

Trial Hearing
WITNESS: DRC-OTP-P-0933

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI - Courtroom 2
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and Judge Chang-ho Chung
6 Trial Hearing
7 Friday, 22 April 2016
8 (The hearing starts in open session at 5.30 p.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: Good evening. Court officer, please call the case.
13 THE COURT OFFICER: Good afternoon, your Honours.
14 This is the situation in the Democratic Republic of the Congo in the case of the
15 Prosecutor versus Bosco Ntaganda, reference number ICC-01/04-02/06.
16 And we are in open session.
17 PRESIDING JUDGE FREMR: Thank you, court officer.
18 Appearances please starting with Prosecution.
19 MS LUPING: Good evening, Mr President, your Honours. Appearing on behalf of
20 the Prosecution this evening are Ms Nicole Samson, senior trial lawyer; Selam Yirgou,
21 case manager; James Pace, assistant trial lawyer; and myself, Dianne Luping, trial
22 lawyer.
23 PRESIDING JUDGE FREMR: Thank you, Ms Luping.
24 Defence please.
25 MR GOSNELL: Good afternoon or good evening, Mr President. Appearances for

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1 the Defence are the same as yesterday. Thank you.

2 PRESIDING JUDGE FREMR: Thank you, Mr Gosnell.

3 Legal Representatives of Victims, please.

4 MS PELLET: (Interpretation) Thank you, your Honour. Former child soldiers are
5 represented by myself, Sarah Pellet, and Mohamed Abdou, my colleague. We are
6 from the OPCV.

7 MR SUPRUN: (Interpretation) Good morning, your Honours. The victims of the
8 attack are represented by the OPCV, Anne Grabowski, associate counsel, and myself,
9 Dmytro Suprun, counsel.

10 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.

11 I also can confirm for the record that I can see Professor Yuille, our witness. Just to
12 be sure, I'm asking our court officer at the remote location whether they can hear us
13 well?

14 WITNESS: DRC-OTP-P-0933 (On former oath)

15 (The witness testifies via video link)

16 THE WITNESS: Yes, we can hear you just fine. Thank you.

17 PRESIDING JUDGE FREMR: Very well. Now we will conclude cross-examination
18 of the witness, which is conducted by Mr Gosnell.

19 Mr Gosnell, according our measuring, if we are keeping this principle of equal
20 treatment of both parties also as concerns time allotted to examination,
21 cross-examination, you should still have at your disposal roughly one and a half
22 hours. So, please, you may proceed.

23 MR GOSNELL: Thank you very much, Mr President.

24 QUESTIONED BY MR GOSNELL: (Continuing)

25 Q. Good morning, Dr Yuille. Good to see you again.

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1 May I ask the Registrar please to show tab 19, which is DRC-D18-0001-0920.

2 THE COURT OFFICER: (Via video link) By any chance would the first page of the
3 document ending by the number 0910?

4 MR GOSNELL: It should be 0920. I'm looking at the document and that does seem
5 to be the number on the first page of the document.

6 THE COURT OFFICER: (Via video link) I'm afraid I do not have this document
7 with me. No, I don't.

8 MR GOSNELL: Well, this is tab 19. The title is "Edmonton Public Schools and
9 Canadian Union of Public Employees."

10 PRESIDING JUDGE FREMR: Give us a moment, Mr Gosnell. I think we are now
11 in connection with our court officer in the remote location.

12 THE COURT OFFICER: (Via video link) Yes, indeed, Mr President, it seems that I
13 do not have this document with me. Maybe someone could send it by email.

14 PRESIDING JUDGE FREMR: Yes, court officer at remote location proposed to send
15 this document to this remote location by email. Is it feasible? So please proceed
16 this way.

17 But it will probably need some time, so I ask you for some indulgence, Mr Gosnell.

18 MR GOSNELL: Mr President, I understand that we've just sent the document by
19 email. Hopefully that will only take a couple of seconds no matter how far away the
20 witness is.

21 THE COURT OFFICER: (Via video link) I do have the document, which is now
22 presented to the witness.

23 PRESIDING JUDGE FREMR: Very well.

24 So, Mr Gosnell, please proceed.

25 MR GOSNELL: Thank you, Mr President.

1 Thank you, madam registrar, for your assistance.

2 And may we turn please to page 0988 of this document.

3 THE COURT OFFICER: (Via video link) Absolutely.

4 MR GOSNELL:

5 Q. And here we see, Professor Yuille, what appears to be an excerpt of the report
6 that you wrote in this particular case. And here is according to the Court what you
7 said in that report, "The Step-Wise Interview has been developed to avoid the
8 following problems frequently found in interviews with children."

9 Now, I just want to stop there before I go through these characteristics and remind
10 you that yesterday at page 55 of the transcript you said, "Most of the time what I've
11 seen are good interviews."

12 Now, would it be fair to say at least that amongst the many -- many hundreds or
13 thousands of interviews that you've read, at least enough of them reflect suggestive
14 questions that there is a need for your protocol, the Step-Wise protocol? Would that
15 be fair to say?

16 A. Yes, sir. I can clarify the apparent discrepancy here easily. I've been in this
17 business as it were for over a quarter of a century. I would say that all of the
18 interviews that I saw when I first began to work in this field were of poor quality.
19 No one had training. And to amplify your point, it is still the case today that I see
20 many interviews of poor quality.

21 However, for example, my company has contracts now with child advocacy centres in
22 which we regularly review interviews of people who have been trained. I see a lot of
23 those now, and the quality of those interviews is often excellent. So there has been
24 an improvement over time in some domains. In other domains where there hasn't
25 been any training, things are just as bad as they always were.

1 Q. Thank you very much for that, that clarification, Professor.

2 Now, Professor, on this page at the top of the page there is an indication of the
3 questions that were asked to you in this case, or perhaps it's an excerpt actually from
4 your report, and it appears that you're addressing your comments here to someone
5 who is in the 12 to 14-year-old age range. Do you remember that that was the focus
6 of your report?

7 A. I remember that that was the age range of the complainant in this particular case,
8 yes.

9 Q. And these observations that you make here on this page and that are
10 reflected -- reflective of your report, would you say that's equally true for someone
11 who is 15 or 16 or 17 years old?

12 A. I would.

13 Q. And, in fact, potentially even of somebody who is an adult, is that correct?

14 A. Yes.

15 Q. But I suppose we would agree that someone who is very, very young, 3 years
16 old, 4 years old, 5 years old, that's a child that might in fact be just by virtue of their
17 age very suggestible, is that correct?

