

Trial Hearing
WITNESS: CIV-OTP-P-0414

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 21 September 2016
10 (The hearing starts in open session at 9.52 a.m.)
11 THE COURT USHER: [9:52:36] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:52:51] Good morning. Good morning and
15 sorry for this delay, which is the reason is inside the Bench, so it's our fault and
16 therefore we apologise.
17 We start immediately and I would like just to say that we follow the ordinary time
18 frame, so we will stop at 11. So you have one hour and five minutes, which
19 following the discussion of yesterday trying to cut you short. One session you said,
20 so we have cut it short from this point of view now. I'm joking.
21 Maître Altit, we have now the Defence of Mr Blé Goudé to finish and then -- for
22 Mr Gbagbo to finish and then the Defence for Mr Blé Goudé for the questioning.
23 Maître Altit.
24 MR ALTIT: [9:53:49] (Interpretation) Thank you, Mr President.
25 WITNESS: CIV-OTP-P-0414 (On former oath)

1 (The witness speaks French)

2 QUESTIONED BY MR ALTIT: (Interpretation) (Continuing)

3 Q. [9:53:57] Good morning, Mrs Fuchs.

4 A. [9:54:00] Good morning, Maître Altit.

5 Q. [9:54:02] Now, we're going to do the same thing as yesterday, so do not hesitate
6 if there is anything at all. And I'm going to start immediately by putting a question
7 to you. To your knowledge, was there one or more than one call centres in the north
8 of the country?

9 A. [9:54:33] I do not understand. Do you mean based in the north?

10 Q. [9:54:37] Yes.

11 A. [9:54:38] Based in the north, to my knowledge, no. But our call centre covered
12 the whole territory.

13 Q. [9:54:44] Very well. In your reports, the reports of the call centre, did you
14 make a distinction according to whether the alleged violent acts were perpetrated by
15 rebels or perpetrated by security forces, did you make that distinction?

16 A. [9:55:13] I would presume so. I'm trying to remember. Personally speaking, I
17 think that when I was at the call centre I had calls with reference to Abidjan and not
18 the rest of the country. In fact, most of our calls came from Abidjan. I would
19 presume that that was the case, but I can't guarantee it 100 per cent.
20 I'm sorry.

21 Q. [9:55:40] Very well. Now in your statement --

22 PRESIDING JUDGE TARFUSSER: [9:55:52] Sorry, just to say that "I'm sorry" she
23 said to me because I made a gesture to go slower, because otherwise when you see it
24 written on the transcript, "I can't guarantee 100 per cent. I'm sorry." So it could be a
25 misunderstanding. So the "I'm sorry" is related to my gesture to go slow while

1 speaking.

2 Thank you.

3 MR ALTIT: [9:56:19] (Interpretation)

4 Q. [9:56:26] In your statement at paragraph 114, you indicated, and I shall quote

5 what you said with regard to the sources of information that you had at your disposal.

6 I quote: "It could also be members of NGOs who were living in the neighbourhood.

7 I would like to specify that an NGO in Côte d'Ivoire does not mean the same as that in

8 Europe. In Côte d'Ivoire an association may be called an NGO whilst, normally

9 speaking, these are not the same rules that apply and the mandate is not the same for

10 an NGO." End of quote.

11 What did you mean by that? What is the difference between an Ivorian -- an NGO,

12 an Ivorian NGO and what I think you referred to as a western NGO?

13 A. [9:57:42] Yes, more or less. I believe that in that paragraph I expressed myself

14 somewhat badly. What I was trying to get across was that the rules of the

15 association, the rules governing associations are far less constraining with regard

16 notably to finance and the nature of associations. So an association in Ivory Coast

17 might, for example, be called an NGO in its title without it being what one would

18 expect it to be as an NGO. So it's not financed by a political party, by the

19 government. So it's more neutral, if you like.

20 Q. [9:58:32] Do you mean something that's more informal?

21 A. [9:58:38] Not exactly. That's why I expressed myself somewhat badly here.

22 When we talk about an NGO, we have in mind the fact that it is a neutral source that

23 is not influenced by any form of financing from a political party or from a

24 government, hence the term "non-governmental organisation."

25 When I was in Côte d'Ivoire I saw some associations for which the title of the

1 association bore the name NGO in its name whilst its financing was not a source that
2 one would expect from an NGO.

3 Q. [9:59:35] So you mean financing from a political party?

4 A. [9:59:41] Well, I have no examples in mind, but yes.

5 Q. [9:59:45] Very well. So you say and you said during your testimony, these are
6 the French transcripts dated 9 September, page 79, line 26 -- rather, line 25. And I
7 quote what you said with regard to the fliers, you remember, quote:
8 "When I said that I had given some out it was to local NGOs, but after that I can't talk
9 about mass distribution as such. I'm talking about meetings and at the end of which
10 we would give two or three brochures for" sorry "for them to be distributed." End of
11 quote.

12 What I find of interest here, when you talk about meeting, you're referring to
13 meetings with local NGOs; is that correct?

14 A. [10:00:59] Yes.

15 Q. [10:01:00] I asked you a question and you said you do not remember the names?

16 A. [10:01:07] Yes, I do not.

17 Q. [10:01:10] Do you remember whether those NGOs were more pro-Ouattara or
18 pro-authorities?

19 A. [10:01:24] Regarding the question of distribution, not really. I met with a wide
20 number of diverse NGOs, both pro-Ouattara and pro-authorities as you have said.

21 Q. [10:01:42] Yesterday you told us that you went to the field on mission on several
22 occasions?

23 A. [10:01:51] Yes.

24 Q. [10:01:52] When you went on mission, how many times did you go out for
25 incidents in which the rebels had been designated as perpetrators?

1 A. [10:02:13] Can you be more precise about the term "rebels"? Are you talking
2 about the Invisible Commando? Who are you referring to specifically?

3 Q. [10:02:25] In your office you didn't refer to rebels at that time?

4 A. [10:02:33] I do not believe I used that term.

5 Q. [10:02:36] I'm talking about you, the employees of that office in general.

6 A. [10:02:45] I already heard that term. I don't know whether I would say it was
7 used formally or informally. I'm not sure. I cannot tell you.

8 Q. [10:03:01] Maybe we should or we can define the term "rebels" by that group,
9 indeterminate group of armed people using arms and violence against the authorities
10 of the country?

11 A. [10:03:27] As I said yesterday, we went on several missions. For example, the
12 release of the priest who had been detained. I also went to Anonkoua-Kouté. I
13 don't remember how many times I went to the field on those eight occasions;
14 minimum three, maximum would be five or six. But I'm simply approximating.

15 Q. [10:04:03] In your statement, paragraph 114, you said:

16 "To come back to the sources of information, these could be victims or witnesses that
17 we had met before and with whom we had had a good relationship." End of quote.

18 So if I understand you correctly, most of your sources, and you talked about victims
19 and witnesses that you met before, were more pro-Ouattara; is that correct?

20 A. [10:05:00] I wouldn't say pro-Ouattara sources. I'm trying to remember cases
21 that might have been victims or witnesses from the other side. But I think the
22 other -- both sides, maybe more of them were from the pro-Ouattara side, but from
23 the two camps I believe.

24 Q. [10:05:40] If you know, can you tell us whether there was a system or control,
25 alert or control system for sanctions against ONUCI soldiers in the field? I imagine

1 that if there was an incident involving a soldier of the ONUCI, one of the victims
2 could call the call centre; is that correct?

3 A. [10:06:17] Yes. The call centre was not limited to allegations of violations in
4 only one camp. It was for all violations of human rights. So that was indeed
5 possible.

6 Now, regarding control mechanisms, we have a conduct and discipline unit. I
7 cannot tell you precisely how it operates because I am not very familiar with the
8 functioning of that mechanism. Normally if there is an allegation, it has to be
9 notified to that unit. In fact, it is actually a section, not a unit. And after that I
10 really do not know the procedures.

11 Q. [10:07:18] And you yourself, did you ever receive any calls from victims alleging
12 violations perpetrated by ONUCI members?

13 A. [10:07:43] I don't believe so when I was in the call centre.

14 Q. [10:07:47] To your knowledge, were there reports on violations perpetrated by
15 ONUCI members?

16 A. [10:07:57] Call centre reports?

17 Q. [10:08:02] Reports in general.

18 A. [10:08:04] That would be speculation on my part. I suppose so, but I do not
19 know.

20 Q. [10:08:08] Very well. During your period in Côte d'Ivoire and during the
21 post-election period, were you in contact with international or NGOs such as Human
22 Rights Watch, Amnesty International and so on?

23 A. [10:08:38] I met with some. I do not know whether it was during that period or
24 it was after. So I think maybe at one point or the other that must have happened
25 during the post-election crisis.

1 Q. [10:08:59] Can you tell us which ones?

2 A. [10:09:02] There was Gaëtan Muto from Amnesty. I think it was Gaëtan Muto
3 or something like that. I'm not very good with names. He was with another
4 person.

5 And with Human Rights Watch, I think it was after the crisis, and I'm trying to
6 remember whether there were any other organisations, but what I have in mind are
7 those names that I have given you.

8 Q. [10:09:43] Very well. For the record, Matt Wells. I think you said Matt Wells,
9 you saw him mainly after the crisis.

10 A. [10:10:09] I suppose so. I think I met with him two or three times during
11 meetings organised by the DH division.

12 Q. [10:10:16] After the crisis?

13 A. [10:10:20] Yes.

14 Q. [10:10:22] After the crisis?

15 A. [10:10:23] Yes, I confirm that.

16 Q. [10:10:25] Did you know him before that?

17 A. [10:10:26] No.

18 Q. [10:10:27] Corinne Dufka, does that name ring a bell?

19 A. [10:10:40] Yes. I do not think I met that person while in Côte d'Ivoire. Maybe
20 we met in the corridors, but to meet them and really discuss, no. It was afterwards.

21 Q. [10:10:57] Why?

22 A. [10:11:02] I believe that she worked in Côte d'Ivoire and I know that she also
23 produced reports about Côte d'Ivoire. And I read those reports at one moment or
24 the other.

25 Q. [10:11:14] To be very clear, you read Corinne Dufka's reports before coming to

1 Côte d'Ivoire or when you were in Côte d'Ivoire?

2 A. [10:11:24] I read Human Rights Watch reports before coming to Côte d'Ivoire. I
3 cannot say with any certainty that it was Corinne Dufka who drafted them, but I read
4 other reports also. I read reports while I was in Côte d'Ivoire, and after the
5 post-election crisis I also read Human Rights Watch reports. Similarly, I cannot
6 confirm whether it was Corinne Dufka who produced those reports in particular.

7 Q. [10:12:01] While you were working at Human Rights Watch, did you meet with
8 any researchers, Human Rights Watch officers working or who had worked in Côte
9 d'Ivoire?

10 A. [10:12:22] No, I do not think so.

11 Q. [10:12:24] Very well. In the human rights division -- and thank you for
12 correcting me -- or generally speaking at the ONUCI, amongst those who were
13 responsible for these matters, were there many of them who were formerly working
14 for NGOs?

15 A. [10:13:05] Irrespective of whether they were UN volunteer staff or national staff,
16 yes, I think there were some of them there, yes. I cannot give you more details, but I
17 think there were quite a few.

18 Q. [10:13:26] Very well. In your statement, paragraph 158, you say regarding the
19 events at Anonkoua-Kouté, and I will quote you. I will start with paragraph 154,
20 actually, and I quote you:

21 "When we arrived Anonkoua-Kouté, the village was completely deserted by the
22 population, except for octogenarians, three men and one woman. It was all the more
23 surprising because we knew that there were about 2,000 displaced person at the
24 Saint-Mathieu parish in Anonkoua-Kouté, in majority people from PK18 and Anyama.
25 These were displaced persons from the Ébrié community and who had disappeared."

1 My first question is: Why were there displaced persons from PK18 and Anyama in
2 Anonkoua-Kouté?

3 A. [10:15:29] If I remember well, based on the information that we had at the time,
4 when the FAFN -- I really do not remember which armed group was the first to enter
5 Abidjan. Anyama is in the north of Abidjan and PK18 also. So the
6 Ébrié started fleeing because they were afraid of violence. We had received
7 information that about 2,000 of those people had fled to the Saint-Mathieu parish in
8 Anonkoua-Kouté. And that is why we went there.

9 Q. [10:16:26] So to be clear, you are saying that they were fleeing from
10 pro-Ouattara groups?

11 A. [10:16:29] If you can call them that, yes.

12 Q. [10:16:33] Very well. And in paragraph 155 you say as follows:

13 "Subsequently, I heard that part of those displaced people took refuge at the
14 Saint Ambroise du jubilé parish in Angré."

15 And you added:

16 "I do not know where the others went to because I do not know precisely where the
17 others went, given that I do not know who was amongst those internally displaced
18 persons." End of quote.

19 My question is this: Are we to understand that you could not find any trace of a
20 good number of those 2,000 people?

21 A. [10:17:26] Based on the information that we had, some of them had gone to Saint
22 Ambroise. I remember that I went to Saint Ambroise, but I do not remember
23 precisely when, whether it was before or after. We had information and we had
24 contacts in Saint Ambroise, and that is how come we learned that some of those
25 displaced persons had fled there. We received further information that other people

1 had gone to the neighbouring communes. In fact, we never met the 2,000 displaced
2 persons in Saint-Mathieu, so it was difficult to know where they were, because we
3 didn't even confirm that there were indeed 2,000 people. This is simply information
4 that we had received.

5 Q. [10:18:27] Very well. Paragraph 156, and I quote you:

6 "On the spot, we tried to find out whether there were any traces of blood. There
7 were allegations on the existence of a container in which people were allegedly
8 burnt." End of quote.

9 And later on you said you investigated but you saw no human traces; is that correct?

10 A. [10:19:09] Yes. We saw a container. We had it opened and we went inside.
11 There were traces of fire, but of a small fire. In fact, not really enough to burn
12 someone. And there were no traces of human remains or anything like that.

13 Q. [10:19:35] My question is as follows: After the post-election crisis, did you
14 investigate, did you try to find out what happened to those 2,000 people, or at least
15 some of them, did you try to find out whether people had been burned alive?

16 A. [10:19:56] Personally, no. But after the crisis, there were investigation teams
17 which were set up. I was not a member of any of those investigation teams which
18 were investigating some of those matters. I cannot even tell you what they were
19 investigating. I did not see their reports so I do not know.

