

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
5 Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Tuesday, 20 September 2016
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:41] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:13] Good morning.
15 Good morning, Madam Witness.
16 Before giving the floor again to the Defence of Mr Gbagbo, I would just ask for an
17 estimate, because we have to organise also the next witness to come, so just for the
18 Registrar to be somehow in the picture on what's going on.
19 Mr Altit, please.
20 MR ALTIT: [9:33:50] (Interpretation) Thank you, Mr President. Your Honours,
21 I believe the Defence for Laurent Gbagbo will need the entire day, maybe a little bit
22 less, but I think so.
23 PRESIDING JUDGE TARFUSSER: [9:34:06] And the Defence of Mr Blé Goudé?
24 MR N'DRY: [9:34:21] (Interpretation) Your Honour, the time we will need will
25 depend on the questions that would have been put by the Gbagbo defence team,

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1 given that we are not going to come back to any matters that they would have dealt
2 with, but in any case we think we will need two sessions, at most.

3 PRESIDING JUDGE TARFUSSER: [9:34:46] Okay, so I think we in any case we go it
4 seems tomorrow, sometimes hopefully in the morning or in the afternoon. Thank
5 you very much.

6 So now the floor is again to the Defence of Mr Gbagbo. Mr O'Shea, please.

7 MR O'SHEA: [9:35:05] Good morning, your Honours. Thank you.

8 WITNESS: CIV-OTP-P-0414 (On former oath)

9 (The witness speaks French)

10 QUESTIONED BY MR O'SHEA: (Continuing)

11 Q. [9:35:19] Good morning, Madam Fuchs. I hope you slept well.

12 Now, in your call centre at the time of the events, did the number of people working
13 inside the call centre answering calls vary over the period or is it fairly consistent?

14 A. [9:36:03] The number of operators assigned to the call centre varied depending
15 on the needs. There were relatively calm periods during which, as far as I remember,
16 only two people were present in the call centre, and there were much busier periods.
17 And we, I think we even went up to eight people present at the same time in the call
18 centre.

19 And you will have to remember, I think I said that in my statement, that the call
20 centre evolved over time. At one point there were fewer telephones available and
21 follow-up was done using a mobile phone. And then there was -- there were
22 technical developments with more telephone sets installed and a larger staff.

23 Q. [9:37:09] And when you say "afterwards," can you give us an idea as to time
24 frame, was this a gradual process or was there a certain point in time when your
25 resources became significantly better?

1 A. [9:37:29] I don't understand precisely. Are you saying that progressively there
2 was more staff or are you referring to technical resources?

3 Q. [9:37:46] You were talking about at a certain point in time you had more
4 telephones. And obviously you can't have people without telephones in a call centre.
5 So the question is: Was there a point in time when you received additional resources
6 or was this a gradual process of the increase in telephones?

7 A. [9:38:23] So you are not talking about human resources? Well, I believe they
8 increased progressively. But the technical resources, that is the increase in the
9 number of additional telephones arrived at a single point. I cannot tell you the
10 specific time nor the process that led to that increase in the number of technical
11 resources.

12 Q. [9:38:59] Do you remember whether it was after or before 3 March?

13 A. [9:39:07] I have difficulty remembering, but I really do think it was before to the
14 3 March. I cannot be very certain, but we already had additional staff members.
15 This would mean that they had the technical resources available for their use, so
16 I think it was before 3 March.

17 Q. [9:39:42] And in terms of those who were designated with the task of answering
18 calls, was it in total eight?

19 A. [9:40:07] I'm sorry, I just want to understand correctly. Do you mean that there
20 were never more than eight people or that there were always eight people? I think
21 I didn't quite understand.

22 Q. [9:40:28] You mentioned that sometimes there would be eight people at a time in
23 the call centre. So my follow-up from that is to ask you, was the total number of
24 people who were designated with the task of answering calls eight in general, not on
25 any specific day, but the total number of personnel who were trained to answer calls,

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1 was it eight?

2 A. [9:40:55] No. The number of staff assigned to answer calls, who had been
3 trained to answer calls, was much higher than eight - I would like to maybe refer to
4 my statement - because there were already about 30 UN volunteers that we had
5 trained to answer calls at the call centre, and in addition there were members of the
6 UN police who were present there and who had also been trained to work at the call
7 centre.

8 PRESIDING JUDGE TARFUSSER: [9:41:46] May I ask you to slow down?

9 THE WITNESS: [9:41:48] Pardon.

10 PRESIDING JUDGE TARFUSSER: [9:41:50] Yes, because I can listen to the struggle
11 by the interpreters, so please, and wait.

12 THE WITNESS: [9:42:00] Excuse moi.

13 PRESIDING JUDGE TARFUSSER: [9:42:04] Okay. No, I am just talking to give
14 them some time to breath.

15 Okay. Now, please continue, but remember. And look at me sometimes so I,
16 without interrupting, I give you some sign. Thank you.

17 THE WITNESS: (Interpretation) [9:42:23] Duly noted. I am really sorry. Thank
18 you very much.

19 As I said, at the peak of the calls received, there were eight operators physically
20 present at the same time at the call centre, that is eight operators answering the calls
21 at the call centre at the same time with rotating shifts of calls.

22 MR O'SHEA: [9:42:59]

23 Q. And you have said that sometimes the UN police were involved as well as 30
24 people internally. So in terms of the number of people who at one time or another
25 were involved in receiving these calls, would it exceed 50?

1 A. [9:43:22] I do not have the correct figure, but that is highly likely. There would
2 have been at least 50 people who could work at the call centre.

3 Q. [9:43:50] And you've said that you were involved in training of people in the call
4 centre. How many people have you personally trained?

5 A. [9:44:04] I cannot be precise about that. These were UN volunteers who were
6 reassigned to the call centre. I believe there were between 20 and 30 of them.

7 I'm sorry, if you wish, I would like to go back to something I told you yesterday. I
8 gave them only partial training. I was responsible for only part of the training.
9 I was not responsible for the entire training.

10 Q. [9:45:00] And when you say "UN volunteers," what is the process of UN
11 volunteers coming to work within the UN structure? Do they have to have a certain
12 level of education, training or how does this work?

13 A. [9:45:28] The recruitment process of UN volunteers is similar to the standard
14 type of recruitments. For example, there is a job description with general conditions.
15 For that specific position I do not really know the wording, but generally in human
16 rights people would require a master's degree, some degree of experience. But I
17 really do not remember the terms of the vacancy announcement. It is
18 pre-established criteria.

19 And then these people, I believe, were also interviewed after presenting their CVs.
20 But I was not responsible for recruitment, so I cannot give you specific details. But it
21 is a really conventional or standard form of recruitment, the various stages.

22 Q. [9:47:07] These people who answered calls in the call centre, did they have any
23 training with respect to the general conflict situation in Ivory Coast?

24 A. [9:47:34] These operators in the call centre, and I am not talking about the UN
25 police, because they were separate and I really do not know much about them, but for

1 the UN volunteers, these were people who were already present within ONUCI, and
2 most of them had been working in other sections. Then they were reassigned to the
3 call centre. So they already had some experience of the Côte d'Ivoire situation.

4 When the non-essential personnel were evacuated for the first time, it was necessary
5 to call back certain people, particularly to work at the call centre. But I don't know
6 what happened generally, I did not participate in recruitment. But all these people
7 were already present within ONUCI and so had already a certain degree of
8 experience in the Ivorian situation.

9 Q. [9:48:58] Did these individuals include persons with West African nationality?

10 A. [9:49:16] I am not in a position to say. I'm making an effort to remember what I
11 knew best. I suppose the answer would be yes, but right now I can't think of anyone.
12 But it was possible.

13 Q. [9:49:43] Was there any form of screening which took place to determine if any
14 of the people working in the call centre had any kind of political affiliations?

15 A. [9:50:08] As I have told you before, I did not take part in the recruitment process
16 so I really do not know what happened. I cannot say any more.

17 Q. [9:50:29] Now, within your unit, did you have any mechanism in place for
18 following events within Côte d'Ivoire and recording them?

19 If I can just be a bit more clear, putting the telephone calls aside, which was the
20 principal task of the call centre, was there separately from that any mechanism in
21 place for following the political and conflict developments which were taking place at
22 the time and recording them in a database?

23 A. [9:51:26] At the level of the mission itself, that would certainly be the case and I
24 think also at the level of the human rights division and at the level of the chief of
25 section, his deputy and the coordinator. But with ordinary staff, I do not think so.

1 Q. [9:52:06] In paragraph 126 of your statement, when you're talking about the
2 women's march at Abobo, you explain that you knew that there was going to be
3 a women's march, but that you, you don't remember how you knew. Was that kind
4 of information not recorded?

5 A. [9:53:25] That is not what I said. I said that at my level that was not the case.
6 I believe that I received the information from my supervisor by one of my chiefs.
7 Now, regarding the way they stored information or followed up information, I'm not
8 aware of that.

9 Q. [9:53:51] And at 127, paragraph 127 of your statement, you say the following,
10 and I'm quoting in French: (Interpretation) "Regarding the incident itself, I believe
11 that the initial information came from sources internal to the mission." (Speaks
12 English) What do you mean by "source interne à la mission"?

13 A. [9:54:40] I suppose that what I wanted to say is that there was information
14 coming from other sections and also information from JOC as well as the daily
15 situation reps. However, I cannot confirm that those were the sections that had
16 contacts with political parties or civil society organisations. So I imagine this would
17 have been the political bureau affairs office or the civil affairs bureau.

18 Q. [9:55:25] Now, when one of the personnel in the call centre was receiving a call,
19 they would take down certain information, and one aspect of that information you
20 have described as the presumed authors or the presumed perpetrators of the crimes
21 or alleged crimes. And you've indicated that you would not ask the basis upon
22 which somebody concluded that an institution or an individual was an author of
23 a crime; is that right?

24 A. [9:56:24] I do not believe that I said that. I did not say that we do not ask
25 questions on the basis used by the person to make those allegations. We asked

1 questions. However, as I was saying, it was the statement coming from that person.
2 If the person said that it was X, Y, Z, after we would ask the person questions why
3 they were saying that. And then there would be other questions confirming or
4 denying those statements, but it would remain the person's opinion or statement.

5 Q. [9:57:20] Well, if you received a call, for example, and someone was to say "We
6 were shelled," and this came from Camp Commando, what, what follow-up questions
7 would you ask, if any, about the authors?

8 A. [9:57:59] First of all, I don't remember the word you used. Well, you said
9 "shells." How do you know that these were shells? How do you know that they
10 came from Camp Commando? Did you see people before, after or during? What
11 was the direction? We'll try to find out the location of the person himself or herself.
12 Did you see where the firing was coming from? Did you see any lights? Did you
13 have any further information that makes it possible for you to make such a statement?
14 Those are some of the questions that I would be asking.

15 Q. [9:59:01] If the person said to you "I heard this," would that be noted down in
16 the summary, in your summary report, that the person had said that they had heard it
17 from someone else?

18 A. [9:59:43] Are you talking about a secondary source? So an individual who
19 would have called subsequent to a statement made by another individual?

20 Q. [9:59:54] If it was hearsay, ouï-dire, the basis of who the perpetrator was, would
21 you note that down that it was hearsay or ouï-dire in your report?

22 A. [10:00:15] I believe that at a certain moment in time it would be written down.
23 We should also say that, well, the call centre, the manner in which we gathered
24 information evolved. We started using Excel tables at the outset, and we rapidly
25 realised that using an Excel table in common had its limitations. So we then created

1 a database in which the summary is provided. But if you click on it, then you have
2 a little bit more detail.

3 So in the table that you see, the table that we saw previously, that is to say yesterday,
4 the various pages that were shown to me, this is only a summary. But if we click on
5 it, we have more information. So I believe that in that part with the extra
6 information it should be stated whether it was hearsay or not. And generally
7 speaking, in the characterisation when we are talking about victims or sources, when
8 we take about hearsay, we talk about source rather than witness.

9 Q. [10:01:36] So from the summaries which were shown to you yesterday, where it
10 speaks about the presumed author of a crime, you cannot tell from that document
11 whether the source of that information was hearsay or not, would that be right?

12 A. [10:01:57] Once again I would like to remind you that the incidents that are
13 reported to the call centre are followed up on, and it is the follow-up of these cases
14 that constitute a more credible form of information rather than a simple call to the call
15 centre that has to be cross-referenced with other information.

16 Q. [10:02:29] Right. Well, let's move on to that process then of you going out to
17 speak with people. How did you go about choosing who you would speak to?

18 A. [10:02:57] Are you talking about in the context of the follow-up of cases?

19 Q. [10:03:04] Yes, let's start with that.

20 A. [10:03:09] Well, as was seen in a report that I believe was shown to us, notably of
21 26 February, where we had a number of cases grouped together, I don't know
22 whether you remember that, there were a number of cases grouped together, and the
23 person in charge of the follow-up generally speaking would try to call those people
24 back in order to elicit further information. And generally speaking these are given
25 people, because we have the various different phone numbers and names, and we try

1 to cross-reference the information as to what each person said and see whether there
2 is any contradiction, whether this information corresponds, if you like. So that is
3 what a follow-up of these grouped together cases at the call centre involves.

4 Q. [10:04:16] But the question is this, you are deciding to go out into the field to
5 follow up on information that you've received and the question is: What is your
6 process for deciding who to go and speak to?

7 A. [10:04:38] I'm sorry, I didn't understand that you were talking about field
8 missions as such. As I was saying to you, we also go on the basis of the information
9 received at the call centre, and some of the people whom we called back, we then said
10 that we might be conducting a field mission and could we meet up.

11 And as some of our colleagues have a far or a somewhat wider network and have
12 a better knowledge of NGOs and of human rights organisations, et cetera, there were
13 also sources that were indicated to us. Then we would try and meet up with people
14 who, for example, were -- had been injured. We would try and meet up with the
15 medical staff. We would try to go to the location where those injured people had
16 received treatment. And if we had information on a specific incident, we would try
17 to go to that location and see with the people who were present at the site and talk to
18 them.

19 Q. [10:05:54] Do you try to speak to anyone else, any other category?

20 A. [10:06:03] We would also of course try to have the version of the authorities.
21 But as I said to you yesterday, contact with the authorities was somewhat limited and
22 difficult at that moment in time.

