Closed session)

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- 12 (Upon resuming in open session at 3.04 p.m.)
- 13 THE COURT USHER: [15:04:16] All rise.
- 14 Please be seated.
- 15 PRESIDING JUDGE TARFUSSER: [15:04:31] Good afternoon.
- 16 I would ask, can you hear me, court officer, in the remote location?
- 17 THE COURT OFFICER: (Via video link) [15:04:48] Yes, your Honour, we are hearing
- 18 you very well.
- 19 PRESIDING JUDGE TARFUSSER: [15:04:53] Okay. So I would ask you to introduce
- 20 the witness, please.
- 21 THE COURT OFFICER: (Via video link) [15:04:57] Yes, I'll bring the witness.
- 22 (The witness enters the video-link room)
- 23 PRESIDING JUDGE TARFUSSER: [15:05:39] Good afternoon, Mr Witness. Can you
- 24 hear me?
- 25 WITNESS: CIV-OTP-P-0107

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- 1 (The witness speaks French)
- 2 (The witness gives evidence via video link)
- 3 THE WITNESS: [15:05:42] (Via video link) (Interpretation) Yes, yes.
- 4 PRESIDING JUDGE TARFUSSER: [15:05:43] You do understand French as I and speak
- 5 French, as I have learned?
- 6 THE WITNESS: [15:05:55] (Via video link) Oui.
- 7 PRESIDING JUDGE TARFUSSER: [15:05:57] But there should be there somebody to
- 8 assist you in Dioula in case you need assistance; is that right?
- 9 THE WITNESS: [15:06:08] (Interpretation) Yes, yes, yes, yes.
- 10 PRESIDING JUDGE TARFUSSER: [15:06:12] Okay, court officer, could we have the
- 11 name of the interpreter so that it is on the record?
- 12 THE COURT OFFICER: (Via video link) [15:06:19] Yes, your Honour. The interpreter
- 13 present is Ms Coulibaly.
- 14 PRESIDING JUDGE TARFUSSER: [15:06:27] Okay. Thank you very much.
- 15 Mr Witness, first of all, I would like you to identify yourself with name, the complete
- 16 name, surname and name, the date and the location where you -- and the place of birth.
- 17 THE WITNESS: (Via video link) (Interpretation) Saydou Zouon.
- 18 PRESIDING JUDGE TARFUSSER: [15:07:13] And you were born in?
- 19 THE WITNESS: [15:07:15] (Via video link) (Interpretation) I was born 1 November
- 20 1985 in Akopé.
- 21 PRESIDING JUDGE TARFUSSER: [15:07:22] Which is in Côte d'Ivoire?
- 22 THE WITNESS: [15:07:24] (Via video link) (Interpretation) Yes.
- 23 PRESIDING JUDGE TARFUSSER: [15:07:27] So you are an Ivorian citizen?
- 24 THE WITNESS: [15:07:33] (Via video link) (Interpretation) Yes, yes.
- 25 PRESIDING JUDGE TARFUSSER: [15:07:34] Of Dioula ethnicity?

1 THE WITNESS: [15:07:37] (Via video link) (Interpretation) Yes, yes.

2 PRESIDING JUDGE TARFUSSER: [15:07:43] And Muslim faith, right?

3 THE WITNESS: [15:07:47] (Via video link) (Interpretation) Mm-hmm.

4 PRESIDING JUDGE TARFUSSER: [15:07:52] Okay. The Chamber has been informed
5 that you may need reading assistance during your testimony so as translation of course.
6 You will have reading assistance when it is needed, and in any case, if you have any
7 concerns at any point in time during your testimony, just refer to me and we will address
8 your concerns.

9 THE WITNESS: [15:08:31] (Via video link) (Interpretation) Okay.

10 PRESIDING JUDGE TARFUSSER: [15:08:33] Now you are speaking French, we will try
11 to speak in French, and you will be asked also in French or in English, and that's why we
12 need to ensure that everybody understands you and that you understand us. And as
13 you can hear, I speak to you in English, which is translated to you. Translation is quite
14 demanding, so please speak slowly as I'm doing, as I'm speaking slowly because so you
15 help the interpreters and the court reporters to interpret and to write down better and
16 clearly what you are saying. Okay? Speak slow, slow, clear and into the microphone.

17 THE WITNESS: [15:09:42] (Via video link) (Interpretation) Yes.

18 PRESIDING JUDGE TARFUSSER: [15:09:45] You are aware that this Chamber at the
19 International Criminal Court has been established to try the case of the Prosecutor against
20 Mr Gbagbo and Mr Blé Goudé, and you are a witness in this case. That means that you
21 should assist us in the search of the truth. And therefore you will be asked questions by
22 the Office of the Prosecutor, and you will be asked questions by the Defence of
23 Mr Gbagbo and Mr Blé Goudé.

