

Trial Hearing
WITNESS: MLI-OTP-P-0626

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Wednesday, 6 October 2021
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:24] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:32:56](Interpretation) The hearing shall now
15 begin.
16 Good morning, everyone.
17 Court officer, please call the case.
18 THE COURT OFFICER: [9:33:05] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:33:27](Interpretation) Thank you very much,
23 court officer.
24 As is the case every morning, we shall begin with introductions.
25 OTP.

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1 MR GARCIA: [9:33:37](Interpretation) Good morning, your Honours. Mr Garcia
2 for the Prosecution and with Mr Mousa Allafi.

3 PRESIDING JUDGE MINDUA: [9:33:46](Interpretation) Thank you.
4 And now the Defence.
5 Counsel.

6 MS TAYLOR: [9:33:51] Good morning, Mr President. Good morning,
7 your Honours. Good morning to everyone in the courtroom and in Bamako.
8 The Defence for Mr Al Hassan is represented today by Ms Sarah Marinier-Doucet,
9 Ms Dolly Chahla and myself Melinda Taylor. Thank you.

10 PRESIDING JUDGE MINDUA: [9:34:11](Interpretation) Thank you.
11 And now the Legal Representative of Victims.

12 MR KASSONGO: [9:34:18](Interpretation) Thank you. Good morning,
13 your Honour, good morning, everyone. The victims are represented by
14 Ms Prisque Biyéké behind me and myself Kassongo Mayombo. And the team
15 thanks you.

16 PRESIDING JUDGE MINDUA: [9:34:37](Interpretation) Thank you, Mr Kassongo.
17 And finally the Rule 74 counsel for our witness.
18 Counsel.

19 MR DHIB: [9:34:56](Interpretation) Good morning, Mr Presiding Judge. Good
20 morning, judges. Good morning, everyone. My name is Hassen Dhib. I am
21 counsel of the witness and that is according to Rule 74 of the Rules of this Court.
22 Thank you.

23 PRESIDING JUDGE MINDUA: [9:35:24](Interpretation) Thank you very much,
24 Counsel.

25 This morning we will continue hearing witness -- correction: Hearing testimony

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1 from Witness P-626, a Prosecution witness. And we are now on cross-examination
2 by the Defence.

3 I now turn to the witness.

4 Good morning, Witness. How are you?

5 WITNESS: MLI-OTP-P-0626 (On former oath)

6 (The witness speaks Arabic)

7 (The witness gives evidence via video link)

8 THE WITNESS: [9:35:53](Interpretation) I am fine. Thanks.

9 PRESIDING JUDGE MINDUA: [9:35:58](Interpretation) Thank you very much.

10 On behalf of the house I would like to welcome you once again and I thank you for
11 making yourself available to give testimony.

12 I remind you that you are still under oath and that you must say the truth, the whole
13 truth and nothing but the truth.

14 Finally, I remind you of my advice regarding speaking before the Court. We must
15 all speak slowly, clearly, and we must allow for some breaks, some pauses as we
16 speak.

17 As you must realise, today we are continuing with the cross-examination by
18 the Defence.

19 As was the case yesterday, I would like to ask you to answer the questions put to you
20 clearly and with good will.

21 Without any further ado, I will hand over to Ms Taylor.

22 Ms Taylor.

23 MS TAYLOR: [9:37:04] Thank you, Mr President.

24 My line of questioning doesn't raise any issues under Rule 74, but it will not refer to
25 a specific location but a specific status that the witness had at the time of questioning.

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1 So is this a line of questioning I can put in open session, if the location is not
2 mentioned?

3 PRESIDING JUDGE MINDUA: [9:37:42](Interpretation) Mr Prosecutor, I don't see
4 any problem with that.

5 MR GARCIA: [9:37:47](Interpretation) No, I don't see a problem either, but I think
6 we'll have to be very careful.

7 PRESIDING JUDGE MINDUA: [9:37:56](Interpretation) Thank you for your
8 cooperation.

9 Ms Taylor, go ahead and begin with your cross-examination.

10 MS TAYLOR: [9:38:04] Thank you.

11 QUESTIONED BY MS TAYLOR: (Continuing)

12 Q. [9:38:08] To start with we're going to bring up Defence tab 56. This should not
13 be shown to the public. It's MLI-OTP-0078-4286, the relevant page will be 4290 so
14 that the reference can be available to the Chamber and the parties. And if that could
15 be shown on evidence 1.

16 Mr Witness, I have a point of clarification. Yesterday at transcript 143, page 86, you
17 said that [REDACTED]

18 [REDACTED].

19 My question is, Mr Witness, before this point, were you [REDACTED]?

20 A. [9:39:28] Yes.

21 Q. [9:39:29] At transcript 143, page 81 you stated you were [REDACTED].

22 Did anyone explain to you why [REDACTED]?

23 A. [9:39:55] No.

24 Q. [9:39:56] I'm going to turn to the same document and I'll be reading from pages
25 4291. I believe it can be read out in public. I'll -- and I'm reading it out in full to

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1 have the full extract so as not to have any issues with bits and bobs.

2 Now, this is information collected from you on 27 November 2018.

3 And the interviewer asked you: (Interpretation) "Could you tell me how you feel
4 today?"

5 (Speaks English) And you answered, and if we can scroll to the next page:

6

7

8

9

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11

12 Interviewer number 2: Very well. Uh, you're telling me that you're still

13

14 Witness: Yes. And ... umm ...

15 Interviewer 2: Very well.

16

17 Witness:

18

19 Interviewer 2: So you are pointing at a large 1 litre bottle of water.

20 Witness: Yes.

21 Interviewer 2: So you are saying that you have four of them

22 Witness: Oh, I have four now because when I last saw you, eh, I only had two

23 bottles. They added two more.

24 Interviewer 2: Oh, you mean that the bottles that you had at the end of our

25 interview, you left with the big bottles so now you have four today instead of two, is

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1 that correct?

2 Witness: Each day I bring a bottle with me from you.

3 Interviewer 2: Okay. And do [REDACTED]?

4 Witness: Oh, [REDACTED].

5 Interviewer 2: Okay, very well. I've understood. Is -- Interviewer 2: Ever since
6 our last interview have [REDACTED]?

7 Witness: No.

8 Interviewer 2: Have you [REDACTED]

9 [REDACTED]?

10 Witness: Before you or ever since [REDACTED]?

11 Interviewer 2: Since we saw each other in October.

12 Witness: No, [REDACTED].

13 (Speaks English) So, Mr Witness, this is an extract of an interview between you and
14 the Prosecution and it's dated [REDACTED]

15 Is it correct that at this point in time your health situation was worse?

16 A. [9:45:27] Yes, all this is correct. These were all things that I experienced while

17 [REDACTED] And all this is correct.

18 Q. [9:45:43] So for the record, by "all this", is it correct that you were [REDACTED]

19 [REDACTED]?

20 A. [9:46:00] Yes.

21 Q. [9:46:00] And [REDACTED]?

22 A. [9:46:08] Yes.

23 Q. [9:46:10] Mr Witness, was [REDACTED]?

24 A. [9:46:23] Yes. [REDACTED]

25 [REDACTED].

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1 Q. [9:46:51] And is it correct you had [REDACTED] since your last meeting with
2 the Prosecution?

3 A. [9:47:12] No, [REDACTED]

4 Q. [9:47:26] Had you [REDACTED]?

5 A. [9:47:52] [REDACTED]
6 quality -- quantity, I mean, but the quality was really bad.

7 Q. [9:48:02] And is it correct that you hadn't [REDACTED]?

8 A. [9:48:15] Yes, this is correct. I did not meet any -- any of them.

9 Q. [9:48:23] So, Mr Witness, yesterday at transcript 143, page 109, that's lines 15 to
10 17, I asked you: [REDACTED]

11 [REDACTED]"

12 And you answered: "I do not remember that a deterioration occurred."

13 So, Mr Witness, were you -- was that a confusion? Were you confused as to the time
14 period I was talking about?

15 A. [9:49:02] Yes. Because I thought you were talking about the period after I was
16 [REDACTED] So I thought that you were asking me about
17 that period about my health.

18 But as to the time where [REDACTED], my health deteriorated, I
19 did [REDACTED].

20 Q. [9:49:52] I'm going to turn to page 04295 -- sorry, 4295.

21 And it's a longer extract, so with the permission of the Chamber, if my colleague
22 Ms Chahla could read it out. There's a name but I believe we can just say "redacted"
23 for the name.

24 PRESIDING JUDGE MINDUA: [9:50:24](Interpretation) Go ahead, Counsel.

25 THE INTERPRETER: Sight translation.

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1 MS CHAHLA: [9:50:53] (Interpretation)

2 "Witness: I have many needs, requests, but two things I'm really waiting for
3 impatiently.

4 Interviewer 1: Okay.

5 Witness: First of all, [REDACTED] And, secondly, [REDACTED]

6 [REDACTED]

7 Interviewer 1: That, as I told you - we talked about that the last time - that is within

8 [REDACTED]

9 Interviewer 1: We stressed all of that, everything that you told us to

10 Prosecutor" -- redacted, name redacted.

11 "Interviewer 1: [REDACTED]

12 [REDACTED]
13 [REDACTED]

14 Interviewer 1: [REDACTED]

15 [REDACTED]

16 Interviewer 1: So as I said, we have spoken about this [REDACTED] [name
17 redacted] with whom we are working.

18 We can ask [REDACTED] [name redacted] [REDACTED] -- have

19 a meeting with you. If the conditions are brought together for that, he can do that
20 and you can speak directly with him as well.

21 I reiterate, we are stressing these problems, emphasising them. We are asking them
22 to do something, but we can insist that [REDACTED] [name redacted] sees you, sees you
23 to talk about that with him.

24 Witness: That's very important.

25 But if [name redacted] does not agree to your request, what can be done?

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1 Interviewer 1: Yes, counsel?

2 Legal counsel: Umm, thank you.

3 I just wanted to say something about [REDACTED] of my client [REDACTED]

4 [REDACTED]

5 What has been confirmed, going by what we've all heard, is that -- is my client is

6 [REDACTED]

7 And [REDACTED]

8 [REDACTED]

9 I must take my hat off to the senior investigator for what he has done, what he's

10 trying to do to ensure that my client has [REDACTED]

11 [REDACTED].

12 On one hand, we mustn't deny that the witness - in a case such as this one - is of vital
13 importance which obliges all of us to ensure the physical integrity of my client owing
14 to several conditions.

15 First of all, obtaining testimony from a person who has all his intellectual and
16 physical capacities.

17 And then as well, there's one important thing.

18 I have been able to deduce, uh, that [REDACTED] of my client, it's as if it's
19 on purpose to slow down the international judicial process and perhaps to eliminate
20 him so that the truth does not get out -- can't get out.

21 I call upon you to intervene and speak [REDACTED] to try to remove all these
22 hindrances, all these serious obstacles and to [REDACTED]

23 [REDACTED] like a human being, to preserve the process of
24 international justice and the life of my client who, as a witness, will perhaps be in
25 a position to help establish the truth in this case. Thank you.

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1 Thank you, senior investigator.

2 Interviewer 1: Fine. Thank you, Counsel, I will speak to [name redacted].

3 Interviewer 1: Mr [name redacted], if you think that you are not in a position to
4 answer our questions because your physical or intellectual capacities have been
5 affected in one way or another, up until now your answers have been extremely clear
6 and what you have said has been extremely clear.

7 We have always asked you if you understood and if -- and if you were -- were doing
8 all right. And you've already -- always said yes.

9 If you're not in a state such that you can answer or if you don't understand, or if
10 you are tired, we will stop immediately.

11 We completely understand that you are [REDACTED]
12 [REDACTED] your lawyer says that

13 [REDACTED]

14 Let me get back to this point, let me reiterate, we have [REDACTED]

15 [REDACTED].

16 We have nothing to do with [REDACTED]"

17 PRESIDING JUDGE MINDUA: [9:59:39](Interpretation) Mr Prosecutor.

18 MR GARCIA: [9:59:41](Interpretation) I'm sorry to interrupt, but is there any
19 question anywhere? We've had several pages read out. Are -- is the point of this to
20 have 15 pages read out and placed on the record? We are supposed to be here to put
21 questions to the witness so as to come to the truth. There are different speakers in
22 this transcript, including the legal adviser, so it is somewhat difficult and
23 complicated.

24 PRESIDING JUDGE MINDUA: [10:00:18](Interpretation) Ever since yesterday we
25 have been saying that things have to be put in context. As the Prosecutor has just

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1 said, several pages have been read out and so far no question. So what is going on?

2 MS TAYLOR: [10:00:31] Thank you, Mr President. That's exactly what we were
3 doing. I understood the gist of the Prosecution's complaint yesterday was that we
4 were not reading out full extracts.

5 Now I do have several questions to the witness, but given that the Prosecutor made
6 a very specific point that was upheld by the Chamber, that out of fairness to the
7 witness, we should first read the full extract in context, that's what I'm doing.

8 Now, there's only a little bit left and I do have specific questions concerning this
9 extract. So this is not for the purpose of reading into the record, it's because
10 the witness can't read French and it's to ensure that the witness has the full context
11 before I put the questions that concern both the middle, the beginning and the end of
12 this extract.

13 So I don't want to be accused of taking things out of context. And the problem with
14 starting and stopping is that we would have to constantly have to reread the extract
15 whereas at least this way we have the full extract first.

16 PRESIDING JUDGE MINDUA: [10:01:46](Interpretation) Well how many pages or
17 lines remain for you to be -- for you to read?

18 MS TAYLOR: [10:01:52] I understand not many.

19 (Counsel confers)

20 MS TAYLOR: [10:02:02] It's about -- it's about a page, but it's necessary to
21 understand the full context. Because as I understand it, this might not have been
22 included in the familiarisation packages so it might be the first time this is being read
23 to the witness.

24 PRESIDING JUDGE MINDUA: [10:02:27](Interpretation) Please go ahead if there is
25 one page remaining.

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- 1 MS CHAHLA: [10:02:43](Interpretation)
- 2 "Interviewer 1: [REDACTED] even before
- 3 we intervened and before we asked to speak to you.
- 4 We heard that [REDACTED]
- 5 The [REDACTED]
- 6 you, none at all.
- 7 We can only [REDACTED]
- 8 And we are [REDACTED] with regard to this, with regard to the schedule and
- 9 with regard to other criteria [incomprehensible].
- 10 I will leave it up to counsel [name redacted] the responsibility with regard to
- 11 the impact upon the [REDACTED] of our proceedings. I will leave up to
- 12 Mr [name redacted] the responsibility of these words uttered with regard to
- 13 the impact of [REDACTED] upon our proceedings. And maybe it is something that
- 14 [REDACTED] actually wanted.
- 15 But I can say that there are other people [REDACTED]
- 16 [REDACTED].
- 17 But as I said, your meeting with us is on a voluntary basis.
- 18 And, as I said to you on the first occasion, you are asking -- or answering our
- 19 questions of your own volition, constantly bearing in mind that these proceedings are
- 20 [REDACTED]
- 21 And as I said to you, either you want to answer our questions and you feel in
- 22 a position or a state to do so, we put questions to you and you answer, or you do not
- 23 wish to do so and, for whatever reason, we will then pack up and leave."
- 24 THE INTERPRETER: End of sight translation.
- 25 MS TAYLOR: [10:05:39]

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1 Q. [10:05:39] Mr Witness, do you recall this exchange?

2 A. [10:05:53] This conversation happened between myself and the investigators.

3 Q. [10:06:09] Now, Mr Witness, is it correct that after describing your health, you
4 insisted on two things: [REDACTED] and [REDACTED] in your
5 [REDACTED]?

6 A. [10:06:31] That is true.

7 Q. [10:06:34] Now, Mr Witness, your lawyer described [REDACTED]
8 as inhumane. Does that correspond to what you yourself experienced at that point?

9 A. [10:06:53] It does.

10 Q. [10:06:54] Now, is it correct that when you raised these concerns with
11 the Prosecution, they told you that there [REDACTED] that they had
12 [REDACTED]?

13 A. [10:07:23] Yes. This is not a transcribed or recorded --

14 THE ARABIC INTERPRETER: [10:07:43] Answer from the witness is not clear.

15 MS TAYLOR:

16 Q. [10:07:45] Mr Witness, the interpreter said that your response is not clear. Do
17 you mind -- do you mind repeating it.

18 A. [10:08:00] This is not -- not part of the record of the exchange between myself
19 and the investigators. I wish to say -- I speak only on the basis of my memory at the
20 moment. Right now I do not recall that there was a reference [REDACTED]
21 that they had not met, nor do I -- nor can I disconfirm that the investigators said these
22 things.

23 The bottom line is these were [REDACTED] about. I
24 [REDACTED]
25 [REDACTED] Also the [REDACTED] And also I requested

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1 [REDACTED]. These
2 things I certainly recall.

3 Q. [10:09:40] Mr Witness, you've referred to the [REDACTED]
4 what are you referring to?

5 A. [10:10:04] I meant the [REDACTED] circumstances, the fact that [REDACTED]
6 [REDACTED]

7 communications. That is what I actually meant.

8 Q. [10:10:23] Now, Mr Witness, according to this record the Prosecution said:
9 (Interpretation) "As I said to you, either you want to answer our questions and you
10 feel in a state to do so, we put questions to you and you answer, or you do not wish to
11 do so and, for whatever reasons, we will pack up and leave."

12 (Speaks English) Now, Mr Witness, did you understand that if you said that you did
13 not want to speak to the Prosecution, that they would leave?

14 A. [10:11:07] What I understood is that if I did not wish to answer their questions,
15 they wouldn't force me to do it, they would just go on their way. That's what I
16 understood.

17 Q. [10:11:30] And if they went on their way, what would happen to you?

18 A. [10:11:42] If they -- if they go on their way, [REDACTED]
19 [REDACTED]

20 Q. [10:12:01] I'm going to turn to OTP tab 13. It's MLI-OTP-0069-0874. And
21 turning specifically to page 0891 to 0892. This is extracts from an interview taken on
22 the same day, that is [REDACTED] Starting at line 550, this is a very short extract.

23 So at line 585, sorry. We shall start from line 572. You say:

24 (Interpretation) "I ask if I can change [REDACTED] I need a copy of the Koran. I need
25 [REDACTED]

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- 1 Interviewer: Very well. Once again, as I said to you, all of this falls [REDACTED]
2 [REDACTED]
3 We will of course relay all of this to them.
4 Interpreter: Yes, I have understood that I am under [REDACTED] But
5 the ICC is -- is interacting with me [REDACTED] at
6 the moment whilst I am interacting with the ICC. And I have the same request to
7 submit to the ICC [REDACTED]
8 Which request are you talking about?
9 I am asking you the question as to whether you are in agreement that I make such
10 a request.
11 That you make what request, I'm sorry?
12 That you act as rapidly as possible and [REDACTED]
13 [REDACTED]
14 [REDACTED]."
15 (Speaks English) Now, Mr Witness, in this extract, line 585, you said: (Interpretation)
16 [REDACTED]
17 [REDACTED]"
18 (Speaks English) What do you -- what did you mean by that, do you recall?
19 A. [10:16:26] What I mean in this -- what I meant in this instance is that the [REDACTED]
20 [REDACTED] are not responsive to any demands in any event. What I also meant is
21 that [REDACTED] I was in.
22 So I asked the investigators from the ICC that you either seek [REDACTED]
23 [REDACTED]
24 [REDACTED] So they answered by saying it is not them who [REDACTED]
25 [REDACTED]

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1 This was the response.

2 Q. [10:17:32] Mr Witness, when you say [REDACTED] did you
3 mean that you wanted the ICC to arrest you?

4 A. [10:17:58] What I meant is that they [REDACTED] because
5 even though [REDACTED].

6 Otherwise, they [REDACTED].

7 Q. [10:18:29] Were you afraid, as concerns what would happen, if the OTP were to
8 leave you in your situation?

9 A. [10:18:58] You could expect anything [REDACTED] You can
10 expect that [REDACTED]

11 [REDACTED]

12 That's how it worked.

13 MS TAYLOR: [10:19:29] Mr President, I have some questions which I believe will be
14 better suited in private session.

15 PRESIDING JUDGE MINDUA: [10:19:39](Interpretation) Mr Courtroom Officer,
16 private session, please.

17 (Private session at 10.19 a.m.)

18 THE COURT OFFICER: [10:19:51] We're in private session, Mr President.

19 PRESIDING JUDGE MINDUA: [10:19:56](Interpretation) Thank you very much.

20 Ms Taylor.

21 MS TAYLOR: [10:20:00]

22 Q. [10:20:00] Now, Mr Witness, this was [REDACTED] Is it correct that you
23 were -- you met a doctor from the ICC the next day?

24 A. [10:20:22] As far as I remember, I cannot be precise regarding how these
25 meetings happened one after the other.

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- 1 Q. [10:20:42] If we turn to OTP tab 14, it's MLI-OTP-0069-0897. And if we turn to
2 0901 so we have the time. If this could be shown on evidence 1.
3 So, Mr Witness, this is a transcript and you've given a consent to meet this doctor.
4 And if we look at the time at the bottom, we scroll down, we can see at line 146 that it
5 was 2 hours and 14. And at line 114 it says: (Interpretation) "We shall interrupt
6 the recording in order to leave -- allow the doctor to immediately commence his
7 medical examination."
8 (Speaks English) And if we now turn to tab 16, that's MLI-OTP-0069-0905. Turning
9 to page 0906.
10 And we can see at lines 2 to 6 it says: (Interpretation) "Greetings. We are in
11 [REDACTED]"
12 So, Dr [REDACTED] has just finished conducting his medical examination of
13 [REDACTED]" (Speaks English) So according
14 to these transcripts, Mr Witness, you saw the doctor between [REDACTED]
15 So do you recall seeing the doctor for about an hour?
16 A. [10:23:46] Indeed I recall meeting the doctor who examined me after asking me
17 whether I agreed to meeting a doctor. And I believe I signed a document granting
18 my consent to meeting a doctor and he examined me. Yes, I recall that.
19 Q. [10:24:12] Were you told that he was an in-house doctor for the Prosecution?
20 A. [10:24:28] Yes.
21 Q. [10:24:29] Was this the first physical examination that you had since [REDACTED]
22 [REDACTED]?
23 A. [10:24:56] Yes.
24 Q. [10:24:57] I'm going to turn to Defence tab 47, it's MLI-OTP-0067-0290.
25 Mr Witness, this is the report prepared by Dr [REDACTED] Now, I'm going to

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1 refer specifically to the sections that concern the information that you provided, since
2 this is not a report that's been drafted by you.

3 So turning specifically to page 0292, it says at 1.1.4: "No attempt was made to
4 perform [REDACTED] or specialised neurological, psychological and medical techniques
5 or tests."

6 Mr Witness, is it correct that the doctor did not perform any neurological or
7 psychological tests, any specialised neurological or psychological tests?

8 MR GARCIA: [10:26:37](Interpretation) Mr President.

9 PRESIDING JUDGE MINDUA: [10:26:39](Interpretation) Mr Prosecutor.

10 MR GARCIA: [10:26:40](Interpretation) Well, I'm somewhat worried about
11 the specificity of this question when we use terms that might fall beyond the common
12 knowledge of a witness, "specialised, neurological", et cetera. There are other details
13 that can be elicited from this document. However, it seems to me that this is far too
14 detailed and specialised.

15 PRESIDING JUDGE MINDUA: [10:27:08](Interpretation) Ms Taylor.

16 MS TAYLOR: [10:27:10] I can reformulate. I just didn't want to misconstrue
17 the words in the document.

18 PRESIDING JUDGE MINDUA: [10:27:17](Interpretation) Quite.

19 MS TAYLOR: [10:27:19]

20 Q. [10:27:20] Mr Witness, is it correct that the doctor did not test your memory?

21 A. [10:27:40] The sound was not clear.

22 Q. [10:27:46] Mr Witness, this document says no attempt was made to perform
23 detailed or specialised, neurological, psychological and medical techniques or tests.

24 Now, we understand that these are technical terms, but is it correct that the doctor did
25 not test your memory or your thinking abilities?

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1 A. [10:28:29] What I know is that the doctor carried an examination. But what
2 exactly did he examine, what the results of the examination are or whether there were
3 any recommended medications, these things I have absolutely no idea about. But
4 what I know is that he did full examinations.

5 Q. [10:29:02] And did this examination consist of him listening to you and
6 conducting a physical examination?

7 A. [10:29:36] He examined me. He talked to me, looked at my body.

8 Q. [10:29:58] If we turn to page 0293, it refers to the information you provided to
9 the doctor. And it says at 2.1.3:

10 [REDACTED] He complains of what he refers to as

11 [REDACTED] and has been in

12 [REDACTED] He stated that he does not have any

13 [REDACTED]

14 [REDACTED] He stated that [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] He is

19 worried [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Mr Witness, does this correspond to what you told to the doctor?

24 A. [10:32:24] This is exactly what I said.

25 Q. [10:32:27] And does this correspond to what you were experiencing at this time?

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1 A. [10:32:36] Yes, that was it.

2 Q. [10:32:42] Now, it goes to various [REDACTED]

3 Do you recall having [REDACTED] in episodes?

4 A. [10:33:05] Yes, [REDACTED]

5 [REDACTED].

6 Q. [10:33:17] And page [REDACTED]

7 [REDACTED] Is this something that you
8 were experiencing at this time?

9 PRESIDING JUDGE MINDUA: [10:33:48]*(Interpretation) Ms Taylor, are we
10 continuing in private session?

11 MS TAYLOR: [10:33:49] Mr President, I have only one or two questions, but I do
12 believe that these are private. I can ask them in open session, but ... I can -- it's just
13 that it's the client's medical -- it's the witness's medical history.

