

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 v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 12 July 2021
10 (The hearing starts in closed session at 9.31 a.m.)
11 THE COURT USHER: [9:31:12] All rise. The International Criminal Court is now in
12 session. Please be seated.
13 PRESIDING JUDGE MINDUA: [9:31:31](Interpretation) Court is in session.
14 Good morning to you all. And, a good beginning of the week.
15 Court officer, please, could you call the case.
16 THE COURT OFFICER: [9:31:58] Good morning, Mr President, your Honours.
17 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
18 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
19 And for the record, we are in closed session.
20 PRESIDING JUDGE MINDUA: [9:32:18](Interpretation) Thank you very much,
21 court officer.
22 As we do every morning, we'll start with the appearances, starting with the Office of
23 the Prosecutor. Prosecutor.
24 MR DUTERTRE: [9:32:33](Interpretation) Good morning, your Honour,
25 your Honours. The Office of the Prosecutor is composed this morning of Madam
26

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1 Yayoi Yamaguchi on my left; Mr Mousa Allafi, and myself, Gilles Dutertre. And my
2 colleague Mr Lucio Garcia will join us in the next session, and I'd like to take this
3 opportunity to greet everybody inside and outside the courtroom, including the
4 witness. Thank you, your Honour.

5 PRESIDING JUDGE MINDUA: [9:33:06](Interpretation) Thank you very much,
6 Prosecutor.

7 I now turn towards the Defence. Counsel.

8 MS PRADHAN: [9:33:12] Thank you, Mr President. Good morning, Mr President.
9 Good morning, your Honours. I'd like to take this opportunity to greet everyone in
10 the courtroom, including [REDACTED]

11 The Defence of Mr Al Hassan is represented today, by Mr Mohamed Youssef; Ms
12 Sarah Marinier-Doucet; Ms Melinda Taylor; and myself, Alka Pradhan. Thank you.

13 PRESIDING JUDGE MINDUA: [9:33:45](Interpretation) Thank you very much,
14 Maître Pradhan.

15 I now turn to Legal Representatives of the Victims. Counsel.

16 MR LUVENGIKA: [9:33:56](Interpretation) Good morning, your Honour,
17 your Honours. The victims are represented by Mademoiselle Ludivine Tixier-Dunet
18 and myself, Maître Fidel Nsita Luvengika. And I'd like to take this opportunity to
19 greet my dear esteemed colleagues - and, I address my words specifically to Maître
20 Pradhan, who I haven't had the opportunity of greeting personally - without, of
21 course, forgetting the witness, who has been with us for quite some time.
22 Thank you.

23 PRESIDING JUDGE MINDUA: [9:34:31](Interpretation) Thank you, Maître Nsita.
24 And finally, I turn to the counsel of our witness. Counsel.

25 [REDACTED]: [09:34:41] (Interpretation) Good morning, Mr President. Good

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1 morning to the Honourable Judges. My name is [REDACTED] I am the
2 counsel for [REDACTED] the witness appearing in this case. I take
3 this opportunity to extend my greetings to everyone taking part in this hearing and to
4 the witness himself. Thank you, Mr President.

5 PRESIDING JUDGE MINDUA: [9:35:02](Interpretation) Thank you very much,

6 [REDACTED]

7 I'm now turning to the witness.

8 Good morning, Witness. How are you?

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

10 (The witness speaks Arabic)

11 THE WITNESS: [9:35:16](Interpretation) Good morning, Mr President, and good

12 morning to the two honourable judges. I'm doing well. Thank you very much.

13 PRESIDING JUDGE MINDUA: [9:35:28](Interpretation) Very well. I hope that you

14 had the opportunity to rest over the weekend. So I would like to welcome you once

15 again and thank you for your cooperation, and finally, I would like to remind you

16 that you're still under oath and, as such, you must tell the truth, the whole truth, and

17 nothing but the truth.

18 This morning we will continue with the cross-examination of the Defence.

19 I shall therefore give the floor to Maître Pradhan.

20 Ms Pradhan, you have the floor.

21 MS PRADHAN: [9:36:10] Thank you, Mr President.

22 QUESTIONED BY MS PRADHAN: (Continuing)

23 Q. [9:36:18] Good morning, [REDACTED]. I hope you had a restful weekend.

24 A. [9:36:24] Good morning. Indeed, I did get a good deal of rest. Thank you.

25 Q. [9:36:30] I'm very glad to hear it.

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1 [REDACTED] when we left on Friday, we were discussing the end, I believe, of your
2 first interview with OTP on [REDACTED].

3 Do you recall that, sir?

4 A. [9:36:48] I do.

5 Q. [9:37:01] [REDACTED]

6 [REDACTED]?

7 PRESIDING JUDGE MINDUA: [9:37:16](Interpretation) Prosecutor.

8 MR DUTERTRE: [9:37:17](Interpretation) Yes, your Honour. The question is very
9 general. [REDACTED]

10 [REDACTED]? It's ambiguous.

11 PRESIDING JUDGE MINDUA: [9:37:31](Interpretation) Ms Pradhan, could you
12 reformulate your question, please.

13 MS PRADHAN: Of course.

14 Q. [9:37:38] [REDACTED]

15 [REDACTED]?

16 A. [9:37:49] [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. [9:40:01] Thank you, [REDACTED]

When you say [REDACTED]

[REDACTED]

A. [9:40:22] I don't recall [REDACTED]. Anyway, it was [REDACTED].

Q. [9:40:36] [REDACTED]

[REDACTED]

A. [9:40:59] [REDACTED]

[REDACTED]

Q. [9:41:40] [REDACTED]

[REDACTED]

A. [9:41:55] Yes, that's correct.

Q. [9:42:03] [REDACTED]

[REDACTED]?

A. [9:42:19] [REDACTED]

[REDACTED]

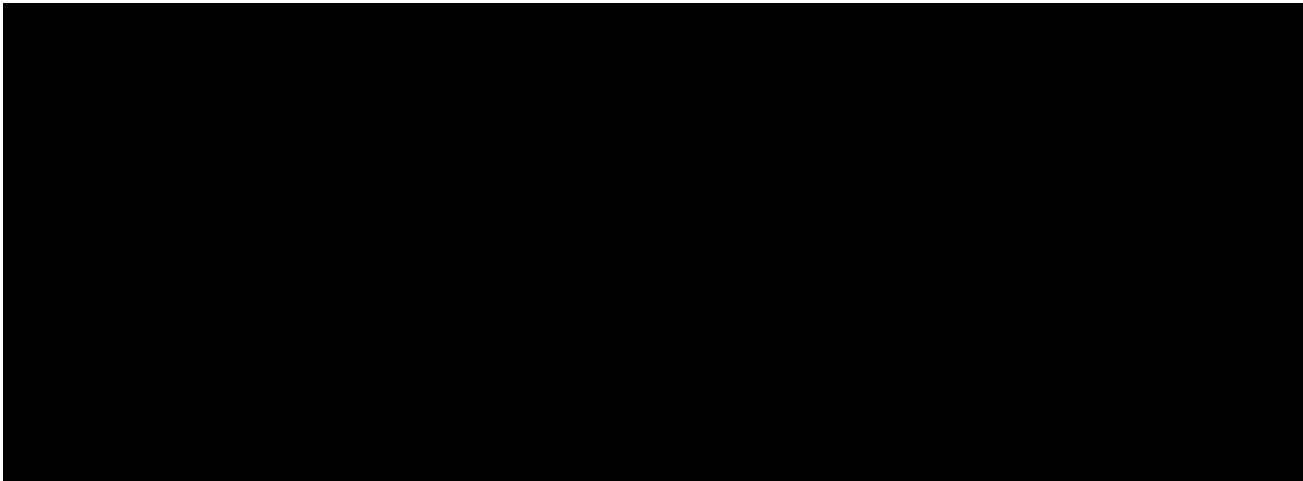
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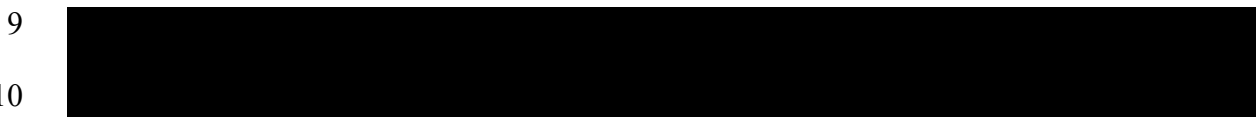
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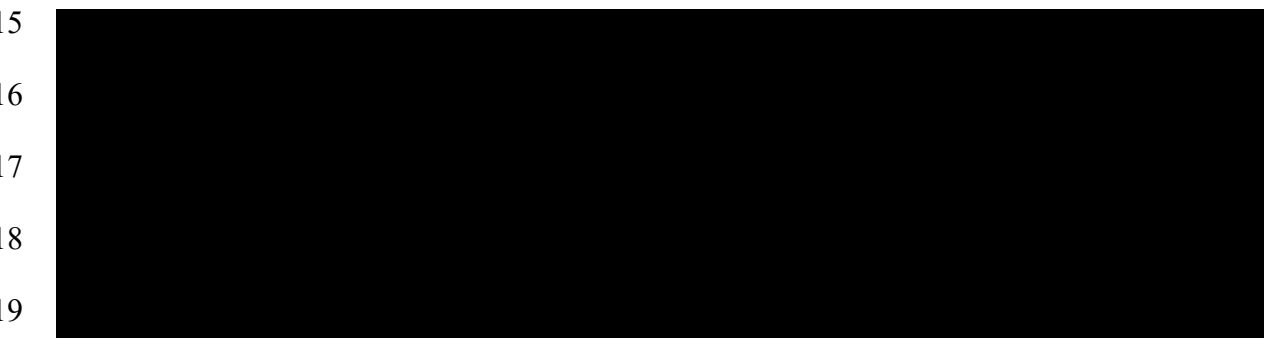
8 Q. [9:43:44] Thank you, [REDACTED]



11 PRESIDING JUDGE MINDUA: [9:44:04](Interpretation) Maître Nsita.

12 MR LUVENGIKA: [9:44:10](Interpretation) Yes, your Honour, your Honours.

13 I'd like to apologise for interrupting you in cross-examination. But ethically, I know
14 that [REDACTED]



20 PRESIDING JUDGE MINDUA: [9:45:01](Interpretation) Maître Pradhan --

21 Prosecutor.

22 MR DUTERTRE: [9:45:06](Interpretation) I'm not going to add anything to what my
23 colleague has said. I just wanted to say that all the development of the interview, the
24 breaks, the consultations with [REDACTED] figures in black and white in the transcript
25 of interview 552. So the OTP has no difficulty with the Defence submitting it

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1 completely. We would agree to that, and it's completely clear.

2 And a few years ago, we asked questions to the witness, and he might not remember
3 at what time he responded or when there was a break or whatever, but whatever the
4 case, the transcript of the interview is completely faithful in this regard.

5 So if the Defence has an interest in the manifestation of truth with regards to what
6 happened in this interview, the most simple thing is to tender it into the record, and
7 the Chamber will have a full record of it - of the pauses, of the rights, of the answers,
8 from [REDACTED] - and, it will be completely clear.

9 PRESIDING JUDGE MINDUA: [9:46:20](Interpretation) Maître Pradhan.

10 MS PRADHAN: [9:46:22] Yes, Mr President. First, to respond to my learned friend
11 for the victims. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Secondly, you know this -- I do take exception to my learned friend from the
15 Prosecution continuing to offer his own testimony about what happened in those
16 interviews. It is true that there is a transcript, but the purpose of cross-examination,
17 as is the purpose of examination of a witness in general, is to learn what the
18 witnesses' viewpoints and feelings and understandings of that transcript may have
19 been. That may not be reflected in black and white in the exact wordings of the
20 transcript and what his recollection was of that.

21 Now if I recall correctly from the direct examination, the -- Monsieur Prosecutor went
22 into some detail asking him about his previous transcripts in much the same way that
23 I'm doing now. And on cross-examination, it is my job to ask further questions
24 about what was asked on direct, to, again, ascertain more of [REDACTED]
25 understanding of what went on and not just what was summarised in a Prosecution

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1 transcript.

2 PRESIDING JUDGE MINDUA: [9:47:59](Interpretation) [REDACTED]

3 [REDACTED]: [9:48:01](Interpretation) Mr President, thank you very much.

4 My respected colleague, last week, when I gave a few remarks, she was astonished
5 regarding that. But I'd like to clarify to her that she has no right, and, it is erroneous
6 in law, totally, to direct questions regarding [REDACTED]

7 [REDACTED].

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 So I wanted to lay that out clear. I do not wish to interrupt her. But last week, my
12 learned colleague gave a response that is neither clear nor accurate in legal terms, and
13 as -- thus, I am entitled to intervene and to clarify that she is not entitled to put
14 questions regarding [REDACTED] Thank you, Mr President.

15 PRESIDING JUDGE MINDUA: [9:49:21](Interpretation) Maître Pradhan.

16 MS PRADHAN: [9:49:26] [REDACTED]

17 [REDACTED] And I think it is greatly important, as we discussed
18 last week, for us to be able to ask the witness -- questions to [REDACTED] as to

19 [REDACTED] And
20 there are several questions, I will say, that I have in this regard based on the
21 transcripts of those interviews in [REDACTED] between himself and OTP.

22 And I do, again, just -- [REDACTED] referred to my astonishment. I'd like to reiterate
23 that astonishment that both he and Mr Duterte are offering testimony on the record
24 in the midst of cross-examination, which is -- certainly, I've never seen before. But
25 is -- it frankly, is a way of influencing the witness improperly in the middle of

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1 cross-examination.

2 My interest is in [REDACTED] impressions. If I wanted the Prosecution and other
3 impressions, then we would look to the Prosecution transcripts, which we already
4 have, or we would be happy to speak to [REDACTED] on the record about it.

5 PRESIDING JUDGE MINDUA: [9:50:57](Interpretation) Prosecutor, you've already
6 spoken; so, last time.

7 MR DUTERTRE: [9:51:01](Interpretation) Thank you. Firstly, my learned friend is
8 moving the debate about the fact whether I've testified. This is not the case. So
9 we're mixing things up here. And that's a smokescreen, which isn't helping.
10 Secondly, the rights of [REDACTED] -- he's the one who is available to claim his rights
11 and not the Defence. He's the only one who can advocate a violation of his rights
12 and not the Defence. So here we are exploring which do not come within -- which
13 do not fall within the framework of Ms Pradhan's competences.

14 PRESIDING JUDGE MINDUA: [9:51:44](Interpretation) Ms Pradhan, it's true that
15 since this morning since we started -- since you started putting questions to the
16 witness, myself, I was asking a question about the direction in which we were going,
17 and your subject is to look at [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED] And I don't see the relevance of
21 putting questions on [REDACTED] And
22 here, I agree with [REDACTED] that you should not continue down this path.