24 Your obligation in answering is to say the truth, to respond and to respond truthfully.

25 And in this proceedings, the law requires you to make a solemn undertaking to the effect

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1 that you will speak the truth and, therefore, I ask you to repeat with me the following
2 words: I solemnly declare that I will speak the truth --

3 THE WITNESS: [15:11:24] (Via video link) (Interpretation) I solemnly declare that I
4 shall speak the truth --

5 PRESIDING JUDGE TARFUSSER: [15:11:30] -- the whole truth and nothing but the
6 truth.

7 THE WITNESS: [15:11:34] (Via video link) (Interpretation) -- the whole truth and
8 nothing but the truth.

9 PRESIDING JUDGE TARFUSSER: [15:11:43] I have to inform you also that not saying
10 the truth is an offence against the Court and as such punishable. You understand this?

11 THE WITNESS: [15:12:01] (Via video link) (Interpretation) Yes.

12 PRESIDING JUDGE TARFUSSER: [15:12:05] Okay. Now, Mr Witness, and here
13 everybody will call you "Mr Witness," the Chamber has before it your written statement,
14 the statement you gave to the Office of the Prosecutor in March 2012, exactly on the 22nd,
15 23rd, 24th, and 25th of March 2012. Just for the record I'm referring to statement
16 CIV-OTP-0020-0064 and annexes 0090-0091, 0092, 0093, 0094, 0099, '100, '101, '102, '103,
17 '104, '105, '106, '107, '108, and '109.

18 Mr Witness, these documents should be before you, and that's why I ask you if you
19 confirm that this is a statement you gave to the Office of the Prosecutor.

20 THE WITNESS: [15:14:06] (Via video link) (Interpretation) Yes.

21 PRESIDING JUDGE TARFUSSER: [15:14:07] Have you had in the last days the
22 opportunity to read these statements or was it read to you by the VWU?

23 THE WITNESS: [15:14:19] (Via video link) (Interpretation) Yes, yes.

24 PRESIDING JUDGE TARFUSSER: [15:14:27] So you recall what you said? You're
25 aware what you said in these statements?

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1 THE WITNESS: [15:14:35] (Via video link) (Interpretation) Yes, yes.

2 PRESIDING JUDGE TARFUSSER: [15:14:37] Okay. The Chamber has decided on 11
3 October 2016, filing 722, that your written statement can be introduced under Rule 68(3)
4 under Rules of Procedure and Evidence in the record of the case. This means for you
5 that rather than you having to give the entirety of your evidence orally and to repeat what
6 you said, the Chamber could use your written statement. You would still be asked some
7 supplementary questions by the Prosecutor and you in any case will be examined by the
8 Defence teams.

9 The Rule I'm referring to states that the Chamber may allow the introduction of previous
10 recorded testimonies if the witness does not object to it and if the Prosecutor, the Defence
11 and the Chamber have the opportunity to examine the witness.

12 And therefore I ask you do you agree with the introduction of your written statement?

13 THE WITNESS: [15:16:25] (Via video link) (Interpretation) Yes.

14 PRESIDING JUDGE TARFUSSER: [15:16:29] Okay. Thank you. Then in light of the
15 fact that you are here and available for examination by the parties and the Chamber, the
16 Chamber notes that all the requirements of Rule 68(3) have been met. The introduction
17 of the written statement of the witness is therefore allowed. And I'm referring to the
18 written statement and the numbers I just mentioned before. And these items, all these
19 items are submitted, considered submitted.

20 Now, Mr Witness, all these preliminary issues are over, are concluded, and I give the floor
21 to the Office of the Prosecutor for its questioning.

22 Yours the floor.

23 MS HENDERSON: [15:17:43] Thank you and good afternoon, Mr President, your
24 Honours.

25 QUESTIONED BY MS HENDERSON: (Interpretation)

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1 Q. [15:17:54] Good afternoon, Witness.

2 A. [15:17:58] Good afternoon.

3 Q. My name is Claire Henderson. And we met yesterday during the courtesy meeting.

4 It was a very brief encounter, but we did meet. And today I shall be putting some

5 questions to you very briefly on two subjects before handing over to Defence counsel.

6 And during your testimony I shall be calling you Mr Witness. It is not in any way a lack

7 of respect. It's just a custom that we have in this courtroom. We have to be very

8 specific in what we say. And during your testimony, I shall be using English, which is

9 my mother tongue. And I would like to move to English now.

10 (Speaks English) Mr Witness, before I go to the two topics that I would like to speak to

11 you about today, I'd just ask you to confirm whether the statement that his Honour was

12 referring to, the statement that you did with investigators from the Office of the

13 Prosecutor is all true to the best of your knowledge.

14 A. [15:19:35] I'm sorry?

15 Q. [15:19:50] Mr Witness, I'll break that down. You did a statement with OTP

16 investigators, and it's the statement that Mr President here, the Judge, has just said is

17 submitted into evidence. When you made that statement with the investigators from the

18 OTP, that's the Office of the Prosecutor, was everything that you said the truth?

19 A. [15:20:30] Yes, yes. It is the truth.

20 Q. [15:20:34] Thank you for that confirmation.

21 On the first topic that I would like to ask you about is the impact of the injury you

22 suffered on your life today. Now, in the statement that's been submitted before the

23 Court, you described how you received a bullet to your left knee. Can you please tell us

24 what the impact of that injury has been for you?

