

Trial Hearing
WITNESS: MLI-OTP-P-0639

(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 v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 21 September 2021
10 (The hearing starts in open session at 9.40 a.m.)
11 THE COURT USHER: [9:40:12] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:40:49](Interpretation) Court is in session.
15 Good morning to everyone.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:41:04] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
19 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
20 ICC-01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:41:27](Interpretation) Thank you, court officer.
23 As usual, we shall start with the appearances, starting with the Prosecutor.
24 Madam Prosecutor.
25 MS HUCK: [9:41:40](Interpretation) Good morning, your Honour, your Honours.

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- 1 The Prosecution is represented by Gilles Dutertre and myself, Florie Huck.
- 2 PRESIDING JUDGE MINDUA: [9:41:49](Interpretation) Thank you very much,
- 3 Madam Prosecutor.
- 4 I now turn towards the Defence.
- 5 Counsel.
- 6 MS SUTHERLAND: [9:41:54] Good morning, Mr President, your Honours.
- 7 The Defence for Mr Al Hassan is today represented by Ms Melinda Taylor,
- 8 Ms Melissa Beaulieu Lussier, Ms Beatrice Walton and myself, Kirsty Sutherland.
- 9 PRESIDING JUDGE MINDUA: [9:42:16](Interpretation) Thank you very much,
- 10 Maître Sutherland.
- 11 I now turn to the Legal Representatives of Victims.
- 12 MR KASSONGO: [9:42:22](Interpretation) Thank you, your Honour, your Honours.
- 13 Good morning to the public.
- 14 The team of Legal Representatives this morning is represented by Madam
- 15 Claire Laplace, who is present next to me, and myself, Maître Kassongo. Thank you.
- 16 PRESIDING JUDGE MINDUA: [9:42:40](Interpretation) Thank you very much,
- 17 Maître Kassongo.
- 18 This morning we are going to start with hearing the Prosecution Witness number
- 19 P-0639.
- 20 I now turn to the witness.
- 21 Good morning, Witness. Can you hear me?
- 22 WITNESS: MLI-OTP-P-0639
- 23 (The witness speaks French)
- 24 (The witness gives evidence via video link)
- 25 THE WITNESS: [9:43:11](Interpretation) Yes, I can receive you.

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1 PRESIDING JUDGE MINDUA: [9:43:18](Interpretation) Thank you very much,
2 Witness.

3 On behalf of the Chamber, I would like to welcome you.

4 THE WITNESS: [9:43:28](Interpretation) Thank you.

5 PRESIDING JUDGE MINDUA: [9:43:29](Interpretation) You're going to testify with
6 a view to aiding the Chamber establish the truth in the case concerning Mr Al Hassan.
7 Mr Witness, protective measures have been put in place such that your identity is not
8 revealed to the public. Whenever you have to give details which might reveal your
9 identity, we will speak about them in private session. As such, nobody, with
10 the exception of those present within this courtroom, will be able to hear you.
11 Have you understood that well?

12 THE WITNESS: [9:44:33](Interpretation) Yes.

13 PRESIDING JUDGE MINDUA: [9:44:34](Interpretation) Thank you very much,
14 Witness.

15 Now I'm going to carry out your solemn undertaking under Rule 66(1) of the Rules of
16 Procedure and Evidence. On your table you must have a document with
17 a declaration.

18 THE WITNESS: [9:44:57](Interpretation) Yes.

19 PRESIDING JUDGE MINDUA: [9:44:58](Interpretation) Very well. This solemn
20 undertaking, according to which you swear to tell the whole truth. I would,
21 therefore, ask you to read this aloud -- to read aloud what is written on this
22 document.

23 THE WITNESS: [9:45:21](Interpretation) Solemn undertaking. I solemnly declare
24 that I will tell the truth, the whole truth and nothing but the truth.

25 PRESIDING JUDGE MINDUA: [9:45:30](Interpretation) Thank you very much,

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1 Mr Witness. You are now under oath.

2 The representatives of the victims unit, as well as the representatives of

3 the Prosecution, have already explained what that means.

4 Finally, I have a few instructions of a practical nature for you. You should always

5 bear in mind throughout your testimony that everything that is said in this courtroom

6 is transcribed by court reporters and it is translated into several different language

7 simultaneously by interpreters. It's, therefore, important to speak clearly and

8 slowly.

9 Please do not start speaking until the person putting the question has finished putting

10 that question. Count up to three in your head before answering. This pause is

11 essential for your statement to be duly recorded.

12 Obviously, if you have any questions, please raise your hand in order to indicate that

13 you wish to intervene.

14 Have you understood that well?

15 THE WITNESS: [9:47:28](Interpretation) Yes.

16 PRESIDING JUDGE MINDUA: [9:47:30](Interpretation) Thank you very much,

17 Witness.

18 So, without further ado, I shall now give the floor to the Office of the Prosecutor for

19 the examination-in-chief. And after the examination-in-chief, you will receive

20 possible questions also from the Legal Representatives of Victims and this will finish

21 with the cross-examination of the Defence, and perhaps certain questions put by

22 the judges.

23 So, Madam Prosecutor, the floor is yours.

24 MS HUCK: [9:48:13](Interpretation) Thank you, your Honour.

25 QUESTIONED BY MS HUCK:

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1 Q. [9:48:23] Good morning, Witness.

2 A. [9:48:26] Good morning.

3 Q. [9:48:28] My name is Florie Huck and we met during the preparatory session. I
4 will be putting questions to you this morning on behalf of the Prosecution. And, of
5 course, if my questions are not clear, don't hesitate to say so and I will reformulate
6 them. Do you agree?

7 A. [9:48:51] Okay.

8 MS HUCK: [9:48:53] I would like your Honour, now, to go into private session for
9 certain questions for the witness?

10 PRESIDING JUDGE MINDUA: [9:49:00](Interpretation) Very well.

11 Please take us into private session.

12 THE INTERPRETER: [9:49:07] Interpreter notes that the sound is very low from
13 the Prosecution.

14 (Private session at 9.49 a.m.)

15 THE COURT OFFICER: [9:49:14] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [9:49:21](Interpretation) Thank you very much.
17 Madam Prosecutor.

18 MS HUCK: [9:49:23](Interpretation) Thank you.

19 Q. [9:49:25] Could you say your name, please.

20 *A. [9:49:29] My name is [REDACTED] I was born on [REDACTED] in [REDACTED]

21 [REDACTED]

22 Q. [9:49:52] Thank you. What's your full name?

23 A. [9:50:00] [REDACTED] is my full name.

24 Q. [9:50:05] Thank you very much. And what is your ethnic group?

25 A. [9:50:09] I'm [REDACTED]

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1 Q. [9:50:11] Thank you very much.

2 We can now go into open session, your Honour.

3 PRESIDING JUDGE MINDUA: [9:50:17](Interpretation) Court officer.

4 THE INTERPRETER: [9:50:21] If the witness could be reminded to leave a gap
5 between speakers.

6 (Open session at 9.50 a.m.)

7 THE COURT OFFICER: [9:50:28] We're back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [9:50:34](Interpretation) Thank you very much,
9 court officer.

10 Prosecutor.

11 MS HUCK: [9:50:39](Interpretation) Thank you.

12 Q. [9:50:41] So, Witness, I understand that in 2019 you met investigators from
13 the Office of the Prosecutor?

14 A. [9:50:50] Yes.

15 Q. [9:50:53] And following these meetings you made a statement?

16 A. [9:50:58] Yes.

17 Q. [9:51:02] Please don't hesitate to take some time between my question and your
18 answer so that everything can be well noted for the record.

19 So I understand here that this statement was reread to you and you signed the
20 statement?

21 A. [9:51:22] Yes.

22 Q. [9:51:25] So, Court Officer, I would like us to bring up the document at tab 1 of
23 the binder. This is a confidential document. And this is document

24 MLI-OTP-0072-0290-R03.

25 Witness?

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- 1 A. [9:52:00] Yes.
- 2 Q. [9:52:01] So this is at tab 1 for you, Witness. Can you see the document?
- 3 A. [9:52:12] Yes.
- 4 Q. [9:52:15] Do you recognise this document?
- 5 A. [9:52:17] Yes.
- 6 Q. [9:52:21] Is it your statement?
- 7 A. [9:52:24] Yes. Yes, that's it. It's my statement.
- 8 *Q. [9:52:37] Very well.
- 9 I'm going to ask you to go to page 0072-0318.
- 10 MS HUCK: [9:53:14](Interpretation)
- 11 Q. [9:53:15] Do you have this page in front of you?
- 12 A. [9:53:20] No, not yet. Yes.
- 13 Q. [9:53:31] Do you recognise your signature?
- 14 A. [9:53:34] Yes.
- 15 Q. [9:53:34] And there is a date below it. Do you recognise this as the date when
- 16 you signed your declaration?
- 17 A. [9:53:42] Yes. The 22 September -- 29 September 2019.
- 18 Q. [9:53:55] Thank you. Now I would like to go to page 0072-0313.
- 19 A. [9:54:26] Yes.
- 20 Q. [9:54:29] And paragraph 75?
- 21 A. [9:54:35] 75.
- 22 Q. [9:54:38] So on page -- there's a series of documents on 313 and 314. They're
- 23 a series of pictures. Can you confirm that all these photographs were shown to you?
- 24 A. [9:54:50] Yes.
- 25 Q. [9:54:53] So on page 0314 there is paragraph 76.

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- 1 A. [9:55:01] Yes.
- 2 Q. [9:55:02] And thereto there are a series of photographs or videos. Could you
3 confirm too that they were shown to you?
- 4 A. [9:55:13] Yes.
- 5 Q. [9:55:15] It's on this page 0314 and the next page --
- 6 A. [9:55:25] I see.
- 7 Q. [9:55:27] -- 0315.
- 8 A. [9:55:29] Okay.
- 9 Q. [9:55:38] Have these been shown to you?
- 10 A. [9:55:41] Yes.
- 11 Q. [9:55:44] Now, at the top of the page 0315 --
- 12 A. [9:55:57] Yes.
- 13 Q. [9:55:58] -- there's a number of a video. Do you confirm that during
14 the preparation session you were informed that there was an error, a typo in this
15 video number?
- 16 A. [9:56:15] Yes, I was informed thereof.
- 17 Q. [9:56:19] And that instead of the video being MLI-OTP-012-0693 the video was
18 in fact MLI-OTP-0018-0693.
- 19 A. [9:56:43] Yes.
- 20 Q. [9:56:43] Do you confirm that you saw this video MLI-OTP --
- 21 A. [9:56:52] Yes.
- 22 Q. [9:56:53] -- 0018-0693?
- 23 A. [9:57:00] Yes, I saw it.
- 24 THE INTERPRETER: [9:57:03] The witness interjected "yes" multiple times
25 during -- while the Prosecutor was speaking.

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- 1 MS HUCK: [9:57:15](Interpretation)
- 2 Q. [9:57:16] So we now go on to the next page. This is page 316.
- 3 A. [9:57:26] Mm-hmm.
- 4 Q. [9:57:31] Can you see it?
- 5 A. [9:57:32] Yes.
- 6 Q. [9:57:37] It's indicated "Annex"?
- 7 A. [9:57:43] Yes.
- 8 Q. [9:57:45] Annex 1 to 6 figure there. I would like you to take your binder at
- 9 tab 2 to 7.
- 10 A. [9:58:02] Yes. Yes.
- 11 Q. [9:58:21] From 2 to 7. For the transcript, these are the documents
- 12 MLI-OTP-0072-0319.
- 13 A. [9:58:38] Yes.
- 14 Q. [9:58:41] To MLI-OTP-0072-0325.
- 15 Once you've gone through them, through these documents from tabs 2 to 7, could you
- 16 confirm that these are the annexes to your statement.
- 17 A. [9:59:48] Yes, I can confirm that these are the annexes that they've added to my
- 18 declaration at my request.
- 19 Q. [10:00:01] Thank you. So now I would like to go to the corrections to your
- 20 statement.
- 21 And in order to do so, I would like to address the Chamber. During the preparation
- 22 session the witness brought a number of corrections to his statement. Now, in order
- 23 to speed things up we suggested to the Defence -- well, we sent them a correction
- 24 note compiling all of these corrections in the knowledge that we had some follow-up
- 25 questions according to these corrections that were contained in this correction note.

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1 The Defence informed us last night that they were opposed to this correction note
2 being used, so we are now in the hands of the Chamber and I can go one by one
3 through the corrections or I can submit the document and put follow-up questions.

4 PRESIDING JUDGE MINDUA: [10:01:25](Interpretation) I'm turning to the Defence.

5 I do not understand why the Defence would be opposed to this procedure suggested
6 by Madam Prosecutor, which would enable us to save time.

7 Ms Sutherland.

8 MS SUTHERLAND: [10:01:38] Mr President, I fear that with the portion of these
9 changes to the statement it's a mischaracterisation to cast them as merely corrections
10 because, in fact, the witness appears to be changing the basis for his knowledge. I
11 hope that the sound has been cut to the witness, Mr President, sorry.

12 PRESIDING JUDGE MINDUA: [10:02:09](Interpretation) No, you didn't request for
13 it to be cut off.

14 Mr Courtroom Officer, could you please cut off the feed to the witness.

15 THE COURT OFFICER: [10:02:18] (Overlapping speakers)

16 PRESIDING JUDGE MINDUA: [10:02:21](Interpretation) Thank you very much,
17 Mr Courtroom Officer.

18 Ms Sutherland.

19 MS SUTHERLAND: [10:02:26] Since the -- since these amendments are actually
20 a substantive change to the witness's testimony, we submit that in fact
21 the Prosecution is obliged to handle this through eliciting open testimony.

