

Trial Hearing
WITNESS: MLI-OTP-P-0617

(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 Monday, 3 May 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:17] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:40](Interpretation) Court is in session.
15 Good morning to all.
16 Courtroom officer, could you please call the case.
17 THE COURT OFFICER: [9:32:08] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of the Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
20 And we are in open session.
21 PRESIDING JUDGE MINDUA: [9:32:34](Interpretation) Thank you very much,
22 courtroom officer. As is common practice, we shall now hear the appearances from
23 the Office of the Prosecutor. Mr Prosecutor, please.
24 MR GARCIA: [9:32:46](Interpretation) Good morning, Mr President. Mr Garcia
25 with Maître Yayoi Yamaguchi. Thank you very much and good morning, your

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- 1 Honours.
- 2 PRESIDING JUDGE MINDUA: [9:32:56](Interpretation) Thank you very much,
- 3 Mr Prosecutor.
- 4 Now, over to the Defence. Counsel, please.
- 5 MS TAYLOR: [9:33:02] Good morning, Mr President. Good morning, your
- 6 Honours. The Defence for Mr Al Hassan is represented today by Ms
- 7 Sarah Marinier-Doucet, Ms Sophia Westen and myself, Melinda Taylor.
- 8 PRESIDING JUDGE MINDUA: [9:33:24](Interpretation) Thank you very much,
- 9 Ms Taylor.
- 10 Now, let me turn to the Legal Representatives for Victims.
- 11 MR KASSONGO: [9:33:31](Interpretation) Thank you very much, Mr President,
- 12 your Honours. Maître Kassongo today representing the Legal Representatives of
- 13 Victims in a smaller team. Thank you very much.
- 14 PRESIDING JUDGE MINDUA: [9:33:42](Interpretation) Thank you very much,
- 15 Counsel. I can see that it is very much a reduced team.
- 16 Ms Taylor, you're on your feet.
- 17 MS TAYLOR: [9:33:52] Yes, Mr President. I can see that Mr Al Hassan is making
- 18 gestures from the detention unit, so there might be a problem with the connection.
- 19 PRESIDING JUDGE MINDUA: [9:34:10](Interpretation) Mr Al Hassan, is there a
- 20 problem? It would seem that everything is fine, Ms Taylor.
- 21 Thank you very much. Everything is in order.
- 22 So this morning we shall start with the testimony of the 31st witness for the
- 23 Prosecution, Witness P-0617.
- 24 Is that correct, Mr Garcia?
- 25 MR GARCIA: [9:34:47](Interpretation) That is indeed correct, Mr President.

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1 PRESIDING JUDGE MINDUA: [9:34:50](Interpretation) Very well. Thank you
2 very much.

3 Mr Witness, good morning. Can you hear me?

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5 (The witness speaks German)

6 (The witness gives evidence via video link)

7 THE WITNESS: [9:34:59](Interpretation) Good morning. I can hear you. I can
8 hear you.

9 PRESIDING JUDGE MINDUA: [9:35:10](Interpretation) Very well. Thank you
10 very much.

11 Mr Witness, on behalf of the Chamber I would like to welcome you. You shall be
12 testifying with a view to assisting the Chamber to shed light in the case against
13 Mr Al Hassan. The Chamber has granted you one protective measure, this being
14 face distortion. Of course, if there is any particular problem, one of the parties will
15 be able to request for us to move into private session.

16 Mr Witness, we shall now administer the oath according to Rule 66(1) of the Rules of
17 Procedure and Evidence. So on the table before you, you have a white piece of
18 paper on which the oath is written; is that correct? On that piece of paper it is
19 written that you should speak the truth; is that correct?

20 THE WITNESS: [9:36:47](Interpretation) That is correct. I have a piece of paper
21 with a formula on it.

22 PRESIDING JUDGE MINDUA: [9:37:00](Interpretation) Very well. So please read
23 out loud this solemn undertaking, please.

24 THE WITNESS: [9:37:16](Interpretation) Solemn oath: I declare that I shall speak
25 the truth, the whole truth and nothing but the truth.

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- 1 PRESIDING JUDGE MINDUA: [9:37:36](Interpretation) Thank you very much,
2 Mr Witness. You are now under oath and the VWS, as well as the Legal
3 Representatives -- correction, as well as the OTP, has already explained to you what
4 this means. I have a number of practical matters to raise with regard to your
5 addressing the Court. As you will have already noticed, you are testifying in a
6 language that is different from those languages mastered by those present in the
7 courtroom here today. So everything that we shall be saying here in the courtroom
8 shall be transcribed or written by court reporters and also interpreted simultaneously
9 by the interpreters into a number of languages. This is why I would request that you
10 speak clearly and slowly. You might count to three in your head before answering
11 any question. This pause is essential to ensure that everything that you say is
12 written down correctly.
- 13 Of course, if you have any questions, please raise your hand to indicate that you
14 would like to address the Court.
- 15 Have you understood what I've just said?
- 16 THE WITNESS: [9:39:40](Interpretation) I understood.
- 17 PRESIDING JUDGE MINDUA: [9:39:46](Interpretation) Thank you very much,
18 Mr Witness.
- 19 Now we shall hear your testimony and I shall hand over immediately to the Office of
20 the Prosecutor.
- 21 Mr Prosecutor, please.
- 22 MR GARCIA: [9:39:59](Interpretation) Thank you very much, Mr President, your
23 Honours.
- 24 QUESTIONED BY MR GARCIA: (Interpretation)
- 25 Q. [9:40:07] Good morning, Mr Witness.

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1 A. [9:40:11] Good morning.

2 Q. [9:40:14] So initially, Mr Witness, could you please provide us with your name
3 for the record.

4 A. [9:40:33] My name is Peter Hostettler.

5 Q. [9:40:48] Thank you, Mr Witness. Now, from the get-go I would say to you
6 that I won't have many questions to put to you this morning. Maximum, one hour.
7 First of all, Mr Witness, I would like for us to look at your CV, your curriculum vitae.
8 I have a number of questions to put to you. And you have, I think, a binder on your
9 table. I'd like you to look under tab 1, please, that is number 1 on the list,
10 MLI-OTP-0078-9877. And there's also a translation in English to be found at 1081
11 bearing the ERN MLI-OTP-0080-2305?

12 A. [9:42:15] Actually, I only see the German original.

13 Q. [9:42:27] That's excellent, Mr Witness. It's precisely with regard to that
14 document that I'm going to be putting you questions. So you do not have the
15 translation in your binder, I believe, but I will be putting questions to you. I will be
16 seeking clarification with regard to your original CV. All right?

17 A. [9:42:56] Yes, okay. Thank you.

18 Q. [9:43:02] Could you confirm to us that this is indeed your CV?

19 A. [9:43:13] I can confirm that.

20 Q. [9:43:23] Mr Witness, could you please tell us what position you occupy within
21 the federal police at this moment in time?

22 A. [9:43:41] I'm an operative criminal investigator in the -- I'm an operational crime
23 analyst and I'm specialised in the analysis of electronic mass data.

24 Q. [9:44:09] When you refer to electronic mass data, what are you referring to
25 precisely?

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1 A. [9:44:23] Usually those are data from the telecommunication area, internet or
2 other data, but usually it's data from the telecommunication area.

3 Q. [9:44:49] Mr Witness, are you in a position to tell us how many years of
4 experience you have in this field of the analysis of telecommunications data?

5 A. [9:45:09] The operative criminal analyst -- analysis, I started 23 years ago. I
6 worked in several areas, but since all those 23 years, the treatment and analysis of
7 telephonic data was always my topic. So more than 20 years.

8 Q. [9:45:48] Thank you, Mr Witness, for this clarification. I would now like to
9 broach the mission that was entrusted in yourself and a colleague of yours by the
10 Office of the Prosecutor with regard to telephone data.

11 Now, you will remember that we met approximately a week ago and we perused
12 mission letters from the Office of the Prosecutor. Do you recall that?

13 A. [9:46:28] Yes, I can remember.

14 Q. [9:46:38] Now, of course the Chamber does have before them the mission letters
15 and the subsequent report that was drafted in the annexes, but I would like you to tell
16 us in your words, briefly, what this mission entrusted in yourselves by the Office of
17 the Prosecutor was all about?

18 A. [9:47:10] Do you mean generally speaking or in respect to something in
19 particular?

20 Q. [9:47:25] No, just generally speaking, Mr Witness.

21 A. [9:47:35] During the end of 2017 my boss told me that the OTP of the ICC in The
22 Hague needed two experts for the analysis of telephonic data and that I possibly
23 could be one of those two experts. In December 2017, we got the -- this task and we
24 got the data, and a colleague and I were tasked to be witnesses and to look into this
25 matter. And quite quickly we agreed that I would do the data, my colleague would

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1 do the analysis, and that I would -- and that I would assist him and I would have my
2 part.

3 Q. [9:48:47] Thank you, Mr Witness. And you talked about your hierarchical
4 superior. Are you in a position to provide us with their name?

5 A. [9:49:04] Daniel Auderset is the name of my superior.

6 Q. [9:49:21] Very well. And to conduct this expertise examination that was
7 entrusted in you by the Office of the Prosecutor, could you provide us with the name
8 of the other colleague with whom you worked?

9 A. [9:49:44] The name of my colleague with whom I worked and with -- who
10 did the -- with whom I did the analysis and the report is Paolo Grassi?

11 Q. [9:50:12] And Mr Grassi whom you just mentioned to us, in hierarchical terms
12 could you please explain to us which post he occupies?

13 A. [9:50:37] Mr Grassi, in principle, has the same function as I do, but he's also -- he
14 is -- actually, he's my superior. If our common superior is not present, then he
15 could -- Mr Grassi would be above me in the hierarchy.

16 Q. [9:51:15] Very well. And for this expert examination, how did you divide up
17 the tasks amongst yourselves?

18 A. [9:51:34] Well, two persons were supposed to take care of these tasks. And
19 there were mainly linguistic reasons, because I am German speaking, that I am not the
20 one responsible for finalising the report, but that that is done by somebody who is
21 perfect in French in writing and orally, and this is Mr Grassi. And Mr Grassi on the
22 other hand doesn't have any programming knowledge which was necessary for the
23 processing of the data. And this was my expertise. And therefore we distributed
24 the tasks between us. I was processing the data with the necessary programming
25 knowledge and Mr Grassi was doing the analysis and he was going to do the final

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1 report for your authority.

2 Q. [9:53:03] Thank you very much, Mr Witness, for this clarification.

3 So we shall now move on to the expert report to be found at tab 2 of your binder.

4 That's number 2 on the list of material.

5 And for the record, this is MLI-OTP-0061-1643.

6 Have you found it, Mr Witness?

7 A. [9:54:03] Yes, I have it in front of me.

8 Q. [9:54:07] Very well, Mr Witness. Now, just before we look at this document,
9 now in terms of knowledge, are you in a position to read French or English? Are
10 you able to read these languages?

11 A. [9:54:32] I can read the languages with some uncertainties.

12 Q. [9:54:48] I also understand, according to our meeting together, that you -- you
13 are able to express yourself to a certain degree in English and in French with the -- in
14 terms of terminology; is that correct?

15 A. [9:55:09] That is correct, yes.

16 Q. [9:55:20] Very well, Mr Witness. So you have the report before you and we are
17 at page 0061-1643.

18 Do you recognise this report as being the analysis expert report that was produced for
19 the Office of the Prosecutor on your part? You can look at it briefly. You also
20 looked at this briefly during the preparation phase. Now, it comprises 65 pages and
21 the last page thereof is 0061-16 -- 16 -- no, 1707.

22 THE INTERPRETER: [9:56:09] Correction from the booth.

23 THE WITNESS: [9:56:18](Interpretation) I do recognise this report. This is the
24 report Mr Grassi did. This is his final report and I received a copy of this report.

25 MR GARCIA: [9:56:37](Interpretation)

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1 Q. [9:56:39] Now, Mr Witness, for everything to be crystal clear, if I understand
2 correctly, you also drafted yourself part of -- parts of these -- of this report initially; is
3 that correct?

4 A. [9:56:57] That is partially correct. I made notes during the processing of the
5 data. I made these notes in German. And after having finalised my part of the
6 work I handed these notes over to Mr Grassi and he included these notes into his final
7 report. Therefore, parts of this report are from me, especially the part dealing with
8 the processing of the data. My contribution was made in German and Mr Grassi
9 translated this into French.

10 Q. [9:57:54] Very well, Mr Witness.
11 Now, for everything to be clear for the Chamber, could we please go through your
12 expert report as you are here with us. I can see that at the first page, 1643, this is the
13 introduction page and then that is followed by the index.
14 Now, did you contribute to this first page?

