

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Tuesday, 4 October 2016
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:10] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:26] Good morning, good morning to
15 everybody.
16 Good morning, Mr Witness.
17 Today we continue with the questioning by the Defence for Mr Gbagbo and then by
18 the Defence for Mr Blé Goudé, and therefore I immediately give the floor to Madam
19 Naouri, I think. The floor is yours.
20 MS NAOURI: [9:34:04] (Interpretation) Thank you, your Honour.
21 WITNESS: CIV-OTP-P-0578 (On former oath)
22 (The witness speaks French)
23 QUESTIONED BY MS NAOURI: (Continuing)
24 Q. [9:34:10] Good morning, Mr Witness. Did you have sufficient rest?
25 I see that your microphone has not been turned on. Would you be so kind as to turn

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 on. Very well. Excellent.

2 Yesterday we were talking about the roadblocks, page 86, particularly lines *6 to 17 of
3 yesterday's French transcript. And we also viewed a video together and I had asked
4 you to tell us where the roadblocks were. Do you remember that?

5 A. [9:34:56] Yes.

6 Q. [9:34:59] I'd like to ask the courtroom officer to put up that video once again and
7 we'll have a screen shot or a freeze frame, and once again I'd like to ask you exactly
8 where the roadblocks were. All right?

9 A. [9:35:19] Very well.

10 Q. [9:35:21] This is CIV-OTP-0084-0188. The timestamp is 45 seconds.

11 MS NAOURI: [9:36:47] (Interpretation) If you could please move to timestamp 45
12 and zoom in on the image please, so that the witness can identify the items or the
13 objects in question.

14 Is it possible for the witness to place markings on this image? I'm told no.

15 Q. Now, Mr Witness, we expected a technical problem so we do have a hard copy
16 here of the screen shot in question.

17 If registry staff could take the hard copy over to the witness and then, Mr Witness,
18 could you indicate on the paper where the roadblocks were set up.

19 A. [9:39:05] I've done what you just asked me to do.

20 Q. [9:39:11] Thank you, Witness.

21 My question is now to the Registry staff. Could we please place this annotated hard
22 copy on the record?

23 PRESIDING JUDGE TARFUSSER: [9:39:25] What do you mean by -- on the record,
24 yes, but we can't see it because I was told that the --

25 MS NAOURI: [9:39:36] Monitor.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [9:39:37] -- monitor is not working.
- 2 MS NAOURI: [9:39:40] Okay.
- 3 PRESIDING JUDGE TARFUSSER: [9:39:41] The projector, yes.
- 4 MS NAOURI: [9:39:44] (Interpretation) If the equipment is not working I suppose
- 5 what we could do, each party could look at --
- 6 PRESIDING JUDGE TARFUSSER: [9:39:58] I think we have to do the
- 7 old-fashioned way.
- 8 MS NAOURI: [9:40:01] (Interpretation) Exactly. And then --
- 9 PRESIDING JUDGE TARFUSSER: [9:40:09] It worked for decades, it will work also
- 10 today, for one day, for one time.
- 11 MS NAOURI: [9:41:43] (Interpretation) Now that all parties and participants have
- 12 had an opportunity to look at the hard copy we'll ask for it to be placed on the court
- 13 record.
- 14 Q. [9:41:58] Now, sir, in addition to the videos having to do with the RTI, you also
- 15 provided another video to the OTP, didn't you?
- 16 A. [9:42:09] Videos about the RTI?
- 17 Q. [9:42:13] I shall rephrase my question. Now we saw videos yesterday that
- 18 were shot on 16 December 2010, and in addition you provided another video to the
- 19 OTP investigators?
- 20 A. [9:42:25] Yes.
- 21 Q. [9:42:29] Do you remember when you turned over that video to them?
- 22 A. [9:42:34] I think it was during the second meeting that I had with them. That is
- 23 when I gave them the video.
- 24 Q. [9:42:45] Very well. And then you met with the OTP investigators again to
- 25 discuss the video in question, didn't you?

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 A. [9:42:54] I believe that was the day that we did have a discussion. That was
2 when the video was given to them and we did discuss that video.

3 Q. [9:43:07] Very well. You told the investigators that the video was filmed on
4 31 March 2011. Can you confirm that?

5 A. [9:43:21] I can't confirm the exact date, but I do know that, well, it was March,
6 probably. I can't confirm the exact date.

7 Q. [9:43:34] Very well. But you do remember that you did shoot that footage?

8 A. [9:43:41] Yes, of course.

9 Q. [9:43:43] What were you doing that day before you went to shoot the footage?

10 A. [9:43:48] (Redacted) and we heard noise and we went out
11 to see what was happening.

12 Q. [9:43:58] What kind of noise?

13 A. [9:44:01] People shouting and calling out. People were shouting.

14 Q. [9:44:07] What were they saying or shouting?

15 A. [9:44:11] I think maybe if we were to view the video footage I could be more
16 specific.

17 Q. [9:44:19] Very well. That is what we are going to do, we are going to play the
18 video now and then resume questioning. This is CIV-OTP-0083-1343. And there is
19 no particular timestamp.

20 Courtroom officer, can we be given control over the video, can we be in charge?

21 THE COURT OFFICER: [9:45:30] Madam Naouri, is the video public?

22 MS NAOURI: [9:45:38] (Interpretation) Yes, it is a public video.

23 After cross-checking, the video was disclosed by the OTP classified as confidential, so

24 I think we could ask the witness whether the witness -- whether the video footage

25 should be confidential or not.

1 MR GARCIA: [9:46:13] (Interpretation) Your Honours, that was exactly what I was
2 going to suggest. (Speaks English) That's exactly what I was going to propose to the
3 court, that we do the same exercise we did with the first video, ask the witness to see
4 if he has any objection to it being ...

5 PRESIDING JUDGE TARFUSSER: [9:46:29] Mr Witness, have you any objections to
6 show this publicly, or -- this video?

7 THE WITNESS: [9:46:38] (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [9:46:40] Oui what?

9 THE WITNESS: [9:46:45] (Interpretation) I would like the video not to be public,
10 because this is a promise that I made to the young people whom I was filming that
11 day. I said that the video would not be made public, so I would like to keep that
12 promise.

13 PRESIDING JUDGE TARFUSSER: [9:47:02] Okay.

14 So we have to go to private session, otherwise the sound will be out, not the video,
15 but the sound. So we have to go for this video into private session.

16 (Private session at 9.47 a.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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Page redacted – Private session.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

- 1
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2 (Redacted)

3 (Open session at 9.52 a.m.)

4 THE COURT OFFICER: [9:52:59] We're in open session, your Honour.

5 PRESIDING JUDGE TARFUSSER: [9:53:05] Thank you.

6 MS NAOURI: [9:53:08] (Interpretation) Thank you, your Honour.

7 Q. [9:53:16] You didn't hear the young people say something that day?

8 A. [9:53:23] As I said at the beginning, I'm saying that it was the noise from outside
9 that drew our attention. And when we saw the young people outside we went out
10 and we heard some of the women saying that "We have been liberated, we have been
11 liberated." So we went out to see what was going on. And I think you saw the
12 same thing in that footage.

13 Q. [9:53:56] Liberated from what?

14 A. [9:53:59] I don't know if -- well, if I can make myself understood. These were
15 the words that the women were chanting. They were saying, "We have been
16 liberated, we are free." And then maybe after that --

17 Q. [9:54:20] Paragraph 7 of your statement you said, and this is the last sentence -- I
18 beg your pardon, I have given the incorrect reference.

19 Paragraph 8 you said:

20 "I saw some young people who came from the neighbourhood behind us who were
21 headed in our direction, and they were heading kind of towards the Agban camp.

22 People were praising them and saying 'Bravo, you have liberated the CRS.' The CRS
23 is a police community in Williamsville III."

24 So you knew what that meant when they said that they had been freed?

25 A. [9:55:28] Well, I don't know. I believe that when you asked what the women

1 were chanting I just answered. I told you what I heard. They said we were
2 liberated, "We have been liberated." But then you asked from what and, well, when
3 we were filming the young people, they were saying that they had been freed and
4 some people had gone to find the others, so I think I have provided an explanation
5 and I don't think I'll say more than that.

6 Q. [9:56:06] "They said," who do you mean by "they"?

7 A. [9:56:11] I think you're not quite on the same wavelength as me. I said the
8 young people said to the people that they had liberated the CRS, so people who had
9 their items could go back and get these items that had been confiscated.

