

Trial Hearing
WITNESS: CIV-OTP-P-0583

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 1
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 Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Tuesday, 5 September 2017
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:29] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:31:59] Good morning.
15 Good morning to the witness.
16 Good morning to you.
17 I give immediately the floor back to the Defence for Mr Gbagbo for his questioning,
18 which should end during the first session some time. Maître Jacobs.
19 MR JACOBS: [9:32:46] (Interpretation) Good morning, Mr President, your
20 Honours.
21 Mr Witness, good morning
22 WITNESS: CIV-OTP-P-0583 (On former oath)
23 (The witness speaks French)
24 THE WITNESS: [9:32:55] Good morning, Counsel.
25 QUESTIONED BY MR JACOBS: (Continuing)

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1 Q. [9:33:07] We're going to continue where we left off yesterday regarding the Lem
2 mosque report. And I'd like to ask you a question about the CIV-OTP-0070-1578 that
3 you described, starting pages 20-21 of the report. *CIV-OTP-0076-1952; that's the
4 ERN of the report.

5 THE COURT OFFICER: [9:34:11] For clarification, can you please repeat which ERN
6 number you wish the Registry to display; the first one, 0070-1578 or the second one,
7 0076-1952, please. Thank you.

8 MR JACOBS: [9:34:25] (Interpretation) The second number, the ERN of the witness
9 report.

10 Q. [9:35:01] On page 2011 of your report, you confirmed yesterday that you had
11 described a ballistic trajectory, and you had found a projectile. When you refer to a
12 ballistic trajectory, that means you have reconstituted the trajectory of the bullet. But
13 I don't see anything about that in the report. Were you able to identify the origin or
14 the target of the bullet that you detected?

15 A. [9:35:44] A ballistic trajectory is made up of two points at minimum. On the
16 wall there was a hole that you can see on the picture on page CIV-OTP-0076-2011. In
17 the picture in the upper right corner, you can see the hole on the wall. And it's
18 probable that behind that hole the projectile, if it were a penetrating projectile, created
19 a trajectory and, therefore, I used a tool that you can see here that makes it possible to
20 show up the various angles. And if you look at the following photographs as well as
21 the following page, you can estimate the trajectory, which we refer to as being the
22 terminal trajectory, before it went into the wall.
23 Now, as regards to the origin of the shooting, it's obviously going to be within the
24 axis of the trajectory, which is shown here by the orange kit. You can see that it's
25 slightly oriented toward the bottom until it hits the wall.

1 Q. [9:37:23] To be perfectly clear, you did not identify the place of origin of the
2 shooting.

3 A. [9:37:41] It is obviously impossible to identify the point of origin of the shooting,
4 but I can say that it was in a straight line a relatively short distance. Given the
5 parabolic shape of the trajectory, it will be along this trajectory following the orange
6 kit that you can see here. But in order to determine the point of origin, you would
7 have to be able to calculate the distance of shooting. And in order to do that, you'd
8 have to look at the residues, which would help you understand the distance.
9 But I did not carry out any shooting tests. This wall had undergone weather
10 conditions for several years, and therefore it would have been a totally useless
11 endeavour to determine a shooting distance.

12 Q. [9:38:36] Yesterday you stated that you examined the object yourself at the
13 IRCGN yourself. And is it usual for someone working for the ICC, in the OTP of the
14 ICC, to carry out such tests at the IRCGN?

15 A. [9:38:59] Well, I can't tell you whether it's a common practice, because I only
16 joined the OTP in 2015, but what I can tell you is that there was no problem from the
17 point of view of the IRCGN that I used the equipment, given the urgency and given
18 that we wanted to do our best in terms of efficiency and cost and that it was not
19 necessary, therefore, to carry out a complementary expertise, which would have
20 meant additional costs.

21 Q. [9:39:39] What do you mean by urgency? What was the urgency?

22 A. [9:39:46] I believe you know as well as I do that when you're an expert and
23 when you have to carry out scientific tests and expertise, the Prosecutors are very
24 demanding in terms of the time frame, and it's pretty logical they want to have the
25 results as soon as possible.

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1 PRESIDING JUDGE TARFUSSER: [9:40:18] Mr MacDonald.

2 MR MACDONALD: [9:40:19] We have to go back also, for the Chamber's
3 knowledge and as a reminder, the inherent delays at the time in the case with the lists
4 of material.

5 PRESIDING JUDGE TARFUSSER: [9:40:31] I feel that it's absolutely normal that one
6 appoints somebody and wants the result as soon as possible, so there is no mystery in
7 this. Thank you. Please go ahead.

8 MR JACOBS: [9:40:42] (Interpretation) I'm afraid I didn't really understand the
9 Prosecutor's comments, but perhaps I should just continue.

10 PRESIDING JUDGE TARFUSSER: [9:40:50] It was on the urgency. So please, just
11 continue, yes.

12 MR JACOBS: [9:40:54] (Interpretation)

13 Q. [9:41:06] Did you receive a mission statement covering the analysis of the
14 projectile?

15 PRESIDING JUDGE TARFUSSER: [9:41:22] May I say that I don't understand the
16 question in English at least. Did you receive a mission statement, by whom? What
17 is a mission statement? What do you mean by that?

18 MR JACOBS: [9:41:35] (Interpretation) I'm referring to the mission letters, the
19 mission statements that ask the expert to carry out his expertise. My question was:
20 Did he receive a particular mission statement to carry out this particular analysis
21 regarding the projectile.

22 THE WITNESS: [9:41:56] (Interpretation) Regarding the preliminary test, I did not
23 receive a precise mission statement or letter other than the initial mission, which was
24 to carry out the various tests.

25 MR JACOBS: [9:42:18] (Interpretation)

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1 Q. [9:42:19] In other words, when you referred to urgency, you walked into the
2 IRCGN, you asked them if you could use a particular piece of equipment, you were
3 familiar with the people, and they let you use the equipment; there was no official
4 request, no request for cooperation.

5 A. [9:42:33] No. As far as I remember, I contacted the director of the IRCGN to
6 ask for authorisation to be able to use the equipment of the ballistics department for
7 half a day.

8 Q. [9:42:44] What other members of the IRCGN, what other personnel were present
9 when you carried out your analysis?

10 A. [9:43:03] Obviously, the various experts who were working at the ballistics
11 department were there. Some of them were working on other expertise. The
12 ballistics laboratory has a variety of instruments in the same building and therefore
13 there were a number of experts who were present, and they were involved in their
14 own work.

15 Q. [9:43:27] My question was, who was there when you carried out your own
16 expertise?

17 A. [9:43:33] Do you want me to give names?

18 PRESIDING JUDGE TARFUSSER: [9:43:36] Can I ask the relevance of this? Who
19 was there? I mean, other people were there, probably, but what is the relevance of this
20 question?

21 MR JACOBS: [9:43:45] (Interpretation)

22 Q. [9:43:48] Did you carry out this expertise alone?

23 PRESIDING JUDGE TARFUSSER: [9:43:51] I asked you a question. What is the
24 relevance of knowing who was in the laboratory?

25 MR JACOBS: [9:43:56] (Interpretation) I believe I made my question a bit more

1 precise. My question was not who was there in the laboratory but rather did the
2 witness carry out the analysis alone or not. And I think that this is relevant in light
3 of his report.

4 Q. [9:44:15] Witness, could you answer?

5 A. [9:44:17] I carried out this expertise alone. As regards the use of certain pieces
6 of equipment that had been replaced since I left the IRCGN in 2006, I did ask someone
7 to explain to me quickly how the new equipment functioned. But I carried out the
8 expertise alone.

9 I also asked for photographs, that you can see on page CIV-OTP-0076-2067. These
10 photographs belong to the IRCGN and which are part of their reference collection.
11 And these are things that I did not have because we here at the ICC do not have such
12 a database.

13 So in my report I did use photographs that were provided to me by the IRCGN, but
14 the entire expertise, that is, the measurements and the description of the objects and
15 the description of the field all the way to the conclusions were all my own expertise.

16 Q. [9:45:45] To be absolutely clear, when you say on page 2067 of your report,
17 2067 - and I'll give the court officer a moment - the photographs are carried out with a
18 particular definition. In fact, the photographs are made with a 7.62 calibre
19 ammunition. What you mean in fact is that you were provided with photographs; is
20 that what you mean?

21 A. [9:46:20] On this page CIV-OTP-0076-2067 you see a series of photographs of
22 projectiles including cross sections where you can see the core and the jacket. These
23 photographs, as I stated in my report because they have ERN numbers, these
24 photographs were provided by the IRCGN because they have a database. Obviously,
25 in a half day I did not have enough time to cut a projectile in half and take pictures of

1 it.

2 But concerning your comment on page CIV-OTP-0076-2068, you have other
3 photographs which are photographs that I took myself, as far as I remember.

4 Q. [9:47:07] Thank you. Did you carry out a chemical analysis to identify the type
5 of metal or to determine whether there were any explosives on the projectile?

6 A. [9:47:27] I did not carry out chemical analysis for the simple reason that I did not
7 consider that to be relevant.

8 Q. [9:47:43] You conclude your analysis on page 2069. This projectile is
9 compatible with a 7.62 by 39 millimetre calibre ammunition.

10 THE INTERPRETER: [9:48:09] Could counsel repeat the end of his question, please.

11 PRESIDING JUDGE TARFUSSER: [9:48:11] Could you please repeat the end of the
12 question. This is requested by the interpreters.

13 MR JACOBS: [9:48:16] (Interpretation)

14 Q. [9:48:22] The sample that you found at the Sicogi-Lem mosque, was it
15 compatible with any other types of ammunition other than the 7.62 that you mention
16 here?

17 A. [9:48:37] Well, as regards this projectile, its nominal calibre is indeed 7.62. But
18 any kind of projectile can be mounted on different types of shells and there could be
19 other calibres. But this is a 7.62 and the most probable is that it be a set point 62
20 times 39 millimetres, and that shows compatibility. But that doesn't mean it's not
21 compatible with other types of ammunition.

22 The conclusion is typical of an expert report; in other words, we determined
23 compatibility between the object that is retrieved, that is, a projectile, and the type of
24 munition that is believed to have been used.

25 Q. [9:49:38] Yesterday, in answer to the OTP, and I'm quoting the French transcript,

1 you stated -- this is on page 38 of the realtime transcript, starting on line 12,
2 "Following the various measurements and observations, I drew the conclusion that
3 this object, that is, CIV-0070-1578, was part of a projectile jacket which is compatible
4 with a 7.62 times 39 type weapon, that is, an AK-47 Kalashnikov." End of quote.

5 You did not mention in your report here that it could be an AK-47 Kalashnikov.
6 Have you carried out any further analysis which enabled you to say that, other than
7 what you did in your report?

8 A. [9:51:00] No, no. I carried out the analysis. I stated compatibility with the
9 7.62, and this is the type of ammunition used in AK-47.

10 Q. [9:51:11] This type of ammunition is not used in other weapons?

11 A. [9:51:16] This is a calibre that can be used in other types of weapons, other
12 brands, other weapons. But again, ballistics is a very large field. You can go from
13 reloading, makeshift manufacture of weapons. I mean, there is a wide range of
14 potential situations.

15 Q. [9:51:47] Well, if you refer to, when you refer to makeshift manufacture, what
16 you identified at the Sicogi mosque, could that be the result of a makeshift kind of
17 munitions manufacturing?

18 A. [9:52:03] I didn't say that. I said that this projectile presents the characteristics,
19 all of the characteristics, of a projectile manufactured industrially. There was
20 nothing on the projectile that indicated that it was the result of makeshift
21 manufacturing. But the most probable situation is that this 7.62 calibre ammunition
22 comes from a 7.62x39 because it's compatible in terms of its shape, it's compatible in
23 terms of the width of the field, with the use of a Kalashnikov type weapon. So this is
24 my interpretation, that it's compatible with the use of an AK-47, but it could be used
25 with other weapons as well.

1 In my report I stated that a ballistics analysis could be carried out in order to obtain
2 additional information. A full analysis could be carried out in order to have a better
3 understanding of the field and the characteristics, the physical characteristics, as well
4 as the metallurgical characteristics of the jacket, and if we were to define more
5 precisely the type of weapon that had used this projectile as well as the type of
6 ammunition that this projectile comes from.

7 This being said, in a few hours of work you will understand that it was not possible to
8 go any further in the analysis, and that's why I stated that complementary ballistic
9 analysis could be useful. The OTP did not decide to carry out that complementary
10 analysis, which is understandable, because the information obtained from the
11 preliminary analysis was sufficient, and in any case it's important to judge the
12 relevance of this projectile, of course, which was found several years after the facts
13 and that it is impossible to date exactly at which point in time the projectile actually
14 hit that wall.

15 Q. [9:54:50] Thank you. I'd like to ask you now a few questions about your report
16 regarding the photographs. It's going to be fairly quick. Let me give the references.
17 But we don't have to display them. This is the first report, which is
18 CIV-OTP-0084-4253. The second is 0084-4305. And the third is 0084-4361.
19 So you told us yesterday that in the case of these three reports you took a number of
20 photographs in Abidjan. You didn't really explain what the goal was in taking these
21 photographs.

22 A. [9:56:26] Well, it seems to me that the goal is self-evident. It was to document
23 the crime scene so that it could be used during the trial, as is the case now, but could
24 also be used to show to witnesses, to ask them if they can recognise certain places.
25 And this is explained even though it's fairly obvious in my mind.

1 Q. [9:56:56] Very well. When you were on site, did you ask people whether there
2 had been any changes, any construction, any renovation between 2010 and 2015 when
3 you were there?

4 A. [9:57:14] No, no, not at all. As I stated yesterday, the task of the expert is not to
5 question people on site. It is to prepare documents documenting the crime scene.
6 If any additional interviews were to be carried out as part of the investigation, that is
7 something that the OTP would request, but it would be investigators who would do
8 that kind of task.

9 If I may add something, carrying out such an investigation is a very complex thing.
10 There is a lot of work that needs to be done. And any changes in the roads, in the
11 vegetation, et cetera, over a four-year period, all of that, understanding all of that,
12 requires a lot of work, and the results would in fact be quite minimal as regards the
13 actual evidence and in particular the probative value of such evidence.

14 Q. [9:58:33] Thank you. When you went on site to take these photographs, were
15 you accompanied by any representatives of the local authorities?

16 A. [9:58:49] As I explained yesterday, when we go to a crime scene, we are
17 accompanied by someone from the OTP who is in charge of security and makes it
18 possible for us to work in the best possible conditions. And their role is to provide a
19 liaison with the local authorities, whoever they may be. As an expert, it's not up to
20 us to be involved in any discussions.

21 In the case of Abidjan, I believe I went along with an investigator when he went to the
22 ministry of justice, I think it was at the very start of the mission, to obtain the various
23 authorisations that were required in order for us to carry out our mission.

24 Q. [10:00:03] Do you remember who you met with at that meeting?

25 A. [10:00:08] I do not remember the name of the local authority. I would have to

1 take a look at my notes. But I'm sure the investigator, because after all that's his role,
2 the investigator who attended that meeting would have written a memo regarding
3 that contact or written an investigator's note.