25 A. [15:21:28] I was injured by that bullet on 16 December 2010. And that was during

1 the march on the RTI. The prime minister Guillaume Soro had made a call to go and free
2 the RTI, and that was during that event that I received a bullet in the left knee.

3 Q. [15:22:07] And as a result of receiving that bullet, how do you feel today?

4 A. [15:22:16] Well, it's a bit better. It is a bit better. But to date the bullet is still
5 lodged in my left knee.

6 Q. [15:22:35] Mr Witness, you said in your statement that you were doing a certain job
7 before the day of the march, that you were installing satellite dishes. Did you continue
8 doing that job after the day of the march?

9 A. [15:22:53] Uh-huh. No, I have not been working since then.

10 Q. [15:23:15] Why have you not been working since then?

11 A. [15:23:21] Yes.

12 Q. [15:23:31] What is the reason why you have not been working since then?

13 A. [15:23:37] Well, I haven't been feeling good. And by virtue of my state, it's tiring
14 for me to climb up on buildings.

15 Q. [15:23:58] When you talk about your state, making it hard for you to climb up on
16 buildings, can you please tell us a bit about that state? What is that state?

17 A. [15:24:16] Well, my left foot does not function normally like my right foot. That's
18 why.

19 Q. [15:24:44] Can you tell us about the things that you haven't been able to do because
20 of your left foot or your left knee since that day?

21 A. [15:24:56] Mm-hmm.

22 Q. [15:25:06] Please go ahead and tell us.

23 A. [15:25:10] Yes. Well, my left foot is somewhat paralysed, which means that when I
24 move, it doesn't want to move, and that's why, it's immobile.

25 Q. [15:25:38] Thank you. I'll now move onto the last topic that I wanted to ask you

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1 about. Do you recall a couple of years after the incident, October 2013, meeting a Belgian
2 doctor by the name of Professor Frédéric Bonbled?

3 A. [15:26:01] Yes.

4 Q. [15:26:09] And do you remember signing some kind of form that day when you met
5 Professor Bonbled?

6 A. [15:26:30] I no longer recall.

7 MS HENDERSON: [15:26:36] I would like to ask the court officer to bring up
8 confidential item CIV-OTP-0056-0023.

9 Q. [15:27:07] Mr Witness, I'll just ask you to tell us or the court officer there to tell us
10 when this document appears on the screen that you have.

11 MS HENDERSON: [15:29:39] Mr President, I understand that there is a paper copy at the
12 location. I wonder if perhaps the witness could simply be shown that.

13 PRESIDING JUDGE TARFUSSER: [15:29:49] It can be shown. We also would like to
14 see it. I don't know where.

15 MS HENDERSON: [15:30:02] Yes, I wasn't sure what the nature of the technical problem
16 is, if that would assist.

17 PRESIDING JUDGE TARFUSSER: [15:30:07] I don't know, I don't know either.

18 MS HENDERSON: [15:30:10] Thank you for your patience, Mr Witness.

19 PRESIDING JUDGE TARFUSSER: [15:30:14] And for our all patience, I would add.

20 MS HENDERSON: [15:30:44] Your Honours, we could also provide you --

21 PRESIDING JUDGE TARFUSSER: [15:30:50] I have it here, I have it here.

22 MS HENDERSON: [15:30:53] Thank you.

23 PRESIDING JUDGE TARFUSSER: [15:30:54] Could the witness please be provided with
24 a clean hard copy of the document? Which I have in front of me and will forward.

25 There is a technical problem in front of me -- not in front of me, but with the court officer.

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1 But I think we all have, we all can retrieve it. I don't know if you have it. We are
2 talking about the formulaire. I have it.

3 I ask the Defence of Mr Gbagbo, do you have it?

4 MR O'SHEA: [15:32:04] Yes, yes, your Honour.

5 PRESIDING JUDGE TARFUSSER: [15:32:06] So we can go ahead also without, we have
6 it in front of us, and we don't need the IT of the Court.

7 MS HENDERSON: [15:32:20] Thank you, Mr President.

8 PRESIDING JUDGE TARFUSSER: [15:32:21] Please go ahead.

9 MS HENDERSON: [15:32:23]

10 Q. [15:32:24] Mr Witness, I understand that you have a document of two pages there
11 with you; is that correct? I think somebody might be showing you a document with two
12 pages?

13 A. [15:32:49] Yes, yes.

14 Q. [15:32:50] With the title "Formulaire de recueil de consentement éclairé." Do you see
15 that?

16 THE COURT OFFICER: (Via video link) [15:33:04] Yes. The court officer is showing the
17 document which is on the left.

18 PRESIDING JUDGE TARFUSSER: [15:33:12] Okay. Thank you.

19 MS HENDERSON: [15:33:13]

20 Q. [15:33:13] And, Mr Witness, you'll see on the second subheading the following
21 words, which I'll read onto the record in French (Interpretation) "Consent to undergo a
22 medical examination. I, the undersigned, Mr Zouon Saydou, accepts on my own volition
23 to undergo a physical and psychological examination as well as other tests. I authorise
24 Professor Bonbled to undertake a medical examination on me as well as all other useful
25 tests."