18 A. That's correct.

19 Q. Now, what you say here is, below your list of five characteristics that you've
20 observed in certain interviews is, "The Step-Wise Interview employs open-ended
21 questions, avoids leading the child, allows the child to set the pace of the interview
22 and to describe events in his or her own words, and attempts to obtain as much
23 information as possible to evaluate alternative hypotheses about the child's
24 allegations. During the course of the interview, the susceptibility of the child to
25 suggestion and to leading questions is checked."

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1 Now, may I stop there and just ask you, how do you go about checking as you say
2 here the susceptibility of the child to suggestion?

3 A. If it's felt necessary to do so, the simplest way usually is to speak with a
4 caretaker, a parent or someone else in the child's life before the interview. Often it's
5 the person who has accompanied the child, the adult who has accompanied the child
6 to the interview. And a few simple questions are asked of, let's say, what the child
7 did yesterday, what clothing she was wearing, what activity she was involved in.
8 Then it becomes possible in the course of the interview to ask a misleading question
9 such as, "You were wearing a red dress yesterday, weren't you?" when you have
10 learned that that was not the case, and this would give you an idea of whether this
11 child is in fact susceptible to suggestion.

12 Q. And if the person accepts that specific false proposition, is that generally
13 indicative of suggestibility in general?

14 A. It is.

15 MR GOSNELL: May we please have D18-0001-0590.

16 THE COURT OFFICER: (Via video link) The document is shown to the witness.

17 MR GOSNELL:

18 Q. And if we could please turn -- and this just for the record is again your Article
19 entitled "The Complexities of Eliciting and Assessing Children's Statements." If we
20 turn to 0594. I'm just looking for the passage that I'm looking for. Well, I'll read the
21 passage, even though I don't see it on the page, but it is in this article, and you say,
22 "Thus, a transcript of an ideal Step-Wise Interview would have blocks of the child's
23 account punctuated by brief prompts from the interviewer such as 'Do you remember
24 what happened after that?' Questions can gradually be made more specific if
25 absolutely necessary, e.g., if there is no chance of criminal charges, but there still may

1 be child protection concerns that require a less restrictive balance of proof."

2 Now, just regardless of whether it's on the page, do you recall having written that?

3 A. Yes.

4 Q. And why did you set apart or highlight that issue of the potential of criminal
5 charges being an absolute bar on suggestive questions of any sort?

6 A. If I may give just a little bit of background to clarify my answer here?

7 Underlying this approach to interviewing, it's called the funnel approach, where a

8 funnel is a metaphor for how open the questioning is. So, for example, the

9 questioning at the top of the funnel is the most open, non-leading, non-suggestive.

10 And as you move down the funnel, the questions become more narrow, more specific,

11 until at the bottom of the funnel there are leading and suggestive questions.

12 The principle behind the interviewing is you stay as far up or towards the top of the

13 funnel as you can throughout the interview process. However, there are some

14 occasions when becoming leading is necessary for child protection. For example,

15 let's say that a child has a sexually transmitted disease, so that we know that she's

16 been sexually abused in some way, but she is not forthcoming about any detail. It

17 may become necessary to go pretty far down the funnel and start asking her leading

18 questions about who did this and so on in order to try to protect other children.

19 But, of course, once the interviewer begins to provide leading information about who

20 the perpetrator might be or the nature of the alleged acts, this renders criminal

21 intervention extremely difficult.

22 Q. So you wouldn't recommend doing that in the context of an interview in a
23 criminal investigation, correct?

24 A. That's correct.

25 Q. Because there is a danger of false memories being created by that suggestion,

1 correct?

2 A. The bottom line is you never know once -- if the information is coming from the
3 interviewer, and the child or adult for that matter is simply confirming or
4 disconfirming it, you never know whether that is that witness's information or simply
5 their willingness to confirm what the interviewer is telling them.

6 It doesn't follow necessarily that that's going to lead to a false memory. It could.

7 But still the manner in which the information has been obtained is contaminated and
8 its value is dramatically reduced.

9 Q. It doesn't necessarily lead to a false memory, but it creates a risk of a false
10 memory, correct?

11 A. But even if it doesn't, the fact that the complainant has confirmed, let's say, these
12 details doesn't mean that that's accurate. It just means that they've confirmed them,
13 and it could be they're trying to be cooperative and helpful and please the interviewer
14 or it could be the truth. But there is no way of knowing.

15 Q. So you're saying that the credibility of a statement elicited in that context is
16 substantially lessened, correct?

17 A. Correct.

18 Q. And in that context I would like to come back to cousin Albert one more time.
19 Such a striking example, Professor, because, at least to me, because the scenario that
20 you've described is not just that the rememberer suppresses or forgets the event.
21 The rememberer in your example actually remembers someone else as having
22 performed the event.

23 Is there some psychological explanation or dynamic that explains why that would
24 happen; that instead of just suppressing the event or it not being remembered at all,
25 that a different person would be placed as the protagonist?

1 A. As I answered to a previous question of this nature, the psychological process
2 here is one of preservation of self-image. And if the witness needs to have this
3 self-image of not being someone who does that kind of behaviour, but they know that
4 the behaviour occurred, that is that others are telling them that someone was dancing
5 on the table, then this is a way of resolving their own image with the fact that
6 somebody did this so it must have been cousin Albert.

7 Q. But the preservation of self-image element would be in fact satisfied by just
8 forgetting about the event entirely. So I'm curious to know why is there this need to
9 fill the gap with someone else being the protagonist?

10 A. That's an interesting question. And I'm sure that in some cases that just saying
11 "I don't remember what happened" would be a strategy that someone may employ.
12 However, there is no question that some individuals will make up a whole cloth
13 memory to substitute for what actually happened. So why this occurs in one
14 individual and not in another would have to be explored in terms of the dynamics of
15 that particular individual.

16 Q. Does it have to do with this notion that you were discussing on Monday about
17 reconstructive, the reconstructive nature of memory, that if there is a gap, there is a
18 desire to fill that gap?

19 A. The reconstructive nature of memory is the quality of our memory that makes it
20 possible to create a memory that is in fact not historically accurate. Your question is
21 a little bit different in that you're asking whether people fill in missing information or
22 fill in gaps when they're reconstructing, and the answer is yes, that we do have that
23 tendency. And a well-trained interviewer will try to keep the person reporting only
24 those things that they heard, saw, paid attention to and to not fill in the blanks.

25 Q. All right. Well, you've anticipated my next question perfectly, and that is,

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1 given this possibility, it's extremely important, is it not, for the interviewer not to
2 propose for the first time during an interview the identity of the protagonist of an
3 action? In other words, that should come from the witness first, shouldn't it?