4 Q. [10:00:34] Thank you. I'll now go to the following report. I'll give the number
5 CIV-OTP-0083-1419, which is the identification of places, visible on a video recording
6 and on a photograph. If I understand correctly, in this report you're comparing
7 photos or images from a video that you were given and photos you took in Abidjan;
8 is that correct?

9 A. [10:01:57] Absolutely. And in addition, I think there is a comparison of one or
10 two photos, documents perhaps of the matter at issue, the question at issue, and
11 photos we took in Abidjan.

12 Q. [10:02:14] In drafting the report, in that context, how often had you actually
13 been to Abidjan?

14 A. [10:02:24] As far as I can remember, I think it was twice, because there was the
15 mission in December 2014. I think that was the second mission, which was to
16 document the crime scene. So I would say twice. I think it was twice. I wouldn't
17 want to make a mistake there, but I think it was twice.

18 Q. [10:02:57] Is it correct to say that your knowledge of the place, the geography of
19 Abidjan, was fairly limited at the time you were asked to draft the report?

20 A. [10:03:09] Obviously, the general knowledge of Abidjan and its environs
21 inevitably is limited given the limited amount of time that you spend in situ and
22 where you're not there for purposes of tourism. But I would say that as regards the
23 place in question, if you take a look at the times when the photos were taken, I did
24 spend at each site a fairly lengthy period of time. So I spent time there, and you'll
25 understand that when you are producing 360 degree panoramic views, you do spend

1 a certain amount of time and are looking in every direction possible. So in general, I
2 would say I have limited knowledge of Abidjan. But as regards these specific places
3 or sites, I did spend quite a few hours there, and I think spending a few hours in
4 roughly 2 hectares, that gives you a pretty good idea of the area.

5 Q. [10:04:27] Did you make further analyses of the video other than the
6 comparisons, for example, to identify the date or the author?

7 A. [10:04:38] I didn't make any further analysis of the video as regards
8 identification of the date or the author, quite simply because it was not part of my
9 mission as an expert.

10 Q. [10:04:58] If I understand your report, you've analysed the video up to
11 timestamp 8.15. Why didn't you analyse the entire video?

12 A. [10:05:19] Could you please explain this allegation according to which I only
13 analysed the video up to timestamp 8.15?

14 Q. [10:05:33] You give a list. I turn to the conclusion on page 1438, where you
15 summarise your analysis and you give a list of a number of parts of the video,
16 sequences. And the last one goes through to timestamp 8.15. Hence, my question
17 in order to understand.

18 A. [10:06:22] If you take the report on page CIV-OTP-0083-1427, it says in
19 paragraph 19, "Between the 29th and 30th of June 2015, the images taken from the
20 relevant sequences of the video file at question, in question are viewed individually."
21 So to clarify things, I took a look at the entire video. Every image extracted from it
22 was analysed individually, and afterwards I identified -- because here we come to the
23 part of the report that is the comparison analysis. It is an analysis. I identified the
24 relevant sequences, and that is why you find a number of paragraphs that indicate
25 which were the relevant sequences. But there are five of these in number.

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1 Q. [10:07:32] On the basis of what criteria did you select the relevant sequences?
2 Were you asked to look for something in particular? I thought you were just
3 comparing and identifying places in the video. But perhaps I misunderstood.

4 A. [10:07:52] If you take a look at the mission statement on page
5 CIV-OTP-0083-1422, it says in the OTP's mission statement, "Carry out any visual
6 comparison that you would deem to be relevant between the documents concerned
7 by the question and those for purposes of comparison in order to try to identify the
8 places, et cetera." So I tried to be clear.

9 THE INTERPRETER: [10:08:36] Could counsel start his question again, please.

10 PRESIDING JUDGE TARFUSSER: [10:08:39] Could you start your question again
11 because it was overlapping.

12 MR JACOBS: [10:08:42] (Interpretation) Pardon.

13 Q. [10:08:44] I asked you what were the criteria concerning relevance. So reading
14 out the mission statement, where you're asked to select relevant sections, is not an
15 answer to my question.

16 PRESIDING JUDGE TARFUSSER: [10:08:55] Mr MacDonald. But I think this is a
17 legitimate question.

18 MR MACDONALD: [10:09:01] I would say, your Honour, that yes, it does provide
19 the beginning of an answer.

20 MR JACOBS: [10:09:10] (Interpretation) Now, are we having the answer given not
21 by the witness but by the OTP?

22 MR MACDONALD: [10:09:19] What I have at the moment, your Honour, is the
23 issue of the way the examination is being conducted --

24 PRESIDING JUDGE TARFUSSER: [10:09:27] Yes.

25 MR MACDONALD: [10:09:28] -- where we're not going to the crux of the matters.

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1 We're staying at the surface. It's not a question of character assassination, because it
2 won't work.

3 THE INTERPRETER: [10:09:45] Overlapping speakers.

4 MR MACDONALD: [10:09:47] Mr Jacobs.

5 THE COURT OFFICER: [10:09:50] Overlapping speakers.

6 PRESIDING JUDGE TARFUSSER: [10:09:52] Excuse me. Stop. This is your
7 assessment of the relevance of the question. And I think Mr Jacobs should go on and
8 question the witness, putting proper questions on the merit of his report. We cannot
9 for sure criticise the method of questioning if it's not -- if it doesn't go outside the
10 scope of the questioning itself.
11 Please, go ahead.

12 MR JACOBS: [10:10:25] (Interpretation) Thank you, your Honour.

13 PRESIDING JUDGE TARFUSSER: [10:10:29] I just want to say something. In any
14 case, there is a mission letter, and I think the mission letter says everything, always.
15 This is how I understand it. You're going to, for example, before you asked why did
16 you take the photos? Because it was requested in the mission letter. The mission
17 letter requested, it is quite clear on this. So sometimes the answers to your questions
18 are quite evident in the report itself. So please go ahead.

19 MR JACOBS: [10:11:03] (Interpretation)

20 Q. [10:11:06] Witness, should I repeat the question?

21 A. [10:11:10] No, no. I completely understood your question. My interpretation
22 of the mission statement is that the purpose is to identify places. So quite naturally
23 identification of places can only be done visually. The identification of the places
24 means taking a look at the similarities between what we see in the documents under
25 question, what we see in the documents for comparison.

1 Perhaps you might interpret things differently, but that is how I interpreted things, in
2 other words, necessary to identify sequences that were relevant and the definition of
3 relevance was relevant because it would make it possible to carry out the mission,
4 which was to identify the places.

5 I hope that this answers your question.

6 Q. [10:12:14] Thank you, Witness.

7 I now move to the last report that you drafted, which is the video of 3 March. And
8 I'll give you the ERN number. CIV-OTP-0089-1030. My first question, Witness, is
9 as follows: Between the time when you submitted your report, the report that we've
10 been talking about, up until now - I think the last one was in June 2015 - and your
11 mission concerning the video of the women's march, have you or did you carry out
12 any other activity for the OTP in the context of this case?

13 A. [10:13:31] I'm sure I did carry out other tasks, because broadly speaking there
14 are two levels of activity that we do for the OTP. One is in the context of a system of
15 some preliminary examination service request where we can carry out a number of
16 brief rapid examinations without taking it to the level of expert analysis.

17 I don't have my notes with me, perhaps there were other tasks I carried out. This
18 was of course in addition to the second way of being asked by the OTP to add that to
19 a mission letter. Anyhow, there are a number of forensic interventions that don't
20 require an expert report to be carried out, a number of technical acts, looking at video
21 recordings involving the CEDAR system. It's very straightforward because the
22 system automatically generates a report and it's just a technical intervention; it doesn't
23 require any expert analysis.

24 But I'm sure that there were other small or minor tasks that I carried out for the OTP
25 in the context of Côte d'Ivoire.

1 Q. [10:15:14] So on a regular basis, you would receive instructions requiring you to
2 do a number of things in this case aside from the mission; is that correct?

3 A. [10:15:24] Yes, absolutely. And this for all cases, whether it's investigation
4 being carried out by the OTP.

5 Q. [10:15:40] So you and Alan French, the expert who coauthored the report,
6 received the mission letter 29th October of 2015, on page 1030, 1039, I'm sorry, on the
7 21st of September, you were given a CD with a video. And I'll read it to you in
8 English, paragraph 19. (Speaks English) "The objective was to allow Xavier Laroche
9 to carry out a preliminary assessment of the content of this CDR." (Interpretation) End
10 of quotation.

11 Who gave you the instruction to carry out the preliminary assessment?

12 A. [10:16:52] As far as I can recall, I discussed things with the Prosecutor, with
13 Mr MacDonald. I spoke to him about the video and I proposed to him that, because
14 we just got the CEDAR system, that we should carry out a preliminary assessment to
15 see what might be of interest in terms of audio and video recordings on this video file.
16 So this was a discussion that I had with Mr MacDonald.

17 Q. [10:17:41] So you would have regular discussions with Mr MacDonald about the
18 evidence in this case?

19 A. [10:17:50] I would not say on a regular basis, but whenever we can provide a
20 service to the Prosecutor, obviously, meetings are organised so that we can provide
21 information to the Prosecutors as regards our technical and forensic capability and
22 perhaps the possibility of outsourcing the expertise if we cannot do it within the
23 forensic science unit.

24 Q. [10:18:24] This preliminary assessment, was it then covered by a report?

25 A. [10:18:33] As regards this preliminary assessment, there was no subsequent

1 report because it is an initial evaluation. And I used the video in question and I tried
2 to see what sort of technique we could use, what resources could be used, in order to
3 try to identify the truth.

4 Q. [10:19:08] Did you play any role in drafting the mission statement that you
5 received, you and Alan French, on the basis of your preliminary assessment?

6 A. [10:19:16] Yes, absolutely. As I indicated to the Chamber yesterday, there is
7 always a discussion between the Prosecutor and an expert with a view to drafting a
8 mission statement that is technically and forensically correct and that it's something
9 that the expert can do. So there was a discussion with Mr MacDonald as regards the
10 terms of the mission statement.

11 Q. [10:19:46] Do you know how Alan French was contacted? Did you suggest his
12 name?

13 A. [10:19:59] Yes, indeed. I suggested his name. I said they should contact Alan
14 French because he works for CEDAR Cambridge, the company that manufactures this
15 equipment. CEDAR Cambridge forensic system is the name. And what is more, he
16 was my instructor when I followed the training course in Cambridge as regards the
17 utilisation of the CEDAR system.

18 Perhaps I should add the expertise was carried out jointly because the expert use of
19 CEDAR is not within my remit. I'm just a technician. I follow the -- or I apply the
20 training that I received, whereas Mr French, he really is an expert with CEDAR, he
21 makes daily use of it, because it's his primary activity, and that is not my case.

22 Q. [10:21:10] And if I understand what you are saying, all of the audio analysis,
23 and this comes out in the report, were made by Alan French?

24 A. [10:21:17] If you take a look at the report, on page CIV-OTP-0089-1056,
25 paragraph 3C, forensic examination of the audio part of the video file

1 CIV-OTP-0077-0411, it says very clearly that Alan French -- well, it says exactly what
2 Alan French did and exactly what I did.

3 Q. [10:22:34] Thank you. When you were discussing the video with
4 Mr MacDonald, did you talk about the merits or the background as regards the
5 incidents that occurred on 3 March 2011?

6 A. [10:23:08] We didn't discuss in detail. The discussion was just to do with the
7 fact that the alleged facts came as a result of a demonstration or women's march in
8 Abidjan on 3 March 2011. There were gunshots, et cetera and there were a number
9 of victims.

10 Q. [10:23:43] So this information you got from the Prosecutor; is that correct?

11 A. [10:23:48] Yes, indeed. As I explained yesterday, we needed, in order to carry
12 out our work, a minimum of information about the context to see what could be
13 relevant as regards the video.

14 Q. [10:24:17] Did you carry out any analysis to determine the date of the video or
15 the type of camera that was used to record the video?

16 A. [10:24:36] I did not carry out any analysis of the video in terms of metadata
17 because it was not covered by my mission statement, nor did I seek to discover the
18 identity of the person who allegedly filmed it because I didn't feel that it was relevant
19 as regards the forensic expert work that I was to be carrying out.

20 Q. [10:25:10] The type of camera that was used for the recording, couldn't that have
21 an impact as regards the analysis made, an iPhone, a professional camera? Did that
22 not change anything in terms of the analysis?

23 A. [10:25:25] Obviously the type of camera that's used can have an impact on the
24 quality of the recording. Nonetheless, for our purposes here the video is relatively
25 clear, and there is no need to have a 4K or higher level of filming in terms of the

1 quality of the image.

2 Now, as for the sound, the microphone of a camera, whatever the camera is, whether
3 it's a smartphone or a camera, a video camera, will have an influence as regards the
4 spectrum that's recorded.

5 Here the quality is good enough to allow us to differentiate different noises, and that's
6 what I referred to as regards the acoustic level and the interpretation carried out by
7 the person, in other words the psychoacoustics.

8 And if you want to make an expert assessment in detail as regards identification of
9 weapons, that is an area that's very difficult, as I explained yesterday, because of the
10 different parameters involved. And as there are publications, scientific publications
11 inter alia by Jan De Kinder, which show that traditional microphones don't make it
12 possible to record an acoustic signature. You would need a far more accurate
13 sonometer given the fact that gunshots come in bursts.

14 And in any case, I think that the publication, if I'm not mistaken, dates back to the late
15 '90s, 2000, and the influential parameters that affect the recording of the sound of
16 gunshot vary far more than the variation you get in the acoustic signal of different
17 firearms.

18 Q. [10:27:55] Thank you. If I understand correctly, it's Alan French who carried
19 out the audio analysis, but I'd still like to go back over a number of things you said to
20 the OTP yesterday.

21 You said, and I quote from the French transcript, page 43, line 7:

22 "What we did was to identify and give an origin to the spectra that are identified on
23 the spectrogram with the images of the video because it's very difficult to identify an
24 object just with its spectrum."

25 So if I understand correctly, without visual confirmation, it's not possible for you in

1 any way, or you cannot be certain of what a spectrum on a spectrogram actually
2 represents?

3 A. [10:29:08] As regards psychoacoustics, any human being, any living being that
4 can hear can hear sound. Human beings are capable of recording a spectrum
5 between 15 hertz and, if I'm not mistaken, 18 kilohertz, 18,000 hertz, in other words,
6 and that is something that happens throughout one's life, that we lose our hearing
7 over time.

8 And this signal is processed and interpreted on the basis of the knowledge that that
9 human being has, which means that we attribute an origin to a sound. We can
10 obviously differentiate between a whistle and a vuvuzela. We can perhaps also
11 identify a musical instrument that produces a certain sound. In this instance we're
12 talking about blasts.

13 So the noise produced by a firearm, as I explained yesterday, well, there are two
14 sounds, there's the sound -- two main sounds, is the -- aside from the ancillary noises
15 coming from the mechanical functioning of the weapons, you've got the sound of the
16 blast and the sound of the projectile.

17 Without the video, it could be said that there is an explosion or a blast which could be
18 created by an explosive, a firearm or others, in which case you would have a sound
19 that might be similar. And in this case we were able to interpret this sound as an
20 impulsive sound with the presence of an armoured vehicle equipped with weapons in
21 addition to all the supplementary information. On the video, you see people fleeing,
22 you see panic, you see several women dead on the tarmac.

