

Trial Hearing

(Open Session)

ICC-01/04-02/06

Witness: DRC-OTP-P-0055

- 1 International Criminal Court
- 2 Trial Chamber VI - Courtroom 2
- 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
- 7 Friday, 30 October 2015
- 8 (The hearing starts in open session at 9.34 a.m.)
- 9 THE COURT USHER: All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE FREMR: Good morning, everybody.
- 13 Court officer, please call the case.
- 14 THE COURT OFFICER: Thank you, Mr President.
- 15 The situation in the Democratic Republic of the Congo in the case of The Prosecutor
- 16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
- 17 We're in open session.
- 18 PRESIDING JUDGE FREMR: Thank you.
- 19 Parties, participants, appearances, please, starting with the Prosecution.
- 20 MS SAMSON: Good morning, Mr President and your Honours. Appearing for the
- 21 Prosecution are to my left, Mr Rens Van der Werf, assistant trial lawyer; and behind me,
- 22 Ms Marion Rabanit, associate trial lawyer; Mr James Pace, assistant trial lawyer;
- 23 Ms Selam Yirgou, case manager; and myself, Nicole Samson, senior trial lawyer.
- 24 PRESIDING JUDGE FREMR: Thank you, Ms Samson.
- 25 Defence now.

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1 MR BOURGON: (Interpretation) Good morning, Mr President. Good morning, your
2 Honours. And good morning to all those in the courtroom. For Bosco Ntaganda, who
3 is present this morning, we are Elodie Victor, intern; Berta Casas Rochel, intern; William
4 St-Michel; and myself, Stéphane Bourgon. Thank you, Mr President.

5 PRESIDING JUDGE FREMR: Thank you.

6 Legal Representative of Victims.

7 MS PELLET: (Interpretation) Thank you, Mr President. Former child soldiers are
8 represented by myself, Sarah Pellet, counsel at the OPCV.

9 MR SUPRUN: (Interpretation) Good morning, Mr President, your Honours. Victims
10 of the attacks are represented by myself, Dmytro Suprun, counsel at the OPCV.

11 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.

12 I further note that we now have with us a lawyer appointed pursuant to Rule 74 to assist
13 the witness.

14 Welcome and please state your name for the record.

15 MR CIKONZA: (Interpretation) Good morning, Mr President. Good morning, your
16 Honours. My names are Gémi Mundere Cikonza. I'm a lawyer with the Brussels Bar
17 and I've been appointed to assist witness number 55. Thank you.

18 PRESIDING JUDGE FREMR: Thank you very much, Mr Cikonza.

19 Before the next witness can be called, we have to address some matters related to the
20 witness testimony.

21 First there is outstanding request by the Legal Representative of the former child soldiers
22 to question the witness. In line with the decision on the conduct of proceedings, the
23 Chamber will rule on this request after the examination-in-chief by the Prosecution,
24 having heard that the Legal Representative maintains her application and having heard

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1 any objections from the parties.

2 In line with guidance previously provided, the Chamber does, however, note already at
3 this stage that it will not allow any examination of the witness which would be
4 duplicative of the testimony elicited by the Prosecution and will only permit questioning
5 if it considers that the line of questioning is an area upon which the witness could
6 usefully comment.

7 Then second, the Chamber has received the Defence indication of objection to certain of
8 the documents the Prosecution may be using with this witness. The Chamber considers
9 that these objections can be best addressed if and when they arise throughout the course
10 of the examination-in-chief.

11 Any comment on that, Ms Samson?

12 MS SAMSON: No, your Honour. That's acceptable. Thank you.

13 PRESIDING JUDGE FREMR: Mr Bourgon?

14 MR BOURGON: Fully agree, Mr President.

15 PRESIDING JUDGE FREMR: Well, there are three more matters to address before the
16 witness can start testifying, for which we need to briefly move into private session.

17 So, court officer, let's move into private session now.

18 (Private session at 9.39 a.m.) * Reclassified partially in public.

19 THE COURT OFFICER: We're in private session, Mr President.

20 PRESIDING JUDGE FREMR: Thank you.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 In addition, private sessions will be used to deal with potentially identifying information
2 that could expose the witness or those close to him.

