

1 International Criminal Court

2 Trial Chamber I - Courtroom 1

3 Presiding Judge Adrian Fulford, Judge Elisabeth Odio Benito and Judge

4 René Blattmann

5 Situation in the Democratic Republic of the Congo - ICC-01/04-01/06

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

7 Monday, 25 January 2010

8 (Upon resuming at 2.30 p.m.)

9 * (Closed session at 2.30 p.m.) Reclassified as Open session

10 THE COURT USHER: All rise.

11 THE COURT OFFICER: We are in closed session, your Honours.

12 PRESIDING JUDGE FULFORD: Are we ready? Good. Witness, please.

13 (The witness enters the courtroom)

14 PRESIDING JUDGE FULFORD: Yes, thank you, officer.

15 (The accused enters the courtroom)

16 PRESIDING JUDGE FULFORD: Thank you, Mr Lubanga. Good afternoon, sir.

17 Public or private, Maître Mabilille?

18 MS MABILLE: Private.

19 PRESIDING JUDGE FULFORD: Private session, please.

20 * (Private session at 2.38 p.m.) Reclassified as Open session

21 THE COURT OFFICER: We are in private session, your Honours.

22 PRESIDING JUDGE FULFORD: Yes, Maître Mabilille.

23 MS MABILLE: (Interpretation)

24 Q. Good afternoon, witness.

25 * Witness a/0229/06. Good afternoon.

1 Q. I would like to start by showing you a document and I would like a copy of
2 that document to be given to the witness. I am referring to the document
3 DRC-D0003-2513, or rather 2313. 2513. Witness, I would like you to look at this
4 photograph and tell us whether you recognise the person who is found in this
5 photograph?

6 A. I do not recognise this person, no.

7 Q. Thank you. Witness, do you know someone by the name of (Redacted)
8 (Redacted)?

9 A. Could you please repeat.

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

11 A. Yes, I know the person.

12 Q. Could you tell us the relationship tie that exists between you and that
13 person?

14 A. Yes, I knew the person at (Redacted)

15 Q. Were you in the same class with this person?

16 A. We were in the same school but we were not in the same class.

17 Q. Do you know whether this person was in a class that was higher than yours,
18 or in a class that was lower than yours?

19 A. Yes, he was in a class, in a higher class than mine.

20 Q. Witness, did you see this person when you were serving in the armed group?
21 Did you meet the person at that time?

22 A. Could you please repeat your question.

23 Q. I was asking you whether at the time when you were serving in the armed
24 group did you meet (Redacted) during that point in time? At that
25 point in time, at the time when you were in the army?

1 A. At that time it was difficult to just meet someone like that. We did not
2 meet each other.

3 Q. I would now like you to restate the names of your parents. Let's start
4 with your father. Could you please restate the name of your father?

5 A. My father's name is (Redacted)

6 Q. And could you please restate your mother's name?

7 A. My mother's name is (Redacted)

8 Q. Thank you. Could you please restate the names of your grandparents on
9 your mother's side. What was the name of your mother's father, your maternal
10 grandfather?

11 A. My maternal grandfather at time I was born was already dead.

12 Q. What about your maternal grandmother; could you restate their names? Do
13 you remember her names?

14 A. I do not know their names. They died -- they had died by the time I was
15 born.

16 Q. Witness, on your father's side, could you give us the names of your
17 grandfather and your grandmother on your father's side?

18 A. Could you please repeat your question?

19 Q. I was asking you to state the names of your grandfather, your grandfather
20 on your father's side?

21 A. My father's name is (Redacted)

22 Q. I beg your pardon. Maybe there is some confusion in the translation. I
23 asked you to state the name of your grandfather, of your paternal grandfather?

24 A. As I told you a short while ago, they were already dead by the time I was
25 born, so consequently, I don't know their names.

1 Q. A short while ago you talked about (Redacted)

2 A. Well, I thought you were referring to (Redacted)

3 Q. Witness, this means that your two grandparents on your father's side and
4 on your mother's side are already dead; is that your evidence?

