

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Monday, 19 September 2016
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: [9:36:29] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:57] Good morning. Bonjour.
15 We are here this morning for Witness 414, to start Witness 414, who is a Rule 68(3)
16 witness.
17 Before entering the witness into the courtroom, I would read the decision taken on the
18 protective measures issue. And I'm referring to the confidential filing number 653,
19 which is the Prosecutor's application for protective measures for its 16th witness.
20 On 29 August 2016, the Prosecutor requested that in-court protective measures in the
21 form of use of pseudonym, voice and image distortion be granted for Witness 414,
22 and that in camera proceedings be adopted for identifying portions of the testimony
23 with a view to preventing the witness's identity from being disclosed to the public.
24 Information supporting the application was also included in the confidential ex parte
25 annex to filing 653.

1 On 5 September 2016, the Defence for Mr Blé Goudé and the Defence for Mr Gbagbo
2 both responded respectively by confidential filings 659 and 660, both objecting to the
3 application.

4 On 7 September 2016, the Prosecutor filed her, and I quote "Clarification of its
5 application for protective measures for the 16th witness," referring to confidential
6 filing 661, to which the Defence for Mr Blé Goudé responded by email on 8 September
7 and the Defence for Mr Gbagbo by confidential filing 661.

8 On 14 September 2016, the VWU informed the Chamber that the witness had
9 requested to benefit from in-court protective measures in light of the following
10 factors:

11 One, the fact that if her identity as a witness became known, information on her might
12 be inadvertently disseminated by some of her current colleagues to parties more
13 willing to act.

14 Two, the possible impact on her future ability to work again in Ivory Coast.

15 Three, the possible consequences on some of her former colleagues and friends still
16 based in Ivory Coast.

17 The VWU finds that the witness's concerns are valid and recommends the granting of
18 the measures requested by the Prosecutor.

19 The Chamber, having considered the information provided by the Prosecutor, the
20 objections submitted, both by Defence -- by both Defence teams and the VWU's
21 assessment and recommendation finds that the requested measures are not
22 warranted.

23 Neither the Prosecutor in her application, nor the VWU in their assessment go beyond
24 rehearsing generic references to the features of the social context in Ivory Coast,
25 including references to its polarisation and to the level of attention reserved to this

1 trial by media, social media and ordinary citizens.

2 As recently stated by the Chamber in respect of another request for protective
3 measures, such generic references are inadequate to substantiate a risk suitable to
4 trigger the application of Rule 87 of the Rules.

5 As regards the personal circumstances of the witness, the Chamber takes the view
6 that all of the elements referred to are of a speculative and hypothetical nature, as such
7 also unsuitable to warrant the application of Rule 87.

8 No concrete objective identified risk emerged from the VWU assessment, which
9 hardly goes beyond repeating the witness's concerns and generically state that the
10 protective measures would address them.

11 The Chamber would like to take this opportunity to reiterate that all witnesses before
12 the Court are neutral and only expected to tell the truth and that, in the absence of a
13 concrete specific objectively identifiable risk, appearing in public is part of the
14 responsibility attached to the role.

15 In light of the above, the Chamber reject the Prosecutor's application.

16 And this concludes the Chamber's oral ruling on this issue.

17 I would like now the court usher to call the witness.

18 Just a moment.

19 The Prosecutor, please.

20 MR DEMIRDJIAN: [9:43:02] Good morning, your Honours. Good morning to
21 everyone in and around the courtroom. Before we continue with the witness, I
22 believe Mr MacDonald would like to complete a submission he was making last week
23 before we adjourned on the oral bar table.

24 And one more thing before I give the floor to Mr MacDonald. Just to give your
25 Honours a little bit of a roadmap, as you may have seen, we've requested two and a

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 half hours with this witness, although it's a Rule 68(3) witness, so you may be asking
2 yourself why do we need this much time. So here is what I intend to do with the
3 witness.

4 There are a few issues that we'd like to clarify, so in total that shouldn't take more
5 than 20 to 30 minutes. What we're intending to do in the future is, very shortly after
6 the testimony of the witness, is to apply for a motion to submit documents, United
7 Nations documents through paragraph 43 of your directions.

8 And to enable to do that we would like to ask her a few questions about format,
9 substance, the information that was received to form the basis for that notion. I will
10 try to reduce my time as much as I can, perhaps I'll take two hours. I just want to
11 show a few categories of documents, and that's why I need that time. So it may be
12 less than two and a half hours. So that's what I had to say and Mr MacDonald --

13 PRESIDING JUDGE TARFUSSER: [9:44:19] Thank you very much.

14 Mr MacDonald, I know what you are referring to, and it's the motion, you want to
15 explain then to which the parties have already responded to, right? I think in
16 writing, I think so.

17 Okay, please, you have the floor.

18 MR MACDONALD: [9:44:37] It's a different witness, your Honour. The response
19 was in relation to 501. Can you hear me?

20 PRESIDING JUDGE TARFUSSER: [9:44:48] I can hear you.

21 MR MACDONALD: [9:44:51] Yes. Maybe your colleague to your right, yes?

22 Okay.

23 It's a different witness, Mr President. What was filed between the parties is in
24 relation to Witness 501. Here I'm referring to Witness 330. There is two categories
25 of documents. I don't think the first category creates any real issues, and I'll refer to

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 documents CIV-OTP-0043-0235 and also 0236, and the third one is 0044-0006.

2 Now, these documents, the first two, emanate from a search operation that the
3 Prosecution conducted in 2013, where we went to camp Agban, and these two
4 documents were available at the first legion, la première légion mobile de la
5 gendarmerie.

6 Now these two documents, your Honour, corroborate that Witness 330 indeed
7 deserted on 3 March 2011. So instead of doing that in writing we're doing it orally.

8 We didn't show this document to the witness, because obviously since he deserted he
9 could not have seen these documents. So this is why we want them submitted on
10 the record.

11 The third one, which ends by 006, that document, your Honour, was also obtained at
12 the gendarmerie and, more specifically, during the same mission in 2013 at the
13 archives of the commandement supérieur de la gendarmerie nationale, which is in
14 Cocody, the headquarters of the gendarmerie. In the archive section this document
15 was found, the one ending by 0044-0006, and again refers to the irregular absence, I'm
16 translating, of Witness 330. So those are three documents that we'd like to be
17 submitted on the record.

18 I can stop here and we deal with these, or I can move to the next one, which is still
19 related to Witness 330, but of a different topic, not on his desertion, your Honour.
20 It's as you wish.

21 PRESIDING JUDGE TARFUSSER: [9:48:39] No, no. Go ahead. So we do
22 altogether.

23 MR MACDONALD: [9:48:42] Thank you.

24 Now, the last document that the Prosecution would have to have submitted is
25 CIV-OTP-0025-0162. Now this document is dated 30 December 2010, was basically

1 drafted by the intelligence division of the CECOS, remembering that CECOS is staffed
2 by different personnel, gendarmerie, police and army; FANCI, if you prefer.

3 Now this document was obtained in 2012 during a search mission conducted for the
4 documents that were previously at the presidential palace, not to be confused with
5 the presidential residence, the presidential palace, so the office where the Presidency
6 was working and located.

7 The reason why we want to tender orally this document is that you may remember
8 throughout the testimony the witness mentioned a few examples of the lack of
9 confidence of his hierarchy in relation to him personally, including subordinates.

10 And I will refer to just two examples very briefly. I will not quote them, I will just
11 refer to those and summarise very briefly what it is, and you'll surely remember.

12 Now, it's in transcript 68, edited version, French version where we went into briefly in
13 closed session, so I will not go into the details of it, but it's a clear indication of what
14 his own men thought of him when he was not dressed up as a commanding officer in
15 the camp, and the junior officers would see him and start talking about him, thinking
16 that they're talking about him in his back, but they're actually talking to the man
17 himself and what would happen to him, that they had been told that they needed to
18 do some sort of surveillance, they needed to check him.

19 The second example -- so this is at page, sorry, 47, starting line 12.

20 In the same transcript 68, ET version, edited transcript, starting at page 51, line 15,
21 you may remember, still on this issue of what his hierarchy thought of him, a
22 conversation he had with the commanding officer of the gendarmerie, Mr Kassaraté,
23 and about raising a white flag in the camp and why was he doing that.

24 So there you have two different examples of the witness himself being informed by
25 his superior, Mr General Kassaraté of the army, of what people within the Presidency

1 or close to the president thought of him in terms of he could not be trusted or had to
2 be watched.

3 And this document, now I come back to the document, this document from the
4 CECOS intelligence section relates exactly to that. It identifies people within the
5 gendarmerie throughout the different units that may not be -- or the lack of trust, the
6 last of confidence within the ranks.

7 And this document is given to the général de division, commandant de centre de
8 commandement des opérations de sécurité throughout this CPO. You'll hear about
9 the CPO later in this case. But this document is addressed to that general that was
10 under the command of Mr Mangou.

11 And at the last page of this document you have Witness 330 that is identified by his
12 full name, under the heading, "Les autres officiers qui quoique non actifs peuvent être
13 influencés par un basculement."

14 That's our motion, your Honour. Thank you very much.

15 PRESIDING JUDGE TARFUSSER: [9:54:14] Thank you.

16 The Defence.

17 MR ALTIT: [9:54:20] (Interpretation) Thank you, your Honour. Your Honours --

18 MR MACDONALD: [9:54:33] I just forgot to just say one thing. I'm very, very
19 sorry, colleague. I'm sorry, I'm sorry to interrupt, but before you start.

20 Now, you may wonder what is the relevance of all this on the last document, and on
21 the first ones, but they go to something important in this case. They're indicia or
22 elements of evidence that will be very much relevant eventually, especially the first
23 three, when we start discussing reporting lines, discipline, sanctions, which go to
24 Article 28 primarily, but also to other, elements of the other crimes.

25 So this is a long case, your Honour. It's based on circumstantial evidence, and this is

1 why eventually every document may be of relevance, importance to your
2 determination. So I'm flagging it right now, that it obviously goes to that. When
3 we see deserters, there are reporting lines that are very clear, and there is some
4 discipline, administrative discipline at a minimum that is being applied, which goes
5 to the elements of Article 28. Thank you.

6 PRESIDING JUDGE TARFUSSER: [9:55:48] Thank you.

7 Maître Altit.

8 MR ALTIT: [9:56:01] (Interpretation) I thank you, Mr President. Now the
9 Prosecution has just made an oral request for the paragraph 43 of the directions
10 under -- 43 of the directions for the following documents to be admitted, three
11 documents, CIV-OTP, of which the numbers, the last final numbers are as follows,
12 0235, 0236, and 0006. These three documents were allegedly obtained, Mr President,
13 your Honours, via the Prosecution from the gendarmerie during a mission in Côte
14 d'Ivoire between 16 and 24 May 2016.

15 First point, the Defence is surprised by this oral request to the extent that these
16 documents are already part of those documents for which the Prosecution had
17 already requested the admission under paragraph 43 on the directions governing the
18 proceedings. And it's a written request of 13 June 2016. And that was the filing
19 553.

20 These documents were already mentioned in annex A in the filing 583. Under such
21 conditions the Defence would refer you to its response of 29 July 2016, that is filing
22 641, and I would remind you briefly that we were explaining and developing the fact
23 the Prosecution only furnished in its request of 13 June 2016, nothing more than he
24 does here in the courtroom with regard to the information as to the authenticity of the
25 documents, the documents obtained during said mission.

1 And this is contrary to the requirements of paragraph 44 of your decision on the
2 conduct of proceedings. The investigators of the Office of the Prosecutor merely
3 during their mission took it as given what their Ivorian interlocutors said to them,
4 who gave them documents saying that they came from such and such a place and the
5 Prosecution did not attempt to find out anything further.

6 And at no point during that mission did it come to light as to whether they inquired
7 as to the authenticity to these documents, notably, requesting the authenticity from
8 the authors of said documents. For us, as a result, it is clear these documents cannot
9 be admitted in the case under paragraph 43.

10 And were the Chamber to admit these documents under paragraph 43, the Defence
11 would be against their admission under Article 69(4), because the Prosecution has not
12 shown the probative value or the authenticity of said documents.

13 Now, with regard to CIV-OTP-0025-0162, this document was obtained by the OTP in
14 a document-gathering mission between 25 May 2012 and 10 July 2012. The
15 Prosecution does not give us any useful information as to the authenticity of said
16 document, nor does he go about obtaining or telling us how he obtained said
17 document, as to whether he investigated on the author or the recipients of the
18 document. We have absolutely nothing.

19 So as with each request for admission on the part of the OTP, the Defence then has to
20 do the work for you and provide the information to the Chamber.

21 Mr President, your Honours, I believe that we should go into private session for us to
22 briefly develop on this issue.

23 PRESIDING JUDGE TARFUSSER: [10:01:01] Can we go into private session, please.

24 (Private session at 10.01 a.m.)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0414

(Private Session)

ICC-02/11-01/15

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- 23 (Open session at 10.06 a.m.)
- 24 THE COURT OFFICER: [10:06:47] We are back in open session, Mr President.
- 25 PRESIDING JUDGE TARFUSSER: [10:06:53] Thank you very much.

