

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Status Conference
9 Wednesday, 17 February 2016
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning.
15 Good morning, Mr Knoops.
16 We are here for this status conference requested by the Office of the Prosecutor. You
17 all received I think the agenda, which is composed by the issues the parties have
18 raised. And I would start immediately with the evidence management issues as
19 detailed by the Office of the Prosecutor. I would propose that the Office of the
20 Prosecutor takes the floor and explains what he means by this, and then I give the
21 floor to all the other parties, Legal Representative of Victims and the two Defence
22 teams, and we see that, if need be, representatives of CMS and VWU are here, but this
23 probably later when we go in private session.
24 We will take note of all the issues raised in the discussion and obviously decide in
25 due course.

1 Yours is the floor.

2 MR MACDONALD: Thank you. Sorry. Thank you, Mr President, your Honours.

3 First of all, thank you very much for having this opportunity to raise these issues,
4 because I think after four witnesses it is now time to maybe look into current practices
5 and to see how we can help, the parties can help the Chamber and the Chamber can
6 help the parties in the management of some of these issues.

7 What I would propose is to address point A, which is the disclosure of Defence
8 material for questioning of witnesses, but it's more broadly the use of material by the
9 non-calling party, so -- which will maybe eventually apply to the Prosecution if there
10 is a Defence that is presented.

11 Essentially what you have at -- so I would like to first deal with that, and then we can
12 maybe have a discussion on this and move on to the next topic because under this
13 heading, if I'm not mistaken, I have four issues that I want to raise.

14 PRESIDING JUDGE TARFUSSER: I think that we should go topic by topic, so to have also
15 an order in the transcript that we can then follow for the -- taking a decision, for taking a
16 decision with a little bit of a structure. Thank you.

17 MR MACDONALD: Perfect. Now, the first point is then the use of material by the
18 non-calling party. Currently, your Honours, paragraph 44 of your directives indicate that 24
19 hours prior to the start of the questioning by the non-calling party. What we've seen is that
20 this date is a bit -- this 24 hours is sometimes hard to manage because, as we've seen with the
21 last witness, the testimony would start on a Monday. We got the list of the material from the
22 Defence of the Gbagbo team on the Sunday evening at 6 p.m., and the cross-examination
23 basically started at the second session of the Monday, meaning at around 11.30 or so.
24 Therefore, this is maybe not a problem for crime base at the moment, but I'm thinking
25 of witnesses to come that are insider witnesses on which the Defence may want to

1 use -- for whom, sorry, the Defence may want to use a lot of material. When it's
2 ten --

3 So we would have a proposal that for everyone using material to cross -- or, sorry, to
4 question by the non-calling party, it would be at the time of the oath it's sent. So for
5 crime base it may mean that the Prosecution will have an hour and a half or two
6 hours to look at the material. That's less of a concern to us.

7 What is much more of a concern to us will be the insider witnesses. So if at the time
8 the oath is given, because then the Prosecution is starting its examination, we'll
9 receive the material, it is likely that the witness testimony will take some time, and
10 then the Prosecution can get ready.

11 The point is that's -- while we don't want necessarily to import practices from
12 elsewhere, but this is -- in the past has been adopted before the ICTY, for instance.
13 This -- I'm not saying that they have the best practices, your Honour, but I'm saying
14 that they've been in operation for 20 years, so they have a little bit of experience of
15 managing. I think you know what I mean.

16 The point is that we've experienced such problems, and it's been experienced here
17 also before in other trials. So it's trying to find a middle ground that is certain for
18 everyone, and we feel that the day the witness takes the oath is the day or the
19 moment that everything has to be released by the non-calling party to, here in this
20 case, the Prosecution at the moment. I think it is -- yes, it would be a set time, that
21 would be clear.

22 I just want to raise an issue, though, a forewarning or something that we have to
23 foresee. Independently of be it 24 hours, at the time of the oath, 48 hours, whatever
24 the time frame, if we are to receive at one point 300 documents, including videos, for
25 insider witnesses, there are two consequences. First, preparation. So the

1 Prosecution, while it may have more staff members than the Defence because we have
2 an onus to prove our case beyond a reasonable doubt, nevertheless, we have many
3 tasks also to meet that threshold and, therefore, we may have to seek -- may have to
4 seek some time to be able to review those before the start of the cross-examination in
5 order to be able to react.

6 And this brings me to my second point is that each time documents are being raised,
7 your Honour, especially -- when it's 10 documents, it's okay, we can find that pretty
8 quickly, but on a list of 100, 150, 200 documents like we can expect to receive
9 eventually, the Prosecution needs to have time to react in the courtroom, before the
10 documents are even raised, shown, and this will be linked to my second point.

11 So at this stage, I think the question is how to best manage these lists, the time frame
12 so that it's fair for everyone. We would recommend that it be at the time of the oath.

13 PRESIDING JUDGE TARFUSSER: Thank you, Mr Prosecutor.

14 I give the floor now to the Legal Representative of Victims. Ms Massidda, please,
15 yours the floor.

16 MS MASSIDDA: Thank you, your Honour. We actually share the same position. Of
17 course, for us, we don't have the same burden as the Office of the Prosecutor, but we have less
18 resources, and we are involved in more than one proceeding. So it will be useful also for us
19 to have these documents in due course and in time in order to be able to prepare.

20 Since I have the floor, your Honour, can I address a related issue, which came to my
21 mind, I have to say, overnight, and it relates to the list of material that the legal
22 representative has to present if she wants to question a witness.

23 Now, I am addressing the issue because in accordance with your recent ruling of 3
24 February, I can immediately stand before the witness is taking the floor in order to
25 inform the Chamber and the parties if I wish or not to question the witness.