5 A. Yes, that is my evidence.

6 Q. And you do not know their names, the names of any of your grandparents?
7 Is that your evidence?

8 A. Yes, that is my evidence.

9 Q. Witness, I would like us to turn to tab 3, page 2 of 12.

10 PRESIDING JUDGE FULFORD: While that's being found, we need an EVD number,
11 please, for 2513.

12 THE COURT OFFICER: That, your Honours, would be assigned EVD-D01-00096.

13 PRESIDING JUDGE FULFORD: Thank you very much. Yes, please continue,
14 Maître Mabilille.

15 MS MABILLE: (Interpretation)

16 Q. Witness, we are on page 2 of 12. This is a birth certificate that you
17 provided to the Court as part of the additional information which was appended to
18 this form. On this birth certificate it is written, Mr Witness, that you are - and
19 here I am going to read the name that features on the seventh line - the name is
20 (Redacted). Do you see that name which is written on the document?

21 A. Yes, I do see the name.

22 Q. You will also find that on the next line it is written that you are the
23 son of (Redacted). Do you see that name, that is son of (Redacted)?

24 A. It is written (Redacted).

25 Q. I do apologise. Maybe my pronunciation is not correct, but we do agree on

1 the name. When you move down further you will find the name (Redacted). Do you see
2 that name (Redacted) on the birth certificate?

3 A. Yes, I do see the name.

4 Q. Do you know the person who issued this birth certificate?

5 A. We prepared this birth certificate.

6 Q. Did you go before the civil status registrar to have this birth
7 certificate issued? Do you remember having done that?

8 A. No, we did not go to the civil status registry.

9 Q. A short while ago you said "we." You said "We went and prepared this
10 birth certificate." If you were not personally present at the time this birth
11 certificate was issued, who then went to have it issued? Do you know the name of
12 the person?

13 A. Yes. When I said "we" I am referring to myself and my guardian.

14 Q. Are you talking about (Redacted)?

15 A. Yes.

16 Q. And so I would like to put the question to you again: Were you present
17 when this birth certificate was issued?

18 A. Yes, I was present.

19 Q. I would now like us to turn to tab 2. Tab 2 is the standard form -
20 application form - for participation in proceedings and I would like us to turn to
21 page number 3. Witness, I am referring to section A and there is a figure 1. Your
22 name is written on that line. The name is (Redacted) and this is followed by your
23 first name (Redacted). That information is followed by number 3, which is provide
24 the following information: (1) father's name, and it is written (Redacted),
25 mother's name (Redacted). Do you see all that information, Mr Witness?

1 A. Yes, I do see it.

2 Q. Do you remember having completed this form?

3 A. Yes, I do think so.

4 Q. Could you explain to us why between the birth certificate is written son
5 of (Redacted). Why is there a discrepancy between those names in the birth
6 certificate and the names in this form, which are (Redacted)?
7 Can you account for this discrepancy?

8 A. I don't think there is any difference between the two documents. In the
9 birth certificate they wrote their baptismal names.

10 Q. Witness, is it possible that (Redacted) are not your parents, they
11 are rather your grandparents?

12 A. They are my parents.

13 MS MABILLE: (Interpretation) I would like to show a new document to the
14 witness and that document bears the reference DRC-D01-003-2511.

15 Q. Mr Witness, do you recognise this person?

16 A. No, I don't.

17 MS MABILLE: (Interpretation) I would like to show another number with
18 reference number DRC-D01-003-2512.

19 PRESIDING JUDGE FULFORD: We will need an EVD number for the last photograph
20 shown, Maître Mabilille. Yes, Ms Struyven?

21 MS STRUYVEN: Excuse me, Mr President, to interrupt, but the Prosecution
22 believes that in the event the photograph was not recognised, or the persons on a
23 photograph were not recognised by the witness, we didn't give it an EVD number, but
24 rather an MFI number.

