

1 International Criminal Court
2 Trial Chamber II - Courtroom 1
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor v. Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial Hearing
9 Tuesday, 26 January 2010
10 The hearing starts at 9.14 a.m.
11 Open Session
12 COURT USHER: All rise. The International Criminal Court is now
13 in court.
14 PRESIDING JUDGE COTTE: (Interpretation) The court is now in
15 session. Please be seated. The accused are present, and we are
16 therefore here after a long period in which we've had a suspension.
17 Court Officer, please could you call the case which we are going
18 to debate today.
19 COURT OFFICER: (Interpretation) Thank you. This is the case of
20 the Prosecutor versus Mathieu Ngudjolo Chui and Germain Katanga,
21 ICC-01/04-01/07.
22 PRESIDING JUDGE COTTE: (Interpretation) The Court would like to
23 thank you for that.
24 Before starting our proceedings, I would just like to provide you
25 with some information. You have noted that we had to share the courtroom

1 with Trial Chamber I, and that more generally it was necessary to share
2 the courtrooms with the Special Tribunal for Sierra Leone. This leads to
3 a situation where we will sit in an irregular manner, the morning and in
4 the afternoon as well, and also at times the whole day. We will go into
5 this week during which we will sit in the mornings. We will therefore be
6 sitting four hours every morning, from 9.00 to 11.00 with a break from
7 11.00 to 11.30, and then once again from 11.30 to 1.30. We'll have to
8 suspend the session at 1.30, because Trial Chamber I will then follow us.

9 The next week we will be sitting, unless I'm wrong, in the
10 morning and in the -- morning and afternoon, so three one-and-a-half-hour
11 sessions with a normal break, and then the week afterwards we will be
12 sitting in the afternoons two times two hours, with a break of a half
13 hour between the two two-hour sessions. The simplest will be at the end
14 of each week we will state the way in which the following week will
15 proceed. And this will also be the opportunity for the Office of the
16 Prosecutor to also state to us if the witnesses who are meant to be
17 coming are able to come and testify. The instruction with regard to
18 Rule 140 provides for this in paragraphs 8 and 9. In the same way the
19 Registry, either at the end of the week or at the end of a testimony,
20 will speak about the time or refer to the time that has been used.

21 Now, I would also like to make another communication in a general
22 way which relates to communication which is carried out by e-mail between
23 the Chamber and the parties. A new procedure has been implemented from
24 the middle of November 2009, at the start of January 2010 in the absence
25 of the legal advisor of the trial division, and this procedure has been

1 kept, and I would like to remind you of it. The parties and the
2 participants should address the mails which they used to send to
3 Stephanie Godart, and they now have to send them to Marianne Saracco,
4 Mr. Simon De Smet and Lucia Catani. You have to mention these three
5 names on your e-mails and also copy this to Ms. Godart in these messages,
6 and this goes for the Prosecutor, the Defence teams, and the Legal
7 Representatives, and the answers will be addressed to you either by
8 Ms. Saracco, Mr. De Smet or Ms. Catani in accordance with the issue that
9 you have raised in your mail. A copy of the answer will also be sent to
10 Stephanie Godart so that she can have good knowledge of what is happening
11 within the Trial Chamber II.

12 With regards to submissions that are formally filed, the Chamber
13 would ask you to ensure that it is one of the Defence teams which does
14 this. It makes the adverse party -- communicate such to the adverse
15 party and also where it's an ex parte message this is dealt with
16 appropriately.

17 Now, with regard to -- this started at the middle of November,
18 this new proceeding, and this means that you send your message to the
19 three legal officers of the Chamber, and this -- I would like to stress
20 that Stephanie Godart also has to be carbon copied on all of these
21 messages whether they are as a question or an answer.

22 We are therefore now going to continue our work, unless any of
23 you would like to take the floor to mention any point of a general
24 nature.

25 Prosecutor, please go ahead.

1 MR. MACDONALD: (Interpretation) Thank you, your Honour. I
2 would like to firstly ask the permission to disclose a document relating
3 to Witness 250. We received yesterday a request for disclosure or an
4 application for disclosure from the team of Mr. Katanga. We were --
5 asked for an identity document which the witness showed during his first
6 statement, and this was a demobilisation card. I showed this copy in a
7 Ringtail system and also a better quality one from our Trim system. I'm
8 not going to go into the technical aspects of this, but we would ask the
9 Chamber to be able to disclose this or be able to pass a copy of this
10 ID card on with a redaction to the photo of the witness, given that the
11 witness is in the witness protection programme of the court and to avoid
12 any disclosure to third parties of this photo.

13 I have a copy here which I can show to the Chamber, but we are in
14 a public session so -- an open session so it's better to wait, I think,
15 but it's the same kind of card, identity document, that we have for
16 Witness 28. There was an oral application that was made. A copy can be
17 made to the Defence.

18 PRESIDING JUDGE COTTE: (Interpretation) Does the Defence of
19 Mathieu Ngudjolo -- they were behind this application that the Prosecutor
20 has said. Do you have --

21 MR. FOFE: (Interpretation) No, your Honour. It is not us who
22 asked for this document. It was Mr. Hooper. However, we have been
23 informed of this application, and we would also request this document.
24 So if you would grant disclosure of it, we would also like to have it, of
25 course.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

2 Counsel Hooper, is there an additional remark you would like to
3 make with regards to this request and the intervention that the
4 Prosecutor has just made?

5 MR. HOOPER: No, thank you, Mr. President.

6 PRESIDING JUDGE COTTE: (Interpretation) Okay. Prosecutor, you
7 can therefore submit this photocopy of an identity card, the photograph
8 being redacted or masked in some way. Do you have any other
9 communication to be made to us?

10 MR. MACDONALD: (Interpretation) With your permission, also we
11 would ask that where it concerns 323, Witness 323, we would like to
12 disclose, in accordance with Rule 67 -- 77, that in accordance with
13 Rule 77, disclosure of a document during the interview, when we read the
14 transcript of that statement, your Honour, we asked the name where -- or
15 we asked the witness to write the name that he mentioned so that we could
16 ensure, with regards to the transcript, that we would have the right
17 spelling of it, and this is what the witness did. He noted on a piece of
18 paper this name, and in order to complete the disclosure we would also
19 like to be able to provide a one-page copy of it with the name on it. We
20 are in an open session now, so this would be to disclose this document,
21 but I would also like to assure the Court that in the transcript of that
22 declaration, the name of the person does already appear.

23 PRESIDING JUDGE COTTE: (Interpretation) Comments from the
24 Defence teams? No comments, no observations?

25 That is understood, Prosecutor.

1 MR. MACDONALD: (Interpretation) Thank you. We have filed
2 confidential submissions with regards to the familiarisation process of
3 Witness 250. The Prosecution has communicated with the unit this morning
4 to have the details in the light of these submissions, namely, if the
5 witness had the opportunity to view this previous statement to be able to
6 prepare for the testimony. The unit told us that this information
7 couldn't be given to us, that it had to be given to the Chamber. So we
8 would therefore respectfully ask the Chamber that the permission to be
9 able to orally discuss this with the VWU, namely, to see if the witness
10 had complete the familiarisation process, and we would therefore ask for
11 the Chamber to send a courtesy e-mail asking -- authorising them to
12 discuss this issue with the Office of the Prosecutor. I understand that
13 there is perhaps an intention to file a submission with regards to this
14 issue, but I think that it would be appropriate for the Prosecution and
15 the VWU to be able to discuss this orally and not necessarily in writing
16 where it concerns this issue.

17 Furthermore, I should mention, your Honour, that the Defence and
18 the Prosecution have had the opportunity on Friday to meet 250, and he
19 was ready to testify, and so it's just a matter of seeing whether the
20 opportunity had been there to finish reading this previous statement.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.
22 Please go ahead, Counsel Fofe.

23 MR. FOFE: (Interpretation) The Defence of Mathieu Ngudjolo
24 would like to react with regards to this request on the part of the
25 Prosecutor which consists of meeting the unit and discussing the issue of

1 the witness who is already present here in The Hague.

2 As far as we know, when the witness is here in The Hague he is
3 under the responsibility of the Court and the party that has called the
4 witness can no longer in any way to enter into contact with that person.
5 I do understand that here for the Prosecutor it is not matter of taking
6 up direct contacts with Witness 250, but if your Chamber would authorise
7 the Prosecutor to meet the unit in order to verify if Witness 250 is
8 familiarised with this previous statement, the Defence of
9 Mathieu Ngudjolo would say that it would be fair that it also be present.
10 The parties, all parties, should be present during this verification and
11 during these discussions between the Prosecutor and the VWU. Thank you.

12 MR. MACDONALD: (Interpretation) I'm sorry, the rule of
13 5 seconds.

14 PRESIDING JUDGE COTTE: (Interpretation) Briefly.

15 MR. MACDONALD: (Interpretation) This is an administrative
16 matter. I just want to remind my colleagues if he wants to establish
17 such a rule, they have to apply it to Defence witnesses when they come to
18 testify. And if you -- and if they ever want to discuss administrative
19 issues which have absolutely nothing to do with the testimony of the
20 witness as such, for example, the will of that person to testify or not,
21 then at this time the same rule would also apply in that case. I don't
22 see the appropriacy [as interpreted] or not of the Defence being present
23 for this type of issue which obviously relates to a witness who the
24 Prosecutor wants to call as a witness. It's not about having manoeuvres
25 behind the back of the Defence, but it is about knowing, in the light of

1 our filings, and I would like to make reference to our filing number
2 1784, that if the period of familiarisation has been sufficiently long
3 and has been sufficiently dealt with.

