

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Friday, 16 July 2021
10 (The hearing starts in closed session at 9.34 a.m.)
11 THE COURT USHER: [9:34:21] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:34:57](Interpretation) The hearing shall now
15 begin.
16 Good morning, everyone.
17 Courtroom officer, please call the case.
18 THE COURT OFFICER: [9:35:07] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
20 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number
21 ICC-01/12-01/18.
22 And for the record, we are in closed session.
23 PRESIDING JUDGE MINDUA: [9:35:32](Interpretation) Thank you very much,
24 courtroom officer.
25 As is the case every morning, we will now begin with the introductions, starting with

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1 the OTP.

2 Mr Prosecutor.

3 MR DUTERTRE: [9:35:44](Interpretation) Thank you, your Honour. Good
4 morning, your Honours. The OTP team is made up of the usual members of staff:
5 Ms Yayoi Yamaguchi, Mousa Allafi, Lucio Garcia, and myself, Gilles Dutertre. I
6 greet everyone here within and around the courtroom.

7 PRESIDING JUDGE MINDUA: [9:36:20](Interpretation) Thank you very much,
8 Prosecution.

9 Defence. Counsel.

10 MS TAYLOR: [9:36:25] Good morning, Mr President. Good morning, your
11 Honours. Good morning to everyone inside the courtroom and around the
12 courtroom. The Defence for Mr Al Hassan is represented today by
13 Ms Sarah Marinier-Doucet, Mr Mohamed Youssef, and myself, Melinda Taylor.

14 Thank you.

15 PRESIDING JUDGE MINDUA: [9:36:48](Interpretation) Thank you very much,
16 Ms Taylor.

17 And now the Legal Representatives of Victims. Counsel.

18 MR LUVENGIKA: [9:36:54](Interpretation) Good morning, your Honours. The
19 victims are represented at the hearing today by Ms Ludivine Tixier-Dunet, Madam
20 Prisque Biyéké Dipanga, and Julie Goffin and myself, Fidel Luvengika Nsita. And I
21 take the opportunity to greet everyone here in the courtroom. Thank you.

22 PRESIDING JUDGE MINDUA: [9:37:27](Interpretation) Thank you very much,
23 counsel.

24 And now the witness's counsel. Counsel.

25 [REDACTED] [9:37:35](Interpretation) Good morning, Mr President. Good

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1 morning, your Honours. [REDACTED] I am the counsel and legal
2 adviser [REDACTED] the witness appearing in this case. I take
3 this opportunity to extend my greetings to everyone taking part in this hearing.
4 Thank you.

5 PRESIDING JUDGE MINDUA: [9:38:01](Interpretation) (no interpretation)

6 Good morning, Mr Witness, how are you?

7 WITNESS: MLI-OTP-P-0150 (On former oath)

8 (The witness speaks Arabic)

9 THE WITNESS: [9:38:14](Interpretation) I am doing well. I'm grateful to you. I
10 greet you, Mr President, and I greet the Honourable Judges besides you. Thank you.

11 PRESIDING JUDGE MINDUA: [9:38:24](Interpretation) Thank you very much,
12 Mr Witness.

13 Once again, I would like to thank you on behalf of the Chamber for your cooperation,
14 and I would like to remind you that are still under oath and you must tell the truth,
15 the whole truth, and nothing but the truth.

16 Today we will continue with cross-examination by the Defence. But before allowing
17 Ms Taylor to address the Court, I do have an oral decision from the Chamber and
18 instructions in relation to our hearing on Monday.

19 First of all the oral decision:

20 [REDACTED]
21 [REDACTED] The Chamber is of the
22 view that it is essential to strike the necessary balance between the rights of the
23 accused to a fair trial and the Chamber's obligation to protect the security and
24 well-being and dignity and private life of the witness.

25 [REDACTED]

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3 Nonetheless, you must remain strictly within the limits of the instructions issued by
4 the Chamber. These instructions shall be applied strictly. Thus, there you have it.
5 The majority, Judge Akane and Prost, allow you to continue, whereas I was opposed.
6 But that is the outcome. So please pay careful attention to the instructions.
7 Now instructions regarding Monday's sitting. The Chamber has decided to hold
8 hearings as follows: The first session will be from 9.30 to 11; the second, 11.30 to
9 13.15; then we will have our lunch break, and the last session will be held from 14.15
10 to 15.30. It's a rather difficult exercise to agree to the witness's request and at the
11 same time -- at the same time provide for the necessary time so that we can meet our
12 final deadline.

13 Ms Taylor, you may now continue with your cross-examination.

14 MS TAYLOR: [9:42:34] Thank you, Mr President.

15 QUESTIONED BY MS TAYLOR: (Continuing)

16 Q. [9:42:39] And good morning, Mr Witness. How are you?

17 A. [9:42:44] Doing well. Good morning. Thank you very much.

18

19

20 A. [9:43:13] Yes, that is true.

21 Q. [9:43:19] Now, Mr Witness, is it correct that you told the Prosecution during the
22 preparation session that the presence of Ansar Dine in Timbuktu decreased the risk of
23 harm for the people of Timbuktu from other militia or groups?

24 A. [9:43:54] Yes. I did indeed say that.

25 Q. [9:44:01] Now, based on what you saw and heard in 2012, would you agree that

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1 if the MNLA or Arab militia had taken control of Timbuktu, they would not have
2 provided funding or assistance to the local population?

3 A. [9:44:34] Yes. Even more than that. The warehouses they took control of, they
4 did not distribute the belongings there to the people, unlike Ansar Dine. Ansar Dine,
5 when they took control of warehouses, they distributed the things that were stored in
6 those warehouses to the people.

7 Q. [9:45:01] Now, is it correct that in 2012, it was your understanding that
8 Mahmoud Dicko, the leader of the High Islamic Council, supported the application of
9 Sharia principles in the north of Mali?

10 A. [9:45:28] Yes. And I'm not sure how I learned about that exactly, but I think he
11 himself sent a delegation to Timbuktu to explain to us their stance. So these -- this
12 delegation explained the stance, and I was present at that meeting. I now have a
13 rough memory of the matter. I am not sure how the two things are related, which is
14 whether Dicko is the person who sent them.

15 Q. [9:46:13] And did representatives of different tribes and groups from other areas
16 in Mali come to Timbuktu in 2012 to convey their support for the application of Sharia
17 principles by Ansar Dine?

18 A. [9:46:46] I don't have a full picture regarding the arrival of dignitaries from
19 outside to Timbuktu coming individually to Ansar Dine. I'm aware that such thing
20 happened, but I did not witness cases that I can cite as examples here. I was,
21 however, present at a public gathering of tribal dignitaries for this purpose indeed,
22 which is to support the enforcement of Sharia. And they were able to reach a very
23 advanced level of agreement.

24 They -- they agreed on the broad strokes of Sharia enforcement; they agreed on
25 renouncing tribal discords; and also on determining the financial year certain,

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1 determinations on the financial year; and to give charitable donations to Ansar Dine
2 instead of giving them individually to the poor.

3 Q. [9:47:58] Now, P-65, a Prosecution witness, testified at transcript 46, page 12 to
4 13, as follows:

5 "Question: In 2012, is it correct that the punishment for listening to secular music
6 was to delete the music off the phone and upload a *nasheed*?

7 Answer: Yes. That's what we saw. Every person caught listening in public to
8 music on his phone, on the street, or even at his home but using a loudspeaker, the
9 device holding the music would be taken from him, the music would be deleted and
10 would be replaced with sermons and *nasheeds*."

11 And then continuing on the next page at line 12:

12 "This was in Timbuktu during the Islamists' control in 2012. And I believe this was
13 [...] how the situation was like throughout that year. I did not hear of any fines or
14 punishments or whipping or any kind of other sanction [...] What I told you [...] was the only reaction that I heard when it comes to listening to music."

16 I understand that the word "*nasheed*" might not have been translated correctly,
17 *anasheed*.

18 THE ARABIC INTERPRETER: [9:49:41] Okay. Sorry. I didn't catch it. I will -- I
19 can redo it, of course.

20 MS TAYLOR: [9:50:13]

21 Q. [9:50:14] Mr Witness, is it correct that this is a punishment that was applied for
22 listening to music?

23 A. [9:50:33] I would not call it really a punishment. It was merely a measure
24 recommended by the emirs after certain problems happened related to music
25 listening, in addition to incidents of beating as a result of what some members of

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1 Ansar Dine said were actions by stubborn opponents.

2 What was said is indeed correct. Let me start by that. That is a true reflection of

3 what happened, but it is not everything, and it is true only to a certain period. It is

4 not true to say that that was the case throughout the year.

5 As per my testimony at the beginning of the year, there was even a -- a breaking of

6 music-listening devices and also a confiscation of these devices, in addition to beating

7 who -- against people who continued playing music, despite being asked not to two

8 or three days before. And they were deemed by the officers as stubborn people.

9 In addition to other problems, that eventually led to the dismissal of Adam, in

10 addition to problems that were proven Abou Baccar Al Chinguetti is responsible for.

11 And these problems pertained to photos and music as well.

12 My understanding of this particular problem is that one barber was insistent and

13 stubborn and continued to play music loud at his barbershop. He also continued to

14 hang pictures that show -- showed the types of hairdressing he was able to provide to

15 his clients. This person was beaten, and his music listening-device was also broken.

16 So what the witness said, the words you've just shared, are true, but it's not

17 everything.

18 Q. [9:52:59] And, Mr Witness, do you recall telling the Prosecution [REDACTED] that

19 you could not remember any punishments being imposed on people for playing

20 music? And I can bring up the reference. [REDACTED]

21 And I'll just get -- the tab number is 1337, and I'll read from line 510:

22 "So they were ... so they were not happy with the patrols when they asked them to

23 turn off music or even seizing the equipments in addition to the pictures and the

24 banners.

25 Barbers for example used to stick posters in the wall with different haircuts.

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1 So, the locals were not happy with these things.

2 But I don't remember any punishment to a person because he was playing music for
3 example.

4 Or sticking a picture on the wall."

5 Have you had a chance, Mr Witness, to -- to follow the Arabic text?

6 A. [9:55:04] Yes. This is correct.

7 [REDACTED] And that's only four years after
8 the events, and you're specifically talking about barbers. And you told the
9 Prosecution that you could not remember any punishments being imposed on people
10 for playing music.

11 A. [9:55:38] Yes. And this is the problem of memory. Memory sometimes is
12 good, sometimes it is not so good. And I've given this testimony over the course of
13 many years. So I would remember certain things and forget other things on
14 different occasions.

15 What I mean to say in this regard is that there was no systematic punishment
16 regarding music. There was no adopted Sharia definition regarding music. People
17 acted independently. This was not a punishment on music. It was more a
18 punishment on stubbornness and disobedience. Within Islamic Sharia itself and also
19 within the laws that were applied and the rules applied at the time, there was no law
20 or sanction regarding music, nor was there any law or punishment regarding many of
21 the things that some people were beaten for. There was no clearly laid-out
22 punishment regarding music, neither within Sharia, nor within the rules of the group
23 and their rule.

24 When I -- when I mention somebody was beaten for music, I don't know -- in -- in fact,
25 some people were beaten because they continued playing music on their record

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1 devices anyway. And I think I'm aware of two cases of this kind.

2 Q. [9:57:25] Now, I'd like to bring up OTP tab 279. And it's MLI-OTP-0001-7515.

3 It's the Arabic. And the English is OTP tab 280. It's MLI-OTP-0052-0019.

4 Mr Witness, do you have the Arabic text with you?

5 Now, Mr Witness, this has written on it that it's complaint by brother Abduljalil to
6 brother Adam. And the subject of the complaint is that Adam let the police inside
7 his house at midnight without permission while he was sleeping and his wife was
8 awake.