23 Now, the Prosecutor talked about transcripts which have been tendered into evidence.
24 You can call them up, and you can work from these transcripts without problems.
25 But you should not continue to ask questions about [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 So reformulate your question or move on such that you can reflect on how you're
4 going to carry out this cross-examination. That's it.
5 MS PRADHAN: [9:53:43] Mr President, may I ask a question of clarification to the
6 Bench?

7 PRESIDING JUDGE MINDUA: [9:53:55](Interpretation) The conversations with
8 [REDACTED] and his client I've already ruled on.
9 Please go ahead, but I've set the limits.

10 MS PRADHAN: [9:54:09] Certainly, Mr President. I was just trying to understand
11 the limits further, but I will -- I will move on.

12 Q. [9:54:19] [REDACTED], one last question regarding the first interview on
13 [REDACTED]
14 Were you aware at the time of [REDACTED]
15 [REDACTED]?

16 A. [9:54:45] [REDACTED]?

17 Q. [9:55:13] Thank you, [REDACTED]
18 [REDACTED]

19 A. [9:55:23] I -- yes, I learned that -- [REDACTED]
20 [REDACTED] but I don't know -- I
21 don't recall exactly when it -- when exactly I learned that. [REDACTED]

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

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3 [REDACTED] but I cannot speak with certainty regarding information on this matter.

4 Q. [9:57:02] Thank you, sir. [REDACTED] I'd like now to talk about your second

5 interview, and I understand this is a long time ago, some of this may blend together.

6 But to the extent that you have a recollection, sir, [REDACTED], do you recall

7 raising security concerns with your interviewers?

8 A. [9:57:40] I do. And that followed my consultation with my counsel, and I

9 mentioned to him that there are many details that could help in the case -- are details I

10 would not like to bring up unless I have some security guarantees to the level that I

11 would deem sufficient.

12 Q. [9:58:19] And, sir, when you refer to "security guarantees," could you explain in

13 a little more detail what you meant by that.

14 A. [9:58:31] In general, I cannot get into all details pertaining to that. But in

15 general terms, that my statements or the details and information I would provide to

16 the Office of the Prosecutor, that they cause me no harm, neither to -- harm to myself

17 or to my family, and that the Prosecution provides me an approval or guarantees that

18 myself, as well as my family, be kept afar from areas where danger could be present

19 as a result of the information and details I would provide the Office of the Prosecutor.

20 Q. [9:59:38] And when you raised these concerns, [REDACTED], what was the

21 response of the interviewers?

22 A. [9:59:49] They told me about some of the prerogatives under the office and that

23 certain things are beyond their powers, but they told me that there is a department

24 that takes care of these things and that I would be referred to someone from that

25 department. And I understood at the time that this was a department or an office

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1 tasked with providing security. But I was not aware -- I did not fully grasp the
2 difference between that office and their office or the exact task of that office. What I
3 was interested mostly in was to receive that security. And indeed I was referred to
4 someone [REDACTED] and we talked about the subject, and we talked -- I -- this
5 was [REDACTED] even the Office of the
6 Prosecution does not know about, nor do they know about the subjects we discussed.

7 Q. [10:01:17] And, [REDACTED], did you feel more comfortable speaking with the
8 OTP interviewers after that, after you were referred to that office?

9 A. [10:01:32] Not exactly, because the office -- what I understood from the office is
10 that there are very long procedures through which there could be gaps.

11 [REDACTED]
12 And also I do not have any specific imagination or complete imagination of how this
13 could be secured, if anything like this happened. Therefore, I was not very
14 comfortable completely, but I was -- I had the intention to give the details and the
15 information in the way that I think will help the Prosecution or will help with the case
16 for the Prosecution.

17 Q. [10:02:45] Thank you, [REDACTED].

18 Do you recall if -- on Friday, just to refresh your memory, on Friday, you testified that
19 there were [REDACTED].

20 My question is simply: Do you recall if [REDACTED]
21 [REDACTED]?

22 A. [10:03:14] [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

5 PRESIDING JUDGE MINDUA: [10:04:29](Interpretation) Mr Prosecutor.

6 MR DUTERTRE: [10:04:30](Interpretation) Thank you, your Honour. I did hear my
7 learned friend's argument who seems to wish to explore the impressions of what may
8 or may not have happened at the time. But once again, the transcript of the
9 interview is quite clear. When it comes to security issues, it's clear to see that the

10 OTP responded at 0037, page -- and I'm not going to go into the details, [REDACTED]

11 [REDACTED]
12 THE INTERPRETER: Counsel makes reference to page [REDACTED]

13 [REDACTED]

14 MR DUTERTRE: (Interpretation) And so one can try to explore this matter with the
15 witness, but I don't think this really helps the Chamber because the witness cannot
16 remember everything, all the details that are clearly reflected in the transcript. So I
17 really don't know where counsel wishes to go with all these questions.

18 And, I object to this, and particularly security issues that could reveal information
19 that could prove problematic in the future.

20 PRESIDING JUDGE MINDUA: [10:06:24](Interpretation) Ms Pradhan.

21 MS PRADHAN: [10:06:26] Mr President, under this Court's decision on the order of
22 conduct, well, I'm required to ask for his impressions before going to the transcripts,
23 and the transcripts are not yet in evidence. And so I don't -- I see this as a somewhat
24 of a frivolous objection. I had a single question regarding his -- and I recognised,
25 when I asked [REDACTED] that perhaps he may not -- he may not remember every

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1 instance. I did not ask him about every instance. I asked him broadly a single
2 question about his impressions, and here we've spent several minutes discussing my
3 single question which, under this Court's decision, I'm required to ask.
4 PRESIDING JUDGE MINDUA: [10:07:27](Interpretation) This is where the problem
5 lies, Counsel. I don't know the relevance of your question.
6 What goal are you targeting? What would you like the Chamber to hear, to deduce
7 from what's heard?
8 Here, we are dealing -- let us focus on matters that have to do with innocence or guilt.
9 I'm ill at ease when you speak to issues regarding security. So please stay focused,
10 rephrase your question, and help the Chamber understand [REDACTED]
11 [REDACTED], and drop the whole security issue, and we will see where
12 this takes us.
13 I can also see that this particular topic is taking a lot of your time, and you have four
14 other topics to explore. Please proceed.
15 MS PRADHAN: [10:08:38] Mr President, if I may be heard briefly.
16 PRESIDING JUDGE MINDUA: [10:08:47](Interpretation) About what I just said?
17 MS PRADHAN: [10:08:48] Solely just to clarify that my question is about
18 [REDACTED] And
19 so it's inconsistent to say that it impacts on security issues [REDACTED]
20 [REDACTED] is in fact in the transcript.
21 PRESIDING JUDGE MINDUA: [10:09:19](Interpretation) Your exercise is to put
22 questions to the witness and to find inconsistencies in relation to what he said several
23 years ago [REDACTED]? I just don't understand why you're proceeding in this manner.
24 MS PRADHAN: [10:09:34] Thank you --
25 PRESIDING JUDGE MINDUA: [10:09:36](Interpretation) Go ahead.

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1 MS PRADHAN: [10:09:38] Thank you, Mr President. I -- I don't have anything
2 further on that particular topic. I had the single question.

3 Q. [10:09:45] [REDACTED], and again, I -- I do want to reiterate, I do understand
4 that this is some time ago for you and that it might difficult to remember specific
5 things. But I would like to get -- I would like to ask you a few more questions about
6 your initial interviews with OTP. And particularly on the last day, [REDACTED],
7 [REDACTED], do you recall in that interview, sir, whether you spoke to OTP -- strike that.
8 Do you recall, sir, during that interview [REDACTED] telling interviewers
9 that [REDACTED]?

10 PRESIDING JUDGE MINDUA: [10:10:54](Interpretation) Prosecution.

11 MR DUTERTRE: [10:10:56](Interpretation) Yes, your Honour. To be fair to the
12 witness, your Honours, I think the Defence needs to specify [REDACTED]
13 [REDACTED] she's talking about.

14 MS PRADHAN: [10:11:08] Mr President, I believe I was specific. It was
15 [REDACTED] --

16 PRESIDING JUDGE MINDUA: [10:11:24](Interpretation) Yes, Prosecutor. I believe
17 the [REDACTED] was mentioned, [REDACTED]. It is here in the transcript.

18 MR DUTERTRE: [10:11:35](Interpretation) The question was if the [REDACTED]
19 he mentioned a particular thing. But in relation to which [REDACTED]
20 [REDACTED]. All of this is very vague and general, and the response will not
21 assist the Chamber, and I don't think that the witness understands -- the witness
22 understands what is expected of him.

23 PRESIDING JUDGE MINDUA: [10:12:04](Interpretation) Counsel, kindly rephrase.

24 MS PRADHAN: [10:12:07] Certainly, Mr President. I'm happy to ask with greater
25 specificity, although I was attempting, again, to ask an open question before going to

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1 the transcripts.

2 Q. [10:12:18] All right. [REDACTED], I'd like to refer you, sir, to OTP tab 1328, and
3 the number is [REDACTED]. And I'd like to start, [REDACTED], for the
4 purposes of the specificity that was requested by Mr Dutertre, I'd like to start, sir, at
5 page 1089, lines 219 to 223.

6 Do you see that, sir?

7 A. [10:13:52] You said the lines.

8 Which lines, please?

9 Q. [10:13:58] Certainly, sir. And I'll correct myself. I'd like -- I'd like you to look
10 at the page generally, but perhaps specifically at lines 228 to 229 of the English, if you
11 will.

12 A. [10:14:27] Yes.

13 Q. [10:14:30] In this exchange with your interviewers, are you speaking about
14 the -- is it -- do you recall speaking about [REDACTED]
15 [REDACTED]?

16 A. [10:15:11] There is a question, [REDACTED], was
17 there something specific which you believe should be mentioned [REDACTED]

18 [REDACTED] This is a question -- it's a very general question, and when it was asked
19 of me, when I was thinking of it, I had just finished this -- these interviews [REDACTED]

20 [REDACTED]

21 [REDACTED] So this was my clarification in answer to this question.

22 But I wanted to only speak about one point in particular, which is [REDACTED]

23 [REDACTED]

24 [REDACTED] And that's why I mentioned this in this
25 question here.

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1 Q. [10:16:15] If I could clarify, [REDACTED], your -- you believed [REDACTED]
2 [REDACTED] to be relevant for your interviews with
3 OTP in response to their question.

4 Is that correct, sir?

5 A. [10:16:37] You are asking me a question as if this is a question -- as if I'm
6 a psychiatrist who wants to know the reason behind his patient's illness. There were
7 interviews for [REDACTED], and I mentioned here, this answer, to -- related
8 to the emotional effect and the negative emotional effect [REDACTED]
9 [REDACTED]. I mentioned this here, during this meeting with the OTP. And now
10 you want to know [REDACTED] that made me mention this question
11 in particular and to choose this especially and mention that to the OTP, is that your
12 question?

13 Q. [10:17:41] No, sir. I believe you've adequately answered my question. My
14 purpose was simply to clarify the words that you had used, sir. So you have
15 answered my question. And I thank you for that.

16 Do you recall then, after speaking to OTP about [REDACTED]
17 [REDACTED], do you recall at that point telling your interviewers that
18 [REDACTED]?

19 A. [10:18:24] [REDACTED] Yes, I remember that

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

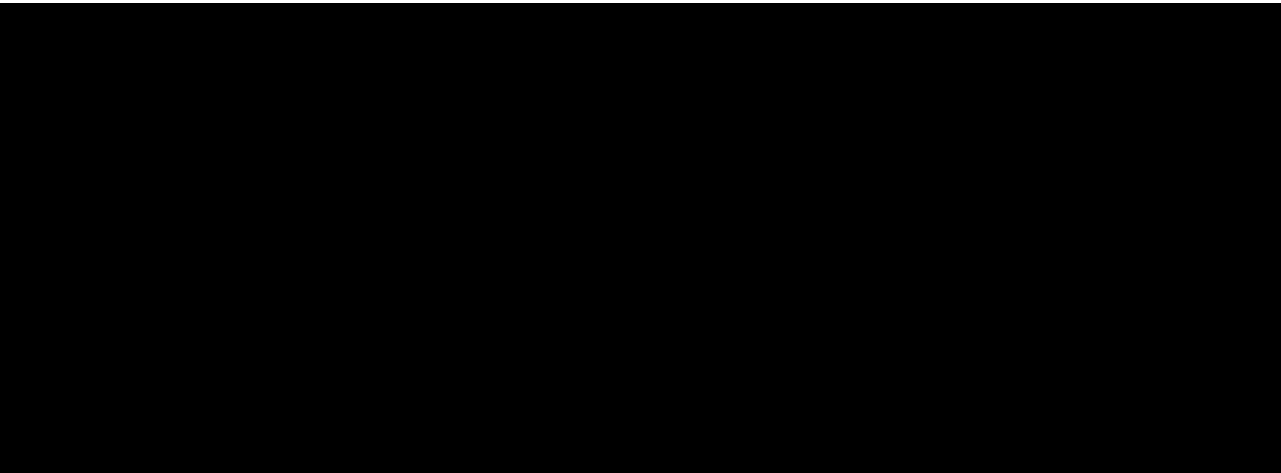
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8 Q. [10:19:54] If I may direct you, sir, to page -- same document, page 1090 at lines
9 250 to 251 of the English. And I represent to you, sir, that this is shortly -- this is
10 immediately after a question from your interviewer about [REDACTED]

11 [REDACTED] And do you see that your answer there, at line
12 250, says:

13 [REDACTED]

14 [REDACTED]

15 Is that correct, sir?

16 PRESIDING JUDGE MINDUA: [10:20:49](Interpretation) Prosecution.

17 MR DUTERTRE: [10:20:52](Interpretation) The witness needs to have a chance to
18 look at the entire page because this is contextual and it will allow us to understand
19 the response, particularly the beginning of the page as of line 240.

20 PRESIDING JUDGE MINDUA: [10:21:09](Interpretation) The witness needs to be
21 able to read the entire page.

22 MS PRADHAN: [10:21:14] Certainly, Mr President. Would you like me to read it
23 for the witness? There is an Arabic translation available on the page.

24 PRESIDING JUDGE MINDUA: [10:21:26](Interpretation) I think he can read it for
25 himself.

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1 Read it for yourself, calmly.