4 PRESIDING JUDGE COTTE: (Interpretation) Well, we're not going
5 to make a mountain out of a molehill. Counsel Fofe was right to say that
6 when a witness comes into the familiarisation stage within this court,
7 the Prosecutor no longer has the possibility of accessing this witness
8 without the specific authorisation of the Chamber. You have judiciously
9 indicated, Counsel Fofe, that, to your knowledge, the Prosecutor didn't
10 intend to meet the witness, and I think that we are in a purely
11 administrative phase where we all have the concern of ensuring that our
12 proceedings take place in a regular manner.

13 Now, on the 20th of January, 1784, the Prosecutor therefore
14 expressed a probable uncertainty with regards to the possibility of 250
15 to come tomorrow as envisaged.

16 Now, we all have the concern of correctly organising our agendas
17 and to ensure that the functioning of this hearing takes place.

18 Well, now the Chamber would wish that the unity -- unit, VWU
19 passes on its point of view, because it has a very important role in this
20 familiarisation process, and the VWU should also express its point of
21 view to us before the end of this hearing so that we know if we will be
22 here at 9.00 tomorrow or not. The Prosecutor wants to have contact with
23 the unit. That does not shock the Chamber. It is, of course, for not a
24 matter of meeting the witness that there be a place for a short meeting
25 between a member of the unit and the Prosecutor. As far as I'm

1 concerned, that shouldn't even come before this Chamber. These are
2 issues that have to be resolved between them.

3 Now, if they have the feeling that there are problems that should
4 be addressed which would justify the presence of the Defence teams, then
5 I think ethically the Prosecutor would be able to come to that.

6 Now, the concern of this Chamber is to be able tomorrow, as
7 envisaged, to be able to meet Witness 250, to enable that person to give
8 a statement, to be examined, cross-examined. If the unit has an
9 objection, it will make this known to us before 1.00, whatever happens
10 before we leave this courtroom, and if the Prosecutor would like to have
11 elements of assessment of the part of the unit, then we have a half-hour
12 break between 11.00 and 11.30, and it is possible to communicate by
13 e-mail during this hearing, and I think that is the simplest thing to do.
14 And if the assistants who are before me want to indicate to the unit by
15 e-mail that the Prosecutor wants to have a short meeting between 11.00
16 and 11.30, the Chamber would only see advantages to this.

17 Now, if we go back to what brings us together here after a long
18 period of suspension, then this is the hearing of Witness 419, and we are
19 now going to proceed with that.

20 Court Officer, I'm going to ask you, therefore, to bring in
21 Witness 419. For this witness there is not necessarily a problem of
22 closed session. Therefore, that person can come into the courtroom in
23 the presence of the public. Court Officer, if you could bring in this
24 witness.

25 (The witness entered court)

1 PRESIDING JUDGE COTTE: (Interpretation) Good morning, sir. The
2 Court will ask you to introduce yourself. Your name, first name, date of
3 birth, place of birth, and your current occupation.

4 THE WITNESS: My name is Zoran Lesic. I'm born on 27th of March,
5 1953, and I'm technician -- visual technician by ICTY, International
6 Criminal Court for the former Yugoslavia, here in The Hague.

7 PRESIDING JUDGE COTTE: (Interpretation) Your place of birth,
8 please.

9 THE WITNESS: My place of birth is Zrenjanin, which is in the
10 former Yugoslavia.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Before you
12 begin your testimony, you have to pledge to speak the truth. This is a
13 solemn undertaking, and I will read it out.

14 "I solemnly declare that I will speak the truth, the whole
15 truth, and nothing but the truth."

16 Did you understand me well?

17 THE WITNESS: I understood you well.

18 PRESIDING JUDGE COTTE: (Interpretation) Very well. Do you
19 undertake to speak the truth, the whole truth, and nothing but the truth?

20 THE WITNESS: Yes, I do.

21 WITNESS: ZORAN LESIC

22 PRESIDING JUDGE COTTE: (Interpretation) The Court will wish you
23 to listen once again very attentively. You have just declared to speak
24 the truth, and if during your testimony or while answering any questions
25 put to you you do not speak the truth, you might be prosecuted before the

1 Court for false testimony, and if that allegation is established, you
2 might be convicted.

3 Have you fully understood me?

4 THE WITNESS: Yes, I do.

5 PRESIDING JUDGE COTTE: (Interpretation) Very well. The Court
6 duly notes that we have complied with Article 67 of the Statute and
7 Rule 66 of the Rules of Procedure, paragraphs (1) and (3).

8 The Court would like to ask the witness, during his testimony, to
9 speak slowly, speak in a loud voice and please do not change language
10 during your testimony. It is very important for you to be understood by
11 the interpreters, by the accused, by the Court, and by all the
12 participants.

13 Do we agree on that?

14 THE WITNESS: Absolutely.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

16 Mr. Prosecutor, you can begin your direct examination of this
17 Witness 419.

18 MR. DUTERTRE: (Interpretation) Thank you. Good morning, your
19 Honours. Good morning, ladies and gentlemen.

20 Mr. Lesic, as you are well aware, will testify today on the
21 360-degree presentation of the Bogoro Institute and its vicinity. This
22 presentation has already been shown to Witness 233. I would like to
23 point out that there are going to be some leading questions on matters
24 not in dispute and which a priori are not being challenged, but obviously
25 if the Defence raises objections, then I would like to rephrase the

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1 questions in a matter -- in a way that is not leading. The objective is
2 to save time on issues that are not in dispute. It will also be possible
3 for me to go very briefly into closed session for one or two issues, with
4 the leave the Chamber, of course.

5 Questioned by Mr. Dutertre:

6 Q. (Interpretation) Good morning, Mr. Lesic. My name is
7 Gilles Dutertre, and I'm going to lead you in direct examination for the
8 Prosecution by asking you questions on your presentation, that is the
9 360-degree presentation that you prepared in Bogoro. Let us begin with a
10 few very brief preliminary points.

11 If I ask you a question that you do not understand, please simply
12 ask me to rephrase or clarify.

13 Second point, I am the one asking you the questions, of course,
14 but you have to answer to the Judges and to the entire court. So do not
15 hesitate to address yourself or look at the Judges rather than me in the
16 course of your answers.

17 The last point, and I would need the leave of the Chamber for
18 this, is that I prepared a certain number of folders for the participants
19 and for the witness. The folders contain the various documents that I'm
20 going to use and which are in eCourt, but it seemed to me that it would
21 be quite useful to have hard copies of those various documents, and the
22 list thereof was communicated to the Registry in respect of the three-day
23 rule.

24 There is one condition. I would need the leave of the Chamber
25 and of the Defence, of course. I added two photographs from the

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1 360-degree presentation but which are not on the list of Prosecution
2 materials. I presented those pictures separately because nothing can be
3 added to the presentation itself, so if we wish Mr. Lesic to indicate
4 something that can be kept or maintained, the only way was to produce the
5 pictures physically. So that is why I'm warning the Chamber, and those
6 photographs are in the folder. Maybe the Court Usher can assist us to
7 present these folders to the Chamber, the parties, and the
8 Legal Representatives so that each and every one of them could
9 familiarise themselves with the documents. And I will keep the copy for
10 Mr. Lesic while waiting for your decision.

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, we are
12 going to ask the Court Officer to hand over to the Defence teams, the
13 Chamber, and the Legal Representatives the folders that you have talked
14 about. Please take out the time to examine them briefly, and if you have
15 any objections, you can then raise them. And during that brief
16 observation period we are going to repair the transcripts, because it
17 appears that some of you are not able to have access to the live
18 transcripts. So we are going to take a brief break to repair the
19 transcript system and to examine the documents that the Prosecutor is
20 distributing to each party and participant.

21 MR. O'SHEA: Good morning. May I just ask the Prosecution if
22 they perhaps have a supplementary copy of this document so that
23 Mr. Hooper and I can both have one. There is absolutely no obligation
24 for them to do that, but ...

25 MR. DUTERTRE: (Interpretation) With pleasure.

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1 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, would
2 you by any chance have one or two other copies to be given to the Judges'
3 assistants? Otherwise, the Judges will have to hand over another
4 document.

5 MR. DUTERTRE: (Interpretation) Mr. Gilissen has sacrificed his
6 document, I thank him, and I will give it over to you.

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Gilissen, the
8 Chamber is very appreciative of that sacrifice.

9 MR. GILISSEN: (Interpretation) That is a very small sacrifice,
10 your Honour.

11 PRESIDING JUDGE COTTE: (Interpretation) We are going to resume.
12 Those of you who are not connected to the transcript are invited to
13 reconnect, because the difficulties have been resolved, or so I am told.

14 Now, regarding the use of those documents that have just been
15 disclosed to you by the Prosecutor, does any one of the Defence teams
16 have any objection? The objective of the Prosecutor is to allow us all
17 to better follow the testimony of the witness before us today.

18 Mr. Hooper or Mr. O'Shea, do you have any objection? Thank you.
19 Mr Fofe?

20 MR. FOFE: (Interpretation) We do not have any objection,
21 your Honour.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you. The Legal
23 Representatives? No? Very well.

24 Now, Mr. Prosecutor, the Chamber would like to ask you to resort
25 to this type of procedure only in exceptional cases. We understand the

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1 profile of the witness that you have today because you wish to simplify
2 and clarify matters for everyone. The Court Officer will then have the
3 obligation to provide numbers for those documents. Some have already
4 been given reference numbers. We also have to provide numbers for the
5 photographs. So let us try not to overburden, overload the proceedings,
6 but we understand the spirit that is driving you today, and if
7 subsequently you wish to distribute other supplementary documents, please
8 try to have several copies so that each participant should have a copy,
9 including the legal assistants.

