

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Wednesday, 9 June 2021
10 (The hearing starts in closed session at 9.30 a.m.)
11 THE COURT USHER: [9:30:24] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:30:54](Interpretation) The Court is once more in
15 session.
16 Good morning, everybody.
17 Court officer, please call the case.
18 THE COURT OFFICER: [9:31:07] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
21 And for the record, we are in closed session.
22 PRESIDING JUDGE MINDUA: [9:31:27](Interpretation) Thank you very much,
23 court officer. As every morning, we will start with presentations by the various
24 teams.
25 Mr Prosecutor, would you care to start?

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1 MR DUTERTRE: [9:31:40](Interpretation) Good morning, Mr President. Good
2 morning, your Honours. The OTP is represented today by Yayoi Yamaguchi,
3 Mr Garcia, Mr Allafi and myself, Gilles Dutertre. And I would like to welcome
4 Mr Nsita, the witness, [REDACTED] and the Defence.

5 PRESIDING JUDGE MINDUA: [9:32:10](Interpretation) Thank you very much.
6 We really do appreciate this exchange of greetings.
7 Ms Taylor, please, for Defence.

8 MS TAYLOR: [9:32:18] Good morning, Mr President. Good morning, your
9 Honours. The Defence for Mr Al Hassan is represented by Maître Molly Thomas,
10 Maître Mohamed Youssef and myself. And good morning to everyone in the
11 courtroom. Sorry, I missed that.

12 PRESIDING JUDGE MINDUA: [9:32:36](Interpretation) Thank you very much,
13 Ms Taylor.
14 And now the Legal Representatives of Victims.

15 MR LUVENGIKA: [9:32:43](Interpretation) Good morning, Mr President. Good
16 morning, your Honours. Victims are represented today by Ms Claire Laplace,
17 Ms Ludivine Tixier-Dunet and myself, Maître Nsita. And I would also like to join in
18 the greetings extended to everybody here this morning, not forgetting, of course, my
19 learned colleague [REDACTED].

20 PRESIDING JUDGE MINDUA: [9:33:22](Interpretation) I see that your comment of
21 yesterday has borne fruit, Mr Nsita.

22 Now, the counsel for the witness.

23 [REDACTED] [9:33:34] (No interpretation).

24 PRESIDING JUDGE MINDUA: [9:34:07](Interpretation) Thank you, [REDACTED].

25 There was no interpretation but -- either into English or in French, but I did

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1 understand what you said through having heard you say it on a number of occasions.

2 Court officer.

3 THE INTERPRETER: [9:34:43] Message from the English booth: Apologies, the
4 Arabic was actually on the Arabic channel interpreting into English, that's why we
5 missed it. Apologies.

6 PRESIDING JUDGE MINDUA: [09:34:55](No interpretation)

7 THE COURT OFFICER: [9:34:59] Your Honours, it was not a technical issue, just so
8 that we know. So it should be fine.

9 PRESIDING JUDGE MINDUA: [9:35:07](Interpretation) Very good. We will be
10 able to check whether that's working later.

11 This morning we will continue to hear the 36th Prosecution witness, and we are still
12 at the stage of examination-in-chief.

13 And now, Mr Witness, good morning. Mr Witness, are you well?

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

15 (The witness speaks Arabic)

16 THE WITNESS: [9:35:31](Interpretation) Good morning, Mr President. Good
17 morning, your Honours. Yes, I am very well. Thank you.

18 PRESIDING JUDGE MINDUA: [9:35:43](Interpretation) Thank you, Mr Witness.

19 Once again, welcome. And I would like to tell you how much we appreciate your
20 cooperation.

21 May I remind you that you are still under oath and that you need to speak the truth,
22 the whole truth and nothing but the truth. And I would also like to recall the rules
23 with regard to speaking. It is essential to have a short break between each
24 intervention. Thank you.

25 So I think we can now move straight on to the Prosecution to continue the

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1 examination-in-chief.

2 Mr Prosecutor.

3 MR DUTERTRE: [9:36:35](Interpretation) Thank you, your Honours.

4 QUESTIONED BY MR DUTERTRE: (Continuing)(Interpretation)

5 Q. [09:36:41] I would like to start by coming back to a point that we discussed

6 yesterday. There was one picture which was not particularly good quality, so I'd

7 like to deal with that and then I'll come back to the police we were dealing -- that we

8 were dealing with at the end of yesterday afternoon.

9 I would like to show the video 0009-1749, which is at 1013 in binder 6, but the

10 transcript will not be necessary for this.

11 *I am going to play, more specifically, from 00: 03: 49: 22 to 00: 04: 05: 00,

12 and the figures are correct in the French transcript.

13 It's on evidence 2. Can you see the picture, Mr Witness?

14 A. [9:38:35] Yes, I can see it. Yes, I can.

15 Q. [9:38:38] I will play the video for a few seconds.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: [9:39:10](Interpretation)

18 Q. [9:39:11] Mr Witness, I just wanted to clarify what we discussed yesterday. Are

19 you now able to read what is written in Arabic on this billboard?

20 A. [9:39:27] Yes.

21 Q. [9:39:33] And would you please read it for us, Mr Witness.

22 A. [9:39:44] "Timbuktu is a city built in Islam and will not be ruled by anything

23 other than Sharia, Islamic Sharia."

24 Q. [9:40:01] Thank you, Mr Witness.

25 So I would now like to come back to the subject we were dealing with yesterday,

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1 questions relating to detention by the Islamic police. [REDACTED]

2 [REDACTED]
3 [REDACTED]

4 A. [9:41:01] [REDACTED]

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

8 Q. [9:41:45] [REDACTED]

9 [REDACTED]

10 A. [9:42:17] [REDACTED]

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

16 Q. [9:43:15] Could you clarify one thing you've just said, Mr Witness. You said,

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

21 A. [9:43:50] [REDACTED]

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

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[REDACTED]

Q. [9:45:55] [REDACTED]

A. [9:46:30] [REDACTED]

Q. [9:47:17] [REDACTED]

A. [9:47:42] [REDACTED]

[REDACTED]

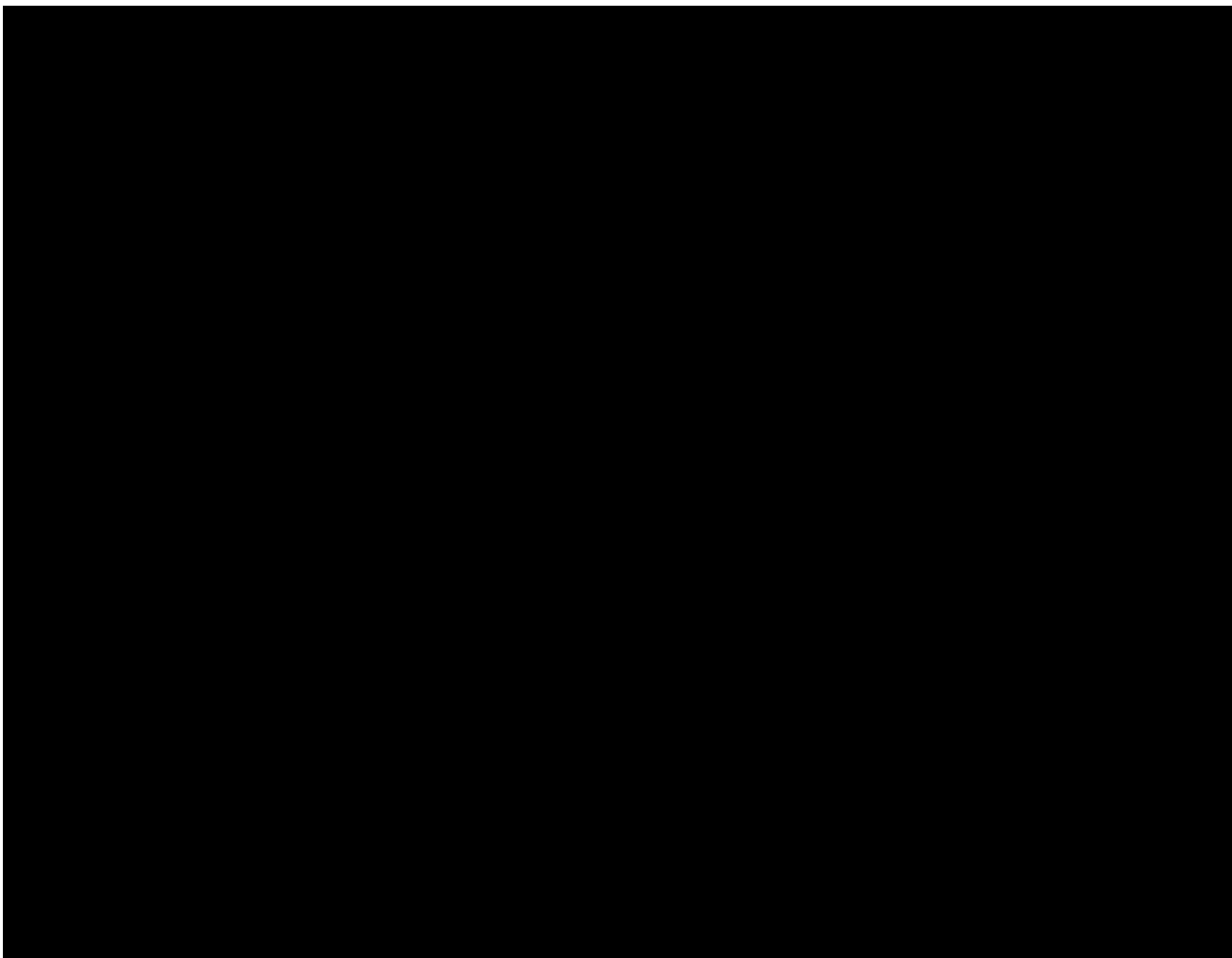
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15 Q. [9:50:39] Do you know whether the suspects detained at the Islamic police could
16 see their families during this period of detention?

17 A. [9:51:00] I think that that was available. I never heard any complaints about
18 this matter.

19 Q. [9:51:14] To your knowledge, how did the members of the Islamic police behave
20 towards the detained suspects?

21 A. [9:51:47] I don't think that there were any distinctive things that I can talk about
22 really. I imagine that suspects, when arrested, they were arrested by armed people.
23 And no force was used because suspects were arrested by armed people already, so it
24 was easy to control them and to transfer them to the police station and then the
25 investigation started.