25 PRESIDING JUDGE FULFORD: I am only slightly worried. I mean, let's debate

1 this just briefly, Ms Struyven. If the witness has positively said "I don't
2 recognise this person," isn't that then evidence of him not recognising that
3 person? And in order to make sense of the witness's answer doesn't one have to
4 have the photograph available in evidence so that you can see who it is that he
5 didn't recognise?

6 MS STRUYVEN: Can I have a second, Mr President?

7 PRESIDING JUDGE FULFORD: Absolutely.

8 MS STRUYVEN: Thank you, Mr President. The Prosecution would still prefer
9 that it gets an MFI number and that it is marked for identification and therefore
10 can be looked at together with the rest of the transcript, but of course if the
11 Chamber prefers an EVD number we are willing to accept that.

12 PRESIDING JUDGE FULFORD: Well, I don't want us to do things that are
13 inconsistent. Let's leave it where it is for the moment. Can you please overnight
14 provide us with a very short note by way of email as to what we have done in the
15 past so that we can see if we can establish an appropriate across the board policy
16 for this.

17 MS STRUYVEN: Very well, Mr President.

18 PRESIDING JUDGE FULFORD: Thank you very much, Ms Struyven. Yes, so we are
19 now on 2 -- I am sorry, could I have the number again, please, of the document we
20 are now looking at?

21 THE COURT OFFICER: Your Honours, the photograph the witness was shown was
22 under DRC-D01-003-2511. Respectfully, your Honours, can I assign it a number, EVD
23 number or MFI number?

24 PRESIDING JUDGE FULFORD: Yes, EVD number.

25 THE COURT OFFICER: That will be assigned EVD-D01-00097.

1 PRESIDING JUDGE FULFORD: Right. And are we now on 2512? Yes. Good. I
2 think the witness has it before him. Yes, Maître Mabilille.

3 MS MABILLE: (Interpretation) Not yet, but we will be showing him that
4 document in just a moment.

5 Q. Mr Witness, do you recognise this person?

6 A. In any case, as I said, I don't recognise this person.

7 Q. Do you recognise the place, if you don't recognise the person?

8 A. No, I don't recognise the place, but I think it is a village.

9 Q. Mr Witness, is it possible that these two photographs show a person by the
10 name of (Redacted)?

11 A. I don't know.

12 MS MABILLE: (Interpretation) Your Honour, I would like us to provide a
13 sheet of paper to the witness, and I would like him to be so kind as to sign his
14 name, please.

15 PRESIDING JUDGE FULFORD: Yes, certainly, Maître Mabilille.

16 MS MABILLE: (Interpretation) Once again, I apologise. I provided -- I
17 failed to provide a code for document 2512, or to ask for a reference number for
18 2512.

19 THE COURT OFFICER: That, your Honour, will be DRC-D01-003-2512 will be
20 assigned EVD-D01-00098.

21 PRESIDING JUDGE FULFORD: Now, are you now asking the witness to sign a piece
22 of paper, Maître Mabilille?

23 MS MABILLE: (Interpretation)

24 Q. Mr Witness, could you take the pencil and sign. Could you put your
25 signature - the signature that you usually use - on the document?

1 PRESIDING JUDGE FULFORD: I think we need only do it twice. Thank you very
2 much. Can those please be shown to Maître Mabilille and can we also get the ELMO
3 working so that it can be uploaded onto the system? Can Maître Mabilille be given
4 both, please, both pieces of paper. So can we -- excellent. These will both need
5 to be given EVD numbers.

6 THE COURT OFFICER: And both of them, your Honours, will be assigned
7 EVD-D01-00099.

8 PRESIDING JUDGE FULFORD: And they should only be shown inside the Court and
9 not beyond, so could those now be processed, please.

10 That is excellent. Thank you very much indeed. I think everybody can see
11 those. Yes, Maître Mabilille.

12 MS MABILILLE: (Interpretation)

13 Q. Mr Witness, I would like us to turn to a document at tab 3, page 3 of 12,
14 and this is a document that we have already looked at together and this is your
15 student card from the (Redacted). Mr Witness, at the very bottom do
16 you see where it states "Signateur de l'élève", student's signature? Do you see
17 that?