23 Q. [10:31:55] Thank you, Mr Witness.

24 Let me come to page 1060, interpretation of your report. In fact, it is 1068. On page
25 1068, you describe the characteristics of a BTR-80.

1 And I would like to show you a document, which is CIV-D15-0004-2531. And it is a
2 public document. We have a hard copy of the witness.

3 So this is a screenshot from the Internet. And you quoted that at the bottom of the
4 page.

5 Is it possible to display the report and the document at the same time?

6 If the text can be scrolled to the right.

7 Can you confirm that the draft is basically a cut and paste from this Internet page,
8 what appears in the report?

9 A. [10:35:25] Yes, I think, yes, because of footnote 97, which mentions the Internet
10 site from which I got the information.

11 Q. [10:35:49] Can you explain to the Chamber what is that Internet source?

12 A. [10:35:57] I no longer remember whether I mentioned the site, but it is a factory
13 for the manufacturing of BTR-80 vehicles.

14 Q. [10:36:17] So it is a commercial site for the sales of BTR-80s?

15 A. [10:36:28] Yes. I think their objective is to sell BTR-80s. It is a commercial site,
16 but it provides some technical and tactical information on the use of BTR-80s.

17 Q. [10:36:47] Just to be clear, your source to document your report was the
18 commercial information on an Internet site?

19 A. [10:37:02] This is information provided by the manufacturer in the ballistics
20 domain. The sources of all information initially is the data provided by the
21 manufacturers themselves. And in the laboratories we have all the catalogues of
22 weapons manufacturers because we are not there to reinvent the wheel.
23 And when the manufacturers manufacture weapons, we take the various technical
24 characteristics. I do not see any problem with it being a commercial site because the
25 technical information present there seems to be quite useful.

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1 Q. [10:38:02] Thank you. Now let us go on to page 1072 of the report. And you
2 indicate, and I quote in English, (Speaks English) "Between 2002 and 2003, Belarus
3 delivered a range of major conventional weapons to the government of Côte d'Ivoire.
4 Belarusian deliveries included numerous armoured vehicles including 6 BTR-80s
5 armoured personnel carriers." End of quote.

6 (Interpretation) According to footnote 126 on the source is Stockholm International
7 Peace Research Institute. Can you tell us more about that source?

8 A. [10:39:25] In order to work for exculpatory and incriminating evidence --

9 Q. [10:39:45] Witness, I'm sorry. Mr Witness, I just want you to respond concisely
10 to my question. The Stockholm International Peace Institute that you talk about,
11 what is it?

12 PRESIDING JUDGE TARFUSSER: [10:40:02] I mean, we can look at it on the
13 Internet page. I mean, he cannot say much more than what is on the Internet page
14 he's citing. I mean --

15 MR JACOBS: [10:40:14] (Interpretation)

16 Q. [10:40:15] Mr Witness.

17 A. [10:40:19] Within the framework of identifying the BTR-80, in order to assess
18 whether the BTR-80 were present in this, during this period, I researched the Internet
19 and I found a site belonging to the Stockholm International Peace Research Institute,
20 which seems like a serious institute and which has a register, a database, of all
21 transfers of weapons between all countries of the world, and it included the
22 information that between 2002 and 2003 six BTR-80 were delivered to Côte d'Ivoire.

23 Q. [10:41:12] Thank you. Just to understand you well, I will show you a
24 document, CIV-D15-0004-2599. We have a hard copy for you.

25 If possible, as we proceed, if we can continue to display both documents at the same

1 time, the report and the document.

2 So we can see a screenshot of *the SIPRI Internet site. The site does not provide
3 reports; it provides information by country, and then a report is generated in order to
4 know who is the exporter and importer; is that correct?

5 A. [10:43:32] As far as I can remember, yes. But frankly, I do not remember that a
6 site presented in this manner. Maybe since then it has changed, but I think the
7 answer is yes.

8 Q. [10:43:48] In your footnote, you indicated that the report was generated on 14
9 May 2012. That is about four years before you prepared the report for the Prosecutor.
10 Can you explain to us how this was possible?

11 A. [10:44:19] Yes. The document that enabled me to produce that specific
12 paragraph of our report is this report generated on 14 May 2012. I'm not the one
13 who interrogated the site. I can look in my various notes and carry out research once
14 again on the Internet to find that report. It is a report generated by SIPRI on 14 May
15 2012 and contained that report. I did not do any research on 14 May 2012 for my
16 report written in 2016. I was in Côte d'Ivoire four years later.

17 Q. [10:45:27] I will show you CIV-D15-0004-2563, and I have a hard copy for the
18 witness.

19 If the two can be displayed at the same time once again. Thank you, madam court
20 officer.

21 It is an Amnesty International report of March 2013. Let's go to page 2571. I'm
22 waiting for it to be displayed. Do you want the number of the page? 2571.

23 THE COURT OFFICER: [10:47:36] What is the ERN number, please? We have the
24 Amnesty International report currently displayed. We need the other one that you
25 wish to have displayed at the same time, please.

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1 MR JACOBS: [10:47:47] (Interpretation) I'm sorry, can you repeat?

2 THE COURT OFFICER: [10:47:52] The other ERN number, not the Amnesty

3 International report, the other one. Thank you.

4 MR JACOBS: [10:47:57] (Interpretation) The other report, 0089-1030, actually, 1072.

5 Q. [10:49:00] In the Amnesty report we go to page 2571, and I will quote in English,

6 (Speaks English) "In 2003 Belarus delivered a range of major conventional weapons to

7 the government of Côte d'Ivoire." Et un peu plus bas, "Belarusian deliveries also

8 included numerous armoured vehicles including" il y a listes "six BTR-80 armoured

9 personnel carriers." (Interpretation) End of quote.

10 If we can go to page 2594 of the Amnesty report, footnote 18, and I read, (Speaks

11 English) "Stockholm International Peace Research Institute SIPRI 2012 transfers of

12 major conventional weapons sorted by supplier deals with deliveries or orders made

13 for year range 2000 to 2005. SIPRI arms transfer database trade register generated 14

14 May 2012." (Interpretation) End of quote.

15 Mr Witness, if I understand well, you reproduced a part of the Amnesty International

16 report, including a footnote?

17 A. [10:51:08] Yes, indeed. I remember reading that report. The first page is quite

18 unique, and you are correct, I mentioned a part of the report. And the footnote, it is

19 possible that I would have read and indicated the main document. I did not do that,

20 and I apologise for that.

21 Q. [10:51:42] Thank you, Mr Witness.

22 Now, very briefly, in the following pages of your interpretation, when you describe

23 the types of weapons after the BTR-80, there are footnotes on several occasions. I

24 will not show the document to save time, but you confirm that you cut and paste

25 Wikipedia pages?

1 A. [10:52:34] Yes. That is why it is indicated that there is open-source information.
2 We did not have the documentation in the forensic sciences department on all the
3 weapons or within the military services. So we work with what we have and we try
4 to cross-check the information as best we can. Perhaps it would have been necessary
5 to indicate all the books and sources used, but that was not our vocation. So we did
6 our best with what we had.

7 Q. [10:53:45] Thank you. Now, in the interpretation of your report on page 1075
8 of your report, and I paraphrase, that the vehicles seen in several sequences of the
9 video is the same. It is probably the same. If I understand well, what you said
10 yesterday, page 55, line 25: Since the camera is not constantly on the vehicle, you are
11 not certain that it is the same vehicle in all the sequences?

12 A. [10:54:34] Yes, of course, the camera was not permanently focused on the
13 convoy. During a moment of panic, the cameraman turned his camera towards
14 areas other than the road in Abobo. And so it is impossible to say with certainty that
15 it is the same vehicle seen in all the sequences. That is why I say in my report that it
16 is highly probable.

17 PRESIDING JUDGE TARFUSSER: [10:55:18] No. You say "very likely" and "very
18 likely" is not the same, so also I do not -- it's clear here that "very likely" does not
19 mean the same and that it could be another one.

20 Mr MacDonald.

21 MR MACDONALD: [10:55:27] I'd like to make a general remark.

22 PRESIDING JUDGE TARFUSSER: Go ahead.

23 MR MACDONALD: I understand that this witness stands alone, but there is a
24 whole body of evidence in this case, your Honour, so which cannot be ignored.

25 MR JACOBS: [10:55:42] Monsieur le Président.

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- 1 PRESIDING JUDGE TARFUSSER: No, but I don't -- no. Please.
- 2 MR MACDONALD: [10:55:45] I am talking.
- 3 PRESIDING JUDGE TARFUSSER: [10:55:46] Please, please.
- 4 MR MACDONALD: [10:55:47] Can I have the --
- 5 PRESIDING JUDGE TARFUSSER: [10:55:49] Let me, let me -- no. Let me just -- we
- 6 have five minutes. The questioning by the Defence has gone far over the time the
- 7 Office of the Prosecutor has used. I will give you two minutes, and then we close
- 8 because I have one question, and then I, when we resume, I give the floor to the
- 9 Defence for Mr Blé Goudé.
- 10 Please, go ahead.
- 11 MR JACOBS: [10:56:13] (Interpretation) Mr President, with your indulgence, I
- 12 would need about 10 minutes.
- 13 PRESIDING JUDGE TARFUSSER: [10:56:21] And you don't have 10 minutes
- 14 because you are far over the timing which was used by the Office of the Prosecutor,
- 15 far over. Please go ahead. So I give you 4 minutes, 5 minutes and then I pose the
- 16 question afterwards.
- 17 MR JACOBS: [10:56:38] (Interpretation)
- 18 Q. [10:56:43] Mr Witness, you indicated to the Prosecutor yesterday that you
- 19 questioned witnesses?
- 20 A. [10:56:55] Yes.
- 21 Q. [10:56:59] How many people did you question during that period?
- 22 A. [10:57:10] As far as I remember, three people, and based on the witness
- 23 statements that I have.
- 24 MR JACOBS: [10:57:24] Can we move into private session, please?
- 25 PRESIDING JUDGE TARFUSSER: [10:57:31] Let's go to private session.

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- 1 (Private session at 10.57 a.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
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- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

1 (Redacted)

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4 (Redacted)

5 (Redacted)

6 (Open session at 11.00 a.m.)

7 THE COURT OFFICER: [11:00:38] We are in open session, Mr President.

8 MR JACOBS: [11:00:41] (Interpretation) Thank you, madam court officer.

9 Q. [11:00:42] Let me repeat my question in public session. In your CV it states
10 that you were a SWAT officer. Can you explain what that means?

11 A. [11:00:53] I have a diploma as an instructor. And I commanded a number of
12 interventions. This has nothing to do with the GIGN, which is the intervention
13 group of the gendarmerie. We intervene just underneath, if you will, at a lower level.
14 The GIGN is involved in more major criminal operations and anti-terrorist operations
15 in France. I commanded a light intervention platoon. In France, in French, when
16 we refer to this kind of intervention, usually it's translated by SWAT. And I was
17 commander of the light intervention platoon to be precise.

18 Q. [11:01:55] You said you were in charge of an intervention group. Well, what
19 exactly did you do? What were your functions?

20 A. [11:02:04] I was the commander of an intervention platoon composed of about
21 30 gendarmes selected on the basis of their professional quality, and we carried out
22 operations including arrests or special operations that the other platoons or squads
23 did not carry out. I was part of the gendarmerie in the eastern part of France and I
24 trained the intervention teams either once a year or twice a year. Basically that's it.

25 Q. [11:02:46] Thank you, Witness. I have no further questions.

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1 MR ALTIT: [11:02:52] (Interpretation) Your Honour, ladies and gentlemen, the
2 Laurent Gbagbo Defence team has no further questions for this witness.

3 PRESIDING JUDGE TARFUSSER: [11:03:05] Thank you very much.

4 Now we break, we have the first break, and we come back at 11.30.

5 THE COURT USHER: [11:03:12] All rise.

6 (Recess taken at 11.03 a.m.)

7 (Upon resuming in open session at 11.31 a.m.)

8 THE COURT USHER: [11:31:37] All rise.

9 Please be seated.

10 PRESIDING JUDGE TARFUSSER: [11:31:51] Good morning once again.

11 Now it's time for the Defence for Mr Blé Goudé to question Mr Laroche. And I give
12 the floor to Mr Knoops.

13 MR KNOOPS: [11:32:06] Thank you, Mr President.

14 QUESTIONED BY MR KNOOPS:

15 Q. [11:32:11] Mr Witness, my name is Alexander Knoops. I'm a lawyer admitted
16 to the bar of the Kingdom of The Netherlands, and I have questions on five topics.
17 And my examination will probably last 45 minutes.

18 My first question to you, sir, relates to your evidence given yesterday. English
19 transcript page 35 -- sorry, 34, line 19-20. You were asked by the Prosecution about
20 the charring of the mosque LEM-01, and your answer was that to your knowledge, it
21 was not possible to date the charring.

22 My question to you, sir, whether the same conclusion applies for the potential
23 charring you indicated in the four buildings of LEM-02, that is the building of the
24 CNI-COCY. You have referred us to several photographs in your report which
25 show elements of potential charring on the various pages of building number 1, 3 and

1 4. For instance page CIV-OTP-0076-2039, it's one of the examples. It relates to
2 building number 3.

3 And you indicated at the French word the plainte et joint (Interpretation) You
4 mentioned black traces on the lower portion of the wall in reference to room 3.
5 (Speaks English) So my question is were you able to date those traces or does the
6 same conclusion applies here as mentioned yesterday by you with respect to the
7 mosque, LEM-01?

8 A. [11:36:06] To respond to your question, from a purely scientific point of view,
9 it's impossible in my opinion to date this based solely on the sampling of these
10 blackened traces which are a sign of charring.

11 However, it does appear obvious on the page that you just referred to as well as on
12 page CIV-OTP-0076-2036 that it's obvious that certain aspects could give us an
13 estimate of the date of charring, in particular in the case of the electric plug cover on
14 the wall, that would have been before the painting occurred, because the wall was
15 repainted and you can see the paint dripping on that plug cover. As well as on the
16 page you referred to, which is CIV-OTP-0076-2039, you can see on the photograph
17 ERN, CIV-OTP-0070-2552, you can see again dripping at the top of the base board
18 above the blackened areas.

19 So an investigation could be carried out in order to determine the exact date when the
20 wall was repainted, and that would enable us to conclude that the charring occurred
21 before the wall was repainted.

22 Q. [11:38:16] Do I understand your testimony correctly that you observed that this
23 wall was recently painted, recently painted when you were there in 2014?

24 A. [11:38:35] I didn't say recently painted. I'm not an expert in painting. But I
25 can say that paint was applied on areas that showed obvious signs of charring and

1 that the painting took place after the charring, because the paint covered the charred
2 zones. And what I can add is that it might be possible to collect information to find
3 out exactly when it was repainted. But I myself have no idea of that date.

4 Q. [11:39:20] No. I understand. I asked you this because you yourself referred to
5 dripping, that the paint was dripping. It's in line 38, 6. "I could see the paint
6 dripping on that plug cover."

7 That would suggest that the painting was quite fresh based on your observations in
8 2014?

9 A. [11:39:59] When I referred to the signs of paint, of dried paint dripping, if you
10 will, if it had been wet paint and not dry paint, I would have said so in my report.
11 But in this case when I referred to dripping, signs of dripping, it was quite dry at the
12 point in time when I was carrying out my investigations.