9 Now, At transcript T-113, page 48, you referred to an individual called Abduljalil
10 Alkhayat.

11 Is this the same individual that filed this complaint?

12 A. [10:00:00] It is.

13 Q. [10:00:03] Now, Mr Witness, I'm going to be going through some issues that
14 related to the sketch that you did yesterday. And it can either be brought up on
15 your screen or you could be provided a hard copy or both.

16 Would you like to have the hard copy?

17 A. [10:00:37] It's fine to just have it on the screen.

18 Q. [10:00:43] If the Registrar could kindly bring that up on the screen.

19 So, Mr Witness, to the far left, we have a rectangular shape. And that's the airport.
20 That's correct?

21 A. [10:01:42] Yes.

22 Q. [10:01:43] When you say "airport," are you referring to the building where
23 people would go inside to go check in for flights? Is that what you're referring to?

24 A. [10:02:05] Yes.

25 Q. [10:02:10] And according to this, we have a gate in front of it - is that

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1 correct? - and road going through the gate towards the front of the airport? Is that
2 correct?

3 A. [10:02:26] Yes, that's correct.

4 Q. [10:02:31] And was this road going straight to the airport, was that paved or
5 unpaved?

6 A. [10:02:53] Would you please explain to me the reference to "paved" or whether it
7 has a sidewalk.

8 Q. [10:03:01] I apologise. That might be a translation issue. I guess paved is
9 usually when it's got bitumen. Unpaved would be when it's a dirt track.

10 A. [10:03:21] What I remember is that it was not paved, and that's why I called it
11 the *piste*. That's the word I used, and I would use that word in reference to unpaved
12 roads.

13 Q. [10:03:42] Now, I'm going to play a video. It was a video that was filmed
14 around April 2012, so not at the time of the incident you described. I'm going to play
15 it without sound. It's Defence tab 288. It's MLI-OTP-0011-0259. We'll play it
16 without sound from evidence 2 from the 0 to the 2:38 mark.

17 I just -- I've been told that -- I thought I had given it, but I apologise. I apparently
18 have not given the reference for the sketch for the record.

19 It's MLI-REG-0001-0108.

20 (Viewing of the video excerpt)

21 MS TAYLOR: [10:06:39] I believe we can stop it here. So for the record, it stopped
22 at 1:45.

23 Q. [10:06:48] So, Mr Witness, would you agree that in this video you can see a
24 paved road running alongside the front of the airport; that's correct?

25 A. [10:07:10] Yes. But this is different from my description and my sketch. Here

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1 you're showing me the part between the building and --

2 THE ARABIC INTERPRETER: [10:07:24] Another part we can't gather.

3 THE WITNESS: [10:07:27](Interpretation) This is not the side road I described as

4 unpaved. It is -- it -- it spins off from the Kabara road, and it's -- it goes west of the

5 airport. And I said we were standing. It doesn't mean we're standing at the airport

6 here. We were standing at the east of the airport preparing to get into the airport.

7 THE ARABIC INTERPRETER: [10:07:49] Note from the interpreters: At the

8 beginning of his answer, he mentioned the road between the building and something

9 else we could not gather.

10 MS TAYLOR: [10:07:58]

11 Q. [10:07:59] Mr Witness, the interpreters couldn't catch one of your words.

12 I believe in the English transcript we have: "This is not the side road I described.

13 It's --" And then: "It spins off from the Kabara road."

14 Do you recall what you said?

15 A. [10:08:25] The area shown in this video is the area that exists inside the square I

16 described as the airport, right at the gate. This is inside the airport, not outside the

17 airport.

18 The -- I described to you the road that spins off from the main road south of

19 Timbuktu on to Kabara. At some point, I said there became a road that spun off

20 from there to the west. This western road was not paved, and it leads to the airport.

21 So once you are inside the airport, you would see that everything is paved. Here,

22 you are showing me the inside part of the airport.

23 Q. [10:09:16] Perhaps if we bring your sketch up again, if you could assist us to

24 understand this better. It's MLI-REG-0001-0108.

25 Now, I believe you can make annotations on the screen, or you could make

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1 annotations on the hard copy. Now, you told me earlier that this rectangular shape
2 was the airport building. And you've now claimed it's an airport compound.

3 Can you explain where these roads are by reference to what we just saw in the video.

4 A. [10:10:37] Yes. You see the airport and the gate of the airport, and then before
5 that, you see something that I called the entrance. And you see how the road
6 branches off from the south to the west. The road that extends from north to south
7 reaches Kabara. Of course I should have drawn a line to Kabara south. That road
8 branched off westward in the direction of the airport.

9 The -- the people I've described were right at that location getting ready to go to the
10 airport. There is an entrance. It's just a small barrier. When you're coming in car,
11 you slow down as you reach that barrier. Then you get into from the airport gate.
12 This is the road I described as unpaved.

13 And my memory should not be taken as cast in stone. I might have think -- I might
14 remember things differently. But what you've shown me is different from the area I
15 described. This is inside the gate and the airport. I didn't refer to this as a road in
16 the first place. How come I would describe it as an unpaved road.

17 What I referred to as an unpaved road is the road that branches off, that diverges
18 from the south to the west in the direction of the airport. And that's the location
19 where we were standing and waiting to continue our way to the airport.

20 Q. [10:12:35] I'm just going to play another video. This is OTP tab 1246. It's
21 MLI-OTP-0018-0345.

22 (Viewing of the video excerpt)

23 MS TAYLOR: [10:13:59]

24 Q. [10:14:01] What kind of cars did you see driving through?

25 A. [10:14:15] These cars were the cars frequently used by the jihadists. I called

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1 them the Toyota pickups 4x4.

2 Q. [10:14:32] I'll play another video. It's tab 1156. It's MLI-OTP-0018-0195.

3 (Viewing of the video excerpt)

4 MS TAYLOR: [10:15:20] And if we could go back and freeze on the point 14:02.

5 Q. [10:15:51] So, Mr Witness, here we see a paved road running alongside another
6 angle of the airport.

7 Can you see any barriers or gates from this angle?

8 A. [10:16:13] Here you're -- you're not showing me any road. What we see here
9 are paved squares inside the airport. The road that comes from the eastern exit of
10 the airport is a road that you have not shown yet. Let me say that the cars you see
11 here are cars coming from the gate as we see them appear in the video.

12 But as I said, the part between the gate until the airport is not -- the *piste* that is -- has
13 not been shown. What you're showing here is not roads. It's squares inside the
14 airport.

15 Q. [10:17:10] I'm going to play another video. And it's MLI-OTP-0018-0350.

16 We'll play it without sound.

17 (Viewing of the video excerpt)

18 MS TAYLOR: [10:17:54] We'll play it again and stop at 5:24.

19 (Viewing of the video excerpt)

20 MS TAYLOR: [10:18:14] So we're stopping at the 6 mark.

21 Q. [10:18:18] Mr Witness, do you recognise the person on the left?

22 A. [10:18:33] I do. That's Talha.

23 Q. [10:18:37] And if we could then play through to 10:05.

24 (Viewing of the video excerpt)

25 MS TAYLOR: [10:18:49] That was 10:12.

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1 Q. [10:18:52] Do you -- what type of vehicle can you see on the right?

2 I can -- I can play it further so that you can see it in full because I can see he can only
3 see the front part of it. So we can play the video in full again.

4 (Viewing of the video excerpt)

5 MS TAYLOR: [10:19:42]

6 Q. [10:19:46] And What video -- I'm sorry. What -- could you describe the vehicle
7 that was parked inside -- in front of the fence.

8 A. [10:20:01] This is what I would call a white Toyota with a closed cabin.

9 PRESIDING JUDGE MINDUA: [10:20:17](Interpretation) Prosecutor.

10 MR DUTERTRE: [10:20:17](Interpretation) Yes, your Honour. For the clarity of the
11 transcript, we have to be more precise here because we can see lots of different
12 vehicles in reality.

13 PRESIDING JUDGE MINDUA: [10:20:27](Interpretation) Indeed, Ms Taylor. We
14 have to know exactly where we are with regards to the timestamp.

15 MS TAYLOR: [10:20:35] Yes, certainly. We can play it again and stop at two
16 different junctures.

17 (Viewing of the video excerpt)

18 MS TAYLOR: [10:21:34] We have the 12:16 mark.

19 Q. [10:21:53] Mr Witness, can you describe this car at the 12:16 mark.

20 A. [10:22:07] I -- as per the habit, I would call this a Toyota with a closed
21 compartment. An observation to make regarding this car -- and we saw the front
22 part of the car at the beginning of the video. I'm not sure if we're talking about one
23 same car here. I'm afraid there could be two cars in these shots.

24 Q. [10:22:35] There could indeed.

25 And what type of car did you see in the front part of the video? And we can go back

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1 to the relevant second. We can stop again at 10:05.

2 A. [10:23:04] It is very difficult to be conclusive; however, this white car I would
3 most likely think of it as a police car, a car with a closed compartment, a white Toyota.
4 But the -- what lacks there is the back part, the aerial part of the car -- the rear of the
5 car.

6 Q. [10:23:38] Now, apart from Talha, did you recognise any other individuals in
7 this segment?

8 I can play it again. I'll play it again, Mr Witness.

9 (Viewing of the video excerpt)

10 THE WITNESS: [10:24:21](Interpretation) Maybe if you could play from the start
11 and stop when I raise my hand because I recognised many individuals, and there are
12 those whom I have not yet recognised. I believe I know everyone who appears in
13 these shots, but some of them are probably in a posture that is not so recognisable.
14 So if you could please play it again and stop at the first part.

15 MS TAYLOR: [10:24:52] Certainly.

16 (Viewing of the video excerpt)

17 THE WITNESS: [10:25:08](Interpretation) If we could stop here indeed. In this shot,
18 I recognise at least three people.

19 They are the person dressed in green with a red turban, if we can call such colour red.
20 And the second -- and that's the second person to the left. This person is Abou
21 Youssef. [REDACTED]

22 [REDACTED] The person in the middle is Talha with a black turban. [REDACTED]

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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4 He is a member of the Shura council and I believe he continues to be a member of that
5 council. I think he is still alive.

6 You may continue playing the video.

7 MS TAYLOR: [10:26:35]

8 Q. [10:26:36] Before we do so, I just want to mark for the record that it's at 2:19 that
9 you made the identifications.

10 And in future, Mr Witness, if you could -- I appreciate you giving the identifications,
11 but if I could give the timestamp first.

12 (Viewing of the video excerpt)

13 THE WITNESS: [10:27:09](Interpretation) In this shot I see Talha. I recognise only
14 Talha and Abou Youssef. This is at timestamp 05:15.

15 (Viewing of the video excerpt)

16 THE WITNESS: [10:27:41](Interpretation) Timestamp 12:01, I see Radwan very close
17 here besides the car and flanked afar by Talha and Abou Youssef.

18 (Viewing of the video excerpt)

19 THE WITNESS: [10:28:08](Interpretation) Timestamp 14:20, there appears Abduljalil
20 about whom we've spoken previously, in addition to Radwan.

21 (Viewing of the video excerpt)

22 MS TAYLOR: [10:28:32]

23 Q. [10:28:34] Thank you, Mr Witness.

24 Now, yesterday, I played the video MLI-OTP-0018-0741. And at transcript 118,
25 real-time, page 50, lines 13 to 23, you again identified Khaled Al Sahraoui.

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1 Now I'm going to play it in full without sound. OTP tab 1541. And we'll play it
2 from evidence 2.

