

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 Friday, 14 July 2017
10 (The hearing starts in open session at 9.15 a.m.)
11 THE COURT USHER: [9:16:01] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:16:26] Good morning.
15 Good morning, Mr Witness
16 WITNESS: CIV-OTP-P-0087 (On former oath)
17 THE WITNESS: [9:16:34] Good morning, your Honour.
18 PRESIDING JUDGE TARFUSSER: [9:16:35] It's the day for the Defence of
19 Mr Gbagbo to question you. And I give the floor to Maître Altit.
20 Yes, please?
21 THE WITNESS: [9:16:42] Sorry, before we continue, sorry everybody, yesterday was,
22 I'm sure everybody noticed, quite a difficult day for me. And there was definitely a
23 moment or a couple of moments where I believe that my confidence and my ability to
24 give a true account of myself was seriously diminished. There was one point in
25 particular where it really stuck with me all night where I feel I gave an answer that

1 was ultimately not correct, it was false, and I would like the opportunity to correct
2 that if possible.

3 PRESIDING JUDGE TARFUSSER: [9:17:17] You may, please do so.

4 THE WITNESS: [9:17:18] I was asked if, and the question was worded very
5 specifically, I was asked if people told me, journalists who I spoke to before I went to
6 Ivory Coast, that the population was xenophobic, I believe the question was worded
7 was that the culture of the Ivory Coast was xenophobic, and I answered no, lacking in
8 confidence and not being -- that wasn't me, was it? Lacking in confidence and not
9 being able -- not feeling confident to explain that gray area between yes and no.
10 The truth is that nobody told me the Ivorian people were naturally predisposed to
11 being xenophobic in any way, which you do hear about other cultures.

12 But in reality, every single person I spoke to, journalists, aid workers, everybody I
13 spoke to before I left told me that there was a dangerous, populist, nationalistic streak
14 to the politics of the Ivory Coast and that that was flaring up at the time, and there
15 was a lot of xenophobic sentiment as a result.

16 It may be unimportant, but I felt I need to just clarify that.

17 PRESIDING JUDGE TARFUSSER: [9:18:40] Thank you very much.

18 Now I give the floor to Maître Altit.

19 MR ALTIT: [9:18:53] (Interpretation) Thank you, your Honour. Your Honours,
20 the questioning of this witness will be conducted by Ms Naouri.

21 PRESIDING JUDGE TARFUSSER: [9:19:03] Thank you very much. Madam
22 Naouri.

23 MS NAOURI: [9:19:27] (Interpretation) Thank you, your Honour.

24 QUESTIONED BY MS NAOURI: (Interpretation)

25 Q. [9:19:31] Good morning, Mr Witness.

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1 A. [9:19:33] Good morning.

2 Q. [9:19:35] My name is Jennifer Naouri, and I'm the one who will be questioning
3 you on behalf of the Gbagbo Defence team, all right?

4 My first question for you is this: During your entire stay in Côte d'Ivoire, at any
5 particular time did you call upon the services of a professional interpreter?

6 A. [9:20:01] No. As I've indicated, our main interpreting service was provided by
7 our fixer, Alexis, who, while being bilingual, was not a professional interpreter.

8 Q. [9:20:20] And was it necessary for you to have your fixer interpret for you so
9 you could understand what was going on around you?

10 A. [9:20:45] At the beginning of our trip, I believe we saw examples yesterday, that
11 it absolutely was necessary for me to have him. I'm very aware that my French,
12 being of the quality that it is, needs time to get into motion. So early on it was
13 absolutely necessary for him to be there as much as possible.

14 As time went on, my confidence grew. My grasp of the grammar and subject matter
15 improved, and I was able to operate independently of him, albeit I always prefer to
16 have him there.

17 Q. [9:21:39] Very well. Mr Witness, I'd like to show some footage to you. This is
18 CIV-OTP-0015-0435, time code is from 00 to 42 seconds. The transcript, the
19 corresponding transcript is CIV-OTP-0019-0295.

20 We will play the footage. It is not necessary to have interpretation.

21 THE COURT OFFICER: [9:23:29] Evidence channel 2. The Defence has the floor.

22 MS NAOURI: [9:23:34] (Interpretation) Thank you, madam court officer.
23 (Viewing of the video excerpt)

24 MS NAOURI: [9:25:47] (Interpretation)

25 Q. [9:25:51] Mr Witness, we slowed down the footage. That wasn't on purpose.

1 We're having a little bit of a technical issue, and we're trying to solve it as quickly as
2 possible. But did you hear what was said during this particular clip?

3 A. [9:26:08] I overheard myself inform Alex that I thought we should try and speak
4 to some members of the crowd. I then indicated to Alexis that I would need him to
5 come along and translate.

6 Q. [9:26:23] Very well. That's exactly why we wanted to play this footage. We
7 wanted to determine who you were speaking to.

8 Now, I asked you whether you heard the sound extract, and you answered, and that's
9 wonderful. We'll proceed this way. We won't waste any time.

10 Now, you said, Mr Witness, during your questioning by the Prosecution, and I'll
11 quote the English transcript, because there are items missing from the French, page
12 21 -- no. Page 20 and 21.

13 "You could hold up a conversation in French?

14 Répondu: Yes, just about."

15 (Interpretation) Could you explain to us what do you mean or what you meant,
16 rather, by "just about"?

17 PRESIDING JUDGE TARFUSSER: [9:27:31] Is this a French language proficiency test
18 or is it testimony? Just a question.

19 MS NAOURI: [9:27:42] (Interpretation) Your Honour, quite a bit of footage has
20 been placed on the case record under 43, and there have been exchanges in the French
21 language in the footage, and we are trying to determine what the witness understood.
22 Obviously the point is not to test the witness's level of French or provide some
23 instruction. It's rather we are trying to determine what the witness's level of French
24 was to understand what was going on.

25 I could elaborate, but if that is necessary, I would like to ask, I would have to ask you

1 to ask the witness to leave the courtroom.

2 PRESIDING JUDGE TARFUSSER: [9:28:34] About elaborating? I mean, the
3 witness said that he speaks a bit of French, he understands a bit, and on the other side
4 he had somebody who interprets. There is nothing much more to understand about
5 this.

6 MS NAOURI: [9:28:48] (Interpretation) We do have some footage to show that
7 there are consequences. But I can't say more than that, because the witness is right
8 here in --

9 PRESIDING JUDGE TARFUSSER: [9:28:58] Please do so, but without making a test
10 of French proficiency, of the language proficiency.

11 MS NAOURI: [9:29:05] (Interpretation) Very well, your Honour.

12 Q. [9:29:34] Mr Witness, could you briefly respond to my question?

13 A. [9:29:39] If you could just re-ask the question.

14 PRESIDING JUDGE TARFUSSER: [9:29:42] Repeat the question, because ...

15 MS NAOURI: [9:29:47] (Interpretation)

16 Q. [9:29:49] What did you mean when you say "just about"?

17 A. [9:29:56] I believe yesterday we saw a classic example in the footage of what I
18 mean by that. I'm capable of making some horrendous, embarrassing mistakes in
19 French. I'm also capable, after a few weeks of practice and familiarisation of
20 understanding relatively complex French.

21 Exactly what happens when each person speaks is, it's elastic. The accent may put
22 me off. Speed may put me off. The exact terminologies I may miss. So I'm more
23 than capable of making mistakes.

24 Q. [9:30:43] Very well, Mr Witness.

25 We'll show some other footage now. CIV-OTP-0015-0460, time code 1.53 to 2.26.

1 Terribly sorry, if we could ask for your indulgence for a moment. The technician has
2 arrived and he is going to help us with our technical issue.

3 THE COURT OFFICER: [9:31:44] In the meantime, can I ask the Defence to provide
4 the level of confidentiality of each video presented, please. Thank you.

5 (Viewing of the video excerpt)

6 PRESIDING JUDGE TARFUSSER: [9:31:57] They're all public. They're all public.
7 They've already been shown, most of them, I think.

8 The videos are all public, right?

9 MS NAOURI: [9:32:08] (Interpretation) Exactly. If I say nothing, that means
10 they're rushes and as such public.

11 (Viewing of the video excerpt)

12 MS NAOURI: [9:32:36] (Interpretation) The technical issue has been solved, and
13 now we'll play the footage.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [9:32:50] (Interpretation of the video excerpt) We've tired of all
16 this injustice. We wanted the international community to open their eyes, to look at
17 what was -- to see what's happening. Who has the majority in Côte d'Ivoire?

18 Unidentified person: President Gbagbo.

19 Unidentified person: In any event, they say that they form the majority. But you,
20 you can see what's going on with your own eyes.

21 Third person: Mr Laurent Gbagbo says that he's tired.

22 MS NAOURI: [9:33:35] (Interpretation)

23 Q. [9:33:36] Who is this person asking a question on the footage we just saw?

24 A. [9:33:44] That would likely be -- sorry, that would likely be Alexis, my fixer. I
25 asked the questions in English. He translates in French.

1 Q. [9:33:59] Mr Witness, this particular footage, I asked you about this footage.

2 My next question is whether it was the fixer who responded to the remarks made by
3 the person you were questioning.

4 A. [9:34:19] So let me clarify. A question was asked. Somebody gave a response.
5 And then the immediate come-back was a voice off camera, I believe that was Alexis
6 speaking.

7 I should just stress actually that with the translation, I don't necessarily hear the raw
8 sound as it's coming out. We could play again without the translation, and then I'd
9 be able to better tell you what more I heard.

10 Q. [9:35:01] Yes, we'll play the footage again without translation. Yes, quite right.
11 So if you can listen without translation, you'll have to click on the button in front of
12 you and opt for floor sound, floor, and that way, all right -- original, I'm sorry,
13 original. Someone has whispered to me original.

14 THE WITNESS: [9:35:33] I don't have a button saying "original."

15 PRESIDING JUDGE TARFUSSER: [9:35:35] There is no button saying "original."
16 But just please do not translate is the best thing to do.

17 MS NAOURI: [9:35:41] (Interpretation) Entirely. The interpreters will not
18 interpret and we will play the original footage.

19 (Viewing of the video excerpt)

20 THE WITNESS: [9:36:25] Okay.

21 MS NAOURI: [9:36:34] (Interpretation)

22 Q. [9:36:37] Very well. Now, Mr Witness, do you agree now that you've heard the
23 footage that it was Alexis who responded to remarks made by the people that you
24 were talking to and asking questions of?

25 A. [9:36:54] Yes.

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1 Q. [9:36:57] I'm told that the interpretation of the word "rebondit" was "responded,"
2 "répondu." But I'll rephrase my question.

3 So this interaction that we just saw a few moments ago on the footage, now, the
4 people were talking to you, you were asking questions of people, and Alexis on his
5 own initiative in relation to what was being said asked a fresh question, he reacted?

6 A. [9:37:42] Yes.

7 Q. [9:37:45] And you, sir, you didn't know what question was being asked then, do
8 you?

9 A. [9:37:52] I don't believe I did, no. I remember feeling a little bit frustrated. It
10 was early days in terms of my working relationship with Alexis. And so some of the
11 ground rules still needed to be laid out, one of the key ones being: Alexis, I'd love
12 for you to give your input, but, please, let's coordinate first before you take over the
13 interview.

14 Q. [9:38:16] Very well. Thank you, Mr Witness. Now, we'll move on to
15 something else.

16 And could you tell us when you were asked to do this documentary on Côte d'Ivoire,
17 not how long you spent preparing, but when did contact begin with you and these
18 other people for this idea of doing a documentary about Côte d'Ivoire?

19 A. [9:38:55] When you say --

20 PRESIDING JUDGE TARFUSSER: [9:38:57] You mean with the company?

21 THE WITNESS: [9:38:59] Yes. Thank you.

22 PRESIDING JUDGE TARFUSSER: [9:38:59] You mean with the company? When
23 you say "these are the people" --

24 MS NAOURI: [9:39:03] (Interpretation) Yes. I said, I said Quicksilver, yes. I
25 even named the company.

1 THE WITNESS: [9:39:09] Sorry. That didn't come through in the translation.

2 PRESIDING JUDGE TARFUSSER: [9:39:12] No, it didn't come through in the
3 translation, right.

4 THE WITNESS: [9:39:14] So to clarify, my contract with Quicksilver was already
5 signed before we entered into discussions about exactly where we would end up
6 going. Whenever we come up with an idea for a film, you'll understand, these
7 situations being quite fluid, we always have a plan B. I believe I indicated that our
8 initial plan A for this film was Libya. But Ivory Coast was always the plan B. And
9 within a couple of days quickly Libya fell down and Ivory Coast rose up.

10 MS NAOURI: [9:39:54] (Interpretation)

11 Q. [9:39:54] Who suggested Côte d'Ivoire as plan B?

12 A. [9:40:05] Quicksilver Media, it's an open plan, modern office, we have assistant
13 producers, researchers and series producers all sitting on the same desk. The
14 reporters and producers, directors who come in to make films are also kind of milling
15 around, part of the process. And so people read articles and hand them to each
16 other. People find things out and talk to each other. People have a contact with a
17 friend in Brazil, they find something out, they tell the desk. These ideas all kind of
18 sit in this big mélange and eventually we pull one out as appropriate.

19 PRESIDING JUDGE TARFUSSER: [9:40:50] So it's a very dynamic scenario.

20 THE WITNESS: [9:40:53] Incredibly dynamic, I mean, as with the news agenda.

21 MS NAOURI: [9:41:00] (Interpretation)

22 Q. [9:41:00] Very well. And we understood that you started to prepare for your
23 departure two weeks before you got to Abidjan. Is that the usual time frame to get
24 ready for a documentary in a country that you've never been to before?

25 A. [9:41:22] Yes. "Unreported World" is -- I'm trying to find the correct

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1 terminology without being offensive to any of my employers, but it's a bit of a factory.
2 We have a set way of doing things, which involves two weeks prep, roughly three
3 weeks on the ground, and a three-week edit. When things go wrong, that schedule
4 gets messed with. But that's what we try and stick to, so that everybody knows
5 where they stand, and the schedulers at the channel, they know that they've got a
6 documentary coming in four weeks, five weeks about this, that or the other.

