

Trial Hearing
WITNESS: MLI-OTP-P-0620

(Open 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
7 and Judge Kimberly Prost
8 Trial Hearing - Courtroom 1
9 Friday, 9 October 2020
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:06] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:34:23](Interpretation) Court is now in session.
15 Good morning, everyone.
16 Court officer, if you would be so kind as to call the case.
17 THE COURT OFFICER: [9:34:33] Good morning, Mr President.
18 The situation in Mali, in the case of The Prosecutor versus Al Hassan Ag Abdoul Aziz
19 Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And we're in open session.
21 PRESIDING JUDGE MINDUA: [9:34:48](Interpretation) Thank you very much.
22 As usual, we will start with the introductions. Firstly, the Office of the Prosecutor.
23 MS SARDACHTI: [9:35:00] (Interpretation) Good morning, your Honour, your
24 Honours. The Office of the Prosecutor today is represented by Dianne Luping, * trial
25 lawyer; Gilles Dutertre, senior trial lawyer; and myself, Marie-Jeanne Sardachti.

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1 PRESIDING JUDGE MINDUA: [9:35:15](Interpretation) Thank you very much,
2 Prosecutor.

3 And for the Defence, Ms Taylor.

4 MS TAYLOR: [9:35:22] Good morning, Mr President, good morning, your Honours.
5 The Defence for Mr Al Hassan is represented today by myself, Melinda Taylor,
6 Sarah Marinier-Doucet and Ms Kirsty Sutherland. Thank you.

7 PRESIDING JUDGE MINDUA: [9:35:44](Interpretation) Yes, Kirsty Sutherland,
8 indeed. Okay, thank you very much.
9 The Legal Representatives of Victims.

10 MR KASSONGO: [9:35:53](Interpretation) Thank you, your Honour, your Honours.
11 The representative for victims today is represented by Madam Prisque Biyéké
12 Dipanga, who is assisting myself, and I am Maître Kassongo. Thank you.

13 PRESIDING JUDGE MINDUA: [9:36:09](Interpretation) Thank you very much,
14 Maître Kassongo.

15 Today, we are going to proceed with the examination of the 12th Prosecution witness.
16 Good morning, Madam Witness. Can you hear me?

17 WITNESS: MLI-OTP-P-0620

18 (The witness speaks French)

19 THE WITNESS: [9:36:38](Interpretation) Yes, I can hear you.

20 PRESIDING JUDGE MINDUA: [9:36:41](Interpretation) Thank you very much. On
21 behalf of the Chamber, I would like to welcome you. You are going to testify so as to
22 help the Chamber establish the truth in the case concerning Mr Al Hassan.

23 Witness, protective measures have been taken in order to ensure that your identity
24 isn't revealed to the public. Whenever you must give details which could reveal
25 your identity, we will speak about them in closed session. In this way, nobody other

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1 than those present in the courtroom will be able to hear you.

2 Have you understood that?

3 THE WITNESS: [9:37:37](Interpretation) Yes.

4 PRESIDING JUDGE MINDUA: [9:37:39](Interpretation) Thank you.

5 We are now going to take your solemn undertaking under Rule 66(1) of the Rules of
6 Procedure and Evidence.

7 Witness, on your desk you must have a piece of paper.

8 THE WITNESS: [9:38:02](Interpretation) Indeed.

9 PRESIDING JUDGE MINDUA: [9:38:03](Interpretation) Very well. This solemn
10 undertaking according to which you must swear to tell the entire truth, the whole
11 truth. I would ask you to read aloud what is written on the document. Please go
12 ahead.

13 THE WITNESS: [9:38:21](Interpretation) I solemnly declare that I will tell the truth,
14 the whole truth and nothing but the truth.

15 PRESIDING JUDGE MINDUA: [9:38:26](Interpretation) Thank you very much.

16 Madam Witness, you are now under oath. The representatives of the victims' unit as
17 well as the representatives of the Prosecution have already told you what that means
18 for you and I also have some practical advice to give to you.

19 You must bear in mind that everything that is said within this courtroom is
20 transcribed by court reporters and it is simultaneously interpreted into several
21 languages by the interpreters. It is therefore important to speak clearly and slowly.
22 Do not start to speak before the person who is asking you a question has finished
23 asking that question. Count up to three in your head before answering the question.
24 This pause is essential for your testimony to be duly taken. Obviously if you have a
25 question, please raise your hand in order to indicate that you would like to take the

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1 floor.

2 Have you understood that?

3 THE WITNESS: [9:40:07](Interpretation) Yes, I've understood that.

4 PRESIDING JUDGE MINDUA: [9:40:10](Interpretation) Thank you.

5 We're now going to hear your testimony. You will be questioned by the parties and
6 possibly by the legal representatives of victims and by the Judges of the Chamber.

7 I'm now going to give the floor over to Madam Prosecutor who is going to start with
8 the examination-in-chief.

9 Madam Prosecutor, the floor is yours.

10 MS SARDACHTI: [9:40:41](Interpretation) Thank you, your Honour.

11 QUESTIONED BY MS SARDACHTI: (Interpretation)

12 Q. [9:40:49] Good morning, Witness. Can you hear me well?

13 A. [9:40:50] Yes, I can hear.

14 Q. [9:40:52] Now we met during the courtesy meeting. As you know, my name is
15 Marie-Jeanne Sardachti and I'm going to be carrying out your examination-in-chief
16 this morning.

17 Could I have the Chamber's leave to go into private session as I would like to discuss
18 some identifying elements. It shouldn't take more than about 10 minutes.

19 PRESIDING JUDGE MINDUA: [9:41:10](Interpretation) Private session if you
20 would be so kind.

21 MS SARDACHTI: [9:41:18](Interpretation) Yes, your Honour.

22 Q. [9:41:19](No interpretation)

23 THE COURT OFFICER: [9:41:19](Overlapping speakers)

24 PRESIDING JUDGE MINDUA: [9:41:20](Overlapping speakers) minute.

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- 1 (Private session at 9.41 a.m.)
- 2 THE COURT OFFICER: [9:41:28] We are now in private session, Mr President.
- 3 PRESIDING JUDGE MINDUA: [9:41:30](Interpretation) We are now in private
- 4 session.
- 5 You're speaking too fast, Prosecutor.
- 6 Please go ahead.
- 7 MS SARDACHTI: [9:41:37]
- 8 Q. [9:41:38] Witness, could you state what your name is please.
- 9 A. [9:41:42] [REDACTED]
- 10 Q. [9:41:43] And what's * your date and place of birth?
- 11 A. [9:41:45] I'm born on [REDACTED].
- 12 Q. [9:41:52] Do you have a binder in front of you?
- 13 THE INTERPRETER: [9:41:53] Could the (overlapping speakers)
- 14 PRESIDING JUDGE MINDUA: [9:41:57](Interpretation) Prosecutor, I see obviously
- 15 that you and the witness are speaking the same language as I am. So we have to be
- 16 prudent and we have to observe the pauses.
- 17 THE INTERPRETER: [9:42:15] The interpreter notes he wasn't able to get the name
- 18 and date of birth. The name was [REDACTED] and the date of birth
- 19 was [REDACTED].
- 20 MS SARDACHTI: [9:42:27]
- 21 Q. [9:42:29] Witness, you have a binder in front of you, do you not?
- 22 A. [9:42:33] Yes.
- 23 Q. [9:42:34] If I can take you to tab 7 thereof.
- 24 THE COURT OFFICER: [9:42:40] Just for your information, the interpreters in the
- 25 English booth didn't catch the date of birth stated by the witness.

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1 THE INTERPRETER: [9:42:49] Could the microphones be put closer to the witness,
2 please.

3 THE COURT OFFICER: [9:42:54] Could the microphone be put -- (Interpretation)
4 Please, could you go closer to the microphone, Witness.

5 MS SARDACHTI: [9:43:06] (Interpretation) We're still in private session, are we not?

6 Q. [9:43:12] Witness, could you please repeat your date of birth and your place of
7 birth?

8 A. [9:43:18] So I was born on [REDACTED] in [REDACTED].

9 Q. [9:43:26] Thank you very much, Witness. Now, you have a file in front of you
10 with all relevant documents, do you not?

11 A. [9:43:33] Indeed, I do.

12 Q. [9:43:35] So if I could take you to tab number 7, 0064-0324.

13 THE COURT OFFICER: [9:44:07] Just a reminder also for the Prosecution to state the
14 complete ERN please, orally. Thank you very much.

15 MS SARDACHTI: [9:44:20](Interpretation)

16 Q. [9:44:22] Yes, tab 7, document MLI-OTP-064-0175 and please could you go to
17 page 0064-0324.

18 A. [9:44:42] It's done.

19 Q. [9:44:49] This is your CV, isn't it?

20 A. [9:44:52] Indeed.

21 Q. [9:44:53] So I understand that you work in [REDACTED] for [REDACTED]
22 [REDACTED]. Now what function do you hold?

23 A. [9:45:04] I am [REDACTED].

24 Q. [9:45:09] And what is the mission of [REDACTED]?

25 A. [9:45:11] That is, to carry out expert reports for judicial matters, [REDACTED]

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1 matters within [REDACTED] and to proceed with research and development in the field
2 of activities [REDACTED].

3 Q. [9:45:27] And in what does your work consist as [REDACTED]?

4 A. [9:45:34] To ensure [REDACTED]
5 [REDACTED].

6 THE INTERPRETER: [9:45:46] The interpreter would like to point out the sound is
7 very faint from the witness.

8 MS SARDACHTI: [9:45:53](Interpretation)

9 Q. [9:45:54] How much time are you -- have you been [REDACTED] for?

10 A. [9:45:58] For [REDACTED] years I've been [REDACTED].

11 Q. [9:46:01] And before being [REDACTED] what functions did you occupy?

12 A. [9:46:04] I was a handwriting analyst prior to that.

13 Q. [9:46:09] From when to when?

14 A. [9:46:19] * Between [REDACTED] and [REDACTED].

15 Q. [9:46:25] So could you tell us for how many cases you worked on for this type of
16 expert reports?

17 A. [9:46:32] I would say approximately [REDACTED] reports I worked on.

18 Q. [9:46:39] Thank you, Witness.

19 I've finished with the identifying elements. Please could we go into open session, if
20 you'd be so kind.

21 PRESIDING JUDGE MINDUA: [9:46:49](Interpretation) Open session.

22 MS SARDACHTI: [9:46:55](Interpretation)

23 Q. [9:46:58] Witness, could you be so kind --

24 (Open session at 9.47 a.m.)

25 THE COURT OFFICER: [09:47:03] We are now in open session.

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1 MS SARDACHTI: [09:47:03](Interpretation) Could you move the microphone more
2 close to you witness. Thank you.

3 Q. [9:47:13] I understand that following a request from the International Criminal
4 Court you wrote an expert report with a colleague; is this correct?

5 A. [9:47:21] Indeed.

6 Q. [9:47:23] Your colleague was meant to carry out an analysis of the authenticity
7 of the documents. And as for yourself, you were meant to carry out an examination
8 of the graphic characteristics of signatures in some of these documents and compare
9 them with the signatures in other documents; is that correct?

10 A. [9:47:40] Yes.

11 THE COURT OFFICER: [9:47:41] I am just going to ask the witness to go even closer
12 to the microphone. You can also move the microphones as you wish.

13 THE WITNESS: [9:47:53](Interpretation) I'm a bit trapped with this chair here.

14 THE INTERPRETER: [9:47:58] Could the witness also observe the pauses, please,
15 asks the interpreter.

16 MS SARDACHTI: [9:48:04](Interpretation)

17 Q. [9:48:05] Witness, could we go to tab 1.

18 Number is MLI-OTP-0065-0183. Confidential document. I would ask for it not to
19 be shown to the public.

20 This is the mission letter that was sent to you; is it not?

21 A. [9:48:42] Indeed it is.

22 Q. [9:48:43] I've got a few questions for you to clarify the vocabulary that is used in
23 the mission letter. And I would ask you to turn over the page, namely 0065-0184.

24 And at the top it's indicated, "Take into account the evidentiary items in question,"

25 and it's followed by a list of documents with the ERN number. Could you clarify

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1 what is meant by "evidentiary items in question".

2 A. [9:49:25] Those items are the litigious questions, the ones that raises questions.

3 Q. [9:49:35] Now, thank you. Could you go to 0065-0186.

4 Paragraph d starts in the following way, and I quote, "Take into account the three
5 types of items for comparison". Could you clarify what is meant by "items for
6 comparison"?

7 A. [9:50:00] These are the evidentiary items which by definition are compared with
8 the items in question, so this is authentic handwriting which is given to us for
9 comparative purposes.

10 Q. [9:50:15] And once again a vocabulary question, if you would be so kind, on the
11 same page, point d thereof, could you tell the Chamber what is meant by "a person of
12 interest"?

13 A. [9:50:29] Well, a person of interest, that's a person whose handwriting I have
14 compared with the comparative handwriting sample.

15 Q. [9:50:41] Thank you very much. If you'd be so kind so go to tab number 2.
16 The ERN number is MLI-OTP-0065-0181. This is a confidential document as well.
17 Now, this is the addendum to your mission letter; is it not?

18 A. [9:51:15] Yes.

19 Q. [9:51:16] By way of information for the Chamber, this addendum contains
20 additional items, some of which are already listed in the mission letter, but this time
21 these are the originals that were provided.

22 Madam Witness, can we now, if you'd be so kind, go to tab number 7. The ERN is
23 MLI-OTP-0064-0175.

24 Madam Witness, I'm sorry, are you there?

25 A. [9:52:01] Is that on the first page?

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1 Q. [9:52:03] Do you recognise this document?

2 A. [9:52:05] Yes, this is our expert report.

3 Q. [9:52:11] Can I ask you to go to page 0064-0303 thereof.

4 A. [9:52:29] Yes.

5 Q. [9:52:32] Whose signature is it on the left?

6 A. [9:52:34] It's mine.

7 Q. [9:52:37] Thank you, Madam Witness.

8 Now, we are now going to the content of your report as such. Can I ask you now to
9 go to page 0064-0245.

10 So in the part 4.2, examination of the signature, it's stated in point 4.2.2.1, "Preliminary
11 assessment". So what should we understand by a preliminary assessment?

12 A. [9:53:26] A preliminary assessment, this is a first overview of the signatures
13 which are provided to us. It's an overview of the signatures, and later on there'll be
14 a much more detailed analysis of these signatures.

15 Q. [9:53:47] So if we could start with this overview that you've talked about of the
16 items in question, so your -- you looked at 72 items?

17 A. [9:54:01] Indeed.

18 Q. [9:54:03] And these items were, in part, original documents, were they not?

19 A. [9:54:09] Some were original and some were pictures.

20 Q. [9:54:14] And what is the importance of having the originals when it comes to
21 the analysis?

22 A. [9:54:23] The -- you need to look at a fine observation of the lines, so if you have
23 a photocopy or images, there could be an alteration or a poor reproduction of the
24 signature, and that's the reason why it is preferable to work from originals.

25 Q. [9:54:47] And with regards to the other items in question, they were

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1 photographs provided on a CD-ROM, were they not?

2 A. [9:54:57] Yes.

3 Q. [9:54:57] Please would you be so kind as to go to page 0064-0246. Now, you
4 indicate in bold that from these 72 items you took -- you looked at 82 signatures; is
5 that correct?

6 A. [9:55:20] Yes.

7 Q. [9:55:23] And how would you explain that?

8 A. [9:55:27] Well, throughout all the different signatures there were -- we had 82
9 signatures in total to be analysed.

