

Trial Hearing
MLI-OTP-P-0641

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 28 September 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:54] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:05](Interpretation) Court is in session.
15 Good morning to everyone.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:31:36] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:31:58](Interpretation) Thank you very much,
22 court officer.
23 As we do every morning, we shall continue with the appearances, starting with the
24 Office of the Prosecutor.
25 Madam Prosecutor.

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1 MS LUPING: [9:32:10] Good morning, Mr President. Good morning, your Honors.

2 Appearing on behalf of the Prosecution this morning is the same team, that's

3 Mr Gilles Dutertre; Marie Jeanne Sardachti; and myself, Dianne Luping.

4 PRESIDING JUDGE MINDUA: [9:32:26](Interpretation) Thank you very much,

5 Madam Prosecutor Luping.

6 I now turn to the Defence.

7 Counsel.

8 MS TAYLOR: [9:32:32] Good morning, Mr President. Good morning, your

9 Honours. Good morning to everyone in the courtroom and around the courtroom.

10 The Defence for Mr Al Hassan is represented today by Maître Melissa

11 Beaulieu-Lussier; and myself, Melinda Taylor.

12 PRESIDING JUDGE MINDUA: [9:32:53](Interpretation) Thank you very much,

13 Ms Taylor.

14 I now turn towards the Legal Representatives of Victims. Counsel.

15 MR KASSONGO: [9:33:01](Interpretation) Thank you, your Honour, your Honours,

16 and good morning to everyone on the team. The team of Legal Representatives this

17 morning is composed of Madam Claire Laplace who is assisting me as well as myself,

18 Maître Kassongo. We would like to thank everybody and your Chamber.

19 PRESIDING JUDGE MINDUA: [9:33:18](Interpretation) Thank you very much,

20 Maître Kassongo.

21 This morning, we are continuing with hearing the Prosecution witness P-641.

22 I now turn towards the witness.

23 Good morning, Witness. How are you?

24 Interpretation, please.

25 Court officer, it would seem to me that there is a problem.

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1 THE COURT OFFICER: [9:34:12] Your Honours, I do believe we will need to reboot
2 the system. That should take a minute, maybe two. Thank you.

3 PRESIDING JUDGE MINDUA: [9:34:34](Interpretation) Please go ahead.

4 (Pause in proceedings)

5 THE COURT OFFICER: [9:36:08] Your Honours, I'm informed that the interpreters'
6 console was muted, and it is currently unmuted. We may want to try asking the
7 witness to respond. Thank you.

8 PRESIDING JUDGE MINDUA: [9:36:25](Interpretation) Very well. We shall
9 continue.

10 Good morning, Witness. How are you?

11 Interpretation, please.

12 The problem seems to be continuing, court officer.

13 (Pause in proceedings)

14 THE COURT OFFICER: [9:39:37] Your Honours, the connection has been
15 re-established. We cannot see the interpreters, but I would like to know if they can
16 hear us.

17 (Pause in proceedings)

18 PRESIDING JUDGE MINDUA: [9:40:59](Interpretation) So the court officer tells me
19 that the -- that the technicians have to do some work. We don't know how much
20 time it's going to take. As such, I'm going to suspend the session for a few minutes,
21 and we will be back when the court officer so tells us.

22 Is that not the case, court officer?

23 THE COURT OFFICER: [9:41:22] Yes. Thank you very much, your Honours.

24 PRESIDING JUDGE MINDUA: [9:41:30](Interpretation) Very well. Court is
25 suspended.

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- 1 THE COURT USHER: [9:41:32] All rise.
- 2 (Recess taken at 9.41 a.m.)
- 3 (Upon resuming in open session at 10.01 a.m.)
- 4 THE COURT USHER: [10:01:16] All rise.
- 5 Please be seated.
- 6 PRESIDING JUDGE MINDUA: [10:01:30](Interpretation) The hearing shall now
- 7 resume. I hope that everything is in order.
- 8 Good morning, Mr Witness.
- 9 Can you hear me?
- 10 WITNESS: MLI-OTP-P-0641 (On former oath)
- 11 (The witness speaks Songhai)
- 12 (The witness gives evidence via video link)
- 13 THE WITNESS: [10:01:52](Interpretation) Good morning.
- 14 PRESIDING JUDGE MINDUA: [10:02:01] (No interpretation)
- 15 THE WITNESS: [10:02:19](Interpretation) Yes.
- 16 PRESIDING JUDGE MINDUA: [10:02:21](Interpretation) I remind you, you are still
- 17 under oath and you should tell the truth, the whole truth, and nothing but the truth.
- 18 THE WITNESS: [10:02:41](Interpretation) Yes.
- 19 PRESIDING JUDGE MINDUA: [10:02:43](Interpretation) And, finally, allow me to
- 20 remind you of the practical instructions I gave regarding testifying. We must all
- 21 speak slowly, clearly, and we should allow for some breaks, some pauses, in our
- 22 remarks.
- 23 THE WITNESS: [10:03:16](Interpretation) Okay.
- 24 PRESIDING JUDGE MINDUA: [10:03:18](Interpretation) I will now turn over to the
- 25 Defence for continuation of cross-examination.

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1 Ms Taylor, please proceed.

2 MS TAYLOR: [10:03:39] Thank you, Mr President.

3 Would it be possible to get confirmation as to when we will sit until?

4 PRESIDING JUDGE MINDUA: [10:03:48](Interpretation) I believe we're going to
5 end at 11 o'clock, as we usually do. We will continue to 11, resume at 11.30, and stop
6 at 13.10 for the lunch break, and we shall resume at 14.10. And we will conclude at
7 1500 hours 30, 15.30. Is that suitable? Thank you very much.

8 MS TAYLOR: [10:04:40] Thank you, Mr President.

9 Would it be possible to go into private session? I have some brief questions which
10 are identifying for the witness.

11 PRESIDING JUDGE MINDUA: [10:04:53](Interpretation) Of course.

12 Court officer, private session.

13 (Private session at 10.05 a.m.)

14 THE COURT OFFICER: [10:05:04] We are in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [10:05:07](Interpretation) Thank you very much.

16 Ms Taylor.

17 QUESTIONED BY MS TAYLOR: [10:05:10](Continuing)

18 Q. [10:05:12] Good morning, Mr Witness.

19 How are you?

20 A. [10:05:15] I'm fine.

21 Q. [10:05:18] Mr Witness, I have a few questions concerning your work [REDACTED]
22 specifically in the time period of 2012.

23 How many days a week did you work?

24 A. [10:05:34] Every day. In our part of the world, there's no such thing as
25 Saturday and Sunday. We are workers.

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1 Q. [10:06:09] I'm very sorry to hear that.

2 Now, in the month when the Islamists left and the French arrived, did you continue
3 to work every day?

4 A. [10:06:19] Once they left, you mean?

5 Q. [10:06:47] Yes. In the month of January 2013, after the Islamists had left
6 Timbuktu and the French and the Malian authorities entered Timbuktu, did you
7 continue to work every day?

8 A. [10:07:03] Yes.

9 MS TAYLOR: [10:07:27] I believe we can go into open session.

10 PRESIDING JUDGE MINDUA: [10:07:34](Interpretation) Court officer, open session,
11 please.

12 (Open session at 10.07 a.m.)

13 THE COURT OFFICER: [10:07:40] We are back in open session, Mr President.

14 PRESIDING JUDGE MINDUA: [10:07:48](Interpretation) Thank you very much.

15 Ms Taylor.

16 MS TAYLOR:

17 Q. [10:07:52] Mr Witness, yesterday we spoke of an individual called Seydou Baba.
18 Is he a tourist guide?

19 A. [10:08:02] Yes.

20 Q. [10:08:22] I'm going to play the video that we played at the end of yesterday's
21 session again. It was Defence tab 52. It's MLI-D28-0004-0003. I'm going to play
22 without sound from 21 seconds until 38 seconds on evidence 2.

23 (Viewing of the video excerpt)

24 MS TAYLOR: [10:09:07]

25 Q. [10:09:08] Mr Witness, do you know the building where Seydou is standing?

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1 A. [10:09:16] No, I don't. I didn't see him go into it.

2 Q. [10:09:38] Now, do you recall if anyone was taken from the BMS in the month of
3 January 2013?

4 A. [10:09:50] Yes. They said that there was someone there, and the soldiers came
5 and got him and took him back.

6 Q. [10:10:30] Did you see that happen?

7 A. [10:10:34] Yes. I was going by, and I saw a black man who they put in the
8 vehicle. And I was told that that was the one, and they -- the -- the one who had
9 been there. And they took him away.

10 Q. [10:11:14] And who was that black man?

11 A. [10:11:17] Yes. People said that he was looking for work, and people were
12 saying that he had been at the great mosque as well. That was at the beginning.
13 After that, people said that he went back to --

14 THE INTERPRETER: [10:12:19] Inaudible.

15 THE WITNESS: [10:12:21](Interpretation) -- and then he rejoined the Islamists.

16 And when he wanted to go back, he asked where the boss was. And the boss -- they
17 said that the boss was -- that the chief was in the hills. He said that it was satanic,
18 and that in Islam, in religion, there's no such thing as taking up arms. That's all I
19 know about him.

20 MS TAYLOR: [10:13:13]

21 Q. [10:13:14] Do you know what happened to him?

22 A. [10:13:18] No. I don't know what happened to him. Ever since he left, no one
23 heard anything about him and no one has gone to ask about him either.

24 Q. [10:13:38] Now, speaking of the period after the Islamists left, did anyone enter
25 the BMS in the days after they left?

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- 1 A. [10:13:49] What kind of person?
- 2 Q. [10:14:13] Anyone. Did anyone go into the building? Any locals?
- 3 A. [10:14:50] Yes. There was -- if a house is abandoned and then open all the time,
- 4 people can go in and go out whenever they like. But we really don't pay too much
- 5 attention to that.
- 6 Q. [10:15:05] So, Mr Witness, is it correct it wasn't locked or closed?
- 7 A. [10:15:25] No. The building wasn't closed. The people fled, and they -- they
- 8 did not lock up as they went away. Perhaps after, people can go and lock the door.
- 9 Q. [10:15:57] Do you know if someone locked the door afterwards?
- 10 A. [10:16:03] I don't know. I -- I really have no idea.
- 11 Q. [10:16:25] Now, at transcript -- I'm just moving on to a different topic.
- 12 Transcript 138, page 68, lines 19 to 20, you refer to a man and a woman who were
- 13 flogged for adultery in Place Sankore.
- 14 Is it correct that you know the family of this man?
- 15 A. [10:17:22] Yes. I just know the man. I didn't go there, actually. I recognised
- 16 the man when I saw his photograph.
- 17 Q. [10:17:35] Mr Witness, did you hear that this man went himself to the police
- 18 because the family of the girl would not let him marry the girl?
- 19 PRESIDING JUDGE MINDUA: [10:18:08](No interpretation) (Overlapping
- 20 speakers)
- 21 MS LUPING: [10:18:10] Objection, Mr President. Could I ask --
- 22 THE INTERPRETER: [10:18:11] Overlapping.
- 23 MS LUPING: [10:18:14] Could I ask that the sound be cut off to the witness, please.
- 24 PRESIDING JUDGE MINDUA: [10:18:20](Interpretation) Court officer, cut the
- 25 sound to the witness.

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- 1 THE COURT OFFICER: [10:18:22] Your Honours, the sound has been cut off.
- 2 PRESIDING JUDGE MINDUA: [10:18:24](Interpretation) Thank you very much.
- 3 Madam Prosecutor.
- 4 MS LUPING: [10:18:29] Mr President, my objection is that Defence counsel is
- 5 putting to the witness a statement of fact as if it's uncontested, and this is not an
- 6 uncontested fact.
- 7 PRESIDING JUDGE MINDUA: [10:18:47](Interpretation) Where does this statement
- 8 come from, Ms Taylor? Is this a -- a certainty?
- 9 MS TAYLOR: [10:18:54] Thank you, Mr President.
- 10 If I could read from the Prosecution's own statement. That's paragraph 142, at page
- 11 0168. It says:
- 12 (Interpretation) "I heard that it was the boy himself who had gone to the police
- 13 because the girl's family did not want to give her to him in marriage."
- 14 PRESIDING JUDGE MINDUA: [10:19:21](Interpretation) That's the witness's
- 15 statement?
- 16 MS TAYLOR: [10:19:23] Yes, this witness's statement. I'm putting to him
- 17 something that's in his witness statement. I'm asking him if this is what he heard. I
- 18 can't see any basis to object to asking if he heard something, given that this is
- 19 something he apparently recounted to the investigators.
- 20 So I have a clear foundation to put this to the witness and I don't believe that this is
- 21 something that should be a subject of testimonial debate.
- 22 PRESIDING JUDGE MINDUA: [10:20:01](Interpretation) Madam Prosecutor.
- 23 MS LUPING: [10:20:02] Mr President, my apologies. I was thinking of
- 24 witness -- the -- another witness's testimony, and Defence counsel's quite right.
- 25 I will withdraw my objection. And I apologise.

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1 PRESIDING JUDGE MINDUA: [10:20:15](Interpretation) Indeed. Accepted.

2 Ms Taylor, continue, please.

3 MS TAYLOR: [10:20:24] Thank you, Mr President.

4 I believe we'll have to turn the sound on.

5 PRESIDING JUDGE MINDUA: [10:20:30](Interpretation) Yes. The sound.

6 THE COURT OFFICER: [10:20:32] Your Honours, the sound has been re-established.

7 PRESIDING JUDGE MINDUA: [10:20:36](Interpretation) Thank you very much.

8 Ms Taylor.

9 MS TAYLOR: [10:20:40]

10 Q. [10:20:41] Mr Witness, do you remember my question? Or should I repeat it?

11 A. [10:20:48] It was the young man who went on his own initiative. He went on
12 his own initiative.

13 Q. [10:21:08] Did he need a dowry to get married?

14 A. [10:21:16] No. What we learned was it was the parents who refused that he
15 marry the girl. And so he left to see those people thinking that it would be easier
16 with them.

17 THE INTERPRETER: [10:22:07] Interpreter correction: It was his parents who
18 refused.

19 THE WITNESS: [10:22:13](Interpretation) And they did the judgment, and the
20 marriage went ahead.

21 MS TAYLOR: [10:22:17]

22 Q. [10:22:18] Now, speaking of the period before you were interviewed by the
23 Prosecution, is it correct that you have watched videos of this flogging?

24 A. [10:22:26] Yes. The video was here and there. People sent it around. So
25 that's how it came to be that I saw it. I never -- but I didn't film it myself. I've -- I've

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1 looked at it, and ...

2 MS TAYLOR: [10:23:13] Mr President, may I ask one question in private session?

3 PRESIDING JUDGE MINDUA: [10:23:18](Interpretation) Of course.

4 Mr Court Officer.

5 (Private session at 10.23 a.m.)

6 THE COURT OFFICER: [10:23:25] We're in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [10:23:35](Interpretation) Thank you very much.

8 Ms Taylor.

9 MS TAYLOR:

10 Q. [10:23:37] [REDACTED]

11 [REDACTED]?

12 A. [10:23:53] [REDACTED]?

13 Q. [10:24:12] I apologise, Mr Witness. I don't think my question was fully
14 translated.

15 [REDACTED]?

16 A. [10:24:54] No. No. I don't know. It wasn't as part of that. And the first
17 videos we saw -- on France 24, and also in relation to the whippings.

18 MS TAYLOR: [10:25:16] Mr President, I believe we can go into open session.

19 PRESIDING JUDGE MINDUA: [10:25:27](Interpretation) Court officer.

20 (Open session at 10.25 a.m.)

