

Trial Hearing
Witness: CAR-D04-PPPP-0009

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Monday, 17 June 2013
8 (The hearing starts in open session at 9.21 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
13 case.
14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central African
15 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
16 PRESIDING JUDGE STEINER: Thank you very much.
17 I welcome the Prosecution team, legal representatives of victims, the Defence team,
18 Mr Jean-Pierre Bemba Gombo.
19 Good morning to our interpreters, our court reporters. Good morning, Mr Rojas.
20 THE COURT OFFICER (via video link): Good morning, Madam President.
21 PRESIDING JUDGE STEINER: And good morning, Mr Witness.
22 WITNESS: CAR-D04-PPPP-0009 (On former oath)
23 (The witness speaks Sango)
24 (The witness gives evidence via video link)
25 THE WITNESS: (Interpretation) Good morning, your Honour.

1 PRESIDING JUDGE STEINER: How are you feeling today, Mr Witness?

2 THE WITNESS: (Interpretation) I feel well, your Honour.

3 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

4 THE WITNESS: (Interpretation) I am, your Honour.

5 PRESIDING JUDGE STEINER: Mr Witness, before you start, I need to remind you that
6 you are still under oath. Do you understand that, sir?

7 THE WITNESS: (Interpretation) I understand that, your Honour.

8 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
9 protective measures; that your image and your voice that are broadcast outside the
10 courtroom are being distorted so that the public cannot identify you. So please, be
11 careful in not revealing any information that could lead to your identification when we
12 are in open session. If need be, Mr Witness, we go into private session, and in private
13 session you can speak freely because the public outside the courtroom cannot hear to
14 what you say.

15 I also wanted to remind you, Mr Witness, that you are expected to speak slower than
16 normal and to give the five seconds after a question is put to you before you start
17 answering, in order to help our interpreters and court reporters to complete the
18 interpretation into English and French. Is that fine with you, sir?

19 THE WITNESS: (Interpretation) It is fine, your Honour.

20 PRESIDING JUDGE STEINER: I suppose parties and participants have been informed
21 that we are facing some problems with the transcripts, both transcripts, meaning that they
22 cannot be corrected in a real-time, so if there are any mistakes in the transcripts they will
23 be corrected later when the edited version is issued. So let's start, proceed with the
24 transcripts as they are now, in order to save time for the Chamber, parties, participants
25 and Mr Witness.

1 Mr Witness, today the legal representatives of victims were going to put some questions
2 to you. They were authorised to question you, authorised by the Chamber, and for that
3 purpose I will give the floor to Maître Zarambaud.

4 Maître, you have the floor.

5 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

6 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

7 Q. Good morning, Witness.

8 A. Good morning, Counsel.

9 Q. I am Counsel Zarambaud Assingambi. I am Central African and I am a lawyer and
10 counsel with the courts of the Central African Republic, and at the International Court. It
11 is as a legal representative of some victims that I will be questioning you this morning.
12 As you said, your Honour, when you started testifying, you were presented with the
13 order of examination and the President indicated to you that we, the legal representatives
14 of victims, would put questions to you but first, they had to be authorised by the Chamber,
15 and in addition to these questions which were authorised I am going to ask you some
16 follow-up questions, that is to say certain questions that relate to the answers that you
17 gave here to the Defence and to the Prosecution.

18 I shall not ask you my first question, which was asking you which FACA regiment you
19 belonged to - this is something you've explained and it's sufficient - so my second
20 question which was authorised was as follows: Did you personally take part in combat?
21 In which place or places and on what date or dates?

22 A. I've understood your question. I would like to say good morning to everybody in
23 the courtroom.

24 When the war started I was on the hill. That was the 29th. From the 29th to the 30th,
25 that period, when we were on Bazabangui Hill. When we got to Boy-Rabé, there were no

1 clashes there, because a first team had already been fighting with the rebels before we
2 arrived, so clearly, there wasn't combat as such. Our role was to fire in order to disperse
3 people who were there. We had to occupy the area.

4 As we moved forward from the hill to PK12 there were no clashes, and on our path there
5 was no real danger as we progressed. That is my answer to the question that you put to
6 me.

7 THE INTERPRETER: And the interpreter adds that the shots that they fired were
8 warning shots.

9 MR ZARAMBAUD: (Interpretation)

10 Q. According to what you've just said, the rebels, Bozizé's rebels, had already left the
11 field. Why did you therefore carry out warning shots? Why did you fire warning
12 shots?

