

Trial Hearing
WITNESS: CIV-OTP-P-0087

(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 Thursday, 13 July 2017
10 (The hearing starts in open session at 9.22 a.m.)
11 THE COURT USHER: [9:22:05] The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE TARFUSSER: [9:22:15] Good morning.
14 Just before the witness comes in, I wanted to go back to the email received yesterday
15 by the Defence for Mr Blé Goudé asking for four sessions. And the Chamber on this,
16 and I didn't want to say it in front of the witness, the Chamber agrees and gives you
17 the whole day today, and then tomorrow we'll start with the Defence for Mr Gbagbo.
18 So now I would ask the witness to be brought in.
19 That does not mean that you have to use the whole day. And it does not mean that
20 the Gbagbo Defence must use the whole day tomorrow, okay. No.
21 (The witness enters the courtroom)
22 PRESIDING JUDGE TARFUSSER: [9:24:09] Good morning.
23 WITNESS: CIV-OTP-P-0087 (On former oath)
24 THE WITNESS: [9:24:11] Good morning.
25 PRESIDING JUDGE TARFUSSER: [9:24:12] Good morning to you. Today is the

1 day for the Defence for Mr Gbagbo to question you -- for Mr Blé Goudé, sorry. For
2 Mr Blé Goudé --

3 THE WITNESS: [9:24:25] Yes.

4 PRESIDING JUDGE TARFUSSER: [9:24:26] -- to question you.

5 And, therefore, I give the floor to Mr Knoops, which will start his questioning.

6 Thank you.

7 MR KNOOPS: [9:24:37] Good morning.

8 QUESTIONED BY MR KNOOPS:

9 Q. [9:24:41] Good morning, Mr Witness. My name is Geert-Jan Alexander Knoops.
10 I'm a lawyer in The Netherlands, counsel for Mr Blé Goudé. My left side is Mr
11 Claver N'Dry. And we will both question you today on several subjects.

12 A. [9:24:54] Okay.

13 Q. [9:24:55] My first question, Mr Witness, relates to what you told the Court
14 yesterday, transcript page, English transcript, number 10, lines 19 and 21:

15 "Charles Blé Goudé didn't really come into my consciousness until I actually arrived
16 in Côte d'Ivoire. I may have read his name, but in passing."

17 Mr Witness, when you arrived in Côte d'Ivoire, did you have any knowledge on the
18 youth movements in Côte d'Ivoire, such as their role in the history of Côte d'Ivoire,
19 the structure, how they were organised, who were the leaders, interrelationships, the
20 funding, its philosophy behind those groups, policies, et cetera?

21 A. [9:26:07] No, I think, would be the simplest answer. I had a cursory
22 understanding as I think I indicated yesterday. Names had come up in passing as I
23 was reading different articles.

24 Q. [9:26:20] Yes.

25 A. [9:26:21] But I hadn't studied in-depth.

1 Q. [9:26:23] No. So the subjects I mentioned, you had no knowledge on them
2 when you arrived in Côte d'Ivoire?

3 A. [9:26:28] Not particularly, no.

4 Q. [9:26:31] Two weeks before you did leave Côte d'Ivoire, you had the interview
5 with Mr Blé Goudé on 26 March. And can you remember that you, just two weeks
6 before you left, asked him the question, "Mr Blé Goudé, who are the Young Patriots?"

7 A. [9:27:03] Yes.

8 Q. [9:27:04] You remember that?

9 A. [9:27:04] Yes, I do.

10 Q. [9:27:05] So only two weeks before you left, you asked him this question. And
11 can you recall what his answer was?

12 A. [9:27:15] It was, it was a relatively broad based answer in which he explained
13 that they were young people who were patriotic towards their country and mobilised
14 to try and do what they felt was best for the country.

15 Q. [9:27:28] All right. We'll now show you a clip of this interview which was not
16 shown by the Prosecution yesterday as part of this interview, and it's
17 CIV-OTP-0015-0547. The minutes 00.04.35 till 05.22.

18 And the number of the transcripts is OTP-0044-2519 till 0044 -- at, pardon, at 0044 to
19 522, lines 99 till 107.

20 (Viewing of the video excerpt)

21 (The following inserted excerpt is a transcription prepared and provided by the
22 parties of the aforementioned recording without any modification or alteration)

23 Charles, who are the Young Patriots?

24 THE INTERPRETER: [9:28:53] (Interpretation of the video excerpt) The Young
25 Patriots are not a separate entity as some people think. They are young. And

1 young is a word you find in a dictionary. They are patriots throughout the world.

2 They are related to a particular party and they take action for the world and to defend
3 the world. So they're young people from Côte d'Ivoire who love Côte d'Ivoire and at
4 a particular point in this crisis, a great gathering in the road --

5 Message from the interpreters: Could we have line references, if possible?

6 PRESIDING JUDGE TARFUSSER: [9:29:40] Did you hear the request from the --

7 MR KNOOPS: [9:29:42] Lines 99 till 107.

8 THE INTERPRETER: [9:29:49] Many thanks from the interpreters. We found the
9 passage. Was the translation satisfactory?

10 MR KNOOPS: [9:29:57] I don't believe it was finished.

11 THE INTERPRETER: [9:30:00] (Interpretation of the video excerpt) Sight translation,
12 line 105:

13 And the Young Patriots only organise huge rallies and gatherings in the streets, just
14 like the one today, to speak out against what the rebels are doing. Unfortunately,
15 the French networks ...

16 MR KNOOPS: [9:30:35] That's okay. Thank you.

17 Q. [9:30:36] So, Mr Witness, was the answer which Mr Blé Goudé was willing to
18 give you in public meant for the broadcast?

19 A. [9:30:48] Sorry, can you clarify?

20 Q. [9:30:50] This information was given by Mr Blé Goudé to you for purposes of
21 broadcasting on the TV?

22 A. [9:30:59] Yes. Everything that we did with him was broadcast.

23 Q. [9:31:02] Right. After asking him two weeks before you left Côte d'Ivoire who
24 were the Young Patriots, did you ask anyone else the same question?

25 A. [9:31:18] Directly, no, because I think that's after the time that I interviewed

1 Mr Blé Goudé. I didn't have a huge amount more time on the streets to do any more
2 interviews with people.

3 Q. [9:31:31] Right. Thank you.

4 I go now to a second subject, that is the enrollment in the army. First of all, I would
5 like to turn to the press conference of 23 March. And I ask you, Mr Witness, whether
6 you recall at the press conference on 23 March Mr Blé Goudé said something about
7 how to avoid a civil war?

8 A. [9:32:18] I don't at the moment recall the details of that quote.

9 Q. [9:32:21] I will now show you a portion of that press conference which was not
10 shown to you yesterday by the Office of the Prosecution. And that is
11 CIV-OTP-0015-0524, minutes 12.40 till 13.40. And the transcript number and lines
12 are OTP-0063-2914 at 0063-2919-2920, lines 164 till 175.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [9:33:45] (Interpretation of the video excerpt) Sight translation:

15 Charles Blé Goudé: There will be no civil war in Côte d'Ivoire because we, the
16 Gbagbo supporters, we do not want -- we do not want this civil war in Côte d'Ivoire.
17 The gathering calls out: Incomprehensible.

18 Charles Blé Goudé: Only Mr Ouattara is doing everything he can, putting
19 everything in place so that there is a civil war in Côte d'Ivoire.

20 The gather calls out again: Incomprehensible.

21 Charles Blé Goudé: And since our decision to call upon young people to rally
22 around the flag has been misinterpreted, we have been asking the young people who
23 want to serve their country by joining the military, we've been asking them to enlist,
24 to comply with the conditions of the regular army. And we have made this
25 suggestion. And Mr Ouattara is arming civilians in the neighbourhoods in the

1 regions. And they keep their gun under the carpet to kill, to slit throats. Support
2 us, but by giving (incomprehensible) to Mr Ouattara. It's not normal to arm civilians.
3 Mercenaries are being recruited.

4 End of sight translation.

5 MR KNOOPS: [9:35:25] Thank you.

6 Q. [9:35:25] Now, Mr Witness, you did hear Mr Blé Goudé speaking about the
7 conditions of the regular army. Were there any other occasions where Mr Blé Goudé
8 when speaking about the enrollment of the youth in the army that had to comply
9 with the conditions of a regular army?

10 A. [9:35:54] Not that I'm aware of.

11 Q. [9:35:56] Now, at the same press conference on 23 March, can you recall the
12 explanation of Mr Blé Goudé why he made this appeal to the youth to enrol in the
13 regular army?

14 A. [9:36:20] No. I'm assuming you'll show me.

15 Q. [9:36:24] Right. Now I'll show you a clip which wasn't shown yesterday by the
16 Office of the Prosecution, which is CIV-OTP-0015-0526. And we would like to show
17 the minutes 00.00 till 01.31. The transcripts number and page is the following,
18 OTP-0063-2974 at 0063-2975, lines 1 till 18.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [9:37:37] (Interpretation of the video excerpt) Sight
21 translation:

22 Charles Blé Goudé: We want to provide a solution to this crisis. That is why I say
23 once again I am calling for a dialogue amongst the people of Côte d'Ivoire. I repeat,
24 I'm calling for a dialogue amongst the people of Côte d'Ivoire because all of those
25 who have come here, these senior representatives -- what's, what's the name again?

1 Facilitators, mediators, all those who are trying to make a name for themselves,
2 profiting from Côte d'Ivoire and (incomprehensible) the people of Côte d'Ivoire.
3 It must be understood that we still have a chance to save Côte d'Ivoire and there is
4 still a chance to save Côte d'Ivoire as long as everyone turns a deaf ear to his own
5 pride. Why? Because, well, I'm told -- but you talk about dialogue, and then you
6 say that people should join the army. But France has an army. The United States
7 has an army. It's not Gbagbo's army. I'm talking about Côte d'Ivoire's army.
8 People say to me Gbagbo's soldiers, Gbagbo's police officers. I remind you that these
9 are the same gendarme, the same police officers who arrested Laurent Gbagbo in
10 1992.
11 Myself, these are the same gendarme, the same police officers who put me in prison.
12 And I have many others, prisoners behind me as well here. So that means that the
13 army, the police, the gendarme, the gendarmes have no friends. Their friends is the
14 republic. And as long as you are on the side of the republic, you think that these are
15 your comrades, but this is the day -- but this is the day that you move to the
16 opposition's side and you realize that (incomprehensible)
17 End of sight translation.

18 MR KNOOPS: [9:39:46]

19 Q. [9:39:47] Mr Witness, were you aware before you came to Côte d'Ivoire that
20 what Mr Blé Goudé said here, the same gendarme, the same police officers arrested
21 Mr Gbagbo and Mr Blé Goudé in 1992?

22 A. [9:40:05] I was, yes.

23 Q. [9:40:07] You were. You hear Mr Blé Goudé here speaking three times about a
24 dialogue. Were you aware whether and how, if so, Mr Blé Goudé pursued this
25 dialogue prior to your arrival in Côte d'Ivoire?

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1 A. [9:40:32] No.

2 Q. [9:40:35] Mr Witness, speaking about the statements of Mr Blé Goudé, you told
3 the Court yesterday in the English version, transcript page 71, lines 3 till 6, that at the
4 time you spent your four weeks in Abidjan, you remember watching state television.
5 Actually, you were being told to watch state television.

6 Now, do you recall, Mr Witness, having given evidence to the extent that you
7 watched state television, did you recall Mr Charles Blé Goudé making public
8 statements on state TV to resist against the distribution of weapons in the various
9 districts of Abidjan, but, rather, to defend his country against the rebels with lawful
10 methods? Can you remember any of those statements since you watched the state
11 television?

12 A. [9:42:08] Yes, that does definitely ring a bell, those sorts of statements, sorts of
13 things he said.

14 Q. [9:42:15] Approximately how many, can you remember, of those statements?

15 A. [9:42:20] I think one in particular stands out, yeah, one in particular that I
16 watched and understood clearly.

17 Q. [9:42:33] Could it be a broadcast on 21 March?

18 A. [9:42:38] I honestly could not tell you what day that happened.

19 Q. [9:42:41] You don't know. Okay.

20 May I show you one clip to that extent and then ask you a question whether it was the
21 same clip. That's CIV-OTP-0069-0375. The minutes of this clip are 15.17 till 16.02.
22 The transcript number and page are CIV-OTP-0087-0737 at 0737, 0738, lines 33 till 41.
23 (Viewing of the video excerpt)

24 THE INTERPRETER: [9:43:59] (Interpretation of the video excerpt) Sight
25 translation:

1 DTT: So given the large number, we suppose that not everyone was able to enlist
2 today. What's the situation when it comes to that? And what can be, what can be
3 said to the people in the interior who want to respond to this call?

4 Charles Blé Goudé: Of course, ma'am, we're here on this set to say to young people
5 that this morning, this is the start, the start of this operation, operation enlistment.
6 And this large number of people, they come and say that they are determined, they
7 are determined to free Côte d'Ivoire. They are determined to refuse or not allow the
8 distribution of guns in the neighbourhoods to small-time thugs like little criminals,
9 but weapons used in a legal way, and the entity that confers this legality is the army
10 of Côte d'Ivoire.

11 MR KNOOPS: [9:45:11]

12 Q. [9:45:12] Mr Witness, is this the same clip you watched at your stay in Abidjan,
13 the state TV?

14 A. [9:45:21] Unfortunately, with it being six years ago, I cannot recall if this is the
15 exact clip or not.

16 Q. [9:45:28] Yes.

17 A. [9:45:29] The broad details of what he's saying --

18 Q. [9:45:32] Right.

19 A. [9:45:33] -- I believe I heard him say at some stage.

20 Q. [9:45:36] Yes, right. So you hear Mr Blé Goudé saying here again that once you
21 prevent distribution of weapons in the various quarters --

22 PRESIDING JUDGE TARFUSSER: [9:45:50] We all hear what he's saying.

23 MR KNOOPS: Yes.

24 MR MACDONALD: [9:45:53] Yes. And plus we disagree with the characterisation
25 that was given by the Defence in any event, your Honour.

1 PRESIDING JUDGE TARFUSSER: [9:46:01] Well, this is then a matter of discussion.
2 But what is said hereby and shown, we all see it --
3 MR KNOOPS: [9:46:13] Right.
4 PRESIDING JUDGE TARFUSSER: [9:46:14] -- and understand it.
5 MR KNOOPS: [9:46:19] Thank you.
6 Q. [9:46:20] The second portion of this clip I would like to show you, Mr Witness, is
7 the same CIV-OTP numbers, 0069-0375. The minutes are 18.15 till 19.45. The
8 transcript number page are OTP-0087-0737 at 0739, 0740, lines 75 till 94.
9 (Viewing of the video excerpt)
10 THE INTERPRETER: [9:47:30] (Interpretation of the video excerpt)
11 Well, you were talking about dialogue amongst Ivorians.
12 Charles Blé Goudé: Yes, madam. The fact that the state is recruiting young people
13 to form its army doesn't exclude dialogue. And that's why I'm saying that in a
14 modern state, you see, you do not hand off Kalashnikovs in the neighbourhoods for
15 people to hide under their clothes while they're drinking tea, and when people walk
16 by they get shot, as is the case of those that are called the Invisible Commando.
17 But I think that Côte d'Ivoire wants a leader, but not that type of leader. That's why
18 I'm calling out again here to the awareness of our leaders, to their conscience, and I'm
19 convinced that sooner or later they will end up sitting down, but to sit down after the
20 war, I think that it's better than sitting down -- rather, rather than sitting down after
21 the war, it's better to sit down and talk before the war. Do you understand?
22 I believe I have faith in all those who come here that they're looking for a name,
23 they're trying to make themselves a name on the backs of Côte d'Ivoire. They want a
24 name in the sense of Côte d'Ivoire. But we, the Ivorians, what do we want?
25 We -- well, when I call for the ceasefire, for the end of violence in the neighbourhoods,

1 that is, ethnic group against ethnic group, RHDP against LMP, that is the honour of
2 Côte d'Ivoire. And today we are talking about Côte d'Ivoire.

3 Well, that's a very dark picture you're painting.

4 Charles Blé Goudé continues: I am asking for pardon. And I hope that we will be
5 able to go beyond our passion so that we can sit down and talk. We -- violence must
6 stop in the neighbourhoods. Violence must stop in our cities. But I believe that it is
7 still possible, you see, just for one presidential seat, so to speak, how many thousands
8 of Ivorians must die. That is why I am in favour of dialogue.

9 MR KNOOPS: [9:49:55]

10 Q. [9:49:56] Mr Witness, can you recall this footage on the state TV?

11 A. [9:50:05] No. But I've just seen it so ...

12 Q. [9:50:08] Yeah. So this is the first time you've seen this?

13 A. [9:50:12] In that kind of detail, yes, that I can recall six years later, yeah.

14 Q. [9:50:15] During your stay in Abidjan, Mr Witness, did you witness yourself any
15 examples of actions of Blé Goudé to stop the violence or to initiate a dialogue in those
16 four weeks you were in Abidjan?

17 A. [9:50:36] When you say "actions" --

18 Q. [9:50:37] Well, any initiatives he undertook in those four weeks as an example of
19 what he said here.

20 A. [9:50:46] No, none whatsoever. I mean, the most of the involvement, the times
21 that I saw Charles Blé Goudé was at rallies --

22 Q. [9:50:55] Right.

23 A. [9:50:55] -- or at incidental moments like this where he may have been on state
24 TV. Obviously I didn't know when he was going to appear --

25 Q. [9:51:01] Right.

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1 A. [9:51:02] -- so I wasn't able to schedule my viewing to be sure that I watched
2 everything that he said.

3 Q. [9:51:05] Right.

4 A. [9:51:06] But at times I may have picked up little snippets like the one you
5 showed.

6 Q. [9:51:10] Thank you. Now, may I show you, Mr Witness, a video clip, which is
7 CIV-OTP-0015-0551. And the transcript page is CIV-D25-0047-0063.

8 PRESIDING JUDGE TARFUSSER: [9:51:52] Was it already shown yesterday?

9 MR KNOOPS: [9:51:54] No.

10 PRESIDING JUDGE TARFUSSER: [9:51:54] No. It's a new one. No. If you say it,
11 it's maybe better so that we understand immediately when you read it if it's a new
12 one or it's already shown by the Prosecutor. Thank you.