14 PRESIDING JUDGE MINDUA: [10:34:15]*(Interpretation) Then finish this part.
15 All right.

16 MS TAYLOR: [10:34:22]

17 Q. [10:34:23] Mr Witness, did you have -- did you experience [REDACTED]
18 at this time?

19 A. [10:34:45] It is true that I had that condition, but now I cannot remember
20 whether this happened [REDACTED] or not. But it is something that I suffered from
21 at times. And my issues with [REDACTED] I experienced them [REDACTED]
22 [REDACTED].

23 Q. [10:35:24] My final question on this report is that it says that [REDACTED]

24 [REDACTED]

25 Mr Witness, did you have [REDACTED]?

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1 A. [10:35:49] Yes. [REDACTED] when I was

2 [REDACTED]

3 Q. [10:36:03] And was this [REDACTED] painful?

4 A. [10:36:13] Yes, it was very painful.

5 MS TAYLOR: [10:36:18] I believe we can go into open session.

6 PRESIDING JUDGE MINDUA: [10:36:24](Interpretation) Court officer, open session,
7 please.

8 (Open session at 10.36 a.m.)

9 THE COURT OFFICER: [10:36:35] We're back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [10:36:40](Interpretation) Thank you.

11 Ms Taylor.

12 MS TAYLOR: [10:36:44]

13 Q. [10:36:44] So, Mr Witness, this occurred [REDACTED] Is it correct that you
14 continued interviews [REDACTED] do you remember?

15 A. [10:37:07] With regard to the chronology of events, I do not remember.

16 Q. [10:37:13] I understand.

17 If we could bring up then OTP tab 17. It's MLI-OTP-0069-0907. This is a transcript
18 of an interview on [REDACTED] We're turning specifically to pages 0913 and
19 0914.

20 Now, this -- this follows, starting at line 179, it follows the examination and it follows
21 a meeting that you had with one [REDACTED] And the interviewer says:
22 (Interpretation)

23 "Interviewer 1: Very well. Do you have any questions or comments to make at this
24 point?

25 Interpreter: Everything that you have just told me, I see that it proves that it's true.

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1 Ever since I came here, here for the first time, I've seen the efforts you have made to

2 ensure [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Until the arrival of that official who -- who -- who had a meeting with me and I was
7 able to pass on my requests to him.

8 And Mr [name redacted], my lawyer, informed me that you were the ones who made
9 those arrangements so that these things could happen.

10 And he insisted, like he did at the beginning, that I say the truth. I said to
11 him -- correction --

12 Interpreter: I reminded him that I said before at the beginning that I only am telling
13 the truth. I told him 'You remember I don't know -- I don't know what I should
14 consult you about Because if someone asks me a question about something or if I
15 know, I say, yes, I know about that.'

16 Interpreter: And if I don't know, I say 'I don't know.' That is why I said to him
17 'what do I need to consult you about?'

18 I am telling the truth. I've been ordered to tell the truth. We say that there's a verse
19 from the Koran, God almighty says, 'Oh, you, you must be afraid of God and be with
20 the people who tell the truth.'

21 The prophet said: 'You must tell the truth even if it is about yourself.'

22 I have nothing to fear anymore when it comes to fear.

23 [REDACTED] that is to say, I have nothing more [REDACTED]

24 [REDACTED]

25 When I am with you, you give me tea and all -- I come to my -- my mental and

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- 1 intellectual capacities have come back to me. [REDACTED] I get lost. I
2 no longer know who -- where I am and when I pray -- I mean, as I pray, the last stage
3 of the prayer is the *tahiyya*, sometimes, I do it at the beginning instead of at the end."
4 (Speaks English) Now, Mr Witness, is it correct --
5 MR GARCIA: [10:42:31](Interpretation) Your Honour.
6 PRESIDING JUDGE MINDUA: [10:42:32](Interpretation) Yes.
7 MR GARCIA: [10:42:34](Interpretation) To have a full picture of what the witness
8 has said, I think we should also read for the record, so that we have an entire picture,
9 we should read from lines 256 to line 280. These lines represent the responses from
10 the investigators to what the witness said.
11 It's in order to be fair to the witness and give a fair picture of the situation.
12 PRESIDING JUDGE MINDUA: [10:43:13](Interpretation) Court officer, please scroll
13 down so that we can see the passage in question.
14 MR GARCIA: [10:43:22](Interpretation) Lines 256 to 280. That's the investigator's
15 answer to the witness's remarks so that there is no mistake whatsoever about what
16 transpired.
17 MS TAYLOR: [10:43:42] Mr President, if I may be heard. I do believe it's
18 appropriate to ask the witness about what he said.
19 PRESIDING JUDGE MINDUA: [10:43:56](Interpretation) Ms Taylor, we're not going
20 to change the rules constantly. About 10 or 15 minutes ago you said that there
21 should be more context and we said, yes, more context, that's good. And now
22 the Prosecutor would like to -- has asked for more context and now I would like these
23 lines to it be read out.
24 Now, I hope that the witness has read this passage.
25 Ms Taylor, continue with your questions.

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- 1 MR GARCIA: [10:44:48](Interpretation) I'm sorry.
- 2 PRESIDING JUDGE MINDUA: [10:44:51](Interpretation) Prosecutor.
- 3 MR GARCIA: [10:44:51](Interpretation) Could the lines be read out so that they're
- 4 on the case record rather than having just part of what was said. And as was
- 5 the case yesterday with the other statements that needed to be put in context, we need
- 6 the entire passage to have a complete picture of the situation. This is rather
- 7 important so that the witness has the complete context, what he said, what
- 8 the investigator replied.
- 9 PRESIDING JUDGE MINDUA: [10:45:32](Interpretation) Quite so.
- 10 Ms Taylor, if Ms Chahla could read out the remaining portion of the passage.
- 11 MS TAYLOR: [10:45:40] Which passage, Mr President? Are we reading out
- 12 the entire (Overlapping speakers) transcripts or just the passages that the Prosecution
- 13 chooses?
- 14 PRESIDING JUDGE MINDUA: [10:45:49](Interpretation) No. The -- the Prosecutor
- 15 has suggested line 255 to (Overlapping speakers)
- 16 MR GARCIA: [10:46:02](Interpretation) Up to line 280, which is not everything, but I
- 17 think gives a fair sense of what the investigator said.
- 18 PRESIDING JUDGE MINDUA: [10:46:12](Interpretation) Yes, I think that would be
- 19 good.
- 20 Go ahead. So who will read out the passage, Ms Taylor or Ms Chahla?
- 21 MS TAYLOR: [10:46:23] Mr President, I do believe out of fairness we would have to
- 22 read to page 0916 to line 303 if we're going to do that, because we can't take out bits
- 23 and bobs of what the Prosecution says and not have the entirety of what
- 24 the Prosecutor said.
- 25 PRESIDING JUDGE MINDUA: [10:46:53](Interpretation) Wait a moment. For

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1 the time being, the Prosecutor has asked for lines 255 to 280. And what are you
2 suggesting? I can't make heads nor tails of this?

3 MS TAYLOR: [10:47:10] Well, Mr President, I finished at line 242. So what
4 the Prosecutor is now suggesting, in order to be fair to the witness, we would have to
5 continue from line 242 on page 0914, and to have a complete record of what
6 the Prosecutor says, we'd have to continue to page 0916 to line 303. I don't see how
7 we can take out bits of what the Prosecutor says and not read out in its entirety. Or
8 the witness can read it.

9 PRESIDING JUDGE MINDUA: [10:47:48](Interpretation) Do you have an objection
10 to that request?

11 MR GARCIA: [10:47:51](Interpretation) No objection. I wanted us to be more
12 efficient. But if you -- if the decision is to read all the way to 303, that's fine.

13 PRESIDING JUDGE MINDUA: [10:48:05](Interpretation) Very well.

14 Ms Taylor, proceed as wished and then we will continue with the lines suggested by
15 the Prosecution.

16 THE INTERPRETER: Sight translation, line 245.

17 MS CHAHLA: [10:49:12](Interpretation)

18 "Interpreter: If I hide anything from you, I wouldn't have asked you [REDACTED]

19 [REDACTED] The last time I asked you for two things.

20 That is to say [REDACTED]

21 [REDACTED].

22 And that's when I understood that you are not entitled [REDACTED]

23 Understood. I've understood. That's all.

24 Interviewer 1: Okay. Thank you.

25 Just two points to clear up. Indeed, just as you -- just like you said at the end, we

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1 have been telling you since the beginning, [REDACTED]
2 [REDACTED]
3 At this stage we are here to take a statement from you as a witness.
4 And as I've told you, this is done on a voluntary basis.
5 As I reminded you, you are entitled to remain silent, you are entitled to answer of
6 your own freewill.
7 You have the right not to incriminate yourself if you do not want to. If you do not
8 want to answer a question, for example.
9 Of course, clearly we are seeking to establish the truth.
10 We don't have the time for any other thing than the truth.
11 But we are seeking out this truth by asking you questions and taking into account
12 your rights.
13 You are the witness, you are the one who answers if you want to.
14 We, we never oblige or force anyone.
15 We offer nothing in exchange.
16 What's important to us, what's important to us is to determine the truth about what
17 happened and ensure that the victims get justice.
18 And the truth is that -- your truth, you, what you tell us. We will do what we do
19 with it at the appropriate time.
20 As for everything else, you have to understand and I am stressing our obligations to
21 a witness, yourself or another witness, by asking you questions to find out about your
22 conditions and to see if anything should be done on our side.
23 Bringing in a physician when necessary or possible.
24 Or other measures that we can take by asking [REDACTED] about
25 some things.

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1 All of that is part of our obligations, no matter what your answers may be, no matter
2 what you tell us. So there you have it.

3 Okay?"

4 MS TAYLOR: [10:53:47]

5 Q. [10:53:47] Now, Mr Witness, that was a long extract and I'm going to go back to
6 the beginning.

7 It's at page 0913, you referred to the fact that you had access to a doctor, that a local

8

9 And it says that: (Interpretation) "My lawyer informed me that you were the ones
10 who made those arrangements so that those things could happen."

11 (Speaks English) So is it correct that it was your understanding that the Prosecution,
12 the ICC Prosecution were responsible for these developments?

13 A. [10:54:56] Yes, this is what transpired between me and them. And as far as I
14 understand

15

16

17 Q. [10:55:40] And turning to page 0914, it says -- this is line 230:

18 THE INTERPRETER: (Interpretation) Sight translation line 230:

19 " that is to say, I have nothing

20

21 When I am with you, you give me tea and everything, I come back to my mental and
22 intellectual capacities. I get lost. I don't know

23 where I am and when I pray ..."

24 (Speaks English) Now, Mr Witness, you refer here "

25 Can you explain what you meant?

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- 1 THE COURT OFFICER: [10:57:23] Your Honours, there is --
- 2 PRESIDING JUDGE MINDUA: [10:57:26](Interpretation) We've lost --
- 3 THE COURT OFFICER: [10:57:27] -- a problem with the connectivity and it may
- 4 perhaps be a good time to take the break in order to have that looked into. Thank
- 5 you.
- 6 PRESIDING JUDGE MINDUA: [10:57:41](Interpretation) Indeed, court officer. It is
- 7 three minutes to 11. I think we can suspend.
- 8 Ah, he's back.
- 9 Do we have the connection?
- 10 THE COURT OFFICER: [10:58:30] Yes, we do. We may proceed and we will look
- 11 at the issue later during the break. Thank you.
- 12 PRESIDING JUDGE MINDUA: [10:58:39](Interpretation) Ms Taylor.
- 13 One moment, the Prosecutor has risen.
- 14 MR GARCIA: [10:58:46](Interpretation) I believe that the interpretation may not be
- 15 accurate the way that it was interpreted when reference was made to [REDACTED] a great
- 16 deal -- [REDACTED] in French and [REDACTED] in English.
- 17 Perhaps the question could be repeated so that there is no doubt in the witness's
- 18 mind.
- 19 PRESIDING JUDGE MINDUA: [10:59:16](Interpretation) You're quite right to raise
- 20 the issue, but we have lost the connection once again.
- 21 It is one minute to 11 so we shall now suspend and resume at 11.30.
- 22 THE COURT USHER: [10:59:32] All rise.
- 23 (Recess taken at 10.59 a.m.)
- 24 (Upon resuming in open session at 1.01 p.m.)
- 25 THE COURT USHER: [13:01:14] All rise.

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1 Please be seated.

2 PRESIDING JUDGE MINDUA: [13:01:44](Interpretation) Court is in session once
3 again.

4 I hope that everything is in order now and that -- and as you are already aware, we
5 shall be sitting until 2.30 and take a break for 30 minutes and then we shall resume at
6 3 o'clock.

7 So, over to Ms Taylor for the continuation of the cross-examination.

8 Mr Prosecutor.

9 MR GARCIA: [13:02:12](Interpretation) Mr President, your Honours, just to indicate
10 on the record that I am accompanied by Maître Sardachti for this afternoon's session.

11 PRESIDING JUDGE MINDUA: [13:02:24](Interpretation) Thank you very much for
12 that point of information, Mr Prosecutor.

13 Ms Taylor.

14 MS TAYLOR: [13:02:33]

15 Q. [13:02:34] Good afternoon, Mr Witness, how are you?

16 A. [13:02:42] I'm fine.

17 Q. [13:02:47] Now, Mr Witness, before the break I read out an extract, but I'll just
18 repeat it since a bit of time has passed since then. And it's at page 0069-0914 and it
19 was lines 230 to 236, where it said: (Interpretation)

20 " [REDACTED] I have nothing further [REDACTED]
21 When I am with you, you give me tea and other things and are -- and my mental and
22 intellectual capacities return. [REDACTED] I lose myself entirely. I do no
23 longer know where I am."

24 (Speaks English) Now, Mr Witness, this is an interview of [REDACTED] Is it
25 correct that at this point in time when you [REDACTED] would face

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1 issues with your mental capacity?

2 A. [13:04:17] That is true.

3 Q. [13:04:26] And is it correct that when you were with people, when you had tea,
4 you could speak, you would start to feel better?

5 A. [13:04:43] Yes, that's true.

6 Q. [13:04:48] I'm just going to turn to an interview that happened the next day.
7 That's OTP tab 21, it's MLI-OTP-0069-0999-R01. Turning specifically to pages 1002.
8 And if we can start with page 1001. If that could be put on evidence 1.

9 At line 55 you were asked: (Interpretation)

10 "How do you feel?"

11 (Speaks English) And you respond: (Interpretation)

12 "I stayed up late yesterday and I can feel that I have a sensation behind my neck ...
13 behind -- the level of my neck behind my head ...

14 I wasn't able to speak -- to sleep ... I was thinking a lot last night and every time I meet
15 up with you I come back to myself so I become myself again.

16 [REDACTED] I have not been able to pray one single time in the right way."

17 (Speaks English) Turning over to the next page: (Interpretation) "I get lost during
18 my prayers. Sometimes I pray once, sometimes I pray five times. Sometimes I
19 conduct my salutation at the end of the prayer standing up. So I lose myself.

20 Last night, with the voices I was hearing, I got very tired. I could hear.

21 But it's Masha'Allah.

22 Where. I come to you, I have a cup of tea, we have a lot of tea to drink. I feel good
23 with you."

24 (Speaks English) The interviewer says: (Interpretation)

25 "It is important for you to feel sufficiently at ease for us to be able to continue,

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1 otherwise we shall stop.

2 Interpreter: We can continue.

3 Interviewer: You shouldn't hesitate if you do not feel well or if you are tired, or
4 whatever, tell us.

5 Interpreter: Yes, I do remember that you told me ... you told me about that and I do
6 thank you.

7 And I thank you for your efforts to improve my situation.

8 God only knows how grateful I am to you."

9 (Speaks English) Now, Mr Witness, this is an interview that happened the day after
10 the last one.

11 Do you recall that that evening you had problems sleeping and you heard voices?

12 A. [13:09:35] Yes.

13 Q. [13:09:36] What did you mean when you said you heard voices?

14 A. [13:09:48] I mean voices in my head.

15 Q. [13:09:57] And is it correct that the night before this interview you still had
16 problems remembering the prayers?

17 A. [13:10:20] Yes.

18 Q. [13:10:20] And coming to the interview, did that help ease your suffering?

19 A. [13:10:38] Yes.

20 Q. [13:10:39] Now, Mr Witness, I'm going to turn to a different document. It's

21 Defence -- it's one we looked at earlier but it's a different time period. I don't

22 believe -- I believe we can stay in open session if we don't mention specific locations.

23 It's Defence tab 56. It's MLI-OTP-0078-4286. And the relevant page is 4298. And

24 it's an interview with the Prosecution that's occurring on [REDACTED]

25 And with the permission of the Chamber if my colleague, Ms Chahla, could read out

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1 the relevant sections.

2 PRESIDING JUDGE MINDUA: [13:11:45](Interpretation) Please go ahead, Counsel.

3 MS CHAHLA: [13:12:08](Interpretation)

4 "Interviewer 1: Very well. So let us come back to your current situation.

5 So are there any changes in your situation?

6 Witness: Euh ... God bless you and God willing.

7 Euh ... I have come under a great deal of pressure after our meeting for two weeks.

8 Euh ... I fainted ... well I got to the point of fainting ... yes, I lost consciousness.

9 I have an illness, I'm -- I suffer from this illness ... He speaks of [REDACTED]

10 He shows you his chest, euh. You know, I haven't seen this illness now for the last
11 20 years.

12 But it came back two weeks after our meeting.

13 It is the fact that [REDACTED]

14 But thank God, [REDACTED] by the grace of God and with your assistance
15 and help.

16 [REDACTED].

17 I have clothes.

18 And [REDACTED] and cut into pieces.

19 I found a place there where there are [REDACTED]

20 There are [REDACTED] I was able to cut my nails, my toenails.

21 I also managed to have my moustache shaven off.

22 And I'm still hopeful that [REDACTED] Because I was [REDACTED] at the end
23 of last week.

24 Today is the first day of the week, the first day of the working week, and I was

25 hopeful that I would [REDACTED].

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1 And, over the last few days, the fact that I feel so at ease, I am thinking, and I am
2 thinking about how I could be of assistance to you?

3 With regard to ... with regard to information, you have come from so far afield in
4 order to gather this information.

5 And the most important thing is that I am thankful to God, and I am thankful to you."

6 MS TAYLOR: [13:15:57]

7 Q. [13:15:57] So, Mr Witness, at the beginning of this exchange you refer to a period
8 where the Prosecution had left you in November. And you referred to:
9 (Interpretation) "A great deal of pressure after our meeting for two weeks, and I
10 fainted until I lost consciousness."

11 A. [13:16:32] Yes, that is true.

12 Q. [13:16:35] Mr Witness, did you experience these things because you were

13 [REDACTED]?

14 A. [13:16:58] The whole time [REDACTED] I would like to say
15 that [REDACTED] I was [REDACTED]

16 the entirety of the period. I was [REDACTED]
17 [REDACTED] but nothing else. And that could last about four or five hours, but not more.

18 Apart from that, [REDACTED]

19 Q. [13:18:00] Now, Mr Witness, is it correct that after you [REDACTED]

20 [REDACTED] there was a substantial improvement in your
21 conditions?

22 A. [13:18:26] That is true.

23 Q. [13:18:27] And did you believe that the Prosecution, the ICC Prosecution, had
24 played a role in bringing this about?

25 A. [13:18:42] Yes, I believe so because I insisted. I repeatedly asked them to do

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1 something. They promised me they would [REDACTED]

2 [REDACTED] regarding this matter.

3 Q. [13:19:17] Now, Mr Witness, at the end of this exchange it says:

4 (Interpretation)

5 "And over the last few days, the fact that I feel so at ease, I am thinking with regard to
6 the information how I could assist you. You have come from so far afield in order to
7 gather this information."

8 (Speaks English) Mr Witness, is it correct that you said this to the Prosecution?

9 A. [13:19:50] Yes.

10 Q. [13:19:52] And that was because you were grateful for the assistance they
11 provided to you?

12 A. [13:20:11] Yes.

13 Q. [13:20:11] If I could turn to OTP tab 51. It's MLI-OTP-0068-3742. It's an
14 interview of [REDACTED] so a couple of days afterwards. If we could turn to
15 page 3752, line 325.

16 I can read out the page, but I won't mention names. You were asked at the
17 beginning to raise any issues regarding the way the interview has happened. And
18 you say, line 314: (Interpretation) "Yes, I do have a comment to make. You have
19 lent -- I can see that you're very interested in my situation. There's a lot of proof of
20 that. One of the things that proves this is that Mr -- redacted -- has enquired into my
21 situation and I saw [REDACTED] - name redacted -- [REDACTED]
22 [REDACTED] Despite the fact that [REDACTED] he does
23 not do that for them. And I know that this is thanks to God and thanks to you.
24 And I consider myself to be somebody who is of assistance to you, and I'm seeking
25 a manner in which I can assist you. That is all I have to say, to add."

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1 (Speaks English) Mr Witness, is it correct that when you were [REDACTED]

2 [REDACTED] didn't?

3 A. [13:22:56] (No interpretation)

4 Q. [13:22:57] And did you believe ...

5 A. [13:23:11] Yes, I was given things that [REDACTED] promised me -- had

6 promised me. And that he delivered on his promise.

7 Q. [13:23:27] Mr Witness, at line 330 is says: (Interpretation) "And I know that it's
8 thanks to God and thanks to you."

9 (Speaks English) When you just mentioned the Prosecutor, do you mean the ICC
10 Prosecution?

11 A. [13:24:00] The deputy Prosecutor promised me these things, but when I said this,
12 that it's thanks to -- these particular words, when I said "thanks to you", I was indeed
13 referring to the investigator.

14 Q. [13:24:18] And is it correct that you said to them: (Interpretation) "I consider
15 myself to be an individual who is of assistance to you and I am seeking a manner in
16 which I may assist you."

17 A. [13:24:36] Yes, that is true.

18 Q. [13:24:38] If I can turn to another document. It's OTP tab 26,

19 MLI-OTP-0068-3277. Returning -- this is an interview on [REDACTED] We'll
20 be turning to page 3281.

21 So this is the first meeting you had with the Prosecution [REDACTED]

22 And in the first couple of pages the Prosecutor reads out their procedures and your
23 rights. And I'll just read the relevant lines at page 3281 from line 119.

24 You're asked if you had questions and you say, line 122: (Interpretation) "All of the
25 points that you have raised today, I have understood what you mean. But before

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1 the previous proceedings I just heard" --

2 THE INTERPRETER: [13:26:11] Meaning unclear.

3 THE WITNESS: [13:26:17](Interpretation) "But previously you always used to say
4 that you understood all the time. Before, I would say that just because you were
5 there. I didn't have the courage and I just wanted to work with you."

6 (Speaks English) Mr Witness, is it correct that on this date you told the Prosecution
7 that during the previous sessions, when they read you these -- this information --

8 PRESIDING JUDGE MINDUA: [13:27:20](Interpretation) Mr Prosecutor.

9 MR GARCIA: [13:27:21](Interpretation) Mr President, in the same vein, the same
10 kind of objection I would raise would be that we finish this session -- this of 3281,
11 3282, this series of questions and answers because it does continue and it casts light
12 on the matter.

13 PRESIDING JUDGE MINDUA: [13:27:44](Interpretation) Up to line 142?

14 MR GARCIA: [13:27:47](Interpretation) I would say up to lines 136, because 137 to
15 142, it's just the timestamp and the fact that they are going to interrupt the interview.

16 PRESIDING JUDGE MINDUA: [13:28:02](Interpretation) Very well.

17 Ms Taylor.

18 MS TAYLOR: [13:28:06] Certainly, Mr President. 129, this is the interviewer
19 speaking, not the witness: (Interpretation)

20 "Very well. These are things that we have explained on a number of occasions.

21 You do have your lawyer present here with you to whom you have also spoken.

22 You had questions and you had very specific requests.

23 Interpreter: That's true.

24 Interviewer: Very well. Thank you.

25 We shall take a break for a few moments."

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1 Q. [13:28:49] Now, Mr Witness, at line 122 it says: (Interpretation) "All of the
2 points that you have just mentioned today, I understood what you meant. And
3 before the previous -- in the previous proceedings, I just heard, I just -- only heard."

4 THE INTERPRETER: [13:29:12] Meaning unclear.

5 MS TAYLOR: [13:29:15]

6 Q. [13:29:15] Mr Witness, is this -- do you recall saying this?

7 A. [13:29:23] Yes, I recall that. And I also recalled why I said to. I wanted to
8 clarify and explain how I -- the situation I was in and how my situation has improved
9 over time.

10 PRESIDING JUDGE MINDUA: [13:29:58](Interpretation) Mr Prosecutor.

11 MR GARCIA: [13:29:59](Interpretation) Mr President, I didn't want to interrupt
12 during the cross-examination previously, but I would like to add something that does
13 seem to me to be rather important. I would like to request that we cut the sound off
14 for approximately 30 seconds for me to be able to express myself.

15 PRESIDING JUDGE MINDUA: [13:30:20](Interpretation) Mr Courtroom Officer,
16 could you please cut off the sound to the witness.