13 A. I have understood your question. Well, you know, in military matters you can fire
14 shots with an intent to intimidate. When fighting is going on, and the enemy is not
15 visible, the soldier may fire into the air in order to frighten the enemy or to frighten the
16 potential enemy, thereby forcing the enemy out and taking over the area.

17 Q. What types of weapons were used to -- for those warning shots?

18 A. We had different types of weapons. Personally, I used a Kalashnikov, but other
19 soldiers were able to have rocket launchers, and various other types of weapons, which
20 were used in order to frighten the enemy. We also had the 60mm mortars, but
21 personally, I used the Kalashnikov, and there were many of us, and I did not know
22 exactly who used what type of weapon at what specific time.

23 Q. Were you not afraid that the bullets and the shells will drop on the inhabitants, or
24 the population?

25 A. The answer to your question is the following: We fired those shots into the air but

1 we were not in a position to know where the bullets would drop. It is possible that some
2 stray bullets may have caused some damage.

3 Q. According to your testimony and, Madam President, I'm referring to transcript 323,
4 14 June 2013, page 10, line 27 to 28. In that excerpt you declared in relation to Boy-Rabé
5 that "From what we observed we were cautious because we had in mind the idea that the
6 inhabitants of the neighbourhoods were hiding in their houses and could be ready to
7 attack us with their weapons." Why did it occur to you that the people of Boy-Rabé
8 would be hostile to you? Why did that idea cross your mind?

9 A. This is what I can say: I have already testified that the rebel troops had already
10 come to that area and had spent at least five days on the ground. You see, during
11 combat, when people are firing in all directions, the civilian population cannot remain in
12 that area. That is why the inhabitants fled, some of them leaving the doors to their
13 homes open and abandoning their property.
14 You see, when the rebel forces infiltrated, the civilian population fled in order to seek
15 protection elsewhere. Now, your question is to find out whether there were any people
16 in those abandoned homes, and my answer is yes, that is correct. It is exactly for that
17 reason that we fired those warning shots into the air in order to frighten out those who
18 were hiding in those homes.

19 Now, when we fired those shots into the air, and we heard any response from the enemy
20 side, then we were able to determine that there were enemies in a particular location, at
21 which point we intensified the firing. But whenever we fired those shots and there was
22 no response from the other side, then we would know that there were no enemies present.

23 PRESIDING JUDGE STEINER: If you allow me just a follow-up question before it gets
24 lost here in the middle of the transcript?

25 Mr Witness, here on page 4, as from line 20, you say that when you got to Boy-Rabé, you

1 and your group of course, "There were no clashes there because the first team had already
2 been fighting with the rebels before we arrived. So clearly there wasn't combat as such."

3 Then you say now that when you arrived in Boy-Rabé, the population had fled and
4 leaving the doors of their homes opened. How do you know that were the rebels who,
5 the rebels or this first team that arrived before yours, that made the population flee? Did
6 you understand my question?

7 THE WITNESS: (Interpretation) I've understood the President's question. You see, I
8 used to live in Bimbo, which was very far away from the combat zone, and although I was
9 in my neighbourhood I was able to find out about what was happening. How could it be
10 that the civilian population that was in the combat zone could have afforded not to flee?
11 You see, even those who wanted to support them had to withdraw, first of all, and wait
12 until power was taken over before they could come out and celebrate. During the
13 fighting no one could remain in the neighbourhoods, be it in Kabongo or in PK12. The
14 inhabitants of that area had sought refuge in Petevo and Bimbo. Now, what does this tell
15 us?

16 It tells us that the area was calm so that is the answer that I can offer to Madam President.

17 PRESIDING JUDGE STEINER: It's just a matter of precision. If you came later, when
18 everything was already calm, how do you know if the population fled the rebels or if the
19 population fled the loyalists that arrived before you? This is my question: How do you
20 know that? If you know.

21 THE WITNESS: (Interpretation) This is my answer, and I repeat: The inhabitants of
22 the area had fled because the rebel troops had occupied the area and were firing into the
23 air. This frightened the population and the people fled. So to answer the President's
24 question, the population fled because of the firing by the rebels, and not because of the
25 intervention of the loyalist forces.

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1 PRESIDING JUDGE STEINER: Sorry if I insist, Mr Witness. I wanted to know -- we
2 lost connection.

