

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Monday, 3 October 2016
10 (The hearing starts in open session at 9.45 a.m.)
11 THE COURT USHER: [9:45:46] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:46:02] Good morning, for this short week,
15 luckily.
16 Before starting with the witness, I just want to read the decision on protective
17 measures, which you know are not granted by what is -- by the fact that we are
18 starting late.
19 On 28 September 2016, the Prosecutor requested that in-court protective measures in
20 the form of use of pseudonym, voice and image distortion be granted for Witness 578
21 and that in-camera proceedings be adopted for identifying portions of his testimony
22 with a view to preventing his identity from being disclosed to the public. On the
23 same day, VWU informed the Chamber that the witness has expressed concern for his
24 family, for his and his family's safety, and requested that he be able to testify with
25 protective measures.

1 The VWU is of the view that the concerns expressed by the witness are valid and that
2 public identification of the witness would lead to an escalation in risk to both the
3 witness and his family.

4 On 30 September 2016, the Defence for Mr Blé Goudé and the Defence for Mr Gbagbo
5 responded, both objecting to the application on the ground that there is no objectively
6 identifiable risk to the witness.

7 The Chamber, having considered the information provided by the Prosecutor, the
8 objections submitted by both Defence teams and the VWU's assessment and
9 recommendation finds that the requested measures are not warranted. Neither the
10 Prosecutor in her application nor the VWU in their assessment go beyond rehearsing
11 generic risks and references to the feature of the social context in Ivory Coast with
12 references to its polarisation and the level of attention reserved to this trial by media,
13 social media and citizens.

14 As recently stated, twice stated by the Chamber in respect of other requests for
15 protective measures, such references are inadequate to substantiate a risk suitable to
16 trigger the application of Rule 87 of the Rules of Procedure and Evidence.

17 As regards the personal circumstances of the witness, the Chamber takes the view
18 that all of the elements referred to are of a speculative and hypothetical nature and as
19 such also unsuitable to warrant the application of Rule 87. No concrete objective
20 identifiable risk emerges from the VWU assessment, which hardly goes beyond
21 repeating the witness's concerns and generically state that the protective measures
22 would address them.

23 In light of the above, the Chamber rejects the Prosecutor's application. And this
24 concludes the oral ruling on this matter.

25 I would therefore ask now the court usher to introduce the witness, and we do go in

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1 private session at the beginning just to tell the witness the decision, to explain the
2 decision and then we start with the normal procedure.

3 Ms Massidda.

4 MS MASSIDDA: [9:50:59] If I may, your Honour. Good morning. I have sent an
5 email to the Chamber informing everybody that I would like to request leave to
6 question Witness P-578. If the President would like me to explain now or later, after
7 the witness has been explained the decision, as you prefer. Thank you.

8 PRESIDING JUDGE TARFUSSER: [9:51:20] Yes. Now the witness is already in.
9 So I would just go in private session for a few minutes.

10 (Private session at 9.51 a.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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- 16 (Redacted)
- 17 (Open session at 9.55 a.m.)
- 18 THE COURT OFFICER: [9:55:26] We're in open session, your Honour.
- 19 PRESIDING JUDGE TARFUSSER: [9:55:28] Thank you very much.
- 20 Now, I would ask you and I would like you to identify yourself with full name, date
- 21 and place of birth.
- 22 THE WITNESS: [9:55:39] (Interpretation) My name is Mr Sonogo Aboudramane.
- 23 I was born 12 April 1971 in Abidjan.
- 24 PRESIDING JUDGE TARFUSSER: [9:55:56] You're Ivorian citizen?
- 25 THE WITNESS: [9:55:58] (Interpretation) Yes, indeed.

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1 PRESIDING JUDGE TARFUSSER: [9:56:05] What is your ethnicity and your faith?

2 THE WITNESS: [9:56:11] (Interpretation) I am of Malinké ethnic origin and I am a
3 Muslim.

4 PRESIDING JUDGE TARFUSSER: [9:56:25] And your occupation today?

5 THE WITNESS: [9:56:30] (Interpretation) I am an executive assistant.

6 PRESIDING JUDGE TARFUSSER: [9:56:42] What is that?

7 THE WITNESS: [9:56:48] (Interpretation) I work directly with the chief of the
8 company in which I work. If you'd like more details --

9 PRESIDING JUDGE TARFUSSER: [9:57:03] No, no, no, no. You're employed in a
10 company, in a private company?

11 THE WITNESS: [9:57:09] (Interpretation) Yes, precisely.

12 PRESIDING JUDGE TARFUSSER: [9:57:14] Now, you will be testifying in French,
13 and as you can hear, I am speaking to you in English. That means that what I say
14 and what you say must be interpreted. Therefore, we have to speak slowly in order
15 to give time, the possibility to the interpreters and for the court reporters to translate
16 and transcribe correctly what we are saying. And this will become even more
17 necessary when I give the floor to the parties, which will put questions to you in
18 French and, therefore, it is easier, much more easy that you reply immediately and by
19 speaking fast. So please remember to speak slowly and to wait a little bit after the
20 questions, because people have to translate the questions and your answers. And
21 this recommendation goes obviously also to the parties.

22 THE WITNESS: [9:58:49] (Interpretation) Okay.

23 PRESIDING JUDGE TARFUSSER: [9:58:53] And I will sometimes give you a sign if
24 you forget and you speed up and I try to slow you down, okay?

25 Now we come to your testimony. This Chamber has been established to try the case

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1 of the Prosecutor against Mr Gbagbo and Mr Blé Goudé. I think you know, you're
2 certainly aware of this. And you are a witness who is called here to help us, to assist
3 us in finding the truth.

4 You will be asked questions by the parties, the Prosecutor, the LRV, so we have
5 decided and -- I have not given the floor to the parties, but I will -- and the two
6 Defence teams. And if you have, as I said before, if you have some concerns,
7 whatever, just address me with your concerns.

8 As a witness, you have to make a solemn undertaking to tell the truth. This is your
9 obligation and I ask you, therefore, to read the formula which you have in front of
10 you.

11 THE WITNESS: [10:00:44] (Interpretation) I solemnly undertake to speak the truth,
12 the whole truth and nothing but the truth.

13 PRESIDING JUDGE TARFUSSER: [10:00:53] Thank you very much. I have to
14 inform you also that giving false testimony is an offence against the Court and as such
15 punishable.

16 Now we come to your testimony. Because you are what we call a 68 Rule witness, a
17 Rule 68 witness, the Chamber has before it the written statement you gave to the
18 Office of the Prosecutor on 31 May and 7 June 2015. And for the record I'm referring
19 to the statement CIV-OTP-0084-0142 and to the annexes CIV-OTP-0084-0168, 0169,
20 0191 and 0192.

21 Mr Witness, these documents should be also before you. Can you confirm that this
22 is the statement you gave to the Office of the Prosecutor on 31 May and 7 June 2015?

23 THE WITNESS: [10:02:30] (Interpretation) Yes, I do have the document before me
24 and the documents are signed.

25 PRESIDING JUDGE TARFUSSER: [10:02:38] So is this the document you have given

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1 to the Office of the Prosecutor? Statement.

2 THE WITNESS: [10:02:42] (Interpretation) Yes. These are the documents.

3 PRESIDING JUDGE TARFUSSER: [10:02:49] And did you have the opportunity to
4 read these documents in the last few days?

5 THE WITNESS: [10:03:01] (Interpretation) Yes. When I arrived I did have time to
6 read the document.

7 PRESIDING JUDGE TARFUSSER: [10:03:06] Okay. In addition also part of these
8 annexes were the following videos: CIV-OTP-0084-175 -- 0175, sorry, 0177, 0179, 0181,
9 0184, 0185, 0186, 0187, 0188, 0190.

10 Have you also had the opportunity to look at these videos in the last days?

11 THE WITNESS: [10:03:57] (Interpretation) Yes, I did have an opportunity to view
12 those videos again.

13 PRESIDING JUDGE TARFUSSER: [10:04:08] Okay. The Chamber has decided on
14 28 September 2016 that your written statement is suitable for introduction in the trial
15 under Rule 68(3) of the Rules of Procedure and Evidence. This means that rather
16 than you having to give again the entirety of your evidence orally here, the Chamber
17 could use your written statement, could introduce the written statement directly into
18 the record.

19 You would still be asked supplementary questions by the Office of the Prosecutor and
20 you would still be examined by the Defence teams and in case the LRV.

21 Rule 68(3) states that the Chamber may allow the introduction of previous recorded
22 testimony if the witness does not object and if the Prosecutor, the Defence and the
23 Chamber have the opportunity to examine the witness. Therefore, what I ask you
24 now is do you agree with the introduction of the written statement, of your written
25 statement?

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1 THE WITNESS: [10:05:39] (Interpretation) Yes, I consent to that.

2 PRESIDING JUDGE TARFUSSER: [10:05:45] Thank you. In light of the fact that
3 you are also here present today and available for examination by the parties and the
4 Chamber, the Chamber notes that all the requirements under Rule 68(3) have been
5 met. The introduction of the written statement of the witness is allowed. And I'm
6 referring to the witness statement CIV-OTP-0084-0142 and the annexes and videos I
7 mentioned before.

8 These documents and items are all submitted.

9 I also want to note for the record the two related documents which are not, as such,
10 annexes to the statement, but which are also considered submitted, are
11 CIV-OTP-0084-0176 and 0183.

12 So now I think we can start with the questioning, and for the questioning I give the
13 floor, I give the floor to the Prosecutor, who has indicated in about one hour the
14 length of his supplementary examination. Immediately after I will give the floor to
15 the LRV to expose and then to the parties in order to decide on your application.

16 Mr Prosecutor.

17 MR GARCIA: [10:07:44] Good morning, Mr President, your Honours. Just in light
18 of the Chamber's decision, 68(3), the Prosecution is revising the time that it had set
19 out initially for the examination of this witness and will be well under one hour, so it
20 will be quite brief actually. And I might be soliciting that we do go into private
21 hearing for a couple of minutes to submit one matter regarding this witness's
22 deposition, and I leave it in the hands of the Court.

23 But I am ready to start at this point.

24 PRESIDING JUDGE TARFUSSER: [10:08:20] And I will ask you also to speak slowly,
25 because you started already with a pace not really compatible with the interpretation.

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1 So let's go into private session, please.

2 MR GARCIA: [10:08:34] I don't need to go -- I'll guard my enthusiasm, Mr President,
3 and I'll speak slower, obviously. We don't need necessarily to go into private session
4 at this specific instant.

5 (Private session at 10.08 a.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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1 (Redacted)

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4 (Open session at 10.10 a.m.)

5 THE COURT OFFICER: [10:10:38] We're in open session, your Honour.

6 PRESIDING JUDGE TARFUSSER: [10:10:40] Thank you.

7 Mr Prosecutor, and I recommend to you also to be slow, because the

8 recommendations you gave to the witness were you told him to speak slow, but you

9 spoke fast.

10 MR GARCIA: [10:10:56] I will follow those recommendations, your Honour, to the

11 T.

12 Q. [10:11:03] (Interpretation) Good morning, Witness. I'd like to ask you a

13 number of questions. I don't really have a lot of questions for you this morning.

14 Now, my first question is this, if I've understood correctly, on 16 December 2010 you

15 were in Williamsville; is that correct?

16 A. [10:11:29] Yes, that's correct.

17 Q. [10:11:34] If I've understood correctly, Williamsville is a neighbourhood in the

18 northern part of Abidjan; is that correct?

19 A. [10:11:44] Yes, that's correct.

20 Q. [10:11:48] Could you briefly tell us what ethnic groups live in that

21 neighbourhood?

22 A. [10:11:58] All the various ethnic groups, and there are even foreigners.

23 Everyone lives together.

24 Q. [10:12:07] Is there one group that forms the majority?

25 A. [10:12:16] I really couldn't tell you exactly, but there's a little bit of everything in

1 the neighbourhood.

2 Q. [10:12:23] Now, on 16 December 2010, did anything in particular happen on that
3 date?

4 A. [10:12:35] I believe 16 December was the day on which there was supposed to be
5 a march to swear in -- or, the new director of the RTI. And I think it was the prime
6 minister of the day who had ordered that. So a number of young people took to the
7 streets and then headed towards the television statement.

8 Q. [10:13:16] If I understand correctly, the RTI is in Cocody; is that correct?

9 A. [10:13:22] Yes, that's correct.

10 Q. [10:13:23] Now, Mr Witness, if you could tell us, please, given what you saw
11 that day, could you tell us how many people were heading towards the RTI,
12 approximate terms?

13 A. [10:13:42] I really couldn't tell you exactly how many people there were because
14 I did not take part in the march. (Redacted). There was shooting and I could
15 hear gunfire, the sound of automatic weapons. That's what drew my attention. But
16 I couldn't tell you exactly how many people there were that day.

17 Q. [10:14:12] Now, you just mentioned that it was the sound of gunfire that drew
18 your attention. Can you give us more details? What did you see?

19 A. [10:14:24] I said that what I saw was a number of young people from the
20 neighbourhood -- correction, (Redacted), and
21 they wanted to cross the bridge that separates the two neighbourhoods.

22 Q. [10:14:52] We have understood that there were young people present in your
23 neighbourhood. But what about the shooting, what did you see exactly? Could
24 you explain how things unfolded?

25 A. [10:15:06] I really couldn't tell you exactly how everything unfolded. But we

1 heard shots, we went out to see what was going on. That's all. Exactly how the
2 gunfire unfolded, so to speak, I really couldn't tell you.

3 Q. [10:15:26] Very well. Now, when you went out to see what was going on, what
4 did you see?

5 A. [10:15:30] I was on the balcony, and there were a number of us, and we saw the
6 young people converging upon, converging upon the bridge. And there is the
7 express lane that leads towards Cocody. And from the balcony, you see, we saw
8 these young people.

9 Q. [10:16:07] Very well. So you saw some young people heading towards a bridge.
10 This is the bridge that links Williamsville and another neighbourhood?

11 A. [10:16:23] Yes, that's right.

12 Q. [10:16:24] And what is the other neighbourhood?

13 A. [10:16:27] It's called Habitat Extension. So this is a passageway or a bridge that
14 links Habitat Extension and our neighbourhood, and that's where the young people
15 were.