7 Q. [9:42:08] Very well. That's very clear.

8 So since the prep time is only two weeks, how did you manage to get your visas?

9 MR DEMIRDJIAN: [9:42:27] Is this relevant?

10 PRESIDING JUDGE TARFUSSER: [9:42:29] I don't know. I really don't know if it's
11 relevant. I don't think so.

12 THE WITNESS: [9:42:35] Yeah, I mean --

13 PRESIDING JUDGE TARFUSSER: [9:42:36] It's a fact that they entered into Côte
14 d'Ivoire.

15 THE WITNESS: [9:42:39] That's exactly what I was going to say.

16 PRESIDING JUDGE TARFUSSER: [9:42:41] Probably they had visas.

17 THE WITNESS: [9:42:43] That's pretty much all I can say as well.

18 MS NAOURI: [9:42:45] (Interpretation) We put the same questions to another
19 witness, and there was no objection. We are cross-comparing and cross-checking
20 various elements. We've asked about the logistics of the trip and the previous
21 witness, Alexis, we asked questions and now --

22 Q. [9:43:14] Do you remember who was in charge of logistics for the trip?

23 A. [9:43:21] We have a production manager. I can't remember who it was at the
24 time. It's a role that changes from one series to the next often. She would have
25 been in charge of flights and logistical arrangements of that sort. And she would

1 have been across our preparations and our attempts to get a visa. We wouldn't
2 obviously book the flight until we had the visa and the go-ahead from Channel 4. So
3 she kind of brings all those elements together.
4 Often we have a different fixer who has better contacts with visa authorities and so on.
5 So we sometimes use that fixer to get the visa and a different fixer on the ground. So
6 I'm not going to try and guess who actually arranged our visa. As I've said, we had
7 a visa.

8 Q. [9:44:13] Very well. And, indeed, regarding your fixer for this mission to Côte
9 d'Ivoire, how did you contact this fixer?

10 A. [9:44:35] It's a good question. I can't remember how Alex, our eventual fixer,
11 Alexis, was chosen. I remember being part of the process, and I remember that there
12 were a couple of options.

13 Off the top of my head, one of our options was Ousmane Attai (phon), a journalist we
14 had been told was in Abobo, could get into Abobo. I spoke to him on the phone.
15 His English wasn't -- he didn't have any English. I've already identified that my
16 French and the phone, not a good combination. So I think I advised that Ousmane
17 we'd keep as a consultant for when we're on the ground, and that our other option,
18 Alexis, sounded like a better one to go for.

19 I honestly cannot remember where his name came from. But we are journalists,
20 we're part of a huge network of people who do our kind of work, and it's not difficult
21 to pick up the phone to somebody, for instance, at the BBC, who have a huge
22 database of these people and say: Hey, do you know anyone good in Ivory Coast?

23 Q. [9:45:50] Do you remember whether it's Alex Nott who found the fixer or
24 whether it is someone else who found the fixer?

25 A. [9:46:07] I don't.

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1 Q. [9:46:08] So you didn't know that it was Marco Oved who recommended your
2 fixer to Alex Nott?

3 A. [9:46:18] I don't recall six years later sitting here that detail, but I'm pretty certain
4 that it will be recorded in our team diaries and our checklist for security protocol.
5 It's a huge document with all the conversations we've had. If that's where we got
6 our fixer from, then our protocol is to say so in the document. So in Alex's notes of
7 his chat with Marco, he would have noted that Marco suggested Alexis.

8 Q. [9:46:51] All right. If I've understood correctly, you spoke to the fixer before
9 you left for Côte d'Ivoire?

10 A. [9:47:07] I did, yes.

11 Q. [9:47:11] How often?

12 A. [9:47:13] I don't remember.

13 Q. [9:47:14] Roughly, twice, three times, ten times or so?

14 A. [9:47:25] I'd be guessing.

15 Q. [9:47:28] Very well. And who did the fixer suggest you meet once you got
16 there, once that you would arrive in Côte d'Ivoire?

17 A. [9:47:46] Lots of people. A good fixer always suggests lots of people for you to
18 meet.

19 Q. [9:47:54] Can you give us some names?

20 A. [9:48:00] Honestly, no. I'm struggling to see where we're going here. But six
21 years after the fact, I don't remember which of the people we met in those first couple
22 of days it was somebody who Alexis suggested or somebody who another journalist
23 who one of us had spoken to suggested. I think it's really key for me to stress that
24 we're a team and at no point are we scoring points as to who did what first.

25 Q. [9:48:30] Witness, I'm going to read from your statement to the Office of the

1 Prosecutors, CIV-OTP-0017-0003. And I'm referring to page 0009, paragraph 25 and
2 paragraph 26. And I quote:
3 "While arranging meetings with our fixer JJ, he suggested to us that we could meet
4 Charles Blé Goudé. JJ told us that Blé Goudé was the leader of the youth wing of
5 Gbagbo's government. JJ said that Blé Goudé was a very influential and charismatic
6 public figure, that he was an organiser and an agitator, and that he would probably be
7 willing to meet us. I was not previously familiar with the name of Blé Goudé, but I
8 did some Internet research on him and learnt that he had been involved in organising
9 the Young Patriots youth militia for a number of years." End of quotation.

10 Witness, I've read this to you. So did the fixer suggest the name of Charles Blé
11 Goudé to you before you left?

12 A. [9:50:28] Charles Blé Goudé was one of numerous names that Alexis, as an
13 impressive sounding fixer on the phone, could put up, put forward as potential
14 interviewees. Clearly in my statement I focused on Charles Blé Goudé because that's
15 who we ended up spending as much time with. I didn't focus on the people who we
16 never ended up meeting or who didn't agree to be filmed.

17 Q. [9:50:53] Witness, I was asking whether you remembered certain people whose
18 names had been suggested to you, and you said you didn't remember. And now
19 you say "I remember Charles Blé Goudé," it's clear.

20 What did your fixer do to put you in touch, to establish contact for you with Charles
21 Blé Goudé?

22 A. [9:51:20] I'll be honest and say once again it's a very kind of general question.
23 I'm not sure. He made a phone call, I'm assuming. He did the things that you need
24 to do. He made phone calls. He maybe dropped an email. That was Alexis's job.
25 I kind of left it to him. We employed him because he had good contacts on the

1 ground.

2 Q. [9:51:51] But, Witness, before you left, you'd already planned to organise
3 meetings with Charles Blé Goudé, if possible?

4 A. [9:52:07] Yes. I really should stress that during a two-week preparation period,
5 you pretty much hit every nail that you can and you plan to meet pretty much
6 everyone you can.

7 When we arrived in the country, or the idea is to try and what we call hit the ground
8 running. So you want to land and go straight to your first meeting if you can, which
9 means you line up a whole bunch of people.

10 If I'm honest, looking at the profile of Charles Blé Goudé, his position in the
11 government, his popularity, I didn't hold out much hope for getting in with him,
12 despite what Alexis said.

13 Q. [9:52:55] Witness, in reaction to what you have just said, I'm going to quote from
14 your statement. CIV-OTP-0017-0003, page 0009, paragraph 27.

15 "I did not speak with Blé Goudé before leaving for the Ivory Coast. I did have a
16 telephone number for him while we were in Abidjan, and I had written this in my
17 notebook. But I have written over it as I was concerned about having these in case I
18 was stopped or my notebook was lost."

19 PRESIDING JUDGE TARFUSSER: [9:53:54] Well, is this a confrontation?

20 MS NAOURI: [9:53:57] (Interpretation) Yes, yes, absolutely, your Honour, yes,
21 your Honour. With your indulgence, I'm going to read it out in English, because the
22 French version is not exactly the same.

23 PRESIDING JUDGE TARFUSSER: [9:54:12] I've read it out. We heard it in English.
24 I'm reading the English.

25 MS NAOURI: [9:54:17] (Interpretation) Yes, of course, because it was interpreted.

1 Anyhow, yes, I'll remain with the French.

2 Q. [9:54:24] Witness, I've just read part of your statement to the Office of the
3 Prosecutor, your written statement. Before leaving for Côte d'Ivoire, had you done
4 what had to be done in order to obtain Charles Blé Goudé's phone number?

5 A. [9:54:47] No. I think you may have misunderstood the witness statement that
6 you've just read. On arriving in Abidjan, I got hold of Charles Blé Goudé's phone
7 number. I believe you may actually have seen one of those scenes in court already,
8 one of those first meetings, early meetings when I was able to get a phone number.
9 It may not even have been his. I think in reality it was one of his press people who
10 was always with him. But I didn't get a phone number for him until I arrived in
11 Abidjan.

12 PRESIDING JUDGE TARFUSSER: [9:55:18] That's why I asked for this. I didn't
13 want to influence the witness, but I did not see any contrast with this. So that's why
14 I asked if this was a confrontation. But please go ahead.

15 MS NAOURI: [9:55:31] (Interpretation)

16 Q. [9:55:33] Witness, how soon after your arrival in Abidjan did you meet Charles
17 Blé Goudé?

18 A. [9:56:04] If I'm honest, I wouldn't have been able to answer that question before
19 various videos and questions were put to me over the last few days. I suspect it was
20 within the first 24 to 48 hours.

21 Q. [9:56:19] Very well. So I would now like to read to you an extract from what
22 you said yesterday in order to obtain a clarification. I'll read it out to you in English
23 because the French transcript doesn't say the same thing. So it's the English
24 transcript, yesterday's, 13 July 2017, page 40, you say as of line 6 as regards Charles
25 Blé Goudé -- no, I'm sorry, that's not the right reference.

1 Page 41, line 6, talking about Charles Blé Goudé, you say (Speaks English):

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

5 (Interpretation) End of quotation.

6 What you're describing here is what you did before you left for Côte d'Ivoire; is that
7 not correct?

8 A. [9:57:56] Yes. I feel I should clarify at this stage that when a fixer or potential
9 fixer who you are speaking with on the phone makes promises about how many
10 contacts he has and all the people and things that he could arrange for you to film,
11 personally, I take that with a pinch of salt. It goes on the list. I go: Who is this Blé
12 Goudé character? Oh, right, he does sound interesting.

13 I doubt or I would be surprised if our fixer genuinely could get us in with him, but I'll
14 bear that in mind.

15 I was doubtful, I'll be honest, that Alexis would be able to arrange any meaningful
16 time spent with Charles. So on the whole, I think I really did just keep him in a little
17 box of ideal things that might happen when we get there, but it was dream stuff.

18 Q. [9:58:57] Very well. But if I understand what you've just said, Blé Goudé at
19 that moment was already somebody of interest for you according to the criteria that
20 you have given us?

21 A. [9:59:20] He was one of a number of people mentioned in our film outline
22 document, yes.

23 Q. [9:59:29] Very well. Can you tell us before you left which places were
24 recommended to you by the fixer for you to visit?

25 A. [9:59:41] When you say "places," in terms of areas of Abidjan?

1 Q. [9:59:49] Yes, absolutely, which places in Abidjan, which districts were the
2 subject of discussion with your fixer before you left for Abidjan?

3 A. [10:00:02] It's a level of detail I can't recall right now, I'm afraid.

4 Q. [10:00:09] Do you have a notebook somewhere where you might have noted
5 such information down?

6 A. [10:00:19] That information would certainly appear in what we call our checklist
7 for security protocol, a large document that every team produces before we go
8 anywhere. It's a combination of security requirements and legal requirements.
9 And in that, details like where did we get our fixers from, which journalist did we
10 speak to, which areas did they recommend or not recommend --

11 Q. [10:00:51] Monsieur le témoin.

12 A. [10:00:53] -- that would all be in that document.

13 Q. [10:00:54] Witness, I'm interrupting you because my question was as regards
14 you in person, and you had a discussion with Alexis about places, did you note such
15 information down; if so, where?

16 A. [10:01:07] I'm sorry, I had a conversation?

17 Q. [10:01:11] You said this morning that you had several discussions over the
18 phone with Alexis, did you not?

19 A. [10:01:18] Yes, I did.

20 Q. [10:01:19] So my question is, in the course of those conversations before you left,
21 did you talk about places that you would visit in Abidjan; and if so, which ones?

22 A. [10:01:34] Abobo came up repeatedly. It would have been a request that we
23 would have made to him. I don't know that our bosses were interested in knowing
24 what was going on in Abobo. There were a lot of stories coming out of it, and so
25 there was a certain amount of -- "pressure" is the wrong word, but there was a certain

1 amount of interest coming from our higher-ups about Abobo. And so we would
2 almost certainly have spoken to him about that.

3 Beyond that, I find the question a little bit odd, because that's not how we discussed
4 things. We would discuss things more in terms of who we could see and what we
5 could see and then where is it is sort of the logical extension of that.

6 Q. [10:02:16] When you say what you could see, what did you want to see in
7 Abidjan?

8 A. [10:02:33] As I've indicated a number of times yesterday, before we left, what we
9 thought would be the most interesting things we would see in Abidjan would be
10 efforts to deliver humanitarian help to those in need. We thought we would see
11 things like IDP camps, aid distribution centres. We thought that we would spend
12 time in small local communities with NGO workers who were trying to help that
13 community, roughly speaking.

14 Q. [10:03:09] Very well. Can you tell us, what are the usual criteria used in
15 selecting your fixer?

16 A. [10:03:22] In a country where English isn't the first language, language abilities
17 would be high on the list. Contacts, reports from other trusted journalists that this
18 person has good contacts, knows the kinds of people we should be meeting, that
19 would give a big, a big plus.

20 There are some intangibles when you speak to somebody on the phone about how
21 they come across, you want that kind of can do kind of guy. I hope that clarifies.

22 Q. [10:04:11] That's very clear. But should your fixer be politically neutral?

23 A. [10:04:23] In this instance his --

24 MR MACDONALD: [10:04:25] There is an objection.

25 THE WITNESS: [10:04:27] Sorry.

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1 PRESIDING JUDGE TARFUSSER: [10:04:28] No. But why is there an objection?

2 The question was if -- obviously it goes towards what was your mindset when you
3 went from a political point of view. And I think it's absolutely fair.

4 But if you want to make the objection for the record, I'm fine. But I don't think it is
5 something which should not be on the record.

6 MR MACDONALD: [10:04:54] We're in your hands, your Honour.

7 PRESIDING JUDGE TARFUSSER: [10:04:56] Okay.

8 MR MACDONALD: [10:04:56] I'll come back on the topic later depending on where
9 it goes.

10 THE WITNESS: [10:05:02] I think the point is actually very relevant. We were
11 aware that there is a political situation going on in the Ivory Coast. We were aware
12 that certainly from our perspective we should try to not be seen to be on either side.

13 We were very keen, if possible, to be able to speak to both sides. So as a simple
14 example, if they're speaking to the general of the streets, Charles Blé Goudé in
15 Abidjan, is there a general of the northern streets? Is there an equivalent guy who
16 we might be able to find on the other side?

17 Now, if your fixer is too rooted on one side or the other, you're not going to be able to
18 move around like that. You might have to ditch your fixer, find another one. I
19 don't know.

20 So it was a consideration. And, listen, you know, we weren't experts I think as we've
21 established. But what we understood is that Alexis came from a family, his uncle
22 was a politician, and his uncle was a respected politician who was well-known to be
23 pretty neutral, pretty straight down the line, as much as a politician in such a partisan
24 environment could be.

25 Q. [10:06:20] Let me react to what you've just said. You knew which political

1 party the uncle of your fixer belonged to. Could you tell us which one it was?

