

Trial Hearing
WITNESS: DRC-OTP-P-0453

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and Judge Chang-ho Chung
6 Trial Hearing - Courtroom 3
7 Thursday, 15 December 2016
8 (The hearing starts in open session at 9.33 p.m.)
9 THE COURT USHER: [9:33:05] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:33:33] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:33:47] Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: [9:34:00] Thank you, court officer.
19 Now appearances. Prosecution first.
20 MS LUPING: [9:34:06] Good morning, Mr President, your Honours. It is the same
21 appearances: Myself, Dianne Luping, James Pace, Nicole Samson and Selam Yirgou.
22 PRESIDING JUDGE FREMR: [9:34:16] Thank you, Ms Luping. Defence, any
23 changes compared to yesterday?
24 MR GOSNELL: [9:34:21] No changes, Mr President, thank you.
25 PRESIDING JUDGE FREMR: [9:34:23] Thank you, Mr Gosnell.

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1 Legal Representatives for Victims, please.

2 MS PELLET: [9:34:25] (Interpretation) Thank you, your Honour. No change for the
3 former child soldiers.

4 GRABOWSKI: Good morning, your Honours. There are no changes for the victims
5 of the attacks either. Thank you.

6 PRESIDING JUDGE FREMR: [9:34:40] Thank you, Ms Pellet. Thank you,
7 Ms Grabowski.

8 Madam Witness, welcome back. We will continue, or the Defence mainly will
9 continue with your cross-examination, and even if I am sure that you are aware of
10 that fact, it is my duty to remind you that you are still under oath, which means that
11 you have to speak the truth and nothing but the truth. Is it clear to you?

12 WITNESS: DRC-OTP-P-0453 (On former oath)

13 THE WITNESS: [9:35:08] (Interpretation) Yes.

14 PRESIDING JUDGE FREMR: [9:35:11] Now, Mr Gosnell, are you ready to continue?
15 Okay, please go ahead.

16 MR GOSNELL: [9:35:15] I am ready, thank you very much, Mr President.

17 QUESTIONED BY MR GOSNELL:

18 Q. And good morning, Dr Lawry. Is it Dr Lawry or Dr Lawry? I am not sure how
19 to pronounce it.

20 A. [9:35:24] I think it is however you feel comfortable. Everybody uses both.

21 Q. [9:35:27] Well, thank you for that, Dr Lawry, and good morning. My name is
22 Christopher Gosnell. I represent the Defence and I'll have some questions for you
23 today about your report.

24 Am I correct that your study was conducted across all three provinces, the two Kivus
25 and Ituri, and that consisted of 998 completed interviews?

1 A. [9:35:54] Yes, you are correct.

2 Q. [9:35:58] And am I correct that there was one subject or one source for each
3 interview?

4 A. [9:36:04] Yes, you are correct.

5 Q. [9:36:07] And of those 998 interviews, 272 were conducted in Ituri, correct?

6 A. [9:36:15] Yes.

7 Q. [9:36:20] And of those 272 interviews in Ituri, 56 subjects reported human rights
8 abuses during the time period 2000 to 2005; is that correct?

9 A. [9:36:37] Yes.

10 Q. [9:36:39] And of those 56, 40 reported that this abuse was attributable to the
11 UPC; is that correct?

12 A. [9:36:49] Yes.

13 Q. [9:36:52] I would like to start, well, after that preliminary introduction, with
14 looking at your -- at the surveys that were the basis of the interviews that were
15 conducted. So if we could turn, please, to page 66 of your report.

16 And for the Registry, that's ERN DRC-OTP-2084-5023, at ERN page 0589.

17 Mr President, I'm not sure whether your Honours have hard copies of the report. I
18 do have hard copies available, if you wish.

19 PRESIDING JUDGE FREMR: [9:37:37] I believe we have.

20 MR GOSNELL: [9:37:39] Thank you very much. Because it will be -- there is some
21 fine print and we will be moving back and forth in the document so it may be easier
22 to follow in the hard copy. And just again for the Registry, I see it coming up.
23 Thank you very much for that.

24 Q. [9:38:11] Dr, do you recognise this as being the first page of the survey form that
25 was used in the course of the interviews that were the basis of your expert report in

1 this case?

2 A. [9:38:24] Yes, I do.

3 Q. [9:38:27] And if we could turn, please, to page 73 of your report, and focus on
4 question 61. It is at the bottom of page 73. That's ERN page 0596. It is somewhat
5 small print in the hard copy but I think we can zoom in on the screen.

6 And the question that is posed here is, "We are interested in getting more detail about
7 each human rights abuse that your household members may have experienced."

8 And then if we turn over the page to page 14, or at, excuse me, to page 74, we see
9 a table with columns and a series of codes at the bottom of each of these columns.

10 Now, first of all, do you confirm that this is the actual form that was used to collect
11 information during the interviews?

12 A. [9:40:02] Yes, I believe it is.

13 Q. [9:40:05] You are not sure?

14 A. [9:40:08] It is and it isn't, as the one that was used for the interviews was in
15 Swahili. So this is the English version of the Swahili.

16 Q. [9:40:24] Was it otherwise in generally similar form to this document that we
17 have on the screen in front of us?

18 A. [9:40:31] Yes.

19 Q. [9:40:33] So this is the page on which the interviewers would record the
20 information responsive to the question 61, correct?

21 A. [9:40:44] Yes, correct.

22 Q. [9:40:47] And this reflects the actual dimensions of the page as they were using
23 them to record such information?

24 A. [9:40:54] No, all of the tables were landscape and not -- so they were the other
25 way, not this way. Otherwise, it is too difficult to read.

1 Q. [9:41:05] Aside from that change?

2 A. [9:41:08] Yes.

3 Q. [9:41:11] Let's just go back to the question, which is on the previous page. Am I
4 correct that the information that is being solicited and asked for in question 61 was
5 not only reports of human rights abuses suffered by the interviewee, but also reports
6 of human rights abuses of anyone in the household?

7 A. [9:41:39] Yes, that's correct.

8 Q. [9:41:42] And does your form keep track of whether the reported abuse is of the
9 interviewee or of the person other than the interviewee in the household?

10 A. [9:41:58] Yes. In the first column it gives a, a way to identify who that person
11 was.

12 Q. [9:42:08] Let's please go back to the table.

13 If we could zoom in in particular on the left-hand column, under "who," those are the
14 codes indicating whether or not it is the person themselves or whether it is another
15 member of the household who has suffered abuse, correct?

16 A. [9:42:50] Yes, that's correct.

17 Q. [9:42:59] There is no place on this form, am I correct, to record information
18 about how the interviewee knew the information about abuses that they believe
19 another person in their household may have suffered; is that correct?

20 A. [9:43:21] I am not sure what you are asking.

21 Q. [9:43:23] There is no place on this form for the person who is the source of this
22 information about abuses purportedly suffered about another member of this
23 household. There is no place on the form for them to indicate how they possess that
24 information, is there?

25 A. [9:43:37] No, these are all self-reports.

1 Q. [9:43:41] There is no place on this form for the person to indicate whether they
2 have doubts about the reliability of the information?

3 A. [9:43:50] No.

4 Q. There is no place on this form for them to indicate whether they have doubts
5 about the attribution of the responsibility for the act?

6 A. [9:44:04] No.

7 Q. [9:44:10] Now, if we could just look at the column "when" and if we could scroll
8 down just slightly to see that bottom box. We see a series of codes from 1 through 7.
9 It is still blurry. I don't know whether it is possible to look just at that box.
10 I think that's good enough and I don't think it is going to get any better anyway, if it's
11 not.

12 But what we see here is, I believe, nine codes to indicate time, and the nine codes
13 indicate, as number 1, within the last month; number 2, one to six months ago;
14 number 3, seven to 12 months ago; number 4, one to two years ago; number 5, three to
15 five years ago; 6, five to 10 years ago; 7, more than 10 years ago.

16 And 8 is no response and 9 is don't know.

17 So am I correct that the reason you cannot provide greater specificity in terms of the
18 time period of the reported abuses is that all that you were collecting in 2010 was this
19 time period between five and 10 years ago which would be reflected in the code 6 that
20 would be entered in this column; is that correct?

21 A. [9:46:03] Because we opted to subgroup timing instead of asking for an exact
22 date, which is probably not as reliable as grouping it, you are correct that what we
23 were collecting, which was health data, was more important for us to collect in
24 subgroups of time periods than exact dates.

25 Q. [9:46:30] So the basis for saying that a -- there is a report of an event that

1 occurred in Ituri between 2000 and 2005 is that the code 6 is entered in this column;
2 correct?

3 A. [9:46:57] Yes.

4 Q. [9:47:01] And given what we have just been discussing in respect of column, the
5 first column, in other words, who the victim can be, that means, am I correct, that
6 your report would include data about reports of abuses committed against persons
7 other than the interviewee up to 10 years before the date of the survey; is that correct?

8 A. [9:47:35] Sorry, I didn't follow. Can you ask that again?

9 Q. [9:47:40] Yes. Taking the set of people who can be the victims of the abuse and
10 taking the time period that is the object of your report, or at least that is suggested by
11 the questions, your survey would capture reports of abuses against other persons
12 going back up to 10 years?

13 A. [9:48:06] Which -- yes, which would be reported by the household respondent.

14 Q. [9:48:13] Can you comment on whether there is any spectrum or gradation of
15 reliability between a report given by another person in respect of an abuse that
16 occurred 10 years before versus, for example, an report of an abuse that happened
17 three months before against the interviewee themselves? Can you say anything
18 about that?

