

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 versus Germain Katanga and

7 Mathieu Ngudjolo Chui

8 Trial Hearing

9 Friday, 26 March 2010

10 The hearing starts at 9.06 a.m.

11 (Open session)

12 COURT USHER: All rise. The International Criminal Court is now
13 in session.

14 PRESIDING JUDGE COTTE: (Interpretation) Today's proceedings are
15 now underway. You may be seated.

16 Now, yes, the accused are with us today. We are in open session.

17 Now, first of all, the Chamber wishes to hand down two rulings.

18 The first one will be done in open session, the second will be in private
19 session, and then we'll have the witness come in.

20 Now, before issuing these rulings, the Chamber would like -- the
21 Chamber would like to draw your attention to the following point: It was
22 brought to our attention that confidential information was, from time to
23 time, forwarded to addresses that are not entirely secure, and thus we
24 remind all Defence teams and all case managers that confidential
25 information must be forwarded in the safest possible manner. If there

1 are any difficulties, be they technical or in terms of classification
2 levels, sending information to relatively secure e-mail addresses, please
3 remember that the Registry can provide advice in this regard.

4 First oral decision: Now, on the 10th of March, 2010, the
5 Prosecution tabled an application, application 1955, with a view to
6 admission of a written statement by Witness 373, and a number of
7 appendices to this written statement as evidence. In the application,
8 the OTP asked for authorisation to place the testimony of P-373 on the
9 record by way of a recording, that is to say, testimony that had been
10 recorded previously, basing itself on 68(b) of the regulations regarding
11 procedure and evidence. This means that the witness will appear, but the
12 OTP will not carry out examination-in-chief. Neither the Defence counsel
13 of Mr. Katanga nor the Legal Representatives see any difficulty with this
14 proposal. However, the Ngudjolo Defence team is opposed to this
15 application for a number of reasons, and the Chamber shall respond to
16 these concerns.

17 The Chamber reminds all that in paragraph 92 of ruling 1665,
18 which was issued on the 1st of December, 2010, the Chamber called
19 specifically for the possibility of presenting previously recorded
20 testimony. However, although it was pointed out in paragraph 92 that if
21 the previously recorded testimony makes reference to other items, those
22 other items must also be appended to the application. That does not
23 mean, however, that these other items can automatically be placed on the
24 record as evidentiary items.

25 Even if the Prosecution has requested that the written statement

1 by Witness P-373 and his -- and its appendices be placed on the record,
2 saying that the photographs cannot be separated from the statement, the
3 Chamber is of the view that it would not be prudent to place all the
4 photographs on the record as evidence. Thus the Chamber intends to ask
5 the OTP to present the photographs, the specific photographs, that they
6 intend to base their arguments on as elements of evidence, and this is
7 actually suggested in paragraph 16 of the application. In that manner,
8 the Defence will have an opportunity to cross-examine Witness P-373 in a
9 systematic fashion and challenge the authenticity or the relevance of the
10 photographs that the Prosecution will have chosen each time it deems it
11 necessary to do so.

12 It goes without saying that the Chamber will not assess in entire
13 independence the relevance and the probative value of the photographs
14 until after these matters have been dealt with during the hearing. The
15 principle of adversarial approach will be fully respected in response to
16 the criticism from the Defence that this previously recorded testimony is
17 in the form of a transcript rather than a verbatim transcript. The
18 Chamber points out that P-373 was not heard as a suspect, and
19 consequently, the provisions of Rule 111 of the regulations regarding
20 procedure and evidence apply in this case.

21 Furthermore, in other circumstances, the same Defence team
22 request in observations that were dated September 4, 2009, and reference
23 number 1453, production of a signed transcript instead of transcripts
24 presented by the Prosecution. The Chamber believes that the absence of
25 the transcription of the previously recorded testimony is not an obstacle

1 to application of 68(b). Furthermore, Rule 68(b) does not set a
2 prerequisite that the witness make official by way of a sworn statement
3 consent that he gives to application of this rule. The Chamber is
4 entitled to believe that before bringing in an application based on
5 paragraph 92 of the ruling of the 1st of December, 2009, the Prosecution
6 has assured itself with -- by verifying with the witness that he is not
7 opposed to the presentation of this prerecorded testimony. The witness
8 will confirm that point when appearing before the Chamber.

9 Finally, the Chamber specifies that the Defence should not be
10 concerned about not having enough time to cross-examine P-373. The
11 Chamber reminds that team that paragraph 10 of the decision 1665 of
12 December 1, 2009, clearly indicates that the 60 per cent rule is set
13 as -- for information purposes and the Defence is free to allocate more
14 time to one witness than to another, depending on the importance that
15 this witness represents for that team. The Chamber will grant the
16 Defence all necessary time to properly cross-examine Witness P-373.

17 Madam Court Officer, we are going to go into private session so
18 that the Chamber --

19 MR. MACDONALD: (Interpretation) Before we do that, your Honour,
20 regarding the ruling you just issued, this is a matter of the agenda, as
21 we sent by e-mail to everyone, that Witness 373, for the reasons that
22 were set out, is available and can testify only on Wednesday. I just
23 wanted to provide that reminder. After Witness 159, we will be going on
24 to 419, and then only after that, 373 will be able to testify only on
25 Wednesday.