2 A. [10:06:31] I don't know. No, I can't remember right now.

3 Q. [10:06:36] How did you know that he was a member of his family and that he
4 was politically neutral if you didn't know to which party he belonged?

5 A. [10:06:46] Okay. So I do not remember right now to which party he belonged.
6 These details left my head long ago. What I do remember as I said is that we
7 understood that this was a concern. We spoke to Alexis. He raised it as, I think I
8 believe he probably raised it as a bonus, right, employ me because I've got these
9 contacts in my uncle. And we would then have -- and I know, I remember this much,
10 there was concern. Managers, different people in our team: Are we with the right
11 guy? Are we going to end up sort of labelled as one side or the other? And we
12 made a point of going back to many of the journalists we had already spoken to who
13 may know who Alexis's uncle was and asking them about him and asking about his
14 politics.

15 PRESIDING JUDGE TARFUSSER: [10:07:35] Excuse me. Let me put it very
16 straightforward, the question. Were you sent or asked or somehow directed from
17 the beginning of this mission to Ivory Coast to one side, or to sustain one side or to
18 sustain another side? Was this the expected outcome of your work?

19 THE WITNESS: [10:07:59] No, no, not at all, not at all. I mean, there are two sides
20 in this conflict. And we are journalists. And to make an interesting film, you want
21 to get in with both sides. As I've indicated, if there is a general of the streets in the
22 south and a general of the streets in the north, I want to film with both of them. It's
23 not just about journalistic ethics. It's just about how I do my job.

24 MS NAOURI: [10:08:27] (Interpretation)

25 Q. [10:08:27] All right. And to wind up on this subject, you in person, did you

1 carry out any research into who your fixer's uncle was, independent research, without
2 calling up journalist friends?

3 Did you know that he was a former prime minister, first of all? And then did you
4 look into the former prime minister to find out which government he was prime
5 minister, what was his political affiliation and so on? I mean, I'll leave it at that.
6 But these are just examples. You obviously don't have to answer all of the questions
7 I've put, but this will enable you to know exactly what it is I'm getting at.

8 A. [10:09:08] Yeah, okay. I believe I looked at his Wikipedia page. I believe I had
9 a cursory understanding of who he was. But as we've established very clearly in this
10 Court, I am not an expert on the Ivory Coast.

11 PRESIDING JUDGE TARFUSSER: [10:09:19] You mean he, not the fixer, but the
12 uncle?

13 THE WITNESS: [10:09:23] Sorry. The uncle.

14 PRESIDING JUDGE TARFUSSER: [10:09:24] Yes, okay.

15 THE WITNESS: I looked at the uncle's Wikipedia page. It gave me some basic
16 details. We've established though that I'm not an expert in Ivorian politics. So if I
17 want to understand the significance of his having worked with this government or
18 having supported that policy, then, really, realistically, I have to speak to somebody
19 who knows the score.

20 I have to phone him up and go: Is this guy considered neutral? And as I've said,
21 across the board, it was made clear that he was about the most neutral politician that
22 there was in a very partisan political environment.

23 MS NAOURI: [10:09:59] (Interpretation)

24 Q. [10:10:01] All right. Thank you, Witness.

25 Now, you said yesterday and again I'll read the transcript out in English -- no, I'm

1 sorry. It wasn't yesterday. It was 12 July 2017, the day before yesterday, on page 9,
2 lines 3 to 6, and I'll give it in English (Speaks English):

3 "We had just done two weeks to prepare for the story. The vast majority of my
4 research involved obviously reading about the history of the country, reading some of
5 the reports that were being written at the time." (Interpretation) End of quotation.

6 My question, following up on what you said yesterday, is as follows. When you
7 were reading up on the history of Côte d'Ivoire, what did you learn about recent
8 history of Côte d'Ivoire? And what I mean by that is the ten years before the
9 post-electoral crisis, in other words, before your trip to Côte d'Ivoire.

10 A. [10:11:32] I read about the 2004 incidents. I read about conflicts between the
11 French army and the Ivorian army. I read about the French, I believe, destroying lots
12 of Ivorian helicopters to take away part of their military abilities.

13 I read about a little bit, his name came up, about Charles Blé Goudé and his sanctions
14 related to those incidents. That was pretty much it, pretty cursory.

15 Just to stress again, I'm not an expert. I never claimed to be, I never even tried to be.
16 What I tried to do was to give myself a cursory understanding so that I could go into
17 the situation without either embarrassing myself too much or offending somebody
18 and taking away my ability to work.

19 (Defence counsel confer)

20 MS NAOURI: Interpretation)

21 Q. [10:12:37] But, Witness, if I've understood correctly, you wanted to explain the
22 causes of the conflict in Côte d'Ivoire?

23 A. [10:12:52] Not particularly. We expected that as part of our
24 documentary -- well, I think it would be negligent of us as journalists to put out a
25 piece with lots of action and never have any explanation in it.

1 But I should stress that our series is, and I talked about this on the first day, I'll
2 mention it again, our series is not an analytical, in-depth study for people with a
3 degree and with extreme knowledge of these issues. Honestly, and I'm not being
4 funny, there were people who watched our film or who engaged with me in the
5 media aftermath who thought that the Ivory Coast was a beach in India where
6 elephants go to swim. Like these people had no knowledge whatsoever. So I never
7 expected -- or a lot of these people had no knowledge whatsoever. So I never
8 expected our documentary to end up analysing the history, the politics in any major
9 detail.

10 Q. [10:13:53] Witness --

11 THE COURT OFFICER: [10:13:56] Can you wait until the French interpreters are
12 finished interpreting. Thank you very much.

13 MS NAOURI: [10:13:59] (Interpretation) Yes, court officer, you're quite right.

14 Q. [10:14:07] Witness, that's not the question. It's not about the detail of your
15 documentary. But the question I'm putting to you today is to allow us to understand
16 what you as a journalist from a journalistic point of view were involved in in research.
17 What was the extent of your knowledge as a journalist in order to have an
18 understanding of the images you were shooting. So that's what we are trying to
19 understand here and now. We're not talking about the specialisation or any
20 specialisation to be reflected in your documentary. That's the first thing.

21 A. [10:14:52] I think that --

22 PRESIDING JUDGE TARFUSSER: [10:14:54] Yes. May I say, as I said already
23 yesterday, this is not the proceedings against the journalist or to find out how
24 professional his work was. This is another proceeding. And he is here to respond
25 to facts he has seen or done before or while he was in the Ivory Coast. It's not a

1 proceedings against the filmmaker.

2 MS NAOURI: [10:15:23] (Interpretation) Indeed, your Honour, we agree.

3 PRESIDING JUDGE TARFUSSER: [10:15:27] I do not accept, I do not accept -- this is
4 not the proceedings against the filmmaker and how the film was made.

5 MS NAOURI: [10:15:35] (Interpretation) Indeed, your Honour, we agree. But
6 we're trying to understand how these images came to us.

7 Q. [10:15:45] Witness --

8 PRESIDING JUDGE TARFUSSER: [10:15:46] Yes. The images are here and are in
9 the record, and this is the material to be analysed. The documentary as such is not
10 on the record of the case. And here I stop. And here I stop. And please go ahead.

11 MS NAOURI: [10:16:03] (Interpretation)

12 Q. [10:16:04] Witness, earlier just a moment ago I asked you a question about your
13 research and whether you were trying to understand the causes of the conflict, and
14 you said no.

15 I'd like to read out a passage of your statement to the Office of the Prosecutor. It's
16 CIV-OTP-0017-0003, page 0007. This is paragraph 13. You state:

17 "At the time we were interested in what was happening in the Ivory Coast because we
18 wanted to explain the causes of the conflict that was developing there. We felt that
19 by the time the documentary was released, the Ivory Coast would be in the news and
20 that it was a potential war situation, although we did not anticipate that the level of
21 violence would escalate as rapidly as it did." End of quote.

22 A. [10:17:26] So I think, I think the word that you may have unnecessarily fixated
23 on is "causes." Our documentary was due to be broadcast a couple of months in
24 advance. We anticipated that the situation then would be different than what it is
25 now. So we wanted to explain now, which would by then have become history.

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1 Does that make sense?

2 Q. [10:17:55] That makes sense. But in order to understand the reality of what you
3 were going to find on the ground, you do need to understand the history of the
4 country; is that not the case?

5 A. [10:18:16] This is I think an obsession that you guys -- I just --

6 PRESIDING JUDGE TARFUSSER: [10:18:20] Now I stop it here. I stop it here.

7 THE WITNESS: [10:18:22] Thank you.

8 MS NAOURI: [10:18:23] D'accord.

9 PRESIDING JUDGE TARFUSSER: [10:18:24] Okay.

10 MS NAOURI: [10:18:25] (Interpretation)

11 Q. [10:18:26] Very well. Witness, when you left or before you left, did you do any
12 research on Alassane Ouattara?

13 A. [10:18:40] A little. I believe I looked at his Wikipedia page.

14 Q. [10:18:43] Did you do any research on the rebels in Côte d'Ivoire?

15 A. [10:18:54] I knew that they existed. I knew roughly how long they'd been
16 around for. I knew roughly what their aims were, roughly. Beyond that, and I
17 keep on stressing this, my journalism is very much about experience. So I need to
18 get out on the ground and meet key players who can explain it to me themselves.
19 I try, and I keep coming back to this, that the details as you call them of our
20 documentary are fundamental here. I cannot -- I do not go into these documentaries
21 as some sort of expert who is trying to explain this all to the audience.
22 I am this often quite naive, but adventurous and a bit brave guy who has got the
23 camera just behind me, and I'm constantly turning to them and saying, "Hey, let's go
24 over there, see what's over there."

25 It's a voyage of discovery. And in order to be, in order to genuinely discover on

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1 camera, I need to not have too much knowledge to start with. And don't get me
2 wrong, there is a balance to be had there, but it is always part of my aim to not, for
3 instance, if I know that I'm going to watch a particular sporting spectacle, I do not
4 watch that on the Internet before I get there so that I can react. And so this is always
5 about a balance for me of not having an opinion of somebody, not having too much,
6 yeah, not having too much of an opinion of somebody before I meet them so that I can
7 react to who they are, how they come across.

8 PRESIDING JUDGE TARFUSSER: [10:20:25] We have perfectly understood, and I
9 invite the counsel to go ahead.

10 MS NAOURI: [10:20:31] (Interpretation) Yes, your Honour.

11 PRESIDING JUDGE TARFUSSER: [10:20:35] Thank you.

12 MS NAOURI: [10:20:35] (Interpretation)

13 Q. [10:20:36] One last question. How did you identify what you referred to as the
14 key players?

15 A. [10:20:47] I believe I've indicated.

16 PRESIDING JUDGE TARFUSSER: [10:20:49] We have perfectly understood.

17 THE WITNESS: [10:20:52] I spoke to other journalists.

18 PRESIDING JUDGE TARFUSSER: [10:20:54] Yes.

19 MS NAOURI: [10:21:00] (Interpretation)

20 Q. [10:21:01] Very well. You knew that the Invisible Commando existed, didn't
21 you?

22 PRESIDING JUDGE TARFUSSER: [10:21:11] He said already yes yesterday twice or
23 three times.

24 MS NAOURI: [10:21:15] (Interpretation) Your Honour, on the themes that have
25 already been discussed, we have a couple of introductory questions such as the case

1 with the Invisible Commando, just to let people know that that's what we are going to
2 be discussing.

3 PRESIDING JUDGE TARFUSSER: [10:21:42] I do know. But as he already
4 responded that he knows about the Invisible Commando, just put the question --

5 MS NAOURI: [10:21:51] D'accord.

6 PRESIDING JUDGE TARFUSSER: [10:21:53] -- without asking him if he knows
7 because he said already yes.

8 MS NAOURI: (Interpretation)

9 Q. [10:22:07] My question, therefore, regarding the Invisible Commando is: Did
10 you know who the Invisible Commando was fighting against in Abidjan?

11 A. [10:22:14] I understood that they were fighting against the Ivorian army when
12 they had the opportunity to do so. I also had more than a few reports that
13 sometimes they were fighting against ordinary civilians who felt the need to defend
14 themselves or their area. They were a rebel group who were operating without any
15 legal kind of restrictions. And so who exactly they were fighting, I guess whoever
16 fought them. I never got the chance to go out there and ask them.

17 Q. [10:22:54] Very well. I'd like to go back briefly to the matter of the elections.
18 Witness, did you personally know that there were varying opinions, diverging
19 opinions regarding the results of the elections?

20 A. [10:23:48] As I indicated in my previous testimony, I had decided before I
21 arrived at the Ivory Coast that the weight of evidence, despite the obvious conflicts
22 and diversions, I mean, Mr Gbagbo had not stepped down, so clearly he didn't agree
23 with it, but despite that, I had decided that there was a consensus internationally as to
24 what the result had been.

25 I'll reiterate, I am not paid to go out and recount the election. I am not paid to

1 reinvent the wheel in that respect. Other people have done their jobs, I take it.

2 Q. [10:24:27] Very well. Witness, did you do your due diligence, did you watch
3 any reports regarding the election results before you left?

4 A. [10:25:01] Yes.

5 Q. [10:25:05] Do you remember exactly what you saw? What, was it i-Télé, France
6 24, do you remember?

7 A. [10:25:16] Actually you said "watch," and I answered yes. But I believe I
8 actually read. I didn't, I didn't watch anything as such. I do believe I read some
9 articles. I couldn't begin to tell you where, but they were almost certainly in the
10 French, in the French press. The English press barely discussed this at the time.

11 Q. [10:25:39] Very well. Witness, yesterday in response to a question, and here
12 I'm quoting the French transcript, realtime transcript, page 19 -- just a moment. I
13 need to check the page. I beg your pardon. We're going to check the page, because
14 I only have the line numbers.

15 Yesterday, it's line 19 to 25 of the pages I will be giving in a moment, the question
16 was:

17 Mr Witness, during your mission in order to establish the facts in the Ivorian crisis,
18 was that the first time that you had seen this type of motivation, that is, young people
19 wanting to defend the constitution or the republic?"

20 And you responded: "No, this was not the first time that I had heard or seen that
21 kind of idea expressed."

22 So my question is the following: Once you were on site, once you were on site, did
23 you inform yourself as to why some of the people you discussed with referred to
24 defending the constitution?

25 A. [10:27:39] They often explained to me themselves why they felt they needed to

1 defend the constitution. I mean, do you want me to explain what they said? So
2 they said that they felt that -- my God, I'm struggling to remember the details. But
3 there were, there were constitutional inconsistencies in the way that the election was
4 held, the way that the vote was counted and different details, interference from
5 outside agencies. They felt that the constitution had been in some way watered
6 down and not applied fully, and they felt that they were aggrieved by that.

