

1 International Criminal Court
2 Pre-Trial Chamber I - Courtroom 1
3 Presiding Judge Sylvia Steiner, Judge Cuno Tarfusser and Judge Sanji Monageng
4 Situation: Darfur, The Sudan - ICC-02/05-02/09
5 In the matter of the Prosecutor v. Bahr Idriss Abu Garda
6 Open Session Hearing with the Office of the Prosecutor, the Defence and the
7 Registry
8 Wednesday, 23 September 2009
9 (The hearing starts at 2:00 p.m.)

10 THE COURT USHER: All rise. The International Criminal Court is now in
11 session.

12 PRESIDING JUDGE STEINER: Good afternoon. I would ask, please, the Court
13 Officer to call the case.

14 THE COURT OFFICER: Situation in Darfur, Sudan. Case the Prosecutor v Bahr
15 Idriss Abu Garda, ICC-02/05-02/09.

16 PRESIDING JUDGE STEINER: Thank you very much. I would ask first the
17 Prosecution, Mr. Faal, to introduce its team.

18 MR. FAAL: Thank you, your Honour. The Prosecution is represented in this
19 hearing today by Beatrice Le Fraper Du Hellen, director of JCCD, Ade Omofade, trial
20 lawyer, Pubudu Sachithanandan, associate trial lawyer, Ibrahim Pam, investigator,
21 Desiree Lurf, associate trial lawyer, Lynette Kiprotich, assistant - I beg your
22 pardon, your Honour, trial support assistant, Lynette Kiprotich, trial support
23 assistant and myself Essa Faal, senior trial lawyer. Thank you, your Honour.

24 PRESIDING JUDGE STEINER: Thank you very much. Mr. Khan, could you please
25 introduce the Defence team.

1 MR. KHAN: May it please your Honours, Mr. Abu Garda is represented by Andrew
2 Burrow, legal consultant, Anand Shah, case manager, RoseMarie Maliekel, intern and
3 myself, Karim Khan, counsel.

4 PRESIDING JUDGE STEINER: Thank you very much. Mr. Dubuisson, could you
5 please introduce the representatives of the Registry?

6 MR. DUBUISSON: (Interpretation) Thank you, Madam President. On my side on
7 the Registry panel we have the chief of the Victims and Witnesses Unit who is also
8 accompanied by Christine Schon, and we have Bertrand who is a legal consultant
9 within my section and myself, Marc Dubuisson, and representing Sylvia Arbia, the
10 Registrar.

11 PRESIDING JUDGE STEINER: I think we have again a problem here with the
12 transcripts. I would like to ask the Court officer to help the Chamber.

13 So, this hearing held in open session - in public session - a status
14 conference in order to start the preparation for the hearing on the confirmation of
15 the charges due to start soon on 19 October 2009.

16 As you have seen from the proposed agenda contained in the decision convening
17 this status conference there are several issues to be addressed. If any of the
18 parties or representatives of the Registrar wish to raise any other issue we can
19 discuss them as soon as the discussion related to those items contained in the
20 agenda is completed.

21 I would like to remind all the participants in the present hearing that we
22 are in public session. If any of the participants need to raise some issues which
23 need to be discussed in a private or closed session, I would propose to address
24 them at the end of the present hearing.

25 So first of all I would like - the Chamber would like to listen from Mr. Khan

1 whether the process of disclosure is going well and, in particular, whether there
2 has -- the Defence has any issue to address to the Chamber in relation to
3 disclosure as just an introduction to this hearing. Mr. Khan, you have the floor.

4 MR. KHAN: Your Honour, there is nothing relevant to this hearing that I wish
5 to raise at this moment in time.

6 PRESIDING JUDGE STEINER: Thank you very much. So let's turn now to the
7 items listed in our agenda and the first is the arrangements related to Mr. Abu
8 Garda's attendance at the confirmation hearing. We learned from the Defence that
9 Mr. Abu Garda intends to be present at the seat of the court for the confirmation
10 hearing. At the same time, the Registry called the attention of the Chamber for
11 the fact that there may be some problems - some concerns - of the Dutch authorities
12 in relation to the stay of Mr. Abu Garda in the seat of the court during the period
13 of the confirmation hearing.

14 It appears that operational implementation for Mr. Abu Garda's appearance is
15 more complex than the one for his first appearance, due to the length of the
16 hearing. The Chamber would like to hear from - first from the Registrar, the
17 representative of the Registrar, which would be or may be the problems raised by
18 the Dutch authorities and then if Mr. Khan has something to -- some comment to
19 elaborate on this issue. So Mr. Dubuisson, please.

20 MR. DUBUISSON: (Interpretation) Yes. I thank you, your Honour. Now, the
21 issue that has been raised is notably that we have come together with the Office of
22 the Prosecution and we have met with the host state and more specifically those in
23 charge of cooperation for this type of event. We discussed the various practical
24 arrangements and also that which we have learned from previous appearances.

25 Now, according to the decision which we've received, we have indeed notified

1 a very official request for cooperation to the host state and we have to date not
2 yet received an official request, or an official answer to this request, so it
3 might be a little bit premature to say that we have already encountered
4 difficulties or to claim that the host state has difficulties with respect to the
5 fact that Mr. Abu Garda might stay within the host state for a certain duration of
6 time. I think it is a bit premature for us to say that, but what the Defence does
7 want to do, or what the Registry does want to do, is work preventatively in order
8 to make sure that if Mr. Abu Garda were to stay for a lengthy, or overlengthy
9 period here in The Netherlands that we might have other means in order to ensure
10 that he appear before the Court.

11 Of course we would have to make sure that the Chamber accepts that he appear
12 in other ways, notably via a video link, so today we do not have an answer - a
13 definitive answer - to provide from The Netherlands, notably with respect to the
14 duration of stay for the suspect, notably three weeks.

15 Now, other issues that were raised previously associated with the assistance
16 that the Government of the Netherlands would provide the Court and the Registry,
17 notably with respect to security conditions that he -- that his arrival be
18 accompanied, but that he also appear as a free individual. That is the situation
19 to date. I believe that for the rest we have the assurance of the Dutch
20 authorities that if the conditions are the same as those which occurred on the
21 occasion of his initial or first appearance then we should not encounter any
22 problems.

23 So were there to be any problems it would notably be the duration of the
24 confirmation of charges, that is to say the duration or the time of Mr. Abu Garda's
25 stay here, and there would also be issues associated with his protection - the

1 protection of Mr. Abu Garda.