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1 (Speaks English) Has the court officer signaled to you where that is written?

2 A. [15:34:09] Yes.

3 Q. [15:34:11] All right. Thank you for confirming that.

4 And then on to the second page of the document, can you see your signature and your
5 name written?

6 A. [15:34:30] Yes.

7 Q. [15:34:38] And that signature there, is that a signature that you made with your own
8 hand?

9 A. [15:34:45] Yes, yes.

10 Q. [15:35:01] Thank you, Mr Witness. I know it was quite short. I have no further
11 questions for you.

12 PRESIDING JUDGE TARFUSSER: [15:35:06] Thank you very much.

13 I will now turn to the Defence, I think first the Defence of Mr Gbagbo to pose questions.

14 I would ask you, Mr Witness, to listen carefully to the questions and to answer whatever
15 you have to answer truthfully, okay.

16 THE WITNESS: [15:35:39] (Via video link) (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: [15:35:41] Maître O'Shea.

18 MR O'SHEA: [15:35:43] Yes, your Honours. Can I just draw the Court's attention to the
19 fact that there was an agreement between ourselves and the other team that they would
20 start.

21 PRESIDING JUDGE TARFUSSER: [15:35:54] The other team, you mean the Defence
22 team?

23 MR O'SHEA: [15:35:57] Yes.

24 PRESIDING JUDGE TARFUSSER: [15:35:59] Yes, okay.

25 MR O'SHEA: [15:35:59] That they would start first, but due to the situation with the

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1 documents, we're starting first. We were informed that the Prosecution would be one
2 hour, and the Prosecution took substantially less. So we've had to adapt rapidly. So I'd
3 just like to note that in future, if Prosecution is going to do that, that they let us know so
4 that we can plan better.

5 PRESIDING JUDGE TARFUSSER: [15:36:31] Yes. I think you'll agree that in the context
6 of a trial which takes years, one hour is not very much.

7 MR O'SHEA: [15:36:38] No, but I understand that, but it's nonetheless a surprise --

8 PRESIDING JUDGE TARFUSSER: [15:36:44] No, no, of course.

9 MR O'SHEA: [15:36:45] -- which we've had to rapidly adapt to within minutes.

10 PRESIDING JUDGE TARFUSSER: [15:36:49] So you start now?

11 MR O'SHEA: [15:36:51] Yes.

12 PRESIDING JUDGE TARFUSSER: [15:36:52] Okay. Thank you.

13 QUESTIONED BY MR O'SHEA:

14 Q. [15:36:59] Witness, my name is Andreas O'Shea, and I represent Laurent Gbagbo in
15 this trial. Could you please explain how you first came into contact with the Office of the
16 Prosecutor?

17 A. [15:37:21] After my accident, *I received some treatment at the hospitals. And
18 then my older brother left the documents somewhere. I don't know where they
19 were. And one day someone called me, (Redacted), he said he was working for the
20 criminal court, and then he said that we should meet on a certain day at the Plateau.

21 MR O'SHEA: [15:38:25] Can I just go into private session for one moment, your Honour?

22 PRESIDING JUDGE TARFUSSER: [15:38:29] Yes.

23 Can we go please in private session. Thank you.

24 (Private session at 3.38 p.m.)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 3.39 p.m.)

8 THE COURT OFFICER: [15:39:21] We're in open session, your Honour.

9 PRESIDING JUDGE TARFUSSER: [15:39:27] Thank you.

10 Mr O'Shea, yours the floor.

11 MR O'SHEA: [15:39:35] Yes, thank you very much.

12 Q. [15:39:38] How many times have you met with the Prosecutor's office? And I'd just
13 like to ask you please not to refer to names of persons within the Prosecutor's office. I
14 just -- my question is just how many times have you met with personal persons from the
15 Prosecutor's office?

16 A. [15:40:17] Several times.

17 PRESIDING JUDGE TARFUSSER: [15:40:33] Can you give a number, one, two, three,
18 four? One not, but two, three, four, five times?

