

- Today will continue hearing the testimony of the third witness. Call the third witness.
- What is your full name?
- Adane Bekele Mersha.
- Age?
- 29.
- Employment?
- Private.
- Do you mean in a private organization?
- No. I am privately employed.
- Address?
- Addis Ababa, Gulele Sub-City, Kebelle 09/15, House No. 472.
- Do you know the reason why you came here today?
- I do.
- Why is it?
- I have received summons to give testimony to the prosecutor.

- **Witness Reply to the examination in chief of the prosecutor**

- Ato Adena, on what case did you come here to testify?
- To give my testimony on the case of Ato Netsanet Demissie.
- When did you know Ato Netsanet Demissie?
- I know him since a long time ago. We are in the same neighborhood. We have been acquainted for a long period
- What do you testify against Ato Netsanet Demisse?
- It concerns our relationship with regard to the May 2005 elections.
- What is it? Do you know on what count he is charged?
- Yes, I know that Ato Netsanet is charged in connection to the violence that occurred in Addis Ababa in relation to the elections.
- So, what do you know with regard to the issue he is charged in relation to election 2005?

[Intelligible signature]

- Initially before election 2005, before the election took place, we had contact to mobilize the youth and other sections of the community to give its vote for CUD so that it could win the elections.
- That means to do what?
- That means, by discussing around issues that the ruling party considers the unemployed youth as dangerous vagrant, that it has dismissed large sections of the society from their work and that it is partial and biased in favor of one ethnic group, he was telling me that the public should give its vote for CUD.
- Was it Ato Netsanet who told you that?
- Yes
- What did you do after that?
- After that I was operating as per I was told, by mobilizing people residing in different places and by removing the posters and other posted papers of EPRDF using children and also by myself.
- What did you mean when you stated from one ethnic group?
- Tigre and Tigrai benefited
- When he told you to do this, did he tell you how to implement it?
- The implementation was not clear to me?
- That means, he told you to work by performing it?
- Yes, as I stated previously, the ruling party (EPRDF) had brought nothing. Anything that it brought benefited only some people from the Tigrai ethnic group. Based on this to make all the people of Ethiopia beneficiary, the public has to vote for CUD. In addition, as I stated previously, the youth is labeled as dangerous vagrant because it is jobless due to the widespread unemployment and that large section of the society is being dismissed from its work. By discussing these things, I was operating before the election in accordance with what he was telling me to make the public to vote for CUD.
- What about after the election?
- After the elections, we were discussing that though the majority of the Ethiopian people gave their vote for CUD the ruling party EPRDF has stolen our votes and that the only way we can reclaim our vote is through violence and mutiny. Therefore, we were talking about me organizing the youth in our community so that they would be prepared for such acts.
- Did you carry out this as per your discussions?
- Yes, firstly I was receiving different flyers that used to be printed at the time and I made 5 copies of each and distributed them to different persons. Secondly, concerning the demonstration called for by Unity and CUD, I think, on October 22, 2005, although the

[Intelligible signature]

demonstration was illegal he was telling me that we have to participate in the demonstration without being afraid of and confronting head on with the police, that I should coordinate the youth in the community to participate together in it, that we should destroy city bus and other government institutions, and that we should burn tires and similar things.

- Which things did take place from what he told you?
- On June 8 when there were disturbances in different parts of the city, our neighborhood was peaceful. In Tikemt [October-November] I think in the 3rd of November he told me how come Addisu Gebeya, a place where you and other youth live, kept quiet as if inferior to other places. So we were preparing.
- Who said that?
- Ato Netsanet
- Based on that on November 2 and 3 around Addisu Gebeya we destroyed a fence made of tin sheet that belonged to investors; burnt tires. He told me to disrupt the operations of city buses and taxies and to perform other acts, which I did.
- What does it mean to say that are you inferior from other places? What occurred in another place that lead to this saying?
- On June 8, in particular around Merkato and other places, there were significant violences. In connection to that, since it was peaceful in our neighborhood so that we would be the supporters and participants of the violence.
- You said that you torn down posters. Who told you to teardown?
- Ato Netsanet
- When you did all these, was there anything given to you?
- First of all since I was jobless I was promised the opportunity to get job after the EPRDF government is down and when CUD assumes power. In addition I was given different amount of many like thirty birr, fifty birr, sixty birr at different occasions.
- Who was giving you the money?
- Ato Netsanet
- Who was to get you a job?
- Ato Netsanet
- From them, apart from Ato Netsanet, was there another person you know among the leaders of CUD?
- Yes
- Whom do you know?

[Intelligible signature]

- I was meeting Ato Assefa Habtewold in similar way. Besides I met Ato Daniel (I do not remember his father's name) a few times and he told me similar things.
- Did you mean Ato Assefa and Ato Daniel?
- Yes
- You stated that he told you to distribute that paper?
- Yes
- Do you remember the paper given to you to distribute at that time?
- I remember. I remember some of them. Since a number of papers were being distributed at the time.
- Who did give you the paper distributed?
- Ato Netsanet
- The honorable Court, would you please look at and confirm to us the documentary evidence number 65 which we submitted before in the list of additional documentary evidences?
- Did you say sixty what?
- 65
- Which one is attached?
- The additional one
- Which one is presented? It is found together? Read the document, what the titles say?
- It is found in the list of additional documentary evidences we submitted to the bench. We can show it.
- One of them says, let our card's voice be heard. Shall I read the details?
- No, it is ok. Read to us the title and is the name mentioned at the bottom yours? Does it say Adane Bekele?
- Yes the signature is mine, Adane Bekele. It is the paper given to me by Netsanet Demisse to copy and distribute in 5 copies.
- Is it your signature?
- Yes correct
- It continues at the back. We want the honorable Court to confirm all.
- Where is it? We could not see?
- A call for the youth in Addis Ababa
- Did that also contain your name?

[Intelligible signature]

- Yes
- What does it say?
- A paper given to me by Netsanet Demisse to copy and distribute to others
- What does the title say?
- A call for the youth in Addis Ababa
- What about the other page
- This one does not have a title. But contain the name of officials, the money they have in foreign countries in million dollars, the country where they deposited the money and the name of the bank.
- Is there your signature on this?
- Yes, there is
- What does your signature say?
- A paper given to me by Netsanet Demisse to copy and distribute to others
- Did you say you made similar discussions with Ato Assefa Habtewold and Ato Daniel Bekele? What did you discuss if there is any thing you remember?
- No, I did not have that much wide relationship with Ato Assefa and Ato Daniel. I met each of them not three or four times. They were telling me similar things with what I described previously
- Would you describe it?
- The first one was for me to coordinate and organize the youth in relation to the demonstration called by CUD and Unity on October 2 and the different plans to be performed after that to initiate violence.
- How did you know Ato Daniel? Did you know him before?
- I did not know him. Ato Netsanet introduced me.
- Where did he introduce you with him?
- Around the same neighborhood
- How about Ato Assefa?
- I knew him since he was living in that locality
- This what he testifies. I am finished the honorable Court.
- Ok, the examination-in-chief by the prosecutor is finished. Do you know Netsanet and Daniel?
- Yes

[Intelligible signature]

