

Trial Hearing
WITNESS: MLI-OTP-P-0193

(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 Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 1
9 Monday, 21 September 2020
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:39] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:33:06](Interpretation) The Court is in session.
15 Good morning, everyone.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:33:17] Thank you, Mr President.
18 The situation in Mali, in the case of The Prosecutor versus Al Hassan Ag Abdoul Aziz
19 Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 For the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:33:40](Interpretation) Thank you very much,
22 court officer.
23 Welcome, everyone. As usual, we shall start with the introductions for the record.
24 I ask counsel to introduce themselves and the member of their team, starting with
25 the Office of the Prosecutor.

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1 MS SACCHI: [9:34:07] Good morning, Mr President, your Honours. The team for
2 the Prosecution today, Gilles Dutertre by my side, Lucio Garcia behind us, and
3 Sarah Coquillaud at the back. Thank you. And myself, Paola Sacchi.

4 PRESIDING JUDGE MINDUA: [9:34:23](Interpretation) Thank you very much.
5 You're very humble. You often don't point yourself out.
6 I now turn to the Defence.

7 MR ROWSE: [9:34:30] Good morning, your Honours. My name is Michael Rowse,
8 I'm appearing on behalf of the Defence for Mr Al Hassan. To my left is lead counsel,
9 Melinda Taylor, behind me, Mohamed Youssef. And Mr Al Hassan is in court today
10 as well. Thank you.

11 PRESIDING JUDGE MINDUA: [9:34:53](Interpretation) Very well.
12 Mr Al Hassan is in court.

13 Good morning, Mr Al Hassan.

14 I now turn towards the Legal Representatives of Victims.

15 MR LUVENGIKA: [9:35:11](Interpretation) Good morning, your Honour,
16 your Honours.

17 The Legal Representative of Victims today is represented by Madam
18 Prisque Biyéké Dipanga, who is our case manager, and myself, Fidel Nsita Luvengika,
19 counsel for victims.

20 PRESIDING JUDGE MINDUA: [9:35:41](Interpretation) Thank you very much,
21 Counsel Nsita.

22 Today, we should normally continue with the cross-examination of the Defence.
23 And on Friday the cross-examination was carried out by Ms Montefusco, but I note
24 that counsel is not there.

25 And why is she not there? Why is she not there?

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1 MR ROWSE: [9:36:12] Your Honours, this -- today I'll be carrying out

2 the cross-examination. There's been a --

3 PRESIDING JUDGE MINDUA: [9:36:20](Interpretation) Very well.

4 I note that you are going to continue with the cross-examination, but I would like to

5 point out that the Chamber received submissions on Friday, written submissions, and

6 Ms Montefusco said that she didn't want to continue. But the Chamber hadn't

7 decided yet.

8 So I'm asking the Defence to have Counsel Montefusco to come, who needs leave to

9 not continue with the defence of the accused. That's not something she can decide

10 herself of.

11 We received the submissions on Friday, 18 September and now it's

12 Monday, 21 September. So I think I'm understood.

13 So Ms Taylor, I think you have to call Ms Montefusco so that we -- she can request

14 officially the leave of the Chamber.

15 MS TAYLOR: [9:37:40] Thank you, Mr President.

16 The Defence is fully aware that Ms Montefusco requires the authorisation of

17 the Chamber to withdraw, but having filed that request, it is my position that

18 the Defence would not have confidence in Ms Montefusco conducting an examination

19 with the full instructions of the client, and that is why Mr Rowse is conducting this

20 cross-examination, based on the instructions of the Defence.

21 PRESIDING JUDGE MINDUA: [9:38:10](Interpretation) Ms Taylor, is that

22 the procedure?

23 Ms Montefusco does not have the right to withdraw herself from the case. She asked

24 for authorisation from the Chamber. She sent written submissions to the Chamber

25 on Friday and the Chamber has not yet replied. It's now Monday, 21 September, and

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- 1 she's not there.
- 2 So who decides? Is she the one who decides? She has to come back here to
- 3 the hearing and the Chamber has to issue its decision, and, because of that, I'm going
- 4 to suspend the session so that Ms Montefusco can be called.
- 5 Court is suspended.
- 6 THE COURT USHER: All rise.
- 7 (Recess taken at 9.38 a.m.)
- 8 (Upon resuming in open session at 9.54 a.m.)
- 9 THE COURT USHER: [9:55:05] All rise.
- 10 Please be seated.
- 11 PRESIDING JUDGE MINDUA: [9:55:18](Interpretation) Court is in session once
- 12 again.
- 13 I note that Ms Montefusco is in the courtroom.
- 14 Good morning and welcome. The Chamber was expecting to see you here.
- 15 Now, you filed written submissions on Friday, 18 September, and the Chamber has
- 16 not yet answered it and suddenly this morning, you were not here. I would ask you,
- 17 do you want to continue in open session because your application was public or
- 18 would you like us to continue in private session?
- 19 What is your choice?
- 20 MS MONTEFUSCO: [9:56:09] Good morning, Mr President, your Honours. I did
- 21 file Friday afternoon. I think it is in the best interests of the client that we continue in
- 22 private session.
- 23 PRESIDING JUDGE MINDUA: [9:56:21](Interpretation) Thank you very much,
- 24 Ms Montefusco.
- 25 Court officer, if you would be so kind as to go into private session.

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1 (Private session at 9.56 a.m.)

2 THE COURT OFFICER: [9:56:37] We are in private session, Mr President.

3 PRESIDING JUDGE MINDUA: [9:56:42](Interpretation) Thank you very much,
4 court officer.

5 Ms Montefusco, the judges are very surprised, because on Friday, 18 September, you
6 wrote to us to ask no longer to appear before the Chamber on Monday. And I was
7 astonished, because you're asking the judges to decide over the weekend and to issue
8 a decision over the weekend, on a Sunday.

9 So suddenly you weren't there. We wanted to render the decision this morning.

10 Could you explain why you didn't come, out of respect for the Chamber.

11 MS MONTEFUSCO: [9:57:23] Yes, Mr President, I can. I was informed Friday
12 afternoon by lead counsel, in the following terms: Just so that we are clear, you will
13 not be examining on Monday morning.

14 My response was: That is fine.

15 So I did not appear this morning. I was in the office, currently preparing my notes
16 on files that I have been studying and working on and left the hearing to lead counsel.
17 I was asked yesterday afternoon to remove myself from -- I think there were roughly
18 12 Signal chats, different team members for different subject matters. I have done so
19 per lead counsel's request. And I have begun to prepare exit files pending
20 the Chamber's decision on my request for withdrawal.

21 I did not not not present myself this morning. I was in the office. I have not been a
22 part of any of the subsequent file preparations for P-193 or the upcoming witnesses,
23 P-623, P-0055. I think we're still awaiting his date of testimony at this point.

24 So I'm unable to speak to any of the last-minute preparations that have occurred since
25 Friday morning's hearing.

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1 So I'm present and I can abide by the Chamber's orders as the Chamber sees fit.

2 PRESIDING JUDGE MINDUA: [9:58:53](Interpretation) Thank you very much,

3 Ms Montefusco.

4 Before the Chamber makes its decision, I don't know if Ms Taylor feels the need to
5 speak.

6 If you don't want to, that's not a problem. It's up to you.

7 MS TAYLOR: [9:59:23] Thank you, Mr President. My only point of clarification
8 was that this request was filed without my consent, without the client's consent.

9 And Ms Montefusco was advised that it would not be consistent with the code to
10 withdraw in this sense due to ongoing obligations of effective representation. And
11 after it was filed, that's when she was informed that, given that it was filed in this
12 manner, it was my decision that it would not be appropriate for her to cross-examine
13 the witness.

14 PRESIDING JUDGE MINDUA: [10:00:02](Interpretation) So, obviously, there are
15 some misunderstandings within your team. For the moment, the Chamber is not
16 going to ask you to explain this misunderstanding, but the Chamber has to ensure
17 the conduct of proceedings.

18 Now, today we are meant to carry out the cross-examination this morning. Given
19 that the Chamber has not yet decided on the request made by Ms Montefusco, until
20 this moment Ms Montefusco is still a member of your team. That's the first point.
21 Secondly, it is up to each team to decide who will carry out the examination or
22 the cross-examination, and, in this regard, Ms Taylor, you have the right within your
23 team to decide on the person who will carry out the cross-examination.
24 Thirdly, for the moment in your team, you have two lawyers, you yourself as lead
25 counsel, and Ms Montefusco as associate counsel.

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1 Counsel Michael Rowse, I am carrying out - Rowse - I'm carrying out the checking,
2 but you are not a lawyer who is on the list to plead before this Chamber. The
3 Chamber thanks you for your availability, but the Chamber does not accept that he
4 carries out the cross-examination.

5 So it is up to you, Ms Taylor, to decide if you are going to proceed with
6 the cross-examination or Ms Montefusco.

7 What's your decision?

8 MS TAYLOR: [10:02:13] Thank you, Mr President. As a first point of clarification,
9 since this has been raised for the first time, this is -- I'm not aware of any prior
10 decision that legal assistants can't carry out cross-examination under the instruction
11 of lead counsel.

12 Mr Rowse has, in fact, carried out cross-examinations in other cases, and as we have
13 seen in the ongoing proceedings, the Prosecution has relied upon Prosecution staff
14 who would not necessarily meet the threshold to be admitted to the list of counsel.
15 We have heard various persons already taking witnesses who would not meet that
16 threshold, and they have done so under the authority of the senior trial attorney.

17 Now, I've been appearing at the ICC since 2006, and I'm aware of many examples, in
18 fact, of legal assistants conducting examination and cross-examination, and to
19 the extent to which that might be appropriate will obviously depend on the witness in
20 question.

21 Now, today's witness is a technical witness. Not a fact-based witness. Mr Rowse,
22 in the Defence team, has the greatest expertise in this subject, and, in fact, prepared
23 fully the cross-examination last Friday.

24 He is, therefore, more familiar with the case file than Ms Montefusco, and it would
25 not therefore be consistent with effective representation to simply change the person

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1 to meet an arbitrary threshold, which isn't necessarily set out in the Statute and Rules.
2 Now, if it's not Mr Rowse, obviously I can conduct the examination but, as I've
3 mentioned, I can't see any reason why he can't conduct this cross-examination under
4 my supervision, given that I have in fact reviewed it with him. But in light of the
5 reactive nature of cross-examination, it does, in my view, make sense to have
6 someone who is of a more technical mind.

7 And this will have ramifications for the future conduct of the Defence, in the sense
8 that we had identified for the future, even before last Friday, several witnesses who
9 we had hoped the legal assistants could potentially cross-examine on specific issues,
10 which did not concern core allegations of responsibility.

11 There are 88 witnesses in this case, approximately, and to require that number of
12 witnesses to be done only by counsel puts an incredible toll on the Defence. So this
13 decision that's taken now will have ramifications for the future course of proceedings
14 and the ability of the Defence to potentially deal with the sheer volume of witnesses
15 with the resources that we have.

16 So, if this was to be a requirement, it should have been notified to the Defence in
17 advance of the trial so that we could have reacted accordingly, but given that it's been
18 conveyed to us now, several weeks after the trial has started, several weeks after we
19 have already determined a particular division of witnesses within the team that will
20 have significant consequences.

21 PRESIDING JUDGE MINDUA: [10:05:53](Interpretation) The Chamber has listened
22 attentively to what you have just said. As I have understood it, certain Chambers
23 have allowed legal assistants to take the floor in court.

24 But to my knowledge, speaking in court is rather different from working under
25 the supervision of lead counsel and preparing submissions in the office or conducting

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1 outside investigations. Standing here in court is a very different experience.

2 I still have some reservations, and I will quickly consult my colleagues as to how we
3 should proceed.

4 (Trial Chamber confers)

5 PRESIDING JUDGE MINDUA: [10:09:40](Interpretation) Ms Taylor, as usual, we
6 take your objections and your request very seriously, but we feel we are faced with
7 a very difficult decision, because you are raising a precedent, the fact that some legal
8 assistants have spoken in court.

9 To my knowledge, and to the knowledge of my colleagues, that is not the way things
10 should happen. But you have raised a point and the Court is prepared to check up
11 on this and consult on this matter.

12 So, at the present time, we are not deciding against the representation made by your
13 assistant, but we are not authorising it yet either for this cross-examination, because
14 the Chamber requires to examine the matter and take a decision. Therefore,
15 the decision is pending.

16 However, for the cross-examination of the present witness, because Ms Montefusco
17 had started and was prepared to continue on Friday, she is authorised by
18 the Chamber to continue today, particularly since she has not yet been relieved of her
19 position.