1 Mr Knoops.

2 MR KNOOPS: [10:07:03] Mr President, good morning your Honours. Mr President,
3 I will present now the view of our Defence team in respect of the four documents, 235,
4 236, 0006 and 0162.

5 The first place, Mr President, we refer to our filing 640 confidential of 29 July 2016,
6 where the documents introduced by the Prosecution of the gendarmerie were
7 contested based on arguments of authenticity and probative value, et cetera.

8 I will now briefly deal with two documents in addition to what we already alluded to
9 in our submission of 29 July 2016.

10 The first document relates to 0006.

11 Mr President, this is a document, as your Honours will see, which relates to the
12 suspension of salary, which document dates from 31 December 2010.

13 While it can be admitted that this document bears a letterhead, is stamped and signed,
14 the Defence submits that, nonetheless, this document cannot be admitted. Why?

15 The Prosecution most likely seeks the admission of that document in order to
16 substantiate the fact that the salary of this witness was apparently suspended starting
17 on 31 December 2010.

18 However, as your Honours have noticed, during the course of the testimony of P-330,
19 this fact was never discussed. P-330 stated that he left this specific location, I will not
20 refer to it in public, on 3 March 2011.

21 Never did the witness during his testimony assert that one of the reasons for his
22 alleged defection was that his salary was suspended. Neither Defence nor
23 Prosecution questioned the witness in this respect. In other words, admission of this
24 document would be tantamount to introducing a new fact that was never subjected to
25 examination by the calling party nor the non-calling party.

1 Yet, the Prosecution had ample time to question the witness on that -- specific
2 documents and the reasons underlying it, but determined, decided not to question the
3 witness on this specific fact which arises apparently from this document.

4 The Defence believes that by introducing this document it would at the same time be
5 tantamount to introducing a new topic which was never aborded during the
6 testimony of this witness.

7 Mr President, briefly, in addition to our motion of 29 July 2016 as regards the fourth
8 document which ends with the numbers 162, we have the following additional
9 objection.

10 Mr President, your Honours, you are all aware of the decision on the Prosecution's
11 bar table motion in the Katanga case of 17 December 2010, filing number
12 ICC-01/04-01/07, 2635.

13 In that very decision, Mr President, the Court found that documents that do not bear
14 extrinsic indications as to their origin and author always must be authenticated by
15 way of either attestation or affidavit from an identified representative of the
16 originating organisation.

17 First observation in regard to the decision in the Katanga case applied to the instant
18 document is the argument of relevance. We just heard the Prosecution saying, and
19 that's page 9 of the transcript of this morning, line 18 and 19, Prosecution this
20 morning argued that this is a case which apparently relies on what he calls
21 circumstantial evidence. And page 9, line 19, I quote, "And this is why every
22 document -- this is why eventually every document may be of relevance."

23 That is, Mr President, what the Prosecution this morning said to the Chamber. A
24 potential relevance is not to be equated with the criterion of relevance as decided by
25 the Katanga Chamber on the Prosecution's bar table motion. It is for the Prosecution

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 to show right now that the documents is of relevance and not that it may be of
2 relevance in the near future when the trial unfolds.

3 Secondly, Mr President, the document in question mentions the Witness P-330
4 amongst other armed force members as being potentially susceptible to defecting.
5 We contest the admissibility on the basis that this report, this document is not as the
6 Chamber in Katanga requires, is not a self-authenticating document. Prosecution
7 has not provided to the Chamber a certification of its authenticity from an identified
8 representative of CECOS.

9 Moreover, as the Court might notice, that document contains no seal and is unsigned.
10 For an official document, it cannot be presumed as authentic without a signature of
11 an identified official.

12 In conclusion, we object to the admission of four -- of the four documents, referring to
13 our filing of 29 July 2016. And in addition, with respect to the documents 0006 and
14 0162, we say to the Court, relating to 006, that this document may be presumed to be
15 authentic because of the signature, yet it cannot be introduced onto the case record
16 because of the fact that it goes to proof of an alleged fact which was never submitted
17 to the Chamber during the examination of the witness.

18 And as document 0162 concerns, it does represent in this stage serious admissibility
19 issues, namely, the authenticity of the report in question. As your Honours might
20 see, it is a document which is not signed or authenticated in any form.

21 Thank you, Mr President.

22 PRESIDING JUDGE TARFUSSER: [10:16:13] Thank you.

23 This discussion is also a principle discussion. I would like also to give the floor, if
24 they want, to the Legal Representatives.

25 MS MASSIDDA: [10:16:31] Thank you, your Honour. Good morning. I will be

1 brief. In relation to the first three documents, we support of course the request by
2 the Office of the Prosecution. If I look at the directions 43 and 44, we already argue
3 in our filing 617, dated 15 July 2016 that all these document are relevant and authentic
4 prima facie. It's paragraph 18 and 19 of that submission. And all the documents
5 were disclosed on 9 May 2014 already at the pre-confirmation package.

6 I would like briefly to touch upon two issues just brought before the judges by the
7 Defence of Mr Blé Goudé.

8 The first one, we disagree on the fact that in order to be able to submit documents,
9 issues related to the document should have been put as questions to the witnesses
10 because, if this is the case, then the purpose of your direction 43 and 44 will be denied
11 of any sense and meaning in, if I read correctly, the directions paragraph 43:

12 "In the interest of efficiency of the proceedings, the parties are encouraged to
13 introduce documentary evidence other than testimonial, whenever feasible."

14 And this goes for me, in our submission, independently of the fact that a witness has
15 or has not testified on a specific point.

16 The second point that I would like to touch upon is in relation to the submission on
17 the Katanga judgment just quoted by the Defence.

18 Now, the same decision, decision 2635 dated 17 December 2010, paragraph 24(b) goes,
19 in our submission, exactly to the contrary of what the Defence has just argued in
20 relation to the prima facie reliability of the documents. And I will read, I quote:

21 "When the author of a public document is an identified representative or agent of an
22 official body or organisation, that document will be presumed authentic if it has been
23 signed by the identified official and the authenticity of that signature is not called into
24 question."

25 In summary, your Honour, we support the Prosecution submission of the

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 admissibility of all the four documents, consider that they are at this point in time
2 relevant and their reliability and authenticity is proven prima facie. And finally,
3 some of them goes also directly to the credibility of a witness.

4 Thank you.

5 PRESIDING JUDGE TARFUSSER: [10:19:35] Thank you very much. I don't know
6 what the Prosecutor wants to say, but it shouldn't be a reply to what was said,
7 because you had been.

8 MR MACDONALD: [10:19:43] No. I know, you Honour. But I think it's
9 important to set the record straight when information is provided to the Chamber
10 which could be misleading, in the sense that we're not -- when we're doing search -- I
11 just want to say this. When we're doing search missions or collection missions, it's
12 not the authorities handing us documents. It's us looking at documents, setting
13 them aside and then having the authorities give them to us. But we have copies of
14 those documents and then we get the original ones. That's the way it's functioning.
15 So it's not the authorities selecting documents for us, your Honour.

16 PRESIDING JUDGE TARFUSSER: [10:20:30] Mr MacDonald, I do know how
17 rogatory commission work.

18 MR MACDONALD: [10:20:34] I know you do, your Honour, but then --

19 PRESIDING JUDGE TARFUSSER: [10:20:37] So.

20 MR MACDONALD: [10:20:38] Then I don't know why we're discussing these
21 arguments in the first place, or putting them on the record, when we know then it's
22 not true.

23 PRESIDING JUDGE TARFUSSER: [10:20:45] I don't know. But let's leave it here.
24 We will decide in due course on all this.

25 I would now like the Witness 414 to be introduced, but I think we have to -- now the

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Private Session)

ICC-02/11-01/15

1 problem is that we are in the mode of protective measures as set on the broadcasting,
2 so we have to suspend in order to go back.

3 But first, I think I should tell the witness that she has no in-court protective measures,
4 that the Chamber has not granted it in, in obviously in private session. So I will
5 reintroduce the witness, I will tell to her, and then we'll see what happens.

6 So please can the witness be introduced.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE TARFUSSER: [10:22:50] So let's go in private session please
9 without broadcast the witness.

10 (Private session at 10.22 a.m.)

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Trial Hearing
WITNESS: CIV-OTP-P-0414

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 (Recess taken at 10.28 a.m. in open session)

2 (Upon resuming in open court at 11.36 a.m.)

3 THE COURT USHER: [11:36:49] All rise.

4 Please be seated.

5 PRESIDING JUDGE TARFUSSER: [11:37:07] Hello. Good morning again. And
6 now we have the witness.

7 Good morning again to you, Madam Witness. We have the witness inside. I think
8 we can start the testimony.

9 Now, Madam Witness, can you tell us your name, please, and your date of birth,
10 place of birth and all your identifying, or what identifies you. Thank you.

11 WITNESS: CIV-OTP-P-0414

12 (The witness speaks French)

13 THE WITNESS: [11:39:11] (Interpretation) Yes, of course. My name is Aurélia
14 Fuchs and I was born on 26 April 1982 in Geneva, Switzerland.

15 PRESIDING JUDGE TARFUSSER: [11:39:25] And what is your occupation?

16 THE WITNESS: [11:39:26] (Interpretation) I am a human rights officer at the UN,
17 at the United Nations.

18 PRESIDING JUDGE TARFUSSER: [11:39:34] And you have been on mission where
19 and which time frame?

20 THE WITNESS: [11:39:39] (Interpretation) I was assigned to the UN operations in
21 Côte d'Ivoire from October 2010 to June 2015. And since August 2015 I've been
22 working at MONUSCO, the UN mission to the Democratic Republic of the Congo.

23 PRESIDING JUDGE TARFUSSER: [11:40:11] Okay. Thank you very much. So
24 now some preliminary information just for you.

25 As I told before, we have not granted, the Chamber has not granted the protective

1 measures. But I think you are absolutely fine with this. And I see you do
2 understand the reason.
3 As you are testifying in French and I'm speaking in English, and we need obviously to
4 ensure that we understand each other, but even more that the translation and the
5 transcription of the record is made in a sound way, it is important for you, especially
6 then when you are questioned maybe in French, so when you speak the same
7 language, to speak slowly and to wait a little bit before answering the question so as
8 the person who asks the question has to wait for you to finish because we have to
9 wait the finishing of the translation.

10 So you are obviously aware that this Chamber has been established to try the case of
11 the Prosecutor against Mr Gbagbo and Mr Blé Goudé, who are in this Court. And
12 you are as a witness called to assist the Chamber in the finding of the truth.

13 So you will be asked questions by the Prosecutor, by the Defence teams and, if
14 necessary, also by the Chamber, by the judges.

15 If at any point you have some problems, you want a break or there is something you
16 have to tell to the Chamber, please do so just by telling me so we will try to settle
17 what the necessities are.

18 So before starting the questioning, obviously you have to make a solemn undertaking
19 requested by law. The solemn undertaking is obviously to the fact that you will tell
20 the truth. And, therefore, you should please read, I think you have it in front of you.

21 No? I think so, the declaration, so please, if you can read the solemn undertaking.

22 THE WITNESS: [11:43:03] (Interpretation) I solemnly declare that I shall tell the
23 truth, the whole truth and nothing but the truth.

24 PRESIDING JUDGE TARFUSSER: [11:43:14] Thank you very much. Obviously I
25 have to inform you that giving false testimony is an offence in front of the Court, so

1 obviously -- and, therefore, is punishable.

2 You are a witness, a fact witness, so you are not requested to give your personal
3 opinion on anything, but just to answer related to facts you have seen, witnessed,
4 experienced or heard about.

5 You are a so-called Rule 68 witness, because the Chamber has before it and you have
6 before you the written statement you gave to the Office of the Prosecutor on the 6, 7, 8
7 and 9 February 2014. And I'm referring to, just for the record, to the statement which
8 is CIV-OTP-0054-0582 and to the annexes 0627, 0628, 0629, 0630, 0631. And you have
9 also these documents in front of you. Do you confirm that you gave this statement
10 to the Office of the Prosecutor in the dates I said before? Have you had and have
11 you, the next question is, if you have had the opportunity to read, to reread the
12 statements in the last days recently.

13 THE WITNESS: [11:45:02] (Interpretation) Yes, I did give this statement on the
14 dates that you mentioned, and I have had an opportunity to reread the statement
15 during my first visit.

16 PRESIDING JUDGE TARFUSSER: [11:45:16] Thank you very much.

17 So the Chamber has decided on 19 July 2016, and I'm referring to filing 629, that your
18 written statement is suitable for introduction under Rule 68(3) of the Rules of
19 Procedure and Evidence into the case record. This means, for you, that rather than
20 you having to give again the entirety of your evidence orally, the Chamber can just
21 use your written statement, although you would still be asked questions, some
22 questions, supplementary questions by the Office of the Prosecutor, and you will still
23 be examined by the Defence teams.