10 Now you can begin your examination.

11 MR. DUTERTRE: (Interpretation) Thank you, Mr. President. The
12 Prosecution has taken due note of those comments, and I would like to
13 clarify immediately that this is the type of procedure that we follow
14 generally for experts who have many documents to comment on.

15 I should now ask the Court Usher to hand over a copy to
16 Mr. Lesic.

17 Q. Mr. Lesic, do you have this file before you right now?

18 A. Yes, I do.

19 Q. Mr. Lesic, this file contains, amongst other things, your
20 curriculum vitae. I have one question to ask you on that. Is there
21 anything in your CV that is in relation to your present and past
22 activities that you consider as confidential?

23 A. I don't think so.

24 Q. Thank you.

25 MR. DUTERTRE: (Interpretation) Mr. President, if you have no

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1 objection, this document can be displayed in eCourt. That is the
2 document of four pages. It is a public document, and it is
3 DRC-OTP-1044-0091.

4 Q. Mr. Lesic, please refer to tab 2 of the document that contains
5 your CV. Do you confirm, Mr. Lesic, that that document in tab 2 is
6 indeed your curriculum vitae?

7 A. Yes, I do.

8 Q. And who prepared that CV, Mr. Lesic?

9 A. Myself.

10 Q. Is it indeed your signature at the bottom of each page?

11 A. Yes, it is.

12 Q. Is this a recent or updated CV?

13 A. Yes, it is.

14 Q. Now, Mr. Lesic, please refer to page 3 of that curriculum vitae,
15 which is DRC-OTP-1044-0093. It is stated under "Work Experience," third
16 paragraph from the bottom of the page, that you were, and I will quote in
17 English, beginning of quote:

18 "(In English) Photographer, designer, and executive chief of
19 public relation."

20 (Interpretation) Photographer, designer, and executive chief of
21 public relations. And this is at the Kamerni Teatar, 1984 to 1993.

22 Still on page 3 of that CV, at the very top of the page, under
23 "Education," it is stated that you were instructor of photography: "In
24 1982, in the high school of photography."

25 I have two questions, Mr. Lesic. The first is as follows: When

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1 exactly did you begin operating as a professional photographer?

2 A. I start working as a professional photographer, actually earning
3 my salary from photography, in 1984, when I took the position of chief of
4 public relation and photographer and designer in Kamerni Teatar 55 in
5 Sarajevo. Up to that period I was actor in that theatre. In the
6 meantime, after finishing my university as an actor, I start working as
7 an actor, and then I one day realised that my love to photography is
8 higher than my love to acting. I finish high school for photography in
9 1982. I was earning some experience in photography but not as a
10 professional photographer. And then once when the position of the chief
11 of public relation and photographer was open in my theatre, in same one
12 that I used to work as an actor, I change my job. I apply for that
13 position, which I got, and I start working from that moment as a
14 professional photographer.

15 Q. When did you join the International Criminal Tribunal for the
16 Former Yugoslavia?

17 A. I joined the Tribunal in April 1997.

18 Q. Can you tell us the exact title of your position at the ICTY?

19 A. In this moment?

20 Q. Yes.

21 A. I am a visual technician by OTP.

22 Q. Could you please briefly describe your work as a visual
23 technician at the OTP.

24 A. My work is based on investigations. My job is to prepare the
25 visual presentation for different investigations in ICTY. I am

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1 cooperating with all teams in ICTY, so I'm not working just for one team
2 but for whole OTP, and whatever is necessary for the courtroom to be done
3 as -- or a video or a photography, that's basically my job.

4 Q. Can you tell us how many 360-degree presentations you have
5 prepared at the ICTY?

6 A. Up to now I know that it's 14.

7 Q. Can you give us an example of a case in which those presentations
8 were used?

9 A. There is different cases, and we start quite early with that. It
10 was a brand new technology in the moment when we start during 360. It
11 was in early 2000. We discover that technology in -- had been used by
12 Australian police, and we decide to use that in the first case, in
13 Sarajevo case, the Prosecutor versus Galic.

14 Q. When you say this -- when you mention this technology, what
15 exactly are you referring to?

16 A. I'm referring to 360-degree virtual reality presentation. The
17 reason was very simple. Before that we had to use in the courtrooms
18 different models of areas which are very bulky, very complicated, and not
19 presenting exactly the reality. That's why we start using 360 VR.

20 Q. Have I understood you correctly, you were the first person to
21 start using these 360-degree presentations at the OTP?

22 A. Yes, in OTP in ICTY.

23 MR. DUTERTRE: (Interpretation) I need a answer from the
24 Defence. I would now like to know, since we now have an overview of
25 Mr. Lesic's work, I would like to know if there is anything else in the

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1 witness's CV that might be contested by the Defence, or could this CV be
2 admitted into evidence directly?

3 MR. O'SHEA: Mr. President, your Honours, we of course have no
4 objection to this curriculum vitae being part of the court record. In
5 fact, perhaps I should take this opportunity to assist my learned friend
6 and assist your Honours. I think we can perhaps shortcut some of this.
7 We're not going to claim that this gentleman cannot speak about this
8 presentation. He -- as far as the Katanga team is concerned, in any
9 event, he can go ahead and speak about his presentation. We have the
10 documents and the curriculum vitae can go on to the record. The other
11 documents can go on to the record. We do not qualify him as an expert
12 legally because an expert, for us, is a witness who is relevant to an
13 issue in the case. Photography is not an issue in the case. But I don't
14 think that we need to go into a discussion about what is an expert. This
15 gentleman can go ahead and give his presentation, as far as we're
16 concerned.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea,
18 for attempting to expedite the proceedings.

19 Is there anything Mr Fofe would like to add? Does Mr Fofe agree
20 with this position?

21 MR. FOFE: (Interpretation) Your Honour, we have no objections
22 to having the CV admitted into evidence.

23 PRESIDING JUDGE COTTE: (Interpretation) The Chamber would like
24 to thank you for that.

25 Mr. Prosecutor, we hesitated to ask you to go a little faster,

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1 but we realise that you are pursuing an objective with regard to the
2 witness in front us today. Some have perhaps met this witness elsewhere,
3 but this is a completely new witness for Trial Chamber II. So,
4 Mr. Prosecutor, please proceed with your examination-in-chief and your
5 attempt to enlighten us.

6 MR. DUTERTRE: (Interpretation) Thank you, Mr. President. In
7 fact, this information will also be useful for the public, and we're
8 trying to proceed in an instructive manner.

9 I would like to request that this document be admitted into
10 evidence, and could we have a number.

11 PRESIDING JUDGE COTTE: (Interpretation) The Registrar will deal
12 with that.

13 COURT OFFICER: (Interpretation) Thank you, Mr. President. The
14 number of the document will be EVD-OTP-00018.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
16 Madam Registrar.

17 Mr. Prosecutor, please proceed.

18 MR. DUTERTRE: (Interpretation) Thank you, your Honour. I
19 believe that the Katanga Defence agreed to have the report admitted as
20 evidence as well, but I haven't heard what the Ngudjolo Defence position
21 is with regard to this matter. We could save time, or perhaps not,
22 depending on what the Ngudjolo Defence team's position is.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Fofe.

24 MR. FOFE: (Interpretation) Just a moment, your Honour, please.

25 (Defence counsel confer)

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1 MR. FOFE: (Interpretation) Your Honour, the Ngudjolo Defence
2 also accepts the report, which is not problematic in itself, but we will
3 see what sort of use the Prosecution will put this report to.

4 PRESIDING JUDGE COTTE: (Interpretation) Very well. You may
5 proceed, Mr. Prosecutor.

6 MR. DUTERTRE: (Interpretation) I will use it very briefly.

7 Q. Mr. Lesic, could you please have a look at tab 3 in your binder,
8 which is where you can find your report. It's a public document. The
9 number is DRC-OTP-1044-0088.

10 Have you found it, Mr. Lesic? Can you confirm that this document
11 is in fact your report?

12 A. Yes, it is.

13 Q. Thank you very much. Could you tell us when you went to Bogoro
14 to take photographs there in order to prepare your presentation?

15 A. I've been in Bogoro on 28th, 29th and 31st of March last year,
16 2009.

17 Q. Thank you. On the first page of your report, in the middle of
18 the page there is a paragraph that starts in the following manner, and I
19 quote in English:

20 "(In English) The circumstances in which you went to Bogoro on
21 28th, 29th, and 30th March 2009."

22 (Interpretation) If I have understood your previous answer
23 correctly, and if I've understood the transcript, there might be a slight
24 error in the transcript today as well as in the report. It was the 31st,
25 not the 30th that was the third day that you went to Bogoro on.

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1 A. As I remember, as my recollection is, we didn't work on 30th of
2 March. We work on 31st. So we been on the site on 29 -- 28th, 29th, and
3 31st of March.

4 Q. Thank you. That clears that up. And I would like to point out
5 that the error in the report was the result of an error committed in the
6 course of the mission itself. We can deal with that later.

7 Mr. Lesic, could you tell us why you didn't go to Bogoro on the
8 30th of March, 2009, in order to make your presentation?

9 A. On 30th of March, we were informed that there is hostile
10 activities around Bogoro and that due to safety measures we are not
11 allowed to go there.

12 Q. What exactly was the nature of these hostile activities?

13 A. Apparently what I heard is that there is information that we will
14 be attack on that day.

15 Q. Were you alone in the course of your mission in Bogoro? Were
16 there others who accompanied you? And please don't provide us with any
17 names at this point in time.