21 THE COURT OFFICER: [10:25:29] We're back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [10:25:32](Interpretation) Thank you very much,
23 court officer.

24 Ms Taylor.

25 MS TAYLOR: [10:25:39]

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- 1 Q. [10:25:40] Mr President -- Mr Witness, I'm just moving on to another topic.
2 At transcript 138, page 94, lines 4 to 5, you're referring to Aza Abdou being taken to
3 the BMS. And you said: "She had an epileptic fit actually."
4 Mr Witness, did you hear that she panicked when she saw a salamander in her cell?
5 A. [10:26:47] Who is this person, Abdou? You have to give the name.
6 Q. [10:26:51] The person is Aza Abdou.
7 Do you recall this individual, Mr Witness? A female who was taken to the BMS.
8 And you referred to her having an epileptic fit.
9 A. [10:27:38] That's what we heard. That's what happened when she was
10 captured and taken there.
11 Q. [10:27:49] So, Mr Witness, I'll just repeat my question to make sure that it's clear.
12 Did you hear that she panicked when she saw a salamander, a lizard, in the cell?
13 A. [10:28:06] Yes. That's what I said. When she saw the salamander, she had a
14 fit, and she actually -- she -- she was having this fit, and she even broke the windows.
15 And that's how she was injured.
16 Q. [10:28:48] I apologise, Mr Witness. We just lost the light. I can continue, but
17 this is ...
18 PRESIDING JUDGE MINDUA: [10:29:10](Interpretation) Please. I'm not quite sure
19 who's playing games with the light switches. But in any event ...
20 (Pause in proceedings)
21 THE COURT OFFICER: [10:29:33] We may proceed.
22 MS TAYLOR: [10:29:35]
23 Q. [10:29:36] Mr Witness, I'm just moving on to another topic.
24 At transcript 138, you referred to an incident concerning the neighbour of Abdoul
25 Djalil. And you said at page 38, lines 12, that the name of this neighbour was [REDACTED]

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2 Was [REDACTED] was this neighbour killed in 2013?

3 A. [10:30:31] Yes. He died. That's what we were told. They killed him. That
4 is what people have said.

5 Q. [10:30:45] Do you know who killed him?

6 A. [10:30:49] According to what was said, it's the same person who came and took
7 him away, the army.

8 MS TAYLOR: [10:31:17] I'm going to play a video. It's Defence tab 12. It's

9 [REDACTED] I'm going to play it without sound from [REDACTED] minutes on
10 evidence 2. And I believe we can play this publicly.

11 THE INTERPRETER: [10:31:36] Correction from the English booth: According to
12 what was said, it was the army itself who came to take him away.

13 MS TAYLOR: [10:32:12] I apologise. It was tab 13.

14 Q. [10:32:14] Mr Witness, did you recognise anyone in this video?

15 A. [10:32:21] Yes. This is [REDACTED] the elderly person.

16 Q. [10:32:47] [REDACTED]

17 A. [10:33:03] Yes.

18 Q. [10:33:06] Mr Witness, is it correct that you don't know an individual called
19 Foma who sold sheep at the market?

20 A. [10:33:26] Yes. I don't know that person. There are a lot of people who sell
21 sheep. I don't know him.

22 Q. [10:33:52] And is it correct that you yourself did not hear of any incidents
23 concerning the people who sold sheep at the market in 2012?

24 A. [10:34:04] I didn't hear of any.

25 MS TAYLOR: [10:34:33] I'm going to show a document. This should not be shown

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1 to the public. It's Defence tab 30. It's MLI-OTP-0080-3497.

2 Q. [10:34:48] Mr Witness, do you know this individual?

3 A. [10:34:54] Yes.

4 Q. [10:35:08] Who is it?

5 A. [10:35:11] Mahamadou Oye.

6 Q. [10:35:25] Did this individual, Mahamadou Oye, work with the *teintes claires*,
7 that is, the Arabs, in 2012?

8 A. [10:35:37] Yes. He worked with them. He unloaded -- he worked -- he
9 worked with them. He unloaded their lorries, and he's the one who was flogged.

10 Q. [10:36:17] Do you know the name of any individuals he worked with in
11 unloading these lorries?

12 A. [10:36:26] No. I don't know them. All that I know is that he would go into the
13 lorries, he would unload them, and then he would come back.

14 Q. [10:36:53] At transcript 139, page 8, you testified that he told you that he had
15 been beaten in Niafunké.

16 Is this the only incident that you're aware of concerning him?

17 A. [10:37:27] That's all I'm aware of.

18 Q. [10:37:34] Did this individual, Mamadou (phon) Oye, have a store in Timbuktu?

19 A. [10:38:00] Yes. At that time, it was said that he had a store and it was emptied.

20 He was just inside it. That was also after the liberation. He was in his shop, and his
21 shop was empty.

22 Q. [10:38:33] Where was his shop?

23 A. [10:38:37] At Yoboutao. That's where the shop was. And at that time, it was
24 empty. And since then, I know nothing more of him. I don't have his news. I
25 don't even know where he is. The shop was at Yoboutao.

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1 Q. [10:39:23] Mr Witness, you said at page 17, line 17 to 18: "[...] at that time, it
2 was empty."

3 What do you mean by "at that time"?

4 A. [10:39:41] Yes. What I wanted to say is that the shop was almost empty.
5 There wasn't enough merchandise inside. That's why I say it was empty.

6 MS TAYLOR: [10:40:21] Mr President, I have a few questions to ask in private
7 session.

8 PRESIDING JUDGE MINDUA: [10:40:26](Interpretation) Private session, please,
9 court officer.

10 (Private session at 10.40 a.m.)

11 THE COURT OFFICER: [10:40:34] We are in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [10:40:44](Interpretation) Thank you very much.
13 Ms Taylor.

14 MS TAYLOR: [10:40:45]

15 Q. [10:40:47] [REDACTED] ?

16 A. [10:41:19] Yes.

17 Q. [10:41:20] [REDACTED] ?

18 A. [10:41:24] [REDACTED]

19 [REDACTED] But whether he was called or not, that's something I
20 just don't know.

21 MS TAYLOR: [10:42:07] We can go into open session.

22 PRESIDING JUDGE MINDUA: [10:42:12](Interpretation) Court officer.

23 (Open session at 10.42 a.m.)

24 THE COURT OFFICER: [10:42:15] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:42:20](Interpretation) Thank you very much,

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1 court officer.

2 Ms Taylor.

3 MS TAYLOR: [10:42:24] I'm going to play a video without sound. It's OTP tab 61.

4 It's MLI-OTP-0041-0616. We'll play without sound from the beginning until 20

5 seconds on evidence 2.

6 (Viewing of the video excerpt)

7 MS TAYLOR: [10:42:53] So -- we're now at 19:17.

8 Q. [10:43:31] Mr Witness, do you recognise anyone on the screen?

9 A. [10:43:39] Yes, of course.

10 Q. [10:43:51] Who do you recognise on the screen right now?

11 A. [10:43:56] Al Hady (phon) is wearing a red turban, and the other, Amaran

12 (phon), is wearing a blue turban.

13 Q. [10:44:30] Is Al Hady (phon) wearing a blue boubou.

14 A. [10:44:56] It's called *àgbàdà*, grey.

15 Q. [10:45:07] Is he the person at the far left of the screen?

16 A. [10:45:12] Yes. He's next to the person who has the baton or pole next to him.

17 Q. [10:45:32] Was this person, Al Hadji, a teacher in a Madrasa?

18 A. [10:46:01] Yes.

19 Q. [10:46:02] Was he a member of the MNLA with Mohamed Moussa?

20 A. [10:46:12] Yes. When they came, they were together. But then they separated.

21 Q. [10:46:33] And when they came, was he with the MNLA?

22 A. [10:47:08] Yes. That's what we were told. And when they came, he returned

23 back to his shop, which was selling books.

24 PRESIDING JUDGE MINDUA: [10:47:21] Madam Prosecutor.

25 MS LUPING: [10:47:24] Thank you, Mr President.

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1 It's just to make sure that we have clarity in the record. There's no indication of
2 timing here in the question or in the responses. We'd just ask for the sake of clarity
3 that Defence counsel is very specific on the time period that the witness is being asked
4 to confirm that he was a member of the MNLA.

5 PRESIDING JUDGE MINDUA: [10:47:52](Interpretation) Ms Taylor.

6 MS TAYLOR: [10:47:53] Mr President, we do have evidence from this witness
7 concerning Mohamed Moussa related to the time period when Mohamed Moussa was
8 with the MNLA.

9 Now, I can put this question. But I do believe that we already had evidence from the
10 witness on this point.

11 Q. [10:48:12] Now, Mr Witness, are you speaking about the first couple of months,
12 that is, before Mohamed Moussa joined the Islamists?

13 PRESIDING JUDGE MINDUA: [10:48:27](Interpretation) Madam Prosecutor.

14 MS LUPING: [10:48:30] Mr President, I do believe that -- in particular, with the
15 instructions that were given for this witness, that it's important to be clear and simple
16 in terms of asking for precise dates. And I don't think it's appropriate to give a
17 specific period as to when Mohamed Moussa specifically joined the Islamists.

18 It should be just simply a -- an open question as to when this individual is said to
19 have been with the MNLA.

20 PRESIDING JUDGE MINDUA: [10:49:12](Interpretation) Ms Taylor.

21 MS TAYLOR: [10:49:14] Mr President, I respectfully submit that this is
22 overcomplicating an issue that's of peripheral importance. Now, I can certainly put
23 more questions to this witness, but I do -- I am reluctant to unnecessarily protract
24 these proceedings.

25 PRESIDING JUDGE MINDUA: [10:49:51](Interpretation) Please go ahead,

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1 Ms Taylor, but take into account the indications that we've obtained from the VWU
2 where it concerns this witness.

3 MS TAYLOR: [10:50:07] Certainly, Mr President.

4 Q. [10:50:11] Now, you've mentioned that Al Hadji went -- I have to go back.
5 Sorry.

6 You said he returned back to his shop, which was selling books.

7 Do you know when this occurred? When he returned back to selling shops -- books.

8 A. [10:51:10] No. I don't remember.

9 Q. [10:51:11] Now, it's correct that you studied at a Koranic school?

10 A. [10:51:22] Who studied in a Koranic school?

11 Q. [10:51:35] Mr Witness, did you study at a Koranic school?

12 A. [10:51:40] Yes. I studied at a Koranic school.

13 Q. [10:51:57] Were you ever taught by Mohamed Al Faqi?

14 A. [10:52:03] No. Mohamed Al Faqi never taught me.

15 Q. [10:52:25] Mr Witness, you've referred to an individual called Demba Demba.
16 Was he arrested in Gao in 2013?

17 A. [10:52:45] That's what I heard, that he was arrested there.

18 Q. [10:52:58] Did you hear who arrested him?

19 A. [10:53:03] We heard it was the army itself that arrested him, but it coincided
20 with the red *croix* -- Red Cross, who took him to Mopti.

21 Q. [10:53:46] And did you hear how he was treated by the Malian army?

22 A. [10:54:13] What we heard, when he was arrested, he was tied up, and they took
23 him. But after that, they released him. They didn't kill him.

24 Q. [10:54:35] Did you hear or learn about why he was released?

25 A. [10:54:41] I didn't hear that.

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1 Q. [10:55:03] Now, Mr Witness, is it correct that you're still in contact with him?

2 A. [10:55:08] Well, he was in town. He goes around. He took up his work again
3 working with clay, with banco.

4 Q. [10:55:36] Is this contact quite regular?

5 A. [10:56:07] In fact, you would see him pass by. And even before, I would see
6 him pass by. He would sing, and people would say he's a singer. And he took up
7 his activities again.

8 Q. [10:56:25] Mr Witness, were you in contact with him after your preparation
9 session in March this year?

10 A. [10:56:33] We'd see each other. We'd pass by. We just see each other and we
11 pass by. We greet each other on the way past. We don't do the same work.

12 Q. [10:57:17] Now, Mr Witness, we're in open session. We've referred at various
13 points in time to an association that I'm not going to name.

14 Did Demba Demba provide any help or assistance to this association?

15 A. [10:57:30] How could he help? At that time, the association didn't even exist.
16 What they had, they gave it to people.

17 Q. [10:58:32] [REDACTED]

18 A. [10:58:47] [REDACTED]

19 [REDACTED] And that was since the time of liberation,
20 but he didn't give it to an association. That was before the liberation.

21 MS TAYLOR: [10:59:38] Mr President, I see it's 11 o'clock.

22 PRESIDING JUDGE MINDUA: [10:59:47](Interpretation) That's correct. Ms Taylor,
23 it's 11 minus 1. But nevertheless, we can suspend. And we will be back at 11.30.
24 Court is suspended.

25 THE COURT USHER: [11:00:01] All rise.

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1 (Recess taken at 11.00 a.m.)

2 (Upon resuming in open session at 11.32 a.m.)

3 THE COURT USHER: [11:32:59] All rise.

4 Please be seated.

5 PRESIDING JUDGE MINDUA: [11:33:16](Interpretation) The hearing shall now
6 resume.

7 Ms Taylor, normally we should sit until 10 after three --

8 THE INTERPRETER: [11:33:44] Correction: 10 after one.

9 PRESIDING JUDGE MINDUA: [11:33:49](Interpretation) -- and then resume at 12.10
10 until 3.30. That's what we said this morning. Now, obviously ...

11 Court officer, please cut the sound to the witness.

12 THE COURT OFFICER: [11:34:11] Your Honours, the sound has been cut off.

13 PRESIDING JUDGE MINDUA: [11:34:14](Interpretation) Thank you very much.

14 Ms Taylor, I asked to cut the sound to the witness because yesterday the witness
15 started to get impatient. And up until recently, he's been quite patient.

16 We're supposed to finish at 3.30. And I truly hope that we can release the witness
17 today. And so, if you need more time, more minutes, we could consider going past
18 3.30 this afternoon, I believe.

19 What say you, Ms Taylor?

20 MS TAYLOR: [11:34:55] Thank you, Mr President. I can assure you that I would
21 like nothing better than to be finished today and will certainly direct my questions to
22 that end. And I -- of course, if it's necessary to sit over, we'll be willing to do so.

23 PRESIDING JUDGE MINDUA: [11:35:17](Interpretation) Thank you, Ms Taylor.

24 Court officer, please re-establish the sound.

25 THE COURT OFFICER: [11:35:24] Your Honours, the sound has been re-established.

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1 PRESIDING JUDGE MINDUA: [11:35:35](Interpretation) Thank you very much,
2 court officer.

3 Mr Witness, we are resuming your testimony. We just had a few housekeeping
4 items to take care of.

5 So I'll now turn over to the Defence for continuation of their cross-examination.

6 Ms Taylor.

7 MS TAYLOR: [11:36:11] Thank you, Mr President.

8 Q. [11:36:16] Good morning, Mr Witness.

9 How are you now?

10 A. [11:36:45] (No interpretation)

11 Q. [11:36:48] I didn't receive a response. So I'm hoping it's working.

12 Now, Mr Witness, just before the break, we were -- we were discussing [REDACTED]

13 Do you recall?

14 A. [11:36:58] Yes.

15 Q. [11:37:15] Now, I'm going to be referring to a video. That's OTP tab

16 MLI-OTP-0072-0240. And I'm going to put it up on the screen. It should not be
17 shown to the public. And we're just going to show the first frame on evidence 2.