4 A. Absolutely.

5 Q. And would you agree in the context of the person remembering the contours of
6 an event in general, but not having volunteered the name, that it would indeed be
7 strongly suggestive for the interviewer to insert the name in the interview for the first
8 time?

9 A. I agree.

10 Q. That would give rise to a high risk of false memory, wouldn't it?

11 A. Again, the problem is that it may not be a false memory. It may be an accurate
12 memory. It's just that because the source of the information has come from the
13 interviewer, it's not possible to make a determination of whether the witness
14 information is credible. So is the person confirming what's in their own memory?
15 It's possible that that's the case. But by supplying that information from the outside,
16 we cannot be certain whether we're learning something about the witness's memory
17 or learning something about the witness's willingness to confirm information
18 supplied by an interviewer.

19 MR GOSNELL: May we have tab 12, which is DRC-D18-0001-0614, please.

20 THE COURT OFFICER: (Via video link) The document is now displayed.

21 MR GOSNELL:

22 Q. And this is an article that you participated in authoring. And if we could just
23 turn please to page 0618. And if we can blow up the left-hand column, just more
24 than halfway down, it says, "Overall, the pattern suggests that the provision of
25 misinformation by an interviewer with extroverted traits to a rememberer with

1 introverted traits and dissociative tendencies may be a recipe for a high level of
2 memory distortion."

3 Now, we did broach this issue yesterday. Can I just ask, do you stand by this
4 observation in this article?

5 A. And I do, yes.

6 Q. Am I right that the best opportunity to -- well, actually, no. I'd like to go to a
7 new document before I pose the question.

8 And again it's tab 11, CAR-D18-0001-0590, and if we could please turn to page 0595.

9 Now, Professor, you in this article describe something called statement analysis in
10 which you set out a series of, am I right, criteria designed to assess whether or not a
11 particular statement of a person is credible, is that right?

12 A. Yes.

13 Q. And would you agree with me that about 15 or 16 of these elements refer to
14 spontaneity?

15 A. I've never looked at it that way, but I would agree that spontaneity is probably
16 the single most important aspect or quality that's consistent with credibility, and so it
17 certainly appears in many forms in these criteria.

18 Q. And how would you define spontaneity?

19 A. Spontaneity is defined as the manner in which the witness answers questions.
20 For example, if the same question or slightly alternative version is posed, a
21 spontaneous witness will provide a slightly different answer the second time
22 compared to the first. The wording may be a little bit different, the order of
23 information a bit different. A non-spontaneous, what we often call rigid repetition,
24 the witness may provide exactly the same answer, even the same words, making it
25 look like something that's been rehearsed.

1 Another example of spontaneity would be the ability of the witness to move around
2 in the event so, for example, that the witness could answer a question about what
3 would happen near the end of the event, and then next a question about the
4 beginning and then next a question about the middle.

5 Real memories have this flexibility to them. Invented memories tend to have a
6 rigidity so that it's very difficult for a person with an invented memory to move
7 around, if you like, within the memory.

8 One of our standard tools, for example, is asking the witness to sometimes go
9 backwards through the event, that is we'll say, "You said he then left the room.

10 What happened just before that? What happened just before?"

11 For real memories, this is a relatively easy thing to do, except with young children.

12 With invented stories, this is a difficult thing to do.

13 Q. Am I right that these criteria cannot be applied to a statement for which there is
14 no verbatim record?

15 A. That's correct.

16 Q. And if a person has been interviewed many times on the same subject, does it
17 become harder to assess spontaneity in later statements?

18 A. It may, yes.

19 Q. Now, when you say "It may," does that depend on whether the earlier
20 statements are reflected in a verbatim record?

21 A. No. The issue is that if someone is asked to repeatedly recall something, the
22 form of the recall may lose spontaneity with time just through the sheer act of having
23 to go over this over and over again. And so it may take on some rigidity that is not
24 an indication of lack of credibility, but just of the impact of repetitive recall.

25 Q. Well, let's take the following hypothesis. Imagine that a witness is interviewed

1 over a period of five days. There is no verbatim record kept of those five days of
2 interview and a statement is produced at the end essentially written by the
3 investigator, and then the person thereafter gives a statement which is recorded
4 verbatim.

5 Is there a possibility that the verbatim record of the second interview will give an
6 exaggerated sense of spontaneity because certain answers have been suggested
7 during the non-recorded interview?

8 A. No. Why spontaneity is so important is it can't be pretended. You can't play
9 spontaneity. If suggestions are made and incorporated into a witness memory, that
10 will lead generally to less spontaneity, not more. It's why spontaneity, it's just so
11 important.

12 Q. But at least in respect earlier when you were saying just now that spontaneity
13 could be assessed by comparing how the witness answered in respect of a previous
14 interview and then comparing it with a subsequent interview, looking for variation,
15 which would in your view reflect natural spontaneity, you can't do that if you don't
16 have the verbatim record of the earlier interview, isn't that right?

17 A. Yes.

18 Q. And, of course, without a verbatim record of the earlier interview, no idea
19 whether there were suggestive elements during that interview, correct?

20 A. That's correct.

21 Q. And that danger of suggestion increases with the number of interviews that the
22 person goes through, correct?

23 A. Yes.

24 MR GOSNELL: May we have tab 20 please, which is DRC-D18-0001-1013.

25 THE COURT OFFICER: (Via video link) The document is being displayed.

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1 MR GOSNELL:

2 Q. This is a case called Lien versus Lorenz before his Honour Judge Slade,
3 judgment of 16 March 2009 in British Columbia Supreme Court. Do you remember
4 being involved in this case?

5 A. I do not.

6 MR GOSNELL: If we can just look at page 1015, paragraph 6, the bottom of the
7 page.

8 Q. This to just refresh your recollection is a case involving custody as I believe
9 involving a mother who lived in Nebraska and a father who lived in British Columbia
10 and there was a dispute about custody. And as part of this dispute about custody,
11 allegations were made that the father had sexually abused the child.
12 And you can see in paragraph 6 there is a reference to the person's name. The father
13 denied these allegations, voluntarily suspended his access and so forth. Is any of
14 this ringing a bell that you may have been involved in this case?

15 A. No.

16 Q. All right. Let's turn please to page 1027. Paragraph 143 says, "Dr Yuille had
17 read Dr Koch's report and Dr Bowden's report and additionally he had read the
18 transcripts of two interviews of Steffany conducted by the Nebraska police since
19 Dr Bowden's report. He referred to other interviews with persons whose names
20 have been redacted."

