

Trial Hearing
WITNESS: MLI-OTP-P-0984

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Thursday, 4 March 2021
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:12] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:34:30](Interpretation) Court is in session.
15 Good morning to everybody.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:34:46] (Interpretation) Good morning, Mr President,
18 your Honours.
19 The situation in Mali, reference ICC-01/12-01/18.
20 And we are in open session.
21 PRESIDING JUDGE MINDUA: [9:35:04](Interpretation) Thank you.
22 Now for the record, we will begin with appearances, starting with the Office of the
23 Prosecutor.
24 Madam Prosecutor, please.
25 MS HUCK: [9:35:13](Interpretation) Good morning, Mr President, your Honours.

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1 Gilles Dutertre and myself, Florie Huck, are here appearing for the Prosecution this
2 morning. Thank you.

3 PRESIDING JUDGE MINDUA: [9:35:23](Interpretation) Thank you, Madam
4 Prosecutor.

5 Defence, please.

6 MS SUTHERLAND: [9:35:27] Good morning, Mr President, your Honours. The
7 Defence for Al Hassan is today represented by Ms Melinda Taylor, Ms Molly Thomas
8 and myself, Kirsty Sutherland.

9 PRESIDING JUDGE MINDUA: [9:35:40](Interpretation) Thank you very much,
10 Ms Sutherland.

11 Now over to the Legal Representatives of Victims counsel.

12 MR LUVENGIKA: [9:35:47](Interpretation) Good morning, Mr President.
13 Good morning, your Honours. The victims this morning are represented by
14 Madam Claire Laplace and myself, Fidel Nsita Luvengika.

15 PRESIDING JUDGE MINDUA: [9:36:00](Interpretation) Thank you very much,
16 Mr Nsita.

17 This morning we will continue with the testimony of the 25th Prosecution witness,
18 that is Witness P-0984. I therefore now want to the turn to the witness.

19 Good morning, Witness. Do you hear me?

20 WITNESS: MLI-OTP-P-0984 (On former oath)

21 (The witness speaks Songhaï)

22 (The witness gives evidence via video link)

23 THE WITNESS: [9:36:35](Interpretation) Good morning. I can hear you clearly.

24 PRESIDING JUDGE MINDUA: [9:36:38](Interpretation) Thank you very much,

25 Mr Witness. I want once again to welcome you. I would like to remind you that

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- 1 you are still under oath to speak the truth, all the truth and nothing but the truth.
- 2 Let me also remind you of the practical advice that I gave you, namely, that you
- 3 should speak slowly and clearly.
- 4 I will now give the floor to the Prosecutor to proceed with a continuation of her
- 5 examination-in-chief.
- 6 MS HUCK: [9:37:46](Interpretation) Thank you, Mr President. We don't have any
- 7 further questions in our examination-in-chief. Thank you.
- 8 PRESIDING JUDGE MINDUA: [9:37:55](Interpretation) Well, that's a surprise.
- 9 So I would like to ask Mr Nsita whether counsel has any questions for the witness on
- 10 the heels of the examination-in-chief.
- 11 MR LUVENGIKA: [9:38:17](Interpretation) Yes, Mr President. As usual, just one
- 12 little question seeking clarification that I would like to put to the witness. And
- 13 I think the Defence can take the entire day.
- 14 PRESIDING JUDGE MINDUA: [9:38:32](Interpretation) Well, you're right, but
- 15 I would need to ask Ms Sutherland whether she has any objections, knowing that she
- 16 has the whole day to herself.
- 17 MS SUTHERLAND: [9:38:44] Thank you, Mr President. No objection in principle,
- 18 but of course we reserve the right pending hearing the question itself. Thank you.
- 19 PRESIDING JUDGE MINDUA: [9:38:56](Interpretation) Thank you very much,
- 20 Ms Sutherland, for your understanding.
- 21 Now, Mr Nsita, the Chamber now authorises you to proceed as requested.
- 22 QUESTIONED BY MR LUVENGIKA: (Interpretation)
- 23 Q. [9:39:15] Good morning, Witness.
- 24 A. [9:39:16] Good morning.
- 25 Q. [9:39:19] I believe you have understood that I am counsel for the victims in

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1 Timbuktu. There are three of us who are lawyers representing the victims of
2 Timbuktu in this case.

3 I have a question, a general -- a question of a general nature for you but which might
4 call for some details and this is in relation to your activities and the activities of
5 Madam A.

6 I hope you understand who I am referring to when I say "Madam A".

7 A. [9:40:32] Yes, I know who Madam A is.

8 Q. [9:40:38] Yesterday in answer to a question from the Prosecutor, you referred to
9 the activities of Madam A. Do you remember that answer?

10 A. [9:41:10] Yes, I remember.

11 Q. [9:41:15] Do you remember -- do you still remember in detail the various
12 products that Madam A was selling in the market?

13 A. [9:41:52] I remember a few of them.

14 Q. [9:41:59] Can you mention the products that Madam A used to sell in the market,
15 to enable the judges to understand?

16 PRESIDING JUDGE MINDUA: [9:42:13] *Madame la Procureur.*

17 MS HUCK: [9:42:14](Interpretation) Maybe we should go into private session to
18 provide this information.

19 PRESIDING JUDGE MINDUA: [9:42:21](Interpretation) I think so. I think so.

20 Private session, please, court officer.

21 (Private session at 9.42 a.m.)

22 THE COURT OFFICER: [9:42:33] (Interpretation) Mr President, we are in private
23 session. And with your leave, I could also redact the identifying parts of the
24 transcript.

25 PRESIDING JUDGE MINDUA: [9:42:49](Interpretation) Mr Nsita, please continue.

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1 MR LUVENGIKA: [9:42:53](Interpretation) I'm sorry, Mr President, but we are -- we
2 have a different perception of this idea of identifying facts.

3 Q. [9:43:05] In any event, Mr Witness, can you mention the various products that
4 were part of Madam A's business or trading?

5 A. [9:44:03] As I told you, I will mention the few that I can remember. She used to
6 sell women's products, pomades or creams, perfumes, soap, among other things.

7 Q. [9:44:36] You mentioned three products. Do you know whether in those
8 products there were any that were prohibited from being sold by the occupants
9 of 2012?

10 A. [9:45:33] The products she sold were prohibited, but those who knew that she
11 was selling them would come to buy from her in hiding.

12 Q. [9:45:49] So what happened to her and to her business?

13 A. [9:46:19] Her business was ransacked, her products were scattered and some
14 were taken away, but it is not known who took the products away.

15 Q. [9:46:39] What do you mean by "ransacked"?

16 A. [9:46:48] They broke into the place and all the products were taken out, but it is
17 not known who took the products out. In any event, the location was broken into.

18 Q. [9:47:17] Thank you very much.

19 What happened to your own business, your own business?

20 A. [9:47:52] I used to sell fuel, diesel and petrol, and then I also had a small shop
21 nearby. When I left, when I was absent for one week, they destroyed everything
22 behind me. I don't know who destroyed my businesses, but everything was taken
23 away.

24 Q. [9:48:18] What did you sell in your shop or store?

25 A. [9:48:33] I sold items such as sugar, tea, carpets and several other items that can

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1 be sold in a shop, such as tea, sugar, carpets and so on and so forth.

2 Q. [9:49:12] Mr Witness, this will be my last question for you.

3 Do you know or are you able to provide an estimation of your, your business capital?

4 How much in francs CFA could you say was the estimated capital of your two
5 businesses, namely, the fuel business and the shop?