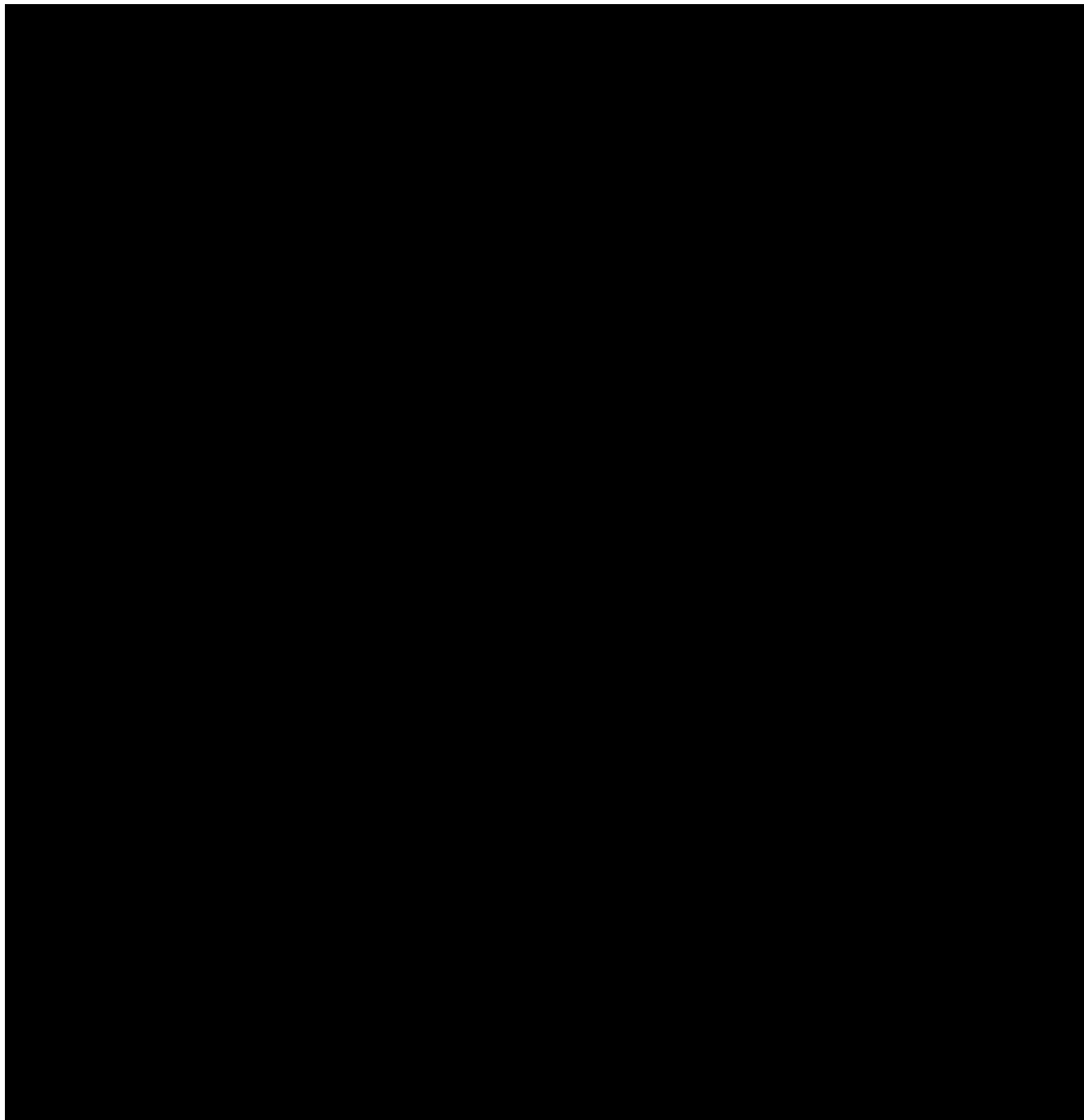
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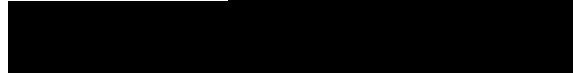
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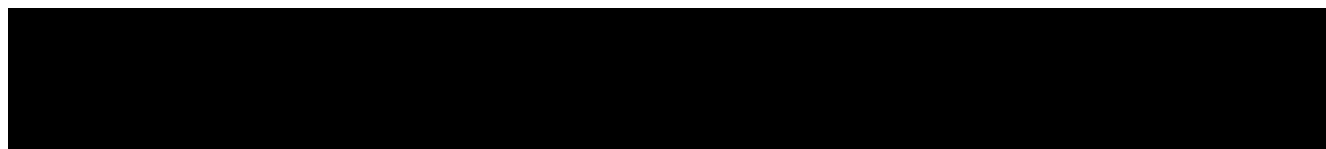
20 Q. [9:55:50]



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24 PRESIDING JUDGE MINDUA: [9:56:29](Interpretation) Ms Taylor.

25 MR DUTERTRE: [9:56:33](Interpretation) If I may clarify something.

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1 Q. [9:56:48]

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3 PRESIDING JUDGE MINDUA: [9:56:58](Interpretation) Ms Taylor.

4 MS TAYLOR: [9:56:59] Thank you, Mr President. My understanding is that the

5 English actually reflects the Arabic correctly, so it's not an issue of a translation issue.

6 The English transcript is correct.

7 PRESIDING JUDGE MINDUA: [9:57:20](Interpretation) What does it say on the

8 English transcript, Ms Taylor?

9 MS TAYLOR: [9:57:23] My

10 colleague can say the Arabic onto the record, if it might assist.

11 MR DUTERTRE: [9:57:39](Interpretation) My colleague also. Perhaps we could

12 either ask the witness to leave or simply ask the witness.

13 PRESIDING JUDGE MINDUA: [9:57:49](Interpretation) Ms Taylor, what do you

14 want to add to that?

15 MS TAYLOR: [9:57:53] Thank you, Mr President. I believe that asking the witness

16 again would basically be violating the rule that it's asked and answered. We have an

17 answer in the transcript. This does not give the Prosecutor a right to ask the

18 question again to try to elicit a different answer. This is also an issue that can be

19 verified with the edited transcripts or by the interpreters.

20 PRESIDING JUDGE MINDUA: [9:58:24](Interpretation) Mr Prosecutor.

21 MR DUTERTRE: [9:58:25](Interpretation) It's not really a matter of asked and

22 answered. It's a question of the accuracy of the translation and it will influence the

23 questions I want to ask now. So waiting one or two days to get the corrected

24 transcript will not benefit us here.

25 PRESIDING JUDGE MINDUA: [9:58:49](Interpretation) I agree.

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1 So, Mr Witness, could you please repeat exactly what you said and our Arabic
2 interpreters can say what is correct? So if you could repeat as faithfully as possible
3 what you said earlier, then the matter should be resolved.

4 THE WITNESS: [9:59:18](Interpretation) Mr President, I'm unable to repeat things in
5 the exactly same way. Every time I am asked, I answer using different words and
6 Arabic terms, but I can repeat the meaning, not the words.

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 PRESIDING JUDGE MINDUA: [10:00:57](Interpretation) Ms Taylor, we are in
17 agreement.

18 There we are, Mr Witness. You were as faithful as possible as I had requested.
19 Mr Prosecutor.

20 MR DUTERTRE: [10:01:15](Interpretation) Thank you, Mr President.

21 Q. [10:01:18] [REDACTED]

22 [REDACTED]

23 A. [10:01:39] [REDACTED]

24 [REDACTED]
25 [REDACTED]

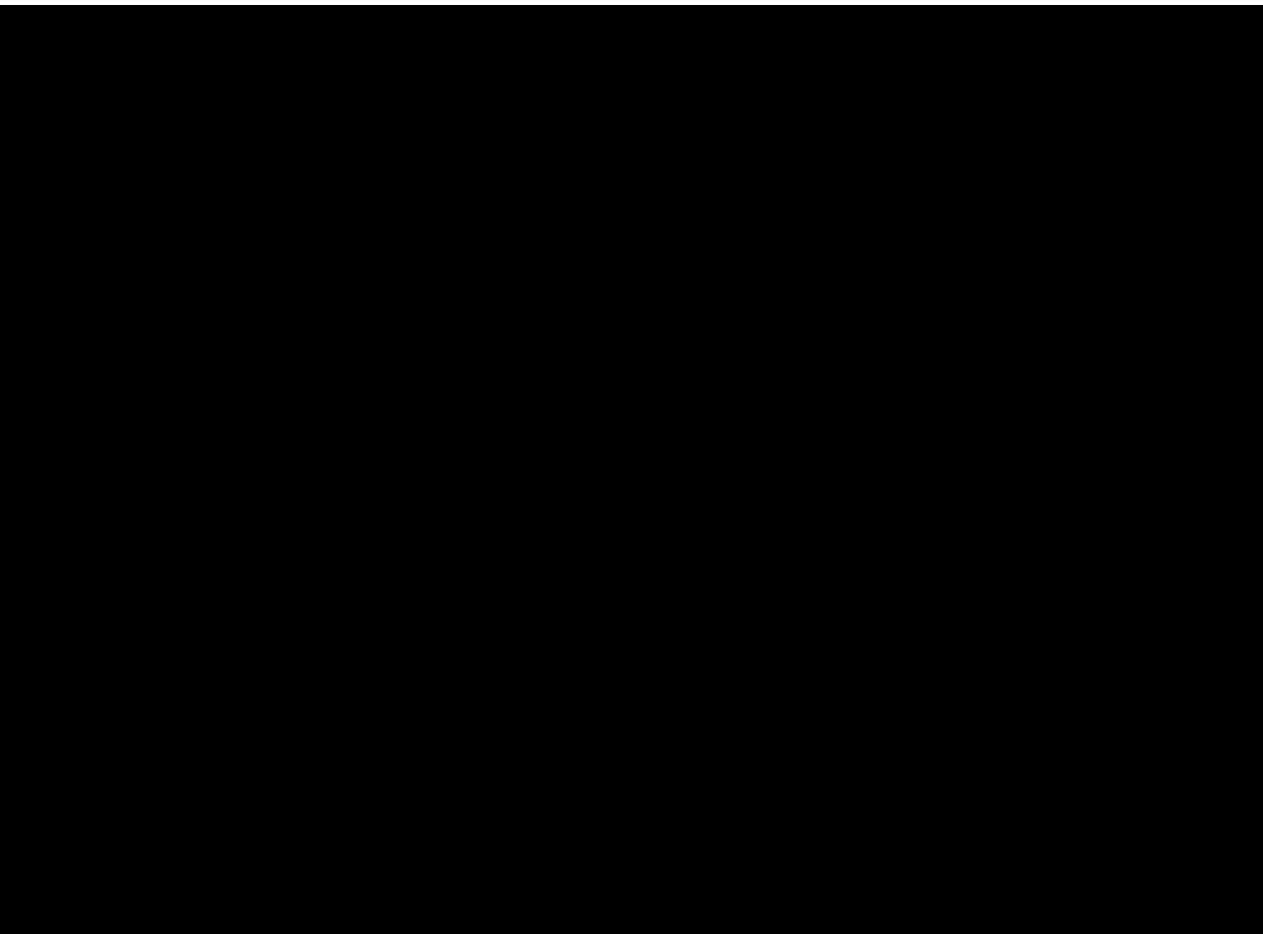
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14 Q. [10:04:11] Mr Witness, I would now like to show a document, Mr President,
15 your Honours, document 0001-7514 at tab 277 of binder number 2. And the
16 translation is to be found at 0034-0169 at tab 278. And could it please be brought up
17 on the screen, that is the translation, on evidence 2, and could the witness please be
18 shown the document in his binder. That would be very practical.
19 And in the document in Arabic -- well, the document in Arabic is to the right-hand
20 side of the screen. If Madam Usher could please approach the witness.
21 Mr Witness, it is the document to the right of the screen in the photograph that's for
22 you.
23 THE INTERPRETER: [10:06:29] Message from the English booth: Could the
24 translation please be brought up on the screen? Thank you.
25 THE WITNESS: [10:06:44](Interpretation) Yes, I read the document.

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1 MR DUTERTRE: [10:06:49](Interpretation).

2 Q. [10:06:51] Mr Witness, could you please provide us with the date of this
3 document, that's to the right, the document on the right-hand side?

4 A. [10:07:05] [REDACTED]

5 Q. [10:07:14] [REDACTED]

6 [REDACTED]

7 A. [10:07:26] [REDACTED]

8 Q. [10:07:43] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 PRESIDING JUDGE MINDUA: [10:08:52](Interpretation) Ms Taylor.

16 MS TAYLOR: [10:08:53] Thank you, Mr President. Would it be possible for the
17 witness to be excused so I can make the objection?

18 PRESIDING JUDGE MINDUA: [10:09:08](Interpretation) Ms Taylor, I don't have
19 anything against objections, but if we have to lead the witness out of the courtroom
20 on each occasion, we're not going to move forward very much.

21 Madam Usher, could you please show the witness out of the courtroom.

22 (The witness exits the courtroom)

23 PRESIDING JUDGE MINDUA: [10:10:04](Interpretation) There we are. The
24 witness is out of the courtroom. Ms Taylor, over to you.

25 MS TAYLOR: [10:10:07] Thank you, Mr President. The are two elements to my

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1 objection. The first element is that in accordance with the revised decision on the
2 conduct of the proceedings, before reading out the content of a document, the parties
3 must first open -- ask open questions to establish a foundation. Now, the Prosecutor
4 has just read into the record the entire contents of this record without first
5 establishing any foundation to put this to the witness.