10 Q. [9:55:39] So please could I take you to 0064-0502.

11 A. [9:55:57] I'm sorry, could you repeat it.

12 Q. [9:56:00] Yes. 0064-0502.

13 PRESIDING JUDGE MINDUA: [9:56:16](Interpretation) Madam Prosecutor, could
14 you give us the tab.

15 MS SARDACHTI: [9:56:20](Interpretation) Yes, it's tab number 8. This is tome 2 of
16 the report.

17 PRESIDING JUDGE MINDUA: [9:56:30](Interpretation) Thank you very much.

18 MS SARDACHTI: [9:56:31](Interpretation)

19 Q. [9:56:32] So on this picture you can see several signatures; is that correct?

20 A. [9:56:36] Yes.

21 Q. [9:56:38] So I'm now going back to book 1, and that's 0064-0246 and that's tab 7.
22 In the second paragraph I'm going to quote part of your report and I've got a couple
23 of questions about it. You write that:

24 "... the signatures written on the documents contained in the CD-ROM are not

25 originals. We noted that certain signatures had some lines which were of very bad

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1 quality, that was a blurred view of the image, and this made it impossible to analyse
2 them. There were 36 of such signatures."

3 So, firstly, you say that the signatures written on the documents contained in the
4 CD-ROM are not originals. What do you mean by that, by originals?

5 A. [9:57:48] Well, the document is a copy, so we don't have the original depiction
6 or reproduction of the signatures.

7 Q. [9:58:01] And secondly, what did you do with the 36 signatures of poor quality?

8 A. [9:58:06] These signatures were set aside from the analysis that we carried out.

9 Q. [9:58:12] So if I understand, you actually examined 46?

10 A. [9:58:17] Yes, that is correct.

11 Q. [9:58:22] Now, I would like us to speak about the initial observations that you
12 made with regard to the items in question. If you would be so kind as to go to page
13 0064-0258 of your report.

14 And did you write, "the signatures in question are appended to the items dated
15 between May 2012 and December 2012. They were written at the same time."
16 Now what, for your analysis, is the importance of them having been written at the
17 same time?

18 A. [9:59:21] Well, signatures can be modified over time, and it was important to
19 have elements which were close to each other with regards to the date.

20 Q. [9:59:38] And in paragraph 2 of this page you indicate that, "Of all the 46
21 signatures, we didn't see signatures which could have been perfectly superposed over
22 each other, taking aside the hypothesis of an identical reproduction of one or more
23 signatures."

24 Could you state what the relevance of that is?

25 A. [10:00:01] Well, it has to be said that a signature is never identical, even if it's

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1 written by the same person. And if you have perfectly superposed signatures, that's
2 actually a suspicious find.

3 Q. [10:00:19] Just what -- what's a scripter?

4 A. [10:00:24] That's the person who writes or drafts a document.

5 Q. [10:00:28] Thank you, Witness.

6 And still on the same page, at the last paragraph it is written:

7 "Between the signatures, there be a number of variations, that can be characterised by
8 lines that are more or less formed by *liaisons* that continue or interrupted by difference
9 in amplitude of the lines and the loops. And some variations are common to a
10 number of signatures."

11 So I understand, therefore, that you compared the signatures between each other, did
12 you; is that correct?

13 A. [10:00:59] Yes, indeed.

14 Q. [10:01:01] And could you please explain to the Chamber what
15 signification -- what meaning the variations between the signatures --

16 THE INTERPRETER: [10:01:11] Message from the interpreter: There is no pause
17 between the question and the answer. There has to be a pause. There has to be a
18 pause. There has to be a pause. We will interpret when the pause is observed.

19 THE COURT OFFICER: [10:01:25] May I remind the parties and the witness to mark
20 a pause between question and answer please for the English booth. Thank you very
21 much.

22 PRESIDING JUDGE MINDUA: [10:01:38](Interpretation) Yes, let me make the most
23 of this moment. I don't do this very often, but I'd like to put a question to the
24 witness.

25 The witness said that a signature can vary, can change and can be modified over time.

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1 What does she mean by this? Does this mean that when a signature is on a medium,
2 on a piece of paper, that the paper, you know, ages, that the signature changes, or
3 does it mean that the writer who over time ages, for example, or gets tired and
4 changes their signature?

5 THE WITNESS: [10:02:25](Interpretation) By variation what I mean is individual
6 variations to the person signing, that means that a signature can evolve, can modify,
7 can deteriorate, by the person taking medication, by illness, by a specific context, by a
8 specific physical or mental situation. And all of these elements have an incidence or
9 an effect on the variations in the lines of a signature.

10 PRESIDING JUDGE MINDUA: [10:02:59](Interpretation) Thank you very much.
11 That's very clear indeed. Thank you.

12 MS SARDACHTI: [10:03:02](Interpretation)

13 Q. [10:03:03] So, thank you. That means that we have now covered the part on the
14 initial preliminary examination of the signatures. I'd like to now move on to the
15 items of comparison.

16 In part 4 of 2.1.1.2 of -- entitled the comparison items, 4.2.1.2 at page 0064-0259 of your
17 report, that is in tab 7, are you there?

18 A. [10:03:35] Yes, I am.

19 Q. [10:03:38] You had 27 comparison signatures, did you not?

20 A. [10:03:43] Yes, indeed.

21 Q. [10:03:49] And what is the importance of having more or fewer items of
22 comparison?

23 A. [10:03:55] It is important to have a number of items of comparison to assess the
24 variation of signatures at different dates in time.

25 Q. [10:04:11] Could I please ask you, Madam Witness, to look at the fourth

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1 paragraph of page 0064-0259, and you write and I quote: "The signatures are
2 appended to documents dated 2012, 2017 and 2018."

3 Is there any correction -- or could you explain, in fact, what you mean by this?

4 A. [10:04:42] Well, we were supplied with documents from 2017 and 2018 and we
5 were told that the documents that were dated 2012 were documents that had been
6 dictated, that had been written under dictation, that means to say that they were more
7 contemporaneous with 2017 and 2018.

8 MS SARDACHTI: [10:05:07](Interpretation) Mr President, your Honours, during the
9 preparatory session a number of corrections appeared. We sent a note, a correction
10 note that was disclosed to the Defence, and we spoke to morning to the Defence.

11 The Defence was opposed to our using this note. We are in your hands. This is not
12 the only correction that is to be brought to the report, there are others, and this would
13 enable us to gain some time were we to put this note to the witness. But we are in
14 your hands. We can also elicit in Court these corrections, but it will take at least
15 10 minutes of our time.

16 PRESIDING JUDGE MINDUA: [10:05:55](Interpretation) Ms Taylor, please,
17 generally speaking we do make corrections here in the hearing and we gain time if
18 there is a list that has already been approved by the parties. So why are you against
19 this idea?

20 MS TAYLOR: [10:06:10] Thank you, Mr President. The time that we would save is
21 only 10 minutes. And we have experienced with past witnesses that there have in
22 fact been mistakes in the list of mistakes. And given that this is a very technical
23 report, we are of the position that it's much preferable to elicit information from the
24 witness in an open manner, particularly so the witness can give free and voluntary
25 evidence concerning the existence and nature of the alleged errors.

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1 So we don't think it's appropriate to simply give a list. We think it would be far
2 preferable, given the technical nature of this report, for these matters to be elicited
3 through open questioning during testimony.

4 PRESIDING JUDGE MINDUA: [10:07:01](Interpretation) Madam Prosecutor, you
5 have an hour for your examination-in-chief. How long will this list of questions
6 take?

7 MS SARDACHTI: [10:07:08](Interpretation) It is true that I do speak quickly, so
8 were I to have to slow down I believe that it would take longer than 10 minutes, 10 to
9 15 in fact.

10 PRESIDING JUDGE MINDUA: [10:07:21](Interpretation) Ms Taylor, 10 minutes, we
11 can gain that, can't we? Should we do as we always do? We're not going to go
12 through each correction with the witness. Why don't we do it in one fell swoop?

13 MS TAYLOR: [10:07:36] Thank you, Mr President. The Defence has been very
14 cooperative on these issues, but it does depend on the witness and it does depend on
15 the nature of the report. Here, having seen the preparation log, having seen the
16 specific corrections, we formed an opinion that it would be far preferable for this
17 witness to elicit this information through the witness's testimony, rather than simply
18 showing a log. And in this manner, there'll be a much greater appreciation of the
19 impact of any changes in the witness's testimony and in the witness's report.

20 PRESIDING JUDGE MINDUA: [10:08:11](Interpretation) Well, let's stop this
21 discussion now.

22 Madam Prosecutor, can we go through each item that you would like to correct,
23 please. This is simpler. And the witness will say yes or no as to whether the
24 corrections are accepted or not.

25 MS SARDACHTI: [10:08:34](Interpretation) Okay. Very well, your Honour.

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1 Q. [10:08:43] Now, as to the date on 0064-0259, according to what you have just
2 told us, we should read the signatures are appended on documents dated 2017 and
3 2018; is that correct?

4 A. [10:09:01] Yes.

5 Q. [10:09:11] So now, Madam Witness, I'm going to ask you to go to page 0064-0260.
6 Are you there?

7 A. [10:09:31] Yes.

8 Q. [10:09:34] Under the screenshot 0049-0241, could you please tell us the date that
9 is indicated?

10 A. [10:09:48] I indicated the date of 6/10/2012.

11 Q. [10:09:54] And could we please move on to page 0064-0366.

12 A. [10:10:24] I'm there.

13 Q. [10:10:25] Thank you, Madam Witness. What date can you read?

14 A. [10:10:28] I can read 6/10/2017.

15 Q. [10:10:33] Thank you very much, Madam Witness.

16 I'm going to ask you to come back, please, to page 0064-0260 once again. And under
17 the screenshot item 0056-0421, could you please tell us the date that you can read.

18 A. [10:11:03] I read the 8th, and I put a question mark when I couldn't read what
19 had been given, and then I put 2012.

20 Q. [10:11:14] Can I please ask you to go to page 0064-06 -- no, 0368. What is the
21 date that you read there?

22 A. [10:11:38] I read the 8th, and then I read something that I cannot read, and then I
23 read the year 2018.

24 Q. [10:11:48] Now, I'm going to ask you to come back to page 0064-0260?

25 A. [10:11:56] I'm there.

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1 Q. [10:11:56] And under screenshot 0056-0424, I'm also going to talk about the
2 second screenshot, 0056-0426, what are the dates that you read on both of those
3 screenshots?

4 A. [10:12:17] Under the date where -- well, where I indicated the date I
5 read 27/8/2012.

6 THE COURT OFFICER: [10:12:27](Interpretation) Please, for the last two references,
7 could we have the complete ERN of the first page. Thank you.

8 MS SARDACHTI: [10:12:36](Interpretation) MLI-OTP-0056-0424.

9 THE INTERPRETER: [10:12:40] Message from the interpreter: Could the counsel
10 please read the numbers more slowly so that there aren't any mistakes in the record.

11 MS SARDACHTI: [10:12:47](Interpretation)

12 Q. [10:12:49] Madam Witness, could you please go to page 0064-0370?

13 A. [10:12:59] I'm there.

14 Q. [10:13:00] What is date that you can read?

15 A. [10:13:02] I read 27/8/2012.

16 Q. [10:13:08] Could I please ask you now to turn to * page 0056-0369.

17 THE INTERPRETER: [10:13:50] The interpreter would like to indicate that she does
18 not have these documents.

19 MS SARDACHTI: [10:13:55](Interpretation)

20 Q. [10:13:57] What is the date that you read?

21 A. [10:13:58] What you've just read out to me, well, 0064-0369, I only have a view of
22 the pouch that contained the item under study.

23 Q. [10:14:09] And what can you read on that pouch?

24 A. [10:14:11] I have a reference, I have a date, 08/03/2018, and I have some *writings
25 in the English language.

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1 Q. [10:14:27] Thank you, Madam Witness.

2 Now please turn to *page 0064-0373.

3 THE COURT OFFICER: [10:14:49](Interpretation) Could you please provide us with
4 the first part of the ERN. And I suppose that the last one is the seven document,
5 0373; is that correct?

6 MS SARDACHTI: [10:15:01](Interpretation) Yes.

7 THE WITNESS: [10:15:07](Interpretation) Could you please remind me of the
8 reference that you've just given us.

9 MS SARDACHTI:

10 Q. [10:15:10] 0064-0373.

11 A. [10:15:26] I'm there.

12 Q. [10:15:28] And could you please tell us which date you read?

13 A. [10:15:31] 27/8/2012.

14 Q. [10:15:33] Could I please ask you to go to page MLI-OTP-0064-0372. Could you
15 please tell us what you can read.

16 A. [10:15:57] I read a reference, a date, a name, a first and last name and something
17 written in English, and, once again, a reference.

18 Q. [10:16:10] So the date?

19 A. [10:16:12] I read 08/03/2018.

20 Q. [10:16:19] Thank you very much, Madam Witness. Please go back to 0064-0260.

21 Under the screenshots, MLI-OTP-0056-0428 and under the other screenshot,

22 MLI-OTP-0056-0430, the date, what date do you read there, please?

23 A. [10:16:54] I wrote 6/8/2012 for both of those images.

24 Q. [10:17:01] Could I please ask you to go to page MLI-OTP-0064-0376. What is
25 the date that you can read there, please?

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1 A. [10:17:33] I read 6/8/2012.

2 Q. [10:17:39] And were I to ask you to go to page MLI-OTP-0064-0378, could you
3 please read the date that figures there?

4 A. [10:17:57] I read 08/03/2018.

5 Q. [10:18:04] Were I to ask you to go to MLI-OTP-0064-08 -- 0380, 0380.

6 A. [10:18:23] I'm there.

7 Q. [10:18:23] Could you please read the date to us, please.

8 A. [10:18:26] I read 6/8/2012.

9 Q. [10:18:30] Were I to ask you to go to the page MLI-OTP-0064-0375.

10 A. [10:18:49] I'm there.

11 Q. [10:18:50] Could you please tell us the date that you read there?

12 A. [10:18:52] 08/03/2018.

13 Q. [10:18:58] Lastly, I'm going to ask you, once again, to go back to
14 MLI-OTP-0064-0260, 0064-0260, and under the screenshot MLI-OTP-0057-0002, could
15 you please read us the date.

16 A. [10:19:27] 8/2/2012.

17 Q. [10:19:30] Were I to ask you to go to page, please, MLI-OTP-0064-0382.

18 A. [10:19:49] I'm there.

19 Q. [10:19:52] Could you please read the date out to us that you read there.

20 A. [10:19:55] I read 08 and then something that is illegible, 2018.

21 Q. [10:20:04] Thank you very much, Madam Witness. Now I have two further
22 questions with regard to the comparison dates to put to you, 0064-0299. With regard
23 to the sentence: The original comparison signatures were written between February
24 and October 2012.

25 Now in the light of what we've just looked at together, how do we interpret that

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1 sentence?

2 A. [10:20:44] Well, I was of the mind that the dates that were appended to these
3 documents were the dates at which the signatures had been written. But it turned
4 out that the signatures were actually written in the year 2018.

5 Q. [10:21:00] Thank you very much, Madam Witness. And lastly, at page
6 0064-0300, I read the following sentence:

7 It would have been necessary to be able to verify whether these variations were also
8 present on a greater number of comparison signatures produced in a similar period in
9 (the year 2012) to the litigious signatures or the more contemporaneous signatures.

10 How should one understand that sentence?

11 A. [10:21:36] I believe that in this case because we had items under study from the
12 year 2012, that it was very important to have elements of comparison dating back to
13 that same year.

14 Q. [10:21:52] But did that have any effect on your analysis and conclusions?

15 *A. [10:21:57] It does not change anything with regard to my conclusions.

16 Q. [10:22:01] Can you explain why?

17 A. [10:22:02] Because we had elements dating back to 2017, 2018, and so the
18 elements of 2012 that I considered to be from 2012, we saw that in terms of gestures or
19 we found the same characteristics in the signatures of 2017 and 2018. We would
20 have had to have more of those signatures, quite simply.

21 Q. [10:22:30] Thank you very much, Madam Witness. Now, let us come to your
22 work, your comparison work of the signatures between the items under study and
23 the comparison items.

24 With regard to the methodology that was used, could I ask you to please go to page
25 MLI-OTP-0064-0233 of your report. Under section 3.2, *modus operandi* for the

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1 examination of a signature. Could you please explain to us what the methodology
2 was that was adopted?

3 A. [10:23:30] In my report, I wrote a summary of our methodology. We would
4 look at the various graphic parameters which go from general to the particular. We
5 examine, for example, the overview of a signature and then we go into more detail as
6 to the lines used, the way it was written, and this is done using a number of graphic
7 parameters.