21 Does that help you remember or remind you that you were involved in this case?

22 A. It does.

23 Q. Now I'd like to just look at paragraph 145. And what you say here
24 is -- apparently this is part of your report as recorded by the -- reported by the Court,
25 and you say, "However, she did not provide detail about these alleged events, that is,

1 there was a lack of the amount and type of detail one would expect from a child this
2 age who had been abused."

3 Now, let me just pause there and ask, is there -- does age affect the amount of detail
4 that you would expect from a witness?

5 A. Yes.

6 Q. Would you expect more detail from an older witness?

7 A. Yes.

8 Q. Now, this appears to be a case that involved multiple allegations or allegations
9 of multiple events. Do you remember that?

10 A. I do.

11 Q. And you go on here at paragraph 145, "Also, she did not demonstrate
12 spontaneity in describing the allegations. In short, although these allegations are
13 cause for concern, they do not have sufficient features to be consistent with episodic
14 memory."

15 Now, can I just ask a terminological question, why did you use the expression
16 "episodic memory" here even though it involved a case of multiple events?

17 A. Because although there were multiple events, there were specific episodes being
18 referred to in the materials I reviewed.

19 Q. So you might use the expression "episodic memory," when you use that
20 expression, you're not using it necessarily to the exclusion of script memory, is that
21 correct?

22 A. That's correct.

23 Q. And without getting into too much detail, can you recall what type of detail you
24 were looking for that you did not find in the witness's statements?

25 A. It wasn't so much a type of detail as the amount of detail. One of the main

1 criterion is that the in this case child is providing an appropriate amount of detail
2 given the child's age, the nature of the event and how long ago the alleged event
3 occurred. So all of those factors are taken into consideration. And it was my
4 evaluation that there was insufficient detail.

5 Q. And down at point 3 under paragraph 145 you say, "Steffany's language seemed
6 age inappropriate, e.g., 'I am a little embarrassed to say it but ...'"

7 Now, can you elaborate a little bit on why that's an indicator of lack of credibility as
8 you assessed it in this case?

9 A. Yes. This is an interesting issue. If a child has been influenced by an adult,
10 it's not uncommon for the child to incorporate some language that is more indicative
11 of an adult's view of what happened than it is of the child. And that's what I was
12 referring to is the child seemed to be echoing, if you like, or repeating an adult's
13 interpretation of the event.

14 Q. So just to adopt the language that we've been discussing at length so far in your
15 testimony, it would be an indication of suggestion having been adopted, is that
16 correct?

17 A. That's correct.

18 MR GOSNELL: May we have DRC-D18-0001-1031. That's tab 21.

19 THE COURT OFFICER: (Via video link) The document is displayed.

20 MR GOSNELL:

21 Q. This is a 2011 case in the Supreme Court of British Columbia between PAL and
22 LAL. We'll not go into the facts of this case, Professor.

23 But could we please turn to page 1035.

24 And there at the top of the page, your report is referred to in this judgment, and one
25 of the comments that you're reported as having made there is that "An increase in

1 detail after four years is not an expected memory pattern. Memory does not
2 improve with time. The additional detail is likely a result of other influences on
3 TAL's memory."

4 Do you remember that?

5 A. I do.

6 Q. And do you stand by having said that? Is that true?

7 A. Yes.

8 Q. And why? Why is that?

9 A. Well, I think all of us know from our own experience that memory is not
10 something that improves with the passage of time. In fact, of course, for most
11 experiences the memories become either totally absent or only a few details can be
12 recalled. The exception is remarkable memories or unusual events which we may
13 retain over, indeed, over a lifetime.
14 But even with a remarkable event, memory isn't twice as detailed ten years later as it
15 was at the time. The most detail that you're likely to get from a witness is
16 immediately after the event in question. There may be as much detail available ten
17 years later, but there will never be more.
18 There is one exception to that, and that is if a witness has amnesia after an event,
19 meaning they're unable to recall, then years later if they recover from the amnesia,
20 they will now have detail that wasn't available earlier. But this isn't, if you like, an
21 increase of details from, you know, 200 details to 400 details. This is a recovery from
22 a psychological state of amnesia where the person couldn't recall these details before
23 and now they can.

24 Q. Is the fact that the best opportunity to record the witness's recollection of details
25 is at the very first interview yet another reason why it is so important for there to be a

1 verbatim record of the first interview with a witness?

2 A. Absolutely. I should say that there will be circumstances where a witness may
3 be so traumatised that that first interview may not be effective, that is, their emotional
4 state may be such that they're unable to answer questions, unable to provide any
5 detail, not because of amnesia, but simply because they are not in an emotional state
6 that permits cooperation. In such a circumstance it may be necessary to wait until
7 the witness has recovered enough emotionally to be able to focus on questions.

8 Q. And, once again, whether there were such impairments, emotionally driven
9 impairments, could best be displayed if there was a verbatim record or recording of
10 that interview, that first interview, correct?

11 A. Yes.

12 Q. And in this particular case what you are suggesting in PAL versus LAL is, am I
13 right, that there is a possibility that this witness, this witness's memory has been
14 contaminated?

15 A. That's correct.

16 Q. Indicated by additional details being recalled that were not present in earlier
17 interviews, correct?

18 A. Along with age inappropriate language, yes.

19 MR GOSNELL: Could we please go back to tab 11, 0001-0590, and I'd like now to
20 turn to page 0593.

21 Q. And here you talk about the notion of cross-contamination and you're
22 describing what you I think believe to be a good way to go about an investigation,
23 such as the one that was carried out in the Pee Wee Care case. And you say, "Parents
24 would be advised not to question their children about whether they were abused but,
25 rather, to wait until their child is interviewed. To forbid children to talk about the

1 allegations among themselves and so on, Yuille, et al., recommend that investigations
2 be conducted only by extremely competent interviewers who are aware of the factors
3 that can influence the accuracy of children's accounts."

4 Now, is cross-contamination between different people who may be witnesses to an
5 event just as much a source of potential contamination as suggestive questions by an
6 interviewer?

7 A. It can be, yes.

8 Q. And even though here you're referring to children, would it be fair to say that
9 the same considerations apply to adolescents and even adults?

10 A. Yes.

11 Q. And cross-contamination can occur, am I right, if the interviewer conveys
12 information provided by another witness to the person who is being interviewed; is
13 that correct?

14 A. Yes.

15 Q. What would your view be of such a practice?

16 A. It's inappropriate.

17 Q. Now I'd like to ask you some questions about script memory and script
18 violations. You spoke about that on Monday. And can I just start by asking
19 whether there is any greater likelihood that a person who has gone through a series of
20 events and formed a script memory, will the first event amongst the series have any
21 greater impact in the formation of the script than subsequent events?

