

Trial Hearing
WITNESS: CIV-OTP-P-0410

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 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 Trial Hearing - Courtroom 1
9 Wednesday, 6 December 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:36] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:55] Good morning. Good morning to
15 everybody in the courtroom.
16 Good morning to you, Mr Bonbled.
17 WITNESS: CIV-OTP-P-0410
18 (The witness speaks French)
19 THE WITNESS: [9:33:23] (Interpretation) Good morning, your Honour.
20 PRESIDING JUDGE TARFUSSER: [9:33:26] Before starting with your testimony, I
21 have to do some preliminaries. First of all, to identify you completely on the record
22 of the case, please, could you identify yourself completely.
23 THE WITNESS: [9:33:51] (Interpretation) My name is Frédéric Bonbled, born in
24 Schaerbeek on 13 October 1952.
25 PRESIDING JUDGE TARFUSSER: [9:34:03] So you're a Belgian national?

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1 THE WITNESS: [9:34:07] (Interpretation) Yes, I'm Belgian.

2 PRESIDING JUDGE TARFUSSER: [9:34:11] And for the record, your profession,
3 although we know and we will discuss about it in length today.

4 THE WITNESS: [9:34:17] (Interpretation) I am a forensic examiner for the Office of
5 the Public Prosecutor in Brussels.

6 PRESIDING JUDGE TARFUSSER: [9:34:33] Thank you very much.

7 THE WITNESS: [9:34:35] (Interpretation) And also I teach forensic medicine.

8 PRESIDING JUDGE TARFUSSER: [9:34:38] Thank you. Now, you will be
9 testifying in French. I'm speaking English. Others are speaking English. We have
10 interpreters and court reporters writing down what we say in both languages, so we
11 need to speak slowly in order for them to allow to do the best job possible. So I
12 would like you really to try to speak slowly, and mainly not to overlap when you are
13 asked questions, especially in your own language. So if I give you a sign with the
14 hand, it's just to slow down because I hear the protests from the booths.

15 So now you are aware that this Chamber has been established to try the case of the
16 Prosecutor against Mr Gbagbo and Mr Blé Goudé. And to this trial you are called to
17 assist the Chamber in the search of the truth, within, obviously, the area of your
18 expertise. So you will be asked questions by the Office of the Prosecutor and by the
19 two Defence teams for Mr Gbagbo and for Mr Blé Goudé.

20 If at any point of your testimony you have some problems, you're not at ease, you're
21 tired, whatever, just tell me and we will address your concerns.

22 THE WITNESS: [9:36:40] (Interpretation) Thank you, your Honour.

23 PRESIDING JUDGE TARFUSSER: [9:36:42] Now, before starting with the
24 questioning by the Office of the Prosecutor, first, you have to make a solemn
25 undertaking to the effect that you will tell the truth, which is your only duty, to

1 respond to questions truthfully to the best of your knowledge. And, therefore, I
2 would ask you to read the formula you have in front of you, which is the solemn
3 undertaking.

4 THE WITNESS: [9:37:17] (Interpretation) I solemnly declare that I shall tell the
5 truth, the whole truth and nothing but the truth.

6 PRESIDING JUDGE TARFUSSER: [9:37:27] Thank you very much. The last
7 information I have to give you, my duty is to inform you that giving false testimony is
8 an offence against the Court and as such punishable. So if you have understood this
9 and you are ready?

10 THE WITNESS: [9:37:52] (Interpretation) Yes, your Honour.

11 PRESIDING JUDGE TARFUSSER: [9:37:53] Thank you. Then I give the floor to Ms
12 Pack of the Office of the Prosecutor for her questioning.
13 Yours the floor.

14 MS PACK: [9:38:01] Thank you, Mr President. And good morning, Mr President,
15 your Honours, and my colleagues in the courtroom.

16 QUESTIONED BY MS PACK:

17 Q. [9:38:11] Mr Bonbled, good morning.

18 My name is Ms Pack. We have met before. I am going to be questioning you on
19 behalf of the Office of the Prosecutor this morning. And my colleague, Ms
20 Rodriguez, sits to my left.

21 Now, we'll just get straight to your area of expertise, please. Can you just tell us,
22 your specific area of expertise is what?

23 A. [9:38:37] As I said a few moments ago, well, I have two specialties. Actually,
24 my primary specialty is forensic medicine. In English we refer to forensic pathology.
25 So, you see, I am a forensic pathologist. That would be the English term used.

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- 1 Q. [9:39:13] Thank you. Thank you, Mr Bonbled.
- 2 Now, a note, your Honours. I understand that my colleagues for the Defence don't
- 3 challenge the expertise --
- 4 PRESIDING JUDGE TARFUSSER: [9:39:24] No.
- 5 MS PACK: [9:39:24] -- or the qualifications of this expert.
- 6 PRESIDING JUDGE TARFUSSER: [9:39:26] Please go ahead.
- 7 MS PACK: [9:39:27] So a couple of quick questions.
- 8 PRESIDING JUDGE TARFUSSER: [9:39:29] We will not talk about this. Please go
- 9 ahead. Put your questions.
- 10 MS PACK: [9:39:31] Thank you very much, your Honour.
- 11 Q. [9:39:33] I'm going to show you your CV briefly. It's CIV-OTP-0104-0005_R01.
- 12 It's an updated version of your curriculum vitae.
- 13 And if that could be confidential for now, because I know there are contact details on
- 14 it, and we can always file a redacted version in due course. Thank you.
- 15 PRESIDING JUDGE TARFUSSER: [9:39:58] Yes, but --
- 16 MS PACK: [9:39:58] Clearly, it should be public.
- 17 PRESIDING JUDGE TARFUSSER: [9:40:01] Come on, public. The contact of an
- 18 expert witness, probably also you can find it on Internet, I would say.
- 19 MS PACK: [9:40:09] In that case public.
- 20 PRESIDING JUDGE TARFUSSER: [9:40:11] So why should it be confidential?
- 21 Do you think it should be confidential, your contact details, Mr Bonbled?
- 22 THE WITNESS: [9:40:26] (Interpretation) It's public now. But usually courts and
- 23 tribunals ask me to provide my professional address. I'm not sure whether that is
- 24 the address that is to be found on my CV.
- 25 PRESIDING JUDGE TARFUSSER: [9:40:47] Obviously, I mean the professional one,

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- 1 not the private, of course, of course.
- 2 MS PACK: [9:40:52] It is indeed the address on your CV.
- 3 PRESIDING JUDGE TARFUSSER: [9:40:54] The professional?
- 4 MS PACK: [9:40:55] The professional one, yes. I think we can now display that
- 5 publicly, your Honour.
- 6 PRESIDING JUDGE TARFUSSER: [9:40:59] So I don't think there is a problem.
- 7 Am I right, Mr Bonbled?
- 8 MS PACK: [9:41:07] Yes.
- 9 THE WITNESS: [9:41:09] (Interpretation) Yes, I completely understand.
- 10 MS PACK: [9:41:13]
- 11 Q. [9:41:15] Now, if you look on the screen in front of you, I'm hoping you'll see
- 12 your CV. If we can just enlarge that. And you can perhaps tell us, are there
- 13 particular aspects of your expertise and experience you will point to us today? We
- 14 can turn, please, to the second page, 6, 0006. I note you have some items there in
- 15 bold. If you look on the screen in front of you, in fact, you won't know, if you could
- 16 press the evidence --
- 17 Perhaps the witness could be assisted with the evidence channel.
- 18 PRESIDING JUDGE TARFUSSER: [9:42:01] Yes, please.
- 19 MS PACK: [9:42:01] Thank you.
- 20 PRESIDING JUDGE TARFUSSER: [9:42:23] The witness is okay now, he can see.
- 21 MS PACK: [9:42:26]
- 22 Q. [9:42:27] Thank you. My question was if you could just point us to any aspects
- 23 of your expertise and experience of relevance to us today. I noted that there was
- 24 some writing there in bold.
- 25 A. [9:42:47] Yes. Well, the three items that are in bold are the three medical

1 specialties I have acquired ever since I was first accredited as a doctor, first pathology
2 and anatomy. And that is the practice of examining tissue under a microscope to
3 help determine diagnosis.

4 Then I did a five-year period of training in forensics, and then finally I became
5 officially recognised in forensics. It was a five-year period of training, also some
6 internships. So I learned various aspects of forensic medicine. And that specialty
7 was recognised in 2002. And I also practiced forensic medicine before that time. So
8 I believe I can say that I was able to make my situation more official or regular after
9 many years of work in this area.

10 I also gained a certain amount of expertise and specialised in examining people and
11 assessing the harm that they had suffered after various events. This particular
12 specialty was recognised by the Ministry of Public Health in 2006, if I recall correctly.
13 And then I received my final approval or accreditation in 2008.

14 Q. [9:44:50] And just briefly, what is your experience of being engaged as an expert
15 in domestic legal proceedings in Belgium?

16 A. [9:45:01] Well, I've been doing this for more than 30 years, actually. During my
17 internship and when I was studying for my specialty, in 1984, I believe, I was
18 accredited as an expert in forensics by the Brussels Office of the Public Prosecutor and
19 by the Brussels courts. I was also accredited for other courts in the surrounding area
20 of Brussels.

21 And in 1984, ever since 1984, I have only been practicing forensic medicine quite
22 extensively. I have had to respond to many requests from the Office of the Public
23 Prosecutor.

