

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 17 November 2010

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

***SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE CASE
OF THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public

**Redacted Decision on the Prosecution third and fourth applications for admission
of documents from the “bar table”**

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Other

Trial Chamber I ("Trial Chamber" or "Chamber") of the International Criminal Court ("Court"), in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, delivers the following Decision on the Prosecution's third and fourth applications for admission of documents from the bar table:¹

I. Background and Submissions

Third Application

Prosecution Submissions

1. On 26 March 2006, the Office of the Prosecutor ("prosecution") filed the Prosecution's Third Application for Admission of Documents from the Bar Table Pursuant to Article 64(9) ("Third Application"),² seeking leave to introduce eight documents.³ In summary, the prosecution argues that admitting documents from the bar table streamlines the proceedings and avoids calling unnecessary live witnesses; on this basis, the prosecution seeks to introduce hospital certificates and linked affidavits from its investigators, pursuant to Articles 64(9), 69(2) and (3) of the Rome Statute ("Statute") and Rule 63(2) of the Rules of Procedure and Evidence ("Rules").⁴ These documents relate to X-ray images of alleged former child soldiers introduced via expert witnesses DRC-OTP-WWWW-0358 and DRC-OTP-WWWW-0359 on 12 and 13 May 2009 respectively.⁵
2. The prosecution submits that it raised the issues in this application on 17 July 2009.⁶ It contends that these documents are of a non-contentious nature; they do not prejudice the position of the accused; and they should be admitted to

¹ Prosecution's Third Application for Admission of Documents from the Bar Table Pursuant to Article 64(9), 26 March 2010, ICC-01/04-01/06-2379, with confidential annexes A and I-8; Prosecution's Fourth Application for Admission of a Document from the Bar Table Pursuant to Article 64(9), 24 May 2010, ICC-01/04-01/06-2456-Conf, with confidential annexes A and I; public redacted version filed on 31 May 2010 (notified on 1 June 2010), ICC-01/04-01/06-2456-Red.

² ICC-01/04-01/06-2379.

³ ICC-01/04-01/06-2379, page 3.

⁴ ICC-01/04-01/06-2379, paragraph 14.

⁵ ICC-01/04-01/06-2379, paragraph 1.

⁶ Transcript of hearing on 17 July 2009, ICC-01/04-01/06-T-209-ENG WT, page 82, line 15 to page 83, line 2.

establish the truth of their contents.⁷ The prosecution argues that the documents are relevant and probative because they relate to an issue in the proceedings.⁸ It is further contended that they are *prima facie* reliable,⁹ particularly since the certificates bear the stamped letterhead of the hospitals where the X-rays were taken.¹⁰

3. The affidavits and certificates were disclosed to the defence on 7 September 2009 and 17 December 2009 respectively.¹¹ By way of justification for the delay in making this application, the prosecution refers to its attempts to secure agreement with the defence as to the dates when the X-rays were taken.¹² The prosecution submits that any possible prejudice caused by the admission of these documents is outweighed by their probative value, in that they will assist the Chamber in “determining the evidential value of the X-rays and reports”¹³ previously tendered in evidence.¹⁴

Defence Submissions

4. On 6 April 2010, the defence replied to the Third Application,¹⁵ and confirmed that *inter partes* discussions regarding the admissibility of these documents had taken place.¹⁶ Although the defence does not object to the admission of documents 1 to 5 in Annex A to the Third Application, it disputes the prosecution’s assertion that the documents are of a “non-contentious” nature,¹⁷ and it questions their probative value.¹⁸ In this respect, it is stressed

⁷ ICC-01/04-01/06-2379, page 3.

⁸ ICC-01/04-01/06-2379, page 3.

⁹ ICC-01/04-01/06-2379, page 3.

¹⁰ ICC-01/04-01/06-2379, paragraph 7.

¹¹ The prosecution adds that courtesy copies of the affidavits were disclosed to the defence on 3 December 2009.

¹² ICC-01/04-01/06-2379, paragraph 3.

¹³ ICC-01/04-01/06-2379, paragraph 11.

¹⁴ ICC-01/04-01/06-2379, paragraph 11.