8 Q. [10:23:58] And what are these graphic parameters that you used?

9 A. [10:24:02] For my expert report, I used the entirety of the graphic parameters,
10 some of them were more or less important. For example, the positioning of the
11 signature on a piece of paper, but in the main, I observed the dimensions, the
12 proportions, the liaison, the pressure exerted when writing and the gestures when
13 writing.

14 Q. [10:24:31] Thank you, Madam Witness. The paragraph 3, under this section,
15 you write:

16 Despite the fact that the comparative method consists in establishing similarities, the
17 priority is really establishing differences.

18 Can you explain that to us.

19 *A. [10:24:50] A significant difference would be a variation. So the variations exist
20 when they are deemed to be either natural or they can be more specific in the sense
21 that they are different from what has been observed in the case of some signatures.
22 So they can then be deemed to be differences.

23 Q. [10:25:15] Thank you. Let's go now to part 4.2.3, which is entitled, Using the
24 results. Could you please go to page 00 -- MLI-OTP-0064-0299.

25 A. [10:25:47] I'm there.

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1 Q. [10:25:48] You say in the third paragraph from the bottom: On the basis of
2 their analysis, it was established that a number of signatures were graphically
3 compatible and for others the probative points were insufficient.

4 Please explain.

5 A. [10:26:11] Well, when examining the signatures under study with the signatures
6 of the person of interest, I could see that there were a number of graphical
7 compatibilities. For others, either the gestures were not specific enough or the
8 quality was not sufficient. As I said at the outset of my report, some of the
9 signatures had been preserved because of the interest of their physiognomy, but
10 because they were of a lesser quality, an in-depth study could not be conducted. So
11 this meant that these elements would enable us to analyse the signature in its entirety.

12 Q. [10:27:01] Thank you, Madam Witness. So this brings us to the three parts in
13 your conclusions. Could I please direct you to page 0064-0302. Could you please
14 explain to us your conclusions.

15 A. [10:27:27] Well, I distinguished three parts in the observations that had been
16 made throughout the report. In the first paragraph were dismissed the 46 signatures
17 that were of mediocre quality, meaning to say, that they were hazy or the lines were
18 not so specific. That's the first paragraph.

19 In the second paragraph, I considered that in terms of the graphic compatibility
20 points, generally speaking, when we observe the signatures under study and the
21 signatures - the authentic signatures of the person of interest - those signatures could
22 have been written by the person of interest.

23 And thirdly, in the third paragraph, the signatures are provided for which I was not
24 able to establish a link between the signature and the person of interest.

25 Q. [10:28:32] Madam Witness, now with reference to the first paragraph, you said

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1 there were 36 or -- 46 or 36 signatures we're talking about?

2 A. [10:28:43] Sorry, 36 signatures were put to one side and 46 were retained.

3 Q. [10:28:49] Thank you. A last point now, with regard to chain of custody of the
4 documents that were handed to you for you to conduct your expert examination of
5 them. You were given two sealed bags, were you not, and two CD-ROMs?

6 A. [10:29:17] Yes.

7 Q. [10:29:20] Could you please go to tab 4, and the ERN is MLI-OTP-0055-1915.
8 Could I please ask you to turn over the page at page 0055-1916. At the top
9 right-hand side of the page, is that your signature?

10 A. [10:30:16] Yes, these are indeed my initials.

11 Q. [10:30:23] I ask you to go to tab number 5. The ERN number is
12 MLI-OTP-0055-1917. And the back of it, the back page, 0055-1916. Is this your
13 signature again?

14 A. [10:30:59] At the top, yes.

15 Q. [10:31:05] And you have taken a photo of the two sealed bags as well as the
16 DVDs that were provided to you?

17 A. [10:31:17] Yes, prior to opening them.

18 Q. [10:31:19] And after opening them, you took a photo of the content of the sealed
19 bags and DVDs, did you not?

20 A. [10:31:28] Yes.

21 Q. [10:31:30] They are in tome 2 of the report, are they not?

22 A. [10:31:33] Yes, it's photographic evidence.

23 Q. [10:31:40] Which is in tab 8. The ERN number is MLI-OTP-0064-0332, it is not?

24 A. [10:31:59] Yes.

25 Q. [10:32:02] Who wrote tome 2?

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1 Yes, Witness, it's important that you do not give identifying information. If you
2 could just use general terms. If it's you or your colleague without giving a name.

3 A. [10:32:22] The work was done in a collaborative way and the annex was written
4 by my colleague.

5 Q. [10:32:42] Thank you, Madam Witness. Now, during the preparatory session,
6 you indicated that on page 0064-0341 of volume 2, there was a photograph of an
7 exhibit that was missing.

8 A. [10:33:07] Yes.

9 Q. [10:33:08] For the information of the Chamber, I'm going to give the ERN
10 number of the log. The number of the register -- of the preparation session is
11 MLI-OTP-0078-9632. And this is paragraph 2 for information of the Chamber. And
12 for the case record, I clarify that the Chamber authorised via email yesterday that the
13 new page be included in the list of evidence and in the list of documents.

14 Madam Witness, I would ask you to go to page 0064 of volume 2. 0064-0341.
15 Is this it?

16 A. [10:34:51] Yes.

17 Q. [10:34:51] Now I'm going to ask you to go to tab number 11. The number is
18 MLI-OTP-066-0209.

19 A. [10:35:28] I don't have a reference here.

20 Q. [10:35:34] At the bottom on the right?

21 A. [10:35:36] Oh, yes, now I've got it.

22 Q. [10:35:39] This photograph, this item, is it the photograph?

23 A. [10:35:44] It is the missing photograph on the -- photograph missing from the
24 page you previously mentioned.

25 MS SARDACHTI: [10:35:54] (Interpretation) Your Honour, your Honours, we

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1 therefore ask that this page be substituted for the page MLI-OTP-0064-0341 of
2 volume 2.

3 Q. [10:36:12] Madam Witness, in order to limit your work -- in order to stretch the
4 limits of your work and that of your colleague, MLI-OTP-0064-0239, from
5 MLI-OTP-0064-239 to 0064-0244 and page 0064-0301 --

6 A. [10:37:05] Yes.

7 Q. [10:37:05] -- this is the work and the conclusion of your colleague, is it not?

8 A. [10:37:09] Yes.

9 MS SARDACHTI: [10:37:20](Interpretation) Your Honour, your Honours, before
10 asking witness to confirm the correctness of the parts written in the report, I have a
11 few clerical errors which have been mentioned during the preparatory session that
12 need addressing.

13 I can give the number, but if you would prefer, I can read them and ask the witness to
14 confirm them.

15 PRESIDING JUDGE MINDUA: [10:37:48](Interpretation) Ms Taylor, we're going to
16 adopt the list, if you would be so kind.

17 MS SARDACHTI: [10:37:57](Interpretation) There are three small points, three
18 bullet points.

19 (In English) First three bullet points.

20 PRESIDING JUDGE MINDUA: [10:38:03](Interpretation) Please go ahead, Madam
21 Prosecutor.

22 MS SARDACHTI: [10:38:06](Interpretation) Could the court officer please give these
23 notes to Madam Witness. The ERN is * MLI-OTP-0078-9664.

24 THE COURT OFFICER: [10:38:29](Overlapping speakers) For your information, the
25 bullet points were distributed to the parties and participants and Chambers at the

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1 beginning of the session. So it should be in your Honours' possession. Thank you.

2 MS SARDACHTI: [10:38:49](Interpretation) Thank you.

3 Q. [10:38:51] So, Madam Witness, do you have the correction in front of you?

4 A. [10:38:54] Yes.

5 Q. [10:38:55] Could you take your time to read the three first points, the three first
6 bullet points and tell us if it's correct.

7 A. [10:39:09] On page MLI-OTP-0075-0245, volume 1, in point 4.2.1, it should
8 read -- this is in tome 1 or volume 1, page 70 -- 62 to 64, page MLI-OTP-0064-0264,
9 volume 1, the last paragraph of point A, the last sentence should be:

10 For an overview of the signatures in question and for comparative purposes, you
11 must refer to the table on page 73, at 83, and page 86 to 89.

12 For the third point, page MLI-OTP-0064-0270, volume 1, and the first point of the
13 sentence should read:

14 On the signatures -- original signatures in question, their size is between 0.7
15 centimetres for -- at a minimum and 2 centimetres at a maximum (average 1.4
16 centimetres).

17 Q. [10:41:03] Thank you for slowing down.

18 A. [10:41:11] The first part of point 3, the sentence should read:

19 On the signatures -- on the original signatures in question, their size is between 1.2
20 centimetres as a minimum and 4.6 centimetres as a maximum (average 2.3
21 centimetres).

22 And in the second point of point 3, the second sentence should read as follows:

23 The size of these lines is between 1 centimetre for the minimum and 2.7 centimetres
24 for the maximum (average 2.15 centimetres).

25 Q. [10:42:20] Thank you, Madam Witness. So you confirm that these corrections

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1 are correct?

2 A. [10:42:24] Yes.

3 Q. [10:42:32] So, with these corrections, you can state the correctness of the parts
4 that you drafted in *MLI-OTP-0064-0175, or the accuracy thereof.

5 Now this is page 0064-0175, so to 0064-238, from page 0064-0245 to page 0064-0300.

6 Would you object to that being tendered into evidence, as well as * the mission letters
7 MLI-OTP-0065-0181 and MLI-OTP-0065-0183?

8 Your Honour, your Honours, at -- there are other documents which concern the chain
9 of custody and they are part of our application under the Rules of Procedure and
10 Evidence, Rule 68(3). These are the contact notes. This is in tab 3. And the
11 number is MLI-OTP-0064-008.

12 Now, we also have evidence transmissions forms, tab 6, MLI-OTP-0064-0010
13 to 0064-0035 and evidence transmission forms for the return of exhibits at tab 9,
14 MLI-OTP-0070-1492 to 0070-1518. And we also attach the electronic version of the
15 expert report, which is at tab 10, ERN number MLI-OTP-0064-0174.

16 Thank you, Madam Witness. For us, we have no further questions to put to you.

17 PRESIDING JUDGE MINDUA: [10:45:20](Interpretation) Thank you very much,
18 Madam Prosecutor.

19 This witness comes under Rule 68(3) of the Rules of Procedure and Evidence. The
20 Chamber notes that the conditions which are required in Rule 68(3) of the Rules have
21 been met.

22 Now I'm going to turn to the Legal Representatives of Victims.

23 Maître Kassongo, I have taken good note of your submissions of 5 October 2020,

24 document 108012. Now you mentioned, in principle, that you didn't want to

25 question this witness, but subsequent to the examination-in-chief by the Prosecutor,

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1 you can change your mind, so please tell me and where are we at the moment.

2 MR KASSONGO: [10:46:31](Interpretation) Thank you, your Honour, your Honours.

3 Having heard the examination-in-chief of the Prosecutor and following the
4 observations which were so clear from the Madam Witness, the Legal Representatives
5 do not wish to ask questions of Madam Witness.

6 PRESIDING JUDGE MINDUA: [10:47:01](Interpretation) Thank you very much,
7 Maître Kassongo.

8 It is 12 to 11, approximately. I don't know if Ms Taylor is ready to go to the
9 cross-examination.

10 Ms Taylor?

11 MS TAYLOR: [10:47:22] Thank you, Mr President. I can start now, but I was going
12 to start in private session to deal with a few issues, so it might make sense to have a
13 continuous session of these questions after the break. But I can otherwise start now.
14 (Trial Chamber confers)

15 PRESIDING JUDGE MINDUA: [10:47:55](Interpretation) Ms Taylor, the Chamber
16 prefers, to save time, to continue.

17 I see the Prosecutor is standing up.

18 Mr Dutertre.

19 MR DUTERTRE: [10:48:03](Interpretation) Good morning, your Honour, your
20 Honours. I would like to apply paragraph 61 of annex concerning the directions on
21 the conduct of proceedings where it concerns any objections prior to the start of the
22 cross-examination, and there are two developments I would like to note. The first
23 concerns item 6 provided by the Defence in its table 004-1313. And we know
24 nothing about that. The author is not mentioned on the document and we don't
25 know where it comes from, so we can't assess its reliability and we can't assess the

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1 reliability of the information in it. And we think that it's not going to help the
2 Chamber, and for that reason we object thereto.

3 The second point we wish to raise, your Honour, is that we categorically object to the
4 use of items 9 and 10 on the Defence's list, and they are * D-28-0044-1326, and its
5 translation, D-28-0004-1326.

6 What is it, your Honour? It, in reality, is an internal document prepared by the
7 Defence.

8 PRESIDING JUDGE MINDUA: [10:50:02](Interpretation) Ms Taylor.

9 MS TAYLOR: [10:50:04] Thank you, Mr President. I'm aware we're in the presence
10 of the witness, so I would expect that it would be better to discuss these issues outside
11 of the presence of the witness, given that the Prosecutor appears to be going into the
12 content of a document.

13 MR DUTERTRE: [10:50:20](Interpretation) I'm not going to mention the content.

14 PRESIDING JUDGE MINDUA: [10:50:27](Interpretation) Mr Prosecutor, we mustn't
15 go into the content of the document because the witness is present. So if you want to
16 speak about the document I'm going to ask that the witness leave.

17 But in order to save time, we're coming up to the break now.

18 Madam Witness, I would like to ask you a last question, a general question with
19 regards to your expertise: A writer, a scripter, it's written in a certain way, and when
20 there's a transaction, this writer or the person of interest can change their signature to
21 not be recognised afterwards. In your expertise, from the two different signatures,
22 would you be able to tell if it's the same person of interest or the same writer?

23 THE WITNESS: [10:51:25](Interpretation) I would say it depends on the gesture of
24 the signature. It's difficult to establish a link between a signature and a disguised
25 signature, but there could be in some cases certain gestures which are common to

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1 both. But you would have to analyse them to be able to affirm that observation.

2 PRESIDING JUDGE MINDUA: [10:51:55](Interpretation) Thank you. I've

3 understood that well.

4 Now I'm going to ask the court officer to take the witness out of the courtroom

5 because we're going to discuss the Prosecutor's objections prior to the break.

6 Madam court officer, if you would be so kind.

7 (The witness exits the courtroom)

8 PRESIDING JUDGE MINDUA: [10:52:42](Interpretation) Court officer, can we

9 continue?

10 THE COURT OFFICER: [10:52:47](Interpretation) Indeed, the witness is outside the

11 courtroom.

12 PRESIDING JUDGE MINDUA: [10:52:49](Interpretation) Thank you very much.

13 So we're coming back to the objections of the Prosecutor. The Prosecutor has raised

14 two objections, Ms Taylor. The first, it's item 6, for the Prosecutor they don't know

15 who the author is, the Prosecution doesn't understand where this item comes from.

16 And for the second item, it's number 9 and number 10.

17 So I see that the Prosecutor is still up. Did you want to add anything, Prosecutor?

18 MR DUTERTRE: [10:53:21](Interpretation) Yes, I had a few additional elements of

19 information that I wanted to give. As the witness has left I can be even more precise.

20 So documents 9 and 10, these are internal documents written by the Defence and they

21 contain observations and different comments on the part of the Defence on the items

22 examined by the witness. And concretely, it's a table with, on the left, the ERN and,

23 opposite it, different comments, sort of the type: While the signature is not present it

24 should be treated with prudence, on page 2. All that, these are * internal

25 commentaries -- it should be treated with caution, all these internal comments, and it

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1 shouldn't be dealt with in this way. The Defence has to ask questions in its
2 cross-examination, but it can't submit this document to the witness, already with
3 Defence comments on it, supposedly to be tendered into evidence later. And the
4 witness is not there to make observations about the Defence's comments, but to
5 answer precise questions. And all that is going into an argumentative proceedings
6 which goes against a cross-examination which should be based on questions being
7 put to the witness, otherwise such an internal document shouldn't be submitted to the
8 witness and the Defence should use questions to elicit answers on issues which are of
9 importance to the Defence, but not in this way.