3 (Pause in proceedings)

4 PRESIDING JUDGE STEINER: Mr Witness, can you see me, and can you hear me?

5 THE WITNESS: (Interpretation) Yes, Madam President, I can see you clearly and I can
6 hear you clearly as well.

7 PRESIDING JUDGE STEINER: Mr Witness, you just said, and I repeat, "The inhabitants
8 of the area," and we're talking about Boy-Rabé, "had fled because the rebel troops had
9 occupied the area and were firing into the air. This frightened the population and the
10 people fled. So to answer the President's question, the population fled because of the
11 firing by the rebels and not because of the intervention of the loyalist forces."

12 My question to you is: How do you know that, if you were not there, you came later to
13 Boy-Rabé?

14 THE WITNESS: (Interpretation) Madam President, let me repeat myself as follows:
15 From my position I could see people, I could see the inhabitants of Boy-Rabé leaving to go
16 seek refuge in areas where there was calm.

17 In my area, where I was, there was no fighting so, Madam President, when the inhabitants
18 were fleeing they carried some of their property on their heads, and people would ask
19 them where they had come from, and they would say that they had come from Boy-Rabé
20 or from Kabongo, because the rebels were firing in every direction, and it is for that reason
21 that they had fled.

22 Some of the inhabitants also fled even though they had not seen the rebels. That is the
23 answer I can offer, Madam President.

24 PRESIDING JUDGE STEINER: Judge Aluoch.

25 JUDGE ALUOCH: Mr Witness, it's the answer you have just given that makes me seek a

1 further clarification. What exactly did you see yourself? Did you see the people
2 running away with some of their property or is it that you heard that these people are
3 running away because the rebels are there or did you see the rebels firing? What exactly
4 did you see, please?

5 THE WITNESS: (Interpretation) I saw everything that was going on with my own eyes.
6 I saw people fleeing, carrying their property on their heads along with their children.
7 They were fleeing from those areas where there was fighting, for example PK12, and they
8 were headed for refuge in areas like Petevo.
9 Now, as a soldier, I asked them whether they had seen any soldiers with their own eyes,
10 and they would say "Yes." They said "Yes," and indicated that the soldiers had entered
11 the city and that they had seen the soldiers with their own eyes and it is for that reason
12 that they were fleeing, to seek refuge elsewhere.

13 PRESIDING JUDGE STEINER: And where exactly were you at that time, when you
14 were watching all of this? Where exactly you were?
15 We lost connection again.

16 Did you hear my question, Mr Witness, or you want me to repeat?

17 THE WITNESS: (Interpretation) I did understand your question clearly. I was in
18 Bimbo, Bimbo. I was in Bimbo when I saw those people going by.

19 PRESIDING JUDGE STEINER: Thank you.

20 Maître Zarambaud, I'm sorry for the interruption.

21 MR ZARAMBAUD: (Interpretation) Not at all, your Honour. It has simply clarified
22 the point that we were discussing.

23 Q. Now, Witness, before the Chamber sought further clarification from you I had put a
24 question to you about the inhabitants, but in your answer you talked about soldiers, so it
25 is normal to fear that the Bozizé rebels would have attacked you, but what surprised me is

1 that you testified that --

2 PRESIDING JUDGE STEINER: Maître, we lost connection again.

3 We have to wait about two minutes. I apologise for that.

4 (Pause in proceedings)

5 PRESIDING JUDGE STEINER: So I am informed there is no estimation on how long it
6 will take. It appears that it's a network problem. So with the -- if it is agreeable for the
7 parties and participants, we'll take now our break, anticipate the break, half-an-hour break,
8 and we'll be back at 10.35.

9 The hearing is suspended.

10 THE COURT USHER: All rise.

11 (Recess taken at 10.05 a.m.)

12 (Upon resuming in open session at 10.35 a.m.)

13 THE COURT USHER: All rise.

14 Please be seated.

15 PRESIDING JUDGE STEINER: Welcome back. Let's see if now we can proceed and we
16 will have now a two-hour session, so we are just going to anticipate our lunch-break.

17 Mr Witness, can you hear me? Can you see me?

18 THE WITNESS: (Interpretation) I can see you clearly.

19 PRESIDING JUDGE STEINER: So I'll give back the floor to Maître Zarambaud to
20 continue with your questioning, Maître.