16 Q. [10:16:48] Very well. So you saw some young people heading towards this
17 bridge. And then what did you see?

18 A. [10:17:02] I think they first tried to go down from the bridge and get onto the
19 express lane or the expressway that leads to Cocody on each side. So I think -- there
20 were some vehicles, some police vehicles that arrived that kept the young people
21 from going down onto the road. There was some shooting and, well, there you have
22 it.

23 Q. [10:17:33] If I've understood correctly, you're telling us you were able to see the
24 expressway, the express lane; is that right?

25 A. [10:17:56] That's right.

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1 Q. [10:18:00] This is an express lane that goes in what direction?

2 A. [10:18:05] It's an express lane that leads from the Plateau to Yopougon in both
3 directions, it goes both directions and there are some roads that branch out from the
4 main road towards Cocody.

5 Q. [10:18:23] Now, you've just told us that there are -- correction, there were police
6 vehicles that arrived. Could you describe these vehicles to us?

7 A. [10:18:45] Well, first of all, the vehicles I saw were pickup trucks, white in colour.
8 We saw the first one that arrived and people started to shoot.

9 PRESIDING JUDGE TARFUSSER: [10:19:11] Excuse me, people started to shoot
10 from the street or from the vehicle?

11 THE WITNESS: [10:19:25] (Interpretation) The shooting, the shots occurred
12 after -- you see, the young people went down from both sides of the bridge and
13 started to set up roadblocks with tyres. And then when the vehicles drew closer,
14 people started shooting.

15 PRESIDING JUDGE TARFUSSER: [10:19:54] But who started shooting? People
16 from the vehicles or from, from the ground, or both sides? I don't know.

17 THE WITNESS: [10:20:08] (Interpretation) The people in the street did not have
18 weapons. They weren't armed. I'm saying that officially, so to speak. That's what
19 I saw from where I was. The shots came from the vehicles.

20 PRESIDING JUDGE TARFUSSER: [10:20:25] Okay. Thank you.
21 Mr Prosecutor.

22 MR GARCIA: [10:20:28] (Interpretation)

23 Q. [10:20:31] Now, you say that the shots came from some vehicles. Had you seen
24 these vehicles in the past?

25 A. [10:20:43] These were vehicles that we customarily saw ever since the beginning

1 of the crisis. They were unmarked vehicles, white in colour, without any insignia or
2 signs of the police or the regular army. They were vehicles that we often would see
3 when we would go to work. We would see people in uniforms inside the vehicles,
4 and they had weapons. That is why -- that is all I can tell you.

5 Q. [10:21:18] Now, given what you saw that day and the shooting that, the shots
6 that came from those vehicles, who were they shooting at?

7 A. [10:21:41] They shot towards -- at the young people who had set up the
8 roadblocks. And some were on the bridge. And they shot at those people.

9 Q. [10:21:56] Do you remember them shooting in any other direction?

10 A. [10:22:08] What I remember is that day they were shooting at the bridge where
11 the young people were.

12 Q. [10:22:20] Now, going by what you saw, these young people on the bridge, did
13 they have weapons?

14 A. [10:22:27] I think I already said that those young people were not armed.

15 Q. [10:22:35] And what happened when these vehicles began firing upon these
16 people?

17 A. [10:22:45] They dispersed and they withdrew to the two neighbourhoods, one
18 on each side. So some towards the Latin quarter and others went back into
19 Williamsville.

20 Q. [10:23:09] Now, other than the shooting, the shots from the vehicles, was there
21 any -- were there any shots from another direction or another place?

22 A. [10:23:19] That day, from where I was, I could only hear shooting from the place
23 where I was. I don't know, I really can't confirm whether there was shooting from
24 other directions or in other places.

25 Q. [10:23:38] Now, these vehicles that you've been telling us about, can you

1 describe them in greater detail to us?

2 A. [10:23:47] As I said, the first vehicles we saw were white. They were pickups.
3 That's what we call them in our part of the world, white pickups that were going by
4 with some uniformed soldiers inside, or uniformed people inside, both in the cabin
5 and in the back.

6 Q. [10:24:20] Now, you say that there were uniformed people in the vehicles.
7 Could you explain what you mean exactly, people in uniforms?

8 A. [10:24:29] People wearing uniforms, as you can imagine, dark green fatigues.
9 Some people were wearing T-shirts the same colour as the fatigues.

10 Q. [10:24:48] And you said that they were pickups. Was there something in the
11 back of the pickups?

12 A. [10:25:01] Well, the first one that we saw only had people at the back with
13 weapons. So I can confirm that to you.

14 Q. [10:25:18] And did you see any other pickups that day?

15 A. [10:25:22] Of course. After other pickups came, various colours, and I can
16 confirm that as well, those pickups were not white. They were the ones used by a
17 unit, a law enforcement unit called the CECOS. And those pickups were marked.
18 It was quite clear. You could read "CECOS" on those vehicles, they were marked.

19 Q. [10:26:07] Just so that we can understand the situation, were there other vehicles
20 on the roadway that day other than these pickups?

21 A. [10:26:24] Yes, there were other vehicles, because it was a workday, and some
22 people were already on their way to work. And because of the events that were
23 underway, some people were going back home. So the roadblocks had kept some
24 people from passing through.

25 Q. [10:26:49] And were you able to see where these pickups had come from,

1 specifically?

2 A. [10:26:58] Exactly, to say exactly where they came from? I couldn't tell you.

3 But they were on the expressway. Some had come from Cocody Yopougon, and
4 afterwards some others were coming from Yopougon Plateau.

5 Q. [10:27:32] You mentioned other pickups, CECOS pickups. When did these
6 other pickups arrive?

7 A. [10:28:00] Well, let's say those pickups arrived maybe some time afterwards, but
8 I couldn't tell you exactly how much later it was. But they came later.

9 Q. [10:28:17] And what happened when the pickups, the CECOS pickups arrived?

10 A. [10:28:28] When those pickups arrived, there was some shooting at first to
11 disperse the young people who were there. And some people got out to clear the
12 road way so that the vehicles could go about their business, could circulate.

13 Q. [10:28:58] Now, you say that first there was some shooting to disperse the
14 young people. Am I to understand from your testimony that the shots were fired
15 from the CECOS pickups?

16 A. [10:29:11] That is correct. The shots came from the CECOS vehicles.

17 Q. [10:29:19] Now, judging by what you saw that day, did the CECOS vehicles,
18 these pickups have weapons?

19 A. [10:29:28] Yes. Unlike the other pickups, the CECOS pickups had machine
20 guns that were mounted at the back of the vehicle, various -- correction, unlike the
21 other pickups I mentioned to you earlier, unlike the white pickups I mentioned
22 earlier.

23 Q. [10:29:55] So the gunfire that they used to disperse the young people, do you
24 know exactly where they did that, at what location?

25 A. [10:30:08] I could say that when they arrived they opened fire, first of all, into

1 the air, in the direction of the bridge. They shot in the direction of the bridge
2 because the young people had already fled from the bridge and they had arrived
3 at -- they arrived at the roadblocks that they moved to one side.

4 Q. [10:30:37] Did they open fire elsewhere apart, from on the young people who
5 were to be found on the bridge on that day?

6 MR ALTIT: [10:30:44] (Interpretation) Mr President.

7 PRESIDING JUDGE TARFUSSER: [10:30:46] Maître Altit.

8 MR ALTIT: [10:30:47] (Interpretation) Thank you, Mr President. The witness did
9 not say, and I shall repeat it with your leave, the question from my learned colleague:
10 "Did they open fire anywhere else, apart from on the young people?" End of quote.
11 So he's saying that the CECOS opened fire on the young people and the witness is
12 saying precisely the opposite, that they fired into the air.

13 MR GARCIA: [10:31:18] (Interpretation) I do apologise.

14 That they said they fired in the direction of the bridge where the young people were
15 to be found and the demonstrators.

16 PRESIDING JUDGE TARFUSSER: [10:31:29] Yes, but he said also that they are firing
17 in the air.

18 MR GARCIA: [10:31:34] Both, your Honour, is my understanding.

19 PRESIDING JUDGE TARFUSSER: [10:31:39] Yes.

20 MR GARCIA: [10:31:40] But I can ask the question. I can ask the witness to clarify.

21 PRESIDING JUDGE TARFUSSER: [10:31:43] Yes, please.

22 MR GARCIA: [10:31:45] (Interpretation)

23 Q. [10:31:46] For us to understand matters clearly, Mr Witness, when you say that
24 they opened fire in order to disperse the young people, are you able to tell us
25 precisely where they fired?

1 A. [10:32:00] As I said, when the vehicles arrived, they opened fire in direction of
2 the bridge, and it was at that bridge that the young people were to be found. And I
3 would go on to say that when they arrived at the bridge and that they moved the
4 roadblocks to one side, by virtue of the fact that the young people were still at the
5 entrance to the neighbourhood, there was gunfire in the direction of the young people
6 in that neighbourhood. And some of them even got out of the vehicles and went in
7 the direction of the neighbourhood opening fire.

8 Q. [10:32:38] Now, Mr Witness, according to what we understand from your
9 testimony, they opened fire on the young people who dispersed. You made mention
10 of white pickups. And now you're mentioning CECOS pickups.
11 Are you able to tell us how many pickups arrived on that day that you saw?

12 A. [10:33:07] I no longer recall precisely the number of pickups that arrived on that
13 day, but I believe that by looking at the video you will be in a position to ascertain the
14 difference, and you will see precisely that a certain moment in time all the white
15 pickups and CECOS pickups found themselves there.

16 Q. [10:33:37] I'm just requesting clarification with regard to the CECOS pickups
17 and an incident associated with them. Did you note at that moment, when they
18 were firing or before they opened fire on the young people on the bridge, did you
19 notice any of the young people in that context, whether they were armed or not?

20 A. [10:34:02] I say, and I formally confirmed, that the young people were not
21 armed, and the young people did not open fire on the CECOS vehicles.

22 Q. [10:34:13] Did anybody whomsoever open fire on the white pickups or the
23 CECOS vehicles before they, in turn, opened fire on the bridge and the young people?

24 A. [10:34:28] No, nobody opened fire on those vehicles.

25 Q. [10:34:36] And this scene that you observed, approximately how long did it last,

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1 namely, the young people going across the bridge and the pickups arriving and
2 opening firing upon them?

3 A. [10:34:50] I would not be in a position to say how long it lasted. Possibly 30
4 minutes, 30 to 35 minutes.

5 Q. [10:35:05] Are you able to tell us when all this is started, approximately?

6 A. [10:35:14] Well, it was a long time ago. I'm not able to recall exactly. It was in
7 the morning, at approximately 9.30, 10, until maybe 10.30, 11 in the morning.

8 THE INTERPRETER: [10:35:31] Correction from the booth: The witness said
9 between 30 and 45 minutes was the length of the occurrence.

10 MR GARCIA: [10:35:38] (Interpretation) If possible, Mr President, I would like to
11 move into private session for a few moments.

12 PRESIDING JUDGE TARFUSSER: [10:35:45] Let's please go into private session.

13 (Private session at 10.35 a.m.)

14 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

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18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 10.48 a.m.)

22 THE COURT OFFICER: [10:48:46] We're in open session, your Honour.

23 PRESIDING JUDGE TARFUSSER: [10:48:51] Mr Witness, hello. We have discussed

24 an issue and now I put you a question. We want -- the Prosecutor wants now to

25 show a video, one, only one. Is it a concern to you to have this shown publicly?

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1 And I recall that you have posted it on, that it -- well, is it a concern to you?

2 THE WITNESS: [10:49:36] (Interpretation) Well, I think that we can broadcast it for
3 the case. It doesn't -- it's not a problem for me.

4 PRESIDING JUDGE TARFUSSER: [10:49:52] Okay. So let's continue, please, in
5 open session. But if you, at any time you have concern, just tell me, okay? Just for
6 you to know.

7 MR GARCIA: [10:50:08]

8 Q. [10:50:16] So, Mr Witness, I'm just going to be putting questions to you with
9 regard to one of the videos that you filmed on that day, all right?

10 So, for the record, it is ERN, 0084-0188. Now, to start off, Mr Witness, can you see
11 the screen in front of you?

12 A. [10:51:09] Yes.

13 Q. [10:51:10] So I would just like to play 15 seconds approximately, just to start off
14 with.

15 (Viewing of the video excerpt)

16 MR GARCIA: [10:51:34] (Interpretation)

17 Q. [10:51:35] Now, for the record, we stopped at 15.22. That is the timestamp on
18 the video.

19 Mr Witness, can you confirm to us that this is indeed one of the videos that you
20 filmed on that date, 16 December 2010?

21 A. [10:51:51] Yes, I do confirm.

22 Q. [10:51:54] If I understand you correctly or if I understand correctly, we can see
23 here the pedestrian overpass. Is that the one you mentioned during your testimony?

24 A. [10:52:04] Precisely.

25 Q. [10:52:07] And if we go from, let's say, the right to the left hand of the screen,

1 what direction is that? Where does that take you to?

2 A. [10:52:20] Well, from the right to the left goes from Yopougon to the Plateau or
3 to Cocody.

4 Q. [10:52:35] So was there a military camp at that location close by?

5 A. [10:52:45] The military camp was the gendarmerie camp of Agban, which was to
6 be found to the left-hand side a little bit further up the expressway.

7 Q. [10:52:59] So, on your screen, if we go towards the left, it's the Agban camp; is
8 that correct?

9 A. [10:53:07] Yes, that is correct. But it's at approximately 500 to 700 metres
10 approximately.

11 Q. [10:53:13] Now, simply for us to be able to understand, were you able to see the
12 main entrance to that Agban camp from the location where you were filming?

13 A. [10:53:25] Yes. From the location where I was filming, you can see the main
14 entrance to the camp.

15 Q. [10:53:37] So we can see on the video that there are people crossing the bridge
16 and we can see that they are going in both directions. Can you tell us, according to
17 your knowledge, where they were going on that day?

18 A. [10:54:04] As I said at an earlier stage, on this video, the people on the bridge are
19 young people, young demonstrators who were chanting what you just heard. They
20 were on either side of the bridge, and indeed, there were people who were going by
21 on their way to the market, because the market is to be found on the other side of the
22 bridge in Yopougon.