18 And the time stamp is .14.

19 Now, at transcript 138, page 65, lines 17 to 23, you were asked: [REDACTED]

20 [REDACTED]

21 Your response was: [REDACTED]

22 You were asked: [REDACTED]

23 [REDACTED]

24 And you responded: [REDACTED]

25 [REDACTED]

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1

2 A. [11:39:18] Yes. Yes.

3

4

5 Q. [11:39:40] Now, Mr. Witness, at transcript 138, page 53, line 22, when the
6 Prosecution showed you this video and they showed you time stamp 1:10, you stated
7 that you could see Demba Demba in the shot.

8 Can you see Demba Demba in front of you now?

9 A. [11:40:08] Yes. I saw that. It's Demba Demba there holding the telephone.

10 Q. [11:40:33] So, Mr Witness, if we can see Demba Demba holding the telephone,
11 who was filming this?

12 A. [11:40:42]

13 Q. [11:41:09] And perhaps it's an issue of interpretation.

14 But who was filming Demba Demba since we see Demba Demba?

15 A. [11:41:27] I don't know. I don't know who.

16 Q. [11:41:53] Now, Mr Witness, at line 26 -- sorry -- page 26, line 23, you said:

17

18

19 A. [11:42:14]

20 if you put it -- if you

21

22 Q. [11:43:15]

23 A. [11:43:24]

24 Q. [11:43:44]

25 A. [11:44:01]

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4

Q. [11:44:47] [REDACTED]?

5

PRESIDING JUDGE MINDUA: [11:45:12](Interpretation) Madam Prosecutor?

6

MS LUPING: [11:45:14] Mr President, I'm just concerned because we're in public

7

and this specific information was elicited in private session. If we could please go

8

into private for the -- these very specific questions.

9

PRESIDING JUDGE MINDUA: [11:45:34](Interpretation) Yes. Ms Taylor, I think

10

Madam Prosecutor is correct.

11

Courtroom officer, private session.

12

(Private session at 11.45 a.m.)

13

THE COURT OFFICER: [11:45:57] We're in private session, Mr President.

14

PRESIDING JUDGE MINDUA: [11:45:59](Interpretation) Thank you. Don't forget

15

about the redaction because I think we need to redact.

16

Ms Taylor.

17

MS TAYLOR: [11:46:07]

18

Q. [11:46:08] [REDACTED]

19

[REDACTED]?

20

A. [11:46:14] The telephone that -- it was the telephone -- it's this telephone that he

21

[REDACTED]

22

Q. [11:46:51] [REDACTED]?

23

A. [11:46:56] The same person. [REDACTED]

24

[REDACTED].

25

Q. [11:47:20] Yes, Mr Witness. It -- according to the transcript, it says: "This

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1 telephone [REDACTED]"

2 So my question was: [REDACTED]?

3 A. [11:47:36] [REDACTED]

4 [REDACTED]

5 Q. [11:48:32] [REDACTED]?

6 A. [11:48:37] Yes.

7 Q. [11:48:46] [REDACTED]?

8 A. [11:49:12] Well, I don't remember. I don't remember now.

9 Q. [11:49:15] I'm going to refer to a document that should not be shown to the

10 witness, but I'll read out the relevant part. It's Defence tab 22. It's

11 MLI-OTP-0030-0136. And it's page 0138. And in a note that concerns the specific

12 flogging incident, it says:

13 [REDACTED]

14 [REDACTED] who recorded the whipping of this [...]" video (sic). "The
15 recording was published."

16 [REDACTED]?

17 A. [11:50:28] I don't remember now. I've forgotten those things now.

18 Q. [11:50:32] [REDACTED]?

19 A. [11:50:59] I don't remember. I don't remember. I no longer recall.

20 Q. [11:51:03] [REDACTED]?

21 A. [11:51:19] Generally, I don't remember so much, and I don't really keep things in
22 mind so much. And it was a long time ago.

23 PRESIDING JUDGE MINDUA: [11:51:45](Interpretation) Ms Taylor, I think we can
24 go back into open session, can't we?

25 MS TAYLOR: [11:51:50] Mr President, I just have two questions, and then we can go

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1 into open session.

2 PRESIDING JUDGE MINDUA: [11:51:56](Interpretation) Very well. Go ahead.

3 MS TAYLOR: [11:51:59]

4 Q. [11:52:00] Mr Witness, do you recall if [REDACTED]

5 [REDACTED]

6 A. [11:52:14] Well, I don't remember. I really don't remember [REDACTED]

7 [REDACTED] I don't really know.

8 MS TAYLOR: [11:53:06] We can move into open session.

9 PRESIDING JUDGE MINDUA: [11:53:09](Interpretation) Madam Prosecutor.

10 MS LUPING: [11:53:11] Mr President, your Honours, perhaps I could just request
11 that the sound be cut off to the witness very briefly.

12 PRESIDING JUDGE MINDUA: [11:53:21](Interpretation) Courtroom officer, please
13 cut the sound.

14 THE COURT OFFICER: [11:53:24] Your Honours, the sound has been cut off.

15 MS TAYLOR: [11:53:28] Just to say we're in open session.

16 PRESIDING JUDGE MINDUA: [11:53:33](Interpretation) Thank you.

17 MS TAYLOR: [11:53:36] I apologise. It was just to say that we're in open session.
18 We've just moved from closed session to open session.

19 PRESIDING JUDGE MINDUA: [11:53:43] *Non --*

20 THE COURT OFFICER: [11:53:44] Your Honours (Overlapping speakers) we're still
21 in private session.

22 THE INTERPRETER: [11:53:48] Overlapping.

23 PRESIDING JUDGE MINDUA: [11:53:50](Interpretation) We are still in private
24 session, and we just cut off the sound to the witness.

25 Madam Prosecutor.

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1 MS LUPING: [11:53:57] Thank you, Mr President, your Honours.

2 Now, obviously, there is a follow-up question that I could do in re-examination.

3 And I don't want to eat into the time of Defence counsel, but I do see that there

4 appears to be some kind of a -- a misunderstanding or a point that could be easily

5 clarified.

6 [REDACTED]
7 [REDACTED]

8 [REDACTED] whilst we were still in public session and speaking

9 in generalities, he clarified that [REDACTED] a number of

10 people that they received [REDACTED]

11 [REDACTED]

12 Now, in private session, Defence counsel has asked: [REDACTED]

13 Now, of course, I can request authorisation, your Honours, to ask the follow-up

14 question in re-examination, which is simply to ask, [REDACTED]

15 [REDACTED]"

16 But because of the -- the -- the nature of this witness, that it might get confusing, and

17 we're currently still nearly on -- on the same topic, it would be very helpful, I believe,

18 just to simply have this clarified with the witness.

19 I know that this is not the normal procedure and that this is not obviously necessarily

20 for Defence counsel. It might be for your Honour instead to ask the question. It's

21 just that I wouldn't want to waste time in re-examination on this type of question and

22 having to go back in time when the video was just -- already just been shown to him.

23 PRESIDING JUDGE MINDUA: [11:55:55](Interpretation) Ms Taylor, do you wish to

24 assist?

25 MS TAYLOR: [11:56:02] Mr President, two things: Firstly, this issue arises squarely

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1 from examination-in-chief. In particular, as I quoted from transcript 138, page 65,
2 lines 17 to 23, the witness said:

3 [REDACTED]
4 [REDACTED]

5 Now, this is what the witness said in examination-in-chief. Now that begs the
6 question as to why the Prosecution chose not to address that issue in
7 examination-in-chief as they should have done so.

8 Now in cross-examination, it was not me who said that he -- it was not me that was
9 referring to [REDACTED] It was specifically the witness who again said, at page 29,
10 lines 18 to 19:

11 [REDACTED]

12 Then I said: [REDACTED]

13 And he said: "Yes."

14 Now, I've asked several questions to him [REDACTED] and
15 we've had various contradictory answers from this witness.

16 Now, given that this is an issue that arose from examination-in-chief, I've asked him
17 several times [REDACTED] all these various issues. I've gone through
18 it with him in detail, Mr President.

19 Now, I don't believe it's -- this is a ground at all for any form of re-examination. And
20 I'm very aware of the need to try and finish this testimony. And I am concerned that
21 this is eating into our time on an issue which has been put to the witness in various
22 forms to try and elicit some clarity here.

23 Now, if I -- if there's no clarity, that's not an issue of questioning. It's an issue of
24 reliability.

25 PRESIDING JUDGE MINDUA: [11:58:22](Interpretation) Very well.

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1 Madam Prosecutor, you have heard Ms Taylor's explanation.

2 What is exactly the -- what exactly is the question you would like to ask the witness?

3 MS LUPING: [11:58:30] The question I would like to ask the witness is, because he

4 has confirmed, indeed, in examination-in-chief that [REDACTED]

5 [REDACTED]

6 He confirmed that in examination-in-chief.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 THE INTERPRETER: [11:59:09] Overlapping.

13 PRESIDING JUDGE MINDUA: [11:59:11](Interpretation) No, no, no, no. I'm afraid

14 we'll be eating into the time of the Defence.

15 And, Ms Taylor, you have explained the situation.

16 Ms Taylor had -- we don't have to repeat the whole story to the witness.

17 What is the exact question you want to put to the witness? Not giving another

18 account.

19 What was the specific issue that was not cleared up by Ms Taylor that you would like

20 to deal with?

21 MS LUPING: [11:59:40] [REDACTED]

22 [REDACTED]

23 [REDACTED] At the moment, the record is slightly unclear on this

24 point.

25 It's not a complicated issue, your Honours. I just wanted that simple question. It

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1 might be better for your Honours to ask the question, or I can ask the question in
2 re-examination. It was to save time.

3 MS TAYLOR: [12:00:09] Mr President, if I may just briefly, because I do believe that
4 this issue was addressed at pages 27 to 28 specifically, where I specifically asked the
5 witness [REDACTED]

6 And I'm sorry, if I can be able to respond, given that we've had quite a detailed
7 account by the Prosecution.

8 It says: [REDACTED]

9 Well, [REDACTED]

10 [REDACTED] if you

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 We've had a whole detailed account from the witness on this. And I'm concerned
16 about these constant interjections on an issue that arose from examination-in-chief.

17 PRESIDING JUDGE MINDUA: [12:01:11](Interpretation) Madam Prosecutor, there
18 is your account, and there is the account from the Defence. And I believe that the
19 Chamber is sufficiently enlightened.

20 Courtroom officer, please re-establish the sound.

21 And, Ms Taylor, I believe we're going back into open session.

22 MS TAYLOR: [12:01:33] Yes, Mr President.

23 (Open session at 12.01 p.m.)

24 THE COURT OFFICER: [12:01:48] Your Honours, we are back in open session, and
25 the connection to the witness is re-established.

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1 PRESIDING JUDGE MINDUA: [12:01:53](Interpretation) Thank you very much,
2 court officer.

3 Ms Taylor.

4 MS TAYLOR:

5 Q. [12:01:58] [REDACTED]

6 [REDACTED]?

7 PRESIDING JUDGE MINDUA: [12:03:12](Interpretation) Yes, Witness,
8 what -- what -- what would you like to do?

9 MS TAYLOR: [12:03:31] I believe we'll have to go into private session.

10 THE INTERPRETER: [12:03:38] Message from the Songhai booth: We haven't
11 understood well what the witness wants to say.

12 PRESIDING JUDGE MINDUA: [12:03:45](Interpretation) Court officer, please take
13 us into private session.

14 (Private session at 12.03 p.m.)

15 THE COURT OFFICER: [12:03:50] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [12:03:54](Interpretation) Thank you very much.
17 Witness, please speak.

18 THE WITNESS: [12:03:59](Interpretation) Yes, indeed, [REDACTED]

19 MS TAYLOR: [12:04:13]

20 Q. [12:04:14] Does RFI stand for Radio France Internationale?

21 A. [12:04:48] Yes. [REDACTED]

22 [REDACTED]

23 Q. [12:05:00] [REDACTED]

24 A. [12:05:23] I don't know. [REDACTED]

25 [REDACTED]

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1 Q. [12:05:41] [REDACTED] to your knowledge?

2 A. [12:05:47] No. I don't know. These are the manoeuvres of people who [REDACTED]

3 [REDACTED]

4 MS TAYLOR: [12:06:12] If we can go into open session.

5 PRESIDING JUDGE MINDUA: [12:06:17](No interpretation)

6 (Open session at 12.06 p.m.)

7 THE COURT OFFICER: [12:06:29] We are back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:06:33](No interpretation)

9 MS TAYLOR:

10 Q. [12:06:44] Mr Witness, in 2012, did you follow the RFI, Radio France

11 Internationale, reporting of events in Timbuktu?

12 A. [12:07:01] That I don't know. When we went home and listened to radio, I

13 don't know anything more about it.

14 Q. [12:07:33] I'm just going to turn to your statement. It's OTP tab 1,

15 MLI-OTP-0072-0143, turning to page 0151, paragraph 36. And I'm going to read it to

16 you, Mr Witness.

17 And if it could be put on the screen for the interpreters on evidence 1, and if they can

18 give me the sign as to when they're ready.

19 It says:

20 (Interpretation) "We knew Omar from Timbuktu. He did his studies there. During

21 the occupation, he spoke all the time on the media. Omar said that on that day, that

22 the town of Timbuktu was a mysterious town. The reason why, they made a

23 mistake three times before entering. For us, the foreigners were able to attack and

24 enter the town because the locals were with them and had shot first. Sanda also is

25 from Timbuktu. I didn't know his full name -- I don't know his full name. During

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1 the occupation, he was the spokesperson of Ansar Dine. He said so himself in the
2 media, such as on RFI."

3 (Speaks English) Mr Witness, do you recall saying this to the Prosecution.

4 THE INTERPRETER: [12:09:36] Message from the Songhai booth: Your Honour, is
5 it possible to reread the passage?

6 PRESIDING JUDGE MINDUA: [12:09:47](Interpretation) Paragraph 36 of the
7 statement, do you want it to be read out once again?

8 THE INTERPRETER: [12:09:58] No, your Honour. No need.

9 PRESIDING JUDGE MINDUA: [12:10:00](Interpretation) Okay.

10 THE WITNESS: [12:11:50](Interpretation) Yes. That's how it was.

11 MS TAYLOR: [12:11:55]

12 Q. [12:11:55] Did you learn about the names and positions of people in Timbuktu
13 from the media?

14 A. [12:12:04] Yes. It was done like that. And at the time, you could listen to it.
15 That's how it was done. And Omar as well, he was present. He was in the streets.
16 He spoke.

17 Q. [12:13:14] Now, Mr Witness, is it correct that you've discussed the events of 2012
18 with various people in Timbuktu?

19 A. [12:13:20] I don't understand what you mean. To -- with what various people?

20 Q. [12:13:48] Well, for example, with other locals.

21 A. [12:14:11] Well, I don't remember now.

22 Q. [12:14:13] If I can turn again to your statement. It's page 0147, page (sic) 21. If
23 that could be put on the screen for the interpreters. I might -- I think it would be
24 better to go into private session to read this out.

25 PRESIDING JUDGE MINDUA: [12:14:44](Interpretation) Court officer, private

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1 session, please.

2 (Private session at 12.14 p.m.)

3 THE COURT OFFICER: [12:14:51] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [12:15:01](Interpretation) Thank you very much.

5 Ms Taylor.

6 MS TAYLOR: [12:15:05] I apologise. If the Prosecution doesn't object, if I just read

7 out the first two sentences, I can do that in open session so I don't have to go into the

8 name. I'm not going to ask about that individual.

9 MS LUPING: [12:15:23] If it's only the first two sentences, I don't see that there
10 would be any objection.

11 PRESIDING JUDGE MINDUA: [12:15:40](Interpretation) So we go into open session.

12 Court officer.

13 (Open session at 12.15 p.m.)