19 THE WITNESS: [15:40:43] (Interpretation) *I cannot give a number, but it was on
20 several occasions.

21 MR O'SHEA: [15:40:53]

22 Q. [15:40:54] So that would be more than two?

23 A. [15:40:57] Yes, yes.

24 PRESIDING JUDGE TARFUSSER: [15:41:01] Well, it's at least four, because on four days
25 he was questioned, so.

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- 1 MR O'SHEA: [15:41:09]
- 2 Q. [15:41:19] And how many times have you been asked to sign a statement?
- 3 A. [15:41:24] I do not know, but I signed many documents.
- 4 Q. [15:41:47] And when you say "documents," do you mean witness statements or do
5 you mean documents in general?
- 6 A. [15:42:05] Witness statements.
- 7 Q. [15:42:14] Now, when you say many witness statements, and you say you don't
8 know, is it more than three or less than three?
- 9 A. [15:42:52] It is the documents that I actually have in front of me right now, those are
10 the documents I signed.
- 11 Q. [15:43:06] Now, you have a document in front of you which is a witness statement,
12 right?
- 13 A. [15:43:17] Yes, yes.
- 14 Q. [15:43:19] Could you please put that witness statement aside.
- 15 A. [15:43:32] Yes.
- 16 Q. [15:43:36] Thank you. You have said that you gave a statement to the Ivorian
17 authorities at Cocody.
- 18 A. [15:44:09] Mm-hmm.
- 19 Q. [15:44:11] Which specific Ivorian authorities questioned you?
- 20 A. [15:44:15] I do not know.
- 21 Q. [15:44:30] Were you questioned for the purposes of legal proceedings?
- 22 A. [15:44:43] Yes.
- 23 Q. [15:44:59] Do you know which legal proceedings or the nature of the legal
24 proceedings in question?
- 25 A. [15:45:12] I went and gave a statement, but it was with my older brother. However,

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1 I do not know the location where I went and gave that statement.

2 Q. [15:45:41] The legal proceedings for which you were given a statement, do you know
3 whether those legal proceedings related to Simone Gbagbo?

4 THE INTERPRETER: [15:46:07] Inaudible.

5 *A. No. No.

6 MR O'SHEA: [15:46:14]

7 Q. [15:46:17] Could you please repeat your answer, because it could not be heard.

8 A. [15:46:22] No.

9 Q. [15:46:26] Do you know the name of an accused to which the proceedings related?

10 A. [15:46:39] Beg your pardon?

11 Q. [15:46:53] Do you know the name of the accused in the legal proceedings for which
12 you were being questioned?

13 A. [15:46:59] Yes.

14 Q. [15:47:14] Can you help us with the name?

15 A. [15:47:18] Mr Laurent Gbagbo.

16 Q. [15:47:29] So you gave a witness statement to the Ivorian authorities in Cocody for
17 the case of Laurent Gbagbo?

18 A. [15:47:46] Yes.

19 Q. [15:47:56] Was this for a case against Laurent Gbagbo in the International Criminal
20 Court or for a case against Laurent Gbagbo in Ivory Coast?

21 A. [15:48:25] Laurent Gbagbo in Ivory Coast.

22 Q. [15:48:38] Do you remember what topics you were asked about during that interview?

23 A. [15:49:05] Regarding the questions, they asked me what had happened to me, and I
24 explained to them, and they noted it down and then *they asked me if I wanted justice to
25 take its course and I said yes. That's all.

- 1 Q. [15:49:49] When you say "then something about justice had to be done," is this the
2 person speaking from the Ivorian authorities that's telling you that justice must be done,
3 or is it you that's speaking?
- 4 A. [15:50:16] The person was talking about Ivorian justice.
- 5 Q. [15:50:35] Do you remember the first name or the surname of the person who was
6 speaking to you?
- 7 A. [15:50:46] No, no.
- 8 Q. [15:50:54] Do you remember whether he was in civilian or military attire?
- 9 A. [15:51:04] He was in civilian attire.
- 10 Q. [15:51:15] Did this take place in Abidjan?
- 11 A. [15:51:29] Yes.
- 12 Q. [15:51:33] Do you remember the location or the name of the building where you went?
- 13 A. [15:51:47] Well, I remember the location *because I later asked and was informed
14 that it known as University of Bouaké I think.
- 15 Q. [15:52:15] So is this a campus of the University de Bouaké in Abidjan?
- 16 A. [15:52:28] No, no. It is not a campus. It is a name that I know.
- 17 Q. [15:52:39] How many days or hours were you questioned?
- 18 A. [15:52:57] That, I no longer remember.
- 19 Q. [15:53:07] Do you remember if it was more than one day?
- 20 A. [15:53:16] Half a day.
- 21 Q. [15:53:25] And you don't remember when this interview took place approximately?
- 22 A. [15:54:05] No, no.
- 23 Q. [15:54:15] Do you remember in which year?
- 24 A. [15:54:20] Frankly, I do not remember precisely, but I think it was 2012, 2013.
- 25 Q. [15:54:41] When you went to this interview and you were being questioned, was

1 your big brother sitting next to you?

2 A. [15:54:52] No. I was the only one who was in the room. He had been asked to
3 stay outside.

4 Q. [15:55:11] Was it your big brother that asked you to go to this interview?

5 A. [15:55:19] No. I am the one who told him that I wanted to go there.

6 Q. [15:55:34] What does your big brother do for a living?

7 A. [15:55:45] He's a technician.

8 Q. [15:56:03] Is that a technician in the civilian or the military sense?

9 A. [15:56:25] Civilian.

10 Q. [15:56:36] And what did your big brother do in 2010-2011?

11 A. [15:56:45] Even the technical thing, that's what he was doing.

12 Q. [15:57:08] Have you taken part in any proceedings to obtain financial compensation?

13 THE COURT OFFICER: [15:57:59 (Via video link) The court officer informs the Judge
14 that the witness is consulting with the interpreter.