3 (Viewing of the video excerpt)

4 MS TAYLOR: [10:30:15]

5 Q. [10:30:15] Did you identify anyone other than Khaled?

6 A. [10:30:26] Roughly speaking, I recognised the faces of the individuals. But with
7 regards to the militant group, I only recognise Khaled at this stage.

8 Q. [10:30:41] Now, at transcript 107, page 39 --

9 THE ARABIC INTERPRETER: [10:30:45] Correction from the booth: I recognised
10 the faces of civilian individuals.

11 MS TAYLOR: [10:30:52]

12 [REDACTED]
13 tab 110, MLI-OTP-0018-0056. And you stated that the images were taken at the have
14 a Badjinde market. I'm going to play it again, just to refresh your memory, without
15 sound.

16 (Viewing of the video excerpt)

17 MS TAYLOR: [10:31:33] About a Badjinde I believe we've had different spellings of
18 it throughout. But it's B-A-D-I-N-D-E with an accent.

19 (Viewing of the video excerpt)

20 MS TAYLOR: [10:32:54]

21 Q. [10:32:55] Does that refresh your memory, Mr Witness?

22 A. [10:33:06] It does. I recall that you showed me this video previously.

23 Q. [10:33:13] And the Badjinde market was a small market?

24 A. [10:33:23] It is. In previous statements to the Prosecution, I always referred to
25 it by the small market in Timbuktu. There is a big market and a small market. But

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1 the local population calls it the Badjinde market.

2 Q. [10:33:47] Now, on the second day of your testimony - that's transcript 89, page
3 35, lines 9 to 11 - you stated:

4 "Yes, I said that many time it was on one side of the small market in Timbuktu.

5 And was it a building? Was it a location? What was it precisely?

6 Answer: What I call the first headquarters of the Islamic police. It was actually a
7 hotel. It was attached to the Heritage Art Centre that's called in French *artisane*.

8 [REDACTED]
9 [REDACTED]

10 A. [10:35:04] I don't remember that. What I remember is that I gave varied
11 answers on the subject, and you can tell that my answers are kind of different.

12 Sometimes I said I don't know what this building was. And on other occasions, I
13 said it could have been a hotel or a bank. On other occasions, I said it was only a
14 hotel or it was only a bank.

15 I know -- I've been to the *artisane* several times, and I know it's the same area we're
16 talking about here. [REDACTED]

17 And I am also familiar with the square. [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 So my information might have been influenced by some description I saw. But even
21 now as I'm talking to you, I still have no full picture in my mind to give you a clear
22 description about the building, its surroundings, and its adjoining blocks.

23 What is true in this regard is that my words regarding this building is very close to
24 reality because it stems from my presence there many times; however, it remains
25 problematic to give a precise description.

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Q. [10:37:02] I'm going to turn to Defence tab 178.

THE ARABIC INTERPRETER: [10:38:32] Ms Taylor, your statement which you read in French was not interpreted into English, which means it was not interpreted into Arabic either.

MS TAYLOR: [10:38:44] Thank you. I'll ask --

Presiding Judge, may Maître Youssef read this out?

THE INTERPRETER: [10:39:00] Which page of the statement, please?

MS TAYLOR: [10:39:05] I apologise. It's 3322.

PRESIDING JUDGE MINDUA: [10:39:13](Interpretation) Go ahead. Go ahead.

MR YOUSSEF: [10:39:21] (Interpretation) It's the last paragraph:

"Finally, (no interpretation)

MS TAYLOR: [10:40:00]

A. [10:40:23] (No interpretation)

THE COURT OFFICER: [10:40:32] Your Honours, I would like to ask the English booth if the interpretation is coming through or not.

THE INTERPRETER: [10:40:40] Message from the English booth: The English interpreter could not find the passage that Mr Youssef was reading from, but he will

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1 sight translate it off the screen.

2 So Mr Youssef said this:

3 "It is indeed the last paragraph, finally, P-113, P-0013, but it's supposed to be P-0113
4 stated that he had met Hassan around December 2012/January 2013 when the police
5 and the *Hesbah* had moved to the *artisanes* market between Badjinde and Sankore."

6 End of quote.

7 MS TAYLOR: [10:41:35] Is it possible to have the response from the witness
8 interpreted as well?

9 THE ARABIC INTERPRETER: [10:41:48] Earlier the witness said "I had not seen the
10 document yet." That was his response earlier.

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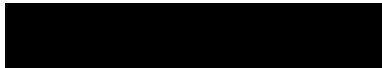
25 THE COURT OFFICER: [10:44:06] Counsel, would you kindly repeat the tab

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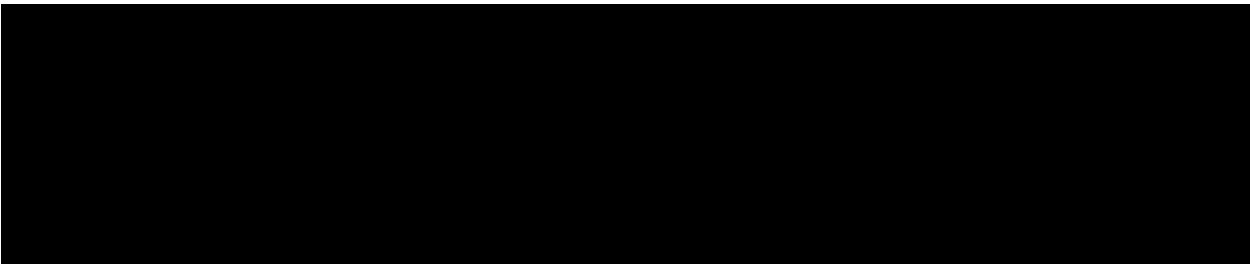
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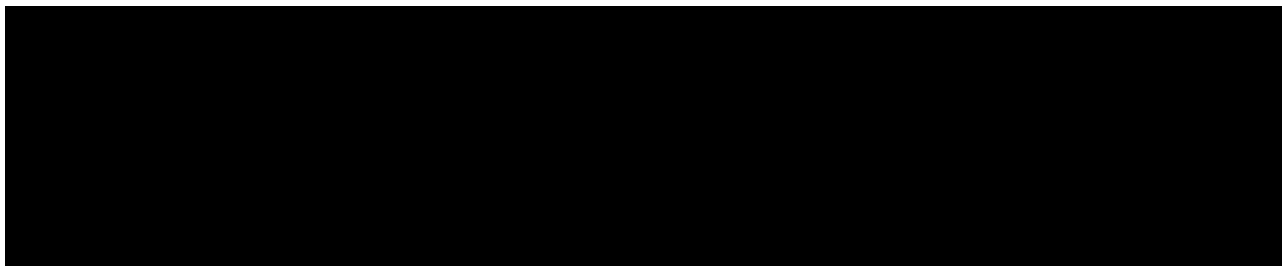
1 number.

2 MS TAYLOR: [10:44:12] It was Defence tab 178. 

3 A. [10:45:07] Well, the fact of the matter then is that I do not remember ever seeing
4 this document.

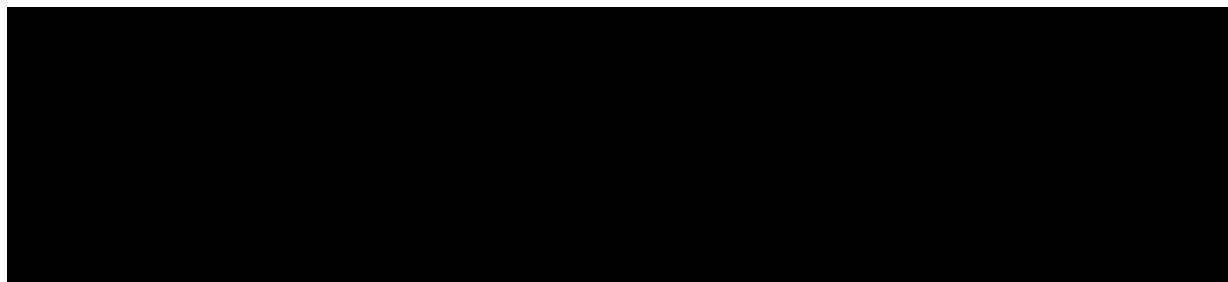
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9 PRESIDING JUDGE MINDUA: [10:45:58](Interpretation) Mr Prosecutor.

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14 PRESIDING JUDGE MINDUA: [10:46:28](Interpretation) Thank you for making that
15 point.

16 Ms Taylor.

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21 PRESIDING JUDGE MINDUA: [10:46:59](Interpretation) Well, there you have it,
22 Mr Prosecutor. The Defence has suggested providing you with that item of
23 information during the break.

24 Please continue, Ms Taylor.

25 MS TAYLOR: [10:47:12]

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1 Q. [10:47:13] Mr Witness, you were in the process of providing me an answer when
2 the Prosecution objected.

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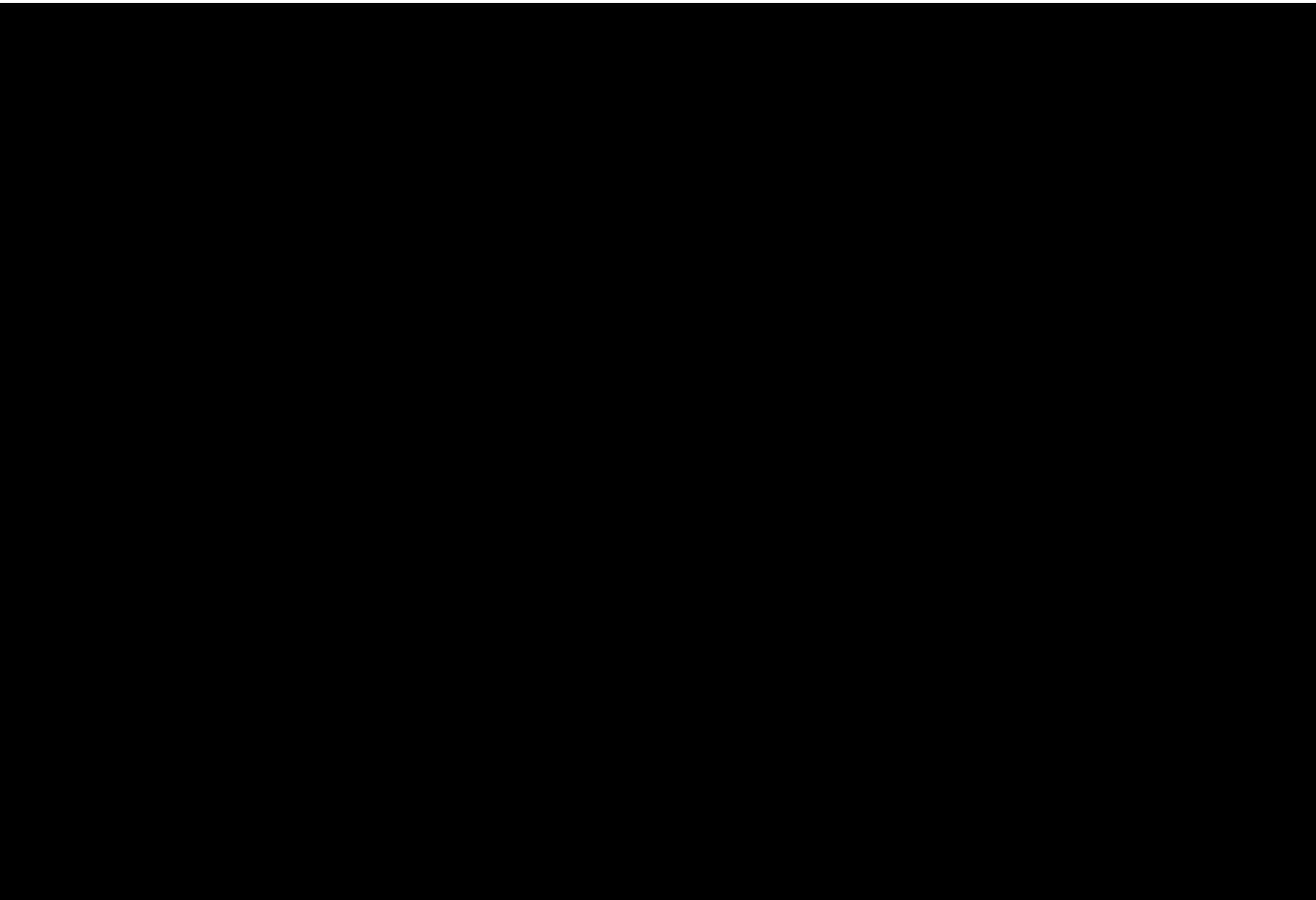
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14 Q. [10:52:16] And is it the case that these national movements were cooperating
15 with Mali?