24 Rule 68(3) states also that the Chamber may allow the introduction of this previous
25 recorded testimony if the witness, obviously, is present and does not object and if the

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 Prosecutor, the Defence and the Chamber have had the opportunity to examine the
2 witness. So, therefore, I ask you if you agree with the introduction of your written
3 statement in the case record or if you do not agree?

4 THE WITNESS: [11:46:46] (Interpretation) Yes, I agree.

5 PRESIDING JUDGE TARFUSSER: [11:46:52] Okay. Thank you very much. In
6 light of the fact that you're here, also here today, and available for examination by the
7 parties and the Chamber, the Chamber notes that all requirements of Rule 68(3) are
8 met. The introduction of the written statement and the witness is allowed. And I'm
9 referring to the written statement as to the numbers I've given before and its annexes.
10 And these documents are submitted to the Chamber.

11 I also want to note, just for the record, that a number of other documents are
12 discussed in the statement which are not, as such, annexed to the statement, but
13 which are considered submitted in line with its decision 329, and I refer to
14 paragraph 28.

15 These other statements are CIV-OTP-0002-0598, 0044-0729, 0044-0845, 0044-1185,
16 0044-1191, 0044-1522, 0044-1617, 0044-1619, 0044-1644, 0044-1649, 0044-1654,
17 0044-1692, 0044-1704, 0044-1725, 0044-1740, and 0044-1745.

18 Now we will start with the questioning, and I give the floor to the Office of the
19 Prosecutor, who has indicated also about two and a half hours for supplementary
20 examination. The floor is yours.

21 MR ALTIT: [11:49:25] (Interpretation) Your Honour.

22 PRESIDING JUDGE TARFUSSER: [11:49:30] Maître Altit.

23 MR ALTIT: [11:49:33] (Interpretation) Thank you, your Honour. I beg your
24 pardon. The counsel who seemed to be along with the witness did not introduce
25 himself. Would that be possible? Could we have an introduction?

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [11:49:49] Of course.

2 Please introduce yourself.

3 MR ZERVOS: Yes. My name is Alexandros Zervos, and I'm here representing to be
4 clear the United Nations, not the witness, as was previously mentioned.

5 PRESIDING JUDGE TARFUSSER: [11:50:05] Would that be enough for you, Mr Altit,
6 Maître Altit?

7 MR ALTIT: [11:50:10] (Interpretation) I thank you, your Honour.

8 PRESIDING JUDGE TARFUSSER: [11:50:14] On this the Chamber has already ruled
9 in its decision of 23 October 2015. So okay, thank you very much.
10 And sorry for not having thought about it and introduce you.

11 So now it's the floor to the Prosecutor.

12 MR DEMIRDJIAN: [11:50:31] Thank you very much, Mr President.

13 QUESTIONED BY MR DEMIRDJIAN:

14 Q. [11:50:45] (Interpretation) As you can see, I will be speaking very slowly so
15 our interpreters can continue with us. Now that your statement is part of the case
16 record, I won't be asking you questions about all the details in that statement, just a
17 few points to clear up and a few documents to see if you could help us, is that all
18 right?

19 Now, before moving ahead, I'd just like to ask you one thing. We do have your
20 statement here and it was given truthfully and faithfully to the best of your
21 knowledge; is that correct?

22 A. [11:51:21] Yes.

23 Q. [11:51:22] Very well. And if you could clarify something at paragraph 8, it said
24 that you work at the regional office in Abidjan; but that is no longer the case. I
25 believe you cleared up that point in your response to the Presiding Judge?

1 A. [11:51:49] Yes. At the time of giving of the statement all that information was
2 true.

3 Q. [11:52:01] Now initially you explained the organisational chart of the ONUCI
4 and the section that you were working in at the time. Now I'd like to ask you a few
5 questions just so that we and the judges can situate you, so to speak, in the org chart.
6 Now could you describe the main divisions?

7 You mentioned the human rights division in your statement. What are the other
8 divisions, generally speaking, within the ONUCI -- this is not a test, not to be
9 worried?

10 A. [11:52:35] It's a bit complicated. Mainly, for the most part, ONUCI was divided
11 into two major groups. There was the section that was called the -- I apologise for
12 using an English word, but the mission support area. We kind of speak franglais at
13 ONUCI. And then we had the substantive area and the division of human rights
14 was part of the substantive area. There were other substantive areas, such as the
15 political affairs division. I'm sorry, but I'm having a little bit of trouble, because I'm
16 more familiar with the acronyms, so it's difficult for me to tell you exactly what -- the
17 specific names.

18 There was a demobilisation and reintegration unit to return combatants to society.

19 Q. [11:53:40] Very well. Now, all these various divisions that you've mentioned to
20 us, what was the unit that was the umbrella, so to speak? Was there a person or a
21 unit that everyone reported to?

22 A. [11:54:00] Each division or section had a divisional chief or a section chief, and
23 then there was two special deputy representatives, and they were in charge of various
24 divisions and sections. Above those two people there was the special representative
25 of the general secretary.

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 THE INTERPRETER: Correction, of the Secretary General.

2 MR DEMIRDJIAN:

3 Q. [11:54:32] Very well. Now, you've told us in your statement that when you
4 arrived, and that was in mid-October 2010, you were placed within the human rights
5 division and you were working within one of the sections there, the C something U;
6 am I correct?

7 A. [11:54:48] Just to -- well, they weren't sections. They were units. It was the
8 technical cooperation unit, the technical cooperation unit that provided support to
9 national authorities and technical assistance.

10 Q. [11:55:07] Very well. Now, without giving any specific names, could you tell
11 us whether your supervisor was the head of the unit?

12 A. [11:55:26] Indeed, my supervisor was the head of the unit and then there was
13 also a divisional chief supported by a deputy chief.

14 Q. [11:55:47] Very well. Now, in your statement you also said that the ONUCI
15 headquarters was in Sebroko in Abidjan; is that correct?

16 A. [11:55:59] Not exactly. Sebroko is the former, well, that was the name of the
17 headquarters, and the neighbourhood was Attécoubé.

18 Q. [11:56:10] Now, in Abidjan did ONUCI have other offices as well, or was it the
19 only one?

20 A. [11:56:26] There were other offices. There was a logistics offices. I correct
21 myself, there were a logistic -- there was a logistics office, and I mentioned some
22 civilian section. But there was also a military component and a number of bases,
23 mais là je -- for example. I must admit I don't know them all by heart.

24 Q. [11:56:50] Now, you told us that as of 13 December 2013 --

25 THE INTERPRETER: Correction: 2010.

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 MR DEMIRDJIAN:

2 Q. (Interpretation) -- you began working within one unit that had been created and
3 since mid-October up until -- you were within, within the call centre. Now, was this
4 within the technical cooperation unit?

5 A. [11:57:18] Not exactly. Already, because this technical assistance during the
6 election period had diminished somewhat and I was placed within the -- well, at the
7 time of the election, the two days of the elections we had -- I'm trying to find the exact
8 expression. You see, there were follow-up -- or, rather, monitoring teams, teams that
9 were monitoring the situation in the various voting locations, the polling offices.
10 Then there was a period of time before that when we had been evacuated to Banjul,
11 and I think that was early in December. And at that time I was -- well, off the top of
12 my head, I can't give you specific dates. It seems to me it was from 3 to 10 of
13 December 2010. But I must acknowledge that I'm not entirely sure of the dates. We
14 can check the dates if necessary.

15 In actual fact I was within the technical and cooperation unit, but we provided
16 support to the rest of the division. We had less work at the time. And there was
17 more work in other units, particularly the reporting unit, protection and
18 documentation unit, PDU. That was the unit that prepared the report. So I also
19 helped out within that unit. And eventually also -- well, I don't think I was helping
20 out the regional office at the time, but, in any event, we helped the other units that
21 were within the division.

22 Q. [11:59:10] Just to clarify, at paragraph 25 you said you were in Banjul from the
23 7th to the 13th; is that correct? Do you remember?

24 A. [11:59:26] Which paragraph? 23?

25 Q. [11:59:30] Paragraph 25?

1 A. [11:59:33] I remember that I did cross-check when I gave the statement, so it
2 must have been from the 7 to 13 of December.

3 Q. [11:59:40] Now, you also explained at paragraph 295 that one of the mandates of
4 the human rights division was to verify statements given to the press and, in
5 particular, expressions of hate. What was the purpose of that exercise, that
6 monitoring of hate propaganda in speeches?

7 A. [12:00:12] Well, we had a mandate. And this is a complicated question because
8 we did have a mandate from the UN Security Council, but within the sanctions
9 committee, it actually came from the sanctions committee. It was a different
10 resolution to the ONUCI resolution. And it was necessary to check -- well, there
11 were some areas we needed to check. I must acknowledge that I can't remember
12 exactly the precise wording of what we were to monitor.

13 PRESIDING JUDGE TARFUSSER: [12:01:01] Is the reference to 295 correct? I don't
14 think so.

15 MR DEMIRDJIAN: [12:01:06] No. It's 285.

16 PRESIDING JUDGE TARFUSSER: [12:01:08] No. Just because then we get in
17 trouble. And there is another paragraph also which talks about the same, but I can't
18 remember which one it was. Okay. Thank you. No. Just to correct the
19 paragraph. Thank you.

20 MR DEMIRDJIAN: [12:01:23] Absolutely, yes.

21 Q. [12:01:28] (Interpretation) Can you explain to us whether that mandate of
22 following up hate speech continued throughout the crisis?

23 A. [12:01:40] Yes. To my knowledge, yes. But let me point out that it was not
24 only the human rights unit which was responsible for that. The public information
25 office was also concerned. I really do not remember the precise distribution of

1 responsibilities, but I remember that I did this on a regular basis.

2 Q. [12:02:08] Still at paragraph 285, you said that these statements were verified in
3 the press. Was it the written press or other media as well?

4 A. [12:02:31] Personally I think I did this with the print media and really not with
5 the social media, but Internet sites. I really do not know whether these were official
6 press or media organisations or not. I think this is too far away in the past.

7 I know that I did not have access to audiovisual media or I had access very rarely, so I
8 did not do any personal monitoring of audiovisual media.

9 Q. [12:03:20] Very well. At the beginning of the statement, paragraph 22, you say
10 that you prepared situation reports and daily reports at the call centre. Now, let us
11 talk about the post-election period, November to April, up until your departure. Did
12 you also take part in the preparation of other documents such as monthly reports and
13 others?

14 A. [12:04:02] I believe that I drafted daily situation reports, but I cannot be certain
15 that it was during that particular period. I know that I did those things, but I do not
16 know whether it was before, during or after. And I also drafted certain types of
17 reports. But I did not file the final reports. My reports were always reviewed.

18 Q. [12:04:43] We will talk about those reviews of your reports. Now, you talked
19 about the daily situation reports and you referred to two of them in your statement.
20 Now, when you look at those reports you see there are usually divisions, human
21 rights divisions, public information reports and so on. Can you explain to us how
22 those reports were prepared and who contributed to them?

23 A. [12:05:20] I made a mistake. In fact, when I talked about daily situation reports
24 I was talking about the reports of the division of human rights. But you are referring
25 to the reports of the mission itself. But generally speaking those reports are

1 prepared by the joint operation centre, and I'm using the English terminology.

2 There is information from the various sections of the mission, and that person, the
3 joint operations centre files the final report to New York. So we make contributions
4 to the joint operation centre.

5 PRESIDING JUDGE TARFUSSER: [12:06:23] It would be very helpful if you a little
6 bit slow down, helpful for the interpreters. Thank you.

7 MR DEMIRDJIAN: [12:06:38]

8 Q. (Interpretation) I was going to ask you this question later, but since you have
9 mentioned the joint operations centre, where is it located in the organisation chart and
10 who is responsible for it?

11 A. [12:06:52] I do not think I can give you a clear answer to that. I am not familiar
12 with the exact hierarchy. But there is a chief of the G -- or, rather, of the JOC. And
13 also there is a deputy. I do not know to whom that person is answerable, weather it
14 is a deputy or directly to the special representative of the UN.

15 Q. [12:07:29] Very well. Now, let us move on to specific topic, this call centre.
16 You talked about it on paragraph -- in paragraph 28 and others.

17 PRESIDING JUDGE TARFUSSER: [12:07:48] Maître Altit.

18 MR ALTIT: [12:07:50] (Interpretation) Thank you. I'm sorry to interrupt my
19 learned friend. Each time the Prosecutor refers to the witness's prior statement, the
20 witness looks at that statement and cross checks the paragraph mentioned by the
21 Prosecutor. We feel that the witness should not have that statement in front of her.
22 The witness validated her statement for the purpose of her activities there, and she
23 should answer questions depending on those questions that are put to her by the
24 Prosecutor.

25 That is testimony. Testimony is not quoting a prior statement. So this is completely

1 different from the nature of prior statements.

2 And I will look at paragraph 39 of your decision on the conduct of proceedings and I
3 will quote you:

4 "In principle, testimony at trial is given during the hearing. Unless special leave of
5 the Chamber, the witnesses are not allowed to bring into the courtroom documents
6 related to their testimony or to read in the courtroom documents or statements made
7 prior to their testimony."