14 THE COURT OFFICER: [12:15:48] We are back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [12:16:03](Interpretation) Thank you very much.

16 Ms Taylor.

17 MS TAYLOR: [12:16:06] I'm just going to read out the first two sentences. And

18 obviously, this should not be shown to the public.

19 Q. [12:16:13] Now, Mr Witness, your statement says: (Interpretation) "I never gave
20 witness statements until present day, didn't give interviews to journalists or spoke to
21 the authorities of what I know about the events of 2012. Of course, I did discuss
22 things and exchange -- have exchanges with people from Timbuktu or from
23 elsewhere."

24 (Speaks English) Mr Witness, is this what you said to the Prosecution?

25 A. [12:16:57] It's true. It's a long time ago. You can forget what you say. It's

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1 possible.

2 Q. [12:17:54] So did you discuss with people from Timbuktu and people coming
3 from elsewhere the events of 2012?

4 Did you have exchanges?

5 A. [12:18:06] Well, I don't remember. I really don't remember if I spoke to
6 somebody about it. But in fact, it was in Timbuktu that things happened.
7 Everybody knows what's happened. Who would I say it to.

8 Q. [12:18:54] Now, Mr Witness, you've just said: "I don't remember. I really
9 don't remember if I spoke to somebody about it."

10 Do you find it hard nine years later to remember things clearly?

11 A. [12:19:08] Well, nine -- nine years isn't just a few days. You can Google a lot of
12 things, which you think of -- you can forget a lot of things that you think of.

13 Q. [12:20:06] And nine years later, do you sometimes confuse things?

14 A. [12:20:38] I don't remember. I don't remember.

15 PRESIDING JUDGE MINDUA: [12:20:40](Interpretation) Madam Prosecutor?

16 MS LUPING: [12:20:41] Mr President, it was just the last question, it was very vague
17 and not sufficiently precise for the witness, "Do you sometimes confuse things?"
18 Well, I can sometimes confuse things. I'm sure we all do. But specifically for the
19 purposes of the witness's testimony, it would be good if very precise questions are
20 put to him.

21 This was rather unfair.

22 PRESIDING JUDGE MINDUA: [12:21:05](Interpretation) Ms Taylor.

23 MS TAYLOR: [12:21:07] Mr President, I'll put a precise question.

24 PRESIDING JUDGE MINDUA: [12:21:19](Interpretation) Please go ahead.

25 MS TAYLOR: [12:21:21]

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1 Q. [12:21:21] Mr Witness, nine years later, do you sometimes mix up people?

2 A. [12:21:26] Well, what I don't remember I don't remember.

3 Q. [12:21:53] Now, Mr Witness, turning back to your interview with the ICC

4 Prosecution, it's correct that they showed you videos and then asked you to identify
5 people in those videos?

6 A. [12:22:06] If I see things, I can say what I remember and what I know with
7 regards those things. But my brain isn't a computer. I can't remember everything.
8 Please excuse me for that.

9 Q. [12:23:06] Now, Mr Witness, did they ask you to draw or describe individuals
10 before they showed you these videos?

11 A. [12:23:16] What I would like to say with regards to the events that happened,
12 these are things that you remember. And when you -- but when you're fed up with
13 it, you don't want to remember everything. You don't want to think about these
14 things all the time. It's like a sickness that you want to get out of your mind.

15 Q. [12:24:25] Now, Mr Witness, I'm just going to show you a video that was shown
16 during the preparation session in March. It's OTP tab 41. It's MLI -- it should not
17 be shown to the public. It's MLI-OTP-0018-0654.

18 Now I'm just going to have it on the first still.

19 Now, Mr Witness, when the Prosecution showed this to you in March, did you
20 identify the person with the loudspeaker as Al Hassan?

21 A. [12:25:22] No. Nobody said it was him. Nobody said that it was this or that
22 person.

23 Q. [12:26:09] I'm going to turn to OTP tab 100. It's MLI-OTP-0080-2009-RO1 at
24 2018. And if it could be put on the screen for the interpreters. And it's under OTP
25 tab 100.

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1 Mr President, if I may just consult with Mr Al Hassan?

2 PRESIDING JUDGE MINDUA: [12:27:23](Interpretation) Please go ahead.

3 MS TAYLOR: [12:27:40]

4 Q. [12:27:45] Mr Witness, were you able to see this on your screen?

5 A. [12:27:49] I can see it, but it's very blurred.

6 Q. [12:28:15] So if we can go to OTP tab 99. If it could be brought up for the
7 witnesses -- sorry. For the interpreters. It says:

8 P-[0]641 is asked if he recognises the event, persons, location.

9 P-641 says that this is the day of the execution of Moussa, of his judgement. He
10 identifies the black man as Mohamed who wears a cloth like the white blue "bra" and
11 a green turban. The one holding the loudspeaker and wearing the scarf is Al Hassan.
12 He cannot clearly see the face of the person speaking.

13 Mr Witness, did you say that, "The one holding the loudspeaker and wearing the scarf
14 is Al Hassan"?

15 A. [12:30:08] Well, I know where it happened. What you said about the
16 loudspeaker, I didn't understand that part.

17 Q. [12:30:18] Mr Witness, did you tell the Prosecution that the person that you can
18 see on the screen holding a loudspeaker was Al Hassan?

19 A. [12:30:28] Yes. It's Al Hassan who's wearing the turban.

20 Q. [12:30:54] I'm going to play another video. It's OTP tab 44. It's

21 MLI-OTP-0018-0655. And we're just going to stop at 1:00.

22 (Viewing of the video excerpt)

23 MS TAYLOR: [12:31:50] We stopped at 1:03, but it's close to 1:00.

24 Q. [12:31:56] Now, Mr Witness, did you tell the Prosecution that the person
25 holding the loudspeaker here was Al Hassan?

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1 A. [12:32:17] Yes.

2 Q. [12:32:20] And did you say that the person with the green turban was Mohamed
3 Moussa?

4 A. [12:32:26] He's called Mohamed. I don't know him by the name of Moussa. I
5 know him by the name of Mohamed.

6 Q. [12:32:53] We're going to go to the 6:0 mark.

7 Mr Witness, did you tell the Prosecution that you recognised Houka Houka on the
8 right?

9 A. [12:33:15] Yes.

10 Q. [12:33:32] Now, Mr Witness, at transcript 137, page 27, you referred to an Arab
11 individual called "Lamine."

12 Did Lamine come from Timbuktu?

13 A. [12:33:50] Yes.

14 Q. [12:34:11] Was Lamine present in Timbuktu before the groups arrived?

15 A. [12:34:18] Well, it just so happened that we didn't know him. The fact is when
16 someone joins the -- those groups, you don't necessarily -- you try to find out who the
17 person is. Otherwise, you don't know him. Once the person has joined, that's
18 when people start to wonder who they are or they're such-and-such a person.

19 Q. [12:35:25] Mr Witness, when you told the Prosecution about Lamine in your
20 interview, did they show you any videos or photos to try to identify him?

21 A. [12:35:36] Yes, because Lamine, we would see him all the time. He would walk
22 around everywhere. We saw him all the time.

23 Q. [12:36:20] Mr Witness, I'm speaking of your interview with the Prosecution in
24 2019.

25 Did you identify Lamine in any videos or photos? Or were you asked to do so?

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- 1 A. [12:36:36] Well, at that -- this time, I don't remember. I really don't remember.
- 2 Q. [12:37:06] Where is Lamine today?
- 3 A. [12:37:10] I don't know where he is.
- 4 Q. [12:37:27] Do you know what happened to him in 2013 and afterwards?
- 5 A. [12:37:32] No. I don't know.
- 6 Q. [12:37:47] Now, at transcript 137, page 27, lines 10 to 11, you stated in relation to
- 7 Lamine that:
- 8 "[...] the young man was not as young as that, he was kind of older [...]"
- 9 So is it correct that Lamine was not young?
- 10 A. [12:38:06] Yes. I was saying that he wasn't young or old.
- 11 Q. [12:38:45] Now, you spoke of an incident concerning [REDACTED]
- 12 Did this occur in the first days when the Islamists installed themselves at the BMS?
- 13 A. [12:39:31] No. That didn't happen the first days. At that time, there was
- 14 the -- the police building already existed.
- 15 Q. [12:39:46] Mr Witness, I'm just going to refer to your statement. It's tab 1,
- 16 MLI-OTP-0072-0143-RO4. And it's -- if we can look at page 161, paragraph 94.
- 17 PRESIDING JUDGE MINDUA: [12:40:12](Interpretation) Madam Prosecutor?
- 18 MS LUPING: [12:40:14] Mr President, could I just ask that the sound be cut off to the
- 19 witness.
- 20 PRESIDING JUDGE MINDUA: [12:40:18](Interpretation) Court officer.
- 21 THE COURT OFFICER: [12:40:24] Your Honours, the sound has been cut off.
- 22 PRESIDING JUDGE MINDUA: [12:40:32](Interpretation) Thank you very much.
- 23 Madam Prosecutor.
- 24 MS LUPING: [12:40:34] Mr President, I was just wanting to find an appropriate time
- 25 to stand before the passage from the witness preparation note was actually removed

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- 1 from the screen, which the Defence has just done.
- 2 I would ask that it be returned to the screen so I can explain to your Honours.
- 3 I need to make a note for the record, and it is -- it is a concern based on paragraph 52
- 4 of the conduct of proceedings decision, which requires that there be no paraphrasing
- 5 of the witness's prior statements or information.
- 6 Now, the concern here, your Honours, is that the witness was shown two video
- 7 excerpts, and he was only drawn to those identifications that related to Al Hassan and
- 8 Houka Houka. But in fairness to the witness, first of all, he did not refer to
- 9 Mohamed Moussa. He had referred to Mohamed.
- 10 So it was misleading to indicate to the witness that he'd identified the person as
- 11 Mohamed Moussa.
- 12 That is the first point.
- 13 Secondly, the entirety of the passage should have been read, both in relation to items
- 14 0018-0654 and 0018-0655.
- 15 Now, the witness identified Radwan and Al Faqi in 0654. He never mentioned
- 16 Mohamed Moussa. He referred to simply a person called Mohamed.
- 17 At 0655 --
- 18 MS TAYLOR: [12:41:59] Mr President, I am concerned that the Prosecution is
- 19 reading evidence into the record and that this goes beyond the scope of an objection.
- 20 And I can explain specifically --
- 21 MS LUPING: [12:42:11] Mr President, I haven't finished. The point of this,
- 22 Mr President, is that I believe this is also misleading to the Chamber because only
- 23 very select extracts of the witness preparation note were read out to the witness and
- 24 read out to your Honours.
- 25 Now, if the point of this is indeed relating to a witness's ability to identify persons, in

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1 fairness to the witness, he should have had the entirety of both extracts of the witness
2 preparation read, including for 0655 that he referred also to Al Faqi as the person
3 holding the loud- -- sorry, as the person speaking. And he also did not, again, refer
4 to Mohamed Moussa. In neither video was there any reference to Mohamed
5 Moussa.

6 So it's just in fairness to the witness, your Honours, and in making sure that you're
7 not mislead by the very select passages that were read to him. That is all.
8 Thank you.

9 PRESIDING JUDGE MINDUA: [12:43:08](Interpretation) Understood,
10 Madam Prosecutor.

11 Ms Taylor, because the Prosecution says that you're not being specific when you're
12 giving the names of a number of people when you compare the *preparation log of
13 the witness to his statement, what's your response?

14 MS TAYLOR: [12:43:27] Mr President, I didn't suggest that Mohamed Moussa was
15 in the witness preparation log. I read out a paragraph and asked him if he had
16 identified people. And I asked those questions in an open manner. And when I
17 played the second video, I did not refer to his preparation log at all. We just showed
18 the video and asked him if he had identified these individuals.

19 I really do think -- I mean, with respect, Mr President, I don't believe we should be
20 having this constant to and fro on testimonial argument.

21 Now, basically I'm allowed to put to the witness, Is this Mohamed Moussa that you
22 identified? He said no. It's Mohamed. There's no issue of unfairness there. I'm
23 allowed to put questions to a witness. That's what we do, and, at the moment, we're
24 not being allowed to do this. We're being bogged down in testimonial debate at a
25 time when we're trying to finish.

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1 Now, for the second video, as I said, I did not refer to the preparation log at all. We
2 played the extract and asked him if he identified certain individuals.
3 Now, it's not appropriate for the Prosecution to try and insert its preparation log
4 through the backdoor through this objection. And I really do believe that we are
5 being prevented from being able to finish our cross-examination in a timely manner.
6 PRESIDING JUDGE MINDUA: [12:44:53](Interpretation) Very well. Now,
7 Ms Taylor, don't spend all your time complaining because you're -- well, first of all,
8 you say that these are constant exchanges that keep us from moving ahead. It means
9 that you have an opportunity to speak, and then the Prosecutor has a chance.
10 These exchanges are what I refer to as ping-pong, and I have very little patience for
11 ping-pong games. You say that you don't have the right to put questions. But you
12 do. And the Prosecution has a right to raise objections.
13 Now we are going to turn back to the matter at hand. You presented the witness
14 preparation log and then you go to the statement. Why? Because you are trying to
15 establish a link. And this link that -- the Prosecution is basing itself on that link
16 when it asked you to be fair. In the preparation log, mention is made of Mohamed
17 and then there was talk of Mohamed Moussa.
18 So really our issue here is fairness.
19 So put your question in a fair manner, and then the Prosecution will not be rising
20 again.
21 MS TAYLOR: [12:46:26] Mr President, we're now on a completely different subject.
22 And as you may recall, I read out the entirety of that paragraph from the preparation
23 log. And for the second video, which the Prosecution wants to read out, I didn't
24 refer to the preparation log at all.
25 There's therefore no basis for me to read out an item of evidence that was never put to

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1 this witness.

2 Now, can we move on?

3 PRESIDING JUDGE MINDUA: [12:47:01](Interpretation) No, because when you

4 went to the second video, you create confusion. You jump from one thing to the

5 other without any heads-up. You present something. Then you move on to

6 something else, and sometimes the witness himself is asking, What's the question?

7 Because you are presenting a lot of different items one after another, and you are

8 creating confusion.

9 Now, if you're saying that the video has nothing to do with the preparation log, that's

10 one thing. And then we can move on. So there you have it.

11 Now, Madam Prosecutor, sit down. We have had our exchange. We're not on the

12 preparation log any more. We are moving on to something else.

13 Court officer, re-establish the connection.

14 THE COURT OFFICER: [12:47:53] The connection has been reestablished.

15 PRESIDING JUDGE MINDUA: [12:47:59](Interpretation) Thank you very much.

16 Ms Taylor.

17 MS TAYLOR: [12:48:02] Thank you, Mr President.

18 Obviously, I'm going to have to scroll back several pages to see where we are before

19 this happened.

20 Q. [12:48:16] Mr Witness, at page 47, lines 18 to 19, you said, this --

21 "[...] didn't happen the first days. At that time, there was ... the police building

22 already existed."

23 Did this happen in the first few days after the police building existed?

24 A. [12:48:36] Well, I don't know if, after the existence of the police -- what day it

25 happened, but I don't know. In any event, the police already existed.

