

1 International Criminal Court

2 Pre-Trial Chamber I

3 Situation in the Democratic Republic of Congo - ICC-01/04-01/07

4 Status Conference - Open Session

5 Thursday, 19 June 2008 - The hearing starts at 2.18 p.m.

6 COURT USHER: All rise. The International Criminal Court is now
7 in session. Please be seated.

8 SINGLE JUDGE STEINER: Good afternoon. First I would please ask
9 the security officers to bring in the detainees.

10 I'm sorry, first of all, and I apologise for the delay in
11 starting this hearing. I would like to ask the Court Officer, please, to
12 call the case.

13 COURT OFFICER (interpretation): Situation in the Democratic
14 Republic of the Congo, in the case of the Prosecutor versus Germain
15 Katanga and Mathieu Ngudjolo Chui, ICC-01/04-01/07.

16 SINGLE JUDGE STEINER: Thank you very much.

17 Let me first welcome Mr. Germain Katanga and Mr. Mathieu Ngudjolo
18 Chui that are present at this hearing and state that as provided for in
19 the decision implementing the Appeals Chamber judgement concerning
20 languages issued on 2nd June 2008, Mr. Germain Katanga is provided at
21 this hearing, in accordance with Regulation 61(1)(d) of the Regulations
22 with liaison interpretation into Lingala.

23 I have also been informed that the liaison interpretation to
24 Lingala is also available to Mr. Mathieu Ngudjolo Chui.

25 Is that correct? I would like for the Defence counsels to check

1 with their clients whether the system of translation is working properly.

2 MR. HOOPER: For Mr. Katanga, he's finding it satisfactory.

3 Thank you.

4 MR. KILENDA (interpretation): Yes, perfect.

5 SINGLE JUDGE STEINER: Thank you very much.

6 So I would like to welcome the Prosecution, the Defences for
7 Germain Katanga and Mathieu Ngudjolo Chui, the Legal Representatives of
8 Victims, the Representatives of the Registry, and I would like to ask you
9 to introduce yourselves and your teams starting by the Prosecution, then
10 both Defences, Legal Representatives of Victims, and finally, the
11 representatives of Registry.

12 Prosecution first.

13 MR. MacDONALD (interpretation): Good afternoon, your Honour.
14 The Prosecution shall be represented this afternoon by Ms. Florence
15 Darques-Lane, Mr. Ian Bulmer, and myself Eric MacDonald.

16 MR. HOOPER: Germain Katanga by myself David Hooper and Sophie
17 Menegon. Thank you.

18 MR. KILENDA (interpretation): Thank you, your Honour. Mathieu
19 Ngudjolo's Defence team is made up of Maryse Alie, who is to my right,
20 who is a barrister at the Brussels bar, and my legal assistant on the
21 team; to my left is seated Ms. Aurelie Roche, who is the case manager of
22 the team; and I am Jean-Pierre Kilenda, the permanent Defence counsel of
23 Mr. Ngudjolo and a barrister at the Brussels bar.

24 MR. KETA (interpretation): For victim a/0333/07, Mr. Keta and
25 Mr. Gilissen shall be representing him. Also, victim a/0110/08 is

1 represented by Mr. Keta.

2 MR. DIAKIESE (interpretation): Your Honour, I am the
3 representative of a/0010/08, a/0011/08, a/0012/08, a/0015/08, a/0016/08,
4 and this is my first appearance before the court.

5 MS. MASSIDDA (interpretation): Good afternoon, your Honour. I
6 am Paolina Massidda, and I am representing Mr. Mulamba who represents
7 a/0015/08, 25/08, 24/08, 27/08, 29/08, 32/08, 33/08, 34/08, and 35/08.
8 Thank you.

9 MS. BAPITA (interpretation): Good afternoon. I am Ms. Bapita.
10 I represent the following victims: a/0327/07, a/0329/07, a/0330/07,
11 a/031/07, 43/08, 43/08, 83/08, 50/08, 51/08, 55/08, 56/08, 57/08, 60/08,
12 61/08, 66/08, 67/08, 70/08, 71/08, 73/08, 76/08, 77/08, 79/08, 80/08,
13 83/08, 85/08, 88/08, 90/08, 92/08, 95/08, 96/08, 0100/08, 0101/08,
14 103/08, and 104/08.

15 MS. DAHURON (interpretation): Representing the Registry this
16 afternoon is myself, Charlotte Dahuron-Jacoby, Acting Chief of the Court
17 Management Section and Ms. Anne Aurore Bertrand of the immediate Office
18 of the Director of Court Services.

19 SINGLE JUDGE STEINER: Thank you very much. I would like to
20 welcome Mr. Diakiese at his first appearance before this court, as well
21 as welcome all other parties and participants to this hearing.

22 The agenda of this status conference will focus on the compliance
23 with the calendar established on decision number 459, issued on 29 April
24 2006 for the proceedings leading to the confirmation hearing, which is
25 due to start in eight days. As this is the last status conference

1 scheduled prior to the confirmation hearing, now it's the right moment
2 for the parties and participants to raise any issue that the parties and
3 participants may wish for the Single Judge to address prior to the
4 commencement of the confirmation hearing scheduled for 27 June 2008.

5 However, and as is the practice of this Single Judge, I have some
6 preliminary issues that I would like to -- to address before the items of
7 the agenda, so if this way of proceedings is agreeable to the parties, I
8 will start with the preliminary issues.

9 So we have some preliminary matters and the first is related to
10 the representation of the Office of Public Counsel for Victims. In the
11 hearing held by Judge Akua Kuenyehia on 10 June 2008, a decision was
12 issued according to which the Office of Public Counsel for Victims and
13 the Office of Public Counsel for the Defence were directed to appoint one
14 distinct member of their respective offices to assist each specific
15 Defence or Victims Legal Representatives team which specifically requests
16 the assistance of their respective offices. In other words, one and only
17 one member of the OPCD or of the OPCV will be assigned to assist any
18 given team requesting assistance. Moreover, the extent of the assistance
19 will be confined to the request of the relevant team.

20 Furthermore, both the OPCD and the OPCV as a whole have access to
21 public materials in Ringtail and in LiveNote. However, in relation to
22 confidential materials, access will only be given to the specific member
23 of the OPCD or the OPCV assisting to a specific Defence or Victims
24 Representative which has the right to access such confidential materials
25 and has so expressly requested.