17 THE COURT OFFICER: [13:30:28] Your Honours, the sound has been cut off.

18 PRESIDING JUDGE MINDUA: [13:30:33](Interpretation) Thank you very much,
19 Mr Courtroom Officer.

20 Mr Prosecutor.

21 MR GARCIA: [13:30:37](Interpretation) Well, this is a question of procedure and
22 fairness towards the witness. What I'm noting is that since we recommenced
23 the cross-examination we are just having the witness confirm things that he is said to
24 have said rather than asking him to explain further what he said. So, subsequently
25 you're going to have a case file in which the witness will simply be confirming what is

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1 already in the transcript and who does not explain himself, which will be able to used
2 in one way or another. There will no longer be any control over it. And we can see
3 the last excerpt in which the Defence counsel is attempting once again to have
4 the witness confirm what he said. The witness, he himself who underscores the fact
5 that he did explain himself further. So with regard to fairness, it's not me -- up to me
6 to tell the Defence how to do their cross-examination and how to put the questions,
7 but it has to be fair to the witness.
8 If we just have him confirm that he asserted certain things and then in the final
9 pleadings we give a certain meaning to said affirmations without having put
10 the question to him or without having allowed the witness the chance to explain
11 himself, I think it's unjust.
12 Of course, I do understand that we've been going now for three and a half or four
13 hours on matters [REDACTED] et cetera, but it would also seem to me that in terms of
14 fairness, if one intends to provide submissions as to the probative value of the
15 witness's testimony, then one needs to confront him with the Defence's case. And in
16 this specific instance, in the last excerpt that was read to the witness for which I
17 requested that the whole excerpt be read, but we can see here that the witness and the
18 interviewer, well, the witness refers to what was said previously. So that's pages
19 3178 to 3180 that have not been captured in the record. So we're going to have
20 something that's a little bit truncated and it will be difficult for us to ascertain what
21 the witness was referring to. Those are the three concerns that I wanted to raise.
22 And I want this to be on the record that in terms of fairness towards the witness, if we
23 ask him -- we should ask him why he made such affirmations and not come back
24 later -- at a later stage and give a certain meaning to said assertions.
25 PRESIDING JUDGE MINDUA: [13:33:25](Interpretation) Thank you very much,

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1 Mr Prosecutor.

2 Now, Ms Taylor, you are going to add something that I would like to add, that
3 the concerns raised by the Prosecution is also shared by the Chamber. Because since
4 this morning we have the statement of the witness to the investigators and you asked
5 the witness to confirm, he says, "yes", then you move on to another statement without
6 asking or without saying what your case is and what kind of questions you would
7 like to put to the witness. Often the witness says, "I stated that because I was
8 thinking such-and-such a thing." So this is your method and you're going to be
9 pleading subsequently. But that's going to be all up to the judges. The witness is
10 no longer going to be present in order to explain himself and that's why
11 the Prosecution is raising this issue. What do you say to all of that?

12 MS TAYLOR: [13:34:22] Thank you very much, Mr President. What I say is I'm
13 extremely surprised because this method is a method that was imposed on
14 the Defence at the request of the Prosecution by the Chamber. As the Chamber
15 might remember, yesterday I put questions to the witness and then I was directed not
16 to do so but to first go to the transcripts, show the transcripts to the witness, read
17 through the transcripts and (Overlapping speakers)

18 PRESIDING JUDGE MINDUA: [13:34:51](Interpretation) (Overlapping speakers)

19 Ms Taylor, no.

20 So you have not listened to what I just said. A few moments ago I said that you put
21 this statement to the witness, it's read out and then you ask the witness what he
22 meant and he says, yes, then you move on to another statement.

23 So what about the questions? What is the thesis that you are supporting? You say,
24 "Is that your statement", and he says "Yes". That's not your thesis. I don't know
25 what you're intending to plead. This is what the Chamber does not understand.

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1 The Prosecutor's trying to help you. Perhaps you were -- we never told you not to
2 put the question to the witness. We asked you to put the question in context.

3 Do we understand one another?

4 MS TAYLOR: [13:35:50] Yes, Mr President. And with the greatest respect,
5 the Prosecutor objected before I even had a chance to put questions to this witness.
6 He objected mid-question. So to accuse the Defence of not putting questions to
7 the witness when we've now had, I would imagine, six minutes of discussion over
8 a question that we weren't even given an opportunity to put, appears to be slightly
9 misplaced.

10 Now, we are doing our best to follow procedures which are entirely unclear. If we
11 had a written decisions explaining exactly what it is you want us to do we would
12 follow it. But as things stand, we were directed yesterday not to follow the normal
13 procedure, but to follow a different procedure and we are endeavouring to do that.

14 And it's very difficult to do that when we have objections that arise mid-question.

15 Now, before I can put any questions to a witness on the basis of a transcript, as this
16 Chamber is aware, I need to establish whether this transcript is accurate, whether it
17 reflects what the witness said. That's a preliminary question.

18 I don't see any basis to object to that. I'm not confronting this witness. I'm eliciting
19 evidence through the procedure requested by this Chamber.

20 PRESIDING JUDGE MINDUA: [13:37:18](Interpretation) Very well, Ms Taylor.

21 You said that the Prosecution interrupted you and you were about to put the question.

22 Well, that -- very well. The problem is we are now on the statement of

23 [REDACTED] and before we had that statement from [REDACTED] and before that
24 another statement from another time. The problem is we've had a series of
25 statements and you've asked the witness to confirm the statement, but then after that

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1 we're all at a loss. Because how many such statements are coming our way? Try to
2 perhaps -- perhaps after one or two statements you put your thesis to the witness. If
3 you just have all these witness -- all these statements read out, we really will have no
4 idea what everything is all about.

5 So, court officer, please re-establish the sound.

6 THE COURT OFFICER: [13:38:30] Your Honours, the sound has been re-established.

7 PRESIDING JUDGE MINDUA: [13:38:35](Interpretation) Thank you very much,
8 court officer.

9 Ms Taylor.

10 MS TAYLOR: [13:38:39] Thank you, Mr President. Obviously, I have to scroll back
11 through the four pages to find where we were.

12 Q. [13:39:02] So, Mr Witness, at line 44 -- page 44, line 3, you said: "I wanted to
13 clarify and explain how the situation I was in and how my situation had improved
14 over time."

15 Now, Mr Witness, does that mean that your ability to understand these issues
16 improved over time?

17 A. [13:39:46] Would you please repeat your question?

18 Q. [13:39:49] Mr Witness, I read out a sentence to you where you said:

19 (Interpretation) "Before I would say I was saying because, well, you were there.

20 And -- and I wanted to work with you."

21 (Speaks English) Mr Witness, did you want to work with the Prosecution to improve
22 your situation?

23 A. [13:40:42] Yes, that's what I meant.

24 Q. [13:40:47] And is it correct that looking back to your previous interviews your
25 situation was much worse and your ability to understand things was much worse

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1 when you [REDACTED]?

2 A. [13:41:19] My first situation was very bad. Then in the second time my
3 situation improved. I could move and I could verify that what I was saying was
4 the truth. So this gave me courage and what I was trying to do is to tell the truth,
5 whether my situation was good or bad.

6 Q. [13:42:14] Now, Mr Witness, after you were -- you changed your location, were
7 you [REDACTED]?

8 A. [13:42:39] Yes. Once or twice I [REDACTED]

9 Q. [13:42:53] And did [REDACTED] concern the events of 2012?

10 A. [13:43:13] No, [REDACTED] had to do with [REDACTED]

11 [REDACTED].

12 Q. [13:43:35] [REDACTED]

13 [REDACTED]
14 [REDACTED]

15 MR GARCIA: [13:43:49](Interpretation) One moment, one moment.

16 PRESIDING JUDGE MINDUA: [13:43:52](Interpretation) Mr Prosecutor.

17 MR GARCIA: [13:43:54](Interpretation) I believe we're in open session, unless I'm
18 mistaken.

19 PRESIDING JUDGE MINDUA: [13:43:58](Interpretation) Exactly.

20 MR GARCIA: [13:44:05](Interpretation) Your Honour, we need to immediately go
21 back to private session and we need to request a redaction.

22 PRESIDING JUDGE MINDUA: [13:44:14](Interpretation) Indeed.

23 Court officer.

24 (Private session at 1.44 p.m.)

25 THE COURT OFFICER: [13:44:20] We're in private session, Mr President.

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- 1 PRESIDING JUDGE MINDUA: [13:44:24](Interpretation) Thank you very much.
- 2 Ms Taylor.
- 3 THE INTERPRETER: [13:44:33] Overlapping.
- 4 MR GARCIA: [13:44:35](Interpretation) Everything should be covered under
- 5 Rule 74, in particular the question.
- 6 PRESIDING JUDGE MINDUA: [13:44:43](Interpretation) Naturally.
- 7 Court officer, make the necessary arrangements.
- 8 But for the time being we will continue in private session.
- 9 MR GARCIA: [13:45:01](Interpretation) Yes. What I'm suggesting -- now, I don't
- 10 know the line of questioning being pursued by my Defence colleague, but if we
- 11 continue with this line of questioning we'll have to continue with the Rule 74 system.
- 12 And I believe this is the case.
- 13 THE COURT OFFICER: [13:45:27] We can move into closed session, Your Honour.
- 14 MS TAYLOR: [13:45:30] I don't have that many questions on this.
- 15 PRESIDING JUDGE MINDUA: [13:45:39](Microphone not activated)
- 16 THE INTERPRETER: [13:45:41] Microphone, please.
- 17 PRESIDING JUDGE MINDUA: [13:45:43](Interpretation) Can you put your
- 18 questions in private session? No?
- 19 MS TAYLOR: [13:45:47] I've got -- I've got no objection. I think you can
- 20 retrospectively reclassify the transcripts to closed session. I don't think it makes any
- 21 difference.
- 22 PRESIDING JUDGE MINDUA: [13:46:02](Interpretation) Mr Prosecutor.
- 23 MR GARCIA: [13:46:03](Interpretation) The rule is clear, your Honour. You have
- 24 to go in camera and there are other provisions, including the sealing of questions and
- 25 answers that come under Rule 74. So it's not as easy as you might think.

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1 PRESIDING JUDGE MINDUA: [13:46:21](Interpretation) Very well.

2 Ms Taylor, how much time will you need to clear up this matter?

3 MS TAYLOR: [13:46:30] Two, three minutes, five maximum.

4 PRESIDING JUDGE MINDUA: [13:46:40](Interpretation) We are in private session

5 because I want to inform the public that we will be closing the -- drawing the drapes

6 for a few opens.

7 Open session for a few moments so I can inform the public in the gallery.

8 (Open session at 1.47 p.m.)

9 THE COURT OFFICER: [13:47:03] Your Honours, we're back in open session.

10 PRESIDING JUDGE MINDUA: [13:47:09](Interpretation) Thank you very much,

11 court officer.

12 We are in open session, but we are going to go into camera for three or four minutes.

13 Court officer, closed session, please.

14 (Closed session at 1.47 p.m.)

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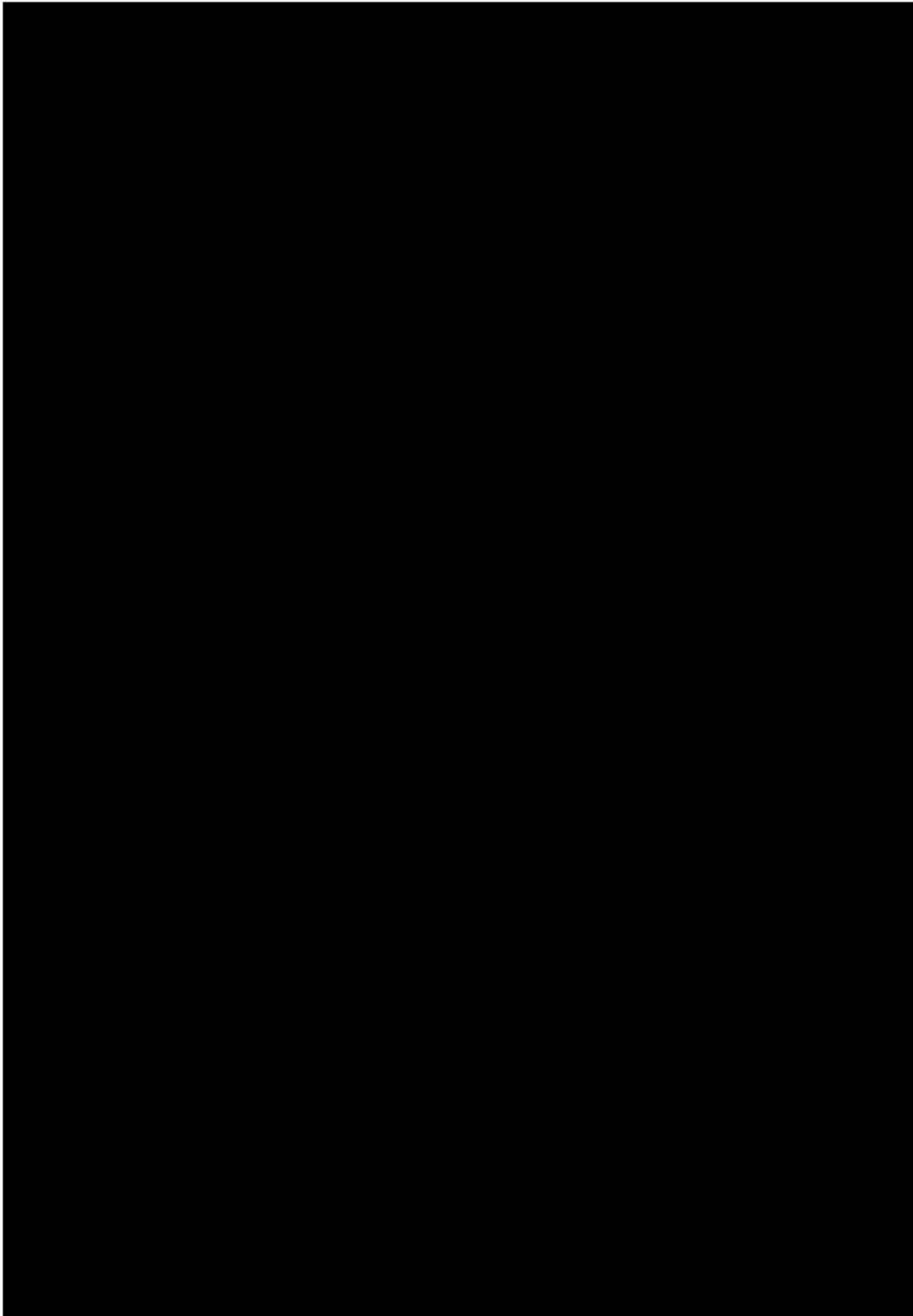
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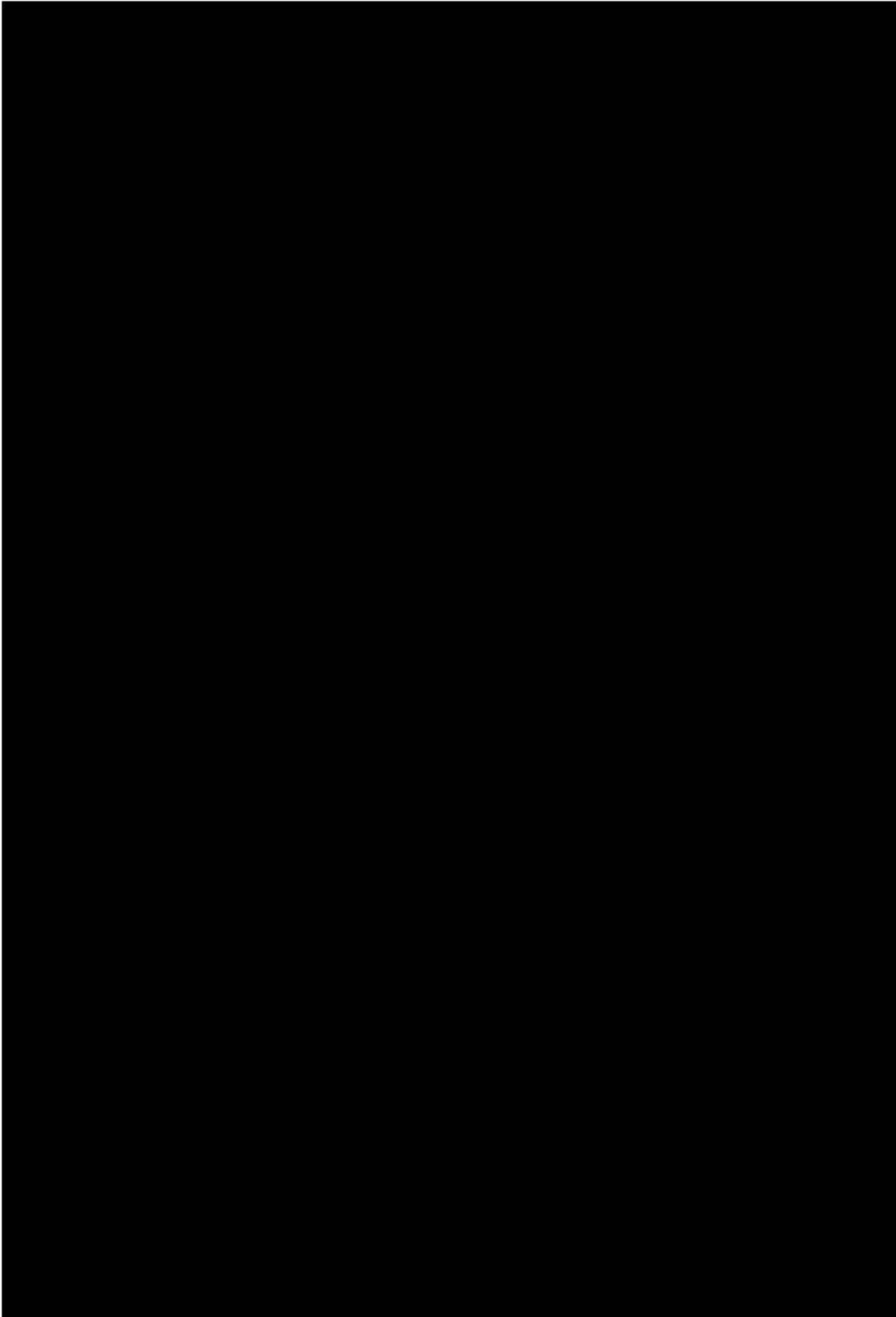


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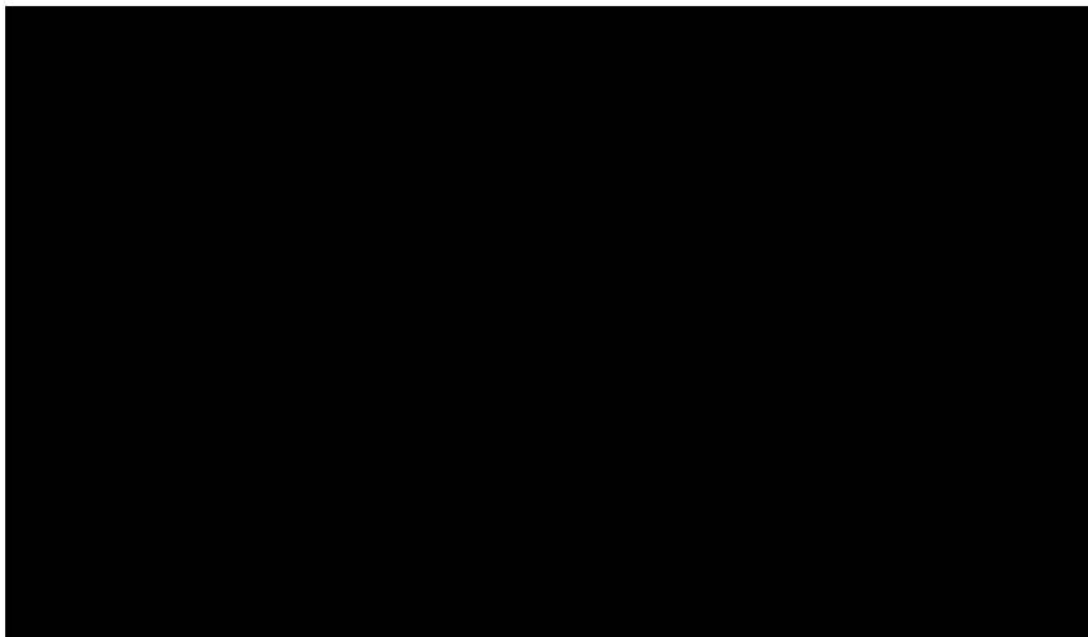


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11 (Open session at 1.57 p.m.)
12 THE COURT OFFICER: [13:57:31] We are back in open session, Mr President.
13 PRESIDING JUDGE MINDUA: [13:57:39](Interpretation) Thank you very much,
14 court officer.
15 Ms Taylor.
16 MS TAYLOR:
17 Q. [13:57:42] So, Mr Witness, you were [REDACTED] that's correct?
18 A. [13:57:56] Yes. Yes.
19 Q. [13:57:58] And why were [REDACTED]
20 A. [13:58:14] As I said before, [REDACTED] In the first time, I talked with
21 him and he told me some things. I responded to that.
22 [REDACTED]
23 [REDACTED] And after that, he
24 [REDACTED]
25 [REDACTED] And after that, [REDACTED] I do not

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- 1 know how large it was. [REDACTED]
- 2 Q. [13:59:47] So, [REDACTED]
- 3 [REDACTED] with you. Did he describe these
- 4 officials?
- 5 PRESIDING JUDGE MINDUA: [14:00:05](Interpretation) Mr Prosecutor.
- 6 MR GARCIA: [14:00:06](Interpretation) Your Honours, we are in open session
- 7 and -- and with the details --
- 8 THE INTERPRETER: [14:00:20] The witness is speaking Arabic at the same time.
- 9 THE WITNESS: [14:00:23](Interpretation) These were Malian officials from
- 10 the government.
- 11 PRESIDING JUDGE MINDUA: [14:00:30](Interpretation) Do you think that this
- 12 detail is -- perhaps private session for the names to be provided.
- 13 MR GARCIA: [14:00:41](Interpretation) It's more the number of details. If we
- 14 remain general, that's one thing. But if we mention too many details, things may get
- 15 more complicated.
- 16 PRESIDING JUDGE MINDUA: [14:00:55](Interpretation) Yes, Mr Prosecutor. That
- 17 is -- well, [REDACTED]
- 18 It's more the -- it's more the names of the people who [REDACTED] that are sensitive.
- 19 If there are names, the names can be given in private session. I'm putting
- 20 the question to the Prosecutor.
- 21 MR GARCIA: [14:01:29](Interpretation) Yes, yes, I think that would be extremely
- 22 helpful, and that way we could then continue.
- 23 PRESIDING JUDGE MINDUA: [14:01:37](Interpretation) Ms Taylor, the question
- 24 that you put could lead the witness into providing names. And I can also ask -- I can
- 25 also order private session for these questions. What do you think? Because I don't

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1 know what you're going to ask after.

2 MS TAYLOR: [14:02:01] Perhaps, Mr President, we can ask the witness if he knows
3 any names. If he doesn't, there's no point going into private session if that's all
4 the information he has on this point, then we're going into private session.

5 PRESIDING JUDGE MINDUA: [14:02:17](Interpretation) You are right. So put
6 the question to him in the appropriate manner.

7 MS TAYLOR:

8 Q. [14:02:24] Now, Mr Witness, without giving me any names or details, do you
9 know any names or details of these Malian officials?

10 A. [14:02:39] [REDACTED] did not mention any names to me. He just said that
11 a number of senior officials came [REDACTED] He did not mention
12 names.

13 Q. [14:03:00] So, Mr Witness, you said that [REDACTED] Did you
14 have to agree to any conditions or guarantees yourself?

15 A. [14:03:22] I did not understand the question.

16 Q. [14:03:26] Now, Mr Witness, you said that to be -- [REDACTED] Now, in
17 addition [REDACTED] did you have to agree to any conditions, that you would do
18 things or not do this?

19 A. [14:03:52] I do not recall that.

20 Q. [14:03:56] And were you told whether [REDACTED] or could
21 it be [REDACTED]?

22 A. [14:04:16] None of that was said to me.

23 Q. [14:04:21] Now, Mr Witness, you were scheduled to testify in March this year,
24 and then your testimony was postponed. Was it postponed at your request?

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

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1 Q. [14:04:44] Now, Mr Witness, I'm going to ask a question, but please put up your
2 hand if your answer would need a private session.

3 Why did you ask to postpone it?

4 A. [14:05:09] I requested the postponement given private considerations.

5 Q. [14:05:24] Now, Mr Witness, it's correct, isn't it, that after your testimony was
6 postponed, you still met the Prosecution to conduct a preparation session in March?

7 A. [14:05:46] Yes.

8 Q. [14:05:50] And it's correct that a second preparation session was conducted
9 in September?

10 A. [14:06:04] Yes.

11 Q. [14:06:07] Whose idea was it to have the second preparation session?

12 MR GARCIA: [14:06:24](Overlapping speakers)

13 THE WITNESS: [14:06:28](No interpretation)(Overlapping speakers)

14 THE ARABIC INTERPRETER: [14:06:29] Inaudible because of overlapping speakers.

15 PRESIDING JUDGE MINDUA: [14:06:36](Interpretation) Mr Prosecutor.

16 MR GARCIA: [14:06:38](Interpretation) Mr President, I do not see how the witness
17 would be able to answer that. And I do not grasp the relevance of this line of
18 questioning, as to who thought it might be useful to have a preparatory session or
19 not.

20 PRESIDING JUDGE MINDUA: [14:07:05](Interpretation) Ms Taylor, I do believe
21 that you can withdraw that question.

22 MS TAYLOR: [14:07:08] Mr President, the witness can either say it was him or
23 the Prosecution.

24 Now, it is quite extraordinary to have two preparation sessions. After the trial has
25 started it should be very, very rare that there are meetings between the Prosecution

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1 and witnesses on questions of substance. This is an issue that is directly relevant

2 and we're entitled to find out why this extraordinary event happened.

3 PRESIDING JUDGE MINDUA: [14:07:42](Interpretation) Ms Taylor, the Chamber

4 would not like this question to be put. Please move on to something else.

5 MS TAYLOR: [14:07:49]

6 Q. [14:07:49]

7 [REDACTED]?