23 Q. [10:06:21] So, for example, in relation to 3 March, did you interview anyone who
24 was an alleged author?

25 A. [10:06:35] Not to my knowledge, but as I believe I said in my statement, we were

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1 a team and each of us had a role in said team. I was rather in charge of talking to the
2 victims and the witnesses. And each individual, as I said to you, drafted a report.
3 I can't tell you whether other people talked to alleged perpetrators or not, not to my
4 knowledge anyway, not to my knowledge, I should add. But it is possible that it
5 was the case.

6 Q. [10:07:24] Did you go to locations where you were told attacks were emanating
7 from?

8 A. [10:07:37] Well, one of the pieces of information that we had received with
9 regard to the cases that you mentioned was that the gunfire was coming from the
10 Camp Commando and Abobo. Unfortunately, we were not able to go there. I can't
11 remember why. I do believe that there was a physical obstruction that hindered our
12 going there. And also we had security concerns because we were being escorted by
13 the UN military personnel. I can't remember exactly what stopped us from going
14 there, but I do remember that we were not able to go.

15 Q. [10:08:29] And when you talk about Camp Commando, which incident
16 specifically are you talking about?

17 A. [10:08:41] Are you talking here about the incident of 3 March?

18 Q. [10:08:51] In relation to 3 March, would it be fair to say on the basis of what
19 you've been saying that in terms of your enquiries, your interviews of witnesses, you
20 only got the version of one side of the conflict, if I could put it that way? Would that
21 be fair to say?

22 A. [10:09:21] As I told you, we were each assigned to a different task. My task
23 was to hold discussions with the victims and the witness who were present on
24 location. And with regard to said task or assignment, I only received one version.
25 Now, I do not know who the rest of the team talked to.

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1 Q. [10:09:56] Now, if you're interviewing people about these significant incidents,
2 you presumably have to on an ongoing basis be informing yourself about the
3 progress of your work collectively and about events, no? Isn't that part of your
4 process? Don't you have to on a continuous basis inform yourself of developments,
5 or not?

6 A. [10:10:35] If I have understood you correctly, allow me to rephrase. You're
7 asking whether we had exchanges with the rest of the team with regard to exchanging
8 information in order to have a more global view?

9 Q. Well, it's up to you to tell us what the means was.

10 THE INTERPRETER: [10:10:51] Overlapping speakers.

11 MR O'SHEA: [10:10:54]

12 Q. But my question is, you as a person working in the field interviewing people,
13 was it not an important part of your work to keep yourself informed of the progress
14 of the work collectively?

15 A. [10:11:10] Personally speaking, no. I did not have a great deal of exchange with
16 the other members of the team as to the evolution of the situation and the various
17 stages that followed on. I did have general guidelines and I did have certain return
18 of information. But this was information that my supervisors gave me. But I
19 wasn't part of the management, so I was not privy to the details or the final reports or
20 anything like that.

21 Q. [10:12:00] So despite your role, you have absolutely no idea as to whether
22 people from the other side of the conflict were interviewed in relation to 3 March?

23 MR DEMIRDJIAN: [10:12:17] Your Honours, that is asked and answered. The
24 witness just said that in terms of having a global vision, this is not at her level. So
25 my learned friend is trying to get a different answer based on the same question.

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1 MR O'SHEA: [10:12:31] Actually I'm not trying to get a different answer. I'm
2 locking the answer in, because what she has told me is that it's not her job, basically,
3 there are other people who deal with it. And I'm not happy to leave it there.

4 PRESIDING JUDGE TARFUSSER: [10:12:48] Yes, I think we can go ahead. I don't
5 know what you mean by "locking in," but I think we should go ahead. And I think
6 the witness is quite able to answer this question properly. Please.

7 THE WITNESS: [10:13:11] (Interpretation) I'm somewhat lost. So you're asking me
8 whether I have knowledge of whether the presumed authors were interviewed with
9 regard to that incident; is that correct? As I said to you, to my knowledge, no. And
10 personally I did not interview any of them at the time of the events. However, I can't
11 tell you whether this was the case for the other members of the team.

12 MR O'SHEA: [10:14:42]

13 Q. [10:14:42] Now, when you've decided that you're going to go to a location and
14 you're going to interview people, at what point in time do you decide on how you are
15 going to do this logistically?

16 A. [10:15:05] At no point in time did I make that decision personally. It was our
17 supervisor who informed us of this. And generally speaking it was a very short time
18 frame in which either we would be informed that we would be taking a field mission
19 in the afternoon or sometimes it would be an even shorter time frame, notably that we
20 would be leaving in half an hour or even in 15 minutes we would be leaving.

21 So the sharing out or divvying out of tasks was done in the vehicle. We would
22 divide the work up. And often things had been discussed higher up and we were
23 told about such and such an incident and that it would be a good idea for us to go to
24 the location, and then the work was divvied up at that moment in time.

25 Q. [10:16:15] What would you say was your level of knowledge of the facts of the

1 conflict at the time you were working? Would you say that you had a very good
2 understanding of the facts of what was going on in Ivory Coast or not at the time?

3 A. [10:16:40] Are you talking solely about the post-election crisis or a more global
4 historical vision of conflicts that might have occurred in Côte d'Ivoire since I don't
5 know what date?

6 Q. Well, generally, but most importantly obviously the --

7 THE INTERPRETER: [10:16:57] Overlapping speakers again.

8 MR O'SHEA: [10:17:00]

9 Q. -- facts relating to what was going on during the post-electoral period?

10 A. [10:17:11] A good knowledge might be going a little far. But a decent
11 knowledge in the sense that slowly, on the basis of the various statements and the
12 various cross-referenced information, I believe I managed to develop a decent level of
13 knowledge of the situation.

14 Q. [10:17:41] Which databases did you consult?

15 A. What do you mean by "databases"? With a view to gathering this information?
16 I do not know whether we can talk about databases here, but I did have access to
17 different types of reports and sources. We did have a database at the HRD, which
18 I believe I also consulted, but I believe that this was on the basis of the various
19 reports.

20 Q. [10:18:32] So your knowledge of facts of what was going on at the time was
21 based upon completed reports like the ones you were shown yesterday, but not on
22 a computer, a specific computer database?

23 A. [10:18:51] When you're talking -- are you talking here about the small reports of
24 the call centre? No. When I was talking about reports, I was talking about more
25 detailed and more analytical reports.

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1 Q. [10:19:07] Like the report of the High Commissioner for Human Rights, is that
2 what you mean?

3 A. [10:19:15] It might have been that type of report. The UN commissioner for
4 human rights report I believe came out a little -- at a slightly later stage.

5 Q. [10:19:29] So there wasn't a specific computer database that you consulted to
6 update yourself on ongoing events?

7 A. [10:19:39] As I said, we had a human rights database, and of course I did consult
8 it. And I also entered information. But if you're talking about an IT database that
9 was more global and that was -- and into which information of a more political nature
10 was fed into it, then no.

11 Q. [10:20:12] When you go out into the field and you identify somebody that you
12 want to interview, what's the process that you follow when you're there physically
13 with the person?

14 PRESIDING JUDGE TARFUSSER: [10:20:51] I think also this question was answered
15 yesterday in various manners, I think.

16 MR O'SHEA: [10:21:00] Yes, your Honour is right. I'll be more specific.

17 PRESIDING JUDGE TARFUSSER: [10:21:06] Yes, I think we're -- yes.

18 MR O'SHEA: [10:21:07] I'll be more specific.

19 PRESIDING JUDGE TARFUSSER: [10:21:09] Thank you.

20 MR O'SHEA: [10:21:14]

21 Q. [10:21:24] The persons that you interviewed, did you offer them any food or
22 drink?

23 A. [10:21:32] Absolutely not.

24 Q. [10:21:39] You said that you were conducting interviews in circumstances where
25 there was a lack of confidentiality. Were you, for example, when you went I think it

1 was on 10 March to investigate the 3 March, were you standing or sitting? Were
2 there people standing around you? Can you give us a clearer picture?

3 A. [10:22:22] With regard to the dates, I do not remember precisely whether I was
4 there on 10 March or on another date. And especially if it was the 10 March that I
5 went there to discuss the events of 3 March, well, I would need to discuss -- to consult
6 notes or consult my statement with regard to confirming the date that you are
7 advancing.

8 You are talking here about the incident of 3 March and how the investigation was
9 conducted or how the interviews unfolded in association with that incident. Indeed,
10 we did go to the location. We entered into contact with certain individuals prior to
11 that. And generally speaking we were standing upright, we were trying to stand
12 a little further away from the rest of the group in order to talk to people.
13 But generally speaking there was a policeman from the UN next to us who was taking
14 notes. And as I said to you, we attempted, this is not something in absolute terms,
15 other people would come and once or twice you would say to them, "Well, look, we're
16 trying to talk to people here." And we would try to have a certain level of
17 confidentiality. I wouldn't say confidentiality as such, but we would try to make
18 sure that we were not completely surrounded.

19 It wasn't always the case, but on occasion there were indeed a great number of people,
20 and in such cases we would try to avoid eliciting extra personal information or we
21 would ask people to write down that type of information, personal information,
22 contact information, et cetera.

23 THE INTERPRETER: [10:24:25] Message from the interpreter: Could the witness
24 please be requested to slow down.

25 MR O'SHEA: [10:24:37]

1 Q. [10:24:37] In paragraph 115 of your statement you say, and I quote in French:
2 (Interpretation) "With regard to taking testimony, we did not respect all procedures.
3 We did not, for example, take any testimony in a closed location. We did not stand
4 to one side with a view to taking testimony, et cetera."

5 (Speaks English) All right. I'll read the whole paragraph:

6 (Interpretation) "These are the circumstances that stop this from happening. And
7 even when I tried to move to one side with an individual to attain extra
8 confidentiality, there were people who would follow us anyway. I remember that
9 on one occasion I was able to take down testimony in a private home."

10 (Speaks English) So it was only on one occasion that you were able to have a private
11 conversation in a house?

12 A. [10:26:20] With all the conditions brought together for our levels of
13 confidentiality, yes, that is true.

14 Q. [10:26:33] And when you say "not in a closed place," is it the position that you
15 can't remember any of these interviews now, or can you give us a picture as to exactly
16 how you went about it in these public places? Did you have people standing around
17 you while you were talking?

18 A. [10:27:18] Yes, indeed, there were people around us. And often when people
19 would talk to us, and somebody else would try to intervene and add information.
20 And, indeed, as you said, generally speaking these were interviews that were
21 conducted standing up in the street often.

22 And as I said to you, as I also mentioned in my statement, we would try to stand to
23 one side, but often people would follow us and would surround us and add
24 information to what the person was saying. So often these interviews were very
25 brief because we were attempting to gather -- well, you know, I would say, "Well, I'll

1 talk to this person first and then I'll come to you afterwards."

2 But it did not always work like that, and that's why I also gave the example where our
3 methodology and level of confidentiality was respected. I can say that there was
4 only one occasion where I was able to conduct an interview with somebody inside
5 and we were able to take the time to gather the various pieces of information.

6 Q. [10:28:43] So if you're asking questions of somebody, and there are people
7 around and they're interrupting and so forth, you found yourself under conditions
8 where there was a degree of verbal noise around you then?

9 PRESIDING JUDGE TARFUSSER: [10:29:01] This is already responded, of course,
10 yes. I think we are turning around the same argument the whole time. I think this,
11 this was the meaning of it. I don't know why we should always have the
12 confirmation of the confirmation of the confirmation. Sorry.

13 MR O'SHEA: [10:29:18] Very well.

14 Q. [10:29:21] So when you're talking to the person, what are the preliminary things
15 you deal with in an interview?

16 A. [10:29:38] Generally the first questions relate to personal information in order to
17 be able to contact the person. And since this was done in public, we avoided asking
18 too many personal questions, or we would ask the person to write down his contact
19 details and his name.

20 After that, we would then ask what happened, when did this happen and where
21 precisely. And then we would allow the person to give his or her account, after
22 which we would ask questions of clarification. For example, if someone told us it
23 was soldiers who did this, he would ask them, "What makes you think these people
24 were soldiers?"

25 And since you gave this example a short while ago, we would ask, for example,

1 "What makes you think they came from Camp Commando in Abobo? Were there
2 any distinctive signs? Were you able to recognise anyone?" those type of questions.

3 Q. [10:31:05] My question is just focused for a moment on the preliminary
4 questions that you ask. So you've described that you asked them their personal
5 details and then you asked them what happened. Are there any other preliminary
6 questions that you ask or any other preliminary statements that you make when you
7 are interviewing a person?

8 A. [10:31:39] To be more detailed, we would ask the person the name, contacts,
9 date of birth, and quite frequently we would ask for ethnicity, affiliation to a political
10 party or human rights NGO and so on and so forth. So those were the types of
11 questions that were asked.

12 Quite frequently also, it may sound strange because this was in public, but we would
13 tell these people that the information given to us would be confidential. Of course,
14 this was confidential information, but it meant also that these people would not be
15 mentioned on our reports when we talk about such-and-such incident. This is
16 information that was stored separately and remained confidential.

17 So when we asked somebody to write down his or her name and
18 personal contacts, it was to avoid confusion between who was giving the information
19 and the information itself.

20 Q. [10:33:09] One thing you haven't said is how you introduced yourself.

21 A. [10:33:18] Yes, indeed. But that was really the very first thing that was done.
22 I will tell the person my name and say that I worked in the division of human rights
23 of ONUCI.

24 Q. [10:33:39] Did you tell the witness about their rights?

25 A. [10:33:54] Under those particular circumstances, where the interviews were not

1 done fully confidentially, I would give them more general information. But when it
2 was one-to-one interviews, I talked about the one in the office, for example, in the
3 office I always informed the witnesses and victims of their rights and the necessity to
4 seek justice afterwards.

5 Q. [10:34:35] Did you ask the witness about their background?

6 A. [10:35:04] Not really. Regarding their background, well, under those
7 circumstances, as I have stated, we had very limited time in the field. We did not go
8 into all the details as we normally would have done. So I do not think we asked for
9 details on the person's background. But we asked for whether that person belonged
10 to any organisation and what was their ethnicity.

11 Q. [10:35:48] Isn't it a reality that in 10 or 15 minutes or whatever time you had and
12 with the conditions under which you were doing it, the amount of information on the
13 facts themselves you could get was extremely limited?