21 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

22 PRESIDING JUDGE STEINER: Maître, we are not receiving -- we cannot hear you.

23 MR ZARAMBAUD: (Interpretation) I'm sorry, Madam President.

24 Q. Mr Witness, I was saying the following: I can understand your fear of rebels
25 attacking you, but it is difficult for me to understand your fear that inhabitants of the

1 neighbourhood were in hiding and could attack you or could have attacked you with
2 weapons. What's your reaction to that?

3 (Pause in proceedings)

4 PRESIDING JUDGE STEINER: I am informed that there is a problem with the internet
5 connection at the place of the transmission, which means that we have no idea on how
6 long it will take for the connection to be re-established. It can be in two minutes,
7 half-an-hour, tomorrow. We don't know.

8 So I just suggest that for the next 15 minutes we just stay around. If the connection is
9 re-established, we continue. Otherwise, we have an early lunch today.

10 (Pause in proceedings)

11 THE COURT OFFICER (via video link): (Interpretation) Madam President, I can see
12 you. Can you hear me?

13 PRESIDING JUDGE STEINER: Yes. Yes, Mr Rojas, I can hear you. Can you hear me?

14 THE COURT OFFICER (via video link): Yes, Madam President, we hear you loud and
15 clear and we see you too.

16 PRESIDING JUDGE STEINER: So let's try to continue.

17 Maître Zarambaud, I think it may be better if you repeat your last question. We don't
18 know 'til when the witness was able to hear you.

19 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

20 I was expressing surprise, my surprise to the witness, and I told him that I could
21 understand that, as the FACA troops advanced towards Boy-Rabé, that I understood that
22 they may have been worried about a reaction from the Bozizé troops, but that I had less of
23 an understanding or I did not at all understand that the FACA troops would fear that the
24 inhabitants of Boy-Rabé, that is the people of that area, would hide in their homes and
25 attack the FACA soldiers with weapons. So I was asking the witness for his reaction to

1 my apprehensions.

2 PRESIDING JUDGE STEINER: Maître Zarambaud, I believe the witness has not
3 understood your question. Maybe if you rephrase it?

4 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. I will be brief in
5 rephrasing my question.

6 Q. Witness, why did your group - did you - fear, why did your FACA group fear or
7 have any fears that the inhabitants, not Bozizé's rebels, that the inhabitants who were
8 hiding in their homes would attack you, or attack your group, with weapons?

9 A. My answer to Maître Zarambaud's question is the following: At Boy-Rabé, the
10 rebels of former President Bozizé had occupied that area. Any human being in that area
11 would have been afraid that the soldiers who had occupied that area may attack, and even
12 those who were in their homes could also attack, particularly because we had a fear that
13 some of the inhabitants or soldiers may have joined Bozizé's troops and actually remained
14 in their own homes in those areas. That was our fear and that was also my personal fear.

15 MR ZARAMBAUD: (Interpretation) I don't know whether the interpretation is
16 finished, or whether there is another problem?

17 PRESIDING JUDGE STEINER: The French interpretation is working properly, Maître.

18 MR ZARAMBAUD: (Interpretation) I think the French ended with "J'avais
19 personnellement," and I did not get the end of the sentence. In any event, I think that the
20 witness has answered the question, Madam President, and I'll move on.

21 Q. Witness, still regarding Boy-Rabé, as far as you know, you said you arrived at
22 Boy-Rabé on 29 October. Now, to the best of your knowledge, when or how many days
23 before your arrival did the Bozizé rebels withdraw from Boy-Rabé?

24 (Technical problem with the video link)

25 PRESIDING JUDGE STEINER: Mr Witness, did you hear the question put by Maître

1 Zarambaud?

2 THE WITNESS: (Interpretation) There was a problem with the link and I did not quite
3 understand, or clearly hear, Maître Zarambaud's question.

4 MR ZARAMBAUD: (Interpretation)

5 Q. Witness, I was stating that according to your testimony you arrived in Boy-Rabé on
6 29 October, and still by your testimony I would like to find out how many days before
7 your arrival in Boy-Rabé had the Bozizé rebels left the location.

8 A. The answer I can offer to Maître Zarambaud is the following: I cannot be very
9 specific as to the day on which they fled. I have no idea of the date. In fact, I don't
10 know on what day they fled.

11 Q. Mr Witness, however, according to transcript 323 of 14 June 2013, you testified, at
12 page 8, line 14 -- lines 14 to 18 and lines 22 to 25 as following, I quote you, "When we
13 arrived, we saw houses with broken doors. Some houses did not even have any doors.
14 There were no inhabitants in some of the houses. In some locations we found some
15 property in the courtyard. That is what I saw."