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- 1 Q. [12:49:38] So I'm going to refer to your statement. It should have already been
2 put on evidence 1 before we got distracted. It was at page 0143 at paragraph I
3 believe - where were we? - 94. It should not be shown to the public.
4 And if the interpreters -- if it could be put on evidence 1.
5 Now, Mr Witness, I'm going to read out -- this has been read out to you several times
6 by the Prosecution.
7 At the beginning it says:
8 (Interpretation) [REDACTED]
9 THE INTERPRETER: [12:50:28] Blank.
10 MS TAYLOR: [12:50:29] "-- we saw Al Hassan and Lamine bring [REDACTED] to the BMS.
11 It was during the first days that the Islamic police had been established at the BMS. I
12 say that because the Islamists were still trying to distinguish between public property
13 and private property."
14 If we can go into private session.
15 PRESIDING JUDGE MINDUA: [12:51:53](Interpretation) Private session, court
16 officer.
17 (Private session at 12.51 p.m.)
18 THE COURT OFFICER: [12:51:59] We are in private session, Mr President.
19 PRESIDING JUDGE MINDUA: [12:52:07](Interpretation) Thank you very much.
20 Ms Taylor.
21 MS TAYLOR: [12:52:14]
22 Q. [12:52:14] Mr Witness?
23 PRESIDING JUDGE MINDUA: [12:52:37](Interpretation) Go ahead, Ms Taylor.
24 MS TAYLOR: [12:52:41]
25 Q. [12:52:42] Mr Witness, are you able to answer now?

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1 A. [12:52:48] [REDACTED]
2 What you must realise is that Al Hassan was not operating the place. It was Adama.
3 Adama came and Aboula (phon) came, and they opened the place, the police. And
4 then later Al Hassan came. The time when Lamine -- that whole Lamine thing, at
5 that time, Al Hassan was there.

6 Q. [12:53:59] And was this in the first months after the groups arrived or the first
7 couple of weeks?

8 A. [12:54:09] We think it was the first months.

9 Q. [12:54:49] Now --

10 A. [12:54:52] It's like a canoe on the water. Things float by, and -- it's like a canoe
11 on the water, and then things float by.

12 Q. [12:55:07] Now, according to what you heard, was it Lamine who spoke to
13 [REDACTED]?

14 A. [12:55:16] Going by what we were told, it was indeed Lamine who called Al
15 Hassan because Lamine was a police officer and Al Hassan was his boss. He called
16 Al Hassan. He came. They spoke in Arabic. And he said that he didn't
17 understand what they -- he -- what they were saying in Arabic. But, in any event,
18 they were speaking in Arabic.

19 PRESIDING JUDGE MINDUA: [12:56:27](Interpretation) Ms Taylor, are we staying
20 in private session?

21 MS TAYLOR: [12:56:31] Mr President, it's the witness who asked to go in private
22 session.

23 Q. [12:56:35] Mr Witness, can we continue questioning in private -- in open session?
24 My questions will continue on this topic.

25 A. [12:57:12] In relation to what the young man told me, it's what I told you.

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1 MS TAYLOR: [12:57:25] Mr President, we can try to go into open session and see
2 how we go.

3 PRESIDING JUDGE MINDUA: [12:57:30](Interpretation) Quite so.

4 Court officer, if you could.

5 (Open session at 12.57 p.m.)

6 THE COURT OFFICER: [12:57:35] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [12:57:41](Interpretation) Thank you very much.

8 Ms Taylor.

9 MS TAYLOR: [12:57:45]

10 Q. [12:57:46] Mr Witness, is it correct that Lamine made a false report?

11 A. [12:57:53] That's what the young man said because -- because Lamine speaks
12 Songhai. So he was able to hear what they said in Arabic. That's what the young
13 man told me.

14 Q. [12:58:33] So were there communication problems?

15 A. [12:58:40] Oh, that's what the young man said. That's what the young man said.
16 And since he didn't understand in any event, Al Hassan prayed and brought him to
17 the BMS.

18 THE INTERPRETER: [12:59:34] Correction: Al Hassan took him and then brought
19 him to the BMS.

20 MS TAYLOR: [12:59:40]

21 Q. [12:59:41] Is [REDACTED] related to [REDACTED]?

22 A. [13:00:05] They are neighbours. They're close to one another. They're
23 neighbours. And from there, they went to intercede on his behalf.

24 Q. [13:00:25] So it's correct that [REDACTED] visited [REDACTED] at the BMS?

25 A. [13:00:36] Yes. That's what the young man said, and that's what happened.

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1 Q. [13:01:03] So, Mr Witness, was it [REDACTED] who told you about this incident, or
2 was it [REDACTED]?

3 A. [13:01:34] *No, it was [REDACTED] who told me about it.

4 Q. [13:01:36] So is it correct that after [REDACTED] was released, he stayed around
5 outside the BMS to tell you about this?

6 A. [13:01:44] *Well, he said it everywhere he went, in all the places he would go to.
7 So wherever he would sit, he would tell people that, and he's someone from
8 Timbuktu. He's from the town, so he would speak about it with everyone.

9 Q. [13:02:42] Mr Witness, when the Prosecution questioned you about this incident
10 last week, did you have any trouble remembering the details?

11 A. [13:03:03] *Well, the month in which they arrested him, they asked him to tell
12 the truth, so the young man told him that Adama knew him. So it was in that month
13 that he had been told that Adama was away, and Al Hassan got out his knife, he told
14 the young man to put his hand on the table, he said he was not telling the truth and
15 he would cut off his hand. And the young man said that he was indeed telling the
16 truth because he was not a thief, Adama knew him and if he was there, he would tell
17 him the truth because he was the one who was guarding the house. And it was after
18 that, the man sent his brother-in-law to come to tell the truth.

19 MS TAYLOR: [13:05:26] Mr President, we don't have an English transcript.

20 PRESIDING JUDGE MINDUA: [13:05:36](Interpretation) Yes. Court officer, what's
21 happening?

22 THE COURT OFFICER: [13:05:41] Your Honours, perhaps the interpreters could
23 repeat what came in from the field. We do have the transcript available. It may be
24 a question of repeating what was said or interpreting what was said. Thank you.

25 PRESIDING JUDGE MINDUA: [13:06:07](Interpretation) Very well. That's true.

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1 We now have the transcript in English and a portion of the answer of the witness isn't
2 there.

3 We have it in French.

4 So we can move on, Ms Taylor. It's to save time.

5 MS TAYLOR: [13:06:26] I'm so glad we're saving time.

6 Q. [13:06:29] So, Mr Witness, last week when the Prosecution asked you about this
7 incident, you did not refer to a knife initially.

8 Is that because you could not remember things?

9 A. [13:06:44] Well, I didn't remember that. He nevertheless said to put it on the
10 table to cut it off. And you know that with a -- with a knife, you cut off somebody's
11 hand.

12 Q. [13:07:40] So were you assuming that?

13 A. [13:07:47] Well, that's how it was. The young man told me.

14 Q. [13:08:13] Now, Mr Witness, under oath here today, are you certain that Al
15 Hassan was brought -- that Mamari was brought to the BMS by Al Hassan and not
16 someone else?

17 This is an important part of my cross-examination, and I don't think we should be
18 having these objections.

19 PRESIDING JUDGE MINDUA: [13:08:51](Interpretation) Put your question,
20 Ms Taylor. I haven't yet given the floor to the Prosecution.

21 MS TAYLOR: [13:08:56] But, Mr President, I don't want to have my flow of
22 questioning broken up. So I would ask that I be able to put these questions, given
23 that we're about to break soon.

24 Q. [13:09:07] Now, Mr Witness, under oath before this Chamber, are you certain
25 that Mamari was brought to the BMS by Al Hassan and not someone else?

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1 A. [13:09:23] I'm sure that it was he who took him because he was the person who
2 was the chief there, and he was the one who got him to sleep there until the next day.

3 Q. [13:10:11] And are you certain that it was a van and not a *moto*?

4 A. [13:10:30] No. It was a -- in a vehicle. He took him in a vehicle. Everybody
5 saw that.

6 Q. [13:10:50] So since we're speaking about "everybody," Mr Witness, in 2012, did
7 Mamari tell people that it was Faraoun and Abou Dardar who arrested him?

8 A. [13:11:31] I hadn't heard that from his mouth -- I hadn't heard that from Abou
9 Dardar's mouth.

10 Q. [13:11:40] I don't know if there was any translation issue there.
11 Did you hear from either Mamari or anyone else that Mamari had said that it was
12 Faraoun and Abou Dardar who questioned him at the BMS?

13 A. [13:11:56] Well, I don't remember. I really don't remember who said it.

14 MS TAYLOR: [13:12:31] I'm looking at the time, Mr President.

15 PRESIDING JUDGE MINDUA: [13:12:44](Interpretation) Indeed, Ms Taylor.

16 It is 13 hours and 12. We're going to have a one-hour break, and we will be back at
17 2.15. 2.15 we will be back.

18 Court is suspended.

19 THE COURT USHER: [13:13:01] All rise.

20 (Recess taken at 1.13 p.m.)

21 (Upon resuming in open session at 2.20 p.m.)

22 THE COURT USHER: [14:20:19] All rise.

23 Please be seated.

24 PRESIDING JUDGE MINDUA: [14:20:34](Interpretation) Court is in session.

25 Ms Taylor, you have the floor to continue with your cross-examination.

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1 MS TAYLOR: [14:20:55]

2 Q. [14:20:56] Mr Witness, good afternoon.

3 How are you?

4 A. [14:21:00] I'm fine.

5 Q. [14:21:31] Now, Mr Witness, during the preparation session with the

6 Prosecution in March this year, did you tell the Prosecution that [REDACTED]

7 [REDACTED] had been amputated?

8 A. [14:22:17] Could you ask your question again.

9 Q. [14:22:44] When you were reviewing your statement with the Prosecution in

10 March this year, did you tell them that [REDACTED] had been amputated? He was

11 a victim of amputation.

12 A. [14:23:18] [REDACTED] was flogged in [REDACTED] I didn't say part of his

13 body was amputated. He was flogged.

14 Q. [14:23:46] Mr Witness, I'm going to refer to the paragraph in the preparation log.

15 That's Defence tab -- sorry. It's Prosecution tab 99. It's MLI-OTP-0080-2009. It's

16 RO1. That's page 2018. And it says, when paragraphs 177 to 178 are read to P-641,

17 "No comments."

18 "At paragraph 189 of the statement, after it is read to him, P-0641 first says that

19 [REDACTED] was amputated and then [he] said he misspoke. He confirms that as

20 is stated in his witness statement that [REDACTED] was 'flagellé'; he confirmed this is correct

21 and that [REDACTED] was flogged/hit and not amputated."

22 Mr Witness, is that correct? Did you initially say that [REDACTED] was

23 amputated?

24 A. [14:25:28] [REDACTED] was beaten, as I said. He was flogged in [REDACTED]

25 I didn't say that he was amputated. I said he was flogged.

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1 Q. [14:25:41] So is it -- is this section that I read out in the preparation log, are you
2 saying it's incorrect? That in March 2021, when the statement was read to you, you
3 first said that [REDACTED] was amputated and then said that you misspoke.

4 A. [14:26:49] [REDACTED] well, I don't remember saying one day that he was
5 amputated. I just said that he was flogged in [REDACTED] because he was tarnishing
6 the name of Ansar Dine, and he was caught for that. And he even showed me his
7 back with the whip marks on it. That's what I said. I don't remember having said
8 that he was amputated.

9 PRESIDING JUDGE MINDUA: [14:27:20](Interpretation) Madam Prosecutor.

10 MS LUPING: [14:27:22] Mr President, your Honours, just if the sound could be cut.

11 PRESIDING JUDGE MINDUA: [14:27:29](Interpretation) Court officer.

12 THE COURT OFFICER: [14:27:31] Your Honours, the sound has been cut off.

13 PRESIDING JUDGE MINDUA: [14:27:36](Interpretation) Thank you very much,
14 court officer.

15 Madam Prosecutor.

16 MS LUPING: [14:27:46] Mr -- Mr President, your Honours, just on this point,
17 it's -- it's very hard to say if there was an interpretation issue as well on this. The
18 witness has said what he has said, but it was interpreted from Songhai into English.
19 And it's -- it's hard to say whether there was an interpretation problem on this point.
20 That's it. I just wanted to simply -- just simply note that.

21 PRESIDING JUDGE MINDUA: [14:28:24](Interpretation) Thank you very much for
22 pointing that out, but I think that Ms Taylor can continue.

23 MS TAYLOR: [14:28:29] Thank you, Mr President.

24 If the Prosecution wishes to assert interpretation issues, then they would need to
25 disclose the Songhai originals to us so that we could verify. It's not appropriate to

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1 assert that there's translation issues when we don't have the Songhai.

2 If we could have the sound established.

3 PRESIDING JUDGE MINDUA: [14:28:54](Interpretation) Court officer.

4 THE COURT OFFICER: [14:28:57] Your Honours, the sound has been re-established.

5 PRESIDING JUDGE MINDUA: [14:29:02](Interpretation) Thank you very much,

6 court officer.

7 Ms Taylor.

8 MS TAYLOR:

9 Q. [14:29:08] Mr Witness, at transcript 138, page 95, you mentioned Hallé Ousmane
10 intervening in relation to an individual that was taken to the BMS.

11 Was Hallé Ousmane someone that you interacted with in 2012?

12 A. [14:30:03] There was nothing between us. That's what I said. That when there
13 were interventions, when -- when people were taken, they said what had happened.

14 Q. [14:30:51] Was Hallé Ousmane mayor of Timbuktu before the groups arrived?

15 A. [14:30:57] Yes.

16 Q. [14:31:16] Was he opposed to the arrival of the Islamists?

17 A. [14:31:46] I didn't hear that. I can't say anything about that.

18 Q. [14:31:51] Mr Witness, in the first month after Ansar Dine arrived in Timbuktu,
19 were there false claims that Ansar Dine had carried out amputations?

20 A. [14:32:05] I don't remember that. Those who were flogged were flogged.

21 Those who had an amputation had been subject to amputation. I don't know.

22 These are things I heard.

23 Q. [14:33:08] I'll turn to Defence tab 43. It's MLI-OTP-0047-0931. It's an article
24 dated 5 April 2012.

25 Now, this is an article concerning the events in Timbuktu. It's titled, "Islamist

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1 commander cuts off vandal's hand in Timbuktu".

2 I'm just going to read out the first two paragraphs and then ask you a question.

3 It says: "Ayad Ag Ghaly, leader of the faction of tribal Tuareg fighters that is allied
4 to al-Qaeda, was reported to have carried out the sentence on an unnamed 'vandal' in
5 the heart of the ancient city.

6 "Ousmane Halle, the mayor of Timbuktu, said almost all of the city's 300 Christians
7 had fled after" Iyad "Ag Ghaly" had "announced that Sharia [...] would be enforced."
8 Now Mr Witness, it's correct, isn't it, that Iyad Ag Ghaly never amputated a vandal's
9 hand in April 22 -- sorry -- 2012 in Timbuktu?

10 A. [14:35:24] Well, we didn't see him, but the organisation to which he
11 belonged -- and those who were subject to amputation were subject to amputation.
12 That happened. But -- and that which happened that happened, but it was under his
13 orders. He -- the organisation belonged to him. And those who were killed, well,
14 they were killed. And everything's being put -- being attributed to him.

15 Q. [14:36:03] I'm going to turn to Defence tab 38. This is MLI-D28-0005-7473. It's
16 a article concerning a film series, "Trouble In Timbuktu," but I want to turn to a
17 specific part which concerns an individual you've mentioned.

18 I'm going to turn page 7474, and this includes quotes from an individual called
19 Seydou Baba Kounta, a professional tour guide.

20 Mr Witness, do you know this individual, Seydou Baba Kounta?

21 A. [14:37:13] Yes. I know him by sight.

22 Q. [14:37:44] Now, according to this, Seydou Baba Kounta said in relation to the
23 events of 2012 in Timbuktu:

24 "'We lived in fear. Armed men roamed the streets. Nobody knew what would
25 happen from one day to the next,' said Seydou Baba Kounta, a professional tour

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1 guide.