6 A. [9:50:08] Well, what I can recall is that -- in fact, what I can remember is that it
7 must have been around 25 million, around 25 million.

8 Q. [9:50:21] To be specific, 25 million what; that is, what currency?

9 A. [9:50:34] CFA.

10 Q. [9:50:41] Thank you very much, Mr Witness. That will be all.

11 MR LUVENGIKA: [9:50:47](Interpretation) Mr President, your Honours, thank you.

12 I have finished asking my questions to this witness.

13 PRESIDING JUDGE MINDUA: [9:50:58](Interpretation) Thank you, Mr Nsita.

14 Thank you for being so concise.

15 Now over to Defence for cross-examination. I note that there is no objection from
16 the Prosecutor, particularly in relation to documents.

17 Now, Ms Sutherland -- court officer, we are still in private session so we can go back
18 into open session.

19 (Open session at 9.51 a.m.)

20 THE COURT OFFICER: [9:51:46] (Interpretation) Mr President, your Honours, we're
21 in open session now.

22 PRESIDING JUDGE MINDUA: [9:51:50](Interpretation) Thank you, court officer.

23 Mr Witness, we are now in open session and the Defence will now conduct its
24 cross-examination. That is the job that the Defence does, so I urge you to answer
25 their questions carefully. Thank you.

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- 1 THE WITNESS: [9:52:36](Interpretation) Very well.
- 2 PRESIDING JUDGE MINDUA: [9:52:37](Interpretation) Ms Sutherland, you have
- 3 the floor.
- 4 MS SUTHERLAND: [9:52:39] Thank you very much, Mr President. I've had a
- 5 number of technical difficulties this morning, but now I face a mechanical one and
- 6 I was wondering if I could just grab the lectern.
- 7 PRESIDING JUDGE MINDUA: [9:53:00](Interpretation) Yes, Ms Sutherland, please
- 8 proceed.
- 9 MS SUTHERLAND: [9:53:06] Thank you very much.
- 10 QUESTIONED BY MS SUTHERLAND:
- 11 Q. [9:53:13] Good morning, Mr Witness.
- 12 A. [9:53:23] Good morning.
- 13 Q. [9:53:24] I hope you can hear me clearly, but of course if you can't and if any
- 14 question I ask is unclear, please just let me know.
- 15 A. [9:53:53] Very well.
- 16 Q. [9:53:55] Thank you. Mr Witness, could I ask you to turn to Defence bundle
- 17 tab 4, which is MLI-OTP-0022-0471, and you should see a photograph.
- 18 A. [9:54:42] Okay.
- 19 Q. [9:54:44] Mr Witness, can you see the photograph?
- 20 A. [9:54:56] Yes, I can see it.
- 21 Q. [9:55:00] Mr Witness, do you remember being shown this photograph before?
- 22 A. [9:55:22] Yes, I remember seeing it before.
- 23 Q. [9:55:27] And who is the person in this photograph?
- 24 A. [9:55:52] That to me appears to be Al Hassan.
- 25 Q. [9:55:58] And do you confirm that this is the person who came to tell -- tell you

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- 1 to switch off your television?
- 2 MS HUCK: [9:56:12](Interpretation) Objection, Mr President.
- 3 PRESIDING JUDGE MINDUA: [9:56:15](Interpretation) Yes, Prosecutor.
- 4 MS HUCK: [9:56:16](Interpretation) Can we disconnect the link with the witness,
- 5 please.
- 6 PRESIDING JUDGE MINDUA: [9:56:26](Interpretation) Court officer, please
- 7 disconnect the link with the witness.
- 8 THE COURT OFFICER: [9:56:34] (Interpretation) The sound is switched off,
- 9 Mr President.
- 10 PRESIDING JUDGE MINDUA: [9:56:36](Interpretation) Thank you very much.
- 11 Prosecutor.
- 12 MS HUCK: [9:56:38](Interpretation) Defence has not established the source of this
- 13 information and it wasn't raised yesterday in my examination, so we request that she
- 14 proceed as ought to normally before presenting this information to the witness.
- 15 PRESIDING JUDGE MINDUA: [9:56:58](Interpretation) Yes, Madam Prosecutor,
- 16 you're entirely right.
- 17 Ms Sutherland.
- 18 MS SUTHERLAND: [9:57:03] Is the connection re-established?
- 19 THE COURT OFFICER: [9:57:17] (Interpretation) No, it's not.
- 20 MS SUTHERLAND: [9:57:19] Well, I can proceed to take the witness through his
- 21 OTP statement, as requested.
- 22 PRESIDING JUDGE MINDUA: [9:57:39](Interpretation) If that would establish a
- 23 basis, yes.
- 24 Please, court officer, reconnect with the witness, please.
- 25 THE COURT OFFICER: [9:57:50] (Interpretation) The sound has been re-established,

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1 Mr President, your Honours.

2 PRESIDING JUDGE MINDUA: [9:57:59](Interpretation) Thank you very much.

3 Ms Sutherland, please proceed.

4 MS SUTHERLAND: [9:58:03]

5 Q. [9:58:05] Mr Witness, if I could ask you to turn to the Prosecution tab 1, and that
6 is your witness statement, and the number is MLI-OTP-0070-1598-R02 at page 1610,
7 and the paragraph number is 57. Therein it states:

8 "The investigators told me that they were going to show me pictures of individuals.

9 They explained to me that they were going to show one picture at a time. They told
10 me that each image had a unique registration number. They said that the series of
11 images may or may not contain images of people I referred to in my statement. They
12 told me to take the time to take a good look at the footage before commenting."

13 And in relation --

14 PRESIDING JUDGE MINDUA: [9:59:14](No interpretation)

15 MS SUTHERLAND: [9:59:24] My apologies to the interpreters.

16 PRESIDING JUDGE MINDUA: [9:59:49](Interpretation) Thank you. I believe that
17 all parties have understood that the interpretation is being provided consecutively,
18 not simultaneously. So please let's bear that in mind.

19 MS SUTHERLAND: [10:00:23] Is there Songhaï interpretation?

20 THE SONGHAÏ INTERPRETER: [10:00:34](Interpretation) Message from the

21 Songhaï interpreters: Could the Presiding Judge please then recall that what the

22 French booth has said is that the English should be slowed down, that counsel should
23 slow down, and that all in the courtroom should be mindful of the fact that

24 interpretation is being done consecutively. Thank you.

25 PRESIDING JUDGE MINDUA: [10:01:09](Interpretation) Ms Sutherland, please

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1 proceed.

2 MS SUTHERLAND: [10:01:11] If I could ask the Songhai booth, do they wish for me
3 to repeat the last paragraph?

4 THE SONGHAI INTERPRETER: [10:01:24](Interpretation) Yes, please.

5 MS SUTHERLAND: [10:01:26] Referring to Prosecution tab 1,

6 MLI-OTP-0070-1598-R02 at page 1610, paragraph 57:

7 "The investigators told me that they were going to show me pictures of individuals.

8 They explained to me that they were going to show one picture at a time. They told

9 me that each image had a unique registration number. They said that the series of

10 images may or may not contain images of people I referred to in my statement. They

11 told me to take the time to take a good look at the footage before commenting."

12 And in relation to photograph MLI-OTP-0022-0471, the statement reads:

13 "The person in the picture looks like Al Hassan. When he came for the television, it

14 was night; but he looked like this. His face was revealed and there was light.