24 And in my spare time I do some teaching. I teach at the Catholic University of
25 Louvain, and I've been teaching there since 1991, actually.

1 Q. [9:46:25] And finally, briefly, what are the types of cases for which you provided
2 expertise domestically?

3 A. [9:46:32] No particular area, any and all areas in which a specialised physician is
4 required. So I examine living people who have sustained injuries. I do assessments
5 of mental health. I assess people who have been subjected to sexual abuse. I also
6 go to the actual places where, for example, someone has died, and I carry out
7 autopsies when the Office of the Public Prosecutor deems an autopsy to be necessary.
8 So these are all the various specialised medical tasks that I carry out and the sort of
9 thing that the authorities believe I can make a contribution.

10 Q. [9:47:38] Right. I'm going to move on now to your mission conducted --

11 PRESIDING JUDGE TARFUSSER: [9:47:44] May I make one question to this topic.

12 Are you doing your work also for private people, I mean, for victims or for lawyers
13 who ask you in a trial, or are you exercising it only in the public sector, say, so, judges
14 and prosecutors?

15 THE WITNESS: [9:48:23] (Interpretation) I refused to work in the private sector
16 until I reached retirement age. I have now reached that particular age, and since
17 then I have decided that I would in some circumstances be able to agree to review
18 files for certain parties, certain other parties, if that was of intellectual interest to me.

19 PRESIDING JUDGE TARFUSSER: [9:48:47] Thank you.

20 Madam Pack.

21 MS PACK: [9:48:50] Thank you, your Honour.

22 Q. [9:48:51] And just to follow on from that, the types of cases that you've worked
23 as an expert back in Belgium, are they criminal cases or civil cases or both?

24 A. [9:49:07] I would say that 90 per cent of the cases are criminal, solely criminal
25 cases. But from time to time I do look at the civil consequences of a criminal offence.

1 Q. [9:49:29] And just again, my last question on this, in the international context, do
2 you have any experience?

3 A. [9:49:37] Yes, from time to time. It was quite sporadic, actually. And the first
4 time it was during the time of an air crash in 1995 in Romania. I was called in to
5 assist.

6 Then after that I provided services to the ICTY. I was there three times. I did work
7 in Bosnia, in Kosovo, and carried out some examinations of human remains.

8 I also made a reputation for myself, so to speak, because I was also asked to provide
9 expertise for this particular case here.

10 Q. [9:50:40] Now, just going to this particular case, you went on mission to Abidjan
11 at the request of the Office of the Prosecutor in October 2013. What was the purpose
12 of that mission?

13 A. [9:50:58] The purpose was to examine a number of people who had reported
14 that they had been victims of violence, violent acts, that had occurred at the time. I
15 can't remember the exact date, but during the disturbances that occurred in Côte
16 d'Ivoire.

17 So a number of people had been designated for possible testimony about injuries they
18 had sustained during that period. So my task was to examine a certain number of
19 people, and ultimately about ten people. And I realised it was going to be about ten
20 people once I actually was there on site.

21 Q. [9:51:57] And do you recall who it was who explained to you or told you what
22 your task was on the mission to Abidjan?

23 A. [9:52:11] Yes, of course. The first contact was with Professor Éric Baccard, who
24 is responsible for the department -- well, who was responsible for the department at
25 the time. He asked me if I would agree to travel to Côte d'Ivoire at the request of the

1 Prosecutor for the Court, for the International Criminal Court. So I agreed, and very
2 quickly the arrangements were made.

3 Q. [9:52:46] And so far as your instructions for that mission are concerned, broadly,
4 you've told us you were asked to examine some individuals, a certain number of
5 individuals. What was it that you were instructed to do in relation to those
6 examinations?

7 A. [9:53:05] My mission, well, the verbal instructions I received were confirmed in
8 writing, and I was asked, what I was actually asked to do, these tasks are to be found
9 in the correspondence that was sent to me.

10 But briefly put, I was to examine these people and to determine what injuries they
11 had sustained, going by their initial descriptions, and to take stock of their symptoms
12 and determine the consequences of the aftermath of the injuries, in particular, the
13 impact on their ability to work.

14 And the request made a distinction between permanent disability and sort of an
15 economic disability. So I answered both these questions. There were other
16 questions about the cause and effect links between the initial events and the injuries.
17 So I had to take stock of the situation and assess whether there were any causal links
18 and what the consequences of the events were.

19 Q. [9:54:46] And just you mentioned earlier you examined a certain number of
20 people. I think you said about ten people. We have, our records indicate it was 12
21 individuals. We have 12 reports from you, yes.

22 A. [9:55:02] Twelve.

23 Q. [9:55:03] Then it must be then just simply then the interpretation.

24 So far as those examinations were concerned, how long on average did each
25 examination by you take?

1 A. [9:55:16] Well, I examined the people over several days. If I recall correctly, it
2 would have been two or three exams per day owing to security reasons. I had an
3 opportunity to stay for a while with these people, to spend some time with them, and
4 I think that was a good thing. I did have the time to listen to them and to listen to
5 their accounts.

6 They spoke about both their physical suffering and their emotional symptoms. I
7 don't think I timed the amount or used a stopwatch or anything like that, but I think I
8 could say an hour and a half, between one hour and 15 minutes and one hour and a
9 half with each victim, which is actually quite a long time for a forensic examination.

10 Q. [9:56:31] And following, during, or as a result of your examinations, did you
11 request that any further tests or x-ray examinations be carried out in relation to any of
12 the persons you examined?

13 A. [9:56:48] Yes. In some cases I thought it was truly necessary, absolutely
14 necessary, to ask for additional examinations. I did not do so in all cases, because
15 the conditions were not quite what you would expect here. It was not always easy to
16 have access to laboratory tests and X-rays and the like.

17 But when I thought it was absolutely necessary and with the assistance of the
18 investigator, we were able to obtain what we needed, for example, an x-ray or a blood
19 test. These additional tests were also justified by the fact that, generally speaking,
20 these people did not have their medical records with them. They did not have any
21 hard copies. Some did, but not the majority.

22 Q. [9:57:56] And did you subsequently receive the results of the tests or X-rays that
23 you requested?

24 A. [9:58:06] Yes. It was agreed that the results would be sent to me later, and I
25 believe they arrived after I returned to Belgium. But I was able to collect the

1 information and include it in my reports.

2 Q. [9:58:24] And so far as X-rays were concerned, in what form did you receive
3 those?

4 A. [9:58:37] Some of the X-rays were shown to me by the victim. These were
5 conventional X-rays on silver coated paper. *Now, regarding those we had asked for, I
6 received both a report from the radiologist and an electronic version of *X-rays, which
7 were of excellent quality, just as good as the conventional X-rays, perhaps even better.

8 Q. [9:59:14] Thank you, Mr Bonbled.

9 MS PACK:

10 Now, I just wanted to -- for your Honours. The structure of this examination, I'll
11 deal with the reports now in order of incident, in fact, excepting three which I would
12 like to deal with at the end in private session

13 PRESIDING JUDGE TARFUSSER: [9:59:30] I just have one question before you start
14 with the single, the single reports.

15 My question is, how did you identify those victims, the people you, well, not victims,
16 the people, the persons you were asked to examine? How did you identify them?
17 Who told you that these and not other persons are to be visited and examined?

18 THE WITNESS: [9:59:57] (Interpretation) The identification of those people was
19 not really my area of jurisdiction. There was always an investigator with me, a
20 specialised investigator of the International Criminal Court. And the investigator
21 brought the people in and checked that the person was indeed who he or she said he
22 was.

23 And, initially, a consent form was explained to the victim by the investigator. So,
24 you see, there was quite a lengthy introduction before I examined them. So I took it
25 for granted that the person had been properly identified by someone with the proper

1 authority.

2 PRESIDING JUDGE TARFUSSER: [10:00:58] Another question, what did you know
3 about the events? And how did you link the person to one or the other event?

4 THE WITNESS: [10:01:16] (Interpretation) I will repeat that I really do not have
5 any competence in investigation and judicial processes. I was called up to examine
6 the alleged victims, so I carried out clinical examinations. I would carry out an
7 interview. There is the anamnesis. Then I begin by asking them what happened.
8 I really have no means of cross-checking at that time whether it really corresponds to
9 what happened or what appears in the reports of events.

10 *So, if my memory serves me right, some of the investigation reports were sent to me
11 subsequently, *once I was back in Belgium, so it enabled me to establish that there
12 were no contradictions or discrepancies between what they told me and what I
13 *was reading. I really did not dwell on those particular issues, and I really tried to
14 seek only the information that would be useful for my examinations.

15 PRESIDING JUDGE TARFUSSER: [10:02:46] Thank you, Mr Bonbled.

16 I give back the floor to the Office of the Prosecutor, Ms Pack.

17 MS PACK: [10:02:52] Thank you very much, Mr President.

18 Q. [10:02:59] Now, just before we go to your reports, in fact, Mr Bonbled, I just wanted
19 to ask that you don't name any of the persons by name with whom you deal with in your
20 report for the reason that some of them have protective measures, others don't, but just if
21 you could use the pseudonym that you have already on the dossier for each of them, that
22 would be the best course. Or, indeed, don't refer to them by number or name at all.
23 So we'll start with the first report in relation to P-106. And if we could just bring that
24 up. Firstly, we'll bring up the letter of instruction that you've referred to, which is
25 CIV-OTP-0059-0364.