2 Once you have finished reading, please gesture to counsel.

3 THE WITNESS: [10:22:45](Interpretation) Yes, of course.

4 MS PRADHAN: [10:22:49]

5 Q. [10:22:51] [REDACTED], you've had an opportunity now to read the context
6 around that statement on that page?

7 A. [10:22:59] Yes, I did.

8 Q. [10:23:05] And at lines -- Mr Duterte pointed to line 240 to 242 of the transcript,
9 where they ask you [REDACTED]

10 [REDACTED]
11 [REDACTED]

12 Do you recall that, sir?

13 A. [10:23:45] [REDACTED]
14 [REDACTED] I understood that the investigators
15 wanted to know [REDACTED]

16 [REDACTED] This
17 is what I understood of the question, and I informed them that [REDACTED]

18 [REDACTED]
19 [REDACTED] as I have informed you previously, and

20 [REDACTED] And, [REDACTED]
21 [REDACTED]

22 [REDACTED]
23 [REDACTED]

24 [REDACTED]
25 [REDACTED]

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1 Q. [10:25:32] Thank you for that clarification, sir.

2 And so your response then was to say that [REDACTED]

3 [REDACTED],

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Do I understand you correctly, sir?

8 MR DUTERTRE: [10:26:08](Interpretation) Your Honour.

9 PRESIDING JUDGE MINDUA: [10:26:10](Interpretation) Prosecutor.

10 MR DUTERTRE: [10:26:10](Interpretation) Your Honour, the witness has answered
11 the previous question clearly, and there is paraphrasing, summarising, with a view to
12 putting a rather long question. And I believe this is inappropriate.

13 The witness has answered, and it's not necessary to paraphrase every time he gives
14 a reply.

15 PRESIDING JUDGE MINDUA: [10:26:36](Interpretation) Ms Pradhan, Friday, I
16 think I already made that same observation to you. You summarise the witness'
17 reply. You add your own material.

18 Reformulate your question. Go ahead.

19 MS PRADHAN: [10:26:59] Certainly, Mr President. And I understood your
20 direction from Friday. I'm not attempting to argue with the Bench in any way, I
21 simply -- there had been some confusion, including raised by the Prosecutor about
22 this particular set of questions, and so I simply wanted to clarify the timing and the
23 parties that were involved, using his own words.

24 Q. [10:27:27] [REDACTED], if I can return you, sir, to, I believe, that same page,
25 1090. Excuse me, sir, may I direct you to the next page, 1091, at lines 276 to 277,

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1 where you state that [REDACTED]

2 [REDACTED]

3 Do you recall that, sir?

4 MR DUTERTRE: [10:28:32](Interpretation) Your Honour.

5 PRESIDING JUDGE MINDUA: [10:28:32](Interpretation) Prosecution.

6 MR DUTERTRE: [10:28:33](Interpretation) I don't object to the question, but I think
7 we need to be extremely specific. [REDACTED]

8 [REDACTED] And at the bottom of the previous
9 page 1090, it is to ...

10 It's a matter of being fair to the witness and -- so that the Chamber, too, can
11 understand exactly what is being discussed.

12 PRESIDING JUDGE MINDUA: [10:29:02](Interpretation) Ms Pradhan.

13 MS PRADHAN: [10:29:05] Mr President, I would be happy to direct the witness to
14 the previous page again, where we can discuss the context for his answer here.

15 Q. [10:29:20] [REDACTED], I will direct you, sir -- I myself dislike going backwards
16 and forwards, but I will direct you, sir, to page 1090, if I may, which is the page that
17 we were just on, and direct you, sir, to lines 269 to 270 of the English, where the
18 interviewer says:

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 Do you see that, sir?

23 A. [10:30:12] I do.

24 Q. [10:30:21] Thank you very much, sir.

25 And do you further see at line 273, where you say -- you answer: "Most of the time."?

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1 A. [10:30:47] I do.

2 Q. [10:30:49] Thank you, sir. And so now, if you turn the page to 1091, when you
3 say at line 276:

4 [REDACTED]

5 You're referring to [REDACTED]

6 [REDACTED] Is that correct, sir?

7 A. [10:31:20] Yes. Although, I do not quite know how I came up with these
8 percentages. My only point was to say that the truthful part was greater than the
9 untruthful part.

10 Q. [10:31:51] Thank you, sir. And if I may continue on that page, [REDACTED] at
11 lines 292 to 297 of the English, you state:

12 [REDACTED]
13 [REDACTED]

14 [REDACTED]

15 I did this on ... purpose."

16 Do you recall that, sir?

17 A. [10:32:34] I do, and it is accurate.

18 Q. [10:32:41] Thank you, sir. And again, for the -- for the purpose of completeness,
19 I will just direct you to line 299 to 300, the next statement in English, where the
20 interviewer says: [REDACTED]

21 [REDACTED]

22 Do you recall that, sir?

23 A. [10:33:06] I do. It is accurate.

24 Q. [10:33:19] Thank you, [REDACTED]

25 Sir, during the several weeks of direct examination that you had over the -- I know

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1 that it's been a very long period of examination for you, do you recall being asked by
2 Mr Duterte any questions about the army and Al-Qaeda?

3 PRESIDING JUDGE MINDUA: [10:33:57](Interpretation) Prosecutor.

4 MR DUTERTRE: [10:33:59](Interpretation) Yes, your Honour. What army are we
5 talking about? There are a lot of armies in the world.

6 And secondly, I'd like to have a reference in the transcript. It's in the directions from
7 the Chamber. It's in the guidelines for proceedings, and that doesn't mean that it
8 immediately has to be shown to the witness, but we have to know what is being
9 referred to.

10 PRESIDING JUDGE MINDUA: [10:34:26](Interpretation) Yes, Ms Pradhan, because
11 the Prosecutor has to prepare for possible additional questions, so references are
12 needed. And furthermore, could you be more precise when you're putting questions
13 to the witness, particularly where it concerns the army or armies.

14 MS PRADHAN: [10:34:44] Certainly, Mr President. Regarding the first part of the
15 question for references for the Prosecutor, I have several to offer. The first is
16 transcript 89 of the English edited, page 18, lines 17 to -- starting line 17, to page 20,
17 line 9.

18 A second reference is at transcript 105, page 78, starting at line 20, page 79, line 1.

19 Third reference is at transcript 101, English edited, page 26, line 16, to page 27, line 19.

20 And finally, transcript 88, page 16, lines 20 to 25, and page 49, lines 2 to 8.

21 And I will reformulate my question, sir, as you've requested.

22 Q. [10:36:18] [REDACTED] --

23 MR DUTERTRE: [10:36:20](Interpretation) Just by way of clarification,
24 clarification -- the transcript 105 is the Defence, not the Office of the Prosecutor.

25 PRESIDING JUDGE MINDUA: [10:36:33](Interpretation) That's noted.

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1 MS PRADHAN: [10:36:41]

2 Q. [10:36:42] And, [REDACTED], again, to make sure that we're very specific, when
3 you described [REDACTED]

4 [REDACTED]

5 Is that correct, sir? I want to make sure that I have that correct.

6 A. [10:37:11] It is.

7 Q. [10:37:17] And, sir, this is -- strike that.

8 I'll move on.

9 [REDACTED] I have a few more questions for you about that last interview.

10 Do you remember during that particular interview [REDACTED] telling the
11 interviewers that you remembered your phone number?

12 Do you remember that, sir?

13 A. [10:37:52] I do not. I think I told them that I remember numbers. With
14 regards to the phone number I used in Timbuktu, [REDACTED].

15 And I think I forgot other numbers that made up that number, but I am not sure
16 about this.

17 Q. [10:38:33] Okay. So just to refresh your memory, sir, if I may refer you to
18 a document at OTP tab 1288 -- excuse me. Excuse me. It's OTP tab 1328, the same
19 document we were referring to earlier. And for completeness, the number is -- the
20 reference is [REDACTED], and this is at page 1102, beginning at line 650.

21 Do you have that before you, sir?

22 A. [10:39:41] Yes.

23 Q. [10:39:54] Thank you, sir. And on that first half of the page, do you see the
24 interviewer saying at lines 650 to 651: "[...] do you remember what your phone
25 number was when ... you were in TOMBOUCTOU?"

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1 A. [10:40:13] Yes.

2 Q. [10:40:23] And again, for completeness, at line 654 you say: "No." But at lines
3 660 you say: "I think I can remember now."

4 Do you see that now, sir?

5 A. [10:40:43] Yes. And I said, "I think," which means I am not certain.

6 Q. [10:41:01] Yes, sir. And then at line 664, you say:

7 "OK, so I can remember my number. It's --"

8 And then you give four digits, and you give another -- a further four digits at line 666.

9 Is that a complete mobile number, sir?

10 A. [10:41:28] First of all, I tried to recall the phone number, and I remember that I

11 had two phone numbers -- I mean, two numbers that I remembered [REDACTED]

12 [REDACTED]. But I didn't know which one precedes the other. [REDACTED]

13 [REDACTED] And while I was busy trying to remember, I
14 settled on that [REDACTED].

15 Then, I built on another piece of information, which is that [REDACTED]

16 [REDACTED] and that the -- the number may begin with [REDACTED] as an indicating number.

17 So that's how I came up with this number, and I said at the beginning that I think this
18 is the number, and that's how I gave these digits. And I think my words here show
19 the uncertainty, and I was asked about this number again [REDACTED]

20 [REDACTED], and I gave the same statement in response.

21 Q. [10:42:51] Thank you, sir. I'd like to just direct you, if I may, briefly, to OTP tab
22 1288. And the document reference is [REDACTED], at that first page.

23 And I have a single question about this document, sir.

24 Do you have that, sir?

25 A. [10:43:38] (No interpretation)

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1 Q. [10:43:54] I apologise. I'll give the reference for the Arabic as well, if I may, for
2 the record. And that is OTP tab 1289, [REDACTED].

3 [REDACTED] do you recognise this document, sir?

4 A. [10:44:26] I do not.

5 Q. [10:44:32] Would you like to have a minute to look over it? I have a single
6 question about the first page.

7 A. [10:44:44] Prosecutor.

8 MR DUTERTRE: [10:44:45](Interpretation) Yes, your Honour. The witness has just
9 indicated that he didn't know this document; furthermore, [REDACTED]
10 [REDACTED] as my learned colleague can confirm herself. I don't see how it's useful to
11 have him comment on a document which he absolutely does not know.

12 PRESIDING JUDGE MINDUA: [10:45:08](Interpretation) Maître Pradhan, why
13 didn't you ask directly a question about the content of the document to the witness.

14 MS PRADHAN: [10:45:16] Certainly, Mr President.

15 Q. [10:45:17] [REDACTED] do you recall -- and, I have a single question about
16 this -- [REDACTED]

17 [REDACTED], that you did not remember your telephone number?

18 A. [10:45:35] I do. I told the truth. Sorry. No. I don't remember that I said
19 that to him, but in my heart, I believe that I would tell him so, which is, that I do not
20 recall it.

21 Q. [10:46:02] Thank you, sir. I have just a couple more questions about this
22 particular session. And I know that -- again, I want to reiterate, I understand this is
23 a long time ago, sir. But I do want to -- I do want to understand your recollections.
24 So going back to OTP tab 1328. And again, that's document [REDACTED]
25 at page 1105, line

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1 753.

2 Do you have that page in front of you, sir?

3 A. [10:47:05] I do.

4 Q. [10:47:14] And do you see at that line, sir, that you say: "You have helped me to
5 remember the events"?

6 Could you explain what you meant -- excuse me. Do you -- could you explain what
7 you meant by when you said that they helped you remember the events.

8 PRESIDING JUDGE MINDUA: [10:47:38](Interpretation) Prosecutor.

9 MR DUTERTRE: [10:47:39](Interpretation) Yes, your Honour. I'm not going to get
10 up each time. If my learned colleague could put the excerpts in context and show
11 the previous page, rather than getting out different chunks of responses by -- by
12 taking the witness simply from one point to another.

13 PRESIDING JUDGE MINDUA: [10:48:03](Interpretation) Ms Pradhan.

14 MS PRADHAN: [10:48:04] Absolutely, Mr President. I'm happy to. I'm
15 attempting to be more specific just for the -- in the interests of time, but I'm happy to
16 go back to page 1104.

17 Q. [10:48:13] [REDACTED], do you see in the middle of that page, sir, around lines
18 730 and 731 of the English, that the interviewer is concluding that last interview with
19 you?

20 Do you see that, sir?

21 A. [10:48:38] I do.

22 Q. [10:48:49] And further down the page, sir, at line 748 to 749, do you see that it
23 says -- that you say:

24 "I just wanted to let you know and to inform you that this investigation has helped
25 me a lot to understand many things [...]"

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1 And at line 751: "[...] even for my own benefit."

2 Do you see that, sir?

3 A. [10:49:20] I do.

4 Q. [10:49:36] Thank you, [REDACTED]. And then, if you go to the next page, there
5 is that line at 753 where you say:

6 "You have helped me to remember the events."

7 And my question, sir, is, in what way were you helped to remember the events?

8 A. [10:49:56] Yes. They helped me remember many things in the same way you
9 are helping me remember things in this cross-examination. When you address
10 matters that the Prosecutor did not address, helped me remember many things that
11 happened at the time. In addition, the things that happened, I have witnessed them,
12 yes, but I've also been -- become able to analyse them. And this is thanks to your
13 questions, the investigators and the Defence. When you put a question to me, do
14 you think I am not able to understand your ultimate point of the question? Or
15 possibly, if there are 20 different objectives of the question, at least I would be able to
16 grasp one purpose of your objective. And the same could be said of questions put
17 by the Prosecutor.

18 In this instance you're asking me about, the same thing happened. It sounded -- it
19 was something I was -- something that I witnessed, and I had my own analysis of the
20 matter. But after listening to questions put by the Prosecutor and questions put by
21 yourself, I am in a better position to understand things, because I am in a better
22 position to look at the matter from different angles and different perspectives.

23 PRESIDING JUDGE MINDUA: [10:51:42](Interpretation) Prosecutor.

24 MR DUTERTRE: [10:51:43](Interpretation) Yes. Thank you, your Honour. Just
25 for the accuracy of the transcript, so the document on page [REDACTED] so lines 752 and

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1 753, in English, it is marked (Overlapping speakers)

2 (Speaks English) Quotation mark, "You have helped me to remember the events."

3 End of quotation.

4 (Interpretation) And, in fact, in Arabic on 752, it's not the word "evidence" but

5 "things."

6 PRESIDING JUDGE MINDUA: [10:52:21](Interpretation) Very well. That's noted.

7 Because I don't see any reaction from those who speak Arabic. So it is perfect.

8 Maître Pradhan.

9 MS PRADHAN: [10:52:33] Thank you, Mr President.

10 Q. [10:52:36] Sir, on that same page, [REDACTED], if you look at lines 756 to 757,

11 you say:

12 [REDACTED]
13 [REDACTED]

14 Do you see that, sir?

15 A. [10:53:04] I do.

16 Q. [10:53:11] [REDACTED]

17 [REDACTED]?