7 Q. [10:28:26] Did you know that the Conseil constitutionnel had declared that
8 Laurent Gbagbo had won the presidential election on 3 December 2010?

9 A. [10:28:44] I was aware of that, I was aware of that, yeah.

10 Q. [10:28:49] Did you know that the CEI, the Independent Electoral Commission,
11 according to the Ivorian constitution did not have the power to declare the final
12 results of the election?

13 A. [10:29:07] I didn't.

14 PRESIDING JUDGE TARFUSSER: [10:29:08] This is a twisted way to put the
15 question. Did you know if --

16 MS NAOURI: [10:29:16] D'accord.

17 PRESIDING JUDGE TARFUSSER: [10:29:17] I mean, I think I would ask you to
18 reformulate.

19 MS NAOURI: [10:29:20]

20 Q. [10:29:26] (Interpretation) Okay. Witness, did you carry out any research
21 about the results as pronounced by the Independent Electoral Commission, the CEI?

22 A. [10:29:39] I'm going to keep referring back to what I've said over and over again.
23 Having looked cursorily at the stories that were coming out, it became apparent that
24 there was a dispute. Rather than trying to reinvent the wheel, I simply looked at
25 what international well-respected organisations, whose job it is to pronounce on these

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1 things, what they were saying and I accepted that.

2 You must understand that if I was going to broadcast a documentary in which I said
3 anything other than Laurent Gbagbo lost the election, I was going to need more than
4 three weeks on the ground, frankly, to stand that one up.

5 PRESIDING JUDGE TARFUSSER: [10:30:26] The answer is no. And I think also
6 the motivation has been said also many times.

7 MS NAOURI: [10:30:37] (Interpretation)

8 Q. [10:30:45] My last question on this topic, Witness. If several individuals
9 referred to constitutional legality, why then did you consider that Alassane Ouattara
10 had won the elections?

11 PRESIDING JUDGE TARFUSSER: [10:31:18] The response is clear from what he said
12 many times.

13 MS NAOURI: [10:31:23] (Interpretation) But once he was on site, he might have
14 changed his opinion. He said yesterday that he was basing --

15 PRESIDING JUDGE TARFUSSER: [10:31:33] Then ask him if he changed his opinion
16 when he was on site.

17 MS NAOURI: [10:31:36] D'accord.

18 Q. [10:31:40] (Interpretation) Witness, once you were on site and you were
19 interviewing people, did you change your opinion regarding the person who had
20 won the elections, and did you change your basic hypothesis that according to which
21 Alassane Ouattara had won the elections?

22 A. [10:31:59] That is a much, much better question.

23 Thank you, your Honour.

24 I indeed had my -- had the orthodoxy of the United Nations and African Union and
25 everybody. I did have that challenge massively. Discussions with Charles Blé

1 Goudé, an intelligent, charismatic politician, you don't come away from that not
2 questioning some of the orthodoxy of what you'd heard going in, which is part of
3 why I tried not to have too much of that in my head in the first place.
4 His supporters, other people who I interacted with, they all gave me solid reasons to
5 question some of that orthodoxy. But I'm going to keep coming back to the point.
6 If I am going to broadcast a documentary in the UK legally and be able to stand it up,
7 at that point there was nobody -- I could not have justified saying that
8 Laurent Gbagbo lost that election -- not saying that, sorry. I had to say that, that was
9 pretty much that the weight of evidence, and I would have needed some pretty
10 high-level interventions and interviews and documentary evidence to be able to say,
11 actually, he didn't.
12 But it's neither here nor there. That's not what we were there to do. Our audience
13 really don't care too much about the details of the election, or this is what we assumed,
14 wouldn't care too much by the time they watched this documentary on the details of
15 how many counts in this region or that region or whatever.
16 What they would care about is or what we thought they would care about is look at
17 how all these people are suffering as a result of the political turmoil and how on earth
18 is the international community going to help them.

19 Q. [10:33:43] Very well. I'd like to briefly discuss the journalists that you were in
20 contact with before you left. The reference I referred to earlier, it was in fact page 73
21 of the transcript, the missing reference is page 73.

22 So can you tell us how you came into contact with Marco Oved?

23 A. [10:34:35] Marco works for the Associated Press. He wrote articles that made it
24 clear that he was based in Abidjan.

25 Q. [10:34:43] Did you discuss with Marco Oved about individuals to meet with

1 while you were in Côte d'Ivoire?

2 A. [10:34:57] I believe it was actually Alex who had that initial conversation. I
3 outlined that most of the English speaking contacts, people who could speak English,
4 Alex called initially and I tried with the French. So I believe it was Alex that had that
5 conversation initially.

6 But the point of those conversations is to identify individuals, places, things that we
7 might film as well as security concerns and, yeah, everything.

8 Q. [10:35:32] Did you personally read Marco Oved's article published on BBC
9 News in 2011, and I'm going to quote the title in English, "Forces kill six women
10 marching in Ivory Coast."

11 A. [10:35:51] Sorry, repeat that again.

12 Q. [10:35:54] "Forces kill six women marching in Ivory Coast."

13 PRESIDING JUDGE TARFUSSER: [10:35:58] It's always a part missing when you are
14 speaking in English. That's why we didn't understand.

15 THE WITNESS: [10:36:10] So, yeah, forces march, yeah, I mean, the story about the
16 women being shot, protesters being shot, yes, I believe I read his article on that.

17 MS NAOURI: [10:36:20] Très bien.

18 PRESIDING JUDGE TARFUSSER: [10:36:31] Can you read out the title again for the
19 transcript because it's not completely on the transcript.

20 MS NAOURI: [10:36:36] (Interpretation) Yes. The name of the article is "Forces
21 kill six women marching in Ivory Coast."

22 PRESIDING JUDGE TARFUSSER: [10:36:50] Okay. From Marco Oved?

23 MS NAOURI: [10:36:53] From Marco Oved, yes.

24 Q. [10:37:11] (Interpretation) On July 12, 2017, regarding the women's march, you
25 stated, you said, when you said it was in the media, can you tell us when and by

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1 whom?

2 This is page 79, starting lines 6. And then the answer comes on line 12, "That is a
3 difficult question to answer, relatively difficult to answer. To give you some context,
4 I was staying at the Novotel. This is where the majority of journalists were staying.
5 The others, the others who didn't have housing in the region, Associated Press, who
6 was staying in the region, was able to take photographs. I also mentioned a stringer
7 on site who worked for Reuters who took photographs of that incident and had
8 published them on the Internet, if I'm not mistaken." End of quote, line 20.

9 So, Witness, can you tell us who the Reuters stringer was who told you he had taken
10 pictures of the women's march?

11 A. [10:39:29] Sorry. My question is do you want me to tell you who the
12 Reuters -- I can't remember who it was. Sorry.

13 PRESIDING JUDGE TARFUSSER: [10:39:42] May I ask you a question. Do you
14 know directly anything of this women's march.

15 THE WITNESS: [10:39:50] Not really. I wasn't there.

16 PRESIDING JUDGE TARFUSSER: [10:39:51] You were not there.

17 Second question, was it in anyhow part of your work? Did it somehow come into
18 your work, in the filming work?

19 THE WITNESS: [10:40:06] Only insofar as we wanted to go to where it had
20 happened to speak to people who might have experienced it. I may be forgetting
21 something, but that's about as involved as I was. It was one of a number of incidents
22 and things that were going on that we thought that might be something to try and
23 illustrate.

24 PRESIDING JUDGE TARFUSSER: [10:40:25] You said you wanted to.

25 THE WITNESS: Yeah.

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1 PRESIDING JUDGE TARFUSSER: [10:40:26] Did you?

2 THE WITNESS: [10:40:28] No, no, we never got to Abobo.

3 PRESIDING JUDGE TARFUSSER: [10:40:30] Okay.

4 THE WITNESS: [10:40:31] We tried, we tried endlessly. We put our lives in stupid
5 amounts of danger to try and get in. We never did.

6 PRESIDING JUDGE TARFUSSER: [10:40:36] Thank you very much.

7 Madam Naouri.

8 MS NAOURI: [10:40:53] (Interpretation) Thank you, your Honour.

9 Q. [10:40:55] To come back to those photographs, were you able to obtain those
10 photographs or look at those photographs that were taken at the women's march?

11 A. [10:41:04] I believe I saw some photographs, either online or on a camera or on
12 someone's laptop. This is six years ago. And there were so many conversations
13 had, so much sharing of information, so much collaboration, actually kind of unusual
14 for journalists. It was different. I can't remember exactly who showed me what,
15 where, in what format and when. I have a vague recollection of seeing some photos
16 of the chaos at this march, some before the march, before the chaos and some
17 afterwards and some blood and some of that.

18 PRESIDING JUDGE TARFUSSER: [10:41:47] And you were told that it was on that
19 march. You did not do any research yourself?

20 THE WITNESS: [10:41:54] No, no, no.

21 PRESIDING JUDGE TARFUSSER: [10:41:55] Okay.

22 THE WITNESS: [10:41:55] I mean, you know, people, journalists came to me and
23 said, "Oh, so and so was there." You look at his footage and you go "Nice one. Well
24 done."

25 PRESIDING JUDGE TARFUSSER: [10:42:04] And you took it as granted?

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1 THE WITNESS: [10:42:06] I take it as granted.

2 PRESIDING JUDGE TARFUSSER: [10:42:07] Of course.

3 THE WITNESS: [10:42:08] I'm not using it in my documentary. I'm not pinning
4 anything on it. So I say "Well done" and I take it as information.

5 MS NAOURI: [10:42:25] (Interpretation)

6 Q. [10:42:39] Do you remember who the Associated Press journalist was who told
7 you he had taken pictures of the women's march?

8 A. [10:42:56] To clarify, actually, I'm not even sure if it was an Associated Press
9 reporter or if it was somebody, a freelancer who subsequently sold those photos to
10 the Associated Press who put them on the wire, or if I even saw them through Reuters
11 to be honest.

12 I feel I've been pushed for details that are really inhuman quite frankly. I saw some
13 photos, they were from I believe a freelance journalist who sold them to a news
14 agency. Maybe we should just leave it there.

15 Q. [10:43:34] Witness, I understand I'm the last one to ask you questions. A lot of
16 questions have already been put to you. I'm not going to take quite as much time.
17 But I would like you to answer my questions and not comment on the relevance of
18 my questions. Thank you.

19 PRESIDING JUDGE TARFUSSER: [10:43:59] He did, he did answer your question.

20 THE WITNESS: [10:44:01] I did answer, yeah. Thank you.

21 PRESIDING JUDGE TARFUSSER: [10:44:02] He did answer your questions. Okay.
22 Please.

23 MS NAOURI: [10:44:07] (Interpretation)

24 Q. [10:44:14] Did you ask those two individuals that we've just referred to to help
25 you gain access to Abobo?

1 A. [10:44:23] I believe we almost certainly did, yeah. I guess I can't even
2 remember who exactly they were. But if I spoke to a person who had been to Abobo
3 in the last couple of weeks, I would have said: How did you get in?

4 Q. [10:44:38] I'd like to read an extract from Quicksilver's daily log. It is
5 CIV-OTP-0021-0862, and I'm looking at page 0865 in particular. I'm going to quote
6 in English, because we don't have a French translation of the document:

7 (Speaks English) "Wednesday 30th. Crew were planning to use AP driver and AP
8 fixer in Abobo to film in rebel district."

9 A. [10:45:42] Remind me the date, sorry.

10 Q. [10:45:55] Wednesday 30th.

11 A. [10:45:57] Thank you.

12 Q. [10:45:58] "This would have been a 20 minute drive into a rebel neighbourhood.
13 There are no Young Patriots checkpoints. Only military and rebels. Here they were
14 planning to speak to residents near to the fixer's house who had stayed behind
15 despite a mass exodus from the capital." (Interpretation) End of quote.

16 Did you meet the Associated Press fixer who lived in Abobo?

17 A. [10:46:53] When you say "meet," I believe we were planning this trip alongside
18 him. So yeah, yeah.

19 The problem I have is I literally can't remember which one it was. This is our report
20 back to the office. So things might be summarised as driver and fixer, which might
21 not be how I remember those people. I can remember a couple of the AP drivers,
22 brilliant guys who knew their area really well, brave, and could give us, you
23 know -- we relied on them heavily to tell us what was going on on the ground and
24 how to get from A to B and so on and so forth. I can remember a few of them, faces.
25 I can't always remember all their names. But, yeah, I kind of remember this period, I

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1 referred to it earlier, a couple of days when we pushed really hard to try and get into
2 Abobo.

3 Q. [10:47:49] Do you remember where in Abobo you were supposed to go to?

4 A. [10:48:02] No, I don't remember the exact parts of the area, no.

5 Q. [10:48:09] In this passage I just read out, mention was made of an exodus of
6 people leaving Abobo. Did you try to document that exodus of people leaving
7 Abobo?

8 A. [10:48:25] Yeah. I mean, there was some confrontation yesterday as to whether
9 I was ever or not in a church in Cocody, which was independent, an IDP camp, a
10 temporary IDP camp. I mentioned meeting a woman who had left the Abobo area
11 after her husband was shot. So, I mean, that's the kinds of -- that was our attempt to
12 document the fact that people had left.

13 MS NAOURI: (Interpretation) Your Honour, I do see the time.

14 PRESIDING JUDGE TARFUSSER: [10:49:01] Yes. I was waiting for this
15 conversation to finish.

16 THE WITNESS: [10:49:06] Yeah, I'm happy to. Is it concluded?

17 PRESIDING JUDGE TARFUSSER: [10:49:09] Well, now, no, we have a break.

18 THE WITNESS: [10:49:11] Cool.

19 PRESIDING JUDGE TARFUSSER: [10:49:12] Half an hour break, and we come back
20 in half an hour.

21 THE WITNESS: [10:49:15] Thank you.

22 PRESIDING JUDGE TARFUSSER: [10:49:16] Okay. Thank you very much.

23 THE COURT USHER: [10:49:17] All rise.

24 (Recess taken at 10.49 a.m.)

25 (Upon resuming in open session at 11.19 a.m.)

1 THE COURT USHER: [11:19:46] All rise.

2 Please be seated.

3 PRESIDING JUDGE TARFUSSER: [11:20:06] Good morning once again. I give
4 immediately the floor to the Defence for Mr Gbagbo and Madam Naouri.

5 MS NAOURI: [11:20:21] (Interpretation) Thank you, your Honour.

6 Q. [11:20:30] Mr Witness, I'd like us to hark back to the roadblock in the Riviera
7 neighbourhood, where you shot some footage. Could you tell us how the visit to the
8 roadblock was organised?

9 A. [11:20:55] Since I've been here I believe I've been shown two separate roadblocks,
10 one of which I noticed yesterday I'd completely forgotten happened. So if you could
11 just refresh my memory which is the Riviera roadblock.