6 So that goes against the specific directive adopted by this Chamber.

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

10 Now, given the witness's clear answer, we submit it's not appropriate and it's
11 prejudicial for the Prosecution to circumvent that answer by reading the contents
12 directly into the record in a manner that does not follow the very clear guidelines
13 adopted by this Chamber.

14 In essence, Mr President, it is a way of leading the witness. And if it's not permitted
15 in cross-examination, it's certainly not permitted in examination-in-chief.

16 PRESIDING JUDGE MINDUA: [10:12:06](Interpretation) Ms Taylor, I believe that
17 your objection is premature in nature. The rule on the conduct of proceedings of
18 course requires that there be a foundation on which questions be put, but I do believe
19 that we do have a foundation for this witness particularly. [REDACTED]

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

25 [REDACTED]

But the Prosecutor has a text.

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1 I don't know what questions he's going to be putting, but we have the foundation to
2 put this to the witness and I think we're just wasting time. The witness is out the
3 courtroom. We are repeating things that we have already discussed. I do not object
4 to this objection, Ms Taylor -- I do not accept this objection, Ms Taylor. We're going
5 to bring the witness back into the room. The Prosecutor will put questions to him
6 and you'll see that this is right.

7 Mr Courtroom Officer, please bring the witness back into the courtroom.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE MINDUA: [10:14:22](Interpretation) The witness is back in the
10 courtroom.

11 Mr Prosecutor, please continue.

12 MR DUTERTRE: [10:14:27](Interpretation) Thank you, Mr President, your Honours.

13 Q. [10:14:32]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 A. [10:15:40]

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 Q. [10:16:35] Mr President, I am going to be showing a document, 0001-7515 at

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1 tab 279, with the translation to be found at 0052-0019 at tab 280.

2 So it will be the left-hand page for the witness.

3 So at the top on the left-hand page, [REDACTED]

4 [REDACTED]

5 A. [10:18:07] I heard you in French, but I didn't get the Arabic translation. [REDACTED]

6 [REDACTED]

7 Q. [10:18:42] [REDACTED]

8 A. [10:18:50] [REDACTED]

9 Q. [10:18:59] [REDACTED]

10 A. [10:19:12] [REDACTED]

11 Q. [10:19:24] [REDACTED]

12 [REDACTED]

13 A. [10:19:38] [REDACTED]

14 [REDACTED]

15 Q. [10:19:55] I would like to now, Mr President, your Honours, go to tab 4 at binder
16 4, 270 and 271 are the tabs, if Madam Court Usher could please go and assist the
17 witness and put the document away. At 7 -- 0068-4692 is the ERN and the
18 translation could be found at 771, 0069-3240, is the ERN.

19 THE INTERPRETER: [10:20:47] Tabs 770 and 771, correction from the English booth.
20 Message from the English booth: Could counsel please be requested to slow down
21 when rattling off numbers. Thank you.

22 MR DUTERTRE: [10:21:42](Interpretation)

23 Q. [10:21:44] Please take the time to read the document, Mr Witness.

24 A. [10:22:12] Yes, I read the document.

25 THE INTERPRETER: [10:22:19] Request from the English booth: Could the

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1 translation please be brought up on the screen. Thank you.

2 MR DUTERTRE: [10:22:25](Interpretation)

3 Q. [10:22:26] [REDACTED]

4 A. [10:22:34] [REDACTED]

5 [REDACTED]

6 Q. [10:22:59] [REDACTED]

7 [REDACTED]

8 [REDACTED]

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

10 Q. [10:23:24] [REDACTED]

11 [REDACTED]

12 A. [10:23:39] [REDACTED]

13 [REDACTED]

14 Q. [10:23:56] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 A. [10:24:22] [REDACTED]

18 [REDACTED]

19 Q. [10:24:41] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. [10:25:22] This is the *hadd*, meaning the punishment as stated in the

23 prophet's -- in the prophet's narrations, which corresponds to 40 lashes for those who

24 drink alcohol, and this means that people should be having these lashes without any

25 clothing on.

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1 Q. [10:26:13]

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5 A. [10:26:53]

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13 Q. [10:28:13]

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17 A. [10:29:01]

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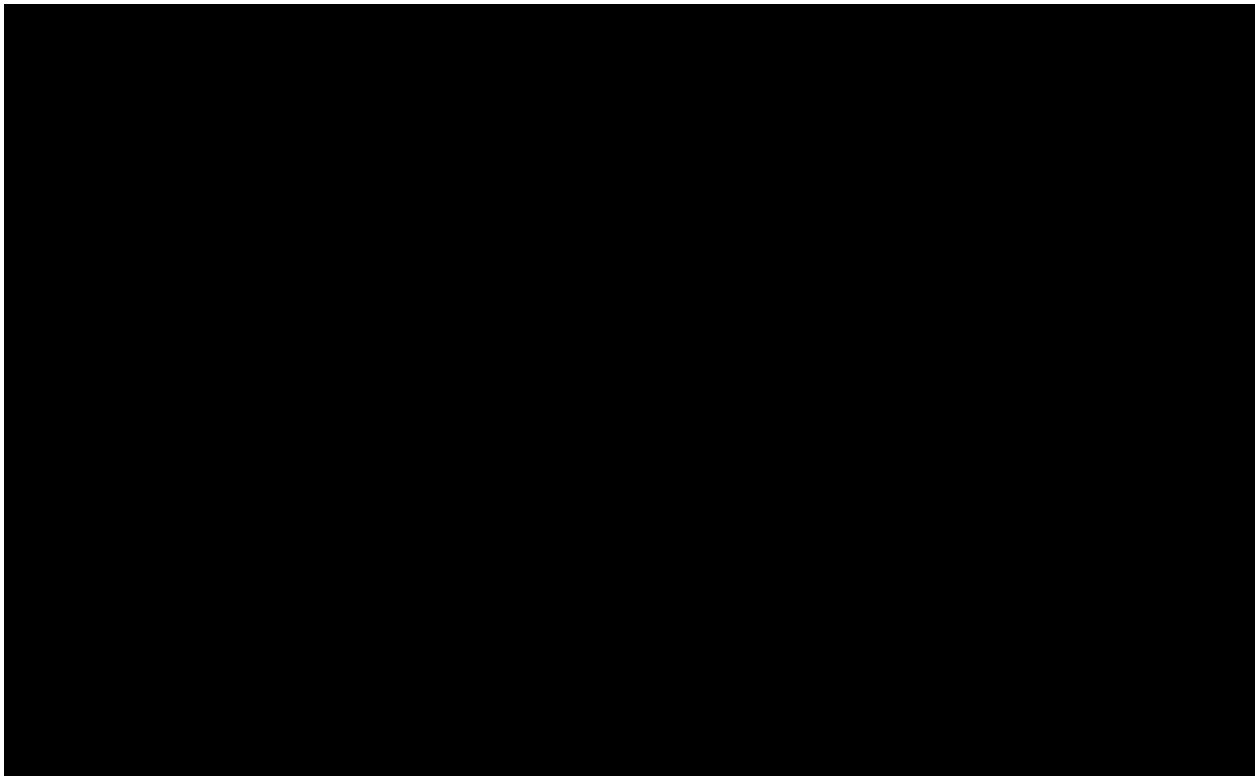
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12 MR DUTERTRE: [10:32:29] I think there's a problem with the English transcript.

13 I don't know whether it's now been resolved.

14 PRESIDING JUDGE MINDUA: [10:32:44](Interpretation) Mr Prosecutor -- court
15 officer, has the transcript problem been resolved?

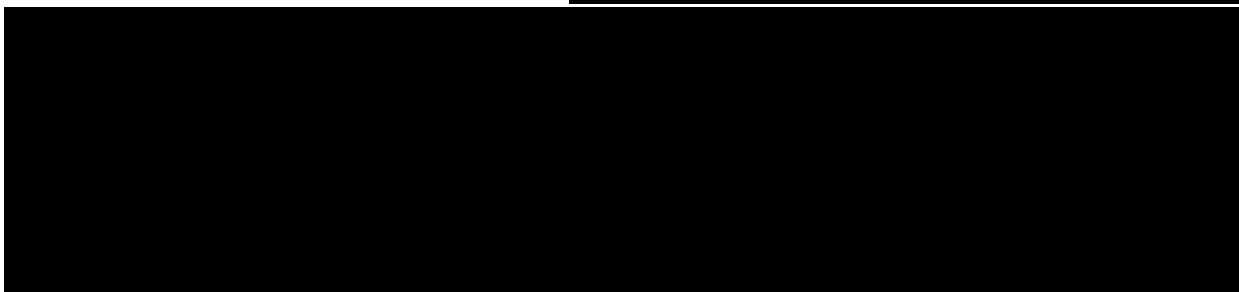
16 THE COURT OFFICER: [10:32:52] Your Honours, I have notified the technicians.
17 It's currently being looked into. Hopefully, it will be resolved very shortly.

18 PRESIDING JUDGE MINDUA: [10:33:03](Interpretation) Thank you, court officer.

19 Mr Witness, I have a question for you.



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24 THE WITNESS: [10:33:47](Interpretation)



25 PRESIDING JUDGE MINDUA: [10:33:52](Interpretation) Thank you.

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1 Mr Prosecutor.

2 MR DUTERTRE: [10:33:58](Interpretation) Thank you for seeking this clarification.

3 I was wondering whether to do it, but now it has been resolved. I felt it needed
4 clarification.

5 Q. [10:34:15] [REDACTED]

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

11 A. [10:35:39] [REDACTED]

12 [REDACTED]

13 Q. [10:35:59] Noted. I would now like to show you in binder 3, 52 -- tab 521 for
14 the original, 522 for the translation. The document is 0053-0372, and the translation
15 is 0078-0049.

16 A. [10:37:56] Yes, I read the document.

17 Q. [10:38:00] And what is this document, Mr Witness?

18 A. [10:38:19] [REDACTED]

19 [REDACTED]

20 Q. [10:38:38] [REDACTED]

21 [REDACTED]

22 A. [10:38:56] [REDACTED]

23 Q. [10:39:10] [REDACTED]

24 A. [10:39:20] [REDACTED]

25 [REDACTED]

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1 Q. [10:39:40]

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3 A. [10:40:20]

4 THE INTERPRETER: [10:40:33]

5 MR DUTERTRE: [10:40:38](Interpretation)

6 Q. [10:40:38]

7 A. [10:40:55]

8 Q. [10:41:02] Thank you, Mr Witness.

9 And now I would like to move to another document, which is in binder number

10 1 -- sorry, apologies, number 2 at 305 and 306 for the translation. The ERN 0001-7538.

11 And the translation at 306 is 0034-0173.

12 PRESIDING JUDGE MINDUA: [10:43:18](Interpretation) Ms Taylor.

13 MS TAYLOR: [10:43:19] Thank you, Mr President. I apologise for disturbing. It

14 appears there's a technical issue, so I'd like to ask permission for my colleague

15 Maître Youssef to -- to try and address it with Mr Al Hassan. I believe it might be an

16 issue with transcripts, him being able to see it.

17 PRESIDING JUDGE MINDUA: [10:43:41](Interpretation) Very good, Ms Taylor.

18 (Pause in proceedings)

19 PRESIDING JUDGE MINDUA: [10:44:35](Interpretation) Ms Taylor.

20 MS TAYLOR: [10:44:36] Thank you very much, Mr President. The Defence would

21 respectfully request that the Arabic version of documents be shown so that the

22 defendant can follow the proceedings because sometimes it's only the English version

23 that's being shown. And since he does not have access to binders, it becomes

24 difficult to follow.

25 PRESIDING JUDGE MINDUA: [10:45:01](Interpretation) Yes, very good.

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1 Court officer, how are we going to resolve that? I've got the binders and I can see all
2 languages (Overlapping speakers), but I see the problem for the accused.