1 It is possible, and we apologise to the Chamber, there may be
2 some hours of hearings that will not be used. It is a possibility.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you, sir, for
4 that piece of information. You are quite right to make that point at
5 this juncture. 373 is coming on Wednesday, and for that witness we'll
6 have all the time for Wednesday, four hours on Wednesday, as well as
7 Thursday, also four hours. So that should lead you, indeed, as you were
8 saying in paragraph 16 of your application, to -- you'll be in a position
9 to choose amongst the various photographs in the application. You'll be
10 able to choose the most appropriate photographs that -- which may in turn
11 be contested by either Defence team.

12 We hope that, insofar as possible, the testimony of 373 can be
13 concluded Thursday, and we will not have to call him back 15 days later.

14 MR. MACDONALD: (Interpretation) I wish to reassure the Chamber
15 if -- if that were the case, it would be much easier to call back 373.

16 PRESIDING JUDGE COTTE: (Interpretation) Than any other witness.

17 MR. MACDONALD: (Interpretation) There you have it --

18 THE INTERPRETER: Overlapping voices.

19 PRESIDING JUDGE COTTE: (Interpretation) We agree that this
20 witness will be testifying on forensic matters and particularly wounds
21 suffered.

22 MR. MACDONALD: (Interpretation) Yes, indeed. And on another
23 matter that was mentioned in our application. He will also make
24 reference to his presence in the year 2007 in the field in Bogoro as well
25 as a number of photographs and videos that were recorded at that time in

1 a succinct manner, and also he will be speaking to his presence in the
2 year 2009, also in the field in Bogoro, to make comments regarding a
3 photograph. So we expect, we, the Prosecution, and I informed my learned
4 friends, we are looking at about one hour or one hour and 15 minutes of
5 examination-in-chief.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you for that
7 additional information regarding our scheduling.

8 Madam Court Officer, we will go into private session for a
9 moment -- yes, Mr. O'Shea.

10 MR. O'SHEA: Mr. President, your Honours, just in -- following up
11 from what my learned friend Mr. MacDonald has just referred to with
12 regard to Witness 418, I just want to make it clear what our
13 understanding is from the side of the Defence, because we received a
14 summary of what Witness 418 was going to talk about, the topics that he
15 was going to talk about, and they were divided into three categories.
16 The first category is the category which your Honour has indicated, which
17 is the medical condition of three other witnesses who are going to
18 testify before this Court, and so we're clearly on notice with respect to
19 that and we're prepared for it.

20 I'm also aware that there are certain photos which the
21 Prosecution has drawn to our attention they intend to put in front of
22 Witness 418. My understanding, and I want it to be clear what my
23 understanding is, my understanding is that the reason for that is that he
24 is the one who took those photographs. It is also my understanding that
25 the Prosecution will not go into areas which form the basis of expert

1 reports which this Chamber did not permit into the dossier.

2 I just want the Prosecution to be absolutely clear that that's
3 our understanding of how we're going to proceed so that there's no
4 confusion in the matter.

5 MR. MACDONALD: (Interpretation) With leave, I can reassure my
6 learned friend on this point. The instructions or the decision of the
7 Chamber was extremely clear, so at this particular stage there is no
8 question of examining 418 on the scientific mission or the results of the
9 expertise that the Chamber has not admitted or allowed the Prosecution to
10 add to its list of prosecutorial evidence or items.

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, I think you
12 also did well to speak. The Chamber was well aware of that decision, the
13 two decisions, one on the Bogoro Institute, the other having to do with
14 appeal. The forensic investigation in March 2009 is the matter that led
15 you to rise, to speak, and we do certainly have that in mind, and it
16 would appear the Prosecution does have that in mind as well. So the
17 Chamber does not foresee any particular difficulty once 418 arrives.

18 We will go into private session, and I will quickly read the
19 second oral ruling.

20 Second oral decision, Mr. Gilissen, Mr. Luvengika, this may lead
21 you to having the same questions as the questions you had the other day,
22 but I think you'll realise that the Chamber does not want to ask you to
23 leave the courtroom just because we are reading an oral ruling that does
24 not concern you directly.

25 Court Officer, if we could go into private session.

1 (Private session at 9.22 a.m.)
2 (Expunged)
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Ruling (Private Session)

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Page 9 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Closed Session)
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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Closed session at 9.28 a.m.)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Open session at 9.32 a.m.)

17 COURT OFFICER: (Interpretation) We are in open session, your
18 Honour.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
20 Court Officer.

21 Good morning, Witness.

22 THE WITNESS: (Interpretation) Good morning, your Honour.

23 PRESIDING JUDGE COTTE: (Interpretation) I hope you are well,
24 and I hope your microphone is working and your headphones are working
25 well. Everything should be working well.

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 THE WITNESS: (Interpretation) Yes.

2 PRESIDING JUDGE COTTE: (Interpretation) It's perfect.

3 Counsel Hooper is going to continue this morning with his
4 cross-examination. I will give him the floor straight away.

5 Counsel Hooper, you have the floor.

6 MR. HOOPER: Thank you very much, Mr. President.

7 Questioned by Mr. Hooper: (Continued)

8 Q. Good morning, Mr. Witness.

9 A. Good morning, Counsel Hooper.

10 Q. Mr. Witness, it's sometimes a problem, and yesterday you were
11 good enough to draw for us on -- with the electronic pencil, the position
12 of the Bayo valley on that sketch, but I'm afraid both of those efforts
13 of yours, I'm afraid, have been lost electronically, so we don't have the
14 document. So I've been asked by the Registry to ask you if you would be
15 good enough to draw that in yet again, and we hope this time that it will
16 stay with us, as it were, it will be electronically recorded.