12 Q. [11:21:11] Mr Witness, before showing you some of the footage to refresh your
13 memory, this is video -- no, rather, this is the roadblock where you shot footage for
14 many hours, de longues heures des jeunes. Does that ring a bell, remind you of
15 anything?

16 A. [11:21:43] I think what might be easier is if you could tell me is this the
17 roadblock where the boys showed me the piece of paper with the number plates on
18 them?

19 Q. [11:21:51] Yes, exactly, that one.

20 A. [11:21:53] okay, good. I'm good to go. So we arranged that I believe, and I
21 think I went over this yesterday, we arranged that through our fixer, Alexis, and the
22 driver regularly drove down that road. I believe it was on their way home. They
23 had had numerous interactions with these particular group of young men at the
24 checkpoint, and they had managed to build up enough of a relationship to say: Hey,
25 could we bring some journalists down? Would you be willing?

1 Over days they kind of made it happen, basically.

2 Q. [11:22:26] But before you got to the roadblock, the people that you were
3 supposed to meet knew that you were coming to film them, didn't they?

4 A. [11:22:45] As I indicated, the arrangements were made by Alexis, who built a
5 relationship with them first, but then made it clear he'd be coming back with some
6 journalists to film, yeah.

7 Q. [11:22:56] Very well. I'm going to ask for two videos to be played, two pieces
8 of footage. Now the first one is CIV-OTP-0015-0591, time code 44, 1.44 to 2.05. And
9 then the second will be CIV-OTP-0015-0592, time codes beginning to timestamp 23
10 seconds.

11 THE COURT OFFICER: [11:24:06] The Defence has the floor, evidence channel 2.

12 MS NAOURI: [11:24:09] (Interpretation) Thank you, madam court officer.

13 I'll indicate the transcript. Now, the transcript corresponds exactly to the part we're
14 going to be playing. Now, the first one, the transcript is CIV-D15-0004-2515. And
15 then the second item of footage for this is CIV-D15-0004-2509.

16 (Viewing of the video excerpt)

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

19 Seyi RHODES : we are heading east in the city to an area called Riviera because I've
20 heard there are a lot of roadblocks around there manned by the young patriots, and
21 even though they are very anti-Western and in particular anti-western journalist. I'm
22 hoping I can try to convince some of them to talk to me.

23 We're just coming up to a Patriot's road block just outside of Riviera. I'm about to get
24 out of the car and go over and see if we can speak to them. But for now, we need to
25 keep the camera well-hidden because if they see it before us when we come to them,

1 the situation could get very nasty.

2 MS NAOURI: [11:26:18] (Interpretation)

3 Q. [11:26:24] Mr Witness, you just told us that they were expecting you at the
4 roadblock. Why is it that in this video you say you were having to convince these
5 young people to speak with you? And why did you have a hidden camera?

6 A. [11:26:43] I think it's very -- firstly, the camera wasn't hidden. It was simply
7 kept out of vision, immediate vision.

8 Q. [11:26:58] Just to set the record straight, in the transcript it says, it speaks -- I
9 didn't say that the camera was hidden. You said in the transcript, you spoke of a
10 hidden camera.

11 A. [11:27:09] Okay. To clarify, you know, just, yeah, when we talk about covert
12 cameras, we mean something that is hidden, that is not visible as a camera. So a
13 keyring that could be a camera when we talk about --

14 PRESIDING JUDGE TARFUSSER: [11:27:23] You said this yesterday already.

15 THE WITNESS: [11:27:25] Yeah, I did. So I feel I shouldn't have to repeat it, but
16 either way. Our camera was visible and seeable as a camera, but we kept it discreet
17 at that moment.

18 Here in the courtroom it can be very easy, it's very, you know, clean, pristine
19 environment to assume that when you've arranged something with somebody, you
20 arrive and you do that thing with that person. On the ground, in any country, and
21 particularly in a country where there is chaos going on, you cannot make that
22 assumption.

23 So as much as our fixer had arranged these things and had made a phone call
24 beforehand, we couldn't be sure who was going to get there when we arrived with
25 our camera, and we couldn't be sure what their reaction would be. So I explained

1 that to the camera.

2 Q. [11:28:13] Why wasn't that the explanation that you gave -- why didn't you give
3 us that explanation, what you told the camera?

4 A. [11:28:26] What do you mean?

5 Q. [11:28:33] You just explained to us that you weren't so sure, despite the
6 arrangement made by your fixer, you weren't quite sure whether you would be able
7 to see those people and speak to those people at the roadblock. But to the camera
8 you said -- well, you gave the impression that the visit was not organised and -- well,
9 I don't want to interpret your words. We've all heard what you said to the camera.
10 But my question is that why don't you tell the camera what the reality was, the reality
11 that you have just explained to us here?

12 PRESIDING JUDGE TARFUSSER: [11:29:14] I really have a hard time to understand
13 what you -- I think everything is so clear. I do not understand where you are going
14 to. It's absolutely clear.

15 MS NAOURI: [11:29:29] (Interpretation)

16 Q. [11:29:32] I'll put another question. Now, were you trying to make the
17 situation more dramatic for journalistic purposes in the footage that we just viewed?

18 A. [11:29:47] I don't believe I was. One of the things that we do do for procedural
19 reasons, we'll call it the magic of television, is that we do essentially delete our fixer.
20 He's not a person in our documentary. So if he's done something, I say I've done it.
21 If he's half done something, I say I'm not sure if this has been done, you know.
22 I take -- you'll see me refer to "I've been told that or I've heard that." I don't say the
23 fixer has told me. It's just a small -- it's part of TV. It's part of not confusing the
24 audience and giving them too many different things to think about. Focus on me.
25 I'm taking you on a journey. This is what is happening.

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1 I believe that it was 100 per cent relevant and appropriate at that time to be cautious
2 about approaching that roadblock. I believe that that was not overdramatic at all.
3 We had heard and seen and there were numerous incidents with journalists and with
4 cameras. We needed to be cautious, and that I think was fair to say.

5 Q. [11:30:58] But your fixer told you that the meeting was going to go ahead; we
6 agree on that?

7 A. [11:31:11] My fixer told me that he had made arrangements which he hoped
8 would pan out, but that we should approach with caution nevertheless.

9 Q. [11:31:28] Mr Witness, Alex Nott told us in relation to the arrangements made,
10 he said this in the French transcript, page 78 -- correction, 68, line 16 and on:

11 "Question: And so your fixer announced this?

12 Answer: We had to say that we needed access to try to film and speak to people at
13 the checkpoint."

14 Question, so, Mr Witness, page 22 of today's transcript, you said, you, "In fact the
15 fixer, Alexis, went up to or approached some of those people without us, and then he
16 thought it would be just fine for us to film, and we could describe it as a rather
17 friendly roadblock. We were well received, and that was a rare thing." End of
18 quote.

19 "Then it would be quite safe for us to film."

20 Do you agree with what Alex Nott said?

21 A. [11:33:10] Just to refresh, sorry, so Alex said that he felt it was safe for us to film
22 there because the fixer had told him it would be all right.

23 To be honest, I think we're splitting hairs. It was a chaotic situation on the ground,
24 no rule of law, violence potential at any point. So you'd be naive to assume that
25 everything is going to be all right.

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1 As much as Alex may have said that here in the courtroom, I'd like to say that I
2 believe that he was oversimplifying. In reality, nothing was that simple on the
3 ground.

4 Q. [11:34:00] Very well, Mr Witness.

5 I'm told that "tout à fait sur" was translated by "quite safe." That's not the translation
6 of what was said.

7 A. [11:34:21] Maybe tell me in English. It's the English translation, well, it's the
8 English transcript.

9 Q. [11:34:24] Mr Witness, Mr Witness, it wasn't for you. It was for the Court,
10 because if there are interpretation errors, we point them out. It's for the transcript.

11 A. [11:34:37] I see. But I answered the question --

12 Q. [11:34:39] Oui.

13 A. [11:34:39] -- that Alex told me it was what you said.

14 Q. [11:34:41] Yes, yes. There is no problem about the answer.

15 A. [11:34:47] Okay.

16 Q. [11:34:51] Mr Witness, now, when you're on your way to the roadblock, did
17 people explain that people -- did the people explain that they were setting up
18 self-defence roadblocks?

19 A. [11:35:08] I believe that was the terminology used by most of the patriots at the
20 roadblocks, yes.

21 Q. [11:35:13] Very well. I'd now like to show some footage. And this is
22 CIV-OTP-0015-0594, time code 24.44 to 29.13, and the corresponding transcript is
23 CIV-OTP-0021-0013, page 0022, line 331, page 0024, line 388.

24 And, Mr Witness, we would like you to listen to the original. So could you take --

25 PRESIDING JUDGE TARFUSSER: [11:36:26] Why? Why? Because this is not a

1 test, a French test. I said this already.

2 MS NAOURI: [11:36:38] (Interpretation) Yes. No, it's not, it's not a language test.

3 It is to place the witness back into the conditions where he filmed. And I think it's

4 easier for us to listen to the original sound with the background noise and the like.

5 It's not a language test, I assure you of that.

6 PRESIDING JUDGE TARFUSSER: [11:37:01] Mr Rhodes, you do as you feel better.

7 THE WITNESS: [11:37:06] I'm happy to watch the raw footage, the raw sound.

8 (Viewing of the video excerpt)

9 MS NAOURI: [11:39:44] (Interpretation) I apologise. This wasn't the end of -- I've

10 been told that there was no interpretation into English. Should we replay, shall we

11 replay the video for English interpretation? We've provided the transcripts, but

12 there are transcripts so that -- this is a longer -- this is longer than the footage we

13 showed earlier. It's longer than what we showed earlier. And I'm told that there

14 was no transcript the first time when we showed the video. So could we replay the

15 footage with interpretation into English?

16 (Trial Chamber confers)

17 PRESIDING JUDGE TARFUSSER: [11:40:41] Yes, please.

18 (Viewing of the video excerpt)

19 THE INTERPRETER: [11:40:59] (Interpretation of the video excerpt)

20 Are you all members of the Patriotic Galaxy?

21 The person responds saying: Yes, we are members of the Patriotic Galaxy. There

22 are some RHDP people with us who have joined with us because they saw that we

23 are waging a noble battle, a battle against demagoguery, against theft, against lies.

24 SR then says: Okay. It's going off.

25 The other speaker says: Against constitutional legality.

1 SR says: Wait a minute.

2 Then SR says: Is it legal to run these roadblocks? Is it legal?

3 The answer is this, well, this is a decision we have to take. We are here

4 empty-handed. We are being threatened. These people are not operating out in the

5 open. It's like a kind of urban warfare that they're engaging in. Let's say they

6 hijack a taxi, they go to a place, they shoot and then they disappear.

7 There is no open front. They attack anywhere.

8 So we have to defend ourselves. We don't have weapons. We're forced to

9 consecrate our lives by setting up these roadblocks and searching all vehicles that

10 come into our area.

11 Who gave you the authority to come create these roadblocks?

12 Answer: There is no authority in of itself. The people, when the people feel

13 threatened, they are obliged. We are in a position of legitimate defence. We've lost

14 relatives in Abobo. Here they came at night and they killed. They did what they

15 wanted to do, because they have weapons. We don't have weapons. We had to

16 organise ourselves to provide some deterrence, because nothing can be done. The

17 state, the state can't give us weapons, because to have weapons, you have to go

18 through the army. So the state is sticking to legality.

19 When are you going to stop the roadblock?

20 Answer: Well, our wish is for the situation to become normal, that the leaders come

21 to an agreement, that they come to the discussion table, that they come to an

22 agreement and the massacres stop, that this massacre stops. Someone is sleeping at

23 night and at night someone comes and attacks them and slits their throat. People

24 fire upon people. People torch houses. Today there are people in Abobo in houses

25 here, you'll find houses where there are 50 people, because they are displaced people

1 in their own country.

2 PRESIDING JUDGE TARFUSSER: [11:45:49] Can we continue?

3 MS NAOURI: [11:45:50] (Interpretation) Yes, of course, your Honour. I
4 apologise.

5 In the transcript reference I stopped at 3.83, and actually the extract was somewhat
6 longer, so just for the case record I would like to indicate the line concerned. I'll
7 come back to that, your Honour.

8 Q. [11:46:14] Witness, we heard at the start of the footage those young people
9 saying that young people from the RHDP had joined them. Do you know what the
10 RHDP is?

11 A. [11:46:29] At the moment actually I was literally just thinking that at the time I
12 think I could have answered that. A political party, I just can't remember which one
13 at the moment.

14 Q. [11:46:46] All right. Did you ask them who the young people from the RHDP
15 were and how they had joined them?

16 A. [11:47:00] No. As you see from the footage, no, I didn't.

17 Q. [11:47:05] And afterwards, did you look into it to see who the RHDP was?

18 A. [11:47:15] No. I believe afterwards our main concern was making sure that we
19 had asked the questions on camera that we felt we needed to and got the images that
20 we felt we needed to and then we left for security reasons. We'd been there quite a
21 long time. I didn't go into in any further details the things that they had said. I felt
22 that the record they had given, the account they had given of themselves was pretty
23 complete.

24 Q. [11:47:40] Very well. You said several times over that the humanitarian side of
25 things was important for you. These people talking about displaced persons from

1 Abobo, did you look into who those displaced people were?

2 A. [11:48:12] I mentioned earlier the IDP camp that we went to where we were told
3 that numerous people who were displaced by the fighting in Abobo could be found,
4 and that's where we went to try and answer that question.

5 I should point out that I'm not sure of the exact date of this, this interview, but while
6 our humanitarian focus was certainly what we left the country, left the UK with and
7 arrived in the Ivory Coast with, I think our footage and the diaries that you've all got
8 should show that we had to slightly move away from that story for very practical
9 reasons actually. In most cases, NGOs simply couldn't take the risk of having
10 journalists with them.

11 So this humanitarian focus that was maybe part of our first two weeks and our first
12 week or so maybe in country eventually started to drift, because other things were
13 happening in front of us.

14 Q. [11:49:16] Very well. Did you try to find out which enemy they were talking
15 about when they refer to enemies in that footage?

16 A. [11:49:42] I don't recall if I specifically went into details with this particular
17 group of boys on this particular occasion as to who they felt were the enemy. You
18 must bear in mind that I had been in the country for quite a long time, had been to a
19 few of Charles's rallies. I was familiar with the groups that the Young Patriots
20 considered to be enemies.

21 Q. [11:50:10] And what were those groups where you knew that they were
22 considered by the Young Patriots to be the enemy according to what you say?

23 A. [11:50:28] So the United Nations was a potential enemy, the French army was a
24 potential enemy, certain ethnic groups from the north of the country and foreigners
25 from countries like Mali were considered to be potential enemies as well.