8 MR GARCIA: [14:08:04](Interpretation) Mr President.

9 PRESIDING JUDGE MINDUA: [14:08:05](Interpretation) Mr Prosecutor.

10 MR GARCIA: [14:08:06](Interpretation) We are in open session. I don't want to
11 interrupt, but on two or three occasions I have done so and then we have to ask for
12 redactions.

13 PRESIDING JUDGE MINDUA: [14:08:20](Interpretation) Yes, well, we have
14 understood, Mr Prosecutor. That's fine.

15 Ms Taylor, please be more careful.

16 Mr Courtroom Officer, could you please do what is necessary.

17 MS TAYLOR: [14:08:34] I think it would be better to go into private session.

18 PRESIDING JUDGE MINDUA: [14:08:41](Interpretation) Very well.

19 Mr Courtroom Officer, private session, please.

20 (Private session at 2.08 p.m.)

21 THE COURT OFFICER: [14:08:52] We're in private session, Mr President.

22 MS TAYLOR: [14:09:00]

23 Q. [14:09:00] I apologise, Mr Witness. We're now in private session and I'll repeat
24 my question.

25 [REDACTED]

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1 [REDACTED]; is that correct?

2 A. [14:09:28] Yes, it is true [REDACTED] But regarding my memorisation of
3 the Koran, I wouldn't say that that is the case. I did read the Koran in its entirety
4 more than once. I memorised some parts and I don't know other parts.

5 Q. [14:09:54] Now, Mr Witness, at transcript 141, page 16, you gave evidence
6 concerning a [REDACTED] Do you recall that? In
7 2012.

8 A. [14:10:18] Yes, I recall that.

9 Q. [14:10:22] Do you recall if [REDACTED]?

10 A. [14:10:43] I don't recall that he was present.

11 Q. [14:10:44] Now you said at the same page, that's page 16 of transcript 141, that

12 [REDACTED]

13 [REDACTED]

14 A. [14:11:05] I was not.

15 Q. [14:11:08] Now, Mr Witness [REDACTED]?

16 A. [14:11:21] Yes.

17 PRESIDING JUDGE MINDUA: [14:11:25](Interpretation) Mr Prosecutor.

18 MR GARCIA: [14:11:27](Interpretation) Mr President, a point of clarification

19 because I have just noted the question. The fact of [REDACTED]

20 The question has been asked, the witness has answered it, but of course we need to
21 refer to the transcript when the witness explains the circumstances in which he found
22 himself in the company of others. I'm not going to say anything more, but I think
23 that my intervention should appear on the record. There are two particular
24 instances, the time when he went there and the time when he left.

25 PRESIDING JUDGE MINDUA: [14:12:16](Interpretation) Very well. We have

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1 taken note.

2 MS TAYLOR: [14:12:20] And for the record I did give the transcript reference of

3 transcript 141, page 16: [REDACTED]

4 [REDACTED]

5 I'm moving on.

6 Q. [14:12:32] Now, Mr Witness, you said you had [REDACTED]. So it's correct
7 that you needed [REDACTED]?

8 A. [14:12:57] Yes, that is true.

9 Q. [14:12:58] Now, given that you had [REDACTED] would it have been easy
10 for you to have left the region of Timbuktu?

11 A. [14:13:37] This was part of my hope for finding something that could be of
12 benefit to me. [REDACTED]

13 [REDACTED] And it was not a very long time. It was not so many days.

14 Q. [14:14:23] So, Mr Witness, you said you were hoping to find something to
15 benefit you. Would it have been easy to find something if you had to leave
16 the country or go to Bamako?

17 A. [14:14:47] I did not understand.

18 Q. [14:14:50] Mr Witness, I'm speaking about you staying in Timbuktu in 2012 and
19 the reasons you stayed in Timbuktu in 2012. Would it have been difficult for you to
20 find work and a way to support your family if you had left the region of Timbuktu?

21 A. [14:15:36] Yes.

22 Q. [14:15:40] [REDACTED]

23 [REDACTED]

24 A. [14:15:55] I did not have any other options.

25 PRESIDING JUDGE MINDUA: [14:16:00](Interpretation) Mr Prosecutor.

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1 MR GARCIA: [14:16:01](Interpretation) Mr President, we have just fallen into
2 material that is covered by Rule 74 with this last question. So I don't know whether
3 it's possible to group them together, if possible. Otherwise they're going to be
4 scattered all over and it's going to be different -- difficult to bring them together at
5 a later stage.

6 PRESIDING JUDGE MINDUA: [14:16:30](Interpretation) Yes, Ms Taylor, we have
7 15 minutes remaining approximately until we rise for the break. I would like you to
8 group your questions with regard to Rule 74, maybe at the beginning of the next
9 session, for us to now be able to go into open session and finish up in open session.
10 Is that possible?

11 MS TAYLOR: [14:16:58] If it may assist the Chamber, we are hoping to finish today.
12 Now, it's difficult for me to understand exactly what it is that the Prosecutor
13 understands falls under Rule 74, but I have questions about, obviously 2012. And if
14 anything concerning his actions in 2012 fall under Rule 74, then I'm afraid I can't just
15 carve out a discrete part. I can endeavour to go into open session on various points
16 which don't specifically concern the witness, but they are in different topics.
17 So perhaps it might be better to go between closed session and open session.

18 PRESIDING JUDGE MINDUA: [14:17:58](Microphone not activated)

19 THE INTERPRETER: [14:18:00] Microphone, please, Presiding Judge. Microphone,
20 please.

21 PRESIDING JUDGE MINDUA: [14:18:09](Interpretation) We are in private session
22 now. We can move into open session. We can then wrap up this session in
23 approximately 12 minutes and then I could announce that at the beginning of the next
24 session you will have 13 -- 15 or 30 minutes in closed session and then you can
25 prepare yourself accordingly in order to rise to the idea of publicity and also it will

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1 enable you to prepare yourself adequately.

2 MS TAYLOR: [14:18:38] Mr President, with due respect, I'm on a topic that concerns

3 [REDACTED] I can't go into open session. I just -- if we can finish it quickly

4 without these constant interventions, and I believe if we go into closed session, we

5 finish the topic, then I can go into open session.

6 PRESIDING JUDGE MINDUA: [14:19:04](Interpretation) Mr Prosecutor.

7 MR GARCIA: [14:19:06](Interpretation) I'm on my feet, Mr President, because

8 counsel for the Defence is requesting what we deemed was material under Rule 74.

9 [REDACTED]
10 [REDACTED]

11 such things according -- [REDACTED] et cetera, that does not

12 fall under Rule 74. But that's what we think.

13 PRESIDING JUDGE MINDUA: [14:19:52](Interpretation) Very well.

14 So, Mr Courtroom Officer, we are in private session, are we not?

15 Mr Prosecutor, you are requesting us to go into closed session.

16 MR GARCIA: [14:20:06](Interpretation) Yes. According to that requested under

17 Rule 74.

18 PRESIDING JUDGE MINDUA: [14:20:10](Interpretation) Well, I shall do so.

19 Mr Courtroom Officer, we're going to go back into open session and then I shall

20 announce that in the remaining 10 minutes we shall be in closed session.

21 So let's do that.

22 (Open session at 2.20 p.m.)

23 THE COURT OFFICER: [14:20:35] We're back in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [14:20:42](Interpretation) Thank you very much,

25 Mr Courtroom Officer.

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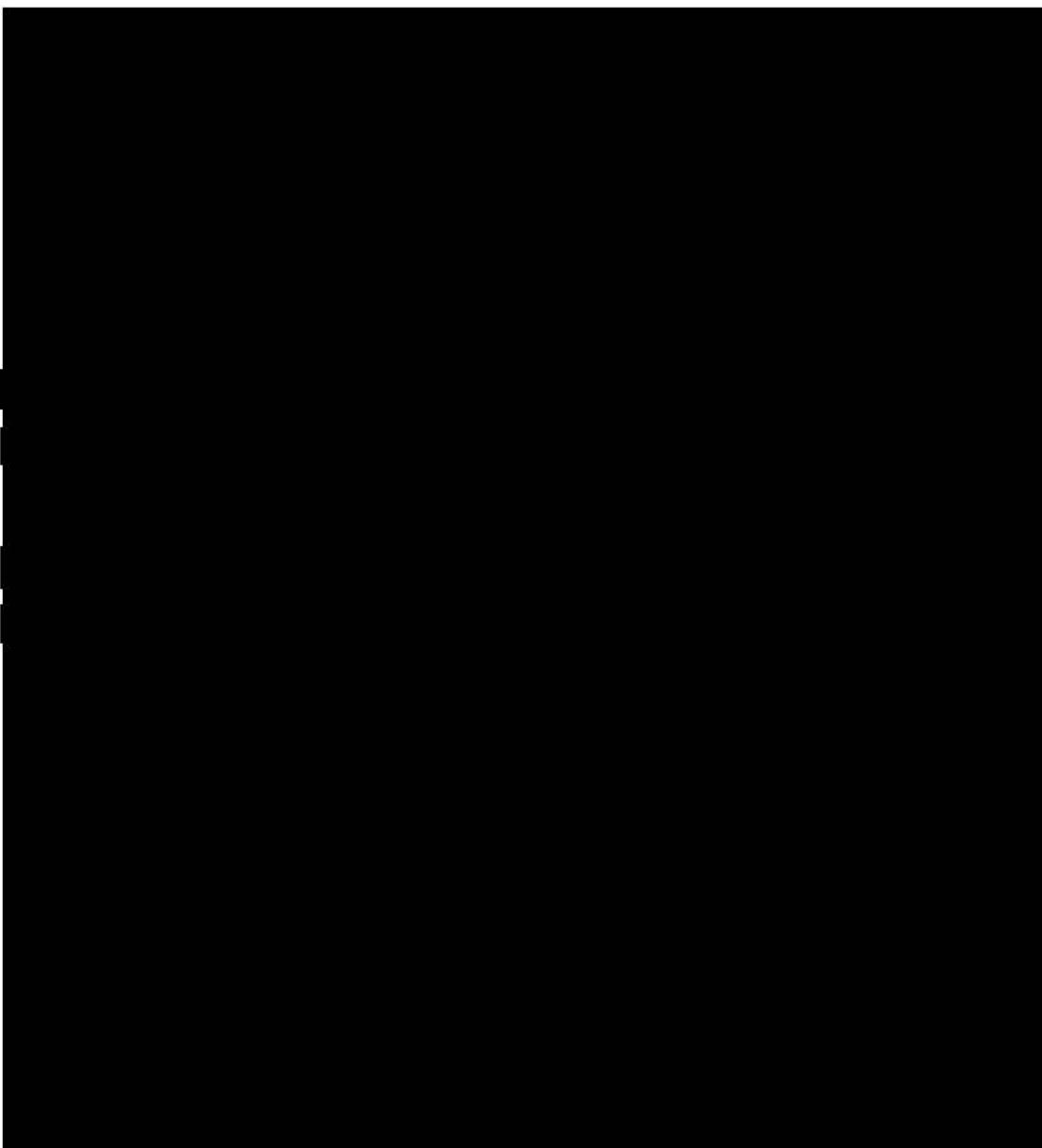
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1 Now, for the public I am announcing that we shall now be sitting in closed session
2 until the next break, which is in 10 minutes. At 2.30 we shall rise and we shall
3 reconvene at 3 p.m.

4 For the time being, we shall be moving into closed session, Mr Courtroom Officer,
5 please.

6 (Closed session at 2.21 p.m.)

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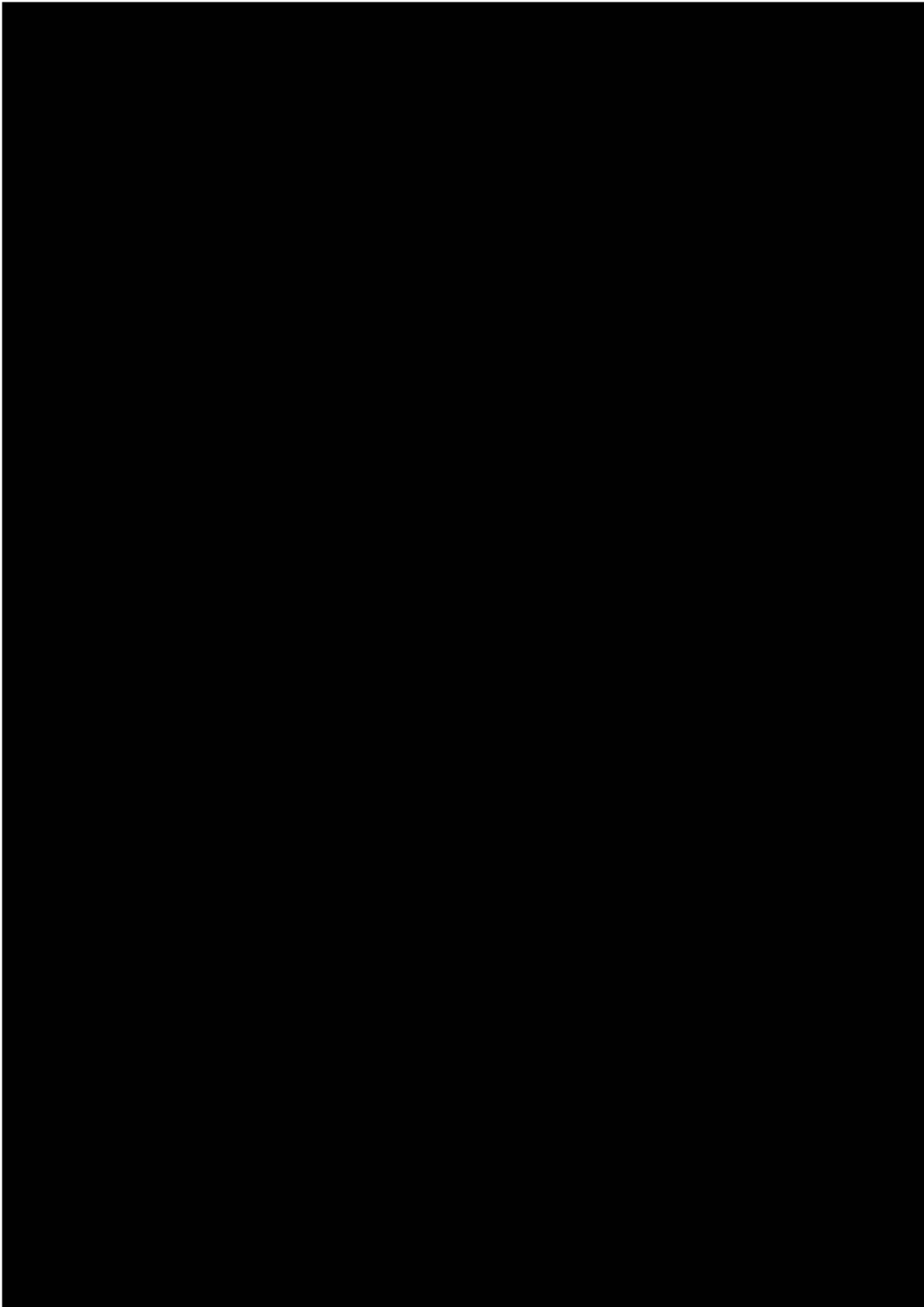


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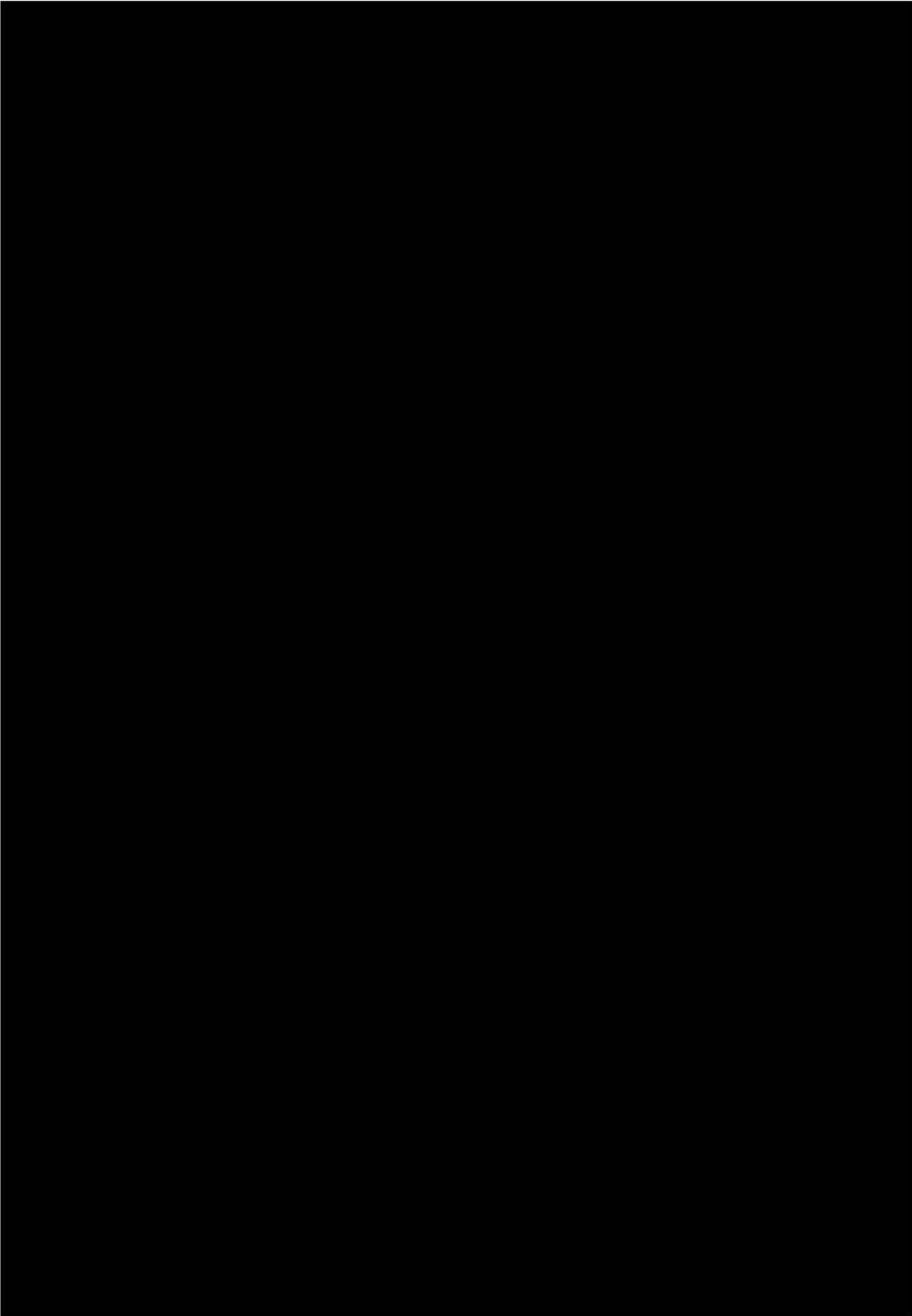


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3 (Open session at 2.31 p.m.)

4 THE COURT OFFICER: [14:32:12] We're in open session, Mr President.

5 PRESIDING JUDGE MINDUA: [14:32:17](Interpretation) Thank you very much,

6 court officer.

7 We shall now suspend and resume at 3 o'clock on the dot. The hearing is

8 suspended.

9 THE COURT USHER: [14:32:28] All rise.

10 (Recess taken at 2.32 p.m.)

11 (Upon resuming in open session at 3.01 p.m.)

12 THE COURT USHER: [15:01:46] All rise.

13 Please be seated.

14 PRESIDING JUDGE MINDUA: [15:02:16](Interpretation) The hearing shall now

15 resume.

16 The Defence may proceed with its cross-examination.

17 Ms Taylor.

18 MS TAYLOR:

19 Q. [15:02:33] Now, Mr Witness, speaking of the time period

20

21 A. [15:02:56] Yes.

22 MS TAYLOR: [15:03:01] Mr President, may I ask one question in private session.

23 PRESIDING JUDGE MINDUA: [15:03:09](Interpretation) Yes, indeed.

24 Court officer, private session.

25 (Private session at 3.03 p.m.)

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1 THE COURT OFFICER: [15:03:21] We're in private session, Mr President.

2 PRESIDING JUDGE MINDUA: [15:03:26](Interpretation) Thank you very much,
3 court officer.

4 Ms Taylor.

5 MS TAYLOR:

6 Q. [15:03:30] Now, speaking of this period before 2012, [REDACTED]

7 [REDACTED]

8 A. [15:03:46] Yes.

9 Q. [15:03:49] Now, Mr Witness, we're going to go back into open session. But
10 when I refer to your background, I'm referring to [REDACTED]

11 [REDACTED] but I won't repeat that in open session.

12 Mr President, if we may go into open session.

13 PRESIDING JUDGE MINDUA: [15:04:16](Interpretation) Court officer, open session,
14 please.

15 (Open session at 3.04 p.m.)

16 THE COURT OFFICER: [15:04:24] We're back in open session, Mr President.

17 PRESIDING JUDGE MINDUA: [15:04:27](Interpretation) Thank you very much,
18 court officer.

19 Ms Taylor.

20 MS TAYLOR:

21 Q. [15:04:32] Mr Witness, did this role [REDACTED]

22 [REDACTED]?

23 A. [15:05:03] I don't really understand the question. Can you repeat that, please.

24 Q. [15:05:06] Mr Witness, you said that before [REDACTED]

25 [REDACTED] My question is: After people [REDACTED]

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1 [REDACTED] ?

2 A. [15:05:35] Yes, always. All the time.

3 Q. [15:05:37] So this is something you did before 2012?

4 A. [15:05:44] Yes.

5 Q. [15:05:46] And also during 2012?

6 A. [15:05:57] Yes, with regards to my tribe -- with regards to the tribe.

7 Q. [15:06:04] So were you continuing the same role that you had before 2012?

8 A. [15:06:15] Yes.

9 Q. [15:06:23] And were you doing this because of your tribal role and not on behalf
10 of Ansar Dine?

11 A. [15:06:37] Yes, my tribal role.

12 Q. [15:06:45] Now, Mr Witness, is it correct that the members of Al-Qaeda didn't
13 want their names to be known by the locals in Timbuktu?

14 A. [15:07:01] Yes.

15 Q. [15:07:04] And is it correct that they tried to disguise their presence?

16 A. [15:07:26] All that I know is that they didn't give their names, their real names.
17 They gave their nicknames only, the way that they call -- used to call each other.

18 Q. [15:07:49] Is it correct that they would often hide behind locals?

19 A. [15:08:06] I don't understand this. Well, I don't know this.

20 MS TAYLOR: [15:08:12] I believe it would be helpful to be more specific, but to do
21 so I believe we'd have to go into closed session.

22 PRESIDING JUDGE MINDUA: [15:08:29](Interpretation) Court officer, if you could.

23 (Closed session at 3.08 p.m.)

