

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Monday, 8 February 2016
10 (The hearing starts in closed session at 11.34 a.m.)
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22 (Open session at 11.47 a.m.)

23 THE COURT OFFICER: We are in open session, Mr President.

24 PRESIDING JUDGE TARFUSSER: Thank you very much. Before continuing with the

25 witness statement by the Defence, the Chamber doesn't want to give the impression that it

1 does as if nothing had happened on Friday. We don't want just to go back to business as
2 usual without pointing out some things.

3 We don't want, in other words, to continue with the trial and the witness testimony
4 giving the impression that we do not realise really what happened and, therefore, the
5 Chamber wants to make a statement and two recommendations.

6 The statement is as follows: What happened on Friday afternoon just before the
7 adjournment of the hearing, and I'm referring to the closed session ordered by the
8 Chamber which leaked out, is of utmost and inexcusable gravity for which the
9 Chamber -- but I would say the whole ICC -- apologises first and foremost, vis-à-vis
10 the persons whose names were unduly made public.

11 That an order of such sensitivity like the one to go from open to closed session in
12 order to discuss, to discuss issues which obviously should not be revealed to the
13 general public is not implemented is of such gravity that the Chamber has ordered an
14 accurate internal investigation in order to find out how this could have happened.
15 Therefore, we don't know yet if the reason for this is recklessness, superficiality, stupidity,
16 and I don't even want to speculate about something else. But we are waiting a detailed
17 report, which as I said was given, the order to draft.

18 The first recommendation is more legal, of a legal nature, because it is an offence, it
19 sounds a little bit, a little bit strange that I say this now after what happened on
20 Friday, but still I'm cognizant of that, but it is an offence against the administration of
21 justice pursuant to Article 70 of the Rome Statute for anyone to do anything
22 intentionally that would amount to corruptly influence a witness, obstructing or
23 interfering with the attendance or testimony of a witness, or retaliating against a
24 witness for giving testimony in a case pending before the Court.

25 And apart from any specific provision in the Rome Statute, conduct such of those may

1 amount to contempt of court under customary international law or general principles
2 of law as recognized by the civilised nations, recognized as a source of law applicable
3 before this Court also under Article 21 of the Statute.

4 In the result, any revelation of the identity of a witness whose identity has been
5 protected by this Court amounts to an offence to this Court. So too will any attempt
6 to engage in any such revelation.

7 The Chamber reminds, therefore, everyone inside the courtroom, in the public gallery,
8 in Côte d'Ivoire and anywhere else to do nothing that would reveal or continue to
9 publish and so reveal or attempt to reveal the identity of a protected witness.

10 The reason for such conduct is immaterial, so too the manner of gaining access to or
11 arriving at or gleaning such information.

12 Members of the press, bloggers, social media members or participants and their web
13 hosts are particularly called upon to desist from anything that would reveal or
14 attempt to reveal the identity of protected witnesses or to engage in secondary
15 dissemination of such wrongful and illegal information.

16 The second recommendation I will want to make is more of a didactic one, may I say
17 with more a moral background than a legal one. The ICC is a court of law. It's not
18 a political arena. What we are doing here is serious, is a trial based on precise legal
19 provisions on rules, on regulations to ascertain if the accused are innocent or are
20 guilty in relation to precise facts they are accused to have committed.

21 The laws, the rules, the regulations we apply in this Court, in this courtroom, in this
22 trial are recognized by the international community and, this is even more important,
23 are recognized by Côte d'Ivoire, who has ratified the Statute and therefore recognized
24 the Court and the law which this Court applies.

25 But in order to be able to apply the law to re-construe and understand the facts we are

1 dealing with, and to take at the end a free, I repeat, a free and an informed and
2 hopefully right decision, we, the Judges of this Chamber, we need to analyse
3 documents, but we need also to listen to what persons who lived these facts, who saw
4 them, who participated come to tell us. These persons, the witnesses, are per
5 definition not against and not in favour of the accused, but they are persons who are
6 obliged to come here and to tell the truth, nothing but the truth. And we, the Judges
7 of this Chamber have to understand and to assess what they have to say, to say in
8 order, as I said before, to take this free and informed decision.

9 Therefore, I call upon the ethical, but even more above -- even more above the legal,
10 the ethical obligation, especially of journalists to well balance their right to inform,
11 which is absolutely one of the rights of journalism, but the right to inform with their
12 obligation, with their responsibilities to inform correctly, not to put in danger people
13 and by not informing correctly, maybe also to ignite the atmosphere.

14 So I really ask all the people to calm down. We don't want to ignite anything. We
15 just want to do the best possible, the best possible our job, all of us, we are sitting here
16 in the courtroom. And the observers should be very cautious on what they are
17 doing and how they are expressing and disseminating the news which are coming out
18 from here.

19 So I think we can let it now awaiting also the report, and I ask the court officer to call
20 the witness so we can continue our work.

21 PRESIDING JUDGE TARFUSSER: Just how long do you think it will take you? And I ask
22 you, Mr O'Shea, and then also Mr Knoops, more or less, just an estimate.

23 MR O'SHEA: Yes. Obviously it depends on the answers and objections and so forth. I'll
24 definitely go into the afternoon, and given the time we're starting now, I'm not entirely sure,
25 maybe two hours.

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1 PRESIDING JUDGE TARFUSSER: Okay.

2 Mr Knoops?

3 MR KNOOPS: Mr President, we expect two, two and a half hours with the examination by
4 the Blé Goudé Defence team. Of course we will avoid any questions which are already put
5 to the witness by the Gbagbo Defence team, and we will reassure the Chamber that we will
6 try to avoid any duplications. But we foresee that we probably need two, two and a half
7 hours at the least for the witness, unless Mr O'Shea has covered quite some ground we are
8 hopefully to cover. Thank you.

9 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much.

10 So the floor is to the Gbagbo Defence for continuing the witness questioning.

11 MR O'SHEA: (Microphone not activated)

12 THE INTERPRETER: Microphone, please, Counsel.

13 MR O'SHEA: I apologise.

14 WITNESS: CIV-OTP-P-0547 (On former oath)

15 (The witness speaks Dioula)

16 QUESTIONED BY MR O'SHEA: (Continuing)

17 Q. (Interpretation) Good morning, Witness. I hope you were able to rest during the
18 weekend. Today I will continue with what

19 we were discussing last time. But before that, I will begin by asking you this: You made a
20 statement dated 2 January 2015, so roughly a year ago, your statement dates back about one
21 year; is that not so?

22 Did you hear what I was just saying to you, sir?

23 A. I did not hear what you said. Please repeat.

24 Q. I said that we would continue with the matters we were discussing before the weekend,
25 but for the time being I would like to ask you, and this is just a preliminary, I would like to

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1 ask you about this witness statement, the statement you gave to the Prosecution. And the
2 date of the statement is 2 January 2015. And when I say "statement," that is I mean that you
3 were questioned by the Office of the Prosecutor at that time, roughly one year ago. Do you
4 remember that?

5 A. You'll have to remind me of what the OTP asked me, and then I can answer your
6 question.

7 Q. I will repeat what I said. Now, please listen to my question carefully and try to just
8 answer my question. My question is just this: Do you remember that about one year ago
9 you were questioned by the Office of the Prosecutor and you gave some answers to them and
10 you produced a statement. Do you remember that?

11 A. You mean the questions they asked me in Abidjan, is that it?

12 Q. Yes.

13 A. They asked me whether I could come and testify, they asked me how my health was
14 and I said that I could come and give testimony.

15 Q. And they asked you to explain your situation and to explain your entire story about the
16 events; isn't that so?

17 A. No, they didn't ask me that.

18 Q. You mentioned the march of 16 December 2010. You told the Prosecution about that
19 on that day, didn't you?

20 A. What I told you here is what I told them.

21 Q. After the Prosecution put questions to you about that event and you gave your answers,
22 they wrote a statement. Was that statement read back to you?

23 A. I didn't see any other statement. The statement that you're talking about, you have to
24 show me some proof of it. We did a lot of statements.

25 MR MACDONALD: I'll take this moment to intervene just to mention, just to mention that

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1 the date suggested was wrong, if you look at the cover pages. There seems to be a typo on
2 the attestation de l'interprète, but -- all right. Just to clarify that. Maybe we can simply just
3 show him the statement and it will make it much easier.

4 MR O'SHEA: Sorry. That's my mistake. That's my mistake indeed. I was looking at the
5 last page of the statement. I should have been looking at the penultimate page, which is
6 dated 2 February 2015.

7 So I'm going to ask that the statement be shown to the witness. I think that may -- does that
8 mean we have to go into -- no, it doesn't, because they're not showing that on the screen there,
9 okay.

