

Trial Hearing
WITNESS: CIV-OTP-P-0369

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I - Courtroom 3
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Koudou Gbagbo and Charles Blé
5 Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera-Carbuccia and Judge Geoffrey
7 Henderson
8 Trial Hearing
9 Tuesday, 17 May 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 PRESIDING JUDGE TARFUSSER: Now it works.
12 THE COURT OFFICER: (Interpretation) Mr President, you're quite correct, it would
13 seem that everyone can hear us now and the microphones are all working. Thank you
14 very much.
15 And we are in open session.
16 PRESIDING JUDGE TARFUSSER: Thank you, Felipe.
17 Good morning to all of you, with a bit of delay.
18 Before asking the court usher to enter the witness, I just want to rule on the LRV
19 application for leave to question Witness 369 which request was made on the English
20 transcript T-35, page 2.
21 Having heard the observations made by the Defence for Mr Gbagbo and Mr Blé Goudé on
22 16 May 2016, in support of their objections, French transcript T-39, pages 3 to 6, and in
23 light of its own determination as regard to the limited scope of questioning which will be
24 allowed for Witness 369, and I refer to decision 539, the Chamber rejects the LRV
25 application.

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1 One recommendation to the OTP and then also to the parties, which is specular, we expect
2 that this witness will be -- the questioning of this witness by the OTP will finish today
3 possibly, but today, which obviously would mean that on Friday we have the next new
4 witness. So just to give a sort of a timing. Thank you very much.

5 Now, I ask the court usher to introduce Witness 369.

6 (Pause in proceedings)

7 PRESIDING JUDGE TARFUSSER: We have to deal with a second problem today,
8 microphones not functioning, now the witness disappeared and we don't know where he
9 is. He should be in the court, but probably there was -- the courtrooms were mixed.

10 (Pause in proceedings)

11 PRESIDING JUDGE TARFUSSER: I must say this is very much annoying, may I say. I
12 think we go.

13 Felipe, can you tell us when the witness is here because we can't wait here, it is just
14 really --

15 THE COURT OFFICER: All rise.

16 (Recess taken at 9.41 a.m.)

17 (Upon resuming in open session at 9.44 a.m.)

18 THE COURT USHER: All rise.

19 Please be seated.

20 PRESIDING JUDGE TARFUSSER: Here we start again.

21 Now, I think we have retrieved the witness.

22 Good morning. First of all, I want to identify you properly. You're Matthew Franklin
23 Wells; is that correct?

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25 THE WITNESS: Yes.

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- 1 PRESIDING JUDGE TARFUSSER: Born on 5 January 1984 in Irving, Texas --
- 2 THE WITNESS: Yes.
- 3 PRESIDING JUDGE TARFUSSER: USA? Yes. And your profession, could you tell
- 4 us?
- 5 THE WITNESS: Human rights researcher.
- 6 PRESIDING JUDGE TARFUSSER: You're still a human rights researcher?
- 7 THE WITNESS: Yes.
- 8 PRESIDING JUDGE TARFUSSER: And for how long have you been a human rights
- 9 researcher?
- 10 THE WITNESS: For seven years now.
- 11 PRESIDING JUDGE TARFUSSER: And where, where in particular is your research
- 12 focused?
- 13 THE WITNESS: Right now South Sudan.
- 14 PRESIDING JUDGE TARFUSSER: And before that?
- 15 THE WITNESS: Côte d'Ivoire.
- 16 PRESIDING JUDGE TARFUSSER: Côte d'Ivoire. What is the time frame you have been
- 17 researcher in Côte d'Ivoire?
- 18 THE WITNESS: From 2009 to 2014.
- 19 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. You know
- 20 obviously that this Chamber has been established to try the case of the Prosecutor against
- 21 Mr Gbagbo and Mr Blé Goudé here at the International Criminal Court and that you are
- 22 called to assist us in the search for the truth. You will be asked questions by the Office of
- 23 the Prosecutor and the Defence, both Defence teams. If at any point you have some
- 24 concerns, you just tell me, you ask for a break or you tell me which your concerns are, we
- 25 will deal with them.

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1 Obviously, as a witness you -- of these proceedings it is your obligation to tell the truth
2 and, therefore, you're required to make a solemn undertaking, so I'd ask you to repeat the
3 following words: I solemnly declare that I will speak the truth, the whole truth and
4 nothing but the truth.

5 THE WITNESS: I solemnly declare that I will speak the truth, the whole truth and
6 nothing but the truth.

7 PRESIDING JUDGE TARFUSSER: Thank you. Obviously you know that giving false
8 testimony is an offence against the administration of justice against the Court, so I would,
9 just before giving the floor to the Office of the Prosecutor, I would just make you a
10 recommendation to speak slowly because we have interpretation and court reporters
11 which have to give a sound translation and report in the writing. So although you -- it is
12 obvious that speaking the same language one might follow up quickly, I would ask you to
13 speak slowly and to observe a pause between the end of the question and the beginning of
14 the -- of your answer.

15 So I think that's all.

16 And now I will give the floor to the Office of the Prosecutor for the questioning. Thank
17 you.

18 MS PACK: Thank you, Mr President.

19 QUESTIONED BY MS PACK:

20 Q. Mr Wells, good morning.

21 A. Morning.

22 Q. I'm Melissa Pack. We met yesterday at the courtesy meeting. I'll be questioning
23 you today for the Prosecution.

24 Now, just to begin with you've just told their Honours that you were a researcher in the
25 context of Côte d'Ivoire between 2009 and 2014. For which organisation were you

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1 working during that time?

2 A. Human Rights Watch.

3 Q. When were you employed by Human Rights Watch, from when?

4 A. From 2009 to 2014.

5 Q. And your supervisor at Human Rights Watch during that time?

6 A. Corinne Dufka.

7 Q. And who was she at that time?

8 A. She was the senior researcher for West Africa.

9 Q. What did your job as a West Africa researcher detail?

10 A. To research violations of human rights, to do field research in particular and to
11 document violations that had happened and who was responsible for them.

12 Q. Was the focus just on Côte d'Ivoire or other areas in the region?

13 A. For me personally it was Côte d'Ivoire and Senegal.

14 Q. Just a bit about your educational background. Can you just tell us about your
15 university and after education.

16 A. So I did university studies at Rice majoring in history and psychology and then I did
17 a law degree at Harvard Law School.

18 PRESIDING JUDGE TARFUSSER: Excuse me.

19 Mr Altit.

20 MR ALTIT: (Interpretation) Thank you, Mr President. I'm sorry to interrupt. I can
21 see on the French transcript the court reporters are stating that the rapidity, the rapid
22 exchanges between the Prosecutor and the witness does not make it possible for the court
23 reporters to keep a clean record.

24 MS PACK: I'll observe a pause.

25 PRESIDING JUDGE TARFUSSER: Well, yes, what can I say? I would really ask you to

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1 go slowly.

2 MS PACK: Yes.

3 PRESIDING JUDGE TARFUSSER: That's it.

4 MS PACK: I'll observe the 5-second rule.

5 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

6 MS PACK: Thanks very much to my colleagues on the other side for reminding me.

7 Q. So, Mr Wells, we are both speaking the same language, obviously, so I will remind
8 you and myself to just pause a bit between questions and answers so that the interpreting
9 booths can catch up with us.

10 I'd asked you about your education. I think you'd covered that. Let's just go to before
11 your employment with Human Rights Watch. Had you had any other experience before
12 then in the region of -- the West African region?

13 A. Yes. While in law school I worked through the Harvard human rights programme
14 doing research in Sierra Leone. Did field work on child labour in the diamond mines of
15 Sierra Leone, which led to a report that I co-authored. In addition, worked for a summer
16 for a Liberian human rights and environmental organisation, and then did further field
17 work in Liberia on the right to education.

18 Q. Now, just on the topic of training, had you received any training when you worked
19 at Human Rights Watch?

20 A. Yes. I'd initially received training actually while in law school through the
21 Harvard human rights programme. Several of the people there had previously worked
22 for Human Rights Watch and so much of the methodology employed by the human rights
23 programme was quite similar to Human Rights Watch, so I was trained there. And then
24 upon starting with Human Rights Watch, everyone goes through a week of intensive
25 training into the methodology of the organisation, into interviewing victims and witnesses,

1 and then following that your first field mission is conducted with a senior researcher at
2 the organisation in which they provide feedback on your interviewing to -- before you
3 would then do a research project on your own.

4 Q. Did you receive any training related to any particular categories of victim or
5 witness?

6 A. Yes. We receive specific training and, for example, interviewing victims of sexual
7 violence, or rather, particularly vulnerable victim groups. We also have training in how
8 to conduct interviews with translators doing, for example, mock interviews with
9 translation. In addition, we have some basic training in terms of identifying weapons,
10 particularly if you were working in a conflict or potential conflict area.

11 Q. Now, you've talked about the first field mission. When was your first field mission
12 for Human Rights Watch?

13 A. It was in early October 2009 to Guinea Conakry in the aftermath of a -- the massacre
14 at a demonstration that happened on 28 September in Guinea. So I went with Corinne,
15 the head of the work in West Africa, as well as the director of the Human Rights Watch's
16 emergency division, to investigate what exactly happened in the context of these events in
17 Guinea.

18 Q. Now, I'd like to ask you a little about Human Rights Watch, the organisation's work
19 in Côte d'Ivoire. Do you know for how long Human Rights Watch had carried out
20 research within that context?

21 A. I believe the first report was about the elections in 2000 and violence that took place
22 related to the elections in 2000. And the organisation had worked fairly consistently in
23 the country from that period on with a number of reports about the conflict in 2002, 2003
24 and reports on the period of neither peace nor war between 2003 and 2004 and the
25 elections in 2010.

1 Q. Now, I'm not going to ask you to look at any of those reports, but could you name
2 some of the key reports from that period?

3 A. I'm sure there would -- there was a report called "The Best School," for example, I
4 believe published in 2008, that looked at FESCI, in particular, the student union that was
5 perceived to support Mr Gbagbo and actions associated with FESCI. There was also a
6 report into again the 2002, 2003 armed conflict focusing in particular on the western part
7 of the country and abuses committed both by government forces and opposition forces.

8 Q. What was the basis of Human Rights Watch reporting on Côte d'Ivoire?

9 A. The work is always based off field research, investigations on the ground rooted in
10 interviewing first-hand victims or witnesses to the events, corroborating those through
11 taking often considerable numbers of testimonies about the same events in order to ensure
12 that they are sufficiently established and corroborated. In addition, times where feasible
13 doing site visits to the locations where events have taken place to see things ourself, to
14 corroborate through our own visits what witnesses or victims have said.

15 Q. Did you, in carrying out the investigations field research that you have described,
16 did you focus on one or other side or party? Or how did you focus your investigations?

17 A. Human Rights Watch's work is always rooted in impartiality, objectivity. It's one
18 of the core principles of the organisation. So in any situation we are looking at human
19 rights violations, regardless of who is the perpetrator or alleged perpetrator. We are
20 vigorously pursuing any and all leads again regardless of who is potentially implicated.

21 Q. And the purpose of the Human Rights Watch reporting on Côte d'Ivoire, what was
22 that broadly?

23 A. First, it's to expose or give voice to victims of human rights violations to determine
24 what has happened in a particular incident or set of incidents through speaking with
25 people who have experienced it themselves and to -- and to give voice to their experience

1 and what they have gone through.

2 And second that's then used as a basis for advocacy. It's a research in advocacy
3 organisation, so with the reporting we do advocacy with stakeholders around justice and
4 accountability and around other ways to try to minimise the violations of human rights
5 that are happening on the ground.

6 Q. Now, which reports on Côte d'Ivoire were you personally involved in researching
7 for?

8 A. The first report I researched and drafted was called "Afraid and Forgotten." It was
9 published in 2010, prior to the elections, looking at the western part of the country, in
10 particular, both in the area that was controlled by the government and also in the area that
11 was still de facto controlled by the Forces Nouvelles rebel group. So we were looking at
12 issues of criminality and lawlessness, including sexual violence, extortion that were
13 happening in both parts of western Côte d'Ivoire as well as the response from the
14 government and to stop such abuses.

15 The second report was the one on the post-election violence called "They Killed Them
16 Like It Was Nothing," which looked at events from November 2010 through May 2011
17 associated with the post-election crisis.

18 Subsequent to that, I did a report in -- I believe it was published in October 2012 looking at
19 a crackdown on primarily supporters of Mr Gbagbo by the pro-Ouattara forces in the
20 aftermath of some attacks on military installations in Abidjan. So looking at abuses of the
21 pro-Ouattara forces against Gbagbo supports in Abidjan in response to these security
22 threats.

23 In addition, I was involved in a report co-researching and writing with a member of our
24 international justice programme, looking at what had happened in terms of
25 accountability, both nationally in Côte d'Ivoire and internationally, for crimes committed

1 during the post-election crisis, which we published in I believe it was in April 2013.
2 And then in addition, I did a report focusing primarily on land conflict in western
3 Côte d'Ivoire that was published in the fall of 2013, looking primarily at what had been
4 the illegal sale of land of primarily, again, supporters of Mr Gbagbo who had fled to
5 Liberia, had taken refuge in Liberia and while they were in Liberia many of their plots of
6 land had been illegally sold and so they were now coming back to Côte d'Ivoire and no
7 longer had access to their land.

8 Q. Did Human Rights Watch publish anything other than these long reports that
9 you've been talking about related to Côte d'Ivoire?

10 A. Yes. During the crisis, because it was an emergency situation, we often put out,
11 soon after field missions, extended -- we would call them press re-pluses, so a press
12 release plus kind of a short report. They would generally be 15 to 20 pages detailing our
13 findings from a particular period on the ground. Given how rapidly evolving the
14 situation was during the post-election crisis, we believed it was important to get this
15 information out as quickly as possible.

16 In addition, not related to the crisis, I published at least several dozen press releases,
17 opinion pieces and other writings on Côte d'Ivoire during my time at Human Rights
18 Watch.

19 Q. I'd like to show you on the screen in front of you a document.

20 MS PACK: If we can have CIV-OTP-0003-0028.

21 MR ALTIT: (Interpretation) And which number is that on your list?

22 MS PACK: For my friends, it's number 35 on the list.

23 Q. So you can see there -- can we fully enlarge that page so the whole page is visible.

24 THE COURT OFFICER: (Interpretation) Your Honour, this document will be shown
25 on the screens. It has been classified as public, unless you wish to give instructions to the

1 contrary.

2 PRESIDING JUDGE TARFUSSER: I'm fine. If it's public, it's public.

3 MS PACK: It's a public document, yes.

4 Q. Now, if you just look at that first page there and then I'd actually ask the court
5 officer to turn the page, please, to the following page which ends 0029.

