

Trial Hearing
MLI-OTP-P-0654

(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 Monday, 20 September 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:19] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:30:46](Interpretation) Court is in session.
15 Good morning to everyone and a good start to the week.
16 Court officer, could you call the case, please.
17 THE COURT OFFICER: [9:31:07] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of the Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:31:27](Interpretation) Thank you very much,
22 court officer.
23 We're now going to start with the appearances.
24 Firstly, Office of the Prosecutor.
25 MS LUPING: [9:31:37] Good morning, Mr President. Good morning,

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1 your Honours. Appearing on behalf of the Prosecution this morning are Mr Gilles
2 Dutertre, Ms Yayoi Yamaguchi, and myself, Dianne Luping.

3 PRESIDING JUDGE MINDUA: [9:31:53](Interpretation) Thank you very much,
4 Madam Prosecutor Luping.

5 I now turn towards the Defence.

6 Counsel.

7 MS TAYLOR: [9:32:00] Good morning, Mr President. Good morning, your

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

9 The Defence for Mr Al Hassan is represented by Ms Julia Basile, Ms Dolly Chahla and
10 myself, Melinda Taylor. Thank you.

11 PRESIDING JUDGE MINDUA: [9:32:26](Interpretation) Thank you very much,
12 Ms Taylor.

13 I now turn to the Legal Representatives of Victims.

14 Maître --

15 MR KASSONGO: [9:32:32](Interpretation) Thank you, your Honour, your Honours.

16 Good morning everyone. The team of Legal Representatives of Victims this morning
17 is composed of myself, with Prisque Biyéké, and myself, Maître Kassongo. And all
18 the team would like to thank you.

19 PRESIDING JUDGE MINDUA: [9:32:49](Interpretation) Thank you very much,
20 Maître Kassongo.

21 I now turn towards the witness.

22 Good morning, Witness. How are you?

23 WITNESS: MLI-OTP-P-0654 (On former oath)

24 (The witness speaks French)

25 (The witness gives evidence via video link)

1 THE WITNESS: [9:33:00](Interpretation) Very well. I'm very well.

2 PRESIDING JUDGE MINDUA: [9:33:03](Interpretation) So this morning, we're
3 continuing to hear you and this is for the cross-examination of the Defence.

4 I would remind you that you are Prosecution Witness P-0654.

5 Witness, I would like also to welcome you, but also to remind you that you are still
6 under oath and you must say the truth, the whole truth and nothing but the truth.

7 I'd also like to remind you of my instructions concerning taking the floor.

8 Without further ado, I would like to give the floor to Ms Taylor to follow up with the
9 cross-examination of the Defence.

10 Maître.

11 QUESTIONED BY MS TAYLOR: (Continuing)

12 Q. [9:34:03] Good morning, Mr Witness. How are you today?

13 A. [9:34:07] Good morning, Counsel. I'm fine.

14 Q. [9:34:10] I hope you had a restful weekend.

15 Now, Mr Witness, at transcript 134, page 42, lines 7 to 12, you provided the following
16 description of the first march. You said: "Yes. He was the one who led the march,
17 the first march, the youth march which called for the abandonment of the citizens by
18 the government. And that was led by Abou Talha."

19 Now, Mr Witness, you refer to this as a "youth march". Was it organised by a youth
20 association?

21 A. [9:35:17] No. This was a march. It was a spontaneous march. A few weeks
22 after the occupation, the youth felt no reaction coming from the authorities, so this
23 spontaneous march was initiated by a small group of young people, all the youth
24 from all neighbourhoods.

25 Q. [9:35:52] And did the people marching have signs saying, "Sanogo, dégage !"

1 and "Où est l'État ?"

2 A. [9:36:09] Yes. There were lots of different signs on which you could read such
3 things. Indeed, the regime -- the regime that was in place was heavily criticised
4 because some people were saying that it's thanks to the coup d'état that -- it was
5 thanks to the coup d'état that the north had been made weaker and fallen. And the
6 fact that there was no -- there was no reaction from the authorities, that also incited
7 the population to express all of their discontent. However, others also said that we
8 need the state, "We need you alongside us."

9 There were loads of different signs. I don't remember all of the slogans that there
10 were, but there were lots of different slogans.

11 Q. [9:37:24] Now, Mr Witness, you've said, "The regime -- the regime that was in
12 place was heavily criticised". Are you referring to the regime that was in Bamako?

13 A. [9:37:43] Yes, the central government because it was the junta at the time.

14 Q. [9:37:55] And do you recall if this march took place about a month after the coup
15 d'état?

16 A. [9:38:10] Yes. If I remember well, it was just a month or a few weeks after the
17 start of the occupation because a lot of people of Timbuktu thought that this
18 occupation wasn't going to be longer for one or two weeks. But the weeks passed by
19 and there was no sign.

20 So I think it was just about a month afterwards.

21 Q. [9:38:41] Now, I'm just turning to a different topic. The same transcript,
22 transcript 134, page 22, you described the departure of the MNLA from the airport.
23 And you said at lines 13 onwards, that:

24 "The fuel storage facility was abandoned by the MNLA members and so the people
25 were helping themselves to fuel in a disorderly way and going back home. So that

1 was a danger. People were taking fuel in all kinds of containers. And that was a
2 danger to have gasoline or a mixture of diesel and oil in such containers. [REDACTED]
3 [REDACTED] of the danger and automatically a
4 team went there. They stop the people who were heading towards the fuel storage.
5 And during that time [REDACTED]
6 [REDACTED] he MNLA had left, they had abandoned the place before the
7 ultimatum had been set by Ansar Dine. [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED] There [were] no MNLA fighters there.

11 So --

12 [...] Inaudible.

13 -- went to see if that was the case. They saw with their own eyes that the place had
14 been abandoned. The building[s] had been looted, ransacked. There had
15 been -- the buildings had been fired upon, the air-conditioning had been unplugged.
16 That is what they saw when they went there. That is what I can tell you. That is
17 what I can tell you about the divorce."

18 And then at lines 12 -- 23, sorry, it says:

19 "[...] I think [...] the French and the English [...] didn't get the names of the people who
20 went to verify. ... [Can] you please explain, ... if you can recall who went to verify ...
21 the MNLA had gone?"

22 Response: "Sanda Ould Boumama."

23 Question: "Was anyone with him?"

24 Answer: "With other leaders [...] even some combatants. [REDACTED]
25 [REDACTED]

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1 Now, Mr Witness, when you saw Sanda with others waiting to go into the airport, it's
2 correct that you didn't see Al Hassan with Sanda at this point?

3 A. [9:42:08] No. [REDACTED]

4 [REDACTED] I don't remember seeing Al Hassan. But I didn't even try to see who
5 else was there with Sanda.

6 Q. [9:42:32] Now, turning to the festival of Maouloud, in 2012, did the festival for
7 the birth of the Prophet take place in February?

8 A. [9:42:47] February 2012.

9 Q. [9:42:54] And in 2013 was it scheduled for 24 January?

10 A. [9:43:03] Yes. Yes. It was celebrated in 2013. In 2013 -- in 2012, it was not
11 possible to celebrate it.

12 MS TAYLOR: [9:43:23] Now I'd like to bring up a document and it shouldn't be
13 shown to the public. It's OTP tab 74. It's MLI-OTP-0012-1985.

14 And I believe it might be prudent to go into private session to ask a few questions,
15 with the leave of the Presiding Judge, Mr President.

16 PRESIDING JUDGE MINDUA: [9:44:05](Interpretation) Court officer, please take us
17 into private session.

18 (Private session at 9.44 a.m.)

19 THE COURT OFFICER: [9:44:22] We're in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [9:44:26](Interpretation) Thank you very much.

21 Ms Taylor.

22 MS TAYLOR:

23 Q. [9:44:29] Mr Witness, do you have this document with you? It's from the
24 Prosecution's binder. It's tab 74.

25 A. [9:44:44] Yes, I've got it.

1 Q. [9:44:46] Now, Mr Witness, on this document, it says: (Interpretation) "This
2 Tuesday 20 November 2012, Oumar Ould Hamaha decided to honour the women ...
3 broke down the door of the cell and freed all the different detained persons."

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6 A. [9:45:37]

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9 Q. [9:45:56] Now, Mr Witness, is Menaka quite far from Timbuktu?

10 A. [9:46:02](No interpretation)

11 Q. [09:46:04] I'm not sure if you heard my question, Mr Witness. Is Menaka far
12 from Timbuktu?

13 A. [9:46:15] Menaka is far from Timbuktu.

14 Q. [9:46:24] Would about 600 kilometres sound correct?

15 A. [9:46:30] I don't know the distance. I couldn't say. It's in another region.
16 And currently Menaka is a region.

17 Q. [9:46:48] Red Beard being in
18 Menaka on 20 November 2012?

19 A. [9:46:59] Well, he could have been there, but he came back to Timbuktu on the
20 same day. He himself often explains what he says in the security movements, that
21 he's very mobile.

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1 This border must be further away than Menaka, Menaka towards Gao. Using that,
2 you can easily get to Timbuktu.

3 Well, I think he's capable of doing that because he's very active.

4 Q. [9:48:44]

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12 A. [9:49:44] No. We never discussed suspicions or anything else. What I was

13 interested in was to know how he became a -- a mujahideen.

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20 Q. [9:50:50]

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22 PRESIDING JUDGE MINDUA: [9:51:02](Interpretation) Madam Prosecutor.

23 MS LUPING: [9:51:04] (Overlapping speakers) Objection, Mr President,

24 your Honours. Defence counsel is stating this as if it's a fact that is not contested.

25 PRESIDING JUDGE MINDUA: [9:51:21](Interpretation) Indeed, Ms Taylor. Please

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1 reformulate.

2 MS TAYLOR: [9:51:26] Mr President, if the sound can be cut off to the witness.

3 PRESIDING JUDGE MINDUA: [9:51:30](Interpretation) Court officer, please cut the
4 sound.

5 THE COURT OFFICER: [9:51:34] Your Honours, the sound has been cut off.

6 PRESIDING JUDGE MINDUA: [9:51:44](Interpretation) Thank you very much,
7 court officer.

8 Ms Taylor.

9 MS TAYLOR: [9:51:48] Thank you, Mr President.

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21 PRESIDING JUDGE MINDUA: [9:52:58](Interpretation) Madam Prosecutor?

22 MS LUPING: [9:52:59] Mr President, Defence counsel should not -- it's simply in the
23 way the question was posed. She should not be putting a question and a fact as if it's
24 an uncontested fact.

25 Now, what she's referring to is an alleged conclusion of Abou Darda, which does not

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1 mean that the conclusion is also sound.

2 PRESIDING JUDGE MINDUA: [9:53:28](Interpretation) Yes. Ms Taylor, I agree
3 with the Prosecutor. You have to reformulate the question, as I've already said.

4 MS TAYLOR: [9:53:34] Mr President, with your leave, I think it might be simpler to
5 move on to the video which sets out these matters, and then to -- to ascertain whether
6 the witness has any knowledge of the matters set out in the video, [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 PRESIDING JUDGE MINDUA: [9:54:08](Interpretation) Ms Taylor, when you
11 continue to speak, the Prosecutor stands up. We're wasting time here.

12 With regards to the question that you put, my request -- my demand is that you
13 reformulate it. Now you come back with a video.

14 MS TAYLOR: [9:54:21] Mr President, I was explaining, the video is directly linked to
15 the question. If I can't put the question like that because the Prosecution is claiming
16 a lack of foundation, then I should be able to put the video and then put the question.
17 I believe we should be able to conduct our cross-examination in a way that allows us
18 to put things to the witnesses.

19 PRESIDING JUDGE MINDUA: [9:54:40](Interpretation) Ms Taylor, it's true that -- is
20 it true that you can't reformulate the question? I'm really astonished with your way
21 of intervening. Just reformulate your question, and then you come back with your
22 video. Because in your question, you already established that there was
23 [REDACTED] We're not informed of it.

24 MS TAYLOR: [9:55:11](Overlapping speakers) No, I didn't.

25 PRESIDING JUDGE MINDUA: [9:54:40](Interpretation) No. Don't -- come back

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1 with your question. Don't -- come back with your video.

2 MS TAYLOR: [9:55:24] If we could establish the link to the witness.

3 PRESIDING JUDGE MINDUA: [9:55:33](Interpretation) Witness (sic), please
4 establish the link.

5 THE COURT OFFICER: [9:55:37] Your Honours, the sound has been re-established.

6 PRESIDING JUDGE MINDUA: [9:55:43](Interpretation) Thank you very much,
7 court officer.

8 Ms Taylor.

9 MS TAYLOR:

10 Q. [9:55:46] [REDACTED]

11 [REDACTED]

12 A. [9:56:00] [REDACTED]

13 Q. [9:56:12] I'd like to play a video. It's Defence tab 194. [REDACTED]

14 I'll play it without sound up until [REDACTED] on Evidence 2.

15 PRESIDING JUDGE MINDUA: [9:56:45](Interpretation) Madam Prosecutor.

16 MS LUPING: [9:56:48] Mr President, if the -- the sound could be cut off, please, to
17 the witness.

18 PRESIDING JUDGE MINDUA: [9:56:51](Interpretation) Court officer.

19 THE COURT OFFICER: [9:56:52] Your Honours, the sound has been cut off.

20 PRESIDING JUDGE MINDUA: [9:56:58](Interpretation) Thank you very much,
21 court officer.

22 Madam Prosecutor.

23 MS LUPING: [9:57:00] Mr President, your Honours, before the sound had been

24 re-established with the witness, as I understand what Defence was explaining in

25 relation to this video, the contents of the video also related to the issues concerning

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3 Now, the witness has already clearly said

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He has squarely said he will have no

5 knowledge.

6 If this video is what the Defence counsel, as I understood, described it to be, then

7 there's no foundation on which to show this video to this particular witness.

8 MS TAYLOR: [9:57:51] Mr President, if I may be heard.

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12 Now, we have a right to controvert that. This witness has drawn a link between two

13 different issues,

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Now, we have a right

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to controvert that account and to put

16 this -- to this witness, documents

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22 PRESIDING JUDGE MINDUA: [9:59:21](Interpretation) Ms Taylor, I would recall

23 that the witness spoke about the action of this man

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25 I don't see the link there. Nevertheless, I authorise you to play

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1 your video, and we'll see.

2 Court officer, please could you re-establish the link.

3 THE COURT OFFICER: [10:00:02] Your Honours, the sound has been re-established.

4 PRESIDING JUDGE MINDUA: [10:00:10](Interpretation) Thank you very much,
5 court officer.

6 Ms Taylor.

7 MS TAYLOR: [10:00:13]

8 Q. [10:00:14]

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10 A. [10:00:20]

11 Q. [10:00:34] (Overlapping speakers) We're going to play the video with sound.

12 The transcript is tab 195. It's

13 (Viewing of the video excerpt)

14 MS TAYLOR: [10:01:33] I believe we need interpretation.

15 THE INTERPRETER: [10:02:15] If it could be played again. We were not asked to.

16 MS TAYLOR: [10:02:36] Are they ready?

17 THE INTERPRETER: [10:02:43] Yes.

18 (Viewing of the video excerpt)

19 THE INTERPRETER: [10:02:47](Interpretation of the video excerpt)

20 Interpretation:

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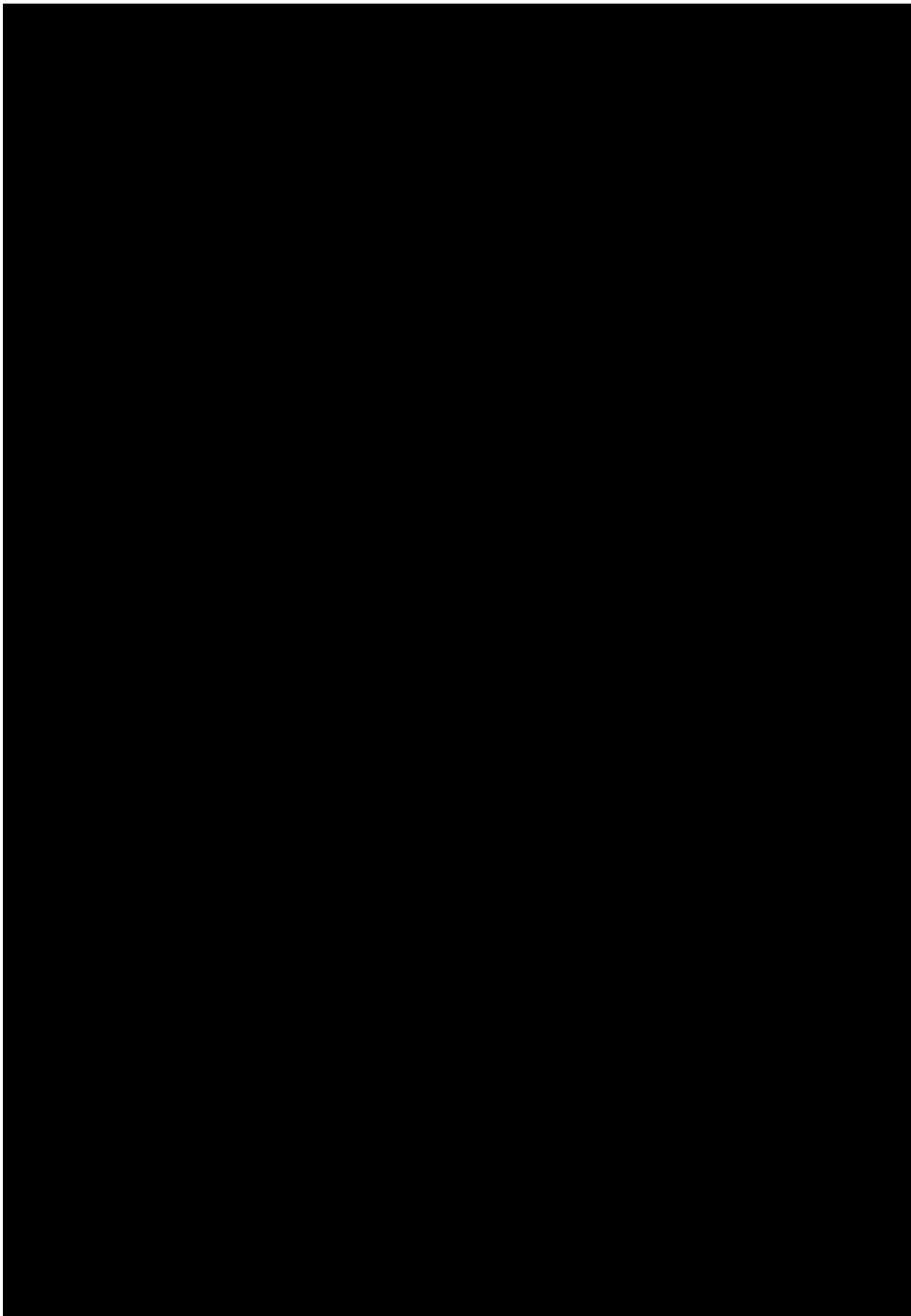
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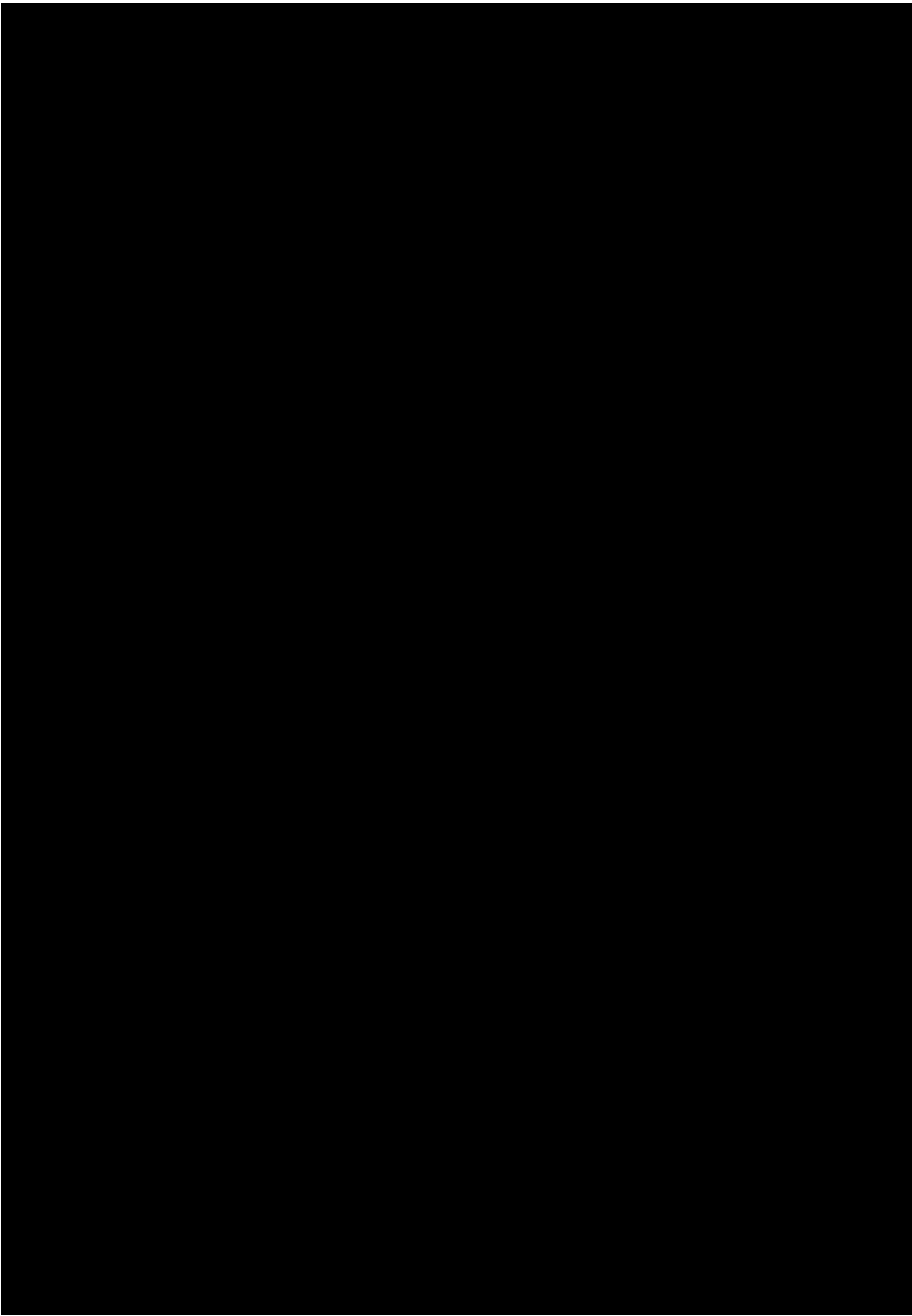


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1 That's the end.