1 In these circumstances, I will not at that point in time already send the list of material
2 that I wish to use for the questioning to the parties. This is not addressed in your
3 recent ruling. My suggestion would be, when I stand to request to question the
4 witness, we will already prepare a list of material that we wish to use. And if we are
5 authorised to question, this list of material will be sent immediately to the parties by
6 our case manager. Thank you.

7 PRESIDING JUDGE TARFUSSER: Thank you very much. Don't think too much overnight.
8 I think the floor goes to the Defence of Mr Gbagbo.

9 MR ALTIT: (Interpretation) Thank you, Mr President.

10 Regarding the proposing of the Prosecution, if I've understood well, the OTP would
11 want that all the materials that the Defence intends to use should be disclosed at the
12 very latest at the time of the oath of the witness. Now, that raises a difficult issue for
13 us because it relates to the rights of the Defence. That is a crucial point for us; and
14 based on that, we will answer the questions.

15 If the questioning begins on a certain day and it lasts for a long time, how are we
16 going to adapt ourselves because with the event -- experience that we have had, the
17 answers to the questioning usually were different from what had been said in the
18 statements. And so for the person cross-examining, it will be a good -- a serious
19 difficulty to predict the answers because some of the answers of the witnesses have
20 been different from those given in the statement. So one has to adapt during
21 re-examination. It is only after having listened to the examination that one can adapt,
22 and it is only then that one will know which materials will be used.

23 If your Chamber adopts the position of the Prosecutor, it will prevent the Defence to
24 adapt.

25 According to us, what has been decided already is excellent. That is 24 hours. It is

1 sufficient time for the opposing party to know what has been used, and it is close
2 enough to the examination in order to know how to adapt the cross-examination. So
3 24 hours before the beginning of the *cross-examination, we believe that is perfect,
4 because if the cross-examination is very lengthy, we can adapt our choice of evidence
5 depending on what has been said.

6 One clarification, as we have tried to do, you have realised that we have been able to
7 disclose our materials sufficiently in advance. For the first two witnesses, we
8 disclosed 48 hours in advance, well before the 24 hours, so that the OTP can adapt.
9 Naturally, if this is feasible, we can disclose the materials on a rolling basis from the
10 very beginning because we will know a certain number of materials that we are sure
11 to use. We will disclose those as early as possible. But the other materials which
12 depend on how the cross-examination will be adapted, we can decide on whether we
13 will use them or not only 24 hours prior to the commencement of cross-examination.

14 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you, Mr Altit.

15 (Speaks English) Now the floor is to the Defence of Mr Blé Goudé. Please, Mr
16 Knoops.

17 MR KNOOPS: Thank you, Mr President. Your Honours, good morning. I have four
18 observations to make, very short observations, if I may say so. First of all, it's clear that the
19 proposition by the Prosecution definitely will be more burdensome for the Defence, in light of
20 the limited resources. It's a factor to be weighed by the Court when determining the
21 suggested amendment.

22 Secondly, only during the examination-in-chief it becomes relevant, sometimes
23 relevant for the Defence. Whether a certain document might be helpful for its case
24 means that only during the examination-in-chief the Defence is able to make a proper
25 selection of the documents and present them to the Court and the parties and

1 participants.

2 If the rule is now to be changed, that would mean that the Defence is put on the extra
3 burden to provide all documents which might be relevant in the future to the Court,
4 the parties and participants, and we believe this might be unnecessarily burdensome
5 and I think will also prevent the Defence team from performing an efficient work.

6 Therefore, I wouldn't suggest to change the protocol. The protocol has been
7 established by the Court. The Prosecutor didn't seek leave to appeal from that
8 protocol. The protocol was established several months ago. I think that also here
9 the principle of legal certainty is a very important aspect.

10 I do acknowledge, of course, that such a protocol might be subjected to changes, you
11 know, depending on best practices. I think Mr MacDonald has a good point on this
12 issue, but it has to be weighed to the disadvantages. And my main point is what
13 Mr Altit said. For the Defence, it's really impossible to at the start of an examination
14 to already release the documents the Defence is going to use in examination.

15 We are willing to concede that Defence documents will be released as soon as
16 practical, possible, and at the least the 24 hours as already defined by the Chamber,
17 and we also refer to the first two witnesses which were examined by the Defence.

18 P-57 -- P-547 we released five days before the questioning of the witness our
19 documents and P-442 more than 24 hours in advance we released our documents,
20 which were to be used during the cross-examination. In other words, the Defence is
21 mindful of also the task of the Prosecution but still believes that within the current
22 protocol we are able to adapt potentially the deficiencies the Prosecution foresees but
23 now changing the protocol such that the Defence has to release its documents at the
24 start of the examination, at the giving of the oath would, I think, be, first of all,
25 unreasonable, burdensome for the Defence; and secondly, not practical because it will

1 only put the Defence in a position to release everything without having a possibility
2 to make a mindful selection of the documents based on the examination-in-chief.

3 Thank you.

4 PRESIDING JUDGE TARFUSSER: Thank you.

5 MR MACDONALD: Very, very -- 30 seconds.

6 PRESIDING JUDGE TARFUSSER: I think we should not reply to this. Now, we received
7 all your indications, and I think we have --

8 MR MACDONALD: Yeah, but if the rule is not to change, then the 24 hours should be
9 strictly respected.

10 PRESIDING JUDGE TARFUSSER: Yeah, yeah, yeah, but we -- well, the second point.

11 MR MACDONALD: The second point, your Honour, is the more substantive one under this
12 topic of evidence management, and I'll just read it: "Clarification as to the submission of
13 material and its use when questioning a witness." And, essentially, the lack of foundation or
14 factual basis for the evidence to be considered to be actually submitted.

15 Now, since we have a little bit of time now and we're not -- there are no witnesses, it's
16 not to come back on a ruling of the Chamber, number one. That's not the objective.
17 The objective is to circumscribe exactly and understand and that we have maybe a
18 common understanding, everyone, of what we understand the Chamber's decision to
19 be.

