

1 International Criminal Court
2 Trial Chamber VI
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 - Courtroom 2
7 Friday, 15 July 2016
8 (The hearing starts in open session at 9.32 a.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 morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: Thank you, court officer.
19 Now appearances in usual order, Prosecution starting.
20 MS SOLANO: Your Honour, same composition as yesterday.
21 PRESIDING JUDGE FREMR: Thank you, Ms Solano.
22 Defence.
23 MR BOURGON: (Interpretation) Good morning, your Honours. Good morning
24 to everybody in the courtroom. There is no change to the Defence team, and
25 Mr Ntaganda is present in the courtroom. Thank you, your Honour.

1 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

2 Legal Representatives of Victims, please.

3 MS PELLET: (Interpretation) Thank you, your Honour. No changes for the
4 former child soldiers.

5 MR SUPRUN: (Interpretation) Good morning, your Honours. No changes for the
6 victims of the attack. Thank you.

7 PRESIDING JUDGE FREMR: And duty counsel finally.

8 MR VON BÓNÉ: Good morning, Mr President and the Chamber. No changes as
9 far as I'm concerned.

10 PRESIDING JUDGE FREMR: Thank you, Mr von Bóné.

11 Before we continue with testimony of our witness, we were informed that Defence
12 would like to address the Chamber.

13 So, Mr Bourgon, you have the floor.

14 MR BOURGON: Thank you, Mr President. Very briefly, I have an oral application
15 I wish to make this morning. The Chamber will recall, Mr President, that yesterday,
16 I refer here to the transcript 121 in the French version --

17 THE COURT OFFICER: I just would like to remind you that we are in open session.

18 MR BOURGON: Yes, I think it's -- thank you. Transcript 121 French version on
19 page 54, line 18 I began a series of questions to the witness concerning a video that
20 was shown to him. At one point in time I asked the witness whether he had
21 reviewed or had been asked questions by the Prosecution concerning this video
22 extract. I refer here, Mr President, to -- first to page 57, line 8 where I confirm that he
23 had seen the video during his preparation session. And then starting at line 20 I
24 asked the following, and I think we can remain in public session for this. The
25 question was as follows:

1 (No interpretation)

2 PRESIDING JUDGE FREMR: Sorry, Mr Bourgon, I have to note that we don't have
3 at the moment English translation of the last part of your submission.
4 English booth?

5 THE INTERPRETER: Could he repeat it, please, your Honour?

6 PRESIDING JUDGE FREMR: Yes. So, Mr Bourgon, could you just repeat again this
7 quotation in French because I think it was not translated to our headphones.

8 MR BOURGON: My pleasure, Mr President. It starts at line 20 of page 57 of
9 transcript 121, the French version. The question was as follows in French:

10 (Interpretation) "After seeing the video with the people from the OTP, did they ask
11 you questions about it?"

12 (Speaks English) The witness did not understand the question and he asked me to
13 repeat, which I did at line 24 in French:

14 (Interpretation) "Last week you met with the Prosecution. You were shown this
15 video. I'd like to know whether you discussed it, the video, with the people from the
16 OTP."

17 (Speaks English) Answer from the witness starting at line 28:

18 (Interpretation) "Yes, we discussed it and I also asked that they put on the sound,
19 but they didn't want to. They said that that was part of the procedures not to have
20 the sound."

21 (Speaks English) Question line 4:

22 (Interpretation) "Did they ask you questions about different places? In other words,
23 did you recognize certain places or certain individuals that you could see in the
24 video?"

25 (Speaks English) Answer for the witness, line 7:

1 (Interpretation) "Yes, they asked me those questions."

2 (Speaks English) Mr President, we were of course informed of the holding of the
3 preparation session with the witness. This preparation session took place on 4, 6, 7
4 and 11 July 2016. I believe the first day was a very short day, however. And as I've
5 mentioned previously we have confirmation in the preparation session note that the
6 witness did watch or look at the video, but we have no record whatsoever of
7 questions being asked to him as to whether he did or did not recognize persons or
8 places.

9 Mr President, I believe that this is in contradiction with the protocol on preparation
10 sessions and on this basis we would like to have access to the audio video to the
11 proofing session to see exactly what questions were put to the witness in respect of
12 the Mandro video.