1 The Single Judge observes that OPCV apparently did not comply
2 with this decision when it assigned four staff members of the Office of
3 Public Counsel for Victims to assist Maitre Bapita. Moreover, the Single
4 Judge would like to have a report from the OPCV and the OPCD on the
5 implement of the decision issued by Judge Akua Kuenyehia at the 10th June
6 2008 hearing, and the Single Judge wants this report and the observations
7 on the matter referred above, the assigning of four representatives to
8 one Legal Representatives of Victims by Tuesday, 24 May [sic], 2008, at
9 4.00. So the Single Judge wants the OPCV to file its observations on
10 this issue by 24 May [sic] at 4.00.

11 The other matter relates to the fact that the Prosecution filed
12 its ninth and final report on disclosure of materials potentially
13 exculpatory or material for the Defence preparation for the confirmation
14 hearing this last Monday, including those documents gathered pursuant to
15 Article 54(3)(e) of the Statute. Today was the deadline for the
16 submission of the Defence's observations, and I have noticed that the
17 Defence for Mathieu Ngudjolo Chui has submitted its observations just
18 before this hearing, and I of course have not had time to read them. And
19 following Mr. Ngudjolo's submission, also the Defence for Mr. Katanga
20 filed its observations on -- on the Prosecution report, and all with an
21 application together with a formal application for a stay of proceedings.

22 In relation to the second part of Mr. Katanga's filing, more
23 specifically to the application, the Single Judge will give to the
24 Prosecution and to the Legal Representatives of Victims to file their
25 observations on such application by tomorrow at 4.00. So Legal

1 Representatives of Victims and Prosecution are invited to file their
2 observations on the request made by Defence of Mr. Katanga in relation to
3 the application for a stay of proceedings.

4 In any event, this matter will not be subject of this hearing,
5 and a decision will be rendered by the Single Judge as soon as possible.
6 In case the Defence of Mr. Mathieu Ngudjolo Chui wants to make also
7 observations on the application, the same deadline applies.

8 MR. MacDONALD: With your Honour's permission.

9 SINGLE JUDGE STEINER: Of course.

10 MR. MacDONALD: An application for stay was filed 15 minutes
11 before the start of this hearing, and I understand that the Prosecution
12 is being afforded the right to reply within just over 24 hours. This is
13 an important application, and we would kindly request that a longer
14 period be afforded to respond to this -- to this request and would kindly
15 request that we be afforded at least until Monday, be it in the morning,
16 but at least until Monday to respond. So at least to have to work on it
17 over the weekend also.

18 SINGLE JUDGE STEINER: I fully understand the concerns of the
19 Prosecution, but the fact is that we are eight days from the beginning of
20 the confirmation hearing, and the Chamber needs to have some time also to
21 decide on the matter. Therefore, and according to Regulation 35 of the
22 Regulations of the Court, and due to the urgency of the matter, the
23 request of the Prosecution to have till Monday to -- to file its
24 observation cannot be granted. So the Single Judge established that such
25 reply, as well as the observations of the Legal Representatives of

1 Victims will have to be filed by tomorrow, 4.00.

2 Another matter to be discussed in this -- in the list of
3 preliminary matters relates to -- to the fact that there is a pending --
4 is still pending a request by the Defence for Germain Katanga to have
5 access to certain documents. The Single Judge observes that the Registry
6 submitted its observations this Monday and a decision on Germain
7 Katanga's request will be taken -- will be issued as soon as possible.

8 The Single Judge also has no information whether the Defence for
9 Germain Katanga has taken any steps, further steps, in order to have
10 access to documents that could be in the possession of the Prosecution
11 that were also part of the Chamber's decision on the request of the
12 Defence for Germain Katanga for cooperation to the DRC. Anyway, the
13 Single Judge would like to have a report of the Registry by 30th June,
14 2008, on the status of the execution of the cooperation requests and to
15 DRC pursuant to the above-mentioned decision, and then the Single Judge
16 will set a date to have an ex parte hearing with the Defence of Germain
17 Katanga.

18 Apart from these topics, the Single Judge also notes that the
19 following decisions are pending:

20 First, decision on the Defence urgent application concerning the
21 form of the charging document. The replies of both Defences to
22 Prosecution consolidated response are due tomorrow.

23 Second, the decision on the request of Witness 166 to be granted
24 the procedural status of victim for the purpose of the confirmation
25 hearing in the present case.

1 And third, the decision on the requests for anonymity of a number
2 of individuals already granted the procedural status of victims in the
3 present case.

4 On a different point, the Single Judge notes that the Prosecution
5 filed the Prosecution amended charging document and list of evidence on
6 12 June 2008, as scheduled in the 29 April 2008 decision. The Single
7 Judge also notes that Judge Akua Kuenyehia has issued the schedule for
8 the confirmation hearing last week. And I'm referring to document 587.
9 Furthermore, the Single Judge notes that the Defence did not file any
10 request for redactions by the deadline of 17 June 2008, and in this
11 regard the Single Judge observes that the Defences stated at the 10 June
12 2008 hearing that they do not intend to rely on evidence at the
13 confirmation hearing. In any event, should any of the Defence changes
14 its mind, the Defences have until tomorrow to file the Defence list of
15 additional evidence, and the documents therein contained will have to be
16 provided to the Prosecution and then filed in the record of the case
17 without any redaction.

18 Finally, in relation to family members related issues, during the
19 last status conference held before the Single Judge, the Single Judge
20 took note of the difficulties faced by Mr. Katanga and Mr. Ngudjolo
21 Chui's families in relation to the issuance of passports and visa for
22 their family members in order to visit them.

23 During the status conference, the Registry informed the Single
24 Judge that a lawyer of its department was in contact with Congolese
25 authorities and that it will yield results.

1 I would like to listen from both Defence teams whether there has
2 been any improvement on this issue of passports and visas, and then I
3 would like to listen from the Registry if they have any update in that
4 regard.

5 Defence of Mr. Germain Katanga, please.

6 MR. HOOPER: Yes, thank you. We're unaware of any improvement.

7 SINGLE JUDGE STEINER: Maitre Kilenda.

8 MR. KILENDA (interpretation): Thank you, your Honour. The
9 latest news we have had from our client are that members of his family
10 have provided photographs to the right people so that steps be taken, and
11 apparently the passports have already been printed in the Congo, although
12 we have not yet seen evidence of that.

13 SINGLE JUDGE STEINER: Ms. Dahuron.

14 MS. DAHURON (interpretation): At this point in time although the
15 Congolese authorities have been re-approached by the Registry, there have
16 not been any major improvements. It would seem that there may be a
17 possible alternative solution to passports, but we do not have concrete
18 definitive news on that.