6 Just take your time to look.

7 You've been talking about press releases and other documents that were published by
8 Human Rights Watch related to the crisis. Does this list encompass some or all of those
9 documents that you'd been -- you've mentioned?

10 A. It looks like it encompasses everything between early December and April 11th.
11 We had additional publications subsequent to that; for example, after I undertook a
12 mission in mid-May 2011 that looked largely at the final battle for Abidjan, and so we had
13 an additional, I think, you know, 15 to 20-page press release that went out in association
14 with that, that I don't see here, but this represents up till April 11th.

15 Q. And the press releases that you've been talking about, they were prepared on the
16 basis of what?

17 A. There would be some difference depending on the press release. Some of them
18 were, for example, a response to news events that were happening. I see here, for
19 example, one where the African Union leaders were coming to Abidjan, so it was in some
20 ways just spotlighting a particular news event that was going on, but most of them here
21 was based off of research that we did with first-hand victims or witnesses to specific
22 events documenting particular events within Côte d'Ivoire while we were either in
23 Abidjan or as well this includes when I was along the Liberian-Ivorian border speaking
24 with refugees.

25 Q. Now, I'd like to go to your report "They Killed Them Like It Was Nothing." That

1 report was prepared on the basis of what?

2 A. The report was based primarily on, I believe it was six field missions to Côte d'Ivoire
3 related to the post-election violence, so it was based on field work we did in Côte d'Ivoire
4 interviewing again first-hand victims and witnesses to specific events, at times a large
5 number of victims or witnesses to very specific events over the course of this period,
6 beginning with a mission in Abidjan in January, running through a mission in July
7 of 2011.

8 Q. I think you said six missions. If it's possible for you to recall each of those, I'd just
9 like to take you through them. So the first mission approximately, can you recall the
10 dates when that would have been?

11 A. Yes, so the first mission is actually the only one that I was not directly a part of. It
12 was a mission in -- at the end of December 2010 that was undertaken by an emergencies
13 researcher at Human Rights Watch who went to the Liberian-Ivorian border, particularly
14 the area where -- that was across the border from Danané and Man in western Côte
15 D'Ivoire, so an area that was largely controlled by the Forces Nouvelles, and she was
16 looking at potential abuses by the pro-Ouattara forces or the rebel group in northern
17 Côte d'Ivoire that had led some people to flee into Liberia. So that was the first mission.
18 The second mission was to Abidjan for 10 days in January where we were looking at
19 events that had taken place over the first month, month and a half of the crisis.

20 Q. Who did you go with on that mission?

21 A. I was -- I was there along with Corinne Dufka, the senior researcher for West Africa.

22 Q. And the next mission that you went on?

23 A. The third mission was in early March, again for 10 days. Again, I was
24 accompanied by Corinne. We were there I believe it was from the 3rd to 12 March where
25 we were looking primarily at what had taken place since your previous mission in

1 Abidjan, most notably in February as tensions had escalated in Abidjan.

2 The fourth mission was to the Liberian-Ivorian border. The republican forces had begun
3 their military offensive in western Côte d'Ivoire and so we went to the border where at
4 that time there were tens of thousands of refugees coming across, fleeing what had
5 happened in western Côte d'Ivoire, and so we interviewed refugees often the day they
6 were arriving or merely days after they had arrived from the conflict area in western
7 Côte d'Ivoire. On that mission I was joined by two other researchers, one who works in
8 the refugees division at Human Rights Watch, Gerry Simpson, and then another
9 researcher from the Africa division at the time, Leslie Haskell.

10 The fifth mission that I undertook was from I believe May 13th to 26th. I was alone in
11 Abidjan on that mission and was focusing primarily on events related to the final battle
12 for Abidjan as well as to potential abuses by the republican forces in the aftermath of the
13 arrest of Mr Gbagbo.

14 And finally, the sixth mission related to the conflict was in late July of 2011, at which point
15 I was looking primarily at events related to the shelling in Abobo. It was something that
16 had -- we hadn't covered in previous missions just based on timing, and so I was trying to
17 dig deeper into those particular incidents before putting together the final report.

18 Q. The frequency of your field missions to Abidjan, in particular, how did you time
19 them? What considerations applied is the question?

20 A. We were generally trying to get in as quickly as possible after -- after major events,
21 after rising tensions in December, we tried to get there as quickly in possible in January.
22 And again after events had escalated in particularly late February with the emergence of
23 the Invisible Commando in Abobo and the response that then came after that, we tried to
24 get back as quickly as possible to look at what was happening in Abidjan again as
25 tensions were getting higher.

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1 We then went -- or, I then went to the Liberian-Ivorian border because there had been this
2 military offensive in the western part of the country and we wanted to better understand
3 what exactly was happening on the ground as quickly as possible after that.

4 And then after the battle for Abidjan, again, we tried to get back quickly or I tried to get
5 back quickly to look at what had happened from both sides during that final fight.

6 Q. Now, I'd like to ask you a bit about your methods in researching for and writing the
7 report "They Killed Them Like It Was Nothing."

8 MS PACK: If we could show that report on the screen. I would ask CIV-OTP-0004-0072
9 to be brought up.

10 Q. You can see there we have the first page, title page.

11 And now we can go to 0004-0090. We'll go through that. So I'll start with the first
12 paragraph. And I hope you can see it. Is it enough -- large enough on the screen for
13 you?

14 A. Yes.

15 MR KNOOPS: Mr President, before Prosecution proceeds, is it the intention of the
16 Prosecution to refresh the memory of the witness, or is it the intention to submit this
17 report to the Chamber? It's to me not clear what the intention is to go through the report
18 with the witness.

19 PRESIDING JUDGE TARFUSSER: We'll see.

20 MR KNOOPS: Thank you.

21 PRESIDING JUDGE TARFUSSER: We'll see.

22 MS PACK: Right now I'm going through the methodology.

23 Q. If you look at the first paragraph, and I'll just read out just the first part:

24 "This report is based primarily on six research missions ..." Those are the missions that
25 you've described?

1 A. Yes.

2 Q. Now we'll go to the second paragraph.

3 "In total, Human Rights Watch interviewed over 500 victims and direct witnesses to the
4 post-election violence ..."

5 Now, just pausing there, can you tell us, please, the type of victims and direct witnesses
6 who you were interviewing amongst the 500?

7 A. These are people with first-hand knowledge of specific incidents. As an
8 organisation we do not rely on hearsay or secondhand information, so we are always
9 finding people who can speak directly to a particular incident. So all of these more than
10 500 victims and witnesses were people who had themselves experienced particular events.
11 They came from both sides in terms of the political divide in Côte d'Ivoire. We in each
12 mission actively sought out people from both sides to understand their perspectives and
13 what particularly they were going through during that period. And in addition, we
14 often corroborated those first-hand accounts with, say, family members who had seen
15 bodies in a morgue with interviews with medical professionals who had treated victims,
16 and with -- from our own observations in terms of both field site visits to particular
17 locations and to seeing ourselves the wounds that a particular victim may have.

18 Q. The accounts that you were hearing, were they -- were the interviews conducted in
19 person or by telephone? How were they conducted? Can you tell us a little about that?

20 A. The overwhelming majority were conducted in person. We always strived to do
21 in-person interviews whenever possible. And so the vast majority of this report is based
22 off of accounts we took in person and overwhelmingly through one-on-one interviews
23 with victims or witnesses, finding secure locations where they could feel comfortable
24 interviewing them directly in a one-on-one setting without anyone present.

25 Q. How did you record your interviews?

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1 A. We take handwritten notes, writing verbatim what a particular person has said, not
2 summaries, but taking -- writing down exactly what a person has -- has said to us.

3 Q. And in the conduct of your interviews, was there a form of questioning that you
4 would use?

5 A. There was no, say, standard questionnaire because each person is different and has a
6 different experience to -- to tell. The way we generally began is through asking, you
7 know, a very open question in terms of simply, you know, what happened or what your
8 experience is, not -- not giving any indication of what, you know, we're looking for. We
9 simply want to better understand what a particular person has -- has lived through. And
10 then after they've started, after they have spoken, we then go into detail doing a large
11 number of follow-up questions to probe the reliability of the particular person's story, and
12 also to get at very specific details as to -- as to what happened and who was responsible in
13 terms of an alleged perpetrator.

14 Q. Approximately how long would your average interview during your missions last?

15 A. They varied. Generally, at least an hour. At times much longer. It depended in
16 part on what the particular person had -- had experienced.

17 Q. Did you yourself interview any vulnerable witnesses during any of your missions?

18 MR KNOOPS: Mr President, it's clearly not what is defined as a vulnerable witness. I
19 object. It's a leading question.

20 PRESIDING JUDGE TARFUSSER: No, it's not a leading question. We will define what
21 a vulnerable witness is. I'm curious myself what a vulnerable witness -- to me all
22 witnesses are vulnerable, so I don't understand, but I was waiting for the response in
23 order to have clarified. I don't think it's a matter of opposition.

24 Please, go ahead.

25 THE WITNESS: Yes, typically for us we would define that as, say, for example, a victim

1 of sexual violence, a victim of torture as particularly vulnerable witnesses, people who we
2 would actively try to make sure we were not re-traumatising with -- with our questioning.
3 In terms of victims of sexual violence there is a preference for having -- if we're talking
4 about a female victim, there's a preference for having a female researcher interview that
5 particular person. So during the course of the missions in Abidjan when I was with
6 Corinne, typically Corinne would undertake those interviews. When I was in Abidjan
7 in -- in May by myself, then I did a number of those interviews with victims of sexual
8 violence as well.

9 MS PACK:

10 Q. Now, you've talked about in-person interviews. Were there any circumstances
11 where you would conduct interviews on the telephone?

12 A. When we were on the ground all of the interviews that I did personally were in
13 person. So if I was in Côte d'Ivoire along the Liberian-Ivorian border it was in-person
14 interviews. At times when we were not on the ground, between periods when we were
15 on mission, we would conduct some phone interviews to continue documenting what was
16 happening at that particular time.

17 In many cases, for example, you know, we first, as we've discussed, we first went to
18 Abidjan in January. Obviously there were events in December that were of interest and
19 so we -- we did some phone interviews in December to document what was happening,
20 say, related to the march on the 16th. Many times when we would return to the field
21 after doing phone interviews we would follow up with many of those same victims or
22 witnesses to do in-person interviews because there's always a preference for in-person
23 interviews when possible.

24 Q. How would you make the first contact with any particular interviewee?

25 A. It -- it varied. There are times when, for example, in a refugee camp or in an

1 internally displaced persons camp where I could just go myself and -- and speak with
2 people there to see what had caused their displacement.

3 In other cases, particularly in Abidjan, given the number of people who lived there, we
4 worked with intermediaries or interlocutors. We would -- there were people that we had
5 built up relationships with, often well prior to the post-election crisis who we'd worked
6 with in the past as an organisation and so who knew our methodology and who helped us
7 to enter into contact with people who could provide direct testimony about specific
8 events.

9 In addition, we -- we worked with, you know, community leaders from various ethnic or
10 immigrant communities in Côte d'Ivoire. We worked with members of local civil society
11 in Côte d'Ivoire, always again people who represented or had links to both sides of the
12 conflict to make sure that we were reaching out to and speaking with victims and
13 witnesses from both sides.

14 Q. Why did you use interlocutors or intermediaries, as you describe them?

15 A. Again, in Abidjan in particular there are -- there are so many people it would be
16 impossible to find -- be very difficult to find, you know, a particular person who saw a
17 particular event just in kind of going around on our own hoping to cross somebody, so we
18 made connections with people that lived in each neighbourhood, with people who had
19 links to each community, again both ethnic and immigrant. So these were people
20 who -- who knew their communities, who knew people, again, from both sides in
21 particular areas, and so who often were able to facilitate or help us identify people who
22 could speak to -- to first-hand events, people who had witnessed or had been victims
23 themselves.

24 Q. Did the interlocutors have a role during the conduct of the interviews themselves?

25 A. We conducted the interviews ourselves. The role of the interlocutor was merely to

1 help facilitate our contact with victims and witnesses. Often times during the crisis,
2 people were hesitant to speak to someone they didn't know, so the role of the interlocutor
3 was also -- you know, these were people that had often -- that were known to the victims
4 or witnesses and so by that person sharing the contact information with us or by putting
5 us in contact with them it provided a level of trust in terms of the person feeling
6 comfortable, speaking with us in return. But the interviews were done by -- by us.

7 Q. So if you look at the screen, the methodology that you've described there in relation
8 to your report, if we look at the fourth paragraph down, I can read perhaps from the
9 second sentence:

10 "Human Rights Watch often identified victims and witnesses through the help of
11 numerous local organisations, neighbourhood leaders of President Ouattara's RHDP
12 political coalition, journalists, and representatives of immigrant communities."

13 Is that the process you've been describing to us?

14 A. Yes. Yes, we made contact with a number of different people again that
15 represented a cross-section of political and ethnic life in Côte d'Ivoire and who could then
16 help facilitate an introduction to direct victims or witnesses.

17 MS PACK: Could we just shift the image on the screen up to reveal the next couple of
18 paragraphs at the bottom of the page, please. And just stopping there then.

19 Q. At the fifth paragraph on the page, so it starts the next one, in fact:

20 "Throughout the crisis, Human Rights Watch was careful to ensure fairness and balance
21 by investigating abuses committed by both sides and maintaining consistent contact with
22 groups and individuals that were well connected to each side."

23 Just in reference to what you've been telling us now, how does that relate to what you've
24 been describing to us?

25 A. Yes, exactly, we -- we always looked at alleged abuses by both sides. And to help

1 facilitate that, we were in constant contact with people who had links to both sides.

2 Q. Now, if we could just go -- looking at the paragraph above there, it talks about, and I
3 quote just from the paragraph:

4 "The extremely tense security situation throughout the crisis" it goes on, "required great
5 care in ensuring that victims were not put at physical risk for speaking with Human
6 Rights Watch."

7 I just want to ask you a little about that. What steps did you take to ensure that your
8 interviewees were not put at risk?

9 A. Primarily we would protect the confidentiality of the people with whom we spoke.
10 As an organisation, we protect the security, the identity of people with whom we
11 interview. There are some people who are willing to speak openly with their names.
12 There are many others, particularly in a situation like in Côte d'Ivoire, who are not. And
13 so in that situation, we maintain the confidentiality of the identity of the people that we
14 interview, including, for example, by in the report not -- not including a particular
15 witness's name, or at times there may be specific details of a testimony that would clearly
16 identify a particular person and so we would -- we would not use those, again, to protect
17 the confidentiality of the person with whom we've spoke.