20 Q. [10:20:26] So your answer is that you do not know whether there was any
21 investigation on the incident we have just talked about?

22 A. [10:20:35] Precisely.

23 Q. [10:20:38] Very well. Later on you talk of stores and property looted?

24 A. [10:20:49] Still in Anonkoua-Kouté?

25 Q. [10:20:51] Yes.

1 And in paragraph 158 you said, and I quote:

2 "On the spot, we saw young people carrying weapons and we had a conversation
3 with their alleged leader, who was hooded. It seems to me that there were Dozos
4 amongst these young people because at least two of them were wearing amulets,
5 traditional hunting attire, and other aspects attributed to the Dozos." End of quote.

6 So you are distinguishing between two groups. On the one hand the Dozos and
7 some sort of soldiers on the other hand.

8 A. [10:21:51] There was a group of people who were really in traditional attire.
9 But others were wearing mixed attire. Some of them would have a pair of fatigues
10 trousers but wearing a T-shirt. But I remember those were wearing completely
11 traditional attire, but others who were wearing half military uniforms, not complete
12 uniforms.

13 Q. [10:22:32] And some of them were completely in civilian attire?

14 A. [10:22:37] I really do not remember that.

15 I'm being told to slow down once again.

16 Well, I really do not remember whether there were any of them wearing completely
17 civilian attire. But in any case, all of them were openly carrying weapons.

18 Q. [10:23:01] Firearms?

19 A. [10:23:03] Firearms or edged weapons.

20 Q. [10:23:09] Which edged weapons?

21 A. [10:23:11] Machetes and knives.

22 Q. [10:23:16] Paragraph 163, you say, and I quote:

23 "These young people were allegedly affiliated to the Invisible Commando." And
24 you pointed out, and I quote you:

25 "This is more a personal analysis because at that time in this zone of Abobo, there was

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1 the Invisible Commando and nothing could be done without the implicit agreement
2 of the Invisible Commando. They controlled this Abobo area during that time,
3 Anonkoua-Kouté and PK18." End of quote.

4 So if I understand you correctly, we have the name, we have a number of Invisible
5 Commando and with them there were the Dozos; is that correct?

6 A. [10:24:21] Yes.

7 Q. [10:24:24] Did you or your colleagues draft any reports on the acts perpetrated
8 by the Invisible Commando during the post-election crisis?

9 A. [10:24:49] Apart from the cases that I have mentioned, I drafted preliminary
10 reports, but I do not know whether there are any final reports that were based on
11 those preliminary reports. But personally, I did not dare carry out any further
12 investigation or draft any further reports on acts perpetrated by members of the
13 Invisible Commando. Personally, I never saw any reports on that, but it does not
14 mean that they weren't any.

15 Q. [10:25:29] Very well. Did you or your colleagues draft any reports on the
16 massacres perpetrated by rebel groups on their march to Abidjan at the end of May
17 2000 -- in fact in early 2011?

18 A. [10:26:00] No, not personally, but these groups were mixed. They were joined.
19 Maybe there was something written on it, but I do not know.

20 Q. [10:26:07] To your knowledge, were there any reports prepared on the
21 massacres perpetrated by rebel groups in the west of the country during the
22 post-election crisis?

23 A. [10:26:24] Yes. We published a report on that.

24 Q. [10:26:28] Can you elaborate on that?

25 A. [10:26:30] I think these were the FAFNs. Maybe, obviously, there were other

1 groups, but I cannot be sure. This was a long time ago, and the information is not
2 really fresh in my memory. But there was a team of the human rights division which
3 visited those locations alongside members of the UN police force. They investigated
4 acts perpetrated in the west of the country, particularly Duékoué Guiglo areas. I
5 remember seeing photographs of those massacres.

6 Regarding the substance of the reports, I remember that some individuals were
7 identified, members of the FAFN. That is how they were known at the time, but the
8 name changed later. Now, later on, there was a final report but I think that report is
9 public and easily accessible.

10 Q. [10:27:51] Do you remember the name of one or any -- or more of those who
11 were responsible for those massacres?

12 A. [10:28:06] I believe, but I'm not 100 per cent sure, Losseni Fofana.

13 Q. [10:28:17] You said Losseni Fofana?

14 A. [10:28:21] Yes.

15 Q. [10:28:33] And who were the victims of those massacres?

16 A. [10:28:36] If you allow me, I will use a specific term, and I believe these were
17 pro-Gbagbo members of the population.

18 Q. [10:28:55] What are pro-Gbagbo members of the population?

19 A. [10:28:59] They were identified as supporting Gbagbo because, amongst other
20 things, of their ethnicity.

21 Q. [10:29:09] We don't quite understand. Do you mean that members of a
22 particular group or an ethnic group in particular can be attacked for specific reasons
23 and that those reasons would be covered by saying that these were pro-Gbagbos?

24 A. [10:29:37] No. I'm saying that these people were from a specific ethnic group
25 and they were targeted because of their ethnic group which was considered as being

1 favourable to Gbagbo.

2 Q. [10:29:54] And yourself, that is you people at the United Nations, did you reflect
3 this distinction between pro-Gbagbo and anti-Gbagbo members of the population?

4 A. [10:30:11] Not always. This is something that was used, words just that were
5 used commonly during that time. I'm sorry, I didn't understand your question.

6 Q. [10:30:27] At the UN?

7 A. [10:30:28] No. Everywhere, in fact.

8 Q. [10:30:31] Including in the UN?

9 A. [10:30:33] Including, but in an informal manner. That's what I was getting to.
10 I do not believe that it was really used, textually speaking, in more formal terms, but
11 generally speaking. We tried to be a little bit careful.

12 Q. [10:30:53] Very well.

13 A. Or we would put it in inverted commas.

14 Q. [10:30:57] Very well. And you yourself used that pro-Gbagbo formula?

15 A. [10:31:04] Pro-Gbagbo, pro-Ouattara.

16 Q. [10:31:06] Very well. But that's what I find difficult to understand because if
17 you use such a formula, it would presuppose that one considers that all members of a
18 specific ethnic group have a specific political motivation, which is not possible. You
19 can't all be pro-Gbagbo?

20 A. [10:31:33] Yes, of course. But that is not -- it was not with that idea in mind that
21 we were using it. Well, personally, whenever I use that distinction between
22 pro-Gbagbo and pro-Ouattara, it wasn't really with that political intention in the
23 background, because the population -- what I was trying to say to you was that the
24 population was targeted by virtue of its presumed political affiliation or its presumed
25 political preferences, but that doesn't mean to say that that was the case. But that

1 was the reason why it was targeted.

2 Q. [10:32:17] But was that the real reason, or was that the reason given?

3 A. [10:32:20] Well, that was the reason given. But as I said to you, I did not
4 conduct an investigation on the massacres committed in the west of the country, so
5 it's somewhat more difficult for me to speak about them in real terms because I wasn't
6 there.

7 Q. [10:32:34] Very well.

8 A. [10:32:35] It is my personal analysis of how I perceived things.

9 Q. [10:32:41] So what you are saying to us, if I understand you correctly, because it
10 is of course somewhat complex.

11 A. [10:32:47] Yes, yes.

12 Q. [10:32:48] What you are saying is that if -- you know, you would designate a
13 population as pro-Gbagbo so the reason given for attacking a population was because
14 they were pro-Gbagbo, but in reality there could be other reasons for attacking them?

15 A. [10:33:08] That's you who is saying it, but that's not me. It is possible, but I did
16 not conduct such investigations in the west of the country, so I'm not in a position to
17 tell you whether there were any other underlying motives. It is possible.

18 Q. [10:33:28] Okay. To your knowledge, was there a place where you investigated,
19 so you know the ins and outs of certain incidents where it clearly appeared there were
20 other motivations involved?

21 A. [10:34:02] Well, off the cuff, I really don't see.

22 Q. [10:34:07] Very well. Well, I'm going to be showing a document to you which
23 is the number CIV-OTP-0002-0598. It is number 7 on our list of evidence. So please
24 tell me when you have it before you.

25 A. [10:35:32] Yes, it is just being brought up on the screen.

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1 Q. [10:35:34] Very well. Can you tell us what it's all about?

2 A. [10:35:36] Well, I'm just waiting. Thank you. So this is the report of the
3 United Nations High Commissioner for Human Rights on the situation of human
4 rights in Côte d'Ivoire dated 14 June 2011.

5 THE INTERPRETER: [10:35:54] Message from the interpreter: The interpreter
6 cannot hear counsel because he's not anywhere near the microphone.

7 PRESIDING JUDGE TARFUSSER: [10:36:00] You must speak in the microphone,
8 otherwise the interpreter doesn't hear.

9 MR ALTIT: [10:36:21] (Interpretation)

10 Q. [10:36:22] Could you please consult the third paragraph and read the second
11 sentence thereof.

12 A. [10:36:35] So --

13 Q. [10:36:41] I don't think it's indispensable but of course, yes, it would be better for
14 the record if you could read the second sentence to us.

15 A. [10:36:50] The report is in English and the second sentence is in English, so I'm
16 going to read it in English. (Speaks English) "The political stalemate brought to the
17 surface past grievances which contribute towards inter-community conflicts between
18 the pro-Gbagbo ethnic groups in the region and settler communities, including
19 Ivorians from the north and immigrants from neighbouring countries."

20 Q. [10:37:28] Thank you. So in this report, which is official in nature, we're talking
21 about pro-Gbagbo ethnic groups?

22 A. [10:37:38] Mm-mm.

23 Q. [10:37:39] So it was a formulation with everything that you have explained to us
24 which was used in an official capacity?

25 A. [10:37:46] Yes, visibly.

1 Q. [10:37:48] Thank you. So I'm going to show another document to you, and the
2 number is as follows, CIV-OTP-0044-0309, and it is item 197 on our list of evidence.

3 And please tell me when you have it before you.

4 A. [10:38:32] I do have it before me, but it needs to be blown up. There we are.

5 Q. [10:38:40] Do you want it to be blown up?

6 A. [10:38:43] No. It's perfect now. The size seems to be fine to me.

7 Q. [10:38:50] Now, could you tell us what it is?

8 A. [10:38:52] Now, it seems to be a special report on attacks in Anonkoua-Kouté.

9 Q. [10:39:07] Very well. So we've come back to Anonkoua-Kouté. Do you
10 recognize this report?

11 A. [10:39:08] It would seem to me that it's the first time I'm laying eyes on it.

12 Q. [10:39:12] Very well. So it is a report in English. Can you see a date?

13 A. [10:39:22] Well, not on the first page. Sometimes it's put at the end of the
14 document. So we need to look at the end of it.

15 Q. [10:39:30] Could we please show the end of the document to you. It's just one
16 page in length.

17 A. [10:39:44] Well, then I think it might not be, but I'll leave it up to you.

18 Q. [10:39:48] Can you see a date?

19 A. [10:39:49] No.

20 Q. [10:39:51] Very well. Now, in paragraph 3 it is indicated, and I'm going to be
21 providing you with a personal translation, I'm going to quote but translate as I go
22 along. I'm looking at the translators, paragraph 3:

23 "In Anonkoua-Kouté the mission observed that the village was under the de facto
24 control of youths armed with AK-47 rifles, rocket-propelled grenades and knives.

25 Or, should I say, rocket-propelled grenades and knives. The youths controlling the

1 village were dressed in civilian clothing and carrying charms supposed to protect
2 them from bullets. They appeared disciplined and organised, operating under a
3 visible chain of command --" it says "visible" here -- so an obvious chain of command
4 maybe it should be translated, and the translator is in a better position to know:
5 "-- and giving military salutes. On this basis, one could assume that the youths --"
6 that means the combatants that we're talking about here "-- may have undergone
7 military training." End of quote.

8 Can you see that?

9 A. [10:41:47] Yes, yes.

10 Q. [10:41:49] So what is of interest to me here is the disciplined and organised
11 manner to use the terms of the report. Is that something that you noted?

12 A. [10:42:02] Yes, I did notice that there was a chief and that it was he who was
13 speaking. In fact, the others were not speaking and whenever they tried to say
14 something, he would tell them to be quiet, that it was he -- well, you could see it was
15 quite obvious that there was a leader.

16 Now, with regard to the rest of this, I do not recall but it is quite possible.

17 Q. [10:42:33] So I would like to understand, you went to conduct investigations,
18 did you not?

19 A. [10:42:48] Well, I was amongst others, I was not alone.

20 Q. [10:42:51] But you were there?

21 A. [10:42:52] Yes, yes.

22 Q. [10:42:53] And this is the report that was drafted after the mission; is it not?

23 A. [10:42:58] Well, I can't -- as I said to you, it would seem to me that it's the first
24 time that I'm seeing this report.

25 Q. [10:43:05] But this is not my question. Logically speaking this is, the report that

1 seems to have been drafted subsequent to the mission?

2 A. [10:43:13] I'm not convinced that this is the final report. I think it is part of
3 something that was drafted by one of the individuals in the team because there is no
4 conclusion. What makes me think that it is not the final report is that there is no
5 conclusion.

6 Q. [10:43:30] So one of the individuals who was present in the team with you?

7 A. [10:43:33] Yes, yes.

8 Q. [10:43:34] With you?

9 A. [10:43:35] Yes.

10 Q. [10:43:36] So that brings me to my question: Why did you not read the report
11 whilst you were taking part in the mission?

12 A. [10:43:46] Well, what often happened was that at the end of each mission
13 somebody or each of us would draft a little report. I think I already spoke to you
14 about this. Each person would draft a little report and then there is a consolidated
15 version of the report made. And so I did not, often I did not see the final versions of
16 the reports.

17 I do not believe that this is the final version of the report because, to my mind, there is
18 a part missing, a conclusion. However, why I never saw it, I can't really tell you.
19 You know, you need to ask my supervisor that question as to why they did not share
20 it with me.

21 Q. [10:44:29] So I'm trying to understand, because there is a problem here. You
22 were there on location. You saw things that you outlined very clearly in your
23 statement. You said that there were Dozos?

24 A. [10:44:47] Yes.

25 Q. [10:44:47] In your statement in paragraph 167 you said that the military

1 support -- escort was not serene. Do you remember that?

2 A. [10:45:00] Yes, yes.

3 Q. [10:45:01] And you also said, and I'm going to try to quote you in order to be
4 entirely clear: "Subsequently we had difficulties with the youths because we felt that
5 they were reticent to our presence."