13 MR KNOOPS: [9:52:05] Yes. Mr President, what I am showing today is not shown
14 yesterday to this witness, yes.

15 And for the interpreters, there are two portions. It starts at minutes 3, 03.00 till 03.42,
16 then there is a break, and then we show again a portion of the same video, and that's
17 05.45 till 06.15. So two excerpts of this video. Should I repeat?

18 (Viewing of the video excerpt)

19 (The following inserted excerpt is a transcription prepared and provided by the
20 parties of the aforementioned recording without any modification or alteration)

21 [03:00] Reporter: Ahead, and when everyone sees them coming, they'll know he's
22 coming. Having seen these events before, I know he's then gonna run in and give a
23 big wave and shout and everyone's gonna cheer and that's how he makes sure his
24 entrance is the most important of the day. [03:11]

25 [03:12] Reporter: Charles, is this what you're sleeping on tonight? [03:16]

1 THE INTERPRETER: [9:53:22] (Interpretation of the video excerpt) Yeah, this is the
2 mattress I'm going to sleep on tonight. I'm going to spend the whole night here.

3 [03:23] Reporter: Are you sure that's safe?

4 THE INTERPRETER: [9:53:26] (Interpretation of the video excerpt) Until
5 tomorrow morning. Well, you know, you're never 100 per cent safe even, and given
6 the lack of security in the country, but as a leader, I think it's going to boost people. I
7 think that the Ivorians who have come here have come with their mats and their
8 mattresses, and I'm going to set the example, so I've come to sleep here along with
9 them.

10 MR KNOOPS: [9:54:01] We can continue, ma'am, with the next portion. Thank
11 you.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [9:54:14] (Interpretation of the video excerpt) Well, you
14 know, my mattress, I'm used to it. I'm well prepared, you know. I'm used to it.
15 It's a clean mattress. And it's a peaceful means of combat, so to speak. And in
16 principle, this type of fight should be supported rather than encouraging assassins
17 and so that they mobilise the people and hide things from the people and kill people
18 with their Kalashnikovs

19 MR KNOOPS: [9:54:54]

20 Q. [9:55:02] Mr Witness, you remember this event now?

21 A. [9:55:05] Yes, yes.

22 Q. [9:55:06] So that was the reason why I'm asking you whether you had
23 knowledge of certain examples.

24 A. [9:55:11] I see. This, that, what I just saw, I wouldn't count as an example of
25 Charles Blé Goudé genuinely or authentically attempting to create a dialogue that

1 was going to actually affect the politics of his country. What I saw there was a
2 publicity stunt. He, he --

3 Q. [9:55:33] Well --

4 A. [9:55:34] The impression that I got, that the people with me and the other
5 journalists who filmed this and who saw it was that it was a publicity stunt, that it
6 was designed to put pressure on his opponents at a time when there may be a
7 dialogue taking place. I certainly didn't think I was seeing that dialogue or an
8 attempt to start one.

9 Q. [9:55:56] Did Mr Blé Goudé tell you that it was a publicity stunt?

10 A. [9:56:01] I didn't need to be told that it was a publicity stunt.

11 Q. [9:56:03] This was your own interpretation?

12 A. [9:56:05] As a journalist I think --

13 Q. [9:56:07] You're capable of making --

14 THE COURT OFFICER: [9:56:10] Overlapping speakers, please.

15 PRESIDING JUDGE TARFUSSER: [9:56:11] Come on.

16 THE WITNESS: [9:56:13] Yes. Shall I continue?

17 PRESIDING JUDGE TARFUSSER: [9:56:15] Of course you can.

18 THE WITNESS: [9:56:16] Thank you.

19 As a journalist, I've done this job for a number of years, and I've seen a number of
20 examples of politicians and other public figures using the presence of the media to
21 demonstrate certain points. These are publicity stunts. They may reflect the
22 genuine desire of that politician, but equally they may simply reflect what that
23 politician wants people to see of him.

24 MR KNOOPS:

25 Q. [9:56:45] Mr Witness, you hear Mr Blé Goudé saying in this clip that the country

1 is far from secure?

2 A. [9:56:56] Yes.

3 Q. [9:56:59] Did you know why Mr Blé Goudé had his own security guards around
4 him which you were shown so clearly yesterday by the Prosecution's videos?

5 A. [9:57:11] I mean, it seemed, it seemed apparent that he was a very important
6 well-known figure playing a very important role.

7 Q. [9:57:19] Did he --

8 A. [9:57:20] The country was unstable.

9 Q. [9:57:22] Right. Did he tell you at any point in time that he had to fear for his
10 life because he was a person who was at the forefront?

11 A. [9:57:33] I believe that came up, yes.

12 Q. [9:57:34] Yes. While speaking about cessation of violence, I believe you spoke
13 with Mr Blé Goudé about this topic during his interview on 26 March 2011?

14 A. [9:57:52] Yes.

15 Q. [9:57:52] You recall that. Can you recall what he told you there about his desire
16 to end the violence?

17 A. [9:58:06] No.

18 Q. [9:58:07] No. Okay. Then I'll show you the following portion of a clip which
19 wasn't shown yesterday. It's the portion of the interview on 26 March,
20 CIV-OTP-0015-0547. The minutes are 19.34 till 21.55. And the transcript number
21 and page are the following, CIV-OTP-0044-2519 at 2526-2527, lines 273 till 299,
22 followed by 0044 -- I'm sorry. It's again just 273 till 299. Sorry.

23 (Viewing of the video excerpt)

24 (The following inserted excerpt is a transcription prepared and provided by the
25 parties of the aforementioned recording without any modification or alteration)

1 SR : What's going to happen here in IVORY COAST if this crisis continues?

2 THE INTERPRETER: [9:59:46] (Interpretation of the video excerpt) Well, I can't
3 predict the future, because I'm not a soothsayer. But what I can tell you is that what
4 we're doing, what we're doing has the goal of avoiding civil war, because on the other
5 side, Mr Ouattara has armed all of his militants with machetes, Kalashnikovs, RPGs in
6 full view of the UN. And they're there, they live in Côte d'Ivoire with us.

7 SR : Haven't the Patriots been armed as well now?

8 THE INTERPRETER: [9:59:46] (Interpretation of the video excerpt) No. What
9 we've done, we asked the patriots who want to join the regular army. That's
10 different. It's different than arming civilians. That's the difference. You have to
11 distinguish between those two things. It's not the same thing. So if we wanted to
12 follow Mr Ouattara, we would say that the ingredients of civil war are already there
13 and yet we must avoid civil war, that civil war. I am calling once again for dialogue
14 amongst Ivorians. I'm convinced that it is through dialogue that we can find a
15 solution to this crisis.

16 In Kenya they had uprisings, but in the end they sat down and they found a solution.
17 Today the situation is calm in Kenya. Why can't we succeed the same thing in Côte
18 d'Ivoire?

19 I would call upon all of my forces to participate in the dialogue between President
20 Gbagbo and Mr Ouattara. I have faith in that without intermediaries, without those
21 who call themselves mediators, who are just trying to win themselves a name and
22 honours on the backs of Côte d'Ivoire and through the blood of Ivorians, and those
23 who are excluded, those who have put Mr Gbagbo face to face with Mr Ouattara, Mr
24 Ouattara, and if we just put them in a room, the two of them, if they talk to each other,
25 I'm convinced that they can find a solution.

1 It's still possible, because all those who call themselves mediators before they came to
2 Côte d'Ivoire to settle the crisis, they went through the Elysée palace and through
3 France to receive instructions, and they will not (inaudible) be able to succeed because
4 France has other interests.

5 Those interests are not the interests of Côte d'Ivoire. The Ivorians know what their
6 interests are and the interests of France and the interests of Côte d'Ivoire. And I
7 believe that it is up to the Ivorians to sit down and discuss and they will be able to
8 find a solution. It's still possible. Thank you.

9 The interpreter points out that the video was stopped several lines before the line
10 indicated by counsel, but that the sight translation continued until line 299.

11 MR KNOOPS: [10:02:55] That's fine. Thank you very much, ma'am. Thank you.

12 Q. [10:02:58] Now, Mr Witness, you recall this portion of the interview?

13 A. [10:03:03] Yes.

14 Q. [10:03:03] Right. Here we see Mr Blé Goudé again speaking about to avoid a
15 civil war and to avoid the arming of civilians outside the regular army. Now, did
16 you during your stay in Côte d'Ivoire watch on the state TV another example of
17 similar remarks of Mr Blé Goudé, and in specific, were you aware that he gave an
18 interview on 20 March 2011, so that was the Sunday one day after the rally at CP1 on
19 state TV, RTI? Can you recall watching on the state TV, because you testified that
20 you were asked to follow the state TV?

21 A. [10:04:18] You mean --

22 Q. [10:04:20] But anyway my question is can you recall having seen a speech of
23 Mr Blé Goudé on 20 March on state TV --

24 A. [10:04:28] No.

25 Q. [10:04:29] -- which was given in Port-Bouët? Does that ring a bell to you,

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1 Port-Bouët?

2 A. [10:04:35] I mean, the city name rings a bell, yeah.

3 Q. [10:04:37] Right. So can we show you the following clip, OTP-0064-0092.

4 PRESIDING JUDGE TARFUSSER: [10:04:50] Mr -- well, let him finish, otherwise we
5 make a confusion. Please.

6 MR KNOOPS: [10:04:56] Minutes 20.18, 21.38, and the transcript number is 0088,
7 OTP-0088-0044, lines 1 till 29.

8 PRESIDING JUDGE TARFUSSER: [10:05:17] Wait a minute.

9 Mr MacDonald.

10 MR MACDONALD: [10:05:20] Thank you, your Honour. It's about the process.

11 Each time we show a clip, my colleague, when he starts, he summarises what we see
12 on the clip, of course, summarises in a way that should be argued in a closing brief. I
13 think these are comments, your Honour, that we -- like you've noted, unless there is a
14 specific question about something else, fine, but rehashing what we've just seen by
15 editorial comments, I think those should be made as arguments in closing briefs by
16 any member in this courtroom, your Honour. So that's the point of our objection on
17 the process itself.

18 PRESIDING JUDGE TARFUSSER: [10:06:08] Yes. And I quite agree. I mean, the
19 questions are normally 10, 15 lines and the reply is one or two words. So it's more
20 for you to bring in the record the interpretation of what you saw than putting a
21 question.

22 So, again, please put questions and you will receive the answers.

23 MR KNOOPS: [10:06:35] Well, I think this was a clear question whether the witness
24 recalls any statement of Mr Blé Goudé on state TV given on Port-Bouët. This was
25 my question to the witness.

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1 PRESIDING JUDGE TARFUSSER: [10:06:45] And it was a clear answer.

2 MR KNOOPS: [10:06:47] Yes. So that's why I'm showing you now, Mr Witness,
3 this clip.

4 Can we please --

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [10:06:59] (Interpretation of the video excerpt)

7 Dominique Thalmas Tayoro: Those were the last echoes, so to speak, of the general
8 meeting of the PDCI-RDA. Let's go back to patriotic actions on the ground this time
9 with the leader of the Young Patriots, Charles Blé Goudé, continuing with this rally,
10 this mobilisation and awareness-raising rally. Today he was in Port-Bouët. And
11 this is the last call, the most recent call since yesterday asking Young Patriots who
12 want to join the Côte d'Ivoire army.

13 Mambo Abbé: Total support for the patriotic appeal made by Charles Blé Goudé.
14 Koumassi came out in numbers to welcome the leader of the Young Patriots on the
15 way to Port-Bouët. Along with him Young Patriots have run along chanting hymns,
16 mobilisation hymns rallying Laurent Gbagbo, and it's full of people.

17 Charles Blé Goudé: I don't want people distributing weapons in the
18 neighbourhoods. That's why all the young people in Côte d'Ivoire who are ready in
19 their souls, who are ready in their bodies, who are ready in their minds, who are
20 ready physically, mentally, as of tomorrow at 7 o'clock in the morning, I call upon
21 you to go to the main -- to go to the Côte d'Ivoire chief of staff to sign up for the army
22 of Côte d'Ivoire.

23 And the crowd chants: Liberate, liberate, liberate.

24 MR KNOOPS: [10:08:42]

25 Q. [10:08:43] Mr Witness, were you aware at the time of your stay in Côte d'Ivoire

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1 that Mr Blé Goudé gave this speech at Port-Bouët?

2 A. [10:08:58] No.

3 Q. [10:08:58] Did you learn this after when you returned to England?

4 A. [10:09:01] This specific speech in Port-Bouët?

5 Q. [10:09:04] Yes.

6 A. [10:09:05] It's not something that has come to my attention, I think.

7 Q. [10:09:08] Okay. Thank you.

8 My final question relates to the rally of the 19th of March. And first is my question
9 whether you recall whether a person during that rally said something about Mr
10 Sarkozy?

11 A. [10:09:42] Mr Sarkozy was mentioned by a number of people, yeah.

12 Q. [10:09:45] Yes. And what was said about Mr Sarkozy? Can you recall that?

13 A. [10:09:49] By whom exactly?

14 Q. [10:09:51] By one of the people you interviewed on the 19th.

15 A. [10:09:54] Right. I believe that some of the people I interviewed on the 19th
16 told me that Mr Sarkozy was a murderer, he was dishonest, and he was responsible
17 for trying to bring the country down. That's -- I'm paraphrasing. I couldn't give
18 you an exact quote, though I'm sure you have a video.

19 Q. [10:10:14] Right, yes. We'll show you video CIV-OTP-0015-0442, minutes 04.13
20 till 04.25. And the transcript number and lines are OTP-0062-0103 at 0062-0105, lines
21 46 till 51.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [10:11:30] (Interpretation of the video excerpt) Sarkozy
24 assassin. Sarkozy assassin.

25 MR KNOOPS: [10:11:41]

1 Q. [10:11:43] We missed the translation of the whole portion, lines 46 till 51.

2 THE INTERPRETER: [10:11:55] Your Honour, the following passage is in English
3 already and I believe it was interpreted into French.

4 PRESIDING JUDGE TARFUSSER: [10:12:06] Well, there is only one sentence to be
5 translated as far as I --

6 MR KNOOPS: [10:12:11] Okay, right.

7 PRESIDING JUDGE TARFUSSER: [10:12:11] And that was translated related to Mr
8 Sarkozy.

9 MR KNOOPS: [10:12:16] The English portion, yes.

10 Q. [10:12:18] So, Mr Witness, you heard the French, the crowd shouting in French
11 "Sarkozy assassin, Sarkozy assassin"?

12 A. [10:12:33] Yes.

13 Q. [10:12:33] And your own translation, they were all shouting "Assassinate
14 Sarkozy, assassinate Sarkozy"?

15 A. [10:12:40] Is that what I said?

16 Q. [10:12:41] That's what you said, Mr Witness.

17 A. [10:12:42] I see.

18 Q. [10:12:43] That's what you said. On top of that you said twice that the crowd
19 were shouting "Assassinate Sarkozy, assassinate Sarkozy," saying "as far as they're
20 concerned," referring to the crowd, "Sarkozy and western leaders are the biggest
21 threat to Ivory Coast."

22 So, first of all, your translation of the crowd saying "Sarkozy assassin" was translated
23 by you?

24 A. [10:13:15] Yes.

25 Q. [10:13:20] And probably used by you in your information you brought to

1 England --

2 A. [10:13:27] No.

3 Q. [10:13:28] -- into "assassinate Sarkozy" --

4 A. [10:13:30] No.

5 Q. [10:13:30] -- "assassinate Sarkozy." And secondly --

6 A. [10:13:34] Sorry, is that a question? I feel like I should respond to the question.

7 Q. [10:13:39] Well, you'll agree that this was a wrong interpretation by what the
8 crowd really said?

9 A. [10:13:43] I think that you made two points concurrently. The first was that I
10 misinterpreted, which is correct, I did clearly misinterpret it.

11 The second point you make was that I took that misinterpretation back to England
12 and that informed in some way our film-making, and that's incorrect. I made a
13 mistake on the ground.

14 Q. [10:14:01] We as lawyers sometimes like journalists also make assumptions.
15 Sorry for that.

16 A. [10:14:06] I didn't make an assumption. I made a mistake.

17 THE COURT OFFICER: [10:14:10] Mark a pause between question and answer,
18 please.

19 THE WITNESS: [10:14:13] Sorry.

20 MR KNOOPS: [10:14:14] Yes, a pause.

21 THE WITNESS: [10:14:15] I should stress that we film on the hoof. I speak -- the
22 value of me as a reporter is that I can speak instinctively and turn to camera and just
23 say what comes out.

24 But we are not a live news programme, so we always have the opportunity to reassess.

25 In fact, I believe that exact mistake, as I watch it, I do remember turning to my

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1 translator and just confirming "assassin," do they mean kill him or he is a killer? I
2 remember actually confirming that.

3 MR KNOOPS:

4 Q. [10:14:52] And did you hear the crowd saying that western leaders were the
5 biggest threat to Ivory Coast, because that was said by you after the crowd --

6 A. [10:15:02] Yes.

7 Q. [10:15:02] -- shouted "Sarkozy assassin"?

8 A. [10:15:05] I believe that --

9 MR DEMIRDJIAN: [10:15:07] There is an objection here, your Honours. If I have
10 your attention, yes?

11 Counsel played a very short clip where we see the crowd screaming "Sarkozy
12 assassin." But we didn't see what came before or before that. So to now put it to
13 the witness that you saw one portion of a clip and you're concluding that the western
14 world, et cetera, I think it's misleading the witness and it's providing a very selective
15 portion of the video. So the second part of the question does not follow.

16 PRESIDING JUDGE TARFUSSER: [10:15:41] By the selectivity of the portion of the
17 video, I think we agree that all portions shown are selective by the OTP and by the
18 Defence. They're all selective therefore. But here the question was, the question
19 was "Did you hear the crowd saying that western leaders were the biggest threat to
20 Ivory Coast?" And that was the question.

21 MR KNOOPS: [10:16:08] Okay. I didn't say that this was in the video.

22 PRESIDING JUDGE TARFUSSER: [10:16:10] No.

23 MR KNOOPS: [10:16:12] I just asked the question in general whether Mr Witness
24 recalls that during --

25 PRESIDING JUDGE TARFUSSER: [10:16:17] Yes.

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1 MR KNOOPS: [10:16:18] -- this event he recalls.