18 Q. Again, if we can just continue, just a couple more questions on your methods.
19 You're speaking English now. Did you conduct your interviews in English, or French, or
20 both?

21 A. I conducted them in -- in French. There were a small number of interviews that
22 required translation from a local language to French, so we would use a translator in those
23 circumstances. It was fairly rare, particularly in Abidjan, so most interviews were done
24 in French.

25 MS PACK: Can we just go over the page to 0091.

1 Q. You've just testified about the first paragraph, "The interviewed were primarily
2 conducted in French" and indeed the second paragraph you describe that "Human Rights
3 Watch has," quote, "withheld names and identifying information in order to protect
4 witnesses' privacy and security."

5 Just pausing there, having looked through that methodology as described in this report
6 and by you now, your method of researching, investigating for this report, was that your
7 own methodology or was that a method that you were aware was applied by others?

8 A. That is a consistent methodology of Human Rights Watch. There are four core
9 principles really to -- to Human Rights Watch research: The first is protecting the
10 security of the people with whom we speak; the second is the importance of impartiality,
11 so always looking at both sides of a situation; the third is to -- to look at and to test the
12 reliability of each individual witness, and there are, you know, often witnesses on whose
13 testimony we don't rely because we don't find what they have said to be credible; and
14 then the fourth is corroborating externally witness testimony before publishing anything
15 about a particular incident.

16 Q. And just pausing again on the interviews you conducted and the types of persons,
17 categories of person that you interviewed, could you tell us broadly the different profiles
18 of the persons you interviewed, in the broadest possible way?

19 A. We interviewed many people who had witnessed directly specific events that had
20 happened throughout the crisis, relating to alleged violations by both sides. We
21 interviewed direct victims of sexual violence, direct victims of torture. We interviewed
22 people who at times had been witnesses or victims within an hour or two of the particular
23 incident. There were times we interviewed people directly after a specific incident took
24 place. We also interviewed at times perpetrators, members of the security forces on one
25 or the other side who could testify to particular abuses that they had seen or even

1 involved in themselves.

2 Q. And when you say "security forces," can you particularise any particular group
3 from -- from which your -- the persons you interviewed came?

4 MR KNOOPS: I'm sorry.

5 MS PACK: Mr Knoops is standing.

6 MR KNOOPS: Mr President, I believe this is going over the line of the Court's ruling that
7 implicitly the witness is being asked to draw a conclusion on his findings.

8 PRESIDING JUDGE TARFUSSER: No, he is not. He is not. I think we should
9 continue. I think this is still absolutely in line with what we decided.

10 Please go ahead.

11 MS PACK: Do you want me to repeat the question?

12 A. Sure, that would be great.

13 Q. So when you say "security forces," can you be more particular about the groups
14 from which the persons you interviewed came? Without asking you to draw any
15 conclusions or state conclusions or opinions about those groups and their nature.

16 A. I interviewed several people from the gendarmerie at the time who were part of
17 Mr Gbagbo's forces. This was during the early period of the crisis. I interviewed
18 members of Jeunes Patriotes. I interviewed members of the Invisible Commando in
19 Abobo. And I interviewed several people within the Republican Forces, the
20 pro-Ouattara forces at the time.

21 MS PACK: Just if we can go back, and this is to the court officer, to the preceding page
22 which is 0090.

23 Q. The third paragraph there begins:

24 "Much of this material has previously appeared in extended press releases published by
25 Human Rights Watch immediately after four of the six research missions."

1 And just to clarify that, is that the press releases that you were referring to earlier during
2 your testimony?

3 A. Yes.

4 Q. Was it typical to base a report in this way upon extended press releases?

5 A. There is often a different way of approaching in Human Rights Watch, say, an
6 emergency situation versus a more, you know, say systematic human rights abuse in a
7 particular -- in a particular country. In an emergency situation like the post-election
8 crisis, we try to document thoroughly and to then get out the information quickly given
9 how rapidly things are changing.

10 So in a normal circumstance, say, if you're looking at the right to education in a particular
11 country, you would go through and the only thing you might publish is a full report, like
12 what we've talked about in terms of "They Killed Them Like It Was Nothing."

13 But in an emergency situation, this type of work was normal, yes, was to get out shorter
14 reports of 15 to 20 pages or press releases in a timely manner and to then, you know, go
15 back and do a comprehensive report that brings together everything that was done during
16 the course of a particularly volatile period.

17 Q. And just a bit about your drafting methods. Who was the main writer of this
18 report "They Killed Them Like It Was Nothing"?

19 A. I was, though some of the press releases on which -- from which some of the
20 material comes were drafted jointly by myself and Corinne.

21 Q. Can you describe the process, your drafting process?

22 A. We had obviously as a -- as a foundation these longer press releases or short reports
23 that we'd done throughout the conflict. I also had access to all of the interviews that
24 everyone had done for Human Rights Watch. So all of my colleagues who had done
25 interviews in some respects during the crisis I had their interview notes, and so we had

1 these press releases that we'd put out during the conflict and, in addition, you know, all of
2 the other material that we had taken from first-hand victims and witnesses, and so
3 bringing together all of that material I used as a -- as a basis for then drafting this report.

4 Q. In the drafting process, did you consult with others in the organisation apart from
5 those who had researched for the report in country?

6 A. Yes. Every Human Rights Watch report goes through a rigorous review process.
7 It is first reviewed by a supervisor within your specific division, so in my case the Africa
8 division.

9 It's then reviewed by the legal and policy office, so there are -- there's a -- there's a
10 department that reviews any report like this for the legal conclusions that are drawn to
11 look at the international human rights, international humanitarian law framework and to
12 ensure that any conclusions that are drawn fit that. In addition, they look closely any
13 time we have named an individual as a potential perpetrator in order to ensure that there
14 is a solid foundation for doing so, that there is enough evidence or basis to -- to name
15 anyone.

16 And then in addition, the programme office or department at Human Rights Watch
17 likewise reviews, looking at whether there is sufficient basis for factual findings and
18 conclusions that are being made, as well as to look at the report in terms of whether it fits
19 within the organisation's framework more generally.

20 In addition, any time a report touches on specific issues it's reviewed by members of the
21 thematic divisions at Human Rights Watch. So, for example, there is a women's rights
22 division. They review any material that relates to sexual violence or to other violence
23 against women. Likewise, there is a children's rights division that if there are findings
24 related to attacks on schools or child soldiers who would review any report. And then
25 there is an international justice programme or division who any discussions related to

1 accountability or justice, particularly related to the ICC is reviewed by the international
2 justice programme.

3 Q. The press releases, the extended press releases you've talked about, was there a
4 process of review around them?

5 A. They all go through a very similar review process. It depends somewhat on
6 whether there is original research going into the press release. So for the ones that are
7 really the basis of what we're talking about today, these longer press releases that we put
8 out after missions, they were reviewed in essentially the same manner, reviewed by the
9 Africa division, the legal and policy office, the programme department. In addition, they
10 would have been reviewed by the communications department at Human Rights Watch
11 who reviews all press releases, mostly for a stylistic-type edit, but the same substantive
12 reviewers would have been in place for these longer press releases.

13 Q. And then just going back specifically to your long report "They Killed Them Like It
14 Was Nothing," without stating what your factual findings were, what was the main
15 purpose of publishing this report?

16 A. It was to present the totality of what we had documented throughout the
17 post-election crisis, so looking at the different stages and bringing together our -- our
18 findings and evidence related to what happened during the crisis.
19 In addition, it was a -- it's -- you know, the basis for -- for advocacy. We make specific
20 recommendations in a report like this to various stakeholders, including the national
21 governments, diplomats, the UN, people who have an ability to have influence or bring
22 change in terms of a human rights situation in a particular country, and so the report is
23 then also to make recommendations to these -- to these parties about what we think needs
24 to happen.

25 Q. And finally on this topic, the writing process, the process of drafting and review that

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1 you've described applied to your own report and to the press releases, to your knowledge,
2 was that a process that applied only to the report you wrote, or did it apply otherwise?

3 A. That's a process for every report or press release that's published by Human Rights
4 Watch.

5 PRESIDING JUDGE TARFUSSER: May I interrupt you because it's 11 o'clock, but before
6 breaking for the half an hour break, I would like to ask you a question. I mean, you said
7 that before publishing the report it goes to this review you just described, and I noted
8 supervision by a supervisor, then Africa division, legal office, policy office, international
9 justice office, communication department, women violence office, I don't know, I just
10 randomly tried to annotate, but when it comes out, is it still your report?

11 THE WITNESS: It's the organisation's report.

12 PRESIDING JUDGE TARFUSSER: Well, but, is it -- from what goes in and what comes
13 out, is it the same, more or less, I mean, in the substance?

14 THE WITNESS: There are absolutely changes that are made through that process.
15 There is -- the review process is -- it's very rigorous. The legal and policy team, for
16 example, they have two weeks generally, the programme department has two weeks, so
17 they are doing an in-depth look at the findings and -- and, yes, there are edits and changes
18 that are made through the -- through the review process.

19 PRESIDING JUDGE TARFUSSER: By people who were not there, the reviewer were not
20 people which were on the ground; is this correct?

21 THE WITNESS: Yes, but they're looking at very particular things.

22 PRESIDING JUDGE TARFUSSER: Yes.

23 THE WITNESS: For example, again, how findings are couched in terms of the
24 international legal framework.

25 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much.

1 I think we break now for half an hour and we come back at 11.30.

2 THE COURT USHER: All rise.

3 (Recess taken at 11.00 a.m.)

4 (Upon resuming in open session at 11.34 a.m.)

5 THE COURT USHER: All rise.

6 Please be seated.

7 PRESIDING JUDGE TARFUSSER: Good morning once again.

8 Immediately the floor is to the Prosecution for the questioning.

9 MS PACK: Thank you, your Honour.

10 Q. Now, I just wanted to go back to a question you were asked by Mr President,
11 his Honour, just before we broke for the adjournment and your response to that. It
12 related to, to remind you, the process of review and edits that were made during that
13 process.

14 And one -- and your answer in relation to the questions, one of your answers was that the
15 reviewers were looking at very particular things. So can we just break that down, you
16 can just tell us, please, what particular things reviewers were looking at and how edits
17 were made to the report that you wrote on the basis of those reviews?

18 A. Yes. So the legal and policy team, for example, they are looking first and foremost
19 as to whether the -- how we're couching our findings in terms of the international human
20 rights and humanitarian law framework, so checking if we are alleging things that are, say,
21 war crimes or potential crimes against humanity, making sure that the factual basis is
22 there in our research from the ground to support that sort of characterisation.

23 The programme department is often looking at Human Rights Watch's work more
24 generally, so it is looking to make sure that there is consistency from one Human Rights
25 Watch Report to another in terms of how findings may be presented or characterised.

1 The women's rights division is looking very specifically at issues related to violence
2 against women, sexual violence in terms of how we characterise those findings. And
3 certainly both legal and programme, going back to them, are making sure that if we are
4 drawing certain conclusions or presenting certain facts about particular incidents, that we
5 have the factual basis of doing so based off of our work on the ground. So they're
6 making sure that what we're saying is adequately supported by the work we've done on
7 the ground. They are not adding factual documentation, that's rooted in our work.
8 They are just making sure that the way we are characterising findings is supported by
9 what we've done on the ground and that it then fits within the international human rights
10 legal framework.

11 Q. In terms of the factual basis --

12 PRESIDING JUDGE TARFUSSER: Microphone.

13 MS PACK:

14 Q. In terms of the factual basis for your report, were there edits made in the process of
15 review to the factual basis as stated by you? And I'm not asking you what that was but
16 just whether there were edits made to that factual basis as stated by you.

17 A. They are not, for example, you know, editing testimonies or the number of victims
18 that we describe for a particular incident, or the factual specifics, but it's more making
19 sure you have alleged that a certain crime happened on a particular day, what is
20 your -- what's your basis -- if it's not immediately clear within the report, what's your
21 basis for doing so, to make sure that there's then a -- that any finding that is published is
22 adequately supported by the work we've done on the ground.

23 MS PACK: Now I'd ask please to go to the following page of the report, I think it's 0076,
24 in fact, so it's a couple of pages on. That's to the court officer, if I haven't made that clear.
25 Can we go to the previous page. I'm sorry, I probably gave the wrong page reference.

1 It's 75, ends 75.

2 Q. Now, without asking you what you say in these chapters of the report, let me just
3 ask you this: We have here in front of you the contents page of the report and you can
4 see the numbered headings there, I, II and III. Perhaps you could just briefly outline,
5 without stating your findings, why it was that you structured the report in this way with
6 those particular headings?

7 A. We saw the conflict unfold in what I would describe are different stages, different
8 levels of violence or abuses, different perpetrators involved, and so the report reflects how
9 we saw the conflict evolve from the initial violence in the first month, month and a half to
10 then an additional escalation in February and early March, in particular when you had the
11 emergence of the Invisible Commando and other more now militarised response to
12 Mr Gbagbo, and then finally when it reached the level of a -- of an internal armed conflict
13 from March through the -- through the end. So to us we saw these as different stages
14 and so documented incidents again involving both side at each of these stages of the
15 post-election crisis.

16 Q. Now, we'll come back to particular parts of the report later. Before I go any further,
17 though, I wanted to make sure that you're aware at the outset that I'm not going to be
18 asking you about your legal opinions or your opinions about who may or may not be
19 responsible for any of the events that you address in this report or the press releases.
20 So I would ask that you -- in responding to my questions that you don't give your
21 opinions on these sorts of issues. And I'm not also going to ask you about the factual
22 findings you made based on your witness interviews. Just so you're aware of the
23 general -- how we're going to proceed.

24 MS PACK: Next document, please, for the court officer is 0003-0028. We referred to
25 this document earlier. And the particular page I wanted to go to was 0119.

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1 Q. Now, we looked at the -- a list of numerous press releases and statements from
2 around December to, I think it was, April that were issued by Human Rights Watch, that's
3 2010/2011.

4 This press release you can see there it's dated December 4, 2010 headed "Côte d'Ivoire:"
5 for the record, "Ensure Security, Protect Expression, Movement."

6 Who was that press release written by?

7 A. I believe Corinne.

8 Q. Do you know what it was based on?

9 A. I believe some phone interviews done in relation to a particular incident that's
10 referenced, but otherwise, it was largely in response to news developments enshrined to
11 urge caution by all parties. It was -- but there were some phone interviews that were
12 done as the basis.

13 Q. You've alluded to it, but without -- without referring to your factual findings, what
14 was it prompted by, this press release?

15 A. It was prompted by the dual decisions as to who had been elected president and the
16 rising tensions as a result of those dual decisions.