16 A. [10:52:35] Yes.

17 Q. [10:52:39] And When you say the eastern part, would that be around Er-intedjeft
18 or Zarho.

19 I believe I need to spell sow hoe, which is difficult because there's many different
20 spellings.

21 THE ARABIC INTERPRETER: [10:53:07] We'll take care of it, Ms Taylor.

22 MS TAYLOR: [10:53:11] Okay. Thank you.

23 THE WITNESS: [10:53:19](Interpretation) It's Er-intedjeft and -- it's Er-intedjeft and
24 Zarho indeed.

25 I don't remember the exact places at the time, but I would believe that it is indeed

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1 Er-intedjeft. It's the branch that Al Hassan tried to set up, did materialise indeed. It
2 exists now in -- at Er-intedjeft. It's led by someone else from the Kel Ansar tribe.
3 His name is Abou Bakr.

4 MS TAYLOR: [10:53:59]

5 Q. [10:54:01] Mr Witness, after January 2013, are you aware whether several former
6 members of Ansar Dine set up a group called the HCUA, the High Council for Unity
7 of Azawad?

8 A. [10:54:42] Yes. I am aware of that.

9 Q. [10:54:46] If we could bring up Defence tab 248. It's MLI-D28-0005-5012.
10 I'm just going to go back, Mr Witness, because -- oh, no. It's in the transcript. It's
11 okay. It's Er-intedjeft.

12 Now, according to the title of this article - it's dated 6 May 2013. It says: "In Mali,
13 the Tuaregs have created a high council of Azawad to negotiate with Bamako."

14 And then in the first paragraph, it says that: "The notable Tuaregs have created the
15 2 May the High Council of Azawad in the north of Mali. Its president, the ancient
16 deputy of Kidal Mohamed Ag Intalla have called the two principal group rebels, the
17 MNLA and the MLA -- MIA, to join to negotiate for peace with Bamako."

18 Is it correct, Mr Witness, that some former members of Ansar Dine were attempting to
19 establish a group that was negotiating for peace with Bamako at this point?

20 A. [10:57:36] That is true. We've previously discussed this matter, and we've said
21 this description applies to most Tuaregs, except those who chose to work for
22 Al-Qaeda and to serve the Al-Qaeda agenda. This applies to Iyad and his close
23 associates.

24 After the Serval operation, Iyad joined the jihadists. And other Tuaregs, such as the
25 Benaltal (phon), such as Alghabass, his brothers and his relatives, tried to take the

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1 middle ground which means not to take a distance from Iyad, nor from the national
2 movement.

3 But I'm aware that Al-Qaeda and Iyad did not accept that. So that attempt was a
4 failure.

5 The idea lives on, however, and I believe it stands a good chance of succeeding in the
6 future.

7 Q. [10:58:48] Now, we've discussed an individual called Hamma Ag Mahmoud.

8 Were you aware that he established a splinter group from the CMA, the Coalition of
9 Movements of Azawad, and that this splinter group was called the Congress for
10 Justice in Azawad?

11 A. [10:59:32] I might have heard a little about that, but I don't remember much
12 about it.

13 MS TAYLOR: [10:59:42] Mr President, I see we're on the cusp of 11.

14 PRESIDING JUDGE MINDUA: [10:59:52](Interpretation) Yes, indeed. It is

15 1 minute to 11. So we will suspend and resume at 11.30.

16 The hearing is suspended.

17 THE COURT USHER: [11:00:04] All rise.

18 (Recess taken at 11.00 a.m.)

19 (Upon resuming in closed session at 11.30 a.m.)

20 THE COURT USHER: [11:30:25] All rise.

21 Please be seated.

22 PRESIDING JUDGE MINDUA: [11:30:51](Interpretation) Court is in session.

23 Ms Taylor, you have the floor to follow-up your cross-examination.

24 MS TAYLOR: [11:31:01]

25 Q. [11:31:03] Now, Mr Witness, just earlier there were some names that were

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1 mentioned at page 29, line 18 to 19 in the English it said, "After the Serval operation,
2 Iyad joined the jihadists and other Tuaregs, such as the Benaltal (phon), such as
3 Alghabass, his brothers and his relatives, tried to take the middle ground."
4 Would it be possible for you to write down the names that you mentioned? Do you
5 recall?

6 PRESIDING JUDGE MINDUA: [11:33:13](Interpretation) So we have the document
7 on evidence 1.

8 Ms Taylor.

9 MS TAYLOR: [11:33:19] Would it be possible for the interpreters to spell the letters
10 and then we can give it a reference number.

11 THE ARABIC INTERPRETER: [11:33:32] Message from the booth: The spellings of
12 the two names that appear on evidence channel 1 is as follows. The first name is
13 Alghabass Ag Intalla and it is spelled as follows: The first word Alghabass,
14 A-L-A-B-A-S-S, then Ag, A-G, then Intalla, I-N-T-A-L-L-A.

15 As to the second word, we do not recognise that in the Arabic. If the witness kindly
16 could be asked to read it for us.

17 MS TAYLOR: [11:34:10]

18 Q. [11:34:10] Mr Witness, the interpreters have said that they don't recognise the
19 second word that's written here. Are you able to read that out?

20 THE ARABIC INTERPRETER: [11:34:39] Message from the booth: Thank you.

21 The second name that appears on this list is Ag Awussa. It is spelled as follows:
22 Ag, A-G, then Awussa, A-W-U-S-S-A. And then the same line reads "and others".
23 So the full second line is "Ag Awussa and others".

24 MS TAYLOR: [11:35:09] If we could have a reference number, please, Mr Registrar.

25 PRESIDING JUDGE MINDUA: [11:35:20](Interpretation) Court officer, could you

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1 give it an evidence number, please.

2 THE COURT OFFICER: [11:35:25] Your Honours, the document will bear reference
3 number MLI-REG-0001-0109.

4 PRESIDING JUDGE MINDUA: [11:35:41](Interpretation) Thank you very much,
5 court officer.

6 MS TAYLOR: [11:35:55]

7 Q. [11:35:56] This individual Ag Awussa, was that individual a member of Ansar
8 Dine who died in 2016?

9 A. [11:36:17] Yes, he was assassinated. I am not sure who carried out that
10 assassination.

11 Q. [11:36:27] Now, at page 28, line 15, when you were discussing the base at
12 Er-intedjeft, you referred to someone from the Kel Ansar tribe called Abou Bakr. Do
13 you have any more information about this individual?

14 A. [11:37:00] No, not at all. I forgot about him. But I got acquainted with him
15 previously. He's erased from my memory. But now I am following news about
16 him and I am familiar with the situation he is trying to establish, which is to create a
17 national force he aspires to build.

18 Q. [11:37:35] And are you familiar with the objectives of what he's trying to do?

19 A. [11:37:48] Yes. All of the -- these objectives are national objectives. He follows
20 the same approach that seeks to avoid disagreement with other groups of different
21 ideologies, including the group of Iyad and Al-Qaeda.

22 Q. [11:38:15] Now, earlier before the break, I was discussing an individual called
23 Hamma Ag Mahmoud. And if I could bring up Defence tab 1, it's
24 MLI-D28-0003-0433.

25 Now, this is an article published on 11 October 2016 and it's describing the CJA, a

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1 new armed movement in the north of Mali.

2 And if I could ask for my colleague Maître Youssef just to read out the first
3 paragraph.

4 PRESIDING JUDGE MINDUA: [11:39:14](Interpretation) Please go ahead,
5 Mr Youssef.

6 MR YOUSSEF: [11:39:17] (Interpretation) Thank you, your Honour.

7 "At the head of the Congress for Justice in Azawad (CJA), there are two men of the
8 Tuareg tribe of Kel Ansar. The first, the colonel Abass Ag Mohamed Ahmad,
9 deserter from the Malian army who joined at the moment the HCUA, the MNLA
10 before joining what is now the CJA today."

11 MS TAYLOR: [11:40:09]

12 Q. [11:40:09] Is this information that you were aware of Mr Witness?

13 A. [11:40:22] No. I don't remember that. But I know the person about whom
14 they are talking, Abass Ag Mohamed Ahmad. And we call him Abass Ag Inko.

15 [REDACTED]

16 [REDACTED] The Islamist group shed his blood either last year or the year before.

17 And I don't know what his activities are or what they have been ever since.

18 Q. [11:41:07] At line 25 you refer to an individual called Al-Abass Ag Inko. Is that
19 spelled A-L A-B-A-S-S, then A-G, then I-N-K-O?

20 A. [11:41:37] Indeed. He is the person referred to in the article by Al-Abass Ag
21 Mohamed Ahmad.

22 Q. [11:41:48] Now the article I just referred to discussed the creation of the
23 Congress for Justice in Azawad. Were you aware that at the end of 2016 the CJA
24 split into two factions, one led by Abdoul Majid Ag Med Ahmed, also known as
25 Nasser, and the other by Hamma Ag Mahmoud?

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1 A. [11:42:30] No, I do not know these details, but I would not exclude that these
2 were mentioned to me previously. However, I wouldn't pay much attention to these
3 things. Anyway, I don't know much about these things and I don't recall much
4 about these things.

5 However, what I find strange is that the Nasser I know is Nasser Ag Inko, and he is
6 the brother of Al-Abass that has just been mentioned. I don't know whether it's the
7 same person or it's someone else.

8 Q. [11:43:04] I can bring up a photo in case it assists. It's Defence tab 246. It's
9 MLI-D28-0005-5002.

10 And if we could zoom into the person on the far left. Do you recognise the person
11 on the far left, Mr Witness?

12 A. [11:44:07] I cannot recognise him. He might be one of the people I have
13 mentioned, but my level of acquaintance with them -- with these individuals would
14 not allow me to recognise the person like this. My acquaintance was not strong
15 enough that I can recognise someone from such picture.

16 Q. [11:44:32] Were you aware who was the leader of the Kel Antessar Tuareg tribe
17 why 2016 and 2017?

18 A. [11:44:52] Yes. Kel Ansar was divided into two: The eastern Kel Ansar east of
19 the Timbuktu and the western Kel Ansar west of Timbuktu.

20 The western Kel Ansar had a chain of the command, spiritual leaders. The last one
21 agreed upon in the west is Ahmed Al Mehdi Ag Attaher. After his death, then
22 Nasser Ag Inko in the west was nominated, and he is his nephew. And I think he is
23 the person appearing in this picture, but I am not sure.

24 So Nasser Ag Inko is the one that the western faction said would be the heir to Al
25 Mehdi Ag Attaher.

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1 As to the eastern faction, the eastern faction has been asking the western faction to
2 agree on one person leading Kel Ansar and to have a consensus on that. I don't
3 know whether there has been a consensus on this person Nasser.

