

Trial Hearing
WITNESS: CIV-OTP-P-0501

(Private Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
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-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 7 September 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT OFFICER: [9:34:52] The International Criminal Court is now in
12 session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:35:08] Good morning to everybody here in the
15 courtroom.
16 And especially good morning to you, Mr -- now, he has no -- okay. No, he is okay.
17 It's fine. It's fine. So good morning to everybody and especially good morning to
18 you, Mr Witness.
19 WITNESS: CIV-OTP-P-0501
20 (The witness speaks French)
21 THE WITNESS: [9:36:01] (Interpretation) Yes, good morning, Mr President.
22 PRESIDING JUDGE TARFUSSER: [9:36:05] I will now ask the officer to let us go in
23 private session for your identification. Please, court officer.
24 (Private session at 9.36 a.m.)
25 (Redacted)

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7 (Open session at 9.39 a.m.)

8 THE COURT OFFICER: [9:39:58] We are back in open session, Mr President.

9 PRESIDING JUDGE TARFUSSER: [9:40:00] so now, Mr Witness, I will give you

10 some preliminary information before giving the floor to the parties, and this is also to

11 put you at ease and in order for you to have knowledge on what is going on.

12 First of all, I would like to talk about the protective measures which are applied to

13 you and which the Chamber has granted during your whole testimony. So let me

14 just now explain how this works, so that you understand.

15 So as I said before, all the information to your identity were held in private session, so

16 nobody knows anything about it. And it was done only to put your identity on the

17 record.

18 Secondly, you have been given a pseudonym. As I've already done, we all here will

19 address you by "Mr Witness," not by your name. So all we say "Mr Witness" or we

20 could say your number, your pseudonym number, which is 501, so the public does

21 not know your name.

22 A further protective measures is that only we here inside, we see your face, nobody

23 else, no the public above you, no outside will see your face, because the face is

24 distorted in the broadcast and so is your voice, also your voice is distorted. But in

25 order for these measures to be effective, you have to collaborate, to contribute to it,

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1 and therefore I ask you to refrain from mentioning anything that could identify you.

2 Have you understood?

3 THE WITNESS: [9:42:31] (Interpretation) Yes, Mr President.

4 PRESIDING JUDGE TARFUSSER: [9:42:34] So please, if there is something you

5 want to say, but you think it would be better to say in closed session, just ask me and

6 we will go in closed session or in private session.

7 Now we come to the interpretation. I was already alerted by the interpreters to ask

8 you to speak slowly, as I'm doing, I'm speaking slowly and I'm speaking slowly

9 because of the interpreters, who have to follow and to translate into English what

10 you are saying. And in order for this interpretation and the transcript to be accurate,

11 it is good that we speak slowly.

12 Now I come to the testimony, to the reason why you are here. You are of course

13 aware that this is a trial and that this Chamber has been established to try the case

14 of The Prosecutor against Mr Gbagbo and Mr Blé Goudé.

15 As a witness, as all witnesses, it is your duty to tell the truth. So you are not here as

16 a witness for one or for the other party or against somebody, but you are here just to

17 say the truth on facts, you are questioned.

18 So before we start the questions you are required by law to make a solemn

19 undertaking to that effect.

20 So I ask you now to repeat with me the following words: I solemnly declare that I

21 will speak the truth.

22 THE WITNESS: [9:44:52] (Interpretation) I solemnly declare that I will speak the

23 truth.

24 PRESIDING JUDGE TARFUSSER: [9:44:59] The whole truth and nothing but the

25 truth.

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1 THE WITNESS: [9:45:14] (Interpretation) The whole truth and nothing but the truth.

2 PRESIDING JUDGE TARFUSSER: [9:45:18] Thank you. I have also obviously to
3 inform you that giving false testimony is an offence before the Court and as such
4 punishable. And I think this should be also quite clear.