20 And I want to come with concrete examples to illustrate where we feel documents
21 that were or items that were used during cross-examination should possibly not be
22 considered as submitted.

23 Now, also the Prosecution feels that the fact of reading an ERN in court should not
24 automatically mean that the material has been submitted for the following
25 reasons -- and again, we'll use concrete examples.

1 The first one I want to use is in relation to the first witness, 0547. The Blé Goudé
2 Defence team, in cross-examination, used a map of different locations. We used a
3 similar map which was not considered to be submitted when we identify the location
4 of where the offices of the RDR, PDCI or RHDP, la RTI and so on.
5 Now, the Defence showed a map with little dots indicating a potential way where the
6 witness would have walked. The witness indicated -- listen, I cannot read maps.
7 Now, this map is now theoretically, from the list that was provided by Registry,
8 considered to be submitted. But the witness never acknowledged saying, "Yes, I
9 recognize this." There was no further discussion about this. Questions were being
10 asked. So there is no what we called -- we call it foundation. Let's call it factual
11 basis. There is no recognition on the part of the witness.
12 Therefore, we submit that in those circumstances you already know that this map has
13 no value whatsoever. So I think there should be some sort of -- again, we respect the
14 decision and we understand the decision, but there should be some sort of a form of a
15 triage going in. And this is one example we believe that is clear. The witness says,
16 "I don't know." So why is this map in?
17 The thing is, is that the Defence cannot introduce evidence in cross-examination that
18 would prevent them from presenting a Defence if they wanted to. That's another,
19 that's another subtext to this.
20 It also means, your Honour, that there has to be some sort of relevance or link to the
21 testimony because, if not, then we for every single witness can put the whole -- our
22 whole list of evidence and again go through every document, say: Do you recognize
23 this? No. Okay. I've mentioned the ERN number. It's in, submitted. And then
24 our list of evidence would be submitted through every single witness. So obviously
25 that's not the purpose.

1 And I'm not saying that's what the Defence has done. But this is what is going on
2 right now for certain specific items. They're getting an ERN, but the actual piece of
3 evidence is not recognized by the witness and is not admitted by the Prosecution as
4 an admission of fact.

5 Another more concrete example, because the map I think is almost anecdotal, Witness
6 190. In the course of the cross-examination, the Defence for *Mr Gbagbo showed a
7 video. And I refer, your Honour, to transcript 22 of the French version edited
8 transcript as seems to be currently available only in Transcend, not TRIM.

9 Now, this is an example where the Defence added at 6 p.m. the night before a video.
10 Mr Demirdjian stood up and said, listen, we don't have this video, you may recall,
11 and says, oh, yes, it was sent by email at 6 p.m. -- 6.20 p.m.

12 The piece of evidence is CIV-D15-0001-0565. And I will refer more specifically to
13 page 11, line 2, and I'll read the question just to illustrate what we mean.

14 (Interpretation) "Madam Witness, you have seen the images this time, correct?"

15 It was not on her prompter, and it was shown again. It's an exodus of people from
16 Abobo. The witness answers: (Interpretation) "Yes, indeed. Yes, indeed."

17 And then the question: (Interpretation) "Are those -- these images of 25

18 February 2011 from the exodus of Abobo, did you personally see the exodus?"

19 (Interpretation) "No. I left Abobo to go to my uncle's house."

20 Now, this question -- well, first of all, we could have objected, number one, because
21 there is a total lack of foundation. But now the -- now this video is considered
22 submitted. But this video should not even be on record in the first place. That's
23 what we're saying.

24 So what we're saying is that in three-years time, your Honour, we will be having to go
25 back to look at every single piece of evidence to see what was the relevance and any

1 weight while we know right now immediately that, first, this video was uploaded the
2 morning of the cross. We got notice that it would be used the evening before. The
3 morning of the cross-examination it's uploaded in eCourt without any metadata,
4 nothing about source, provenance, date, or anything, number one.

5 Number two, just like Mr O'Shea objected when I showed the picture of a car with the
6 witness next to it, there has to be foundation. Here the first question should have
7 been: Do you know anything about an exodus in Abobo around 25 February?

8 While non-leading questions should be asked, I think there is a leeway in
9 cross-examination that such a question could have been asked, so we don't even need
10 the video for this. Why use the video? The only purpose of using the video is to
11 get that video in, purporting to be what it says -- the Defence says it is to be. And,
12 I'm sorry, we're challenging it because at this stage there is no metadata.

13 Yes, we can see what is being said on the video, but it's not because it's being said on
14 the video that all of a sudden we accept its content. So here this is another concrete
15 example of the use of a video. First of all, the witness was not asked: Have you
16 ever seen this video? That's the first question. And the answer was no. It was not
17 done.

18 PRESIDING JUDGE TARFUSSER: But the question has to come from the party who submits
19 it, and there is another party who can oppose to that, right?

20 MR MACDONALD: That's right.

21 PRESIDING JUDGE TARFUSSER: Okay.

22 MR MACDONALD: But, your Honour, we don't want to oppose or object every single
23 question. If we need to do that, we will, but it's going to slow down the debate. You're
24 likely to be irritated from this, because I would be if I was a Judge; and second, at one point
25 there is a common understanding that unless there is a foundation to use of material, then

1 automatically it will receive no weight.

2 So this is, I think, another example where if we're being asked in chief to put proper
3 foundations to evidence that we're using with witnesses, the Defence has to do
4 exactly the same in cross -- in examination, and this was not done. So here we're
5 contesting that this material has been submitted in the sense that you mention it in
6 your decision. Otherwise we submit that in three-years time when everyone, and I
7 would say including the staff that will be supporting the Chamber, we need to go
8 back and look at if it's submitted, the weight and so on, where clearly here it was not
9 properly submitted.

10 And it's not a question of authentication. It's not a question of common law. It's
11 just, respectfully submitted, a question of common sense in a trial that will have a
12 large number of exhibits submitted.