3 MR DUTERTRE: [10:45:20](Interpretation) Perhaps we could have it on evidence 2
4 and then evidence 1 be the translation for you and evidence 2 for the translation for
5 the accused.

6 PRESIDING JUDGE MINDUA: [10:45:30](Interpretation) Yes, that seems to be an
7 acceptable solution. Let us proceed in that way.

8 Mr Prosecutor, is somebody dealing with this to free up evidence 2 channel
9 (Overlapping speakers)

10 MR DUTERTRE: [10:46:52](Interpretation) I have liberated -- switched off my
11 computer, so it's in the hands of the court officer now.

12 THE COURT OFFICER: [10:47:03] Your Honours, for the evidence 2 channel, it
13 would then be shown by the Prosecution while we would occupy ourselves with the
14 evidence 1 channel. I can request my colleagues in the AV booth to reconnect your
15 laptop to the evidence 2 channel.

16 MR DUTERTRE: [10:47:20](Interpretation) I don't have all the documents on my
17 laptop. I would have to go on to intel, but that would have to be this computer.
18 Would that work?

19 THE COURT OFFICER: [10:47:36] (Overlapping speakers) So what we will do is
20 have the evidence 2 channel routed through one of the computers on your bench, and
21 from that position that would be Mr Garcia's computer.

22 PRESIDING JUDGE MINDUA: [10:47:50](Interpretation) Ms Taylor, do you have a
23 solution?

24 MS TAYLOR: [10:47:51] Hopefully, Mr President. If it's allowed with security, if
25 my colleague could sit close to Mr Al Hassan and pass the Arabic versions to him of

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1 the hard copies. Because we have the binders, it's just the ability to get them to him.

2 And if the Prosecutor could kindly give the Arabic references then we'll be able to do
3 that, if that would work.

4 PRESIDING JUDGE MINDUA: [10:48:22](Interpretation) That seems to be a more
5 practical solution.

6 So, Mr Youssef, please, of course, take account of the Court's medical officer's advice
7 on social distancing.

8 Please continue.

9 (Pause in proceedings)

10 PRESIDING JUDGE MINDUA: [10:50:09](Interpretation) Mr Youssef, can we
11 continue?

12 MR YOUSSEF: [10:50:13](Interpretation) Yes, indeed, Mr President.

13 PRESIDING JUDGE MINDUA: [10:50:18](Interpretation) Thank you very much.
14 Mr Prosecutor.

15 MR DUTERTRE: [10:50:21](Interpretation) Thank you, your Honour. And thank
16 you, Mr Youssef.

17 Q. [10:50:25] Mr Witness, you've had time, I think, to read the document?

18 A. [10:50:33] Yes, I read it.

19 Q. [10:50:40] What does this document refer to, Mr Witness?

20 A. [10:50:52] [REDACTED]

21 [REDACTED]

22 Q. [10:51:09] [REDACTED]

23 [REDACTED]

24 A. [10:51:24] [REDACTED]

25 Q. [10:51:31] [REDACTED]

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2 A. [10:51:50]

3

4 Q. [10:52:05] I would now like to show at tab 307 and 308 of the same binder,
5 0001-7539. And for the translation, 0052-0091.

6 Could you look at the left-hand page only and tell us what is written on that?

7 A. [10:53:24]

8 Q. [10:53:39]

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13 A. [10:54:37]

14 Q. [10:55:02] So for the Chamber's information, when there are photos where there
15 are two pages, the translation has them -- the text on the same page. For example, on
16 this one it says at the bottom,

17 So I would now like to move to a document in binder 5, your Honours, at tab 896

18 with the translation at 897. And this is 0068-4781 and the translation is 0078-1770.

19 That's binder 5, court usher.

20 Mr Witness, I think you've finished reading. Can you tell us what this document is?

21 A. [10:58:22]

22

23 Q. [10:58:49]

24 A. [10:59:00]

25 Q. [10:59:10]

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1 A. [10:59:33]

2 Q. [10:59:52]

3 A. [11:00:07]

4 MR DUTERTRE: [11:00:18](Interpretation) Mr President, I have other questions on
5 this document, but I can see the time and perhaps it would be an opportune moment
6 to take our break.

7 PRESIDING JUDGE MINDUA: [11:00:28](Interpretation) Thank you. It's exactly
8 11 o'clock, so we will take a half-hour break and recommence at 11.30.
9 The hearing is suspended.

10 THE COURT USHER: [11:00:44] All rise.

11 (Recess taken at 11.00 a.m.)

12 (Upon resuming in closed session at 11.31 a.m.)

13 THE COURT USHER: [11:31:01] All rise.

14 Please be seated.

15 PRESIDING JUDGE MINDUA: [11:31:27](Interpretation) Court is in session once
16 again.

17 And over to the Prosecutor for the continuation of the examination-in-chief.

18 MR DUTERTRE: [11:31:39](Interpretation) Thank you, Mr President, your Honours.

19 PRESIDING JUDGE MINDUA: [11:31:42](Interpretation) Mr Witness, you're on
20 your feet.

21 THE WITNESS: [11:31:48](Interpretation) Mr President, I would like to clarify a
22 certain confusion for the Arabic interpreters. I learnt that I am causing them some
23 kind of confusion when I talk about tenses or when I use tenses. Sometimes I
24 describe certain things in the past, but I use the future tense.

25 I just want to say that I will try to overcome this problem and I just want to clarify to

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1 the interpreters that most of the time I am using the present tense, so using a tense
2 that indicates continuity because I am talking about events that continued for a period
3 of time.

4 And when I refer to the future, I mean the future inside or within this period. And
5 then when I talk about a specific event, I try to use the past tense.

6 I will try to make myself clearer to the interpret -- for the benefit of the interpreters,
7 but this is generally how I speak.

8 As for the religious terms, I will try to define these terms every time I use one.

9 PRESIDING JUDGE MINDUA: [11:33:37](Interpretation) Thank you very much,
10 Mr Witness. Your remark is very important indeed. This is also a formality in
11 French. When we describe events that have occurred in the past, we sometimes use
12 the future as well.

13 Anyway, that having being said, I think the interpreters have been informed and that
14 they will be careful. Thank you very much.

15 Mr Prosecutor.

16 MR DUTERTRE: [11:34:08](Interpretation) Thank you very much, Mr President,
17 your Honours.

18 Q. [11:34:15] So, Mr President, your Honours, Mr Witness, I would like to show a
19 document in binder number 1. 173 is the tab and 174, Mr Youssef. So it's 0001-7142
20 for the original. And 0077-2375 for the translation.

21 Mr Witness, I would request that you look to the right-hand side of the image of the
22 document [REDACTED].

23 THE INTERPRETER: [11:36:38] [REDACTED]

24 MR DUTERTRE: [11:36:48](Interpretation) [REDACTED]

25 Q. [11:36:52] [REDACTED]

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1 A. [11:37:04] [REDACTED]

2 [REDACTED]

3 Q. [11:37:27] [REDACTED]

4 [REDACTED]

5 A. [11:37:51] [REDACTED]

6 Q. [11:38:06] [REDACTED]

7 [REDACTED]

8 A. [11:38:27] [REDACTED]

9 [REDACTED]

10 Q. [11:38:52] [REDACTED]

11 A. [11:39:10] [REDACTED]

12 [REDACTED]

13 Q. [11:39:31] [REDACTED]

14 [REDACTED]

15 A. [11:40:08] [REDACTED]

16 Q. [11:40:24] [REDACTED]

17 [REDACTED]

18 A. [11:40:47] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. [11:41:36] [REDACTED]

23 A. [11:41:49] [REDACTED]

24 [REDACTED]

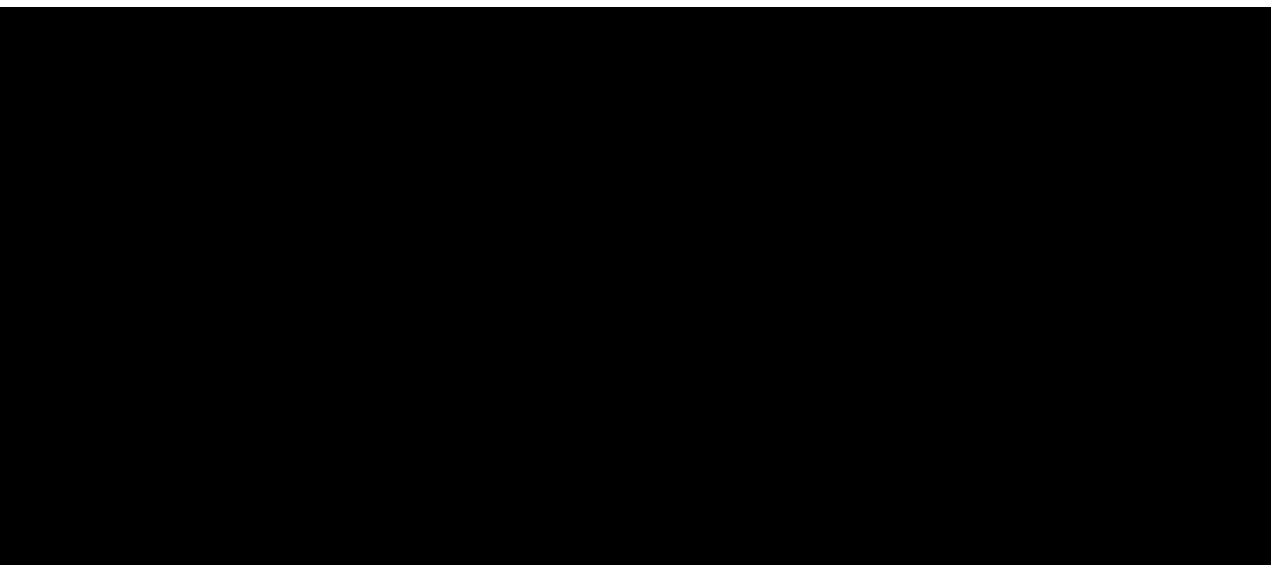
25 [REDACTED]

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9 Q. [11:43:42] Just a couple of follow-up question, Mr Witness. You talked about
10 Moussa. Do you know the full name of this Moussa individual whom you are
11 speaking of?

12 A. [11:44:01] I forgot the full name.

13 Q. [11:44:08] Could you please repeat the name of the tribe which he belonged to.
14 It has not been transcribed.

15 A. [11:44:23] Imushar.

16 Q. [11:44:33] And a point of clarification, is this one and the same person or another
17 individual, this Moussa as the head of the *Hesbah*?

18 A. [11:44:50] No, a different person.

19 Q. [11:45:00] And you also indicated that the execution was carried out by a
20 foreigner. Do you recall the name of the individual who carried out the execution on
21 the person of Moussa?

22 A. [11:45:25] Yes. The one who carried out the execution was Yazid, the Algerian,
23 Al Jazairi.

24 Q. [11:45:42] Do you remember his full name, Yazid's full name?

25 A. [11:45:51] We only knew him as Yazid.

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1 Q. [11:46:03] Which group did he belong to?

2 A. [11:46:13] From the battalion of Tariq Ibn Ziyad. And he is a relative of
3 Abou Zeid, its leader.

4 Q. [11:46:26] To come back to the document that you have in your hand, 0001-7142,

5 [REDACTED]
6 [REDACTED]

7 A. [11:47:00] [REDACTED]

8 Q. [11:47:10] Thank you.

9 I'm going to be showing another document, Mr President, but just a moment, please.

10 I'm having a little fight with my binders.

11 I would like to show a document to be found in binder number 3, at tab 411, with a
12 translation at tab 412. And the ERN number is 0053-0054 for the original, that's at
13 tab 411, and the translation is 0077-2283 at tab 412.

14 What is this document, Mr Witness?

15 A. [11:50:38] [REDACTED]

16 Q. [11:50:59] And for the follow-up of the Chamber, I would indicate that this is a
17 generator in the third bullet point.

18 I'm going to be showing another document, Mr Witness, to be found at -- or in the
19 binder 5, binder number 5, tab 902, an ERN number *0068-4784. That's the original.
20 And 0078-1774, for the translation to be found at tab 903.