3 We have already prepared our oral decision on Defence request for postponement for
4 cross-examination, but I understood that Defence yesterday, yesterday late evening filed
5 an email asking to be granted a chance to reply. I understood that there are three issues
6 on which Defence would like to reply.

7 First, how and when the Defence has become aware of the allegations of interference
8 related to Witness P-0055;

9 Second, whether the Prosecution's disclosure violations are mitigated by the fact that the
10 Defence was aware of the substance of the allegations and not the identity of the alleged
11 victim;

12 And third, that the consultations with Witness P-0055 were required before disclosing
13 the 14 documents.

14 We consider this request and according to us, only the first issue could be beneficial for
15 us to get more information or to get some submission from Defence for the sake of clarity,
16 I would say.

17 So, Mr Bourgon, if you still insist, you may address the issue number one briefly, please.

18 MR BOURGON: Thank you, Mr President. I will be very brief. In its response, the
19 Prosecution refers to the fact that we had been aware of the substance of the allegations
20 (Redacted). The issue,
21 Mr President, is at that time we were indeed looking for this information. We had
22 information that a witness had made such allegations, but we had no idea of the identity
23 of the witness at that time. The only time that we did come upon the identity of the
24 witness is in a Prosecution filing in a footnote where we realized that the witness
25 referred to back in December was Witness P-0055.

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1 So all of our other issues that we wanted to raise are related to the fact that this identity
2 was given to us. Whether it's inadvertently or not, we're not sure. It's in a footnote of
3 a Prosecution filing that we managed to establish this and only much later and not in
4 December.

5 So we have not been aware of the specific allegations related to this witness and of his
6 identity until much later. And we did not find this through investigation.

7 That's all I wanted to say, Mr President. Thank you very much.

8 PRESIDING JUDGE FREMR: And if you said much later, what time, in fact, do you
9 rely that?

10 MR BOURGON: If you'll give me just one quick moment, Mr President, we --

11 PRESIDING JUDGE FREMR: Take your time.

12 MR BOURGON: Thank you, Mr President. The footnote that we are talking about
13 appeared in the Prosecution's motion or request (Redacted)

14 (Redacted). So as of that time, based on that footnote, it took us a while to

15 figure it out, but that's when it first appeared and then (Redacted)

16 (Redacted).

17 Now, of course, even then that doesn't change the fact that (Redacted)

18 (Redacted). Thank you,

19 Mr President.

20 PRESIDING JUDGE FREMR: Thank you. Now give me a second because I have to
21 confer with my colleagues whether this information is new for us because I think that it's
22 not the case, but I have to consult them, please. Give me a second.

23 (Trial Chamber confers)

24 PRESIDING JUDGE FREMR: So we now assured ourself that we, in fact, knew this
25 information because it was one of the facts we took into account when preparing this

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1 oral ruling.

2 So the oral ruling is following:

3 Oral ruling on Defence urgent request seeking postponement of Witness P-0055's
4 cross-examination as a result of Prosecution violation of its disclosure obligations.

5 Earlier this week on 25 October 2015 and notified the following day, the Defence filed an
6 urgent request for postponement of its cross-examination of Witness P-0055. It was
7 filing number 938.

8 The Defence submits that the Prosecution violated its disclosure obligations by
9 disclosing 14 documents related to Witness P-0055 only in the period of 19 to
10 22 October 2015. According to the Defence, the Prosecution had a duty to disclose these
11 documents much earlier pursuant to Rules 76 and 77 of the Rules and Article (67)(2) of
12 the Statute and the versions of certain of these documents that had previously been
13 provided to the Defence contained extensive redactions.

14 The Defence argues that it had requested this material as early as 12 June 2015 and that
15 absent its renewed request on 13 October 2015, these 14 documents would likely not
16 have been disclosed despite the Prosecution undertaking on 14 September 2015 to do so.

17 The Defence avers that the untimely disclosure causes significant prejudice to it and that
18 under these circumstances, particularly (Redacted) and in light
19 of the nature and extent of the materials in question, the Defence is unable to adequately
20 prepare for cross-examination. It therefore requests that the cross-examination of
21 Witness P-0055 be postponed.

22 Yesterday the Prosecution filed its response opposing the Defence request. The
23 Prosecution submits that the material in question are not voluminous. Further, the
24 Prosecution states that the information contained therein does not relate to the charges.