10 So if the statement can please be shown to the witness, if you'd give us a moment.

11 PRESIDING JUDGE TARFUSSER: But do you want to show it in paper, in hard copy or on
12 the screen?

13 MR O'SHEA: Well, it's just that the witness has just said that he wants the proof of the
14 statement.

15 PRESIDING JUDGE TARFUSSER: No, but I would show it to him in hard copy.

16 MR O'SHEA: Yes.

17 PRESIDING JUDGE TARFUSSER: Show it to him and then --

18 MR O'SHEA: Yes, we can do that.

19 PRESIDING JUDGE TARFUSSER: Yes, I would say it's easier.

20 So please, court usher, could you just go and show him so he can --

21 MR MACDONALD: And we have clean copies if need be.

22 MR O'SHEA: (Interpretation)

23 Q. I realise that you can't read, but I would just like to show you the document that we're
24 talking about, all right? Do you remember this document even though you can't read?

25 A. I can't read. How do you expect me to remember this document? Maybe you could

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1 tell me what it's all about. I know that I made a statement, yes. But the content, well, it's up
2 to you to tell me what this document contains.

3 Q. (Speaks English) Well, if you can (Interpretation) If you could look at the document,
4 sir, at the bottom you will see, you will see a fingerprint. Can you see a fingerprint? You
5 have to answer and speak into the microphone.

6 A. Yes, I can see the fingerprint.

7 Q. Indeed. This document is your statement. I don't think the Prosecution and I dispute
8 that. This is indeed your statement. And here we see your fingerprint. You placed your
9 fingerprints on the statement about one year ago; isn't that so?

10 A. Yes, that's right.

11 MR O'SHEA: Can the document be brought back to me, please.

12 Q. Now, once this statement (Interpretation) Now, once this statement had been prepared,
13 did someone read the document back to you?

14 A. I came here. The statement that I made was read back to me here.

15 Q. When did that happen? How much time before your coming to the courtroom?

16 A. When I arrived here the next day the statement was read to me.

17 Q. And how long have you been here for now?

18 A. It's been more than 11 days, 13 days. This is the 13th day.

19 Q. Thank you very much for that information. But if you could just think back to the
20 moment when the statement was actually prepared in February last year. At that point in
21 time when you met the Prosecution, did the Prosecutor read the document back to you after
22 you had answered the Prosecutor's question? I'm talking about a year ago when you were in
23 Abidjan.

24 A. No. The document was not read back to me in Abidjan.

25 Q. Thus the following paragraph was not read out to you: "It was said to me that at the

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1 end of the" --

2 MR MACDONALD: I'll make an objection here.

3 MR O'SHEA: I don't know why.

4 MR MACDONALD: Let's be fair to the witness. When you're making questions that are
5 unclear, especially in your French that you're using, I'm sorry, respectfully submitted, the
6 point is, the point is is that you're asking him about reading, reading here, reading in the field.
7 I am confused myself. So I think we have to be fair and ask questions that can even be
8 leading on these topics about what you're asking him. I don't want to influence the witness
9 either, so I'll sit down.

10 MR O'SHEA: I don't understand the objection. I put the question. I got the answer. But
11 I'll put the question again just for my learned friend's benefit.

12 Q. (Interpretation) I'm talking about the time when you were in Abidjan with the
13 Prosecution one year ago. You were with the Prosecution and they asked you questions.
14 You gave answers. There was a statement that was produced and we just showed that
15 statement to you.

16 At that time did the Prosecution read the statement back to you?

17 A. Once they had finished the statement, they left with the statement. That's what
18 happened.

19 MR O'SHEA: Sorry, just a moment.

20 (Counsel confer)

21 MR O'SHEA: (Microphone not activated) -- of the witness. Can someone tell me what it
22 was?

23 PRESIDING JUDGE TARFUSSER: It's written over here: "Once they had finished the
24 statement, they left with the statement. That's what happened." Whatever that means,
25 because I have hard times to understand.

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1 MR O'SHEA: (Interpretation)

2 Q. So they read the statement to you and then they left. Now, before leaving, did they
3 give you an opportunity to correct your statement?

4 A. I did the statement. What I saw is what I said. Nothing needed to be changed or
5 amended. What I saw was what I had said. So there was no reason to take the statement
6 and change anything. What I saw was what I read and what happened is what I said.

7 Q. Okay. Thank you.

8 PRESIDING JUDGE TARFUSSER: Excuse me. And what you said was written down,
9 because then --

10 THE WITNESS: (Interpretation) Yes.

11 MR O'SHEA: Now, Mr President, your Honours, you will remember from the last occasion
12 that we had a small debate over a video. This is essentially the video where it's a news
13 broadcast which includes Guillaume Soro and a message from Guillaume Soro and images of
14 men with Guillaume Soro when he's speaking and then the commentary of the journalist in
15 relation to the march at that particular time.

16 And there was an objection from my learned friend. And essentially your Honour asked me
17 what I was -- how I was going to use the video, and I want to basically confront the witness
18 with the video, confront him with the words that are on the video from Guillaume Soro and
19 the content of the video and ask him if that changes his view about what he heard on radio
20 ONUCI, because we say there is an inconsistency between the two. And we say that the -- of
21 course that the video is relevant and we want the witness's reaction once he has seen and
22 heard that video.

23 So I don't know if your Honours want to proceed to making a ruling on that now or
24 you need to hear from other parties.

25 PRESIDING JUDGE TARFUSSER: No. But I think the first thing is to know if the witness

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1 has ever seen this, because otherwise if he's -- it depends, it depends on that. I mean, he can
2 make -- he can say something on the video if he has ever seen it, right?

3 MR O'SHEA: Well, that question we can't answer definitively until he sees the video. But I
4 strongly suspect he has not seen it and I'm happy for your Honours to make the ruling on the
5 premise that he has not seen it. I doubt if he has. But we can take that preliminary step of
6 asking him if he has seen it.

7 PRESIDING JUDGE TARFUSSER: We just go and decide on this. It's five-minute rule,
8 because I had made a sort of a ruling, I just want to again share it to the colleagues. I think at
9 12.30, 10 minutes, we are back. Thank you.

10 MR O'SHEA: I'm much obliged.

11 THE COURT USHER: All rise.

12 (Recess taken at 12.21 p.m.)

13 (Upon resuming in open session at 12.30 p.m.)

14 THE COURT OFFICER: All rise.

15 PRESIDING JUDGE TARFUSSER: This is the ruling concerning the use of video

16 CIV-D15-0001-0570:

17 During the questioning of Witness P-547 by the Defence of Mr Gbagbo, having heard the
18 submissions of the parties, the Chamber is of the view that this video can be shown to the
19 witness, of course without prejudice to later receiving evidence which may clarify the date on
20 which this video was first broadcast or further clarifications on it.

21 So please, Defence, go ahead.

22 MR O'SHEA: I'm grateful, your Honour. So if the witness could be shown, please, and the
23 Court as well, of course, CIV-D15-0001-0570, and it will be from 2 minutes 41 seconds until 3
24 minutes 31 seconds will be the section that I will be showing.

25 Q. So, Mr Witness, if you could just please listen and watch this (Interpretation) Watch

1 this video and listen to it and then I will have some questions for you.

2 (Viewing of the video excerpt)

3 MR O'SHEA: (Interpretation)

4 Q. To begin with, can you confirm that this was Guillaume Soro speaking?

5 A. I do not believe so. This video is not evidence. Maybe it's Blé Goudé who sent that
6 video excerpt.

7 Q. During the ten years that you were a member of the RDR, did you see any images of
8 Guillaume Soro on television?

9 A. When he was a minister, I saw him on television.

10 Q. Is it your position that the person that we have just seen on this video clip is not the
11 same person, it's not Guillaume Soro? Is that your position?

12 A. I believe that this is a montage. I do not believe in all that has been shown because I
13 was present during the events. This was put together by Blé Goudé. They showed people
14 who had been burned. They accused the Dioulas. If you saw somebody wearing a caftan,
15 he had to be set on fire. No, I do not believe that. I do not believe in this video clip.

16 Q. Please try to answer the question that I'm putting to you. Is the person appearing on
17 this video clip that you have just seen, this person who was addressing the soldiers, is this
18 Guillaume Soro or is it someone else?

19 A. I have told you that I do not believe in that video clip. And if you don't believe
20 something, you cannot answer the question because this is a collage, this is a montage.

21 PRESIDING JUDGE TARFUSSER: Mr Witness, let me intervene just a minute. You are
22 here, you have the obligation to say the truth. You have sworn to say the truth. You're not
23 here to comment, but to answer questions. The question was very precise, and now I pose it
24 to you: The person you have seen in the video clip, the person without uniform, I suppose,
25 apart of being a collage or not, it doesn't matter --

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1 THE WITNESS: (No interpretation)

2 PRESIDING JUDGE TARFUSSER: Let me finish.

3 THE WITNESS: (No interpretation)

4 PRESIDING JUDGE TARFUSSER: Let me finish, please. Let me finish.

5 It doesn't matter if you think it is a collage or not, the question is: Is that person -- do
6 you recognize that person in Guillaume Soro, yes or no? This is the question, not
7 what you think about the whole video clip.

8 THE WITNESS: (Interpretation) It is indeed Guillaume Soro.

9 PRESIDING JUDGE TARFUSSER: Okay. Thank you. But that's it. It's useless to make
10 all these comments out of it.
11 Yours the floor, Counsel.

12 MR O'SHEA: Thank you, Mr President.

13 Q. (Interpretation) At one point you said that you did not believe in this video clip. Did
14 you see this video before on television?