10 Q. [9:56:31] Do these young people speak to you directly, personally?

11 A. [9:56:36] Perhaps if we look at the video again you'll understand better, because
12 I'm answering.

13 Q. [9:56:45] Mr Witness, when we look at the video we can hear you talking to the
14 young people about the fact that you are filming them. But in your statement you
15 said, once again paragraph 8, you said:

16 "I approached one of them, who said that he had come from the CRS and that they
17 had liberated the CRS and that there were no longer any militiamen or law
18 enforcement people faithful to Laurent Gbagbo at the CRS."

19 So you told the OTP that you had approached one of them. And I'm quoting you.
20 You approached one of them, so it was your initiative to go up and speak to one of
21 these young people?

22 A. [9:57:34] I don't know. Maybe *I am the one who does not understand French.
23 Approach, well, it means to go closer to someone. Maybe I haven't understood the
24 French right. But going up to someone and wanting to talk to them and then the
25 verb approaching, well, going to talk to someone and approaching to be -- in the

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 sense of going up to be closer to someone, that's what I mean. I approached. I went
2 closer to them. But I didn't talk to them in order to try to get some words out of
3 them.

4 Q. [9:58:19] So you didn't talk to these young people?

5 THE INTERPRETER: [9:58:24] Inaudible.

6 A. I don't know whether I should say anything else.

7 MS NAOURI: (Interpretation)

8 Q. [9:58:27] Very well. Now once again paragraph 9 of your statement, you said:
9 "One of the young people said that he had come from Abobo and that he was fighting
10 to re-establish Alassane Ouattara's authority. And it was not for IB Ibrahim
11 Coulibaly, one of the leaders of the former rebel movement, that he was fighting for."
12 How did you know that one of the young people said that?

13 A. [9:59:04] He was talking to someone else.

14 Q. [9:59:05] So you were walking with these young people to hear what they were
15 saying?

16 A. [9:59:10] Yes, I was walking with them to hear what they said.

17 Q. [9:59:12] And they were okay with you being with them?

18 A. [9:59:15] Well look at the video, they asked me not to film them.

19 Q. [9:59:24] Mr Witness, what I have just read out to you, that before?

20 A. [9:59:29] Before what?

21 Q. [9:59:31] I will slow down for the interpreters. That was before you started to
22 film?

23 THE INTERPRETER: [9:59:35] Overlapping speakers

24 MS NAOURI: [9:59:38] (Interpretation)

25 Q. [9:59:39] Paragraph 10, you said:

1 "I began to film. One of the young people said not to film them."

2 So that was the chronological order. So first you met up --

3 A. [9:59:55] I was filming already.

4 Q. [9:59:57] So the video that we saw just now was not the entire video?

5 A. [10:00:01] It's the complete video.

6 Q. [10:00:02] On the video we don't hear this exchange that --

7 A. [10:00:07] Perhaps you didn't understand the language we were speaking. It
8 was in Dioula.

9 Q. [10:00:12] We know that.

10 A. [10:00:15] Someone said not to film.

11 Q. [10:00:17] Yes, we know that, we heard that, but on the video footage we do not
12 hear a young person saying that he was fighting to re-establish the authority of
13 Mr Ouattara. Either in French or in Dioula, we have analysed it. So either you
14 were with them other and you talked with them, or you heard what they said and
15 then you started filming, or you just were there when you were filming with them, so
16 40 seconds.

17 And you said that what you said to the OTP is the truth, so we are trying to
18 understand what really happened?

19 A. [10:00:57] But it is the truth, what I told you.

20 Q. [10:01:04] Very well. Did you have good relations with the young people from
21 the neighbourhood?

22 A. [10:01:27] What does that have to do with what we're doing here?

23 PRESIDING JUDGE TARFUSSER: [10:01:35] Mr Witness, may I say, you are here to
24 answer questions, not no pose questions. So please listen to the questions and then
25 answer the questions. It could be relevant, we don't know yet. Thank you.

1 THE WITNESS: [10:02:01] (Interpretation) Okay.

2 MS NAOURI: [10:02:05] (Interpretation)

3 Q. [10:02:07] So I shall put the question to you again. Did you have or entertain
4 good relations with the youth of the neighbourhood?

5 A. [10:02:12] I never had any problems with the young people of my
6 neighbourhood.

7 Q. [10:02:16] Did they listen to you?

8 A. [10:02:19] I think I've already answered that question, saying that I had no
9 problem with the young people from my neighbourhood.

10 Q. [10:02:27] That is not my question. My first question was whether you
11 entertained good relations. And my second is, do they listen to you?

12 A. [10:02:34] Listen to me how?

13 Q. [10:02:36] If you say something to them, do the young people listen, listen to
14 your advice, for example?

15 A. [10:02:48] Well, in view of the fact that I do not have any problems with them, I
16 think that were I to give them any advice they would follow it.

17 Q. [10:02:57] Very well. In your first statement to the OTP that we talked about
18 a great deal yesterday, and which was admitted into evidence, at paragraph 148, and
19 this is a lengthy paragraph so I shall not be quoting it in its entirety. But when you
20 talked about the pro-Ouattara young people you said as follows:

21 "They went to this (Redacted)

22 A. [10:03:53] I would like for us to move into private session, please, for that
23 question, because I would like to keep the identity of this gentleman truly confidential
24 because he is a gentleman for whom I have a great deal of respect.

25 Q. [10:04:09] Very well. So we shall request that the Chamber redacts the name

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

1 that I just requested.

2 PRESIDING JUDGE TARFUSSER: [10:04:17] Let's go in private session, please. We
3 will make the redactions and now we go into private session. And I would ask you
4 to read --

5 (Private session at 10.04 a.m.)

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session.

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session.

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session.

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session.

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session.

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

- 1 (Redacted)
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- 12 (Open session at 10.21 a.m.)
- 13 THE COURT OFFICER: [10:21:52] We are in open session.
- 14 MS NAOURI: [10:21:56] (Interpretation) Thank you, Mr President.
- 15 Q. [10:21:58] Now, Mr Witness, you said to us that the young people came from
- 16 Abobo, did you not?
- 17 A. [10:22:06] That's what they said.
- 18 Q. [10:22:08] That's what they said. So these young people who were armed came
- 19 from Abobo, these young people you described to us?
- 20 A. [10:22:27] Yes.
- 21 Q. [10:22:28] Very well. And which group did they belong to, the
- 22 Invisible Commando?
- 23 A. [10:22:36] I would not be able to answer that question because I wasn't part of
- 24 the group and I can't tell you whether they were members of the Invisible Commando
- 25 or not. I don't know.

1 Q. [10:22:49] In your statement you mention -- in both statements you talk about IB.
2 Now at paragraph 135 you say, more specifically talking of IB in your first statement
3 this is:
4 "IB is the shortened version of Ibrahim. He was part of the security detail for
5 Mr Ouattara ever since Mr Ouattara had been prime minister. He was maybe
6 a member of the commandos or paracommandos, but I don't know specifically. I
7 knew very well some of his supporters from the Latin quarter. One was called --"
8 and I shan't say the name because we're in open session.
9 So end of quote.

10 So you said to us that you knew the supporters of IB.

11 A. [10:25:00] Yes, I did indeed say that.

12 Q. [10:25:06] And you did not know these young people, they were not part or
13 members of the IB supporter group that you know?

14 A. [10:25:16] Well, I might know -- I'll give you an example. I might know
15 Maître Altit through the newspapers, but I might not know him personally. I might
16 know the IB supporters because they live in a neighbourhood that is close to ours, but
17 that doesn't mean to say that we entertain personal relations or, you know, or that we
18 have exchanges, as such.

19 Most of the young people who were members of the law enforcement would frequent
20 each other, and in view of the fact that these were people that we knew, either by
21 virtue of their profession or other, well there we go.

22 Well, as to say that I knew them personally, but I know who I'm talking about, and
23 I am not going to say the name because we are in open session. And I know why
24 I am saying that, because this was somebody who was in the Latin quarter that I
25 talked to you about earlier on the other side of the bridge, and his family are still there.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 These are people that I know like that, but there aren't any personal relations, as such.

2 Q. [10:26:34] Very well, but you were in the know as to the existence of the
3 Invisible Commando and the supporters?

4 A. [10:26:41] Not at all. When you say the existence of the Invisible Commando,
5 I don't know what you mean by that.

6 Q. [10:26:47] Well, as you said to us in your statement that you knew some of these
7 supporters very well, and you just explained to us that these were not necessarily
8 close relations.

9 A. [10:27:03] Yes.

10 Q. [10:27:03] But you knew that they were there, those supporters?

11 A. [10:27:07] Well, not as such as Invisible Commando as you are insinuating.

12 Q. [10:27:15] Very well. So which group did those young people belong to?

13 A. [10:27:24] I think I've already answered that question.

14 Q. [10:27:26] No, you said that they were not part of the Invisible Commando.
15 But were they part of another group?

16 A. [10:27:35] I do not know whether I knew any group. I didn't know any group.
17 During the post-election crisis we read in the newspapers that there were a number of
18 individuals who were members of armed groups, but we didn't know who belonged
19 to which group. So to say that I was in the know as to the existence of
20 such-and-such a group, then I say no.