19 SINGLE JUDGE STEINER: I recall that at the last status
20 conference held before -- before me Mr. Dubuisson had already mentioned
21 the possibility of an alternative document for -- for family members'
22 travel. So no new information is given in this respect?

23 MS. DAHURON (interpretation): No. Unfortunately to date there
24 has been no substantial progress, and we have not had positive feedback
25 from the Congolese authorities.

1 SINGLE JUDGE STEINER: Maybe the Registry could file a report on
2 this issue. I would like to have a formal report on the -- on the
3 measures taken by the Registry in order to facilitate this -- the
4 passports to be issued or in relation to any alternative documents,
5 travel documents. I would like a report from the Registry, if possible,
6 by Monday.

7 So just to add some -- something to one of the points that I have
8 already raised in relation to the Defence teams' obligations in relation
9 to evidence. In case Defence intends to file an additional list of
10 evidence and the consequent obligation to disclose to the Prosecution
11 this evidence, that is -- the deadline is tomorrow. The Defence -- in
12 case Defence has any additional document to be filed, the electronic
13 copies without any redaction and the details required by the e-Court
14 Protocol are to be filed by 23rd June 2008.

15 And finally, I would like to recall the Prosecution and both
16 Defence teams that in case they intend to lodge written submissions with
17 the Chamber on points of fact and on law, this will have to be done no
18 later than Tuesday, 24 June 2008, according to our previous calendar.

19 So then we can go first to the Prosecution and then both Defence
20 teams for their observations in relation to the compliance with the
21 calendar established on decision number 459, issued on 29 April 2008, for
22 the proceedings leading to the confirmation hearing and to raise any
23 issue that the parties and participants wish to address in relation to
24 this, to the compliance with the calendar, prior to the commencement of
25 the confirmation hearing.

1 So I would like to give the floor first to the Prosecution, then
2 to the Defence teams, first Defence team of Mr. Katanga and then Defence
3 of Mr. Ngudjolo Chui on these matters.

4 Prosecution, please.

5 MR. MacDONALD: We have filed our last report, your Honour, on
6 disclosure touching upon the total amount of documents that have been
7 disclosed to both Defence teams to date, which means including evidence
8 that we will be relying on for the purpose of the confirmation hearing
9 and that are disclosed and indicated on our list of evidence. That was
10 filed on the 12th of June.

11 Also, we have provided the numbers in relation to the
12 currently -- the current status of documents disclosed both under Rule 77
13 and Article 67(2). And we also indicated in our last report the current
14 status and what is happening with the lifting exercise in relation to
15 documents that are still confidential pursuant to Article 54(3)(e).

16 What I'd like to add is that the Prosecution will be disclosing
17 tomorrow -- or intends to disclose tomorrow five documents under Rule 77,
18 five or six, but it's basically two documents that were previously under
19 Article 54(3)(e), but that the Prosecution was able to find copies that
20 are not subject to Article 54(3)(e).

21 Also, one -- those are two -- two documents. One video that
22 partial copy of that video is no longer Article 54(3)(e). This shorter
23 version contains the relevant information that was tagged under the -- or
24 pursuant to Rule 77. One document for which the Prosecution found an
25 open source. So in relation to Article 54(3)(e) material that were in

1 the category of Rule 77, the Prosecution will be disclosing four to five
2 documents tomorrow to that effect.

3 Also in relation to one witness who has been disclosed, it's not
4 the witness that was subject to the filing prior to this hearing, another
5 witness under Rule 77 we'll be submitting one piece of information
6 relevant, but it's -- but not under -- it's not incriminatory, so it's
7 under Rule 77.

8 I don't know if the Chamber or if the Single Judge, sorry, has
9 specific questions, but this is the information -- or the update I can
10 provide in terms of documents that may be under -- currently under
11 Article 54(3)(e) in relation to our report of Monday.

12 SINGLE JUDGE STEINER: So according to the last Prosecution
13 report, there are already 78 Rule 77 documents covered by 54(3)(e), and
14 in relation to potentially exculpatory evidence, pexo, 129; is that
15 correct?

16 MR. MacDONALD: Now, just to go and discuss, to start with, the
17 Article 67(2) documents, or the -- what we call the pexo documents,
18 referred to in our report as potentially exonerating document.

19 We were specifically requested by the Single Judge to report and
20 refer to the report that we filed at the end of May, on the 26th, if I'm
21 not mistaken, where we referred to 139 documents, and then our following
22 report referred to 72 documents. And we were specifically requested to
23 explain why we had 139 and then came down to 72. So when you're
24 referring, your Honour, to 129, I understand that you're referring to the
25 number 139 -- or 37, sorry. I'm saying 139 and --

1 SINGLE JUDGE STEINER: It was 137, and the Prosecution informs
2 that it got the consent for eight of these documents. So that's why I
3 referred to --

4 MR. MacDONALD: Yes. Those have been disclosed already. So 137
5 minus 8, 129.

6 SINGLE JUDGE STEINER: Yes.

7 MR. MacDONALD: Yes. Now, in relation to these documents, your
8 Honour, we believe that 65 of them are not potentially exonerating at all
9 in relation to this specific case against these two individuals in the
10 context of the Bogoro attack. And this is why, because we believe that
11 they're not relevant, we're even going further and saying that we're
12 willing to admit the information that may have been tagged on -- earlier
13 under the category of potentially exonerating. So this is why we believe
14 that the remainder, 72 minus 8, constitute what is to be considered
15 potentially exonerating in this case and for which efforts have been
16 made, are being made, and still on an ongoing basis because it's an
17 ongoing process, obviously, to request for the lifting. So that's in
18 relation to the potentially exonerating documents.

19 Now, in relation to the documents under Rule 77, we're
20 awaiting -- and also what I may want to add, your Honour, and I don't
21 want to complicate or confuse things more than they may be, but referring
22 to the 65 documents, so the number of 137 minus 65, 72, those 65 that we
23 do not consider potentially exonerating, six of them were still
24 considered as relevant under Rule 77. So they move from one category to
25 Rule 77, but still, like we've mentioned, we're willing to admit to the

1 underlying facts no matter if they're initially potentially exonerating
2 and reclassified then as Rule 77.

3 Now, in relation to Rule 77 according to the report, Monday's
4 report, we were -- we are awaiting a response from the providers for 78
5 of these documents, and as indicated, for 69 of them analogous
6 information has been disclosed to both Defence teams. So the information
7 that may be material for the Defence preparation is already disclosed to
8 them.