15 When he drove by I couldn't make out his features well."

16 PRESIDING JUDGE MINDUA: [10:04:12](Interpretation) Madam Prosecutor.

17 MS HUCK: [10:04:13](Interpretation) Your Honour, the Defence read a translation of

18 the statement which was in -- originally in French. Her English was then translated

19 into French by the interpreter here and it's not exactly what it cites in the French

20 original, particularly the penultimate sentence. Perhaps it would be a good idea to

21 read the whole thing in French so that it goes from the original French to Songhai

22 without having been through the English version, which has a different

23 interpretation.

24 PRESIDING JUDGE MINDUA: [10:05:02](Interpretation) Very well. Because

25 during the translation things can indeed get lost and it may be different.

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- 1 Now who is going to read this, who is going to read the text in French?
- 2 THE INTERPRETER: [10:05:27] Message from the English booth: Please could the
3 Prosecutor remove her mask when speaking.
- 4 MS SUTHERLAND: [10:05:34] Mr President, it seems to me, given that I've given
5 the precise references and the interpreters have been provided with all of this material,
6 that it would make sense for the interpreters to read directly from the text.
- 7 PRESIDING JUDGE MINDUA: [10:05:57](Interpretation) Very well. We have the
8 text in the file. Ms Sutherland, you can give the exact reference to the French
9 interpreters so that they can read the text, please.
- 10 MS SUTHERLAND: [10:06:13] For the benefit of the interpreters' booth, the
11 reference is Prosecution tab 1, and the document is MLI-OTP-0070-1598-R02 at
12 page 1610, and the paragraph number is 57. There's an introductory paragraph and
13 then we'll go to the box which relates specifically to this photograph.
- 14 THE COURT OFFICER: [10:07:01] (Interpretation) I will also inform the Chamber
15 that paragraph 57 is available on evidence channel 1.
- 16 PRESIDING JUDGE MINDUA: [10:07:19](Interpretation) Yes, it is. Please read the
17 reference in the box relating to the document ending in 0471.
- 18 (Text read by the French interpreter)
- 19 THE WITNESS: [10:08:25](Interpretation) Very well.
- 20 MS SUTHERLAND: [10:08:27]
- 21 Q. [10:08:28] And, Mr Witness, you were shown this photograph again during the
22 witness preparation session. And I refer now to Defence tab 10, the number is
23 MLI-OTP-0077-3953, at page 3956, and at the first row in the last column.
24 Has that been interpreted to the witness?
25 So in that last --

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1 A. [10:10:27] Yes, I was shown this.

2 Q. [10:10:36] In the last column of the first row the comment reads:

3 "[The witness] viewed the image from the binder instead of [...] Webex due to
4 technical problems. After the comment was read to him [the witness] stated he
5 knew the person and it was the same person who came when they came that night for
6 the television. [There was] No further clarification."

7 A. [10:11:44] Yes, I said that the photo you showed me resembled Al Hassan and
8 that it was at nighttime.

9 Q. [10:12:03] Mr Witness, do you confirm that this is the person who came to tell
10 you to switch off your television?

11 A. [10:12:38] Yes, as I said, he looks like Al Hassan. It was night. And if you
12 look closely, it looks like Al Hassan.

13 Q. [10:12:56] Mr Witness, do you also confirm --

14 PRESIDING JUDGE MINDUA: [10:13:00](Interpretation) Mr Prosecutor.

15 MR DUTERTRE: [10:13:02](Interpretation) I don't want to interrupt, but could the
16 Defence please explain a bit this story of a television. It's a little bit cryptic and I'm
17 not sure here in the courtroom we're understanding what this refers to. It would
18 perhaps be good to have questions on that topic.

19 PRESIDING JUDGE MINDUA: [10:13:33](Interpretation) Ms Sutherland.

20 MS SUTHERLAND: [10:13:33] The Prosecution asked me to establish the basis for
21 showing that specific photograph. I have done that. I have gone through two
22 documents that were Prosecution documents. The fact that the witness didn't -- the
23 information about this was not elicited by the Prosecution yesterday is a matter for
24 them. Now we are really -- I was hoping that we would have a relatively swift
25 cross-examination. Now we're in the territory of being really dragged down by,

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1 I would -- unnecessary objections.

2 PRESIDING JUDGE MINDUA: [10:14:17](Interpretation) Mr Prosecutor, I agree
3 entirely with the Defence. If we've come to this television story, it's because you
4 asked for the basis to be established.

5 Ms Sutherland, please do proceed.

6 MS SUTHERLAND: [10:14:32] Thank you, Mr President.

7 Q. [10:14:34] Mr Witness, do you confirm that you have never been to the BMS?

8 A. [10:15:04] I was never there. I never went to the BMS.

9 Q. [10:15:12] Mr Witness, yesterday you told us that you had never seen any public
10 punishments; is that correct?

11 A. [10:15:49] That's true. I was never there. I never went to any of the places
12 where they gave these punishments. Since -- from the time they arrived, I never
13 went there.

14 Q. [10:16:13] Mr Witness, do you also confirm that you cannot read?

15 A. [10:16:33] I'm sorry?

16 Q. [10:16:35] Mr Witness, are you able to read?

17 A. [10:16:51] I am not able to read.

18 Q. [10:16:55] Mr Witness, can I ask you if you've been following these proceedings?

19 A. [10:17:36] Did you not understand what I said? I said I was never in any of the
20 places where they do a trial, never.

21 Q. [10:17:56] Forgive me, Mr Witness. I was asking if you were following what
22 was happening in these proceedings on television, for example, or through local
23 gossip?

24 A. [10:18:42] I haven't seen this on the television. I haven't heard people talking
25 about this.

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1 Q. [10:18:58] Thank you. So yesterday in the real-time transcript, the reference is
2 transcript 68, page 72, lines 17 to 24. And in case anything has been edited, the
3 timestamp is 14:36:10.

4 Mr Witness, yesterday you stated:

5 "They once found a woman who was sitting with us and they arrested her and took
6 her away. She had just come to visit us and she was not dressed correctly."

7 You were then asked by the Prosecutor: "And who arrested her?"

8 And you answered: "It was one of these people who arrested her, one of them who
9 was known as Hamed Moussa. He was the person who arrested her."

10 A. [10:20:55] The girl was not sitting with us. She was being chased. She came
11 towards us and that's when Hamed Moussa came to take her, when she was near us.

12 Q. [10:21:10] Mr Witness, is this the same incident that you described to the
13 Prosecution in your interview with them in 2019?

14 PRESIDING JUDGE MINDUA: [10:21:55](Interpretation) Madam Prosecutor.

15 THE INTERPRETER: [10:22:02] Please could the Prosecutor be asked to remove her
16 mask.

17 MS HUCK: [10:22:07](Interpretation) To be clearer for the witness, please could the
18 Defence be asked to read the extract that she's referring to.

19 PRESIDING JUDGE MINDUA: [10:22:17](Interpretation) Ms Sutherland.

20 MS SUTHERLAND: [10:22:22] In -- I'm following proper procedure by establishing
21 whether he remembers. And I have it coming. There's no need to interrupt right
22 now.

23 And I would -- I think in case the message hasn't been delivered to my learned friend
24 for the Prosecution, the interpreters are asking that she remove her mask when
25 speaking.