15 A. [9:58:29] No. Maybe, maybe individual sentences.

16 Q. [9:58:43] We shall now move on to page 3 of said report. Are you in a position
17 to tell us the individual sentences that come from your personal notes?

18 A. [9:59:11] Yes, it is mixed. For example, under 1.1, this table, when which data
19 were delivered, how many were read, how many datasets, this is from me. This
20 table under point 1.1.

21 Q. [9:59:51] Very well. We have noted down that point of clarification.
22 Now, under point 1.2, does that part come from your notes or is that simply a part
23 drafted by Mr Grassi himself?

24 A. [10:00:15] This part 1.2, *Définitions*, was not done by me. This was added by
25 Mr Grassi.

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1 Q. [10:00:31] Very well. So we now move on to page 4, 0061-1646. Now, this
2 section that is under point 2 from onto 2.6 at * page 1648, does this come from your
3 notes?

4 A. [10:01:10] This comes from my notes. That is from me, although under 2.6
5 Mr Grassi has added one or the other point. But basically this part 2 was done by me.
6 I can confirm that.

7 Q. [10:01:42] And for this to be clear on the record, is that the part that you spoke to
8 us about that you initially drafted in French -- German, in German and then was
9 translated into French subsequently by Mr Grassi?

10 A. [10:02:03] Yes, this is mainly this part, yes.

11 Q. [10:02:15] Very well. I would like to go through a number of specific points
12 with you because we do have the report in front of us, of course, and we don't need to
13 home in on things that have already been said. But I would like to go into some
14 specific sections.

15 Now, under 2 -- point 2.1 when we talk about *Assemblage*, assembly, could you please
16 explain to the Court what you mean by this, what was done with the data?

17 A. [10:03:10] Well, these data we receive, the totality of the data were more than
18 700 Excel files. And these Excel files had partially several sheets, and within these
19 sheets, again, we had different parts containing call data. And what is described
20 here is that the putting together of all this data meant that all these Excel files with all
21 this information had to be read out with a script and it had to be compiled and
22 included in one database so that we had all data in the same format. And we had all
23 the data in one big table, this SQL sheet, for analysing.

24 Q. [10:04:34] If I've understood correctly, the data was made uniform and you were
25 the one who did that?

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1 A. [10:04:49] That is correct.

2 Q. [10:05:01] Under 2.1 I read from the third -- no, rather, the fourth sentence: "It
3 was necessary to programme a script in Python language." Is that correct? This is
4 one thing that we had a look at during the preparation session.

5 A. [10:05:35] Yes, the first attempt was made with the programming language
6 Python, but the final input was done with Java, so I've changed the programming
7 language. When I received the second data delivery, I put all data in again and I
8 used the programming language Java and not Python as this is mentioned here in the
9 text.

10 Q. [10:06:17] Well, we take note of this correction to 2.1.

11 Then 2.2, adjustment of the direction of the call. Could you explain this to us?

12 A. [10:06:42] In the original data, I noticed that there were five or six different
13 formats in presenting the data, but basically there were two different ways of
14 representing the call data.

15 Firstly, when we have a call and a called number, we normally included that in
16 column A and column B. That means you can see the number in the left column,
17 and in the right, number B, this is the number called. A calls B. So these data were
18 stored according to this philosophy partially. But there were also data where we
19 could not see this direction. The target number, the number that was the surveilled,
20 was always put in the same column, for example, in the left column, and the partner
21 number was always put into the right column.

22 And there was an additional column of field where the direction was mentioned,
23 whether this was an incoming or whether that was an outgoing call.

24 There were basically two philosophies followed in terms of the storage of the data.

25 In order to be able to process these data in a good way in this SQL database, I was

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1 forced to take a decision for one or the other, and I decided to, where we have the
2 direction given, to exchange the A and the B number whenever it was an incoming
3 call, i.e., the target then turns into the B number because it was the number being
4 called. And therefore we were forced to exchange -- to change over the A and the B
5 number in order to really have the same philosophy to be used for the processing of
6 the data.

7 Q. [10:09:10] One specific point, if you don't mind, Mr Witness, about this data.
8 When you received, was the information put into Excel sheets? How did you go
9 about things when you began processing and analysing the data?

10 A. [10:09:41] No, the data were already available in these Excel sheets. The script
11 read the data out and they were temporarily put out in text files depending on the
12 format. And these temporary text files I separately imported into the SQL database,
13 with the difference that the data of the formats without direction or where the
14 direction was already correct were imported in a different way than the data where
15 the direction was only given in this additional column. But generally, the script was
16 first written into temporary files, and then in a second step it was imported into the
17 SQL database in the unified format.

18 Q. [10:10:51] You mentioned the SQLite database several times. Could you tell us
19 what that is?

20 A. [10:11:02] Excel cannot process such a high volume of data. Therefore, we
21 decided to use a database tool which we know already and which we have been using
22 before. SQL is a standard language for databases and SQLite is a free of charge tool
23 which can be used relatively easily. And then, temporarily and locally, you can
24 relatively quickly put up an SQL database and you can use datasets - if you have, for
25 example, a million datasets - and this can then be processed.

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1 Q. [10:11:57] Thank you for explaining that to us. If we could now move to 2.3,
2 the unique identifier of the number. Could you tell us what this part of the report is
3 all about.

4 A. [10:12:23] This same telephone number can be used in different countries with
5 local prefixes or as a pure local number, which you can call directly. And the same
6 telephone number could be -- could be used in several countries. In Switzerland, in
7 practice, we have a unique identifier for each number, so the nine digits from the
8 right are the ID. In other countries, this could be shorter or longer. But what is
9 important is that the same telephone number is not used by several users.

10 With the numbers in Mali, we had the impression that they are shorter than the Swiss
11 telephone numbers, so instead of nine digits from the right we only used eight. So
12 the eight digits from the right are the unique identifiers for Mali.

13 Q. [10:14:02] Now, using eight different numbers, did that have any effect on your
14 expert report or on the final results?

15 A. [10:14:21] We don't have eight different numbers. We have the eight digits
16 seen from the right, so it's not eight different digits or eight different numbers. So
17 if -- I must say that I did not understand your question, I have to admit.

18 Q. [10:14:53] Now I understand that you used eight numbers for these telephone
19 numbers for this telephone data. Did that have any impact on your expert report or
20 the analysis?

21 A. [10:15:17] We did not use eight numbers. We used the digits, the eight digits to
22 get the unique call identification. So it's not eight telephone numbers, it is eight
23 digits counted from the right.

24 Q. [10:15:50] Thank you very much for that point. If we could now move on to
25 the next section, 2.4, duplicates and references to source files. Could you explain this

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1 section to us, what is it all about?

2 A. [10:16:18] After inputting the data, we saw that very many calls or SMS or texts
3 were present twofold, threefold or four times, and the reason is that if you have the
4 data of two numbers, that the calls between those two numbers are already present
5 two times. Apparently, for some target numbers, the MSI and the IMEI were logged
6 and those data then of course were present two times, three times, four times, and
7 that means that after importing the data, we had more than 2.3 datasets. And then
8 we tried to analyse according to times of the call and we could reduce that to 22,000
9 datasets. So we did not have 2.3 -- 2.3 million calls, but after this reduction of the
10 duplicates, et cetera, we had about 722,000 calls. 722,000.

11 Q. [10:18:08] Very well, Mr Witness. I'd now like us to move to 2.6, location of
12 antennas, and this is at page 648 -- 1648.

13 Could you briefly explain to us what this section deals with?

14 A. [10:18:42] In the connection data, we very often had also data about the
15 localisation of the antennas. In Switzerland, we are used that the antenna data
16 belonged to the target number, and according to my idea, we also had to say which
17 number was present where and when, and that is why we tried to also extract those
18 data according to the location of the antennas.

19 Those data partly also have addresses, so precise addresses, and then there was partly
20 also a Cell-ID. But usually we did not have geocoordinates. We could read where
21 the antenna was located, but you could not see them on a map because we did not
22 have the geodata.

23 With a later delivery of datas in March 2018, we got another table where those
24 Cell-IDs, so these identifications of the antenna had also geocoordinates. And that
25 was the basis for these data and the connection data, and the antenna locations were

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1 also added to the data -- with the data which we got from the OTP.

2 There were also antenna locations which we could not geocoordinate and, for that, we
3 used a public internet service in order to define or geocoordinate -- geocode the
4 antennas so that you could at a later point in time also see them on a map.

5 Perhaps I could also say that we also -- we also wrote down whether these geodata
6 came from the operator, so probably quite precise, or whether these geocoordinates
7 were provided by the internet. Because those internet data are quite imprecise. We
8 did that in order to see whether you wanted to work with a precise or the rather
9 imprecise data.

10 Q. [10:22:05] Thank you for that information. I do have some questions for you
11 and I'll start with the last point you explained to us. You mentioned some
12 information that came from an operator. Was that information in the telephone data
13 that you had for analysis or did it come from somewhere else?

14 A. [10:22:36] Those data about the coordinates of the antenna came in a third
15 delivery from the OTP, which we got I think in March 2018. *We got a third delivery
16 of data on DVD. I assume that they are precise because I got the answer that they
17 could only have come from the operator himself. So these geographic data were
18 added to the other data we already had according to latitude and longitude. So that
19 was one part, those -- of those Cell-IDs so we could add on the geocoordinates. The
20 precise source of this table is not known to me, but we got them from the OTP.

21 * Q. [10:23:50] In this section, you differentiate between the data, the relay locations
22 that came from the Malian "Operator" providers or from the "Combain" service.
23 "Combain" is the Internet service to which you are referring, if I understand correctly?

24 A. [10:24:23] This is correct, yes.

25 Q. [10:24:29] You also mentioned at the very beginning, you mentioned the concept

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1 of Cell-ID. Could you elaborate on this point? Is it a number? What is it exactly?

2 A. [10:24:54] Cell-ID is a number which usually has four parts. So first of all, you
3 can see the country number; the second part is the operator, also a number; the third
4 number in this construction tells us something about the local area code, so that is the
5 region where the operator -- which the operator himself determines; and the last part
6 is the -- actually, identification number, an antenna, so a mobile radio antenna. And
7 those numbers were already present in the -- in the connection data, but without the
8 *geocoding.

9 Q. [10:25:57] Very well. So we're talking about longitude and latitude when we
10 talk about the geographical coordinates of the relay station; is that correct?

11 A. [10:26:15] That is correct. The WGS longitude and latitude.

12 Q. [10:26:31] Very well. You also mentioned in the first paragraph that at times
13 these areas or locations are identified by a unique identifier, Cell-ID, and sometimes
14 by an address. What do you mean exactly by "address"? The name of a street,
15 something like that? Could you elaborate?

16 A. [10:27:04] Well, in the data there were different combinations available.
17 Sometimes only the addresses, sometimes only the Cell-ID, and partially both
18 information were available. As far as the addresses are concerned, I do not know
19 exactly anymore, but mainly places, partially with addresses and partially without
20 addresses. So sometimes only the names of places without postal code.
21 Sometimes, since we do not know Mali very well, it was rather difficult to say where
22 exactly they were, so it was not very uniform. Sometimes the address, sometimes
23 only the place, but most of the time not real postal addresses.

24 Q. [10:28:11] And just to finish with this section, the internet service or
25 combain.com, could you explain how that works? You just use the Cell-ID, the

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1 identifier to get the geocoding; is that correct?

2 A. [10:28:39] That is correct. With the help of this Cell-ID and the table we
3 received from the OTP, we were able to geocode part of this Cell-ID, according to me,
4 in a rather reliable way. But then we had locations with Cell-IDs which were not
5 included in that table and we then decided to geocode these Cell-IDs, these locations,
6 with the help of this internet service.

7 Q. [10:29:33] Very well. Thank you for that information, Mr Witness. I also see,
8 and I'll move on to page 3 of this report, this expert report, 0061-1649, and section 3,
9 analysis of the data. And we see some target numbers here. Did you also take part
10 in preparing this section of the report?

11 A. [10:30:20] Are you referring to the "*Contenu du DVD*"? This table, are you
12 referring to this table?

13 Q. [10:30:32] Yes, Mr Witness, I'm merely referring to this page. I know that the
14 DVD is not you, from what I understand, but on this page in question we have the
15 telephone numbers and the Excel files that come from the analysis of these
16 telecommunications, page 1649.

17 A. [10:31:03] Exactly. I can confirm that this table comes from me. I made up
18 this table on the basis of the information from the OTP. From the different missions,
19 you mentioned the numbers where you need an analysis, and I have copied these
20 numbers and put them into the table, and we qualify them ourselves so that later on
21 when analysing one can say it is a target number or not. So we added an X. And
22 the six important numbers as they were defined in the mission I called "X1". And the
23 other 24, I think it is 24, got the reference "X2", so that later on one can identify is it a
24 target number or even one of the important target *numbers. The table was done by
25 me. The text before and after this table was done by my colleague.