23 Q. [10:54:41] And to be clear, those young people that you saw on that day, they
24 were chanting what? What did you hear?

25 A. [10:54:48] Well, if you listened to the video closely, they were chanting, "We do

1 not want Gbagbo." That's all.

2 Q. [10:54:59] Are we able to -- according to your knowledge, is one able to go to
3 Cocody on either side of the bridge or is it just a one-way?

4 A. [10:55:14] On either side of the bridge, when coming down onto the expressway
5 from the right to the left, you can go in the direction of Cocody.

6 Q. [10:55:29] And if we see on this screen capture here, there is a little road or
7 pathway going to the pedestrian. Did you see any young people on there?

8 A. [10:55:44] Yes. That is the way that some of the young people took to go to the
9 bridge.

10 Q. [10:55:52] Very well. So I would like us to play the video on from 15.22
11 onwards, please.

12 (Viewing of the video excerpt)

13 MR GARCIA: [10:56:36] (Interpretation)

14 Q. [10:56:36] So we are at timestamp 49.07. We heard what we thought would be
15 gunfire. Are you in -- are you in a position to say what was heard on that video at
16 that moment in time?

17 PRESIDING JUDGE TARFUSSER: [10:56:51] The question would have been "What
18 did we hear?"

19 MR GARCIA: [10:56:56] (Interpretation)

20 Q. [10:56:57] What did you hear, Mr Witness?

21 A. [10:57:00] What we heard earlier is the sound of gunfire.

22 Q. [10:57:11] Are you able or were you able to know where that gunfire came from
23 that we heard?

24 A. [10:57:18] From where I am standing, I can say that from the position where I
25 was we could see vehicles coming, vehicles that do not appear on the screen, but that

1 is where the sound of gunfire came from.

2 Q. [10:57:41] And was that -- well, from what direction was that? Was that from
3 the direction -- you said that the expressway went in two directions. Which
4 direction did that gunfire come from?

5 A. [10:57:55] To be more specific, the gunfire came from the direction of the left
6 hand, my left-hand side, towards the right.

7 Q. [10:58:06] What was to be found to the left-hand side?

8 A. [10:58:09] If I -- if my memory serves me correctly, the white vehicle that I
9 mentioned, I believe, was arriving at that moment.

10 Q. [10:58:22] So let's carry on playing the video from 49.07 onwards.

11 (Viewing of the video excerpt)

12 MR GARCIA: [10:59:11] (Interpretation) So we're going to be stopping the video at
13 1.34.10.

14 Q. Now, Mr Witness, can you explain to us what we saw on that video?

15 A. [10:59:24] Yes. At an earlier stage I said that this was a white vehicle, because
16 there were a number of videos and the images are virtually the same. These are
17 CECOS vehicles that were arriving, and they are dark vehicles, and they're the ones
18 who opened fire. The gunfire came from those videos. So with regard to this
19 videos, I can say specifically that it was the CECOS vehicles.

20 Q. [10:59:59] We see that at a given moment in time the video is hid by -- behind a
21 wall. What happened at that moment?

22 A. [11:00:12] As I said at an earlier moment, when the gunfire was fired to disperse
23 the demonstrators, then there was gunfire directed at those who had fled and who
24 were retreating into the neighbourhood. And at that moment in time we took cover
25 in order to avoid any stray bullets, and that is why that wall appeared.

1 Q. [11:00:40] On the video, I think we can see two vehicles. Are these the pickups
2 that you mentioned previously?

3 A. [11:00:49] On the video, these are the CECOS pickup vehicles, yes, I can confirm
4 that.

5 Q. [11:01:01] So this type of vehicle, this CECOS vehicle, had you already seen any
6 such vehicles before that day?

7 A. [11:01:09] Yes, of course, we saw a few of them.

8 Q. [11:01:15] Can you tell us where these pickups, these CECOS vehicles, came
9 from?

10 A. [11:01:24] I can't say exactly where they came from, but it was from Cocody,
11 Yopougon, if I could put it that way.

12 Q. [11:01:36] So that's the same direction as the Agban camp?

13 A. [11:01:43] Camp Agban is on the left when we look at this footage. But the
14 vehicle didn't come from there.

15 Q. [11:01:53] You can't tell us where it came from?

16 A. [11:01:55] No.

17 Q. [11:01:58] Now, the expressway has two lanes, one in one direction and the
18 other in the other?

19 A. [11:02:06] Yes.

20 Q. [11:02:06] Was there a roadblock on the expressway or a barricade of some kind?

21 A. [11:02:15] As I mentioned at the beginning, the young people had built some
22 roadblocks with tyres and some tables.

23 Q. [11:02:41] Just so that the case record is clear, when you say that the vehicles
24 came from the left and went towards the right, just so it's clear, on the left, that's
25 where Camp Agban was; is that correct?

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1 A. [11:02:56] Yes. Camp Agban is at the left.

2 Q. [11:03:01] And at that time when you saw those two vehicles appear, you were
3 not able to tell us exactly where they came from; is that what you are saying?

4 A. [11:03:12] Yes, I can confirm that I can't say exactly where they came from. But
5 what I'm sure of is that they did not come from Camp Agban.

6 Q. [11:03:27] And these two vehicles we see on the video, did they have weapons
7 mounted on them, judging by what you saw that day?

8 A. [11:03:43] Yes. The CECOS vehicles that we were used to had weapons on
9 them.

10 Q. [11:03:51] I believe you mentioned a machine gun in previous --

11 A. [11:03:58] Yes, that's correct.

12 Q. [11:04:00] Now, the two vehicles we just saw on the video, did they have
13 machine guns mounted at the back?

14 A. [11:04:08] Yes. On the vehicle there were machine guns.

15 Q. [11:04:24] Could you tell us who was inside your view?

16 PRESIDING JUDGE TARFUSSER: [11:04:35] Inside the car, how can he?

17 MR GARCIA: [11:04:39] (Interpretation)

18 Q. [11:04:40] Can you tell us who was in the vehicles?

19 A. [11:04:48] We couldn't say exactly who was in the vehicles, but there were
20 people who had weapons. They had weapons, and they were at the back of the
21 vehicle.

22 MR GARCIA: [11:05:04] (Interpretation) If we could continue playing the video.
23 (Viewing of the video excerpt)

24 MR GARCIA: [11:06:29] (Interpretation)

25 Q. [11:06:33] We're at timestamp 2.47.06. Now, Witness, we briefly saw some

1 people on the other side. What were those people doing?

2 A. [11:06:47] As I said earlier, there some roadblocks had been set up right by the
3 overpass, and the person you saw was setting up other roadblocks there.

4 Q. Now, I think you've seen nearly the entire video. Can you confirm to us that
5 this is the first video that you filmed on 16 December 2010? Can you confirm that?

6 A. [11:07:31] I know that I did shoot several events on that day, and as I said when
7 I gave my testimony, I was not able to categorise the videos exactly as part of a
8 timeline, but this is one of the first videos that I shot.

9 Q. [11:07:56] Thank you very much, Mr Witness. I have no further questions for
10 you regarding this particular video.

11 But just before we end, now, the Chamber asked you some questions about the
12 statement you gave to the Prosecution. Can you tell us that everything that was
13 written down in the statement is the truth to the best of your knowledge at the time
14 that you signed it; is that a correct statement?

15 A. [11:08:31] When I signed I was well aware of what I was saying, what I had said,
16 rather, and everything that I said was the truth.

17 Q. [11:08:42] Very well. Thank you.

18 Thank you very much, your Honours. I have no further questions for this witness.

19 PRESIDING JUDGE TARFUSSER: [11:08:51] Thank you very much.

20 Now I would like just to give the floor to the legal representative and then break. So
21 when we come back we'll hear the other parties on this and then we decide on the
22 questioning by the legal representative.

23 MS MASSIDDA: [11:09:13] Thank you, your Honour. Having heard the
24 questioning by the Prosecution, we do not have any question for the witness. Thank
25 you.

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1 PRESIDING JUDGE TARFUSSER: [11:09:20] Well, so even better.

2 So we break now and we come back at quarter to 1, at quarter to 1 -- no, no, no -- at
3 quarter to 12, quarter to 12 for the second session with the floor to the Defence. So
4 we have now a break. And when we come back in half an hour, the questioning
5 starts by the Defence for Mr Gbagbo, okay?

6 THE WITNESS: [11:09:57] Okay.

7 PRESIDING JUDGE TARFUSSER: [11:09:58] Thank you very much. The hearing is
8 adjourned.

9 THE COURT USHER: [11:10:00] All rise.

10 (Recess taken at 11.10 a.m.)

11 (Upon resuming in open session at 11.48 a.m.)

12 THE COURT USHER: [11:48:48] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [11:49:09] Good morning once again.

15 Good morning, Mr Witness.

16 We start now with the examination by the Defence teams and, therefore, I give the
17 floor to Maître Altit, the Defence for, Defence counsel for Mr Gbagbo.

18 MR ALTIT: [11:49:32] (Interpretation) Thank you, your Honour. Your Honours,
19 ladies and gentlemen, Ms Naouri will be conducting the examination of this witness
20 on behalf of the Gbagbo Defence team.

21 MS NAOURI: [11:49:56] (Interpretation) Thank you, your Honour.

22 QUESTIONED BY MS NAOURI: (Interpretation)

23 Q. [11:50:08] Good morning.

24 A. [11:50:14] Good morning.

25 Q. [11:50:15] My name is Jennifer Naouri, and I'm a member of Laurent Gbagbo's

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1 Defence team, and I will be asking you some questions today.

2 A. [11:50:24] Okay.

3 Q. [11:50:25] I'll try not to speak too quickly.

4 Now, you were questioned by the OTP, and we'll do the same thing, just as we did
5 with them, we'll try to speak quickly, I will try to pause from time to time and if you
6 could also pause from time to time, all right?

7 Now, first of all, Mr Witness, could you explain to us your career and personal path?
8 Where did you go to school?

9 A. [11:51:19] Is it important to answer that question?

10 Q. [11:51:22] Yes, it is. It is important for us, because we need to understand here
11 what path people have taken through life. And we also have legal obligations, we
12 need to place items on the case record, for example, and we require various items of
13 information, and it is important for us to talk about you and what you have done,
14 particularly here.

15 Your statement has been admitted in its entirety, and our job as the Defence is to
16 review everything that has been placed on the case record, all right?

17 A. [11:52:04] All right.

18 Q. [11:52:09] So could you tell us where you went to school? That is my first
19 question for you.

20 A. [11:52:15] I went to primary school in Abidjan.

21 MR GARCIA: [11:52:20] (Interpretation) I object, I object.

22 PRESIDING JUDGE TARFUSSER: [11:52:28] You stand up --

23 MR GARCIA: [11:52:29] Yes.

24 PRESIDING JUDGE TARFUSSER: [11:52:30] -- then I give you the floor, then you
25 object. Otherwise we make confusion in the record. Please.

1 MR GARCIA: [11:52:35] Your Honour, my objection is very basic, is the relevance of
2 this subject matter for the witness. Let's not forget what the witness is here to testify
3 about, it's the events essentially that happened during the post-election crisis in Côte
4 d'Ivoire. And he's specifically here for the events happening 16 December 2010.
5 That's the main crux and the main thrust of my questioning towards this witness and
6 what happened afterwards.

7 Now, I don't see actually, your Honour, the relevance at this point in time of the
8 witness's schooling, where he went to school, what he did during that point, I don't
9 see that relevance at all. That's probably what spurred the witness himself to ask the
10 question to Defence counsel. I think we should get to the points that are at cause
11 and at matter right now.

12 MS NAOURI: [11:53:21] (Interpretation) Your Honour, it is important to
13 understand who the witness is, a witness providing information and evidence to us.
14 My questions will not be very long, but it's certainly not up to the OTP to decide what
15 is relevant to our approach or not. We are planning to ask a few general questions
16 and then we will be building our position on that. It is important to understand who
17 the person is who has come to give witness. And the next time I will ask the witness
18 to be taken out of the courtroom when such an objection is made. Thank you.

19 PRESIDING JUDGE TARFUSSER: [11:54:04] Maître N'Dry.

20 MR N'DRY: [11:54:06] (Interpretation) I'm somewhat surprised by this objection
21 from the OTP, actually very surprised insofar as this particular point is part of the
22 classical tactics used by the OTP, each time we have a witness here, the Prosecution
23 reviews the person's schooling, training, political background. So we're quite
24 surprised that the Prosecution seems to find that this approach is not relevant. We
25 call upon the Bench to dismiss this objection.

1 PRESIDING JUDGE TARFUSSER: [11:54:58] Let me say that I'm surprised and not
2 the first time surprised on many questions which are posed which don't go very
3 specifically to the point sometimes, but I refrain from saying anything because I think
4 it's up to the parties to address the questions they think are relevant. And also I
5 think the OTP has done very often, as said, gone back to the education of witnesses.
6 So I think go ahead, but if you can be concise, I'm very happy. Thank you very
7 much. So please go ahead.

8 MS NAOURI: [11:55:46] (Interpretation) Thank you, your Honour.

9 Q. [11:55:49] If we could return to my question. Could you tell us a little bit about
10 your schooling and so on and so forth, the path you have taken through life?

11 A. [11:56:04] Well, I can't be very specific about the dates, but I went to primary
12 school in Abidjan at a Catholic school. And then I went to college. After my father
13 passed away, I continued at the lycée, lycée Odienné, and then I went back to Abidjan
14 and I did training to become an accountant. That was in Abidjan. That's to give
15 you a brief account of my schooling.

16 Q. [11:56:41] So you earned a diploma in accounting?

17 A. [11:57:05] Yes.

18 Q. [11:57:05] What did you do after earning that diploma in accounting?

19 A. [11:57:09] I started to work at the place where I now work, the company that
20 employs me.

21 Q. [11:57:14] You didn't travel abroad?

22 A. [11:57:17] That was well before my training.

23 Q. [11:57:26] And where did you go?

24 A. [11:57:28] I went to (Redacted), where I spent three years.

25 Q. [11:57:32] Could you tell us what you were doing there in (Redacted)?

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1 A. [11:57:38] That was after I earned my baccalaureate. I wanted to go to an
2 Islamic university and get Islamic training, so I made an application that was, well, it
3 took quite a while to get an approval of the application, so I spent some time there.