2 PRESIDING JUDGE TARFUSSER: [10:16:20] Because that was said by you after the
3 crowd, what I don't understand in English.

4 But the question is, "Did you hear the crowd saying that western leaders were the
5 biggest threat to the Ivory Coast?" That's the question.

6 THE WITNESS: [10:16:33] Okay. I'll take this opportunity to point out that some of
7 my translations in the field are paraphrasing. I attempt to combine the different
8 things that the person has said. And they are certainly not the kind of transcripts
9 that your translators here are capable of producing.
10 The point is to give an impression to the audience of what people are saying and
11 thinking.

12 MR KNOOPS: [10:17:05]

13 Q. [10:17:06] Right. Thank you very much.

14 My last question to you, Mr Witness, is are you familiar -- actually my question
15 should be were you familiar before you left England to Côte d'Ivoire with the Ofcom
16 broadcasting code and Channel 4 producers handbook?

17 A. [10:17:39] Yes.

18 Q. [10:17:39] And specifically the requirements for a broadcasting programme,
19 factual programme. And were you informed -- were you given a set of those
20 guidelines by your producer?

21 A. [10:18:12] Of course, yes, I was. Is there a specific guideline you feel I
22 breached?

23 Q. [10:18:18] I'm just asking you in general whether you were being informed --

24 A. [10:18:20] Okay.

25 Q. [10:18:21] -- of those guidelines?

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1 A. [10:18:22] Yes, I was.

2 Q. [10:18:23] And is it your view that you applied them in this situation, you
3 applied those guidelines?

4 A. [10:18:31] In the exact situation that we just saw where I paraphrased what the
5 crowd had been chanting and saying to me?

6 Q. [10:18:39] Well, during your whole stay of four weeks in Côte d'Ivoire.

7 A. [10:18:43] During my whole stay, yes. I mean, I kind of asked myself this
8 question numerous times leading up to this case. I believe we complied at every
9 step of the way with those Ofcom guidelines.

10 Q. [10:18:58] Okay. Thank you.

11 Those were my questions, Mr President, for my part. Mr N'Dry will probably take
12 you the whole day through some other themes.

13 THE WITNESS: [10:19:08] Thank you.

14 PRESIDING JUDGE TARFUSSER: [10:19:08] Thank you very much.

15 Maître N'Dry, the floor is yours.

16 QUESTIONED BY MR N'DRY: (Interpretation)

17 Q. [10:20:22] Good morning, Witness.

18 My name is Claver N'Dry. I'm a lawyer, member of the Côte d'Ivoire bar. I'm
19 going to continue putting questions to you on behalf of the Defence team for Charles
20 Blé Goudé. I'm going to ask that we go very slowly so that the Presiding Judge
21 doesn't have to correct us each time, and I will ask you to make the effort to speak
22 slowly.

23 Witness, as regards the choice of the subject matter for your documentaries on
24 Channel 4, of course, are there any other criteria used aside from the fact that it was to
25 be a subject that wasn't already covered by other media in the UK?

1 A. [10:21:51] Yes. A number of different criteria are taken into account. I can
2 attempt to summarise those which I believe are most important, though I should
3 stress before doing so that really this question is a little bit above my pay grade in that
4 I'm the contractor who is employed by a production company, who are in turn
5 commissioned by the channel. So I'm kind of two steps removed from the
6 decision-making as to what programme is made, why, how and so on.

7 But I believe that one of the most important things that I'm asked to consider when
8 pitching ideas for stories is the visual nature of the subject matter or methods by
9 which we may be able to bring to life the topics being discussed.

10 Our series is very specific about not including too many sit-down interviews. We
11 want to see people in action doing things, saying things, performing a role in their
12 country, which will then illuminate and inform our audience. That sounds pretty
13 straightforward, but actually it's incredibly difficult. We tend to think about our
14 films as 10 sequences of roughly 2 and a half to 3 minutes long, each one being
15 visually gripping and containing some information that people at home will find
16 educational and informative. And that's just simply, putting ideas through that filter,
17 you lose a lot, a lot of really quite interesting and potentially good topics, because
18 they just aren't visual enough.

19 But, I mean, from my point of view, that is one of the main criteria for choosing
20 stories. Beyond that, as I say, you'd need to ask my bosses and their bosses.

21 Q. [10:24:09] Witness, in covering a crisis such as that of the Côte d'Ivoire, what
22 might give you the material to make an interesting film?

23 A. [10:24:52] Could you clarify, please?

24 Q. [10:24:58] I will refer to your statement made to the Office of the Prosecutor,
25 CIV-OTP-0017-0003, page 0006, paragraph 12, and I'll just take an excerpt from it.

1 "We decided together with the editorial team that this situation could be an
2 interesting subject for a film." End of quotation.

3 So my question is could you tell us what you can say as regards the fact that you are
4 going to be covering a conflict, a crisis situation, from the point of view of your
5 documentary, what was it about that situation that would give you content to make
6 an interesting film?

7 A. [10:26:39] Okay. First of all, it was taking place in the Ivory Coast, a country
8 which the vast majority of British people had never heard of.

9 Secondly, it involved really quite important issues of life and death for the people in
10 that country, but potentially the political implications of what was going on could
11 have knocked on across the whole region.

12 It was our understanding that in a few months' time the Ivory Coast would be a major
13 news story, and that depending on how things went, there was a possibility that that
14 major news story could spread for years where, for instance, there may be knock-on
15 effects in neighbouring countries, other political movements that attempt to copy
16 what they've seen in Ivory Coast and so on and so forth. And so it seems that all of
17 this was going to be very relevant very soon.

18 On top of that you had, sorry, on top of that you had a situation which was clearly
19 very visual. It involved large numbers of people who were displaced, who were in
20 need of aid. It involved potentially military conflicts or military manoeuvres of
21 some sort taking place.

22 There was definitely the sense before we left that this film had the potential to be
23 gripping and interesting, and that from the first moment a viewer flicked through the
24 channels and then landed on our programme, in the first couple of minutes they
25 would say, "Oh, my God, what's going on here? I need to know more."

1 And if you think you can grab people in that way, then as a filmmaker, yeah, you go
2 and make that film.

3 MR N'DRY: [10:28:54] (Interpretation) If the counsel is likely to influence the
4 witness, I would prefer --

5 PRESIDING JUDGE TARFUSSER: [10:29:05] Yes. But I think this witness is not
6 influenceable, I mean not by a question which was -- not by an opposition which was
7 not made yet.

8 MR DEMIRDJIAN: [10:29:11] Mr President, I question the relevance of these
9 questions.

10 PRESIDING JUDGE TARFUSSER: [10:29:13] Yes, of course, me too.

11 MR DEMIRDJIAN: [10:29:15] Because we didn't deal with the documentary at all --

12 PRESIDING JUDGE TARFUSSER: [10:29:17] Yes, yes.

13 MR DEMIRDJIAN: [10:29:18] -- as all these questions do not go to the issues in the
14 case.

15 PRESIDING JUDGE TARFUSSER: [10:29:21] I was just going to say that the
16 documentary is not on the record of the case as such.

17 MR N'DRY: [10:29:31] (Interpretation) Your Honour, the documentary is not on
18 the case file. However, the footage, the rushes are on the case file and they follow an
19 outline, and that is why I am putting these questions, because what your objective is
20 determines the actions you take. I'll leave it at that. But I did want to make that
21 observation, because throughout my cross-examination, I will be coming back to this.

22 Q. [10:30:17] Witness, in preparing your trip to Côte d'Ivoire, you say, and you said
23 this yesterday on page 7, lines 2 to 13, I'm not going to go over the point again, you
24 said that you obtained certain information from certain journalists who were in situ in
25 Côte d'Ivoire.

1 Could we have the names of those journalists, whether they're national or
2 international journalists and the names of the press organs to which they belong?

3 A. [10:31:07] First of all, I'll reiterate that I don't have any notes. I don't have my
4 notebook which I used to take down the names of all those individuals and the dates
5 on which I spoke to them. So from memory I will attempt to summarise some of the
6 key people who I spoke to.

7 Rukmini Callimacci was the head of the Associated Press bureau. She was based in
8 Senegal but had been in and out of Ivory Coast a few times. Her colleague, Marco,
9 sorry, her colleague, Marco Oved, Canadian -- sorry, Rukmini I should mention is
10 American.

11 Her colleague, Marco Oved, is Canadian. He had been based in Ivory Coast as a
12 correspondent for a number of years.

13 Well, I spoke to a lot of people, so just give me a few seconds. Jean-Philippe Rémy is
14 a correspondent from Le Monde newspaper. He was actually staying in my hotel.
15 I remember that he advised me to stay there and subsequently apologized for that
16 advice.

17 I remember speaking with a number of Ivorian cameramen, the names of whom
18 escape me right now. I can only apologise. I think some of maybe the stress of the
19 situation. But I spoke to a number of Ivorian cameramen, the reason being that they
20 had access to areas that most of the foreign journalists I spoke to freely admitted that
21 they could not move around or were not able to operate in. And if you want to
22 know what goes on, for instance, in Abobo, speak to this guy, he gets lots of footage
23 out of Abobo. He has done in the last few days.

24 So I spoke to a fair few of those guys, cameramen, stringers, sort of guys with video
25 cameras who film what they can and send it to and sell it to news agencies, and

1 amateurs actually in many cases because it was that kind of situation where if you
2 had a camera and you were present as something was taking place, you suddenly
3 became, not a journalist, but, you know, you certainly became a person who had a
4 perspective that I needed to hear.

5 I believe I spoke to eight people who were specifically mentioned in my security
6 document and another maybe ten or so whose information simply backed up what
7 the original eight, sort of the key eight had told me. They were balanced between, I
8 reckon, probably about 70 per cent foreign journalists and 30 per cent -- that's not
9 really fair. I think probably about 60 per cent foreign journalists and 40 per cent
10 Ivorians.

11 MR N'DRY: [10:34:30] (Interpretation) Your Honour, I'd just like to make an
12 observation to the Bench, if I may. During my cross-examination I'll be making
13 reference to yesterday's transcript with the different parts, and I will summarise
14 certain points.

15 I'm sorry to say it's because yesterday's transcript is, the French version, that is, is
16 illegible, virtually illegible. So if I want to quote it, it would be laborious. So I'm
17 saying this in the presence of the Prosecution, I'm going to summarise, I'm going to
18 refer to the references. I am going to give a faithful restitution of the content. But if
19 I modify parts of the transcript, then if I do modify things unduly, then I would ask
20 the accusation to point this out, if there is anything that I say that wasn't actually what
21 was said.

22 PRESIDING JUDGE TARFUSSER: [10:35:38] And maybe if you are in doubt, ask,
23 put the question again so you have the answer from the witness.

24 MR DEMIRDJIAN: [10:35:48] Mr President, instead of summarising, perhaps it's still
25 better to read directly from the transcript and we can compare it to the English, if

1 there is a word missing here or there. But we would be opposed to summarising
2 what the witness says.

3 PRESIDING JUDGE TARFUSSER: [10:36:03] I'm always in favour of putting
4 questions instead of summarising too much. Of course you have to refer to a
5 situation which was mentioned, and then the best thing is to put the question.

6 MR N'DRY: [10:36:23] (Interpretation) Very well, your Honour.

7 Q. [10:36:29] Witness, before you arrived in Côte d'Ivoire, you said yesterday on
8 page 8, lines 4 to 7, that your research focused on Laurent Gbagbo, and according to
9 the United Nations and others, he had lost the elections and he should, therefore,
10 stand down.

11 My question is as follows, in your mission, which was to inform the UK public,
12 because that was what you were striving at in your documentary, this point of
13 information was taken as a given or was it something that you felt should be explored
14 further?

15 A. [10:37:35] We were commissioned to go to the Ivory Coast for a period
16 of -- initially for a period of two weeks to make a documentary about people. In fact,
17 I should just go back and say that some of your characterisation of what I said
18 yesterday didn't totally ring true. I'm not sure if I said it. I certainly didn't mean
19 that I spent my research period focusing on Laurent Gbagbo and his election. It
20 came up. Clearly, it was the major news story coming out of Ivory Coast at the time.
21 I didn't then spend large amounts of time researching and analysing the polling data,
22 looking at statistics of voters and so on and so forth.
23 I did not anticipate that my two weeks there would be spent dissecting and analysing
24 the election results, and I'm 100 per cent certain that my employers would not have
25 found that to be an intriguing documentary.

1 So ultimately, no, I did pretty much take it as a given that the United Nations, the
2 African Union and a number of international organisations, European Union and so
3 on, where they had made a statement on this particular crisis, developing crisis, they
4 had all unanimously stated that they felt Laurent Gbagbo should step down because
5 he had either lost the election or had not won it sufficiently to maintain his position.
6 That I took as a given, as a fact and as, yeah, as a starting point for everything that we
7 did going forward.

8 Q. [10:39:31] Before continuing to put a question to you, I want to read something
9 to you, because you say that this was not exactly what you said. The transcript, the
10 French version of yesterday, page 8, line 4 to line 9, this is what you said according to
11 the transcript, and I quote -- before I quote you the question put by the Prosecutor is
12 important, and that is, did you learn something specific about the main persons
13 involved in the country?

14 And I gave you the literal version from the French, and that explains the point I made
15 earlier on.

16 Your answer, "Gbagbo, obviously, he was the one who was the main focus of my
17 research. At the time he was still president. The United Nations and others
18 thought that he had lost the elections and that he should therefore step down." And
19 I'm stopping at line 7.

20 And that is why I put the question to you.

21 You answered, I understand, "You arrived in Abidjan with that element as a given."
22 In other words as far as you're concerned, according to the UN, Laurent Gbagbo had
23 lost the elections. Fine.

24 And when you are informing the British public, what do you say about that, that
25 according to the UN that he lost; or do you quite simply say that he lost when you go

1 back, when you're reporting to the British public?

2 A. [10:41:44] If I had a copy of the script from my film, I think we could all answer
3 that question completely factually and with no potential error. There was a very
4 specific wording used in the film, I believe. It was something along the lines of
5 Laurent Gbagbo had lost the election and was refusing to stand down. He was
6 clinging to power is I believe the phrase we used.

7 Q. [10:42:17] Very well. Witness, as regards Charles Blé Goudé, you said
8 yesterday, and we're still on page 8, lines 8 to 9 of the French transcript, that you
9 didn't think of him until you arrived in Côte d'Ivoire.

10 Your Honour, I apologise, but I'm hearing noise somewhere in the room.

11 MR MACDONALD: [10:43:13] Since this morning, your Honours, and I sent an
12 email to the Defence team of Mr Gbagbo, I understand members of a team want to
13 speak to each other --

14 PRESIDING JUDGE TARFUSSER: [10:43:20] No. Since yesterday, I must say, not
15 since this morning, because I hear them as well.

16 MR MACDONALD: [10:43:25] And it's -- we can't concentrate.

17 PRESIDING JUDGE TARFUSSER: [10:43:28] No, no. I would ask, please. Thank
18 you.

19 Please go ahead.

20 MR N'DRY: [10:43:39] (Interpretation) Thank you, your Honour.

21 Q. [10:43:50] Witness, I was saying as regards Charles Blé Goudé, you said
22 yesterday on page 8, lines 8 and 9 of the French transcript, that he wasn't in your
23 consciousness until you arrived in Côte d'Ivoire. And yet in your statement to the
24 Office of the Prosecutors you say, and this was in the context of preparations for your
25 trip, page 6, paragraph 26, and I quote from this, "I was not previously familiar with

1 the name of Blé Goudé. But I did some Internet research on him and learnt that he
2 had been involved in organising the Young Patriots youth militia for a number of
3 years." End of quotation.

4 So could you perhaps add to what you said yesterday, in other words, before you
5 went to Côte d'Ivoire, you already had this information about Charles Blé Goudé?

6 A. [10:45:21] As a journalist and a filmmaker, I probably have a relatively high bar
7 for myself in terms of what I deem to be understanding, knowing a person,
8 understanding who he is, what he does, what he's accused of having done and so on
9 and so forth.

10 I don't consider having read a brief article or a few brief lines summarising that he
11 exists, he runs this organisation, he is a key player, I don't count that as really having
12 him in my consciousness.

13 To have him in my consciousness, I would have had to have researched him much
14 more deeply. I would have had to have made contact with somebody who maybe
15 has met him and can say how I might go about meeting him and interviewing him.

16 I may, I think I would work up in my mind and certainly on paper in documents that
17 I would submit to my bosses a proposal for how Charles Blé Goudé could become
18 potentially a central character in our film.

19 I don't believe we had a proposal of any real detail of that sort. As I say, he was on
20 the edge of my consciousness simply because he was a key player in the Ivory Coast
21 at the time. But while all this information is coming in in those first few weeks, and
22 you're distilling it all down and trying to figure out what's important and what's not,
23 Charles Blé Goudé didn't hit me as the most important thing that was going to
24 happen to us in Ivory Coast. Within a couple of weeks, that obviously was very
25 different.

1 PRESIDING JUDGE TARFUSSER: [10:47:12] Here we break. Here we break for the
2 first break today, and we come back in half an hour for the continuing of the
3 questioning by the Defence for Mr Blé Goudé.

4 Thank you very much. The hearing is adjourned.

5 THE COURT USHER: [10:47:26] All rise.

6 (Recess taken at 10.47 a.m.)

7 (Upon resuming in open session at 11.21 a.m.)

8 THE COURT USHER: [11:21:39] All rise.

9 Please be seated.

10 PRESIDING JUDGE TARFUSSER: [11:21:55] Well, good morning once again.

11 I give immediately the floor to Maître N'Dry.

12 I would like just to remind him that this is not the proceedings against the witness.

13 So he's not accused, how he did this film and which are the editorial choices.

14 Maître N'Dry, please.

15 MR N'DRY: [11:23:08] (Interpretation)

16 Q. [11:23:09] Mr Witness, let us continue. In relation to the report, before you got
17 to Côte d'Ivoire, what did you learn about Mr Charles Blé Goudé? What did you
18 learn from the United Nations about him?

19 A. [11:23:43] I can't remember if it was while I was still in my initial research phase,
20 before I left, or if it was after I arrived in Ivory Coast. There is a bit of a blurry line to
21 the research phase.