14 A. [10:36:16] Yes, in about 15 minutes we will ask questions about contacts and so
15 on. That would take about two minutes. Then we would have about 10 minutes or
16 more to ask more detailed questions.

17 After that, since we were going very fast, we would really ask for focused information.
18 It was not a meeting of 45 minutes to one hour like a standard interview. It took
19 a shorter time. It is true that, as I told you yesterday, there are things that I would
20 have done differently today. Sometimes I was quite abrupt, because we were
21 looking for quick information and maybe did not allow them the time to clarify things
22 that which they wished to clarify.

23 Q. [10:37:29] What language were you speaking?

24 A. [10:37:32] French.

25 Q. [10:37:34] And it was being translated into local languages or was it all in

1 French?

2 A. [10:37:46] Personally I always expressed myself in French. The people gave me
3 answers in French. The interviews were complicated. There were, of course,
4 people that I could not interview because we could not understand each other. I did
5 not have a translator.

6 Now, when you want to interview someone, there were always people trying to
7 translate. But since I did not know them and I was not sure whether their
8 translations were correct, I was less interested in what they were saying. But since I
9 was absolutely not interested in those vernacular languages, I did not interview those
10 people. I focused on people that I could understand and who could understand me.

11 Q. [10:38:46] Would you agree with me that under these conditions under which
12 you were operating in these 15-minute interviews, it was effectively impossible for
13 you to make any assessment of the credibility of the people you were speaking to?

14 A. [10:39:15] It was difficult to determine individual credibility, just as an
15 individual assessment of the source of the witness. However, when information was
16 cross-checked, that is based on the quantities of information received, the information
17 that was basically the same, the information that was consistent, that one would be
18 credible.

19 Q. [10:39:48] And there was the additional problem of the fear of the security
20 situation suddenly going pear-shaped, was there not? Was that not an additional
21 stress that you had to undergo?

22 A. [10:40:09] Yes. But we had an escort. Each one had his or her role. Our
23 escort, I suppose, they were in permanent contact with headquarters, and they
24 exchanged information regularly on the security situation.

25 I was not the one who assessed the security situation. I felt and I still feel that if we

1 were asked to go to the field, it was up to the escort to assess the security situation.
2 That was their responsibility, to determine whether we could carry out that mission.

3 Q. [10:41:07] When you were asking these questions with this witness and you
4 would take your notes, would you read back to the witness what they said or not?

5 A. [10:41:23] Not at the end, but regularly. This means that each time they gave
6 a statement, sometimes just like I'm asking you whether I have understood your
7 question correctly, so sometimes I would rephrase to determine whether I had fully
8 understood what the person wanted to say.

9 Q. And did you get them to sign anything?

10 A. No, because it was not an official statement, and the criteria for confidentiality
11 were not there so as to make it a confidential -- an official statement.

12 Q. [10:42:26] And you've said that you did not know what, if anything, had to be
13 done with your notes. Was there no protocol on that?

14 A. [10:42:38] While I was in Côte d'Ivoire, my notes were kept under lock and key
15 in a locker. Right now I do not know what happened to my notes. There was also
16 a point at which we were asked, I don't know whether it was New York that asked us,
17 probably at the request of the ICC, they asked us to provide all the information linked
18 to this incident, including our manuscript notes. I handed them in and I do not
19 know where they were stored.

20 Q. [10:43:38] I'm just going to read you one paragraph from your statement, it's
21 paragraph 119. And I'm quoting in French: (Interpretation) "If the part that I heard
22 was not clear or we did not have the same findings, we would meet and discuss. If
23 there were discrepancies, that part would be removed or we will keep it a little bit
24 vague."

25 (Speaks English) So is that right, that if you had different versions on the details, you

1 would take it out or express it more vaguely? Is that the procedure you adopted?

2 A. [10:45:23] More or less. Let me give you an example. If someone told us that
3 these were policemen from X police station, and another one said Y police station, and
4 a third person said X or Z police station, then we would conclude that we would
5 simply use "policemen" without specifying the specific police station.

6 Q. [10:46:07] And did you make note of these differences or you simply recorded
7 the generic agreed version?

8 A. [10:46:17] As I said, each person had their own part. Personally I always kept
9 my draft notes. And as I have also said, I did not always receive the final report of
10 the document.

11 Q. [10:46:41] So there were circumstances where there were inconsistencies, but
12 those inconsistencies were turned into more general statements?

13 A. [10:47:14] I would not talk about inconsistencies, because that would be too
14 strong. There were details or points that were not exactly the same. There might be
15 small differences. We kept the overall message but would not go into the smaller
16 details. That is what I meant by remaining vague.

17 Q. [10:47:44] Doesn't this make your task a bit difficult later when you're asking
18 yourself questions about corroboration?

19 A. [10:48:10] It is precisely at the time of corroborating facts that these issues
20 appeared. That is when we saw these differences.

21 Q. [10:48:25] If I have understood you correctly, when, when you were addressing
22 issues of credibility of witnesses or people that you'd interviewed, you looked mainly
23 or exclusively at the extent to which those testimonies were corroborated by the
24 testimonies of others; is that right? Is that a fair understanding of your position?

25 A. [10:49:10] Under those specific circumstances and situations where there were

1 several people giving the same accounts, let me not say testimonies, the same people
2 giving the same accounts, there were many accounts gathered at the same time and
3 we will meticulously assess the credibility of the various sources and then would take
4 the global message.

5 Q. [10:49:55] So in terms of the way you and the other staff viewed these interviews,
6 if you, for example, had 10 individuals making the same claim, for you that was to be
7 treated as a credible claim?

8 A. [10:50:21] That would depend if the 10 persons are lined up and speak to us one
9 after the other, then I would be distrustful. We talk about -- we identified people
10 who wanted to speak to us. It is difficult to explain. In fact, we were surrounded
11 by the crowd, for example, some of them wanted to speak to us, we would allow
12 them to express themselves. But we would simply not take someone next to that
13 person who would speak to us again. Probably we would go and take somebody
14 from the very back to ask that person a few questions, because once again there were
15 several of us.

16 Q. [10:51:19] Now, the redaction of the information that you collected from these
17 interviews, was that redaction done by someone else or by you into a report?

18 A. [10:51:50] The redaction of reports was regularly collective. Generally I would
19 prepare the format, the titles and so on, and then I will draft the parts that I was
20 responsible for, other members of the team would draft their own parts, and then at
21 the level of our supervisors or higher levels, they would finalise the report.

22 Q. [10:52:34] And what is involved in the finalisation of the report?

23 A. [10:52:48] As I told you, this was done at the level of my supervisor and possibly
24 even at a much higher level, so I wouldn't be in a position to answer to that.

25 Q. [10:52:58] So you were not -- sorry. So you were not in any way involved in the

1 process of the finalisation of the report?

2 A. [10:53:08] No. And as I have said before, on several occasions I was not even
3 familiar with the final report, the final version of the report.

4 Q. [10:53:31] So during this finalisation process, if anything had been distorted
5 from the work that had you done, you would not necessarily know during that
6 process because they wouldn't check with you?

7 A. [10:53:55] As I have told you, I did not always receive the final version of the
8 report, so I cannot say whether there were any distortions or differences.
9 However, since this was the senior management, my supervisor dealt with this
10 alongside the senior management of our division. I am certain that if there had been
11 amendments, questions, issues that were not clear, he would have come back to
12 enquire from me.

13 Q. [10:54:49] With respect to 3 March, paragraph -- with respect to 3 March, you
14 indicated at paragraph 136, and I quote in French: (Interpretation) "No witness said
15 that a participant in the march was armed."

16 (Speaks English) Did you say that in response to a question from the Prosecution
17 investigator as to whether you were told that people were armed?

18 A. [10:55:54] I do not recall.

19 Q. [10:56:04] Is that a specific question which you put to your witnesses?

20 A. [10:56:13] Whenever there is a march or a demonstration, this is a question that
21 we ask regularly, because people have the right to a peaceful demonstration. But
22 people should be peaceful. So this is a question that we ask systematically when
23 there is a march or any type of assembly.

24 Q. [10:56:50] So in which form did you put the question?

25 A. To the sources there?

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1 Q. Yes. How did you put the question?

2 A. [10:56:55] Did you see any individuals who were armed, were there people who
3 had clubs? How did people express their grievances?

4 Q. [10:57:16] And how many individuals did you personally interview in relation
5 to 3 March?

6 A. [10:57:25] I no longer remember.

7 PRESIDING JUDGE TARFUSSER: [10:57:32] You're looking for a new question and
8 I would say that we stop here, so I give you the time to look better into the questions.
9 We stop here and we make the break of half an hour and then we resume at 11.30.
10 The hearing is adjourned.

11 THE COURT USHER: [10:57:54] All rise.

12 (Recess taken at 10.57 a.m.)

13 (Upon resuming in open session at 12.04 p.m.)

14 THE COURT USHER: [12:04:45] All rise.

15 Please be seated.

16 PRESIDING JUDGE TARFUSSER: [12:05:10] Madam Witness, I hope you feel better.

17 THE WITNESS: [12:05:17] (Interpretation) I'm okay, thanks.

18 PRESIDING JUDGE TARFUSSER: [12:05:20] Okay. If there is something, and you
19 have some problem, just tell me and we will take care of it, okay? Also, for your -- to
20 take care from the beginning of your conditions, I would say that we make now, like
21 it was foreseen, until 1 o'clock, not one hour and a half, but one hour or a little bit less
22 now, and so you have then one and a half hour to rest and to eat, okay? So
23 hopefully it will get better and hopefully also the questioners are kind with you.
24 Please, Mr O'Shea.

25 MR O'SHEA: [12:05:59] I am actually finished, your Honours.

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1 PRESIDING JUDGE TARFUSSER: [12:06:03] You're finished. Sorry. So now it is
2 Maître Altit.

3 And as you speak the same language, please be aware of the interpretation problems,
4 and normally when two people speak the same language, you get faster; you should
5 not. Yours the floor.

6 MR ALTIT: [12:06:26] I thank you, Mr President.

7 QUESTIONED BY MR ALTIT: (Interpretation)

8 Q. [12:06:29] Good afternoon, Madam Fuchs.

9 My name is Emmanuel Altit, I am lead counsel for Laurent Gbagbo, and I'm going to
10 be putting questions to you. And I would be grateful were you to answer them in
11 a brief, concise and detailed manner.

12 I would also add, in keeping with what the Presiding Judge just said, that if there is
13 anything at all, please do not hesitate, even if you are in the middle of answering,
14 even whilst I'm questioning you, just say so, and the Presiding Judge will do
15 whatever is necessary, all right?

16 Now, let us commence, shall we?

17 A. [12:07:20] Yes, we can start.

18 Q. [12:07:23] Now, you arrived in Abidjan mid-October 2010, did you not?

19 A. [12:07:29] That is correct.

20 Q. [12:07:34] And that was your first experience in Africa?

21 A. [12:07:38] First experience in Africa, indeed.

22 Q. [12:07:41] And it was your first post in the UN?

23 A. [12:07:47] That is also true.

24 Q. [12:07:50] So you needed a certain period of adaptation, I presume?

25 A. [12:08:01] I do not know what you mean by "period of adaptation." But no, not

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1 really.

2 Q. [12:08:13] As soon as you arrived, you were at the ready to start working; you
3 knew the location, the people, did you?

4 A. [12:08:23] I was ready to work, I believe so, right from the outset. As to
5 knowing the place and the people, of course I didn't. But I was already accompanied
6 at the outset.

7 Q. [12:08:38] And who accompanied you?

8 A. [12:08:40] Well, I wasn't necessarily accompanied by an individual. I was
9 accompanied, if you like, in a more global sense, in the sense that I received support
10 or maybe I should use the word "support" by a supervisor.

11 Q. [12:08:57] You received support from whom?

12 A. [12:09:01] I received support from my colleagues, essentially from my
13 supervisors, as I believe I already stated in my statement. I mentioned that initially
14 we visited the various units within the division, and that is part of the support
15 provided, you know, introducing us to the various members of personnel,
16 familiarising us with the units and the division itself.

17 Q. [12:09:31] I am waiting a little bit because, as you know, we are being
18 interpreted, and I'm trying to make things a little easier, but it's not always easy.
19 Now, who was that individual who was in charge of you, your supervisor, your
20 superior?

21 MR ZERVOS: [12:09:58] Can I recall that we should not name names here.

22 PRESIDING JUDGE TARFUSSER: [12:10:11] Yes, and we should not repeat
23 questions we have already.

24 MR ALTIT: [12:10:17] No.

25 PRESIDING JUDGE TARFUSSER: [12:10:18] To which -- yes, but until now, if it was

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1 the first time, if it was -- yes, until now all the questions have been answered.

2 Now you are coming to the supervisor, and the supervisors are the people as far as

3 I'm concerned she mentioned yesterday in private session.

4 MR ALTIT: [12:10:40] (Interpretation) With your leave, Mr President, my question

5 is very specific. Rather than responding with regard to supervisors in general, I'm

6 requesting who her superior was, who was in charge of her. I would like to know

7 the name of that individual, and I would like to make the most of this to answer my

8 learned colleague over the other side.

9 We are talking here about public things, an organisational chart of the UN is a public

10 matter. We are not -- we do not need to go into public session -- private session,

11 we're not talking about state secrets here to find out what was going on within the

12 UN at that level.

13 So may I put that question?

14 PRESIDING JUDGE TARFUSSER: [12:11:22] I ask obviously also the witness if this

15 name, if the name, if it's possible to say this name in public. I don't think there is any

16 problem to say so, but please.

17 THE WITNESS: [12:11:45] (Interpretation) I do not know whether, contrary to

18 Maître Altit, whether this, what he just said, whether this organisational chart is really

19 public.

20 MR ALTIT: [12:11:59] (No interpretation)

21 THE INTERPRETER: [12:12:01] Overlapping speakers, too fast.

22 THE WITNESS: [12:12:04] (Interpretation) Pardon. I don't know whether he

23 wanted me to say this publicly. Maybe I misinterpreted his response.

24 PRESIDING JUDGE TARFUSSER: [12:12:15] No. I think that you should say it

25 publicly. If you think there is some problems to say it publicly, you tell me, and then

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1 we will decide if we go into private session or not.