18 A. Yes, I see it.

19 Q. Is that the same signature as the one that you just did today?

20 A. Yes, it is the same signature. What you see there I signed it -- I signed
21 my name.

22 MS MABILILLE: (Interpretation) I would like to show another document to the
23 witness, DRC-D01-003-2005, and I would like to specify for the Bench that we blew
24 up the image. This is the elector's card, the same information we provided, or the
25 same document, but we have just blown up the image. I beg your pardon, 2500. That

1 was an error on my part. First of all, I would like the document to be shown in
2 its original form.

3 Q. Mr Witness, do you recognise the person on that photograph?

4 A. No, I don't recognise that person.

5 MS MABILLE: (Interpretation) Mr Courtroom Officer, could you provide the
6 witness with the same document but the version that has been blown up.

7 Q. Mr Witness, this is the same document. I want that to be very clear. We
8 have just blown up the image. Do you recognise the person on this voter's card?

9 A. No, I don't recognise this person.

10 Q. Mr Witness, if we take this voter's card, we see that there is a name
11 (Redacted) and the post name (Redacted), that is the post name and the first name, there
12 is an address, "Village (Redacted)", and then we see "(Redacted)". On this
13 document we see the name of the father "(Redacted)", the name of the mother
14 "(Redacted)" and could this be the voter's card of (Redacted) -
15 pardon me, (Redacted)?

16 A. I don't know.

17 Q. Mr Witness, if I were to say to you that your name is not really (Redacted)
18 (Redacted), what would you say to me?

19 A. I know that my name is (Redacted).

20 Q. And you have no other name?

21 A. I have no other name.

22 MS MABILLE: (Interpretation) I have concluded, your Honour. The reference
23 number for the final document, I beg your pardon.

24 PRESIDING JUDGE FULFORD: Please.

25 THE COURT OFFICER: That will be assigned EVD-D01-00100, your Honours.

1 PRESIDING JUDGE FULFORD: Thank you very much, Maître Mabilille. Mr Keta,
2 anything you want to raise?

3 MR KETA: (Interpretation) No questions, your Honour.

4 PRESIDING JUDGE FULFORD: Thank you very much, Mr Keta. Yes, Judge.

5 JUDGE ODIO BENITO: Good afternoon, sir.

6 * THE WITNESS a/0229/06: Good afternoon.

7 JUDGE ODIO BENITO: I would like you to assist the Court with some
8 clarification. During your testimony, you said that when you arrived to the first
9 camp -- we could go into public session.

10 PRESIDING JUDGE FULFORD: Public session, please.

11 (Open session at 3.20 p.m.)

12 THE COURT OFFICER: We are in open session, your Honours.

13 JUDGE ODIO BENITO: Thank you. I was telling you that when you told us that
14 when you arrived to the first camp you saw some girls there. Could you explain to
15 us if those girls were wearing uniforms - military uniforms - or civilian clothes?

16 THE WITNESS: No, no, none of them was wearing military clothing. They were
17 all clothed in civilian apparel.

18 JUDGE ODIO BENITO: Thank you. Could you explain to us, if you know, what
19 were the roles played by these girls in the camp? What were their duties there, if
20 you know?

21 THE WITNESS: Well, the ones I saw, some of them were the partners of the
22 soldiers.

23 JUDGE ODIO BENITO: Thank you. Did you see any of those girls fighting in
24 the battles that you were involved on?

25 THE WITNESS: I saw just two of them fighting.

1 JUDGE ODIO BENITO: Thank you very much. No further questions, your Honour.
2 Thank you.

3 PRESIDING JUDGE FULFORD: Maître Mabilille? No.

4 Sir, that brings your evidence to a close. I am sorry it has taken a number
5 of days, but as you now know a number of lawyers wanted to ask you questions and we
6 had to deal with some new documents today. The Chamber is extremely grateful to
7 you for having come such a long way to give your evidence before the Court. We
8 could only -- we can only reach a decision at the end of this case if people like
9 yourself are prepared to give up of your time and to make the considerable
10 sacrifice of coming to give evidence. You leave now with our considerable thanks
11 for your assistance.