25 Rather, the Prosecution submits that (Redacted)

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1 (Redacted). It further submits that these items contain
2 information of a similar nature to that already disclosed to the Defence in December 2014
3 and there is also a degree of overlap between the documents.
4 With respect to the alleged late disclosure and late lifting of redactions, the Prosecution
5 submits that it needed to consult the witness in person (Redacted)
6 (Redacted). The Prosecution states that it did so at the
7 outset of its witness preparation session on 17 October 2015.
8 As to the 14th item, the Prosecution explains that (Redacted)
9 (Redacted)
10 (Redacted).
11 According to the Prosecution, there does not seem to be scope for any further
12 investigations in this regard and the Defence can cross-examine the witness on this issue.
13 The Prosecution submits that postponement of the cross-examination of Witness P-0055,
14 who is here and ready to testify, is not warranted, would negatively impact on his
15 well-being and security and would run counter to the efficient and expeditious conduct
16 of proceedings.
17 The Chamber notes that the Prosecution does not dispute that it had an obligation to
18 disclose the items concerned. Moreover, in the Chamber's view, the Prosecution has
19 not provided an adequate explanation for its late disclosure of the 14 items.
20 (Redacted), the Chamber considers that consulting
21 with the witness about disclosure cannot serve as a sufficient justification in light of the
22 obligation to disclose.
23 Moreover, the Prosecution has not shown why such consultation needed to be done in
24 person or could not have taken place at an earlier stage. In this regard, the Chamber
25 observes that the Prosecution had scheduled Witness P-0055 to appear during the second

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1 evidentiary block as early as 25 June 2015.

2 The Chamber, therefore, finds that the Prosecution has violated its disclosure obligation
3 with regard to the items in question.

4 The Chamber cautions the Prosecution to take better care in reviewing the case file in a
5 timely manner and disclosing relevant materials further in advance of the scheduled
6 testimony of a witness.

7 However, the Chamber does not consider that the present circumstances warrant a
8 postponement of the cross-examination of Witness P-0055. In this regard, the Chamber
9 notes that the late disclosure concerns a limited volume of information on a confined
10 aspect, not relating to the substantive anticipated testimony of the witness in relation to
11 the charges, and that the material has by now been in the possession of the Defence for
12 over a week.

13 The Chamber further notes that the Defence has been aware of allegations of interference
14 with this witness already during the restrictions litigation and accordingly should be in a
15 position to cross-examine the witness and test his credibility, including in relation to any
16 interference allegations or any expenses paid.

17 The Defence, and I would like to emphasize that however, is free to conduct any further
18 investigations it deems necessary at a later stage.

19 On the basis of the foregoing and without prejudice to any recalling of the witness for
20 limited further cross-examination in the future should the Defence provide cogent and
21 convincing reasons justifying such a measure, the Chamber does not consider it
22 necessary to postpone the cross-examination of the witness.

23 The request is, therefore, rejected.

24 There is still one remaining issue, and this decision on Rule 74.

25 It's noted at the start of this session, a lawyer is present to assist the witness. And

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1 pursuant to Rule 74 of the Rules, Mr Cikonza was appointed as a legal advisor for the
2 witness following an indication by the Prosecution that the issue of self-incrimination
3 might arise.

4 On 29 October 2015, the legal advisor made a filing indicating that the witness requests
5 assurances pursuant to Rule (74)(3) of the Rules.

6 Yesterday, the Prosecution provided the Chamber with ex parte observations pursuant
7 to Rule 74(4) accepting that such assurances would be appropriate.

8 Defence, you were also notified of the request for assurances. Do you have any
9 observation in this regard?

10 MR BOURGON: We do not have any observations, Mr President.

11 PRESIDING JUDGE FREMR: Mr Cikonza, is there anything you wish to add?

12 MR CIKONZA: (Interpretation) No, Mr President. I have nothing to add.

13 PRESIDING JUDGE FREMR: So, again, give us a second. We will silently deliberate.

14 (Trial Chamber confers)

15 PRESIDING JUDGE FREMR: So our ruling is, Mr Cikonza, the Chamber will provide
16 the witness with the Rule 74(3)(c) assurances at this time of his testimony. And if any
17 questions are asked that could lead to self-incrimination we will hear the witness'
18 answers in private session.