13 Now, lastly, another example, the statements. And we need to have a common
14 understanding about statements. Parties can obviously use statements to question
15 the witnesses, the non-calling party. Now, does that automatically mean the
16 complete statement comes on the record or just paragraphs? But right now the list
17 does not indicate paragraphs, it only indicates the statements. And I understand
18 that it should be the paragraphs, and I'm sure that's the Chamber's understanding,
19 but we just need to clarify that. Voila. That's all.

20 PRESIDING JUDGE TARFUSSER: That's all? Is that all regarding point one of your A, B, C,
21 D?

22 MR MACDONALD: Yes.

23 PRESIDING JUDGE TARFUSSER: Okay. So now the floor is to the Legal Representative of
24 Victims.

25 MS MASSIDDA: Thank you, your Honour. Now, we understand the point of the Office of

1 the Prosecutor, but I think that the starting point should be your ruling of 3 February. And
2 maybe it's useful if we reread it. Now, it's the transcript of the evening of 3 February 2016,
3 page 3, line 12 to 18, English edited version. It's classified confidential, but actually it was
4 stated the decision was, of course, in open session.

5 The submitting party has to succinctly explain the significance of a submitted item in
6 respect of the charges.

7 Now, I think that the issue that we need to sort it out is how to assess the submission
8 of the material, how to evaluate the submission of the material against this ruling of
9 the Chamber, which is requesting that the party submitting the document explain the
10 relevance. And this goes to the point addressed by the Office of the Prosecution in
11 relation to the fact that there has to be some sort of relevance or link to testimony, to
12 which we agree.

13 Now, how, in which practical way, this could be done? I think that the most
14 practical way is, of course, to object to each single material that the Office of the
15 Prosecutor of a participant, of the parties, do not want to be included as submitted
16 evidence in the case record.

17 In order to be able to do it, there is a need, of course, to receive the complete list of
18 materials in advance so that once the testimony starts, there will be an opportunity for
19 the Prosecutor, the party or the participant to object to specific material containing the
20 list and for the Chamber to rule on this matter.

21 Thank you.

22 PRESIDING JUDGE TARFUSSER: Thank you.

23 Maître Altit.

24 MR ALTIT: (Interpretation) I thank you, Mr President.

25 So there are a number of points that are submitted by the Prosecution here. I think

1 that the first is probably the easiest for us to broach, and that is the issue of that which
2 has been tendered into evidence. We understand from this that only the portions of
3 an item of evidence utilised -- only the portions utilised are considered to be tendered,
4 that is, not the entire element.

5 So if they use an excerpt of a video, it is only that excerpt that is submitted, and this
6 applies also to the paragraphs of the witness statements that have been quoted during
7 the hearing. I think that this makes things clear.

8 However, now, to come back to the main points submitted by the Prosecution, there
9 were two aspects. Firstly, notably when we were talking about the example of the
10 video, this is the question of the 24 hours that has been come back -- we came back to
11 this. I don't want to go into this too lengthily, but I would like to say because it is
12 important that when the Defence can, *it does disclose its evidence well ahead of time.

13 So, for P-0547 and P-0442, as indeed was the case for the Defence of Charles Blé
14 Goudé, the Defence for Laurent Gbagbo disclosed its evidence several days ahead of
15 time. And whenever it can, it will do so before this 24-hour rule that is.

16 Now, what is cross-examination precisely? It is not a static exercise. It is an adaptation to
17 something that one has heard, something that is evolving. And for the rights of the Defence
18 to be respected, the Defence has to be in a position to react, and it reacts on a moving basis.

19 So these -- the items of evidence to be furnished will be decided upon during the
20 examination-in-chief. And I believe that this 24-hour rule is very efficient and will
21 preserve the rights of the Defence, notably our right to be able to react.

22 Now, the question here, the Prosecution noted about the fact -- the fact that we sent
23 one item of evidence the day beforehand at 6 p.m. It is true we had to adapt to what
24 was said prior to that, and also it was because it had just been removed from the list,
25 quite simply.

1 And what I wanted to make as a point here is that for things to unfold in the correct
2 manner, the Chamber has to provide the parties with a certain margin of manoeuvre.
3 Of course, this should be under your governance.

4 But were this item of evidence to prove useful, it should not be rejected. The calling
5 party, and in this case the Prosecution, can of course say to you that they received it
6 only at 6 p.m., and that is what the Prosecution started to do, but it didn't draw any
7 specific conclusions from that. And then we can hold a discussion and your

8 Chamber can decide. And if your Chamber is of the mind that this item of evidence
9 is useful in order to shed light on matters, then very well, because what is important
10 here is the truth and everything that comes together to establish the truth. So we
11 need a certain margin of manoeuvre, and we do we need rules, of course. We do
12 agree with you on that, first and foremost.

13 Now, more specifically, with regard to what the Prosecution calls the "absence of
14 factual basis," absence of factual basis with regard to what would be of use in
15 showing an item of evidence to the witness.

16 Once again, we need to provide the parties with a certain margin of manoeuvre under
17 the governance of the Chamber, of course, because it can be useful, once again, in
18 establishing the truth because, of course, we are here for that purpose.

19 As a result, the Defence is of the mind that no priori rule is to be put to the fore and
20 that we should decide individually on each point.

21 And you will have noted, Mr President, that there was a distinct nexus between what
22 had been discussed between the witness and the cross-examiner and the account that
23 the witness had given.

24 So it is important, to my mind, that your Chamber retains this margin of assessment.

25 We do not need to be reduced or constrained by overly strict rules that would then

1 mean that the truth would be put to one side.

2 We need to seize that truth when it shows the end of its nose.

3 So we do not need to put these -- we do not need for there to be an absence of rule,

4 but if there is something that is of interest, then we need to seize it.