12 Closed session, please.

13 (The accused exits the courtroom)

14 * (Closed session at 3.25 p.m.) Reclassified as Open session

15 THE COURT OFFICER: We are in closed session, your Honours.

16 (The witness is excused)

17 PRESIDING JUDGE FULFORD: Mr Lubanga back into court for a moment, please.

18 Thank you.

19 (The accused enters the courtroom)

20 PRESIDING JUDGE FULFORD: Public session, please.

21 (Open session at 3.30 p.m.)

22 THE COURT OFFICER: We are in open session, your Honours.

23 PRESIDING JUDGE FULFORD: Mr Keta and Ms Struyven. Over the luncheon
24 adjournment you had served on you some additional documentation that relates to the
25 Witness 270 and the preceding witness. Our preliminary view is that those

1 documents raise issues of sufficient substance as to justify the recall of both
2 witnesses so that Maître Mabilille can explore, in much the same way as she has just
3 done with the last witness at the conclusion of her questioning, the issues that
4 self-evidently arise from them. Is there any objection from either of you to
5 either of them being recalled?

6 MR KETA: (Interpretation) We have no objection.

7 MS STRUYVEN: We also have no objections, your Honour.

8 PRESIDING JUDGE FULFORD: Thank you very much.

9 (The Trial Chamber confers)

10 PRESIDING JUDGE FULFORD: We shall sit again with 270 at a quarter-to-4.
11 Thank you all very much.

12 THE COURT USHER: All rise.

13 (Recess taken at 3.32 p.m.)

14 (Upon resuming at 3.45 p.m.)

15 * (Closed session at 3.45 p.m.) Reclassified as Open session

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

17 THE COURT OFFICER: We are in closed session, your Honours.

18 PRESIDING JUDGE FULFORD: Thank you. Witness 270, please.

19 * WITNESS a/0270/07 (Recalled on former oath)

20 (The witness answers through interpreter)

21 (The accused enters the courtroom)

22 PRESIDING JUDGE FULFORD: Private session, please.

23 * (Private session at 3.47 p.m.) Reclassified as Open session

24 THE COURT OFFICER: We are in private session, your Honours.

25 PRESIDING JUDGE FULFORD: Sir, we are extremely grateful to you for coming

1 back at short notice, and I am sorry this has happened once you were told that your
2 evidence was completed, but Maître Mabilille has got some further documents that she
3 wishes to show to you, and I must remind you that you are still bound by the solemn
4 undertaking that you gave at the beginning of your evidence. Yes, Maître Mabilille.
5 Sorry, Mr Biju-Duval. Yes, Mr Biju-Duval.

6 MR BIJU-DUVAL: (Interpretation) Much obliged, your Honour. Mr President,
7 unfortunately, the questions that I am going to ask will involve personal
8 information and I would like to request that we go into private session.

9 PRESIDING JUDGE FULFORD: We are already in private session, Mr Biju-Duval.

10 MR BIJU-DUVAL: (Interpretation) I am sorry, Mr President. I think I have
11 to be more attentive.

12 Questioned by Mr Biju-Duval:

13 Q. Good afternoon, Mr Witness. I would like to present a photograph to you
14 and it is the EVD number D01-0097, and I will have a hard copy of that photograph
15 presented to you. Please look closely at the person who appears on that photograph
16 and tell us whether you recognise the person. For the record, it is number
17 DRC-D01-0003-2511.

