

1 International Criminal Court

2 Trial Chamber I - Courtroom 1

3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio Benito

4 and Judge René Blattmann

5 Situation in the Democratic Republic of the Congo -

6 ICC-01/04-01/06

7 In the case of The Prosecutor v. Thomas Lubanga Dyilo

8 Wednesday, 24 May 2010

9 (The hearing recommences at 2.46 p.m. from Courtroom 2)

10 *(Closed session) Reclassified as open session

11 (In the absence of the accused)

12 THE COURT USHER: All rise. Please be seated.

13 PRESIDING JUDGE FULFORD: Witness, please.

14 (The witness enters the courtroom)

15 (The accused enters the courtroom)

16 PRESIDING JUDGE FULFORD: Public or private, Mr Biju-Duval?

17 MR BIJU-DUVAL: (Interpretation) Private session to begin,

18 your Honour.

19 *(Private session at 2.47 p.m.) Reclassified as open session

20 THE COURT OFFICER: We are in private session, Mr President.

21 PRESIDING JUDGE FULFORD: Good afternoon, sir.

22 THE WITNESS: Good afternoon.

23 PRESIDING JUDGE FULFORD: Yes, Mr Biju-Duval.

24 MR BIJU-DUVAL: (Interpretation)

25 Q. Mr Witness, I would like to continue talking about the

1 meeting you had with (Redacted) and (Redacted) in (Redacted) in
2 (Redacted). Did you ask them to take any clothes or money to your
3 family?

4 A. Could you please repeat your question? I did not fully
5 understand it.

6 Q. Very well. My question is the following: When you met
7 (Redacted) and (Redacted) in (Redacted) in the month of (Redacted),
8 did you ask them to take any clothes or money to your family in Bunia?

9 A. Yes. Well, let me say that I gave clothes to (Redacted),
10 clothes for my mother's brother, and I asked him to take the clothes
11 home. I also asked him to take money along; it was the sum of \$20.
12 I also gave him a photograph. I was in (Redacted) and at that moment
13 in time I had gotten a young girl pregnant and she gave birth to a
14 child, and I informed my parents of what had happened. My parents
15 did not agree with what had happened. So I sent a photograph, the
16 sum of \$20 and some clothes. Those are the items I sent to my parents.

17 Q. Who bought these clothes?

18 A. I bought the clothes myself.

19 Q. Did you, or were you receiving any money whilst you were
20 in (Redacted)

21 A. I was receiving money. This was money paid to me by the
22 office in (Redacted) for my food, and from that amount I deducted \$20
23 to send to my parents. I did not have any employment in (Redacted).
24 However, the office in (Redacted) used to pay me a certain sum of money.
25 So, as I said, I deducted \$20 from the money that was paid to me in

1 (Redacted) and I sent the money to my parents. I also used \$20 to
2 buy the clothes which I sent to my parents.

3 Q. Thank you. I would like to return to your relations with
4 (Redacted).

5 MR BIJU-DUVAL: (Interpretation) And for that I think we
6 could go into open session, your Honour.

7 PRESIDING JUDGE FULFORD: Thank you very much. Yes, public
8 session, please.

9 (Open session at 2.52 p.m.)

10 THE COURT OFFICER: We are in open session, Mr President.

11 PRESIDING JUDGE FULFORD: Thank you.

12 MR BIJU-DUVAL: (Interpretation)

13 Q. From the time you fled the UPC in Dele, could you tell us
14 approximately how much time elapsed before (Redacted) placed you in
15 contact with the investigators from the OTP?

16 PRESIDING JUDGE FULFORD: Just before you answer --

17 MS SAMSON: Thank you, Mr President. This was the exact
18 type of question that I had risen for in the morning session because
19 this relationship is one that we have endeavoured to remain confidential
20 and have attempted to elicit in private session. I anticipated counsel
21 already knew that but perhaps he did not know.