17 Q. Can I ask you, please, just to look at the first paragraph, very specifically the second
18 sentence and part of it -- and I'll just quote it.

19 It says, "The Ivorian government ..." and I'll leave off the next bit, goes on, "... cut off
20 broadcasts by the international media, and curtailed the movement of journalists and
21 reporters ..."

22 Do you know what the source was for that information?

23 A. I -- I don't recall.

24 Q. Okay. I'd like to ask you to look at another of the documents in this larger
25 document. It's going to page 0116 in this.

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1 Now you can see there the heading of this particular document, and I'll read it for the
2 record is:

3 "Ivory Coast: African civil society and international NGOs call for the protection of
4 civilians and respect of the population's fundamental rights."

5 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

6 MS PACK: Dated 16 December 2010. And it's called a statement.

7 Q. Can you tell us, it's a statement, not a press release. Can you just tell us what the
8 difference would be?

9 A. This was a joint publication, it was not solely a Human Rights Watch publication.
10 There were a number of civil society organisations, I believe, both within Côte d'Ivoire
11 and outside, who put this together jointly given the planned events related to the 16
12 December march.

13 MS PACK: And if we could just go, in fact, over the page, please, and show the whole
14 page. Just to the next page, 0117, please. Can we just see the bottom of the page. The
15 heading there at the very bottom is "Signatory organisations." And then perhaps if we
16 can go over to 0118.

17 Q. You've identified a number of signatories and Human Rights Watch appears there
18 as one of the bullet points. Does that reflect what you were testifying about?

19 A. Yes.

20 MR ALTIT: Monsieur le Président.

21 PRESIDING JUDGE TARFUSSER: Maître Altit.

22 MR ALTIT: (Interpretation) Thank you, your Honour. Unless I'm mistaken, this was
23 not written by the witness and I really don't see the link between this document and the
24 methodology which is the theme being explored by my learned friend during her
25 examination. And thus we object to this -- the use of this document and indeed to this

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1 entire line of questioning.

2 PRESIDING JUDGE TARFUSSER: Have you -- Defence of Mr Blé Goudé.

3 MR KNOOPS: We have actually the same objection. I was waiting for the next
4 question of the Prosecution, but I agree with the interpretation by the Gbagbo team. If
5 the witness was not involved in the drafting process of this statement, it would also go
6 against directive 23. It would ask the witness to speculate about a statement he was not
7 involved in. Thank you.

8 PRESIDING JUDGE TARFUSSER: OTP.

9 MS PACK: I'd ask just to clarify with the witness what this statement is based on and
10 perhaps he could elucidate and then --

11 PRESIDING JUDGE TARFUSSER: Yeah, but it's written. I mean, why should he
12 elucidate something which is written? I also don't understand. But, I mean, should he
13 now say that this statement is signed by all these organisations which we all can read?

14 MS PACK: No. I was going to ask him what prompted the statement, which would be
15 something that he could deal with.

16 PRESIDING JUDGE TARFUSSER: Well, what prompted, but you said we go now to the
17 next page and we see all the organisations who has signed or which have originated these
18 papers, so if you ask what prompted and -- this document, that's another thing.

19 MS PACK: Yes. I wasn't going to ask him any more about the signatories. I mean, he
20 testified about the signatories and I just gave him the page to look at, which confirmed
21 what he'd said, but other than that, that was really it on the signatories, your Honour. I
22 was just then going to ask him what prompted this statement, and if he can answer
23 that -- perhaps he won't be able to.

24 PRESIDING JUDGE TARFUSSER: Okay.

25 MS PACK: If I could --

1 PRESIDING JUDGE TARFUSSER: Please go ahead.

2 MR ALTIT: (Interpretation) I beg your pardon. Now, the issue here is what
3 methodology did the witness follow, but this statement was not drafted by the witness
4 and I believe he said he did not take part in the drafting at all. And the relevance really
5 is -- well, what is the relevance in relation to the methodology being used, which is the
6 area being explored by my learned friend? I believe we are entering into the realm of
7 speculation, your Honour. Is that not the case?

8 PRESIDING JUDGE TARFUSSER: I wouldn't say it's speculation. I wouldn't say it's
9 speculation. I didn't hear if he has participated in the drafting or not, so this is -- you say
10 that he has not participated. I did not hear this, so probably he has co-participated as
11 Human Rights Watch representative as co-signer of this, but I would just let the OTP go
12 further and then we'll see where we go.

13 Please, go ahead.

14 MS PACK: Thank you, your Honour. And just to be clear, we've moved on from the
15 topic methodology on to another topic, which is some publications.

16 PRESIDING JUDGE TARFUSSER: Yes, but it has to do with publications, with facts
17 which the witness has personally, here it's written "observed," I would say perceived,
18 perceived with his senses, so when he was there and has personally perceived.

19 MS PACK:

20 Q. You've heard the discussion, and let me just ask you this: In the process of
21 compiling this statement, did you play any role that you can describe to us, please?

22 A. Corinne and I would have both played a role in determining, first, whether this was
23 something that Human Rights Watch should sign on to, and also played a role in terms of
24 editing or providing some of the writing towards it.

25 Q. And just to be clear, without giving any findings, factual findings, what prompted

1 the issuance of this statement with human rights as a -- Human Rights Watch as a
2 signatory?

3 A. It had been well publicised that there would be a march on 16 December to RTI, to
4 the national television station, and so we were putting out a joint press release with other
5 organisations concerned about the possibility of violence or human rights abuses in the
6 context of that planned march or demonstration.

7 Q. Now, you tell us there'd been a well publicised -- it had been well publicised there
8 would be a march on 16 December. How had you received that information? From
9 what source, broadly?

10 A. There had been public calls on the 13th and the 14th by Mr Ouattara and by
11 Guillaume Soro that had been well publicised in both international and national media
12 outlets. In addition, we were in regular contact with people on the ground on a daily
13 basis and so also would have received this information from people within Abidjan.

14 Q. Now, what I'd ask you to focus on is the publication of this information in national
15 and international media outlets.

16 During the course of your research on Côte d'Ivoire, were there any particular media
17 outlets that you were watching or receiving information from?

18 A. We consistently monitored international and national media that were covering the
19 situation in Côte d'Ivoire. Internationally that would certainly include RFI, Agence
20 France-Presse, Associated Press. Nationally we monitored newspapers that were linked
21 or that have close relationships with both sides, so newspapers that tend to favour or
22 support Mr Gbagbo, newspapers that tend to support Mr Ouattara, newspapers that tend
23 to support the third major political party in Côte d'Ivoire. And in addition, we
24 monitored national television station, including RTI.
25 station, including RTI.

1 Q. RTI. How were you monitoring RTI?

2 A. When in Côte d'Ivoire we watched it regularly at night after finishing a day of -- of
3 interviewing on the ground. We would often in our -- in our hotel watch the broadcast
4 of RTI that evening.

5 In addition when -- from afar it could be monitored on line, there were often links to
6 specific broadcasts of RTI at the time.

7 Q. I'll come back to this. I want to take you to another document. I'll come back to
8 this topic.

9 MS PACK: If we just go back to the document that was on the screen and move, please,
10 to page 0109.

11 Q. Just to go through some of the chronology of the press releases prior to your first
12 mission, the one you personally went on, this press release, for the record, dated 23
13 December 2010, entitled "Côte d'Ivoire: Pro-Gbagbo Forces Abducting Opponents."
14 Who wrote this press release?

15 A. I did along with Corinne.

16 Q. And what was this press release based upon?

17 A. This press release was based on phone interviews that we had done during the
18 month of December with victims and first-hand witnesses to the events that are described.

19 Q. What -- what prompted its issuance?

20 A. After the -- the 16 December demonstration we documented a number of -- of
21 concerning incidents. We started to see a pattern of certain incidents. And after
22 sufficiently corroborating those incidents through first-hand testimony had enough
23 information in order to make public these findings that we had from our research.

24 Q. Now, without asking you to go into the findings but just so the record is clear about
25 what you mean by "incidents," broadly, what are you describing?

1 A. There were a number of cases in which neighbourhood level, political leaders linked
2 to the RHDP, the pro-Ouattara coalition had been abducted from their homes or
3 restaurants and families had not been able to determine what happened after.

4 MR ALTIT: (Interpretation) Mr President. Thank you.

5 The instructions given by your Chamber in the decision of 13 May last were clear. The
6 witness can only be questioned as to what he personally saw and/or the methodology
7 used.

8 The question was put to him in such a manner that he answered in a factual manner, he
9 drew factual conclusions. It is a means of circumventing we believe your decision, and
10 that is why we are objecting. I apologise. And that is why we are objecting to this line
11 of questioning, which is clear now. It is clear that the Prosecutor is going through these
12 communiqués one by one and quoting titles that call into question one camp, putting
13 questions to the witness as to the manner in which this communiqué was drafted, and
14 who was questioned and why, and the hate that the -- the weight of what was said.

15 As a result, we would like to object to this line of questioning, Mr President, and
16 especially to the use of these communiqués with a view to circumventing what was
17 included in the report.

18 And your very clear instructions with regard to the questions that will -- should be put
19 with regard to this report.

20 PRESIDING JUDGE TARFUSSER: I must quite agree that this -- well, yes, please.

21 MR KNOOPS: Mr President, we have an objection on another basis. Paragraph 8 of the
22 Court's ruling clearly dictates that the OTP should not ask questions on facts which he
23 learnt from anonymous sources.

24 Now, lines -- page 54, lines 1 till 2 clearly indicate that the witness came to this statement
25 or conclusion on the basis of phone interviews with witnesses and victims, which also

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1 makes it clear that this answer or the implicit question leads to a circumvention of
2 paragraph 8 of the Court's ruling and, therefore, we object on that basis. Thank you.

3 MS PACK: Your Honours, I'll leave it at that. I hadn't intended to elicit a --

4 PRESIDING JUDGE TARFUSSER: No, but of course we are walking on a very, very
5 narrow --

6 MS PACK: Yeah, yeah.

7 PRESIDING JUDGE TARFUSSER: -- line and I think we have to stay on top of the line or
8 on one side and not to fall on the other, also because when the witness -- sometimes he
9 says "we," we don't understand who "we" are, and if by "we" he means himself as the
10 person who was there, or if "we" means we the organisation being in the States or
11 wherever, so I think also here we have to be a little bit, a little bit clear.
12 Please go ahead.

13 MS PACK: Thank you, Mr President.

14 Q. I'll keep my questions about this document very specific and if you -- if I ask you
15 about your basis of knowledge of any particular aspect, I will aim to only ask about those
16 parts where -- it may be that you have direct knowledge as opposed to hearing the
17 information from anonymous sources, that is what I'm trying to avoid asking you about.
18 So let me just deal with one particular passage which is at page 0110.

19 I just wanted to ask you, it's the fifth paragraph down, very limited part which -- it starts
20 the sentence "At a December 18 rally," now before I read that onto the record, if you could
21 just read that sentence and if you can identify whether or not you are able to say from
22 where that information is sourced, and if you're not, then we'll leave it at that.

23 A. I don't recall.

24 Q. Okay. I'm going to go on from this document back to RTI and the broadcasts that
25 you yourself are aware of.

1 Now, you told us you watched RTI broadcast both when you were in Côte d'Ivoire and
2 outside. Do you recall any particular broadcasts, starting with December, going through
3 the months that you researched of the post-electoral crisis, can you just identify if you
4 recall any particular broadcasts in that period that you yourself watched?

5 A. The one that sticks out the most was from February 25th, 2011. We were not in
6 Abidjan at the time, but we watched it both on RTI's website and later additional versions
7 of it on YouTube. It was a rally in Yopougon in which Mr Blé Goudé spoke.

8 Q. Now, just pausing there. You're using the pronoun "we." Can we just clarify is
9 this a broadcast that you yourself watched?

10 A. Yes.

11 Q. I'll ask you some questions about this broadcast.

12 Can you remember how many times you watched it?

13 A. A number of times. Between the clip on RTI's website and the YouTube clips I
14 would estimate at least 10 times.

15 Q. Can you recall how long it was approximately the clip you watched?

16 A. The YouTube clip that we found I think ran for about 8 to 10 minutes. RTI's
17 broadcast was a bit longer, but there was just a specific section of that broadcast that
18 related to this particular speech.

19 Q. Now, you've told us the speech was given at a rally in Yopougon. Can you
20 remember the content of the speech?

21 MR KNOOPS: Mr President.

22 PRESIDING JUDGE TARFUSSER: This would mean, if we allow it to continue would
23 mean that all people in the world who saw RTI can come here and say I saw it and how
24 long it was. I mean, what -- I do not understand what this all should mean. We have
25 the -- we have the piece. We have the footage, don't we?

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1 MS PACK: Yes.

2 PRESIDING JUDGE TARFUSSER: Yes.

3 MS PACK: Your Honour.

4 PRESIDING JUDGE TARFUSSER: I think we can all -- we are all able to look at it and to
5 understand it if it is submitted.

6 MS PACK: I understand --

7 PRESIDING JUDGE TARFUSSER: We are here -- I say this: It is a very delicate -- we
8 are walking on a very narrow path, right, and I must -- I ask myself, before the Defence is
9 asking themselves, why should a person who was not there, because he said he was not
10 there, who has seen this at least 10 times on the RTI now come here and tell us what he
11 thinks about it? We can look at it and everybody can make his own opinion.

12 MS PACK: Your Honour.

13 PRESIDING JUDGE TARFUSSER: I would say.

14 MS PACK: I won't ask him any more about what he -- I'll just play it and submit it
15 because that's obviously what we intend to do.

16 So if we can show two clips to the witness and then I will ask those clips to be submitted,
17 and they are --

18 PRESIDING JUDGE TARFUSSER: What's now?

19 MR ALTIT: (Interpretation) Mr President, if my learned colleague does not put any
20 questions on the video, if she does not use the witness to present the video, then she
21 cannot submit it as an exhibit. It has to have -- there has to be a nexus with the witness.
22 That's what happens here at the ICC. Otherwise things are too easy, otherwise we can
23 present anything.

24 PRESIDING JUDGE TARFUSSER: (Microphone not activated) I see that the Defence
25 refers all the time to the directive and the conduct of the proceedings, but probably

1 stopped reading further a certain part because I would bring them to paragraph 43 and
2 following.

3 But we don't know if then we have questions on this or not, but I think she can show it,
4 then she can put questions.

5 MR ALTIT: (Interpretation) Mr President, I thought I understood that my learned
6 colleague very clearly said that she wasn't going to be putting any questions on this point.
7 There is no nexus between the witness and the video. There is no foundation. Well, my
8 point is that she said she wasn't going to be putting any questions. There we have it.