24 [REDACTED]

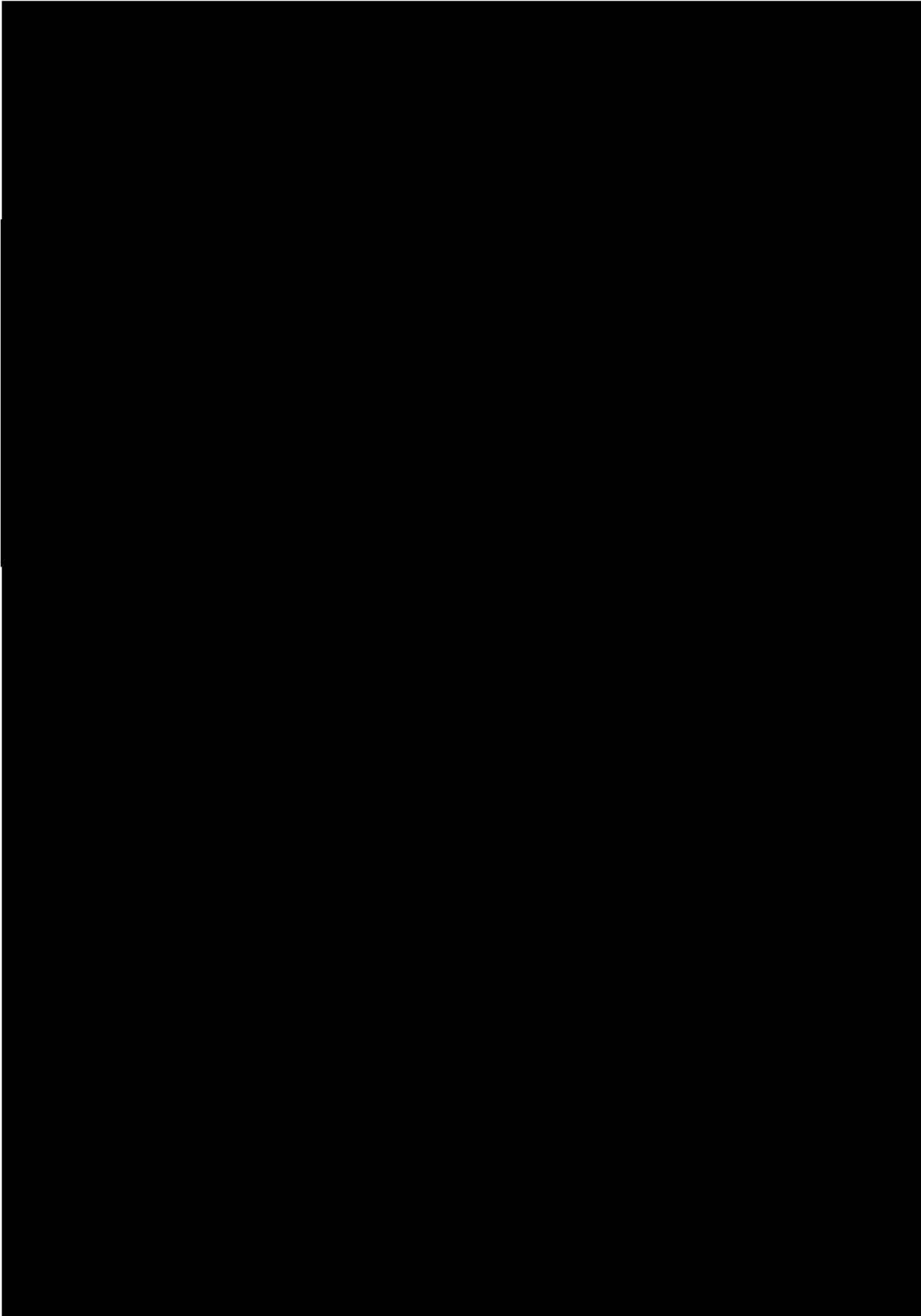
25 [REDACTED]

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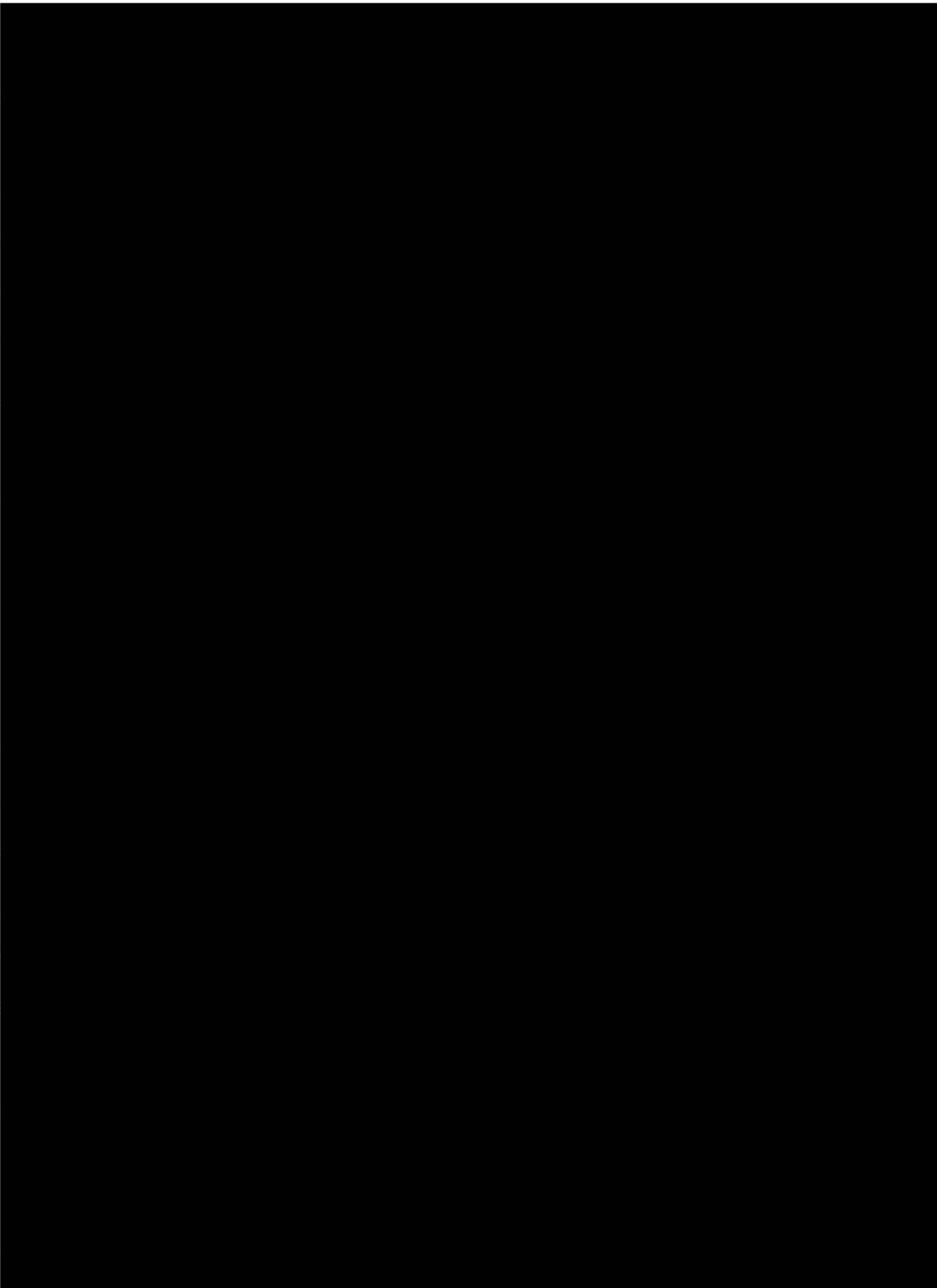


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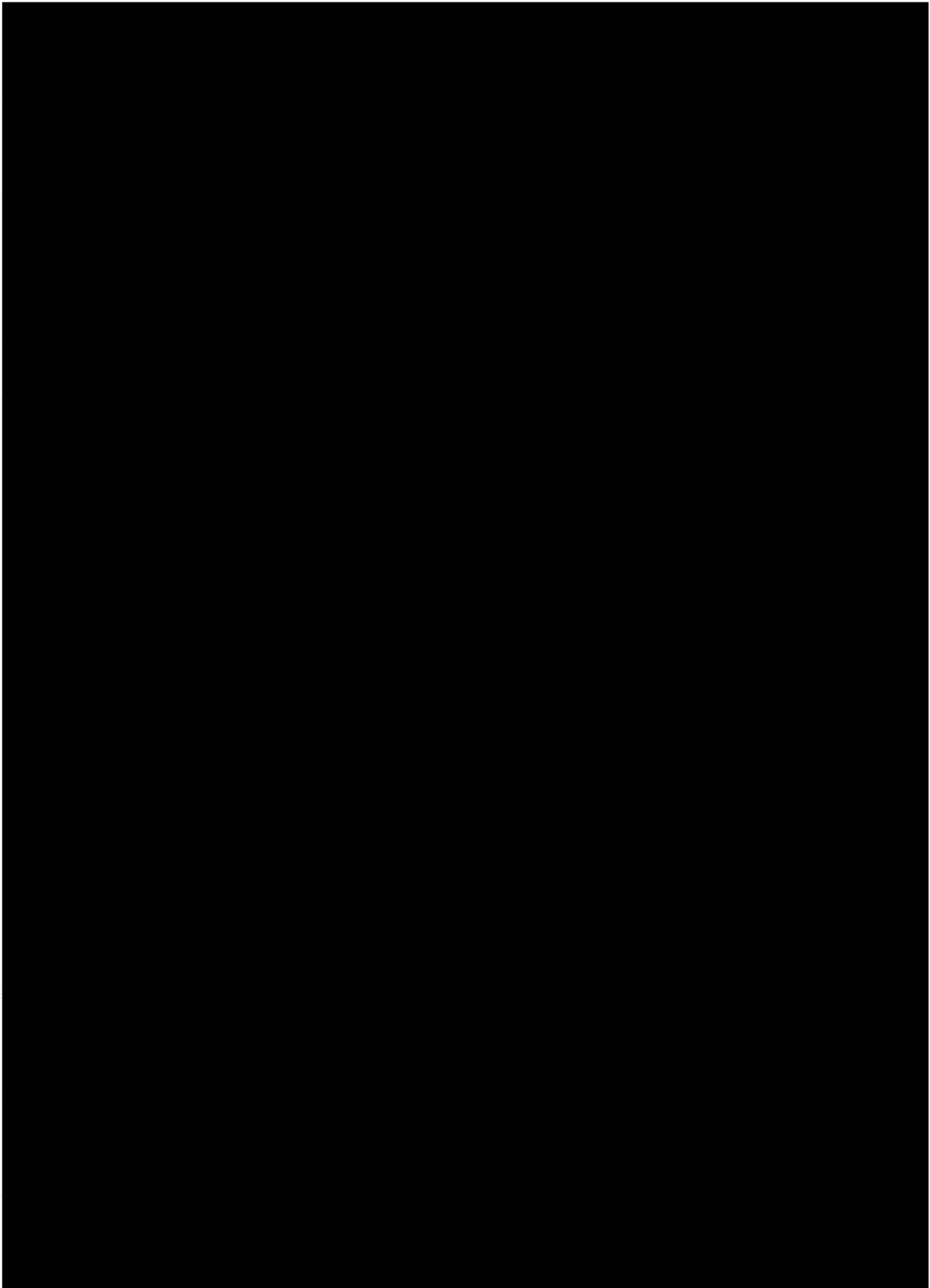


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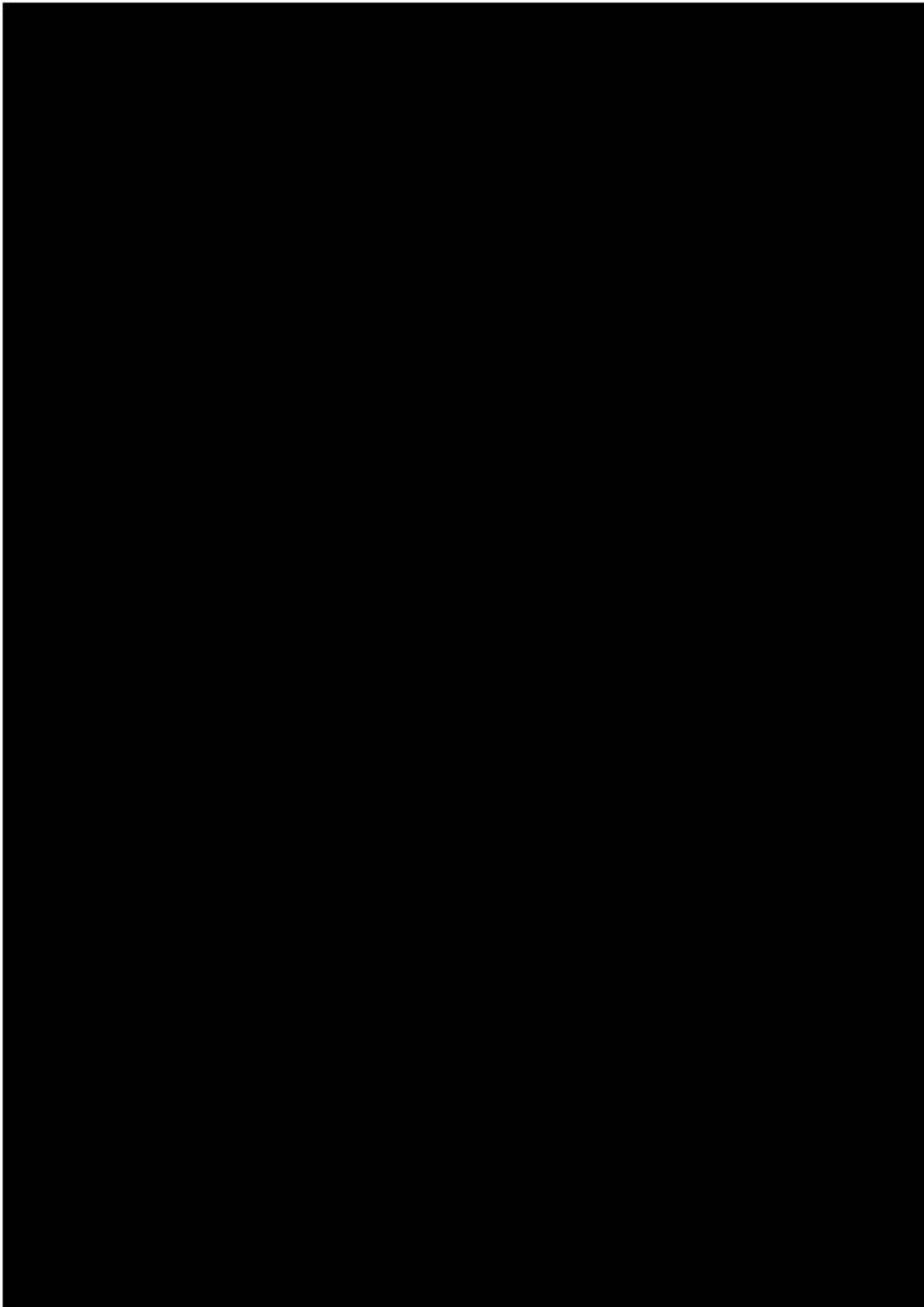


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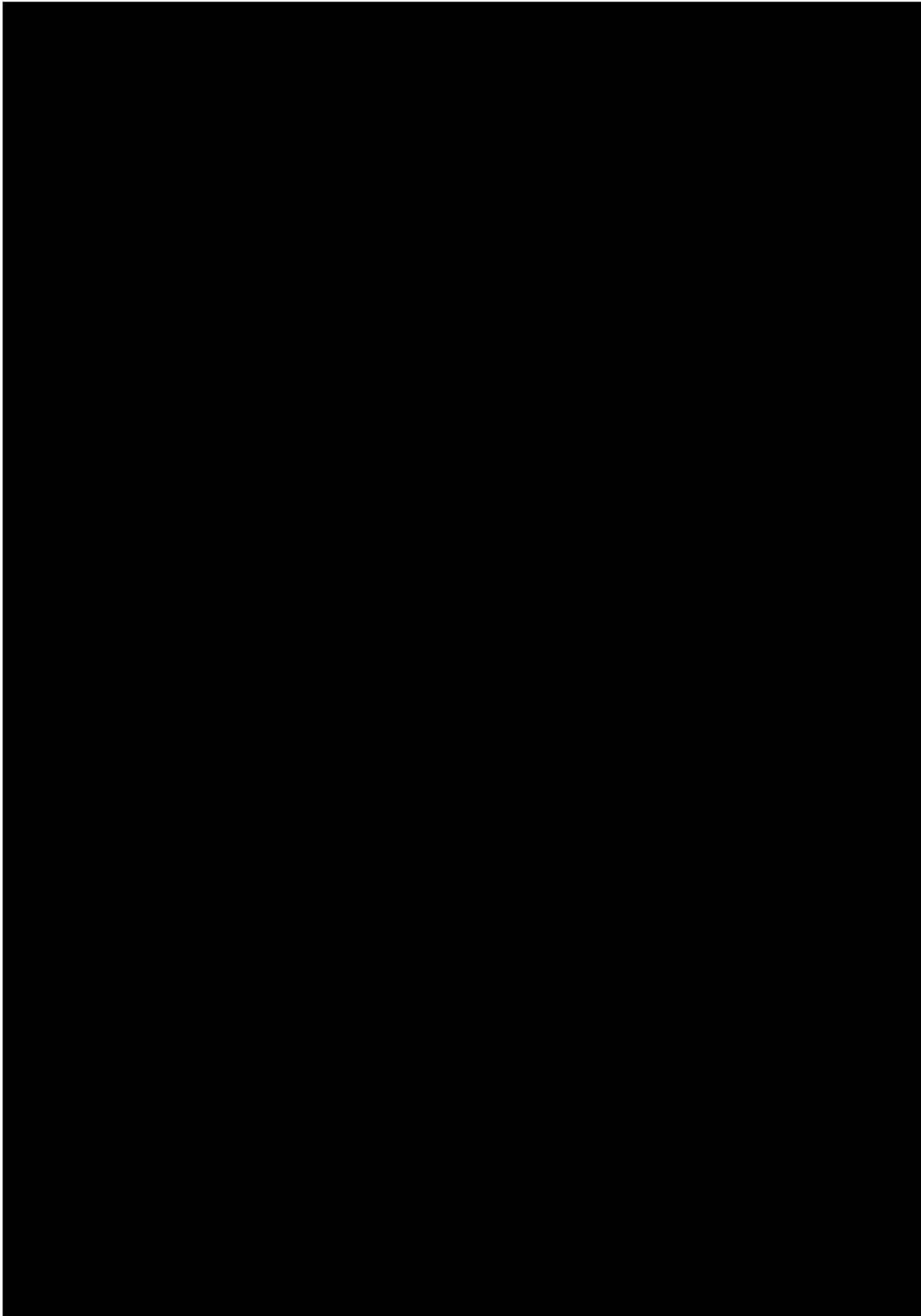


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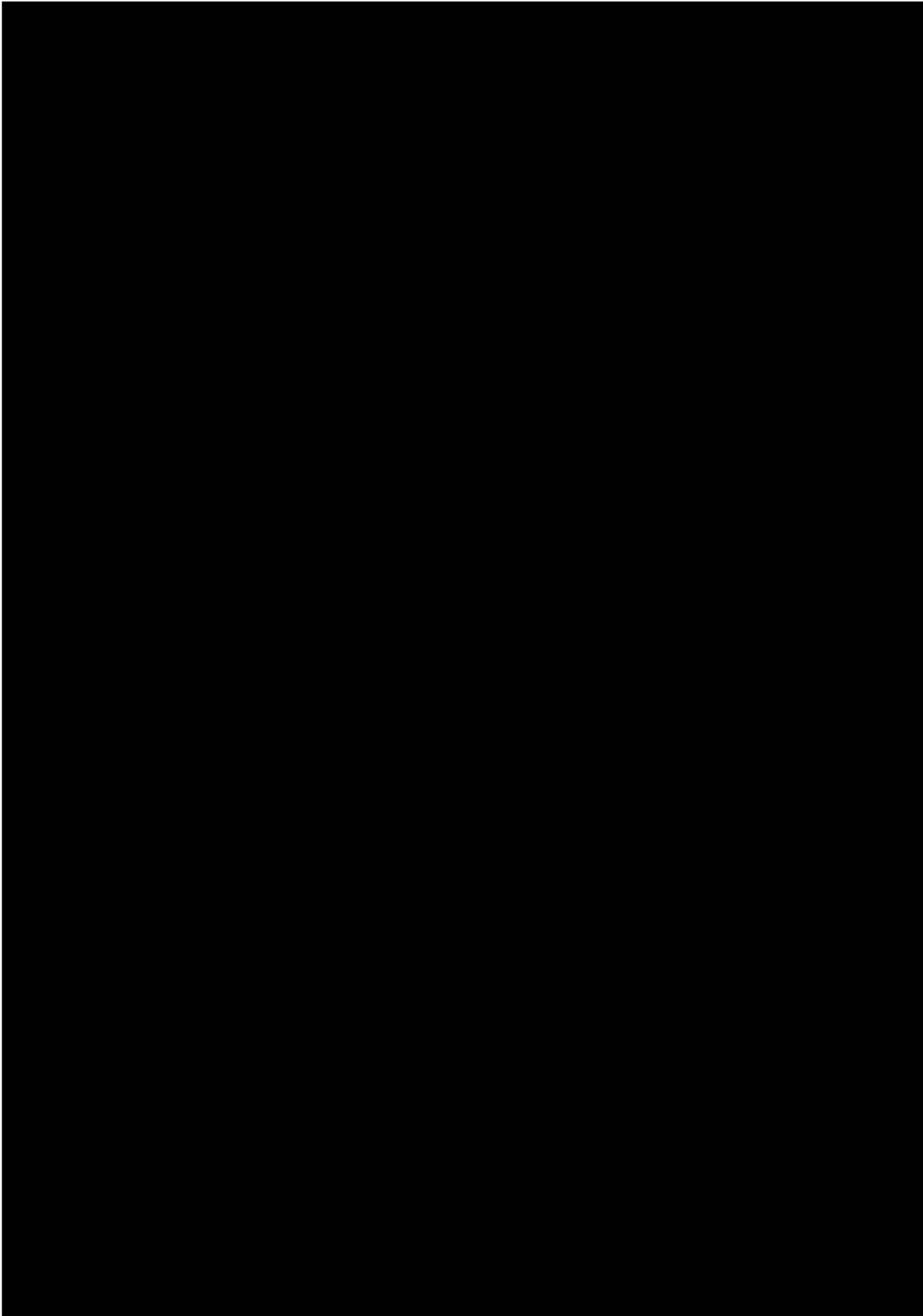


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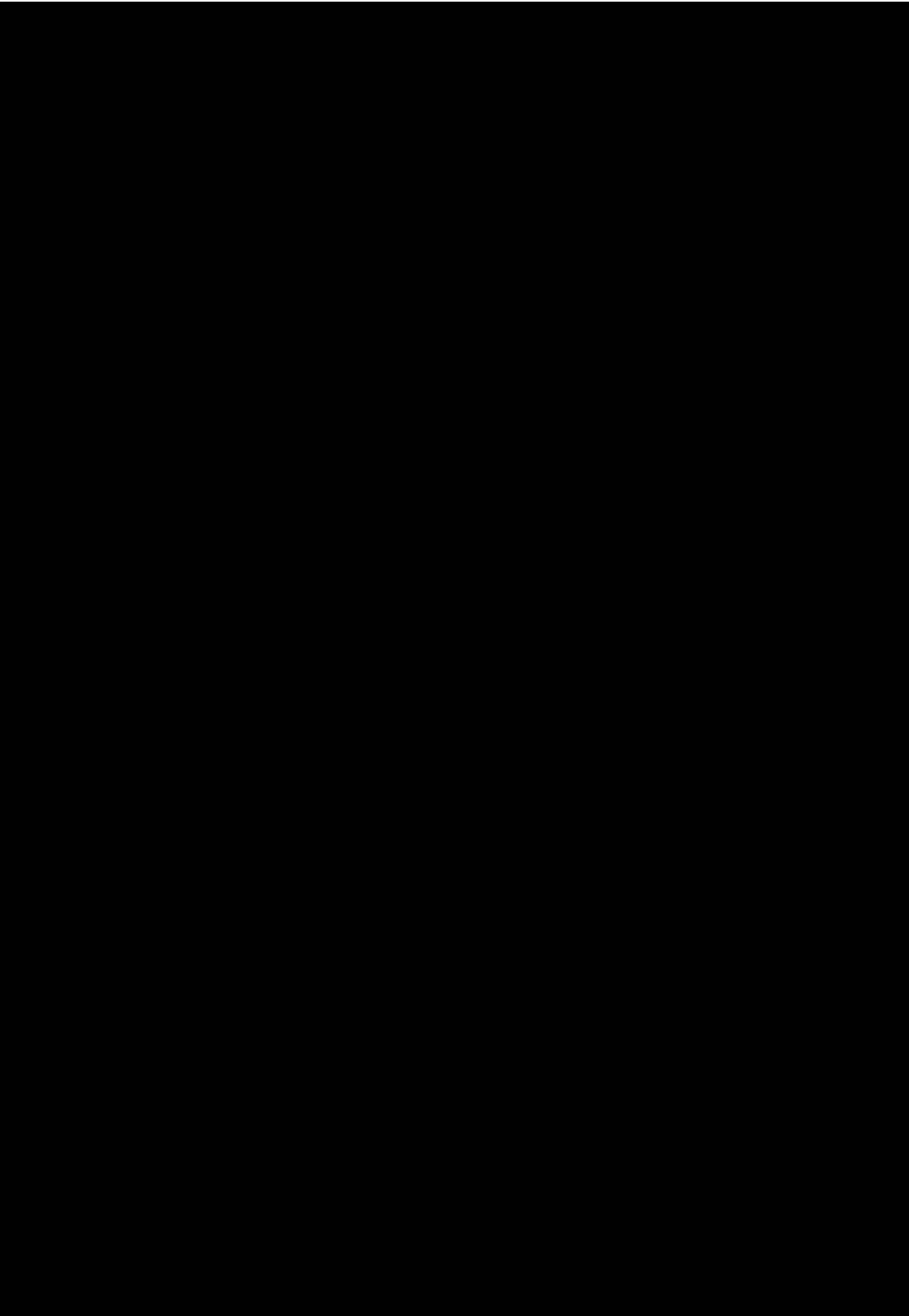


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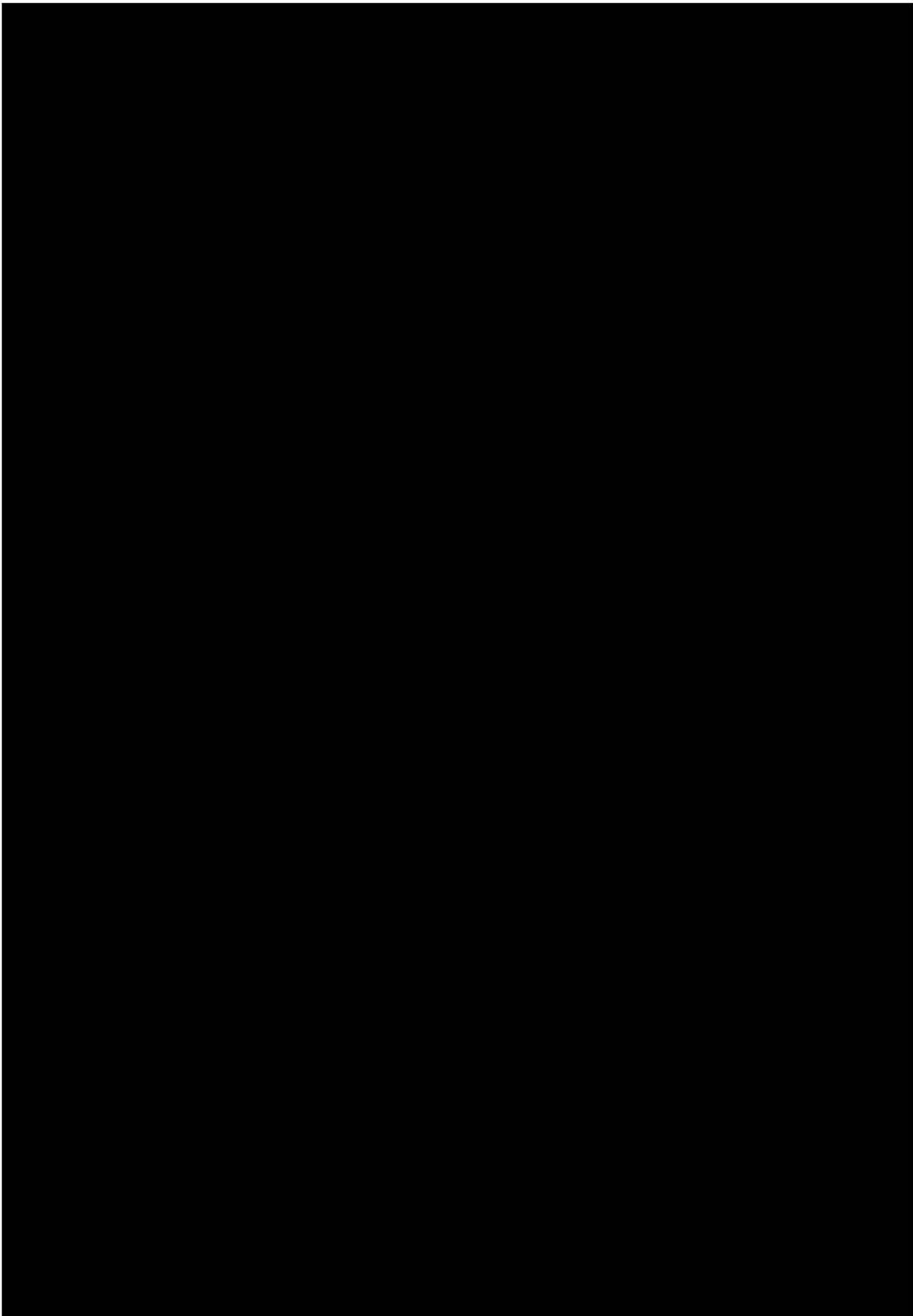