4 Q. [11:58:04] Now, where -- you mentioned earning your baccalaureate. Where
5 did you earn your baccalaureate? Now, you said that this was after you earned your
6 baccalaureate, you left after. What year did you earn your baccalaureate?

7 A. [11:58:21] Well, I spent one year in (Redacted) and I failed the baccalaureate
8 exam at that time.

9 Q. [11:58:32] Very well. And when you came back to Abidjan, where did you go?
10 Where did you go back?

11 A. [11:58:50] Back to the family home.

12 Q. [11:58:51] And where is the family home?

13 A. [11:58:56] In Abidjan.

14 Q. [11:58:56] Abidjan is a big place. Where? Could you tell us which
15 sub-neighbourhood of Abidjan?

16 A. [11:59:02] For security reasons I'm not saying exactly where I lived.

17 MR GARCIA: [11:59:10] (Interpretation) Your Honour.

18 PRESIDING JUDGE TARFUSSER: [11:59:12] He should not have the address, I think
19 he's right, okay.

20 MS NAOURI: [11:59:16] (Interpretation) I was trying to elicit an answer about a
21 sub-neighbourhood. But we can go into private session to determine that. So we
22 will now ask the Presiding Judge. Your Honour, would it be possible to go into
23 private session?

24 PRESIDING JUDGE TARFUSSER: [11:59:34] Yes, please. Can we go into private
25 session.

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- 1 (Private session at 11.59 a.m.)
- 2 (Redacted)
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(Private Session)

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13 (Open session at 12.07 p.m.)

14 THE COURT OFFICER: [12:07:42] We're in open session.

15 PRESIDING JUDGE TARFUSSER: [12:07:47] Can we also have the number, that
16 registration of this document so it is on the record?

17 THE COURT OFFICER: [12:07:54] The document annotated by the witness will bear
18 the number CIV-REG-0001-0016.

19 PRESIDING JUDGE TARFUSSER: [12:08:11] Thank you.

20 Ms Naouri.

21 MS NAOURI: [12:08:14] (Interpretation) Thank you, Mr President.

22 Q. [12:08:17] Mr Witness, I would like us to come back to the day of 16 December
23 and even slightly before that. In your written statement under, it's paragraph 22 for
24 the parties, and I quote you: "Following the announcement of the march, the young
25 people of the neighbourhood decided to go out and go to the RTI."

1 Which announcement was that?

2 A. [12:08:56] I believe I've already answered that question.

3 Q. [12:08:58] Mr Witness, the questions that you answered to orally are the ones

4 put to you by the Prosecutor. It is up to the Defence now to put questions to you.

5 We are trying to understand things. And it is your responsibility, please, to answer

6 the questions. And if they are redundant, I think the Presiding Judge will tell us that.

7 Are we okay?

8 A. [12:09:30] Yes. Kindly ask your question.

9 Q. [12:09:35] Which announcement was it? Because you have said "Following the

10 announcement of the march, the young people of the neighbourhood had decided to

11 go out and go to the RTI."

12 A. [12:09:49] Yes. As I said a short while ago, it had been announced that a new

13 director of the RTI would be installed on that day. So Prime Minister Soro

14 Guillaume had asked the members of the population to go and support the

15 government during the occasion of that installation of the new director. So the

16 young people had decided to go out on that day. That is what I said.

17 Q. [12:10:23] Very well. Mr Witness, I'm going to show you some video footage,

18 and it is CIV-OTP-0064-0101. And the time code is 30.55 to 31.48. It is a public

19 document, and it is number 53 on our list of documents. And the transcription of

20 this video is CIV-D15-0004-1199, page 1199, lines 22 to 34.

21 (Viewing of the video excerpt)

22 MS NAOURI: [12:12:36] (Interpretation)

23 Q. [12:12:37] Mr Witness, did you see that footage?

24 A. [12:12:40] Yes.

25 Q. [12:12:42] Is it the announcement that you just referred to?

1 A. [12:12:46] Yes.

2 Q. [12:12:47] And in what capacity was Guillaume Soro making that
3 announcement?

4 A. [12:12:58] In his capacity as prime minister.

5 Q. [12:13:03] Had he been prime minister before that announcement?

6 A. [12:13:15] Whether he was prime minister before that announcement, yes, of
7 course.

8 Q. [12:13:19] In what context?

9 A. [12:13:24] He was the prime minister of the government of Mr Laurent Gbagbo.

10 Q. [12:13:33] For how long?

11 A. [12:13:41] I'm not in the position to tell you precisely.

12 Q. [12:13:47] Very well. Now, do you remember when that announcement was
13 made, that is the one we have just seen?

14 A. [12:13:55] I believe the announcement was made during the week before the
15 march to the RTI.

16 Q. [12:14:14] Very well. And what were the instructions of the prime minister?

17 A. [12:14:21] It was for people to go out for the installation of the new director of
18 the RTI and then there would be a council of government minister at the palace.

19 Q. [12:14:48] What do you mean by "installing"?

20 A. [12:14:54] To go and for the person to take up service.

21 Q. [12:15:05] How?

22 A. [12:15:07] I don't know whether there is another method of installing someone,
23 that is, except to put him at the place where he is supposed to work.

24 Q. [12:15:18] Practically, concretely, what was that person supposed to do? What
25 was the event that was supposed to take place, the procedures?

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1 A. [12:15:29] I do not know.

2 PRESIDING JUDGE TARFUSSER: [12:15:34] How could he know? It's not his job.

3 MS NAOURI: [12:15:39] (Interpretation) My next question would probably clarify
4 this.

5 Q. [12:15:44] So the march was not a means to instal the new president of the RTI?

6 MR GARCIA: [12:15:57] (Interpretation) Objection. (Speaks English) To know the
7 knowledge of the witness or what he understood at the time, I'm not sure what we're
8 asking here. It seems like we're asking him to speculate as to what were the methods
9 that would be needed to undertake this putting in of a person at the RTI.

10 The question should be much more precise than if -- the question as it's posed right
11 now, I submit the witness cannot answer that. He cannot put himself in the position
12 of other people and know what was the strategy and what steps they undertook.
13 You should ask him does he know, if this is within his knowledge. I suggest that
14 that's not the case.

15 MS NAOURI: [12:16:33] (Interpretation) Mr President, we are not at all asking the
16 witness to speculate, and we are not also asking the Prosecutor to speculate either.
17 We are simply asking him whether he understood the substance of that
18 announcement and what would be the follow-up. I would rephrase my question
19 because it was addressed to the witness.

20 Q. [12:17:04] Mr Witness, you heard an announcement to go to the RTI for the
21 installation of the new director of the RTI. Now, when you saw young people
22 coming out, according to you, were they going there to instal the new director of the
23 RTI?

24 A. [12:17:27] Madam, I do not believe that you are familiar with the reality of our
25 country. Let me give you some clarification. Even during the reign of Mr

1 Laurent Gbagbo, when he was president, whenever there was this type of event, the
2 young people would usually go out to support the government, so it was in this same
3 vein that this would happen.

4 The march was simply to go and support the authorities during the installation of the
5 new director and nothing else.

6 Q. [12:18:09] Did the RTI represent a place of power?

7 A. [12:18:21] I believe that for all the successive governments the RTI has always
8 been a focus of power, so to speak.

9 PRESIDING JUDGE TARFUSSER: [12:18:34] (Microphone not activated)

10 MS NAOURI: [12:18:39] (Interpretation) Thank you, Mr President.

11 Q. [12:18:45] We heard Guillaume Soro say the entire government will hold a
12 ministerial meeting in the premises of the prime minister's government.

13 CIV-D15-0004-1199, page 1199, lines 22 to 34.

14 So that we should understand, in Abidjan, where is the prime minister's office
15 located?

16 A. [12:19:29] I believe the prime minister's residence was at the Plateau.

17 Q. [12:19:44] And who was at the prime minister's office at that time?

18 A. [12:19:47] I do not know.

19 Q. [12:19:48] Where was Alassane Ouattara's government?

20 A. [12:19:57] Alassane Ouattara's government was at the Golf Hotel.

21 Q. [12:20:03] And what about President Gbagbo's government?

22 A. [12:20:08] I do not know.

23 Q. [12:20:09] So if I understand correctly, Guillaume Soro was saying that after the
24 march he would go to the prime minister's office?

25 A. [12:20:25] I cannot interpret his statement.

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1 Q. [12:20:29] But you heard it?

2 MR GARCIA: [12:20:31] Now, at this point this is becoming argumentative, and I
3 must say that I don't -- I don't understand the thrust of the questions of Defence
4 counsel. This is a video of someone else speaking. From what I understand and all
5 the questions, the line of questioning is what do you think the person meant or we're
6 putting to him something that he could have meant. We're asking the witness to
7 speculate.

8 We all have the video. We can all draw our own conclusions from it. The
9 witness -- Defence counsel is at liberty to ask questions, but I suggest that this type of
10 questioning or this manner of going about it is not relevant or useful for the Chamber
11 or for the parties at this instant.

12 MS NAOURI: [12:21:06] (Interpretation) I never asked for the opinion of the
13 witness. We all have this video. We have watched it. He has told us that he saw
14 that announcement. He's familiar with him. And I'm asking him what were the
15 reactions once this announcement was made. And I'm asking about information that
16 he knows personally in order to better understand his evidence today.

17 And if you were patient, I was actually going on to another point. But allow us to
18 put the questions that we think are relevant.

19 PRESIDING JUDGE TARFUSSER: [12:21:51] We're all patient, we're all patient, but
20 we cannot foresee what you are going to ask.

21 So the more focused you ask, the better it is. And please ask about facts and taking
22 into account he's not a politician, that he's not a military, that he's somebody that just
23 lived in Abidjan. Please go ahead.

24 MS NAOURI: [12:22:15] (Interpretation) Thank you, Mr President.

25 Q. [12:22:18] I am going to go slowly for the interpreters. Mr Witness, let us go

- 1 back to the day of the march. Did you go to work?
- 2 A. [12:22:39] No, I did not go to work.
- 3 Q. [12:22:47] Why?
- 4 A. [12:22:51] The boss had asked us not to go to work on that day. The office was
- 5 closed. That is why we did not go to work.
- 6 Q. [12:23:03] And why did your boss decide to close on that day?
- 7 A. [12:23:08] I cannot tell you. He is best placed to answer that question.
- 8 Q. [12:23:14] Very well. And you were not concerned about losing a day's work?
- 9 A. [12:23:24] Not at all, because my salary was paid.
- 10 Q. [12:23:30] Very well. Did any other members of your family go to work on that
- 11 day?
- 12 A. [12:23:39] To my knowledge, two people went out. I do not know about all the
- 13 others.
- 14 Q. [12:23:47] Did anyone from your family take part in the march?
- 15 A. [12:23:52] No.
- 16 Q. [12:23:54] Why?
- 17 A. [12:23:55] I'm not in a position to say.
- 18 Q. [12:24:01] How do you know or did you know that people had decided to go
- 19 and take part in the march, the young people?
- 20 A. [12:24:17] The young people in my neighbourhood are quite active. I do not
- 21 know why they go, went to the march. Perhaps because of the announcement
- 22 asking people to go and support a new director of the RTI. That is all. That is my
- 23 opinion.
- 24 Q. [12:24:37] When you say "young people are very active," in doing what?
- 25 A. [12:24:45] They usually organise political meetings. That's it.

1 Q. [12:24:54] For on behalf of which political party?

2 A. [12:24:58] Where I live, all political parties are represented.

3 Q. [12:25:06] And how do the people organise themselves in the neighbourhood
4 when they decide to take part in a march?

5 A. [12:25:17] I rarely took part in the meetings of the young people. I was always
6 away at work. Frequently on Sunday they would tell us that they have a meeting
7 and invite us to attend. But generally speaking I do not go.

8 Q. [12:25:40] Generally you do not go, but you went a few times?

9 A. [12:25:44] When I was a member of the FPI, I took part in those meetings, but
10 after that I no longer took part in political meetings.

11 Q. [12:25:54] Very well. Now, in your statement, you said that you created a
12 YouTube account so as to upload video footage of the events of 16 December 2011.
13 Do you under -- 2010. Did you understand?

14 A. [12:26:31] Yes, I did.

15 Q. [12:26:36] Do you remember how you created that account?

16 A. [12:26:41] I cannot tell.

17 Q. [12:26:43] You do not remember how you created the YouTube account?

18 A. [12:26:46] I do not remember very well.

19 Q. [12:26:49] Did it take you a lot of time?

20 A. [12:26:53] Quite some time because I was not very familiar with YouTube.

21 Q. [12:27:08] Did anyone assist you?

22 A. [12:27:22] No, no one helped me.

23 THE INTERPRETER: [12:27:29] Microphone, counsel.

24 PRESIDING JUDGE TARFUSSER: [12:27:30] Microphone.

25 MS NAOURI: [12:27:31] (Interpretation)

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1 Q. [12:27:34] Did you have any technical problems?

2 A. [12:27:45] Let me say that I did not understand, I understood very little about
3 YouTube. I had a video that I wanted to upload. When I had a video to upload, I
4 would do it directly on Facebook. But I was told that the video, the footage was too
5 long, it could not be uploaded, and a YouTube account had to be created.

6 Q. [12:28:14] Was it Facebook that indicated to you that you had to create a
7 YouTube account?

8 A. [12:28:20] As I said, I no longer remember very well. But it was something like
9 that.

10 Q. [12:28:26] Was it the first time that you were creating such an account, that is a
11 YouTube account?

12 A. [12:28:42] Yes, when it came to YouTube, yes.

13 Q. [12:28:49] You told us that you created the account, particularly or specifically to
14 update on the Net footage that you thought could be compromising. What
15 precautions did you take?

16 A. [12:29:06] Compromising in what sense?

17 Q. [12:29:08] You uploaded video footage of images that people, certain people
18 could think might put you at risk. Did you take any precautions when you
19 uploaded those videos?

20 MR GARCIA: [12:29:28] Your Honour, I'm going to object to the manner in which
21 the question is posed. There is a premise in the question that's already assumed by
22 the Defence counsel. A question properly formulated should be to ask a witness,
23 first of all, if he did feel what is being assumed by Defence counsel and then
24 afterwards to go on to the question that's just been asked.