21 Q. [10:28:04] Very well. Did you frequent them on that day? Who did they obey?

22 A. [10:28:15] Who?

23 Q. [10:28:16] The young people.

24 A. [10:28:16] The young people who were there?

25 THE INTERPRETER: [10:28:19] Too fast, Mr President, we need to ask them to

1 repeat, please.

2 PRESIDING JUDGE TARFUSSER: [10:28:23] Too fast. Too fast.

3 MS NAOURI: [10:28:44] (Interpretation)

4 Q. Thank you, Mr Witness.

5 Now let us come back somewhat to what happened on 31 March 2011. The young
6 people liberated the CRS. What can you tell us with regard to that attack?

7 A. [10:29:05] Well, you are asking me as if I took part. Well, as to what I know
8 about that attack I couldn't answer you because I was not there.

9 Q. [10:29:16] I understand that you did not take part in the attack, but you were in
10 the neighbourhood, you come from Williamsville.

11 And I shall request a redaction because we are in open session, do not be concerned.

12 So you were in the neighbourhood, there was an attack in the CRS camp in
13 Williamsville. You talked about it in the neighbourhood, did you not?

14 A. [10:29:50] What do you mean?

15 Q. [10:29:51] Did you not talk about it with your friends, your family?

16 A. [10:29:54] About what?

17 Q. [10:29:55] With regard to what happened on that day.

18 A. [10:29:56] With what happened on that day.

19 Q. [10:29:57] The liberation of the CRS, what you refer to as the liberation of the
20 CRS?

21 A. [10:30:05] That's not what you are saying. I don't think we're understanding
22 one another anymore.

23 Q. [10:30:25] I beg your pardon, a little built of a technical issue.

24 Now these young people that you filmed, they had just attacked the CRS camp
25 or -- were they about to attack or had they just attacked?

1 A. [10:30:46] I think that when we watched the video footage, if you listen carefully
2 you would have realised that those young people said that they had just liberated the
3 CRS and there were no longer any militiamen or pro-Gbagbo forces. So the
4 population who had lost some personal belongings that had been confiscated could
5 go back there and get their belongings back. I think that's what we established when
6 the video was played. And for you to say that I knew about, you're giving the
7 impression that I took part in the attack. So I don't think you should be putting such
8 a question to me.

9 Q. [10:31:34] Very well. Where did they go, the CRS people, because you said
10 everyone could go back to get their belongings?

11 A. [10:31:44] Who?

12 Q. [10:31:45] You said people could go and get their belongings. Where did the
13 CRS people go? They weren't there anymore?

14 A. [10:31:52] I don't know, I don't know where they went, because I didn't go
15 myself.

16 Q. [10:31:57] But you stayed in the neighbourhood?

17 A. [10:31:58] I stayed in the neighbourhood.

18 Q. [10:32:10] So the CRS people left everything behind them?

19 A. [10:32:14] You are trying to make out that I was there. I don't know. I don't
20 know if they left everything behind or if they took everything with them. I don't
21 know.

22 Q. [10:32:24] Were there deaths amongst the CRS?

23 A. [10:32:36] You want we to confirm that there were deaths or that there weren't
24 deaths. I think I would have had to be there or I would have had to have seen them
25 after. But I didn't go there so I can't tell you whether there were any deaths or not

1 amongst the CRS. I don't know. Or whether they fled, I have no idea.

2 Q. [10:33:07] Well, how long does it take to walk from Williamsville to Abobo?

3 A. [10:33:12] It depends which way you go.

4 Q. [10:33:16] Approximately?

5 A. [10:33:18] Maybe -- oh, I don't know. It would depend on how fast you walk so
6 I don't know. Someone who walks fast, another person might walk slow. I have
7 never walked there myself to Abobo so I couldn't tell.

8 Q. [10:33:38] You never went by foot, because it's easier to go by car?

9 A. [10:33:43] Well, there's various ways to go there. I never wend on foot.

10 Q. [10:33:50] And if many young people went from Abobo to Williamsville to
11 conduct an attack, how would they have gone?

12 A. [10:33:58] Well I think it would be better to ask the young people in question.
13 They could answer, they would be in a better position to answer.

14 Q. [10:34:04] Did the young people from Abobo go to Adjamé often?

15 A. [10:34:11] I don't know.

16 Q. [10:34:12] Do you have family there in Abobo?

17 A. [10:34:16] One might have family members there.

18 Q. [10:34:18] You say "we" or you say people in general?

19 MR GARCIA: [10:34:24] I object, your Honour. There has been a string of
20 questions which I don't see the relevance, and there is a lot of speculation asked of the
21 witness. But this question is irrelevant, unless Defence counsel can maybe clear up --

22 PRESIDING JUDGE TARFUSSER: [10:34:33] Can you not just say how far
23 Williamsville and Abobo are, about? In kilometres. We are going around
24 a question which could be answered easily, and it is now five minutes that we are on
25 the same, on the same place. How far, in kilometres, if not, in minutes, is one or the

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 other neighbourhood?

2 THE WITNESS: [10:35:18] (Interpretation) I couldn't tell you the exact distance in
3 kilometres from my home to Abobo. But between five and eight, maybe more,
4 because Abobo is a big place, it would depend on the place that you went to and it
5 would depend on the location you set off from.

6 PRESIDING JUDGE TARFUSSER: [10:35:38] Of course, we understand. I didn't
7 want it exactly, but approximately.

8 So please go ahead, Ms Naouri.

9 MS NAOURI: [10:35:45] (Interpretation) Thank you, your Honour.

10 Q. [10:35:51] At paragraph 11 of your second statement, Witness, you said that you
11 were in the habit of shooting footage like that, "Shooting footage of events that
12 interested me."

13 You didn't film anything else that might have occurred between 16 December 2010
14 and 31 March 2011?

15 A. [10:36:33] If you understand you mean during the post-election crisis?

16 Q. [10:36:39] Yes.

17 A. [10:36:40] Yes, actually I did film other events. But as I said earlier, my
18 telephone was reset so I lost some footage. That's all.

19 Q. [10:36:56] How many videos, approximately?

20 A. [10:37:02] Two or three. Two or three.

21 Q. [10:37:04] Very well. And what were the videos about, what events?

22 A. [10:37:10] I remember -- well, I don't remember the events very well, but I do
23 know there was the -- the shelling of camp Agban by the French army.

24 Q. [10:37:32] And what did you see that day?

25 A. [10:37:35] I don't know. Is it important?

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 Q. [10:37:43] Witness, the Presiding Judge has already told you not to provide
2 value judgments of the relevance of things. Just answer the question. By the
3 French?

4 A. [10:38:02] I think -- well, helicopters, helicopters belonging to the French army
5 that shot a missile at camp Agban.

6 Q. [10:38:18] Very well. And when was that?

7 A. [10:38:20] I don't remember exactly, the exact date. But I do know it was
8 practically during the same period.

9 Q. [10:38:26] Very well. Do you remember shooting footage of anything else?

10 A. [10:38:33] Those were the most important things that I shot. So there you have
11 it. That's all. Well -- well, one night I tried to shoot, but you couldn't see anything
12 so I didn't keep the footage.

13 Q. [10:38:53] And why didn't you put the video of the attack upon camp Agban by
14 the French forces on YouTube?

15 A. [10:39:11] I think I told you. The first video, I had an opportunity to get it back,
16 as I told you.

17 But the attack upon camp Agban by the French forces, why I didn't put it? Because
18 I didn't have a chance, we no longer had any electricity. There was an outage, we
19 weren't able to upload the what-do-you-ma-call-it? Well, there was no longer any
20 electricity, so we couldn't operate the computer, so I couldn't get the footage back.

21 THE INTERPRETER: [10:39:58] Microphone, please.

22 MS NAOURI: [10:40:01] (Interpretation)

23 Q. [10:40:03] What other events did you film?

24 A. [10:40:07] No, that's all.

25 Q. [10:40:09] Very well. Very well.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 Mr Witness, you met the OTP investigators how many times?

2 A. [10:41:01] I think I've already answered that question.

3 Q. [10:41:04] Very well. Did the investigators explain to you how they found your
4 videos on YouTube and on your Facebook account?

5 A. [10:41:19] I think they explained, but I no longer really remember exactly what
6 they said.

7 Q. [10:41:25] Very well. But the videos about 16 December, that we've spent quite
8 a bit of time discussing, were recovered by the OTP; isn't that so?