9 SINGLE JUDGE STEINER: I would like now to give the floor to the
10 Defence for Germain Katanga. Mr. Hooper.

11 MR. HOOPER: Thank you. Well, these 65 documents may now be
12 dressed in different clothes by the Prosecution, but all that it
13 indicates is a deep and worrying and inherent contradiction and a lack of
14 objective judgement.

15 You're aware of our submission, and in those circumstances it's
16 probably inappropriate for me to -- "unnecessary," perhaps, is a better
17 word, for me to go into our position further in respect of that. We've
18 made our submissions in respect of our observations and requests that
19 were filed earlier today.

20 Dealing now with just Prosecution matters as it were, we have had
21 cooperation from the Office of the Prosecutor in this case, and more
22 recently we asked if they could complete the necessary particularisation
23 of the new charges, including the two that have, as it were, been
24 re-introduced into the charge list in respect of the Ringtail
25 information. That hasn't been done at the moment. That is the

1 connection between the charges and their incriminating material.

2 I know or I understand that they're working on it, but subject to
3 any decision, of course, in respect of today's requests by the Defence,
4 we are still working on a timetable of starting this case in eight days'
5 time, and it really is necessary that we get this -- completion of this
6 work really by this weekend.

7 I think in terms of the Prosecutor's function, I have no other
8 observations to make this afternoon except perhaps one, and that is in
9 respect of any opening note. We heard yesterday that of course, and
10 understandably the Prosecution are preparing their opening for next --
11 next week, particularly on Monday and Tuesday of the week thereafter,
12 with care. We fully appreciate and understand that.

13 As a consequence, we expect that there probably is a fairly clear
14 note to which the opening speech will conform to, and it would be of
15 great assistance to us and, of course, to the interpreters and others if
16 we could, in fact, have the courtesy of that note, say the day before the
17 words are spoken. And the object of that is to avoid what may otherwise
18 might be unnecessary interruptions. For example, should we raise
19 objection to anything that's going to be said. If we're on notice of
20 that, then we can point that up both to the Prosecution and to the Court.

21 I say that having learnt yesterday that if in the course of the
22 hearing we, for example, because of a Defence objection and argument, we
23 need to move from open session to a closed session we were surprised,
24 indeed amazed, to hear that it would take 30 minutes for that to happen.
25 And I've had confirmed this afternoon, if I've understood correctly, that

1 then to re-enter the public domain is going to take another 30 minutes.

2 For what it's worth, talking amongst ourselves and being in
3 discussion with other practitioners in other tribunals on this matter,
4 and particularly with the ICTY, it's not a problem. We know that the
5 ICTR doesn't have either Ringtail or e-court to the extent, obviously,
6 that it's here. The ICTY does, and it doesn't have this problem. It
7 goes in and out of those two statuses within or less than a minute.

8 Now, as a practitioner I would submit that it's wholly
9 impracticable to have system that has to put the brakes on like that,
10 because things in court, as we all know, don't happen as we think they're
11 going to happen, and there are almost bound to be with the best will and
12 effort in the world daily interruptions which, with this configuration,
13 is going to mean a quite unreasonable loss of court time as well as
14 irritation to all and every party.

15 To some extent it must be and probably is out of all our hands, I
16 don't exactly know, but there must be, surely, a way to bring this very
17 modern system, and doubtless very expensive system, into line with the
18 needs of the court and not for the court instead to be dominated by it.
19 And we ask that those in fact who have the knowledge and the ability to
20 configure this in a more acceptable manner perhaps do so.

21 It may be that this isn't going to be matter of such importance
22 for confirmation hearing, I acknowledge that. We have to wait and see.
23 But for our part, it does seem a regrettable systematic defect, and we
24 hope that it can be readdressed.

25 Thank you.

1 SINGLE JUDGE STEINER: Thank you, Mr. Hooper. I think your
2 concerns in relation to the system are -- are correct. The Chamber has
3 already, starting by the Lubanga case, shown its concern about these
4 difficulties of the system, mainly when we talk about switching a hearing
5 from an open session to a closed session. I must confess that I -- I
6 don't see any possibility for the system to be changed in a period of
7 eight days, even because as I told you since the Lubanga case this
8 problem has been raised many times with the competent sections of the
9 court, but I think your concern now, as you put in the record, will be
10 again used by the Chamber as another example of the difficulties that
11 this system has been causing to the proceedings as a whole in this court,
12 and I fully agree with your concerns in this respect.

13 Before giving the floor to Mr. Kilenda, I would like to listen
14 from the Prosecution in relation to what has been said by Mr. Hooper in
15 relation to fitting the Ringtail with the information necessary related
16 to the amended charging document and list of evidence, where the problem
17 is for giving the Defence access to the new evidence, additional
18 evidence, through the Ringtail.

19 MR. MacDONALD: They have the evidence. It's not a question of
20 not having the evidence.

21 SINGLE JUDGE STEINER: But it's not in the Ringtail.

22 MR. MacDONALD: No, it is in Ringtail. It's not -- it's the
23 e-court itself, the e-court -- the e-court template, the linking, because
24 we've had different -- we had a DSS in January. We had one in April, a
25 joint one, and then the amended one, the information, the compliance

1 between the different stages of this disclosure of the e-court, there's
2 some problems in the information as recorded and it's being fixed at the
3 moment as we speak, and tomorrow it should be disclosable to both Defence
4 teams. It's not that they didn't have the disclosure, the material. I
5 want to make -- I want to state clear that they have the documents. It's
6 just that when you click in the template and you want to see which count
7 does it refer to, specifically some conversions that were to be done
8 automatically, there were some glitches and that's been corrected, and
9 every single document and the template for every single document of the
10 274 has been completed and will be done and will be disclosed to the
11 Defence tomorrow. So they'll receive the information.

12 SINGLE JUDGE STEINER: Thank you very much for this
13 clarification.

14 Maitre Kilenda.

15 MR. KILENDA (interpretation): Mr. Kilenda. Thank you, your
16 Honour. For the most part the relevant observations of Mr. Hooper, we
17 agree with them. We have one regret to express. We regret to note that
18 some documents, some exculpatory documents, are subject to
19 confidentiality still, and this confidentiality has so far not been
20 lifted. We are approaching the confirmation hearing in leaps and bounds,
21 and during that hearing your Honours will consider whether there are
22 substantial grounds to believe that our client committed crimes within
23 the jurisdiction of the International Criminal Court, and we're sorry to
24 note that these documents are yet to be disclosed to us.