25 PRESIDING JUDGE TARFUSSER: Can you rephrase, please. Thank you.

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1 MS NAOURI: [12:29:54] (Interpretation) Of course I will.

2 Q. [12:29:59] Mr Witness, did you think that once published these images could put
3 you at risk?

4 A. [12:30:14] No, I did not think about that for a single moment.

5 Q. [12:30:17] Very well. So you did not take any particular precautions when you
6 uploaded those video?

7 A. [12:30:26] When I uploaded those videos, they were meant for my friends, and
8 since I did not have many friends on Facebook at that time, I simply intended to share
9 with them and not to compromise anything.

10 Q. [12:30:47] But first you put them on YouTube?

11 A. [12:30:51] I really couldn't answer that question exactly. I do know that I
12 uploaded, I uploaded some things on Facebook. But, you see, Facebook told me that
13 the video footage was too long.

14 Q. [12:31:10] Very well. When did you decide to upload the videos? What day
15 was that?

16 A. [12:31:20] I don't remember exactly, but I know it was in the course of the week.

17 Q. [12:31:35] Did you put the six videos on the Internet all at once, all in one go?

18 A. [12:32:02] I no longer recall.

19 Q. [12:32:07] And what was the quality of your Internet connection at the time?

20 PRESIDING JUDGE TARFUSSER: [12:32:19] My question is: Is it in doubt that it
21 has been uploaded or not? Is this also --

22 MS NAOURI: [12:32:26] (Interpretation) Yes.

23 PRESIDING JUDGE TARFUSSER: [12:32:27] Okay.

24 MS NAOURI: [12:32:40] (Interpretation)

25 Q. [12:32:41] I'm going to ask you my question again. What was the quality of

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1 your Internet connection that day?

2 A. [12:32:48] That day I think there wasn't -- well, admittedly the connection wasn't
3 very good. But all the same, it would come through from time to time.

4 Q. [12:33:05] So you were able to upload six videos. You uploaded them with an
5 Internet connection that was just intermittent. Did you take the time to view the
6 videos before giving them a title?

7 A. [12:33:26] Of course, I viewed them before I gave them a title.

8 Q. [12:33:31] And how did you choose the titles?

9 A. [12:33:38] Sort of automatically. It was a reflex.

10 Q. [12:33:43] Did you have any technical difficulties adding titles?

11 A. [12:33:49] No, I don't think so. I don't think so.

12 Q. [12:33:54] Did you choose the videos that you uploaded and put on the Internet?

13 A. [12:34:04] The video that I put on the Internet was --

14 THE INTERPRETER: [12:34:10] Inaudible.

15 THE WITNESS: [12:34:13] (Interpretation) -- it was the video that I filmed, that's all.

16 MS NAOURI: [12:34:18] (Interpretation)

17 Q. [12:34:18] So you didn't choose any particular passages?

18 A. [12:34:22] No, no.

19 Q. [12:34:23] And I believe you also published the link to the YouTube videos on
20 your Facebook page?

21 A. [12:34:44] I think so.

22 Q. [12:34:47] So you wanted your friends to be aware of what happened and view
23 the footage?

24 A. [12:34:54] Yes.

25 Q. [12:34:57] Were you aware that by putting the videos on YouTube, more people

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1 would be able to see them?

2 A. [12:35:10] Well, me, when I put them on YouTube, as I told you, I really took no
3 precautions. So it was just so that I could have the videos there and send them on
4 Facebook, that's all.

5 Q. [12:35:31] Mr Witness, I would like to show you annex 2 to your statement.
6 And with leave of the Presiding Judge, we can provide the witness with a clean
7 statement or a clean copy of the statement and to the parties if they wish. But if the
8 Registry could kindly bring up that document on the screen.

9 THE INTERPRETER: [12:36:16] Interpreter correction: Defence has asked for a
10 hard copy, we believe, to be shown to the witness.

11 MS NAOURI: [12:36:49] (Interpretation)

12 Q. [12:36:49] Can you see the document? Apparently it's on your screen.

13 A. [12:36:54] No.

14 PRESIDING JUDGE TARFUSSER: [12:36:54] He has it in front, I think. I think he
15 has it in front of him.

16 THE WITNESS: [12:36:57] (Interpretation) I have it now. Yes, I have it now.

17 MS NAOURI: [12:37:03] (Interpretation)

18 Q. [12:37:04] Could we scroll up a bit, because I'd like to ask the witness --
19 Witness, what is the date that we see here on the bottom left corner?

20 A. [12:37:31] The left or the right?

21 Q. [12:37:47] To the right when you see the image right in front of you.
22 Well, could you tell us, Witness, which date?

23 A. [12:38:28] I'm looking to the left, uploaded December --

24 Q. [12:38:35] At the bottom on the right.

25 Thank you, madam court officer.

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1 A. [12:38:43] 11 May 2015.

2 Q. [12:38:50] This is a screenshot of your video that was put on YouTube, and this
3 screenshot was taken by the Prosecution, isn't that correct?

4 A. [12:39:11] Yes, I do think so.

5 Q. [12:39:14] So on that date, on 11 May 2015, your videos were still online, isn't
6 that so?

7 A. [12:39:25] I no longer had them.

8 Q. [12:39:36] You are saying that you no longer had them. But at that time it was
9 still possible to see them on the Internet?

10 A. [12:39:44] That's possible.

11 Q. [12:39:45] That's possible. Why are they no longer on the Internet?

12 A. [12:39:54] Because it was decided to remove them, that's all.

13 Q. [12:40:06] Who are you talking about? Who decided?

14 A. [12:40:12] I don't understand your question.

15 Q. [12:40:21] You've just told us that it was decided to take them off. Who are you
16 talking about? Who decided?

17 A. [12:40:33] I couldn't tell you.

18 MS NAOURI: [12:40:40] (Interpretation) Your Honour, if we could go into private
19 session, please.

20 PRESIDING JUDGE TARFUSSER: [12:40:46] Let's go into private session. Thank
21 you.

22 (Private session at 12.40 p.m.)

23 (Redacted)

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11 (Open session at 12.42 p.m.)

12 PRESIDING JUDGE TARFUSSER: [12:42:50] Thank you.

13 Madam Naouri.

14 MS NAOURI: [12:42:52] (Interpretation) Thank you, your Honour.

15 Q. [12:42:57] Why is it that you no longer have this video, this video footage?

16 A. [12:43:02] I no longer have the footage because it was decided to remove them,
17 because I was told that this was a security measure, that I needed to take these videos
18 off so that they couldn't be used to trace back to me. So as a security precaution,
19 they were removed.

20 Q. [12:43:23] Who do you mean when you say "it was decided that"?

21 A. [12:43:31] I mean me, myself.

22 PRESIDING JUDGE TARFUSSER: [12:43:38] Excuse me, Mr Witness. You have to
23 tell the truth. If you think that something is better to be said in private session, you
24 tell me. But you have to tell the truth, because if you say "somebody told me," then
25 it's not you, it's somebody told you, it's somebody else. So you cannot say "I don't

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1 want to say." You just can say "I would like to say it in private session."

2 Just to be clear, you are here to tell truth and this is a fact. So I invite you to respond.

3 If you want to respond in public, respond in public, otherwise you ask me to go in
4 private session, you will respond in private session.

5 THE WITNESS: [12:44:25] (Interpretation) Okay, your Honour. I had forgotten
6 that I could ask for private session. So that question, you see, for security reasons, I
7 would like to ask for us to go into private session.

8 PRESIDING JUDGE TARFUSSER: [12:44:40] So we go in private session.

9 (Private session at 12.44 p.m.)

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- 9 (Redacted)
- 10 (Redacted)
- 11 (Open session at 12.49 p.m.)
- 12 THE COURT OFFICER: [12:49:51] We're in open session, your Honour.
- 13 PRESIDING JUDGE TARFUSSER: [12:49:58] Thank you.
- 14 Ms Naouri.
- 15 MS NAOURI: [12:50:00] (Interpretation) Thank you, your Honour.
- 16 Q. [12:50:04] Now, ever since the time that you uploaded those videos, did you put
- 17 anything else on Facebook -- I mean YouTube? Sorry, I made a mistake.
- 18 A. [12:50:17] I think I've already told you that I practically never use my YouTube
- 19 account because I really don't have a very good mastery of it.
- 20 Q. [12:50:26] What about Facebook?
- 21 A. [12:50:27] I use Facebook sometimes, not for this kind of thing, but just to chat
- 22 with friends, that's all.
- 23 Q. [12:50:43] Did you ever try to get the videos back, these videos that you had put
- 24 up?
- 25 A. [12:50:58] Get back? I don't know how that's done.

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1 Q. [12:51:02] In your summary, paragraph 38, you said "Later I wanted to get the
2 videos back, but I had forgotten my password and I was able to -- was not able to
3 download them."

4 A. [12:51:19] Exactly.

5 Q. [12:51:20] When did you try to get your videos back the last time?

6 A. [12:51:22] As I said earlier, when I got the advice to take the videos offline.

7 THE INTERPRETER: [12:51:37] Inaudible.

8 MS NAOURI: [12:51:44] (Interpretation)

9 Q. [12:51:45] I don't understand. If you didn't have access to your account -- sorry,
10 let me finish. According to Facebook rules, your account should have been deleted
11 automatically about six months after owing to inactivity. You are telling us that you
12 were not able to gain access to your account ever since you published the videos.
13 Isn't that so? So who deleted your YouTube account?

14 A. [12:52:26] The YouTube account, I wasn't using it. I told you that. I wasn't
15 using it. When I was told to remove the videos, I tried to connect and I wasn't able
16 to. And I was asked to try to provide the password, I tried several times, and I
17 wasn't able to and I was no longer interested. And then after that they must have
18 deleted the account.

19 Q. [12:52:55] So you no longer had the originals of the videos that you uploaded?

20 A. [12:53:01] The originals? I must have had them. I no longer know.

21 Q. [12:53:11] What do you mean where, where were you supposed to have had
22 them?

23 A. [12:53:16] Well, first on my telephone. But my telephone was --

24 THE INTERPRETER: [12:53:24] Inaudible.

25 THE WITNESS: [12:53:27] (Interpretation) -- accidentally, so I didn't have them on

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1 the telephony anymore. But also, but also my portable computer that I had the
2 videos on broke down. So when I sent it to be repaired, that was at the same time as
3 the movements and I was not able to get the computer back.

4 MS NAOURI: [12:53:54] (Interpretation)

5 Q. [12:53:54] So you weren't able to get your laptop back. Why not?

6 A. [12:54:02] I no longer know what happened to it. I don't know where the
7 repairman went to.

8 Q. [12:54:07] And you gave the laptop with the videos to the repair person?

9 A. [12:54:15] Yes. At that time that was the laptop I used to connect.

10 Q. [12:54:19] And the repairman had access to your computer to repair it?

11 A. [12:54:24] Of course.

12 Q. [12:54:25] What kind of computer was it?

13 A. [12:54:27] The first one was a Toshiba. I don't know the exact number, but it
14 was a Toshiba.

15 Q. [12:54:39] That was your personal computer?

16 A. [12:54:41] I had a personal computer and an office computer, well, that was also
17 at home, and that's what I used the most often to connect, yes.

18 Q. [12:54:50] And the computer we're talking about is your personal one?

19 A. [12:54:58] The personal one. I copied it. And then, you see, I had my office
20 computer at home.

21 THE INTERPRETER: [12:55:06] Inaudible.

22 THE WITNESS: [12:55:07] (Interpretation) And that is what I was not able to
23 recover.

24 MS NAOURI: [12:55:11] (Interpretation)

25 Q. [12:55:12] Was it complicated for you to have lost a computer?

1 A. [12:55:15] Well, it was at the house just for the children. I didn't use it very
2 much. It was more the personal computer that I was using the most.

3 Q. [12:55:27] So if I've understood you properly, you're saying that the children
4 had access to the laptop and then later you gave it to the repair person?

5 A. [12:55:37] Well, to repair it, the person has to have access.

6 Q. [12:55:43] Did you buy another one?

7 A. [12:55:45] No. I was given another one.

8 Q. [12:55:47] Who?

9 A. [12:55:48] A man.

10 Q. [12:55:50] Why?

11 A. [12:55:54] Just because I needed a computer.

12 Q. [12:56:00] Who?

13 A. [12:56:02] I don't think it's important.

14 PRESIDING JUDGE TARFUSSER: [12:56:10] Can we go in private session.

15 (Private session at 12.56 p.m.)

16 (Redacted)

17 (Redacted)

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- 9 (Redacted)
- 10 (Open session at 12.58 p.m.)
- 11 THE COURT OFFICER: [12:58:21] We're in open session, your Honour.
- 12 PRESIDING JUDGE TARFUSSER: [12:58:23] All right. I think we can stop here.
- 13 You're right. We can stop here so we have -- we continue with the same schedule as
- 14 always, although we started 15 minutes later. So now we have the break, the
- 15 lunch-break. We will come back in one hour and a half at 2.30 to continue with the
- 16 questioning by the Defence for Mr Gbagbo, who will -- just an overall preview?
- 17 MS NAOURI: [12:59:05] (Interpretation) Until half of tomorrow morning's session.
- 18 PRESIDING JUDGE TARFUSSER: [12:59:12] Until half of the first session of
- 19 tomorrow morning? Okay.
- 20 Thank you very much. So the hearing is adjourned until 2.30. Thank you.
- 21 THE COURT USHER: [12:59:21] All rise.
- 22 (Recess taken at 12.59 p.m.)
- 23 (Upon resuming in open session at 2.35 p.m.)
- 24 THE COURT USHER: [14:35:25] All rise.
- 25 Please be seated.

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1 PRESIDING JUDGE TARFUSSER: [14:35:53] Good afternoon, everybody.

2 Good afternoon, Mr Witness. We are here for another one hour and a half for the
3 questioning by the Defence of Mr Gbagbo.

4 And therefore I give immediately the floor to Madam Naouri.

5 MS NAOURI: [14:36:12] (Interpretation) Thank you, Mr President.

6 Q. [14:36:16] Good afternoon, Mr Witness.

7 A. [14:36:20] Good afternoon.

8 Q. [14:36:21] I hope you had a good lunch break.

9 A. [14:36:24] Yes, I am fine.

10 Q. [14:36:28] We will come back briefly to your videos, if you wish.

11 A. [14:36:38] Very well.

12 MS NAOURI: [14:36:41] (Interpretation) Mr President, for this first part I would like
13 us to go into private session, please.