5 As a result, to our mind, in our opinion we need to provide a certain flexibility to the

6 parties in order for them to be able to, when the need arises and under your control,

7 use evidence that have a distinct nexus that would enable us to test the account and to

8 challenge the account of the witness, and to test also the credibility of their utterances.

9 Of course, this is, once again, a condition for the establishment of the truth.

10 The point I am making here is that it is important for your Chamber to have a certain

11 control over what is going on, but we also need to leave a margin of manoeuvre to

12 those parties who are cross-examining the witness. This is too important in a case,

13 and you recalled this fact at the beginning of the case, Mr President. We need to be

14 able to see what is before us. And if there are overly formal constraints, this will

15 stop us from seeing this. We need to establish the truth.

16 PRESIDING JUDGE TARFUSSER: Thank you very much, Maître Altit.

17 Mr Knoops.

18 MR KNOOPS: Mr President, I just wish to make two short observations. First of all, in the

19 ruling of your Chamber of 29 January 2016, paragraph 17, it says, "This general principle is

20 without prejudice to the admissibility objections being considered by the Chamber upon

21 submission of the relevant item whenever required by the Statute or the Rules, such as

22 motions made under Article 69(7)."

23 I think that in a way, the Chamber already has anticipated the possibility for the

24 parties to make objections when the time arrives to do so.

25 Now, my second observation relates to the observation by Mr MacDonald on the

1 foundation of certain documents. In my humble submission, Mr President, the
2 documents the parties and participants are going to provide to the Chamber or
3 adduce to a witness can be differentiated into two categories, first a document which
4 can test the reliability of a witness, for instance a map, Mr MacDonald mentioned a
5 map. The map as such is not evidence of a fact or an event. That map is merely
6 adduced by a party to test the reliability of a witness. And it's very difficult to
7 beforehand inform the parties, participants and the Chambers of the relevance
8 without giving away your strategy; that's first of all.

9 The second category of documents to be adduced in a trial are documents meant to
10 prove a fact or an event which has a nexus to the alleged crimes and liability modes.
11 I'll give you three examples of the latter category. First of all, an example, a crime
12 base witness appears before this Court, and one of the parties presents a diagram of a
13 command structure to that witness. In that situation I fully agree with
14 Mr MacDonald, that without having any foundation, it would not be proper to put a
15 diagram or an organigram of a command structure of an army to a crime base
16 witness.

17 A second example of this second category relates to, for instance, written orders of a
18 commander or of a certain government. Without having a nexus between the
19 witness and that specific document, it would not be proper to put that document to
20 the witness and say without foundation, "Can you attest to the veracity of the
21 document? Can you confirm what the document says?"

22 A third example is a photograph of a wall where apparently a bullet impacts can be
23 seen. Now, a witness appears before the Court, and without any foundation one of
24 the parties puts this photograph before the witness and asks, "Can you confirm that
25 this is indeed an impact of a bullet?"

1 These three examples exemplify, Mr President, that when documents relate to the
2 alleged crimes directly or the criminal liability modes, in my submission -- but I
3 mentioned already in my first observation that in my view this might be covered by
4 paragraph 17 of your decision. But according to common law principles there
5 should be first a foundation being laid before such a document can be brought before
6 the witness.

7 Now, coming back to the first category, I fully agree with Mr Altit that when a party
8 is putting documents to a witness merely to test the reliability such -- okay, we show
9 you a map, and you show us where you went.

10 This category is not going to proof of a fact or event. It is going to the reliability of a
11 witness. And there the parties should have a certain leeway beforehand and not
12 being I think hampered in any way to presenting these type of documents. And,
13 again, this is I think very difficult to grasp this in a certain rule, but it should be done I
14 think within the parameters of paragraph 17 of your decision with the caveat that in
15 my humble submission we should differentiate between the topics, the documents
16 which are being put to a certain witness and the rationale of putting that document
17 before the witness.

18 If the Defence says this document is merely here to test the reliability, I think the
19 Defence should have that opportunity, and even when there is no direct nexus
20 between the witness and that document, and the Defence has a good reason to put
21 that document before the witness to test reliability, the Defence should have that -- to
22 use the word "discretionary power" to put that document.

23 If during the examination it seems that Defence is using that document to prove a
24 certain event of a fact, that would make things different, but then the Prosecution can
25 of course object. So in my submission, with this differentiation, paragraph 17 of

1 your decision should be accordingly interpreted. Thank you.

2 PRESIDING JUDGE TARFUSSER: Thank you. So we have exhausted, we're coming now
3 to item 2, I would say.

4 MR MACDONALD: 2C -- I'm sorry 1C. Two very quick points. I can group together C
5 and D.

6 PRESIDING JUDGE TARFUSSER: Yes, please do together --

7 MR MACDONALD: Yes.

8 PRESIDING JUDGE TARFUSSER: -- because otherwise we -- yes.

9 MR MACDONALD: I understand.

10 The obligation to have ERN numbers for last minute material used during the
11 questioning of witnesses, I don't know how to go about, but the example that we have
12 in mind is, and there has to be some flexibility here, if the ERN numbers are what is
13 driving the record, we took a snapshot of a video, so a still image. The video already
14 has an ERN, so I think the Registry can take out the ERN and the minute itself
15 without us having to re-register this in our Ringtail database, re-disclose it formally to
16 the parties and then having to upload it to eCourt. Just this process, it's still ongoing,
17 your Honour. It takes 24 to 48 hours just to do that. So I think, I mean, Registry
18 needs to be able to help us as a service provider.

19 PRESIDING JUDGE TARFUSSER: Yes, but I don't think that this is a matter for a status
20 conference. This is a matter to be handled at a much lower basis, I would suggest.