8 So it is important, I believe, that the witness should respond spontaneously. And
9 this is what is known as testimony. So in no way should she be allowed to refer to
10 her prior statements. Thank you, your Honour.

11 PRESIDING JUDGE TARFUSSER: [12:10:04] Well, I did not realise that the witness
12 is reading from her statement. I don't think she read from her statement. Still I
13 would go even a little bit further, that it's quite useless to repeat the same questions
14 which are already there asking if it's true what is in there, because the statement is in
15 front of us. So I think the reason for the questioning is to say, to clarify something or
16 to say something new, not to validate what's already in the record of the case.

17 So I would just ask also the witness -- and this would also avoid every discussion on
18 this, because it would be things which are not written in the statement. So please,
19 Witness, if you could just freely respond to what is questioned by the Prosecutor.
20 Thank you. By the parties, I would say.

21 MR DEMIRDJIAN: [12:11:05] (Interpretation) Thank you, Mr President. I was
22 referring to the paragraphs in the interest of the other parties. Really my intention
23 was not for the witness to read the excerpts, it was simply for purposes of
24 clarification.

25 Q. [12:11:27] Madam Witness, in your statement you say that as from 23 February

1 there was an increase in the number of calls. And you talked about 150 calls per day.
2 But from memory, can you tell us the topics related to those calls, that is the calls that
3 came in to the call centre, what did they talk about?

4 A. [12:11:59] Yes, of course. These were mainly calls from victims or witnesses
5 giving us accounts of incidents that had happened or that were ongoing. This could
6 have been people who simply heard gunshots. They could relate to arrests,
7 disappearances and so on. There was a variety of topics.

8 Q. [12:12:29] Very well. I will show you a few documents. But before that I
9 would like to make two brief observations. We have the original versions of the
10 ONUCI reports. We have both versions. We can give you both reports, but I think
11 you would like to have the original report in French?

12 A. [12:13:00] Yes, I prefer the original report.

13 Q. [12:13:06] I note also that the documents being shown to you are not all
14 documents drafted by you. So I'm not going to ask you to authenticate the
15 documents, but simply to comment on the contents.

16 The first document that I would show you, and it will appear on the screen shortly, it
17 is CIV-OTP-0090-5521. That is the French version. And the English version is
18 CIV-OTP-002-0010. And these are documents number 67 and 68 on our list of
19 evidence. Do you have that document in front of you?

20 A. [12:14:32] Yes, indeed, I have the French version in front of me.

21 Q. [12:14:40] It is a report of the Security Council and it is the original -- the original
22 is in English. It is dated 30 March 2011. It is the 27th report of the Secretary
23 General on the UN operations of Côte d'Ivoire.

24 I would like to refer you to page 13. I think it's the same page in English.

25 Paragraph 53 talks about situation of human rights. Can you see that?

1 A. [12:15:57] I can see the paragraph, but the font is small.

2 MR DEMIRDJIAN: [12:16:07] Let us move on to the next page, that is page 14,
3 bottom of the page, paragraph 57. If you can zoom in, please.

4 Q. Very well. On paragraph 57, it is stated that ONUCI set up a special unit
5 responsible for monitoring and investigating the situation in relation to human rights
6 and that they should register any violations -- on to the next page, please -- and that
7 they created a call centre which was operational 24 hours a day for the purpose of
8 receiving information relating to alleged human rights violations. And since its
9 creation on the 15th of December, the call centre received more than 9,000 calls.
10 The report was written on 30 March, so a period of three months. So does that
11 figure -- is it real?

12 A. [12:17:50] I really cannot give you an answer to that. I did not have any
13 statistics on these calls.

14 Q. [12:17:59] Do you know how they would have arrived at such a figure?

15 A. [12:18:06] Yes, indeed. Every day the number of calls were registered, so this
16 was the total number of calls made on a daily basis. Otherwise I really do not recall
17 anything else.

18 Q. [12:18:25] Very well. I'm done with this report.

19 Now I would like us to look at a daily report of the call centre. It is
20 CIV-OTP-0044-1527. I do not believe that this document was shown to you when
21 you gave your statement. Maybe it is the first time that you are seeing it and you'll
22 have some time to look at it.

23 It is number 46 on our list of evidence. Thank you.

24 We have there the title: Call Centre, Daily Report of 26 February.

25 To begin with, can you tell us whether you are familiar with the format of this

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 document?

2 A. [12:19:56] Yes, indeed, I'm familiar with this format. I would like to add that it
3 is the daily report of the 26th February morning, because during that period there
4 were two reports per day.

5 MR DEMIRDJIAN: [12:20:18] (Interpretation) If you can scroll down to the bottom
6 of the page, please.

7 Q. [12:20:23] The first entry, 25 February, 16 hours 20, it is stated that there is
8 information that Young Patriots are in the process of burning someone alive in
9 Yopougon.

10 And then you have the name "Yopougon." Then you have "POC notified."

11 On paragraph 88 in your statement you say that the POC is the police component of
12 the joint operations centre.

13 PRESIDING JUDGE TARFUSSER: [12:21:08] Wouldn't it be better to put questions
14 instead of making you the testimony?

15 MR DEMIRDJIAN: [12:21:14] I'm about to get to that, your Honours.

16 PRESIDING JUDGE TARFUSSER: [12:21:17] Yes, but --

17 MR DEMIRDJIAN: [12:21:19] Are you telling that I should ask the witness to read
18 the portion of the document?

19 PRESIDING JUDGE TARFUSSER: [12:21:22] Yes, to read or to --

20 MR DEMIRDJIAN: To read it out.

21 PRESIDING JUDGE TARFUSSER: Not so much to read, but to say what's written in
22 there in terms of content.

23 MR DEMIRDJIAN: [12:21:29] Yes.

24 MR O'SHEA: [12:21:32] Well, I would have an objection to that procedure, with
25 respect.

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [12:21:35] Which, which procedure?

2 MR O'SHEA: [12:21:37] The procedure of asking the witness to read out from this
3 document.

4 PRESIDING JUDGE TARFUSSER: [12:21:40] No, no.

5 MR O'SHEA: [12:21:41] First of all, it needs to be established what connection this
6 witness has to this specific document and the information that my learned friend is
7 wanting to refer to. And then if there is no connection, then it's not for her to read
8 out the contents of the document.

9 So I would request that your Honour follows the first course that you'd suggested,
10 which is that my learned friend simply puts the question.

11 PRESIDING JUDGE TARFUSSER: [12:22:12] Yes, he puts the question. But the
12 relation to this document is established as the witness worked in the call centre, so she
13 is very -- she knows about the procedures, how these documents are written or
14 drafted.

15 Please go ahead. But question, please, not -- thank you.

16 MR DEMIRDJIAN: [12:22:35] I know there is a lot of introduction before getting to
17 the question, your Honours. I'll try to get to it as quickly as I can. Here is the
18 question:

19 Q. [12:22:44] (Interpretation) Madam Fuchs, at the right we have "POC advise."
20 So can you explain to us what happened, what were the measures taken once the
21 POC was notified?

22 A. [12:23:09] I cannot give you further information of that. Those of us in the call
23 centre and responsible for human rights, we did not have the authority to take the
24 measures for the physical protection of individuals. Our work was to notify either
25 the police component or the force of the mission, depending on the type of

1 information. So those who were working within the JOC would take the appropriate
2 measures. So I do not know how this section operated and which measures they
3 took.

4 Q. [12:24:03] Regarding this type of situation in which you notified the POC, did
5 you receive any information on what was subsequently done?

6 A. [12:24:19] Unfortunately, no. We rarely had any feedback.

7 Q. [12:24:24] Let us move on to another topic, the follow-up of cases. You said
8 that once you received a call at the call centre there was follow-up. We have two
9 cases of follow-up in your statement. Was the follow-up done for all the cases called
10 in by telephone?

11 A. [12:24:50] No. For the vast majority, but not all the calls. There are parts that
12 are redacted in this report; that is it is the contact details of the person who informed
13 us. Sometimes it is anonymous because the person would not like their details to be
14 made public. Sometimes the person called from a public phone booth, and so
15 sometimes it was anonymous numbers. So it was not possible to make a follow-up
16 for all the calls.

17 Several cases were put together because they referred to one and the same incident.
18 So the person responsible for the follow-up would be able to follow up the entire
19 incident so as to avoid confusion. So I do not know whether such a person would
20 call back each individual personally in the cases that were put in one basket. So I
21 really cannot give you details on this issue.

22 Q. [12:26:22] You have said that several cases were put in the same category if they
23 referred to the same incident. When you say "cases," you are talking of calls, right?

24 A. [12:26:35] Yes, I'm talking about calls. And it may not be the same incident, but
25 a number of incidents which relate to the same situation because we do not usually

1 have the possibility to cross-check every call. The person who called us could be
2 asked to try to distinguish between a single incident or several incidents happening at
3 a particular location. So during the follow-up we will try to find out whether it was
4 a single incident or parallel incidents.

5 Q. [12:27:21] I would like to show you an example of a follow-up. You have two
6 in your statement, but I will show you another one, CIV-OTP-0044-1742.

7 If you can zoom in a little bit, please. A little less, please. Very well.

8 If you look at the top of the document, you have the name of the contact, the number
9 of the person, the location, the facts, observations and then action taken.

10 If you look at the format, is that a typical case of follow-up?

11 A. [12:28:55] Yes, indeed. This is a format that was suggested. But the main
12 information that was in this type of report, that information is indeed there.

13 Q. [12:29:14] Now, regarding the contents, let me allow you some time to read the
14 facts.

15 A. [12:29:49] Yes, I've read over the paragraph.

16 Q. [12:29:54] Now, in the second part of this paragraph, mention is made of
17 someone who was selling charcoal of Malian nationality who was struck by a number
18 of people and then burnt to death.

19 Now, during your work at the call centre when you were a human rights officer, did
20 you receive this kind of information during the post-election crisis?

21 A. [12:30:24] Yes, I've already received such information.

22 Q. [12:30:32] Now, regarding the Young Patriots, did you also receive information
23 about them?

24 A. [12:30:41] Many people who called, either witnesses or victims themselves,
25 made mention of the Young Patriots.

1 Q. [12:30:58] Now, if we look at the section entitled "Comments," it says that the
2 source is credible as an eyewitness.

3 Could you tell us how you would do this assessment?

4 A. [12:31:12] Well, personally, I can tell you how I personally did that sort of thing.
5 But I wasn't the one who did this assessment, so I really couldn't tell you how the
6 person was deemed to be credible.

7 Q. [12:31:28] Very well. In that case could you tell us in general terms how you
8 would do your assessment?

9 A. [12:31:34] Well, when we spoke to a witness, we would try to get specific
10 information, details that we could then corroborate from other sources, or we would
11 try to get as much information, details about the place to make sure that the person
12 actually was familiar with the place, that he was indeed present during the time of the
13 events. So we were supposed to corroborate with another independent source of
14 information so we always had two independent sources of information.
15 Now, in this case I suppose that this was to give the eyewitness's version. And I
16 would imagine that the information was crosschecked or corroborated by another
17 source.

18 Q. [12:32:30] Very well. We've done -- we're finished with this particular
19 document. I'd like to show you another document, another case follow-up with a
20 slightly different format, and perhaps you could tell us more about it. This is
21 CIV-OTP-0044 -- I beg your pardon, your Honour -- 0044-1606.

22 PRESIDING JUDGE TARFUSSER: [12:33:00] I just wanted one question. You said
23 before "When we spoke to a witness, we would try to get specific information."
24 When you say "When we spoke to a witness," do you mean, and I'm referring to you,
25 speaking on the telephone because you're in a call centre, a call, so is that the relation

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 you had with the witness?

2 THE WITNESS: [12:33:26] (Interpretation) Yes, I should have been more specific.

3 When we were in charge of follow-up, there were various kinds of follow-up that

4 were done. Follow-up is never within the call centre. Either it was done at an

5 individual office of one of the HROs and in that case -- well, I really shouldn't have

6 started that way. But it was only done by human rights officers, whereas within the

7 call centre there were other people from, perhaps from other sections or from the

8 police. So the follow-up could be done either over the phone, or at times the victims

9 or witnesses would even come to Sebroko. In this particular case I don't think so,

10 but sometimes people would come to where we were.

11 So it was either over the phone or in person depending on the particular case.

12 PRESIDING JUDGE TARFUSSER: [12:34:21] Thank you.

13 Mr Prosecutor, sorry for interrupting.

14 MR DEMIRDJIAN: [12:34:24] Not at all, your Honours.

15 Very well. Now, I'm not sure if the Registry heard the reference number, but if that

16 document 0044-1606, if that document would be displayed on the screen.

17 Q. [12:34:59] Ma'am, I'll just give you a moment for you to have a look at the

18 format.

19 A. [12:35:30] Now, even if this isn't a conventional report, that is to say it doesn't

20 follow the usual format that we would use, I do think that this was issued from the

21 human rights centre -- or, correction, human rights division.