20 However, it is you as lead counsel who distributes the work within your team, and if
21 you believe that she is not able to do this, then it is up to you to conduct
22 the cross-examination, because the Chamber has not yet decided on the situation for
23 your legal assistant.

24 Have you understood this?

25 Ms Montefusco, I see you are on your feet. What's happening? I had given

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1 the floor to Ms Taylor.

2 MS MONTEFUSCO: [10:12:29] Yes, Mr President, and I apologise for
3 the interruption. I would like to, however, express that not having been involved in
4 the continued preparation of this file from Friday to today and having no knowledge
5 of the current status, my first obligation is to Ms Taylor's client.

6 And I would like it taken into consideration that I do not feel that I am currently in
7 a position to be able to properly and adequately cross-examine P-193, and I do not
8 believe that that would be in the best interest of the client.

9 However, if I am ordered to do so, I will.

10 PRESIDING JUDGE MINDUA: [10:13:15](Interpretation) Ms Taylor?

11 MS TAYLOR: [10:13:18] I would just like to note as well that Mr Rowse
12 cross-examined several witnesses himself --

13 PRESIDING JUDGE MINDUA: [10:13:27](Interpretation) Ms Taylor, the Chamber
14 has said that they will decide on the case of your assistant. What happens in other
15 Chambers is one thing, the Regulations are another.

16 We are prepared to verify this and give a decision later. We can't decide right this
17 moment.

18 MS TAYLOR: [10:13:55] In that case, I will continue with the cross-examination of
19 the witness, bearing in mind this is not the preference of the Defence.

20 PRESIDING JUDGE MINDUA: [10:14:06](Interpretation) The Chamber thanks you
21 for your availability and your willingness to conduct the cross-examination yourself.
22 Court officer, could you please fetch the witness. Thank you.

23 We will therefore return to open session.

24 Court officer, please return to open session.

25 (Open session at 10.14 a.m.)

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1 THE COURT OFFICER: [10:14:55] We are in open session, Mr President.

2 PRESIDING JUDGE MINDUA: [10:14:59](Interpretation) Thank you very much,
3 court officer.

4 (Witness enters the courtroom)

5 PRESIDING JUDGE MINDUA: [10:15:27](Interpretation) Good morning,
6 Mr Witness, welcome back.

7 We are going to continue with your testimony. As you know, the Defence is in
8 the process of conducting the cross-examination.

9 Ms Taylor.

10 WITNESS: MLI-OTP-P-0193 (On former oath)

11 (The witness speaks English)

12 QUESTIONED BY MS TAYLOR:

13 Q. [10:15:53] Good morning, Mr Witness. We are going to start at the beginning
14 with some questions about your background and I'll be referring to a document
15 in -- which is tab 1 in the Prosecution's list of exhibits.

16 For the record, that's MLI-OTP-0076-0344.

17 Do you have that document in front of you?

18 A. [10:16:23] Yes.

19 Q. [10:16:28] Now, Mr Witness, if there's anything that you need to go into private
20 session for, can you please indicate.

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

22 Q. [10:16:35] Thank you. Now it would be correct that your background before
23 [REDACTED] was mostly of a journalistic nature?

24 A. [10:16:45] That is correct.

25 Q. [10:16:48] And would you agree that there's a difference between the standards

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1 of certainty that one uses in journalistic investigations as compared to criminal
2 investigations?

3 A. [10:16:57] That is correct.

4 Q. [10:17:00] And would you agree that the objective of journalistic investigations
5 is somewhat advocacy oriented?

6 A. [10:17:12] I disagree.

7 Q. [10:17:13] You don't agree that the purpose might be to convince authorities to
8 investigate certain leads or certain persons?

9 A. [10:17:20] A journalist's duty is to find facts in an objective manner.

10 Q. [10:17:26] But not to the standard of beyond reasonable doubt?

11 A. [10:17:32] The standards are different. The length of time dedicated to
12 the process and resources are usually different as well. But the duty of a journalist is
13 to establish facts that are relevant to society.

14 Q. [10:17:47] You joined [REDACTED]
15 [REDACTED] that's correct?

16 A. [10:18:00] There is an error there. That should read April 2014, your Honours.

17 Q. [10:18:09] Fourteen. Another error.

18 If I could then turn to page 0345 of your CV. Does that mean that -- were you still
19 working [REDACTED] for the organisation listed on that page at the same
20 time, or is that impacted by this error?

21 A. [10:18:28] Which question would you like me to answer?

22 Q. [10:18:32] The first. Were you still working for the organisation listed on your
23 CV on that page at the same time as you were working for [REDACTED]?

24 A. [10:18:43] No.

25 Q. [10:18:44] Okay, so that's because of the error. Before you started working for

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1 the [REDACTED]

2 A. [10:18:56] No.

3 Q. [10:18:58] And you were asked to write this report one year after you first
4 started working for [REDACTED]?

5 A. [10:19:07] A little bit over one year, that is correct.

6 Q. [10:19:12] So would you accept that at the time you drafted this report, you were
7 not experienced preparing reports for criminal proceedings?

8 A. [10:19:27] That is correct.

9 Q. [10:19:29] And would you accept that if you'd been asked to draft this report
10 now, you might apply a different approach?

11 A. [10:19:37] I think that depends on what you define as approach. My approach
12 would be the same. The -- in terms of methodology, the determinations that are
13 made by me in this report depend on objects, their characteristics, their orientation, on
14 angles of view and on lines of sight between your own and questioned imagery.
15 Based on the consistency and the, the amount of data available, I make my
16 conclusions. That does not change and has not changed.

17 Q. [10:20:18] So you maintain that you wouldn't change your approach. But on
18 Friday you listed a series of errors that you'd made in your report. And on Friday
19 you testified for almost 15 minutes as concerns a substantive error that you only
20 identified 24 hours before your testimony.

21 Can you maintain that you wouldn't apply a more rigorous approach now if you
22 were asked to do it again?

23 A. [10:20:47] I believe there are two different questions. The first question you
24 asked me was, whether I would change my approach? And, in substance,
25 the answer to that question is no. If you're asking me whether the, whether the error

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1 which I alerted your Honours to on Friday is something that I was pleased to see in
2 the report, the answer is no. Absolutely not. If you're asking me whether this
3 changes my conclusions, it does not in any way affect them.

4 Q. [10:21:21] Those weren't my questions, Mr Witness. My questions was, on
5 Friday, you articulated a series of errors in your report. There were annexes that
6 were missing. There were arrows that were pointing to the wrong object, and, in fact,
7 the document that the Prosecution asked you to you acknowledge had errors in it.
8 So would you agree that for criminal proceedings, if you were asked to do it again,
9 you might apply a more rigorous standard to verifying the information in your
10 report?

11 A. [10:21:54] Regarding the clerical errors, I would certainly, having learned from
12 the experience, demand more time to go back and examine for those errors. If you're
13 asking me whether any of the clerical errors or the substantive error that I alerted
14 the Court to on Friday has any impact on my conclusions, it doesn't.

15 Q. [10:22:34] If we could turn to your report. This is tab 1 -- sorry, tab 2. It's
16 MLI-OTP-0030-0629, and if we could go to 0633 of your report.
17 If we could look at paragraph 1.1, and this states -- and I won't read out your name:
18 "On 22 July 2015, Mali Investigative Team Senior Trial Attorney, Gilles DUTERTRE,
19 tasked [REDACTED] " -- you -- "with identifying the location, where possible,
20 of 57 videos and images related to the Pre-Trial proceedings in
21 The Prosecutor v. Ahmad Al Faqi Al Mahdi ..."

22 Now, on 22 July 2015, the Al Mahdi case didn't exist, did it?

23 A. [10:24:06] I would have to refer to my colleagues. I received my terms of
24 instruction on this date, which I felt my interactions with the team were minimal, and
25 my case knowledge is limited to the documents indicated in the report.

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1 Q. [10:24:28] Now, Mr Witness, would you accept - and I don't believe this will be
2 disputed by the Prosecutor - that if there was no Al Mahdi case in July, and if you
3 were being instructed to prepare this analysis, that it might have been for
4 the purposes of internal analysis?

5 A. [10:24:48] The instructions that I received are contained in the annex in full, and
6 there's -- you know, there is no additional part to those instructions that hasn't been
7 disclosed to the Defence or presented to your Honours.

8 Q. [10:25:09] Well, Mr Witness, if we go to Annex II of your report, we have a list of
9 locations, but I don't believe we have the instruction letter.

10 A. [10:25:37] I don't -- I don't know if there was an instruction letter. You're
11 indicating that there was in your question. I'm not sure if that is the case. I believe
12 that instructions were relayed in the format of the, of the table which is annexed.
13 Because this had not been done before, the, the sending of this document would have
14 been preceded by some discussion with the team as to what I could do to either
15 confirm or find out or negate various hypotheses related to the location of videos that
16 they had.

17 Q. [10:26:42] These hypotheses, they're not set out in your report, are they?

18 A. [10:26:49] I don't know what those hypotheses were. If the team had -- if
19 the team had hypotheses related to those videos, the only information that I received
20 from them about those hypotheses is the information contained in the appendix
21 disclosed to the Defence before your Honours today. And that's a deliberate choice
22 to make sure that I could focus on applying the methodology of comparing known
23 and questioned imagery.

24 Q. [10:27:26] So what was discussed during this discussion, if you didn't discuss
25 the hypotheses?

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1 A. [10:27:34] This is not something that was done before. As a [REDACTED] I spent
2 between three and 5,000 hours, you know, defining these workflows and applying
3 them to journalistic fact-finding. The question - when I joined the [REDACTED]
4 [REDACTED] which also has a duty to establish facts in an objective and impartial
5 way - was to what extent this methodology could be applied? So we would've had
6 discussions of a technical nature related to that question.

7 So what the -- I would have explained what my experience of authenticating and
8 debunking online open source imagery was and explained what the, the materials
9 that I used and the methodology I would follow.

10 Q. [10:28:52] So you mentioned earlier that if you could do it again you would
11 hope to have more time. This report was finalised in December 2015.
12 The Al Mahdi confirmation hearing was scheduled for beginning of March, that's
13 correct? Are you aware of that?

14 A. [10:29:08] As I say, I was largely insulated from any details of this case. I
15 wasn't part of the team. I received a letter of instruction -- sorry, an annex
16 containing the information that's before the Court and various pieces of evidence that
17 are also before the Court and I was asked to relay those. So I would not have been
18 aware of timelines.

19 I would have been aware, however, of when I was being asked to deliver a product,
20 and that's normal in, you know, in this environment for people to, to tell you that.

21 Q. [10:29:56] And was the deadline pushed forward?

22 A. [10:30:01] I don't -- I don't think so, no. Do you mean was the deadline brought
23 forward in time or was it -- sorry, pushed back?

24 Q. [10:30:15] Was it brought forward in time?

25 A. [10:30:17] No. I believe that the, the December 15, I think that was the date that

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1 you mentioned, was pretty close to when the Court was in recess and the winter
2 break was happening.

3 Q. [10:30:35] So you had what you considered to be sufficient time to prepare
4 the report?

5 A. [10:30:43] I think in a report like this, there are two things to remember:

6 First of all, every image that you look at in this report is the result of many hours of
7 work, to include or exclude multiple hypotheses related to lines of sight and angles of
8 view. As such, one faces a question of when to stop. And that is usually informed
9 by two things: Number one, my opinion of the degree to which I can reliably
10 identify a location and articulate the degree to which the available imagery speaks to
11 that point. And number two, the usefulness of continuing. So in terms of -- you're
12 asking me what I would do different -- differently, there were a number of clerical
13 errors in the report, as you noted, and I would certainly have wished to -- that
14 the report would have been submitted without clerical errors.

15 Q. [10:32:18] Now, this report is dated but it's not signed, is it?

16 A. [10:32:27] I would have to check. But if, if you're telling me it's -- it's not signed,
17 then I would accept your word for that. But if you would like me to check, I can
18 check.

19 Q. [10:32:43] Certainly.

20 A. [10:33:15] There's no signature apparent on the report or the annexes. My
21 question would be whether I, in registering the report, would have applied
22 a signature to the registration document. That is not before me, and I don't have
23 the answer to that question.

24 Q. [10:33:40] Now you mention that there were many hours of work. Did you
25 create this report alone or did you work with interns and visiting professionals?

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1 A. [10:33:51] This report is entirely my own work.

2 Q. [10:33:55] You didn't rely on anyone else to conduct analysis for the report?

3 A. [10:33:59] As I said, this was entirely my own work. The report relies on three
4 reports that are mentioned in the annexes, two OTP reports and one UNESCO report.
5 It's clearly stated in the report where it doesn't rely on, on me. Mine is the only
6 name on the front of the report and I'm the only person who wrote the report.