2 PRESIDING JUDGE STEINER: Before giving the floor to Mr. Khan, I would like
3 to ask Mr. Dubuisson whether a formal request for cooperation from the Chamber to
4 the host state would facilitate the implementation of the cooperation requested?

5 MR. DUBUISSON: (Interpretation) Yes, I believe I can say that there are no
6 doubts as to the intention of the host state to cooperate fully with the Court with
7 respect notably to the request that has been addressed to them.

8 PRESIDING JUDGE STEINER: Mr. Khan?

9 MR. KHAN: Your Honour, I do anticipate that hopefully there will not be
10 problems from the Kingdom of the Netherlands being the host country to this Court.
11 They are, of course, alive to the consequences of that and their general obligation
12 under Article 86 to cooperate. So, hopefully, all these matters can be worked out
13 and I am sure, with the greatest of respect, that with the assistance perhaps of a
14 judicial order, that may help focus the minds of the relevant authorities in this
15 country.

16 Your Honour, I don't intend to say anything on the idea or the possibility of
17 attendance by video link. It is simply premature at this stage. Our preference is
18 that the client would wish to attend and appear before you in person. There does
19 not appear to be any countervailing factor that would militate against that
20 preference and, until such time as we have a decision from the Kingdom of the
21 Netherlands detailing their response and any concerns that they may have, I don't
22 think it would be appropriate to address you on that possibility.

23 Your Honour, I have nothing else to say on that issue. My learned friend,
24 Mr. Dubuisson, has correctly stated that the client wishes to attend. We don't
25 know, as matters stand, how long the contemplated confirmation hearing is scheduled

1 to take. Is it two weeks? It is three weeks? Is it more? Perhaps by the end of
2 today matters will be somewhat clarified. But, your Honours, if difficulties are
3 encountered, there may be ways round it. One possibility of course, off the top of
4 my head, would be that if the relevant host country does have reasonable and
5 legitimate concerns or if there are real and legitimate resource implications that
6 cannot be overcome in time, one possibility, wedded, of course, to the length,
7 anticipated length, of the hearing would be for the client to come for part of the
8 hearing, to go back and come again, but it is my view that that may be much more
9 complex to arrange than just to get things sorted out once and for all and allow
10 him to stay for the duration of the proceedings.

11 Your Honour, unless I can assist further, those are my submissions in
12 response to the question posed.

13 PRESIDING JUDGE STEINER: Thank you very much, Mr. Khan.

14 Does the Prosecution have something to add on this topic?

15 MR. FAAL: Thank you, your Honour, for giving us the opportunity to say
16 something on this particular issue. Naturally, the Prosecution does not have much
17 to say because this is mainly a matter for the Registry, and we believe that they
18 are doing what it takes or what is necessary to ensure that Abu Garda attends, as
19 he emphasised he wants to. Abu Garda's presence in Court, his physical presence in
20 court, is important since he has asked that he wants that. We do think, though,
21 that the previous arrangements that were made, say, for the initial appearance of
22 Abu Garda, were arrangements that had worked quite well. Maybe there would be
23 difficulties this time in view of the length of the duration, but we stand guided
24 by whatever recommendations the Registry would come up with in that regard.

25 So, your Honours, we don't have anything else to say on this particular

1 issue. Thank you.

2 PRESIDING JUDGE STEINER: Thank you. Since you are on your feet, the second
3 point would be in relation to the three witnesses that the Prosecution intends to
4 call to testify during the confirmation hearing. Has the Prosecution already
5 entered into discussions with the Registry in terms of also allowing the travel and
6 the arrangements for travel of these three witnesses to come?

7 MR. FAAL: Thank you, your Honour. In that regard, we have had meetings with
8 VWU and all the paperwork has been done. Arrangements are well in place too for
9 VWU assistance to bring the witnesses, the three witnesses, to come before the
10 Court and to testify.

11 There is one particular issue with regards to one of the witnesses whose
12 government has asked that the witness comes to The Hague accompanied, but at the
13 more appropriate time, perhaps when we deal with the issue of conditions for the
14 witnesses to testify, we can deal with that issue at that time. Thank you, your
15 Honour.

16 PRESIDING JUDGE STEINER: Thank you, Mr. Faal.

17 And now I turn again to Mr. Khan. Mr. Khan, you are still within the
18 deadline to submit your Defence list of evidence, but the Chamber wished to ask
19 whether at this stage you have already any idea on whether you intend to call
20 witnesses to testify during the confirmation hearing.

21 MR. KHAN: Your Honour, in the event of the Defence calling evidence at the
22 confirmation hearing, my preference would be to call witnesses. The difficulty is
23 whether or not I am going to be in a position to do that, and at the moment I can't
24 give the Court an answer. We have a week extra. We have just come back from
25 mission and of course, given the last Prosecution disclosure and the time periods

1 that we are operating in, it is quite a big ask in fact for the Defence to put on a
2 defence in this time frame. So, your Honour, I would ask that I give an answer on
3 1 October, which I believe is the deadline for the filing.

4 PRESIDING JUDGE STEINER: Perfect, Mr. Khan.

5 MR. KHAN: Your Honour, perhaps just one additional matter. I know my
6 learned friend and the Bench have said that there are three viva voce witnesses
7 that would be called by the Prosecutor in an attempt to get this matter confirmed.
8 May I just clarify that it is three still, not five or six? I think the last
9 number I had was there is three but maybe two more, but perhaps if I could have
10 some clarification it would help our preparation.

11 MR. FAAL: Yes, indeed, your Honour, the Prosecution did at some stage say
12 that probably two more witnesses would be called. The Prosecution has since made
13 its final decision on this matter and have decided not to call any more witnesses.
14 These three witnesses who have been notified would be the witnesses the Prosecution
15 would rely on, at least for the purposes of viva voce testimony in court. Thank
16 you.

17 PRESIDING JUDGE STEINER: I am very happy with your position even because the
18 Chamber had already noticed that the deadline for presenting the names of witnesses
19 to attend the hearing had expired a long time ago.

20 Mr. Faal, talking about your three witnesses, are you in a position to
21 advance to the Chamber and to the Registrar which languages are spoken by these
22 witnesses in order for the Registrar to provide for interpretation, if need be?