17 Now there, in fact, might be -- there is a hard copy, but may I
18 say, as this might not prove third time lucky with the electronic pencil,
19 can I invite you instead, Mr. Witness, to just draw it for us on the --
20 on the hard copy this time. Let's not risk the technology and waste
21 time. So you're going to be presented with a sketch that we're all
22 familiar with. If you can just draw on that and then we'll see where it
23 is on the overhead camera. Thank you.

24 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, did you
25 want to say something? No. Okay.

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 Counsel Hooper, we are going to -- every time we can, we're going
2 to go back to the old formula of a pen and paper. Once the witness has
3 noted on that and that's presented on the overhead projector, then at
4 least today we will try to keep to often avoid this technical progress
5 which often proves to be defective.

6 MR. HOOPER:

7 Q. And so are we in a position to invite you, Mr. Witness, please,
8 to draw in, as you did yesterday very kindly - I'm sorry to trouble you
9 with this yet again - the -- the valley of the Bayo. Indicate that on
10 the sketch, please. You can draw it in. Have you got a pen? You've got
11 a red pen there. Can you draw it in on the sketch? This isn't a trick,
12 Mr. Witness, it's just that when you did it yesterday, you did it on the
13 electronic screen and it's disappeared. It doesn't exist anymore. So
14 I'm having to ask you -- or rather, the Registry is having to ask you
15 to do it again so that we've got a record -- sorry, I didn't have my
16 microphone on. Can I ask you to draw in again the valley of the Bayo on
17 that -- on that sketch. Thank you very much, and sorry to trouble you to
18 do it again.

19 A. (Marks)

20 MR. HOOPER: Right. So that's now being put on the overhead
21 projector, and to see it what do we need to press?

22 COURT OFFICER: Please press the button "Docu Cam Witness."

23 MR. HOOPER: It's a public document, I should say.

24 COURT OFFICER: Thank you.

25 PRESIDING JUDGE COTTE: (Interpretation) Can everybody see the

Witness: Witness P-0159 (Resumed) (Open Session)
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1 document well on your screen? The accused, can you see the document well
2 on your screen, Mr. Katanga, Mr. Ngudjolo? Good. Now, the Legal
3 Representatives of Victims? Yes? Good.

4 Counsel Hooper, you have the floor.

5 MR. HOOPER:

6 Q. And I see there's also an X on Mount Waka. Could you tell us
7 what X on Mount Waka represents, please.

8 A. You said that you lost what I wrote yesterday, and the X
9 represents my hiding place. This is the place where I was in Mount Waka,
10 given that you said that you lost what I wrote yesterday. So I wanted to
11 do both so that we don't go backwards.

12 Q. All right. Thank you very much. Very well.

13 MR. HOOPER: We can perhaps come to EVD numbers in respect to
14 these documents at a later point. Can I ask, please, that we have a
15 photograph called up --

16 PRESIDING JUDGE COTTE: (Interpretation) Don't you think that it
17 would be preferable, Counsel Hooper, to solve this problem of the numbers
18 now, because we've already got a satellite photo. We've got the sketch
19 plan which yesterday you had the hiding place. We've got the sketch this
20 morning where you have the river and once again the hiding place. So
21 perhaps we could have just dealt with this question immediately and give
22 EVD numbers to these three documents.

23 MR. HOOPER: (Microphone not activated) ... and so can we start
24 with the first, I suppose, that -- in time, which would have been the
25 satellite photograph. This is a public document.

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1 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

2 COURT OFFICER: (Interpretation) This first document, the
3 satellite photo, is in the file EVD-D02-00019.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

5 MR. HOOPER: The next document, if it still exists with us, I
6 think, is the first cross on -- on Mount Waka that we saw yesterday.
7 That, too, is a public document.

8 COURT OFFICER: (Interpretation) Thank you, Counsel Hooper. The
9 second document taken yesterday on the smart board will have the number
10 EVD-D02-00020.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you. We just
12 have the third one, the document of this morning.

13 COURT OFFICER: (Interpretation) The document which the witness
14 wrote on this morning is tendered into evidence with the number
15 EVD-D02-00021, with my thanks.

16 PRESIDING JUDGE COTTE: (Interpretation) Perfect.
17 Counsel Hooper, please proceed.

18 MR. HOOPER: Can I call for a photograph, a public photograph, as
19 it were, to be called up, which is DRC-OTP-1012-0014.

20 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

21 COURT OFFICER: (Interpretation) Counsel Hooper, please could
22 you repeat the number.

23 MR. HOOPER: (Microphone not activated) ... 1012-00 -- start
24 again. DRC-OTP --

25 PRESIDING JUDGE COTTE: (Interpretation) Can you hear me on the

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1 other end? The interpreters? Yes. Perhaps there was a problem with
2 Counsel Hooper's microphone.

3 MR. HOOPER: DRC-OTP-1012-0014. Is there a difficulty with this?
4 Oh, it's the microphone. This doesn't work. Is that working?

5 PRESIDING JUDGE COTTE: (Interpretation) Are the interpreters
6 satisfied? Yes. Okay. You will tell us if there are any difficulties.
7 Counsel Hooper, please continue.

8 MR. HOOPER: Very well. Do we have the photograph up on our
9 screens, and if so, which screen do we look at, please?

10 COURT OFFICER: (Interpretation) In order to see the document,
11 you have to use the button called "PC 1."

12 MR. HOOPER: (Microphone not activated) ... I'm going to provide
13 you with a paper copy of the photograph, Mr. Witness, and I could -- you
14 can see what we're looking at. We're looking at a view. This was a
15 photograph taken in March 2007, so we must disregard the vegetation, the
16 grass that we can see growing there. It wouldn't reflect the position in
17 2003, one would think. So -- but I'm showing you this photograph because
18 it shows a view in the distance of Waka hill. And what I'd like you to
19 do with the help of that photograph, if you can and if the photograph
20 helps you, is mark on it the approximate spot where your second hiding
21 place was.