13 Thank you, Mr President.

14 PRESIDING JUDGE FREMR: Ms Solano.

15 MS SOLANO: Good morning, your Honours. The reason there is no record in the
16 witness preparation note about questions or answers about this video is because there
17 weren't any. I understand very well that the Defence has quoted the witness
18 accurately. That's not what he said. But I can assure your Honours that the witness
19 was not asked any questions about the video and he did not volunteer any
20 information about it. Had that been the case, it would have duly been recorded in
21 the witness preparation note.

22 The sole exchange that the Prosecution had with the witness concerning this video,
23 apart from the physical act of playing it in front of him without sound, was that while
24 he was viewing the video at some point in the presence solely of the video technician
25 with none of the lawyers in the room, he sent a message to me, I was the lawyer

1 responsible for that preparation session, inquiring why we had not allowed him to
2 play -- why we had not played the video with sound.

3 When I came back in the room I said to him, "I understand that you have asked a
4 question about this, but it's just not the procedure." And that was -- that was it, your
5 Honours. There was nothing more to it.

6 I think the witness is just perhaps confused. I understand why the Defence want to
7 see the video. If your Honours think it's necessary, we will provide it to the
8 Chamber for the Chamber's review. I do think, your Honours, it's going to be a
9 waste of time, but I recognize that there is a contradiction between what I'm telling
10 you and what the witness said, so if your Honours wish to view the video, of course
11 we'll provide it promptly.

12 PRESIDING JUDGE FREMR: All right. We will have to deliberate briefly, but
13 outside of the courtroom. So now we will break for a short time.

14 MR BOURGON: Mr President, if I can?

15 PRESIDING JUDGE FREMR: Yes.

16 MR BOURGON: I think we are ready to proceed. Whatever the decision of the
17 Chamber is, I think it should not delay the end of the testimony of the witness and we
18 are ready to proceed.

19 PRESIDING JUDGE FREMR: But anyway we will deliberate just briefly.

20 MR BOURGON: Thank you.

21 THE COURT USHER: All rise.

22 (Recess taken at 9.44 a.m.)

23 (Upon resuming in open session at 9.46 a.m.)

24 THE COURT OFFICER: All rise.

25 PRESIDING JUDGE FREMR: The Chamber deliberated briefly on the submission

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1 brought by the Defence and according our ruling we direct Prosecution to deal with
2 this matter in re-examination-in-chief.

3 So, Ms Solano, we will ask you to try to clarify that after Defence finish its
4 cross-examination. I don't know whether you will have some further points for
5 re-examination, but we are directing you to take this issue. Then Defence will have
6 also chance to re-cross witness on this point. And then we will see whether it's really
7 necessary to watch this video or not.

8 MS SOLANO: I'm guided, your Honour. Thank you.

9 PRESIDING JUDGE FREMR: So now witness may be brought into the courtroom.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE FREMR: Good morning, Mr Witness.

12 WITNESS: DRC-OTP-P-0769 (On former oath)

13 (The witness speaks French)

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

15 PRESIDING JUDGE FREMR: Mr Witness, today should be the last day of your
16 testimony. The Defence will continue in its cross-examination.

17 And just two points of my guidance as yesterday, I'm obliged to remind you that you
18 are still under oath, which means that you have to speak truth and nothing but the
19 truth; and the second issue is practical one, please don't forget to observe pauses
20 between question put to you by Mr Bourgon and your answer, at least three seconds
21 in between.

22 Do you understand?

23 THE WITNESS: (Interpretation) Yes, that's very clear.

24 PRESIDING JUDGE FREMR: Very well.

25 Now, Mr Bourgon, you may proceed.

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1 MR BOURGON: Thank you, Mr President.

2 QUESTIONED BY MR BOURGON: (Continuing) (Interpretation)

3 Q. Good morning, Witness.

4 A. Good morning, Counsel.

5 Q. I'd like to begin this morning by referring to the events that you described when
6 you were in Mandro. I'd like to begin by confirming that you know a person who
7 was a member of the UPC called Tchaligonza?

8 A. Yes.

9 Q. In your statement, and here I'm going to quote DRC-OTP-2067-2565, page 2567,
10 in particular lines 105 to 107.

11 In that statement you state the following:

12 Question: "And Commander Tchaligonza?"

13 Answer: "Tchaligonza. Tchaligonza as well, I knew him in Mandro. He was
14 strong and he had a loud voice.

15 What was he doing in Mandro?"

16 Answer: "Well, he was one of the men who was there around Bosco."

17 Can you confirm what you stated, Witness?

18 A. Yes.

19 Q. Witness, I would suggest to you that Mr Tchaligonza was never in Mandro, in
20 particular during the period of time when you were there; does that refresh your
21 memory?