22 PRESIDING JUDGE FULFORD: Private session, please.

23 *(Private session at 2.54 p.m.) Reclassified as open session

24 THE WITNESS: Very well.

25 THE COURT OFFICER: I am sorry, we are in private session,

1 your Honours.

2 PRESIDING JUDGE FULFORD: Please carry on. Yes, so the
3 question was: From the time you fled the UPC in Dele, how much time
4 elapsed before (Redacted) put you in touch with the investigators from
5 the OTP?

6 THE WITNESS: Well, when I met the investigators, I had
7 already left the Dele camp. I had already fled from the camp in Dele.
8 I met (Redacted) after I had already met (Redacted), who put me in
9 contact with the investigators. And I left the Dele camp in the year
10 2002, towards the end of that year, up to around the beginning of the
11 year 2003. It is at that moment in time that I stopped working with
12 the UPC. In the year 2006 I met (Redacted), as well as (Redacted),
13 and they put me in touch with the investigators. That was in the year
14 2006. In any case, it was between the year 2006 and the year 2007,
15 and may I say rather towards the beginning of the year 2007.

16 MR BIJU-DUVAL: (Interpretation)

17 Q. Thank you. At that point in time where were you living?

18 A. At the time I was living in (Redacted). We had already left
19 (Redacted), and it was at that point in time that I met the investigators.
20 Whilst I was in (Redacted) I also met the investigators. However,
21 my last meeting with the investigators happened at the time I left
22 Bunia to go to Beni, and at the time we had resettled in (Redacted).

23 Q. Thank you. By what name does (Redacted) know you by? At
24 the time he put you in contact with the investigators, what name did
25 he use to refer to you?

1 A. When I met the investigators he was not the one who asked
2 me to introduce myself to the investigators; I introduced myself
3 personally to the investigators. All he did was to take me in a vehicle
4 to the investigators. The investigators also had a vehicle, and I
5 went away with (Redacted) and the investigators, and I told the
6 investigators what my names were. It wasn't at the request of (Redacted)
7 that I introduced myself to the investigators.

8 Q. Thank you. You informed us that in Beni you were given a
9 cell phone. Did you have any telephone contact with (Redacted)

10 A. When I was given the cell phone (Redacted) prohibited me
11 from calling anybody whosoever with the phone. In that telephone he
12 recorded (Redacted) number. That was the only number, as well as
13 (Redacted) number. These two numbers therefore were the only two numbers
14 recorded in the memory of that cell phone.

15 Q. Thank you. I would like to go back to my earlier question
16 for a moment. The question about the name, the name that (Redacted)
17 knew you by. When (Redacted) spoke to you what name did he use?

18 A. He would call me by my first name, (Redacted), or he would
19 also call me by my last name, (Redacted). As for (Redacted), that is
20 the name that my grandmother, correction, that my grandfather gave
21 me. It's my grandfather's name, but my name is (Redacted) and that
22 is what he would call me.

23 Q. Thank you. You've told us that you met (Redacted) in Bunia,
24 in Beni, and in Kinshasa. Is that the same (Redacted) each -- did you
25 meet the same person by the name of (Redacted) in each place?

1 A. Yes, it's the same gentleman, (Redacted). There is no other
2 (Redacted). It was (Redacted) who worked for the office of the ICC.
3 If I didn't meet him I would meet (Redacted). And there was another
4 young boy who worked for the ICC. His name was (Redacted), so I would meet
5 with (Redacted), (Redacted), or the young fellow by the name of (Redacted).

6 Q. Thank you. Last week, in response to one of my questions,
7 you said, and I quote -- this is transcript 288 page 24, lines 24 and
8 25 of the French transcript -- and I quote, you said, "But (Redacted)
9 in all actual truth did not tell me that at the Kinshasa office. He
10 said, 'Since you are going to be meeting with the lawyers from...' " My question
11 is as follows: When did you meet (Redacted) at the Kinshasa office?