- Would you please identify them in person?
- Ok, he pointed out Netsanet and Daniel. The examination-in-chief of the prosecutor is finished.
- First of all, the honorable Court since I forgot my copy of the additional documentary evidence at home, I asked Ato Daniel to bring me during lunch time and he brought it to me. However, after I received it the police snatched and took it. So I request its return. Because it concerns this evidence. Ato Adane, when the Court asked you about your work you answered it is private. But you did not describe what kind of work it is. So I ask you this. What is your work? What do you do for living?
- **The Response of the Witness to the Cross-Examination by the Attorney of the Accused**
 - I live on working as a broker
 - Don't you have a shop around that area in Woreda 10 Kebele 03?
 - I have
 - Therefore, you are an owner of a shop?
 - I am not. What I mentioned now is the job I live on currently. Previously I was working in a family shop found by the gate of my house. But currently, since about a year and 8 months, it has been rented. I do my own private job.
 - Did you say a while ago that Ato Netsanet told you to campaign for CUD and he gave you papers to copy and distribute? Did you say that you agreed to cooperate to this because he told you that since EPRDF won the votes of the people have to be reclaimed, that EPRDF's rule has harmed the people, and that the beneficiary is only one ethnic group? Your mother's name is Selase, is it not?
 - Yes
 - What is her ethnic group?
 - Tigrai
 - Did you also say that he promised you to arrange a job for you if CUD wins?
 - Yes
 - Weren't you a Kebele Chirman there in 96/97 [89 in Ethiopian Calendar]?
 - Not in 96/97. Around 96/97 I was in Kebele finance. But I was in 97/98 [90 in Ethiopian Calendar]. After that quitted the work.
 - Ok, you were there anyway. You testified that you conducted campaigns and removed EPRDF's posters by deploying children because he told you to mobilize the youth so that CUD wins. Is that true?
 - Yes

[Intelligible signature]

- However, weren't you at that time wearing a T-shirt with a logo of bee and campaigning for EPRDF?
- Very good. In fact on this issue...
- What is said previously...
- Weren't you campaigning for EPRDF? First answer the question by saying yes, I was or no, I was not. Then you will be asked if explanation is needed.
- Yes, at the time I was performing in a limited manner by wearing the T-shirt. However, they were the ones who deployed me.
- Who deployed you?
- Ato Netsanet as well as the persons I mentioned before. He was telling us that when EPRDF gives you the T-shirt wear it; when they told you to work go and work with them. In that way you could give us information you get from meetings and other sources. So when they call you go to them and.... However, the main thing is that you have to make the public vote for CUD. Since he was telling like that and the T-shirt was widely distributed, I was wearing it.
- You were wearing it and also campaigned for EPRDF to be elected?
- I did not campaign for EPRDF in public.
- Did not you try to mobilize, including Ato Netsanet Demisse?
- Let alone the families of Ato Netsanet, I myself gave my vote for CUD.
- You testified that you met Ato Netsanet and you met frequently. Could you please tell us how many times you met?
- It is difficult to say this number of time. Because, first of all we are in the same neighborhood. Secondly, we were meeting at different times once or twice in a week and sometimes more than that or less than that starting from the eve of election campaign up to the election is finished until around Tikimet [October]. So it is difficult for me to state the number of time we met.
- Where did you meet and for how long?
- Since we are in the same neighborhood, we used to meet there.
- At what time?
- At different times, usually in the evenings.
- Where?
- In our living area?
- When you say in the evenings, at what time does it mean?
- 6 pm or 6:30 pm

[Intelligible signature]

- In the examination-in-chief by the public prosecutor, on the bottom of two or three papers you stated that they were given to you by Ato Netsanet to copy and distribute them.
- Yes
- There is also a signature that says Adane Bebele, is this your own handwriting?
- It is my own handwriting.
- When did he say that to you?
- I do not know the exact date. But ...
- You don't know the date?
- Around Nehase [August] 2005. I don't know the exact date.
- By the way, who gave you this paper to write on it like that?
- It is not clear
- This type of paper which states let our cards voice be heard and others were papers thrown away anywhere in the city. Did you say he picked up one of these papers and brought to you to copy and distribute? Or who presented it to you to sign on it?
- The paper was with me from the beginning. After I copied and distributed, the remaining was in my hand.
- Where did you find the paper?
- Ato Netsanet gave it to me.
- From the beginning?
- From the beginning, Ato Netsanet gave it to me telling me that to copy and distribute in five copies and to tell each of those who receive to distribute to five persons in turn.
- Good, let you say like that. How could this paper reached the public prosecutor?
- I have an objection. The witness should not be asked and compelled to answer how this evidence reached the public prosecutor. It is clear that the public prosecutor files criminal charge based on the file investigated by the Police. Therefore, the witness does not have the capacity to answer the question whether we got it through the police or by another means. The honorable Court, the witness is here to testify what he knows. He should not be asked testify on how every paper in the hands of the public prosecutor has reached him.
- The honorable Court, let me show the reason why he should be asked. It is an issue of credibility. Whether it was given to him by Netsanet or by another person or found in his hand, he stated in his own handwriting that he was told to distribute five copies. If the paper on which he had written like that was in his hands, whether he gave it to the prosecutor office or another place as expressed by the public prosecutor, he was asked to

[Intelligible signature]

answer what he did. And this does not require analysis. He could say that it was in my hand and taken through a search or I gave it like that.

- Ok, how the document reached the public prosecutor should not be asked. Apart from that there was a question, which you raised initially, how did you sign? To whom did you sign? Since this is appropriate question, you can ask in similar way. Apart from that he should not be asked how it went after he passed it.
- Let me reframe the question as per the ruling of the honorable Court. That paper was in your hands, how did it get out of your hand?
- Very good. Around November 3, after we committed the wrongs, which I mentioned earlier on, around Addisu Gebeya area by organizing the youth, the Police was arresting many youth who participated in the wrong acts. I was hiding and escaped the arrest. However, after about a month I was arrested by the Police. When I mentioned that what I did was wrong, that I regretted it, and that I participated in it not by myself but due to the pressure of others and when I was giving a statement regarding with whom I had contact and what I did, I presented this document as evidence.
- Have you seen all the three papers? I do not know, may be it would be difficult to you since they are not in your hands. However, below the statement that “this is a paper given to me by Netsanet Demisse to copy and distribute to others” there is a statement which says “make in five copies and inform those who are not informed!” Whose handwriting is this?
- It is not my handwriting. When the paper first came, this statement was written on it.
- Ato Adane, you stated that you know me. Since I saw you for the first time, I am going to ask you to tell testify properly where we met.
- Where did you first meet me?
- Very good. The first time, I don’t remember the exact date but it was in the month of Nehase [August] 2005. You came together with Ato Netsanet in a car (I don’t remember the plate number, but it is I think Aid Organisation Code 35, white Suzuki car that looks like a Vitara) that was driven by Ato Netsanet and met at Semen Menafesha or Woreda 10 Kebele 03 Park and after he introduce us...
- Were you waiting for us there?
- Yes, before that I talked with Ato Netsanet
- So you were waiting for us because he told you to introduce you with Daniel?
- I did not know that. I did not know how you came whether he intentionally to brought you to introduce me or just together, but...
- Ok, with whom were you on that date at Semen Menafesha?
- I was alone

[Intelligible signature]

- At what time did we come?
- Approximately from 5 – 5:30
- In Nehase [August] 2005?
- No! No! Sene [June]
- Was that our first meeting?
- Yes
- How did I introduce myself to you?
- You did not mention the details about yourself to me. We shook hands and you told me you are Daniel and I told you I am Adane.
- What did we do after that?
- After that we talked with Netsanet. You encouraged me stating that you are by my side. You told me that there are other youth like me who provide support. Outside this not much...
- How long did we stay together?
- I am not sure. I don't think we stayed more than ten or fifteen minutes.
- To whom did you tell that you met me?
- I did not tell to anyone?
- Where did you meet me for the second time?
- It was in the same area. We were meeting there around Addisu Gebeya area.
- Where did we meet for the second time Ato Adane?
- Below Semen Menafesha, at Addisu Gebeya taxi stop.
- Were you standing on the road at the taxi stop?
- I was walking. We met on the road when you came, I think getting out of a taxi. We shook hands and exchanged greetings.
- Did we meet accidentally?
- I think so
- Did I come in a taxi?
- I did not see you getting out of a taxi. But it was the last taxi stop and you were coming crossing the road.
- With whom were you at the time?
- I was alone