22 COURT OFFICER: (Interpretation) Once again, to see the document
23 marked by the witness, you have to press the button "Docu Cam Witness."

24 MR. HOOPER: Thank you very much.

25 THE WITNESS: (Marks)

Witness: Witness P-0159 (Resumed) (Open Session)
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1 MR. HOOPER: And can that be given an EVD number, please, which I
2 think will be number 22.

3 COURT OFFICER: (Interpretation) Is this document also public?

4 MR. HOOPER: It's public again. Thank you very much.

5 COURT OFFICER: (Interpretation) Will have the number
6 EVD-D02-00022.

7 MR. HOOPER: Thank you very much.

8 Q. And thank you, Mr. Witness, for your assistance with that. We've
9 now completed that -- that task. Thank you.

10 Now, returning to the -- the first hiding place which you've
11 indicated variously on our sketch map and also on the satellite picture,
12 and between the sketch map you indicated and your statement to the
13 Prosecutors in 2006 where you'd stated your first hiding place or the
14 hiding place was 500 metres away from the camp, we could see yesterday
15 that you marked a spot closer to the camp on your -- on the satellite
16 photograph, and my understanding is that your evidence is that it was
17 about 50 metres from the camp.

18 Is that right, that that first hiding place was 50 metres from
19 the camp, approximately?

20 A. The first time I was 50 metres away. The second time I went up
21 onto Waka hill, where I put a cross, and that's where I hid. In this
22 place we -- people took out stones. There was a hole, there was
23 vegetation, and that's where I was. From that place where I put a mark,
24 I could see everything clearly. And if there's another photo that you
25 have available to you, you can show it to me and I can indicate the two

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1 hiding places to you such that you can understand where I was at that
2 time.

3 Q. Yes. Well, I think that's an exercise we've -- we've hopefully
4 concluded, but let me -- let me just ask you this or confirm this: The
5 first hiding place that you've indicated, you were there from
6 approximately 5.00 in the morning or shortly afterwards until -- until
7 the camp -- in fact, the people fled the camp, which you thought was
8 about half past 8.00. So for three or three and a half hours you would
9 have been in that first hiding place; is that right?

10 A. That is correct.

11 Q. And while you were there, several other people came to join you,
12 or you noticed were nearby. The first was (Expunged); is that right? He
13 was -- as it got lighter and you saw him nearby. Is that right?

14 A. Yes, that's correct.

15 Q. Is it right that (Expunged) was a UPC soldier?

16 A. I haven't understood the question.

17 Q. Is it right that he was a UPC soldier, (Expunged)?

18 A. No, I didn't say that (Expunged) was a UPC soldier.

19 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

20 MS. LUPING: Can we please go into private session,
21 Mr. President, for the questions -- the following questions regarding the
22 hiding place and who was with him.

23 MR. HOOPER: I oppose that on the basis that at all costs this
24 should be a public trial; and secondly, relating these names does not
25 really go to identify the witness for reasons which will -- which are

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1 pretty apparent, I would have thought, given what he said about that
2 witness earlier.

3 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor -- thank
4 you, Counsel Hooper.

5 Prosecutor, it would seem that until now, the exchanges and the
6 questions and answers relating to the hiding place have not given rise to
7 a private session or closed session. Why do you suddenly want us to go
8 into closed session, given the need to ensure the public nature of the
9 hearing, if Counsel Hooper ensures in his questions that he does not
10 provoke answers which would give names that would identify the witness?
11 Here we're talking about issues of place, of time, so the possibilities
12 of seeing or not seeing, of hearing or not hearing. Please would you
13 tell us what are the grounds for your request.

14 MS. LUPING: Mr. President, I'm specifically referring to names
15 of individuals who were together with the witness in the hiding place.
16 All this information was previously provided in private session, and we
17 would submit that this information, names of specific individuals who
18 were together with the witness, could potentially identify him. And it's
19 on that basis that we're requesting that this following -- the following
20 questions and responses be discussed in private session.

21 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, if
22 effectively your questions do go into names which could give rise to the
23 witness giving other names which could make his identification possible,
24 you have to be attentive to that. If your questions do not give rise to
25 or might not give rise to identifying names, you can continue in open

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1 session. How do you envisage the following part of your
2 cross-examination? If names have to be given, we'll go into private
3 session, but, however, if there's no reason to give names, then we will
4 stay in open session.

5 MR. HOOPER: Well, can I just say I'll be alert to that
6 situation, and if by my next question, for example, I feel it's necessary
7 I'll immediately ask to go into -- (Microphone not activated) ... I'll
8 start again.

9 My concern is that we are 90 per cent of the time in closed
10 session, as the Court knows. Let me ask the next question. It might, in
11 fact, remedy the dilemma, with your leave, Mr. President.

12 PRESIDING JUDGE COTTE: (Interpretation) No, Prosecutor? Okay.
13 You're going to ask the next question, which might resolve the problem.
14 Don't say that we're 90 per cent in closed session, though. We all try
15 and ensure that the public nature of the proceedings is respected as far
16 as possible. Sometimes we might forget, but it's certainly not a
17 percentage of 90.

18 So, Counsel Hooper, you continue. You are going to be alert to
19 these issues, and just remember that we cannot order the -- we cannot
20 order the Court Officer to have to make more than four redactions per
21 hour. So we all have to do what we need to do. Our objective is, as you
22 all know, to ensure the protection and safety and security of this
23 witness just as it is for others. Please continue.