16 Then you went on to state in relation to abuses and acts of violence in Boy-Rabé
17 that -- and I'm referring to the same transcript, number 323, page 7, lines 1 to 3. You
18 testified that you saw and noticed many dead bodies.

19 From lines 15 to 19, you said the following: "The bodies I saw were bodies of boys,
20 young boys of about 13 to 15, 15 years old I also saw the dead body of a woman and her
21 child. The bodies were chopped up as if they had been struck by a rocket," and you said
22 that those dead bodies must have been the result of activities by the Bozizé rebels. How
23 did you come to that determination, or how did you know that the dead bodies were as a
24 result of the activities of Bozizé's troops?

25 (Technical problem with the video link)

1 PRESIDING JUDGE STEINER: Mr Witness, did you hear the question put by Maître
2 Zarambaud?

3 THE WITNESS: (Interpretation) Yes, I did. I did hear his question and this is my
4 answer: When I saw those dead bodies, it was not possible for us to know who had died
5 or who had caused the death of those people. However, there was every indication that
6 they had been killed two or three days before.

7 (Technical problem with the video link)

8 PRESIDING JUDGE STEINER: Maître Zarambaud, if you are happy with the answer,
9 you could try to put one more question. We are going like step-by-step.

10 MR ZARAMBAUD: (Interpretation) Yes, indeed, your Honour. I thought maybe we
11 had lost the link again, but I take note of the witness's answer; namely, that they were not
12 in a position to know who had caused the death of those people.

13 Q. I think that this answer in fact replaces your previous statement in transcript 323
14 when you said that, "I believe that the attackers, when they saw our advancing, started
15 shooting in all directions and that is how some of the stray bullets hit civilian targets."
16 Now, to conclude on Boy-Rabé, Witness, you referred to the death of these people and
17 also went on to talk about broken doors and theft that had occurred in that area, but
18 according to Witness 119, transcript 82 of 15 March 2011, that witness testified that on
19 28 October, that is before - the day before - your arrival in Boy-Rabé, or rather three days
20 before 28 October, that would be around the 25th, the loyalist forces had shelled Boy-Rabé
21 and on 28 October the MLC troops arrived in that neighbourhood.

22 That witness testified at transcript 17, lines 8 and following -- transcript 92 -- 82, rather,
23 transcript 82, page 17, lines 8 following and also page 46, lines 20 to 22. So at line 22 that
24 witness testified that they saw inhabitants running, saying that the soldiers who had come
25 with the Banyamulengue had broken down their doors and looted their property. That

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1 witness also went on to say regarding shelling that, following the shelling -- and I'm
2 looking at lines 51 on page 34 still. The witness said that, following the shelling, some
3 young persons had been wounded and a --

4 (Technical problem with the video link)

5 PRESIDING JUDGE STEINER: You can continue, Maître.

6 MR ZARAMBAUD: (Interpretation)

7 Q. Now, Witness, I have quoted excerpts of that witness's testimony. Now, based on
8 what you have heard, would you tend to think along the same lines as that witness that
9 the dead bodies you saw and the broken doors you saw were the result of the actions of
10 the MLC?

11 A. I do not know what answer to give you. What I saw is the following, and I have
12 already told you that by the time we arrived there, the doors of the houses were already
13 broken down. I did not personally see any MLC soldiers breaking down the doors.

14 THE INTERPRETER: And from the booth there is difficulty understanding what the
15 witness is saying.

16 MR ZARAMBAUD: (Interpretation)

17 Q. Thank you, Witness. It has been your testimony that when you got to PK12 you
18 noticed that there were already some other soldiers at that location and you saw the body
19 of an owner of a petrol, or filling, station which was in that bad state. Now, as far as you
20 know, given that other soldiers had been there before you, how do you explain the fact
21 that this body had not been taken away, this body which you found and which was in a
22 rigid state?

23 THE INTERPRETER: From the Sango booth, the interpreter is struggling to understand
24 the witness. However, because of sound issues -- the interpreter however goes on to
25 say --

1 THE WITNESS: (Interpretation) Although I am a soldier, I am a Christian. We are
2 human beings and you see for some they are --

3 THE INTERPRETER: The Sango interpreter cannot hear the witness.

4 PRESIDING JUDGE STEINER: It's becoming a nightmare this testimony. We were
5 informed that today there was a problem in the location because the internet sign was
6 really, really weak and too many people trying to get access to internet, but I couldn't
7 think it was that bad.