19 Now we can proceed with the witness testimony. Court officer, please have the witness
20 brought in. And we will go into closed session for this purpose, please.

21 (Closed session at 9.57 a.m.) * Reclassified entirely in public

22 THE COURT OFFICER: We're in closed session, Mr President.

23 PRESIDING JUDGE FREMR: Thank you. So the witness may be brought in.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE FREMR: And we can now move into open session.

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1 (Open session at 9.58 a.m.)

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

3 PRESIDING JUDGE FREMR: Thank you, court officer.

4 Mr Witness, good morning.

5 Mr Witness you are going to testify before the International Criminal Court. On behalf
6 of the Chamber I would like to welcome you to the courtroom. (Redacted)

7 (Redacted)

8 (Redacted), pay close attention.

9 Mr Witness, this Chamber has been established to try the case of The Prosecutor against
10 Mr Bosco Ntaganda and you are called to testify to assist us in our search for the truth.

11 You will be asked questions both by the Judges and lawyers in the courtroom. And in
12 this connection, I would like to guide you in the following way:

13 Please listen carefully to those questions. It's very important that you make sure that
14 you understand the question before you answer. If you do not understand, feel free to
15 ask for the question to be repeated or rephrased. We want you to tell the truth and tell
16 us only what you really saw or heard or sensed yourself. If you did not see or hear it
17 yourself but you found out some other way, then you should explain how.

18 You may be asked about events that happened many years ago, so it's natural that you
19 may not remember all the details. It doesn't matter. Please testify just on that which
20 you remember. Don't guess, don't make things up, please. There is nothing wrong to
21 say "I don't remember" or "I don't know."

22 Do you understand all this Mr Witness?

23 Sorry, I don't get any translation from English booth. Could that be repeated? I meant
24 the answer of the witness. I haven't received any.

25 THE INTERPRETER: We're waiting for the relay, your Honour.

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1 Your Honour, the Swahili booth points out that it could be the case that the witness is
2 connected to another channel.

3 PRESIDING JUDGE FREMR: So I see we face some technical problem because
4 according to the Swahili booth there is some risk that the witness is connected to other
5 than Swahili booth channel, so please court officer.

6 Mister -- then Mr Witness, maybe could you repeat your response. And maybe I would
7 say you are maybe too far. Mr Witness, please, yeah. Could you just repeat your
8 response whether you understood what I had told to you?

9 WITNESS: DRC-OTP-P-0055

10 (The witness speaks Swahili)

11 THE WITNESS: (Interpretation) I said that I had understood.

12 PRESIDING JUDGE FREMR: Very well. Now it seems everything is going well.

13 Thank you, Mr Witness.

14 Now, court officer, can you please administer the solemn undertaking to tell the truth.

15 THE COURT OFFICER: Mr President, the solemn undertaking is already on the bench
16 of the witness.

17 PRESIDING JUDGE FREMR: So in such a case, Mr Witness, could you read the solemn
18 undertaking which is prepared for you, in front of you.

19 THE WITNESS: (Interpretation) Yes, I see it, but I would like to ask you one thing.

20 PRESIDING JUDGE FREMR: Please. Please go ahead. You may ask us.

21 THE WITNESS: (Interpretation) (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted).

25 PRESIDING JUDGE FREMR: Could you be a bit more specific what you, in fact, are

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1 requesting for because it's not clear to me.

2 Mr Cikonza, do you know what is the problem or why Mr Witness would like to

3 postpone the -- giving his testimony and consult Mr Registrar?

4 MR CIKONZA: (Interpretation) Thank you very much, your Honour, your Honours.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Thank you very much, your Honour, your Honours.

14 PRESIDING JUDGE FREMR: Okay. We will anyway move into private session.

15 And now it depends, Mr Witness, because we -- at the moment we don't know the

16 possible topic of our conversation, but it's fine with you to have such a talk with the

17 presence of parties, or would you prefer to -- just to speak to the Chamber itself? Before

18 that -- but, sorry, before that we have to move into private session, so please wait with

19 your response, Mr Witness.

20 (Private session at 10.07 a.m.) * Reclassified entirely in public

21 THE COURT OFFICER: We're in private session, Mr President.

22 PRESIDING JUDGE FREMR: So just to give you a clear picture at the moment, nobody

23 apart of the people present in this courtroom could listen to us. Is this arrangement

24 okay with you, or would you prefer to just to speak only to Judges?