6 And you said that there was nothing to be seen. Do you remember that?

7 A. [10:45:22] Yes, indeed.

8 Q. [10:45:23] So I do not understand why it is that all that you have told us, which
9 is said here in your statement, is not in the statement because it's of interest; is it not?

10 A. [10:45:34] Yes, yes, of course. Well, I don't have any, any answer to provide
11 you.

12 Q. [10:45:40] Hmm. So there is another problem that I see here, and I would like
13 to put a question to you on the matter. It is said in paragraph 5 of this report that the
14 village -- I'm trying to come as close as I can to the microphone, it's not easy for me
15 because I need to be in two places at once -- the village was violently attacked. I
16 quote:

17 "The village was violently attacked by the members of the Invisible Commando,
18 causing a mass displacement of about 5,330 villagers."

19 5,330 villagers is considerable, isn't it?

20 A. [10:46:46] Indeed.

21 Q. [10:46:47] So this is a very serious event, it's a tragedy. You agree with me?

22 A. [10:47:00] Yes.

23 Q. [10:47:01] So why is it that there is only a one-page report?

24 PRESIDING JUDGE TARFUSSER: [10:47:04] But I think this is, she has responded to
25 this. It's not her, she didn't draft it. She was not requested to do this. I mean we

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1 are always going -- you're asking things which have been answered to. So I would
2 really invite you to go ahead. She was not part of this report.

3 MR ALTIT: [10:47:30] (Interpretation) But she was there on location, Mr President.
4 But you're right, she didn't take part in the drafting. And that is the issue, that is the
5 issue.

6 PRESIDING JUDGE TARFUSSER: [10:47:38] Yes, but the witness said you should
7 ask her supervisor, not her, why she was not made part. She was not the head of
8 this mission. Thank you.

9 MR ALTIT: [10:47:48] (Interpretation) Very well.

10 Q. So I'm going to continue in keeping with what the President just said. Who
11 was the supervisor who decided on the drafting of said report?

12 PRESIDING JUDGE TARFUSSER: [10:48:10] In private session. Let's go in private
13 session, please.

14 (Private session at 10.48 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Open session at 10.49 a.m.)

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1 THE COURT OFFICER: [10:49:21] We're in open session your Honour.

2 PRESIDING JUDGE TARFUSSER: [10:49:34] Thank you very much.

3 Maître Altit.

4 MR ALTIT: [10:49:36] (Interpretation) Thank you, Mr President.

5 Q. [10:49:45] I do not know whether you recall during your testimony, you

6 said -- well, you told us about an incident, and people who were throwing stones at

7 you. Do you remember?

8 A. [10:50:00] Yes, of course.

9 Q. [10:50:03] So you said that you had not had the time to identify them because
10 you left very rapidly; is that correct?

11 A. [10:50:12] Yes. And I was talking to my colleague so I wasn't looking outside
12 what is more.

13 Q. [10:50:21] But my question is how would you have identified them?

14 A. [10:50:25] Well, I don't know. Whether they were wearing military uniform or
15 not, that would be one thing. You can't talk of an incident where I was not able to
16 identify people. Well, I don't really understand the question. I don't see -- I can't
17 say that I would have been able to identify them with certainty, but there might have
18 been two or three people for whom I could have said whether they were young or not,
19 whether they were in military garb or not. I don't know. I might have had a few
20 snippets of information. I might have been able to describe how they were clothed,
21 et cetera.

22 Q. [10:51:20] Very well. Well, I see what you're getting at, that you didn't
23 recognize them; is that right?

24 A. [10:51:45] I didn't even see them, in fact.

25 Q. [10:51:47] Very well, very well. I'm coming back briefly now to the report that

1 you did not draft and that you have never seen, okay? You were never consulted,
2 were you, with regard to the drafting of said document, we do agree?

3 A. [10:52:43] With regard to this specific document, I do not think so. Whatever
4 the case may be, I do not recognize my style, for example.

5 Q. [10:52:56] Very well. When you were questioned by the investigators of the
6 Office of the Prosecutor, were you questioned on the subject of this report?

7 A. [10:53:07] Well, they showed me very -- documents. It is possible that they
8 might have shown it to me. But I think that I have not seen it before.

9 Q. [10:53:17] Very well. And with regard to documents of a similar nature, did
10 you tell them and explain to them that these were not definitive reports as you have
11 just explained to us?

12 A. [10:53:32] With regard to a number of reports that they showed me, indeed, I
13 remember that with regard to one I went as far as saying that it was an incomplete
14 report where there were parts missing because there were dot dot dots, or there was
15 an incomplete description. You could really see that it was a report that was not a
16 final report.

17 Q. [10:54:03] Very well.

18 PRESIDING JUDGE TARFUSSER: [10:54:10] Maître Altit, five minutes.

19 MR ALTIT: [10:54:12] (Interpretation) Mr President, I can see the clock --

20 PRESIDING JUDGE TARFUSSER: Five minutes.

21 MR ALTIT: -- and I am going to go as fast as possible.

22 Q. [10:54:24] These documents that the Office of the Prosecutor presented you with,
23 these documents, were you consulted by people from the UN or from ONUCI?

24 When you had to hand them over to the Office of the Prosecutor, did anyone tell you
25 what kind of documents to send, et cetera? Did you take part in that?

1 A. [10:54:53] I do know that there was such a phase. I do know that I was
2 requested to give documents. I gave them to my supervisor and to the person in
3 charge. And I do not believe that at my level -- I think that at my level I gave
4 everything, so I do not believe that, you know, how could you say that I did any
5 screening as to what should be given and what should not be given? I don't believe
6 that I did that at my level, with the exception of the identity of individuals where I
7 made comments, saying that the identity of individuals should not be transmitted
8 because they had not been consulted.

9 Q. [10:55:41] So you do not know why the UN only gave drafts?

10 A. [10:55:50] I have no idea. And I do not know whether -- well, I think that at a
11 given moment in time I must have drafted something myself, so maybe there are
12 three or four reports with more or less the same title. And there is a final version of
13 it, but I can't tell you anymore.

14 Q. [10:56:15] So you're talking about Anonkoua-Kouté, are you?

15 A. [10:56:20] Sorry, yes. I was talking about that incident in particular. But the
16 same would apply for other events as well, I imagine.

17 MR ALTIT: [10:56:32] (Interpretation) Mr President, I'm going to request the
18 authorisation to move into private session for a few brief moments and then it will
19 most probably be the last questions that I have to put to the witness.

20 PRESIDING JUDGE TARFUSSER: [10:56:49] Let's go in private session, please.

21 (Private session at 10.56 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

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5 (Redacted)

6 (Redacted)

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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 (Redacted)

21 (Redacted)

22 (Open session at 10.58 a.m.)

23 THE COURT OFFICER: [10:59:06] We're in open session, your Honour.

24 PRESIDING JUDGE TARFUSSER: [10:59:10] Thank you.

25 Madam Fuchs, the questioning by the Defence of Mr Gbagbo has finished. We have

1 now a break of half an hour and then the Defence of Mr Blé Goudé will start his
2 questioning. Thank you. The hearing is adjourned until 11.30.
3 THE COURT USHER: [10:59:32] All rise.
4 (Recess taken at 10.59 a.m.)
5 (Upon resuming in open session at 11.35 a.m.)
6 THE COURT USHER: [11:35:18] All rise.
7 Please be seated.
8 PRESIDING JUDGE TARFUSSER: [11:35:26] Good morning once again. Good
9 morning, Madam Witness.
10 I immediately give the floor to the Defence of Mr Blé Goudé, Mr Knoops.
11 MR KNOOPS: [11:35:46] Mr President, your Honours, good afternoon.
12 PRESIDING JUDGE TARFUSSER: [11:35:49] Good morning.
13 MR KNOOPS: [11:35:50] Pardon, good morning. Mr Gbougnon will conduct the
14 examination on behalf of the Defence team of Mr Blé Goudé. Thank you very much.
15 PRESIDING JUDGE TARFUSSER: [11:35:58] Thank you. Mr Gbougnon, Maître
16 Gbougnon.
17 MR GBOUGNON: [11:36:11] (Interpretation) Good morning, Mr President.
18 Q. [11:36:17] Good morning, Mrs Fuchs.
19 A. [11:36:20] Bonjour.
20 Q. [11:36:21] My name is Maître Jean Serge Gbougnon, lawyer at the Abidjan bar
21 and member of the Defence team of Charles Blé Goudé.
22 Yesterday the President told us to take it easy with you, and I told you during the
23 familiarisation that I will take it easy. So I'm simply repeating it.
24 At the end of your testimony you said that the Ébriés were fleeing from PK18 to take
25 refuge in a church?

- 1 A. [11:37:21] That is correct.
- 2 Q. [11:37:23] Where was the church?
- 3 A. [11:37:27] It was, first of all, Saint Mathieu at Anonkoua-Kouté, and later on we
- 4 heard reports that many of the people had gone to Saint Ambroise at Angré.
- 5 Q. [11:37:46] Who told you that these were refugees?
- 6 A. [11:37:55] I do not quite remember where the initial information came from. I
- 7 went to Saint Ambroise on one occasion, and I do not exactly remember who, but it
- 8 was someone speaking on behalf of the parish or on behalf of the displaced persons
- 9 who told us that.
- 10 Q. [11:38:19] Do you know the native populations of Anyama, whether they are
- 11 Ébrié, Bété and so on?
- 12 A. [11:38:43] Personally, no.
- 13 Q. [11:38:43] You don't know them. What about Anonkoua-Kouté?
- 14 A. [11:38:59] When I went to Anonkoua-Kouté, as I said, we saw only four people.
- 15 Q. [11:39:05] So you don't know which native ethnic Côte d'Ivoire group lives in
- 16 Anyama or Anonkoua-Kouté?
- 17 A. [11:39:20] No, not without having asked them.
- 18 Q. [11:39:22] In your capacity --
- 19 A. [11:39:40] Can you repeat? I did not quite understand, and neither did the
- 20 interpreters.
- 21 Q. [11:39:47] In your knowledge, according to you in your position, knowing the
- 22 local populations, would that be an asset?
- 23 A. [11:40:03] Yes, I think so.
- 24 Q. [11:40:04] Do you have that asset?
- 25 A. [11:40:09] No.

1 Q. [11:40:12] Would it be fair then to say that during that period 2010, early 2011,
2 would it be fair that you were not adequately prepared, not technically? But I am
3 talking about from a technological point of view and from a social background point
4 of view.

5 A. [11:40:41] That is correct.

6 Q. [11:40:45] During that period referred to as the post-election crisis period, can
7 you say that you knew the city of Abidjan?

8 A. [11:41:04] During that period, no.

9 Q. [11:41:12] Before coming to Côte d'Ivoire, I'm sure you said you went to
10 Guatemala.

11 A. [11:41:19] Yes.

12 Q. [11:41:19] Please let us observe pauses.

13 You were in Guatemala?

14 A. [11:41:28] Yes.

15 Q. [11:41:30] Was there an armed conflict in that country during that time?

16 A. [11:41:36] When I was there, no.

17 Q. [11:41:40] Before coming to Côte d'Ivoire, had you ever been in a conflict area?

18 A. [11:41:51] Before Côte d'Ivoire, no.

19 Q. [11:41:54] When you started carrying out investigations on the field and during
20 your work in the call centre and before going to -- were there Ivorians among the
21 staff?

22 A. [11:42:38] Yes.

23 Q. [11:42:39] Did they remain in ONUCI until the end of the crisis?

24 A. [11:42:53] No.

25 Q. [11:42:54] Why?

1 A. [11:43:03] They were still employed by ONUCI, but there were times when
2 transportation was no longer possible so they could no longer travel to their place of
3 work, and there were also times when there were restrictions.

4 Q. [11:43:30] Are those the two reasons, transportation, restrictions?

5 A. [11:43:39] When I talk about restrictions, it is not only security restrictions. But
6 at one point, for example, in the call centre, it was decided that no Ivorian staff would
7 continue to work there for a certain time. I cannot remember the specific dates.

8 Q. [11:44:08] Who took that decision and why?

9 A. [11:44:13] I do not know who took that decision. I think it was either the
10 director, his deputy, or the supervisor of the call centre.

11 As for the reason, I heard a number of things. It was quite frequently said that
12 people were not answering correctly, that they were a bit rude or abrupt with the
13 people who were calling in.

14 Q. [11:44:47] I will read your statement, paragraph 46, and I read: "The reasons
15 why they decided not to have national staff, it is because there were rumours of leaks
16 in the media and also certain national colleagues would deal with the information in
17 relation to their political affiliation. Pro-Gbagbo staff would answer rudely to
18 pro-Ouattara callers, and vice-versa."

19 Do you remember that?

20 A. [11:45:40] Yes. In any case, that is what I was told.

21 Q. [11:45:48] Apart from rumours or what you were told, did you yourself observe
22 any problems with the conduct of those people?

23 A. [11:46:05] Yes. But I did not attribute that to political reasons. I attributed
24 that to stress. When you are answering calls from victims nonstop, people are
25 human. It is possible to lose patience. For me, that was my perception. There was

1 a lot of pressure and people needed to take a breather and some breaks.

2 Q. [11:46:46] You are talking of UN staff and UN volunteers who were recruited
3 and working during the time of the votes?

4 A. [11:47:08] Yes.

5 Q. [11:47:08] The people who were recruited, did they have more or less the same
6 backgrounds, either by Ivorians, could they replace them?

7 A. [11:47:28] As I said, these were people who were already working in other
8 sections of ONUCI. Now, regarding whether they had a good knowledge of the
9 field, I cannot tell you.

10 Q. [11:47:39] Did you know what their background was, their career profile?

11 A. [11:47:53] Very little about their profiles at the time of their recruitment. We
12 had very few details.

13 Q. [11:48:07] I will read your statement, the transcript of 20 September.

14 Mr President, there is someone typing very loudly, which makes it difficult to hear.

15 "For that specific post I do not remember exactly the criteria."

16 Page 7. Let me repeat.

17 PRESIDING JUDGE TARFUSSER: [11:48:57] Sorry, but there is somebody typing
18 very loudly, which disturbs the -- I don't know who it is, but I can hear it also in my
19 ears. It disturbs only the hearing by the interpreters. Thank you.