13 Q. [11:40:26] Mr Witness, were you able to establish a scientific relationship
14 between the charring in the mosque LEM-01 and the alleged charring in one of the
15 four buildings of LEM-02?

16 A. [11:41:02] No. We were not able to establish any link. Might I add that the
17 samples that were taken at those two places, that is, in the mosque itself and the
18 CNI-COCY building, were taken in different places. In the case of the mosque, it
19 was the roof, whereas quite clearly the signs of charring in the CNI-COCY building
20 were at the level of the floor. And also many books that had been burned.

21 Q. [11:41:57] So in your opinion it could be possible that these elements of charring
22 related to two different fires at two different occasions?

23 A. [11:42:10] Indeed, when you refer to two separate events, there was no link
24 between the two buildings and the traces of charring in the two buildings on the one
25 hand, and on the other hand, the characteristics and exact place where we noted

1 charring were different in the two buildings.

2 Q. [11:42:52] Mr Witness, with respect to the cause of the fire which caused this
3 charring, were you able to detect the cause of the fire? And I'm speaking of one of
4 the four buildings of LEM-02, so where the fire was a apparently detected or the
5 charring detected at the floor.

6 A. [11:43:39] No, we were not able to determine the cause or the origin of the fire
7 that would have caused that charring. However, there were no particular elements
8 observed on site that would have led us to believe that it might have been accidental,
9 such as an electric fire or other, given the position of the charring.
10 Of course, we have to be cautious because there might have been cleaning before the
11 painting that was carried out. But with those precautions, we were not able to
12 determine the origin of the fire.

13 As regards the books, the books, as you can see from the photographs, are charred on
14 the outside. In my opinion, following the fire, as you move toward the inside of the
15 book, the actual core of the book, you have less air, which is the agent for combustion
16 in the fire triangle that I explained yesterday, so it's only the outside of the books that
17 were charred.

18 And lastly, as regards those books, they might have self-combusted, but I think we
19 can exclude that possibility because the temperature required for paper is some 230
20 degrees Celsius, which means that you'd have to go up to 233 degrees Celsius in
21 order for paper, books, to self-come bust.

22 Q. [11:45:50] Thank you, Mr Witness. My final question on this topic is whether
23 you were familiar with the exact position of the books when the fire started.

24 A. [11:46:20] No, not at all. We discovered those books as is in those two bags,
25 and we did not carry out an investigation in order to determine what might have

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1 occurred in terms of cleaning or collection of the books following the fire because that
2 was not part of our mission statement. And that's involved in investigation; it's not
3 part of forensic work as such.

4 Q. [11:46:42] Thank you, Mr Witness. My second question, still relating to your
5 report on the mosque, concerns your testimony of this morning, transcript page 3, line
6 16 till 18 of the English transcript, where you were questioned on the projectile which
7 you found in one of the walls around the mosque. You mentioned that it's your
8 opinion that this projectile was shot from a short distance. Could you perhaps
9 clarify what you mean with "short distance."

10 A. [11:47:55] I don't believe I stated that the projectile was shot from a short
11 distance, but to check, perhaps we could have a look at the lines of the transcript that
12 you quoted.

13 Q. [11:48:15] It's the English transcript 3, page 3, line 18.

14 MR MACDONALD: [11:48:27] It may have been a translation issue. So maybe it
15 should also be checked against the French.

16 MR KNOOPS: [11:48:40] I recall that the witness said that he was not able to at no
17 point find the origin. He said the projectile was shot probably from a short distance.
18 But we can check it. And otherwise I ask the witness again.

19 MR MACDONALD: [11:49:12] The reference in French, your Honour, doesn't refer
20 to --

21 PRESIDING JUDGE TARFUSSER: [11:49 19] -- the reference and then we quote also
22 in French so to be on the safe side.

23 MR MACDONALD: [11:49:30] Page 3, line 11 to 14, 15, in French, that is. And
24 more precisely, actually, yes, it was mentioned but the context is different, 20 to 25.

25 PRESIDING JUDGE TARFUSSER: [11:50:43] Microphone, please; microphone,

1 please.

2 MR KNOOPS: [11:50:46] I'm sorry, Mr President.

3 It says in the British transcript, "It's obviously impossible to identify the point of
4 origin of the shooting, but I can say that it was in a straight line, a relatively short
5 distance, given the parabolic shape of the trajectory. It will be along this trajectory,
6 following the orange kit that you can see here."

7 So the witness referred to a relatively short distance given the parabolic shape of the
8 trajectory. But of course, we can ask him again.

9 PRESIDING JUDGE TARFUSSER: [11:51:23] Mr MacDonald.

10 MR MACDONALD: [11:51:25] We're working, your Honours, with translations.

11 PRESIDING JUDGE TARFUSSER: [11:51:28] Yes, I do know. That's why I asked,
12 please, can you quote the French part of this translated part so that we are on the safe
13 side.

14 MR KNOOPS: [11:51:51] (Interpretation) "It is clearly impossible to identify the
15 place, the point of origin of the projectile. What I can say is that the shot came from
16 a -- in a straight line supposing that the shot was from a short distance; otherwise,
17 you would have a parabolic trajectory."

18 THE WITNESS: [11:52:41] (Interpretation) I believe it was a misinterpretation of
19 my words. Let me perhaps try to clarify.

20 A shooting from a short distance, the projectile as it leaves the gun will be at its
21 maximum speed a few metres after it's shot, and the trajectory can be considered as a
22 straight line. That's why I said that given the ballistic trajectory kit, if it's a short
23 distance, and if the shot comes from several hundred metres, the air resistance and
24 the gravity factors are such that the trajectory of the projectile will be parabolic. The
25 longer the distance, the more parabolic the trajectory, and you will have the distance

1 between the straight line of the trajectory as it comes out of the gun and the maximum
2 height of the parabol, that's what we call the flèche of the trajectory, the highest point.
3 In other words, if the distance is short, the origin of the shot will be in line, although
4 the trajectory kit represents an approximation given the position of the hole. So
5 either you will have a straight line trajectory if the distance is short or from a different
6 position taking account of the parabolic shape of the trajectory.

7 MR KNOOPS: [11:54:44]

8 Q. [11:54:46] Are you able to tell us at what distance this projectile was shot, the
9 projectile you referred to in 2010?

10 A. [11:55:10] Are you referring to the projectile found in the lower portion of the
11 wall in the courtyard of the mosque? Is that what you are referring to?

12 Q. [11:55:31] Yes, which is located on photograph CIV-OTP-0076-2010. You were
13 asked about that photograph yesterday by the Office of the Prosecution.

14 My question is can you indicate to us from what distance that projectile was fired, or
15 is it not possible for you to say that?

16 A. [11:56:10] I believe, unless I'm mistaken, if my memory serves me well, I already
17 answered that question. I stated that it was impossible to determine the distance
18 from which the shot of this projectile occurred which led to the projectile hitting the
19 wall.

20 As I believe I already explained, you would have had to carry out an estimate of the
21 shooting distance using optical techniques, chromophoric techniques on the wall and
22 determine if there were any residues remaining. But given the time lag between the
23 alleged date of the events and the date of the investigation of the crime scene, and if
24 you add the fact that this wall is outside and, therefore, is impacted by weather events,
25 it was not considered useful to attempt to make an estimate which most likely would

1 have given negative results.

2 Q. [11:57:29] Thank you, Mr Witness.

3 In CIV-OTP-0076-2012 in paragraph 96 of your report, you explained that you found
4 this object, I site from the French paragraph, (Interpretation) "embedded in the wall."
5 (Speaks English) My question to you is, Mr Witness, can you tell us at what depth
6 within the wall you found this projectile?

7 A. [11:58:27] The projectile was embedded in the wall a few centimetres inside the
8 wall. But I did not note down the exact dimensions. I must have it somewhere in
9 my notes.

10 But you can see from the photographs presented on the page that you quoted, you
11 can see that the projectile in its end position, that is where it was blocked in the wall,
12 and you can see the size of the initial hole, which was just a centimetre wide, which I
13 modified in such a way as to not modify the position of the projectile inside in order
14 to calculate the ballistic trajectory.

15 Q. [11:59:34] The reason for my question, Mr Witness, is could the observation that
16 you found this projectile a few centimetres into the wall say anything about the
17 distance from which the bullet was shot into the wall, considering that the projectile
18 was a few centimetres into the wall, would that say something about the distance of
19 the shooter vis-à-vis the wall?

20 A. [12:00:11] From a scientific point of view, the penetration of the projectile into
21 the wall depends on a number of factors, in particular the speed. The speed of a
22 projectile will vary obviously between the point in time when it actually leaves the
23 gun and the distance that it has travelled, and these variations are relatively low if
24 you are talking about a short distance, a few hundreds of metres.

25 And in this case, the additional parameters, in particular the hardness of the wall, the

1 consistency of the wall, the fact that the wall was most likely not homogeneous
2 throughout its depth, we could make comparisons with a series of weapons and
3 ammunitions and tested it at various distances, but I don't think we could draw any
4 clear conclusions regarding the distance from which this shot was fired.

5 In addition, this projectile which landed in the wall could have gotten there in several
6 ways. It could have been a direct shot or it could have ricocheted. So that is
7 another aspect that needs to be taken into account when you are carrying out a
8 ballistic analysis, a complementary analysis.

9 Q. [12:02:09] My next topic relates to the residue, the gunshot residue you were
10 asked about yesterday. And in your evidence you stated that normally on a distance
11 of 10 metres you could find gunshot residues on individuals.

12 My first question, does this observation relate to all types of weaponry or is there a
13 differentiation between a rifle, gunshot or a tank when it concerns the distance with
14 which gunshot residue, GSR abbreviation, is being transmitted or transposed onto
15 human beings, for instance clothes of individuals?

16 A. [12:03:29] So the gunshot residue coming from the discharge of a firearm means
17 that a lot of parameters are involved. I think, and I'll give you a non-exhaustive list,
18 we could talk about the type of weapon used, the length of the barrel, the type of
19 munitions used, the type of explosive and the quantity of explosive used, the
20 functioning of the weapon itself. With a revolver or a semiautomatic pistol, you'll
21 find discharge residue on the hand of the person shooting it, the person firing it. A
22 longer weapon such as this will leave very little in the way of discharge residue on
23 the weapon itself, but more at the mouth of the barrel.

24 As regards the shooting distance, where we do find gunshot residue, and this is just
25 an approximation, I would say up to several metres from the mouth of the barrel you

1 can find GSR. But in even more specific conditions, depending on the conditions
2 that would make it possible for the GSR to have a significant aerodynamic effect
3 when the particles of non-combustive explosive are spherical, for instance, you might
4 find gunshot residue several metres away without any problem, several metres away
5 from the mouth of the barrel.

6 In this instance, to come back to the video and the identification of the firing from the
7 BTR and its turret, whether we're talking about the 7.62 or the 14.5 weapon, and on
8 the images that I have seen, I didn't see any person in front of the armoured vehicle at
9 a distance closer than tens of metres, several dozen metres, so looking for gunshot
10 residue here would have been a pointless exercise to my mind.

11 Q. [12:06:19] Do you know, Mr Witness, I take it then from your answer that none
12 of the, as far as you know, the alleged victims in connection to this incident were
13 examined or at least their clothes or belongings on the presence of GSR gunshot
14 residue?

15 A. [12:06:53] I don't remember whether there was any expertise from the OTP for
16 there to be a GSR analysis made on the clothing of the victims. But to my mind, if
17 such analysis had been carried out or were to be carried out, there is a very good
18 chance it might give negative results given the distance between the victims, the
19 armoured vehicle, which was several dozen metres away, because the people hit
20 cannot be seen on the video, which means that they were not in a position -- or they
21 were in a position further away from the armoured vehicle than those that we can see
22 at several dozen metres away. But I can give you no more by way of an answer. I
23 don't know whether analysis was carried out. If it was, I don't know what the
24 results were. I don't have any recollection thereof and I certainly didn't work on it.

25 Q. [12:08:04] Well, in a way you were involved in one autopsy, at least you were

1 present at one autopsy in 2015, the 6 May. Can you recall being present at an
2 autopsy on 6 May 2015 in Abidjan?

3 It's CIV-OTP-0081-0523. Your name is mentioned on the first page. My question to
4 you, if you can recall being there, can you recall whether that person on whom the
5 autopsy was conducted was also examined in relation to GSR, gunshot residue?

6 A. [12:09:22] As far as I can recall for that mission in Côte d'Ivoire and the 6th of
7 May, I was involved in the questioning of a witness, and I will not give the name.

8 The witness statement is CIV-OTP-0081-0436. We began the interview on 6 May at
9 1300 hours. And obviously in the course of the morning my colleagues, who were
10 going to attend an autopsy, well, I went in the course of the morning to -- how shall I
11 put it? To help them out, to assist them at the autopsy, which lasted until about 12, I
12 was there until 12, because afterwards I went to the witness questioning.

13 My participation at the autopsy was limited to certain technical acts. I was there to
14 assist the experts who were present, the anthropologist. I was involved in the
15 washing of certain bones and certain human remains. So it was assistance over a
16 brief period that required a very low level of expertise. And it was simply to
17 expedite the autopsy and to mean that the experts involved did not have to carry out
18 tasks that would require expert experience.

19 Q. [12:11:28] Mr Witness, my next topic relates to the item CIV-OTP-0082-0061.

20 You were asked about it yesterday in the English transcript, page 57, line 7 till 11. It
21 was a core of a 40.5 millimetre ammunition, and you said it was compatible with a
22 40.5 installed on a tower on this kind of tank.

23 My first question in relation to this item is do you know whether you or one of your
24 colleagues you referred to yesterday was able to track this projectile back in time?

25 Was an estimation being given or was it possible to give an estimation as when this

1 projectile was fired?

2 A. [12:13:05] As regards the core of the 14.5 millimetre projectile, it was not
3 possible to give a date for the gunshot. Nonetheless, investigation elements do shed
4 some light. If I'm not mistaken, the core was found in the course of the autopsies.
5 It was in a body bag. So one could indeed imagine that the projectile was placed
6 into the body bag at the same time or subsequently. Generally speaking, the core of
7 this type would not be present before the use of such a body bag.

8 Q. [12:14:19] Do you know, do you know whether any inquiry was conducted as to
9 the potential relationship between that person where -- in which body bag the
10 projectile was found and the person itself in terms of wound ballistical examination?

11 A. [12:14:51] I don't know. What I can say is that the core was subject to ballistic
12 expertise that was carried out by Thierry Supercazes in order to identify, to identify it.
13 And my conclusion in my report was that there was compatibility between that core
14 and the type of weapon to be found on the turret of a BTR-80 armoured vehicle.

15 Q. [12:15:29] Do you know whether human tissue was found on this projectile?

16 A. [12:15:38] I don't know. I think the question would have to be put to the
17 people who carried out the autopsy. Anyhow, I do not remember that Thierry
18 Supercazes made any mention in his report of the presence of human tissue or any
19 specific fluids that might have been present on the projectile. But it would be
20 necessary to take a look in detail at his report and the acts he carried out before he
21 went ahead with the expertise.

22 Q. [12:16:22] My final question on this topic, Mr Witness, do you agree that the
23 discipline of wound ballistics is something different from ordinary ballistical
24 examination?