25 THE WITNESS: (Interpretation) Yes. I would like to speak to the Judges. I

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1 understood what my lawyer said, but personally I would like to speak to the Judges as
2 we haven't yet started with the testimony. I think that my lawyer has already told you.
3 Personally I would like, first of all, to speak to the Judges alone.

4 PRESIDING JUDGE FREMR: Okay. So I think -- give me a second.

5 (Trial Chamber confers)

6 PRESIDING JUDGE FREMR: Mr Bourgon.

7 MR BOURGON: Thank you, Mr President. Before the Chamber rules on the request
8 put forward by the witness, we would like to make some observations, and I think those
9 should be made in the absence of the witness, Mr President.

10 PRESIDING JUDGE FREMR: Okay. So we will start in this way: For the beginning
11 of our further discussion, Mr Witness will be escorted out of the courtroom and for that
12 purpose we will have to move into regime of closed session.

13 (Closed session at 10.10 a.m.) * Reclassified partially in public

14 THE COURT OFFICER: We are in closed session, Mr President.

15 PRESIDING JUDGE FREMR: Mr Bourgon.

16 MR BOURGON: Thank you, Mr President. I'll try to be as brief as possible. We
17 don't know what the witness would like to entertain the Chamber about.

18 What we do know is that when the witness arrived in The Hague and when he met the
19 Prosecution during a preparation session, and that was on (Redacted), immediately from
20 the get go he indicated to Prosecution that he had some concerns for his security.

21 The Prosecution responded and my colleague can confirm that, that this should be
22 addressed with VWU and not with the Prosecution. And I think my colleague was
23 right in doing so.

24 Now, we don't know how long this discussion took place, we have no timing, but then
25 the formal preparation session began and then it lasted for some 20 minutes on that first

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1 day.

2 On the second day, on (Redacted), the witness had the preparation session with the
3 Prosecution, but immediately before that there was another meeting. We don't know
4 the duration of the meeting and we don't know what was discussed during the meeting,
5 but this meeting was -- involved my colleague from the Prosecution. It involved the
6 (Redacted), who was present and the witness, and they had a
7 conversation. Again, I say we don't know the duration nor what was discussed.

8 On the third day, the witness proofing proceeded as normal.

9 Mr President, on this basis we say that everything that was discussed during those two
10 days, I'm referring here to (Redacted), has not been reported to the
11 Defence, so we have no information and we don't know exactly any details of what was
12 then discussed.

13 We don't know either whether (Redacted) reported the essence of the second meeting to
14 the Chamber or not. So we are completely in the dark. That being said, Mr President,
15 I believe that the witness' request at this time is not at the right -- made at the right time
16 or in the right context.

17 It is our respectful submission that we need to separate between two issues: One is the
18 testimony of the witness and the second is security concerns that he may have and that
19 he might wish to share. I think the two are unrelated.

20 We are ready to proceed with his testimony. And I don't think that his security
21 concerns, unless of course he refuses to testify, which is a different issue, but we're not
22 aware of that, and we have no idea, unless it is related to a refusal to testify, then there
23 are no relationship between the two.

24 We can proceed with the testimony. He is testifying -- testifying with all the possible
25 guarantees that can be provided to a witness. And now -- and he also has the

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1 assurances pursuant to Rule 74, and he has a lawyer present. So I don't think there's
2 anything preventing him from testifying.

3 And in parallel to his testimony, to address the security concerns with what the -- the
4 persons and the authorities, which are provided for in the framework of the
5 International Criminal Court. There's a whole system put in place to address these
6 concerns and I think that's where these concerns should be addressed. Here he's here to
7 testify and we should proceed with his testimony, Mr President. Thank you very
8 much.

9 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

10 Ms Samson, do you also want to make any comment on this issue?

11 MS SAMSON: Thank you, Mr President. Just briefly. The Prosecution was not
12 aware that the witness wanted to speak to the Judges, but we support his request.

13 These Judges -- your Honours are professional judges, so you can separate any issues
14 related to substantive discussions versus security issues.

15 We are aware that the witness (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted) and to assist in facilitating his testimony, including under Rule 88 as a special

3 measure.