22 But I did read that he had been sanctioned internationally, that attempts had been
23 made to stop him from moving money into international bank accounts, there was a
24 travel ban, and that he had been blamed in the past for stirring up ethnic and political
25 tension in the country.

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1 Q. [11:24:26] I'll refresh your memory on this point. Once again the paragraph I
2 read out earlier, earlier in the proceedings, paragraph 26. This is taken from your
3 witness statement to the OTP investigators. And this particular paragraph is part of
4 the preparation, under the heading "Preparations for our trip," that part of your
5 statement, and I quote:

6 "I learned that -- correction, I found out that Blé Goudé was under sanctions from the
7 United Nations as a result of his involvement in coordinating this violence some years
8 previously." End of quote.

9 And since this is taken from your statement, now, this violence earlier had to do with
10 attacks upon French nationals, do you remember?

11 A. [11:26:04] Yeah, yes, I do.

12 Q. [11:26:08] Very well. Mr Witness, we will now play some video footage and
13 then we'll put a question to you. CIV, number 108 on our items, list of items,
14 CIV-D15-0002-0013.

15 And for the interpreters, the transcript number is CIV-OTP-0016-0016. And this is
16 the entire transcript. And this is a public video.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [11:27:51] Message from the interpreters: We have about 30
19 transcripts here in the booth, and we are trying to locate the transcript in question.
20 We apologise for the delay.

21 PRESIDING JUDGE TARFUSSER: [11:28:04] We have the same problem.

22 THE INTERPRETER: [11:28:55] Message from the interpreter: Was this video
23 footage played yesterday by any chance?

24 PRESIDING JUDGE TARFUSSER: [11:29:00] No. No, it was not.

25 THE COURT OFFICER: [11:29:16] Could the Defence team repeat the ERN number

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- 1 again? Thank you very much.
- 2 MR N'DRY: [11:29:22] (Interpretation) For the transcript or the
3 entire -- CIV-D25-0002-0013.
- 4 PRESIDING JUDGE TARFUSSER: [11:29:53] But before it was CIV-D15 and now it's
5 25, I read from the transcript.
- 6 MR N'DRY: [11:30:01] (Interpretation) It's 25.
- 7 PRESIDING JUDGE TARFUSSER: [11:30:17] But then you read another ERN
8 number for the transcript, which is a CIV-OTP number. Is this correct?
- 9 MR N'DRY: [11:30:32] (Interpretation) Yes, that's where the error has come from.
10 It's D25, not OTP.
- 11 We'd like to ask the interpreters if they have found the transcript?
- 12 THE INTERPRETER: [11:31:39] Message from the interpreters: We have about 30
13 transcripts here. We haven't been able to locate this transcript. If the transcript
14 number could be repeated?
- 15 PRESIDING JUDGE TARFUSSER: [11:31:50] Excuse me. Excuse me. I speak with
16 the interpreters. Here we have a video in French with subtitles. I mean, should be
17 quite easy also to read and translate from, interpret from the subtitles. It's also very
18 short and the subtitles are very clear.
- 19 THE INTERPRETER: [11:32:11] Message from the interpreters --
- 20 PRESIDING JUDGE TARFUSSER: [11:32:15] Yes. Okay? So let's restart. It's
21 very short. I think let's start again the video then. I don't know who has the floor.
- 22 THE COURT OFFICER: [11:32:32] Defence team has the floor, evidence channel 2.
- 23 MR N'DRY: [11:32:42] (Interpretation) I'm told that you must have now received.
- 24 PRESIDING JUDGE TARFUSSER: [11:32:50] Yes. Let's go, it's subtitled.
25 (Viewing of the video excerpt)

1 THE INTERPRETER: [11:33:09] (Interpretation of the video excerpt) Get up now.

2 Go liberate the airport of Côte d'Ivoire.

3 PRESIDING JUDGE TARFUSSER: [11:33:47] Sometimes I better calm down before I

4 speak.

5 Yes, we heard only the last part of the translation. Can we replay the video?

6 And can I ask the interpreters to translate, translating the subtitles of the video.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [11:34:32] (Interpretation of the video excerpt) Sight

9 translation:

10 Charles Blé Goudé, leader of the Young Patriots: I'm asking you now, if you are

11 sleeping, wake up. If you are eating, stop eating. Get up now. Go free the airport.

12 PRESIDING JUDGE TARFUSSER: [11:34:51] Okay. We have understood the

13 message. Please go ahead.

14 MR N'DRY: [11:34:57] (Interpretation) Thank you, your Honour.

15 Q. [11:35:02] Mr Witness, in relation to what you have learned about the

16 involvement of Mr Charles Blé Goudé or alleged involvement of Mr Blé Goudé that

17 resulted in sanctions, to your mind and as part of your desire to inform the British

18 public, did you do any in-depth research to check the information received?

19 A. [11:35:36] Again, I'll ask for clarification, which, which information specifically?

20 Q. [11:35:43] Now, when you say that you learned that Mr Charles Blé Goudé had

21 been subjected to UN sanctions owing to his involvement in violence, and this

22 violence was related to attacks upon French nationals, so when you went on to the

23 Internet to do some research, did you - you said you wanted to inform the British

24 public about what had happened - did you cross-check this information that you

25 found on the Internet?

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1 A. [11:36:36] Yes. It doesn't seem to be information that really required much
2 cross-checking. It's a matter of fact. These sanctions were put in place, and those
3 accusations were made, and he was found culpable for what he was supposed to have
4 done and that was his punishment. I didn't feel the need to cross-check that any
5 further than to read it a number of times.

6 Q. [11:37:11] So you didn't check it? You took it for granted? Very well.

7 PRESIDING JUDGE TARFUSSER: [11:37:17] His comment, I mean, he answered, the
8 witness answered, and that's it.

9 MR N'DRY: [11:37:23] (Interpretation) I've understood. Yes, yes, yes.

10 Q. No, it's fine, Mr Witness. No problem.

11 MR MACDONALD: [11:37:28] There is another point, your Honour.

12 PRESIDING JUDGE TARFUSSER: [11:37:30] Pardon?

13 MR MACDONALD: [11:37:30] There is another point I want to raise, because we
14 just saw a video, the video, no dates has been given to situate the Chamber, unless the
15 Chamber -- we've seen that, we know what it is, November 2004.

16 PRESIDING JUDGE TARFUSSER: [11:37:44] Yes. But, Mr MacDonald, I was
17 waiting questions on this video --

18 MR MACDONALD: [11:37:53] That's right.

19 PRESIDING JUDGE TARFUSSER: [11:37:54] -- and not so much on what the witness
20 has done to cross-check.

21 Maître N'Dry.

22 Mr Witness, did you see that video? Have you seen this video was shown before?

23 THE WITNESS: [11:38:21] Had I seen it before today?

24 PRESIDING JUDGE TARFUSSER: [11:38:22] Yes, before today, yes.

25 THE WITNESS: [11:38:24] No, I'd never seen it before today.

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1 PRESIDING JUDGE TARFUSSER: [11:38:27] Thank you.

2 Maître N'Dry.

3 MR N'DRY: [11:38:30] (Interpretation) Your Honour, I am sorry, but if the witness
4 could be taken out of the courtroom for a few moments, I'd like to clear up a few
5 points.

6 PRESIDING JUDGE TARFUSSER: [11:38:45] Mr Witness, can you please leave the
7 courtroom.

8 THE WITNESS: [11:38:47] Absolutely.

9 PRESIDING JUDGE TARFUSSER: [11:38:48] And we will call you back in very soon.
10 (The witness stands down)

11 PRESIDING JUDGE TARFUSSER: [11:39:08] Maître N'Dry.

12 MR N'DRY: [11:39:11] (Interpretation) Your Honour, I -- well, I quite agree with
13 you, I entirely agree with you that the witness is not on trial here. But this witness is
14 here, I suppose, in relation to the events that the Prosecution -- well, they saw that
15 there was a British journalist who covered events for the programme in question,
16 "Unreported World," and I think it's -- well, I'd like to specify one thing. And I don't
17 want people mixing up apples and oranges.

18 But this has to do with the non-admissibility of the -- well, you see, it's the editing.
19 We're not so much contesting the actual footage, but, rather, it is because the choice
20 that was made of various bits of footage or sequences, that is why we believe that this
21 video footage should not be brought before the Court.

22 PRESIDING JUDGE TARFUSSER: It is not.

23 MR N'DRY: (Interpretation) Your Honour, we cannot -- because when you say
24 that the witness is not here because of his documentary, your Honour, he is here
25 because of the documentary. He is here because of the documentary. This is a

1 point that we cannot gloss over.

2 And in my examination of this witness, because, you see, I must make this point, your

3 Honour, during our opening statements here in this courtroom, we spoke of Mr

4 Charles Blé Goudé, and we said that he was being depicted as an enemy, and it was a

5 fabrication. It was the media who had made him out to be an enemy.

6 And this witness does no checking whatsoever, and this is the point I am putting to

7 the test. So I call upon this Chamber to allow us to confront this witness with the

8 work he did and the basis on which he was asked to provide information for the

9 British public, British public opinion and international public opinion so we can find

10 out what all his various statements were actually based on.

11 This is what it's all about. One cannot say that the witness is not here because of the

12 document. Well, not allowing the documentary on the Court's record, that is one

13 thing. But the footage that this witness shot and the commentary that he made, we

14 cannot, your Honour, we cannot let that go by.

15 So I wish to -- I think -- this is what I intend to do in my cross-examination, I'm trying

16 to get at why he made certain statements. I'll give you an example.

17 This witness made out Mr Charles Blé Goudé to be a person inciting others to engage

18 in violence. I heard it. I can't present the document itself. But I do want to

19 confront the witness square on with the information that he gave to the British public

20 and on what basis he provided that information. That is what I intend to do during

21 my entire cross-examination. And I think we need to be on the same page so that I

22 am not constantly called to order by you or by the Prosecution.

23 PRESIDING JUDGE TARFUSSER: [11:43:54] Mr MacDonald.

24 Does Mr Altit want to intervene on this? Okay, no. Thank you.

25 Mr MacDonald.

1 MR MACDONALD: [11:44:10] Yes, very briefly, your Honour. The Defence is
2 allowed to and the Chamber has not been preventing the Defence of eliciting any bias
3 or preconceived ideas or pre-bias or any bias the witness may have had when filming
4 the rushes.

5 The Prosecution is not relying on the documentary, actually after an objection on the
6 part of Mr Blé Goudé. We are relying on the underlying images, which ultimately
7 speak for themselves.

8 Now, in eliciting in cross or -- sorry, in examining the witness, the Defence can elicit
9 information as to when filming those scenes, are they accurately filmed? Do they
10 represent what was happening at that event and so on, which goes to bias. But how
11 the film was cut and what was the purpose and so on, if the Chamber allows that,
12 because it may be for the Chamber relevant, then I'm sorry, but to know what we're
13 talking about, the documentary will have to be filed in any event so that the Chamber
14 can appreciate the overall credibility of this witness.

15 Now, on this last video, the 2004 video, my colleague did not give the date, it's
16 November 2004, and the sanctions were applied in February 2006 for events
17 happening in January 2006, the uprising of four days in Abidjan following the
18 supposedly group of experts or removing the prime minister or dissolving, sorry, the
19 national assembly. And again we can see Mr Blé Goudé with his mattress.

20 So if we are to do that and go into historical facts, well, we have to be fair with the
21 Chamber and the parties and the witness obviously and to go to the real source of the
22 information. But it has nothing to do with comments that were made in November
23 2004.

24 And there is, and to make it clear, even the Defence has provided us with documents,
25 but we have our own documents, CIV-OTP-0052-0613 and D15-0001-1683 for the

1 sanctions and what led to the adoption of sanctions. Sorry. Thank you.

2 MR N'DRY: [11:47:18] (Interpretation) Your Honour, I'd like to state, first of all,
3 that it's not because the Office of the Prosecutor proceeded as they so decided that we
4 are bound by that. I'm not bound by the choices made by the OTP. I would like to
5 say that.

6 So Mr MacDonald cannot -- it's not up to him to say how the Defence should proceed
7 and that the Defence should proceed this way or that way.

8 PRESIDING JUDGE TARFUSSER: [11:47:56] No. But of course this is clear that
9 you are not bound by how the Office of the Prosecutor would like you to proceed.
10 But clear is that this documentary is not on the record of the case. If we go to the
11 documentary, then I would like you to submit it. But until now it is not submitted
12 and, therefore, it's not part of this proceedings.

13 As far as we have heard from this and from the last witness, the editing, the cutting is
14 not made by them and, therefore, the choices of what to put in the documentary, put
15 into the documentary is not -- is made by somebody above them, probably by the
16 producer, by the media company so, therefore, it's not his choice.

17 What is in front of the Chamber is the raw material, which was done, is work he did,
18 the witness did on the ground, and that's what it is about.

19 And we do not care so much about with what the UK public was provided with.

20 This is not part of it. It's not part of this proceedings.

21 Therefore, I would really urge you to go to the footage which is on the record of the
22 case, you want to put on the record of the case and confront him with the work he did
23 on the ground and not with things, with things that happened before or after and are
24 unrelated to this specific, to his specific work.

25 Thank you very much. Now we can reintroduce the --

1 MR N'DRY: [11:49:52] (Interpretation) Your Honour, may I ask a question?

2 PRESIDING JUDGE TARFUSSER: [11:50:04] Yes.

3 MR N'DRY: [11:50:06] (Interpretation) What exactly am I authorised to do? The
4 documentary for the time being is not part of the case file. I agree with that. But
5 what I would like to do is not to refer to the documentary as such, but each time to
6 ask the witness what he said about a particular point, what he stated to British public
7 opinion. Let me explain, your Honour, because when --

8 PRESIDING JUDGE TARFUSSER: [11:50:48] Excuse me. Excuse me. But what he
9 stated to the British public opinion is what -- he did it through the documentary, and
10 it was not him. What he did is to do the work on the floor and gave the raw material
11 to his bosses, which then made out the documentary which then spoke with the
12 English public.

13 MR N'DRY: [11:51:14] (Interpretation) Your Honour, that's the whole problem.
14 That's why I'm insisting here. That's the whole problem. If a journalist who went
15 from the UK to Côte d'Ivoire -- this is extremely important, your Honour, it's an
16 essential matter, that's why I'm insisting -- when a journalist goes from the UK to Côte
17 d'Ivoire to obtain a personal understanding, well, Edgar Morin referred to knowledge
18 of experience, knowledge through experience. So if that's, as the philosopher said,
19 that's what he was doing, and then he goes back to the UK and then informs the
20 British public opinion saying that the leader, Mr Charles Blé Goudé, is used to inciting
21 violence.

22 And then the OTP asks the question, "Where did you get that information from?"

23 And he answers, "I obtained that information because there were UN sanctions."

24 You see, that's a problem for me, because if I'm being prevented from confronting this
25 witness with statements that he made and statements that he made to British public

1 opinion, because this is bias, this is not an impartial witness, his prejudices and his
2 bias determined the choices he made in the video. And this is what I would like to
3 show to the Chamber, that this witness had prejudices and bias before he went on the
4 ground and it had an influence on the film that he made.

5 Therefore, to set aside this aspect, your Honour, then in that case, frankly, I might as
6 well stop here with my cross-examination, because the whole purpose is to confront
7 the witness with these matters, without, however, referring to the documentary, but
8 asking him clearly: "What exactly did you say to British public opinion about this
9 particular point" so that he can answer viva voce.

10 PRESIDING JUDGE TARFUSSER: [11:53:37] No. Again, if you ask him what he
11 said to the British public, and he can -- if he said something to the British public, he
12 said it through the documentary, not because he went to make an interview, then you
13 have to put on the record of the case the documentary, because otherwise I don't
14 know what he said to the British public.

15 The first thing to do is to ask him how much he was involved in this documentary
16 maybe. But then in any case you have to put on the record of the case the
17 documentary itself, because one thing is the statements he made here in the Court and
18 one thing is what he said outside and we don't know.

19 So if you want to refer to statements he made here, you may. If you want to refer to
20 statements he made to the UK public or to the world, you may not, unless we have
21 the documentary here. This is -- now I ask the witness to be brought back in.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE TARFUSSER: [11:55:15] Well, we had some discussion.

24 THE WITNESS: [11:55:17] Indeed.

25 PRESIDING JUDGE TARFUSSER: [11:55:19] Now I give the floor back to Maître

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1 N'Dry.

2 MR N'DRY: [11:55:27] (Interpretation)

3 Q. [11:55:28] Mr Witness, when you completed your mission and when you went
4 back home, how did you present Mr Charles Blé Goudé to British public opinion?

5 A. [11:55:52] Can I ask if the Court has the film that we produced or the transcripts,
6 the script of the film?

7 PRESIDING JUDGE TARFUSSER: [11:56:00] Can you ask the Court, please?

8 THE WITNESS: [11:56:03] Do you have the film that we produced?

9 PRESIDING JUDGE TARFUSSER: [11:56:04] No, we don't have it.

10 THE WITNESS: [11:56:05] Okay.

11 PRESIDING JUDGE TARFUSSER: [11:56:06] I don't admit this --

12 THE WITNESS: [11:56:08] All right, okay.

13 PRESIDING JUDGE TARFUSSER: [11:56:08] -- this question.

14 THE WITNESS: [11:56:10] Right. Thank you.

15 PRESIDING JUDGE TARFUSSER: [11:56:13] And I make a question.

16 THE WITNESS: [11:56:15] Yes.

17 PRESIDING JUDGE TARFUSSER: [11:56:15] When you went back to the UK with all
18 the material, with all the work you have done together with Mr Nott in Côte d'Ivoire,
19 what did you do with this material? How much were you involved in then -- who
20 did the choices, the editorial choices to make out of X hours 20 minutes or 25 minutes
21 film?

22 THE WITNESS: [11:56:44] I understand your question.

23 PRESIDING JUDGE TARFUSSER: [11:56:46] And who did the text to the film?

24 THE WITNESS: [11:56:51] It's a pretty straightforward, although maybe not
25 satisfactory answer. It's a team effort. The team is myself and Alex. Obviously it's

1 the people who were on the ground, certainly in a stressful, tense situation like that,
2 you have the authority definitely to say "This is what is and that is what is not" and
3 people listen to you.