2 MS TAYLOR: [10:07:19]

3 Q. [10:07:20] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A. [10:07:34] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [10:08:07] [REDACTED]

12 A. [10:08:11] I never saw his wife. I never spoke to her. I never saw his wife.

13 Q. [10:08:19] Now, turning to 2013, did you see [REDACTED] before he left

14 Timbuktu?

15 A. [10:08:39] Before he came out --

16 THE INTERPRETER: [10:08:41] Correction.

17 THE WITNESS: [10:08:43](Interpretation) Before he left, he came to see me.

18 Because everyone had left, you see. [REDACTED]

19 And he said that he was going to say good-bye to me, [REDACTED]

20 [REDACTED]

21 That was a conversation between the two of us. [REDACTED]

22 He was in his vehicle. [REDACTED]

23 THE INTERPRETER: [10:09:23] Correction. [REDACTED]

24 THE WITNESS: [10:09:27](Interpretation) [REDACTED] He left. He headed out.

25 MS TAYLOR: [10:09:32]

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1 Q. [10:09:34]

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4 A. [10:10:00] I said we never -- we never got into those details. But maybe once he

5 said [REDACTED] But we didn't go into those details. I

6 think that he did say that to me at one point.

7 MS TAYLOR: [10:10:20] I think we can go into open session.

8 PRESIDING JUDGE MINDUA: [10:10:26](Interpretation) Courtroom officer.

9 (Open session at 10.10 a.m.)

10 THE COURT OFFICER: [10:10:30] We are back in open session, Mr President.

11 PRESIDING JUDGE MINDUA: [10:10:41](Interpretation) Thank you very much,

12 courtroom officer.

13 Ms Taylor.

14 MS TAYLOR: [10:10:51]

15 Q. [10:10:51] Mr Witness, at page 19, line 15, you said: "Because everyone had

16 left."

17 When you say "everyone", are you referring to the Islamists?

18 A. [10:11:03] Of course I was referring to the Islamists.

19 Q. [10:11:11] Now, I'm going to play a video. It shouldn't be shown to the public.

20 It's OTP tab 131. It's MLI-OTP-0012-1508. It could be shown on evidence 2. If it

21 can be shown without sound.

22 (Viewing of the video excerpt)

23 MS TAYLOR: [10:12:01] And we stopped at 14:21. And if we can just briefly go

24 into private session.

25 PRESIDING JUDGE MINDUA: [10:12:11](Interpretation) Courtroom officer, private

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1 session, please.

2 (Private session at 10.12 a.m.)

3 THE COURT OFFICER: [10:12:18] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [10:12:25](Interpretation) Thank you very much.

5 Ms Taylor.

6 MS TAYLOR: [10:12:28]

7 Q. [10:12:28] [REDACTED]

8 A. [10:12:33] [REDACTED]

9 Q. [10:12:46] [REDACTED]

10 [REDACTED]

11 A. [10:12:52] [REDACTED]

12 [REDACTED] There were no longer any Islamists. [REDACTED]

13 [REDACTED]

14 That's what he said to me as well that day.

15 MS TAYLOR: [10:13:28] If we can go into open session.

16 PRESIDING JUDGE MINDUA: [10:13:40](Interpretation) Just a moment. Just a
17 moment.

18 Madam Prosecutor, did you wish to speak in private session or open session?

19 MS LUPING: [10:13:45] Just in private session still, now that we're finishing. It's
20 just related to the last question that was asked.

21 PRESIDING JUDGE MINDUA: [10:13:53](Interpretation) Go ahead.

22 MS LUPING: [10:13:55] It was just to make sure that we've got it for the record.

23 We have a day and a month. It's just so that the witness can be asked to confirm the
24 year.

25 PRESIDING JUDGE MINDUA: [10:14:08](Interpretation) Quite so.

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1 Mr Witness, which year were you talking about?

2 THE WITNESS: [10:14:14](Interpretation) 2013. As I said, the strikes begun and the
3 Islamists left the city.

4 PRESIDING JUDGE MINDUA: [10:14:28](Interpretation) Very well. Thank you
5 very much.

6 Courtroom officer, open session, please.

7 (Open session at 10.14 a.m.)

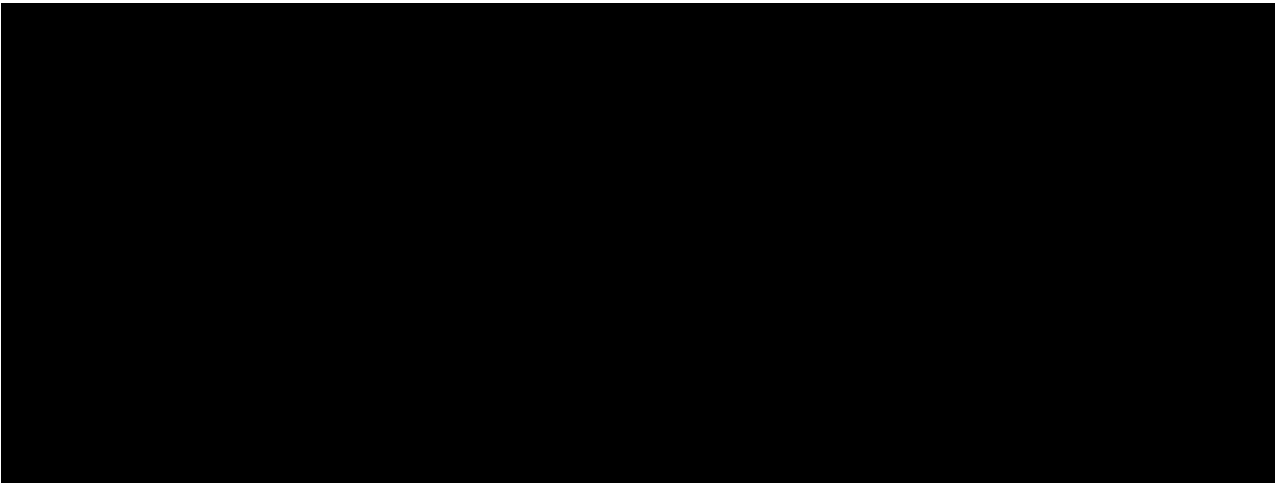
8 THE COURT OFFICER: [10:14:37] We are back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [10:14:46](Interpretation) Thank you very much.

10 Ms Taylor.

11 MS TAYLOR: [10:14:49]

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19 A. [10:15:35] No. Absolutely nothing. He just said -- he was just there to say
20 good-bye to me.

21 MS TAYLOR: [10:15:53] Now, Mr President, I believe I'll have to go into private
22 session for my next question, and then I can go back into open session.

23 PRESIDING JUDGE MINDUA: [10:16:03](Interpretation) Courtroom officer.

24 (Private session at 10.16 a.m.)

25 THE COURT OFFICER: [10:16:09] We are in private session, Mr President.

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1 PRESIDING JUDGE MINDUA: [10:16:21](Interpretation) Thank you very much.

2 Ms Taylor.

3 MS TAYLOR: [10:16:23]

4 Q. [10:16:25] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [10:17:03] In Douentza. Mm.

8 Q. [10:17:12] [REDACTED] July?

9 A. [10:17:16] Yes, I think so. Yes. [REDACTED]

10 [REDACTED]

11 Q. [10:17:47] And had the area in Douentza changed from the MNLA to MUJAO at
12 that point?

13 A. [10:17:55] No. Indeed, everything was MUJAO over there. The MNLA
14 members who were there had already rallied the MUJAO movement. Not just the
15 M- ... there was also a self-defence group, Ganda Izo led by Ibrahima Dicko. So they
16 rallied the -- to the MUJAO. [REDACTED]

17 [REDACTED] it was the Islamists.

18 Q. [10:18:57] Was Oumar's sister married to Mokhtar Belmokhtar?

19 A. [10:19:10] Yes. He had a sister who was based in Gossi.

20 Q. [10:19:26] [REDACTED]

21 A. [10:19:35] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1

2 Q. [10:20:27] Is it correct that Mokhtar Belmokhtar was affiliated with MUJAO as
3 well?

4 A. [10:20:35] Yes. He was the leader of the movement, [REDACTED]

5

6

7 Q. [10:21:25] Were you aware of a rivalry between Mokhtar Belmokhtar and Abou
8 Zeid?

9 A. [10:21:32] No.

10 Q. [10:21:35] Now, Mr Witness, you've referred to Oumar being affiliated to
11 MUJAO and also Ansar al-Sharia. Is it correct that he was not part of the Ansar Dine
12 leadership in Timbuktu during the events of 2012?

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

14 MS LUPING: [10:22:00] Objection, Mr President. Could we please have the
15 reference where the witness has stated that Oumar Ould Hamaha is affiliated to
16 MUJAO and to Ansar al-Sharia, please. We'd like the precise transcript reference,
17 and we'd like to know if it's edited or realtime version.

18 MS TAYLOR: [10:22:22] I can reformulate my question, but he's stated this multiple
19 times.

20 PRESIDING JUDGE MINDUA: [10:22:27](Interpretation) Very well. Rephrase.
21 That way, we can gain some time.

22 MS TAYLOR: [10:22:33]

23 Q. [10:22:35] [REDACTED]

24 [REDACTED] was Oumar affiliated or
25 associated with MUJAO?

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1 A. [10:22:59] [REDACTED] just as

2 an Islamist, [REDACTED]

3 [REDACTED] the three movements, Al-Qaeda, Ansar Dine, and the MUJAO, [REDACTED]

4 [REDACTED] So that meant he wasn't from Ansar
5 Dine. He wasn't from other groups, so I couldn't tell you. But he was a very mobile
6 Islamist.

7 [REDACTED]
8 [REDACTED] creating the Islamists of Mali. [REDACTED]

9 So I couldn't tell you which movement he belonged to, but he was active in all of
10 those movements [REDACTED] on behalf of the movements.

11 So there you have it. But he was active in all these movements. There you have it.

12 Q. [10:24:25] [REDACTED]

13 [REDACTED]

14 A. [10:24:40] Yes.

15 Q. [10:24:50] And is it correct that Oumar later tried to set up a movement called
16 Ansar al-Sharia?

17 A. [10:25:06] Yes. In the last days, the interventions had actually even already
18 started, and in Timbuktu, a movement was created with the former people from the
19 Arab militia and some sympathisers. That was one afternoon in Timbuktu, and they
20 had a demonstration.

21 Q. [10:25:34] Now, Mr Witness, is it correct that Oumar Ould Hamaha was not part
22 of the Ansar Dine leadership decision-making structure in Timbuktu?

23 A. [10:25:55] I don't know. But I do know that he was a leader that people
24 listened to. I don't know whether he was part of the decision making.

25 Q. [10:26:08] Now, at transcript 127, page 55 to 56, lines 24 to 25, in 1, 2, 3, you

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1 testified in relation to a meeting between the MNLA, Mohamed Najim, and the town
2 notables, and at the airport, and the MNLA explained what they wanted.

3 Did some members of the crisis committee continue to meet with the MNLA during
4 2012?

5 A. [10:26:49] Yes. During all that time that they were there, there was a
6 framework for consultation and cooperation with the crisis committee. Because if it
7 had to do with the distribution of donations, they had to work with the crisis
8 committee and the people living in the area. So when it was the city of Timbuktu, of
9 course it was with the Islamists, and I think there was this framework between, [REDACTED]

10 [REDACTED]
11 [REDACTED] Mohamed had summoned the community leaders, the
12 notable people, and explained to them what the goal of their struggle was and their
13 expectations. And they reassured --

14 THE INTERPRETER: [10:28:10] Correction.

15 THE WITNESS: [10:28:11](Interpretation) -- he reassured the people about
16 everything that was going to happen.

17 MS TAYLOR: [10:28:19]

18 Q. [10:28:20] Now, according to a Prosecution witness --

19 PRESIDING JUDGE MINDUA: [10:28:26](Interpretation) Madam Prosecutor.

20 MS LUPING: [10:28:28] Mr President, your Honours, just for the sake of clarity, the
21 witness was asked whether or not there was continued contact with the MNLA in
22 2012.

23 Now, at this stage, we have no idea of the timing. Either Defence counsel can assert
24 what -- the dates that she's proposing this took place, or the witness should be asked
25 when, in 2012, did these contacts occur because at the moment, the record

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1 is -- remains unclear.

2 PRESIDING JUDGE MINDUA: [10:29:10](Interpretation) Quite so.

3 Ms Taylor, what say you?

4 MS TAYLOR: [10:29:15] Mr President, my question was, Did the members of the

5 crisis committee continue to have contacts after this first meeting. So I believe it

6 would be premature for me to put a date when I'm eliciting a foundation as to

7 whether this witness has knowledge as to the existence of meetings between the crisis

8 committee and the MNLA.

9 PRESIDING JUDGE MINDUA: [10:29:44](Interpretation) Yes.

10 Madam Prosecutor, I'm reading the transcript here and in the question we find

11 reference to contacts after the year 2012. I believe Madam Taylor -- Ms Taylor can

12 continue.

13 Did you want to respond, Madam Prosecutor?

14 MS LUPING: [10:30:09] Yes, Mr President. Could I ask that the sound be cut off to

15 the witness before I respond.

16 MS TAYLOR: [10:30:13] I'm also moving on to an entirely different question, so I

17 don't believe there's any reason to keep going down a track that has no relevance to

18 our line of questioning.

19 PRESIDING JUDGE MINDUA: [10:30:31](Interpretation) Madam Prosecutor, it

20 would appear that the Defence is abandoning this line of questioning. So let us keep

21 on moving.

22 Counsel, move on.

23 MS TAYLOR: [10:30:51] Thank you, Mr President. I was --

24 Q. [10:30:54] Mr Witness, I was reading out a quote to you from a Prosecution

25 witness. It's P-114. It's transcript 60, page 55 to 56. I'm starting from line 7 until

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1 line 10 on page 56.

2 Question: "Mr Witness, this is an investigations note concerning a meeting between
3 you and the Prosecution in which you gave the names of various sources and I'll read
4 a paragraph from this note."

5 Answer: "Yes".

6 Question: "' [REDACTED]
7 expressed doubts that he might support the ICC work. [REDACTED]

8 [REDACTED] an

9 MNLA chief they learned that Halle Ousmane was meeting him [REDACTED]
10 [REDACTED] which raised suspicion from them. He knew well

11 some of the armed group members. There are allegations that he benefited from or
12 took part in a looting of WFP stocks during the occupation."

13 "Mr Witness, do you recall saying this to the Prosecution?"

14 "[...] Yes" -- Answer: "Yes. I remember well. Halle Ousmane [REDACTED]
15 [REDACTED] was talking with the MNLA rather than the Islamists. That I
16 remember."

17 Question: "Is the paragraph I read out to you an accurate reflection of what you
18 recall?"

19 Answer: "Yes."

20 Question: "And, Mr Witness, when you refer to 'WFP' stocks, what does that refer
21 to?"

22 Answer: "World Food Programme stocks. World Food Programme stocks, the
23 programme has stocks that they distribute to the population."

24 [REDACTED]
25 [REDACTED]

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1 Did you hear or learn anything about Halle Ousmane having separate meetings with
2 the MNLA during 2012?

3 A. [10:33:35] Well, I don't know if he had meetings with them or not. I wasn't
4 aware of that. But one thing is clear, he had the problem of misappropriation of
5 cereals, and there too, there was bad distribution of it. That meant that a group of
6 young people revolted. [REDACTED]

7 [REDACTED] He was responsible for
8 the management of the produce.

9 Q. [10:34:41] Mr Witness, you've referred to a problem of misappropriation of
10 cereals.

11 Can you explain what you're referring to.

12 A. [10:34:48] Well, I mean at the time that the quantities -- well, when the MNLA
13 took the stocks, he [REDACTED] said, "This has to be distributed to
14 the population, and now I think that we have to give the quantities per ticket to the
15 people."

16 So, at this particular time, they got 2 tonnes for youth, and these 2 tonnes never got to
17 their destination.

18 And when the young people -- when the youth asked for the -- the -- from the -- the
19 president of the movement, he wanted to ask about what was happening. And
20 when they went, they weren't satisfied with the answer they got. And that's where
21 there was this dispute. It was something like that.

22 Q. [10:36:05] Mr Witness, do you recall what month the MNLA took the stocks?

23 A. [10:36:11] It was in the first month or even weeks of the occupation. The first
24 weeks of the occupation.

25 Q. [10:36:37] You've referred as well to a "president of the movement."

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1 Who was that?

2 A. [10:36:42] The president of the youth.

3 Q. [10:36:55] And who was that?

4 A. [10:36:57] Omar Cissé was his name. Omar Al-Jum'at Cissé.

5 Q. [10:37:23] Now, Mr Witness, going a bit back in time, speaking of the years of
6 2011 and the beginning of 2012, was there a drought in Timbuktu and surrounding
7 areas?

8 I believe we can go into open session.

9 PRESIDING JUDGE MINDUA: [10:37:47](Interpretation) Indeed.

10 Court officer.

11 (Open session at 10.38 a.m.)

12 THE COURT OFFICER: [10:38:02] We are back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [10:38:05](Interpretation) Thank you very much,
14 court officer.

15 Ms Taylor.

16 MS TAYLOR: [10:38:10]

17 Q. [10:38:11] I apologise to Mr Witness. I realised we were still in private session.
18 I'll repeat my question.

19 Speaking of the years of 2011, moving on to 2012, was there a drought in Timbuktu
20 and the surrounding areas?

21 A. [10:38:34] I don't think there was a drought. It was a hard year. It was
22 marked by precariousness or insecurity. That's all I can really say.

23 Well, to say there was a drought, I think that's going too far.

24 Q. [10:39:01] Was there a food crisis in 2011 leading up to 2012?

25 A. [10:39:09] What I said was no. So there were two different main missions that

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1 were carried out, and this contributed to the resilience of the affected populations.

2 Now, the -- the World Food Programme also assured the functioning of the school

3 canteens. So this produce was dedicated to these two main missions.

4 "Drought" is saying too much in -- for 2013. I know that in 2011, it wasn't a drought.

5 It was a difficult year, but it wasn't a drought.

6 Q. [10:40:22] You've described it as a "difficult year," 2011.

7 Did that impact on school attendance, based upon what you saw and heard at the

8 time?

9 A. [10:40:37] No, it didn't have an impact on school attendance.

10 I spoke about the canteens. They were -- they were supported by the

11 World Food Programme. They continued supporting them. This was a policy

12 adopted by the government.

13 For children who came out of the bush, they didn't have any parents, they were able

14 to find food at school. And it was a way of motivating children to come to school

15 and to stay at school during the afternoon. That was the objective of having the

16 canteen. But there was no crisis.

17 Perhaps the school year might have been upset, but there was not a -- a year where

18 nothing happened.

19 Q. [10:41:51] Now, Mr Witness, you've spoken of civil servants leaving Timbuktu.

20 Is it correct that this started to occur in February and March 2012?

21 A. [10:42:06] To be more precise, the month of March, the crisis was already

22 affecting certain citizens who had understood that things just weren't working. And

23 in January, the country was lunged into a crisis. The president of the republic at the

24 time -- left -- every time, he held assemblies with people, and he would explain about

25 the attacks in Aguelhok, Menaka and so on. The hostilities started in January. In

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1 February, there were sporadic attacks. And in March, that was even more the case.

2 It got worse.

3 And in April -- well, in March, there was the coup, a coup d'etat, and the country was

4 weaker. But towns in the north felled -- the towns that were in the north fell easily.

5 So the country was getting weaker.

6 Q. [10:43:37] So did the schools start to close in February and March?

7 A. [10:43:51] Yes, at the start of the crisis. There were courses in February and

8 March, but they were interrupted from the month of April, and lessons completely

9 stopped in April.

10 Q. [10:44:15] I'm going to bring up Defence tab 198. It's MLI-D28-0005-7142. If it

11 could be shown on Evidence 1.

12 Mr Witness, do you have it in front of you? It's Defence tab 198.

13 THE COURT OFFICER: [10:44:55] Sorry. My apologies. Counsel, would you

14 kindly confirm what tab number. 198 or 199? Thank you.

15 MS TAYLOR: [10:45:07] 198.

16 THE WITNESS: [10:45:13](Interpretation) Yes, 198.

17 MS TAYLOR: [10:45:20] So that's MLI-D28-0005-1740.

18 Q. [10:45:34] Now, this is a statement concerning the impact of various aspects in

19 schools in the north of Mali.