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1 Q. [11:50:48] The Invisible Commando or the pro-Ouattara armed groups, you'd
2 never heard about them?

3 PRESIDING JUDGE TARFUSSER: [11:51:09] Yes.

4 THE WITNESS: [11:51:10] Sorry, I forgot to mention them.

5 PRESIDING JUDGE TARFUSSER: [11:51:12] Yes. But you've asked if you've
6 never -- you asked exactly, "You'd never heard about them?"

7 MS NAOURI: [11:51:22] (Interpretation) On the part of the Young Patriots, and he
8 just said that he's omitted to mention them.

9 Q. [11:51:35] Witness --

10 MR DEMIRDJIAN: [11:51:36] The witness didn't say this was from the Young
11 Patriots. This is from the information he gathered over the two weeks, right?

12 PRESIDING JUDGE TARFUSSER: [11:51:43] Let's ask the witness.

13 MR DEMIRDJIAN: [11:51:44] Yes. But that characterisation was --

14 PRESIDING JUDGE TARFUSSER: [11:51:49] What did the people there say? Did
15 they mention also --

16 THE WITNESS: [11:51:55] Yeah, I believe, I believe --

17 PRESIDING JUDGE TARFUSSER: [11:51:57] -- the Invisible Commando?

18 THE WITNESS: [11:51:59] -- the people on that particular -- and, again, you know,
19 you're asking me to recall things that we have a video of.

20 PRESIDING JUDGE TARFUSSER: [11:52:02] Really.

21 THE WITNESS: [11:52:03] I believe that they did mention the Invisible Commando.

22 I summarised that, I should say in my head I summarised that as, you know, kind of
23 people from the north or people who look like they might be from Mali, because, let's
24 face it, the Invisible Commando don't all wear a badge. So if you are looking for
25 them, you've going to have some other eyes for how you are going to spot these guys

1 might be them. They look like an ethnic group from the north. They're carrying
2 guns, whatever. So those are the sorts of enemies that they were looking for.

3 MS NAOURI: [11:52:35] (Interpretation)

4 Q. [11:52:35] Very well. And why do you say that the people at the roadblock
5 were Young Patriots and not just young people from that district?

6 A. [11:52:51] Because when I asked them if they were Young Patriots, they nodded
7 enthusiastically and said yes.

8 Q. [11:53:00] Witness, I'd like to come back to the time you spent at the French base.
9 Can you tell us where the base was in Abidjan?

10 A. [11:53:35] I believe it was near the airport. I forget the name of the area. I'm
11 sure if you mention the name, it will jump back to me. I probably could have told
12 you yesterday. But yeah, it's near the airport. Other side of Treichville. Yeah,
13 anyway near the airport.

14 Q. [11:53:58] Do you remember the name of the base?

15 PRESIDING JUDGE TARFUSSER: [11:54:01] No. He said that he doesn't
16 remember, that if you help him, he might remember. This is what he said now.

17 MS NAOURI: [11:54:15] (Interpretation) Yes, your Honour. It was where and
18 then the name. He might not remember where it was in Abidjan, but he might
19 remember the name of the base.

20 PRESIDING JUDGE TARFUSSER: [11:54:25] He said, "I forgot the name of the area.
21 I'm sure if you mention the name I will jump back, it will jump back to me."

22 MS NAOURI: [11:54:37] (Interpretation)

23 Q. [11:54:39] Witness, when you say area, you mean the geographical locality, do
24 you not? You don't remember where it was geographically speaking; is that correct?
25 In English, "area" means the geographical location where you were. And my

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1 question was where was it? Are we in agreement on that?

2 PRESIDING JUDGE TARFUSSER: [11:55:00] Near the airport. Can you just
3 mention --

4 MS NAOURI: [11:55:03] (Interpretation) My next question is the name of the
5 French base where you were. A base has a name. Do you remember its name?

6 THE WITNESS: [11:55:15] Your Honour, I have been clear --

7 PRESIDING JUDGE TARFUSSER: [11:55:18] Can you say the name so he
8 remembers. He says he cannot remember the name.

9 MS NAOURI: [11:55:22] (Interpretation) Your Honour, I don't know the name.
10 I'd like to hear from the witness where he was. If he doesn't remember, then he
11 should say so. But I'm asking whether he remembers the name of the French base
12 where he was.

13 PRESIDING JUDGE TARFUSSER: [11:55:34] He just said that he doesn't remember.

14 MS NAOURI: [11:55:37] (Interpretation)

15 Q. [11:55:45] Witness, do you remember the unit, I'll finish my question, the unit of
16 the French army that was stationed at the base where you were?

17 A. [11:56:03] No. In fact, correct me, I'm not totally across military issues, but I'm
18 pretty sure there was numerous units there. There was navy people there. There
19 was all kinds of people by the time I got there. It was a massive incident. They
20 were all flooding into the country. No, I can't tell you exactly the name of the French
21 army unit that was based there.

22 Q. [11:56:32] How much time did you spend at the base?

23 A. [11:56:41] I believe it was two nights roughly, maybe three.

24 Q. [11:56:51] Were you still at the base when the presidential residence was
25 shelled?

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1 A. [11:57:05] Yes, I believe I was.

2 Q. [11:57:09] Did you see any helicopters leaving the French base that you were at?

3 A. [11:57:18] Yes, I saw a number of sorties leaving the French base on the day that
4 the presidential palace was shelled.

5 Q. [11:57:30] Witness, I'd like to show you a video, CIV-OTP-0015-0665. There is
6 no time code and no transcript.

7 (Viewing of the video excerpt)

8 MS NAOURI: [11:58:20] (Interpretation)

9 Q. [11:58:29] Witness, the helicopters we've just seen, were they going to the
10 presidential residence?

11 A. [11:58:36] I believe so.

12 PRESIDING JUDGE TARFUSSER: [11:58:38] Excuse me, was it you or Alexander
13 Nott who shot this?

14 THE WITNESS: [11:58:46] That will be it was Alex that filmed it. I kind of
15 remember the situation, I remember actually having received -- having noticed a
16 helicopter taking off and running back and going, "Alex, Alex, let's get shots of these
17 helicopters." So we were both there at the time.

18 PRESIDING JUDGE TARFUSSER: [11:58:58] This is part of your raw material?

19 THE WITNESS: [11:59:00] Yes, I think so, I think so.

20 MR DEMIRDJIAN: [11:59:02] Mr President, if we could just ask for a date for the
21 record, if my learned friend can give us a date.

22 PRESIDING JUDGE TARFUSSER: [11:59:06] Well, I think we all know the date, but
23 please give us the date.

24 MS NAOURI: [11:59:20] (Interpretation) 10 April 2011, your Honour.

25 Q. [11:59:26] Did you inform yourself about French military operations when you

1 were at the camp?

2 A. [11:59:35] What does that mean? Can you clarify, please? When you say
3 "French military operations"?

4 PRESIDING JUDGE TARFUSSER: [11:59:43] Did you ask what they were doing,
5 where they were going?

6 THE WITNESS: [11:59:46] Yeah, I mean.

7 PRESIDING JUDGE TARFUSSER: [11:59:47] Things like this.

8 THE WITNESS: [11:59:48] You're free to ask those sorts of questions.

9 PRESIDING JUDGE TARFUSSER: [11:59:51] Yes.

10 THE WITNESS: [11:59:53] However, these guys are military, aren't they? So you
11 get what answers you get back.

12 I believe on this particular occasion, with the helicopters getting towards the end of
13 the battle, the press officers who were dealing with us had a bit more of a confidence
14 about them, and they seemed confident to explain to the press what that was about,
15 whereas the day before maybe they'd been a bit more cagey about, you know, exactly
16 what was going on.

17 PRESIDING JUDGE TARFUSSER: [12:00:17] And what was it about? What did
18 they say?

19 THE WITNESS: [12:00:20] They told us that those helicopters were heading to the
20 presidential palace.

21 PRESIDING JUDGE TARFUSSER: [12:00:24] In order to?

22 THE WITNESS: [12:00:26] I think I would be remiss in saying, indicating that they
23 were specific about the nature of what those helicopters were going to do. That
24 doesn't sound like a military press officer to me. He allowed me to know that it was
25 related to the palace and to getting Gbagbo out of there. He didn't go into detail.

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- 1 PRESIDING JUDGE TARFUSSER: [12:00:50] Thank you.
- 2 Madam Naouri.
- 3 MS NAOURI: [12:00:54] (Interpretation) Thank you, your Honour.
- 4 Q. [12:01:02] How many journalists were based at the camp with you?
- 5 A. [12:01:05] I don't know exactly for a fact.
- 6 PRESIDING JUDGE TARFUSSER: [12:01:12] More or less.
- 7 THE WITNESS: [12:01:13] More or less, twenty-ish.
- 8 PRESIDING JUDGE TARFUSSER: [12:01:21] Okay.
- 9 MS NAOURI: [12:01:24] (Interpretation) Thank you, your Honour.
- 10 Q. [12:01:27] Did you see any pro-Ouattara forces at the French base?
- 11 A. [12:01:33] Inside the French base, no, I didn't.
- 12 Q. [12:01:36] Very well. Witness, you accompanied a French patrol, did you not?
- 13 A. [12:01:49] Yes, on more than one occasion.
- 14 Q. [12:01:57] What was the French patrol made up of? How many vehicles were
- 15 in it?
- 16 A. [12:02:04] Wow, this is getting specific, isn't it? Let's see -- listen, I'm guessing.
- 17 I'm not going to. There was definitely in the region of three, because -- there could
- 18 have been more, you know, they're army, they don't go around alone.
- 19 Q. [12:02:28] And the patrol that you were with, which unit was it, foreign legion,
- 20 parachutists?
- 21 A. [12:02:44] You'll excuse me. One of my problems here is that I spent some time
- 22 in Centrafrique during the crisis there where the French army and French military
- 23 were crucial in keeping that airport open as well. And I'm very aware that it's quite
- 24 easy for me to get things mixed up right now, which exact French unit I was with.
- 25 You mentioned the foreign legion and the parachute regiment, and they both made

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1 me go: Oh, yeah, it was them. Oh, no, it was them. It could have been one of
2 those, I think.

3 Q. [12:03:21] All right. Did you encounter any rebels during that patrol?

4 A. [12:03:29] Yes, yes, I did.

5 Q. [12:03:34] Do you remember where you encountered them?

6 A. [12:03:45] I don't remember the name of the area. I remember some things
7 about it. It was a middle class area. It was not too far from Mr Gbagbo's residence,
8 not the palace, the private residence, I think. Yeah, middle class, nice area.
9 The people, I remember noticing that the people that the French were rescuing from
10 that area were coming out with Louis Vuitton luggage and stuff like that. So I
11 thought, hmm, nice area.

12 Q. [12:04:14] All right. And what was the pro-Ouattara patrol comprised of?

13 A. [12:04:27] From memory, I think it was one pickup truck, although there may
14 have been two. You know, the usual rebels with pickup truck, guys with guns
15 leaning out, no uniforms.

16 Q. [12:04:45] All right. Witness, we're going to show you some video footage,
17 CIV-OTP-0015-0648. We're going to show you the entire video. There is no time
18 code. The transcript is CIV-D15-0004-2516. And as I've just said, we're going to
19 show you the whole video, but we will pause every now and then and I'll give the
20 time code at that moment so that we know exactly where we are in the video.

21 The first extract is --

22 PRESIDING JUDGE TARFUSSER: [12:05:38] The video being long, being how long?

23 MS NAOURI: [12:05:43] (Interpretation) Four minutes, a little bit more, six
24 minutes, your Honour.

25 PRESIDING JUDGE TARFUSSER: Okay.

1 MS NAOURI: (Interpretation) The first extract is from 02.43.
2 (Viewing of the video excerpt)
3 THE INTERPRETER: [12:06:45] (Interpretation of the video excerpt) Liberate the
4 sector. Clear off. Is this a game? Clear out. I'm the boss. I'm in charge here.
5 What have you come for?
6 Hello. Who is the boss? It's you. Very well. I'm the lieutenant (unintelligible)
7 Unidentified person: Thank you. Is it okay?
8 Second unidentified person: Yes, it's fine.
9 Is the fighting nearby or not?
10 Unidentified person: For the moment there is no fighting.
11 Another unidentified person: But you've still identified the (unintelligible)
12 Unidentified person again: No (unintelligible)
13 Mr Rhodes: Hello. My name is (unintelligible). I'm from England. It's for
14 Channel 4 in England. I'm going to start by asking you a question in English and
15 then I'll put it in French, okay?
16 Unidentified person: I speak French, no problem.
17 (The following inserted excerpt is a transcription prepared and provided by the
18 parties of the aforementioned recording without any modification or alteration)
19 02.10. S e y i R H O D E S : This is the first time I've seen the rebel's whereabouts.
20 Where you guys have been based?
21 THE INTERPRETER: (Interpretation of the video excerpt) It's the first time for me.
22 Where are you based now?
23 Unidentified person: Our base is Abobo. We're from Abobo. We're people from
24 Abobo. The commander is Keïta Souleymane. Here, you can introduce yourself.
25 This is my commander here.

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1 MS NAOURI: [12:09:24] (Interpretation)

2 Q. [12:09:28] Witness, do you know where those people were based in Abobo?

3 You interviewed them subsequently, so did you learn where they were based?

4 A. [12:09:43] I don't remember. But, you know, the interview is there.

5 PRESIDING JUDGE TARFUSSER: [12:09:48] What do you mean by they were based?

6 The address, the home address or what? I don't understand what you mean where
7 they are based.

8 MS NAOURI: [12:10:00] (Interpretation) They're armed forces. They said: We're
9 based in Abobo. Abobo is very big. So I asked whether the witness had discovered
10 where they were based in Abobo.

11 THE WITNESS: [12:10:10] You know, as I stressed, I've never even been to Abobo.
12 So it wouldn't have been much use to me, that information.

13 MS NAOURI: [12:10:17] (Interpretation)

14 Q. [12:10:18] Very well. We're going to continue the second extract from 2.43 to
15 4.32.

16 (Viewing of the video excerpt)

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

19 02.44. S e y i R H O D E S : How is the, sorry, how has the war been going to you so
20 far?

21 THE INTERPRETER: [12:10:39] (Interpretation of the video excerpt) Is it going well
22 for you in the war?

23 Keïta Souleymane: It's fine. It's calmed down. For the moment it's okay.

24 Mr Rhodes: How many people have you lost?

25 Souleymane: My side there was seven, seven soldiers who fell. Yes, and seven

1 who were injured. That means fourteen.

2 Mr Rhodes: And what are you doing now?

3 Unidentified person: It's to liberate the country. That's all. So the president can
4 be established, so that Mr Ouattara can be established. That's the problem.