25 This is the tenor of our submissions that we submitted before

1 this status conference. We mentioned the fact that such an attitude on
2 the part of the Prosecution may well be at odds with the fairness
3 requirements of the proceedings. For the rest, I fall in line with what
4 my eminent colleague has said. We hope that within the shortest possible
5 time this confidentiality will be lifted and that these documents, which
6 are very important to the defence of our interest -- our client's
7 interest, will be sent to us as soon as possible.

8 Thank you.

9 SINGLE JUDGE STEINER: Thank you very much. I would like to ask
10 the Prosecution if there is any other issue the Prosecution would like to
11 raise or to address in this status conference.

12 MR. MacDONALD: No, your Honour.

13 SINGLE JUDGE STEINER: In relation to the request or for -- of
14 Defence of Mr. Katanga, in relation to the opening notes, has the
15 Prosecution -- are the Prosecution in a position to give any, to advance
16 any response to this request?

17 MR. MacDONALD: Yes, your Honour. The Prosecution does not
18 intend to disclose this to the Defence for the simple reason that this is
19 internal work product, number one. Number two, this is not a jury trial.
20 We're not in common law jurisdiction where in these cases the notes may
21 be asked because you don't want to taint the jury and, you know, call a
22 mistrial. We're doing this before a panel of three professional Judges
23 that can decide for themselves if the Prosecution is going out of bounds.
24 And in any event, the Prosecution's opening statement is linked to the
25 document containing charges. There is nothing controversial.

1 I understand my colleague wanting it beforehand because he
2 doesn't want to object. You don't need to object. You can reply. You
3 have your own opportunity to make your own opening statement.

4 So to -- this is my answer. It's -- Prosecution considers it
5 internal work product. It's being disclosed to the interpreters for --
6 not the purpose of disclosure, for the purpose of them preparing and
7 being able to do, like was mentioned yesterday during the mock session,
8 their work as professionally as possible. And number three, Mr. Hooper
9 can always object and the Bench will rule on it, and if it's done too
10 often either the Prosecution will suffer or perhaps Mr. Hooper will
11 suffer the consequences.

12 Thank you.

13 SINGLE JUDGE STEINER: Thank you very much.

14 Mr. Hooper, do you have anything else to add, to address in this
15 status conference?

16 MR. HOOPER: Only in respect to the latter. I've never been
17 involved in a significant case where the Prosecution did not extend the
18 courtesy of an opening note to the opposing side, and I hear with concern
19 what my friend says. Not because of it's -- necessarily because of its
20 content but what really it represents and stands for.

21 The object of sharing or providing as a courtesy an opening note
22 is really a courtesy to the Court, and it's done in part to avoid the
23 kind of mishap that can happen, to avoid objections that can be easily
24 avoided with very little notice given to the Defence and so as not to
25 disrupt the proceedings as they can be here to the extent that they can

1 with this problem with the different statuses of our hearings.

2 So I'd invite the Prosecution to think a little bit more about
3 that, perhaps, to see whether it can as an act of courtesy to this Court
4 and to the Defence provide its opening note, which is clearly going to be
5 quite full and well prepared. It's not -- we don't ask it for tactical
6 advantage.

7 We're not reactive, as you know, in respect of the confirmation.
8 All we're concerned about in terms of the note is to avoid the pitfalls
9 that can sometimes happen in a big and complex case where one side has
10 the floor and the other side, no notice of what is being said.

11 I have no other comments to make in respect of that. There is
12 one matter, though, that I'd ask you, Madam Judge, to assist us with,
13 which is quite another matter indeed, and that is this: There's, as you
14 know, a database called intranet which gives access through the intranet
15 to decisions of all the ad hoc tribunals and other sources. Now, that is
16 a facility which is open staff members here and doubtless open to the
17 Prosecution too. It's available I think to us. Well, it certainly is
18 available to us in the library here, and the librarian very helpfully
19 assisted us with that yesterday, but for some reason we don't have access
20 to it from our Defence rooms, and it's such a significant and relevant
21 resource that I hope that you'll encourage the powers that be in this
22 Court to extend that facility to the Defence.

23 Thank you.

24 SINGLE JUDGE STEINER: Thank you, Mr. Hooper.

25 I would like to listen from the representatives of the Registry

1 what would be, if any, the difficulties in giving the Defence access to
2 this database.

3 MS. DAHURON (interpretation): Yes, your Honour. Reference is
4 made to what is called in English the legal tools database, which
5 includes sources of case law, jurisprudence, from the ad hoc tribunals.
6 This database is available not only on the intranet and on the internet.
7 That is, public access. So if you go to the public site you can access
8 part of this database, and in particular to decisions which are contained
9 therein.

10 We would also like to recall that such requests for assistance on
11 the part of counsel should first be sent to the relevant assistance
12 section, that is the Defence support section in this case.

13 SINGLE JUDGE STEINER: Has by chance Mr. Hooper requested such
14 kind of assistance from the competent section of Defence -- assistance
15 for Defence?

16 MR. HOOPER: Yes, we have asked. Let me just clarify whom we
17 asked.

18 Yes. In fact, we went to IT. I don't know if that was the
19 appropriate source or not, but we understand we're not eligible for it.
20 That's our understanding.

21 Well, can I say that we'll pursue it and we'll let the Chamber
22 know how we get on, but I've -- I'm sorry.

23 SINGLE JUDGE STEINER: We have the representative of the
24 competent decision of the court that is in charge of giving all kinds of
25 assistance to the Defence. As far as I know it's Mr. Steven Peralta is

1 the chief responsible. So perhaps contact with Mr. Peralta could help
2 the Defence on this matter.

3 MS. ALIE (interpretation): Thank you, your Honour. Our team
4 approached DSS and actually our system is not the same as that used by
5 the staff of the court generally and we do not have access to this
6 database. I would like to point out that the database which is
7 accessible to the public through the Court's internet site is not the
8 same as the one we're referring to today. So we do not have these same
9 facilities.

10 SINGLE JUDGE STEINER: The Office of Public Counsel for the
11 Defence probably has access to -- this kind of access to the legal tools.

12 MS. ALIE (interpretation): Yes, that is correct.

13 SINGLE JUDGE STEINER: If there is any technical problem in
14 relation to direct access by the Defence teams, the Defence teams can
15 always resort to Office of Public Counsel for the Defence in order to
16 make a research on the jurisprudence or database. But anyway, I will
17 take care of the issue to see what can be done in order to facilitate
18 Defence in terms of research.

19 MS. ALIE (interpretation): Yes. Thank you, your Honour, because
20 this is a question of speed. We could also have access to other external
21 databases, but it's a question of speed. So if we went through OPCD it
22 would slow our work considerably.