14 PRESIDING JUDGE TARFUSSER: [14:36:47] Let's go into private session, please.

15 (Private session at 2.36 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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- 13 (Open session at 2.40 p.m.)
- 14 THE COURT OFFICER: [14:40:44] We are in open session, your Honour.
- 15 PRESIDING JUDGE TARFUSSER: [14:40:52] Madam Naouri.
- 16 MS NAOURI: [14:40:55] (Interpretation) Thank you, Mr President.
- 17 Q. [14:40:59] Mr Witness, I would like to show you that map which is
- 18 CIV-OTP-0095-0178. And we have already seen that map before.
- 19 Madam court officer, usually we would show this, but we have a small technical
- 20 problem, so could you kindly display that map on the screen, please.
- 21 Could you zoom towards the bottom of the map, please. A little bit more. Thank
- 22 you. That's perfect. Thank you.
- 23 Mr Witness, do you see this map?
- 24 A. [14:43:22] Yes.
- 25 Q. [14:43:26] Can you indicate to us on this map where the pedestrian bridge is,

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1 that is the bridge we saw on the video footage?

2 Thank you.

3 I will phrase my question cautiously, because we are in open session. Now, what is
4 the distance, approximately, from between that pedestrian bridge and the location
5 from which the footage was filmed?

6 A. [14:44:25] I would like to ask us to go into private session.

7 MS NAOURI: [14:44:31] (Interpretation) No problem. Can we go into private
8 session?

9 PRESIDING JUDGE TARFUSSER: [14:44:34] Yes, please, let's go into private session.

10 (Private session at 2.44 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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19 (Redacted)

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- 8 (Redacted)
- 9 (Redacted)
- 10 (Open session at 2.50 p.m.)
- 11 PRESIDING JUDGE TARFUSSER: [14:50:59] Thank you.
- 12 Madam Naouri.
- 13 MS NAOURI: [14:51:04] (Interpretation) Thank you, your Honour.
- 14 Q. [14:51:08] Mr Witness, I would like to show you an excerpt of the first video,
- 15 and this is 0084-0188, and the time code is 0000 to 0.44 seconds.
- 16 While waiting for our technical issue to be resolved, madam court officer, could you
- 17 kindly play the video. And it is to 0.45.
- 18 I am asking for the indulgence of the Court. It appears we do not have sound. We
- 19 are trying to resolve the problem quickly.
- 20 The problem has been resolved.
- 21 PRESIDING JUDGE TARFUSSER: [14:53:06] This is now another video. Not the
- 22 same as before? The same, okay.
- 23 MS NAOURI: [14:53:13] The same.
- 24 (Viewing of the video excerpt)
- 25 MS NAOURI: [14:54:03] (Interpretation)

1 Q. [14:54:03] Mr Witness, on the footage that we have just seen, the demonstrators
2 who are on the pedestrian overpass, which direction are they going in?

3 A. [14:54:19] Can you be more specific?

4 Q. [14:54:30] We can see demonstrators on the overpass. Now, are they going in
5 a single direction or in different directions?

6 A. [14:54:41] At the beginning of the hearing it was said that the people who were
7 on the bridge, there were other people crossing, and the demonstrators, some of them
8 had stopped at the level of the bridge and they were looking in the direction of
9 Cocody. And others were coming down to the expressway, to join the expressway,
10 so there were other people crossing on the overpass to go to the other neighbourhood
11 while others were coming to Williamsville.

12 Q. [14:55:26] Which other people? Which other neighbourhood?

13 A. [14:55:30] The neighbourhood opposite, Habitat Extension.

14 Q. [14:55:38] Were there other people other than the demonstrators on that bridge?

15 A. [14:55:43] I believe that I have already answered that question. There were
16 other people, there were not only the demonstrators.

17 Q. [14:55:49] How do you distinguish between the demonstrators and people going
18 to a different location?

19 A. [14:55:56] I do not know how to explain that to you. If you had been there with
20 us on that day, you would have seen what was happening. Most of the
21 demonstrators were on the bridge looking in the direction of Cocody, whereas the
22 other people who were not demonstrators were simply passing by.

23 Q. [14:56:24] Can you clarify, are you saying that the demonstrators were
24 positioned on the bridge and were not moving while the others were crossing?

25 A. [14:56:39] That's about it. There were demonstrators at the bridge, but there

1 were some people just crossing to go into the other neighbourhood.

2 Q. [14:56:59] Were all the demonstrators from Williamsville?

3 A. [14:57:06] Those that we saw passing by before we started filming the footage,
4 amongst them most of them came from Williamsville. If the others who came from
5 the other side, well, I didn't pay attention.

6 Q. [14:57:28] How do you know who the -- from where the demonstrators on the
7 bridge came from?

8 A. [14:57:38] I believe that I said we saw them pass in front of our house.

9 Q. [14:57:47] At 00.45 there is a freeze frame. You have told us that the distance is
10 approximately (Redacted). Can you see what people are wearing?

11 A. [14:58:03] No, I can't see what people are wearing.

12 Q. [14:58:08] Can you distinguish between people?

13 A. [14:58:13] From that distance, I think you yourself cannot distinguish between
14 people.

15 Q. [14:58:19] I am posing -- I am asking you the question.

16 A. [14:58:24] I could not distinguish between people. What is on the video footage
17 is simply what I could see with my own eyes and that is different.

18 Q. [14:58:35] Were you the one filming the footage?

19 A. [14:58:38] Yes, I am the one.

20 Q. [14:58:39] And what did you use to film the footage?

21 A. [14:58:43] My mobile phone.

22 Q. [14:58:47] And technically speaking, how were you filming?

23 A. [14:58:52] I believe there are many telephones that are -- that have cameras, and
24 that is one of those that I was using.

25 Q. [14:59:02] What was the make of the telephone?

- 1 A. [14:59:06] An iPhone GS3.
- 2 Q. [14:59:12] How do you film with an iPhone 3?
- 3 A. [14:59:17] I do not know how to explain that to you. There is an icon there, you
- 4 press on that and then you start, and you decide whether you are taking
- 5 a photograph or video.
- 6 PRESIDING JUDGE TARFUSSER: Slow down, please.
- 7 MS NAOURI: [14:59:45] (Interpretation) My apologies, Mr President. Let me put
- 8 my question again.
- 9 Q. [14:59:53] How did you use the telephone, the iPhone that you had to film, what
- 10 were you looking at?
- 11 A. [15:00:01] I do not know how to explain it, you simply pick it up and then you
- 12 film.
- 13 Q. [15:00:06] Show us how you hold the telephone?
- 14 A. [15:00:14] Like this.
- 15 Q. [15:00:15] For the record, you have lifted your hands and you have showed how
- 16 you were holding the phone?
- 17 A. [15:00:22] Yes.
- 18 Q. [15:00:22] So you were looking at the screen in order to film, were you?
- 19 A. [15:00:27] Of course.
- 20 Q. [15:00:29] So you couldn't see the demonstrators on the bridge?
- 21 A. [15:00:48] I could see the demonstrators.
- 22 Q. [15:00:56] So can you see the manner in which they are clad?
- 23 A. [15:01:01] They were clothed in a normal manner.
- 24 Q. [15:01:05] Could you see whether they were wearing -- they were carrying any
- 25 wooden implements?

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1 A. [15:01:13] It would have been visible had it come through their tee shirts or been
2 visible over what they were wearing, we could see what they had in their hands.

3 Q. [15:01:26] So you are saying that (Redacted) away on the bridge you can see
4 whether people are -- have -- have clubs or sticks in their hands or in their pockets?

5 A. [15:01:40] Yes.

6 Q. [15:01:45] So in paragraph 48 of your statement, you say and I quote:

7 "I indicated to the investigators that the line on the pedestrian bridge in the direction
8 of the Banco -- from Banco to camp Agban, that is to say that these were barricades
9 made out of tyres that were laid by young demonstrators." End of quote.

10 Could you on the freezed frame in front of us tell us or show us where those
11 barricades or roadblocks were to be found?

12 A. [15:02:45] I do not know whether it's very visible, on the bridge on this side here
13 or -- I don't know whether it's very visible.

14 Q. [15:02:58] For technical reasons, sir, one moment please. Could we please
15 annotate this freezed frame?

16 In view of the fact that it is not possible to annotate it, technically speaking, I suggest
17 that later we print out this freezed frame and you can with a pen show us where the
18 barricade was located, all right?

19 A. [15:03:24] Okay.

20 Q. [15:03:24] So we'll come back to it. These roadblocks, how had they been set
21 up?

22 A. [15:03:34] Well, they'd been set up across the roadway.

23 Q. [15:03:39] And what were they made of?

24 A. [15:03:41] Tyres and tables.

25 Q. [15:03:45] Where did those tyres and tables come from?

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1 A. [15:03:53] Not far afield from the bridge there is a garage before the station, and
2 you can also see those rooftops in the freeze frame, there are women who are located
3 there. And with the events that had unfolded those women had left and it is
4 certainly there that they sourced the tables, in order to set up a roadblock across the
5 road.

6 Q. [15:04:32] Very well. And what about the tyres?

7 A. [15:04:36] I told you that there is a garage not far away from there.

8 Q. [15:04:45] Very well. And what were they doing with those tyres?

9 A. [15:04:53] As I said, they made a roadblock.

10 Q. [15:04:55] Very well. So let's move forward, Mr Witness.

11 I'm going to continue by showing you another excerpt of the very same video, video
12 number 1 namely, time code 45 seconds to 1 minute 02

13 (Viewing of the video excerpt)

14 MS NAOURI: [15:05:58] (Interpretation)

15 Q. [15:06:01] Mr Witness.

16 A. [15:06:03] Yes.

17 Q. [15:06:03] Could you please tell us what we see on this small pathway leading
18 towards the pedestrian bridge?

19 A. [15:06:15] The small pathway not far afield from the mosque?

20 Q. [15:06:23] Precisely.

21 A. [15:06:24] What we can see there is people coming down on their way to the
22 bridge.

23 Q. [15:06:43] So people are continuing to walk towards the pedestrian bridge way,
24 are they?

25 A. [15:06:48] Yes.

1 Q. [15:06:49] And in paragraph 50 of your statement you say that the people on the
2 pedestrian bridge are running at the sound of the gunfire that we heard at the
3 beginning of the video. So why is it that people continue to walk normally and do
4 not attempt to flee?

5 A. [15:07:12] I think that maybe we're not looking at one and the same thing. I can
6 see people running away.

7 Q. [15:07:19] On the bridge you can see people fleeing?

8 A. [15:07:22] Of course.

9 Q. [15:07:39] So I'm going to show you a screen shot at 1 minute 02. It's the same
10 video.

11 THE INTERPRETER: At 1 minute 22, correction from the English booth.

12 MS NAOURI: (Interpretation) It's the same video, a freeze frame.

13 I do apologise, just a little technical specificity.

14 Q. [15:08:48] Can you see the vehicle on this screen shot?

15 A. [15:08:53] Yes, I can see the vehicle.

16 Q. [15:08:56] Very well. Is there an inscription of any type on that vehicle?

17 A. [15:09:07] In the video it is not possible to see the inscription on the vehicle, but
18 from the place where I was filming from you could clearly see what was written on
19 the vehicle.

20 Q. [15:09:21] You were the one filming, weren't you?

21 A. [15:09:23] Yes, I can confirm that.

22 Q. [15:09:29] Using your telephone?

23 A. [15:09:31] Yes, of course.

24 Q. [15:09:32] If you saw the inscription, then what was the number?

25 A. [15:09:37] Even if I had seen the number, it's such a long time ago now that I

1 wouldn't be able to remember it today. But it was well written on it, clearly written
2 "CECOS" and I can confirm that.

3 Q. [15:09:51] And at what moment in time did you comment on this video for the
4 OTP?

5 A. [15:09:59] Possibly a year, a year and a half ago.

6 Q. [15:10:01] So more than five years after the events?

7 A. [15:10:03] More than five years after the events.

8 Q. [15:10:09] And on this screen that you shot, was it possible to see who was
9 seated in the vehicle?

10 A. [15:10:20] On the video it is difficult to see.

11 Q. [15:10:25] Very well. And is it possible to see in the video whether there is any
12 weapon whatsoever on the vehicle?

13 A. [15:10:38] On the video it is not possible to see.

14 Q. [15:10:41] Very well. So I'm going to be showing you a further excerpt of the
15 very same video, and this will be the last one that we shall be looking at, from 1
16 minute 23 seconds to 1 minute 28 seconds.

17 (Viewing of the video expert)

18 MS NAOURI: [15:11:20] (Interpretation)

19 Q. [15:11:27] So the cars come up to your level; is that right?

20 A. [15:11:33] Yes.

21 Q. [15:11:34] So why did you not hide? Why did you take a little bit of time before
22 hiding, whilst according to you you were distinctly under the impression that the
23 vehicles were firing in your direction?

24 A. [15:11:51] What about hiding? I don't understand your question.

25 Q. [15:11:53] I shall rephrase. The cars, you said to us in your statement that they

1 were firing in your direction, they come up to your level, that's what you have just
2 said to us. And you continue to film. Were you not afraid? Why did you
3 continue to film? Why did you not immediately hide whilst they were approaching
4 you?

5 A. [15:12:25] I do not know what you are attempting to insinuate, but what I can
6 tell you is at the time when the vehicles -- I don't know why you wanted to look at
7 that excerpt between that freeze frame and 1.22, because during that time they were
8 moving around and they were firing.

9 Now you are asking why I didn't hide. I didn't hide because they were firing in the
10 direction of the demonstrators who were entering the neighbourhood. We were
11 opposite the neighbourhood and at our level we did decide to hide because we might
12 have noted that people were firing in our direction. We didn't want to be hit by any
13 bullets.

14 Q. [15:13:18] Very well. And in this video --

15 A. [15:13:23] Yes.

16 Q. [15:13:23] -- you can't see any injured people, can you? You agree?

17 A. [15:13:29] Well, maybe nobody was hit.

18 Q. [15:13:38] Very well. We shall move on to the second video and the number is
19 video CIV-OTP-0084-0177. And my first question to you is: you shot the second
20 video how long after the first?