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- 1 PRESIDING JUDGE TARFUSSER: [10:03:52] We do this only once with the letter.
- 2 MS PACK: [10:03:53] I think so.
- 3 PRESIDING JUDGE TARFUSSER: [10:03:54] Because they're always the same.
- 4 MS PACK: [10:03:56] Absolutely, absolutely.
- 5 PRESIDING JUDGE TARFUSSER: [10:03:58] Okay.
- 6 MS PACK: [10:03:59] If I can I'll just read them onto the record at the end if
- 7 necessary.
- 8 PRESIDING JUDGE TARFUSSER: [10:04:02] But they are in the record.
- 9 MS PACK: [10:04:03] Of course.
- 10 PRESIDING JUDGE TARFUSSER: [10:04:04] If you submit them, they're in the
- 11 record. So it's not even necessary to read them.
- 12 MS PACK: [10:04:10] Absolutely, absolutely.
- 13 Q. [10:04:17] All right. Do you have -- I see you have a report in front of you.
- 14 Can you just confirm these are the written instructions you received here, dated -- you
- 15 can see 6 June 2014. You can see on the screen again in front of you, perhaps if you
- 16 look to that.
- 17 A. [10:04:36] Yes, I confirm that this is indeed the request that I received.
- 18 Q. [10:04:45] And I would ask that this -- I hope that it's been displayed
- 19 confidentially. But I'd ask that it is just for the reasons that it is identifying the
- 20 relevant individual.
- 21 Just insofar as this letter of instruction is concerned, did you receive a similar letter of
- 22 instruction in relation to the other individuals whom you examined?
- 23 A. [10:05:10] For each of the cases I received a similar letter.
- 24 Q. [10:05:18] And we see, actually, if you look in the first paragraph here, a
- 25 reference to preliminary instructions, communicated on 23 July 2013. Can you just

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1 tell us who was it who gave you those instructions to your recollection?

2 A. [10:05:45] I really do not remember with any certainty. I received a lot of
3 information by telephone, so I cannot really tell you whether it was someone from the
4 forensic unit or an investigator. I really cannot say.

5 Q. [10:06:12] All right. Thank you.

6 Now I'm going to go directly, in fact, to your report, and call it up at
7 CIV-OTP-0059-0367. If we could display that confidentially.

8 Now, I have a copy. If we could just pass the hard copy, I think it might be
9 preferable for Mr Bonbled to have that in front of him. Thank you. It's just a
10 photocopy for my friends.

11 Thank you very much, madam court officer.

12 Now, just noting, if you look at the first page, 0367, and if we can go over to 0368, we
13 see -- and you have the hard copy in front of you, we see there the numbers I'm
14 talking about are the Prosecution stamp at the bottom. You can look at your page 1
15 and 2. You can see there your written -- the written instructions we just saw a
16 moment ago are copied here; is that right? Can you confirm that?

17 A. [10:07:38] Yes, that is correct, I confirm that.

18 Q. [10:07:42] And I wanted just to deal with a question raised by his Honour a
19 moment ago. If we go to page 0370, we can see -- and it's page 4 on your hard copy.
20 We can see the heading there "Identite". No need to read out what is written there.
21 But we see, I'm referencing the sentence beginning (Interpretation) "The identity is
22 established on the basis of an identity card."

23 A. [10:08:26] Yes, indeed. I included the details of the identity card of the person
24 as presented to me. I do not know whether *that could establish the identity, but I
25 did that on the basis of the identity card.

1 Q. [10:08:48] And so far as -- another question again raised by his Honour. Just
2 going back to 0369, that's page 3 of your hard copy. I'm looking at the paragraph
3 beginning (Interpretation) "The victim gave his agreement" (Speaks English) and then
4 it goes on, and you referenced a consent form earlier. Were you involved in the
5 process of securing the signature on the consent form?

6 A. [10:09:28] No. As I have already said, this happened upstream, before my
7 expertise, so that is incumbent on the investigator.

8 MS PACK: [10:09:44] Your Honours, I'm not going to refer to the relevant consent
9 form, but just for your information, CIV-OTP-0056-0030 is already submitted onto the
10 record in relation to this witness and in our list of material, tab 19. Thank you, your
11 Honour. Thank you, your Honour.

12 Q. [10:10:03] Now, you mentioned again in questioning by his Honour various
13 aspects of your examination and you spoke about an anamnesis. Can you tell us
14 please the purpose of that component of your examination?

15 A. [10:10:18] Well, when you talk about the procedure of carrying out an expert
16 analysis, you have to get into the life of the patient and have that person talk about
17 the facts, that is, an account of the events or the incident that took place and then ask
18 that person for progressively more information regarding symptoms and aftereffects.
19 So this is the first contact with someone that you have never seen and you try to enter
20 into his or her personal life or privacy. So the procedure involves a series of
21 questions, but this is really to break the ice and have the person begin to speak.
22 Sometimes it always does not work, but sometimes other people begin to
23 spontaneously explain what we were expecting.

24 Q. [10:12:11] Now, I want just to take you, please, because we're going to try to
25 move fairly swiftly through these reports, as we have a number to get through and

1 limited time. So I'd like to take you, please, to page 0380 on the court record, which
2 is on your hard copy, page 14, and going over to page 16, that is page 0369 for the
3 record -- sorry, apologies, 0380 and 0382. Thank you.

4 THE COURT OFFICER: [10:13:04] Could we have the complete ERN number, please?
5 Thank you very much.

6 MS PACK: [10:13:08] Forgive me, madam court officer. It's CIV-OTP, same report,
7 0059-0380. And it's on the document beginning 0367. Thank you very much.

8 Q. [10:13:45] Here we have a heading (Interpretation) "Comments and Conclusion".
9 (Speaks English) And we can see your signature if we go to page 0382. Just can you
10 confirm you signed this report? It's page 16 of your hard copy there.

11 A. [10:14:06] Yes, I confirm that that is my signature.

12 Q. [10:14:11] And as to this section of the report, the commentary and conclusion,
13 do you confirm the conclusions that you reach in this part of your report?

14 A. [10:14:27] Yes. These are conclusions that I reflected upon quite well and I
15 confirm them today.

16 Q. [10:14:40] And do you have any additional comments you would wish to make?

17 A. [10:14:54] No. I would write exactly the same thing today.

18 Q. [10:15:02] Thank you. I will leave that there then.

19 Just to ask you, just to ask you what you are addressing on a couple of points. A
20 point -- we'll only do this in relation to this report. I'm going to look at paragraph 4,
21 please, at page 0381; that's page 15 of your hard copy. Can you just tell us, in that
22 paragraph, what the point is that you are addressing there, the issue?

23 A. [10:15:31] Well, at point 4 we are talking about the physical aftereffects visible
24 on this person, and this involved the left upper limbs which had been initially torn.
25 They were not amputated or fractured, but the skin and the soft tissue had been really

1 damaged right up to the forearm. And there are really large and hypertrophic scars.
2 But there are also functional consequences, with the loss of strength and loss of force
3 in this upper left limb.

4 This person also had respiratory aftereffects. But what was observed was not as
5 specific because we talk of dyspnoea in medical language, that is, respiratory
6 problems. One can try to link these symptoms to the same causes, but I have some
7 doubt about that because that *person also worked in a garage, and *worked with
8 acid tanks, this could have resulted in a professional respiratory impairment. That is
9 why I asked for an *X-ray, and that *X-ray did not suggest that this was a professional
10 aftereffect. So it could better be linked to the result of a trauma, but it was not quite
11 certain.

12 So in summary, you have the upper left limb and the respiratory problems that are
13 linked to the causes indicated. So that is the gist of this point 4.

14 Q. [10:18:46] And then if we just look over the page, and again, I'd like you to look
15 at paragraphs 9 and 10, page 0382 for the record, page 16 of your hard copy. And
16 again just briefly, what are the points or issues that you are addressing in those two
17 paragraphs, 9 and 10 respectively?

18 A. [10:19:14] Points 9 and 10 relate to causal relationship to the initial events. So it
19 indicates that the wounds and symptoms of the victim -- I tried to establish whether they are
20 compatible with what I am told that had happened, that is, an explosion, and if *my memory
21 serves me right, this person was telling me he had been exposed to an exploding grenade.
22 And so my answer is, yes, it is plausible. This is something that you can see as a
23 result of an explosion, that is, initial loss of hearing, but fortunately this improved
24 much later. But then you have specifically these wounds, large wounds, in the
25 upper left limb as well as the respiratory symptoms, because an explosive blast can

1 have an effect on the respiratory system.

2 So I understood that the symptoms were compatible with the account of the victim
3 relating to the event as well as the chronology. So this seems to me to be coherent or
4 consistent with the account of the victim. That is why I linked these symptoms to
5 the initial wounds or trauma.

6 Q. [10:21:18] Just picking up on one thing you mentioned there, you mention an
7 initial loss of hearing. I note in your commentary and conclusion there is a reference
8 also to tinnitus, in French acouphènes. Can you tell us the relevance of that
9 particular symptom that you noted, paragraph 1 of your conclusions, page 0380.

10 A. [10:21:55] Well, tinnitus is a symptom that is well-known. Generally, it is a
11 noise in the ear, a buzzing in the ear, that can emerge. And these are also typical of
12 an explosion. The ear is particularly vulnerable to an explosion, and this leads to
13 damage to the cells that are related to hearing, and so this damage can be reflected in
14 tinnitus, which is the most frequent symptom after explosive injury. It is possible for
15 it to last only for a few days and sometimes it can last for a lifetime in certain persons.