4 Q. [11:46:15] Mr Witness, at page 35, line 13, I believe you referred to someone
5 called Mohamed Al Mehdi Ag Attaher. And if I just -- I'll read it out, if you could
6 confirm whether this is the correct spelling. M-O-H-A-M-E-D, A-L, M-E-H-D-I, A-G,
7 A-T-T-A-H-E-R.

8 A. [11:47:21] The spelling is correct. Mohamed Al Mehdi Ag Attaher. It is
9 correct.

10 Q. [11:47:31] Do you recall telling the Prosecution in August 2018 that the Tuareg
11 tribes around Timbuktu were split in two, those who supported the government and
12 those who supported the Islamists?

13 A. [11:48:06] It might be, but such description is not precise. It's a possibility that
14 these words came of me.

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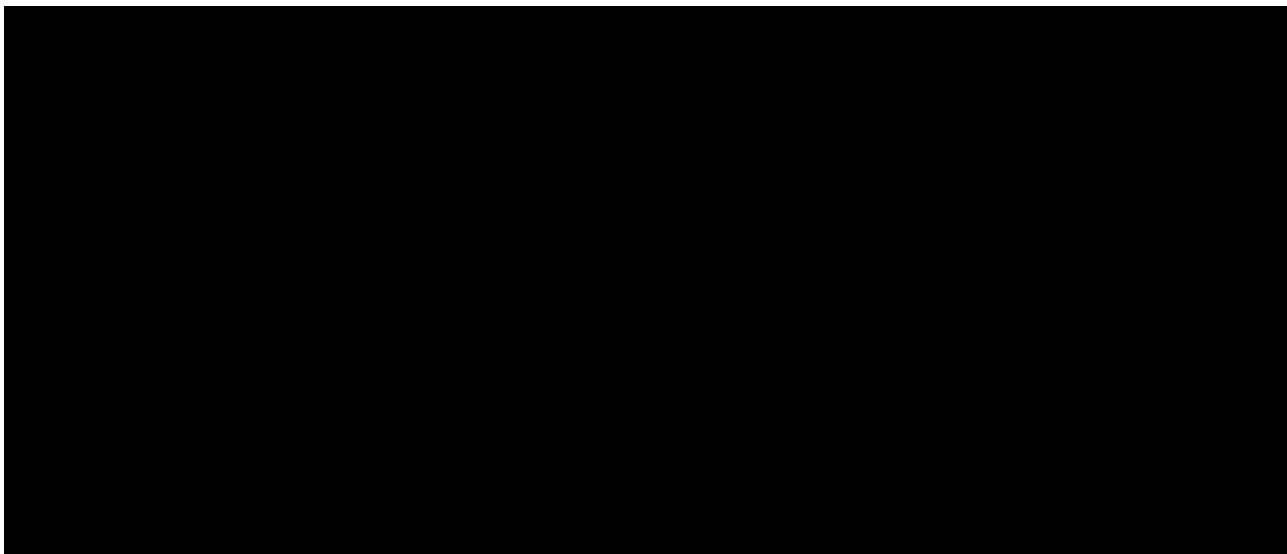
25 However, I was able to access -- or to know somehow well about the things they

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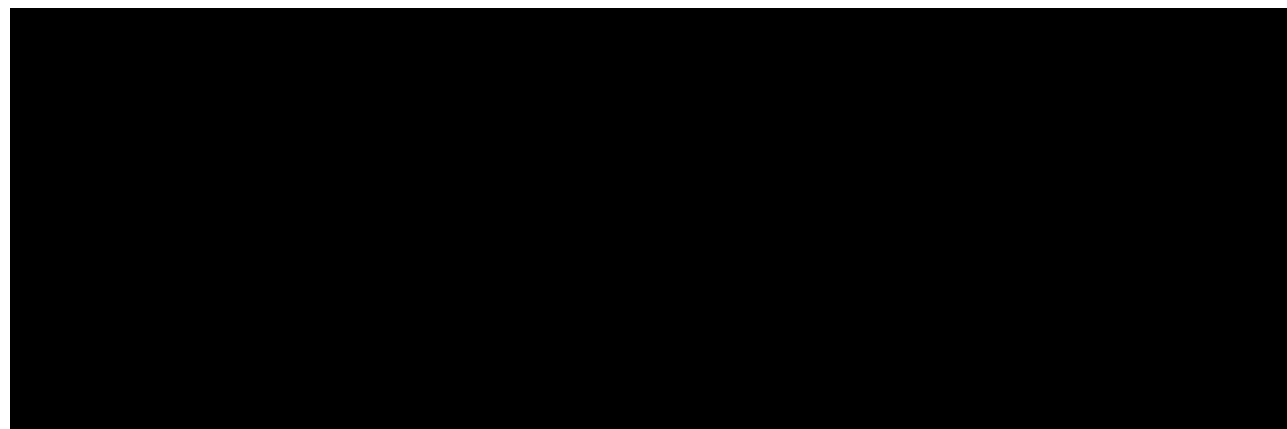
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9 Q. [11:50:58] What were his reasons for going to Bamako, at least the last time he
10 went?

11 A. [11:51:20] I don't remember that, but I think that first he told me that he was
12 going to travel there before he travelled. So that's first thing.

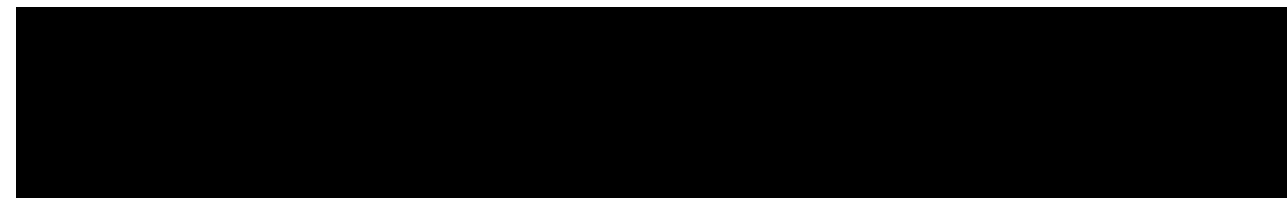
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19 Q. [11:52:33] Who was his relative?

20 A. [11:52:43] I don't know.

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24 [REDACTED] He had told me beforehand that he had met with Abou Al
25 Hammam. As to the other part of the account I've just laid out to you, I don't know

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1 precisely the source of that.

2 Q. [11:53:39] And what did he tell you about his meeting with Abou Al Hammam?

3 Abou Hammam.

4 Perhaps my colleague could say it, Maître Youssef, if it's not clear. Because
5 apparently I'm not pronouncing it correctly.

6 A. [11:54:24] I don't recall that.

7 Q. [11:54:33] Do you recall when you learned of his meeting with Abou Al
8 Hammam?

9 A. [11:54:55] I'm not sure whether he mentioned actually one or two meetings.
10 I think he saw him twice. All I can confirm now is that what he told me is that he
11 intended to travel and that he had very recently met with Abou Al Hammam. I
12 don't have other details in that regard.

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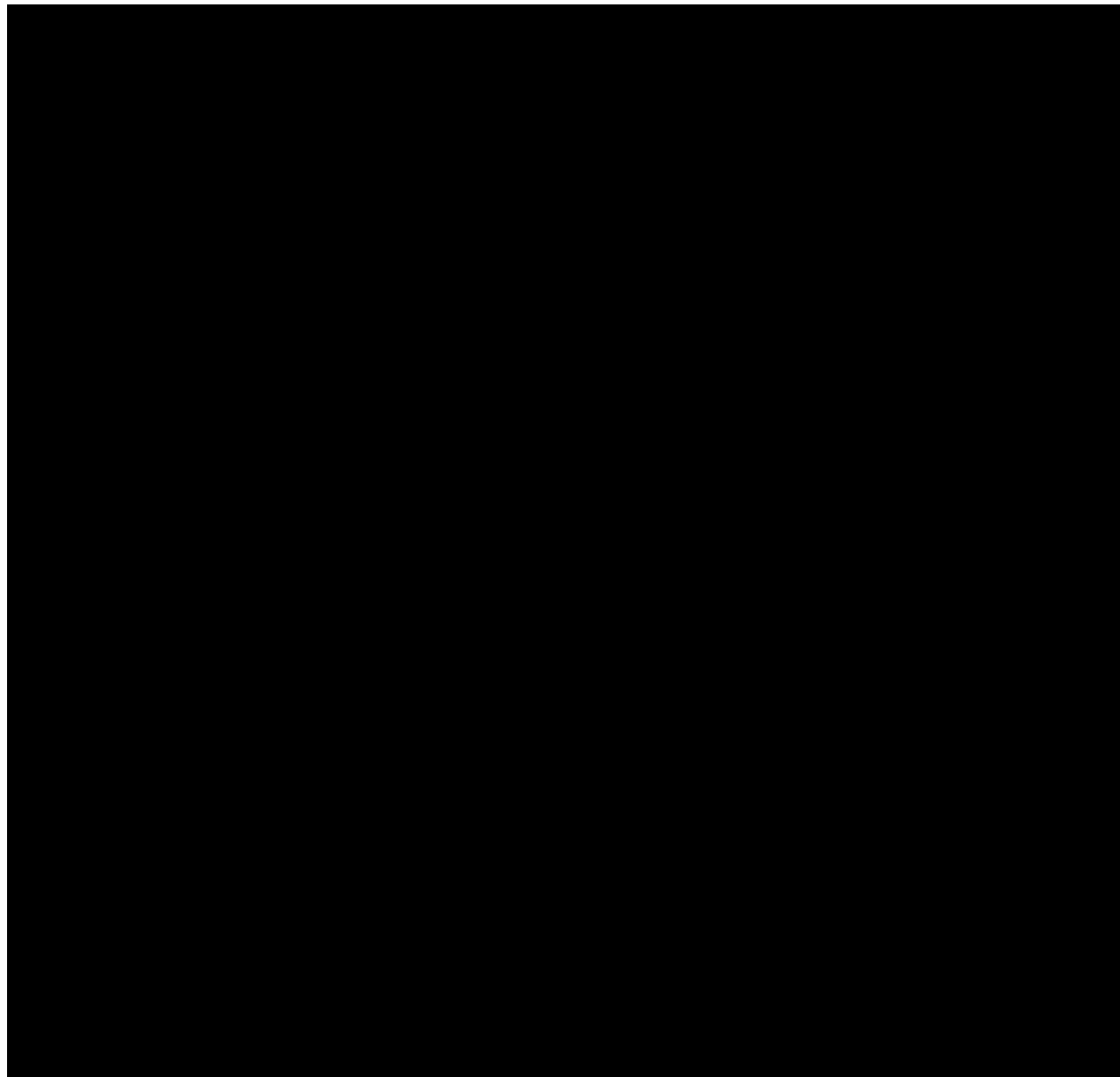
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18 Can we clarify if it's the same person that we're talking about. In the sentence you
19 have the impression that there are three different first names which are being used.
20 So for the clarity of the transcript and for the Chamber, it would be good to know
21 exactly who we are speak about, if Maître Taylor would be so kind just to carry out
22 this verification.
23 PRESIDING JUDGE MINDUA: [11:59:47](Interpretation) Thank you, Prosecutor.
24 Ms Taylor.
25 MS TAYLOR: [11:59:50] Thank you, Mr President. That's exactly what the Defence

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1 was about to do.

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7 A. [12:00:54] I think there the names have been mixed up in terms of the previous

8 answer I gave.

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10 Q. [12:01:17] Yes, if you could do that.

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1 Bamako.