¹⁵ Réponse de la Défense à la « *Prosecution's Third Application for Admission of Documents from the Bar Table Pursuant to Article 64(9)* » déposée le 26 mars 2010, 6 April 2010 (notified on 7 April 2010), ICC-01/04-01/06-2390-Conf; public redacted version filed on 6 April 2010 (notified on 7 April 2010), ICC-01/04-01/06-2390-Red.

¹⁶ ICC-01/04-01/06-2390-Red, paragraph 3.

¹⁷ ICC-01/04-01/06-2390-Red, paragraph 4.

¹⁸ ICC-01/04-01/06-2390-Red, paragraph 4.

that documents 1 to 5 postdate by two years the date the X-rays were allegedly taken.¹⁹

5. The defence opposes the Third Application, as regards documents 6, 7 and 8.²⁰ It submits that the affidavit and the pre-registration form relating to the X-rays of DRC-OTP-WWWW-0298 are insufficiently probative,²¹ given that their dates do not correspond with the dates in other medical evidence disclosed to the defence.²²
6. Additionally, in support of its challenge to the introduction of the affidavits and the signed pre-registration forms²³ for DRC-OTP-WWWW-0008 and DRC-OTP-WWWW-0011,²⁴ the defence observes that no medical statements or certificates exist regarding the witnesses' X-ray examinations,²⁵ and it is submitted that the investigator is unable to authenticate the X-ray images or confirm the date on which they were taken.²⁶

Submissions of the Legal Representatives for Victims

7. The legal representative for victims a/0047/06, a/0048/06, a/0050/06 and a/0052/06 filed her observations on 1 April 2010.²⁷ It is argued that the documents are highly relevant to the case and they should be admitted in order establish the truth,²⁸ because they relate directly to four witnesses called

¹⁹ ICC-01/04-01/06-2390-Red, paragraph 5.

²⁰ ICC-01/04-01/06-2390-Red, paragraph 9.

²¹ ICC-01/04-01/06-2390-Red, paragraph 6.

²² ICC-01/04-01/06-2390-Red, paragraph 6.

²³ ICC-01/04-01/06-2390-Red, paragraph 7.

²⁴ Annex A to Prosecution's Third Application for Admission of Documents from the Bar Table Pursuant to Article 64(9), 26 March 2010, ICC-01/04-01/06-2379-Conf-AnxA, page 4.

²⁵ ICC-01/04-01/06-2390-Red, paragraph 7.

²⁶ ICC-01/04-01/06-2390-Red, paragraph 8.

²⁷ Réponse du Représentant légal des victimes a/0047/06, a/0048/06, a/0050/06 et a/0052/06 à la demande aux fins d'admission de documents comme éléments de preuve présentée par l'Accusation le 26 mars 2010, 1 April 2010, ICC-01/04-01/06-2388-Conf. Victims a/0047/06, a/0048/06, a/0050/06 and a/0052/06 are dual status victim-witnesses DRC-OTP-WWWW-0007, DRC-OTP-WWWW-0008, DRC-OTP-WWWW-0010 and DRC-OTP-WWWW-0011, respectively.

²⁸ ICC-01/04-01/06-2388-Conf, paragraph 11.

by the prosecution.²⁹ It is averred that the documents confirm the authenticity of X-ray images previously admitted to determine the witnesses' ages.³⁰

8. It is submitted that admitting these documents is appropriate and necessary, as they will place the Chamber in a better position to evaluate the X-ray images and the accompanying reports.³¹

Fourth Application

Prosecution Submissions

9. On 24 May 2010, the prosecution submitted the Prosecution's Fourth Application for Admission of a Document from the Bar Table Pursuant to Article 64(9) ("Fourth Application"),³² in which it seeks to introduce a single document from the bar table to establish the truth of its contents. The document in question is a forensic report analysing, *inter alia*, the originals of school registers, copies of which were shown to DRC-OTP-WWWW-0157 during his evidence.³³ The prosecution had opposed the introduction of the registers, arguing that they may be forgeries,³⁴ and this report was obtained in order to investigate that possibility.³⁵ It is not proposed to call the authors of the report to give evidence.³⁶ It is submitted that it is relevant and probative of issues in the proceedings, and it will assist the Chamber in its determination of the truth, pursuant to Article 69(3) of the Statute.³⁷

10. The prosecution submits that the report was obtained after the Trial Chamber

²⁹ Witnesses DRC-OTP-WWWW-0007, DRC-OTP-WWWW-0008, DRC-OTP-WWWW-0010 and DRC-OTP-WWWW-0011.