25 A. [12:16:41] I don't think that I'm in a position to agree with what you say.

1 Ballistics covers different areas, interior ballistics, everything that concerns the
2 functioning of the weapon, the munitions of the projectile. The second type of
3 ballistics is external, in other words, what happens when the projectile leaves the
4 barrel until it reaches its target.

5 And the last type of ballistics is terminal ballistics, and either it's an object that's
6 concerned, that's external ballistics, or a human being, a living being, and there we
7 talk about wound ballistics.

8 Within the ballistics department that I led at the IRCGN, we dealt with all three types
9 of ballistics including wound ballistics. And that is why, moreover, we had, pretty
10 well all of us had a university diploma in wound ballistics. And generally speaking,
11 a wound ballistics expert was always present at an autopsy to provide input in the
12 form of knowledge in the area of wound ballistics.

13 In a number of cases in expertise, I carried out tests on animals and on other
14 biological targets. So in order to give you a precise answer to your question, I would
15 say that wound ballistics is part and parcel of the area of ballistics expertise.

16 Q. [12:18:50] Thank you, Mr Witness.

17 My final topic relates to your report on page CIV-OTP-0089-1059. These are some of
18 your observations relating to the video.

19 I ask your attention, Mr Witness, to the paragraph 60 and 61. Your observation is,
20 after the first batch of gunshots is heard, panic breaks out amongst the crowd, and the
21 camera image swings around violently as the camera user runs away.

22 And then you say, paragraph 61, "Therefore, further source attribution for the
23 gunshots would be impossible to establish."

24 Now, my question to you is, the first batch or burst of gunshots, which you locate at
25 0339, comprise at least three gunshots, that's to be read in paragraph 63 of your report,

1 the next page. Can we take it that for all the shots after those three at 0339, no source
2 attribution of those shots which were apparently fired after these three gunshots, that
3 no first source information or attribution can be made?

4 A. [12:21:18] Absolutely, you're quite correct, and because as I explained earlier the
5 attribution of the source of the shots was a combination of a number of factors, visual
6 and auditive that made it possible to attribute the first series of blasts at 3 minutes 39
7 identifying them as coming from the armoured vehicle that was present on the road.
8 The other noises that might have come from a firearm are blasts. We can hear them
9 more or less clearly depending on the timestamp of the video, but it is impossible to
10 attribute them to any specific firearm or even to say that they come from a firearm.
11 All we can say is that blasts are heard.

12 Q. [12:22:32] Mr Witness, in the pages, the subsequent pages where you give your
13 opinion on the several sounds, especially the pages 1060 till 1067 of the report, on four
14 occasions you refer to shots likely to be fired by light calibre or probably indicative for
15 a light calibre weapon.

16 That's on page 1063, 1064 and 1065 on two occasions at various times.

17 My question to you is is it possible that those gunshots which you attribute to a light
18 calibre weapon could be fired from a hand rifle?

19 A. [12:23:50] As regards this report, and as indicated previously, this was carried
20 out jointly with Mr Alan French, who, as indicated in the report, dealt with the
21 description of the events, and as indicated on page CIV-OTP-0089-1059, carried out
22 the analysis of the noises and produced spectrographic plots that you've mentioned
23 on the pages that you've mentioned.

24 So the analysis was carried out by Alan French. I do not have the audio
25 competencies that Alan French has. He's an expert in that area. As far as I know,

1 there are spectra that could correspond to weapons, to gunshots, potentially firearms.
2 But I'm not capable of distinguishing between a rifle, an automatic rifle, large calibre
3 or a small calibre weapon.

4 And to go even further, I would say that the acoustic signature of a weapon is a
5 highly complicated matter. In this instance, the type of recording that was made, in
6 other words, with a camera or with a smartphone, I don't know which it was, does
7 not make it possible for us to make a correct analysis of the spectrogram.

8 If I'm not mistaken, this was published by Jan De Kinder, who carried out a study and
9 who said that it was necessary to use a specific type of sonometer in order to use a
10 spectrograph for forensic purposes and in order to identify the type of weapon used,
11 be it large or small calibre. And I wouldn't go as far as identifying even a specific
12 weapon through its acoustic signature.

13 Q. [12:26:27] Thank you, Mr Witness. My final question in this regard is relating
14 to paragraph 78 of your report on CIV-OTP-0089-1065. It's the burst of gunshots
15 around 0435, paragraph 78. Here you say, "There would be appear to be four
16 gunshots from a light calibre weapon around 0435. They are quite distinctive and
17 easily audible when recording play back is slowed down."

18 My question to you is, these four gunshots which were in your opinion quite
19 distinctive, in what way were you able to detect that these were quite distinctive from
20 the others? And is it an indication for a different type of weapon?

21 A. [12:27:32] As I've just explained, this part was dealt with by Mr Alan French
22 because that's on the pages that you mentioned and he is the person who indicated
23 the plots on the spectrograph. And I think if you want to have a full answer, you
24 would have to put the question directly to Mr French.

25 As far as I'm concerned, I am not able to distinguish between lighter calibre and larger

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1 calibre weapons given all the random parameters that are present for this particular
2 case.

3 Q. [12:28:22] Thank you, sir, for your answers.

4 That concludes our examination, Mr President.

5 PRESIDING JUDGE TARFUSSER: [12:28:28] Thank you very much, Mr Knoops. I
6 would have now a question before giving the floor to the Office of the Prosecutor,
7 asking if there is a need for a re-examination.

8 So you received from the Office of the Prosecutor, and I'm referring to the same topic
9 with which the Defence for Mr Blé Goudé finished, you received from the Office of
10 the Prosecutor electronic support on which the video was on, right?

11 THE WITNESS: [12:29:11] (Interpretation) That is correct, your Honour.

12 PRESIDING JUDGE TARFUSSER: [12:29:12] And this without the device with
13 which the film was produced, as you said during your testimony. So as far as I
14 know, a film is made out of two separate files, a video, an image and an audio voice
15 file, right? Is this correct?

16 THE WITNESS: [12:29:38] (Interpretation) The file in question, your Honour, was
17 a file dot AVI that actually contains both components, both video and audio. But
18 obviously it is possible to separate them subsequently.

19 PRESIDING JUDGE TARFUSSER: [12:29:59] That is my question, you can separate
20 them and use them differently or you can -- normally they're associated, but you
21 could also disassociate the two files.

22 My question is, did you or is it possible to ascertain if these two files have ever been
23 disassociated before or if one or if the two files are part of the same video taken? Is
24 this possible to do? And if yes, have you done it? Or could it be in theory also been
25 a mix between one video file and an audio file?

1 THE WITNESS: [12:30:46] (Interpretation) Mr President, we had mainly Alan
2 French, who tried to see whether there had been attempts to modify or manipulate
3 the recording. There were no clear signs of any manipulation of those recordings as
4 we had received them. There were no particular problems and no discrepancies
5 between the images and the audio that would have suggested that the audio might
6 have been modified.

7 So as far as we are concerned, there were no signs at all of modification as from the
8 time we received it. We received the file under seal and I produced a copy. I used
9 H values to register the metadata and the exact content that was given to me.

10 Now, I do not know the precise chain of custody of the video and at what stage it was
11 sealed, that is, from the moment it was filmed until the moment it was delivered to us.

12 PRESIDING JUDGE TARFUSSER: [12:32:48] To me, it's not so much a matter of
13 chain of custody. It's a matter of if it is possible to ascertain at a certain point in time
14 when you receive it if this has ever been, I'm not talking obviously about the office of
15 Prosecutor, but before that, if it has been -- if there has been a manipulation of that
16 kind, meaning that you associate a video with an audio from another episode. This
17 is the question. If you did this examination, if it's possible to do it, and, well,
18 whatever you can tell us about this.

19 THE WITNESS: [12:33:46] (Interpretation) Any manipulation is possible
20 electronically.*It is possible to authenticate this video with more certainty using
21 complementary expertise that would use all the metadata in the video to ensure that
22 there are no discrepancies between the video and the type of machine that was
23 allegedly used. It seems to me that this was done by a colleague from the Guardia
24 Civil, who authenticated the video and provided a stabilisation of the image, but I am
25 not sure, but it seems to me that this was done with regards to the authentication.

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1 The fact remains that within the OTP, we do not have the necessary software to
2 authenticate it the way I've described.

3 PRESIDING JUDGE TARFUSSER: [12:35:02] So to have the device would maybe
4 have been helpful to this effect, is the question.

5 THE WITNESS: [12:35:15] (Interpretation) Yes, indeed, your Honour.

6 PRESIDING JUDGE TARFUSSER: [12:35:18] Thank you very much.

7 Now I ask the Office of the Prosecutor if there is need for re-questioning.

8 MR MACDONALD: [12:35:24] Well, based on your questions, your Honour,
9 because I think the witness had answered but I just want to make it clear with his
10 report.

11 PRESIDING JUDGE TARFUSSER: [12:35:31] No, no. Yes. But you're here for
12 re-questioning not to make clear. The witness has to make clear.

13 MR MACDONALD: [12:35:37] Yes, of course.

14 PRESIDING JUDGE TARFUSSER: [12:35:39] Okay.

15 MR MACDONALD: [12:35:39] Not to clarify. The witness gives the facts.

16 PRESIDING JUDGE TARFUSSER: [12:35:43] No, no. That's what I want to say.

17 MR MACDONALD: And I'll switch languages.

18 QUESTIONED BY MR MACDONALD: (Interpretation)

19 Q. [12:35:59] Mr Witness, just to be very clear, in order to avoid all ambiguity, the
20 question is as follows, and I'm referring to page 0089-1056 of your joint report with
21 Mr French, paragraph 48, and the question is as follows: Are you capable under
22 oath to certify that the CD that you received under seal containing the audio and
23 video recording at the scientific or digital level contain any possible audio or visual
24 manipulation?

25 PRESIDING JUDGE TARFUSSER: [12:37:16] I mean, excuse me, but this is not in

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- 1 doubt. He is not to say under oath anything he has done. I asked.
- 2 MR MACDONALD: [12:37:27] No, no, no.
- 3 PRESIDING JUDGE TARFUSSER: [12:37:28] No. Because then we are on a
- 4 different page here. There is no --
- 5 MR MACDONALD: [12:37:33] You can remove the word "under oath"
- 6 PRESIDING JUDGE TARFUSSER: [12:37:36] I have never, with the questioning, I
- 7 have never thought to put in doubt the work done by the Office of the Prosecutor and
- 8 by the witness, just to be clear.
- 9 MR MACDONALD: [12:37:47] And I understand it quite --
- 10 PRESIDING JUDGE TARFUSSER: Okay.
- 11 MR MACDONALD: The question is --
- 12 PRESIDING JUDGE TARFUSSER: [12:37:55] No, but from your question it didn't
- 13 seem that you -- it didn't seem so.
- 14 PRESIDING JUDGE TARFUSSER: [12:37:57] Well, we can remove the word "under
- 15 oath" if that's the question, which may have been bothering your Honour. And I
- 16 fully understand. We are talking prior to the Office of the Prosecutor receiving the
- 17 original HD version. That's what we are discussing.
- 18 PRESIDING JUDGE TARFUSSER: [12:38:20] Yes, please.
- 19 MR MACDONALD: [12:38:21] And I'm not coming back on the prior testimony that
- 20 you've heard in this case regarding that very topic.
- 21 PRESIDING JUDGE TARFUSSER: [12:38:27] No.
- 22 MR MACDONALD: But I'm going to ask now. I just want to follow up because we
- 23 have paragraph 48, which I want to draw the attention.
- 24 PRESIDING JUDGE TARFUSSER: [12:38:36] Go ahead, go ahead, go ahead. I just
- 25 want to make this clear so that --

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1 MR MACDONALD: [12:38:39] It's quite clear, your Honour.

2 Q. [12:38:47] (Interpretation) Page 1056 of the report, and paragraphs 48 and 49,

3 and I will come back to the answer that you gave a short while ago to the Chamber.

4 Upon reception of the CD, did you notice any previous manipulation at all?

5 A. [12:39:32] With regard to the CD, there was no problem when it came to the

6 chain of possession.

7 And with regard to 48 and 49, which was carried out by Alan French, he found no

8 trace of manipulation.

9 I listened it this video myself at several speeds, and I did not note any element of

10 manipulation or modification. The sound was consistent with the video.

11 MR MACDONALD: [12:40:13] Thank you.

12 MR ALTIT: [12:40:17] (Interpretation) Thank you, your Honour. We have no

13 questions.

14 PRESIDING JUDGE TARFUSSER: [12:40:23] Mr Knoops.

15 Thank you.

16 Mr Knoops.

17 MR KNOOPS: [12:40:26] No questions, Mr President. Thank you.

18 PRESIDING JUDGE TARFUSSER: [12:40:28] Thank you very much.

19 Your testimony has come to an end, Mr Laroche, and thank you for having been here

20 and having answered all the questions. Thank you very much. You can go back to

21 your office, not so far.

22 You can leave the courtroom. Thank you very much.

23 THE WITNESS: [12:40:52] (Interpretation) Thank you, Mr President.

24 (The witness is excused)

25 PRESIDING JUDGE TARFUSSER: [12:40:57] Now I have, before adjourning to this

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1 afternoon at 2.30, I just have to make a communication in private session. So please
2 call private session.
3 (Private session at 12.41 p.m.)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Open session at 12.42 p.m.)
14 THE COURT OFFICER: [12:42:20] Back to open session, your Honour.
15 PRESIDING JUDGE TARFUSSER: [12:42:25] Thank you very much.
16 The hearing is adjourned to 2.30 for Witness -- when we start with the next witness,
17 we have 580. Thank you very much. The hearing is adjourned.
18 THE COURT OFFICER: [12:42:38] All rise.
19 (Recess taken at 12.42 p.m.)
20 (Upon resuming in open session at 2.31 p.m.)
21 THE COURT USHER: [14:31:35] All rise.
22 Please be seated.
23 PRESIDING JUDGE TARFUSSER: [14:31:58] Good afternoon.
24 Good afternoon to you, Mr Witness.
25 WITNESS: CIV-OTP-P-0580

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1 (The witness speaks French)

2 THE WITNESS: [14:32:07](Interpretation) Good afternoon.

3 PRESIDING JUDGE TARFUSSER: [14:32:16] Mr Witness, could you
4 please -- bonjour.

5 THE WITNESS: [14:32:22](Interpretation) Good afternoon.

6 PRESIDING JUDGE TARFUSSER: [14:32:24] Could you please tell us your name,
7 when and where you were born.

8 THE WITNESS: [14:32:36](Interpretation) Okay. My name is Sylla Ismael. I was
9 born June 9th, 1990.

10 PRESIDING JUDGE TARFUSSER: [14:32:52] Where?

11 THE WITNESS: [14:32:54](Interpretation) In Abobo.

12 PRESIDING JUDGE TARFUSSER: [14:32:56] You are an Ivorian national?

13 THE WITNESS: [14:33:01](Interpretation) Yes, I'm an Ivorian national.

14 PRESIDING JUDGE TARFUSSER: [14:33:05] And can you tell us your ethnicity
15 and your faith.

16 THE WITNESS: [14:33:14](Interpretation) I'm a Malinké and I'm a Muslim.

17 PRESIDING JUDGE TARFUSSER: [14:33:21] What is your current occupation?

18 THE WITNESS: [14:33:28](Interpretation) At present, I'm a civilian fireman.

19 PRESIDING JUDGE TARFUSSER: [14:33:34] And what was your occupation at the
20 crisis?

21 THE WITNESS: [14:33:43](Interpretation) I was a pupil.

22 PRESIDING JUDGE TARFUSSER: [14:33:45] I can imagine.

23 Now, if you have -- you don't have protective measures, but in any case if you have
24 any problems during your testimony just tell me and we will try to --

25 THE WITNESS: [14:34:10](No interpretation)

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1 PRESIDING JUDGE TARFUSSER: [14:34:14] -- address all the problems you might
2 have.