2 'They cut off people's hands, people's feet. Schools were abandoned. Every day,
3 people fled the town on trucks, on boats, on 4WDs,' he said."

4 Now, Mr Witness, I'll just allow that to be translated to you, and then I'll pose a
5 question.

6 A. [14:39:35] Yes. That's true. People fled. Some people fled by boat. Some
7 people left in vehicles. People were really afraid. This was something that people
8 did not know.

9 Q. [14:39:54] And, Mr Witness, according to this quote, Seydou Baba said that they
10 cut off peoples' feet.

11 Was that true or an exaggeration?

12 A. [14:40:06] He talked of a general case. For the case of Timbuktu, he was
13 exaggerating a bit. In Timbuktu, there were hands amputated and floggings, and
14 also people were killed. He confused Timbuktu and Gao, I'm sure.

15 Q. [14:41:29] [REDACTED]?

16 MS TAYLOR: [14:41:37] Can we go into private session.

17 PRESIDING JUDGE MINDUA: [14:41:43](Interpretation) Court officer, private
18 session, please.

19 (Private session at 2.41 p.m.)

20 THE COURT OFFICER: [14:41:52] We are in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [14:41:56](No interpretation)(Overlapping speakers)
22 *Merci beaucoup, Monsieur le greffier.*

23 THE WITNESS: [14:42:09](Interpretation) Yes.

24 MS TAYLOR: [14:42:17]

25 Q. [14:42:17] [REDACTED]?

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1 A. [14:42:21] Well, I don't exactly remember [REDACTED], I swear.

2 MS TAYLOR: [14:42:56] I'm going to play a video. It's Defence tab 12. It's

3 [REDACTED] I'm going to play it without sound from [REDACTED] on

4 evidence 2.

5 PRESIDING JUDGE MINDUA: [14:43:16](Interpretation) Ms Taylor, does this still

6 need to be in private session?

7 MS TAYLOR: [14:43:21] [REDACTED], if that

8 would be acceptable to the Prosecution. I'll have to refer to the individual.

9 MS LUPING: [14:43:38] It really does depend on the content of the video because

10 this is a Rule 77 video, I believe. I'm not familiar with it, and it depends on the way

11 the question precisely is put. [REDACTED]

12 [REDACTED] we would have a problem with that. [REDACTED]

13 [REDACTED] then we would not.

14 PRESIDING JUDGE MINDUA: [14:44:10](Interpretation) Let's stay in private

15 session, Ms Taylor, and that will save time.

16 MS TAYLOR: [14:44:16] So we're playing it from [REDACTED]

17 (Viewing of the video excerpt)

18 MS TAYLOR: [14:44:57] We stopped at [REDACTED]

19 Q. [14:45:21] Mr Witness, did you recognise anyone?

20 A. [14:45:24] Yes, of course. I saw [REDACTED]

21 Q. [14:45:46] So we're going to play it with sound.

22 And for the interpreters, the transcript is Defence tab 14. That's MLI-OTP-0078-6219.

23 The translation is Defence tab 15. That's MLI-OTP-0078-6227. It's at page 6232,

24 starting at lines 156, until page 6233, line 186.

25 If the interpreters could kindly interpret and indicate when they're ready.

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1 THE INTERPRETER: [14:46:39](Interpretation of the video excerpt)
2 "[Reporter:] The people from the town have disappeared. They bring the things here
3 that they consider to be suspicious.
4 [INI:] What have you brought us today?
5 [INI:] We bought ammunition.
6 Reporter: Some are likely to be -- some take the trouble to search the houses
7 occupied by jihadists.
8 [INI:] While helping us to try to get rid of everything that is bad for the population,
9 munitions, traps. That's what we've told them. Even papers. That helps us to
10 trace, to see the connections that the terrorists had at the time. We know where they
11 were. We know all the houses which were inhabited at the time, and they are -- well,
12 they used the houses, the buildings, for administration, the houses. Also things from
13 other individuals, from private individuals.
14 Ah yes ... yes, there are still a lot of houses that need to be searched. And we are not
15 sure that all the jihadists have gone. We are not sure.
16 Reporter: Suddenly behind the group, ALI, an Arab farmer, appears and his friend,
17 MOUSTAPHA. The old man comes to offer a cow to his army to thank them for
18 having liberated the town.
19 Reporter: ...
20 'He's not welcome. The white people there! The white people there! Get them
21 away! We don't want them! Take away your bull!'"
22 Mr Witness, did [REDACTED] collect evidence and documents concerning the
23 Islamists?
24 A. [14:49:03] That's not something I know about. I don't know this video either.
25 Only when you know some- -- see somebody whom you know ... well, then you

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1 recognise them.

2 Q. [14:49:56] To your knowledge, did [REDACTED] or [REDACTED]
3 [REDACTED] work with the Malian army to track down the Islamists?

4 A. [14:50:09] I never heard that.

5 Q. [14:50:37] Do you know [REDACTED] called [REDACTED]?

6 A. [14:50:59] Yes. I've heard this name. I know him.

7 Q. [14:51:13] Is he also referred to as [REDACTED]?

8 A. [14:51:43] Who's [REDACTED]?

9 Q. [14:51:45] Is [REDACTED], does he also have the name [REDACTED]?

10 A. [14:51:54] I -- I don't know. I only know him by the name [REDACTED] I don't
11 know.

12 Q. [14:52:17] If I could bring up Defence tab 36. It's [REDACTED] If it
13 could be shown on evidence 1.

14 Mr Witness, do you recognise this individual?

15 A. [14:52:53] Which individual?

16 Q. [14:53:13] Mr Witness, can you see a photo in front of you? Is that showing on
17 your screen?

18 A. [14:53:19] Yes. Now I do see some- ...

19 Q. [14:53:37] Do you recognise this individual?

20 A. [14:53:40] Yes.

21 Q. [14:53:54] Who is it?

22 A. [14:53:57] It's [REDACTED]

23 Q. [14:54:10] How do you know [REDACTED]?

24 A. [14:54:13] I knew [REDACTED] in the town, [REDACTED]

25 Q. [14:54:37] Did [REDACTED] work with [REDACTED]?

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1 A. [14:55:08] Well, I don't know whether [REDACTED] but
2 people have their own ways of working in -- [REDACTED] His -- I
3 don't know what [REDACTED]

4 Q. [14:55:41] To your knowledge, did he speak to victims [REDACTED]
5 [REDACTED]?

6 A. [14:55:47] It's possible that he spoke to a lot of people. I don't know.
7 Everybody talked about what had happened to them to various people. People told
8 what had happened to them.

9 Q. [14:56:41] [REDACTED]?

10 Yes, Mr -- we're in private session, Mr Witness.

11 A. [14:57:11] [REDACTED]

12 Q. [14:57:21] [REDACTED] did you submit an application to the ICC to participate as a
13 victim?

14 A. [14:57:40] Yes.

15 Q. [14:58:01] I'm going to turn to OTP tab 9. This is MLI-OTP-0077-4000 at 4006,
16 and if that could be brought on to the screen.

17 THE COURT OFFICER: [14:58:34] RO1 or RO2, Counsel?

18 MS TAYLOR: [14:58:38] RO1.

19 Q. [14:59:12] Mr Witness, can you see this in front of you? A document. I'm not
20 asking you to read it.

21 A. [14:59:27] There's nothing here. I can't see anything.

22 Q. [14:59:41] Is there a document in front of you, Mr Witness? It's also in the
23 Prosecution binder. It's tab 9 in the Prosecution binder.
24 So perhaps if the court officer in the field could assist. I think it's on the screen now.

25 A. [15:00:07] Now it's on the screen.

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1 Q. [15:00:27] Mr Witness, is that your mark on it? Do you recognise it?

2 A. [15:00:32] Yes.

3 Q. [15:00:49] Do you recall if anyone read out the contents of this document before
4 you put your mark on it?

5 A. [15:00:55] I think so.

6 Q. [15:01:27] And did you confirm that the contents were accurate?

7 A. [15:01:32] Yes.

8 Q. [15:01:49] Now, at page 4005, it says, in response to the question: Does the
9 victim have a lawyer? And it says, Yes. [REDACTED]

10 [REDACTED]?

11 PRESIDING JUDGE MINDUA: [15:02:40](Interpretation) Maître Kassongo.

12 MR KASSONGO: [15:02:42](Interpretation) Your Honour, your Honours, the Legal
13 Representative wishes to object by taking the floor and, first of all, cutting the sound
14 to the witness, if possible.

15 PRESIDING JUDGE MINDUA: [15:02:53](Interpretation) Court officer, please cut
16 the sound.

17 THE COURT OFFICER: [15:03:00] Your Honours, the sound has been cut off.

18 PRESIDING JUDGE MINDUA: [15:03:02](Interpretation) Maître Kassongo.

19 MR KASSONGO: [15:03:05](Interpretation) An intervention on the -- on your
20 decision on 10 September 2021 and it's based on that, and it asks the Defence not to
21 put intimidating questions and -- in its line -- in its line of questioning and in its logic.

22 Now here, we have a witness who is seen and heard [REDACTED]

23 [REDACTED] And the witness has answered all the questions concerning his form
24 and his application for participation and, on several occasions, he has confirmed that
25 he saw the contact person and that he saw that person with the possibility to

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1 reviewing the content of this form and his application.

2 Here, it's not about his form, unless we know that it is. It was in [REDACTED] This was a
3 time which was a lot more complicated for the witness, and he remembers the
4 procedures at the time and the approaches.

5 Now, this approach of the Defence is inappropriate and the question should be set
6 aside.

7 PRESIDING JUDGE MINDUA: [15:04:40](Interpretation) Thank you very much,
8 Maître Kassongo.

9 Ms Taylor, what would you reply?

10 MS TAYLOR: [15:04:44] Thank you, Mr President.

11 I had no intention of asking any questions concerning the content of communications.

12 We have two applications from this witness to participate. Now given that he has
13 submitted two applications, I'm trying to ascertain why he submitted two
14 applications.

15 I don't have many -- that's the last question I had on this point before I was moving to
16 something else.

17 PRESIDING JUDGE MINDUA: [15:05:32](Interpretation) Mr Kassongo, what do
18 you find intimidating?

19 MS TAYLOR: [15:05:35](Overlapping speakers) I can move on.

20 PRESIDING JUDGE MINDUA: [15:05:36](Interpretation) Very well. We (sic) don't
21 need to answer, Maître Kassongo, because Maître Taylor is dropping the subject.

22 MR KASSONGO: [15:05:43](Interpretation) Thank you, your Honour.

23 PRESIDING JUDGE MINDUA: [15:05:53](Interpretation) Let's establish the sound
24 again, Ms Taylor.

25 MS TAYLOR: [15:05:55] Yes, and we'll have to stay in private session because I'm

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- 1 about to play a video [REDACTED]
- 2 PRESIDING JUDGE MINDUA: [15:06:04](Interpretation) Court officer.
- 3 THE COURT OFFICER: [15:06:05] The sound has been re-established.
- 4 PRESIDING JUDGE MINDUA: [15:06:08](Interpretation) But we are still in private
- 5 session. Very well.
- 6 Ms Taylor.
- 7 MS TAYLOR: [15:06:12] So we're going to play a video. It's OTP tab 90. It's
- 8 MLI-OTP-0077-4049. And the translation is tab 91. It's MLI-OTP-0077-4054. And
- 9 if we can just play a couple of seconds.
- 10 (Viewing of the video excerpt)
- 11 MS TAYLOR: [15:06:44] We stop.
- 12 Q. [15:06:45] Mr Witness, do you have this on your screen just to make sure? Can
- 13 you see a video in front of you?
- 14 A. [15:06:52] Yes.
- 15 Q. [15:07:23] I'm going to play it with sound.
- 16 (Viewing of the video excerpt)
- 17 MS TAYLOR: [15:07:50] Sorry. If we can stop.
- 18 Can we have interpretation as well.
- 19 THE INTERPRETER: [15:07:53] Certainly.
- 20 MS TAYLOR: [15:07:54] Thank you.
- 21 THE INTERPRETER: [15:07:56] The interpreter doesn't understand the language but
- 22 will read the transcript.
- 23 MS TAYLOR: [15:08:01] Exactly. It's MLI-OTP-0077-4054. If the interpreters
- 24 can ...
- 25 THE INTERPRETER: [15:08:12](Interpretation of the video excerpt)

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1 "[Cameraman:]

2 [Victim:]

3 [C:]

4 [V:]

5 [C:]

6 [V:]

7

8

9

10

11

12

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14

15

16

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18

19

20

21 [C:]

22

23 [V:]

24

25

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1 [C:] [REDACTED]
2 [V:] [REDACTED]
3 [C:] [REDACTED]
4 [V:] [REDACTED]
5 [C:] [REDACTED]
6 [V:] [REDACTED]
7 [C:] [REDACTED]?
8 [V:] [REDACTED]
9 [C:] [REDACTED]?
10 [V:] [REDACTED]
11 [C:] [REDACTED]?
12 [V:] [REDACTED]"
13 Sight translation from the French.
14 "[C:] [REDACTED]
15 [V:] [REDACTED]
16 [C:] [REDACTED]
17 [V:] [REDACTED]
18 [C:] [REDACTED]
19 [V:] [REDACTED]
20 [C:] [REDACTED]
21 [V:] [REDACTED]
22 [C:] [REDACTED]
23 [V:] [REDACTED]
24 [REDACTED]
25 [C:] [REDACTED]

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- 1 [V:] [REDACTED]
- 2 [REDACTED]
- 3 [C:] [REDACTED]
- 4 [REDACTED]
- 5 [V:] [REDACTED]
- 6 [REDACTED]
- 7 [C:] [REDACTED]
- 8 [V:] [REDACTED]
- 9 [C:] [REDACTED]
- 10 [V:] [REDACTED]
- 11 [C:] [REDACTED]
- 12 [C:] [REDACTED]
- 13 [V:] [REDACTED]
- 14 [REDACTED]
- 15 [REDACTED]
- 16 [C:] [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 End."
- 22 Sight translation of MLI-OTP-[0]077-[4]055.
- 23 MS TAYLOR: [15:14:15]
- 24 Q. [15:14:16] [REDACTED]?
- 25 A. [15:14:22] Yes.

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1 Q. [15:14:24]

2 [REDACTED]?

3 A. [15:14:32] Yes.

4 Q. [15:14:46] [REDACTED]?

5 A. [15:14:51] Yes. [REDACTED]

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

11 Q. [15:16:23]

12 [REDACTED]?

13 A. [15:16:31]

14 [REDACTED]

15 Q. [15:17:09]

16 [REDACTED]
17 [REDACTED]

18 A. [15:17:34] [REDACTED]?

19 Q. [15:18:01]

20 [REDACTED]?

21 A. [15:18:12] No. [REDACTED]

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 Q. [15:19:25] If I could turn to OTP tab 5. This is MLI-OTP-0073-0926. If we
2 could turn to 0927. If that could be displayed on evidence 1.

3

4 A. [15:20:47] Yes.

5 Q. [15:20:59] If we could turn to 0926. If that could be put on the screen for the
6 witness.

7 Mr Witness, can you --

8 If it can be scrolled down.

9 Mr Witness, is that your mark on the page?

10 A. [15:21:41] Yes.

11 Q. [15:21:52] Mr Witness, this is a victim application form that was submitted in

12

13 Who helped you fill out this form?

14 A. [15:22:06] Yes. This was the people from the office.

15 Q. [15:23:03] Which office are you talking about?

16 A. [15:23:07] The Office of the Prosecutor.

17 Q. [15:23:21] Just to be clear, Mr Witness, this is a document

18

19 Do you recall who you interacted with in

20 PRESIDING JUDGE MINDUA: [15:24:03](Interpretation) Maître Kassongo.

21 MR KASSONGO: [15:24:05](Interpretation) Your Honour, your Honours, the Legal
22 Representatives would like to object. If it's possible to cut the sound to the witness.