23 Thank you.

24 SINGLE JUDGE STEINER: Thank you. So Mr. Kilenda, is there any
25 other issue that you would like to address in this status conference?

1 MR. KILENDA (interpretation): Yes. This is about the assistance
2 that we hope to expect from the OPCD. We have talked at length with the
3 head of this office in the past days, and we have reached agreement on
4 the follow points: During the confirmation hearing, we will not need the
5 presence of the OPCD or a staff member of that office at the hearing.
6 However, our cooperation will focus solely on legal researches that we
7 may ask the OPCD to conduct on our behalf through a formal request
8 beforehand.

9 Furthermore, we agreed that the OPCD will not have access to
10 confidential documents at this stage in the proceedings. We do not think
11 that there will be any conflict of interest with the neighbouring Defence
12 team, which is why we would like to secure from the Court a revision of
13 the conditions that you established during the hearing of the 10th of
14 June, 2008. That is, pages 14 and 15 of the transcript in the French.

15 We agreed on those points, and we hope that this cooperation will
16 be fruitful so that we can best defend our interests.

17 I would also like to raise the problem of the video. I noted --
18 we noted in our team that during the hearing of the 27th of June, 2008 --
19 I beg your pardon. Just a moment.

20 There will be two videos, one of about 45 seconds, and one of
21 about 30 minutes. I think the 30-minute video would concern our client.
22 We still fail to understand in our team why the video that concerns our
23 client would be as long as 30 minutes. Is it 30 minutes for his identity
24 or 30 minutes including something else? We know that this answer is not
25 yours to give. It is for the Prosecution.

1 SINGLE JUDGE STEINER: Mr. MacDonald, would you like to say
2 something on this issue?

3 MR. MacDONALD: The video in question, yes, relates to the
4 identification of Mr. Ngudjolo but goes beyond that, obviously. At this
5 stage we indicated there could be a possibility that we would, and time
6 was then afforded within the schedule, that we could do so, but that is
7 still a question to be determined.

8 SINGLE JUDGE STEINER: Mr. Kilenda.

9 MR. KILENDA (interpretation): Thank you, your Honour. We noted
10 that this video concerns the identification of our client and that it
11 extends beyond this identification. In the interests of transparency and
12 fairness of the proceedings, we would like to know in what way the
13 Prosecution intends to make use of this video, if this is not a premature
14 request.

15 SINGLE JUDGE STEINER: Mr. MacDonald.

16 MR. MacDONALD: I'm not to discuss the evidence at this stage,
17 your Honour. If my colleague has an objection to the evidence,
18 formulates it, we'll deal with it in the filing on the 23rd. But if he
19 looks at the video -- I don't know. Of course Mr. Ngudjolo identifies
20 himself. Of course Mr. Ngudjolo talks. Of course he is surrounded
21 with people. There are different actors that are present during this
22 round table of the witness.

23 I limit myself to this. You know, the person sitting next to him
24 on his left identifies himself. The other people around. I mean, the
25 person to the right also identify themselves.

1 SINGLE JUDGE STEINER: Mr. Kilenda, I will give you the floor,
2 but I agree with the Prosecution that this is not the right moment to
3 discuss the content of a piece of evidence, evidence that has been
4 already disclosed to the Defence. So the Defence has the time,
5 appropriate time, to object to the probative value or the content of
6 the -- of the evidence. But anyway, you have the floor.

7 MR. KILENDA (interpretation): Thank you, your Honour. I agree
8 entirely with you and with the Prosecution. This is not the time to
9 discuss evidence. However, we still do not understand why in the case of
10 our client the video will be used for purposes beyond identification,
11 whereas for the co-defendant it is limited to identification.

12 If you feel that when the time comes we will get an answer to our
13 question, then I'm happy to leave the matter there now.

14 SINGLE JUDGE STEINER: Thank you, Mr. Kilenda. This is the
15 opportunity to remind the parties and also the Legal Representatives of
16 Non-Anonymous Victims that they have till the 23rd of June, 2008, at 4.00
17 to file the submissions related to any points that are to be raised
18 during the confirmation hearing.

19 So from my agenda I don't have any other points to be discussed,
20 but once more I'll give the opportunity for the Prosecution, the Defence,
21 the Legal Representatives of Victims, and Legal Representatives of the
22 Registry to raise any other issue they want to address to the Single
23 Judge before we conclude this status conference.

24 Prosecution.

25 MR. MacDONALD: (Microphone not activated) ... permission, your

1 Honour. I understand that the Prosecution, just before -- approximately
2 one hour before this hearing made a confidential filing that is not
3 accessible to the non-anonymous -- sorry, to the anonymous legal
4 representatives. If ever -- there's a confidentiality that I don't want
5 to refer to and give the reasons why in this status conference, but what
6 I meant to say is we're willing to discuss this filing in a closed
7 session and explain the confidentiality level if the Chamber so wishes,
8 and we can do this in 30 minutes.

9 SINGLE JUDGE STEINER: If I understood the Prosecution suggests
10 to have a closed session after this status conference. Ex parte or only
11 confidential?

12 MR. MacDONALD: Confidential, your Honour, if the Single Judge
13 wishes, and we can first address the issue why did we file this
14 submission confidential to decide of the confidentiality level.

15 SINGLE JUDGE STEINER: So the Prosecution -- if the Prosecution
16 can address preliminarily the reasons for the level of confidentiality,
17 they could do it right now before the Single Judge decides on granting
18 the -- or extending this status conference.

19 MR. MacDONALD: Just to be clear, your Honour, we are not
20 requesting a session. We're just referring to the fact that prior to
21 this hearing we made a filing that is currently confidential. So the
22 first question, if the Single Judge wishes to discuss the matter today,
23 we're willing to do so. And -- or if today, because of course it was
24 filed, you know, just one hour before this hearing, we could still,
25 without going into the details of this filing, if the first question is

1 to be addressed or wonder -- the Single Judge is questioning why has this
2 been filed confidentially, we're willing to discuss the confidential
3 level of this filing in a closed session with, obviously, all the
4 parties, including the Non-Anonymous Legal Representatives.

5 SINGLE JUDGE STEINER: I think we can address all these points in
6 a closed session after the half an hour break, in the presence of both
7 Defence teams and the legal representatives of the non-anonymous
8 witnesses.