22 Mr President, if it assists you, it's a number of amendments at paragraph 39 of the
23 witness's statement, and then again at paragraph 43, where the witness is explaining
24 the basis of his knowledge and he changes the identity, which has obviously had
25 a huge impact on our ability to investigate. It was disclosed only on the eve of

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1 testimony, as the Prosecution is well aware.

2 PRESIDING JUDGE MINDUA: [10:03:39](Interpretation) Madam Prosecutor,
3 usually when we bring corrections, then these are minor corrections in character.
4 Nevertheless, the Defence is saying that it is indeed the basis of the witness's
5 knowledge. So what is going on here?

6 MS HUCK: [10:03:58](Interpretation) Yes, Mr President, this is quite simply because
7 we would like to put follow-up questions to the witness in order to elicit the changes
8 and the reasons for the changes to his statement. And we wanted to avoid for these
9 corrections, which are to be located at approximately 10 different places in his
10 statement, we were trying to avoid that. But I can do it orally, if that does not
11 disturb the Chamber.

12 PRESIDING JUDGE MINDUA: [10:04:44](Interpretation) Ms Sutherland, is that all
13 right with you, if we go about it this way?

14 MS SUTHERLAND: [10:04:51] As I understand it, the Prosecutor was offering to
15 elicit the information through open testimony; is that correct?

16 PRESIDING JUDGE MINDUA: [10:05:07](Interpretation) I can see Mr Dutertre on
17 his feet.

18 Mr Dutertre.

19 MR DUTERTRE: [10:05:12](Interpretation) Yes, thank you, Mr President.

20 The corrections are repetitive in nature, and if we do it this way we're going to be
21 wasting the Chamber's time. So what we wanted to do was to submit a correction
22 note and then ask the witness why these corrections are to be made. So we wanted
23 to address the concerns of the Defence and also gain time. So that was celerity and
24 efficiency, that was our aim.

25 PRESIDING JUDGE MINDUA: [10:05:45](Interpretation) Ms Sutherland,

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1 the method that the Prosecution is putting forward seems acceptable to me, because it
2 resolves your concern, and also we will be gaining time. So I think we're going to go
3 about it in this way.

4 Mr Courtroom Officer, could you please re-establish the connection with the witness.

5 THE COURT OFFICER: [10:06:12] Your Honours, the sound has been re-established.

6 PRESIDING JUDGE MINDUA: [10:06:18](Interpretation) Thank you very much,
7 Mr Courtroom Officer.

8 Madam Prosecutor, please.

9 MS HUCK: [10:06:23](Interpretation) Thank you, Mr President.

10 Q. [10:06:26] So, I would like to have brought up document MLI-OTP-0080-4104.

11 It is a document that is confidential in nature and it is a document to be found at
12 tab 54, which we added yesterday. So it is the very last document in your binder,
13 *the document is MLI-OTP-0080-4104, tab 54.

14 Do you have it before you?

15 A. [10:07:11] Yes.

16 Q. [10:07:15] And can you see that there is written "Correction note made by
17 the witness on his statement"; is that correct?

18 A. [10:07:24] Yes.

19 Q. [10:07:27] So I'm going to ask you, Mr Witness, to read this document.

20 A. [10:07:35] Okay.

21 Q. [10:07:37] And confirm to me whether you are in agreement with the corrections
22 that are indicated in this correction note. Please take your time. And I believe that
23 you also have your statement in the binder.

24 A. [10:07:59] "Correction note made by Witness P-0639".

25 PRESIDING JUDGE MINDUA: [10:08:07](Interpretation) Mr Witness, you don't

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1 need to read it out loud.

2 MS HUCK: [10:08:14](Interpretation) Yes. I just wanted to ask you to read it to
3 yourself and then say whether you are in agreement with this note and
4 the corrections that are indicated therein.

5 THE COURT OFFICER: [10:08:25] My apologies. Would counsel please provide us
6 the ERN once again. Thank you.

7 MS HUCK: [10:08:36](Interpretation) MLI-OTP-0080-4104.

8 THE WITNESS: [10:10:24](Interpretation) Yes. That's fine.

9 MS HUCK: [10:10:27](Interpretation)

10 Q. [10:10:28] So, Mr Witness, can you confirm that these corrections are correct.

11 A. [10:10:37] Yes.

12 Q. [10:10:43] Very well. Thank you.

13 For my following follow-up questions regarding this correction note, I would like,
14 Mr President, for us to move into closed session because the information could be
15 identifying in nature.

16 PRESIDING JUDGE MINDUA: [10:11:00](Interpretation) Yes, indeed.

17 Mr Courtroom Officer, please.

18 (Private session at 10.11 a.m.)

19 THE COURT OFFICER: [10:11:18] Your Honours, we're in private session. And we
20 are trying to re-establish the connection with the VTC location.

21 PRESIDING JUDGE MINDUA: [10:11:32](Interpretation) Thank you very much,
22 Mr Courtroom Officer.

23 (Pause in proceedings)

24 PRESIDING JUDGE MINDUA: [10:13:06](Interpretation) There we are. Everything
25 is in order.

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1 Madam Prosecutor.

2 MS HUCK: [10:13:15](Interpretation)

3 *Q. [10:13:17] Now, Mr Witness, we are in private session and I would like you to
4 please consult page 0299 of your statement MLI-OTP-0072-0290.

5 It's a confidential document, at tab 1. So page 0299.

6 THE INTERPRETER: [10:13:53] The interpreter is having problems hearing what
7 Madam Huck is saying because of all the background noise from the remote location.
8 Huge amounts of noise.

9 MS HUCK: [10:14:04](Interpretation)

10 Q. [10:14:05] Do you have it before you?

11 A. [10:14:06] Yes, I do.

12 Q. [10:14:09] I would like for us to go to paragraph 39, please.

13 A. [10:14:17] Yes.

14 Q. [10:14:18] And to the third line where there is a correction that you brought.

15 And the correction indicates that -- with regard [REDACTED] it is
16 indicated, "Ten minutes later, a member [REDACTED] arrived running and
17 he announced to the old gentleman that [REDACTED]

18 So, in your statement it is indicated [REDACTED] at line 3, and now
19 the correction that you are bringing at line 3 is that, instead of "[REDACTED]", one
20 should read "[REDACTED]".

21 A. [10:15:23] Yes.

22 Q. [10:15:24] So, Mr Witness, can you explain why in the year [REDACTED] you said that it
23 was [REDACTED] and now you are saying that it is [REDACTED]

24 A. [10:15:41] I said that the both -- both of them were in the same *grin*, but it was
25 [REDACTED] that came to meet. After [REDACTED] came, they all met together before we

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1 [REDACTED] So because he was the old -- I thought he was the one who
2 said that to the old gentleman. It was [REDACTED] who said everything to the old
3 gentleman.

4 THE INTERPRETER: [10:16:08] Could the witness please look straight at the camera
5 so that the interpreter can see his lips and speak clearly.

6 MS HUCK: [10:16:15](Interpretation)

7 Q. [10:16:16] So, in [REDACTED] you thought that it was [REDACTED] who said it?

8 A. [10:16:24] Yes.

9 Q. [10:16:24] And now you are saying that you believe that it is [REDACTED] is that
10 correct?

11 A. [10:16:29] Yes, indeed.

12 PRESIDING JUDGE MINDUA: [10:16:29](Interpretation) Ms Sutherland, please.

13 MS SUTHERLAND: [10:16:30] Mr President, forgive the interruption. A number of
14 requests have been coming from the English booth regarding the sound quality and
15 the ability to understand what the witness is saying, so I wonder if those could be
16 noted by the Prosecution and relayed.

17 PRESIDING JUDGE MINDUA: [10:17:01](Interpretation) Madam Prosecutor, did
18 you follow what's going on? There are concerns with regard to the sound on
19 the part of the witness. Maybe the witness should speak closer to the microphone,
20 and maybe he should speak face on to the camera so that the interpreters can see him
21 properly.

22 MS HUCK: [10:17:26](Interpretation)

23 Q. [10:17:30] Mr Witness, maybe if you could speak closer to the microphone, and
24 if you could put your head up and be closer so that the sound is better and we can
25 hear you clearer.

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1 A. [10:17:46] All right. All right, that's fine.

2 PRESIDING JUDGE MINDUA: [10:17:55](Interpretation) Because we also need to

3 see your mouth moving. It helps them certainly. There we are.

4 Madam Prosecutor.

5 MS HUCK: [10:18:07](Interpretation)

6 Q. [10:18:08] So could you please repeat what you just said, your response with

7 regard to this change, this correction that you brought to your statement.

8 *A. [10:18:23] So he is the one who told me that he had told everything to the old

9 man.

10 So to be more accurate, I wanted to add that it is better to change the name, to use

11 [REDACTED] name, because both are still alive to this day.

12 THE INTERPRETER: [10:19:01] The witness is still looking down at the table.

13 THE WITNESS: [10:19:00](Interpretation) So that's why I said --

14 THE INTERPRETER: [10:19:04] The interpreter says she cannot interpret this

15 because the witness is looking down and not speaking clearly, sorry.

16 PRESIDING JUDGE MINDUA: [10:19:18](No interpretation)

17 MS SUTHERLAND: [10:19:18] Mr President, we have just had an indication from

18 the English booth that they are unable to interpret because the witness continues to

19 face the desk.

20 So we've had no interpretation, I'm afraid.

21 THE INTERPRETER: [10:19:36] Message from the English booth: Could my

22 message please be conveyed clearly to the Presiding Judge. The witness needs to lift

23 his head and speak more clearly in distinctive sentences. It is a mess from the

24 witness.

25 MS SUTHERLAND: [10:19:53] The interpreter is explaining that the witness needs

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1 to lift his head and -- and speak more clearly. It is currently a mess. I was asked to
2 relay that.

3 PRESIDING JUDGE MINDUA: [10:20:20](Interpretation) Mr Witness, did you hear
4 what Ms Sutherland just said to you?

5 THE WITNESS: [10:20:24](Interpretation) Yes.

6 PRESIDING JUDGE MINDUA: [10:20:25](Interpretation) There we are. So when
7 you speak, please pick your head up so that the interpreters are able to see your lips
8 moving. It helps them.

9 THE WITNESS: [10:20:36](Interpretation) Okay. I see.

10 PRESIDING JUDGE MINDUA: [10:20:38](Interpretation) Thank you very much
11 indeed.

12 Madam Prosecutor, please.

13 MS HUCK: [10:20:46](Interpretation) Do we need to repeat the last response on
14 the part of the witness or not?

15 PRESIDING JUDGE MINDUA: [10:21:02](Interpretation) Ms Sutherland, you do
16 have the French transcript so let's gain some time here.

17 Madam Prost is saying to me that the text is also in the English version, so let's move
18 on.

19 Madam Prosecutor.

20 MS HUCK: [10:21:25](Interpretation)

21 Q. [10:21:25] I would now like to go to paragraph 40 of your statement. That is at
22 page 0300. Do you have it before you?

23 A. [10:22:09] Yes.

24 Q. [10:22:14] So at paragraph 40 at line 11 of your statement.

25 A. [10:22:59] Paragraph 40.

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1 Q. [10:23:02] So at paragraph 40 at line 11, and this is a correction that is not in
2 the correction note, you indicate [REDACTED]

3 [REDACTED] Do you have any correction or clarification to bring to this?

4 A. [10:23:36] Yes. Yes. [REDACTED]

5 [REDACTED]

6 Q. [10:24:16] In your statement you said [REDACTED]

7 [REDACTED] Could you explain to us why you are bringing this amendment?

8 *A. [10:24:40] As I said, it was after the meeting with the investigators and returning
9 to Timbuktu that I talked to [REDACTED] himself [REDACTED]

10 [REDACTED] And that's when they told me that [REDACTED]

11 [REDACTED]

12 Q. [10:25:23] Very well. And the following sentence is: "I thought to myself that the

13 [REDACTED]

14 [REDACTED]"

15 When did you think that?

16 A. [10:25:46] That was before [REDACTED] came to my house. I thought that
17 these might [REDACTED]

18 [REDACTED] And to date this is still an issue in Timbuktu.

19 Q. [10:26:20] And you yourself [REDACTED] were you able to see
20 the [REDACTED]

21 A. [10:26:28] No, not at all. I was extremely frustrated and I wasn't able to go with
22 the [REDACTED] and the others. I had been so frightened and I was extremely
23 disturbed, unbelievably so.

24 Q. [10:26:51] Very well.

25 Now I have now finished with the corrections, we will be able to go back into open

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1 session, Mr President.

2 PRESIDING JUDGE MINDUA: [10:27:03](Interpretation) Very well. Thank you

3 very much, Madam Prosecutor.

4 Mr Courtroom Officer, please.

5 (Open session at 10.27 a.m.)

6 THE COURT OFFICER: [10:27:14] We're back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [10:27:20](Interpretation) Thank you very much,

8 Mr Courtroom Officer.

9 Madam Prosecutor, please.

10 MS HUCK: [10:27:25](Interpretation) Thank you, Mr President.

11 Q. [10:27:29] So, Mr Witness, we have indeed noted the corrections and

12 the correction note and the corrections that you have just brought now.

13 So with these corrections in mind, is your statement and the annexes thereto now

14 accurate?

15 A. [10:27:55] Yes.

16 Q. [10:27:59] And do you have any objection to your statement and the annexes

17 thereto and the documents that have been shown to you to be tendered into evidence?

18 A. [10:28:13] Yes.

19 Q. [10:28:18] Are you in agreement for them to be entered into evidence?

20 A. [10:28:24] Yes.

21 Q. [10:28:29] Thank you.

22 So, I shall now finish by wanting -- by showing a final document to the witness for

23 which we need to move into private session, please, Mr President.