5 And now there are people, what's his name, Gbagbo, looting houses, looting houses,

6 breaking. Currently there is no food, there is nothing to eat anymore. They've

7 taken everything. So we've come in to secure Cocody Angré. That's why yesterday

8 on the front there was (unintelligible). So we pushed back the enemy. That's why

9 we are moving through.

10 Do you have good relations with the Force Licorne?

11 Unidentified persons: Good relations with the French? We have good relations.

12 We don't have any problems between us and the French. They do their work. It's

13 normal. We appreciate their work. We're like a family with them. Côte d'Ivoire

14 and France, they're not enemies. We're brothers, allies. And under Houphouet,

15 thank goodness, Mr Alassane and Mr Bédié all together, they're family, it's family.

16 We don't have any problems with France. We're brothers. We'll have to try to

17 remove the enemies. That's the problem. Gbagbo will have to leave.

18 PRESIDING JUDGE TARFUSSER: [12:12:33] Can you please just wait for the
19 translators. Now it's finished.

20 MS NAOURI: [12:12:37] (Interpretation)

21 Q. Witness, we're going to continue. We stopped at 4.32. We're going to go now
22 to 6.13.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: (Interpretation of the video excerpt) So our problem is to get

25 rid of the enemy. That's our problem. Gbagbo will have to leave.

1 (The following inserted excerpt is a transcription prepared and provided by the
2 parties of the aforementioned recording without any modification or alteration)
3 04.40 S e y i R H O D E S : Last question. Every day we're told that the rebels are
4 going to take control of the city, but everyday we're told it will happen again the next
5 day. Why is it taking so long?
6 THE INTERPRETER: (Interpretation of the video excerpt) Every day someone says
7 that the rebels will be in control of the town tomorrow, and then it's the next day.
8 Why is that happening?
9 Unidentified person: Rebels?
10 Mr Rhodes: Well, not the rebels but (unintelligible)
11 Unidentified person: No, it's not rebels. Rebels are Gbagbo's people who are
12 rebels.
13 Mr Rhodes: Exactly.
14 Unidentified person: Yeah, because they no longer have control over the situation.
15 They've lost.
16 Mr Rhodes: But why is it so hard? They say every day that Ouattara forces will be
17 in control tomorrow, and then the next day they say tomorrow and tomorrow, and
18 why is it (unintelligible)
19 Unidentified person: No, the problem is that we're, we're in charge, we're in control.
20 The Ouattara people who are in situ, because you can see that there is no need to say
21 tomorrow, tomorrow. We're here, not tomorrow. We want people to be able to
22 work. And currently today, when the president asked that people go to work,
23 actually you can see what's happening, the town is beginning to get back to normal.
24 People are starting to go back to work. The markets have opened. There is no
25 problem. But the people of Gbagbo, they're the ones who come and (unintelligible,

1 inaudible) they're preventing people from going to work and going to the market you
2 can see.

3 But yesterday there was shelling everywhere in Cocody, you saw, that's why there are
4 lots of people being killed, civilians.

5 Mr Rhodes: Can we have a number so for you because we're coming out of the base?
6 Maybe we (inaudible).

7 MS NAOURI: [12:14:57] (Interpretation)

8 Q. [12:15:01] Witness, in this extract you're saying that people are saying to you
9 that the rebels are going to take charge, take control. So my question to you is:
10 What is your source of information to make you say that they were going to, the
11 rebels were going to take over? Where did you get that information from?

12 A. [12:15:20] I've indicated up to this point I'd been spending, I'd spent huge
13 amounts of time locked in the Novotel with the vast majority of the international
14 journalists in the country. We discussed everything in detail. And then we were all
15 evacuated from there to the French base, where we continued to discuss everything,
16 our anticipations, what we thought might happen tomorrow, and what information
17 we'd heard from different people. So I heard it from everyone. As I said, I heard it
18 from people.

19 PRESIDING JUDGE TARFUSSER: [12:15:54] From everyone, you mean press, the
20 colleagues around?

21 THE WITNESS: [12:15:59] Those are the people I interacted with the most. I
22 believe even if I had a conversation with the barman at the hotel, even he would have
23 said to me: Oh, soon, soon, they'll be here soon, it will all be over soon.
24 Everyone, yeah, we were living at hope.

25 MS NAOURI: [12:16:14] (Interpretation)

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1 Q. [12:16:15] And the French that you were patrolling with, did they say the same
2 thing to you?

3 A. [12:16:26] As indicated, military, the military are less forthcoming with
4 information. But they had indicated to me that they felt confident this was all
5 coming to an end.

6 Q. [12:16:41] At the end of this passage, we can see you asking for a phone number.
7 Did you call that person afterwards?

8 A. [12:16:52] I think I did. I never got through.

9 Q. [12:16:55] Very well. Witness, at 2.13 you say it's the first time you've actually
10 come up, come up to rebels. It's the first time you've seen them, crossed paths with
11 them. But you went to PK18 on March 20, 2011. Do you remember that?

12 A. [12:17:23] Yeah. Well spotted. Yeah.

13 Q. [12:17:29] And on the way you went through a rebel roadblock, isn't that the
14 case?

15 A. [12:17:40] Yes, yes, it is. It appears I was mistaken to consider these guys the
16 first rebels I had ever seen. In my mind they seemed like the first because, as you
17 can see, they're in action. This is guys fighting, whereas the other guys I had seen
18 before I saw them sitting by the side of the road, albeit armed, and maybe in my mind
19 they didn't seem like a force as such.

20 Q. [12:18:07] I'd like to read a passage from your witness statement.

21 CIV-OTP-0017-0013, page 0015, paragraph 63, and I'm quoting: "Later that day we
22 went to another IDP camp which was at a mosque in the PK18 district in the direction
23 of Abobo and Anyama. This was the only occasion on which we were able to enter
24 Abobo during our visit to Ivory Coast. We did not take the main road up from the
25 city, but took a road round by the prison behind the forest. We went past an official

1 army checkpoint and then past a checkpoint run by the pro-Ouattara rebels to enter
2 Abobo, although we did not have any real interaction with the pro-Ouattara forces at
3 that time." End of quote.

4 PRESIDING JUDGE TARFUSSER: [12:19:25] What paragraph was that?

5 MS NAOURI: [12:19:27] Paragraph 63.

6 PRESIDING JUDGE TARFUSSER: [12:19:36] Okay.

7 MS NAOURI: [12:19:36] (Interpretation)

8 Q. [12:19:40] Witness, you said that they weren't active, but was it actually a
9 roadblock held by the rebels or checkpoint?

10 A. [12:19:50] Yes.

11 Q. [12:19:54] Did you attempt to interview them?

12 A. [12:20:02] At the time we didn't attempt to interview them. If I can remember
13 the first checkpoint I came across and tried to describe the situation, we went past the
14 prison. The main Ivorian army checkpoint was outside the prison. It involved
15 military equipment, you know, a proper roadblock.

16 You go over a sort of hill and then you come down a little hill, and then there is a boy
17 in jeans and sandals with a gun that's kind of leaning against the tree behind him.
18 And that was the rebel roadblock.

19 It seemed to me that they didn't want too many of their men and too much of their
20 resources concentrated that close to the army, so they kind of had a lookout, who
21 presumably had a phone or something who could phone back and say "They're
22 coming up the road" if that happened.

23 But he was, when I say "a checkpoint," he was there. We slowed down respectfully
24 because we noticed that he was there. He came over, a few brief words were
25 exchanged. We certainly didn't try to interview him or anything. He was

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1 not -- how do I put it? He didn't seem like a person who you would, you would
2 interview as a representative of the rebel forces.

3 MR DEMIRDJIAN: [12:21:10] Mr President.

4 PRESIDING JUDGE TARFUSSER: [12:21:12] Mr Demirdjian.

5 MR DEMIRDJIAN: [12:21:13] Just before we leave the point, your Honours, again,
6 can we just have a date for the video that was just shown before as a matter of
7 practice, just have it on the record.

8 MS NAOURI: [12:21:22] (Interpretation) Of course. It was March 20, 2011 -- no,
9 sorry. I beg your pardon. Just a moment. I've made a mistake.

10 PRESIDING JUDGE TARFUSSER: [12:21:34] Much later.

11 MS NAOURI: [12:21:35] (Interpretation) Your Honour, it states 2012, but I'm
12 assuming it's April 9, 2011.

13 Q. [12:22:00] Witness, I'd like to go back over your visit to the Golf Hotel for
14 reasons of clarification. You mentioned it briefly yesterday in the transcript, starting
15 on page 51 and following.

16 Who organised that visit?

17 A. [12:22:32] Alexis, the fixer.

18 Q. [12:22:36] How did you organise the transportation to the Golf Hotel?

19 A. [12:22:48] We went via the United Nations. Actually, hmm, I should revise my
20 previous answer. I think I arranged via the UN this transport.

21 I'd been in touch with some of the press officers there for a couple of weeks, built up a
22 relationship and eventually was able to get one of them to slip us onto the list for the
23 helicopter. There was a helicopter that went regularly from the UN base to the Golf
24 Hotel.

25 She managed to find out when there were vacancies, and she managed to slip our

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1 name onto the list, although I think it was Alexis initially who told us that this was
2 possible.

3 PRESIDING JUDGE TARFUSSER: [12:23:26] Although you said this already
4 yesterday or two days ago, so.

5 MS NAOURI: [12:23:33] (Interpretation)

6 Q. [12:23:36] Could you give us the name of the press person at the UN, UNOCI
7 who you were in contact with?

8 A. [12:23:48] I don't recall the name, and I don't have my notebook with me.

9 Q. [12:23:53] Very well. Was it frequent that journalists go to the Golf Hotel using
10 transportation organised by the UN?

11 A. [12:24:08] I believe, and this is from memory, which I think we've established is
12 not brilliant six years later, but I believe that that was the only way to get to the Golf
13 Hotel at the time. You wouldn't have been permitted to go down any of the roads.

14 Q. [12:24:27] Were there any other journalists other than you yourself and Alex
15 Nott in the helicopter?

16 A. [12:24:43] In the actual helicopter as we flew over, I don't remember if there
17 were journalists. I don't think so. I was chatting to an American lady who works
18 with the UN. I wasn't concentrating or I don't remember anything more than the
19 conversation or the brief conversation I had with her. Obviously when we arrived at
20 the Golf Hotel there were numerous journalists there.

21 Q. [12:25:08] Do you remember the journalists that were there when you arrived at
22 the Golf Hotel?

23 A. [12:25:30] I don't remember names specifically, no.

24 Q. [12:25:35] What about the press agencies that they worked for?

25 A. [12:25:43] I'd be guessing, no.

1 Q. [12:25:48] Very well. Did you see any diplomats at the Golf Hotel while you
2 were there?

3 A. [12:26:00] They don't wear signs, sorry. I saw some guys. I saw lots of people.
4 They may have been diplomats. They didn't identify themselves to me.

5 PRESIDING JUDGE TARFUSSER: [12:26:08] I do not understand by the way the
6 relevance in the context of the proceedings.

7 MS NAOURI: [12:26:20] (Interpretation) Well, one of the allegations, that there
8 was a blockade at the Golf Hotel, so in asking about the people who were there, the
9 idea is to find out whether there was really a blockade.

10 Q. [12:26:35] Witness, do you remember seeing any rebel soldiers at the Golf Hotel?

11 A. [12:26:42] I don't remember seeing any rebel soldiers. I think there was some
12 United Nations soldiers, I believe Pakistani, who had their tents and stuff, you know,
13 all around the hotel and that grounds and so on. That was the military force that I
14 saw.

15 Q. [12:27:00] Did you see any French soldiers?

16 A. [12:27:07] From memory, I don't recall.

17 Q. [12:27:14] Who did you speak to, you yourself personally while you were at the
18 Golf Hotel?

19 A. [12:27:22] As I think I indicated yesterday, the Golf Hotel was probably not my
20 most successful trip. I wasn't able to really interact with many people whose names
21 I could recall right now. There are a few sort of press officers and people in the
22 entourage of Ouattara and his cabinet in waiting.

23 But I wasn't able to build any relationships with anybody and get anything concrete
24 out of that whole experience, other than being able to say I went on the helicopter to
25 the Golf Hotel.

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1 Q. [12:28:00] Witness, in your statement, CIV-OTP-0017-0003, page 0018, and this is
2 paragraph 80, 80, you state, and I quote, "We met briefly with some senior dignitaries
3 and obtained their contact details." Who were those senior dignitaries?

4 A. [12:28:37] Like I said, I was not majorly a part of what was going on at the Golf
5 Hotel. Alexis, our fixer, was the man with the contacts. It was first time he'd got to
6 be in an environment with lots of Ouattara-supporting people, and we left him to it.
7 It wasn't our most successful trip. We weren't able to secure any major contacts or
8 filming opportunities as a result of that trip.

9 Q. [12:29:04] So you didn't film anything while you were at the Golf hotel; is that
10 correct?

11 A. [12:29:21] No, that's not necessarily correct. When I talk about securing a
12 filming opportunity, I'm talking about proper interviews, what we call a sequence;
13 whereas as I hope you've seen, Alex pretty much never stops filming. So if he was in
14 the Golf Hotel, he probably recorded some stuff. If somebody talked to us, we
15 probably began to try an interview at some stage, but if it didn't feel like it was going
16 anywhere, then, you know, shook hands and left it there.

17 But while we may have filmed some footage there, from my perspective, it was a bit
18 of a wash-out as a trip. We didn't achieve anything or get any major filming
19 opportunities or set any up for the future.

20 Q. [12:30:06] Very well. Just to be sure that I understand perfectly well, there are
21 some images, some footage of your passage at the Golf Hotel. Alex did film; is that
22 correct?

23 A. [12:30:24] Okay. You tell me. Right now I'm sat here without the records.
24 You've got --

25 Q. [12:30:28] No.

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1 PRESIDING JUDGE TARFUSSER: [12:30:28] We have seen one, at least one.

2 MS NAOURI: [12:30:31] Your Honour, the Prosecutor did not collect all of the
3 rushes. He made a selection. We don't have them all. And the witness has just
4 said that they did film. We don't have those films. And so I've asked him: Did
5 you film any footage at the Golf Hotel? He said that Alex had his camera
6 continually and filmed continually, so I just want to confirm that.

7 PRESIDING JUDGE TARFUSSER: [12:30:59] I can hear. I just said we have seen
8 one of those of the helicopters.

9 MS NAOURI: (No interpretation)

10 PRESIDING JUDGE TARFUSSER: Okay.

11 MS NAOURI: [12:31:04] (Interpretation) No, no, no. That was at the French base,
12 your Honour. I beg your pardon, there is some confusion here. We haven't seen
13 any images from the Golf Hotel.

14 Q. [12:31:12] So my question to the witness is: Do we have any images of your
15 passage at the Golf Hotel, any footage at all?