[Intelligible signature]

- Does it mean I always meet you alone? What a coincidence? Did I always meet you like that?
- The coincidence may seem surprising. But we met few times and in light of this it may not be that surprising.
- Where did we meet for the third time?
- For the third time at the gate of Netsanet's house
- Who were there at the gate of Netsanet's house?
- Me, you and him
- The three of us?
- Yes
- Who came first? How did we meet? Did we meet by appointment or how did we meet?
- You were together
- The two of us?
- Yes
- After that, was it you who came to us?
- After that I met you as I was coming down
- From where and with whom were you coming at that date?
- I was going home. I was alone.
- We met and then what did we do? There at the gate what other thing was there? What was the time?
- I think the time was around 9:30 in the morning. In addition, the things that were in the vicinity ...
- Was there nothing? Were we the only creatures around?
- Well, there may be passersby. I do not remember.
- It is a leading question, the Honorable Court. So, we met at the gate. What did we say to each other? What did we do?
- First, you especially said: a transitional government, this coalition government needs to be established; we should [mobilize] ... the youth around this; if that fails, there are ways we can opposed the government and instigate disturbances; we should face the Federal Police with stones without fear; accordingly, since this movement would be undertaken in the whole of Addis Ababa and many parts of the country, we will remove the government from authority.

[Intelligible signature]

- You are saying you operated accordingly. Whom did you organize or coordinate? Can you tell me their names?
- While I was doing this you gave me some things, messages ...
- What is the question? Whom did you organize or coordinate? Can you tell me their names?
- I do not think it is possible to enumerate their names. There were many youth. There are different social sections in the Adisu Gebeya area.
- Do you not live in that neighborhood?
- Yes. I organized people I incidentally met according to directives you gave me. There were too many to mention by name.
- You remembered me from three meetings. You can't know none of the people you were organizing and coordinating. Ato Adane. So, can you tell us the names and addresses of at least ten people you coordinated? They need to come to this Court and give their testimony. You lived in the area for a long time. So, can you tell us who they were?
- I only coordinate. There is no definite group operating under me. I on the other hand, around the taxi station ...
- You live in the area you were coordinating. So, tell us some of the names.
- I do not know them by name. They are shoeshine boys and daily laborers.
- Ok, Ato Daniel. He said he does not know.
- Would you recognize them by sight?
- I know them.
- Are they from the same neighborhood?
- Some of them are from our neighborhood. I would know them if I meet them accidentally.
- From those in your neighborhood, are there any you know?
- Those is coordinated at the time ...
- How long do you know them? Ato Adane. How long did you live in that area?
- More than 25 years.
- I guessed about the same. How long do you know them?
- I knew most of them for a very short time. That is because I usually met them in bars, on the street and similar places.
- What do you mean by a short time?
- Not more than one or two days.

[Intelligible signature]

- Are they people you knew for only one day?
- Yes.
- So, you were organizing people whom you knew for one day?
- Anyone I met so that they could join for this aim ...
- How did you manage to coordinate people you met for one day?
- We can meet accidentally.
- When you day accidentally, can you give us an example?
- In a bar
- While you were drinking in a bar?
- I can sometimes go there to spend the time.
- What would they be doing while you were drinking?
- They could be drinking to pass the time.
- So, what do you tell the people who are drinking to pass the time?
- There were some things in the media at the time. The public discussed around those issues. We used to agree on those things at the time.
- You go to where they are sitting and drinking to pass the time. What do you tell them to do?
- What you were telling me.
- Tell me, what do you say to them?
- First, there were [statements] issued by Kinijit and Unity about establishing a transitional government. [I tell them] it is appropriate. Second, the things written in the private press ...
- So, they listen to you. You go out together. And, what do you do? Do you do it on the same day or do you meet on another date?
- We do not go out together. I convince them on this issue and most of them tell me they are ready for the mutiny before we go our separate ways.
- Do you talk to different people on the same day? Do you go to different bars?
- I do not talk to many people at the same place on the same date. I only talk to a few people.
- How many people do you talk to in one bar?
- Sometimes ten, sometimes five. It could also be more.
- Very good. Ato Adane. Just answer the questions you are asked.

[Intelligible signature]

- I think I am doing that.
- You go into a bar and talk to ten or five people. Can you tell me the name of a bar you went to and talked to ten or five people?
- Mostly in Semien Menafesha [Recreation Center]
- Do you go alone?
- I go alone for this purpose.
- When you talk to the ten or five people, do you talk to them individually or do you gather them in a group?
- Very good. On this point the Honorable Court ...
- Answer the question. Do you talk to them individually or do you gather them in a group?
- I do not gather them in groups. I do not talk to fifteen people at a time. I was just responding to your question on the number of people I talk to.
- Yes. Very good, Ato Adane. Do you talk to the fifteen people individually? Is that what you said?
- It may be two or three. It may be alone.
- Very good. It is fifteen on some days and two on others. Do you make an appointment to put in effect the things you talked about?
- No.
- How [else] do you operate?
- Well, Kinijit for Unity and Democracy issued calls in the newspapers. Especially...
- No, Ato Adane. For instance, you said you tore up posters and took out fences. How many of you go to take out fences?
- I didn't take out fences.
- Didn't you say you took out fences?
- I didn't say I took out fences. I however tore up EPRDF election posters. I also bribed children to do so.
- You earlier said we took out the fences erected by an investor in our neighborhood. Did you or did you not say that?
- I did say that.
- How many of you went to take out the fences?
- I was alone.
- Did you go alone?

[Intelligible signature]

- There was however a large number of people ready for the mutiny. I encouraged them. I made them do it.
- You went [there] and encouraged the people gathered.
- May be you should consult with your attorney. The questions you asked /not audible/. The questions you were asking since the morning only corroborate the prosecution's... how did you see that? Does it benefit your case?
- The Honorable Court, I believe the questions I am asking are beneficial. I have consulted with my attorney. They are very useful. I think the identity and credibility of the witness is becoming obvious. So, I would continue.
- Ato Adane, you said you were arrested by the police. In which station were you detained?
- Gulele Sub-City, Woreda 10 Police Station.
- Where were you arrested? Did you say you gave yourself up or were you arrested?
- I went there myself.
- On which date did you go to Woreda 10 and gave yourself up?
- I don't remember the date.
- Do you mean the date you were detained, gave yourself up?
- Yes.
- When did you say you were in hiding from the police?
- Since November 2
- How long since November 2 did you stay in hiding?
- I do not really know. May be for a month or 20 days.
- So, you cannot [even] guess the day you gave yourself up?
- Yes.
- What is the name of the police officer you spoke to when you went to the Woreda 10 Police Station?
- I don't remember their names.
- You talked to a police officer whose name you do not know and what did he do to you?
- He told me they would talk to me when they need me.
- You [previously] said he received your statement. So, you did give your statement, did you not?
- I gave my statement.
- What did he ask you when you gave your statement?

