

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 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 15 June 2021
10 (The hearing starts in closed session at 9.30 a.m.)
11 THE COURT USHER: [9:30:54] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:23](Interpretation) The Court is once more in
15 session.
16 Good morning to everyone.
17 Court officer, please call the case.
18 THE COURT OFFICER: [9:31:35] 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're in closed session.
22 PRESIDING JUDGE MINDUA: [9:32:00](Interpretation) Thank you, court officer.
23 We will now move to the introduction of the various teams starting with the
24 Prosecution.
25 Mr Prosecutor.

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1 MR DUTERTRE: [9:32:10](Interpretation) Good morning, Mr President. Good
2 morning, your Honours. The Prosecution is composed this morning of Florie Huck,
3 Lucio Garcia, and myself, Gilles Dutertre. We will be joined by Mousa Allafi later in
4 the morning for personal reasons. I would like to greet Maître Nsita and his team,
5 the witness, [REDACTED] and the Defence.

6 PRESIDING JUDGE MINDUA: [9:32:42](Interpretation) Thank you very much,
7 Mr Prosecutor.
8 Defence.

9 MS TAYLOR: [9:32:43] Good morning, Mr President. Good morning, your
10 Honours. And good morning to everyone inside and around the courtroom. The
11 Defence for Mr Al Hassan is represented today by Ms Dolly Chahla and, myself,
12 Melinda Taylor. Thank you.

13 PRESIDING JUDGE MINDUA: [9:33:04](Interpretation) In other words, a reduced
14 format this morning. Very good.
15 Legal Representative of Victims.

16 MR LUVENGIKA: [9:33:11](Interpretation) Good morning, Mr President, good
17 morning, your Honours. The victims are represented here today by Prisque Biyéké
18 Dipanga and Ms Ludivine Tixier-Dunet, and myself, Mr Nsita. And I would also
19 like to return the greetings to my learned colleague, Maître Dutertre, Ms Taylor, and,
20 of course, I shall not forget my learned colleague [REDACTED] Thank you.

21 PRESIDING JUDGE MINDUA: [9:33:55](Interpretation) Thank you, Maître Nsita.
22 And now counsel for the witness, please.

23 [REDACTED] [9:34:02](Interpretation) Good morning, Mr President. Good
24 morning, your Honours. I am Maître [REDACTED] I am the counsel
25 representing [REDACTED] in accordance with Rule 74. And I would

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1 like to take this opportunity to greet my colleagues in the Defence team, and the
2 Prosecution team, and also the Legal Representatives for Victims, and also the
3 interpreters and reporters, and also [REDACTED] the witness in this
4 case.

5 PRESIDING JUDGE MINDUA: [9:34:48](Interpretation) Thank you, [REDACTED]

6 Now, Mr Witness, good morning. Are you well?

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

8 (The witness speaks Arabic)

9 THE WITNESS: [9:34:58](Interpretation) Good morning, Mr President. Good
10 morning, your Honours. Yes, I am very well. Thank you very much.

11 PRESIDING JUDGE MINDUA: [9:35:13](Interpretation) Thank you, Mr Witness.

12 On behalf of the Chamber, I welcome you once again. And once more I would also
13 like to thank you. I will remind you, of course, that you are still under oath and that
14 you must speak the truth, the whole truth and nothing but the truth. And I think
15 otherwise you are well aware of how we are conducting things here. So with no
16 further ado, I will hand over to Mr Prosecutor to continue the examination-in-chief.
17 Mr Prosecutor.

18 MR DUTERTRE: [9:35:49](Interpretation) Thank you, your Honours.

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

20 Q. [9:35:53] Good morning again, Mr Witness.

21 A. [9:36:03] Good morning.

22 Q. [9:36:05] Mr Witness, we will pick up where we left off at the end of the
23 afternoon yesterday, which is with the video *0018-0146, which is in binder 6, 1139,
24 with the translation and transcript at 1140 and 1141. So that's binder number six.
25 So we were able to identify two people, thanks to you, and I will continue with the

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1 video in order to identify others.

2 (Viewing of the video excerpt)

3 MR DUTERTRE: (Interpretation)

4 Q. [9:37:37] I am now at 0000-2208. Do you recognise the person on the extreme
5 left of the picture?

6 A. [9:37:59] I am not sure.

7 Q. [9:38:02] I will play it a little because the focus on the images is not particularly
8 good. I'll run it back a little. And I will start again at 00:00:20:22. And I have now
9 advanced to *00:00:25:09, so I'll take it back again to 00:00:22:01.

10 Have you been able to have a better look, Mr Witness?

11 A. [9:39:08] Yes.

12 Q. [9:39:10] And can you now identify this person at the extreme left of the picture?

13 A. [9:39:26] Yes, Al Hassan Ag Abdoul Aziz Ag.

14 Q. [9:39:38] And are you able to recognise the second person from the left dressed
15 in black with a waistcoat and a *chèche* shirt which is in dark green.

16 MR DUTERTRE: [9:40:17](Interpretation) I'm missing the translation.

17 THE INTERPRETER: [9:40:17] The interpreter didn't hear the answer. The channel
18 was occupied.

19 PRESIDING JUDGE MINDUA: [9:40:27](Interpretation) We didn't get an
20 interpretation of the witness's answer. Looking at the interpreters here.

21 Mr Witness, please could you put your microphone on and answer the question again.

22 Thank you.

23 THE WITNESS: [9:40:55](Interpretation) Yes, I was asked about the second person
24 dressed in black and I said that he is Abou Baccar Al Chingetty.

25 PRESIDING JUDGE MINDUA: [9:41:20](Interpretation) Thank you, Mr Witness.

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1 MR DUTERTRE: [9:41:22](Interpretation)

2 Q. [9:41:23] Mr Witness, I've now moved to 00:00:26:17. It's still not a particularly
3 good image, but are you able to recognise the person on the extreme right of the
4 picture?

5 A. [9:41:51] Yes, this is Talha.

6 Q. [9:42:04] Thank you. And now I will move to another sequence, which is
7 video -- still in number 6 at tabs 1042, 43 and 44.

8 Apparently, the ERN of the video is not -- 0018-0146 is the one that I have just played.

9 Now I'm moving to 0018-0147, which is at *1042, and the transcript is at 0033-5737
10 and the translation at 0033-5429. French transcript, 6 -- just to clarify, the transcript
11 is 0037, and I will play it without sound.

12 (Viewing of the video excerpt)

13 MR DUTERTRE: [09:45:04](Interpretation)

14 Q. [9:45:05] [REDACTED]

15 A. [9:45:11] [REDACTED]

16 Q. [9:45:20] And what was the event?

17 A. [9:45:43] We are still watching. We are still watching. We are still watching
18 the enforcement of the sentence against one of Ansar Dine members who was accused
19 of stealing the group's property at the Azalai Hotel.

20 Q. [9:46:17] So I'd like to quickly move to a few identification questions,
21 Mr Witness. At 00:00:04:02, who is the person holding the whip and doing the
22 flogging, the person on the left of this picture?

23 A. [9:46:41] Abou Baccar Al Chingetty.

24 Q. [9:46:54] At 00:00:21:00, who is the person in the background that we see right
25 on the left with a white turban and a dark red -- and dark red clothing?

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1 A. [9:47:13] This is Talha.

2 Q. [9:47:36] At 00:00:32:24, who is the person that we see on the extreme left of this
3 picture sort of cut in half, the person whose profile we can see?

4 A. [9:47:53] This is Al Hassan Ag Abdoul Aziz.

5 Q. [9:48:05] And 00:00:39:04, same question. The person on the left reaching his
6 arm out towards the person who's been flogged?

7 A. [9:48:20] This is Al Hassan Ag Abdoul Aziz.

8 Q. [9:48:33] I'm now going to show it with sound and there is a translation of the
9 sound at 0033-5429.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: (Interpretation of the video excerpt) "Twenty, 21, 22, 25.

12 That's it."

13 MR DUTERTRE: (Interpretation)

14 Q. [9:49:41] So I'm now back at 00:00:18:23.

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21 Q. [9:50:55] And now one final video, still with binder 6, tabs 1142, 1143, and 1144.

22 And this is at ERN --

23 THE INTERPRETER: [9:51:31] Apologies, I have not numbers.

24 MR DUTERTRE: [9:51:36](Interpretation) The transcription is --

25 I will repeat the ERN, 0018-0045 (sic), the transcript, 0079-1384, and the

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1 translation, 0078-1868. (No interpretation)

2 I'm going to play it without sound, firstly, and I'm going to play it again because it's
3 very short.

4 (Viewing of the video excerpt)

5 MR DUTERTRE: [09:53:37](Interpretation)

6 Q. [9:53:37] Did you recognise this event, Mr Witness?

7 A. [9:53:46] I am not quite sure.

8 Q. [9:54:03] At 00:00:01:13, can you recognise the first person on the right of the
9 picture?

10 A. [9:54:16] This is the person who was beaten in the previous video, and now
11 Al Hassan is taking him to get him in the car, probably for taking him to the hospital
12 for treatment.

13 Q. [9:54:41] Do you know to which organisation this vehicle belonged?

14 A. [9:54:51] This is a car that was used for both the police and the *Hesbah*. It was
15 used by both.

16 Q. [9:55:07] And we can see two individuals on the vehicle, one sitting on the roof
17 of the vehicle and one at the back. To which organisation do these people belong,
18 Mr Witness?

19 A. [9:55:26] The Islamic police.

20 Q. [9:55:30] And who is the person behind the vehicle with a white shirt and dark
21 red clothing?

22 A. [9:55:48] Talha.

23 Q. [9:56:14] I would now, Mr Witness, like to move on to [REDACTED]

24 [REDACTED] I would first like to ask you to look at binder number 4.

25 So tabs 800 and 801. That's 0068-4709, and the translation is 0078-1718.

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1 What is this document, Mr Witness?

2 [REDACTED]
3 [REDACTED]

4 Q. [9:58:43] Can you confirm that the date at the top [REDACTED]

5 A. [9:58:52] Yes.

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

11 Q. [10:00:02] I'll now ask you to go to binder number three, 511 and 512, and the
12 reference is to the document?

13 THE INTERPRETER: [10:00:38] The interpreter has not yet got the references.

14 Apologies. They are 0053-0342 for the original and 0078-0039 for the translation.

15 MR DUTERTRE: [10:01:26](Interpretation)

16 Q. [10:01:26] What is this document, Witness?

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

20 Q. [10:02:00] I would now like now, your Honour, that you have binder 8, tab 1521,
21 tab 1522, ERN *0001-7469 (sic), the original. Tabs 1521 and 1522, binder number 8,
22 0001. The translation is at 0077-2435.

23 THE INTERPRETER: [10:03:10] Note from the interpreters: There's suddenly a lot of
24 hiss on the line.

25 MR DUTERTRE: [10:03:12](Interpretation)

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1 Q. [10:03:12] The English transcript is still to come. The transcript ERNs are
2 normally good in the French.

3 What is this document, Witness?

4 A. [10:03:46] The page on the right-hand side is the document that we spoke about
5 earlier, [REDACTED]

6 Q. [10:04:18] Thank you, Witness. I'm now going to go to another video. This
7 is -- it's binder number 8, tab 1524, 1525, ERN 0018-0394, 0018-0394.

8 THE INTERPRETER: [10:05:16] The interpreter would like to draw attention to the
9 hum that there is on the line or hiss on the channel.

10 MR DUTERTRE: [10:05:33](Interpretation)

11 Q. [10:05:35] 0018, transcript 0069-2895. I'll repeat it because it's wrong. The
12 ERN is 0018 -- 0018-0394. The transcript 0069-2895. I'm going to play it without the
13 sound.

14 (Viewing of the video excerpt)

15 MR DUTERTRE: [10:08:59](Interpretation)

16 Q. [10:09:00] Witness, do you know what this video is about?

17 A. [10:09:08] Yes, [REDACTED]

18 [REDACTED]
19 [REDACTED]

20 Q. [10:09:36] What's the building that we can see in the background, if you're able
21 to tell us, Witness?

22 A. [10:09:45] Yes, this is the Hotel Azalai.

23 Q. [10:09:53] I'm at 00:00:03:09. I'm now at 00:00:05:24. What organ or body do
24 the people that we see on the screen from the right, the first and second from the right,
25 which organ or group do they belong to?

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1 A. [10:10:25] The Islamic police.

2 Q. [10:10:28] And to the best of your knowledge, what are they doing?

3 A. [10:10:39] They are coordinating with the security battalion to secure the
4 location.

5 Q. [10:10:55] And why was it necessary to secure the area?

6 A. [10:11:06] This was the -- the custom or the habit that the emirs thought was
7 better in order to show their power when they are enforcing *hudud* to scare and
8 terrorise the population, and also to show them that the entire group is supporting
9 the decision.

10 Q. [10:11:53] So I'm now at 00:00:49:09 and I'm going to play a few seconds. You
11 can see a person who is walking from the right to the left of the picture. And I've
12 stopped at 00:00:50:05, 00:00:50:05. Do you know who this person is, Witness?