19 A. [9:48:43] No.

20 Q. [9:48:44] You don't think there would be any difference in reliability?

21 A. [9:48:51] I think it depends on the abuse. I think it depends on the situation. I
22 also think it depends on who the abuse occurred to, who the abuse of the other family
23 member happened to, such as a child. If it happened to a child, a mother probably
24 remembers. But again, for the purposes of this survey, that was really not what we
25 were going after. And remember, the statistics do not represent the household

1 members. The statistics represent the household respondent.

2 For information we also report what they report as household abuses, but in -- the
3 primary abuses that are reported are from the respondent.

4 Q. [9:49:46] Does that mean that in respect of the statistics as to the number of
5 human rights abuses reported, you excluded the reports of abuses against other
6 persons?

7 A. [9:49:57] We are not counting household abuses, no. We are counting the
8 respondent and the representative number that they represent based on the
9 methodology.

10 Q. [9:50:08] So, in other words, as far as --

11 THE COURT OFFICER: [9:50:11] Mr Gosnell, please, a rule of five seconds. Thank
12 you.

13 MR GOSNELL: [9:50:19]

14 Q. As far as the statistics in terms of incidents of human rights abuses, does that
15 mean that you would only be counting data where there is an indication of self, in
16 other words, code 11 in the first column?

17 A. [9:50:32] Yes, that's correct.

18 Q. [9:50:36] Now, can we turn, please, to question 56, which is on page 71, and the
19 question is, "We are interested in getting more detail about each incidence of
20 molestation, being forced to undress or stripped of clothing, forced intercourse and
21 other sexual acts that you have experienced."

22 And then if we turn the page to page 72, we see again a table -- if we could zoom in
23 a little bit on the table as a whole. Thank you.

24 Now, am I correct that this table is in -- there are differences but it is in substantially
25 the same form as the table we were looking at before in terms of columns, in terms of

1 codes and so on?

2 A. [9:52:04] Yes.

3 Q. [9:52:04] And in this case the questions would be restricted from the outset to
4 the interviewee, correct?

5 A. [9:52:14] Yes.

6 Q. [9:52:20] And am I correct that we see there a column "By Whom/Group" and
7 am I correct that that column on the original form, landscape format, would be about
8 two centimetres wide?

9 A. [9:52:49] I don't know the measurement. It would be in landscape.

10 Q. [9:52:55] And aside from the codes that are at the bottom, and we see there
11 number 11, boyfriend/girlfriend; number 12, spouse; 16, uncle or aunt; and then
12 starting at number 20 we start to see a list of acronyms. Am I correct that those
13 acronyms were meant to represent or refer to various armed groups?

14 A. [9:53:33] Yes.

15 Q. [9:53:41] One of the choices that is not provided, or a choice that is not provided,
16 is Lendu militia or Hema militia, without specification beyond that. Is there a reason
17 why that option was not made available on this table?

18 A. [9:54:05] No, that's why we have other, well, we -- you know, it is not really
19 possible to list everybody that was active in these three areas. Unfortunately, what
20 we, I mean, it would be nice if we had a code for everybody but that's why we have
21 "other" and that's why we allow them to write "other" and then they have to fill in
22 what the other is.

23 Q. [9:54:33] Not a lot of space to fill in what that other is, is there, on this particular
24 table?

25 A. [9:54:39] No, but the data collectors were trained to turn to the back of the

1 page to number -- how to number and place if there wasn't enough room. It is
2 amazing how much they could fill in, though, in these if they wrote the number and
3 then wrote "other."

4 Q. [9:54:56] You didn't conduct any of the interviews in Ituri, did you?

5 A. [9:55:01] No, I don't conduct interviews at all at the household level.

6 Q. [9:55:07] And am I correct that you deployed or used a total of 24 interviewers
7 across the entire area of your survey?

8 A. [9:55:21] Yes, that's correct.

9 Q. [9:55:25] How many of those were operating in Ituri only?

10 A. [9:55:30] I am not sure I can answer that. I -- truthfully, I can't remember how
11 many of those we used in Ituri. Ituri was smaller than the other two provinces so
12 I think we used less. I have an idea but because I can't be exact, I don't want to give
13 you the number.

14 Q. [9:56:00] Can you give us an inexact estimate based on your recollection, of
15 course, not speculation?

16 A. [9:56:08] My recollection was it was four to five of the data collectors that were
17 used in Ituri.

18 Q. [9:56:13] And you also had for your entire study four Congolese supervisors; am
19 I correct?

20 A. [9:56:24] That's correct, plus our international staff.

21 Q. [9:56:27] And How many supervisors, if any, were assigned specifically to Ituri?

22 A. [9:56:34] We had two supervisors in Ituri.

23 Q. [9:56:51] Now, if we could look, please, at tab 5, which is DRC-OTP-2084-0271.

24 And if we could turn to the next page, which is ERN page 2072 -- 0272.

25 This, Dr Lawry, is the initial publication reporting the results of your survey; is that

1 correct?

2 A. [9:58:05] Yes, it is.

3 Q. [9:58:06] And if we could turn, please, to page 556-0275. That's ERN page 0275.

4 In the middle column it says, "Survey groups were sent out in teams of two with
5 a supervisor and/or researcher whenever possible. Researchers worked closely with
6 supervisors and interviewers on a daily basis to answer questions and give feedback
7 about each survey completed. Interviewers in remote villages had daily if not
8 frequent mobile phone contact with supervisors and/or interviewers."

9 Did you have any contact with any of the interviewers in Ituri, to your recollection,
10 during the taking of the survey?

11 A. [9:59:27] Not me personally. The international supervisor and I had contact.
12 She was on the ground with them in Ituri.

13 Q. [9:59:37] So the answer to my question is you had no contact with those
14 interviewers --

15 A. [9:59:44] Correct.

16 Q. [9:59:44] -- directly?

17 A. [9:59:45] Correct.

18 Q. [9:59:48] Why is it, leaving aside your own direct involvement, why is it in
19 general important to have that frequency and degree of contact with the interviewers?

20 A. [10:00:03] One is primarily safety, so we need to make sure that we have mobile
21 contact with them, if they have to walk farther to their first randomised house
22 because we can't be with every data collector at every interview. The other is if they
23 have a question or concern, they have able to get to us so that they don't have to not
24 complete the survey, and for various other reasons, making sure they get picked up
25 by the driver, et cetera.

1 Q. [10:00:36] And as part of these contacts, were they able to send you on a daily
2 basis the forms that they had been completing that day?

3 A. [10:00:46] No, they are collected after each cluster by the supervisor. So each
4 team that is in a cluster, the surveys are collected and then we go through them then
5 and there before we go to the next cluster, to make sure that we don't have systematic
6 errors that occur in the survey. It is a way of basically checking the data.

7 Q. [10:01:07] so how many days, approximately, would go by, of interviewing,
8 before you would see the first forms from that cluster?

9 A. [10:01:16] You mean me or -- ?

10 Q. [10:01:18] Well, let's start with you.

11 A. [10:01:20] I --

12 Q. [10:01:21] Or were you not involved in the process of reviewing the forms at all?

13 A. [10:01:25] No, I was not involved in the process of reviewing. However, the
14 supervisors, both the local and the international, saw them after each cluster, so daily.

15 Q. [10:01:36] And in the course of taking -- well, let me come back to daily. Are
16 you saying that all forms after each, at the end of each day of taking of the survey
17 would then be shown to a supervisor on that very same day?

18 A. [10:01:52] Yes, with the exception of one cluster in South Kivu where it was
19 a two-day walk for a set of data collectors. But of those, of all the other surveys, they
20 were collected at the end of the day. We don't for safety reasons allow data
21 collectors to hold on to surveys.

22 Q. [10:02:12] And in the course of the review of the forms, were there ever any
23 indications in respect of the forms being filled out in Ituri that there were problems in
24 the way that the forms were being filled out?

25 A. [10:02:28] There were some general errors, such as not putting age correctly or

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1 missing data, but nothing that I would consider errors that we would -- in other
2 places where I had been where data collectors are making up data where we would
3 need to get rid of them.

4 Q. [10:02:58] Could we turn now back please to the report, it's tab 1 at page 43.
5 For the record, it is DRC-OTP-2084-0523 and the ERN page is 0566.

6 And what it says here, and I suggest this is a -- one of the important findings in your
7 report, "Of the 56 households, 40 out of 56, 71 percent households reported abuses
8 attributed to the UPC during 2000 to 2005 in Ituri district."

9 Now I want to ask you about that word "attributed."

10 What definition of attribution was being applied by the interviewers during the
11 taking of the survey?

12 A. [10:04:12] So the only question the surveyor can ask is who committed the abuse,
13 so that's how it's asked. So the person will self-report who committed the abuse.

14 Q. [10:04:36] On the forms themselves were there any further descriptions about
15 the nature or the basis for that ascription or that attribution?

16 A. [10:04:46] This is a health survey. It's not a survey for anything else other than
17 that; therefore, no, we didn't ask more questions to figure out if they would be correct
18 or not correct.

19 Q. [10:05:10] Could we turn back, please, to the form itself, it is page 72.

20 THE COURT OFFICER: [10:05:26] The ERN number, please. Thank you.

21 MR GOSNELL: [10:05:29] 0595.

22 Actually, I'm sorry, I would like to go, please, to the second table, 0597. It's page 74
23 of the report.

24 Q. One of the abuse types that is mentioned here is capture. Can you tell us what
25 definition of capture was being used by the interviewers in the course of the survey?