2 I added to that that I have learned afterwards from other sources that the reason he
3 was arrested is that he had a large amount of money in his hands, and while being
4 searched at a checkpoint, a large amount of -- a very large amount of money was
5 found with him, and this led to his investigation and then to his official arrest.

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12 THE ARABIC INTERPRETER: [12:04:35] Note from the booth: The very last city
13 mentioned might have been Bamako. We're not sure.

14 MS TAYLOR: [12:04:44]

15 Q. [12:04:45] Mr Witness, the interpreters have said they're not sure in the last part
16 whether you said Timbuktu or Bamako.

17 THE ARABIC INTERPRETER: [12:04:55] In reference to agents, the place where the
18 agents were.

19 MS TAYLOR: [12:05:00]

20 Q. [12:05:00] The place where the agents were.

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4 Q. [12:06:20] You said at line 41 -- sorry, page 41, line 24:

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23 PRESIDING JUDGE MINDUA: [12:08:48](Interpretation) Prosecutor.

24 MR DUTERTRE: [12:08:49](Interpretation) Yes. All of this is very interesting, but I

25 don't see any relevance to the events that occurred in this case, unless Ms Taylor has

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1 an explanation in the absence of the witness. For a while now we have been dealing
2 with topics that have nothing to do with the witness's credibility and even less with
3 the charges.

4 PRESIDING JUDGE MINDUA: [12:09:17](Interpretation) Ms Taylor, the Chamber
5 agrees with the Prosecutor, unless you have some explanation as to the possible
6 relevance of all this. If necessary, the witness can be escorted out of the courtroom.
7 How would you like to proceed?

8 MS TAYLOR: [12:09:31] Thank you, Mr President. I can answer this quite briefly.

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Now I can move on to another question, but I'm basing these questions directly on
15 Prosecution documents, not Defence documents.

16 PRESIDING JUDGE MINDUA: [12:10:24](Interpretation) The Chamber
17 recommends that you move on to another question and drop this one.

18 MS TAYLOR: [12:10:33]

19 Q. [12:10:34] I would like to bring up Defence tab 201. [REDACTED]
20 Defence tab 208.

21 Perhaps it should not be shown on the -- if it could not be shown until the end. Just
22 the second paragraph. So I'd ask the Register not to scroll down to the end.
23 I'll read it out in any case.

24 [REDACTED]
25 [REDACTED]

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11 Maître Youssef could read it out.

12 PRESIDING JUDGE MINDUA: [12:14:17](Interpretation) Go ahead, please, Counsel.

13 MR YOUSSEF: [12:14:21] (Interpretation)

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25 MS TAYLOR: [12:16:31]

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7 Q. [12:17:31] It was during cross-examination, transcript 107, page 42. We can
8 bring up the quote if you just bear with me for a moment.

9 This is the extract, it's line 4:

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21 A. [12:19:34] Please, would you be kind enough to repeat the time frame you are
22 referring to. At that instance I asked you to specify the time, the date/time. I now
23 ask you again, could you please specify the time or the date.

24 Q. [12:19:56] The extract I just read to you when you said "Could you state in which
25 period you are talking about?" my answer was, "The period of -- for example, 2016,

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1 2017?"

2 And your response was:

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 A. [12:20:41] This reply shows that I did not quite grasp the dates, although I've
8 asked you about the dates. [REDACTED]

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

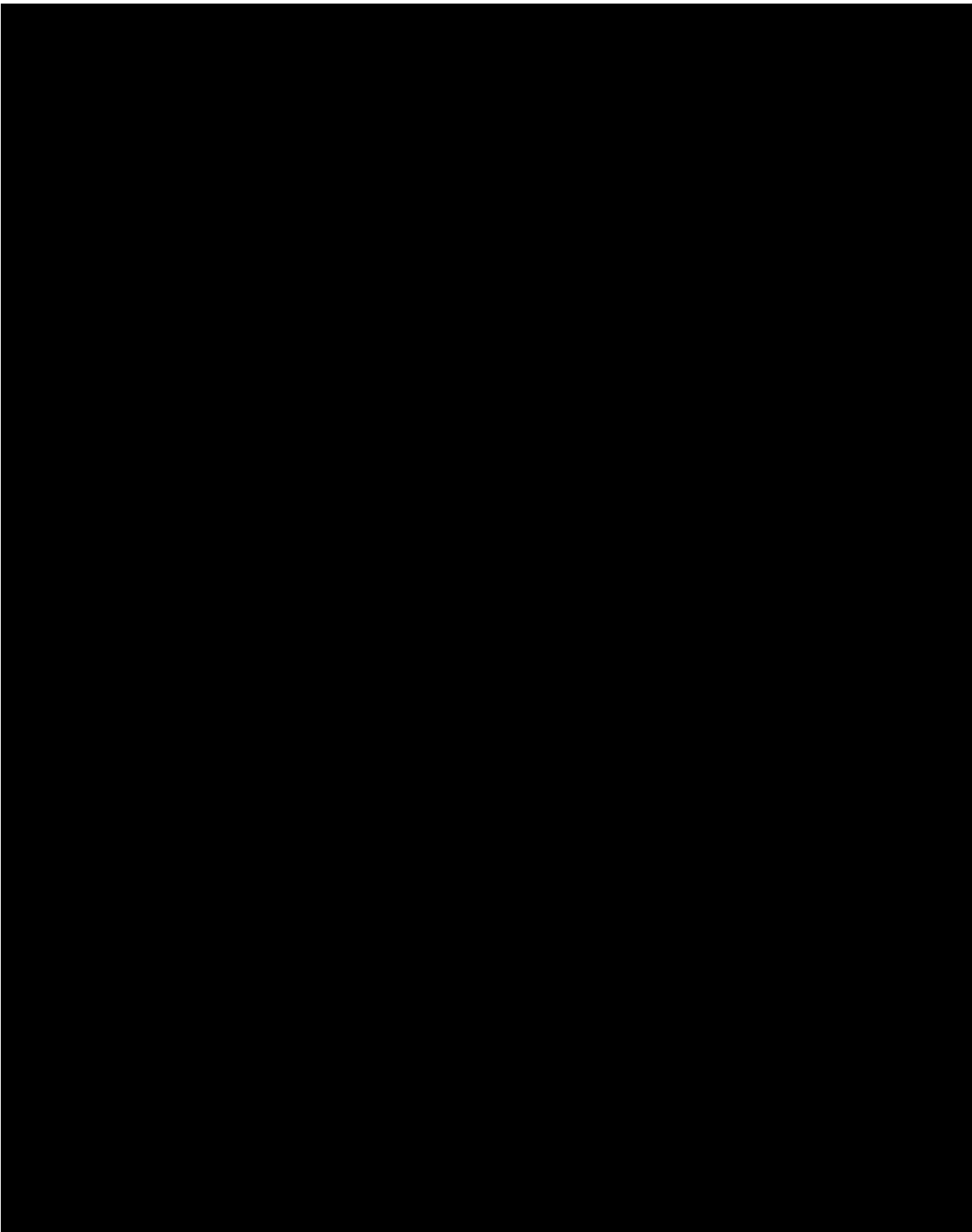
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

They would investigate with

someone -- they would investigate someone and then they would investigate

someone else to ascertain the information.

I don't remember having said that, but I would prefer to see the context to ascertain

that.

Q. [12:30:27] Were you aware that Mr Al Hassan was detained by the *sécurité d'État* in Bamako?

[REDACTED]

What I think now is that the French forces arrested Al Hassan and transferred him to the Malian authorities. And I expect that in that process, investigations were carried out for the benefit of French intelligence and other organs and services before his transfer to the Malian authorities, which is what happened with us [REDACTED]

[REDACTED]

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9 Q. [12:33:35] Now, in your conversations with [REDACTED] did he tell

10 you that he could not think of any reason for the ICC to pursue Al Hassan?

11 A. [12:34:06] Could you please give me the date of that, of when I said these words.

12 Q. [12:34:13] To be clear, I'm not saying that you said these words. And to give a
13 time frame, after Mr Al Hassan was arrested by the ICC, in your conversations with

14 [REDACTED] did he tell you that he did not see any reason for the ICC -- he
15 could not think of any reason for the ICC to pursue Al Hassan?

16 A. [12:34:49] I don't remember that. But I know many -- I know a great deal how

17 [REDACTED] sees Al Hassan and his assessment of Al Hassan. He described him to me
18 as one of the followers, that is, not a decision-maker, a description that I can confirm.

19 Q. [12:35:19] Did you discuss the allegations against Mr Al Hassan [REDACTED]

20 [REDACTED]

21 A. [12:35:37] I don't remember. I think we said that he was exaggerated in terms
22 of -- more than should be said is being said about him.

23 Q. [12:36:01] Did you describe the allegations of rape as lies?

24 A. [12:36:13] Given the things I witnessed and the people I knew, I said this about
25 Al Hassan and Mohamed Moussa as well. These people cannot conceivably carry

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1 out what is called "rape".

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14 PRESIDING JUDGE MINDUA: [12:38:20](Interpretation) Prosecutor.

15 MR DUTERTRE: [12:38:26](Interpretation) Your Honour, a procedural question.

16 Ms Taylor is always asking questions which are very quickly, so I'm not getting the
17 translation before there's the English. So it's a bit difficult to follow.

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20 PRESIDING JUDGE MINDUA: [12:38:56](Interpretation) The Chamber agrees with
21 both points the Prosecutor has raised.

22 So please slow down for the interpreters.

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9 PRESIDING JUDGE MINDUA: [12:40:11](Interpretation) Prosecutor.

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18 So I don't know. What do you expect to obtain that is new? Try to reformulate

19 your question. I don't know what he's going to say.

20 MS TAYLOR: [12:41:09] Certainly, Mr President. I won't ask the same question.

21 I'll now move to a document. That might be easier and clearer and fairer to the

22 witness.