20 And, Mr Witness --

21 A. [10:45:56] Yes.

22 Q. [10:45:58] -- we see here -- can you see "Years lost"?

23 A. [10:46:06] "Years lost."

24 THE INTERPRETER: [10:46:14] Says the witness.

25 MS TAYLOR: [10:46:15] (Overlapping speakers) Are we allowed --

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1 THE WITNESS: [10:46:15](Interpretation) What tab is it again?

2 MS TAYLOR: [10:46:18]

3 Q. [10:46:18] It's tab 198. And it says:

4 "The conflict and the food crisis that hit the Sahel region in 2011-2012 kept some
5 800,000 Malian children out of school for two years, according to the education
6 department. Even before the conflict, education levels in Mali were already low,
7 with an estimated 1.2 million school-age children, most of them girls, not attending
8 school."

9 So, Mr Witness, was there an impact of the food crisis on school attendance,
10 particularly for girls, in Timbuktu?

11 PRESIDING JUDGE MINDUA: [10:47:21](Interpretation) Prosecutor.

12 MR DUTERTRE: [10:47:23](Interpretation) Thank you very much, your Honour.

13 I think that we have to have a recall of the procedure. The first question is, if the
14 witness has seen this document before. And after, perhaps Ms Taylor can ask
15 questions. But at least this answer can be evaluated by the Chamber to see whether,
16 yes, he has seen this document before or not.

17 Now, secondly, this is a document in English. And if we want to be fair to the
18 witness, it has to be read entirely, not just the paragraph. He has to know what it's
19 about. He has to be able to understand it, and I think that English is not a language
20 that he has a native knowledge of.

21 So you shouldn't just burn the fires, as it were, knowing that he has already answered
22 the question about the drought. And if he wants to be confronted with it, he has to
23 have the opportunity to have the complete information with regards to this article
24 which has been put forward.

25 PRESIDING JUDGE MINDUA: [10:48:26](Interpretation) Ms Taylor, I think that the

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1 Prosecutor is right because, firstly, where it concerns our procedure, you have to
2 establish the basis, ask him he's seen the document, et cetera. And thereafter, this
3 document is in English. And the witness, well, it's not his language.
4 And finally, the witness has already spoken about the question of famine and the
5 classes that were missed. So perhaps you have to ask the question directly to the
6 witness, and we'll save time like that. I don't know why you want to read this text in
7 English. It's a long article, and you're just reading one paragraph therefrom. It
8 doesn't work like that.

9 MS TAYLOR: [10:49:17] Mr President, if I may respond, but I believe it would be
10 appropriate to cut off the sound to the witness. I do believe it's important that the
11 Defence be allowed to respond.

12 PRESIDING JUDGE MINDUA: [10:49:32](Interpretation) Court officer, please, could
13 you cut the sound.

14 THE COURT OFFICER: [10:49:37] Your Honours, the sound has been cut off.

15 PRESIDING JUDGE MINDUA: [10:49:41](Interpretation) Thank you.

16 Ms Taylor.

17 MS TAYLOR: [10:49:43] Thank you very much, Mr President.

18 I'm very concerned by the intonation that a witness has to have read a document
19 before it can be put to him. This is a Prosecution witness that we have not met.
20 Evidently, he will not have read Defence exhibits. There's absolutely no rule of
21 criminal procedure that specifies that a witness must have read a document or be
22 familiar with a document before it's put to him. Such a rule would prevent the
23 Defence from ever controverting a Prosecution witness with contrary evidence.
24 And it's extremely concerning that the Prosecution is advancing such a rule because
25 it's effectively preventing us from impeaching their witnesses.

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1 Now, of course, there are going to be documents that are in English with
2 French-speaking witnesses. That's why we have interpreters. The rule, as
3 established by this Chamber in its own decision, is that we merely need to establish a
4 foundation in the sense that the witness has purported to have knowledge of the
5 incidents, events, or information discussed in the document.

6 This witness has purported to have knowledge concerning the food crisis and the
7 impact on education. The Defence must be allowed to controvert him with contrary
8 evidence and put to him - in accordance with the very directives established by this
9 Chamber - first, a question that's not related to the document. Having established
10 that he purports to have information on that, we then must be entitled to put forward
11 contrary evidence to confront him with evidence that contradicts his testimony.
12 If we're not allowed to contradict witnesses, we can't cross-examine.

13 PRESIDING JUDGE MINDUA: [10:51:56](Interpretation) Very well, Ms Taylor.
14 We haven't said that the rule of criminal proceeding prevents you from presenting a
15 document to a witness. The problem is the basis. You've got to make the basis first,
16 and then you take a paragraph, and, you started to read it. Whereas, the document
17 is a page and a half. That's our problem. So I don't know. You're not going to
18 read the whole document or you're going to have it translated by the interpreters?
19 If you put your question directly to the witness, then we'll save time.

20 MS TAYLOR: [10:52:34] I don't understand the Chamber's ruling.

21 Can I put the relevant paragraph to the witness or not?

22 PRESIDING JUDGE MINDUA: [10:52:47](Interpretation) You're going to put the
23 paragraph to the witness, but the witness doesn't know the entire document. So it
24 doesn't work. So ask the question that you wish to put to the witness, and then we
25 will have a response.

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1 MS TAYLOR: [10:53:06] I believe the sound would need to be established to the
2 witness.

3 PRESIDING JUDGE MINDUA: [10:53:15](Interpretation) Court officer.

4 THE COURT OFFICER: [10:53:18] Your Honours, the sound has been re-established.

5 PRESIDING JUDGE MINDUA: [10:53:23](Interpretation) Thank you very much,
6 court officer.

7 Ms Taylor.

8 MS TAYLOR: [10:53:28]

9 Q. [10:53:28] Mr Witness, is it your position that you have personal knowledge of
10 the factors that impacted on school attendance in 2011 and 2012?

11 A. [10:53:39] No.

12 Q. [10:53:55] Then I'll move on since you don't have personal knowledge.

13 Do you have personal knowledge of the specific point in time when school teachers in
14 Timbuktu or when the schools specifically shut down in 2012 at the beginning?

15 A. [10:54:15] Yes. The new school year started with a crisis, but it wasn't a crisis
16 that forced the schools to close. There were strikes with students. There were
17 demands on the part of the teachers. It was these small misunderstandings that
18 started and/or affected the beginning of the school year.

19 Q. [10:55:20] Now, Mr Witness, I'm going to turn to tab 199. It's a press release
20 issued by the Malian teachers' trade union. It's dated 21 March 2012. It's
21 expressing deep concern after the coup attempt and it's referring to the closure of a
22 large number of schools.

23 And, if I turn to the fourth paragraph, it states:

24 "The movement of teachers away from the conflict zones such as Ménaka, d'Aguelhoc,
25 Andéramboukane, Tessalit Tine Essako and Léré and the surrounding villages has led

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1 to classrooms being closed in all these areas. Many parents of pupils have fled with
2 their children to the large towns of Gao and Timbuktu. Some teachers native to
3 Northern Mali have stayed in Gao or Timbuktu, while the majority have taken refuge
4 in the south of the country and in Bamako in the hope of being redeployed in other
5 teaching establishments."

6 Now, Mr Witness, apart from the native teachers, is it correct that the other teachers
7 who did not come from Timbuktu fled in this period, that is, in the period of February
8 and March?

9 A. [10:57:35] I wouldn't be able to confirm that. But what I can say is that in
10 March, it wasn't just the teachers, but a lot of the workers, civil servants also left the
11 town due to the threats and the insecurity that there was. That's it.

12 Q. [10:57:52] Is it correct that there were fuel shortages during 2012?

13 A. [10:57:59] Well, there weren't many service stations in Timbuktu. So the fuel
14 that was sold -- it wasn't sold by individuals. But there weren't any garages.

15 Q. [10:58:55] And did issues concerning fuel impact on electricity and essential
16 services in Timbuktu?

17 A. [10:59:02] Well, there was a significant stock of fuel in Kabara that was under
18 MNLA control. If there was a need to get supplies of fuel, I don't know how they
19 would get it. But the -- the problem was the problem of operability on a 24-hour
20 basis. And they asked the technicians, and they said that they didn't have the
21 normal quantities of supplies on a 24-hour basis; so the energy ... could justify its lack
22 of fuel for being on a 24-hour basis.

23 But that doesn't mean that the town had a lack of fuel. That's what I wanted to say.

24 PRESIDING JUDGE MINDUA: [11:00:22](Interpretation) Very well. It's 11 o'clock.

25 Court officer, we are in open session.

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1 THE COURT OFFICER: [11:00:32] Yes, Mr President.

2 PRESIDING JUDGE MINDUA: [11:00:37](Interpretation) Very well. It's 11 o'clock.

3 We're going to have a break for half an hour, and we'll be back at 11.30.

4 Court is suspended.

5 (Recess taken at 11.00 a.m.)

6 (Upon resuming in open session at 11.31 a.m.)

7 THE COURT USHER: [11:31:23] All rise.

8 Please be seated.

9 PRESIDING JUDGE MINDUA: [11:31:40](Interpretation) The hearing shall now
10 resume.

11 Mr Witness, I'm going to ask for the sound to be cut off for a few moments. I have a
12 few housekeeping matters to deal with.

13 Courtroom officer, turn off -- cut off --

14 THE COURT OFFICER: (Overlapping speakers) Your Honours, the sound has been
15 cut off.

16 PRESIDING JUDGE MINDUA: [11:32:14](Interpretation) Thank you very much.

17 Ms Taylor, I am addressing you and the OTP. Our purpose here is to determine the
18 truth in the Al Hassan case. The Chamber must come to a decision that reflects the
19 truth. And to that end, we need the examination-in-chief by the OTP of course,
20 questioning by the LRVs, and cross-examination. The parties and participants must
21 ensure that their questions and their arguments are well understood by the Chamber,
22 otherwise all these operations shall be in vain. So I wish to remind you that
23 questions put to the witness must be related to the charges and to the circumstances
24 that have been described in the decision confirming the charges.

25 Furthermore, the questions of course may be put with a view to determining the

1 credibility of the witness.

2 I now wish to speak more directly to the Defence.

3 Before the break, Ms Taylor, there were many questions about schools being closed
4 down, about the famine, and so on and so forth, but at times the Chamber had
5 difficulty understanding the relevance of your line of questioning. Perhaps you
6 were delving too deep into the details, details that are not directly linked to the
7 charges standing against the accused person.

8 My advice would be to avoid all these details and stick to the charges. And possibly,
9 if you have questions that seek to determine the credibility of the witness, yes. But
10 myself, personally, I think that sometimes it is not useful to use all the time allocated
11 by the Chamber. The Chamber may say the OTP has two hours, the Defence has
12 two hours, but the Defence may only need to take one hour or even less. Don't feel
13 obliged to fill up the entire time that has been allocated to you.

14 And finally, I'm also thinking of the witness. The witness has been with us for many
15 days now in an environment that he may not be used to, and we have to consider that
16 as well.

17 So just a small piece of advice for you, not really instructions, but a piece of advice I
18 would like to offer you.

19 Courtroom officer, please re-establish the sound.

20 THE COURT OFFICER: [11:36:10] Your Honours, the sound has been re-established.

21 PRESIDING JUDGE MINDUA: [11:36:24](Interpretation) Thank you very much,
22 Courtroom Officer.

23 Mr Witness, we shall now resume our hearing. The Defence now has the floor of
24 course to continue with cross-examination.

25 Ms Taylor.

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1 MS TAYLOR: [11:36:41]

2 Q. [11:36:46] Good morning, Mr Witness. How are you?

3 A. [11:36:51] I am well, Counsel.

4 Q. [11:36:56] Now, Mr Witness, I'm going to turn to the beginning of 2013.

5 Now, at transcript 134, page 81, I played a video of a march by the Arab population in

6 Timbuktu. That was Defence tab 45, MLI-OTP-0012-1774. The video has a date in

7 its metadata of 14 January 2013.

8 Based on what you saw and heard at the time, is this when the march occurred?

9 A. [11:37:52] I don't want to insist when it comes to the dates. But I do know that
10 it was when the strikes had begun.

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18 MS TAYLOR: [11:39:03] Mr President, I believe it might be best to go into private
19 session just briefly.

20 PRESIDING JUDGE MINDUA: [11:39:10](Interpretation) Courtroom officer.

21 (Private session at 11.39 a.m.)

22 THE COURT OFFICER: [11:39:16] We're in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [11:39:24](Interpretation) Thank you very much.

24 Ms Taylor.

25 MS TAYLOR: [11:39:28]

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10 MS TAYLOR: [11:40:37] I believe we can go into open session.

11 PRESIDING JUDGE MINDUA: [11:40:40](Interpretation) Courtroom officer.

12 (Open session at 11.40 a.m.)

13 THE COURT OFFICER: [11:40:53] We're back in open session, Mr President.

14 PRESIDING JUDGE MINDUA: [11:40:55](Interpretation) Thank you very much.

15 Ms Taylor.

16 MS TAYLOR: [11:40:56] I'm going to play a video. It's Defence tab 66. It's

17 MLI-OTP-0018-0415. It's a video dated 18 January 2013. It should not be shown to
18 the public and it will be played without sound.

19 (Viewing of the video excerpt)

20 MS TAYLOR: [11:41:54]

21 Q. [11:41:54] Mr Witness, do you recognise the location?

22 A. [11:41:59] Yes.

23 Q. [11:42:05] Where is it?

24 A. [11:42:05] It's the --

25 THE INTERPRETER: [11:42:10] Overlapping.

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1 MS TAYLOR: [11:42:29] I apologise. I just have a small issue with my transcript.

2 I'll just be a minute. I apologise, Mr Witness.

3 Q. [11:43:11] Now, Mr Witness, could you please give us that response again.

4 A. [11:43:18] I said yes, I recognise the place. This is their *gouvernorat* building in
5 Timbuktu.

6 Q. [11:43:33] At the end of the video, there was a room.

7 Do you recognise that room? Was that inside the *gouvernorat*?

8 A. [11:43:40] That's possible, but I don't know every nook and cranny. There
9 were -- there was a mattress.

10 Q. [11:44:03] To your knowledge, had this building been vacated at the time it was
11 filmed?

12 A. [11:44:10] Yes. Apparently it's empty. The *gouvernorat* had been emptied
13 since 1 April.

14 Q. [11:44:32] Mr Witness, we're talking about the period of January 2013.

15 A. [11:44:44] Well, January 2013, I don't know. I don't know if it had been
16 emptied at that time or not. I didn't go there during the strikes.

17 Q. [11:45:08] Now, you mentioned that the house of Mohamed Moussa was
18 attacked. Did this occur before the French arrived in Timbuktu?

19 A. [11:45:22] No, it was when the army had come in, into the city. So I think it
20 was the following day or the afternoon --

21 THE INTERPRETER: [11:45:37] Inaudible.

22 THE WITNESS: [11:45:42](Interpretation) -- started to ransack.

23 THE INTERPRETER: [11:45:45] Correction: When they started to ransack.

24 MS TAYLOR: [11:45:50]

25 Q. [11:45:51] And were any other homes of Islamists affected or targeted?

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1 A. [11:45:57] Targeted by whom? By the people or by the forces?

2 Q. [11:46:07] By the people.

3 A. [11:46:10] Yes. Mohamed Moussa and the house of Sanda. I know that those
4 two houses were ransacked by the people.

5 Q. [11:46:34] Now, speaking of this period of January, were planes over -- flying
6 overhead at this time?

7 A. [11:46:43] Regularly there were drones. There were Mik planes, bombers. Yes.
8 Yes, aircraft were flying over the city.

9 Q. [11:47:19] Now, we've spoken about an Arab march.

10 Is it correct that the Arab shopkeepers were -- were nervous or worried about the
11 possibility of looting?

12 A. [11:47:36] Yes. To avoid the earlier cases, each time there was a crisis in
13 Timbuktu, some of the people who -- the non-nomadic people would attack those
14 merchants, indeed. In most cases, they were bandits who would take the products
15 and do damage in the shops, loot the houses.

16 So given that context, they too took all necessary measures so that wouldn't be the
17 case in 2013. So an -- a peaceful march was organised. They -- they said to the
18 army that they shouldn't put everyone into the same category, lump everyone
19 together in the same category. They called for people to avoid collateral damage.
20 Those were the concerns, but the main concern was to warn.

21 Some people had decided not to leave, and they could defend themselves, even
22 though they would sacrifice their own lives so that their possessions would not be
23 taken again.

24 Q. [11:49:16] Mr Witness, when you say "some people," are you referring to the
25 shopkeepers or the locals?

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1 A. [11:49:25] The shopkeepers. They're local people, of course. The Arab
2 merchants. You see, often young people in the city would attack them and destroy
3 their property.
4 So I said, some of these merchants decided not to leave the city and to stay. Even if
5 they would have to sacrifice their very lives, they were going to defend their
6 property.

7 MS TAYLOR: [11:50:08] Mr President, can I go into private session?

8 PRESIDING JUDGE MINDUA: [11:50:17](Interpretation) Certainly.

9 Courtroom officer.

10 (Private session at 11.50 a.m.)

11 THE COURT OFFICER: [11:50:25] We're in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [11:50:30](Interpretation) Thank you very much.

13 Ms Taylor.

14 MS TAYLOR:

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22 MS TAYLOR:

23 Q. [11:51:19] [REDACTED] the Arab *commerçants* were demanding for
24 measures to be taken to protect their shops from looting?

25 A. [11:51:34] Yes. That was their main grievance.

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1 Q. [11:51:38] And did some of them threaten to take matters into their own hands?

2 A. [11:51:52] Yes. Many of them were saying -- well, they had their -- well, in
3 their hearts, they could not accept other people taking their possessions. So that was
4 in the message that was announced on the radio, because the young people had to
5 understand that if they went out and looted the shops, it would have been by their
6 will. So that was one of the messages that was announced on the radio, to anyone
7 who was trying to steal, "Watch out. Watch out, anyone who tries to take our
8 property."

9 And to illustrate that, you saw on the first Friday the message from the imam. It was
10 a message intended -- well, that called upon people not to lump everyone into the
11 same category, not to attack other people, not to go into the shops. Those were the
12 kinds of messages that had to be explained.

13 Q. [11:53:19] Mr Witness, you've referred to a message that was announced on the
14 radio.

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16 A. [11:53:47] [REDACTED] there shouldn't be no settling of
17 scores or anything that would harm cohabitation. And the proof is that they got the
18 message across or sent it out. It was the crisis committee that sent out that message,
19 announced it.

20 Now, they were not the people who were supposed to ensure the safety of that
21 property. They were just intermediaries. So the message had to get through.
22 Now, whether there were forces to ensure that those peoples' property was safe, well,
23 it was up to them to do the work. But they couldn't give the assurance that they
24 were going to ensure the protection of those people and their property. The crisis
25 committee did not do that. The -- they were not an armed force.

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1 Q. [11:54:53] Now, Mr Witness, you've referred to a young person in Timbuktu
2 being shot after being caught stealing fuel from a lorry. [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 A. [11:55:48] No. I said the day before when they met the crisis committee, there
8 was a warning from the occupiers. They said, "In light of everything that is going on,
9 we will not be in a position to conduct trials. If we catch someone who is stealing,
10 we will carry out the punishment directly."

11 That message went out that night after the afternoon when the meeting was held.
12 So it was -- that message was sent out through the media. And a few days after,
13 there was that case of murder. [REDACTED] It was the whole city that saw
14 what happened.

15 Q. [11:56:59] Mr Witness, I'm going to refer to an extract from a Prosecution
16 witness. It shouldn't be shown to you. It's tab 228. It's MLI-OTP-0022-0244.
17 I don't think that's the right tab. I apologise.

18 So that's the right number. And the reference for the interpreters is
19 MLI-OTP-0022-0244 at 0269. It's 0271.
20 And with the permission of the Presiding Judge, if my colleague, Ms Chahla, can read
21 out the relevant paragraphs.

22 PRESIDING JUDGE MINDUA: [11:59:30](Interpretation) Go ahead, Counsel.

23 MS CHAHLA: [11:59:34](Interpretation) "Adama began the meeting introducing
24 himself as the commissioner, and he told us he had called us in because, upon their
25 return from Konna, his men had been welcomed with catcalls and insults from people

1 and from young people who were making fun of them, calling out, 'Long live France.

2 Long live Serval,' or they imitated the sound of bombs dropping.

3 The Islamists had also seen that some of their dwellings had been looted. Adama

4 asked us to issue a call to the population to stop doing these things, otherwise, their

5 response would be, as he said in his own words, 'Spontaneous and without

6 calculation.' Anyone who goes in front of -- who goes by in front of his own house

7 will be shot at.

8 He had barely stopped saying this, and right away, a merchant said that businessmen

9 like him were armed and they would -- they would warn the young people that they

10 would not hesitate to fire at anyone who went in front of their shops, and that they

11 would not accept looting.

12 [REDACTED]

13 [REDACTED] Commissioner Adama called for calm and

14 asked the Arab merchant to take back his words. [REDACTED] they

15 were all the same, accomplices, and clearly we had been called in to be intimidated,

16 that this was unacceptable and that we would not cede to the threats. The

17 commissioner asked us to at least broadcast an appeal for calm to the people, which

18 we agreed to do over the radio station.

19 I'd like to specify that the day after this meeting, someone got through the wall of the

20 Ahmed Baba Centre: he was shot at and he died. This person was the son of

21 someone by the name of Abdou, called the Chauffeur, the driver. The Islamists went

22 to see the parents as a delegation and they said that it had been a mistake. They

23 gave compensation to the family by paying them some money saying that it was the

24 *diya*, that is to say, reparations provided for under Sharia law."