24 PRESIDING JUDGE MINDUA: [10:28:51](Interpretation) Mr Courtroom Officer,

25 please.

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1 (Private session at 10.28 a.m.)

2 THE COURT OFFICER: [10:28:58] We're in private session, Mr President.

3 PRESIDING JUDGE MINDUA: [10:29:05](Interpretation) Thank you very much,

4 Mr Courtroom Officer.

5 Madam Prosecutor.

6 MS HUCK: [10:29:13](Interpretation) So I would like to ask the courtroom officer to

7 please show a photograph, a photograph of an article.

8 And as I warned you, we need to zoom in on the photograph for us not to be able to

9 see any of the writing around it. [REDACTED] So if we could be very

10 careful only to show the photograph. Thank you very much.

11 Q. [10:30:04] So, Mr Witness, can you see the photograph up on the screen?

12 A. [10:30:07] Yes, I can.

13 Q. [10:30:12] And can you tell us whether you recognise this individual?

14 A. [10:30:20] Yes, it's [REDACTED]

15 Q. [10:30:24] And what's her name?

16 A. [10:30:27] Azahara Abdou.

17 Q. [10:30:32] So, Witness, we can take away the photo and go back into open

18 session.

19 PRESIDING JUDGE MINDUA: [10:30:43](Interpretation) Court officer.

20 (Open session at 10.30 a.m.)

21 THE COURT OFFICER: [10:30:53] We are back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [10:30:58](Interpretation) Thank you very much,

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1 court officer.

2 Madam Prosecutor.

3 MS HUCK: [10:31:03](Interpretation)

4 Q. [10:31:04] So, Witness, I'd like to thank you. I've finished with my questions.

5 A. [10:31:10] Thank you.

6 PRESIDING JUDGE MINDUA: [10:31:11](Interpretation) So, Madam Prosecutor, it's
7 the end of your examination-in-chief?

8 MS HUCK: [10:31:17](Interpretation) Yes, that's correct.

9 PRESIDING JUDGE MINDUA: [10:31:20](Interpretation) Thank you very much,
10 Madam Prosecutor.

11 So the conditions for proceedings required under Rule 68(3) of the Rules of Procedure
12 and Evidence have been met. We are therefore satisfied therewith.

13 I now turn to the Legal Representative of Victims, Maître Kassongo, to see if you
14 would like to intervene because we've received your written submissions where you
15 stated that you wish to take the floor.

16 MR KASSONGO: [10:32:01](Interpretation) Thank you, your Honour, your Honours.
17 The Legal Representatives wish to put some small contextual questions with a view to
18 obtaining certain clarifications from the witness, with your leave, of course. And in
19 order to do so without taking too much time, taking into account answers and
20 interpretation, the time will be approximately 20 minutes that we're asking for. Not
21 longer than that.

22 PRESIDING JUDGE MINDUA: [10:32:37](Interpretation) Thank you very much,
23 Maître Kassongo.

24 So, of course this is -- our witness is a factual witness. The Prosecution presents
25 the witness under Rule 68 and the Chamber understands that the Legal

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1 Representatives can put questions.

2 I now turn to the Defence to ask the ritual question.

3 What does the Defence think?

4 MS SUTHERLAND: [10:33:04] No objection in principle, Mr President, but of course
5 we reserve the right to object in case the question so warrants it.

6 PRESIDING JUDGE MINDUA: [10:33:19](Interpretation) Thank you very much,
7 Ms Sutherland, for your cooperation.

8 So, Maître Kassongo, the Chamber gives you leave to put your questions. You
9 therefore have the floor.

10 MR KASSONGO: [10:33:35](Interpretation) Thank you very much, your Honour,
11 your Honours.

12 QUESTIONED BY MR KASSONGO: (Interpretation)

13 Q. [10:33:42] If you would allow me, Witness, to greet you and wish you good day.

14 A. [10:33:49] Good morning.

15 Q. [10:33:50] Please excuse me for only being able to see you sideways.

16 The picture on the screen, I have to look for you in order to understand
17 the expressions in your face. But if I look at you in a sideways way, what I'm trying
18 to do is to see you well on the screen.

19 I'm going to speak slowly with a few questions, and if you consider that the answer
20 merits to be in private session and that you will need to say identifying elements,
21 please do not hesitate to say so.

22 Witness, in paragraph 32 of your statement you said - and here I refer to it - that we
23 are people who want to be free. Why did you say that, "We are people who love to
24 be free"?

25 A. [10:35:28] It's just because during the occupation there was terror everywhere.

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1 People were afraid of going out, even going out of their front door. Even going out
2 of your front door you are afraid.

3 Q. [10:35:43] Thank you, Witness. Could you explain to the Chamber and to all of
4 us what everybody was afraid of at that time.

5 *A. [10:36:00] At that time we were afraid of these wrongdoers, so-called jihadists
6 who were occupying the town, because it was a case of might is right, they were the
7 ones who were making the law. So even if you didn't have... somebody sees you, that
8 does not... (inaudible) you could be wrongly accused of anything.

9 Q. [10:36:33] Thank you very much, Witness.

10 Now, according to this expression of fear, could you tell us, perhaps with examples
11 that you might have, where it concerns women, why were women particularly afraid
12 during that time?

13 A. [10:37:12] (No interpretation)

14 PRESIDING JUDGE MINDUA: [10:37:14](Interpretation) Ms Sutherland.

15 MS SUTHERLAND: [10:37:16] Mr President, I'm afraid I have to object to this
16 because it's going into matters about which we have no notice and may veer outside
17 the scope of the charges.

18 PRESIDING JUDGE MINDUA: [10:37:42](Interpretation) Ms Sutherland, I'm
19 rereading the transcript. Now, I don't know why you think that this is going outside
20 the scope of the charges.

21 MS SUTHERLAND: [10:37:51] Mr President -- Mr President, there's no linkage to
22 this -- no discernible link drawn to this witness in particular.

23 PRESIDING JUDGE MINDUA: [10:38:06](Interpretation) Maître Kassongo, what do
24 you think?

25 MR KASSONGO: [10:38:10](Interpretation) Your Honour, with regards to this

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1 objection, it's not welcome, taking into account that in the statement the witness in
2 paragraph 36, he gives an example of the case of a baptism, and it's then that the legal
3 representatives would like to know if, outside this case of baptism, there were other
4 cases which could demonstrate the fear of this category of victims at a particular
5 given time.

6 PRESIDING JUDGE MINDUA: [10:38:55](Interpretation) Ms Sutherland,
7 the Chamber does not accept your objection because I have paragraph 36 in front of
8 me and the legal representative is right.

9 Please continue, Maître Kassongo.

10 MR KASSONGO: [10:39:08](Interpretation) Thank you, your Honour,
11 your Honours.

12 Q. [10:39:11] Witness, could you tell us in your words, or give us other cases, where
13 women were afraid at that time?

14 A. [10:39:31] Well, they -- they weren't able to go to the marriages or baptism or be
15 tontine. They weren't even able to go to the market. You have to be veiled people
16 in order to go to the market. Without that you would be whipped or you would be
17 imprisoned.

18 Q. [10:40:04] Thank you very much, Witness, for this precision. I'm now going
19 back to your testimony. And in paragraph 39 thereof you explain the word "*grin*"
20 and you explain it very well. Is it a game and what does it -- in what way was it
21 banned at that time?

22 A. [10:40:53] I haven't understood the question.

23 Q. [10:41:00] Well, at the time you speak about the *grin*. And why this was this
24 banned to go there, why was this banned at the time during the occupation?

25 A. [10:41:19] Well, this was banned because at that time we were banned from

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1 having tea to discuss our problems. Everything that could -- well, the people
2 weren't allowed to join together in groups of five and six because when you went
3 there to this sort of event there might be music, et cetera, so this is something you
4 weren't allowed to do.

5 Q. [10:41:54] Witness, you said "we were banned". Who would ban you?

6 A. [10:41:59] These jihadist criminals, the people who were the occupiers at the
7 time -- occupying the region at that time.

8 Q. [10:42:07] Thank you very much, Witness.

9 Now, the penultimate question that I'd like to put to you takes up the context,
10 the general context. Now, you spoke about the suffering linked to violence, and here
11 I quote you, "among the victims and the population". This made the population flee
12 the town.

13 Now, when you speak about violence which was suffered.

14 PRESIDING JUDGE MINDUA: [10:42:55](Interpretation) Ms Sutherland.

15 MS SUTHERLAND: [10:42:56] Please could we have the reference to that quotation,
16 please.

17 PRESIDING JUDGE MINDUA: [10:43:04](Interpretation) Maître Kassongo, could
18 you give the reference please.

19 MR KASSONGO: [10:43:07](Interpretation) Yes, your Honour, I was going to give it.
20 This is in paragraph 216 of the statement on the context.

21 PRESIDING JUDGE MINDUA: [10:43:25](Interpretation) Ms Sutherland.

22 MS SUTHERLAND: [10:43:26] There is no paragraph 216, Mr President.

23 PRESIDING JUDGE MINDUA: [10:43:35](Interpretation) That's correct,

24 Maître Kassongo. I've got the statement in front of me. There isn't a paragraph 216.

25 MR KASSONGO: [10:43:41](Interpretation) Yes, your Honour.

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1 It's paragraph 37.

2 PRESIDING JUDGE MINDUA: [10:43:51](Interpretation) Thank you very much.

3 MR KASSONGO: [10:43:54](Interpretation) Excuse me, your Honour.

4 Q. [10:43:56] So I come back to the general context, saying that is it the same

5 violence towards the population, that was the reason for the departure of all

6 the people from Timbuktu."

7 I don't know if the witness was able to follow me.

8 A. [10:44:42] Yes, not at all.

9 Q. [10:44:45] I'm going to put the question again for the witness.

10 Now, when you speak about the general scheme in the context of the departure of

11 displaced persons -- this is the word that wasn't used here, but when people departed

12 from Timbuktu, was it this violence that made a lot of people leave Timbuktu; is that

13 what you mean?

14 A. [10:45:14] Yes.

15 Q. [10:45:21] And under what conditions did all of these people leave? Did they

16 abandon their property, did they take it with them?

17 *A. [10:45:31] They abandoned everything. They didn't have any -- there wasn't any

18 transport. They transported things by camel, by donkey, by motorbike. So they left

19 everything behind because there was fear, there was terror everywhere.

20 Q. [10:45:53] And the last question, Mr Witness. This is of a family nature. If

21 you could give us some clarifications with regards to [REDACTED]

22 [REDACTED]

23 PRESIDING JUDGE MINDUA: [10:46:10](Interpretation) Maître Kassongo, isn't this

24 [REDACTED] question going to risk revealing the identity of the witness? Shouldn't we go

25 into private session for this?

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1 MR KASSONGO: [10:46:22](Interpretation) Thank you, your Honour. I think this
2 would be a good thing to ask this question in private session, indeed.

3 PRESIDING JUDGE MINDUA: [10:46:27](Interpretation) Court officer.
4 (Private session at 10.46 a.m.)

5 THE COURT OFFICER: [10:46:35] We're in private session, Mr President.

6 PRESIDING JUDGE MINDUA: [10:46:40](Interpretation) Thank you very much,
7 court officer.

8 MR KASSONGO: [10:46:45](Interpretation) Thank you, your Honour.

9 Q. [10:46:48] Witness?

10 A. [10:46:49] Yes.

11 Q. [10:46:50] Since [REDACTED] do you still feel the same level of
12 intensity of suffering?

13 A. [10:46:59] Yes. [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 THE INTERPRETER: [10:47:33] Overlapping speakers.

17 MR KASSONGO: [10:47:35](Interpretation) Thank you, Witness.

18 We can now go into open session. I have no further questions to put.

19 PRESIDING JUDGE MINDUA: [10:47:45](Interpretation) Court officer, please take
20 us into open session.

21 (Open session at 10.47 a.m.)

22 THE COURT OFFICER: [10:47:52] We're back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [10:47:59](Interpretation) Thank you very much,
24 court officer.

25 You've just confirmed, Maître Kassongo, that you've just finished with your

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1 questions.

2 MR KASSONGO: [10:48:14](Interpretation) Yes, your Honour.

3 If you would allow me to thank the witness and to tell him that I have finished with
4 the questions, and the Legal Representatives take this opportunity to say that we have
5 finished with our questions for the witness.

6 PRESIDING JUDGE MINDUA: [10:48:29](Interpretation) Thank you very much,
7 Maître Kassongo. As usual, you have kept your word and you have respected
8 the time that was allocated to you.

9 Now I turn towards the Defence.

10 Ms Sutherland, are you ready? Because we still have 13 minutes before our break.

11 MS SUTHERLAND: [10:48:52] Yes, Mr President.

12 PRESIDING JUDGE MINDUA: [10:48:58](Interpretation) Thank you very much,
13 Ms Sutherland. That's very good. You have the floor for your cross-examination.

14 MS SUTHERLAND: [10:49:07] Thank you very much, Mr President.

15 QUESTIONED BY MS SUTHERLAND:

16 Q. [10:49:09] Mr Witness, we met yesterday very briefly, and just as my colleagues
17 have explained, it's difficult for you because you can't see us very clearly, but I'm
18 looking at you, I believe, in the right camera right now, and I'm looking at you on
19 the screen. And as has also been explained, please look directly at the screen so that
20 we can see your lips.

21 Mr Witness, have you understood everything that I've said?

22 A. [10:50:02] Yes, it's understood.

23 Q. [10:50:04] Thank you very much.

24 Mr Witness, we need a little bit of help from you in properly understanding
25 the relationships between the people that you've mentioned in your statement.