9 A. [10:41:42] Yes, they were recovered.

10 Q. [10:41:47] And you provided -- you did not provide any originals of the videos
11 to the OTP investigators regarding 16 December?

12 A. [10:41:59] Originals, I don't know what you mean.

13 Q. [10:42:02] The video footage that you filmed using your telephone, it's put on
14 some kind of media, maybe a USB stick or -- well, it doesn't matter, but the originals
15 were never provided to the OTP?

16 A. [10:42:21] I did not give them the computer or my phone because, as I said, I
17 saved one copy on a computer, I forget which one. When I was synchronising some
18 videos were already on the computer and, when they asked me, I went with the
19 computer and they were able to recover -- well the video, that was the only video that
20 they were able to recover from the computer, the others were taken off of Facebook.

21 Q. [10:42:59] Now, how did the OTP investigators contact you?

22 A. [10:43:08] Well, according to what they told me, on the basis of the videos that
23 were on -- well, on Facebook, they were able to locate the place where the footage was
24 shot, and then they came to that place and asked around and were able to find my
25 (Redacted) And I think one of them approached -- I don't know whether -- it might

1 have been one of my brothers, and asked for the name. And he left his contact
2 information (Redacted) and asked that I try to contact him. So when I came back,
3 well there you have it.

4 Q. [10:44:11] Do you know whether that discussion was recorded?

5 A. [10:44:19] I didn't really pay any attention to that, whether or not the
6 conversation was recorded, and I didn't try to find out.

7 Q. [10:44:31] Very well. But no one informed you that conversation might be
8 recorded?

9 A. [10:44:36] No, no one.

10 Q. [10:44:39] Did you have a preliminary meeting with the OTP investigators
11 before they took your statement?

12 A. [10:44:46] A preliminary meeting, what do you mean?

13 Q. [10:44:51] Once -- did they start to take notes immediately or did you have kind
14 of a courtesy meeting before they took your statement?

15 A. [10:45:03] If I recall correctly it was over the telephone. That's when they
16 explained to me that they would like to meet with me so that we could talk about the
17 video footage that I had put on Facebook.

18 Q. [10:45:22] Very well. Now yesterday you told us, and I quote, and I will quote,
19 page 67, line 20 to page 68, line 17. And I quote. You said that you -- rather, I asked
20 you:

21 "You took the video off." And then I said: "How did you go about doing that?"

22 And you said:

23 "Well, those are technical things. You have to go into the account and see what
24 needs to be taken off, and that is what I did."

25 "Question: Explain to us."

1 And your answer was this:

2 "I don't think it's really necessary to explain it. There are Facebook parameters and
3 you go to parameters and there -- I'm sorry, there's a few typos. Then you change
4 the settings so not everyone has access to your videos and photographs.

5 "Question: So you only deleted those things off of Facebook?"

6 And your answer was: "I believe I just deleted them off of Facebook. As for the
7 rest I don't know. The other YouTube accounts I never used. I never used them.

8 "Question: Well, why was it that the videos are no longer to be found on YouTube
9 anymore?"

10 You answered and you said:

11 "Well, I do -- I don't really know about YouTube. I don't remember. I don't really
12 remember about YouTube. But as for Facebook, I'm quite sure I went into
13 parameters and I followed the instructions."

14 Do you remember this exchange?

15 A. [10:47:29] Yes.

16 Q. [10:47:29] Yesterday you said that you took the videos off of Facebook all by
17 yourself, correct?

18 A. [10:47:37] Upon advice.

19 Q. [10:47:38] We have a document actually that was disclosed yesterday by the
20 OTP, CIV-OTP-0093-0233-R01.

21 And this is an investigator's report dated yesterday, 3 October 2016. And in this
22 report we find an explanation from the investigators that they helped you remove the
23 video. As the document is in English, I can't quote it extensively, but I will mention
24 a few points from this report which is to be found on eCourt. The Chamber shall
25 oversee this exercise.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 My question is: Were you helped by the OTP in this regard and, if so, when?

2 A. [10:48:56] When I answered the question that you put to me yesterday I said, yes,
3 it was upon advice. I received advice. And I followed the instructions to remove
4 the video.

5 So that was a way -- well, I didn't want to go into all the details, that's why I said it
6 that way.

7 Indeed, as I said, I confirm. I don't remember about YouTube, but for Facebook it
8 was thanks to the invaluable advice that I received that I was able to take the
9 necessary security measures so that the video would not be viewed anymore.

10 Q. [10:49:43] Did you meet with the OTP investigators specially to talk about
11 deleting the videos? Do you remember?

12 A. [10:49:56] I do know that during this said meeting I was advised to follow
13 certain parameters and remove the videos, and that the videos should not be visible
14 to all and sundry. That the videos could stay on the account but not everyone would
15 be able to view them. So they explained how to go about doing that, I remember
16 that. But exactly how I don't know, I no longer recall.

17 Q. [10:50:40] Very well. Now if we look at point 5 we see that the videos were
18 made private on your YouTube channel, so the investigators had access to your
19 YouTube account on 5 July 2015. And your YouTube account still exists?

20 A. [10:51:03] I think it still must exist but, as I said before, I don't really use it. It's
21 an account that I don't use.

22 Q. [10:51:10] Very well. Did the investigators explain to you why they thought it
23 was prudent for you to take the videos off?

24 A. [10:51:20] Yes. If I could try to remember exactly, they said it was as a security
25 precaution. Just as they were able to trace back to me, other people would be able to

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 use those videos to trace back to me. So as a safety precaution I had to change the
2 parameters so other people would not have access. So I think that's what they said
3 to me.

4 Q. [10:51:54] In the report I just quoted from the investigators explained that it had
5 to do with disclosure of the videos to the Defence.

6 A. [10:52:07] I don't really understand.

7 Q. [10:52:09] The investigator said in the report that since your videos were going
8 to be disclosed to the Defence, that is to say to us, that is why security measures had
9 to be taken. Did they say that to you, do you remember?

10 A. [10:52:29] Yes, yes, I remember that, since because if you can see them, you see,
11 maybe other people could also see them. And since they have an obligation to have
12 you view the videos, I think that that's how it was explained to me.

13 Q. [10:52:45] They didn't inform to you that there are certain protocols that keep
14 the Defence from contacting Prosecution witnesses?

15 A. [10:52:54] Well, there were so many things, I can't remember everything.
16 I don't know.

17 Q. [10:53:01] Did you know that your identity and your statement of 31 May *2015
18 and 7 July 2015 would be disclosed to the Defence?

19 A. [10:53:17] They explained to me that those statements could, yes, be disclosed to
20 the Defence, since the two parties have to be on an equal playing field when it comes
21 to information.

22 Q. [10:53:35] Exactly. But if you take the videos off we can't investigate. Let me
23 finish. Did you disagree, you didn't want the Defence to have access to the videos?

24 MR GARCIA: [10:53:51] I object, your Honour.

25 PRESIDING JUDGE TARFUSSER: [10:53:54] Mr Garcia.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 MR GARCIA: [10:53:55] First of all, it's a compound question. And this is
2 something that Defence counsel does often, is start off the question with a comment.
3 I don't think that should be permitted in questioning.
4 Second of all, I don't see the relevance of the question.
5 The third point I would like to make at this point is that a lot has been stated by
6 Defence counsel regarding the manner in which this witness removed or changed the
7 security setting regarding Facebook and the YouTube account. Actually, we have
8 spent at least 15 or 20 minutes on this matter.
9 And this is why the Prosecution disclosed this investigator's report, which reprises an
10 investigator's report that had been taken on Sunday, 5 July -- 7 July, actually. So this
11 had already been in the Prosecution's bank and we over -- looked it over yesterday
12 and obviously disclosed it to the Defence since the issue became live.
13 My submission in this regard is, given all the questioning on it, it would only be fair
14 and be actually I think quite helpful for the Court to understand the matter even in its
15 most fullest, since a lot of questions has been posed on it, is that the investigator's
16 report CIV-OTP-0093-0233 be part of the record. Actually, it has all of the -- it details
17 in full, your Honours, the conversations and how OTP liaised with this witness and
18 what this witness did indeed to change the privacy settings. And I think that would
19 clear up the matter.

20 PRESIDING JUDGE TARFUSSER: [10:55:26] It is part of the record now, because it
21 was used for questioning the witness, so it is part of the record.

22 MS NAOURI: [10:55:32] (Interpretation) Yes, that was my first point. It is already
23 part.

24 But this October 2016 report means that this was drafted subsequent to the Defence
25 questions and the OTP wanted to get their version on the record. That's fine. We

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 have the witness here who is the person in question and I think we're entitled to look
2 at these two versions and -- well, really this witness's testimony is all about the videos.
3 What is more, there are protocols, a Defence team cannot contact a Prosecution
4 witness without -- and must respect the protocol. But the Defence must conduct its
5 enquiries. But if a video disappears, how can we do our investigation? This is
6 a way of the Prosecution hiding the source of their video footage. The video footage
7 about the women's march was hidden from us for three years, and yet we have
8 a duty.