[Intelligible signature]

- How I came to be involved in these activities.
- Who told them first? What did you tell the police officer?
- Taking out investors' fences, burning tires, [burning] buses, preventing Anbessa buses and taxis from operating and breaking into condominium houses.
- You said you did these and he received your statement?
- Yes.
- After the police officer received your statement, did he tell you to go home? What did he do to you?
- I spoke to him [orally]. He may or may not have taken notes. I do not know.
- What did you tell him orally?
- To the police?
- You did say you gave your statement?
- Then, he spoke to someone. I don't know who. He recorded my address and let me go.
- Where did you go after you left [the station]?
- To an appointment with someone around Piazza.
- With whom did you have the appointment?
- With some person.
- With whom? Who was that person?
- [To receive] a letter from abroad.
- What is the name of that person?
- She was female.
- What was her name?
- This is out of order. He should not be asked about his personal life. This is not related to the issue or what we asked in the examination-in-chief. Ato Daniel should not ask him about where he [the witness] was for 24 hours. Thus, this is not a relevant question. The witness should not be harassed. He should not be obliged to answer the question.
- Ato Daniel. In the examination-in-chief he has said that he gave himself up to the police. The Court has asked him [the witness] follow up questions. Where he went after being released is not related to the examination-in-chief. Thus, since it is a waste of time, we have said that they cannot ask these questions.
- The Honorable Court?
- This is an order. Please tolerate us.

[Intelligible signature]

- Ok, I will comply.
- Frame the question accordingly.
- I accept.
- Ato Adane. I have asked you about the people gathered to take out fences. I proceeded to the other question to ask you about what you told these people. What did you tell them? Where did they come from? Did they come to your home? What did you tell the gathering?
- Very good. There were disturbances at different places in our city at the time. Similarly, there was a gathering around Adisu Gebeya for this purpose. My role was asking them why the buses and taxis are still working. There was a place enclosed by investors nearby. A large number of people have gone there and destroyed the fencing.
- Did the mob destroy it?
- A lot of people.
- Ato Adane. You have earlier told us that you have been talking to two or fifteen people in bars. What did the people say to you? Do they accept what you tell them and act accordingly? What do they say to you when you talked to them?
- I did not tell them to do it on the same day. I tell them to read the private press and be prepared. Most of them say yes.
- Do all of them agree with you?
- Most of them, not all.
- Most of them?
- Yes.
- You stated that some of these persons were from your neighborhood. You have been living in that area for more than 25 years. Who were those people? Whose son/daughter? Whose neighbor? You told us there were shoeshine boys. You are the son of Wro Sillas. Even if you cannot tell us their names, you would know your neighbors. Can you tell us whose family members they were?
- There is none I remember.
- So, you do not know anyone of the people you coordinated?
- I would remember them if I see them now.
- But, there is no one among the people you coordinated that you know by name?
- I do not remember their names.
- The people you know by sight, are they from your neighborhood?
- [Yes] though I do not exactly know where they live.

[Intelligible signature]

- Are they from around there?
- Yes.
- How long have you seen them in that area?
- When? Is it before or after?
- Before then.
- As I told you earlier, I have seen them a few times before then.
- I didn't finish before, the Honorable Court. It is a fundamental question. Yes.
- [Inaudible]
- Ato Adane, where did you say we met the third time?
- Just in front of Ato Netsanet's house.
- What time was it? You may contradict yourself.
- No. This is not appropriate. Are you going to repeat yourself ten times? You have asked once. It has been recorded.
- I have a subsequent question, the Honorable Court.
- No. Ato Daniel. You cant repeat a question.
- Ok. I have one last question.
- Basically, in cross-examination ...
- I have one last question.
- Ok. You can ask. It need not be the last question. As long as...
- Ato Adane, you said you know the charges against us, did you not?
- Yes.
- Do you know the punishment those charges may entail?
- I do not know.
- Do you know that it may be punishable by death?
- That ...
- It is an appropriate question, the Honorable Court. He should know the case he is testifying under. I have never seen this man before today.
- [Not audible]
- Yes. Do you know that it may be punishable by death?
- Since I am not a lawyer, I do not know.

[Intelligible signature]

- Do you know your neighbor of 25 years Netsanet is charged with a crime that is punishable by death?
- Please, discipline. The Honorable Court should interfere.
- It is an appropriate question.
- We object.
- It is relevant to ask if the witness knows what the accused has been charged with. However, what has been said about false testimony is not appropriate. What does it mean? It is up to the Court to note that. This kind of questioning is not appropriate.
- What kind of dealership do you engage in?
- I deal in whatever I can get.
- What have you dealt in recently? For instance a house?
- I did not make house deals.
- I thought you said so? What kind of things do you deal in?
- Anything
- From whom have you bought something [recently]?
- I buy many things from people I do not know.
- How long did you work as a dealer?
- Since I did not record the date when I started, I don't really know.
- The Honorable Court. Excuse us for our repeated petitions. This is out of order. We are in a court and in an argument of law. The argument should be directed by the appropriate procedures. Cross-examination should be based on the examination-in-chief. The witness should not be asked these questions. Is this in line with the procedures for cross-examination? Our witness should not be harassed. They have asked enough questions.
- [Inaudible] We are not saying he should stop [the questioning]. You can cross-examine the whole afternoon. On the testimony. Asked about his employment, the witness said he is a dealer. Asking about the kind of dealership is not irrelevant. In my opinion, it is not unrelated to the examination-in-chief. They can ask a thousand questions as long as it is related to the examination-in-chief. The prosecutor can object only if it is unrelated. The Court will also assess the questions.
- Yes. That is the point.
- Thus, we are not concerned about the time. They can ask [as many questions as they like]. You are a lawyer and you should know.

[Intelligible signature]

- Ok. Thank you. Ato Adane, please give as short answers. With whom did you have deals with recently? Their addresses. What things? For whom? You should give us one example. Tell us the names of the people you had dealings with.
- I do not know their names. I spend most of the day around Merkato.
- Ok. There is no problem if he doesn't know. He sold things to people he didn't know.
- **The responses of the witness to cross-examination by the 95th accused Netsanet Demissie**
- You said we lived in the same neighborhood for 25 years. Whom do you know from our home? Do you know Tamirat?
- I know Tamirat
- Do you know Weizero Adanech?
- Yes
- Please tell me my sister; tell me the name of my sisters?
- Hanna, Yemisrach
- The name of my brothers?
- Abyi and Michael
- Please tell me the name of my mother.
- Weizero Adanech
- Have my family ever talked to you about this matter?
- Never
- Did you tell this to my family?
- No
- Did you tell this to your family?
- I didn't tell
- Does it mean that Weizero Silase does not know this?
- She does not know
- Who did you tell in the house, for Tigist?
- Tigist is out of the country; I didn't tell her
- You didn't write her?
- I didn't
- Who did you tell in the house?

[Intelligible signature]

- I didn't tell to anyone
- Do you know Moges, Moges Negus?
- Yes, I know
- How about Minalu Negus?
- I know him
- From our locality, tell me my other friends?
- Whose friends?
- Your friends, my friends
- I do not exactly know your friends in the locality
- Tell me your friends. Who are they?
- The ones I mentioned earlier are my friends
- Is Moges Negus your friend?
- Yes
- Is he a friend of Daniel?
- Who else I didn't mention...do you know Seyoum?
- I know him but he is not my friend
- Did you tell to any of your friends that Netsanet asked me to do this thing or Daniel has asked me to do this kind of thing?
- I didn't
- Since you told me not to tell to anyone who asked me to do this work, I didn't tell to anyone
- While you were discussing about the public disturbance with people whom you met only one day and were organizing people for that purpose, how could it be that you didn't tell to your friends whom you meet everyday even for once?
- I do not remember if I told them about it
- Did they ask you?
- I do not remember that either
- Did they know of your disappearance for a month?
- I am not sure about it; I don't know whether they know or not
- Did your friends inquire where you were when you disappeared for a month?