23 MR. FAAL: Yes, indeed, your Honour. At a meeting yesterday with VWU they
24 were again informed that one of the witnesses would want to speak in his native
25 language. Arrangements are underway, I understand, by STIC. That is the name of

1 the unit which is responsible for securing interpreters. The OTP is also lending
2 its support to the Registry by identifying possible interpreters in view of the
3 fact that this is the language in which the witness intends to testify. It's not a
4 language wherein you would find many interpreters, especially those who are known
5 to the Registry, but we have been able to at least provide a name of a person who
6 is a certified interpreter and the Registry is at liberty to hire that person or
7 hire any other person who they think is suitable. But the -- we have been in
8 consultation with the Registry on this issue. Only one of our witnesses has asked
9 to speak in his native language, and arrangements are underway to ensure that a
10 suitable interpreter is found for that purpose. Thank you.

11 PRESIDING JUDGE STEINER: And the other two, which would be the language?
12 Arabic?

13 MR. FAAL: They will speak in English, your Honour.

14 PRESIDING JUDGE STEINER: In English.

15 MR. FAAL: Yes.

16 PRESIDING JUDGE STEINER: Mr. Dubuisson, something to add on this issue in
17 order for the Chamber not to have any surprises in the beginning of the hearing?

18 MR. DUBUISSON: (Interpretation) There are always surprises, Madam President,
19 and the way is how we go about facing up to them. Indeed, we are mindful of any
20 issues that we might encounter with reference to one witness or another.

21 Now, clarification on the subject. The interpreters who are staff
22 interpreters within the Court are members of a neutral division or section and they
23 are accredited by the Registry itself, so we might request the assistance of one
24 party - it might very well be the Defence - to ask or to help us to find the right
25 interpreters, or we might use the filter that we impose to find out whether the

1 interpreter is the person, the right person, or not. Now, I would like to reassure
2 the Trial Chamber, however, that it will not be an interpreter mandated by the
3 Prosecution who will be providing the interpretation. I hereby reassure the
4 Defence on that subject.

5 Now, the language used can sometimes be a problem for the Registry because in
6 some areas of the world it is extremely difficult to find an interpreter, and
7 especially a conference interpreter, if you like, a simultaneous interpreter. Now,
8 that is the risk that we might be up against; that is, that we will not be working
9 with simultaneous interpreters as we are now, but with consecutive interpreters.
10 You should be forewarned of this detail.

11 Now, another matter. This person has already worked with us and has given a
12 statement in a certain language and this language is, without doubt, the language
13 in which the evidence or exhibits was disclosed, and we would like to use the
14 language that was used in the exchange or disclosure of exhibits.

15 Now, I can see that it is the right of the witness to express him or herself
16 in the language that he understands, and for the time being we have a few
17 difficulties in actually identifying a booth, if you like, or two or three
18 interpreters, or even finding one. This is a process that we are working on at
19 this very moment in time.

20 PRESIDING JUDGE STEINER: I would like to ask Mr. Khan whether you have
21 something to add on this topic.

22 MR. KHAN: Your Honour, no. I should say that there is no point taken at all
23 by the Registry seeking the assistance and getting the assistance of the
24 Prosecution to point them in the right direction. It is a matter of cooperation so
25 that the confirmation hearing can be effective. So, there is no point that would

1 be taken on that.

2 I would, of course, enjoin the Registry to do whatever is possible to ensure
3 simultaneous translation. Things do become much more awkward when time is lost and
4 there are consecutive questionings. One has to wait, particularly under
5 cross-examination, and of course this is a witness for the Prosecution, and I would
6 ask that whatever can be done is done to ensure simultaneous translation --
7 interpretation.

8 On the other issue, it is really an administrative matter for the Registry
9 taking into account the preferences of the witness as to the language that he
10 wishes to use. If it is the case that the proficiency in a second language was
11 good enough for him to use when he gave his statement which the Prosecution rely
12 upon, it does seem rather strange that that stated proficiency to give a statement
13 which is relied upon in evidence against my client is -- suddenly vanishes when it
14 comes to the witness box. So, if it is an issue of interpretation, I would ask, of
15 course, it is a judicial decision at the end of the day. If one cannot get
16 simultaneous interpretation in his preferred language, my own preference, from the
17 little I know, would be to have simultaneous interpretation in the language that he
18 stated he was comfortable enough speaking in when he spoke to the Prosecution and
19 gave his statement. I hope that is clear. Your Honour, that is all I have to say
20 on this matter.

21 PRESIDING JUDGE STEINER: Mr. Faal?

22 MR. FAAL: Your Honour, the only portion of my learned friend's submission I
23 wish to respond to is the issue of a Court Order imposing a language in which the
24 witness would testify regardless of the fact that the witness had previously given
25 a statement in a different language.

1 Your Honours, there wouldn't be any legal basis for such an order. In fact,
2 it would be a contravention of the rights of the witness to be able or be allowed
3 to speak in the language in which he feels most comfortable. Your Honours, you
4 will recall that during the initial appearance Mr. Abu Garda did clearly state that
5 he understood English, but he said he preferred to speak in Arabic, and his right
6 was respected. In this case also the Prosecution expects that the Chamber would
7 honour and respect the right of a witness who feels more comfortable to speak in a
8 particular language, and we do hope that the Chamber would not be inclined to make
9 an order compelling the witness perhaps to speak in a particular language just in
10 the name of expediency, or just in the name of a smooth flow of proceedings. Thank
11 you, your Honour.

12 MR. KHAN: Your Honour, if I can just clarify. Of course --

13 PRESIDING JUDGE STEINER: You are already.

14 MR. KHAN: Well, with your leave, your Honour. With your leave, of course.
15 The obvious difference is that my client has never given a statement in judicial
16 proceedings in a language - for example, in a different language, in English - and
17 of course I am not seeking to impose an interpreter on a witness. All I am saying
18 is that it does seem rather strange that if the essential right of a witness is to
19 have proceedings interpreted in a language that they understand. Now, of course,
20 my preference is that if it is available, if it is possible, to have a witness -
21 have proceedings translated in a language that the witness is comfortable with,
22 that of course is better. It puts the witness at ease and in the end that, by
23 itself, has its own utility.

24 All I am saying is that if that is not possible, in deciding how to proceed,
25 I don't see how a witness or my learned friend from the Prosecution can complain if

1 in Court the interpreter used is interpreting into the same language that the
2 witness has previously given a statement to the prosecuting authorities that they
3 wish to rely upon as sound and proper in these proceedings. That is the only point
4 I was making.

5 PRESIDING JUDGE STEINER: I think at this point the Chamber can ensure that
6 all efforts will be made in order to put as a priority the preservation - the
7 protection of the rights of the Defence, so I think the Chamber can ensure the
8 Defence in case the Chamber finds that the request of the witness is frivolous, of
9 course the Chamber will rule on the language or issue an order on the language to
10 be used. Otherwise, it's in order exactly to protect the rights of the Defence
11 that it is much more favourable to have a witness speaking in a language that the
12 witness feels more comfortable because then the clarity - the clarity of the
13 statements, the statement of the testimony, let us say, would be better for the
14 Defence.