21 MR MACDONALD: Very well.

22 PRESIDING JUDGE TARFUSSER: Okay.

23 MR MACDONALD: But sometimes it's much easier to deal with these things with the
24 Chamber to be quite honest.

25 PRESIDING JUDGE TARFUSSER: Yes, but I think this should not be. I mean, everybody

1 should take responsibility and do its job. So it's not always the Chamber who has to decide
2 everything.

3 MR MACDONALD: The last point on this topic, your Honour, and I'm sure everyone
4 would agree, is the current list, and we would prefer I think that the items appearing in
5 chronological order that they were shown to the witness or submitted, because right now
6 they're -- how do you say that in English? From the last to -- an ordre décroissant, when they
7 should be chronological order instead of descending order. So I think on that one, even
8 though, yes, we don't want to bother the Chamber with that, but I would strongly recommend,
9 and I'm sure my colleagues don't have any objections to that. That's point one, your Honour,
10 for the Prosecution.

11 PRESIDING JUDGE TARFUSSER: So I think we should go to number two of the agenda, the
12 issue of contacts between the dual-status witness and Legal Representatives of Victims during
13 the familiarisation phase as requested by the Defence for Mr Gbagbo, although I think this has
14 been dealt with already in the past and also decided upon.

15 So I don't know what new issue you would like to raise on this issue. But yours the
16 floor.

17 MR ALTIT: (Interpretation) I thank you, Mr President. The question seems very
18 important to us. In fact, we thought this would be a matter of ensuring that everything
19 unfolds correctly with regard to the familiarisation of witnesses. We could raise the issue of
20 a better implementation of the protocol governing witness familiarisation. Everything comes
21 down to the fact that your Chamber has not adopted the protocol on witness preparation; and
22 as a result, all contact between the calling party and its witness is prohibited from the time at
23 which the witness arrives at the location of testimony. This was decided by the Bench in
24 order to avoid any influence being exerted upon the witness, and it was decided upon and
25 everything is crystal clear.

1 However, it would seem that there is a problem, a problem that should be resolved to
2 our mind if we want to make sure that the clear prohibition that has been decided
3 upon by your Chamber is indeed effective and respected.

4 For the prohibition of preparation to be real, there should be no contact between those
5 people who might be in a position to prepare the witness and the witness him or
6 herself, and this is the point that we are broaching, notably, the protocol on
7 familiarisation enables the witness to consult their LRV, legal representatives, during
8 their stay in The Hague. This is not a problem per se, but it only poses a problem
9 when dual-status witnesses appear, that is to say when these witnesses are also
10 victims who have been authorised to participate in the proceedings.

11 Protocol allows for contacts between LRV representatives and dual-status witnesses.

12 However, to the extent that the representative of the LRV has been granted an active
13 role in proceedings, that this individual is in the know, we should say, and is aware of
14 all the matters of the case in addition to confidential evidence; and as the legal
15 representative has said herself, and we are not calling this into question, that she
16 shared the objective for the Prosecution, notably, to have the accused convicted, it
17 would seem very delicate to our mind that the proceedings be overshadowed -- that
18 such contact be allowed between the legal representatives and the witness notably.
19 We're not talking here about the possibility of preparation, but we're saying that we
20 should stop there even being the question raised as to the possibility of preparation,
21 that this trial not be overshadowed in the least by this.

22 The Defence is not calling into question the probity of the legal representatives here,
23 but the Defence is of the mind that it is not normal that the Legal Representative of
24 Victims be in a position to see some of these witnesses whereas the parties, who are
25 supposed to have more of a margin of manoeuvre as they are participants, where

1 these parties are not in a position to see this witness or these witnesses.

2 So let us show quite how absurd this situation is. Were we to leave the situation as it
3 is, the Legal Representative of Victims is authorised to see these dual-status witnesses
4 who are called to testify by the Prosecution, that is what we're talking about here.

5 However, according to the protocol itself, the Legal Representative of Victims is not
6 allowed to see their own witnesses if they are calling those witnesses, because as a
7 calling party, they are not authorised to see their own witnesses, but they can see the
8 dual-status witnesses of the Prosecution.

9 So this is quite an absurd situation. It is contradictory and it needs to be harmonized,
10 and this is what we are requesting of your Chamber in order for everything to be
11 clear and efficient and so that nobody can say subsequently that there was a problem
12 here. This is fundamental to our mind.

13 As a result, the Defence submits that an amendment of the protocol on witness familiarisation
14 would be a good idea so that the Legal Representative of Victims not be allowed to see the
15 dual-status witnesses before and during the testimony so that the question of a possible
16 preparation of witnesses never be raised by any observer whomsoever.

17 So, of course, this calls into question the role of the Legal Representative of Victims. There is
18 no reason for the LRV not to be submitted to the same obligations as the parties, the Defence
19 and the Prosecution. And I note that were we to remain with the status quo, not only would
20 the LRV be elevated to the status *of party or quasi-party in the process, but it would have an
21 even more important role than the Prosecution or the Defence in the sense that they would be
22 a super party who could go and visit the witnesses of all and sundry whilst being only a
23 participant.

24 So the suggestion made by the Defence and that we respectfully submit to the
25 Chamber is that we do away with paragraph 43 of the protocol -- paragraph 33 of the

1 protocol.

2 We note that the VWU and the Prosecution recently obtained a modification of this
3 protocol and, therefore, there is no reason why the Defence should not be in a
4 position to request for it to be amended, especially when this is to the benefit of all
5 and to the legal proceedings themselves.

6 The implementation of this protocol is a very dynamic process that should be adapted
7 to the reality of the situation. It would seem to us that there is a distinct shortcoming
8 that is not impossible to overcome, but that in the future could become an issue
9 because there are a number of censors, and it is a distinct danger to the proceedings
10 that we are all taking part in here.