18 A. [10:53:21] Because they have previously told me in this interview that [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Q. [10:53:51] And, sir --

22 PRESIDING JUDGE MINDUA: [10:53:55](Interpretation) Prosecutor.

23 MR DUTERTRE: [10:53:57](Interpretation) My learned friend quoted the answer of

24 the witness, well, half of it, because the answer of the witness from line 755 to

25 759 -- so if you quote the answer of the witness, to be equitable, you have to quote the

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1 entire sentence.

2 PRESIDING JUDGE MINDUA: [10:54:30](Interpretation) Yes, Prosecutor. But I
3 think that the witness has the text in front of him. He can read it himself if he so
4 desires.

5 Ms Pradhan.

6 MS PRADHAN: [10:54:50] Thank you, Mr President. I just do want to note that
7 this objection is premature as I was about to direct the witness actually to that next
8 line.

9 At line 759, you say that:

10 [REDACTED]

11 Do you see, [REDACTED]?

12 A. [10:55:08] I do.

13 Q. [10:55:17] [REDACTED]

14 [REDACTED]?

15 A. [10:55:25] [REDACTED]

16 [REDACTED]?

17 Q. [10:55:45] [REDACTED]

18 [REDACTED]?

19 A. [10:55:53] [REDACTED]

20 Q. [10:55:59] [REDACTED]

21 [REDACTED]?

22 A. [10:56:11] [REDACTED]

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

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[REDACTED]

Q. [10:58:01] [REDACTED]

[REDACTED]

A. [10:58:16] [REDACTED]

[REDACTED]

Q. [10:58:34] [REDACTED]

[REDACTED]

A. [10:59:02] [REDACTED]

[REDACTED]

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1 [REDACTED]

2 Q. [10:59:37] Thank you, [REDACTED].

3 MS PRADHAN: [10:59:41] *Monsieur le Président*, I believe we may be at a stopping
4 point.

5 PRESIDING JUDGE MINDUA: [10:59:46](Interpretation) Indeed, Maître Pradhan.

6 It's 11 o'clock. We're going to stop for half an hour.

7 Court is suspended.

8 THE COURT USHER: [10:59:55] All rise.

9 (Recess taken at 10.59 a.m.)

10 (Upon resuming in closed session at 11.29 a.m.)

11 THE COURT USHER: [11:29:48] All rise. Please be seated.

12 PRESIDING JUDGE MINDUA: [11:30:07](Interpretation) The hearing shall now
13 resume.

14 Counsel, please proceed.

15 MS PRADHAN: [11:30:22] Thank you, Mr President.

16 Q. [11:30:27] [REDACTED], you are still feeling all right, sir, this morning?

17 A. [11:30:35] Yes, I'm very well. Thank you very much.

18 Q. [11:30:43] Thank you. I have one last question for you, sir, regarding your

19 interview with OTP [REDACTED] And, again, the reference here is the
20 same document we were looking at prior to the break, which is OTP tab 1328,

21 [REDACTED].

22 And, [REDACTED], I'll trust that you recollect the context of the conversation that

23 occurs on that page, sir, but if you'd like me to go through it again, I'm happy to do

24 so.

25 A. [11:31:50] Yes, I can see the conversation that you are referring to.

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1 Q. [11:32:05] Thank you, sir. The last question I have, sir, relates to lines 778 to
2 780 of page 1105, where it says -- where you say -- you discuss [REDACTED]

3 [REDACTED]
4 Excuse me, sir. It's line 768 to 770, and I'll read you the full quotation in the interest
5 of completeness. It says:

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 And, I'll ask you a few short questions just to be clear about this statement, sir.

10 My first question is: [REDACTED]

11 [REDACTED]

12 A. [11:33:30] [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q. [11:34:11] Pausing for interpretation.

17 [REDACTED]
18 [REDACTED]

19 A. [11:34:41] I am speaking about my imagination and what I feel that -- perhaps
20 I'm wrong in my expectation. However, what I believe is that -- what I have said are

21 [REDACTED]

22 [REDACTED] And it also relates to different other people. And what I understood during
23 that time is that the Prosecution will study these -- what I have said. He will study

24 [REDACTED] And perhaps they will feel that it is in -- it is
25 important that when the Court -- when all this is put in front of the Court [REDACTED]

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[REDACTED]

Q. [11:36:22] [REDACTED]

[REDACTED]

A. [11:36:55] I did not understand specifically your question, please.

Q. [11:37:04] Of course, sir, I'm happy to repeat. I can try to rephrase it as well if it's not clear.

[REDACTED]

A. [11:37:35] [REDACTED]

[REDACTED]

Is that what you are saying?

Q. [11:37:50] Yes, sir. That's precisely what I'm asking. Thank you.

A. [11:37:57] [REDACTED]

[REDACTED]

Q. [11:38:34] Thank you, sir.

[REDACTED]

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1 A. [11:38:42] [REDACTED]

2 [REDACTED].

3 Q. [11:39:00] [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 A. [11:39:28] [REDACTED]

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

13 Q. [11:40:13] [REDACTED]

14 [REDACTED]
15 [REDACTED]

16 A. [11:40:31] [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. [11:41:08] [REDACTED]

21 [REDACTED]?

22 A. [11:41:20] [REDACTED]

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

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1 [REDACTED]

2 Q. [11:41:56] [REDACTED]

3 [REDACTED]

4 A. [11:42:07] [REDACTED]

5 Q. [11:42:17] [REDACTED]

6 [REDACTED]?

7 A. [11:42:30] [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q. [11:44:06] Thank you, sir. And do I understand from your previous answer

19 [REDACTED]?

20 A. [11:44:24] [REDACTED].

21 Q. [11:44:34] [REDACTED]

22 [REDACTED]

23 A. [11:44:44] [REDACTED]

24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. [11:45:29] Thank you, [REDACTED]

And do you recall --

MR DUTERTRE: [11:45:35](Interpretation) Your Honour, just a correction.

PRESIDING JUDGE MINDUA: [11:45:41](Interpretation) Yes.

MR DUTERTRE: [11:45:44](Interpretation) In French, page 40, line 22, I read that the [REDACTED] was dated [REDACTED]. And after cross-checking, it seems to me it was actually the [REDACTED], just for the accuracy --

THE INTERPRETER: [11:46:14] Overlapping. Overlapping speakers.

PRESIDING JUDGE MINDUA: [11:46:20](Interpretation) What was it exactly?

Ms Pradhan, have you the reference?

MS PRADHAN: [11:46:31] I'm checking now, Mr President.

Mr President, [REDACTED]

[REDACTED] But in any event, it's -- it's not particularly important for my questions. So I -- I can move on from that and take the correction from Mr Dutertre.

PRESIDING JUDGE MINDUA: [11:47:34](Interpretation) Move on, please.

MS PRADHAN: [11:47:37] Thank you.

Q. [11:47:43] [REDACTED], before we were -- before the objection, you had just said that [REDACTED]

[REDACTED], although you may not recall the specific day.

Is that correct, sir?

A. [11:48:10] [REDACTED]

[REDACTED]

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3 Q. [11:48:42]

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7 A. [11:49:04]

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12 Q. [11:49:57]

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14 A. [11:50:15]

15 Q. [11:50:34]

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19 A. [11:50:58] No, I do not remember the time.

20 MR DUTERTRE: [11:51:10](Interpretation) It is all very well to put questions to the

21 witness, but this is not a quiz either. There are documents,

22 If the Defence wishes to put it on the record, she can bring out

23 Put it on the record. I think that's more effective, but asking the

24 witness which day, what time, under which circumstances,

25 that is not useful.

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1 PRESIDING JUDGE MINDUA: [11:51:53](Interpretation) Thank you. I'm looking
2 here in the transcript to find your question, Ms Pradhan. You asked [REDACTED]

3 [REDACTED] I agree with the Prosecutor. It's not really relevant.

4 What do you say? Move on, please.

5 MS PRADHAN: [11:52:15] Certainly, Mr President. But I do want to note that the
6 Prosecutor's objection was not based on relevance. It was based on specificity, and I
7 was trying to ask open questions pursuant to the decision on trial conduct order,
8 before going to the documents. I am happy to go straight to documents. And so I'd
9 like to direct you --

10 If I may move forward, Mr President, is that ...

11 PRESIDING JUDGE MINDUA: [11:52:42](Interpretation) Go ahead. Put your
12 question.

13 Prosecution, let the Defence continue with its cross-examination.

14 Ms Pradhan, go ahead.

15 MS PRADHAN: [11:53:00] Thank you, Mr President.

16 Q. [11:53:01] [REDACTED] I'd like you to refer to a document that is at OTP tab
17 1403. The document reference is [REDACTED] in English, and the Arabic is
18 OTP tab 1405, [REDACTED]

19 Now, [REDACTED], before going into specific lines of this document, [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 A. [11:54:31] [REDACTED]

25 [REDACTED]

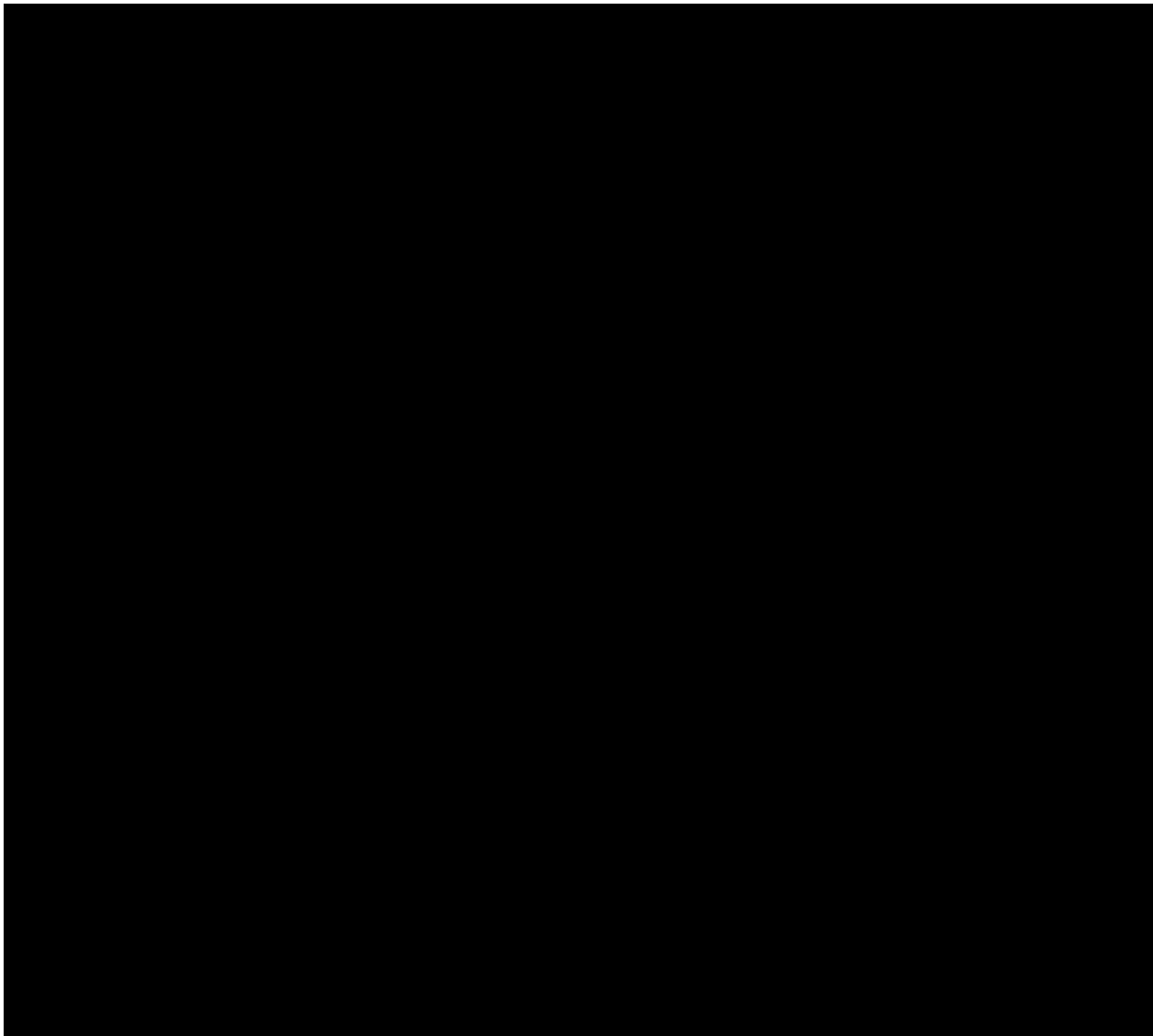
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Q. [11:57:00] Thank you, [REDACTED]. And a few follow-up questions, if I may.

First was -- you mentioned that [REDACTED]



Do you recall what those were, sir?

MR DUTERTRE: [11:57:26](Interpretation) Your Honour.

PRESIDING JUDGE MINDUA: [11:57:27](Interpretation) Prosecution.

MR DUTERTRE: [11:57:30](Interpretation) [REDACTED]

[REDACTED] I'm extremely surprised to see my learned friend revert to this issue



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1 This is the first time I have seen this in the 25 years I have worked in the field of law
2 as a judge, as a prosecutor. This is highly unusual. I object strongly to this line of
3 questioning.

4 PRESIDING JUDGE MINDUA: [11:58:07](Interpretation) I have said that we mustn't
5 hark back to [REDACTED]

6 [REDACTED]
7 Please go ahead. Move on.

8 MS PRADHAN: [11:58:27] [REDACTED]

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

13 PRESIDING JUDGE MINDUA: [11:59:05](Interpretation) (Microphone not
14 activated)

15 THE INTERPRETER: [11:59:08] Microphone, please.

16 MR DUTERTRE: [11:59:12](Interpretation) (No interpretation)

17 PRESIDING JUDGE MINDUA: [11:59:14](Interpretation) [REDACTED]

18 [REDACTED]
19 [REDACTED]. So you are putting
20 these questions.

21 What is the purpose here? Are you trying to demonstrate [REDACTED]

22 [REDACTED] What is the purpose of all this?

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

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1 So please focus on your cross-examination and do not go into [REDACTED]

2 [REDACTED]

3 Please, proceed.

4 MS PRADHAN: [12:00:31] Mr President, if I may be briefly heard on this. The code
5 of ethics of a defence counsel is to conduct cross-examination that will explore the
6 topics raised on direct. And, in fact, when we discussed the topics that we -- that I
7 intended to question [REDACTED] about on Friday, my questions go directly to those
8 first two topics that I -- I informed the Bench that I would like to ask about.

9 I will refrain here from going into the details of my explanation referring to that
10 because [REDACTED] and his counsel were not present at that point, rightly so. But I
11 do at least want it to be on record that this does go directly to a core point of the
12 defence. And if the cross-examination is to be cut off on this point entirely, then I
13 will move on, of course, if that's your decision. But this is a very -- this is a core
14 point, and I do understand, having practised for a very long time myself, [REDACTED]

15 [REDACTED]

16 PRESIDING JUDGE MINDUA: [12:01:46](Interpretation) Prosecutor.

17 MR DUTERTRE: [12:01:48](Interpretation) Yes, your Honour. If we have to discuss
18 this more, we should escort the witness out. I also regret that [REDACTED] will also
19 have to be escorted out.