3 THE WITNESS: [14:34:18](Interpretation) Thank you.

4 PRESIDING JUDGE TARFUSSER: [14:34:20] You are testifying in French, and I'm
5 speaking English, so what I'm saying is translated to you and what you're saying to
6 me is being translated to me and us all, so please speak slowly.

7 THE WITNESS: [14:34:36](Interpretation) Okay.

8 PRESIDING JUDGE TARFUSSER: [14:34:37] Speak slowly because we must take
9 care of our interpreters and the court reporters because everything we are also saying
10 is written down. So if I give you a sign, if you might speed up, I give you a sign, just
11 slow down, okay.

12 THE WITNESS: [14:35:03](Interpretation) Okay.

13 PRESIDING JUDGE TARFUSSER: [14:35:04] Another thing is, speak clearly and
14 loud so that we can all hear you best.

15 THE WITNESS: [14:35:16](Interpretation) Okay.

16 PRESIDING JUDGE TARFUSSER: [14:35:18] This Chamber has been established to
17 try the case of Mr Gbagbo and Mr Blé Goudé, the Prosecutor against Mr Gbagbo and
18 Mr Blé Goudé, and we are here in this courtroom to try to establish the truth, to
19 establish what happened. And you as a witness, you as a witness, you are part of
20 this, so what you have to do is to answer the questions which will be put to you by
21 the Office of the Prosecutor and by the Defence teams, Mr Gbagbo and Mr Blé Goudé,
22 and to answer truthfully. So this is your only obligation, to answer the truth.

23 THE WITNESS: [14:36:14](Interpretation) Okay.

24 PRESIDING JUDGE TARFUSSER: [14:36:16] To this effect, the law requests you to
25 make a solemn undertaking, so I would ask you to read out the formula you should

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1 have in front of you.

2 THE WITNESS: [14:36:36](Interpretation) Okay. I solemnly declare that I will state
3 the truth, the whole truth and nothing but the truth.

4 PRESIDING JUDGE TARFUSSER: [14:36:45] Thank you.

5 You have also to know that giving false testimony, or in other words not saying the
6 truth, the whole truth, is an offence against the Court and, as such, punishable.

7 THE WITNESS: [14:37:07](Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [14:37:08] Now, Mr Witness, the Chamber and
9 you, we have before us your written statement, a statement you gave to the Office of
10 the Prosecutor on 9th and 10th May 2015. You remember you gave this statement to
11 the Office of the Prosecutor?

12 THE WITNESS: [14:37:36](Interpretation) Yes.

13 PRESIDING JUDGE TARFUSSER: [14:37:37] And just for the record, I'm referring
14 to the statement CIV-OTP-0081-0416, and to the annexes 0081, 0431, 32, 33 and 34.

15 You have also these documents in front of you, do you?

16 THE WITNESS: [14:38:29](Interpretation) Could you repeat the numbers, please,
17 which documents you referred to.

18 PRESIDING JUDGE TARFUSSER: [14:38:35] Do you have your statement in front
19 of you, the statement you gave to the Office of the Prosecutor you signed?

20 THE WITNESS: [14:38:45](Interpretation) Yes, yes, I have it in front of me.

21 PRESIDING JUDGE TARFUSSER: [14:38:48] Okay. And have you had the
22 possibility, the opportunity, to read it in the last few days, to read the statement you
23 gave?

24 THE WITNESS: [14:39:00](Interpretation) Yes, I read it.

25 PRESIDING JUDGE TARFUSSER: [14:39:02] Just look at me, please, and -- okay.

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1 Now, on 6 June 2017, filing 950, the Chamber has decided that your statement is
2 suitable to be introduced under Rule 68(3) of the Rules of Procedure and Evidence,
3 and this means than rather you having to repeat in its entirety here your statement,
4 the Chamber can use it, can use the statement as such. But in any case, the Office of
5 the Prosecutor and the Defence teams will still ask you questions, supplementary
6 questions, by the Office of the Prosecutor and you will still have to answer questions
7 by the Defence teams.

8 The Rule 68(3) states that the Chamber may, can allow the introduction of the
9 previous recorded statements, the previous recorded statements, if the witness does
10 not object and if the Prosecutor, the Defence and the Chamber have the opportunity
11 to examine the witness. And, therefore, I ask you, do you agree that your statement
12 and the annexes to your statement are introduced in the record of the case?

13 THE WITNESS: [14:40:47](Interpretation) Yes.

14 PRESIDING JUDGE TARFUSSER: [14:40:47] Okay, thank you very much.

15 So in light of the fact that you're also here today and available for being examined by
16 the parties and the Chamber, the Chamber notes that all the requirements of the law
17 of our Rule 68(3) have been met and the introduction of the written statement of the
18 witness is therefore allowed. And I'm referring to the written statement and to the
19 annexes with the numbers I've just before read out. These items are submitted.

20 For clarity, I note also the statement also refers to item CIV-OTP-0078-0645, which is
21 not annexed to the statement, but also considered submitted.

22 Further, the statement refers to a number of other items not as such annexed which
23 are already submitted after the testimony of Witness P-237, and I'm -- these are the
24 items in the range of CIV-OTP-0078-0505 up to and including 0530.

25 Now we can start the questioning and, therefore, I give the floor to the Prosecutor.

1 Yours, the floor.

2 MS BERDENNIKOVA: [14:42:44] Thank you and good afternoon, Mr President,
3 your Honours.

4 QUESTIONED BY MS BERDENNIKOVA: (Interpretation)

5 Q. [14:42:55] Good afternoon, Witness. Thank you for being here in the
6 courtroom today.

7 A. [14:43:00] Thank you very much.

8 Q. [14:43:02] My name is Maria Berdennikova. I am a trial attorney with the
9 Office of the Prosecutor and I'm going to be asking you some questions this afternoon.
10 We did have an opportunity to meet last Thursday during the courtesy visit.
11 However, French is not my mother tongue and my English is somewhat better and,
12 therefore, I'm going to be asking you my questions in English. So I will now switch
13 into English.

14 A. [14:43:36] Fine.

15 Q. [14:43:37] (Speaks English) Now, I'm sure that you have already noticed that
16 I'm referring to you as "Mr Witness" so please don't take that as any sign of disrespect.
17 It is just a kind of custom that we have here in the courtroom.

18 Now I will --

19 A. [14:43:53] No problem.

20 Q. [14:43:54] Now I will ask you to listen to my questions carefully. If ever you
21 don't understand something, please let me know, and I will repeat or I will rephrase
22 what I've asked you. All right?

23 A. [14:44:09] Okay.

24 Q. [14:44:11] So as the Presiding Judge has already explained, everything that you
25 said in your statement and in your annexes is already submitted on the record, so

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1 everyone in the courtroom has had the chance to read it and to familiarise themselves
2 with what you'd said, so I'm not going to ask you to go into the details of everything
3 that is in your statement today. Instead what I'm going to do is I'm going to ask you
4 a few clarification questions. All right?

5 A. [14:44:46] Okay.

6 Q. [14:44:48] Now, Mr Witness, in your statement, at paragraphs 25 to 42, you
7 speak about what happened to your sister, Sylla Malon, and you explain what
8 happened to her during the women's demonstration in Abobo. You also explain
9 how you found her gravely injured immediately after the incident and you explain
10 how you brought her to the hospital where she died shortly after. Now, again this is
11 all already on the record. So rather than going into the details of your story again,
12 what I would like you to tell the Judges is, what impact did the death of your sister
13 have on your life and on the life of your family?

14 A. [14:45:48] Thank you very much. The death of my sister had an impact on
15 the lives of every member of our family; my mother, myself, my sister's daughter, my
16 brothers and sisters, because before her death she paid for my schooling, she paid for
17 the schooling of my younger brothers and she helped our elders as well satisfy their
18 daily needs. And basically she took care of the family. So after her death, I had to
19 stop going to school because I no longer had any money to pay for my schooling.
20 That's it.

21 Q. [14:47:03] Thank you, Mr Witness.

22 Your Honours, I would like to go into a very brief private session just to cover two
23 confidential documents, with your leave.

24 PRESIDING JUDGE TARFUSSER: [14:47:15] Thank you.

25 Let's go into private session, please.

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- 1 (Private session at 2.47 p.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Open session at 2.49 p.m.)

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1 PRESIDING JUDGE TARFUSSER: [14:49:40] Although I don't understand why we
2 were in private. There was nothing, nothing confidential.

3 THE COURT OFFICER: [14:49:47] We are now in open session.

4 PRESIDING JUDGE TARFUSSER: [14:49:49] We are now in open session. Thank
5 you.

6 MS BERDENNIKOVA: [14:49:54]

7 Q. [14:49:54] Mr Witness, I would now like to change topic and I would like to
8 bring you to a different incident which you also speak about in your statement, and
9 this is paragraph 24. This is an incident that took place at the Siaka Koné market.
10 Do you remember this incident?

11 A. [14:50:21] Yes, somewhat.

12 Q. [14:50:23] Mr Witness, you say that --

13 PRESIDING JUDGE TARFUSSER: [14:50:26] No, can you put direct questions,
14 direct questions.

15 MS BERDENNIKOVA: [14:50:31] Okay.

16 Q. [14:50:32] Can you tell us where were you exactly when you heard the shell
17 that day?

18 PRESIDING JUDGE TARFUSSER: [14:50:43] Did you hear shelling? Did you
19 hear shelling that day?

20 THE WITNESS: [14:50:50](Interpretation) Yes, I heard the noise of the shelling.

21 PRESIDING JUDGE TARFUSSER: [14:50:54] And where were you exactly?

22 THE WITNESS: [14:51:00](Interpretation) That day I was, as was usual, because of
23 the crisis, we would meet at the entrance of the neighbourhood to talk with some
24 friends. And that day we were standing there and we were talking, if I remember
25 correctly, and we heard the noise of loud shelling. Initially, I didn't really know that

1 it was shelling, but it was so loud that everyone was looking around. And we heard
2 repeated noises.

3 And after hearing the noise, a short time afterwards, we went toward the source of
4 the noise, which was the Siaka Koné market, so that's why we went there. And
5 when I got there, I saw men and women lying on the ground with their -- their heads
6 crushed, their limbs were crushed, their arms and legs -- in fact, they were already
7 dead when we got there. And we looked at the bodies a little bit and then we went
8 home.

9 MS BERDENNIKOVA: [14:52:29]

10 Q. [14:52:30] Can you be more specific as to where at the Siaka Koné market you
11 saw this?

12 A. [14:52:37] Well, it was at the Siaka Koné market, that's what it's called. It was
13 there.

14 Q. [14:52:59] Which part of the Siaka Koné market was it?

15 A. [14:53:11] Well, when you come to the front of the market, to your left, it was
16 the left side of the market, toward the ITB station.

17 Q. [14:53:31] And can you give an approximate number of the victims that you
18 saw on the scene?

19 A. [14:53:54] Well, you know, they weren't all grouped together. There might be
20 one victim here, one over there, so -- and, you know, the day when that happened, I
21 might have been able to tell you the number, but today I've forgotten exactly how
22 many there were. But I would say at least five or six individuals.

23 Q. [14:54:23] And did you recognise any of these victims?

24 A. [14:54:30] No.

25 Q. [14:54:37] Other than the victims that you saw at the scene, did you see any

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1 other damage to the surrounding area?

2 A. [14:54:56] Where the shells hit, part of the market was hit, the courtyard, and
3 the roofs were damaged.

4 Q. [14:55:28] Thank you, Mr Witness. I don't have any more questions for you
5 today. Thank you.

6 A. [14:55:33] Thank you.

7 MS BERDENNIKOVA: [14:55:34] Thank you, your Honours.

8 PRESIDING JUDGE TARFUSSER: [14:55:36] Can you tell us when this was, when
9 this incident occurred, more or less? Not the date maybe, but the month.

10 THE WITNESS: [14:55:57](Interpretation) Well, I don't remember the month, but I
11 know that it was after the women's march.

12 PRESIDING JUDGE TARFUSSER: [14:56:11] Thank you very much.

13 I think the legal representative, that's right? Sorry, I've forgotten --

14 MS MASSIDDA: [14:56:22] Yes, your Honour. Thank you very much. Indeed I
15 have asked to question this witness, but following the questioning of the Office of the
16 Prosecutor I do not have any further question for this witness. Thank you.

17 PRESIDING JUDGE TARFUSSER: [14:56:33] Thank you very much.

18 Now the floor is to Maître Altit, the Defence for Mr Gbagbo, Mr Witness.

19 MR ALTIT: [14:56:45] (Interpretation) Thank you, your Honour. Your Honour,
20 ladies and gentlemen, the cross-examination will be carried out on behalf of
21 Laurent Gbagbo by Madam Naouri.

22 PRESIDING JUDGE TARFUSSER: [14:57:00] Madam Naouri, yours the floor.

23 MS NAOURI: [14:57:21](Interpretation) Thank you, your Honour.

24 QUESTIONED BY MS NAOURI: (Interpretation)

25 Q. [14:57:31] Good afternoon, witness.

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1 A. [14:57:33] Good afternoon, madam.

2 Q. [14:57:34] My name is Jennifer Naouri and I'm going to be asking you
3 questions today on behalf of the defence team for Laurent Gbagbo, okay?

4 A. [14:57:45] Yes. Very well.

5 Q. [14:57:55] Witness, in 2010 during the presidential election, did you support
6 one or the other candidate?

7 A. [14:58:08] No.

8 Q. [14:58:11] Did you carry out any particular administrative procedures in order
9 to vote during that election in 2010?

10 PRESIDING JUDGE TARFUSSER: [14:58:19] He was 10 years old.

11 MS NAOURI: [14:58:25](Interpretation) No, he was not 10 in 2010.

12 PRESIDING JUDGE TARFUSSER: [14:58:30] 20, okay. Sorry. My mathematics,
13 which is not so good. Okay.

14 MS NAOURI: [14:58:37](Interpretation) I must say I wondered about my own
15 arithmetic.

16 THE WITNESS: [14:58:45](Interpretation) I did not have an electoral card because
17 when -- I think when they were producing those cards, I was only 17 or 18, so I didn't
18 have one yet.

19 MS NAOURI: [14:59:05](Interpretation)

20 Q. [14:59:05] Very well. But did you try to get a card, a voting card? And
21 which candidate had you intended to support?

22 A. [14:59:17] No, I did not apply for a voting card because I wasn't old enough.

23 Q. [14:59:38] Very well. But during the electoral campaign, did you go to any
24 political rallies?

25 A. [14:59:46] Well, the rallies that took place in my town I went to go and watch.

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1 Q. [14:59:54] Can you tell us a little bit more?