7 Q. [10:34:31] And before it was finalised, was it reviewed by anyone else in
8 the office?

9 A. [10:34:37] No. At the time I was the only person in the office who was doing
10 this type of work. And in 2014 -- and between 2011 and 2014, I was one of a very
11 small group of people in the world who was doing this type of work.

12 Q. [10:35:02] Now, I see in your CV that while you were at [REDACTED] you state that
13 you conduct interviews with victims and witnesses and suspects. And your CV
14 states that you were also making recommendations for the next steps in
15 the investigations. Now, apart from your work on this report, did you conduct these
16 tasks conducting interviews, making recommendations for the next steps, with
17 respect to the Mali situation?

18 A. [10:35:31] No. Not at all. I was brought [REDACTED]
19 [REDACTED] and in that capacity, I would have been assigned to various
20 teams under various team leaders. I was never a part of the Mali team. I never
21 took part in any Mali team discussions related to their case or case hypothesis. I've
22 never done any investigative interviews related to the Mali case.
23 In terms of my specialism, I am occasionally required to assist other teams and also
24 the office and the investigation division.

25 Q. [10:36:22] And in terms of the scope of your report, you were asked to locate

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1 particular sites in Timbuktu. Did you attempt to use satellite images to identify
2 whether any groups were present in or around Timbuktu at this time period?

3 A. [10:36:42] No. I would have been completely isolated from case knowledge or
4 even the knowledge of the wider circumstances. And just, if I could correct, what
5 I was asked to do was to establish the location of the videos and photographs listed
6 on the annex with reference to OTP panoramic imagery, the reports listed in
7 the annex, and any satellite imagery that was available.

8 Q. [10:37:15] So in line with the scope of these instructions, would it be correct that
9 you weren't asked to conduct any verification of the source of the videos you were
10 geolocating?

11 A. [10:37:27] That is correct.

12 Q. [10:37:29] And you weren't asked to conduct any authentication of the videos
13 either, were you?

14 A. [10:37:36] No. Normally in my workflow, I would find and verify or debunk.
15 In this instance, the materials were presented to me, as is recorded in the document,
16 and my job was purely based -- my job was simply to query the location of the videos
17 with reference to all the available visual data. So, in a sense, it was a more focused
18 tasking than I would normally have and one which isolated me once more from
19 the circumstances of the case.

20 Q. [10:38:25] And in line with the focused nature of this tasking, then it would be
21 correct that even if you located the videos, you didn't necessarily verify or identify
22 that different scenes in the videos were filmed at the same time?

23 A. [10:38:47] My -- what I was requested to do was to, in each, each instance
24 identify, where possible, the location of the video or image. As I explained on Friday,
25 where a video is cut into multiple segments, each cut is treated as a separate

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1 document, essentially to be authenticated, and sometimes at the start of that process,
2 what I will do is compare the visual information in screen shots of each of the cuts of
3 a video to establish whether they were taken at the same location or not.

4 In other instances in the report, I have compared not different cuts, but different
5 photographs and videos in the same way. At all times, that's made, that's made clear
6 in the report.

7 Q. [10:40:01] And you weren't identify -- asked to identify whether the individuals
8 in the different clips were the same?

9 A. [10:40:08] I had no idea who the individuals in the clips were. You'll see that
10 Mr Al Mahdi's name is on the front of the report. I didn't know what Mr Al Mahdi
11 looked like or who he was until, until much later.

12 Q. [10:40:27] So just to be clear for the record then, at its highest, your report can
13 state that different clips were at the same location, but not necessarily that they were
14 filmed at the same time?

15 A. [10:40:41] Yeah, the timing was not in the, in the remit of the report. The report
16 speaks to the location of the videos and images.

17 Q. [10:40:53] Now, you testified earlier that this was -- you were one of the first
18 persons to bring in geolocation into the Prosecution. Were you aware whether other
19 experts in this case relied upon your work?

20 A. [10:41:11] No. As I said, my interactions with the team were limited to
21 receiving instructions and producing a report.

22 Q. [10:41:23] Have you been following the proceedings at all since they started?

23 A. [10:41:27] I have not been following the proceedings, either the Al Mahdi case or
24 in this case. On either Wednesday or Thursday, ahead of a -- ahead of my
25 appearance, I did tune in so that I could familiarise myself with the judges,

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1 your Honours, and the members of the Defence.

2 Q. [10:42:01] And can you explain for the Court what prompted you to send
3 the email that you sent on 17 September?

4 A. [10:42:08] Yes, I noticed an error and it was not a clerical error. And I have
5 a -- I have a duty, as an [REDACTED] to investigate all circumstances equally and to
6 tell the truth, the whole truth and nothing but the truth. So I -- it would not have
7 been right and proper of me to be aware of this and not to make you aware of it.

8 Q. [10:42:38] Now, are you aware that your report was tendered in the Al Mahdi
9 case?

10 A. [10:42:46] I'm sorry, can you explain the meaning of the word (Overlapping
11 speakers)

12 Q. [10:42:48] That it was submitted into evidence?

13 A. [10:42:52] The -- what happened to the report and how it was used, after I had
14 submitted it, and I would have to check the registration records to see the details of
15 my registering it, and whether indeed my signature was on there, but what happened
16 to it thereafter was not my concern and there were no questions from the team after
17 that point.

18 So I'm unaware of what subsequently happened to it.

19 Q. [10:43:33] So just to be clear, when you finished your report in December, until
20 your most recent witness preparation, no one questioned you or asked you to revise
21 your report?

22 A. [10:43:46] That is incorrect, because as the Prosecution stated on Friday, there is
23 a video recorded session in -- which, I believe, has also been disclosed to
24 your Honours and the Defence, in which I was asked a series of questions about
25 the report.

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1 Q. [10:44:10] You're referring to the witness preparation session?

2 A. [10:44:13] That is correct.

3 Q. [10:44:15] My question was, from the date you finalised the report in December
4 2015, until that witness preparation session, did anyone ask you questions about your
5 report or ask you to review it?

6 A. [10:44:31] I wasn't asked to, as a task, to review the report. In August, and I
7 would have to check the dates, I was asked about annexes to the report and I believe
8 that a communication -- there's an investigator's report that was also disclosed to
9 the Defence which details those.

10 So in relation to the missing annexes, which it would be more accurate to say that
11 they were misnumbered rather than missing, except in the case of Annex VIII,
12 which -- the information of which is contained in the main report.

13 In relation to that question, I was asked to clarify what was, what was happening
14 with the annexes.

15 Q. [10:45:31] I was just wondering if you could help me understand, Mr Witness,
16 how it is that five years can pass until you notice that there's a photograph flipped
17 the other way around in your report?

18 A. [10:45:43] Because I haven't looked at it in, in a long time. And it wasn't part of
19 my, my job, my brief to do that. The moment at which it became necessary for me to
20 review the report in detail was in preparation for my testimony before your Honours
21 and the Defence today and Friday.

22 Q. [10:46:15] Now, Mr Witness, would you agree that the reliability of geolocation
23 depends on the specific features that are relied upon to geolocate a particular image?

24 A. [10:46:30] The geolocation depends on comparing objects as, as they appear in
25 imagery which is known and imagery which is questioned. When we look at those

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1 objects we ask ourselves, first of all, what is the object? Second of all, what are its
2 individualising characteristics? Third of all, how is it oriented relative to other
3 objects? Fourth of all, considering a hypothesis related to the overall scene, we ask
4 whether certain angles of view would be possible, whether certain lines of sight are
5 tenable.

6 Finally, in making a determination about the overall reliability and degree of
7 confidence, we ask ourselves what is the volume of information available to us and
8 what is the nature of that information?

9 So it's, it's a -- it is a complex process. And the moment at which it becomes reliable
10 is when you have sufficient points of corroboration between the known imagery and
11 the questioned imagery and after you have examined a large number of alternative
12 hypotheses and viewpoints.

13 Q. [10:48:32] So if we could just turn to this issue of individualising features.

14 Would you accept that if an image has a unique fixed visual element, say
15 the Eiffel Tower, then that's a more reliable feature than a more ubiquitous element,
16 for example, sand or trees?

17 A. [10:48:55] I would say that the Eiffel Tower is just a tower and could be
18 compared to an antenna mast or a large number of other objects. The, the -- or,
19 indeed it could be the Eiffel Tower in Las Vegas, I believe there's a -- there's a copy of
20 it outside France, the moment at which the Eiffel Tower becomes the Eiffel Tower is
21 not just when you look at those individualising features, but also its relative
22 orientation to other objects.

23 So in the case of the Eiffel Tower, that might be the Arc de Triomphe or other objects
24 that are grounded in the French capital. So, in this report, and the thing that's
25 important to remember about how this report is -- how the conclusions in this report

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1 are arrived at is the external factor.

2 So it's one thing to consider the internal consistency of an object, it is another thing to
3 anchor that object and its relative orientation to other objects against known imagery.
4 So that's why, for example, in -- that's why, for example, the satellite imagery and
5 the OTP panoramic imagery is so fundamental to the process, because this imagery is
6 from a known location and it was taken with full metadata.

7 The other videos and photographs don't have metadata. And in the way that I
8 received them, there was nothing in them of a nonvisual nature to tell me where they
9 were taken.

10 Q. [10:51:07] I think --

11 A. [10:51:08] Although there -- although there were some indications given in, in
12 that annex.

13 Q. [10:51:14] I think we can go to the issue of the satellites later.

14 Now you mentioned, okay, you could have an Eiffel Tower in Paris and you could
15 have one in San Francisco -- or, sorry, in Las Vegas. Sorry, I don't know the US very
16 well. So that would suggest, wouldn't it, that you would need to, as a first point of
17 call, determine whether there might be more than one Eiffel Tower or more than one
18 antenna in the vicinity. That's correct?

19 A. [10:51:43] Yeah. In terms of the -- to bring it back to Timbuktu, there are
20 a number of cemeteries in, in Timbuktu and they're all bounded differently. And we
21 had OTP panoramic imagery available, which showed the boundary walls of those
22 cemetery, and you'll notice that at the start of each section of the report the first thing
23 that I look at in many cases is those boundary walls to -- before I start narrowing,
24 before I start narrowing it down.

25 The boundary walls are not a great indicator in themselves of the location of

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1 a particular mausoleum. However, it is necessary to look at all the available
2 information. The information, which wouldn't be available to me, would be how
3 many mausoleums are there in the world.

4 Q. [10:52:50] But information that presumably could have been available to you
5 would have been how many antennas were in the vicinity of a particular cemetery?

6 A. [10:53:00] That's correct. I have used the location of several antenna masts in
7 the report, several different ones, and I have distinguished between those different
8 antenna masts for that reason.

9 Q. [10:53:18] In your report, you examine antenna masts individually. But you
10 don't look at the extent to which other antenna masts might be viewed from the same
11 location.

12 A. [10:53:32] Actually, that's incorrect. In the -- sorry, it's partially incorrect. In
13 preparation of the report, I would have considered whether any other antenna mast
14 would also be visible from the location that was subject of the hypothesis, so --

15 Q. [10:53:53] That's not in your report, though, is it?

16 A. [10:53:58] If any was -- if any of those were tenable, I would have listed them.
17 So if there were two antenna masts close enough together such that they could speak
18 to the hypothesis, then, yeah, then I, then I should mention those.

19 One of the reasons in relation to -- if I could direct your attention to section 4 of
20 the report. If I could direct your attention to section 4 of the report.

21 Q. [10:54:46] Mr Witness, can you please give us an MLI number?

22 A. [10:54:52] Yes, certainly. So, if I could direct your attention to
23 MLI-OTP-0030-0650. In, in the -- in figure 32, you can see that I have boxed off
24 a number of structures, all potential mausoleums. The reason that these are boxed
25 off is because they're close together and could speak to the hypothesis.

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1 The mausoleum, which is shown in the video, is the mausoleum that appears both in
2 box A and box B, which is bounded in yellow.

3 But it was necessary to look at all the mausoleums because they were in close
4 proximity to one another and also to the antenna mast and the unique -- or, sorry,
5 the -- pardon me -- the antenna mast, the boundary wall and the trees that
6 were -- the relative positioning of which was used in the report.

7 So all of these mausoleums were considered as a viable alternative hypothesis and I
8 spent a good deal of time and pages in the report ruling each of those out. And,
9 yeah.

10 Q. [10:56:41] I think, Mr Witness, my question concerned antennas and whether
11 you dealt with the issue that two antennas can be seen potentially from the cemetery?