20 PRESIDING JUDGE MINDUA: [12:02:00](Interpretation) I will briefly consult with
21 my colleagues.

22 (Trial Chamber confers)

23 PRESIDING JUDGE MINDUA: [12:03:02](Interpretation) Maître Pradhan, you can
24 see that your line of questioning poses problems with regards to [REDACTED]
25 [REDACTED] and at the same time with regards to my responsibilities as presiding judge.

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1 Having consulted my colleagues, we are of the opinion that you should leave these
2 questions about [REDACTED] So drop them
3 and move forward. If you have no further questions, then we will move further.
4 MS PRADHAN: [12:03:45] I have no further questions - thank you, Mr President - to
5 the Bench, to be clear.

6 Q. [12:03:56] [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 A. [12:04:35] [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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Q. [12:07:45] Thank you, [REDACTED]

I'd like to direct your attention to the document we've mentioned earlier, [REDACTED]

[REDACTED]

At paragraphs 15 to 18 under the heading [REDACTED]

[REDACTED]

THE COURT OFFICER: [12:08:39] Could counsel please give us the -- sorry. Could counsel please give us the ERN page for the Arabic.

MS PRADHAN: [12:08:50] Of course. This is [REDACTED] for the Arabic, beginning at 59, and the specific page is 0062.

PRESIDING JUDGE MINDUA: [12:09:06](Interpretation) Prosecutor.

MR DUTERTRE: [12:09:07](Interpretation) Yes, your Honour. From a practical perspective, it would be good if the court usher would give the Arabic document to the witness.

PRESIDING JUDGE MINDUA: [12:09:16](Interpretation) Indeed.

Ms Pradhan.

MS PRADHAN: [12:09:20] Thank you.

Q. [12:11:03] Would you like the page reference again, [REDACTED]? Would that be helpful?

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1 A. [12:11:09] Just if you could please tell me the paragraph or what it starts with.

2 Q. [12:11:20] Of course. And this is page 62 in the Arabic, and the paragraphs
3 begin with the heading [REDACTED]

4 A. [12:11:37] I can see it now.

5 Q. [12:11:39] Thank you. And I believe the paragraph numbers are the same in
6 Arabic and English, which are paragraphs 15 to 18.

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 A. [12:12:17] [REDACTED]

12 [REDACTED]
13 [REDACTED]

14 Q. [12:13:10] [REDACTED]

15 [REDACTED]?

16 MR DUTERTRE: [12:13:31](Interpretation) Your Honour.

17 PRESIDING JUDGE MINDUA: [12:13:33](Interpretation) Prosecutor.

18 MR DUTERTRE: [12:13:35](Interpretation) Asked and answered. The question was
19 put. The witness answered. We can go back to it 10 times, 15 times, until you get
20 the elements which pleases the Defence. But in the case in point, the question has
21 already been answered and as such, I object.

22 PRESIDING JUDGE MINDUA: [12:13:57](Interpretation) Ms Pradhan, I've just been
23 rereading your question. It's already been put on several occasions and the witness
24 has answered it, hasn't he?

25 MS PRADHAN: [12:14:05] I believe I asked it once, Mr President, but he gave an

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1 answer that, to be perfectly honest, I didn't fully understand and so it was merely
2 a question of clarification. I'm not trying to elicit different responses here. I'm
3 merely trying to understand, as we're working with different translations, exactly
4 what he's saying. And I think that would be understood because I'm not going to
5 ask the same question over and over again about this.

6 PRESIDING JUDGE MINDUA: [12:14:32](Interpretation) Very well.

7 Witness, could you repeat your answer, please.

8 THE WITNESS: [12:14:39](Interpretation) Yes. The paragraph that I am reading
9 says:

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18 MS PRADHAN: [12:15:56] Thank you very much, [REDACTED]. That's perfectly
19 clear.

20 And thank you, Mr President, for allowing the clarification.

21 Q. [12:16:02] [REDACTED]

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1 Do you see that, sir?

2 A. [12:16:29] Yes, I see that.

3 Q. [12:16:38] Thank you. And did you ever decline to attend meetings with the
4 Prosecutio [REDACTED]?

5 A. [12:16:47] I did not. Never. I never had a reason to decline the meeting.

6 Q. [12:17:05] Thank you. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Did you see that, sir?

11 A. [12:17:37] I do.

12 Q. [12:17:42] Thank you. [REDACTED] did you have any
13 idea who you may be testifying against in the future or if you would be testifying
14 against anyone?

15 A. [12:17:56] I did. I was aware of my own thoughts. As I have previously
16 mentioned to you, [REDACTED]
17 [REDACTED]

18 [REDACTED] And I
19 know that the Republic of Mali was attempting to arrest a large number of these
20 people who survived the events and also that the French authorities were trying to
21 arrest these people.

22 Therefore, it was expected that any of them would be arrested and put on trial, and,
23 in such case, I would be ready to give my testimony against that person.
24 [REDACTED]
25 [REDACTED]

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1 Q. [12:19:21] [REDACTED]

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

7 A. [12:19:51] I do.

8 Q. [12:19:59] [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 A. [12:21:18] It is there, indeed. But it's not what I meant [REDACTED]

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

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[REDACTED]

7 Q. [12:22:49] [REDACTED], would you remind repeating that last part of your
8 question -- or excuse me. The last part of your answer for clarification regarding
9 [REDACTED] if you don't mind, the words used.

10 A. [12:23:08] What I meant is that [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Q. [12:23:33] Thank you, [REDACTED].

15 [REDACTED]
16 [REDACTED]

17 A. [12:23:55] Yes.

18 Q. [12:24:07] Thank you. Do you have an idea of how many interviews you have
19 had with the Office of the Prosecutor [REDACTED]

20 [REDACTED]

21 A. [12:24:29] I forgot, [REDACTED].

22 Q. [12:24:49] Thank you, [REDACTED].

23 And I'd like to -- because I know that there have been a number of interviews, I'd like
24 to take you straight to a couple of the documents from those interviews, if I may.

25 The first is from [REDACTED] The document is OTP tab 1330, reference

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1 [REDACTED] at page 50.

2 Do you have that before you, [REDACTED]?

3 A. [12:26:06] Could you please repeat the lines you're referring to.

4 Q. [12:26:17] Of course. So this is page 50, and I was -- I'd like you -- to direct you
5 to lines 106 to 110 of the English, if I may.

6 A. [12:26:38] Yes.

7 Q. [12:26:40] Thank you. My first question is really just a clarification. At pages
8 109 to 110 -- excuse me. Lines 109 to 110, where it says:

9 "Before you were brought into this room, you had a short meeting with ... the two
10 counsels."

11 Which two counsels would that be, [REDACTED], if you recall?

12 A. [12:27:07] I do not recognise the date you are referring to, but I remember that in
13 one of the interviews, Mr Gill Dutertre, as it is written here, greeted me before the
14 beginning of the recording in a -- in an adjoining room, and, here, it's written Colin
15 Black as well, but I don't remember Colin Black at the moment.

16 Q. [12:27:58] Thank you, [REDACTED]. I understand this is some time ago. And
17 so --

18 MR DUTERTRE: [12:28:04](Interpretation) Your Honour.

19 PRESIDING JUDGE MINDUA: [12:28:06](Interpretation) Prosecutor.

20 MR DUTERTRE: [12:28:07](Interpretation) I think that things have to be put in
21 context. The witness needs to have the time to read the following lines, 112, 113.

22 At 109 (Overlapping speakers)

23 (Speaks English) "Before you were brought into this room, you had a short meeting
24 with ... the two counsels."

25 (Interpretation) Who's that? And after that you have (Overlapping speakers)

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1 (Speaks English) "Then, you met [...]" And "[...] you shook the hands and ..." you "said
2 hello to ..." the "two representatives of the Prosecution Division, Mr Gilles
3 DUTERTRE and Colin BLACK." (Overlapping speakers)

4 (Interpretation) So, the Prosecution division; obviously, these aren't counsel.

5 MS PRADHAN: [12:28:50] Certainly, Mr President. And of course I recognise the
6 importance of making timely objections, but I would just ask that the Prosecutor
7 perhaps refrain from making premature objections that might waste time because I
8 was, in fact, about to draw [REDACTED] attention to those two lines that do provide
9 some clarification and context.

10 MR DUTERTRE: [12:29:12](Interpretation) Understood, your Honour. If I may, in
11 the Arabic, on page 108, it says "Defence counsel" and not just "counsel." So things
12 are clear in the Arabic version.

13 PRESIDING JUDGE MINDUA: [12:29:28](Interpretation) Very good. It's clear.
14 Maître Pradhan, please move on.

15 MS PRADHAN: [12:29:39] Thank you. And since that has been clarified, I'll move
16 on from that. We don't need any further clarification I think.

17 Q. [12:29:48] In this -- this was the first meeting that you had [REDACTED]
18 [REDACTED], and I'd like to move to page 61 of this document. In fact, I'd
19 like to move you to page 60 for the purpose of providing all possible context, [REDACTED]
20 [REDACTED]. Page 60, line 490, of the English, says:

21 "And [REDACTED], would you be prepared to [...] testify as a witness for the Office
22 of the Prosecutor if [...] asked to?"
23 Do you see that, sir?

24 A. [12:30:59] Yeah. You mean, in English, the line 490?

25 Q. [12:31:20] Yes. That's exactly it, and I believe the -- yes. That's correct, in

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1 English 490 to 491.

2 A. [12:31:32] In Arabic, it's written:

3 '██████████' if asked, would you be ready to give your testimony to the

4 International Criminal Court ██████████, if asked to do so?"

5 Q. [12:31:53] Thank you, ██████████. That's perfectly clear.

6 Now, turning to the next page, ██████████ at lines 496, of 500 of the English, do you see

7 your response there ██████████?

8 A. [12:32:33] Yes.

9 Q. [12:32:36] And do you see where you say:

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14 Did you see that, sir?

15 A. [12:32:58] Yes, I do. Yes.

16 Q. [12:33:10] Thank you, sir. And do you see at lines 504 to 505, the interviewer
17 says:

18 "The first question is ... just to ... get your answer on 'Would you be prepared to testify
19 against other people?' Let's get that first out of the way."

20 Do you see that, sir?

21 A. [12:33:39] In Arabic, it says:

22 With regards to the first part, to understand this issue, are you ready, are you
23 prepared, to witness with regards to other issues or cases related to other people.

24 I understood that it means to testify with regards to cases relating to other people.

25 My answer was yes.

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1 Q. [12:34:31] Now, when you said that you were a bit reserved about this -- strike
2 that, please.

3 I'd like to turn your attention to the next page, page 62. And I'll give you an
4 opportunity to read that page, sir, for the context of the conversation.

5 Have you had an opportunity to read that page, sir?

6 A. [12:35:43] Yes.

7 Q. [12:35:46] Do you see at lines 556 and 557, where the interviewer says:

8 "Now, the ... final word on disclosure is that of course you are ... you are very far into
9 this process already ..."

10 And the sentence continues at line 560 of the English:

11 "[...] and even if you would now say that you no longer want to ... continue this or do
12 it at a later stage, what you have told us will already [...] is already in the possession
13 of the Office of the Prosecutor and will be used [...] for the purpose of court
14 procedure."

15 Do you see that, sir?

16 PRESIDING JUDGE MINDUA: [12:36:48](Interpretation) Prosecution?

17 MR DUTERTRE: [12:36:49](Interpretation) Just to help my learned friend,
18 "disclosure" was actually translated as "testimony" in Arabic, at line 158.

19 PRESIDING JUDGE MINDUA: [12:37:06](Interpretation) Exactly, on disclosure.
20 But it's -- it's not the same meaning in Arabic?

21 MR DUTERTRE: [12:37:18](Interpretation) No. Apparently it was translated as
22 "giving evidence."

23 PRESIDING JUDGE MINDUA: [12:37:27](Interpretation) Counsel, please proceed.

24 MS PRADHAN: [12:37:47] Thank you, Mr President.

25 Q. [12:37:47] So with that correction, [REDACTED], I understand the

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1 translation -- the proper translation to be -- the final word on perhaps "testimony" - as
2 translated from Arabic - is that, you are far into this process already, and then the
3 remaining of the sentence which I read to you.

4 Do you understand that to be correct, sir?

5 A. [12:38:08] Yes.

6 Q. [12:38:27] And so despite your reservations, [REDACTED], all of your previous
7 statements that you already made to the Prosecution could still be used by them in
8 future prosecutions against other people. Is that correct?

9 PRESIDING JUDGE MINDUA: [12:38:57](Interpretation) Prosecution.

10 MR DUTERTRE: [12:38:57](Interpretation) This is a purely legal question that is
11 governed by various articles of the Statute. It's informative, but I don't really see
12 how the witness could respond to this question under Article 77 and others.

13 PRESIDING JUDGE MINDUA: [12:39:20](Interpretation) Noted.

14 Ms Pradhan.

15 MS PRADHAN: [12:39:26] Perhaps it may assist my learned friend by looking at the
16 previous page, page 0061, which may allow me to provide a clearer question for
17 [REDACTED].

18 Q. At page 0061, [REDACTED] at lines -- beginning at line 515 of the English, the
19 interviewer says:

20 "Now, I want you to understand that if ... one day, you would be asked to ... by the
21 Office of the Prosecutor to ... testify in court ... an assessment would be made,
22 depending on what is the case, who is the person, an assessment would be made ...
23 whether this would have ... an impact on ... your security or the security of your
24 family ..."

25 And a little further down, lines 524 to 527, it says:

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1 "[...] depending on the circumstances ... the Office of the Prosecutor may make
2 a request to the judges to provide protecting measures in court."

3 And so, [REDACTED], when you stated that you were a bit reserved earlier in that
4 interview regarding protection for yourself and for your family, how did you
5 understand this answer from the interviewer?

6 A. [12:41:05] We are talking about two topics here. The first topic, which is giving
7 a testimony, and the second one is the disclosure of the testimony. But we are
8 evaluating -- we are evaluating the security concerns regarding both topics here.
9 First one is the disclosure of this testimony to others, and the other one is to give
10 witness.

11 So in my view, since the beginning of the first interview [REDACTED] I gave the
12 information. And my imagination at that time, as has been told to me, that this
13 information that I will give is confidential information and will not be given out to
14 anybody else.

15 But they said that at some stage, perhaps it will be given in court in different settings.
16 At that time, I felt secure because I did not feel that I had any objection that this
17 information remains with the Court and with all of the parties of the Court who are
18 working in the same profession.