2 I'm waiting a moment so that we don't overlap for the purposes of interpretation.

3 Witness, can you tell us where those rallies took place in your commune and who
4 attended those rallies?

5 A. [15:00:27] I remember that the current president, Alassane Ouattara, came to
6 Abobo at the Abobo roundabout. On that day, I did go for a while. I went to the
7 rally.

8 Q. [15:00:56] Very well. And with whom did you go to the rally?

9 A. [15:01:09] Well, I can't really remember, but I think I was with friends. We
10 wanted to go and see. I hadn't yet seen the president, Alassane Ouattara, so at all
11 costs I wanted to see him out of curiosity.

12 Q. [15:01:34] Did you go with any supporters of the RDR?

13 A. [15:01:46] Well, I can tell that everyone who was present that day was a
14 follower of the RDR.

15 Q. [15:01:59] And you, did you go to the RDR campaign headquarters?

16 A. [15:02:06] Never.

17 Q. [15:02:12] Very well. Witness, you said today, on page 64, lines 23 to 27 of the
18 transcript, that you are a civilian fireman.

19 A. [15:02:33] Yes.

20 Q. [15:02:35] And when the Presiding Judge asked what you did before, you said
21 you were a pupil.

22 A. [15:02:42] Yes.

23 Q. [15:02:44] I'd like to read a paragraph from your written statement that you
24 gave to the OTP.

25 A. [15:02:54] Okay.

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1 Q. [15:02:54] And I'll read to you paragraph 17. This is what you say, and I'm
2 taking part of the paragraph:

3 "I was between 20 and 21 years of age when I left school. Then there was the crisis.
4 And for a period of time I did nothing. I did not follow any other training and I did
5 not work."

6 So my question is what were you doing before you became a fireman? Because in
7 your statement you say -- well, I'm not going to read out what I've already read you,
8 but you say something other than just pupil. So tell us what you did before you
9 became a firefighter, please.

10 A. [15:04:01] At that time I, together with friends, did a few odd jobs. We sold a
11 few things. We would buy mobile phones that we'd sell. That was in our district.
12 So that was how I got by financially.

13 Q. [15:04:35] Okay. Very well. If I've understood correctly, you got by by
14 selling mobile phones; is that correct?

15 A. [15:04:43] Yes.

16 Q. [15:04:44] Very well. And when did you apply to become a firefighter?

17 A. [15:04:54] I think it was in 2014, 2014.

18 Q. [15:05:09] Very well. Do you remember when you began training as a
19 civilian fireman?

20 A. [15:05:20] It was in January 2014, January 2014.

21 Q. [15:05:31] Very well. Do you know when the profession of civilian firefighter
22 was created?

23 A. [15:06:02] Well, I know that there was a decree that came out on 29
24 December 2015, in 2015, 29 December 2015, that was the nomination decree.

25 Q. [15:06:36] When you say "nomination decree," do you mean your nomination

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1 as firefighter?

2 A. [15:06:44] Yes.

3 Q. [15:06:44] But do you remember when the decree came out that created the job
4 of civilian firefighter?

5 A. [15:06:51] No.

6 Q. [15:06:53] Very well. In your statement in paragraph 18, you say that you
7 began your training as firefighter in February 2014 in Bouaké. My question is who
8 carried out your training?

9 A. [15:07:22] Carried out? I don't really understand.

10 Q. [15:07:29] I'll clarify this. Which authority was responsible for carrying out,
11 for giving you that training?

12 A. [15:07:45] Well, first of all, in January 2014 I was in M'Bahiakro for training,
13 FCB, which is basic training, formation commune de base. And then in February we
14 went to Bouaké. In January 2014 at M'Bahiakro, it was the gendarmes who were the
15 trainers. And then in Bouaké it was the firemen, the military firemen who trained us.
16 It was Colonel Kouakou who was in charge, Colonel Kouakou.

17 Q. [15:08:54] Fine. Witness, it's the Authority for Disarmament and
18 Demobilisation and Reintegration of Veterans, the ADDR, in collaboration with the
19 National Office for Civilian Protection, the ONPC, that was in charge of your training;
20 is that not correct? Did you say yes?

21 A. [15:09:34] Could you repeat that, please?

22 PRESIDING JUDGE TARFUSSER: [15:09:37] Do you know what this authority is,
23 the Authority for Disarmament and Demobilisation and Reintegration of Veterans?
24 Do you know what that is?

25 THE WITNESS: [15:10:00](Interpretation) Yes, the DDR is, I think -- well, I've

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1 forgotten the meaning, but it's a team in charge of reintegration of -- it is the section
2 for veterans.

3 PRESIDING JUDGE TARFUSSER: [15:10:19] Okay.

4 Madam Naouri.

5 MS NAOURI: [15:10:24](Interpretation) Thank you, your Honour.

6 Q. [15:10:30] Very well. So the ADDR that's responsible for reintegrating
7 veterans, it's through the ADDR that the fire fighters to which you belonged were
8 trained; is that not correct?

9 A. [15:10:52] Yes.

10 Q. [15:10:53] Very well. So the first group to which you belong is made up of
11 veterans; is that correct?

12 A. [15:11:03] Yes.

13 Q. [15:11:05] Fine. Can you tell us where the veterans in your year came from or
14 in your class came from?

15 A. [15:11:18] I don't really know, because I didn't -- well, I went on my own, so I
16 didn't have any friends beforehand who were veterans, so I don't really know.

17 Q. [15:11:51] But when you were following the training, you spoke to your fellow
18 students, did you not?

19 A. [15:12:03] Yes.

20 Q. [15:12:03] Where did they come from?

21 A. [15:12:07] They came from Bouaké, Korhogo, Ferké, I think that's where they
22 came from and that's where they lived.

23 Q. [15:12:19] Very well. Did they tell you which com-zone they'd been fighting
24 for?

25 A. [15:12:27] No.

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1 Q. [15:12:29] Fine. Witness, you were part of the programme for reintegration
2 for veterans, so you were a veteran; is that not correct?

3 A. [15:13:00] No.

4 Q. [15:13:07] Did you pretend to be a veteran so that you could join the ADDR?

5 A. [15:13:17] Let me explain this. When the ADDR came to the district to ask
6 young people who didn't have any jobs whether they wanted to join the ADDR so
7 they could find jobs for them, that's why I went and handed in my papers to see
8 whether I would be lucky.

9 Q. [15:14:10] Very well. However, in order to enjoy the benefits offered by the
10 ADDR, you did have to follow a certain procedure, you have to go through certain
11 steps to be accepted by the ADDR; is that not correct?

12 A. [15:14:38] For example?

13 Q. [15:14:40] For example, first of all, you had to be registered with the ADDR; is
14 that correct?

15 A. [15:14:51] Yes, yes.

16 PRESIDING JUDGE TARFUSSER: [15:14:52] Can we not ask him what he had to
17 do in order to be admitted to this programme, that he tells us.

18 MS NAOURI: [15:15:05](Interpretation) Yes, of course, your Honour. But he
19 asked me for an example, so I wanted to give him one.

20 Q. [15:15:10] Witness, what did you do, the different steps you went through in
21 order to be accepted by the ADDR?

22 A. [15:15:23] First of all, I went to the ADDR, I think, yes. They took a photo of
23 me and then I think I submitted a file. So that's what I did. And when I was called
24 up, they said I had to go to a medical at the police academy because I'd been selected.

25 Q. [15:16:03] Very well. Did you receive a civilian package from the ADDR?

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1 A. [15:16:16] A package? What do you mean by a package?

2 Q. [15:16:23] A civilian package, "paquet civil" is a term used by the ADDR which
3 explains that they give certain clothes, civilian clothes to the person who has been
4 selected to show that they'd been accepted by the ADDR.

5 A. [15:16:43] No, I didn't.

6 Q. [15:16:44] Fine. Did you receive financial assistance from the ADDR?

7 A. [15:16:52] Yes. The day I arrived at the ADDR, I think I got 5,000 francs for
8 my transport, to cover my travel costs.

9 Q. [15:17:10] Fine. Did you get a demobilisation card?

10 A. [15:17:18] Yes, I did. I got a demobilisation card.

11 Q. [15:17:21] Very well. Witness, you came out in May 2014 having completed
12 your training in Bouaké; is that correct?

13 A. [15:17:34] Yes.

14 Q. [15:17:37] Do you remember what Hamed Bakayoko, minister of interior, said
15 in his speech at the finishing ceremony in May 2014?

16 A. [15:17:50] Yes, I remember more or less.

17 Q. [15:17:52] Very well. Witness, I'm going to show you a video.

18 Court officer, I would ask for this to be transferred to us, please.

19 THE COURT OFFICER: [15:18:06] You have the floor, evidence channel 2.

20 PRESIDING JUDGE TARFUSSER: [15:18:09] Is there a transcript?

21 MS NAOURI: [15:18:14](Interpretation) Yes, your Honour, I'll give you the
22 reference immediately. It's video CIV-D15-0004-2604. The time code is 4.50 to 5.11.
23 And the transcription is CIV-D15-0004-2621, lines 13 to 21.

24 THE COURT OFFICER: [15:19:03] Publicly, of course?

25 MS NAOURI: [15:19:07](Interpretation) Yes, indeed, court officer.

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1 Q. Witness, we're going to play the video to you now.

2 A. [15:19:30] Very well.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [15:19:44] (Interpretation of the video excerpt) I like the
5 image where they were armed with Kalashnikov and now all they're carrying is water.
6 So parents, believe me, this is not just any old job. This is a noble profession,
7 working to save people's lives.

8 MS NAOURI: [15:20:17](Interpretation)

9 Q. [15:20:17] Witness, you were present at the ceremony, were you not?

10 A. [15:20:19] Yes.

11 Q. [15:20:20] What does the minister, Hamed Bakayoko, mean when he says they
12 were armed with Kalashnikovs?

13 A. [15:20:31] Among us there were veterans, former combatants, they were
14 together with us, and among them, together with them we were there as well, quite
15 a lot of us, and we had not fought.

16 Q. [15:20:56] Very well. But the minister is talking to all of the group as
17 veterans.

18 A. [15:21:09] Yes.

19 Q. [15:21:12] Witness, I'd like to read to you an extract from an article.

20 MS BERDENNIKOVA: [15:21:24] Your Honours.

21 PRESIDING JUDGE TARFUSSER: [15:21:25] Yes, Ms Berdennikova.

22 MS BERDENNIKOVA: [15:21:28] Thank you. Just a remark about the last
23 comment from the Defence, about the minister addressing everybody as
24 ex-combatant. It is a conclusion and it is speculative.

25 PRESIDING JUDGE TARFUSSER: [15:21:40] Well, but we all heard what the

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1 minister said, so I don't think --

2 MS NAOURI: [15:21:47](Interpretation) He's talking about the whole group.

3 PRESIDING JUDGE TARFUSSER: [15:21:48] -- it is necessary, nor the comment nor
4 anything else. We can see, we can hear and we know what he has said. Thank you
5 very much. There is no --

6 MS NAOURI: [15:22:00](Interpretation) Thank you, your Honour.

7 Q. [15:22:00] Witness, as I was saying, I'm going to read something to you, it's an
8 extract, and I'll give the reference, CIV-D15-0004-2405. It is an article entitled
9 "Hamed Bakayoko to the veterans who had become fire fighters. You're not there to
10 worry the population," published on 7 May in the Nord-Sud publication. I'll read it
11 out to you in part and then I'll put a question to you.

12 "Hamed Bakayoko encouraged the new fire fighters to follow the 'line of integrity.'
13 The state will make sure that everybody respects you. You're not there to worry the
14 population. If you fail, you will be closing the door to your younger brothers." End
15 of quotation.

16 That was the advice given by the minister of the interior, who said he was happy to
17 know "that we can transform veterans into development soldiers."

18 As you were there, Witness, do you remember hearing Hamed Bakayoko say this?

19 A. [15:23:34] In the coming-out ceremony? Well, I don't remember exactly.

20 Q. [15:23:45] Very well. Thank you.

21 Witness, I'd like to show you another part of the same video that we've just seen, but
22 this time the timestamp is 1.06 to 1.32, and the transcription is CIV-D15-0004-2621,
23 lines 1 to 10.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [15:24:22] (Interpretation of the video excerpt)

1 "Mr Minister, this is a unique resocialisation programme being introduced by the
2 ADDR to help veterans to return to society and their communities in the best possible
3 conditions. What we're after is turning people into normal citizens, respectful
4 citizens who are not terrifying people and not the object of any stigmatisation."

5 MS NAOURI: [15:24:55](Interpretation)

6 Q. [15:24:55] Witness, can you tell us who is the person on that video?

7 A. [15:24:59] I think that it was the director, Fidèle Sarassoro, I think.

8 Q. [15:25:09] Thank you. Very quickly, I'd like to go over the procedure to be
9 followed to become a civilian firefighter. Do you remember the documents you had
10 to submit in your application file?

11 A. [15:25:30] I didn't provide anything.

12 Q. [15:25:31] Very well. Did you pay the registration fee?

13 A. [15:25:43] No.

14 Q. [15:25:44] Very well. Witness, I'm going to move on to something else.

15 You said this morning you were born in Abobo; is that correct?

16 A. [15:26:04] Yes.

17 Q. [15:26:06] Do you know Abobo well?

18 A. [15:26:09] Yes, more or less.

19 Q. [15:26:11] Very well. So my question is, in February/March 2011 there were
20 armed groups in Abobo, were there not?

21 A. [15:26:27] Could you repeat the question, please?

22 Q. [15:26:30] No problem. In the February/March 2011 time frame, are you with
23 me?

24 A. [15:26:42] February/March time frame, yes.

25 Q. [15:26:45] There were already armed groups in Abobo, were there not?

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1 A. [15:26:49] Well, during the crisis, I think -- I'm trying to remember. I think it
2 was the CRS, CECOS that we would see patrolling around Abobo quite a lot.

3 Q. [15:27:16] Fine. Were there rebel combatant groups?

4 A. [15:27:27] Well, I have no idea.

5 PRESIDING JUDGE TARFUSSER: [15:27:38] Do you know who the rebels were?
6 Have you ever heard speaking about the rebels?

7 THE WITNESS: [15:27:54](Interpretation) Yes, I had heard about the rebels.

8 PRESIDING JUDGE TARFUSSER: [15:27:57] So you know who are the rebels, or
9 who at that time were named the rebels?

10 THE WITNESS: [15:28:08](Interpretation) Yes, yes.

11 PRESIDING JUDGE TARFUSSER: [15:28:11] And who?

12 THE WITNESS: [15:28:15](Interpretation) I didn't know them.

13 PRESIDING JUDGE TARFUSSER: [15:28:17] Okay. Thank you.

14 MS NAOURI: [15:28:22](Interpretation) Thank you, your Honour.

15 Q. [15:28:24] Very well. But if I say FRCI, does that ring any bells?

16 A. [15:28:36] FLC, it's the Republic Forces of Côte d'Ivoire.

17 Q. [15:28:44] So in that period, February/March 2011, were they present, the FRCI,
18 were they present in Abobo?

19 A. [15:28:54] Yes, well, in fact, FRCI, that's Republican Forces of Côte d'Ivoire
20 soldiers, the soldiers of Côte d'Ivoire. Well, if you're talking about the FRCI, well, I
21 can say yes because they would be in front of the town hall to guarantee security and
22 safety. I think, yes, you would find them seated in front of the town hall.