13 A. [10:12:26] Yes, this is Talha.

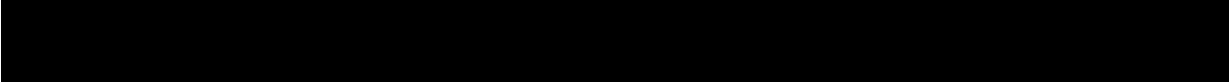
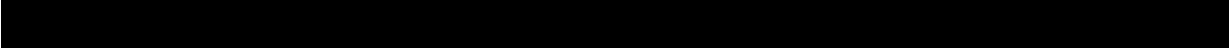
14 Q. [10:12:51] I'm now at 00:00:27:22. Do you know what this flag is that is flying
15 above this vehicle on the left?

16 A. [10:13:08] Yes, it's the flag of Al-Qaeda.

17 PRESIDING JUDGE MINDUA: [10:13:21](Interpretation) Microphone, please.

18 MR DUTERTRE: [10:13:23](Interpretation)

19 Q. [10:13:24] Do you remember who was filming during this event by chance,
20 Witness?

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22 

23 Q. [10:14:00] I'm now going to -- and this is still at tab -- in binder 8, video
24 0018 -- 0018-0652.

25 THE INTERPRETER: [10:14:28] 0654, corrects the interpreter.

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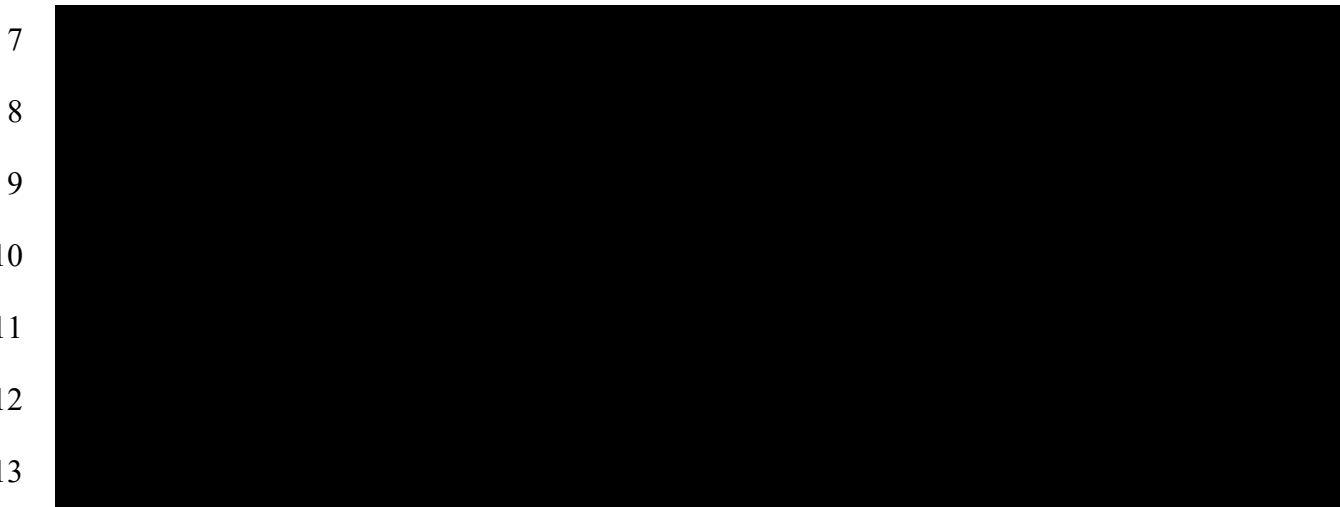
1 MR DUTERTRE: [10:14:33](Interpretation)

2 Q. [10:14:33] Tab 1529, 1530, 1531. Transcript 0033-5775. Translation 0033-5479,
3 5479.

4 I'm going to play it without the sound in the first instance.

5 (Viewing of the video excerpt)

6 MR DUTERTRE: [10:16:20](Interpretation)



14 Q. [10:17:19] At 00:00:06:17, do you know who the person 

15 When we look at the picture, 

16 He's dressed in beige with a clear brown turban?

17 A. [10:17:49] Yes, this is Radwan.

18 Q. [10:17:57] Do you remember who the person was who was holding the
19 megaphone with a white and black striped turban?

20 A. [10:18:14] I'm not hundred per cent sure, but I think maybe this is Khoubaib.

21 Q. [10:18:35] I'm waiting for the transcript to see what it says in the transcript.

22 Could you write his name on the paper, Witness, as we normally do?

23 A. [10:19:02] I wrote his name before and I said he is a senior member in the Islamic
24 police.

25 Q. [10:19:21] I understood. Because I didn't understand the name that was written,

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1 I preferred you to write it by way of precaution. Thank you.

2 Could we have a number for it? And perhaps the witness can say the name clearly,
3 so we can hear it clearly, as I still haven't understood it. It's on evidence channel 1,
4 court officer.

5 THE COURT OFFICER: [10:19:54] Your Honours, the document will be assigned
6 exhibit number MLI-REG-0001-0079.

7 PRESIDING JUDGE MINDUA: [10:20:06](Interpretation) Thank you very much,
8 court officer.

9 THE WITNESS: [10:20:19](Interpretation) Khoubaib.

10 MR DUTERTRE: [10:20:19](Interpretation) Thank you. That's clear.

11 Q. [10:20:26] The person on the far right of picture with a dark turban and a grey
12 boubou, do you -- who is that?

13 A. [10:20:41] This is Mohamed Ibrahim.

14 Q. [10:20:57] So I'm going to play this video with the sound. And I will wait for
15 the interpreters to be ready. The translation is [REDACTED]

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [10:21:22](Interpretation of the video excerpt)

18 "And his messenger, then: to render justice and push back injustice and to obey
19 Almighty God and his messenger, Mohamed. May peace and the greetings of Allah
20 be with him."

21 MR DUTERTRE: [10:21:49](Interpretation)

22 Q. [10:21:49] I'm now going to show a video, 0018-0655, binder 8. Transcript
23 0033-5777, translation 0033-5482, tabs 1532, 1533, 1534.

24 (Viewing of the video excerpt)

25 MR DUTERTRE: [10:23:59](Interpretation)

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4 Q. [10:24:41] I'm at 00:17:11. The person who is holding the megaphone, are you
5 better able to identify that person now?

6 A. [10:25:03] Yes, I am sure now a hundred per cent that this is Khoubaib.

7 Q. [10:25:15] What is the white flag that we can see the person holding who's in the
8 vehicle on the left, bottom left of the picture?

9 A. [10:25:30] This is a version of one of the flags of the Mujahideen. I think that
10 Ansar Sharia, Ansar Sharia in Mali used to raise this flag to differentiate between
11 themselves and Al-Qaeda.

12 Q. [10:26:17] I'm at 00:00:06:19. Who's the person on the right of the picture with a
13 black turban and who is dressed in dark purple, or dark brown?

14 A. [10:26:34] This is the judge, Houka Houka.

15 Q. [10:26:50] I'm now going to play the video with the sound and have the
16 interpreting. In order to show the video, the translation is 

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [10:27:25](Interpretation of the video excerpt)

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25 MR DUTERTRE: [10:28:12](Interpretation)

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1 Q. [10:28:12] I'm now going to another video, which is video 0018-0658. Binder 6,
2 your Honour, tab 1065, 1066, tabs 1065, 1066, transcript 0069-0486.

3 I'm going to play it without the sound.

4 (Viewing of the video excerpt)

5 MR DUTERTRE: [10:29:52](Interpretation)

6 Q. [10:29:53] Do you recognise this scene, Witness?

7 A. [10:30:03] Yes, we're watching here Al Hassan Ag Abdoul Aziz taking [REDACTED]
8 out and he sits him down on the west side -- on the western side and allows him to
9 pray before he got shot later.

10 Q. [10:30:45] I am now at 00:00:02:20. There are two people here between the
11 vehicles. Who is the person on the left and who is the one on the right, please,
12 Mr Witness?

13 A. [10:31:06] On the right it's Al Hassan Ag Abdoul Aziz and to the left it's [REDACTED]
14 [REDACTED]

15 THE INTERPRETER: [10:31:16] Inaudible.

16 MR DUTERTRE: [10:31:41](Interpretation)

17 Q. [10:31:42] I have now finished with this event and I would now, Mr Witness,
18 like to show a photograph which is, your Honours, in binder 6 at 1145. So that's
19 tab 1145, [REDACTED]

20 Mr Witness, do you know what is happening in this photograph? We can maybe
21 enlarge it on the screen to make it clearer for you.

22 A. [10:34:20] Yes, I know what I -- I am seeing here. I can see a woman who is
23 going to be beaten later and she is standing in the square near the first police station
24 and members of the police are around her, including Al Hassan Ag Abdoul Aziz.

25 Q. [10:34:58] Can you describe to us where you see Al Hassan in this image.

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1 A. [10:35:12] When we look at the woman who is on the right-hand side of the
2 picture, we can see the face of Al Hassan who is a little bit at a distance just under the
3 green building.

4 MR DUTERTRE: [10:35:41](Interpretation) Court officer, is it possible to mark the
5 image on the screen? That might, I think, be a lot simpler for the future, so if we
6 could do that.

7 THE COURT OFFICER: [10:35:54] Yes, the witness may annotate the document.

8 MR DUTERTRE: [10:35:56](Interpretation)

9 Q. [10:35:56] Mr Witness, if you could draw around the picture of Al Hassan,
10 please.

11 PRESIDING JUDGE MINDUA: [10:36:20](Interpretation) So, court officer, a number
12 for this item please.

13 THE COURT OFFICER: [10:36:24] Your Honours, the document will be assigned
14 exhibit MLI-REG-0001-0080.

15 PRESIDING JUDGE MINDUA: [10:36:39](Interpretation) Thank you very much.
16 Mr Prosecutor.

17 MR DUTERTRE: [10:36:40](Interpretation) Thank you, your Honours.

18 Q. [10:36:42] Mr Witness, are you able to identify the other members of the police
19 that you mentioned a moment ago on page 16, line 23?

20 A. [10:37:07] I know them, but I can't remember their names.

21 Q. [10:37:19] In -- without knowing the names, which of the people that you can see
22 on the screen are the people you refer to as coming from the police?

23 A. [10:37:41] I can point out the third person who is dressed in black clothing and
24 black turban. This one is from the police. I am not going to point out any other
25 members because sometimes I get confused between members of the police and

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1 members of the security battalion.

2 Q. [10:38:16] So for the transcript, you are referring now to the person in the
3 middle who is the third from the left, if you start with the orange-red boubou on the
4 left?

5 A. [10:38:38] Yes.

6 Q. [10:38:42] Thank you. That's it for this photo. I'm going to take one step back.
7 But I see that when Mr Witness gave the name of the person that Al Hassan was
8 leading to his final prayers there is a mention inaudible in the French -- in the English
9 transcript, and I would like the witness to repeat the full name, please.

10 THE WITNESS: (Overlapping speakers)

11 PRESIDING JUDGE MINDUA: [10:39:18](Interpretation) Yes, do so.

12 THE INTERPRETER: [10:39:30] Message from the interpreter: The name was not
13 heard again.

14 THE WITNESS: [10:39:53](Interpretation) [REDACTED]

15 [REDACTED]

16 MR DUTERTRE: [10:40:09](Interpretation) It may take a little time, but I think it
17 would be wise to write this down again, please, Mr Witness.

18 PRESIDING JUDGE MINDUA: [10:40:52](Interpretation) There, we can see this now
19 on evidence 1. And, court officer, a number please.

20 THE COURT OFFICER: [10:40:57] Your Honours, the document will be assigned
21 exhibit number MLI-REG-0001-0081.

22 PRESIDING JUDGE MINDUA: [10:41:12](Interpretation) Thank you, court officer.
23 Prosecution.

24 MR DUTERTRE: [10:41:16](Interpretation) Thank you, your Honour.

25 Q. [10:41:24] So one last series of documents, Mr Witness. I'd like to move to

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1 binder 1, tabs 131 and 132, 0071-7391. And the translation is 0077-2826.

2 0077-2826. And on line 9 -- 0001-7391, correction, on line 9.

3 What is this document, Mr Witness?

4 A. [10:43:46] This is a small piece of paper. It's clear that it was written by the
5 official of *Hesbah*, Abou Al Walid.

6 Q. [10:44:09] In the translation in French it says, "the person responsible for
7 *Hesbah*," literally. Could you please explain to us who this individual is, Abou Al
8 Walid.

9 A. [10:44:32] Yes, Abou Al Walid, the Chadian.

10 Q. [10:44:52] The name is not very clear on either the transcripts, but we can come
11 back to that.

12 Could you explain to us exactly what his function was, responsible -- from *Hesbah*?

13 A. [10:45:14] The Chadian, I mentioned him before and I said that he is one of the
14 people who were entrusted by Abou Zeid. He was very close to Abou Zeid. 

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24 Q. [10:50:15] Noted. So in this document there's a reference [REDACTED]
25 [REDACTED] I would ask you to look at tab 5, 894 and 895 are the tabs. And

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1 the ER -- 0068-4779 for the original, and for the translation -- and 0078-1768 for the
2 translation. I'll repeat. The original is 0068-4779, for purposes of the transcript.

3 What is this document, Mr Witness?

4 A. [10:53:06] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED]

7 Q. [10:53:43] Could you please repeat the name of the woman in question,
8 Mr Witness, and that way it can be captured in the transcript.