2 MR DEMIRDJIAN: [12:12:32] Just in terms of consistency, yesterday it was all said
3 in closed session, and the names have already been given, so --

4 PRESIDING JUDGE TARFUSSER: [12:12:39] In terms of consistency, I am doing the
5 same as I did yesterday.

6 I'm waiting for your -- I'm waiting for your response.

7 THE WITNESS: [12:12:57] (Interpretation) En public.

8 PRESIDING JUDGE TARFUSSER: [12:13:00] No. Is this a name you think can be
9 said in public or not? We have always also in any case the possibility to reclassify
10 things, so that's not the problem.

11 THE WITNESS: [12:13:16] Je --

12 PRESIDING JUDGE TARFUSSER: [12:13:18] Is this a name of -- is this one of the
13 names you mentioned yesterday in private session?

14 MR ZERVOS: [12:13:28] Your Honour --

15 THE WITNESS: Exact --

16 MR ZERVOS: I'm sorry.

17 PRESIDING JUDGE TARFUSSER: [12:13:29] No, I'm talking to the witness. I'm
18 asking the witness if this name is one of those three names you said yesterday in
19 private session?

20 THE WITNESS: [12:13:40] (Interpretation) Initially, yes, that is to say that the first
21 person that I reported to was indeed mentioned yesterday.

22 PRESIDING JUDGE TARFUSSER: [12:13:52] So we go in private session, and we
23 mention the names in private session, and then we go in public again.

24 (Private session at 12.14 p.m.)

25 (Redacted)

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17 (Open session at 12.24 p.m.)

18 THE COURT OFFICER: [12:24:51] We're in open session, your Honour.

19 PRESIDING JUDGE TARFUSSER: [12:24:57] Thank you. Maître Altit. I

20 wasn't -- the microphone wasn't on.

21 MR ALTIT: [12:25:01] (Interpretation) Thank you, Mr President.

22 Q. [12:25:05] Now, Mrs Fuchs, upon your arrival what type of briefing did you

23 receive? You know, just give us a general idea. Don't go into detail. Maybe I can

24 specify, for things to go a bit faster. Did you receive a briefing on the political and

25 security situation in mid-October upon your arrival?

1 A. [12:25:30] Yes, I did indeed. This was provided by the voluntary, the UN
2 volunteers office, we were given a little booklet. And then I think I got a briefing
3 from security at a given moment in time. I don't recall the precise chronology of
4 events. And, you know, when we arrive and we go on our tour of the units we are
5 briefed on the situation. But I must admit that I don't really recollect this sufficiently
6 in order for me to tell you the contents of said briefing.

7 Q. [12:26:19] Were you provided with any information with regard to the presence
8 of rebel troops at the hôtel du Golf?

9 A. [12:26:31] Not at my arrival.

10 Q. [12:26:34] When?

11 A. [12:26:35] I believe that the first time that I heard speak of the hôtel du Golf it
12 must have been, rather, in December or January.

13 Q. [12:26:45] And what did you hear?

14 A. [12:26:47] I do not recall precisely, but I believe that the first time that I was
15 talked to about this must have been around December or January. And it was at the
16 time, well I don't really remember the details specifically, but I do remember that
17 Alassane Ouattara was at the hôtel du Golf. Now as to the details and in the
18 company of whom he was I do not know. But I do not believe I heard the term
19 "rebels".

20 Q. [12:27:28] And what about "troops," "contingent," "armed"?

21 A. [12:27:34] Quite honestly, I do not recall. I -- it's too far back for me to
22 remember.

23 Q. [12:27:44] Did you yourself go to the hôtel du Golf?

24 A. [12:27:49] At that moment in time never.

25 Q. [12:27:51] When?

1 A. [12:27:52] In 2015, for personal reasons.

2 Q. [12:27:59] Very well.

3 A. [12:28:03] I apologise, 2014.

4 Q. [12:28:08] Were you given any information during that briefing or at a later
5 stage with regard to the presence of infiltrating combatants or to any arm -- weapons
6 cache?

7 A. [12:28:34] I do not believe so.

8 Q. [12:28:43] To your knowledge, was there a representative of the UN at the
9 hôtel du Golf during that entire period from the point at which you arrived in
10 Abidjan?

11 A. [12:28:55] I really can't talk to you about the time when I arrived in Abidjan.
12 I didn't even have any knowledge of that hôtel du Golf. I didn't even know that it
13 existed. Then, at a later stage, I can't give you a date or a moment in time, but I
14 know that Alassane Ouattara and those close to him were at the hôtel du Golf. And I
15 know that apparently he could not move around freely and I do believe that supplies
16 were being provided by the UN, I believe. But I can't provide you with any further
17 details because I don't know what happened afterwards. I do believe that there was
18 security provided by the UN, but once again we are here not talking about a certainty
19 or facts, this is information that I gleaned at the time.

20 Q. [12:30:06] And so you arrive in mid-October 2010 and a very short time after
21 that it was the first round of the presidential election, was it not?

22 A. [12:30:24] That is correct.

23 Q. [12:30:25] And during that period of time between your arrival and the first
24 round of the presidential election were you authorised to go to town or did you have
25 to respect security instructions?

1 A. [12:30:43] Before the first round of voting, before the first round of voting there
2 were a number of restrictions, UN curfews, or -- but I -- between 11 in the evening
3 and perhaps midnight, one in the morning. But up until then we could move about
4 freely, or at least during the day. Later, some neighbourhoods were -- well, we were
5 told not to go to such neighbourhoods at night and there was some restrictions in our
6 movements. But, you see, these are UN rules and one is not allowed -- well, there
7 are -- there is a -- certain times of the day. But it would change, would depend on
8 the mission. I don't remember the actual times but there were some restrictions, yes.

9 Q. [12:31:41] And between the two rounds of voting?

10 A. [12:31:45] The same restrictions were in place. I don't remember whether there
11 were any additional restrictions. That might have been possible.

12 Q. [12:31:57] And after the second round of voting?

13 A. [12:32:01] The same thing. I know that there were some additional restrictions
14 at some points, but I couldn't tell you exactly when. Beyond that, well you must
15 remember that there was a national curfew that had been set as well at the time.
16 And that was not something under the control of the UN, that had nothing to do with
17 the UN.

18 Q. [12:32:33] Now if I've understood what you've told me, very shortly after the
19 second round of voting you were evacuated to Banjul; is that correct?

20 A. [12:32:49] Yes, we were evacuated and taken to Banjul in Gambia. And I think
21 I gave the exact dates in my statement and I had checked those dates at the time I
22 gave the statement. Off the top of my head I think I may have been mistaken.
23 I can't remember the exact dates. But if you gave me those dates again I probably
24 could remember them, but the dates in the statement.

25 Q. [12:33:19] We are taking what you're saying for granted and you mentioned

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1 December. And now you say the 7 or 13 December, that's pretty much?

2 A. [12:33:32] Yes, pretty much that. Pretty much those dates.

3 Q. [12:33:36] 14 December you were still in Abidjan?

4 A. [12:33:40] I think correction, by the 13th I was back in Abidjan because, you see,
5 the people going in and leaving, that was recorded.

6 Q. [12:33:54] I would like to reassure you that we just want to have a general idea
7 of where you were at what time, nothing more than that. But at the time I believe
8 you said that you were encouraged, you, the staff, to take vacation and to go away on
9 holiday over Christmas. So there was very little time between the 13th and what
10 other -- some other date. Can you clarify?

11 A. [12:34:22] It must have been two or three days before Christmas, around the
12 20th. Indeed. Well, if you don't mind, I will go into details.

13 Q. [12:34:37] No.

14 A. [12:34:38] Very well.

15 Q. [12:34:41] No, we don't have a lot of time so I'm afraid I have to warn you.

16 And this is not a crucial point. Now, then you came back to Abidjan, when?

17 A. [12:34:55] I remember that there were some problems with visas, because, you
18 see, when you are a United Nations volunteer you don't have a UN laissez-passer.
19 So we were travelling on our national passports and I remember that the visas had
20 been refused. We were not able to renew our visas. And I really can't tell you
21 much more than that, because we ourselves personally were in charge of that and the
22 office of the UN volunteers was in charge of renewing the visas. I remember there
23 was a bit of a problem.

24 Q. [12:35:42] I beg your pardon. I'm sorry for interrupting.

25 A. [12:35:46] Yes.

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1 Q. [12:35:48] Just general terms, and a guesstimate would be fine. Mid-January?

2 A. [12:35:55] Mid-January.

3 Q. [12:35:58] Mid-January, very well. For the transcript, mid-January, 2011.

4 That was when you, I believe you said that you stayed and you were restricted to UN
5 headquarters. You were caught, so to speak, or two months apparently you were
6 holed up at UN headquarters?

7 A. [12:36:41] Slightly thereafter I was able to go back to my home. And I would
8 say three weeks later I went through that episode that I mentioned yesterday and I
9 was obliged to move, so to speak, and go and stay -- well, for those two months, at the
10 headquarters.

11 Q. [12:37:17] And from Sebroko to the UN headquarters could you go out as you
12 wished and move about?

13 A. [12:37:31] I remember that there were restrictions on our movements, but I can't
14 remember to what extent we could move about.

15 Q. [12:37:38] You went out?

16 A. [12:37:40] Other than on mission --

17 THE INTERPRETER: [12:37:42] Overlapping speakers.

18 THE WITNESS: [12:37:46] (Interpretation) Other than missions, no.

19 MR ALTIT: [12:37:58]

20 Q. [12:38:00] You said that you were evacuated on 3 April; is that correct?

21 A. [12:38:05] That date seems to be correct, yes.

22 Q. [12:38:07] Very well. Until when? Well, first of all, where and then until
23 when?

24 A. [12:38:15] I was evacuated to Bouaké. And then I took some leave after that.

25 Well, I spent about one week in Bouaké, if I recall correctly, and I had personal

1 matters to attend to and thus I had to leave. I beg your pardon, oh, you asked me
2 until when. Until -- well, I came back early in May. I can't remember the exact date.
3 The first half of May.

4 Q. [12:38:54] Yes, that is what you told us. Or, rather, that is what you said in the
5 statement, 9 April. And then you went back to Abidjan on 4 May?

6 A. [12:39:08] At the time of my statement I had cross-checked and that is correct.

7 Q. [12:39:17] So that means from 9 April to 4 May you were on leave; is that
8 correct?

9 A. [12:39:23] Yes. I beg your pardon, I said, yes.

10 Q. [12:39:38] Very well. Why were you evacuated on 3 April?

11 A. [12:39:47] I have no answer. I can't justify that evacuation, the evacuation on
12 that date rather than another date. But, you see, the situation was deteriorating, the
13 safety situation was deteriorating.

14 Q. [12:40:08] What do you mean by that? How was it deteriorating?

15 A. [12:40:14] There was one time, but I don't know the exact date, when staff, UN
16 staff movements -- well, were decided upon by the security people of the UN and, in
17 actual fact, they decided to completely restrict our movements. Either we were in
18 the office and we stayed in the office or we were at home and we stayed at home.
19 We couldn't -- we could no longer move about or travel. I couldn't tell you exactly
20 when that was the case.

21 Q. [12:41:00] But I asked you how did the security situation deteriorate. That was
22 my question.

23 A. [12:41:05] I think I'll have to ask you to rephrase because I don't understand
24 what you mean by "deteriorate", in what fashion.

25 Q. [12:41:12] I shall rephrase. You said that the security situation deteriorated,

1 that's what you said?

2 A. [12:41:19] Yes.

3 Q. [12:41:20] That is information you are giving us?

4 A. [12:41:22] Yes.

5 Q. [12:41:22] So the security situation deteriorated. And I would like to ask how
6 would you define "deteriorate", what do you mean by that? But my question, you
7 see, was a bit broader than that. And I hoped that you would tell us what you meant
8 by deteriorate, but instead you said who was taking part in this deterioration. What
9 was going on in the field? That was my question.

10 A. [12:41:51] Very well, I better understand your question now. The situation
11 deteriorated because there were many armed men on both sides in the streets. Some
12 neighbourhoods were -- how should I put it, controlled by various groups, loyalist
13 forces or other armed groups. And there was regular exchange of gunfire. What is
14 more, grenades were being lobbed here and there so the security situation was such
15 that people could not move about safely.

16 Q. [12:42:48] And were the UN forces part of the gunfire, the exchanges of gunfire?

17 A. [12:42:56] I couldn't tell you. Other than in -- other than defending the
18 compound. It was a bit more than just the actual building. The headquarters.

19 Q. [12:43:15] I'll rephrase my question slightly.

20 Were UN contingents, were UN armoured vehicles, were UN helicopters a part of the
21 fighting at that time? Did they take part in the fighting?

22 A. [12:43:40] Personally I did not see any such thing. I'm trying to think -- I'm
23 trying to remember whether I read any reports, perhaps, about such a thing. I did
24 read some reports where mention was made of gunfire being exchanged, but I
25 couldn't tell you more about the exact circumstances. And as for helicopters, I have

1 no information about any helicopters.

2 Q. [12:44:21] Which report was that?

3 A. [12:44:24] The daily situation report, the sitrep.

4 Q. [12:44:31] I'll put my question to you again, because my question, you see,
5 includes everything that you said. Yes, everything that you may have heard or seen
6 or read. But to your knowledge, to your knowledge, in light of any information that
7 you may have, were the UN forces, the ONUCI forces a part of the fighting? Did
8 they take part in the fighting at that time around 3 April, before and after that date
9 and during that general time?

10 A. [12:45:15] Yes, I did hear that as part of its mandate the UN forces had already
11 exchanged fire. I remember hearing about exchanges of fire.

12 Q. [12:45:29] And who did they shoot at?

13 A. [12:45:33] I couldn't answer that question.

14 Q. [12:45:39] You have no idea?

15 A. [12:45:39] No, I don't know anything. I can't answer.

16 Q. [12:45:46] At the time you were at the Sebroko hotel?

17 A. [12:45:57] Yes.

18 Q. [12:45:57] So you were stuck amongst hundreds of other UN staff members, you
19 could not move about, you could not leave?

20 A. [12:46:05] Yes.

21 Q. [12:46:09] Very well. To your knowledge, did French forces take part in the
22 fighting? I'm speaking about the French forces in the plural. Did they take part in
23 the fighting?