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1 I'm referring precisely to Prosecution tab 1, MLI-OTP-0072-0290-R03, at page 0293,
2 paragraph 17.

3 And, Mr President, given the nature of these questions and the anticipated answers, it
4 may be prudent to request your leave to go into private session briefly.

5 PRESIDING JUDGE MINDUA: [10:50:54](Interpretation) Indeed, Ms Sutherland.
6 Court officer, private session, please.

7 (Private session at 10.51 a.m.)

8 THE COURT OFFICER: [10:51:08] We're in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [10:51:14](Interpretation) Thank you very much,
10 court officer.

11 Ms Sutherland.

12 MS SUTHERLAND:

13 Q. [10:51:18] Mr Witness, in the paragraph that I've just identified, you say that

14 [REDACTED] Can I ask you to explain precisely what you mean by
15 this expression.

16 A. [10:51:42] [REDACTED]

17 [REDACTED] Without forgetting the fact that my father had [REDACTED] wives. So I have
18 half-sisters, as well as half-brothers, from different mothers but from the same father.

19 Q. [10:52:04] And what about [REDACTED] do I understand that you had the same
20 father?

21 A. [10:52:15] Yes, same father but different mothers.

22 Q. [10:52:21] And [REDACTED]?

23 A. [10:52:27] Same thing. Same father, different mothers.

24 Q. [10:52:33] And could you give us again your father's full name, please.

25 A. [10:52:44] [REDACTED].

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1 Q. [10:52:51] And his nickname?

2 *A. [10:52:57] That's [REDACTED], the nickname he was given [REDACTED].

3 [REDACTED]

4 Q. [10:53:07] Thank you. And -- and what about [REDACTED]

5 your -- another -- another brother you described him as?

6 A. [10:53:20] Same father, same mother.

7 Q. [10:53:30] Mr Witness, turning in the same document to page 0296, at

8 paragraph 30, you mention two women, a [REDACTED] and a [REDACTED]

9 [REDACTED] Did they live in Timbuktu or did --

10 * A. [10:53:59] Currently they are in Timbuktu.

11 They are currently in Timbuktu

12 Q. [10:54:16] Mr Witness, do you recognise the name - and forgive my

13 pronunciation - [REDACTED]?

14 A. [10:54:31] [REDACTED]?

15 Q. [10:54:35] [REDACTED] or [REDACTED].

16 A. [10:54:42] No.

17 Q. [10:54:43] Thank you. Mr Witness, I need to show you an image of a person.

18 Let me check with my colleague.

19 It's Defence tab 23 and the reference number is [REDACTED].

20 Mr President, I'm looking to your *greffiers* to ensure that it's ...

21 Which evidence channel? On evidence channel 1, please.

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

23 A. [10:55:55] Yes.

24 Q. [10:55:56] Do you recognise this person?

25 A. [10:56:11] Yes, yes.

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1 Q. [10:56:12] Can you tell us who he is.

2 A. [10:56:26] No.

3 Q. [10:56:27] Thank you, Mr Witness.

4 Mr Witness, do you recognise the name - and, again, forgive my pronunciation - [REDACTED]

5 [REDACTED]?

6 A. [10:56:55] [REDACTED]?

7 Q. [10:57:01] [REDACTED]

8 A. [10:57:03] No, no.

9 Q. [10:57:15] Mr Witness, I'm -- because my pronunciation is so bad, and it may
10 well be my fault, just to double check, I'd like to spell the name. It's [REDACTED] and then
11 [REDACTED] and then [REDACTED] -- (Overlapping speakers)

12 A. [10:57:36] Could you repeat that, please.

13 Q. [10:57:38] [REDACTED] and then [REDACTED] and then [REDACTED]

14 A. [10:57:54] It's a bit quick. It's a bit quick. [REDACTED]?

15 Q. [10:58:03] [REDACTED] and then the last name [REDACTED]

16 A. [10:58:31] [REDACTED].

17 Q. [10:58:33] And he may be known as [REDACTED].

18 A. [10:58:45] No, no. The name tells me absolutely nothing.

19 PRESIDING JUDGE MINDUA: [10:58:56](Interpretation) Ms Sutherland, are we still
20 staying in private session?

21 MS SUTHERLAND: [10:59:04] For one more question, with your leave,

22 Mr President.

23 Q. [10:59:20] Mr Witness, does the name [REDACTED] mean anything
24 to you?

25 A. [10:59:37] [REDACTED] yes, this name does say something to me.

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1 Q. [10:59:43] Could you explain that to us, please.

2 *A. [10:59:47] This is the person -- I knew a [REDACTED]
3 [REDACTED] if it's the
4 same person, because that's the name, [REDACTED] if that's the same person [REDACTED]
5 [REDACTED].

6 Q. [11:00:13] And you know her through (Overlapping speakers)

7 A. [11:00:16] [REDACTED] her.

8 Q. [11:00:18] Forgive me. You [REDACTED] is that what I understand?

9 A. [11:00:24] Yes, yes, yes, if it's the same person, [REDACTED] Because there
10 are so many. And may -- could I be seen -- could I see a photo of her? Without that,
11 I wouldn't be able to say if it's her or not.

12 Q. [11:00:44] We can try to see if we can do that after the break.

13 Mr President, I notice the time. And Mr Prosecutor on his feet.

14 PRESIDING JUDGE MINDUA: [11:01:00](Interpretation) Prosecutor, do you want
15 to intervene in private session?

16 MR DUTERTRE: [11:01:05](Interpretation) Yes, your Honour, just on this question.
17 It would be good to have the exact spelling. Because we've had it for the previous
18 person, but for the last person we've got the name but no spelling. So it would be
19 good to have that for the purposes of the Court record.

20 PRESIDING JUDGE MINDUA: [11:01:23](Interpretation) Yes, Ms Sutherland.

21 MS SUTHERLAND: [11:01:25] Mr President, I'm happy to read that to the witness.
22 We can do that immediately before the break, if that suits you.

23 PRESIDING JUDGE MINDUA: [11:01:35](Interpretation) Indeed, that's what I
24 wanted to say.

25 MS SUTHERLAND:

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1 Q. [11:01:39] Mr Witness, the Prosecutor has asked me to read the spelling, which
2 I'll do for you.

3 So [REDACTED] I have spelt as [REDACTED] and then [REDACTED]

4 A. [11:02:21] That's fine.

5 Q. [11:02:22] You agree that that is the right way to spell or a way to spell the name
6 that I -- we were just discussing?

7 A. [11:02:36] Yes, yes, yes. It's [REDACTED]

8 Q. [11:02:42] Thank you very much, Mr Witness.

9 Mr President, I note the time.

10 PRESIDING JUDGE MINDUA: [11:02:49](Interpretation) Mr Courtroom officer,
11 open session, please.

12 (Open session at 11.03 a.m.)

13 THE COURT OFFICER: [11:03:01] We're in open session, Mr President.

14 PRESIDING JUDGE MINDUA: [11:03:07](Interpretation) Thank you very much,
15 Mr Courtroom Officer.

16 Ms Sutherland.

17 There we are. So it is 11.03 and we're going to rise now for approximately half an
18 hour. We shall reconvene at 11.30.

19 The hearing is suspended.

20 THE COURT USHER: [11:03:28] All rise.

21 (Recess taken at 11.03 a.m.)

22 (Upon resuming in open session at 11.36 a.m.)

23 THE COURT USHER: [11:36:52] All rise. Please be seated.

24 PRESIDING JUDGE MINDUA: [11:37:21](Interpretation) Court is in session once
25 again.

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1 I can see that Maître Kassongo is on his feet.

2 Maître Kassongo.

3 MR KASSONGO: [11:37:28](Interpretation) Good morning, Mr President,
4 your Honours. The Legal Representative of Victims would like for the feed to
5 the witness be cut off for the time being.

6 PRESIDING JUDGE MINDUA: [11:37:43](Interpretation) Mr Courtroom Officer,
7 could you please cut off the feed to the witness.

8 THE COURT OFFICER: [11:37:48] Your Honours, the sound has been cut off.

9 PRESIDING JUDGE MINDUA: [11:37:52](Interpretation) Thank you very much,
10 Mr Courtroom Officer.

11 Mr Kassongo.

12 MR KASSONGO: [11:37:58](Interpretation) Thank you very much, Mr President,
13 your Honours.

14 The Legal Representative of Victims would like to raise an objection with regard to
15 the line of questioning commenced by the Defence. In view of your decision dated
16 10 September of this year in the transcript of the very same day, I can hear in
17 my -- I can hear some noise in my -- why is there a noise?

18 PRESIDING JUDGE MINDUA: [11:38:33](Interpretation) Indeed, Mr Courtroom
19 Officer, why is there is noise?

20 There we are.

21 For the time being everything seems to be in order.

22 So, Mr Courtroom Officer, could you please follow up on that situation.

23 Mr Kassongo.

24 MR KASSONGO: [11:38:51](Interpretation) Yes, Mr President. I would continue in
25 saying that I am raising an objection with regard to the credibility of this line of

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1 questioning and also with regard to the risk that would put the person at
2 risk -- the risk at which the person would be because their name has been cited, and
3 they should not be put at risk [REDACTED] So I am quoting
4 your decision, that is page 95 of the transcript of 10 September, your Chamber
5 underscored that unless the Defence in their cross-examination goes to the credibility
6 and relevance of this decision.

7 Now, the Legal Representatives of Victims would like for this to be the case before
8 this line of questioning is allowed to continue and the rest of these photographs are
9 shown, as this could also have a bearing upon this individual and other individuals at
10 high risk [REDACTED]

11 Thank you.

12 PRESIDING JUDGE MINDUA: [11:40:00](Interpretation) Thank you very much,
13 Maître Kassongo.

14 So before answering you, I can see that the Defence is in discussions. Maybe
15 Ms Sutherland would like to intervene.

16 THE INTERPRETER: [11:40:22] Message from the English interpreter: There's a lot
17 of noise from the remote location.

18 PRESIDING JUDGE MINDUA: [11:40:29](Interpretation) I can still hear noise in my
19 headset, Mr Courtroom Officer, so could you please communicate with people at the
20 remote location.

21 What is the situation, Mr Courtroom Officer?

22 THE COURT OFFICER: [11:41:05](Overlapping speakers) -- the VTC colleagues to
23 ensure that the witness is -- is quiet. Thank you.

24 PRESIDING JUDGE MINDUA: [11:41:23](Interpretation) Thank you very much,
25 Mr Courtroom Officer.

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1 Ms Taylor.

2 MS TAYLOR: [11:41:27] Thank you very much, Mr President. Would it be possible
3 to go into private session, as I do believe that issues concerning relevance would need
4 to be addressed in private session.

5 PRESIDING JUDGE MINDUA: [11:41:46](Interpretation) Mr Courtroom Officer,
6 private session, please.

7 (Private session at 11.42 a.m.)

8 THE COURT OFFICER: [11:42:05] We're in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [11:42:11](Interpretation) Thank you very much,
10 Mr Courtroom Officer.

11 Ms Taylor.

12 MS TAYLOR: [11:42:15] Thank you very much, Mr President.

13 I'm exceptionally addressing this point because it concerns a range of different
14 witnesses. As the Chamber is aware, we have heard evidence from P-1630, a witness
15 [REDACTED] and the Prosecution has submitted reports and
16 evidence that were collected by [REDACTED] in Timbuktu.

17 Now, the issues of methodology, the issue of contacts between [REDACTED] and various
18 witnesses are a live issue in this case, specifically as concerns [REDACTED] but also as
19 concerns the particular individual that was named by the witness. And I refer here
20 to a statement that was admitted by the Chamber [REDACTED]
21 [REDACTED].

22 So this isn't a fishing expedition. The Chamber has already -- or the Single Judge
23 already issued a ruling allowing for the disclosure of that name to the Defence
24 recognising that it was material to our preparation. So the threshold of material
25 relevance was established.

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1 Now, here's the first time we receive any indication that [REDACTED]
2 [REDACTED] That's why we were not in a position to submit disclosure requests in
3 advance or to raise this before the witness's testimony, but given that the witness has
4 himself confirmed [REDACTED]
5 the Defence should be entitled to elicit evidence concerning [REDACTED].
6 Now, that doesn't necessarily mean that the Defence is going to ask for the names of
7 victims. We can assure the Chamber that we are not going to intrude on to any
8 issues that might be covered by redactions or covered by protection measures, but
9 certainly the methodology [REDACTED] and its contacts, specifically with people who
10 are testifying and whose names have been divulged to the Defence, [REDACTED]
11 [REDACTED] are a live issue. And I believe we can assure the Chamber that
12 this will not take up much time at all.

13 Thank you.

14 PRESIDING JUDGE MINDUA: [11:44:54](Interpretation) Maître Kassongo, your
15 question, is it about one individual in particular or about all the names that are being
16 asked about here?