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- 1 PRESIDING JUDGE MINDUA: [10:22:51](Interpretation) Very well. In that case,
2 please proceed.
- 3 MS SUTHERLAND: [10:22:55]
- 4 Q. [10:22:56] Mr Witness, is this the same incident that you described to the
5 Prosecution in your interview in 2019?
- 6 A. [10:23:35] Yes, this is the same thing.
- 7 Q. [10:23:38] And do you claim that you recognised Hamed Moussa at the time?
- 8 A. [10:23:57] Hamed Moussa, yes, that was him.
- 9 Q. [10:24:06] Would you agree that your memory of events was better in 2019 or
10 now?
- 11 A. [10:24:24] I'm sorry?
- 12 Q. [10:24:35] Was your memory -- was your memory of events better closer to the
13 time or now?
- 14 A. [10:25:05] Are you saying my memories of the things today, or what?
- 15 Q. [10:25:17] Mr Witness, I'm asking if your memory of events is better closer to the
16 time that they occurred or today?
- 17 A. [10:25:56] The things -- well, I recall what happened.
- 18 Q. [10:26:04] Okay. So turning to OTP tab 1, and document number is
19 MLI-OTP-0070-1598-R02 at 1605, and the paragraph number is 37.
- 20 This is originally in the French so I would ask that the interpreters read directly from
21 that, but I will read my translation in English.
- 22 THE SONGHAI INTERPRETER: [10:27:04](Interpretation) Message from the
23 Songhai cabin: Just to point out that we do not have this document.
- 24 PRESIDING JUDGE MINDUA: [10:27:16](Interpretation) Court officer, they don't
25 have the documents there in the field, do they?

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1 Thank you very much for this proposal.

2 Ms Sutherland, please read in the English and our interpreter will read the text as it is
3 in French.

4 THE COURT OFFICER: (Interpretation) In the meantime, I have had confirmation
5 that the document will be sent to the field.

6 PRESIDING JUDGE MINDUA: Thank you, courtroom officer.

7 Ms Sutherland.

8 MS SUTHERLAND: [10:27:58] The paragraph 37 reads:

9 "One day, when I was in my business in Abaradjou, a woman, who ran to us and sat
10 down beside us to take refuge. We asked her what was going on. She said she was
11 on the street next to us and they were asking her why she was not well covered.
12 Quickly, I saw a white tarpaulin-covered 4x4 van arriving, without a plate, which
13 stopped. Two criminals got out to arrest the woman. They didn't say anything.
14 They pulled the woman away and she shouted "Help." We didn't say anything.
15 What could we have done? The woman struggled, but pulling her, they put her in
16 the cabin of the vehicle. She found herself sitting between them at the front of the
17 4x4. They took her in the direction of Yobou Tao. I did not know her. I did not
18 know the two men. In any case, I could not have recognised them, they were
19 masked. They were of medium height in yellow boubous. One of the two was
20 armed. They weren't wearing the waistcoat I described earlier. It was long after
21 the groups arrived in Timbuktu."

22 And Mr --

23 A. [10:31:59] That is exactly how it happened as recorded. But we must also
24 understand that these people had different roles. Each individual had a specific role.
25 When it comes to attire, it is Hamed Moussa who handled the cases of women

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1 who -- whose bodies were not entirely covered by their garments. That's how it was
2 organised.

3 Q. [10:32:34] Mr Witness, if I can within the same document refer you to page 1609
4 and that's paragraph 55. And in English that reads:

5 "The investigators asked me if I knew a person by the name of Mohamed Moussa. I
6 just know that among the criminals, one of them was called Hamed Moussa. I don't
7 know who he worked for. I've heard of him but I don't know him. I don't think
8 I've seen them. People said he was arresting unveiled women. He had a mosque in
9 Hammabangou, which was destroyed when the perpetrators left."

10 A. [10:34:51] Yes, that is what I said.

11 Q. [10:34:56] So, Mr Witness, you confirm that when you were interviewed by the
12 Prosecution in 2009 (sic), you did not know who Hamed Moussa worked for; is that
13 correct?

14 A. [10:35:45] I did not know that before. I did not know that he was working for
15 those people. It is only later. It's now that I know that he was working for those
16 people.

17 Q. [10:36:02] You said that people said he was arresting unveiled women. Who
18 were these people?

19 A. [10:36:36] I'm referring to the people of Timbuktu, men, women and children,
20 people of Timbuktu.

21 Q. [10:36:57] Mr Witness, are you telling us that your understanding of events has
22 changed since you spoke to the Prosecution in 2019?

23 A. [10:37:39] Yes.

24 Q. [10:37:44] How has it changed? Why?

25 A. [10:38:02] What change are you talking about?

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1 Q. [10:38:09] I asked you if you agreed that your understanding of events has
2 changed since you were interviewed by the Prosecution in 2019, and you agreed.
3 I'm referring to that change.

4 PRESIDING JUDGE MINDUA: [10:38:50](Interpretation) Mr Prosecutor.

5 MR DUTERTRE: [10:38:52](Interpretation) Yes, Mr President, the first point is that
6 questions have to be simple. Second, the question is quite general and vague when
7 it makes reference to understanding of events. What is being referred to specifically?
8 I think for reasons of fairness, the Defence should be more specific in their question.

9 PRESIDING JUDGE MINDUA: [10:39:26](Interpretation) Ms Sutherland, it is true
10 that the question might be too broad for the witness when you refer to a change in
11 understanding. So could you please be more specific.

12 MS SUTHERLAND: [10:39:50] Mr President, that's all -- I note all of that and I will
13 do so.

14 But in the -- in the interim, would it be -- could we have your leave to allow
15 Mr Al Hassan a short break from the courtroom?

16 PRESIDING JUDGE MINDUA: [10:40:18](Interpretation) Granted. He can leave
17 the courtroom for a few minutes.

18 We will suspend the session for a few moments.

19 (Pause in proceedings)

20 PRESIDING JUDGE MINDUA: [10:42:38](Interpretation) Ms Sutherland, I believe
21 we can proceed now.

22 MS SUTHERLAND: [10:42:44] Mr President, I believe -- ah, Mr Nsita is returning.

23 Q. [10:43:05] Mr Witness, in 2019 you've agreed that you did not know
24 Hamed -- who Hamed Moussa worked for.

25 You also told us -- told the Prosecution in 2009 (sic):

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1 "I've heard of him but don't know him. I don't think I've seen him."

2 And just now, and the transcript reference is 69, page 21, lines 6 to 12, you stated:

3 "I did not know that before. I did not know that he was working for those people.

4 It is only later. It's now that I know [...] he was working for those people."

5 I asked you: "You said that people said he was arresting unveiled women. Who
6 were these people?"

7 And you said: "I'm referring to the people of Timbuktu, men, women and children,
8 people of Timbuktu."

9 A. [10:45:17] Yes.

10 Q. [10:45:19] Do you agree that your understanding of Hamed Moussa's role has
11 changed since 2019?

12 A. [10:46:23] Hamed Moussa's job is what I told you. And that job didn't change
13 until they left the town. He was the one who took care of those cases until they left
14 the city.

15 Q. [10:46:40] When did you learn this?

16 A. [10:47:15] What I said happened a long time ago, from the time they entered
17 Timbuktu. That was his role from the very time they got into the city of Timbuktu
18 and until they left. That was the role he played from the time they came -- they
19 arrived in Timbuktu.

20 Q. [10:47:42] In 2019 you said, "I don't know who he worked for", and now you're
21 saying that this was the role he had the whole time. When did you learn that this
22 was his role?