24 A. [12:46:26] I couldn't tell you whether or not they were part of the fighting, but I
25 do know that French forces regularly would come to Sebroko and leave from there.

1 Q. [12:46:39] To do what?

2 A. [12:46:41] I couldn't say, but we did have some links with the Licorne force.

3 Now I couldn't really say that they were based, but they would go by, they

4 were -- they would go by. I really couldn't say that they were based there.

5 Q. [12:47:06] Names?

6 A. [12:47:06] No idea.

7 Q. [12:47:07] Rank?

8 A. [12:47:10] Not the slightest idea.

9 Q. [12:47:15] Did you have any friends amongst the police or military contingents,
10 or any acquaintances amongst these contingents, amongst the ONUCI forces?

11 A. [12:47:28] Yes.

12 Q. [12:47:29] Yes?

13 A. [12:47:30] Yes.

14 Q. [12:47:31] And did they tell you what was going on in the field about the
15 fighting?

16 A. [12:47:41] I don't think so. I don't remember. I think we talked about -- I don't
17 believe we really talked about fighting.

18 Q. [12:47:53] So it wasn't so important that people were shooting at each other
19 a few hundred metres away?

20 A. [12:47:58] We talked about the areas under control. We talked a lot about the
21 civilian population, but I don't remember us talking about exchanges or fighting,
22 really. We talked about various entities that were taking part in the fighting, but
23 I don't remember talking about direct fighting. The only time, maybe, I do
24 remember one time talking about the situation in the west of the country and
25 the -- the arrival in Abidjan. But I don't remember talking about -- well, we talked

1 about the areas of control, the areas that were under the control.

2 Q. [12:48:51] Very well. The arrival of whom in Abidjan?

3 A. [12:49:01] The people from the north.

4 Q. [12:49:03] Who were they?

5 A. [12:49:05] Armed men, members of the invisible commando. And I remember
6 people talking about the invisible commando.

7 Q. [12:49:17] Let us take it --

8 PRESIDING JUDGE TARFUSSER: Please slow down.

9 MR ALTIT: (Interpretation)

10 Q. So you said "armed men", "people from the north". Were there a lot of them?

11 A. [12:49:39] Well, what I heard and what I saw, yes.

12 Q. [12:49:44] How many?

13 A. [12:49:44] I couldn't tell you.

14 Q. [12:49:46] In approximate terms?

15 A. [12:49:48] I couldn't tell you.

16 Q. [12:49:51] Were they well-armed?

17 A. [12:50:01] Yes, as far as what I saw.

18 Q. [12:50:04] What did you see?

19 A. [12:50:06] I saw weaponry, I saw -- how should I put this, I saw rifles,

20 Kalash -- I don't know if they were really Kalashnikovs or AK-47s or exactly that.

21 But, you see, that kind of weapon. I even believe -- well, there were also rocket

22 launchers, and the small -- you know the small rocket launchers that a person puts on

23 his shoulder. A lot of weaponry, a lot of rifles. Also more conventional weapons

24 such as two -- and knives.

25 Q. [12:50:57] And when did they arrive in Abidjan? When did they get there,

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1 these people from the north?

2 A. [12:51:07] I don't remember the date.

3 Q. [12:51:08] Generally?

4 A. [12:51:09] I would say in February or early March. But I don't have an exact
5 date for you.

6 Q. [12:51:21] Very well.

7 A. [12:51:23] And in Abidjan it might have been a little bit later, but I think it was
8 already late February or early March.

9 Q. [12:51:30] Very well, late February or early March.

10 And you said that you saw some dozos?

11 A. [12:51:39] Yes.

12 Q. [12:51:40] What is a dozo?

13 A. [12:51:46] A traditional hunter. And when I mentioned the more conventional
14 weapons, they usually had the more conventional weapons, but also other weapons
15 such as machetes.

16 Q. [12:52:01] And where did you see them?

17 A. [12:52:04] The first time I saw them it was when we left to Anonkoua Kouté on
18 mission. And I can't remember the exact date but I think it was early March.

19 Perhaps in my statement I gave the specific date.

20 Q. [12:52:27] So if I understand you correctly, you are telling us that they too came
21 from the north at around that time?

22 A. I don't remember exactly when they got there, but the first time I saw them it
23 was then and it was also the first time that I saw a dozo. And I didn't really know
24 exactly who they were, I had heard vague talk about them, but -- and yes, I was asked
25 some questions about that.

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- 1 THE INTERPRETER: Correction: We asked questions.
- 2 THE WITNESS: (Interpretation) And we were told that they came from the north.
- 3 MR ALTIT: (Interpretation)
- 4 Q. [12:53:01] So they came from the north?
- 5 A. [12:53:03] Yes, that's what we were told.
- 6 Q. [12:53:07] How can you recognise a dozo?
- 7 A. [12:53:14] Traditional clothing, some gris-gris worn about the neck. Well,
- 8 I don't know whether there is a specific characteristic of a dozo. But I remember
- 9 during that mission I was with the deputy director and he explained to me the
- 10 characteristics. And also -- well, he also mentioned a few points but I don't
- 11 remember the details. But I do remember the gris-gris, the amulets, because I had
- 12 asked them what they were and what they were used for, and so on and so forth. I
- 13 remember that.
- 14 Q. [12:54:01] What are they used for?
- 15 A. [12:54:02] They protect them from bullets.
- 16 Q. [12:54:05] Protect from what?
- 17 A. [12:54:06] Protect them from bullets.
- 18 Q. [12:54:08] Were you afraid, bullets?
- 19 A. [12:54:09] I was not reassured.
- 20 Q. [12:54:11] Very well.
- 21 A. [12:54:16] But, you see, we had escorts. It's not as though we had set off all on
- 22 our own.
- 23 Q. [12:54:23] And who were these escorts?
- 24 A. [12:54:26] From the ONUCI force.
- 25 Q. [12:54:32] So you were in an armed vehicle?

1 A. [12:54:35] No, no, no, we were in a vehicle. I don't know if it was armoured or
2 not. It was a 4x4, the usual sort of 4x4. And there was a ONUCI armoured vehicle
3 with us. I'm not so sure whether it was one of the large armoured vehicles. It
4 might have been somewhat lighter than that. I can't remember exactly.

5 Q. [12:55:03] And the ONUCI soldiers who were with you, what was their
6 nationality?

7 A. [12:55:10] I don't remember.

8 Q. [12:55:12] Were they European?

9 A. [12:55:15] No.

10 Q. [12:55:17] African?

11 A. [12:55:19] I think they were from Jordan. But I'm not a hundred per cent sure.

12 Q. [12:55:23] Very well. So you told us about rebel groups who had come to
13 Abidjan from -- dozos who had descended upon Abidjan. You also said that -- you
14 also mentioned the invisible commando. Could you tell us more about that, who
15 were these people? Give us an idea. Who were the invisible commandos?

16 A. [12:55:53] They were a group of armed people under the command of IB. I'm
17 trying to remember the exact name. It will come to me. If I keep on going perhaps
18 his name will come back.

19 Q. [12:56:15] You said IB for the --

20 A. [12:56:17] Yes, yes. That was his nickname. I know his real name. It will
21 come to me, I am sure, in a few moments. But you know how it is, sometimes when
22 you wrack your mind looking for a name it doesn't come. And according to them
23 they were there to liberate the country and the -- and so that the elected president
24 would be able to take up his duties.

25 Q. [12:56:55] Very well. So you spoke to them?

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1 A. [12:56:57] Yes, I did.

2 Q. [12:56:59] Where?

3 A. [12:57:01] On the road between Yopougon and Abobo, and also at Anyama,
4 and -- and I think that was it. Around Williamsville as well.

5 Q. [12:57:18] Very well. And these people who you talked to, were they armed?

6 A. [12:57:24] Yes.

7 Q. [12:57:26] What kind of weapons?

8 A. [12:57:28] Heavily weaponed -- heavily armed with the same weapons as the
9 ones I described to you earlier, Kalashnikov, machine guns. Kalash, as I said, and
10 also some small rocket launchers.

11 Q. [12:57:47] Small rocket launchers?

12 A. [12:57:49] Yes.

13 Q. [12:57:49] Did you see many of these small rocket launchers?

14 A. [12:57:55] Twice I did.

15 Q. [12:57:57] Very well. Now, when did you meet these people. Tell us when,
16 approximately? I beg your pardon?

17 A. March. No, late February. I think it really was in March.

18 Q. [12:58:19] Very well. Now you have -- if you could shed some light on one
19 sentence. You spoke of three different groups, three different groups, where did
20 these invisible commando come from?

21 A. [12:58:41] From the north of the country, but I don't know exactly where they
22 came from.

23 I'm sorry, but could I have a brief pause?

24 Q. [12:58:51] Naturally, naturally.

25 I look to the Presiding Judge, of course.

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1 PRESIDING JUDGE TARFUSSER: [12:58:55] Yes, I think we can break for lunch
2 now. So you have a long pause, not a brief, one hour and a half.

3 MR ALTIT: [12:59:08] (Interpretation) And even longer, if necessary. We entirely
4 understand the situation. But, on the other hand, I do think this might be the right
5 moment to determine whether our friend can speak to the witness or not during
6 testimony. And I don't think it is entirely possible if we look at the guidelines.

7 PRESIDING JUDGE TARFUSSER: [12:59:34] I think it is possible that he can speak,
8 but not about the -- obviously not about the content of what the materials are we are
9 discussing. But he can speak how she is, if she's okay, and of course he can speak.
10 Not about the content of the questioning. Okay. That's it.

11 MR ALTIT: [13:00:01] (Interpretation) I beg your pardon, just won't it be better
12 to -- for that to be in the presence of someone from the victims and witnesses section?

13 PRESIDING JUDGE TARFUSSER: [13:00:13] They are all -- the witness -- she is
14 under the witness and victims -- Victims and Witnesses section, so she is there. She
15 will be collected from there and she will be recumbent there. So she is under the
16 protection of the Victims and Witness section, so -- unit, I would say, not section.
17 Thank you. I think we have the break. 2.30, thank you.

18 THE COURT USHER: All rise.

19 (Recess taken at 1.00 p.m.)

20 (Upon resuming in open court at 2.36 p.m.)

21 THE COURT USHER: [14:36:28] All rise.

22 Please be seated.

23 PRESIDING JUDGE TARFUSSER: [14:36:50] Good afternoon. Witness, do you feel
24 better?

25 THE WITNESS: [14:36:56] (Interpretation) Yes, a bit.

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1 PRESIDING JUDGE TARFUSSER: [14:37:00] So it's still if you need something, just
2 tell me, okay?

3 I was informed that the representative of the UN wanted to address the Chamber in
4 private session; is that true?

5 MR ZERVOS: [14:37:20] Not at this time, I don't think so, but --

6 PRESIDING JUDGE TARFUSSER: [14:37:23] Okay.

7 MR ZERVOS: [14:37:24] -- since it relates to discussions with the witness, do you
8 want the witness to stay or leave before I begin?

9 PRESIDING JUDGE TARFUSSER: [14:37:29] In what sense does it relate to
10 discussions with the witness?

11 MR ZERVOS: [14:37:32] It's about the extent to which I can consult with the witness.
12 So I'm happy to do it in her presence, but if you would like her to --

13 PRESIDING JUDGE TARFUSSER: [14:37:40] I don't think there is any need to do it.
14 She should know --

15 MR ZERVOS: [14:37:43] Yes.

16 PRESIDING JUDGE TARFUSSER: [14:37:44] -- to what extent.

17 MR ZERVOS: [14:37:45] Yes, exactly. So I just wanted to clarify your order of, just
18 before we broke, about not discussing the subject of the testimony with the witness.
19 And I wanted to confirm that I could discuss with her cases where her testimony
20 might or had potentially endangered the safety and security either of current or
21 former United Nations personnel or of other persons, or prejudice the security or
22 proper conduct of any current or future operation or activity of the United Nations, or
23 breach an obligation of confidentiality, which it is incumbent upon the United
24 Nations and upon the witness as an official of the United Nations to respect, and
25 wanted to confirm that I could consult with her on these aspects of her testimony.

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1 PRESIDING JUDGE TARFUSSER: [14:38:43] Maître Altit.

2 MR ALTIT: [14:38:44] (Interpretation) Thank you, your Honour. On this
3 particular point I fear that the wording chosen by my learned friend is far too vague,
4 far too broad, and covers the possibility of coaching the witness, which would be
5 highly inappropriate and entirely regrettable in this forum, particularly this
6 courtroom, which is regulated by a number of regulations, quite strict, that have been
7 set out by this Chamber.

8 The witness at the time of responding can always turn to the UN counsel, and that
9 should suffice. And it would be up to your Chamber to make decisions on a
10 case-by-case basis.

11 Truth be told, by opening the door to the arbitrary views of an outside counsel, this
12 could be harmful to the conduct of the proceedings and hinder our -- the reason why
13 we are here, which is indeed the search for the truth.

14 PRESIDING JUDGE TARFUSSER: [14:40:38] Well, I think I was clear enough. I
15 mean, we stick very close to what we said in the decision of October, last year. The
16 witness knows what she has to do, which means tell the truth, and that's it. So I
17 don't think any -- there is any problem as long as the witness tells the truth. And
18 this is what is the basis. Then if there is some issue, obviously, she will tell me and
19 she can consult, and then we will take the decision. But there is nothing different as
20 it was this morning.

21 So I saw the Prosecutor on his feet.

22 MR DEMIRDJIAN: [14:41:29] On a totally different subject, your Honours, so I will
23 not comment on what my learned friend just said.

24 Your Honours, if I could just make a suggestion, because this morning, particularly
25 during the last session, we noticed that there is a considerable amount of questions

1 that are put to the witness that are already in the statement. And since Rule 68(3) is
2 a rule to permit us to move faster in these proceedings, I think counsel can lead
3 directly from the statement without having to do a whole background type of
4 questions.

5 Now, for example, the witness's presence this morning, we spent 8 minutes on
6 whether she was there in December, and those questions are already in her statement.
7 I know what my learned friend is trying to do, of course, he is trying to get additional
8 evidence, which is perfectly permissible. This is exactly what I did myself.

9 Now, a lot of it is already in the statement. And this is not an invitation to be
10 imprecise. We can still refer to the statement directly, but without rehashing again
11 what's already in the statement.