17 MR KASSONGO: [11:45:02](Interpretation) I do apologise, your Honours. I was
18 seeking clarification with regard to the individual who is being quoted here.
19 The Legal Representative has heard the concern raised by the Defence about
20 generalising all such situations, but the Legal Representative would call upon
21 the Chamber to monitor the situation in a wise manner because when we broach this
22 individual, what protective measures are going to be imposed in the context of the
23 decision handed down by the Chamber --

24 THE INTERPRETER: [11:45:49] Overlapping speakers.

25 PRESIDING JUDGE MINDUA: [11:45:51](Interpretation) Thank you very much,

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1 Maître Kassongo. I do believe that the Defence has followed what you have said.
2 But for the time being, there has been a decision handed down by the Chamber with
3 regard to the names and the -- any questions to do with names, and the Chamber has
4 said that parties need to ensure that the private life of the witness and those close to
5 him is or are protected, so one should not enquire in an intrusive manner into
6 the private life of the witness. They are not the accused, after all. And also there's
7 a level of security with regard to questions being put about names.
8 Now, as to the credibility of a given witness, if there are any legitimate suspicions,
9 then of course the Chamber would understand that the name be asked about or for.
10 But otherwise the parties need to avoid putting such questions or quite simply put
11 their case to the witness, namely that -- the individual in question and their
12 credibility.
13 So that's what I can say for the time being.
14 But as Ms Taylor said, the Single Judge had authorised, and I'm going to talk to this
15 about -- to my colleagues about this right now.
16 (Trial Chamber confers)
17 PRESIDING JUDGE MINDUA: [11:49:45](Interpretation) So, Maître Kassongo, and
18 Ms Sutherland, I shall repeat what I said with regard to names. This remains valid
19 for all witnesses. And for this name in particular, the name that the Legal
20 Representative for Victims is talking about, there was a decision handed down on
21 the part of the Single Judge indeed, so Maître Kassongo, we do appreciate your
22 vigilance and your concern with regard to the security and safety of the victims.
23 Nevertheless, in this particular instance the Defence will be allowed to put questions
24 but whilst remaining within the precise field or range of the charges.
25 And the Chamber reserves itself the right to bring matters to a halt if the Defence

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1 were to go beyond the latitude allowed them.

2 So I think that it is now time for us to go back to open session, Ms Sutherland.

3 MS SUTHERLAND: [11:51:11] Thank you very much, Mr President. Forgive me.

4 We have some very directed questions regarding the organisation which may -- it

5 may be prudent to remain in private -- or return to private session for those -- or

6 remain in private session, we're in private session. Remain in private session for that

7 brief line of questioning.

8 PRESIDING JUDGE MINDUA: [11:51:43](Interpretation) For how long,

9 Ms Sutherland, please tell me. Or you could put this off to a later stage. Because

10 my concern is for the hearing to be public. Maybe you could put this question off to

11 a later time and then we go into open session.

12 MS SUTHERLAND: [11:52:05] Mr President, this is difficult, because I don't have

13 a particularly long cross-examination, but it does delve into particulars that are

14 potentially identifying for the witness.

15 So I'm afraid that I will -- I will do my very best to ask as many questions as possible

16 publicly, but the nature of the questioning does dictate, given the parameters of the

17 protective measures, that private session will have -- yeah, I'll have to ask for your

18 leave to go into private session for a fair, a fair, a fair volume of the rest of my

19 questions.

20 PRESIDING JUDGE MINDUA: [11:53:04](Interpretation) Very well.

21 Mr Courtroom Officer, could you please establish the link with the witness. And for

22 the time being we shall remain in private session.

23 THE COURT OFFICER: [11:53:15] Your Honours, the sound has been re-established.

24 PRESIDING JUDGE MINDUA: [11:53:21](Interpretation) Thank you very much,

25 Mr Courtroom Officer.

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1 MS SUTHERLAND: [11:53:28]

2 Q. [11:53:29] Mr Witness, are you able to hear me again?

3 A. [11:53:38] Yes.

4 Q. [11:53:39] Mr Witness, just before the break you mentioned [REDACTED]
5 [REDACTED] and the reference is page 37 -- transcript 136, page 37, line

6 23. Did I understand you correctly that had you mentioned that [REDACTED]

7 [REDACTED]?

8 A. [11:54:19] Yes.

9 Q. [11:54:21] Did you [REDACTED]?

10 A. [11:54:34] Yes, with reference to [REDACTED] This is the same individual, if
11 we're talking about this name. Because [REDACTED] well, that
12 does ring a bell because [REDACTED]. But if there's no link, then there
13 we are.

14 Q. [11:55:03] Well, can you explain the nature of [REDACTED]

15 [REDACTED]?

16 A. [11:55:18] [REDACTED]

17 [REDACTED] If that's the same individual.

18 Q. [11:55:36] Yes, Mr Witness, we're -- we're talking about this individual. What

19 [REDACTED]?

20 A. [11:55:55] Well, I need to see the photograph of the individual to see whether it's
21 the same person.

22 Q. [11:56:03] (Overlapping speakers) -- you mentioned -- Mr Witness, forgive me,
23 can you hear me?

24 A. [11:56:10] Yes, I can.

25 Q. [11:56:12] Mr Witness, you mentioned [REDACTED],

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1 [REDACTED] Yes?

2 A. [11:56:30] Yes, yes.

3 Q. [11:56:33] Do I understand correctly [REDACTED]?

4 A. [11:56:44] Yes. As when you gave me that name [REDACTED] I referred to
5 that person, but I need to see the photograph of that individual before I continue
6 talking about [REDACTED] Otherwise, if this has nothing to do with our
7 discussion, then ...

8 THE INTERPRETER: [11:57:12] The witness trails off.

9 MS SUTHERLAND: [11:57:19]

10 Q. [11:57:20] Mr Witness, the photograph or any photograph of any individual is
11 not really relevant to [REDACTED] so I believe we can continue to discuss
12 the [REDACTED] without showing you a photograph of an individual. Don't you
13 agree?

14 A. [11:57:47] No, not at all. Because [REDACTED] I [REDACTED]
15 [REDACTED] So if this has nothing to do with that, then why
16 would we talk about [REDACTED] itself? Because [REDACTED],
17 so ...

18 PRESIDING JUDGE MINDUA: [11:58:16](Interpretation) Ms Sutherland, please let's
19 move forward, because we're going around in circles here.

20 MS SUTHERLAND: [11:58:27] Mr President, it's precisely [REDACTED]
21 [REDACTED] that interests us and is of potentially extreme relevance to
22 the case. In -- we can ...

23 (Counsel confer)

24 MS SUTHERLAND: [11:59:01] In order to avoid losing any more time, Mr President,
25 we can seek to obtain and show a photograph after the break.

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1 PRESIDING JUDGE MINDUA: [11:59:17](Interpretation) Very well, Ms Sutherland.

2 Ms Sutherland, I do believe that we can go into open session and then we'll talk about

3 [REDACTED] And as we did with the other witnesses, we just won't provide any

4 names. What do you think?

5 MS SUTHERLAND: [11:59:55] Yes, I can move on to another section and we

6 can -- and return to this once my colleagues have obtained an evidential reference for

7 a photograph.

8 PRESIDING JUDGE MINDUA: [12:00:15](Interpretation) Thank you very much,

9 Ms Sutherland.

10 Mr Courtroom Officer, open session, please.

11 (Open session at 12.00 p.m.)

12 THE COURT OFFICER: [12:00:30] We're back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [12:00:35](Interpretation) Thank you very much,

14 Mr Courtroom Officer.

15 Ms Sutherland.

16 MS SUTHERLAND: [12:00:40] Thank you.

17 Q. [12:00:42] Mr Witness, we'll return to that once we've obtained a photograph for
18 you.

19 In your statement, and the reference remains OTP tab 1, MLI-OTP-0072-0290-R03 at
20 page 0311 and the paragraph number is 68, Mr Witness, you told us that you were
21 moving in and out of Timbuktu during the occupation.

22 A. [12:01:19] Yes.

23 Q. [12:01:22] Were you -- were you also spending time [REDACTED]?

24 A. [12:01:33] During the occupation [REDACTED] Before the occupation I was in

25 Timbuktu -- [REDACTED] but afterwards I returned to Timbuktu.

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1 Q. [12:01:59] And you were visiting [REDACTED] in another place; is that correct?

2 A. [12:02:07] Yes. At approximately a [REDACTED],

3 [REDACTED].

4 Q. [12:02:25] Were you working for the individual -- I'm trying not to identify him,

5 Mr Witness, because we're in public session. Were you working for one of [REDACTED]

6 [REDACTED] during 2012?

7 A. [12:02:54] Yes, I was workin [REDACTED]. So I was an

8 [REDACTED] so to earn some money.

9 Q. [12:03:06] when you say working [REDACTED] where were you going? Or

10 where -- does that mean you were [REDACTED] a lot?

11 *A. [12:03:17] If [REDACTED] That was still in

12 Timbuktu even there, [REDACTED] and

13 so on.

14 MR DUTERTRE: [12:03:34](Interpretation) Your Honour, I think there are

15 identifying elements here. So with regards to the rest of the information, I think we

16 have to be cautious.

17 PRESIDING JUDGE MINDUA: [12:03:43](Interpretation) Thank you, Prosecutor.

18 But I think up to here it's okay. But we can also carry out redactions.

19 Please go ahead, Ms Sutherland.

20 MS SUTHERLAND: [12:03:53]

21 Q. [12:03:53] Mr Witness, at paragraph 70 of your witness statement, and that's at

22 MLI-OTP-0072-0290-R03 at page 0311, you explained -- Mr Witness, you explained

23 that it's difficult to remember the precise timings of events.

24 A. [12:04:40] Yes.

25 Q. [12:04:44] It's correct, from what you've been telling us, that you relied on what

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1 you heard from people at your *grin*. Yes?

2 A. [12:05:02] Yes. Others, indeed. People in the *grin*.

3 Q. [12:05:10] Did you also read about events on the internet?

4 A. [12:05:21] No.

5 Q. [12:05:29] Mr Witness, this morning the Prosecution was introducing
6 the annexes to your statement, one of which was a timeline. And that's at annex 6,
7 which I believe is Prosecution tab 7.

8 Mr Witness, whereas I understand that it's difficult to remember with accuracy so
9 long -- events that happened such a long time ago, but it's important to us that we try
10 to get things as accurate as we can.

11 Is it correct that according to your recollection --

12 Mr Witness, for this -- Mr President, for this question I'm afraid I'll have to ask very
13 briefly to go into private session.

14 PRESIDING JUDGE MINDUA: [12:06:39](Interpretation) Court officer.

15 (Private session at 12.06 p.m.)

16 THE COURT OFFICER: [12:06:46] We're in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:06:53](Interpretation) Ms Sutherland.

18 MS SUTHERLAND: [12:06:56]

19 Q. [12:06:56] Mr Witness, it's correct that according to your recollection the event
20 with Azahara happened quite a long time after [REDACTED]

21 [REDACTED]. Yes?

22 A. [12:07:20] I'm sorry, I haven't understood the question well. I haven't
23 understood the question.

24 Q. [12:07:38] Mr Witness, do you hear me?

25 A. [12:07:43] Yes, yes.

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1 Q. [12:07:53] We're discussing the timing of the event you describe relating to

2 Azahara. According to your timeline, this happened well after the time [REDACTED]

3 [REDACTED]. Yes?

4 A. [12:08:28] If my memory serves me well.

5 Q. [12:08:32] The event with Azahara was closer to [REDACTED]

6 Yes?

7 A. [12:08:43] Yes. Azahara (inaudible), yes. Yes, there were two cases with

8 Azahara. Yes. Yes.

9 Q. [12:08:57] And as regards the date [REDACTED] if I could ask you to

10 turn to Defence tab 24. That's [REDACTED] at page [REDACTED]

11 Mr Witness, this is your victim application dated [REDACTED].

12 It says: (Interpretation) "[REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]"

16 (Speaks English) Again, just for clarity, what do you mean by [REDACTED]

17 A. [12:11:03] [REDACTED] is the name of the [REDACTED]. That's it.

18 Q. [12:11:14] And what do you mean by (Interpretation) [REDACTED]

19 [REDACTED]?

20 A. [12:11:27] The army returned to Timbuktu and the jihadists left. The town was

21 liberated.

22 PRESIDING JUDGE MINDUA: [12:11:47](Interpretation) Ms Sutherland, shall we

23 go back into open session?

24 MS SUTHERLAND: [12:11:50] Yes, Mr President. Thank you.

25 PRESIDING JUDGE MINDUA: [12:11:51](Interpretation)

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1 Court officer.

2 (Open session at 12.12 p.m.)

3 THE COURT OFFICER: [12:12:05] We're back in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [12:12:13](Interpretation) Many thanks, court officer.

5 THE INTERPRETER: The previous quote was: "[REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]"

10 MS SUTHERLAND: [12:12:41]

11 Q. [12:12:41] Mr Witness, when you say the army arrived, you mean that

12 the French and the Malian military arrived, correct?

13 A. [12:12:52] Yes. Both joint forces.

14 Q. [12:12:56] Mr Witness, other evidence in this case -- and I'm referring to Defence

15 tab 18, which is [REDACTED]. Mr Witness, they won't be

16 shown to you because they're confidential. And Defence tab 7. That's

17 [REDACTED].

18 Mr Witness, other evidence in this case or material in this case suggests that [REDACTED]

19 [REDACTED] which -- with which we are concerned was 24 January.

20 These should not be shown to the witness.

21 Mr Witness, this -- other material in this case suggests that the [REDACTED] with

22 which we're concerned is -- (Overlapping speakers)

23 A. [12:14:17] Yes.

24 Q. [12:14:20] -- 24 January 2013. Does that sound accurate?

25 A. [12:14:30] It's the old people who established [REDACTED] I wasn't with

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1 him when the date was established, but this was the date that was given, the date that
2 was officially given.

3 Q. [12:14:49] You --

4 A. [12:14:49] I couldn't tell -- I couldn't say what the exact date was [REDACTED].

5 Q. [12:15:00] Mr --

6 A. [12:15:00] Neither -- neither the government, neither [REDACTED] were present at
7 the time, so they didn't pay attention to that.

8 Q. [12:15:14] Mr Witness, you agree that [REDACTED] was very close to the liberation?

9 A. [12:15:29] Yes.

10 Q. [12:15:29] Thank you.

11 Mr President, for my next question I'll have to ask to return briefly into private
12 session, and I'll instruct the witness not to reveal the name for the remaining
13 questions.