[Intelligible signature]

- I do not remember that. Apart from that, what I want the court to know is that we were just brought up in the same locality
- Please answer only the question I asked, Ato Adane. Honorable court let him given a last warning to answer only the question asked
- If you want to tell us anything, there is a time when the court will ask a clarification question. You will tell us then. Now answer only what you are asked
- What did Weizero Silase, your mother, say when you disappeared for a month?
- I didn't go out of the country or out of the town. To be out of the sight of the security forces, I was usually hiding at home
- You mean that you were at home the whole month? Didn't you say earlier that you disappeared from the area?
- No, I didn't mean that I stayed at home the whole month. But I was trying to hide from the security forces by staying at home or by going out of my home to different places and coming back to home in the evenings.
- In the paper the prosecutor showed you and which you said Nestanet gave you, did you say that there is a statement, which requires you to make five copies and distribute?
- Yes
- Did you execute this order?
- Yes
- To whom did you give it; tell me the five people
- Since I distributed it in the taxi, I do not know the name of the people
- When you say taxi, does it mean that you were giving it to any passenger?
- I was giving it anyone in the taxi with consideration of the situation
- Ato Adane, you told us that you surrendered to the police because you understood that what you did was an illegal act and that you regretted for what you did. Thus according to your words, you knew that the papers you claimed to have distributed were illegal. So, does it mean that you were distributing the illegal papers in the taxi to anyone you do not know?
- I was giving the paper by looking at the persons
- To what kind of people you were giving the paper and how do you identify them?
- Different issues on the then prevalent circumstances could be raised in a taxi
- So, you wait until someone raises the issue or how is it?
- I was also trying to raise the issue to individuals and then I give them the papers

[Intelligible signature]

- When they tell you what do you give them the papers? Please tell us one example? How you give it to one of the five people and when he tells you what? In which taxi; going from where to where? Just tell us one person?
- Probably, the taxi was going from Addisu Gebeya to Piazza
- Is it probably or you are sure? I need to know the exact
- I was giving the papers to people in different taxis; probably one is in the taxi going from Addisu Gebeya to Piazza
- Male or female?
- Male
- What kind of person was he?
- I do not remember his face
- You do not know his name?
- I do not know
- When he said why did you give him the paper? How did you start? Tell us how did it start?
- He had in his possession a newspaper
- What kind of newspaper?
- Private newspaper
- What is the name of the newspaper?
- I think it was Netsanet
- What a coincidence. Ok, after that?
- We talked about the issues written in the newspaper and then I gave him the paper
- Wait Ato Adane, I do not want to create trouble on you. I want you to explain at least about one of the five people. Please tell us in detail about how you started the conversation, what you talked about, what he told you and how you gave him the paper. You said that you met the person in a taxi going from Adissu Gebeya to Piazza and by the way was it a minibus or a lada (small taxi)?
- It was a minibus
- In which seat were you sitting?
- I am not sure; I think it was around the middle
- You are asked to explain how the conversation started with one of the five people and how you gave him the paper, if you remember.

[Intelligible signature]

- Very good, I do not remember what exactly was sated in the newspaper
- You do not remember the newspaper, ok, how did you start the conversation? What did you say first? Did you ask his name?
- I didn't ask his name
- Ok, how did you begin? Did you say hello?
- I didn't say
- Then, you simply talked?
- We were sitting side by side and we started to talk about the issues in the newspaper
- What did you tell him? Tell us just one word you remember
- Yes, I remember, it was about the rigged election; since the election was rigged, the EPRDF has to be overthrown by public protest. Something related to this was written in the newspaper and our conversation was related to this. Then I remember that I gave him one paper
- What kind of paper? What did he say when you gave him the paper?
- He said nothing
- What did he do with the paper?
- After I gave him the paper, since we did not get off the taxi in the same place I do not know what he said.
- Where did you get off the taxi?
- In my locality, Addisu Gebeya
- But you said that the taxi was going from Addisu Gebeya to Piazza. Does it change direction now and go up to Addisu Gebeya?
- It was moving from Addisu Gebeya
- No, when I asked you this question, you said that I met one person in a taxi going from Addisu Gebeya to Piazza and that you do not remember his name. You said you do not also remember his face. You told us that he was in possession of a newspaper called Netsanet. And then you said that you talked about the rigged election and gave him the paper. You were asked in detail and answered in detail. Does it mean that you do not even remember the direction: whether the taxi was going to Piazza or Addisu Gebeya?
- As I told you earlier, it was in the taxi that was moving to Piazza as well as to Addisu Gebeya
- That is not the case
- Let me interrupt you Ato Adane

[Intelligible signature]

- There could be something he said earlier
- Let me go to the next question
- The testimony has been recorded. He said something now and has been recorded. Therefore, the court would see if what he said earlier is different from what he said now.
- Ok, Ato Adane, as you told us and the people of Addisu Gebeya know, you were the honorable chairperson of the Kebelle. But did you say that you were the honorable head of the finance bureau of the Kebelle or that you worked in the finance bureau?
- Netsanet?
- Yes
- Your approach should be as I told you earlier. Your approach should not appear like a mock. You can address him in his name. It is not clear why you say the honorable. Therefore ask your questions in his name
- Ok, let me come to the point. You served as the chairperson of the Kebelle. You worked at the Kebelle taking different positions. You were working for EPRDF election campaign by openly wearing the Party's T-shirt. You also have commercial work (business). By the way do you have a child, Ato Adane?
- Yes I have
- Does it mean that you are a father?
- Yes
- Thus taking in to account your different positions, how did you distribute this paper with an illegal content to the persons you do not know or to persons you met only for one day? How did you not consider this? Please briefly answer this.
- I was in the Kebelle administration and in the finance ten years ago.
- No, no. Ato Adane, as per the warning given to you by the honorable court, you have to answer what you have been asked. The question is given the fact that you have worked taking different positions you are presumed to know what is illegal and what is legal. How a person of such a long experience distribute a paper with clearly illegal content to persons he does not know? How could you engage in illegal instigation, setting fire on investor's fences and tires and openly instigate people who you find in bars or taxis? Did not you know the illegality?
- Very good. This was after I was in the Kebelle Administration
- Answer the question briefly
- I am moving to answer
- How did you trust the people whom you talked all this things to? What did you trust doing all these? That is the question

[Intelligible signature]

- Very good, what I trusted was
- The honorable court if the term what did you trust be taken out?
- Ok, why did you do that knowing that it was illegal? How did you do it for people you do not know?
- At Netsanet, when we had met earlier you told me to do this and gave me a hope to do something for me. I did not have income at that time and I was doing it with the hope that your promise will come true
- You said that Netsanet introduced you to Daniel?
- Yes
- How did I introduce him to you? Saying what?
- You said that this is Daniel and is my friend
- Where did I introduce him to you? Did you say Semen Menafesha?
- Semen Menafesha
- What did he wear when I introduced him to you first? Do you remember?
- I do not remember the cloth he wore
- What did we drink that day at Semen Menafesha?
- We departed at the entrance
- Was it at the entrance?
- At the Semen Menafesha entrance
- Did not you say that we were drinking tea inside?
- I did not say
- Alright
- Where did you meet Daniel another time?
- I have already answered this question, it was when he got off a taxi and crossed to our village
- Was I there at that time?
- No you were not there
- Alright, when did you meet him for the third time?
- At the entrance of your house
- Who else were at the entrance apart form Daniel, yourself and myself?
- No one except the passersby

[Intelligible signature]