12 Now, another point, your Honours, is this. The Defence has asked three sessions
13 today, two sessions tomorrow. We already had one hour yesterday. It's a total of 8
14 and a half hours for a witness that we had estimated 5 hours if it was a full viva voce.
15 I wouldn't make this comment if we were not wasting time, but I think that a lot of
16 the questions put so far are already clearly in the statement. So that's what I would
17 have to say on this point.

18 PRESIDING JUDGE TARFUSSER: [14:43:05] And I would just add one thing, that
19 we have also to put to the witness questions which she, from her position as a
20 volunteer of the UN, can answer to, not to go to questions which at her position
21 she -- probably she can't answer. But it's taken, I would ask Maître Altit to continue
22 with the questioning.

23 MR ALTIT: [14:43:49] (Interpretation)

24 Q. [14:43:52] Good afternoon once again. Just as was the case earlier, please don't
25 hesitate, if something is not right, if you feel unwell, please tell us.

1 Now, just before the break we were discussing the three groups that you mentioned
2 that had come down from the north and reached Abidjan; you remember?

3 A. [14:44:15] Yes, that's right.

4 Q. [14:44:16] My question is a simple one. To your knowledge, did these three
5 groups engage in violence or abuse?

6 A. [14:44:25] In Abidjan?

7 Q. [14:44:27] Either in Abidjan or elsewhere. To your knowledge, did these three
8 groups engage in violence or abuse?

9 A. [14:44:36] Yes.

10 Q. [14:44:36] Could you be more specific? Could you elaborate and give us
11 specific information about any violence or abuse you --

12 A. [14:44:49] Well, for example, and the points that I am familiar with and the
13 Invisible Commando, I took part in the liberation of a priest who had been illegally
14 detained by the Invisible Commando, secretly detained, and he was held
15 incommunicado; and also the liberation of a number of seminary students and priests
16 at the -- at a seminary. I'm not quite sure if it was the grand séminaire or the petit
17 séminaire.

18 After, I did not investigate but the human rights division did investigate what
19 happened in the west of the country and a public report was issued. I don't know
20 exactly what is to be found in the public report, so I would merely refer you to that
21 particular report.

22 THE INTERPRETER: [14:46:17] The seminary in Anyama, corrects the interpreter.

23 MR ALTIT: [14:46:21] (Interpretation)

24 Q. [14:46:23] These students and priests, what nationalities were they?

25 A. [14:46:26] They were all from Côte d'Ivoire, or to the best of my knowledge. I

1 didn't even ask the question. For me, it was obvious that they were from Côte
2 d'Ivoire.

3 Q. [14:46:35] And the hostage takers, the people who kidnapped them, who were
4 they?

5 A. [14:46:41] Members of the Invisible Commando.

6 Q. [14:46:44] Very well. When did this incident or these incidents occur?

7 A. [14:46:53] I would say it must have been March. I think I also mentioned that
8 in my statement. Perhaps I gave some dates at that time.

9 Q. [14:47:02] Very well. Now, I had a question earlier, when you were evacuated
10 and sent to Bouaké, you remember? How were you evacuated, by air, by land?

11 A. [14:47:24] First of all, by a helicopter to the airport and from the airport to
12 Bouaké by aeroplane. I'm speaking personally. Afterwards, other people were
13 evacuated in other ways.

14 Q. [14:47:38] Of course. Ms Fuchs, now, during this entire time you
15 remained -- and this was a relatively short period of time in Côte d'Ivoire and Abidjan.
16 Now, when you were there, did you respect the security restrictions and you were
17 mostly at the hotel; is that correct?

18 A. [14:48:00] Yes.

19 Q. [14:48:00] It was your first stay in Abidjan?

20 A. [14:48:07] Yes.

21 Q. [14:48:08] You really didn't know any people from Côte d'Ivoire?

22 A. [14:48:14] I knew two or three people of that nationality.

23 Q. [14:48:18] Very well. And you were not particularly aware of what was going
24 on, all the fighting and so on and so forth?

25 A. [14:48:30] Yes, yes.

1 Q. [14:48:32] Very well. Would it be fair to say, ma'am, that during the
2 post-electoral crisis you did not know anything really about the City of Abidjan, the
3 country and its inhabitants?

4 A. [14:48:53] Well, to say that I didn't know anything at all, that is a bit of an
5 exaggeration. I did have some knowledge of --

6 Q. [14:49:01] Very well. You told us that you did monitoring during the election
7 process. Could you tell us what that was all about?

8 A. [14:49:18] Let me set the record straight. Not monitoring of the voting, but -- of
9 the vote itself, but rather, monitoring of the voting process. As I explained, well, I
10 don't know if it was the electoral section, but I believe it was them who assigned us,
11 well, various teams, to various polling stations at various locations where voting was
12 held. I was with another colleague from another section and our task was to go to
13 the various polling stations and see whether everything was unfolding properly,
14 whether or not there were any human rights violations, whether the polling stations
15 opened at the time announced, if they closed at the times announced, if the staff
16 responsible for the polling station were indeed present, whether the various pieces of
17 equipment and materials were there, and then we were to report back to the
18 coordinator of the electoral section, who was also responsible for these logistical
19 aspects. After that, we did visit the polling stations, three or five, I think, polling
20 stations per team.

21 Q. [14:50:56] I beg your pardon. No, no, no, no. I'm the one who apologises,
22 because I'm interrupting.

23 Now, was this the first round or the second round of voting?

24 A. [14:51:08] Both the first and the second. It was the same process.

25 Q. [14:51:14] So for each turn -- each round, rather, of voting, you were sent by the

1 election section to go and visit five polls?

2 A. [14:51:29] I don't know if it was exactly five. And it wasn't me personally, as I
3 said earlier. It was something done throughout the entire mission and throughout
4 the entire country, not just in Abidjan.

5 Q. [14:51:42] And who was the head of the electoral section?

6 A. [14:51:53] I'm not quite sure. I can't -- I'm not sure who was the chief and who
7 was the deputy. I'm hesitating. I'm not a hundred per cent sure.

8 Q. [14:52:08] If I could suggest something, if you remember, please tell us, and that
9 way we can go into private session if the Chamber wishes to do so without --

10 A. [14:52:20] I have the two names, but I can't quite remember which one was the
11 chief. So I'm not so sure.

12 PRESIDING JUDGE TARFUSSER: [14:52:32] So let's go into private session for the
13 names.

14 (Private session at 2.52 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Open session at 2.55 p.m.)
- 19 THE COURT OFFICER: [14:55:40] We are in open session, your Honour.
- 20 PRESIDING JUDGE TARFUSSER: [14:55:45] Thank you.
- 21 Maître Altit.
- 22 MR ALTIT: [14:55:48] (Interpretation) Thank you, your Honour.
- 23 Q. [14:55:50] Ms Fuchs, when you visited the polling stations during the two
- 24 rounds of voting, did you see any irregularities, or not at all?
- 25 A. [14:56:04] Well, primarily I saw things that slowed the process down. For

1 example, people would be in short supply. I forget which round of voting, but once
2 there was a lack of staff, so people had to wait. And we also looked to see whether
3 there were representatives of political parties and some people were not there, so that
4 caused a delay at one of the locations. And at one location there was a lack of
5 materials. At one place the local people were a bit worked up but the voting did
6 occur. Unless I'm mistaken, there even was an agreement that the hours that had
7 been lost in the morning would be tacked on to the end of the day.

8 Q. [14:56:58] Very well. And to the best of your knowledge, were all the
9 representatives of all the political parties present?

10 A. [14:57:10] I don't remember.

11 Q. [14:57:11] Very well. When you met with the Prosecution, were you
12 questioned about these particular points, about the election process?

13 A. [14:57:37] When I met the Prosecution?

14 Q. [14:57:39] With this Prosecution, the Prosecutor of the International Criminal
15 Court.

16 A. [14:57:44] I don't know which meeting you're talking about.

17 Q. [14:57:47] Ms Fuchs, did you not meet on 6 February 2014 with representatives
18 from the OTP?

19 A. [14:57:58] I met with investigators and there was someone from the OTP. But I
20 wasn't questioned by, by -- well, I don't remember being questioned by that person
21 representing the Office of the Prosecutor, but just by investigators. Perhaps I've
22 misunderstood. But in any event, I don't think it was the Prosecutor.

23 Q. [14:58:32] Very well.

24 PRESIDING JUDGE TARFUSSER: [14:58:35] Just to clarify, it was the Office of the
25 Prosecutor, representatives of the Office of the Prosecutor, investigators of the Office

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1 of the Prosecutor on the 6, 7, 8, 9 February 2014?

2 THE WITNESS: [14:59:03] (Interpretation) Investigators, yes. I misunderstood
3 the question. Because there was representatives from the OTP so I thought -- well,
4 you mentioned the Prosecutor and I thought you were talking about -- that's why I
5 didn't understand. But, no, I don't think -- very briefly I think. I don't think we
6 went into details. A bit, all the same, but briefly.

7 MR ALTIT: [14:59:29] (Interpretation)

8 Q. [14:59:32] Very well. And to your mind, the investigators who questioned you
9 did not represent the OTP, is that what you are saying?

10 A. [14:59:45] Yes, but I really -- the way you put the question, I really thought you
11 were talking about the Prosecutor here or about the representative of the Prosecutor
12 since -- well, they introduced themselves. They said they were investigators. They
13 explained what they were doing and the purpose of possible, well, investigations,
14 prosecution, proceedings, possible testimony. I thought you were talking about
15 some kind of other meeting. That is why I didn't quite understand what you were
16 talking about initially.

17 Q. [15:00:25] Very well. How were you contacted by the representative of the
18 OTP?

19 A. [15:00:36] I do not remember precisely. I believe that the request was sent to
20 New York and the legal affairs office of ONUCI contacted me to find out whether I
21 was interested, and that was through my supervisor, well, the head of the division of
22 human rights. I really do not remember the details.

23 MR ALTIT: [15:01:12] I would like to ask a question relating to a name, so maybe we
24 can go to private session.

25 PRESIDING JUDGE TARFUSSER: [15:01:26] Let's go to private session, please.

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1 (Private session at 3.01 p.m.)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 3.03 p.m.)

21 THE COURT OFFICER: [15:03:33] We're in open session, your Honour.

22 PRESIDING JUDGE TARFUSSER: [15:03:35] Thank you very much.

23 Maître Altit.

24 MR ALTIT: [15:03:37] (Interpretation) Thank you, Mr President.

25 Q. [15:03:47] Madam Fuchs, you told us that you went to the field to investigate, is

1 that correct?

2 A. [15:03:53] Yes.

3 Q. [15:03:53] And if I understood you correctly, you went there on a few occasions
4 alone and, on other occasions, with a group?

5 A. [15:04:07] No, that is not correct. I never went to investigate alone. We were
6 always in a group. Afterwards, I can tell you that the members of those groups
7 changed.

8 Q. [15:04:25] I will ask some very quick questions. How many times did you go to
9 the field during that period?

10 A. [15:04:34] Between December and April, I would say 10, 15, or even about 20
11 times. When I say missions, I'm talking about 15 different missions. And several
12 missions can make up one investigation.

13 Q. [15:05:15] I don't understand. What do you mean?

14 A. [15:05:18] It is not necessarily after a single mission that we would have
15 completed an investigation. Sometimes one investigation would require several
16 missions to the field. I do not mean that these were 15 or 20 different investigations.

17 Q. [15:05:42] Very well. And on all of those occasions you were accompanied by
18 armed individuals from the UN?

19 A. [15:05:52] During that period, yes.

20 Q. [15:05:55] Which nationality?

21 A. [15:05:58] I'm not in a position to tell you. There were several different
22 nationalities, mainly Jordanians. It's really complicated to determine the precise
23 nationalities.

24 Q. [15:06:28] They did not have their countries' insignia, the name?

25 A. [15:06:34] That is what I am trying to remember. But I also carried out

1 missions with escorts outside of that period, so I cannot be 100 per cent certainty that
2 these contingents were exclusively during that period. But I remember that on one
3 occasion there was a Bangladeshi contingent and maybe a Senegalese one. I'm not
4 100 per cent sure. I'm hesitating between Senegalese and Togolese, but I am not
5 sure.

6 Q. [15:07:20] Very well. Madam Fuchs, a short while ago we talked about the
7 commander of the Commando Invisible. Do you remember his name?

8 A. [15:07:40] IB. I don't know whether it was Ibrahim or Ibrahima. But it is
9 Coulibaly, Ibrahim or Ibrahima Coulibaly.

10 Q. [15:07:54] Thank you. We will move on to something else. In your statement
11 about the incident of 3 March, do you remember?

12 A. [15:08:07] Yes.

13 Q. [15:08:08] And I quote you - paragraph 132, Mr President - and I quote you,
14 "Apparently there were two armoured vehicles, including one of the BAE. This is
15 identifiable because it was written 'BAE' on the vehicle."

16 Do you remember that?

17 A. [15:08:38] Yes, I do.

18 Q. [15:08:39] Were you able to cross-check this information?

19 A. [15:08:52] If I'm not mistaken, this information came from several accounts, from
20 relatives of the victims and witnesses, and so on. So I believe I cross-checked using
21 those accounts and testimonies. I suppose there was also a UN report on that
22 incident and the incident or the information that was finally adopted would contain
23 the details with the information that was cross-checked, even though I can only talk to
24 you about the part that I drafted myself.

25 Q. [15:09:37] Madam Fuchs, we are going to show you a video excerpt. It is

- 1 CIV-OTP-0077-0196. I would like to give the time code. It is 3.59 to 4.39, minute
2 3.59 to 4.39. I would like to ask you, Madam Fuchs, to look at this video footage.
3 (Viewing of the video excerpt)
4 MR ALTIT: [15:11:12] (Interpretation)
5 Q. [15:11:13] Were you able to see that footage?
6 A. [15:11:17] I do not know whether I saw it clearly, but I did see the images.
7 Q. [15:11:25] Do you want it to be replayed in slow motion?
8 A. [15:11:30] Well, you can put your question and then I will see whether it is
9 necessary to see it in slow motion.
10 Q. [15:11:43] Your wishes are my orders. My question is as follows: Do you see
11 "BAE" on any of these vehicles?
12 A. [15:11:52] No. Personally I did not see "BAE" on the vehicles on this footage.
13 Q. [15:12:07] You are sure you didn't see it?
14 A. [15:12:09] I don't think so.
15 Q. [15:12:15] I want you to be sure of what you are seeing, so we are going to play
16 the video again, correct?
17 A. [15:12:22] Yes.
18 Q. [15:12:24] In slow motion?
19 A. [15:12:26] Yes.
20 (Viewing of the video excerpt)
21 MR ALTIT: [15:13:49] (Interpretation)
22 Q. [15:13:54] For the record, I would like to point out that this video has been
23 played again to you in slow motion.
24 A. [15:14:08] Correct.
25 Q. [15:14:11] Did you see "BAE" written on any of the vehicles?