9 MR KNOOPS: Mr President, I'm sorry to disturb you.

10 PRESIDING JUDGE TARFUSSER: You're not disturbing me. We are debating.

11 MR KNOOPS: I mean your schedule, I mean your schedule. Sorry.

12 PRESIDING JUDGE TARFUSSER: Yes, yes, yes. You're not disturbing. We are
13 debating.

14 MR KNOOPS: Okay.

15 PRESIDING JUDGE TARFUSSER: Okay.

16 MR KNOOPS: That's fine to hear, Mr President. I was -- actually you were one step
17 ahead of me. I had your directives here with me, and if you would please be so kind to
18 look at directive 47. It says in the third sentence: "If a party submits documentary
19 evidence, other than testimonial, the Court shall look at its entirety." That's clear to us.
20 Now, my point is, Mr President, "Accordingly, the Chamber will consider the entirety of
21 the item in order to ascertain the correct meaning of the portions used by the parties and
22 to determine their evidentiary weight."

23 Now, if a party simply submits a video to the Chamber without seeking any questions or
24 clarifications, the Court, I think, cannot properly ascertain the correct meaning of that
25 specific portion and, therefore, it's simply a matter of bringing to the Court's docket

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1 materials without any context, without any questions for clarification. So, therefore, in
2 my humble submission, even with your directives, I would simply putting a video to the
3 Court through a witness without asking any questions, it's not falling within the ambit of
4 your directions 43 till 47. But that's my interpretation. Thank you.

5 PRESIDING JUDGE TARFUSSER: I have a slightly different interpretation, if I may.
6 But okay.

7 Ms Pack, please.

8 MS PACK: Well, number one, your Honour, I have asked questions about this broadcast.
9 I have introduced evidence which has provided a nexus between this witness's testimony
10 and the broadcast, because he said he watched a broadcast on 25 February, described the
11 speaker, described the place, so there is a perfectly sufficient basis for me then proceeding
12 to submit, number one.

13 Number two, if my learned friends would like me to ask the witness about his opinions
14 related to this speech, I should be happy to ask for those opinions. But I of course am
15 very much aware your Honours have directed that I shouldn't go into that level of or that
16 type, that form of questioning. But of course I'm very happy to ask follow-up questions
17 once we've played the two clips that I was going to ask the Court's indulgence to play.
18 Of course I'll do that.

19 PRESIDING JUDGE TARFUSSER: You can play them and then you can ask questions
20 related -- factual questions related to those videos, not obviously opinions, when he saw
21 and things like this.

22 Please.

23 MS PACK: Thank you very much, Mr President. And if I can just give the reference for
24 the court officer. In fact, I apologise, could we have the ability, the Prosecution take over
25 the ability to play the video, and then we'll play it from our desk here?

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1 So just for the record what I'm playing -- about to play is CIV-OTP-0064-0087, and the
2 particular clip for the record is 00:12:35 to 00:16:00.

3 And, your Honours, again, for the record, the source I should state is -- it may be that I
4 will have to come back to sourcing in private session at the end, your Honour, with
5 your Honours' indulgence.

6 There is also a transcript which I would also seek to submit and it is available, of course,
7 for your Honours to view, it's at CIV-OTP-0063-2998. And the relevant page of the clip is
8 page 3000 to 3001, 3000 to 3001, lines 25 to 76. I'm sorry that took a bit of time, but just to
9 have that all on the record.

10 Q. We'll proceed to play and hopefully you will see the clip, Mr Wells, on the screen in
11 front of you. You may want to take off your headphones or keep them on, whatever you
12 prefer, because of course it may be that we will be having an interpretation into English.
13 I'm not sure how the booth is going to work.

14 So you'll have your headphones on, but I don't know whether you'll hear it in French or
15 English, but we could always replay it again. I'm not quite sure how the interpretation
16 will work.

17 Channel zero I understand is the original language. So if you wanted to hear it in that,
18 you can press channel zero.

19 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

20 THE INTERPRETER: As was the case for the Licorne in 2004, the UN has openly
21 invaded the military theatre of operations setting off the auto-défense procedure for the
22 Jeunes Patriotes. The watch word for Mr Charles Goudé is clear as the UN ONUCI has
23 become the main target for the action, and it is forbidden to circulate in the
24 neighbourhoods and sub-neighbourhoods which need to be looked through carefully.
25 And within a week the Golf Hotel will be taken apart.

1 This more information given by Mambo Abey, "The UN in Côte d'Ivoire, as was the case
2 for the Licorne in 2004, decided to enter an open war against Free Côte d'Ivoire. The
3 recent missions of the African Union have revealed that the rebel bloc and the
4 pro-colonialist occidental allies as they are being unmasked by the international
5 community that no longer manages to convince people with regards to the Ivorian
6 dossier, ONUCI has been mandated by the rebel bloc to create a favourable atmosphere
7 for a civil war in Côte d'Ivoire."

8 Charles Blé Goudé: "From now, the order that I'm giving you and must be very, very
9 valid in the neighbourhoods is that when you return to your neighbourhoods, you must
10 stop the ONUCI from circulating.

11 Secondly, when you return to your neighbourhoods, you must contact the presidents or
12 the chairman of the neighbourhood. You must come together in order to know and
13 check the comings and goings in the neighbourhood and to denounce all foreign people
14 who come into your neighbourhood.

15 During a week, therefore, the operation will organise itself for Charles Blé Goudé. The
16 delicate nature of such an action is imposed to the extent that the trap of a civil war must
17 be absolutely avoided.

18 Before a week -- before a week, the time for an organisation, for us to really get organised
19 in the neighbourhoods, really, and that the systems be well functioning and that we know
20 that in Yopougon behind us there are clashes, and that we know that Koumassi behind us
21 there are no clashes, and that we know that all the groups have been organised and that
22 people know who needs to do what and when before a week. I will call you in front of
23 the Golf Hotel."

24 MS PACK:

25 Q. Do you recognize the broadcast that's just been played?

1 A. Yes.

2 Q. Can you tell who is speaking and where?

3 A. The main speaker at the rally was Charles Blé Goudé.

4 Q. Were you able to see where, where the speech is taking place, the primary speech?

5 A. It was at a standard Jeunes Patriotes rallying point in Yopougon, I believe called Bar
6 Le Baron.

7 Q. Does it correspond to the clip you saw, or did you see a different clip yourself at
8 around the time?

9 A. This was the clip that I saw on RTI. The YouTube clip was slightly different in that
10 you -- I saw not only what Mr Blé Goudé said, but there were speakers before and after
11 him at the same rally, which you were -- which I was able to see in the YouTube clip.

12 MS PACK: I'll play please, your Honour, another clip, a second clip. And for the record,
13 the ERN which the Prosecution will play ends 043-0269. The clip is at 00:00 to 00:00:49.
14 And the transcript for the record is at CIV-OTP-0047-0611 and the line numbers are, first
15 page 0613, and the lines are 1 to 12. We'll just play that.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: You know, I can tell you straight ahead, I can say to you "Let's go
18 and attack those people in that neighbourhood" and you'll all applaud me. I don't need
19 your applause. I don't need your clapping. I need to guide you, and that is my duty
20 and that is my responsibility.

21 Now, the order that I'm going to give you, and it must be valid in all the neighbourhoods,
22 it is that when you go back into your neighbourhoods, you must stop the ONUCI from
23 circulating. That's number one.

24 Secondly, when you go back into your neighbourhoods, you must contact the person in
25 charge of your neighbourhoods, you must come together to ascertain and verify the

1 comings and goings into the neighbourhoods and denounce any unknown or foreign
2 person who is coming into your neighbourhood.

3 MS PACK:

4 Q. This second clip, does that correspond to any of the clips that you saw?

5 A. I don't know if it's the exact YouTube video that I saw, but certainly that extract was
6 part of the clips that I saw at the time.

7 Q. Why did this speech stand out for you, without giving any factual conclusions or
8 opinions?

9 PRESIDING JUDGE TARFUSSER: Please.

10 MR ALTIT: (Interpretation) I think everyone can see where this question is taking us,
11 but I'd like to ask my learned friend opposite a question: Why would this be of interest
12 to us? We are trying to establish the truth, determine what happened. What is the
13 point of viewing these items of video footage and then have the witness say "Yes, I did see
14 them." What point is there in listening to this footage? How is this bringing us any
15 closer to the truth?

16 *What would be of interest to us would be to know everything that happened on that day,
17 everything that was said on that day, what the witnesses who were there can tell us, what it meant
18 to them, the speeches that were made on that occasion. How is this of any interest to us?

19 Other than, as far as the OTP is concerned, to show a few points and then elaborate upon
20 them using this witness, who was not present, who listened to news accounts over the
21 internet, why and how is this bringing us forward*, Mr President, and more specifically,
22 how does this not amount to a circumvention of your decision?

23 MR KNOOPS: Mr President.

24 PRESIDING JUDGE TARFUSSER: Mr Knoops.

25 MR KNOOPS: The question, although clear, does call for an appreciation, because if you

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1 ask "Why did this speech stand out for you," it calls for an appreciation of an opinion and
2 also a conclusion which the witness might have drawn from his research, which would be
3 in circumvention of paragraph 6 of the Court's ruling of last Friday. So I think the
4 question should not be allowed. Thank you.

5 PRESIDING JUDGE TARFUSSER: Prosecutor, what is it about, the questioning? You
6 have heard their position.

7 MS PACK: Well, your Honours, he's --

8 PRESIDING JUDGE TARFUSSER: I can see the point in showing the videos. I can see
9 the point. I have hard times in seeing how a person who has seen it, like we have seen it,
10 now comes here and tells us what -- why it is important for him. We can tell us why it is
11 important or not important for us. So then I have a bigger problem.

12 MS PACK: Now I understand the point. And what I am doing, and for the next part of
13 this witness's testimony I will be asking about the narrative of his missions and personal
14 visits to Abidjan and the progress of reporting during that time. So it simply just fits into
15 that -- it was within that framework that the question arises, but I can leave it at that for
16 now and move on to the missions.

17 PRESIDING JUDGE TARFUSSER: That's a good idea.

18 MS PACK:

19 Q. Going to your missions to Abidjan, you told us your first mission was in
20 January 2011. Do you recall the dates approximately?

21 A. It was 9 through 18 January.

22 Q. (Microphone not activated)

23 PRESIDING JUDGE TARFUSSER: Mic.

24 MS PACK:

25 Q. Without giving any findings, you're aware now of the framework of my questioning,

1 why did you go on mission in January?

2 A. We were looking at the events of December and early January, including in
3 particular related to the 16 December march and the aftermath. So we were looking at
4 what had happened during the course of this month and a half to start the post-election
5 crisis.

6 Q. What did you do on the mission?

7 A. In the course of this particular mission, Corinne and I collectively interviewed more
8 than 120 victims or witnesses, people with first-hand accounts, looking again at what had
9 happened during the period of December and early January.
10 In addition to those first-hand accounts, we visited sites where specific events had taken
11 place when the security situation permitted it. We also spoke with medical professionals
12 who had treated people. We spoke with family members who had found relatives at the
13 morgue. So we spoke with a number of people who could provide direct testimony or
14 evidence about specific events.

15 Q. I'm going to keep my questioning limited to the places you went to. Which
16 locations did you visit in particular on this mission?

17 A. I went to Treichville and Koumassi, two neighbourhoods in the southern part of
18 Abidjan, related in particular to events around December 16th.
19 We went to Abobo, a neighbourhood in the northern part of Abidjan which tends to be
20 comprised of a number of supporters of Mr Ouattara to look at what had happened there.
21 We were as well in, we were in most of the neighbourhoods of Abidjan. We were in
22 areas around RTI where the -- where demonstrators arrived to during the march. So I
23 went, for example, to Carrefour de la Vie. There's an area in Deux Plateaux where there
24 is a restaurant, the BMW restaurant or the NTN building where there were specific events
25 that happened related to 16 December, and so we went to see for ourselves things that

1 people had described related to that day.

2 Q. Just staying with 16 December for a moment, what you say is locations related to
3 those events. Do you recall going to any particular locations where you saw anything
4 that stands out for you that you can tell us about?

5 A. In Treichville, for example, there were still -- there were places where you could see
6 the impact from gunshots, from bullets that had hit various buildings. In Deux Plateaux
7 around the NTN building there were places where there were, say, breaks in the
8 pavement that had been associated with the use of certain weapons. Those are the main
9 things that stick out in terms of findings.

10 Q. When you were in Abidjan on this visit in January, did you experience any
11 restrictions in your movement around the town?

12 A. No major restrictions that I recall. There were places where checkpoints were set
13 up, but we faced greater restrictions in March as opposed to this time. There were
14 particular days where, you know, there had been -- there were certain incidents in Abobo,
15 for example, which made it difficult to -- for us to get to certain parts of Abobo. But in
16 general we were -- we were able to move fairly freely during this January mission.

17 Q. I'll come back to March later.

18 Just staying with the January mission for now, you've mentioned checkpoints. Can you
19 describe the checkpoints that you saw on this trip?

20 A. There were -- there were areas where, you know, security forces were in -- were
21 enforced and where they checked cars that were -- vehicles that were coming through. I
22 recall them particularly around RTI at this point. In Cocody there were several
23 checkpoints in that general area. Yep.

24 Q. Any other areas?

25 A. I don't recall.

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1 Q. Could you tell who was at the checkpoints, who was manning the checkpoints?

2 MR KNOOPS: Mr President, we object because this calls again for a conclusion on the
3 research.

4 PRESIDING JUDGE TARFUSSER: Not at all. He was there and he can tell what he saw.
5 So please go ahead. It has nothing to do with the research as such, it has to do with what
6 he saw. It is about the timing when the witness was in Abidjan and circulated in
7 Abidjan.

8 Please, Ms Pack, go ahead.

9 MS PACK: Thank you, Mr President. And I'll just repeat the question.

10 Q. Could you tell from what you saw who was manning the checkpoints?

11 A. In Cocody around RTI these were uniformed security force personnel. At the time
12 the area was controlled by forces loyal to Mr Gbagbo, so these were checkpoints operated
13 by security forces of Mr Gbagbo.

14 Q. Can you describe what they were wearing, people at the checkpoints?

15 A. They were in -- they were in full military uniform, including military boots. The
16 main ones I remember around RTI were in the camouflage blue gendarme uniforms.

17 Q. Now, at the checkpoints in other areas, not Cocody, can you describe what the
18 people manning those checkpoints that you saw in January looked like?

19 A. My main recollection of other checkpoints comes from the March mission.

20 Q. On this mission was there an area that you focused on in your research?

21 PRESIDING JUDGE TARFUSSER: "This" meaning January still?

22 MS PACK: Yes.

23 PRESIDING JUDGE TARFUSSER: Okay.

24 MS PACK: Yes.

25 Q. I'll come to March in a moment, but just staying with January still, was there an area

1 that you particularly, geographically, that you focused on in particular on this mission in
2 January?