18 A. No, I was not alone, of course. It was a whole team from OTP,
19 and there was security, certain security forces around.

20 Q. Please don't provide any names yet again, but in general, could
21 you tell us what these other individuals who were part of this team did?
22 What role did they play?

23 A. There was different experts in the field of pathology, exhumation
24 of the human remains. There was a ballistic expert. There was a
25 photographer from ballistic expert. There was members of the team,

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1 investigators, and the team leader.

2 Q. You mentioned security measures. Could you very briefly provide
3 us with details? Don't provide any names yet again, but what sort of
4 security measures were taken?

5 A. We had -- first of all, we had de-mining experts who will check
6 the whole area before we start working. Then we had a security unit
7 which I think it was from Indian army, part of forces in Congo, and it
8 was ICC security guys.

9 Q. Was it possible for you to move around Bogoro freely on the 28th,
10 the 29th, and the 31st of March, 2009?

11 A. We were limited to stay inside the perimeters of crime scene.

12 Q. And was there a deadline by which it was necessary to leave
13 Bogoro in the course of this mission, a fixed time?

14 A. Yes, it was a fixed time. I'm trying recollect exact. I think
15 it was at 5.00 that we had to leave Bogoro and to be in the base in Bunia
16 before sunset.

17 Q. And why?

18 A. Security reasons.

19 Q. The question hasn't been recorded in the transcript. For which
20 reasons?

21 A. For security reasons.

22 Q. It still hasn't been recorded in the transcript, but my question
23 was for which reasons?

24 A. So I will repeat. For security reasons.

25 Q. I'd like to go back to the subject of photographs. What was the

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1 weather like on site? Could you provide us with a description of the
2 conditions under which you worked?

3 A. First two days, 28th and 29th, it was nice weather, a little bit
4 windy, but sun. And on 31st of March it was heavy rain, whole day.

5 Q. Could you please have a look at page 2 of your report now. Have
6 a look at the fourth paragraph that deals with the tools used for your
7 presentation. A satellite image of Bogoro is referred to, as well as the
8 CD with photographs taken by a drone.

9 Who provided you with this material, the satellite images and the
10 photographs taken by the drone?

11 A. I was provide by OTP.

12 Q. Were you present when the drone photographs were taken?

13 A. I was present during the recording of photographs with the drone.

14 Q. And did you play a role of any kind when this drone took the
15 photographs in question?

16 A. Yes. As the photographs being planned to be used during the
17 presentation inside the 360, I was present during the flight of the
18 drone, and actually, I was suggesting the angles and the number of
19 photographs that I would like to have for my presentation.

20 Q. And could you tell us whether when the drone takes photographs it
21 would also record the GPS coordinates for the photographs taken.

22 A. That's very correct. There is two different sets of photographs
23 done by drone. One is digital which is going straight to the laptop, and
24 that photographs contains all relevant data, including GPS position of
25 the drone in the air, the height of the drone, date, time. And there is

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1 the second set which comes from the camera which is attached to the
2 drone, and those photographs suggest, as far as I remember, plain
3 photographs without any data on them.

4 Q. Your presentation, therefore, was composed of satellite images,
5 photographs taken by the drone, and of photographs that you yourself took
6 with your own camera.

7 Could you tell us very briefly how you would use your photographs
8 to compose a 360-degree panorama image?

9 A. Of course. Although it looks quite complicated, actually it's
10 quite simple procedure. There is a special tripod with a special head on
11 top of that tripod on which I will place my camera. I can programme the
12 head that every single movement of the camera exactly same angle. So I
13 will make a number of photos in rotation. So usually I'm doing 24 photos
14 to cover the whole 360-degree image. Once when I take all 24 images they
15 will be stitched by the programme in one seamless, long image. Then that
16 same programme will curve the photo and create 360-degree image which you
17 can pan, tilt, zoom in, zoom out, and it will be same as if you're
18 standing on certain point and rotating yourself around.

19 Q. A brief comment, Mr. Lesic. Could you please speak a little more
20 slowly. I am trying to do that myself. I must admit sometimes I fail,
21 but this would be very helpful for the interpreters.

22 MR. DUTERTRE: (Interpretation) Your Honour, I would like to
23 request that this report be admitted into evidence, and could we have an
24 EVD number for it.

25 MR. O'SHEA: No objection.

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1 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, thank you.

2 Thank you, Maitre Fofe. It will be admitted into evidence.

3 Madam Registrar will provide a number and the Prosecution can continue.

4 COURT OFFICER: (Interpretation) Thank you, your Honour. The
5 document will be EVD-OTP-00019.

6 MR. DUTERTRE: (Interpretation) Thank you.

7 Q. Very briefly - and I believe that the Defence won't object -
8 Mr. Lesic, could you have a look at the first document in your binder
9 under tab 1 and tell us what it is exactly. It's a public document,
10 DRC-OTP-1044-0095 is the ERN number.

11 MR. O'SHEA: Just to facilitate things, this document can go in
12 as well, if my learned friend wishes. It speaks for itself. We don't
13 need an explanation unless there's particular purpose for one.

14 MR. DUTERTRE: (Interpretation) With regard to this comment from
15 the Defence, I'll request that this be admitted directly into evidence.

16 MR. FOFE: (Interpretation) Yes. It will enable us to save
17 time.

18 PRESIDING JUDGE COTTE: (Interpretation) That's perfect.
19 Madam Registrar, could we have this document admitted into evidence,
20 please.

21 COURT OFFICER: (Interpretation) Thank you, your Honour. The
22 number of the document will be EVD-OTP-00020.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.

24 MR. DUTERTRE: (Interpretation) In order to be clear for the
25 sake of the public, it's a letter addressed to Mr. Lesic with regard to

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1 the Bogoro mission.

2 Your Honour, I will now go to the heart of the matter and deal
3 with this 360-degree presentation of Bogoro, which has already been shown
4 to Witness 233 and bears the number EVD-OTP-00007. And I'd like to ask
5 the Chamber to allow me to make the presentation from this laptop I have
6 in front of me.

7 Perhaps the usher could push the right button so that Mr. Lesic
8 can see the document.

9 COURT OFFICER: (Interpretation) For the other parties, in
10 order to see the presentation, you need to press the button PC-1 on your
11 computers.

12 MR. DUTERTRE: (Interpretation)

13 Q. Do you have the image in front you, Mr. Lesic, the image from
14 your presentation?

15 A. Yes, I do.

16 Q. This is the satellite image that we referred to previously.
17 That's the image we can see on the screen now, isn't it?

18 A. That's correct.

19 Q. In the top left-hand corner of the image it says: "Bogoro, Ituri
20 District, Democratic Republic of the Congo."

21 Who wrote this, Mr. Lesic?

22 A. (Previous translation continues) ...

23 Q. Could you tell us in which direction this satellite image was
24 pointing, north, south, east, west?

25 A. If you look carefully in the top right angle, you will see the

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1 rows of winds, and it will show you west, north, east.

2 Q. From the top to the bottom of the image we can see a white line
3 which descends. Can you tell us what it is?

4 A. That is the road.

5 Q. Did you personally take this road?

6 A. Not the whole road that is shown on the satellite image, but the
7 road that leads to Bogoro.

8 Q. When you used this road, where did you leave from? From which
9 town did you depart?

10 A. We leave from town of Bunia.

11 Q. Can Bunia be seen in this map, in this image?

12 A. No, Bunia is not visible in this image.

13 Q. And which direction is Bunia in when we have a look at the map?

14 A. On this map the road is Bunia goes to north.

15 Q. I understand. You said that you used this road to get to Bogoro.
16 Could you use this map to show us roughly where Bogoro is located?

17 A. I can, but I don't have a mouse.

18 Q. Could you provide us with a description in relation to the scale
19 that we have at the bottom of the image?

20 A. Yes, I do. It's a scale of 4 kilometres, where every long black
21 or white line represent 1 kilometre, and the first short ones are
22 250 metres, which makes first 250, half kilometre, whole kilometre, and
23 then 2, 3, and 4 kilometres.

24 Q. With regard to the zero on this scale that we can see at the
25 bottom of the image, where would you locate Bogoro in relation to this

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1 zero?

2 A. The Bogoro is up. Where you see the triangle of the mouse on
3 your left side there is a crossing of three different roads, and on my
4 recollection there is Bogoro.

5 Q. If I said that you are referring to the intersection that is just
6 above the zero on the scale, would that be correct?

7 A. If you zoom in, you will see like a small circle. More down.
8 Yeah. That small -- little bit to the left. Yes, where is the point of
9 the mouse that, according to my recollection, that is Bogoro.

10 Q. What's the distance between Bunia and Bogoro?

11 A. I honestly don't know exactly what is the distance in kilometres.
12 I don't know.

13 Q. How long does it take to get from Bunia in the north to Bogoro by
14 car?

15 A. As we drove in a convoy, the whole trip will take around two
16 hours, from the beginning to the end. That's not a European distance of
17 two hours. Approximately -- I don't want to improvise the distance, I
18 don't know, but it's very, very, very slow driving.

19 Q. The fact that on the screen the mouse is in the form of an arrow,
20 what does that mean? What explanation, technical explanation, can you
21 give us for that?

22 A. That's the usual shape -- I'm sorry that I was so quick. It's
23 usual shape of the mouse in a programme, and actually it will change the
24 shape once when you touch the point where is link to the next image.

25 Q. At the bottom there is a number. Is that the image number you

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1 have at the bottom?