10 PRESIDING JUDGE MINDUA: [10:55:31](Interpretation) Thank you, Prosecutor, for
11 your comments.

12 Ms Taylor.

13 MS TAYLOR: [10:55:37] Yes, we have two very simple responses to these objections,
14 one of which is very long and premature. Firstly, if we go to tab 6, this is an open
15 source document with the internet link on it. If the Prosecutor wanted to know more
16 information about this, all they had to do was click on the link. We will establish a
17 foundation for showing this to the witness through the witness's testimony. It is, in
18 fact, a link to the service where the witness works, so not unknown to the witness.
19 For tab 9 and 10, it is our intention to lay a foundation for showing this to the witness
20 through earlier questions. It is, in fact, a table summarising or actually extracting
21 findings from her report. It is the intention of the Defence to show this at the end of
22 the witness's testimony, depending on the answers that are elicited during the
23 witness's testimony. Now, of course, we won't use it unless we have a foundation,
24 but the table simply sets out what's already in the report.

25 Now if we were to go through -- I'm sorry, if we were to go through each page of the

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1 report, that will be reflected in the table, and I intend to do so during my
2 cross-examination. And at the very end I intend to go through this table, to ask the
3 witness to confirm whether it reflects the findings in her report. She will be free to
4 say yes or no.

5 PRESIDING JUDGE MINDUA: [10:57:25](Interpretation) Very well.

6 Prosecutor, I don't want to continue this ping-pong. What would you like to add?

7 MR DUTERTRE: [10:57:40](Interpretation) Yes, I'd just like to say, despite
8 everything, it does contain Defence comments. It's not just a summary or extracts
9 from the report, there are comments made by the Defence inside it, and you can't
10 submit such a document to the witness. The Defence has to elicit answers to
11 questions. It can't give a document with these comments to it.

12 PRESIDING JUDGE MINDUA: [10:58:04](Interpretation) Very well. The Chamber
13 is informed thereof. We are going to break and we will return to issue a decision on
14 your two objections.

15 Court hearing is suspended.

16 THE COURT USHER: [10:58:21] All rise.

17 (Recess taken at 10.58 a.m.)

18 (Upon resuming in open session at 11.32 a.m.)

19 THE COURT USHER: [11:32:23] All rise.

20 Please be seated.

21 PRESIDING JUDGE MINDUA: [11:32:47](Interpretation) Court is in session once
22 again.

23 The Chamber will rule on the objections raised by the Prosecution with regard to the
24 use of two Defence documents.

25 With regard to document MLI-D28-0004-1313, the Chamber authorises the Defence to

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1 make use of this document, with any prejudice as to the probative value to be
2 ascribed to it in the time to come.

3 Now, with regard to document MLI-D28-0004-1326, that is to say, the translation
4 MLI-D28-004-1328, the Chamber is of the mind that it cannot be presented to the
5 witness because it contains comments on the part of the Defence.

6 There we have it.

7 So let us now move on to the cross-examination on the part of the Defence with
8 Ms Taylor.

9 Ms Taylor, please.

10 MS TAYLOR: [11:34:46] Thank you, Mr President. May we start in private session?

11 PRESIDING JUDGE MINDUA: [11:34:56](Interpretation) Madam courtroom officer,
12 could we please move into private session.

13 (Private session at 11.35 a.m.)

14 THE COURT OFFICER: [11:35:06] We are in private session, Mr President.

15 QUESTIONED BY MS TAYLOR:

16 Q. [11:35:11] Madam Witness, just to introduce myself as well, my name is
17 Melinda Taylor and I'll be putting questions to you on behalf of the Defence today.
18 And we are now in private session so the audience cannot hear what we are
19 discussing.

20 Now, Ms Witness, it's correct that you work for [REDACTED]

21 [REDACTED]?

22 A. [11:35:37] Yes, indeed.

23 Q. [11:35:39] And you would comply with the standards for quality adopted by [REDACTED]

24 [REDACTED]?

25 A. [11:35:51] Yes, indeed.

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1 Q. [11:35:53] Now, [REDACTED]?

2 A. [11:36:05] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED]

4 Q. [11:36:27] Do you have a binder of documents next to you, a Defence binder?

5 A. [11:36:54] Yes, indeed.

6 Q. [11:36:56] Can you go to tab 6 of the binder, that's MLI-D28-0004-1313.

7 THE COURT OFFICER: [11:37:07] Just a quick reminder to switch off the
8 microphone when the witness is speaking, please. Thank you very much.

9 MS TAYLOR: [11:37:23]

10 Q. [11:37:24] Do you have this document in front of you, Ms Witness?

11 A. [11:37:29] Yes.

12 Q. [11:37:32] Now, this is a website which describes [REDACTED]. Are you
13 familiar with it?

14 A. [11:37:50] Not at all.

15 Q. [11:37:52] Now, this website, in describing the work of [REDACTED]
16 [REDACTED] notes that writing comparison is a sensitive in which many judicial errors
17 have been committed.

18 It further notes the level of training and quality harmonisation available for [REDACTED]

19 [REDACTED], referring in particular to [REDACTED]

20 Ms Witness, are you familiar with the guidelines adopted by the ENFSI?

21 A. [11:38:40] It is something that we are aware of, but just generally, in general.

22 PRESIDING JUDGE MINDUA: [11:38:51](Interpretation) Mr Prosecutor, please.

23 MR DUTERTRE: [11:38:52](Microphone not activated)

24 PRESIDING JUDGE MINDUA: [11:38:55](Interpretation) Microphone.

25 MR DUTERTRE: [11:38:56](Interpretation) I'm not objecting to these questions, but I

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1 just received the information, it is not -- this website is a forum, according to the

2 information I've just received, a forum of people who are talking about [REDACTED]

3 [REDACTED] It is not actually associated with [REDACTED] that the witness

4 hails from.

5 PRESIDING JUDGE MINDUA: [11:39:20](Interpretation) Thank you very much.

6 But the witness has just said that she is not aware of this site.

7 Ms Taylor, please.

8 MS TAYLOR: [11:39:28] And just for the record, we didn't say that it was issued by

9 [REDACTED], we said it described the work of [REDACTED]

10 Q. [11:39:36] Now, Ms Witness, isn't it correct that according to your CV, your

11 curriculum vitae, you attended conferences of the ENFSI?

12 A. [11:39:51] Yes.

13 Q. [11:39:54] And would you agree that, as an expert in this field, it's advisable to

14 know the best practices adopted by the ENFSI?

15 A. [11:40:13] We know the practices of the ENFSI. Not all the [REDACTED] utilise

16 them. They use their own methods. At the time as we speak, there are some things

17 that are being used from the ENFSI that we work on together, but each [REDACTED] use

18 their own methodology following recommendations, general recommendations from

19 the ENFSI.

20 PRESIDING JUDGE MINDUA: [11:40:45](Interpretation) Ms Taylor, we're still in

21 private session, are we not? Would you like to continue?

22 MS TAYLOR: [11:40:52] Yes.

23 PRESIDING JUDGE MINDUA: [11:40:52](Interpretation) Please go ahead.

24 MS TAYLOR: [11:40:54]

25 Q. [11:40:55] Ms Witness, do you recall being [REDACTED] by [REDACTED] in [REDACTED]

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1 in relation to your field of expertise?

2 A. [11:41:12] I am not aware of any [REDACTED] [REDACTED] that was requested of
3 me.

4 MS TAYLOR: [11:41:20] Can I play an audio, [REDACTED], at the minute
5 mark of 3:32.

6 THE COURT OFFICER: [11:41:44] The floor is now given to the Defence team and
7 you can play your audio now. For the record, it's on evidence channel 2.

8 (Playing of the audio excerpt)

9 MS TAYLOR: [11:43:11]

10 Q. [11:43:13] Madam Witness, was that [REDACTED]?

11 A. [11:43:17] Yes, indeed. I could not remember that video -- that [REDACTED]
12 anymore, but that was [REDACTED].

13 Q. [11:43:26] Could you turn to tab 1 of your binder, that's [REDACTED] at
14 1169. And can you --

15 A. [11:44:03] I am there.

16 Q. [11:44:04] -- read the last two paragraphs, starting with [REDACTED]
17 and then ending with "[REDACTED]".

18 A. [11:44:22] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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[REDACTED]

" [REDACTED] [REDACTED]

[REDACTED]

11 Q. [11:46:44] Madam Witness, does that last paragraph -- do you agree with the
12 views expressed in that paragraph?

13 A. [11:47:00] In part, yes. Working on a photocopy reduces the possibility of
14 analysis of a signature. However, there are graphic points that can be observed
15 between a signature that is photocopied or an image with authentic signatures.

16 Q. [11:47:23] But you would agree, Madam Witness, that it does limit the scope of
17 your analysis?

18 A. [11:47:31] Yes, of course. This is not put to one side. When we produce an
19 expert report in this context, for this expert report that I was requested, * these
20 limiting points were spelt out.

21 Q. [11:47:49] Now Madam Witness, could you have a look at the binder of
22 Prosecution exhibits, in particular tab 7, MLI-OTP-0064-0175 and if you could turn to
23 page 0316.

24 A. [11:48:39] If I have understood you correctly, this is the mission letter?

25 Q. [11:48:47] Yes, exactly. And if you could now turn to page 0312.

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1 A. [11:49:11] This is [REDACTED]?

2 Q. [11:49:19] Yes, and you included this in your report. That's correct?

3 A. [11:49:26] Yes, indeed.

4 Q. [11:49:28] And it's correct that this letter mentions the expertise being used for
5 the Al Hassan case?

6 A. [11:49:48] Yes.

7 Q. [11:49:49] And if we could turn to page 0313, if you could look at paragraph 3.
8 This sets out the crimes the Prosecution was investigating.

9 A. [11:50:10] I am there.

10 Q. [11:50:12] And if we could turn to page 0314, if we could look at paragraph 4.
11 The letter states that the court had issued an arrest warrant against Mr Al Hassan for
12 crimes against humanity and war crimes and that the confirmation hearing was
13 scheduled for September.

14 A. [11:50:58] Yes, I can see it. Are you mentioning paragraph 4, is that what
15 you're saying?

16 Q. [11:51:04] Yes. And then if we could turn to paragraph 5, the letter states that
17 the documents being examined have a link to the activities of armed groups in
18 Timbuktu and that the authentication of the documents was necessary for the
19 utilisation as evidence in this case. And that's paragraph 6.

20 A. [11:51:44] Yes, I can read that.

21 Q. [11:51:48] So, Ms Witness, you included this letter in your report, and this letter
22 states clearly that authentication of the documents would allow the Prosecution to use
23 the documents as evidence in a case concerning war crimes and crimes against
24 humanity; that's correct?

25 A. [11:52:17] Yes. This is a general wording that's being used here.

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1 Q. [11:52:24] Now, the instruction letter that you looked at before was dated
2 28 June and you submitted the report on 24 September, two months later; that's
3 correct?

4 A. [11:52:42] Yes.

5 Q. [11:52:44] Do you recall how long you took to review and analyse the
6 signatures?

7 A. [11:52:58] I need -- needed approximately one month to analyse these signatures
8 in view of the time frame that was granted me.

9 Q. [11:53:10] And were you working full time on this report during that month?

10 A. [11:53:19] Yes, indeed.

11 Q. [11:53:21] And did you work alone or did someone assist you?

12 A. [11:53:29] I worked alone.

13 Q. [11:53:32] And in your opinion, would that amount of time be necessary for one
14 person to review these signatures properly?

15 A. [11:53:49] I would say yes.

16 Q. [11:53:52] Was your section peer reviewed before you submitted it to the
17 Prosecution?

18 A. [11:54:15] In our quality control system, yes, indeed, there is a rereading done
19 by our peers.

20 Q. [11:54:24] Who read the report and reviewed it?

21 A. [11:54:34] People who are authorised to compare writing.

22 Q. [11:54:40] Can you provide their names?

23 A. [11:54:45] No, I cannot.

24 Q. [11:54:52] Now, Ms Witness, it's correct that signature analysis basically comes
25 down to comparing known reference signatures with questioned signatures; that's

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1 correct?

2 A. [11:55:10] In this case, yes.

3 Q. [11:55:13] Now, if I could refer you to tab 8 of the Defence bundle, it's

4 MLI-D28-0004-1320 at 1325 and it's an extract from *Scientific Examination of Documents*.

5 And I'll read it out so that you get the interpretation.

6 The authors write:

7 "There are two essential requirements before any material is of use as a standard or

8 specimen of known writing. One is that the writing must be adequate in quality and

9 quantity for the examination to be carried out, and the other is that it can be proved to

10 be by the person to whom it is attributed."

11 Would you agree with this assessment as to the two essential requirements?

12 A. [11:56:28] Yes, indeed. Absolutely.

13 Q. [11:56:33] And known signatures are those which are known to come from the

14 person of interest?

15 A. [11:56:49] Yes, that is paramount.

16 PRESIDING JUDGE MINDUA: [11:56:55](Interpretation) Ms Taylor, the principle of

17 these hearings is publicity and I'm very worried when I see that we're going on in

18 private session.

19 Why do we need to continue in private session?

20 MS TAYLOR: [11:57:13] (Overlapping speakers) We can go to open session.

21 PRESIDING JUDGE MINDUA: [11:57:17](Interpretation) There we are. Thank you

22 very much.

23 Madam courtroom officer, open session, please.

24 (Open session at 11.57 a.m.)

25 THE COURT OFFICER: [11:57:32](Interpretation) We are in open session,

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1 Mr President.

2 PRESIDING JUDGE MINDUA: [11:57:37](Interpretation) Thank you very much.

3 Ms Taylor, please continue.

4 MS TAYLOR: [11:57:42]

5 Q. [11:57:43] So if known signatures are those which are known to come from the
6 person of interest, you would agree, wouldn't you, that if you're told that the
7 reference samples come from person A and that assumption is later invalidated, that
8 would undermine the reliability of the expert report.

9 A. [11:58:16] When we have comparison elements, it is not up to the expert to
10 authenticate the comparison items. It is, in fact, the person providing these
11 signatures to consider that they are, these documents are authentic. So the expert
12 receives those documents as such, in that state.

13 Q. [11:58:41] Yes, Ms Witness. But a known reference signature has to be known
14 to come from the person, so if it later turns out that knowns become unknowns, that
15 would have undermined the ability to conduct the comparison; that's correct?

16 PRESIDING JUDGE MINDUA: [11:59:06](Interpretation) Mr Prosecutor, please.

17 MR DUTERTRE: [11:59:09](Interpretation) Thank you very much. Asked and
18 answered. So I am raising an objection.

19 PRESIDING JUDGE MINDUA: [11:59:17](Interpretation) I didn't really understand
20 you properly, Mr Prosecutor. What do you mean?

21 MR DUTERTRE: [11:59:22](Interpretation) What I mean, Mr President, is that the
22 question has already been put once, the answer has been given by the witness, and
23 the Defence is labouring the issue until she might get the answer that she wants. But
24 it's already been put very clearly and answered very clearly, so we are objecting that
25 question being returned to.

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1 PRESIDING JUDGE MINDUA: [11:59:44](Interpretation) Ms Taylor, you've heard
2 the objection on the part of the Prosecution, so please be mindful and careful when
3 putting your question. I didn't really follow this very carefully, but anyway, please
4 go ahead.

5 MS TAYLOR: [11:59:59]

6 Q. [12:00:00] Ms Witness, if you base your report on the assumption that signatures
7 are known reference points and you discover or you were told by the instructing
8 party later that they are, in fact, unknown reference points --

9 MR DUTERTRE: [12:00:28](Interpretation) Your Honour, this is entirely speculative.
10 I withdraw my objection, but this is entirely speculative.

11 PRESIDING JUDGE MINDUA: [12:00:40](Interpretation) Ms Taylor, I agree, this is
12 speculation. Please put your question in a different form.

13 MS TAYLOR: [12:00:46] This is an expert witness and I'm putting questions
14 concerning methodology. Now we have already established that a known signature
15 has to be known to come from the person. That's a fundamental primordial element
16 for handwriting comparison. If it's later established that these known signature
17 samples are inauthentic or unknown that would affect the premise of your report.
18 That's correct?