21 A. [15:14:11] I no longer recall.

22 Q. [15:14:13] Approximately?

23 A. [15:14:14] I wouldn't be able to tell you.

24 Q. [15:14:16] Were you still in the company of the same individuals?

25 A. [15:14:19] Yes.

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1 Q. [15:14:22] Now I shall be presenting you with a freeze frame at second number 9
2 of this video.

3 Can you see the image? Could you please confirm to us that this is indeed the view
4 from the balcony on the second floor?

5 A. [15:15:10] That is indeed the view from the balcony.

6 Q. [15:15:12] Very well. You say in your statement that the first two videos were
7 taken on the balcony of the second floor and that -- then you went to the fourth floor
8 in paragraph 94.

9 Can you confirm?

10 A. [15:15:36] Yes, I did take the video from the second floor balcony and then I took
11 further videos from the fourth floor balcony.

12 Q. [15:15:47] Very well. I'm going to show you another freeze frame from the first
13 video, the video that we all looked at together, that is to say video 0084-0186 at 00
14 seconds.

15 Can you see that?

16 A. [15:16:18] Yes.

17 Q. [15:16:26] Wait a moment. We're just going to ask you for a little bit of patience
18 whilst we find the correct image?

19 A. [15:16:36] I'm very patient.

20 Q. [15:16:38] Thank you. Sir, can you see the image?

21 A. [15:16:50] Yes, I can see the image.

22 Q. [15:16:54] Could you show us the mosque on this image and the pedestrian
23 pass-over?

24 A. [15:17:04] I think you have it before you.

25 Q. [15:17:05] Indeed, technically speaking I can't request any more of you. Could

1 you, however, explain to us why it is that this image in the first video, where you say
2 in your statement that you filmed it from the second balcony, the mosque and the
3 pedestrian bridge way are far further afield?

4 A. [15:17:31] I do not know whether you still recall what I said at the outset of the
5 hearing, that there were a number of videos that were made and that I am not able to
6 recall the precise chronological order of the videos, but these are videos that I filmed
7 myself and I can say that in terms of the distance I am recalling that this video was
8 taken from the fourth floor.

9 Q. [15:18:06] Very well. When you met with the Office of the Prosecutor and you
10 commented the videos together, you looked at them, did you not?

11 A. [15:18:18] Of course.

12 Q. [15:18:19] So we have before us a statement that in paragraph 43 says that this
13 first video was filmed from the second storey. And your statement was admitted
14 and you said that you reread it and that you can confirm everything that is written
15 therein?

16 A. [15:18:40] Indeed, I did read it and I did confirm what I had said. And as I said,
17 I said that I could not recall and I said to the representatives of the OTP that I could
18 not recall the precise order of the videos, but that these were videos that had -- I had
19 filmed from the second and fourth storeys, and I can confirm that.

20 Now, if there have been any technical issues saying that I might not have paid
21 attention to things, well, this is how things happened. There we have it.

22 Q. [15:19:24] Very well. But for us this is important because what is written in
23 your statement has been tendered into evidence, so you see it is important for us to
24 revisit things.

25 Now, what you are saying to us now, on the contrary to what was said in your

1 statement, is that this first version was not filmed on the second floor?

2 A. [15:19:50] Well, I don't know quite what to say to you. At the risk of repeating
3 myself, these are videos that I made and I do not recall the precise chronological order
4 of them. But these are videos that were filmed from the balcony on the fourth floor.
5 I think that's quite clear.

6 Q. [15:20:13] Very well. Let's return to this second video. And I shall show you
7 an excerpt from that second video from second 20 to timestamp 1 minute 6 seconds.
8 (Viewing of the video excerpt)

9 MS NAOURI: [15:21:44] (Interpretation)

10 Q. [15:21:49] At the beginning of the excerpt that we have just been looking at,
11 what can we see behind the white cars?

12 A. [15:22:00] What white cars?

13 Q. [15:22:02] At the beginning of the excerpt we can see white cars, what do we see
14 behind them? Would you like us to show the beginning of it to you again? Let's do
15 that.

16 (Viewing of the video excerpt)

17 MS NAOURI: [15:22:26] (Interpretation)

18 Q. [15:22:29] Did you not recognise the white cars at the beginning?

19 A. [15:22:32] Yes, I did recognise the white cars. They are the white cars that I
20 talked about at the beginning of the hearing, saying that these were cars that were
21 used by uniformed individuals and that they had weapons on them.

22 Q. [15:22:53] Very well. But on the picture you found it difficult to pinpoint
23 them?

24 A. [15:22:59] Pinpoint?

25 Q. [15:23:01] When we put those images on the screen at the beginning you found

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1 it difficult to see them, those white cars, what do you mean it didn't strike you?

2 MR GARCIA: [15:23:12] I am going to raise an objection, Mr President. What we
3 have done is played a small extract for the witness and what I don't agree with is
4 Defence counsel putting in her take on the evidence for the witness. I don't believe
5 that the witness has ever stated that it didn't strike him as something that was
6 important on the video. He has been shown a small extract of a certain amount of
7 time. If you want to be really fair with the witness we should have showed him
8 more of the video. And there is nothing substantive in my --

9 PRESIDING JUDGE TARFUSSER: [15:23:39] Mr Witness, can you take off the
10 earphone, the headphones.

11 Thank you.

12 MR GARCIA: [15:23:49] Your Honours, I am mindful of the fact that the witness is
13 there, but there is nothing substantive. What I am saying is, to you fair with the
14 witness, you have to show him more of the extract, and I don't believe
15 Defence counsel should be putting in her own evidence or her take on the evidence in
16 the questions she put to the witness. The witness is the one who should be
17 answering whether or not something surprised him or something l'interpolé in the
18 video.

19 Those are my comments.

20 PRESIDING JUDGE TARFUSSER: [15:24:15] Thank you.

21 MS NAOURI: [15:24:16] (Interpretation) Mr President, first of all, we requested that
22 the witness did not listen because he can, from the substance of what the Prosecutor
23 said, well this could have an influence on the manner in which he responds. And
24 I am talking French here, so the witness can understand us perfectly.

25 Now in response to the objection, we are not putting words in the witness's mouth.

1 The witness is here via the Prosecution with a view to authenticating and explaining
2 to us the manner in which these images were taken. We are putting questions to
3 him and the line of questioning on this excerpt have a bearing on the cars, the white
4 cars in particular. I reacted to the witness when he said he could not see the white
5 cars.

6 I can rephrase the question, but I would like the Prosecution not to rise to his feet and
7 explain things that might influence the witness.

8 PRESIDING JUDGE TARFUSSER: [15:25:13] Well his raising like the Defence is
9 raising when the Prosecutor is questioning. No, I didn't speak about you, but it's
10 normal and I question this as well on the -- in the inverted, when the position were
11 inverted. So I would really ask you to put the questions and don't, don't try to
12 convince him of something he is not saying. So thank you.

13 Now, please, put the headphones on. Thank you.

14 Madam Naouri.

15 MS NAOURI: [15:25:56] (Interpretation)

16 Q. [15:26:04] Well back to us, we're back. Can you hear me? Now with regard to
17 the images that we have just seen, what type of vehicle is there in this traffic?

18 A. [15:26:17] Well, first and foremost there are the white cars that we just
19 mentioned.

20 Q. [15:26:23] Yes?

21 A. [15:26:24] And then there are other civilian vehicles and taxis.

22 Q. [15:26:30] So traffic has started anew at that moment?

23 A. [15:26:38] Traffic started anew once the roadblocks were removed. And this
24 was -- was started off with the white vehicles, as I have just said to you.

25 Q. [15:26:51] We heard gunfire in this excerpt, but we see nothing on the images

1 that would enable us to say or ascertain where that gunfire comes from, do we?

2 A. [15:27:04] Well, I know where it comes from because I was the one filming.

3 Q. [15:27:07] And how could you see who was firing at that moment in time when
4 you were filming?

5 A. [15:27:12] Because I was there, I was an eyewitness.

6 Q. [15:27:15] There is nothing in your field of vision that enables you to ascertain
7 who is firing, is there?

8 A. [15:27:21] Well, at that moment in time I knew only too well who was firing, it
9 was the occupants of the white vehicles.

10 Q. [15:27:30] Very well. And why is it that we hear shouts of joy at --

11 MR GARCIA: Je vais m'objecter -- (Overlapping speakers)

12 THE INTERPRETER: [15:27:35] Overlapping speakers, multiple.

13 MR GARCIA: [15:27:37] Once again, your Honour, this is a clear example of
14 Defence counsel putting in her own take on the evidence to the witness. These cries
15 of joy, that has never come out from the witness. And this is what Defence counsel
16 might have taken from the video, but it is the witness who is giving evidence and the
17 witness should be asked questions, if he heard that, and to explain that if he is able to
18 do so.

19 That's my problem with the question.

20 PRESIDING JUDGE TARFUSSER: [15:28:01] Well, I didn't hear that the witness ever
21 talked about shouts of joy.

22 MS NAOURI: [15:28:11] (Interpretation) I shall rephrase.

23 Q. [15:28:13] Do we hear any shouting on that video?

24 PRESIDING JUDGE TARFUSSER: [15:28:30] What do we hear in that video? Is
25 probably the most neutral question. What do you hear? What do you hear? What

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1 did you hear in the video?

2 THE WITNESS: [15:28:48] (Interpretation) Yes, indeed on the video there are people
3 shouting, people who were running with a view to getting away from the gunfire.
4 So there we are.

5 Now as to say that these were shouts of joy, these young people were shouting,
6 shouting at those soldiers who were firing at them. They are not shouts of joy as
7 claimed by Maître Naouri.

8 MS NAOURI: [15:29:18] (Interpretation)

9 Q. You could hear people shouting (Redacted) away, could you?

10 A. [15:29:22] Even in the video you can hear people shouting.

11 Q. [15:29:25] You can hear people shouting in the video, yes, indeed, that seemed
12 very close to you. Can you explain to us, you who are testifying.

13 A. [15:29:36] Those who were with me were shouting because they were afraid that
14 the bullets might hit certain people. When you say that these are shouts of joy, well I
15 find this quite hurtful to be quite honest.

16 Q. [15:29:49] Very well. Did you see any people injured?

17 A. [15:29:53] At that moment in time there were no injured individuals.

18 Q. [15:29:56] Very well. So we are now going to show the third video,
19 CIV-OTP-0084-0184.

20 And I would like to ask the president to go into private session, please.

21 PRESIDING JUDGE TARFUSSER: [15:30:25] Let's go into private session.

22 (Private session at 3.30 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 3.33 p.m.)

9 THE COURT OFFICER: [15:33:17] We're in open session.

10 PRESIDING JUDGE TARFUSSER: [15:33:20] Thank you.

11 Ms Naouri.

12 MS NAOURI: [15:33:24] (Interpretation) Thank you, Mr President.

13 Q. [15:33:28] We are going to show you another freeze frame of the third video, six
14 seconds.

15 Can you see the image, Mr Witness?

16 A. [15:33:46] Yes.

17 Q. [15:33:49] Is it possible to distinguish the people or to identify the people
18 outside of the vehicle on this image?

19 A. [15:34:01] Yes, I can tell you that on the video it is not possible to distinguish
20 between those people, but at the time of the events I could see those people clearly
21 and see from which vehicles they were coming out of.

22 Q. [15:34:20] Very well. Is it possible to say whether they are carrying weapons?

23 A. [15:34:28] Yes.

24 Q. [15:34:32] You are telling me that I can see on this image that people are having
25 weapons?

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- 1 A. [15:34:40] That's not what I said.
- 2 Q. [15:34:43] I'm telling you to comment the images that are there in front of you?
- 3 A. [15:34:49] One can see vehicles on the image, but since you want to know on this
- 4 image, the people who came out of the vehicles were armed.
- 5 Q. [15:35:03] Very well. You, you can see the weapons?
- 6 A. [15:35:07] Of course.
- 7 Q. [15:35:09] Tell us.
- 8 A. [15:35:11] These people were carrying weapons.
- 9 Q. [15:35:15] Which weapons?
- 10 A. [15:35:17] Assault rifles.
- 11 Q. [15:35:19] And you saw that?
- 12 A. [15:35:21] Yes.
- 13 PRESIDING JUDGE TARFUSSER: [15:35:24] Can you go a bit slower?
- 14 MS NAOURI: I'm sorry.
- 15 PRESIDING JUDGE TARFUSSER: A little bit, yes, doucement.
- 16 THE INTERPRETER: [15:35:33] Slowly, says the president.
- 17 MS NAOURI: [15:35:39] (Interpretation)
- 18 Q. [15:35:42] I will show an extract, 10 seconds to 25 seconds.
- 19 (Viewing of the video excerpt)
- 20 MS NAOURI: [15:36:12] (Interpretation)
- 21 Q. [15:36:15] Did you see that footage?
- 22 A. [15:36:17] Yes.
- 23 Q. [15:36:22] Can you see who is shooting from the image?
- 24 A. [15:36:27] I know who is shooting.
- 25 Q. [15:36:29] I am not asking you what you know, I am asking you questions on

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1 what you filmed. You had your phone in your hands and you were filming this
2 footage and I'm asking you to comment the images. Now on this images is it
3 possible to see who is shooting and in what direction?

4 A. [15:36:50] No. When I -- if I answer the question you will say something else,
5 but otherwise I can identify those who are shooting.

6 PRESIDING JUDGE TARFUSSER: [15:37:02] Please, let the -- you can't interrupt,
7 otherwise we are overlapping again.

8 MR GARCIA: [15:37:07] I am going to object your Honour, once --

9 PRESIDING JUDGE TARFUSSER: [15:37:11] Yes, but let, please, the witness finish
10 his sentence, then you have the objection, and then we continue. But let him to
11 finish to say what he was saying.

12 THE WITNESS: [15:37:27] (Interpretation) Thank you, Mr President. As I was
13 saying a short while ago, at the risk of -- well, while I was filming I could see precisely
14 what was happening. If it is not very clear on the video, even though it is not clear, I
15 know. And the people who were shooting, you don't have to be a magician to know
16 that it was those people who came out of the vehicles who were shooting. The
17 images may not be very clear, but it is visible. That's what I wanted to say.