9 THE INTERPRETER: [10:54:08] One more time the interpreter didn't catch the name
10 because the channel was busy.

11 MR DUTERTRE: [10:54:18](Interpretation) I still can't see anything in the transcript.

12 THE INTERPRETER: [10:54:18] Message from the English booth: The witness
13 needs to leave a gap before replying so that we can both speak.

14 MR DUTERTRE: [10:54:31](Interpretation)

15 Q. [10:54:31] So are we talking here about [REDACTED]; is that correct?

16 A. [10:54:40] Yes, some people can't read this name as [REDACTED]

17 [REDACTED]

18 Q. [10:55:15] The witness wasn't clear, but we can read the name in different ways,
19 it would seem.

20 Could you please repeat what you said, Mr Witness?

21 A. [10:55:32] I just want to confirm that the name is [REDACTED]

22 [REDACTED] [REDACTED]

23 Q. [10:56:11] Let's move on. [REDACTED]

24 A. [10:56:23] [REDACTED]

25 [REDACTED] [REDACTED]

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6 MR DUTERTRE: [10:57:45](Interpretation)

7 Q. [10:57:46] The French transcript is not quite correct, the English transcript is.

8 But we'll work with the English transcript and -- we'll work with the English
9 transcript.

10 I'd now, Mr Witness, like to move to binder 1, tabs 175 and 176. ERN, the original

11 0001-7413, and the translation is 0077-2378. And I would like you to look at the

12 document on the right of the image, please, Mr Witness.

13 What is this document, Mr Witness?

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17 MR DUTERTRE: [11:00:19](Interpretation) Your Honour, I -- looking at the clock,
18 I'm in your hands.

19 PRESIDING JUDGE MINDUA: [11:00:24](Interpretation) Quite correct. It's now
20 exactly 11 o'clock. We will take a half our break and we will recommence at 11.30.

21 The hearing is suspended.

22 THE COURT USHER: All rise.

23 (Recess taken at 11.00 a.m.)

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

25 THE COURT USHER: [11:30:36] All rise.

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1 Please be seated.

2 PRESIDING JUDGE MINDUA: [11:31:01](Interpretation) Court is in session.

3 Prosecutor, you have the floor. I note the arrival of your colleague.

4 MR DUTERTRE: [11:31:23](Interpretation) Absolutely. *Mr. Allafi has joined us
5 indeed.

6 PRESIDING JUDGE MINDUA: [11:31:29](Interpretation) Thank you.

7 MR DUTERTRE: [11:31:34](Interpretation) Before continuing, I would just like to
8 mention that in the English transcript of today on page 7 thereof, lines 16, 0018-0045 is
9 mentioned and it should be 0018-0145. I noticed that I was speaking in English there.
10 It's something that comes naturally.

11 Q. [11:32:27] Witness, we're going to continue with a video, and I'm going to give
12 the translation in accordance with the court officer because it's faster. 0078-1889,
13 binder 8, tab 1543. And transcript, 0068-0103, 1542 is the tab, video 0018-0741.
14 In the transcript, English transcript is 0068 -- oh, it's been corrected. I'm now going
15 to play it without the sound, firstly.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: [11:34:40](Interpretation)

18 Q. [11:34:40] Sir, I've stopped at 00:00:28:15. Witness, do you recognise the place
19 where this video was filmed?

20 A. [11:35:03] Yes, this is the square where sentences used to be enforced to the
21 north of the first police station.

22 MR DUTERTRE: [11:35:35](Interpretation) I don't see the French transcript, but I can
23 continue in English. It's not a problem. But the court officer can look to that while I
24 continue, if that is acceptable for you, your Honour?

25 PRESIDING JUDGE MINDUA: [11:35:53](Interpretation) Indeed it is. Please

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1 continue.

2 MR DUTERTRE: [11:35:58](Interpretation)

3 Q. [11:35:59] On this screenshot at 00:00:28:15, do you recognise any people?

4 A. [11:36:14] Yes, I can see Khaled Al-Sahraoui. He is the second person with a
5 black turban. He's the second person from the left.

6 Q. [11:36:40] So for the transcript, in English and French, I heard Khaled
7 Al-Sahraoui, Al-Sahraoui.

8 And to the best of your knowledge, what is this a video of?

9 A. [11:37:19] A woman is showing here and she is covered in green and blue dress
10 and she will be sentenced later.

11 Q. [11:37:44] And I'm going to repeat the name. Khaled Al-Sahraoui. It's still
12 incomplete in the transcript, English, page 26, line 22.

13 So I'm now going to the show the video with the sound and the interpreters can
14 signal to me when they're able to do this.

15 (Viewing of the video transcript)

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24 MR DUTERTRE: [11:39:25](Interpretation)

25 Q. [11:39:26] [REDACTED]

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3 Q. [11:40:08] We're going to continue with another video. The translation of the
4 transcript is at -- is in binder -- binder 8, tab 1546, ERN 0077 -- 0077-0735, 0735. This
5 is video 0018-0742, tab 1544, with transcript 0069 -- 0069-2653.

6 I'm going to play it without the sound, but just beforehand, I would like to say that
7 the witness, in his previous answer on page 26, line 21, he gave the name of Salika
8 Bint-el-Khayr, which doesn't appear in the transcript. I'm going to play it without
9 the sound.

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [11:43:11](Interpretation)

12 Q. [11:43:11] What is this about here, Witness?

13 A. [11:43:19] These are the preparations for enforcing the sentence upon this
14 woman.

15 Q. [11:43:36] I'm going to play the video with the sound and I'm waiting for the
16 green light from the interpreters.

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25 MR DUTERTRE: [11:44:40](Interpretation)

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1 Q. [11:44:44] So I've finished with this video and I'm going to move on to another

2 one. Still binder 8, tab 1547, 1548, 1459. The number of the video 0018-0744, 0744.

3 Transcript 0069-1896, translation, 0069-2010.

4 (Viewing of the video excerpt)

5 MR DUTERTRE: [11:46:47](Interpretation)

6 Q. [11:46:49] What do you see on this video, Witness?

7 A. [11:46:59] This is showing the sentence being enforced on the same woman that

8 we spoke about before.

9 Q. [11:47:18] I'm now going to show the video with the sound.

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [11:47:44](Interpretation)

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21 PRESIDING JUDGE MINDUA: [11:49:32](Interpretation) Ms Taylor.

22 MS TAYLOR: [11:49:34] Thank you, Mr President. I would like to make a very

23 brief intervention, but not in the presence of the witness.

24 PRESIDING JUDGE MINDUA: [11:49:50](Interpretation) Court officer, please could

25 you escort the witness out for a few moments.

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1 (The witness exits the courtroom)

2 PRESIDING JUDGE MINDUA: [11:50:33](Interpretation) Ms Taylor, the witness is
3 outside of the courtroom.

4 MS TAYLOR: [11:50:38] Thank you, Mr President.

5 At page 28, lines 9 to 11, the Prosecution put a leading question by saying: [REDACTED]

6 [REDACTED]
7 [REDACTED] Now, the reason why we're concerned about this question is because in the
8 audio you can hear Arabic that has not been put onto the transcript, that is, you can
9 hear someone saying, "Stop. Stop." So it's not fair to convey an impression to the
10 witness that the flogging was continuing when, in fact, an untranscribed part of the
11 audio reflects the contrary.

12 PRESIDING JUDGE MINDUA: [11:51:38](Interpretation) Thank you, Ms Taylor.
13 Prosecutor, what do you respond to that?

14 MR DUTERTRE: [11:51:55](Interpretation) Yes, your Honour. My question was
15 not at all leading. I just asked if there was a reason why this was happening. This
16 wasn't leading. This doesn't lead to an answer in a particular sense or other. And
17 as such, there are perhaps words who weren't translated in Arabic. I don't have any
18 reason not to believe what my colleague says, [REDACTED]
19 [REDACTED] and that's the reason for
20 my question.

21 PRESIDING JUDGE MINDUA: [11:52:31](Interpretation) Thank you very much.
22 Ms Taylor, frankly, I don't see the leading aspect of this question because, from what
23 we see, we can see how the execution of the sentence is done and then there is a
24 situation which arrives and the question is put to the witness: What is happening?
25 Is it normal?

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1 Obviously, you are raising the issue of the transcript. We don't have a translation of
2 the words allegedly said in Arabic to say "stop", but that does not prevent or take
3 away the right of the Prosecutor to ask what is happening, so I don't understand your
4 intervention. We're going to have the witness come back and we shall continue.

5 Is there anything you'd like to add? What would you like to add?

6 MS TAYLOR: [11:53:23] Thank you very much, Mr President. Our concern arises
7 from the --

8 PRESIDING JUDGE MINDUA: [11:53:27](Interpretation) Usher, could you wait a
9 minute.

10 Please go head, Ms Taylor.

11 MS TAYLOR: [11:53:33] Thank you, Mr President. Our concern regarding the
12 word "continue" is that this is a snippet of a video. As we've discussed [REDACTED]

13 [REDACTED] this is not continuously filmed. It's been edited. And the
14 transcript currently reflects the fact that the witness -- it's being put to him that the
15 flogging continued.

16 Now, we can't see what happens at the end of the snippet of this video, but I do
17 believe that, out of fairness to the witness, it might be appropriate to play the Arabic
18 in its original and for this issue to be put to the witness.

19 PRESIDING JUDGE MINDUA: [11:54:15](Interpretation) I don't think that it's useful,
20 Ms Taylor, because you'll have your cross-examination so you can put the question to
21 the witness and you can look at the part in Arabic which isn't translated.

22 So, court usher, could you please bring the witness back in.

23 (The witness enters the courtroom)

24 PRESIDING JUDGE MINDUA: [11:55:07](Interpretation) Prosecutor, the witness is
25 once again in the room.

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1 Thank you for your patience, Witness.

2 Please continue, Prosecutor.

3 MR DUTERTRE: [11:55:15](Interpretation) Thank you, your Honour.

4 Q. [11:55:18] Still on binder 8, your Honour, tab 1540. There's a video of seven
5 seconds. I don't need a transcript for that or a translation. And the ERN is tab 1540,
6 0018-0404. I'm going to play the video without the sound.

7 (Viewing of the video excerpt)

8 MR DUTERTRE: [11:56:45](Interpretation)

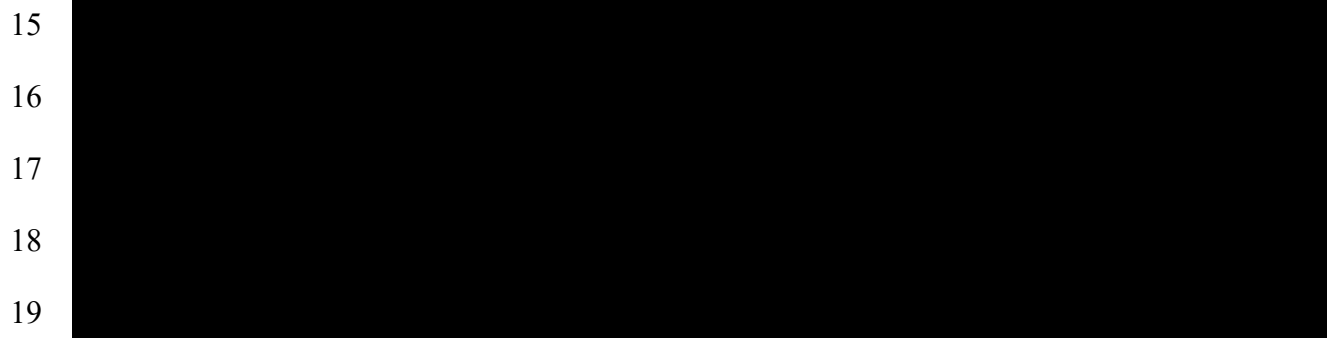
9 Q. [11:56:45] What can you see on this video, Witness?

10 A. [11:56:56] We can see here a continuation of beating this woman that we spoke
11 about earlier.

12 Q. [11:57:17] I'm going to play it with the sound.

13 (Viewing of the video excerpt)

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



20 Q. [11:58:19] I'm now going to show a last video of 16 seconds, still in binder eight,
21 tab 1537, 1538, 1539. Translation 0078-1295, court usher. The video is 0018-0402.

22 The transcript is 0069-1868. I'll play it without the sound.

23 (Viewing of the video excerpt)

24 MR DUTERTRE: [12:00:03](Interpretation)

25 Q. [12:00:03] What can you see on this video, Witness?

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1 A. [12:00:14] Continuation of beating the woman that we mentioned her name
2 earlier.

3 Q. [12:00:31] And now I'll show it with sound.

4 (Viewing of the video excerpt)

5 MR DUTERTRE: [12:00:50](Interpretation) It's finished.

6 I have more or less finished with questions [REDACTED] I
7 will have other [REDACTED] but in another context.

8 And I'd like to move to another subject that's already been referred to by Mr Witness,
9 so that is how I shall proceed.

10 Q. [12:01:36] Mr Witness, we spoke previously of the training centres.

11 Could -- you mentioned a training centre run by Nasser. Do you know the names of
12 the other people who ran the other training centres?