3 A. We focused on a number of different neighbourhoods because there were issues in
4 many of them. There was certainly a concentration of events or incidents in Abobo, so
5 we spent a significant amount of time in Abobo looking at what had taken place there.
6 But we also looked in great detail at events in Koumassi and Treichville, Marcory and
7 southern Abidjan, both related to 16 December and to other events around that time.

8 Q. Just focusing on Abobo for a moment, when you were in Abobo did you experience
9 any restrictions in your movement?

10 A. There were very specific parts of Abobo where for security reasons we did not feel
11 we could -- we could go, parts of Abobo that, yes, the security situation did not permit us
12 to go at that time.

13 Q. Do you recall the -- how would you describe the security situation? You alluded to
14 a security situation. What are you talking about?

15 A. While we were on this mission there had been violence against pro-Gbagbo security
16 forces in Abobo. I believe it was on 11 January. And so as a result there was certainly a
17 greater concentration of security forces in the neighbourhood at that time, as well as
18 particular areas where there were -- there was a great presence of Jeunes Patriotes militia
19 in response to these -- in response to these events.

20 Q. Just to break that down a bit, you've talked about the security situation not allowing
21 you to go to very specific parts of Abobo. Which were the parts that you didn't consider
22 you were able to go to?

23 A. The main one was Abobo Avocatier, which had a specific Jeunes Patriotes parlement
24 or assembly point where -- and so we did not feel we were able to go to that area given the
25 concentration of violence there.

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1 PRESIDING JUDGE TARFUSSER: Excuse me, but when you say "we," you refer always
2 to yourself?

3 THE WITNESS: And my colleague Corinne at the time, so the two of us on the ground.

4 PRESIDING JUDGE TARFUSSER: And the assessment was yours, or you were advised
5 not to go? Was it your own assessment, or was it an assessment because of whatever
6 reason you took?

7 THE WITNESS: It was our own assessment.

8 PRESIDING JUDGE TARFUSSER: Sorry for that.

9 MS PACK:

10 Q. And just to clarify for His Honour, it was an assessment that you yourself personally
11 engaged in or shared?

12 A. Yes.

13 Q. And let me just ask you a few follow-up questions. You were talking security
14 forces, a greater concentration of security forces in the neighbourhood. Just to clarify, to
15 which security forces are you referring?

16 A. Security forces loyal to Mr Gbagbo.

17 Q. Can you just describe who you're talking about from what you saw?

18 A. In Abobo it was a mixture of security forces, including groups from CECOS that
19 were there, which was a specific unit designed to deal with criminality in Abidjan. There
20 were also members of the regular police. There were several police precincts in Abobo
21 that we saw, you know, policemen in and around at this time, at times nearby militia
22 checkpoints. Those are the two that particularly stick out from the time.

23 Q. How were you able to, from what you saw, describe security forces as either from
24 CECOS or from the police?

25 A. For CECOS, they both have or they have distinct uniforms, and in addition they

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1 move around in vehicles that are very distinct. They say "CECOS" on the side of the -- on
2 the side of the vehicle. They have their insignia, which is a panther, and they even have
3 the specific number of the vehicle. So you could clearly distinguish CECOS when
4 they -- when they were moving by vehicle.

5 For the police, it was by their -- their uniforms, the typically all black uniforms that often
6 had "police" written on the back or on an armband such that they were again easy to
7 distinguish.

8 Q. Now, you've also mentioned the Jeunes Patriotes militia presence. You said there
9 was a great presence of Jeunes Patriotes militia in Abobo. Can you describe, please, in
10 relation to this category what you saw of the presence of Jeunes Patriotes militia?

11 A. On this particular January mission, as I said we did not go to Abobo Avocatier for
12 security reasons, so I did not see myself the militia checkpoints or parlement that is
13 in -- that was in that area. That comes from testimony.

14 Q. (Microphone not activated)

15 THE INTERPRETER: Microphone, please.

16 MS PACK: Sorry.

17 Q. You also mentioned, and let me just deal with this, to clarify, that there were
18 policemen in and around at this time, at times nearby militia checkpoints. Now, is this
19 something that you saw or something that came from sources?

20 A. From consistent sources, but from sources.

21 Q. Okay. From what you saw on any of your trips, just not limiting now to January,
22 so that their Honours are clear on what you mean, what do you mean to say by "Jeunes
23 Patriotes militia"? And please do reference the subsequent mission if that assists you in
24 describing this, what you mean by this in reference to what you've seen.

25 MR KNOOPS: Mr President, I have a problem with --

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- 1 PRESIDING JUDGE TARFUSSER: Rejected. No, I think with what you have seen --
- 2 MR KNOOPS: Yes.
- 3 PRESIDING JUDGE TARFUSSER: We will wait for the answer --
- 4 MR KNOOPS: Okay.
- 5 PRESIDING JUDGE TARFUSSER: -- because the question is quite focused and quite
- 6 clear. And I think the witness until now has responded always in a very correct manner,
- 7 so I think we should just wait for the answer and then we --
- 8 MR KNOOPS: Mr President, I agree with your analysis, but the problem is that the term
- 9 "Jeunes Patriotes" is a generic term.
- 10 PRESIDING JUDGE TARFUSSER: Yes.
- 11 MR KNOOPS: And that calls of course also --
- 12 PRESIDING JUDGE TARFUSSER: "Police" is a generic term.
- 13 MR KNOOPS: -- for opinion evidence --
- 14 PRESIDING JUDGE TARFUSSER: No, no. "Police" is a generic term.
- 15 MR KNOOPS: -- to say somebody is a Jeunes Patriotes, that's a qualification, with all due
- 16 respect.
- 17 PRESIDING JUDGE TARFUSSER: Yes.
- 18 MR KNOOPS: It is a qualification which is not I think for a witness, but it's something he
- 19 has interpreted as being the person belonging to the Jeunes Patriotes.
- 20 PRESIDING JUDGE TARFUSSER: I don't know if he has it interpreted. We will see
- 21 what he has done.
- 22 MR KNOOPS: Okay, all right.
- 23 PRESIDING JUDGE TARFUSSER: And then we will interpret what the witness says and
- 24 has interpreted, I mean.
- 25 Please go ahead.

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1 MS PACK:

2 Q. Would you like me to repeat the question?

3 A. Yes, please.

4 Q. I wanted you to explain how you came by this term "Jeunes Patriotes militia."

5 You've testified and you've used that language, and I'd like to ask you, please, to explain

6 what you mean by that with reference to what you saw. Don't only stay with the

7 January mission, you can talk about anything that you saw in a subsequent mission. But

8 if you could just define what you mean by that term with reference to what you saw.

9 Thank you.

10 A. The term is used or I'm using it to speak about a particular group of pro-Gbagbo

11 youth militants who were -- I often personally saw at various -- in various times during

12 the crisis.

13 One that sticks out, I was in Adjamé during the March mission, and there were probably

14 several dozen, if not more, youth who were running through the street where our car was

15 chanting pro-Gbagbo slogans in what appeared to be if not training, then at least taking

16 part in, you know, physical activity as a group and again chanting pro-Gbagbo slogans

17 while doing so.

18 Q. Can you describe what they looked like, these youth?

19 PRESIDING JUDGE TARFUSSER: What they look like, you mean how they were

20 dressed?

21 MS PACK: Yes.

22 PRESIDING JUDGE TARFUSSER: No. How they look like is how they were dressed.

23 MS PACK:

24 Q. How they were dressed, please.

25 A. They were overwhelmingly in civilian clothing, some of them

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1 often had, say, military-style pants or fatigue camouflage pants, but in general they were
2 in civilian clothing.

3 PRESIDING JUDGE TARFUSSER: And this brings us to the break, I would say,
4 wouldn't it?

5 MS PACK: Yes, yes, I think that actually you're right, your Honour. Thank you.

6 PRESIDING JUDGE TARFUSSER: This brings us to the lunch break, so you can have
7 lunch and we will resume at 2.30. Thank you.

8 THE COURT USHER: All rise.

9 (Recess taken at 1.00 p.m.)

10 (Upon resuming in open session at 2.32 p.m.)

11 THE COURT USHER: All rise.

12 Please be seated.

13 PRESIDING JUDGE TARFUSSER: Good afternoon.

14 Mr Knoops, I didn't want to be rude. Sometimes I shoot out of the hip, as my colleague
15 says.

16 MR KNOOPS: Mr President, as you always say, we are professionals.

17 PRESIDING JUDGE TARFUSSER: Yes, okay. Thank you.

18 MR KNOOPS: Thank you.

19 PRESIDING JUDGE TARFUSSER: Ms Pack, please, yours the floor.

20 MS PACK: Thank you, Mr President.

21 Q. Now, Mr Wells, just back to a couple of matters that you dealt with before lunch.
22 You had spoken just before we adjourned about a group of youths you saw in March in
23 Adjamé training, you said you saw them running through the street, and you said they
24 chanted pro-Gbagbo slogans. Can you clarify the gist of what you heard, if you
25 remember?

1 A. I don't recall specifics. I know we heard them chanting for Gbagbo, but I don't
2 recall the specifics of what exactly they said.

3 Q. And when you say "we", just to clarify, do you mean you and someone else?

4 A. Yes, at the time it was myself and I believe I was with a driver. Corinne was not
5 with me at the moment. It was just myself in terms of Human Rights Watch researchers.

6 Q. Again, another matter that you testified about before lunch, you talked about a
7 checkpoint that you didn't go to, the Jeunes Patriotes parlement, in Abobo Avocatier.
8 Can you tell us from what you saw, if you are able to, what a parliament is?

9 A. Yes, they somewhat differ in different parts of Abidjan, but they are meeting points
10 at which members of the Jeunes Patriotes would often congregate for -- to make speeches
11 or other, declarations publicly often with a, of course, an audience of other supporters
12 there.

13 Q. Did you, yourself, see any parlement?

14 A. There's a well-known one in Plateau that we passed by a number of times, but
15 I don't recall seeing one at a moment in which a -- a speech was being given.

16 Q. At this time in January, in Abobo, did you see any -- did you see any checkpoints?
17 You said you didn't see one in Abobo Avocatier, what about what you saw?

18 A. In Abobo, at that time, I don't recall.

19 Q. Apart from checkpoints, separately, was there anything else notable that you recall
20 seeing in Abobo at that time when you visited in January?

21 A. Not that I recall.

22 Q. You've told us that you visited other areas in -- during that January mission. I'll
23 just remind you they were -- you mentioned Koumassi and Treichville and Marcory
24 specifically. Still on the topic of checkpoints, did you, during the January mission, see
25 any checkpoints at those -- in those areas?

1 A. Checkpoints specifically I don't recall in Treichville. We certainly saw the presence
2 of the Republican Guard where they have a -- where they have a base.

3 Q. Back again with Abobo, before we go to your March mission, can you describe the
4 main roads or name the main roads going through Abobo, if you can recall them?

5 A. There is the main auto route that goes up through Abobo towards Anyama.
6 There's the Route de Zoo, the Zoo Road, that leads from Adjamé up through an area into
7 Abobo. Those are the two principle axes that I remember. And then there are, of course,
8 a large number of smaller streets in Abobo.

9 Q. Do you recall, just thinking about these two main axes, do you recall any particular
10 locations that these main axes connected?

11 A. Again, the auto route leads from core Abidjan up through Abobo past the -- in the
12 direction of where the mayor's office is in Abobo and then on up to Anyama. So they're
13 connecting different neighbourhoods or different parts of Abidjan.

14 Q. And the Route de Zoo?

15 A. It goes up slightly to the east, if I recall, of the auto route up into -- up into Abobo
16 again coming from, I believe, Adjamé or Cocody.

17 Q. At this time, from what you saw in the January mission, were you able to say from
18 what you saw who was in control of these two particular main axes in Abobo as they ran
19 through Abobo?

20 MR KNOOPS: Mr President, I object. It's calling for a conclusion on the basis of the
21 research. And control is something for the Court to determine. It's a qualification of the
22 evidence.

23 PRESIDING JUDGE TARFUSSER: Can you rephrase, please.

24 MS PACK:

25 Q. Could you travel freely along these roads during your January mission?

1 A. Yes.

2 Q. Now I'll ask you just about your return from Abidjan in January. Did you
3 issue -- did Human Rights Watch issue a press release on your return from Abidjan?

4 A. Yes. I believe it was within a week after we left Abidjan we put out the first of our
5 longer press releases or short reports based on what we had documented while in
6 Abidjan.

7 Q. Who wrote the press release?

8 A. It was co-authored by Corinne and myself.

9 Q. What was the purpose of issuing this press release?

10 A. We were highlighting our key findings from that first trip looking at a number of
11 particular incidents that we had thoroughly documented and so could -- could issue
12 specific findings about the -- the march, for example, we had interviewed around 40
13 people just from that particular incident, and so we were looking at what happened that
14 day on 16 December as well as in a -- subsequent weeks where we had sufficiently
15 corroborated findings from the ground.

16 MS PACK: And we'll just turn briefly, please, to the court officer, to CIV-OTP-0003-0095.

17 Q. In front of the -- on the screen in front of you you should have there a document.
18 I'm not going to read out the title. It's a press release, January 26, 2011. We'll just stay
19 with this page. This is, is it, the press release that you issued on return from -- that
20 Human Rights Watch issued on your return from Abidjan; is that right?

21 A. Yes.

22 Q. Now, following the issuance of this press release, you went -- you told us on a
23 second mission to Abidjan --

24 A. Yes.

25 Q. -- in March? Can you remind us, what was the purpose, without going into factual

1 findings again, what was the purpose of you going on a -- on this particular mission to
2 Abidjan in March?

3 A. We had, Corinne and I, you know, from monitoring from Dakar, had seen an
4 escalation of tensions and violence in Abidjan towards the end of February. From both
5 sides there had been a greater emergence of the Invisible Commando in Abobo, on the
6 other side, as we've talked about already, there was the speech on 25 February by
7 Mr Blé Goudé, and so when we went back in March it was to look at this escalating
8 tension or violence in Abidjan from both sides as to -- as to what was happening on the
9 ground.

10 Q. Which areas did you visit during your March mission?

11 A. I went to Abobo, at least parts of Abobo that were accessible. I went to Yopougon,
12 in particular to a mosque that had been attacked, to several mosques. We -- I continued
13 to do research in the southern neighbourhoods of Treichville, and Koumassi and Marcory,
14 as well.