1 A. [10:06:37] I'm sorry, rephrase your question.

2 Q. [10:06:41] If you look down, and hopefully it can be blown up, at the bottom of
3 the column, "abuse type" there is a code 16 for capture. Can you tell us what
4 definition of capture was being applied by the interviewers in taking the survey?

5 A. [10:07:01] Are you asking in -- as opposed to abduction or?

6 Q. [10:07:08] Well, I'm not sure, Dr Lawry. I see that there is a word there that
7 says "capture", there's a code for it, the interviewers are in the field, they are
8 conducting interviews on the basis of this form. I assume that you have some
9 understanding of the codes that are the basis for the data in your report, so I am
10 asking you whether you can tell us what definition of capture was being used by the
11 interviewers.

12 A. [10:07:36] Yes, of course. The way that we define capture was if an armed
13 group came into the village, they would take people from the village and that's how
14 we defined it.

15 Q. [10:07:49] And how is that different from "abduction"?

16 A. [10:07:55] Abduction would be different in that abduction was taken and held
17 with a rebel group or marched into the bush and held with a rebel group. Those
18 distinctions would be made by the data collector.

19 Q. [10:08:18] And what threshold of property theft was applied by the interviewers
20 in item or code 18?

21 A. [10:08:27] Property theft was anything that was taken by the armed group
22 during their raid into the village.

23 Q. [10:08:37] Do you know whether any of the people who were interviewed were
24 between 2000 and 2005 themselves combatants?

25 A. [10:08:46] No, that's not a question we asked in this study.

1 Q. [10:08:52] How many interviewees --

2 A. [10:08:56] Actually, let me -- I need to make a correction to that, I think. I think
3 we -- yes, we did actually. I'm sorry, I need to correct that.

4 We would be able to tell after analysis, but not prior. On page 76 of the, of the report,
5 we have a table under "violence" that lists what the UN considers part of being
6 a combatant, so people would be asked this question: Have you in your lifetime
7 ever. So, yes, we -- but it wouldn't -- yes, we would know that they were a
8 combatant, but only after the analysis, not prior.

9 Q. [10:10:03] And that would also not indicate whether they were a combatant at
10 the time of the event that they were reporting, correct?

11 A. [10:10:11] Correct. It says "lifetime", so this could have been prior, it could
12 have been -- you know, we don't know the time period.

13 Q. [10:10:19] How many of the interviewees in Ituri attributed a rape that they had
14 suffered between 2000 and 2005 to the UPC?

15 A. [10:10:38] So we -- if we look at the data, I believe we have five household
16 respondents, but you have to keep in mind that those -- each respondent is not one,
17 each respondent has a representative figure that they represent for the area.

18 Q. [10:11:00] Yes, I am not asking at this point about representation or weighting or
19 calculations or statistics or projections or estimates, I am just asking in terms of
20 individual persons, how many individual persons reported in the course of your
21 survey that they had been raped by someone affiliated with the UPC between 2000
22 and 2005?

23 A. [10:11:33] That would be five.

24 Q. [10:11:35] Five. And that's out of 272 interviews conducted in Ituri, correct?

25 A. [10:11:55] Yes, that's out of 272 respondents.

1 Q. [10:11:58] And of those 272 respondents five respondents attributed a rape that
2 they had suffered between 2000 and 2005 to the UPC, correct?

3 A. [10:12:12] Not exactly. Again, remember, if you are looking at those who
4 reported a rape by a combatant, you have to look at only those who committed
5 against a combat -- who report a rape that was associated with a combatant. So let
6 me just find that. So 13 households reported a rape to any combatant. Out of those
7 13, five reported those to the UPC.

8 Q. [10:12:49] And just to be clear, we have now switched into the language of
9 households. There is only one interviewee per household, correct?

10 PRESIDING JUDGE FREMR: [10:12:58] Mr Gosnell, sorry, but I got repetitive
11 messages from the interpreters that you both -- because you know you your questions
12 and answers are full of data, so please both slightly slow down. It will facilitate the
13 role of our interpreters and court reporters. Thank you very much.

14 MR GOSNELL: [10:13:21] I sincerely apologise. I know it's a difficult subject
15 matter and a difficult job and our translators do a great job, so I do apologise for
16 making their job harder.

17 Q. [10:13:34] There is one interviewer per household; is that correct?

18 A. [10:13:37] That's correct. But again, per the sampling method they represent
19 more than one.

20 Q. [10:13:48] And those five responses or the indications provided by those five
21 interviewees who indicated that they had been raped or that they attributed a rape
22 that they had suffered between 2000 and 2005 to the UPC, that's the basis, am I correct,
23 in conjunction with your sampling method to conclude that your estimate for the total
24 number of rapes committed by the UPC during that time is 32,523, correct?

25 A. [10:14:30] Yes.

1 Q. [10:14:34] And for saying that 28 percent of all rapes during that time period
2 were committed by the UPC, correct?

3 A. [10:14:42] Yes.

4 Q. [10:14:46] Are there any differences between the subject matter of an
5 epidemiological study of medical conditions and human rights abuses that might
6 cause you to question the validity of these estimates?

7 A. [10:15:11] Could you rephrase that?

8 Q. [10:15:13] Based on your expertise is there anything about the difference
9 between the reporting of human rights violations and medical conditions that might
10 cause you to question the validity of the estimates in respect of human rights abuses
11 as opposed to medical conditions?

12 A. [10:15:35] In my belief all human rights abuses have a medical consequence and
13 epidemiology is looking at the factors that affect health. Human rights abuses is
14 a factor just as is not being able to buy food as is poor medical care. To me, the
15 factors can be anything, including abuses.

16 Q. [10:16:11] I am not sure that you have answered my question, Doctor, because
17 my question is not about the health consequences of human rights factors that lead to
18 poor health outcomes. My question is rather about whether there are differences
19 between a study of health conditions using epidemiological methods which leads to
20 estimates about a phenomenon in an area, for example, versus conducting that same
21 exercise, applying those same epidemiological methods to human rights abuses and
22 then making projections or estimates based upon that method. Is there anything
23 about the difference between the study of medical conditions and human rights
24 abuses that would cause you to ask yourself whether or not the method is valid --

25 A. No.

1 Q. -- in that context?

2 A. [10:17:09] No.

3 Q. [10:17:13] Did you yourself in preparing the expert report go back to the Excel
4 spreadsheet on which the data from the forms was recorded?

5 A. [10:17:34] I reviewed it briefly with a statistician who was working with me,
6 I didn't delve into it, but yes, I looked at it.

7 Q. [10:17:45] When you say you looked at it, can you give us an estimate as to how
8 much time you spent looking at it?

9 A. [10:17:51] It was not a great deal of time because sometimes the only thing I
10 needed to do was to clarify whether a variable was the one that we had of interest,
11 based on how we had set up the database from the 2010 study, and to ensure that the
12 subgrouping that we were asking -- that I was asking for was what the statistician
13 understood.

14 Q. [10:18:17] Well, isn't it correct that you relied on the statistician, whose name
15 you had some difficulty pronouncing yesterday or perhaps recollecting, didn't you
16 relying on him to go through the database and come up with the number five in
17 relation to your enquiry?

18 A. [10:18:38] Yes, I did, but when he pulled out all the data, I then went over it with
19 him, but I did rely on him.

20 Q. [10:18:45] And how about the original survey forms, did you go back and have
21 a look at them to verify whether or not these five reports were accurate and properly
22 recorded on the forms?

23 A. [10:18:57] No, the survey forms were only held for five years and then for each
24 study that we do after five years we shred them.

25 Q. [10:19:06] So they are destroyed and there is no copy or record or duplicate

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1 anywhere in existence?

2 A. [10:19:13] No, there are not.

3 Q. [10:19:16] And is there any other way to check whether or not the information
4 that was recorded on those forms was accurately recorded on the Excel spreadsheet
5 that apparently is still in existence?

6 A. [10:19:38] No, there is not.

7 Q. [10:19:43] Are there any other notations, material related to the survey forms at
8 all that is still in existence that was created by the interviewers who were conducting
9 survey?

10 A. [10:19:58] Not that I'm aware.

11 Q. [10:20:03] Did the Office of the Prosecutor ask you for these original survey
12 forms at any time?

13 A. [10:20:10] Yes, they did, but it was after the time period that we keep surveys.

14 Q. [10:20:17] Well, let's please turn back to the survey form itself. And we can
15 look at the first one for the purposes of these questions, and that's ERN page 0595,
16 page 72 of the document. Oh, we may already be there.

17 At the very top of this table we see some words in all caps and then in addition to all
18 caps we see some words that have a very thick underline and it says "do not read
19 choices".

20 Am I correct that the reason that you have put that there is that you are very aware as
21 a researcher of the potential suggestive effect of giving a series of options to an
22 interviewee in advance of their answer?

23 A. [10:21:33] Yes.

24 Q. [10:21:33] And since you were not present during any of the interviews that are
25 the basis of your expert report, you can't say, can you, whether or not the interviewers

1 abided by this instruction?

2 A. [10:21:50] No, I cannot.

3 Q. [10:21:53] And you can't say that in respect of the five reports that are the basis
4 for the estimate in your report, can you?

5 A. [10:22:01] No, I cannot.

6 Q. [10:22:04] Do you have any information at all about what happened in practice if
7 an interviewee, when asked the question "by whom?" responded with the words, and
8 of course I don't know the original language they would have been speaking in, but if
9 they responded with the words "Hema militia"?
10 Do you know, whether, first of all, that answer was ever given orally by any
11 interviewee during any of the interviews?