15 A. I saw several of these types of videos, young people, and they were showing people
16 who had been killed. This was a montage. Sorrow is speaking. People were being shown
17 who were being beaten. These are things that I saw on television. I saw people who were
18 set on fire in Yopougon in my neighbourhood.

19 Q. Did you see images such as this in which Guillaume Soro was speaking to people who
20 were armed and wearing uniforms; did you see such images?

21 A. I saw a lot of things in Abidjan, pictures intended to prove that things were being
22 burned, people were being killed, the young people were setting up roadblocks and so on.
23 Those are the same images that were being shown.

24 Q. Did you see any images with Guillaume Soro with soldiers in the same images?

25 A. I saw them in Yopougon. That is what the young people did, they were showing

1 people being set on fire, these video clips that Blé Goudé distributed. There are even some
2 that are more serious.

3 Q. So before the weekend, when you said that you knew nothing about the armed people
4 under Soro's control, it was not correct; you actually know something about it, isn't that so?

5 A. That is not what I said. I really do not remember having said that I saw Guillaume
6 Soro in the company of uniformed persons. I told you that I am not a soldier.
7 These were problems concerning soldiers. They do not concern me. The question
8 that you are asking me concerning the address made by Guillaume Soro, well, it is
9 alleged that people were killed and shown on television. This is something that is
10 quite irritating.

11 MR O'SHEA: Mr President, this is obviously the first time that we have brought an exhibit
12 into the room, so I'm guided by your Honours. Normally I would ask you to give it an
13 exhibit number, perhaps D-1. I'm aware that your Honours have made a ruling, the
14 questions of admissibility will be dealt with at the end of the case, but perhaps for the
15 purposes of following the case it might be useful to have numbers allocated.

16 PRESIDING JUDGE TARFUSSER: I think we have. It's up to the Registry how to deal with
17 it, but we have this exhibit is submitted to the effect of the questioning and the outcome of the
18 questioning, of course. So I think it's annotated in the metadata by the Registry.

19 MR O'SHEA: And my proposal would be just to make it easier for us to follow the evidence
20 that we allocate it a simple number like for example D-1. I understand it's got an ERN
21 number, a long ERN number.

22 PRESIDING JUDGE TARFUSSER: Prosecutor.

23 MR MACDONALD: Yes, I'm standing up because you may remember that during my
24 questioning of the witness I was wondering how are we dealing with this, and my
25 understanding is that we're keeping the ERNs. And I understand that was your ruling all

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1 the way through.

2 PRESIDING JUDGE TARFUSSER: That's it.

3 MR MACDONALD: So there is no need for EVDs or any other such --

4 PRESIDING JUDGE TARFUSSER: We keep it, we keep the same numbering.

5 MR MACDONALD: Exactly. And it's in the transcript that it was submitted or shown to
6 the witness, the witness gave his answers and so on. But I'm very open to discuss a process
7 where, you know, if we need to make things simpler.

8 Now --

9 PRESIDING JUDGE TARFUSSER: I'm just not so familiar with these all technicalities, but so
10 far as I know, it is annotated, it's given -- if you could explain better how we deal with it.

11 THE COURT OFFICER: Yes, Mr President, with your leave. The documents will only have
12 an ERN number, as stated in the decision, and the documents or items that have been
13 uploaded in Ringtail will be annotated every time they are used through a witness, the
14 relevant metadata will be annotated. There will be particular metadata indicating, indicating
15 the status of the document at trial and it's there where a comment formally submitted by
16 Prosecution, Defence or Legal Representatives will be indicated.

17 And in the notes also, the metadata will be updated. And this information, this metadata is
18 available to all parties and participants. And the Registry can provide a table with all the
19 relevant metadata on a weekly or witness appearance basis to all parties and participants and
20 the Chamber once we have finished with the questioning of a particular witness, if that is
21 agreeable to the Chamber.

22 PRESIDING JUDGE TARFUSSER: It sounds very good, very simple, very easy.

23 MR MACDONALD: Indeed. For every witness that would be best so we can verify its
24 accuracy. If there are any issues, we can raise it with the Chamber.

25 I take this opportunity, your Honour, because I'm on my feet to discuss the process of

1 my colleague trying to contradict the witness with prior testimony. It would be
2 much appreciated if we could follow the practice that has been in place in every trial
3 is to quote from that transcript the line so that we can read it, see if we have any
4 issues.

5 With the events of this weekend, I kind of moved away from what the witness said previously
6 in his statement. It would certainly help me refresh my memory. Thank you.

7 PRESIDING JUDGE TARFUSSER: Yes, but this as far as I realized, there was no particular
8 part of the statement which was contested as I say it to the witness. But obviously, if this is
9 so, I think we should read it out so it goes into the transcript and then we have it as such in
10 the record.

11 MR O'SHEA: Yes, of course. I'm going to obviously try to assist my learned friend and the
12 Chamber as much as possible not to be lost in the process. What my learned friend is
13 referring to is when I said, "So when you said before the weekend that you knew nothing
14 about armed men, that was not right, was it" that's what my learned friend is referring to.
15 The reason why I didn't refer to a specific transcript line at that point was because it
16 was spontaneous. It was a response to something that had come out from the
17 witness at that time. But certainly insofar as I plan my questions, I will have the
18 transcript references insofar as possible.

19 Q. (Interpretation) Mr Witness, when you spoke about Guillaume Soro's statement over
20 the radio, I am referring to the English transcript --
21 (Speaks English) I'm speaking about the English transcript 19.5, that is page 19, line 5 of the
22 English transcript of Thursday.

23 Q. (Interpretation) Mr Witness, you explained to the Chamber that what Guillaume Soro
24 did was that he invited you to raise your hands and to show your hands to Laurent Gbagbo.
25 Do you really believe that these were the exact words that Guillaume Soro used?

1 A. Well, you showed me something which is obviously not the truth. But I did believe
2 what I heard, because if I did not believe it, I would not have said it. I was not compelled to
3 appear here.

4 Q. So the expression in French, "soulevez les mains et les montrez à Laurent Gbagbo," that
5 is "raise your hands and show them to Laurent Gbagbo," is that the precise expression that
6 Guillaume Soro raised during that address? Are you sure of that?

7 A. Well, I did not know that I was going to come here, otherwise I would have recorded his
8 statements. I really did not add anything to what he said.

9 Q. Once again, please simply try to answer the question, because that question is very
10 precise. That expression "raise your hands and show them to Laurent Gbagbo," is that the
11 expression that was actually uttered by Soro? Are you sure of that?

12 A. Yes, indeed. He was the one who made that statement over the radio. I'm not aware
13 of the clip that you have shown, but what I heard was over the ONUCI radio station and the
14 television also. So I simply heard it over the radio that was operational at the time, which
15 was the ONUCI radio station.

16 Q. When you gave your statement to the Prosecutor in Abidjan one year ago -- (Speaks
17 English) and this is at paragraph 40 of the statement -- (Interpretation) you said that this is
18 what Guillaume Soro said. He was asking people to come without weapons and equipment.
19 He added that it should be said that this time we made our choice and that this time around
20 that choice was not Gbagbo, it was Ouattara?

21 A. Yes, indeed.

22 Q. At that time you did not explain that Soro stated that people should raise their hands
23 and show them to Laurent Gbagbo. You did not tell the Prosecutor that. Why?

24 A. You are mistaken here. You are quite mistaken. You have made a mistake yourself.
25 I was a witness of that, so you are making a mistake.

- 1 Q. Mr Witness, we have been informed that you are mixing up your languages, that is
2 Dioula and French. You have to avoid that because it makes the interpreters' task a bit more
3 difficult. So please speak only in one language.
- 4 A. Very well. I will give my answers in Dioula.
- 5 PRESIDING JUDGE TARFUSSER: Counsel, just one question from my side. Did you quote
6 from the statement, from the written statement before or just summarise something or did
7 you quote?
- 8 MR O'SHEA: Yes, I began by citing the transcript of the proceedings before the Court of
9 what the witness had said Guillaume Soro had said and then I went to the statement and I
10 quoted verbatim what was written in the statement at paragraph 40.
- 11 PRESIDING JUDGE TARFUSSER: Yes. But no, it doesn't come out on the transcript that it
12 is a quotation.
- 13 MR O'SHEA: Right.
- 14 PRESIDING JUDGE TARFUSSER: This is the problem. So I would ask you to say that you
15 quote and from which paragraph or things so it remains on the --
- 16 MR O'SHEA: Yes.
- 17 PRESIDING JUDGE TARFUSSER: -- on the transcript.
- 18 MR O'SHEA: Yes, quite. I'm sorry that didn't come through clearly.
- 19 MR MACDONALD: Mr --
- 20 MR O'SHEA: I will -- just a second, please, Mr MacDonald. I will immediately rectify that
21 by simply stating on the record that the sentence that I read out was as follows:
22 (Interpretation) "He added that people should come without weapons and equipment. He
23 added that it should be said that this time we had made our choice and this time it is Gbagbo,
24 not Ouattara."
- 25 (Speaks English) So that is a quotation from paragraph 40 of the statement. I only say that

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1 for the record.