15 I received an information about a problem with the transcripts. They are
16 frozen. I would like to - I am informed by the Court officer that the technicians
17 are working on the matter, but I would like to ask the Prosecution and the Defence
18 whether we could continue even without the real-time transcripts or whether the
19 parties would prefer that the status conference is suspended until the problem is
20 solved?

21 MR. FAAL: Your Honour, the Prosecution has no objection to proceeding
22 without a transcript. Thank you.

23 PRESIDING JUDGE STEINER: Mr. Khan?

24 MR. KHAN: Your Honour, I concur with my learned friend.

25 PRESIDING JUDGE STEINER: So being that the parties are agreeable to the

1 parties, we can continue.

2 Mr. Faal, have you - of course have you already interviewed your witnesses,
3 the statements were disclosed to the Defence? I would like to ask you whether you
4 can have an idea of an estimation on the length of the interrogation of these
5 witnesses during the confirmation hearing? Of course you cannot give a precise
6 answer to that, but at least an estimation.

7 MR. FAAL: Your Honour, like you have said, this would be merely a
8 guesstimate. In that regard, we may be wrong in the - with regards to the time
9 that we provide. However, the Prosecution expects that each of our witnesses would
10 take probably half-a-day, but in any case none of our witnesses will take more than
11 a day. We hope they would only take half-a-day to testify.

12 PRESIDING JUDGE STEINER: Mr. Khan, just to - of course it is an estimation
13 and the Chamber will have flexibility enough in the schedule in order to
14 accommodate - when you mention a day, just for a matter of clarification, we have
15 per day four-and-a-half-hours of hearing. We cannot have more than that, taking
16 into account the needs of the interpreters, so when we are talking about
17 four-and-a-half-hours per day.

18 MR. FAAL: I do expect that our witnesses would take less than
19 four-and-a-half-hours on the witness stand for the purposes of
20 examination-in-chief, but you never know. My expectation is that they would not
21 take more than that. Thank you.

22 PRESIDING JUDGE STEINER: Should the Chamber then work with the possibility
23 of a witness or for providing the Prosecutor in principal with
24 four-and-a-half-hours?

25 MR. FAAL: In my estimation, your Honour, that would be adequate. Thank you.

1 PRESIDING JUDGE STEINER: And, Mr. Khan, with your experience do you think
2 that the same time would be enough for the Defence to cross-examine the witness?

3 MR. KHAN: Your Honour, I would hope to be shorter. I hope no witness will
4 take more than two hours and perhaps one of the witnesses will be significantly
5 less. That is my aim, anyway.

6 PRESIDING JUDGE STEINER: So I think it is time for us to start discussing
7 about the other arrangements related to the appearance of witnesses before the
8 Chamber, Prosecutor witnesses. Yes, Mr. Faal?

9 MR. FAAL: Your Honour, my apologies for interrupting you mid-sentence. I
10 just thought perhaps that there is an issue the Prosecution may need to clarify
11 with regards to the amount of time the Prosecution would spend with its witnesses
12 on the stand for the purposes of in-chief examination. We are hoping that
13 half-a-day in this case two hours would be enough for the Prosecution, but I just
14 want to leave in that caveat that there is a possibility, but our expectation and
15 our hope is that two hours would be enough. Thank you.

16 PRESIDING JUDGE STEINER: Yes, we need to work within a margin of
17 flexibility, mainly because of the interpretation problems, so everyone has to
18 speak very, very slowly during these hearings. Then that is why we have to have
19 this margin of flexibility, but I thank you very much for the clarification.

20 Turning back to the arrangements related to the appearance of witnesses - and
21 here I include if the case be the witnesses to be called by the Defence - I am sure
22 that both parties are aware of the precedents of this Chamber in relation to
23 proofing of witnesses. That is not allowed at all. But on the other hand we have
24 this familiarisation of the witnesses, so have the Prosecution already made any
25 arrangements for bringing the witnesses on time for them to have the opportunity to

1 familiarise?

2 MR. FAAL: Your Honour, indeed the Prosecution is aware of the jurisprudence
3 of the Court that there is no witness proofing and we plan to hold no such thing.
4 There will not be any witness proofing.

5 With regards to familiarisation, we have held a meeting with VWU yesterday
6 and one of the issues that was agreed was that the witnesses would be brought into
7 The Hague a few days in advance of their testimony in order to allow for a few
8 things.

9 One is the familiarisation which is to be conducted by VWU, but also the
10 Prosecution would ask that the Chamber authorises a courtesy meeting between at
11 least the Prosecution team and the witness, so that the Prosecution team would have
12 the opportunity at least to meet with the witness and the witness also be aware
13 that these are members of the Prosecution team.

14 I mean, the last thing you want is to at least meet your witness in court for
15 the first time. We would want the Chamber to order that the Prosecution be allowed
16 to have a courtesy meeting with the witness in the presence of VWU just for the
17 purposes of introductions.

18 Also, the Prosecution would ask that the Chamber authorises VWU to provide
19 the witnesses with copies of the statements that they have made, such that the
20 witnesses can have a readback and refamiliarise themselves with the information or
21 the evidence they provided to the Prosecution. Those are the few things we would
22 want your Honours to make an order so as to enable the witnesses to testify
23 effectively in court. Thank you.

24 PRESIDING JUDGE STEINER: Mr. Khan?

25 MR. KHAN: Your Honour, there is no objection from the Defence for either of

1 the two proposals put forward by my learned friend for the Prosecution.

2 PRESIDING JUDGE STEINER: Mr. Dubuisson?

3 MR. DUBUISSON: (Interpretation) Thank you. Mwe have taken note of the
4 parties' viewpoints; and indeed, we would need an agreement -- an order from the
5 Chamber -- instructing us to carry out this familiarisation and it would be
6 entirely useful for us and necessary to have an order regarding this courtesy
7 visit. And in such a case, we would proceed as we usually do, but we would like to
8 receive such instructions from the Chamber regarding these courtesy visits.

9 As for the copies of statements, the word "statement" is a subjective
10 concept, and we could speak of material documents, so the Chamber would have to be
11 quite specific as to what it means by statements provided to the witness for
12 re-reading during familiarisation. It could be documents. And I am stressing this
13 point, we would have to be sure that the Prosecutor would draw the attention of the
14 witness to the passages.