9 Mr. Hooper, any final --

10 MR. HOOPER: Yes. A little bird has drawn my attention to a
11 decision in the Lubanga case. It's filing 1346, dated it 22nd of May,
12 where in that case the Trial Chamber ordered opening notes to be
13 disclosed, and is a basis, in my submission, for this Chamber to order
14 the Prosecution to disclose its opening statement to the Defence. I make
15 an oral request and submission that is an appropriate course and that the
16 Prosecution be ordered to disclose to the Court and the parties its
17 opening note for the confirmation hearing. It's as appropriate in these
18 circumstances as it is for the trial purposes.

19 Thank you.

20 SINGLE JUDGE STEINER: Now, the Defence is not requesting any
21 more a courtesy copy. It's requesting the Chamber to decide on -- to
22 order the Prosecution to disclose to the Defence the opening notes.

23 MR. HOOPER: Yes. Courtesy didn't get us very far, so no longer
24 Mr. Nice Guy.

25 SINGLE JUDGE STEINER: So would the Prosecution like to make its

1 observations on the request right now? Otherwise, I can give the
2 Prosecution few hours to file written observation, a written response.

3 MR. MacDONALD: I'll do this orally, your Honour. Regulation 54
4 states that a Trial Chamber, and this is, we think, the basis -- the
5 legal basis under which we'd have to go back, but what is the legal
6 basis? What is -- is there a power to order one of the parties to
7 disclose in advance its -- its oral arguments it intends to present, and
8 at a -- and Regulation 54 states that: "At a status conference the Trial
9 Chamber may, in accordance with the Statute and the rules, issue any
10 orders in the interest of justice for the purpose -- for the purposes of
11 the proceedings on, inter alia, the following issues: The length and
12 content of legal arguments and the opening and closing statements."

13 And then it goes on a summary of the evidence, the participants
14 intend to rely on, the length of the opening and so on. It's the
15 proceedings. So this is in the context that we think the Trial Chamber
16 may have -- may have ordered such opening.

17 I understand the courtesy argument. I understand my colleague
18 wanting these notes. He wants these notes to see if he likes them or not
19 and if he wants to object to them or not, if there's anything illegal.
20 Let's not run around the purpose of this. For the same reason that we
21 received a couple of days before we filed our DCC a request that the
22 Prosecution amend where we were never sent any information before that,
23 but can you kindly amend your DCC. That's the same thing.

24 We'll produce the opening statement, notes. The Defence will
25 look at it, will have an objection to them, will find something to them,

1 and then will request this Chamber that this be stricken, this cannot be
2 discussed, this cannot be mentioned.

3 Again, your Honour, a bench -- first of all, having the notes
4 also -- then my presentation will become boring. People will be reading
5 the notes and not listening to me. That being put aside, your Honour, it

6 is true that my colleague could object during the opening statement if he
7 wishes to do so. Of course this is disruptive. But then again the
8 Chamber will be able to appreciate on the spot if there is anything that
9 is being said that is illegal or not.

10 Number two, again I repeat, the Defence has the opportunity right
11 after to respond to the opening statement, after the legal
12 representatives. I understand Mr. Hooper said he doesn't want to, but
13 that's his right to make comments or not.

14 The document containing the charges, your Honour, has been
15 disclosed. The case's theory -- the Prosecution's theory has been
16 disclosed. The list of evidence has been disclosed. The supporting
17 material on this list of evidence has been disclosed. The Prosecution
18 has to limit itself with that. We're -- and limits itself to that. We
19 cannot go beyond what our case is.

20 So the Prosecution is also aware that of course we're not to use
21 inflammatory comments or make this case something that is not. The
22 Prosecution has an objective role to objectively present the evidence and
23 assist the Chamber in the search for the truth, and the opening statement
24 is made in that context, and is being prepared and written in that
25 context, relying heavily and exclusively on the document containing the

1 charges.

2 SINGLE JUDGE STEINER: Mr. Kilenda would like to add something to
3 Mr. Hooper's request?

4 MR. KILENDA (interpretation): Thank you, your Honour. We have
5 nothing to add except to let you know that we will not be filing a legal
6 instrument on the 23rd of June.

7 SINGLE JUDGE STEINER: Thank you very much.

8 According to Regulation 54, the Regulations of the Court, this --
9 "The Trial Chamber may in accordance with the Statute and the Rules issue
10 any order in the interest of justice for the purpose of the proceedings
11 on inter alia the following issues..." and then on item 8 mentions the
12 opening and closing statements.

13 The -- such Regulation is specifically directed to Trial Chamber
14 in order to organise trial sessions. Second, the language of Regulation
15 44 states that the Trial Chamber may, therefore, does not impose an
16 obligation on Trial Chamber, even on Trial Chamber to order the
17 Prosecution to advance to the parties its opening and closing statements.

18 The request for the Defence, in the view of the Single Judge, is
19 not based on the interest of justice, or at least the interest of justice
20 in this case has not been shown by the Defence request. On the other
21 hand, there is no legal basis to support explicitly the Defence request.
22 Therefore, the Defence request for the Prosecution to advance its opening
23 notes to the Defence is rejected.

24 I would like now to ask the legal representatives of the victims
25 if they have something to -- something else to -- to address in this

1 status conference.

2 MS. MASSIDDA (interpretation): Thank you, Your Honour. At the
3 beginning of this status conference you referred to the oral decision
4 issued by the Presiding Judge of the Chamber on the 10th of June
5 regarding the assistance which the office of public counsel for victims
6 must provide to legal representatives. As requested, you shall receive a
7 report by the 24th of June. I have seen that in the transcript the 24th
8 of May has been noted, but I believe we are speaking of the 24th of June.

9 I wish to inform the Judge that to date no team of legal
10 representatives has requested the assistance of the Office of Public
11 Counsel for Victims, and we will specify that in the report.

12 The teams have to date only asked us to assist in obtaining
13 access to documents, these documents only being public documents, and
14 this has already been flagged up to the legal assistants or the DSS
15 Section. The decision has not yet been put into effect because it is the
16 position of the office that the assistance has not yet been requested.

17 I would also like to state that today it is only the principal
18 counsel in the office who may enter into discussions with the teams of
19 legal representatives. Up until today the legal representatives have not
20 all been present in The Hague, and it is difficult to communicate at a
21 distance when they are based in the Democratic Republic of the Congo.

22 The Office of Public Counsel for Victims will specify the way in
23 which assistance will be provided if requested, needless to say pursuant
24 to the decision of the 10th of June, 2008, but for the time being I
25 cannot go any further. It may well be that in the wake of our

1 discussions the legal representatives or the office might request
2 modification of the decision of the 10th of June in light of the
3 desiderate of the Legal Representatives in terms of assistance from the
4 office.