13 A. [12:02:19] I remember three training centres in the city of Timbuktu. The first
14 one is located in the south-east side of the city run by Nasser, and the second one is
15 located on the opposite direction, which is the north-eastern part of the city, and that
16 was run by Abu Haritha. And there was a third one, and that was for the MNLA
17 members who joined Ansar Dine and they were previously trained to use weapons.
18 In the beginning, they used to have supervisors appointed by Iyad directly, people
19 chosen by Iyad from the eastern Tuareg, and that was in the official barracks of the
20 governmental army. I usually refer to that as the camp. So they had commanders,
21 different commander, one after the other, but I can't remember their names.

22 Q. [12:04:06] For the French transcript, it should be three centres and not 300. It's
23 a simple correction to the French. And then I heard that the name of the leader of
24 the second centre was Abu Haritha, but that's not been noted. Perhaps Mr Witness
25 could write this down for us so that it will be clear to everyone?

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1 PRESIDING JUDGE MINDUA: [12:05:10](Interpretation) The document is visible on
2 evidence 1. Court officer, a number, please.

3 THE COURT OFFICER: [12:05:17] Your Honours, the document will be assigned
4 exhibit number MLI-REG-0001-0082.

5 PRESIDING JUDGE MINDUA: [12:05:29](Interpretation) Thank you. Prosecution.

6 MR DUTERTRE: [12:05:45](Interpretation)

7 Q. [12:05:46] Mr Witness, would you be able to mark these three camps on a map
8 as we have done for other locations over the course of your testimony?

9 A. [12:06:03] Yes, in an approximate way.

10 Q. [12:06:11] Yes, obviously. We understand that.

11 So, court officer, could you please show the map on the screen, 0019-0290. And this
12 is in binder 7, your Honours, at tab 1271. Could you please mark the one for Abu
13 Haritha, one for the other and then the third one, if you could do that, please,
14 Mr Witness, using a cross on each occasion.

15 A. [12:07:10] First, can we just move up a little bit, and if you can zoom onto the
16 south-east part of the map, please.

17 Can you scroll down in the same direction, please. Move it down. Remove the
18 number.

19 Do you want me to write it again?

20 Q. [12:08:24] I'm sorry?

21 A. [12:08:27] I put number 1 on the training centre run by Nasser and then
22 removed it. Do you want me to write it again?

23 Q. [12:08:44] Perhaps A, B, C would be better, but either a letter or a number.

24 MR DUTERTRE: [12:08:56] Can we note this map, Mr President?

25 PRESIDING JUDGE MINDUA: [12:09:02](Interpretation) Court officer, a number for

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1 this item, please.

2 THE COURT OFFICER: [12:09:07] Your Honours, the annotated map will be
3 assigned exhibit number MLI-REG-0001-0083.

4 PRESIDING JUDGE MINDUA: [12:09:22] Thank you very much.

5 MR DUTERTRE: [12:09:34](Interpretation)

6 Q. [12:09:34] So that was the one for Nasser. Can we now have the one run by
7 Abu Haritha?

8 A. [12:09:47] Yes, can you please zoom in on the most eastern part of the city?
9 And leave it -- leave it just like that, please. I need to look.

10 MR DUTERTRE: [12:10:40](Interpretation) I think we can now save this map with B
11 for Abu Haritha.

12 PRESIDING JUDGE MINDUA: [12:10:48](Interpretation) Indeed we can. Court
13 officer, a number, please.

14 THE COURT OFFICER: [12:10:50] Your Honour, the documents will be assigned
15 exhibit number MLI-REG-0001-0084.

16 PRESIDING JUDGE MINDUA: [12:11:02](Interpretation) Thank you very much.
17 Prosecution.

18 MR DUTERTRE: [12:11:09](Interpretation)

19 Q. [12:11:09] And then, finally, for the third centre, Mr Witness, same operation,
20 letter C. And this was for the members of the MNLA who had joined that group.
21 If the court officer could move the map.

22 A. [12:11:34] Yes, can you zoom in on the island of Al-Farouk.

23 THE COURT OFFICER: [12:11:57] Your Honours, we are not aware of -- we do not
24 have -- okay, thank you.

25 PRESIDING JUDGE MINDUA: [12:12:05](Interpretation) I see that a C has been

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1 drawn. That's correct.

2 Court officer, a number then please.

3 THE COURT OFFICER: [12:12:13] Your Honours, the document will be assigned
4 exhibit number MLI-REG-0001-0085.

5 PRESIDING JUDGE MINDUA: [12:12:23](Interpretation) Thank you very much.
6 Prosecution.

7 MR DUTERTRE: [12:12:32](Interpretation) Thank you, your Honours. And now
8 with the help of the court officer, I would like to show a photo which is the
9 final -- towards the end of number 8. It's 0033-2997 and that's tab 1617 in binder 8.

10 And we can zoom into the photo without making the text visible. There, that's great.

11 Q. [12:14:09] Mr Witness, the building has suffered some slight damage, but can
12 you identify this building?

13 A. [12:14:29] I'm not quite sure, but it reminds me of the north-eastern training
14 centre, which I gave the number B or the letter B.

15 Q. [12:14:53] Thank you. Mr Witness, do you know who decided to establish
16 Nasser's centre and that of Abu Haritha?

17 A. [12:15:21] Yes, Abou Zeid in an executive way, but a decision like that can be
18 taken by the Shura council and Iyad Ag Ghaly.

19 Q. [12:15:49] And which Shura council are you referring to in this context?

20 A. [12:16:00] The Timbuktu Shura council, which included the Shura council of the
21 Tariq battalion and Al-Fourqane battalion.

22 Q. [12:16:31] I'll just check the transcript. The reply is not complete in the
23 transcript. Could you please repeat your answer. I'm sorry to have to ask you to
24 do this.

25 A. [12:16:55] I said Abou Zeid is the one who gives orders, but I said that a decision

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1 like that must have gone through stages in the Shura council and that Iyad could have
2 been the one who ordered that.

3 Q. [12:17:23] You mentioned the Shura council of Timbuktu and that
4 included -- and it was the -- what it included that was actually missing, Mr Witness.

5 A. [12:17:37] The Shura council of Timbuktu included the Shura council of the
6 Tariq Ibn Ziyad battalion and the Shura council of the Al-Fourqane battalion.

7 Q. [12:18:05] We'll come back to that. There's still a problem with the French
8 transcript, but the English transcript is all there.

9 Could you explain in more detail to the Chamber why it was important to ensure
10 training for the new arrivals.

11 A. [12:18:33] Yes, the training centres focused on two main things. The first point
12 is teaching the new arrivals the ideology, and then the second objective was to train
13 them on using the weapons used by the group and most of it were light arms. This
14 was very important to understand the ideology upon which the group based its views
15 and also teaching them all the terminology and the behaviour that they had to follow
16 and that stemmed from this ideology.

17 Q. [12:19:57] One correction to page 37, line 10. The transcript, it says the Tuareg
18 battalion and it should be the Tariq Ibn Ziyad. Tariq Ibn Ziyad, not the Tuareg
19 battalion.

20 So, Mr Witness, can you tell us whether there was a difference, or was it the same,
21 with regard to the training given at the centre under Nasser's command and the one
22 under Abu Haritha?

23 A. [12:20:53] The message was the same, very similar. But from an administrative
24 way, I think that the Nasser centre was under the supervision of the battalion of Tariq
25 while the centre of Abu Haritha was under the supervision of Al-Fourqane battalion.

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1 Q. [12:21:34] Same problem again. Page 38 -- no, now it's been corrected. And
2 line 9 is Abu Haritha, not "a reece". [REDACTED]

3 [REDACTED] But how long was the training, generally speaking,
4 on average?

5 A. [12:22:21] Forty-five days.

6 Q. [12:22:23] And was this training mandatory or optional?

7 A. [12:22:40] It was mandatory, but some people were exempted for special
8 reasons.

9 Q. [12:22:53] And what were these reasons, Mr Witness?

10 A. [12:23:06] Some people who received enough training previously, such as the
11 members of MNLA and also some people who received training in the Libyan army
12 before. And also, from an ideological point of view, some people were perceived as
13 having enough knowledge and also there was the factor of age, people who were
14 older were treated in a different way.

15 Q. [12:23:53] Those who had a military formation or came from MNLA, did they
16 still have to undergo ideological training or at least something to explain the
17 behaviour that was expected of them?

18 A. [12:24:14] Yes. And when we talked about the camp in the barracks, there were
19 mandatory lessons. So scholars from the extremist group used to go to them and
20 teach them all the rules that they had to follow [REDACTED]

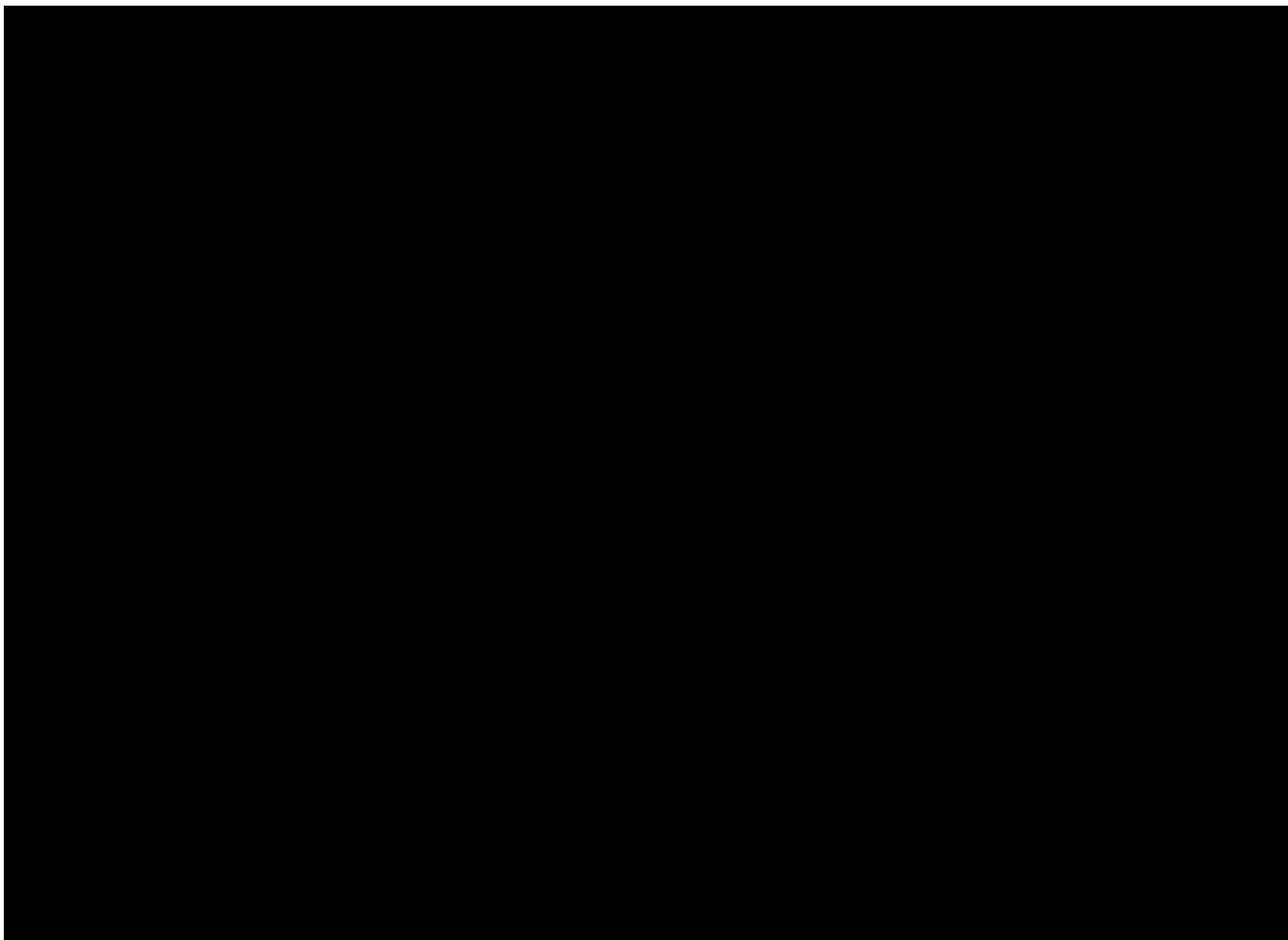
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15 Q. [12:28:03] You talked about compulsory lessons. What were these lessons that
16 were compulsory, what did they cover?

17 A. [12:28:17] There are specific chapters in the Koran that young people, teenagers
18 and also children were requested to learn. Some of them -- some of these chapters
19 talked about jihad because jihad takes different images in Islam, but these chapters
20 focused on the meaning of jihad as fighting. And also there was a focus on chapters
21 that talked about *hijra*, or migration, which means migrating from a place where
22 nonbelievers live to Muslim countries and they said that this was compulsory on
23 Muslims. There was also a focus on what is called *wala* and *bara* (phon), which
24 means loyalty to the Muslims and to denounce the nonbelievers and not to deal with
25 them at all. These are some of the topics that were covered.