12 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

13 MS SAMSON: Thank you, Mr President. Is it possible to give
14 slightly more context to this quotation? I'll be able to find it in
15 the English transcript, but for the witness. At this point I don't
16 quite --

17 PRESIDING JUDGE FULFORD: Yes. I'm not sure whether
18 Mr Biju-Duval can give more context immediately. Obviously, if he
19 can, that would be helpful. More specifically, do you have an English
20 reference, a reference to it in the English transcript? Probably not.

21 MR BIJU-DUVAL: (Interpretation) We are looking for it.

22 MS SAMSON: Even if, perhaps, slightly more of the question
23 could have been provided or more of the answer, that might suffice.
24 I can, in the meantime, look for the English transcript. I just -- it
25 seemed to be taken out of a particular context that I don't quite follow

1 fully.

2 PRESIDING JUDGE FULFORD: Right. You're going to have to
3 put the question again, anyway, Mr Biju-Duval. So could you put the
4 question again. And could you this time give a little bit more of
5 the original question, and that may help Ms Samson to find it. Thank
6 you very much.

7 MR BIJU-DUVAL: (Interpretation) Well, I will read the
8 answer, the entire answer from the witness.

9 I quote: "I recognised the passage that you have read out
10 to me that day I gave you those explanations. And because I'm before
11 this Court, that does not mean I'm going to deny it. Now, why? Because
12 I understand that you are the lawyer of Mr Thomas Lubanga. That day
13 I was afraid, and that is why I am saying that (Redacted) had asked
14 me to come and provide explanations to the Judges about being forcibly
15 enlisted in the army. But (Redacted), in all actual fact, didn't tell
16 me that. At the Kinshasa office he told me, 'Since you are going to
17 meet with the witnesses of' ... Rather, since I was supposed to meet
18 with Lubanga's lawyers, I was afraid that I was going to be arrested,
19 and that is why I gave you those explanations", end of quote.

20 And I think that will be sufficient. That will provide enough
21 context.

22 PRESIDING JUDGE FULFORD: Right. The question is, I think,
23 when did you meet (Redacted) at the Kinshasa office? Can you remember
24 when that meeting took place, sir?

25 No, Ms Samson. Let the witness answer and then we'll come

1 to your objection.

2 THE WITNESS: I would like to say this: I don't really
3 understand what you've just read out. The last time I saw (Redacted),
4 that was when I left him in Bunia. That was in 2007. And since that
5 time, well, three years have gone by. I don't have his telephone number
6 and (Redacted) does not have my telephone number, and he does not know
7 where I live and I don't know where he lives. He doesn't know that
8 I live in (Redacted). So I haven't met -- I didn't -- I haven't met
9 (Redacted) in (Redacted).

10 I just said that (Redacted) asked me to meet with the investigators
11 and to explain everything to them. That's all (Redacted) asked of me,
12 all he asked me to do. And he put me in contact with (Redacted), and
13 (Redacted) was the one who was supposed to look at the situation and
14 decide that I would meet with the investigators. But I didn't say
15 that I met with (Redacted) in (Redacted). The last time I saw him, that
16 was in the year 2007, and since that time I have not seen him again.

17 PRESIDING JUDGE FULFORD: Yes, Ms Samson.

18 MS SAMSON: Thank you, your Honour. I was just going to
19 indicate that, had counsel continued to read slightly further on in
20 the witness's answer, he clarified that it's the people working in
21 the Kinshasa office who provided him with information as to the meeting
22 with the Defence lawyers, not (Redacted).

23 PRESIDING JUDGE FULFORD: Right. Well, I think the
24 combination of what Ms Samson has just said and what the witness has
25 just said, Mr Biju-Duval, seems to indicate that the position, both

1 historically on the witness's evidence and today, is that whoever else
2 was present at the office in Kinshasa, it wasn't (Redacted). So if
3 you could proceed, please.