5 Now I have to come to another issue, which is your particular status as a witness here
6 under what we call Rule 68.

7 The Chamber has before it the written statement that you gave to the
8 Office of the Prosecutor on 17, 18 and 19 December 2014. Did you give this
9 statement before the Office of the Prosecutor on those days?

10 THE WITNESS: [9:46:22] (Interpretation) I acknowledge having made this statement
11 on the 17, 18 and 19 of December 2014.

12 PRESIDING JUDGE TARFUSSER: [9:46:36] Thank you. Just for the record, I'm
13 referring to CIV-OTP-0071-0906 and to the annexes 0071-0919, 0071-0920, 0071-0962,
14 and 0071-0965.

15 Have you had the opportunity to in the last days, in the last few days since you are
16 here to read this statement again you gave to the Office of the Prosecutor?

17 THE WITNESS: [9:47:29] (Interpretation) I have just reread it, Mr President.

18 PRESIDING JUDGE TARFUSSER: [9:47:45] By "just" you mean in these days you are
19 here?

20 THE WITNESS: [9:47:49] (Interpretation) Since my arrival here, I have reread it
21 once.

22 PRESIDING JUDGE TARFUSSER: [9:48:07] Okay. This Chamber has decided on
23 19 July 2016, this year, that your written statement, the statement you have in front of
24 you is suitable to be introduced under what we call Rule 68(3) of the rules, of our
25 Rules of Procedure and Evidence.

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1 This means that rather than you having to give the entirety of your evidence orally
2 and, again, instead of repeating what you have said more or less on the basis of the
3 questions by the Prosecutor, the Chamber could use your written statement as such.
4 You would still be asked some supplementary and clarification questions by the
5 Office of the Prosecutor and you will still be examined by the Defence teams.
6 This rule I'm referring to, Rule 68, states that the Chamber may allow the introduction
7 of previous recorded given testimony if the witness does not object to it, so that
8 means you could object to this, and if the Prosecutor and the Defence and
9 the Chamber have in any case the opportunity to examine the witness.
10 The third condition is that you are present, which is obviously given.
11 Therefore, what I ask you is, do you agree with the introduction of your written
12 statement you gave to the Office of the Prosecutor in December 2014?
13 THE WITNESS: [9:50:12] (Interpretation) I do accept that.
14 PRESIDING JUDGE TARFUSSER: [9:50:18] Okay. So in light of the fact, as I said
15 that you are here today and obviously available to be examined by the parties and
16 the Chamber, the Chamber notes that all the requirements of Rule 68(3) are met. The
17 introduction of the written statement of the witness is allowed, and I'm referring to
18 the reference numbers I just gave before.
19 These documents are therefore submitted.
20 And now we can start the questioning, and for this I give the floor to the
21 Office of the Prosecutor, who has indicated that she will take up an hour, about, for
22 supplementary examination. Have you understood everything?
23 THE WITNESS: [9:51:27] (Interpretation) I have understood correctly, Mr President.
24 PRESIDING JUDGE TARFUSSER: [9:51:34] Okay. The floor is to the Prosecutor.
25 MS CHUBIN: [9:51:43] Thank you, Mr President. Good morning, your Honours.

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1 QUESTIONED BY MS CHUBIN: (Interpretation)

2 Q. [9:51:56] Mr Witness, my name is Yasmine Chubin, and we had the opportunity
3 to talk last week together, and I'm going to be putting questions to you on behalf of
4 the Prosecution.

5 As the President has just explained to you, I will be calling you "Mr Witness" during
6 your testimony. It is no lack of respect, it is just to protect you during your
7 testimony.

8 And as the Presiding Judge has just explained to you, I am just going to be putting
9 a few questions of clarification to you today.

10 Now before I continue, I'm going to --

11 PRESIDING JUDGE TARFUSSER: [9:52:25] Excuse me. This to speak slowly, this
12 is also for you, the indication goes also to you, because I hear the interpretation really
13 going very fast. Thank you.