18 A. Thank you for the question. Thank you, your Honour. Let me begin by
19 apologising because I am not properly dressed to appear in court. I was informed
20 just a short while ago that I had to appear before you, so thank you for that
21 question. To be frank, Mr President, I do not know what I can say about this
22 photograph, because it is not possible for me to know everyone, particularly from a
23 photograph. That is quite difficult. If counsel could be more specific with his
24 question, I might be able to answer, because it is difficult for me to give you an
25 opinion on this photograph.

1 Q. I can show you another photograph which may assist you. It is the EVD
2 number D01-00098. That is DRC-D01-003-2512. I have a hard copy here for the
3 witness. My question to you is the same: Can you recognise that person?

4 A. Apparently, it is the same person wearing an identical shirt. I have
5 already answered you. It would be difficult for me to recognise the person from
6 the photograph. Maybe you can ask your question in another way?

7 Q. I do understand that you can't recognise that person.

8 A. From a photograph, no, I do not recognise that person.

9 Q. Thank you. Regarding the second photograph that was presented to you, can
10 you recognise the location?

11 A. I believe that I was quite clear in my answer. That person was
12 photographed at some location. There is a house there. It is a shack, a
13 make-shift type of house. This house is that you find in certain places, but I do
14 not know where you got that photograph from. Maybe if you are more specific in
15 your question I could be able to answer.

16 Q. Thank you. Could it be possible that this person is (Redacted),
17 (Redacted)?

18 A. No, if it is the (Redacted) who was with me, and whose father is
19 deceased, in any case I do not think that this would be his photograph. I do not
20 think so. So I do not know where you got that photograph from to show it to me. I
21 do not recognise the person on that photograph.

22 Q. Thank you. In your capacity as the guardian of (Redacted), did you
23 on his behalf or together with him acquire administrative documents?

24 A. As his guardian I can tell you that I was very clear last time when I
25 appeared before this august court to tell you about the relationship. Now, I do

1 not know whether this question is on the basis of the forms or something else. It
2 is - if it is based on the forms then I assume responsibility, but if it is a
3 humanitarian issue involving a child who was abandoned in the bush, and I took that
4 child with me, would I have been seeming by bringing home that child who was
5 totally abandoned, given the damages that these children caused in the community?
6 You know that child soldiers were used by their adult counterparts to create damage
7 in the villages and these are the same villages in which these children were
8 raised. They were targeted by the soldiers and those soldiers used the children
9 who knew the environment and so, once those children attempted to return to the
10 community, the community did not wish to welcome them. So, as a Catholic
11 Christian, I used my faith to try to rehabilitate the child and reintegrate him
12 into the community that abandoned him. So it was in this situation that I used my
13 Christian faith based on it that I tried to rehabilitate him.

14 Q. Mr Witness, that was not my question, but it is all right. There is
15 another document, EVD-D01-00100, and it is also DRC-1000325 -- 2500. There is a
16 copy here for the witness. Mr Witness, you have that document before you. My
17 question is as follows: Can you recognise the person whose photograph is on that
18 voter's card?

19 A. The voter's card bears the name of (Redacted), so it is not possible
20 for me to know everyone in Mahagi. I can see here (Redacted). The
21 name of the father is (Redacted) and the name of the mother is (Redacted),
22 so my question is: Why are you asking me that question? Is it because the name of
23 (Redacted) is there and should I talk about (Redacted)?

24 PRESIDING JUDGE FULFORD: I am sorry to interrupt you, but I think it would
25 be hugely to everyone's advantage if you could listen carefully to Mr Biju-Duval's

1 questions. All he is asking you at the moment is if you recognise the person in
2 the photograph and I think that is probably a fairly simple question as to whether
3 or not that is someone who is familiar to you. Is that someone you recognise, or
4 not?

5 THE WITNESS: Thank you, Mr President. I apologise for that digression. I
6 do not know whether I am being asked this question because his name begins with
7 (Redacted) also. It is difficult for me, your Honour, to know everyone. I
8 am sorry, there are photographs here, and I apologise for not being able to
9 identify this person quickly. Maybe if I am given time to reflect and think about
10 all the people that I see, that I have ever seen in Mahagi, I might be able to
11 recognise that person.