- Was the door closed or opened?
- I don't remember
- Did I have a car or not?
- I do not remember if you had a car that day
- Did Daniel have a car?
- I do not think so
- Earlier you said that you were setting fire on buses and burning tires
- Ato Ddane, your sister Abeba was with you?
- Yes
- She is not alive now, is that true?
- Yes
- How many buses did you burn?
- We did not burn buses
- How many buses did you smash?
- We only prevented the buses from working
- How did you prevent them from working?
- By preventing them not to take passengers
- How?
- When the people around shouted at the driver, the driver drove off the bus
- What did you do? What was your direct role in preventing the bus from taking passengers?
- I was shouting just like the other people were doing
- Were you a leader or simply shouting like the other people?
- I was not a leader. But even if I was not organizing all the people around, I was organizing the people around me.
- Did any one you know, your friends such as Moges, Minalu see you when you were doing that?
- I don't remember whether they saw me or not
- Were they not around?
- I didn't see them

[Intelligible signature]

- Does it mean that they were not present in such an illegal place?
- That, I don't know
- How many tires did you burn? Did you yourself burn tires? In your hands? You earlier said that you burned tires? How many did you burn?
- Tires were being burnt
- Did you burn or not? Answer the questions you are asked directly. I think the honorable court has earlier give you a last warning
- I do not know how many tires were burnt. When they were burnt, I participated.
- Where did the tires come from?
- There was a tire repair (Gomista) around; the tires were from the Gomista.
- Who is the owner of the Gomista?
- I do not know him
- What did the Gomista man say when you took the tires to burn?
- I didn't hear anything at the time
- Was not the owner of the Gomista from the village?
- I do not know
- You do not know how many tires you burned, but in which places did you burn them?
- In there, Addisu Gebeya
- But Addisu Gebeya is a large place
- It is at the square?
- Which square?
- The place where you find the shoeshine (Listro); the place fenced by investors.
- How many investors fenced that place?
- I don't know the number but I heard that they are three.
- How do you know that it was the investor's place, Ato Adane?
- I heard it from others.
- Now I turn to your surrender and notification to the police and other related issues. You said that after about one month on a day you do not remember, you regretted for what you did and surrendered to the police. Is that not true, Ato Adane?
- That is true
- Who did you consult on this issue?

[Intelligible signature]

- I didn't consult anyone
- You didn't tell even to your mother, Woizero Silas that you were going to the police station?
- I didn't.
- Did you tell your son?
- Since my son is very small he does not understand.
- How about to your son's mother?
- She is out of the country
- You didn't tell to anyone in the house?
- I didn't
- How about to friends?
- I didn't talk to anyone. I consulted myself and decided.
- So you consulted yourself and went. There were guards at the police station. Is that not true?
- It is true
- What did you say when you entered? Or you were permitted to enter and get of the police station?
- I told them that I have a business
- What did you tell them?
- One last related question, Ato Adane?
- Yes
- Does your mother, Weizero Silas know about my detention?
- I think she knows but I am not sure
- You did not talk about it?
- We did not
- The honorable court, we have so far been patient partly because we didn't want to make the impression that our objections are directed at preventing their cross –examination from destroying our case. Honorable court, what is the purpose of asking about the death of his sister, Abeba and calling the name of Wezero Hiwot now and then?
- It is up to you to object to a question you think is improper. Then the court would examine whether the objection is proper or not and would say something on that. Therefore, if you have any objection, you can make it at any time; it is not right to say

[Intelligible signature]

that I should not present my objection now because I have presented many objections before. As long as there are problems, they should be presented.

- Ok, my objections are first the witness called to testify here is Ato Adane, not his mother .It is not proper to call his mother's name a thousand times here and Ato Adane should not be asked about matters pertaining to his mother. He should not also be asked as to whether his sister is dead or alive. Third, the question is something which has been repeatedly asked and answered. Honorable court, it is the same question that is being repeated...therefore, there is a limit for cross- examination and thus the witness should not be required to answer this question; he should not be asked about whether or not his mother knows the issue
- I have withdrawn. May I continue?
- May you ask another question?
- Yes it is another question
- You said that you work as a broker? Is that not right?
- Yes
- If so, why was a government vehicle was giving you a service in the morning and in the evening?
- The witness has already answered about his work as a broker. Whether he uses a vehicle or an airplane has nothing to do with the issue and he should not be required to answer this question; whether he walks by foot or use a vehicle should not be a question and has no relation with the issue, honorable court.
- Let me explain why I asked this question before the honorable court gives its ruling.
- Alright Ato Netsanet, we do not see the reason for the question but the question itself. The witness has explained about his job when he was asked. If you want to say that this is not his job, if as you said he uses government vehicles, you will show that to us; apart from what he stated as his job asking him why would be improper. Skip this question and ask another one.
- Where do you do your brokerage work, Ato Adane?
- Brokerage has no office. I do it wherever business is available; it could be Markato or Piazza.
- You were seen frisking people around kotebe. Is that not right?
- Who?
- You, when the vehicles were stopped and people around were being frisked around Kotebe, you were participating in the frisking. Is that true or not?
- This is absolutely false

[Intelligible signature]

- All right. When you came here today as a witness who gave you the summons? You said you came after having been served with summons. Who gave you the summons?
- He said the public prosecutor
- You have signed on the paper you submitted to the police. Is that not right?
- Why did you sign on that paper?
- To certify that you had given it to me
- Who asked you?
- The police
- What is his name?
- I do not know the name of the police
- Where is he from?
- You mean where he works?
- Yes
- I do not know the name, Maekelawi Prison
- Why did you go to Maekelawi ? Which one is Maekelawi ?
- I do not know, it is customarily called Maekelawi. It is the one located around the third police station.
- How did you first met there? Please start from that.
- As I said earlier, the police released me saying that they will call me when they need me. Then, they called me when they needed me.
- When was this?
- I do not remember the date
- All right, how did they call you? By phone?
- He came and met me physically
- Where did he come?
- In my residence
- Who did he find?
- Myself
- Did he knock at the door? Tell us about how he came
- He knocked and I opened the door incidentally

[Intelligible signature]

- Who else in the house saw the policeman?
- The witness was asked that repeatedly and he stated that he was told to come when needed and that he gave his address to the police
- The honorable court, they are telling him the answer
- I did not tell the answer
- Your objection please
- He said that the police came and took him. Beyond that it is not the business of Ato Netsanet. Honorable court he should not be required to answer this question as it is not related to the he is testifying for.
- We ask to be allowed to explain our main points here.
- The honorable court the intention was to provide additional explanation. There are legally accepted situations where defense counsel may raise during the cross-examination issues which were not raised during the examination-in-chief by the public prosecutor. This is especially true when the question is intended to establish the identity and behavior of the witness and his credibility.
- You can tell us this another time, may be later. But now since you said that you have an objection on the question raised, tell us about that objection. But apart from that ...
- I am raising a legal issue, the honorable court, and this question was raised in relation to relevance
- What is the question? The question is did he sign the document? In that document is there a paper which states that Ato Netsanet Demisse ordered to copy the paper and distribute it to five persons?
- That is right.
- The question is where did he sign this document. First he said that he signed it at the Meakelawi. I think the question is how did he go to the Meakelawi. In this regard, what did Ato Shimeles say? He said that this issue was not raised during the examination-in-chief and thus it should not be raise now.
- That is not the case.
- Then what did he say. I think he said that the examination-in-chief was limited to what happened up to the police station and does not extend to what happened after that.
- What I said was that the witness has answered the question concerning the signature during the cross-examination. He explained where he signed it. He also said that the police took him from his house. What happened after that has no relevance for now.
- Honorable court, what we are testing through our cross-examination is the truthfulness of the testimony of the witness. He should answer the questions that should be answered. It is a matter of checking the truthfulness of the testimony. Therefore, the public prosecutor

[Intelligible signature]

should not object to this. I know the prosecutors know very well this and thus let the witness continue to answer the question.