2 A. That is correct. That is the present image number.

3 Q. Does each image have its own number in this presentation, each
4 picture?

5 A. Every single image in the presentation has a different and unique
6 number.

7 Q. So I will, therefore, click number 2, and there you can see the
8 same satellite image, and there is underlining on Bogoro. What does this
9 mean?

10 A. When you click, actually appears two different signs. One is a
11 white square which is around Bogoro area, and the other one is a small
12 triple circle on north part. Small triple circle presents a panoramic
13 shot from that position, and white square presents the area that will be
14 shown when you click on that square.

15 Q. If I go on to this white square, rectangle, the number 6 appears
16 at the bottom, and I click to open image 6. Could you indicate what
17 picture 6 represents, Mr. Lesic?

18 A. Picture 6 is just a crop from the bigger map that you just saw a
19 little bit ago, and it shows exactly the white square that was indicated
20 on the bigger map.

21 Q. We also see three small red circles on the road from Bunia and
22 arrows on the left also which are red. I will come back to this later.
23 However, I'm interested in the rectangular part, and I will click on it
24 again. This is picture 7 that appears.

25 Mr. Lesic, could you indicate what this picture represents

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1 exactly?

2 A. That's a crop from the previous satellite image. It just zooms
3 more down, and square that you can see will be obviously next image that
4 will be shown if you press on that area.

5 Also, I made that just like a frame because I didn't want to
6 cover anything from the image, and that presents the school or institute
7 in Bogoro. With -- sorry, with the surrounding.

8 Q. When you say that this represents the institute of Bogoro, you
9 were speaking about the rectangular shape, the brown shape that I'm
10 pointing out with the arrow, within the wider rectangle?

11 A. Correct.

12 Q. I therefore click on this picture to come to an air picture of
13 the institute, or photograph taken from the air of the institute. This
14 aerial photograph is taken by the drone. Is that right, Mr. Lesic?

15 A. That is correct. That's image taken by the drone.

16 Q. Can you see Bunia on this picture?

17 A. No, you can't see Bunia on this picture.

18 Q. And the building in front, is that the Bogoro Institute itself?

19 A. According what I was told, that is institute in Bogoro.

20 Q. The blue background, the blue part at the top of the screen,
21 could you state if that is a water surface? Is that the sky? What is
22 it?

23 A. It will be little bit high for the water. It's sky.

24 Q. The question mark at the bottom right makes other links appear;
25 is that right?

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1 A. As you can see, it's right.

2 Q. And you just have to click again to make these links disappear;
3 is that correct?

4 A. That is correct.

5 Q. I will make them come back. Now, at the bottom, in the tab part
6 there is a -- on the right there's an icon which has a circle with an
7 arrow and a question mark therein. What is this icon for, Mr. Lesic?

8 A. That icon is a help tool for everyone who will use this
9 presentation in the case that you're not familiar where the links are.
10 If you click on the icon, it will show you all the links mark in
11 transparent blue so that you know where is something.

12 Q. So if I press -- click it, then these lines appear, and I can now
13 make them disappear by clicking on it again.

14 Now, these arrows which have small circles, do they all represent
15 aerial photographs? Is that right?

16 A. Every circle with an arrow is actually position of drone in the
17 moment when drone take the photo.

18 Q. The small -- well, the series of red circles on the ground are
19 all 360-degree photos; is that correct?

20 A. Mainly they are 360. Some of them are 180 or 225, depending on
21 position and of possibility of creating panoramic shots, but yes, every
22 circle, triple small circle, present a panoramic circular shot.

23 Q. And the highlighting in red of the doors highlights access to 360
24 pictures with inside the institute; is that correct?

25 A. That is absolutely correct. That is the sign that there is

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1 something behind that red mark. In order to have a visual presentation
2 and to help orientating in all this space, I had to put certain marks on
3 photo. But in order to have the clean one, without any markings, you
4 just press the question mark on the photo and they will all disappear.
5 And you can use both, with or without markings.

6 Q. I'm now going to review these different panorama, starting with
7 the roundabout on the right and going towards the institute on the left
8 and often going from the ground to go up to aerial shots afterwards.

9 To the extent where the previous witness has already commented on
10 a certain number of these photos, I'll be very brief with regards to some
11 of them so as to save time and to avoid repetition.

12 MR. O'SHEA: And also, Mr. President, he can lead, with pleasure.

13 MR. DUTERTRE: (Interpretation) Thank you, Counsel O'Shea.

14 PRESIDING JUDGE COTTE: (Interpretation) Counsel Fofe, do you
15 have any objections?

16 MR. FOFE: (Interpretation) Your Honour, I am awaiting new
17 aspects, but so far this is a repetition of everything that we've seen.

18 PRESIDING JUDGE COTTE: (Interpretation) So please surprise us
19 and continue.

20 MR. DUTERTRE: (Interpretation) Presentation of the technical
21 aspect and also the work of Mr. Lesic, which is complex and that's why I
22 wanted to spend some time on that.

23 Q. So if we look at picture 41, a 360-shot which has already been
24 shown, you can see the institute in the background, and you can also see
25 the part that goes up there.

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1 Mr. Lesic, what is the distance between the roundabout where the
2 photo was taken and the wall of the institute in the background?

3 A. Again I need to guess and improvise but if you go on the previous
4 photo, the one from the air - I think it's number 7 - you have the
5 measure down on the photo which present every hundred metres or even
6 less. You can just take that and measure the precise distance between
7 this point and the Bogoro Institute. So I don't need to guess anything.
8 It's very small distance. Yeah.

9 Q. Approximately, in your opinion.

10 A. As I'm not a runner, I'm very bad with the distances, so this
11 will be, let's say, 20 metres. Twenty-five.

12 THE INTERPRETER: Microphone, please.

13 MR. DUTERTRE: (Interpretation)

14 Q. So I'm coming out of the panorama 41, and I am now interested in
15 the picture number 11. On this picture, Mr. Lesic, you can see the
16 roundabout on the left, the institute on the right, and a question mark
17 which indicates links on the picture. I click on it, and you can see
18 appearing links, in terms of arrows left and right, and points or circles
19 on the screen, which are also links. The links in circular form go
20 towards exhumation sites; is that correct?

21 A. That is correct.

22 Q. I will therefore not show them, because it's not part of the list
23 of evidence, and I'm interested in the arrow which is on the left side,
24 picture 19. I will just show it by way of information. And here,
25 Mr. Lesic, we are looking at a view towards Lake Albert, and it was taken

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1 by the drone; is that correct?

2 A. That is absolutely correct.

3 Q. I will therefore go backwards and click. So there's an arrow on
4 the right. I'm interested in the arrow represented -- or what the
5 picture represented by the arrow previously. I'll go back to the picture
6 of the institute, and just by way of information, on the right-hand side
7 you can see picture 19, which is directly accessible from the picture of
8 the institute. That's number 19.

9 I now go on to picture 14. Mr. Lesic, here we're talking about
10 the road that goes towards Bunia and the institute, which can't be seen,
11 is on the left of the road. Is that correct?

12 A. It is correct. It's down left corner. It's outside of the
13 image.

14 Q. And so the roundabout is just at the back of the small person
15 with a T-shirt, a white T-shirt, that we can see at the bottom of this
16 picture.

17 A. That is correct.

18 Q. If I go back to the main picture of the institute and I now click
19 on the panoramic view number 40, which is in the corner at the north-east
20 of the institute. It's already been shown to Witness 233, so I won't
21 spend time on this. I just want to confirm -- if you could confirm that
22 on the north face of the institute there is no -- there are no doors.
23 There are only windows there. Could you confirm that?

24 A. Yes, I can confirm that.

25 Q. If I click on the picture to go back to the institute picture and

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1 I go to panorama 39 which represents the southern-facing wall of the
2 institute. If I move the picture in the opposite sense of the arrow,
3 then we can see the mountains. Could you -- is this Waka Mountain?
4 Could you confirm that?

5 A. I was told that that is Waka Mountain.

6 Q. In the middle of the picture we can see a type of rectangular
7 frame. What is that, Mr. Lesic? I will show it with the mouse.

8 A. It's a football goal.

9 Q. We can see another one on the right. So there's a football pitch
10 in front of this institute.

11 Now, if I come out of this picture and I now click on picture 37,
12 which is another panorama, we can see the south-facing side of the
13 institute. If I turn the picture in the opposite direction to -- shown
14 by the arrow, I come to a small blue construction. Could you tell me
15 what this building is?

16 A. (Previous translation continues) ...

17 Q. Could you tell us if this is a recent or an old installation?

18 A. I don't know. It looked to me like recent, but I can't confirm
19 or deny.

20 Q. So if I turn the image towards the left, we can see a field with
21 grass and trees in the background. Have you walked in this direction?

22 A. (Microphone not activated) ... did.

23 Q. How many times have you done so?

24 A. I went once.

25 Q. And to do what exactly?

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1 A. On the first day there was a couple of skulls, or one nearby, and
2 I walked there to make the photo of that human remain.

3 Q. I understand. I'll come back to that later. If I come out of
4 this picture, I'm interested in picture 38, panorama 38, in the
5 north-west corner of the institute.

6 If I move the picture in an anticlockwise direction, we can see
7 some tree trunks, and we can see that they reach the right -- they can
8 see it on the right-hand part of the screen. In the central part there's
9 a line of vegetation with trees. Along this line we can see small white
10 surfaces, if I zoom in. Can you confirm that here we're talking about
11 the roofs of houses?