11 PRESIDING JUDGE TARFUSSER: Thank you, Maître Altit.

12 Mr Knoops.

13 MR KNOOPS: No separate observation, Mr President. Thank you.

14 PRESIDING JUDGE TARFUSSER: I think Prosecutor, no observations.

15 Legal representative.

16 MS MASSIDDA: Thank you very much, your Honour. I will be brief. I will have I think
17 four observations to make. The first one, first of all, the Legal Representative of Victims is
18 not going to see the Prosecution witnesses. The Legal Representative of Victims is going to
19 meet with their clients who appears to be also Prosecution witnesses. I think this is an
20 important point to make, because as any other lawyer in this courtroom, I have obligation
21 towards my clients, which include also the possibility to see my clients at any time I consider
22 it useful or my client consider it useful.

23 Second, I think that the protocol as it stands at this point in time adequately cover
24 the -- how can put it? -- concerns of the Defence. I'm referring to paragraph 32 of
25 document 355 annex dated 3 December 2015.

1 Quoting: "In addition, the limitation of contact does not apply to the legal advisors.
2 The VWU notes that the legal representative should refrain from holding substantive
3 discussion with witnesses about the topic that are to be dealt with the Court during
4 the evidence or the exhibit which may be produced. Instead, discussion with a
5 witness about his testimony should only occur after the close of the evidence in the
6 case." End of quote.

7 Now, it's clear from the reading, the plain reading, that any interference concerning
8 the evidence will not be admitted. These already covered. There is no reason of
9 eventually modifying this ruling, which I note is absolutely in line with the constant
10 practice of this Court also when witness familiarisation protocol has been adopted.

11 And I'm referring mainly to the Bosco Ntaganda case, to the two Kenyan cases which
12 adopt exactly the same wording.

13 Now, I want also to make clear that as any other lawyer I have general ontological
14 obligations. Now, what my learned colleague is suggesting seems to me is that I
15 might be in breach of the ontological obligation, which, I'm sorry, it's not the first time
16 that this assumption is made in this courtroom, and I would be grateful it should not
17 be continue to be made.

18 Last point, I'm exactly, your Honour, in the same situation in which my learned
19 colleague could be in due course if Mr Gbagbo will decide to take the oath and to
20 render testimony before this Court. Now, at that point in time will the Court do not
21 allow Mr Altit to speak with his client?

22 In conclusion, your Honour, we submit that we have -- we are entitled to speak with
23 our clients throughout the testimony. All the concerns raised by the Defence are
24 adequately covered by the protocol in place, which is in line with the constant
25 practice of the Court.

1 And, thirdly, this protocol has not been challenged by the Defence at the time it
2 should have been challenged. So there is no reason at this point in time to reconsider
3 and revisit the matter. Thank you.

4 PRESIDING JUDGE TARFUSSER: Thank you very much.

5 Now we come to item three, issue relating to re-examination by the calling party as
6 requested by the Defence for Mr Gbagbo.

7 So yours is the floor.

8 MR ALTIT: (Interpretation) Thank you, your Honour. Your Honours, the Defence of
9 Laurent Gbagbo would like to have the necessary clarification regarding the re-examination
10 by the calling party. And it is a simple issue, and it seems to me that the parties should
11 know precisely what is the situation for the continuation of the trial.

12 Let me recall that the decision on the conduct of proceedings states that
13 re-examination by the calling party is authorised only when it is an issue that had
14 been raised for the very first time in the cross interrogation.

15 (Speaks English) "issues raised for the first time during questioning by the non-calling
16 party."

17 (Interpretation) In English, "issues used for the first time by the non-calling party."

18 In other words, re-examination cannot be used by the calling party, and so far it has
19 been the Prosecution to revisit issues that were already raised during
20 examination-in-chief or questions already asked to the witness during the
21 examination-in-chief.

22 When we raised this issue of re-examination in the hearing of 11 February, your
23 Honour, it appears to us that you were of the same opinion as us, because you stated
24 that, and I quote, "Re-examination by the calling party shall be authorised to the
25 extent that it relates only to issues raised for the first time during questioning by the

1 non-calling party." End of quote.

2 And this is the English transcript of 11 February 2016, page 45, line 24.

3 I hope I've fully and correctly understood your position. And if that is the case, it

4 would be necessary to question the conduct of the Prosecution so far during the

5 examination of the first four witnesses.

6 For each of those first four witnesses, the Prosecution asked questions in

7 re-examination on points that had already been raised during the

8 examination-in-chief. Those were, therefore, issues that had clearly not been raised

9 for the first time in cross-examination.

10 Under the circumstances, it seems to me that it would be necessary that the OTP or,

11 rather, that the calling party, in this case the Prosecution be required to explain to

12 your Chamber each time that the cross, re-examine a witness, that is to you and all the

13 parties and participants, why such re-examination is justified. They should explain

14 why and in what way *the re-examination is justified and how it would cover issues

15 that were not raised during the examination-in-chief.

16 We should recall that based on the decision on the conduct of the proceedings -- I'm

17 sorry, your Honour, and I'm going slowly because of interpretation requirements.

18 Let me recall that on the basis of the decision on the conduct of proceedings, such

19 re-examination can only be authorised only in exceptional circumstances and,

20 therefore, it has to be justified in advance. And yet here after these four witnesses,

21 this re-examination seems to have become the norm, which is not consistent with

22 either the spirit or the letter of the decision of the Chamber.

23 Thank you.

24 PRESIDING JUDGE TARFUSSER: Thank you.

25 Mr Knoops.

1 MR KNOOPS: Mr President, no observation, other than we concur with the view of Mr Altit.

2 PRESIDING JUDGE TARFUSSER: Thank you very much.

3 Legal representatives.

4 MS MASSIDDA: Thank you, your Honour. Now, I have just a brief observation before I
5 give the floor -- before you give the floor to the Office of the Prosecutor.

6 Now, it seems to me that the issue of first time that a matter is raised by the witness
7 should be placed into a little bit more context, because it could happen during the
8 examination by the non-calling party that the witness is referring to a matter already
9 raised by the Office of the Prosecutor, but in a way which is new.