20 MR GBOUGNON: [11:49:20] (Interpretation)

21 Q. [11:49:25] "So, generally speaking, for that specific post, I do not exactly
22 remember what were the criteria, but generally, in human rights, we require a
23 Master's or two to five years of experience. In the call centre, I don't remember the
24 exact profile. It is a standard profile."

25 So, generally speaking, you do not remember the criteria?

1 A. [11:50:06] Yes, indeed, I do not remember the criteria that was -- that were
2 adopted.

3 Q. [11:50:17] And yet during your testimony you seem to have more information.
4 Paragraph 49 of your statement, "Amongst the UNVs from Banjul, there were certain
5 criteria that had to be fulfilled: Interest in human rights, to have legal training, have
6 experience in human rights, have knowledge of the field." These are the criteria that
7 you mentioned to the OTP.

8 So contrary to what you have just said, you knew the criteria necessary for the
9 recruitment of those people?

10 A. [11:51:33] I do not think that I mentioned all the criteria. That is what I
11 remembered at that time. And in fact, if I said it, it means that was the case. At this
12 particular moment I would be incapable of giving you that same list of criteria.

13 Q. [11:51:57] During that period, what did you mean by "knowledge of the field"?

14 A. [11:52:06] I do not remember. I suppose, but that is just my opinion, in relation
15 to what I said before, when I said "knowledge of the field," I believe it would refer to
16 people who were working more in the field than in the offices. But that is my own
17 interpretation.

18 Q. [11:52:36] Now, these people brought over from Banjul, they were supposed to
19 know the field. Did they often accompany you on mission?

20 A. [11:53:01] Regarding to those ones -- regarding those ones specifically, I think
21 never. I'm trying to remember, but I don't think so. In any case, on missions of
22 which I was a member.

23 Q. [11:53:29] At the end of the paragraph you said that there was an intense
24 training, two or three days. Do you want me to read that out to you?

25 A. [11:53:45] Yes. I'm waiting for the question.

1 Q. [11:53:49] Very well. Thank you. What would be an intense training over a
2 period of two or three days?

3 A. [11:54:07] I was referring to training for becoming an operator at the call centre.

4 Q. [11:54:24] Within the human rights division, since that is where you worked, did
5 you have a general methodology of work?

6 A. [11:54:39] In which area, investigations, reports? You have to be more specific.

7 Q. [11:54:44] Investigations and reporting.

8 A. [11:54:47] Yes, we have a methodology, which is given to us by the high Office
9 of the High Commissioner.

10 Q. [11:55:03] In your statement you say:

11 "I do not know whether I can speak about the general methodology, but I will try to
12 do so on the basis of my own experience."

13 What does that mean?

14 A. [11:55:26] Can you read from the very beginning, because I do not know
15 whether you are talking about the general methodology of investigations or of the call
16 centre once again?

17 Q. [11:55:41] Paragraph 51 -- or, rather, before the paragraph, it is stated
18 "Methodology used for the follow-up of cases. I do not know whether I will talk
19 about general methodology, but I will talk on the basis of my experience."

20 A. [11:56:07] Yes. There we are talking about the methodology of the follow-up of
21 cases, and I confirm what I said. Regarding the others, I do not know whether there
22 was a methodology there because I did not take part in that training. But I should
23 add that the follow-up of cases was carried out only by human rights officers and not
24 by the operators of the call centre, at least most of the time. There was no
25 methodology given to us except that reporting template that we have already seen.

1 Q. [11:56:55] When you say that there was no general methodology and that the
2 follow-up of cases was done by the human rights officers; is that correct?

3 A. [11:57:20] Yes.

4 Q. [11:57:21] So each human rights officer would apply his or her own
5 methodology?

6 A. [11:57:33] I believe that during the training there were points that would be
7 raised. But generally the methodology of the high commission would be used,
8 determine whether there was an incident, the names of the perpetrators, location,
9 number of alleged victims and so on and so forth.

10 Q. [11:58:04] What you are saying to us is that you said that in the division of
11 human rights there was no specific methodology. You did not have any training?

12 A. [11:58:30] There was no specific methodology for the follow-up of cases. But
13 there is a methodology of the Human Rights Commission, which every human rights
14 officer is supposed to know.

15 Q. [11:58:55] If I understand you correctly, the follow-up of cases is an
16 investigation that produces a report?

17 A. [11:59:25] It does not necessarily lead to an investigation. We have a report
18 that we have received. We simply recall the person and cross-check the information
19 that we have received, because calls -- calls to the call centre are usually brief and then
20 sometimes after that we try to gather a little bit more information and we try to
21 determine the credibility of the source and to have details and see whether other
22 people can corroborate those sources.

23 Q. [12:00:06] In your statement you said that your drafts were reviewed by the
24 senior deputy and --

25 A. [12:00:54] Sometimes they would themselves, well, it would be the team leader

1 of the investigations who would do that.

2 Q. [12:01:06] Sometimes would they review your drafts even if they weren't in the
3 field with you?

4 A. [12:01:17] They always reviewed the reports.

5 Q. [12:01:24] What do you mean by "review"? Would they consult you?

6 A. [12:01:31] I really couldn't tell you, because this is what I've already said earlier.
7 I just would produce a draft, an initial version. And I would not necessarily receive
8 the final version. So sometimes I would get feedback on what I had written.
9 People might say "Oh, this item of information is missing" or not, but not always. Or
10 "This wording is not clear." That's the feedback I would get.

11 Q. [12:02:04] And did you record the conversations that you had with the people
12 that you interviewed?

13 A. [12:02:15] We took notes, but we never made any audio recordings, or at least
14 not to my knowledge. Personally I never did any audio recordings.

15 Q. [12:02:25] Yesterday you said that you did not -- that they did not sign the
16 reports or the statements either?

17 A. [12:02:36] No, they didn't sign their statements.

18 Q. [12:02:41] So the conversations were not signed, were not recorded?

19 A. [12:02:47] No, they were not recorded, and I did not have them sign my notes.

20 Q. [12:03:02] And so today if you were to say to me, for example, that in 2010 Mr
21 Gbougnon said this or that, the only proof, only source of that would be your notes?

22 A. [12:03:24] Yes, and the notes of the colleague alongside me as well.

23 Q. [12:03:31] So the notes of you two?

24 A. [12:03:35] Yes.

25 Q. [12:03:40] How can I be sure that my remarks were recorded properly or noted

1 down properly?

2 A. [12:03:50] We are not a legal institution. We do not need to have such a high
3 level in comparison with a legal institution. Our job was to gather information and it
4 was not our practice to record the conversation, and it was not part of the methods
5 recommended.

6 Q. [12:04:19] So you are not a legal institution, you say. I'm talking about
7 evidence, because now, five years after the events, a number of reports have been
8 written about the allegations, and you are telling me that, for example, I might say
9 one thing about 3 March, about something that happened in Abobo, and you might
10 have said that I said that I saw another person killing a third person, or something of
11 the sort. But you didn't record what the person actually said, and you didn't -- well,
12 what can I rely on? What can I rely on myself personally to give any credence to
13 your report?

14 MR DEMIRDJIAN: [12:05:29] This is asked and answered, your Honours.

15 PRESIDING JUDGE TARFUSSER: [12:05:30] The OTP, please?

16 MR DEMIRDJIAN: [12:05:31] Yes, your Honours, I think the witness already
17 answered.

18 PRESIDING JUDGE TARFUSSER: [12:05:33] No. But this is also a comment, this is
19 not, it's not so much a question, it's a rhetorical question. It's a comment on what the
20 witness said. This comes later in the trial. Thank you.
21 Please, Mr Gbougnon.

22 MR GBOUGNON: [12:05:53] (Interpretation) Your Honour, it was not a matter of
23 rhetoric. It's just to make sure that we were understanding the same things. I
24 wanted to be sure that we were on the same wavelength.

25 PRESIDING JUDGE TARFUSSER: [12:06:05] We are all on the same wavelengths,

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1 don't worry. Thank you.

2 MR GBOUGNON: [12:06:12] (Interpretation)

3 Q. [12:06:30] Let us try to understand one another. You have said yesterday and
4 also in your statement that you would conduct these interviews in circumstances that
5 were not particularly Catholic, so to speak; is that correct?

6 MR DEMIRDJIAN: [12:06:49] Your Honours, Counsel is qualifying the witness's
7 evidence by saying that the conditions "were not very Catholic." I believe it would
8 be better to quote the witness directly either from her statement or her testimony.

9 PRESIDING JUDGE TARFUSSER: [12:07:04] Yes, can you rephrase, please. Thank
10 you.

11 MR GBOUGNON: [12:07:07] (Interpretation) Thank you, your Honour.

12 Q. [12:07:15] You said that you did not respect the rules that relate to interviewing
13 people; is that correct?

14 A. [12:07:24] I said that the conditions were not optimal and that the statements
15 taken were not taken with the same level of rigour as with -- as what one would
16 expect using the general methodology. It seems to me that's what I said.

17 Q. [12:07:49] You added at paragraph 129 that you were often the ones drawing the
18 conclusions.

19 A. [12:08:01] I think you have left something out, because I think you're twisting
20 my words somewhat, if you don't mind my saying so. I said that we came to
21 conclusions in the -- well, not that we came to conclusions about what the person said.
22 And we did not put words into the mouths of the victims or witnesses.

23 So after analysing the various statements taken and the various items of information,
24 we would prepare reports, and then we would draft the conclusion of the report and
25 possibly we would describe the events.

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1 But it's not quite what you have just said to me.

2 Q. [12:08:50] I will reread your words to you. It will be easier that way:

3 "Often we would be the ones drawing the conclusions. For example, if the person
4 were to say to us in a particular context that they saw men wearing black uniforms,
5 we would describe these people as CECOS members." End of quote.

6 A. [12:09:18] You're talking --

7 PRESIDING JUDGE TARFUSSER: [12:09:19] Can you tell us -- can you tell us from
8 where you quoted? Just the reference.

9 MR GBOUGNON: [12:09:26] (Interpretation) Paragraph 124 of the statement -- of
10 the statement.

11 MR DEMIRDJIAN: [12:09:36] Your Honours, I'm sorry to get up again, but I have to.
12 I mean, either counsel is going to put the statement in front of the witness or he has to
13 read the entire paragraph. He's reading a part of the sentence without reading the
14 end of the sentence, and it's completely misleading. The sense of the sentence makes
15 no sense without the rest of the segment. I'm sorry.

16 PRESIDING JUDGE TARFUSSER: [12:10:06] Maître Gbougnon, let's read the whole
17 part.

18 MR GBOUGNON: [12:10:13] (Interpretation) Your Honour, I will read the entire
19 paragraph, but I would like to point out, I do want to point out one thing, several
20 times here I have been criticised by the Prosecution and asked to read an entire
21 paragraph. I was told that they were asking the questions and they were choosing
22 the questions that -- well, and now today I'm quite astonished really to be hearing
23 such rebukes from the Prosecution. But I will endeavour to follow your instructions.
24 Paragraph 124.

25 MR DEMIRDJIAN: [12:11:04] It's not about this sentence, your Honours.

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1 PRESIDING JUDGE TARFUSSER: [12:11:06] Pardon?

2 MR DEMIRDJIAN: Counsel is --

3 PRESIDING JUDGE TARFUSSER: We're not discussing the thing.

4 MR DEMIRDJIAN: [12:11:08] Very well.

5 PRESIDING JUDGE TARFUSSER: [12:11:09] Okay, it's done. Because otherwise, I
6 would have said something, but we better continue with the trial. Thank you.

7 MR GBOUGNON: [12:11:18] (Interpretation) Thank you, your Honour.

8 Q. Quote: "We would corroborate the raw information from the call centre with
9 statements and other sources. We need a minimum amount of testimony or
10 statements that matched up to corroborate an item of information. Often we were
11 the ones who would come to the conclusion. For example, if people told us that in
12 one particular context they saw men wearing black uniforms, we would describe
13 these men as CECOS members on the basis of our analysis of the situation.
14 Sometimes we specified that the information had not been corroborated and they
15 were allegations, so we would use the conditional tense."

16 Was it your role to come to conclusions rather than the witnesses?

17 A. [12:12:28] That was part of the analysis work.

18 Q. [12:12:35] To your knowledge, were reports or documents drafted on the basis
19 of daily reports?

20 A. [12:12:52] I haven't understood your question. Do you mean were there daily
21 reports?

22 Q. [12:13:01] I shall repeat my question. To your knowledge, were reports or
23 other documents drawn up on the basis of the daily reports?

24 A. [12:13:13] I suppose that some documents were drafted on the basis of the daily
25 reports. The daily reports from the call centre or the daily situation reports?

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1 Q. [12:13:30] Both.

2 A. [12:13:31] Yes.

3 Q. [12:13:34] Now, these reports from the call centre, you've said on a number of
4 occasions that they came or were based on telephone calls and, thus, they contained
5 information that had not been corroborated or cross-checked; is that correct? And,
6 thus, some reports were drawn up on the basis of this data which had not been
7 cross-checked or corroborated?

8 A. [12:14:25] You said reports or other documents. For example, I would draw up
9 daily situation summaries that would describe the various incidents that had been
10 reported to the call centre in the previous 24 hours.

11 Q. [12:14:42] And can such information be used to draw up reports?

12 A. [12:14:47] I don't think so. Or one could use the term "allegation."

13 Q. [12:15:01] A number of reports, a number of UN reports containing the word
14 "allegation"?

15 A. [12:15:09] No, no. We would word it, we would say something like that, "The
16 call centre received 50 allegations of human rights violations over the past 24 hours."
17 We would draft it that way.

18 Q. [12:15:26] Now, you said that as of February you were at the call centre and you
19 drafted these daily reports?

20 A. [12:16:07] The call centre daily reports.

21 MR GBOUGNON: [12:16:12] I'd like to ask for document CIV-OTP-0044-1654 be
22 displayed on the screen. This is number 18 on our list of items.
23 CIV-OTP-0044-1654.

24 THE WITNESS: (Interpretation)

25 A. I have it here.

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1 MR GBOUGNON: (Interpretation)

2 A. Is this the kind of report you often drafted?

3 MR GBOUGNON: (Interpretation) Could we please zoom in?

4 THE WITNESS: (Interpretation) There we go. That's right. Yes, that is the kind
5 of report, with somewhat different formats that evolved over time.