18 PRESIDING JUDGE TARFUSSER: Mr Garcia.

19 MR GARCIA: [15:38:15] (Interpretation) Following the response of the witness the
20 Prosecution doesn't have any objection.

21 PRESIDING JUDGE TARFUSSER: [15:38:19] Thank you.

22 Madam Naouri.

23 MS NAOURI: [15:38:23] (Interpretation) Thank you, Mr President.

24 Q. [15:38:27] Mr Witness, I will show you another freeze frame, minute 1 of this
25 video.

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1 Do you see the image?

2 A. [15:39:04] Yes.

3 Q. [15:39:04] How is the gentleman on the image dressed?

4 A. [15:39:10] You want me to describe his attire in relation to the video or in
5 relation to what I know?

6 Q. [15:39:20] To begin with, the video.

7 MR GARCIA: [15:39:22] Objection.

8 PRESIDING JUDGE TARFUSSER: [15:39:23] No, but I think here there is
9 a fundamental misunderstanding also, because what one sees with the eye and what
10 is filmed, it's obviously different.

11 MS NAOURI: [15:39:39] (Interpretation) Yes, Mr President.

12 MR GARCIA: [15:39:43] Your Honour, if I may, just for the Prosecution, this has
13 been the objective of Defence counsel since -- the main objective of Defence counsel
14 since this cross-examination has started. I think we have understood the point, that
15 can be pled later on in the day. But I think it's using up available court time to start
16 looking at small extracts, first of all, it is not even 10 or 15 seconds, to be fair to the
17 witness. It's just a stop on one image and asking him whether he see or not. I think
18 we know that answer already. The question the witness is responding, he is also
19 responding as to what he sees. He is alive, he is there on the spot on that day.

20 MS NAOURI: [15:40:23] (Interpretation) Mr President, in his prior statement which
21 was admitted he described the images and the Prosecutor had him comment them.
22 We did not have that opportunity and the Defence would like to come back to these
23 images and put questions to the witness. So it is not up to the Prosecutor to reveal
24 what he thinks to the witness.

25 I would like the objection to be phrased in a different manner.

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1 PRESIDING JUDGE TARFUSSER: [15:40:56] No, I -- it's not about the objection, it's
2 about the fairness to the witness. Because one is the image filtered through the video
3 and one is the image one can see with his eyes, so it's completely different.

4 MS NAOURI: [15:41:15] (Interpretation) Yes, Mr President, so we will do the two.

5 Q. [15:41:24] Mr Witness, to begin with, tell us how the person is dressed, that's the
6 way he is seen on this image? I am asking you a question and I would like you to
7 answer.

8 A. [15:41:48] The person on this image is dressed in a pair of fatigue trousers and
9 a tee shirt of the same colour, and that person is holding an assault rifle.

10 Q. [15:42:09] Very well. Were there other people during the post-election crisis
11 dressed in this way?

12 A. [15:42:23] I think we are talking about the events on this image.

13 Q. [15:42:26] I'm asking you a question on the way that other people were dressed
14 during the post-election period, that is what we are talking about. Did you see other
15 people dressed in this manner?

16 A. [15:42:50] With regard to my testimony I will limit myself to what I am seeing.

17 Q. [15:42:54] You met with the OTP on several occasions; is that correct?

18 A. [15:43:01] Yes.

19 Q. [15:43:02] We will talk about the first statement that was admitted, but you met
20 with the OTP a second time after the videos, you gave them the videos; is that
21 correct?

22 A. [15:43:23] Yes.

23 Q. [15:43:36] And that statement is CIV-OTP-0083-1333. Paragraph 25 of that
24 statement, you state as follows:

25 "On the right of the screen there is a young person wearing a fatigues trouser of the

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1 gendarmerie and a black tee shirt. He is not a gendarme."

2 On paragraph 26 you say:

3 "At 9 seconds, around the middle of the screen slightly to the left one can see --"

4 PRESIDING JUDGE TARFUSSER: Slow, please, Madam Naouri.

5 MS NAOURI: (Interpretation) My apologies, Mr President.

6 Q. I will reread paragraph 26:

7 "At 9 seconds around the centre of the screen slightly to the left we can see a young

8 person, a young man wearing a red beret, a green pair of fatigues and then who is

9 holding a Kalash in -- on the right hand."

10 Paragraph 27 you said as follows: "At 10 seconds, extreme right in front of the group,

11 there is a young person wearing a black, the black uniform of the CECOS police."

12 Paragraph 28 you say as follows: "From 13 seconds, one can see a young man

13 dressed in a khaki pair of trousers, a black shirt and who is holding a rocket launcher

14 in his hands or an RPG."

15 In paragraph 29 you state: "At 18 seconds, one can see a young man with

16 a Kalashnikov magazine, red in colour, a military -- a pair of military fatigues trousers

17 and then a black top."

18 We will come back to this statement, but you were talking about young people of

19 your neighbourhood. Let me ask this question to you --

20 MR GARCIA: [15:46:22] Your Honour, I am going to object to that. Once again,

21 there is a couple of problems, several problems with that line of questioning. First of

22 all, we've jumped to another statement.

23 PRESIDING JUDGE TARFUSSER: [15:46:32] Yes, which we don't have.

24 MR GARCIA: [15:46:34] Which I am not sure if the Chamber has, and to be fair with

25 the witness, you also have to put the witness in context. You can't start simply

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1 rehearsing what is started in different paragraphs of another statement in --

2 MR N'DRY: (Overlapping speakers)

3 MR GARCIA: -- completely different. I haven't finished yet. You can't start

4 rehearsing in front of a witness different paragraphs for I have no idea what objective

5 without putting the witness back into context. You have to be fair towards the

6 witness.

7 This is what Defence counsel has done. There is no apparent question. It is simply

8 rehearsing specific paragraphs and at the end is, "Well, we'll return to this

9 afterwards."

10 No. What I say is to do this correctly, you have to put the witness into context,

11 explain this comes -- and for the Chamber and for the parties and participants, it

12 comes from another statement. You are speaking about this, et cetera, and then put

13 it into context. If not, it is very confusing and it is not helpful.

14 MS NAOURI: [15:47:22] (Interpretation) Mr President.

15 PRESIDING JUDGE TARFUSSER: [15:47:28] Can we use something which was

16 never -- which the Chamber does not even know it exists, because nobody knows here

17 if this statement exists?

18 MS NAOURI: [15:47:39] (Interpretation) Mr President, it was disclosed for today.

19 It is a prior statement of the witness to the OTP which was disclosed under Rule 77,

20 and today the Prosecutor is submitting a prior statement to you, but it is a partial

21 statement, because we realised that he had met with the OTP at another time and this

22 statement complements the first statement that he gave to the OTP.

23 We are reading out the paragraphs to submit to you what the witness said. So

24 according to the directives of the Chamber, we are confronting the witness with his

25 prior statements, and we placed him in context because we asked him whether he

1 remembers speaking with the OTP on another occasion, whether he remembers
2 giving a statement, whether he remembers this statement and that it followed a video
3 that he himself gave to the OTP. He said yes.

4 That is why we were reading these prior statements, after the answer he gave when
5 we asked him whether he saw other people wearing this type of uniform during the
6 post-election crisis. Thank you.

7 MR GARCIA: [15:49:10] Indeed, your Honour, that document has been disclosed to
8 the Defence.

9 PRESIDING JUDGE TARFUSSER: [15:49:11] Wait until they are finished the
10 translation, otherwise we get confused. Please.

11 MR GARCIA: [15:49:24] So indeed, your Honour, that document, that statement has
12 been disclosed to the Defence. It wasn't just discovered. They know about it.
13 They can question on it legitimately.

14 The thrust of my objections was you have to do it properly, you have to put the
15 witness back into context, explain to him where it comes from, the parties and
16 participants, so we can all follow, and put the questions fairly to the witness. If not,
17 we have what happened here is a rehearsal of paragraphs or lines that appear in
18 another statement, then we just leave them to the side and say, "Well, we'll come back
19 to that." The problem is the procedure. You have to be fair towards the witness.

20 PRESIDING JUDGE TARFUSSER: [15:50:03] Yes, the problem is also that we can't
21 find it in eCourt, this. But of course you can -- well, I mean, we are all here don't, not
22 find it, not me. Okay.

23 But of course you can ask questions on that, but you have to confront him with the
24 statement, to put the questions, and if the question is different from what he said
25 before, you confront him with it by reading it out. That's the way to do it.

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1 So please go ahead.

2 MS NAOURI: [15:50:40] (Interpretation) Thank you, Mr President.

3 Q. [15:50:47] Mr Witness, we are sorry for these exchanges.

4 PRESIDING JUDGE TARFUSSER: Wait. Let him put the head --

5 MS NAOURI: (Interpretation)

6 Q. My apologies. Can you hear me now?

7 A. [15:51:01] Yes, I can hear you.

8 Q. [15:51:03] I asked you whether there were other people who were wearing these
9 fatigues during the post-election crisis?

10 A. [15:51:18] You asked a question following the video we had seen. So as far as
11 I am concerned the question was linked to the video.

12 Q. [15:51:28] Mr Witness, I am sorry I have to interrupt you. You yourself told us
13 that what is of interest is the events on the video. But I told you that what is of
14 interest to me is the post-election crisis. So I was situating you in the post-election
15 crisis period, and I asked you whether there were people wearing fatigues during this
16 post-election crisis period.

17 You said you do not know. And I asked you that you had made another statement
18 to the OTP, and so I was asking you, in relation to that prior statement, do you know
19 whether there were other people wearing those fatigues, even with CECOS or
20 gendarmerie t-shirts during the post-election crisis?

21 A. [15:52:34] Yes, indeed there were people wearing those types of fatigues.

22 Q. [15:52:39] Thank you, Mr Witness.

23 I will show you another excerpt from the third video, minute 2.17 to minute 2.35.

24 (Viewing of the video excerpt)

25 MS NAOURI: [15:54:22] (Interpretation)

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1 Q. [15:54:24] Mr Witness, on these images, after the sounds of the firing, are the
2 cars trying to flee or to turn around?

3 A. [15:54:44] Let's say that the vehicles were driving in both directions. Fleeing or
4 turning around? No. People were trying to leave the place as quickly as possible
5 because of the gunshots.

6 Q. [15:55:06] But traffic was not interrupted?

7 A. [15:55:11] I do not know whether I should go back to what I have already said.
8 When the occupants of the vehicles came out to take away the obstacles, then vehicles
9 started circulating again.

10 Q. [15:55:36] Very well. Let's go now to the fourth video.

11 PRESIDING JUDGE TARFUSSER: [15:55:41] The number, you are giving the
12 numbers, the first, second, third, fourth, yes. It is not a number taken from the
13 statement, the numbering?

14 MS NAOURI: [15:55:53] (Interpretation) I, at the beginning I said the first video
15 corresponds to this, and I used the chronological order used in the statement, the first
16 video in the statement, second statement, and so on and so forth.

17 PRESIDING JUDGE TARFUSSER: Okay.

18 MS NAOURI: (Interpretation)

19 Q. [15:56:18] Do you remember how long afterwards you took this video?

20 A. [15:56:25] At the risk of repeating myself, I have already said that I cannot tell
21 you precisely when I took those videos, at what time.

22 Q. [15:56:37] Very well. In your statement to the OTP it was possible for you to
23 evaluate the interval between some of the videos, and if we follow the chronological
24 order that you indicated to the Prosecutor --

25 PRESIDING JUDGE TARFUSSER: [15:56:55] Why are you contesting what he said?

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1 If he said something different, read out what he said.

2 MS NAOURI: Okay.

3 PRESIDING JUDGE TARFUSSER: Instead of commenting.

4 MS NAOURI: [15:57:15] (Interpretation)

5 Q. [15:57:17] In paragraph 83 of your statement you state as follows: "At 2.42, one
6 can hear a shot. And I crouched down behind a wall. I crouched because the
7 gunshot was in our direction."

8 So you were shot at, and then after that you filmed another video. You heard the
9 explosion. Now, how much time passed between the moment when you were afraid
10 and then when you resumed filming?

11 A. [15:58:09] I am not in a position to tell you.

12 Q. [15:58:30] Paragraph 86 of your statement, talking about video number 4, you
13 state as follows: "I started this video because the firing had resumed."

14 Why would you take the risk to continue filming again under the circumstances,
15 especially since the firing had resumed?

16 A. [15:58:55] I do not know.

17 Q. [15:59:02] You do not know why you personally took that risk?

18 PRESIDING JUDGE TARFUSSER: He said no.

19 MS NAOURI: (Interpretation) Very well.

20 Q. I will show you another freeze frame, 1.04. Can you see that image?

21 A. [15:59:44] Yes.

22 Q. [15:59:52] The vehicles that we saw pass which are further away, are they not
23 further away?

24 A. [16:00:06] Yes.

25 Q. [16:00:09] Approximately how many metres from where you were filming?

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1 A. [16:00:17] I do not know whether I can evaluate the distance precisely. It was
2 in the same place right at the top. I went right to the end of the fourth floor.

3 Q. [16:00:46] When you say "I moved all the way to the end of the fourth floor,"
4 what do you mean by that?

5 A. [16:00:53] It means what it means, I moved in order to go a little bit further on.
6 I don't know whether it could mean anything else.

7 Q. [16:01:02] Very well. Okay.

8 Mr President --

9 PRESIDING JUDGE TARFUSSER: It's 4 o'clock.

10 MS NAOURI: (Interpretation) Yes. So I shall be stopping here and we shall
11 commence anew tomorrow. So this a perfect moment to break.

12 PRESIDING JUDGE TARFUSSER: [16:01:22] Yes. And the estimation is?

13 MS NAOURI: [16:01:28] (Interpretation) No longer than one session, your Honour,
14 that is the session of tomorrow morning.

15 PRESIDING JUDGE TARFUSSER: [16:01:35] For the questioning by the Defence for
16 Mr Gbagbo, okay. So included Maître Altit, I would say. Okay.

17 So we come today to the end of this hearing, this questioning. Tomorrow we will
18 resume at 9.30. We will have another session of questioning by the Defence for

19 Mr Gbagbo and then we come to the questioning by Mr Blé Goudé.

20 So the hearing is resumed to tomorrow morning 9.30. Thank you.

21 THE COURT USHER: [16:02:23] All rise.

22 (The hearing ends in open session at 4.02 p.m.)