25 MS TAYLOR: [12:03:32]

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1 Q. [12:03:33] Mr Witness, you've just heard an account of this town hall meeting.

2 Does this correspond to what you heard [REDACTED]

3 A. [12:04:02] Well, [REDACTED] it's somebody who participated

4 in the meeting who gives the account. So [REDACTED] I

5 say what I heard on the radio. The message went through on the radio to calm

6 down the people and draw attention to everybody. Now, if there is a reticence in the

7 room to that -- if there was reticence in the room to that, I didn't hear about it.

8 Now, some of the document which speaks about the man who wanted to blow up the

9 wall and that he was shot, I don't know this version. But when they spoke about the

10 victim, I understood it was the young person. And that was not with CEDRA, that

11 happened at the exit of the town on the east side of Timbuktu.

12 Q. [12:05:21] Now, Mr Witness, I'm speaking now specifically of the meeting. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [12:05:47] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [12:06:04] Now, Mr Witness, speaking of this person who was shot, you've

20 mentioned that it was -- he was stealing fuel from a lorry that was left behind. Is

21 that correct?

22 A. [12:06:24] Yes.

23 Q. [12:06:31] So was this after some of the Islamists had already left?

24 A. [12:06:39] Yes, after certain Islamists left. So the departures were organised,

25 and in the meantime a lorry broke down not far from the town. And that is how the

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1 young people wanted to take the contents from the lorry. And nobody knew that he
2 was with some of his comrades. He was able to escape, but they shot at him.

3 Q. [12:07:29] Now, Mr Witness, did you hear that some of the Islamists who were
4 still in Timbuktu went to his family?

5 A. [12:07:46] Yes, I did hear that information. After the incident, they went to give
6 a certain sum of money to the family. [REDACTED]

7 [REDACTED]
8 [REDACTED] Afterwards, their father died,
9 sometime afterwards. I think six to eight months afterwards. People came back to
10 the family to provide them with money. I heard about that.

11 Q. [12:09:06] You've said that they had been supported. So did the family accept
12 the money?

13 A. [12:09:13] Well, if you put it like that to me, they did accept. [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 Q. [12:09:36] And was this a payment of *diya*?

17 A. [12:09:42] I couldn't tell you. [REDACTED] Well, what I know is, in
18 these type of situations they support them. And that's also the religion. But
19 nobody did. Anybody say that they'd done -- made an error.

20 But everybody knew that these people had gone to steal because the person
21 concerned was a driver and he needed the fuel. But nowhere did I hear from the
22 people that this had been a mistake.

23 [REDACTED]
24 [REDACTED]
25 A. [12:11:00] Which training centre?

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1 Q. [12:11:04] The training centre of the Islamists.

2 A. [12:11:20] (No interpretation)

3 Q. [12:11:21] The Gaddafi villa.

4 A. [12:11:29] Yes. I wouldn't call it a training centre. Gaddafi's villa was perhaps
5 a hideaway for certain leaders. It was bombed [REDACTED]

6 [REDACTED]

7 MS TAYLOR: [12:12:04] Mr President, if we can go into private session.

8 PRESIDING JUDGE MINDUA: [12:12:16](Interpretation) Court officer.

9 THE COURT OFFICER: [12:12:40] We were in private session. We remain in
10 private session.

11 MS TAYLOR: [12:12:43] That's good. Just out of an abundance of caution.

12 Q. [12:12:46] Mr Witness, I'm about to show some videos, and I just want to be sure,
13 because I do believe some of your answers may identify you.

14 So I'd like to play Defence tab 59. That's MLI-OTP-0012-1941. I believe we can play
15 it with sound as there's no dialogue.

16 (Viewing of the video excerpt)

17 MS TAYLOR: [12:14:01]

18 Q. [12:14:01] Mr Witness, do you recognise this location?

19 A. [12:14:05] Yes, the gendarmerie, the gendarmerie building at the edge of the
20 town.

21 Q. [12:14:22] Now, this video is dated 25 January 2013. [REDACTED]

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

25 Q. [12:14:53] Now, there were several persons present in this video. Who were

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1 they?

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3 [REDACTED] Rather, it was the curious
4 people of the neighbourhood who came to observe what happened after the planes
5 had come through.

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24 Q. [12:18:01] I'm going to play another video. It's Defence tab 61. It's

25 MLI-OTP-0012-2150. It's a video dated 1 February 2013. I'll play it on evidence 2

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1 without sound. And then we'll -- we can stop at 47 seconds.

2 (Viewing of the video excerpt)

3 MS TAYLOR: [12:19:09] So we're stopping at 46:07.

4 Q. [12:19:13] Mr Witness, there's a building to the right.

5 Do you recognise that building?

6 A. [12:19:18] Yes. That's the house of the imam of Sankore.

7 Q. [12:19:43] Is it near the Hotel La Maison?

8 A. [12:19:45] No. But they're in the same neighbourhood and they're in the same
9 sector.

10 Q. [12:19:58] Now, after the Islamists left, did you visit the Hotel Maison?

11 A. [12:20:04] I didn't leave -- I didn't pass by.

12 Q. [12:20:31] I'm going to play another video. It's OTP tab 366. It's

13 MLI-OTP-0012-2071 and it's dated 28 January. I'm going to play without sound from
14 36 seconds onwards.

15 (Viewing of the video excerpt)

16 MS TAYLOR: [12:21:39]

17 Q. [12:21:39] Mr Witness, do you recognise this location?

18 A. [12:21:43] Yes.

19 Q. [12:21:48] What is the building?

20 A. [12:21:51] The BMS where you also have the morality brigade. So the BMS is
21 occupied by the morality brigade.

22 Q. [12:22:10] Could you see people going into the BMS?

23 A. [12:22:14] Yes. When the soldiers came into town, [REDACTED]

24 [REDACTED] There were people in the centre. Some of them

25 were inside it [REDACTED]

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1 Q. [12:22:52]

[REDACTED]

2 A. [12:22:59]

[REDACTED]

3 Q. [12:23:07]

[REDACTED]

4 A. [12:23:13] Let's be very clear.

[REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Q. [12:26:14]

Q. [12:26:52] I'm going to play another video. It's Defence tab 133. It's
MLI-D28-0004-0003. And it's dated 29 January. I'm going to play it without sound
until 18 seconds.

(Viewing of the video excerpt)

MS TAYLOR: [12:27:31]

Q. [12:27:31] Now, Mr Witness, do you recognise the building that was shown in
the beginning of this video?

A. [12:27:38] Well, I saw the building, the BMS. It was occupied by the morality
brigade, the morals brigade.

Q. [12:27:58] And did you hear or learn anything about the locals entering it and
taking things from it?

A. [12:28:05] I wasn't interested in that. But from the start of the occupation, there
was looting. And then also when the Islamists left, there were cases of looting as
well.

Q. [12:28:36] I'm going to play up until the 24-second mark.

(Viewing of the video excerpt)

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1 MS TAYLOR: [12:28:50]

2 Q. [12:28:50] Do you recognise any of these individuals?

3 A. [12:28:54] No. I don't recognise these individuals.

4 Q. [12:29:11] I'm going to play until the 39-second mark.

5 (Viewing of the video excerpt)

6 MS TAYLOR: [12:29:21]

7 Q. [12:29:23] Did you recognise any of the individuals that were shown?

8 A. [12:29:39] Yes. I saw a man in a white turban who was speaking.

9 Q. [12:29:53] What is the name of that man? Sorry.

10 A. [12:29:58] I recognise -- Seydou Baba Kuta (phon). I recognised him. He's just
11 behind.

12 Q. [12:30:08] If we can play the following -- that section again with sound. And if
13 you can raise your hand when you see the individual. So from 18 until 24.

14 (Viewing of the video excerpt)

15 MS TAYLOR: [12:31:04]

16 Q. [12:31:06] So, Mr Witness, was the person you referred to as "Seydou Baba Kuta
17 (phon)" the man who was speaking in front of the BMS?

18 A. [12:31:17] Yes. Exactly.

19 Q. [12:31:21] And did you yourself hear or learn anything about a person who had
20 been living in the BMS that was taken away?

21 A. [12:31:30] Yes. At one point, I was told that they found in the building a
22 jihadist. So they took him with them. Some people said he wasn't a jihadist, but I
23 did get that information. But ...

24 THE INTERPRETER: [12:32:04] The last part of the witness's reply was barely
25 audible.

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1 MS TAYLOR: [12:32:09]

2 Q. [12:32:09] I'm afraid we didn't hear the last part of your answer. If you don't
3 mind repeating it.

4 A. [12:32:17] I said I received that information, but I never tried to verify it.

5 Q. [12:32:28] Did you learn what happened to this individual?

6 A. [12:32:32] No.

7 Q. [12:32:43] I'm going to play the same video from 39 until 1:10 without sound.

8 PRESIDING JUDGE MINDUA: [12:32:53](Interpretation) Madam Prosecutor.

9 MS LUPING: [12:32:55](Overlapping speakers) Mr President, I just want to note that
10 when the witness apparently identified an individual on the video, the time stamp
11 has not been recorded in either the French or the English. I don't think it was stated.

12 PRESIDING JUDGE MINDUA: [12:33:13](Interpretation) Ms Taylor.

13 MS TAYLOR: [12:33:14] We can go back, but it's not of paramount importance. We
14 can go back.

15 It's the individual with the white turban in -- speaking in front of the BMS.

16 (Viewing of the video excerpt)

17 (Counsel confer)

18 MS TAYLOR: [12:33:54] We're at the 37-second mark.

19 Q. [12:34:02] Mr Witness, is this the individual you referred to?

20 A. [12:34:07] Yes. Indeed, that's him.

21 Q. [12:34:13] We'll play from here until 1:10 without sound.

22 (Viewing of the video excerpt)

23 MS TAYLOR: [12:34:23]

24 Q. [12:34:57] Mr Witness, do you recognise the location?

25 A. [12:35:02] Yes. It looks like the small market, the small Yobou Tao market.

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1 Q. [12:35:17] And did you yourself learn or hear anything or see people taking
2 items from shops?

3 A. [12:35:34] Yes. I heard about that. I -- the following day, I saw some shops,
4 and the doors of those shops had been actually completely removed. The counters
5 had been destroyed. So there had been looting in the market.

6 Q. [12:35:58] Now, we are at the 1:13 time stamp.

7 Can you see a vehicle in this picture?

8 A. [12:36:19] Yes. It's a vehicle belonging to the Malian army.

9 Q. [12:36:24] I believe it was 1:10.

10 Now, Mr Witness, did the Malian army bring these vehicles into the town of
11 Timbuktu?

12 A. [12:36:32] Yes. Of course.

13 Q. [12:36:44] And does this vehicle have an anti-aircraft gun on it?

14 A. [12:36:50] I don't know. This weapon, it's different to the anti-air batteries. I
15 don't know. I'm not familiar with that particular weapon. However, I do know of
16 the anti-air batteries that can reach targets.

17 Q. [12:37:36] Based on what you know, what type of weapon would this be then?

18 PRESIDING JUDGE MINDUA: [12:37:41](Interpretation) Madam Prosecutor.

19 MS LUPING: [12:37:43] Mr President, Mr President, I know that the Defence has
20 prefaced the question with "based on what you know," but really, we know what the
21 background is of this witness. I've tried not to intervene. I'm struggling to
22 understand the relevance of this. But really, this is not the right witness to ask to
23 identify a weapon.

24 PRESIDING JUDGE MINDUA: [12:38:05](Interpretation) Ms Taylor, this witness
25 has already said that he didn't know what kind of weapon it was. He doesn't have

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1 the necessary knowledge.

2 Move on to something else, please.

3 MS TAYLOR: [12:38:19] Certainly, Mr President. Although we do believe that
4 should be taken into account when assessing the examination-in-chief as well.

5 Q. [12:38:27] Now, Mr Witness, at transcript 130, page 16, you stated at lines 5
6 onwards:

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 Now, Mr Witness, you said:

16 [REDACTED] the first hours when it was retaken."

17 When you say "it was retaken," are you referring to Timbuktu?

18 A. [12:39:44] Yes. I was referring to the area that was recaptured, not just
19 Timbuktu.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

So that day, there was no communication possible in Timbuktu. No telephones.

No nothing. So it was difficult for people in other localities to know what was going on.

THE INTERPRETER: [12:41:49] [REDACTED]

THE WITNESS: [12:41:54](Interpretation) [REDACTED] about

Timbuktu. And I said, "This is serious. This is going to cause people to panic."

The people were not short of water or electricity. Yes, we did have problems with the electrical network because some sites had been sabotaged.

[REDACTED]

So the crisis committee automatically took over, and sent out a public news caller to go about the town and announce the arrival of the liberating forces. So the word spread -- the news spread by word of mouth, and, indeed, at around 1300 hours, they left their positions at the airport and entered the town and they were welcomed by a crowd. They were going about the city touring the city.

But the arrival of Hollande ...

THE INTERPRETER: [12:43:39] Inaudible.

THE WITNESS: [12:43:42](Interpretation) ... the mobilisation.

THE INTERPRETER: [12:43:47] Interpreter correction: But the arrival of Hollande, that did not contribute to the mobilisation.

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1 MS TAYLOR: [12:43:53] If I could bring up a document in the OTP list. It's

2 Prosecution tab 82.

3 Q. [12:44:00] Mr Witness, if you have that with you. It's MLI-OTP-0012-2005. If

4 it could be shown on evidence 1.

5 Mr Witness, if you could kindly confirm if you have this document with you.

6 A. [12:44:28] Okay. Yes. I've seen the document.

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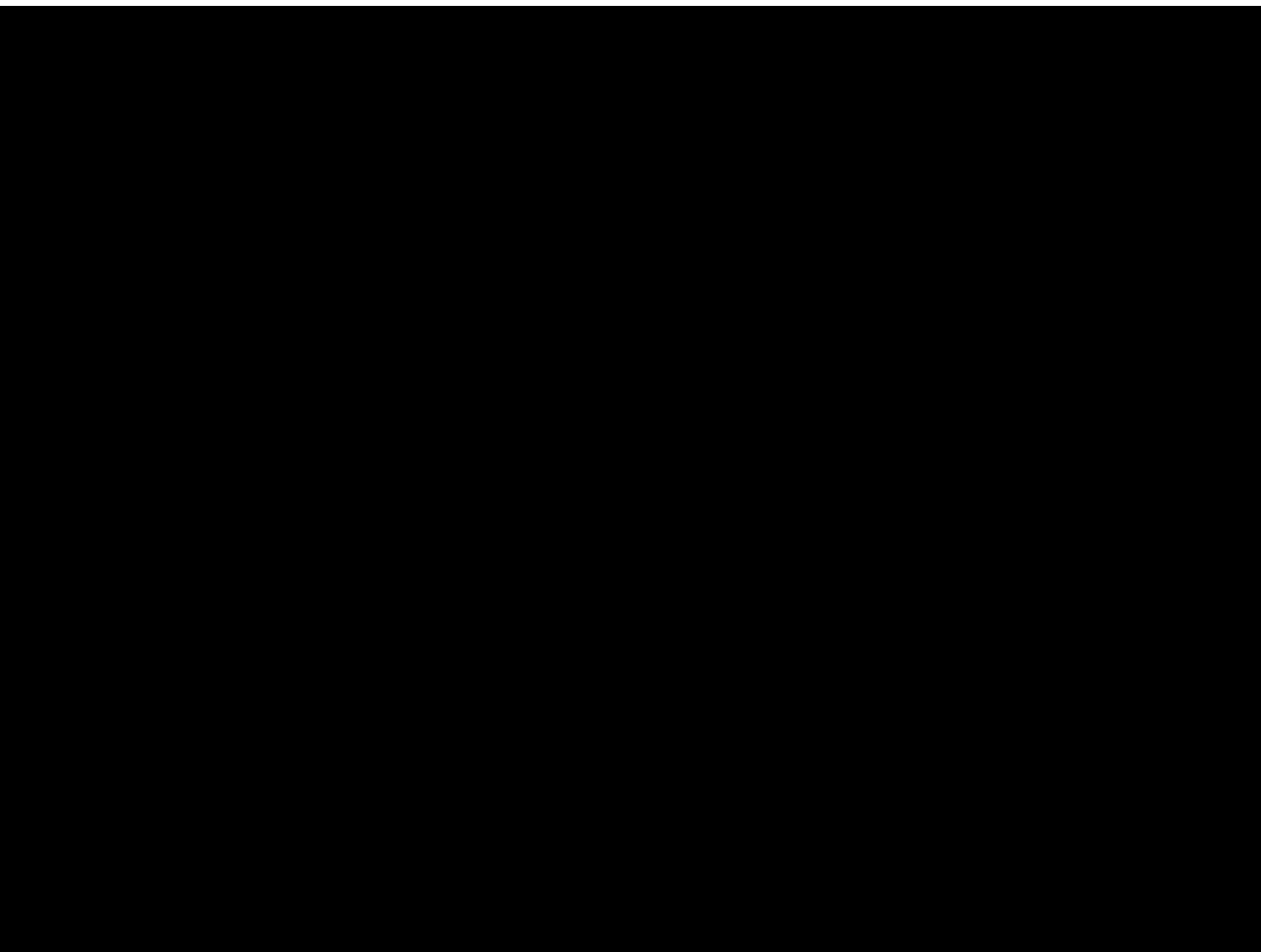
25 MS TAYLOR: [12:47:12]

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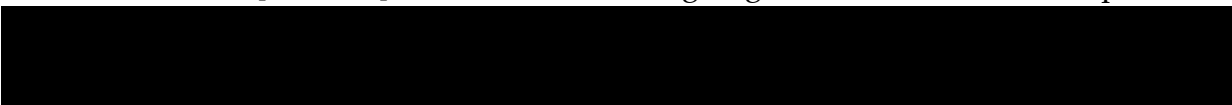
the crisis committee, and they organised the
welcome. And the people didn't need to be told to drum -- to bang on a drum or to
dance.

PRESIDING JUDGE MINDUA: [12:48:57](Interpretation) Ms Taylor, I have two
questions. The first one is, we are still in private session. I think we could be in
open session.

And my second question is, this question about the welcome offered to the French
president, I believe that the Chamber is sufficiently enlightened.

Are you still eliciting such detail from the witness?

MS TAYLOR: [12:49:28] Mr President, I was going to move on to another question,



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PRESIDING JUDGE MINDUA: [12:50:17](Interpretation) Go ahead. Continue, please.

MS TAYLOR: [12:50:20] I don't believe there's anyone here. So it's not going to perturb them.

PRESIDING JUDGE MINDUA: [12:50:34](Interpretation) No, no, no, Ms Taylor. The comment -- that comment is not necessary. The -- our general principle is open session. Our transcripts must reflect that we are often in open -- that we are more in open session than in private session. Please continue.

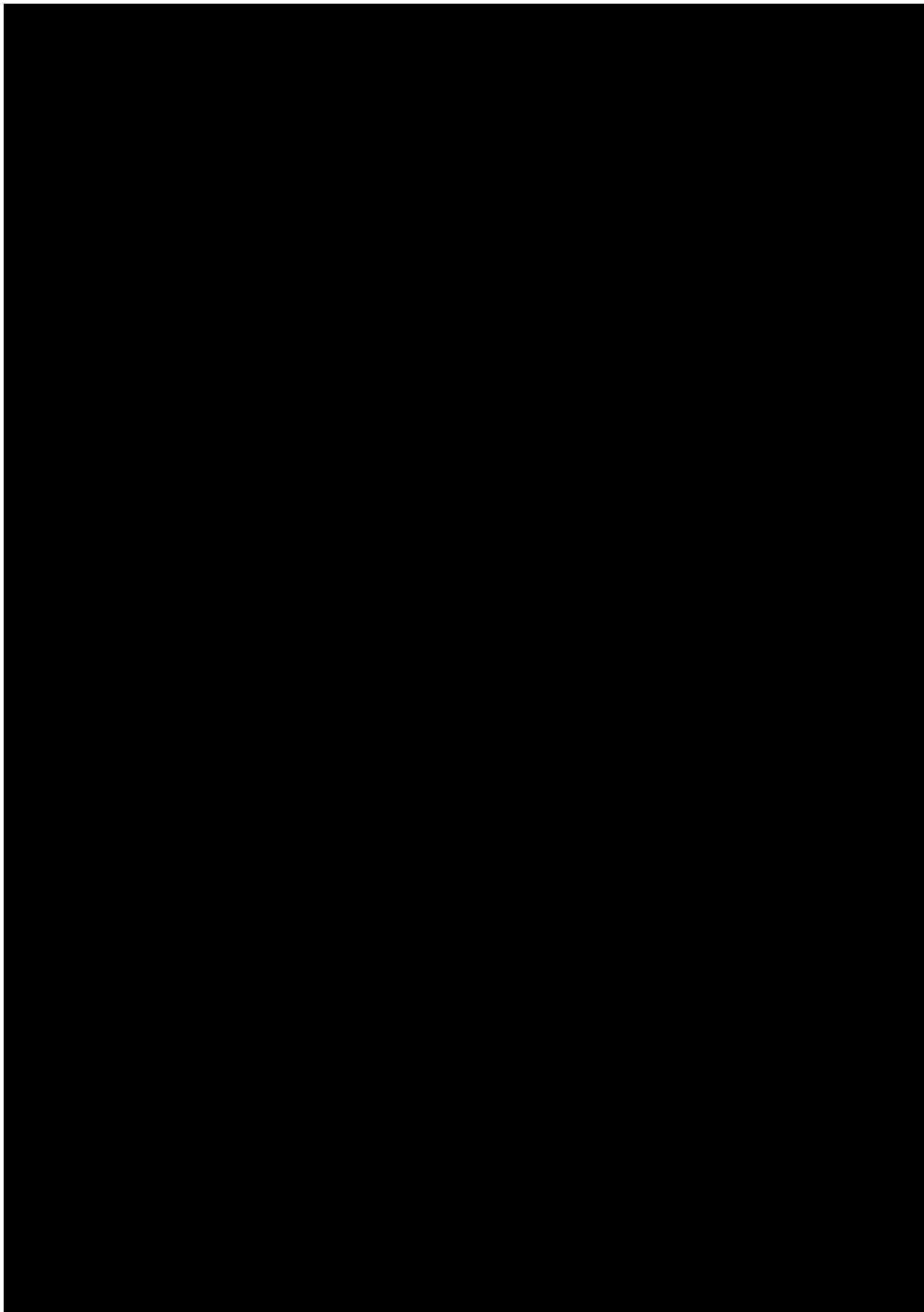
MS TAYLOR: [12:50:57]

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[REDACTED]

And we're also going -- we're also going to go back into open session. Since 11.50, we've been in private session.