³⁰ ICC-01/04-01/06-2388-Conf, paragraph 11.

³¹ ICC-01/04-01/06-2388-Conf, paragraph 17.

³² ICC-01/04-01/06-2456-Conf; ICC-01/04-01/06-2456-Red.

³³ ICC-01/04-01/06-2456-Red, paragraph 2.

³⁴ ICC-01/04-01/06-2456-Red, paragraph 2.

³⁵ ICC-01/04-01/06-2456-Red, paragraph 3.

³⁶ ICC-01/04-01/06-2456-Red, paragraph 4.

³⁷ ICC-01/04-01/06-2456-Red, paragraph 4.

observed³⁸ that it was open to the parties to call further evidence on the allegation that the school records may have been tampered with. Furthermore, the prosecution submits that the report bears sufficient indicia of reliability, as it is printed on the official letterhead of the Technical and Scientific Police of the French Ministry of the Interior, and the authors are employees of that agency.³⁹

Defence Submissions

11. The defence response is essentially contradictory. It submits the Fourth Application should, in principle, be rejected on the ground that the prosecution seeks to introduce the conclusions of experts whilst avoiding their examination before the Chamber.⁴⁰ Furthermore, it criticises the timing of the Fourth Application.⁴¹ The defence argues that by virtue of Article 69(2) of the Statute, witnesses should be heard in person, and that admitting the report from the bar table without affording the defence an opportunity to question the authors would be contrary to the rights of the defence under Article 67(2) of the Statute.⁴² The defence further contends that the prosecution has failed to justify delaying instructing the expert until December 2009, given that the prosecution had earlier expressed its reservations as to the school documents (when they were shown to DRC-OTP-WWWW-0157 in June 2009).⁴³ Additionally, it is submitted that the prosecution should not have waited until May 2010 to apply to admit a report that has been in its possession since February 2010.⁴⁴

12. However, having set out those various objections, the defence then invites the

³⁸ In support of this argument the prosecution refers to transcript of hearing on 9 December 2009, ICC-01/04-01/06-T-222-ENG ET WT, page 33, lines 3 – 8.

³⁹ ICC-01/04-01/06-2456-Red, paragraph 20.

⁴⁰ Réponse de la Défense à la « *Prosecution's Fourth Application for Admission of a Document from the Bar Table Pursuant to Article 64(9)* » déposée le 24 mai 2010, 15 June 2010, ICC-01/04-01/06-2479-Conf, paragraph 3.

⁴¹ ICC-01/04-01/06-2479-Conf, paragraph 3.

⁴² ICC-01/04-01/06-2479-Conf, paragraph 5.

⁴³ ICC-01/04-01/06-2479-Conf, paragraph 6.

⁴⁴ ICC-01/04-01/06-2479-Conf, paragraph 6.

Chamber to grant the prosecution's Fourth Application on the basis that the information contained in the report is relevant, and it illustrates the partial attitude of the prosecution in undertaking its investigations.⁴⁵

13. Additionally, the defence submits the Chamber should have the opportunity to examine the originals of the school register ⁴⁶ of the Rwampara [REDACTED] School for the years [REDACTED] and the register of certificates⁴⁷ from the same school for the years [REDACTED], so as to determine whether the information on witness DRC-OTP-WWWW-0157 in the first document is corroborated by the information in the second document.⁴⁸ The defence therefore requests the Chamber to order the prosecution to make available the originals of the documents bearing the EVD numbers EVD-D01-00170 and EVD-D01-00169.⁴⁹

II. Applicable Law and relevant Decisions

14. In accordance with Article 21(1) of the Statute, the Trial Chamber has considered the following provisions:

Article 64 of the Statute

Functions and powers of the Trial Chamber

[...]

2. The Trial Chamber shall ensure that a trial is fair and expeditious and is conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

[...]

9. The Trial Chamber shall have, inter alia, the power on application of a party or on its own motion to:

(a) Rule on the admissibility or relevance of evidence.

[...]