24 MR. HOOPER:

25 Q. I suggest that man was a UPC soldier. Do you agree?

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1 A. In my testimony, and in my answers, I didn't say that the person
2 who was hiding with me was a soldier of the UPC.

3 Q. I appreciate that, but I'm asking you the question. Is it right
4 to say that he was a UPC soldier?

5 A. What person are you talking about who would make such a request?

6 Q. It was the man we've been talking about for the last few
7 questions, the man who you noticed was near your hiding place or at your
8 hiding place as it grew lighter.

9 A. No. The person who was hiding near me, I wouldn't say that he
10 was a UPC soldier. When he was there, I realised that he was a civilian,
11 and I have never stated that the person next to me was a soldier and that
12 he was carrying a weapon.

13 Q. Do you know where he is today?

14 A. (Expunged) is already dead. I do not know where the others are.

15 Q. So (Expunged) is dead. So he poses no problem of identification.

16 MS. LUPING: Mr. President.

17 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

18 MS. LUPING: But we disagree. Whether this person is deceased or
19 not, there is an issue of identifying the witness because these are
20 individuals who were together with him, and simply by that fact this
21 information may identify him. Can we please go into private session.

22 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,
23 you have to order a redaction on the identity of the person that has just
24 been mentioned.

25 And, Mr. Hooper, please be alert to ensure that the witness is

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1 not required to mention names of people that might identify him,
2 otherwise, we will be compelled to go into private session. Please
3 proceed.

4 MR. HOOPER: I'm afraid we'll have to go into private session. I
5 lose too much time with these difficulties. So private session is safest
6 and most expeditious. So can we go into private session, please.

7 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,
8 let us go into private session. But everyone should bear in mind that if
9 we go into private session, it is because it is absolutely necessary not
10 to be in open session.

11 (Private session at 10.03 a.m.)

12 (Expunged)

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Witness: Witness P-0159 (Resumed) (Private Session)
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14 (Open session at 10.07 a.m.)

15 COURT OFFICER: (Interpretation) We are in open session, your
16 Honour.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
18 Court Officer.

19 To all the parties and participants, technicians, interpreters,
20 and court reporters, I have just been told that repairing the
21 microphones, which will make it possible for the interpreters to
22 understand us, because -- would involve taking out the planks under your
23 feet, so this means that you will have to leave the courtroom, and we
24 will therefore break briefly. It is 10.07 -- or 10.08, and we are going
25 to resume at 10.25. So it will be necessary for the witness to leave the

Witness: Witness P-0159 (Resumed) (Closed Session)
Procedural Matters

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1 courtroom.

2 We are sorry, Mr. Witness. We also address ourselves to the
3 public gallery. International justice functions with sophisticated
4 technology that sometimes betrays us.

5 So, Court Officer, we are going to go into closed session for the
6 witness to leave the courtroom. Then we come back to open session before
7 we suspend.

8 (Closed session at 10.08 a.m.)

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16 (Expunged)

17 (Open session at 10.09 a.m.)

18 COURT OFFICER: (Interpretation) We are in open session, your
19 Honour.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
21 Court Officer.

22 We will therefore wisely suspend until 10.30.

23 Mr. Hooper, we are really confused by the difficulties
24 interrupting your cross-examination, but we'll break right up to 10.30.

25 Recess taken at 10.11 a.m.

Witness: Witness P-0159 (Resumed) (Closed Session)
Procedural Matters

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1 On resuming at 10.50 a.m.

2 (Closed session)

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11 (Open session at 10.51 a.m.)

12 COURT OFFICER: (Interpretation) We are in open session, your
13 Honour.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
15 Court Officer.

16 Ladies and gentlemen, parties, participants, in order to
17 streamline our joint activities as much as possible and in the hope that
18 in the next two hours we do not experience any new technical
19 difficulties, we have decided to sit for two hours now and not suspend at
20 11.00 as was originally scheduled. So we will sit from 10 till 11.00
21 until 10 till 1.00, since there is no possibility of going beyond that,
22 and then Monday next we will resume in the afternoon. So the Chamber
23 does hope that we'll have two hours for productive --

24 MR. MACDONALD: (Interpretation) Can we take it for -- can we
25 take it for granted that the familiarisation will be done for the next

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

Page 25

1 witness?

2 PRESIDING JUDGE COTTE: (Interpretation) Yes. Mr. Hooper,
3 judging by what he said yesterday, has at least two hours of
4 cross-examination, so, yes, we will be working for two hours, hoping that
5 we'll have good technical conditions, and I think we will be able -- we
6 will allow 418 to be free for today. We will not be needing him today.

7 MR. HOOPER: Yes. Thank you.

8 Q. Now, Mr. Witness, you've -- thank you very much for your
9 assistance. You've now indicated hiding place one and hiding place two,
10 and you've indicated also on the photograph hiding place two.

11 MR. HOOPER: And I think -- are the Registry satisfied that those
12 various references have been recorded despite the difficulties with the
13 microphone? Have the EVD numbers been appropriately assigned? I'll
14 assume unless I hear to the contrary that they have.

15 Q. So, Mr. Witness, just to come back, and I'm sorry to come back to
16 this, but in brief, you go to that first hiding place. You're there
17 until the people flee the camp. And while you're there, you are joined
18 by people.

19 Just before I come there, during the three and a half hours that
20 you were there in that hiding place, standing up, as you've told us, we
21 understand that there was a great fire-fight going on, the people in the
22 camp shooting out and the attackers, coming from all sides, attacking the
23 camp. Is that something you witnessed?