22 A. Not necessarily, no.

23 Q. Not necessarily. Is there a tendency, however, for the first event to create the
24 pattern of memory or the script?

25 A. No. Script memory is an automatic process. It's not a decision we make. It

1 will occur automatically after the person has experienced three or four or more events
2 of a similar nature. All of those events contribute because of their similarity to one
3 another to the formation of the script. The first one is no more or less important by
4 virtue of its primacy in their experience.

5 Q. And what a person will be able to remember as a script violation as you referred
6 to it will vary from person to person; is that correct?

7 A. Well, it will be that they remember an incident in which things did not go
8 according to the script, that there was a -- perhaps things occurred in a different
9 location or anyway, something significant enough that it -- the reason for retaining a
10 script violation is that maybe a new script is going to be formed, that is, if that same
11 violation happens repeatedly, then a separate script will be formed to relate to that
12 particular context or series of events.

13 Q. The degree of detail that would be -- that would register in the person's memory
14 as a script violation will vary or may vary from person to person, is that correct?

15 A. Yes.

16 Q. You've not analysed, have you, the testimony or interviews or statements of any
17 witness in this case; is that correct?

18 A. That's correct.

19 Q. You haven't come to a view as to whether any of them at any time suffered from
20 PTSD?

21 A. There is no -- I've not seen any such materials. I have no foundation for any
22 opinion.

23 Q. Am I right that your testimony should not be understood as an opinion as to
24 whether any particular witness in this case fits into any of the memory recall patterns
25 that you have described in your testimony?

1 A. Right. That's for the trier of fact to decide.

2 Q. And at page 30 of your testimony on Monday, you said, "In a sense, the core
3 issue in the report has to do with the great variability that we find with victims of
4 traumatic events, that we will see some victims with detailed and fairly accurate
5 memories; we'll also see victims with amnesia, that is no memory at all, and
6 everything in between."

7 Now, when you say "everything in between," am I correct in understanding you to
8 say that the victims of traumatic events, just like with other witnesses, might be
9 accurate in some respects and inaccurate in other respects?

10 A. Yes.

11 Q. It's not an all or nothing situation, is it?

12 A. No.

13 Q. Now, one potential implication of your testimony concerning script memories is
14 that the judges shouldn't pay too much attention to minor discrepancies or
15 impossibilities concerning the timing or place of an event, because such errors are a
16 natural byproduct of script memory; is that correct?

17 A. Yes. And also depending on how questions are asked, it may yield what
18 appear to be inconsistencies even though they really aren't.

19 Q. But would you agree with me that an untruthful witness, in other words,
20 somebody who is consciously lying or a witness who is suffering from false memories
21 is not likely to deviate from just the core details of their account, are they?

22 A. I'm not sure that I quite understand the question. You said that a deliberate
23 liar or someone with a false memory is not likely to deviate? Is that the term you
24 used?

25 Q. Well, perhaps I can show you a quotation that will help illuminate the issue.

1 Could we please have DRC-D18-0001-1082, tab 24.

2 THE COURT OFFICER: (Via video link) The document is being displayed.

3 MR GOSNELL:

4 Q. Now, this case is from quite a while ago, Professor, it's from 1998. It's the case
5 of RV Kliman, British Columbia Supreme Court, before his Honour Judge Fraser,
6 involving six charges of indecent assault. The accused was acquitted.

7 Can we turn to page 1086.

8 Can I just first ask you, Professor, do you remember being involved in this case? I
9 know it's over 20 years ago.

10 A. I do though, I do remember it, yes.

11 Q. And at paragraph 18, the Judge is reported as saying, "There is a substantial
12 number of inconsistencies in the testimony of each complainant as to the peripheral
13 details. This might be explained, according to the evidence of Dr Yuille, by the
14 phenomenon of 'script memory.' Where there has been a series of like events, the
15 memory of them tends to blend. The core details remain but the peripheral details
16 vanish. The difficulty with this in a criminal trial is that effective cross-examination
17 often focuses on the peripheral details because of the unlikelihood that an untruthful
18 witness can be tripped up as to the core details. It is in the examination of the
19 peripheral details that inconsistency and untruthfulness is sometimes revealed.
20 Thus, from the vantage of an accused, the phenomenon of script memory tends to
21 explain away inconsistencies in the testimony of a Crown witness."

22 Now, is this the first time you're reading that passage?

23 A. Yes.

24 Q. Well, let me just ask you whether you have any views on this passage?

25 A. I do.

1 Q. Could you share that, please?

2 A. I think this is an example of where the legal tradition particularly that of
3 Wigmore and the notions of cross-examination and psychological knowledge clash or
4 maybe a better term would be "diverge." There is of course a history of centuries of
5 evaluating credibility in the legal context, and this judge is presenting a kind of
6 summary of one of the foundations of that.

7 From a psychological perspective, this is not the best way to evaluate credibility.

8 And so this is where our systems, if you like, collide or at least they don't agree and
9 sobeit.

10 PRESIDING JUDGE FREMR: Sorry, Mr Gosnell.

11 Ms Luping.

12 MS LUPING: Mr President, your Honours, it's just simply out of fairness to
13 Dr Yuille, I believe it would be also useful if the following, at least following sentence
14 of the next paragraph is read to him, because it's otherwise I think misleading for
15 Dr Yuille as to what the judge's conclusions were about the veracity or otherwise of
16 script memories, because there the judge goes on to say, "My conclusions from the
17 foregoing are that a witness should not be disbelieved only because he or she claims
18 to have repressed, then recovered, memory of a past event or series of events."

19 So just out of fairness, I believe that this should also be provided to Dr Yuille.

20 PRESIDING JUDGE FREMR: Mr Gosnell, any problem with that?

21 MR GOSNELL: I don't agree, but I don't have a problem with it.

22 PRESIDING JUDGE FREMR: So please proceed this way.

23 MR GOSNELL:

24 Q. Dr Yuille, I mean, does your answer -- is your answer in any way influenced by
25 your next sentence on the page or the next two or the next three or the next four

1 sentences?

2 A. No.

3 Q. Now, the question I was going to ask you before the objection was, that you
4 yourself in some of these other cases, you also sometimes look at detail or the lack
5 thereof to assess the credibility of witnesses, even in respect of witnesses who would
6 have developed script memory; is that correct?

7 A. It is.

8 Q. I mean, so to some extent it's not a question of this judge necessarily
9 categorically disagreeing with you, it's more how you go about it; is that correct?