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1 Q. [10:32:30] So if I understand correctly, the rest of the report was primarily
2 drafted by or exclusively drafted by your colleague; is that correct?

3 A. [10:32:45] That is correct. Maybe an additional remark, as a result for
4 Mr Grassi so that he's able to analyse, I provided him with 30 Excel files for
5 each -- for -- I did that with a programme so that he can continue with his work.

6 And this was basically all I did. All the rest was done by Mr Grassi.

7 It may be that during the work Mr Grassi did I supported him with the treatment of
8 certain software, geographic software, but I did not produce any other products in
9 this case.

10 Q. [10:33:53] Very well, Mr Witness. And if we look at this page 1649, we can also
11 see the target numbers. Should I understand that you prepared for Mr Grassi an
12 Excel table for each of these target numbers for him to be able conduct his analysis
13 and use this table, that is to say, the processing of the data that you were able to
14 produce?

15 A. [10:34:34] That is correct. For each of this number there was an Excel sheet
16 with different *feuille* and then Mr Grassi was able to continue the analysis. There is
17 one -- there is one exception, and this number is noted in the table, because for this
18 number there were no data available. I do not know whether this was a mistake in
19 the mission or a different misunderstanding, but this is mentioned on the remark,
20 there were no data available in all the information we received for this number.

21 Q. [10:35:22] Now, Mr Witness, we're coming to the last question for you today, or
22 that is at least on the part of the Prosecution. I'd like for you to look with us at one of
23 the Excel tables that you prepared for Mr Grassi. Now, this is mentioned in the DVD
24 and, for the record, this is MLI-OTP-0061-1643 to 1706, and this is number 226, so it's
25 the same index in the DVD of course. And this refers to MLI-OTP-00 -- 1726 to be

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1 found at number 3 of the items of evidence. One moment, please.

2 So for the record, this is the Excel file that is on our list of evidence, that is number 6,
3 MLI-OTP-0061-1933. You will see this, Mr Witness, appearing on your screen in a
4 few moments.

5 Could we have control, please.

6 A. [10:37:30] I cannot -- I cannot find that under the numbers you just mentioned.

7 Could you tell me which telephone number you're referring to.

8 Q. [10:37:52] Do not worry, Mr Witness. You don't have that in your folder. You
9 have the index. You refer to this in your report and it is to be found at 1706, page
10 1706. If you look at number 226 on that page, you will see which Excel file we are
11 referring to. And what we're going to do is bring it up on the screen for you at the
12 same time and then I will be putting a number of questions to you on this.

13 So, Mr Witness you will see that before you, you have on evidence 2, if you press
14 evidence 2, press that button and you will be in a position to see what we are seeing
15 before us here in the courtroom.

16 A. [10:38:53] I can see the table, but it is not very sharp. I must say I cannot read
17 the contents. It's not very clear for me to read.

18 Well, it's getting better. It's now a bit bigger indeed.

19 Q. [10:39:26] So please tell us when you are in a position to be able to look at it
20 properly.

21 A. [10:39:37] I can read it. Now I can read it.

22 Q. [10:39:45] So, Mr Witness, are you in a position to confirm to us that this is one
23 of the Excel sheets that you preferred -- that you prepared for Mr Grassi. I think you
24 mention this as output?

25 A. [10:40:14] Exactly. I can confirm that this is from me.

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1 Q. [10:40:26] So I'd quite simply like for us to look at a number of these entries. So
2 entry number 1, what can we see here? What should we read from this entry? If
3 you could just explain it to us, please.

4 Mr Witness, quite simply you don't need to say the name of the subscriber, but quite
5 simply tell us what we can read here in terms of a telephone number that might have
6 made a call or received a call, the date, the hour. If you could explain that
7 information to us rather -- instead of giving us -- and do not give us the name of the
8 subscriber.

9 A. [10:41:29] Could you kindly tell me which sheet is activated? In which sheet of
10 this Excel file are you currently?

11 Q. [10:41:53] Well, we should be in the in and out connection.

12 THE INTERPRETER: [10:41:59] Overlapping speakers.

13 MR GARCIA: [10:42:15](Interpretation)

14 Q. [10:42:15] I don't know whether you're in a position to see this clearly or if it is
15 too small. Please tell us.

16 A. [10:42:25] It is not clear, but I would like to know which sheet of the Excel file
17 you are talking about. There are different sheets, so the name of the sheet within the
18 Excel file, which sheet are we at? You see at the bottom different sheets. Can you
19 tell me which sheet is activated at the moment?

20 Q. [10:43:09] Well, for the time being, Mr Witness, we're talking about
21 "Connections InOut" that is activated. I don't know whether you can see that clearly
22 on your screen. Otherwise, we'll cut the questions short.

23 A. [10:43:29] I can explain to you. So the MSISDN is the calling number. And
24 then you see direction, but I cannot see it clearly. "*Recu*" means incoming call. The
25 type is, is it a voice call? So you see voice, "*voix*" in French, or it could be an SMS.

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1 Then you have date and time and the duration of this connection. Then you can ask
2 to see the duration not as a time indication but as a number of seconds. And then
3 you have the correspondent of this, that's the number called. So "*Recu*" means an
4 incoming call to the number in red. And the correspondent -- the correspondent
5 would be the number called -- calling. And then we also have the subscriber where
6 we have a name.

7 And if you go further to the right, you have here the column "*repondeur*", which we
8 only use when apparently the call is transferred to a third number, so here the column
9 is empty.

10 And at the very end you have the source file. You see there the parties and the data
11 and the sheet and the line where the information was being found. So that is the
12 source indication.

13 Q. [10:45:45] And for this to be clear, this is the source in terms of the information
14 that you received initially from the Office of the Prosecutor; is that correct?

15 A. [10:46:02] That is correct. This is correct and you can also see duplicates, for
16 example, that a call can appear in different sources. But this is the source indication
17 for the original data which we got in December 2017 and January 2018. We got these
18 from the OTP, and those source indications refer to the data structure, the original
19 data structure in the DVD at the time.

20 Q. [10:46:56] So if I understand you correctly, Mr Witness, it is possible that the
21 conclusion that you arrived at with regarding to the calls that -- from different, from
22 different places were listed here in column M; is that correct?

23 A. [10:47:22] Different places and different sources. So this one call could have
24 appeared in three, four, five, six different Excel files and they are all enumerated here
25 in column M. And that is why the content of column M is rather large because one

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1 and the same call is registered in different or could have been registered in different
2 source files.

3 Q. [10:48:08] And the indication that we see towards the end of this first row with a
4 number, is that something that was there initially or did you add it yourself when you
5 made these tables?

6 A. [10:48:30] What are you talking about? Are you talking about the content of
7 column M? When you say "first row" what do you mean? The content of column
8 M?

9 Q. [10:48:48] When we're talking about column M, if we look at the first one here,
10 the first contact --

11 THE INTERPRETER: [10:48:56] Overlapping speakers.

12 THE WITNESS: [10:49:06](Interpretation) M, the content of column M, I am the
13 source of those. When I imported the data, I imported them from -- and I indicated
14 where exactly this data was found. And this information is always transferred
15 during the analysis so that you can always trace where the information is coming
16 from. So it always refers back to the original data sheet so that you can control the
17 information. And this source information is really something which I added. That
18 is correct.

19 MR GARCIA: [10:49:53](Interpretation)

20 Q. [10:50:03] I do apologise, Mr President, but I didn't have any interpretation for
21 that response?

22 PRESIDING JUDGE MINDUA: [10:50:11](Interpretation) Neither did I. So what's
23 going on?

24 Mr Witness, could you please repeat the answer you just provided, please.

25 THE WITNESS: [10:50:38](Interpretation) The content of column M shows the

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1 telephone connections about where in which data sheet and in which line of the -- of
2 the data the information originates. And this is information which I added. So the
3 content of column M I added myself so that you can retrace where the information is
4 coming from.

5 MR GARCIA: [10:51:23](Interpretation)

6 Q. [10:51:27] Thank you, Mr Witness. My question is even more specific than that.
7 You can see in column M here, right at the very end, you see Row2198. I think that's
8 something that you added yourself, did you not, to indicate where the information
9 came from?

10 A. [10:52:02] Yes, I added that. Yes, I added it. It is the line number so that you
11 can see in which line you can find it. Indeed I added it.

12 Q. [10:52:28] Very well, Mr Witness. Now we shall move on to "Locations", to the
13 part entitled "Locations", the tab. I would like for this to be shown on the screen,
14 please. And then we can move towards the right-hand side to the addresses and we
15 can stop right there.

16 Mr Witness, are you in a position to see clearly what is being shown to you on the
17 screen?

18 A. [10:53:08] I can see it clearly, yes.

19 Q. [10:53:14] So this is the tab after "Locations". What precisely is that?

20 A. [10:53:29] We extracted the data about locations of the different target numbers.
21 So you have the date. I don't see the time, I don't know where to find it. Then you
22 have the Cell-ID so that you know the identification number of the cell.

23 Yes, now I have the right table in front of me. So we have the date, the Cell-ID, also
24 the date, so without a time. Then we have the, as I said, the Cell-ID, that's a global
25 Cell-ID which is used worldwide in order to identify this antenna. Then we have the

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1 address, which is also -- which has also been delivered to us. In this case, it is
2 Tombouctou, Terrasse, which is a quite precise identification, very often we only have
3 the place. And then we have latitude and longitude, which we
4 geocoordinated -- geocoded. And that is why we have in column J, so coordination
5 source we see "Operator", and that means that this information about latitude and
6 longitude apparently comes from the operator and not from the internet provider
7 Combain.

8 There are two different coordination sources, so it could be either operator or
9 Combain, so that you can make a difference about the source of the data, that means
10 is it precise data from the operator or rather imprecise data from the internet provider?
11 Most data probably come from the operator or are geocoded by the operator.

12 Q. [10:55:58] So if I understand you correctly, Mr Witness, in the column
13 "Coordinate source", there will be either the operator or Combain, according to the
14 situation; is that correct?

15 A. [10:56:22] That is correct, yes.

16 Q. [10:56:26] So I would quite simply like to go on to the third tab, that's
17 correspond -- that's number 20. Subscriber, number 20. Could you tell us what that
18 is? So that is the tab that is entitled "Subscriber 20", or "*Correspondants* 20", to be
19 clear.

20 A. [10:57:17] As far as I can read it, I remember we were asked to list all the
21 correspondents and the 20 numbers which had *the most contact with the given target
22 number and that is the table we see before us. About the first column I would like to
23 say that you have either an empty field or X2 or X1, and then that means that X1 or X2
24 are target numbers, or whether it is one of the six main numbers. X2 is (Overlapping
25 speakers)

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1 PRESIDING JUDGE MINDUA: [10:58:15](Interpretation) Mr Prosecutor, the
2 Chamber had given you an hour to question this witness and you have exceeded that
3 time.

4 MR GARCIA: [10:58:24] (Overlapping speakers)

5 PRESIDING JUDGE MINDUA: [10:58:28](Interpretation) Yes, Mr Garcia, the
6 Chamber had allowed you one minute, which you have exceeded to a great degree.
7 So we have three minutes before the break now.

8 MR GARCIA: [10:58:41](Interpretation) I thought I understood, Mr President, that
9 there were two hours given over to the questioning of these two witnesses, so I will
10 make sure that it is two hours for both witnesses, if you do allow, Mr President.

11 Because there are some questions that are relevant and we have the witness here
12 before us. But of course the Prosecution has undertaken to question the witness in
13 two hours and the questioning of both witnesses will be undertaken in two hours.

14 PRESIDING JUDGE MINDUA: [10:59:14](Interpretation) Very well. Please go
15 ahead.

16 MR GARCIA: [10:59:16](Interpretation) Thank you, Mr President.

17 Q. [10:59:19] Mr Witness, thank you. We shall now move on to tab 4, and this will
18 be the last question I shall be putting to you with regard to this Excel table.

19 Are you able to see this clearly on the screen? I can see it's a little bit small myself,
20 but, Mr Witness, can you see this clearly, what we're talking about? This is a table, a
21 graph that talks about the number of occurrences by period.

22 What is this precisely?

23 A. [11:00:11] This is a time axis. The time axis shows in which period for the
24 target number data are available. And I do not know whether it is in weeks or in
25 months where you can see the frequency, the number or the frequency of the

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1 incoming and outgoing calls for this target number over the entire period of time
2 when one has such data. That is a pivot graphics in Excel, this is something you can
3 use in order to show frequencies on a time axis from left to right. It doesn't show the
4 number of occurrences, it shows the number of incoming and outgoing activities for
5 this particular target number.