15 We have seen in the past that some witnesses receive more than 800 pages
16 before appearing here, and they have two weeks. So if the person just comes in the
17 night before, that would not be sufficient and it would not be reasonable. So
18 indeed, we have to find the correct passages for the witness, and the witness would
19 have to have sufficient time to read these passages. So the process of
20 familiarisation will have to be done.

21 And secondly, we'll have to ensure that the witness will have more than 24
22 hours for this process to review the materials provided by the Prosecutor. And,
23 you see, there could be some logistical challenges bringing these people here and
24 making these arrangements.

25 PRESIDING JUDGE STEINER: Thank you, Mr. Dubuisson. I think it has to be

1 very, very clear to the Chamber what -- in which would consist this courtesy visit
2 and the delivering of the previous statements to witnesses. The fact that the
3 Prosecution be allowed to call the attention of the witness for the most important
4 parts of his or her statements means, in my view, proofing, and this is not
5 allowed. The Chamber has already decided that this is not allowed.

6 So before we proceed, I will consult with my colleagues.

7 (The Trial Chamber conferred)

8 PRESIDING JUDGE STEINER: I am informed by the Court Officer that the
9 transcripts are working again. So it would be necessary to log off and then log
10 on; is that correct?

11 (Brief pause)

12 So the Chamber is of the view that since there is no issue raised by the
13 Defence, the Chamber allows the Prosecution first to have this -- to schedule this
14 courtesy visit to its witnesses in the presence of the representative, in the seat
15 of the Court, in the premises of the Court, and in the presence of representatives
16 of the Registry and Victims & Witnesses Unit.

17 The second point: The Chamber allows the Prosecution to deliver to the
18 witnesses copies of their statements and the documents related to their statements
19 that were attached to their statements without any specific instruction to the main
20 points of the statements that will be -- about which the witness will be
21 interrogated. Is that clear?

22 MR. FAAL: As it pleases your Honours.

23 MR. KHAN: And your Honour, just for the avoidance of any doubt, I take it
24 that the order includes not just specific reference to any parts, but no discussion
25 at all about the contents of the statement? I take that as read.

1 PRESIDING JUDGE STEINER: No discussion at all. It is just a courtesy visit
2 in the presence of the representatives of the Registry. Is that clear, Mr. Faal?

3 MR. FAAL: Your Honours, I regret that I may have to request that your Honour
4 repeats what your Honour just stated.

5 PRESIDING JUDGE STEINER: The Chamber decides that the Prosecution,
6 representatives of the OTP, are allowed to make a courtesy visit to its witnesses
7 in the premises of the Court and in the presence of representatives of Victims &
8 Witnesses Unit. The Prosecution is also allowed to deliver to the witnesses copies
9 of their statements and the documents attached thereof without any discussions on
10 the content or on substance or on their statements themselves.

11 MR. FAAL: Your Honours, be rest assured that your Honours' orders would be
12 implemented as they have been given. This is, in fact, very much in line with the
13 request made by the Prosecution. However, your Honours, there is one minor issue I
14 would like to clarify, because I -- we may be caught with a very restrictive
15 interpretation of the order you have just given, especially with regards to the
16 statement of the witness and the annexes.

17 A witness in this particular case may have referred to materials that were
18 showed to him, but were not necessarily annexed to the statement of the witness,
19 would be understood or can be correctly understand your Honours' orders to mean
20 that such related material can also be provided to the witness.

21 PRESIDING JUDGE STEINER: Mr. Khan -- Mr. Faal, I am sorry, since those
22 materials were disclosed, properly disclosed to the Defence, I think there is no
23 problem of those materials to be also delivered to the witness, since the materials
24 were disclosed. Mr. Khan?

25 MR. KHAN: Well, your Honour, what I don't want to do is unwittingly open a

1 Pandora's box when the jurisprudence on proofing is settled. The purpose of a
2 witness being given a previous statement, and the reason I took no objection to
3 either of the two proposals of my learned friend, was that the witness can refresh
4 his or her memory from a document and the witness' statement. That is quite
5 different, of course, to looking at other documents that are not generated by the
6 witness, but are shown by the Prosecution.

7 PRESIDING JUDGE STEINER: No. No. I am sorry. I am talking -- so thank you
8 for your objection, because then I have to make it clear. Documents that were
9 provided by the witnesses, not any documents of the case file. So I am not talking
10 about any documents, but those provided by the relevant witness.

11 MR. FAAL: Your Honour, I understand quite clearly what you have just said,
12 and that is why we have raised this particular issue, because we have a rather
13 unique situation. And the situation is like this: Some of the witnesses were
14 showed photographs that were in the possession of the OTP; and the witnesses
15 commented on those particular photographs, but the witness did not necessarily
16 provide those photographs to us.

17 These materials are related to the statement of the witness because the
18 witness has discussed them in his statement. It is only fair that, in fact, the
19 witness will also be provided with these materials when they familiarise
20 themselves. Otherwise, the whole essence of the process would be defeated, because
21 the witness would be confronted in court with material that he had previously
22 commented on without having the opportunity to, in fact, see them before the
23 witness comes to court. So these are related materials.

24 Obviously, it would be unfair and improper to provide the witness with
25 materials that are extraneous to the statements that the witness has previously

1 provided. So all we are asking for, your Honour, is not to have a restrictive
2 interpretation, but to allow for related materials be provided to the witness;
3 related meaning, that the material was, in fact, provided by the witness or was
4 discussed by the witness in his statement which he had seen as of the time the
5 witness gave his statement. This is all we ask for, your Honour. Thank you.

6 PRESIDING JUDGE STEINER: Mr. Faal, I think in relation to the materials
7 provided by the witness, there is no doubt. In relation to materials referred to
8 by the witnesses, during the confirmation hearing all materials, all photographs
9 will be displayed on the screen. If need be, we can suspend the hearing to give
10 some time for the witness to read the document that is on the screen.

11 There is no need, in my view, for the Prosecution to provide the witness with
12 all materials that the witness may have referred to in the middle of its statement.
13 So I think we would have the more restrictive approach. The Prosecution can
14 deliver to the witness in advance copies of the materials that were provided to the
15 Prosecution by the witness. But in relation to other related materials, they will
16 appear on the screen. And if need be, the witness will have time to read, to
17 observe, to confirm its knowledge about the document. There is no need for the
18 witness to receive these documents in advance. I think this is the more
19 restrictive approach and is the one that the Chamber is taking.