10 A. In this context, yes.

11 Q. Would you agree, especially, especially in the context of script memories, that
12 when you're trying to assess the credibility of statements, that's especially when it's
13 important to scrupulously adhere to the Step-Wise protocol that you developed,
14 namely, non-leading questions, audio or video recording of the first video, allowing
15 the person to tell their own story so that you have a basis to assess its credibility; is
16 that -- would you agree with that?

17 A. No.

18 Q. Could you explain your answer?

19 A. There is nothing about script memory that makes it more important to conduct
20 a proper interview. It makes no difference what aspect of memory is being accessed.
21 A good interview is the appropriate thing to do, script or otherwise.

22 Q. Well, thank you. That's a very helpful answer and I do appreciate that view.
23 Would you agree that where you do have a script memory, and it's harder for
24 perhaps a judge to assess whether details are forgotten as a result of script memory or
25 forgotten as a result of credibility issues, it will be easier for that judge to assess if

1 they have a verbatim record of earlier interviews with the witness?

2 A. Your question is a little bit tricky, because you're asking me to offer an opinion
3 about how a judge conducts his or her evaluation.

4 Q. Fair enough, Professor. And let me withdraw that question and rephrase it.
5 If you were in a position, not a judge, you were in the position of having to assess
6 whether a particular detail is attributable to a script violation or conversely is
7 indicative of lack of credibility, would you be assisted if you had the record of a
8 proper Step-Wise interview before you as well?

9 A. Yes.

10 Q. Would there be circumstances where in the absence of such a record you could
11 not come to a view as to the credibility of the person?

12 A. Yes. Excuse me, we don't evaluate the credibility of a person. We evaluate
13 the credibility of an allegation or statement. So just to correct my answer is that yes,
14 there will be circumstances in which an allegation cannot be assessed because of a
15 lack of verbatim transcript or proper interview.

16 Q. Professor Yuille, thank you very much for your time and your patient answers.
17 Mr President, that concludes my questions.

18 PRESIDING JUDGE FREMR: Thank you, Mr Gosnell.

19 Now, Ms Luping, do you see any need for re-examination and for what time?

20 MR GOSNELL: I'm sorry, may I just interject, Mr President? I apologise, I
21 apologise for interrupting. I've circulated a list of documents that I would seek to
22 tender by email. I can also read them out, but just in the interests of time, they were
23 circulated by email and I would tender those.

24 And may I also say for the record that I have no objection to the admission of the
25 document tendered by the Prosecution on Monday, or late on Monday.

1 PRESIDING JUDGE FREMR: Okay. We have now position on this from Mr
2 Gosnell.

3 Ms Luping, your position on the documents tendered by Defence?

4 MS LUPING: Mr President, the Prosecution hasn't had a chance to review these
5 documents. I certainly have not had an opportunity. I would like a chance before
6 responding to at least have read what documents they are.

7 PRESIDING JUDGE FREMR: All right. We can decide later on.

8 MS LUPING: It will certainly depend on, it will depend on the nature of the
9 document.

10 PRESIDING JUDGE FREMR: We can decide later on. Now about the
11 re-examination.

12 MS LUPING: Yes, as for re-examination, I don't envisage needing a considerable
13 amount of time. I envisage approximately 20 minutes. I only have a few questions
14 for clarification.

15 PRESIDING JUDGE FREMR: 20 minutes?

16 MS LUPING: Approximately, approximately.

17 PRESIDING JUDGE FREMR: Ms Luping, please, please, 15 minutes I think. Please
18 make it concise.

19 MS LUPING: I'll certainly endeavour to do my best, Mr President. If you could
20 just give me a moment, I'll set up.

21 QUESTIONED BY MS LUPING:

22 Q. Good morning your time again, Dr Yuille.

23 I just have a few questions for you in response to some of the answers and questions
24 that -- the exchange that you had with my learned friend Mr Gosnell.

25 The first topic really is relating to a number of questions that were put to you not only

1 today but also yesterday, and that is the issue of suggestion, contamination of
2 memories during interviews. And you've been put a number of questions about the
3 possibility of suggestion by counsellors, therapists, interpreters and interviewers.
4 I'm going to refer to page 55, in particular line 6 to 15 of yesterday's transcript, that's
5 T-87, and I quote, "In your experience, particularly reading these thousand some
6 interviews, did you find that most interviewers were deliberately trying to change the
7 memories of individuals or was it simply good faith but clumsy or improper
8 interviewing?"

9 And your answer being, "Well, most of the time what I have seen are good interviews.
10 But if the interview was poor in quality, it was most often simply out of lack of
11 training, lack of understanding of memory and how it functions, and a lack of
12 understanding of the impact of questions on memory." End of quote.

13 So my first question is -- and I would like to refer you actually to your curriculum
14 vitae. That's DRC-OTP-2085-0184, that's at ERN 0214, page 34, point 165.

15 And there is a reference there to the training you yourself gave, Dr Yuille, to
16 investigators of the International Criminal Court in The Hague in The Netherlands in
17 October 2007.

18 And my first question is this, could you please explain what your role was in training
19 ICC investigators of the Office of the Prosecutor in 2007 and what the scope of that
20 training was?

21 A. As I understood my role at the time, these were individuals who were going to
22 go on assignment to do interviews in Sub-Saharan Africa, and my role was to assist
23 them in many of the issues that we've been discussing over the last several days of
24 taking them through the Step-Wise guidelines and giving them some basic
25 information about memory, explaining why the form of questioning is important, and

1 encouraging them to organise their questioning in the funnel fashion that I had
2 alluded to earlier this morning.

3 Q. And moving on to a different topic, and I'm going to refer for my learned
4 friend's information, it's transcript 87 again from yesterday, pages 41 to 43, and also to
5 a document that was shown to you both today and yesterday, that's at tab 11,
6 DRC-D18-0001-0590.

7 And you referred to this article that you co-authored it, co-authored, that's "The
8 Complexities of Eliciting and Assessing Children's Statements." And just a reminder
9 that the article was in response to a case of somebody convicted for child abuse, and it
10 relates to, the article deals with the interviewing techniques to avoid dangers creating
11 false memories.

12 And you were quoted a passage from this article about the notion of latticed
13 allegations, and then Mr Gosnell put to you a specific question, which was, "Isn't it
14 right that the problems of suggestion can affect script memory?"

15 And your answer was, "Yes."

16 And that's at page 43, line 6 to 12, of transcript T-87 from yesterday.

17 Now, carrying on with the same topic, this issue of suggestion and the issue of false
18 memories, I would like to also read to you a passage from the same article, and that's
19 at page 0591, again, same document, and it's actually not very far above this same
20 passage that was read to you yesterday, and I quote, "Blanket statements regarding
21 the suggestibility of children are neither very accurate nor constructive. Each case
22 must be looked at individually, take into account the factors that can influence
23 suggestibility." End of quote.