6 MR GBOUGNON: (Interpretation)

7 Q. Okay. You say that people recorded what they called key events; is that
8 correct?

9 PRESIDING JUDGE TARFUSSER: [12:18:18] The translation doesn't come through.
10 Sorry.

11 THE INTERPRETER: [12:18:20] Apologies from the interpreter.

12 PRESIDING JUDGE TARFUSSER: [12:18:30] The English translation didn't come
13 through. Is it technical?

14 THE INTERPRETER: [12:18:31] Apologies from the interpreter. The last reply was
15 as follows: It had to do more with the location. That is why I said that the report
16 evolved. It was a format. It seems to me that at one point in time it did change, but
17 I couldn't tell you when. But yes, this kind of report, yes.

18 PRESIDING JUDGE TARFUSSER: [12:18:53] Thank you. Sorry for this
19 interruption, but technical issues.

20 MR GBOUGNON: [12:19:07] (Interpretation)

21 Q. At paragraph 22 of this report you said that you included the key events that
22 needed to be assessed in particular -- no, no, I beg your pardon. Not 22, not
23 paragraph 22. Paragraph 22 of your statement.

24 A. [12:19:26] No, no, no, I understood. And if I recall what I said, yes, indeed, that
25 is why the report --

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1 Q. [12:19:33] Please, please.

2 A. [12:19:35] Yes. Oh, I'm sorry. I always forget about the interpreters.

3 Q. [12:19:39] I hadn't quite finished my question. At that time, well, we will get
4 back to the topic of your reports, not to worry. At that time, what were these key
5 events? What did you mean by key events?

6 A. [12:20:01] The key events were allegations of human rights violations, because
7 there were also many calls that were not directly related to human rights violations.

8 Q. [12:20:22] So, for example, how would you come to a point where you would
9 come to the end of your document and write something like "shooting"?

10 A. [12:20:49] Could we scroll down, please?

11 Thank you. So you even have the case numbers that corresponded to allegations
12 regarding the shooting of shells at the Abobo market.

13 Q. [12:21:33] So you would put that down, you would record that on the basis of
14 calls apparently received and recorded at the call centre?

15 A. [12:21:43] Yes. I suppose I am not familiar with the rest of the document, but at
16 the time that's what that meant. The information that would come to the call centre
17 made mention of the shooting of shells at the Abobo market. And, in English, that
18 would be recorded and the various case numbers were recorded in the Excel
19 spreadsheet that usually followed.

20 Q. [12:22:15] I'd like to put this question to you, because we are going to analyse
21 these matters together. So these calls started at page 1662. If we could move to that
22 page.

23 A. [12:22:44] Could I see the first page and then perhaps the specific page side by
24 side? Would that be possible?

25 MR DEMIRDJIAN: [12:23:00] On a une version papier.

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1 PRESIDING JUDGE TARFUSSER: [12:23:07] Have we -- yes, have we a hard copy of
2 this? Now, is it a clean hard copy?

3 MR DEMIRDJIAN: [12:23:08] Very clean.

4 PRESIDING JUDGE TARFUSSER: [12:23:09] Okay. So, please, can you bring it to
5 the witness. No, no, bring it directly to the witness. Thank you.

6 THE WITNESS: [12:23:24] (Interpretation) Thank you.

7 MR GBOUGNON: [12:23:37] (Interpretation)

8 Q. [12:23:38] Page 9, please, page 9. And so you say, well, the title is as follows,
9 well, is based on the calls. And here we see 19 calls were received and recorded
10 between 12.37, first call; last call, 16.44; between 12.37 and 16.44.

11 But, ma'am, contrary to what you have stated, there are only two calls that -- well,
12 two out of 19 calls that make mention to the Abobo market being the target of an
13 attack.

14 A. [12:25:07] As I said to you earlier, here we see only the summary, the summary
15 of the case in this particular column. But in the database one finds a more complete,
16 a more fulsome description. These cases, yes, in some cases they are, well, not
17 summaries, but we would group incidents together, for example, shelling in Abobo
18 market, shelling close to the gendarmerie, which is extremely close to the market, that
19 sort of thing.

20 Q. [12:25:51] Unfortunately, the hard copy here that I have and
21 unfortunately -- well, you say that these calls defined the heading "shooting at the
22 market". So 14 calls apparently, 14 calls that do not mention a specific location.
23 They do not mention Abobo. And just two calls that mention Abobo market and
24 then other locations, Marley neighbourhood. But you, you are saying in your report
25 "Abobo market." So I do take note of this discrepancy, and that is why I am asking

1 you what was this heading based on?

2 A. [12:27:01] Yes, it is correct. You see, we grouped some incidents together. It's
3 a broader wording to -- under which various incidents could be included. For
4 example, the Abobo city hall is mentioned. And it seems to me, unless I'm mistaken,
5 that the city hall is directly opposite the market, on the other side of the roundabout,
6 and the gendarmerie is extremely close as well.

7 Q. [12:27:38] The gendarmerie is directly opposite the Abobo city hall?

8 A. [12:27:44] No. There's the city hall opposite the market and then the
9 gendarmerie. Well, if we look at the roundabout, and if we look north, south, east,
10 west, as best I can recall, the market is to the west, the city hall is to the east. There
11 are two roundabouts one after another, and then you have the gendarmerie.

12 Q. [12:28:10] When you are at the roundabout, you're talking about the Abobo
13 roundabout. Have you been there?

14 A. [12:28:21] Yes, I have. There are two actually, one after another.

15 Q. [12:28:25] When you are -- when you were at the roundabout where the
16 incidents allegedly occurred, did you see any Invisible Commando?

17 A. [12:28:34] No, not from the roundabout.

18 Q. [12:28:40] Thank you. Adjamé neighbourhood is located where in relation to
19 Abobo, to your knowledge?

20 A. [12:29:22] Well before -- after, well it's complicated. It's hard to describe it in
21 relation to a map. But well before, well under -- I don't know exactly how to explain.
22 If you were to show me a map, perhaps I could show you. But I'm having a hard
23 time describing it to you in absolute terms.

24 Q. [12:29:53] And was there a witness in Adjamé? And let's say there is a witness
25 there, objectively, reasonably, could this person in that location know that shells were

1 being fired from the Commando Camp?

2 A. [12:30:18] Well, if a witness were in Adjamé, I think that person would
3 be -- would have been able to hear the noise and would have had the information. It
4 might be a secondary witness or a secondary source, not necessarily an eyewitness.

5 Q. [12:30:35] I'm talking about a witness who said that they were in Adjamé, but
6 can that person distinguish firing from Abobo? Is it possible?

7 THE INTERPRETER: [12:30:53] Inaudible.

8 A. [12:30:54] Well, on the basis of -- that basic information, we would take that at
9 the call centre, but yes, it would seem a bit strange that someone from Adjamé could
10 see someone shooting from Camp Commando to the Abobo market.

11 Q. [12:31:08] Thank you. Can you confirm to us that when a person was
12 mentioned as the attacker, this person was automatically assumed to be the alleged
13 perpetrator without any verification?

14 A. [12:31:58] Normally, yes, this was raw information received at the call centre.
15 That is according to what the caller told us.

16 Q. [12:32:15] You went to Abobo one week later for the investigation on the
17 women's march?

18 A. [12:32:44] I'm not sure 100 per cent, but I know it was several days afterwards.

19 Q. [12:32:52] It was on 10 March as stated in your statement. You have said here
20 that before going there you notified your contacts. Does that mean yes?

21 A. [12:33:17] Yes, that is correct.

22 Q. [12:33:21] You have stated that when you arrived there everything was as it had
23 been, as they had been?

24 A. [12:33:46] Yes. I'm not sure I said that things were like they had been, but there
25 were quite a few items left.

1 Q. [12:34:06] I will read you paragraph 130 of your statement: "When we arrived
2 there at the roundabout, things were the same more or less."

3 A. [12:34:31] Yes, more or less.

4 Q. [12:34:37] And afterwards you described what you referred to as thongs, a type
5 of shoes that is below the road. We call them sandals in our country. And that was
6 one week afterwards. Doesn't that seem rather unusual to you?

7 A. [12:35:09] I thought that no one had dared to pick up those things. They may
8 have just pushed those sandals on the side, but no one might have dared to pick them
9 up.

10 Q. [12:35:18] These thongs or sandals, were they gathered together?

11 A. [12:35:28] They were all on one side, according to what I remember.

12 Q. [12:35:44] Did you see those thongs on the video footage after that event?

13 A. [12:35:56] Yes, after the fact, yes.

14 Q. [12:35:59] What do you mean by that?

15 A. [12:36:01] I mean after I had actually visited the location.

16 Q. [12:36:05] In the video footage that you saw, such as the one that my learned
17 colleague showed you yesterday, people were running in all directions?

18 A. [12:36:30] Yes.

19 Q. [12:36:32] So today after the fact, after you have seen this video, you saw those
20 sandals gathered on the road. Doesn't that seem to you that -- I mean, between what
21 you saw on the footage and what you saw when you visited the place, on the one
22 hand, isn't it abnormal that the sandals would be --

23 PRESIDING JUDGE TARFUSSER: [12:37:24] This is not a fact if it's a normal or not a
24 normal. The fact is have you seen or have you not seen? Then the other one is a
25 comment. Thank you.

1 MR GBOUGNON: [12:37:38] (Interpretation) Thank you, Mr President.

2 Q. [12:37:42] You said they might have been shifted to one side. Who told you
3 that?

4 A. [12:37:49] This is just something that I observed myself, because all the sandals
5 was on one side so I conclude that someone must have pushed them to one side.

6 Q. [12:38:01] Thank you. How would you recognize a bullet injury?

7 A. [12:38:28] I can see the wound.

8 Q. [12:38:32] I'm asking that because you told me at the beginning of my
9 questioning that you were never in any conflict region and that you were not familiar
10 with such situations. That is why I'm asking you how you can recognize a bullet
11 wound.

12 A. [12:38:53] I would need to see the wound.

13 Q. [12:38:57] So if someone is injured by a bullet, then you can be sure that that
14 person has been shot?

15 A. [12:39:05] Not in all cases. It depends also on the testimony. There are cases
16 where you can see clearly that it is a bullet injury and there are cases where the
17 witness or victim tells us that he or she was shot, and we corroborate that with other
18 information in other cases. We can ask the medical staff that treated the person.

19 Q. [12:39:37] I am talking about cases where you recognize that somebody has been
20 injured by a bullet directly. How will you describe such a wound?

21 A. [12:39:53] Each case is different. It depends. There can be an entry wound
22 and an exit wound. It is difficult to generalise on such a thing.

23 Q. [12:40:11] Paragraph 143 of your statement, you said that these people bearing
24 weapons that we met on the way to Abobo were members of the Invisible Commando.
25 They were there to provide security for the Abobo community. In what capacity?

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1 A. [12:40:43] According to what they themselves told us, if I'm not mistaken, this is
2 the argument that they put forward, that they were there to provide security for the
3 Abobo population. Against whom? Well, I don't remember exactly what they said.

4 Q. [12:41:11] I will read your statement to you. "These people carrying weapons
5 that we met on our road to Abobo were members of the Invisible Commando. They
6 were there to provide security for the Abobo community."

7 That is paragraph 143 of your statement.

8 The way it is written here, you are not reporting what somebody else said. I know
9 that later on you say that the Invisible Commando had told you why they were there.
10 But here on this paragraph you are not reporting anything.

11 A. [12:41:51] I appeal to you to duly note that I simply wanted to state that it was
12 the statements of the Invisible Commando themselves who told us that they were
13 there to provide the security to the communities of Abobo.

14 Q. [12:42:17] At the roundabout you listened to the various accounts. Were there
15 any Invisible Commando there?

16 A. [12:42:37] No. From memory, they were not present there. But I think I saw
17 some of them pass by in a vehicle. I cannot tell you with any certainty that it was
18 during this incident, but it seems to me that there were vehicles that were passing by.

19 Q. [12:43:02] Are we talking about the women's march?

20 A. [12:43:05] Yes.

21 Q. [12:43:05] I will read to you another paragraph. "These people bearing
22 weapons" --

23 PRESIDING JUDGE TARFUSSER: [12:43:24] Which paragraph, please?

24 MR GBOUGNON: [12:43:26] (Interpretation) Now 144. Let me begin at the
25 beginning.

1 Q. [12:43:38] "We saw them all along the Abobo road. But I cannot say when we
2 came across them specifically. There were quite a number of them at the intersection
3 where we parked. I do not know how many of them. They were in small groups,
4 five or six per group."

5 You said they were at the roundabout?

6 A. [12:44:08] Yes, I said they were at the roundabout. I thought you were asking
7 me whether they were amongst the people around us when we were questioning
8 them. And I told you no, I did not think so. And I also said I thought I saw them
9 pass by in vehicles. But this was far away and I cannot tell you precisely where they
10 were stationed.

11 Q. [12:44:41] You were at the roundabout and you parked. And in that
12 roundabout they were there in groups of five or six. But you no longer remember
13 whether they were together with the people that you interviewed?

14 A. [12:44:59] That's what I'm saying. They were not near the people that we
15 interviewed, but I cannot tell you the exact locations where they were, there were five
16 of them there, there were ten of them there. It is also possible that at one point they
17 may have come closer, but I do not remember precisely. That is what I can tell you.

18 Q. [12:45:36] Were they wearing masks?

19 A. [12:45:38] I do not remember. Since members of the Invisible Commando were
20 frequently hooded, one can suppose that they were wearing masks also.

21 Q. [12:45:50] So what you are telling me is that you interviewed witnesses and
22 victims at the roundabout in the presence of members of the Invisible Commando; is
23 that correct?

24 A. [12:46:17] They were a bit far away.

25 Q. [12:46:19] Did you interview them?

1 A. [12:46:23] Who?

2 Q. [12:46:26] The members of the Invisible Commando.

3 A. [12:46:32] Personally, I do not think so. I know that we had a conversation
4 with them, but I do not remember whether it was on this specific day or not. On that
5 day, and you have said it was on 10 March, personally I did not question any
6 members of the Invisible Commando, not a real interview as such. I may have
7 exchanged a few words with them, but not an interview.

8 Q. [12:47:07] Did you have a conversation with them?

9 A. [12:47:11] That's what I said. It is possible, but I'm not sure.

10 Q. [12:47:17] Did you exchange contact details?

11 A. [12:47:23] I exchanged contact details with members of the Invisible Commando,
12 but I am not sure it was on this occasion. It is possible, but I do not remember at
13 what time.