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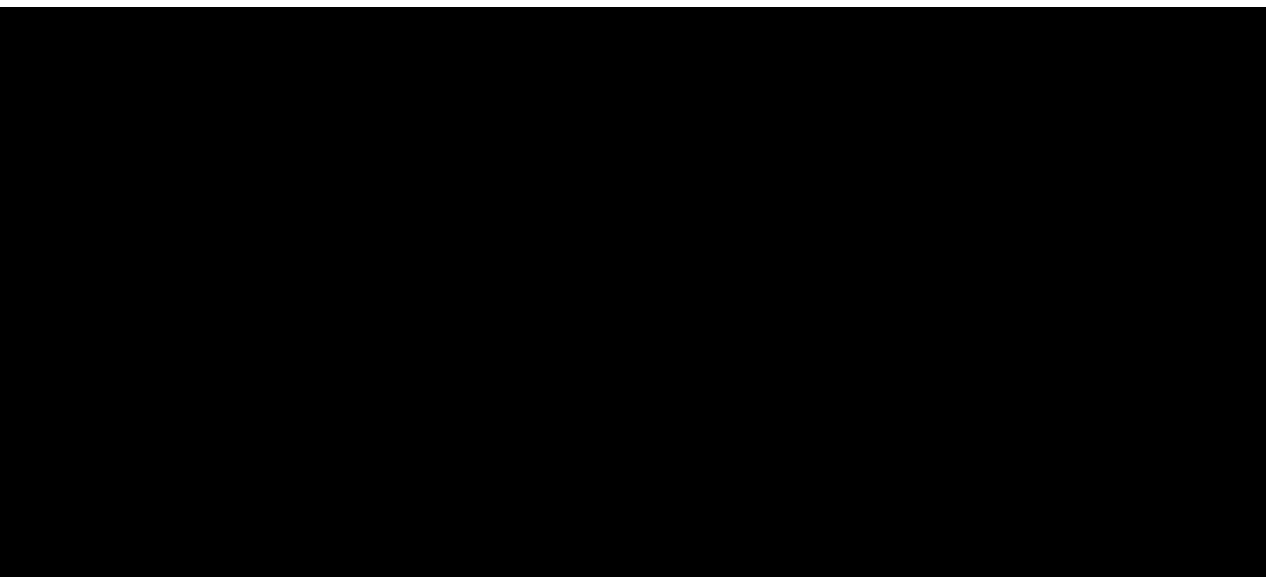
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1 And also there was the issue of *taghut* (phon), or the tyrant, and not to deal with any
2 tyrants. And it was discussed that a tyrant that is mentioned in the Koran might
3 mean the governments and the armies that do not follow the Islamic Sharia. It was
4 also important to teach the new joiners the verse from the Koran.

5 THE INTERPRETER: [12:30:24] Message from the interpreter: This is a verse from
6 the Koran which we can give the translation for later.

7 THE WITNESS: [12:30:31](Interpretation) But the meaning of this is that we have to
8 follow the rule of Islam and not to follow the governments that do not follow the
9 Sharia law.

10 Also, for specific people, topics were expanded -- topics were expanded to, for
11 example, not recognising the international organisations, such as the United Nations,
12 and this was all under the topic of not following the tyrant organisations. These are
13 all topics that make a clear distinction between the ideology of Al-Qaeda and other
14 groups.



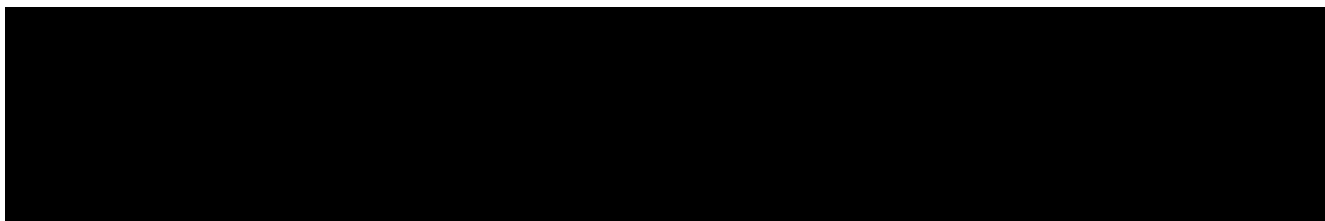
23 Q. [12:32:52] Understood. Could you now clarify how the recruitment and
24 selection of people who came to the training centre was carried out, the recruitment
25 and the training?

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1 A. [12:33:34] The recruitment, there was a general strategy for recruiting the new
2 members and there was also what happened in Timbuktu. What happened in
3 Timbuktu is that the armed group used people from all the different tribes that
4 promoted for their ideology in their tribes. They told people that they will enjoy
5 bigger goodness and freedom if this group strengthened its existence and presence in
6 the area. Those people were the reason why their relatives and their friends
7 followed them in joining the group. Sometimes an entire group come together in a
8 car with someone.



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12 [REDACTED] This is how recruitment took place in Timbuktu.

13 Q. [12:35:50] There's something missing in the transcript. Now it's been corrected.
14 Witness, was there a selection that was carried out with regards to the centres?

15 A. [12:36:33] I don't understand the question properly. Do you mean that some
16 people were rejected and some other people were accepted when they asked to be
17 recruited?

18 Q. [12:36:56] That's it. Selection. Was there admissions, rejections,
19 selection -- was there a selection?

20 A. [12:37:03] Not at all. Nobody was rejected because usually those who come to
21 the training centre were -- they were selected previously by the people that I can call
22 as promoters of the ideology of the group. So it is -- it was like they were already
23 tested by their relatives who joined the group before them.

24 Sometimes people came to the emirs, to Abou Zeid. They came themselves and
25 Abou Zeid didn't accept them because he needed someone to recommend them. So

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1 Abou Zeid and some of the leaders, if somebody comes to them and ask them to be
2 recruited, they usually tell them to go to somebody else, to Houka Houka to Abou
3 Tourab, or Al Hassan Ag Abdoul Aziz, or Mohamed Moussa, so that they are
4 recommended by those people first before they are recruited in the armed group.

5 Q. [12:38:51] Once the training was finished, how were -- so once the training was
6 carried out, how were people appointed to different areas?

7 A. [12:39:10] Mostly, the graduates are distributed by Talha because the security
8 was given the priority. So after they graduated, they are distributed by Talha
9 because Talha understood the requirements of the police and the *Hesbah*. He knew if
10 the police needed new members, so before graduation the commissioner of the police
11 usually asked for a number of people. [REDACTED]

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22 Q. [12:41:47] I'm sorry, your Honour, your Honours, binders 7, 0078-6164,
23 tabs 1412, 1413. The original is 0002-0759. That's at tab 1412. 1412, 1413, binder 7.
24 Have you already seen this document previously, Witness?

25 A. [12:44:51] Yes, I know this information, but I didn't see this paper in that way

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1 before I met the Prosecution.

2 Q. [12:45:14] That's clear. Thank you for this chronological clarification.

3 Could you explain what the two flags are on the left and right of the document at the
4 top?

5 A. [12:45:32] These are the flags of Al-Qaeda.

6 Q. [12:45:40] Just a few general comments.

7 Do you have any -- could you give us any general comments you might have on this
8 document, Witness?

9 A. [12:45:56] First, these conditions were written maybe after the graduation of the
10 first group or maybe the second group in the training centres that [REDACTED]

11 [REDACTED] And the reason these conditions were written is that there were a number of
12 people who wanted to join, but there was nobody to recommend them and that's why
13 this information was written, to be used as a pledge by the new recruits and that
14 everyone is aware of all the conditions when they join the group.

15 Q. [12:46:59] So, Witness, I'd like to draw your attention to point number eight,
16 which we can see on the screen. In English it states that, "No recruit shall be
17 accepted unless he comes directly from Abou Mossaab." End of quote.

18 Do you know Abou Mossaab?

19 A. [12:47:40] Yes, I spoke about him earlier. He is one of the people who were
20 trusted by Abou Zeid, [REDACTED]

21 [REDACTED]

22 Q. [12:48:04] And do you have any comment with regards to point 9, which
23 indicate: (Speaks English) "We require that anyone implicated in apostasy or
24 having been associated with the non-Islamic banner to declare his repentance."

25 A. [12:48:39] Yes, this refers to all the people who were in the governmental army

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1 before or who was a member of MNLA or the other militia, such as the Haji militia or
2 the Waldomadu (phon) militia, all those people, if they joined the group, they have to
3 apply this point on them first.

4 Q. [12:49:23](Interpretation) And on point number 10 it is indicated: (Speaks
5 English) "Whoever violates any of these rules shall be punished."

6 (Interpretation) Do you know anything about what type of punishment this is
7 referring to? There's one mentioned afterwards, but can you tell us anything you
8 know in this regard?

9 A. [12:50:07] No, but it was all disciplinary punishment, types of punishment, and
10 the highest of which was expulsion from the camp and not being accepted in the
11 group.

12 Q. [12:50:35] And this disciplinary punishment, what was that, to the best of your
13 knowledge?

14 A. [12:50:52] I don't know what the trainers used to do inside the camps, but the
15 examples that I have had different reasons that are not included in these conditions,
16 so I think my answer will be I don't know.

17 Q. [12:51:24] Thank you, Witness. So we're leaving the training centre aside.
18 We've got a few minutes to deal with another organ that you mentioned and have
19 done on several occasions. I'm now going to try to put the information together, fill
20 in the gaps, as it were, and I'd like to speak about the *Hesbah*.

21 So to start with, you mentioned -- you've mentioned on various occasions the *Hesbah*,
22 but could you detail what the *Hesbah*'s missions were in Timbuktu between April 2012
23 and January 2013.

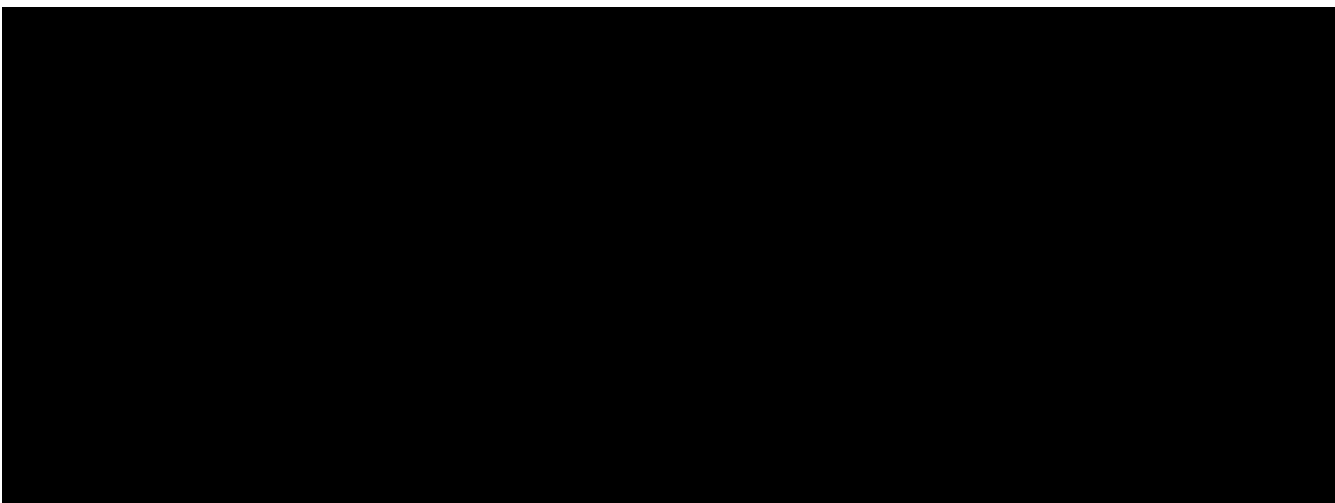
24 A. [12:52:28] In brief, the *Hesbah* was the police of morals. So their mission was
25 quite different from the mission of the entire group because they had to ensure that

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1 the appearance of the city matches the ideology of the group. They wanted it to
2 appear as a Islamic city and that was represented in the way people were dressed, on
3 the stickers and banners, and also on preventing music, for example, and all kinds of
4 events that included mixing between men and women, and also the way women were
5 dressed and also smoking and all other kinds of objectionable acts. So the *Hesbah*
6 worked to stop all of these acts from happening publicly in the streets, but they didn't
7 interfere in what happened inside people's houses.



15 Q. [12:55:24] Would you be able to locate it on a map, a map of this place?

16 A. [12:55:35] Yeah, I can do that in an approximate way.

17 MR DUTERTRE: [12:55:45](Interpretation) Court officer, if you would be so kind as
18 to show the same map, 0019-0211.

19 THE INTERPRETER: [12:56:00] 291, corrects the interpreter. 0019-0291.

20 MR DUTERTRE: [12:56:27](Interpretation) Your Honour, perhaps we can give -- it's
21 moved.

22 PRESIDING JUDGE MINDUA: [12:56:39](Interpretation) That's it. But the cross
23 has moved, so the marking is no longer in the right place, or at least it's no longer in
24 the place indicated by the witness. On evidence 1 we have a map with a cross which
25 is placed somewhere on it.

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1 MR DUTERTRE: [12:57:00](Interpretation) The map's moved. The cross was
2 somewhere else before.