4 MR BIJU-DUVAL: (Interpretation)

5 Q. Witness, regarding this meeting in December of 2009 with
6 the Defence lawyers --

7 Your Honour, I think we could go into open session, your
8 Honour.

9 PRESIDING JUDGE FULFORD: Public session, please.

10 (Open session at 3.10 p.m.)

11 THE COURT OFFICER: We are in open session, Mr President.

12 MR BIJU-DUVAL: (Interpretation)

13 Q. Regarding this meeting held in December 2009 with the
14 Defence lawyers in Kinshasa, now, did the protection unit that was
15 taking care of you in Kinshasa tell you about this meeting?

16 A. Before meeting you, the Kinshasa office just informed me,
17 saying that they had called -- telephoned Europe, and they had been
18 told that you were going to be coming to have a discussion with me.
19 I asked the Kinshasa office, "Well, what are they coming to ask me
20 about? Ever since I've been in Kinshasa, I haven't been in contact
21 with them. Why are they coming? What are they coming to ask me about
22 here"? And the Kinshasa office replied, saying that they did not know
23 what you were going to ask me, but they had just been asked to inform
24 me that the counsel of Mr Lubanga would be coming to meet with me.
25 As for the subject of the discussions, the office knew nothing. So

1 there you have it. That is what the Kinshasa office told me.

2 Q. Now, did the people from the Kinshasa office ask you if
3 you were in agreement, that you agreed to meet with the lawyers of
4 Mr Thomas Lubanga?

5 A. Well, they just explained to me that you were going to be
6 coming. Regarding what you were going to tell me or explain to me,
7 well, it was, to my mind, a matter of accepting or refusing. But the
8 Kinshasa office wasn't going to interfere in these discussions between
9 you and me. I was just told that you were going to come and meet with
10 me. That's all.

11 Q. Thank you. Now, just to make things perfectly clear, did
12 the people from the Kinshasa office ask you whether you would agree
13 or not to meet with the Defence counsel? Was it explained to you that
14 you could say no if you were not in agreement?

15 A. Yes, I was given that explanation but, between me and the
16 Kinshasa office, well, you see, they had already decided about my meeting
17 with you. It's as if I had said that I was refusing to meet. I was
18 afraid that showed that I was afraid of you. But as I said here, it
19 would have been better for you to have explained that you were going
20 to meet with me. But the Kinshasa office just said that you were going
21 to be coming. And I agreed to what you had suggested or I could have
22 refused. It all depended on me. The Kinshasa office told me that
23 they were not going to get involved or interfere in all of that, and
24 I could agree to meet with you or I could refuse to meet with you.
25 It was up to me. So that is what Noma (phon) -- correction. That

1 is what was explained to me at the Kinshasa office.

2 Q. Just one question about something entirely different.

3 MR BIJU-DUVAL: (Interpretation) But I think, your Honour,
4 that it would be necessary to go into closed session.

5 PRESIDING JUDGE FULFORD: Private session, please.

6 *(Private session at 3.15 p.m.) Reclassified as open session

7 THE COURT OFFICER: We are in private session, Mr President.

8 MR BIJU-DUVAL: (Interpretation)

9 Q. Do you know someone by the name of (Redacted)

10 A. I don't know the person whose name you just gave.

11 Q. And if I were to mention (Redacted), would
12 you recognise a person by that name?

13 A. I don't know that (Redacted). It's up to you to explain
14 to me whether he's a (Redacted) or -- in (Redacted) or somewhere else.
15 I don't know that person.

16 Q. And if I were to mention (Redacted), do you
17 know that person?

18 A. Judging by the way you're speaking, I don't know that person.
19 You must explain to me who this person is.

20 Q. You told us that you knew (Redacted) (phon) -- (Redacted).
21 Now, does (Redacted) know you by the name of (Redacted)?