12 MR BIJU-DUVAL: (Interpretation)

13 Q. So as to be very clear, and with the leave of the Bench, I am going to
14 have the same document presented to you but an enlarged version so you might be
15 able to see the face better. Does that enlarged version of the document make it
16 possible for you to recognise the person, or don't you still recognise him?

17 A. I am sorry, maybe if I could have glasses to allow me to look, because I
18 have problems with my eyesight.

19 PRESIDING JUDGE FULFORD: Glasses. Are your glasses with you at court, or
20 are they somewhere else, sir?

21 THE WITNESS: Thank you, Mr President. I did not bring them with me, so
22 maybe if someone could find me a pair of glasses number 2, that could be useful to
23 me.

24 PRESIDING JUDGE FULFORD: Right. Has someone got prescription 2 glasses in
25 court? Any volunteers?

1 MS MABILLE: (Interpretation) If the witness is suffering from the same
2 question - same issue as myself, that is old age, and he is looking for a
3 magnifying glass, I have one.

4 PRESIDING JUDGE FULFORD: You have a magnifying glass, Maître Mabilie? That
5 would be splendid. All right. Maître Mabilie is kindly offering her glasses so
6 the witness can use those. Can they be provided and let's see how we get on.
7 While the witness is looking at them, these two photographs, we must make sure that
8 they have both got separate EVD numbers, and I now leave that to the court officer
9 whilst the witness looks at the photograph.

10 THE WITNESS: I think these are too strong, Mr President.

11 PRESIDING JUDGE FULFORD: Well, I have a solution for most things, but I am
12 afraid I do not have a solution for this. Now, what do we do, Mr Desalliers, do we
13 pick this up again tomorrow morning when the witness has his glasses, or do you
14 have any other suggestions?

15 MR BIJU-DUVAL: (Interpretation) The main issue is the problem of
16 identification of someone's face. I believe if we do not want to take this issue
17 too lightly, then we have to make sure that the witness is able to see correctly.
18 Otherwise, we will not know precisely what his position is. I am sorry, but that
19 is the case.

20 PRESIDING JUDGE FULFORD: You are right, Mr Desalliers, and if no one has the
21 right glasses in court, and we don't have the equipment, then it means that we
22 can't resolve the issue now. It means that this will have to be dealt with
23 tomorrow morning or whenever it is we are sitting tomorrow when the witness has his
24 glasses with him. There is no other solution. Now, are there other matters that
25 you can deal with? Can we pass by this matter, or do we need to confront this

1 before we go any further?

2 MR BIJU-DUVAL: (Interpretation) I believe at every stage we will come up
3 against the same problem, because our re-examination is mainly based on these new
4 documents that the witness has to look at, so my questions are normally supposed to
5 be brief, but if we go ahead we will come up against the same difficulty.

6 PRESIDING JUDGE FULFORD: Sir, I deeply regret the fact we are going to have
7 to ask you to return tomorrow, and I am going to have to ask you, please, to bring
8 your glasses with you so that you will be able to read the various documents and
9 look at the various pictures.

10 THE WITNESS: Thank you.

11 PRESIDING JUDGE FULFORD: So, 2.30 please tomorrow afternoon. Closed
12 session, please.

13 (The accused exits the courtroom)

14 * (Closed session at 4.08 p.m.) Reclassified as Open session

15 THE COURT OFFICER: We are in closed session, your Honours.

16 (The witness stands down)

17 PRESIDING JUDGE FULFORD: 2.30 tomorrow afternoon, thank you.

18 (The hearing ends at 4.10 p.m.)

19 RECLASSIFICATION REPORT

20 Pursuant to Trial Chamber I's email instruction dated 25 January 2012, the
21 transcript is reclassified as public after the indicated redactions have been
22 implemented as ordered by the Chamber. All private and closed sessions (*) are now
23 available to the public with the exception of the portions of the transcript that
24 have been redacted.