24 Now, Dr Yuille, could you explain further what is meant by this?

25 A. Yes. And I appreciate your including this. I think it's important.

1 Suggestibility is of concern. The training of interviewers is important for a number
2 of reasons, but it includes suggestibility. However, it would be a mistake for us to
3 assume that this problem is so huge that the testimony of, for example, children is not
4 to be trusted.

5 The evaluation of a memory has to be made on its own merits, the context in which it
6 was provided, the questions asked and so on, and not, not based on a negative
7 assumption. For example, assuming that because we don't have a transcript or a
8 video or an audiotape that this is therefore a suggestive interview is inappropriate.
9 There has to be evidence for us to draw such a conclusion.

10 Q. And a related topic, I'm going to refer to the transcript from yesterday, page 54,
11 lines 13 to 23, you were asked to give an example of what might constitute a
12 suggestive question. And your response was, and I quote, "What colour was the car?
13 If you take a typical, say, 8 to 10-year-old child asking such a question, a child will
14 often feel like he or she has to come up with a colour, even if they don't actually
15 remember what the colour of the car was." End of quote.

16 Now, following on from that, there were a series of questions that were put to you in
17 relation to this example you gave, and you were then asked and I refer to, it's at tab 13,
18 document DRC-D18-0001-0619, where at page 56, lines 1 to 25, and page 57, lines 1 to
19 7, you were then referred to your testimony in the inquiry into the death of an
20 individual and asked you questions about the proper or improper questioning and,
21 you know, again, in the context of suggestibility. And this follows on from the
22 example about the colour of the car.

23 Now I'm going to refer to a passage of the same transcript from your prior testimony
24 in this case that was put to you yesterday, and it's another example that you gave
25 during your prior testimony in this case again of the colour of the car and in the

1 context of suggestion.

2 It's at pages 6, 0647, line 24, to ERN 0649, line 15, and I quote, "We do know that all of
3 us can be susceptible to suggestion under certain circumstances. And if someone is
4 provided with suggestions that are wrong, so erroneous suggestions about the event,
5 it's possible that they may incorporate those erroneous suggestions. And what the
6 research indicates on this issue is that it's easier to mislead people about what
7 happened if you pick on things that they did not notice at the time."

8 PRESIDING JUDGE FREMR: Ms Luping, please slow down a bit.

9 MS LUPING: I'm sorry.

10 PRESIDING JUDGE FREMR: Thank you.

11 MS LUPING: I'll slow down.

12 Q. "So if somebody didn't notice the colour of a car or some other aspect of the
13 event and you then told them what it was, you misinformed them, in fact, about what
14 it was they may very well incorporate that information. But if it's something that
15 person paid attention to at the time and is still in their memory, it's much more
16 difficult to mislead them with suggestions," end of quote.

17 Could you clarify this response that you gave in your prior testimony including using
18 the example of the colour of the car that you gave in that prior testimony, what did
19 you mean by this difference, especially if someone paid attention to a memory at the
20 time and it's still in their memory, that they may be -- it may be more difficult to
21 mislead them?

22 A. The contents of our memory for an event are primarily determined by what we
23 paid attention to during the course of an event. If we paid attention to something, it
24 is likely to be in the memory. If we paid no attention to it, it's not going to be in the
25 memory.

1 If it was important for someone to pay attention to a feature such as the colour of a car,
2 once that's in the memory, it's going to be very difficult to change that quality. There
3 may be some individuals who are so malleable that even that could be changed, but
4 that's going to be very rare. And for most people, if they remember this detail, it's
5 not going to change.

6 I'll give you a compelling example. The first study done as I mentioned ever done of
7 real witnesses to a real crime was a gun store robbery that we did out of my lab.

8 And one of the things we did with the witnesses because the case was closed was we
9 misled them, and we suggested that there was a broken headlight on the get-away car,
10 which there wasn't.

11 Not only were we not able to change anybody's memory, but we often got the answer
12 from the witness of, "You weren't there. I don't know where you got that
13 information from. But I was there, and I looked at that car, and there was no broken
14 headlight."

15 So there was not only a resistance to the suggestion, but a statement that "My memory
16 is clear on that, I have that detail in my memory, and you're wrong in your
17 suggestion."

18 Q. And just following on from that, and again picking up on your response about
19 what an individual paid their attention to, I've just referred in the passage of the
20 example of the colour of the car. I'd like to refer also to a couple of other examples
21 that you gave. Again, in the same prior testimony, still the same document, but this
22 time it's pages 0676, lines 19 to 25, to page 0677, lines 1 to 5, and I quote, "There would
23 be a fundamental difference between trying to have a person create a memory about
24 what a person's tie looked like as opposed to suggesting whether their brother had
25 killed a bank teller in a robbery. In the latter example, there would be a great deal

1 more difficulty in having that person create a memory about an event that significant?

2 Answer: Yes.

3 Question: Would that be fair as well?

4 Answer: Yes." End of quote.

5 Could you explain why there is this difference in terms of, you know, the nature of

6 what someone is trying to suggest to a person to get them to create a memory, this

7 difference between the colour of a tie and who the perpetrator was in this instance?

8 A. As I've noted a couple of times, one of the key factors in someone adopting a

9 suggestion is plausibility, that is, they have to believe that what's being suggested to

10 them could have happened, that it's possible that it did, that it's consistent with their

11 beliefs and their knowledge and so on.

12 So trying to convince someone of something that is inconsistent with what they

13 believe or what they think has happened is going to be virtually impossible. For

14 example, one study in the United States tried to convince a group of Catholic children,

15 adolescents, that they had been Bar Mitzvah-ed or Bat Mitzvah-ed, that is, that they

16 had gone through the adolescent rite of passage Jewish ceremony. This was

17 completely unsuccessful. Not a single child adopted this suggestion.

18 Q. And just moving on, I'm just going to refer you to another passage from the

19 same prior testimony, same document, this time at page 0716, lines 3 to 9. And the

20 reason I'm reading this to you is because you were asked questions yesterday, and I'm

21 going to refer to page 43, lines 15 to 20, about the term "suggestibility;" and both

22 yesterday and today in fact you've been asked quite a number of questions about the

23 issue of suggestibility, in particular of children as opposed to adults.