24 A. As I answered before, I saw everything from my hiding place.

25 Q. But weren't you, in fact, in standing up for these three and a

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

Page 26

1 half hours during such a massive attack, exposed to all the bullets that
2 were flying about?

3 A. Yes. They were shooting, but for the most part they were
4 shooting at the civilians. The enemy was shooting at the civilian
5 population, and the young people of the UPC did all they could to protect
6 the people. So I would say that the fighting really focused on the place
7 where the civilian population was located.

8 Q. Well, is that right, because wasn't the position this: that
9 there were several hundred UPC soldiers in that camp firing out at those
10 who were attacking them, and those who were attacking them were firing
11 into the camp, trying to take control of the camp? Wasn't that the
12 position for several hours?

13 A. What is your question exactly?

14 Q. Well, I suggest if what you say is correct and you were standing
15 up in the position you've indicated, you would have been exposed to a
16 great amount of crossfire between the attackers and the several hundred
17 UPC soldiers who were attempting to defend the camp.

18 A. I wasn't exposed to the bullets. From my hiding place I was not
19 exposed. If you want me to explain to you the events as they occurred,
20 how the enemy attacked, how I positioned myself, if you want me to give
21 you more information, I can do that.

22 In a nutshell, I would say the following: From my hiding place I
23 was not exposed.

24 Q. All right. Now, we'll need to go into closed session while I ask
25 you some questions regarding those who were with you at your hiding

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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1 place.

2 MR. HOOPER: So can we go into closed session, please, for, I
3 anticipate, about five to ten minutes.

4 I'm sorry, I think that momentary distraction -- can I go into
5 closed session, please, for five to ten minutes? Thank you.

6 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer, if
7 we could go into private session.

8 (Private session at 10.59 a.m.)

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Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 29 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 30 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 31 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 32 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 33 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 34 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 35 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 36 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 37 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 38 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 39 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 40 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 41 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 42 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 43 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 44 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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Page 45 expunged. Private Session.

Witness: Witness P-0159 (Resumed) (Private Session)
Questioned by Mr. Hooper (Continued)

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18 (Open session at 11.57 a.m.)

19 COURT OFFICER: (Interpretation) We are in open session, your
20 Honour.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Madam Court
22 Officer.

23 Mr. Hooper, please proceed.

24 MR. HOOPER:

25 Q. Now, at T-119, page 62, line 21, you're talking about Etienne.

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 And you say -- you're asked what he was doing, and you say:

2 "What I saw Etienne do is that he was carrying a weapon, and he
3 used that weapon to beat people personally. When he killed a soldier, he
4 was shooting. Well, aside from Byaruhanga, he shot another soldier."

5 So there you seem to be saying that Etienne had killed Byaruhanga
6 and another soldier. Is that right?

7 A. I did not say that Etienne killed Byaruhanga or Bataga. I saw
8 Etienne carrying a firearm. I do not know who killed Bataga and
9 Byaruhanga. I did not say the name of the person who killed Bataga and
10 Byaruhanga. I did not say that Etienne was the one who killed them.

11 Q. Can I just again read just a line here from paragraph 49 of your
12 statement where you say this, talking of those two UPC soldiers, Bataga
13 and Byaruhanga, you say this:

14 "They were in a trench around the camp when their position was
15 hit by a shell that killed them."

16 Have you any explanation for that difference?

17 A. You're asking me whether I saw Etienne carrying a weapon? You're
18 asking me if Etienne was the one who killed Bataga and Byaruhanga? If
19 I've understood your question properly, you want to know who want to know
20 who murdered the UPC soldiers. In my statement, I said that Bataga and
21 Byaruhanga --

22 Q. (Overlapping speakers) (Previous translation continues) ... to
23 put the question to you again because maybe there was a misunderstanding.
24 Let me read from your statement what you said about the death of those
25 two, Byaruhanga and Bataga. You said this, paragraph 49:

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 "They were in a trench around the camp when their position was
2 hit by a shell."

3 So there you're saying that they were killed by a shell and now
4 you're saying that you saw them shot. I'm merely asking you, is there's
5 a difference?

6 A. No, please. I don't think that I named the person who killed
7 Bataga. I didn't give details about that point. If you look at my
8 statement, you'll see that I said this: They were killed by a shell, but
9 I didn't give the name of the person who did it, the person who shot at
10 them, the person -- the person who launched the shell. But I know
11 Etienne did have an SMG, but I didn't give the name of the person who
12 carried out the crime, the person who killed Bataga.

13 Q. After your witnessing of your mother's death, did you then try to
14 get closer to the camp from your first hiding place?

15 A. After my mother's death, I made no effort to move closer toward
16 the camp.

17 Q. All right. While you were in your hiding place, you've told us
18 how you observed Ngudjolo and then Etienne and then Rene. I don't want
19 to go into that again other than to ask you this: From your position
20 outside the camp to the point that you've indicated they were, which was
21 by some stairs leading into the camp on the roundabout side of the camp,
22 was your view at all obstructed by, for example, straw huts, the living
23 huts of the UPC soldiers, for example?

24 MS. LUPING: Mr. President. Just a point of clarification to
25 avoid confusing the witness. In his prior testimony, he indicated that

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 he saw Ngudjolo at the entrance of the camp, by the stairs. He did not
2 mention, or perhaps I can be corrected by my learned friend, he did not
3 mention that the -- Etienne and Rene were located by the entrance by
4 those stairs.