19 A. [12:01:37] The signatures that were provided for the purposes of comparison
20 were authentic signatures. They were presented to us as being such and I
21 understood them to be such.

22 Q. [12:01:50] Would you have been able to do your report without those authentic
23 signatures?

24 A. [12:02:04] No. In that case, we would simply be analysing the items for -- put
25 to us for study alone.

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1 Perhaps I haven't understood your question correctly.

2 Q. [12:02:16] Now, if we could turn to page -- at 0317 of your report. That was
3 tab 7 of the Prosecution binder. This lists 68 questioned documents. And then at
4 page 0319 it lists the comparison documents and it states that they bear the signature
5 of the one and only person of interest.

6 So this is the assumption you relied upon for your report, that's correct?

7 A. [12:03:44] Yes, it's more than a hypothesis. It is a certainty that these
8 documents are from the person of interest.

9 Q. [12:03:56] Now, if I can go back to the quote I read to you earlier, and that was
10 that two of the fundamental elements for the reference samples are that, one, they
11 must be known to come from the person of interest and, two, the known reference
12 samples must be adequate in terms of quality and quantity to enable a comparison to
13 be undertaken.

14 Now, in terms of quality, it's generally better to compare like with like; that's correct?

15 A. [12:04:38] Yes, in general, yes.

16 Q. [12:04:41] Now, if I could refer you to tab 5 of the Defence bundle, it's
17 MLI-D28-0004-1226. And if you could turn to -- at 1243 to 1244 and I'll read it out so
18 that you get the interpretation:

19 "Perhaps the most important factor in assembling good exemplars is
20 contemporaneousness. Ideally, the exemplars should be written as close as possible
21 to the alleged date(s) of preparation of the questioned writing(s).

22 "... Best practices require contemporaneous exemplars for comparison purposes
23 because they tend to be far more representative of the subject's writing habits and
24 skill at the time the questioned item was purportedly written; as the time gap
25 between the exemplars and the questioned writing becomes greater, the exemplars

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1 have the tendency to be less representative and more unreliable. Hence, it should
2 come as no surprise that a principal source of error in disputed signature cases is
3 when the handwriting expert bases an opinion of forgery on exemplar signatures of a
4 remote date or on an inadequate amount of exemplar signatures."

5 Ms Witness --

6 A. [12:07:12] Yes, I've heard.

7 Q. [12:07:13] -- would you agree with this assessment?

8 A. [12:07:22] Yes, indeed. These are general rules. If we return to the case before
9 us today, we felt that the writing between 2017 and 2018, which was contemporary,
10 was compatible with some of the question signatures and had -- or presented
11 *probative graphic compatibility.

12 So depending on the situation, one needs signatures in a large number and which are
13 contemporaneous or were produced close in time to a document. In the case in hand,
14 we observed compatibility between some of the signatures for study and the -- and
15 certain signatures for comparison.

16 Q. [12:08:15] Now, Ms Witness, it's correct that in your report you noted that it
17 would have been preferable to have more signatures from 2012. And that was at
18 0259 of your report, that's MLI-OTP-0064-0175; that's correct?

19 A. [12:08:56] Indeed. Those are factors that need to be borne in mind when it
20 comes to a case. But I would remind you that in this case, the items from 2017 and
21 2018 provided a basis for comparison with the signatures, notably those of 2012.

22 Q. [12:09:17] If we can go to page 0299 of your report - and this was a report
23 written at a time when you believed that you had reference samples from 2012 - you
24 note that it would have been preferable to have more signatures written in 2012
25 and -- between 2012 and 2017 in order to verify precisely the points of variations in

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1 the signatures.

2 A. [12:09:58] Indeed, that is something which I indicated, but in light of the new
3 information provided to me, it is undeniable that aside from the date of 2012, which
4 was not taken into account as it should have, we did find compatible aspects between
5 the two sets of signatures.

6 Q. [12:10:21] Well, you found compatible aspects, you also found a range of
7 discrepancies and variations, and here at page 029, you're saying you needed more
8 signatures from 2012 and in the intervening period to identify the causes of these
9 variations; that's correct?

10 A. [12:10:47] Yes, that is correct. But one can leave to one side variations which
11 may be natural variations for some signatures. When it comes to the signatures for
12 study and to the signatures for comparison, yes, obviously it would -- ideally we
13 would have a more complete file. But the examples which we were provided with
14 did allow us to identify compatibility between certain signatures.

15 Q. [12:11:16] Now, Ms Witness, it's correct that you had no reference signatures, no
16 known signatures from 2012?

17 A. [12:11:29] That is correct.

18 Q. [12:11:30] So you went down from seven to zero. That's quite a difference, isn't
19 it?

20 A. [12:11:44] 2012 to 2018, yes, there is variation, but the differences are not that
21 great. However, we would have had to check the variability regarding -- with
22 respect to 2012 when it comes to the signature. However, we were able to observe
23 that there was also variability in the signatures from 2017 to 2018 and that those
24 variable aspects could be observed in certain signatures put to us for study.

25 Q. [12:12:20] Now, you testified earlier that a person's signature can change over

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1 time; that's correct?

2 A. [12:12:37] Absolutely. Indeed, it can become more destructured.

3 Q. [12:12:41] So the fact that someone's signature looks like something in 2017
4 doesn't mean that it looked the same in 2012?

5 A. [12:12:55] No. But in general one doesn't have considerable variation in one's
6 signature unless one has suffered a particular accident or illness or there's been a
7 particular set of circumstances. Beyond variation, in general there is a certain
8 consistency between signatures.

9 Q. [12:13:21] Now, the Prosecution didn't give you any information about Mr -- the
10 person in question's health or status in 2017 or 2018, did they?

11 A. [12:13:36] No, absolutely not.

12 Q. [12:13:38] So you had no information before you on elements that could have
13 impacted on the person's signature?

14 A. [12:13:51] From a physical or a psychological point of view, absolutely not.

15 Q. [12:14:00] And would you agree, Ms Witness, that if a person's arms or hands
16 have been bound continuously for a prolonged period, that could impact on their
17 signature?

18 MR DUTERTRE: [12:14:17](Interpretation) I object.

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

20 MR DUTERTRE: [12:14:21](Interpretation) I object to this question. This is not an
21 established fact and can only lead to an answer which will be speculative and cannot
22 assist the Chamber at this juncture.

23 PRESIDING JUDGE MINDUA: [12:14:33](Interpretation) Ms Taylor, how do you
24 respond to that objection?

25 MS TAYLOR: [12:14:36] I'm not putting this to the witness as an established fact.

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1 I'm putting it to the witness as a scenario to obtain her expert opinion.

2 PRESIDING JUDGE MINDUA: [12:14:52](Interpretation) Prosecutor, we have here
3 today an expert. Do you really think that if the question does not relate to the case in
4 general that it cannot be put to an expert?

5 MR DUTERTRE: [12:15:03](Interpretation) I believe that it is a speculative question
6 and it does -- and it is not relevant to the testimony being given today.

7 PRESIDING JUDGE MINDUA: [12:15:14](Interpretation) Well, I think you are
8 answering in the place of the witness.

9 MR DUTERTRE: [12:15:19](Interpretation) No, that's not the case. I'm responding
10 on behalf of the Prosecution to the question put by you.

11 PRESIDING JUDGE MINDUA: [12:15:32](Interpretation) Ms Taylor, you may put
12 the question.

13 Witness, the question is whether the signature can vary or not.

14 THE WITNESS: [12:15:41](Interpretation) Well, this is not something that I have
15 checked myself, so I'm afraid I cannot answer you.

16 PRESIDING JUDGE MINDUA: [12:15:48](Interpretation) Ms Taylor, there you have
17 your answer. Please proceed.

18 MS TAYLOR: [12:15:51]

19 Q. [12:15:51] Now, Ms Witness, you were told of the discrepancy in dates during
20 the preparation session. That's correct?

21 A. [12:16:09] Yes.

22 Q. [12:16:10] Now this session lasted 57 minutes and there were no breaks; that's
23 correct?

24 A. [12:16:17] Yes, that's right.

25 Q. [12:16:21] And you were asked to formulate a new opinion in the presence of the

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1 party calling you; that's correct?

2 A. [12:16:35] Yes, that is right.

3 Q. [12:16:38] Now, Ms Witness, if your discovery that none of the reference
4 materials came from 2012 didn't affect your conclusion, is that because you had
5 already concluded that it was difficult to reach a positive conclusion due to the
6 limited pool of reference materials?

7 A. [12:17:16] Well, the fact that we did not have comparative material dating from
8 2012 didn't influence -- or, rather, how should I put it? No, it did not change the
9 conclusions which I drew in the expert report that I submitted.

10 Q. [12:17:33] Just to be clear, Ms Witness, is this because this limitation was already
11 in your report? Or acknowledged in your report?

12 A. [12:17:47] That limitation was already stated.

13 Q. [12:17:53] Now, Ms Witness, it's correct, isn't it, that information such as line
14 quality, pressure, direction, and pen lifts are difficult to analyse in copy documents?

15 A. [12:18:22] I would say that that also depends on the quality of the copy or the
16 image. Indeed, the analysis cannot be as detailed as when dealing with an original,
17 but such phenomena can be observed.

18 Q. [12:18:41] Now, it's correct, isn't it, that when you're faced with a signature that
19 shows variations from known signatures and it's from a photocopied or
20 photographed document, you can't perform the full range of tests to ascertain
21 whether the questioned signature is a forgery?

22 A. [12:19:09] Absolutely. And that is why in my report, we could not -- or it could
23 not be established for certain signatures whether the person of interest was the author
24 of those signatures in light of the quality and the graphic information or the lack of
25 graphic information.

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1 Q. [12:19:35] Now, apart from the possibility that the signature could be forged, it's
2 also possible with photocopies that a genuine signature could be cut and paste into a
3 different test and scanned or printed?

4 A. [12:20:01] Well, that part does not fall within my expertise.

5 Q. [12:20:06] Now, if I could take you to tab 4, it's MLI-D28-0004-1177 and if you
6 could turn to page 1212, it states that when working with photocopies, experts should
7 explicitly note "the results of any examination may be limited due to the fact that copy
8 documents have been examined."

9 Do you agree with this?

10 A. [12:21:06] Absolutely. And also that indication was annotated in my report.

11 Q. [12:21:18] Ms Witness, did you author a report for the [REDACTED]

12 [REDACTED] case?

13 A. [12:21:35] Yes.

14 Q. [12:21:39] If we could turn to tab 11.

15 MS SARDACHTI: [12:21:47](Overlapping speakers)

16 PRESIDING JUDGE MINDUA: [12:21:49](Interpretation) Prosecutor.

17 MS SARDACHTI: [12:21:51](Interpretation) Could we go into private session
18 because we fear that some identifying aspects may emerge from this line of
19 questioning.

20 PRESIDING JUDGE MINDUA: [12:22:01](Interpretation) Yes, Prosecutor, I agree.

21 Court officer, private session, please.

22 (Private session at 12.22 p.m.)

23 THE COURT OFFICER: [12:22:11](Interpretation) We are now in private session,
24 your Honour.

25 PRESIDING JUDGE MINDUA: [12:22:18](Interpretation) Thank you very much.

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1 Ms Taylor.

2 MS TAYLOR: [12:22:20]

3 Q. [12:22:22] Now, for the record, it's [REDACTED]. This is a report
4 you authored; that's correct?

5 A. [12:22:41] Yes.

6 Q. [12:22:44] Now, if you could turn to page 1370. Ms Witness?

7 A. [12:23:12] Yes, sorry.

8 Q. [12:23:16] You note that the questioned signature was provided to you in a
9 non-original form and that constituted a limit to your analysis; that's correct?

10 A. [12:23:28] Yes, but I'm sorry, but I don't understand why I'm being put questions
11 on a prior case, a case different to the one for which I have been summoned today.

12 Q. [12:23:43] Ms Witness, I'm asking you questions to establish your methodology.

13 [REDACTED]

14 [REDACTED]

15 PRESIDING JUDGE MINDUA: [12:24:06](Interpretation) Prosecutor.

16 MR DUTERTRE: [12:24:07](Interpretation) Your Honour, just to comment, as we're
17 on the matter of methodology, the non-original documents provided by the
18 Prosecution, the Office of the Prosecutor, to the expert were photographs of
19 documents, whereas [REDACTED] were

20 PDFs, so something quite different. I just wanted to clarify that.

21 PRESIDING JUDGE MINDUA: [12:24:41](Interpretation) Ms Taylor, you've heard
22 what has been said. These were two different things.

23 MS TAYLOR: [12:24:47] I'll get to that, Mr President. And I don't think it's
24 appropriate for the Prosecution to testify. That point does not arise from my
25 question.

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1 PRESIDING JUDGE MINDUA: [12:25:04](Interpretation) Very good. Let's
2 proceed.

3 MS TAYLOR: [12:25:07]

4 Q. [12:25:13] Ms Witness, can you answer my question?

5 A. [12:25:25] Could you put the question to me again.

6 Q. [12:25:28] Are you at page 1370, Ms Witness?

7 A. [12:25:37] Yes.

8 Q. [12:25:38] And it's correct that you noted here that the questioned signature was
9 provided to you in a non-original form?

10 A. [12:25:50] Yes.

11 Q. [12:25:51] And that constituted a limit to your analysis?

12 A. [12:26:00] In the case in hand, this was a signature which was highly pixelised
13 because it had been digitised, so the context was different to the one in which I
14 worked in producing the expert report for this case.

15 Q. [12:26:18] But it's correct here that you emphasise the importance of working
16 with originals due to the fact that it was impossible to perform certain key tests with
17 non-originals?

18 A. [12:26:37] Yes, absolutely. That's part of the protocol for such examinations to
19 specify the limitations faced.

20 Q. [12:26:46] Now, if we could turn to page 0301 of your report.

21 PRESIDING JUDGE MINDUA: [12:27:04](Interpretation) Which tab is this,
22 Ms Taylor?

23 MS TAYLOR: [12:27:07] This is the Prosecution report, tab 7.

24 PRESIDING JUDGE MINDUA: [12:27:25](Interpretation) Ms Taylor, we're still in
25 private session.

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1 MS TAYLOR: [12:27:31] We can go into open session.

2 PRESIDING JUDGE MINDUA: [12:27:35](Interpretation) Court officer, public
3 session, please.

4 MS TAYLOR: [12:27:46] Now, Ms Witness, have you read (Overlapping speakers)
5 (Open session at 12.27 p.m.)

6 THE COURT OFFICER: [12:27:50](Interpretation) We are now in public session.

7 PRESIDING JUDGE MINDUA: [12:27:52](Interpretation) Thank you.

8 MS TAYLOR: [12:27:53]

9 Q. [12:27:54] Ms Witness, had you read this section of the report?

10 A. [12:28:11] This is page -- are we talking about MLI-OTP-0064-0310?

11 Q. [12:28:17] Yes. 03 -- sorry, 0301.

12 A. [12:28:31] (Speaks English) Excuse me. (Interpretation) So you were referring
13 to the conclusions which were drawn by the expert on documents?

14 Q. [12:28:41] Yes, did you read this page before signing the report?

15 A. [12:28:50] Yes, of course the report is read in its entirety by both experts, so yes,
16 I was aware of this information.

17 Q. [12:29:00] Now, if you could turn to the last paragraph. It's noted that some of
18 the photographs appear to be photos of photocopies. That's correct?

19 A. [12:29:16] It's not my place to give an opinion on the work given by the
20 document expert.

21 Q. [12:29:26] Now, this report mentions MLI-OTP-0001-7202 to MLI-OTP-0001-7205
22 and MLI-OTP-0001-7208 to MLI-OTP-0001-7210.

23 Now, Ms Witness, if you were conducting a handwriting or a signature analysis of a
24 photo of a photocopy, that would constitute a limitation, wouldn't it?

25 A. [12:30:17] Yes. But those limits were stated in the expert report. They were

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1 not left out. They were specified. It was specified that we were working on some
2 material that was non-original.