24 And I would like to read this passage to you just to understand or get your

25 clarification on it, and I quote, "It's clear that a minority of adults are more susceptible

1 to suggestion, and that minority may be 20 or 25 per cent, and that it does appear to
2 be related to a personality characteristic of more general suggestibility, but beyond
3 that we really don't know at this point." End of quote.

4 Now, could you explain this statistic that you gave about adults, really it's the
5 minority that appear to have this characteristic of suggestibility?

6 A. The statistic is taken from a couple of studies of adults in which attempts were
7 made to instil or create a memory and that those are the percentages of adults that
8 seem to be susceptible.

9 A more recent study, for example, done by Stephen Porter which I alluded to earlier
10 found that over 70 per cent of a group of undergraduates created a memory for a
11 juvenile crime that they had not committed. So clearly it depends on a lot of factors
12 on what proportion of people will create a memory. And I think it's probably
13 premature for us to draw a firm conclusion about what percentage of adults are
14 indeed susceptible.

15 MS LUPING: And now for my last question, Mr President, your Honours, with your
16 leave?

17 Q. And I refer to a question that was -- sorry, a response, rather, that you gave
18 today, and that's today's transcript at page 16, lines 11 to 13 in the English transcript,
19 and I quote, "Why spontaneity is so important is it cannot be pretended. You can't
20 play spontaneity." End of quote. That was your response, Dr Yuille.

21 My question following up from that is, is spontaneity something that a trier of fact or
22 an observer listening to somebody narrate what they experienced, is this something
23 that they listening, for example, to their testimony can assess?

24 A. Yes.

25 Q. Can you explain that, why that is?

1 A. As I mentioned earlier, there are many ways in which spontaneity shows itself.
2 But the primary way is just the manner in which the witness answers a question, how
3 forthcoming they are, that the content of what they say is not rigid but feels like it is
4 spontaneously coming from their memory.

5 Q. Thank you very much, Dr Yuille. I have no further questions for you.

6 Thank you, Mr President, your Honours.

7 PRESIDING JUDGE FREMR: Thank you, Ms Luping.

8 Defence, any need for recross?

9 MR GOSNELL: No, Mr President.

10 PRESIDING JUDGE FREMR: In such a case, I will have just one question for
11 Professor Yuille.

12 Professor Yuille, in my practice I met witnesses who when testifying, in fact, they
13 underwent a second trauma because they were traumatised to repeat things that they
14 came through. On the other hand, I also met witnesses who really enjoyed even,
15 they were originally traumatised, but I would say that this testimony, this chance to
16 report this before the Court at least in my view had some I would say healing effect
17 for them.

18 Do you think that this though absolutely different emotional positions could also
19 have some impact or influence on credibility of such testimonies?

20 THE WITNESS: No, I don't think so. I think that as you mentioned, it can be
21 cathartic, it can be part of the healing process, to be listened to, to be able to provide
22 an account in a public or quasi-public context. For others it can be reliving the event
23 and emotionally negative and difficult. I don't think that this in any way relates to
24 credibility.

25 PRESIDING JUDGE FREMR: Thank you very much. I don't have any further

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1 questions.

2 Do my colleagues have any questions?

3 Mr Gosnell?

4 MR GOSNELL: I apologise, Mr President. I realise I would like to pose just one
5 question arising from my friend's questions, with your leave.

6 PRESIDING JUDGE FREMR: One is fine.

7 MR GOSNELL: Thank you very much, Mr President.

8 QUESTIONED BY MR GOSNELL:

9 Q. Professor Yuille, when you visited the ICC in 2007, did you at that time advise
10 during those meetings that you had with people the importance of audio and video
11 recording interviews with witnesses?

12 A. Yes. I realise that video recording was often a practical impossibility, but we
13 discussed audio recording and its importance. We also discussed the difficulty of
14 preserving audio recordings, and that local authorities, whether government or rebel,
15 would often confiscate tapes in whatever form they were in and the difficulty of
16 hiding those materials so that they could be preserved.

17 MR GOSNELL: Thank you, Professor.

18 PRESIDING JUDGE FREMR: So it seems it concludes your testimony, Professor
19 Yuille. So I would like on behalf of this Chamber to thank you very much for
20 testifying before the Court. We are grateful to you for sharing your expertise with us,
21 and I believe it will be of great assistance to us in our deliberations.

22 Normally I used to wish our witnesses safe journey home, which is not obviously
23 your case. Anyway we would like to wish you all the best and once more thank you
24 very much, Professor.

25 THE WITNESS: Thank you, your Honour. And if I may say that I'm very

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1 appreciative of how smoothly this all went and the technical and other support that
2 made this as the kind of experience it has been. I thank the Court for that.

3 PRESIDING JUDGE FREMR: You are welcome. You also in fact led me to my
4 second point, that is that I would also like to express our thanks to our court officer at
5 this remote location for very a well-organised video transmission. So thank you
6 very much.

7 THE COURT OFFICER: (Via video link) You're most welcome.
8 (The witness is excused)

9 PRESIDING JUDGE FREMR: I would also like to mention that the Chamber noted
10 that Ms Samson is leaving us today for some time. Ms Samson, we were provided
11 with the information that you are planning to be back on 12 August, weren't you?

12 MS SAMSON: On the 15th, Monday the 15th.

13 PRESIDING JUDGE FREMR: 15th?

14 MS SAMSON: Yes.

15 PRESIDING JUDGE FREMR: 2016?

16 MS SAMSON: Yes.

17 PRESIDING JUDGE FREMR: Yes. Good for the case, I'm not sure whether it is
18 good for those who are also concerned. Anyway we again, the whole Chamber,
19 wish you all the best, Ms Samson.

20 MS SAMSON: Many thanks, Mr President and your Honours.

21 PRESIDING JUDGE FREMR: Now, any further requests for the floor? No. If not,
22 we will adjourn.

23 But before that I have to again remind you that we will reconvene on Monday at 9.30.
24 We are going to start with testimony of the witness P-907. We will be again sitting in
25 five-hour regime, meaning starting at 9.30 till 11, then 11.30-1 p.m. and 2.30 p.m. to

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- 1 4.30 p.m.
- 2 And even if we noted that Prosecution requested ten hours for this witness, we
- 3 strongly encourage you to finish this witness in eight hours. If not, then you can
- 4 make a request for additional time, which is not for certain that we will approve.
- 5 And before we leave the courtroom, my thanks also go to the interpreters, to the court
- 6 reporters and to our guards who assisted us at this late time. So thank you very
- 7 much.
- 8 Finally I wish all of you a nice weekend. And now court is adjourned.
- 9 THE COURT USHER: All rise.
- 10 (The hearing ends in open session at 7 p.m.)