20 MR. FAAL: Much obliged, your Honour.

21 PRESIDING JUDGE STEINER: Mr. Dubuisson.

22 MR. DUBUISSON: (Interpretation) I am sorry to interrupt. Regarding the
23 courtesy visit, are we to understand that it would mean an authorisation for the
24 Defence and representatives of the victims, which is the case indicated in the
25 jurisprudence.

1 (Brief pause)

2 PRESIDING JUDGE STEINER: Mr. Dubuisson, thank you very much for raising this
3 issue. And the Chamber is of the view that the courtesy visit is limited to the
4 Prosecutor. Sorry. Prosecutor and representatives of the Office of the
5 Prosecution, of course. I am not saying that just Mr. Moreno-Ocampo can pay the
6 visit.

7 So, Mr. Faal, if we could go ahead and now have your views with respect -- so
8 to timing, we have already got information from OTP, but on any other specific
9 conditions under which you intend to present your evidence, let us explain: We had
10 an information of the timing for inquiry of witnesses, but now I would like to have
11 a more general view on the timing necessary for the Prosecution to present its
12 evidence during the hearing.

13 MR. FAAL: Thank you, your Honour. The Prosecution would wish during the
14 confirmation hearing to make an opening statement. We would also make thematic
15 presentations on maybe three or possibly four areas. I am saying this mainly
16 because the fourth area we are considering including it in closing submissions.
17 But at least in three thematic areas. And then we call witnesses.

18 The presentations would be short. They have not yet been finalised, so I am
19 unable at this stage to say how long they would last, but our hope is that the
20 presentations would be short; one hour, two hours, maximum, for each presentation,
21 or one-and-a-half hours as prompted by Judge Tarfusser, which would be a good
22 compromise. So at - as we draw closer to the confirmation hearing we would be able
23 to provide better information than this, but be rest assured that the information
24 we would give would not be worse than what I have presented, if that is reassuring
25 to the Chamber.

1 So during the process of the Prosecution's presentations of evidence, we may
2 wish to use certain electronic information, such as videos and so forth, but in
3 this case we would want to - we would wish to have control of the material that we
4 present. Your Honours, I raise this because it has been an issue in previous
5 confirmation hearings, but it has been resolved previously in the favour of the
6 Prosecution to have control of this material. In this case we would ask for that.

7 We do hope that it would not present any practical difficulties, but as we
8 get closer to the confirmation hearing we would be able to provide to the Court
9 precisely the kinds of videos or electronic material we are likely to use in our
10 presentation, and the Chamber can finally determine how it is used. We do hope
11 that in view of the precedents of this Court there won't be any practical problems
12 with regards to that.

13 PRESIDING JUDGE STEINER: Mr. Faal, sorry to interrupt you. In relation to
14 videos, we had already some problems in previous cases related to translation on
15 subtitles or in a language that the accused or the suspect can understand. The
16 Chamber needs to be informed on whether these videos have already subtitles or been
17 subtitled or in which format they are going to be presented.

18 In relation to control of materials, as far as I remember the materials that
19 are under the control of the Prosecution, there is PowerPoint or this resource that
20 the Prosecution has for the presentation of its evidence, not evidence itself, for
21 sure.

22 MR. FAAL: Your Honour is right. It may be original evidence with OTP edits
23 or OTP additions just to better illustrate its point, so not original evidence.

24 PRESIDING JUDGE STEINER: And in terms of when the Prosecution estimates it
25 will be in a position to advance to the Chamber how long the presentation of the

1 Prosecutor case will take - will last?

2 MR. FAAL: Hopefully in one week, your Honour. Hopefully in one week,
3 because at this stage the materials are being prepared and the OTP processes of
4 approval would have to take place before we know with certainty the length of these
5 materials and the duration it will take to present them, but we do hope that within
6 a week we should be able to advise the Chamber. Thank you.

7 PRESIDING JUDGE STEINER: Thank you very much. I know it may be too early,
8 but I would like to listen from Mr. Khan whether he is already in a position to
9 advance the length of the presentation of the Defence evidence, if you are in a
10 position to do that. You don't have to.

11 MR. KHAN: Your Honour, I would if I could, but I can't, so I won't.

12 PRESIDING JUDGE STEINER: That brings us to the need for some - the Chamber
13 to be provided in advance of at least some information from both the Prosecution
14 and the Defence in order to allow not only the Chamber but the Registry to provide
15 all logistical arrangements for the proper conduct of the proceedings. For
16 instance, these electronic materials, videos, or familiarisation of witnesses, so
17 the Chamber needs to be provided as soon as practicable with an estimation of this
18 arrangement. Therefore, the item related to the schedule for the confirmation
19 hearing has to be postponed, because only when the Chamber is in the possession of
20 more concrete information from the parties will be the Chamber in a position to
21 issue a proposed schedule for submitting to the parties.

22 In the previous case of the Chamber, the precedents of the Chamber, the
23 Chamber established a time limit for the parties also to put the Chamber on notice
24 of any issue related to jurisdiction of or admissibility or related to procedural
25 issues that would be raised before the beginning of the confirmation hearing, so I

1 would like just to also put the parties on notice that we intend to follow the
2 precedents of the Chamber, and therefore to establish a time limit for the parties
3 to advance the issues in writing - advance the issues that the parties intend to
4 raise in relation to jurisdiction, admissibility or procedural issues that are to
5 bring to the attention of the Chamber before the commencement of the confirmation
6 hearing.

7 Mr. Faal, in relation to the interrogation of your witnesses, so you have
8 already admitted that it not take too long to interrogate your witnesses, could the
9 Chamber recommend that the interrogation of witnesses and also the
10 cross-examination be restricted to the very essential points of the statement in
11 order to shorten these enquiries.

12 MR. FAAL: That would be a pragmatic approach and the Prosecution has no
13 objection to that.

14 PRESIDING JUDGE STEINER: Mr. Khan?

15 MR. KHAN: Your Honour, no objection. Your Honour, no objection to the
16 examination-in-chief being limited, but of course cross-examination, it will depend
17 upon what the witness says in-chief and then also the extent of Defence
18 investigations, if I can call them that, at the time the witness gives evidence.
19 The limitation of course that will be imposed is any cross-examination must be
20 relevant and probative and I will hold myself and my team to that.

21 PRESIDING JUDGE STEINER: The Chamber very much appreciates the efforts of
22 Prosecution and Defence in that respect in order to avoid that we spend hours here
23 just asking for totally irrelevant aspects of witness - of the witness.