MS TAYLOR: [12:55:51] Mr President, I'm -- I'm aware of what the witness said.

And we should be again allowed to confront him with inconsistent statements, which is what I'm about to do. But to do so, I'd have to do so in private session.

PRESIDING JUDGE MINDUA: [12:56:09](Interpretation) Ms Taylor, try -- you certainly have a strategy, which is a very good thing, but try to include in your strategy the instructions and advice from the Chamber. So far, you are having a lot of difficulty integrating these things.

[REDACTED]

We're in private session, and we need to go into open session.

Courtroom officer, open session. We have five minutes left.

Ms Taylor.

MS TAYLOR: [12:57:00] Mr President, that would mean that I can't then put his statement to him.

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1 PRESIDING JUDGE MINDUA: [12:57:11](Interpretation) Just a moment, courtroom
2 officer.

3 Ms Taylor, at the beginning of this hearing, I gave you some advice, but it seems to
4 me that you're having a hard time taking this advice on. If I were in your shoes, I
5 would summarise and try to consider -- take into account the considerations of the
6 Chamber. When you continue, the Chamber has the impression that you are not
7 listening to us.

8 Go ahead. There are three minutes remaining, and we will conclude in private
9 session, as you wished.

10 MS TAYLOR:

11 Q. [12:57:52] Now, in OTP tab 1, MLI-OTP-0019-0296, at 0350, paragraph 253, that's
12 my reference.

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20 MS TAYLOR: [12:58:44] I believe we can go into open session then.

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24 MS LUPING: [12:59:05](Overlapping speakers) Just simply out of fairness to the
25 witness, Mr President, your Honours, this is supposed to be putting a supposed

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1 contradiction. There is no contradiction. So it's just unfair to the witness to suggest
2 it was.

3 PRESIDING JUDGE MINDUA: [12:59:22](Interpretation) Very well,
4 Madam Prosecutor.

5 Courtroom officer, open session, please.

6 (Open session at 12.59 p.m.)

7 THE COURT OFFICER: [12:59:33] We're back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:59:43](Interpretation) Thank you very much,
9 courtroom officer.

10 It is 1 p.m. Well, 30 seconds to 1 in the afternoon. I believe it's time for us to take a
11 break and have our lunch. We shall resume -- we shall resume at 2.30 as usual.

12 THE COURT USHER: [13:00:03] All rise.

13 PRESIDING JUDGE MINDUA: [13:00:07](Interpretation) The hearing is suspended.
14 (Recess taken at 1.00 p.m.)

15 (Upon resuming in open session at 2.32 p.m.)

16 THE COURT USHER: [14:32:02] All rise.

17 Please be seated.

18 PRESIDING JUDGE MINDUA: [14:32:30](Interpretation) Court is in session once
19 again.

20 Mr Courtroom Officer, what's going on with the curtain? Ah, there we are.

21 Because the curtain was closed.

22 So we now go over to the Defence for the continuation of the cross-examination.

23 MS TAYLOR: [14:33:11]

24 Q. [14:33:19] Good afternoon, Mr Witness. How are you?

25 A. [14:33:21] I am fine, Counsel.

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1 Q. [14:33:25] Now, Mr Witness, do you recall approximately how many people
2 were in the crisis committee in 2012 and the beginning of 2013?

3 A. [14:33:38] No, I do not recall. But I do know that it comprised young people,
4 notables. There were all the chiefs of the neighbourhoods, the imams, and members
5 of the youth. But I wouldn't be able to give you any name.

6 Q. [14:34:09] Were any of them Tuaregs?

7 A. [14:34:18] No. The truth be told, the crisis committee that I saw was made up
8 of ...

9 THE INTERPRETER: [14:34:33] Inaudible.

10 The interpreter is looking at the French version to see whether the French court
11 reporters caught it. It has not yet come through.

12 "Inaudible" also in the French transcript.

13 MS TAYLOR: [14:34:53]

14 Q. [14:34:53] Mr Witness, we lost your last word. We have "*j'ai vu était composé*
15 *carrément de cette* (inaudible)."

16 What did you say?

17 A. [14:35:04] Of black sedentary individuals.

18 Q. [14:35:10] I'm going to play a video. It's Defence tab 28. It's
19 MLI-OTP-0012-1439. It should not be shown to the public. It's a video dated 28
20 January 2013. I'm going to play it without sound from 58 seconds.

21 Actually, we can play the whole video.

22 (Viewing of the video excerpt)

23 MS TAYLOR: [14:36:52] Mr President, I have just two questions to ask in private
24 session.

25 PRESIDING JUDGE MINDUA: [14:37:29](Interpretation) Mr Courtroom Officer,

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1 please.

2 (Private session at 2.37 p.m.)

3 THE COURT OFFICER: [14:37:43] We're in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [14:37:47](Interpretation) Thank you very much,

5 Mr Courtroom Officer.

6 Ms Taylor.

7 MS TAYLOR: [14:37:51]

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10 MS TAYLOR: [14:38:05] If we can go into open session.

11 PRESIDING JUDGE MINDUA: [14:38:11](Interpretation) Mr Courtroom Officer,

12 please.

13 (Open session at 2.38 p.m.)

14 THE COURT OFFICER: [14:38:15] We're back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [14:38:23](Interpretation) Thank you very much.

16 Ms Taylor.

17 MS TAYLOR: [14:38:27]

18 Q. [14:38:27] In terms of the location, was this Sanda's house?

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22 Q. [14:39:07] Now, at the end of the video we could see someone coming out with
23 an envelope.

24 Do you know what happened to any of the papers or documents that were found in
25 these houses?

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1 A. [14:39:18] I do not know. These are soldiers, you know. I don't know what
2 they did with it.

3 Q. [14:39:34] I'm going to play another video. It's from 31 January 2013. It's
4 Defence tab 100. It's MLI-OTP-0011-0326. I'll play without sound until 55 seconds.
5 (Viewing of the video excerpt)

6 MS TAYLOR: [14:40:53]

7 Q. [14:40:55] Mr Witness, did you recognise any of the individuals in this extract?

8 A. [14:41:01] Yes, I did recognise one individual.

9 Q. [14:41:12] What was their name?

10 A. [14:41:16] It's Baba Moulaye Haidara.

11 THE INTERPRETER: [14:41:25] Request from the interpreter: Could the witness
12 please be requested to speak up.

13 MS TAYLOR: [14:41:29]

14 Q. [14:41:30] I'm going to play again without sound, and if you could raise your
15 hand when you see this individual.

16 (Viewing of the video excerpt)

17 MS TAYLOR: [14:41:48] It's now at 10:16.

18 Q. [14:41:53] Mr Witness, which individual is this?

19 A. [14:42:00] The gentleman with the white shirt holding his arm up, he's wearing
20 glasses and he has a black attire on, a black something on.

21 Q. [14:42:22](Overlapping speakers) Do you know if this individual, Baba Moulaye,
22 was a member of a victim association?

23 A. [14:42:29] Well, I do not know. I do know that he is the current local president
24 of civil society in Timbuktu.

25 Q. [14:42:56] What is the name of that civil society?

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1 A. [14:43:01] It doesn't have any name. It's called the organisation of civil society.
2 That's the name. And it has young people, NGO associations, women, et cetera, and
3 that is what we call a civil society. Everything that is not state run falls into the civil
4 society.

5 Q. [14:43:38] And to your knowledge, was this individual or this association
6 involved in collecting evidence or information concerning the events of 2012?

7 A. [14:43:50] Well, maybe because I did not work with that commission of
8 investigation. Neither did they. So I do not know whether they are members of it
9 or not.

10 THE INTERPRETER: [14:44:20] Message from the interpreter: Could the witness
11 please speak more clearly.

12 MS TAYLOR: [14:44:24]

13 Q. [14:44:24] Mr Witness, the interpreters have asked if you could speak more
14 clearly.

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19 MS TAYLOR: [14:45:00] Mr President, could I go briefly into private session?

20 PRESIDING JUDGE MINDUA: [14:45:06](Interpretation) Mr Courtroom Officer,
21 private session, please.

22 (Private session at 2.45 p.m.)

23 THE COURT OFFICER: [14:45:12] We are in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [14:45:23](Interpretation) Thank you very much.

25 Ms Taylor.

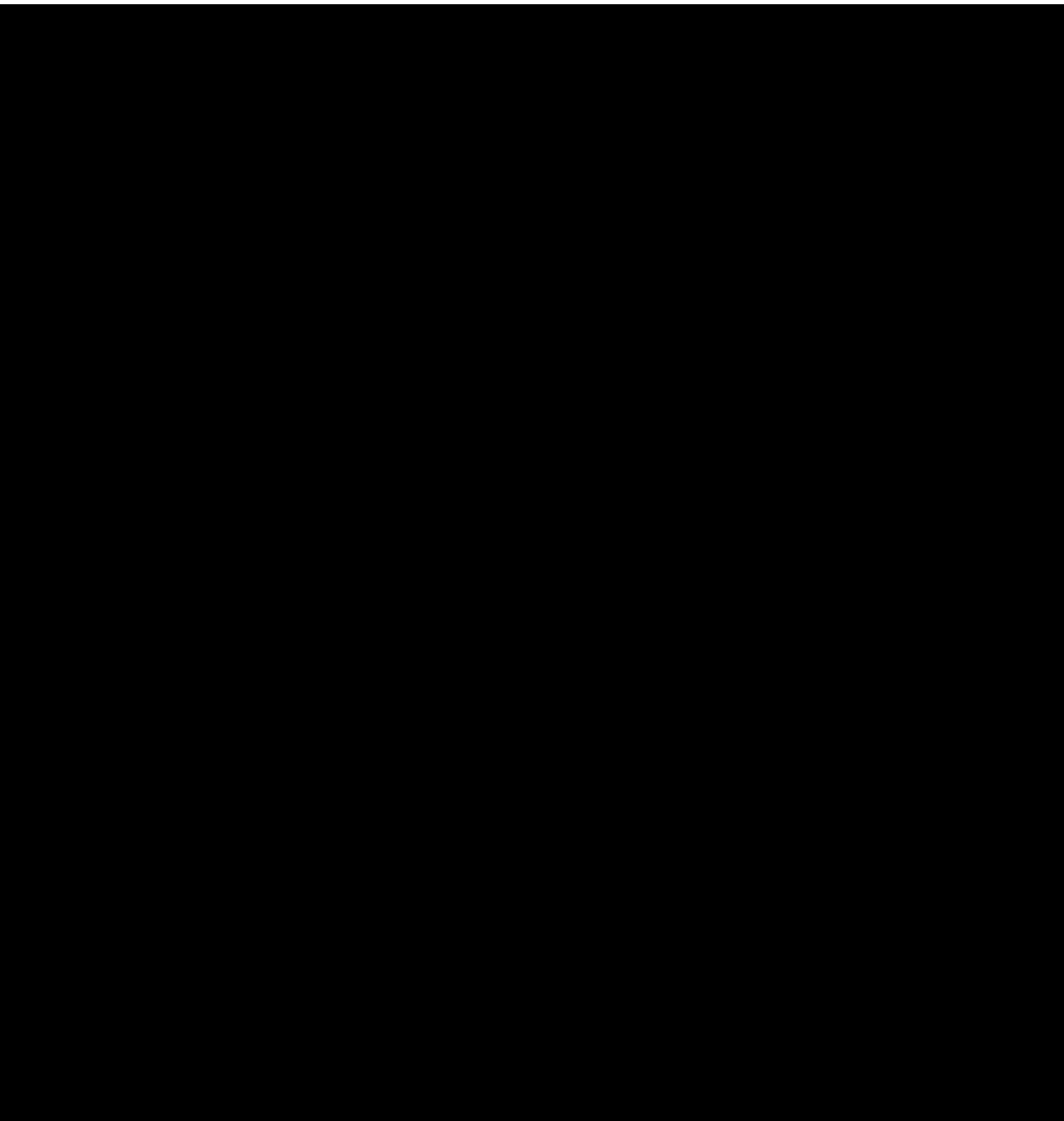
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1 MS TAYLOR: [14:45:26]

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21 Q. [14:47:58] We can bring up Defence tab 201. That's

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23 Mr Witness, do you have these in front of you? They must be shown...

24 A. [14:48:32] No. I do not have it.

25 Q. [14:48:36] It's Defence tab 201. And I believe it's on evidence 1.

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1 But do you have the hard copy, Mr Witness? Defence tab 201.

2 A. [14:48:59] We're looking, but I can see something is up on the screen already.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 MS TAYLOR: [14:49:59] I believe we can go into open session.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 PRESIDING JUDGE MINDUA: [14:50:20](Interpretation) Mr Courtroom Officer,
13 please.

14 (Open session at 2.50 p.m.)

15 THE COURT OFFICER: [14:50:26] We are back in open session, Mr President.

16 PRESIDING JUDGE MINDUA: [14:50:32](Interpretation) Thank you very much,
17 Mr Courtroom Officer.

18 Ms Taylor.

19 MS TAYLOR: [14:50:36]

20 Q. [14:50:36] Now, if we can turn to page 7153. If that could be shown on
21 evidence 1.

22 Now, Mr Witness, at the top of this page we can see a post referring to a ceremony
23 that took place on 17 May 2013 to mark the reinstallation of the service of the police in
24 Timbuktu.

25 Do you see that in front of you, Mr Witness?

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1 A. [14:51:31] Yes, I do have it.

2 Q. [14:51:33] And at the top we can see a photo. It's a person in a camouflage
3 jacket and behind them individuals in blue suits.

4 Mr Witness, the individuals with the black and blue suits, is that -- was that the police
5 who were reinstalled in Timbuktu?

6 A. [14:52:02] Yes.

7 Q. [14:52:02] And is this how they appeared?

8 A. [14:52:07] Yes. When they left, they did have that attire or uniform. But
9 subsequently, they changed because they now wear light blue and a dark blue
10 trousers. But when they left the towns of the north, it is the very same outfit that
11 they wore as policemen. And after the reconquest, they came back with this same
12 outfit.

13 Q. [14:52:47] And is this the weapons that they had?

14 A. [14:52:51] Yes. They did have weapons. But these weapons were not
15 sufficient with regard to the number of policemen that had been deployed within
16 Timbuktu.

17 Q. [14:53:14] Mr Witness, if these police arrived in May, who performed police
18 work in the period before that?

19 A. [14:53:24] I did not understand.

20 Q. [14:53:40] This post refers to the reinstallation of 120 *personnels du service de la*
21 *police*.

22 Who was responsible for policing in the period between February and May 2013?

23 A. [14:54:03] Before the return of the police, it was just the military who were
24 undertaking everyone's jobs, fulfilling the tasks of all the corp., with the exception of
25 the *prévôté*, which is a division of the gendarmerie, which was out in the field on a

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1 permanent basis.

2 Q. [14:54:30] If we can turn to page 7152.

3 If that can be brought up on evidence 1, Mr Witness. This refers to a visit on the 22
4 of May from the chief of the international -- the "mission internationale de soutien au
5 Mali". It's MISMA.

6 MS TAYLOR: [14:55:11] And I have a question that I believe would be better asked
7 in private session.

8 PRESIDING JUDGE MINDUA: [14:55:47](Interpretation) Yes.

9 Mr Courtroom Officer.

10 (Private session at 2.55 p.m.)

11 THE COURT OFFICER: [14:55:52] We are in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [14:56:00](Interpretation) Thank you very much,
13 Mr Courtroom Officer.

14 Ms Taylor.

15 MS TAYLOR: [14:56:03]

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24 Q. [14:57:06] And I'll bring up one more document before going into open session.

25 It's Defence tab 25. It's MLI-D28-0005-7247. If it could be shown on evidence 1.

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1 It should be put on evidence 1. It's Defence tab 225.

2 Mr Witness, do you see that in front of you?

3 A. [14:58:20] Yes. I see it.

4 Q. [14:58:21] This is a press release referring to the deployment of human rights

5 observers from MISMA. And it refers, in particular, to a team that came to

6 Timbuktu.

7 Do you have it in front of you, Mr Witness?

8 A. [14:58:49] Yes. I can see the document in front of me on the screen.

9 Q. [14:58:51] Have you looked through it, Mr Witness?

10 MS TAYLOR: [14:58:21] I'm not sure why the Prosecutor's standing. I haven't

11 actually put a question yet.

12 PRESIDING JUDGE MINDUA: [14:59:33](Interpretation) Yes, indeed,

13 Madam Prosecutor.

14 MS LUPING: [14:59:35](Overlapping speakers) Mr President, it's just simply a

15 suggestion in terms of procedure. The question could simply be put to the witness

16 so that we can then understand what potential foundation if at all there might be with

17 the witness in this document. Just to save time, we could simply just go straight to

18 the question as to what is it that Defence counsel wants to put to the witness. If it

19 does -- if it is something in relation to the document, then he can be brought to the

20 relevant part of it and questions can be asked as to what connection, if at all, he has to

21 this document.

22 At this stage, it's not clear.

23 And he's being asked to read a document, and not sufficient time has been given

24 either. So it's just a question of fairness to the witness.

25 We could go straight to the question first, though.

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1 PRESIDING JUDGE MINDUA: [15:00:26](Interpretation) Ms Taylor.

2 MS TAYLOR: [15:00:28] Thank you, Mr President.

3 Now, this is the exact opposite of what the Prosecutor was saying before the break,
4 where they were saying that the witness needed time to read the document before I
5 put a question.

6 Now, here, I have not even put a question, when the Prosecution has stood up and
7 made a substantive objection. We lose time. We lose far more time through these
8 interventions than if we're allowed to conduct our cross-examination.

9 I have a question to put to the witness. [REDACTED] He
10 should be entitled to know exactly what I'm talking to before I put the question to
11 him.

12 PRESIDING JUDGE MINDUA: [15:01:07](Interpretation) Very well. We will allow
13 the witness to first acquaint himself with the document.

14 (Pause in proceedings)

15 THE WITNESS: [15:02:08](Interpretation) Could you scroll up a bit. Scroll up.

16 PRESIDING JUDGE MINDUA: [15:02:29](Interpretation) The witness is asking for
17 someone to assist with viewing of the document, if someone could scroll up, please.

18 MS TAYLOR: [15:03:04] Could the Registry scroll up the document.

19 THE WITNESS: [15:03:13](Interpretation) Yes. I've read it.

20 MS TAYLOR: [15:03:16]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Q. [15:03:53]

[REDACTED]

2 A. [15:04:10]

[REDACTED]

it was mostly primarily about respect for

3 human rights and then the presence of MISMA, the African forces, and whether there

4 were any problems with the local people.

5 [REDACTED]

6 Q. [15:04:38]

[REDACTED]

7 [REDACTED]

8 A. [15:04:46]

[REDACTED]

9 MS TAYLOR: [15:04:55] If we can go into open session.

10 PRESIDING JUDGE MINDUA: [15:05:00](Interpretation) Courtroom officer, please.

11 (Open session at 3.05 p.m.)

12 THE COURT OFFICER: [15:05:05] We are back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [15:05:14](Interpretation) Thank you very much.

14 Ms Taylor.

15 MS TAYLOR: [15:05:17]

16 Q. [15:05:18] I'm going to play a Defence video. It's tab 35. It's

17 MLI-OTP-0012-1644. I'm going to play it without sound. And we're in

18 open session.

19 (Viewing of the video excerpt)

20 MS TAYLOR: [15:06:07]

21 Q. [15:06:07] Mr Witness, do you recognise any of the individuals in this video?

22 A. [15:06:13] I know Houka and his nephew and, then, the officers from the army

23 as well who were there.

24 Q. [15:06:44] Do you know of name of his nephew? Houka Houka's nephew?

25 A. [15:06:48] His name's escaped me.

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1 Q. [15:06:53] I'm going to play another video. It's Defence tab 38. It's
2 MLI-OTP-0012-1647. The transcript is tab 39. It's MLI-OTP-0069-0373 to be played
3 from evidence 2. I'll play a couple of seconds without sound.

4 (Viewing of the video excerpt)

5 MS TAYLOR: [15:07:37] If we could stop. And then if we could go into private
6 session to ask just a couple of questions.

7 PRESIDING JUDGE MINDUA: [15:07:43](Interpretation) Courtroom officer.

8 (Private session at 3.07 p.m.)