14 MS CHUBIN: [9:52:40] Thank you, Mr President.

15 Q. [9:52:46] (Interpretation) I was just going to say, Mr Witness, that in view of
16 the fact that both of our exchange is going to be in French, we need to make a pause of
17 5 seconds between exchanges, and I shall try my best to do the same.

18 And, secondly, if you do not understand one of my questions, do not hesitate to say
19 so and I will attempt to clarify or rephrase.

20 Mr President, your Honours, if we could move into private session.

21 PRESIDING JUDGE TARFUSSER: [9:53:21] Can we move into private session?

22 (Private session at 9.53 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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6 (Recess taken at 10.59 a.m.)

7 (Upon resuming in open session at 11.33 a.m.)

8 THE COURT USHER: [11:33:03] All rise. Please be seated.

9 PRESIDING JUDGE TARFUSSER: [11:33:12] Good morning again. Now,

10 Mr Witness, good morning again, and after this break it is now for the Office -- for
11 the Defence to you.

12 MS CHUBIN: [11:33:31] If I may, your Honour, one quick procedural point. I
13 forgot to request the submission of the transcripts of two of the items on our list of
14 materials. I would like to request their submission pursuant to paragraph 43, and
15 that is item number 9 of our list of material * CIV-OTP-0095-0877, which is a partial
16 transcript, and because we are in open session, of item number 8 of our list of material.
17 And secondly, item number 11 of our list of material, CIV-OTP-0095-0780, which is
18 the full transcript of item number 10 of our list of material.

19 PRESIDING JUDGE TARFUSSER: [11:34:26] Okay, thank you.

20 Yes, Mr Altit.

21 MR ALTIT: [11:34:31] (Interpretation) Thank you, your Honour. The question
22 was quite quick. We would like to notify your Chamber that we will cross-check
23 which documents they are before responding to the request made by the Prosecutor.

24 PRESIDING JUDGE TARFUSSER: [11:34:52] Of course, and the same is for
25 the Defence?

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1 MR KNOOPS: [11:34:56] Yes, Mr President, the Court is aware about our
2 submissions on 30 June, paragraph 34 till 49, on the authenticity and the probative
3 value. Thank you.

4 PRESIDING JUDGE TARFUSSER: [11:35:11] Okay, thank you very much. And
5 now it is, as I said, time for the Defence of Mr Gbagbo to question the witness and
6 therefore I give the floor to Maître Altit.

7 I just would like to reminded that we are in open session and that obviously we have
8 to take into account the protective measures in place, and therefore I would advise to
9 be careful and to request closed session if needed. Thank you very much.

10 MR ALTIT: [11:35:50] (Interpretation) Thank you, Mr President, duly noted.
11 The questioning of the witness will be led by Mr O'Shea on behalf of the Defence team
12 of Mr Laurent Gbagbo.

13 PRESIDING JUDGE TARFUSSER: [11:36:10] Mr O'Shea.

14 MR O'SHEA: [11:36:12] Thank you, your Honours.

15 Yes, Mr Witness, I am Andreas O'Shea. I shall be asking some questions on behalf of
16 Laurent Gbagbo.

17 If we could please start in private session.

18 PRESIDING JUDGE TARFUSSER: [11:36:25] Let's please go in private session.

19 (Private session at 11.36 a.m.)

20 (Redacted)

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21 (Open session at 11.40 a.m.)

22 THE COURT OFFICER: [11:40:57] We are back in open session, Mr President.

23 PRESIDING JUDGE TARFUSSER: [11:41:00] Thank you very much.

24 Mr O'Shea.

25 MR O'SHEA: [11:41:05]

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1 Q. [11:41:09] To your knowledge, Mr Witness, and we are in open session now, so
2 just take care how you answer, but to your knowledge, in 2010, 2011, how many
3 people were employed by the GSPR?

4 A. [11:41:44] 2010, 2011, I cannot give you a precise number (Redacted)
5 (Redacted). Perhaps my superiors would be in a better position
6 to answer that question.