12 A. [10:22:47] No, we do not have that as listed under "other".

13 Q. [10:22:51] You know that?

14 A. [10:22:53] Yes, that I know.

15 Q. [10:22:58] Can you recall hearing from any of the supervisors, any of the
16 interviewers, anyone at all involved in the process of the collection of this survey,
17 whether any of the interviewees ever mentioned that as the identity of the
18 perpetrator?

19 A. [10:23:17] No. I mean, again, this is a health survey and we weren't focusing
20 on groups.

21 Q. [10:23:28] And none of the interviews were audio recorded or video recorded or
22 recorded in any fashion, correct?

23 A. [10:23:41] No, I do not record interviews, either video or otherwise.

24 Q. [10:23:47] Can you tell us any of the names of the interviewers who were
25 involved in interviewing in Ituri?

1 A. [10:23:53] They are listed in the -- are these -- are they listed? I'm not sure they
2 are. I think we -- no, we didn't, we didn't list them for safety reasons, but we have
3 them in our -- in a field notebook because we had to pay them as well. So, for
4 records through the -- through the non-governmental organisation we do have their
5 names.

6 Q. [10:24:27] You just referred to a field notebook, what is that?

7 A. [10:24:30] Just a notebook that generally when you are working in the field you
8 just keep notes in.

9 Q. Did you at any time provide that to the Office of the Prosecutor?

10 A. [10:24:41] I don't have one for this study.

11 Q. [10:24:44] Where is it or what happened to it?

12 A. [10:24:48] For the time period of the study or for the pieces that I did I have
13 those, I have these field notebooks, but that was not asked for.

14 Q. [10:24:59] And you did not provide it?

15 A. [10:25:01] No.

16 Q. [10:25:10] Do you know anything, and this was briefly covered during the direct
17 examination, do you know anything about the ethnic identity of what you recall to be
18 the four interviewers who conducted interviews in Ituri?

19 A. [10:25:26] No, I do not.

20 Q. [10:25:29] Did you ask any of them whether they had ever been combatants?

21 A. [10:25:39] No, I did not.

22 Q. [10:25:42] Did anyone associated with the study ask them whether they had ever
23 been combatants?

24 A. [10:25:49] The NGO that they hired them through would have asked them that
25 as part of their hiring process. That's not allowed.

1 Q. [10:26:01] When you say "would have", you don't know whether they did?

2 A. [10:26:05] No, I --

3 Q. [10:26:06] It's your understanding that they should have; is that correct?

4 A. [10:26:10] Yes, they should have.

5 Q. [10:26:14] You have mentioned now several times that this was a health study
6 and that that was one of the reasons why it was not pertinent to make enquiries about
7 the ethnicity of the interviewers. May I ask if, if this was a health study, why was it
8 necessary to identify by name 35 armed groups on the survey form, including
9 MONUC, the Ugandan defence forces, the FNI, the UPC and many others as the
10 potential perpetrators?

11 A. [10:27:07] There are varying reasons. One is for a data check. If somebody
12 says -- they name a rebel group that clearly was not in North Kivu, we then need to
13 go back and make sure that they are not an internally displaced person, as we are
14 trying to interview people who have been in villages long term, so it's a data check.
15 The other reason is to determine whether it's a combatant group versus government,
16 versus family member. The ability for justice for them, to be referred to justice
17 programmes that are part of the gender-based violence treatment programmes is
18 dependent on who the perpetrator is. In general, if the perpetrator is a government
19 body, they are able to be referred to justice. If it's a combatant group, it was less
20 likely at that time that they would be able to get justice, which has a bearing on their
21 mental health.

22 Q. [10:28:15] But wouldn't it have been sufficient for those purposes to just
23 differentiate between government versus non-government armed groups?

24 A. [10:28:27] It's actually easier to allow them to just say who the perpetrator was
25 than to try and say -- to try and get them to decide that their perpetrator was

1 government, non-government. In many cases they may not have known the
2 difference.

3 Q. [10:28:59] Question 14 in your survey asks for the ethnic identity of the
4 interviewee. Why was that important to ask?

5 A. [10:29:12] Again, in epidemiology, if you want to ensure that you have
6 a randomised sample, you need to have some type of value that you can check. One
7 of those is ethnicity, another one of those is religion, and then the other is marital
8 status. So a lot of what you're seeing in these sort of questions that you may or may
9 not think have bearing on the survey, they have to do with demographics and just
10 ensuring that our sample is randomised.

11 Q. [10:29:47] And at page 34 of your report you do recognise and acknowledge that
12 people may exaggerate for political reasons. Did it occur to you at the time of the
13 administration of the survey that the ethnicity of the interviewers might well have an
14 impact on the type of reporting that you were getting from the interviewees?

15 A. [10:30:19] Yes, I think I list that as a limitation.

16 Q. [10:30:27] Well, to be precise, you don't actually list the differential or the
17 identity of the interviewer as a limitation, you merely refer to the potential for
18 exaggeration on political grounds by the interviewee as a limitation. It's a bit of
19 a difference, is it not?

20 A. [10:30:40] I stand corrected.

21 Q. [10:30:47] Yesterday at page 105 of the transcript, line 20, you said the following,
22 and I quote: "There is a standard understanding that most people can recall events
23 that happen 10 years prior to when you are asking them to recall."

24 Do you remember having said that yesterday?

25 A. [10:31:13] Yes.

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1 Q. [10:31:16] And what is your basis for saying that this is a standard
2 understanding?

3 A. [10:31:23] There are references, data from other studies that have looked at
4 memory recall, particularly in traumatic events, so that's what I am quoting.

5 Q. [10:31:48] Do you have any articles or studies in mind?

6 A. [10:31:51] I believe I list that somewhere in here.

7 Q. [10:32:03] Well, let me see if I can help you, and perhaps we can just call up this
8 article. It's DRC-D18-0001-2917, tab 35. And just for your information, Dr Lawry,
9 this article that's coming up on the screen is cited in your first report
10 publishing -- your first publication of this report. And this is the article that you rely
11 on for a similar proposition that is a 10-year recall of events is generally considered
12 reliable. And so the document will eventually come up on the screen. And so the
13 document will eventually come up on the screen.

14 THE COURT OFFICER: [10:33:07] Mr Gosnell, could you please confirm it's
15 D18-0001-2917, because it seems that it has not been uploaded in eCourt. Thank you.

16 MR GOSNELL: [10:33:26] Apparently there was an email sent yesterday with the
17 document attached, so hopefully it's accessible, even if -- it can be sent again if --

18 THE COURT OFFICER: [10:33:44] Could you please send it again.

19 MR GOSNELL: [10:33:46] Yes, let's send it again.

20 THE COURT OFFICER: Thank you.

21 MR GOSNELL:

22 Q. [10:33:49] Doctor, I'll come back to this particular point, but are you familiar
23 with the research of Dr Elizabeth Loftus?

24 A. [10:33:59] No.

25 Q. [10:34:01] Have you ever heard of Dr Elizabeth Loftus?

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- 1 A. [10:34:06] At this moment, no.
- 2 Q. [10:34:09] Do you know anything about the study of false memory?
- 3 A. [10:34:14] Yes, among child survivors of sexual violence, yes.
- 4 Q. [10:34:22] Are you saying that your understanding is that the notion of false
5 memories is restricted and confined only to child victims or to children?
- 6 A. [10:34:34] I did not say that.
- 7 PRESIDING JUDGE FREMR: [10:34:44] So now the document you requested is
8 available on our screens.
- 9 MR GOSNELL: [10:34:48] Yes, thank you.
- 10 Q. [10:34:49] Doctor, on the screen in front of us we have an article authored by
11 Christopher Burt and Simon Kemp and Martin Conway. Was this the article or the
12 study that you had in mind as the basis for the view that there is a standard
13 understanding that most people can recall events 10 years prior to when you are
14 asking them to recall?
- 15 A. [10:35:15] Yes.
- 16 Q. [10:35:18] And isn't it true -- are you familiar with this, have you read this article
17 recently?
- 18 A. [10:35:24] Not recently, no, but I read it a while ago.
- 19 Q. [10:35:30] Do you remember anything about it?
- 20 A. [10:35:35] What specifically are you asking?
- 21 Q. [10:35:38] Do you remember what the design of the study was?
- 22 A. [10:35:43] No.
- 23 Q. [10:35:49] Do you remember, when I mention it, that it involved people who
24 kept careful diaries of events in their lives?
- 25 A. [10:36:07] No.

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1 Q. [10:36:08] Do you recall that the methodology that was employed in this study
2 was to test individuals on a certain date about their recollection of events in the
3 diaries and then to test them 10 years later? Does that jog your memory?

4 A. [10:36:24] Yes, that I do remember.

5 Q. [10:36:26] Now, wouldn't you agree with me that a study that determines
6 whether or not memories that are initially -- that are recalled accurately at an initial
7 date, and then a survey or a test is conducted 10 years later to see whether or not
8 those memories have faded, that's rather different, is it not, from the proposition that
9 people can accurately recall events up to 10 years after they occurred?

10 A. [10:36:57] If you remember yesterday, I also --

11 PRESIDING JUDGE FREMR: [10:37:00] Hold on. Hold on, Madam Witness.

12 Ms Luping.

13 MS LUPING: [10:37:03] Mr President, your Honours, this is just a, a reminder that
14 the witness is not brought forward as a historian. She is not going to remember
15 necessarily the specific details of the article. A particular proposition has been put to
16 her in relation to a specific basis of the article, in fairness to the witness. And also for
17 an appropriate assessment by the Chamber, if Defence counsel could indicate to us
18 the specific passages from this article so that she simply has an opportunity to read
19 the passage, including the reference to the diary and the scope of the study that is
20 reflected in this article.