12 A. [10:56:57] That may well be the case. There could be an antenna visible from
13 the south, from memory. But the -- in this instance, the geolocation doesn't solely
14 rest on the antenna. It rests on a series of objects, their relative orientation.

15 Q. [10:57:19] Mr Witness, we'll come to that. Now, when examining a video for
16 geolocation, would you agree that it is necessary to avoid confirmation bias?

17 A. [10:57:29] Yes.

18 Q. [10:57:32] And that is why, for the composite videos, you've stated in your
19 report and in your testimony that it's necessary to separately geolocate each section of
20 the video?

21 A. [10:57:46] That --

22 Q. [10:57:47] This is your report 0633.

23 A. [10:57:49] That is partially correct.

24 Q. [10:57:57] Is it your report at 0633?

25 A. [10:57:59] If I could direct your attention to the methodology section of the

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1 report, I'll give you the ERN now.

2 Q. [10:58:03] Could you perhaps have a look at your report at 0633?

3 A. [10:58:07] Certainly. Which paragraph would you like me to examine?

4 Q. [10:58:13] The section where you deal with composite videos. That's ... here,
5 paragraph 2.1, the last sentence. I was reading you your words.

6 A. [10:58:47] Sorry, which sentence -- (Overlapping speakers)

7 Q. [10:58:51] Paragraph 2.1.

8 A. [10:58:52] Yeah.

9 Q. [10:58:53] "Where there are one or more cuts present in a video, and the footage
10 is not continuously filmed, every section of the video has been separately geolocated."

11 A. [10:59:05] Yeah.

12 Q. [10:59:05] That was the methodology you set out in your report?

13 A. [10:59:08] Correct. Could I also draw your attention to paragraph 2.5, which
14 deals with the same issue, and it states the following:

15 "A method often deployed in geolocating the videos and images analysed here is to
16 first relate them to each other, establishing that they show the same location as each
17 other, before proceeding to relate them to satellite imagery and OTP panoramic
18 photography. This allows details from images, videos, or video sections to
19 contribute to the geolocation of other images, videos or video sections."

20 Q. [10:59:40] Yes, so wouldn't this be saying, Mr Witness, that you need to first link
21 the different sections together to determine whether they are filmed in the same
22 location before you then determine where the location of the video is?

23 A. [10:59:58] That depends on the video and the visual information within
24 the video.

25 Q. [11:00:07] I'm -- this is the methodology you've set out. And wouldn't it be

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1 the case that you first need to say that A equals B, before you can say that A and B are
2 both in the location of C?

3 A. [11:00:20] Not always. So it is possible to imagine a situation where you
4 have -- would have a video with three separate cuts, and, let's say, the cut in
5 the middle would show something completely different or it would show something
6 with no visual overlap with the other two cuts.

7 Q. [11:00:41] So that's the video that you notice the error in. Are you saying that
8 you would apply a different methodology to that video?

9 A. [11:00:49] No, I am not referring to that video. In that video, there are very
10 clear indications linking sections 1, 2 and 3 and what was primarily relied upon was
11 the pyramid-shaped structure that appears in all three and its orientation and
12 the proximity of nearby trees.

13 So all of those factors would have -- would have been considered in linking those
14 three sections together. The methodology also states - and I think you mentioned it
15 earlier as well - that objects that are static and tend not to change over time are
16 preferred to objects that are moveable or change over time.

17 Q. [11:01:42] Yes, and I think you mentioned earlier that in terms of static objects --
18 PRESIDING JUDGE MINDUA: [11:01:50](Interpretation) Ms Taylor, do you not
19 think it's time to take a break?

20 MS TAYLOR: [11:01:54] Yes.

21 PRESIDING JUDGE MINDUA: [11:01:55](Interpretation) Can we stop here?

22 MS TAYLOR: [11:02:01] Certainly.

23 PRESIDING JUDGE MINDUA: [11:02:03](Interpretation) So we will now take
24 a half-hour break and we will recommence at 11.30. The hearing is adjourned.

25 THE COURT USHER: [11:02:14] All rise.

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1 (Recess taken at 11.02 a.m.)

2 (Upon resuming in open session at 11.33 a.m.)

3 THE COURT USHER: [11:33:50] All rise.

4 Please be seated.

5 PRESIDING JUDGE MINDUA: [11:34:16](Interpretation) The session resumes.

6 We will continue with the cross-examination by the Defence.

7 Ms Taylor, you have the floor.

8 MS TAYLOR: [11:34:31]

9 Q. [11:34:32] Mr Witness, just before the break, you testified that objects which are
10 static are to be preferred to objects that are moveable for your analysis?

11 A. [11:34:48] That is correct.

12 Q. [11:34:50] Now, in making this statement, did you assume for the purposes of
13 your report that an antenna was a static object?

14 A. [11:35:03] I would explain it this way: I would prefer an antenna to a bush or
15 a tree, but also with apparently static objects such as antenna masts or buildings,
16 these can also change over time. And there are a number of places in the report
17 where historic satellite imagery is consulted to test those assumptions and there are
18 also a number of places in the report where historic satellite imagery of various
19 antenna masts is examined to test whether they might also have changed over time.

20 Q. [11:35:45] But, Mr Witness, would you accept that the mere fact that an antenna
21 mast can be seen in a satellite image in 2014, does not mean that it was in the same
22 location in 2012?

23 A. [11:36:05] And that is indeed why historic satellite imagery is consulted in
24 the report. There are -- yeah, the report doesn't limit itself to looking at satellite
25 imagery from one date.

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1 Q. [11:36:29] But even if you have more than one date, you can't assume that
2 the antenna was in that location at the specific date the video was shot, can you?

3 A. [11:36:40] The report is drafted with reference to the videos, OTP panoramic
4 imagery, which was acquired on two different dates, and satellite imagery. So there
5 are numerous sets of imagery are used.

6 Q. [11:36:57] I don't think you answered the question, Mr Witness.

7 A. [11:37:01] Sorry, could you repeat the question.

8 Q. [11:37:02] That you can't assume, just because an antenna can be seen in
9 different images, that it was in a particular location on the date the video was shot,
10 can you? Or did you assume that for the purposes of your report?

11 A. [11:37:23] I'm not sure I understand the question. Could you -- could you help
12 me understand the question.

13 Q. [11:37:31] I was hoping that you, as a geolocation expert, would be able to
14 understand this.

15 If you have an antenna shown in a satellite image in 2014, you can't assume that it's
16 going to be in the same location in 2012? Or that it's the same antenna?

17 A. [11:37:54] Yes, it would be -- it's better to, to not make assumptions.

18 Q. [11:38:04] So when examining a video for geolocation, what are the kind of
19 factors that make it difficult to conduct a geolocation analysis?

20 A. [11:38:20] Geolocation depends on objects. So, for example, this courtroom -- it
21 depends on the particular features of those objects, so within this courtroom we might
22 talk about the layout of the courtroom, the way the benches are situated, where
23 the cameras are positioned, the windows on either side of us. It also depends on
24 the orientation of those objects relative to one another and relative to other objects. It
25 depends on testing the angles of view and the lines of sight. So I might ask, if I was

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1 standing over at the door, could I see the judges' bench?

2 It also depends on the, the amount of such data that you have. So if you don't have
3 a lot of data, that makes it difficult to make a comparison or if the data that you have
4 is difficult to interpret.

5 Q. [11:39:32] So would you also agree that low video quality can impact upon
6 geolocation?

7 A. [11:39:38] Yes.

8 Q. [11:39:41] And in line with what you say about the amount of data, would you
9 agree that the shorter the video clip means that there's less information or data
10 available?

11 A. [11:39:52] Not necessarily. If I could direct your attention --

12 Q. [11:39:59] Sorry, this is a methodological question. Would you agree
13 (Overlapping speakers)

14 A. [11:40:00] Okay.

15 Q. [11:40:00] -- that if you have a shorter video clip --

16 A. [11:40:06] No.

17 Q. [11:40:07] -- that can impact upon your analysis?

18 A. [11:40:09] No. A short video clip might contain a lot of visual information
19 about the relative orientation, angles of site, lines of sight and the characteristics of the
20 object you're interested in. It depends on the content.

21 Q. [11:40:30] So in terms of the content, would that also include whether there are
22 few features on the horizon? Would that impact upon your analysis?

23 A. [11:40:40] The data is best considered as a whole. So the question is not
24 necessarily whether I would prefer to have more data points on the horizon or in
25 front of me or here or there. But rather, how much data do I have and to what extent

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1 am I able to make a comparison between the questioned data and the known data.

2 Q. [11:41:17] And would that not be facilitated by having more shots and shots
3 which allow you to situate it vis-à-vis buildings or an horizon?

4 A. [11:41:30] More is always good. Having more data points to compare is always
5 good. And in a -- when conducting geolocation, one is looking for those data points,
6 essentially, which allow one to make a comparison.

7 Q. [11:41:54] So today, at page 22 of the transcripts, you stated that you were
8 completely isolated from case knowledge. And you also said that you used no other
9 sources to prepare the report other than those listed in your report?

10 A. [11:42:11] That is correct.

11 Q. [11:42:13] Now, at page 0669 of your report, you state: "Only the walls seen at
12 Cimetière Zeyane Kaly ou Des Trois Saints and Cimetière Sidi Mahmoud Ben Omar
13 are similar to the portion seen in video."

14 Would you agree that this is relying on extrinsic information?

15 PRESIDING JUDGE MINDUA: [11:42:42](Interpretation) Mr Prosecutor.

16 MR DUTERTRE: [11:42:45](Microphone not activated)

17 PRESIDING JUDGE MINDUA: [11:42:50](Interpretation) Microphone, please.

18 MR DUTERTRE: [11:42:51](Interpretation) My apologies.

19 I just wanted to give the witness the time to look at the page before replying.

20 PRESIDING JUDGE MINDUA: [11:42:57](Interpretation) Mr Witness, take the time
21 to look at the page.

22 THE WITNESS: [11:43:14](Interpretation) In this instance, the sentence doesn't
23 satisfactorily convey the meaning. The two photographs that you see above are OTP
24 panoramic imagery of two cemetery walls, one taken at the cemetery known as
25 Zeyane Kaly ou Des Trois Saints and the other taken at Cimetière Sidi Mahmoud Ben

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1 Omar.

2 The sentence refers to the OTP panoramic imagery. So I only -- my information
3 about what the cemetery walls in the cemeteries in Timbuktu looked like is derived
4 from two sources, two sources of known imagery. The first being the OTP
5 panoramic imagery, and the second being satellite imagery.

6 And if I could direct your attention to the preceding page, MLI-OTP-0030-0670, you'll
7 see that I've also taken a look at satellite imagery showing the walls of two cemeteries,
8 and, specifically, in one case, what we're seeing appears to be a shadow and, yeah,
9 basically, we -- yeah, they're -- they're the -- the sources of my information are
10 the ones that are listed in the report.

11 Q. [11:45:24] So would that mean, Mr Witness, that if there was a cemetery with
12 walls of this type that the Prosecution didn't take photos of, you would not have
13 considered it for your report?

14 A. [11:45:36] The -- this point is addressed in the report, and if you'll give me
15 a moment I'll find the relevant ERN (Overlapping speakers)

16 Q. [11:45:46] But you can't remember yourself whether you ascertained -- whether
17 you had photographs of all the cemeteries in Timbuktu or the surroundings?

18 A. [11:45:57] I just want to give you an accurate answer, so I'd -- I'd like to consult
19 the report.

20 (Pause in proceedings)

21 THE WITNESS: [11:47:25] If I could direct your attention to ERN number,
22 MLI-OTP-0030-0756.

23 So, what you see in the four figures, the four images on this page, are four cemetery
24 walls in Timbuktu as they appear in OTP panoramic imagery. And if I could direct
25 your attention to the text below, it states what I've just stated, and adds that:

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1 "There are three other cemeteries in Timbuktu bounded by similar walls that were not
2 included in the panoramic presentation: Cimetière Diamane Hanane, Cimetière Sidi
3 El Wafi and Cimetière Sidi Mohamed Bokkou (ou Sidi Kyar)."

4 What the report states is that of these, only Sidi -- only Cimetière Sidi Mohamed
5 Bokkou ou Sidi Kyar was identified as a site where the destruction of a major
6 mausoleum took place, and, in that regard, I'm relying on the UNESCO report and
7 the report listed by Mr Joffroy, both of which are annexed.

8 So I did not have, I did not have OTP panoramic imagery available for every cemetery
9 in Timbuktu, and the one cemetery for which I didn't have panoramic imagery
10 available where a mausoleum was reported to have been destroyed was Cimetière
11 Sidi Mohamed Bokkou.