16 PRESIDING JUDGE TARFUSSER: [10:23:09] Also, but tinnitus can also be originated
17 by other causes, not only by an explosion, right?

18 THE WITNESS: [10:23:23] (Interpretation) Yes. Tinnitus can be the consequence
19 of other causes. But here the argument that persuaded me is the fact that the victim
20 spontaneously revealed that this emerged immediately after the incident. So I
21 believe this is something as a doctor that I will see as a spontaneous causal
22 relationship because that is really what would be expected.

23 MS PACK: [10:24:02]

24 Q. [10:24:02] I'm going to ask you -- thank you. I'm going to ask you about a
25 couple of aspects of this report.

1 And, your Honours, for your information, I'm going more slowly through this first
2 report, just on a few items, and then of course I'll move quickly through the others,
3 given the time.

4 But we'll go, please, to page 0374, which is page 8 on your hard copy. And I note
5 here that there is, in French (Interpretation) "Neuropsychological evaluation or
6 assessment".

7 (Speaks English) Could you just tell us why did you conduct a psychological
8 examination for this patient?

9 A. [10:24:46] My personal methodology of work in such situation is that during the
10 anamnesis, during the interview, we talk about psychological symptoms, and the first
11 thing is that those symptoms could be related to the post-traumatic stress syndrome.
12 So rather than simply accepting this as an obvious result, I decided to interview the
13 patient. And there was also a standard assessment test for post-traumatic stress
14 syndrome, which is one of the most frequent symptoms after any violent incident,
15 that is, if the victim has the impression that their physical or other integrity has been
16 undermined.

17 So there are very many of them that are proposed, for example, in the net. And there
18 are typical or standard questions that are supposed to be asked. And the patient
19 needs to answer and give a score to the level of the effect, that is, low, medium, high
20 and so on. And so depending on the score given, one would have an idea of the
21 severity or absence of the symptom. So it is simply to have an idea of the severity or
22 presence or absence of the post-traumatic stress syndrome.

23 And it is also a means for me to be certain in my diagnosis that there are no other
24 causes. Well, I'm not a psychiatrist and I'm not really an expert in such issues, but I
25 have an experience of mental examinations during my practice.

1 Q. [10:28:07] And I note the test you refer to here relates to, describes -- is it 17
2 questions that you ask, the particular test that you used? It's at page 0374, page 8 of
3 your report.

4 A. [10:28:44] This, the standard questions that I use during my examinations on a
5 daily basis, and even though the questions are standard, I really do not use the test for
6 a long time because I know them by heart. So in order to be as objective as possible,
7 I print out tests, questions, and they manually answer the questions so as to establish
8 a final score or result at the end of the examination.

9 Q. [10:29:31] Now, can we just go, please -- thank you. We can go to your clinical
10 examination. That's at pages 0375 to 0378. And I note at page 0378, which, so far as
11 you're concerned, on the hard copy is page 12 of your report. I note that you
12 requested and you mentioned earlier further X-rays be carried out of the chest and the
13 left arm and forearm.

14 Did you subsequently receive those X-rays and their related report?

15 A. [10:30:16] Yes, I reviewed them at a later date. As I said earlier, the information,
16 the X-rays, were sent to me digitally at a later date, and the X-rays allowed me to rule
17 out the possibility of shrapnel in the upper left arm.

18 So if there had been, they would have been removed during the initial treatment. So
19 that was the -- there was confirmation that there had not been any fracture.

20 The second x-ray was of the thorax, and that x-ray was taken in order to look for
21 possible lesions on the lungs or damage to the lung. I looked at the x-ray and I also
22 looked at the protocol from the radiologist, and there was no damage done to the
23 lungs. And that argues against a previous condition, a previous respiratory
24 condition, caused by occupational exposure to something.

25 Q. [10:31:48] Thank you. And if we go over the page, in fact, page 0379 of the

1 report -- it's page 13 of your hard copy -- we see there an image, an x-ray image.

2 And this, can you confirm this is the image that you've been describing related to the
3 left arm. We see the name, which I won't read out, of the relevant individual to the
4 left of the image and the date at the top right, 24 October 2013.

5 A. [10:32:39] Yes, I can confirm that here we see the x-ray that was done two days
6 after my examination. And I just made my comments, namely, the x-ray does not
7 show any foreign bodies, no metallic shards, no fractures.

8 MS PACK: [10:33:05] Now, your Honour, we have the originals of the X-rays in
9 court. Perhaps it won't be necessary to go through each of them. They're available,
10 obviously, for inspection. But perhaps just with this one, if we could have it, it's
11 CIV-OTP-0056-0034. It's the original x-ray which in Ringtail appears, obviously, as a
12 copy.

13 Q. [10:33:50] I just want to give you just an opportunity to look at that, and if you
14 could just confirm that that original is the original of the electronic version that you
15 received and that we see printed here in your report.

16 A. [10:34:19] Yes, exactly the same thing, the same shots, the same date. So yes, I
17 can confirm that.

18 Q. [10:34:27] And if we could just have -- thank you. If we could just have
19 0056-0033, the original of that document. Obviously, it's in Ringtail but the original
20 is held here at the court. If you could just look at that. Just for the record it relates
21 to the x-ray -- thank you -- relates to the x-ray of the thorax, chest. And just to note,
22 we don't see that copied in your report. But if you could just take a look and tell us
23 if you reviewed a copy of that, albeit in a different form.

24 A. [10:35:21] Yes, I can confirm that I've seen this, because I drew a number of
25 conclusions from the x-ray, as I mentioned earlier. I still am of the view that the

1 x-ray shows absolutely nothing within the lungs or any damage to the ribs. No
2 traumatic injury, no chronic lung condition, as one might fear.

3 Q. [10:36:03] All right. And just to confirm before it's put away, there is a date,
4 presumably, at the top right-hand corner of this x-ray, and the name of the relevant
5 victim in the bottom left with the body part that's being examined by x-ray in the
6 middle at the bottom of the x-ray in type; is that correct?

7 A. [10:36:24] Yes. I can see the same name, the same identity, the date of birth of
8 the person, the same 24 October 2013, the time, 12.22.

9 Q. [10:36:44] Thank you, Mr Bonbled.

10 So we can move on just from those images. If you would just put them to one side
11 for the moment. And I would like to show you, please, another document. This
12 will appear on the screen in front of you. It's CIV-OTP-0056-0035. Perhaps if we
13 could just -- we could confirm the date of the relevant -- the name of the relevant
14 individual at the top who you have been talking about; date, 24 October 2013, and, of
15 course, it's headed "Compte Rendu Examen Radiographique". We see there the
16 name of the relevant institution at the top left, Polyclinique Internationale Sainte
17 Anne-Marie. And again we see your name, *medecin traitant*.

18 PRESIDING JUDGE TARFUSSER: [10:38:05] We can see this all.

19 MS PACK: [10:38:07] We see that for the record. Just noting that for this one and I
20 leave it.

21 If we just scroll down to the results, can you just confirm if the conclusions that we
22 see there are conclusions that you share or if you reached different conclusions as to
23 what the X-ray -- both X-rays showed. Again, I would say these are all confidential.
24 I haven't been stating that all of the time, but on the list of material we indicated that
25 all of these medical documents for now should be confidential.

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1 PRESIDING JUDGE TARFUSSER: [10:38:39] But excuse me. This is part of the
2 report of --

3 MS PACK: [10:38:42] Yes.

4 PRESIDING JUDGE TARFUSSER: [10:38:43] -- the expert to this witness, right?

5 MS PACK: [10:38:46] Yes, yes. Thank you.

6 PRESIDING JUDGE TARFUSSER: [10:38:48] So at the end you submit it, right?

7 MS PACK: [10:38:52] Yes, of course.

8 PRESIDING JUDGE TARFUSSER: [10:38:53] Okay.

9 MS PACK: [10:38:54] Thank you.

10 Q. [10:38:54] Would you like me just to repeat my question just to confirm the --

11 A. [10:39:01] Yes, I confirm that this is the protocol from the radiologist who did
12 the X-rays, and he himself found nothing in particular. So it was a normal thoracic
13 view. No particular problem reported.

14 Q. [10:39:22] Thank you. Now, finally, in relation to this individual, I want to ask
15 you, you took -- I note that you took photographs of the individual at pages 0375 to
16 0377 of the report. We can see those, and it's pages 9 to 11 of the hard copy in front
17 of you. Just to confirm, those photographs, they were taken by you; is that correct?

18 A. [10:39:51] Yes, I can confirm that.

19 MS PACK: [10:39:59] Now, I think -- I'd like to just quickly -- that we have colour
20 copies of the photographs on the list of materials. Perhaps if I could just ask the
21 witness to confirm those photographs at least -- it's quite obvious -- if they're
22 comparable.

23 PRESIDING JUDGE TARFUSSER: [10:40:12] They are submitted if you submit
24 them.

25 MS PACK: [10:40:13] I will just then read them and submit them, your Honours, if I

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1 may. We discussed it yesterday, but I'll read out the ERNs so that they're submitted
2 onto the record.

3 PRESIDING JUDGE TARFUSSER: [10:40:21] Okay.

4 MS PACK: [10:40:22] We won't go to the colour photographs themselves. I'm just
5 going to read out the numbers for the court record: CIV-OTP-0102-0424,
6 CIV-OTP-0102-0425, CIV-OTP-0102-0426, CIV-OTP-0102-0427, same prefix 0102-0428,
7 same prefix 0102-0440.