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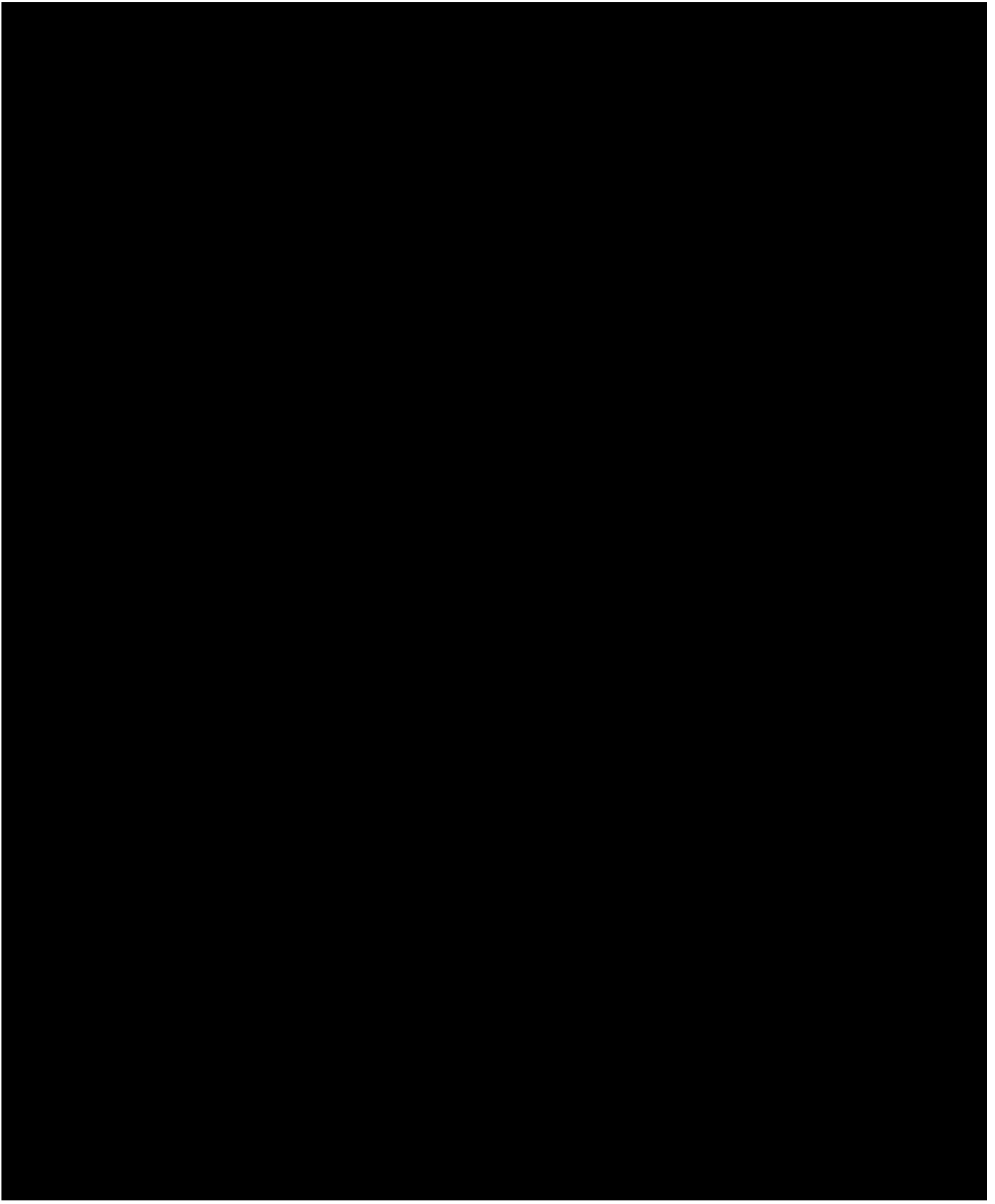
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1 Just for the purposes of identification, if we can scroll down to lines around 30, so the
2 next page, 6286.

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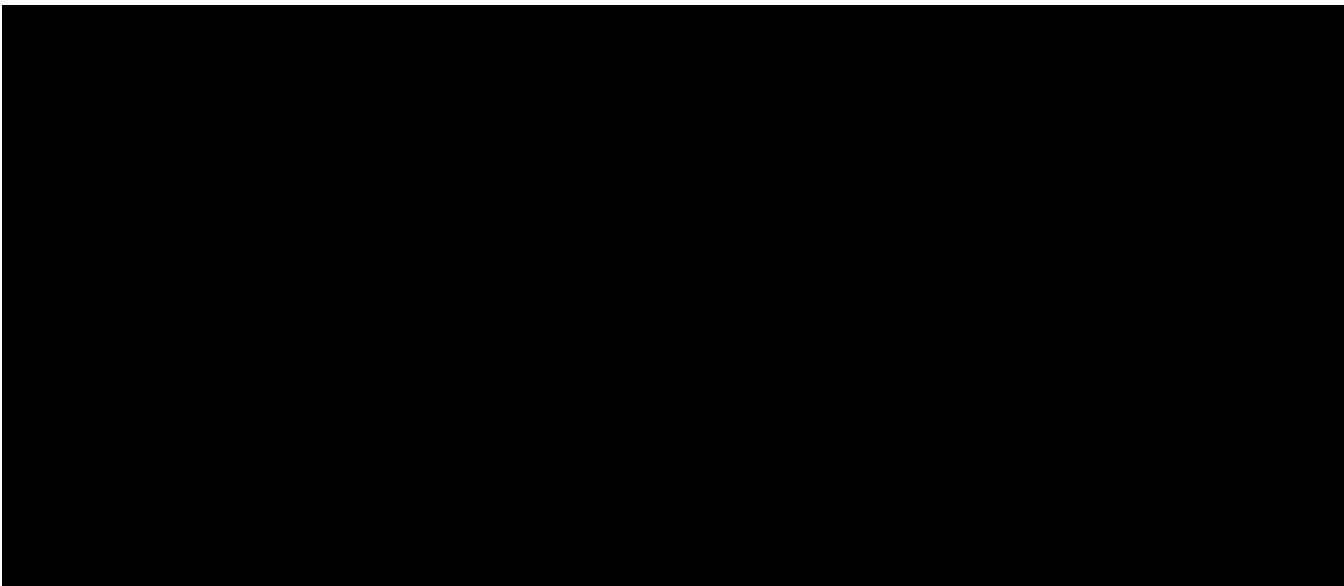
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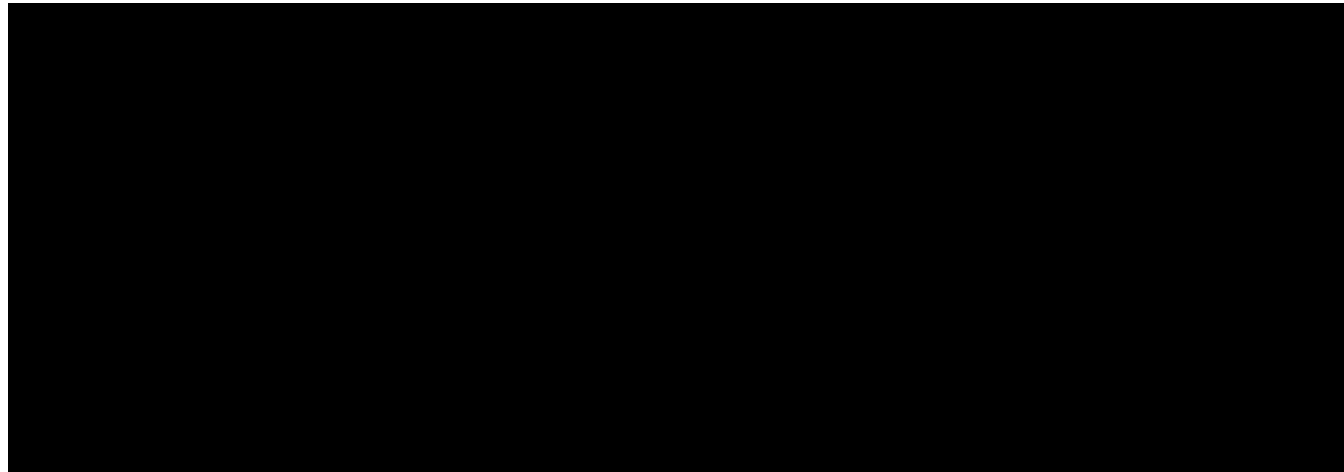


Q. [12:49:31] Now, when you spoke to [REDACTED] on the phone, did you give him any advice as to the content of his potential testimony?

A. [12:49:52] Yes. I would expect that. And that was my gradual approach with him because I was not sure what his personal stance is. And I have told him about what -- I've told him things that I thought he would get along with. So this was my gradual approach with him.

Q. [12:50:18] Did you advise [REDACTED] that he should ask for or get something in exchange for providing evidence to the Prosecution?

A. [12:50:40] The word "ask", that's not the case. But I have advised him to at least try to meet me in order for me to explain to him what I wanted to do in the future. My expectation was that, should he accept to be a Prosecution witness, it would

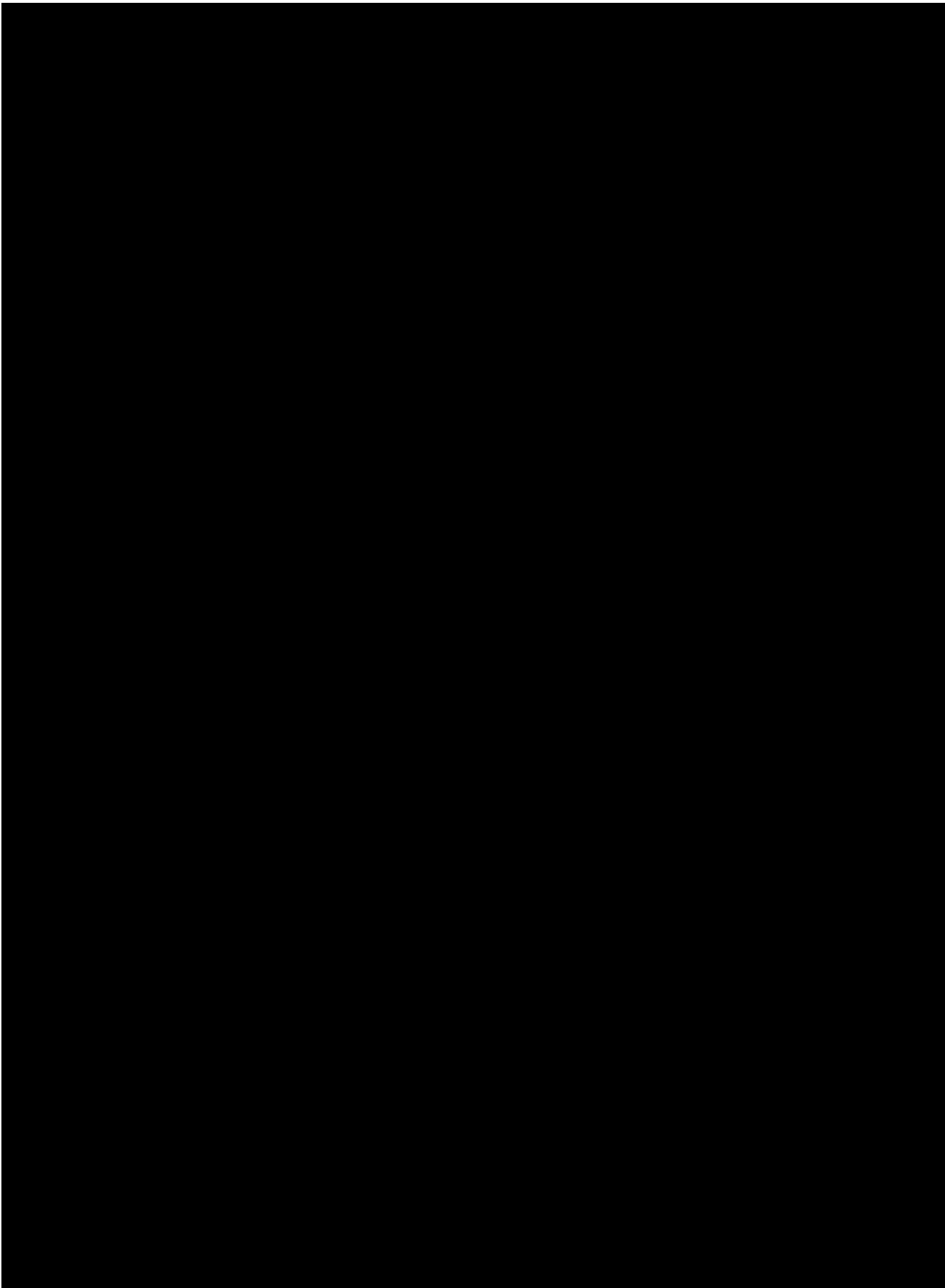


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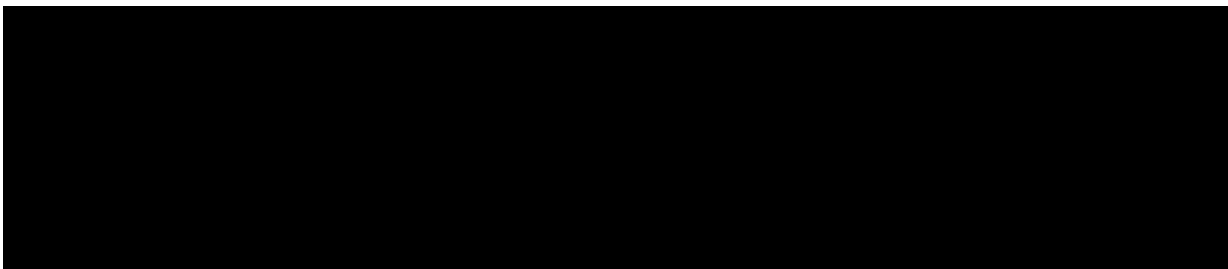