23 PRESIDING JUDGE MINDUA: [10:48:06](Interpretation) Mr Prosecutor.

24 MR DUTERTRE: [10:48:07](Interpretation) The question has been asked and

25 answered. The witness has provided the answer he has. And I think that we can

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1 move on to another topic now.

2 MS SUTHERLAND: [10:48:18] I disagree that the witness has provided an answer.

3 PRESIDING JUDGE MINDUA: [10:48:27] I was waiting for the interpretation for
4 you.

5 (Interpretation) I really do not agree with you because -- I agree with Ms Sutherland
6 because she has asked a question about what he knew and now she wants to find out
7 since when he has -- he became aware of these things and how his understanding
8 may have changed. That's the difference.

9 So, Ms Sutherland, please proceed. Try to clarify and let's see where we go from
10 here.

11 MS SUTHERLAND: [10:49:14]

12 Q. [10:49:15] Mr Witness, are you able to tell us exactly when you learnt the
13 information that you've given us, that Mohamed Moussa was -- had the role that you
14 have -- sorry, I'll rephrase.

15 You told the Prosecution one thing in 2019 and you told us something different
16 yesterday. When did you learn that Hamed Moussa was present at that event?

17 A. [10:51:07] What I wanted to say is that that exact -- that was Hamed Moussa's
18 job. Since they arrived in Timbuktu, he was the one in charge of the cases of people
19 who were poorly attired or dressed. And everybody was aware of that, everybody
20 knew that.

21 Q. [10:51:36] Mr Witness, yesterday, moving on, describing the night that you fled,
22 and the real-time transcript reference is transcript 68, page 85, lines 19 to 21.

23 PRESIDING JUDGE MINDUA: [10:52:05](Interpretation) Madam Prosecutor.

24 MS HUCK: [10:52:09](Interpretation) I am sorry, Mr President, but the information
25 relating to that period was given in private session yesterday.

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1 PRESIDING JUDGE MINDUA: [10:52:20](Interpretation) Court officer, private
2 session, please.

3 (Private session at 10.52 a.m.)

4 THE COURT OFFICER: [10:52:28] (Interpretation) We are in private session,
5 Mr President.

6 PRESIDING JUDGE MINDUA: [10:52:32](Interpretation) Thank you very much.
7 Ms Sutherland.

8 MS SUTHERLAND: [10:52:35]

9 Q. [10:52:37] Mr Witness, yesterday you were asked, in relation to the time when
10 you and your wife were arrested -- well, your wife was arrested:

11 "You say that they asked you what you were doing there. What language did they
12 ask you that in?"

13 And you answered: "They asked me in Songhaï."

14 A. [10:53:31] Yes.

15 Q. [10:53:35] And when you were interviewed by the Prosecution in 2019, and the
16 reference is MLI-OTP-0070-1598-R02, that's Prosecution tab 1, the page number is
17 1605 and the paragraph number is 39. I'll read it in English:

18 "They asked me in Arabic what I was doing there. I said I was at home with my wife.
19 They said it was wrong. They came in and walked straight to the living room where
20 Salaka was. I did not wait. My motorcycle was outside: I got out, took it and fled
21 with it. Salaka and I had to be reported: people had to report that we were
22 together. A lot of people outside didn't approve of me dating her. Groups had
23 people within the population whom they encouraged to denounce others. They
24 would say over the microphone that they were paying those that brought them
25 information, and we could see some, from the population, who were circulating with

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1 them."

2 THE COURT OFFICER: [10:55:22] Would it be possible for the Defence to bear in
3 mind that the interpreters are interpreting consecutively so to just read maybe shorter
4 excerpts and speak slowly. Thank you very much.

5 THE WITNESS: [10:57:42](Interpretation) Yes, that's what I said in the past. But I
6 said that when I took my motorbike, I first went to her brother's place and it is there
7 that her brother told me to leave the town.

8 MS SUTHERLAND: [10:58:05]

9 Q. [10:58:06] Mr Witness, you were asked which language they spoke to you in and
10 yesterday you said Songhaï, but in 2019 you said Arabic.

11 A. [10:58:54] Those people spoke both languages, so they spoke to me both in
12 Songhaï and in Arabic. They speak both languages.

13 MS SUTHERLAND: [10:59:10] Mr President, I'm mindful of the time and I've come
14 to a natural juncture.

15 PRESIDING JUDGE MINDUA: [10:59:26](Interpretation) Ms Sutherland, you're
16 right. It's 1 minute to 11. We still have the minute, but we can stop now.

17 So far you have used up 55 minutes, and this is for your information.

18 We shall suspend the hearing for half an hour and resume at 11.30.

19 Did you have a question, Ms Sutherland?

20 MS SUTHERLAND: [10:59:50] Only to -- forgive me, Mr President, it was only to
21 say that I believe we're still in private session.

22 THE COURT OFFICER: [11:00:01] (Interpretation) That is correct.

23 PRESIDING JUDGE MINDUA: [11:00:04](Interpretation) You're right,
24 Ms Sutherland.

25 Please, court officer, could we go into open session, please.

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- 1 (Open session at 11.00 a.m.)
- 2 THE COURT OFFICER: [11:00:13] (Interpretation) We are back in open session,
- 3 Mr President.
- 4 PRESIDING JUDGE MINDUA: [11:00:17](Interpretation) Thank you very much,
- 5 court officer.
- 6 We shall suspend for half an hour and resume at 11.30.
- 7 The hearing is suspended.
- 8 THE COURT USHER: [11:00:27] All rise.
- 9 (Recess taken at 11.00 a.m.)
- 10 (Upon resuming in open session at 11.33 a.m.)
- 11 THE COURT USHER: [11:33:56] All rise.
- 12 Please be seated.
- 13 PRESIDING JUDGE MINDUA: [11:34:17](Interpretation) The Court is once more in
- 14 session.
- 15 Defence, you have the floor in order to continue the cross-examination.
- 16 Ms Sutherland.
- 17 MS SUTHERLAND: [11:34:34] Mr President, with your leave, I would need to make
- 18 a very small oral application and I would ask that we do so in private session. And
- 19 cut the feed to the witness as well, please.
- 20 PRESIDING JUDGE MINDUA: [11:34:56](Interpretation) Court officer, could you
- 21 please cut the connection.
- 22 THE COURT OFFICER: [11:35:03](Interpretation) The connection has been cut. But
- 23 I also need to move to private session.
- 24 PRESIDING JUDGE MINDUA: [11:35:17](Interpretation) Do you want a private
- 25 session, Ms Sutherland?

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1 MS SUTHERLAND: [11:35:21] It may not be necessary, in fact, Mr President.

2 PRESIDING JUDGE MINDUA: [11:35:30](Interpretation) Very well. You have the
3 floor, Ms Sutherland.

4 MS SUTHERLAND: [11:35:33] Mr President, it's come -- and your Honours, it's
5 come to our attention that a phrase is being used to refer both to the Defence and to
6 armed groups. And I understand the phrase - and forgive me, I obviously don't
7 speak Songhai - it's *yodika idam goy foutou*, which translates as *malfaiteur*.

8 Mr President, of course I don't need to labour the importance of all officers of the
9 Court in respecting the presumption of innocence, but our concern is that this is being
10 disseminated to the public and of course to the witness. And for that reason,
11 I would ask if we could identify a more neutral term to be used.

12 PRESIDING JUDGE MINDUA: [11:36:43](Interpretation) This expression *malfaiteur*
13 was used to designate whom in particular?