- Please ask the question.
- Who was around when the policeman, who had earlier told you that you would come when needed, came and called you? Who did see this? Let the witness answer this question, the honorable court.
- / not clear/
- No. The police told him that he would come when he is needed and went home. But then he said that the policeman came to my house.
- Who was the person who came to you? Who was the policeman?
- I do not know the name of the policeman. But he was not the one who earlier told me that you would come when needed. It was another policeman this time who came and told me that he wanted to discuss with me about some issues.
- Alright. Was the policeman whose name you do not know in possession of a court warrant?
- He did not.
- Who was at home when he came?
- There were people inside but no one saw the policeman coming.
- Was there anyone outside? Friends or people who came for shopping? Please answer in words. Your answer by sign would not be registered by the court and please answer the question loud saying yes or no.
- I did not see any person when the policemen came and talked to me; I do not remember anyone.
- Ok. Who did you tell at home when you left?
- I did not tell to anyone.
- Does it mean that when the policeman told you that he need you and asked you to go with him, you simply closed the door and went without telling the matter to anyone inside the house?
- No
- Alright
- He told me to come to the Maekelawi on a specific day.
- When was this?
- I do not remember the exact date but it was a working day, not Saturday or Sunday.

[Intelligible signature]

- Do you remember the month?
- I think it was Hidar (November) 1998 E.C.
- Didn't you tell to any one when you returned?
- No
- Who did you talk to when you went to the Maekelawi? How did you enter? Who you were told to meet? Which police in the Maekelawi?
- They told me to go to an office whose number I do not remember now.
- Who they told you to talk to?
- I do not know his name.
- You do not remember the policeman you talked to in the month of Hidar?
- I remember him well physically; it is only his name that I do not remember
- But you remember the things told in the last two years, the things before the election and what Netsanet told you?
- Leave that. If he remembers things that happened ten years ago but not those which happened now or yesterday, the court will make its own assessment
- Let me continue from where I stopped, honorable court. What did the policeman whose name and office number you do not remember, I mean the policeman you do not remember, talk to you?
- As I said earlier, I participated in the upheaval and the consequent destruction around Addisu Gebeya on October 30, 2005. After that I regretted what I did, went to Wereda 10 Police and talked to the police who told me to come when needed. Based on this the policeman asked me to tell him what I know and I told him.
- Was it an interrogation?
- I think it was interrogation.
- Was the policeman writing down what you were saying?
- Yes, I think so.
- Did you take with you the letter which you said Netsanet told you to make five copy and dispatch?
- I did not take it at that time but when I explained about it during the interrogation, the policeman asked me if I could bring the papers as evidence to which I replied in the affirmative. I took them to him in our next appointment.
- Let me remind you one thing. You said earlier that you submitted these four pieces of papers to a policeman you do not remember at the police station located in Woreda 10, Gulele Sub-city. On the other hand, you are saying that you brought from your home the

[Intelligible signature]

papers to the policeman at the Maekelawi. The two seem to be contradictory. Please answer them correctly.

- No. Ato Netsanet, they may appear to you to be contradictory but I did not take the papers with me when I went to the Woreda 10 Police.
- You did not show the papers to the police?
- I explained the situation to the police; that I regretted and came to surrender my self to the government.
- Let me remind you what you said earlier. I read from what you said
- Wait. Wait.
- Ok. Let me change it
- He has said something earlier and what does he say now?
- Honorable court, among the main evidences
- First, it is not a cross-examination, second, it is a wastage of the time of the court and third, I doubt if it helps you. So pay attention.
- Ok, the honorable court, when he said that he submitted the paper to the police another time, to whom did he submit it?
- As I said earlier, I do not remember the office number, I guess it was in the first floor. At the gate the guard asked permission through a telephone and I was allowed to get in. In the evening of the same day I returned to the policeman with the papers. He asked me to sign certifying that I received the papers from Nestanet Demisse. I signed.
- When you brought the papers, did you talk to anyone at home about where you have been and what the police said?
- I did not talk to anyone at home.
- Did you tell to your friends?
- I did not tell them.
- Thus you took the papers to Maekelawi Police Station and submitted them to a person whose office number you do not remember without consulting to anyone. Was the person in police uniform?
- Yes
- Was there an Identification Card in his chest?
- I do not remember whether there was one or not.
- Ato Adane, you have remembered all the events in the questions we asked up to now but when you were doing all the activities, no was around. How could that happened?

[Intelligible signature]

- Colonel, it is better to assist each other.
- I thank you for the patient, the honorable court. I have finished.
- Continue, Colonel.
- First to confirm, were you the one who write on the papers you saw earlier?
- I did not write on the paper by computer but
- No, the one written at the bottom? The hand written one and what you said is your signature?
- The handwriting, which states that Netsnet Demissse requested to make copies for five persons and the signature, are mine. Apart from that, the separate hand writing, the one which states copy for five people is not mine.
- In that case, does it mean that this happened not during the distribution of the papers but when you surrendered to the police after disappearing for one month that you wrote the statement that you were told to copy it for five persons?
- No
- Is it before that?
- It is before that.
- When was it? Make this clear to us.
- Even if I do not remember the exact day I received the papers, it was in 2005 Kiremt when there was a movement on the allegation that the election was rigged. I did not receive the papers on the same day; I received them in different days.
- But what I mean is that when did you write on the papers? When and where did you write the statement that Netsnet required you to make five copies and distribute them? I mean, this is important to the court.
- Even if I do not remember that, it seems to me that it was in the Month of Hidar (November) as I said earlier.
- After your surrender to the police?
- I mean, you went first to Gulele Police, and then you talked about Meakelawi Police. Which police station?
- Did you write it at the Meakelawi Police?
- Yes
- Honorable court what I want to apply on this point is that...in the list of evidences No.66
- Ok

[Intelligible signature]

- As indicated in the list of evidences No.66, the Federal Police Criminal Investigation shows that this was already in the police investigation
- Now ask the cross-examination and we see what you said later
- It is better to show what you allege like the public prosecutor. Ask the witness, not us.
- This is for the court. Why I say this is because I want to have it registered by the honorary court.
- This is the time of cross-examination. What is going to be registered? The request has to be rejected.
- Colonel, if you show this document to the witness and ask him, then you may ask us to register his replies. Apart from that, if you have anything you want to apply to the court, this is not the place. You should ask him.
- Do you certify that you have correctly signed on the three papers presented to you earlier and that you signed them at the Maekelawi Police?
- Yes, I can certify if I see them.
- Here are the three papers. Please certify.
- Did you sign the papers at the Meakelawi Police?
- Yes.
- At the Meakelawi Police
- You signed the papers at the Meakelawi Police stating that Netsanet ordered you to make five copies and distribute them?
- Yes
- The three of them?
- Yes
- Ok, that is your question?
- Yes
- You stated that you made five copies and distributed them all?
- Yes
- If you distributed them all where did you get a copy for this?
- What is the question? The five documents?
- You said that you were ordered to make five copies and distribute them. Then where did you get the copy you submitted to Meakellawi Prison?
- We have objection

[Intelligible signature]

- Ok, wait. Let us first listen to the question
- You said that you have distributed the copies in the bus and taxis. From where did you bring this?
- The question is where did he bring a copy for the Meakelawi? So?
- The witness was asked this question said that he had a copy which he submitted to the police and this has been recorded, the honorable court.
- The honorable court, the witness could answer. If he says that he has answered this question...
- You asked what you did not listen or you forgot. The court remembers his answer that he had a copy
- Ok, I have one question: you said that you went to the police and they told you that you would return when you are needed. Did not they ask you for a bail?
- They did not ask me
- Do you know that several young people were arrested because of the upheaval? Did you hear about it?
- Yes, I heard
- But you were not arrested
- I think it was because I regretted and went to them
- That is your guess but you were not arrested?
- Yes
- The honorable court my last request is perhaps not customary. I want what he claimed to have written to be investigated by police technical examination. To that end, let me tell him the statements, then he writes them down and I want the court to send the handwriting and have them investigated
- We are now at the stage of witness testimony and they are at the cross-examination stage. If it is said that documentary evidence has to be examined, they can ask the court to do so. It would be something to be done under another procedure. The procedure does not allow taking a signature now. As the question is not supported by law, it has to be rejected.
- Let me explain the honorable court: the public prosecutor raised the objection may be because it is not a frequently used matter. But it is used in other countries as well in the country. When a witness testifies not only what he says but also what he writes has to be checked. The witness has to pass this exam. I cannot create my own forum and ask the honorable court. I have completed my cross-examination but I ask the court to accept our request.