21 PRESIDING JUDGE FREMR: [10:37:43] Mr Gosnell, I have to say I have to share this
22 argumentation because I think you should specify or should focus on the approach
23 maybe contained in this article and whether this approach had been also used in our
24 expert witness study or not, but not just to spend 20 minutes on details of this article.

25 MR GOSNELL: [10:38:11] Yes, I take your guidance, Mr President. I won't plunge

1 into the details of the document.

2 Q. I will just put it like this, Dr Lawry: Are you, aside from this report or this
3 article which you now recollect and that you have some knowledge of, aside from
4 that, do you have any other basis for your assertion that events can be remembered
5 accurately up to 10 years after they have occurred?

6 A. [10:38:43] If you remember, yesterday I qualified my statement about 10 years in
7 saying that traumatic events can be remembered more than 10 years. If you look at
8 PTSD survivors from World War II, if you look at Holocaust victims, they are able to
9 recall details, and that is truly the basis.

10 Q. [10:39:09] It is your view that the traumatic nature of the event makes it easier to
11 recall the event accurately?

12 A. [10:39:20] I wouldn't say easier. I would say that they can recall it.

13 Q. [10:39:26] that's a useful distinction, and the use of the word "easier" is not
14 a good one. It enhances their ability to recall the event accurately, would that be
15 your view?

16 A. [10:39:38] These are highly traumatic events; I think it is hard to forget.

17 Q. [10:39:44] And the accuracy of recall would extend to details, is that correct, in
18 your view?

19 A. [10:39:50] In my view, yes, having dealt with sexual violence survivors in my
20 practice.

21 Q. [10:39:59] May we go back, please, to your report, tab 1. For the Registry it is
22 DRC-OTP-2084-0523 and page 34, and while that is coming up I am just going to
23 proceed with my questions because I think all of us have a copy of the report at hand.
24 And I would like to come back to the phrase that I have just mentioned earlier, which
25 concerns or falls within the category "limitations" where you say, "As within all

1 studies there are potential biases that can occur. When answering questions, people
2 may exaggerate for political reasons."

3 Did you make that comment based upon your own personal experiences in Congo?

4 A. [10:41:02] No, this is based on many different countries where I have done
5 surveying.

6 Q. [10:41:09] Did you find this comment also to be true in respect of Congo?

7 A. [10:41:13] No, not necessarily, but to be transparent and to make sure that there
8 are limitations, there may be things that I may not have seen. I think it is only fair
9 when you present data that you also present that there are limitations that may or
10 may not be valid for the study.

11 Q. [10:41:33] And based on your experience in Congo, would it be fair to say that
12 there is a strong sense of ethnic -- or mistrust based on ethnicity in respect of groups
13 that were formally fighting against one another? Have you observed that yourself?

14 A. [10:41:56] If Congo was the only place that I worked, I would say that that is
15 a possibility. Having worked in other places such as South Sudan, where ethnicity is
16 the most important reason for fighting, et cetera, I would say that Congo does not
17 reach that level.

18 Q. [10:42:19] Does it reach the level sufficient to say that your comment about the
19 possibility of people exaggerating for political reasons is a legitimate enough factor to
20 mention in your report?

21 A. [10:42:37] I think it is always legitimate to mention it.

22 Q. [10:42:42] And would you agree that in addition to the possibility of conscious
23 misrepresentation there is also the possibility of unconscious bias on the part of the
24 interviewee as a result of those considerations?

25 A. [10:43:03] There are always possibilities in surveying when it is self-report, yes.

1 Q. [10:43:10] Now, you said yesterday, at line 7 of page 100, the following: "You
2 know, under-reporting in conflict setting sort of is understood, it is generally it has
3 political undertones. It has other factors that may not be understood which could be
4 stigma, it could be fear of losing your family, it could be losing your inheritance."
5 And you were responding to a question concerning the under-reporting of sexual
6 violence. Do you remember having said that yesterday?

7 A. [10:43:51] Yes, I do.

8 Q. [10:43:53] Now, would you acknowledge that the same factors that you were
9 describing might also contribute to false attributions of rape to an outsider rather than
10 to, for example, another family member or an elder in the community?

11 A. [10:44:18] I'm sorry, you need to rephrase that. There were too many elements
12 in that.

13 Q. [10:44:26] Let me try to simplify it. If, for example, you have a vulnerable
14 woman, young woman who has been raped by someone who is a member of their
15 family or a member of the community, there would be -- let's start with this, there
16 would be potentially a strong stigma or a strong disincentive to come forward with
17 such an allegation given the consequences that you were describing yesterday more
18 generally in respect of under-reporting, that would be a particular concern if the
19 perpetrator was a member of the family or a leading member of the community, for
20 example.

21 A. [10:45:12] So what is your question?

22 Q. [10:45:16] Well, first of all, is that correct?

23 PRESIDING JUDGE FREMR: [10:45:22] Hold on, Madam Witness.

24 Ms Luping.

25 MS LUPING: [10:45:25] Mr President, I mean, to be fair to this witness, I am also

1 rereading the question, it is compound and confusing, and I would simply ask
2 Defence counsel to rephrase.

3 PRESIDING JUDGE FREMR: [10:45:36] I don't find it -- it is compound, but I think,
4 for this witness, I think it's not such a big, big problem.

5 MR GOSNELL: [10:45:46] Mr President, I can simplify it.

6 PRESIDING JUDGE FREMR: [10:45:49] Okay, please.

7 MR GOSNELL: [10:45:50]

8 Q. [10:45:50] Instead of under-reporting or instead of not reporting, someone might
9 be tempted to blame an outsider, correct?

10 A. [10:46:03] Are you saying they would blame an outsider as opposed to a family
11 member?

12 Q. [10:46:11] Correct.

13 A. [10:46:12] Given the structure of families in DRC and understanding that many
14 of these survivors have not told family members, they actually are more likely to tell
15 someone that is not a family member, such as an interviewer or a doctor, and that has
16 been my experience there. I think that they would be more likely to blame an
17 outsider to a family member than they would be to someone like a data collector
18 coming to ask the question.

19 Q. [10:46:44] Wouldn't it be true that the individuals being interviewed might not
20 always have full confidence that their answers are being kept confidential?

21 A. [10:46:59] Yes, that is a concern. We do have an extensive informed consent
22 and we remind them throughout the survey that they can be honest, that this is kept
23 confidential. Their name is not taken, their signatures are not taken.

24 Q. [10:47:21] Now I would like to move to page 44 of your report. Under the
25 heading "Physical Violations," that is ERN page 0567 and here is what it says, and I

1 quote: "For physical violations attributed to the UPC, the Lendu-Ngiti households
2 were more likely to report abuses by the UPC. Nearly 32 percent of the physical
3 abuses attributed to the UPC occurred in Lendu-Ngiti, again, more than twice as
4 many abuses than expected given their distribution in Ituri."

5 My first question is about the language that you have used in this particular passage,
6 which I actually think is very helpful, where you say that the households were, "more
7 likely to report abuses."

8 Am I correct that what your survey is directly measuring is reports of abuses rather
9 than abuses themselves?

10 A. [10:48:41] Correct, it is report of abuses.

11 Q. [10:48:48] And so therefore, in terms of likelihoods, what is being measured is
12 likelihood of reporting a particular abuse?

13 A. [10:48:58] No, we don't measure likelihood, there are no likelihood estimates in
14 this study.

15 Q. [10:49:04] Well, you do there use the language "were more likely to report."
16 Have I misunderstood that?

17 A. [10:49:11] No, but what you are doing is using it in a, you are using it in a -- I'm
18 not sure how to label it, but probably using "more likely" was not the correct way. I
19 should have said Lendu-Ngiti households reported abuses by the UPC more than
20 their baseline ethnic group proportion in the areas that we surveyed.

21 Q. [10:49:48] At a rate two times higher than their actual percentage of the
22 population, would that be a good way of putting it?

23 A. [10:49:56] Yes, they definitely -- they reported abuses and if randomly -- if
24 random abuses had happened, it would have been at 13.6 percent.

25 Q. [10:50:10] And you would acknowledge that there may be causes other than

1 ethnic targeting or ethnic discrimination that account for abuses that are higher,
2 they're at a rate higher than their percentage of the population; is that correct?

3 A. [10:50:33] I never said targeting so I -- and that's not what we asked. We asked
4 what happened.

5 Q. [10:50:47] For example, one of the reasons why there may be this pattern or this
6 description of a pattern is the particular geographical location of residents of
7 a particular group in relation to fighting; is that correct?

8 A. [10:51:04] That could be an option, yes.

9 Q. [10:51:08] Now, could we turn, please, to page 48.

10 And I would like to look at the, it is ERN page 0571. And we can look at a pie chart
11 for a change, which has nice colouring. And here you say, or you give a description
12 or a representation of the percent of households by ethnicity that report movement
13 violations attributed to UPC 2000 to 2005. And that's in Ituri, correct?

14 A. [10:52:09] Yes.

15 Q. [10:52:17] And here we see that the movement violations, as they are described
16 here, the percentage of those violations reported by the Lendu-Ngiti is
17 36 percent -- I'm sorry, let me rephrase that.