14 Q. [12:47:40] I will read the last sentence, paragraph 145. "In fact it was from that
15 time that we started developing contacts with the Invisible Commando," and we are
16 referring here to the time you went to the Abobo roundabout on mission?

17 A. [12:48:04] Yes. I think that is what I was saying. I believe we had a brief
18 conversation, but I do not remember whether it was on that day that we actually
19 exchanged telephone details with them. We spoke, but I did not interview them.

20 Q. [12:48:27] How would you recognize the scent of powder?

21 A. [12:49:05] It is difficult to describe a scent, a smell, the smell of a burnt substance.
22 It is difficult to describe a smell just like that.

23 Q. [12:49:22] I'm asking the question because you said before that you had never
24 been in a combat area and that you had never gone to such areas before. So why is it
25 that on that day you were able to say exactly that this was a smell of powder?

1 A. [12:49:58] We were accompanied by the policemen of the UN police. And I
2 asked them where that smell was coming from, and they told me that it was the smell
3 of powder.

4 Q. [12:50:15] I will read paragraph 2012 of your statement. "When we arrived at
5 the location, there were no dead bodies" -- No, 212. Correction, 212, Mr President.
6 "When we arrived at the location, there were no dead bodies. The bodies had
7 already been transferred to the Abobo south hospital. However, at the market there
8 was a very strong smell of powder."

9 So based on what I am reading, I know that for other questions you said that you
10 asked for information about weapons from your UNPOL colleagues, but here you
11 said that when you arrived the markets you smelled a very strong scent of powder,
12 which proves that the incident was still very recent.

13 A. [12:52:07] Yes, indeed. I did not specify that because the question was not put
14 to me.

15 Q. [12:52:14] What did you not specify?

16 A. [12:52:24] I did not specify that I had asked my colleagues where that smell was
17 coming from and what it represented. And I did not say it because a question was
18 not put to me as to how I could determine that it was the smell of powder.

19 Q. [12:52:44] I'm sorry, we forgot a detail, so I would like to come back briefly on 3
20 March, the women's march in Abobo. You arrived Abobo on 10 March 2011. When
21 you arrived Abobo on that day, did you see any bodies, any dead bodies?

22 A. [12:53:50] I believe that it was on that day that we saw a corpse, a dead body on
23 the road to Abobo in front of the Filtisac company, but I'm not sure about the date. I
24 do remember that it was on an occasion when we were going to Abobo. I cannot be
25 certain whether it was on 10 March or not, but it was during one of our missions to

1 Abobo.

2 Q. [12:54:27] So this means that you did not see the six or seven bodies with your
3 own eyes that have been mentioned?

4 A. [12:54:41] No, personally not.

5 Q. [12:54:44] What does it mean for you to certify something, validate something or
6 make a report?

7 A. [12:55:07] It depends on what type.

8 Q. [12:55:14] What I mean is an observation. When I say you observed that, it
9 means something that you saw?

10 A. [12:55:26] Not necessarily. It is not necessarily something that I would have
11 seen.

12 Q. [12:55:36] Please continue. What can it mean?

13 A. [12:55:42] Please allow me to reflect, and maybe you can read out the paragraph
14 where I say I observed something.

15 Q. [12:56:22] I will read out CIV-OTP-0044-1619. It is number 15 on our list of
16 evidence. Last page, 1621.

17 "Violations observed. However, the mission observed that indeed the FDS
18 sources -- forces had used excessive force by opening fire."

19 This is what you said yesterday?

20 A. [12:57:48] Yes, indeed, that is what I said yesterday. That is what we noticed
21 during the mission, yes.

22 Q. [12:57:57] How did you arrive at that observation, at that finding?

23 A. [12:58:13] Yes, it is the mission, not just myself. It is important to say that it is
24 not a single person that made that finding. It is on the basis of several reports, and
25 there is a final report. I wrote this report, and it is written there clearly that the

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1 mission found that or observed that. I did not say I was the one who personally
2 made that finding. So we were trying to find out whether force had been used and,
3 based on the various testimonies, who used that force. And so that is the
4 information that we gathered. So the mission found that.

5 MR GBOUGNON: [12:59:20] (Interpretation) Mr President, it is 1 p.m., so I believe
6 it is time for the break.

7 PRESIDING JUDGE TARFUSSER: [12:59:29] It's absolutely time for the break. Can
8 I ask you how long you think you will continue the questioning?

9 MR GBOUGNON: [12:59:42] (Interpretation) Not much time, Mr President.

10 PRESIDING JUDGE TARFUSSER: [12:59:50] Within the next section or the next, the
11 third section of one hour and a half, I would hope?

12 MR GBOUGNON: [12:59:58] (Interpretation) Yes, of course.

13 PRESIDING JUDGE TARFUSSER: [13:00:03] Does the OTP want to re-question?

14 MR DEMIRDJIAN: [13:00:06] So far, your Honours, for about 10 minutes, not more.

15 PRESIDING JUDGE TARFUSSER: [13:00:09] Okay. So the good news is that, two
16 good news, one is that we go for the break, and the second is that you will be
17 probably, most probably released by today.

18 Okay. Thank you very much. The hearing is adjourned to 2.30.

19 THE COURT USHER: [13:00:27] All rise.

20 (Recess taken at 1 o'clock p.m.)

21 (Upon resuming in open session at 2.36 p.m.)

22 THE COURT USHER: [14:36:16] All rise.

23 Please be seated.

24 PRESIDING JUDGE TARFUSSER: [14:36:44] So, good afternoon, Madam Fuchs.

25 I immediately give the floor to Maître Gbougnon, sorry, because all this -- sorry.

1 And, yes, you have the floor.

2 MR GBOUGNON: [14:37:07] (Interpretation) Thank you, your Honour.

3 Q. [14:37:11] Good afternoon, ma'am.

4 A. [14:37:14] Good afternoon, counsel.

5 Q. [14:37:18] Before or during the post-election crisis, what -- now, why exactly did
6 you go to Camp Commando only one time? I believe you went only once. Had
7 you already gone there?

8 A. No, I don't think so.

9 Q. [14:38:03] Before the events of 17 March, the shelling, the alleged shelling of the
10 Abobo market, you had never gone to Camp Commando before that time?

11 A. [14:38:21] No, I don't think so.

12 Q. [14:38:24] So how did you know that there were mortars, mortar guns at the
13 market -- at the Camp Commando?

14 A. [14:38:41] I don't know whether there were mortar guns or not at
15 Camp Commando.

16 Q. [14:38:49] At paragraph 91 of your statement you stated, and I quote: "What is
17 more, Camp Commando is a military camp where heavy weaponry is to be found."

18 A. [14:39:31] Yes, yes, I said that.

19 Q. [14:39:37] So that is why I am asking you this question, because you never were
20 there.

21 A. [14:39:44] Someone must have told us that. I can't remember exactly who.

22 Q. [14:40:04] This statement of yours, this is something that is based on something
23 that -- I think I'll have to speak in the conditional tense, because this statement is
24 based on -- this seems to be a statement or an affirmation and this stems from
25 something that was told to you?

1 A. [14:40:27] I don't remember how I had access to that information.

2 Q. [14:40:55] During your various missions or investigations in the field, on
3 location in Abobo, did you ever see one or multiple FDS members?

4 A. [14:41:12] I don't remember. I did see some FDS members but I
5 remember -- I don't remember exactly, exactly where.

6 Q. [14:41:58] Regarding the event of 17 March 2010, did you have occasion to
7 question any members of the Invisible Commando since you had contact information,
8 you had been in touch with them?

9 A. [14:42:24] Well, good dealings or good relationship, that's an exaggeration, I
10 would say. Personally, no, but I'm not saying that that didn't happen as part of that
11 mission.

12 Q. [14:43:07] You knew, you knew -- well, you said it, that members of the
13 Invisible Commando had a certain kind of heavy weapon. And thus during that
14 period of time in that matter, since you said that you had no --

15 THE INTERPRETER: [14:43:40] Inaudible.

16 MR GBOUGNON: (Interpretation)

17 Q. [14:43:43] -- no certainty about the area that the shelling was coming from.
18 Why didn't you ask where the shelling was coming from?

19 A. [14:43:52] As I explained earlier, during each mission, each one of us had one
20 particular task, and my task was to question the victims and witnesses, take
21 a statement. So I really didn't speak to the Invisible Commando members.

22 Q. [14:44:23] Your mission, I suppose -- well, during an investigation, your task is
23 to discover what happened and to come to the truth. Now, you had prior contact
24 before the event and after the event with members of the Invisible Commando, so you
25 had contacts?

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1 A. [14:44:49] We exchanged information, but I think you're overestimating the kind
2 of contacts or the type of contacts that I myself personally could have with members
3 of the Invisible Commando.

4 Q. [14:45:05] Did you not have, on more than one opportunity, did you not speak
5 with members of the Invisible Commando over the phone or meet with them?

6 A. [14:45:19] With certain members, yes.

7 Q. [14:45:25] Now, if, let us assume, you had wanted to discover what had
8 happened, would you have had to have a formal mandate to put questions to them
9 about the situation?

10 A. [14:45:49] Allow me to clarify two points. Yes, I was indeed endeavouring to
11 determine the truth, and I had specific tasks to carry out, and my tasks did not
12 include contacts with the Invisible Commando as part of that mission. The
13 exchanges that we had and the personal contacts I had with them were in relation to
14 other cases.

15 And what I remember is that the people I was in contact with were not in Abobo itself.
16 They were elsewhere. The contacts, my own personal contacts were with people
17 elsewhere.

18 Q. [14:46:35] And where were these contacts?

19 A. [14:46:39] Well, I had a number of personal contacts, and they always told me
20 that they were more in the Anyama area.

21 Q. [14:47:11] Allow me to hark back to the fact that you may or may not have run
22 across a number of FDS. I make reference to paragraph 268 of your statement, and I
23 quote:

24 "When I was in Abobo I never came across any FDS members, but that doesn't mean
25 that they weren't there."

1 This is just to remind you that you had said that and you had said that you had never
2 came across any FDS members.

3 Yesterday you said to my learned friend that the FDS and the members of the
4 Invisible Commando were fighting for control over various stretches of the road.
5 And according to what I have just read here, it was members of the
6 Invisible Commando who you had always seen.

7 A. [14:48:52] During the missions, apparently, indeed I did not come across FDS
8 members during those missions. But you see, this struggle, this battle, the situation
9 changed from hour to hour, from day to day. But there were no clear-cut borders or
10 lines demarcating the territories.

11 Q. [14:49:18] It would be better for us, ma'am, if you were to tell us about what you
12 saw. I think that would be more -- that would be clearer, it would be more
13 appropriate. So you say that you saw members of the Invisible Commando?

14 A. [14:49:39] And I also saw the lines of demarcation, the boundaries that changed
15 from day to day.

16 Q. [14:49:53] You did not see any FDS members. You only saw the
17 Invisible Commando at one place and then at another place on another day. What
18 do you base yourself on when you speak of boundaries, when you speak of a struggle
19 between the FDS and the Invisible Commando for control over territory?

20 A. In the streets we could see either FDS or members of the Invisible Commando,
21 and this is what I have been trying to explain to you. The boundaries differed from
22 day to day. One day you might be at one particular location, one road, and you
23 would see some people from the Invisible Commando; and if you went back the next
24 day, there would not necessarily still be the members of the Invisible Commando
25 there. By the next day it might be FDS members there.

1 Q. [14:50:57] I think I will come back to this issue once again just so that we can
2 deal with this. Paragraph 268, you said that you never saw members of the FDS
3 along the road during your various missions, you never saw any FDS members. I'm
4 speaking about you. Let me finish.
5 You never saw -- I'm not talking about what was told to you or what you may have
6 read. You say that it's not that they weren't there, you did not see them and, thus,
7 this assumption that one day you might see FDS people at a place and
8 Invisible Commando people the next day, that is no longer valid in light of what you
9 have said and what we read here.

10 A. [14:51:46] If you wish, I would like to say what I have to say and I will -- I am -- I
11 do not want you trying to give my answers on my behalf. I'm saying I did not see
12 FDS members in Abobo. Once again, I reiterate, from one day to the next there
13 might be different people present, either FDS members or members of the
14 Invisible Commando in the streets. After, indeed, during those two missions, that
15 was not the case, I did not see FDS members.

16 Q. [14:52:24] Thank you, Ms Fuchs.
17 You were present during the so-called liberation mission of the priest and the
18 students at the seminary; is that correct?

19 A. [14:52:44] That was a different mission.

20 Q. [14:52:48] Did you take part in that mission?

21 A. [14:52:52] Yes.

22 Q. [14:52:54] At paragraph 241 you said you were in attendance during the
23 negotiations, what do you mean by "negotiations"?

24 A. [14:53:11] There was a meeting between members of the DDH, the human rights
25 division, and there were other people, I can't remember if they were police

1 officers -- well, there were other people present and members of the
2 Invisible Commando. And in particular IB was there.
3 And there were negotiations for the release -- I didn't take part in the negotiations.
4 I was present, but I did not speak. And there were negotiations with a view to
5 showing that this was a civilian priest, he did not play an active role in the fighting
6 and that, thus, he should be freed, because he had been detained secretly at the time,
7 you see.

8 Q. [14:54:13] You were there, you say, so you must have heard everything that was
9 said. What did the ONUCI people offer or promise to the Invisible Commando to
10 obtain the release of these people?

11 A. [14:54:36] Nothing at all, to my knowledge.

12 Q. [14:55:32] At paragraph 269 of your statement you said,
13 "I know that this issue, namely the link between the Invisible Commando and the
14 Armed Forces of the New Forces had been discussed between the
15 Invisible Commando in the presence of IB and members of the ONUCI force."
16 So the issue having to do with the link between the Invisible Commando and the
17 armed forces, what does that mean?

18 A. [14:56:11] It was a matter of determining whether the Invisible Commando
19 people were reporting to the Armed Forces of the New Forces, whether there
20 was -- what was the link? Were they fighting side by side? Were they two separate
21 units? And what possibly might be the dealings between the two or what the
22 reporting relationship might be or what exchanges there might be between the two
23 groups?

24 Q. [14:56:46] And where did these discussions take place?

25 A. [14:56:53] I think that was another meeting not related directly to the earlier

1 meetings that we mentioned. And I am having a hard time remembering where it
2 was. It was a place, an outside place. It was a kind of a courtyard, the courtyard of
3 a building, something like that, a building that was not in use, but I can't remember
4 the exact place.