8 PRESIDING JUDGE TARFUSSER: [10:41:07] Mr Jacobs.

9 MR JACOBS: [10:41:10] (Interpretation) Thank you, your Honour. It appears to
10 us that since the person who apparently took the photographs is present, perhaps it
11 would be better to ask him if he took the photographs rather than reading out a
12 stream of reference numbers. Perhaps it would be better to ask the --

13 PRESIDING JUDGE TARFUSSER: [10:41:33] Well, I think this question was asked
14 and he said yes, yes.

15 Did you take these photographs?

16 THE WITNESS: [10:41:39] (Interpretation) I can confirm that.

17 PRESIDING JUDGE TARFUSSER: [10:41:43] It was said also before, so please go
18 ahead.

19 MS PACK: [10:41:46] Thank you, your Honour.

20 Q. Now, one other quick document, and I'm only going to show this one once. It's
21 the CIV-OTP-0056-0032. And if you could just take a look at that. It's coming up in
22 front of you on the screen. Can you just tell us what this document is, please.

23 A. [10:42:21] The investigators asked me for this document and the document was
24 intended for the specialist who was to do the X-rays. So this is basically a document
25 for another physician, and it sets out that the request was part of the mission that was

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1 entrusted to me by the International Criminal Court.

2 So I specified in the correspondence -- now, I don't know the name of the person, the
3 radiologist, but I did specify exactly which areas of the body should be x-rayed.

4 Q. [10:43:11] And I see a signature. Is that your signature there at the bottom of
5 this request?

6 A. [10:43:16] Yes, yes.

7 Q. [10:43:19] Thank you, Mr Bonbled.

8 There are others of these, but I'm not going to show the others, obviously, so they'll
9 just be read onto the record. Thank you. Thank you, your Honour.

10 Now, I would like, please, to move on to a next report that relates to P-107. I have a
11 whole number of hard copies of the report. Just to make the exercise quicker, if I
12 could just pass up all of the photocopies of the report apart from the --

13 PRESIDING JUDGE TARFUSSER: [10:43:49] You may.

14 MS PACK: [10:43:50] -- that are on the list of material, so it will be quicker.

15 PRESIDING JUDGE TARFUSSER: [10:43:53] You may. Please, court usher.

16 Thank you.

17 MS PACK: [10:43:54] Thank, your Honour. So this is CIV-OTP-0059-0310. For the
18 record, I'm handing up all the -- photocopies of all of the reports listed on the list of
19 material, which we'll just deal with in turn.

20 So if you could just retrieve the one related to P-107, Mr Bonbled.

21 PRESIDING JUDGE TARFUSSER: [10:44:11] If you could speak slower for the
22 benefit of the interpreters. Thank you.

23 MS PACK: [10:44:16] Thank you, Mr President.

24 PRESIDING JUDGE TARFUSSER: [10:44:22] You seem to be under pressure. You
25 are not.

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1 MS PACK: [10:44:26] Well, I'm just aware of the time.

2 PRESIDING JUDGE TARFUSSER: [10:44:29] Yes. I mean, you take what you need.

3 MS PACK: [10:44:32] Thank you. Thank you very much, Mr President.

4 Q. [10:44:39] Now, if you would just, please, take a moment to look at that. It
5 should be coming up on the screen as well.

6 And again, for the record, I note that the reference here in the anamnèse is to, and the
7 letter of instruction is to, the 16 December 2010 incident. I just note that that is what
8 is included in the letter of instruction and in the body of the report.

9 Now, we'll just, please, first, if you could just confirm that this is your report related
10 to P-107.

11 A. [10:45:32] Yes, I do confirm that.

12 Q. [10:45:36] And if we could just go, please, straight to the conclusions.
13 For the record, it's at page 0322 to page 0324. And that's pages 13 to 15 of your copy.
14 And I note again at page 0324, that's page 15 of your copy, that this report has been
15 signed by you.

16 A. [10:46:46] Yes, absolutely, I do confirm that.

17 Q. [10:46:48] And within this section here entitled "Commentaires et Conclusion",
18 do you confirm the conclusions that you reached in this part of the report?

19 A. [10:47:04] Yes, I confirm these conclusions. Even with the passage of time I can
20 say that I would have written the same thing.

21 Q. [10:47:15] Any additional comments you would wish to make in relation to the
22 conclusions?

23 A. [10:47:27] New comments? I don't think so. In this particular case things
24 were quite clear and cannot be challenged. The location of the impact of the project,
25 namely, a bullet from a firearm, it was quite clear, and this allowed me to predict the

1 injuries, paralysis of the system that is used for the lifting up of the foot, which
2 constitute a major disability. It falls well within the parameters when it comes to
3 walking, gait, working, going upstairs. This problem is always difficult.
4 What is more, the injury could have been much worse. I made this point in my
5 report because the projectile came very close to a number of major blood vessels.
6 And if those blood vessels had been hit, just a few millimetres away, that would have
7 led to severe bleeding, leading to death.

8 Q. [10:48:54] And just again, just to note, did you receive a letter of instruction
9 similar to the one that we displayed earlier in relation to this particular individual?

10 PRESIDING JUDGE TARFUSSER: [10:49:12] Did we state that they're all the same?

11 MS PACK: [10:49:15] We did.

12 PRESIDING JUDGE TARFUSSER: [10:49:16] Yes.

13 MS PACK: [10:49:16] Can I just read the letter of instruction onto the record then.

14 It's CIV-OTP-0059-0307. No need to call it up if that could just be considered
15 submitted.

16 Q. [10:49:33] Now, there is just a couple of things I would like to ask you in relation
17 to this report. Again, I would like to take you to the X-rays. So if we go to page
18 0317 and 0318 of the OTP reference. That is for you pages 8 and 9, first of all.
19 Now, I note there and what you say is that these are X-rays, and there is one on the
20 following page at page 0318, that are photographed by you and reproduced in your
21 report.

22 Could you tell us who provided those images to you to photograph?

23 A. [10:50:37] The X-rays were shown to me at the time of the examination. These
24 were mediocre views, no indication of -- no clear indication of the location of the
25 x-ray.

1 There was a handwritten mention of the name of the victim and a date. So these
2 images were reproduced at the particular spot in the report. And because of the
3 uncertainty as to the identity of the person x-rayed, I asked for another x-ray for
4 cross-checking, and a colleague in Abidjan, and this x-ray revealed the very same
5 thing.

6 And so it was possible to identify the x-ray and so I thought that the identity of the
7 person had been established.

8 Q. [10:52:00] Thank you. I'll ask briefly just to show two images, 0020-0103, first,
9 and then we'll come back to the report. And I wanted just for you to look at that.
10 And if you can say whether that is the image that you photographed or one of the
11 images you photographed. I'll ask another one to be brought up in a moment.

12 PRESIDING JUDGE TARFUSSER: [10:52:50] Which one, so the court officer can
13 prepare.

14 MS PACK: [10:52:54] Next one is 0020-0104.

15 Q. [10:53:16] Are you able to make that assessment of whether it's the one that you
16 photographed or one of the ones?

17 A. [10:53:25] This document corresponds to the photograph that I took that was
18 included in the report, the first photograph, page 8, page 8 of my report.

19 Q. [10:53:44] Thank you. That's page 0317 for the record.

20 And if we could just turn to the next document, 0020-0104. I'm unclear if you can see
21 that. Does this correspond to any of the images that you saw or photographed?

22 A. [10:54:26] It's not included in my report. It shows the same thing. It is
23 possible that I did not take photographs of all the X-rays that the gentleman showed
24 me. But it provides no additional information, nothing in addition to what is
25 already in my report.

1 Q. [10:54:52] Thank you. Now, I'd like to go, please, to the X-rays that you
2 requested. So we go to page 0319 of your report, which is page 10 of the hard copy.
3 So we can go back to the report. And I'll give the ERN again. It is 0059-0310 and
4 it's page 0319 that we need to go to. Thank you.

5 This x-ray, was this, again, was this requested by you?

6 A. [10:56:02] Yes, yes, I can confirm that.

7 Q. [10:56:07] And I note on the preceding page at page 0318, which is page 9 of the
8 hard copy, that it was communicated to you on 25th April 2014, just down at the
9 bottom of the page, please. Is that correct?

10 PRESIDING JUDGE TARFUSSER: [10:56:32] If it is written in the report.

11 MS PACK: [10:56:34] Of course, yes.

12 Q. [10:56:37] Now, let's just then go -- let's go back to the x-ray, page 0319, if you
13 could look at that. We have the original as well. The ERN for that original is
14 0056-0026. If this could be made available as well to the witness.

15 Now, you have the original, what looks like the original, in your hands. Perhaps
16 you can just confirm that what you have is the original of the copy in your report.

17 A. [10:57:46] Yes, I can confirm that.

18 Q. [10:57:48] Thank you. Thank you.

19 Now, I'd like to just note, please, at your report itself at page 0319, you note -- and of
20 course this is just for the record again. It's an x-ray related to the left knee. You
21 note there, and I quote, the second paragraph: (Interpretation) "Other than the
22 projectile at the lower femoral epiphyses, the presence of a metallic shard at the
23 anterior area of the internal plateau of the left tibia, most likely coming from the same
24 projectile."