18 The percentage of households by ethnicity affected by such movement violations was
19 36 percent in respect of Lendu-Ngiti and 21 percent in respect of Hemba; is that
20 correct?

21 A. [10:52:50] Yes.

22 Q. [10:52:53] Now this ethnicity, Hemba, can you tell us anything about what that
23 ethnicity is?

24 A. [10:53:02] It is a different ethnicity in the Ituri area. It is separate from any of
25 the other groups that are listed here. I'm not sure what else you want to know.

1 Q. [10:53:18] Do you know whether it could be Hema?

2 A. [10:53:22] It is not Hema, it is a separate group.

3 Q. [10:53:29] Well, let's go back then to your table, which is on page 42 of your
4 report, and this is where you list ethnic group composition and this is just for Ituri,
5 according to the report, and according -- it is ERN page 0565.

6 Maybe we can just go back to that page so everybody can see. It is page 42, ERN
7 page 0565, and if we can zoom in on the table we see two ethnicities listed there.

8 There is one ethnicity that is called Hema-Gegere, which is recorded as having
9 3.3 percent of the population, and then we see another ethnicity called the Hemba,
10 which according to this table is reported as having 8.1 percent representation amongst
11 all households in Ituri.

12 Are you telling us that it is your view that Hemba is an ethnicity different from the
13 Hema-Gegere?

14 A. [10:55:18] I asked this question of my Congolese colleagues and I was told that it
15 is considered separate.

16 Q. [10:55:26] Did those Congolese colleagues tell you that more than 8 percent of
17 households in Ituri being Hemba is something that accords with their knowledge of
18 the ethnic composition of Ituri?

19 A. [10:55:42] One, I didn't ask them about the ethnic composition in Ituri; two, we
20 can find no ethnic breakdown in Ituri. And these, what I am showing you in this
21 table is what we were given as ethnic groups by our respondents, so this is the
22 proportion among our respondents.

23 Q. [10:56:10] Proportion as given by your respondents, but in accordance with
24 question 14 of your report which lists the groups, doesn't it? Let's go back to that.
25 If we can turn to question 14, which is at page 67 of your report. That's ERN

1 page 0590.

2 And here we see that what you have done in your report or in your survey is you
3 have listed by name 15 ethnic groups and then you have a 16th option, which is
4 "other." One of the options that you have given here is Hemba.

5 Do you see that?

6 A. [10:57:06] Yes, correct.

7 Q. [10:57:08] No option here amongst this list for Hema, is there?

8 A. [10:57:13] No, there is a lot of ethnic groups that are not listed here, that's why
9 we have "other."

10 Q. [10:57:20] How many times have you been to Ituri yourself, personally?

11 A. [10:57:25] This year I was there twice. Four or five times in the last 25 years.

12 Q. [10:57:36] And does it accord with your personal knowledge of Ituri that the
13 percentage of the population that is Hema-Gegere would be 3.3 percent?

14 A. [10:57:51] To be honest, I don't look at -- I don't talk about ethnic distributions in
15 populations when I'm there.

16 Q. [10:58:07] So you think -- and perhaps we can go back to page 42, ERN
17 page 0565.

18 You see no reason to doubt the information that's provided in your report as having
19 been gathered during your 2010 study, namely, that the survey showed that
20 8.1 percent of respondent households were this group called Hemba and not Hema?

21 A. [10:58:54] No, I don't doubt that that's what was self-reported by households.

22 Q. [10:59:00] You don't doubt that, even though there is no option given for Hema
23 in your questionnaire, but there is an option for Hemba, which might, wouldn't you
24 agree, potentially lead to a distortion as to how ethnicity is recorded?

25 PRESIDING JUDGE FREMR: [10:59:20] Hold on. Hold on, Madam Witness.

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1 Ms Luping.

2 MS LUPING: [10:59:23] Mr President, asked and answered and argumentative.

3 The witness was also asked the question. She has already answered that the option
4 was with "other."

5 PRESIDING JUDGE FREMR: [10:59:34] Mr Gosnell.

6 MR GOSNELL: [10:59:35] First of all, Mr President, I think it would be better if I
7 could at least finish my question before the objection is interposed. I say that with
8 all due respect to the Prosecution, because whether or not my question is improper,
9 has already been asked, is speculative, compound, may depend on what comes after
10 my learned colleague stands up, so I would just request that courtesy. And having
11 said that, I do not think it is asked and answered. This particular question has not
12 been asked and answered so I would like to pose the question.

13 PRESIDING JUDGE FREMR: [11:00:11] Objection overruled. Please proceed.

14 MR GOSNELL: [11:00:15]

15 Q. [11:00:18] Do you recall my question, Doctor?

16 A. [11:00:22] No, please repeat.

17 Q. [11:00:24] Does the fact that your form specifically mentions Hemba as ethnicity
18 but does not specifically mention Hema as an ethnic option, raise for you doubt as to
19 whether or not that ethnic composition indicated on your chart is accurate as between
20 Hemba and Hema-Gegere?

21 A. [11:00:50] If the question was read as what is your ethnicity and then the list was
22 given, yes, I would be concerned. However, on the demographic questions, they do
23 not read the answers. On most of the questions on the survey, the following -- the
24 answers that follow are not read. They simply have them there as an ease for
25 checking, as well as an ease for data entry.

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1 Q. [11:01:15] Thank you, Doctor.

2 MR GOSNELL: Mr President, I am not quite finished but I don't have much more,
3 but I suggest that we could perhaps take the break.

4 PRESIDING JUDGE FREMR: [11:01:26] Yes, we will take the break for 30 minutes
5 now.

6 Ms Gosnell, yesterday you indicated that there is some chance that you could finish
7 by lunch break. Do you still find it feasible?

8 MR GOSNELL: [11:01:38] Absolutely, Mr President.

9 PRESIDING JUDGE FREMR: [11:01:39] Very well. So now we break and we will
10 resume half past 11.

11 THE COURT USHER: [11:01:46] All rise.

12 (Recess taken at 11.01 a.m.)

13 (Upon resuming in open session at 11.34 a.m.)

14 THE COURT USHER: [11:34:13] All rise.

15 Please be seated.

16 PRESIDING JUDGE FREMR: [11:34:40] Let's directly continue with
17 cross-examination of our expert witness.

18 Mr Gosnell, you have the floor.

19 MR GOSNELL: [11:34:48] Thank you, Mr President. May I say, for the record, that
20 we are joined by Han Catherine Morin and Jules Guillaumé.

21 PRESIDING JUDGE FREMR: [11:34:57] Thank you, Mr Gosnell.

22 MR GOSNELL: [11:35:00]

23 Q. May we turn back to page 48 of your report, Dr Lawry, and focus again on the
24 pie chart.

25 For the record it is tab 1 DRC-OTP-2084-0523, ERN page 0571. Next page, actually,

1 please.

2 The text just above the pie chart says, "By looking at the ethnic group of these
3 households, the following data reveal that again Lendu-Ngiti households were 2.5
4 times more likely to report movement violations."

5 Am I correct in understanding, Doctor, that that figure is derived by calculating the
6 percentage of the Lendu-Ngiti population as a whole and then comparing it to the
7 figures concerning reports of movement violations by that group?

8 A. [11:36:37] Yes. This is the comparison of the surveyed proportion of
9 Lendu-Ngiti households versus what they reported.

10 Q. [11:36:49] Am I right that -- and you can of course flip back on your report, but
11 am I right that the reason why you can come to this figure of 2.5 times is that the
12 figures in terms of percentage of the population show that they were 13.6 percent of
13 the population and here we see that 36 percent of those households are reporting the
14 movement violations?

15 A. [11:37:18] Yes.

16 Q. [11:37:18] Let's just look at the Hemba now. The Hemba on your table are
17 8.1 percent of the population and here on your pie chart it is indicated that 21 percent
18 of those households report movement violations.

19 That's an even greater likelihood, is it not, of being the victim of movement
20 violations?

21 A. [11:37:42] Yes, as is the other unspecified ethnic groups.

22 MR GOSNELL: [11:38:02] May we have now, please, DRC-D18-0001-2905, tab 30.

23 Q. And I can already pose a question to you before this document comes up
24 concerning page 14 of your expert report. At the top of the page -- so just for the
25 Registry so the Registry is clear, we are not having the report on the screen because

1 people have that in the courtroom, but this is the correct document that is being
2 pulled up.

3 And at the top of page 14 your report you say: "Although female perpetrators were
4 known to exist anecdotally, the scope of the problem was unknown. By simply
5 asking respondents to report the sex of the perpetrator, we found that a female SV,"
6 sexual violence "survivors, 40 percent reported the perpetrator as female."

7 Now, the number is not given here and I want to ask you about this number, but if,
8 based upon this response rate of 40 percent, can you give us a round estimate as to
9 what that would mean in terms of the number of actual female perpetrators of sexual
10 violence?

11 A. [11:40:04] No, that's not possible.

12 Q. [11:40:11] Would it be in the thousands?

13 A. [11:40:14] As I said, I didn't survey perpetrators. I surveyed survivors;
14 therefore, I cannot give you a number.

15 Q. [11:40:25] But the meaning of this statistic, I'm just trying to understand it,
16 41 percent, does this mean that amongst the people who gave responses indicating
17 that they were the victims of sexual violence, they reported that 41 percent of the
18 perpetrators -- or in 41 percent of those cases they reported that the perpetrator was
19 a female?

20 A. [11:40:49] This means, this means that of those females who reported sexual
21 violence, they reported that their perpetrator was female, 40 percent, the remainder
22 were male perpetrators.