15 So we went really to, you know, all of the main neighbourhoods of Abidjan because there
16 was again this escalating tension of violence at the time.

17 Q. As you moved around, this is you personally, around the city, during these days in
18 March, did you experience any restrictions in your movement?

19 A. Yes, at times. There were certain areas that, for security reasons, we could not get
20 to, I could not go to. There are other areas where we -- where I saw a, say, greater
21 concentration of checkpoints from what we had -- I had seen in the past, which at times
22 impeded my movement.

23 Q. And in terms of both aspects, and we can just deal with them in turn, but the
24 security aspect, was there a difference as between then, the March mission, and your
25 experience, your personal experience in January?

1 A. Yes, absolutely. There had started to be more active conflict in Abidjan itself,
2 particularly in Abobo with -- while we were there, ongoing fighting between the Invisible
3 Commando on one side and pro-Gbagbo forces on the other.

4 So there was active fighting, in a way, in March that there had not really been when we
5 were there in January.

6 Q. You've described yourself as not being able to get to certain areas for security
7 reasons. What areas were you not able to get to during your March mission?

8 A. There were several days where we -- where I tried to go to Abobo. On one of those
9 days, as I was entering the neighbourhood, there were -- there was active gunfire and so
10 we -- I turned around and went back to another part of town.

11 The next day I went back into Abobo, had started doing research and interviews there.
12 Again, gunfire fairly close by. And so there were -- we didn't move -- I didn't move
13 further into Abobo. I stayed put in the area where I was until the gunfire had -- had
14 finished.

15 Q. Just staying with Abobo, you said you were trying to enter the neighbourhood on
16 one day and heard active gunfire. Where were you trying to enter the neighbourhood on
17 that occasion?

18 A. This first day we were -- I was going up through the main route, through the auto
19 route, where there was, as I saw, a large checkpoint or blockage from entering into Abobo
20 that I believe, based off of, you know, going there again the next day was manned at the
21 time by the Invisible Commando or pro-Ouattara fighters.

22 So it was in that area that we heard -- that I heard gunfire on the -- on the first day before
23 we had entered into Abobo.

24 Q. You say that on -- you say that based off of what -- of going there the next day, you
25 learned that at the time that this was a checkpoint manned by the Invisible Commando.

1 Can you tell us what happened on the following day?

2 A. The following day we went to the same location and were able to -- to get through
3 the checkpoint into -- into Abobo after speaking with those who were manning this -- this
4 checkpoint at the entrance and to again this part of Abobo, they asked what, you know,
5 my purpose was for going into Abobo. I said that it was to go to a particular hospital
6 where I would be interviewing people there at which point they allowed me to pass
7 through.

8 Q. Can you describe the men that you saw or the people that you saw at this
9 checkpoint, what they were wearing?

10 A. They were -- they were men, younger men in civilian clothes. Again, some of them
11 perhaps military-style pants, but in general wearing civilian clothes.

12 Q. You told us that from the encounter you had you identified them as Invisible
13 Commando. How was that -- how were they identified to you as Invisible Commando?

14 A. Partially this is based off of, you know, seeing them myself in the area in which they
15 controlled at that time. Part of it is based off of testimony from both people involved in
16 that group and from civilians on both sides who were able to speak to that particular
17 checkpoint and who operated it.

18 Q. You mentioned earlier a -- two aspects to the restrictions in your movement and the
19 second aspect was a greater concentration of checkpoints. And you've told us about one.
20 Can you tell us where else you saw checkpoints?

21 A. In Yopougon, for example, when going to look at -- to visit the two mosques that
22 had been attacked came across -- I came across a number of checkpoints in -- in
23 Yopougon.

24 Q. From what you saw, could you tell us who was manning those checkpoints?

25 A. They were primarily people in civilian attire. At the time the neighbourhood was

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1 firmly controlled by the Gbagbo side, and so the perception was that these were
2 pro-Gbagbo youth, potentially militia.

3 Q. (Microphone not activated)

4 THE INTERPRETER: Microphone please, Counsel.

5 MS PACK:

6 Q. How did they assert -- the youth, how did they assert their authority at the
7 checkpoints?

8 MR KNOOPS: Mr President, I think this is again a question which calls for conclusion on
9 the evidence.

10 PRESIDING JUDGE TARFUSSER: Excuse me. It's a fact. He was there. How did
11 they -- how was -- was the perception there, his perception on the ground. So it's not
12 something which concludes, what did he witness personally.

13 MR KNOOPS: But isn't the question about who asserts certain influence control a --

14 PRESIDING JUDGE TARFUSSER: Yes, but --

15 MR KNOOPS: -- call for opinion evidence?

16 PRESIDING JUDGE TARFUSSER: No. I mean, he's called for factual evidence on
17 which then everybody makes his opinion, but this is factual evidence. I interpret it as
18 this.

19 Please go ahead.

20 MS PACK:

21 Q. Can you answer the question?

22 A. Yes. They were often in -- in large numbers, say, you know, 10 or more at a
23 particular location, checking vehicles that were passing through a particular spot. At
24 times we, the driver and I, we'd need to, say, open up the trunk. They would say they
25 were looking for weapons. Many of them had armes blanches, I didn't -- machetes or

1 other weapons of that nature. I don't recall seeing guns in their hands at this time.

2 Q. You mentioned armes blanches. Could you just describe what you mean by that?

3 I think you did but if you can clarify?

4 PRESIDING JUDGE TARFUSSER: Machete.

5 MS PACK: Yes.

6 PRESIDING JUDGE TARFUSSER: Machete. So clarified.

7 MS PACK: All clarified.

8 Q. So let me ask you a couple more questions about these checkpoints. Can you recall
9 the areas, the parts of Yopougon where you saw these checkpoints?

10 A. Distinguishing between different times in Abidjan is difficult, so no.

11 Q. You mentioned earlier the second occasion when you went to Abobo also hearing
12 gunfire. I'd just like to stay with that. Now, where -- you say whereabouts you were in
13 Abobo on this occasion?

14 A. We had gone in again through this -- this main corridor, but the driver and myself
15 had gone off into side roads in Abobo in the direction of the -- to the east in the direction
16 of then which would lead towards the Route de Zoo.

17 Q. What were you doing -- what were you doing when you heard gunfire?

18 A. I was on a -- on a street interviewing residents of Abobo in that particular area.

19 Q. Can you recall the date on this occasion when you were in Abobo?

20 A. I believe it was 9 March.

21 Q. Do you know, from what you saw or heard, from where the gunfire came?

22 A. The gunfire came from a series of vehicles that were travelling through Abobo at
23 that time. You could hear the vehicles moving on a street close to where I was. And as
24 the vehicles were approaching, the gunfire grew louder. And as the vehicles then moved
25 away, the gunfire grew quieter.

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1 MR ALTIT: (Interpretation) I'm sorry to interrupt you. It would have been fair to ask
2 the question, first of all, to know whether the witness saw vehicles because we do not
3 know whether he actually saw vehicles. I don't know whether I am mistaken or not, but
4 he said he heard shots from vehicles, but does he know where the vehicles were located?
5 Where they were coming from?

6 PRESIDING JUDGE TARFUSSER: As far as I understood he didn't see them, but he
7 heard them. As far as I understood. But I might be wrong, but he didn't see it, but he
8 heard them because he was close by. This is -- I don't see anything wrong.

9 MR ALTIT: (Interpretation) So if he didn't see them, how can he say that the shooting
10 was coming from vehicles? It is not possible. That is what I am trying to say. The
11 questioning should have been more specific in order to lead to a conclusion, but in that
12 case it's impossible.

13 PRESIDING JUDGE TARFUSSER: Well, I don't know if physically it's impossible.
14 That's what you say, what you think. I don't know.

15 Please try to get into this on how he perceived these shootings, he meaning the witness,
16 sorry.

17 MS PACK:

18 Q. Mr Wells, I'm just going to ask you just that: What did you hear? Can you
19 describe the sounds that you heard?

20 A. There were -- I could hear multiple vehicles, the sound of which grew louder and
21 louder, at the same time as which the sound of gunfire grew louder and louder. And
22 then continued past - again, this was one block over from where I was - continued past
23 and the vehicles grew quieter and quieter as did the gunfire.

24 Q. You tell us that this was one block away from your location. Can you tell us where
25 it was -- based on where you were, could you tell us where it was the vehicles were

1 driving, on what road?

2 A. I believe the road was the Route de Zoo. It was a road that was coming down from
3 a part of Abobo that was farther to the north. The vehicles were travelling north to south
4 out of Abobo.

5 Q. Their Honours aren't as familiar with the area as you are with this road. Are there
6 any particular locations that you can point to along this road towards which or away from
7 which the vehicles were driving?

8 A. The most famous location from which the name draws its -- from which the road
9 draws its name is the main zoo of Abidjan, which is further south, not in Abobo.
10 To the north, the direction from which it came was where Camp Commando in Abobo is
11 located, a place that I didn't visit that particular day but I had visited on other occasions in
12 Abobo.

13 Q. Now, we -- you've told us about the greater concentration of checkpoints. And
14 I think you've told us about -- I asked you to elaborate and I think you've told us about
15 one of those that you saw. Are there -- or, you told us about two, in fact, in Yopougon,
16 I think that's right. Are there other checkpoints that you recall at the time of your visit
17 that you saw in the area of Abobo?

18 A. There were additional smaller checkpoints around the -- I believe it was around the
19 mayor's office in Abobo at this time.

20 Q. What road would that have been on? Can you say or not?

21 A. I don't recall.

22 Q. Can you say, from what you saw, who was -- who were manning this particular
23 checkpoint you're talking about around the mayor's office in Abobo?

24 A. On the particular day, my understanding was that it was pro-Ouattara fighters, the
25 Invisible Commando.

1 Q. Remind us, the dates when you visited Abobo were when?

2 A. March 8th and 9th, I believe.

3 Q. You described earlier the checkpoint that you -- that you came to on two occasions
4 on the auto route. Can you tell us which area that checkpoint was in?

5 A. It's the southern part of Abobo.

6 Q. Based upon what you saw at this time, who controlled -- when you were in Abidjan
7 and in Abobo, who controlled the Route de Zoo that you have spoken about?

8 MR KNOOPS: We have here the same objection, Mr President. As of consistency,
9 I think the question should be rephrased. Like you just instructed about my previous
10 objection.

11 PRESIDING JUDGE TARFUSSER: Can you please rephrase.

12 MS PACK:

13 Q. At this time were you -- was there any restriction in your movement along the Route
14 de Zoo that you can tell us about?

15 A. Unlike with the other location, I was not moving from an area that was controlled by
16 one group to another. It was all staying within the -- within the same group. I was not
17 passing into an area, not past, say, a checkpoint controlled by pro-Ouattara fighters.

18 Q. You've described your own security concerns in visiting Abobo and then eventually
19 going there for the two days that you were there. Can you describe when you were there
20 whether you -- from what you saw, whether you experiencing restrictions in the
21 movement of the population there or how you -- what you saw in the area in terms of
22 people moving about?

23 A. I did not see people being restricted from moving. There was not a lot of
24 movement out and about on the streets at that time given the security situation.
25 Certainly compared to -- to January or other times when I've been in Abidjan since, people

1 were -- the insecurity meant that people were not out and about moving in the way they
2 had been at many other times, but I did not see anything that indicated an active
3 restriction on people's movement out of Abobo.

4 Q. You've told us -- you've told us you visited Yopougon. Can you tell us what date
5 you were in Yopougon during that mission?

6 A. It was around the same date, sometime between 7 and 9 March.

7 Q. You told us you visited a mosque, mosques?

8 A. Yes.

9 Q. Just limiting yourself to the mosque that you can actually name, can you tell us
10 which mosque -- tell us about one of the mosques that you visited, please?

11 A. Yes. Yopougon, Lem mosque, L-E-M, which is in a part of the neighbourhood
12 known as Doukouré.

13 Q. What did you see when you visited this mosque in March?

14 A. The mosque was largely destroyed. The roof was caved in. There were burn
15 marks on the floor in the mosque. There was a box that had Quran in it that had
16 been -- appeared to have been burned, showed burn marks and there were several bullet
17 casings that were on the ground of the mosque.

18 MR KNOOPS: Mr President, Defence have observed Mr Wells is not an forensic expert.

19 PRESIDING JUDGE TARFUSSER: I can imagine. He's not a forensic expert, but I think
20 that the -- what the -- the traits of a bullet I think we can, each of us can understand what
21 it is. And then in any case, I mean, that's his assessment, then we will discuss it if he is or
22 not. But, I mean, this is what he thinks, what he has seen and what he thinks is the origin
23 of it, then we will draw the conclusions from this. But we know that he is not a ballistic
24 expert, so I think there is no big harm.

25 Please, go ahead.

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1 MS PACK: Thank you.

2 Q. Now, after your mission on this occasion to Abidjan, did Human Rights Watch issue
3 a press release on your return?

4 A. Yes. Again, within a week or so of leaving.

5 Q. Who wrote the press release?

6 A. It was co-authored by Corinne and myself.

7 Q. And the purpose of issuing it on -- this press release?

8 PRESIDING JUDGE TARFUSSER: What can be a purpose of a press release?

9 MS PACK: (Microphone not activated)

10 PRESIDING JUDGE TARFUSSER: Excuse me.

11 MS PACK: (Microphone not activated) Your Honour.

12 PRESIDING JUDGE TARFUSSER: What can be the purpose of a press release?

13 MS PACK: I think that's a very fair -- I think your observation is a very fair observation,
14 your Honour.

15 PRESIDING JUDGE TARFUSSER: Thank you.

16 MS PACK: Let's just turn up that press release, it's, please, 0003-0028. Sorry my
17 mistake. I'll give the right date. It's in fact it's 0067. Apologies.

18 Q. This is your 15 March press release. And I'm not going to ask you about any of the
19 detail. Just if you'd confirm that this is the press release that was issued on your return?

20 A. Yes.

21 Q. You've told us you went on a further mission to Abidjan in May. What was the
22 purpose of going on that mission?

23 A. I was looking primarily at what had happened during the final battle for Abidjan
24 between forces on both sides, so the period 31 March to the aftermath of the arrest of
25 Mr Gbagbo, including through, while I was on the ground, incidents continued to take

1 place.

2 Q. On this occasion, let me just clarify with you, I may not have asked you the dates in
3 May upon which you went to Abidjan on this occasion?

4 A. I was there, I believe, from the 13th to 26 May.

5 Q. Where in particular on this visit, where did you go, which areas in Abidjan?

6 A. There was a particular focus on Yopougon, which had seen some of the -- the
7 heaviest fighting during this final battle for Abidjan. In addition to Yopougon, I looked
8 at issues in Koumassi and Port Bouët and southern Abidjan, and also followed up on
9 some things that we had looked at in Williamsville in particular.