15 PRESIDING JUDGE TARFUSSER: [15:58:05] Yes, we have understood. Thank you.

16 THE WITNESS: [15:58:15] (Via video link) (Interpretation) They never helped me.
17 They never asked me.

18 MR O'SHEA: [15:58:34] I'm informed that the translation of the question may not have
19 been accurate. I'm informed of that. I'm a little bit uncomfortable with the idea of the
20 interpreter and the witness having an exchange or a conversation. If there is going to be
21 interpretation, it should be in the classical way, I would submit, otherwise we could run
22 into problems. So I raise those two issues.

23 PRESIDING JUDGE TARFUSSER: [15:59:23] I'm speaking now to the interpreter in the
24 remote location: If the witness does not understand a question, please translate simply
25 the question to the witness.

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1 THE INTERPRETER: [15:59:42] (Interpretation) Yes, it is understood.

2 PRESIDING JUDGE TARFUSSER: [15:59:48] And then translate the response of the
3 witness so that we can hear it, if he responds in obviously Dioula.

4 THE INTERPRETER: [15:59:59] (Interpretation) Yes, okay.

5 MR O'SHEA: [16:00:11]

6 Q. [16:00:11] So, Madam Interpreter, I'm going to repeat my question, and the question
7 is this: Did you participate in any legal proceedings to get financial compensation?

8 A. [16:00:31] No, no, no.

9 MR O'SHEA: [16:01:09] I'm informed the words "legal proceedings" were still not
10 translated. I mean, I don't wish to step on the toes of the interpreter of course, but if
11 there is a problem I need to draw it to your attention.

12 PRESIDING JUDGE TARFUSSER: [16:01:41] I'm speaking to the interpreter. Can you
13 please translate to the witness the question: Did you participate in any legal proceedings
14 to get financial compensation?

15 THE WITNESS: [16:02:18] (Via video link) (Interpretation) Well, I can't say because it
16 was my older brother who filed the case. I don't know.

17 MR O'SHEA:

18 Q. So you say --

19 THE INTERPRETER: [16:02:36] Correction from the interpreter: Who submitted the file.

20 MR O'SHEA: [16:02:40]

21 Q. [16:02:40] -- it was your older brother who filed the case?

22 THE INTERPRETER: [16:02:44] The correction came from the interpreter "who
23 submitted the file."

24 PRESIDING JUDGE TARFUSSER: [16:02:50] Can you clarify --

25 THE INTERPRETER: [16:02:56] Overlapping speakers. Could the witness please be

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1 requested to repeat.

2 PRESIDING JUDGE TARFUSSER: [16:03:00] Mr Witness, can you please repeat?

3 THE WITNESS: [16:03:06] (Via video link) (Interpretation) I said no.

4 MR O'SHEA: [16:03:25]

5 Q. Yes, in your answer you said: "Well, I can't say because it was my older brother who
6 filed the case."

7 So I'm asking you what do you mean when you say your older brother filed the case?

8 What did your older brother do exactly?

9 THE INTERPRETER: [16:03:48] Message from the English interpreter: The English
10 interpreter corrected herself. She said "submitted the file."

11 PRESIDING JUDGE TARFUSSER: [16:03:56] Yes. But we are really --

12 THE WITNESS: [16:04:00] (Via video link) (Interpretation) Well, he submitted the file
13 in order for my injury to be treated. But I don't know.

14 PRESIDING JUDGE TARFUSSER: [16:04:23] The interpreter corrected herself. It's not
15 the brother who filed the case, but the brother who submitted the file. That is the
16 interpretation.

17 MR O'SHEA: [16:04:41]

18 Q. [16:04:41] Where did your older brother submit the file?

19 A. [16:04:47] According to what people said, it was with the NGO.

20 Q. [16:05:02] What kind of non-governmental organisation was this?

21 A. [16:05:11] Well, I don't know. There are a number of NGOs.

22 Q. [16:05:23] And you've said in your statement you don't remember the name of it.
23 Do you remember now?

24 A. [16:05:31] No, no.

25 Q. [16:05:37] Now, in 2010-2011, were you a member of the RDR?

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- 1 A. [16:06:22] I'm sorry?
- 2 Q. [16:06:27] In 2010-2011, were you a member of the RDR?
- 3 A. [16:06:38] No, no.
- 4 Q. [16:06:41] What about your older brother?
- 5 A. [16:06:52] No, no.
- 6 Q. [16:06:56] Now, when you were being asked questions by the Office of the
7 Prosecutor, you said, and this is in today's transcript, page 100 -- sorry, yes, page 113, line
8 22, you said that Guillaume Soro had asked you to go and free the RTI.
- 9 A. [16:08:14] Mm-hmm.
- 10 Q. [16:08:17] Was the idea to go and liberate the RTI by force?
- 11 A. [16:08:27] It wasn't by force because the former president, *they were just telling lies
12 over the RTI and that annoyed everybody. That's why he asked their civilians to march
13 and liberate the RTI. This was a peaceful march.
- 14 THE INTERPRETER: [16:09:18] Correction from the interpreter: He was no longer
15 president. The RTI was just telling lies.
- 16 MR O'SHEA: [16:09:28]
- 17 Q. [16:09:31] In your statement you say, this is paragraph 54, (Interpretation) "Prime
18 Minister Soro had appointed the new director of the RTI and had made a call for people to
19 go and demonstrate in front of the RTI to dislodge the former director."
20 (Speaks English) How was the previous director going to be dislodged?
- 21 A. [16:10:23] I'm sorry?
- 22 Q. [16:10:32] In your statement you say, and I quote, in French, (Interpretation)
23 "Prime Minister Soro had appointed the new director of the RTI and had made a call for
24 people to go and demonstrate in front of the RTI in order to dislodge the former director."
25 End of quote.