10 So in that sense the calling party should be allowed to re-question the witness on that
11 specific point, which was the case, for instance, of Ms Pack I think on Monday, on
12 Monday. And why? Because there could be that there is a misunderstanding in the
13 head of the witness which should be clarified in order to have clarified the position of
14 this witness and to arrive at the truth of his or her testimony.

15 So in this sense I think we should read this issue raised for the first time. Thank you.

16 PRESIDING JUDGE TARFUSSER: Office of the Prosecutor.

17 MR MACDONALD: Very briefly, your Honour. Yes, it is sensible that re-examination is
18 for questions that have not been raised. I think everybody understands that. And each
19 time it was under the control of the Chamber, and it was granted. So, therefore, I don't think
20 this is -- I think this is a non-issue.

21 And the Prosecution, I just want to tell Mr Altit, will seek to re-exam each time it feels
22 it has to.

23 And, second, just to clarify the record once more, because, you know, broad strokes of
24 saying four witnesses were re-exam, and it wasn't proper and blah, blah, blah, well,
25 I'm sorry, first witness, for instance, following questions from Mr Knoop on a topic

1 that was never asked by the Prosecution or even touched upon by the Prosecution,
2 the presence at the military hospital, it is only then that I sought permission to show a
3 receipt that was on file. So there are no surprises. It's nothing -- it was completely
4 new. I never asked a question, any question in relation to a military hospital.
5 So, therefore, I think, you know, each time we've sought -- and also I would then say
6 there is also no fast rule. There is always a discretionary power. And I can quote
7 what Mr Altit said previously in this hearing about, you know, we cannot be -- rules
8 cannot be -- we need rules, but they cannot be too strict because we're here for the
9 search for the truth.

10 Thank you.

11 PRESIDING JUDGE TARFUSSER: Thank you.

12 Now I would go to this fourth item on the agenda, disclosure certification by the
13 Prosecution, which was raised by the Prosecution. I don't know really what it is. I
14 think that we still have the issue of the certification at this point in time is a bit
15 worrisome, but I am very curious to hear from the Prosecutor what it is about.

16 MR MACDONALD: No, the issue of certification, your Honour, is just to let you know that
17 it's still ongoing, not for necessarily Ringtail documents, but for other repository of
18 information of the Prosecution. And we're completing that, and the objective is by 3 March
19 everything will be done.

20 The reason why it's taking a little bit more time than expected is obviously, your
21 Honour, we had to start the trial, we had to do these first two, three weeks of
22 proceedings and, obviously, everyone was attentive to what was happening in the
23 courtroom. And now we're concentrating resources now that we have the time in
24 the next two weeks to finalise this.

25 Now, again, when we do find things or if we do find things, it's not a hundred

1 documents. It's very specific and minimal documents that are being disclosed as
2 soon as possible. But the system is not perfect. It will never be hundred per cent
3 bulletproof. But we're working to finalise this by the 3rd and make a filing in order
4 to certify.

5 PRESIDING JUDGE TARFUSSER: The legal representative?

6 MS MASSIDDA: No observation, your Honour.

7 PRESIDING JUDGE TARFUSSER: Defence, Mr Gbagbo.

8 MR ALTIT: (Interpretation) No observations.

9 PRESIDING JUDGE TARFUSSER: Defence, Mr Knoops -- Defence of Mr Blé Goudé. Sorry.
10 Hopefully not, no.

11 MR KNOOPS: Hopefully not. No observations. Thank you.

12 PRESIDING JUDGE TARFUSSER: Okay. So now therefore we go, I think now we should,
13 we could anticipate item 7, which is not to be in closed -- to be handled in closed session,
14 because then we have to go in private, at least in private session for the other two.
15 So I would again ask the Prosecutor to explain what the "Coming and going of
16 witnesses before the Chamber enter the courtroom" means. There is another big
17 question mark in my head. But I am very happy to give the floor to you to explain to
18 us what you meant by that.

19 MR MACDONALD: What I mean by that, I mean the fact, your Honours, I understand once
20 you walk in and there is a witness that is testifying, you want the witness to be present.
21 Now, I'm thinking of Article 68 and the impact of testimony and being in the courtroom alone
22 standing in this seat sometimes for five minutes before you enter the courtroom in the
23 presence of both Accused, for some witnesses that may be very much intimidating. So it's
24 just a question of logistics that we're bothering you with by raising this topic.
25 But what we've noticed also is that I think it would be wise to have the court usher to

1 be next to the witness until you arrive or someone, because the witness is basically left
2 alone and he sits there; also when you leave the courtroom, sometimes the witness
3 will be left alone and is just sitting there without any assistance of anyone, when we
4 all know that for some witnesses they may like very much to come and tell their
5 stories; others it's very intimidating.

6 PRESIDING JUDGE TARFUSSER: Now it's clear. But we don't know what happens while
7 we are not here and when we go. So thank you for this.
8 Legal representative.

9 MS MASSIDDA: Thank you, your Honour. We actually share the same concern. Thank
10 you.

11 PRESIDING JUDGE TARFUSSER: Defence of Mr Gbagbo.

12 MR ALTIT: (Interpretation) No observations, your Honour.

13 PRESIDING JUDGE TARFUSSER: Mr Knoops.

14 MR KNOOPS: No observations. Thank you.

15 PRESIDING JUDGE TARFUSSER: Thank you. So we take notice and we will decide upon
16 this.

17 Now I think we have to go in private session for the issues 5 and 6. And I would ask
18 leave to the interpreters, I think we don't need so much time, maybe we finish in 15
19 minutes, but I would just ask the leave of the interpreters to go ahead so we close.
20 Okay. Thank you very much.

21 I would now call private session.

22 (Private session at 10.47 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Status Conference

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (The status conference ends in private session at 12.30 p.m.)