5 Q. [14:57:26] Who was present at that meeting representing ONUCI, if you know?

6 And if you wish us to go into private session, that is possible.

7 PRESIDING JUDGE TARFUSSER: [14:57:40] Let's go into private session for the
8 names. Thank you.

9 (Private session at 2.57 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (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 (Open session at 3.00 p.m.)

17 THE COURT OFFICER: [15:00:52] We are back in open session, Mr President.

18 PRESIDING JUDGE TARFUSSER: [15:00:55] Thank you. Maître Gbougnon.

19 MR GBOUGNON: [15:00:58] (Interpretation)

20 Q. Let me remind you that we are in open session, so please do not come back to
21 any names.

22 What was the aim of these meetings ascertaining the link? You know, the meetings
23 with the -- ascertaining the link between the FAFN and the Invisible Commando.

24 A. [15:01:28] Well, it was useful for us in the analysis with a view to determining

1 responsibility, namely to ascertain who amongst the alleged perpetrators of violation,
2 where there were violation, alleged violation within the Invisible Commando, there
3 might be a member of the FAFN present and also to determine the hierarchy, the level
4 of responsibility of the command.

5 Q. [15:02:00] Let us move on to another subject entirely. Let us leave the
6 Invisible Commando to one side and come to some more visible people.

7 You were in Abidjan from mid-October 2010, and where did you live?

8 A. [15:02:45] In Marcory commune.

9 Q. [15:02:51] Whereabouts?

10 A. [15:02:55] Opposite to a military camp. Do you want the precise address?

11 Q. [15:03:02] Well there's no address in Abidjan, I know.

12 A. [15:03:05] Well, I did have one, but I don't know.

13 Q. [15:03:08] Which military camp was that?

14 A. [15:03:11] There was the Jordanian camp at the end of the street. I can give you
15 the name of the address -- the name of the street if you want. I don't quite know
16 what you're driving at.

17 Q. [15:03:23] Please answer my question. You will see where I am going. What
18 is the name of the street?

19 A. [15:03:28] The street is called Thomas Edison, Rue Thomas Edison.

20 Q. [15:03:42] Thank you. During your stay in Abidjan during that period and
21 from the time at which you arrived, you saw Young Patriots, did you?

22 A. [15:03:51] Well, people who I was told were Young Patriots.

23 Q. [15:03:57] And who told you that they were Young Patriots?

24 A. [15:04:01] I was going on to add, and I should have done so, even people who
25 presented themselves or introduced themselves as Young Patriots.

1 Q. [15:04:12] They introduced themselves to you on what occasion and why?

2 A. [15:04:18] As to the occasion, I do not recall precisely. I would presume that
3 they themselves at a given moment in time were victims of human rights violations,
4 so I would suspect that it was as victims that they presented themselves to me and
5 said that they were either Young Patriots or former Young Patriots and that they had
6 been victims because of that.

7 Q. [15:04:46] Do you not recall the period?

8 A. [15:04:58] With regard to the example I have just given you, it was after the
9 post-election crisis, it was in the year 2011, I believe.

10 Q. [15:05:09] Otherwise, before that?

11 A. [15:05:12] Well, there were people that I was told were Young Patriots as well,
12 but as to what, who, what, where, how and why, I wouldn't be in a position to tell
13 you.

14 Q. [15:05:24] When you say "they," who are you talking about? Who was
15 introducing them to you? Who are you talking about? Who was pointing them out
16 to you as Young Patriots?

17 A. [15:05:38] As I do not recall, this is somewhat complicated, but I would say it
18 was colleagues or -- well, if I can't tell you precisely on what occasion, if I can't
19 remember a specific occasion, then it's difficult for me to tell you who introduced
20 them to me as such or presented them to me as such, but I presume it must have been
21 colleagues.

22 Q. [15:06:02] And so today you would not be in a position to tell me precisely what
23 a Young Patriot is?

24 A. [15:06:23] Do you want a definition of the term "Young Patriot"?

25 Q. [15:06:27] I would have liked, but from what I can hear you saying to me, you

1 have never seen them, you might have seen them after the crisis, but you are not in
2 a position to tell them apart. But if you do have a definition to provide us with now,
3 then please do so.

4 A. [15:06:42] I would say that they are groups of young people who, when they
5 were presented to me as such or when they themselves introduced themselves as
6 such, said that they were groups of young people who were present at certain
7 political rallies. I don't like this term "instructions," rather, "indications" or the
8 speeches of Mr Charles Blé Goudé, which they were following.

9 Q. [15:07:21] That's what they said to you after the crisis, is it?

10 A. [15:07:28] I remember that on one occasion I put the question to somebody and I
11 said to them: What is it for you being a Young Patriot?

12 And I remember that he said to me more or less what I have just said to you, namely,
13 that he was following his leader Charles Blé Goudé.

14 Now, as to interpreting it in a broader sense, well --

15 Q. [15:07:55] That's why I was saying at an earlier stage that you yourself can't
16 provide us with a specific definition apart from what you were told?

17 A. [15:08:07] If the person introduces themselves as such, then I am, by default,
18 obliged to believe that they are telling me this in all good faith.

19 Q. [15:08:24] How many, how many, how many organisations of young people did
20 you know when you were in Abidjan?

21 A. [15:08:45] What do you mean by "organisations of young people"?

22 Q. [15:08:48] I mean any organisation of young people.

23 A. [15:08:53] I never counted them specifically, but I did know a number of them.

24 I met with a number of youth organisations or student organisations, a few, but I do
25 not have a specific number in mind.

1 Q. [15:09:10] Did they have any secretary-generals within these organisations?

2 A. [15:09:15] Some of them did, yes.

3 Q. [15:09:19] So why, when talking about a secretary-general, did you immediately
4 refer to Charles Blé Goudé?

5 A. [15:09:40] Because often when the title of secretary-general was indicated, it
6 meant Charles Blé Goudé. When they wanted to specify which secretary-general
7 they were talking about, then it would be specified.

8 Q. And Charles Blé Goudé was the secretary-general of which organisation?

9 A. [15:10:02] At that moment in time he was no longer, to my knowledge,
10 a secretary-general of any organisation.

11 Q. [15:10:09] He was no longer a secretary-general of any organisation at the
12 moment in time when you made the link between him and a secretary-general, is
13 that --

14 A. [15:10:24] Not at the moment where I myself made that link. It was that he was
15 often referred to as such, the secretary-general.

16 Q. [15:10:34] And who called him thus?

17 A. [15:10:39] Various people. To my mind you are referring to calls at the call
18 centre, and within those calls at the call centre there was on a number of occasions
19 moments of which we talked about secretary-general, and when we talked about the
20 secretary-general, that meant Mr Charles Blé Goudé.

21 Q. [15:11:07] So you're telling me that somebody called you over the telephone and
22 they said to you "the secretary-general" and at the time you said to yourself: This is
23 Charles Blé Goudé?

24 A. [15:11:20] We should also put this back in context. I say to you "the
25 secretary-general" with a capital S and -- I apologise. When we did not specify the

1 person's name, it meant Mr Charles Blé Goudé.

2 Q. [15:11:38] Well, I'm belabouring the point because you are not providing me
3 with an explanation.

4 A. [15:11:45] Well, I do not understand your question, so please rephrase.

5 PRESIDING JUDGE TARFUSSER: [15:11:48] Excuse me. That's the fact. I mean,
6 the fact is that it was referred to as she said. But what explanation, further
7 explanation can a person give? I think we have dealt a lot with this part.

8 MR GBOUGNON: [15:12:12] (Interpretation)

9 Q. [15:12:22] And during your stay in Côte d'Ivoire between October and June, well,
10 during the post-election crisis, did you on one occasion ever meet Charles Blé Goudé?

11 A. [15:12:41] At least on one occasion. One occasion for sure, maybe twice, I'm not
12 so sure about that. But once, yes, certainly.

13 Q. [15:12:53] Where was that?

14 A. [15:12:53] In the premises of the territorial surveillance division where he was
15 detained on behalf of the DST.

16 Q. [15:13:08] And before that, before that, did you ever meet him?

17 A. [15:13:16] Personally introducing ourselves, no.

18 Q. [15:13:26] Did you seek to do so?

19 A. [15:13:31] No. I'm not at a high or I wasn't at a high enough level to do so.

20 Q. [15:13:41] So you are not at a high enough level to -- let me finish, please. You
21 were not at a high enough level to meet him?

22 A. [15:13:53] For official meetings on behalf of the UN, that's what I meant by that.

23 Q. [15:14:06] I am talking about the human rights officer who is present in
24 Côte d'Ivoire investigating everything that occurred at the time. So you did not have
25 any mandate to meet with leaders or people in charge, did you?

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1 A. [15:14:29] I would have had the mandate, but generally speaking this type of
2 meeting would have happened at the level of a supervisor. And then the supervisor
3 might ask you to take part in this meeting or you might delegate. But with regard to
4 the type of meeting that you're mentioning here, I believe that this would have
5 happened at the supervisor level.

6 PRESIDING JUDGE TARFUSSER: [15:15:05] May I say that, again, we are -- I think
7 we have to put also the witness at the level she is. I mean, she was not the head of
8 the mission. And of course I would say it's logic that she has not as such the
9 mandate, but she is part, only part of the mission. So I think we shouldn't give more
10 tasks to her than she had.

11 MR GBOUGNON: [15:15:34] (Interpretation)

12 Q. [15:15:36] Thank you, Madam Fuchs. This concludes my questioning, and I
13 would like to wish you a good journey home.

14 A. [15:15:44] Thank you, Counsel.

15 PRESIDING JUDGE TARFUSSER: [15:15:46] Thank you very much,
16 Maître Gbougnon.

17 Now I think I give the floor to the Office of the Prosecutor for the re-questioning,
18 which shouldn't be too long as announced before the break. So yours the floor.

19 MR DEMIRDJIAN: [15:16:03] Indeed. Thank you very much, Mr President.

20 QUESTIONED BY MR DEMIRDJIAN: [15:16:07] (Interpretation)

21 Q. [15:16:09] Good afternoon, Mrs Fuchs.

22 I would like to start with some questions that were put to you with regard to the
23 methodology implemented in the field when you went to meet with witnesses to
24 conduct interviews. Maître O'Shea put questions to you and Mr Gbougnon this
25 morning also asked you whether this kind of testimony was recorded or signed.

1 I would like to ask you first and foremost what the mandate was or the aim of such
2 undertakings when going out into the field.

3 A. [15:16:53] Well, the aim was fact-finding, it was a fact-finding mission in
4 the sense that we wanted to gather as much information as possible, and once we had
5 this, to try and corroborate said information and analyse it and after compile a report.
6 So the aim really was to try and verify the allegations, because we received many
7 allegations via the call centre, and then to go and try and verify as much as we could
8 and gather as much information relative to these allegations and this preliminary
9 information.

10 Q. [15:17:38] And finally, what does this kind of information serve as a purpose in
11 ONUCI?

12 A. [15:17:55] Well, we compile an internal report, report internal to the mission,
13 and then each person as I said drafts their mini report, and then there is
14 a consolidated report that comes out at a divisional level, and this report is
15 transmitted to the senior management of the mission.

16 And generally in New York and Geneva, because we have a direct reporting line with
17 Geneva, because we also represent the office of the high commissioner in the country,
18 after this, they are then in a position to take action.

19 Q. [15:18:47] And you said this to us this morning, this is not with a view to
20 initiating judicial proceedings?

21 A. [15:18:52] No. We should remind you that a human rights officer is not
22 seeking justice. Here we are accompanying people. We are seeking for there
23 ultimately to be proceedings. We are not gathering evidence. We are gathering
24 information that should allow the opening of an investigation and subsequently the
25 institution of proceedings.

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1 Q. [15:19:27] May I move on to another subject. My learned colleague Mr O'Shea
2 put a number of questions to you with regard to the call centre. And more
3 specifically this was on Monday afternoon on pages 72 and 73. He asked you how
4 the population was aware of the call centre telephone numbers and you answered
5 that the messages were broadcast over the UN radio. And then he put a number of
6 questions to you as to the range of the ONUCI. So this ONUCI had its own FM
7 radio station, did it?

8 A. [15:20:11] It was called, yes, it was called ONUCI FM.

9 Q. [15:20:16] Very well. And during the post-election crisis, did this radio channel
10 manage to broadcast on an uninterrupted basis?

11 A. [15:20:28] I do not know.

12 Q. [15:20:43] I would like to now move on to the incident of 3 March. Maître Altit
13 put questions to you on the subject of this incident where seven women were killed in
14 Abobo. And on page 34 of the notes he asked you whether, when you arrived in the
15 field a week later, how many people you interviewed on that day, to which you
16 responded yesterday that you did not recall precisely.

17 It might have been that he missed paragraph 137 of your statement where you
18 mention that you had interviewed approximately 10 people.

19 Now, in 2014, when you met with the representatives of the OTP and we took the
20 statement down, were the events fresher in your memory at the time?

21 A. [15:21:36] Well, there were two things. The events were indeed fresher in my
22 mind, and also I had brought with me I believe some notes, and I had the possibility
23 between the interviews to consult my notes.

24 Q. [15:22:00] Subsequently my learned colleague showed four documents to you.
25 Firstly there was the call centre report with the table, there were the two follow-ups,

1 numbers 23 and 24, and there was the special report dated 3 March.

2 With regard to the follow-up of the case, he asked you whether those reports were
3 dated and there was a lengthy exchange on that subject.

4 On page 82 of the transcript in French, you said there was a date, but not on the
5 document, and at that moment in time you were interrupted. So I'm going to allow
6 you here to answer in a more complete manner.

7 What do you mean by saying that there was a date, but not on the document?

8 A. [15:22:51] In fact, the documents were recorded with a date at which they had
9 been disseminated. So, for example, if today we are 21 December, if I write
10 a document today, I might not put the date in the document; but when saving it I save
11 it as 21 September 2016, and then there is a call centre report code and, you know,
12 each and every one of us has their way of doing it. But we did put in the date at
13 which it had been drafted or sent.

14 Q. [15:23:28] And where can that date be found?

15 A. [15:23:33] Well, I suppose it is to be found in the archives of the human rights
16 division in an electric format, so you would need to have the electric format to have
17 the date.