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 So in giving this detail, I knew at some stage that this information will be disclosed,
25 but I confirmed that from one time to another, since the beginning of my testimony to

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1 the Prosecution -- [REDACTED]
2 [REDACTED] And when I give this
3 information, I am secure because I feel secure about myself and my family. And the
4 Prosecution has given me a lot of details about this issue, where they confirmed to me
5 that the Office of the Prosecution is obliged to preserve my security, keep me
6 protected.
7 And they confirmed to me as well that the practical procedures are not being carried
8 out by themselves, but it's being carried out by other parties in the Court, and those
9 other parties have their own estimation of the situation. So they estimate the whole
10 situation, depending on the circumstances and so on.
11 So when I deal with the Prosecution, this was my view. I was dealing with them
12 with this view in mind; that I will give them the details and I will consult with them.
13 I will remind them of the importance of keeping my security and that I have
14 reservations with regards to the security issue, but -- and, in giving this witness ...
15 If there is no security -- protected -- and if there is no security guarantees, that I'm not
16 able to give this information.
17 So -- so this is how all of the parties have worked. Not just the Prosecution, and this
18 is how I understand it fully.
19 Q. [12:45:04] Thank you very much, [REDACTED]. That's very clear.
20 So then going back now briefly to page 0062, to the lines that I previously read, and I
21 understand that my question may have been unclear before, but those are lines 556 of
22 the English to 563 where the interviewer says:
23 "[...] even if you would now say that you no longer want to ... continue this or do it at
24 a later stage, what you have told us ... is already in the possession of [OTP] and will
25 be used ... for the purpose of court procedure."

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1 So at that point, [REDACTED], did you understand that despite your reservations, all
2 your previous statements could be used as the Prosecutor chose to?

3 A. [12:46:28] Yes. I do understand, and I understand that the people I've given
4 this information to, it will be used voluntarily. And I did not put a negative aspect
5 on to this, or otherwise I wouldn't have given this information.

6 So I felt at one point that I wished that when I'm giving witness (sic) against a person,
7 this person does not here accept what is being said about him and not what is being
8 said about other people. [REDACTED]

9 [REDACTED]

10 Therefore, it's -- it's an objective matter, and I don't see a problem with any of that.

11 Q. [12:47:31] Thank you, [REDACTED].

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] Is that
15 correct?

16 A. [12:47:53] Yes. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Q. [12:48:44] Thank you, [REDACTED].

22 I'd like to direct you to a document at OTP tab 1331, and the reference number is
23 [REDACTED] at page 83.

24 And I'm looking specifically, [REDACTED], at lines 206 to 208 of the English.

25 Actually, for the purpose of completeness, I will start with lines 196 to 208.

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1 And I'll give you an opportunity to read those lines first, [REDACTED], if you would.

2 A. [12:50:29] Would you repeat the lines again, please.

3 Q. [12:50:33] Of course. I believe they're lines in the English, it's lines 196 to 208.

4 A. [12:51:27] Yes.

5 Q. [12:51:36] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 A. [12:53:01] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

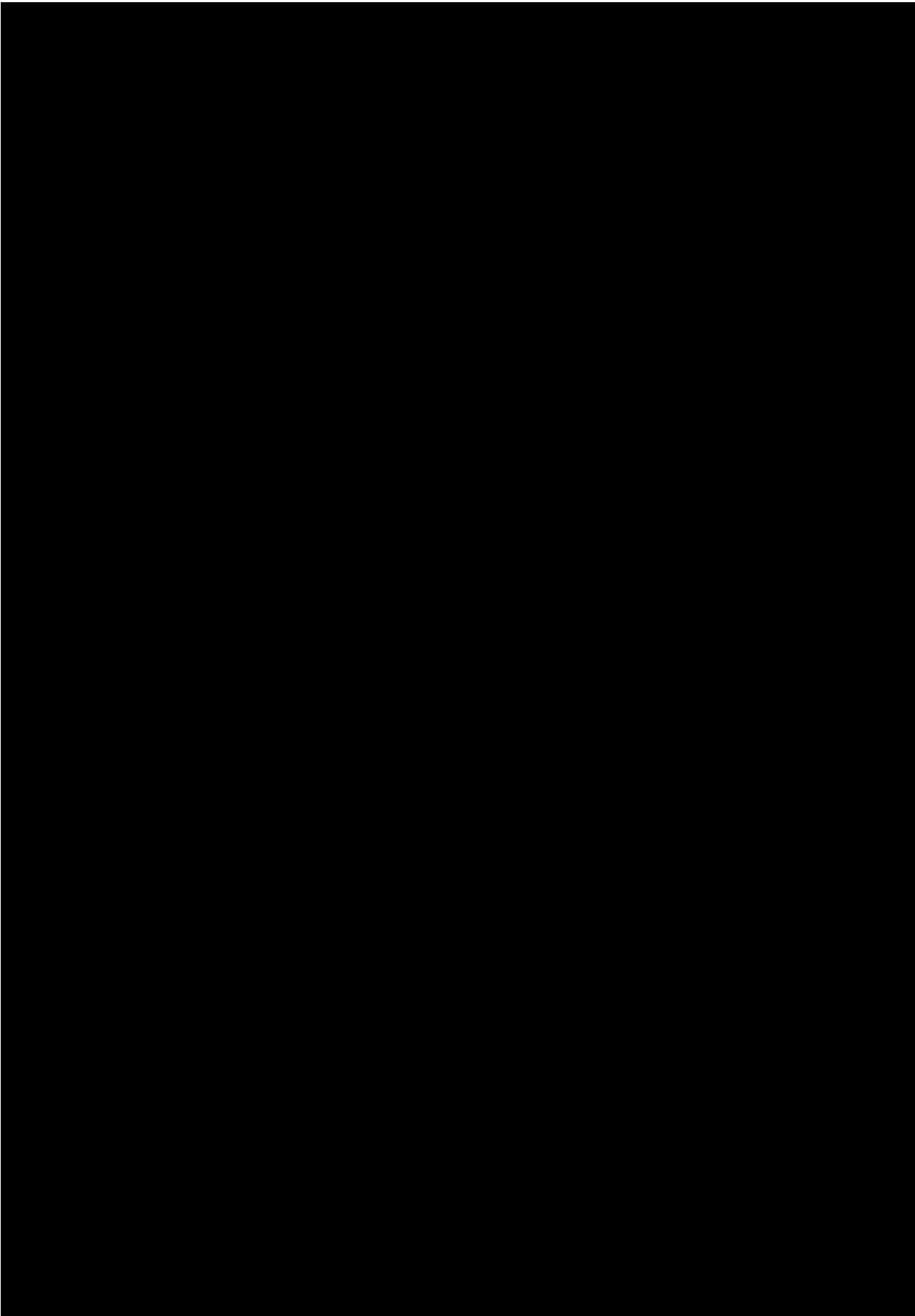
25 [REDACTED]

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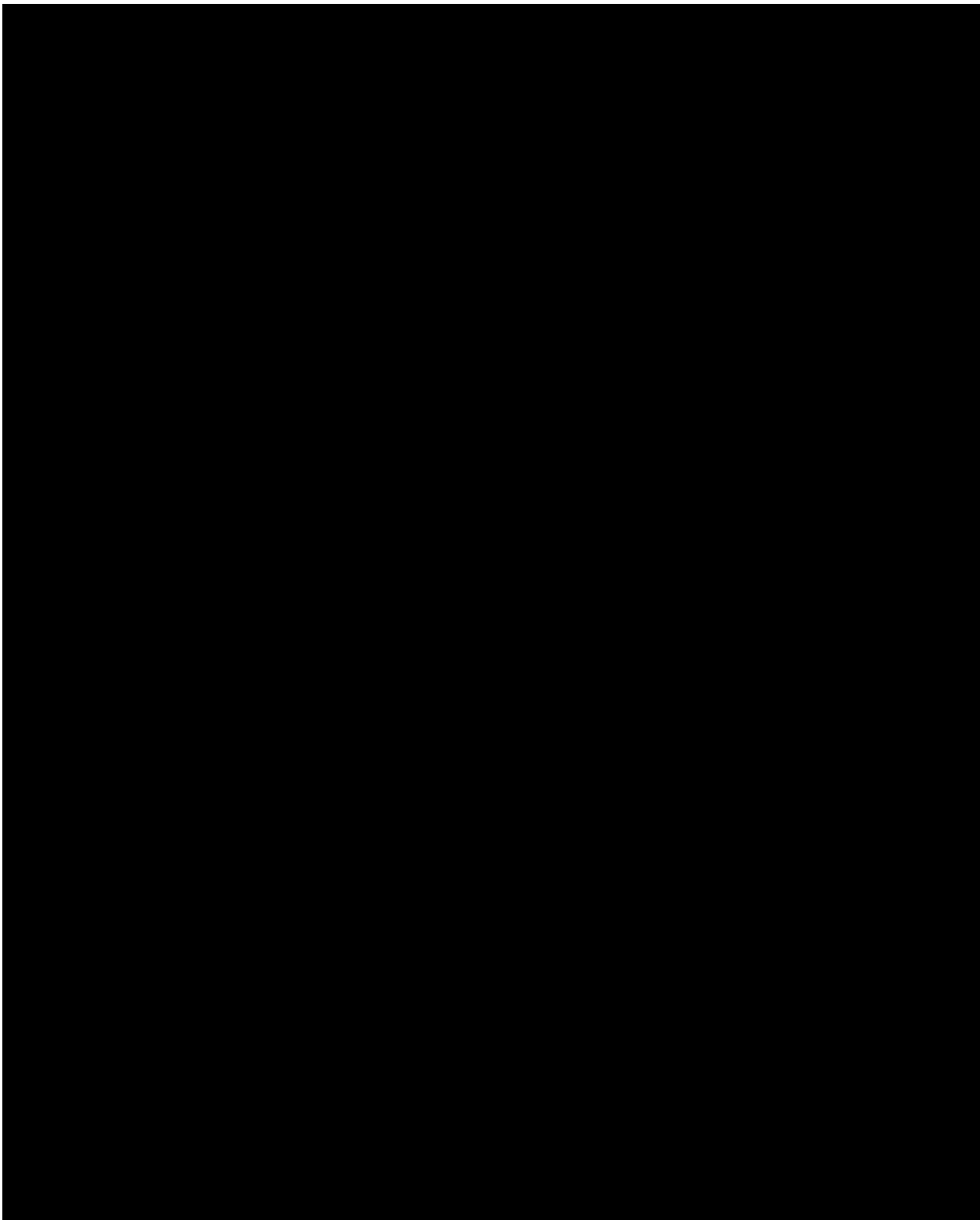


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23 Q. [12:59:08] Thank you very much, [REDACTED]. That's very, very clear. And I
24 appreciate the explanation.
25 MS PRADHAN: [12:59:17] Mr President, I think we're coming up on the hour.

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1 PRESIDING JUDGE MINDUA: [12:59:25](Interpretation) Yes, indeed, Ms Pradhan.

2 It's 1 o'clock. So we will suspend and take our lunch break, and we shall resume at

3 2.30.

4 The hearing is suspended.

5 THE COURT USHER: [12:59:45] All rise.

6 (Recess taken at 12.59 p.m.)

7 (Upon resuming in closed session at 2.30 p.m.)

8 THE COURT USHER: [14:30:56] All rise.

9 Please be seated.

10 PRESIDING JUDGE MINDUA: [14:31:16](Interpretation) Court is in session once

11 again.

12 Ms Pradhan, over to you.

13 MS PRADHAN: [14:31:34] Thank you, Mr President.

14 Q. [14:31:39] [REDACTED] how are you feeling this afternoon, sir?

15 A. [14:31:44] I am fine, thank you very much.

16 Q. [14:31:55] Before we broke for lunch, you had given a very detailed answer to

17 my question regarding your statement [REDACTED] interview with the

18 Prosecution [REDACTED].

19 Do you recall that, sir?

20 A. [14:32:24] Yes.

21 Q. [14:32:33] Thank you. And I have just a few follow-up questions from that,

22 from the details that you gave us. And I refer here to the transcript in English at

23 page 70, beginning at lines 22 to 25, where you said, [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 My first question, [REDACTED], is, which group were you talking about, sir?

3 A. [14:33:21] I said that [REDACTED]? But in the translation, it was said that [REDACTED]

4 [REDACTED]

5 Can we come to an agreement on that?

6 Q. [14:33:46] Of course. And if there is a mistake in the transcript, then we could
7 certainly note that. Are you referring, sir, to line 23, where it says in the English:

8 [REDACTED] [...]"

9 Are you saying that's not what you meant to say, sir?

10 A. [14:34:08] Yes. The reality was that [REDACTED].

11 Q. [14:34:26] Thank you, [REDACTED]. So I'll note that. And my question is
12 really about the second part of that question -- that statement where you say:

13 [REDACTED]

14 Which group were you referring to, [REDACTED]?

15 A. [14:34:51] [REDACTED] I said that [REDACTED]

16 [REDACTED]

17 [REDACTED].

18 Q. [14:35:25] And just to be clear, [REDACTED], which people or which group [REDACTED]

19 [REDACTED]?

20 A. [14:35:41] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED] We talked about this as length. [REDACTED]

3 [REDACTED]

4 Q. [14:37:09] Thank you for that clarification, [REDACTED]

5 At the next page of the transcript, page 71, lines 7 to 9 of the English, you said:

6 [REDACTED]

7 [REDACTED]

8 Now I believe -- is it correct that [REDACTED] you're referring
9 to these same groups that you just mentioned, sir?

10 A. [14:37:43] Yes. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [14:38:16] [REDACTED]

14 [REDACTED]?

15 A. [14:38:30] [REDACTED]

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [14:39:29] Thank you very much, [REDACTED].

22 I'd like to return to the document that we were looking at prior to our break, which is
23 OTP tab 1331, reference [REDACTED]

24 Do you have that before you, sir?

25 A. [14:40:36] I can't find the page number, and the line number is not sufficient for

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1 me to find the specific excerpt.

2 Q. [14:41:03] Okay. This is page 0090, it's page 13 of the document itself. Please
3 let me know if you need any further assistance. The specific lines, [REDACTED]
4 are -- that I'd like to direct you to are lines 452 to 453 of the English.

5 A. [14:41:55] Yes, I have found the relevant lines.

6 Q. [14:42:01] Thank you. And you see at those lines, [REDACTED] the
7 interviewer refers to:

8 "Also at the end of the [REDACTED] interview during the last afternoon, you did tell us
9 that [REDACTED]."

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 PRESIDING JUDGE MINDUA: [14:42:52](Interpretation) Mr Prosecutor.

14 MR DUTERTRE: [14:42:54](Interpretation) Mr President, could my learned friend
15 please repeat that question again because it's somewhat confused and I think it's
16 rather difficult for the witness to answer it.