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1 A. [15:14:18] The answer may be the same. I think there is one vehicle written
2 "police" on it. But I cannot decipher what was written at the back of the vehicle.
3 Maybe we could play the video back and then freeze at that point.

4 Q. [15:14:47] We will have to go back a few seconds from that point so as to be sure
5 of what is happening.

6 MR DEMIRDJIAN: [15:14:56] (Interpretation) I'm sorry to interrupt my learned
7 friend. (Speaks English) Your Honours, I would like to know what is the relevance
8 of asking this question. The witness I don't believe was there. And this video is not
9 of her own making, so I'd like to know where this is going.

10 PRESIDING JUDGE TARFUSSER: [15:15:13] Have you seen this video before?
11 Before today I mean, before now? No?

12 THE WITNESS: [15:15:22] (Interpretation) No. This is the first time I'm seeing
13 this video footage. The second time.

14 PRESIDING JUDGE TARFUSSER: [15:15:31] Maître Altit, what is the -- I think the
15 witness has already responded to the question, if she can read it, and she said no.

16 MR ALTIT: [15:15:57] (Interpretation) Mr President, we are going to move on.

17 Q. [15:16:02] Madam Fuchs, still in relation to this event of 3 March 2011, I would
18 like to know how things worked. You have explained a lot of things to us about the
19 call centre. But we would like to understand how information really circulated and
20 it was channelled through the service.

21 Now let us talk about the calls of the call centre. And I'm referring here to
22 CIV-OTP-0044-1704. And for my learned friend it is document number 20 on our list
23 of evidence.

24 Mr President, for the Registry I would like to point out --

25 THE INTERPRETER: Inaudible, Mr Altit.

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1 MR ALTIT: (Interpretation)

2 If it is complicated it can be shown displayed on the screen.

3 THE WITNESS: [15:18:39] (Interpretation) Can you enlarge it or zoom in a little bit,
4 please?

5 MR ALTIT: [15:18:59] (Interpretation) Thank you.

6 Q. [15:19:01] Madam Fuchs, do you recognize this document?

7 A. [15:19:06] Yes, indeed. It seems to me that I recognize this document. You
8 have to scroll down to the very bottom for me to be really sure.

9 Q. [15:19:36] What about now?

10 A. [15:19:37] Yes, indeed.

11 Q. [15:19:39] Did you participate in its preparation?

12 A. [15:19:45] Generally speaking I was responsible for drafting these reports, the
13 reports of the call centre.

14 Q. [15:19:56] Very well. When you look at this document, one can observe two
15 calls apparently linked to the women's march, number 23, page 3, and number 24?

16 A. [15:20:16] I can see number 23, 24, march, women's march in Abobo and
17 crackdown, six dead. But I cannot see what else you were referring to.

18 Q. [15:20:33] Can I ask the Registry officers to scroll down a little more.

19 Can you see?

20 A. [15:20:56] Yes, number 23. I'm on number 24 now.

21 Q. [15:21:17] But you also saw number 23. And those two entries refer to the
22 women's march?

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

24 Can I go back to number 23 for one minute, please? And then 24.

25 Q. [15:21:38] Is that okay?

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1 A. [15:21:40] Yes.

2 Q. [15:21:41] For the two incidents, the name of the person was partially redacted.

3 For number 23 it is a person known as "Diko" and number 24, someone known as

4 "Adams"?

5 A. [15:21:59] I think maybe the person wanted to write "Adam," but it is possible

6 that it is "Adams."

7 Q. [15:22:06] Can you give us more information on those two people?

8 A. [15:22:12] No.

9 Q. [15:22:17] Did you follow up with these people?

10 A. [15:22:20] I do not remember having been responsible for the follow-up of these

11 particular cases.

12 Q. [15:22:26] Very well. Let us look at the follow-up reports that were drafted, the

13 number, in fact, there are two numbers, CIV-OTP-0044-1747 -- 1745 and

14 CIV-OTP-0044-1740. These are documents number 23 and 22 on our list.

15 Let us look at 1745, that is document number 23 on our list of evidence. Do we have

16 it there?

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

18 Q. [15:23:25] Regarding this first report, there is mention of a certain Madam

19 Touré?

20 A. [15:23:40] Yes.

21 Q. [15:23:41] Do you know that person?

22 A. [15:23:43] No.

23 Q. [15:23:46] Can you confirm that it is not one of those two people that called the

24 call centre?

25 A. [15:23:54] No, I cannot confirm.

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1 Q. [15:23:57] I do not understand very well. Would Madam Touré be one of those
2 who called the call centre?

3 A. [15:24:09] As you can see the names are partially redacted, so I do not have the
4 full names in front of me. So I do not know. Maybe there are also problems of
5 understanding. I really cannot confirm to you 100 per cent because I'm not the one
6 who spoke to these people on the phone.

7 PRESIDING JUDGE TARFUSSER: [15:24:42] Can you just slow down.

8 THE WITNESS: [15:24:45] Pardon.

9 MR ALTIT: [15:24:48] (Interpretation)

10 Q. [15:24:49] To be clear, I'm trying to understand what you are saying is that the
11 person who received the calls could have confused between Madam Touré and
12 Adam?

13 A. [15:25:11] Not at all. I said that those names are partially redacted, so I cannot
14 tell you whether it was Touré, Adams a priori. It is not the same person. But I
15 cannot tell you with any certainty that it is two separate people or not.

16 Q. [15:25:35] Very well. You are serious?

17 A. [15:25:56] Yes.

18 Q. [15:25:57] Very well. My question: This is a follow-up report. Why would
19 you not follow up on those people who telephoned? Because you can even have
20 Touré Adam, someone called Touré Adam. So why is it that in the follow-up report
21 the name of Diko is not mentioned, or the contrary?

22 A. [15:26:30] Generally speaking, the follow up concerns a person who called, and
23 there must have been many on that same day.

24 Q. [15:26:46] What do you mean?

25 A. [15:26:50] One page generally relates to one person who called. So either there

1 are several follow-up reports because there were two calls then, so there should be
2 two different reports; or it may be one incident and a two-page report.

3 Q. [15:27:16] Are you telling us that everyone who called the call system was
4 systematically recalled?

5 A. [15:27:21] No. I say in principle they should have been recalled.

6 Q. [15:27:28] What does that mean?

7 A. [15:27:31] It related to certain incidents only. It is not all calls relating to all
8 incidents that people would be systematically called back.

9 Q. [15:27:42] Very well. This report which talks about Madam Touré, is there a
10 date on it?

11 A. [15:27:51] Could we scroll up again, please, to the very top. No, I do not see a
12 date.

13 Q. (Speaks English) I see a date.

14 A. [15:28:31] But I do not see the date on which the report was drafted. It talks
15 about the report of the call centre of 3 March 2011, but the date here relates to
16 incident -- to documents number 23 and 24. But there should be a date for the
17 drafting of the report or the follow up of the case.

18 Q. [15:29:02] Were the reports prepared on the same day?

19 A. [15:29:05] I cannot give you an answer to that.

20 Q. [15:29:09] You prepared a report on the basis of this report; is that correct?

21 A. [15:29:22] No. Personally, I do not think that I drafted a report on the basis of
22 this report.

23 Q. [15:29:30] But you investigated in the field; is that correct?

24 A. [15:29:41] Yes, but several days afterwards.

25 Q. [15:29:45] All these questions, did you ask them before?

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1 A. [15:29:49] Yes, I think. I do not remember, maybe I interviewed Madam Touré.
2 Maybe I interviewed the two people who were mentioned, if it's not the same person.
3 But I can tell you I do not remember the names of the people I talked with on the day
4 of our mission to the field.

5 Q. [15:30:12] Maybe or maybe not; is that correct?

6 A. [15:30:24] Yes, indeed.

7 Q. [15:30:26] Why are there two languages?

8 A. [15:30:30] Because each human rights officer, well, was entitled to write in
9 English or in French.

10 Q. [15:30:41] In the same report?

11 A. [15:30:47] Well, you'd have to ask the person who drafted the report why it was
12 written in both.

13 Q. [15:30:55] Was this frequent?

14 A. [15:30:57] I beg your pardon?

15 Q. [15:30:58] Was it frequent?

16 A. [15:31:01] Well, I wouldn't quite say frequent. It happened several times.

17 Q. [15:31:05] Very well. Now if we could look at the next item, reference number
18 ending in 1740, number 22 on our list. Here we see that (Redacted) is the contact person
19 and also a representative of a local community organisation?

20 A. [15:31:49] That is correct.

21 Q. [15:31:50] Who was that person?

22 A. [15:31:57] In this specific case I remember meeting with her. I remember this
23 lady was a representative or she described herself as a representative, as a
24 representative of the union of women from (Redacted). And I don't remember more
25 details than that. No, I don't remember the details.

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- 1 Q. [15:32:19] Very well.
- 2 PRESIDING JUDGE TARFUSSER: Please.
- 3 MR ZERVOS: [15:32:28] Yes, your Honours. I'd be interested in having some
- 4 dialogue with the witness on whether she believes that we have so identified this
- 5 person with her organisation and partial name that it could be identifiable as
- 6 somebody that has been promised confidentiality that might be revealed.
- 7 PRESIDING JUDGE TARFUSSER: [15:32:46] On this document?
- 8 MR ZERVOS: [15:32:49] On this document and as discussed in open court.
- 9 PRESIDING JUDGE TARFUSSER: [15:32:55] I don't understand what you mean.
- 10 MR ZERVOS: [15:32:58] We --
- 11 PRESIDING JUDGE TARFUSSER: [15:32:59] Who should be identified? Who
- 12 could be identified?
- 13 MR ZERVOS: [15:33:03] The individual discussed in this document, part of the
- 14 individual's name was stated in open court, as well as which organisation they were
- 15 with in the period. And not being directly familiar with the organisation, I was
- 16 wondering if we could check with the witness before us now if she thinks this could
- 17 identify this individual, even though they've been given some degree of
- 18 confidentiality promise by the UN.
- 19 PRESIDING JUDGE TARFUSSER: [15:33:30] Could this lady be identified? It's my
- 20 question. It's my question to you, Witness.
- 21 THE WITNESS: [15:33:52] (Interpretation) Personally, I don't remember the lady's
- 22 family name, not for sure. Whether with -- well, I couldn't say for sure that just her
- 23 first name and the name of the association would be enough to identify her or not.
- 24 PRESIDING JUDGE TARFUSSER: [15:34:15] We will redact this from the -- we will
- 25 redact this name.

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- 1 MR ZERVOS: [15:34:20] Thank you very much.
- 2 PRESIDING JUDGE TARFUSSER: [15:34:22] Thank you.
- 3 MR DEMIRDJIAN: [15:34:25] Your Honours, I just want to make sure again that the
- 4 document is not being broadcast. It is a confidential document, yes? I got a nod
- 5 from the Registry. Thank you.
- 6 PRESIDING JUDGE TARFUSSER: [15:34:34] So it is not broadcast.
- 7 MR DEMIRDJIAN: [15:34:36] It is not broadcast.
- 8 PRESIDING JUDGE TARFUSSER: [15:34:37] So the problem is solved. It is not
- 9 broadcast to the public. Only we see it.
- 10 MR DEMIRDJIAN: [15:34:43] But the name was also mentioned.
- 11 PRESIDING JUDGE TARFUSSER: [15:34:44] The name was said, but not the
- 12 organisation I think. Okay. So we will redact the name. Okay.
- 13 Please, Maître Altit.
- 14 MR ALTIT: [15:34:56] (Interpretation) Thank you, your Honour.
- 15 Q. [15:34:58] Now this person, and it seems to me we're in open court, yes. Now
- 16 this person, was this person the one who called the call centre?
- 17 A. [15:35:10] I beg your pardon? Not necessarily.
- 18 Q. [15:35:14] Very well. You said that you spoke to the person. On the phone?
- 19 A. [15:35:20] No, no, no, no. I also met with her.
- 20 Q. [15:35:23] Where?
- 21 A. [15:35:23] I can't remember.
- 22 Q. [15:35:25] Very well. And the report bears no date?
- 23 A. [15:35:31] Could we scroll down? Would it be possible to scroll down?
- 24 PRESIDING JUDGE TARFUSSER: [15:36:13] Who can scroll down, please? It is a
- 25 one-page document. More, more.

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1 THE WITNESS: [15:36:23] (Interpretation) No, indeed, it bears no date.

2 MR ALTIT: [15:36:29] (Interpretation)

3 Q. [15:36:30] Very well. So we have two follow-up reports --

4 A. [15:36:33] Mm-mm.

5 Q. [15:36:34] -- without any dates. And thus we know nothing. We are sure of
6 nothing. Was that a common practice?

7 MR DEMIRDJIAN: [15:36:48] Your Honours, and I apologise for interrupting my
8 learned friend. I'm not sure what we're seeing here. Both documents bear a date
9 and we are now saying that they are not dated. I understand the distinction that was
10 made between the date at the top and the date when it's redacted. But what
11 conclusions can we get, other than speculating, as to when the document may or may
12 not have been drafted? I'm not sure this is getting us anywhere at all.

13 And one last thing, paragraph 69 of the witness's statement clarifies some issues
14 about the dates, which I'm not sure my learned friend is taking into consideration.

15 PRESIDING JUDGE TARFUSSER: [15:37:22] Thank you. But here there are dates,
16 but the dates of the phone call and not of when this report, it seems, that not when the
17 day, when this report has been drafted, which is obviously later than the phone calls.
18 So that's the issue I think.