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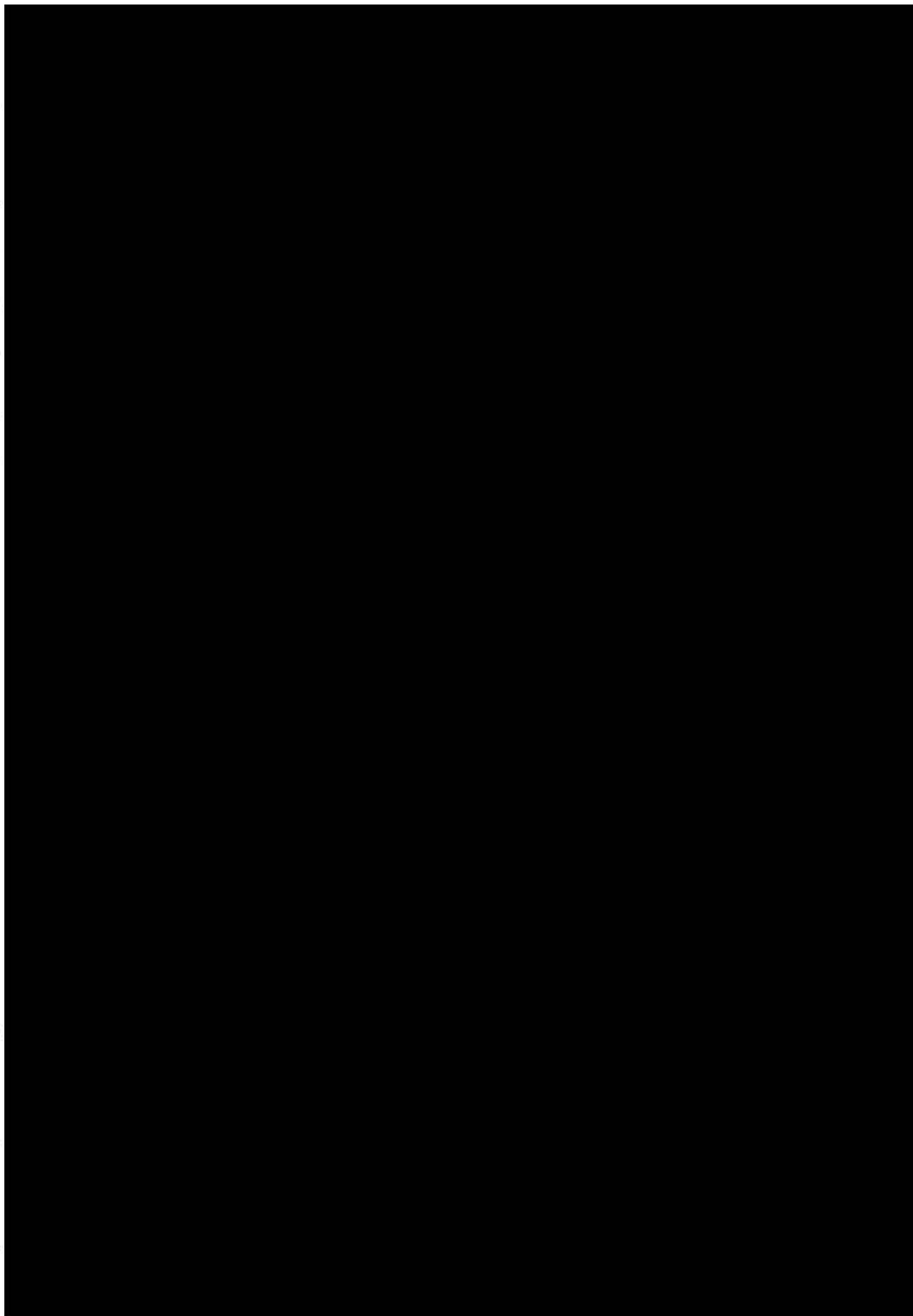


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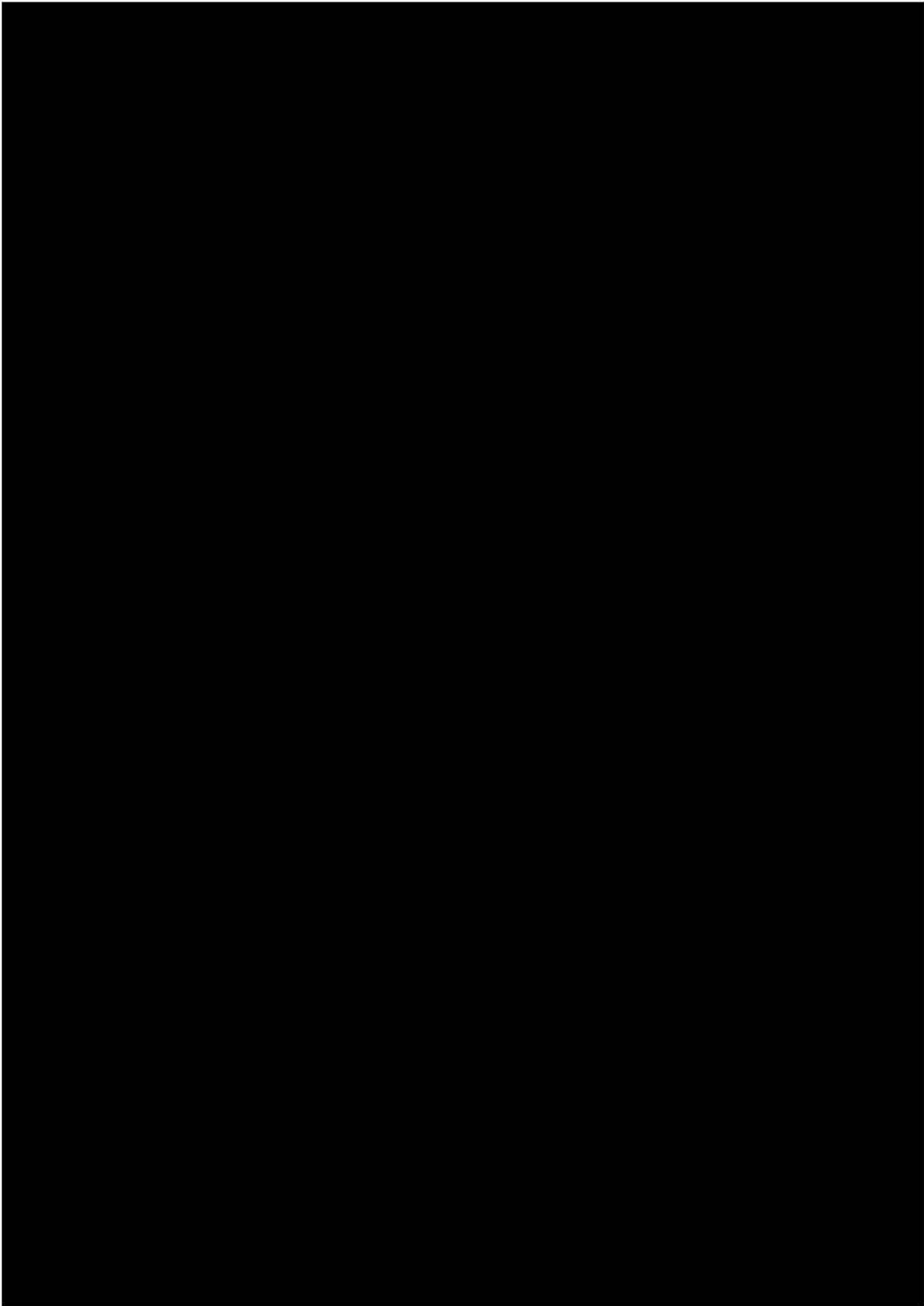


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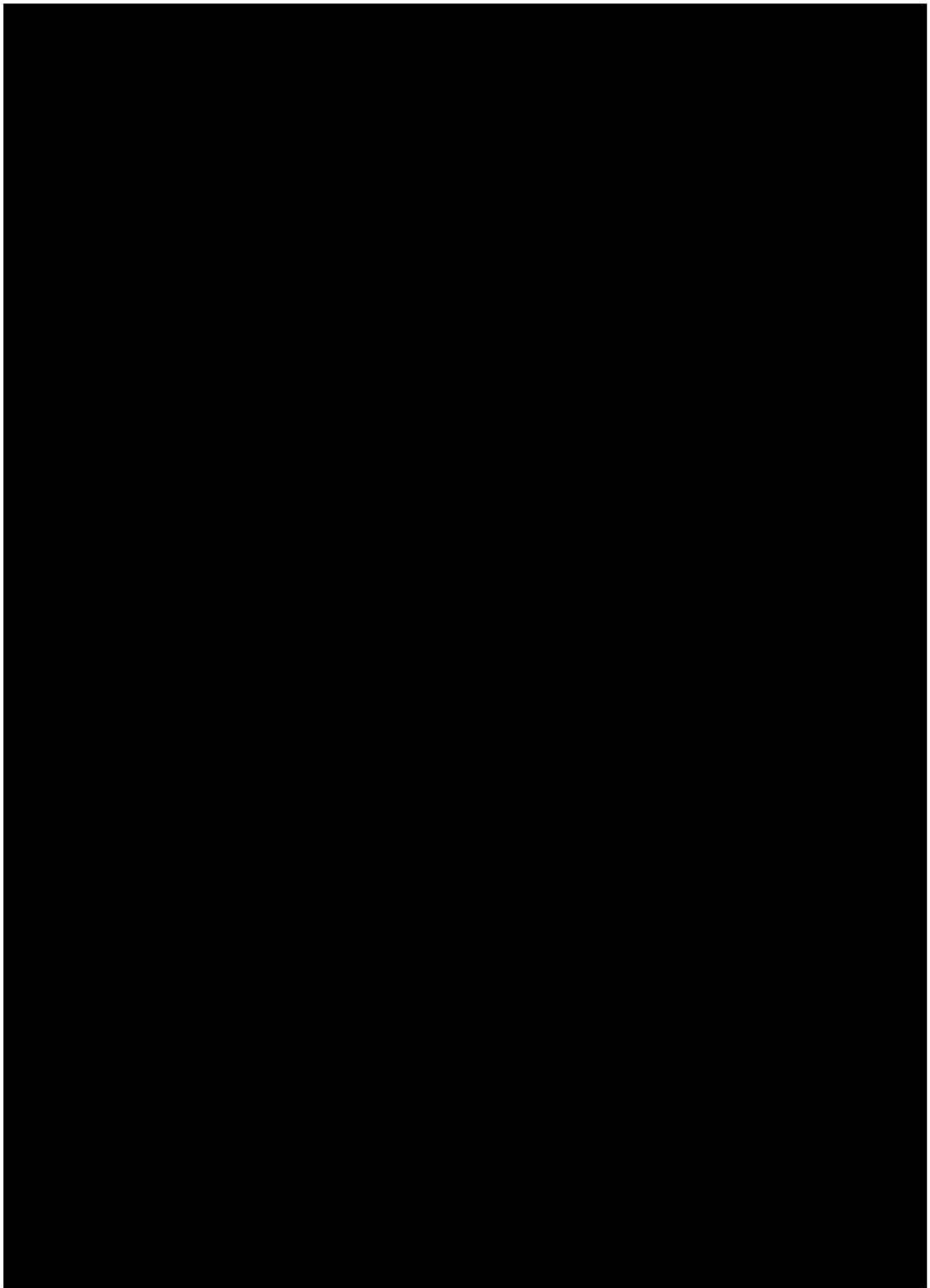


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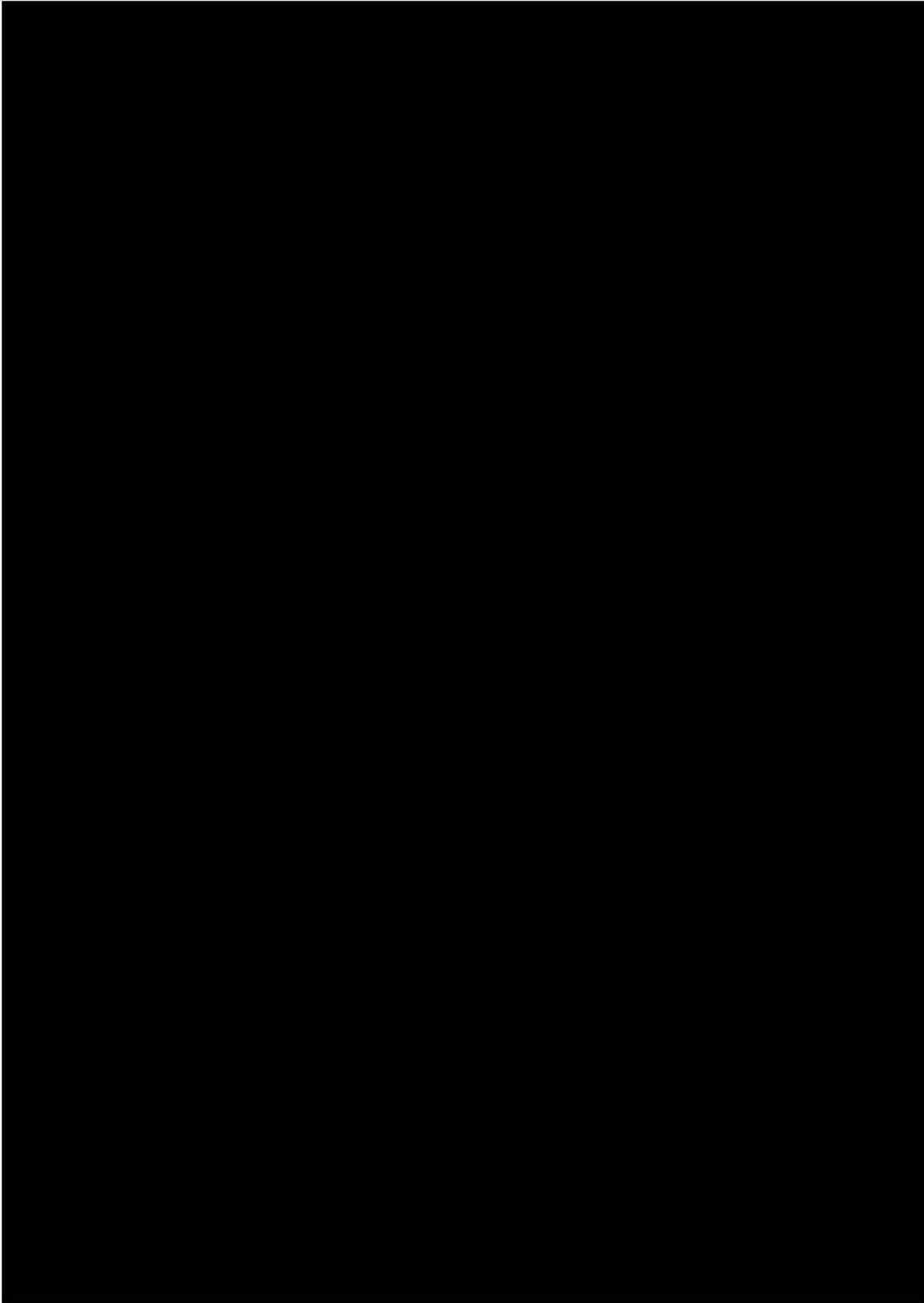


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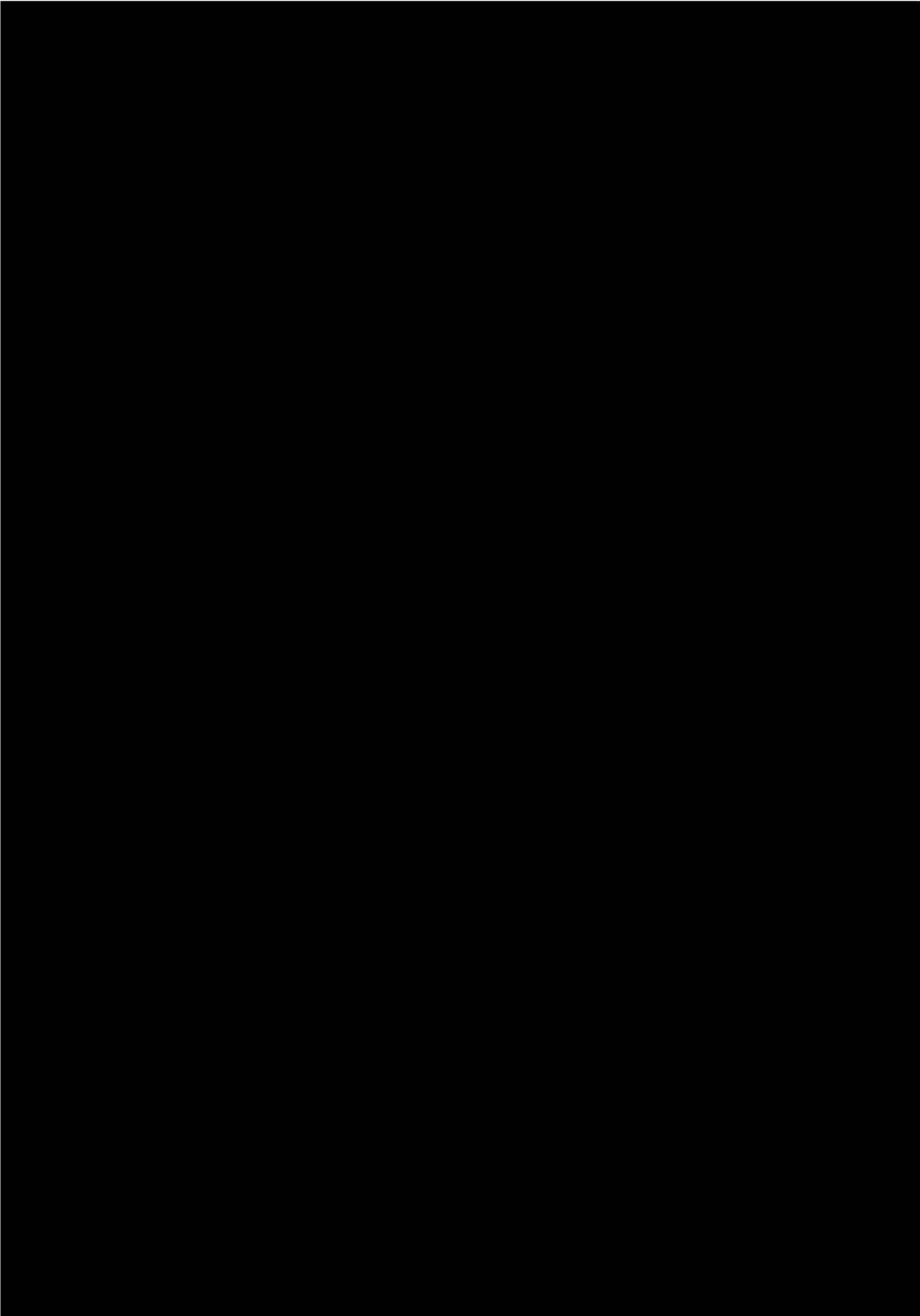


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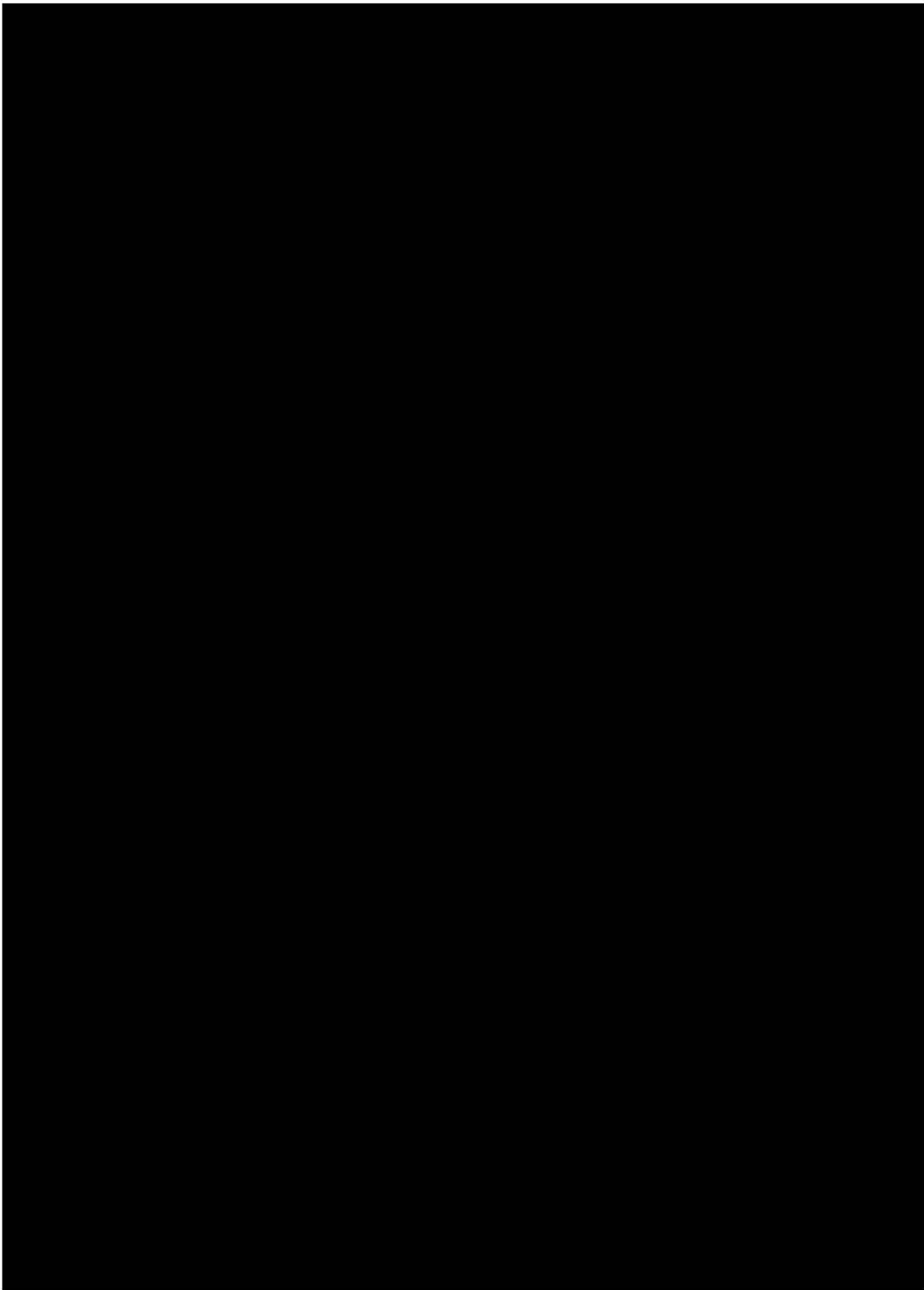