6 Q. [11:01:19] We've taken note of that information. Now, thank you very much
7 for all the explanations about the Excel charts and I'd now like to move on to contact
8 notes, contact note. MLI-OTP-0078-4495. And I'm referring to page 4497, number
9 73, Mr Witness.

10 A. [11:02:19] I have the number 73 in front of me.

11 Q. [11:02:36] Could you go to page 4497, the second last paragraph, please. Now,
12 in the second last paragraph this note makes reference to a geovisualisation
13 programme called Mercure. Is that information correct or not? We did discuss this
14 during the preparation session.

15 A. [11:03:23] No. This geovisualisation which was done by Mr Grassi had -- was
16 done with an internal software. Maybe he can say more about that. It is not
17 Mercure. We talked about Mercure. I think the person accompanying explained
18 that he works with Mercure, but we at our police station do not use Mercure. We
19 have different IT tools to show and to give a geovisualisation. This is not correct.
20 We use a different software, but maybe there was a misunderstanding during our
21 meeting.

22 Q. [11:04:18] Thank you. Duly noted, Mr Witness. One last question for you.
23 You have no objection to the parts of the expert report that we have discussed today
24 be placed on the record of the case?

25 A. [11:04:42] I personally have no objections.

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1 Q. [11:04:50] Thank you very much. I have concluded my questions.

2 MR GARCIA: [11:04:55](Interpretation) Thank you very much, your Honours, for
3 your indulgence.

4 PRESIDING JUDGE MINDUA: [11:04:59](Interpretation) Thank you very much,
5 Mr Prosecutor.

6 Now I'm just looking over to Mr Kassongo. After the examination-in-chief by the
7 OTP, what do you have to say?

8 MR KASSONGO: [11:05:12](Interpretation) Thank you, your Honours. After
9 listening to the examination-in-chief led by the OTP followed -- and listening to the
10 questions and the clarifications provided by the witness, I can say that the Legal
11 Representative of Victims does not wish to put questions to the witness, but does ask
12 leave to thank the witness on behalf of our team.

13 PRESIDING JUDGE MINDUA: [11:05:45](Interpretation) Thank you, Mr Kassongo.
14 It is five after 11. We will now have a 30-minute break and resume at 11.35.
15 The hearing is suspended.

16 THE COURT USHER: [11:06:00] All rise.

17 (Recess taken at 11.06 a.m.)

18 (Upon resuming in open session at 11.35 a.m.)

19 THE COURT USHER: [11:35:52] All rise.

20 Please be seated.

21 PRESIDING JUDGE MINDUA: [11:36:13](Interpretation) The hearing shall now
22 resume.

23 Ms Taylor, I would imagine you are ready for cross-examination. In that case, please
24 proceed.

25 QUESTIONED BY MS TAYLOR:

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1 Q. [11:36:44] Good morning, Mr Witness. My name is Melinda Taylor. I am the
2 counsel for Mr Al Hassan and I'll be putting questions to you. Are you ready to
3 proceed?

4 THE COURT OFFICER: [11:37:35] Your Honour, I apologise, we will have to
5 reestablish the connection as the VTC location cannot hear us.

6 PRESIDING JUDGE MINDUA: [11:37:54](Interpretation) Go ahead, please.

7 THE COURT OFFICER: [11:40:04] Your Honour, I do apologise for this issue. It
8 appears that we have a technical problem trying to reestablish the connection.

9 I would -- I believe the issue should be resolved with a small break maybe of two to
10 three minutes. Thank you.

11 PRESIDING JUDGE MINDUA: [11:40:29](Interpretation) Thank you very much,
12 court officer. We shall remain in the courtroom and wait.

13 (Pause in proceedings)

14 THE COURT OFFICER: [11:42:30] Your Honour, it appears that there is an issue
15 with the connection and this may take a bit more time to resolve.

16 PRESIDING JUDGE MINDUA: [11:43:11](Interpretation) Court officer?

17 THE COURT OFFICER: [11:43:14] Your Honour, I believe that the connection is
18 re-established and the sound should be good.

19 PRESIDING JUDGE MINDUA: [11:43:31](Interpretation) Good morning,
20 Mr Witness. Can you hear me?

21 THE COURT OFFICER: [11:44:11] Your Honour, the VTC location cannot hear us.
22 I would ask for a break to have this issue looked into.

23 PRESIDING JUDGE MINDUA: [11:44:24](Interpretation) How many minutes break,
24 Mr court officer?

25 THE COURT OFFICER: [11:44:37] Please allow me to consult and I will confirm in a

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- 1 minute.
- 2 Your Honour, this may take 10 to 15 minutes.
- 3 PRESIDING JUDGE MINDUA: [11:45:06](Interpretation) Unfortunately we'll have
- 4 to suspend the hearing for 10 minutes.
- 5 The hearing is suspended.
- 6 THE COURT USHER: [11:45:16] All rise.
- 7 (Recess taken at 11.45 a.m.)
- 8 (Upon resuming in open session at 12.13 p.m.)
- 9 THE COURT USHER: [12:13:26] All rise.
- 10 Please be seated.
- 11 PRESIDING JUDGE MINDUA: [12:13:51](Interpretation) Court is in session once
- 12 again.
- 13 So the courtroom officer told the Chamber that the technicians are still working on the
- 14 issue and that we cannot sit; is that correct, Mr courtroom officer? Please explain it
- 15 to us.
- 16 THE COURT OFFICER: [12:14:11] Your Honours, there is indeed a problem of a
- 17 technical nature that does not allow us to have the sound and that this will take about
- 18 an hour to have resolved. Thank you.
- 19 PRESIDING JUDGE MINDUA: [12:14:27](Interpretation) Very well. In that case
- 20 we shall take the lunch break in an anticipated manner and we shall reconvene this
- 21 afternoon at 1.15.
- 22 The hearing is suspended.
- 23 THE COURT USHER: [12:14:43] All rise.
- 24 (Recess taken at 12.14 p.m.)
- 25 (Upon resuming in open session at 1.15 p.m.)

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1 THE COURT USHER: [13:15:32] All rise.

2 Please be seated.

3 PRESIDING JUDGE MINDUA: [13:15:59](Interpretation) The hearing shall now
4 resume.

5 Courtroom officer has informed the Chamber that everything has been dealt with
6 once again and is now in order. So we shall now resume sitting and I will ask
7 Ms Taylor if she wishes to address the Court.

8 MS TAYLOR: [13:16:24] Thank you, Mr President. If I may respectfully request in
9 advance that Mr Al Hassan be excused at 1.55 to pray today. It will be just for
10 15 minutes.

11 PRESIDING JUDGE MINDUA: [13:16:51](Interpretation) Granted, Ms Taylor.
12 Thank you.

13 QUESTIONED BY MS TAYLOR:

14 Q. [13:17:01] Good afternoon, Mr Witness. My name is Melinda Taylor. I'm the
15 counsel for Mr Al Hassan and I'll be questioning you today. And if you could please
16 confirm that you could hear me.

17 A. [13:17:20] I can understand you very well indeed.

18 Q. [13:17:24] Excellent. So after a few false starts it seems we're ready to go. I
19 have just a housekeeping question before we start, Mr Witness. Do you have your
20 laptop with you with the DVD of the call records that you created for the
21 Prosecution?

22 A. [13:17:46] I have a laptop here with me, yes, indeed.

23 Q. [13:17:54] And do you also have the DVD with -- the contents of the DVD you
24 created for the Prosecution?

25 A. [13:18:11] Yes, I do, but I would like to remark that there is a forensic security on

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1 parts of them. If I need to open the original DVD, it will take me about 10 minutes to
2 get all the contents, but I also have the contents copied on my hard disk, so you can
3 choose whether you want to see the contents on the hard disk or the original DVD.

4 Q. [13:18:40] Thank you, Mr Witness. We'll be playing the evidence from the
5 Defence laptop, but in case you have difficulties seeing certain items on the Court's
6 laptop, then perhaps if you could also have a look at your laptop to be able to see
7 certain things more clearly.

8 Now, Mr Witness --

9 A. [13:19:03] Yes, thank you very much.

10 Q. [13:19:05] Now, Mr Witness, it's my understanding that when you have various
11 experts prepare a report together there's a technical term called hot-tubbing, which is
12 when they testify together at the same time. Now since we're not hot-tubbing today
13 there is a risk that some of my questions might be better answered by your colleague.
14 So that is -- if that is the case, could you please let me know so that we don't go down
15 a path of inquiry that would be better directed to your colleague.

16 A. [13:19:47] I understood, yes.

17 PRESIDING JUDGE MINDUA: [13:19:53](Interpretation) Ms Taylor, I believe you
18 heard what the interpreters were asking for?

19 MS TAYLOR: [13:20:01] No, I did not, Mr President.

20 PRESIDING JUDGE MINDUA: [13:20:07](Interpretation) If you could speak up,
21 please, and closer to the microphone, because they're having trouble hearing you, so
22 that we can hear you properly.

23 Prosecutor.

24 MR GARCIA: [13:20:25](Interpretation) If you don't mind, just for the record, is this
25 MLI-OTP-0061-1726, number 3 on the list of materials, is that the DVD we're talking

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1 about?

2 PRESIDING JUDGE MINDUA: [13:20:43](Interpretation) Thank you, Mr Prosecutor.
3 Ms Taylor.

4 MS TAYLOR: [13:20:46] It's the DVD that my colleagues told me about during the
5 break. I don't imagine that it will be necessary for the witness to use it, but in case
6 we do have technical problems where he can't view the evidence, then I was -- I was
7 trying to verify that he could access it from his end.

8 Q. [13:21:13] Now, Mr Witness, is it correct that the records that you analysed were
9 transmitted to you from the ICC Prosecution and not the telecom service providers
10 themselves?

11 A. [13:21:36] Yes, if I am not mistaken, the communication that I had between my
12 boss, we received the data directly from the OTP and not from the
13 telecommunications providers. We had -- we were only in contact with the OTP.

14 Q. [13:22:02] And the data that was provided to you, that was in a Excel format and
15 not PDF, for example?

16 A. [13:22:18] No, the data, the call record data were all in Excel format, so Excel
17 files.

18 Q. [13:22:31] And these Excel files, that was a modifiable format?

19 A. [13:22:46] Theoretically you could copy the data, you could modify them, you
20 could delete the protection, but there is a forensic security which you could not
21 manipulate. And there was also a password on it and it was an image, and this
22 image cannot be modified without it being clearly visible.

23 Q. [13:23:14] This image, was that an image created by the Prosecution?

24 A. [13:23:26] I don't know that. I suppose it might have been an infomatic service
25 on behalf of the OTP, but it could also be the case that the data *were directly handed

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1 over from the provider in Mali. But I don't know about that. We just received this
2 data. But how they were put together for us I can't tell you, because I simply don't
3 know.

4 Q. [13:23:56] Were the Excel sheets stamped?

5 A. [13:24:15] No. The Excel data are physically contained in the image and there
6 is forensic security on it, but I don't think that there was a stamp on it. But we
7 received a forensic copy, that's what we were told, which was protected by a
8 password. So within a separate mail we also received a password for it in order to
9 be able to open and to gain access to the image.

10 Q. [13:24:48] Were there any digital signatures on the Excel sheets?

11 A. [13:25:00] I don't really know about that. You were able to open the image by
12 using a special software and then entering the password, and then we were able to
13 get the data out of the image.

14 Q. [13:25:16] Now, is it correct that call data records are generated for the purpose
15 of billing clients and not for the purpose of recording data in a criminal investigation?

16 A. [13:25:42] I don't have any experience about how this works in Mali. In
17 Switzerland this is separate, so the data that the police receives are call record data
18 that do not look exactly the same as the invoicing data that the subscriber receives.
19 But as far as I know, the data are generated out of the same database, but they are
20 represented in a different format. So the police gets additional information with
21 regard to location, for example, something that the customer as such doesn't get. But
22 the origin should be the same.

23 But here in Switzerland we do not get the invoice data but the call records data, but
24 how that works in Mali I cannot tell you because I don't know.

25 Q. [13:26:36] Well, putting aside the format, Mr Witness, in general, is it correct that

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1 telecom service providers collect this data for billing purposes?

2 A. [13:26:59] That seems to be the case in Switzerland, we have these invoicing data
3 that can be made available to the prosecuting authorities, but how this is being saved
4 at the provider side and for how long it is saved, this is different in any country. So
5 I can only tell you how it is in Switzerland but not what it's like in other countries.

6 Q. [13:27:28] So, Mr Witness, in Switzerland I understand that you worked in the
7 federal police as operational crime analyst. What guidelines did you follow in your
8 work, particularly as concerns the programming of call data records?