22 A. Before I answer that question, would the Presiding Judge allow me to say
23 something?

24 PRESIDING JUDGE FREMR: It depends, Mr Witness. What do you want to say?

25 THE WITNESS: (Interpretation) The time and the period that we spent in Mandro

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1 and in the militia left us with sequelae. In other words, because of the lack of sleep,
2 and in my case in particular I had serious problems with insomnia, lack of sleep, loss
3 of memory sometimes, forgetfulness. And some events, in particular questions
4 regarding time and space, it's difficult for me to answer those questions precisely.
5 Thank you.

6 PRESIDING JUDGE FREMR: Understood.

7 Now, Mr Bourgon, I don't know, it depends, but do you think it's still possible to
8 remain in open session, or wouldn't it be safer to move into private?

9 MR BOURGON: I believe, Mr President, we can stay in open session simply because
10 many people were in Mandro. I don't think --

11 PRESIDING JUDGE FREMR: Yes, if the level of questioning will be in this level, no
12 problem, you are right.

13 MR BOURGON: Thank you, Mr President.

14 Q. (Interpretation) Witness, I'd like to go back to my question. I would put to
15 you that contrary to what you stated in your statement, Tchaligonza was never in
16 Mandro and that you did not know him there; does that refresh your memory?

17 A. It is possible that I saw him in camp Ndromo amongst those who passed by, but
18 in Mandro many commanders came by, they came in a jeep and then they left. They
19 didn't necessarily live there with Commander Bosco on site.

20 MR BOURGON: Mr President, if we can move into private session, please.

21 PRESIDING JUDGE FREMR: All right.

22 Court officer, let's move into private session.

23 (Private session at 9.55 a.m.)

24 (Redacted)

25 (Redacted)

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- 17 (Open session at 11.01 a.m.)
- 18 THE COURT OFFICER: We're in open session, Mr President.
- 19 PRESIDING JUDGE FREMR: Thank you, court officer.
- 20 So according our measuring you have already taken 4 hours 12 minutes, and if taken
- 21 into account time exhausted by Prosecution, which was 5 hours 5 minutes, according
- 22 to my counting you still have 53 minutes for the rest.
- 23 Now we will break and we will continue half past 11.
- 24 THE COURT USHER: All rise.
- 25 (Recess taken at 11.02 a.m.)

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1 (Upon resuming in open session at 11.30 a.m.)

2 THE COURT USHER: All rise.

3 Please be seated.

4 PRESIDING JUDGE FREMR: Well, let's proceed with the last part of
5 cross-examination of our witness.

6 Mr Bourgon, we are in open session at the moment. Could we remain here or
7 should we move into private?

8 MR BOURGON: I'd like maybe to stay in public session to try it, and if it doesn't
9 work, then we will move immediately. I will be addressing the topic of the training
10 in Rwanda and there are many people who were trained there.

11 PRESIDING JUDGE FREMR: All right, but please be vigilant.

12 MR BOURGON: Mr President, just during the break I had a piece of paper
13 circulated to parties and participants in the courtroom. This refers to a question I
14 asked in today's transcript on page 30 at lines 11 to 15. So this information is
15 provided in accordance with the guidance from the Chamber before the testimony of
16 the witness.

17 PRESIDING JUDGE FREMR: All right.

18 MS SOLANO: Your Honour.

19 PRESIDING JUDGE FREMR: Ms Solano.

20 MS SOLANO: I do have an objection to the use of this document if that's what the
21 Defence are doing right now. No? Thank you.

22 MR BOURGON: It's for information purposes, so that's where it comes from.

23 PRESIDING JUDGE FREMR: That was my understanding.

24 MR BOURGON: (Interpretation)

25 Q. Witness, we're going to come to the last part of your cross-examination. I'd

1 like to discuss your arrival in Rwanda for training. You know what period I'm
2 referring to, don't you?

3 A. Yes, I do.

4 Q. We are now in open session. If you need to mention a name that might
5 identify you, please let me know and we will go into private session, but I'm going to
6 be asking you general questions about your training in Rwanda; is that okay?

7 A. Yes, fine.

8 Q. I'd like to confirm with you that when you arrived in Rwanda you met Captain
9 Charles Sibomwa, who was the chief of the camp; is that correct?