7 MS CHUBIN: [11:42:09] Your Honours, I would just like to caution that we're in
8 public session.

9 PRESIDING JUDGE TARFUSSER: [11:42:28] Remember, Mr Witness, that you are in
10 public session. You are still under protective measures, but what you say is
11 displayed outside, so.
12 Mr O'Shea, please.

13 MR O'SHEA: [11:42:52]

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE TARFUSSER: [11:44:16] I think it's better we go in private
21 session, because -- you understand that it is difficult to answer these questions
22 without giving some details which could lead to your identification. So we will now
23 obviously redact this and proceed in private session until -- for these questions, and
24 then we will see how it -- how we proceed or how the counsel proceeds.

25 MR O'SHEA: [11:44:59] yes. Thank you, your Honours.

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8 (Open session at 11.54 a.m.)

9 THE COURT OFFICER: [11:54:34] We are in open session, Mr President.

10 PRESIDING JUDGE TARFUSSER: [11:54:37] Thank you.

11 Mr O'Shea, please.

12 Obviously if there is something which was said in open session which should have

13 been said in closed session, everybody is advised not to dispel it outside the court.

14 Thank you.

15 Please.

16 MR O'SHEA: [11:55:03] I'd like to call up a document, CIV-D15-0001-6172. And it

17 can be public.

18 Q. If we could just -- if I could just ask you, first of all, Mr Witness, the -- this is the

19 law which creates the Groupe de Sécurité du Président de la République. You may

20 or may not have seen this before, but I should just check if you have seen it before.

21 A. [11:57:05] I'm trying to go through the document.

22 Q. [11:57:09] Well, don't worry. I'll take you directly to Article 3 and I'll tell you

23 what it says. You are not expected to know legal text (Redacted). But I will

24 quote and I will go into French. So I quote (Interpretation):

25 "Article 3 - it shall have as its responsibilities: the general measures relating to the

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1 security of the president of the republic; the protection of senior Ivorian personalities
2 and foreign dignitaries visiting Côte d'Ivoire; the organisation of official trips with
3 regard to the area of security, in collaboration with the protocol services of the state."

4 (English spoken) So I will now go back into English, because that's the end of the
5 quote, and just ask you to confirm what it says here in terms of competence. Is it
6 right that the GSPR could be assigned to protect Ivorian VIPs and foreign visitors to
7 Ivory Coast? They could be assigned for that purpose on occasion?

8 A. [11:59:02] Yes. That could happen. When foreign dignitaries arrived in
9 Côte d'Ivoire, the commander of the GSPR would designate certain elements to be at
10 the disposal of those persons until their departure. So that is one of the
11 responsibilities.

12 Q. [11:59:53] Yes. Thank you. Now I'm going to discuss a document which has
13 already been discussed. And I would just remind you, when you are answering my
14 questions, not to make reference to yourself as a basis of answering questions. But if
15 you feel you need to, then tell me and then we will move back into private session, all
16 right?

17 A. [12:00:40] Yes.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 MS CHUBIN: [12:02:01] Your Honours, this line of questioning is going to be
24 identifying -- redaction.

25 PRESIDING JUDGE TARFUSSER: [12:02:07] There was not made reference to

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1 what -- to the handwriting on what?

2 MS CHUBIN: [12:02:13] A combination of a number of words in the witness's
3 answer.

4 PRESIDING JUDGE TARFUSSER: [12:02:17] Yes, a combination.

5 MS CHUBIN: [12:02:19] And it might be wise to move to private session before,
6 before it is identifying, as opposed to afterwards.

7 MR O'SHEA: [12:02:29] Yes. We are still in public session, aren't we?

8 PRESIDING JUDGE TARFUSSER: [12:02:33] We are in public session, yes.

9 MR O'SHEA: [12:02:36] There was one phrase that he used, which was unfortunate.
10 But I can proceed and perhaps just remind him again.