12 If I could direct your attention to the preceding page, MLI-OTP-0030-0757. The two
13 images on this page show a mausoleum that was reportedly destroyed in Sheikh Sidi
14 Mohamed Bokkou, and I -- the top, sorry, the top image shows that cemetery, or sorry,
15 that mausoleum, and the bottom image shows the Alpha Moya mausoleum.

16 Q. [11:50:51] Sorry, Mr Witness, again if we could just concentrate on issues of
17 methodology.

18 A. [11:50:55] Yeah, so --

19 Q. [11:50:56] Would you agree, Mr Witness, from what you've just said, that you
20 relied on the UNESCO report to identify which cemeteries were the location of
21 mausoleums that had been destroyed. You then relied upon that report, those
22 findings, to identify the relevant images in the OTP's Panoramio of photographs?

23 A. [11:51:25] No, I would have, I would have looked at all of the panoramic images
24 first of all to determine which of them showed cemetery walls, and only four of them
25 do so, and those are listed on the page that I've indicated to your Honours.

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1 Yeah, what I'm -- what I'm attempting to do here is make it very clear what
2 information I had and what assumptions I had made on that information because I do
3 not have the possibility to check every structure in Mali or every cemetery in
4 the world. I need to make certain assumptions, but I also need to be clear about
5 what those are.

6 Q. [11:52:22] Yes, so it would be correct then, Mr Witness, that one of your
7 underpinning assumptions was that you were dealing with a cemetery where
8 a destruction had been alleged to take place and that the walls, that you considered,
9 were cemeteries where UNESCO had reported that mausoleums had been destroyed?

10 A. [11:52:49] That is correct. That was the information available to me and it's
11 recorded in the report. The geolocation of Alpha Moya, if I could direct your
12 attention to MLI-OTP-0030-0759, and next, the next -- two seconds.

13 Q. [11:53:27] I think you've answered the question, so can we move on, Mr Witness.
14 We're not here to read out your report.

15 A. [11:53:32] Well, I would like the opportunity to --

16 PRESIDING JUDGE MINDUA: [11:53:36](Interpretation) Mr Prosecutor.

17 MR DUTERTRE: [11:53:39](Interpretation) Yes, your Honour. If one could allow
18 the witness to complete his explanation, I think that would be better for the Chamber.
19 The witness had not finished his answer.

20 PRESIDING JUDGE MINDUA: [11:53:51](Interpretation) Mr Witness.

21 THE WITNESS: [11:53:52] Thank you for the opportunity to put this in context,
22 your Honours. I think it's important that you understand the context of
23 the cemetery wall examination and also what follows from that.

24 So if I could direct your attention once more to MLI-OTP-0030-0759 and all the way
25 up until MLI-OTP-0030-0781, so a total of 22 pages. It is in these 22 pages that I

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1 examine the structure seen in the videos. I examine the surrounding area, and based
2 on dozens of points of corroboration, I make the determination that the mausoleum
3 seen in the videos is the Alpha Moya mausoleum.

4 So it does not depend on the cemetery walls and -- that is to say that I, as an
5 investigator, need to consider all the information in front of me, including the walls.

6 I need to be clear about my assumptions and, at the end, I need to make
7 a determination and explain to you why I made that determination.

8 MS TAYLOR: [11:55:36]

9 Q. [11:55:36] If we could move on to your use of Google Earth.

10 At 0941, MLI-OTP-0030-0941, that's tab 5 of the Prosecution's list, you indicate that
11 coordinates collected by the Prosecution are preferred to the Google Earth
12 coordinates.

13 Is this because Google Earth might not always be accurate in terms of coordinates?

14 A. [11:56:09] The reason that -- the reason that I prefer to use OTP information is
15 because OTP personnel can be produced as witness -- witnesses, and they have more
16 expertise than I do in attesting to how their facts were gathered. And so, where
17 possible, I prefer to rely on information that is derived from the OTP.

18 The other aspect of that, yes -- well, the other aspect of that is, you know, you might
19 find it hard to produce a Google engineer to explain coordinates if that became an
20 issue. So it's rather like the choice between mobile and static objects. Often when
21 performing geolocation, you have the choice between two sets of coordinates and you,
22 you could use either, but in, you know, in, in my opinion, it's better to rely on
23 coordinates that were derived from expertise within the control of the Office of the
24 Prosecutor and answerable in that regard.

25 Q. [11:57:45] If I suggested to you that some of the elevations in Google Earth are

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1 not always accurate because they are produced from a composite of images, would
2 you agree with that?

3 A. [11:57:56] I refrain from -- in the report, I refrain from doing two, two or three
4 things. So I refrain from speaking about technical matters related to either video or
5 satellite imagery. So, my answer to that is I would refer you to an expert in order to
6 obtain an opinion on that.

7 Q. [11:58:23] So you're not in a position today to testify to the reliability of the
8 Google Earth images you relied upon?

9 A. [11:58:35] I don't -- I think your question initially was a question related to
10 elevation, and I don't think that the statement that you made following that, I don't
11 see how they're related, I'm sorry.

12 Q. [11:58:49] It's related to your answer, where you say you refrain from speaking
13 about technical matters related to satellite imagery, and that I would refer you to an
14 expert to obtain an opinion on that.

15 A. [11:59:04] Yeah, I rely on, I rely on the comparison of images, so, you know, if
16 where -- if the question is whether I've misidentified an apparent tree or an apparent
17 object, I think that is certainly something that we could answer and have experts in
18 court decide over. But if you're asking me about technical issues related to how
19 satellite imagery is obtained and stitched to make a digital globe, that's really -- that is
20 not my area of expertise and I refrain in the report from entering into discussion of
21 such matters.

22 Q. [11:59:55] And on a non-expert level, are you aware as to whether the quality of
23 Google Earth images has improved over time?

24 A. [12:00:06] The resolution of the (Overlapping speakers)

25 PRESIDING JUDGE MINDUA: [12:00:11](Interpretation) Mr Prosecutor.

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1 MR DUTERTRE: [12:00:12](Microphone not activated)

2 THE INTERPRETER: [12:00:16] I believe the Prosecutor does not have his
3 microphone on.

4 MR DUTERTRE: [12:00:20](Interpretation) I object to this line of questioning.

5 The witness has replied. The question has been put several times in different ways
6 and the Defence is being somewhat argumentative with the witness at this point and
7 therefore I think one should change this line of questions.

8 PRESIDING JUDGE MINDUA: [12:00:37](Interpretation) Ms Taylor, you heard
9 the objection.

10 MS TAYLOR: [12:00:43] We can move on to another issue.

11 PRESIDING JUDGE MINDUA: [12:00:46](Interpretation) Please go ahead.

12 MS TAYLOR: [12:00:49]

13 Q. [12:00:50] In your report, do you rely upon material from
14 www.panoramio.com?

15 A. [12:01:00] That is correct. There are two images used in the report that are
16 derived from a photograph sharing site called Panoramio, that constitute what is
17 known as user-generated content.

18 Q. [12:01:12] Would you agree that one of the issues with open source
19 investigations is the fact that online sources can disappear?

20 A. [12:01:21] That is correct.

21 Q. [12:01:23] And would it not be a problem if the sources you relied upon had
22 disappeared?

23 A. [12:01:31] If they are properly preserved, it should not be a problem.

24 The Court relies on investigators to gather evidence. Your Honours will be aware
25 that evidence can be highly motile and volatile. And in my sworn testimony and in

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1 my report conducted under the oath of the office, I quite clearly state where
2 the images came from, what my assessment of the sources was, and also I geolocate
3 both of the images.

4 Q. [12:02:15] Mr Witness, is it true that while conducting geolocation, the person
5 doing the locating can examine shadows to identify structures?

6 A. [12:02:34] Yes, one can use, can use shadows to -- I'm not sure if the sentence
7 using shadows to identify structures is entirely correct. But if the -- if your question
8 is whether shadows constitute visual data that may be used in a geolocation, that is
9 correct.

10 Q. [12:02:57] And at page 079 of your report, did you rely upon visual data of
11 a shadow to identify a specific wall?

12 A. [12:03:11] Could I have the ERN, please.

13 Q. [12:03:13] 0790 of your report. That's tab 1.

14 A. [12:03:44] 0790?

15 Q. [12:03:45] Yes.

16 A. [12:04:02] I'll just take a minute to review the text, so that I can give you an
17 accurate answer.

18 (Pause in proceedings)

19 THE WITNESS: [12:05:14](Interpretation) Can you repeat the question again, just so,
20 just so I'm sure.

21 MS TAYLOR: [12:05:19]

22 Q. [12:05:20] What I would like to know, Mr Witness, is, can you identify whether
23 there are any issues using shadows on the basis of satellite photos? This is a general
24 question.

25 A. [12:05:36] I -- okay. So I have two questions from you now, Ms Taylor.

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1 Would you like me to answer the specific question as to whether shadows have been
2 used in this instance? Or the more general question as to whether there are issues
3 with the use of shadows in satellite imagery?

4 Q. [12:05:57] I would actually prefer you to discuss the general issue.

5 A. [12:06:01] I think that I would prefer to refer you to a geospatial expert to give
6 you a full account of -- of that question. In this instance, if I could direct
7 your Honours to figure 24, the blue arrows point to shadows and I have identified
8 these as shadows cast by walls.

9 Q. [12:06:50] So since you have identified them as shadows cast by a structure, are
10 you aware, or would you agree that satellite imagery can be impacted by atmospheric
11 distortion and interference by clouds?

12 A. [12:07:08] Again, I would refer you to a geospatial expert if you, you know,
13 want information on -- of a technical nature. What I do is I compare visual
14 information contained in satellite imagery to OTP panoramic imagery and imagery
15 seen in the questioned videos and images. I try to refrain in the report from making
16 technical determinations based on an understanding of physics or atmospheric
17 pressure or electronics or the acquisition and processing of imagery obtained via
18 satellites.

19 Q. [12:08:05] So would you accept, therefore, that when you saw a shadow, an
20 assumption in your report is that it is cast by a structure and that you did not
21 therefore consider alternative hypotheses?

22 A. [12:08:21] In this instance, the -- could I draw your attention to the left-hand side
23 of the photograph, your Honours, and could I draw your attention to the shadow of
24 the apparent wall. And could I also draw your Honours' attention to the apparent
25 trees at the bottom left of the image and also to the apparent wall on the right of the

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1 image, and also to the apparent structures at the top of the image.

2 When I'm looking at a satellite image, I first of all look at the entire image, and in this
3 instance what we can see are that the apparent shadows cast by the apparent
4 structures, trees, and walls, are falling in a consistent pattern.

5 What we can also see, if I could direct your attention to three pages back --

6 PRESIDING JUDGE MINDUA: [12:09:50](Interpretation) Court officer, would you
7 like to intervene?

8 THE COURT OFFICER: [12:09:53](Interpretation) No, the problem has been solved.

9 PRESIDING JUDGE MINDUA: [12:09:57](Interpretation) Thank you.

10 THE WITNESS: [12:10:01](Interpretation) If I could also draw your attention,
11 your Honours, to MLI-OTP-0030-0786, to the OTP on the ground imagery of, of
12 the walls. When I'm conducting my work, I must bear in mind all the available
13 imagery, its consistency, and I make a visual comparison. I refrain from discussion
14 of, of technical matters. We -- but I do rely on consistency.

15 So, for example, if in this satellite image at MLI-OTP-0030-0790, the shadows,
16 apparent shadows were falling in different directions, or if there was distortion, or if
17 there was a lack of consistency, I would, I would question that.

18 MS TAYLOR: [12:11:27]

19 Q. [12:11:27] Thank you.

20 Now I'd like to turn to a video that we discussed on Friday. This is

21 MLI-OTP-0018-0353. If I could ...

22 THE COURT OFFICER: [12:11:49] Ms Taylor, would you like the Registry to play
23 that video?

24 MS TAYLOR: [12:11:54] No, I don't think it's necessary to play the video. I'll just
25 turn the witness to the relevant section of his report, although I imagine he's familiar

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1 with it.

2 It's -- if we can turn to 0641, but I have general questions to start with.

3 Q. [12:12:12] Now this video, you analyse the sections of it separately. That's
4 correct?

5 A. [12:12:20] That is correct. The first step taken in this video was to take three
6 screen shots from each cut of the video. And just to explain to your Honours again,
7 a cut is a break in continuity in the video.

8 And if I could draw your attention to MLI-OTP-0030-0635, figures 1 and 2, and
9 the preceding page, MLI-OTP-0030-0636, figure 3. Those are the three screen shots
10 taken from the three sections of the video. And the first question that I ask as an -- as
11 an investigator is, do these show the same location? Or, is a different location shown
12 in one of the sections?