22 Q. [12:35:49] Very well. Just one little clarification. In response to the question

23 from the Presiding Judge you said that the follow-up could be done either over the

24 phone or the victims or witnesses would come to your premises. Now, would you

25 travel to see them as well?

1 A. [12:36:08] Yes, yes, I should have mentioned that as well. In some cases we
2 would travel. But myself, if we travelled for an investigative mission, we would take
3 advantage of being on mission to meet with the people who had called us. We
4 didn't want to put them at danger. We would go about in a UN vehicle and, you see,
5 a visit would have made them too visible, too vulnerable, so we would meet at a place
6 where other people would be as well and we would try to speak to one another.

7 Q. [12:36:51] Now, you mentioned the visibility of the UN. What would that
8 mean for the people who may have contacted you at the time?

9 A. [12:37:07] Well, let us say -- well, I can't say for certain, but it was quite likely
10 that it would have put them at danger. And as a human rights officer, one major
11 principle is do no harm. So we tried to avoid putting the person at risk or drawing
12 attention to them.

13 Q. [12:37:35] Now, if you could explain to the Chamber why would your presence
14 be a threat to them? Why would they have been in danger?

15 A. [12:37:45] Often ONUCI was perceived as being more favourable to one side
16 than another. So those people, if those people contacted ONUCI, that would be a
17 sign that they supported one side rather than another and, thus, they would be at
18 greater risk.

19 Q. [12:38:04] Now, you mentioned two sides, one side or another side. Did one
20 side lead to more difficulties or was it the same on each?

21 MR GBOUGNON: Monsieur le Président.

22 PRESIDING JUDGE TARFUSSER: [12:38:38] This is an opinion. This is an opinion.
23 Do you think that -- so please rephrase if possible. I anticipated Mr Gbougnon.

24 MR DEMIRDJIAN: [12:38:59] I apologise, your Honours. In French I didn't say
25 "Do you think." I was asking for the witness's knowledge. I'll try to rephrase one

1 more time just to be absolutely clear.

2 Q. [12:39:08] (Interpretation) Now, on the basis of your knowledge, did one side
3 lead to more difficulties than others or was it more even?

4 MR GBOUGNON: [12:39:25] (Interpretation) Your Honour, I didn't want to speak,
5 but even the beginning of his question was leading. Now, what would that have led
6 to? This is -- we are clearly in the realm of speculation. If a person had been seen
7 having visitors from ONUCI, we are firmly within the realm of speculation, and this
8 question is the same thing.

9 MR DEMIRDJIAN: [12:39:58] I was asking the witness on the basis of her
10 experience.

11 MR GBOUGNON: [12:40:03] (Interpretation) The witness never said that she saw
12 any such thing. She never said that she had seen such a thing when going to visit
13 someone in a UN vehicle.

14 PRESIDING JUDGE TARFUSSER: [12:40:14] I think --

15 MR KNOOPS: [12:40:17] May I add that the witness also testified that she had no
16 access to statistics.

17 PRESIDING JUDGE TARFUSSER: [12:40:25] Well, I think really that we are very
18 close to what is opinion, speculation rather than facts and I think we should stick to
19 facts. Thank you.

20 MR DEMIRDJIAN: [12:40:40] Very well, very well, your Honours.

21 Q. [12:40:43] (Interpretation) Let us return, ma'am, to the document on the screen.
22 Now, this was follow-up done at the call centre; is that correct?

23 A. [12:40:59] No, not at the call centre. This is a case of follow-up, and this is a
24 document that I think was prepared by the human rights division, issued by that
25 division. But I don't think the follow-up was done at the call centre, no.

1 Q. Very well.

2 MR DEMIRDJIAN: [12:41:20] Your Honours, as I mentioned to you earlier this
3 morning, I was going to show a few categories of documents. I think we have
4 enough for the follow-ups. I will move to another category now. We're stopping at
5 1 o'clock today, correct? Yes.

6 Q. [12:41:36] (Interpretation) Now, a few moments ago you told us that after you
7 arrived at ONUCI, your duties varied to some extent and you did some follow-up
8 of --

9 A. [12:41:51] Yes. But let me be specific. Like the entire mission, it was not just
10 the human rights officers. It really was something required of the entire mission.

11 Q. [12:42:10] Very well. You told us in your statement that you saw the daily
12 situation reports. And I'd like to show you one, and this is CIV-OTP-0044-0876,
13 number 24 on our list of items. I mention that point for the benefit of my learned
14 friends.

15 And before I ask you to read the document, could you tell us in general terms what
16 kind of information would you receive about the voting process?

17 A. [12:43:02] No, I can't tell you that because in actual fact it would all depend on
18 the polling office where you were because there might -- well, at one location there
19 might be several polling offices or stations, rather. So in the electoral section, now, I
20 don't remember exactly, but I think it was the electoral section who composed the
21 teams and assigned the polling offices. I don't really remember exactly how things
22 unfolded at the various locations that were assigned to me.

23 I have a few memories, but I could talk more about the overall situation.

24 Q. [12:43:51] In that event we'll move on to another document. But this format
25 here, the daily situation report you see, is this the typical report? Is this what a daily

1 situation report usually looked like?

2 A. [12:44:06] Yes, it does seem to be the usual report.

3 Q. [12:44:17] Very well. I apologise, just a moment, if you don't mind. Ah, yes.

4 Witness, you told us in your statement, and this is at paragraph 288, that you received
5 complaints about sexual violence during the post-electoral crisis. Now, could you
6 explain to us if ONUCI or the human rights division itself had a specific mandate
7 regarding this kind of crime?

8 A. [12:45:08] Well, sexual violence is a form of human rights violation, so since our
9 area was promotion and protection of human rights, we did have a mandate when it
10 came to sexual violence. What is more, it seems to me that, unless I'm mistaken, in
11 the various resolutions from the secretary -- from the Security Council, sexual
12 violence was specifically mentioned.

13 And finally, also with the resolution, and I don't quite remember the number, but
14 there was a special resolution on sexual violence and Côte d'Ivoire was identified as a
15 county with a high incidence of sexual violence. And we had to report on the
16 Monitoring Arrangement Analysing and Reporting Arrangement, the MARA,
17 relating to sexual violence perpetrated by armed groups and by the national armed
18 forces, and I believe that was -- those perpetrators were on the list.

19 MR O'SHEA: [12:46:24] Your Honours, I'm just -- oh, sorry.

20 MR ALTIT: [12:46:35] (Interpretation) Thank you, your Honour. We are very
21 enthusiastic and I suppose that is why we are both rising at the same time. But we
22 are receiving the French realtime transcript with a bit of a delay so it's difficult for us
23 to see the exchange in French, and this means we are having trouble responding at
24 the appropriate moment.

25 For example, if I look at the question from my learned friend, line 16, page 48 of the

1 French transcript, you are telling us, and I quote, "In your statement, paragraph 288
2 for my colleagues, that you received complaints about sexual violence during the
3 post-election crisis."

4 Now, in the version we see here, and I quote, paragraph 288, "At the time of the crisis
5 I don't remember receiving complaints about sexual violence. During the crisis I
6 don't remember receiving complaints about sexual violence."

7 So, you see, your Honours, I was monitoring the French transcript, so I couldn't object.
8 But I do want to make this point very clear so it will be placed on the record, and
9 perhaps I could draw my learned friend's attention to the specific detail of what the
10 witness indeed said because I think, otherwise, we may be going down some, well,
11 some other paths.

12 MR DEMIRDJIAN: [12:48:34] (Interpretation) My learned friend is quite correct.
13 But the following sentence says, "After the crisis," and I can follow up on that point
14 with the witness, your Honour.

15 PRESIDING JUDGE TARFUSSER: [12:48:49] Please, you didn't -- you just wanted to
16 make this, to put this on the record, right?

17 MR ALTIT: [12:48:55] (Interpretation) Your Honour, I would have liked to have
18 made an objection because the question was during the crisis, and I believe there was
19 an incorrect citation which led to a response from the witness who should not have
20 responded or she would have responded differently. And since there was this delay,
21 this delay in the French transcript, it's too late for me to make my objection. So I'm
22 just making that point for the record.

23 PRESIDING JUDGE TARFUSSER: [12:49:49] Please, Mr Prosecutor, go ahead.

24 MR DEMIRDJIAN: [12:49:52] (Interpretation) In any event, the question had to do
25 with the mandate, not whether the witness had received calls during the period of

1 time in question. I was asking about the mandate at the time. So I think we are still
2 within the permissible limits of questioning.

3 Q. [12:50:15] Now, Witness, since we're on this point, if I read your statement, you
4 have said that during the crisis I don't remember receiving complaints about sexual
5 violence. After the crisis, a few victims came to see us, but it was sporadic.
6 So when you say "after the crisis," could you clarify whether the victims who came to
7 see you spoke of violations during the crisis or after the crisis?

8 A. [12:50:47] I think that it was both. As I was saying, some victims came to see us
9 both for older cases related to the electoral crisis, and sometimes they would come for
10 more recent cases.

11 Since I don't have a specific case in mind, I can't give you more details than that.

12 Q. [12:51:16] Very well. I would like us to move on to a different topic, related but
13 somewhat different. You said in your statement that either ONUCI or people from
14 your division would travel to the field to gather information. Could you describe
15 the level of cooperation that you received from law enforcement? And when I
16 mention law enforcement, I'm speaking of the defence and security forces who were
17 loyal to the Gbagbo government.

18 A. [12:52:08] In cases during which I myself travelled to the field, and these were
19 investigative missions for the most part, access to the authority was very -- the
20 authorities, was very complicated. Often there were no authorities or they did not
21 wish to speak to us. In one case we were directly threatened.

22 Q. [12:52:41] And at the time of the events, could you tell us what position was
23 taken by Laurent Gbagbo's camp regarding the presence of ONUCI in Côte d'Ivoire?

24 MR O'SHEA: [12:52:58] I'm sorry, but to say "the camp of Laurent Gbagbo" is an
25 impermissible way of putting the question. Can my learned friend be far more

1 specific; otherwise, it's unfair.

2 MR KNOOPS: [12:53:09] Mr President, in the same vein, I also withheld any
3 objection because, well, we gave the benefit of the doubt to the Prosecution. But if
4 the Prosecution is suggesting to the witness to answer a question which includes the
5 phrase "forces loyal" or "security forces loyal to Mr Gbagbo," that is also a normative
6 qualification calling for an opinion, apart from the definition what is loyal. And how
7 on earth is the witness able to speak in general about the loyalness of security forces
8 to one or the other side?

9 So I don't think this is a way to examine a witness because it is meant to elicit opinion
10 evidence, Mr President. That's the purpose of the Prosecution today.

11 MR DEMIRDJIAN: [12:54:03] No.

12 PRESIDING JUDGE TARFUSSER: [12:54:05] I don't think it's the purpose. But I
13 think we should really go more to facts and not to suggest with adjectives or to
14 suggest things which shouldn't be said by a witness which are not facts.

15 MR DEMIRDJIAN: [12:54:20] Your Honours, I think my learned friends are not
16 listening to my questions. I said, "What was the position?" It is very non-leading,
17 very clear.

18 As to my learned friend's objection about saying whether it was the side or the camp
19 of Laurent Gbagbo, I don't know how else to say it, because previously I said "the
20 government of Laurent Gbagbo" and the witness told me, "Well, was it really the
21 government?"

22 So I'm trying to use a language that says the side or the camp of Laurent Gbagbo.
23 I'm in your hands as to what terms I should use, but again, the question is what was
24 the position perhaps.

25 PRESIDING JUDGE TARFUSSER: [12:54:55] Here very often from both sides or

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 from all three sides if you want so it was used the term "pro-Gbagbo" and
2 "pro-Ouattara," where I always think, well, how can you, how can you say this in
3 both senses?
4 So I have also difficulty to indicate -- I wouldn't suggest anything. I would just let
5 the witness say what she thinks or what she knows is the -- from her point of view is
6 the right way to define it.

7 MR DEMIRDJIAN: [12:55:33] Perhaps we'll leave it to the witness to see if she
8 understood the gist of the question.

9 MR O'SHEA: [12:55:39] Well, my learned friend is trying to stick to his question, and
10 we're not happy with the expression "camp pro-Gbagbo."
11 My friend can say this person or this institution, fine.

12 PRESIDING JUDGE TARFUSSER: Yes.

13 MR O'SHEA: But not such a generic term. We have an accused in this Court who
14 needs to be treated fairly.

15 PRESIDING JUDGE TARFUSSER: [12:55:57] I know. Absolutely.

16 MR O'SHEA: [12:55:59] And that's the point.

17 PRESIDING JUDGE TARFUSSER: [12:56:01] Absolutely.

18 MR DEMIRDJIAN: [12:56:01] Well, why don't we start with the position of
19 Mr Gbagbo himself?

20 PRESIDING JUDGE TARFUSSER: [12:56:05] Why don't we start to break for lunch
21 and then you think about it, and which probably helps. So we break for lunch and
22 we come back at 2.30 for another one hour and a half. Thank you.