11 PRESIDING JUDGE TARFUSSER: [12:02:57] Try.

12 MR O'SHEA: [12:02:59]

13 Q. [12:03:00] So, yes, I just remind you once more, when you are answering my
14 questions, do not make reference to yourself at all, all right? It's a difficult exercise
15 for you, perhaps, but it's important that as much as these proceedings are in public as
16 possible. But at the same time we have to be careful of your situation.

17 (Redacted)

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20 (Redacted)

21 Q. Really the --

22 PRESIDING JUDGE TARFUSSER: [12:07:43] Let's do it all in closed session because

23 it's really -- in private session from now on, because continuously we are referring to

24 things which shouldn't be said in public. So it's -- it's an exercise we can't. So we

25 just go in private session and we continue.

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- 15 (Open session at 12.48 p.m.)
- 16 THE COURT OFFICER: [12:48:26] We are back in open session.
- 17 PRESIDING JUDGE TARFUSSER: [12:48:34] Thank you very much. Please
- 18 proceed.
- 19 MR O'SHEA: [12:48:39]
- 20 Q. [12:48:40] Now --
- 21 PRESIDING JUDGE TARFUSSER: [12:48:43] We are now in open session, okay.
- 22 We are again in open session, I say to the witness, in order for him to obviously be
- 23 careful now.
- 24 MR O'SHEA: [12:48:54]
- 25 Q. The best thing to do, Mr Witness, is just to remember just to say what you know

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1 without making reference to yourself. If that helps you.

2 Now, we know, we know basically your movements and you don't need to repeat
3 that. But let me put it this way, after 28 March 2011, did you stay in contact with
4 some of your colleagues? Some of the people you knew? Without mentioning
5 names.

6 A. [12:49:50] Which date?

7 Q. [12:49:52] After 28 March 2011, did you stay in contact with people that you had
8 previously worked with?

9 A. [12:50:08] Yes, I stayed in contact with them.

10 Q. [12:50:12] Now, do you know how far the French embassy was away from
11 the -- sorry -- sorry, do you know how far the French residence was away from the
12 presidential residence?

13 A. [12:50:43] I know that on the left side there is just -- there is a fence separating
14 the two residences.

15 Q. [12:51:07] So they were very close?

16 A. [12:51:11] Yes.

17 Q. [12:51:16] Did you hear of French snipers shooting at the residence? Was that
18 something that was brought to your attention?

19 A. [12:51:46] Snipers? As from 28 March 2011 my position or situation was no
20 longer the same.

21 Q. [12:52:11] Yes, that's why I say "did you hear?"

22 A. [12:52:19] Where I was I saw and I also heard about that.

23 MR O'SHEA: [12:52:41] I'll go back into private session to follow up on this, if I
24 may?

25 PRESIDING JUDGE TARFUSSER: [12:52:47] Yes, let's go in private session.

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17 A. [13:04:37] Well, it's difficult. Who can tell who was shooting? * But I, I saw

18 some -- I saw some tanks and these tanks were not tanks from our army. The

19 shooting came from the large buildings. And when the BIMA tanks came there was

20 shooting as well. From our position, people -- we could see that people were fleeing,

21 fleeing the intersection, people were shooting at us. Even some civilian vehicles,

22 people were shooting from them. So it would be difficult to identify who was doing

23 the shooting and from our position we, we came under fire. * But to say

24 (inaudible), even the tanks that I saw, these were often French tanks that were

25 coming and going and that fired and fired and fired. (Redacted)

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4 (Recess taken at 1.09 p.m.)

5 (Upon resuming in open session at 2.55 p.m.)

6 THE COURT USHER: [14:55:35] All rise.

7 Please be seated.

8 PRESIDING JUDGE TARFUSSER: [14:55:55] Good afternoon, and sorry for this 10
9 minutes delay. It's my fault.

10 I give immediately the floor to the Defence of Mr Gbagbo, and I just want to say that
11 we are in open session, so be aware of that.