19 But you're referring to paragraph?

20 MR DEMIRDJIAN: [15:37:46] Paragraph 69, where there is a clarification about the
21 issue of dates. And paragraph 70, as to when the document would have been
22 drafted. So it's already there. It's already answered.

23 PRESIDING JUDGE TARFUSSER: [15:38:02] Well, you have the possibility to clarify
24 this, if not clarified by the Defence, later.

25 Please go ahead.

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1 MR ALTIT: [15:38:16] (Interpretation) Thank you, your Honour.

2 Q. [15:38:20] Now, testimony is one thing. Having a document placed on the case
3 record under 68 is a different thing.

4 Now, in light of the remark made by my learned friend, well, I believe --

5 A. [15:38:43] There was a date, but it was not on the document.

6 Q. [15:38:46] If you don't mind, I'm the one asking you questions. I could have
7 asked you to remove your headset, but in any event, let us try to move ahead as
8 quickly as possible.

9 Now, in this report there are recommendations about checking the content. Was that
10 done?

11 A. [15:39:09] In the recommendations of this report? I don't see -- I see:

12 "Actions taken and recommendations: share and verify the content of the information
13 with the humanitarian colleagues."

14 That makes reference to the colleagues who were working in the area of humanitarian
15 matters.

16 Q. [15:39:35] Was it done?

17 A. [15:39:36] I don't know.

18 Q. [15:39:37] Very well. We are going to now have a look at one final report, if
19 you will, reference number ending in 0044-1619, number 15 on our list.

20 Ms Fuchs, you can see the report. Can you confirm the date of this particular report?

21 A. [15:40:55] I beg your pardon. I forgot to turn on my microphone once again.

22 If we could scroll down to the bottom. The entire report, is this the entire report?

23 The report is just one page?

24 Q. [15:41:17] Well, I think you're more familiar with it than I am.

25 A. [15:41:22] Well, I can see Introduction, but I don't see anything else.

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1 MR ALTIT: (Interpretation) [15:41:28] I'd like to ask the Registry to scroll all the way
2 down, all the way to the very bottom, if possible.

3 Q. The document is three pages in all?

4 A. [15:41:47] Yes.

5 Q. [15:41:52] Is there a date, is there a date on this document?

6 A. [15:41:56] Well, not on the first page, perhaps at the end. That is why I asked if
7 I could have a look at the rest of the document.

8 Q. [15:42:14] Now you can see the last page.

9 A. [15:42:17] I'm just waiting for it to come up on the screen. No, no.

10 Q. [15:42:21] No what?

11 A. [15:42:24] We're back to the first page.

12 PRESIDING JUDGE TARFUSSER: [15:42:28] No, we have not seen the last page.
13 Now we see the last page.

14 MR ALTIT: [15:42:38] (Interpretation)

15 Q. [15:42:39] Is there a date?

16 A. [15:42:41] No.

17 Q. [15:42:41] Are you familiar with this report?

18 A. [15:42:44] I've seen it before, yes.

19 Q. [15:42:45] Did you draft it?

20 A. [15:42:48] I think in part, yes.

21 Q. [15:42:52] Is there a difference between seeing a document and drafting part of
22 it?

23 A. [15:43:05] I really would have to look at it in detail to determine whether I
24 drafted it or not.

25 Q. [15:43:14] I think you have it right there on the screen. Well, take all the time

1 you need, but if you drafted it --

2 A. [15:43:24] Well, the structure really appears to be and the formatting really
3 appears to be the way that I usually draft reports. But to be sure, I would have to
4 read the content to see if there is any differences in relation to what --

5 MR ALTIT: (Interpretation) [15:43:53] Could the witness read the report rapidly and
6 then confirm whether or not she -- we do have a hard copy. Perhaps that would be
7 easier.

8 PRESIDING JUDGE TARFUSSER: [15:44:06] Yes, please. Court usher, could you
9 please bring the hard copy to the witness. Thank you. Just bring it to the witness.
10 I think we should try to start to trust each other a little bit.

11 THE WITNESS: [15:46:24] (Interpretation) Indeed, I recognize several passages
12 which I drafted. So yes, yes, I think I can say that I was the one who drafted the
13 document.

14 MR ALTIT: [15:46:42] (Interpretation)

15 Q. [15:46:43] Very well. So mention is made of calls to the call centre and then the
16 two reports and now this one?

17 A. [15:46:54] Yes, yes.

18 Q. [15:47:00] What link can we establish between these three sources? Why was
19 there a special report? What is the link between the special report and the two
20 follow-up reports? Who does what? Please tell us quickly.

21 A. [15:47:17] Yes. Now I see, I see what you are driving at. The special report is
22 the more or less final report, and I drafted some of it, I did some formatting of it, and
23 then I would do what my supervisors said. I don't know if there were other changes
24 or minor changes at the end.

25 In any event, the special report or the mission report is the document that usually

1 remains behind. Everything from the call centre and the follow-up, that is
2 background material used to draft a final report.

3 Q. [15:48:05] Very well.

4 A. [15:48:06] Are you looking for a timeline? Am I incorrect?

5 Q. [15:48:13] I'm trying to understand how the work was organised and who
6 forwards information to whom.

7 A. [15:48:22] Well, the reports from the call centre and the follow-up reports were
8 shared with a number of people, and then after that those people would go out and
9 conduct missions in the field. I remember that one of the people -- and at the end
10 what is drafted or what remains is the report which we think is the most important
11 one, the mission report, also called the special report.

12 Q. [15:48:59] Because, you see, it's not very clear to me, paragraph 2 for example of
13 this report, we read, and I quote, "The call centre received several desperate calls from
14 people describing the same events"?

15 A. [15:49:24] Yes.

16 Q. [15:49:25] But this report, the call centre only makes mention of two calls, 5
17 minutes apart. So what about all these other calls?

18 A. [15:49:37] That's a good question. I didn't look at all the pages of the report in
19 relation to the reports from the call centre. But the first calls came in at that time. I
20 don't know whether other calls were received later. Yet on the other hand, I do see
21 that there is a big difference in terms of the times. But I don't know if that was on
22 purpose or not. I think we were looking at 9.55 to -- I don't know, maybe some calls
23 went missing. I don't know.

24 Q. [15:50:14] You don't know?

25 A. [15:50:16] Personally, I don't know.

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1 Q. [15:50:17] Very well. Paragraph 4, we read the following, "That there was no
2 hindrance by the members of the Invisible Commando"?

3 A. [15:50:30] Yes.

4 Q. [15:50:30] So they let you go about your investigations? What happened?

5 A. [15:50:34] I think they let us go through easily.

6 Q. [15:50:41] Were members of the Invisible Commando amongst your informers?

7 A. [15:50:48] For this specific mission, I don't think so.

8 Q. [15:50:54] How would you have known? How would you have recognized
9 them as such?

10 A. [15:50:59] That's why I'm saying for this specific mission I don't think so. As
11 for other, in some cases, they introduced themselves as members of the Invisible
12 Commando. And I know that we did have some informers or sources of information
13 from the Invisible Commando.

14 Q. [15:51:17] But if they didn't say that they were members of the Invisible
15 Commando, would you have some kind of way of knowing that?

16 A. [15:51:28] Amongst the witnesses and victims, no, or informers over the
17 telephone?

18 Q. [15:51:39] For example.

19 A. [15:51:42] I don't know.

20 Q. [15:51:43] Very well. In your statement you said, paragraph 144, that they
21 were present along the entire Abobo road. So my question is this: Along this entire
22 stretch of road, did you see any members of any law enforcement staff?

23 A. [15:52:12] I don't know exactly when I said that in my statement. Was it related
24 to that incident? Earlier we were talking about power relationships and the like.
25 You see, the two sides had various stretches of the road, but there were regularly

1 movements. So each time I went out on mission I was able to see that either the

2 Invisible Commando would hold part of the road or not.

3 So at that specific time, I don't remember, unless I said something in the statement.

4 Maybe I had more information.

5 Q. [15:53:00] Very well. So in actual fact, the front, between the two sides, was
6 moving and you were aware?

7 A. [15:53:09] I wasn't aware of any changes to the front, but when we went out on
8 mission, the front was visible, quite visible.

9 Q. [15:53:21] So you weren't aware, but you saw?

10 A. [15:53:25] I wasn't aware before going out on mission in the field or for the
11 follow-up. But when I would go out into the field, I would see these changes, these
12 shifts.

13 Q. [15:53:42] And you weren't interested in knowing which areas you were going
14 to and who was in -- which forces had control over those areas?

15 A. [15:53:55] I had other fish to fry.

16 Q. [15:54:00] Violations, human rights violations, and yet you never saw the bodies,
17 did you?

18 A. [15:54:05] Human rights violations, the right to life, well, that is a violation, but
19 that's not the only one.

20 Q. [15:54:14] So what were your observations about?

21 A. [15:54:18] Well, if there were several violations --

22 Q. [15:54:21] No, no, no.

23 A. [15:54:24] I can -- I'll look.

24 Yes, indeed. Mention is made of, well, the list of people who died, but there were
25 also people who had been injured. And, well, no, no mention of that.

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1 Q. [15:55:17] Ms Fuchs, let's make it simple.

2 A. [15:55:21] Sure.

3 Q. [15:55:22] What is this all about?

4 A. [15:55:25] Excessive use of force during the quelling.

5 THE INTERPRETER: [15:55:31] Overlapping speakers.

6 THE WITNESS: [15:55:35] (Interpretation) And six women who were executed at
7 the location of the incident.

8 MR ALTIT: [15:55:42] (Interpretation)

9 Q. [15:55:43] I can see a list of seven. Why did you say six?

10 A. [15:55:47] Because in the report it says six. But I'm not entirely sure. I'm
11 reading, six women were summarily executed at the place and one succumbed to her
12 injuries at the hospital. I hadn't read quite to the end of the sentence.

13 Q. [15:56:08] What is this paragraph about?

14 A. [15:56:10] Allow me to repeat: about the peaceful demonstration and the
15 excessive use of force and seven women - I correct myself - seven women who died.

16 Q. [15:56:30] Very well. And the excessive use of force, upon whom? Upon
17 which people?

18 A. [15:56:40] Let me read the passage.

19 The crowd made up of women who were brandishing nothing more than trees,
20 branches of trees.

21 Q. [15:56:58] How do you know that?

22 THE INTERPRETER: [15:57:01] Overlapping speakers.

23 THE WITNESS: [15:57:03] (Interpretation) How did we know? Well, it's written.
24 I didn't understand your question.

25 MR ALTIT: (Interpretation)

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1 Q. [15:57:10] Now, mention is made of excessive use of force and women were
2 killed. That is what this paragraph is telling us about; isn't it?

3 A. [15:57:25] No. It seems to me that's not what's written here. The only link, the
4 only correlation, I don't see in this paragraph --

5 Q. [15:57:39] Very well. So the observations really were not about the women
6 killed. The observations were about other things?

7 A. [15:57:47] Not the way you read it, but I quote, "However, the members of the
8 mission saw that the members of the FDS did make excessive use of force, firing
9 indiscriminately upon a crowd of people made up of women."

10 Q. [15:58:07] And what did the members of the mission see, and how?

11 A. [15:58:10] Not just the members of the mission. Several, several. I just don't
12 understand --

13 THE INTERPRETER: [15:58:21] Overlapping speakers.

14 PRESIDING JUDGE TARFUSSER: [15:58:23] Wait. Overlapping, overlapping.
15 And we are going to the end of the day.

16 MR ALTIT: [15:58:31] (Interpretation) Your Honour, if you don't mind, your
17 Honour, I have one final question and one comment or, rather, a request.

18 PRESIDING JUDGE TARFUSSER: [15:58:47] Well, I was going to say the final
19 question is good. The comment, later, when it comes to the comment. But if it's a
20 request, then of course it's different.

21 MR ALTIT: [15:59:00] (Interpretation)

22 Q. [15:59:01] Final question. Paragraph 11, the report concludes as follows, and I
23 quote, "The events of 3 March leading to the death of seven women are a serious
24 crime conducted within the framework of an armed internal conflict opposing the
25 FDS and the Invisible Commando - opposing the FDS and the Invisible

1 Commando - which comes under the heading of violation of international
2 humanitarian law." End of quote.

3 A. [15:59:48] Mm-mm.

4 Q. [15:59:48] I'm looking up to the interpreter to determine whether they have
5 translated everything. Thank you.

6 Who came to these legal conclusions? Do you yourself have training in international
7 humanitarian law?

8 A. [16:00:17] I don't remember who the people were who were involved in the
9 conclusion, the conclusion, the specific conclusion. I certainly contributed. I'm not
10 sure whether that would have been the terms I would have used. So I'm not entirely
11 sure that I wrote this passage exactly the way it is written. I have training in public
12 international law and I also did take some courses in international humanitarian law.

13 MR ALTIT: [16:00:56] (Interpretation) Your Honour, I think we'll have to suspend
14 at this moment and perhaps await the witness being out of the courtroom before I
15 make my request.

16 PRESIDING JUDGE TARFUSSER: [16:01:13] Okay. So we finish for today. We
17 will proceed tomorrow at 9.30. Thank you very much. I would ask the court usher
18 to accompany the witness and the legal representative of the UN out of the courtroom,
19 and then I'll give the floor to Maître Altit.

20 (The witness stands down)

21 MR ALTIT: [16:01:54] (Interpretation) Thank you, Mr President. It is very simple.
22 We have been a little bit delayed. I said I would complete by the end of the day, but
23 I would like to ask you to use the first session tomorrow. We do not believe we will
24 need all of it, but in any case we will not go beyond the first session if this request is
25 granted.

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- 1 PRESIDING JUDGE TARFUSSER: [16:02:34] Well, obviously, the last thing the
2 Chamber wants to do is to constrict the right of the Defence, but I urge you really to
3 try to be as short as possible, because I really would like also to finish with this
4 witness tomorrow so that we can then continue. But I really ask you to be as short as
5 possible and to the point as possible, because I think there are lots of questions which
6 are repeatedly asked. I don't want to intervene all the time, but throughout I have
7 heard the same answers to the same questions by all parties. So this I would like to
8 make sure that this is granted.
9 So you can continue tomorrow, but I hope really as short as possible.
10 So the hearing is adjourned to tomorrow morning at 9.30. Thank you.
11 THE COURT USHER: [16:03:39] All rise.
12 (The hearing ends in open session at 4.03 p.m.)