9 PRESIDING JUDGE TARFUSSER: [10:56:49] Madam Naouri, please go ahead. But
10 just be aware that the witness is not an IT technician, so.

11 MS NAOURI: [10:56:57] (Interpretation) Yes, I am aware of that. But it's the
12 approach being taken.

13 PRESIDING JUDGE TARFUSSER: [10:57:02] Yes, and the technicians probably are
14 those who advised him. And now it's 11 o'clock.

15 MS NAOURI: [10:57:11] (Interpretation) Yes, yes, exactly, about the technical side of
16 things.

17 I have 4 minutes left, and if we -- could we have the break now and, if you so desire,
18 10 minutes after the break? Could I have another 10 minutes?

19 PRESIDING JUDGE TARFUSSER: [10:57:28] Yes, of course you can have 10 minutes
20 after the break.

21 MR GARCIA: [10:57:32] Your Honour.

22 PRESIDING JUDGE TARFUSSER: [10:57:33] Mr Garcia.

23 MR GARCIA: [10:57:34] If I may, the record needs to be set straight on certain
24 statements from the Defence counsel. Actually what Defence counsel has stated
25 regarding this investigator's report is incorrect. You can read the investigator's

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 report, the Chamber can read it.

2 What has happened, your Honour, is not that we wrote -- we didn't right or draft this
3 investigator's response in consequence, or in consequence of what happened here in
4 court yesterday. This report already existed. It existed since July 2015 when
5 investigators communicated with the witness and explained to him how he needed to
6 change, change the accesses on YouTube and Facebook to keep his privacy. So that's
7 one thing that's very important for the record.

8 But since this report was on purely security-related matters, at the time we deemed
9 that it wasn't disclosable. Obviously, the question of disclosability of a document is
10 a question that evolves through time. During the trial and with the Defence
11 counsels' witnesses this has become a live issue. So despite the security question or
12 the security issues attached to this document, we found it necessary to disclose it to
13 the Defence so the Defence could be apprised of the information in the investigator's
14 report and could lead the cross-examination in full knowledge of the situation.
15 So when Defence counsel says that we drafted this in response, that's incorrect. You
16 can read it on the investigator's report, it's there, it's something that existed since
17 July 2015.

18 PRESIDING JUDGE TARFUSSER: Thank you. Now we break.

19 MS NAOURI: [10:59:11] (Interpretation) Just before the break, I have 30 seconds and,
20 as you know, we asked before the trial commenced that the Prosecution disclose
21 everything that he had under Rule 77. And he said that he had gone through his
22 database and that he had nothing further to disclose to us, and every time we find
23 that there is something further to be disclosed. And that must be said for the record.

24 PRESIDING JUDGE TARFUSSER: [10:59:35] It is not part of the questioning of the
25 witness, but it is a discussion, a further discussion on the relevance and all the values

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 of this witness. It is not part of his questioning.

2 So we close it here, we come back in half an hour to finish, for the finishing of the
3 questioning by the Mr Gbagbo Defence, and be then we start with the Blé Goudé
4 Defence.

5 Thank you.

6 (Recess taken at 11.00 a.m.)

7 (Upon resuming in open session at 11.33 a.m.)

8 THE COURT USHER: [11:33:01] All rise.

9 Please be seated.

10 PRESIDING JUDGE TARFUSSER: [11:33:18] Good morning once again.

11 Madam Naouri.

12 MS NAOURI: [11:33:30] (Interpretation) Thank you, Mr President.

13 Q. [11:33:32] Mr Witness, did you have a good rest?

14 A. [11:33:35] I'm okay.

15 Q. [11:33:36] All right. Okay.

16 So with regard to the exchanges that we had before we took the break, let us revisit
17 them, you will recall that there was a technical meeting between yourself and the
18 representatives of the OTP outside of the meetings that were held in order to take
19 your statement.

20 A. [11:34:15] I don't really know what you're saying. I don't understand.

21 Q. [11:34:18] Very well. I shall rephrase. Do you recall that there was a meeting
22 that you had with investigators from the OTP, during which you were just concerned
23 with technical issues to do with your YouTube and Facebook accounts?

24 A. [11:34:41] What I do know and what I do recall is that each time that the
25 investigators met with me, it was done on the basis of an appointment; as to say that

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 there was time put aside uniquely for technical issues, I do not recall.

2 Q. [11:35:10] Very well. And where did those meetings take place?

3 A. [11:35:15] In locations that they would indicate to me. I'm trying to, to
4 remember them.

5 Q. [11:35:22] Very well. So the investigators from the OTP tell us that they met
6 with you on 5 July with regard to taking off your videos from the internet or
7 removing them. Do you recall whether on that day the OTP had already informed
8 you that your statements and videos had already been disclosed to the Defence or not,
9 notably on 26 June 2015?

10 MR GARCIA: [11:36:07] Just maybe to clear up things for Defence counsel, it is the
11 investigators' report said that the investigators assisted the witness. It does not
12 make mention of a specific meeting. It is just to help you, not to confuse the witness
13 in any which way. I would suggest the line of questioning of maybe asking the
14 witness how this communication was done, if that is of any importance to the
15 Defence.

16 PRESIDING JUDGE TARFUSSER: [11:36:39] Madam Naouri.

17 MS NAOURI: [11:36:40] (Interpretation) I'm going to take your comment into
18 account. Nevertheless, it is written that AH, who is an investigator, met with the
19 witness, and that in addition they followed the instruction that is were given to them
20 by FMcM over the telephone. So there was a meeting.

21 MR GARCIA: [11:37:10] I would like to also remind the Defence that at the start of
22 the investigators' report it says "assisted" as well just not to mislead the witness and
23 so that things can be clear on the record.

24 PRESIDING JUDGE TARFUSSER: [11:37:19] But excuse me, can we not ask the
25 witness if he was met or he was assisted by any other means? That's it.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 MS NAOURI: [11:37:27] (Interpretation) Yes, Mr President, that was the question
2 that was put to the --

3 PRESIDING JUDGE TARFUSSER: [11:37:32] Always, always considering the
4 relevance of this question, which I don't know, but please go ahead.

5 MS NAOURI: [11:37:47] (Interpretation)

6 Q. [11:37:47] Mr Witness, do you remember having met with investigators from the
7 Office of the Prosecutor with a view to assisting you in deleting your videos from
8 YouTube or from internet, generally speaking?

9 A. [11:38:05] I do recall having met with the investigators with the aim of applying
10 parameters and limiting the access to my videos and my photographs. There we
11 have it.

12 Q. [11:38:27] And during that meeting that you recall, did the investigators tell you
13 that your statement and the videos had already been disclosed to the Defence?

14 A. [11:38:42] I do not recall.

15 Q. [11:38:45] Very well. So, Mr Witness, you told us that you work as an
16 executive assistant?

17 A. [11:38:58] That is correct.

18 Q. [11:38:58] What does that mean?

19 A. [11:39:00] I think I already explained that yesterday.

20 Q. [11:39:02] No.

21 MR GARCIA: [11:39:03] I object, your Honour, to the relevance of that question at
22 this stage of the cross-examination.

23 PRESIDING JUDGE TARFUSSER: [11:39:07] Can we have the relevance of the
24 private, what he is doing now?

25 MR ALTIT: [11:39:13] (Interpretation) Mr President, with your leave, I shall

1 intervene at this point for a second. There is nothing more relevant than ascertaining
2 who the individual is, what they do, with a view to judging the plausibility and
3 credibility of their account. It is absolutely indispensable to know what the person is
4 doing today and what they were doing at the time, because the answers to these
5 questions will lead to the plausibility and assessment that we and your Chamber will
6 conduct as to the responses to those issues that were raised yesterday and today.

7 MR GARCIA: [11:40:04] If I may, your Honour. We are three hours and a half into
8 this, approximately three hours and a half into this cross-examination. That line of
9 questioning was already broached with the witness at the start of the
10 cross-examination, if I recall correctly. The witness already informed
11 Defence counsel of his prior employment.

12 We're late in the game. I don't see the relevance at this point. And Maître Altit has
13 not explained to us how one is connected to the other.

14 The witness is here to explain how he took a video, several videos on
15 16 September 2010 of events that were happening near him, at his view. Now I
16 would like to know from Defence counsel how what his job or what the particulars of
17 his job or employment at the time is relevant to that issue. I don't see any.