4 Having said that, as I've already outlined, there is a chain of command above me
5 which involves my immediate line manager, who was George Waldrum in this case,
6 as his, his -- the owner of the production company, Eamonn Matthews, who is very
7 experienced and always has a lot of input. And then there is at the Channel 4 level
8 there is the commissioning editor, whose idea it was to commission this film and
9 broadcast it, and of course the Channel 4 lawyers will view the final footage and read
10 the final script and say, "Not sure about this line or to this or, you know, adjust as
11 necessary for legal reasons."

12 So it's a team effort, but I think that if I needed to give you percentages, I would say
13 that Alex and I were 50 to 60 per cent of the decision-making power in that.

14 PRESIDING JUDGE TARFUSSER: [11:58:09] Maître N'Dry.

15 MR N'DRY: [11:58:11] (Interpretation)

16 Q. [11:58:28] Well, I will most likely come back to that topic with you later on, but
17 for the time being we're going to move forward.

18 I'd like to go back to the rally that took place on March 19th, 2011 in Yopougon at the
19 CP1 square. Page 18, line 9 to 15 of yesterday's transcript, the non-edited version,
20 you stated and I quote, "It was clear that we were foreign journalists. It wasn't all
21 that certain that we would have access to that zone safely. They recommended that
22 we have an escort with us that was provided for us. They were young men from the
23 organisation the Young Patriots, that is Charles Blé Goudé's organisation. And we
24 were told that they could provide access for us to the rally." End of quote.

25 Mr Witness, before that date, that is March 19th, 2011, how many rallies organised by

1 Mr Charles Blé Goudé had you attended?

2 A. [12:00:28] I'd been in the country since March the 17th. So none. This was
3 only my second day there.

4 Q. [12:00:36] Very well. Mr Witness, before that date, how many times had you
5 gone to Yopougon? And I mean before March 19th.

6 A. [12:00:59] We'd driven through it once, but I didn't get out of the car.

7 Q. [12:01:05] When?

8 A. [12:01:10] I believe it was the day before on the 18th.

9 Q. [12:01:18] I'd like to come back to that statement. When you say, and I'm
10 quoting, "It was clear that we were foreign journalists. It wasn't certain that we
11 could gain access to that zone safely," end of quote, was this based on your personal
12 experience or was this based on information that had been provided to you?

13 A. [12:02:00] Clearly having not left the car the first time we went through
14 Yopougon, I didn't have the personal experience of the hostility that I could face out
15 on the streets.

16 As I've made clear, I did my research before we went to the Ivory Coast. I spoke to
17 numerous journalists, among them foreign journalists who mentioned, and this is
18 actually a legal requirement of my channel -- sorry.

19 It's actually a legal requirement that my channel puts on me that I should specifically
20 ask local journalists about security information, which areas are safe for me to operate
21 on the streets as a foreign journalist with a camera, to make all those things clear to
22 the people I was asking, and they all made it quite clear that Abobo was a very
23 dangerous area that you'd be lucky to even get into, and Yopougon was an area with
24 strong Gbagbo support in which you should expect hostility if you're out on the
25 streets.

1 That was backed up by our fixer, who is chosen specifically because of his local
2 knowledge and certainly in these early days is thoroughly respected for that local
3 knowledge. So if he tells you you need to be sure of your security before you go in
4 and start operating in an area, we listen to him.

5 I should stress that what we were attempting to do on the 19th in Yopougon was a
6 million miles away from what we had done on the 18th. On the 18th we drove
7 through. We didn't stop. We had a look out the car. We didn't film openly. We
8 didn't have the camera out. We were just guys in a car.

9 On the 19th we were planning to get out of the car to film openly. There was a big
10 event going on, a large number of Gbagbo supporters. The area was from a security
11 perspective fundamentally different on the 19th to what it was on the 18th.

12 Q. [12:04:08] Mr Witness, I'd just like to recommend that you answer my questions
13 precisely without going beyond and avoid making additional comments if you can
14 for the next questions.

15 My question was, when you said "it was clear that we were foreign journalists," my
16 question was where did you get that knowledge from, yourself or from others? And
17 I think now the answer is clear.

18 PRESIDING JUDGE TARFUSSER: [12:04:49] And exhaustive, good.

19 THE WITNESS: [12:04:54] Yeah.

20 MR N'DRY: [12:04:56] (Interpretation)

21 Q. [12:05:00] Mr Witness, you spoke in the quote about the Young Patriots, Charles
22 Blé Goudé's organisation. When you refer to Blé Goudé's organisation, what exactly
23 did you mean Charles Blé Goudé's organisation?

24 A. [12:05:28] I believe I meant the Young Patriots.

25 PRESIDING JUDGE TARFUSSER: [12:05:31] Please speak a little louder.

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1 THE WITNESS: [12:05:33] I believe I meant the Young Patriots.

2 MR N'DRY: [12:05:35] (Interpretation)

3 Q. [12:05:36] Very well. Are you familiar with the COJEP, while you were in Côte
4 d'Ivoire, did you hear about COJEP?

5 A. [12:06:03] No. That doesn't ring a bell.

6 Q. [12:06:10] I'd like to show a video. The ERN is CIV-OTP-0015-0488, from
7 second 22 to second 42.

8 We don't need a transcript for this one. In fact, we don't even need the sound.

9 (Viewing of the video excerpt)

10 MR N'DRY: [12:07:21] (Interpretation)

11 Q. [12:07:25] Mr Witness, can you see the image on the screen? Well, I don't know
12 if you have it. You have to press evidence 2.

13 A. [12:07:45] Yes, yeah, yeah, I can see the video that we watched. Yes, I saw that.

14 Q. [12:07:52] This place where you were here, did you ask a question about the
15 place?

16 A. [12:08:07] As I look at this footage, I'm struggling to remember when it was. I
17 suspect this was the first attempt at a meeting with Charles Blé Goudé. I suspect it
18 was in the Yopougon area. Somewhere near one of his homes. But I'm relying on
19 my memory.

20 Q. [12:08:29] You referred to your linguistic ability, but at the back of the image it
21 says "COJEP." You didn't notice that when you arrived there?

22 A. [12:08:46] No. As you can see, I was pretty engaged with a very important
23 potential character for our film. I focused entirely on that.

24 PRESIDING JUDGE TARFUSSER: [12:08:58] Louder.

25 THE WITNESS: [12:08:59] I focused entirely at that time on Charles Blé Goudé. He

1 was a potential, potentially important character in our film. And, yeah, definitely
2 many of the things that were going on around me I probably didn't pick up on.

3 MR N'DRY: [12:09:16] (Interpretation)

4 Q. [12:09:25] Mr Witness, when you met with Mr Charles Blé Goudé, what did you
5 tell him about your mission in Côte d'Ivoire?

6 A. [12:09:38] I don't remember specifically. I would have told him what we were
7 there to do, which was to make a documentary about the Ivory Coast and to find out
8 more about his role and what he was, what he was doing. Inevitably I would have
9 focused when I spoke to him on his role, what he could potentially do in our
10 documentary, because I would have been focused on trying to get him to take part.

11 Q. [12:10:11] Mr Witness, while you were in Côte d'Ivoire, did you ever hear about
12 the Patriotic Galaxy, Galaxie Patriotique, in French?

13 A. [12:10:44] I heard it mentioned, yes.

14 Q. [12:10:49] In your research before you went to Côte d'Ivoire, did you hear about
15 Mr Guillaume Soro and Mr Alassane Ouattara?

16 A. [12:11:11] I had heard of Mr Alassane Ouattara. The first name doesn't ring a
17 bell.

18 PRESIDING JUDGE TARFUSSER: [12:11:23] The first name meaning Soro and not
19 Alassane?

20 THE WITNESS: [12:11:26] Soro, yeah. Alassane Ouattara, yes, I'd heard of. Soro,
21 it rings a bell somewhere, but I can't place it, so I'm going to say no.

22 MR N'DRY: [12:11:41] (Interpretation)

23 Q. [12:11:43] What did you -- what kind of result did you obtain regarding
24 information about Côte d'Ivoire when you carried out your research before you
25 actually went to Côte d'Ivoire?

1 A. [12:12:06] To summarise as quickly as possible, I attempted to get my head
2 around the basic history of the country, who the main players were politically and
3 what might happen in the next few weeks that might be of interest.

4 I certainly didn't go into depth on that. And there were certainly parts of that
5 research which I skipped over, particularly details of politics, details of politicians,
6 policies, things that had happened in the past that were unlikely to be immediately
7 relevant to what I was going to be filming on the ground.

8 It's a very broad question. Without talking for ages about every single thing that I
9 believe I knew at that time and trying to divide what I knew then from what I know
10 now and what I discovered later, it's difficult. But I will simply say that I had a
11 cursory understanding of the country, its history and how it came to be, where it is
12 now.

13 Q. [12:13:21] Mr Witness, does the name Fofié Kouakou mean something to you?

14 A. [12:13:41] No.

15 Q. [12:13:45] The name Wattao, does that name mean something to you?

16 A. [12:13:52] I'd heard the name. I can't place it at this stage.

17 Q. [12:13:58] Does the name Losseni Fofana mean anything to you?

18 A. [12:14:12] Fofana, Losseni Fofana, again, Fofana is one of those names that I
19 know pops up in different parts of that region. So I can't say specifically, but I can't
20 say what Losseni Fofana is supposed to have done or who he is supposed to be.

21 Q. [12:14:37] When you were in Côte d'Ivoire, did you know anything, yes or no,
22 about an armed rebellion? In other words, what kind of information did you have
23 about an armed rebellion in Côte d'Ivoire?

24 A. [12:15:04] Yes, I'd heard that there was an armed rebellion taking place while I
25 was there. A group called the Invisible Commandos, who were said to be linked to

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1 Alassane Ouattara and political forces in the north of the country, were said to be
2 active in Abobo and spreading out to other parts of Abidjan.

3 Q. [12:15:34] Witness, during your stay in Côte d'Ivoire, did you spend any time at
4 the Golf Hotel?

5 A. [12:16:02] Yes, I did. I spent maybe a few hours there.

6 Q. [12:16:08] And who did you meet there?

7 A. [12:16:18] I didn't meet many people there at all that I can recall or who we were
8 able to stay in touch with. We went with our fixer. He has the contacts. And a
9 large amount of our time there was spent simply talking to other journalists and other
10 people who were around, the names I can't necessarily give you right now, and
11 checking in with our fixer periodically to see if he had found anything, met anyone,
12 discovered anything that might lead to a filming opportunity.

13 Q. [12:16:59] Witness, did you not learn that some of the protagonists at the
14 Ivorian -- in the Ivorian crisis were there at the Golf? Were you only interested in the
15 journalists? Did you not try to get in touch with other protagonists, part of whom
16 were at the Golf?

17 A. [12:17:33] I believe I made clear in my earlier answer that our fixer was the man
18 with the contacts, and it was important to allow him to move around the hotel, meet
19 with the people who he knew and see who he could find who would be interested in
20 taking part in our documentary, helping out, finding out what we could do there. It
21 was very much a research trip.

22 I was very well aware that Alassane Ouattara himself and his cabinet in waiting and
23 various supporters of his were all in the Golf hotel, and that's part of the reason why
24 we went there.

25 Q. [12:18:19] Very well. Witness, when you arrived in Côte d'Ivoire, did you hear

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1 about Anonkoua-Kouté, Anonkoua-Kouté?

2 A. [12:19:08] No, no.

3 Q. [12:19:14] Witness, when you arrived in Côte d'Ivoire, did you hear about
4 women killed in Abobo?

5 A. [12:19:23] I had heard that story, yes.

6 Q. [12:19:31] Very well. I'm sorry I'm taking some time, because there are a
7 number of things that I'm having to run through so as to avoid going over things that
8 have already been discussed.

9 I'm going to show you a video. It's number 95 on our list. CIV-OTP-0061-0558. I'll
10 give you the time code from 9.54 to 12.24.

11 For the transcript, it's CIV-D25-0046-0136. And it's a public video. The date of the
12 video is the 7th of March 2011.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [12:21:51] (Interpretation of the video excerpt) This was the
15 opportunity by the International Day of Women. From Sunday to Monday, the
16 night was a nightmare for the people living in Anonkoua-Kouté in the commune of
17 Abobo. The village was attacked by rebels. There were several killed and several
18 injured. The images are very difficult to watch.

19 Voice off: Spectre of horror in the village Anonkoua-Kouté, the commune of Abobo.
20 Arms cut off. This woman burnt alive. According to witnesses, other victims had
21 their throats slit and their corpses were evacuated before we arrived by the funeral
22 services.

23 This is tantamount to a genocide. And the horrors were committed Sunday night by
24 the rebels and terrorists from the Invisible Commando, who claimed to be part of the
25 Ouattara camp. They arrived in the village Ébrié in the middle of the night. Without

1 any opposition they carried out these horrific crimes.

2 I saw people having their throats slit, house burnt down. There were gunshots
3 everywhere since yesterday 3 in the morning until now. I'm really calling on the
4 authorities of the Côte d'Ivoire. I'm calling on medical help. They're going to cut
5 my arm off, amputate my arm.

6 They started to break the doors down. And they said they were coming looking for
7 weapons. They made us leave, because once we had gone out, they broke the doors
8 down. We left. And they said, "Where are the weapons hid?"

9 I said, "I don't know."

10 "Where are the arms hidden?"

11 They made me lie down on the ground. They took my clothes off. They made me
12 lie down. There was one who shot a bullet over there, another one here. They shot
13 at people. They had long knives. They're going to kill me if I don't tell them where
14 the guns.

15 Voice off: Currently vulnerable people, particularly elderly people and children,
16 babies are being evacuated by the military authorities into safer areas. The
17 government of the Republic of the Côte d'Ivoire is voicing its horror at these
18 horrendous acts.

19 MR N'DRY: [12:24:29] (Interpretation)

20 Q. [12:24:45] Witness, I'm going to refer you to part of your statement made to the
21 Office of the Prosecutor, and then I'll put a question to you in conjunction with the
22 video.

23 So this is your statement to the Office of the Prosecutor, CIV-OTP-0017-0003, page
24 0021, paragraph 98, and I'll quote it to you.

25 "On 28 March, we returned to an IDP camp at a church in Cocody. I spoke with a

1 Muslim woman from Abobo whose husband had been shot and who had bled to
2 death in her arms as there were no clinics open in which to treat him." End of
3 quotation.

4 Witness, when you were there at this place, did you film? What did you film?

5 A. [12:26:35] I believe we did film. We filmed the interviews that I referred to, or
6 certainly that one stands out for me, a woman with her young son telling me about
7 the death of her, of her husband and some other interviews with other people there,
8 yeah.

9 Q. [12:26:56] One moment, please.

10 (Defence counsel confer)

11 MR N'DRY: (Interpretation)

12 Q. [12:27:32] Witness, when you left to go back to London, everything that you had
13 in the way of footage, you gave it to Quicksilver Media, did you not?

14 A. [12:27:40] Yes.

15 Q. [12:27:45] The request made by the Office of the Prosecutor addressed to that
16 company was disclosed to us in the form of the -- or as regards the rushes, we've
17 taken a look at them, and I don't know whether the Office of the Prosecutor could
18 clarify this for me, but as far as we're concerned, unless we're mistaken, we don't have
19 the reference to that footage, in other words, concerning your visit to the church in
20 Cocody, and that's why I asked you the question.

21 Was that given to Quicksilver Media? And that's why I asked whether you had
22 filmed.

23 A. [12:28:40] If we filmed it, it was given to Quicksilver Media and it would be
24 with all the other details. I can't answer that any other way.

25 PRESIDING JUDGE TARFUSSER: [12:28:53] But are you sure you did film?

1 THE WITNESS: [12:28:55] I'm -- yeah. I remember it was quite -- I'll try and be as
2 brief as possible. But I remember this situation, I remember it very clearly, because
3 the woman had a very young son, that he was -- during the interview, the camera
4 would bounce between my face and her face. But the young son was actually
5 standing between my legs. He had my notebook and he had my pen, and he was
6 drawing in my notebook.

7 And I remember that at one stage he was obviously a little bit ill and he had diarrhoea,
8 and his mother had to drag him away, and she was very embarrassed. And there
9 was, you know, diarrhoea everywhere. It was pretty ingrained in my memory, and I
10 remember Alex filming it.

11 PRESIDING JUDGE TARFUSSER: [12:29:35] Okay. Thank you.

12 Maître N'Dry, I can't help you more.

13 MR N'DRY: [12:29:43] (Interpretation) Your Honour, I understand, and we will
14 draw conclusions from that.

15 Q. [12:29:52] Witness, on the occasion of that visit, the people in the church, did
16 they ever speak to you about the village Ébrié that had been massacred in Abobo?

17 A. [12:30:16] I believe it may have been mentioned.

18 Q. [12:30:23] In your report to the British public, did you show that element?

19 A. [12:30:42] No. That was one of the numerous elements that didn't make it into
20 the final film.

21 MR N'DRY: [12:31:02] (Interpretation) Your Honour, I would like to make a
22 request to the Bench, in other words, that we break now, I'm going to reorganise
23 myself, and I would like then to come back later.

24 PRESIDING JUDGE TARFUSSER: [12:31:23] So if we could take the lunch break
25 now and come back at 2 o'clock for the third session, maybe we could make it an

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1 extended hours, a two hours session if you need?

2 MR N'DRY: [12:31:42] (Interpretation) Yes, your Honour. But I shall do
3 everything I can to stick to the allotted time. We're going to organise ourselves with
4 that in mind.

5 PRESIDING JUDGE TARFUSSER: [12:31:52] Okay. Thank you very much.

6 So the hearing is adjourned to 2 o'clock. Thank you very much.

7 THE COURT USHER: [12:31:57] All rise.

8 (Recess taken at 12.31 p.m.)

9 (Upon resuming in open session at 2 p.m.)

10 THE COURT OFFICER: [14:00:52] All rise.

11 Please be seated.

12 PRESIDING JUDGE TARFUSSER: [14:01:12] Good afternoon.

13 Mr MacDonald.

14 MR MACDONALD: [14:01:16] Thank you, your Honour.

15 Just to clarify a matter since it was brought up during the questioning by my
16 colleague Mr N'Dry, we've emailed the list of all the raw footage that was provided to
17 us by Quicksilver. It's mainly by date, except some dates, and indicating the ones
18 that we did collect versus the ones that we did not collect, because there was, as you
19 can see from the list, over 817 raw footage excerpts.