24 MR. FAAL: I agree very much with what your Honour has just said and that is
25 why the Prosecution so gladly agreed to that procedure, but I just also wish to

1 flag that if during cross-examination the Defence opens up issues for which or
2 which would warrant the Prosecution to re-examine on them for maybe some important
3 purpose, then the Prosecution would have to do so. I just raise this issue because
4 we would not wish to be caught in a situation wherein one may think that if they
5 even - if the Defence reopens the case over and beyond the limited testimony that
6 the Prosecution had adduced during examination-in-chief, the Prosecution would not
7 have any choice in the interests of its case just to follow suit and address the
8 re-examinable issues as a result of the cross-examination. Thank you.

9 PRESIDING JUDGE STEINER: Mr. Faal, you are very aware of the precedents of
10 this Chamber in terms of conducting the confirmation hearing and rebuttal would
11 never, never allow it and so I hope you are not talking about rebuttal.

12 MR. FAAL: No, your Honour, I am not necessarily talking about rebuttal.
13 Thank you.

14 PRESIDING JUDGE STEINER: The Prosecution and Defence will have opportunity
15 as they have in the previous case of this Chamber to present their final
16 observations - oral observations. I would like to ask the Prosecution and the
17 Defence whether they also intend to be given some time to file written observations
18 after the end of the confirmation hearing?

19 MR. FAAL: Yes, your Honour, I was hoping that that would be our closing
20 submissions. If the Chamber would wish them to be filed, we would be happy to file
21 accordingly.

22 PRESIDING JUDGE STEINER: Mr. Khan?

23 MR. KHAN: Your Honour, I am content to follow a similar approach and file
24 our final written submissions after closing speeches have been given.

25 PRESIDING JUDGE STEINER: Is it possible for the Chamber to be informed in

1 advance whether the Prosecution and Defence had reached an agreement on certain
2 facts of the case?

3 MR. FAAL: Your Honour, I can tell the Chamber that that has not yet been the
4 case. We are hoping that there is or would be a possibility for that to happen and
5 on that perhaps Mr. Khan may wish to state whether he expects that to happen some
6 time in the future, but as it stands that has not yet happened. Thank you.

7 PRESIDING JUDGE STEINER: Mr. Khan?

8 MR. KHAN: Your Honour, on the Defence side we are always willing to try to
9 focus the issues in dispute to those that are material to the determination of this
10 matter. No proposed agreed facts have been put to the Defence to agree by the
11 Prosecution at this moment in time, so I don't want your Honours to be left with
12 the impression that we have refused to agree facts. We haven't been given any
13 facts to agree. And this is in many respects a product of the very tight timeline
14 that we are operating under. Of course our time has been focused on trying to get
15 hold of the Prosecution's evidence and understand it, never mind simultaneously
16 trying to conduct some kind of albeit skeletal and preliminary Defence
17 investigations. So if my learned friend wishes to put some kind of agreed facts
18 together they can be agreed if they are not in dispute.

19 Your Honour, in all candour I think at this stage, given the time constraints
20 and given the implications of agreeing facts prematurely, precipitously, any facts
21 that are to be agreed are likely, unless I can steal time from somewhere, to be
22 very basic, such as, you know, the territory of Sudan and dates and incidents. But
23 your Honours, I am willing to read anything that my learned friend and Mr. Ocampo
24 sends to me and I would read it with great relish and respond accordingly.

25 PRESIDING JUDGE STEINER: The Chamber encourages the Prosecution to take the

1 initiative and maybe we can shorten the duration of the confirmation hearing on the
2 basis of agreed facts that need not be discussed during the hearing. So the
3 Chamber encourages the Prosecution to do so.

4 MR. FAAL: Thank you, your Honour. We would be more than happy to follow
5 suit. It only helps, though, if the Prosecution has an understanding of what the
6 Defence may be inclined to agree to. I think it therefore makes more sense for the
7 Defence to suggest to the Prosecution that we may be prepared to agree on
8 particular areas or particular issues but, like your Honour has just suggested,
9 this is perhaps not a matter for further discussion in this hearing. The
10 Prosecution would make an approach to the Defence and invite the Defence to a
11 meeting wherein these matters could be discussed, and with the hope that something
12 fruitful would come out of it and we would inform the Court accordingly. Thank
13 you.

14 PRESIDING JUDGE STEINER: Thank you very much. We still have 15 minutes. I
15 already mentioned all items of our agenda so I would like to ask first the
16 Prosecution and then the Defence whether they would like to issue any other - to
17 raise any other issue related to the confirmation hearing. Mr. Faal?

18 MR. FAAL: Your Honour, the Prosecution would like to raise two issues. One
19 concerns an application that would be filed later today with regards to how a
20 particular document should be dealt with during the confirmation hearing. The
21 condition attached to that document is that it be discussed in closed session and
22 that the source of the material should not be disclosed publicly. Perhaps I will
23 just flag it and your Honours would have the opportunity to see the Prosecution
24 application and rule on it.

25 The other issue relates to a request by the authorities of one of our

1 witnesses. The authorities of the country of that witness did clearly indicate
2 that the witness would not come to testify before the Court if the witness is
3 unaccompanied. We have looked at the rules, we have discussed it with VWU. It
4 appears that there is no specific rule on that. Regulation 91 clearly sets out
5 certain criteria which does not really squarely fit the current situation we are
6 dealing with.

7 This witness is a military officer. His government wants him to be
8 accompanied by a senior officer, for their own reasons. The person may want to
9 assist him in court, or at least be in the premises of the Court when the person
10 testifies. So the question is at whose expense. The Prosecution would move the
11 Court for an order that the travel and accommodation expenses of such an
12 accompanying officer be borne by the Court and that the Registry be ordered to at
13 least make the necessary arrangements for this accompanying person so that the
14 witness can come and testify before the Court. We do hope that this would not
15 cause any practical problems. Thank you, your Honour.

16 PRESIDING JUDGE STEINER: I would like to listen from the Registry its views
17 on this, but I think the Chamber would very much appreciate to receive more details
18 on this condition imposed by a State to have a witness be accompanied because the
19 Chamber must be sure that this company is not intended to in any way intimidate or
20 interfere with the witness' freedom inside the Court. So I would like to have more
21 detail. The Chamber would like to have more details on this condition imposed. I
22 must say that in one of the statements that were disclosed by the Prosecution to
23 the Defence -- I do not recall which one, but it was mentioned that some witnesses
24 felt kind of intimidated by their superiors or -- and so I wouldn't like to decide
25 anything on this issue before having more details from the Prosecution.