12 MR ALTIT: [14:56:18] (Interpretation) Thank you, your Honour. We have
13 concluded our examination of this witness.

14 PRESIDING JUDGE TARFUSSER: [14:56:27] Okay. Thank you very much.

15 Then I give the floor to the Defence for Mr Blé Goudé, sorry.

16 MR KNOOPS: [14:56:38] Good afternoon, Mr President, your Honours.

17 QUESTIONED BY MR KNOOPS:

18 Q. Good afternoon, Mr Witness. My name is Knoops. I'm one of the counsel of
19 Mr Blé Goudé, and I have some questions for you to assist us in reconstructing some
20 of the events which are important to us.

21 In light of the observation of Mr President this afternoon, most of the questions relate
22 to -- potentially relate to the identity. I suggest that the questions put by me will be
23 all addressed in closed session -- sorry, private session.

24 PRESIDING JUDGE TARFUSSER: [14:57:25] Thank you.

25 So I think we have to go into private session, and this I say also for the public. I

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- 1 don't think we will go back to open session, I'm afraid. So sorry for this, but it's for
- 2 the protection of the witness.
- 3 So, please, can we go in private session.
- 4 (Private session at 2.57 p.m.)
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15 (Open session at 4.35 p.m.)

16 THE COURT OFFICER: [16:35:56] We're in open session, Mr President.

17 PRESIDING JUDGE TARFUSSER: [16:36:01] Thank you very much. So I repeat,

18 tomorrow we start at 9.30 with the witness 330. And this is with examination by the

19 Defence of Mr Blé Goudé, to end up with it. The possible re-examination, I think

20 that it will not take so long. The suggestion was by the Office of the Prosecutor in an

21 email which arrived only a few minutes ago or 10 minutes ago, that we then proceed

22 with Witness 414 as Witness 414 has not -- it seems that Witness 414 has not left The

23 Hague and try to finish with the examination by the OTP on, tomorrow, probably in

24 an extended hours, in a two hours session. And then we could go on Friday

25 morning with the Defence. But I have to alert that we have to finish this witness, in

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1 any case, on Friday in this case. And we can do this only if we can finish in two
2 two-hour sections on Friday, on Friday morning. This is the proposal we can make,
3 because we have to close, say, by 2 o'clock in the afternoon on Friday.

4 Ms Pack.

5 MS PACK: [16:38:01] Mr President I can also just supplement those facts with the
6 information from Mr MacDonald that he will only be 15 minutes in re-examination of
7 Witness P-330 --

8 PRESIDING JUDGE TARFUSSER: [16:38:12] Yes.

9 MS PACK: [16:38:12] -- Tomorrow.

10 PRESIDING JUDGE TARFUSSER: [16:38:15] So this is what we can do, continue
11 tomorrow with not more than two hours for the Prosecutor with Witness 414, and
12 maybe start also with one of the Defence teams and then have to conclude by, say, 2
13 o'clock in the afternoon latest with a double two-hour session on Friday. But then
14 the witness has to be released. This is what we can say.

15 Office of the Prosecutor, would this be agreeable? But I think yes, because it comes
16 somehow from you, we try to adapt, so should be.

17 MS PACK: [16:39:06] Yes, absolutely, your Honour. Yes, we can finish the witness
18 in two hours and certainly we would obviously hope that the witness should
19 conclude completely obviously before the break.

20 PRESIDING JUDGE TARFUSSER: [16:39:15] Absolutely.

21 MS PACK: [16:39:16] That would be the aim.

22 PRESIDING JUDGE TARFUSSER: [16:39:18] Maître Altit.

23 MR ALTIT: [16:39:20] (Interpretation) Thank you, your Honour. Regarding the
24 witness that we are supposed to examine or, more specifically, that the Blé Goudé
25 team is supposed to examine, that is how it was scheduled and it will unfold as you

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1 have said, your Honour, as best possible.