20 Now, this list has been provided to Mr N'Dry, well, to the Defence teams and
21 everyone including the Chamber, and I just spoke to Mr N'Dry and Mr Knoops just to
22 inform them. And you can see on the list, just in fairness to the witness, that there is
23 an entry for the date in question, but we did not collect that footage, the last questions
24 about the last topic, the woman and the child.

25 So I just wanted to raise this with the Chamber.

1 PRESIDING JUDGE TARFUSSER: [14:02:39] So it is not, this footage is not on the
2 record?

3 MR MACDONALD: [14:02:44] Is not on the record, your Honour. It's not in
4 possession of the OTP. It is still in possession of Quicksilver.

5 PRESIDING JUDGE TARFUSSER: [14:02:51] But it's a choice that you didn't collect
6 it or --

7 MR MACDONALD: [14:02:54] It's a choice that we didn't collect certain footage,
8 your Honour. So we reviewed everything, and like we do when we go to numerous
9 places, we collect according to our obligations. Of course, this was back in 2012, if
10 I'm not mistaken. I just note it for the record.

11 PRESIDING JUDGE TARFUSSER: [14:03:18] Okay. Thank you.

12 MR MACDONALD: [14:03:19] Thank you.

13 PRESIDING JUDGE TARFUSSER: [14:03:20] Maître N'Dry, the floor is yours.

14 MR N'DRY: [14:03:26] (Interpretation) Thank you, your Honour.

15 Q. [14:03:33] Good afternoon, Mr Witness.

16 A. [14:03:35] Good afternoon.

17 Q. [14:03:38] Did you have a chance to rest?

18 A. [14:03:41] Yes. Thank you very much.

19 Q. [14:03:46] Very well. Mr Witness, I should be done quite soon, and I ask you to
20 be very specific in your replies. I'll try to put specific questions to you and please
21 give specific replies, and please do not amplify too much, so to speak.

22 Now, we'll now go back to the church, the church that you visited. Now, in this
23 church, other than the Muslim woman that you spoke with, did you meet any other
24 people?

25 A. [14:04:35] I don't remember. We definitely did meet people. I don't

1 remember exactly who they were and the details of who we filmed, who we didn't,
2 what they said and so on.

3 Q. [14:04:49] Very well. Don't you remember as well the name, well,
4 Anonkoua-Kouté, the name of that village and those people, the others?

5 A. [14:05:13] I can't say that I do. It was six years ago. It hasn't come to me. I
6 don't remember it.

7 Q. [14:05:22] Very well. Now, Mr Witness, we're going to go back to the press
8 conference that Mr Charles Blé Goudé gave on 23 March 2011. Yesterday you said
9 that you covered various humanitarian aspects. And during the press conference,
10 did any topic related to the world of humanitarian assistance come up? Do you
11 remember any questions or ...

12 A. [14:06:09] I don't. I don't remember the details of any questions asked
13 necessarily at that press conference.

14 Q. [14:06:20] And did a journalist from Côte d'Ivoire make any remarks? Does
15 that ring a bell?

16 A. [14:06:40] Various journalists from Côte d'Ivoire asked questions and made
17 remarks, yes.

18 Q. [14:06:45] Very well. We'll now call up an item. This is CIV-OTP-0015-0530,
19 from timestamp 4.44 to timestamp 6.30, CIV-OTP-0063-2928 is the transcript number.

20 THE COURT OFFICER: [14:07:34] Defence has the floor, evidence channel 2.

21 MR N'DRY: [14:07:38] (Interpretation) From page 2932 onward to the following
22 page, line 102 to 131.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [14:08:15] (Interpretation of the video excerpt) Sight
25 translation:

1 Mister, mister, I wanted to say to you that from here I'm going to file a complaint
2 against -- well, I won't give the name, but against the person who prohibited the
3 arrival of medication in Côte d'Ivoire.

4 Sir, as you know, since 22 July at 8.17, I had a serious accident, and I spent three
5 months at the PISAM, P-I-S-A-M. And my treatment must continue. But I can't
6 receive treatment. I have a family member, a daughter who is very close to me, she's
7 going to be giving birth tomorrow or the day after that, and she needs an epidural,
8 but we are afraid of her going to a hospital in Côte d'Ivoire. This is my eldest
9 daughter. We are afraid that she's going to a hospital.

10 Mister, I don't want to hijack or steal your press conference, but I have things to say
11 and I wanted to take this opportunity to take advantage of your charisma. I don't
12 have your political courage. I'm not dynamic like a young person. But I have the
13 same concern. I'm from Côte d'Ivoire. We are all. We are both from Côte d'Ivoire.
14 I'm not here for Mr Gbagbo. I'm not here opposing Mr Ouattara. I'm here for Côte
15 d'Ivoire.

16 MR N'DRY: [14:10:22] (Interpretation)

17 Q. [14:10:22] Mr Witness, do you remember this particular event?

18 A. [14:10:25] Yeah, watching that video, I remember the day and the event. And
19 that particular man's intervention I really -- well, you've refreshed my memory.

20 Q. [14:10:42] He was talking about some problems with medication being brought
21 into Côte d'Ivoire. And you say that you've worked in this area of humanitarian
22 assistance and the like. Was this topic dealt with by you?

23 A. [14:11:05] A press conference at which an individual who I never did get to
24 know tells a story about difficulty accessing healthcare is not the way in which our
25 documentary series would cover humanitarian -- difficulties in providing

1 humanitarian assistance.

2 Our documentary would have attempted, and we have a few examples in the footage,
3 to find a practitioner, an NGO worker, somebody from the Red Cross, for instance,
4 who was on the ground going into different areas attempting to help with specific
5 problems and showing me, demonstrating to me visually and physically that she
6 either cannot get into the area, does not have the medicines to treat people, et cetera,
7 et cetera.

8 We would never illustrate that point with a man in a press conference simply saying
9 it.

10 Q. [14:12:14] Mr Witness, I'm not asking, I'm not asking Quicksilver Media or
11 representatives there to behave like the Red Cross. I'm talking about the way that
12 the information was dealt with, the treatment of the information. I'm not asking you
13 to go and provide treatment. I'm talking about -- you work in the area of
14 humanitarian assistance. And then during a press conference you see this person,
15 even though he was not the guest, you are in a country, and this person presents a
16 problem, not a problem that affects him directly as an individual, but, rather, he's
17 talking about the problem of access to medication in Côte d'Ivoire.

18 Let me put the question again. Was this topic covered by you?

19 PRESIDING JUDGE TARFUSSER: [14:13:16] Mr MacDonald.

20 MR MACDONALD: [14:13:17] There may be a translation issue in French, because I
21 think the witness in his answer --

22 PRESIDING JUDGE TARFUSSER: [14:13:23] Where is the issue?

23 MR MACDONALD: [14:13:25] When referring to the Red Cross, your Honour, and
24 the context in which the witness was referring to the Red Cross in English, I don't
25 know, from the understanding of my colleague, there may be a translation issue.

1 PRESIDING JUDGE TARFUSSER: [14:13:37] Yes.

2 THE WITNESS: [14:13:40] Agreed.

3 PRESIDING JUDGE TARFUSSER: [14:13:41] Maybe there is a translation issue, but I
4 think the question is put again.

5 THE WITNESS: [14:13:46] Okay. I'll try to --

6 PRESIDING JUDGE TARFUSSER: [14:13:48] I think the witness can be more clear.

7 THE WITNESS: [14:13:52] I'll try.

8 PRESIDING JUDGE TARFUSSER: [14:13:53] Thank you.

9 THE WITNESS: [14:13:57] During our time in the Ivory Coast, we spent a lot of time
10 and we did accompany various healthcare practitioners and NGO workers as they
11 attempted to reach different populations on the ground to offer humanitarian
12 assistance.

13 The way that our film would usually illustrate the fact that there were difficulties
14 delivering humanitarian aid to people in need would be usually by going with a
15 member of an NGO who is attempting to do that so that we can illustrate visually that
16 this person is having difficulty achieving their job.

17 And if we were to spend a whole day with them trying to achieve something, the
18 hope is that at some stage they would turn to us and on camera say "This is very
19 frustrating. This is -- I cannot do my job. People are likely to die because of this."

20 As I said earlier, we would never illustrate the point of difficulties delivering
21 humanitarian aid by showing a man standing at a press conference saying it. We
22 would always attempt to be in the hospital with somebody trying to deliver that aid.

23 PRESIDING JUDGE TARFUSSER: [14:15:06] But excuse me, in the concrete with this
24 case, and I think this was the question of Counsel N'Dry, how did you deal with it, if
25 you dealt with it?

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1 THE WITNESS: [14:15:20] I didn't deal with it at all. It wasn't appropriate at that
2 time.

3 PRESIDING JUDGE TARFUSSER: [14:15:26] Okay. Thank you.
4 Maître N'Dry.

5 MR N'DRY: [14:15:29] (Interpretation)

6 Q. [14:15:33] Did you receive information to the effect that people were having
7 difficulty accessing medication in Côte d'Ivoire? Did you receive that information
8 when you were in Côte d'Ivoire?

9 A. [14:15:43] Yes, I did.

10 Q. [14:15:47] Okay. We're going to move forward now. Mr Witness, yesterday
11 the Prosecution showed some footage to you, and in the footage we saw Mr Charles
12 Blé Goudé. He was saying that Mr Choi had deceived the world. Do you
13 remember that?

14 A. [14:16:19] Yes, I do, yes.

15 Q. [14:16:20] Okay. Yes. Just to make sure everything is crystal clear, I'm going
16 to show the footage to you again, and then I'm going to ask you a question.

17 CIV-OTP-0015-0524, 9.54 to 10.34 timestamp. Transcript is

18 CIV-OTP-0063-2114 -- correction, 2914, page 2918, from lines 118 to 125.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [14:17:39] (Interpretation of the video excerpt) Sight
21 translation:

22 Charles Blé Goudé: And the danger that exists in Côte d'Ivoire is something other
23 than Mr Choi. It's dangerous for Côte d'Ivoire. It is dangerous for peace in Côte
24 d'Ivoire. It is dangerous for peace in the subregion, because he lied to the entire
25 world. And he cannot go back on his lies. Mr Choi is trying to get everyone to go

1 along with this bundle of lies of his. And for a number of days now all that people
2 have been talking about is civil war in Côte d'Ivoire. I repeat, this morning -- I
3 repeated here this morning, there will not be a civil war in Côte d'Ivoire.

4 PRESIDING JUDGE TARFUSSER: [14:18:34] Maître N'Dry.

5 MR N'DRY: [14:18:36] (Interpretation)

6 Q. [14:18:37] Now, after seeing that footage yesterday, the Prosecution asked you a
7 question, page 62, lines 9 to 13, he said and I quote, "Mr Blé Goudé insisted saying
8 that Mr Choi was a danger to Côte d'Ivoire and that he had lied to the entire world.
9 Did you understand the reason for Mr Blé Goudé's choice of words in relation to
10 Mr Choi and UNOCI? What was the reason for this? What was the source?" End
11 of quote.

12 And in response you said this, and I quote you, "I don't know. I was never able to
13 understand. And in actual fact, as I said, MG was focusing on this meeting and I
14 was trying to get more time with Mr Blé Goudé for our documentary. Having come
15 to an end with the interview and, well, I was there at the second conference." I'll
16 close off the quote at that point.

17 So, you see, it may be difficult to understand, but I believe this is what you said
18 yesterday.

19 So my question to you is this, Mr Witness, did you learn in one way or another about
20 Côte d'Ivoire? Did you learn that the United Nations on 2nd February 2011
21 apologised to Belarus? That country had been mistakenly accused of providing
22 helicopters to the regime of Ivorian President Laurent Gbagbo. Did you know that
23 the UN apologised on 2 February 2011? Did you know that, yes or no?

24 A. [14:21:47] It rings a bell. It does ring a bell.

25 Q. [14:21:57] When the Prosecution asked you yesterday whether the words used

1 by Mr Charles Blé Goudé, his wording to the effect that Mr Choi had deceived the
2 world and -- well, what you can tell us to flesh out this particular point?

3 Mr Witness, I'm sorry, perhaps I think best to show you some footage first and then
4 put the question to you. I'd now like to call for another item, this is

5 CIV-OTP-0015-0528, from the beginning of the video to timestamp 1.30. The
6 transcript is CIV-OTP-0063-2982, page 83, 2983, lines 1 to 20.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [14:23:38] (Interpretation of the video excerpt) Sight
9 translation:

10 Charles Blé Goudé: It was Choi who was in such a hurry to come and certify the
11 results against our will for (incomprehensible) because in the south

12 (incomprehensible) that same man, Choi, accused Côte d'Ivoire of ordering a fighter
13 jet. And the UN made a statement in this regard. Three days later the other one

14 realised that the report was false. The UN had to apologise for lying.

15 But only as of that point we needed to be careful about Mr Choi's word as it was, as
16 the story goes, first truth about this fighter jet that Gbagbo wanted to buy or lease,

17 and if he had given a story about the same counter-truth about the report of

18 (incomprehensible) why did no one move? Why? Why?

19 We do not want to rid ourselves of these prejudices and sit down and wonder. This
20 is the credibility of (incomprehensible) security. If he lied about the report about the

21 aircraft, that's because he can lie about anything. The UN is provoking. The planes
22 are flying over military camps to take photographs. Today the people of Côte

23 d'Ivoire were traumatised by the UN. And the UN is supposed to protect them.

24 Planes at night (incomprehensible).

25 End of the sight translation.

1 MR N'DRY: [14:25:37] (Interpretation)

2 Q. [14:25:39] Mr Witness, did you do any research, any additional research after the
3 press conference to determine whether that was true?

4 A. [14:25:57] I think most of my research after that press conference involved
5 talking to Jean-Philippe Rémy, who you see in the footage sitting next to me to my left,
6 and asking him to explain some of the references made. I don't believe I ever asked
7 him to explain the specific references about Choi, the United Nations, and the
8 allegations made there.

9 Q. [14:26:25] We'll move on.

10 Mr Witness, yesterday you spoke of the risks that foreign journalists ran, particularly
11 white journalists. Do you remember talking about that?

12 A. [14:26:51] Yes, yes, I do.

13 Q. [14:26:55] How many European journalists were at the press conference
14 approximately?

15 A. [14:27:02] When you say "European," do you mean white?

16 Q. [14:27:10] Exactly, yes, of the white race.

17 A. [14:27:14] I believe there were two or three.

18 Q. [14:27:19] Coming out of that press conference, were you threatened to the best
19 of your recollection?

20 A. [14:27:33] No, no, we weren't threatened.

21 Q. [14:27:36] And you, yourself, were you threatened?

22 A. [14:27:44] No, I personally wasn't, and I didn't see any of the white journalists
23 being threatened at that occasion, no.

24 Q. [14:27:54] We'll move on. Just a few moments, if you don't mind.

25 (Defence counsel confer)

1 MR N'DRY: [14:28:38] (Interpretation)

2 Q. [14:28:40] Mr Witness, we are going to return to the issue of Yopougon, 19

3 March. At page 20, lines 26 to 28, page 21, lines 1 and 2 of the realtime French

4 transcript of yesterday's hearing, you mentioned some young men who were wearing

5 orange football jerseys, and they were open. And these people were ensuring

6 security at the demonstration.

7 Could I ask you for more information about these men? What was said at lines 1

8 and 2 of page 21 from the French transcript, it was written, and I quote, this is you

9 speaking, I'm quoting your words:

10 "They were along the side of the road. They had weapons, makeshift weapons."

11 What did you mean by that exactly?

12 A. [14:30:01] I meant that I saw groups of young men wearing football strips in

13 Ivorian colours carrying things, many of them carrying things like sticks, chains and

14 other items that could be used as an offensive weapon.

15 Q. [14:30:27] Very well. Did you see them attacking someone?

16 A. [14:30:53] On that particular day?

17 Q. [14:31:01] Well, since you used the term "offensive weapons," yes, on that

18 particular day, did you see them attacking someone or anyone on that particular day?

19 And if so, did you film that, that event?

20 A. [14:31:21] I didn't see them attack anybody. I did see them threaten people,

21 using their makeshift weapons.

22 Q. [14:31:33] To provide security at the rally; is that it?

23 A. [14:31:47] It's hard to say exactly why they threatened people with their

24 makeshift weapons. In one instance a relatively heated conversation seemed to be

25 taking place, and a boy was waving his stick at the car. But then he allowed the car

1 to go.

2 So I'm not sure if the threat was part of his security detail or I don't really know why
3 he seemed to be acting in that way. But if I had been the person in the car, I would
4 have been threatened by the way that he was waving this stick and seemed very
5 aggressive. Other people did similar things to us in our car as well.

6 Q. [14:32:32] Very well. Yesterday you described individuals who were not
7 wearing uniforms, but who bore arms and, in fact, there were some still shots that the
8 OTP showed you. Do you remember that? Do you know those individuals?

9 A. [14:33:02] Personally? As in their names?

10 Q. [14:33:08] No. I don't mean their names, no. Do you know who they were?
11 Their profession, their status?

12 A. [14:33:16] There is absolutely -- there was no way whatsoever for me to know
13 that, no.

14 Q. [14:33:25] You didn't try to find out? You filmed them --

15 A. [14:33:33] Yeah, we did.

16 Q. [14:33:34] -- and you showed them?

17 A. [14:33:35] Yeah, we did. We -- often when you ask a question, there is kind of
18 levels of answer. In a tense, stressful situation, I believe our fixer simply told us
19 they're soldiers, they're security. That's kind of as much as he needed to say in terms
20 of exactly which, whether they were army soldiers, whether they were police,
21 whether they were some kind of close protection detail, whether they came from a
22 specific organisation, et cetera, et cetera, et cetera, I didn't know. It was made clear
23 to me that their function there was security.

24 Q. [14:34:16] I'd like to read a portion of your statement regarding that, the
25 statement you made to the OTP investigators. This is CIV-OTP-0017-0003, page 0014,

1 paragraph 53. And this is an extract of your own statement. You say the following,
2 and I quote: "They were mainly in civilian clothes, but wore orange armbands. So I
3 think they may have been plain clothes police or military. At this time it was very
4 hard to identify who was who as the police, military, and armed men in civilian
5 clothing were mixed up together." End of quote.