23 PRESIDING JUDGE MINDUA: [15:24:16](Interpretation) Court officer, please cut
24 the sound.

25 MR KASSONGO: [15:24:24](Interpretation) For the same reasons.

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- 1 THE COURT OFFICER: [15:24:25] Your Honours, the sound has been cut off.
- 2 PRESIDING JUDGE MINDUA: [15:24:28](Interpretation) Thank you very much,
- 3 court officer.
- 4 Maître Kassongo.
- 5 MR KASSONGO: [15:24:32](Interpretation) Thank you. Apologies for intervening
- 6 quite quickly.
- 7 For the same reasons, I object to this line of questioning. It is sowing confusion for
- 8 the witness. He's seen a lot of different people, and this document is coming late
- 9 with regards to the first document. And the witness has been quite clear.
- 10 Nevertheless, there are documents which have been shown. You have the witness
- 11 participation, which is quite recent when you compare it to the other document, and
- 12 it's quite confusing to put him questions with a line of questioning to know the
- 13 difference between different people who he might have met, the difference between
- 14 their status.
- 15 It would perhaps be a lot clearer for the Defence to ask a question, a simple question,
- 16 to the victim which doesn't have to be complicated at this stage of the testimony with
- 17 the -- between what's the purpose of the old document to the new document so that
- 18 he can have a clear answer, rather than asking about participation through the form.
- 19 PRESIDING JUDGE MINDUA: [15:25:57](Interpretation) Thank you very much,
- 20 Maître Kassongo.
- 21 Ms Taylor, so I don't really see the relevance of your line of questioning because you
- 22 see Maître Kassongo's objection. He says that there are a lot of different people who
- 23 intervened, who were involved, different people involved in this process, when it
- 24 came to gathering the testimony of the witness. And myself, I would remind you of
- 25 the indication that we received from the VWU with regards this witness and his

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1 intellectual abilities. I'm quite in agreement with Maître Kassongo. You need to
2 put a -- you need to put a simple question rather than showing him lots of different
3 documents which is just going to give rise to confusion.

4 MS TAYLOR: [15:27:12] I'll use Maître Kassongo's question.

5 PRESIDING JUDGE MINDUA: [15:27:16](Interpretation) Very good. Please go
6 ahead.

7 Let's re-establish the link.

8 Court officer.

9 THE COURT OFFICER: [15:27:23] Your Honours, the sound has been re-established.

10 PRESIDING JUDGE MINDUA: [15:27:25] Thank you very much, court officer.

11 Ms Taylor.

12 MS TAYLOR: [15:27:34]

13 Q. [15:27:35] Mr Witness, we have a victim application form from [REDACTED] and another
14 one from [REDACTED]. That's after Al Hassan was arrested.

15 Why did you submit another victim application form [REDACTED]?

16 A. [15:27:51] That was the way in which questions are put to you, and you answer.

17 When people ask you questions, then you answer them.

18 Q. [15:29:01] Now, Mr Witness, it's correct that you followed both the Al Hassan
19 and the Al Mahdi case at the ICC?

20 A. [15:29:13] Yes. We heard it like that. With regards that, we heard information.
21 The mausolea were broken. They were going to be repaired.

22 Q. [15:30:15] And you knew that Al Hassan had been arrested?

23 A. [15:30:19] I don't know about the arrest of Al Hassan. No, I didn't know.

24 Q. [15:30:48] I'm going to turn to your statement. It's OTP tab 1,

25 MLI-OTP-0072-0143-RO4. Turning to page 0145, paragraph 4. If it could be put on

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- 1 the screen for the interpreters.
- 2 I'll read it out. I think I can just read out the first sentence:
- 3 (Interpretation) "The investigators asked me whether I was aware of the cases brought
- 4 before the ICC regarding the situation in Mali. I indicated that I had heard of the
- 5 case of AL FAKI, who had been tried and condemned for crimes linked to the
- 6 destruction of the mausoleums and the monument of Timbuktu, as well as the case of
- 7 commissioner AL HASSAN."
- 8 (Speaks English) So, Mr Witness, is it correct that at the time of your interview with
- 9 the Prosecution [REDACTED], you were aware of the case concerning Al Hassan
- 10 at the ICC?
- 11 A. [15:33:05] I can't recall things in my head. I don't remember whether that was
- 12 the case or not. It's possible.
- 13 Q. [15:34:06] Did the ICC investigator tell you that the situation in Timbuktu was
- 14 like Rwanda?
- 15 PRESIDING JUDGE MINDUA: [15:34:44](Interpretation) Madam Prosecutor.
- 16 MS LUPING: [15:34:56] Mr President, if I could ask that we cut the sound off to the
- 17 witness.
- 18 PRESIDING JUDGE MINDUA: [15:35:03](Interpretation) Court officer, please.
- 19 THE COURT OFFICER: [15:35:08] Your Honours, the sound has been cut off.
- 20 PRESIDING JUDGE MINDUA: [15:35:11](Interpretation) Thank you, court officer.
- 21 Madam Prosecutor.
- 22 MS LUPING: [15:35:15] Two points: First is that we are still in private session, and
- 23 I'm not sure why. I -- I do believe we could probably go into public session for these
- 24 series of questions. They don't appear to identify the witness.
- 25 The second point was just trying to understand, first of all, the -- the basis or

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1 foundation for putting this last question. I'm not sure where that's coming from and,
2 secondly, the relevance.

3 PRESIDING JUDGE MINDUA: [15:35:48](Interpretation) Yes. Ms Taylor, what is
4 your answer to this?

5 MS TAYLOR: [15:35:52] Thank you. And I note it's now 3.35. I am concerned that
6 we will have to continue tomorrow.

7 Firstly, I'm about to read out a quote that mentions that one of the investigators was
8 [REDACTED] My foundation is twofold: One, it's an extract from the testimony of
9 P-638, which I'm about to read, where he said he was told by a [REDACTED]
10 investigator who talked to him about Rwanda. They talked about war and the path
11 of peace.

12 Now, if we then refer to this witness's statement, when he's asked about why he -- his
13 motivation to testify, he says (Speaks French).

14 Now, if the words of the investigator are being reflected as the witness's, then that
15 goes to relevance and credibility.

16 If the declaration is using language that came from the investigator as if it emanates
17 from the witness, then we should be entitled to explore that with the witness.

18 We've had another witness say that he was told by the investigator specifically about
19 Rwanda as part of the earlier -- convincing him to testify.

20 PRESIDING JUDGE MINDUA: [15:37:24](Interpretation) Yes. Madam Prosecutor.

21 MS LUPING: [15:37:27] Just simply, if we're going to have another witness's
22 testimony put to this witness, I would just recall the procedure, that we're actually
23 also -- there's some kind of indication to us as to where this is.

24 MS TAYLOR: [15:37:43] I haven't been able to get to that yet. I can. It's transcript
25 58, page 84, lines 13 to 16. I've got the quotation. I've got the citation.

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1 PRESIDING JUDGE MINDUA: [15:37:59](Interpretation) Ms Taylor, I didn't hear
2 the beginning, what you have said. You started before I heard the end of the French
3 translation.

4 But you want to quote something? Is that correct?

5 MS TAYLOR: [15:38:18] Mr President, I haven't been given an opportunity to get
6 there as -- because under the decision of the conduct of the proceedings, we have to
7 ask an open question before going to a specific quote.

8 Now, the Prosecutor just said that I hadn't given a citation for a specific quote, and
9 I've said that I have that citation. I just haven't got that yet because the witness has
10 not been allowed to answer my first open question.

11 PRESIDING JUDGE MINDUA: [15:38:46](Interpretation) So, Madam Prosecutor, it
12 would seem that this question was raised already with the witness by the
13 investigators. So I'm going to ask the Defence to put their open question. That's the
14 first point.

15 The second point, Ms Taylor, you're looking at the time. And you've said that we
16 could continue tomorrow, but that's not what we agreed. You promised to finish
17 today, and we promised that also to the witness.

18 How much time do you need still?

19 MS TAYLOR: [15:39:28] Mr President, I think I could have got through this half an
20 hour ago. Now, if you -- if I'm allowed to ask questions, we can get through. But
21 the problem is, if I can't put the questions and if we have an interchange that lasts
22 several minutes, it's only going to protract.

23 Now, I shouldn't have to -- the Prosecution took nine hours. I shouldn't have to
24 sacrifices any more. I would ask that I be allowed to finish, and I will try to do so as
25 quickly as possible. Certainly, I wish to do so today.

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- 1 PRESIDING JUDGE MINDUA: [15:40:02](Interpretation) Very well, Ms Taylor.
2 Today, how many minutes do you still need?
- 3 MS TAYLOR: [15:40:08] Mr President, can we -- if we can continue -- I'm happy to
4 continue as long as necessary, if the interpreters are willing. But, also, I do need to
5 be able to continue. This is a bit of the chicken and the egg.
- 6 PRESIDING JUDGE MINDUA: [15:40:26](Interpretation) Could you please first
7 answer my question, how much time do you need if all proceeds normally as it
8 should?
- 9 MS TAYLOR: [15:40:37] Mr President, I have two pages of questions. Now, how
10 long is the length of string? I would hope to get that done. I will do so as quickly
11 as possible.
- 12 PRESIDING JUDGE MINDUA: [15:40:58](Interpretation) Ms Taylor, we are all
13 grown up here. You know that we wanted to finish at 15.30 in order to try and be
14 kind to the witness who is getting tired, that had been complaining since yesterday.
15 And now we're trying to find a solution.
- 16 How long do you need? How many minutes do you need? That's the question that
17 I'm asking you once again.
- 18 MS TAYLOR: [15:41:33] Mr President, my concern is that if I give you a fixed point
19 of time, I don't want to be cut off because I haven't reached that point in time. Now,
20 I'm doing everything I can to finish.
- 21 Now, the Prosecution was late by five minutes. We've now lost another, I would say,
22 eight minutes discussing this. If we can continue -- if we reach 4 o'clock and
23 we -- and I think we will have to go beyond 4, but we can perhaps have a five-minute
24 break or a 10-minute break. And I -- I do think we can finish this today if we can
25 proceed. I'm trying to do that.

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- 1 PRESIDING JUDGE MINDUA: [15:42:13](Interpretation) We will continue because
2 we also have to take account of the witness. We will continue, and everybody will
3 do their best.
4 So could we please first re-establish the connection.
5 THE COURT OFFICER: [15:42:30] Your Honours, the sound has been re-established.
6 PRESIDING JUDGE MINDUA: [15:42:34](Interpretation) Thank you, court officer.
7 Ms Taylor.
8 MS TAYLOR: [15:42:40] Thank you, Mr President.
9 Unfortunately, the witness had answered my question, but it was not interpreted.
10 So now I have to ask it again.
11 Q. [15:42:50] Now, Mr Witness, did the ICC investigator, when he met you in
12 [REDACTED], tell you that the situation in Timbuktu was like Rwanda?
13 A. [15:43:03] Yes. In 2014, I said -- I said that if there was not a solution, then -- if
14 the vehicle can't transport the people, it's going to be like in Rwanda -- like what
15 happened in Rwanda.
16 Q. [15:44:19] So, Mr Witness, according to another witness in this case, P-638 - and
17 I'm referring to transcript 58, page 84, at lines 13 to 16 - he testified:
18 "The investigators called me, I picked up the phone, 'Hello, good evening, we need
19 you. Are you [redacted]?' I said yes. 'Well, we need you.'
20 The investigators invited me to sit down firstly. I was seated in front of the two
21 [REDACTED] investigators, a man and a woman. I'm sitting down [and] they
22 explained to me what a witness is and what the international court -- [the]
23 International Criminal Court does. They talked to me about Rwanda, they talked
24 about war and the path to peace."
25 I'm just going to turn to a part of your paragraph in your statement and then ask you

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1 a question.

2 Now, your statement, page 148, paragraph 23, when you're explaining your reasons
3 to testify, you said:

4 (Interpretation) "In my view, we're likely to be killing each other, as in Rwanda, if
5 urgent measures are not taken."

6 (Speaks English) So, Mr Witness, when you referred to Rwanda, were you repeating
7 things you heard the investigators say?

8 A. [15:45:51] Yes. I said that myself. I said it was going to be like Rwanda if we
9 didn't find a solution quickly, because people were fleeing in all directions. They
10 were going to Diré, Goundam, Bamako. There were attacks everywhere. So it was
11 going to be like it had been in Rwanda.

12 Q. [15:47:27] Mr Witness, at the start of the interview, did the investigators tell you
13 that the case concerning Al Hassan related to his alleged involvement in the Islamic
14 police?

15 A. [15:47:42] Yes. They said that Al Faqi was finished and now the trial of Al
16 Hassan had started.

17 Q. [15:48:23] And did they tell you that the trial of Al Hassan concerned his role in
18 the Islamic police?

19 A. [15:48:32] Well, I don't know whether they said that or not. I really don't know
20 that. But they told me it was his trial that's ongoing.

21 Q. [15:49:19] Well, I'll refer to your statement. Again, that's OTP tab 1. We're
22 looking now -- it's the same document as was shown before. It's page 0145,
23 paragraph 4. And I've read out before the first part. So I'll read out the second part.
24 It says:

25 (Interpretation) "The investigators stressed that the case of AL FAKI was finished

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1 apart from the ongoing reparations procedure. They also explained that the case
2 against Al Hassan, suspected of having committed various crimes in Timbuktu,
3 notably with regard to his implication in the Islamic police, had reached the stage of
4 the confirmation of charges and that a decision on this question was imminent."

5 (Speaks English) Mr Witness, does that refresh your memory?

6 Do you recall the investigators telling you that the case against Al Hassan concerned
7 his relationship and implication in the Islamic police?

8 A. [15:50:39] Yes.

9 Q. [15:53:11] Now, Mr Witness, you've stated that your motivation to testify
10 concerned Rwanda.

11 Was your motivation also related [REDACTED]

12 THE INTERPRETER: [15:53:46] Message from the Songhai booth: Your Honour,
13 could the Defence please repeat this last question.

14 PRESIDING JUDGE MINDUA: [15:53:57](Interpretation) Ms Taylor, please could
15 you repeat your question.

16 MS TAYLOR: [15:54:01] Certainly. I'll make it shorter.

17 Q. [15:54:04] Mr Witness, was part of your motivation to testify related [REDACTED]

18 [REDACTED]?

19 Mr Witness, we're in private session.

20 A. [15:55:00] What I wanted to say is that if there is no justice in the country, if
21 things just are let go -- well, that's why I talked about the case of Rwanda. And there
22 was a time when there was a great deal of tension between the population and the
23 Arabs. And so I added that to my words in order to comment on the case of Mali in
24 comparison with Rwanda.

25 Q. [15:56:14] I'm not sure if my question was interpreted correctly. My question

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1 was whether your motivation related [REDACTED]

2 Were you motivated to testify because [REDACTED]?

3 A. [15:56:39] That I don't know. I was there. I got a phone call, and people who
4 came and said they were investigators. And I don't even know who gave them my
5 number.

6 Q. [15:57:33] Now, Mr Witness, is it correct that [REDACTED] are
7 seeking to obtain compensation for financial loss?

8 A. [15:57:43] Yes. There were lots of people there, people who had come from
9 everywhere. And there -- there were a lot of people, they'd come from everywhere,
10 from -- to -- to MINUSMA, to WILDAF. There were a lot of people.