23 THE COURT USHER: [12:56:20] All rise.

24 PRESIDING JUDGE TARFUSSER: [12:56:20] And, hopefully, the Prosecutor
25 finishing in this hour and a half.

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 MR DEMIRDJIAN: [12:56:24] Absolutely, your Honours.

2 PRESIDING JUDGE TARFUSSER: [12:56:26] So tomorrow we can start, tomorrow
3 morning we can start with the Defence. Thank you.

4 THE COURT USHER: [12:56:31] All rise.

5 (Recess taken at 12.56 p.m.)

6 (Upon resuming in open session at 2.33 p.m.)

7 THE COURT USHER: [14:33:17] All rise.

8 Please be seated.

9 PRESIDING JUDGE TARFUSSER: [14:33:44] Good afternoon.

10 Good afternoon, Madam Witness.

11 The floor is back to the Prosecutor.

12 MR DEMIRDJIAN: [14:33:49] Thank you, Mr President. During the break I
13 consulted some documents and I hope that I have the right terminology this time
14 around, your Honours.

15 Q. (Interpretation) Good afternoon, Madam Fuchs.

16 A. [14:34:14] Good afternoon.

17 Q. [14:34:18] Let me come back to the question, I asked you a question and you
18 talked about the position of the pro-government, Gbagbo government, and I asked
19 what was the position of the ONUCI in Côte d'Ivoire.

20 A. [14:34:45] I do not know the precise position. I read what I told you in the
21 press. I think what they said is that he wanted a departure of the ONUCI. But I do
22 not know his official position.

23 Q. [14:35:01] Before the break, when you talked about your exchanges with the
24 authorities, you said access was complicated and sometimes impossible, and that
25 sometimes you were actually threatened?

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 A. [14:35:22] Yes.

2 Q. [14:35:22] Do you have any practical examples?

3 A. [14:35:27] Of communication problems or threats?

4 Q. [14:35:31] Let us begin with communication problems.

5 A. [14:35:38] We went to the field for investigations, and we had only limited
6 possibilities of interviewing the authorities. And normally when you have -- need to
7 have the versions of the police of the -- and the FDS forces, generally that is what we
8 tried to do.

9 Regarding threats, as I said in my statement, once we went to a clinic in Treichville,
10 and there the Republican Guard demanded that we leave. I believe that certain
11 colleagues were threatened. In any case, that is what I was told. And when we left
12 that clinic, we were in the UN military armoured vehicles. The Republican Guard
13 blocked our access. I don't think I can use the word "an offensive posture," but they
14 actually blocked the access from which we had come and then asked us to leave.
15 And they were in military vehicles.

16 Q. (No interpretation)

17 PRESIDING JUDGE TARFUSSER: Slow down.

18 THE WITNESS: All right.

19 MR KNOOPS: [14:37:11] Mr President, the Prosecution on page 59, line 10,
20 suggested to the witness "and that sometimes you were actually threatened," while
21 the witness indicated before that it happened allegedly once, which is now being
22 confirmed by her. But the Prosecution put it to the witness. So that's not a correct
23 summarisation of the witness testimony.

24 PRESIDING JUDGE TARFUSSER: [14:37:45] That will be, but she corrected it in her
25 testimony.

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 MR KNOOPS: Yes.

2 PRESIDING JUDGE TARFUSSER: And we will -- I mean, the questions
3 of the Prosecutor is not the evidence. The evidence is given by the witness.

4 MR KNOOPS: Thank you.

5 PRESIDING JUDGE TARFUSSER: Thank you.

6 MR DEMIRDJIAN: [14:38:07] (Interpretation)

7 Q. [14:38:07] You told us that in that clinic in Treichville it was the
8 Presidential Guard, but I think you said Republican Guard?

9 A. [14:38:22] According to my recollection it was the Republican Guard rather than
10 the Presidential Guard.

11 Q. (No interpretation)

12 PRESIDING JUDGE TARFUSSER: [14:38:32] Slow down. Please slow down
13 because, yes, we have difficulties. So sometimes I interrupt to give a little bit of time
14 to breathe upstairs. Okay.

15 MR DEMIRDJIAN: [14:38:52] (Interpretation)

16 Q. [14:38:52] Can you explain to us precisely what happened? What were you
17 doing in that clinic and how did they ask you to leave?

18 A. [14:39:03] There had been a women's demonstration or march in Treichville, if
19 I am not mistaken. I'm trying to look for my words in French. There had been
20 some injured persons, and we received information that those who were injured were
21 being treated in that clinic in Treichville. It is for that reason that we went there to
22 meet the witness -- the victims and potential witnesses and trying to collect some
23 evidence on what had happened.

24 I think we were in two armoured vehicles. In any case, we were three human rights
25 officers, at least two UN policemen and soldiers of the UN force. I do not remember

1 how many of them were there.

2 So we met with the staff of the clinic, and we met with some injured persons.

3 I believe I personally interviewed three of them. I remember that a bullet was

4 extracted from a body, photographs were taken of that bullet, and the UN police gave

5 us an analysis of the calibre of the bullet, the details and so on. There were many

6 injured people. I believe that I interviewed a child, another minor, and a woman. I

7 do not know whether you want further details?

8 Q. [14:41:05] I think we have enough details on that. Now, to the second part of

9 my question, how were you asked to leave?

10 A. [14:41:26] Very well. I was in the process of interviewing a victim. At that

11 time I was next to her and she was on a bed in the clinic. My supervisor arrived and

12 told me we have to leave now. I did not really know what was happening, because

13 the room had been made semiprivate so that the interview should be confidential.

14 So I did not know what was happening outside.

15 So I remember telling him, "No, not right now. I need five minutes more. I am

16 almost done." And then I continued interviewing the victim. And he told me, "No,

17 no, you have to leave now."

18 That is when I saw a soldier of the UN force arrive and repeated practically the same

19 thing, "You have the leave now."

20 And when I went out, I saw Ivorian soldiers who were already in the clinic. I really

21 did not understand what was happening, because people were raising their voices

22 during the conversations between the soldiers and the staff. I no longer remember

23 how many people were inside. It was the supervisor who held my hand and said

24 "Let us go now" and that is when we left.

25 I saw that the Republican Guard vehicles had already taken up positions. There

1 were Ivorian soldiers there. I was not in the same vehicle as my supervisor. And I
2 realised that everyone was already in the vehicles and they were only waiting for me
3 and the supervisor.

4 So these armoured vehicles were shaded, so it was really not possible to see what was
5 happening outside. I really cannot find the right term in French, but we actually talk
6 about APCs.

7 Q. [14:43:57] Last question on this matter. How did you know that it was the
8 Republican Guard?

9 A. [14:44:06] I remember that I recognised them because there was the GR insignia
10 somewhere and that they had the colours of the berets. A lot of time has passed, but
11 at that time I remember that I knew the various colours of the berets used by which
12 corps. But I'm working elsewhere now, and I'm a bit confused about what those
13 colours were right now.

14 Q. [14:44:40] There was a follow-up relating to that incident. It is not in your
15 statement, but I will show you, I show it to you, it is CIV-OTP-0044-1622. It will be
16 displayed on the screen shortly.

17 Are you able to read the screen?

18 A. [14:45:33] Can you zoom in a little bit? Thank you.

19 Q. [14:45:39] Is this the clinic that you were talking about?

20 A. [14:45:45] (Redacted)

21 Q. [14:45:57] Please look through the report. If you need it to be scrolled down,
22 you can ask.

23 A. [14:47:05] Yes.

24 Q. [14:47:06] Do you think it is the same incident?

25 A. [14:47:09] Yes, it is the same incident.

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 Q. [14:47:12] When you look at the format of the document, I know -- I notice that
2 there were certain typing errors. Now, what can you say about the format? At
3 what stage of the drafting was this?

4 A. [14:47:28] Can you scroll up a little bit, please? Thank you.
5 As you can see, it is a follow-up of the cases, follow-up of a case.

6 MR ZERVOS: Your Honours.

7 PRESIDING JUDGE TARFUSSER: Yes.

8 MR ZERVOS: I am sorry to interrupt. The witness in this particular document has
9 their name effaced, but if you look at the title of the document, it gives some
10 indication about who the witness, who the person who came to talk to HRO is. Can
11 we do something to deal with that?

12 MR DEMIRDJIAN: [14:48:10] Perhaps we avoid the document from being broadcast.

13 PRESIDING JUDGE TARFUSSER: [14:48:15] Yes, can we avoid the document from
14 being broadcast and then we take it away also from the broadcast.

15 MR DEMIRDJIAN: On the delay.

16 PRESIDING JUDGE TARFUSSER: Yes.

17 THE COURT OFFICER: [14:48:25] Mr President, the document hasn't been
18 broadcast at all outside of the courtroom.

19 PRESIDING JUDGE TARFUSSER: [14:48:32] So everything is okay, thank you.

20 MR ZERVOS: [14:48:36] Thank you.

21 MR DEMIRDJIAN: [14:48:42]

22 Q. Please continue. You were talking about the top of the document.

23 A. [14:48:47] Can I have the document displayed again on the screen, please?
24 Thank you.

25 So you can see the letterhead. I think it was prepared by a human rights officer, and

1 there was follow-up, I believe, by telephone. (Redacted)

2 (Redacted)

3 (Redacted)

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6 Q. [14:49:53] Very well. I would like to come back to what we were talking about
7 before regarding the position of the government on the presence of ONUCI. Were
8 there also any reactions from the Young Patriots, that is in relation to the presence of
9 ONUCI?

10 A. [14:50:23] Yes, indeed. Personally, I was involved in two incidents. The first
11 incident, I cannot really say whether these were Young Patriots or not, but I was in
12 a UN vehicle and we were stoned. Stones were thrown at the vehicle and we went
13 away very rapidly. I did not have the time to identify those who were throwing the
14 stones. I was a passenger, not the driver, so I couldn't see. There was another
15 incident which made me to go and live permanently in the office for about two
16 months.

17 The Young Patriots came to the entrance of my building, they threatened my guards
18 and they said that they knew that someone working with ONUCI was living there
19 and that they should tell that person to leave. The guards were very intelligent and
20 calm people who knew that neighbourhood for a long time. They knew the people
21 in the neighbourhood and they knew how to negotiate, so there was an agreement
22 and these people agreed to leave. But they said that if I did not leave, the building
23 would be set on fire, so I went to live in the office during that period.

24 Q. [14:52:07] How do you know that these were Young Patriots?

25 A. [14:52:11] It was the guards who told me.

1 Q. [14:52:17] Very well. In your statement you also mentioned the incident of
2 17 March in Abobo, where shells were fired, and you say that you went to the location
3 afterwards. In paragraph 212 you said that you arrived and there was a strong scent
4 of powder. Can you tell us at what time you went to that location?

5 A. [14:52:51] What I remember is that it was during the daytime, I think it was in
6 the afternoon. I know that it was shortly after the incident.

7 Q. [14:53:16] Very well. You have told us that you were there with a team from
8 UNPOL; is that correct?

9 A. [14:53:25] Yes, the UN Police.

10 Q. [14:53:27] And you say in paragraph 215 that you did not visit the Abobo South
11 Hospital so as not to put the people in the whole position -- the people there in harm's
12 way. Why would that have happened?

13 A. [14:53:48] We contacted some doctors in the Abobo South Hospital and they
14 themselves clearly expressed their fear. They said that if you come, there is a danger
15 that we would be targeted. So they clearly told us that they were afraid of being
16 directly targeted by gunfire afterwards.

17 Q. [14:54:21] Did they tell you why they were afraid?

18 A. [14:54:27] According to what I remember, they were talking about a -- Defence
19 and Security Forces.

20 Q. [14:54:41] I have one last point. Just a moment. You mentioned the Young
21 Patriots a short while ago, and let me begin with the general question before
22 becoming more specific. In early 2011, January, February, March, did you have any
23 reports on incidents involving the Young Patriots in Yopougon?

24 A. [14:55:24] Indeed, when I was at the call centre, I usually prepared and compiled
25 situation reports. I compiled the calls in the call centre on a daily basis and indeed,

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 on several occasions -- if you look at one of the reports, there is a column there, the
2 author, and usually it is the person who calls, and several times those people
3 mentioned the Young Patriots.

4 Q. [14:56:09] I would like to show you a call centre report, CIV-OTP-0044-1531, and
5 it is document number 45 on our list of evidence.

6 Very well. You can see there that it is a report dated 26 February, and the evening.

7 At the bottom of the page you can see the beginning of that table with the information
8 received. I would like us to display page 3. Can you zoom in on the bottom of the
9 page, please, number 22, 26 February, 12.50.

10 You have a witness, then patriots, then there is an observation at Yopougon, Young
11 Patriots were patrolling and stopping vehicles and checking their papers. They said
12 they were executing the orders of the secretary-general. To begin with, talking about
13 patrols and searches, was this exceptional, or was this something that went on
14 regularly?