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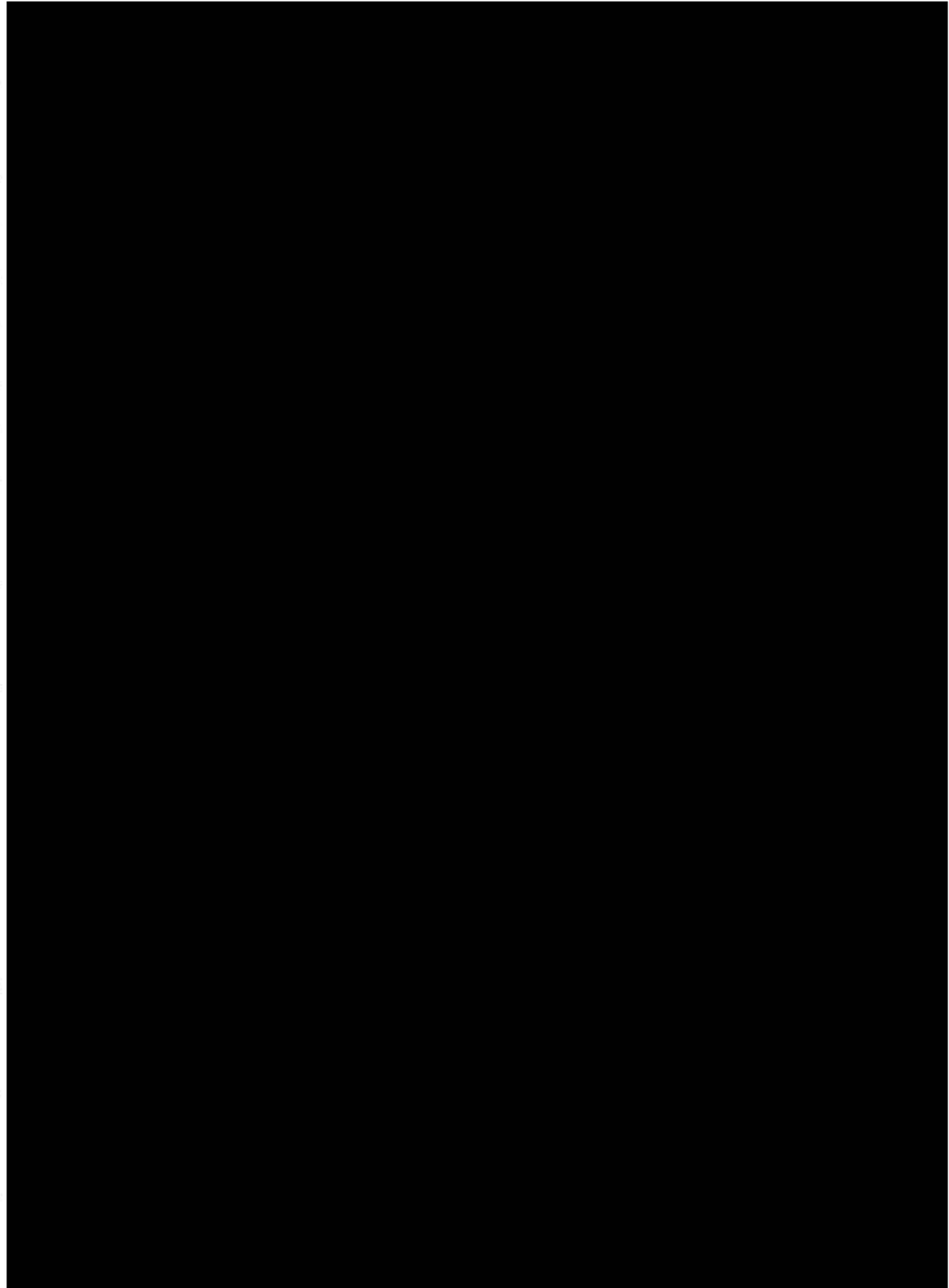


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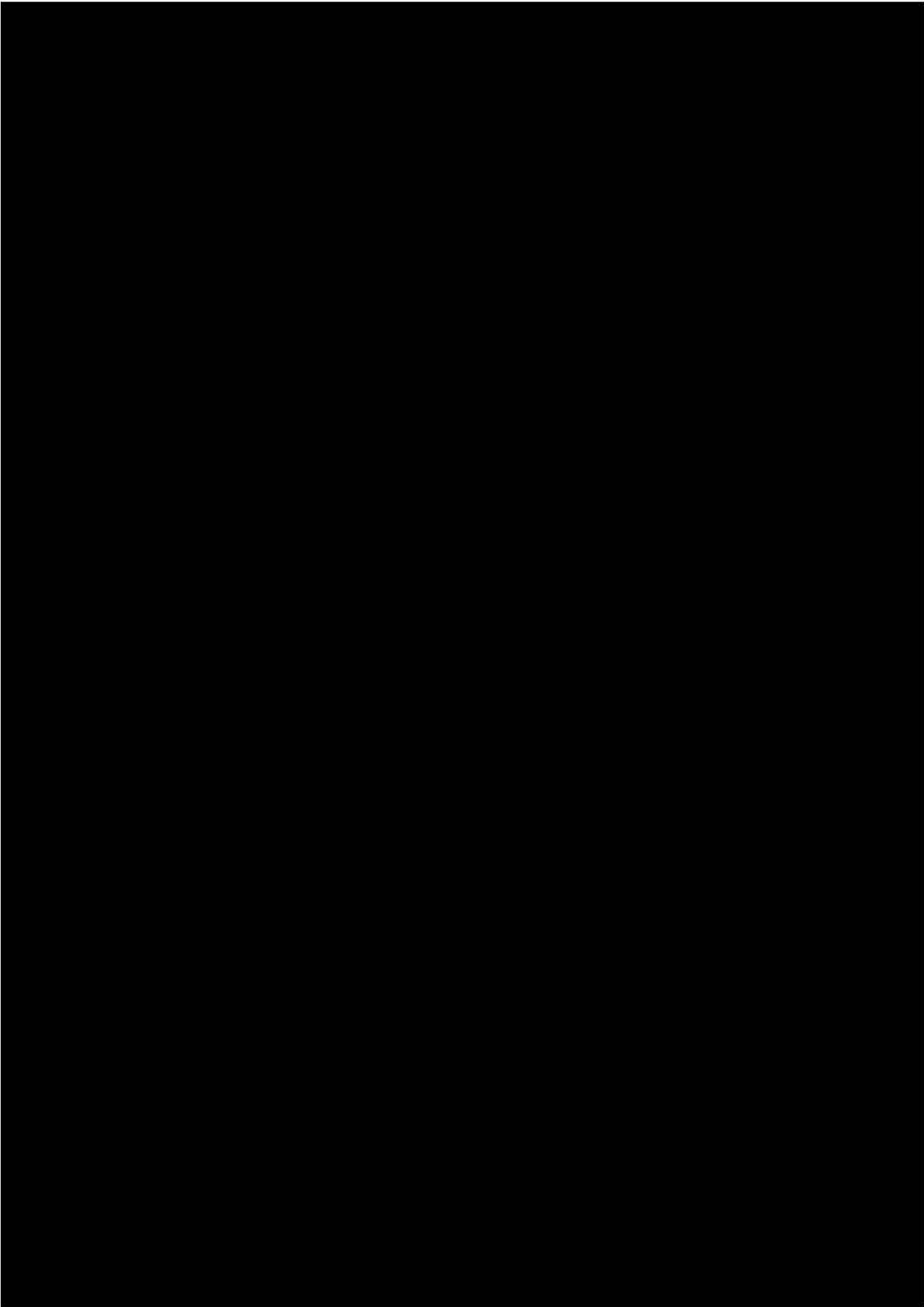


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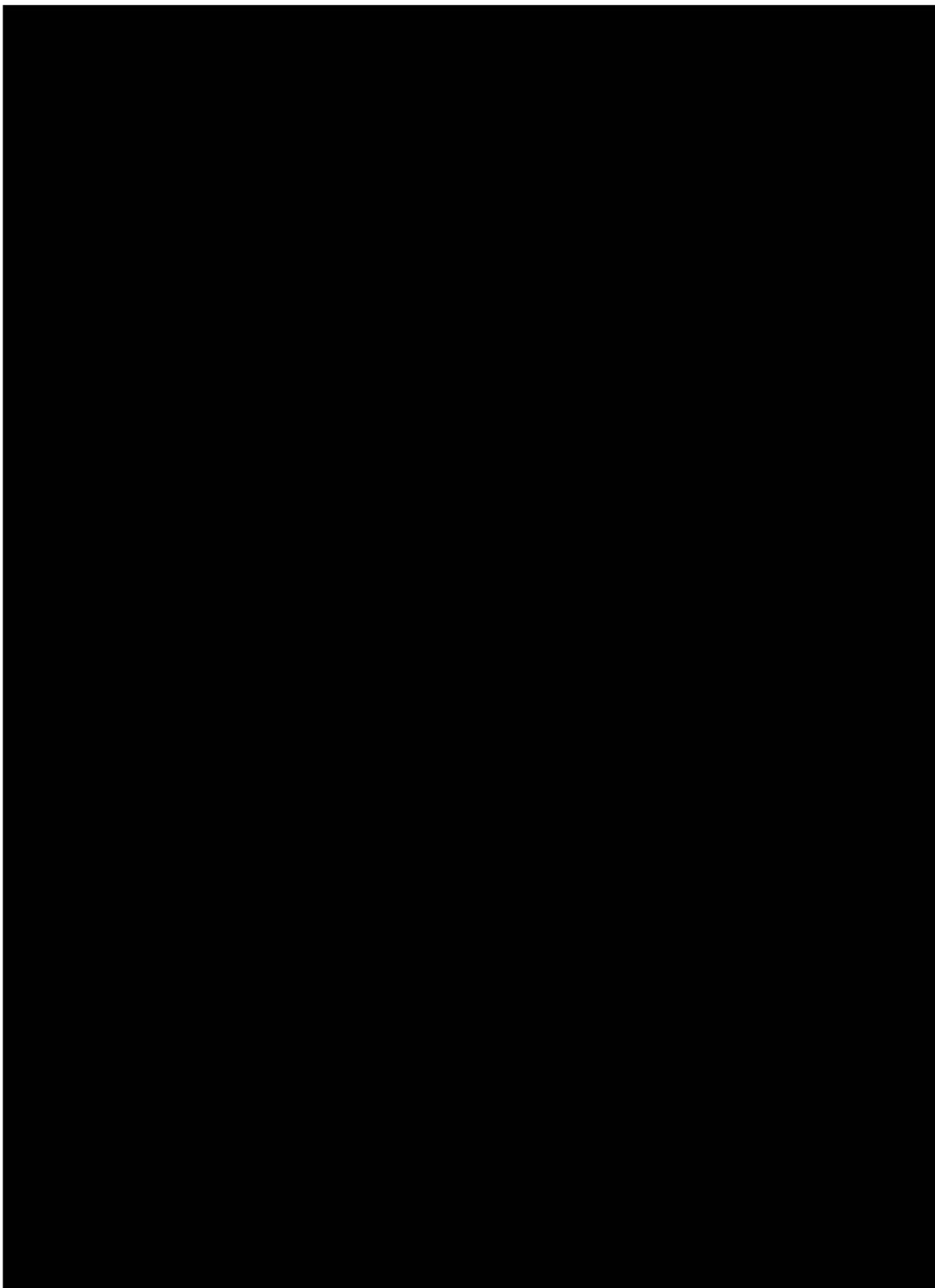


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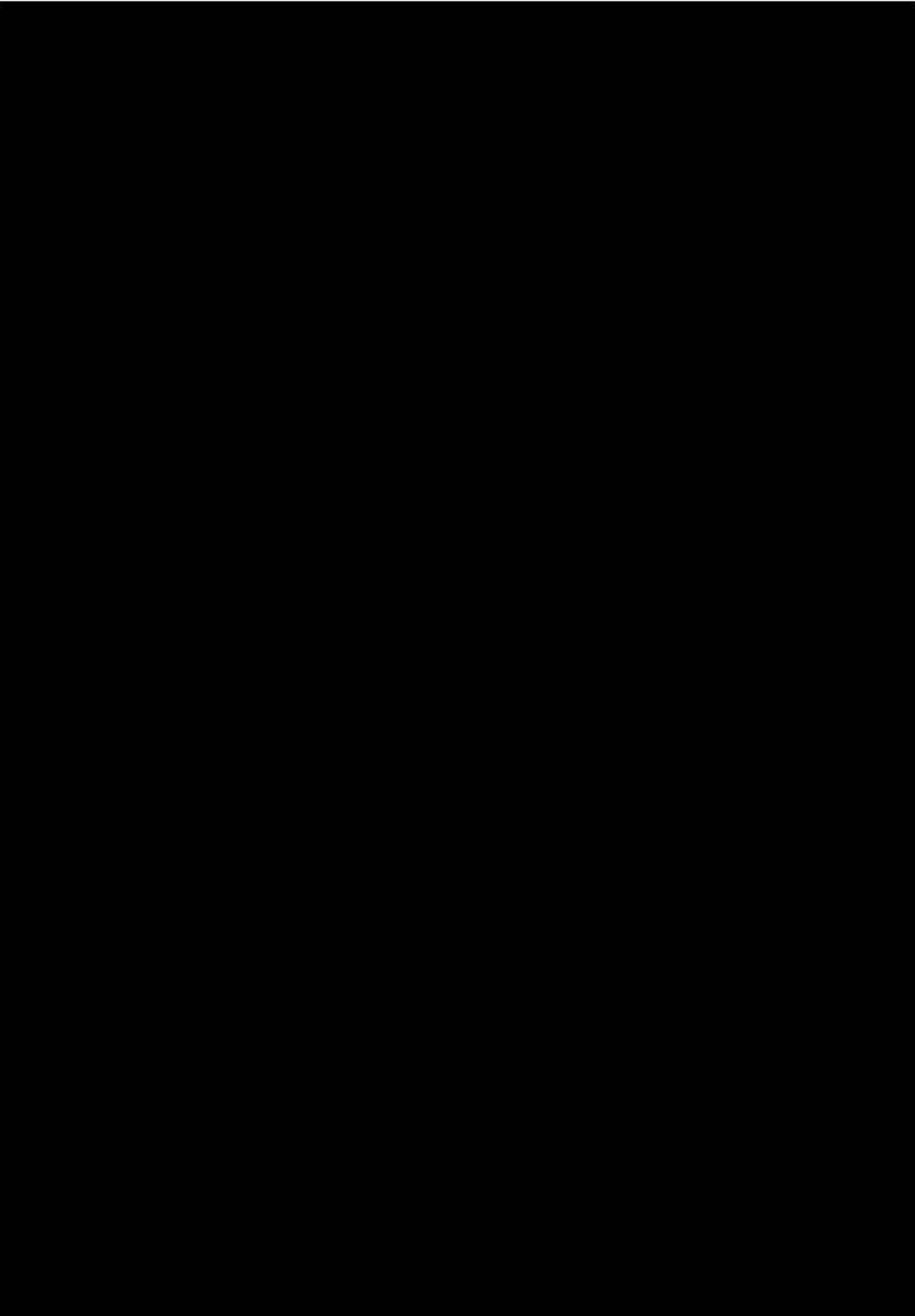


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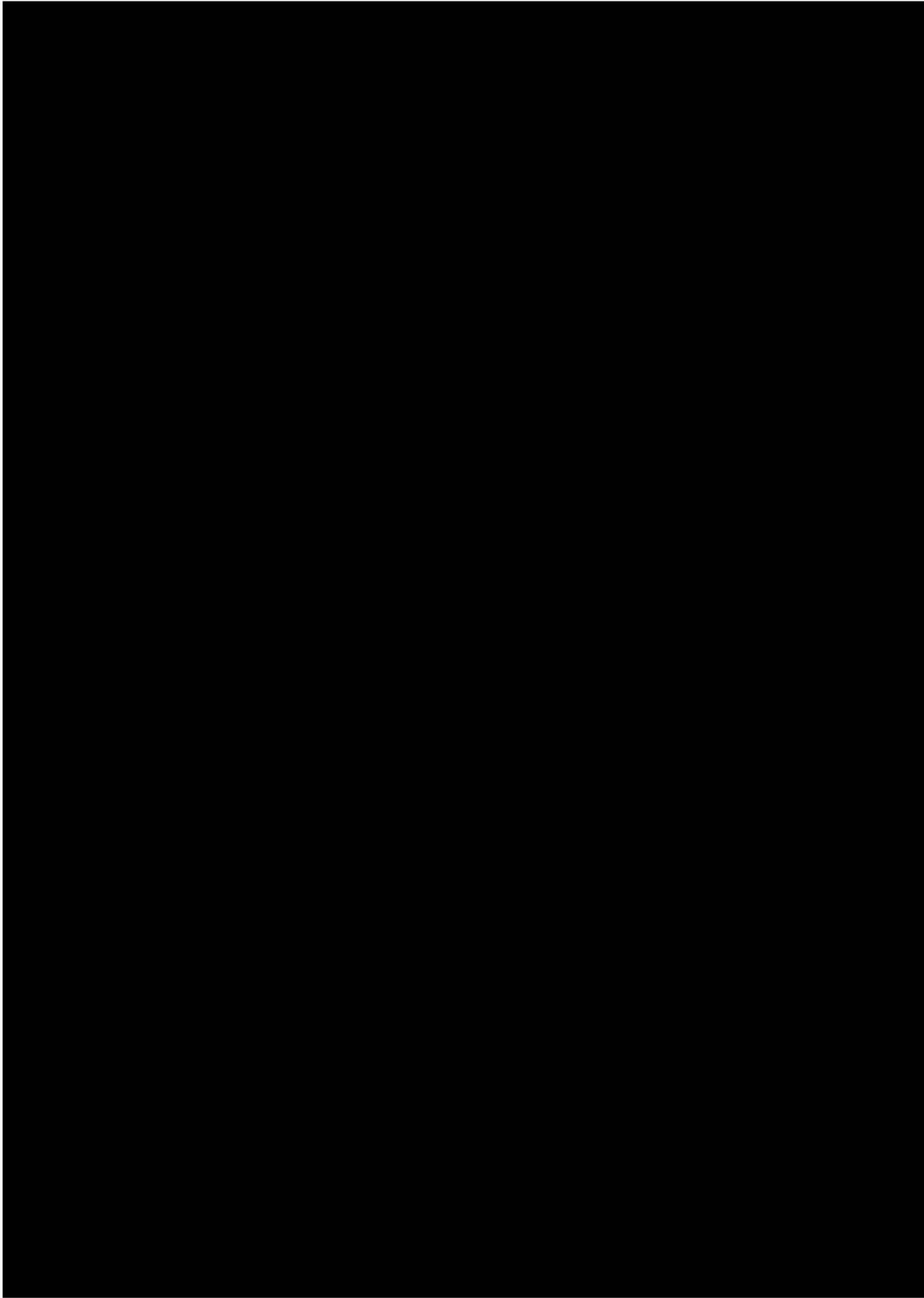


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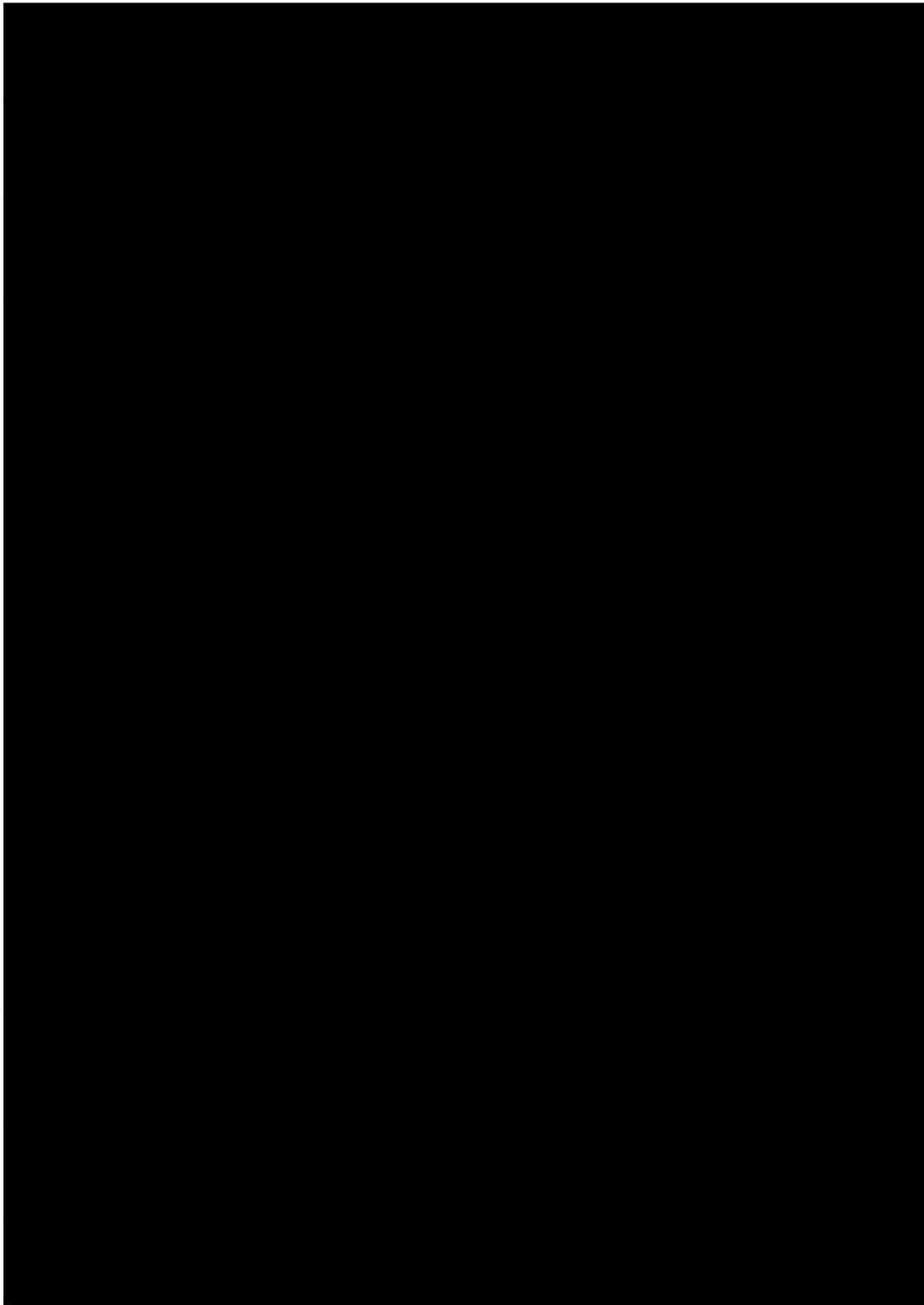


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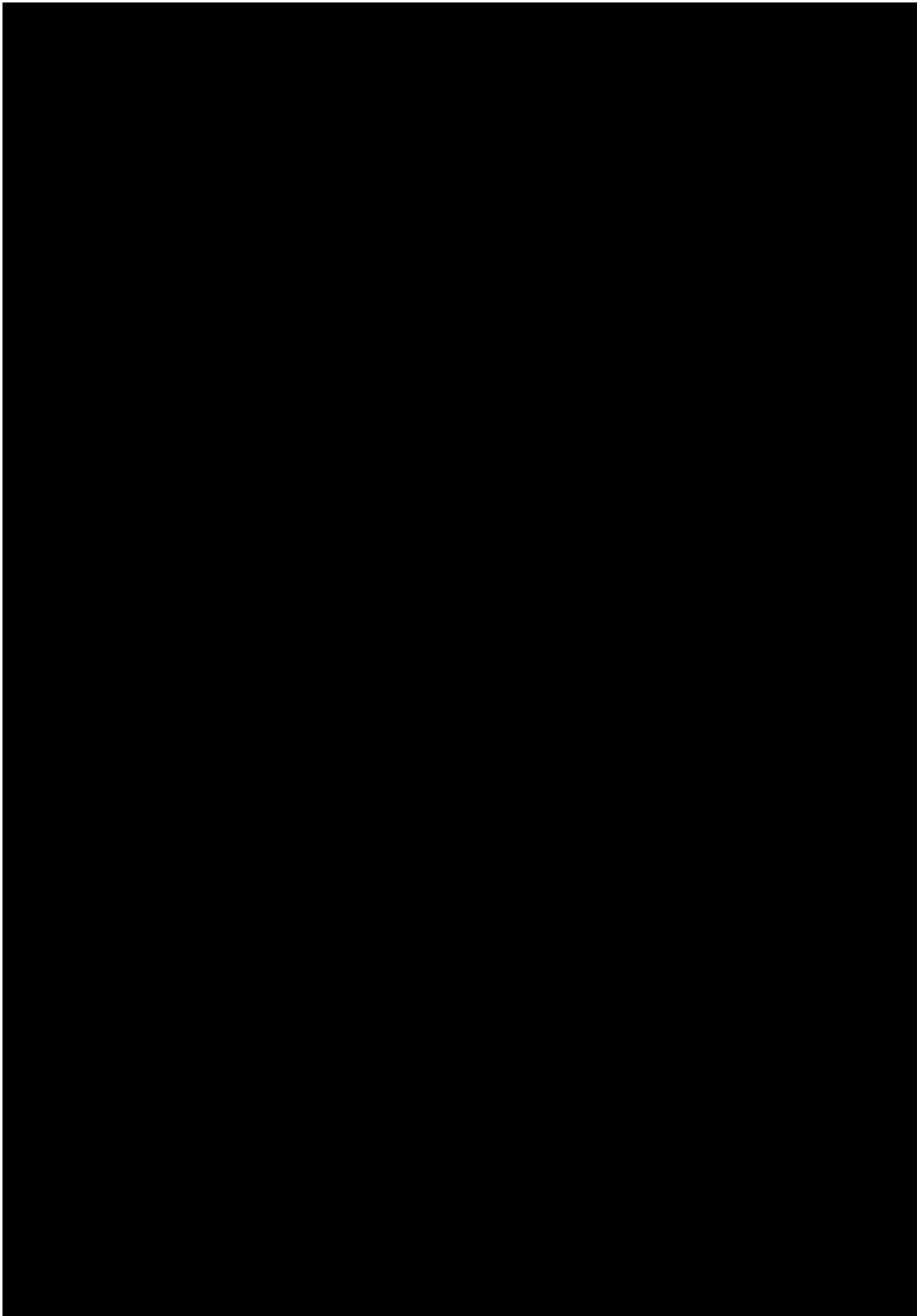