17 MS PRADHAN: [14:43:08] Of course. Perhaps I can break it down.

18 Q. [14:43:18] [REDACTED], we spoke earlier about how on your last interview on
19 [REDACTED], you spoke to your interviewers about [REDACTED]

20 [REDACTED]
21 [REDACTED]. Do you recall that, sir?

22 A. [14:43:45] No, I do not remember that. And I do not know whether this is
23 a comment on the part of the investigators that refers to facts or opinion, because facts
24 can be different from opinion in terms of comments from people.

25 Q. [14:44:22] [REDACTED], I just want to clarify - and I want to make sure that I'm

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1 being perfectly clear in my question - do you recall a discussion this morning in
2 which we talked about [REDACTED]

3 [REDACTED]
4 [REDACTED]

5 Do you recall that discussion, sir?

6 A. [14:45:21] Yes.

7 Q. [14:45:34] Thank you, sir. I didn't want to pull up all the documents, if not
8 necessary, I know it can be confusing.

9 So then coming back to this page, this is back in [REDACTED] on page 0090 at line
10 452, there's a statement by the interviewer:

11 "[...] at the end of [REDACTED] interview during the last afternoon, you did tell us that
12 [REDACTED]

13 Do you see that, sir?

14 A. [14:46:14] Yes, I can see it.

15 Q. [14:46:29] And what is your understanding of that reference to [REDACTED]
16 [REDACTED]?

17 A. [14:46:38] Firstly, I do not recall and I do not know what the investigators are
18 referring to. That being said, I remember what happened between the investigators
19 and myself with regards to sincerity and the quantity of information that I furnished.
20 With regard to sincerity, I believe that this is an extraordinary quality, and that
21 nobody can ascertain that they are 100 per cent sincere -- or nobody can claim that
22 they are 100 per cent sincere. So I was obliged to put in place criteria in terms of the
23 truth that I was to bring before the tribunal, because the quality of sincerity is very
24 important and this is the quality of prophets. Very few people are qualified as
25 sincere in the image of the prophets.

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1 I have said what I considered to be the truth in compliance with reality. I have said
2 the truth that I believe to be the truth, even if it does not correspond to reality. I say
3 the truth that I see as the truth because it is the -- what I deem to be conclusive
4 probability and also because I have evidence that can assist the Chamber when my
5 testimony is compared to that of others. So I believed that it was important to say
6 those things that I believed to be the truth, even if I was not 100 per cent sure.
7 And, as an example, I would take the Koran, which is my guide and has been since
8 my childhood. I learnt through the Koran that lying is saying something that you do
9 not believe, even if it is truth, because Allah or death -- or God has said that
10 Muhammad is the prophet of God and -- Muhammad is the prophet of God and the
11 prophet characterised those as hypocrites as those who do not tell the truth in the
12 hypocrites *surat* of the Koran. When those hypocrites arrive saying, "You are
13 Muhammad, the prophet of God," and I know that you are their prophet and I know
14 that hypocrites are liars. So they are liars, despite the fact that they are telling the
15 truth, saying that Muhammad is the prophet of God.
16 I am under oath and I am holding on to those criteria; namely that of sincerity. But I
17 cannot say that I have adopted the same methodology with the OTP, where I have not
18 made the necessary effort as I have here. I'm trying to understand the terms before I
19 answer the questions, and I'm also trying to understand each part of the question
20 before providing you with an answer. That is what I have been doing, and what I
21 did, indeed, in the interviews with the Office of the Prosecutor.
22 You cannot compare what I said before the Chamber with what I said to the
23 investigators from the Office of the Prosecutor. But I did spend a good deal of time
24 with the OTP and they ascertained that I answered questions that were put to me.
25 On occasion, they put a question to me on a number -- a number of times with a view

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1 to drawing my attention to the various aspects of the question and extract more
2 information. That is how they came to draw the information for me -- from me on
3 all the subjects that I am informed upon. And, whether we make abstraction of this
4 80 per cent or not, I believe that the Office of the Prosecutor has not gathered all the
5 information that I have in my possession and has not had all of my sincerity if we talk
6 about the criteria that have been mentioned, but I never, apart from very rare cases,
7 dabble in lying.

8 Q. [14:52:24] Thank you, [REDACTED], for that clarification.

9 I have a few follow-up questions, if you don't mind.

10 You stated just now that "OTP has not gathered all the information in my possession".

11 Does that mean in your -- information in your possession that pertains to this case?

12 MR DUTERTRE: [14:53:00] *Monsieur le Président ?*

13 PRESIDING JUDGE MINDUA: [14:53:04](Interpretation) Yes, Mr Prosecutor.

14 MR DUTERTRE: [14:53:05](Interpretation) There is an issue with translation. I
15 believe that the witness had mentioned that it was during the first interviews, and
16 that is not reflected in the transcript. Maybe we could ask him to specify that once
17 again.

18 PRESIDING JUDGE MINDUA: [14:53:15](Interpretation) Mr Witness, have you
19 understood? Could you please clarify what you said.

20 MS PRADHAN: [14:53:25] Mr President, if I may be heard?

21 I'm just a little unclear on when -- my learned friend said in the first few interviews, to
22 which part of [REDACTED] statement is he referring? Or is it the whole thing?

23 MR DUTERTRE: [14:53:47](Interpretation) I can provide you with the reference
24 from the French transcript, Mr President.

25 PRESIDING JUDGE MINDUA: [14:53:55](Interpretation) What page and line are we

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1 talking about?

2 MR DUTERTRE: [14:53:58](Interpretation) Page 77, I believe lines 19 to 22.

3 PRESIDING JUDGE MINDUA: [14:54:15](Interpretation) Maître Youssef, have you
4 found that? Because I can see that you are checking the text in French.

5 MS PRADHAN: [14:54:25] Yes, Mr President, I see the lines. I guess my question is,
6 does the clarification that my learned friend seeks regarding the first interview -- to
7 what does that refer, I guess? I'm a little confused. I apologise.

8 PRESIDING JUDGE MINDUA: [14:54:49](Interpretation) Mr Prosecutor, please be
9 clearer.

10 MR DUTERTRE: [14:54:51](Interpretation) Yes, we can check this with the witness,
11 but I believe that he characterised this sentence in French, for which I provided the
12 reference, when he was talking about the first interviews with the Office of the
13 Prosecutor. So it's limited in time, if I can put it that way.

14 MS PRADHAN: [14:55:12] Could we get what he said in Arabic? Would it be
15 possible?

16 PRESIDING JUDGE MINDUA: [14:55:20](Interpretation) Yes, indeed. So who's
17 going to find that for us?

18 Maître Youssef, can you find that text?

19 Mr Prosecutor, how did you find that distinction between the French and the Arabic?

20 MR DUTERTRE: [14:55:50](Interpretation) I shall tell you in two words, Mr Mousa
21 Allafi who speaks Arabic and who heard it. And maybe we could ask the witness to
22 tell us whether this is the case or not because we do not have an Arabic transcript.

23 PRESIDING JUDGE MINDUA: [14:56:09](Interpretation) Who is going to put that
24 question into words?

25 Ms Pradhan, can you formulate that question?

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- 1 MS PRADHAN: [14:56:17] I can, if you like, Mr President, but I think we
2 should -- my learned friend raised the objection. I think -- to me, [REDACTED]
3 answer was quite clear. I didn't have an issue with what he said. I believe that I
4 have an understanding of it.
5 If there are words missing, then it's incumbent on the person raising the objection to
6 show us where those words are and confirm that.
7 PRESIDING JUDGE MINDUA: [14:56:52](Interpretation) I do believe that Ms
8 Pradhan is correct. You raised an objection, we talked about Mr Mousa Allafi, the
9 solution wasn't provided. When you make an objection, you need to justify it;
10 otherwise, you are interrupting the cross-examination.
11 So put the question yourself and then we shall see where that clarification comes in.
12 MR DUTERTRE: [14:57:20](Interpretation) Yes, indeed, Mr President, I shall leave
13 this in the hands of my colleague, because he speaks Arabic and I do not. It was just
14 a request for clarification, not an objection.
15 PRESIDING JUDGE MINDUA: [14:57:32](Interpretation) Mr Allafi, please.
16 MR ALLAFI: [14:57:35] (Interpretation) Thank you, Mr President.
17 Q. [14:57:43] [REDACTED], did you say that the Office of the Prosecutor did not
18 obtain information in your possession or all of the information in your possession
19 during those first interviews?
20 A. [14:58:05] Even if I did not make mention of those first interviews, the context
21 was the first interviews with the Office of the Prosecutor. We are talking about that
22 infamous sentence, the 80 per cent. Does this reflect the level of sincerity or the
23 quantity of information provided? So I provided a detailed explanation on the
24 information provided and the sincerity criterion. I told you that apart from this
25 percentage, only the truth counts and that's what I'm saying here.

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1 As to the quantity of information, the OTP conducted all of those interviews with me,
2 but did not obtain all the information in my possession because I am telling things
3 that I did not tell the OTP, which means that the OTP does not have all the
4 information that I have in my possession.

5 MS PRADHAN: [14:59:15] May I proceed, Mr President?

6 PRESIDING JUDGE MINDUA: [14:59:19](Interpretation) Please do.

7 MS PRADHAN:

8 Q. [14:59:22] Thank you, [REDACTED], for that clarification.

9 You also stated - and this is in the transcript at page 80, line -- beginning at line 5:

10 "You cannot compare what I said before the Chamber with what I said to the
11 investigators from the Office of the Prosecutor."

12 Is that -- to -- is that what you were just explaining, [REDACTED], that your testimony
13 here is different from what you said in previous interviews with the Office of the
14 Prosecutor?

15 A. [15:00:01] Where it concerns the substance of the truth, it's the same, my heart
16 and my memory. I don't remember everything that I said to the Office of the
17 Prosecutor, and, all the questions that were put to me here in the Chamber, I have
18 tried to search my memory to answer them. But my testimony here is different to
19 what I said to the Office of the Prosecutor. I was prudent. I tried to understand the
20 questions, to be precise in the understanding of the objectives of the questions, and
21 this wasn't something I did in my interviews with the Office of the Prosecutor;
22 whereas, here I'm under oath. And that's the difference between my testimony here
23 compared with what I said to the Office of the Prosecutor.

24 Q. [15:01:16] Thank you so much, [REDACTED]. And just one further clarification.

25 When you draw a distinction between what you're saying here before the Chamber

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1 and what you said to the Office of the Prosecutor in those interviews, are you
2 referring specifically to the initial interviews with the Office of the Prosecutor [REDACTED]

3 [REDACTED] Or all of your interviews with the Office of the Prosecutor?

4 A. [15:01:44] I make a distinction between my testimony here and the interviews
5 with the Office of the Prosecutor. But in my interviews with the Office of the
6 Prosecutor, I followed a method which is similar to my method here; namely, I'm not
7 trying to remember what I said in a previous interview with the Office of the
8 Prosecutor because every time I'm put a question, I try to remember the events, what
9 happened truly. And so necessarily, there will be a certain disparity between the
10 answers sometimes. Sometimes I remember very well; sometimes I forget part of
11 what I said previously.

12 Q. [15:02:55] Thank you, [REDACTED]. But you'd referred to a methodology that
13 you followed. Could you explain what that methodology was that you followed
14 during your interviews with the Office of the Prosecutor.

15 A. [15:03:12] Well, I based myself on my memory and not on the attempt to try and
16 remember what I said during previous interviews because in each interview, I forget
17 what was said previously in an interview. As such, I based myself on the events,
18 which are the subject of the question which they tried to understand, and also in light
19 of my understanding of the events which occurred.

20 Q. [15:03:59] Thank you, [REDACTED]. Now during your direct examination on
21 June 3rd, just a few weeks ago - well, quite a few weeks ago now, I know this has
22 been a long examination for you - at transcript 91, page 80, you were asked by
23 Mr Dutertre [REDACTED]

24 [REDACTED]
25 Do you recall that, [REDACTED]?

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1 A. [15:04:45] No. No, I don't remember very well.

2 Q. [15:05:07] [REDACTED] at page 81 of transcript 91 -- I -- I'm happy to read this
3 to you. I don't believe we have the Arabic here. It said:

4 "So" -- I believe it was Mr Dutertre, who said:

5 "So, witness, could you explain to the Chamber what were the reasons why you did
6 not give this information -- "

7 [REDACTED]
8 [REDACTED]

9 "from the outset to the Office of the Prosecutor during the interview [REDACTED]

10 [REDACTED]. Could you explain to the Chamber why you didn't give this
11 information to the Office of the Prosecutor then?"

12 Do you recall that question from Mr Dutertre?

13 A. [15:06:14] I told you I don't remember this question, but I know this subject and
14 how it was dealt with. This is a point that I hid from the investigators until it was
15 too late.

16 Q. [15:06:58] And isn't it true [REDACTED], that on page 82 of that transcript, as
17 part of your answer to Mr Dutertre's question, page 82, lines 1 to 11, you said:

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]

2 And that was your answer to Mr Dutertre's question in June a few weeks ago when
3 you were asked.

4 Do you recall that now, [REDACTED]?

5 A. [15:08:05] Yes.

6 Q. [15:08:24] And, [REDACTED], at what point -- well, I want to use your words,
7 and your words were:

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. [15:08:51] Firstly, this question, which I hid [REDACTED] well, it's something I
12 did not know the impact of it on the investigation; [REDACTED]

13 [REDACTED]. And so hiding this truth
14 was an ethical aspect, and this was information which could only be revealed if it
15 helped justice.

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]

And, as such, I didn't find any problems in the questions. In subsequent interviews, the questions were developed and then I saw that if I kept the same position, that could have an impact on the course of justice and give rise to a lot of astonishment in a lot of cases.

[REDACTED]

I wasn't able to explain all the ideas because it was based on something that I'd hidden to the investigators.

[REDACTED]

[REDACTED], but that this information was going to have an impact on other information. And so I said I'm going to reveal this information, and I didn't mention it to anyone else.

Why did I hide it? And why did I reveal it? The factors which led to this situation are numerous. [REDACTED]

[REDACTED]

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[REDACTED]

Q. [15:15:27] Thank you very much, [REDACTED]
I believe -- my question was really [REDACTED]
[REDACTED] and I believe you did answer that.

[REDACTED]

Do you recall that, [REDACTED]?

A. [15:16:15] Yes.

Q. [15:16:31] But, sir, a moment ago, you said that you -- at one point you did not
know the significance of the information that you were withholding regarding [REDACTED]
[REDACTED]. I'd like to refer you to a document at OTP tab 1364. And
that's [REDACTED]

PRESIDING JUDGE MINDUA: [15:17:15](Interpretation) Prosecutor.

MR DUTERTRE: [15:17:17](Interpretation) Yes, your Honour. Could we have the
reference to what my learned friend has just said. A few moments ago you said that
you didn't know the importance of the information that you gave.