5 MR. HOOPER:

6 Q. Was your view at all obstructed by the straw huts that were in
7 the camp?

8 A. I gave you details about the people I saw and recognised. There
9 were no obstructions.

10 Q. Well, what about the straw huts where all the UPC soldiers lived?
11 What about those?

12 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

13 MS. LUPING: Mr. President, I believe the question has already
14 been put to the witness, and he has already clearly responded.

15 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, indeed.
16 The question -- you've just asked that question. You've had an answer.
17 Please move on, and we will for the go back to the point about the straw
18 huts. He has replied by saying that there were no obstructions, so I
19 think he has dealt with this issue of straw huts or Manyata, the other
20 term that was used when he was giving testimony. Or you could speak
21 of --

22 THE WITNESS: (Interpretation) When we talk about Manyata, that
23 designates these huts. It's a term the Ugandans created when they
24 arrived.

25 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, please

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 proceed.

2 MR. HOOPER:

3 Q. All right. You can't help us at all as to how long after your
4 mother was killed you were there at the first hiding place? Can you help
5 us at all as to that?

6 MS. LUPING: Mr. President, this precise question was already put
7 to the witness, and he already responded previously.

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, yes,
9 indeed. Ever since the beginning of the hearing there have been several
10 questions from you to get from the witness additional information about
11 time, additional questions. I think you can move on to another question.

12 MR. HOOPER: All right.

13 Q. So you claim that you saw Ngudjolo and then Etienne and then
14 Rene. At what point do you claim you saw Germain Katanga?

15 A. Thank you for your question. I started by detailing the people
16 whom I saw at the beginning. When I found myself in my second hiding
17 place and I saw Germain Katanga, it was below Mount Waka, at that place
18 that I showed with an X on a sketch. I don't know whether he was leading
19 an operation, but I saw him there. Given that I had already seen him in
20 Bunia, at that point I saw him giving orders, saying that the vehicles in
21 the camp should be used for transporting goods that would be taken to
22 Gety.

23 Q. I see. You said this at T-119, page 22, your first reference to
24 Germain Katanga, you said:

25 "When the camp fell, that is, when the attackers captured the

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 camp and Bogoro had fallen, I was able to observe that camp from my
2 hiding place. I was able to see what was happening there, and amongst
3 the people I saw there was Mr. Ngudjolo. The second one was Mr. Etienne.
4 This was someone who was living in Bogoro. Sometime later I saw his
5 colleague, Germain Katanga. They all arrived the camp, and they started
6 congratulating the children who were there. It was at this time that the
7 enemies started penetrating into the camp, and they continued carrying on
8 their activities."

9 Later you say -- you're asked what time roughly this was, and you
10 say -- what time the attackers captured the camp and you said:

11 "I didn't have a watch with me ... but I can estimate it was
12 8.30 -- between 8.30 and 9 or -- that it was 8.30 a.m. and 9.00 a.m."

13 Is that right? Now you seem to be giving a different account of
14 your view of Germain Katanga.

15 A. Here is my answer to your question: I'm not afraid of giving
16 testimony before this Court. That's the first thing.

17 Secondly, I'm not here to make things up, to say -- to say the
18 facts.

19 For the first time I saw Katanga it was in Bunia. The second
20 time it was the last attack in Bogoro, from my second hiding place on
21 Mount Waka. When I saw him, Etienne was there. Mr. Ngudjolo, as well,
22 was there.

23 In my second hiding place on the hill, as I said earlier -- all
24 these events are running through my mind. I can see them. When they
25 took the camp. They had taken control of the camp. That means Etienne,

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 Ngudjolo, and Mr. Germain. They started to congratulate the people on
2 the work that had been done in Bogoro. I saw them from my second hiding
3 place on the hill.

4 From there, from this hill, or mountain, I was able to see
5 everything that was going on in the camp clearly. Everything that
6 happened in Bogoro could be seen from the place where I was.

7 Q. And was (Expunged) still with you now on the top the Mount Waka
8 at your second hiding place?

9 A. No. At my first hiding place, when the shooting was growing
10 stronger, I didn't realise when the other people beside me had fled, but
11 I must say that Mount Waka, when I was there, I was alone. It was all
12 morning. From 9.00 in the morning until 3.00 in the afternoon. From
13 there I left the place I was to go to the valley behind Waka to await
14 nightfall before I was to head towards Bunia.

15 Q. I understood you went to Bunia with (Expunged), didn't you, you
16 told us?

17 MS. LUPING: Mr. President.

18 MR. HOOPER: Who's dead and who can't possibly identify this
19 witness.

20 MS. LUPING: We've been over this before. It's not an issue of
21 whether the person is deceased or not. It's a question of who was
22 together with this witness. And if these questions are going to
23 continue, we will need to go into private session because this will
24 identify the witness. And a reminder, there are only four redactions
25 every half an hour.

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 MR. HOOPER: Well, I -- I --

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.

3 You're right to remind us of that and the need to be attentive.

4 Mr. Hooper, now, with regard to this person, we have gone into
5 private session several times. If you want to continue asking questions
6 about this person, that would mean we would have to go back into private
7 session. Do you think that would be the best course of action?

8 MR. HOOPER: Well, presumably now there will be a redaction of
9 that name, and I won't refer to the name, merely that person. The
10 witness will know who we're talking about, I hope.

11 Q. Mr. Witness, I understood you to say that you had walked to Bunia
12 with that person, hadn't you?

13 PRESIDING JUDGE COTTE: (Interpretation) Do not give the name of
14 the person. I think you've realised, you're following this very closely,
15 and I think you know who we're talking about, so please answer
16 Mr. Hooper's question but without giving the name of the person. We are
17 in open session. Please -- I beg your pardon, Madam Prosecutor.