9 A. [13:27:58] There are -- my guidelines is the law and the legal call data. That
10 means that I work with the same guidelines just like the normal investigators. And
11 these guidelines are so that you cannot easily get access to this data but, of course,
12 they need to be requested. And I'm sure that the guidelines are probably quite
13 similar in the different European countries, but there are no specific guidelines for
14 analysts. So we stick to the same guidelines as all the investigators dealing with
15 these data.

16 Q. [13:28:43] Can you name those guidelines?

17 A. [13:28:50] No, I can't. In Switzerland we have a federal law on surveillance
18 data and also a regulation, a corresponding regulation. I'm sure you'll be able to find
19 that on the internet. But there's a federal law on it about mobile data and how to
20 deal with them, but I don't have that available right now.

21 Q. [13:29:25] Do you use any best practice manuals in your day-to-day work?

22 A. [13:29:40] In Switzerland, for criminal analysis and for investigations, we
23 organise courses where we deal with these things. But it's more about the data as
24 such, not so much about legal aspects. It's more about formatting the data and how
25 to present them, how to use them and what are -- is the information you can get out of

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1 it. So it's more about technical issues. So these are training documents which are
2 more of a recommendation and not obligatory. But in the whole of Switzerland we
3 have these courses where people are trained when it comes to dealing and using these
4 data.

5 Q. [13:30:37] So, Mr Witness, these recommendations, are you able to give me the
6 name of any of them?

7 A. [13:30:49] I can't give you a name because they are not publicly available. So
8 we're talking about internal training documents that we are using within the police.

9 Q. [13:31:06] So going back to the format of call data records, can these records
10 include information that's automatically generated and also information that's
11 manually inputted by the telecom service provider?

12 A. [13:31:34] This is something you would have to ask the Malian operators
13 because I do not know how these data are being generated and put together which
14 are then handed over to the Prosecution. I only know that in Switzerland these
15 mobile service providers use many different databases that are adapted, that are
16 changed on a regular basis so that the data can be put together in different
17 combinations and have to be put together in different combinations for the
18 investigators. But how that works in general, that is something that I am not able to
19 tell you.

20 Q. [13:32:26] So if you don't know how the data was generated, would that also
21 mean that you were not in a position to identify whether there was a possibility of
22 technical or human errors in the creation of these records?

23 A. [13:32:57] If the operator commits an error when putting together and
24 generating these data, I cannot see that. There might be an anomaly which might
25 become visible in the data that something is inclusive. And then in Switzerland we

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1 have the possibility to ask the provider or the operator and they can explain it to us.

2 That would -- usually there will be a logical technical explanation for it or, something
3 that happens quite rarely, that the provider committed a mistake when putting
4 together the data. That occurs only very rarely, but it has happened, yes.

5 Q. [13:33:46] Are you familiar with cases where persons were wrongly convicted
6 because the courts relied on call data records that had technical errors in them?

7 A. [13:34:09] In my experience in Switzerland this is something that I have not yet
8 come across, no.

9 Q. [13:34:18] Are you aware of cases in other countries?

10 A. [13:34:31] Yes, a few years ago there were -- there was a case in Denmark where
11 data had been put together in a wrong way and this meant that there had been wrong
12 judgments. But that is the only information or the only case that I am aware of, and
13 of course we discussed that case as well at that time. But as far as I know, but I'm
14 not sure about that, in Switzerland we discussed that and we found out that we are
15 not affected by that, so this did not have an influence on our work. But I do recall
16 the example from Denmark.

17 Q. [13:35:24] Mr Witness, I'm going to turn to Defence tab 2, that's
18 MLI-D28-004-7991. Do you have this in front of you?

19 A. [13:35:53] Yes, I do have it in front of me now.

20 Q. [13:35:58] It's an article from France 24 from 2019, titled "Danish justice system
21 rocked by flawed phone location evidence".

22 Is this referring to the cases that you were mentioning, Mr Witness? I'll read out the
23 first paragraphs into the record so you have the interpretation.

24 A. [13:36:38] It seems to be exactly the same case that I had just mentioned just
25 before.

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1 Q. [13:36:45] So according to this article, it states:
2 "The use of mobile phone location data to solve crimes has come under scrutiny in
3 Denmark after a glitch that has thrown thousands of cases into question and led to the
4 release of more than 30 detainees.
5 Some 10,700 cases since 2012 are now up for review, after questions have arisen over
6 the reliability of location data, or geolocation, from phone operators.
7 Similar glitches have wreaked havoc in households in the United States and South
8 Africa that have been wrongly identified as the locations of a raft of crimes, according
9 to media reports."

10 So, Mr Witness, just to confirm, this is referring to the same cases in Denmark that
11 you're referring to?

12 A. [13:37:44] Yes, exactly, that relates exactly to this information.

13 Q. [13:37:50] According to this article:
14 "Danish police started looking into the issue when they found a bug in a piece of
15 software that converts data from mobile towers to make it usable for police -- which
16 caused the omission of important information."

17 Does this correspond to what you heard about the case?

18 A. [13:38:18] The bug in the software, that's something new to me. *I can't
19 confirm it. I didn't get that from the press at the time as I see it now here. So this
20 bug in the software is something I can't *confirm and it is exactly that phenomenon
21 which I remember. I remember that there were technical glitches so that all those
22 verdicts had to be reassessed in Denmark, but I don't know about the exact details
23 anymore.

24 Q. [13:39:06] Mr Witness, you referred to technical glitches. What type of factors
25 can affect the reliability of call data records generated by telecom service providers.

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1 A. [13:39:29] Actually, I am not able to answer you this question. You would have
2 to ask somebody from a telecom provider. And also within the police we have
3 engineers, telecommunication engineers, they do not do the same thing I do, data
4 processing and analysis, but they have other core knowledge and they are specialists
5 in this field. But I don't have that specialist knowledge and that is why I can't -- that
6 is why I can't give you any examples of technical glitches.

7 Here there are certain un -- inaccuracies because the mobile telephone change
8 antennas and that is also something which leads to misunderstandings. But as far as
9 technical glitches are concerned with the telecommunication data or the antenna
10 locations, that is something I cannot say anything about.

11 Q. [13:40:49] Now, Mr Witness, earlier you confirmed that you were not in contact
12 with the particular Malian telecom service providers. So would that be correct that
13 you don't know what methodology they used to calculate call connections?

14 A. [13:41:18] I think within the framework of the task we were set by the OTP, it
15 was not necessary for me to get in touch with the Mali operator. We had lists of data,
16 and we were supposed to analyse them according to certain criteria, and the rest of
17 the technical aspects were not my task.

18 Q. [13:41:47] So, Mr Witness, is it correct you did not know whether, for example,
19 Mali Orange counted the start of a call from the point at which the individual initiated
20 the call or the point at which the call was connected?

21 A. [13:42:16] No, I analysed data which were provided to us, but how these data
22 were collected is something I did not have any information about. The data which
23 were transferred to us were analysed by me without any changes.

24 Q. [13:42:40] So you also wouldn't know what methodology Orange Mali used to
25 differentiate between a successful or a failed connection?

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1 A. [13:42:56] No, I don't know that.

2 Q. [13:43:02] Now, in the call data records one second is the minimum duration
3 that is provided and the call data records only count duration in parcels of full
4 seconds. So is it correct that if a call is 2 and a half seconds it would either be
5 registered as a call of 2 or 3 seconds?

6 A. [13:43:37] I don't know what the Mali provider does, whether he -- I don't even
7 know how it is in Switzerland. If anybody in Switzerland would ask me the same
8 question, I would have to get that information. I don't know whether those seconds
9 are rounded upwards or downwards.

10 Q. [13:44:01] Does it follow then that if a call was less than a second, you don't
11 know if it was rounded up to a second or simply left out from the records?

12 A. [13:44:17] I can't confirm that.

13 Q. [13:44:29] Now, is it also correct that you weren't asked to examine or verify the
14 attribution of the numbers provided to you?

15 A. [13:44:47] What do you mean by attribution of the numbers? What kind of
16 attribution do you mean?

17 Q. [13:44:56] For example, earlier today we saw one of the Excel sheets
18 corresponding to a number and you could see the name of a subscriber next to it.
19 Now, is it correct that you relied upon the subscription information that was
20 provided to you?

21 A. [13:45:26] That is correct. Within the target numbers we had the information
22 which person corresponded to the target numbers and it was also partly visible in the
23 connection data. So there was also a name with a corresponding number and we
24 copied it, those combination of name and number. We made a copy in order to have
25 a subscriber list which would show which number belongs to which name. So we

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1 extracted that from the Excel data. It was not a separate list.

2 Q. [13:46:17] Is it correct that some of the subscription information was based on
3 SIM card registration details?

4 A. [13:46:31] I don't know. In some Excel data we had these connection data, but
5 whether it is a subscriber, whether it belongs to a SIM card I don't know. I don't
6 know whether this is a regular subscriber or not. But we tried our best to connect
7 numbers with names.

8 Q. [13:47:03] As a criminal data analyst, would you accept that information
9 concerning the identity of a user based on SIM card registration is only valid for the
10 date of the purchase of the SIM card?

11 A. [13:47:40] There are different scenario. It can happen that a family member
12 buys five SIM cards and different people use it within a family, or perhaps the buyer
13 uses all five SIM cards. So the subscriber and the user are not necessarily the same
14 person. We also learned that in our courses in Switzerland, that the subscriber is not
15 always or even in some cases only exceptionally the user.

16 So user and subscriber are not necessarily the same person, but from these data I can't
17 make it up.

18 Q. [13:48:34] Now, would it be correct that the relevance or value of information
19 concerning SIM card registration would be limited if there was no proof of
20 identification required to purchase the SIM cards?

21 A. [13:49:02] That is correct. There used to be prepaid cards without identification,
22 so one never knew who it was. In Switzerland that is not possible anymore. You
23 have to identify yourself. But it is not impossible that somebody registers as a
24 subscriber under a false name. That is possible in Switzerland and I suppose it is
25 possible everywhere in the world.

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1 Q. [13:49:37] And do I take it that you weren't provided information about the
2 subscription or prepaid identification requirements in Mali in 2012?

3 A. [13:49:57] No, I did not get or ask that information. I just took the data as they
4 were provided to me, because it was quite clearly written down that it was about
5 subscribers, so I just assumed that this information is correct. So in principle, I just
6 took the data as I was -- which were provided to me without checking them.

7 Q. [13:50:29] So does it follow, therefore, that the call data records show contacts
8 between numbers, but not who was using the number at a particular point in time?

9 A. [13:50:53] So the connection data shows -- does not show who uses the number,
10 it only shows who subscribed to this number.

11 Q. [13:51:14] Now, Mr Witness, I'm going to ask for your assistance in helping us to
12 locate particular calls that are in the records. And to do so we're going to use
13 Prosecution tab 993, this is MLI-OTP-0031-1565. We're going to be looking at rows
14 7935 to 7979. It concerns a target number 78748423. And we're going to --

15 A. [13:52:25] Could you please repeat that?

16 Q. [13:52:31] Mr Witness, we'll be looking at the Excel spreadsheet which is
17 MLI-OTP-0031-1565. Now, it will be displayed on the laptop in front of you, but it
18 should also -- evidence 2. I don't believe it's been printed out. So it hasn't been
19 printed out because it's an Excel sheet, but it should be shown on evidence 2 on the
20 laptop. And we'll be looking at rows 7935 to 7979. So if you could confirm that you
21 can see this on the laptop in front of you, Mr Witness. So it's not necessary to look at
22 the binders.

23 A. [13:53:30] I see on the screen an Excel table. Not quite clearly, but I see it.

24 Q. [13:53:39] We're going to start by looking at row 7935. This is a call at 5.17 in
25 the morning on 19 June 2012. And if we could go to column M, is it correct that the

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1 call is pinging a cell tower in Gao? Is that correct, Mr Witness?

2 A. [13:54:34] If I compare it with Swiss data and I would have to come to a
3 conclusion, I would say, yeah -- yes. The antenna is in Gao, wherever that might be.
4 So for me this would be a location which refers to the antenna via which the target
5 number communicated at that point in time.

6 MS TAYLOR: [13:55:07] Mr President, may Mr Al Hassan be excused at this point in
7 time?

8 PRESIDING JUDGE MINDUA: [13:55:17](Interpretation) Of course, Ms Taylor.
9 Yes, this would need to be noted down for the transcript.

10 MS TAYLOR:

11 Q. [13:56:00] Now if we can look at column K, the code ends in 63051. Now I'd
12 like to go down to row 7957, this is another contact on the same day at 1.45 p.m.
13 And if we go to column K -- column L, rather, we can see this is still Gao; is that
14 correct?