11 Q. [15:58:45] Does [REDACTED] help its members to obtain documents to
12 substantiate these losses or claims?

13 A. [15:58:57] So they've done a lot of things. They've helped people, victims, to
14 get documents, documents for the people who have lost their vehicles, find
15 documents for their vehicles or those who have lost their driving licence or victims ...
16 They've -- able -- they've tried to do all that to find the necessary papers, if that was
17 what they asked for when they came.

18 Q. [16:00:27] [REDACTED]
19 [REDACTED]?

20 A. [16:00:36] Yes. Yes. That was part of his functions with justice rather than as
21 [REDACTED]

22 Q. [16:01:19] If we can turn to OTP tab 3. It's MLI-OTP-0072-0187. And if this
23 could be put up on the screen more for the interpreters.

24 PRESIDING JUDGE MINDUA: [16:01:44](Interpretation) Ms Taylor, are we still in
25 private session?

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1 MS TAYLOR: [16:01:48] Well, I have the names of the persons to mention, and I'm
2 still referring to [REDACTED] So I do believe it would be better to stay in private
3 session.

4 PRESIDING JUDGE MINDUA: [16:02:04](Interpretation) Very well. Please go
5 ahead.

6 MS TAYLOR: [16:02:08] So this is a document that has been issued by [REDACTED]
7 [REDACTED]

8 And it says:

9 (No interpretation)

10 (Speaks English) And if we can turn to the next page, 0188.

11 If we scroll down.

12 Q. [16:03:34] Is that your mark, Mr Witness?

13 A. [16:03:35] Yes.

14 Q. [16:03:37] So Mr Witness, did you tell [REDACTED]
15 [REDACTED]?

16 A. [16:03:46] Yes.

17 Q. [16:04:10] If we can turn to page 0191. If that could be shown.

18 PRESIDING JUDGE MINDUA: [16:04:25](Interpretation) Madam Prosecutor, I fear
19 that the discussion is taking a long time. But please go ahead.

20 MS LUPING: [16:04:31] Not at all, Mr President. It won't take a long time. I'm
21 just afraid to say, I don't know if it's actually been interpreted for the witness because
22 I see in English there is no interpretation. And I see in the French, it simply states, "...
23 (intervention en français) ... inaudible".

24 So I believe that -- I'm afraid that none of the paragraph that counsel read out to the
25 witness has actually been interpreted for the witness.

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1 MS TAYLOR: [16:04:59] Mr President, I understand it was interpreted. I can ask
2 him, but my understanding is it was interpreted.

3 PRESIDING JUDGE MINDUA: [16:05:13](Interpretation) Do you want to check that
4 with the witness? Please go ahead.

5 MS TAYLOR: [16:05:18]

6 Q. [16:05:19] Mr Witness, I'll just -- did you hear what I read out before? Or did
7 you receive interpretation?

8 Perhaps the Songhai interpreters could also confirm.

9 THE INTERPRETER: [16:05:40] Message from the Songhai booth: Your Honour,
10 we don't have the passage.

11 PRESIDING JUDGE MINDUA: [16:05:48](Interpretation) So, Ms Taylor. To save
12 time, perhaps, Ms Taylor, you could sum -- sum it up and then put the question to the
13 witness.

14 MS TAYLOR: [16:06:05]

15 Q. [16:06:06] My question, which I thought had been answered, was, Mr Witness,
16 did you tell [REDACTED]?

17 A. [16:06:20] Yes.

18 Q. [16:06:47] If we can bring up another page. It's MLI-OTP-0072-0191. It's an
19 attestation dated [REDACTED].

20 Now, Mr Witness, this is an attestation from two *témoins*, [REDACTED]
21 [REDACTED]

22 (Overlapping speakers)

23 MS TAYLOR: [16:07:30] I don't know if it's being interpreted.

24 Can the Songhai cabin interpret what I just said.

25 PRESIDING JUDGE MINDUA: [16:07:51](Interpretation) Can we have

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1 interpretation for the witness, please.

2 THE SONGHAI INTERPRETER: [16:07:53] Message --

3 PRESIDING JUDGE MINDUA: [16:07:58](Interpretation) Please, could you translate

4 for the (Overlapping speakers)

5 THE INTERPRETER: [16:08:01] Message from the Songhai booth:

6 Your Honour, we only see the part with the witness.

7 If you could go back to the written part so that we can translate it.

8 PRESIDING JUDGE MINDUA: [16:08:16](Interpretation) Just say -- can't you just

9 translate what Ms Taylor said?

10 THE WITNESS: [16:08:57](Interpretation) Yes. I can confirm that.

11 MS TAYLOR: [16:08:58]

12 Q. [16:08:59] Now, according to this attestation from [REDACTED]

13 [REDACTED] it states that:

14 (Interpretation) "Attests from several sources of information and testimony that the

15 named [REDACTED] domiciled in Timbuktu in the

16 [REDACTED] neighbourhood was a victim of a theft [REDACTED]

17 [REDACTED]
18 [REDACTED]

19 A. [16:10:33] Yes.

20 Q. [16:10:33] Mr Witness, who are these two individuals, [REDACTED]

21 [REDACTED]?

22 A. [16:10:46] It's the shepherd. One is [REDACTED] and the other person is the

23 [REDACTED]

24 Q. [16:11:22] Is [REDACTED]?

25 MR DUTERTRE: [16:11:43](Interpretation) Your Honour.

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- 1 PRESIDING JUDGE MINDUA: [16:11:44](Interpretation) Prosecutor.
2 (Overlapping speakers)
3 MR DUTERTRE: [16:11:50](Interpretation) Yes, your Honour.
4 THE INTERPRETER: [16:11:52](Overlapping speakers)
5 MR DUTERTRE: [16:11:53](Interpretation) Thank you very much, your Honour.
6 Just a word, can ... we continue like that, but I don't see the relevance. And in terms
7 of the facts of the charges or the credibility of the witness, I don't see the relevance.
8 So I think that we're wasting the Court's time here.
9 PRESIDING JUDGE MINDUA: [16:12:02](Interpretation) Ms Taylor, you've heard
10 the Prosecutor's remarks. Perhaps you have to summarise.
11 MS TAYLOR: [16:12:13] Mr President, I'm almost done. I have about four
12 questions, four or five questions left, if I am allowed to put them.
13 PRESIDING JUDGE MINDUA: [16:12:22](Interpretation) Please go ahead,
14 Ms Taylor.
15 MS TAYLOR: [16:12:26]
16 Q. [16:12:26] Mr Witness, is [REDACTED]?
17 Do you know a [REDACTED]?
18 A. [16:12:35] No. I don't know him. I don't know him.
19 Q. [16:12:57] Do you know a [REDACTED]?
20 A. [16:13:07] No.
21 Q. [16:13:20] I'm going to turn to Defence tab 4. It's MLI-D28-0005-7323. If that
22 could be put on evidence 1.
23 Mr Witness, is this your Facebook page?
24 A. [16:14:07] Yes.
25 Q. [16:14:23] Mr Witness, can you read or write?

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1 A. [16:14:28] You're asking if I can read?

2 Q. [16:14:49] Yes.

3 A. [16:14:51] I can't read -- well, I can read my name. I know that that's my name.

4 THE INTERPRETER: [16:15:15] Corrects the Songhai booth.

5 THE WITNESS: [16:15:16](Interpretation) But I cannot read.

6 MS TAYLOR: [16:15:24]

7 Q. [16:15:25] Now I'm going to turn to OTP tab 5 again. That's

8 MLI-OTP-0073-0926.

9 Now, Mr Witness, according to this application form and according to what you said
10 earlier, it says:

11 (Interpretation) [REDACTED]

12 [REDACTED]"

13 Now, Mr Witness, the certificate signed by you and [REDACTED]

14 [REDACTED]

15 Did you put incorrect information on the forms that you submitted to the ICC?

16 A. [16:16:43] Well, I can't read. But I know that when questions are put to me, I
17 answer. But I can't distinguish the years or the months. I wouldn't be able to
18 distinguish that.

19 Q. [16:17:42] Now, Mr Witness, [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 So my question is: Mr Witness, have you changed the details of your account?

23 (Pause in proceedings)

24 THE COURT OFFICER: [16:18:37] Your Honours, we seem to have lost the VTC
25 connection to the interpreters. The technicians have been informed about this.

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- 1 PRESIDING JUDGE MINDUA: [16:18:48](Interpretation) Thank you very much,
2 court officer.
3 Maître Kassongo, you wanted to intervene.
4 MR KASSONGO: [16:20:06](Interpretation) Yes. If you would allow me, your
5 Honour, just with regards to this question which is being put in a different way.
6 (Overlapping speakers)
7 MS TAYLOR: [16:20:12] I think we -- I think we should cut off the sound if
8 Maître Kassongo is going to make a substantive intervention.
9 PRESIDING JUDGE MINDUA: [16:20:24](Interpretation) But we don't have the
10 connection now, Ms Taylor.
11 Court officer, do we have a connection with the witness?
12 THE COURT OFFICER: [16:20:31] Not with the interpreters, but as a precautionary
13 measure, I could ask them to have the sound cut off.
14 PRESIDING JUDGE MINDUA: [16:20:33] With the witness? Oh, okay, very well.
15 You have to cut the sound to the witness.
16 Court officer, I think that we've got the interpreters now, do we not?
17 THE COURT OFFICER: [16:21:05] That is correct, your Honour. I'm awaiting my
18 colleague, the court officer at the VTC location, to join the witness.
19 Your Honours, the sound has been cut off.
20 PRESIDING JUDGE MINDUA: [16:21:46](Interpretation) Thank you very much,
21 court officer.
22 Maître Kassongo, there's a risk that we are at the end of the tape. So please be as
23 brief as possible.
24 MR KASSONGO: [16:21:56](Interpretation) Thank you very much, your Honour.
25 Just very briefly, there's just an objection that I need to make because the victim has

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1 replied many times that he doesn't know how to read, that he can't understand the
2 calendar, the months, dates. And the question has gone back on several occasions
3 from the Defence to that.
4 So I would like the Chamber to take into account the cognitive abilities of this witness
5 and his ability to read when it comes to the events and the dates that he's given,
6 whether it's with regard to participation or throughout his testimony.
7 Thank you very much.

8 PRESIDING JUDGE MINDUA: [16:22:43](Interpretation) Thank you very much.
9 The Chamber appreciates that.

10 Ms Taylor, should we re-establish the sound now?

11 MS TAYLOR: [16:22:52] Yes, certainly, Mr President. But I would just note that if
12 the cognitive capacities are going to be taken into consideration, that's not a one-way
13 street. That goes throughout his entire testimony then.

14 PRESIDING JUDGE MINDUA: [16:23:04](Interpretation) Of course, Ms Taylor. I
15 was just asking if we should re-establish the sound.

16 MS TAYLOR: [16:23:12] Certainly. And I hope we can finish very soon. I've only
17 got two questions.

18 PRESIDING JUDGE MINDUA: [16:23:20](Interpretation) Indeed, because we have
19 to take into account the fact that we're coming to the end of the tape and we won't be
20 able to continue any longer.

21 THE COURT OFFICER: [16:23:37] Your Honours, the sound has been re-established.

22 PRESIDING JUDGE MINDUA: [16:23:42](Interpretation) Thank you very much.
23 Ms Taylor.

24 MS TAYLOR: [16:23:46]

25 Q. [16:23:47] Mr Witness, [REDACTED]

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[REDACTED]

5 So did you change the details of your account?

6 A. [16:25:13] Well, for me, it's the same thing. But whatever the case, what is
7 certain is that [REDACTED] So the number that I gave with
8 regards to the figures is what it was. It's the same thing.

9 Q. [16:25:46] Mr Witness, did you change the date and the details because you're
10 hoping to get compensation [REDACTED]?

11 PRESIDING JUDGE MINDUA: [16:26:01](Interpretation) Ms Taylor, I think that the
12 witness has already said that he doesn't know dates, et cetera. So he's just going to
13 reply again that he doesn't know.

14 MS TAYLOR: [16:26:20](Interpretation) With respect, that's an interpretation, but I'll
15 reformulate my question.

16 Q. [16:26:23] Mr Witness, are you hoping to get compensation [REDACTED] by
17 testifying here at the ICC?

18 A. [16:27:13] No. I couldn't tell you that I changed the date. What I can say is
19 that when people ask me a question, they speak about dates. But I don't know dates.
20 What I do know is that at the time of the crisis, I lost [REDACTED] That's all.

21 Q. [16:27:39] Okay. I won't ask about dates.

22

[REDACTED]

23

[REDACTED]?

24

A. [16:28:27] [REDACTED]

25

[REDACTED] I spoke to those people at the time. And that's why they took me there.

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- 1 Q. [16:28:46] Mr Witness, is that your evidence under oath?
- 2 PRESIDING JUDGE MINDUA: [16:29:08](Interpretation) No, Ms Taylor. Of course
- 3 he's under oath. He's already said that. And you've indicated that you'd have one
- 4 question, you've put three. So I think we need to stop there.
- 5 MS TAYLOR: [16:29:22] Thank you, Mr President. Then that obviously would
- 6 finalise our cross-examination. Thank you.
- 7 PRESIDING JUDGE MINDUA: [16:29:25](Interpretation) Thank you very much,
- 8 Ms Taylor, for your cooperation.
- 9 I see the Prosecutor is standing up, but I hope it's to say there are no additional
- 10 questions.
- 11 MS LUPING: [16:29:34] I apologise, Mr President. I had one topic only which I
- 12 foresee would take two minutes, and I did check with the court officer to check how
- 13 much tape was left. It would be two minutes. I can explain what the topic is, if
- 14 you'd prefer.
- 15 PRESIDING JUDGE MINDUA: [16:29:52](Interpretation) No, because you see
- 16 Ms Taylor is on her feet. I don't want to accept because you've had nine hours and
- 17 she has had less. She's made every effort to finish on time to free up the witness.
- 18 So, Madam Prosecutor, it's not possible. We are going to stop there for today.
- 19 We are in contact with the witness, are we not?
- 20 THE COURT OFFICER: [16:30:21](Overlapping speakers) Yes, and We are in private
- 21 session.
- 22 PRESIDING JUDGE MINDUA: [16:30:28](Interpretation) We'll go back into open
- 23 session, please.
- 24 (Open session at 4.30 p.m.)
- 25 THE COURT OFFICER: [16:30:33] We are back in open session, Mr President.

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1 PRESIDING JUDGE MINDUA: [16:30:38](Interpretation) Thank you very much,
2 court officer.

3 So, Witness, you've seen the Chamber has made every effort to finish with your
4 testimony today. The Defence has also made a lot of effort, as has the Prosecution.
5 So on behalf of the Chamber, I would like to thank you most sincerely for all your
6 efforts, for the clarity of your replies, and of course very much also for your patience.

7 THE WITNESS: [16:31:42](Interpretation) And thank you to you, too.

8 PRESIDING JUDGE MINDUA: [16:31:45](Interpretation) Very good. You are now
9 liberated.

10 THE WITNESS: [16:31:58](Interpretation) I don't know you; you don't know me.
11 But the way in which you have run this is an indication that you carry out your task
12 very well.

13 (The witness is excused)

14 PRESIDING JUDGE MINDUA: [16:32:10](Interpretation) We're now going to have
15 to quickly come to the end of our session. I would like to thank the parties, the
16 participants, the interpreters and the public and everybody very quickly. And I
17 would like to wish you all a good evening, and we will meet again on Friday
18 morning.

19 THE COURT USHER: [16:32:30] All rise.

20 (The hearing ends in open session at 4.32 p.m.)