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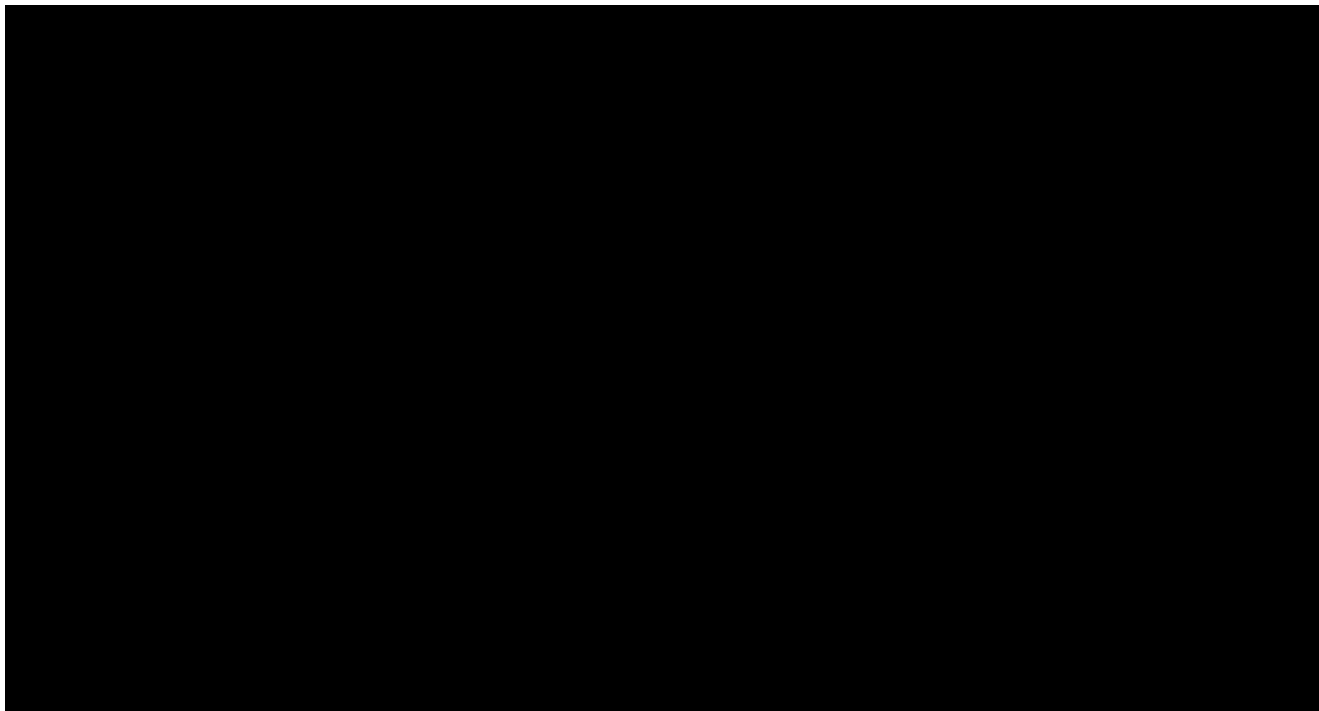


5 And with the permission of Mr President, if my colleague Maître Youssef could just
6 read lines 69 to 71.

7 PRESIDING JUDGE MINDUA: [12:57:07](Interpretation) Indeed, Mr Youssef.
8 Please go ahead.

9 MR YOUSSEF: [12:57:10] (Interpretation)

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20 PRESIDING JUDGE MINDUA: [12:58:38](Interpretation) Maître Youssef, in the text
21 we've got in front us, the text that we have in front of us, it's not redacted.

22 MR YOUSSEF: [12:58:45] (Interpretation) My apologies.

23 PRESIDING JUDGE MINDUA: [12:58:49](Interpretation) Please go ahead.

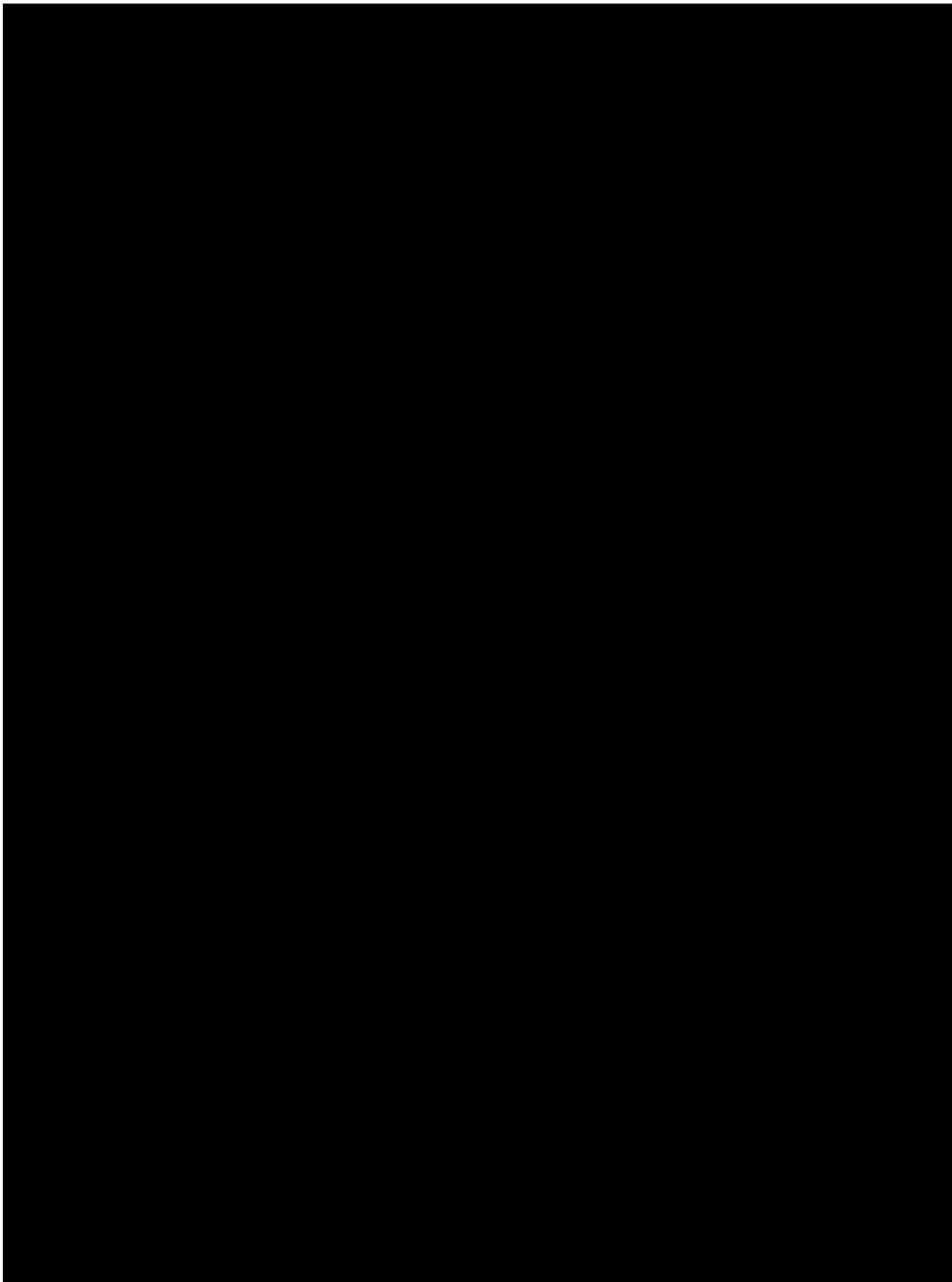
24 MR YOUSSEF: [12:58:50] (Interpretation) I will take up from line 71, if you will
25 allow me:

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14 MS TAYLOR: [13:03:34] Mr President, it's after 1 o'clock. And if I may just address
15 the Bench very briefly. I'm very mindful of the Chamber's directive this morning,
16 and I would very much appreciate being able to obtain instructions from my client.
17 I understand we have about 13 hours left, but with the benefit of instructions from my
18 client, I do believe we could conclude on Monday, if we could adjourn now with a
19 view to allowing the Defence to finalise its cross-examination such that we would
20 conclude on Monday. But I would very much appreciate having time to consult
21 with my client and to reorganise the remainder of the cross-examination to ensure full
22 compliance with the Chamber's directives.

23 PRESIDING JUDGE MINDUA: [13:04:31](Interpretation) How much time would
24 you need to speak to your client?

25 MS TAYLOR: [13:04:35] What I'm proposing, Mr President, is that -- I understand

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1 that we have quite a few hours left, but I believe I can save time by adjourning now,
2 and in that manner, we will conclude on Monday. So what I would like to do is to
3 use this time to reorganise the finality of my cross-examination and to obtain
4 instructions from my client with a view to doing so.

5 PRESIDING JUDGE MINDUA: [13:05:06](Interpretation) I've understood. So you
6 would like us to adjourn for today so that you will have time to speak to your client,
7 and then you will revert to us on Monday, Monday's hearing. Is that what you
8 want?

9 MS TAYLOR: [13:05:20] Yes. Certainly, Mr President. I do believe we will
10 conclude on Monday. So I believe that's the most efficient way forward.

11 PRESIDING JUDGE MINDUA: [13:05:35](Interpretation) I will briefly confer with
12 my colleagues.

13 (Trial Chamber confers)

14 PRESIDING JUDGE MINDUA: [13:06:08](Interpretation) Ms Taylor, we are in
15 agreement. Once we finish the hearing, we will not come back in the afternoon, and
16 we will resume here Monday morning, and during the day, you will finish your
17 cross-examination. Have I got it right?

18 MS TAYLOR: [13:06:28] Yes, Mr President.

19 PRESIDING JUDGE MINDUA: [13:06:35](Interpretation) Very well. This is what
20 the Chamber has understood. Thus, we will now adjourn for today and we will not
21 be coming back in the afternoon.

22 I see agreement from the -- is there agreement from -- no? Prosecutor?

23 MR DUTERTRE: [13:06:57](Interpretation) No, your Honour. The OTP is always
24 mindful of the rights of the Defence and their need to confer with their client. So
25 that is just fine.

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- 1 PRESIDING JUDGE MINDUA: [13:07:14](Interpretation) I don't think I see any
- 2 objections from counsel, LRV counsel. So that's well.
- 3 And now, Mr Witness, you have heard the Defence's request, and you have also
- 4 heard the Chamber's decision. Thus, we will finish off for today. Your testimony
- 5 has concluded for today. We will move to the weekend and resume on 9.30 on
- 6 Monday morning. In the meantime, as you know, there are a number of things you
- 7 must not do.
- 8 Before I adjourn, I would like to, once again, express my thanks to the parties and
- 9 participants for their cooperation, to the court reporters and interpreters, and our
- 10 security officers.
- 11 I'd like to wish everyone a lovely weekend and take good care of yourselves, and we
- 12 will see one another Monday morning.
- 13 The hearing is now adjourned.
- 14 THE COURT USHER: [13:08:33] All rise.
- 15 (The hearing ends in closed session at 1.08 p.m.)