6 Do you confirm this statement?

7 A. [14:35:48] Yes, I believe that's roughly what I tried to say in my last answer.

8 PRESIDING JUDGE TARFUSSER: [14:35:55] Was this a confrontation? Was this a
9 confrontation?

10 MR N'DRY: [14:36:03] (Interpretation) It seemed to me that in the answer that he
11 had given earlier, it wasn't perfectly clear. I had the impression he was expressing
12 reservations, and that's why I wanted to read out the entire paragraph so that it
13 would be perfectly clear. That's why I read it, your Honour.

14 PRESIDING JUDGE TARFUSSER: Okay.

15 MR N'DRY: (Interpretation)

16 Q. [14:36:39] Well, I think you already answered, so I don't think I need to insist.
17 On page 22 of yesterday's French transcript, line 9 to 10, you referred to Mr Charles
18 Blé Goudé, and I quote: "He was a very important person." End of quote.

19 My question is did you know at the time that Mr Charles Blé Goudé was minister of
20 youth of Côte d'Ivoire?

21 A. [14:37:09] Yes, yes.

22 Q. [14:37:12] Okay. Mr Witness, during your stay in Côte d'Ivoire, in fact, I'd
23 rather say during your mission, did you hear about Young Patriots who were killed at
24 a roadblock at Deux Plateaux?

25 A. [14:37:47] Yes.

1 Q. [14:37:51] Do you know anything else about the perpetrators of that killing?

2 A. [14:38:04] No.

3 Q. [14:38:07] Very well. We're going to go back to the March 19 meeting in

4 Yopougon. And I'm going to call up a video first of all, and then I'll ask you a

5 question. The document is CIV-OTP-0015-0442, from the beginning to timestamp 3.

6 The transcript is CIV-OTP-0020-0449, page 451, line 1 to 28.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [14:39:39] (Interpretation of the video excerpt) Sight

9 translation:

10 Who do you want me to talk to? You need to make room.

11 (The following inserted excerpt is a transcription prepared and provided by the

12 parties of the aforementioned recording without any modification or alteration)

13 Seyi RHODES [SR] : Talk to who ? We need to clear the way. Shall I do my piece? The

14 crowd are being worked up into a frenzy, there are musicians and speakers on stage

15 and there is nothing jovial about this, its actually quite an intimidating atmosphere.

16 Everyone is waving around the victory sign which is the sign of Laurent GBAGBO's

17 campaign. And they're telling me that he won the election and he's the only person

18 who can protect IVORY COAST from the imperialists, thats the Western world in

19 general.

20 O.K. Bonjour, ton nom ?

21 Claver : [Incompréhensible. 00:00:39] Claver, je me nomme [incompréhensible,

22 00:00:40] Claver [phon]. Ivoirien à 100%, de père et de mère.

23 SR : O.K. Good. Pourquoi vous venez ici ?

24 Claver: Bien nous sommes là pour [Incompréhensible, 00:00:50], pour soutenir notre

25 président Laurent GBAGBO qui a été élu et qui a été investi par la constitution de la

1 CÔTE D'IVOIRE. [Chahut de la foule].

2 THE INTERPRETER: [14:40:55] (Interpretation of the video excerpt) Line 16:

3 I have a message for Sarkozy, a message for him, for Alassane, we want to tell

4 Alassane, we want to tell Sarkozy that Laurent Gbagbo is not up for sale.

5 Laurent Gbagbo is a dignified son of Africa.

6 Sarkozy assassin. Sarkozy assassin, repeated numerous times by the crowd.

7 SR : Yeah. This man's called BAS [phon] and he says that he's come here to support

8 Laurent GBAGBO to prove to everyone in the world that he's the rightful President of

9 IVORY COAST. But must tellingly, the first thing he told me is that's 100% Ivorian,

10 both his parents are Ivorian and it's quite clear to me that everyone else nothing to

11 him. BAS [phon] has just told me that he's come here to prove his support for Laurent

12 GBAGBO, he says that GBAGBO is the rightful President of the IVORY COAST and

13 he says that people like SARKOZY and Western leaders are all trying to colonise this

14 country. Most tellingly though the first thing he told me is that he's 100% Ivorian, he

15 said both his parents are Ivorian and it's clear to me that if that's not the case, if you're

16 not Ivorian, then you're nothing as far as he's concerned.

17 PRESIDING JUDGE TARFUSSER: [14:42:47] Yes, please.

18 MR N'DRY: [14:42:51] (Interpretation)

19 Q. [14:42:55] Mr Witness, this gentleman said he was 100 per cent Ivorian, both his

20 mother and father were Ivorian. When did he say that if you're not Ivorian, then

21 you're worth nothing in his eyes? When did he say that?

22 A. [14:43:14] He didn't say that.

23 Q. [14:43:22] Let's move on.

24 By the way, before you went to Côte d'Ivoire, did someone tell you that Ivorians were

25 xenophobic?

1 A. [14:43:42] No. Sorry, you've asked me to speak very specifically to your
2 questions, and so I'm trying to do that. I feel like you're missing out a huge amount
3 of stuff. But no, nobody ever said that to me.

4 Q. [14:43:56] Mr Witness, yesterday you mentioned someone who had done a
5 traditional dance at the March 19, 2011 rally. The Prosecutor asked you a question
6 on page 28, line 8 to 10 of the French transcript. And I'm going to quote it to be
7 perfectly faithful to what you stated.

8 "Question: You were saying we saw that person" -- rather, the Prosecutor is asking a
9 question. "We heard that person say he was a warrior. What does that word mean
10 for you?"

11 And the answer was, "Well, according to what I understood, they were persons who
12 wore traditional warrior costumes, and they were doing traditional dances to prepare
13 young men to go off to war." End of quote.

14 Before I ask you my question, I would like to show you a video, which is
15 CIV-OTP-0015-0455, from the beginning until the end. It's a very short 43 second
16 clip. And we don't need the transcript for this video.

17 Mr Witness, please take a close look and then I have a question for you.

18 (Viewing of the video excerpt)

19 MR N'DRY: [14:46:52] (Interpretation)

20 Q. [14:46:56] To be quick but complete, I'd like to show you another video which
21 also deals with these dancers. CIV-OTP-0015-0461, and again we don't have a
22 transcript. It's not necessary.

23 (Viewing of the video excerpt)

24 MR N'DRY: [14:48:10] (Interpretation)

25 Q. [14:48:17] Witness, are you familiar with African culture in general and Ivorian

1 culture in particular?

2 A. [14:48:24] African culture in general, yes. Ivorian culture in particular, not
3 really, no. I relied entirely on my fixer for the local knowledge.

4 Q. [14:48:37] Very well. Have you already heard about the generational festivals
5 organised in Côte d'Ivoire?

6 A. [14:48:58] I'll just have to answer no.

7 Q. [14:49:07] Have you ever heard about the Ébrié people in Côte d'Ivoire?

8 A. [14:49:16] Yes, I believe it was a tribe, one of the tribes in Côte d'Ivoire, possibly
9 the tribe that Laurent Gbagbo came from. That's just what jumps into my head.

10 Q. [14:49:35] I'm not going to respond to that. That's your answer.

11 Mr Witness, those men, based on the two videoclips, did you see them with weapons?

12 A. [14:49:52] No.

13 Q. [14:49:55] Why do you say that they came to prepare the people that attended
14 the meeting to fight? You know nothing about Ivorian culture, about the customs.
15 On what basis, why is it as you were there, why is it that you stated yesterday that
16 those people were coming to prepare the people at the rally to fight?

17 A. [14:50:30] I think the answer to your question is very clear, if you were able to
18 re-look at the first clip that you showed me, with one very slight technical difficulty,
19 the difference, which I'm not sure is possible here, what you have there is the footage
20 with both microphones, microphone 1, the camera, the microphone on the camera,
21 and microphone 2, my microphone on my T-shirt merged together.

22 If you were able, which we do in the edit suite, to split those two sound channels, you
23 would have heard, and I overheard little bits of it knowing what I was listening for,
24 you would have overheard my fixer telling me that these guys are traditional dancers.
25 It's a tradition. They're like warrior dancers. They prepare people for warfare.

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1 You would have heard him saying roughly those words, very quickly obviously.

2 We didn't have time for a full ethnographic discussion about Ivorian culture, but he
3 pretty much put that out there for me, and I accepted that that was his explanation.

4 Q. [14:51:32] Mr Witness, this is not an ethnographic discussion. We're talking
5 about the facts. And rest assured I'm referring to what you said. You said they
6 were coming to prepare men to go to warfare. And I wanted to know what it was
7 based on, and I've understood.

8 PRESIDING JUDGE TARFUSSER: [14:52:05] He said that his fixer told him this, to
9 be correct.

10 MR N'DRY: [14:52:12] (Interpretation) Yes, I said I wanted to know what his basis
11 was, and he told us indeed that his fixer told him that. But we couldn't hear it in the
12 video.

13 THE WITNESS: [14:52:28] It's -- yeah, I mean, I heard it because I was there and I
14 know what I'm hearing for. If like I say, you know, we could, we could listen to it
15 four or five times and you will eventually start to hear me saying "Dancers?" And
16 him saying, "dancers" and "warrior." You can hear those words. I just heard them
17 just now. Definitely in the edit suite, once you split the two sound channels, you'll
18 hear our conversation much clearer.

19 MR N'DRY: [14:53:00] (Interpretation)

20 Q. [14:53:05] Witness, we're going to move on.

21 Yesterday, line 23 to 25, page 31 of the realtime transcript, the Prosecutor mentioned
22 to you that those same individuals wearing traditional clothing said that they were
23 awaiting the orders from General Charles Blé Goudé. Do you remember that?

24 A. [14:53:30] Yes, I do.

25 Q. [14:53:34] Very well. At that rally in Yopougon at the CP1 square when he

1 called for young Ivorians to enrol in the army of their country, did Charles Blé Goudé
2 call on his people to commit acts of violence?

3 A. [14:54:05] No, he didn't.

4 Q. [14:54:13] Mr Witness, when you were questioning these traditional
5 dancers - and if you don't remember, we can take a look at the video once again - but
6 did you hear someone say to you, and I quote, "Yes, the Ouattara supporters, they are
7 also Ivorians, but we, we are in the president's camp, and we are fighting for
8 constitutional legality. We are fighting for the constitution of our country." End of
9 quote.

10 Can you confirm that those words were pronounced?

11 A. [14:55:24] Yes, yes, I remember hearing them.

12 Q. [14:55:31] Witness, when you went on this fact-finding mission on the Ivorian
13 crisis, was it the first time you had heard mention of young people fighting to defend
14 the constitution or the institutions of the republic?

15 A. [14:56:09] No, it wasn't the first reference that I had heard to those sorts of ideas.

16 Q. [14:56:19] Mr Witness, after the rally that took place at CP1 square on 19 March
17 2011, did you observe an incident along the way?

18 A. [14:56:57] I'm afraid you are going to have to be a little bit more specific. What
19 kind of incident?

20 Q. [14:57:05] Well, we'll move on, if you don't remember an incident, we'll move
21 on.

22 Did you witness an incident? I'm not going to mention a particular incident, but did
23 you -- were you witness to an incident?

24 A. [14:57:38] I'm sorry, I really can't -- is that a question? Did I witness an
25 incident?

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1 PRESIDING JUDGE TARFUSSER: [14:57:44] Yes.

2 THE WITNESS: [14:57:44] Yes, I witnessed an incident. Yes, I witnessed numerous
3 incidents.

4 PRESIDING JUDGE TARFUSSER: [14:57:54] What do you mean by "incidents"?

5 THE WITNESS: [14:57:56] Well, this is exactly -- it's a fundamental point, what do
6 you mean by "incident"?

7 PRESIDING JUDGE TARFUSSER: [14:57:59] Yes. I'm asking the counsel.

8 THE WITNESS: [14:58:01] All right.

9 MR N'DRY: [14:58:02] (Interpretation)

10 Q. [14:58:04] Okay. I will be more precise. Did you see individuals being
11 attacked or riots or people being attacked, any acts of violence on individual people?
12 That's what I meant by "incident." I was perhaps not being specific enough.

13 A. [14:58:30] Thank you. On that, on that walk from the rally, I didn't witness any
14 specific acts of violence. I feel drawn to point out that people came up to me as I was
15 walking and told me about specific acts of violence that had taken place in that area.
16 But no, during that walk I didn't witness any acts of violence.

17 Q. [14:58:52] Very well.

18 Your Honour, I have a question to put to the Chamber, and if possible, in the absence
19 of the witness because of what will follow, if that's possible.

20 PRESIDING JUDGE TARFUSSER: [14:59:26] Mr Witness, please, can you leave the
21 courtroom. Thank you.

22 (The witness stands down)

23 PRESIDING JUDGE TARFUSSER: [14:59:50] Maître N'Dry.

24 MR N'DRY: [14:59:52] (Interpretation) Yes, your Honour. I don't know whether
25 it's the right time, but I put it to you so that we can move on to the next step, because

1 if I weren't to do this, then you might misunderstand me, we'd like to establish a fact
2 on behalf of the Defence team for Mr Charles Blé Goudé. You will recall that there
3 were any number of witnesses of the second incident said they saw Charles Blé
4 Goudé on 25 February 2011. They saw him organising a cortège after the 25
5 February political rally.

6 I recalled that this question was put directly to P-440 to hear whether Charles Blé
7 Goudé came to the 16th arrondissement on the 25th of February. The answer was
8 given. It was the commissioner from the 16th arrondissement who said if he was
9 there, given that he was minister: I would have known.

10 Many witnesses said that after the Baron Bar rally, there was the CP1, the Place CP1,
11 and it was from there that the cortège started.

12 Now, what we'd like to establish before this Chamber is that there was never - it's the
13 Defence team for Charles Blé Goudé says this - there was never a political rally at that
14 Place CP1 on 25 February, and that either intentionally or by omission, and I prefer
15 that it was the second likelihood on the part of certain witnesses, there has been
16 confusion that's crept in as regards the cortège, the cortège was organised from the
17 CP1 place to Terminus 40.

18 I give you the number of the witness who said this, it was Witness P-459 who said
19 that he saw Charles Blé Goudé, but he gave us the date 25 February 2011.

20 We're now going to attempt on the basis of this cortège that left the Place CP1, we're
21 going to show the route that was taken by showing screenshots of certain points to
22 show that in actual fact on 29 -- on 19 March 2011, there was a march. They went
23 through the 16th arrondissement and they also went in front of the Doukouré
24 mosque.

25 And as the witness said, and this is why I put the question earlier on as to whether

1 there was an incident, and the witness said he did not recall there being any incident.

2 So that is the next step in what I wish to do, what I intend to do with the witness.

3 This is going to go on at some length as we're going to follow the whole route, and

4 that's why I'm explaining it to you, because otherwise the Bench might not follow

5 what I'm trying to do, and that's why I've taken the liberty of making this statement.

6 Thank you.

7 PRESIDING JUDGE TARFUSSER: [15:03:39] Mr MacDonald.

8 MR MACDONALD: [15:03:40] I don't know if the Gbagbo Defence team wants to

9 say something after the Defence.

10 PRESIDING JUDGE TARFUSSER: [15:03:46] The problem is I was going to, but you

11 stood up. So that's why I reverted to you because I thought you wanted to say

12 something.

13 Maître Altit.

14 MR ALTIT: [15:03:58] (Interpretation) Thank you, your Honour. I have no

15 observation.

16 PRESIDING JUDGE TARFUSSER: [15:04:05] Thank you.

17 Mr MacDonald.

18 MR MACDONALD: [15:04:06] Your Honours, we submit the following. First of all,

19 my colleague is saying many witnesses, which is not the case about this CP1 meeting,

20 on record, that is.

21 And as you may know from a filing that we made and the number I don't remember,

22 oddly enough, when we referred to 440, that question was never put to him, as the

23 police chief in that area, if he's aware that on that day there was a CP1 meeting, that

24 question was never put to him.

25 Now we want to introduce, adduce a video. We can introduce the video, but all of

1 this was not necessary. It goes for a closing brief. It's an argument that the Defence
2 wants to put forward, and that's what they just did, orally argue that point.
3 Now, the video can be submitted. If the video is already there, all of these things can
4 be done in the closing brief from a video that is submitted.

5 But if it's to show the entirety of the video to the witness and say "You filmed this?"
6 we're ready to have it submitted, your Honour. But all of this is argument -- are
7 arguments, sorry, to be argued at the end, because this witness cannot comment on
8 the 25th, that, he cannot. So the only thing that we're doing with this witness is
9 introducing the footage, which we don't object to.

10 PRESIDING JUDGE TARFUSSER: [15:05:59] I do agree with what was said by the
11 office of Prosecutor. Please proceed. Introduce the witness, put the questions, and
12 the conclusions will be drawn in due course, okay.

13 MR N'DRY: [15:06:16] (Interpretation) Thank you, your Honour.

14 PRESIDING JUDGE TARFUSSER: [15:06:19] Can the witness be brought in again.
15 (The witness enters the courtroom)

16 PRESIDING JUDGE TARFUSSER: [15:06:56] Here we are again --

17 THE WITNESS: [15:06:57] Yep.

18 PRESIDING JUDGE TARFUSSER: [15:06:58] -- after a brief discussion. And I give
19 the floor to Maître N'Dry.

20 MR N'DRY: [15:07:06] (Interpretation) Thank you, your Honour.

21 Q. [15:07:10] Witness, have you heard about the Baron Bar in Yopougon?

22 A. [15:07:20] No. Again, the words ring a bell. I can only apologise. A lot of
23 this was six years ago and references that I haven't come across since. They ring
24 bells, but I can't remember exactly what.

25 Q. [15:07:36] All right. We're going to take a look at a video, CIV-OTP-0015-0477.

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1 Your Honour, let me just say that we won't need the transcript in the light of what I
2 explained to you. And I'd rather it be shown without the sound track.

3 (Viewing of the video excerpt)

4 MR N'DRY: [15:10:29] (Interpretation) Your Honour, let me just say that we've
5 stopped at timestamp 5.12. We'll take a screenshot, and then I'll ask the registrar for
6 an ERN reference, and then we'll stop again at 7.57.

7 PRESIDING JUDGE TARFUSSER: [15:11:12] Do you want to show the whole video,
8 because it's about 16 minutes, the whole video?

9 MR N'DRY: [15:11:26] (Interpretation) No, your Honour. We're just going to fast
10 forward on certain images and have a few screenshots, as I said. And then at
11 timestamp 8.15 we'll stop again.