22 A. Could you try to ask your question more clearly so I can
23 properly understand it?

24 Q. (Redacted), does he know your -- you by the name of
25 (Redacted)

1 A. Yes, he knows that name very well. Even my parents know
2 that name well because the day I was baptised, I was still a child.
3 And following the explanations that my parents gave me, I was baptised
4 as a child and given the name (Redacted). That name is well known in
5 my family, including by (Redacted)

6 Q. Now, last week you told us that (Redacted) apparently was
7 a soldier serving with Kisémbó's troops. How did you learn that?

8 A. I didn't say that (Redacted) was a soldier serving under
9 Kisémbó. I said that he was a soldier serving under Commander (Redacted)

10 Q. And what did he do? What were his duties?

11 A. Well, myself, and including (Redacted), we were not behind
12 a commander. The day we went to accompany Mr Thomas in Bunia, I saw
13 the commander and I saw behind him (Redacted).

14 Q. Thank you.

15 MR BIJU-DUVAL: (Interpretation) One moment, with leave
16 of the Court.

17 (Counsel confer)

18 Thank you, Witness. Your Honour, I have no further
19 questions.

20 PRESIDING JUDGE FULFORD: Thank you very much, indeed,
21 Mr Biju-Duval. Ms Samson, with this witness, we're in the slightly
22 anomalous position in that that he's essentially being called by the
23 desire of both sides -- or rather, both sides have wished to question
24 him in a similar way. We don't want to turn this into, as it were,
25 an endless game of tennis going across the court. Are there matters

1 arising out of Mr Biju-Duval's questions that you particularly want
2 to deal with, or not?

3 MS SAMSON: There were only two areas that I was intending
4 to deal with. But, your Honour, if I may of the Court's indulgence
5 for one moment, I will consult with my colleagues.

6 PRESIDING JUDGE FULFORD: You absolutely may have a moment
7 with your colleagues. I wasn't trying artificially to stop you,
8 Ms Samson. It's really to try to ensure that the witness is not now
9 going to have to embark on yet further very lengthy questioning, was
10 really what was in my mind. But if there are some discrete issues
11 that you consider would merit further investigation, well, reflect
12 on those with Mr Sachdeva and Ms Bensouda.

13 MS SAMSON: Thank you, your Honour.

14 (Counsel confer)

15 Your Honour, after further consultation - and thank you for
16 the indulgence - the clarification questions that I was going to ask
17 can be -- I won't ask them. I understand the position that the Chamber
18 and the witness is in, and they were not -- they were very, very short
19 areas, in any event.

20 PRESIDING JUDGE FULFORD: Well, as long as you're sure,
21 Ms Samson. If that's the position of the Prosecution, thank you very
22 much, indeed.

23 Sir, then, that concludes your evidence. We are extremely
24 mindful of the fact that this will not have been an easy experience
25 for you. You have had to come an extremely long way to deal with a

1 considerable number of questions that have gone into a lot of detail
2 of events from what is now quite a long time ago.

3 We are also conscious of the fact that this, for personal
4 reasons, may have caused and yet may cause complications for you. In
5 order for us to establish the truth in this case, it is absolutely
6 necessary that witnesses similarly placed to yourself are prepared
7 to come all this way to give evidence before us. So, you leave us
8 now with our sincere thanks for your cooperation.

9 Closed session, please.

10 (The accused exits the courtroom)

11 *(Closed session at 3.26 p.m.) Reclassified as open session

12 THE COURT OFFICER: We are in closed session, Mr President.

13 (The witness is excused)

14 PRESIDING JUDGE FULFORD: Public session, please.

15 (Open session at 3.27 p.m.)

16 THE COURT OFFICER: We are in open session, Mr President.

17 PRESIDING JUDGE FULFORD: Are we ready with the next witness,
18 Maître Mabilles?

19 MS MABILLE: (Interpretation) Absolutely, your Honour.

20 PRESIDING JUDGE FULFORD: That's good news. Is he able to
21 give evidence publicly?

22 MS MABILLE: (Interpretation) Absolutely, your Honour.

23 PRESIDING JUDGE FULFORD: Any reading or other assistance
24 that he needs?

25 MS MABILLE: (Interpretation) None, your Honour.

1 PRESIDING JUDGE FULFORD: And no other particular
2 sensitivities that we should be taking into consideration? No. Good.