9 THE COURT OFFICER: [15:07:54] We are in private session, Mr President.

10 PRESIDING JUDGE MINDUA: [15:08:02](Interpretation) Thank you very much.

11 Ms Taylor.

12 MS TAYLOR:

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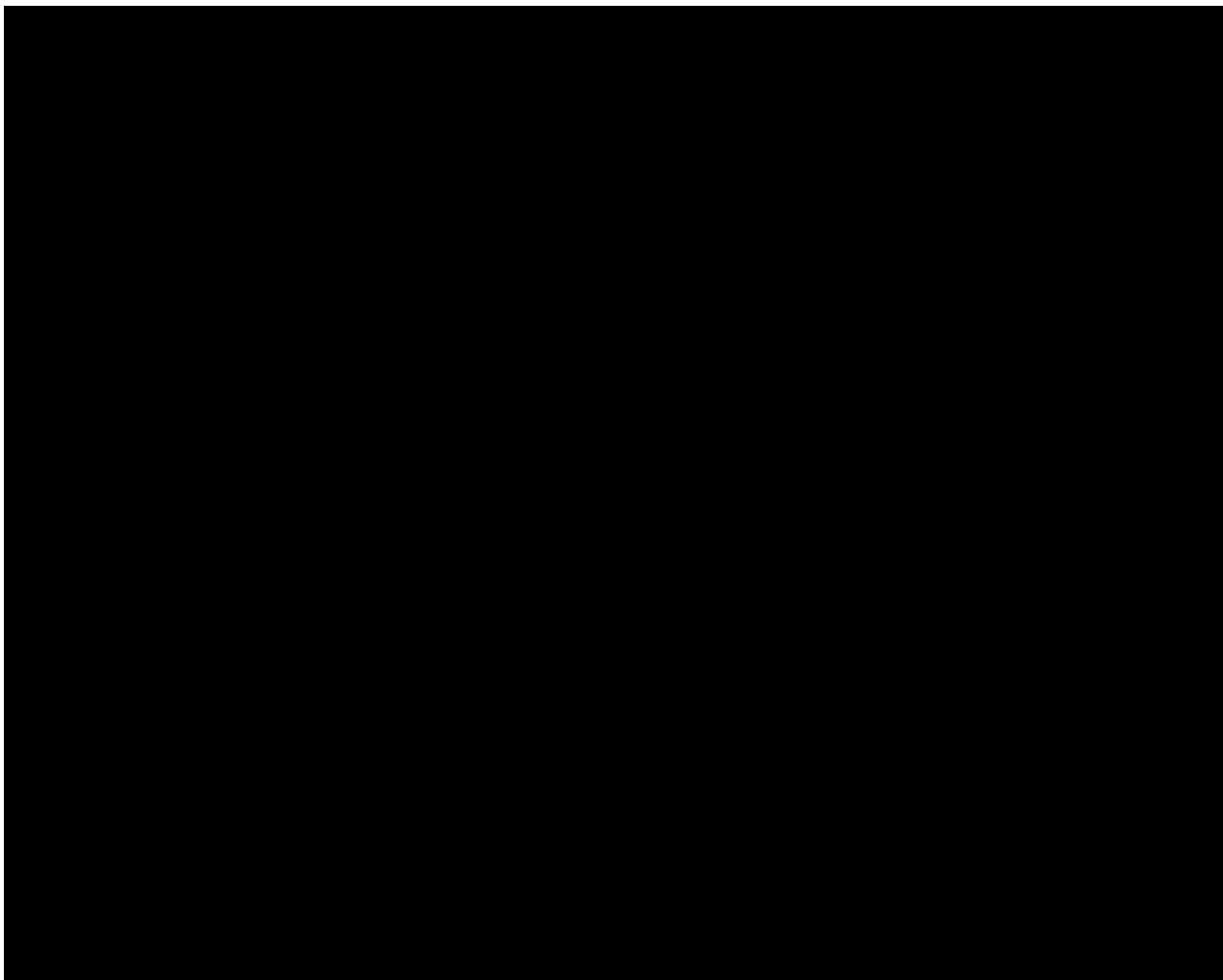
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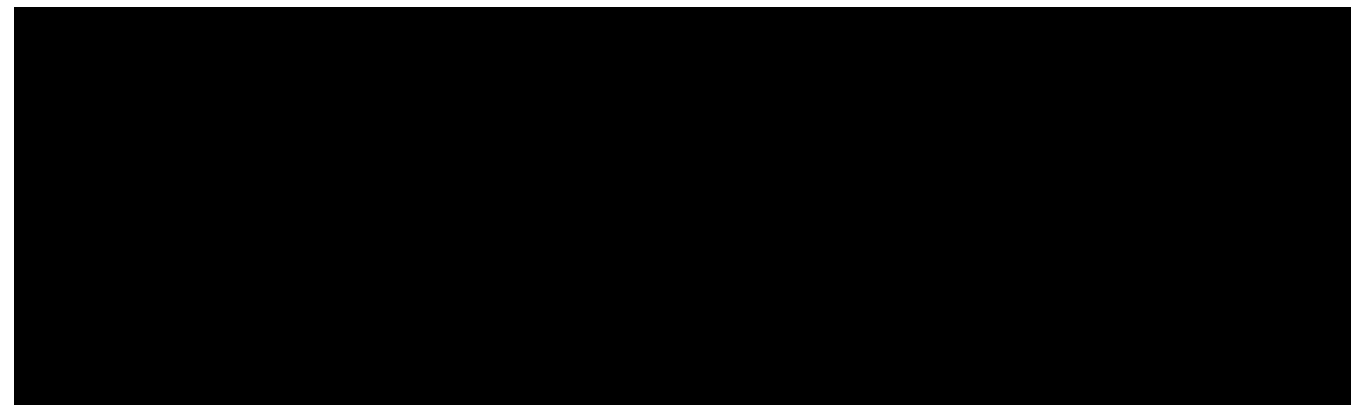
15 MS TAYLOR: [15:10:38] I believe we can go into open session, and we can play the
16 video with sound.

17 PRESIDING JUDGE MINDUA: [15:10:40](Interpretation) Open session, please,
18 courtroom officer.

19 (Open session at 3.10 p.m.)

20 THE COURT OFFICER: [15:10:48] Would counsel kindly confirm the classification.

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Trial Hearing
MLI-OTP-P-0654

(Private Session)

ICC-01/12-01/18

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17 (Private session at 3.12 p.m.)

18 THE COURT OFFICER: [15:12:16] Your Honours, we are in private session.

19 MS TAYLOR: [15:12:21] So, for the interpreters, the transcript is tab 39. It's

20 MLI-OTP-0069-0373. And if they could give an indication if they're ready to
21 interpret.

22 THE INTERPRETER: [15:12:49] English booth is ready.

23 MS TAYLOR: [15:12:53] I believe everyone is ready. So we'll play it from evidence
24 2.

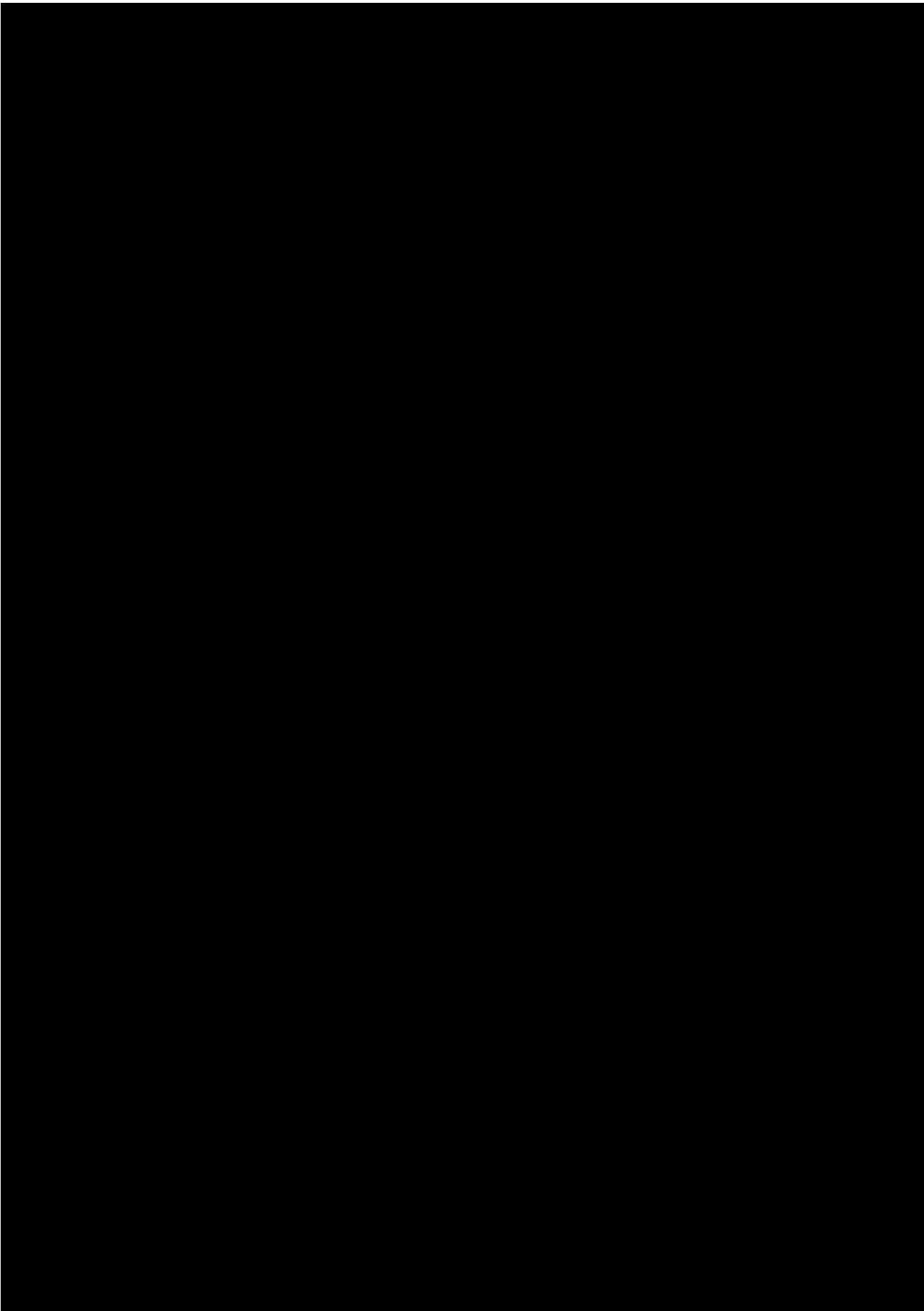
25 THE INTERPRETER: [15:12:58](Interpretation of the video excerpt)

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(Private Session)

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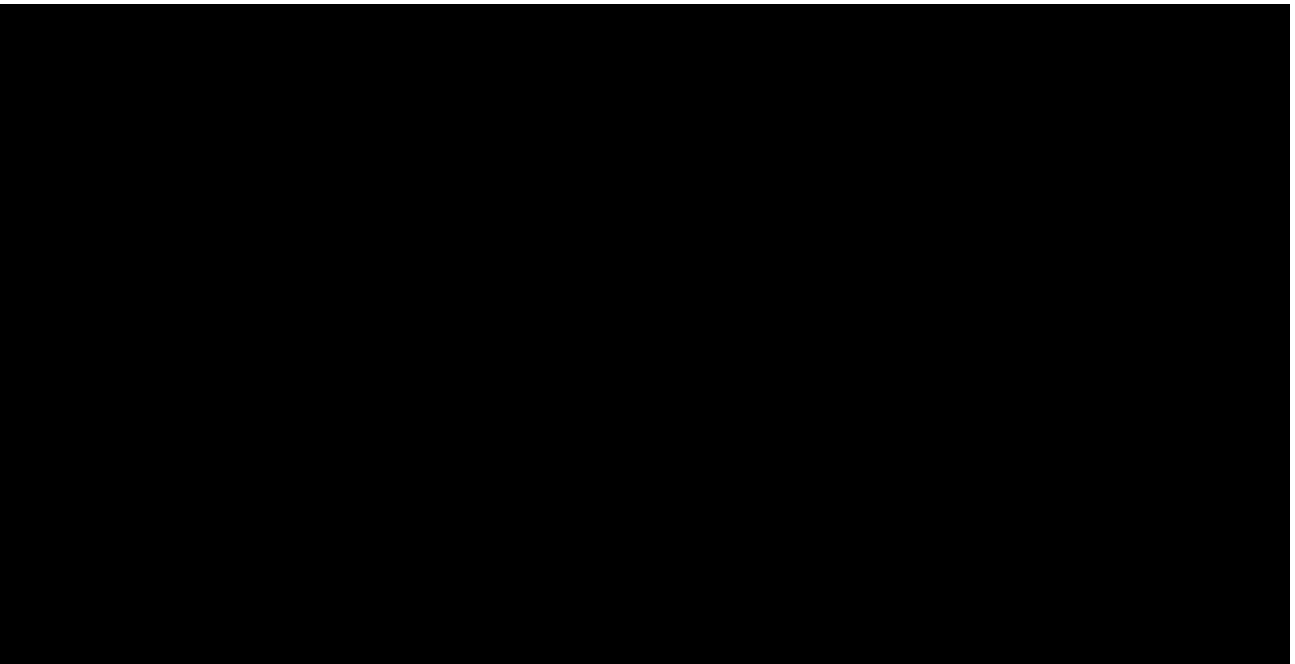


Trial Hearing
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(Private Session)

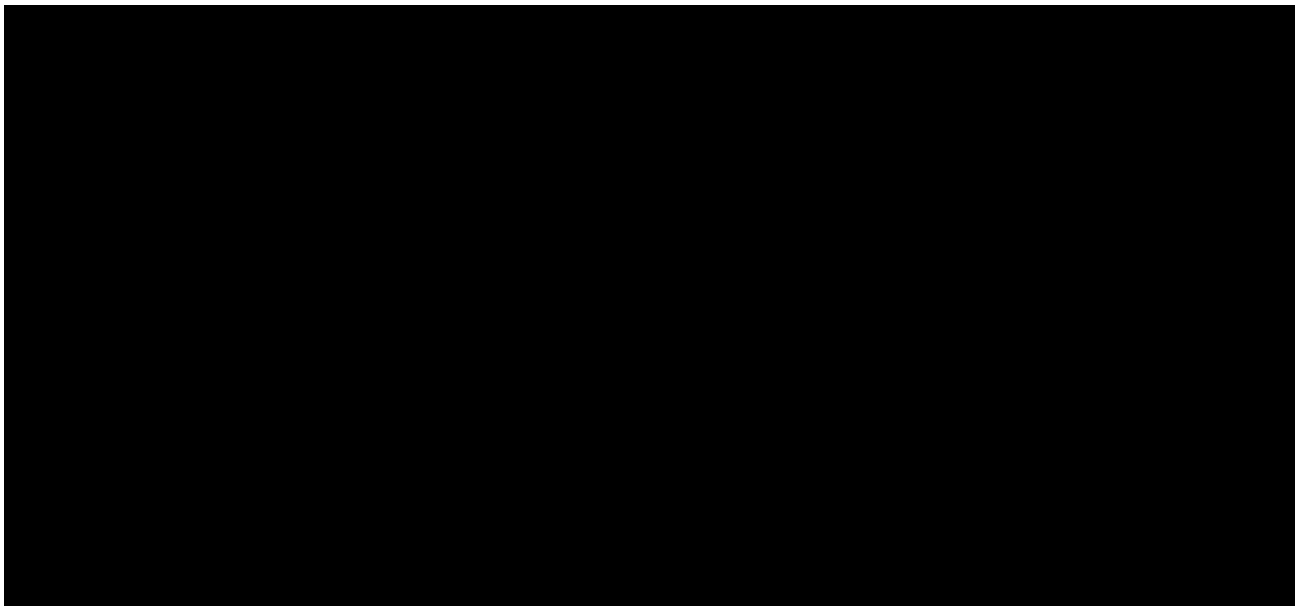
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Were any lawyers present?

A. [15:16:45] Even before the occupation, there were no lawyers in Timbuktu. After the liberation, there were no lawyers. And unless there is any proof to the contrary, I can say that there were no lawyers in Timbuktu. There was only -- well, just the -- the bailiffs who take note of things. Generally speaking, justice is administered on the basis of reports that are prepared by the *privauté* when they take stock of a situation. I think that's how things were working.

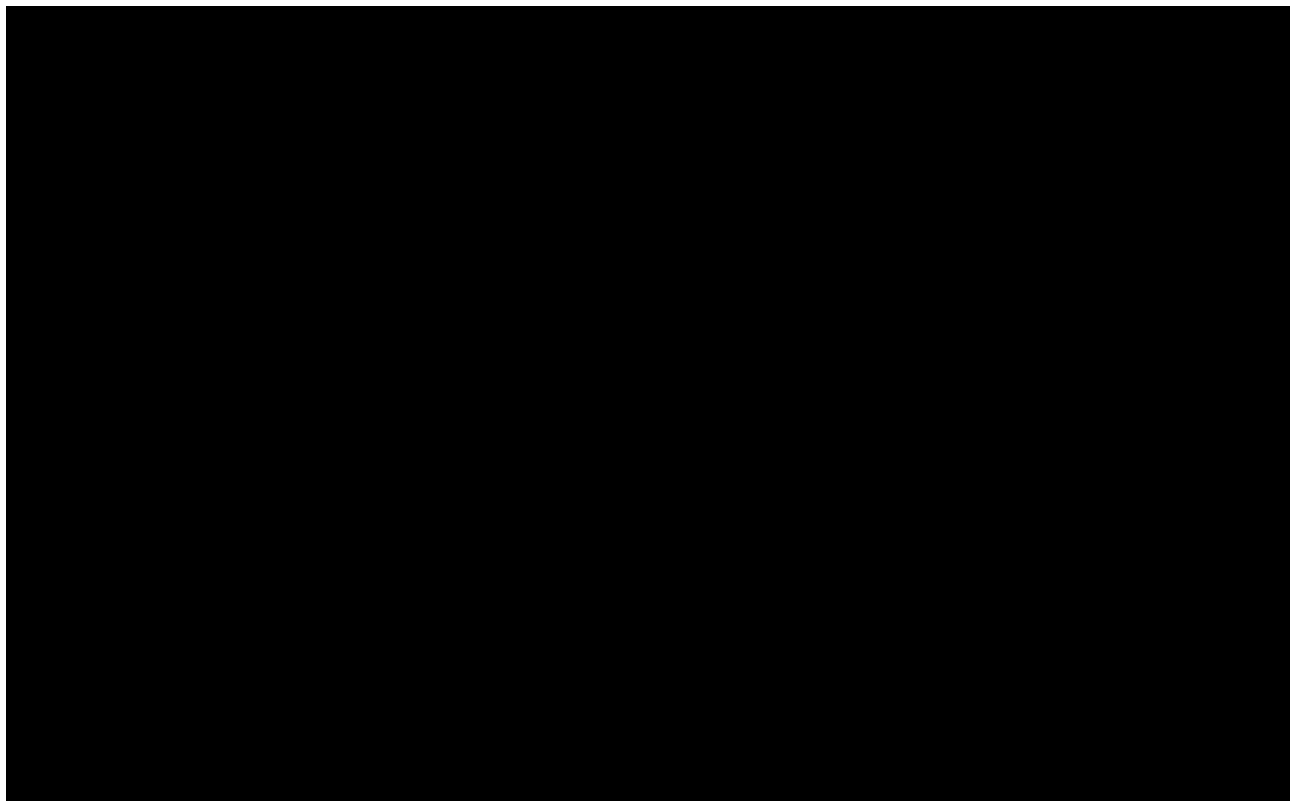


Trial Hearing
MLI-OTP-P-0654

(Private Session)

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12 MS TAYLOR: [15:20:03] I believe I can ask my following questions in open session.

13 Q. [15:20:07] Mr Witness, as long as you don't mention the names that we've just
14 referred to. So I'll be referring to that individual.

15 PRESIDING JUDGE MINDUA: [15:20:16](Interpretation) Open session, please,
16 courtroom officer.

17 (Open session at 3.20 p.m.)

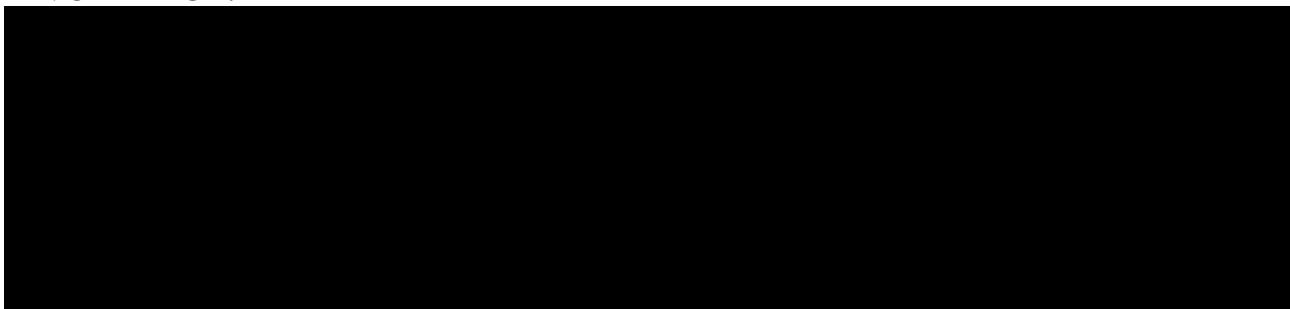
18 THE COURT OFFICER: [15:20:22] We are back in open session, Mr President.