14 PRESIDING JUDGE MINDUA: [12:15:53](Interpretation) Court officer.

15 (Private session at 12.16 p.m.)

16 THE COURT OFFICER: [12:16:04] We're in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:16:08](Interpretation) Thank you very much,
18 court officer.

19 Ms Sutherland.

20 MS SUTHERLAND: [12:16:14]

21 Q. [12:16:16] Mr Witness, I apologise if you're getting tired. I hope that you have
22 the strength to keep going.

23 If I could ask you to turn to OTP tab 1 again. It's your witness statement. It's
24 MLI-OTP-0072-0290-R03, this time at page 0305, paragraph 54.

25 A. [12:17:09] Yes.

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1 Q. [12:17:12] Mr Witness, in there you say, in discussing the alleged [REDACTED] of

2 [REDACTED] Azahara, you say: "[REDACTED]"

3 [REDACTED] Azahara [REDACTED]

4 A. [12:17:34] Yes.

5 Q. [12:17:37] In discussing Azahara in public session, to avoid identifying her, may
6 we call her "Madam A"?

7 A. [12:17:55] Okay.

8 Q. [12:17:56] Thank you very much.

9 Mr President, we can return to open session.

10 PRESIDING JUDGE MINDUA: [12:18:03](Interpretation) Court officer.

11 (Open session at 12.18 p.m.)

12 THE COURT OFFICER: [12:18:13] We're back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [12:18:17](Interpretation) Thank you very much,
14 court officer.

15 Ms Sutherland.

16 MS SUTHERLAND:

17 Q. [12:18:25] Mr Witness, from that we understand correctly, don't we, that you
18 weren't present when Madam A returned home?

19 A. [12:18:39] Yes, yes.

20 Q. [12:18:42] Sorry, to avoid any ambiguity, you were not present when she
21 returned home?

22 A. [12:18:53] Yes, I wasn't present.

23 Q. [12:18:55] Thank you, Mr Witness.

24 So you cannot directly know when she returned home; is that correct?

25 A. [12:19:11] I can, because I was [REDACTED] Timbuktu. So when I returned,

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1 I found her at home.

2 Q. [12:19:31] But you directly do not know at what point at which she returned
3 home, correct?

4 PRESIDING JUDGE MINDUA: [12:19:41](Interpretation) Prosecutor.

5 MR DUTERTRE: [12:19:44](Interpretation) Your Honour, asked and answered.

6 That question has been put twice. And on several occasions, the same question has
7 been put in a repetitive way. The Prosecution didn't object. But if we want to
8 progress in a diligent way, then we can't have the same questions put repeatedly.

9 PRESIDING JUDGE MINDUA: [12:20:02](Interpretation) Prosecutor, I agree with
10 you.

11 Ms Sutherland, the question has been answered several times. Please, let's move on.

12 MS SUTHERLAND:

13 Q. [12:20:28] Mr Witness, referring again to your witness statement. This is at
14 paragraph 50 -- also at paragraph 54. You mention that Madam A suffers from
15 crises.

16 A. [12:21:10] Yes. To this day she suffers from these crises.

17 Q. [12:21:23] Is it correct that she ...

18 Mr President, I'm afraid it would be prudent for this question to return to private
19 session. I'm so sorry.

20 PRESIDING JUDGE MINDUA: [12:21:36](Interpretation) Court officer.

21 (Private session at 12.21 p.m.)

22 THE COURT OFFICER: [12:21:46] We're in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [12:21:51](Interpretation) Thank you very much,
24 court officer.

25 Ms Sutherland.

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1 MS SUTHERLAND: [12:21:56] My apologies, Mr President.

2 Q. [12:22:07] Mr Witness, it is correct, isn't it, that Azahara has, in fact, suffered
3 from these since childhood?

4 A. [12:22:22] No, no. Not at all.

5 Q. [12:22:33] Mr Witness, another witness has told this Court that Azahara has
6 suffered from epilepsy since childhood.

7 And the reference for that, for the Court's benefit, is transcript 125, page 28, at line 6,
8 and it was given in open session.

9 And that is why [REDACTED] stayed with her, isn't it?

10 A. [12:23:04] Who? What reason? I'm sorry, I didn't understand that bit.

11 Q. [12:23:15] Because of her crises. Her epilepsy.

12 *A. [12:23:25] No, not at all because when a mother sees her daughter [REDACTED]
13 [REDACTED] -- having been accused of a crime, she will try to see... so
14 she was taken like that, and that's the reason why [REDACTED] was with her [REDACTED]
15 at [REDACTED] rather.

16 MR DUTERTRE: [12:23:48](Interpretation) Your Honour.

17 PRESIDING JUDGE MINDUA: [12:23:50](Interpretation) Prosecutor.

18 MR DUTERTRE: [12:23:51](Interpretation) Could the Defence say if it's the English
19 or French transcript, if it's the edited transcript or the real-time transcript. Because
20 I'm trying to find this in the edited English transcript, and I can't find this on page 28,
21 line 6.

22 PRESIDING JUDGE MINDUA: [12:24:12](Interpretation)
23 Ms Sutherland.

24 MS SUTHERLAND: [12:24:17] I believe it is the edited English transcript, but my
25 colleague is checking. I'm sure we all remember it.

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1 PRESIDING JUDGE MINDUA: [12:25:02](Interpretation) While waiting, can we
2 move on, Prosecutor?

3 MS SUTHERLAND: Q. [12:25:14] Mr Witness, you explained that you went to
4 the event. Can you confirm -- or you -- you did not [REDACTED] at this time,
5 did you?

6 PRESIDING JUDGE MINDUA: [12:25:34](Interpretation) Ms Sutherland, we are still
7 in private session.

8 MS SUTHERLAND: [12:25:35] We can --

9 THE WITNESS: [12:25:36](Interpretation) I haven't understood.

10 MS SUTHERLAND: [12:25:39] We can return to public session, and we can use her
11 pseudonym.

12 PRESIDING JUDGE MINDUA: [12:25:43](Interpretation) Court officer, open session,
13 please. (Open session at 12.25 p.m.)

14 THE COURT OFFICER: [12:25:56] We're back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [12:26:02](Interpretation) Thank you, court officer.
16 Ms Sutherland.

17 MS SUTHERLAND:

18 Q. [12:26:16] Mr Witness, at paragraph 50 of your statement, and that's at page 0304
19 of Prosecution tab 1, you claim that you went to the building where Madam A
20 was -- where you say she was. Yes, you understand?

21 A. [12:26:49] Yes, yes, I understand.

22 Q. [12:26:53] At this time you did not see Madam A's father, did you?

23 *A. [12:27:06] No. When I came to the police station, I didn't see anybody there
24 because I had left the old man at the house.

25 Q. [12:27:20] Nor did you see her mother.

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1 A. [12:27:27] No.

2 Q. [12:27:38] Mr Witness, another witness has reported that her mother stayed
3 outside.

4 And the reference for that, and we'll double-check it, is [REDACTED] I believe it's
5 the English edited - at page 28, line 18, also in open session.

6 Isn't it correct that you would have found her mother easily if you were both outside?

7 A. [12:28:17] I'm sorry, I haven't understood.

8 Q. [12:28:31] Mr Witness, you've told us that you didn't see Madam A's mother, but
9 another witness has told her that -- told us that she remained outside.

10 A. [12:28:46] Outside?

11 Q. [12:28:48] Yes.

12 *A. [12:28:50] No, I can't say anything about that because I don't know. Because I
13 hadn't seen her. She's my stepmother, so if she had been "present," I would have seen
14 her; I didn't see her.

15 PRESIDING JUDGE MINDUA: [12:29:07](Interpretation) Prosecutor.

16 MR DUTERTRE: [12:29:08](Interpretation) Your Honour, the witness is being taken
17 from one paragraph to another. Perhaps, out of fairness to the witness, he has to be
18 shown the paragraph from his statement and, in particular, paragraph 50, and then
19 paragraph 53. And then you can understand more clearly what's happening. And
20 he, he can understand the questions that are being put to him, because it is a bit
21 confusing. I'm confused. And I don't know if the witness can find his way in this.
22 So, out of fairness, his questions are put to him, but he has to be shown what he's said
23 in the context and have a precise question put to him, rather than going from one
24 point to another. And I want to say that there's a lack of fairness towards
25 the witness here.

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1 PRESIDING JUDGE MINDUA: [12:30:05](Interpretation) Ms Sutherland, I think that
2 the Prosecutor is right. Out of a concern of fairness towards the witness, particularly
3 because you're referring to a statement from our witness -- not the -- not the witness
4 present. You're referring to another witness statement.

5 THE INTERPRETER: [12:30:32] Corrects the interpreter.

6 MS SUTHERLAND: [12:30:33] Mr President, the witness has just had a very detailed
7 witness preparation session in which he was taken through his statement again. He
8 has it in front of him. He's clearly following. I really truly believe that the witness
9 is having no trouble in understanding and that this is perfectly fair.

10 In any event, I'm moving on to a different topic.

11 PRESIDING JUDGE MINDUA: [12:31:05](Interpretation) Very well. Then let's just
12 move forward.

13 MS SUTHERLAND:

14 Q. [12:31:16] Mr Witness, a different -- a different witness -- forgive me. One
15 moment.

16 (Counsel confer)

17 MS SUTHERLAND: [12:31:44] Mr President, I'm afraid that the passage I'm about to
18 read from a transcript will be identifying. It's short, but out of an abundance of
19 caution, I'll have to ask to -- just for -- to read this out, return to private session.

20 PRESIDING JUDGE MINDUA: [12:32:08](Interpretation) Mr Courtroom Officer,
21 private session, please.

22 (Private session at 12.32 p.m.)

23 THE COURT OFFICER: [12:32:16] We're in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [12:32:19](Interpretation) Thank you very much,
25 Mr Courtroom Officer. Thank you. Ms Sutherland.

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1 MS SUTHERLAND:

2 Q. [12:32:26] Mr Witness, I'm going to read to you a short passage from another
3 witness and then ask you a couple of questions about it. So please be patient.

4 So the reference is [REDACTED] the English edited transcript, [REDACTED]

5 Mr Witness, what it says is:

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

10 [REDACTED]."

11 Mr President, we can return to public session.

12 PRESIDING JUDGE MINDUA: [12:33:42](Interpretation) Thank you very much,
13 Ms Sutherland.

14 Mr Courtroom Officer, please.

15 (Open session at 12.33 p.m.)

16 THE COURT OFFICER: [12:33:52] We're back in open session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:33:57](Interpretation) Thank you very much.
18 Ms Sutherland.

19 MS SUTHERLAND: [12:34:02]

20 Q. [12:34:02] Mr Witness, that's not true, is it?

21 A. [12:34:13] What you just said is not true, no.

22 Q. [12:34:18] Does it sound to you like a rumour?

23 A. [12:34:30] Well, it could be a rumour, but it does not apply [REDACTED]

24 Q. [12:34:37] Do you agree that lots of stories circle in the market and on line?

25 A. [12:34:50] With regard to what?

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1 Q. [12:34:54] Anything that happened? Anything happening in -- in the world, in
2 Timbuktu in 2012?

3 A. [12:35:09] Well, I don't have an idea about that.

4 PRESIDING JUDGE MINDUA: [12:35:11](Interpretation) Mr Prosecutor.

5 MR DUTERTRE: [12:35:14](Interpretation) Mr President, what is the relevance of
6 this question? How can this assist the Chamber in establishing the truth in this case?

7 I do not see, so I think we should move on to something else.

8 PRESIDING JUDGE MINDUA: [12:35:26](Interpretation) Yes, Ms Sutherland.

9 Please try and move on. This question does not assist the Chamber.

10 MS SUTHERLAND: [12:35:35] Mr President, I'm concerned because we are
11 using -- it's only fair to witnesses to present them with material from other witnesses
12 that contradicts them and give them an opportunity to answer. In the same way,
13 we're allowed to use these witness to contravene the evidence of other witnesses.
14 That's got to be relevant to any kind of assessment to credibility and in determining
15 the truth.

16 PRESIDING JUDGE MINDUA: [12:36:13](Interpretation) Yes, indeed,
17 Ms Sutherland, for a specific question on a specific point. But when you ask whether
18 there were any rumours being mongered in 2012 in Timbuktu, really that is of no
19 interest to the Chamber. Please move on.

20 MS SUTHERLAND: [12:36:40]

21 Q. [12:36:41] Mr Witness, it's correct, isn't it, that a lot of stories were told about
22 your sister in 2012?

23 A. [12:36:54] I am not aware of that.

24 Q. [12:37:02] Mr Witness, could I ask you to turn to Defence tab 2, that's

25 [REDACTED].

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1 Mr Witness, is this your Facebook page?

2 A. [12:37:54] Yes.

3 Q. [12:37:57] At page [REDACTED] we can see a number of friends listed, correct?

4 A. [12:38:12] Yes. Yes, my entire account is here. Yes, that's my account.

5 Q. [12:38:41] Mr Witness, it may be easier if we go to tab 3, which is

6 [REDACTED] Because this is a more complete document and we'll save time.

7 Mr President, for one question may I go into private session, please.

8 PRESIDING JUDGE MINDUA: [12:39:40](Interpretation) Yes, indeed.

9 Mr Courtroom Officer.

10 (Private session at 12.39 p.m.)