21 What is this document, Mr Witness?

22 A. [11:53:12] [REDACTED]

23 [REDACTED]
24 [REDACTED]

25 Q. [11:53:46] [REDACTED]

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2 A. [11:54:04]

3 Q. [11:54:12]

4 A. [11:54:26]

5 Q. [11:54:32]

6 A. [11:54:46]

7 Q. [11:54:54]

8 A. [11:55:09]

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12 Q. [11:56:05]

13 A. [11:56:22]

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16 Q. [11:56:54] And in this specific case, can you indicate why this punishment was
17 to be meted out at the police station itself contrary to most cases?

18 A. [11:57:18] The phrase, "the police station", here only means the end location
19 where the police usually carry out sentences.

20

21

22 Q. [11:57:57] Very well. That's clear.

23 Now, Mr Witness, I'm going to be showing to you in binder number 3, again at tab
24 455 and 456, document 0053-0180 at tab 455, that is, and document 0077-2414 to be
25 found at tab 456.

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1 Mr Witness, are you in a position to tell us what this document is, Mr Witness?

2 A. [11:59:50] [REDACTED]

3 [REDACTED]

4 Q. [12:00:21] [REDACTED]

5 [REDACTED]

6 A. [12:00:33] [REDACTED]

7 [REDACTED]

8 Q. [12:00:46] [REDACTED]

9 [REDACTED]

10 A. [12:01:21] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [12:01:57] I'd now like to show you another document, which is in binder 2 at
14 275, with the translation at tab 276, and the ERN at 275 is 0001-7513. And the
15 translation 0069-5680, on the right of the image.

16 A. [12:04:09] Yes, I looked at it.

17 Q. [12:04:16] [REDACTED]

18 A. [12:04:32] [REDACTED]

19 Q. [12:04:47] [REDACTED]

20 [REDACTED]

21 A. [12:05:10] [REDACTED]

22 [REDACTED]

23 Q. [12:05:29] [REDACTED]

24 A. [12:05:41] [REDACTED]

25 Q. [12:05:55] I would like you now to move on to the next tab, 277 and 278. The

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1 ERN for the original is 0001-7514 and the translation is at 0034-0169. On the left.

2 A. [12:07:32] Yes.

3 Q. [12:07:36] [REDACTED]

4 A. [12:07:45] [REDACTED]

5 Q. [12:08:07] [REDACTED]

6 A. [12:08:18] [REDACTED]

7 Q. [12:08:26] [REDACTED]

8 A. [12:08:37] [REDACTED]

9 Q. [12:08:46] [REDACTED]

10 A. [12:08:55] [REDACTED]

11 Q. [12:09:08] I'd like now to move to another document, Mr Witness, which is in
12 binder 5 at 838, translation 839?

13 PRESIDING JUDGE MINDUA: [12:10:26](Interpretation) Mr Prosecutor, 838, is that
14 not binder 4?

15 MR DUTERTRE: [12:10:34](Interpretation) Thank you for your help. I have just
16 discovered the same thing. Yes, yes, it's binder -- binder 4. Yes, you're absolutely
17 right.

18 THE WITNESS: [12:12:30](Interpretation) Yes, I read it.

19 Q. [12:12:32] And what is this document, Mr Witness?

20 A. [12:12:40] [REDACTED]

21 [REDACTED]

22 Q. [12:13:17] [REDACTED]

23 [REDACTED]

24 A. [12:13:31] [REDACTED]

25 Q. [12:13:45] [REDACTED]

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A. [12:14:11]

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THE INTERPRETER: [12:14:31]

5

THE WITNESS: [12:14:35](Interpretation)

6

7

MR DUTERTRE: [12:14:51](Interpretation)

8

Q. [12:14:51]

9

A. [12:15:18]

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Q. [12:15:33]

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A. [12:15:40]

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Q. [12:15:54]

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A. [12:16:15]

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Q. [12:16:38]

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A. [12:16:45]

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Q. [12:16:58]

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A. [12:17:26]

22

Q. [12:17:39]

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A. [12:17:52]

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1

2 Q. [12:18:36]

3 A. [12:18:44]

4

5 Q. [12:19:07] And now I'd like to move to binder number 3, 461 and 462. And at
6 461, this is 0053-0198, and the translation is 0077-2349.

7

8 A. [12:20:58]

9

10 Q. [12:21:15]

11

12 A. [12:21:32]

13 Q. [12:21:41]

14 A. [12:21:53]

15 Q. [12:22:14] Thank you, Mr Witness.

16 So I'd like to open -- it's like parenthesis here, Mr Witness. You mentioned yesterday
17 the question of *hudud*, and we've seen in these documents a reference to the word
18 "*ta'zir*" and I'd like you, please, to enlighten us more on this question, *hudud* and *ta'zir*,
19 and to that end I'm going to ask you a number of questions on that subject. It may
20 have been implicit in yesterday's reply, but it's best to be explicit. Who could impose
21 *hudud* punishment?

22 A. [12:23:33] With regards to *hudud*, it is not possible for anyone to pass a judgment
23 related to *hudud* except the judge. As for *ta'zir*, the judge can impose *ta'zir*, or the
24 *Hesbah*, or the head of the *Hesbah*, or the police or the commissioner of the police, they
25 can impose *ta'zir*.

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1 Q. [12:24:17] Noted. I'd like to concentrate now on *hudud*. During the
2 implementation of a *hudud*, is the judge's decision always read before the sentence is
3 applied?

4 A. [12:24:42] Yes. The decision of the judge is always read and usually a member
5 of the *Hesbah* is chosen to read the judgment's decision -- the judge's decision.

6 Q. [12:25:07] Could you specify why this should be a member of the *Hesbah* rather
7 than somebody else?

8 A. [12:25:23] Because one of the main tasks of *Al-Hesbah* is to monitor the
9 Sharia -- Sharia implementation of judgments, and if the judgments are in line with
10 the Sharia or not. And that's why reading the Sharia judgment by a member of the
11 *Hesbah* confirms that it is in line with religion and with the Sharia law. And also
12 reading it to the people has got different objectives, such as giving a lesson to the
13 people from it.

14 Q. [12:26:28] And why do -- why is it desirable to give lessons to people by reading
15 this out?

16 A. [12:26:50] Its origin, they say, to prevent crime and reduce corruption because
17 when people see sentences implemented upon other people, this makes them think
18 twice before they fall in the same mistakes. And also one of the objectives is to teach
19 people about Sharia.

20 Q. [12:27:26] There was one point you could perhaps help us with, Mr Witness, and
21 that's how are the people who actually physically inflict the punishment chosen?

22 A. [12:27:55] The choice of people, this is part of the police commissioner's job. He
23 is the one who chooses who to take this -- or carry out the sentence, and also they
24 have the right to choose who to monitor the rules of Sharia or not. But what
25 happened in reality is that the members of the group all wanted to inflict the beating

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1 and mete out the punishments because they thought this was something that would
2 bring them closer to God. So many people wanted to take this task upon themselves
3 or distribute the jobs between themselves. So, for example, someone who got
4 administered a hundred lashes, this was done by four people, each 25 lashes.
5 Sometimes some people who are in a senior position usually want to take this job
6 upon themselves and inflict the punishment themselves.

7 Q. [12:29:50] And you said the members of the group all wanted to inflict the lashes.
8 Members of the group, which group are you referring to here?

9 A. [12:30:09] I refer to the Islamic group in general, whether they are from the
10 police or *Hesbah* or the security battalion, they all wanted to take part in meting out
11 sentences.

12 Q. [12:30:40] Now, with regard to *ta'zir*, Mr Witness, can you explain to us what
13 the aims of *ta'zir* are?

14 A. [12:30:57] *Ta'zir* means punishment. It means punishment. And the main
15 objective from it is the same objective of punishment in general for Muslims. People
16 who don't know the Sharia law really well don't understand this, but it is for
17 deterrence, mainly, and for purifying and to mend. These are the main objectives.
18 And there are, of course, certain factors to describe it, but there are three main points
19 which is: To deter, to pure and to mend.

20 Because they believe, obviously, and they all have evidence from Sharia on that, for
21 purification. And there is a verse from At-Tawbah chapter which says take from
22 them money charity to purify them and raise their status, which means that you can
23 take from them money so that they are purified, and that's why in Sharia there are
24 amounts that can be paid to purify themselves from a sin.

25 And also there is the second objective, which is deterrence, as I mentioned before.

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1 There is a verse that speaks about taking -- or punishment for the same action or by
2 the same action and also to mend. So the police officer, or the person in charge or
3 the judge, they choose a punishment that is appropriate to the sin and that leads to
4 achieving these -- those three objectives that I just explained.

5 Q. [12:33:34] So, Mr Witness, you said that for *ta'zir* judges can impose *ta'zir*, or the
6 commissioner of the *Hesbah*, or the police or the commissioner of the police. Can you
7 tell us in Timbuktu, between April 2012 and January 2013, in what case or cases *ta'zir*
8 was imposed. Please furnish us with some examples.

9 A. [12:34:25] *Ta'zir*, according to the Islamic Sharia, by looking at the person -- it
10 can include a look at the person or a strict word to be said to the person, and it can
11 amount to beating the person three times, three beats. This is what is known. This
12 kind of punishment was imposed by the jihadists as individuals on people who didn't
13 abide by the rules, such as people who listened to music or they didn't wear loose
14 garments or were dressed in garments that had images on them.

15 So any member of the group who met a person from the population was able to
16 impose one of those levels of *ta'zir* on them.

17 But, of course, a lot of problems arised from these practices, so the jihadists tried to
18 limit the number of people who were allowed to impose *ta'zir* and eventually it was
19 only limited to the judiciary, the police and the *Hesbah*.

20 But in reality, it was still imposed in the streets of the city. Members of the *Hesbah*
21 and the police started punishing people in the streets of the city, and later the judges
22 advised that this punishment should be imposed only in the police station or in the
23 *Hesbah* headquarters.

24 So they gave the right of using *ta'zir* only in the police station or in the *Hesbah*
25 headquarters.

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1 Q. [12:37:16] So, Mr Witness, if I followed you correctly, you mentioned a number
2 of different types of *ta'zir*, a look, words, and actually physically beating people. In
3 Timbuktu, between April 2012 and January 2013, what was the type of *ta'zir* applied
4 by the members of the groups in the streets?

5 A. [12:37:47] I said that these three levels were used at all stages. People were told
6 off using words or spoken to in a harsh way and some other occasions were beaten or
7 arrested or detained. All of these kinds of *ta'zir* happened. Especially at the
8 beginning, all members of the group did these actions. But then it was limited to a
9 small number of people inside the police station or the *Hesbah* office.

10 Q. [12:38:34] So you indicated on page 45, lines 7 to 8, "But of course many
11 problems arose out of these practices." End of quote.

12 Could you please cast light on this as to what problems you're talking about?

13 A. [12:39:06] Objections from the civilians that amounted sometimes to the level of
14 demonstrations. And that's what the emirs didn't want [REDACTED]

15

16

17 Q. [12:39:48] [REDACTED]

18

19

20 PRESIDING JUDGE MINDUA: [12:40:17](Interpretation) Ms Taylor.

21 MS TAYLOR: [12:40:18] Thank you, Mr President. I believe it might be important
22 for the Prosecutor to give us specific references, as it doesn't seem to reflect what the
23 transcript actually said. And I believe that the Prosecutor should correct the
24 question to reflect what the transcript actually said. And I'm not going into content
25 because of the witness being present.

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1 PRESIDING JUDGE MINDUA: [12:40:59](Interpretation) Mr Prosecutor, I believe
2 that -- or I recall that the witness was talking about the possible locations of this
3 punishment, but please provide the references at the behest of the Defence.

4 MR DUTERTRE: [12:41:14](Interpretation) So it's page 45 in French, lines 14 to 17,
5 where it is written, "and later, the judges recommended that this punishment only be
6 imposed at either the police station or at the *Hesbah* headquarters. They provided
7 authorisation to use *ta'zir* only at the police station or at the *Hesbah* headquarters."