12 Q. [15:12:40] Witness, there you were in the crowd. Were you on your own in the
13 crowd at that moment?

14 A. [15:12:57] So I'm there. Alex is obviously with me filming me. Alexis, our
15 fixer, is no doubt in the immediate vicinity. Jacques, the driver, is back with the car,
16 but he's unreachable. And I believe there was a third journalist who was working
17 with us on the day. So I'm not entirely alone. And you can see that there is a lot of
18 security and people around.

19 Q. [15:13:23] Very well. We'll have another stop at timestamp 10.27. And
20 another screenshot at timestamp 11.30.

21 I think we should be able to improve on this. I ask the court officer.

22 PRESIDING JUDGE TARFUSSER: [15:15:08] Facilitate.

23 THE COURT OFFICER: [15:15:15] Possible indeed.

24 MR N'DRY: [15:15:37] (Interpretation) Your Honour, I'd like to show a last video,
25 CIV-OTP-0015-0481, at timestamp 30 seconds.

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1 (Viewing of the video excerpt)

2 MR N'DRY: [15:16:15] (Interpretation)

3 Q. [15:16:17] Witness, this shot -- and actually I'd prefer to come back to a previous
4 video that I'm going to show you and then I'll put a question to you,
5 CIV-OTP-0015-0480, timestamp 2.30.

6 (Viewing of the video excerpt)

7 MR N'DRY: [15:17:15] (Interpretation)

8 Q. [15:17:16] Witness.

9 A. [15:17:18] Yes.

10 Q. [15:17:21] Witness, this shot of Charles Blé Goudé on the black vehicle, does that
11 ring a bell with you?

12 A. [15:17:34] Yes, it does.

13 Q. [15:17:40] Very well. We'll move on to a different matter.

14 Witness, yesterday on page 53, lines 1 to 10 of the unedited transcript, you said you
15 saw your photo and that of Alex on the RTI television channel. Do you remember
16 that?

17 A. [15:18:12] Yes, I do.

18 Q. [15:18:18] All right. I'm going to show you three videos, 15 seconds, that's all,
19 each, and then very quickly I'll put a question to you, after which I'll move on to the
20 last matter concerning us today. CIV-OTP-0015-0599. I'm just going to show you
21 the first 15 seconds.

22 And we don't need the transcript for these three videos.

23 (Viewing of the video excerpt)

24 MR N'DRY: [15:19:27] (Interpretation)

25 Q. [15:19:29] That is the first video. Don't worry, I know you haven't got the

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1 sound track.

2 Then we have the second one, CIV-OTP-0015-0686. We're just going to show you the
3 15 seconds.

4 (Viewing of the video excerpt)

5 MR N'DRY: [15:20:23] (Interpretation)

6 Q. [15:20:25] The last video now, CIV-OTP-0015-0687, the first 15 seconds.

7 (Viewing of the video excerpt)

8 MR MACDONALD: [15:21:07] Can we do the dates for the record, please? I think
9 it's important we have the dates for the record.

10 PRESIDING JUDGE TARFUSSER: [15:21:12] Yes.

11 MR MACDONALD: [15:21:13] Actually very important.

12 PRESIDING JUDGE TARFUSSER: [15:21:18] Maître N'Dry.

13 MR N'DRY: [15:21:21] (Interpretation) Your Honour, these are videos that were
14 communicated to us as you know by the Office of the Prosecutor. So I'll ask the case
15 manager to take a look to see what was disclosed to us by the OTP and then I'll give
16 them what they told us.

17 PRESIDING JUDGE TARFUSSER: [15:21:53] We could also ask the witness if he
18 knows, because at least on one he was on the video. So if you could tell us or if you
19 remember?

20 THE WITNESS: [15:22:05] Ironically, the one -- ironically, the one I remember most
21 is the one that doesn't feature me.

22 PRESIDING JUDGE TARFUSSER: [15:22:11] Okay.

23 THE WITNESS: [15:22:11] The last one that was shown, it was showing Mr Gbagbo I
24 believe after he was arrested. Those were the images that were being broadcast. It
25 was no longer the same channel. But that was, that was the --

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1 PRESIDING JUDGE TARFUSSER: [15:22:23] But were all three done by you or Mr
2 Nott while you were in Ivory Coast?

3 THE WITNESS: [15:22:31] Yes, yes, as far as I'm aware.

4 MR N'DRY: [15:22:36] (Interpretation) Your Honour, according to the information
5 given to us by the OTP, the first video is dated 31 March. The second, 12 April, and
6 the last video where we see the President Laurent Gbagbo was 12 April. This is
7 according to the information disclosed to us by the OTP.

8 Q. [15:23:18] Witness, you say that you saw your image, a photo of you and Alex
9 on Ivorian television. Did you make any screenshots of your photo such as we've
10 just seen?

11 A. [15:23:44] No. That wouldn't have been possible.

12 Q. [15:23:55] Why?

13 PRESIDING JUDGE TARFUSSER: [15:23:57] Excuse me. You mean screenshots as
14 opposed to film?

15 THE WITNESS: [15:24:00] All right. Did we, yeah, I mean --

16 PRESIDING JUDGE TARFUSSER: [15:24:01] Yeah, because a screenshot --

17 THE WITNESS: Yeah, I mean, screenshots --

18 PRESIDING JUDGE TARFUSSER: -- you must be at the right place at the right time
19 at the right moment, I think. Did you film that?

20 MR N'DRY: [15:24:12] (Interpretation) Film, yes, film.

21 A. [15:24:16] No, I didn't in actual fact. The problem with taking a screenshot is
22 pretty much the same problem with filming it. You need to know what's happening.
23 You need to be prepared for it to happen. You need to have the camera out and
24 ready. If it happens, you see yourself on TV, and you go, "Alex, Alex, we're on TV,"
25 it's going to be too late by the time he gets there to film it. We were very unlucky

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1 like that.

2 At one stage I do remember we actually had the camera plugged in to the state TV in
3 order to try and record anything that came through. And our luck ran out then.
4 That's pretty much when the feed went down and they stopped, they stopped
5 broadcasting. So we had some pretty bad luck with actually capturing some of that
6 stuff.

7 Q. [15:25:04] You have no proof to show us of what you are saying today?

8 PRESIDING JUDGE TARFUSSER: [15:25:07] No, no. No, no. Come on. This is a
9 testimony. This is a witness, and he said, and then it's up to us to believe or not.
10 There is no document, you can say there is no document, I mean --

11 MR N'DRY: [15:25:24] (Interpretation) Your Honour, there is nothing backing the
12 affirmations that are being made.

13 PRESIDING JUDGE TARFUSSER: [15:25:34] No. You can ask: There is no
14 documentary evidence which shows what you say. This is how it should be put.

15 MR N'DRY: [15:25:47] (Interpretation) But I think the witness has already
16 answered. There is no problem.

17 Q. [15:25:52] Witness, I'd like to know the following. The journalists that cover
18 conflict zones, do they get any risk bonus?

19 A. [15:26:09] I certainly didn't.

20 Q. [15:26:13] We're going to finish with the roadblocks. This will be my last point,
21 the last area that we're covering in the cross-examination.

22 Witness, you were talking about your photos that were circulating in the street. Do
23 you remember that? Did you have a copy of those photos?

24 A. [15:27:03] My photos that were circulating in the street? There may be a
25 mistranslation somewhere.

1 Q. [15:27:16] We're going to move on. It's just that members of the team are
2 looking for the section in the transcript.

3 A. [15:27:32] I think I know, yeah, yeah, I think I know what you are referring to.
4 But, yeah, you can find the section in the transcript and we'll discuss it, when I'm
5 certain that that is what you are referring to.

6 Q. [15:27:38] D'accord.

7 A. [15:27:39] I believe there has been a misunderstanding.

8 Q. [15:27:43] Very well. You'll be able to rectify that once we've found it.
9 Witness, while you were on mission in Côte d'Ivoire, how many roadblocks did you
10 visit and film, in other words, with documentary evidence, how many roadblocks?

11 A. [15:28:09] You've used the word "film," which is kind of a catch-all term. I'm
12 going to have to break that down for you a little bit. In terms of the number of
13 roadblocks that we visited where we exited the car with permission to use our camera
14 to film on camera interviews, one.

15 In terms of how many roadblocks we drove through when the camera was on either
16 visible or, you know, covert, not hidden, but, you know, just not explicit, impossible
17 to say.

18 Alex, as you've seen from the footage, pretty much never stops the record button.

19 He just records and records. If we're sitting in a car and we go through a roadblock
20 and he has the opportunity, he'll stick it up. So that's filming a roadblock.

21 And then finally, there was a period towards when we got locked in the hotel just
22 before as things started to get really hairy when we also employed a couple of drivers
23 to take out hidden cameras, cameras hidden in key rings and that sort of thing, which
24 they could leave on the dash of their car and drive around. And we specifically
25 asked them to go through roadblocks so that we could see that these existed.

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1 Obviously neither Alex nor I were in the car at that time.

2 All three types I would count as filming, filming a roadblock. Only one I was
3 present and outside the car, but hundreds would have appeared on camera in the 40
4 hours of footage that we have.

5 Q. [15:29:53] You were quite right to be specific about that point. I'd like us to talk
6 about things that we can establish by way of documentary evidence, that's what I'm
7 talking about, or documentary backup.

8 I'd like to call up an item now, CIV-OTP-0015-0594, from 3.10 to 9.11. The ERN
9 number for the transcript is CIV-OTP-0021-0013. CIV-OTP-0021-0014, line 21,
10 CIV-OTP-0021-0016, line 107.

11 THE COURT OFFICER: [15:32:03] Public video?

12 MR N'DRY: [15:32:05] (Interpretation) Yes, it is a public video.
13 (Viewing of the video excerpt)

14 MR N'DRY: [15:32:56] (Interpretation)

15 Q. [15:32:58] Mr Witness, we've taken a screenshot here. And I'm just waiting for
16 the translation. We've done a screenshot here and it's at 3.35, timestamp 3.35. I
17 hope the image isn't too blurry. Can you make out?

18 A. [15:33:28] I can make out the basics, yeah. It depends what you are going to
19 ask me.

20 Q. [15:33:33] Very well. We'll continue.
21 (Viewing of the video excerpt)

22 THE INTERPRETER: [15:33:49] (Interpretation of the video excerpt)

23 Unidentified speaker: Good day. Good day, mister.

24 Another unidentified speaker: Same to you. Good day.

25 Why did you stop the car?

- 1 We stopped this car to, we stopped this car -- sorry?
- 2 We are stop -- we stopped the car to check the trunk and the glove compartment.
- 3 And we're checking everything to make sure that there is no weapons being
- 4 smuggled into our neighbourhood. That's why we're doing that. So we're
- 5 searching all these vehicles going through this particular corridor.
- 6 (The following inserted excerpt is a transcription prepared and provided by the
- 7 parties of the aforementioned recording without any modification or alteration)
- 8 SR : Alex on me please. What was it about that car that made you think they might
- 9 have guns? OK. Ready?
- 10 THE INTERPRETER: (Interpretation of the video excerpt)
- 11 That car, what was it about that car that you thought, why you stopped it?
- 12 Yes. Well, when we see, we look at the vehicle. We don't stop all the vehicles like
- 13 that. We look at the vehicles. Some come and we get the impression that they are
- 14 suspicious. If we see that they're a bit suspicious, we try to stop them. We try to
- 15 see, check them, make sure there is nothing dangerous, and if there is no problem,
- 16 and then we let them go. But in that case we saw something dangerous.
- 17 SR : OK. I mean that particular car had a white man and his Ivorian wife, what was it
- 18 about them that made you suspicious?
- 19 THE INTERPRETER: (Interpretation of the video excerpt)
- 20 Yes, explain.
- 21 SR : Why did he stop that car because [inaudible, 00:05:40] ... O.K. I am saying this ...
- 22 what I am trying to say is: you stopped this specific car. What about that car was
- 23 suspicious?
- 24 THE INTERPRETER: (Interpretation of the video excerpt)
- 25 Yes, well, we stopped the car because, well, not necessarily because we thought the

1 vehicle was suspicious, but it can happen, it can happen that a vehicle might strike
2 our eye and we just check. You never know. It's not necessarily that it might
3 appear to be suspicious. But, you know, it can happen, it can happen that we might
4 stop vehicles like that just out of instinct, and then we search the vehicle.
5 SR: OK. Well, that's kind of what I am trying to get to ... OK ...
6 THE INTERPRETER: (Interpretation of the video excerpt)
7 The problem here is --
8 SR: Your name?
9 DD: My name is Duzubu (phon) --
10 SR : DUZUBU [phon.]. OK. [À la caméra] DUZUBU [phon.] teWs me that he stops
11 cars which he thinks are suspicious; he is looking for weapons and anything that
12 could be used by the rebels to make his area unsafe. He doesn't have a specific
13 strategy for how he goes about doing that, just when he feels like a car looks
14 suspicious, he stops them. OK. Merci.
15 THE INTERPRETER: (Interpretation of the video excerpt)
16 Unidentified speaker: I would like to issue a call, a call upon President Nicolas
17 Sarkozy and the secretary general, because I think, well, you see, our relatives are
18 suffering and they have to lift the embargo upon Côte d'Ivoire because today our
19 relatives in Duékoué ...
20 [incompréhensible, 00:07:32]...
21 Intervenant non identifié 11 [INI11] : DALOA.
22 [Incompréhensible, 00:07:32 - 00:08:14. Des véhicules de UN passent le barrage puis la
23 caméra balaie les hommes qui contrôlent le barrage routier]
24 SR : Well, that's what they keep saying, yeah, I mean ...
25 [Bruit de moteur pmpos incompréhensibles, 00:08:15 - 00:08:52. Vue sur les hommes

1 qui contrôlent le ban-age routier La caméra revient sur SR]

2 SR : No they're not at all ... sorry, I know it's slightly the wrong lines but I am trying to
3 get from them like an explanation ... it might be foreigners, it might be
4 foreign-looking people, it might be certain types of cars. You know ... yeah ...

5 MR N'DRY: [15:39:16] (Interpretation)

6 Q. [15:39:34] Mr Witness, why were you focusing on the car with the white man, if
7 I can put it that way? Now, other than that car, weren't there other vehicles that
8 were stopped at that same roadblock?

9 A. [15:40:00] Quite possibly you started the footage just as we started to move in
10 onto that situation to start filming it. So I can't begin to tell you what happened
11 before that.

12 My instinct was that the man, the white man's behaviour was a little bit different for a
13 start. He got out of his car. Most people don't necessarily get out of their car at the
14 roadblock. They wind down the window. They only get out if they absolutely
15 have to. He seemed intimidated. I think that comes across clearly. I'm not going
16 to ask people's opinion. I felt at the time that he seemed a little bit intimidated. He
17 was a bit afraid of these boys. He was being very respectful, which was sort of odd,
18 because he was their senior in age. So you could kind of see that this is an awkward
19 thing going on here. Why is this man being deferential to these young men who
20 quite frankly have no authority in this situation?

21 So it seemed interesting. It seemed worth focusing on. And I still actually,
22 watching that, I stand by that decision, he definitely looked kind of intimidated, and I
23 think that sums up -- that man definitely looked intimidated, and I think that sums up
24 the atmosphere and how people felt when they approached one of these roadblocks.

25 Q. [15:41:29] Mr Witness, we'll continue viewing this footage. And in relation to

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1 what you just said, I'll be putting a question to you.

2 (Viewing of the video excerpt)

3 MR N'DRY: [15:41:54] (Interpretation) We will rewind slightly and you can tell me
4 about this person who got out of the car, whether he was white or black.

5 THE INTERPRETER: [15:42:09] Message from the interpreters: Is translation
6 required?

7 PRESIDING JUDGE TARFUSSER: Why don't we play the sound?

8 (Viewing of the video excerpt)

9 MR N'DRY: [15:42:23] (Interpretation)

10 Q. [15:42:27] Mr Witness, you've seen this gentleman who got out of his car?

11 A. [15:42:33] Yes.

12 Q. [15:42:36] This may seem stupid, but is this man black, this man who just got out
13 of his car?

14 A. [15:42:43] The man is clearly black.

15 Q. [15:42:47] So when you were there, did you see any checks, people being
16 checked on the basis of ethnicity or what region they came from?

17 A. [15:43:17] I didn't see that while at a checkpoint, no.

18 Q. [15:43:25] Mr Witness, I'd just like to specify one thing. This screenshot was
19 taken at 9.15, timestamp 9.15. These young people at the roadblock, did you see
20 them with weapons?

21 A. [15:44:05] No, not on this occasion at all, no.

22 Q. [15:44:12] Mr Witness, I'm finished with you, just two questions. At the Place
23 de la République on 26 of March when Mr Blé Goudé was there with his mattress, did
24 you learn that during the entire night the entire group of people were being called
25 upon to pray for peace in Côte d'Ivoire in that location, and that there were Muslims,

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1 Christians, all kinds of people from different faiths, ministers and the like? Did you
2 learn that?

3 A. [15:45:00] Yes.

4 Q. [15:45:07] Mr Witness, at the end of this rally, did you learn that some people
5 had been assaulted at the end of the event, 26 March 2011?

6 A. [15:45:26] As I explained in my testimony yesterday, I didn't actually stay until
7 the end of that event. So I picked up what I picked up as I was leaving and from
8 anybody who left after me. But I don't know the full details of what happened that
9 evening.

10 Q. [15:45:47] Mr Witness, my last question. I note that you have a degree in
11 sociology and in politics.

12 A. [15:46:17] That's correct, yeah.

13 Q. [15:46:21] Have you ever read a book by Pierre Conesa entitled "The Fabrication
14 of the Enemy"?

15 PRESIDING JUDGE TARFUSSER: [15:46:29] Please do not respond to this question.
16 Come on.

17 MR N'DRY: [15:46:37] (Interpretation) On that particular note, your Honour, we
18 have concluded.

19 PRESIDING JUDGE TARFUSSER: [15:46:44] Thank you very much.

20 Now I adjourn the hearing to tomorrow morning 9.15, with the questioning by the
21 Defence for Mr Gbagbo. The hearing is adjourned. Thank you very much.

22 THE COURT USHER: [15:46:59] All rise.

23 (The hearing ends in open session at 3.47 p.m.)