10 A. Yes. He introduced himself as being in charge of our training, the number one
11 person in charge.

12 Q. I'd like to confirm that he is the one who explained why you were in Rwanda; is
13 that correct?

14 A. Yes. He said, "You've been sent here to be trained in artillery."

15 Q. And I understand from your testimony that he explained that the reason was
16 that the UPC had weapons but nobody knew how to use them and that's why he was
17 going to train you in the use of those weapons; is that correct?

18 A. I don't remember him saying that. I don't remember saying that.

19 Q. Well, I don't know whether this was an answer that was made in open session
20 or in private session, but I'm going to quote your answer in the English version on
21 page 120 of the transcript, 170 in the English versions, lines 1 to 15, but I know you
22 understand English, it will be interpreted nonetheless into French:

23 (Speaks English) "We're going to learn to use heavy weapons, to assemble them and
24 to disassemble them, to set them up, and that was because there are weapons that you
25 have with you, but you have nobody who can use them and that's the reason why we

1 have to help you train so that you can use these weapons there."

2 (Interpretation) Do you maintain that statement?

3 A. Yes. Yes, I do.

4 Q. As regards training with weapons, I'd like to come back to your statement. It's
5 DRC-OTP-2067-2480, page 2484, starting lines 131. I beg your pardon, it starts line
6 153. And this is what it says in your statement:

7 "During the training sessions, they explained to us about the dangers of each weapon,
8 the capacity of each weapon. And it could fall -- well, if it falls here, it can destroy as
9 much -- as many square kilometres, so, like the perimeter here."

10 Do you remember stating this in your interview?

11 A. Yes.

12 Q. Am I right to understand from what you've said that you were given training,
13 you were taught about the weapons so that you'd be familiar with the firing power of
14 the weapons, as well as the range and the destructive power of these weapons; is that
15 correct?

16 A. Yes, yes.

17 Q. It's quite normal in a professional army to be familiar with weapons in order to
18 be able to use them properly in keeping with the law; is that correct?

19 A. Yes.

20 Q. During your training you received instruction in international humanitarian law
21 or international law of war; do you agree with me?

22 A. Yes.

23 Q. In your statement, the very same statement 2067-2480, page 2484, line 130 -- I
24 beg your pardon, my mistake, 2487, page 2487, line 246 where it says as follows:

25 "Person interviewed: We were taught a few notions in passing, not like in a major

1 course. For example, they said to us: 'If you catch a war prisoner, you don't kill him.
2 You keep them for such and such a reason. Number one, to get any intelligence
3 from him he may have, secondly, because he may help you find other enemies. But
4 also because humanitarian law forbids one from killing war prisoners.' They taught
5 us that. They also said we were not allowed to rape. We were not permitted to
6 rape women. And there was a course on HIV/AIDS."

7 Can you confirm what you said in this statement?

8 A. Yes, I can confirm that.

9 Q. During that training there was ideology training. And it's the same statement
10 but a different page, page 2486, line 202 and it reads as follows:

11 Question: "Did you have courses on ideology as well?"

12 "Person interviewed: Yes. Yes, there were classes on ideology. They told us 'We
13 are -- we are not training you to go kill people that you're in conflict with in your
14 country, but we are training you as real soldiers with a humanitarian mission, to
15 protect therefore. We are not sending you to or we're not encouraging you to go and
16 kill a tribe or an ethnic group.' That's what it was." End of quote.

17 Do you remember those words during your training?

18 A. Yes.

19 Q. Can you also confirm, Witness, that the chief of staff, Commander Kisembo,
20 came to visit with Mr Jean-Baptiste and explained the importance for an army, in
21 particular for revolutionaries, that you had to win over the hearts and minds of
22 people? Do you remember hearing that? Do you remember that Kisembo
23 explained that?

24 A. I don't remember those words exactly any more.

25 Q. Did Kisembo explain to you that it was important to be with the civilian people

1 and not against the civilian people during military operations?

2 A. Well, there was an expression that was often repeated as far back as I remember,
3 which was the role of a soldier is to protect a civilian and that's good. Those were
4 words that they always repeated.

5 Q. Yesterday you testified about a letter, the content of which was shared with you,
6 I'm not going to mention the exact place because we're in open session, but this letter
7 was shared with you. It was a letter from Thomas Lubanga, but it was India Queen
8 who shared it with you, who shared the content of that letter with you. Do you
9 remember it?