3 Q. [12:30:38] And it's correct, isn't it, that when you're working with these
4 non-original photocopies or photos, because you couldn't perform all the tests you
5 couldn't exclude the possibility that the signatures were traced by more than one
6 person?

7 A. [12:31:08] These were points that were not able to be determined.

8 Q. [12:31:13] Now, if we could turn to page 0302. It sets out the three categories of
9 your conclusions regarding the questioned signatures.

10 For the first category, you discarded them because the quality was insufficient. For
11 the third category, you state that it's not possible to conclude whether the questioned
12 signatures were or were not written by the person of interest.

13 I'd like to focus on the second category where you list several documents, some of
14 which are originals and some of which are photos and photocopies.

15 Now, it's correct, isn't it, that - even if you do not state it here - in light of these
16 limitations, an additional level of caution should be applied to the findings that
17 concern photocopied documents?

18 A. [12:32:40] And that is why in this part I did not state that the person of interest was
19 formerly the author of those signatures. * For the entirety of these signatures, we
20 could not dismiss the fact that we did have general and particular graphic
21 compatibility with the authentic signatures of the person of interest.

22 PRESIDING JUDGE MINDUA: [12:33:08](Interpretation) Mr Prosecutor.

23 MR DUTERTRE: [12:33:09](Interpretation) Yes, Mr President, sometimes the
24 interpretation, the French interpretation is a little bit behind, so of course I'm a little
25 bit tardy when I stand up -- when I stand.

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1 So we need to be specific with the witness. When we talk about photos and
2 photocopies, if I calculated correctly, there is only one photograph amongst the
3 original documents for which the expert says that it is possible that this might be a
4 photograph of a photocopy, one document only in the second series of conclusions of
5 these non-original documents. So it's not photocopies in the plural and it's just a
6 possibility.

7 So this is misleading because we are establishing facts that are not specific. It is
8 misleading for the witness.

9 PRESIDING JUDGE MINDUA: [12:34:09](Interpretation) Ms Taylor, I believe that
10 the Prosecutor is right in what he says. You are talking here about photocopies and
11 copies, but you do not specify, so we don't exactly know where you're coming from,
12 what you're referring to and what items you are calling into question, for example.
13 Do you follow what I'm saying here?

14 MS TAYLOR: [12:34:37] Yes, Mr President. And firstly, I would like a direction to
15 be issued to the Prosecutor to stop testifying when making objections. This has
16 happened several times today where the Prosecutor gives his position on certain
17 issues in front of the witness and that's not appropriate.

18 Secondly, on this very point that you're raising -- that's why we had prepared a table
19 listing specifically the documents in category 2 which were photocopies. Now you
20 directed earlier that we can't show that table to the witness.

21 PRESIDING JUDGE MINDUA: [12:35:18](Interpretation) Yes, that is correct. The
22 Chamber refused for you to show the documents to the witness because there was
23 mention made of each item and your comments, that is to say, quite directive, if you
24 like as to the items in question.

25 However, it is -- it is not -- you can quote or refer to a specific item and then put your

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1 question. That's not out of the question.

2 MS TAYLOR: [12:35:52] Mr President, the only commentary concerned copies and
3 the witness has testified today concerning the limitations and cautions which apply to
4 copies.

5 PRESIDING JUDGE MINDUA: [12:36:15](Interpretation) There's no doubt about
6 that at all. The witness has said throughout her testimony, and the witness also
7 specified that she took account of all this in her final report, so we can move on.

8 MS TAYLOR: [12:36:30] Thank you, Mr President.

9 Q. [12:36:32] Now, again, I'm referring to this page because it's your conclusions,
10 and we have in this category two signatures, some of which are originals and some of
11 which are not originals and no distinction is marked between the two. Now, is it
12 correct, Mrs Witness, in the absence of a distinction on this page, we should
13 nonetheless apply an additional level of caution to signatures that you identified as
14 being similar to reference samples?

15 This is a different question, and I haven't finished asking it --

16 MS SARDACHTI: [12:37:25](Interpretation) Yes, Mr President, these questions need
17 clarification. There are a number of questions in each question. I think it's very
18 difficult to follow for the witness and for her to answer.

19 PRESIDING JUDGE MINDUA: [12:37:43](Interpretation) In some respects what
20 you're saying is that the Defence is putting multi-storied questions.

21 MS SARDACHTI: [12:37:53](Interpretation) Yes, indeed, Mr President.

22 PRESIDING JUDGE MINDUA: [12:37:57](Interpretation) So, Ms Taylor, you
23 followed what's just been said, so please be mindful.

24 MS TAYLOR: [12:38:04] Thank you. I would suggest, however, that the Prosecutor
25 should wait until the question has been posed before objecting to the formulation of

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1 the question.

2 Q. [12:38:13] Ms Witness, now, Ms Witness --

3 A. [12:38:21] (Speaks English) Yes.

4 Q. [12:38:21] -- for this category 2, it's correct, isn't it, that we should apply a level
5 of caution to signatures that you identified as being similar to the reference samples
6 where the similarity was established through reference samples which were
7 photocopies?

8 A. [12:38:57] Well, with regard to that part I was prudent because I didn't make a
9 statement as to the fact that these were the identical writers. These were elements
10 that I took into consideration, i.e., the limitations of the photocopy. But beyond
11 those limitations I could not discard the fact that I did have compatibility, significant
12 compatibility between these signatures, even if they were not original, and the
13 original signatures from the person of interest. I had elements of comparison.

14 Q. [12:39:31] Well, let's discuss those elements of comparison. Now, apart from
15 the lack of contemporaneous reference signatures and the number of photocopies or
16 photos in the samples, it's also correct that the simplicity of the signature constituted
17 another limitation?

18 A. [12:40:04] Well, we need to be careful here because, when we talk about
19 simplicity, we need not say that the signature itself is simple. It is simple when the
20 number of gestures * or strokes comprising the signature are low. But in its
21 dimensions, its proportions and its pressure, pressure put when making the signature
22 are not that simple to execute.

23 When we talk about simplicity, we talk about comparing a simple signature to a
24 number of movements that could comprise it. For example, a complex signature that
25 might be composed of a number of movements that could be superimposed upon

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1 others, which is not the case for the signatures under study. It is not as simple as
2 that to execute the signature if we take all of the graphic elements into consideration
3 however.

4 Q. [12:41:08] Well let's turn to tab 4, it's MLI-D28-0004-1177 at 1206. This is the
5 ENFSI best practices manual and it states that:

6 "Initials or very short signatures (examples a, and g) may not contain enough
7 characteristics to enable identification of the writer as they can be easily copied by
8 other people. The higher the complexity of a signature, regardless legible or stylized,
9 the more difficult its simulation becomes. Complexity depends on skill, number of
10 writing movements, changes in writing direction, allograph design, speed of
11 execution ... Automation is the ability of the writer to produce the whole signature or
12 a large part of it with a single, well trained movement rather than executing particular
13 allographs or small portions one after another. The higher the level of automation
14 and the uniformity of the signatures of a given individual, the higher the simulation
15 difficulty becomes and the lower the likelihood of a chance match."

16 A. [12:43:22] I am familiar with this document. This is a reference document for
17 us. Just for your information, all the annotations that are in yellow, it means that it is
18 being revised. So everything in yellow is not false as such, but these are parts that
19 are being revised by the FNSI -- ENFSI.

20 To answer your question there are indeed simple signatures that can be easily
21 reproduced, but there are also complex signatures by the -- by the pressure of the pen,
22 by liaison, by other factors, and we're looking here at items of such a complexity.

23 Q. [12:44:08] Well, let's address it simply. You would agree that the degree of
24 automation is relevant. The higher the degree of automation, the more complex the
25 signature is. The lower the degree of automation, the simpler it is as it's one of the

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1 factors?

2 PRESIDING JUDGE MINDUA: [12:44:48](Interpretation) Mr Prosecutor.

3 MR DUTERTRE: [12:44:49](Interpretation) I believe that this is a rather confusing
4 question and, what is more, it has already been answered.

5 PRESIDING JUDGE MINDUA: [12:44:59](Interpretation) Well, let's see whether the
6 witness is going to answer or not.

7 Madam Witness?

8 THE WITNESS: [12:45:06](Interpretation) I would say that I didn't really grasp the
9 question as such. We need to be careful. A signature can be very consistent in its
10 execution but it can also be variable in its execution, even if it is simple in nature or
11 appears to be simple in its globality.

12 MS TAYLOR: [12:45:40]

13 Q. [12:45:41] My question concerned the degree of automation. The higher the
14 degree of automation, the more complex the signature is. The lower the degree of
15 automation, the less complex the signature is.

16 A. [12:46:06] Well, you can have automation that is confirmed, but it's still simple
17 in its execution, the signature, and the reverse also applies.

18 Q. [12:46:19] If we could turn to page 0275 of your report. You note that among
19 the questioned signatures, you identified signatures composed of one, two or three
20 movements, and the majority, 24, were composed of three movements. That's
21 correct?

22 A. [12:47:06] Yes, indeed.

23 Q. [12:47:08] Now, three movements means a lower degree of automation. That's
24 correct?

25 A. [12:47:29] This is not a lower degree of automation. We're talking here about

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1 gestures. I don't think so. We just have three movements.

2 Q. [12:47:40] It's easier to copy a signature that's been made in three movements as
3 compared to one that's been made in one movement. That's correct?

4 A. [12:47:59] It'll also depend on the execution of these three movements. The
5 three movements can be complex in their gestures, in their dimensions, in their
6 proportions. We're not talking about quantity. We're talking about quality, graphic
7 quality.

8 Q. [12:48:15] Well, all other things being equal, it's correct that a signature of three
9 movements - all other things being equal - would be easier to copy than one that's
10 been made in one movement?

11 A. [12:48:45] Not automatically.

12 Q. [12:48:49] Can you explain why? The basis for your answer. All other things
13 being equal.

14 MS SARDACHTI: [12:49:03](Overlapping speakers)

15 PRESIDING JUDGE MINDUA: [12:49:08](Overlapping speakers)

16 MS SARDACHTI: [12:49:09](Interpretation) This is augmentative. The Prosecution
17 is objecting to this question.

18 PRESIDING JUDGE MINDUA: [12:49:17](Interpretation) Please rephrase your
19 question, Ms Taylor.

20 MS TAYLOR: [12:49:20]

21 Q. [12:49:20] Now, Ms Witness, if we're assuming that all other things are equal,
22 can you explain why it wouldn't be harder to copy a signature in one movement as
23 compared to separate movements?

24 A. [12:49:43] This is not a general matter. We can't say that one movement is
25 easier to reproduce than a signature that comprises a number of different movements.

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1 Q. [12:49:55] Now, if we can address the signatures that were made with one
2 movement, and for the record, these are MLI-OTP-0055-1173; MLI-OTP-0001-7511,
3 paragraph A; MLI-OTP-0001-7549; MLI-OTP-0001-7550, paragraph B;
4 MLI-OTP-0001-7559, paragraph B; MLI-OTP-0001-7563.

5 Now, the first one was MLI-OTP-0055-1173.

6 Now if we could turn to tab 8 of the Prosecution's binder, and that's
7 MLI-OTP-0064-0332, and if you could turn to page 0353. Ms Witness, what is the
8 date on this document?

9 A. [12:51:56] Well, I find this a bit hazy in my annex. I would say "24". I'd need
10 to go back to the description. And then "2000" -- I don't know whether it's a "1", the
11 last two figures, but I did -- do think that I did specify in the description of the items
12 that was provided.

13 Q. [12:52:21] Well, given that your description has in the past been incorrect, what
14 year does this appear to be?

15 A. [12:52:38] I don't know what I did say in my description. I'd have to go back to
16 it. Would you allow me to do that?

17 Q. [12:52:48] Ms Witness, you're testifying here today. Can you just answer for
18 the record what year you see.

19 A. [12:52:59] It could be, I'm sorry, the penultimate figure is not legible. It could
20 be 2011, but it could be another date.

21 PRESIDING JUDGE MINDUA: [12:53:13](Interpretation) Mr Prosecutor.

22 MR DUTERTRE: [12:53:14](Interpretation) Maybe we could bring it up on the screen
23 so the witness has a better view because, you know, the photocopies that are made
24 are not necessarily of the best quality and this item might be brought up on the screen
25 and zoomed in on.

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1 PRESIDING JUDGE MINDUA: [12:53:30](Interpretation) Madam court officer.

2 THE COURT OFFICER: [12:53:33](Interpretation) Yes, we're talking about 0353,
3 which is on evidence channel number 1.

4 THE INTERPRETER: [12:53:40] Message from the interpreter: There were multiple
5 overlapping speakers.

6 THE COURT OFFICER: [12:54:32] (Interpretation) If it is necessary, Madam Witness,
7 we can zoom in on the image.

8 THE WITNESS: [12:55:01](Interpretation) I do apologise. So "24/9/2000", it might
9 be a "1", but I can't really determine what the line corresponds to that's written here.

10 MS TAYLOR: [12:55:15]

11 Q. [12:55:15] If we could turn to your mission letter in tab, is it tab 7? It's 0317, it's
12 the Prosecution's binder. The MLI, the full reference is MLI-OTP-0064-0175, and if
13 we go to your mission letter at 0317.

14 Is it correct, Ms Witness, that all the MLIs with 0001 are listed as being photographs?

15 A. [12:56:21] Yes, indeed, that is specified in the engagement letter or the mission
16 letter.

17 Q. [12:56:31] So five of the six signatures with one movement were photographs,
18 and the other you were unable to date. That's correct?

19 A. [12:56:47] Yes.

20 Q. [12:56:49] Now, if we could turn to page 0276 of your report?

21 A. [12:57:45] Yes, I have it.

22 Q. [12:57:47] It's correct, isn't it, Ms Witness, that you found no examples of one
23 movement in the reference samples?

24 A. [12:58:03] Well, no, in the strict sense of one movement alone. In some
25 signatures there are what we call, when people take their -- the pen off the page,

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1 which can be a continuation of a movement, but is not necessarily visible in the line of
2 the signature.

3 So I was not able to ascertain whether these signatures had been made in one
4 movement or not, but there was - whatever the case may be - a continuity of the line
5 of the signature, but I did not deem that they had been made in one sole movement.
6 So that is why I indicated that there were no movements that were made in one
7 movement -- no signatures that were made in one movement, but there were -- it was
8 not possible for me to verify whether there was a continuity of the line of the
9 signature or not.

10 Q. [12:58:58] Now, let's go to the signatures with two movements, and, for the
11 record, your report lists them as MLI-OTP-0055-1070, MLI-OTP-0055-1072,
12 MLI-OTP-0055-1074, MLI-OTP-0055-1082, MLI-OTP-0055-1175, MLI-OTP-0001-7202,
13 MLI-OTP-0001-7519, MLI-OTP-0001-7546, MLI-OTP-0001-7552, MLI-OTP-0001-7571.
14 And having read those all out, I realise it's 1 o'clock, so I wonder if this might be a
15 good opportunity to take a break.

16 PRESIDING JUDGE MINDUA: [13:00:22](Interpretation) Absolutely, Ms Taylor.

17 You are right. I just wanted you to finish with putting your question to the witness.

18 It is 1 p.m., it is time for us to rise for lunch. So we shall take a break for an hour and
19 a half and we shall reconvene at 2.30 this afternoon.

20 So Court is adjourned.

21 THE COURT USHER: [13:00:51] All rise.

22 (Recess taken at 1.00 p.m.)

23 (Upon resuming in open session at 2.31 p.m.)