19 PRESIDING JUDGE MINDUA: [15:20:34](Interpretation) Thank you very much.

20 Ms Taylor.

21 MS TAYLOR:

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Trial Hearing
MLI-OTP-P-0654

(Private Session)

ICC-01/12-01/18

- [REDACTED]
- 2 Q. [15:21:31] I'm going to play a video. And the question that I'll put to you
3 is in -- will be in open -- will be in closed session. But I believe it's ...
4 I'll -- I'll be directed by the Prosecution as to whether this should be in open session or
5 closed session with the permission of the Chamber.
6 It's Defence tab 88. It's MLI-OTP-0039-0574. And I will be playing between 22:30 to
7 24:33. And I believe it will be necessary to play it with sound. I think it will be
8 necessary to be in private session.
9 PRESIDING JUDGE MINDUA: [15:22:34](Interpretation) Courtroom officer, are we
10 in private session?
11 THE COURT OFFICER: [15:22:39] your Honours, we are in open session.
12 PRESIDING JUDGE MINDUA: [15:22:44](Interpretation) Well, then, let us go into
13 private session.
14 (Private session at 3.22 p.m.)
15 THE COURT OFFICER: [15:22:51] We are in private session, Mr President.
16 PRESIDING JUDGE MINDUA: [15:23:00](Interpretation) Thank you very much.
17 Ms Taylor.
18 MS TAYLOR: [15:23:07] Now, the transcript for the interpreters is tab 89. It's
19 MLI-OTP-0069-0494. It's at 512 is the page, and it will be from lines 513 to lines 656.
20 It could be played on evidence 2.
21 If the interpreters could kindly indicate if they're ready.
22 THE INTERPRETER: [15:23:50] English booth is ready.
23 MS TAYLOR: [15:24:06] So we'll play it.
24 (Viewing of the video excerpt)
25 THE INTERPRETER: [15:24:32] Message from the interpreter: The sound that we

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(Private Session)

ICC-01/12-01/18

1 are hearing does not seem to match the transcript. Could the line numbers be
2 checked.

3 MS TAYLOR: [15:24:46] I apologise. It should be from -- it's from page 513. Or,
4 sorry, it's page 512, from line 613, to page 513, line 656.

5 THE INTERPRETER: [15:25:12] Many thanks from the English booth. The
6 English booth was at line 513 instead of 613. Apologies.

7 MS TAYLOR: [15:25:21] It's my mistake. I apologise.

8 (Viewing of the video excerpt)

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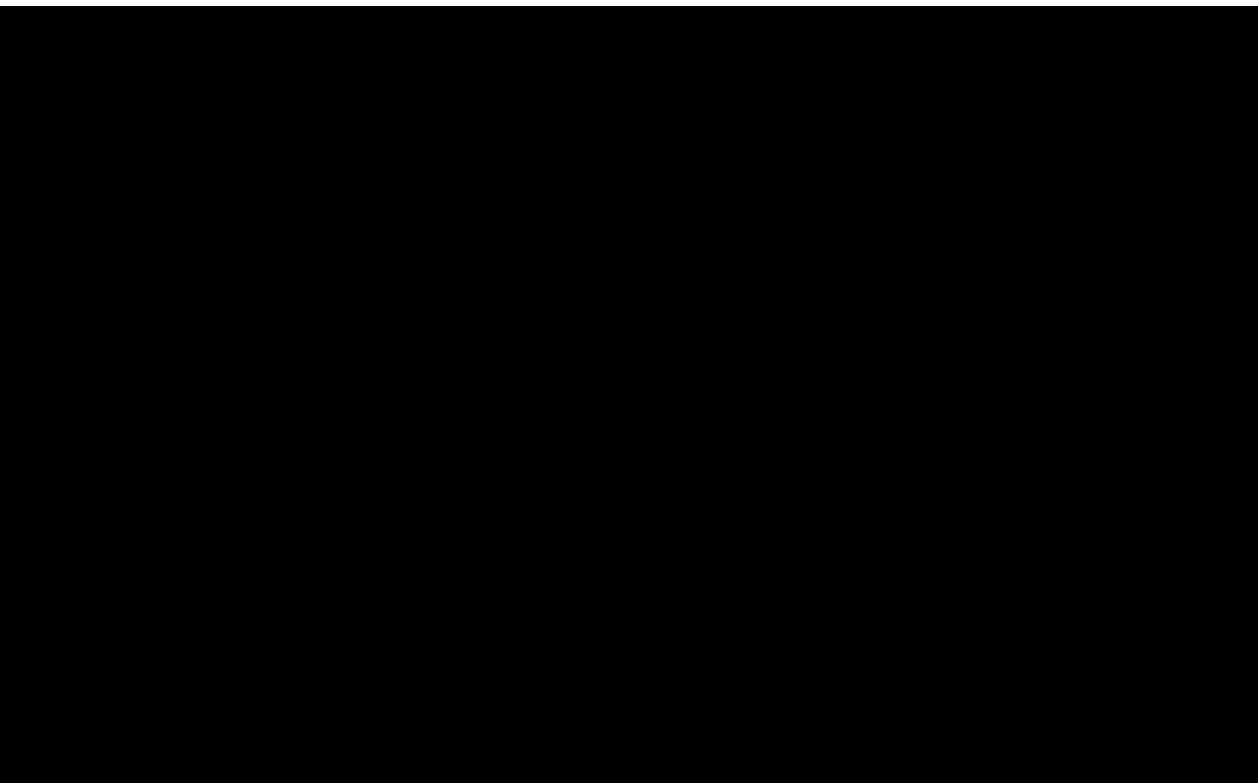
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Trial Hearing
MLI-OTP-P-0654

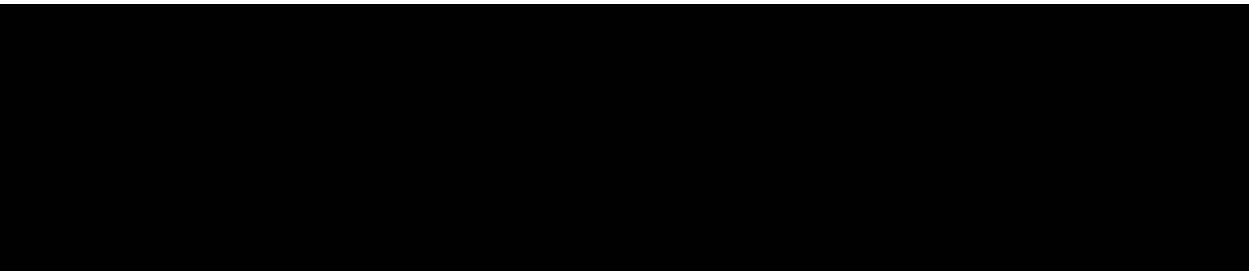
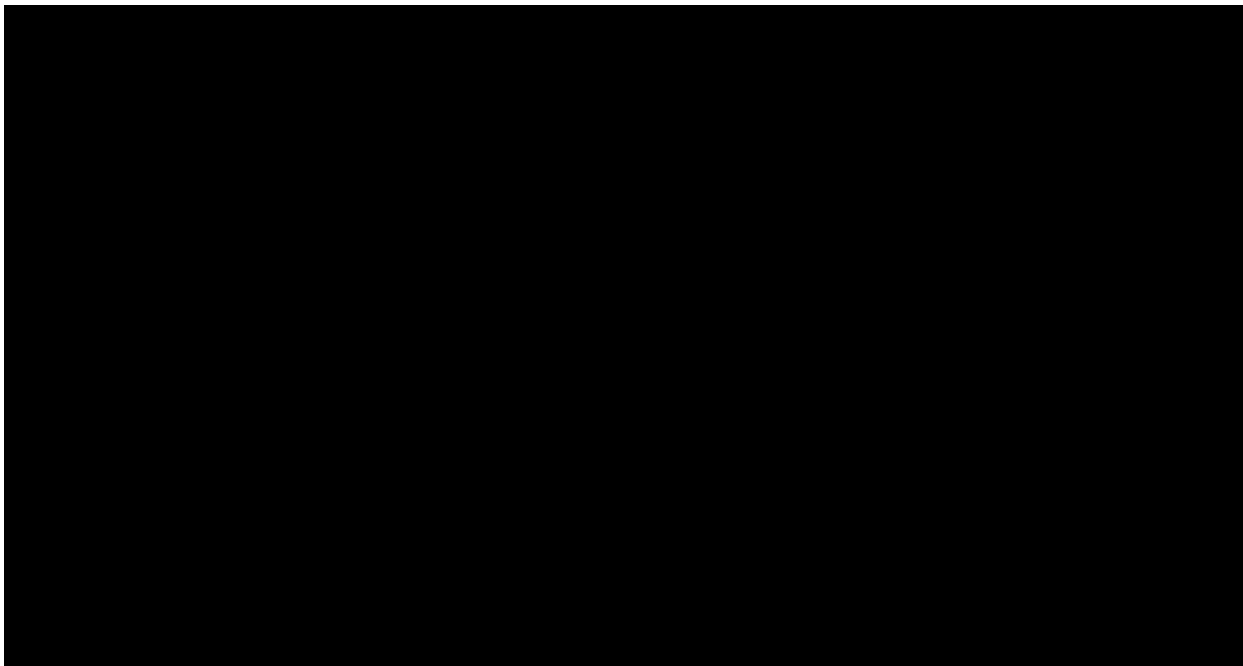
(Private Session)

ICC-01/12-01/18

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End of sight translation line 655.

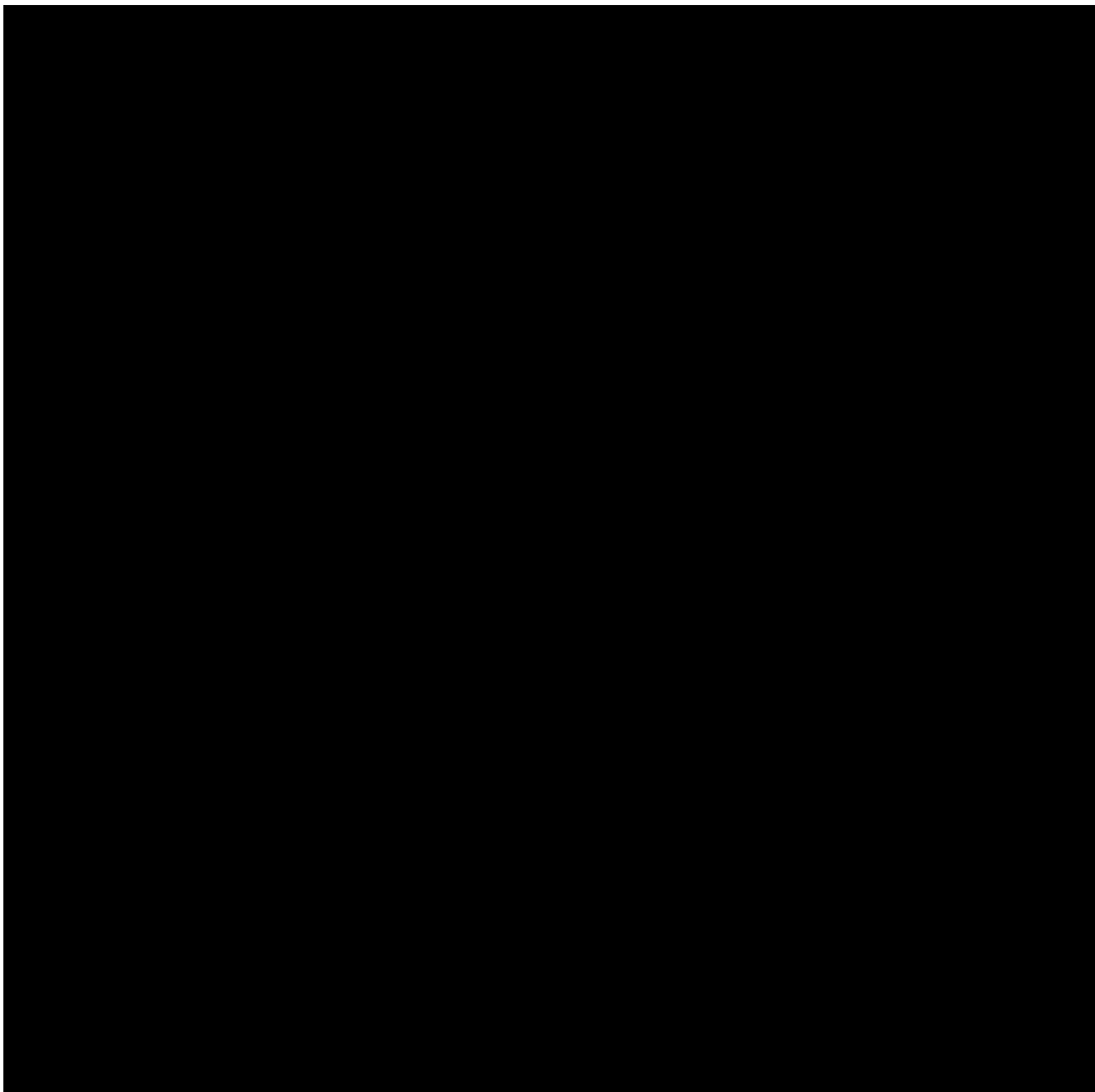


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(Private Session)

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19 PRESIDING JUDGE MINDUA: [15:32:37](Interpretation) Madam Prosecutor.

20 MS LUPING: [15:32:38] Mr President, your Honours, I didn't want to interrupt the
21 witness in the response. It's just that now we don't have the timestamps for the
22 person that the -- that Defence counsel suggests was [REDACTED] If we could just
23 have those images, those precise images shown to the witness and the timestamps, for
24 the record. Because at the moment, we have no indication on the record as to who
25 he's referring to. That was all. I didn't want to interrupt at that point in time.

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(Private Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [15:33:15](Interpretation) Yes, indeed,

2 Madam Prosecutor.

3 Ms Taylor.

4 MS TAYLOR: [15:33:17] I'm not sure that this is an issue in dispute. But we can do
5 so.

6 We're playing -- Mr Witness, if you could raise your hand. We're playing [REDACTED]

7 (Viewing of the video excerpt)

8 MS TAYLOR: [15:35:00] We can stop.

9 Q. [15:35:02] [REDACTED]

10 A. [15:35:09] [REDACTED]

11 Q. [15:35:12] Now I'm going to show other extracts from the video which I think
12 are more pertinent.

13 Before doing so, if I can refer to Defence tab 226.

14 PRESIDING JUDGE MINDUA: [15:35:31](Interpretation) Madam Prosecutor.

15 MS LUPING: [15:35:33] Mr President, it's just that in the precise video excerpt that
16 we've looked at, [REDACTED] And it's just a question for the record.

17 Otherwise, later on, it's going to be extremely difficult to go through this.

18 If we can have precise timestamps being given as we go. I do believe that we're
19 probably talking about an earlier timestamp [REDACTED] that's the one that Defence
20 counsel is wishing to show. Not in the excerpt we've just had played to the witness.

21 MS TAYLOR: [15:36:03] Mr President, I'm not wishing to show anything.

22 MS LUPING: [15:36:07] Just to be ... Sorry.

23 [REDACTED]

24 [REDACTED]

25 So why not provide the timestamp.

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(Private Session)

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PRESIDING JUDGE MINDUA: [15:36:44](Interpretation) Very well. Then in that case, let us move forward.

MS TAYLOR: [15:36:47]

Q. [15:36:47] Now, Mr Witness, I'm referring to a document that should not be shown to you. It's a document which is Defence tab 226. It's

MLI-OTP-0035-0918-R02. It should not be shown on the screen. I'm going to refer to a specific point. It's on page 0920.

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(Private Session)

ICC-01/12-01/18

1 Q. [15:38:37] I'm going to play to -- actually, before doing so.

2 Now, this document, which is this note, it's page 0921, it mentions that [REDACTED] had
3 collected evidence or information regarding Al Mahdi that suggests that he was head
4 of the Islamic police.

5 Now, Mr Witness, based on your interactions with locals and NGOs, did they
6 continue to confuse the Islamic police with the morals brigade?

7 A. [15:39:42] Honestly, I wouldn't be able to tell you because I didn't talk to either
8 an NGO or any organisation whatsoever with regard to the -- a combatant being a
9 member of such-and-such an organisation or not. [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 Q. [15:40:23] I'm going to play the same video without sound from 15 --

13 PRESIDING JUDGE MINDUA: [15:40:32](Interpretation) One minute, Ms Taylor.
14 The Chamber will confer briefly.

15 (Trial Chamber confers)

16 PRESIDING JUDGE MINDUA: [15:41:47](Interpretation) Ms Taylor, I believe that
17 for this video, the Chamber is sufficiently enlightened and we need to move on to
18 something else and especially move back into open session. That is our decision.
19 Mr Courtroom Officer, open session, please.

20 (Open session at 3.42 p.m.)

21 THE COURT OFFICER: [15:42:27] We are back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [15:42:36](Interpretation) Thank you very much,
23 Mr Courtroom Officer.
24 Ms Taylor.

25 MS TAYLOR: [15:42:42] Mr President, the Defence indicated that it was going to see

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(Open Session)

ICC-01/12-01/18

1 if this witness had interactions with the more pertinent members of the delegation.

2 Now, I can play that video in open session without sound, but I do believe that's a
3 more pertinent issue that we should be able to put to this witness.

4 PRESIDING JUDGE MINDUA: [15:43:08](Interpretation) Ms Taylor, you see that
5 the Chamber conferred, deliberated and said that it has been sufficiently enlightened.
6 And that is our decision, so please move on to something else.

7 MS TAYLOR: [15:43:23] Mr President, may we briefly cut off the sound to the
8 witness?

9 PRESIDING JUDGE MINDUA: [15:43:32](Interpretation) Now, you are
10 answering -- you're obliging me to answer you on -- for the third time to explain to
11 you that the Chamber has already ruled. The Chamber has already ruled. Move on
12 to something else.

13 MS TAYLOR: [15:43:49] Thank you, Mr President, but I note that that's preventing
14 us from raising issues that are in other parts of the video that have not been
15 addressed at this point and which are relevant to future witnesses.

16 Now, if we could go to Defence tab --

17 PRESIDING JUDGE MINDUA: [15:44:10](Interpretation) Ms Taylor, your remark is
18 disobliging for the Chamber. This Chamber comprises, as you can see, people who
19 have a great deal of experience. Now, this is the fourth time that I am reminding
20 you that you are commenting on a ruling on our part. Move on to something else
21 without any commentary.

22 MS TAYLOR: [15:44:40] If we could go to Defence tab 174. It shouldn't be shown
23 to the public. It's [REDACTED] It's a post, dated 30 August 2015.

24 Q. [15:45:20] Mr Witness, can you see that on your screen? It will not be shown to
25 the public.

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(Open Session)

ICC-01/12-01/18

1 THE COURT OFFICER: [15:45:44] Your Honours, we have a technical issue. We've
2 lost connection with the country office. The technicians are looking into it.

3 PRESIDING JUDGE MINDUA: [15:46:04](Interpretation) Yes, indeed.

4 THE COURT OFFICER: [15:46:12] Your Honours, the connection has been
5 re-established.

6 PRESIDING JUDGE MINDUA: [15:46:17](Interpretation) We have the witness again,
7 so everything is back in order.

8 So, Mr Courtroom Officer, Ms Taylor was asking for us to show a document.

9 Is that correct? I don't see it.

10 THE COURT OFFICER: [15:46:40] The document is on the evidence 1 channel and
11 it's currently being broadcast to the witness only.

12 PRESIDING JUDGE MINDUA: [15:46:46](Interpretation) Very well. Let's go
13 ahead.

14 Ms Taylor.

15 MS TAYLOR: [15:46:49]

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25 PRESIDING JUDGE MINDUA: [15:48:00](Interpretation) Yes, indeed.

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MLI-OTP-P-0654

(Private Session)

ICC-01/12-01/18

1 Mr Courtroom Officer, private session, please.

2 (Private session at 3.48 p.m.)

3 THE COURT OFFICER: [15:48:07] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [15:48:16](Interpretation) Thank you very much,

5 Mr Courtroom Officer.

6 Mr Witness, please answer the question.

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

11 A. [15:48:42] [REDACTED]

12 [REDACTED]

13 [REDACTED] These are actors.

14 Now, to the right, you have the president of -- wearing green with a white cap. He's

15 the local president of the [REDACTED] opposite whom is the executive director of ... What's

16 the name of that organisation again? It's a human rights organisation.

17 Q. [15:49:45] Is it [REDACTED]

18 A. [15:49:52] No, it's not [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q. [15:50:35] And did victims of the crisis also attend these - [REDACTED]

24 A. [15:50:42] No. [REDACTED] This -- these are [REDACTED]

25 [REDACTED] men who were to gather information on the situation of

Trial Hearing
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(Private Session)

ICC-01/12-01/18

1 human rights violations.

2 Q. [15:51:12] What do you mean [REDACTED]

3 Were the notions of human rights discussed?

4 A. [15:51:29] Yes, of course. This means that these men and women are part of

5 civil society. They need to learn how to gather information that is relative to a

6 violation of human rights. [REDACTED] There are a number

7 of NGOs present. There are associations, such as [REDACTED] and there were also

8 media representatives' present. There were women's associations present.

9 [REDACTED]

10 Q. [15:52:17] I'm going to refer to a quote from a Prosecution witness. It's

11 transcript [REDACTED] And the witness stated:

12 [REDACTED]

13 Well, this is the transcript, rather.

14 [REDACTED]

15 PRESIDING JUDGE MINDUA: [15:52:39](Interpretation) Ms Taylor, I do apologise.

16 Are we continuing in private session or can we move back into public session?

17 MS TAYLOR: [15:52:56] Mr President, this is from a confidential transcript, I

18 believe.

