

ENCA article - Metadata and the Mysterious Shadow (Oscar Pistorius)

PRETORIA - Technicalities, details and differences were painstakingly pointed out on Tuesday morning at the Oscar Pistorius murder trial in the North Gauteng High Court.

Pistorius is standing trial for shooting his girlfriend Reeva Steenkamp dead on Valentine's Day last year.

Steenkamp's mother June arrived at court this morning for the third time since the trial began, and was approached by Pistorius's uncle, Arnold Pistorius. The two appeared to have a short, private chat before Arnold returned to his seat for the start of day 12 of the gripping murder trial.

Police photographer Warrant Officer Barend van Staden returned to the stand for continuing cross examination on the pictures he took on the day of the shooting.

Defence Advocate Barry Roux asked for a copy of the master copies of the photographs he took of the Pistorius shooting scene.

Van Staden said all the master copies had been kept by him on the instructions of his superior who said they had not wanted the pictures to be stored with the administration clerk as was usual protocol. He had, therefore, kept the discs locked away safely in a cupboard – he had forgotten that in this instance he had not followed usual protocol.

Roux asked if Van Staden had taken any pictures of the Primary Residue Test he had conducted on Pistorius after the shooting, to which Van Staden responded that he had not.

Roux: "My understanding is this: photo album one would be of pictures of the unchanged scene."

Van Staden said this was so, as Roux then referred him to a photograph of a duvet in the main bedroom captioned "duvet as spread open by me" and a picture of towels marked "towels in bath tub as moved from floor by me".

Van Staden said this was correct – he had labelled and marked the images where things had changed from their original position.

Roux then moved on to a photograph of the bathroom floor where a pile of bloodied towels, blood spatters and the cricket bat could be seen. Roux opened another picture of the same scene and pointed out, according to its positioning on the floor in relation to the intersection of floor tiles, that in the second image there appeared to have been some shifting in the bat's positioning.

“Someone must have moved it,” Roux said, as Van Staden commented “That is correct My Lady”.

Roux then moved on to a photograph of the bat lying on the flat side. Van Staden, when questioned by Roux, said he had referred to the visible top side of the bat as “the front”.

Roux then questioned Van Staden on his knowledge of cricket, explaining that it was not possible to refer to the angled side of the bat as “the front”.

Nel stepped in to object to the ridicule and Judge Thokozile Masipa agreed, telling Roux he was not to argue with the witness over his understanding of a cricket bat.

Moving on to the cellphone that was found on the bathroom floor, Van Staden said at about 6.15am detective Hilton Botha had come to fetch it from the scene. Van Staden was not aware of what had been done with the phone.

Roux then opened a photograph of Pistorius’s firearm lying on a towel in the bathroom, asking him to take note of the firearm in relation to the butt of the firearm. Then in another photograph showing a close-up of the gun there was a slight difference in the position relating to the towel.

Van Staden said the gun had not been touched but that the towel underneath had possibly shifted slightly underneath it because the towel had been trodden on in the picking up of other evidence.

Roux then opened another photograph of the gun on the mat taken by another photographer. Van Staden asked in which album the photograph appeared and Roux said he did not want to disclose the information immediately.

Roux compared the second close-up with the close-up image Van Staden had taken, showing that the underlying mat was in a different position.

“I am going to ask you again, when you took those photos are you sure that you were alone up there apart from Hilton Botha?” Roux asked.

Van Staden said he had been alone, but remembered being visited on the scene by his commander, Colonel Makapula, on the day of the shooting. He did not remember Makapula coming to the upstairs scene while he was busy taking photographs.

Roux then said Colonel Motha had also been upstairs, and had taken photographs from 5.56am. Van Staden said he could not comment on this because he had not seen the photographs with the information.

Roux said: “What I am going to put to you is that there was a great overlap between you and Colonel Motha early in the morning. You were together in the bedroom, together in the bathroom. What do you say to that?”

Van Staden said he would need to look at all the photographs with their metadata to evaluate this possibility.

Roux said: "You went into the bathroom for the first time at 6.05am".