⁴⁵ ICC-01/04-01/06-2479-Conf, paragraph 7.

⁴⁶ DRC-OTP-0224-0347, admitted into evidence with the number EVD-D01-00170.

⁴⁷ DRC-OTP-0224-0495, admitted into evidence with the number EVD-D01-00169.

⁴⁸ ICC-01/04-01/06-2479-Conf, paragraph 9.

⁴⁹ ICC-01/04-01/06-2479-Conf, paragraph 10. The documents' ERN numbers are DRC-OTP-0224-0347 and DRC-OTP-0224-0495 respectively.

Article 67 of the Statute**Rights of the accused**

1. In the determination of any charge, the accused shall be entitled to a public hearing, having regard to the provisions of this Statute, to a fair hearing conducted impartially, and to the following minimum guarantees, in full equality:

[...]

(b) To have adequate time and facilities for the preparation of the defence [...]

Article 69 of the Statute**Evidence**

[...]

2. The testimony of a witness at trial shall be given in person, except to the extent provided by the measures set forth in article 68 or in the Rules of Procedure and Evidence. The Court may also permit the giving of *viva voce* (oral) or recorded testimony of a witness by means of video or audio technology, as well as the introduction of documents or written transcripts, subject to this Statute and in accordance with the Rules of Procedure and Evidence. These measures shall not be prejudicial to or inconsistent with the rights of the accused.

3. The parties may submit evidence relevant to the case, in accordance with article 64. The Court shall have the authority to request the submission of all evidence that it considers necessary for the determination of the truth.

4. The Court may rule on the relevance or admissibility of any evidence, taking into account, *inter alia*, the probative value of the evidence and any prejudice that such evidence may cause to a fair trial or to a fair evaluation of the testimony of a witness, in accordance with the Rules of Procedure and Evidence.

Rule 63 of the Rules**General provisions relating to evidence**

[...]

2. A Chamber shall have the authority, in accordance with the discretion described in article 64, paragraph 9, to assess freely all evidence submitted in order to determine its relevance or admissibility in accordance with article 69.

3. A Chamber shall rule on an application of a party or on its own motion, made under article 64, subparagraph 9 (a), concerning admissibility when it is based on the grounds set out in article 69, paragraph 7.

Rule 64 of the Rules**Procedure relating to the relevance or admissibility of evidence**

1. An issue relating to relevance or admissibility must be raised at the time when the evidence is submitted to a Chamber. Exceptionally, when those issues were not known at the time when the evidence was submitted, it may be raised immediately after the issue has become known. The Chamber may request that the issue be raised in writing. The written motion shall be communicated by the Court to all those who participate in the proceedings, unless otherwise decided by the Court.

2. A Chamber shall give reasons for any rulings it makes on evidentiary matters. These reasons shall be placed in the record of the proceedings if they have not

already been incorporated into the record during the course of the proceedings in accordance with Article 64, paragraph 10, and Rule 137, sub-rule 1.

3. Evidence ruled irrelevant or inadmissible shall not be considered by the Chamber.

III. Analysis and Conclusion

15. The Chamber set out its approach to the admission of documents from the bar table in its first Decision on material in this category.⁵⁰ It indicated, *inter alia*, that the general approach to the admissibility of evidence laid down in the Chamber's "Decision on the admissibility of four documents"⁵¹ will be applied on a case-by-case basis.⁵² The Chamber has therefore considered the documents the prosecution seeks to introduce individually, applying the approach it has established, namely the three-stage test based, first, on relevance, second, probative value and, third, an evaluation of the probative value of the evidence weighed against any prejudice that may be caused by the admission of the material.

The Third Application

16. Documents 1 to 5 of Annex A relate to the certificates issued by the [REDACTED] and the [REDACTED] in July 2009, ostensibly confirming the dates when the wrist and mandible X-rays were taken for DRC-OTP-WWWW-0008, DRC-OTP-WWWW-0011 and DRC-OTP-WWWW-0298 in December 2007. They were issued under the official letterhead of the hospitals where the X-rays were taken, and they are stamped and signed. The X-rays have already been admitted into evidence. Furthermore, the dates on the certificates are identical to those set out by the experts.

⁵⁰ Decision on the admission of material from the "bar table", 24 June 2009, ICC-01/04-01/06-1981.