Could you give us the reference for that. That would help us.

MS PRADHAN: [15:17:36] Certainly. If I may have the Court's indulgence for
a minute.

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1 Mr President, the reference is at page 88 of the English transcript at lines 5 to 10.

2 And I'll read [REDACTED] own words, which are:

3 "[...] this question which I hid [REDACTED], well, it's something I did not know the
4 impact of it on the investigation [...]"

5 Which is what I was asking about.

6 I'm happy to complete the sentence if -- if my learned friend would like.

7 PRESIDING JUDGE MINDUA: [15:19:10](Interpretation) Prosecutor.

8 MR DUTERTRE: [15:19:11](Interpretation) Yes, your Honour. So it's the word
9 "impact" and not "importance."

10 PRESIDING JUDGE MINDUA: [15:19:19](Interpretation) Very well. It's noted.

11 MS PRADHAN: [15:19:21] Thank you, Mr President. I do believe I used the word
12 "significance," which is a synonym for "impact," but I'm happy to use [REDACTED]
13 own words, which are more important.

14 Q. [15:19:36] So, [REDACTED], you said you did not know the impact of this issue
15 on the investigation. And if I may complete the document reference, it's OTP tab
16 1364, and the document reference again [REDACTED]
17 And I'll be happy to read you the specific lines in just one moment.

18 MS PRADHAN: [15:21:39] Thank you for your indulgence, Mr President. It's
19 page 9101, and I'd like to begin at line 784 -- excuse me. This a -- an interview report
20 from [REDACTED]

21 At line 784, the interviewer states:

22 "Now, before we take a break perhaps one more clarification about then
23 [REDACTED]

24 And at line 788 of the English, your response:

25 "I can't answer that question right now."

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1 On the following line, the interviewer asks:

2 "[...] OK. Is it...just that you cannot answer it now or?"

3 And leaves the question uncompleted.

4 And line 791 to 792, you state:

5 "Because I think it does not serve your case. [REDACTED]

6 [REDACTED]

7

8 Monsieur [REDACTED], is it true that at this time [REDACTED], you did not know the
9 impact of that piece of information on the investigation?

10 A. [15:23:33] [REDACTED]

11 [REDACTED]

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22 Q. [15:25:24] But, [REDACTED] -- and I'm sorry to press this point, but your answer
23 was not: This isn't of no importance. Your answer was: I cannot answer because
24 it does not serve your case.

25 What did you mean by that?

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1 A. [15:25:42] I don't know or I don't remember what this sentence means, that it
2 doesn't serve your case. Because I didn't know the means or the case. I imagine
3 that the Prosecutor has a dossier about which I have no information. So I don't
4 know their case or means.

5 MS PRADHAN: [15:26:51] The Court's indulgence for one moment, please.
6 Thank you, Mr President.

7 Q. [15:27:25] [REDACTED] there's another document that I'd like to call your
8 attention to also from [REDACTED]. And this is found in the record at -- oh,
9 excuse me. It's not in the record. This is found at OTP tab [REDACTED].
10 And that's at page 9106. And this is the same day, [REDACTED]

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

18 Do you recall that answer, sir?

19 A. [15:29:03] Yes. And I'm approaching the truth here.

20 Q. [15:29:20] Excuse me, [REDACTED]. When you say you're "approaching the
21 truth here," do you mean in this particular excerpt, you're approaching the truth? Is
22 that correct?

23 A. [15:29:34] Yes.

24 Q. [15:29:39] But it wasn't the full truth, was it?

25 A. [15:29:46] No. No. I said the whole truth for the final comment [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED], I tried to reveal the whole truth in the last session. And that's what I said

4 [REDACTED] and that's what I did.

5 Q. [15:30:33] Thank you, [REDACTED] But we've just looked at two statements

6 by you made on the same day. [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Do you see a contradiction between those two statements?

11 A. [15:31:09] No, not at all. The contradiction is in the second sentence, the
12 contradiction with truth as the -- whereas, the first sentence, there was a pause and I
13 decided that after the pause, I would provide information [REDACTED]

14 [REDACTED]
15 [REDACTED] And that approaches the truth to a great degree.

16 Q. [15:31:51] Thank you, [REDACTED] And you say "that approaches the truth",
17 did I hear correctly? I think I may have misheard. Is what you said, "that
18 approaches the truth"?

19 A. [15:32:05] (No interpretation)

20 Q. [15:32:07] Thank you.

21 A. [15:32:11] Yes.

22 Q. [15:32:16] Thank you, [REDACTED]. Now we move from [REDACTED]

23 [REDACTED] And the document here is OTP tab 1384 and it's

24 [REDACTED]

25 And before I direct you to a specific page, [REDACTED]

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1 [REDACTED]?

2 A. [15:33:05] [REDACTED].

3 Q. [15:33:19] [REDACTED]
4 [REDACTED]?

5 A. [15:33:31] I am not very interested in dates, but you can carry on looking at
6 them.

7 Q. [15:34:00] This is a long period of time we are looking at, [REDACTED] I
8 understand that. And the dates do have some significance, if you will bear with me.
9 Do you recall -- do you have that document in front of you, first of all, sir, [REDACTED]
10 [REDACTED]? And if you don't mind looking at page 0874, please. At lines 202 to 213. I'll
11 give you a moment so you can familiarise yourself with the discussion that was
12 taking place.

13 A. [15:35:06] Yes.

14 Q. [15:35:31] Thank you, sir. Do you recall this discussion?

15 A. [15:35:36] Yes. I explained to them [REDACTED].

16 Q. [15:36:02] [REDACTED]:

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

22 A. [15:36:42] [REDACTED]

23 [REDACTED]
24 [REDACTED]

25 Q. [15:37:30] [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 A. [15:38:02] [REDACTED]

6 [REDACTED]

7 [REDACTED].

8 Q. [15:38:28] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED]?

10 A. [15:38:46] I am surprised by this repetition of questions. I told you previously

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q. [15:40:10] [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

So if you could clarify for me, sir?

A. [15:41:32] I am still surprised. You're looking for a contradiction in place -- in things where I mentioned contradictions. If you find a contradiction where I haven't found a contradiction just to please the Chamber and to please everybody, well, I told you that this information was erroneous [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] So this is not the truth that the OTP was after at that moment in time. [REDACTED]

[REDACTED]

[REDACTED] And I said that the erroneous piece of information was that before we finished the interview, I clarified all the information that was not clear.

And I do not like the fact that you make the most of a fact that I have underscored. I am happy to bring to the fore contradictions when they really exist, when I did not explicitly say something.

Q. [15:43:40] [REDACTED] you said a few moments ago -- and I know you have made a lot of statements in the past few minutes, so let me give you a citation. You said at page 94 of the transcript, the English transcript, excuse me, lines 1 through to

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1 5:

2 "I don't know or I don't remember what this sentence means, that it doesn't serve your
3 case" - and you recall that reference - "because I didn't know the means or the case. I
4 imagine that the Prosecutor has a dossier about which I have no information, so I
5 don't know their case or means."

6 But [REDACTED] i, you describe just now answering questions based on what you
7 believed the Prosecution wanted to know. And so if you had no means of knowing
8 the case, how were you drawing those conclusions?

9 A. [15:44:55] I do not understand your question. I am surprised by the expression
10 "means" or "case." As far as I'm aware, they have many cases and trials on, and, as
11 far as I'm concerned, I'm aware of what happened in Timbuktu and that concerns
12 a great deal of individuals. There are many people who are at large who contributed
13 to what went on, and I -- all the information that I have provided does not reveal the
14 truth about all of those acts that were committed by them. My answers are based on
15 that.

16 Q. [15:46:19] Thank you, [REDACTED] And just to clarify when you say, "My
17 answers are based on that," what is the "that" that you are referring to, sir?

18 A. [15:46:33] I mean, clarifying things that went on in Timbuktu in 2011, the events
19 that preceded the incidents, and, the consequences, and the people who took part in
20 the incidents. And, the information that is in my possession with regard to those
21 incidents.

22 Q. [15:47:05] [REDACTED] just returning to the document that we were just
23 looking at, I'll give you the reference one more time, it's OTP tab 1384,

24 [REDACTED] To finish up the topic we were just speaking of about the
25 distinctions, the questions about Ansar Dine and Al-Qaeda, I'd like to direct your

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1 attention to line 235 and 236 of the English.

2 Do you have that before you, sir?

3 THE COURT OFFICER: [15:48:32] Counsel, could you kindly confirm what
4 page number that is.

5 MS PRADHAN: [15:48:37] Of course. It -- excuse me, that's page [REDACTED].

6 Q. [15:49:05] [REDACTED], will you go ahead and let me know whenever you have
7 that in front of you, sir.

8 Thank you, sir.

9 A. [15:49:21] Yes.

10 Q. [15:49:25] And so at lines 235 and 236, you say:

11 [REDACTED]
12 [REDACTED]

13 And then a little bit further down, at lines 243, 244, it says:

14 [REDACTED]
15 [REDACTED]

16 And it goes on to say at line 246:

17 [REDACTED]

18 And finally, line 248:

19 [REDACTED]

20 And then, one more line on the next page, page 0876, the first line:

21 "These are the points that I wanted to rectify."

22 Do you see that, [REDACTED]?

23 A. [15:50:45] [REDACTED]

24 [REDACTED]

25 THE INTERPRETER: Unintelligible.

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1 THE WITNESS: [15:51:13] (Interpretation) - [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. [15:51:48] Thank you for clarifying, [REDACTED].

6 MR DUTERTRE: [15:51:53](Interpretation) Thank you, Mr President. For

7 clarity -- for purposes of clarity, in Arabic, line 247, [REDACTED], there is something

8 that is not reflected in line 248, [REDACTED]

9 [REDACTED]

10 PRESIDING JUDGE MINDUA: [15:52:34](Interpretation) Courtroom officer, could

11 we please see the text.

12 MR DUTERTRE: [15:52:41](Interpretation) Maybe the interpreters could help us

13 here.

14 PRESIDING JUDGE MINDUA: [15:52:45](Interpretation) Yes, lines 248 and 249,

15 interpreters, please, could you read that to us in Arabic and then it will be interpreted

16 or translated for us.

17 MR DUTERTRE: [15:53:01](Interpretation) In fact, it's line 247.

18 PRESIDING JUDGE MINDUA: [15:53:04](Interpretation) It starts at 247.

19 THE INTERPRETER: [15:53:13] From the Arabic booth -- so from the French booth,

20 the translation of the Arabic sentence:

21 [REDACTED]

22 [REDACTED]

23 End of the message from the French booth.

24 PRESIDING JUDGE MINDUA: (No interpretation)

25 THE INTERPRETER: [15:53:45] From the French booth: [REDACTED]

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1 PRESIDING JUDGE MINDUA: [15:53:51](Interpretation) Yes, indeed, there we are.

2 We have the translation, Mr Prosecutor.

3 Mr Witness.

4 THE WITNESS: [15:54:09](Interpretation) Mr President, I have noted that the
5 sentence is entirely correct in the Arabic. But there is a problem with the word

6 [REDACTED] I speak classical Arabic, [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 PRESIDING JUDGE MINDUA: [15:54:50](Interpretation) Yes, so here, in some sense,
11 you're talking about [REDACTED]; is that correct?

12 THE WITNESS: [15:55:00](Interpretation) Yes, [REDACTED] or something
13 like that.

14 PRESIDING JUDGE MINDUA: [15:55:12](Interpretation) Thank you very much,
15 indeed, for this clarification.

16 Ms Pradhan.

17 MS PRADHAN: [15:55:19] Thank you, Mr President.

18 Q. [15:55:23] And thank you [REDACTED], for that clarification.

19 [REDACTED]
20 [REDACTED]

21 A. [15:55:34] [REDACTED]

22 [REDACTED]
23 [REDACTED]

24 Q. [15:56:05] Thank you for the clarification, [REDACTED].

25 [REDACTED]

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1 [REDACTED]?

2 A. [15:56:25] [REDACTED]

3 [REDACTED]
4 [REDACTED]

5 Q. [15:56:54] And [REDACTED], this session [REDACTED]

6 [REDACTED] and we ended with the line that I read to you on page [REDACTED], line 250, and

7 it says:

8 "These are the points that I wanted to rectify."

9 What did you mean by that phrase, that "I wanted to rectify"?

10 A. [15:57:28] This means all the points where I considered that I wasn't very sincere

11 or not very clear since the first meeting [REDACTED] until the date of this very

12 interview.

13 Q. [15:57:59] And, [REDACTED] do you recall what the response was of the

14 interviewers to [REDACTED]?

15 A. [15:58:13] No. But they were interested in two points. Why I had hidden

16 things and why I revealed the truth.

17 MS PRADHAN: [15:58:44] *Monsieur le Président*, I note that we are very close on time.

18 I do have a number of questions continuing this particular topic, but in the interests of

19 time, perhaps it might be -- they are sort of all connected and it may be better to wait

20 till tomorrow.

21 PRESIDING JUDGE MINDUA: [15:59:10](Interpretation) When you started talking

22 there were two minutes left so we have to lose two minutes on a daily basis, it will

23 add up. Can't you put one last question?

24 MS PRADHAN: [15:59:21] Absolutely, Mr President. I'll try to be -- try to be very

25 conscientious about time.

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1 Q. [15:59:29] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 A. [15:59:54] Yes. I corrected any information upon which this information -- the
6 hidden information had had an impact. As I said to you, this information would
7 have an impact on other information, so I rectified everything.

8 Q. [16:00:29] Thank you, [REDACTED].
9 [REDACTED]
10 [REDACTED]

11 A. [16:00:48] In reality, [REDACTED]

12 MS PRADHAN: [16:01:11] Mr President, I believe it's now 4 p.m., so we can
13 adjourn.

14 PRESIDING JUDGE MINDUA: [16:01:20](Interpretation) Very well, Ms Pradhan.

15 Mr Witness, this concludes our day. And, once again, on behalf of the Chamber, I'd
16 like to sincerely thank you very much indeed and I'd like to remind you that, as
17 always, you should avoid talking about your testimony to anybody and you shall be
18 back here tomorrow morning at 9.30.

19 I'd now like to express my gratitude to all the parties and participants, to the court
20 reporters, to the interpreters, and quite naturally, without forgetting, our security
21 officers.

22 I wish you all a very pleasant evening and until tomorrow morning, Court is
23 adjourned.

24 THE COURT USHER: [16:02:25] All rise.

25 (The hearing ends in closed session at 4.02 p.m.)

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1 CORRECTIONS REPORT

2 The following corrections, marked with an asterisk and not included in the
3 audio-visual recording of the hearing, are brought into the transcript.

4 Page 43 line 24:

5 "better" is corrected to "best".

6 Page 44 line 2:

7 "from" is corrected to "for".

8