18 MS. LUPING: I'm sorry to interrupt, Mr. President. It's just if
19 Mr. Hooper could please indicate exactly where the witness has stated in
20 his prior testimony that this individual walked together with him to
21 Bunia.

22 MR. HOOPER: Well, I'll try and find the reference.

23 PRESIDING JUDGE COTTE: (Interpretation) That's understood.
24 Thank you for that. Now that would be better -- it would be better if
25 you could provide that information before the question is asked. So if

Witness: Witness P-0159 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 you and your team could quickly search for that reference, that would --

2 MR. HOOPER: (Overlapping speakers) (Previous translation
3 continues) ... 15, line 1. 119, 15, line 1.

4 Q. So what do you say. Now --

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you. So the
6 question has been put again. The witness may be a bit lost after all
7 these remarks.

8 Now, Witness, please go ahead and be careful not to cite the
9 actual name of the person.

10 THE WITNESS: (Interpretation) I think that during my earlier
11 statement I didn't give the name of -- of a person who may have travelled
12 with me to Bunia. I don't remember giving the name of the person who may
13 have travelled with me to Bunia.

14 MR. HOOPER:

15 Q. All right. Well, did anyone travel with you to Bunia? You say
16 "may have." Did anyone travel with you to Bunia?

17 A. I think that there was a misunderstanding in my answer. All I
18 know is that I was alone. And my previous answer was clear regarding
19 that situation. I spent two days, not two weeks but two days, going to
20 Bunia. Not two weeks, two days.

21 Q. I think a couple of days ago you told us it was four days, didn't
22 you?

23 MS. LUPING: Objection, Mr. President.

24 PRESIDING JUDGE COTTE: (Interpretation) Yes, Ms. Luping.

25 MS. LUPING: (Overlapping speakers) (Previous translation

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1 continues) ... clearly stated in his prior testimony that it was two
2 days. He has not stated four days. In fact, the reference very kindly
3 provided by Mr. Hooper just previously also indicates that the witness
4 stated it was two days. And that's at T-119, page 15, line 3.

5 PRESIDING JUDGE COTTE: (Interpretation) We will remain with two
6 days, then, and Mr. Hooper, please proceed.

7 MR. HOOPER: All right. Let me come back with the reference
8 where the witness said he left on the 25th and he travelled the next day
9 and the day after that and the day after that and then got to Bunia, and
10 I'll find the reference for that.

11 We'll have to go into closed session, then, please.

12 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer, if
13 we could go into private session.

14 (Private session at 12.20 p.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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Witness: Witness P-0159 (Resumed) (Private Session)
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Witness: Witness P-0159 (Resumed) (Private Session)
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Witness: Witness P-0159 (Resumed) (Private Session)
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Witness: Witness P-0159 (Resumed) (Private Session)
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Witness: Witness P-0159 (Resumed) (Private Session)
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Page 64 expunged. Private Session.

1 (Expunged)

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7 (Expunged)

8 (Closed session at 12.46 p.m.)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Open session at 12.47 p.m.)

19 COURT OFFICER: (Interpretation) We are in open session, your
20 Honour.

21 PRESIDING JUDGE COTTE: (Interpretation) So we have one minute.

22 Counsel Hooper, subject to the intervention of the Prosecutor, do
23 you know how much time you have left for your cross-examination?

24 MR. HOOPER: I've got five minutes on one subject, if that, and
25 then there's the diary, which we've had photocopied, and that shouldn't

1 take me more than 15 minutes. And so all in all, 15 to 20 minutes.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you. But all
3 this is subject to the intervention that MacDonald will make at the start
4 of the hearing, because we will take that at the start of the hearing so
5 that things are clear. But, MacDonald, do you think that you need a long
6 time?

7 MR. MACDONALD: (Interpretation) No, your Honour. In light of
8 the subjects which are addressed by Counsel Hooper, the question is does
9 he intend to use these two photos that he sent to us yesterday. If not,
10 that's the end of the debate. And where it concerns my intervention on
11 the subject of Etienne, I think the witness gave the precisions that
12 there are two Etiennes, one in the camp and another who he could
13 identify. So for us the subject of Etienne is closed.

14 Where it is concerns the diary, there are representations that
15 are going to be made to you by e-mail but there is a significant problem
16 with the version in eCourt. It's not complete. There are missing pages,
17 and we have sent the pages that we have photocopied last week because
18 there are pages which we photocopied which don't appear, unfortunately,
19 in the version which has been scanned.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you. So we'll
21 have to follow the path of this diary and -- since its arrival in The
22 Hague.

23 Now, Counsel Hooper, where it concerns the two photos that were
24 just spoken about, do you intend to produce them on Monday, yes or no?

25 MR. HOOPER: (Previous translation continues) ... (overlapping

1 speakers) ... photographs, we'd say, of the father of this witness, and
2 the only reason we would have to show them would be in order to have him
3 identify them so that if that person became a witness in the future,
4 there would be no dispute about that person's identity. If the
5 Prosecution don't take the point, then -- or don't anticipate should that
6 matter arise in the future, then it's not necessary for me to show the
7 photograph. I don't want to -- that -- that's the position.

8 MR. MACDONALD: (Interpretation) We will come back on Monday.

9 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we will
10 now finish this hearing. We will be back on Monday at 2.00.

11 The session is now adjourned.

12 The hearing ends at 12.52 p.m.

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