14 MS SUTHERLAND: [11:36:52] Both the Defence and the armed groups.

15 PRESIDING JUDGE MINDUA: [11:37:00](Interpretation) Thank you,
16 Ms Sutherland.

17 Obviously this is a very serious problem because, as we are all aware, any accused is
18 presumed innocent until a regularly constituted court has gone through the
19 procedure and has reached the decision of guilt. Therefore, this Chamber cannot
20 tolerate the use of such an expression, we are very much opposed to it, and a neutral
21 term should be used.

22 I would draw the attention to interpreters who have used this expression - I hadn't
23 actually heard it - not to use it again and to use a more appropriate term. Of course,
24 in the witness statement the term *malfaiteur* is used. That's been used by the witness.
25 It's his opinion. That cannot be the opinion of the party, the participants or the

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1 interpreters. We absolutely wish to ensure that this does not happen in the future.

2 So I think everyone is now aware, Ms Sutherland, and you can proceed.

3 MS SUTHERLAND: [11:38:56] Thank you, Mr President.

4 Q. [11:39:01] Mr Witness -- sorry, the witness is still not connected, I believe.

5 PRESIDING JUDGE MINDUA: [11:39:11](Interpretation) Court officer, if you could
6 please re-established the connection.

7 THE COURT OFFICER: [11:39:19](Interpretation) The connection has been
8 re-established.

9 PRESIDING JUDGE MINDUA: [11:39:21](Interpretation) Thank you very much.

10 Ms Sutherland.

11 MS SUTHERLAND: [11:39:24] Thank you.

12 Q. [11:39:26] Mr Witness, yesterday, and the transcript reference is transcript 68,
13 page 65, lines 19 to 23.

14 Mr Witness, yesterday you said: "The chief of the Islamic police was Al Hassan. It
15 was the chief, Al Hassan."

16 A. [11:40:08] Yes.

17 Q. [11:40:11] Mr Witness, I'd like to refer back to the interview you gave with the
18 Prosecution in 2019.

19 And the reference is Prosecution tab 1, MLI-OTP-0070-1598-R02 at page 1607 and
20 that's paragraph 47.

21 For complete clarity, I would ask if it's possible for the French interpreters to read this
22 paragraph and we can hear the English translation. I don't want to get anything
23 inaccurate.

24 PRESIDING JUDGE MINDUA: [11:41:18](Interpretation) Ms Sutherland, is that
25 your opinion, you want the French booth to read the text?

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- 1 MS SUTHERLAND: [11:41:27] With your leave, Mr President.
- 2 PRESIDING JUDGE MINDUA: [11:41:33](Interpretation) Please go ahead and try
- 3 and keep pauses for our Songhai friends.
- 4 THE FRENCH INTERPRETER: (No interpretation)
- 5 PRESIDING JUDGE MINDUA: [11:42:09](Interpretation) Mr Prosecutor.
- 6 MR DUTERTRE: [11:42:10](Interpretation) In this paragraph there is an element that
- 7 might be identifying. If you count from the bottom, the fourth line from the bottom.
- 8 I would just like to draw the Court's attention to that.
- 9 PRESIDING JUDGE MINDUA: [11:42:36](Interpretation) In that case we will read
- 10 this paragraph in private session.
- 11 Private session, please, court officer.
- 12 (Private session at 11.42 a.m.)
- 13 THE COURT OFFICER: [11:42:51](Interpretation) We are in private session, your
- 14 Honours.
- 15 PRESIDING JUDGE MINDUA: [11:42:55](Interpretation) Thank you very much.
- 16 Please continue, French interpreter.
- 17 THE FRENCH INTERPRETER: (No interpretation)
- 18 MS SUTHERLAND: [11:46:25] Mr President, I heard the French, but I'm afraid I
- 19 didn't hear any English interpretation. So I would ask if the English booth could
- 20 please interpret the paragraph for us, for the record.
- 21 THE INTERPRETER: [11:46:40] Apologies, Ms Sutherland, I wasn't aware that that
- 22 was what you wanted to do. I will now read it in English.
- 23 PRESIDING JUDGE MINDUA: (Overlapping speakers)
- 24 MS SUTHERLAND: Thank you.
- 25 THE INTERPRETER: This is paragraph 47:

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1 "The Islamic police was at Yobou Tao, in a bank which is called the BMS. This is a
2 concrete building two storeys high, yellow in colour, and with glass windows.
3 There are barrels full of concrete to close it. As far as I'm aware, this is the only place
4 that the police occupied. I never went there. I knew that the Islamic police was
5 there, because they announced this themselves by microphone. They said that any
6 person arrested would be taken there to await their trial. I heard these people" - the
7 witness statement uses the word *malfaiteur* - "say, on the day of their arrival, that
8 Al Hassan was part of the Islamic police. I didn't know this name before that.
9 Afterwards we saw him pass in front of the place where I worked in Abaradjou. The
10 people said it was Al Hassan and that he worked at the Islamic police. He drove by
11 in his vehicle, which he was driving. Sometimes he was alone, sometimes there
12 were three or four people with him. I don't know those people. His vehicle was a
13 4x4 white van, covered at the back; I sometimes saw it in the town. At that time I
14 didn't know exactly what was his role in the Islamic police."

15 MS SUTHERLAND: [11:48:48]

16 Q. [11:48:48] Mr Witness, do you confirm that in 2012 you didn't know exactly
17 what role Al Hassan played in the Islamic police?

18 A. [11:49:50] Al Hassan, after -- from the moment he arrived -- they arrived, that
19 has always been his work and he was the chief of the Islamic police. He was
20 the -- the head.

21 Q. [11:50:08] Mr Witness, earlier this morning, and it's at page 14, line 23 to page 15,
22 line 1, we were discussing the photograph that I showed you at the beginning?

23 A. [11:50:50] Yes, I saw it.

24 Q. [11:50:53] And I asked you: "Mr Witness, do you confirm that this is the person
25 who came to tell you to switch off your television?"

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1 And you answered: "Yes, as I said, he looks like Al Hassan. It was night. And if
2 you look closely, it looks like Al Hassan."

3 A. [11:51:35] Yes, that's what happened.

4 Q. [11:51:39] Is it correct that you thought that the person who came to switch off
5 your television was the chief of police?

6 A. [11:52:07] Yes, it was him.

7 Q. [11:52:12] Thank you.

8 I believe we're still in private session and I'm afraid that the next section will require
9 remaining in private session.

10 PRESIDING JUDGE MINDUA: [11:52:31](Interpretation) In that case let us continue
11 in private session, please.

12 MS SUTHERLAND: [11:52:37]

13 Q. [11:52:37] Mr Witness, yesterday the Prosecutor discussed some of the
14 prescriptions that you provided. I'd like to turn to Prosecution tab 4, which is
15 MLI-OTP-0071-0352.

16 Could that be shown on one of the evidence channels, please.

17 THE COURT OFFICER: [11:53:23] Could the Defence confirm which redacted
18 version, please. Thank you.

19 MS SUTHERLAND: [11:53:28] It's R01.

20 Q. [11:53:57] Mr Witness, yesterday - and the transcript is transcript 68, page 92,
21 line 16 to page 93, line 3 - the Prosecution asked you: "Do you know what this
22 medication is?"

23 You answered: "I understand that it's after she had been beaten and she was ill, she
24 received medication and it's the medication she received for that."