Van Staden paged through his album of pictures and found an image that matched the time. He said he could not comment on the time he entered the bathroom without viewing all of his pictures.

"Let me assist you with your timeline," Roux said, reminding him that he had arrived on the scene at 5.12am. He said he had followed all the photographs with the metadata and was able to follow step-by-step how Van Staden had moved through the scene and at what time he had been at each point.

At 5.23am, Roux said, Van Staden had taken photographs of Reeva Steenkamp lying at the bottom of the stairs.

Roux then commented that Van Staden hadn't filed all his photographs chronologically and that his numbering was "strange" as they appeared out of sequence with his timeline.

After going painstakingly through a number of photographs Van Staden took at specific times, Roux then looked at pictures taken by Colonel Motha it could be said that at 6.04am Motha was on the bedroom balcony while Van Staden was in the passage from the bedroom to the bathroom.

At 6.05am Motha took a photograph of the passage which, according to Van Staden's measurements, was 5.26m long.

"Is it your version that you did not see him in the passage?" Roux asked, prompting Van Staden to say he did not remember seeing Motha.

Moving onto a picture Van Staden took in the bathroom at 6.06am and others a few minutes later, Roux asked Van Staden if he was satisfied that he had been in the bathroom at that time, prompting the photographer to agree.

Roux then showed an image of the bathroom taken at 6.07am by Motha, Van Staden insisted that he still had not seen Motha.

Following the same process, Roux showed Van Staden he had been in the bathroom at 6.08am. Then moved onto pictures of blood spatters and the cricket on the bathroom taken by Motha at the same time Van Staden was in the bathroom – 6.08am.

"And you did not see Colonel Motha there?" Roux asked.

Van Staden said he had not.

Roux said according to the pictures, Van Staden had entered the bathroom at 6.05am and had been there until 6.09am and that pictures of the bathroom taken by Motha had overlapped on the time frame.

Roux then pulled up one of Van Staden's photographs taken from outside Pistorius's house, looking at the outside wall up to the open bathroom window. Shadows of people standing in the bathroom could be seen.

Roux asked who the people were and what time they had entered the scene. Van Staden said he could not answer because at that time he was outside.

Referring to an image taken at 6.57am by Motha, Roux pointed out that the firearm was now in a different position to how it had been seen earlier. Roux then moved on to other photographs taken in the bathroom by Van Staden at 6.58am.

Questioning Van Staden on pictures he had taken of a hole and damage on the main bedroom door, Roux asked why the pictures had not been taken on first sighting while he moved through the scene for the first time.

Van Staden said he used his own discretion when taking photographs, and the marks were not of the nature that they could be moved or changed – and so he had left them for photographing at a later stage.

Looking at photographs of the broken bedroom door lock with damage to the inside and outside of the door, Roux asked if these pictures had also been taken later for the same reasons and Van Staden said this was the case.

Van Staden said when he returned to the house he was told that Colonel Motha had handled the firearm without permission and had made it safe. Van Staden said he had been angry, reprimanded Motha and asked him to leave the scene. This was even though Motha was a colonel and he was a lower ranking warrant officer.

Referring to a photograph of the items next to Pistorius's bed, Roux found another similar photograph and asked Van Staden who had shifted the fan, fetched a CD from underneath the bed and shifted other objects. Van Staden said he could not answer as he did not know.

Roux said photographs of Steenkamp's shoes showed them in three different positions. Van Staden said he did not know who had moved them, but could remember having moved Steenkamp's overnight bag himself. Roux asked why, as the official photographer, Van Staden would have taken pictures of the same objects in different positions.

Van Staden said he had taken pictures in some case to show the progress of investigations and it could also have happened that items had been moved and then been caught in photographs he was taking of other things.

Roux then asked Van Staden to check his photographs to see if he could work out the time period in which Pistorius's watches were stolen. He also asked him to compare his photographs with those taken by Motha to determine when they have been in the same room together.

Source: enca.com/south-africa/oscar-trial-metadata-and-mysterious-shadow