[Intelligible signature]

- We have now understood your question. But the witness is saying that he wrote it. But there is a suspicion on your part that he did not write it. We can say that this is not something to be challenged. However, writing it now is not an obligation. The court may discover many documents he wrote. There could be other documents written by him and the court may have a mechanism of checking whether or not he wrote it. It could find from the application written by Ato Daniel or
- It is not about Ato Daniel
- No, no. I mean about Ato Daniel
- But what is the problem with it the honorable court? It could strengthen the transparency of the court
- No, we cannot order something which is not proper. We are not saying that your request is not appropriate but we are saying that it is something to be raised at this stage, during the cross-examination.
- They have completed their cross-examination. Prosecutor, if you want re-examination.
- We have a couple of questions the honorable court.
- **Reply of the witness to the re-examination by the prosecutor**
- Ato Adane, the defendants were cross-examining you, what is your father's nationality?
- My father is from the South, Hadya.
- Thus your mother is from Tigray and your father from the South?
- That is right
- You have explained to the court that you were instigating people based on the order given by the defendants?
- Yes
- Do you know the difference between organizing and instigating? You were working as organizer or instigator?
- At the beginning I was working as organizer but after that I worked as instigator.
- I have finished.
- **Reply of the witness to questions raised by the court**
- We want to be clear on these three papers. You signed the papers at the Maekelawi Police stating that Netsanet Demisse ordered you to make copy for five people?
- Yes
- Why did you do that? Is it because the police officer ordered you to do so? Because he wants a certification from you on that issue? Or for your own note?

[Intelligible signature]

- Very good. First, as I explained earlier the policeman told me that he wanted to talk to me at the Maekelawi Police and I went there accordingly. The policeman reminded me of my report to the police regretting for what I did. On the basis of that he asked me to tell him about the situation. I went there and explained to him in detail about the papers. I told him that I received these papers and distributed them to other people. Then, he asked me if I have now the papers with me to which I answered in the affirmative. He then asked me to bring them to him in the afternoon and accordingly I took them to him in the afternoon. He then made me sign the papers certifying that I received them from Nestanet.
- Is it because he needed confirmation from you?
- Yes, he needed confirmation
- You wrote it or him?
- I wrote it myself
- The signature is also yours?
- As I said earlier the signature as well as the handwriting is mine.
- The signature under the name Adane?
- That signature and the handwriting is mine
- Alright
- Ato Adane, did you say that you have regretted the October 30/2007 destruction and surrendered to the police?
- Yes
- Why was the reason for your regret?
- First of all, I later understood that the private property of individuals should not have been destroyed, that the condominium houses being constructed in the area should not have been shattered as they are to be used by the public. At the beginning I was not able to see this but I later understood that private as well as government property should not have been destroyed. In addition, since I could not hide myself from the police for long, I directly went to the police with the intention to tell to the government that I regretted for what I did and to ask for pardon.
- Did you know that you were in the wanted list of the police?
- I had that belief but did not know that I was in the wanted list
- The court has completed its clarification questions and you may go.
- What is the next testimony? It is better to hear the testimony if it is on similar issue. Even if it is on a different issue we can in any case proceed until 5:30 p.m.
- The witnesses testify independently, not on the same issue the honorable court

[Intelligible signature]

- So does it mean that the testimony of the next witnesses is not related to this one?
- It does not have relation, the witnesses testify on their own, independently
- Do you have objections if we proceed on Monday?
- But the honorable court one thing is not clear for me: if the issues are the same...
- In any case even it is the same, Saturday and Sunday, I mean tonight
- I do not have problem on that.
- We can do only practical things. Therefore, it is preferable if that is not the case, but
- That is right. But as I stated earlier, if there is only one witness who testifies on the same issue, then it has to be heard or otherwise it has to be left out.
- What is then your opinion?
- Are you saying that as long as the testimony is on the same issue the witnesses have to be heard today no matter how long that may take?
- I believe that they have to be heard. But if the court does not accept our request but rather fixes another appointment, the court should openly give a strong warning that the witnesses should not discuss about the testimony. Even if there is no way to control this, they have to be told so for their conscience.
- The remaining witnesses are four or five and not just one. Each witness testifies on what he knows and it is not the same testimony as the earlier one. They testify on what each of them knows independently of the other. It cannot thus be said that they testify on the same issue. In addition, we have five more witnesses.
- Given the limited time, we cannot hear five witnesses. On the other hand, the court believes that the testimony of the earlier witness, Ato Adane is allegedly based on his personal relation and is largely different from the others, though we do not know exactly what the others are going to testify. Even if their testimony is related to the earlier testimony of Ato Adane, what we can do is as Colonel said to call them here and order them, to the extent possible, not to meet with the witness already testified. We cannot say any other thing now.
- The honorable court, just to make things clear, our witnesses are different.
- Yes, we also said that we expect them to be so.
- No, this does not create any suspicion. Each one of them has different relation with the defendants and they do not know each other. Therefore, the testimony of one does not have impact on the other, as the witnesses are to testify separate and different relations with the defendants.
- OK

[Intelligible signature]

- Since they are not witnesses who belong to one group and do not testify on one matter, there is no harm if they testify separately.
- That is what I said. Even if I am not sure about the nature of the testimony of the other witnesses like the prosecutor, that is my belief. So what we can do now is to fix another appointment. Adane, you should not in any way meet with the other witnesses who did not testify. That is what we can do and we cannot do anything beyond that. Let the other witnesses who did not testify today come here and we will tell them. They have come respecting the order of the court and should thus be told why they were not heard today. We are unable to hear them today.

Order

Ok, on another note, we have considered the application lodged by Weizero Negist. In relation to bail, there is no any condition where this court may reconsider the issue again. On the other hand, we have given order in relation to her request to meet her children. That is, subject to possible consideration of the order depending on circumstances, for the time being the prison is ordered to allow you go escorted and see you children twice a week for a reasonable period of time and to arrange the necessary conditions for meeting your children. The order will be issued. We shall see it for one month and after that it may continue or discontinue depending on circumstances.

- Where are the witnesses? I saw hands in the morning and if that is not the case you may raise your hands.
- Myself and professor do not wish the proceeding to be troubled by this. We will go but it is to notify that to the court because the case is an old one
- Ato Aklilu, is Tuesday convenient to you?
- No
- I understand your question; you mean that the testimony could be heard in your absence. But Tuesday is ok for us. Is it ok for you as well?
- We are saying that let it be on Monday for we do not have problem.
- I understand your question; it is not because I did not understand it but it is just for the purpose of the proceeding
- We were planning to hear you today but we could not. As you can see, the time is already 4:30 p.m. So, you should appear on the next day to be fixed. Let us make it on Monday; we have fixed the next appointment to be on Monday 6 October 9:00 a.m. to hear witnesses.

[Intelligible signature]