24 THE COURT USHER: [14:31:09] All rise.

25 Please be seated.

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- 1 PRESIDING JUDGE MINDUA: [14:31:37](Interpretation) Session resumes.
- 2 We shall now continue on with cross-examination by the Defence.
- 3 Ms Taylor.
- 4 MS TAYLOR: [14:31:46]
- 5 Q. [14:31:47] Good afternoon, Ms Witness.
- 6 Can you turn to tab 4 of the Defence binder, this is MLI-D28-0004-1177. And can you
- 7 turn to page 1181, where it states - it's highlighted in yellow - and it states:
- 8 "Appendix A - Amendments Against Previous Versions To Appendices 1, 2, 3 And 4".
- 9 Now, if we could then turn to page 1244 (sic), the same document, this states that
- 10 on 30 June 2018, before your report was completed, the previous version was
- 11 amended to include a new paragraph on signatures in section 9.3.1.7.
- 12 Now if we could turn then to page 1205 of the same document, this is section 9.3.1.7
- 13 on signatures. And if we can turn to page 1206, this is the paragraph I read to you
- 14 earlier, and it was highlighted in yellow because it was adopted on 30 June 2018.
- 15 Would you accept that, Ms Witness?
- 16 A. [14:34:17] Yes.
- 17 Q. [14:34:19] Now, previously, you suggested that it was highlighted in yellow
- 18 because it was going to be taken out, or proposed for deletion?
- 19 A. [14:34:35] No, no, not at all. I said that this handbook is a guide of good
- 20 practice regarding examination of handwriting, and I said that those passages were
- 21 under revision, not that they had been removed or were to be removed.
- 22 Q. [14:34:59] Well, Ms Witness, would you accept that rather than being under
- 23 revision they were adopted, and that's why it's highlighted in yellow?
- 24 A. [14:35:16] Perhaps.
- 25 Q. [14:35:19] Ms Witness, did you follow this best guideline when you completed

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1 your report? This particular paragraph, did you follow this paragraph when you
2 completed your report?

3 A. [14:35:36] Well, we follow the ENFSI protocols, but we also have our own
4 internal protocols in the service.

5 Q. [14:35:48] Now, if I can refer specifically to the following sentence in this
6 paragraph:

7 "The higher the level of automation and the uniformity of the signatures of a given
8 individual, the higher the simulation difficulty becomes and the lower the likelihood
9 of a chance match."

10 Did you prepare your report in a manner which is consistent with this sentence?

11 A. [14:36:27] I'm sorry, I haven't understood.

12 Q. [14:36:31] The report states in this paragraph:

13 "The higher the level of automation and the uniformity of the signatures of a given
14 individual, the higher the simulation difficulty becomes and the lower the likelihood
15 of a chance match."

16 A. [14:37:01] Yes, I agree with those observations.

17 Q. [14:37:04] Thank you. Now, if we could go back to your report, specifically I
18 listed before the break several signatures that you identified as being -- having two
19 movements and among these signatures you then identified three different variations.
20 Now, for the reference signatures you only had one reference signature with two
21 movements. So it's correct, isn't it, that for two of the three variations you had no
22 reference signature for comparison?

23 A. [14:38:06] Yes.

24 Q. [14:38:07] And it's correct, therefore, that you did not see two of these variations
25 amongst the known signatures?

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1 A. [14:38:37] Sorry, could you explain that again.

2 Q. [14:38:42] Now, it's correct, therefore, that you did not see these two particular
3 variations amongst the 2017 and 2018 signatures?

4 A. [14:39:00] Yes.

5 Q. [14:39:04] Now, if we could turn to page 0283 of your report, this is the third
6 variation, the two examples both came from photographs; that's correct?

7 A. [14:39:40] You are referring to the signatures made out of two movements, third
8 variation; is that right?

9 Q. [14:39:50] (Overlapping speakers) the bottom of the page, both have the
10 MLI-OTP-0001, which we established earlier referred to photos.

11 A. [14:40:04] Yes.

12 Q. [14:40:07] And if we could turn to page 0280 of your report, the reference
13 signature corresponded to the second variation and there were four questioned
14 signatures that displayed this variation, that's correct?

15 A. [14:40:51] You are referring to the signature two movements, second variation?

16 Q. [14:40:58] Yes.

17 A. [14:40:59] And also the signature based on two movements, three variations.
18 So you're referring to the signatures which were put to us for study, for question.

19 Q. [14:41:11] Yes. So among the ones which had two movements, in the second
20 variation of that there were four questioned signatures that had that variation?

21 A. [14:41:29] Yes.

22 Q. [14:41:32] Now, if we could go to 282 of the report. You list these four
23 signatures.

24 A. [14:41:54] Yes.

25 Q. [14:41:56] And do you recall if MLI-OTP-0055-1072 was undated?

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1 A. [14:42:13] I don't recall. I don't have it in my memory.

2 Q. [14:42:17] We can perhaps go back to that. And the next document, do you
3 recall if it's undated?

4 A. [14:42:27] No, I don't recall. I would have to consult my overview table.

5 PRESIDING JUDGE MINDUA: [14:42:33](Interpretation) Prosecutor.

6 MR DUTERTRE: [14:42:34](Interpretation) Your Honours, perhaps one could put a
7 document to the witness so that she does not have to try to remember things that now
8 date back quite some time.

9 PRESIDING JUDGE MINDUA: (Overlapping speakers)

10 MS TAYLOR: [14:42:52]

11 Q. [14:43:03] (Overlapping speakers) We can go to page 0247 of your report. It's
12 correct, isn't it, that you said for MLI-OTP-0055-1072, that it's not dated?

13 A. [14:43:15] Yes, indeed.

14 Q. [14:43:17] And MLI-OTP-0055-1074, that it's not dated?

15 A. [14:43:32] Not dated either, no.

16 Q. [14:43:34] And one of those four signatures was MLI-OTP-0001-7571, that's a
17 photograph, isn't it? It starts with 0001, so can we assume it's a photograph?

18 A. [14:44:06] Could you give me the reference number again, please.

19 Q. [14:44:08] It's MLI-OTP-0001-7571, and earlier today we looked at the mission
20 letter and you agreed that all of the documents starting with 0001 were photographs
21 or non-originals.

22 A. [14:44:41] Yes, the 0001-7571 is not an original item.

23 Q. [14:44:49] Now, if we can turn to the comparison signature on page 0283, is it
24 correct that this was a photocopy?

25 A. [14:45:13] So yes, if we're talking about MLI-OTP-0001-7519, no, the document is

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1 not original.

2 Q. [14:45:26] No, Ms Witness, I was talking about the document at the top.

3 A. [14:45:35] So we're talking about a signature for comparison, the 0048-0015.

4 Yes, that is indeed a document which was not original, because that signature was
5 appended on a plastic pouch but it wasn't available to me in the original.

6 Q. [14:45:56] That's correct, Ms Witness, that the number of variations, the
7 simplicity of the signature and the limited number of reference samples that match
8 the variations, these factors weaken the strength of any conclusion as to whether the
9 signatures were traced by one person?

10 A. [14:46:30] In the case in hand, when it comes to what was provided for
11 comparison - although the number of them is limited and they were
12 contemporaneous with 2017, 2018 - we do see graphic comparisons and comparable
13 gestures with other signatures beyond what we set out in our report. Those
14 compatibilities could not be ruled out. They simply were present.

15 Q. [14:47:03] Ms Witness, my question concern the possibility that the signatures,
16 the questioned signatures may have been traced by more than one person?

17 A. [14:47:26] Regarding the signatures, I established that a certain could be
18 attributed to the person of interest. It was an aspect which I ruled out in light of the
19 graphic compatibilities which I had found between signatures put to us for study and
20 for comparison.

21 As regards another signature, indeed which I did not give finding on, there was
22 indeed a qualitative aspect which I encountered in the case of certain signatures.

23 And in the case of others, there were graphic differences which made it impossible to
24 compare them with the items provided for study.

25 So, indeed, for this one, if I was not able to determine whether one or more people

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1 were involved, I couldn't exclude or rule out that variations which we observed,
2 which were in some cases quite remote, had been observed and others did show some
3 compatibility.

4 Q. [14:48:51] Now, apart from the issue of automation, you also noted variations in
5 the executions of the movements. And if we can turn to page 0299 of your report.

6 A. [14:49:20] Yes, I'm on that page.

7 Q. [14:49:22] You note here that the execution of movements is not uniform, you
8 note various differences, the writing of some signatures is more controlled, with
9 presence of angular lines, while for others it's more relaxed. These lines do not in
10 themselves constitute major suspect signs, but in this case create an additional
11 difficulty in analysing the signatures due to their high variability.
12 Now, if we could turn to page 0291 of your report, is it correct that you acknowledge
13 that the degree of variation among the questioned signatures is greater on this point
14 than that which was present among the reference signatures?

15 A. [14:50:35] Yes, but you need to bear in mind that we had something to compare
16 with and some of those documents were not original. We also had signatures which
17 had been placed in a space which was quite restricted, that of course limits the
18 movements and also the gestures involved in certain lines. So the context is not the
19 same. Of course we are not familiar with the items in question, but they are factors
20 which will of course have an impact on the variations. So it's not at all unusual to
21 find variations in questions which are put to us for study with respect to signatures
22 put to us for comparison.

23 And I would also say that the signatures put to us for study and those put to us for
24 comparison show a lot of variability, which is entirely natural. Some signatures may
25 be quite constant in the way they're done and others will have a lot of variability. So

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1 we will -- we refer to those as being homogeneous signatures and signatures which
2 are homogeneous in the variability.

3 Q. [14:51:52] Just on that point, Ms Witness, because you had no samples, no
4 known samples from 2012, you weren't in a position to conclude, were you, what type
5 of signature the person of interest had, whether it was a homogenous signature or
6 whether it changed over time? You can only speculate on that?

7 A. [14:52:18] Well, on that aspect, well I couldn't really -- well, at the beginning of
8 my report I thought that the signatures were from 2012, so I based my observations
9 on those. However, this did not change my final conclusions. What I mean to say
10 is also that the signatures from 2017, 2018 presented gesture, dimension, proportion,
11 liaison and pressures compatibilities with certain signatures put to us for study.
12 Now, of course I can't know how the person would write his signature in 2012.

13 Q. [14:53:04] Now, if we can turn to page 0299, you describe many variabilities in
14 the connection, the amplitude of the plots and the dimensions of the signatures; that's
15 correct?

16 A. [14:53:29] Yes, indeed, but here we're talking about natural variations which do
17 not contradict each other. There are signatures who have -- which have as a
18 characteristic that they are very variable from one signature to the other.

19 Q. [14:53:46] Now, if we could turn to page 0288, you note that the body of the
20 reference signature is comprised of a series of arches and garlands, although you note
21 variations in this.

22 And if we could turn to the second paragraph, you note a particular pattern of
23 garlands, effectively two raised U shapes together; that's correct? You mark this on
24 page 0289?

25 A. [14:54:30] Yes, in this case, this was something -- this is something which is very

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1 specific when it comes to gesture, which I think is -- arises from unconscious gesture,
2 and we see it quite often in the signatures for study and in some of the signatures for
3 comparison.

4 Q. [14:54:49] Now, Ms Witness, can you have a look at MLI-OTP-0053-0090 on
5 page 0289?

6 A. [14:55:11] Yes, I'm on that page.

7 Q. [14:55:13] Now, you've put in a square box a U shape, but it's correct, isn't it,
8 that the shape before it is more circular, it's more like an O?

9 A. [14:55:30] Now, as I said before, we're looking at signatures here were the
10 variation is considerable, so it's quite normal to see gestures. At least in the
11 signatures for study, we note that the gesture can be rounded or angular or
12 semi-angular. So in this case that is not applicable.

13 Q. [14:55:56] If we could turn to page 0290, these are the comparison signatures.
14 None of these signatures have this O feature, do they?

15 A. [14:56:23] Witness, you have 0056-424, which has a -- rounded bases. Now
16 don't forget that some of the comparison signatures were -- had been written on a
17 medium where space was limited so, of course, the writer in that case adapted his
18 signature to the space which was available and that will of course have an impact on
19 some lines. But you find that rounded base in the signature.

20 Q. [14:56:56] Ms Witness, I wasn't talking about the rounded base, I was talking
21 about the garland shape, specifically in your report you said usually, to have two U as
22 a garland. In the signature we looked at before, there was more of an O shape before
23 the U. None of these signatures appear to have an O in that first part of the garland.

24 A. [14:57:32] Once again, this is a signature which has a number or quite a number
25 of variations. Of course, you have the comparison signatures where you don't have

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1 that rounded shape, however, the remainder of the gesture is compatible. No
2 signature is identical. None is identical copy of another. It's quite normal to see
3 variations, and these variations do not contradict one another.

4 Q. [14:57:59] Now, if we could go to page 0299 of your report. You note, if you
5 could look at the paragraph starting "*Une observation globale*", you note these
6 variations. Now, it's correct, Ms Witness, that --

7 A. [14:58:34] Yes.

8 Q. [14:58:34] -- because of the limited number of reference signatures, you could
9 not match all of the variations to reference samples, could you?

10 A. [14:58:47] Indeed. But those that I observed were sufficiently pertinent in
11 comparison with one another.

12 Q. [14:58:55] Now, if we turn to page 0300, you conclude that, in light of these
13 fluctuations that you see here, it was not possible to conclude that the signatures with
14 these fluctuations came from the same hand, and you list three examples of signatures
15 which display variations of the U: MLI-OTP-0055-1074, MLI-OTP-0055-1068, and
16 MLI-OTP-0001-7541.

17 Now, Ms Witness, in layman's terms, you saying that you can't exclude the possibility
18 that these questioned signatures were written by a different person; that's correct?

19 A. [15:00:02] I'm referring to signatures for which I have not been able to conclude
20 that the writer was the same or not the same, or was the person of interest or not.

21 Now, your latest reference, well, here we're looking at signatures which have
22 variability which differs from one signature to another. In other words, the variation
23 is not identical is one signature to the next. So what I mean to explain is that for
24 some signatures you see compatibility in certain gestures that you don't see in other
25 signatures, but nonetheless they have points in common.

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1 Q. [15:00:47] But notwithstanding these points in common, Ms Witness, you still
2 concluded here that you could not exclude the possibility that someone could have
3 copied the signatures, that's correct?

4 A. [15:01:12] I am not talking about the signatures established. It is probable that
5 it would be the person on the -- that a person of interest, so the probability is higher.
6 *The probability that the person of interest is the author is higher to the probability
7 that he is not the author. But whereas the paragraphs you have mentioned, I cannot
8 be sure about whether the writers are the same or not. And given the reduced
9 quality, this does not make it possible for me to reconcile them with other signatures
10 under study which I was able to reconcile with those of the person of interest.

11 Q. [15:02:02] Now, Ms Witness, there was more consistency amongst the 2017 and
12 2018 known signatures; that's correct?

13 A. [15:02:23] When you say consistencies, well *we were looking at something
14 more applied, but nevertheless....

15 Q. [15:02:30] (Overlapping speakers) Higher degree of similarity, perhaps. A
16 higher degree of similarity.

17 A. [15:02:43] Similarities, well, yes, there is a constant there, but we are in a specific
18 context here.

19 Q. [15:02:57] Now, the fact that there was more -- a higher degree of similarity in
20 the 2017, 2018 signatures than the 2012 questioned signatures, that increases the
21 likelihood that there was more than one potential writer in 2012; that's correct?

22 A. [15:03:33] Which signatures are you referring to? The signatures that I said
23 might be of -- from the person of interest or the ones that I said I could not establish
24 that they came from the same?

25 Q. [15:03:51] Ms Witness, I'm discussing the 2017 to 2018 known reference samples.

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1 Now, there was a higher degree of similarity among the 2017 to 2018 known reference
2 samples as compared to the questioned signatures coming from an earlier time
3 period.

4 A. [15:04:28] Yes, but it should be pointed out that the application given to this
5 signature could also be more important than the questioned signatures if they had
6 been written in more established constant conditions.

7 Q. [15:04:54] If I can put it this way to you, Ms Witness: If a person writes in a
8 consistent manner in 2018 - and please look at me, not the Prosecution - and in 2012
9 you see a higher degree of variation, that higher degree of variation would increase
10 the likelihood that more than one person could have written the signatures in 2012.

11 PRESIDING JUDGE MINDUA: [15:05:42](Interpretation) Prosecutor.

12 MS SARDACHTI: [15:05:46](Interpretation) Is that a statement or questions,
13 Mr President?

14 PRESIDING JUDGE MINDUA: [15:05:52](Interpretation) Maître Taylor.

15 MS TAYLOR: [15:05:54] It's a question.

16 THE WITNESS: [15:05:58](Interpretation) I am sorry, but I have been referred to as
17 "Maître Taylor" for a while now.