3 PRESIDING JUDGE MINDUA: [12:57:04](Interpretation) So if he can -- we can
4 delete the cross and then start again.

5 MR DUTERTRE: [12:57:36](Interpretation)

6 Q. [12:57:37] Would you like us to zoom in on a particular point, witness?

7 A. [12:57:43] Yes, please. Can you zoom in on the line to the south of Al Farouk.
8 Yes, this is good. Yes.

9 PRESIDING JUDGE MINDUA: [12:58:22](Interpretation) Very well. Court officer.

10 THE COURT OFFICER: [12:58:25] Your Honours, the document will be assigned
11 exhibit number MLI-REG-0001-0086.

12 PRESIDING JUDGE MINDUA: [12:58:40](Interpretation) Thank you very much,
13 court officer.

14 MR DUTERTRE: [12:58:43](Interpretation) Your Honour, given the time, I'm in your
15 hands.

16 PRESIDING JUDGE MINDUA: [12:58:46](Interpretation) Yes, it is one minute
17 to 1.00, so I think we can stop there for the lunch break and we will be back at 2.30.
18 Court is suspended.

19 (Recess taken at 12.59 p.m.)

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

21 THE COURT USHER: [14:30:11] All rise.

22 Please be seated.

23 PRESIDING JUDGE MINDUA: [14:30:34](Interpretation) We shall not resume the
24 hearing.

25 Mr Prosecutor, please proceed and -- with your examination-in-chief.

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1 MR DUTERTRE: [14:30:49](Interpretation) Thank you, your Honours.

2 Your Honours, I'd now like to show the witness a panoramic image which is part of
3 an interactive presentation that was always -- already ruled on, decision 683, and it's
4 up on the screen. And I will explain in a few moments exactly what the link or the
5 tie is to this particular witness.

6 Q. [14:31:32] Now, Mr Witness, can you see the image -- panoramic image in front
7 of you?

8 A. [14:31:49] Yes, I can.

9 Q. [14:31:50] I'm going to rotate the image now.

10 Do you recognise this green building, Mr Witness, in the middle of the image?

11 A. [14:32:42] No, I -- I know that I -- that I know this place, but I cannot determine
12 what it is exactly.

13 Q. [14:33:04] Understood.

14 Mr Witness, you stated that [REDACTED] he moved to
15 the first police station - [REDACTED] - close to the small market, and I'd like
16 to show you a video, 0012-1728 -- correction, 1724.

17 1724, binder 6, your Honour. And the tab numbers are 1018, 1019, and 1020. ERN
18 of the transcript, 0069-0379. As for the translation, the reference number is 0012-1793.
19 And I'll now play this video excerpt.

20 (Viewing of the video excerpt)

21 MR DUTERTRE: [14:36:27](Interpretation)

22 Q. [14:36:28] Mr Witness, have you recognised this building?

23 A. [14:36:39] Yes, this is the new *Hesbah* location under the leadership of Mohamed
24 Moussa, and it served as well as the first office of the police station.

25 Q. [14:37:03] Could you tell us what are these symbols here to the left and to the

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1 right of the sign at timestamp 00:00:05:09.

2 A. [14:37:33] I do not remember the details of the slogan, but I remember that there
3 was a rifle and a sword, symbols of power and justice.

4 Q. [14:37:54] And could you tell us what the Arabic is just above the French on the
5 sign?

6 A. [14:38:08] Yes. "In the name of God, most gracious, most merciful, the centre of
7 the authority for the promotion of virtue and the prevention of vice."

8 Q. [14:38:32] In other words, which body does this correspond to?

9 A. [14:38:40] This expression is an expression that stands for the *Hesbah*. The term
10 *Hesbah* means to account for something, which also means to volunteer in the mission
11 of promoting virtue and preventing vice.

12 Q. [14:39:21] Do you know who placed this sign on the facade of the building?

13 A. [14:39:30] Yes, I know that Mohamed Moussa did that. But the servants here
14 relied on to do this, those I do not know about.

15 Q. [14:40:05] Now, within this building, do you remember whether Mohamed
16 Moussa had an office and where it was?

17 A. [14:40:28] Mohamed Moussa used the same office of the police where Al Hassan
18 used to sit, Al Hassan Ag Abdoul Aziz, which you can access once you get into this
19 building and turn right.

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1 [REDACTED] Approximately, that's what I can
2 remember.

3 Q. [14:42:29] Do you think you could write down all those names on a piece of
4 paper, Mr Witness.

5 PRESIDING JUDGE MINDUA: [14:43:41](Interpretation) The list is on evidence 1.

6 THE COURT OFFICER: Your Honours, the document will be assigned exhibit
7 number MLI-REG-0001-0087.

8 PRESIDING JUDGE MINDUA: [14:44:07](Interpretation) Thank you very much,
9 Mr Courtroom Officer.

10 MR DUTERTRE: [14:44:15](Interpretation)

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

21 Q. [14:45:48] We talked about some issues related to training this morning. Could
22 you clarify why this list includes people or corresponds to people who had not
23 undergone training?

24 A. [14:46:17] Because all of these people, the ones you see on this list, are senior
25 people, imams and scholars. [REDACTED]

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Q. [14:47:00]

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Tab 1222, binder 7.

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14 Q. (Microphone not activated)

15 PRESIDING JUDGE MINDUA: [14:49:17](Interpretation) Microphone, please,

16 Mr Dutertre.

17 MR DUTERTRE: [14:49:21](Interpretation)

18 Q. [14:49:21] For the benefit of the Chamber, what is this scene depicting? What is

19 this all about? I'll repeat. What is this all about in this particular scene,

20 Mr Witness?

21 A. (No interpretation)

22 Q. [14:50:10] Mr Witness, there was a technical problem. The sound did not get

23 through. Would you mind repeating your answer.

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2 Q. [14:50:58] I'd now like to stop at one particular screenshot, 0071-7037, your
3 Honour. 00-7037, binder 6. I repeat, 0001-7037. It is recorded correctly in English.
4 And this is tab 1,010 and 1,011.
5 I'm at *00:44:40:22. Could you tell us who this person is wearing black clothing, a
6 light blue vest and a headscarf?

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16 Q. [14:55:12] Your Honours, I'd now like to go to video 0009-1749. This is a
17 screenshot at 0007-3021. And if my memory serves me correctly, this is to be found
18 in binder 6, tab 2,014.

19 Mr Witness, could you describe to us what we see here at timestamp 00:07:32:00?

20 A. [14:56:17] Yes, I can see a vest with the words Ansar Dine group, the *Hesbah*
21 committee, Timbuktu, written. In addition to the slogan of the -- or the logo of the
22 sword and the rifle. And I also see an open book on top of the rifle and the sword.

23 Q. [14:56:59] I'm going to rewind a little bit to 00:07:23:02. Do you recognise the
24 person to the right on this screenshot?

25 A. [14:57:17] No, I do not recognise him.

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1 Q. [14:57:23] Do you know the person who is on the left-hand side?

2 A. [14:57:31] I know him very well, but I do not recall his name now.

3 Q. [14:57:43] Now, you don't remember his name, but could you tell us who he is?

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

7 [REDACTED] He worked as a preacher with the *Hesbah*, [REDACTED]

8 [REDACTED] Then he joined ISIS recently. He
9 bid farewell to Al-Qaeda and joined ISIS.

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

18 Q. [15:00:03] Thank you. And what was he doing in Timbuktu? What were his
19 duties?

20 A. [15:00:11] He was working as a preacher, doing preaching in mosques and in
21 gatherings, and he would bring people around him in the city to do preaching. And
22 he would look for a local who knows the local language to provide him
23 interpretation.

24 Q. [15:00:38] And that being the case, why was there someone from the *Hesbah*
25 along with him?

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1 A. [15:00:50] Because the person we're talking about is from the *Hesbah* and the two
2 worked in the same field.