18 Q. [15:23:50] And those two follow-up of cases, numbers 23 and 24, were made
19 subsequent to the events of 3 March. And in your experience, how many time goes
20 by between the time at which you receive information and the drafting of the
21 follow-up report is conducted?

22 A. [15:24:11] Maximum 48 hours, as soon as the call centre report comes out, well,
23 you will see that there were time frames. Let me give an example here. I don't
24 have the report in front of me, so I can't really remember the times.

25 If we say that the report is dated the 2nd at 1600 hours to the 3rd at 1600 hours, it

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1 might be finalised on the 3rd at 1800 hours. And then it will be shared with the
2 other human rights officers.

3 And in an email sent by a supervisor there will be the tasks meted and given out. So
4 the follow-up of a case in Abobo was Mr X, Y or Z. And generally speaking, that
5 that's how things were done.

6 So after that follow-up, you know, on the next day, because we're not going to call
7 people in the middle of the night, but during the next day if people did not respond,
8 then things would be put off. If the person did respond immediately, well, and if
9 they didn't, it all depended.

10 Q. [15:25:40] Now, with regard to the call centre daily report, the one that we had
11 in the table. We won't bring it up on the screen. It's CIV-OTP-0044-1704. It is
12 number 20 on our list.

13 Now, waiting for it to be brought up on the screen, I do have a question with regard
14 to the document. And my learned colleague asked you why we only see two calls,
15 that is on page 97 of transcripts, whereas you talked about numerous calls. Now,
16 you answered yesterday, and this was still at page 97, that you noted that there was
17 a difference in the schedule, and you do not know whether there were any calls
18 missing or not.

19 Now, if we have the document before us -- I do not know whether you have it before
20 you or not?

21 A. [15:26:37] Yes.

22 Q. [15:26:37] Thank you. And I would like to take you to page 3 of the document.

23 A. [15:26:50] Yes, I can see that there is something there.

24 Q. [15:26:54] Well, let's come back to it.

25 A. [15:26:57] Well, I can see that there's a note on the first page of the document, the

1 first sentence.

2 Q. [15:27:04] Oh, really? Well, we are on this page now. Let's come back to the
3 other one later. Let's go all the way down to the bottom of page 3. Oh, we have
4 come back to it, so let's talk about it, page 1.

5 A. [15:27:17] Well, if you don't mind, I would like to read that sentence. "In
6 24 hours, 40 calls were reported by the call centre, which had a technical problem
7 between 11.30 and 17.15."

8 Q. [15:27:35] And for us to understand, do you know what kind of technical
9 problem it was?

10 A. [15:27:41] Well, there were two recurrent problems. I do not know whether we
11 were still working on Excel tables but, you know, it's difficult to work. We had
12 a mother table, and each person was working on their separate documents. But
13 when copying and pasting, you know, with somebody opening the mother table, then
14 some of the data was lost. The person thought that they had saved in the big
15 document when they hadn't, and we ran up against such issues.

16 And on many occasions we had true CITS problems where telephone calls didn't
17 come through, where things were completely cut off, where we weren't able to call
18 people back. And this happened, well, I wouldn't say on a recurrent basis, but
19 reading this I think that this must have been when we had a big breakdown. And on
20 some other days they might have been shorter, 10 to 15 minutes, but it would've seem
21 to me that there might have been two days where there were real, you know, outages
22 where it went on for a few hours.

23 Q. [15:29:06] Very well. If I come back to the excerpt of the special report that he
24 quoted to you yesterday saying that there were numerous calls, if you go back to the
25 day of 3 March, are you able to recall the volume of calls on that day? I know it's

1 a difficult question, but just in case.

2 A. [15:29:29] I'm not able to recall what the volume of calls was on that day. And I
3 do not know whether I was there or at what time I was there on that day.

4 Q. [15:29:45] Well, thank you very much for answering my questions.

5 MR DEMIRDJIAN: [15:29:48] Your Honours, that completes my re-examination.
6 Thank you.

7 PRESIDING JUDGE TARFUSSER: So now according to Rule 140 of the Rules and
8 Procedure and Evidence I have to ask the Defence, who have the last word, if they
9 have a question; if not, I would release you.

10 MR ALTIT: [15:30:15] (Interpretation) Thank you, your Honour. I do have a few
11 questions. Briefly.

12 PRESIDING JUDGE TARFUSSER: [15:30:29] (Interpretation) Briefly.

13 QUESTIONED BY MR ALTIT: [15:30:33] (Interpretation)

14 Q. [15:30:34] Ms Fuchs, you said, and this is page 85, line -- no, line 16, rather, from
15 today's transcript. And I quote: "Indeed, you must remember that a human rights
16 officer for a human rights division, the goal is not to render justice. We are there to
17 help people, to stand by them with a view to a later -- to legal proceedings happening
18 later."

19 So we have understood thus that you can make a distinction between legal
20 proceedings and an investigation, and you must realise that legal proceedings are
21 such that everyone is held to a higher standard?

22 A. [15:31:33] Yes.

23 Q. [15:31:35] I would like to put a question to you. Now, during your interviews
24 with the OTP, it was made -- it was clear that you were speaking to representatives of
25 the OTP?

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1 A. [15:31:54] Oh, yes, yes, they said that they were from the OTP, but they
2 introduced themselves as investigators.

3 Q. [15:32:01] Very well. So, now during your discussions with representatives of
4 the OTP, no matter what their role may have been, did they ask you for additional
5 information about your sources?

6 A. [15:32:20] I don't remember.

7 Q. [15:32:21] Very well. Did they ask you for additional information about the
8 way that information flowed or information had been sent to you at the time?

9 A. [15:32:37] What do you mean by the flow of information?

10 Q. [15:32:42] Let's take an example. Let us say documents, did they ask you
11 questions about the chain of custody?

12 MR DEMIRDJIAN: [15:32:53 Your Honours, this does not follow from my
13 re-examination at all, the question of documents and their chain of custody.

14 PRESIDING JUDGE TARFUSSER: [15:33:01] Please go ahead, but --

15 MR ALTIT: [15:33:03] (Interpretation) I merely read out what the witness said. But
16 I shall continue.

17 Q. Would you like to please answer the question?

18 A. [15:33:14] As best as I can recall, they didn't ask me any questions about that.

19 PRESIDING JUDGE TARFUSSER: [15:33:29] Otherwise the answers would be in the
20 statement, I suppose.

21 MR ALTIT: [15:33:46] (Interpretation)

22 Q. [15:33:49] Now, ma'am, the documents that we looked at and discussed with
23 you have all been redacted; isn't that the case? Well, not all, not entirely, but --

24 A. [15:34:07] Well most, most, yes. I believe one or two were not redacted. There
25 was no need to do so.

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1 Q. [15:34:17] So let us say most of the documents were redacted. Do you think
2 that it would be possible to conduct a proper investigation with these --

3 PRESIDING JUDGE TARFUSSER: [15:34:30] Do you think, it's an opinion. It's not
4 important what the witness thinks.

5 MR ALTIT: [15:34:44] (Interpretation) Your Honour, I'm attempting to
6 determine -- well, the witness is allowing us to determine to what standard we should
7 adhere when dealing with redacted information or the unredacted version of the
8 same information. I'm asking her to make an observation with a particular item of
9 information, is it possible to go beyond a certain stage?

10 MR DEMIRDJIAN: That would be argumentative.

11 PRESIDING JUDGE TARFUSSER: [15:35:21] Don't you think we know that?

12 MR DEMIRDJIAN: [15:35:27] Your Honours, on top of that, that would be
13 argumentative.

14 PRESIDING JUDGE TARFUSSER: [15:35:30] Absolutely.

15 MR ALTIT: [15:35:34] (Interpretation) The level of -- threshold of proof, rather, is
16 that is not really a matter of argument, but perhaps I should keep my comments for
17 later submissions.

18 PRESIDING JUDGE TARFUSSER: [15:35:54] Mr Knoops.

19 MR KNOOPS: [15:35:58] Mr President, Mr N'Dry has one additional question based
20 upon the examination of the prosecution.

21 PRESIDING JUDGE TARFUSSER: [15:36:09] Maître N'Dry.

22 MR N'DRY: [15:36:14] Thank you, your Honour. I will be quick about it.

23 QUESTIONED BY MR N'DRY: (Interpretation)

24 Q. [15:36:21] Good afternoon, Ms Fuchs. Is it Fuchs or Fuchs, am I
25 mispronouncing?

1 A. [15:36:28] Fuchs.

2 Q. [15:36:29] Thank you. I would like us to quickly return to one particular point,
3 the radio station, ONUCI FM, did it have a specific name, was it not called the radio
4 station of peace?

5 A. [15:36:42] Well, I think the name was ONUCI FM, and what you mention was
6 more the slogan or the motto of the radio station. I didn't work at the radio station.
7 So I believe that was the motto of the station.

8 Q. [15:37:11] Regarding your mission, to the best of your knowledge, did this radio
9 station have the ability to broadcast political statements?

10 A. [15:37:21] I won't venture an opinion, because I could only offer you my
11 personal opinion. I have no experience with the radio station or its mandate. So I
12 really don't know what the mandate of ONUCI FM was or what kind of content was
13 broadcast. I really have no mandate in that area.

14 Q. [15:37:44] When you were at the mission, did you hear this -- did you hear
15 anything about this radio station broadcasting a message from Mr Soro calling upon
16 the RHDP supporters to go and take part in a march?

17 A. [15:38:14] Now I see what event you are mentioning, but myself, I did not listen
18 to the station very much at all and I did not hear that message personally myself.

19 Q. [15:38:25] Just to conclude on one particular point. You mentioned a visitor,
20 someone, well, Mr Charles Blé Goudé actually whom you visited at the DST, was that
21 after?

22 A. [15:38:46] Yes, it was after.

23 Q. [15:38:48] Just so we don't --

24 MR DEMIRDJIAN: [15:38:51] I didn't ask any questions about this, your Honours.
25 This is not my questioning. This was Mr Gbougnon's questioning.

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1 PRESIDING JUDGE TARFUSSER: [15:38:55] Yes. Well, just go ahead and --

2 THE WITNESS: [15:39:00] (Interpretation) Yes, indeed, it was after the post-election
3 crisis. I think it was 2014 or 2015. I think that is when I met him.

4 MR N'DRY: [15:39:12] (Interpretation)

5 Q. [15:39:14] Mr Charles Blé Goudé was transferred to the court in March 2014.

6 A. [15:39:20] So it was just before he was transferred. I left in 2015, and now this
7 is 2016, so it was shortly before his transfer.

8 Q. [15:39:30] Very well. Just two questions. At that time did he tell you about
9 his conditions of detention?

10 A. [15:39:44] Yes, he did.

11 Q. [15:39:45] And what did he tell you?

12 MR DEMIRDJIAN: Your Honours, this should have been asked in
13 cross-examination. This is not the time to ask the question. I mean, we have done
14 re-examination. This is not the time.

15 PRESIDING JUDGE TARFUSSER: [15:39:56] Yes. The last question and
16 then -- come on. Go ahead. Go ahead.

17 MR N'DRY: [15:40:11] (Interpretation) Truly my last question.

18 Q. [15:40:15] And let us be very exhaustive because this is my last question. Tell
19 me about the conditions of detention as he had told you about. Now, this is my last
20 question. Tell us --

21 PRESIDING JUDGE TARFUSSER: [15:40:31] No, I don't -- I don't admit this
22 question. The condition of detention, we have also a film on this, so I don't think so
23 that the witness was not in the detention centre, so she is not able to know anything
24 about the conditions, please.

25 MR N'DRY: [15:40:52] (Interpretation) Perhaps there is a translation problem. I

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1 said "Did you meet Charles Blé Goudé at the DST?"

2 And she said "Yes."

3 "Did he tell you about his conditions of detention?"

4 And she said "Yes."

5 And then I went on to say "And what did he say?"

6 PRESIDING JUDGE TARFUSSER: [15:41:14] What did he say?

7 THE WITNESS: [15:41:20] (Interpretation) Indeed, he did tell us about his
8 conditions of detention, which were not at all respectful of human dignity, nor did
9 they respect international regulations. He was detained secretly without contact
10 with the outside world, with his family members. We were not familiar with the
11 actual place of detention. It was not a conventional place of detention. It was not
12 a conventional prison. He did not have access to the press. And I believe he also
13 told us that he had difficulty even gaining access to a Bible.

14 He also had problems with clothing, with food, problems with hygiene.

15 Several -- should I tell you more? Should I go into the details or is that enough?

16 MR N'DRY: (Interpretation)

17 Q. [15:42:30] I think that suffices. The Presiding Judge was already very generous
18 with me and I won't take it any further than that.

19 I thank you, Madam Witness.

20 PRESIDING JUDGE TARFUSSER: [15:42:42] So this concludes your testimony,
21 Madam Fuchs. I thank you on behalf of the Chamber, of the Court, of all people
22 who have questioned you for your patience. Three days here was for you
23 a challenging time. But I wish you wherever you go a safe trip home to you as well.
24 And I would ask now the court usher to bring Ms Fuchs out of the courtroom.

25 (The witness is excused)

1 PRESIDING JUDGE TARFUSSER: [15:43:33] So before adjourning I just want to say
2 two things, to announce two things and then discuss about the third. The
3 announcement is as follows, we will not have hearing on 19 October afternoon, just
4 the third session will drop, because there is something else going on in this courtroom.
5 So 19 October is a Wednesday.

6 And on the request of the Prosecution we will not have a hearing on
7 19 November -- 18 November, sorry. Friday, 18 November, because of duties the
8 OTP has internally.

9 So these are the two announcements.

10 The third thing I would like to discuss is the in-court protective measures for Witness
11 347 which were requested this morning by the witness himself through his counsel.

12 I have already received the statement by the Defence of Mr Gbagbo.

13 I think we have to listen also to what the witness himself says, because he is the
14 applicant. And therefore I would ask the witness to be brought into the courtroom.

15 And then we have, of course, to go into private session for this. But, first, I would
16 ask that the witness will -- to bring the witness into the courtroom.

17 MR DEMIRDJIAN: [15:45:32] Your Honours, I will ask to excuse myself. Mr Garcia
18 will be taking the next witness and I will leave the courtroom, with your leave.

19 PRESIDING JUDGE TARFUSSER: [15:45:48] Okay. Of course.

20 Now we go in private session for this discussion. I am sorry, but that's it.

21 (Private session at 3.46 p.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 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 (The hearing ends in private session at 3.47 p.m.)