25 A. [11:55:10] Yes.

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1 Q. [11:55:11] You were then asked: "So could you perhaps be a little clearer.

2 What was the illness?"

3 And answered: "Once she'd been beaten, this caused a lot of illness for her, a lot of
4 problems."

5 You were then asked: "And do you know what illness you're talking about here, if
6 you know?"

7 And responded: "No, I don't know. What I do know is that it caused a lot of illness.
8 There was a lot of illness that was caused by all this."

9 And, Mr Witness, I'd like to turn to Defence tab 10, which is MLI-OTP-0077-3953-R01
10 and page 3959.

11 PRESIDING JUDGE MINDUA: [11:56:45](Interpretation) Mr Prosecutor.

12 MR DUTERTRE: [11:56:47](Interpretation) Your Honour, a point of translation.

13 The reply was for her in the French. But we haven't had the question. It's a bit long
14 and I'm afraid that the witness may not be able to follow, the recommendation was to
15 ask simple questions and perhaps my learned colleague could pay attention to that.

16 There's a lot of points being made in this and I'm not sure the witness is able to
17 follow.

18 PRESIDING JUDGE MINDUA: [11:57:28](Interpretation) Ms Sutherland, you've
19 heard the recommendation from the OTP.

20 MS SUTHERLAND: [11:57:34]

21 Q. [11:57:36] Mr Witness, in the witness preparation session that you had with the
22 Prosecution a few weeks ago you -- do you remember discussing these *ordonnances*?

23 A. [11:58:07] We talked about this, yes. I was shown these.

24 Q. [11:58:31] And do you remember how you explained what they were for?

25 A. [11:59:05] Yes, it was the same reply that I gave you, the same reply.

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1 Q. [11:59:14] Do you remember explaining what the medication for you was for?

2 A. [11:59:58] Yes, and I explained that what you said was what I said. I think --

3 THE INTERPRETER: [12:00:15] I'm sorry, the interpretation from Songhaï into
4 French is almost inaudible.

5 MS SUTHERLAND: [12:00:29]

6 Q. [12:00:29] Mr Witness, can you repeat your answer. I believe my colleagues for
7 the English interpretation were unable to hear.

8 *A. [12:01:12] I think that this is what I said. I said that it was after they beat her up,
9 these were the after-effects of this ... after they hit her that this ... these illnesses ...
10 came back. So that is why these medications were prescribed and I believe that this is
11 what I had said.

12 Q. [12:01:35] Mr Witness, in the witness preparation session, the log that we have
13 been given, at page 3959, it says:

14 "[The witness] after being asked if he recognised the document confirmed that he
15 recognised it. The document on the left was read to him. [The witness] said he was
16 sick. [REDACTED] [The] document on the right - it related to
17 Salaka Djike. [The witness] said it was a ... (prescription) for Salaka as she was
18 sick. ... When asked what the medication was for" - sorry - "[The witness] said that
19 since the events Salaka is still sick and has tension. When asked what the
20 medication was for, it's for her sickness as she is anxious." So, Mr Witness, do you
21 agree that you in fact did know what the prescription was for?

22 A. [12:05:09] Yes, I agree that she was issued a prescription because she was sick.
23 That's why she was given the prescription.

24 Q. [12:05:23] Mr Witness, moving to Prosecution tab 5, the document number is
25 MLI-OTP-0071-0353-R01.

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1 Mr Witness, do you recognise these documents?

2 A. [12:06:16] Yes.

3 Q. [12:06:18] Yesterday, and the transcript reference is transcript 68, page 93, lines
4 14 to 17, you were asked:

5 "And once again on the right there is a prescription or Salaka Djike. Do you know
6 what this medication was for?"

7 A. [12:07:29] All that medication was for the treatment of her illness, her sickness.

8 Q. [12:07:34] You said yesterday: "I know that this was a prescription for an
9 illness of hers, but I don't know what the illness was. And I know that what she
10 went through caused a lot of illness, but I can't be precise as to which illness this
11 relates to."

12 A. [12:08:23] Yes.

13 Q. [12:08:26] But that's not true, is it, Mr Witness? You do know.

14 A. [12:09:07] That is what I told you, that she was given the prescription for all
15 those medications. And it is because she had met with those people that she took ill
16 and that is why she was prescribed that medication.

17 Q. [12:09:31] Mr Witness, can I refer you back to Defence tab 10, back to the witness
18 preparation session log, which is MLI-OTP-0077-3953-R01, and ask you to turn to
19 page 3960.

20 I'm referring to this prescription dated 20 October 2013. This says:

21 "[The witness] after being asked if he recognised the document confirmed that he
22 recognised it. It was what he gave. The document on the left was read to him. He
23 confirmed it was the order (prescription). He said they both had their same illnesses
24 [REDACTED])."

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

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1 Q. [12:12:19] Why are you today telling us that you cannot be precise as to which
2 illness this relates to?

3 A. [12:13:08] That is not the question that you put to me, but the fact is that we both
4 have [REDACTED] and the medication was prescribed -- was, rather,
5 prescribed for both of us so that we could protect ourselves.

6 Q. [12:13:35] Mr Witness, you've just told us that "She was given the prescription
7 for all those medications. And it is because she met with those people that she took
8 ill and that is why she was prescribed that medication."

9 A. [12:14:20] Yes.

10 Q. [12:14:22] But previously, and again just now, you have told us that these
11 prescriptions were for [REDACTED].

12 * A. [12:15:14] Yes, that's what I was saying. You also need to know that ever since
13 these people, we ... we ... we have been in conflict with one another and we have not
14 had peace up until now in terms of health.

15 Q. [12:15:38] Mr Witness, are you trying to link these prescriptions to these
16 proceedings?

17 PRESIDING JUDGE MINDUA: [12:15:53](Interpretation) Mr Prosecutor.

18 MR DUTERTRE: [12:15:55](Interpretation) Mr President, maybe we could
19 disconnect the link with the witness.

20 PRESIDING JUDGE MINDUA: [12:16:04](Interpretation) Court officer, please
21 disconnect the link with the witness.

22 THE COURT OFFICER: [12:16:10](Interpretation) The link is disconnected,
23 Mr President.

24 PRESIDING JUDGE MINDUA: [12:16:16](Interpretation) Thank you very much.
25 Prosecutor.

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1 MR DUTERTRE: [12:16:18](Interpretation) Thank you, Mr President. It's quite
2 legitimate for Defence to question the witness on these prescriptions, but in any event
3 the witness is not a medical doctor. He has repeatedly mentioned that the
4 prescriptions are linked to matters of tension and now Defence is entering into some
5 kind of argument with the witness and we object to it. If she intends to continue this
6 line of questioning she needs to put it differently. Thank you, Mr President.

7 PRESIDING JUDGE MINDUA: [12:16:54](Interpretation) Mr Prosecutor, it is true
8 that the question has been raised several times in different ways, but it would seem
9 that the witness is answering in a particular way. However, the last question put by
10 Ms Sutherland to me appears to be relevant.

11 And so, please, maybe you can put that question and that should be the last question
12 on this point, because I understand how that you want to establish the link between
13 the prescription and the illnesses and all other illnesses arising from those events.
14 So, court officer, please reconnect us to the witness.

15 THE COURT OFFICER: [12:17:38](Interpretation) The connection is up again,
16 Mr President.

17 PRESIDING JUDGE MINDUA: [12:17:44](Interpretation) Thank you very much.
18 Ms Sutherland, last question on this point and then move on, please.