1 MR. FAAL: Your Honour, far from that, this is just a matter of routine
 2 procedure by the government concerned. An officer of their military is travelling
 3 to the Court to testify. The government has an interest in this person being
 4 accompanied by a senior officer. That is it. There won't be any intimidation.
 5 That person would be, in fact, assisting the witness instead of doing anything else
 6 that would be obviously contrary to the rules of the Court. The expectation is
 7 that this person would merely accompany this individual in order to satisfy the
 8 procedures of that government. Otherwise - otherwise - the government may have
 9 difficulty releasing this person from duty to come and testify before the Court.

10 Different militaries operate differently. Perhaps this government operates
 11 in this particular manner. And, your Honour, there are other -- I mean, we have
 12 seen situations where people come from other countries and for a particular
 13 purpose. At the end of that purpose - I just don't want to say this because it may
 14 sound rather, I mean, prejudicial, but I do think that this is a reasonable and
 15 legitimate request under the circumstances. This particular government knows best
 16 why it is making this particular request and I think that this is a request that
 17 the Chamber or your Honours could honour just for the purposes of ensuring that we
 18 have an effective confirmation hearing. Thank you, your Honours.

19 PRESIDING JUDGE STEINER: Besides the Chamber decides on the merits, we go to
 20 the other problem, which is budget.

21 Mr. Dubuisson?

22 MR. KHAN: Your Honour, perhaps before my learned friend, Mr. Dubuisson,
 23 speaks, I don't --

24 PRESIDING JUDGE STEINER: You always start before asking permission for that,
 25 Mr. Khan.

1 MR. KHAN: Your Honour always indulges me, so I hope permission will be
2 granted. Your Honour, I will be short. This is, of course, a matter between the
3 Prosecution and the Registry, subject to your Honour's consent. And I don't
4 subscribe to the paternalistic attitude that big government always knows best. I
5 think one does need to look at the merits of it.

6 Your Honours, that said, I wouldn't have a problem if an officer -- if a
7 government wishes an official to be accompanied by an officer, but my learned
8 friend, Mr. Faal, did say at page 27, line 16, that this officer may attend in
9 Court or at least in the premises. Now, these are two very different things. I
10 would take strenuous objection for members of the armed services to be sitting in a
11 court of law, and I see no good reason for that.

12 If my learned friend meant a state official, an officer in an armed forces,
13 to be in the courtroom but of course there is no objection if such an individual
14 was accompanying the witness concerned simply to the premises of the courtroom. It
15 does not look, or it does not appear, that what is being requested is legal advice
16 to the witness.

17 If, of course, legal advice is sought, that is a very different issue and a
18 lawyer from the representative government, an application could be made for the
19 lawyer to attend Court. But, your Honour, I think a member of the armed services
20 is in a rather different category, and from what I have heard, I haven't seen good
21 reason being advanced for such an officer to be physically inside the premises of
22 this courtroom during the confirmation hearing. And perhaps that is not what my
23 learned friend, Mr. Faal, meant at all.

24 PRESIDING JUDGE STEINER: I hope it is not.

25 MR. FAAL: Your Honour, I would be very short. We did not go as far as

1 stating whether this person, this accompanying individual, is a lawyer within the
2 army whose task is to provide this person with legal advice, simply because we
3 don't know, but what is clear is that our contacts with this witness has been
4 through the director of the legal services of that country's army, and it looks
5 like that that would be the person coming. So, in that case, should the government
6 request that this person be providing legal advice to the witness and they require
7 that he be in attendance in court, the Prosecution would make that request.

8 For now, the request is limited to authorising this individual to accompany
9 the witness at the expense of the Court. Thank you.

10 PRESIDING JUDGE STEINER: So at this point the Chamber will limit itself to
11 get the views of the Registry on the possibility for the Court to have the burden
12 of the expenses of the transportation and accommodation of the person that is not a
13 participant on the proceedings. The fact whether this person will be physically
14 present in the courtroom will be decided when the need for decision arises.

15 Mr. Dubuisson?

16 MR. DUBUISSON: (Interpretation) Thank you, your Honour. The position of
17 the Registry on this matter is very clear. It is within the mandate of the
18 Registrar to assist a witness who is appearing before the Court and even if it be
19 for psychological reasons, for reasons of psychosocial support, we may take the
20 needs of the witness into consideration, and these needs are specific. In the
21 instant case, there are no specific needs which have to be taken care of within the
22 purview of the responsibilities of the Registry or of the Witnesses and Victims
23 Unit, so I don't see how the Registry could intervene for someone who is simply
24 accompanying a witness, except in the case where the Prosecutor justifies, as the
25 Prosecution team has been doing together with the Defence, if they can provide

1 justification that the testimony would be given conditional on the presence of a
2 lawyer or a legal adviser, and I don't understand how a State can choose to advise
3 persons appearing before the Court. And, of course, this will be subject to any
4 determination that could be made by the Bench. If it is for such assistance, then
5 on the basis of a decision taken by the Bench, then the Registry is going to take
6 charge of the expenses of that person.

7 At this material moment, I would like to state that we are not going to
8 handle the expenses of this person.

9 PRESIDING JUDGE STEINER: The Chamber will wait for a Prosecution filing
10 officially requesting, and if need be, providing the Chamber with more precise
11 information on the need for this witness to be accompanied by a third person, and
12 on the basis of the material provided by the Prosecution to the Chamber, the
13 Chamber will make a ruling on this issue.

14 MR. FAAL: Much obliged, your Honour.

15 PRESIDING JUDGE STEINER: Any other issue, Mr. Faal?

16 MR. FAAL: (Microphone not activated) no, your Honour.

17 PRESIDING JUDGE STEINER: Mr. Khan, any other issue?

18 MR. KHAN: No, your Honour, I am grateful.

19 PRESIDING JUDGE STEINER: Mr. Dubuisson?

20 MR. DUBUISSON: (Interpretation) No, your Honour.

21 PRESIDING JUDGE STEINER: So I think all issues that are in the agenda for
22 today's hearing have been discussed among the parties. I would like to thank very
23 much the Prosecution team, to the Defence team, to the representatives of the
24 Registry for their cooperation in developing this status conference in bringing
25 information and in raising the issues necessary for the proper preparation of the

1 confirmation hearing.

2 I would like again to thank the interpreters for their work that is not easy
3 because we know that sometimes we talk too much and too fast.

4 And if there are no other issues to be discussed, this hearing is adjourned.

5 (The hearing ends at 3:27 p.m.)