18 MS NAOURI: [11:40:54] (Interpretation) Mr President, the consequence of these
19 questions put by the Defence is that the statement has been admitted in its entirety.
20 We repeat, it has been admitted, which means that the Defence has the right to revisit
21 what is contained therein in order to mount its defence. It is not these things put
22 forward by the OTP that can be considered sufficient.

23 What we can draw from the information requested -- we should really ask the witness
24 to leave -- and this would be revealing the Defence strategy in part.

25 Now, as we said yesterday, the Prosecution often requests information with regard to

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 the people that he calls to testify and it is not, as such, that we cannot revisit those
2 questions. And if as the Prosecutor says we need to assess the value and relevance of
3 the videos, we need to be in a position to know who this person is. This is
4 primordial and it is not up to the OTP to reduce the scope of those questions that it
5 considers to be relevant when put by the non-calling party. And as we saw today
6 this witness can tell us very interesting things about other elements to do with the
7 post-election crisis.

8 PRESIDING JUDGE TARFUSSER: [11:42:31] I think you should really make it brief
9 because he already said what he did, what he is doing. You should be also, be very
10 much aware that if there is something that can reveal or would reveal something
11 more, he wants to go into private session, but I think that the relevance is not, not
12 easy to understand, I must say. Thank you. So please make sure --

13 MS NAOURI: [11:43:14] (Interpretation) Thank you, Mr President.

14 Q. [11:43:15] Now, Mr Witness, can you explain to us what your job of executive
15 assistant involves?

16 A. [11:43:31] At the risk of repeating myself, I told you that I work in close
17 cooperation with my boss, and I am in charge of supplies, of orders, and I also am in
18 charge of accountancy, so that's what I can say, generally speaking.

19 Q. [11:43:59] And what does the company you work for do?

20 MR GARCIA: [11:44:05] I'm going to object, your Honour, to the relevance again.

21 PRESIDING JUDGE TARFUSSER: Generally speaking, very generally speaking,
22 without naming and just in which area the company is operating. And if you want,
23 we go in private session.

24 Let's go into private session.

25 (Private session at 11.44 a.m.)

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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- 13 (Open session at 11.47 a.m.)
- 14 THE COURT OFFICER: [11:47:43] We're in open session, your Honour.
- 15 PRESIDING JUDGE TARFUSSER: [11:47:48] Madam Naouri.
- 16 MS NAOURI: [11:47:51] (Interpretation) Thank you very much, Mr President.
- 17 Q. [11:47:55] Now, Mr Witness, last question. From the images that we have seen,
- 18 these images, did you film them all with one and the same telephone?
- 19 A. [11:48:06] That question was already answered yesterday.
- 20 Q. [11:48:11] Please answer the question.
- 21 PRESIDING JUDGE TARFUSSER: [11:48:13] Instead of questioning the question,
- 22 just answer. It's not to you, also if you answer twice the same question, it doesn't
- 23 matter, don't say that you have answered it already. Just answer the question.
- 24 Please, Madam Naouri.
- 25 MS NAOURI: [11:48:38] (Interpretation) Thank you, Mr President.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

- 1 Q. [11:48:40] Could you please answer my question, Mr Witness?
- 2 A. [11:48:43] Yes.
- 3 Q. [11:48:45] And do you still have that telephone?
- 4 A. [11:48:49] I still have that telephone.
- 5 Q. [11:48:54] Did you suggest that you hand that telephone over to the OTP?
- 6 A. [11:48:58] The telephone is currently with the OTP.
- 7 Q. [11:49:02] It is no longer in your possession then?
- 8 A. [11:49:05] When I arrived I was advised to give the telephone to them and that's
- 9 what I did.
- 10 Q. [11:49:14] Very well. And you are the person who bought that telephone, are
- 11 you?
- 12 A. [11:49:17] Yes.
- 13 Q. [11:49:17] And how did you go about buying that telephone?
- 14 A. [11:49:21] How did I buy it?
- 15 Q. [11:49:22] Yes.
- 16 A. [11:49:23] Well, you buy a telephone with money.
- 17 Q. [11:49:25] Yes. And how much did you pay for that telephone?
- 18 A. [11:49:30] I do not know --
- 19 MR GARCIA: [11:49:32] I object, your Honour, the relevance of all these questions.
- 20 MS NAOURI: [11:49:34] (Interpretation) I have to ask the witness to leave if I'm
- 21 going to answer with regard to the relevance to this question. And over the last two
- 22 days we have talked about the images that were filmed with this telephone. It is
- 23 important for us to know how this telephone came to be in the hands of the witness
- 24 and what this telephone is and what became of it. That is called a chain of custody.
- 25 MR GARCIA: [11:50:02] I think there may be some confusion as to what the chain of

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 custody actually is.

2 PRESIDING JUDGE TARFUSSER: No.

3 MR GARCIA: I am not sure that relates to it. The question that Defence counsel is
4 asking, in my opinion, is irrelevant at this stage.

5 PRESIDING JUDGE TARFUSSER: [11:50:15] Let please the witness -- bring the
6 witness, please leave the court.

7 Mr court usher, please.

8 (The witness stands down)

9 PRESIDING JUDGE TARFUSSER: [11:50:41] Madam Naouri, could you please
10 speak with the Chamber. I really don't understand how the cost of a telephone can
11 be relevant to this, to this case. And I mean also in Côte d'Ivoire I think one can buy
12 a telephone in a store.

13 MS NAOURI: [11:51:03] (Interpretation) Yes, Mr President, it can be bought in
14 a shop, just as it could be brought in the street or at the market. Sometimes there are
15 invoices, sometimes there are not. And on occasion these telephones are lent to
16 people and retrieved afterwards.
17 Telephones in Côte d'Ivoire, as you just mentioned the important point yourself, it
18 doesn't always unfold as it does here. And I would go on to add that an iPhone 3 in
19 Côte d'Ivoire is very expensive. The witness can't remember how much he paid for
20 this very expensive telephone. It is an investment for him and he should have been
21 able to remember.

22 PRESIDING JUDGE TARFUSSER: [11:51:45] And how does this impact, excuse me,
23 also if you don't buy it in the store, but you buy it on the street?

24 MS NAOURI: [11:51:56] (Interpretation) It might have been that somebody gave him
25 the telephone. He might not have bought it and that is an avenue that we are

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 allowed to explore.

2 PRESIDING JUDGE TARFUSSER: [11:52:06] I still do not see the impact on --

3 MS NAOURI: [11:52:12] (Interpretation) Maybe he did not film those images.

4 Maybe somebody gave him the telephone. And if he does not remember where he
5 bought it, how much he paid for it, it might be a sign for our investigation that he did
6 not film the images. It might not be his telephone. Somebody might have handed
7 it over to him. And that is why we are putting these questions to him and we are
8 revealing our entire strategy to the OTP.

9 MR GARCIA: [11:52:36] Your Honour, with all due respect, I don't think that's
10 a very mysterious line of questioning.

11 PRESIDING JUDGE TARFUSSER: [11:52:39] This was not.

12 MR GARCIA: [11:52:40] With all due respect, I am not sure there was nothing very
13 incredible about that line of questioning. I still don't see the relevance. And I am
14 not even sure this line of questioning would actually lead to anything interesting for
15 the parties or the Chamber. The witness has already stated -- and Defence counsel
16 can obviously ask the question where he bought it from, but the relevance is
17 extremely minimal in this situation, your Honour.

18 PRESIDING JUDGE TARFUSSER: [11:53:04] Let's go call the witness back in. And
19 the questions are admitted with a question, answer, question, answer, without
20 comments.

21 (The witness enters the courtroom)

22 MS NAOURI: [11:53:42] (Interpretation)

23 Q. Hello again, Mr Witness.

24 A. [11:53:45] Hello again.

25 Q. [11:53:46] Where did you buy your telephone?

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 A. [11:53:50] I bought it in Abidjan.

2 Q. [11:53:55] And where in Abidjan?

3 A. [11:53:58] I bought it from those who sell second-hand telephones.

4 Q. [11:54:08] Very well. Do you have an invoice?

5 A. [11:54:10] No, generally speaking in such cases there are no invoices.

6 Q. [11:54:17] Very well. Thank you, Mr Witness. This is the end of my
7 questioning and this marks the conclusion of the questioning by the Defence team for
8 Mr Laurent Gbagbo. Thank you.