13 Q. [12:13:34] So, Mr Witness, again, I think you're going a little bit too forward.
14 You analyse these three sections separately. So would it be fair to say that this video
15 is a composite of three clips that were not filmed at the same time or continuously is
16 the word you used?

17 A. [12:13:53] I don't think that is fully accurate. And what I would ask you to
18 consider is that I might take a video of this courtroom now, a panning shot of the
19 entire courtroom, and I subsequently might -- and it might last 15 seconds. From
20 this panning shot, I might produce a 5-second video with, with three cuts.

21 That's -- so --

22 Q. [12:14:29] So it could be a composite of three clips put together or one clip that's
23 been edited with bits taken out?

24 A. [12:14:37] Exactly. I, in my report, I focus on the question of the locations
25 shown and occasionally the question of whether the same locations are shown in two

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1 cuts. I don't try to reverse engineer the edited process, but I have to be aware of
2 the fact that there is an editing process, and that's why, indeed, your Honours, that
3 even where there appears to be a similarity between three cuts, I need to examine
4 whether the visual information contained in the three screen shots of those three cuts
5 is consistent.

6 Q. [12:15:26] And in your report, when you analysed these three sections, for
7 sections 1 and 3 you found points of similarity between the different sections, this
8 including a tree, which you described as having a unique branch, and you also
9 referred to a similar configuration of buildings.

10 And for section 2, if we could turn to page 0641 of your report, you state that if you
11 turn section 1 around 90 degrees, and:

12 "If the estimation of a 90-degree offset is correct, the tree seen in *Section 1* should be
13 the same one seen on the right in *Section 2*."

14 You then write that:

15 "Comparing the shape of the tree in both images, we can say that the visual data is
16 consistent with *Section 2* and *Section 2* (sic) showing the same tree from a different
17 angle (rotated anti-clockwise by around 90 degrees)."

18 Now this conclusion, the locations were similar, was based explicitly on your premise
19 that you could see similar visual data when viewed from a 90-degree offset; that's
20 correct?

21 A. [12:16:54] It's partially correct. It was -- it was based on that, but it was only
22 partially based on that.

23 Q. [12:17:05] This section of your report --

24 A. [12:17:07] But --

25 Q. [12:17:08] -- if we can just focus on this section of your report.

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1 A. [12:17:09] This is the same section. If I could direct your --

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

3 MR DUTERTRE: [12:17:14](Interpretation) Your Honour, it is the same comment as
4 a moment ago: if the witness could be allowed to speak about these very technical
5 issues. He's a specialist on this matter. That would be of use to everybody and it
6 would be fair to him.

7 PRESIDING JUDGE MINDUA: [12:17:28](Interpretation) Ms Taylor, I think that you
8 should allow the witness the time to respond to your question.

9 MS TAYLOR: [12:17:39] Certainly, but I think it's also important that the witness
10 keeps to what's in his report, as that's what the basis of the questions are. And we
11 are dealing with his conclusion specifically on page 0641, where he concluded that all
12 three sections of the video show the same structure in the same location.

13 THE WITNESS: [12:18:04] I'm still attempting to answer your previous question.
14 And what I said in partial answer to your previous question was that your statement
15 was partially correct, but not fully correct.

16 So, if I may be allowed to explain, your Honours. I would like -- as we are talking
17 about the same comparison, the comparison between section 2 and section 1 of
18 the video on the preceding page, so MLI-OTP-0030-0640, you will see that the two
19 sections are compared with reference to the structure seen.

20 MS TAYLOR:

21 Q. [12:18:53] Yes, so you relied upon other aspects. But for this part, your
22 conclusion in this section on this page was based on the position of the tree when
23 viewed from a 90-degree offset?

24 A. [12:19:09] That is correct. And that is a -- that was part of the comparison of
25 sections 2 and sections 1 of the video at MLI-OTP-0018-0353.

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1 Q. [12:19:23] And on Friday you testified that, rather than offsetting the view
2 by 90 degrees, you had, in fact, flipped it by 180 degrees. And we can see this from
3 the ERN number on the page, which has been flipped --

4 A. [12:19:40](Overlapping speakers)

5 Q. [12:19:41] -- 180 degrees.

6 A. [12:19:43] That is correct.

7 Q. [12:19:44] And you testified that:

8 What I find with the examination of the two trees, that they are consistent with being
9 in the same location. This -- this has to be discounted, so we cannot rely on this.

10 A. [12:19:58] That is correct. The -- could I draw your attention, please, to figure
11 14 on the same page, and if your Honours will -- if your Honours take a close look at
12 the tree pictured, apparent tree pictured in figure 14, you'll see that there is a green
13 circle around a section of that tree. The part which should have been compared is on
14 the opposite side.

15 So the comparison with section 2 should have been -- should have been with
16 the branches on the opposite side. I'm not sure if I can indicate this on --

17 Q. [12:21:05] So would you accept, Mr Witness, that if you had initially identified it
18 as being the same tree on the basis of a 90-degree angle - and you're now looking at it
19 from a completely different angle - then that would follow that your initial reasoning
20 was incorrect?

21 A. [12:21:22] I'm afraid you'll -- could you repeat the, the question. I'm just not
22 sure what you mean by initial reasoning.

23 Q. [12:21:31] Your initial reasoning set out at 0641 was that, when you looked at the
24 site that's on page 0640, from a 90-degree offset, then you said you could see the same
25 tree and you could switch, if you look at the structure underneath it, that you could

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1 see the structure. It was consistent with the structure being turned 90 degrees?

2 A. [12:22:07] So, I -- so I don't think those were the words that I -- those were
3 the words that I used in -- in the report.

4 The words that are used in the report are:

5 "Comparing the shape of the tree in both images, we can say that the visual data is
6 consistent with *Section 1* and *Section 2* showing the same tree from a different angle ..."

7 And I would have made the same conclusion if I had compared the other side of the
8 tree. As you can see, the tree is like a person standing with two hands out. It's
9 a rather symmetrical tree.

10 And I'd also like to draw your Honours, your -- I'd like to draw your Honours'
11 attention to the word consistent. I have made other comparisons of trees, and, as I
12 explained in the methodology, this isn't something that is as reliable as other
13 structures. And in these comparisons, I don't use the word consistent. I use
14 stronger language to indicate a higher degree of confidence.

15 If I could draw your attention to MLI-OTP-0030-0658 and 659, and if I could draw
16 your attention to figure 64 and figure 65. So figure 64 is from OTP panoramic
17 imagery, which was taken in the location identified ultimately as being the location
18 that this video was taken from, while figure 65 is a shot from the video.

19 And I won't ask you to, to make -- determine -- a determination on these, but what I
20 have said is that they are a match. In other words, my feeling in this comparison
21 was that there was a very strong visual resemblance between the two, and that's why
22 I used the word "match".

23 If I could draw your attention to ... If I could draw your attention to ...

24 If I could draw your attention to MLI-OTP-0030-0775 and, initially, if I could draw
25 your attention to figure 18 and figure 19. Again, it's a comparison of two trees.

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1 One seen in a questioned video and the other seen in OTP imagery. And what I say
2 here is that the tree is similar, but the match is not conclusive. And as you can see
3 there, there is a degree of, of dissimilarity there.
4 If I could draw your attention to figure 20 and figure 21. Again, we have two trees.
5 One seen in OTP panoramic imagery and one seen in the video, and what I say here is
6 that the match is conclusive.
7 So returning back to MLI-OTP-0030-0641, my opinion on this is that neither, neither of
8 the tree or trees shown are something that I would be comfortable calling a match or
9 an exact match and that's why I've said consistent. And the consistency there is
10 based partly on the position of the object, so there is a tree branch beside what
11 appears to be a mausoleum, and partly on their positioning next to each other.
12 And again, just to put this in, in context, there are further -- several dozen pages on
13 this where we're actually dealing with the substantive comparison of OTP imagery,
14 satellite imagery, and the questioned imagery.
15 What we're examining in figure 14 and figure 15 on MLI-OTP-0030-0641 is
16 the internal consistency of the three sections of video, and I think we have a strong
17 enough indicator in the structure itself such that it wasn't necessary to, you know, to
18 go into a detailed comparison of the tree, the branches and all the rest and that's
19 where the error occurred.
20 Q. [12:28:53] A very long answer, Mr Witness. Basically, if I could bring you back
21 to your original part of your answer, because, as I understood your methodology at
22 the beginning, it's necessary to first string the clips together, show that they are
23 actually filmed at the same location, and then attempt to locate the video. Whereas,
24 what we've heard now is a string of testimony putting together a range of different
25 factors to bolster your conclusion which was premised on a fundamental flaw.

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1 Now, if we could go back to --

2 A. [12:29:30] I'm sorry, is that a question?

3 Q. [12:29:32] -- if we could go back to the trees. You've said at the beginning that
4 this tree was like a person with their hands out to left or right.

5 Now wouldn't you agree that if that tree is facing 90 degrees as compared to
6 180 degrees, that's a fundamental difference?

7 A. [12:29:51] To, to come back to your -- so I don't want to respond to your
8 statement. I think it was -- I think it's a characterisation and I don't want to -- you
9 know, I don't think there was a question in there.

10 But with regard to what I think was a question that preceded that, when you
11 mentioned the methodology and whether it was necessary to, as a first step in
12 geolocation, necessarily combine all of the sections in the video, well, not necessarily.
13 You could leave a section out.

14 If you decided that one section of the video could not be reliably joined with the other
15 sections of the video, if you felt after examining it that it might show a different
16 location, then you could just leave it out and you could say that.

17 In this instance, despite the error which I drew the Court's attention to, I have no
18 doubt that they show the same location. I -- and that is based on two things: First
19 of all, the structure. And as the methodology says, structures are preferred to trees.
20 They're easier to read, if you will.

21 And second of all, had I not inverted the image at figure 14,
22 the comparison -- the conclusion would have been the same. Looking at the
23 branches to the right-hand side of figure 14 and comparing them to the branches on
24 the right-hand side of figure 15, I would also have not felt entirely confident. I
25 would not have used the word "match". But I would have said it was consistent

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1 based on the fact that this -- that there is some visual similarity and based on
2 the relative orientation of the two objects.

3 Q. [12:32:12] So if we can go back to that. Essentially, all we have here is a similar
4 tree, which appears to look the same, no matter which angle you view it on. So I
5 think we can agree, this can't be a unique identifying feature and two structures.
6 And in your report, you noted that there was a similar state of disassembly, but not
7 the same state of disassembly because you are, in fact, looking at it from a different
8 angle.

9 A. [12:32:39] The reference to disassembly is most clearly indicated at
10 MLI-OTP-0030-0640 by the box numbered 4. And the box numbered 4, yeah, shows
11 that a part of the apparent monument or mausoleum has been -- is in a greater state of
12 disrepair than another part it.

13 Q. [12:33:22] Now, would you also agree that there's elements in section 2 that you
14 can't see in sections 1 and 3? There's different persons, different numbers of
15 persons?

16 A. [12:33:34] Yes.

17 Q. [12:33:37] And would you also agree that the mausoleums that you -- in
18 Timbuktu had similar structures?

19 A. [12:33:49] Having spent some time examining the mausoleums of Timbuktu and
20 comparing them to one another, and to OTP imagery and expert architectural
21 drawings and satellite imagery, I think there are significant differences between all of
22 the mausoleums. And in relation to the structure that is shown in the video at
23 MLI-OTP-0018-0353, one of the distinguishing features of this is its, its tiered
24 appearance. So it's quite wide at the bottom and it's quite narrow at the top and it
25 appears to have been constructed in several tiers.

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1 If I could draw your attention to -- if I could draw your attention to the, the -- if I
2 could draw your attention to MLI-OTP-0030-0656. There is a mausoleum indicated
3 there by the letter D, which is much larger and more prominent than the other
4 mausoleum. And based on, based on the original instruction document from
5 the OTP, I can tell you that the -- that that mausoleum, that large mausoleum, which
6 is bounded by the letter -- indicated by the letter D, and bounded by a red box, that's
7 the Sidi Mahmoud Ben Omar mausoleum. And in the original instruction document,
8 the video is, is listed against, against (Overlapping speakers)

9 Q. [12:36:15] Can I just -- are we on page 0656?

10 A. [12:36:20] I beg your pardon, 0658. I beg your pardon.

11 So, yeah, this, this structure indicated by the letter D, with the red box, is
12 the Sidi Mahmoud Ben Omar Mohamed Aquit mausoleum, and it's, it's named on
13 the original instruction document, which also indicates that some of the videos were
14 from the cemetery of Sidi Mohamed or Mahmoud.