15 A. [14:58:19] This type of call was quite common and what is indicated here is that
16 there were Young Patriots patrolling and stopping vehicles and controlling passersby.
17 These are things that were told to us on several occasions.

18 Q. [14:58:49] And you say there -- it is indicated secretary-general. Did you hear
19 that at the time?

20 A. [14:58:56] Yes.

21 Q. [14:58:57] Did you know what that meant?

22 A. [14:59:02] Generally speaking, when they were talking about their
23 secretary-general, they were referring to Mr Charles Blé Goudé. In fact, that was the
24 understanding of the witness at that time, during that period when they were talking
25 about the secretary-general, they were referring to Mr Charles Blé Goudé.

1 Q. [14:59:28] Do you know whether the ONUCI officers or leaders met with
2 Mr Blé Goudé?

3 A. [14:59:34] I do not know, but let me clarify. You are talking about the
4 post-election period? In that case I do not know whether the ONUCI officers met
5 with Mr Charles Blé Goudé.

6 MR DEMIRDJIAN: [14:59:56] That completes my questioning.

7 PRESIDING JUDGE TARFUSSER: [15:00:00] Thank you. Thank you very much.
8 May I put a couple of questions?

9 The first one is, to your knowledge, what was the mandate of the ONUCI, the
10 United Nations, in that period?

11 THE WITNESS: [15:00:26] (Interpretation) The mandate of the UNOCI was
12 provided by the Security Council. I no longer remember the number of the
13 resolution, but it was a multiple mandate. Would you like to know what the general
14 mandate was, or the human rights mandate, more specifically?

15 PRESIDING JUDGE TARFUSSER: [15:00:40] No, your position was neutral, I would
16 say, right?

17 THE WITNESS: [15:00:45] (Interpretation) Yes, yes, indeed. But I didn't quite
18 understand. I do apologise. I didn't really understand your question. Were you,
19 when putting that question to me, are you talking about the general mandate of the
20 ONUCI, so the various aspects, its components, or are you talking specifically about
21 the mandate of the human rights division?

22 PRESIDING JUDGE TARFUSSER: [15:01:08] No, I am talking about the mandate of
23 the United Nations, the neutral mandate of the United Nations in that situation, right,
24 this conflict. And, therefore, my question: When you were at the call centre or you
25 went to the hospital or in the field to question witnesses or you spoke on the

1 telephone with witnesses who presented you some situation, did you somehow ask or
2 refer this to either part in this conflict or was it not an issue for you?

3 THE WITNESS: [15:01:50] (Interpretation) Well, I can talk to you about how we
4 went about things in the call centre. So when people were requesting urgent
5 intervention, as I said previously, we would then tell the POC within the JOC about
6 this, and of course all of these reports were shared with the chief of the human rights
7 division. I do not know what said chief then did with them, whether they spoke
8 with their counterparts about this, whether it was referred to the special
9 representative or whether it was distributed and shared with the national authorities.
10 I must admit that it is a much higher level than I was operating at, so I do not know.

11 PRESIDING JUDGE TARFUSSER: [15:02:43] Thank you. As the questioning by the
12 prosecution has terminated, I would give now the floor to the Defence. Maître Altit.

13 MR ALTIT: [15:02:55] Thank you, Mr President. Mr O'Shea will be starting
14 questioning the witness and then I will probably start tomorrow putting further
15 questions to the witness.

16 PRESIDING JUDGE TARFUSSER: [15:03:11] Thank you.
17 Mr O'Shea.

18 MR O'SHEA: [15:03:19] Just give me one moment to find the lectern. Thanks.

19 QUESTIONED BY MR O'SHEA:

20 Q. [15:03:59] Yes, my name is Andreas O'Shea and I'm asking questions on behalf
21 of Laurent Gbagbo.

22 Can I just ask you to help me as to how I should address you, is it Ms Fuchs and how
23 is it pronounced, and is it Ms or Mrs?

24 A. [15:04:25] Madam Fuchs.

25 Q. [15:04:27] Okay, Mrs Fuchs, thank you.

1 Now, you started your work in the human rights field in 2007, around September; is
2 that right?

3 A. [15:05:04] Yes, I do believe that that is the case. I'm trying to recollect. But it
4 would seem to me that it was indeed in September 2007.

5 Q. [15:05:15] Your first functions were with Human Rights Watch, and while you
6 were working with Human Rights Watch, you have described the types of activity
7 that you undertook there, and you've divided them into organisation of the annual
8 gala, then outreach and development units and then, thirdly, advocacy. What did
9 the advocacy involve from your part?

10 A. [15:06:01] Well, at that moment in time I was an intern within
11 Human Rights Watch. And the advocacy -- well, it dates back somewhat. So I
12 recall that we were -- I was writing letters to permanent missions. You know, when
13 I was working in that capacity, it was not I who was in control of the contents. I was
14 an executor, if you like.

15 Q. [15:06:49] So while you were working for Human Rights Watch, did you have
16 any experience interviewing people?

17 A. [15:07:05] No, not at that moment in time. I had never interviewed victims or
18 witnesses at that moment in time.

19 Q. And where were you based?

20 A. [15:07:18] In Geneva.

21 Q. [15:07:22] All the time during that year that you worked for
22 Human Rights Watch?

23 A. [15:07:35] Yes, from the beginning to the end I remained based in Geneva.

24 Q. [15:07:41] And then your next function in the human rights field was in
25 Guatemala; is that right?

1 A. [15:07:54] That is correct.

2 Q. [15:07:55] And that was as a legal adviser in the field of drugs and the impact on
3 children, if I have understood correctly?

4 A. [15:08:10] Not entirely. I was working for an NGO, a national NGO that was
5 working with street children. But it was not with regards to the impact of drugs, but,
6 rather, it was working closely with street children.

7 Q. [15:08:30] And while you were doing that job, did you have any experience of
8 interviewing people?

9 A. [15:08:46] Indeed, during that work I did conduct interviews.

10 Q. [15:08:50] And who were you interviewing?

11 A. [15:08:55] Generally speaking, it was the family members of those children, who
12 would tell us the various events that had occurred.

13 Q. [15:09:12] And what was the purpose of these interviews?

14 A. [15:09:19] They were varied. Generally speaking, they were cases in the
15 national jurisdictions, so either to defend those street children in said cases.

16 The organisation that I was working for had homes for those, for some of those
17 children, and some of those children were placed in said homes by the judges, others
18 were there on a voluntary basis or the family had decided that they be placed there.
19 So there was a psychological aspect with a view to protecting the child and then there
20 was also that more legal aspect.

21 Q. [15:10:10] And how many interviews did you conduct while you were working
22 in Guatemala?

23 A. [15:10:25] I do not know.

24 Q. [15:10:28] And before you went to Côte d'Ivoire, did you have any experience
25 living in Africa?

1 A. [15:10:42] No. It was my first experience in Africa.

2 Q. [15:10:51] And before you arrived in Côte d'Ivoire, had you done any studies or
3 training on the situation in Ivory Coast?

4 A. [15:11:08] Training as such, no. But I had read on the subject of Côte d'Ivoire
5 before going there.

6 Q. [15:11:21] Is this from the time you knew that you were going?

7 A. [15:11:25] Precisely.

8 Q. [15:11:28] And was this general reading on your part as opposed to any form of
9 formalised reading?

10 A. [15:11:42] Well, I had based myself on the periodic universal review of
11 Côte d'Ivoire, so this was reading associated with human rights issues, those were
12 reports to the commissioner and also reports by national and international NGOs on
13 the situation in Côte d'Ivoire.

14 Q. [15:12:11] And was this on your own initiative?

15 A. [15:12:16] Yes, but it also seemed to me that this was a normal form of
16 preparation for a mission in Côte d'Ivoire.

17 Q. [15:12:34] Now you when you started working in Ivory Coast, we know that
18 you were working at a call centre, you were also training other people, we know that
19 you were conducting interviews in the field. Obviously we're some years ahead
20 now and you have perhaps gained some experience and some wisdom since then.
21 Would you accept that at the time when you started your work in Ivory Coast, your
22 level of experience was perhaps not as adequate as you would have liked for doing
23 the jobs you were doing?

24 A. [15:13:27] I would formulate that somewhat differently. It is certain that with
25 the experience that I have gained now there are things that I would have done

1 differently. However, I do believe that I did have the necessary preparation for that
2 work.

3 Q. [15:13:57] So you, you believe that you had sufficient experience and training to
4 operate the call centre and to conduct interviews, do you?

5 A. [15:14:16] Well, we should specify that we did not conduct interviews alone in
6 most cases. Generally speaking, we are two human rights officers conducting
7 interviews. Rarely do we do so on our own. And sometimes we do conduct them
8 alone, but I always had a supervisor or somebody by my side who would allow me to
9 put any necessary questions to me -- to them if I needed. So I do believe that I had
10 appropriate training. And as I said to you, there are some things that I would have
11 done differently now, but I did have appropriate training.

12 Q. [15:15:13] When you were at the call centre and you were dealing with
13 telephone calls, you dealt with some telephone calls personally, didn't you?

14 A. [15:15:38] That is correct.

15 Q. [15:15:41] And on those occasions you were talking to the person on the other
16 end of the telephone alone, I take it?

17 A. [15:15:51] Yes, indeed. But the calls that we fielded at the call centre were
18 only -- contained preliminary information.

19 Q. [15:16:08] When you were in the field and you were conducting an interview, if
20 there were two of you, were you both asking questions or was one of you asking
21 questions?

22 A. [15:16:25] Now, generally speaking, our methodology would have it that one of
23 the individuals conducts the interview and the other person takes notes. However,
24 the other person can also intervene if some aspects are missing.

25 Q. [15:16:47] And you were when you were conducting interviews, was it you who

1 was asking the questions?

2 A. [15:16:58] Yes, if I am conducting the interview, then I was the person putting
3 the questions in that situation.

4 Q. [15:17:06] And when you were conducting an interview, the other person who
5 was with you, were they in a superior position to you?

6 A. [15:17:18] Not necessarily superior, but certainly somebody who had a little bit
7 more experience than me, in Côte d'Ivoire anyway.

8 Q. [15:17:38] And was this a particular person or did this person change?

9 A. [15:17:45] Well, generally speaking, this person would change. It was not
10 a determined or predetermined person or individual permanently speaking.

11 Q. So did you have a specific supervisor?

12 A. I do apologise, I did not understand your question.

13 THE INTERPRETER: [15:18:11] Overlapping speakers.

14 MR O'SHEA:

15 Q. Did you have a specific person who supervised you?

16 PRESIDING JUDGE TARFUSSER: [15:18:16] She will never understand the question
17 if you don't wait, that the translation is completed. Thank you.

18 MR O'SHEA: [15:18:24] Yes, it would be difficult.

19 THE WITNESS: [15:18:38] (Interpretation) So if I have understood your question
20 correctly, you're asking me whether I had a supervisor from the beginning to the end.
21 I am not sure that I've grasped your question, whether I had the same supervisor
22 from the beginning to the end or not. Could you please rephrase? I haven't really
23 understood you.

24 MR O'SHEA: [15:19:01]

25 Q. Yes. It's my fault, because you're speaking in French and I'm listening in

1 French, but I'm speaking in English. I am not timing very well when I ask my
2 questions. So this is the reason for this.

3 But basically the question is this: Did you have, while you were conducting the task
4 of interviewing people for the DHH, did you have a specific person who was your
5 supervisor?

6 A. [15:19:43] I always had a supervisor, indeed. And all of the interviews that we
7 conducted were then reported back to a supervisor.

8 Q. [15:20:01] So this supervisor is not present with you when you're conducting an
9 interview?

10 A. [15:20:15] Well, it would depend. In some cases I remember that this was
11 not -- when I was conducting the interview -- I might have been speaking a bit fast
12 there, I'm sorry. It was, rather, my supervisor who was conducting the interview
13 and then I was taking notes. But it did occur that I took part in interviews that were
14 indeed conducted by my supervisor.

15 Q. [15:20:48] So on those occasions when you're with your supervisor in the field
16 conducting interviews, it's the supervisor who is asking the questions, and on those
17 occasions when you are the one asking the questions, your supervisor is not present?

18 A. [15:21:09] Now, out in the field I believe that the circumstances were somewhat
19 particular during that post-election crisis. And indeed, when I was talking to you
20 about things that I would have done differently, quite often the interviews were
21 conducted alone, because we had a very limited time to play with, so then I would
22 conduct the interviews alone.

23 Q. [15:21:46] Well, I'd understood you to be saying earlier that you worked in twos
24 while you were conducting interviews in Ivory Coast. So is the position that you
25 were working alone when you were conducting interviews?

1 A. [15:22:04] Yes, I believe that at a certain moment in time we didn't really
2 understand each other correctly. You were talking to me about interviews. I was
3 understanding you more generally. In fact, if a victim or a witness came to our
4 premises, then we would conduct the interview with two of us. When we conducted
5 investigations out in the field in view of the particular circumstances, the very limited
6 time frame that we had to spend out in the field, then on most occasions those
7 interviews were conducted by one sole human rights officer. Sometimes a member
8 of the UNPOL would also accompany us. And generally speaking it was the human
9 rights officer who would conduct the interview, and the other person was present and
10 would also take notes.