9 MR GARCIA: [11:54:30] One more, one more thing, Your Honour.

10 PRESIDING JUDGE TARFUSSER: [11:54:32] Thank you very much.
11 Pardon?

12 MR GARCIA: [11:54:33] If I may, there is one thing, actually it is quite important. I
13 understand that at one point Defence counsel made some submissions, and that is
14 page 18, line 18 to page 19, line 6. And this was following questions on I think
15 a clarification that a witness brought to his statement, I think the name of a person
16 and the ethnicity of this person. I understand the Defence counsel at that point
17 raised before the Chamber the fact that in the future there might be a possibility of
18 a filing or submissions regarding the admission of this statement into evidence.
19 Now, your Honour, just so that it appear on the record, and I want this to be clear, the
20 witness is here in court. Defence team, I see that Maître Altit is there, I see that Maître
21 Naouri who conducted the cross-examination is there. If anything needs to be
22 explored, it should be done at this point, not when the witness has left.

23 PRESIDING JUDGE TARFUSSER: [11:55:30] No, of course. This was a very normal
24 and clear thing that the witness comes here and clarifies things he has stated. So I
25 would not go into this. And I would just ask now the Defence for Mr Blé Goudé to

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 start his questioning.

2 Just before doing this, I ask the court officer to give for the record the registration
3 number for the document the witness himself signed on the screenshot I mean, where
4 the roadblocks are. Please.

5 THE COURT OFFICER: [11:56:16] Thank you, your Honour. A screenshot taken at
6 45 seconds of the video, CIV-OTP-0084-0188_R01 will bear the number
7 CIV-REG-0001-0018. The image has been uploaded in eCourt.

8 PRESIDING JUDGE TARFUSSER: [11:56:51] Thank you very much. Now, sorry
9 for this, Mr Knoops.

10 MR KNOOPS: [11:56:55] Thank you. Good morning.

11 The examination of the team of Mr Blé Goudé will conduct less than half an hour.

12 PRESIDING JUDGE TARFUSSER: [11:57:11] Thank you.

13 QUESTIONED BY MR KNOOPS: [11:57:13]

14 Q. Mr Witness, good morning. My name is Maître Knoops. I am a lawyer of the
15 Bar of the Royal King of the Netherlands. I will ask you some questions on just one
16 topic which has not been addressed before this Court, after which my colleague
17 Maître N'Dry will pose several additional questions to you.

18 The topic I would like to discuss with you, Mr Witness, this morning relates to the
19 attack on the camp Agban.

20 You have described in your deposition an attack on camp Agban in the middle of
21 March 2011. My first question regarding this topic relates to your statement to the
22 Office of the Prosecution, paragraph 134, where you say that at a certain point in time
23 the forces of Ouattara arrived Abidjan and IB with his rebels were about to attack
24 Agban. The name IB, you refer to the person with the name Ibrahim.

25 My first question to this attack is whether you yourself saw this attack?

1 A. [11:59:23] Good morning, Counsel.

2 With regard to the attack on that day, we were attracted by -- our attention was
3 drawn by the gunfire and when the -- there was gunfire, we wanted to ascertain what
4 was going on, because for some time we had been holed up at (Redacted) and it was
5 subsequent to that attack that there was no longer any electricity.

6 So as we said, we went onto the balcony in order to try and see what was going on
7 and understand what was going on, and it was at the moment that we saw vehicles,
8 military vehicles with soldiers in them approaching Agban camp. There we have it.
9 This is the gunfire that drew our attention and we went to see what was going on.

10 Q. [12:00:24] Thank you. So your question is affirmative, you did see the attack?

11 A. [12:00:31] Not at the beginning. When we heard the noises we went out to see
12 what was happening, and we went to the balcony for that purpose.

13 Q. [12:00:49] During this attack, was your position the balcony, and did you stay on
14 the balcony or did you leave in any point in time the balcony to go more close by this
15 attack?

16 A. [12:01:13] When we heard the noises, the explosions, we went out to the balcony
17 to see what was happening. It was around 7 p.m., 7.30 p.m., so because we were
18 afraid of the gunfire, we left the balcony and we did not go out to go closer to the
19 gunshots.

20 Q. [12:01:53] You knew certain of these rebels or partisans, you mentioned them in
21 your statement, didn't you? Partisans of IB, you knew them; is that correct?

22 A. [12:02:16] We mentioned it there because the day following the attack, at about
23 9 a.m., 9.30 in the morning, there were people carrying weapons down there, that is at
24 the level of the bridge that we saw on the footage. We did not go there personally,
25 but there were young people from the neighbourhood who approached those people.

1 They asked them who they were, and they said they were the supporters of IB, and
2 they had been trying to attack the Agban camp. That's how we knew that these were
3 IB's men.

4 Q. [12:03:18] But you personally knew some of these individuals who participated
5 in this attack?

6 A. [12:03:28] No, personally I do not know the people who took part in those
7 attacks.

8 Q. [12:03:41] In your deposition to the Office of the Prosecution, paragraph 135,
9 you say: (Interpretation) "I knew some of his supporters very well, of the quartier
10 Latin." (Speaks English) And you mentioned one of these individuals in your
11 statement. So when you give your deposition to the Office of the Prosecution, you
12 did say that you knew some of these partisans quite well.

13 How many of them did you know quite well who participated in this attack,
14 approximately?

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0578

(Private Session)

ICC-02/11-01/15

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3 (Open session at 12.21 p.m.)

4 THE COURT OFFICER: [12:21:40] We are in open session.

5 MR N'DRY: [12:21:44] (Interpretation) Much obliged, Mr President.

6 QUESTIONED BY MR N'DRY:

7 Q. [12:21:49] Good morning, Mr Witness.

8 A. [12:21:51] Good morning.

9 Q. [12:21:53] I am Maître N'Dry Claver, lawyer at the Côte d'Ivoire bar. I will
10 have to put you some questions for a maximum of 10 minutes. So I would like you
11 to be very concise and precise in your answers to my questions.

12 A. [12:22:18] Thank you.

13 Q. [12:22:19] Let us go back to the videos. Do you confirm your statement that in
14 the manner of which the video footage on YouTube was taken and that the titles came
15 from you, do you confirm that?

16 A. [12:22:51] Yes.

17 Q. [12:22:52] Let us limit ourselves exclusively to the videos and not any comments
18 outside of that. Let us limit ourselves to what we see on the video footage. Do you
19 still remember the various videos that were played by the team, the Defence team of
20 Mr Laurent Gbagbo?

21 A. [12:23:21] Yes, I remember them.

22 Q. [12:23:23] Very well. I will play a single video to you and then we will proceed
23 from there.

24 Can we have the assistance of the Registry, please. The video is CIV-OTP-0084-0177.

25 And I would like the entire video to be played.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 THE COURT OFFICER: [12:24:09] Maître N'Dry, just to let you know that when the
2 video is played from our position, you will have no sound.

3 MR N'DRY: [12:24:20] (Interpretation) I was asking whether you could assist us on
4 this side.

5 THE COURT OFFICER: [12:24:48] Maître N'Dry.
6 (Viewing of the video excerpt)

7 MR N'DRY: [12:26:30] (Interpretation)

8 Q. [12:26:32] Mr Witness, you have seen this video, have you watched it closely?

9 A. [12:26:40] Yes.

10 Q. [12:26:40] Very well. The title that you gave this video when you posted it on
11 YouTube is "Firing at civilians, empty-handed civilians."

12 I would like us to limit ourselves to the video only. Is it possible for you to see on
13 this video shots being fired at civilians? Is that visible on this video?

14 A. In answer to your question --

15 Q. Non, non, non, excusez-moi.

16 MR GARCIA: [12:27:38] Objection, Monsieur le Président. The witness is
17 answering the question. He can't cut off the witness while he is doing so.

18 PRESIDING JUDGE TARFUSSER: [12:27:44] Can you please reply to, respond to
19 this question?

20 MR N'DRY: [12:27:52] (Interpretation) Mr President, before he answers the question,
21 I would like to state to this Chamber that the Prosecutor had the time to question the
22 witness. At the beginning I said I would use 10 minutes maximum, and I wanted
23 him to be concise.

24 I am sorry, let me clarify, Mr President. I asked him, when we look at this video
25 footage, is it possible to see, actually see gunshots fired at civilians? If it goes beyond

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 that, then he is not answering my question. I simply wanted him to answer the
2 question that I am putting to him.

3 PRESIDING JUDGE TARFUSSER: [12:28:48] I request from the Prosecutor not to
4 stand up, to interrupt.

5 I would ask the witness to respond to this precise question put by Maître N'Dry.

6 MR N'DRY: [12:29:16] (Interpretation)

7 Q. Mr Witness --

8 PRESIDING JUDGE TARFUSSER: [12:29:21] No. I just asked him to respond to
9 this question. I didn't hear any response. I can't read it because the transcript is not
10 there, so I look at him. Did you understand the question put by Mr N'Dry, by
11 Maître N'Dry?