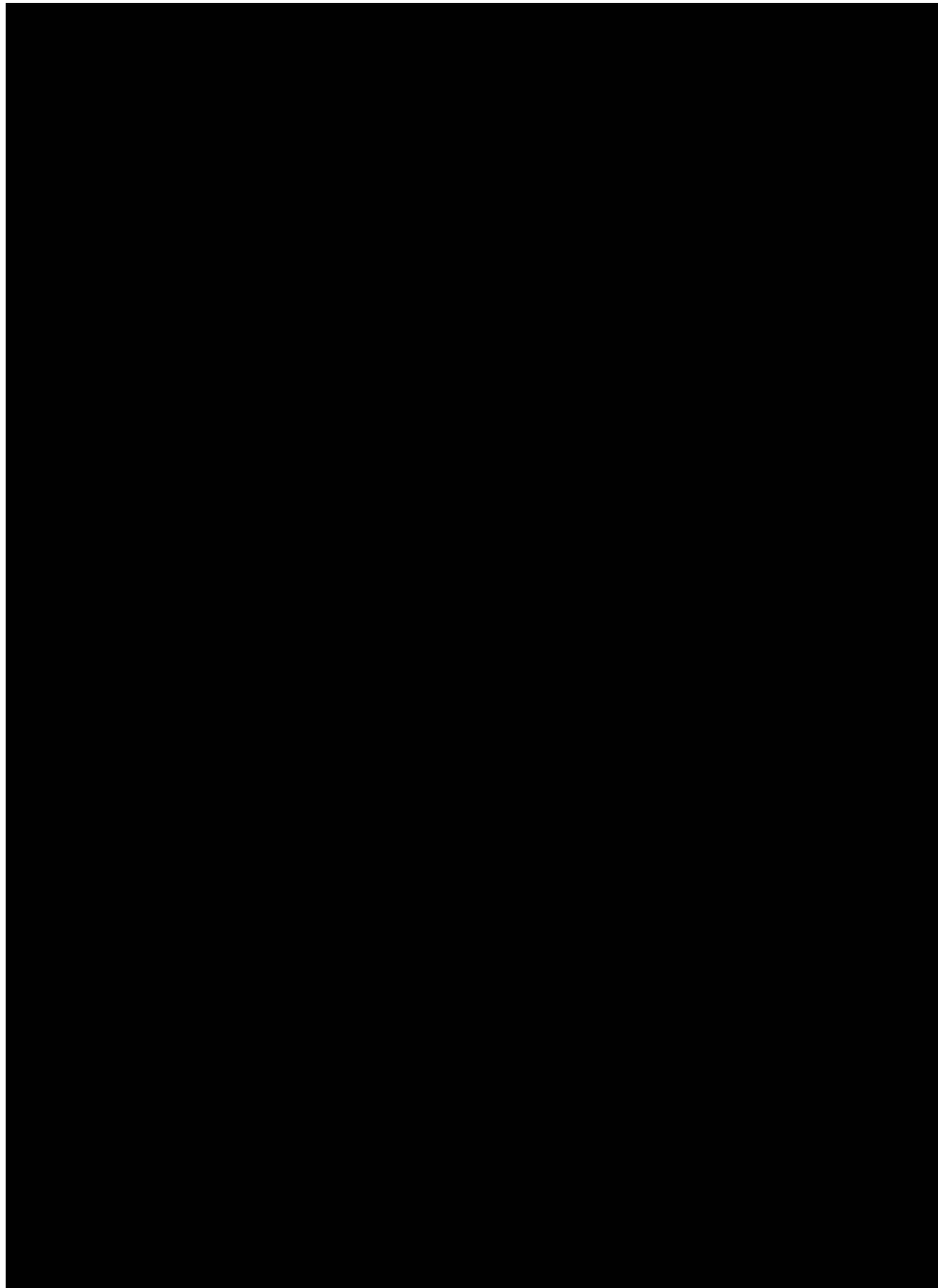
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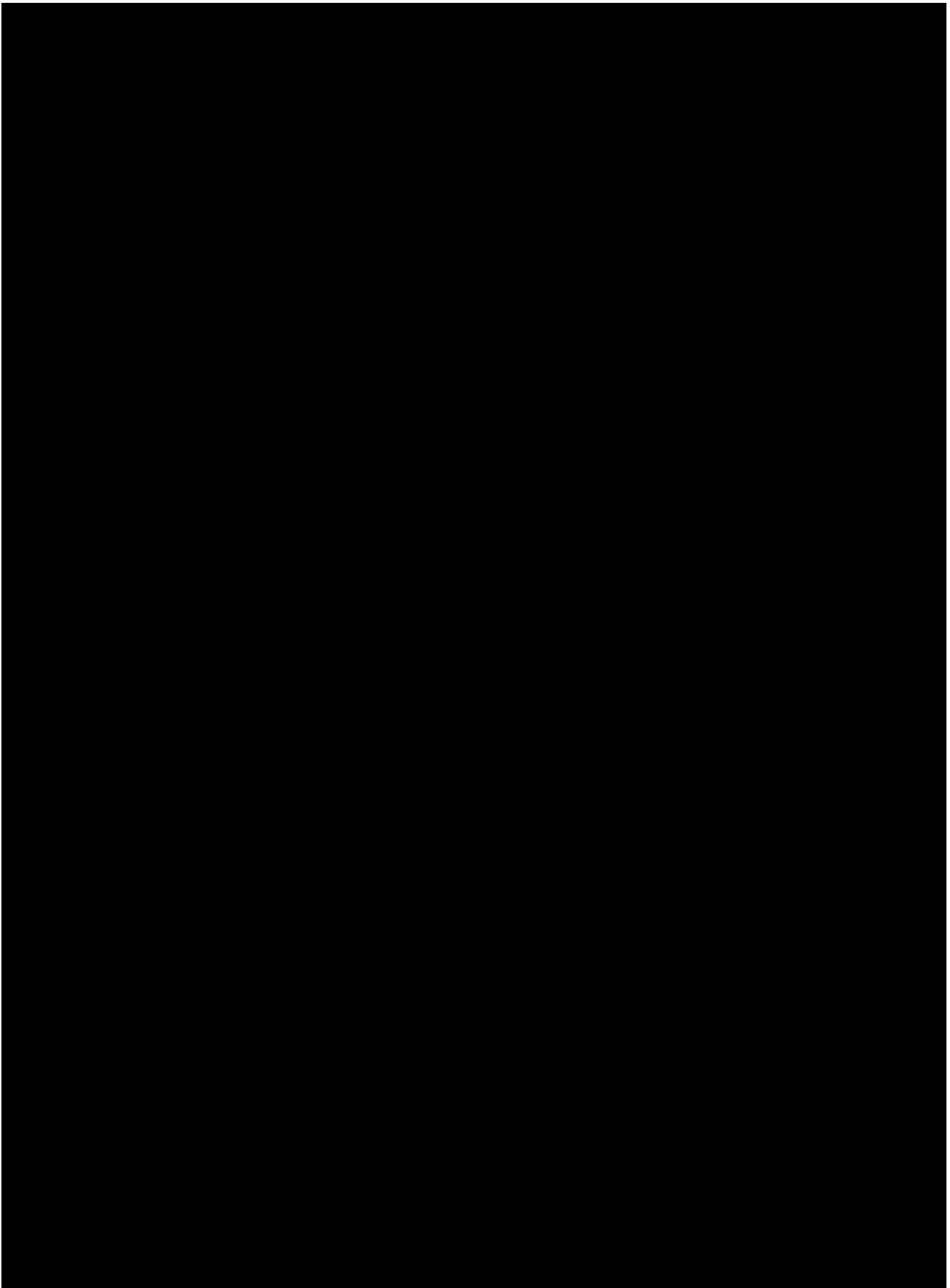
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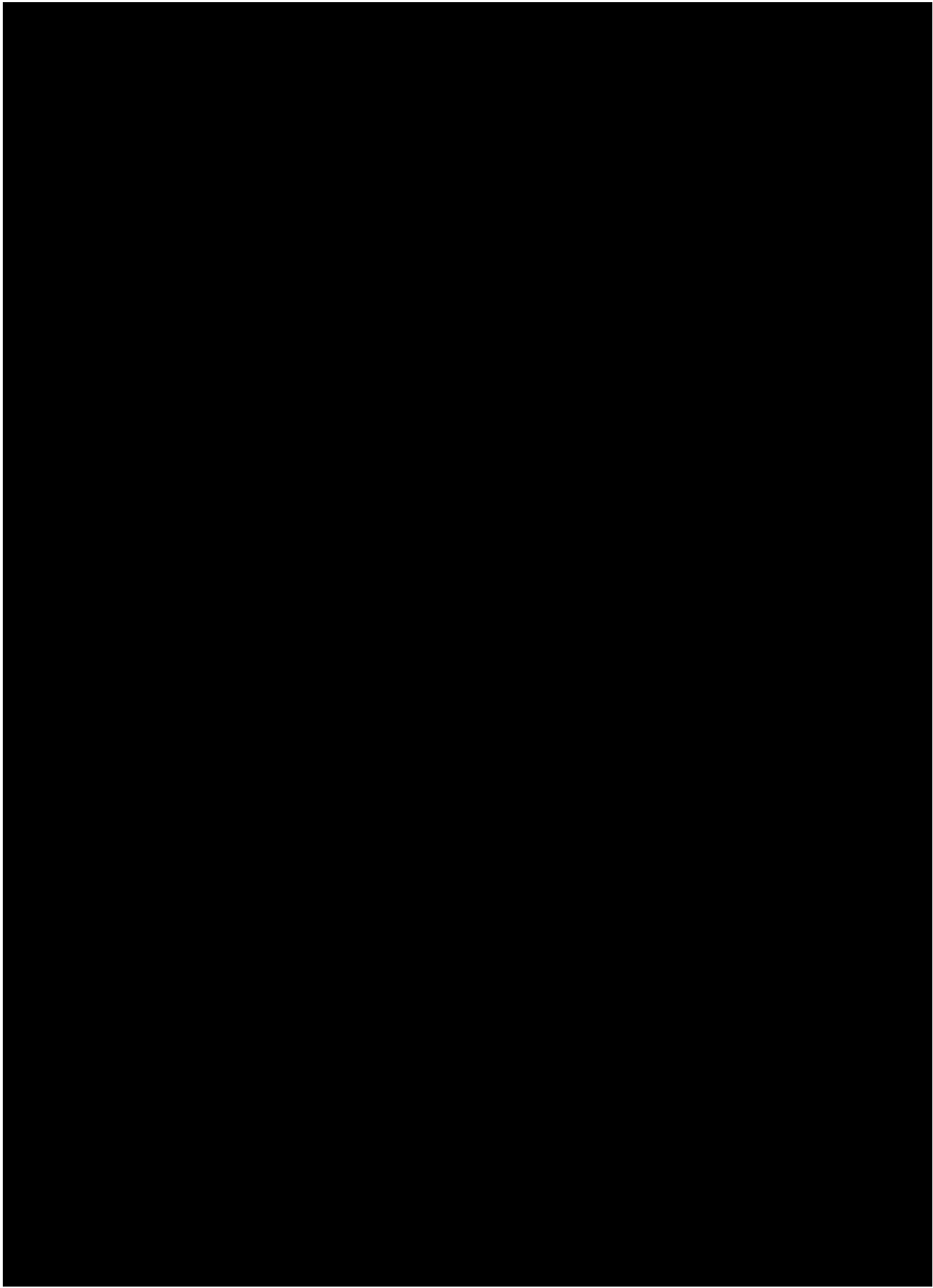


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1 Q. [15:20:37] To be sure, could you write the name of this place on a blank sheet of
2 paper, Witness.

3 PRESIDING JUDGE MINDUA: [15:21:21](Interpretation) So we now have the
4 document. Court officer.

5 THE COURT OFFICER: [15:21:25] Your Honours, the document will be assigned
6 exhibit number MLI-REG-0001-0088.

7 PRESIDING JUDGE MINDUA: [15:21:38](Interpretation) Thank you very much,
8 court officer.

9 Prosecutor.

10 MR DUTERTRE: [15:21:40](Interpretation) Thank you, your Honour. I think that

11 [REDACTED] That's just a note that the
12 correction needs to be made.

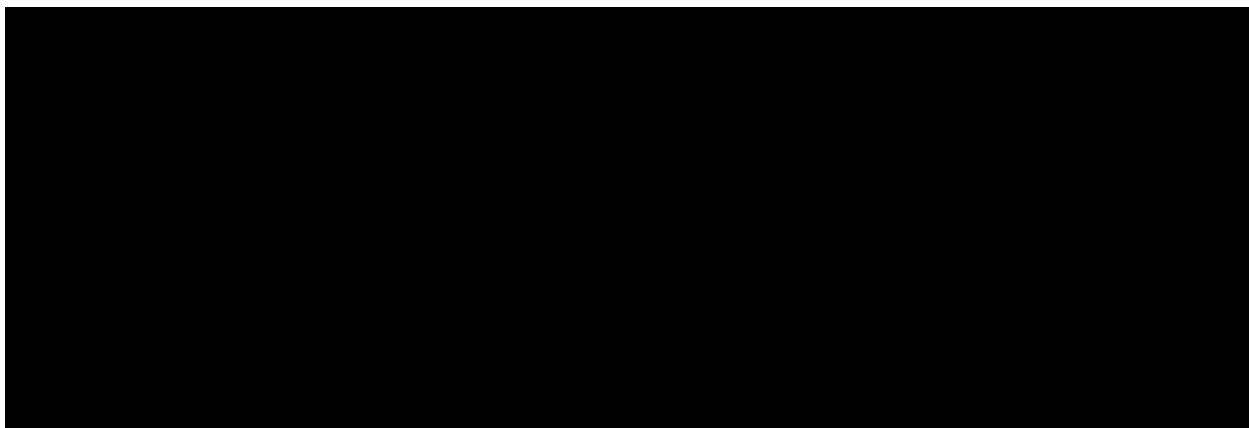
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7 MR DUTERTRE: [15:24:47](Interpretation) So just an aside, because we're on this
8 area, your Honour, I'd like to play 0043-0268 --

9 THE INTERPRETER: 0258, corrects the interpreters.

10 MR DUTERTRE: [15:25:11](Interpretation) That's in binder 5.

11 So tabs 985, 986, 987. Translation, 0078-1249 -- 1349. Transcript -- 0069-2375 for the
12 transcript.

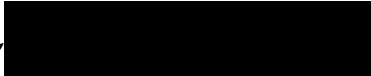
13 So I'll now play the audio, but I'm awaiting the interpreters to give me a signal.

14 So that will be the start, from one to nine or ten.

15 (Playing of the audio excerpt)

16 MR DUTERTRE: [15:27:04](Interpretation)

17 Q. [15:27:04] Did you understand this, Witness?

18 A. [15:27:15] The Arabic interpreter was speaking, 

19



20 Q. [15:27:30] I'm going to play it so you can hear it in the original language. What
21 language was the person speaking in? Could you -- were you able to say what
22 language this audio excerpt is?

23 A. [15:28:01] May I listen to the audio record again, please.

24 (Playing of the audio excerpt)

25 MR DUTERTRE: [15:28:45](Interpretation)

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1 Q. [15:28:46] Were you able to identify which language it was?

2 A. [15:28:52] Yes, I was able to identify both the language [REDACTED] The
3 language is Tamasheq [REDACTED]

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Mr Witness. I would like for you to look at document 0055-1024.

Just a moment, your Honour. I'll just find that. Document 0055-1024, binder 8,
tab 1462, tab 1462. I repeat, tab 1462. Translation 0054 at tab 1463. Translation
0054-0339. 0054-0339.

What is this document, Mr Witness?

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Q. [15:36:09] And what is the date of this document and who signed it,
Mr Witness?

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Q. [15:37:26] Thank you. I'd now like to go to binder 4, tab 856 and 859.

Translation 0078-080 (sic).

The translation is 0078-0395. And the original 0068-4749. While we're looking,

I will make one correction. I'm sorry about that, your Honour.

So tabs 856 and 857. Not 859. Repeat, tabs 856 and 857.

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1 What is this document, Mr Witness?

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

5 Q. [15:41:22] And finally, binder 2, tab 211 and tab 212. Translation 0078-0203.

6 0203. And the original, 0001-7431.

7 And if the witness could look at the right.

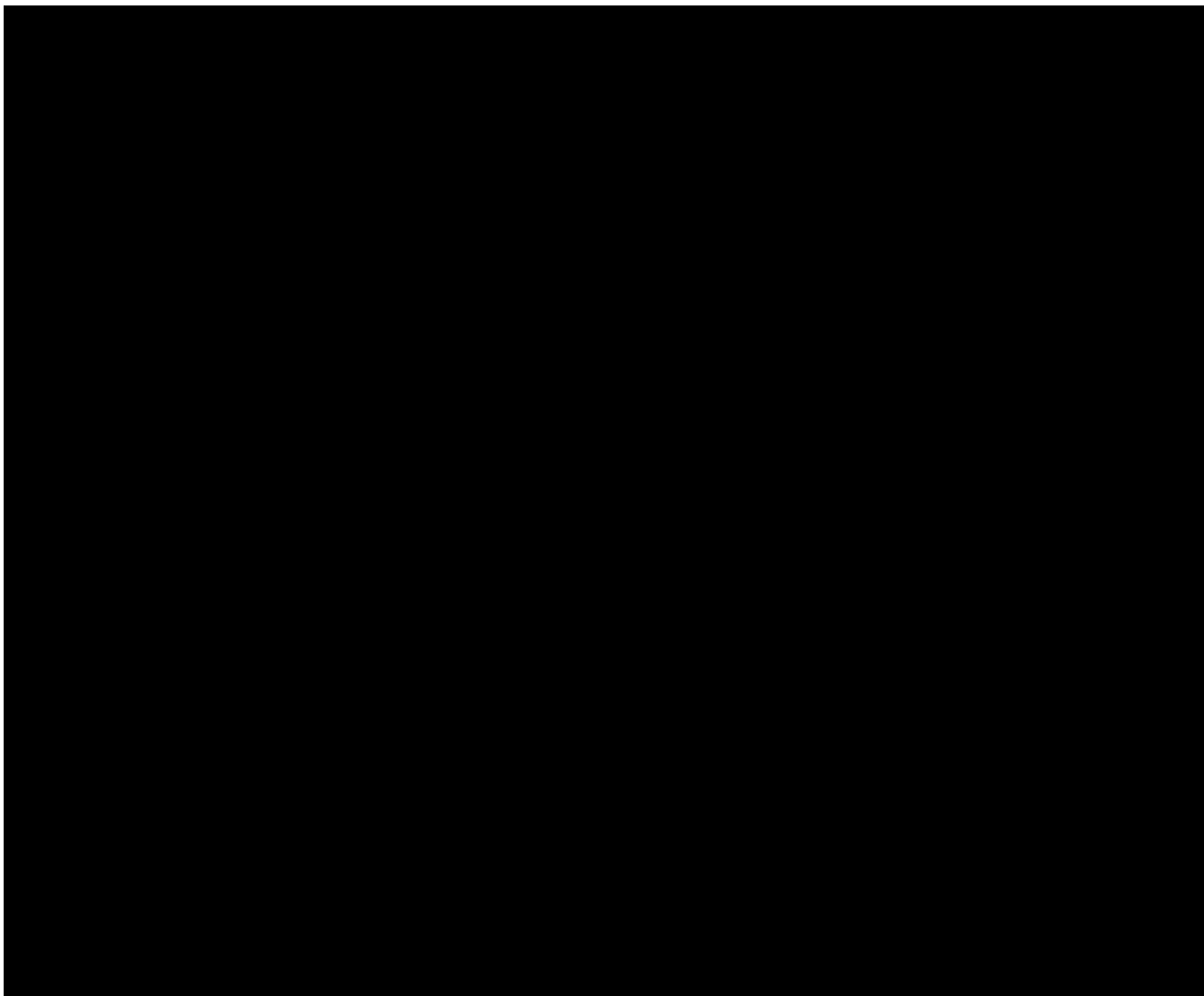
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
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21 [REDACTED]
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24 [REDACTED]
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16 Q. [15:48:37] Could you write down that name on a piece of paper, Mr Witness.
17 A. [15:48:46] I can also write down for you [REDACTED]
18 [REDACTED] I could put down a list for you in that regard.
19 Q. [15:49:00] That would be fantastic. Thank you very much.
20 PRESIDING JUDGE MINDUA: [15:50:02](Interpretation) So we have this list now
21 on evidence 1 channel.
22 Courtroom officer, if could you assign a number to this.
23 THE COURT OFFICER: [15:50:11] Your Honours, the document will be assigned
24 exhibit number *MLI-REG-0001-0089.
25 PRESIDING JUDGE MINDUA: [15:50:20](Interpretation) Thank you very much.