12 A. Yes, definitely that's the roof of houses.

13 Q. And can you confirm that we can't see the walls of these houses?

14 A. No, not from that position.

15 Q. And if there was somebody in front of the house standing up,
16 would we see that person?

17 A. Not from that position, and not from the time when I made the
18 photo.

19 Q. I will continue to zoom out, and I will continue to turn the
20 picture in an anticlockwise direction, and I will stop when we are at the
21 side of Waka Mountain in the picture. I therefore zoom in, and we note
22 that there is a white surface in the background. Can you confirm that
23 this is the roof of a house?

24 A. Obviously that is the roof of the house.

25 Q. And if there was somebody in front of this house, would you be

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1 able to see that from -- from there?

2 A. No.

3 Q. I come out of this picture. I'll zoom out, and I am now clicking
4 on picture 16. This is a view north-west above the institute.

5 Mr. Lesic, in this picture, could you tell me approximately how
6 far you walked? You said that you went into these fields.

7 A. The distance is not far away from the -- the fields. Actually,
8 the human remains, the first one, that skull, was found quite nearby.
9 The white vehicle in between blue object, which is a toilet, in front
10 of -- behind the goal there is a white vehicle, and that human remain was
11 found in, let's say, 15 metres from that position.

12 Q. Understood. I'm now going to -- could you tell us what the
13 ground was like? What -- what was the level, or how was it? What was
14 the terrain like?

15 MR. O'SHEA: (Previous translation continues) ... for a moment,
16 please. When we were given notice of this witness, the Prosecution
17 produced a summary of what the witness was going to talk about, and I
18 will read in French what it says in that summary. It says:

19 "(Interpretation) During his examination, he -- the witness
20 will be asked - P-419 - to comment on his presentation in 360 degrees.
21 This will make it possible to have a better idea of the configuration of
22 the place where the crimes were committed. The Witness P-419 also will
23 testify with regards to the geography and the disposition of Bogoro and
24 its environs."

25 (In English) Our understanding of that is that this gentleman

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1 was simply going to present this 360-degrees photographic image, explain
2 it to us, so that the Court was in a better position to understand the
3 configuration of Bogoro. When I read that summary, I had absolutely no
4 idea that there would be any discussion about skulls or what this
5 gentleman observed about the state of the landscape when he walked in a
6 particular area or anything of that nature.

7 I think it's the position that your Honours decided at one stage
8 that a report on an exhumation would not be admitted into evidence. At
9 the moment, I don't see the relevance of these questions, and I don't
10 think we have notice of these questions.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea.

12 I believe indeed, Mr. Prosecutor, that you should lead the
13 witness the way you wish, but it does not seem necessary in the course of
14 what should have been the presentation of the geographical configuration,
15 the possibility of seeing something from one particular point, that you
16 should not talk about skulls and other things.

17 We are going to break for half an hour, and you should seize that
18 opportunity to refocus your examination to the purpose of the evidence as
19 we believed it should be.

20 But before we break, we wish to be sure that Mr. Ngudjolo and
21 Mr. Katanga were able to see the images presented on the screen. They
22 didn't have technical difficulties? I can see Mr. Katanga nodding, and
23 Mr. Ngudjolo as well.

24 MR. NGUDJOLO CHUI: (Interpretation) Yes. There was no problem.

25 PRESIDING JUDGE COTTE: (Interpretation) Sometimes we have

1 technical difficulties, so the Chamber wanted to be sure that you were in
2 a position to follow all the proceedings in your own trial.

3 We will break for half an hour and resume at 11.33.

4 (The witness stands down)

5 Recess taken at 11.03 a.m.

6 On resuming at 11.32 a.m.

7 COURT USHER: All rise.

8 PRESIDING JUDGE COTTE: (Interpretation) Court is in session.

9 Please be seated.

10 Mr. Prosecutor, before we bring in the witness, we are listening
11 to you.

12 MR. DUTERTRE: (Interpretation) Thank you, your Honour. Very
13 briefly, the Prosecution has absolutely no intention to go into
14 scientific and medical issues here. When we showed the links in the
15 photographs, it is because -- it is not because we wanted to explore
16 those issues but because we did not want to leave those things without
17 explanation. If the witness comes up with certain answers that we did
18 not ask for, we are not going to come back to them, but we are not going
19 to ask him other things just because of what he did at such and such a
20 place.

21 Regarding Mr. O'Shea's objection, I think perhaps there is a
22 misunderstanding. When the Prosecution is talking about configuration or
23 layout of the region, they're photographs, but we're also referring to
24 geographical characteristics, distances, and so on. Mr. Lesic is in a
25 position to appreciate a certain number of things in relation to the

1 pictures which do not necessarily speak for themselves. You have aerial
2 photographs that show broad views, and photographs from the ground show
3 greater detail. So when you ask on surfaces, for example, we thought the
4 Defence had been notified with regard to the geographical configuration
5 and so on. And we believe that Mr. Lesic, who was present in that region
6 and who is in a position to comment, can make contributions on this issue
7 because we are aware that this is very relevant in regard to what certain
8 witnesses have and are going to testify to in this case.

9 We are sorry if we were misunderstood, but we thought that that
10 issue had been notified.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
12 Mr. Prosecutor.

13 Concerning the first point regarding skeletons that might appear
14 in one photograph or the other, I believe that the explanations that you
15 have given and the pledges you have made can satisfy Mr. O'Shea, who was
16 quite correct in intervening on this issue before our break.

17 Regarding your second point, we have to achieve a certain degree
18 of balance here. This Chamber, through the precise -- the Presiding
19 Judge, must ensure the good conduct of the proceedings, but we must also
20 respect the way in which you may conceive your examinations in-chief or
21 cross-examinations. We are not going to dictate to you the way in which
22 you should lead your witnesses subject to what has been written with
23 regard to Regulation 140. However, sometimes we had the feeling that the
24 extremely technical nature of this witness, whose CV you discussed at the
25 beginning of the testimony, may make it possible to discuss issues which

1 correctly or incorrectly might have seemed to us to be elementary. So
2 you have to be cautious, because once again we do not wish to interfere
3 in the way that you're asking your questions to the witness.

4 The Chamber is also fully aware of the relatively limited time
5 that each party has, and we would like that time to be used in the most
6 effective way possible.

7 So those were the comments that the Chamber wished to make. On
8 various occasions, the representatives of the Defence teams expressed
9 their surprise or expressed the need to facilitate your task by not
10 objective -- objecting and allowing you to proceed. So you have control
11 of the time that you have at your disposal, with the understanding that
12 the Defence teams also need to cross-examine the witness.

13 So we are going to resume. Madam Court Officer, can you please
14 bring in Witness 0419.

15 (The witness takes the stand)

16 PRESIDING JUDGE COTTE: (Interpretation) Please sit down,
17 Mr. Lesic. I do not know why I'm referring to you as Witness 419,
18 because we can call you by your name.

19 Allow me, and in fact I'm not apologising for the Chamber, this
20 is a personal apology. We rose at the end of the hearing before you left
21 the courtroom. Generally the witness leaves the courtroom before the
22 Chamber rises. So this is duly noted.

23 Mr. Prosecutor.

24 MR. DUTERTRE: (Interpretation) Thank you, Mr. President.

25 Except I am mistaken. I cannot see the image on PC-1. Yes, I can see it

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1 now.

2 Q. Now, let me move away from this photograph and return to one of
3 the preceding images which we talked about a short while ago, and that is
4 number 9. I'm sorry, it is actually number 6.

5 On this image there are three red arrows in opposing directions.
6 That is west, north-west of the institute. I will click on the first
7 image, which is number 21.

8 My question to you, Mr. Lesic, is as follows: Who took that
9 photograph?

10 A. I did.

11 Q. Let me now zoom in. There is a building there in the background.
12 This is the institute, is it -- is that correct?

13 A. That is absolutely correct. And on right corner of that building
14 you can see the small blue one, which is the toilet that we already
15 discussed before.

16 Q. On the institute itself there is a link to image number 22. I
17 click on it, and we see a zoom on the institute itself; is that correct?

18 A. It's not just a zoom. It's little bit change position of the
19 camera. It's closer to the institute.

20 Q. Understood. Now, let me come back a little bit and zoom out.

21 Mr. Lesic, can you please describe the surface of this patch of
22 land between the institute that we can see in the background and the
23 position from which you took the photograph?

24 A. The small part in front of institute is flat and then it goes
25 like a small valley down, and approximately where I am standing in this

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1 moment with the camera it's end of the steep part down and then it goes
2 up. So that part is like a small valley.

3 Q. Let me now come back to the left image, number 20. Are you the
4 one who also took that photograph?

5 A. Yes.

6 Q. In relation to the position from which you took the previous
7 picture, did you use the same position or did you move further out?

8 A. Normally for these kind of photos I will just in turn in one
9 direction, then to other direction, and make two photos showing the
10 different views from a same position.

11 Q. You have this mountain here. What were you told that it was?
12 Did they give you a name for it?

13 A. I was told that is Waka Mountain.

14 Q. Are you in a position to describe the surface, the land surface,
15 of the place from which you took the photograph and the mountain itself?

16 A. This part at the time standing in a steep going upwards, and in
17 the middle of the photo there is a white -- there is a light green part
18 of the bushes which is end of that steep part, and then after that there
19 is a second plateau, and I didn't go beyond that position too much. So
20 this will be in the middle of the valley between the second plateau,
21 which is going in direction of Waka Mountain, and the plateau on which is
22 positioned the Bogoro Institute.

23 Q. Let me come back now to the institute, and I will open image
24 number 16 once again.

25 Mr. Lesic, can you tell us why we have the impression that the

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1 surface between the small blue building and the left side of the
2 photograph appears the way it is.