3 We will take a short mid-afternoon break at this stage, and
4 we will commence the evidence of the witness at a quarter-to-four,
5 I was going to say, but Ms Samson has something to say to me before
6 that.

7 MS SAMSON: Thank you, Mr President. A request on behalf
8 of the Prosecution, if it's appropriate, to thank Witness 297 for having
9 come to the Court to testify. The usual courtesy meetings that took
10 place with Prosecution witnesses in the past, given his status right
11 now, the Prosecution is not certain whether or not the Chamber will
12 grant that but we are requesting it.

13 PRESIDING JUDGE FULFORD: Well, Maître Mabilie, as a matter
14 of courtesy, do you object to a representative of the Prosecution
15 thanking Witness 297 for his attendance at court now he's finished
16 his evidence?

17 MS MABILLE: (Interpretation) No problem, your Honour.

18 PRESIDING JUDGE FULFORD: Quarter to 4.

19 THE COURT USHER: All rise.

20 (Recess taken at 3.29 p.m.)

21 (Upon resuming at 3.55 p.m.)

22 (Open session)

23 THE COURT USHER: All rise. Please be seated.

24 PRESIDING JUDGE FULFORD: Mr Desalliers, we are all here,
25 but apparently Witness 29 is not here. We're told, whatever it means,

1 there has been some miscommunication. It's difficult to understand
2 where that miscommunication could have come from, given that nothing,
3 as we remember it, has been said in court that would have led anyone
4 to believe that Witness 29 was not expected to start today. The only
5 alteration has been that the last witness took slightly longer than
6 anticipated and trickled into the beginning of this week. We have
7 asked for a report as to how it comes about that we are to lose, effectively,
8 an hour of work this afternoon. Thank you for being ready, and we
9 will start, instead, at half-past-nine tomorrow morning, subject to
10 something you now want to raise.

11 MR DESALLIERS: (Interpretation) Indeed, Mr President.
12 I am somewhat surprised and taken aback at the fact that the witness
13 is not here, but I would like to make the most of this opportunity
14 to raise a question of procedure, a small issue that we have come up
15 against. Because, as you know, the next witness shall be coming to
16 testify to a number of schools' documents that we have made photocopies
17 of. However, we have had a specific difficulty with this document
18 that I have in my hand, which is far too voluminous for a number of
19 photocopiers. And we have explored other avenues, because what we
20 seek to show with this document is that there was nobody of the number
21 of Witness 89 or Witness 69, so we have offered this to the Office
22 of the Prosecutor and the legal representatives. We have offered them
23 the opportunity of examining the document and ascertaining for
24 themselves whether, yes or no, the two witnesses do, indeed, figure
25 in the document. We have just received an answer from the Office of

1 the Prosecutor who -- that does accept the idea that this name does
2 not figure therein. However, we have not yet received an answer,
3 whether negative or positive, from what I can understand, from the
4 legal representatives concerned with regard to this very same document.

5 So I wanted to raise this issue, because we do need to find
6 a solution in order to prove the fact that we -- that those two witnesses
7 are not to be found therein, because we cannot make photocopies of
8 this document. And Witness 29 -- we shall request, therefore, that
9 Witness 29 return to the Ituri region with all the originals of these
10 school documents.

11 PRESIDING JUDGE FULFORD: Well, Mr Desalliers, I think it
12 is quite easy, isn't it, that the witness has, presumably himself,
13 looked at that document to see whether those two individuals, whether
14 their numbers are to be found within that overall document and, as
15 I understand from what you're saying, he has not been able to find
16 the names that correspond to their witness numbers. You are fully
17 entitled to put that, as it were, to explore that with him, and once
18 you have completed your examination-in-chief, if I can use that
19 expression, thereafter it will open to the Prosecution and to the legal
20 representatives to ask other questions on that issue, if they wish.