⁵¹ Decision on the admissibility of four documents, 13 June 2008, ICC-01/04-01/06-1399.

⁵² At paragraph 32 of its "Decision on the admissibility of four documents", the Chamber stated that the application of the three-stage test is always a fact-sensitive decision.

17. As rehearsed above, the defence questions the probative value of this material. It argues that the documents, created two years after the event in question, cannot establish the authenticity of X-rays of teeth and bones introduced to establish the ages of alleged former child soldiers.⁵³ That said, the defence invites the Chamber to admit these documents.⁵⁴

18. The ages of these alleged former child soldiers are relevant issues in this case; these documents are, *prima facie*, probative of those issues; and bearing in mind that their admissibility is accepted by the defence, it is clear that their probative value is not outweighed by any prejudicial effect. In due course, the Chamber will assess their evidential weight, as appropriate.

19. Therefore, documents 1 to 5 in Annex A to the Third Application will be admitted via the bar table.

20. In relation to documents 6 to 8 (*viz.* the affidavits of the investigators and the pre-registration forms relating to the X-rays of DRC-OTP-WWWW-0008, DRC-OTP-WWWW-0011 and DRC-OTP-WWWW-0298), as set out above, the prosecution is seeking to introduce this material without calling the authors of the documents. The defence contends that they are inherently unreliable, particularly because the dates of the documents relating to DRC-OTP-WWWW-0298 allegedly do not correspond to the dates in other medical evidence disclosed to the defence, and medical certificates relating to witnesses DRC-OTP-WWWW-0008 and DRC-OTP-WWWW-0011 are missing.

21. This evidence is essentially formal in nature, given it merely introduces some of the documentation relevant to the X-rays (*viz.* the pre-registration forms) and the circumstances in which they were obtained. However, given this

⁵³ ICC-01/04-01/06-2390-Conf, paragraph 5.

⁵⁴ ICC-01/04-01/06-2390-Conf, paragraph 4.

documentary evidence is opposed, it is necessary to investigate the merits of the prosecution's application.

22. The statutory framework of the Court establishes the clear presumption that the evidence of a witness at trial will be given orally.⁵⁵ Article 69(2) of the Statute, however, expressly recognises the possibility of derogation from this principle, in accordance with Article 68 of the Statute or the Rules. In this context, the Court can receive documents or written transcripts, subject to the Statute and the Rules, so long as these measures are not prejudicial to or inconsistent with the rights of the accused.

23. Therefore, the Chamber needs to consider whether it is fair to admit the material without calling the relevant witnesses to give oral evidence. It is clear that this evidence is relevant and probative, given that it relates to matters that are currently under consideration by the Chamber – the pre-registration forms and the affidavits are part of the evidence that relates to the age of a witness or witnesses during the timeframe relevant to the charges against the accused. There is no suggestion that the X-rays are forgeries or that there has been an error in their handling. The arguments as to the reliability of the affidavits and the pre-registration forms, on the basis of the suggested discrepancies as to, first, the dates of the X-rays, second, the material currently under consideration, and, third, other medical records, constitute questions of weight, not admissibility, that the Chamber will address in due course, as appropriate. It is not suggested that calling the authors of the affidavits and the pre-registration forms will assist in resolving those alleged discrepancies, and accordingly there is no material prejudice that will be occasioned by introducing the documents from the bar table rather than by way of oral

⁵⁵ See ICC-01/04-01/06-1399, paragraph 22 (highlighting the “desirability of witnesses giving oral evidence” and noting that the first sentence of Article 69(2) of the Statute requires that witness testimony “shall be given in person”).

evidence. In all the circumstances, the potential probative value of this evidence is not outweighed by any prejudice that will be caused by admitting it from the bar table.

24. The investigators' affidavits and the signed pre-registration forms for DRC-OTP-WWWW-0008, DRC-OTP-WWWW-0011 and DRC-OTP-WWWW-0298, together with the X-rays,⁵⁶ and the statements from the relevant witnesses⁵⁷ form a body of evidence that, *prima facie*, assists as to when these events occurred. The Chamber, if necessary, will in due course consider any arguments as to the lack of appropriate medical certificates.

25. Therefore, the documents contained in documents 6 to 8 of Annex A to the Third Application will be admitted via the bar table.