5 Thank you.

6 SINGLE JUDGE STEINER: Thank you very much. Maitre Bapita.

7 MS. BAPITA (interpretation): Thank you, your Honour. I would
8 like to take the floor on two points. I will take advantage of the
9 submissions made by Ms. Massidda to say that in the decision issued on
10 the 10th of June, it was stated clearly by the Chamber that the OPCV
11 could assist representatives through their office and assist them by
12 having access to LiveNote outside of the courtroom. We have a concern.
13 Aside from assist from the office outside of the courtroom, another
14 difficulty for us is that we do not have a case manager who can follow
15 the transcript and summaries and raise issues.

16 In the OPCV there is a staff which can do that, but they must
17 defend our request vis-a-vis the Registry, the request for a case
18 manager. To date the issue has been raised, but I arrived in The Hague
19 today and have requested an appointment with Mr. Preira. We need a case
20 manager, a case manager who would assist me in the courtroom during the
21 confirmation hearing.

22 Nonetheless, there may well be specific issues on which we will
23 need assistance of Ms. Massidda in the courtroom as a representative of
24 the OPCV who will be able to provide us with technical advice during the
25 confirmation hearing, and this is another issue which I wanted to raise

1 in relation to the decision of the 10th of June.

2 I believe that it is important that the Registry grant case
3 manager to us, and I would ask you to enjoin the Registry to do so. It
4 is very difficult to follow the proceedings live as well as monitoring
5 the transcript.

6 The Registry will, of course, answer that this is a new request
7 and it will take time to deal with it, but we believe that intervention
8 on your part might accelerate matters for the Representatives of Legal
9 Representatives of Anonymous and Non-Anonymous Victims.

10 Your Honour, I did not read the entire document. It's in
11 English, and my English is not that good. I observed that there is a
12 request for stay in the proceedings of the confirmation hearing which has
13 been filed by Mr. Germain Katanga's team. I haven't read it all, but I
14 understand that this might affect the victims.

15 For four days, there have been very serious problems back home in
16 the country. This means that we must face the fact that the same
17 problems as in the Lubanga case are coming up, and we have negative
18 effect in the country. We have intermediaries who have been threatened
19 up into their homes because the decision was published that the -- there
20 was a stay in the proceedings.

21 I do not know what decision you will take, but when you take this
22 decision either to stay or to continue the proceedings, please bear in
23 mind that on the ground there are serious problems, and if you're going
24 to take such a decision you must ensure that there are protective
25 measures for the intermediaries, the victims, and their representatives.

1 Those are the two reasons why I was here. I think that I will
2 during the hearing of the 24th dwell on other things. This case has been
3 on for about two -- since 2005, and there are still documents that are
4 confidential. The United Nations are the ones preventing this
5 information from being made public, and so things are very tense on the
6 ground.

7 These are very important questions, and I would like the Court to
8 consider them. Thank you.

9 SINGLE JUDGE STEINER: Thank you, Maitre Bapita. I just would
10 like to remind you that you and all Legal Representatives of Victims have
11 till tomorrow at 4.00 to file a written observations if you so wish on
12 this issue.

13 My last question is to the legal -- to the representatives of the
14 Registry in relation to this point raised by Maitre Bapita, the
15 appointment of a case manager to Victims. The Legal Representatives are
16 aware of this request and the answer given by the competent section.

17 MS. DAHURON (interpretation): Your Honour, at this stage we are
18 not aware of this request. Ms. Bapita mentioned that she'll be meeting
19 with Mr. Preira again on this issue and a report will be made to the
20 Chamber subsequently.

21 SINGLE JUDGE STEINER: Thank you very much. I appreciate also a
22 report on this -- on this matter.

23 If there are no other issues to be discussed during this -- this
24 part -- or this status conference, I would like to thank both Defence
25 teams, the legal -- ah, sorry. You have the floor, Mr. --

1 MR. KETA (interpretation): Thank you, your Honour. I would like
2 to provide some information regarding the proxy or the power of attorney
3 that one of our clients gave us on behalf of -- that is for Mr. Gilissen
4 and me, through which the client a/0337/07 wished his interests to be
5 jointly represented by us. I'd like to point out that he said that
6 Mr. Gilissen would be lead counsel and I would be co-counsel for this
7 purpose. Why so? This is because we are a team, and in both cases, that
8 is the Lubanga or the Katanga and Ngudjolo cases, we -- this is only for
9 organisational purposes, for internal organisational purposes. So we are
10 going to be able to divide our work accordingly.

11 There was a power of attorney in my name, so it is the second
12 power of attorney which therefore cancels the first. We shall jointly
13 represent the interests of 0337/07 [sic], and Mr. Gilissen will be
14 considered as the lead counsel. We need not be here together for
15 hearings, as the confirmation hearing is going to start, sometimes we'll
16 be together and sometimes Mr. Gilissen will be alone. Thank you.

17 SINGLE JUDGE STEINER: Just to clarify, the number of the victims
18 (French spoken).

19 MR. KETA (interpretation): It is a/0333/07.

20 SINGLE JUDGE STEINER: (Previous translation continues)... a
21 correction here in the transcript.

22 Thank you very much.

23 MR. GILISSEN (interpretation): With your leave, just one last
24 remark. Thank you very much.

25 I have been experiencing some difficulties in -- regarding the

1 computer, that is connection between me and the court in spite of all the
2 assistance that has been provided, and I would like to point this out.
3 It has prevented me from using Ringtail, LiveNote. I have been told that
4 the IT section should contact me in the near future. We are a few days
5 away from the beginning of the confirmation hearing and I would like to
6 underscore the urgency of working as appropriate.

7 Thank you.

8 SINGLE JUDGE STEINER: Thank you. And I am informed by the Court
9 Officer that we are running out of time. I would just like to -- to
10 request from the Legal Representative of the Registry -- from the
11 Representatives of the Registry, to take note of the problem raised by
12 Maitre Gilissen and to provide Mr. Gilissen to -- access as soon as
13 possible to the -- to the information he needs to prepare for the proper
14 representation of his clients.

15 So we are really running out of time. I would like to thank very
16 much again Defence teams, Legal Representatives of Victims, Prosecution
17 team, Representatives of the Registry. This status conference will be
18 adjourned, and in 35 minutes, at 4.30, the Single Judge will meet in a
19 closed session with the Prosecution and Defence teams and Legal
20 Representatives of Non-Anonymous Witnesses to discuss the late -- latest
21 Prosecution filing in relation to victims.

22 So the status conference is adjourned.

23 COURT USHER: All rise.

24 The hearing ends at 3.54 p.m.

25