15 A. [13:56:47] Yes, in L I can see Gao as well. Yes, I would agree.

16 Q. [13:56:57] Now if we can go to the contact at 3.56. This is row 7960. And we
17 don't have a location in L or M, but the code in K is 62863 and it's the same code as the
18 one three rows up which refers to Gao. So would that mean that the phone is still
19 pinging a cell tower in the region or area of Gao?

20 A. [13:58:13] I cannot confirm it because this is information you will only get from
21 the provider as such. I assume that this is the case, but I don't know.

22 Q. [13:58:30] Well, if we assume that the contact three rows up is in Gao, would
23 that mean the contact three rows down, which is pinging the same cell tower code,
24 would be in the same area?

25 MR GARCIA: [13:59:00](Interpretation) It would seem already to me that the

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1 witness has already answered the question to the best of his knowledge. The
2 witness has already contended that he was not in a position to answer this question
3 on the part of the Defence with regard to this specific matter. We're coming back to
4 the same question again.

5 PRESIDING JUDGE MINDUA: [13:59:27] * Ms. Taylor, yes.

6 MS TAYLOR: [13:59:28] I can reformulate it without asking him to address the
7 accuracy issue. It's a matter of reading these records.

8 PRESIDING JUDGE MINDUA: [13:59:38](Interpretation) Very well. Very well,
9 Ms Taylor.

10 MS TAYLOR:

11 Q. [13:59:41] So Mr Witness, without asking you to interpret or to analyse the
12 accuracy of this information, if the cell tower in column K is the same as a cell tower
13 three rows down, do we take it from that, that the call is pinging the same tower?

14 MR GARCIA: [14:00:12](Interpretation) I'm going to object once again, Mr President.

15 PRESIDING JUDGE MINDUA: [14:00:18](Interpretation) Mr Prosecutor, what's
16 going on?

17 MR GARCIA: [14:00:21](Interpretation) For us to have a useful answer, we would
18 have to say what column and line we're talking about, because essentially we are not
19 talking about the same figures here. So there will be confusion subsequently. If we
20 merely say to the witness that we're talking about figures or saying it's the same as the
21 number up the sheet, I think this is going to make it even more confusing rather than
22 shedding light. If the Defence has something to plead, then fine, but here we are
23 seeking some form of conjecture on the part of the Defence. I think we're talking
24 about line 7960. There is no indication in column L.

25 THE INTERPRETER: [14:01:18] Says counsel very far from his microphone.

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1 PRESIDING JUDGE MINDUA: [14:01:21](Interpretation) Ms Taylor, please.

2 MS TAYLOR: [14:01:21] Thank you, Mr President. I'm not addressing column L
3 now, I'm addressing column K, which has data in it. And I will give the row
4 numbers if my colleague could let me. Now, I'm dealing with row 7957 and then
5 row 7960.

6 PRESIDING JUDGE MINDUA: [14:01:48](Interpretation) Please go ahead,
7 Ms Taylor. We are indeed dealing with column K.

8 MS TAYLOR:

9 Q. [14:01:54] Now, Mr Witness, in column K we can see a figure ending with 62863,
10 and it's the same figure in row 7957 at --

11 MR GARCIA: [14:02:15](Interpretation) The problem is that the last four figures are
12 not the same.

13 PRESIDING JUDGE MINDUA: [14:02:23](Interpretation) Please wait, Mr Prosecutor,
14 until I give you an opportunity to address the Court.

15 MR GARCIA: [14:02:31](Interpretation) I'm very sorry, but we have to be very, very
16 careful here. The Defence counsel is saying that the last four numbers are the same,
17 but they aren't. * One is 62863, and the other is,
18 I believe, 63383.

19 So, this is not the same thing at all. 7957 -- if we look at 7957, column K -- it's the four..
20 the five last figures, it's 63383.

21 If we look at 7960, the five last figures are different: 62863.

22 Whilst, if we read, if we look at the transcript,
23 Ms Taylor claims that they are the same,
24 which is not the case.

25 PRESIDING JUDGE MINDUA: [14:03:24](Interpretation) I have the impression it's

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1 the same number.

2 Ms Taylor, your thoughts?

3 MR GARCIA: [14:03:39](Interpretation) The last five figures, 7 --

4 THE INTERPRETER: [14:03:46] Inaudible. If counsel could speak into the
5 microphone.

6 MR GARCIA: [14:03:56](Interpretation) When Ms Taylor says they are the same
7 figures, that is not the case. I want that to be reflected in the record because I do not
8 want any confusion.

9 PRESIDING JUDGE MINDUA: [14:04:13](Interpretation) This time I agree with the
10 Prosecution. The numbers are indeed quite different.

11 MS TAYLOR: [14:04:21] Thank you, Mr President. We can do this another way
12 then, which will be a slightly lengthier way.

13 If we can go to another Prosecution document. It's at tab 80, Prosecution binder.

14 It's MLI-OTP-0056-0297. In the interest of saving time, if we could bring up OTP tab

15 15. This is MLI-OTP-0061-1878. Shown on evidence 2.

16 Q. [14:06:26] Do you see this map in front of you, Mr Witness?

17 A. [14:06:33] Yes, I can see it. It is blurred, but I can see it.

18 Q. [14:06:39] Now, Mr Witness, can you see the distance between Timbuktu and
19 Gao on this map?

20 A. [14:06:51] Well, yes, but I cannot really see what is what because the map is
21 indeed blurred.

22 Q. [14:07:01] We're going to zoom it in.

23 A. [14:07:15] The writing is still blurred, but I can see on the left-hand upper side
24 Timbuktu and then on the right side Gao; would that be correct?

25 Q. [14:07:30] Yes, that's correct. Now we're just going to zoom in to the -- the scale

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1 of distance on the map.

2 PRESIDING JUDGE MINDUA: [14:07:45](Interpretation) In the meantime, I should
3 mention just for the sake of the transcript that Mr Al Hassan is back with us.

4 MS TAYLOR:

5 Q. [14:08:02] On the left you can see the scale, but unfortunately it's not being
6 provided to us in a very clear format.

7 Now, Mr Witness, given the distance between Gao and Timbuktu, if a phone pings an
8 antenna in Gao, is it possible or probable that the phone could actually be in
9 Timbuktu at that point?

10 MR GARCIA: [14:08:40](Interpretation) I object.

11 THE WITNESS: [14:08:48](Interpretation) There is a scale, but it doesn't say
12 anything about the distance, actually.

13 PRESIDING JUDGE MINDUA: [14:08:55](Interpretation) Mr Prosecutor?

14 MR GARCIA: [14:08:58](Interpretation) Your Honour, we have to be fair to the
15 witness. First of all, the map is not visible enough, we can't see the distances, and
16 now counsel is asking the witness to engage in conjecture. We've already seen that
17 the distances on this map is not clear, and then he's being asked a question that's
18 going to lead him into conjecture. I think before such a question is put, the
19 foundations have to be laid. I think we should go one step at a time and then
20 determine whether the witness is actually in a position to answer the question.
21 Otherwise, we'll just end up with something that is quite pointless.

22 PRESIDING JUDGE MINDUA: [14:09:51](Interpretation) I agree. Ms Taylor has
23 had the image zoomed and she has put her question to the witness.

24 And, Ms Taylor, please be fair with the witness.

25 MS TAYLOR: [14:10:09] I believe that these were maps that were attached to the

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1 expert report and created by the expert for the very specific purpose of trying to
2 identify the location of various phone contacts. Now, if this falls outside the scope of
3 the expertise of these witnesses, and if this is an issue which would amount to
4 conjecture, then that calls into question the very admissibility of these maps. Now,
5 we are entitled to put questions to the witnesses concerning the methodology and
6 concerning what inferences can and should be drawn from the items that they
7 produced as part of their own expert report. And if certain issues of scale aren't
8 clear, we're not in a position to correct that because these were created by these expert
9 witnesses.

10 PRESIDING JUDGE MINDUA: [14:11:14](Interpretation) Yes, the Prosecutor is not
11 opposed, but he has asked you to go one step at a time.

12 MS TAYLOR:

13 Q. [14:11:22] Well, Mr Witness, if we have a number pinging a cell tower in Gao at
14 say, for example, 1.45 p.m., is it possible for that phone to be located in an area which
15 is, for example, over a hundred kilometres away?

16 A. [14:12:09] It's not impossible. It depends on the topography and on the density
17 of the number of antenna. In Switzerland that would hardly be possible because we
18 have a very dense network and every -- if you had a call on two antenna that are
19 relatively far away from each other. But, of course, if you have a country such as
20 Mali with a completely different topography, that might be -- that is possible that the
21 first call would be -- would ping to one antenna and the second one on another
22 antenna that is maybe further away. But that really depends on the topography and
23 on the density of the telephone network. And I don't know about the situation in
24 Mali with this respect, so I cannot tell you.

25 But also in Switzerland there are calls where within a few minutes one antenna is

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1 pinged, and then another one which is 20 to 30 kilometres away, and that it is used by
2 this same mobile phone. That is possible. It depends very much on the topography
3 and the technology that is being used.

4 But, well, for this specific case, I can't tell you anything about it. You would need to
5 ask a technician that knows about the situation in Mali.

6 Q. [14:13:49] Well, as a call data analyst expert, if we have a series, say four
7 contacts over the space of say four hours all pinging towers in one location, is it
8 reasonable to infer that during that time period the phone is in a completely different
9 location over a hundred kilometres away without pinging those cell towers?

10 A. [14:14:41] That depends again on the infrastructure that is available by the
11 provider in the specific area. I cannot say anything. It's not impossible, but
12 I cannot give you a conclusive answer. You will only get that from the provider of
13 this specific country. I would never be able to say anything about the topography
14 and the technology in Mali. So I can -- I'm not able to answer this question.

15 Q. [14:15:14] So, Mr Witness, who created the maps that are in the expert report
16 showing contact relays in the city of Timbuktu?

17 A. [14:15:37] My colleague Mr Grassi set up these maps.

18 Q. [14:15:42] And what was your role in the creation of these maps?

19 A. [14:15:55] I already said this morning that when it comes to the import of data
20 we used the Cell-IDs and connected them with the geocoordinates, longitude and
21 latitude, in order to be able to present them on a map. And this geocoding of the
22 Cell-IDs, that is -- that was my task. I did that on the basis of an additional Excel file
23 which we also received by the OTP in March 2018, and with the additional service of
24 Combain, of this internet site, where you can also geocode Cell-IDs. We used that.
25 So that was my contribution in order to be able to put the antenna on a map.

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1 Q. [14:17:06] Mr Witness, can you explain what an azimuth is?

2 THE INTERPRETER: [14:17:17] German booth would like -- could you please repeat
3 that for the German booth. Thank you.

4 MS TAYLOR:

5 Q. [14:17:25] Can you explain what an azimuth is?

6 A. [14:17:32] An azimuth is -- shows in which direction an antenna is pointing.
7 Ninety degrees -- an azimuth of 90 degrees for an antenna would mean that the
8 antenna is directed towards the east, at least in Switzerland, and I suppose the same
9 would be true for Mali. So the azimuth can be 360 degrees at the most. So that
10 would be the full circle and it would show you in which direction the antenna is
11 directed.

12 Q. [14:18:21] And why is this information relevant to cell site analysis?

13 A. [14:18:32] Well, it is relevant because if we determine that somebody has
14 communicated via telephone cells who was logged in and we know the direction of
15 the antenna, then we have the -- then we can infer where the telephone was located,
16 whether it was to the north, south, east or west of the antenna. But it depends on the
17 topography. If there are high buildings, or if there are rocks, there's a -- there's a
18 possibility that the mobile telephone could even be positioned in the opposite
19 direction of what the antenna would show.

20 Q. [14:19:28] Mr Witness, earlier you said depending on the topography it would
21 be possible -- could be possible for a phone to ping a tower over a hundred kilometres
22 away. So if we don't have this information concerning the azimuth of that tower,
23 would it mean that it could be not just over a hundred kilometres in one direction, but
24 over a hundred kilometres in a 360 degree direction around the cell tower?

25 A. [14:20:04] Well, as far as the number of kilometres is concerned, that seems a bit

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1 much. But a local provider could give you more information. Our experience in
2 Switzerland, a mountainous country, show that the azimuth is less reliable if there is
3 mountainous terrain because there is reflection. But it depends on the topography.
4 The flatter the country is, the lesser the possibility that the direction is not correct.
5 But about the distance, I cannot give you any information.

6 Q. [14:20:50] Now, Mr Witness, you've mentioned topography. Now, apart from
7 topography, what else can impact upon cell tower coverage?

8 A. [14:21:12] Here, again, you would have to ask a telecom specialist engineer. As
9 far as I know, distance is the most important factor, then also how strong the antenna
10 is and how strong the mobile device is, and also how many antennas there are. If
11 there is an antenna quite far away and is not very strong, the mobile telephone will
12 still be logged into that antenna if there is no other antenna. So the telecom
13 technology is such that the mobile device always chooses the antenna which has the
14 strongest signal. It can be an antenna which is relatively near, but it could also be
15 one which is relatively far away.