8 PRESIDING JUDGE MINDUA: [12:41:46](Interpretation) Very well. Thank you
9 very much. I think the Defence is satisfied.

10 MR DUTERTRE: [12:41:51](Interpretation)

11 Q. [12:41:53] So, Mr Witness, my question, when you're talking about the judges,
12 who are you talking about specifically?

13 A. [12:42:07] Maybe the word "judges" was a mistake from me or maybe from the
14 interpreters, but what I said was the emirs, they recommended that the *ta'zir* is
15 imposed only at the police station or at the *Hesbah* headquarters. And I said that this
16 was the general policy agreed by the emirs. But in specific terms, I meant Abou Zeid
17 who used to go to the stations or centres and give recommendations, whether verbal
18 or written.

19 Q. [12:42:59] So, Mr President, I would like to show a document to be found in
20 binder number 1 at tab 16 with the translation, I presume, at tab 17. And I would
21 ask you a moment for the ERN number. So the ERN number is 0001-7193, and the
22 translation is 0077-2366.

23 And the rest of this document is to be found at tab 18, that's 0001-7194, with the
24 translation 0077-2369 at tab 19.

25 And madam usher, could we please show this to the witness so that he has the

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1 document in its entirety.

2 Mr Witness, do you know this document?

3 A. [12:48:12] Yes.

4 Q. [12:48:18] Can you explain what it is all about?

5 A. [12:48:30] This is one of Abou Zeid recommendations to the people who were in
6 charge of the city, and he means by that the police and *Hesbah*, but he also included all
7 the jihadists in Medina whom he called the brothers. All the jihadists in the city,
8 correction.

9 Q. [12:49:16] Why did he include all the jihadists of the Medina who he called
10 brothers? And what is the Medina, first and foremost?

11 A. [12:49:30] The city of Timbuktu, that's what was meant, and he is giving these
12 instructions to all the brothers in the city and that was his way to solve problems and
13 disputes that arose in the city during that time.

14 Q. [12:50:03] At the bottom of the document of the two pages, in fact, but at the
15 bottom of the document 0001-7193 there is a stamp. Could you tell us what is
16 written on that stamp?

17 A. [12:50:32] Yes. Abdelhamid Abou Zeid.

18 Q. [12:50:42] And on the second page at the bottom, there is a date. Could you
19 read that date to us, please, Mr Witness?

20 A. [12:50:58] Yes, 27 Ramadan 1433, equivalent to 15 August 2012.

21 Q. [12:51:25] So there's a lot of information in this document. We'll come back to
22 it later, but I would like to draw your attention to point number 3. Can you see
23 point number 3, Mr Witness?

24 A. [12:51:59] Yes.

25 Q. [12:52:03] And it is written, "*Ta'zir* will only be applied at police and *Hesbah*

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1 stations and after adequate investigation." End of quote.

2 What was an adequate investigation, Mr Witness, and why was it that Abou Zeid
3 included this requirement of an adequate investigation?

4 A. [12:52:49] First, this is the point that solves the problem that I mentioned earlier
5 which is the fact that all soldiers in the city were walking around the city and
6 punishing people who violated the rules. And the soldiers here includes the police
7 and the *Hesbah*, but the solution was to not punish people, but rather bring them to
8 the police station or the *Hesbah* headquarters and that the -- even the police and the
9 *Hesbah* should not punish people straight away just because somebody brought them
10 to the station and said that they did so and so. An adequate investigation should be
11 carried out to prove that they did so.

12 And in a different statement, Abou Zeid clarified that there are certain steps to be
13 taken before *ta'zir* and that the person repeated the same offence many times and
14 that's what they called stubbornness. And when this happens, *ta'zir* is authorised.

15 Q. [12:54:25] [REDACTED]

16 [REDACTED]

17 A. [12:54:44] Abou Zeid didn't give specific description of the adequate
18 investigation, but there were people who were entrusted to do so in the police. He
19 didn't appoint anyone at the head of the police or the *Hesbah* without trusting that
20 they will carry out adequate investigation before any punishment.

21 Q. [12:55:32] [REDACTED]

22 [REDACTED]

23 A. [12:55:48] [REDACTED]

24 [REDACTED]

25 [REDACTED]

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2 Q. [12:56:25] I have two points of clarification. Did I understand you correctly
3 that the *ta'zir* can be applied without any judgment on the part of the Islamic court?

4 A. [12:56:49] Yes, this is correct. The judge imposes *ta'zir*, but the police and the
5 *Hesbah* also had authority to impose *ta'zir*.

6 Q. [12:57:16] Were these recommendations adhered to by the jihadists in the town
7 or city of Timbuktu between April 2012 and January 2013, that is the
8 recommendations of Abou Zeid?

9 A. [12:57:43] Before this letter, there were all these problems that he was trying to
10 solve by -- by this letter. They were widely spread in the city. But after this letter,
11 after this date, these practices were happening, but not as before.

12 Q. [12:58:22]

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17 A. [12:59:06]

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25 MR DUTERTRE: [13:00:39](Interpretation) Mr President, I can see the time, but to

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1 my right I'm being told that it would be good for the witness to repeat the end of his
2 answer in terms of translation, but it's not urgent. Maybe we should do it after the
3 pause, but it would seem to me that the translation is not completely complete.

4 PRESIDING JUDGE MINDUA: [13:01:00](Interpretation) Very well. You can check
5 this after the break. It is 1 o'clock. We are going to rise for an hour and a half and
6 reconvene at 2.30.

7 Court is suspended.

8 THE COURT USHER: [13:01:14] All rise.

9 (Recess taken at 1.01 p.m.)

10 (Upon resuming in closed session at 2.29 p.m.)

11 THE COURT USHER: [14:29:50] All rise.

12 Please be seated.

13 PRESIDING JUDGE MINDUA: [14:30:11](Interpretation) Court is in session once
14 again.

15 And it is the Prosecutor who is still addressing the Court. Mr Prosecutor.

16 MR DUTERTRE: [14:30:22](Interpretation) Thank you very much, Mr President,
17 your Honours.

18 Q. [14:30:31] We were talking about the *ta'zir*, but at the beginning of this
19 afternoon's session I would like to do a brief follow-up on something that we
20 broached this morning, and for this purpose I would like to have brought up the
21 photograph 0018-2445 to be found at tab 1535 of binder number 8.

22 Mr Witness, can you see this photograph on the screen?

23 A. [14:31:29] I can.

24 Q. [14:31:46] Are you able to identify one or other of the victims -- of the
25 individuals in this photograph, Mr Witness?

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1 A. [14:32:01] So far I can only identify three people and possibly also the fourth.

2 Q. [14:32:16] We shall start with the individual to the far right wearing a green
3 turban -- a pistachio-green turban wearing glasses right to the left-hand side of the
4 image when we look at it face on?

5 A. [14:32:39] Yes, that's Abou Baccar Al Chingetty.

6 Q. [14:32:52] Did Abou Baccar Al Chingetty have a nickname in Timbuktu between
7 April 2012 and January 2013? A nickname, that is. I'm repeating it for the Arabic
8 booth?

9 A. [14:33:13] Abou Baccar Al Chingetty is his *nom de guerre*. He probably has a
10 real family name that we don't know.

11 Q. [14:33:30] Did he have another name, an alias or another nickname?

12 A. [14:33:46] He did not.

13 Q. [14:33:50] Could you now please tell us who is the individual standing in the
14 centre of the image wearing a brown turban facing us and who is clasping his hands?

15 A. [14:34:17] That is Yazid the Algerian, whom I've previously described, and I said
16 that he initiated the killing of Moussa.

17 Q. [14:34:46] What do you mean by initiated the killing?

18 A. [14:34:55] Because when I said Moussa died, I ascribed the whole death to the
19 entire group -- the entirety of the Ansar Dine group, the judges included, but what
20 I -- what I meant by the execution of the killing, I meant he is the person who fired a
21 shot on Moussa's back.

22 Q. [14:35:26] In the French transcript, the word "massacre" occurs. Is that a word
23 that you used, Mr Witness?

24 A. [14:35:43] No. I just said that he fired a shot on Moussa's back.

25 Q. [14:35:55] You talked about four individuals that you were able to identify.

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1 Who are the other two individuals that you are able to identify in this photograph,

2 Mr Witness?

3 A. [14:36:08] I can also see Khoubuib, he is the person appearing -- whose face

4 appears by the two people before Yazid. I can also see the person whose face

5 I cannot see dressed in black, and I think to a large degree that that is Khaled because

6 I know that that's how he dresses.

7 Q. [14:36:46] And for the transcript, when you say the person whose face you can

8 see, who is to your mind Khoubuib, could you please describe the colour of the turban

9 that he is wearing on his head? This will be -- this will assist us in locating him in

10 the photograph.

11 A. [14:37:16] Yes. He's addressed in -- he wears a turban with stripes, black and

12 green.

13 Q. [14:37:33] So we can say that it is the third individual from the left of the image?

14 A. [14:37:45] Yes.

15 Q. [14:37:54] And when you talk of Khaled, can you provide us with Khaled's full

16 name, the Khaled you mentioned?

17 A. [14:38:07] I meant Khaled Al Sahraoui, the head of the police.

18 Q. [14:38:26] [REDACTED]

19 [REDACTED]

20 Mr Witness, I'm going to be showing a document to you to be found in binder

21 number 5. Mr President and Mr Youssef, 898 and 899 are the tab numbers. ERN

22 number of the original 0068-4782, the translation is 0078-1722.

23 Mr Witness, what is the nature of this document?

24 A. [14:40:56] [REDACTED]

25 [REDACTED]

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1 Q. [14:41:12]

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3 A. [14:41:31]

4 Q. [14:41:44]

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6 A. [14:42:10]

7 Q. [14:42:11]

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9 THE INTERPRETER: [14:42:25]

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12 THE WITNESS: [14:42:43](Interpretation)

13 MR DUTERTRE: [14:42:45](Interpretation)

14 Q. [14:42:45]

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18 A. [14:43:32]

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1

[REDACTED]

2

Q. [14:44:39] Very well. I would now like to show in binder number 1, at tab 171

3

and tab 172, a document 0001-7411 for which the translation is to be found at

4

0077-2373. What is this document, Mr Witness?

5

A. [14:46:31]

[REDACTED]

6

[REDACTED]

7

Q. [14:46:53]

[REDACTED]

8

[REDACTED]

9

A. [14:47:07]

[REDACTED]

10

[REDACTED]

11

Q. [14:47:27]

[REDACTED]

12

[REDACTED]

13

A. [14:47:39]

[REDACTED]

14

Q. [14:47:56]

[REDACTED]

15

I would now like to play a video in binder number 8, Mr President, your Honours,

16

and this is video 0018-0737. And unless I'm mistaken, it has already been formally

17

submitted, with the transcript to be found at 0069-1469 at tab 1604 and translation

18

0078-1307 at tab 1605.

19

I will ask you for a moment of your time.

20

I'm going to play it without sound initially.

21

(Viewing of the video excerpt)

22

MR DUTERTRE: [14:50:20](Interpretation)

23

Q. [14:50:22] Mr Witness, what is going on in this video?

24

A. [14:50:35] We see preparations for the enforcement of a penalty on a person.

25

Q. [14:50:51] I will now play it with the sound and I ask you to pay attention to

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1 what is said. I do not know whether the interpreters have the transcript before them.

2 I'm waiting for them to make a sign to me.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [14:51:33](Interpretation of the video excerpt) "Ansar Dine

5 group, the Islamic court of Timbuktu, judgment in the case, Allah Akbar

6 68" -- overlapping speakers. Counsel is not allowing the interpreter to do her job.