2 Trying to add another witness to what had already been scheduled to try to fill in a

3 few holes in a schedule and then saying "oh, we're not going to rush things," that just

4 didn't -- those two things just don't jibe. And really, I think this would keep us from

5 having productive examination and cross-examination in a fashion that would be

6 useful to the Chamber, dealing with things in a calm, serene manner. It's quite clear

7 that the Prosecution had thought he would spend five hours and that he would be

8 examining the witness on several important issues, and that's quite normal. And I

9 think there is a risk that he will go beyond the two and a half hours that seems to

10 have been allotted. That's two sessions, two sessions, plus we must consider

11 unforeseen circumstances that could crop up. That's as far as the Prosecution is

12 concerned.

13 As far as the Defence is concerned, this is a very important witness. He is the only

14 witness of his kind. He is the only one in his particular category, so to speak.

15 A witness who will be dealing with several aspects of the case and many events, a

16 witness, your Honours, that we need to examine, that we need to examine in a very

17 specific way and in great depth.

18 Your Honours, considering Article 68, and this was the Prosecution's choice, the

19 Defence, since it's an Article 68(3), the Defence has to be able to examine the entire

20 statement of the witness, and since this is a witness who will be speaking to multiple

21 events, multiple incidents, we will have to ask him about everything. So no matter

22 what the Prosecution may choose, the Defence must be in a position to make its views

23 known and to call this witness under 68(3). Well, I really can't see, even with the

24 best or greatest goodwill, how we could ever, ever rush things and not deal with a

25 number of crucial points.

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1 So I really don't see, your Honour, and once again, I'm speaking in good faith. I
2 really do not see how we can finish by Friday by the end of the day. I think we
3 should stick to what was decided earlier. It was clear. It was wise.
4 I think a second-rate solution is always worse than proceeding in a logical and
5 composed manner.
6 I wish to remind the Chamber, just to be perfectly clear, that the issues that we will be
7 dealing with are relatively complex ones, particularly the work method. I won't go
8 into the details, because we are in open session right now, but the work methodology
9 of the institution that the witness worked for, and then several events that really
10 strike to the very heart of the case.
11 Quite frankly, your Honour, if we want to proceed in an effective, efficient way with
12 this witness, we mustn't be under the gun, under pressure, and we have to respect the
13 decisions taken by your Chamber, otherwise this would be very -- this would be
14 counterproductive. I've tried to think about the best way of moving forward, how
15 we can deal with matters.
16 But this is not going to work. And really, this is just, I really have thought about this
17 with my team, if we move ahead in a more structured way, I think this will be to the
18 benefit of all.
19 PRESIDING JUDGE TARFUSSER: [16:44:43] I just want to say that the Chamber has
20 not taken any decision but will take a decision. So it's not yet taken.
21 Please, Mr Knoops.
22 The issue is only is it possible to deal with this witness in an examination in two
23 hours, and two hours by the two teams? That is the question.
24 MR KNOOPS: [16:45:05] Mr President, I don't think it's realistic, to be honest,
25 because we didn't calculate any objections to discussion on the reports, the exhibits.

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- 1 It's simply a risk we shouldn't take to have the witness here Friday after 2 o'clock.
- 2 That's my -- it's tempting and we all want to accommodate the Court, but --
- 3 PRESIDING JUDGE TARFUSSER: [16:45:25] That's it. The hearing is adjourned to
- 4 tomorrow 9.30, and we will finish with Witness 330. There is no other possibility I
- 5 think. Thank you very much.
- 6 THE COURT USHER: [16:45:40] All rise.
- 7 (The hearing ends in open session at 4.45 p.m.)
- 8 RECLASSIFICATION REPORT
- 9 Pursuant to the Trial Chamber' I's email instructions, dated 16 July 2019, the public
- 10 reclassified and lesser redacted version of this transcript is filed in the case.