2 THE INTERPRETER: From the interpreters, your Honour, Mr O'Shea moving from one
3 language to another without a pause is also causing a very serious problem for interpretation.
4 There is a lot of overlapping. Thank you.

5 PRESIDING JUDGE TARFUSSER: Mr O'Shea, you're causing the same problems as the
6 witness is causing with the passing from one language to the other. So this was said to me
7 by --

8 MR O'SHEA: I promise the Chamber and everyone else in this room, especially after what
9 Mr MacDonald said about my French, that every other witness after this one I shall remain in
10 English.

11 PRESIDING JUDGE TARFUSSER: Good.

12 Mr MacDonald.

13 MR MACDONALD: So I don't want -- just to clarify, this is procedure again, because I
14 understand we're referring to the statement, we'll need the ERN of the first page and the ERN
15 of the specific page on which the paragraph was noted for the transcript. In two, three years'
16 time, it will be very helpful.

17 PRESIDING JUDGE TARFUSSER: I agree.

18 MR O'SHEA: It's a very short statement, but all right. The ERN of the page to which I
19 referred is CIV-OTP-0073-1034.

20 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

21 MR O'SHEA: (Interpretation)

22 Q. Mr Witness, after having heard this part of Mr Soro's speech over the radio, you
23 explained to us, and I'm referring to the period immediately after that, when you were
24 examined or questioned by the Prosecutor in this courtroom relating to what happened
25 afterwards -- (Speaks English) And this is page 19 of the transcript of 2 March 2016

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1 from -- I'll read from line 12 -- (Interpretation) This is what you said, Mr Witness: (Speaks
2 English) "After hearing that statement on ONUCI radio station, we thought that would
3 bring Gbagbo to see reason. And if we demonstrated showing our bare hands, Mr Gbagbo
4 would see, and he would change his position. So we decided to do that on 16 December
5 2010. So the next day ..."

6 (Interpretation) So my question to you, Mr Witness, and once again, this is a very
7 specific question, you heard Guillaume Soro's message. Was it on the next day, that
8 is to say 16 December, that you joined the march?

9 A. This statement was given, but it was not on the 16th. Subsequently we did take part in
10 the march. But everything that I said in my statement corresponds to the truth, I did not add
11 anything. You know, on occasion, when we say something, we might omit a word here and
12 there. This is quite a normal thing.

13 Q. Monsieur le témoin --

14 MR MACDONALD: I'm standing up.

15 MR O'SHEA: Can I just --

16 MR MACDONALD: I'm objecting.

17 MR O'SHEA: Objecting to what? The witness has just given an answer. The witness has
18 just given an answer.

19 MR MACDONALD: I'm objecting to you using --

20 MR O'SHEA: You object before --

21 MR MACDONALD: -- the English transcript which is incorrect and you know that. That's
22 what I'm objecting at.

23 I'm sorry, your Honour, but I'm not interrupting to interrupt. I don't work that way. I want
24 to make that clear. The point is that the English transcript is incorrect. The words he used
25 in French are in French but are not in the English transcript.

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1 And also maybe we should refer to the transcript number. Is it the realtime or the edited
2 transcript? So that everybody knows instead of going by date. Because it wasn't on 22
3 March either.

4 PRESIDING JUDGE TARFUSSER: For sure it wasn't 22 March. That's what I was
5 annotating here. But I wanted to go to the end of the session in order to clarify some things.
6 I think, excuse me if I interrupt, I think we should always refer in any case to the original
7 language, which is in this case from Dioula in French. The English is the second, I would say,
8 language. Because otherwise I would have interrupted you last week as well, because I'm
9 reading the English transcript, there was something I didn't like, but I refrained, because I
10 didn't know if the French you used was accurate. So I refrained from that.

11 MR O'SHEA: Well, your Honours, I quite understand that if we're going from Dioula to
12 French and then French to English, it might make sense to go to the French transcript.
13 It's just that there are two difficulties with that. The first difficulty is that when I do
14 deal with witnesses in English, it might complicate things a bit not to refer to the
15 English transcript, but that's a problem for the future.

16 The problem I have right now is that I have been preparing the cross-examination on
17 the basis of the English transcript. So if I have to start redoing things on the basis of
18 the French transcript -- and I understand that may have been better to have done it
19 that way -- it may slow things down a bit.

20 So I would ask that on this occasion I be allowed to refer to the English transcript and what I
21 will do is I will make sure that I work with the French transcript in future.

22 PRESIDING JUDGE TARFUSSER: I'm fine, but the risk is that we are contesting things
23 which are not accurate completely, that's a problem.

24 MR O'SHEA: Yes. Sorry. Just a moment please, your Honour.

25 (Counsel confer)

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1 MR O'SHEA: All right.

2 Q. (Interpretation) Mr Witness, I'm going to be putting this question to you. After you
3 heard the message from Mr Soro, was that on the 15th? Was that the day before you left to
4 take part in the demonstration?

5 A. No. It was three days, maybe more than three days before the march. It was not on
6 the day that we heard the speech that we then went to march. It was approximately three
7 days before that we heard this message. So it was not the same day that we heard the
8 message that we joined the march.

9 Q. And during those three days, was there a moment at which you attempted to work or
10 did you not work at all?

11 A. We would park our vehicles in the morning when we had a coupon, we would go and
12 load our merchandise. And if we did not have a coupon in the morning, then we would
13 park our vehicles and go home and wait. So we would go home and wait. We would sit
14 during the afternoons. We could not work during that period because we needed these
15 coupons or vouchers to load our cistern tanks.

16 Q. So was it the case that during the three-day period you went out in order to attempt to
17 work, but by virtue of the fact there were no vouchers, you did not work and you came home?

18 A. Yes, indeed. When there were no such vouchers, we went home. So these vouchers
19 were orders in fact. And when there were no orders made, there were no vouchers. And
20 until the day of the march, as I said to you, there was a certain amount of agitation,
21 disturbance, and as a result, the proprietor of the company did not buy any diesel and we did
22 not have any work.

23 MR O'SHEA: I see the time, your Honours. It might be a convenient moment if it's
24 convenient for the Chamber.

25 PRESIDING JUDGE TARFUSSER: We would have another five minutes, but I'm okay with

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1 closing now and we adjourn the hearing to 2.45. Okay. Thank you.

2 THE COURT USHER: All rise.

3 (Recess taken at 1.09 p.m.)

4 (Upon resuming in open session at 2.47 p.m.)

5 THE COURT USHER: All rise.

6 Please be seated.

7 PRESIDING JUDGE TARFUSSER: Good afternoon. Without any break, go ahead, the
8 Defence.

9 MR O'SHEA: I'm grateful, your Honours.

10 Q. (Interpretation) Good afternoon, Witness. So there was a period of three days before
11 Mr Soro's statement -- there was a period of three days between Mr Soro's statement and the
12 day that you took part in the march. And during said period you said that you attempted to
13 work during the morning and you came back in the afternoon because it didn't work. And
14 during those three days also, did you meet any other members of the RDR with a view to
15 discussing what you were going to do on 16 December?

16 A. No. I did not meet any person from the RDR. And we were waiting for the date of 16
17 December to take part in the march.

18 Q. So we then reach the date of the 16th. At what time did you leave your house?

19 A. As soon as I had finished washing, I left home. I do not recall the time, but I went to
20 have a black coffee at Sylla crossroads and then I left for Adjamé.

21 Q. So you left the kiosk where you had your breakfast at 9 o'clock?

22 A. Yes. I left the kiosk at 9 o'clock, but it is not far and I took the gbaka in order to go to
23 Adjamé.

24 Q. And at that time you were alone, were you not?

25 A. Yes, I was, indeed, alone.

1 Q. And how long did it take you to go -- to cross Adjamé from the kiosk?

2 A. I can't tell you precisely how long it took me to cross Adjamé. I was walking. I did
3 not take down how long it took me. I do not know how long it took me to get there.

4 Q. So if I were to ask you what the distance between the kiosk and the motorway is, just
5 before Cocody, you would not be able to provide me with an estimation, would you?

6 A. I do not know what the distance is in kilometres. I was in town, I was walking, and I
7 am not able to measure the distance just like that in kilometres.

8 Q. But whatever the case may be, during this journey that you made by gbaka, if I
9 understand you correctly, across Adjamé, you were still on your own?

10 A. I took the gbaka from the Sylla crossroads to Adjamé. There were a number of people
11 in the gbaka. You were never alone in a gbaka, you know. The gbaka is a public transport
12 system.

13 Q. Let us say that you were not in the company of any individuals who know you?

14 A. I took the gbaka, I found people sitting in the gbaka whom I did not know. I was just
15 going on my way and I did not need to strike up any kind of relation with them.

16 Q. And at a given moment in time, you reached the cinema?

17 A. I took the gbaka and I got off, I went past the Liberté cinema. Before reaching
18 the motorway you get to the cinéma and then there's a pedestrian bridgeway.

19 Q. And you said -- (Speaks English) And I'm referring here to the transcript of 2
20 March -- sorry, 3 February 2016, page 19.