15 And there's an extensive section preceding this. So starting on, starting on
16 MLI-OTP-0030-0647, and going all the way to MLI-0030-0658, there's an extensive
17 discussion there and examination of a group of mausolea that, that appear in that
18 same quadrant of the cemetery.

19 And if I could draw your attention to MLI-OTP-0030-0647, the mausoleum indicated
20 with the yellow box - and let me double-check this so I'm giving you an accurate
21 answer - indicated by a yellow box, that is, that is the mausoleum that was ultimately
22 identified as being, as being the -- the -- oh, sorry. That is the structure that was
23 ultimately identified as being that shown in the video.

24 And it's quite faint. But if you examine figure 32 at MLI-OTP-0030-0650, what I'd
25 say is it's, it's a lot smaller than the Sidi Mahmoud mausoleum and it also appears to

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1 consist of at least one or two tiers in the satellite imagery.

2 The geolocation of the video did not rely on -- did not rely entirely on the tiered

3 nature of it. The geolocation rests on an examination of a prominent antenna mast,

4 which is detailed at MLI-OTP-0030-0643, which is different to some of the other masts

5 seen in the area.

6 And the strongest piece of corroborating information is actually contained at

7 MLI-OTP-0030-0644 and 0645. And in figure 21 -- actually, this is fine. Figure 22

8 and figure 23 compare the visual information contained in the video and in the OTP

9 panoramic imagery.

10 So just to -- I just wanted to contextualise the geolocation of the video as a whole.

11 I believe that the question being raised by the Defence is -- is whether section 2 shows

12 the same location as sections 1 and sections 3. I think it does. And I think it does

13 based on the shape of the structure and the relative orientation of these trees.

14 If you were to remove section 2 from the video and decide that you could not make

15 a determination in that regard, the visual information contained in sections 3 and

16 section 1 is the information that points to the comparison made at figures 22 and 23

17 on MLI-OTP-0030-0645.

18 Q. [12:42:36] Thank you, Mr Witness.

19 Now, again, focusing specifically on section 2, in terms of your conclusion that you

20 think it's the same location. Now before, for geolocating the video, you referred to

21 the antennas.

22 We can't see the antennas in section 2, can we?

23 A. [12:42:58] That's -- that's correct.

24 Q. [12:43:00] So, again, based on what you said, your conclusion that you think it's

25 the same location is based on your reliance on a tree, which is a nonunique

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1 identifying factor, and a similar state of the structure?

2 A. [12:43:24] The -- that's partially correct. The determination as to whether
3 section 2 shows the same location as sections 1 and sections 3 is based on
4 the individualising features of that structure. So, not just the fact that there is
5 a structure there that appears to be in a state of disrepair, but, rather, that there is
6 a structure there that consists of five different or six different areas that are clearly
7 identified at MLI-OTP-0030-0640, and the relative orientation of those five areas.

8 Q. [12:44:16] Now if I could just go back to your testimony on these structures
9 earlier - about 30 minutes or 15 minutes, depending on the length of your
10 answer - you mentioned that you had identified it as a specific mausoleum because
11 we had -- you had information before you that a mausoleum that looked like that had
12 been destroyed in the cemetery. And then you worked backwards and believed that
13 this structure had a similar base as that mausoleum?

14 A. [12:44:47] In fact, it's more -- it's more like the opposite of that. If I had
15 been -- if I had been swayed by the instruction document, I might have been inclined
16 to identify the mausoleum shown in the video as the mausoleum of Sidi Mahmoud
17 Ben Omar Mohamed Aquit. But in the conduct of my geolocation I was able to rule
18 out that major mausoleum, which is a lot bigger and is the one listed in several
19 reports. I was able to rule that out.

20 So rather than coming back to the team and in my report stating that, yes, indeed,
21 MLI-OTP-0018-0353 shows that mausoleum, I concluded that it showed a different
22 mausoleum.

23 Q. [12:46:03] But, Mr Witness, would you accept that in order to determine that
24 these two structures -- and what you're saying today is not just that they're similar,
25 but you're identifying them as the same structure. You're relying upon

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1 a predetermined list of information or evidence, that is that certain mausoleums of
2 that appearance were destroyed in that time period and you're therefore determining
3 that this must be the same structure?

4 A. [12:46:38] What -- what I'm doing --

5 PRESIDING JUDGE MINDUA: [12:46:42](Interpretation) Prosecutor.

6 MR DUTERTRE: [12:46:47](Interpretation) I would like the Defence to quote
7 the words of the witness, the page and the line, please, because I am not hearing
8 the same thing now.

9 PRESIDING JUDGE MINDUA: [12:46:59](Interpretation) Ms Taylor, please.

10 MS TAYLOR: [12:47:01](Microphone not activated) Given the length of the witness's
11 answers, that does make it slightly cumbersome. But we can go back to
12 where -- when we first asked him about how he strung this all together, he referred to
13 the structures.

14 PRESIDING JUDGE MINDUA: [12:47:25](Interpretation) Mr Witness, you have
15 heard Ms Taylor complain about the length of your replies on a number of occasions.
16 Could you please try and make them more brief. Thank you.

17 THE WITNESS: [12:47:42] Yes, your Honour.

18 MS TAYLOR: [12:47:46]

19 Q. [12:47:46] Perhaps I can reformulate the question.

20 What is your basis, very succinctly, for saying two structures, which are viewed from
21 a different angle, must be the same structure? If we're discounting the tree, which
22 you said on Friday we had to, can you please explain how you can identify
23 the two -- these two foundations must be the same foundation?

24 A. [12:48:20] Certainly. If I could, in a fast and efficient manner, with respect,
25 bring you through the six points of similarity, I will.

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1 Point of similarity number 1: At the top of the structure, there is what appears to be
2 a capstone, which is roughly rectangular in shape. Directly below that, at the
3 location indicated with a number 2, there is what appears to be a larger base. So
4 almost like a pyramid.

5 Below that, at -- at the point indicated by the number 3, there is a another tier of this
6 structure. In addition to that, at number 4, and with the relative orientation being,
7 being consistent, there is destroyed, apparently destroyed portion of the monument.
8 Below that, at number -- there is no number, but it's the section indicated by the red
9 box, there is a larger base. So it's based on these five objects within the larger object,
10 based on some of their individualising characteristics, so their appearance and their
11 relative orientation that the determination is made that section 1 and section 2 show
12 the same location.

13 Q. [12:49:58] But, again, we go back to this issue of orientation, because if we look
14 at section 4, you're flipping it by a 90-degree offset in order to make it section 1.
15 Do we not have that issue if you're relying upon orientation that your error in
16 orientation will ultimately impact upon your ability to identify whether these four
17 sections are in the two different sections of the video?

18 A. [12:50:26] Actually, the error here was in, was in flipping the video. Not in my
19 understanding of how these objects were oriented to one another if one was looking
20 down on top of them. I -- I know that I -- I'm trying to give you as quick an answer
21 as possible, but it is difficult to explain a visual comparative process in words.

22 But, your Honours, what I'm relying on in the comparison of section 1 and section 2 is
23 the internal consistency of the structure shown, so how it looks, its individualising
24 characteristics, so its three-tiered nature and its structure.

25 With regard to the tree shown in figure 14, the correct comparison would have been

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1 with the part of the tree shown on the right-hand side of the image, rather than
2 the part of the tree shown on the left-hand side of the image.
3 And the -- so what I should have done is taken a crop of that part of the tree and
4 compared it to this, and allowed for, for the offset of 45 degrees. What I did -- sorry,
5 yeah, sorry, 90 degrees. What I did was flip that on the basis of, of a 180-degree
6 offset, which would have been fine if it was 180 degrees, but it wasn't. It was 90.
7 The reason that error occurred is because at this point when you're looking at internal
8 consistency, you are not -- there's nothing to anchor it. And I think that's what
9 the Defence is, is asking here.
10 You're focusing on the internal consistency of the object seen in the video. You're
11 not able to compare them to external objects, such as, satellite imagery or OTP
12 panoramic imagery.
13 The error should have been picked up at the end and could have been quite easily
14 clarified once, once the, once the object had been sort of fixed in time and space.
15 Again, what I'd say is two things. Number one, for me, section 2 and section 1 show
16 the same location, based on the internal consistency related to the structure, and
17 certainly the location of the wider video is -- so sections 1 and -- sorry, sections 2
18 and -- sorry, sections 1 and sections 3 is -- also stands in my opinion. It doesn't -- this,
19 it doesn't change my opinion of whether those three sections show the same location.
20 It doesn't change my opinion of what location this video shows.
21 Q. [12:54:13] Mr Witness, what I would put to you, would you accept that your
22 error occurred because you did not rely upon a sufficient number of unique
23 identifying features? If a tree can look the same whether you flip it 180 or 90 degrees,
24 that would suggest that your analysis is predicated on objects that were not
25 sufficiently anchored?

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1 A. [12:54:41] No. I think that the error occurred because I flipped the image and
2 because the tree is rather symmetric and the tree doesn't have any individualising
3 features that I would have relied on for the purposes of this comparison.

4 As I said, I would have been comparing the opposite side of the tree to this side of the
5 tree, I would have concluded that it was consistent, but I would certainly not have
6 used words such as "match" or "the same", as is used in other parts of the report
7 where trees are compared that -- where there's a better visual information.
8 So, as I've indicated before -- as I've indicated before, one of the determining factors in
9 making a geolocation is the, the richness of the data available, and you're correct in
10 that regard, so if you don't have good data available, you can't make a good
11 comparison, that is correct. But in this case I feel like I do have good data available
12 and that, despite the error, I conclude -- my conclusions remain the same.

13 Q. [12:56:11] So your conclusions remain the same, although you've just said that
14 you wouldn't now use the word match?

15 A. [12:56:19] I don't use the word match here.

16 PRESIDING JUDGE MINDUA: [12:56:22](Interpretation) Prosecutor.

17 MR DUTERTRE: [12:56:23](Interpretation) This question has been asked under
18 various angles and we have had a reply from the witness. I don't know how often
19 the Defence wants to put it this question, but I think we have dealt with it.

20 MS TAYLOR: [12:156:44] I haven't actually put a question.

21 PRESIDING JUDGE MINDUA: [12:56:47](Interpretation) You're right, you haven't
22 put the question, but your preamble is quite long, which is why I think the witness
23 gets lost from time to time. The basis of your question is so long, perhaps you could
24 shorten that somewhat.

25 MS TAYLOR:

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1 Q. [12:57:09] What I'm putting to the witness is that, in stating that his conclusions
2 haven't changed, would he accept that this is an example of conversation bias, that he
3 has worked backwards to identify the same conclusion, even though one element has
4 now fallen away.

5 A. [12:57:32] No. What I would -- what I would say in reply to your question is,
6 geolocation depends on multiple points of corroboration to make it reliable. Just
7 because you lose one of those points of corroboration doesn't necessarily change
8 the conclusion. And in this case, there are many more points of corroboration that
9 speak both to the question of whether the three sections of the video are -- show
10 the same location, and to the wider question of where the video was shot.

11 Q. [12:58:08] And in terms of this wider question where the video was shot, in your
12 report, would you agree that you relied upon images of mausoleums from earlier
13 points in time, for example 2006, 2007?

14 A. [12:58:23] Yes, that may well be the case. I would have to check the report to
15 give you a definitive answer, but certainly two of the reports listed in the annex
16 would have featured architects' drawings of the mausoleums and photographs of the
17 mausoleums that were taken on various dates.

18 Q. [12:58:46] And did you take into account the possibility that the external facades
19 of the mausoleums might have changed, for example, that cladding might have been
20 put on them?

21 A. [12:58:58] I think that I can only work with the information in front of me, so in
22 my report I tend to restrict myself to comparing objects. So, if I wanted to make
23 a comparison as to whether something had changed over time, which for example I
24 do in the case of Alpha Moya, or in the case of the antenna mast in this geolocation,
25 what I do is I try to source imagery from different dates and then compare them. It's

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1 the -- the hypothesis that, you know, that the hypothesis can only be -- the hypothesis
2 as to whether, as to whether a mausoleum changed dramatically over time can only
3 be answered in relation to the available data. So, where possible, I've sourced
4 images that were as close in time to the moments thought to be shown in the video.
5 And where I'm using satellite imagery, I'll often use imagery from several different
6 dates to test whether things have, have changed over time.

7 But I don't have infinite data points and I do have to make a determination, you know,
8 as, as the author of this report as to, as to where things are shot or if they're shot in
9 the same location, and all I can do is be explicit about that with reference to
10 the available data.