3 A. Because it is like that. The first part, as I told you, is a
4 small plateau which is continuation of the plateau on which is built the
5 Bogoro Institute, and then after the trees that you can see on left side,
6 middle part of the left side there is one single tree. After that the
7 terrain goes more down and it creates a valley under it which is much
8 deeper than the plateau on which is positioned the school.

9 Q. Let us move away from that image now, and I will open image
10 number 18 for the purpose of information only. It is another view of the
11 institute. I do not have any questions about that, and I will now come
12 back to image number 17.

13 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer, we
14 have a minor problem because we are receiving the translation into
15 Lingala in our headsets, and we are on canal 2 -- on channel 2, actually.

16 I'm sorry for that interruption, Mr. Prosecutor, but while you
17 were speaking we could hear the Lingala interpretation, and it was
18 impossible to hear what you were saying.

19 Mr. Prosecutor, you can proceed so that we will try and find out
20 whether everything is all right now.

21 MR. DUTERTRE: (Interpretation) Thank you, Mr. President. I had
22 opened image number 17 for information only. I do not have any questions
23 on that. Let me now return to photograph number 15, and I have just one
24 point of clarification here so as to avoid any confusion.

25 Q. Mr. Lesic, can you confirm that the trenches that we are seeing

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1 and the grass which has been cut was because of the scientific mission
2 that was there working at the same time as you?

3 A. Yes, I can confirm that. That was not there the first day when
4 we appeared there.

5 MR. DUTERTRE: (Interpretation) Mr. President, I have no further
6 questions for Mr. Lesic.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
8 Mr. Prosecutor.

9 Mr. Hooper or Mr. O'Shea, who amongst you is going to
10 cross-examine the witness?

11 Mr. O'Shea.

12 MR. O'SHEA: I'm not going to keep the Court long with this
13 witness. I just have very few questions of clarification.

14 As a practical matter, I see that my learned friend has his hand
15 on the mouse. Rather than asking for an adjournment, can I simply state
16 the number of the photograph and -- and he can -- he can get it for me?
17 Would that be all right?

18 MR. DUTERTRE: (Interpretation) Justice is a joint affair, and
19 we are going to do that work together.

20 Questioned by Mr. O'Shea:

21 Q. Good morning, Mr. Lesic. My name is Andreas O'Shea and I
22 represent the gentleman behind me, Mr. Katanga. As I have said, I have
23 very few questions for you.

24 First of all, at the beginning of your presentation, you said
25 that you were limited to the crime scene for security reasons. You said

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1 you were limited to stay within the parameter of the crime scene. Can I
2 ask you to clarify what that parameter was?

3 MR. O'SHEA: Perhaps if my learned friend can go to the picture
4 where we had the white square delineated. I think it was the first or
5 the second aerial photo. That's the one, yes.

6 Q. Is that area which you described, is that the area within the
7 white lines or is it something else? When you say that you were limited
8 to the parameter of the crime scene, what do you mean by that?

9 A. Actually, it's similar to the area that we were -- that I was
10 limited to visit, except that I personally request one exit out of that
11 area in order to have the photo which is showing this depression that we
12 just discuss, because that was little bit further than the -- just the
13 crime scene area.

14 Q. Yes. Thank you. So basically, does the white line represent the
15 crime scene area?

16 A. The white line is, on my knowledge, bigger than crime scene area.

17 Q. All right. Does the crime scene area include the roundabout?

18 A. For me, that I was informed, the crime scene area is the school,
19 and just everything near and around the school. So the roundabout, on my
20 personal knowledge, I don't know. It's --

21 Q. Okay.

22 A. I was not told about that.

23 Q. Okay.

24 Could we please go to image number 9. Just before we -- just
25 before we go to image -- all right. It's okay. We don't have to change

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1 the photos.

2 But I have one more question about the photo we just saw. Do you
3 know the date when that -- was it a satellite photo or drone photo, that
4 one we just saw? It was a satellite photo, I think?

5 A. That was the satellite photo.

6 Q. And do we have a date when that was taken?

7 A. I don't know, but it's possible to find the date because probably
8 inside the photo -- every satellite photo contains the metadata, and it
9 contain definitely the date when it's taken.

10 MR. DUTERTRE: (Interpretation) If I can be of assistance,
11 Witness 418, who will appear subsequently, will be in a position to tell
12 us the date on which that image was taken.

13 MR. O'SHEA: Does my learned friend know or do we have to wait
14 for that witness?

15 MR. DUTERTRE: (Interpretation) It would be difficult for me to
16 give evidence myself, but if my memory serves me correctly, I believe it
17 was 2003, after the events.

18 MR. O'SHEA:

19 Q. Now, if we can turn to the photograph number 9. This is the
20 first close-up aerial photograph that we saw which actually shows the
21 physical configuration of the institute. Can you just help the Court
22 with this: On this photograph -- would north be straight up on that
23 photograph or would it be somewhere else?

24 A. As I remember, but it will be very easy to check on the previous
25 photo, the north is -- the institute is positioned south-east, so the

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1 north-west is -- the north will be behind the school, and that's my
2 understanding.

3 Q. So rough --

4 A. But we can check that on previous photo, yeah.

5 Q. So roughly speaking, the area that we see behind the school goes
6 in the direction of north; is that correct?

7 A. No. It's going direction of -- just a sec. I need to orient
8 myself in the space. It's not my homeland. So the wind -- I'm going
9 like this. So the north is down, the west is up. So this -- my
10 recollection, but again it can be checked on the previous photo, that the
11 drone is positioned on the north side going to the west side. Or
12 opposite.

13 PRESIDING JUDGE COTTE: (Interpretation) Would it not be simpler
14 to go back to the previous picture for the witness to have a better
15 opinion? So if Mr. O'Shea is agreed and he wants to have a more precise
16 answer, if there is that possibility, Mr. Prosecutor, for you to show the
17 witness one of the photographs with the directions.

18 THE WITNESS: No. Just go to satellite image, please. Or here.
19 Yeah. From west -- sorry for my mistake. Exactly what I was thinking,
20 but I just expressed myself completely wrong. North is behind the
21 school. South is in front of the school. West is on the left side of
22 the school, and east is on the right side of the school.

23 MR. O'SHEA:

24 Q. Yes. Thank you. So if we could go back to this -- the first --
25 number 9. Right. So the road that we see behind the school there

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1 that's -- that's curving around, is that the road that goes to Bunia?

2 A. That's road that we arrived from Bunia.

3 Q. Right. And you -- if we could go to the photo before number 9.

4 So the road that goes upwards again on this photo, is the road to
5 Bunia, which you said in your chief.

6 A. Yes. That's the road that we arrived from Bunia.

7 Q. And then we see the institute to the left side, inside that
8 square, and to the right side there is what appears to be a roundabout;
9 is that correct?

10 A. That is correct.

11 Q. Yeah. Is it within your knowledge in which direction the other
12 two branches that are going down towards the west -- sorry, down towards
13 the east on this photograph, south-east, is it within your knowledge in
14 which direction these two roads go?

15 A. No, it's not.

16 Q. All right. And on this photo again, are you in a position to
17 indicate to the Court where Mount Lagura would be located?

18 A. I don't know.

19 Q. Have you heard of the Diguna mission?

20 A. No.

21 Q. All right.

22 Could we go back to photo number 9. And if we can press on the
23 question mark. Sorry.

24 In the right-hand corner there are one, two, three, four circles
25 which you said was the position of the drones. If we can take the fourth

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1 circle in towards the middle of that series, yes, and click on that.

2 What does that represent?

3 A. As I already told, my recollection is that that is the road to
4 Bunia from position of the roundabout.

5 Q. Thank you. If we can go back to number 9 again. I understand we
6 have to keep going back to go forward.

7 If we can -- is -- are any of these circles a 360 panorama?

8 A. Unfortunately, they are not.

9 Q. Okay. Do you -- it's perfectly all right if you don't know the
10 answers to these questions. It's just that we were told that you knew
11 something about the geography of the place.

12 Do you know any of the rivers that surround the village of
13 Bogoro?

14 A. Absolutely not.

15 Q. No. Okay. And of -- of these little circles that you've
16 indicated, the triple circles, are there -- are there any that show
17 280-degrees panorama?

18 A. My recollection is the middle one, on the football field, is not
19 full 360.

20 Q. Does it go beyond the building? Does it show the surroundings?

21 A. It shows the left and right side of the building and the whole
22 building together with the doors.

23 Q. Okay. Could we have a look at that one, please.

24 Okay. It just shows the building.

25 Do we have one that will show us the landscape around the

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1 building?

2 A. All four corners are 360, so they will show whatever is in vision
3 of the camera.

4 Q. Okay. Can we then go back to number 9. Can we try the one in
5 the corner, again on the football field but on the corner of the football
6 field, on the right. Can we turn that around and see how far it goes?
7 Okay.

8 Okay. That looks like 360 degrees.

9 A. That is definitely 360 degrees.

10 Q. Okay. So if we can -- if we can just turn slowly back to the
11 Waka Mountain -- or forward to the Waka Mountain. Keep going a bit
12 further. A bit further. Okay, stop.

13 All right. If we take the area between the tree and the
14 Waka Mountain, on your visit to Bogoro, what were you able to observe in
15 that direction, if anything?

16 A. I don't have any specific recollection of that area --

17 Q. Okay.

18 A. -- except that, as I told before, there is that depression, like
19 valley, and that's all what I know.

20 Q. All right. If we can keep going another 20 degrees, say. And
21 stop.

22 Your comment on what we find if we walk in this direction.

23 A. I honestly don't know.

24 Q. Okay. Another 30 degrees. Can we move another 30 degrees? A
25 bit more. Bit more. Okay, stop.

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1 By looking at this photograph, are you in a position to indicate
2 where we would find the roundabout and the two roads we saw?