21 (Interpretation) You explained to the Chamber that when you were -- or when you arrived
22 at the cinéma, well, you were on your way to the cinéma and you, at that moment in time --

23 A. (No interpretation)

24 Q. -- please wait for the question - you heard some noise at that time.

25 PRESIDING JUDGE TARFUSSER: Why don't you quote --

1 MR MACDONALD: Yeah, exactly.

2 PRESIDING JUDGE TARFUSSER: -- what's in the statement. You said, quotation, end of
3 quotation.

4 MR O'SHEA: In this particular instance because the words used to refer to the cinéma are
5 difficult to pronounce.

6 Q. But the point is do you agree -- (Interpretation) But when you arrived at the cinéma,
7 you started to hear some noise?

8 THE INTERPRETER: Message from the English booth: Could counsel please be requested
9 to speak one language because it's very difficult to switch from one to the other, it causes a lot
10 of problems.

11 THE WITNESS: (Interpretation) Yes, when I reached the cinéma I heard some noise from
12 behind me. I stepped up my speed and then I went up on to the pedestrian overpass. I
13 heard some noise behind me and I heard that the CRS was behind me, they were dressed in
14 dark clothing and I just kept on my way.

15 MR O'SHEA: (Interpretation)

16 Q. And the -- well, you went to the pedestrian overpass for the motorway, and this
17 motorway marks the division between Cocody and Adjamé, does it not?

18 A. That is correct, yes. That's correct.

19 Q. And from the overpass you looked to see what was going on, did you not?

20 A. Yes, that is correct. That is what happened.

21 Q. And was that when you -- when you arrived? Was that when you arrived at the
22 beginning of the overpass before actually crossing over?

23 A. Yes. It is an overpass and it is in an elevated position and you can see what is going on.
24 So as soon as I got up on to the pedestrian overpass, I looked behind me. I could see what
25 was going on and I could -- and I saw what was going on.

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1 Q. I'm going to read to you what you said in your statement to the OTP in this regard.
2 And this is to be found -- this is paragraph 47 and 48. And in line with the request of my
3 learned friend, Mr MacDonald, I'll indicate that it's CIV-OTP-0073-1035. You said as follows:
4 "As soon as I crossed the motorway, I could hear behind me gunfire and the noise of tear gas.
5 The tear gas is what people who were in uniform were throwing. And this explodes and
6 gives off smoke, which stops people from breathing. The gunfire and the noise was coming
7 from Adjamé. I know this because at the time I was in Cocody which is higher up than
8 Adjamé." End of quote.

9 So Mr Witness, today you are saying that you started to hear the noise when you were level
10 with the cinéma, you were still in Adjamé, and then you say that you were on the bridgeway,
11 the pass-over, and you saw what was going on from that bridge, but in your statement you
12 say very clearly that you had already crossed the motorway. And you even go on to state
13 that you knew at -- that at that time you were in Cocody and that you were on the other side
14 of the motorway. Could you please explain this discrepancy?

15 A. That is not what I said. What I said is that I went on to the pedestrian overpass, I
16 looked behind me. Now, if you are saying that I went all over the pedestrian overpass in
17 order to go to Cocody and look behind me, well then no, that is not what I said. And I
18 remember only too well what I said. If that is what was written down, then the person who
19 wrote it down is mistaken, but what I saw is what I said to you, the position that I was in is
20 the one that I told you. It may be that after a certain time one might make a mistake, but to
21 tell me that I was not telling the truth, well, that is not correct.

22 Q. After you crossed the overpass and then you got to Cocody, because you were on the
23 other side of the motorway, at that point, you were still alone, that is to say you were not with
24 any people whom you knew?

25 A. Indeed. I did not go with anyone. I didn't know the other people. Each person was

1 going along his own particular way. You see, we were -- we were in the city.

2 Q. And at that time your goal was still to get to the RTI?

3 A. That's right. That is what I wanted to do.

4 Q. At one point you arrived at the RDR, and when you got to the RDR, you stayed in front
5 of that place and you didn't go inside of the building; is that correct?

6 A. Once I got there in front of the RDR headquarters there were a great many people.
7 There were a great many activists. And people were talking to one another. And each
8 person was on his or her particular side. There were a lot of people. And I went and I sat
9 down in front of the RDR headquarters.

10 Q. And when you said in front of the RDR headquarters, do you mean outside the
11 building?

12 A. There were many people there and -- well, there was no room to go in. Even if they
13 had opened the doors, the building could not have handled everyone. We were sitting
14 outside. We were outside the building.

15 Q. Thus, if something was going on inside the building, you were not in a position to
16 observe those events or actions; isn't that so?

17 A. I didn't go into the building. I got there and I sat down outside amongst the crowd. I
18 couldn't tell you what happened inside the building. I wouldn't want to get it wrong. If
19 you're outside a building, outside a set of doors, you are in no position to know what's going
20 on inside.

21 Q. Yes, indeed. If you could, please explain to the Chamber, explain the structure of the
22 RDR to us. Who were the officials who gave instructions? Were there various groups or
23 units, cells? How was the RDR structured?

24 A. What do you want me to tell you? I can tell you about my own neighbourhood. In
25 our neighbourhood, that is Kafana, who is our leader responsible for the RDR -- you can talk

1 about your own particular neighbourhood, but Cocody was not my neighbourhood.

2 There was a crowd, they were close to the RDR, they were not close to the RTI. The
3 intent was to head towards the RTI. I can't really tell you much, it was Kafana Koné,
4 who was the responsible for the RDR in my neighbourhood. I really can't tell you
5 more than that.

6 Q. Now, in your neighbourhood could you say how many members the RDR had in
7 approximate terms?

8 A. No, I couldn't tell you how many members. Perhaps nearly -- perhaps -- nearly all the
9 neighbourhoods were RDR. The stronghold of the RDR in that place is Yopougon, is in
10 Port-Bouët. Elsewhere there really aren't a lot of RDR supporters, but Port-Bouët II, the
11 grand -- the vast majority of the people are RDR supporters.

12 Q. But when it comes to the organisation of the RDR at the national level, if we look
13 beyond your neighbourhood, it is your position that you do not know anything about that; is
14 that the position you're taking?

15 A. I'm very pleased to have this question. Ever since the beginning I've told you that I
16 was working. When I wasn't working, I went to meetings. But politics were not my
17 priority, my work was my priority. Some days if there was a meeting and I had an
18 opportunity I would go. Or on Sunday when I was not travelling I would go to meetings.
19 When I was called somewhere on a Sunday I could go, but otherwise the RDR was not my
20 priority. I was working to support my family.

21 Q. You explained that you had gone to the RDR earlier, not directly to the RTI, and then
22 you saw the soldiers and you became scared and then you were captured with three other
23 people to go to the RDR. Now, why did you not just go directly to the RTI at that particular
24 point? Isn't it the same thing, going to the RDR? Wasn't -- your objective was to get to the
25 RTI, wasn't it?

1 A. I'm very pleased to have a question like this because I think you're going to understand
2 what I tell you. I'm not from Cocody. We got there and we were going towards the RTI,
3 but the path that we took goes directly by the RDR headquarters, and from there we were
4 going to the RTI.

5 When I got there there were many people, but how can I go by myself? We were waiting
6 the -- for the decision of the crowd. I was not going to decide to go off all by myself to the
7 RTI.

8 Once I got to the intersection, the -- one path goes up and I followed that way and then we
9 went to the right. There were a lot of people. And we sat down there. And together we
10 decided then to leave. That is how it happened.

11 Q. Even if you're not from Cocody, even if you don't know Cocody very well, you knew
12 how to get to the RTI, didn't you?

13 A. I'm not from Cocody. Now, yes, I know the way. I know which way to go because
14 there is one road that goes right to the RTI headquarters, but I'm not from Cocody.

15 Q. Ever since 16 December 2010 up until now, have you travelled along that path from
16 your neighbourhood to the RDR? Or that day on 16 December 2010 was that the last time
17 you went that particular way?

18 A. It was the first and the last time. I did not go back. It was the first and the last time
19 because, you see, I was wounded after and I was never able to go that way to go to the RDR.
20 I didn't go in front. I really wasn't able to go anywhere. You see, I had been wounded,
21 injured.

22 Q. Well, why is it that you said that today you now know how to get to the RDR
23 headquarters? On 16 December did you know how to get there?

24 A. The particular way that I went, I told you I went by way of the overpass and then I was
25 on a paved road that leads directly to the RDR headquarters. We went to the RTI. We took

1 that path. We saw that there were people in front of the RDR and we realized we could
2 gather there. So it wasn't a deliberate thing. I didn't go to the RDR building deliberately.

3 Q. Yes, I understand, but my question is this: At that time on 16 December 2010, did you
4 know how to get to the RDR or did you need some assistance to get there?

5 A. Yes. After the pedestrian overpass, once I was in Cocody, I took the paved road that
6 goes right directly to the RDR headquarters. And I really just chanced upon the place. I
7 didn't go there deliberately. We were going there so that we could march. And I found
8 myself in front of the RDR headquarters and I stayed there. But it wasn't a deliberate thing.
9 I didn't go there deliberately. I didn't go especially to the RDR headquarters.