1 (Speaks English) How was the previous director going to be dislodged?

2 A. [16:11:08] This was for a march to be organised for him to leave the RTI. The
3 images *that were shown to us by her were not the right images -- well, they were to wind
4 people up and that was why he decided to make that *call to the civilians to go out and
5 march for him to leave. That's why.

6 Q. [16:11:53] But how was a march going to lead to the previous director being
7 dislodged?

8 A. [16:12:25] Well, I don't know. It was just a march. He asked us to march and that
9 was why we went out. I don't know how he was going to be dislodged. Sincerely, I do
10 not know.

11 Q. [16:12:51] In the same paragraph, paragraph 54, you then say and I quote in French,
12 (Interpretation) "On the 13th and 14th of December 2010, he communicated over the
13 radio inviting people to come out and instal a new director and protect the RTI."

14 (Speaks English) How was the RTI to be protected as you said there?

15 A. [16:14:07] It was not with a view to protect. I said that he gave a communication
16 over the radio on the 16th saying that, well, he said that on the 16th the civilians were to
17 march on the RTI and that they would instal the new director.

18 Q. [16:14:48] So are you saying that the words, and I quote, "protéger le RTI" close
19 quotes, are not your words?

20 A. [16:15:20] No, no.

21 Q. [16:15:22] So the investigator has written that part of the sentence incorrectly; is that
22 right?

23 A. [16:15:36] Well, maybe, there we are.

24 Q. [16:15:43] Do you think that there may be other parts of your statement which were
25 incorrectly written down? Did you hear my question?

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1 MS HENDERSON: [16:16:36] Your Honour, before the --

2 THE WITNESS: (Interpretation) Yes.

3 MS HENDERSON: -- witness answers that, and I apologise for intervening. There is
4 just a matter we would like to raise without the witness present. If the sound could be
5 cut off.

6 PRESIDING JUDGE TARFUSSER: [16:16:46] Can we cut off a minute the sound?

7 Thank you. Or disconnect in any case. Yes, yes, mute the volume, whatever. In any
8 case in the remote location they can't hear us.

9 THE COURT OFFICER: [16:17:32] The volume is mute. They can't hear us.

10 PRESIDING JUDGE TARFUSSER: [16:17:36] Okay. Please, yours the floor.

11 MS HENDERSON: [16:17:37] Your Honour, in the Prosecution's submission it was an
12 unfair way for the question to be put where my learned friend said, this is the start of
13 page 131, "So you are saying that the words, and I quote, 'protéger le RTI' close quote, are
14 not your words."

15 On a plain reading of that paragraph in the statements, your Honour, it would appear to
16 be the case that the witness is citing from a communiqué from a third person, indeed, Mr
17 Soro in the context of the statement.

18 It's the Prosecution's submission therefore that that type of closed question is unfair to the
19 witness, a witness who perhaps cannot read his own statement, and that therefore the line
20 of questioning, and I apologise that it's a late objection, but the line of questioning that
21 flows is not fair either.

22 MR O'SHEA: [16:18:32] If there is any -- if there is any possibility of that, I can remedy it.

23 PRESIDING JUDGE TARFUSSER: [16:18:39] The only thing that I was thinking is, while
24 you were questioning, is that given we see and we hear the witness as well, I think that
25 the level of your questioning is too high for the witness to understand sometimes. So in

1 that it is, say, I don't like the word as such, because I think that we are all fair, but so
2 unfair in the meaning of what we use it for. So that's why I think the level of questioning
3 should be a little bit lower in order for the witness, which I think sometimes he doesn't
4 even understand what you mean. This is my feeling.

5 MR O'SHEA: [16:19:30] Well, I will take that on board, your Honours. And I will
6 caution myself. However, I would also ask the judges not to make too many
7 assumptions about the ability of the witness to understand at this stage --

8 PRESIDING JUDGE TARFUSSER: [16:19:47] No.

9 MR O'SHEA: [16:19:47] -- because the statement itself would tend to suggest otherwise.

10 PRESIDING JUDGE TARFUSSER: [16:19:54] Yes. Don't worry, we have read it.

11 MR O'SHEA: [16:19:57] Yes.

12 PRESIDING JUDGE TARFUSSER: [16:19:58] But one is what is written, one is what you
13 see, so we're not making any suggestions.

14 MR O'SHEA: [16:20:05] No.

15 PRESIDING JUDGE TARFUSSER: [16:20:06] I just tell you what I thought while you
16 were questioning.

17 MR O'SHEA: [16:20:08] I will certainly take care to ensure that my questions are asked
18 fairly and as simply as possible.