3 A. Yes, I can. As you can see on left side, there is a small wooden
4 structure that looks like a cottage or --

5 Q. Yeah.

6 A. -- area that's surrounded by a fence. Find that, more on the
7 left, is roundabout. Just a little bit more on the left.

8 Q. Okay. And the photographs which were taken to form this
9 panoramic view were taken in March of last year, were they?

10 A. They are, and especially this one was taken on 28th of March last
11 year.

12 Q. Right.

13 MR. O'SHEA: Mr. President, if I could have just one moment,
14 please. Thank you.

15 PRESIDING JUDGE COTTE: (Interpretation) Yes, of course,
16 Mr. O'Shea.

17 (Defence counsel confer)

18 MR. O'SHEA: Sir, thank you very much for your assistance.

19 Thank you, Mr. President and your Honours.

20 PRESIDING JUDGE COTTE: (Interpretation) The Trial Chamber would
21 like to thank you, Mr. O'Shea. And we thank the Prosecution for helping
22 with the presentation of the photographs.

23 Maitre Fofe, you have the floor.

24 MR. FOFE: (Interpretation) Thank you very much, your Honour.

25 Your Honour, Honourable Judges, we have no questions for this witness.

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1 Thank you very much.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
3 Professor Fofe.

4 Would the Prosecution like to -- I apologise. The professor has
5 said that he does not intend to put any questions to the witness. Do
6 you, for your part, have the intention of putting any new questions to
7 the witness, in the light of the questions put to him by Mr. O'Shea?

8 MR. DUTERTRE: (Interpretation) I have two brief questions, your
9 Honour.

10 Questioned by Mr. Dutertre:

11 Q. (Interpretation) Mr. Lesic, when Mr. O'Shea spoke about the
12 limits of the crime scene, your answer had to do with the limits of the
13 perimeter for the mission in 2009. It didn't have to do with the
14 knowledge of events in 2003; is that correct?

15 A. Yeah, that is absolutely correct. It was only parameters of the
16 mission, and my goal was to fulfil the certain task from the mission, so
17 I was limited to that area.

18 Q. And now for my second and final question. Immediately before
19 this part of the image that we can see on the screen we were a little
20 more to the right, and you said that you didn't know what was located
21 there behind that terrain. That's -- that's because for security reasons
22 you had no access to that area. Isn't that correct?

23 A. (Previous translation continues) ...

24 MR. DUTERTRE: (Interpretation) Your Honour, thank you very
25 much. I have no further questions for the witness.

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1 PRESIDING JUDGE COTTE: (Interpretation) After the first
2 examination of the Prosecution, I didn't turn to the Legal
3 Representatives. Would you have had any questions to put to the witness?
4 And naturally, the Defence will have the last word.

5 MR. GILISSEN: (Interpretation) Yes, your Honours, there is a
6 comment I would like to make, and I'm addressing the Court more than the
7 witness -- the Chamber more than the witness, for reasons that you can
8 imagine. I won't conceal the fact that we were surprised by the
9 interpretation of the trenches that we see in some of the photographs,
10 these famous trenches. With regard to other witnesses, trenches were
11 mentioned where fighters could circulate. I had the impression that
12 these trenches were part of the scientific mission.

13 I would simply like to be sure that I'm not mistaken. The
14 trenches that we see in the photograph are the trenches that were dug
15 when the scientific mission was there or are these former military
16 trenches that were put to new use? I don't think there are any malicious
17 intentions behind my question. If so, I'm not aware of them. That's all
18 I have. Thank you.

19 PRESIDING JUDGE COTTE: (Interpretation) I don't think the
20 witness is in a position to answer this question that would lead us to
21 other questions.

22 Could the Prosecution provide us with an answer to the question
23 put by Mr. Gilissen, very briefly, so that any doubts are removed?

24 MR. DUTERTRE: (Interpretation) I'll just go back a little bit,
25 your Honour. I apologise. I don't believe that in the transcript the

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1 answer to my last question that has to do with the reasons for which
2 Mr. Lesic didn't know what there was in the field behind the certain
3 limits, I don't think this question was contained in the transcript. In
4 that case, it would perhaps be good for the witness to repeat his answer.

5 PRESIDING JUDGE COTTE: (Interpretation) Please put the question
6 to the witness again.

7 MR. DUTERTRE: (Interpretation)

8 Q. Mr. Lesic --

9 JUDGE DIARRA: (Interpretation) Mr. President, the transcript
10 says that he couldn't take the question -- couldn't record the question
11 put by Mr. Gilissen because he was speaking too fast. That's what the
12 transcript says. So we'll have to go back.

13 PRESIDING JUDGE COTTE: (Interpretation) Mr. Dutertre -- the
14 Prosecution will deal with his immediate problem, and then we will ask
15 Mr. Gilissen to repeat slowly the comment that he made.

16 MR. DUTERTRE: (Interpretation)

17 Q. Mr. Lesic, if we go back to the panorama image number 39, and if
18 we go in a clockwise direction and stop the image between these two palm
19 trees, could you tell us the following: The reason for which you didn't
20 know what was behind this area is that you had no access to that area for
21 security reasons. Isn't that correct?

22 A. That is correct.

23 Q. Thank you.

24 MR. DUTERTRE: (Interpretation) I'm not sure whether
25 Mr. Gilissen wants to deal with the matter himself.

1 PRESIDING JUDGE COTTE: (Interpretation) Maitre Gilissen will
2 make his comment again, and you will provide him with the answer that
3 seems useful, but please don't go beyond the scope of our debate to the
4 extent that it is possible.

5 MR. GILISSEN: (Interpretation) Thank you, your Honour. Perhaps
6 the Chamber could put the question to the witness and rephrase it if
7 necessary. The trenches that we can see in the photograph on the screen,
8 and there are other photographs where we can also see similar trenches,
9 are these trenches, trenches of a military nature? Is the witness in a
10 position to tell us whether these trenches are trenches that were
11 military trenches but were then updated, put to new use; or were they
12 trenches that were dug when this foreign expertise mission, this forensic
13 mission, went to the site, the mission that we referred to a minute ago?

14 Thank you, your Honours.

15 PRESIDING JUDGE COTTE: (Interpretation) The Chamber had the
16 impression that an answer was provided, but as the witness is here, can
17 the witness answer the question put by Mr. Gilissen?

18 THE WITNESS: (Interpretation) Your Honour, you are completely
19 right. The question was already before, and I answered that my knowledge
20 is that those trenches are probe trenches for the mission. Actually,
21 they are not been there before we arrived. When I was first time there
22 there was no trenches, and they are done later to probe the ground to see
23 is there any remains. So it's all done during the mission, those three
24 days of mission.

25 PRESIDING JUDGE COTTE: (Interpretation) Well, that clarifies

1 the matter. We'll leave it at that. Having had these exchanges, the
2 Defence has the floor again while the witness is with us.

3 Mr. O'Shea or Mr. David Hooper.

4 MR. O'SHEA: (Previous translation continues) ... to say, which
5 was thank you very much to Mr. Prosecutor for assisting with the
6 computer.

7 MR. DUTERTRE: (Interpretation) That's quite natural.

8 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofe.

9 MR. FOFE: (Interpretation) Your Honour, we have no questions.
10 Everything is quite clear.

11 PRESIDING JUDGE COTTE: (Interpretation) I therefore conclude,
12 Mr. Prosecutor, that at this point in time it is no longer necessary for
13 us to retain the witness, Mr. Lesic. We can therefore thank you,
14 Mr. Lesic. The Court would like to thank you for the information that
15 you have provided us with on the basis of the photographs that you took.
16 We thank you for the comments you made, for the answers you provided to
17 the questions put to you by the parties and by one of the Legal
18 Representatives. You may now withdraw.

19 (The witness withdrew)

20 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor,
21 Mr. MacDonald, do you have any additional information about the hearing
22 of Witness 250, because as far as we are concerned, at the moment we have
23 no additional information.

24 MR. MACDONALD: (Interpretation) Your Honour, unfortunately I
25 personally have no new information, because during the break I wasn't in

1 the position to meet with the unit. Some of my colleagues tried to meet
2 people from the unit, but it was necessary for me to be present. We'll
3 contact the unit once we have adjourned.

4 PRESIDING JUDGE COTTE: (Interpretation) We have two
5 possibilities. Either we will adjourn, you'll have contact with the unit
6 and then come back to the courtroom to inform the participants of our
7 schedule for tomorrow morning; or we can adjourn, establish contact with
8 the unit and then inform the parties by e-mail of what is to be done
9 tomorrow morning.

10 When I look at you, I believe that the second possibility, the
11 second option is the one that is most appreciated. If we resume tomorrow
12 at 9.00, as I hope we will do, I hope we will be seeing Witness 250, and
13 I hope that in the future we won't be facing such uncertainties the day
14 before a witness's hearing, because our schedule is a difficult one, and
15 the Chamber wants to bear this in mind.

16 Are there any comments anyone would like to make before we
17 adjourn? No? In that case, e-mails will be sent. Ms. Marianne Saracco
18 will probably inform you by e-mail, at the beginning of the morning or in
19 the afternoon, whether we'll be resuming tomorrow morning, whether the
20 schedule will be changed, or whether it's not until Thursday morning that
21 we will be resuming. I hope that's not the case.

22 We will now adjourn. I would like to thank everyone who has
23 assisted us, the technicians, the interpreters, the usher, and registrar.

24 We will now adjourn.

25 The hearing ends at 12.26 p.m.