10 Q. Now, in your statement to the Prosecution, paragraph 53, you said that you knew how
11 to get to the RDR headquarters, but I don't know how to explain how to get there; is that
12 correct or not? Do you know how to get to the RDR headquarters or not?

13 A. No. That's not what I said. I said that the way that I took was the way that led me
14 unless -- to say that I was in the habit of going there or that I went there deliberately, no. Yes.
15 If that was the case, I would have left Yopougon and -- but that was not the case.

16 Q. When you were at the RDR with the other supporters, you realized that you were going
17 to the PDCI before going to the RTI. Now, who gave you that particular instruction?

18 A. I told you that there were many people there and people said that before we went to the
19 RTI, since there were many people, we would wait until there were many people and then we
20 would go to the RHDP and it was, it was really more a RHDP issue because the whole RHDP
21 voted during the last election, not just the RDR. So the idea was first to go to the RHDP and
22 then to the RTI, but we didn't -- we couldn't get there.

23 Q. So that particular path or route was decided upon on the 16th when you were there at
24 the RDR? It was not decided upon before the 16th?

25 A. Yes, it was on the morning of 16 December when that decision was made, the morning

1 of 16 December.

2 Q. Would it have not been easier to go directly from the RDR headquarters to the RTI,
3 which was your goal, rather than going to the PDCI and then to the RTI? Wouldn't it have
4 been easier to go directly from a geographical point of view?

5 A. Yes. If you see that the supporters went to the RHDP headquarters, first of all, that was
6 the decision that was made. We had nothing in our hands. We were bare handed. It was
7 easier. We decided to go for the easiest solution. The simplest thing was to go to the RHDP
8 headquarters and then to march directly to the RTI.

9 Q. But that's -- that's the problem, Mr Witness. That's what I'm saying. In actual fact
10 what I'm saying to you is that if you go from the RDR to the RTI, that's much simpler then to
11 go from the PDCI headquarters and then after that to go to the RTI.

12 Q. Well, it was the supporters who took that decision. They made that decision and that's
13 what we did. You might think that the other path is easier but if the supporters wanted to
14 take -- go that other way that was their decision, their right. It is true it is close, but the
15 supporters decided to take another path. That was their decision. We are the people of
16 Côte d'Ivoire, it's our country, so it's quite normal.

17 Q. Now, to the best of your knowledge, this instruction to take that particular itinerary
18 came from the Golf hotel?

19 A. No, no one talked to me about the Golf hotel. And in actual fact, from the beginning
20 right to the end of the conflict, I have never gone to the Golf hotel. I was not told anything
21 about it.

22 Q. So who was giving the instructions on the road? Along the route?

23 A. We found ourselves within the crowd and we followed one another. We were all
24 supporters and we all had the same objective. And you see, it was a crowd. And I didn't
25 see anyone in particular who was a leader who would have organised people to do anything.

1 I was part of the crowd, I sat down, then we got up and then we left as a group.

2 Q. But you said that you had decided, it had been decided to go to the PDCI so how did
3 that discussion unfold? Who gave the instruction? Was it you, yourself, who decided?
4 What happened?

5 A. I told you that I met up with some people there, and once we were ready the supporters
6 said that they were going to the RHDP headquarters and then march upon the RTI. That
7 was the -- it was the crowd that decided that but I can't single out one single person. I can't
8 say that it was one person. It was the crowd that decided to proceed in that manner. That
9 is what happened. And everyone knew that.

10 Q. So there was a discussion amongst the people within the crowd, a discussion that you
11 heard?

12 A. Yes. Each person was saying whatever he or she wanted to.

13 Q. We do know that at one particular point you were along the way heading towards the
14 PDCI and then at one point you couldn't go any further, you were blocked, and you said on 3
15 February page 24, line 1 (Speaks English):

16 "We eventually got to the office" --

17 PRESIDING JUDGE TARFUSSER: Of the transcript, I would say. Of the transcript. You
18 forgot --

19 MR O'SHEA: My apologies. I'm citing the English transcript.

20 PRESIDING JUDGE TARFUSSER: Yeah, okay.

21 MR O'SHEA:

22 Q. "We eventually got to the office of the PCDI." (Interpretation) I'm asking this question:
23 When you got to the PCDI and you saw that the way was blocked, did you see the building
24 from there, the PCDI headquarters? Did you see the building from there?

25 A. No. I told you that we didn't get that far. We walked up to an intersection and then

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1 there was a dead-end road. There was one road out to the right, another to the left. Once
2 we got there, we were -- we had to go to the left and the CRS had also closed off that road
3 ahead of us.

4 We had our hands above us. We didn't have anything in our hands. They threw tear gas at
5 us, then we wanted to get through the zone, but they threw a lot of tear gas, the crowd
6 panicked and we could no longer go one particular way, so we went to the left and those who
7 were there started to shoot at us. The gendarmes commandos opened fire upon us and I fell
8 and I saw that my leg was broke and I stayed down on the ground.

9 Q. We are going to get to that particular part of your account. In your opinion when you
10 found yourselves blocked and you couldn't move forward, what was the distance between
11 you and the PCDI headquarters?

12 A. I don't know. I don't know. I don't know.

13 Q. What would you estimate the distance at or -- well, how long would it be if you were
14 walking between that point where you blocked and the PCDI?

15 A. I told you I don't know. If you wish, we can go to Abidjan and I will show you where I
16 fell down and perhaps we could measure the distance but, no, I couldn't say that it was a
17 particular distance. I just couldn't -- I just can't tell you that. I don't know. That is not my
18 neighbourhood.

19 Q. When you left the RDR, how much time did it take you until you found yourselves
20 blocked? How much time was it by foot?

21 A. How can I tell you? I'm not an investigator. How -- was I supposed to time that? I
22 didn't know that there was going to be a problem. We were going on a march. How could
23 I assess that? If you want let's going to Abidjan and I'll show you, but I can't tell you how
24 much time it was. I'm not an investigator. I was going to take part in a march. I don't
25 know.

1 Q. It was a very significant day in your life, it wasn't just an ordinary day.

2 A. I never had anything broken ever since I was born. Never had any kind of injury.

3 PRESIDING JUDGE TARFUSSER: Now, I ask myself why you insist to make him say
4 something he says he doesn't know. I don't understand. You're continuing on the
5 same -- to focus on the same thing he said three, four, five, ten times, I don't know. Is it right,
6 is it wrong, it doesn't matter, but that's an assessment we have to do, but you can't push him
7 as far to say that -- so that he says anything just because you would like to have an estimate in
8 minutes or in metres.

9 MR O'SHEA: As your Honour pleases.

10 Q. (Interpretation) Were you closer to the PDCI headquarters or to the RDR headquarters
11 at the time that the road was blocked?

12 A. I have told you that I cannot tell you the distance between those various locations. I'm
13 simply giving you an account of what I observed. I cannot give you the distance. If we
14 were talking about Yopougon, I would be able to tell you the distance between the various
15 locations, but I do not know Cocody. I know that I used to deliver diesel at the Pizam
16 hospital. That's the only place I know. Apart from that, I don't know any other locations.

17 Q. Did you know the boulevard de la France?

18 A. I do not know that boulevard.

19 Q. At the time that we were confronted by the security forces, were you on a small path or
20 on the main road?

21 A. We were all on the paved road. There were many people at the intersection and there
22 were many other people arriving. I came to the intersection and I was one of the first to
23 arrive there. So there was no way for us to retreat. And this is how come we went on
24 directly. We were the ones who started the march.

25 Q. If you try to reflect on that day when you were blocked by the security forces, think

1 about the people who were on your right and the people who were to your left. Are we
2 talking about 20 to 50 people on each side of you or 5 to 10 people? Can you give us an
3 estimate of the width of the road on which you found yourselves?

4 A. I know that it was a large road but there were many people there. I cannot tell you
5 precisely the number of people who were there, but the paved road was quite big. There
6 were many militants and then in front you had the policemen, the CRS, and still further
7 behind them you had other policemen, and on the left you had the commando gendarmes, so
8 these people in front of us were armed.

9 Q. You have explained that you cannot give any estimates relating to distances. Now, let
10 me refer you to your statement, paragraph 57. You stated the following:

11 "I cannot explain where I was precisely, but I know that we were not very far from the RDR
12 headquarters."

13 A. We were not far from the RDR headquarters. That is quite normal. I cannot tell you
14 precisely where we were, but I said that we were not far away from the RDR headquarters,
15 not the PDCI headquarters. So that is not a problem here. I have said that to err is human.
16 One can make a mistake. It only becomes a problem when someone tells a lie.

17 Q. When you say that there were tear gas canisters thrown, now, when the tear gas was
18 used, I suppose there was a lot of smoke in the air after the tear gas was thrown?

19 A. They did not throw a single tear gas canister only, so they through several canisters
20 which dispersed the crowd.

21 Q. And this many tear gas canisters produced a lot of smoke; isn't that correct?

22 A. Yes, that is what lead people to flee. And many of them fell down.

23 Q. And this also hurt the eyes of those who were there very badly; isn't that correct?

24 A. Yes, indeed.

25 Q. So at the time that the tear gas was thrown at the crowd, visibility was very low;

1 wouldn't you say so?