21 From what you've said, the Prosecution seem to accept that
22 the names aren't there. So, if that's right, I imagine that
23 Mr Sachdeva's questioning is not going to be long on that topic. And
24 the legal representatives will, of course, be provided an opportunity
25 to look at the document to see if they can find any entries which they

1 would wish to ask questions about.

2 So on the basis of what you've told us so far, this doesn't,
3 I don't think, appear to be a particularly great problem. It seems
4 probably unnecessary to try and find some elaborate photocopying device
5 simply for that purpose. The only issue is whether or not there is
6 something that, in due course, ought to be entered into the Court's
7 document management system, and that is something that we will need
8 to explore with the Registry, because although we can deal with your
9 evidence fairly easily, there is a document retention issue that will
10 need to be addressed and, I think, probably addressed, as it were,
11 not in open court now, unless someone has got an immediate solution.

12 Yes, Mr Sachdeva.

13 MR SACHDEVA: Mr President, lest there be any confusion,
14 the Prosecution does not accept that the document is what the Defence
15 suggests it is.

16 PRESIDING JUDGE FULFORD: Absolutely, Mr Sachdeva. But I
17 think on the limited issue as to whether the numbers or the corresponding
18 names are there, that's something that you can check. You're then
19 fully entitled to question the witness on any basis, and including
20 that the document isn't what it either purports to be or isn't what
21 he may say it is. Do you have any suggestions about photocopying,
22 Mr Sachdeva?

23 MR SACHDEVA: At this stage, no, Mr President. It seems
24 that, in my view, there's no need for it at the moment, for that document
25 to be photocopied, but --

1 PRESIDING JUDGE FULFORD: Well, if it's going to be -- if
2 the Defence say this is a true record, which doesn't hold the names,
3 and if you're going to be saying this is not a true record and, therefore,
4 that explains why the names aren't there, it may be that a copy of
5 the document that is the basis of those two competing submissions really
6 ought to be retained, in some form or other, for future investigation
7 by us in this case and by others who may be interested in the point
8 hereafter.

9 MR SACHDEVA: Indeed. And I was under the impression that
10 perhaps, as with other documents, the originals could remain in place
11 in the court for further investigation, if it's required.

12 PRESIDING JUDGE FULFORD: Mr Desalliers has just said that
13 the witness wishes to return to the DRC with them. Obviously, it may
14 be possible to allow some kind of delay to that so that any necessary
15 forensic or other investigations to take place, but I imagine there's
16 going to be quite a powerful argument that ultimately the document
17 should return to the DRC. All right. Could everybody think about
18 this. We will separately carry out some inquiries to see whether there
19 is a photocopier in The Hague that could manage to deal with pieces
20 of paper the size of this. But we've got the point, Mr Desalliers.

21 MR DESALLIERS: (Interpretation) I might just add,
22 Mr President, that we have indeed checked outside of the Court with
23 professionals whether it is indeed possible to make a photocopy of
24 a document of this ilk. What was explained to us is that it is possible
25 but that we need to cut it up into pieces so that we can put the documents

1 page-by-page into the system, which seems rather complicated to us.

2 PRESIDING JUDGE FULFORD: The relevant ministry may not be
3 entirely pleased with that result either, Mr Desalliers. Right, thank
4 you. We'll address this tomorrow, not now.

5 Half-past-9 tomorrow morning. Thank you.

6 (The hearing ends at 4.05 p.m.)

7 RECLASSIFICATION REPORT

8 Pursuant to Trial Chamber I's email instruction dated 2nd December
9 2011, the transcript is reclassified as public after the indicated
10 redactions have been implemented as ordered by the Chamber. All private
11 and closed sessions (*) are now available to the public with the exception
12 of the portions the transcript that have been redacted.

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