25 Now, just if you could just perhaps help us with the image that we see here, and just

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1 referring to the original that you have, could you identify to us, please, the two
2 metallic shards to which you are referring, metallic objects, to which you are referring
3 in the text there.

4 If there is the possibility that the witness could mark as well with a pen, is that
5 available.

6 PRESIDING JUDGE TARFUSSER: [10:59:23] Yes, but one can see them.

7 MS PACK: [10:59:25] It can be explained, yes.

8 Q. [10:59:27] So the first one, if you can just tell us where they are, and then we can
9 take it as read.

10 A. [10:59:37] There are not two shards. There is an entire bullet, that is, entire or
11 nearly complete. And I'm not quite sure how to use this device but --

12 PRESIDING JUDGE TARFUSSER: [10:59:59] We can all see that. Can we not?

13 THE WITNESS: [11:00:02] (Interpretation) It is in the lower part of the femur, close
14 to the joint. I believe that the bullet is clearly visible. What is less clear is that the
15 shard or the piece of shrapnel that is more visible on the profile view of the knee,
16 namely, the lower right image, just below the knee cap and ahead of the tibia, you can
17 see a very small particle that is denser and more opaque than the bone itself, that is
18 slightly detached. And that is a shard, most likely from the same bullet at the time
19 of the attack. I have no reason to believe that there were two different projectiles.
20 There was only one scar on the skin. So it was the same shot most likely. It is
21 extremely small. It is an extremely small shard of metal. And if *a surgeon was to
22 look for it I don't think it would be an easy task to find it, it is so small.

23 PRESIDING JUDGE TARFUSSER: [11:01:22] Can the court usher please show the
24 witness how to use the electronic pen so he can find it on the -- mark it on the screen.

25 MS PACK: [11:01:35] Thank you. And could we, before it's marked, could we

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1 zoom in on the bottom right image just where the joint is. There. Thank you.

2 THE COURT OFFICER: [11:01:55] The zoom is okay like this?

3 MS PACK: [11:01:57] I think that is perfect. Thank you very much, madam court

4 officer.

5 Q. [11:02:12] If you could mark whereabouts this splinter is, shard.

6 PRESIDING JUDGE TARFUSSER: [11:03:39] Can we know what's going on?

7 THE COURT OFFICER: [11:03:47] Yes, your Honour. It seems that we are

8 encountering a problem with the pen of the device which doesn't mark on the screen,

9 apparently. We can maybe try another time.

10 PRESIDING JUDGE TARFUSSER: [11:04:00] Well, so let's take the break. We come

11 back just after 11.30 for the next session.

12 Mr Bonbled, now we break, so you can have a rest and we come back in half an hour,

13 a little bit more. Thank you. The hearing is adjourned.

14 THE COURT USHER: [11:04:16] All rise.

15 (Recess taken at 11.04 a.m.)

16 (Upon resuming in open session at 11.41 a.m.)

17 THE COURT USHER: [11:41:13] All rise.

18 Please be seated.

19 PRESIDING JUDGE TARFUSSER: [11:41:30] Good morning once again, Mr

20 Bonbled.

21 Before giving the floor to the Office of the Prosecutor, I just wanted to say that, if I

22 told you "take your time," I just meant "the time you need." I just meant that you

23 have presented three hours, so we are quite inside these parameters, not the time you

24 need, in general. So the three hours, I was referring to.

25 MS PACK: [11:42:01] Thank you. Thank you. I didn't take it as meaning the day.

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1 Thank you, Mr President.

2 PRESIDING JUDGE TARFUSSER: [11:42:06] No, no. Just to be clear, because
3 otherwise it sounds strange on the record probably.

4 The floor is yours.

5 MS PACK: [11:42:14] Thank you, Mr President.

6 Q. Mr Witness, we're returning again to the document, the x-ray you were looking
7 at previously, 0056-0026. You had the original in front of you, and I was showing
8 you your report.

9 If we could have that back on the screen, please. The reference is 0059-0310, and the
10 page is 0319.

11 And once that comes up, I'm going to ask you if you can with the pen I believe you
12 have with you, just to mark the metallic shard which you were explaining was also
13 visible to you on that x-ray. If we perhaps can zoom in a bit. Would it help to
14 zoom in on the bottom right-hand image? There we go. If you could just mark
15 that.

16 A. [11:43:53] (Drawing)

17 Q. [11:44:01] If you could turn on your microphone.

18 Could the witness perhaps be assisted to turn on the microphone, so I believe what
19 he's saying isn't being picked up.

20 A. [11:44:24] I beg your pardon. Indeed, my microphone was off. I just circled
21 the foreign body that we were talking about.

22 Q. [11:44:34] Thank you.

23 If that could just be saved, a screenshot taken and that saved. Thank you.

24 Right. I want to show you then next 0056-0027. If you could just take a look at that.

25 Is that, this compte rendu, is that a document that you received yourself?

1 A. [11:45:40] Yes, it is the report from the radiologist that we were talking about. I
2 received a copy of it as well.

3 Q. [11:45:52] And do you agree with the conclusions stated there about what the
4 x-ray shows?

5 A. [11:45:58] Yes, I agree. I share his view, his analysis. I don't understand why
6 the radiologist wasn't clearer or more specific, because he makes mention of an oval
7 formation within the lower femoral epiphysis. You know, this is a bullet, nothing
8 else. It has to be a bullet. What is more, he makes mention of this metallic shard
9 that I just showed you.

10 Q. [11:46:41] Thank you. And the final document, which I won't ask to bring up,
11 0056-0025, but I'd like to have that considered submitted.

12 Did you sign yourself a request seeking that an x-ray be taken to your recollection?

13 A. [11:47:06] What I remember is that it was done, as was the case for the request
14 for blood testing. So I must have signed a similar document, similar to the
15 document that you just showed me earlier today.

16 Q. [11:47:32] Perhaps if we just briefly display it, 0056-0025.

17 A. [11:47:50] Yes, it's that document.

18 Q. [11:47:52] Thank you.

19 And just finally then in relation to photographs appearing in the report, back to the
20 report at page 11 of your hard copy there, the report being 0059-0310, at page 0320
21 there are two photographs depicted in the report. Could you tell us, were these
22 photographs that were taken by you?

23 A. [11:48:21] Yes, I took those photographs at the time of examination of the patient,
24 yes.

25 Q. [11:48:30] And did you provide colour copies of those photographs to the Office

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1 of the Prosecutor last week?

2 A. [11:48:38] Yes, I can confirm that.

3 MS PACK: [11:48:43] So in relation to those, rather than taking the time to show the
4 witness, your Honour, I would read those onto the record again, CIV-OTP-0102-0430
5 as to the first one, and the second one, 0102-0431. Thank you.

6 Q. [11:49:10] I move to the next individual who you examined, and that is P-0230.
7 If we can have the relevant report brought up, please. It is 0059-0230. You have the
8 hard copy of that report, I hope, in front of you?

9 A. [11:49:54] Yes.

10 Q. [11:49:54] Thank you. And if you would just confirm this is the report related
11 to 230?

12 A. [11:50:06] Yes. Both the hard copy and what I see up on the screen, these are
13 identical.

14 Q. [11:50:14] And if we can just go straight to the conclusions, please. They are at
15 page 0240-2042, that's pages 11 to 13 on your copy. Firstly we see your signature, if
16 you can just confirm, on *the last page, *page 13*, 0242.

17 I don't think I need to say that every single time, your Honour.

18 PRESIDING JUDGE TARFUSSER: [11:50:40] Yes, that's right.

19 MS PACK: [11:50:41]

20 Q. [11:50:41] Just let me ask you the question. Do you confirm the conclusions
21 you reach in this part of the report?

22 A. [11:50:48] Yes, I stand by my conclusions.

23 Q. [11:51:01] And do you have any additional comments to make regarding your
24 conclusions?

25 A. [11:51:07] No. I think everything has been written down. I responded point

1 by point to the mandate that I was entrusted with.

2 Q. [11:51:22] Thank you, Mr Bonbled.

3 And the letter of instruction, if I may just read that onto the record rather than show it
4 again to the witness. It is CIV-OTP-0059-0227.

5 Moving swiftly to the x-rays in relation to this particular individual whom you
6 examined, page 0234 of the report which is page 5 of your hard copy there, I simply
7 note here, and perhaps you can just help us with this, at the very top you say, you
8 refer to, you say this, and I quote: (Interpretation) "However, he shows an x-ray of the
9 pelvis that was taken as part of a procedure, a urography."

10 (Speaks English) Just to check, did you see a copy of that particular x-ray?

11 A. [11:52:49] Yes. That x-ray was shown to me when I examined the person, the
12 injured party. It was something that needed to be confirmed. The x-ray was not
13 ideal. The x-ray actually was taken for another health issue, and it focused on the
14 pelvis. And the quality of the image, of the x-ray was insufficient, somewhat lacking.
15 But we could guess at the location where the man said he was wounded.

16 Q. [11:53:38] Now, I'll ask you to look at an image, which is 0044-2662, if that could
17 be brought up. Just if you would look at that. Have you seen this particular x-ray
18 before, x-ray image?