2 A. The tear gas canisters were thrown, there was a lot of smoke, and so people fled. That
3 is what happened. If you did not have high visibility, you could not stay at that location. I
4 went on in one direction and that is when I was hit by a bullet. There were other people
5 falling to the ground. So you cannot stay inside the smoke from the tear gas canisters.

6 Q. If you were facing the security forces, did you flee to the right or to the left?

7 A. The soldiers were in front of us, so we went in a westerly direction. So this means that
8 we fled towards the right because the road was blocked, there was an intersection, so we fled
9 towards the right because the soldiers had closed off the road that we wanted to take.

10 Q. As militants, your intention was to reach the RTI building and to raise your hands for
11 Laurent Gbagbo to see at the RTI. That was your objective, isn't that so, that is go to the RTI
12 building, raise your hands and show them to Laurent Gbagbo?

13 A. Our intention was to show that we were empty-handed and we did not intend to
14 engage in any violence. We wanted Mr Gbagbo to know that we had voted for Mr Ouattara
15 and he could come back 5 years later. That was not an insult. And so if he did not accept
16 that, I really do not know what to say. That was our objective.

17 Q. Before reaching the RTI, you had to pass by the PDCI, but before you reached the PDCI
18 building you were blocked and then you had tear gas fired at you. At that particular
19 moment, you, as part of the crowd, you were simply marching. You had not yet reached the
20 RTI; is that correct?

21 A. Yes. We were still marching towards the RHDP office, but that road was closed off, the
22 uniformed officers threw tear gas at us and people fled. And it was while I was trying to flee
23 the location that I was hit in the leg by a bullet. I cannot say any more.

24 Q. At that particular time when the tear gas canisters were thrown at you, you were
25 actually advancing but, while you were advancing, were people in the crowd dancing or

1 singing?

2 A. Who would be singing or dancing? No. We simply showed that we were
3 empty-handed and we were asking Gbagbo to leave power. We were trying to tell him that
4 we had not voted for him and that the other candidate had won the elections. We did not
5 have any drums to beat. So no one was singing, no one was dancing.

6 Q. Over the past 10 years, the previous 10 years that you had been a member of the RDR,
7 you had taken part in other demonstrations; is that correct?

8 A. No, I didn't take part in any other march. I have told you that my work was my
9 priority and it was only when I was not working that I took place -- took part in the march.
10 If I had been working, I would not even have gone to that demonstration. I would not have
11 gone to that march. That is the truth that I'm telling you.

12 Q. So in spite of the fact that you had been a member of the RDR for 10 years on 16
13 December 2010, that was the very first day in your life that you had taken part in a
14 demonstration?

15 A. Yes, indeed, because I was occupied by my work and I was not interested in
16 demonstrations. I was doing my job. And when I did not have something to do, I took part
17 in the these activities. Subsequently, I even had problems during that march.

18 Q. You are telling us that people were not dancing, they were not singing, they were just
19 advancing in silence?

20 A. Yes, that was my testimony. We did not sing, we did not dance, we were simply
21 showing our empty hands. We had instructions not to break anything, just to show that we
22 were not carrying anything in our hands. So there was no dancing or singing.

23 Q. This point about raising your empty hands has been a crucial matter in this courtroom.
24 Why did you not mention this very significant point in your statement, that is when you gave
25 an account of the march?

1 A. I did mention it. I said that we lifted up our empty hands. I mentioned it in the
2 statement.

3 Q. In paragraph 57 of the statement, you said:

4 "Arriving halfway to our destination we saw a lot of uniformed officers. They blocked the
5 road. And when they saw us arrive they started throwing tear gas canisters at us. The
6 militants started shouting and running in all directions."

7 You explained all of this, but you never mentioned that you raised your hands up in front of
8 the security forces. You never mentioned that and this is something that is very significant
9 in your account. Wouldn't you agree?

10 A. Maybe the person who produced or drafted this statement made a mistake. I'm simply
11 talking about the substance of my statement. It is possible that an error might have been
12 made, and to err is human, so in drafting the statement perhaps the person who did it made a
13 mistake.

14 Q. Now, in relation to the other demonstrators, those who were taking part in the march,
15 where was your position?

16 A. You do not understand me -- or, rather, I really do not understand your question. I
17 said that we arrived at the intersection and the road was blocked. Nearby there were
18 gendarmes, behind bags of sand, and carrying weapons. I cannot tell you whether I was in
19 the middle of the crowd, in front, or at the back unless you accompany me to that intersection
20 and I will tell you where I was, the direction in which I ran and where I fell. I cannot tell you
21 how many people were there and where I was placed amongst them.

22 Q. So you are not able to say, for example, that you were in front of the crowd, at the front
23 of the crowd or at the back?

24 A. To say that I was at the back or at the front, well, I was simply part of the crowd at the
25 front. And I could not retreat. Others were returning in the direction in which they had

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1 come from. Others tried to retreat and that is where some people were killed.

2 Q. Mr Witness, in your statement, paragraph 64, you stated as follows:

3 "Since I was in the group at the front."

4 Do you remember that?

5 A. That is what I've just said. I didn't say anything different. That is, indeed, what I
6 have just said.

7 Q. How many people were there in front of you, approximately that is? Were you in the
8 first row? Were there many people in front of you?

9 A. I'm saying that we were in the group at the front, so I cannot tell you how many people
10 were in front of me or by my side. It is not possible for me to tell you. It had been more
11 than five years since that event took place. I cannot remember precisely the situation, but
12 what I'm telling you is the truth.

13 Q. And can you tell us whether you were at the extreme right, or at the extreme left, or
14 whether you were simply in the middle of the crowd? Can you tell us that?

15 A. No, I'm not in a position to tell you.

16 Q. I told you that I was in the group at the front. But if you want, I can show you the
17 place where I was injured and where I fell to the ground.

18 Q. Once again, in paragraph 60 of your statement, you said:

19 "I was in the middle of the crowd."

20 You were a little more precise about this one year ago.

21 A. No, I didn't say that. Perhaps you should inquire from the person who drafted that
22 statement. I said I was in the front group. I didn't say that I was in the middle of the crowd.
23 That was not my statement.

24 Q. In this courtroom on 3 February (Speaks English) English transcript page 47, line 10
25 and 11: "When I fell down, I saw a whole bunch of gunshots and many people falling to the

1 ground." (Interpretation) At the time that you fell, you say that you saw many other people
2 fall to the ground.

3 A. I said that on 16 of December, when the road was blocked and there was tear gas
4 everywhere, I started running and I fell. I heard explosions and many gunshots, many
5 people who were in front fell down and I looked behind and I realized that it was the
6 gendarmes commandos who were shooting. I stayed down and waited for the shooting to
7 stop. And at one point, a vehicle arrived with a soldier in front and a soldier who was
8 driving. Other soldiers were at the back of the truck. I realized that they were wearing
9 republican guard uniforms and they said that all the people who were down should be taken
10 and put into the truck.

11 Q. That was not precisely my question. My question was, did you see many people fall to
12 the ground at the same time as yourself?

13 A. Yes.

14 Q. In your statement, paragraph 66, you stated as follows: "I was not the only one who
15 fell down. I saw several people fall to the ground at the same time. They were only men.
16 I remember that I saw three men on the pavement lying on the ground."

17 A. I said that there were three people who fell down not far away from me, but in front of
18 me there were other people who had fallen. I did not say that only three people fell to the
19 ground.

20 MR O'SHEA: I don't have much longer, but I'm moving on to a new topic so I don't know if
21 your Honours want to pause at this point.

22 PRESIDING JUDGE TARFUSSER: No. I don't want to pause. I want to catch the right
23 moment to say that we have another 20 minutes. And I have a hard time to give you the
24 floor also tomorrow I must say.

25 MR O'SHEA: Well, what time are we finishing?

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1 PRESIDING JUDGE TARFUSSER: 20 minutes.

2 MR O'SHEA: In 20 minutes?

3 PRESIDING JUDGE TARFUSSER: Yes.

4 MR O'SHEA: All right. Well, I'll try my best.

5 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

6 MR O'SHEA:

7 Q. (Interpretation) You have said that you were blocked by the security forces in front of
8 you. What was the distance between you and the security forces?

9 A. I really do not understand what you are saying. I have told you that I was blocked and
10 then I fell down. Being blocked and falling down is not the same thing. I didn't quite
11 understand your question. I was blocked and then I fell down. Those two things are not
12 the same.

13 Q. Okay. At the very moment, just before you received the tear gas that was thrown at
14 you, you saw the security forces standing before you. What was the distance between you
15 and them?

16 A. I have told you that I don't know anything about distance. I am not an investigator.
17 How could I have calculated that distance? I cannot tell you what the distance was between
18 myself and those forces.

19 PRESIDING JUDGE TARFUSSER: Excuse me. Mr Witness, you said you were somewhere
20 in the -- in this demonstration, right? And you had the police in front of you. I don't know,
21 it's a matter of 10 metres, 20 metres, 500 metres? Did you see them? Just an estimate. You
22 don't need -- there is no need to be an investigator, but just make an estimation. If they were
23 just in front of you, like me and you, we are 30 metres, more or less, just an estimation. We
24 don't ask you exact measures.