11 Q. [15:23:06] What was the name or names of your supervisor/supervisors when
12 you were conducting interviews in the field in Ivory Coast?

13 A. [15:23:23] I am not sure that I'm able to answer that question.

14 Mr President, I would like to know whether I can consult the representative of the UN
15 in this regard?

16 PRESIDING JUDGE TARFUSSER: [15:23:38] Please do so, but I don't think where
17 the problem can be, but never mind. Please do so.

18 (The witness confers)

19 MR KNOOPS: [15:24:28] Mr President, I just use the time to refer to paragraph 14 of
20 your decision, it was the decision you mentioned of October, which requires that -- I
21 have the decision here before me.

22 The Chamber will decide in particular, on particular -- in particular the nature and the
23 circumstance of the assistance to be provided by the UN representative on a
24 case-by-case basis.

25 PRESIDING JUDGE TARFUSSER: [15:25:00] Okay, thank you.

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Private Session)

ICC-02/11-01/15

1 We could go in private session. That would be an option.

2 MR ZERVOS: Your Honour, I think the witness and the United Nations as well is
3 somewhat concerned that these individuals have not been consulted, and by being
4 publicly named, without potential separation, is a problem.

5 PRESIDING JUDGE TARFUSSER: [15:25:28] Yes. So let's go in private session so
6 they are not publicly named. That's it.

7 (Private session at 3.25 p.m.)

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Trial Hearing
WITNESS: CIV-OTP-P-0414

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0414

(Private Session)

ICC-02/11-01/15

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- 10 (Open session at 3.30 p.m.)
- 11 THE COURT OFFICER: [15:30:30] We are back in open session, Mr President.
- 12 PRESIDING JUDGE TARFUSSER: [15:30:32] Mr O'Shea.
- 13 MR O'SHEA: [15:30:34]
- 14 Q. So without specifically mentioning the names, the first person you mentioned in
- 15 relation to the call centre, what was that person's nationality?
- 16 A. [15:30:47] He was Cameroonian.
- 17 Q. [15:30:59] And then the second person that you mentioned in relation to
- 18 interviews, what was his or her nationality?
- 19 A. [15:31:10] Cameroon also.
- 20 Q. [15:31:13] And then the last person you mentioned, what was that person's
- 21 nationality?
- 22 A. [15:31:21] Congolese, from DRC.
- 23 Q. [15:31:28] Thank you. Now this, this call centre, how was it advertised to the
- 24 population? How did the population know about it?
- 25 A. [15:32:04] There were announcements made on the UN radio with the call centre

1 numbers. So these were announcements informing the population of the existence
2 of the call centre.

3 Q. [15:32:22] Now, the ONUCI radio, what was its coverage?

4 A. [15:33:08] I don't know precisely the coverage of the ONUCI radio station, but
5 I believe it covered a large part of Ivorian territory.

6 Q. [15:33:21] And do you know if there were specific sections of the population
7 who listened to this radio more than others?

8 A. [15:33:40] I cannot give you an answer to that.

9 Q. [15:33:46] And how, how was this information of -- the ability of contacting the
10 call centre, how exactly was this conveyed? Can you perhaps tell us, you know, give
11 us an idea as to the content of these radio messages?

12 A. [15:34:23] I did not quite understand your question. Are you talking about the
13 contents of the radio messages?

14 Q. [15:34:31] Yes. Are you able to shed some light on what was said in these radio
15 messages?

16 A. [15:34:41] I do not remember the message that was broadcast, but I know that at
17 least two numbers were mentioned. I do not remember the message that preceded
18 those numbers.

19 Q. [15:35:03] Before these announcements were made were they put into writing
20 and, if so, these written announcements, could they be retrieved today?

21 A. [15:35:23] I know that there were some sorts of fliers, so I imagine that there
22 should still be some copies left. And I think it is possible to retrieve some of them.
23 But I must concede that I am not a technician in this area so I cannot be certain about
24 that.

25 Q. [15:35:52] Did you have any involvement in the distribution of the fliers?

1 A. [15:36:01] I'm trying to remember. I believe that we shared with the NGOs but
2 personally I did not distribute a lot.

3 Q. [15:36:29] So did you cooperate with local NGOs to help distribute these fliers?

4 A. [15:36:40] I'm sorry, I should have been more specific. When I said I
5 distributed them to NGOs, these were local NGOs, but I cannot tell you about
6 distribution as such. But during meetings, at the end of meetings the brochures were
7 given so that they should be distributed. But I do not know to what extent they were
8 really distributed.

9 Q. [15:37:14] And what were the names of these local NGOs that you cooperated
10 with for these purposes?

11 A. [15:37:24] I do not remember.

12 Q. [15:37:28] Are you able to say how many organisations were used for these
13 purposes?

14 A. [15:37:41] No, I am not able to.

15 Q. [15:37:45] And who was making the decisions within your organisation as to
16 how these messages would be distributed? Who had that responsibility?

17 A. [15:38:06] I do not know.

18 Q. [15:38:09] Now, presumably you had meetings within your organisation to
19 discuss the operation of the call centre?

20 A. [15:38:33] I'm sorry, but I do not understand your question. What do you mean
21 by the activities of the call centre?

22 Q. [15:38:56] I used the word "functioning" actually. Did you have meetings to
23 discuss the functioning of the call centre?

24 A. [15:39:14] The operational functioning, how many people, those types of things?
25 Yes, there were meetings. I do not believe that I attended those meetings. I think I

1 probably gave some information about the number of people needed at the call centre
2 at a given point, the number of people available and, possibly, the type of rotation.

3 But I cannot give you details about the functioning of the call centre, as such.

4 Q. [15:39:56] Were you in charge of the call centre?

5 A. [15:40:03] No, the supervisor whose name I gave you before was responsible for
6 the call centre. But I was responsible for ensuring that everyone knew how to
7 operate the equipment -- or, rather, ask questions appropriately. But not as
8 a supervisor.

9 Q. [15:40:33] But you were involved in the training of other persons who were
10 taking calls, right?

11 A. [15:40:41] Part of the training, not the entire trainings. I was responsible for
12 part of the training.

13 Q. [15:40:53] So you did not take place in -- take part in any meetings relating to the
14 functioning of the call centre where the subject of the training was discussed?

15 A. [15:41:09] I would have attended certain meetings, but I do not know whether
16 the purpose of those meetings was limited to that aspect. But, in any case, if I took
17 part I did not have any decision-making powers.

18 Q. [15:41:40] Were those who were operating within the call centre, including
19 yourself and your supervisor, were you conscious of the potential of the call centre to
20 be used for propaganda purposes?

21 A. [15:42:10] I cannot answer on behalf of my supervisor. But I would say that
22 when I started working at the call centre I had not envisaged such a possibility.
23 Afterwards, in fact, we started sorting information and conducting the follow-up of
24 various cases so as to try to determine what was genuine and what was possibly
25 propaganda from amongst the calls received.

1 Q. [15:42:59] And what led you to the realisation of this being a potential problem?

2 A. [15:43:09] I do not recall. I believe this was one of our supervisors who drew
3 our attention to that.

4 Q. [15:43:35] And was this linked to any specific incident or information?

5 A. [15:43:43] Not to my knowledge.

6 Q. [15:43:56] And in terms of timing, when did this -- when did the staff of the call
7 centre become conscious of this potential and try to do something about it? Because
8 you say that the call centre starting operating in, I think you said December,
9 13 December 2010, so when would it be that the realisation had dawned that this
10 could be a propaganda tool for certain people and that care should be taken?

11 A. [15:44:31] I do not remember. And I am not sure that I gave a specific date
12 such as 30 December.

13 Q. [15:44:48] You actually said the 13th, not the 30th.

14 A. [15:44:54] That seems much more likely to me.

15 Q. [15:45:00] So could you explain in a little more detail what mechanism was put
16 in place to try and prevent people using the call centre for political purposes, legal
17 purposes?

18 A. [15:45:35] What legal measures were put in place? Maybe there is a small
19 problem of interpretation. I am not sure I have quite understood your question.

20 Q. [15:45:51] Not at all, Madam. The point is this, you have already said that steps
21 were taken to try and address the issue of the call centre being used as a propaganda
22 tool. So you -- my question is: Can you elaborate upon what mechanism was put
23 in place to try and prevent the call centre being used for political/legal or other
24 propaganda purposes?

25 A. [15:46:42] As I said before, it was specifically this mechanism or follow-up of

1 cases, to sort of gather cases together in categories concerning incidents that were
2 similar in relation to time, locations, and so on. Then there was follow-up either
3 over the telephone or by missions to the field.

4 Q. [15:47:29] So sometimes it would be by telephone and sometimes you would
5 actually go and see the person?

6 A. [15:47:38] Yes, but it was when we put data together, several pieces of
7 information together, it was not only a single piece of information.

8 Q. [15:47:57] When you were on the telephone with somebody, was there any way
9 of verifying who you were speaking to, or did you just listen to the call and take it at
10 face value who the other person was on the other end of the call?

11 A. [15:48:23] No, we did not have any way of verifying who the person on the
12 other end of the line was.

13 Q. [15:48:39] And did you have any means of verifying where physically the call
14 was coming from?

15 A. [15:48:53] To locate? No, we had no way of locating the provenance of the calls.
16 However, we could see the numbers.

17 Q. [15:49:17] Were there any steps taken to verify, based upon the numbers which
18 had been displayed, the source of those calls or not?

19 A. [15:49:41] Not to my knowledge.

20 Q. [15:50:36] At paragraph 131 of your statement, when you're talking about the
21 incident of 3 March, you comment on the fact that, and I'll quote, and I'm quoting in
22 French, for the benefit of the interpreters: (Interpretation)
23 "Quite easily there would have been about a hundred people approaching us. We
24 did not even know from where they were coming. At that point we started
25 collecting the various accounts, or testimonies."

1 (English spoken) So on that particular occasion, when you arrived people turned up
2 and you did not know where they had come from; is that right?

3 A. [15:51:46] That is not entirely correct. When we arrived there was absolutely
4 no one on the road. The street was deserted. But when we started coming out of
5 the cars, people came from all directions, from all streets and alleys. About
6 a hundred people, as I have said. And when we started taking statements, then we
7 would ask the person to identify themselves and so on and so forth. But we did not
8 understand that two minutes before the street was completely deserted and then
9 a large crowd appeared.

10 Q. [15:52:36] Did you have the impression that these people knew you were
11 coming?

12 A. [15:53:06] I must say that I really -- do not really remember. It is possible that
13 we contacted in the area with whom we were in touch. But I cannot be certain about
14 that, I do not really remember.

15 Q. [15:53:24] I think I know the answer to this question, but just to be sure. As far
16 as you know, you don't know if there are any communications which went out in
17 advance?

18 A. [15:53:50] I really do not understand what type of communication you are
19 talking about.

20 Q. [15:53:59] Well, any form of warning to the local population that you were
21 coming.

22 A. [15:54:04] I do not think so. But as I have said, it is possible that we got in
23 touch with our contact persons in the neighbourhood telling them that we are -- we
24 were coming for a meeting and that they would help to direct us to the victims, but
25 I cannot be totally certain about that.

1 Q. [15:54:34] Who were the persons that you had there in the field, as you've just
2 described?

3 A. [15:54:46] Generally, when we went to the field we tried to contact people who
4 had called us at the call centre. There were also people who were guided to us by
5 NGOs and from various other sources.

6 Q. [15:55:36] So there were certain people who had previously called the call centre
7 who subsequently were providing a form of communication assistance for you with
8 the local population; is that right?

9 A. [15:55:55] Not exactly. When we were doing follow up of cases, we contacted
10 people who had called us. And when we knew that we were going to go to the field
11 we resumed contact with them, but there was no specific time. It's not that we could
12 tell them, "No, at 2 p.m. we will meet at that roundabout." No. We would simply
13 say that we would try to reach the field and they would be expecting us and then we
14 would meet them.

15 Q. [15:56:45] So if we take 3 March, you had received calls on 3 March or shortly
16 thereafter, and you -- had you on that occasion indicated to certain individuals who'd
17 called in that you would come and see them on location?

18 A. [15:57:16] As I have said, I cannot be very certain about that. I really do not
19 remember whether on that specific date of 3 March or the days that followed
20 immediately, whether that was the case or not.

21 MR O'SHEA: [15:57:43] I don't know if that's a convenient moment for your
22 Honours.

23 PRESIDING JUDGE TARFUSSER: [15:57:49] So we stop here for today and we
24 continue tomorrow morning at 9.30. Thank you for now. And the hearing is
25 adjourned. We continue with the questioning of -- by the Defence. Thank you very

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

- 1 much. The hearing is adjourned.
- 2 THE COURT USHER: [15:58:09] All rise.
- 3 (The hearing ends in open session at 3.58 p.m.)