10 A. Not with me individually, but with us in general, those who were in the same
11 position.

12 Q. I'd like to come back to your statement regarding the content of that letter, this
13 is document DRC-OTP-2067-2577, page 2597. And I'm referring to line 733 to 744.
14 "Interviewed person: In any case, I remember well once there was a parade with the
15 colonel, Commander India Queen" --

16 PRESIDING JUDGE FREMR: Ms Solano.

17 MS SOLANO: I apologise, your Honours, but we seem to have some serious
18 problems with the French transcript.

19 PRESIDING JUDGE FREMR: Court officer, is it possible to check that?

20 (Pause in proceedings)

21 PRESIDING JUDGE FREMR: At the moment I don't have any satisfactory answer.
22 Let's wait for a while.

23 (Pause in proceedings)

24 PRESIDING JUDGE FREMR: So I was told that it was back. Am I right?

25 MS SOLANO: It seems to be back, your Honour. Thank you.

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1 PRESIDING JUDGE FREMR: Fine.

2 So, Mr Bourgon, you may proceed.

3 MR BOURGON: I'm not sure where the letter was cut off. I will start again the
4 citation.

5 Q. (Interpretation) Witness, I'm going to read out to you the passage from your
6 statement that is starting line 733:

7 "Interviewed person: In any case, I remember well once there was a parade with the
8 colonel, Commander India Queen, who came from Bunia."

9 MR BOURGON: If we can move in private session, Mr President, please.

10 PRESIDING JUDGE FREMR: All right.

11 Court officer, let's move into private session.

12 (Private session at 11.47 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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16 (Redacted)

17 (Redacted)

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23 (Redacted)

24 (Open session at 12.35 p.m.)

25 THE COURT OFFICER: We're in open session, Mr President.

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1 PRESIDING JUDGE FREMR: Thank you, court officer.

2 Now my question goes to Ms Solano. Apart from the issue the Chamber ordered
3 you to clarify, do you have any further issues for re-direct?

4 MS SOLANO: I do, your Honour, with your leave. And I do expect that I should
5 be able to cover them before the lunch break.

6 PRESIDING JUDGE FREMR: Please try to make it in 20 minutes because I don't find
7 reasonable to adjourn because of 5, 10 minutes. So please try to make it in
8 20 minutes. Go ahead.

9 MS SOLANO: Very well, your Honour. Thank you.

10 PRESIDING JUDGE FREMR: And I guess we should move into private. All right.

11 MS SOLANO: Yes. Thank you.

12 PRESIDING JUDGE FREMR: Court officer, let's move into private session.

13 (Private session at 12.36 p.m.)

14 (Redacted)

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23 (Open session at 1.01 p.m.)

24 THE COURT OFFICER: We're in open session, Mr President.

25 PRESIDING JUDGE FREMR: Thank you, court officer.

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1 Now, Mr Witness, it concludes your testimony. So on behalf of this Chamber
2 I would like to thank you. I can imagine that it was very, very tiring to testify for
3 three days, but nevertheless we believe that your testimony will assist us in our effort
4 to find the truth in this case. So thank you very much and we wish you safe journey
5 home.

6 And I also thank Mr von Bóné for his legal assistance.

7 Now, court officer, you may escort Mr Witness out of the courtroom.

8 THE WITNESS: (Interpretation) Thank you very much, your Honour.

9 (The witness is excused)

10 PRESIDING JUDGE FREMR: And before we adjourn, allow me one final -- or final
11 remarks on future progress of this case.

12 Now we have reached the end of the fifth evidentiary block and have now heard the
13 viva voce testimony of 31 Prosecution witnesses and have admitted the testimony of 3
14 further witnesses under Rule 68(2).

15 And as you are aware, in the decision of 27 May 2016 with filing number 1342, the
16 Chamber requested the Prosecution to review its number of witnesses as well as their
17 time estimates and modes of testimony with a view to significantly reducing the size
18 of its remaining case.

19 These revised estimates are expected by 29 July 2016.

20 Considering those directions and in light of the progress that has already been made
21 and the number of scheduled hearings for the remainder of this year, the Chamber
22 would now like to give some indications regarding the future progress of this case.

23 The Chamber would envisage the Prosecution completing its case within the first
24 couple of months of 2017 and directs the Prosecution to plan accordingly. In that
25 regard, the Chamber emphasises that the Defence should also be making ongoing

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1 preparations for any Defence case it may wish to present, including identifying
2 potential witnesses.