4 In relation to the Defence's request for disclosure of (Redacted). As the

5 Prosecution has set out in its filings on disclosure of (Redacted)

6 (Redacted), it makes every

7 effort to do that as quickly as possible.

8 In this case, the nature of the discussions that the Prosecution had with the witness at the

9 outset of his witness preparation session, in our assessment, (Redacted)

10 (Redacted)

11 (Redacted). Nothing disclosable had arose

12 from that discussion. The witness has not refused to testify in my presence and has

13 always been cooperative with the Prosecution but has, indeed, on several occasions

14 (Redacted)

15 (Redacted).

16 Thank you.

17 PRESIDING JUDGE FREMR: Thank you very much. Before asking you to leave the

18 courtroom for a while, I would like to assure you that for us it's also new information.

19 The information we received (Redacted)

20 (Redacted)

21 (Redacted).

22 So we will now to ask witness, and I can assure you that we will not take any evidence,

23 obviously, that we will -- it seems to be the main issue to deal with (Redacted)

24 (Redacted), and we firmly hope we will solve this issue for

25 the common benefit, which means that there would be no -- hopefully no obstacles to get

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1 testimony from the witness. So now please we are asking you to leave the courtroom
2 for a short while.

3 Mr Bourgon.

4 MR BOURGON: Thank you, Mr President. I respectfully submit, Mr President, that
5 before we proceed in hearing the witness in such a way, that it would be appropriate,
6 Mr President, for the Chamber to hear (Redacted) who met with the
7 witness to discuss these issues because now the Chamber does not know what was
8 discussed.

9 This man is (Redacted), so he must have information that is relevant.

10 I think before you hear directly from the witness, I understand this might take more time,
11 but it might give you a better idea before you hear what he has to say. My colleague
12 has already informed you what he will say. He will say all kinds of bad things about
13 the accused, he will say all kinds of bad things about his fears and his views and his
14 protection.

15 So we don't know the details, but we know that he will say all kinds of negative things
16 about the accused and we know that you are professional Judges and we have no
17 problem with that, the issue is maybe it's a good thing to hear from VWU so we see their
18 assessment before we proceed to granting such an exceptional request of speaking to the
19 Judges alone. Thank you, Mr President.

20 (Trial Chamber confers)

21 PRESIDING JUDGE FREMR: So we deliberated and we even -- we have taken into
22 account some technical aspects of different options, but we still -- I would like to hear
23 witness himself at the beginning and that we still hope there is some chance to solve it
24 just between us and the witness. Even we admit there is a possibility that we will need,
25 as Mr Bourgon mentioned, to invite VWU in the discussion. We will see.

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1 As to the technical aspects, we also consider the possibility, because there are some
2 technical issues that complicates possible move -- prospective move of other parties
3 outside of the courtroom, to listen to the witness in our deliberation room, but it would
4 also mean some complications. We would invite all three interpreters. We will have
5 to invite somebody who will make a record.
6 So we still believe that even if we would need to break for that purpose, we would like to
7 listen to the witness in the courtroom.

8 So now we will have to, if I understood well to our court officer, we will have to break.
9 We will start with witness -- I mean as the Chamber itself and we also invite VWU to
10 be -- to stand by and, if need, we will then invite both VWU and the parties. It will
11 really depend what will be the issue discussed. It will be security, so it's highly
12 sensitive. We will see to what extent it should be confidential, to what extent the
13 parties may be involved.

14 So at the moment we --

15 (Pause in proceedings)

16 PRESIDING JUDGE FREMR: So even if it means some complications for all of us, we
17 still mean that the testimony of this witness seems to be very important, so we are ready
18 to do everything in order to get the testimony.

19 So now, before the tape has to be changed, we will break for 30 minutes and then the
20 Chamber itself will meet the witness in the courtroom.

21 So for the moment, we break and the Chamber only will proceed at 11.00.

22 THE COURT USHER: All rise.

23 (The hearing ends in closed session at 10.28 a.m.)

24 RECLASSIFICATION REPORT

25 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,

Trial Hearing

(Closed Session)

ICC-01/04-02/06

Witness: DRC-OTP-P-0055

- 1 the public reclassified and lesser redacted version of this transcript is filed in the case.