16 A. [12:31:21] I don't know.

17 Q. [12:31:25] Do you remember who the TCI journalist was that you interviewed at
18 the Golf Hotel?

19 A. [12:31:41] No. TCI rings a bell though, yeah, now that you're refreshing my
20 memory. I'm assuming that that might well be on camera, that interview.

21 Q. [12:31:56] Very well. Witness, you didn't film every single day while you were
22 in Côte d'Ivoire, did you?

23 A. [12:32:23] I'm pretty sure Alex filmed something every day. Again, I've
24 described the difference between filming, which might just be what we call GVs,
25 general views, a shot of a street, a shot of the lagoon, a shot of soldiers milling about.

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1 That's filming. But what I would consider filming would be an interview, an actual
2 sequence where we meet a new character and they tell us something new. We didn't
3 do that every day necessarily, no. We weren't able to.

4 Q. [12:32:55] That's very clear indeed.

5 I was specifically interested in when you met individuals who you felt would be of
6 interest for your future documentary.

7 Witness, when you were moving around, would you go from your hotel, would you
8 go on very short trips from your hotel, short distances from your hotel?

9 A. [12:33:28] Yes, short, medium, long, depending on the requirements of the day.

10 PRESIDING JUDGE TARFUSSER: [12:33:36] What do you mean by short? What is
11 short?

12 MS NAOURI: [12:33:39] (Interpretation) Of short duration. I wasn't really
13 thinking in terms of distance. I meant in terms of duration.

14 Let me illustrate by referring to the daily log, which is CIV-OTP-0021-0882, Thursday
15 22nd, for example. And I'm going to read it out in English because we don't have a
16 French translation (Speaks English):

17 "This morning they travelled a short distance from the hotel, around 10," pardon,
18 "around a 10-minute drive to see a local contact about potentially filming in another
19 area of Abidjan where IDPs are gathering at a mosque, at a mosque." (Interpretation)
20 End of quote.

21 So on Thursday the 24th, I quote (Speaks English):

22 "Crew will travel in one hour to a location in Adjamé district Abidjan. This is a
23 10-minute drive from the Novotel where the crew was based."

24 (Interpretation) Friday, the 25th, you state and I quote, or it's written, rather (Speaks
25 English):

1 "Team will travel to local bus station to cover refugees leaving the city."

2 (Interpretation) Saturday, the 26th, again in English, I'm quoting (Speaks English):

3 "All agreed okay to proceed with filming Charles Blé Goudé, youth minister. He
4 was located at a hotel two minutes' drive from the crew's hotel." (Interpretation)
5 End of quote.

6 So given what I've read out from the daily log, my question is, most of your trips
7 were relatively short in duration, can you confirm that or would you like to give us
8 additional information?

9 A. [12:36:23] I think that that would be probably an over-reliance on the diary
10 evidence there. You know, just that there is one entry for some days, it's
11 highly -- I'm sure you can understand, we didn't just do one thing that day. So we
12 may have updated the office with the most important thing that we did that day or
13 the most potentially fruitful lead that we pursued that day, but we likely went other
14 places as well to be honest.

15 Q. [12:37:02] Witness, on average, how far did you travel from your hotel? Were
16 they long distances?

17 A. [12:37:18] We never left Abidjan.

18 Q. [12:37:28] Witness, do you remember the date when you stopped actively
19 filming? Well, what I mean by that is filming things that you are really interested in.
20 You distinguished between things you were really interested in and just random
21 filming. Do you remember the date when you stopped filming what you would
22 consider as interesting things?

23 PRESIDING JUDGE TARFUSSER: [12:38:23] When you thought you had enough
24 material for a documentary.

25 THE WITNESS: [12:38:26] That happened when we left. We felt we had enough

1 when we left. And, in fact, we actually specifically stayed until we had enough.
2 Our office was, "You know, should we get you on a flight? Do you need to get out?"
3 We said we need a couple of days to finish this film.
4 So, yeah, we didn't finish until we left.
5 MS NAOURI: [12:38:58] (Interpretation)
6 Q. [12:39:02] Witness, Alex Nott told us, and I'm going to quote him, and he refers
7 to that event where he's referring to filming the young men at the Riviera checkpoint
8 on March 20th, this is realtime July 11, page 23, page 24. The question was: "After
9 that day, after that event, were you able to continue filming a lot?"
10 The answer given was: "No. In terms of security, the situation deteriorated, and
11 very rapidly we were no longer safe if we left the hotel where we were staying, that is
12 the Novotel." End of quote.
13 So, in other words, starting March 29th, you were no longer really filming; is that
14 correct?
15 A. [12:40:10] I'd say that's, I'd say that's fundamentally incorrect. I don't know
16 what you did to Alex on the stand, but, quite frankly, the rushes show that we
17 continued filming. We filmed even while we were locked in the hotel. We
18 attempted to make sequences even if it's me just standing at a window going, "Oh, my
19 God, there is a guy with a gun there."
20 We constantly -- in fact, for me it was part of my sanity to try and make sure we got
21 something in the can every single day.
22 So, you know, you need to call Alex back to try and ascertain exactly what he meant
23 by that. I suspect for him he felt that that was the end of his, his control over the
24 situation and his filming of things that he really felt made, you know, made sense for
25 the film. After that it kind of went blurry for him. Personally I can think of

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1 numerous things that we filmed after that, many of which actually made it into the
2 film, so yeah.

3 PRESIDING JUDGE TARFUSSER: [12:41:13] Well, but he never spoke about 29th of
4 March, because when you quote the testimony of, when you quote the testimony of
5 Nott, you say "No," this is a quotation "No. In terms of security, the situation
6 deteriorated and very rapidly, and we were no longer safe if we left the hotel where
7 we were staying, that is the Novotel." End of quote.

8 So there is no date.

9 MS NAOURI: [12:41:41] (Interpretation) Your Honour, your Honour, we will find
10 the precise reference. But if you look elsewhere in the transcript, at another point he
11 discusses the interview at the Riviera roadblock, and that's what gives us the date
12 with Alex Nott, and that's why I mentioned it so as not to influence the witness.

13 PRESIDING JUDGE TARFUSSER: [12:42:02] Yes. And I still think that we are
14 quite outside the charges of these proceedings, very far outside of the charges of these
15 proceedings.

16 MS NAOURI: [12:42:38] (Interpretation)

17 Q. [12:42:39] Witness, did you have an idea in mind, a clear idea in mind when you
18 went to Côte d'Ivoire to film?

19 A. [12:42:46] I believe I've covered this quite extensively.

20 PRESIDING JUDGE TARFUSSER: [12:42:51] I think so as well. Please.

21 MS NAOURI: [12:42:55] (Interpretation)

22 Q. [12:42:57] Well, this is my last point. It's our conclusion. I'd like to read out a
23 passage of the daily log and then I'll ask you a couple of questions. And this is the
24 document CIV-OTP-0021-0862, page 0869, dated March 29th, that is the day after you
25 arrived. It states, and I quote (Speaks English):

1 "AN was considered that what happens if Gbagbo hands over power? He says local
2 sources are saying people will accept the development and the Young Patriots will
3 leave the city or go into hiding and life will get back to normal. GW spoke to him
4 about the story in front of them and what is safe to do.

5 Based on the potential access with Gbagbo and potentially Abobo, he could carve out
6 a story of two characters on either side of this hateful conflict - one a powerful leader
7 (Charles) in charge of terrifying militia trying to cling to power - on the other side the
8 women of Abobo - those at the front of the protests on the other side, who've
9 sustained casualties and continue to survive in a deprived a war torn district of the
10 city." (Interpretation) End of quote.

11 THE INTERPRETER: Correction: The date was March 19th above.

12 MS NAOURI: [12:45:00] (Interpretation)

13 Q. [12:45:01] The second day after your arrival, you already knew, you already had
14 an idea in your mind, you had a project, and that's what I've just described; is that
15 correct?

16 A. [12:45:10] The film we've just described sounds great, doesn't it? But it never
17 got made.

18 We always had an idea of what we were doing. You can't function on the ground if
19 you don't have an idea of roughly what you are trying to achieve. Every day we
20 could have produced you a paragraph like that, and everyday you'd have seen it
21 changing and changing until by the end we went: Do you know what, we'll make a
22 film with what we've got, because that was what we had to do.

23 Q. [12:45:41] Agreed, Mr Witness. But yesterday you said, page 41, line 14 of the
24 English transcript, you said in relation to Mr Charles Blé Goudé, you said (Speaks
25 English): "As I say, he was on the edge of my consciousness simply because he was

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1 a key player in the Ivory Coast at the time."

2 A. [12:46:11] Mm-mm.

3 Q. [12:46:12] "But while all this information is coming in those first weeks and
4 you're still distilling it all down and trying to figure out what's important and what's
5 not, Charles Blé Goudé didn't hit me as the most important thing that was going to
6 happen to us in Ivory Coast. Within a couple of weeks that was obviously very
7 different."

8 (Interpretation) I'll just wait a moment for the interpretation.

9 Could you explain to us this contradiction between what we find in the daily log and
10 what you said yesterday during the hearing?

11 A. [12:47:04] I don't believe there is any contradiction at all. What I said yesterday
12 was my personal opinion and my professional attitude about what was happening at
13 the time. What you are reading is the daily log, which is I believe written by my
14 immediate line manager attempting to, let's be fair to him, make himself and the
15 whole thing seem more organised and more certain than at times it was.
16 There was times on the phone with him when he said, "What am I supposed to write
17 in the log? This is ridiculous, Seyi. It's chaos."
18 This is what he wrote. This is how he distilled down the chaos that we presented to
19 him. And he always communicated this back to us and said, "This is what I think
20 you are saying to me."

21 PRESIDING JUDGE TARFUSSER: [12:47:46] So the log was not written by you, but
22 was the product of what you on a daily basis told --

23 THE WITNESS: [12:47:55] Yeah.

24 PRESIDING JUDGE TARFUSSER: [12:47:55] -- back to the headquarters?

25 THE WITNESS: [12:47:57] Exactly that, exactly that.

1 PRESIDING JUDGE TARFUSSER: [12:48:00] Okay.

2 MS NAOURI: [12:48:01] (Interpretation)

3 Q. [12:48:07] Mr Witness, were you the one who suggested -- well, the supervisor
4 wrote one thing. Was it your idea, this idea to contrast Mr Blé Goudé with the
5 women?

6 A. [12:48:28] I believe that was the most coherent of the ideas and suggestions that
7 our manager thought he heard on the day. So we probably said all kinds of
8 nonsense, some good ideas, some just like clutching at straws, and he distilled it
9 down for us and kind of said: Guys, you know, what I think makes sense and from
10 what I'm hearing from you, if you had a film that was this and that, that would really
11 work. Do you think you can do it?

12 Obviously early days: Yes, boss, we'll give it a go.

13 PRESIDING JUDGE TARFUSSER: [12:49:02] But evidence is something else than the
14 log --

15 MS NAOURI: [12:49:06] (Interpretation) Yes, yes.

16 PRESIDING JUDGE TARFUSSER: [12:49:11] -- than a log book? No. Just we
17 agree on this?

18 MS NAOURI: [12:49:12] Bien sûr.

19 PRESIDING JUDGE TARFUSSER: [12:49:14] Okay, good.

20 MS NAOURI: (Interpretation)

21 Q. [12:49:21] Why didn't you strike a parallel between the combatants on each side
22 or the victims on each side?

23 A. [12:49:31] I believe because this was -- these were the leads that we had at the
24 time. So that's what we attempted to try and construct a potential - obviously it
25 never got made - a potential film out of the leads that we actually had at the time.

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1 PRESIDING JUDGE TARFUSSER: [12:49:51] Here we are going again back to how
2 the film is made.

3 MS NAOURI: Non... c'était ma dernière question, Monsieur le Président.

4 PRESIDING JUDGE TARFUSSER: No, no. No, no. Okay. If it's the last question,
5 I can accept that, but we are going again to challenge the result of a work. And we
6 are far outside, we are far outside the boundaries of the charges.

7 Maître Altit.

8 MR ALTIT: [12:50:12] (Interpretation) Thank you, your Honour. Your Honours,
9 this concludes the questioning of the witness by Mr Laurent Gbagbo's Defence team.

10 PRESIDING JUDGE TARFUSSER: [12:50:26] Thank you very much.

11 Is there a request for re-questioning?

12 MR DEMIRDJIAN: [12:50:31] Your Honours, we have no questions in
13 re-examination.

14 PRESIDING JUDGE TARFUSSER: [12:50:34] Thank you very much.

15 I can now tell you that your examination as a witness here has come to an end.

16 Thank you very much for having been here. And I wish you a safe trip back home
17 and all the best.

18 THE WITNESS: [12:50:52] Thank you. It's been a privilege. I hope I've been
19 useful to you. And I don't envy the decision you have to make. Good luck
20 everybody.

21 PRESIDING JUDGE TARFUSSER: [12:51:00] Thank you very much. You can leave
22 the courtroom, yes.

23 (The witness is excused)

24 PRESIDING JUDGE TARFUSSER: [12:51:11] I just have to announce that we adjourn
25 the hearings, the proceedings to Monday 28.

1 Yes, sorry, there is a request from the Office of the Prosecutor, and I give the floor to
2 Mr MacDonald, which is unrelated to the proceedings as such, to the content of the
3 proceedings.

4 MR MACDONALD: [12:51:32] That's right, your Honour. Thank you very much
5 for allowing me to note, if not mark, the departure of our colleague, Ms Yasmine
6 Chubin, who after three years working in the office and on this case is moving on to
7 other professional endeavours. And I'd like to wish her the best of luck. And,
8 again, thank you on behalf of the office and the team for the cooperation and
9 dedication in working on this case.

10 PRESIDING JUDGE TARFUSSER: [12:52:08] Thank you very much, Mr MacDonald.
11 And obviously the Chamber joins Mr MacDonald in wishing you all the best and
12 thanking you for your job you've done here. Thank you very much.

13 MR ALTIT: [12:52:21] (Interpretation) Your Honour.

14 PRESIDING JUDGE TARFUSSER: [12:52:23] Maître Altit.

15 MR ALTIT: [12:52:24] (Interpretation) Thank you, your Honour. The Defence
16 team, and I think I can speak on behalf of the entire Defence, we would also express
17 our best wishes to Ms Chubin for her future endeavours.

18 PRESIDING JUDGE TARFUSSER: [12:52:42] Yes. I was a little bit in doubt to give
19 you the floor for this, but I could not, obviously, ask the Defence to say to the opposite
20 side something like this. So it wasn't me who wanted to give you the floor, but I'm
21 happy that you took it.

22 Thank you very much. Now I adjourn the hearings to Monday, 28 August, and wish
23 all those who can a good holiday. Thank you.

24 THE COURT USHER: [12:53:13] All rise.

25 (The hearing ends in open session at 12.53 p.m.)