Fourth Application

26. Essentially, the prosecution is seeking to introduce the results of a forensic analysis of school records conducted by experts via their report without calling any of them to give evidence.

27. As set out above, the statutory framework of the Court establishes the clear presumption that the evidence of a witness at trial will be given orally.⁵⁸ Article 69(2) of the Statute, however, expressly recognises the possibility of derogation from this principle, in accordance with Article 68 of the Statute

⁵⁶ The X-ray and accompanying report relating to Witness DRC-OTP-WWWW-0008 are numbered EVD-OTP-00429 and EVD-OTP-00428 respectively; the X-rays and accompanying report relating to Witness DRC-OTP-WWWW-0011 are numbered EVD-OTP-00433, EVD-OTP-00434 and EVD-OTP-00432 respectively; the X-ray and accompanying report relating to Witness DRC-OTP-WWWW-0298 are numbered EVD-OTP-00444 and EVD-OTP-00443 respectively.

⁵⁷ Transcript of hearing on 12 May 2009, ICC-01/04-01/06-T-172-Red-ENG CT WT and Transcript of hearing on 13 May 2009, ICC-01/04-01/06-T-173-ENG CT WT.

⁵⁸ See ICC-01/04-01/06-1399, paragraph 22 (highlighting the "desirability of witnesses giving oral evidence" and noting that the first sentence of Article 69(2) of the Statute requires that witness testimony "shall be given in person").

and the Rules of Procedure and Evidence. In this context, the Court can receive documents or written transcripts, subject to the Statute and the Rules of Procedure and Evidence, so long as these measures are not prejudicial to or inconsistent with the rights of the accused.

28. Ordinarily, therefore, the Chamber needs to consider whether it is fair to admit the material without calling the relevant witnesses to give oral evidence. However, in this instance the defence agrees that this report should be admitted without calling the authors, and, given that agreement (and the Chamber's consent), it is unnecessary to consider this particular issue further. Generally, it is sufficient to observe that the report concerns the authenticity of school records already admitted into evidence.⁵⁹ These records were shown to witness DRC-OTP-WWWW-0157 by the defence during questioning. As rehearsed earlier, the prosecution objected on the basis that they may be forgeries. When admitting the documents into evidence, the Chamber observed that it was open to both parties to call further evidence on the issue, and it stressed that "it may be helpful to the Chamber in [its] investigation of this area of the case to hear further evidence, if it is possible to resolve with some reasonable level of finality whether or not they are forgeries."⁶⁰

29. Against that background, the report has *prima facie* relevance, and it has probative value, not least because it is printed on the official letterhead of the French Technical and Scientific Police (Ministry of Interior) and the authors who signed it work for that agency.

30. Therefore, the report of the experts, which is the subject of the Fourth Application, will be admitted via the bar table.

⁵⁹ ICC-01/04-01/06-T-222-ENG ET, page 33, lines 1 – 3.

⁶⁰ ICC-01/04-01/06-T-222-ENG ET, page 33, lines 3 – 8.

31. As to the defence request to instruct the prosecution to provide the originals of the two school documents that were the subject of the report (and copies of which were introduced into evidence by the defence with the numbers EVD-D01-00170 and EVD-D01-00169 during the examination of defence witness DRC-D01-WWWW-0029),⁶¹ the Chamber considers that it is not necessary to review the originals. Examining adequate copies of the documents, taking into consideration the results of the forensic analysis, will suffice.

IV. Orders of the Chamber

32. The Chamber grants the prosecution's Third Application and instructs the Registry to assign EVD numbers to the documents listed in confidential annex A of that application.

33. The Chamber grants the prosecution's Fourth Application and instructs the Registry to assign an EVD number to the document submitted in confidential annex 1 to that application.

34. The Chamber refuses the defence application to order the prosecution to provide originals of the documents, copies of which were admitted into evidence with the numbers EVD-D01-00169 and EVD-D01-00170.

⁶¹ Transcript of hearing on 25 May 2010, ICC-01/04-01/06-T-293-CONF-ENG ET, page 56, line 1 to page 57, line 15.

Done in both English and French, the English version being authoritative.



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 17 November 2010

At The Hague, The Netherlands