19 MS SUTHERLAND: [12:17:49] I'm grateful, Mr President.

20 Q. [12:17:52] Mr Witness, are you trying to link these prescriptions to these
21 proceedings?

22 A. [12:18:29] What?

23 Q. [12:18:31] Are you trying to establish a link between these prescriptions and the
24 case?

25 A. [12:19:11] Yes, the prescriptions arose from what is happening here. So it is

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1 only normal for the prescriptions to be understood within the context of these events.

2 Q. [12:19:31] Thank you, Mr Witness.

3 As for the other prescriptions you sent, and that's at Defence tab 6 to 9 and the MLI

4 numbers are MLI-OTP-0072-0352-R01, MLI-OTP-0072-0359-R01,

5 MLI-OTP-0072-0372-R01, and MLI-OTP-0072-0373-R01. Mr Witness, in your witness

6 preparation session, and that's at Defence tab 10, MLI-OTP-0077-3953-R01 at page

7 3960 to page 3961. Mr Witness, can you see the prescriptions I'm referring to?

8 A. [12:21:47] Yes, I can see them.

9 Q. [12:21:49] Mr Witness, in your witness preparation session you stated that some
10 of these are for a child by your first wife. Is that correct?

11 A. [12:22:31] Yes.

12 Q. [12:22:33] Why did you provide these to the Prosecution?

13 A. [12:23:15] From the time of the events when they fetched them from the family,
14 from that time everybody has been affected by --

15 THE INTERPRETER: [12:23:38] Could the interpreter be asked to repeat the answer,
16 please. The English booth did not quite follow the French.

17 MS SUTHERLAND: [12:23:51] Could the answer be repeated for the benefit of the
18 English booth, please.

19 * THE WITNESS: [12:24:10](Interpretation) Yes, ever since they went to my first wife
20 looking for me, ever since that day, my wife and my children, they have all been
21 affected by the ... by the situation. I don't know whether they returned with weapons
22 or what, but all the same, it has affected all of them.

23 MS SUTHERLAND: [12:24:37]

24 Q. [12:24:38] Did you provide the Prosecution with a receipt for these
25 prescriptions?

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1 A. [12:25:19] Yes, I gave them the prescriptions. They have them. They have the
2 prescriptions. And I bought the medication as well.

3 Q. [12:25:31] Did you ask the Prosecution to cover the payment?

4 A. [12:26:00] Yes.

5 Q. [12:26:01] And did they in fact cover the payment?

6 A. [12:26:19] Yes, they paid for it, yes.

7 MS SUTHERLAND: [12:26:30] Mr President, I believe we can now return to public
8 session.

9 PRESIDING JUDGE MINDUA: [12:26:39](Interpretation) Yes, of course.

10 Court officer, open session, please.

11 (Open session at 12.26 p.m.)

12 THE COURT OFFICER: [12:26:49](Interpretation) We're in open session,

13 Mr President.

14 PRESIDING JUDGE MINDUA: [12:26:56](Interpretation) Thank you very much.

15 Ms Sutherland, please.

16 MS SUTHERLAND: [12:27:00] Mr President --

17 Q. [12:27:03] Mr Witness, in your interview with the Prosecution, do you remember
18 them explaining the meaning of victim status in these proceedings?

19 A. [12:27:58] Yes, they explained that to me. They made me to understand that.

20 Q. [12:28:08] Mr Witness, I'll read the relevant paragraph, it's

21 MLI-OTP-0070-1598-R02, that's Prosecution tab 1 at page 1613 and it's paragraph
22 number 58.

23 The first sentence is: "It was explained to me that the persons who were awarded
24 victim status by the judges would be allowed to participate in the hearings and could
25 possibly be compensated."

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1 And the next sentence: "I have been informed of the existence and role of the
2 Victims Participation and Reparations Section, as well as the procedure to be followed
3 in submitting a request for victim status and I consent to my personal data being
4 communicated to them."

5 Mr Witness, are you looking for compensation?

6 A. [12:31:37] Yes, yes, indeed. That is part of why I decided to do this because we
7 were part of this, that's what I want.

8 Q. [12:32:16] Mr Witness, thank you very much.

9 MS SUTHERLAND: [12:32:18] Mr President, your Honours, I have no further
10 questions. I would like to take this opportunity, however, to thank the interpreters
11 for their forbearance.

12 PRESIDING JUDGE MINDUA: [12:32:35](Interpretation) Thank you, Ms Sutherland.
13 Does that mean you've completed your cross-examination?

14 MS SUTHERLAND: [12:32:41] Yes, Mr President.

15 PRESIDING JUDGE MINDUA: [12:32:47](Interpretation) Thank you very much.

16 So, court officer, are we in private session?

17 THE COURT OFFICER: [12:33:01](Interpretation) We are currently in public session,
18 your Honour.

19 PRESIDING JUDGE MINDUA: [12:33:05](Interpretation) I turn to the Prosecution.
20 Madam Prosecutor.

21 MS HUCK: [12:33:10](Interpretation) No, we have no further questions.

22 PRESIDING JUDGE MINDUA: [12:33:14](Interpretation) Very well. I see that
23 nobody wishes to take the floor at this stage and so I will turn to our witness.

24 Mr Witness, this brings us to the end of your testimony. The Chamber would like
25 once more to thank you for having assisted us by replying very clearly to the

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questions put to you. The Chamber would like to thank you for your willingness to participate and we wish you the very best for the future.

THE WITNESS: [12:34:42](No interpretation)

PRESIDING JUDGE MINDUA: [12:34:47](Interpretation) Thank you.

I turn now to the parties and participants, to thank everybody for the perfect cooperation. I would like to thank the court reporters and the interpreters. The work has been particularly difficult today. And of course I would also like to express my thanks to the security officers and the public.

I would like to wish everyone a very good afternoon, asking you of course to return tomorrow at 9.30 for the 26th Prosecution witness.

So the hearing will now be adjourned. The hearing is adjourned.

THE COURT USHER: [12:35:52] All rise.

(The hearing ends in open session at 12.35 p.m.)

CORRECTIONS REPORT

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

Page 30 lines 8-11:

"A. [12:01:12] I think that this is what I said, after they had been beaten up, that's how they, they got -- they took ill and that is why the prescriptions were, were issued and that's why they were given that medication."

Is corrected to

"A. [12:01:12] I think that this is what I said. I said that it was after they beat her up, these were the after-effects of this ... after they hit her that this ... these illnesses ... came back. So that is why these medications were prescribed and I believe that this is what I had said."

Page 32 lines 12-14:

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1 "A. [12:15:14] Yes, that's what I was saying. You also need to know that since we
2 had conflict with those -- or, rather, since those events with those people we had a
3 conflict, and we haven't had peace even up till this day. "

4 Is corrected to

5 "A. [12:15:14] Yes, that's what I was saying. You also need to know that ever since
6 these people, we ... we ... we have been in conflict with one another and we have not
7 had peace up until now in terms of health."

8 Page 34 lines 19-22:

9 "THE WITNESS: [12:24:10](Interpretation) Yes. When they left, my first wife, my
10 children, they were all affected. I don't know whether they came back with weapons,
11 but they were all affected." Is corrected to

12 "THE WITNESS: [12:24:10](Interpretation) Yes, ever since they went to my first wife
13 looking for me, ever since that day, my wife and my children, they have all been
14 affected by the ... by the situation. I don't know whether they returned with weapons
15 or what, but all the same, it has affected all of them."

16