19 PRESIDING JUDGE MINDUA: [15:52:59](Interpretation) Very well. Then please

20 continue.

21 MS TAYLOR: [15:53:02] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] At the dialogue, the notion of

25 human rights was introduced, and as part of that, a victim's right to justice. [The

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1 organisation] focused ... their presentation around the rights of women and the legal
2 framework around protecting women. The participants reported appreciating an
3 open space for dialogue on how the crisis has affected their communities and to ask
4 questions, as well as the documents provided to them [...] on the various
5 human rights laws and conventions. They also reported feeling a heightened sense
6 of solidarity with the mayor's office, knowing that by endorsing the event, authorities
7 were aware of their situation and in favour of justice for victims.

8 [REDACTED] [the organisation] --"

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] [The

12 organisation] held these sessions in order to systematise follow-up with victims after
13 their interviews and at these sessions, [...] staff reviewed many of the elements
14 included in previous gatherings [...] description of basic human rights concepts,
15 mechanisms for protection, legal framework for human rights protection in Mali, ...)
16 but also focused more on building cohesion amongst victims."

17 "Mr Witness, are you familiar with these two meetings on the [REDACTED]

18 [REDACTED]?"

19 Answer: "Yes, counsel."

20 Now, Mr Witness, I've just referred to a description of two meetings [REDACTED]

21 [REDACTED] which were attended by

22 community leaders, victims, family members of victims, and civil society activists.

23 Are you familiar with these meetings?

24 A. [15:55:38] Yes, but this has nothing to do with the images here. [REDACTED]

25 [REDACTED]

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1 meeting was with the victims. I wasn't present, but I heard that it was held [REDACTED]

2 [REDACTED]

3 Q. [15:56:25] Did the description I read -- I read out correspond to what you heard
4 at the time and what you saw?

5 PRESIDING JUDGE MINDUA: [15:56:39](Interpretation) Madam Prosecutor.

6 THE WITNESS: [15:56:40](Interpretation) I know nothing about [REDACTED] I know
7 that it is an NGO like any other NGO.

8 PRESIDING JUDGE MINDUA: [15:56:47](Interpretation) Yes, Madam Prosecutor.

9 Over to you.

10 MS LUPING: [15:56:50](Overlapping speakers) Mr President, it's just again, a
11 question of fairness to the witness. An extremely large portion of another witness's
12 testimony has been read to him. He has also now stated that where it concerned a
13 meeting of the victims, he wasn't present. And now he's being asked in a very
14 general way if the description accords with what he might have heard or seen
15 himself.

16 Well, he's -- he's stated he wasn't present.

17 If there's a specific portion of the testimony that Defence counsel wishes to put to the
18 witness, only that precise section should be read. Not an extremely long passage,
19 and then a very general broad question: Does all of that correspond to what you
20 might have heard from somebody else?

21 PRESIDING JUDGE MINDUA: [15:57:36](Interpretation) Ms Taylor.

22 MS TAYLOR: [15:57:38] Mr President, I'm hoping we can finish today. But I do
23 have two more pages of questions.

24 Now, if I can get through those questions quickly, then we can finish today.

25 Now, the witness has stated that he remembers a meeting [REDACTED] I can

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1 repeat the transcript and ask him about that specific meeting, or I can ask him:

2 Mr Witness, does that correspond -- are you referring to the meeting on [REDACTED]

3 [REDACTED]

4 So I can break it down. But I think it would be helpful if we can finish today.

5 PRESIDING JUDGE MINDUA: [15:58:15](Interpretation) There we are. Yes,

6 indeed. So recompose or decompose the question, as you say.

7 MS TAYLOR: [15:58:32]

8 Q. [15:58:32] Mr Witness, you've referred to a meeting at [REDACTED]

9 Who attended that meeting?

10 A. [15:58:46] [REDACTED] No. I don't remember the

11 date. [REDACTED]

12 [REDACTED] that's all.

13 Q. [15:59:19] Do you recall how many people attended this meeting?

14 A. [15:59:34] Not at all. [REDACTED]

15 [REDACTED] I don't know how many people they

16 invited and where they came from. I do not recall.

17 Q. [15:59:49] Now, if we can turn to another document. I believe we can try and
18 go through these in open session.

19 PRESIDING JUDGE MINDUA: [16:00:02](Interpretation) Open session, courtroom
20 officer.

21 (Open session at 4.00 p.m.)

22 THE COURT OFFICER: [16:00:24] Your Honours, we are back in open session.

23 PRESIDING JUDGE MINDUA: [16:00:27](Interpretation) Thank you very much.

24 Ms Taylor.

25 MS TAYLOR: [16:00:29] If we can bring up a post, dated 24 February 2017 and not

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1 show it to the public. It's [REDACTED] tab 186, Defence tab 186. And it
2 shouldn't be shown to the public.

3 And Mr Witness, we're in open session.

4 Q. [16:01:24] Mr Witness, this post refers to a forum in Bamako organised by

5 [REDACTED]

6 Do you it in front of you?

7 A. [16:01:43] Yes.

8 Q. [16:01:47] Were you present during this event?

9 A. [16:01:48] Yes.

10 Q. [16:01:53] [REDACTED]

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

14 (Speaks English)(Overlapping speakers) Is that correct?

15 A. [16:02:12] Yes. Yes. That's correct.

16 Q. [16:02:18] If we can turn to tab 185. It's MLI- -- (Overlapping speakers)

17 PRESIDING JUDGE MINDUA: [16:02:39](Interpretation) Ms Taylor, I'm looking at
18 the clock. You mentioned the possibility of finishing today.

19 How much time do you need to finish today?

20 MS TAYLOR: [16:02:52] Mr President, if we could have 20 minutes, I believe we can
21 finish. If that's -- if the witness is willing, that means we could finish today.

22 PRESIDING JUDGE MINDUA: [16:03:14](Interpretation) Courtroom officer, please
23 check with the various services.

24 THE COURT OFFICER: [16:03:17] Your Honours, I have notified my colleagues, and
25 I do believe that we will be able to support the extended -- slightly extended session.

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(Open Session)

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- 1 Thank you.
- 2 PRESIDING JUDGE MINDUA: [16:03:29](Microphone not activated)
- 3 THE INTERPRETER: [16:03:30] Microphone, please. Microphone, please.
- 4 PRESIDING JUDGE MINDUA: [16:03:36](Interpretation) Mr Witness, can you hear
- 5 me?
- 6 THE WITNESS: [16:03:40](Interpretation) Yes. I hear you.
- 7 PRESIDING JUDGE MINDUA: [16:03:43](Interpretation) We would like to extend
- 8 this session for another 20 minutes and conclude your testimony today.
- 9 Does that suit you?
- 10 THE WITNESS: [16:03:52](Interpretation) Yes, as long as you allow for a bit of a
- 11 break.
- 12 PRESIDING JUDGE MINDUA: [16:03:58](Interpretation) You need the break now?
- 13 THE WITNESS: [16:04:02](Interpretation) Yes.
- 14 PRESIDING JUDGE MINDUA: [16:04:03](Interpretation) Very well. A five-minute
- 15 break. You have a five-minute break. You are excused.
- 16 THE WITNESS: [16:04:13](No interpretation)
- 17 THE INTERPRETER: [16:04:14](Inaudible)
- 18 (The witness exits the video-link room)
- 19 (Pause in proceedings)
- 20 (The witness enters the video-link room)
- 21 THE WITNESS: [16:07:26](Interpretation) Thank you, your Honour.
- 22 PRESIDING JUDGE MINDUA: [16:07:28](Interpretation) You're most welcome.
- 23 Counsel, the witness is back with us.
- 24 MS TAYLOR: [16:07:35]
- 25 Q. [16:07:35] Now, Mr Witness, can you see the document on your screen? I

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1 believe we're in open session.

2 PRESIDING JUDGE MINDUA: [16:07:50](Interpretation) We are in open session,
3 but the document should not be displayed to the public.

4 MS TAYLOR: [16:07:59] Exactly.

5 Q. [16:08:18] Mr Witness, were you present during this meeting?

6 A. [16:08:22] Yes. I remember that.

7 Q. [16:09:13] And were the events of 2012 discussed?

8 A. [16:09:18] Yes. They were touched upon.

9 Q. [16:09:28] And were other victims' associations present?

10 A. [16:09:32] I don't know, but I -- I hear -- well, I just set the stage. And then the
11 various act- -- for the activities that were going to be going on during the meeting.

12 Q. [16:10:03] If we could bring up Defence tab 175. That's [REDACTED]

13 [REDACTED]
14 [REDACTED]

15 Do you have that in front of you, Mr Witness?

16 And I believe it would be necessary to also show page 7053, which has the
17 description.

18 A. [16:10:47] Yes. I have the image in front of me.

19 Q. [16:10:54] And do you have the description in front of you, Mr Witness? It
20 refers to:

21 (Interpretation) [REDACTED]

22 (Speaks English) Were you present during this meeting?

23 A. [16:11:30] Yes. [REDACTED]

24 Q. [16:11:37] Were the events of 2012 discussed?

25 A. [16:11:40] Perhaps during the breakout groups [REDACTED]

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1 was interested in the recommendations and the purpose of the meeting itself. [REDACTED]

2 [REDACTED]

3 Q. [16:12:03] Was this meeting attended by victims from 2012? Any of the locals?

4 A. [16:12:11] Yes. I can see some local people here, but I don't know whether they
5 were part of victims' associations or not.

6 Q. [16:12:25] In 2017, were you in contact with [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [16:12:53] Yes. Were you in contact in 2017 with a member of his family?

10 A. [16:13:03] Well, it was in 2017 that --

11 THE INTERPRETER: [16:13:10] Inaudible.

12 THE WITNESS: [16:13:13](Interpretation) -- died. That was before 2017. That is

13 when I was in contact the -- with the father, with the father. The father, the old man,
14 he -- he died in 2017, I believe.

15 MS TAYLOR:

16 Q. [16:13:34] Mr Witness, if I can just refer to an extract from your statement. This
17 is tab 2, OTP tab 2. It's MLI-OTP-0056-0344, at 0354, looking specifically -- paragraph
18 48. If that could be shown to the witness.

19 Mr Witness, do you have that in front of you?

20 It should be shown on evidence 1 but not to the public.

21 A. [16:14:56] Yes. I can see it up on the screen. Yes.

22 MS TAYLOR: [16:15:00] I'm not sure the right thing's on the screen. It should be
23 OTP tab 2, MLI-OTP-0056-0344, at page 0354.

24 THE COURT OFFICER: [16:15:19] May I kindly ask which version. RO1 or RO2?

25 MS TAYLOR: [16:15:23] RO2.

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1 Q. [16:15:41] Now, Mr Witness, we're looking specifically at paragraph 48.

2 Do you have that in front of you?

3 A. [16:15:49] Yes. I can see the document. I see it.

4 Q. [16:16:09] And, Mr Witness, according to this paragraph, it states:

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 A. [16:16:56] Yes.

10 Q. [16:17:02] How did you meet this individual?

11 A. [16:17:06] He is in the city of Timbuktu.

12 PRESIDING JUDGE MINDUA: [16:17:24](Interpretation) Ms Prosecutor.

13 MS LUPING: [16:17:25](Overlapping speakers) Mr President, I'm just noting that
14 we've had to ask for a number of redactions. Could we request, if there are going to
15 be any more questions related to any types of discussions like this, that they be done
16 in private session.

17 MS TAYLOR: [16:17:38] I'm about to ask to go into private session.

18 PRESIDING JUDGE MINDUA: [16:17:46](Interpretation) Private session, courtroom
19 officer.

20 (Private session at 4.17 p.m.)

21 THE COURT OFFICER: [16:17:51] We are in private session, Mr President.

22 PRESIDING JUDGE MINDUA: [16:18:07](Interpretation) Thank you very much.
23 Ms Taylor.

24 MS TAYLOR: [16:18:18]

25 [REDACTED]

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3 THE INTERPRETER: [16:18:52] Interpreter note: The answer began with: "Well,
4 the rumor was going around. [REDACTED]

5 MS TAYLOR:

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24 A. [16:24:54] Yes, I know that person.

25 Q. [16:24:57] And did you meet with him

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2 A. [16:25:09] The three of us? No, I met him alone.

3 Q. [16:25:17] Mr Witness, I'm going to refer to a transcript. [REDACTED] It's

4 page 25. It's lines 3 to 8. And this individual said:

5

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10 Does this refresh your memory, Mr Witness? Do you recall having a meeting with

11

12 A. [16:26:49] It wasn't a meeting with three people. Myself, during a mission here
13 in Bamako, he called me and he said that --

14 THE INTERPRETER: [16:27:05] Inaudible.

15 THE WITNESS: [16:27:05](Interpretation) -- wanted to meet with me. I said that I

16 had a very busy schedule, but I could give you some -- I could give him some time.

17 Come to my address and I'll find some spot in my schedule to talk. So he came. I

18 [REDACTED] and that's where we had a chat. There was no
19 third person.

20 Now, what you read is quite clear. It says that there were discussions [REDACTED]

21 [REDACTED] That doesn't mean that he met with us together. He might

22 have -- he met with me and perhaps in a parallel fashion with the other person. It
23 was not a meeting with three people.

24 Q. [16:27:54] Mr Witness, you said, "He called me and he said he wanted to meet

25 with me. I said I had a very busy schedule, but I could give him some time."

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1 Who was the "he" here? Who called you?

2 A. [16:28:11] [REDACTED]

3 Q. [16:28:21] And did you discuss the events of 2012 with him?

4 A. [16:28:29] Yes, we talked about - [REDACTED]

5 [REDACTED] We talked a little bit about
6 everything, 2012, 2013, the retaking of the city. We talked about everything.

7 Q. [16:29:07] Now, Mr Witness, have you discussed the events of 2012 with [REDACTED]
8 [REDACTED] in the last couple of years?

9 A. [16:29:20] He and I? No, I don't remember. Not in the last two years.

10 Q. [16:29:34] When was the last time that you recall discussing these events with
11 him?

12 A. [16:29:45] Personally, I never seek-ed him out to talk to him about the past or
13 what was done. [REDACTED]

14 [REDACTED] I
15 can't talk to him about the past. The past is not of any interest. [REDACTED]

16 [REDACTED]
17 [REDACTED]

18 Q. [16:30:55] Mr Witness, I believe it's just a slight wording issue.

19 [REDACTED]
20 [REDACTED] That's correct?

21 A. [16:31:09] Yes, I'm talking about myself. I said currently. [REDACTED]

22 [REDACTED]
23 [REDACTED]

24 [REDACTED] There we are.

25 Q. [16:31:48] Now, Mr Witness, apart from the ICC Prosecution, did you discuss

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1 your testimony with anyone else before you came here to testify?

2 A. [16:32:07] I never talked to anybody else about my testimony. At no moment
3 in time, nobody else.

4 MS TAYLOR: [16:32:15] Mr President, I don't have any further questions.

5 Thank you very much, Mr Witness. I wish you a safe and healthy return to
6 Timbuktu.

7 THE WITNESS: [16:32:25](Interpretation) Thank you.

8 PRESIDING JUDGE MINDUA: [16:32:30](Interpretation) Thank you very much,
9 Ms Taylor.

10 I'd like to also thank you because you talked about possibly finishing off tomorrow,
11 but you did your very best to finish your cross-examination today. That's very good.
12 Mr Courtroom Officer, we shall go back into open session, and then we shall wrap up
13 for today.

14 (Open session at 4.32 p.m.)

15 THE COURT OFFICER: [16:32:59] We're back in open session, Mr President.

16 PRESIDING JUDGE MINDUA: [16:33:05](Interpretation) Thank you very much,
17 Mr Courtroom Officer.

18 Now, Mr Witness, finally we have reached the end of your testimony.

19 THE WITNESS: [16:33:18](Interpretation) Thank you.

20 PRESIDING JUDGE MINDUA: [16:33:20](Interpretation) On behalf of the Chamber,
21 I would like to very sincerely thank you for having answered the questions in a very
22 clear and precise manner. I'd also like to underscore how patient you have been, not
23 only during the examination-in-chief, but also and especially during the
24 cross-examination. Really, you do have our congratulations. I'd like to wish you
25 good luck for your further activities.

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1 THE WITNESS: [16:34:04](Interpretation) Thank you very much.

2 PRESIDING JUDGE MINDUA: [16:34:07](Interpretation) Now, as we don't have
3 much time left, I'd like to thank the parties and participants, the court reporters, the
4 interpreters, the security guards and the public.

5 Now, we shall continue with our next witness at 9.30 tomorrow morning,

6 Witness -- OTP Witness P-0639.

7 I can see the Prosecutor on her feet.

8 What's going on?

9 MR DUTERTRE: [16:34:38](Interpretation) Yes, Mr President, your Honours. Quite
10 briefly, now, we can start P-639 tomorrow. However, the log was only disclosed
11 today at about 12.51, so there will be less than 24 hours if we start tomorrow at 9.30,
12 which is the normal time limit for the Defence. So we can start at the beginning of
13 the afternoon, but I am in the hands of the Chamber and if there are any observations
14 on the part of the Defence. So the log is not very long.

15 PRESIDING JUDGE MINDUA: [16:35:17](Interpretation) In that case, then,
16 Ms Taylor will have made all this effort for nothing to -- to wrap up this evening.
17 What do you think, Ms Taylor? Can we start tomorrow morning?

18 MS TAYLOR: [16:35:27] Mr President, this witness will be examined by my
19 colleague, Ms Sutherland. I do understand that the examination-in-chief is a
20 shortened examination-in-chief, which means that cross-examination will start almost
21 after an hour.

22 Now, we have reviewed the log and I'm not going into details, but there are
23 differences in it. So I do believe that it would be difficult to start cross-examination
24 tomorrow morning. So I do believe that if we could perhaps have the
25 examination-in-chief tomorrow afternoon and the cross-examination on Wednesday.

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1 PRESIDING JUDGE MINDUA: [16:36:13](Interpretation) I can see the Prosecutor on
2 his feet again.

3 Mr Duterte.

4 MR DUTERTRE: [16:36:16](Interpretation) Yes, to enlighten the Chamber, we shall
5 not use the full one hour of time for the examination-in-chief. It will be quite brief,
6 and it shall have a bearing on corrections. And this is a note of corrections that the
7 Defence will be in a position to accept, I believe. So it will be very rapid.
8 So in theory, the cross-examination will be able to start very rapidly after the
9 examination-in-chief.

10 PRESIDING JUDGE MINDUA: [16:36:45](Interpretation) Ms Taylor, so you would
11 like the examination-in-chief to commence in the afternoon and you will be able to
12 start your cross-examination in the same afternoon and wrap up in said same
13 afternoon?

14 Is that correct?

15 MS TAYLOR: [16:37:10] Mr President, no. That's not correct. I believe this may
16 be a Rule 68 witness where the cross-examination time is not the same as the
17 examination-in-chief time. So, again, as I've mentioned, this is not my witness. It's
18 my colleague, Maître Sutherland, who's questioning this witness. But as the
19 Chamber is aware, under Rule 68, the examination-in-chief might be one hour, but the
20 cross-examination might be several hours.

21 So, again, this is not my witness. But I don't believe it would be possible or feasible
22 to complete all of it tomorrow afternoon.

23 PRESIDING JUDGE MINDUA: [16:37:52](Interpretation) Very well. Mr Duterte.

24 MR DUTERTRE: [16:37:55](Interpretation) Well, we are entirely in the hands of the
25 Chamber. We will start when the Chamber tells us to do so.

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1 Now, secondly, this second PCR test for which the witness has to inform the Chamber,
2 I don't think he has done so yet. And that could have an impact on the Chamber's
3 decision.

4 PRESIDING JUDGE MINDUA: [16:38:13](Interpretation) Ms Taylor.

5 MS TAYLOR: [16:38:16](Overlapping speakers) this witness -- oh, so I'm simply
6 asking if this witness can be released; that's all. As he's still sitting here while we're
7 discussing this. That's all.

8 PRESIDING JUDGE MINDUA: [16:38:25](Interpretation) Yes, indeed.

9 Mr Witness, so we shall take leave of you, and, once again, thank you very much, and
10 good luck.

11 THE WITNESS: [16:38:34](Interpretation) Thank you.

12 (The witness is excused)

13 PRESIDING JUDGE MINDUA: [16:39:00](Interpretation) Ms Taylor, the Chamber
14 would like to start tomorrow at 9.30. We're here to work, are we not, not to be on
15 holiday.

16 Mr Prosecutor, 9.30 tomorrow morning. Is that okay for you?

17 MR DUTERTRE: [16:39:18](Interpretation) Yes, indeed, Mr President. Absolutely.

18 PRESIDING JUDGE MINDUA: [16:39:19](Interpretation) Ms Taylor.

19 MS TAYLOR: [16:39:20](Overlapping speakers) Thank you, Mr President.

20 I would just like to respectfully note that the right of the Defence to have adequate
21 time and facilities to react to a preparation log disclosed after midday is not us having
22 a holiday. It's us trying to exercise our rights.

23 PRESIDING JUDGE MINDUA: [16:39:38](Interpretation) Very well. It is 16.40 now.
24 We shall adjourn.

25 And before the end of the day, that is to say, 6 p.m., you will have the decision from

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- 1 the Chamber as to whether we start tomorrow morning at 9.30 or at 2.30. That's
- 2 right.
- 3 So we shall now adjourn.
- 4 Court is adjourned.
- 5 THE COURT USHER: [16:40:09] All rise.
- 6 (The hearing ends in open session at 4.40 p.m.)