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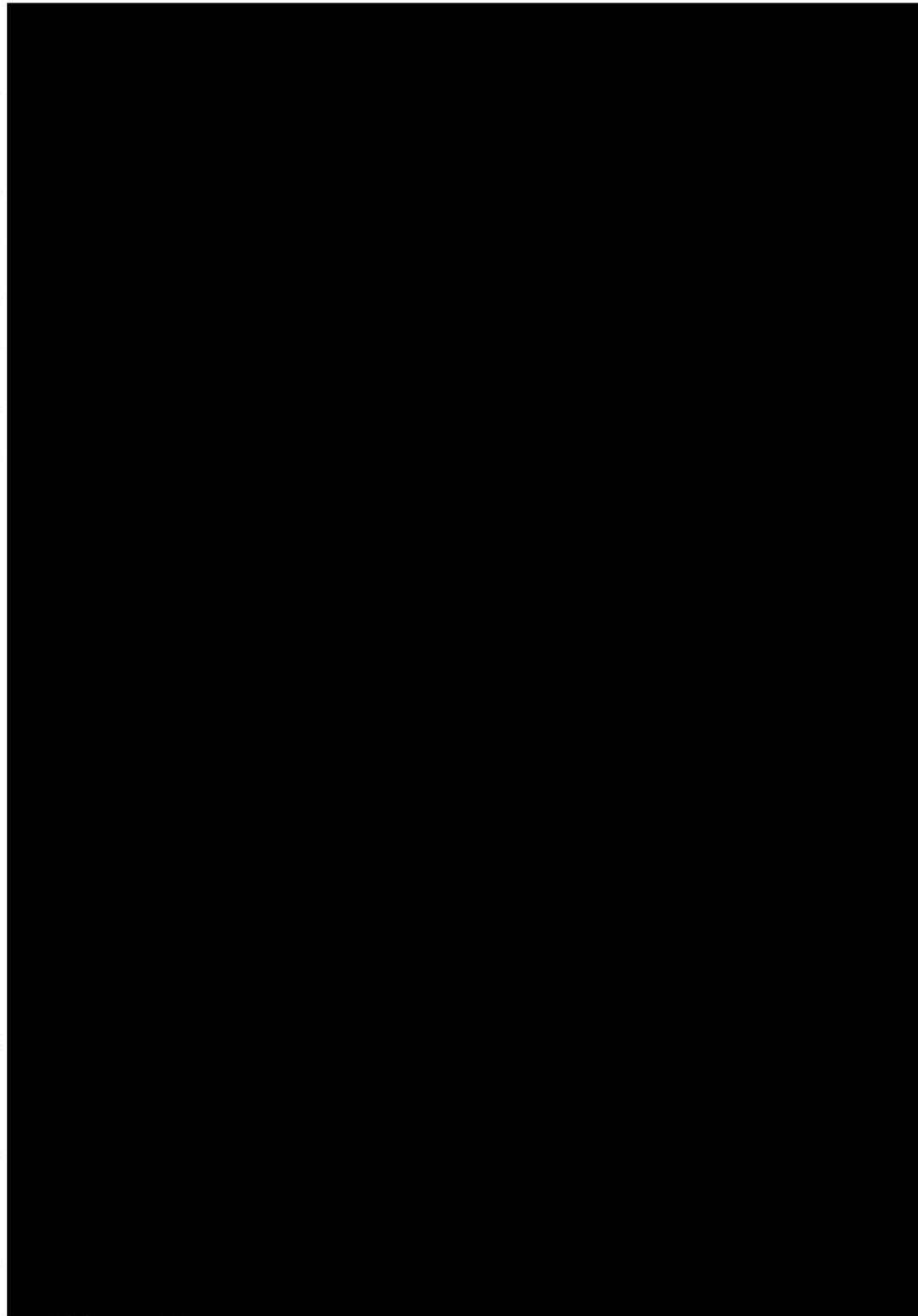
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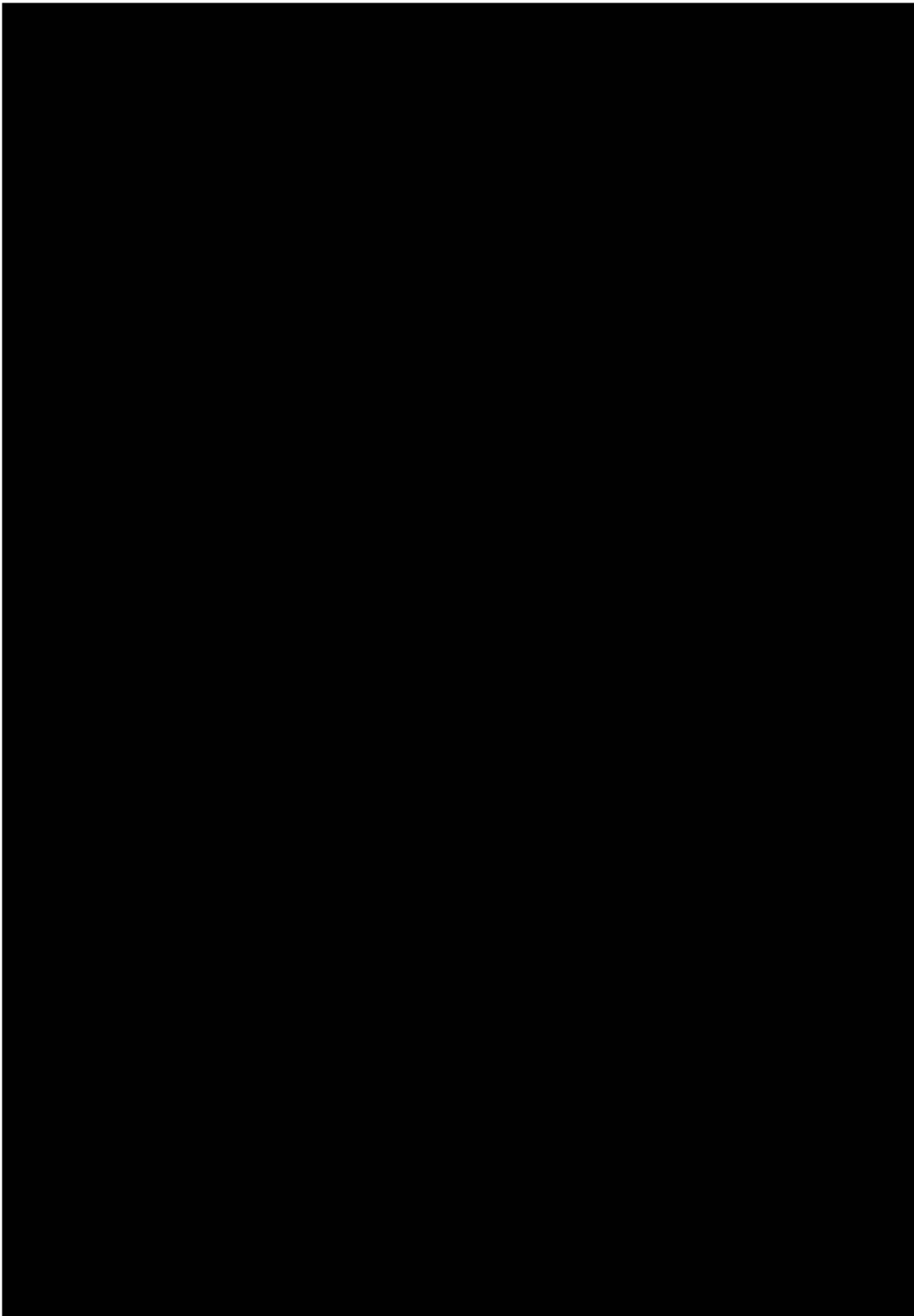


Trial Hearing
WITNESS: MLI-OTP-P-0626

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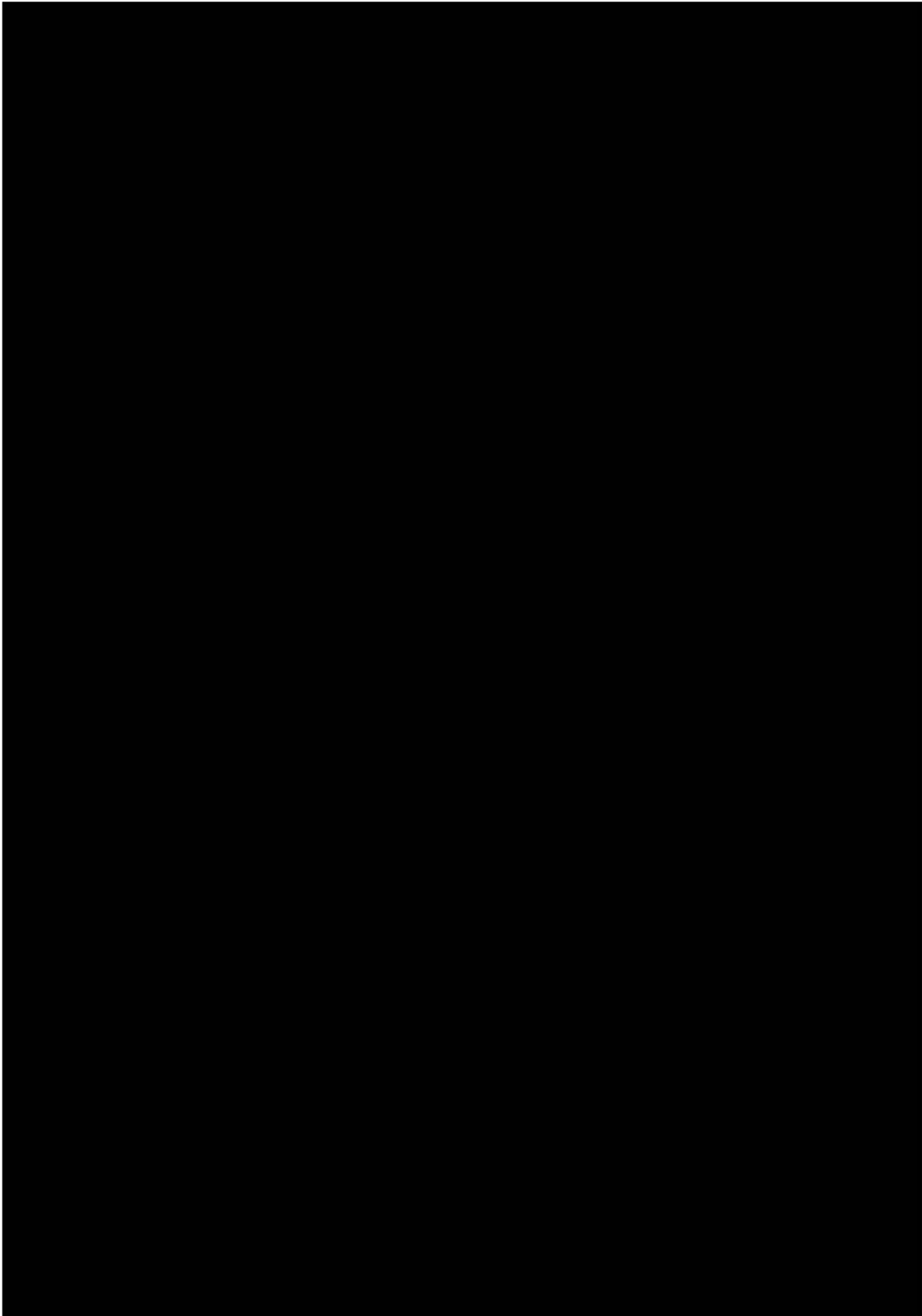


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WITNESS: MLI-OTP-P-0626

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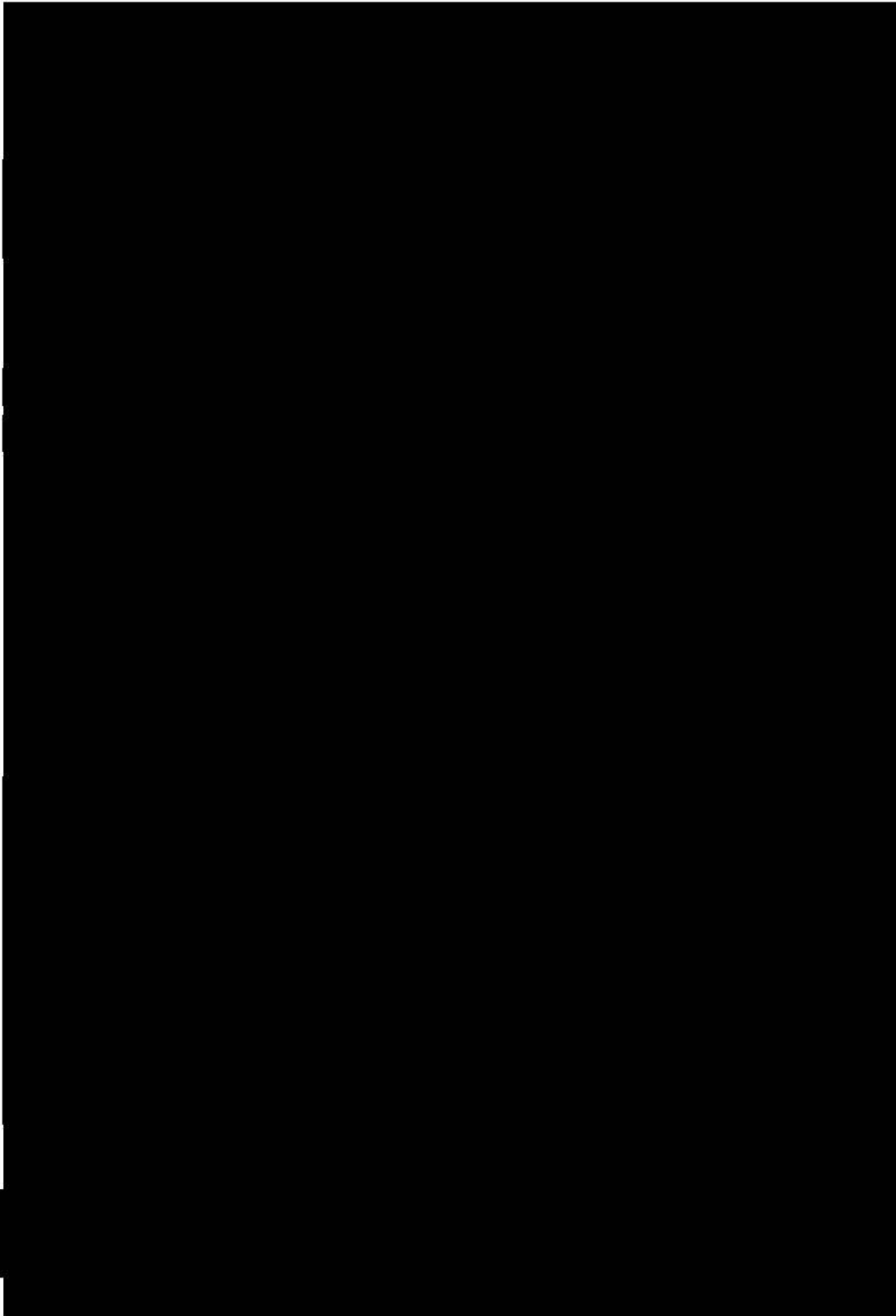


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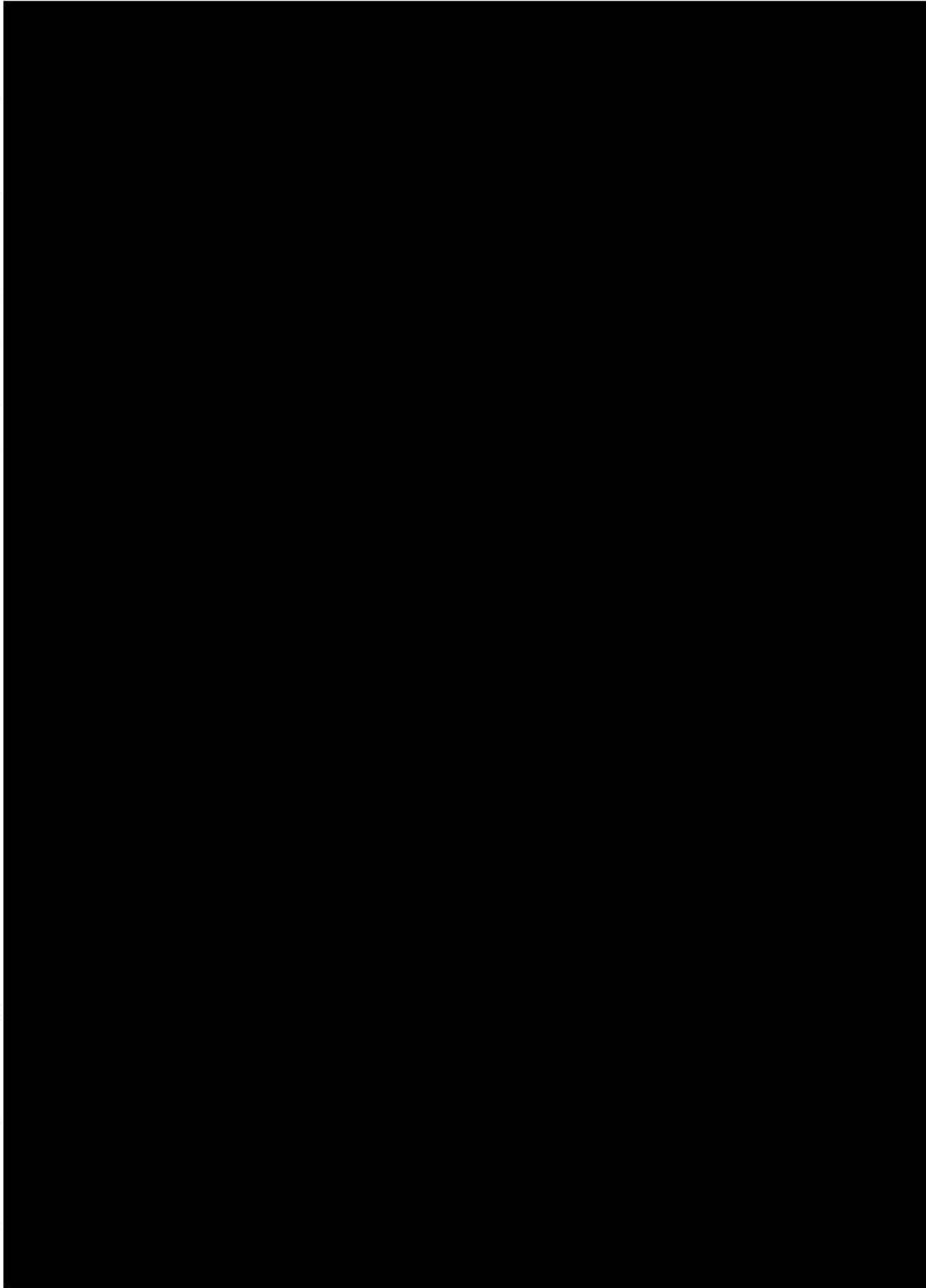


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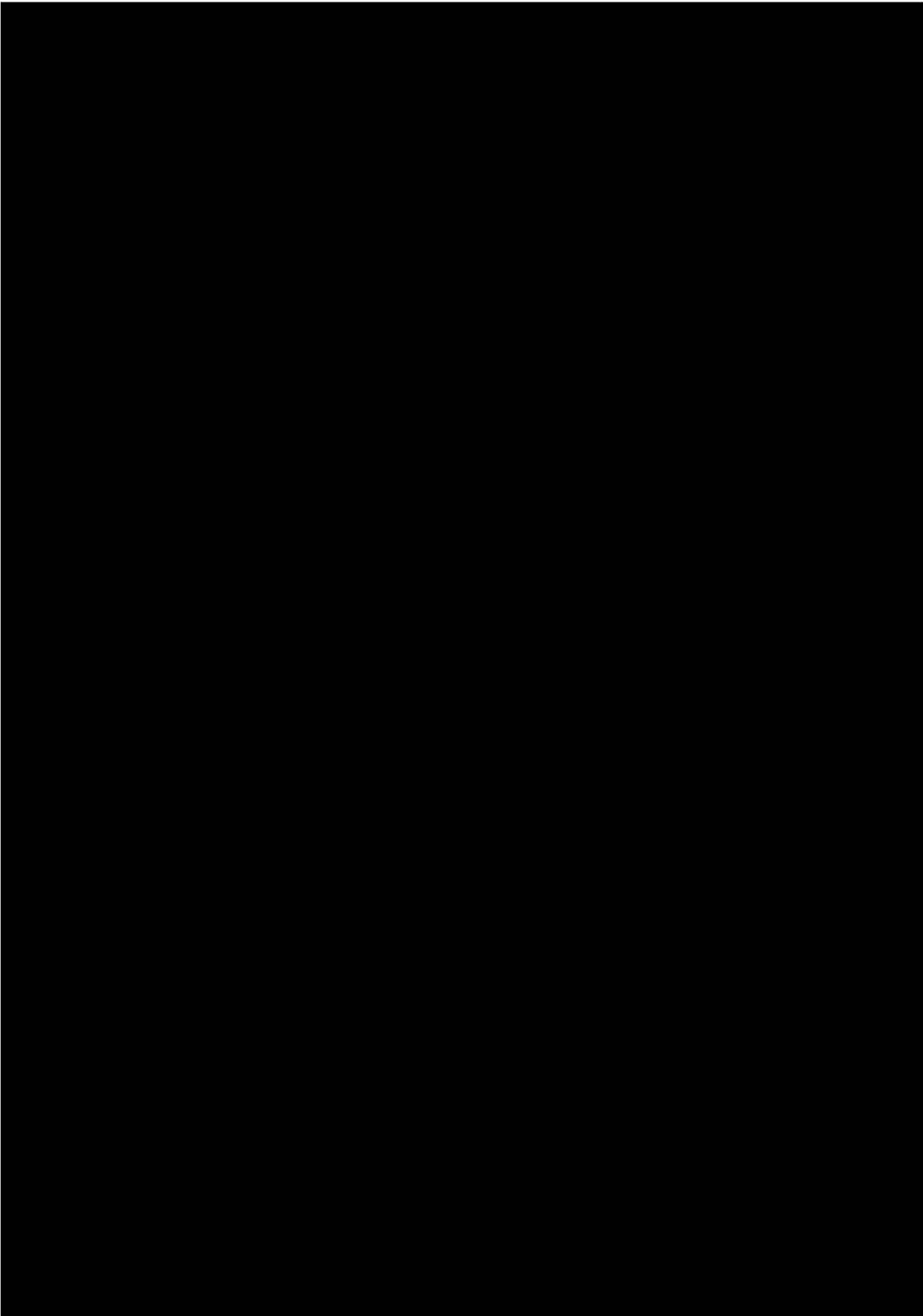


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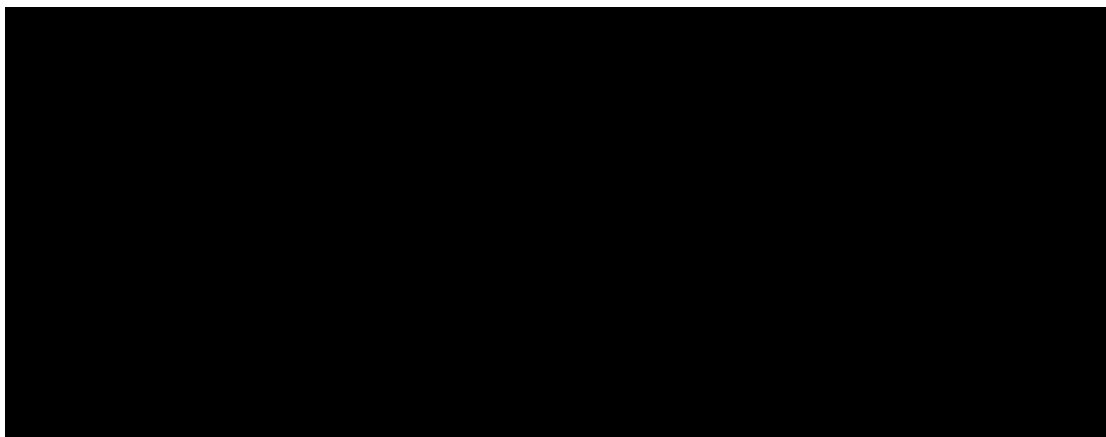


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8 (Open session at 4.41 p.m.)
9 THE COURT OFFICER: [16:41:42] We are back in open session, Mr President.
10 PRESIDING JUDGE MINDUA: [16:41:49](Interpretation) Thank you very much,
11 Mr Courtroom Officer.
12 Mr Witness, I shall turn to you now.
13 You will have understood that this marks the end of your testimony. On behalf of
14 the Chamber I would like to once again sincerely thank you for having assisted us in
15 answering in a very clear and patient manner.
16 Your testimony is now over. So I wish you a good deal of luck and courage for
17 the remainder of your life and your future occupations.
18 (The witness is excused)
19 PRESIDING JUDGE MINDUA: [16:42:46](Interpretation) Before we adjourn for
20 today, I'm turning obviously to the Prosecutor to see what's going to be happening
21 next.
22 MR GARCIA: [16:42:52](Interpretation) Yes. It's Witness 99, Mr President, who is
23 currently under preparation. I think he is planned in for 15 October and this date is
24 still valid.
25 PRESIDING JUDGE MINDUA: [16:43:10](Interpretation) Very well. Thank you,

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1 Mr Prosecutor.

2 So we shall reconvene on 15 October at 9.30 a.m. with witness -- is that correct,

3 Mr Prosecutor?

4 MR GARCIA: [16:43:26](Interpretation) Yes, that's correct. Witness number 99.

5 PRESIDING JUDGE MINDUA: [16:43:30](Interpretation) Yes, as you just

6 mentioned.

7 So, before rising for today, I would like to once again very sincerely thank all

8 the parties and participants, the court reporters, the interpreters, and our security

9 guards and, of course, our public, who I would imagine has been very patient with
10 regard to this witness as these were rather particular circumstances.

11 So I would like to say that I wish you not only a pleasant evening, but we will be

12 absent for a number of days. We shall be reconvening on the 15th. But we will not

13 be taskless. We'll be doing other things.

14 Now we shall rise for today. Court is adjourned.

15 (The hearing ends in open session at 4.44 p.m.)

16 CORRECTIONS REPORT

17 The following corrections, marked with an asterisk and included in the audio-visual
18 recording of the hearing, are brought into the transcript.

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