12 THE WITNESS: [12:29:41] (Interpretation) Yes, I fully understood the question.

13 PRESIDING JUDGE TARFUSSER: [12:29:47] Can you now please give an answer to
14 this precise question.

15 THE WITNESS: [12:29:57] (Interpretation) That is what I was doing when I was
16 interrupted by Maître N'Dry.

17 PRESIDING JUDGE TARFUSSER: [12:30:04] Don't question, just do it.

18 THE WITNESS: [12:30:17] (Interpretation) On this video, in view of the fact that I
19 was the one who filmed it, I know only too well that it was upon civilians that people
20 were firing.

21 PRESIDING JUDGE TARFUSSER: [12:30:34] But this was not the question. The
22 question was more precise, and if I'm not mistaken, do you see firing on civilians on
23 the video?

24 THE WITNESS: [12:30:48] (Interpretation) I think you can hear the gunshot,
25 automatic gunfire very well, and I think I was the one who made the video, and I

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 know what conclusion to draw. So even if it is not possible to see it on the video ...

2 PRESIDING JUDGE TARFUSSER: [12:31:21] Okay. Maître N'Dry, please continue.

3 MR N'DRY: [12:31:29] (Interpretation)

4 Q. If I understand you correctly, you said, well, correct me if I am wrong, you said
5 that the gunfire upon the civilians is not, it is not possible to see it on the video, is it?

6 A. [12:31:50] That is what I said.

7 Q. [12:31:54] When you upload onto YouTube this video, when you see only too
8 well that this video does not show shooting at civilians, and when you are the only
9 person who is in a position to know this, what were you aiming to do at that moment
10 in time?

11 A. [12:32:28] I do not understand your question.

12 Q. [12:32:32] I shall be more specific. You have just told me and you said to the
13 Court that when watching the video, we do not see the gunfire aimed at civilians, it is
14 not possible to see it on the video. And when you entitle your video, "Gunfire on
15 civilians, empty-handed civilians," what were you aiming to do? Because the title
16 that you give it is, means that -- it describes something that is not visible on the video.

17 PRESIDING JUDGE TARFUSSER: [12:33:19] No. Why did you give this title?
18 would be the question.

19 THE WITNESS: [12:33:26] (Interpretation) I'm going to answer the
20 Presiding Judge's question as to why I gave it this title, specifically with regard to
21 what we saw, whilst we were filming, this is what led us to give it that title.

22 MR N'DRY: (Interpretation)

23 Q. [12:34:05] Mr Witness.

24 A. [12:34:07] Yes.

25 Q. [12:34:09] Before the investigators of the OTP, paragraph 33, you say as follows,

1 and I quote you, "I was personally motivated to make this film in order to have the
2 images of the day just in case somebody were to need them one day. I also made
3 this film in order to show to the world how a demonstration can be suppressed with
4 such a degree of violence." End of quote.

5 That is what you said to the investigators of the OTP?

6 A. [12:35:23] That is correct.

7 Q. [12:35:26] So when we view your video -- because at the end of the day the
8 information that you want to give via YouTube, this video needs to illustrate what
9 you want to get across, briefly. However, the video, as you have just said in front of
10 the Chamber, does not show that civilians are being fired at, whereas you have
11 entitled it as "empty-handed civilians being fired upon," and that is what I don't
12 understand and that is what I would like for you to explain to the Court.

13 PRESIDING JUDGE TARFUSSER: [12:36:10] Is there a question?

14 Because I think by now we do have understood.

15 MR GARCIA: [12:36:20] And just for the record, your Honour, the Prosecution also
16 submits that it is argumentative with the witness. The witness already responded to
17 this question. What Maître N'Dry is doing right now he can easily do in his
18 pleadings at some point in time, but not now with the witness. He should ask
19 questions, not argument with the witness.

20 PRESIDING JUDGE TARFUSSER: [12:36:42] Very much an argumentation, I mean,
21 more than a question, yeah?

22 MR N'DRY: [12:36:51] (Interpretation) Mr President, the Prosecutor has called
23 a witness to testify with evidence in support. The Defence has meticulously studied
24 this evidence, and in the light of said evidence and the titles that have been given to it,
25 well, it's a far cry. I want to understand. He wants to inform the world on the basis

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 of evidence, and it so happens that the evidence does not go hand in hand with the
2 titles that he has ascribed to them. That is what I am attempting to understand, why
3 did he give them these titles?

4 PRESIDING JUDGE TARFUSSER: [12:37:41] But also now you are arguing. I think
5 you should be here -- the witness is here to be asked questions and to give answers
6 and when -- and then we argue in some time, when it is time to argue.

7 MR N'DRY: [12:38:07] (Interpretation)

8 Q. [12:38:13] Mr Witness, I would like to read to you an excerpt from your
9 statement -- no, paragraph, yes, thank you -- your statement before the
10 Office of the Prosecutor, paragraph 20, quote: "Upon the announcement of the
11 results, however, the situation became somewhat problematic when the supporters of
12 both candidates successively came out into the streets in order to celebrate their
13 victory. After the Independent Electoral Commission, the CEI declared Ouattara the
14 winner, I myself went out with the people from my neighbourhood, because we were
15 happy." End of quote.

16 Could you please tell us what happened on that day? Were you happy that
17 Mr Ouattara's success had been announced?

18 A. [12:40:07] Yes, indeed, on that day when the CEI announced the results and the
19 victory of Mr Ouattara, we were happy because it was the end of a lengthy period of
20 waiting. That's all I can tell you.

21 Q. [12:40:26] I'm not talking about the others, I'm saying were you happy?

22 A. [12:40:29] Yes, that's what I said, because we had been waiting a long time.

23 Q. [12:40:34] Because your candidate had just won?

24 A. [12:40:36] Not necessary my candidate, at least they had announced the results,
25 that's what we were expecting.

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 MR N'DRY: [12:40:51] (Interpretation) Mr President, this answer from the witness
2 marks the end of my questioning to the witness. We have no further questions.

3 PRESIDING JUDGE TARFUSSER: [12:41:00] Thank you very much.

4 I ask now the Prosecutor if he intends to re-question the witness.

5 MR GARCIA: [12:41:07] Mr President, I just have one question, a simple question
6 for clarification for the witness.

7 QUESTIONED BY MR GARCIA: (Interpretation)

8 Q. [12:41:19] Good afternoon again, Mr Witness. This is just a question to you just
9 for it to be clear.

10 This telephone that you brought here, I do understand correctly that you handed it
11 over to the VWU, did you not, the one that you used to makes those images and not
12 to the Office of the Prosecutor?

13 A. [12:41:38] That is correct.

14 Q. [12:41:38] Thank you, Mr Witness. I have no further questions for you.

15 PRESIDING JUDGE TARFUSSER: [12:41:42] So now I have a question.

16 So the telephone with which you made or you say that you made the videos, you
17 brought it here when you came here to give your testimony a few days ago, and you
18 gave it to the personnel of the VWU; is this correct?

19 THE WITNESS: [12:42:11] (Interpretation) That is correct.

20 PRESIDING JUDGE TARFUSSER: [12:42:12] In other words, it wasn't requested and
21 you didn't give it to the OTP investigators when you were questioned?

22 THE WITNESS: [12:42:20] (Interpretation) When they arrived in Abidjan with
23 a view to questioning me, they saw the telephone, and I told them that it was that
24 telephone that I had used to make the videos. I specified that. And they asked me
25 to keep hold of those images very carefully. And I said to them that there had

Trial Hearing
WITNESS: CIV-OTP-P-0578

(Open Session)

ICC-02/11-01/15

1 already been a mishandling of the telephone on the part of my daughter and that it
2 had been reset. That's what I wanted to say to be more clear.

3 PRESIDING JUDGE TARFUSSER: [12:43:06] Okay, thank you very much.

4 Now the last word to the Defence counsel.

5 MR ALTIT: [12:43:15] (Interpretation) We have no further questions, Mr President,
6 and I thank you.

7 MR KNOOPS: No questions, Mr President.

8 PRESIDING JUDGE TARFUSSER: [12:43:23] Thank you very much.

9 Mr Witness, this concludes your testimony here in front of this court. Thank you
10 very much for your time, for having travelled here. Now you will be released and
11 you can go back home to your work. Thank you very much for your questions and
12 your answers.

13 I ask now the court usher to bring you out.

14 THE WITNESS: [12:43:57] (Interpretation) Thank you, Mr President.

15 (The witness is excused)

16 PRESIDING JUDGE TARFUSSER: [12:44:11] Well, this now concludes this two and
17 a half week session of this hearing. We come back, we see each other again on
18 Monday, 17 October, thank you, October at 9.30 with the continuing of this hearing,
19 of this trial with the new witness.

20 Thank you very much. I would -- no. Thank you very much. And the hearing is
21 adjourned.

22 (The hearing ends in open session at 12.44 p.m.)