19 A. [11:54:23] Well, it does correspond to what I wrote. This is an x-ray of the
20 pelvis, and this was done as part of an examination of the urinary tract post urination,
21 and we see a spot in the middle of the pelvis that corresponds to the patient's bladder.
22 Now, it also reveals something else that is of direct interest to us in terms of my own
23 examination of the patient. If you look to the right and towards the bottom, I'll try to
24 draw a circle around the spot with my marker pen, if it works. Now, I'm not quite
25 sure how to do this, but if you look to the right at the bottom, just above the label, you

1 will see (Drawing).

2 Q. [11:55:55] Thank you. If that could be saved, that image. I see you've circled
3 an object on the image.

4 A. [11:56:09] I confirm that I drew a circle around this object. And this quite
5 clearly leads us to believe that this is a projectile from a firearm. The image is not
6 perfect, so additional information would be necessary.

7 Q. [11:56:34] I'd like to once this is saved, to take you then to the x-ray that you
8 requested and is copied in your report at page 0239. So we can go back to the report,
9 which is numbered 0230, to page 0239. And that's page 10 of your version, your
10 original in front of you, sorry, the hard copy in front of you.

11 Now, we see here an x-ray of the left thigh. I note your conclusion at page 0239,
12 page 10. You say at the very end, (Interpretation) "The shape is quite characteristic
13 of a bullet."

14 MS PACK: [11:57:38] Now, your Honours, I'm not going to --

15 Can you just -- you can tell us whereabouts you see the bullet. It's fairly obvious.

16 There is no need to mark it. I think it's fine.

17 PRESIDING JUDGE TARFUSSER: [11:57:47] It's fairly obvious. We see it all, yes.

18 MS PACK: [11:57:50] We'll leave it at that.

19 Q. [11:57:51] Now let's just go to the original.

20 Just for the record, I'm not going to ask for the witness to view the original, because I
21 think they are available to look at, but if I could read that onto the record so it is
22 available, it is 0056-0005. And that's the original x-ray.

23 Now, I would like you please just to look at a further document, 0056-0006. It
24 should come up on the screen in front of you.

25 A. [11:58:52] If I were to make a statement, this is the report from the radiologist

1 who conducted this X-ray and who was again very cautious in his conclusions,
2 making a statement relating to an oval *object, "which seems to be a projectile." But
3 again, I think the clear position is that *it's a bullet.

4 And if you look at the X-ray, you would see, you would see at the level of the femur
5 and at the hip, you would realise that the projectile ended up in the bone, the femur.

6 Q. [11:59:47] Thank you. And just one final document which I would ask for the
7 witness to look at is 0056-0004.

8 A. [12:00:21] Yes, that is my written request to the radiologist on 25 October. It
9 depicts an x-ray of the left thigh.

10 Q. [12:00:37] Thank you. Now I would like to turn, please, to another incident on
11 the face of the instructions and on the report identified as 17 March, so the
12 witness -- the victims examined in relation to that.

13 And that was I'll start with P-105, please. If you could look at the report for 105.

14 The copy is in front of you. It's 0059-0121.

15 Can you confirm this is your report in relation to P-105?

16 A. [12:01:39] Yes, I can confirm that is the examination report.

17 Q. [12:01:46] And we'll just go straight again to the conclusions at page 0131 to 0133.
18 For your benefit, it's pages 11 to 13 of your copy in front of you.

19 And I'd like to ask, do you confirm the conclusions you reach in this part of the
20 report?

21 A. [12:02:31] Yes, I can confirm the conclusions. I would have come to the same
22 conclusions even today.

23 Q. [12:02:43] Thank you. And do you have any additional comments you would
24 wish to make?

25 A. [12:02:52] No, no special comment. All what we need to address is included in

1 the report and in the conclusions specifically.

2 Q. [12:03:08] Thank you, Mr Bonbled.

3 Just again for the record, the letter of instruction is 0059-01 --

4 PRESIDING JUDGE TARFUSSER: [12:03:17] It's in the record, it's submitted.

5 MS PACK: [12:03:19] 0118. Well, it's separate, yes, but that would be --

6 PRESIDING JUDGE TARFUSSER: [12:03:22] They're always the same. They're all
7 the same.

8 MS PACK: [12:03:26] Yes, thank you, your Honour.

9 Q. [12:03:27] And if we could please look at page 0125 of this document, please, the
10 report, page 5 of the copy. And we can see there, please, that you note in the italics
11 writing there, you say (Interpretation) "Note that initially the X-rays were taken and
12 a copy sent to the investigators of the ICC."

13 (Speaks English) Did you yourself see those X-rays, do you recall?

14 A. [12:04:15] I do not think that I described any of those X-rays, so it is possible that
15 I may not have looked at them. I may not have seen them. But that is without
16 incident, because new X-rays were taken on the 24th, yes, 24th October 2013.

17 Q. [12:04:55] And you received a copy of that x-ray and the related report?

18 A. [12:05:05] Yes, I can confirm that.

19 Q. [12:05:10] And if we look at page 0130, that's page 10 of your report, do we see
20 the x-ray there copied into your report?

21 A. [12:05:22] Yes, that is correct. And it bears the date I have just mentioned, 24
22 October 2013.

23 Q. [12:05:41] And I note your conclusion there, you relate the conclusion of the
24 protocol and you say it concludes, quote: (Interpretation) "Characteristic of a metallic
25 shard into the soft tissues to the right, which affects the bone articulations" -- rather,

1 "without mentioning its impact on the bone articulations."

2 (Speaks English) Now, I would simply note again that the original ERN is 0056-0041,
3 which I would also seek to have submitted in relation to that X-ray. And just if we
4 could identify just by reference of the picture, of the image that we see, no need to
5 circle it, if you could just identify on the images where we see the metal splinter.

6 A. [12:07:12] The metallic shard here is of significant importance and is located
7 under the right clavicle as you can see. It's a characteristic bone that runs from the
8 shoulder to the sternum across. So the metallic shrapnel is located right here, where
9 I have my hand on my shoulder, (indicating) right here.

10 Q. [12:07:48] Thank you. On the top left image we just see the bright image where
11 you can mark it. Thank you.

12 Thank you. And if that could be saved.

13 I'd like to also -- just for the record you've marked the metallic shard on the x-ray
14 image.

15 We'll move please to another document, CIV-OTP-0056-0042.

16 PRESIDING JUDGE TARFUSSER: [12:09:07] Relating to witness?

17 MS PACK: [12:09:10] It's the same witness, it's just the compte rendu, the report of
18 the x-ray.

19 Q. [12:09:44] Can you tell us what this is, please, in front of you on the screen?

20 A. [12:09:52] Yes. Once again, this is the report from the radiologist who
21 conducted the examination, and it talks of the presence of this metallic shard, which
22 according to him landed on the right side as I have indicated to you right here
23 somewhere. But then mention is not made of the depth of the impact, *and I
24 certainly would not dare to specify anything regarding these X-rays. But in any
25 event it wasn't lodged close to the body, to the skin.

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1 Q. [12:10:38] And, finally, if we could just look at 0056-0040. Again, if you'll just
2 tell us what that is?

3 PRESIDING JUDGE TARFUSSER: [12:11:07] It's always the same.

4 THE WITNESS: [12:11:12] (Interpretation) Yes, indeed, this is the written report I
5 was asked to forward to the radiologist requesting him to conduct the examination.

6 MS PACK: [12:11:27]

7 Q. [12:11:27] Thank you.

8 And finally in relation to this report, the report, substantive report, 0059-0121, there
9 are photographs at page 0128, page 8 of the hard copy in front of you. If you would
10 just confirm whether or not it was you who took these photographs?

11 PRESIDING JUDGE TARFUSSER: [12:11:48] Can we ask the question: Did you take
12 all the photographs which are visible in the reports on all the witnesses? I mean, so
13 we don't have to do always the same -- we are asking the same questions with all
14 reports.

15 MS PACK: [12:12:07] Yes. There is one where he doesn't take the photographs.

16 PRESIDING JUDGE TARFUSSER: [12:12:09] Yes, of course.

17 MS PACK: [12:12:10] But I will certainly ask the question.

18 Q. [12:12:14] In relation to this report and all of the others where you include
19 photographs in your section related to the clinical examination, were these
20 photographs taken by you?

21 A. [12:12:23] Almost all of the photographs were taken by myself at the time of the
22 examination proper. But I remember that one of the files includes photographs that
23 were taken by the injured person, a photograph that was taken shortly after the
24 injury.

25 I also remember a photograph that was given to me indicating the location at which

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1 an explosion had occurred. And I included that photograph for documentary
2 reasons because I felt it was interesting. But then again, I don't know whether the
3 photograph was taken at the exact location where the injured person claims to have
4 been injured.

5 Q. [12:13:24] I'll read then, thank you, I'll read the photographs on to the record
6 then. It's CIV-OTP-0102-0423 and CIV-OTP-0102-0439. And then we'll leave that
7 report and move on to the next one.

8 Now, for the next report I'd ask to go into private session, and I can explain why in
9 private session. Thank you.

10 PRESIDING JUDGE TARFUSSER: [12:13:53] There are others to deal with in public
11 or are those the last? Because otherwise we do it altogether. We go --

12 MS PACK: [12:14:03] Yes.

13 PRESIDING JUDGE TARFUSSER: [12:14:04] -- in public as long as we can, and then
14 we go into private and we do the rest in private.

15 MS PACK: [12:14:08] Yes, I'll do that. If I can go a little out of order in terms of the
16 incidents. We'll just go then to P-364's report, and we'll look at that report. The
17 number is CIV-OTP-0059-0068. And here we are again in the letter of instruction in
18 the report on the face of it, the reference is to 17 March 2011. If you could just take a
19 look at that and confirm that it is indeed the report you wrote in relation to P-364?