10 Q. Where, in particular, did you go in Yopougon on this occasion?

11 A. There were a number of -- of parts of Yopougon because many of them had seen
12 particularly severe violence at this time, again related to both sides. Neighbourhoods
13 that I recall, in particular, include Koweït, Yao Séhi, Doukouré, Mami Fatai and a number
14 of others.

15 Q. Did you visit anywhere in particular in Mami Fatai?

16 A. Yes.

17 Q. Where did you go?

18 A. I went to the neighbourhood itself to speak with people who lived there and also
19 to -- to visit several alleged mass grave sites.

20 Q. How many mass grave sites, can you remember?

21 A. Between Doukouré and Mami Fatai, at least a dozen, probably more.

22 They varied in size. Some of them quite small, potentially only a, you know, a few
23 people that could have been buried there given the size.

24 Several of them much larger, one in particular in Mami Fatai, one in particular in
25 Doukouré that were much bigger than the other sites.

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1 MS PACK: I'd like to ask to be shown, please, the document 0004-0072 and -- which is
2 the report, and to go to the following page, 0147.

3 Q. I don't want to ask you about any of the conclusions on this page, but just if you
4 would look at the -- one, two, three -- third paragraph. You say:
5 "In the largely Muslim Mami-Faitai section of Yopougon, Human Rights Watch saw what
6 appeared to be eight common graves ..."

7 Is that based upon your observations during this visit that you've described just now?

8 A. Yes, it's a combination of observation. I saw each of these sites, but of course is also
9 informed by testimony as well.

10 Q. And similarly, on the -- two pages along, 0149 --

11 PRESIDING JUDGE TARFUSSER: Mr Knoops.

12 MR KNOOPS: Mr President --

13 PRESIDING JUDGE TARFUSSER: Yes.

14 MR KNOOPS: -- if the witness is being asked to, on any facts which he learned from
15 anonymous sources, which was clear also during the previous question, we object.

16 PRESIDING JUDGE TARFUSSER: Yes, but he was not questioned about the anonymous
17 sources. He said he saw it and was also was informed, so --

18 MR KNOOPS: Yeah.

19 PRESIDING JUDGE TARFUSSER: This is a complex information he received.

20 MR KNOOPS: Yeah, the report -- the reports that it appeared to be common graves.
21 And the witness said it was based partially on his own observation --

22 PRESIDING JUDGE TARFUSSER: Yes.

23 MR KNOOPS: -- partially on sources.

24 PRESIDING JUDGE TARFUSSER: Yes.

25 MR KNOOPS: And --

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- 1 PRESIDING JUDGE TARFUSSER: Yes, partially on his own observations.
- 2 MR KNOOPS: Yes, but still he relies to this conclusion that it appears on --
- 3 PRESIDING JUDGE TARFUSSER: Yes, but we are taking -- we are doing the
- 4 interpretation then. I mean, what -- we will give them the weight it has, this declaration,
- 5 but I don't think that he can split and say, well, I -- he honestly said, I know it because
- 6 I was there and from sources.
- 7 So if he had said only I know it from because I was there, probably he would have lied,
- 8 and you would have liked it also. But then I think it's us that we draw the conclusions
- 9 on the weight to give to this.
- 10 MR KNOOPS: Thank you, Mr President.
- 11 PRESIDING JUDGE TARFUSSER: Thank you.
- 12 Please go ahead. But I just recall that we are outside now also of the charges, right?
- 13 From a temporarily -- well, we are in May.
- 14 MS PACK: Yes.
- 15 PRESIDING JUDGE TARFUSSER: Just to say.
- 16 MS PACK: I'm just being very careful --
- 17 PRESIDING JUDGE TARFUSSER: Okay.
- 18 MS PACK: -- not to ask the witness --
- 19 PRESIDING JUDGE TARFUSSER: Okay.
- 20 MS PACK: -- about where the bodies come from in the grave --
- 21 PRESIDING JUDGE TARFUSSER: Yes, yes, of course. Okay.
- 22 MS PACK: -- and what timeline, which obviously preceded his mission.
- 23 PRESIDING JUDGE TARFUSSER: Thank you.
- 24 MS PACK:
- 25 Q. When you -- just to be very clear, what did you see when you looked at the -- well,

1 you talk about the graves, what did you see?

2 A. There were mounds of earth that had been created in different locations. Again
3 some of them fairly small, some of them quite large in terms of their size.

4 Q. And we're at this page of your report, it's the second paragraph, and I'm not asking
5 you to read out the body count, bodies within the graves but, just to confirm that
6 paragraph there, you talk about a single mass grave in Doukouré and then you talk about
7 at least seven more graves in, quote, "... nearby in the same dusty parking lot for the
8 neighbourhood mosque ..." Is that what you are describing now? Is that what you saw?

9 A. Yes, exactly.

10 Q. When you got back from this mission, did Human Rights Watch issue another press
11 release?

12 PRESIDING JUDGE TARFUSSER: Yes, of course they did because they have to publicise
13 the activity they are doing. Of course they did.

14 MS PACK: Well, I'll lead this. If we can go just to 06 -- sorry 0002-0631.

15 (Pause in proceedings)

16 MS PACK:

17 Q. This press release, which you can see the headline and the date, June 2, 2011, is this
18 issued on your return from Abidjan by Human Rights Watch?

19 A. Yes.

20 Q. And if we go to page 0642, just there under the heading Yopougon", which is
21 actually at the bottom of the page, the last two paragraphs, the very last paragraph
22 actually, penultimate, you say:

23 "In the largely Muslim Mami-Faitai section of Yopougon, Human Rights Watch saw what
24 appeared to be eight recently-dug common graves ..."

25 Again, the same question as before: Is that basis of that statement the graves that you

1 saw when you visited Yopougon?

2 A. Yes, but again also, of course, based on testimony.

3 Q. And two pages along 0644, about five paragraphs down, it starts, "In the Doukouré"
4 just a little further up the page, "In the Doukouré sub-neighbourhood of Yopougon
5 29" - we'll ignore the number - "people lie in a single mass grave..." And we'll just leave it
6 there.

7 Next sentence: "At least seven more graves are nearby in the same dusty parking lot in
8 the mosque..."

9 Same question: Can you tell us what that is based upon?

10 A. The same combination of what I saw.

11 MR ALTIT: (Interpretation) Mr President, I do apologise to my learned colleagues for
12 interrupting you, I would like to express my reserves with regard to this procedure. The
13 witness can say what he saw. He saw alleged mass graves. What he was told were
14 mass graves. What he was told were mass graves. He didn't see anything else. He
15 did not see any bodies. He can say that himself.

16 Now to avoid *...Mr President, to avoid... in order to be able to circumvent your decision,
17 communiqués are then read in which there is other information: allegedly such and such a
18 number of bodies were...people were allegedly killed at that time. This means your
19 decision is being circumvented....which means that one brings the witness, when putting
20 the question to the witness "is this what you actually said in your communiqué, did you
21 not?" to speak about things that he is not authorised to speak about according to your
22 decision. That's the remark I wanted to make. I think it is very important for us to keep
23 this examination on the rails that your Chamber has decided upon.

24 PRESIDING JUDGE TARFUSSER: I was going to ask what did you see as opposed to
25 what did you hear from testimonies? This is the question.

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1 MR KNOOPS: Mr President, just also an observation from our Defence team. The
2 Prosecution paraphrased twice from a press release without mentioning that the release
3 says "according to others who assisted in the burials." And in the footnote you find
4 anonymous evidence. So I think it's not fair to put to the witness something which is not
5 in its full context in the releases, because the release clearly states that this information
6 came from others who assisted in the burials.

7 PRESIDING JUDGE TARFUSSER: I think it was not, if I'm not mistaken, it was not the
8 press release but the report from what they -- if I'm not mistaken.

9 MR KNOOPS: Yes, you're right.

10 PRESIDING JUDGE TARFUSSER: Yes.

11 MR KNOOPS: This was the same, yes.

12 PRESIDING JUDGE TARFUSSER: But my question is what did you see and what did
13 you hear from others in respect of these mass graves?

14 THE WITNESS: In terms of what I saw in Doukouré in particular, in this area not far
15 from the mosque, there was a particular area where there was a very large mound of earth
16 that had been created there. Off to the side there were a number of other smaller patches
17 that seemed like burial points in terms of they were mounds of earth. And here in
18 particular for Doukouré, this is a spot that I had been in March when looking at the
19 incident related to the mosque which is in this same area. At that time these did not
20 exist.

21 PRESIDING JUDGE TARFUSSER: Okay.

22 Please go ahead.

23 MS PACK: Thank you. And I should say, your Honour, in paraphrasing what I'm
24 trying to do is just to not say things I shouldn't.

25 PRESIDING JUDGE TARFUSSER: I do understand that the paraphrasing was in good

1 faith at this time.

2 MS PACK: Yes.

3 Q. You went on a further mission, you've told us earlier, in July. Can you tell us the
4 dates, please, for that mission?

5 A. I believe it was July 25th to 30th.

6 Q. The purpose of that mission broadly, without stating your factual findings?

7 A. It was to look in particular at incidents in Abobo related to shellings.

8 Q. On that visit, did you visit any particular locations?

9 A. Yes. I visited several locations in Abobo including the Siaka Koné marketplace, an
10 area known as, another area known as Abobo SOS, and an additional area that was
11 around a pharmacy known as pharmacy de la Mer.

12 Q. Now, you stated that you visited a location in Abobo. It's not come out on the -- it's
13 now come out on the transcript, Siaka Koné marketplace. Can you describe, and I'm not
14 asking for your opinion or again any factual findings, but just very specifically what you
15 saw at that location?

16 A. There was a small, say, entryway into where a particular part of the marketplace
17 where people often sat to drink tea or coffee and chat, and in that area, in the surrounding
18 area including above and in surrounding buildings there were collectively scores, if not
19 more, of small holes in all of the surrounding area of say a radius of maybe, you know, 5
20 to 10 metres.

21 Q. You say "small holes." What were the small holes in?

22 A. In everything that was there. That included metal doors that entered into common
23 courtyards there, the roofing or the metal top above the particular area. You could even
24 see indentions in concrete that was right around there.

25 Q. You also mentioned Abobo SOS. Can you tell us what you saw in that broad

1 location?

2 A. In Abobo SOS there were four different sites that I visited, each of which showed
3 similar impacts in which there were a large number of small holes that had been created
4 in whatever building was around there. At times it was homes. There was one area
5 around a particular mosque in Abobo SOS. So there were different locations, each of
6 them showing very different -- or very similar impacts.

7 Q. Having visited Abobo SOS, can you describe the area just without talking about
8 what you saw on this occasion, but broadly what sort of area was it in Abobo?

9 A. It's a residential area, densely packed residential area.

10 Q. One other location you mentioned was, I think it was *Abobo Ce Would you -- I
11 don't want to lead, but I've forgotten where it was you said you went, but just tell us, the
12 third location, broad location that you said you went to --

13 PRESIDING JUDGE TARFUSSER: Pharmacy, H-R-A May.

14 MS PACK: Thank you very much, your Honour.

15 Q. Can you describe your visit to that location and what you saw?

16 A. Similar to Abobo SOS is another residential area of Abobo, again demonstrating a
17 similar impact in terms of on the surrounding area on again metal doors and other
18 buildings in the surrounding area.

19 Q. I'd like to ask you please just to look at your report on these visits, back to 0004-0072,
20 the report, and the specific page 0141.

21 Now, I just wanted to ask you to look at a very specific narrow part of this page so as not
22 to stray on to areas about which I'm not going to question you about your factual
23 conclusions, just to ask you to look please at the second big paragraph where you state,
24 third line down, you say, "When Human Rights Watch visited the scene in
25 July 2011" -- I'm just pausing there.

1 Just tell us please, Human Rights Watch, is that you?

2 A. Yes, that's me here.

3 Q. And the scene you're talking about here is which location?

4 A. Based off reading this, it looks like it's talking about the marketplace in particular.

5 Q. And then just reading what you said there, "Hundreds of holes were still visible in
6 tin roofs, metal doors, concrete walls and anything else within 15 to 20 metres." I'll stop.

7 Is that based upon what you saw on that mission?

8 A. That observation is primarily based on what I saw, yes.

9 PRESIDING JUDGE TARFUSSER: And what he already said before.

10 MS PACK:

11 Q. Tying up on the press releases that you, Human Rights Watch issued based upon
12 your missions and your research, were you aware of whether or not these press releases
13 were covered in the media at the time?

14 PRESIDING JUDGE TARFUSSER: Which media?

15 MS PACK:

16 Q. The news media at the time, whether internationally or locally in Côte d'Ivoire. I
17 leave it to you to tell us what you know.

18 A. Yes, they were often covered extensively both by international media and national
19 media.

20 Q. National in Côte d'Ivoire?

21 A. Yes. Particularly in Côte d'Ivoire I am speaking of newspapers that would have
22 covered them. Internationally it would include both print media as well as radio like RFI.
23 Many of them were covered on television as well. I did interviews at the time with Al
24 Jazeera, with France 24, France 24, the French version. So it was a combination of
25 television, radio and print media both internationally and within Côte d'Ivoire.

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1 PRESIDING JUDGE TARFUSSER: I think we should stop here, because I know that

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1 there is an issue which will be raised by Mr MacDonald, and we have 10 minutes to do so.

2 I don't know how long you want to continue.

3 MS PACK: I will be ten more minutes approximately and that's it. I could perfectly
4 well do the final couple of questions tomorrow morning or I can wrap it up today,
5 whatever your Honour prefers. Tomorrow morning, I can review the transcript
6 overnight --

7 PRESIDING JUDGE TARFUSSER: No. If I give you this evening, so you take five
8 minutes instead of ten. Is that a good idea?

9 MS PACK: Your Honour, I'm in your hands. If I could have a think overnight, if there's
10 anything that I've missed, it's been a few hours.

11 PRESIDING JUDGE TARFUSSER: So think overnight. Okay, think overnight. I
12 would now release the witness, who has been here the whole day, and I'll see you
13 tomorrow for the last questioning by the OTP and then by the Defence teams and, well,
14 see you tomorrow at 9.30. Thank you very much.

15 THE WITNESS: (Interpretation) Thank you, your Honours.

16 (The witness stands down)

17 PRESIDING JUDGE TARFUSSER: We have now to go into private session because
18 Mr MacDonald has asked to address the Chamber and the parties with an issue which I
19 invite him to present. But first of all we go in private session.

20 (Private session at 3.53 p.m.)

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- 10 (Redacted)
- 11 (The hearing ends in private session at 4.02 p.m.)