11 Q. [13:00:53] So, Mr Witness, given these limitations, given that in section 2 we
12 can't see antennas, given that you've acknowledged that there's additional elements in
13 section 2, for example, additional number of persons that aren't in sections 1 and 3,
14 can you testify under oath that you have absolute confidence that section 2 is
15 the same?

16 A. [13:01:29] Yes. Yes, your Honours, I can. I'm sure about this.

17 Q. [13:01:33] And is that the same approach you took for the other locations in your
18 report, that level of confidence?

19 A. [13:01:43] I'm not sure I understand the question.

20 Q. [13:01:46] What I'm saying is, you have testified now that section 2, you are
21 absolutely confident that it's the same location, based even taking into account these
22 limitations?

23 A. [13:02:02] That is correct. I -- I believe that section 2 and section 1 of the video,
24 based on the comparison contained in MLI-OTP-0030-0640 and the relative
25 orientation of, of the objects, is correct. And I also believe that it was indeed shot

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1 from a 90 degree offset, I believe that is correct.

2 The thing which I now know to be incorrect is that I shouldn't have flipped the image,
3 so I -- yeah.

4 Q. [13:02:42] I think we now have something different than what you testified on
5 Friday. This does seem to be a bit of a work in progress.

6 A. [13:02:52] I disagree. I'm not sure if that's a question or a statement --

7 Q. [13:02:55] What I perhaps put to you is that you seem to be developing your
8 approach to this video while you testify.

9 A. [13:03:01] No, you've asked me, you've asked me --

10 MR DUTERTRE: [13:03:06](Interpretation) I object, your Honour.

11 PRESIDING JUDGE MINDUA: [13:03:08](Interpretation) Yes, Mr Prosecutor.

12 MR DUTERTRE: [13:03:11](Interpretation) Thank you, your Honour. I object,
13 your Honour. The Defence is making commentaries and that's not the Defence's role,
14 and is becoming argumentative with the witness. There are questions, there are
15 answers, and you can advance, and the Chamber can draw the relevant conclusions.

16 PRESIDING JUDGE MINDUA: [13:03:32](Interpretation) Counsel, I am in
17 agreement with the Prosecutor. The witness has answered and you do seem to be
18 argumentative now.

19 Now, it is now beyond 1 o'clock, we therefore must have the lunch break. We will
20 be back at 2.30.

21 So, Ms Taylor, how much more time do you need in order to finish with
22 the cross-examination.

23 MS TAYLOR: [13:03:59] I imagine no more than 10 minutes.

24 PRESIDING JUDGE MINDUA: [13:04:09](Interpretation) That's a shame, because
25 the interpreters and court reporters are there, so we have to break. I'm going to

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- 1 suspend now and we will be back at 2.30.
- 2 The hearing is suspended.
- 3 THE COURT USHER: [13:04:22] All rise.
- 4 (Recess taken at 1.04 p.m.)
- 5 (Upon resuming in open session at 2.30 p.m.)
- 6 THE COURT USHER: [14:30:10] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE MINDUA: [14:30:35](Interpretation) We shall resume. We
- 9 shall continue with the Defence's cross-examination.
- 10 Counsel Taylor, you said to the Chamber that you needed a dozen or so minutes; is
- 11 that right?
- 12 MS TAYLOR: [14:30:54] Yes, Mr President.
- 13 PRESIDING JUDGE MINDUA: [14:31:03](Interpretation) Off you go please,
- 14 Counsel.
- 15 MS TAYLOR: [14:31:06] Thank you.
- 16 Q. [14:31:06] If we could just turn, Mr Witness, to pages 0640 and 0641 of your
- 17 report, and I will ask you to confine yourself to this section because my questions
- 18 concern this section only.
- 19 Now, if we can look at the images on page 0640, you've labelled different
- 20 blocks, 1, 2, 3, 4. The top image is from section 2 of the video and the bottom image
- 21 is from section 1 of the video. And these are shown in a normal perspective.
- 22 That's correct?
- 23 A. [14:31:59] Ms Taylor, what do you mean by "normal perspective"?
- 24 Q. [14:32:03] In the sense they haven't been flipped or inverted in terms
- 25 of --(Overlapping speakers)

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1 A. [14:32:07] Correct.

2 Q. [14:32:08] Yes. Again, sorry, layman's terms here.

3 So you identify block 3 and you say that, if you were to invert the structure about a
4 90 degree, then block 3 would be on the other side. That's at the bottom sentence.

5 A. [14:32:40] That's correct.

6 Q. [14:32:42] Do you maintain that?

7 A. [14:32:45] You've asked me to confine myself to these two pages.

8 Q. [14:32:52] Just this page, yes?

9 A. [14:32:53] But it's actually easier to answer that question with reference to page
10 31 and page 32.

11 Q. [14:33:02] But, Mr Witness, I'm trying to ascertain which of your conclusions
12 remain valid in your report, so I just want you to answer, do you maintain that?

13 A. [14:33:23] If you'll allow me one minute to check the satellite imagery
14 and -- because that gives me a better perspective on the question, and I do want to
15 refresh my memory so I can give you an accurate answer.

16 Q. [14:33:41] Certainly, Mr Witness. But your report is based solely on the images
17 on this page, so for the purposes of ascertaining the accuracy of this page, I would ask
18 you to come back to this page.

19 A. [14:33:47] Okay, so your question is related -- could be rephrased as "Is that
20 what it says on the page?"

21 Q. [14:33:53] Do you maintain that? Do you say:

22 "This would mean that block numbered "3" in the images would not be the same item.
23 Rather, it is the same tier of the structure but on the statement side."

24 You're comparing sections 1 or 2, so your analysis appears to be based, to a reader, on
25 your examination of these two photos?

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1 A. [14:34:13] Again, if you're asking me if I maintain that, I would like to quickly
2 consult the conclusions, which are top down, and give me a better view on the angles
3 concerned.

4 Q. [14:34:27] Certainly, Mr Witness. But I would ask that we be able to examine
5 this page?

6 A. [14:34:32] We'll come back to it.

7 (Pause in proceedings)

8 THE INTERPRETER: [14:36:54] Message from the English booth: Could counsel and
9 the witness please be requested to pause between question and answer when they
10 resume. Thank you.

11 MS TAYLOR: I apologise.

12 PRESIDING JUDGE MINDUA: [14:37:07](Interpretation) Mr Witness.

13 THE WITNESS: [14:37:13] Yes.

14 (Pause in proceedings)

15 THE WITNESS: [14:38:38] Yes, Ms Taylor, they would, they would show -- they
16 would show the same site, Counsel Taylor.

17 MS TAYLOR: [14:38:50]

18 Q. [14:38:50] I'm not quite sure I understand. But if I could put another question:
19 by orienting the perspective by 90 degrees, do you mean that section 4, on the bottom
20 photo, you would move it to 90 degrees so it would become viewed from the same
21 angle as section 4 in the top photo?

22 A. [14:39:11] The question that I answered was you asked me whether section 3, as
23 indicated in figure 12, would be, would be the same as section 3, as indicated in figure
24 13, and the answer, the answer to that is yes.

25 Q. [14:39:36] So if we -- my second question being, if we, by looking at this from

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1 a 90 degree perspective, do you mean that section 4 in the bottom photo would
2 effectively be moved 90 degrees so it's viewed from the same angle as section 4 in the
3 top photo?

4 A. [14:39:59] Section 4 is viewed from a, from a different angle, but can you explain
5 the rest of the question, please. Sorry, I'm not -- (Overlapping speakers)

6 Q. [14:40:14] I'm trying to understand your report. You say:
7 "Comparing the structure indicates an offset of around 90 degrees in the angle ..."
8 So, I'm trying to work out which 90 degrees, are we talking about section 4, in the
9 bottom one, being moved 90 degrees such that it is effectively section 4 in the top?

10 A. [14:40:35] Counsel Taylor, the best way to understand the angles here is to take
11 a look at the satellite, annotated satellite imagery.

12 Q. [14:40:45] Which is not on this page. So if I could maintain our analysis of this
13 page.

14 A. [14:40:51] Yeah, but, first of all, Ms Taylor, I'm not sure what the question
15 exactly is. And, second of all, if you want me to explain what angles look like, it's
16 much more effectively explained by looking top down to the conclusions where I've
17 drawn the angles.

18 Q. [14:41:12] But we're analysing the two photos here, not the satellite images. So
19 if I can just ask, I can reformulate my question: Is it your position that section 4 on
20 the bottom photo is effectively section 4 on the top photo?

21 A. [14:41:30] You're asking me to perform geolocation on the, on the fly. I would
22 refer you to the conclusions. Or, if you wish me to take some time, I would have to
23 say I don't know and I would have to check that out.

24 Q. [14:41:48] Thank you. That's sufficient. So I think we can perhaps rest on that
25 point that if you would need to geolocation on the fly --

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1 A. [14:42:00] Well, it's not written in the report, the report doesn't state which side
2 section 4 is on. Where I was attempting to direct your attention does state the
3 approximate position of the cameras when both sections were shot.

4 Q. [14:42:20] So if I can then go back to the issue of the cameras, because again
5 we're analysing here the two photos, not the satellites. So would you accept,
6 Mr Witness, that if you're looking at the photo below and you change your angle of
7 90 degrees such that, for example, the rubble from the right-hand corner you're now
8 looking at from the same perspective as the rubble on the top corner?

9 A. [14:42:56] I'm not going to guess at that question without performing the
10 geolocation. And in order to do that -- I can do it here, if your Honours agree, but it
11 does take some time. This is a time consuming process.

12 Q. [14:43:17] That's exactly right, Mr Witness, it is a time consuming process, not
13 just for the witness but also for the Defence, so perhaps I can again reformulate my
14 question.

15 Would you accept, Mr Witness, that the blocks that you've marked as 1, 2 and 3 are
16 not necessarily the same blocks but what you assume that the blocks look like on the
17 other side? And that would be consistent with your last sentence on this page.

18 A. [14:44:04] So the report states that when we look at the image, block number 3 in
19 the images would not be same item but it would be the same tier of the structure.

20 Q. [14:44:17] So what we're effectively seeing is a structure with two different sides,
21 and you're assuming that they have the same similarity on the different sides?

22 A. [14:44:32] That is what -- that is the meaning of this sentence.

23 Q. [14:44:36] Thank you.

24 I have no further questions.

25 PRESIDING JUDGE MINDUA: [14:44:46](Interpretation) Thank you Counsel Taylor.

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1 So this concludes your cross-examination, Counsel.

2 Mr Witness, the Chamber once again would like to thank you for having answered
3 very accurately the questions that were put to you. I see no requests for the floor
4 and there are no judicial questions. This means, therefore, that your oral evidence
5 has now reached its conclusion.

6 (The witness is excused)

7 PRESIDING JUDGE MINDUA: [14:45:31] Now a reminder for the parties,
8 paragraph 34 in the instructions for oral proceedings, this links -- is linked into the
9 tendering into evidence of material, and I recall counsel to that.

10 We are now going to rise for 30 minutes for sanitary reasons. We shall then
11 reconvene at quarter past 3 to receive the oral evidence of the Prosecution
12 Witness 0075.

13 But I see Mr Dutertre on his feet, Mr Prosecutor.

14 MR DUTERTRE: [14:46:22](Interpretation) Yes, your Honour, your Honours, on this
15 particular point we seek guidance. We have taken additionally 15 minutes, and then
16 there will be 30 minutes for the sanitising of the courtroom, and then we'll have
17 10 minutes to introduce the witness and the oath taking, which means that there'll be
18 very little time left for the in-chief, Which will then have to be cut into two. It's
19 possibly not the expeditious way for laying before you the Prosecution evidence.
20 And because tomorrow there was no hearing scheduled, I just suggest that we take
21 0075 tomorrow rather than starting his evidence today, if that sits well with the
22 Chamber.

23 PRESIDING JUDGE MINDUA: [14:47:15](Interpretation) The Chamber will confer.
24 Thank you very much for your suggestion, Counsel.
25 (Trial Chamber confers)

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- 1 PRESIDING JUDGE MINDUA: [14:47:32](Interpretation) We have accepted your
- 2 request, Mr Prosecutor, so we're going to rise for today.
- 3 My thanks, as custom dictates, goes to all the parties and the participants, to the court
- 4 reporters and to the interpreters, and the security officers as well. My thanks also go
- 5 to those in the public gallery, and I wish to one and all a very good evening and we
- 6 shall all reconvene tomorrow morning at 9.30.
- 7 Court is adjourned.
- 8 (The hearing ends in open session at 2.48 p.m.)