23 MR GOSNELL: [11:41:09] I see that we've lost the document I called before, tab 30.
24 There it is. And if we could turn please to page 2911.

25 Q. And this is a transcript, or within this document is a transcript of an interview

1 with you dated 29 September 2010.

2 And we're going to go to page, ERN page 2911, please.

3 There it is. Thank you.

4 And there is a question from someone named Nancy Glass. Before I ask my
5 question, do you remember this interview?

6 A. [11:42:15] Oh, yes.

7 Q. [11:42:16] And there is a question by Nancy Glass, as follows:

8 "I was in Goma when the study was published and read the results to Congolese
9 colleagues (nurse, physicians, advocates, microfinance directors, et cetera) who have
10 provided services to survivors of rape for approximately 15 years - their response to
11 the findings was "These researcher mock us, now they are telling the world
12 a lie" - How would you address these concerns by the Congolese who have worked
13 with victims and have never had a woman or man report rape by a woman?"

14 And then your answer is recorded as follows, quote:

15 "Thanks for this question. Even as a researcher, this was the first time I asked the sex
16 of the perpetrator. In general, healthcare providers do not ask the sex of the
17 perpetrator when questioning about sexual violence. I would urge them to look at
18 this as another piece to a very difficult puzzle and rethink how we identify and treat
19 survivors of sexual violence."

20 My first question, Dr Lawry, is: Do you really think, as your response seems to
21 indicate here, that this reaction of the care providers is simply a result of them not
22 asking the gender of the perpetrator?

23 A. [11:43:59] No. I think it's more than that. I think it's cultural. I also think
24 that although female perpetrators were known, it's simply not something that's
25 discussed because they -- in many times in humanitarian aid if you don't want to

1 address something, it may be because you don't have services to deal with that issue.

2 But I also do believe that if you don't ask this question, "What was the sex of the
3 perpetrator?" which by the way is unethical because treatment is different if the
4 perpetrator is female versus male, that you are going to be confused by data that
5 gives you the scope. It's not that they didn't know, it's that the scope was shocking.

6 Q. [11:44:56] Would you say that that figure of 41 percent of perpetrators being
7 female in respect of female victims is a reliable figure?

8 A. [11:45:07] I feel it is.

9 Q. [11:45:11] And you would account for the rather radical divergence between the
10 report, your findings in your report and the reaction of these care workers, you would
11 account for that based on cultural factors in that they are not willing to own up to the
12 degree of the problem or cultural factors that prevent them from enquiring or finding
13 out who are the gender of the perpetrators?

14 A. [11:45:44] I think it could be both.

15 Q. [11:45:55] Now let's look at the next question and answer, please.

16 "As the Congo gains more and more attention for the atrocities occurring, there has
17 been an increase of funding to help rape victims. I've heard recently that some
18 women have falsely stated that they have been raped in order to receive monies.

19 Has there been evidence of this, and if so how rapidly is it increasing?"

20 And then you respond to this question, quote:

21 "I cannot answer this from our data. There are questions about programmes that are
22 giving financial monies for survivors which on many levels may not be a good idea.
23 We do know from our data that many survivors were pushed into community
24 mediation by family where money was given as 'justice' but the money went to the
25 family and not the survivor."

1 Can I first of all ask you how that particular data was collected that you are referring
2 to here?

3 A. [11:47:14] That's part of the survey and then also it's in the -- not in the 2010
4 study but in the policy paper we asked those questions qualitatively to get more
5 detail into that.

6 Q. [11:47:31] And can you tell us a little more about the information that you
7 received on that subject, the circumstances of these events?

8 A. [11:47:40] So there are many ways that women and/or men can gain justice for
9 what they, what they perceive as an injustice. They can either go to the chief, who
10 although he is not supposed to mediate these cases will mediate the cases anyway.
11 There is the ABA programme, the American Bar Association programme for justice
12 for sexual violence survivors. And then of course there is the national system. The
13 national system is not adept at dealing with these. The ABA has had some I think
14 success in doing so.

15 But because the chief mediates and says, okay, his role is to say that one family owes
16 the other money, many of the families of these survivors pushed them to go to the
17 chief instead of being it to a nontraditional -- into a -- I'm sorry, so the community
18 chief is the traditional justice and the others are the national justice. So they
19 sometimes are pushed to traditional justice instead.

20 Q. [11:48:57] And the particular aspect of this description that I am most interested
21 in, and you have alluded to it a bit more now in your answer, is the notion that
22 families would then take the money that might be produced. What is your
23 knowledge about that phenomenon? How widespread is it? Why does it occur?
24 And who is the -- amongst the family members, who usually is responsible for taking
25 the money that way?

1 A. [11:49:27] I can't give you percentages because these are qualitative numbers
2 so -- these are qualitative interviews, not, you know, a robust proportional study. In
3 interviews that I did this summer for another 900 household study it was quite
4 common. Can I give you the numbers? No.

5 The people, generally the money was shared among multiple family members. It's
6 not one family member over another. But the survivors, particularly the younger
7 survivors, so anyone under 21 was generally pushed to go to the chief. And money
8 could be anything, it could be goats, it could be clothing, it could be a party, or it
9 could be finance, money, but in general it was goods that would serve as money or
10 monetary value.

11 Q. [11:50:23] And in terms of who is doing the pushing into mediation that you
12 describe here in your answer, is it usually the father that does that, of the victim?

13 A. [11:50:35] I don't know if it's usually. In general it's the older family members,
14 which could be fathers, it could be mothers, it could be grandmothers.

15 Q. [11:50:49] Would you say it is more commonly a male member of the family
16 than a female member or can you not comment on that based on your experience?

17 A. [11:50:59] No, I can't comment on that. I didn't ask specifically.

18 Q. [11:51:12] You had the opportunity to speak with the --

19 MR GOSNELL: Mr President, I seek to tender this document.

20 PRESIDING JUDGE FREMR: [11:51:19] Ms Luping, any objection?

21 MS LUPING: [11:51:22] Mr President, your Honours, the specific passages of
22 relevance have been put to the witness, she has answered the questions. We would
23 object on the basis that if there are any further passages -- on two bases. First, if
24 there are any further passages that are of relevance, then they should be put the
25 witness, she should have the opportunity out of fairness to respond to any additional

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1 questions that may arise. And secondly, consistent with your Honours' previous
2 decisions, what is of relevance is now on the record, it's been read into the record, so
3 there is no basis for providing for the entirety of the transcript to be admitted as
4 evidence.

5 PRESIDING JUDGE FREMR: [11:52:01] Mr Gosnell.

6 MR GOSNELL: [11:52:02] I withdraw the request, Mr President.

7 PRESIDING JUDGE FREMR: [11:52:04] All right.

8 MR GOSNELL: [11:52:06]

9 Q. Madam Witness, so the passages that I just read to you, to your recollection
10 does that accurately record what you were asked and how you answered?

11 A. [11:52:15] Yes, it does.

12 Q. [11:52:20] Now, you had the opportunity to meet with the Office of the
13 Prosecutor here in person and I believe also by video conference. And as I
14 understand it, in the course of those meetings you discussed with them potential
15 topics of Defence cross-examination. Do you remember having done that?

16 A. [11:52:40] I remember having the meeting, but I don't remember being given
17 topics.

18 Q. [11:52:47] No discussion as to what questions the Defence might be asking you
19 or areas of enquiry by the Defence?

20 A. [11:52:56] No.

21 Q. [11:53:19] In the course of your discussions with them, did you express any
22 concerns about shortcomings, about your report or about the survey in terms of its
23 reliability?

24 A. [11:53:34] No, I did not.

25 Q. [11:53:39] And on the basis of the questions that I have asked you today, the

1 documents that I have put in front of you, do you still consider that your survey is
2 entirely reliable in respect of the conclusions that you have expressed in your report?

3 A. [11:53:58] Yes, I do.

4 Q. [11:54:01] Thank you very much, Dr Lawry.

5 MR GOSNELL: Mr President, that concludes my cross-examination.

6 PRESIDING JUDGE FREMR: [11:54:09] Very well, and we appreciate the efficient
7 way in which you conducted this cross-examination.

8 Now, Ms Luping, any need for redirect?

9 MS LUPING: [11:54:20] I have four questions, Mr President.

10 PRESIDING JUDGE FREMR: [11:54:22] All right then.

11 QUESTIONED BY MS LUPING:

12 Q. [11:54:31] So, Dr Lawry, I am going to be referring to some of the questions that
13 were put to you by Defence counsel today. And the first exchange is from today's
14 transcript, 179, and at page 21, lines 21 to 25 and page 22, lines 1 to 6. And I'm just
15 going to read to you the exchange first before asking you my question:

16 Question: "My question is rather about whether there are differences between
17 a study of health conditions using epidemiological methods which leads to estimates
18 about a phenomenon in an area, for example, versus conducting that same exercise,
19 applying those same epidemiological methods to human rights abuses and then
20 making projections or estimates based upon that method. Is there anything about
21 the difference between the study of medical conditions and human rights abuses that
22 would cause you to ask yourself whether or not the method is valid in that context?"

23 Answer: "No." End of quote.

24 So my question, Dr Lawry, is could you explain to the Chamber why your response
25 was no? What is the reason for saying that this does not in fact cause you to ask

1 yourself whether there is a -- whether the method is valid and whether there should
2 be any difference between the study of medical conditions and human rights abuses
3 in terms of making projections or estimates based on that method?