8 (Pause in proceedings)

9 (Technical problem with the video link)

10 (Trial Chamber confers)

11 PRESIDING JUDGE STEINER: So now we don't have not even the image here? Oh,
12 yes, it's back.

13 So on behalf of the Court, I have to apologise to parties and participants. Apparently,
14 there's a problem - an internet problem - at the location of the transmission. There is no
15 way we can estimate when the problem will be solved and, therefore, IT is suggesting that
16 we suspend and resume at 3 o'clock, or we adjourn for today and give them time to solve
17 the technical problems.

18 So I'm going to ask first of course Defence, since it is a Defence witness, what Defence has
19 to say about that?

20 MR HAYNES: We would prefer, if it's not inconvenient to everybody else, to have
21 another go at 3 o'clock this afternoon and that's for one very specific reason. I know that
22 the witness who's due to start next will be in difficulty remaining in that location beyond
23 Wednesday. He's a very short witness, but I would prefer if at all possible to be starting
24 him first thing tomorrow morning, rather than tomorrow afternoon, with that constraint
25 of time in mind.

1 PRESIDING JUDGE STEINER: And, Mr Haynes, we had in previous -- we had previous
2 opportunities in which the problem happened and at that time it was not convenient for
3 Mr Bemba to stay 'til 3 o'clock. So my question is: Is Mr Bemba going to wait 'til
4 3 o'clock, or agrees that we proceed without his presence?

5 MR HAYNES: He would rather not sit in the very small holding room there is for him
6 here until 3 o'clock this afternoon, but if it is not possible to bring him back by 3 he
7 consents to the evidence being heard in his absence.

8 PRESIDING JUDGE STEINER: I think it's not possible to take Mr Bemba back to the
9 Detention Centre and then bring him back, but I will check with VWU -- with Registry in
10 any case, but just to anticipate in case we restart at 3 o'clock and Mr Bemba is not present,
11 we can proceed?

12 MR HAYNES: Your Honour, we can. Thank you very much.

13 PRESIDING JUDGE STEINER: Mr Iverson?

14 MR IVERSON: Thank you, Madam President. Of course the Prosecution supports
15 every effort by the Chamber to move the proceedings along. We're of course ready to
16 proceed at 3 p.m. today, if that's what the Chamber decides. That said, you know, we
17 can also stay on stand-by in case there's an opportunity before that, but of course it's up to
18 the Chamber to manage the proceedings and we understand that there's technical
19 difficulties, there are other outside pressures that factor in on when we can restart the
20 proceedings.

21 PRESIDING JUDGE STEINER: Maître Zarambaud, Maître Douzima?

22 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President. We will
23 support a good proposal that enable us to proceed expeditiously, so we have no objection
24 whatsoever. Thank you.

25 PRESIDING JUDGE STEINER: I think it's better for parties, participants and mainly for

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1 the witness if we stop with this attempt to have a proper testimony that has to be
2 interrupted every two or three minutes, so my suggestion is that we suspend and we will
3 resume at 3 o'clock and make another try at 3 o'clock.

4 Mr Haynes?

5 MR HAYNES: I don't want to be impertinent, but I did just wonder whether we could
6 resume at 2, because either we're going to be ready at 2 or we're not, and it might
7 inconvenience everybody, the Chamber included, rather less if at 2 we know we still can't
8 proceed, but as I say the matter's your Honours' decision, not mine.

9 PRESIDING JUDGE STEINER: Mr Haynes, in order to sit for extended hours, the Court
10 had to hire a freelance court reporter that is available only as from 3 o'clock, so
11 unfortunately we cannot start before that. We also would prefer to have maybe two
12 sessions of one-and-a-half hours in the afternoon in order to try and compensate, but
13 I think it's not possible. So let's hope that by 3 o'clock the connection is better and we are
14 able to continue and to conclude the testimony of Witness D-09.

15 So I ask, please, court officer to inform Mr Rojas that in any case the next witness will not
16 start today. That was our idea, that he would be able to start this afternoon, and that we
17 will resume at 3 o'clock.

18 The hearing is suspended.

19 THE COURT USHER: All rise.

20 (Recess taken at 11.23 a.m.)

21 (Transcription of the hearing continues in Transcript:

22 ICC-01/05-01/08-T-324bis-CONF-ENG)