11 THE COURT OFFICER: [12:39:51] We're in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [12:39:56](Interpretation) Thank you very much,

13 Mr Courtroom Officer.

14 Ms Sutherland.

15 MS SUTHERLAND: [12:40:03]

16 Q. [12:40:03] Mr Witness, the first name on the left-hand column?

17 A. [12:40:16] Mm-hmm.

18 Q. [12:40:19] That's [REDACTED]?

19 A. [12:40:30] Yes.

20 MS SUTHERLAND: [12:40:36] Mr President, we can return to public session.

21 PRESIDING JUDGE MINDUA: [12:40:44](Interpretation) Mr Courtroom Officer,

22 please.

23 (Open session at 12.40 p.m.)

24 THE COURT OFFICER: [12:40:54] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [12:41:00](Interpretation) Thank you very much,

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1 Mr Courtroom Officer.

2 Ms Sutherland.

3 MS SUTHERLAND: [12:41:10]

4 Q. [12:41:11] How did your contact with this individual happen?

5 A. [12:41:25] Which person?

6 Q. [12:41:26] The person we've just identified, the person who's the first name on
7 the left-hand column.

8 A. [12:41:42] How did what?

9 Q. [12:41:44] How did you become Facebook friends?

10 A. [12:41:53] He is an inhabitant of Timbuktu, so when you go on to your Facebook
11 page, you see another person who is an inhabitant of Timbuktu and you send them an
12 invite. As we are both from Mali, we're from the same region. That's all.

13 Q. [12:42:21] Did you invite him or did he invite you?

14 A. [12:42:29] I don't really remember. Well, people might have suggested me.
15 You know, if you have somebody who is friends with somebody else, then through
16 that person there can be an invite for me to be -- to befriend another individual.

17 Q. [12:42:56] And have you two communicated?

18 A. [12:43:05] I do not believe so, I don't recall. I communicate with a lot of people
19 on the internet. Many, many. Sometimes I leave the connection the way it is and
20 then people play with it. Young brothers, et cetera, so --

21 THE INTERPRETER: [12:43:32] The witness trails off.

22 MS SUTHERLAND: [12:43:36]

23 Q. [12:43:37] And when you're chatting on the -- sorry, what did you say? When
24 you communicate with a lot of people on the internet, is this in the course of your
25 work or is this chit-chat about Timbuktu?

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1 A. [12:44:01] Well, just to chat, because I don't have a job at the moment, so it's just
2 to -- to chat.

3 Q. [12:44:13] And do you chat about Timbuktu in 2012?

4 A. [12:44:25] Well, there wasn't much of a connection in 2012. People were also
5 afraid of getting telephones. So it might be that we talked to each other, but I do not
6 remember.

7 Q. Mr Witness, I'm sorry for the (Overlapping speakers)

8 A. [12:44:41] We might have talked to each other, but ...

9 THE INTERPRETER: [12:44:46] The witness trails off again.

10 MS SUTHERLAND: [12:44:48]

11 Q. [12:44:49] Mr Witness, I'm sorry for the confusion. I mean nowadays do you
12 chit-chat about what happened in Timbuktu in 2012?

13 A. [12:45:05] Now, no. Now, no, no.

14 MS SUTHERLAND: [12:45:27] Mr President, we're still awaiting this photograph for
15 the -- forgive me, we have it.

16 (Counsel confer)

17 MS SUTHERLAND: [12:45:58] Mr President, of course it hasn't been disclosed as
18 part of our list because it's arisen from the request of the witness, but it is already in
19 evidence and the reference is [REDACTED] and it's been used with previous
20 witnesses.

21 It is apparently going to be shown on evidence 1.

22 PRESIDING JUDGE MINDUA: [12:46:39](Interpretation) Yes, indeed,
23 Ms Sutherland. Please go ahead.

24 MS SUTHERLAND: [12:46:58]

25 Q. [12:46:58] Mr Witness, can you see this small image on your screen? Bigger.

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1 A. [12:47:05] Yes, yes, I can see it. I can see it, yes. I can see it.

2 Q. [12:47:20] Is this the same individual that you were describing who [REDACTED]

3 [REDACTED]?

4 A. [12:47:33] Yes, that is her. But the image is a little blurred, but it is her.

5 Q. [12:47:47] Thank you. Will you now be able to discuss with us [REDACTED]

6 [REDACTED]?

7 And I'm afraid, Mr President, I will have to ask, given that this would be potentially
8 identifying, to return to private session.

9 PRESIDING JUDGE MINDUA: [12:48:13](Interpretation) Mr Courtroom Officer.

10 (Private session at 12.48 p.m.)

11 THE COURT OFFICER: [12:48:20] We're in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [12:48:26](Interpretation) Thank you very much,

13 Mr Courtroom Officer.

14 Ms Sutherland.

15 MS SUTHERLAND:

16 Q. [12:48:32] Mr Witness, earlier today - and the transcript reference is transcript
17 136, page 38, at lines 2 to 6 - you mentioned that you [REDACTED] -- but,
18 unfortunately, I didn't really get the full answer.

19 Do I understand that you [REDACTED]?

20 A. [12:49:06] Yes, as [REDACTED]

21 [REDACTED].

22 Q. [12:49:19] Can you explain to us [REDACTED].

23 A. [12:49:30] It was with [REDACTED]

24 [REDACTED]
25 [REDACTED]

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1 Q. [12:50:06] Which -- well, two questions: In which time period, when were you
2 [REDACTED]?

3 A. [12:50:17] If my memory serves me correctly, in [REDACTED] Around there, if
4 my memory serves me correctly.

5 Q. [12:50:32] And which time period were you concerned with?

6 A. [12:50:43] The period?

7 Q. [12:50:45] Yes. You said that you were [REDACTED] (Overlapping speakers)

8 A. [12:50:50] I have that in [REDACTED] I don't have the exact dates, but if I'm not
9 mistaken, it's [REDACTED].

10 Q. [12:51:01] Mr President (sic), I'm asking you a slightly different question. You
11 said that you [REDACTED]

12 [REDACTED]

13 A. [12:51:22] Yes.

14 Q. [12:51:27] Were the inhabitants [REDACTED]?

15 A. [12:51:41] No, I don't really remember. We talked about many things. [REDACTED]

16 [REDACTED] But
17 I don't remember exactly, but we did talk about many things.

18 Q. [12:52:00] When you say [REDACTED] who do you mean?

19 PRESIDING JUDGE MINDUA: [12:52:09] (Interpretation) Mr Prosecutor.

20 MR DUTERTRE: [12:52:13] (Interpretation) Mr President -- (Overlapping speakers)

21 THE INTERPRETER: [12:52:16] Overlapping speakers.

22 * THE WITNESS: [12:52:20] To [REDACTED]

23 MR DUTERTRE: [12:52:23] (Interpretation) The -- I do not see the relevance of this
24 question with regard to the charges, and I would remind the Chamber that we need
25 to focus on matters that -- (Overlapping speakers)

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1 THE INTERPRETER: [12:52:33] Overlapping speakers.

2 PRESIDING JUDGE MINDUA: [12:52:35](Interpretation) Yes, Ms Sutherland, you
3 can see that your questions here mean that the witness is -- is going over. You know,
4 we're talking about events in [REDACTED] here. And I would like to return to open session,
5 wouldn't you agree?

6 MS SUTHERLAND: [12:52:50] Yes, Mr President, we can return to open session.

7 PRESIDING JUDGE MINDUA: [12:52:58](Interpretation) Mr Courtroom Officer,
8 please.

9 (Open session at 12.53 p.m.)

10 THE COURT OFFICER: [12:53:06] We're back in open session, Mr President.

11 PRESIDING JUDGE MINDUA: [12:53:12](Interpretation) Thank you very much,
12 Mr Courtroom Officer.

13 Ms Sutherland.

14 MS SUTHERLAND:

15 Q. [12:53:18] Mr Witness, did you [REDACTED] ?

16 A. [12:53:30] No. There was just taking contacts or entering into contact with --

17 THE INTERPRETER: [12:53:43] Inaudible.

18 THE WITNESS: [12:53:44](Interpretation) Otherwise, no.

19 MS SUTHERLAND:

20 Q. [12:53:47] Mr Witness, I remind you that we've returned to public session, so
21 please be very careful about providing information that may be identifying.

22 A. [12:54:02] No, not at all.

23 Q. [12:54:12] Did you attend any presentations, workshops?

24 *A. [12:54:28] No, not at all. I said: only the contact we had [REDACTED]

25 [REDACTED] Since then we have had no other contacts or

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1 conferences

2 THE INTERPRETER: [12:54:43] Could the witness please be requested to repeat his
3 answer. It was extremely unclear.

4 MS SUTHERLAND: Q. [12:54:50] Mr Witness, for the benefit of the interpreters,
5 please, could you repeat your answer more slowly.

6 A. [12:55:03] Yes, I was saying that I didn't have any conferences or other (inaudible)
7 contact was made with [REDACTED] on the day we met here [REDACTED]

8 [REDACTED]

9 [REDACTED] Since then, we have not held any more meetings or
10 conferences.

11 Q. [12:56:03] Mr Witness, earlier this -- this morning we were discussing two
12 individuals in relation to the corrections you made to your statement. Do you
13 remember?

14 A. [12:56:25] Yes.

15 Q. [12:56:31] We're in open session, so please don't identify them. But you
16 explained that they were the source of your understanding, so I am just clarifying that
17 we mean the same people.

18 A. [12:56:59] Yes, in the context of the file, as to how -- the case file, as to how my
19 brother met his death, because they were at the site. And it is in that context that
20 they are the source of my knowledge.

21 Q. [12:57:16] Thank you, Mr Witness. Again, I have to remind you that we are in
22 public session, so please be very cautious.

23 A. [12:57:24] Okay.

24 Q. [12:57:31] Were these individuals also connected to [REDACTED]

25 A. [12:57:42] No. Not to my knowledge. I do not believe so. I do not believe

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1 so.

2 Q. [12:57:56] Mr Witness, I'm referring to transcript 136, the real-time, today's
3 transcript, page 21, at -- oh, forgive me. Yes, page 21, at lines 3 to 5. I'll read it
4 without identifying them.

5 You said: "As I said, it was after the meeting with the investigators and returning to
6 Timbuktu that I talked to [Mr B] himself and [Mr C], because we are in contact even
7 today."

8 Do you remember?

9 A. [12:58:53] Yes, because Mr B is a close friend. So Mr X is [REDACTED]'s
10 friend. So Mr B, when I try to remember something, when I think back to the events
11 that unfolded in Timbuktu, then he will immediately talk about the case [REDACTED]
12 [REDACTED] because he's still shocked today. He was nearly killed, but luckily he was
13 not.

14 Q. [12:59:50] Why did you speak to them after your meeting with the Prosecution?

15 *A. [13:00:02] No, I didn't talk about that with him. I said that when we sit, we just
16 chat, that's to say that he said, that's the way it is, he told me that it was him, and
17 that's how I knew that it was not X but was B.

18 THE INTERPRETER: [13:00:20] Could the witness please repeat his answer. It was
19 completely unclear.

20 MS SUTHERLAND:

21 Q. [13:00:24] Mr Witness, the interpreters are asking that you repeat your answer
22 more slowly, please.

23 A. [13:00:39] I said that when we would talk about that, I didn't tell him that I had
24 spoken to or carried out meetings with people It's just when we talk about the events

25 [REDACTED] He told me that it was B [REDACTED] to tell him how

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1 things had happened, and it wasn't X. So that's the way it went. Other than that I
2 didn't tell them that I had conducted investigations, or seen investigators, or anything
3 like that. No. Until proof to the contrary, I haven't told it to anyone.

4 THE INTERPRETER: [13:01:27] The witness coughs.

5 MS SUTHERLAND: [13:01:39] Mr President, just to make sure that we're entirely
6 clear, it might be prudent to go into private session just to confirm the names of Mr B
7 and who the witness is calling Mr -- now calling Mr X.

8 PRESIDING JUDGE MINDUA: [13:01:58](Interpretation) Yes, indeed.

9 Mr Courtroom Officer.

10 (Private session at 1.02 p.m.)

11 THE COURT OFFICER: [13:02:08] We're in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [13:02:14](Interpretation) Thank you very much,
13 Mr Courtroom Officer.

14 Ms Sutherland.

15 MS SUTHERLAND:

16 Q. [13:02:20] Mr Witness, when you say "Mr B", you are referring to [REDACTED] correct?

17 A. [13:02:27] Yes, [REDACTED] And X is [REDACTED] X is [REDACTED]

18 Q. [13:02:35] Thank you very much, Mr Witness.

19 Mr President.

20 PRESIDING JUDGE MINDUA: [13:02:44](Interpretation) Court officer, open session,
21 please.

22 (Open session at 1.02 p.m.)

23 THE COURT OFFICER: [13:02:56] We are back in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [13:03:02](Interpretation) Thank you very much,
25 Court Officer.

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- 1 Ms Sutherland.
- 2 MS SUTHERLAND: [13:03:05]

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1 Q. [13:03:06] Mr Witness, I would like to thank you very much for answering my
2 questions today. I'm afraid I can't see you very well.

3 Mr President, that-- (Overlapping speakers)

4 THE WITNESS: [13:03:19](Interpretation) Thank you.

5 MS SUTHERLAND: [13:03:21] That concludes the questioning for the Defence.

6 PRESIDING JUDGE MINDUA: [13:03:32](Interpretation) Thank you very much,
7 Ms Sutherland. The Chamber is satisfied all the more because you've put in less
8 time than envisaged. And that's what I wish for so that we can improve our
9 efficiency.

10 I now turn towards the Office of the Prosecutor. Obviously it is 1.03. I would like
11 to know if there are any additional questions.