4 A. [11:56:27] As I explained earlier, human rights violations all have a health
5 consequence, which can lead to post-traumatic stress disorder, to pregnancy, to all
6 types of health conditions. Again, epidemiology is factors that affect health.
7 Human rights violations affect health. They are again categorised under factors. So
8 I don't see that there is any difference other than in a normal western practice you
9 may not be asking about human rights abuses unless of course they are an immigrant
10 in your practice. So I, I don't see a difference between a factor such as smoking
11 versus a factor such as torture.

12 Q. [11:57:19] And just referring more specifically to the question that counsel put to
13 you this morning, which was specifically about whether there should be any
14 differences between human rights abuses or health conditions in making the actual
15 estimates, the prevalence data itself, could you elaborate a little bit further as to why,
16 in your view, there is no difference when it comes to making the estimates, the
17 statistics?

18 A. [11:57:50] Well, let's take rape as an example. Rape is a human rights abuse,
19 but it's also a medical abuse and therefore I don't know how you say, okay, we are
20 going to label these as human rights abuses and therefore they have a different way of
21 estimating versus something such as smoking or not eating well or lack of nutrition,
22 which by the way is -- also can be considered a human rights abuse.
23 So I -- unless I am misunderstanding the question, I don't see a difference and it
24 doesn't change how I do my estimates. Again, it's a simple factor in how health
25 changes or stays the same.

1 Q. [11:58:34] Changing topic, moving to my second question. Again from today's
2 transcript I am going to be referring to, at page 26, lines 22 to 25 to page 27, lines 1 to 7.

3 The question was as follows:

4 "Did anyone associated with the study ask them whether they had ever been
5 combatants?"

6 Your answer: "The NGO that they hired them through would have asked them that
7 as part of their hire process. That's not allowed."

8 Question: "When you say 'would have,' you don't know whether they did?"

9 Answer: "No."

10 Question: "It's your understanding that they should have; is that correct?"

11 Answer: "Yes, they should have." End of quote.

12 Now this was in relation, as you may recall, to questions regarding the NGO hiring
13 the data collectors used for the purposes of your study.

14 My question is this: When you said that the NGO that hired them would have asked
15 them as part of their hire process, that's not allowed, what did you mean by "that's not
16 allowed"?

17 A. [11:59:44] There are certain issues that are not allowed for hire, one of them is
18 having been a combatant. So they will ask the question: Were you a combatant?
19 Have you been a combatant? Working for military service doesn't exclude you, but
20 combatant status does, particularly for western NGOs.

21 Q. [12:00:08] And when you say it was not allowed, what specifically was agreed
22 by your organisation as such that was dealing with the local NGO and the NGO, what
23 was agreed in terms of the hiring of data collectors, the criteria as to what was
24 allowed, not allowed?

25 A. [12:00:26] It's whatever their hiring practices are. So we choose the data

1 collectors from a group of data collectors that they refer, they then to officially hire
2 them go through their hiring questions before they can put them on their roster.

3 Q. [12:00:40] So when you say it was not allowed, are you referring to that specific
4 NGO's hiring practices?

5 A. [12:00:47] Yes.

6 Q. [12:00:49] And just so we're clear, how do you know that this was this NGO's
7 hiring practices?

8 A. [12:00:57] I worked for this NGO previously.

9 Q. [12:01:02] Moving to another topic, it's the third topic, which is, I am going to
10 refer now to, again to today's transcript. It's page 35, it's lines 1 to 21. But now I am
11 really only going to read to you a specific portion of that from lines 11 to 21 where
12 Defence counsel was asking you whether in your experience, whether there is
13 a strong sense of ethnic mistrust and whether that would create an issue as such, and
14 then I quote the following question as follows:

15 "Does it reach the level sufficient to say that your comment about the possibility of
16 people exaggerating for political reasons is a legitimate enough factor to mention in
17 your report?"

18 Answer: "I think it's always legitimate to mention it."

19 Question: "And would you agree that in addition to the possibility of conscious
20 misrepresentation there is always the possibility of unconscious bias on the part of the
21 interviewee as a result of those considerations?"

22 Answer: "There are always possibilities in surveying when it's a self-report. Yes."
23 End of quote.

24 Dr Lawry, my question is this: You have previously explained that this was
25 primarily a health survey, you have previously explained that the respondents were

1 told it was a health survey, were not told it was for litigation. Does this, in your
2 view, make any difference in terms of the possibility of any kind of bias for political
3 or other reasons, the fact that respondents were told that the survey was for health
4 reasons?

5 A. [12:02:59] Yes. I think health is a universal language and therefore it's less
6 likely that they will exaggerate. However, again, to be transparent and to make sure
7 that it's understood that there may be some that will bias, I think it's worth putting
8 that statement in.

9 Q. [12:03:24] And this is the last -- turning to my last topic, it was
10 a question -- question asked by Defence counsel in relation to your interview and the
11 answers that you gave in relation to the possibility of funding for rape victims, and
12 specifically you spoke about money being given as justice but the money going to the
13 family and not the survivor. And I refer to page 50, lines 5 to 25 and page 51 -- sorry,
14 it goes right through, in fact, to page 52, lines 23, there was an exchange in relation to
15 that and you explained how money could be paid to family members of rape victims
16 and that they would be encouraged or, in fact, you even used the word "pushed" to
17 go for traditional justice mechanisms.

18 My question is this, Dr Lawry: In your experience in terms of these alleged rape
19 victims and family members seeking funding on behalf of these rape victims, in your
20 experience of these incidents or examples that you have come across, were any of
21 these false allegations of rape, these instances that you came across?

22 A. [12:04:58] I am not assessing false or not false. I am assessing what happened
23 when they went to -- through these mechanisms, so I really can't answer that
24 question.

25 Q. [12:05:11] Well, thank you, Dr Lawry.

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1 MS LUPING: Mr President, your Honours, I do not have any further questions.

2 PRESIDING JUDGE FREMR: [12:05:18] Thank you, Ms Luping. And maybe just to
3 be accurate, I can quote, you said, "I have four questions," and it was a bit misleading
4 because in fact you had four topics, so next time please be fair with us because I
5 counted eight questions, but it was not a big issue.

6 Now, Mr Gosnell, any need for recross?

7 MR GOSNELL: [12:05:41] No need, Mr President.

8 PRESIDING JUDGE FREMR: [12:05:42] All right, then.

9 So, Dr Lawry, it concludes your testimony. On behalf of this Chamber I would like
10 to thank you very much that you came and that you share your expertise with us and
11 I believe that your testimony and your report will assist us in our effort to find the
12 truth in this case.

13 Thank you very much.

14 THE WITNESS: [12:06:09] Thank you, Mr President.

15 PRESIDING JUDGE FREMR: [12:06:11] And now, court usher, please assist
16 Madam Witness to leave the courtroom.

17 (The witness is excused)

18 PRESIDING JUDGE FREMR: [12:06:32] And since we exhausted our agenda for this
19 evidentiary block, before we adjourn for winter recess, are there any requests for the
20 floor?

21 Prosecution?

22 MS LUPING: [12:06:49] No, Mr President.

23 PRESIDING JUDGE FREMR: [12:06:52] Defence?

24 MR GOSNELL: [12:06:54] No request, just a mention of thanks for the indulgence
25 being able to start this morning the cross-examination.

1 PRESIDING JUDGE FREMR: [12:07:03] And Legal Representative for Victims?

2 No?

3 MS PELLET: [12:07:10] (Interpretation) No, your Honour.

4 MS GRANDON: [12:07:16] None from ours as well. Thank you.

5 PRESIDING JUDGE FREMR: [12:07:21] All right. But before we adjourn, since

6 today is the last day in the courtroom this year, it in my view calls for brief

7 retrospection.

8 At the beginning of this year the Chamber claimed it would like to accelerate

9 proceedings in this case and in this regard I can provide you with data, which in my

10 view are pretty illustrative. In 2016 we all spent 121 hearing days in the courtroom,

11 we heard 54 witnesses and the Chamber issued 218 decisions, 77 written and 141 oral

12 ones, excluding ordinary court rulings on admissions and objections made during

13 hearings.

14 Thus, I believe we can conclude we have reached progress aimed. And what I find

15 crucial is that we made it, I believe so, we made it with full respect to the fairness of

16 proceedings and rights of the accused.

17 I would like to emphasise that the Chamber is aware of and appreciates contribution

18 of all of you to the time; therefore, I would like to thank parties and participants for

19 their effort to conduct examination of witnesses in an efficient way and also for the

20 flexibility and mutually collegial approach in moments we were facing some

21 complicated moments in the proceedings that required urgent solution, naturally

22 within the limits of fair adversarial trial.

23 I would also like to thank those who supported us all the time, our legal officers,

24 court officers, interpreters, court reporters and our guards.

25 This Chamber often or relatively often decided to sit in extended hours and I am sure

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WITNESS: DRC-OTP-P-0453

(Open Session)

ICC-01/04-02/06

- 1 that because of that we are probably not the most popular Chamber of the Court.
- 2 We highly appreciate that regardless of that you all work hard and maintained high
- 3 quality of your work. The Chamber is grateful for that.
- 4 Finally, allow me to wish all of you, including Mr Ntaganda, merry and relaxed
- 5 Christmas and happy new year. And in addition to that, and I believe it is not
- 6 contradictory to my previous statement, I wish parties and participants productive
- 7 winter recess and we shall see you next year.
- 8 And now court is adjourned.
- 9 THE COURT USHER: [12:10:41] All rise.
- 10 (The hearing ends in open session at 12.10 p.m.)