7 PRESIDING JUDGE MINDUA: [14:51:48](Interpretation) Ms Taylor, please.

8 MS TAYLOR: [14:51:49] Thank you, Mr President. I apologise for interrupting, but

9 it appears that the English interpretation was still ongoing and -- while

10 Maître Dutertre was asking his questions. So that was affecting the transcript.

11 Thank you.

12 MR DUTERTRE: [14:52:04](Interpretation) Is the transcript complete now?

13 THE INTERPRETER: [14:52:10] Not at all. Not at all.

14 PRESIDING JUDGE MINDUA: [14:52:13](Interpretation) Please go ahead.

15 THE INTERPRETER: [14:52:16] Message from the English interpreter: It is not

16 complete.

17 MR DUTERTRE: [14:52:20](Interpretation)

18 Q. [14:52:22] Mr Witness --

19 PRESIDING JUDGE MINDUA: [14:52:23](Interpretation) Maître Taylor.

20 MS TAYLOR: [14:52:25] I apologise, but I believe the interpreter said that it wasn't

21 complete, so I think it still needs to be fully interpreted onto the record before the

22 Prosecution puts their question to the witness, if that would be possible.

23 THE INTERPRETER: [14:52:40] From the English booth --

24 PRESIDING JUDGE MINDUA: [14:52:44](Interpretation) So we're going to complete

25 the transcript in English. Interpretation, please.

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1 THE INTERPRETER: [14:52:48] From the English booth:

2 An unidentified speaker, "Ansar Dine group, the Islamic court of Timbuktu.

3 Judgment in the case, Allah Akbar, case 68, praise be to Allah and may the prayer of

4 Allah be the messenger of Allah, his family, his companions and those who follow

5 him."

6 End of transcript. Thank you.

7 PRESIDING JUDGE MINDUA: [14:53:25](Interpretation) There we are. It's perfect

8 now. Please go ahead.

9 MR DUTERTRE: [14:53:39](Interpretation) I can see that the English is not entirely
10 complete.

11 Q. [14:53:50]

12 A. [14:53:57]

13 Q. [14:54:08]

14

15 A. [14:54:24]

16 Q. [14:54:30]

17 A. [14:54:37]

18 Q. [14:54:49]

19

20 A. [14:54:57]

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22 Q. [14:55:21]

23 Mr Witness, do you know the individual to the left just by the vehicle and who is
24 wearing a black turban?

25 A. [14:55:41] I do. This is Khaled Al Sahraoui, head of the police.

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1 Q. [14:55:56] I am now going to play a second video still to be found in binder
2 number 8, Mr President, Mr Youssef. Tab 1600, 1601, for the transcript, and 1602 for
3 the translation. 0018-0407, transcript, your Honours, 0069-2651 and translation
4 0077-0729.

5 I shall be playing this video, which is 32 seconds in duration.

6 (Viewing of the video excerpt)

7 MR DUTERTRE: [14:58:07](Interpretation)

8 Q. [14:58:09] Mr Witness, what can we see in this video?

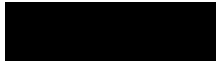
9 A. [14:58:21] These are preparations for the enforcement of a penalty. A member
10 of the *Hesbah* is reading out the case, the judge reached by -- the judgment reached by
11 the judge.

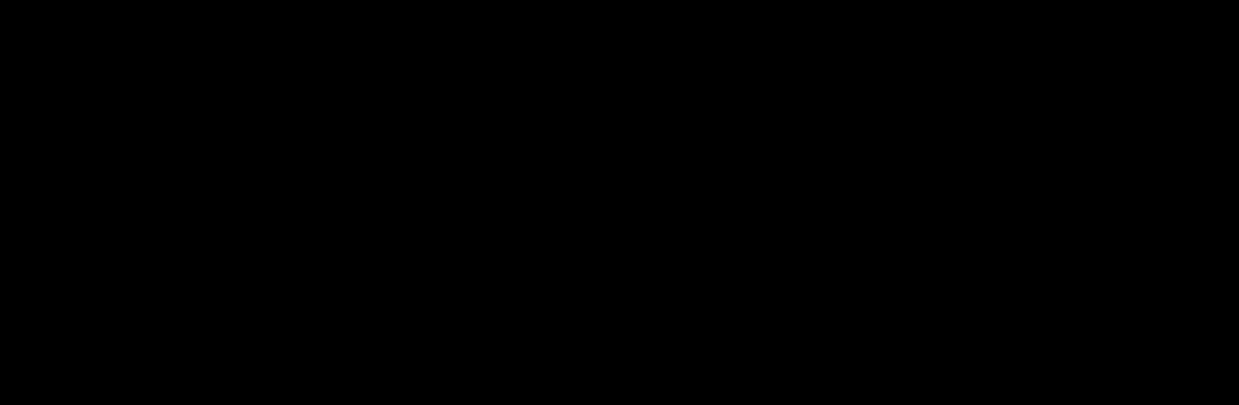
12 Q. [14:58:45] Do you know the individual to the far right of the screen?

13 A. [14:58:54] I don't.

14 Q. [14:59:05] I shall be playing the video again with the sound, and I'm making
15 sure with the interpreters that they do indeed have the transcript. Yes.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [14:59:22](Interpretation of the video excerpt) 

18 

24 PRESIDING JUDGE MINDUA: [15:00:05](Interpretation) Please, yes, repeat.

25 MR DUTERTRE: [15:00:53](Interpretation)

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1 Q. [15:00:53]

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4 A. [15:01:19]

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7 Q. [15:01:56] Thank you, Witness. I'm going to show another video. Video

8 binder 8, tab 1606, 0018-0738.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [15:03:09](Interpretation)

11 Q. [15:03:24] Witness, with regard to the environment we see around the

12 surroundings, could you say exactly where this flogging is taking place?

13 A. [15:03:46] The location is few metres north of the first office of the police, and

14 this is a one side of the small marketplace.

15 Q. [15:04:12]

16

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18 A. [15:04:46]

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24 Q. [15:05:48] And normally where you have the cases of flogging, what instrument

25 is used?

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1 A. [15:06:06] A stick from -- made from tree material [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. [15:06:43] I'm now going to continue with binder 8, I'm going to show a video.

5 0018-0400, tab 1598, transcript 0069-0465, tab 1599.

6 (Viewing of the video excerpt)

7 MR DUTERTRE: (Interpretation)

8 Q. [REDACTED] what can you tell us about the way
9 in which the lashes are given? What comment can you give us in that regard?

10 A. [15:08:39] I did not see anything in violation with the rules as prescribed in
11 terms of how to carry out the beating. It is prescribed that the person doing the
12 beating to be himself an average man, average in terms of his bodily strength, not too
13 strong and not too weak, and when he beats he should not raise his hand so high that
14 his armpit would appear. [REDACTED] the person to hold his hand
15 like this with a rope so that to make sure that his hand stays a certain level, and
16 I don't know whether the person doing the beating here, whether he followed those
17 rules or he was just beating like a regular kind of beating.

18 Q. [15:09:47] For the purposes of the transcript, I would like to indicate that the
19 witness had his arm bent towards his shoulder and he was moving, essentially, his
20 hand and his wrist when demonstrating how the lashing was conducted with the
21 baton?

22 PRESIDING JUDGE MINDUA: [15:10:24](Interpretation) Indeed.

23 MR DUTERTRE: [15:10:27](Interpretation) So I'll just show a last video where things
24 are perhaps more visible. This is still in tab 8, so tabs 1607, 1608, 1689. The
25 transcript 0078-1445, tab 1608. And the translation 0078-1447, tab 1609.

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1 I'll now show the video.

2 (Viewing of the video excerpt)

3 MR DUTERTRE: [15:12:15](Interpretation)

4 Q. [15:12:18] Witness, do you have any comments about the size of the person
5 carrying out the flogging and the way in which he's carrying out the flogging?

6 A. [15:12:37] Yes, it looks to me that the manner in which the flogging was carried
7 out is similar to the rules, but the nature of the person is a factor. He could be
8 someone of a strong bodily strength and therefore he does not qualify as a beater or
9 someone who carries out the beating as per the rules.

10 Q. [15:13:20] Do you have a comment with regard to the way in which he's using
11 his arm with regards to the rules that you've described? And I can show the video.

12 (Viewing of the video excerpt)

13 A. [15:13:50](Interpretation) Yes, I said that he -- I can see he's trying to follow the
14 rules. He's not raising his arm and he's only moving the first part of the arm, not
15 more. But this is not fully in compliance with the guidelines in this regard.

16 MR DUTERTRE: [15:14:27](Interpretation)

17 Q. [15:14:33] I would now like to go to another video, Witness. It's now in binder
18 6, your Honour, your Honours. Tab 1067, 1068, 1069. *0018-0693.

19 That's it. Transcript 0069-046 -- 1464, 0078-1304 for the translation. It's quite long.
20 It's five minutes.

21 (Viewing of the video excerpt)

22 MR DUTERTRE: [15:22:01](Interpretation)

23 Q. [15:22:03] Witness, do you know where this video was shown -- or was
24 recorded?

25 A. [15:22:14] I do. I saw the streets of Timbuktu and the places near the market,

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1 both the big marketplace and the small one, and I saw the square next to the first
2 office of the police.

3 Q. [15:22:42] And to the best of your knowledge, what is happening in this video?

4 A. [15:22:52] I see the police punishing criminals, as per their point of view.

5 Q. [15:23:14] I think the end wasn't translated. [REDACTED]
6 [REDACTED]

7 A. [15:23:36] [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 I cannot speak with certainty about the subject.

14 PRESIDING JUDGE MINDUA: [15:24:39](Interpretation) Ms Taylor.

15 MS TAYLOR: [15:24:40] Thank you, Mr President. May I make a very brief, very
16 brief intervention without the presence of the witness?

17 PRESIDING JUDGE MINDUA: [15:24:57](Interpretation) Court officer, please could
18 you escort the witness outside for a moment.

19 (The witness exits the courtroom)

20 PRESIDING JUDGE MINDUA: [15:25:33](Interpretation) The witness is outside.

21 Please, Ms Taylor.

22 MS TAYLOR: [15:25:36] Thank you, Mr President. [REDACTED]
23 [REDACTED]
24 [REDACTED] It's not a continuous
25 filming. Now, the Prosecution has those -- some of the individual clips, but instead

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1 of playing those individual clips what they've played is basically a composite which is
2 not filmed continuously. So we respectfully submit that it's highly prejudicial to
3 show this to the witness, particularly since they haven't elicited any personal
4 knowledge of this incident, and to then to ask the witness to comment specifically on
5 what's happening.

6 Now, we can already see from the witness's answer that the witness is making
7 deductions on the assumption that this is a complete video. So we do submit that it's
8 prejudicial to play it as such when the witness was not present and does not
9 necessarily have any personal knowledge of the incident.

10 PRESIDING JUDGE MINDUA: [15:26:56](Interpretation) Yes, Prosecutor. Perhaps
11 the Defence is right because the question that you put is with regard to the images, [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED] but Ms Taylor was right. If this continues,
15 perhaps the -- well, what we need -- if it's a continual video this can be justified, but
16 this is a video that has been cut into pieces, so what do you say?

17 MR DUTERTRE: [15:27:46](Interpretation) I admit that it makes sense. We have
18 clips, separate clips, and in none of the clips is there a court recitation of a decision.
19 And I could find -- I could show the clips individually, if that's wished by the
20 Chamber, but from my memory none of these clips show anyone issuing a judgment.
21 Now, the witness answered, I think, with an answer that was quite simple and honest
22 with regards to what he knew and what he observed.

23 Now, if the Chamber would like, tomorrow when I get those separate videos
24 that -- them to be shown separately, that's not a problem at all. It can be done, it
25 takes time, but the aim of having a whole video is just to have it all in one go.

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1 It was to save time. But I understand Ms Taylor's point.

2 PRESIDING JUDGE MINDUA: [15:28:38](Interpretation) Ms Taylor, the Prosecutor
3 has been very clear. We are all professionals and we have to trust each other. He
4 says that he showed the whole film. There was no recitation of a court decision. It
5 just reflects -- is that enough for you?