16 Q. [14:22:11] So you've mentioned distance and strength. Would other factors be
17 network congestion?

18 A. [14:22:30] Yes, that would be possible. As far as I know, even if the mobile
19 device would like to switch to a stronger antenna but this antenna has no free
20 capacity because it is already overcharged by other connections, it would be possible
21 that no connection would take place. So the mechanisms of the connection between
22 mobile device and antenna is automated and is dependent on many factors. And the
23 user himself cannot influence those factors.

24 Q. [14:23:13] So would it be correct that the fact that a phone pings different
25 antennas in the same general area doesn't necessarily mean that the phone has moved

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1 between those antennas?

2 A. [14:23:34] That is correct. It is possible to stay in the same place while the
3 mobile telephone itself changes antenna. That is correct. So there is a movement
4 picture on the map. Several antennas would be shown at the same point in time
5 while the mobile device has not changed position. That is possible, yes.

6 Q. [14:24:12] Now, you've mentioned that you've relied on the information
7 provided to you regarding the GPS coordinates of the cell sites, and you also, in some
8 instances, found information from the internet. Now, if this information was
9 incorrect, would that undermine the reliability of your analysis?

10 A. [14:24:44] Well, on the one hand we have the secured information officially by
11 the OTP. Those were those Cell-IDs. And part of them had coordinates and we put
12 them then in the connection data in order to put them reliably on a map. On the
13 other hand, we had a multitude of Cell-IDs about which we did not get any
14 coordinates. And in order to visualise them nevertheless on a map, we ourselves
15 geocoded them via the internet. Those are paid services. So they don't know where
16 exactly the antennas are located. They use algorithms I am not familiar with. And
17 we also use these services partly when we have data about Cell-IDs from abroad and
18 we use them to determine how a person, for example, travelled through Europe. So
19 more or less you can determine where the antennas are located.

20 In this case, we conferred with the OTP and used this method in order to locate the
21 cells even if we don't have coordinates, knowing that those informations are less
22 precise. And that led to our saying where those antenna probably might be. So
23 wherever we saw the telephone, we had operator information -- actually, we -- we
24 checked whether these data came from the operator or from Combain. So this is an
25 uncertainty which we also reckoned with. But the main thing was we wanted to

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1 know where this information is from and how reliable is the information.

2 Q. [14:27:12] Did the Prosecution inform you that in 2018 they sent a forensic
3 expert to Timbuktu to identify the location and azimuth of the antennas concerned by
4 your report?

5 A. [14:27:38] I don't know if somebody of our department has had this information,
6 but for me it is new information. So personally I did not know that.

7 Q. [14:27:50] Would that information have been relevant to your analysis of
8 locations?

9 A. [14:28:06] I couldn't say off hand. Probably you might have more or less
10 analysis, but had we -- had I known that, but I can't say in hindsight.

11 Q. [14:28:20] I'd like to turn to Defence tab 4. That's MLI-OTP-0063-0037 at 0286.
12 Now, Mr Witness, if we can go to site 9, this row refers to antenna Orange Sans Fil
13 and it gives a specific location. Do you have that in front of you or is it -- I'll wait till
14 it comes up on your screen.

15 Mr Witness, can you see that on your screen, there's a row 9 referring to --

16 A. [14:30:18] I have it on the screen in front of me. I see the table, yes.

17 Q. [14:30:23] And can you see that on the left-hand side we have specific mission
18 coordinates which are based on the coordinates provided by Orange Mali, and then
19 on the right-hand side we have the coordinates found by the Prosecution forensic
20 expert.

21 And can you see here that the Prosecution forensic expert, it says "*non localisée*", was
22 not able to find the antenna, that is, it was not present in the location provided?

23 A. [14:31:11] Yes, I can see that.

24 Q. [14:31:18] Would you agree, Mr Witness, that if the antenna isn't where you
25 think it is, that can impact upon any analysis based on location?

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1 A. [14:31:37] Yes, but I would say you would also have to think about that - at least
2 from our experience in Switzerland, we had such cases - that those providers almost
3 daily put up a new antenna or take down another antenna or cell, and that the
4 Cell-IDs which were in use until a year ago all of a sudden disappear or that there are
5 new antennas which were not present a year ago. So as far as I am concerned, this
6 *non localisée* is -- would not necessarily mean that it is incorrect. It could also be that
7 this antenna has been inactivated or was not present a time ago. But whether that is
8 the case here, I don't know. But if I read this line 09 and the remark *non localisée*, I
9 could imagine that that would be the case.

10 Q. [14:32:53] Now, Mr Witness, you've said that cell towers can come up and come
11 down or be moved on a frequent basis. Would it mean therefore that it's better to
12 have location data generated contemporaneous to events, so for example, 2012?

13 A. [14:33:29] Yes, of course. In Switzerland the geocoordinates are always
14 supplied with the measure itself, so the data of the provider at the time. I don't
15 know whether that is the case in other countries, but if this expert report is from 2018
16 and the antenna is not present anymore, it would not mean that it wasn't there in 2012.
17 The circumstances might have been very different between 2012 and 2018.

18 Q. [14:34:09] So location data --

19 A. [14:34:13] But only the Malian provider can give you information on that
20 because they know when and where they build new ones or deactivated old ones.

21 Q. [14:34:28] And if the Malian provider generates location data in 2018 would that
22 be less reliable than if it had done so in 2012?

23 A. [14:34:51] No, the Malian provider can tell you whether the data are still the
24 same or whether there have been changes. I can't tell you about that, whether the
25 data are no longer correct, just because they are six years old. Also, in Switzerland

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1 we have antenna that have been up and running for 20 years in the same location and
2 have the same coordinates. So only the Malian provider or operator will be able to
3 shed light on that.

4 Q. [14:35:17] Now, Mr Witness, if we can turn to row 10, this concerns the Orange
5 antenna at Bellaferandi, and we have a set of GPS coordinates on the left-hand side
6 and a different set on the right-hand side; that's correct?

7 A. [14:35:42] Yes, I can see that.

8 Q. [14:35:50] Do you confirm that there's a difference in the coordinates between
9 the two sets?

10 A. [14:36:02] Yes, I can confirm that they are not the same.

11 Q. [14:36:07] And if we go to row 4, that's antenna Orange 1 and again we have two
12 sets of coordinates. Can you confirm whether there's any difference in the
13 coordinates?

14 A. [14:36:27] Yes, I can confirm that there is a difference.

15 Q. [14:36:33] And if we look at row 12, can you identify whether there's any
16 difference in coordinates?

17 A. [14:36:49] Yes, there is a difference here as well.

18 Q. [14:36:55] Now I'm going to turn to tab 7 of the Defence binder, this is
19 MLI-D28-004-7995. It should also be shown on evidence 2. And can you see the
20 two different sets of coordinates have been inserted on to a Google map?

21 A. [14:37:43] Yes, I can see that. It's a little bit blurred, but I can see it and I can
22 also see the coordinates.

23 Q. [14:37:52] And are these the same sets of coordinates that were listed in respect
24 of site 10? Do you have that still in front of you, Mr Witness?

25 A. [14:38:10] I need to compare them quickly.

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1 Q. [14:38:15] It's Defence tab 4 in the binder in front of you. So you can compare it
2 by looking at Defence tab 4 and by then looking at the image on the screen in front of
3 you.

4 A. [14:38:35] What did you say, row 12 or 10? Which row was it?

5 Q. [14:38:40] Site 10.

6 A. [14:38:56] I can confirm that in row 10 there are two different sets of coordinates
7 and that these two different coordinates correspond to the ones inserted in the Google
8 map.

9 Q. [14:39:11] Now, bearing in mind that we don't have azimuths, would that mean
10 that there's quite a significant degree of difference between the two sites?

11 A. [14:39:33] Yes, I can see that the distance is 800 metres, but that has nothing to
12 do with the azimuth. There is a difference of around 800 metres between the one set
13 of coordinates and the other set of coordinates. I can confirm that.

14 Q. [14:39:55] Now if we look at the one at the bottom, now because we don't have
15 azimuths, if a phone connection was plotted to this connection it could be anywhere
16 360 degrees around that, that's correct, in any direction?

17 A. [14:40:22] No, I cannot confirm that. I don't know enough about the situation,
18 about the number of antennas that are around here. So I cannot give you a
19 conclusive answer to your question. I can only confirm that these two sets of
20 coordinates are relatively far from each other. Why this is the case, I don't know. I
21 also don't know who set up this Excel sheet. I don't know that and I am not able to
22 give you a conclusive answer to that, especially as you're referring to azimuth again.
23 So I can confirm to you that there are differences, but how they came about, I cannot
24 tell you that.

25 Q. [14:41:12] Now, Mr Witness, you testified earlier that you didn't create the maps

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1 in the report, but did you provide the data to your colleague in order to create these
2 maps?

3 A. [14:41:32] Yes, that is correct.

4 Q. [14:41:37] Do you recall if you relied on any data from cell site 10, that's the
5 antenna at *quartier* San Fils or Bellaferandi? Sites 9 or 10, sorry.

6 A. [14:41:59] I cannot confirm that because I worked with global Cell-IDs. But I
7 didn't have any addresses available so I used the technical identification of the phone
8 cell, because this is very unique and clear, but I did not use the addresses as they are
9 listed in the table because they are not precise enough. If I use Cell-IDs I know that
10 they are unique and that there are no mistakes, but I -- but I can't see any global
11 Cell-IDs here and this is why I cannot confirm whether I used any information from
12 exactly this antenna.

13 Q. [14:42:47] Well then we can base this on Cell-IDs.

14 If we could pull up an Excel sheet, that's Prosecution tab 29, that's

15 MLI-OTP-0061-1933, and we'll be looking at row 3681.

16 And if we look at row 3681, this is a call on 20 June 2012. If we look at cell F it's
17 made to Cell-ID 610-02-60101-62581. And if we look at the row underneath it, it's
18 row 3682, it's made to Cell-ID 610-02-60101-62583.

19 Now, do you have in your physical binder a Prosecution tab 80 printed out? That's
20 MLI-OTP-0056-0297.

21 I'm also looking at the time, Mr President, and wondering how -- whether we should
22 conclude and start tomorrow. As I understood we were -- oh, 3.15. I apologise.
23 That's fine.

24 PRESIDING JUDGE MINDUA: [14:45:18](Interpretation) Ms Taylor, we can

25 continue until 3 o'clock. Then we will have done 2 hours. Is that all right with you?

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- 1 MS TAYLOR: [14:45:31] Certainly.
- 2 PRESIDING JUDGE MINDUA: [14:45:35](Interpretation) But just to ask you how
3 much time do you need?
- 4 MS TAYLOR: [14:45:41] We probably need about 40 minutes tomorrow.
- 5 PRESIDING JUDGE MINDUA: [14:45:59](Interpretation) Could we maybe take a
6 break for 10 minutes and then continue to the end of the 45 minutes?
- 7 MS TAYLOR: [14:46:11] I think it would be longer. It would be another half an
8 hour and then it would be an additional 40 minutes. And it would mean that my
9 client would have to waive his right to be present again.
- 10 PRESIDING JUDGE MINDUA: [14:46:33](Interpretation) Very well. Then let's
11 continue until 3 o'clock. Yes, sorry, I'm getting it wrong. Until quarter past 3. Yes.
12 Please go ahead.
- 13 MS TAYLOR: [14:46:50] Thank you.
- 14 Q. [14:46:51] Mr Witness, do you have a printout of Prosecution tab 80?
- 15 A. [14:47:04] Tab 80 is just one sheet with the number of the -- of the document.
16 I think this is a reference to a file; is that correct?
- 17 Q. [14:47:23] Yes, it is. And if we could look at -- if you could look at number 258
18 in the far left column. Are you able to locate that?
- 19 A. [14:47:51] No, I can't.
- 20 Q. [14:47:59] Do you see, Mr Witness (Overlapping speakers)
- 21 A. [14:48:02] I can see your Excel sheet, yes, I can see that.
- 22 Q. [14:48:09] (Overlapping speakers) an Excel sheet. It should be a document in
23 the Prosecution binder. It's tab 80 the Prosecution binder.
- 24 A. [14:48:23] I am looking at document 80 and it's about a non-image file with
25 reference 2 -- 0056-0297.

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1 Q. [14:48:38] That's correct. And, Mr Witness, can you see on the far left column
2 numbers? Far left column.

3 A. [14:48:58] At the moment I cannot see anything. I just see a blue background.

4 Q. [14:49:05] In the tab in front of you - I feel like we're speaking at
5 cross-purposes - do you have a physical document? It's just easier than having to
6 scroll between different things on the screen. If you have the physical document in
7 front of you, then I can show the Excels to correspond to it at the same time on your
8 screen.