25 THE WITNESS: (Interpretation) Well, I might provide you with a distance that is not

1 precise. For example, from here -- from me to you, the distance that separates the two of us,
2 it was more or less the same, but to provide you with a precise -- to provide you with a
3 precise distance, I can't do that. I would say that it was approximately the distance from me
4 to you.

5 MR O'SHEA: I'm sure there's an exact understanding of what the distance is between the
6 witness box and the President by the Registry, but I suppose it looks like about 12, 14 metres.

7 PRESIDING JUDGE TARFUSSER: I would say more, I would say 20.

8 MR O'SHEA: Yes.

9 PRESIDING JUDGE TARFUSSER: That's the point. It doesn't matter how many metres it is.
10 It's about -- that is the distance about, as he said. We have to live with this.

11 MR O'SHEA: Yes. I'm just giving the estimation for the record.

12 PRESIDING JUDGE TARFUSSER: Before I said 30, maybe it's a little bit less, but I don't
13 know. I can't give an estimate, but --

14 MR O'SHEA: All right. But anyway, for the record, it's from the witness box to
15 Mr President.

16 MR O'SHEA: (Interpretation)

17 Q. And the lorry that came to the position after the moment which you received the bullet,
18 the lorry that came towards you, how much time had elapsed from the moment at which you
19 had been shot at?

20 A. I do not know how many minutes it was, but the shooting had ceased. I stood up, I sat
21 down and I saw the lorry coming towards me. I was suffering. I had problems. My leg
22 was hurting me. I picked myself up and I saw the lorry arriving and there was no more
23 firing, there was no more gunfire, but I can't tell you precisely how much time had elapsed.

24 Q. Was it a matter of minutes? Was it a half an hour?

25 A. No. Not much time elapsed, but I can't tell you precisely how many minutes. I had

1 fallen to the ground. I was wounded. I was not in a position to assess anything. I was
2 wounded and I saw this vehicle arriving. I can't tell you precisely how many minutes had
3 elapsed, but not many. As soon as the fighting ceased I saw the lorry had stopped.

4 Q. And the security forces that you explained were at approximately at the distance that
5 separates you from the presiding Judge of this Chamber, where precisely were they at the
6 time when the lorry arrived?

7 A. Well, they were on one side and we had gone down towards the right. They were
8 standing close to the large building and the CRS had chased the other demonstrators away on
9 the other side, towards the other side. So we were on one side and those who had done the
10 shooting remained standing in the same location.

11 Q. And whence did the lorry come from? Where did it come from?

12 A. I saw the lorry come and park up beside me, but I do not know where it had come from.
13 The road that we came -- that we used to arrive at this destination was the same used by the
14 lorry.

15 Q. And the second pickup truck that came, how much later did it arrive after the lorry
16 departed?

17 A. The lorry had disappeared and I saw the pickup arriving. It arrived from down the
18 hill.

19 Q. So that was virtually immediately?

20 A. No, not immediately. The cargo left and the pickup arrived. They did not arrive at
21 the same time.

22 Q. And at the time when the pickup arrived, the security forces were still in place, were
23 they? Those security forces who had initially blocked you that is?

24 A. I no longer looked at them. I was looking at those people who were standing next to
25 me. I was wounded and I was concerned as to my state. I was no longer interested in

1 others.

2 Q. And on 3 February before this very Chamber (Speaks English), in the English transcript,
3 page 25, line 2 to 3: Vous avez dit...

4 "So they frisked me, they took my wallet and they did not find anything else."

5 A. You said two vehicles. Well, it was the first vehicle. They were the people who
6 frisked me. They took my wallet and my mobile phone. And the person in charge said that
7 even if there was a gris-gris or a knife on me I should be killed. They frisked me, but they
8 didn't find anything. And they said to the person in charge that they had found nothing and
9 they asked -- he asked me what my name was. That was the people in the lorry.

10 Q. So you took photographs with your mobile telephone on that day, did you not?

11 A. Once I was on the ground?

12 Q. No, not whilst you were on the ground, but during the march?

13 A. No, I did not take any photographs. I was not really interested in such things. I did
14 not take any photographs. But I did have my mobile telephone on me. That was for my
15 work. As I said to you, I wasn't really well versed in matters political.

16 Q. And when you saw the security forces blocking you, did you not think that it might be
17 important to take a photograph of that?

18 A. Well, who could have known that there were going to be problems? You see people in
19 uniform and, to my mind, well, they're doing their job. And normally where there are
20 policemen, they're doing their job. But the people standing in front of us were the ones who
21 were stopping the marchers from marching, and I was interested in what was going on there,
22 but why would I have gone so far as to take photographs of individuals in uniform? I didn't
23 think that anything would come of it until the tear gas canisters were thrown. But what was
24 I going to film? I didn't film anything.

25 Q. And on that day your wallet and your mobile phone were the only two objects that you

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1 had on you, were they?

2 A. I did not have anything else on me. I only had my mobile phone and my wallet. They
3 frisked me, and I had nothing further on me.

4 Q. And why is it that in your statement at paragraph 70, that is to say page 23, why do you
5 talk about two mobile telephones?

6 A. Yes, indeed, I did have two telephones. And even when I came here I had two
7 telephones, two mobile phones on me. And even today I have two mobile phones on me, as
8 I did on that very day.

9 PRESIDING JUDGE TARFUSSER: Five minutes, maybe four.

10 MR O'SHEA: There's -- your Honours, there's one -- there's one further aspect of the
11 evidence which deals with the -- can the witness be asked to take his headphones off, please?

12 PRESIDING JUDGE TARFUSSER: Mr Witness, can you please take your headphones off so
13 that you don't hear? Okay. Thank you.

14 MR O'SHEA: There's one further aspect of the evidence which deals with this witness's time
15 at the hospital and when he gets on to the ambulance and what was said about Mr Gbagbo.

16 It's quite a significant piece of evidence, and a delicate piece of evidence, and I'm loathed to
17 rush it in three minutes. It won't take me longer than 15 minutes to deal with it, but I'm
18 scared to deal with it under pressure because it's a significant and delicate piece of evidence.

19 And it's, of course, the last aspect of this witness's evidence.

20 PRESIDING JUDGE TARFUSSER: I will hear now the interpreters if they give us 15 minutes
21 till 4.30 because I really would like to start tomorrow with the Defence of Mr Blé Goudé, try to
22 finish in two sessions tomorrow morning, and start with the next, the second witness in the
23 afternoon, because at this pace we finish this trial in 2050. That's clear. So, I mean, would
24 that be okay? Okay. So we have 15 minutes. It's up to you. Fifteen should be okay.

25 MR O'SHEA: Thank you.

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1 Q. Monsieur le témoin.

2 A. (No interpretation)

3 Q. (Interpretation) I haven't yet put a question to you. When you arrived at the hospital,
4 I presume that you did not know anybody at the hospital when you arrived there, did you?

5 A. I went to the hospital. I did not know anybody. The Red Cross took me there. And
6 they brought me into the hospital. And it was the Red Cross that took me in to the hospital.
7 But to go as far as to say that I went there because I knew somebody, well, no, but people took
8 good care of me.

9 Q. So when you got into the ambulance -- or, rather, when people attempted to put you
10 into the ambulance to take you to the Cocody CHU, the hospital, you talked about an
11 individual who had a wounded hand. You did not know that individual, did you, and had
12 never seen them before, had you?

13 A. I could see that he was wounded. He was wounded, as was I. And he was put in the
14 ambulance with me. I did not know him. We went -- he was put into the ambulance with
15 me and he asked what was going on. And he was told that he was going to be taken to
16 Cocody. And he said he didn't want to go there. He said that --

17 THE INTERPRETER: Overlapping speakers. The interpreter was not able to finish her
18 interpretation.

19 MR O'SHEA: (Interpretation)

20 Q. I just wanted to know whether you knew this individual or not, whether you had met
21 this individual before the visit to the hospital?

22 A. I did not know him, I had never seen him. I did not know him. I had only seen him
23 on that day.

24 Q. Thank you very much, Mr Witness. These are all the questions that I have on the
25 subject. Thank you.

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- 1 PRESIDING JUDGE TARFUSSER: So this closes the questioning by the Defence of Mr Blé
2 Goudé; is that right?
- 3 MR O'SHEA: Yes. Yes, those are all my questions. And I also don't want to be here until I
4 retire, so I'm with you.
- 5 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. So we -- well, in five
6 minutes we did what we gave 15 minutes. Good.
- 7 So we adjourn to tomorrow morning at 9.30 for the Defence for Mr Blé Goudé. I suppose
8 from what you said in the beginning that in the first two sessions we can go through, so that
9 we already say to the VWU to bring in witness -- the following witness in the afternoon, okay?
- 10 MR KNOOPS: That's correct, Mr President.
- 11 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. So see you tomorrow
12 morning.
- 13 The hearing is adjourned.
- 14 THE COURT USHER: All rise.
- 15 (The hearing ends in open session at 4.20 p.m.)