6 MS TAYLOR: [15:28:57] Thank you, Mr President. We believe, respectfully, that
7 the harm can't be cured by now playing the individual clips. Essentially, this
8 witness was not present. Even if you play individual clips, [REDACTED]
9 [REDACTED] these were snippets. These were not necessarily continuous in
10 time.

11 Now, to ask the witness to make conjecture on the basis of snippets of an incident
12 where he's not present is effectively asking him to engage in pure speculation.
13 He wasn't present. He is not an expert witness and he's been asked to provide a
14 factual answer on the basis of an incomplete record.

15 We believe this respectfully has no probative value to ask him to do that. He can be
16 asked how many lashes corresponds to *hudud*, but to ask him [REDACTED]
17 [REDACTED]
18 [REDACTED] would invite him to
19 simply speculate.

20 PRESIDING JUDGE MINDUA: [15:30:12](Interpretation) Prosecutor, a last response
21 then we'll close this.

22 MR DUTERTRE: [15:30:17](Interpretation) It's very simple, your Honour, all this.
23 This is for the Chamber. The witness himself finished his answer [REDACTED]

24 [REDACTED]
25 [REDACTED] There is no damage at all contrary to what the Defence claims.

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1 He gave an answer, which was honest, and I asked him a question on the basis of
2 what he saw. That's his answer and now we have the intention to move on to purely
3 identifying the questions with regards to people in the videos.

4 PRESIDING JUDGE MINDUA: [15:30:53](Interpretation) Thank you very much.

5 Ms Taylor, so we now know where we are. The film is a compilation, but the
6 witness has already answered. It seems to me that it's an issue of the weight to
7 which the -- the probative value which the Chamber ascribes to this. This is
8 something that the Chamber will have to look at.

9 Court officer.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE MINDUA: [15:32:27](Interpretation) The witness is back in the
12 courtroom, Mr Prosecutor.

13 As I said, the Chamber is sufficiently enlightened as to this video. I think you can
14 move on to something else.

15 MR DUTERTRE: [15:32:41](Interpretation) Just items of identification of individuals
16 on the video, your Honour, which is down to the witness.

17 PRESIDING JUDGE MINDUA: [15:32:51](Interpretation) Yes, just identification of
18 individuals.

19 MR DUTERTRE: [15:32:54](Interpretation) Yes, absolutely. That and nothing else.

20 Q. [15:33:02] Mr Witness, I am at 00:02:17:21, and I'm going to be playing it for a
21 few seconds and then stop.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [15:33:27](Interpretation)

24 Q. [15:33:28] Mr Witness, can you tell us the name of the third individual from the
25 left of the screen, the gentleman who has his hand raised and a dark green turban.

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1 And I am at 00:02:21:10.

2 A. [15:34:00] I can. That is Al Hassan Ag Abdoul Aziz.

3 Q. [15:34:22] I am now at 00:02:30:05. Can you please tell us who is the individual
4 to the left of the screen.

5 A. [15:34:38] I can. It's Al Hassan again.

6 Q. [15:35:00] I am at 00:02:49:03. Do you know the identity of the individual to the
7 right who is holding the whip?

8 A. [15:35:20] I could not identify this person.

9 Q. [15:35:41] I am at 00:03:17:00. Do you know the identity of the individual to the
10 left holding the whip?

11 A. [15:35:59] I do. That's Al Hassan Ag Abdoul Aziz.

12 Q. [15:36:19] I am now at 00:04:20:19. Do you know the identity of the individual
13 who is to the left and who is still holding the whip?

14 A. [15:36:38] I do. That's Al Hassan Ag Abdoul Aziz.

15 MR DUTERTRE: [15:36:58](Interpretation) Mr President, your Honours, I have now
16 finished with that video.

17 PRESIDING JUDGE MINDUA: [15:37:04](Interpretation) Very well, thank you.

18 MR DUTERTRE: [15:37:07](Interpretation)

19 Q. [15:37:09] I shall continue on the subject of the police still.

20

21

22 A. [15:37:39]

23 Q. [15:37:48]

24

25 A. [15:38:14]

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4 Q. [15:38:44] I would like to show you a document in binder number 2, Mr Witness,
5 at tab 381, your Honour, Mr President, your Honours, binder number 2. Document
6 0001-7585 with a translation at 0052-0125, tab 382.

7 Mr Witness, what is this document?

8 A. [15:40:45]

9 Q. [15:40:56]

10 A. [15:41:08]

11 Q. [15:41:18]

12 A. [15:41:27]

13 Q. [15:41:41] I thank you. I would now like to move on to another document that
14 we have already shown but that I did not have the time to put to its full use, binder
15 number 2, tab 299, translation tab 300, and this is document 0001-7527 with a
16 translation 0052-0089.

17 Please tell me when you have finished reading it, Mr Witness.

18 Were you able to reacquaint yourself with the document, Mr Witness?

19 A. [15:44:27] Yes, mostly.

20 Q. [15:44:34]

21

22 A. [15:44:48]

23 Q. [15:44:54]

24

25 A. [15:45:08]

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1 Q. [15:45:16]

[REDACTED]

2 [REDACTED]

3 A. [15:45:41]

[REDACTED]

4 Q. [15:45:50]

[REDACTED]

5 [REDACTED]

6 A. [15:46:20]

[REDACTED]

7 Q. [15:46:38]

[REDACTED]

8 A. [15:46:49]

[REDACTED]

9 [REDACTED]

10 Q. [15:47:07]

[REDACTED]

11 A. [15:47:15]

[REDACTED]

12 Q. [15:47:30]

[REDACTED]

13 [REDACTED]

14 A. [15:47:39]

[REDACTED]

15 Q. [15:47:48] Can you confirm that the date at the top to the far right is

16 [REDACTED]

17 A. [15:48:00] I can.

18 Q. [15:48:10] I would now like to move on to binder number 3, Mr President, tab

19 2 -- tab 620 and 621. I'm referring to document 0055-0259, with the translation

20 0077-2416, 2416 -- 2416, tab 621.

21 Mr Witness, I'm going to ask you to look at the left-hand bottom part of the page, the

22 left-hand page, that is, the bottom of the page. In fact, it's the entirety of the page to

23 the left.

24 Mr Witness, what is this handwritten document on the left-hand side?

25 A. [15:51:39]

[REDACTED]

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Q. [15:52:02]

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A. [15:52:15]

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Q. [15:52:31] And can you tell us the date right at the top? In fact, it's towards the middle of the page?

7

A. [15:52:50]

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Q. [15:53:06]

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A. [15:53:24]

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Q. [15:53:58] Thank you, Mr Witness. I'm going to come back to some more general questions, and I hope that I will have finished with this by the end of the day. To your knowledge, did Mr Al Hassan have any training in police interrogation?

16

A. [15:54:44] I did not mention in this period when Ansar Dine was running the city that they conducted any special police training.

18

Q. [15:55:13] Mr Witness, do you know whether the suspects detained at the police station were allowed to see a lawyer during their detention and questioning?

20

A. [15:55:40] Within the system of the Islamist group, there's no such thing as a lawyer. They even mocked the term "lawyer". But the judge himself is a person believed to have reached a level of integrity that he is considered at the same time the judge and the lawyer.

24

Q. [15:56:16] Why did they mock the term "lawyer"?

25

A. [15:56:28] They believed that there is a Koranic verse that refers negatively to

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1 lawyers, and they believe that a lawyer is a person who wants to defend a criminal to
2 exonerate him *from charges and this is understood from Almighty God's verses:
3 "Do not plead on behalf of those who betray their own souls; God does not love those
4 who betray their trust and persist in sinful ways."

5 The verses go on until God says: "but who will plead for them with God on the Day
6 of Resurrection? Or who will be their defender?" These verses are from the Annisa
7 chapter of the Koran.

8 THE INTERPRETER: [15:57:13] Note from the interpreters: This is a long Koranic
9 quotation. We would be happy to give you the equivalent of that in English in
10 writing perhaps briefly after the hearing. But we can add that he said this is from
11 the *An-Nisa* chapter or the women's chapter of the Koran and that's it.

12 MR DUTERTRE: [15:57:45](Interpretation)

13 Q. [15:57:46] And so the people detained at the Islamic police did not have access
14 to a lawyer or to counsel?

15 A. [15:58:06] Never.

16 Q. [15:58:15] Mr Witness, before Al Hassan became the chief of the Islamic police,
17 who was his hierarchical -- direct hierarchical superior?

18 A. [15:58:34] Khaled Al Sahraoui.

19 Q. [15:58:45] And before Khaled Al Sahraoui took up office, who was the
20 immediate hierarchical superior of Mr Al Hassan?

21 A. [15:58:59] Adam the Mauritanian.

22 Q. [15:59:10] Mr Witness, a last question. How would somebody join the Islamic
23 police and who would process their request?

24 A. [15:59:36] There was the first period, the establishment of the institutions. This
25 is a different time. Emirs like Talha, Abdallah Al Chinguetti, Abou Zeid and Abou

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1 Hammam, they considered the people and assigned them to these institutions.
2 Afterwards, it was the graduates from the training centres who were assigned
3 to -- but that would depend on the requests of the institutions themselves.
4 So Al Hassan can -- can -- was looking at the training centres and he identified the
5 people who were fit to work with him, even before they graduated. And when
6 they -- and once they finished their training -- training programmes, they joined. [REDACTED]

7 [REDACTED] That was the *modus operandi* and there
8 were other ways of doing it.

9 THE INTERPRETER: [16:00:40] Note from the interpreters: Part of the answer was
10 not gathered.

11 MR DUTERTRE: [16:00:48](Interpretation)

12 Q. [16:00:50] And how do you know that Adam would address the training centres
13 to this end?

14 A. [16:00:57] Here I only mention Al Hassan as head of the police, but I meant it's
15 the ex officio head of the police who would do it. If it's Al Hassan who happens to
16 be the head of the police, then he would do it.

17 MR DUTERTRE: [16:01:18](Interpretation) I have finished for today, Mr President.

18 PRESIDING JUDGE MINDUA: [16:01:23](Interpretation) Thank you very much,
19 Mr Prosecutor.

20 It is 4 p.m., it is time for us to rise for today.

21 Mr Witness, once again, on behalf of the Chamber, I would like to very sincerely
22 thank you for having answered the questions that have been put to you in a very clear
23 manner. As your testimony is not yet over, we shall meet again tomorrow at 9.30, as
24 always.

25 So it remains for me to thank the parties and the participants for their assiduous work

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1 and their exemplary cooperation. I'd like to thank the interpreters, the court
2 reporters, and without forgetting, of course, the security officers. And I would like
3 to wish you all a very nice evening. See you tomorrow at 9.30.

4 Court is adjourned.

5 THE COURT USHER: [16:02:33] All rise.

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

7 CORRECTION REPORT

8 The following correction, marked with an asterisk and not included in the
9 audio-visual recording of the hearing, is brought into the transcript.

10 Page 61 lines 2-7

11 "...from the charges and this is understood from God's verse all mighty God's verse
12 quote and -- this is -- unquote."

13 Is corrected to

14 "...from charges and this is understood from Almighty God's verses:

15 "Do not plead on behalf of those who betray their own souls; God does not love those
16 who betray their trust and persist in sinful ways."

17 The verses go on until God says: "but who will plead for them with God on the Day
18 of Resurrection? Or who will be their defender?" These verses are from the Annisa
19 chapter of the Koran."

20 SECOND CORRECTIONS REPORT

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

23 Page 4 line 11

24 "I am going to play from 00:03:40:22 for a short passage, 00:03:49:22 to 00:03:05:00
25 (sic)" Is corrected to "I am going to play, more specifically, from 00: 03: 49: 22

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1 to 00: 04: 05: 00''

2 Page 14 line 15

3 "about" Is corrected to "in"

4 Page 28 line 19

5 "0064-4784" Is corrected to "0068-4784

6 Page 45 lines 15-18

7

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11 Page 52 line 18

12 "0018 -- 0018-1 -- 0018-693." Is corrected to "0018-0693"