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1 Prosecutor.

2 MR DUTERTRE: [15:50:24](Interpretation) Thank you.

3 Q. [15:50:25] Mr Witness, on evidence 2 I have put up a video.

4 MLI-OTP-0018-0361. And I'm at timestamp 00:00:11:03.

5 Do you recognise the person - I'll just play a little bit of this footage - the person
6 wearing a black headscarf and wearing green clothing?

7 A. [15:51:20] This person is Abu al-Baraa, [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 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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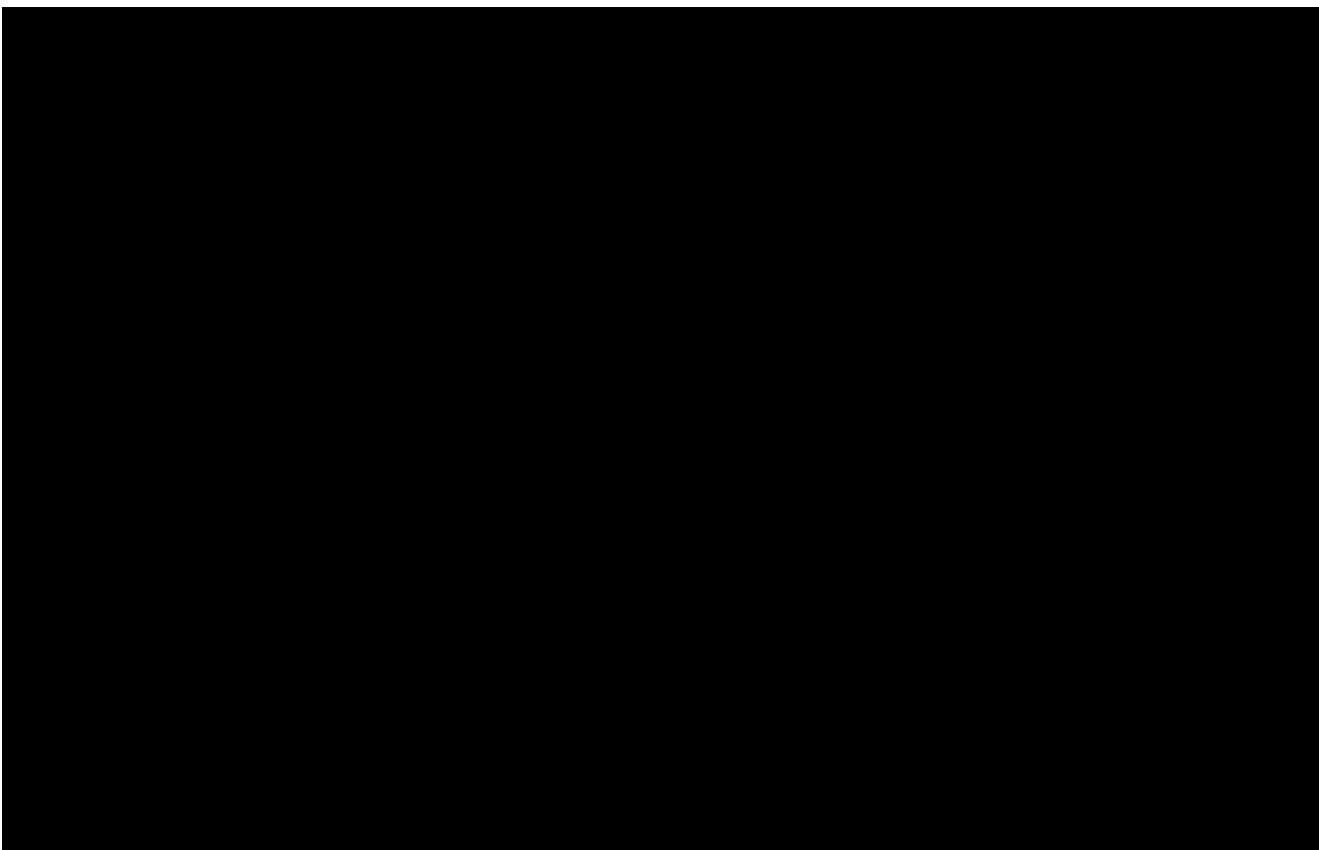
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13 Now that correction having been made, and given the time of day and the issue we're
14 dealing with, perhaps we could conclude and resume tomorrow at 12.30, I believe.
15 I'm in your hands.

16 PRESIDING JUDGE MINDUA: [15:58:54](Interpretation) Indeed, Mr Prosecutor. It
17 is two minutes to 4. So, as you say, we will finish for the day and, as you quite
18 rightly mentioned, we do have different sitting hours tomorrow. The judges of the
19 Chamber will be busy in the morning.

20 Mr Court Officer, I see that you're looking --

21 THE COURT OFFICER: [15:59:26] Your Honours, I'd just like to make a correction
22 regarding the exhibit number. It will be MLI-REG-0001-0089 and not 88, as cited
23 earlier.

24 PRESIDING JUDGE MINDUA: [15:59:49](Interpretation) Thank you very much for
25 that correction, Mr Courtroom Officer.

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1 So, as I was saying, tomorrow the judges of the Chamber will be busy in the morning
2 because, as you know, the new Prosecutor will be sworn in, and our hearing will
3 begin at 12.30. So there you have it for that announcement.

4 And now, Mr Witness. Mr Witness, once again the Chamber is very grateful to you.

5 Thank you for answering the questions. Since your testimony has not ended, we
6 will continue with it tomorrow, and we will resume at 12.30.

7 In the meantime, as you realise, do not talk to anyone about your testimony. My
8 only task is to express my gratitude to the parties and participants, the court reporters
9 and interpreters, and to our security officers. We shall now adjourn.

10 The hearing is now adjourned.

11 THE COURT USHER: All rise.

12 (The hearing ends in closed session at 4.01 p.m.)

13 CORRECTIONS REPORT

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

16 Page 46 line 12

17 "uniform" is translated and added.

18 Page 58 line 23

19 "MLI-REG-0001-0088" Is corrected to "MLI-REG-0001-0089"

20 Page 61 line 2

21 "consult" Is corrected to "convene"

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24 CORRECTIONS REPORT

25 The following corrections, marked with an asterisk and not included in the

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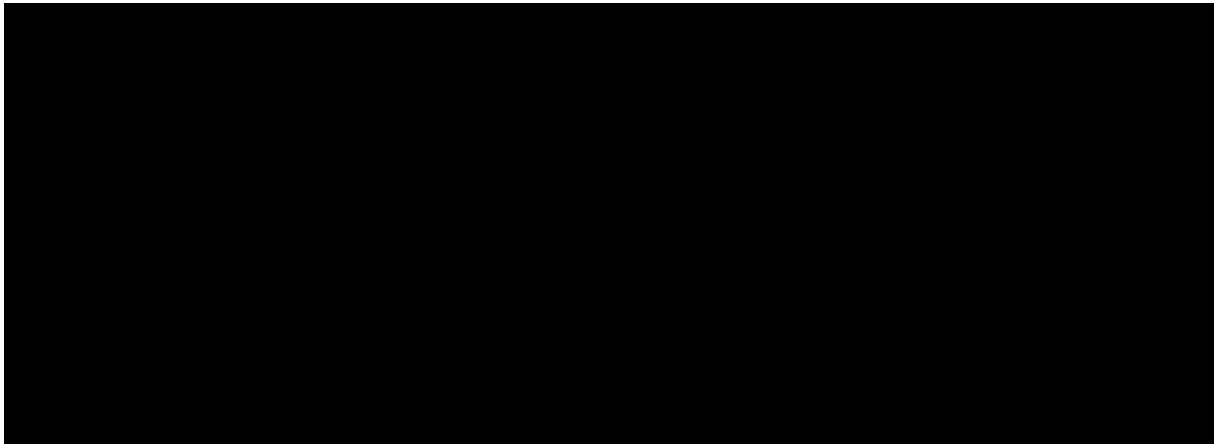
1 audio-visual recording of the hearing, are brought into the transcript.

2 Page 3 line 23

3 "0018-0046" Is corrected to "0018-0146"

4 Page 4 line 9

5 "00:00:24:09" Is corrected to "00:00:25:09"

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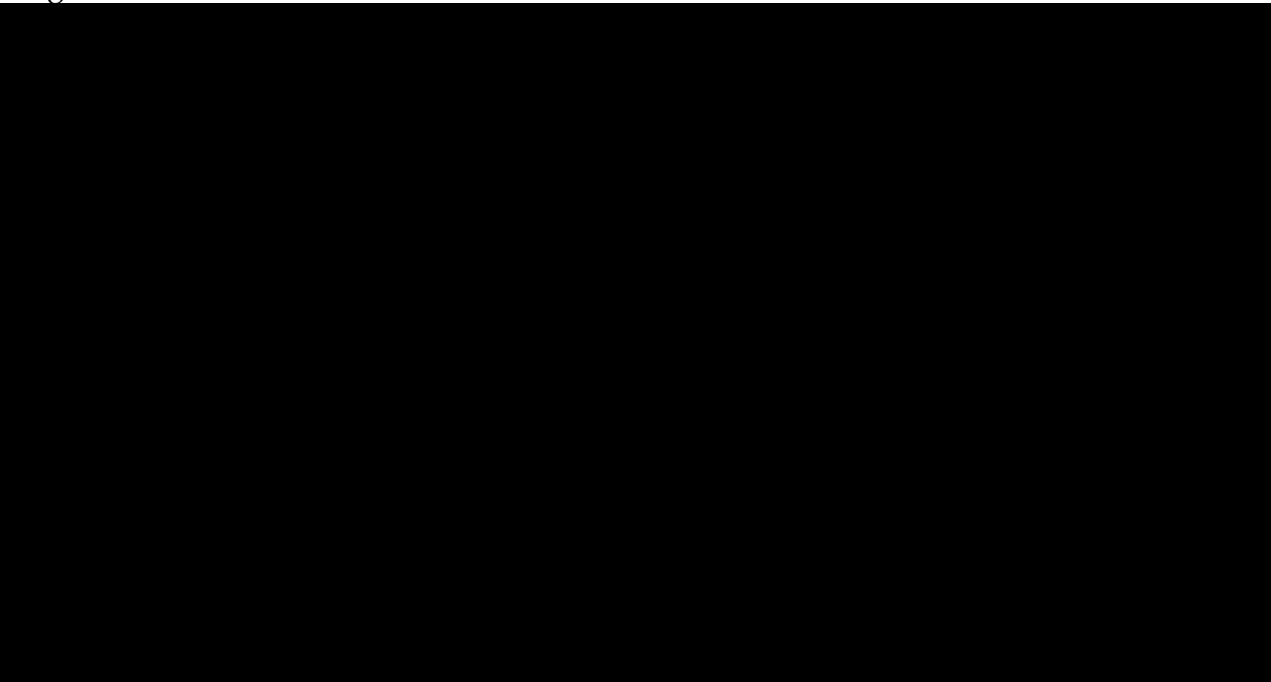
12 Page 8 line 21

13 "00146-7469 (sic)" Is corrected to "0001-7469 (sic),"

14 Page 21 line 4

15 "He" Is corrected to "Mr. Allafi"

16 Page 22 line 17

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