9 A. [14:49:32] Document 80 is just a reference, but it's not a document. It's just a
10 reference to an electronic file.

11 PRESIDING JUDGE MINDUA: [14:49:46](Interpretation) Mr Prosecutor, also this is
12 just a white sheet with a reference in my folder as well, and I can see that in many of
13 the tabs it's the same. So the witness has the same issue as I have.

14 MR GARCIA: [14:50:03](Interpretation) I do apologise, but I can see that the Defence
15 in other examples has shown the relevant document to the witness and that's the way
16 to go forward. Because it is impossible to print out this kind of Excel sheet because
17 it's a hundred pages in length or more. So one needs to go about it in an electronic
18 manner. It's the only way to put questions with regard to this type of evidence and
19 that's the way we've been going about it up to now.

20 PRESIDING JUDGE MINDUA: [14:50:34](Interpretation) So who is going to do that?
21 Will it be the Defence or will it be the courtroom officer showing that?

22 MS TAYLOR: [14:50:41] Mr President, we can certainly do it, just it will take longer
23 because we will have to go between different documents rather than having the
24 witness look at a physical document while looking at a screen.

25 So we'll bring this on the screen and if we ...

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1 Q. [14:51:00] Now, Mr Witness, can you see on your screen at the far left a series of
2 numbers going down, one of which is number 258?

3 A. [14:51:18] I see a colourful table. But it's very blurred. I cannot recognise any
4 numbers unfortunately. I think you need to make it bigger.

5 Q. [14:51:31] We'll zoom in.

6 Mr Witness, can you now see on the far left a number 258?

7 A. [14:52:04] It is still very blurred. I cannot read it. I know that it's made out of
8 three digits, but I cannot read it myself.

9 MS TAYLOR: [14:52:15] I'm wondering if it would be possible for the court officer
10 on location to print it for the witness?

11 PRESIDING JUDGE MINDUA: [14:52:29](Interpretation) Mr courtroom officer,
12 please.

13 THE COURT OFFICER: [14:53:02] Your Honour, my colleague in the VTC location
14 will ask and revert once he has information.

15 PRESIDING JUDGE MINDUA: [14:53:20](Interpretation) Very well. I don't know,
16 just one second, please.

17 Mr courtroom officer, what will be the next stage?

18 THE COURT OFFICER: [14:53:41] I will send the document -- I will need to send the
19 document to my colleague at the VTC location in order for him to have it printed it
20 out. It may take some time.

21 MS TAYLOR: [14:53:48] What i would suggest, if that would be acceptable to the
22 Chamber, is if I move on to a different part of questioning and I group all the
23 questioning concerning this document for tomorrow so that they -- and we can ask for
24 the relevant documents to be printed, as I believe it will be much easier for the
25 witness to have printed documents.

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1 PRESIDING JUDGE MINDUA: [14:54:10](Interpretation) Yes, you're exactly right,
2 let's move on to something else.

3 MS TAYLOR: [14:54:18] It's possible that we may therefore finish before 3.15
4 because this group of questioning is all together, just to inform the Chamber.

5 Q. [14:54:32] Now, Mr Witness, were you paid by the ICC Prosecution to prepare
6 this report?

7 A. [14:54:51] As far as I know, not. But I didn't deal with all these administrative
8 issues and I did not participate in the communication between my superior and the
9 OTP, so I did not participate in it so I don't know.

10 Q. [14:55:16] In your position in the federal police are you engaged or were you
11 engaged in any investigations concerning Mali? And please let me know if we need
12 to go into private session.

13 A. [14:55:43] No, I have never had anything to do with Mali or any investigations
14 taking place in Mali, no.

15 Q. [14:55:54] And should I take it from that that you haven't been engaged in any
16 counterterrorism investigations concerning Swiss nationals who might be impacted
17 by events in Mali?

18 MR GARCIA: [14:56:07](Interpretation) Mr President.

19 PRESIDING JUDGE MINDUA: [14:56:09](Interpretation) Mr Prosecutor.

20 THE WITNESS: [14:56:11](Overlapping speakers)

21 PRESIDING JUDGE MINDUA: [14:56:18](Interpretation) Mr Witness, wait, please.
22 Mr Garcia.

23 MR GARCIA: [14:56:21](Interpretation) With your leave, Mr President. I am not
24 going to go into further details, but I believe it would be good to move into private

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1 session with regard to certain questions being raised.

2 PRESIDING JUDGE MINDUA: [14:56:32](Interpretation) Yes, that was precisely my
3 fear.

4 MR GARCIA: [14:56:35](Interpretation) And in view of the nature of the question.

5 PRESIDING JUDGE MINDUA: [14:56:39](Interpretation) Yes.

6 Please, courtroom officer, could we move into private session, please.

7 (Private session at 2.56 p.m.)

8 THE COURT OFFICER: [14:56:47] We're in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [14:56:58](Interpretation) Very well. Thank you
10 very much.

11 Ms Taylor, please.

12 MS TAYLOR: [14:57:05]

13 Q. [14:57:05] Mr Witness, in your role working with counterterrorism, were you
14 involved in any investigations involving Swiss nationals who were impacted by
15 events in Mali?

16 A. [14:57:27] No, not to my knowledge.

17 Q. [14:57:32] Now, Mr Witness, I can ask these in private session and then if you
18 could indicate whether we could go into open session or whether we should stay in
19 private session.

20

21

22 A. [14:57:57] I would prefer closed session, please.

23 PRESIDING JUDGE MINDUA: [14:58:08](Interpretation) We are already in private
24 session, Ms Taylor.

25 Mr Prosecutor.

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1 MR GARCIA: [14:58:15](Interpretation) I also wonder, Mr President, whether --

2 THE INTERPRETER: [14:58:19] Overlapping speakers.

3 PRESIDING JUDGE MINDUA: [14:58:21](Interpretation) Please go ahead,

4 Mr Prosecutor.

5 MR GARCIA: [14:58:23](Interpretation) I'm just wondering about the relevance of
6 this question.

7 PRESIDING JUDGE MINDUA: [14:58:31](Interpretation) Well, we'll see about that.

8 Ms Taylor, maybe you could explain the relevance of this question.

9 MS TAYLOR: [14:58:41] Well, my follow-up question is did your work -- I haven't
10 yet got a response, but my follow-up question based on his CV would have been
11 whether his work involved analysis of call data records or cell site analysis. I do
12 have to go back to the first question to move to the second.

13 PRESIDING JUDGE MINDUA: [14:59:08](Interpretation) Please go ahead. Please
14 put the question, Ms Taylor.

15 MS TAYLOR: [14:59:12]

16 Q. [14:59:12] So we're going back to the first question, Mr Witness. [REDACTED]

17 [REDACTED]

18 A. [REDACTED]
19 as -- [REDACTED]

20 Q. [14:59:47] And did this visit involve any analysis of call data records or cell site
21 analysis?

22 A. [15:00:06] Analysis for cell data, mainly the connection data and not so much
23 about location. So it was more about who called whom and not so much the analysis
24 of cell data.

25 Q. [15:00:23] And what year was this?

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1 A. [15:00:30]

2

3 Q.

4

5 A. [15:01:06] This name does not mean anything to me.

6 Q. [15:01:11]

7

8

9

10 A. [15:01:42] No.

11 Q. [15:01:43] Do you know if your analysis was relied upon?

12 A. [15:01:52] No, I don't know. I didn't do analysis. I mainly explained the
13 techniques about analysis. So it was more a technical support and not concrete
14 analysis.

15 Q. [15:02:15] Now, before today have you testified as an expert before an
16 international tribunal before?

17 A. [15:02:28] No, not before an international tribunal.

18 Q. [15:02:32] Have you testified before non-Swiss courts?

19 A. [15:02:43] No.

20 Q. [15:02:46] Would it be fair to say that your expertise concerning call data records
21 is directed primarily towards call data records generated in Switzerland?

22 A. [15:03:03] You could put it that way.

23 MS TAYLOR: [15:03:08] Mr President, my remaining questions would require me to
24 go back to those documents, so I believe that it will be quicker for the witness if I can
25 group those questions together and proceed with them tomorrow.

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1 PRESIDING JUDGE MINDUA: [15:03:32](Interpretation) I don't know whether the
2 court officer in the remote location was able to print out the document.

3 Courtroom officer?

4 THE COURT OFFICER: [15:03:41] Your Honour, in order for the documents to be
5 printed, our colleague would need to leave the VTC room, therefore leaving the
6 witness alone. Perhaps a small break could resolve this, but it should be possible to
7 have the documents printed immediately.

8 PRESIDING JUDGE MINDUA: [15:04:00](Interpretation) Very well.

9 I think it's time just to adjourn, after all we only have 10 minutes left. We will
10 continue tomorrow.

11 Mr Witness, we have come to the end of today's hearing.

12 Courtroom officer, public session, please.

13 (Open session at 3.04 p.m.)

14 THE COURT OFFICER: [15:04:44] We're back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [15:04:50](Interpretation) Thank you very much,
16 courtroom officer.

17 Mr Witness, we have come to the end of today's hearing. The Chamber thanks you
18 very much for answering the questions that have been put to you today very clearly.
19 All the same, as you may have noticed, your testimony has not concluded and so
20 please return tomorrow for the continuation of your testimony.

21 In the meantime, please don't forget that you are not allowed to talk about your
22 testimony to anyone at all, not to members of your family, not to friends in the event
23 that you are in contact with any of them this evening.

24 Have you understood, Mr Witness?

25 THE WITNESS: [15:06:02](Interpretation) I understood, yes.

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1 PRESIDING JUDGE MINDUA: [15:06:07](Interpretation) Thank you very much.

2 Thank you very much, Mr Witness.

3 So before adjourning for the day, I would like to convey my usual thanks to the
4 parties and participants, to the court reporters and interpreters, to our security
5 officers, and to those listening in.

6 We shall resume tomorrow at 9.30 in the same courtroom.

7 The hearing is now adjourned.

8 THE COURT USHER: [15:06:46] All rise.

9 (The hearing ends in open session at 3.06 p.m.)

10 CORRECTIONS REPORT

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

13 Page 15 lines 15-17

14 "We got a third delivery of data and I assume that they are precise because they can
15 only come from the operator was my impression." Is corrected to "We got a third
16 delivery of data on DVD. I assume that they are precise because I got the answer that
17 they could only have come from the operator himself.

18 Page 16 line 9

19 "geocoded" Is corrected to "geocoding"

20 Page 17 line 25

21 "number." Is corrected to "numbers"

22 Page 24 line 22

23 "the most context to the target number," Is corrected to "the most contact with the
24 given target number."

25 Page 33 line 1

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1 "where" Is corrected to "were"
2 Page 37 lignes 19-20
3 "I don't understand." Is corrected to "I can't confirm it."
4 Page 37 ligne 21
5 "understand" Is corrected to "confirm"
6 SECOND CORRECTIONS REPORT
7 The following corrections, marked with an asterisk and not included in the
8 audio-visual recording of the hearing, are brought into the transcript.
9 Page 10 line 2:
10 "page 1646" is corrected to : "page 1648"
11 Page 15 lines 21-23:
12 "Q. [10:23:50] In this section you make a distinction between the data and the -- data
13 and geographic coordinates regarding location from operator, and then from the
14 information from the Combain service. Now is that correct? Have I understood
15 correctly?"
16 is corrected to:
17 "Q. [10:23:50] In this section, you differentiate between the data, the relay locations
18 that came from the Malian "Operator" providers or from the "Combain" service.
19 "Combain" is the Internet service to which you are referring, if I understand
20 correctly?"
21 Page 43 line 5:
22 "overlapping speakers" is corrected to "Ms. Taylor, yes."
23 Page 44 lines 17-24:
24 " One is 62 --
25 THE INTERPRETER: [14:02:47] Inaudible.

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- 1 MR GARCIA: [14:02:48](Interpretation) -- and the other one is, I believe, 63383. So
- 2 it's not the same thing, not at all. Five -- column K, the last five numbers are --
- 3 THE INTERPRETER: [14:03:06] Inaudible.
- 4 MR GARCIA: [14:03:08](Interpretation) -- 760. The last five figures are different.
- 5 So when you read the transcript Ms Taylor says that these are the same, but that is not
- 6 the case."is corrected to:
- 7 "One is 62863, and the other is, I believe, 63383. So, this is not the same thing at all.
- 8 7957 -- if we look at 7957, column K -- it's the four.. the five last figures, it's 63383. If
- 9 we look at 7960, the five last figures are different: 62863. Whilst, if we read, if we look
- 10 at the transcript, Ms Taylor claims that they are the same, which is not the case."