19 PRESIDING JUDGE TARFUSSER: [16:20:19] Yes.

20 MR O'SHEA: [16:20:23] And just to cut things short, I can remedy the concern of my
21 learned friend by going over that ground again.

22 PRESIDING JUDGE TARFUSSER: [16:20:31] Okay. Please do so.

23 MR MACDONALD: [16:20:33] That would be very much appreciated. The point is
24 maybe we should just simply ask the witness if his health status has evolved since making
25 this statement to the Office of the Prosecutor and now testifying in the way he is testifying.

1 Some people change, their health issues evolved, related or not to the post-election
2 violence.

3 MR O'SHEA: [16:21:01] It sounds like a good question for re-examination.

4 PRESIDING JUDGE TARFUSSER: [16:21:04] That's what I thought. Thank you.

5 Please go ahead. We can now go to instal the audio.

6 PRESIDING JUDGE TARFUSSER: [16:21:36] Can you hear me? Can you hear me,

7 Mr Witness?

8 THE COURT OFFICER: (Via video link) [16:21:40] Yes, the court officer confirms that we
9 can hear you clearly.

10 PRESIDING JUDGE TARFUSSER: [16:21:43] Okay. Thank you.

11 Mr O'Shea.

12 MR O'SHEA: [16:21:46] Just before I ask the question, I just want to say to the Court that
13 the question that was complained about, the answer is marked on the transcript as being
14 inaudible. But I think your Honours can see from the discussion that we've just had the
15 answer was not inaudible.

16 PRESIDING JUDGE TARFUSSER: [16:22:22] No, of course it wasn't inaudible.

17 MR O'SHEA: [16:22:29]

18 Q. [16:22:30] Now, Witness, I'm going to go back to a sentence in your statement which
19 we've already discussed, and I'm going to read to you the whole paragraph. So I'll do
20 that now and then I'll follow up with a couple of questions about what's written in that
21 paragraph, and I quote, in French: (Interpretation) "Prime Minister Soro had appointed
22 the new director of the RTI and had made a call for people to go and demonstrate in front
23 of the RTI in order to dislodge the former director. On the 13th and 14th of December
24 2010, he made a communiqué over the radio where he called upon people to go out, instal
25 a new director and protect the RTI. Soro did not explain how they were going to instal

1 the new director, but he called for a peaceful march. Soro made this call four days after I
2 came back to Yopougon."

3 (Speaks English) Now, in this passage what is being spoken about is what were the
4 intentions of Guillaume Soro. This is how we read it. Now, when you're explaining the
5 intentions of Guillaume Soro and you say that he made a communication on the radio,
6 and you say to instal a new director and protect the RTI, the RTI, is it your evidence that
7 the words "protect the RTI" as being words or ideas expressed by Guillaume Soro were
8 not the words that you used to the investigator?

9 A. [16:25:59] Well, with regard to the word "protect," they made a mistake.

10 Q. [16:26:16] Do you think that there may be other parts of your statement where the
11 investigator got your words wrong?

12 A. [16:26:26] Sorry?

13 Q. [16:26:40] Do you think that there may be other parts of your statement where the
14 investigator put down your words incorrectly?

15 A. [16:26:59] No.

16 MR O'SHEA: [16:27:09] If I'm not mistaken, your Honours, on the current schedule,
17 that's where we are, right?

18 PRESIDING JUDGE TARFUSSER: [16:27:15] Yes, that's where we are. I can also
19 announce that tomorrow we have Dioula interpreters. Do you prefer to speak in Dioula?
20 Would you understand and express you better in Dioula?

21 THE WITNESS: [16:27:47] (Via video link) (Interpretation) Yes.

22 PRESIDING JUDGE TARFUSSER: [16:27:50] So while the witness was questioned we
23 organised with the Registry that tomorrow we have also Dioula interpreters. So I think it
24 would be probably preferable.

25 Okay, Mr MacDonald.

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1 MR MACDONALD: [16:28:08] Just to clarify and a reminder, I know we can come back
2 in re-examination, your Honour, what I was also referring to was the special measures
3 granted by this Chamber.

4 PRESIDING JUDGE TARFUSSER: [16:28:20] We know. Yes.

5 MR MACDONALD: [16:28:21] I understand the Chamber is aware, but for my
6 colleagues too, I mean when you say "adapting to the witness" there is a reason for that.

7 PRESIDING JUDGE TARFUSSER: [16:28:29] Yes.

8 Mr MacDonald is referring to the special measures granted because of lack of
9 concentration of the witness. So that's what he's referring to.

10 So we will now suspend this questioning until tomorrow morning 8 o'clock for you,
11 Mr Witness, 9 o'clock for us. And we continue with the questioning and I hope we can
12 provide you with interpretation in Dioula so you can speak in Dioula and you can listen
13 to the questioning directly in Dioula. Thank you. The hearing is adjourned to
14 tomorrow morning at 9 our time.

15 THE COURT USHER: [16:29:20] All rise.

16 (The hearing ends in open session at 4.29 p.m.)