20 A. [12:15:00] Yes, I can confirm that.

21 Q. [12:15:03] Thank you. Now, if I could just ask you please to look at the
22 conclusions at pages 0078 to 0080. If it's easier for you, it's at page 11 and to page 13.
23 If you take a look at those, can you confirm the conclusions you reach in this part of
24 the report?

25 A. [12:15:47] Yes, I can confirm it. But do you want me to go into any further

1 details?

2 Q. [12:15:59] No, not unless you wish to make any, you have any additional
3 comments you wish to make.

4 A. [12:16:08] No, no additional comments.

5 Q. [12:16:14] What I will ask you to do, please, is in fact look at page 0076 of this
6 report, which is at page 9 as well. There is a couple of things in the report I'll ask
7 you to look at. And what I note here is that you reference at the top, you say
8 (Interpretation) "I saw a medical certificate issued to madam ..."
9 (Speaks English) And then I would ask you, please, if we could just have shown a
10 document confidentially, it would be 0046-1265. And if you could just take a look
11 and tell us if this is a document you've seen before?

12 A. [12:17:44] As indicated in my report, I was aware of this. And he mentioned
13 what you can read yourself, namely, bullet wounds to the left and right thighs.

14 Q. [12:18:14] Yes, just so that the interpretation is clear, it says (Interpretation)
15 "Bullet wounds to the right thigh and to the right buttocks, to the right buttock."
16 (Speaks English) Now if we can just go to the x-ray, please, at page, again, same page
17 of the report, back to the report, please, at 0059-0068, and it's at page 0076, page 9 for
18 your reference.

19 Did you request an x-ray of the right thigh be taken?

20 A. [12:19:01] Yes, I can confirm that. It's an x-ray of the right thigh, which I
21 requested following the examination and also of the pelvis.

22 Q. [12:19:23] And I note that you state that you observe, quote: (Interpretation) "A
23 foreign body, a metallic foreign body characteristic of a projectile."

24 (Speaks English) Could you mark that, please, on the image that we see in front of us?

25 A. [12:19:52] I have circled that metallic object. It is a metallic shard which cannot

1 be identified as an entire projectile. So you can see it from different angles. And as
2 a matter of fact, it is lodged in the soft tissues, not the bone tissues, around the upper
3 end of the right thigh from a lateral viewpoint.

4 Q. [12:20:45] I'll look at the report of the x-ray in a moment, but just so far as -- in
5 fact, we'll just go straight just to note that you take again a photograph and we don't
6 need to look at it, but we see a photograph at page 0075 of this report, which again in
7 relation to which I read onto the record the colour version, which is
8 CIV-OTP-0102-0436, Mr President.

9 Now I'd like just to go to the report of the x-ray at CIV-OTP-0056-0049.

10 Could you take a look at this and tell us if you have any comments on this document?

11 A. [12:22:08] No. Quite curiously, the report doesn't reference that metallic object. Reference
12 is made to calcification, but *what I showed you are not calcifications. However, calcifications
13 can be seen elsewhere on this X-ray, notably on the other side of the pelvis. It would appear
14 that the radiologist omitted to make mention of the presence of this metallic object.

15 Q. [12:22:45] Thank you. We'll leave that document then.

16 And I would also like just again to submit onto the record the request, the signed
17 request, which I won't ask Mr Bonbled to look at again in relation to the x-ray, this
18 x-ray, which is CIV-OTP-0056-0047.

19 Now I would like to go into private session, and it will be for the next part of the
20 examination, well, subject to your Honour obviously hearing my comments in that
21 regard.

22 PRESIDING JUDGE TARFUSSER: [12:23:41] Okay. So, please, let's go into private
23 session.

24 (Private session at 12.23 p.m.)

25 (Redacted)

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- 25 (Open session at 12.43 p.m.)

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1 THE COURT OFFICER: [12:43:13] We are back to open session, Mr President.

2 PRESIDING JUDGE TARFUSSER: [12:43:17] Yes. But, Madam Pack, just now I
3 think we are quite close to the three hours now. It's a half an hour and then we are
4 done with the three hours.

5 MS PACK: [12:43:35] Yes. I am hoping that we'll finish.

6 PRESIDING JUDGE TARFUSSER: [12:43:40] Yes, well, hoping. It's you, you said
7 that you need three hours. Please go ahead.

8 MS PACK: [12:43:44] Thank you.

9 Q. [12:43:45] We'll go to P-109's report.

10 And the ERN, the number for that is 0059-0148. If we could have that brought up
11 confidentially, obviously.

12 And again, now, in relation to this, can you just confirm that this is the report that you
13 wrote in relation to P-109?

14 A. [12:44:24] Yes, I can confirm that.

15 Q. [12:44:30] And we'll go to the commentary and conclusions at the end, page
16 0159 to page 0160, and that's pages 12 and 13. Could you again take a look at those
17 and I ask, do you confirm the conclusions you reach in this part of the report?

18 A. [12:44:59] Yes, I fully confirm that.

19 Q. [12:45:04] And do you have any additional comments you would make in
20 relation to this part?

21 A. [12:45:13] No. I have no additional information.

22 Q. [12:45:18] Thank you. Now I would ask, please, if we just go straight to the
23 X-rays at page 0158. If you could just confirm that you requested and received a
24 copy of X-rays, of an X-ray?

25 A. [12:45:50] Yes, I can confirm that.

1 Q. [12:45:53] So of the left foot.

2 A. [12:46:01] Yes, this is the left foot, indeed, correct.

3 Q. [12:46:08] And I note your conclusion at page 0158, you talk about, quote

4 (Interpretation) "the presence of metallic shards."

5 (Speaks English) Would you please just show us again in relation to this x-ray the
6 location of those metallic shards?

7 A. [12:46:35] (Drawing) I have drawn circles around these two small pieces of
8 metal, these metallic shards, close to the sole of the foot.

9 Q. [12:46:57] Thank you.

10 And if that could be saved as a screenshot.

11 Now, I note in your conclusion there, you talk about a, quote (Interpretation)

12 "traumatic trajectory forming a fistula that we see from clinical examination."

13 (Speaks English) Perhaps you can just explain what you state there in relation to the
14 x-ray and your conclusions upon the clinical examination?

15 A. [12:47:31] The X-rays were taken because I strongly suspected that there was a
16 bullet wound. And this was quite in keeping with the account given to me by the
17 gentleman. Even though the presentation was somewhat atypical, the location of the
18 injuries, the bottom of the foot, that was quite consistent with the movements he
19 made and his account. He told me that he was running away, fleeing, and all of a
20 sudden he felt a sharp pain in the foot. He fell and he realised his foot had been
21 injured.

22 Clinical examination revealed several scars along the same axis, one after the other,
23 along the sole of the foot. And this was definitely in keeping with a foot that had
24 been hit by a bullet. The bullet skimmed along the bottom of the foot. So the skin
25 of the sole of the foot was injured, and this was confirmed by the presence of metal

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1 shards in that location. Nothing to be done. But this does clearly bear witness to a
2 projectile passing along the bottom of the foot. I don't know whether I've been clear.

3 Q. [12:49:28] Yes. Thank you very much, Mr Bonbled.

4 And just again on the report, photographs at pages 0155 all the way to 0157, if I could
5 just read onto the record the colour copies of those photographs, which are 0102-0432,
6 0102-0433, 0102-0434, and 0102-0435.

7 And then I would like to, if I may, read onto the record the request for the x-ray,
8 which was at CIV-OTP-0056-0018. And finally, as previously, the original x-ray is to
9 be found, and I'd like, we'd like to submit that also is at CIV-OTP-0056-0019.

10 And last document in relation to this witness is 0056-0020, and I just want to quickly
11 look at that and gather your comment on that.

12 If we could have that brought up.

13 And can you tell us what that document is and if you have any comments to make in
14 relation to it?

15 A. [12:51:07] Yes. This is the written response from the radiologist, his response
16 to my request to him. And you can read that he has confirmed the presence of
17 metallic shards in the pre-tarsal frontal soft tissue. So the deeper tissue under the
18 skin of the, well, the left of the foot to the rear of the foot, but not completely at the
19 rear of the foot.

20 Q. [12:51:50] Thank you. We'll leave that one aside now and move on.

21 For these next I'd like to go into private session for the reasons previously stated.

22 PRESIDING JUDGE TARFUSSER: [12:51:59] These are the last three?

23 MS PACK: [12:52:01] Last, yes, yes.

24 PRESIDING JUDGE TARFUSSER: [12:52:02] Yes. You have 20 minutes about.

25 MS PACK: [12:52:04] Okay. Thank you very much, your Honour.

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- 1 PRESIDING JUDGE TARFUSSER: [12:52:05] Let's go into private session now.
- 2 (Private session at 12.52 p.m.)
- 3 (Redacted)
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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Open session at 1.16 p.m.)
- 5 THE COURT OFFICER: [13:16:19] We are back to open session, Mr President.
- 6 PRESIDING JUDGE TARFUSSER: [13:16:23] We are now breaking for lunch. We
- 7 come back in one hour and a half, meaning at quarter to 3. The hearing is adjourned.
- 8 Thank you.
- 9 THE COURT USHER: [13:16:37] All rise.
- 10 (Proceedings adjourned in open session at 1.16 p.m.)