3 Later this year the Chamber will be requiring the Defence to indicate its intentions in
4 that regard.

5 The Legal Representatives of Victims should also be making relevant preparations for
6 any applications they may be intending to bring, including any victims they may seek
7 to have heard.

8 The Chamber is raising the matter at this stage in order to provide advanced notice to
9 the parties and participants that it is not minded to grant extensive breaks for
10 preparation. There will be an expectation of readiness to proceed smoothly with
11 only a limited time between the separate parts of the case and you should please plan
12 accordingly.

13 Any comments on this remark?

14 Prosecution.

15 MS SOLANO: No, your Honour.

16 PRESIDING JUDGE FREMR: Defence.

17 MR BOURGON: We are doing our best, Mr President. We will continue to do so.

18 PRESIDING JUDGE FREMR: We believe so.

19 And Legal Representatives of Victims?

20 MS PELLET: (Interpretation) No, your Honour.

21 PRESIDING JUDGE FREMR: Mr Suprun?

22 MR SUPRUN: (Interpretation) No, nothing, your Honour.

23 PRESIDING JUDGE FREMR: So it means that we are really at the end of this
24 evidentiary block, and since there is some recess in front of all of us -- Mr Bourgon,
25 please.

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1 MR BOURGON: Well, in connection with the Trial Chamber's message, we are in
2 contact with the Prosecution, we hope to get the list of witnesses for the next block.
3 The Chamber expects us to work and to be ready at all times. This list is necessary.
4 We are in contact with the Prosecution. We hope to get the list, but it would really
5 assist to get the list of all remaining witnesses or if any witnesses are dropped so that
6 we can focus our work on the right witnesses. When I wrote to the Prosecution, the
7 answer I received was "We'll be able to provide you the names of the next block, but it
8 might be problematic for the second block."

9 I think at least the names of the witnesses and then further information as it comes
10 available in terms of timing would be of great assistance for us in preparing for
11 these -- for the next two blocks, which I believe will be probably, if not the last ones,
12 very close to the end. Thank you, Mr President.

13 I also have a request, but I can make it by email, concerning disclosure of the BSQ.
14 My colleague referred to a note which is an extract from the BSQ, so the questions
15 indicate that there seems to be a discrepancy between the extracts that were
16 provided --

17 PRESIDING JUDGE FREMR: Mr Bourgon.

18 MR BOURGON: -- and the BSQ, so I will be making a request by email. Thank
19 you.

20 PRESIDING JUDGE FREMR: Please, please do so.

21 And, Ms Solano, are you at the moment in position to comment Mr Bourgon's
22 proposal request?

23 MS SOLANO: Your Honour, as always, we will endeavour to give Mr Bourgon
24 advance -- as much advance notice as we can. We haven't been able to do it so far
25 for -- in relation to this last request that he has sent us, but we -- we will continue to

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1 deal with on an inter partes basis .

2 And, your Honour, just in case this saves time, because I want to make sure that
3 there's no confusion, in relation to the BSQ, the note that I was referring to was the
4 investigation note that contains the excerpts of the BSQ which both the Defence and I
5 showed to the witness. So I don't know if there is really need for anything further in
6 that regard, but I was not speaking about a different note.

7 PRESIDING JUDGE FREMR: Mr Bourgon.

8 MR BOURGON: We will -- we will be seeking disclosure because it is indicated that
9 the witness would have provided information that will be incorrect, so on the basis of
10 these discrepancies, we believe we are entitled to see the full BSQ and the transcript of
11 the interview. Thank you, Mr President.

12 PRESIDING JUDGE FREMR: All right. Let's deal with that in this email.

13 So I will now repeat myself. As I said, there is some recess in front of all of us, so
14 I would like first to thank all those who supported us during the last block and even
15 during the previous blocks, I mean court reporters, interpreters. And I have to
16 admit that sometimes I can imagine it was not easy task when we were too fast and
17 when we or people under my supervision did not fully respect those 3-seconds rule,
18 so we are glad that you made it.

19 And otherwise, because I believe I can conclude that all of you, you were working
20 hard, so we wish you some relax and we are looking forward to continue on
21 5 September with our sixth evidentiary block.

22 Now court is adjourned.

23 THE COURT USHER: All rise.

24 (The hearing ends in open session at 1.10 p.m.)