12 MS HUCK: [13:04:03](Interpretation) No, your Honour, there are no additional
13 questions.

14 PRESIDING JUDGE MINDUA: [13:04:06](Interpretation) Very well.

15 So if I understand well, Prosecutor Dutertre, we have finished with your
16 Witness P-0639.

17 MR DUTERTRE: [13:04:22](Interpretation) Absolutely, your Honour.

18 I anticipate your next question. We could start 69 (sic) tomorrow. But the log
19 hasn't come out yet because we're still in witness preparation, we still were yesterday
20 evening. Madam Luping has gone into the witness preparation. So we are ready,
21 but the log will come out in the afternoon, I imagine, and we're in your hands with
22 regards to the start of the examination-in-chief of 641.

23 Never mind. I can already say for 626, for logistical reasons, it won't be possible to
24 move forward the testimony because we are dependent on travel and other aspects.

25 So there will perhaps be a break around the time of 641.

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1 PRESIDING JUDGE MINDUA: [13:05:14](Interpretation) Thank you very much,
2 Prosecutor. You have indeed anticipated my question.

3 So I now turn towards the Defence.

4 Ms Taylor, would you be ready for us to start tomorrow morning, for example?

5 MS TAYLOR: [13:05:28] Mr President, we do think it's problematic to have constant
6 late disclosure of the witness preparation logs. Now, we understand that this is
7 a matter that's beyond the control of the Prosecution because there's been an
8 advancement of witness testimony. But we do insist, particularly for the next
9 witness who will be giving substantive testimony over several hours, that we should
10 have the preparation log 24 hours in advance of the testimony. That's as pursuant to
11 the Chamber's decision on witness preparation. So we do insist that we have that so
12 that we can properly prepare.

13 We're not going to save any time because the Prosecution has confirmed that 626
14 cannot be brought forward. So in that sense, I'm also aware that tomorrow is
15 a holiday in Mali, so I do believe it would be the interest to start on Thursday and
16 allow us to have proper disclosure of the witness preparation log and avoid any
17 logistical issues that might entail by starting tomorrow.

18 PRESIDING JUDGE MINDUA: [13:06:39](Interpretation) Very well.

19 It's true that the Chamber has been informed that today is a holiday in Mali.
20 The Chamber will deliberate this. By the end of this evening you will have
21 the decision of the Chamber. But personally I don't see any problem. I don't see
22 any problem with us adjourning for tomorrow. But you'll have the answer before
23 the end of the day.

24 Let's finish with this hearing first.

25 I'm now turning towards the witness.

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1 Witness.

2 THE WITNESS: [13:07:26](Interpretation) Yes.

3 PRESIDING JUDGE MINDUA: [13:07:27](Interpretation) So, as you will have
4 noticed, your testimony for today is coming to an end. On behalf of the Chamber I
5 would like to thank you most sincerely for having answered in a clear way and
6 carefully and patiently the questions that were put to you.

7 THE WITNESS: [13:07:52](Interpretation) Thank you.

8 PRESIDING JUDGE MINDUA: [13:07:54](Interpretation) On behalf of the Chamber
9 I would like to wish you courage and good luck for the follow-up.

10 THE WITNESS: [13:08:02](Interpretation) Thank you.

11 PRESIDING JUDGE MINDUA: [13:08:04](Interpretation) There we are.

12 (The witness is excused)

13 PRESIDING JUDGE MINDUA: [13:08:08](Interpretation) Before finishing
14 the session, I would like to thank the parties and participants, the court reporters and
15 the interpreters, our security officers, and of course our public in the gallery, in our
16 public gallery, and our public following us from afar. It's true that the principle for
17 us is publicity of proceedings, but at the same time we have to ensure the security of
18 victims, and a lot of other parameters have to be taken into account. And that's why
19 sometimes we have to go into private session.

20 So I would like to wish everybody a very good afternoon. It's still only 1 o'clock at
21 the moment. And we will be back in accordance with the instructions that will be
22 sent to you. We shall therefore adjourn the session.

23 Court is adjourned.

24 THE COURT USHER: [13:09:08] All rise.

25 (The hearing ends in open session at 1.09 p.m.)

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1 CORRECTIONS REPORT

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

4 Page 5 lines 20-21:

5 "A. [9:49:29] My name is [REDACTED]

6 [REDACTED]"

7 is corrected to :

8 "A. [9:49:29] [REDACTED]

9 [REDACTED]"

10 Page 7 lines 8-9:

11 "Q. [9:52:37] Very well. I'm going to ask you to go to page 0082 --

12 THE INTERPRETER: [9:52:49] 0072, corrects the interpreter, 0318."

13 is corrected to :

14 "Q. [9:52:37] Very well. I'm going to ask you to go to page 0072-0318."

15 Page 12 line 13:

16 "Mr Witness. MLI-OTP-0080-41544"

17 is corrected to :

18 "The document is MLI-OTP-0080-4104, "

19 Page 14 lines 3-5:

20 "Q. [10:13:17] Now, Mr Witness, we are in private session and I would like you to

21 please consult 0289 of your statement MLI-OTP-0072-0290. That is at -- it's a

22 confidential document at tab 1, at page 0299."

23 is corrected to :

24 "Q. [10:13:17] Now, Mr Witness, we are in private session and I would like you to

25 please consult page 0299 of your statement MLI-OTP-0072-0290.

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1 It's a confidential document, at tab 1. So page 0299."

2 Page 16 lines 8-11:

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

8 [REDACTED]"

9 is corrected to :

10 "A. [10:18:23] So he is the one who told me that he had told everything to the old
11 man. So to be more accurate, I wanted to add that it is better to change the name, to
12 use [REDACTED] name, because both are still alive to this day."

13 Page 18 lines 8-18:

14 "A. [10:24:40] As I said, it was after the meeting with the investigators and returning
15 to Timbuktu that I talked to [REDACTED] himself [REDACTED]

16 [REDACTED] And that's when he told me that [REDACTED]
17 [REDACTED]

18 Q. [10:25:23] Very well. And the following sentence is: "I thought to myself that the

19 [REDACTED]
20 [REDACTED]

21 When did you say that to yourself?

22 [10:25:46] That was before [REDACTED] and [REDACTED] came to my house. I -- we were
23 thinking that [REDACTED]

24 [REDACTED]"

25 Is corrected to :

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1 "A. [10:24:40] As I said, it was after the meeting with the investigators and returning
2 to Timbuktu that I talked to [REDACTED] himself [REDACTED]

3 [REDACTED] And that's when they told me that [REDACTED]
4 [REDACTED]

5 Q. [10:25:23] Very well. And the following sentence is: "I thought to myself that the
6 [REDACTED]
7 [REDACTED]"

8 When did you think that?

9 A. [10:25:46] That was before [REDACTED] and [REDACTED] came to my house. I thought that
10 [REDACTED]
11 [REDACTED]"

12 Page 23 lines 5-8:

13 "A. [10:36:00] At that time we were afraid of these jihadist wrongdoers who were
14 occupying the town, and that's the reason why on several occasions they were the
15 ones who were making the law. So even if somebody sees you, they could accuse
16 you of some -- anything, basically."

17 is corrected to :

18 "A. [10:36:00] At that time we were afraid of these wrongdoers, so-called jihadists
19 who were occupying the town, because it was a case of might is right, they were the
20 ones who were making the law. So even if you didn't have... somebody sees you,
21 that does not... (inaudible) you could be wrongly accused of anything."

22 Page 26 lines 17-19:

23 "A. [10:45:31] They abandoned everything. They didn't have any -- there wasn't any
24 transport. They transported things on motorbikes, on camels, they had to leave
25 everything behind because there was fear, there was fear everywhere."

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1 is corrected to :

2 "A. [10:45:31] They abandoned everything. They didn't have any -- there wasn't any
3 transport. They transported things by camel, by donkey, by motorbike. So they left
4 everything behind because there was fear, there was terror everywhere."

5 Page 30 lines 2-3:

6 "A. [10:52:57] [REDACTED] was the name he was given.

7 [REDACTED]."

8 is corrected to :

9 "A. [10:52:57] That's [REDACTED] the nickname he was given [REDACTED]

10 [REDACTED]."

11 Page 30 lines 10-11:

12 "A. [10:53:59] [REDACTED]s in -- in Timbuktu. Currently they are in Timbuktu. They are
13 currently in Timbuktu."

14 is corrected to :

15 "A. [10:53:59] Currently they are in Timbuktu. They are currently in Timbuktu."

16 Page 32 lines 2-5:

17 " A. [10:59:47] This is the person -- I knew a [REDACTED]

18 [REDACTED]
19 [REDACTED] if it's the same person, because that's the name, [REDACTED] if that's
20 the same person."

21 is corrected to :

22 "A. [10:59:47] This is the person -- I knew a [REDACTED]

23 [REDACTED] if it's the
24 same person, because that's the name, [REDACTED] if that's the same person [REDACTED]
25 [REDACTED]."

1 Page 43 lines 11-13:

2 "A. [12:03:17] [REDACTED] That was in Timbuktu,
3 [REDACTED] (Overlapping speakers)"

4 is corrected to :

5 "A. [12:03:17] [REDACTED] That was still in
6 Timbuktu even there, [REDACTED]
7 and so on."

8 Page 50 lines 12-15:

9 "A. [12:23:25] No, not at all. When a girl is [REDACTED] she was accused
10 of a crime, so she was taken like that, and that's why [REDACTED] was with her [REDACTED]
11 [REDACTED]"

12 is corrected to :

13 "A. [12:23:25] No, not at all because when a mother sees her daughter [REDACTED]
14 [REDACTED] having been accused of a crime, she will try to see...
15 so she was taken like that, and that's the reason why [REDACTED] was with her [REDACTED]
16 [REDACTED] at [REDACTED] rather."

17 Page 51 lines 23-24:

18 "A. [12:27:06] No. When I came, there was nobody there, because I left the old person
19 at the house when I came to [REDACTED] I left the girls at the house."

20 is corrected to :

21 "A. [12:27:06] No. When I came to [REDACTED] I didn't see anybody there
22 because I had left the old man at the house."

23 Page 52 lines 12-14:

24 "A. [12:28:50] I'm not aware of that, no. I can't say anything about that. I don't know.
25 I didn't see her mother. So if she was there ..."

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1 is corrected to :

2 "A. [12:28:50] No, I can't say anything about that because I don't know. Because I
3 hadn't seen her. She's my stepmother, so if she had been "present," I would have
4 seen her; I didn't see her."

5 Page 60 line 22:

6 "THE WITNESS: [12:52:20](Overlapping speakers)" is corrected to

7 "THE WITNESS: [12:52:20] To [REDACTED]"

8 Page 61 line 24 to Page 62 line 10:

9 "A. [12:54:28] No, not at all. Just at the [REDACTED] Otherwise, we
10 no longer -- we had no further contacts or conferences.

11 THE INTERPRETER: [12:54:43] Could the witness please be requested 1 to repeat his
12 answer. It was extremely unclear.

13 MS SUTHERLAND:

14 Q. [12:54:50] Mr Witness, for the benefit of the interpreters, please, could you repeat
15 your answer more slowly.

16 A. [12:55:03] I was saying that I didn't go to any conferences. It was just establishing
17 contact.

18 We met [REDACTED]
19 [REDACTED] Otherwise, we did not have
20 any further meetings or conferences."

21 is corrected to :

22 "A. [12:54:28] No, not at all. I said: only the contact we had [REDACTED]
23 [REDACTED] Since then we have had no other contacts or
24 conferences.

25 THE INTERPRETER: [12:54:43] Could the witness please be requested 1 to repeat his

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1 answer. It was extremely unclear.

2 MS SUTHERLAND:

3 Q. [12:54:50] Mr Witness, for the benefit of the interpreters, please, could you repeat
4 your answer more slowly.

5 A. [12:55:03] Yes, I was saying that I didn't have any conferences or other (inaudible)
6 contact was made with [REDACTED] on the day we met here [REDACTED]

7 [REDACTED]

8 [REDACTED] Since then, we have not held any more meetings or
9 conferences."

10 Page 63 line 15 - Page 64 line 3:

11 "A. [13:00:02] No, I didn't talk about that. I said that when we chat, it's like that. And
12 he said, it's this and that, and that's how -- it was X but not B.

13 THE INTERPRETER: [13:00:20] Could the witness please repeat his answer. It was
14 completely unclear.

15 MS SUTHERLAND:

16 Q. [13:00:24] Mr Witness, the interpreters are asking that you repeat your answer
17 more slowly, please.

18 A. [13:00:39] I said that we would talk about that. I didn't say that I took them to
19 meet people. It's just then we talk about the events [REDACTED] He told me that it
20 was B [REDACTED] to tell him how things had happened, and it wasn't .

21 So I didn't have to conduct investigations, or anything like that. No. Until proof to
22 the contrary, I have told nothing to anybody."

23 is corrected to :

24 "A. [13:00:02] No, I didn't talk about that with him. I said that when we sit, we just
25 chat, that's to say that he said, that's the way it is, he told me that it was him, and

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1 that's how I knew that it was not X but was B.

2 THE INTERPRETER: [13:00:20] Could the witness please repeat his answer. It was
3 completely unclear.

4 MS SUTHERLAND:

5 Q. [13:00:24] Mr Witness, the interpreters are asking that you repeat your answer
6 more slowly, please.

7 A. [13:00:39] I said that when we would talk about that, I didn't tell him that I had
8 spoken to or carried out meetings with people It's just when we talk about the events
9 [REDACTED] He told me that it was B [REDACTED] to tell him how
10 things had happened, and it wasn't X. So that's the way it went. Other than that I
11 didn't tell them that I had conducted investigations, or seen investigators, or
12 anything like that. No. Until proof to the contrary, I haven't told it to anyone."