18 PRESIDING JUDGE MINDUA: [15:06:11](Interpretation) It's a mistake.

19 MS SARDACHTI: [15:06:17](Interpretation) It is worrying. We are hearing
20 statement after statement. We don't understand which is the question. It is
21 completely speculative.

22 PRESIDING JUDGE MINDUA: [15:06:31](Interpretation) Ms Taylor, please try to
23 make an effort in the phrasing of your statement. Please avoid statements and put
24 open questions to the witness.

25 MS TAYLOR: [15:06:43] Well, we're in cross-examination so we don't use open

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1 questions.

2 Q. [15:06:49] Ms Witness, it's correct, isn't it, that if you have a reference pool from
3 the same person, from the same year, with a higher degree of similarity, and then you
4 have a questioned pool from an earlier year, with variations that are not present in the
5 known reference pool, that increases the possibility that there was more than one
6 writer of the signatures in the earlier period.

7 A. [15:07:59] That cannot increase the possibility that there are several people.
8 Those variations exist, but you cannot say with any certainty that there were many
9 writers. There have been graphic compatibilities in the questioned signatures that
10 make it possible that there was a common gesture or execution.

11 Q. [15:08:35] Now, if we could turn to page 0302, you list the three categories or
12 conclusions. For the third category you state that it's not possible to conclude
13 whether the questioned signatures were or were not written by the person of interest.
14 And for the first category you discarded them because of insufficient quality.
15 Now, I'd like you to focus on the second category where you state that it's possible
16 that these signatures were traced by the person of interest. Now, if you can see here,
17 it includes MLI-OTP-0055-1074, MLI-OTP-0055-1068, and MLI-OTP-0001-7541.

18 Now, at page 0300 of your report, and just a few minutes ago you accepted that
19 because of the variations in these signatures you could not conclude or exclude the
20 possibility -- sorry, you could not conclude that the signatures came from one hand.

21 A. [15:10:38] We are talking about the second paragraph. Given the graphic
22 elements compatible with the comparison signatures, it can be established that the
23 questioned signatures mentioned could have been written by the person of interest.
24 The points are concordant here and make it possible for us to arrive at this conclusion.
25 So as far as I am concerned, it is the same hand on all of these signatures.

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1 Q. [15:11:15] But if you could turn to page 0300 of your report, at the second
2 paragraph you state that it's not possible to establish in a formal manner a unity of
3 hand between the signatures. So aren't you contradicting yourself now?

4 A. [15:12:03] When I said that you cannot establish that there is a single hand I am
5 talking about the signatures on the third paragraph, and I cannot state that the person
6 of interest was responsible or not for those signatures. I'm talking about variability
7 as a whole. Some variabilities are consistent and these come under the second
8 paragraph. But other variations were not sufficiently probative to establish that the
9 person in question or of interest was the writer. That is why they are under the third
10 paragraph.

11 Q. [15:12:55] Ms Witness, this paragraph, "*Ces fluctuations*", it's referring to the
12 examples that you give; that's correct?

13 A. [15:13:10] Not at all. These are very targeted examples, but *these fluctuations
14 apply to all the fluctuations that I observed with regard to certain signatures. I'm not
15 talking exclusively of those that are in italics. What I wanted to say in the paragraph
16 is that there were consistencies that were recurrent, others were few and far in
17 between, and they were sufficiently of interest to establish that this could have come
18 from the same person. And these are in the second paragraph, so I am talking here
19 of variations of fluctuations in general.

20 Q. [15:14:10] Ms Witness, now that you're on the stand, you appear to be directly
21 contradicting what you wrote in your report, which is that for these examples and for
22 signatures like this, you could not exclude the possibility --

23 PRESIDING JUDGE MINDUA: [15:14:42](Interpretation) Prosecutor.

24 MS SARDACHTI: [15:14:44](Interpretation) This is argumentative, Mr President.

25 Ms Taylor is giving her opinion here and she can do that in her final submissions.

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1 That is not appropriate here.

2 PRESIDING JUDGE MINDUA: [15:15:01](Interpretation) Ms Taylor, I must say that
3 the Chamber is of the opinion that you constantly repeat your questions, questions
4 that the witness has already answered. I think you need to make an effort to move
5 forward. And that is why the Prosecution is talking about arguing, arguments,
6 whereas I would rather say repetition.

7 MS TAYLOR: [15:15:33] Thank you. I was just wanting to give a fair opportunity
8 to the witness to clarify her report.

9 Q. [15:15:42] But you would accept, Ms Witness, that these three signatures that
10 you have in italics, you've included them in category 2?

11 A. [15:16:08] Yes, but it is only a few signatures. I could have mentioned many
12 more signatures in italics. So that list is not exhaustive. Of course, there are many
13 signatures that I did not mention in that paragraph and which can also relate to that
14 point.

15 Q. [15:16:30] And would that include other signatures that you put in category 2?

16 A. [15:16:54] In category 2 it is only the signatures that are mentioned in that
17 paragraph.

18 Q. [15:17:02] Would you accept, Ms Witness, that category 2 includes several
19 signatures for which you were not able to make a match to the known reference
20 samples as concerns particular variations?

21 A. [15:17:33] On the contrary, I can see very common specificities in them. They
22 are not systematically common, but they are present.

23 Q. [15:17:45] If I can just turn to --

24 (Counsel confers)

25 MS TAYLOR: [15:18:09]

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1 Q. [15:18:10] If we can turn to tab 7 of the Defence binder.

2 A. [15:18:50] Yes, I have found it.

3 Q. [15:18:52] Now, earlier today we discussed the fact that for some of the
4 signatures with one allocution -- or, actually for the signatures with one allocution
5 there was no reference match, was there. Did you include any of these in category 2?

6 A. [15:19:27] If they are mentioned there, yes.

7 Q. [15:19:31] And the same for where there were two movements but no reference
8 match?

9 A. [15:19:45] Yes, you have to consider the signature as a whole. There are certain
10 aspects that you have to take into consideration, but there are other aspects that were
11 compared with the comparison signatures. So it is all those taken together that
12 makes it possible to establish whether there is consistency or not. So if there are
13 sufficient graphic similarities, it would be sufficient to include them in that second
14 paragraph.

15 Q. [15:20:31] Now, Ms Witness, can you turn to tab 5 of the Defence binder, that's
16 MLI-D28-0004-1226. If we could turn to page 1251, the second paragraph, it states
17 that:

18 "Contextual bias is the most common form of cognitive bias encountered in forensics.
19 It occurs when potentially biasing background information that is irrelevant to the
20 discipline-specific task assigned to an examiner ... is conveyed to the examiner before
21 the examiner has completed the task and reached a conclusion."

22 Ms Witness, do you agree with this position?

23 A. [15:21:38] I did not really understand the purpose of your question, the meaning
24 of your question. Can you kindly rephrase. In fact, it is not possible for me to read
25 the text comprehensively because I do not speak English.

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1 Q. [15:22:01] If you could listen to the interpretation, would you agree, Ms Witness,
2 that context bias is the most common form of cognitive bias encountered in forensics?

3 A. [15:22:29] What do you mean by "cognitive bias".

4 Q. [15:22:37] Do you mean, Ms Witness --

5 PRESIDING JUDGE MINDUA: [15:22:40](Interpretation) Mr Prosecutor.

6 MR DUTERTRE: [15:22:43](Interpretation) I think there is an interpretation problem:

7 "contextual bias" was not interpreted, so I think the witness did not understand the

8 question. So counsel has to speak slowly so that the interpretation should be correct.

9 PRESIDING JUDGE MINDUA: [15:23:07](Interpretation) I understand you perfectly
10 well.

11 Ms Taylor, please read it out slowly.

12 MS TAYLOR: [15:23:13] It might help, I think, to read the entire paragraph:

13 "Contextual bias is the most common form of cognitive bias encountered in forensics.

14 It occurs when potentially biasing background information that is irrelevant to the

15 discipline-specific task assigned to an examiner ... is conveyed to the examiner before

16 the examiner has completed the task and reached a conclusion."

17 THE WITNESS: [15:24:05](Interpretation) Yes, I agree, but I am not within that
18 context.

19 MS TAYLOR: [15:24:10]

20 Q. [15:24:11] Ms Witness, it's correct that before you finished your report, before
21 you signed it, you knew that the person of interest had been arrested for war crimes
22 and crimes against humanity?

23 A. [15:24:31] Yes, but these are elements that are not taken into consideration in an
24 expert study, especially by myself. I work for both exculpatory and incriminating
25 evidence, so I am not influenced by all those elements. I base my expertise

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1 exclusively on the graphic elements placed at my disposal.

2 Q. [15:25:04] Now, in terms of these graphic elements, your reference samples all
3 came from 2017 and 2018. That's something you didn't pick up when you did the
4 report; that's correct?

5 A. [15:25:28] Of course I considered that those elements were present, indeed.

6 Q. [15:25:34] You assumed because of the date on the documents that they were
7 from 2012; that's correct?

8 A. [15:25:48] For some of them, yes. But for others it was clearly stated that they
9 were from 2017 and 2018.

10 Q. [15:25:57] If I could turn to page 0260 of your report. It states that
11 MLI-OTP-0057-0082 was dated in 2012.

12 A. [15:26:31] I'm sorry, can you repeat the reference. Are we talking about
13 comparison elements?

14 Q. [15:26:40] Yes. The reference is MLI-OTP-0057-0082.

15 A. [15:27:16] 0057 and what again? I can't find that reference.

16 Q. [15:27:22] 0002, sorry.

17 A. [15:27:39] Very well. Yes, I found it.

18 Q. [15:27:47] And you stated that it was dated 2012?

19 A. [15:27:56] That's correct.

20 Q. [15:27:57] Now if we could turn to tab 8 of the Prosecution's binder,
21 MLI-OTP-0064-0332, and if we could turn to page 0382. Now, it's correct --

22 A. [15:28:42] I'm there.

23 Q. [15:28:43] -- that the text here states 2018?

24 A. [15:28:52] But these are elements that we corrected this morning.

25 Q. [15:28:59] But, Ms Witness, given that the text states 2018, would you accept that

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1 the format and the similarity of the format influenced you in writing that it was 2012?

2 A. [15:29:20] Not at all.

3 Q. [15:29:28] Would you accept, Ms Witness, that attention to detail is an important
4 quality for someone conducting signature comparisons?

5 A. [15:29:45] Yes, that is correct.

6 Q. [15:29:48] And would you accept that if you didn't identify the discrepancy
7 between the dates on the documents and the dates provided to you by the
8 Prosecution, there may have been other discrepancies you didn't identify?

9 A. [15:30:16] Well, beyond the date which is noted in this document, I also looked
10 at the signature as a whole. There are dates appended or affixed in certain
11 documents, but the signatures there are also of interest to us.

12 Q. [15:30:37] But we established very early on that the date of the signatures was
13 relevant and you didn't notice this.

14 A. [15:30:53] This is a retranscription error that is in relation to the elements that
15 were put at my disposal.

16 Q. [15:31:08] I'm sorry, Ms Witness, I don't understand what you mean by
17 retranscription error. Are you saying that when you did the report, you believed it
18 was from 2018 and wrote 2012, or that you believed it was 2012 when you did the
19 report?

20 *A. [15:31:31] I must have made an error when retranscribing that signature, that
21 date.

22 Q. [15:31:44] Is that an assumption, Ms Witness?

23 A. [15:31:50] No.

24 Q. [15:31:55] I have no further questions.

25 PRESIDING JUDGE MINDUA: [15:32:08](Interpretation) Thank you very much,

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1 Ms Taylor, for your cross-examination.

2 I turn to the Prosecution. I see that they are not asking for the floor.

3 I turn now to my colleagues in the Chamber. We have no questions.

4 So now I turn to the witness.

5 Witness, the Court would like to thank you once again for having provided your

6 assistance by providing clear, precise answers to the questions put to you. This

7 brings us to the end of your testimony. Once again, thank you.

8 THE WITNESS: [15:33:09](Interpretation) Thank you, your Honour.

9 (The witness is excused)

10 PRESIDING JUDGE MINDUA: [15:33:12](Interpretation) I turn now to the parties

11 and to the participants and remind you of the rule which applies when tendering

12 documents for inclusion in the file.

13 We have now completed hearing the 12th Prosecution witness. Normally we should

14 hear the 13th witness on Tuesday, 13 October, and I see the Prosecutor is nodding.

15 That's good to hear.

16 Very good. I simply -- it simply falls to me now to thank the parties and the

17 participants. I would also like to thank our court reporters and interpreters and the

18 security officers.

19 And, naturally, I say farewell to the audience here in the gallery and to those who

20 have been following these proceedings remotely.

21 So I wish everybody concerned a good weekend and to take good care of your health.

22 Court is adjourned.

23 THE COURT USHER: [15:34:43] All rise.

24 (The hearing ends in open session at 3.34 p.m.)

25 CORRECTIONS REPORT

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1 The following corrections, marked with an asterisk and not included in the
2 audio-visual recording of the hearing, are brought into the transcript.
3 Page 1 line 24 "senior" is deleted.
4 Page 5 line 10 "your date and place of birth?" is translated and added.
5 Page 7 line 14: "So I was --" is added.
6 Page 18 line 16:
7 " page 0056-0639 -- 0639 -- 0369 " is corrected to " page 0056-0369"
8 Page 18 line 24:
9 "written material" is corrected to "writings"
10 Page 19 line 2:
11 "page 0056-0373" is corrected to "page 0064-0373"
12 Page 21 line 15:
13 "A. [10:21:57] No, it showed -- it does not change anything to my conclusions."
14 Is corrected to
15 "A. [10:21:57] It does not change anything with regard to my conclusions."
16 Page 22 line 19:
17 "A. [10:24:50] A significant is -- would be a variation." is corrected to
18 "A. [10:24:50] A significant difference would be a variation."
19 Page 26 line 23:
20 "MLI-OTP-0038 -- 78-9664" is corrected to "MLI-OTP-0078-9664"
21 Page 28 line 4:
22 "MLI-OTP-0064, on" is corrected to "MLI-OTP-0064-0175, or "
23 Page 28 lines 6-7:
24 "the mission letter, MLI-OTP-0064 -- MLI-OTP-0061-0183, 0181 ?" is corrected to "the
25 mission letters MLI-OTP-0065-0181 and MLI-OTP-0065-0183?"

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- 1 Page 30 line 4:
- 2 "D-29 -- D-28-0004-1326" is corrected to "D-28-0044-1326"
- 3 Page 31 lines 24-25:
- 4 "internal commentaries" is translated and added.
- 5 Page 38 lines 19-20:
- 6 "the---these " is corrected to "these limiting points"
- 7 Page 45 line 11:
- 8 "probative graphic compatibility" is corrected to "graphology which was probative"
- 9 Page 54 lines 21-23:
- 10 " For the entirety of these signatures, that we could not put to one side the fact that
- 11 we did have graphic compatibility, compatibility with the authentic signatures of the
- 12 person of interest." is corrected to
- 13 "For the entirety of these signatures, we could not dismiss the fact that we did have
- 14 general and particular graphic compatibility with the authentic signatures of the
- 15 person of interest."
- 16 Page 57 line 20:
- 17 "are -- " is corrected to "or strokes"
- 18 Page 73 lines 4-5:
- 19 "It is probable that it would be the person on the -- that a person of interest, so the
- 20 probability is higher." is corrected to
- 21 "The probability that the person of interest is the author is higher to the probability
- 22 that he is not the author."
- 23 Page 73 lines 13-14:
- 24 "we were looking at something more applied, but nevertheless...." is translated and
- 25 added.

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1 Page 76 lines 13-14:

2 "these situations concern all that -- the signatures that I examined."is corrected to

3 "these fluctuations apply to all the fluctuations that I observed with regard to certain
4 signatures."

5 Page 81 lines 20-21:

6 "A. [15:31:31] I must have made an error of transcription. That is re -- recopy or
7 repeating that date."

8 Is corrected to

9 "A. [15:31:31] I must have made an error when retranscribing that signature, that
10 date."