23 Q. [15:29:30] Very well. And the Invisible Commando?

24 A. [15:29:35] I've heard about it; I never saw it though.

25 Q. [15:29:40] Very well. You heard about the Invisible Commando. What was

1 it?

2 A. [15:29:50] Apparently, they were rebels and they would disappear and then
3 reappear. That's what we heard afterwards.

4 Q. [15:30:13] Very well. Did you hear any shots in Abobo during conflicts
5 involving the Invisible Commando?

6 A. [15:30:32] Yes, on some days we heard gunshots while at home. And after,
7 when we went out, we were told that it was the rebels and the loyalists.

8 Q. [15:30:51] Very well. Thank you, Mr Witness.

9 Now we are going to move on to something else. We will focus on 3 March 2011.
10 That is on the day of the women's march.

11 A. [15:31:19] Yes.

12 Q. [15:31:19] My first question: How did you know that a march was going to
13 take place in Abobo?

14 A. [15:31:26] To begin with I did not know. I did not know that there was a
15 march. It is in the morning when I went out as usual. Since we had nothing to do, I
16 would come and stand by the roadside to converse with my friends.

17 Q. [15:31:49] Very well. Now, let us go stage by stage. Let me begin with the
18 announcement of the march. You have said you do not know; is that correct?

19 A. [15:32:02] Yes.

20 Q. [15:32:04] Your mother's cousin did not tell you that she was going to the
21 march?

22 A. [15:32:10] My mother's cousin? No.

23 Q. [15:32:18] And your cousin's wife?

24 A. [15:32:19] No.

25 PRESIDING JUDGE TARFUSSER: [15:32:21] Excuse me, but if he said he didn't

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1 know, he didn't know. So nobody told him. Also if you ask his sister or mother, no.

2 No is no.

3 MS NAOURI: [15:32:36](Interpretation)

4 Q. [15:32:36] Mr Witness, when you left your home, did you see any armed
5 individuals?

6 A. [15:32:49] No.

7 Q. [15:33:09] Did you know at what time the re-supply convoy of the FDS passed
8 on the main road during that period?

9 A. [15:33:22] Please repeat.

10 Q. [15:33:22] In March 2011, did you know at what time the re-supply convoy of
11 the FDS passed through the main road in Abobo?

12 A. [15:33:38] When you talk of re-supplies, I did not know whether they were
13 going to resupply or not, *but I know that ...I have ... and there wasn't a specific time.
14 There we are. Often it was in the morning, often in the evening. And when they were
15 passing by they would shoot in all directions. So when we heard that there was a
16 tank or a vehicle arriving, we would flee because they were shooting in all directions.

17 Q. [15:34:18] Very well. In paragraph 27 of your statement, I'll read the first
18 sentence. Regarding your sister you said:

19 "We looked at each other but we did not greet each other because at that time we
20 were not on very good terms."

21 My question is, for how long had you not been speaking with your sister?

22 A. [15:35:09] On this matter, my sister and myself, we really loved each other, but
23 there were times when I did things that she did not like. And even if we did not
24 speak to each other, it really did not mean that there was a serious problem; she was
25 just upset with me.

1 Q. [15:35:42] Very well. On that day at what time did you leave your home?

2 A. [15:35:54] Kindly repeat the question, please.

3 Q. [15:35:59] On the day of the march, at what time did you leave your house?

4 A. [15:36:07] I do not remember the time, but I think it was around 8 o'clock,
5 9 o'clock. I believe so.

6 Q. [15:36:27] Very well. And when you left your house, where were you going?

7 A. [15:36:39] When I left the house, I was coming to the roadside to meet with my
8 friends with whom I would discuss just to pass time. We were living on a street.
9 When you leave the neighbourhood, you go on to the tarred road, on the tarmac, and
10 we would sit by the roadside in order to converse.

11 Q. [15:37:23] Very well. And you went to that location alone?

12 A. [15:37:32] The road was not very far away from my house, just a very short
13 distance away. So when you came out of the neighbourhood, a few steps and you
14 were on the tarmac.

15 Q. [15:37:55] My question was: You went there alone?

16 A. [15:38:00] Yes. But if I met friends in the neighbourhood, we would come out
17 there together.

18 Q. [15:38:07] Very well. And for how long did you walk before meeting your
19 sister?

20 A. [15:38:18] I beg your pardon?

21 Q. [15:38:21] After you left your home, for how long did you walk before coming
22 across your sister?

23 A. [15:38:31] When I arrived the tarmacked road, it was while I was there with a
24 friend that I saw her coming towards the house. I was going out and she was
25 coming in. We did not speak. She passed by me and she went into the

1 neighbourhood. There was a man who was there and who asked her whether she
2 was not going to the march. Because I, myself, when I left the neighbourhood, I saw
3 a good number of people, women who were walking towards the town hall and
4 turning towards the Banco. I asked someone next to me and he told me that today
5 was the women's march. When I stopped with my friend, that is when I saw my
6 sister returning from the market.

7 Q. [15:39:49] Very well. So you were with someone when you saw your sister; is
8 that correct?

9 A. [15:39:55] Yes.

10 Q. [15:39:58] And the person who asked your sister whether she was not -- she
11 was going to the march, was she speaking to you or your sister?

12 A. [15:40:14] Please repeat.

13 Q. [15:40:16] You said that you were with someone and you saw women going to
14 the march, you saw your sister and you have said that there was someone who asked
15 about your sister, whether she was going to the march, was this person speaking to
16 you or to your sister?

17 A. [15:40:40] To my sister.

18 Q. [15:40:44] Very well. And why did that person ask whether your sister was
19 going to the march?

20 A. [15:41:15] He was really asking whether she had already returned from the
21 march, or whether she was going there. She had a -- she had a piece of carton, paper
22 on which it was written "Gbagbo criminal." And when he passed by me that person
23 asked, "Are you going to the march or you are just coming back?" And she said no,
24 she's coming from the market, she's going to leave her belongings at home before
25 going to the march.

1 Q. [15:42:02] Very well. Your sister was she politically committed, did she take
2 part in a campaign, for example?

3 A. [15:42:14] Well, as I have said, when there were rallies in Abobo everyone
4 would go to look. But she liked President Alassane Ouattara very much.

5 Q. [15:42:47] Very well. As far as you know, had your sister taken part in
6 marches prior to that?

7 A. [15:42:55] I do not remember.

8 Q. [15:42:58] Very well.

9 PRESIDING JUDGE TARFUSSER: [15:43:01] Excuse me. What do you mean that
10 you don't remember participating in a march? You have or you have not, but how
11 can you say you don't remember?

12 THE WITNESS: [15:43:19](Interpretation) Myself or my sister?

13 MS NAOURI: [15:43:24](Interpretation) Mr President, I think there was a little
14 problem of interpretation, I asked whether his sister, and he thought himself.

15 Q. [15:43:42] Mr Witness, did other women in your family, such as your mother's
16 cousin, participated in other marches?

17 A. [15:43:55] No, I do not remember.

18 Q. [15:44:02] And were these women politically active?

19 A. [15:44:17] I know the situation with my sister. She was a supporter of
20 President Ouattara, but I never saw her go to an RDR meeting on any day, but she
21 was very much a supporter of President Ouattara.

22 Q. [15:44:52] Very well. Mr Witness, did your sister live far away from the
23 assembly point of the march, that is the Banco roundabout?

24 A. [15:45:12] Yes.

25 Q. [15:45:14] How much time on foot?

1 A. [15:45:25] At least 10 to 15 minutes.

2 Q. [15:45:28] Very well. And you, was the roundabout at Banco part of your
3 itinerary on that day?

4 A. [15:45:50] When I left the house, I met a friend by the roadside. And since we
5 had nothing to do, he asked me whether we could go and watch movies in his house.
6 And that is how come we took the road towards his house, which was not very far
7 away from the Banco. So we took that road and we left. We did not even arrive his
8 house. It was on the way that there were shots.

9 Q. [15:46:37] Mr Witness, let me stop you. We will go step by step. My
10 question was: After seeing your sister, the road you were taking, was it towards the
11 Banco roundabout?

12 A. [15:46:55] When I left the house?

13 Q. [15:47:00] No.

14 A. [15:47:02] When I left the house, my first stop was by the roadside leading to
15 the Gare roundabout to the Samaké road.

16 Q. [15:47:23] That is where you met your sister?

17 A. [15:47:24] Yes.

18 Q. [15:47:27] Now, once you met your sister, what direction did you take until
19 you met your friend?

20 A. [15:47:44] When I left home I met my friend and it was with him that I was
21 walking towards his house to watch movies.

22 Q. [15:48:08] And for how long did you stand with your friend by the roadside?

23 A. [15:48:14] I can say we stayed there for about 20 to 30 minutes.

24 Q. [15:48:26] And what did you do after 20 to 30 minutes?

25 A. [15:48:31] We were conversing, watching the women passing by and moving

1 towards the Banco -- in the Banco direction.

2 Q. [15:48:56] So you looked at the women for a long time?

3 A. [15:49:01] Yes. While they were marching, while they were marching we
4 were there discussing with friends. We were watching people pass by for quite
5 some time.

6 Q. [15:49:18] Very well. Did you know the itinerary of the women's march at
7 that time?

8 A. [15:49:27] No, I did not know.

9 Q. [15:49:32] Was there any traffic on that day?

10 A. [15:49:35] No. When you're talking about "traffic" you mean vehicles?

11 Q. [15:49:45] Yes.

12 A. [15:49:48] No, there was no traffic.

13 (Counsel confer)

14 MS NAOURI: [15:50:04](Interpretation)

15 Q. [15:50:06] And you discussed for quite a while. Then what did you do?

16 A. [15:50:16] We were conversing and my friend said we could go to his house to
17 watch movies. I accepted. And then that is when we took the road going towards
18 the Abobo town hall and then turning towards the Banco roundabout.

19 Q. [15:50:50] Very well. Why did you take that road with your friend?

20 A. [15:51:01] Just to move around and look around a little bit. Otherwise we
21 could have gone through the neighbourhood, but we went by the tarmacked road to
22 see how the atmosphere was like.

23 Q. [15:51:24] Where did he live, your friend?

24 A. [15:51:27] He was in a neighbourhood known as Mobile, close to the Banco
25 roundabout.

1 Q. [15:51:40] And what did you see while you were strolling around looking at the area?

2 A. [15:51:55] *We saw the women, people who had stopped on the upper floors
3 of the building who were looking at the demonstration and other things.

4 Q. [15:52:06] So you went to observe the demonstration?

5 A. [15:52:16] It was on the way to my friend's house that we saw all that.

6 Q. [15:52:29] Very well. And how long did that last?

7 A. [15:52:41] I really no longer recall, but I know that when we started walking,
8 up to the point where the firing started, I think it was between five to six minutes.

9 Q. [15:53:16] Very well. Did you see any armed men?

10 A. [15:53:21] No. No.

11 Q. [15:53:26] But did you see any men going in the direction of the march?

12 A. [15:53:33] Well, everyone wanted to see what was happening. There were
13 people who had stopped in front of their doors, upstairs watching what was going on.

14 THE INTERPRETER: [15:53:56] Microphone.

15 MS NAOURI: [15:54:00](Interpretation)

16 Q. [15:54:02] There were no members of the army approaching the assembly
17 point rebels?

18 A. [15:54:22] Rebels, I do not know the rebels. I cannot say whether they were
19 there or not.

20 Q. [15:54:30] Very well. You have just talked to us about the Mobile petrol
21 station. How far away is that petrol station from the Banco roundabout?

22 A. [15:54:46] I can say that from the Mobile station to the Banco roundabout, it is
23 a four to five minute walk.

24 Q. [15:55:02] Very well. But at the petrol station you couldn't see very well what
25 was happening at the Banco roundabout?

1 A. [15:55:14] No, because there were a lot of people, we could not see very well.

2 Q. [15:55:21] For how long did you stay at the petrol station?

3 A. [15:55:27] I did not stay there. When I was walking with my friend, when we
4 arrived the Mobile station, we heard certain shouts of joy behind us, so we turned
5 around to look, and that is when I saw a tank and a military vehicle called Cantar
6 transporting people on board. When we saw them we wanted to flee, but when they
7 passed by us and arrived at the roundabout we heard noises.

8 Q. [15:56:36] Very well. Mr Witness, you have said that you saw two vehicles; is
9 that correct?

10 A. [15:56:47] Yes.

11 Q. [15:56:50] Very well. And at what speed were they driving?

12 A. [15:56:59] What do you mean?

13 Q. [15:57:02] Were they going slowly? At high speed?

14 A. [15:57:10] They were driving at speed, but not at very high speed.

15 Q. [15:57:26] Can you describe the two vehicles that you saw in a little bit more
16 detail?

17 A. [15:57:35] With -- or, rather, over time I have really forgotten the details about
18 the tank, but on the day they passed I could well have described them.

19 Q. [15:57:56] Can you tell us the colour?

20 A. [15:58:00] Yes; it was blue, similar to the flag over there.

21 Q. [15:58:16] The witness was looking at the Court flag behind the Judges; is that
22 correct?

23 A. [15:58:30] But it was a darker blue than that.

24 Q. [15:58:35] Very well. Do you remember whether there was a weapon on the
25 vehicles?

1 A. [15:58:42] I did not see any weapon on the tank, but the Cantar which was
2 behind, there were people sitting at the back bearing weapons.

3 Q. [15:59:10] Very well. And what did you do when you saw these two
4 vehicles?

5 A. [15:59:24] When we saw those two vehicles I was frightened, I thought they
6 were going to start shooting again. But on that day I told myself that since it was a
7 women's march it was not normal for them to shoot. So we were by the roadside.
8 But when they passed us and arrived at the roundabout, we -- I heard shots. I heard
9 gunshots, heavy gunshots.

10 Q. [16:00:11] Very well. So they did not fire at the position at which you were?

11 A. [16:00:16] No.

12 Q. [16:00:18] And you did not see any shooting?

13 A. [16:00:22] Yes, I did not see any firing. I heard the shots.

14 Q. [16:00:33] Did you hear it later?

15 A. [16:00:35] Well, when they drove passed us, when we got -- when they got in
16 front of us, when they were in front of us, that's when we heard the noise. The
17 women started shouting with joy, and it was after the shouting started that we heard
18 the noises, a very loud noise, and then I heard gunshots.

19 Q. [16:01:15] That was very clear. Thank you.

20 MS NAOURI: [16:01:18](Interpretation) Your Honour, I see the time. This is
21 perhaps the appropriate time to stop for today.

22 PRESIDING JUDGE TARFUSSER: [16:01:26] Can I also know about the timing, for
23 organisational purposes?

24 THE COURT OFFICER: [16:01:43] One hour 04 so far used by the Defence team.

25 MS NAOURI: [16:01:49](Interpretation) I believe we'll need slightly more than one

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- 1 session.
- 2 PRESIDING JUDGE TARFUSSER: [16:01:56] Okay. Thank you very much.
- 3 The hearing is adjourned to tomorrow at 9.30.
- 4 Thank you very much.
- 5 THE COURT USHER: [16:02:04] All rise.
- 6 (The hearing ends in open session at 4.02 p.m.)