

Trial Hearing
WITNESS: MLI-OTP-P-0010

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 1
9 Wednesday, 9 September 2020
10 (The hearing starts in open session at 2.32 p.m.)
11 THE COURT USHER: [14:32:17] All rise.
12 International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [14:32:55](Interpretation) Court is in session.
15 Good afternoon to everyone.
16 Courtroom officer, could you please call the case.
17 THE COURT OFFICER: [14:33:12] Good afternoon, Mr President, your Honours.
18 The situation in Mali, in the case The Prosecutor versus Mr Al Hassan, ICC reference
19 ICC-01/12-01/18.
20 And we are in open session.
21 PRESIDING JUDGE MINDUA: [14:33:30](Interpretation) Thank you.
22 Welcome to all. We shall start, as usual, with, with the presences. I would request
23 that the representative of the offices of the Prosecution please introduce themselves
24 and the members of his team.
25 MS YAMAGUCHI: [14:33:55] Thank you, Mr President.

1 From the back, today the Prosecution is represented by Mr Gilles Dutertre;
2 Lucio Garcia, just behind me; and myself, Yayoi Yamaguchi. Thank you.
3 PRESIDING JUDGE MINDUA: [14:34:16](Interpretation) Thank you, Madam
4 Prosecutor.
5 I would like to now turn to the Defence.
6 Ms Taylor, please, could you please introduce yourself for the record and the
7 members of your team as well. Thank you.
8 MS TAYLOR: [14:34:27] Good afternoon, Mr President, your Honours, and everyone
9 in and outside of the courtroom. My name is Melinda Taylor, I am appearing on
10 behalf of Mr Al Hassan today with Ms Molly Thomas and with Ms Dolly Chahla.
11 Thank you.
12 PRESIDING JUDGE MINDUA: [14:34:50](Interpretation) Thank you very much,
13 Ms Taylor.
14 Now I shall turn to the Legal Representative for Victims, please.
15 Mr Kassongo, could you please introduce yourself and the members of your team.
16 MR KASSONGO: [14:35:03](Interpretation) Thank you, your Honour.
17 Your Honours, the Legal Representative for Victims team is not modified in any
18 respect today. I am accompanied by Madam Prisque Dipanga and myself,
19 Mr Kassongo. Thank you.
20 PRESIDING JUDGE MINDUA: [14:35:21](Interpretation) Thank you very much,
21 Mr Kassongo.
22 This afternoon I note that we do not have any issues, any procedural issues to resolve,
23 so we shall immediately commence with the testimony of the witness.
24 But before doing so, I would like to welcome our witness, the witness called by the
25 OTP, Mr P-0010, Mr David Blair.

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1 The witness is not here with us in the courtroom, he will be testifying from afar, from
2 a distant location.

3 Mr Blair, can you hear me?

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5 (The witness speaks English)

6 (The witness gives evidence via video link)

7 THE WITNESS: [14:36:14] Yes, I can, your Honour.

8 PRESIDING JUDGE MINDUA: [14:36:19](Interpretation) Thank you very much.

9 On behalf of the Chamber I would like to welcome you. You shall be testifying with
10 a view to helping the Chamber uncover the truth with regarding to the case involving
11 Mr Al Hassan.

12 I shall now read to you the solemn undertaking according to Rule 66. I can see that
13 on your table in front of you, you have a white piece of paper. Is that the solemn
14 undertaking?

15 THE WITNESS: [14:36:58] No, it is not.

16 PRESIDING JUDGE MINDUA: [14:36:59](Interpretation) You have a representative
17 by your side, a representative of the Court, I believe.

18 THE WITNESS: [14:37:16] I do, yes.

19 PRESIDING JUDGE MINDUA: [14:37:20](Interpretation) The representative of the
20 Court has given a piece of paper to you on which is written the solemn undertaking
21 which you shall utter.

22 THE WITNESS: [14:37:34] I think someone is looking for it, I don't have it.

23 THE COURT OFFICER: [14:37:36](Via video link) Sorry, your Honour, my name is
24 Kyle James, I'm the acting court officer. We have received no solemn undertaking.
25 We were informed during the court familiarisation that it would be repeated back by

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1 David, it would be said to him and he'd be repeating it back.

2 PRESIDING JUDGE MINDUA: [14:38:07](Interpretation) Very well, no, no problem,
3 we shall do it that way.

4 So, Mr Witness, you shall now repeat after me: I solemnly declare that I shall speak
5 the truth ...

6 I repeat: I solemnly declare that I shall repeat the truth.

7 THE WITNESS: [14:38:37] I solemnly declare that I shall speak the truth.

8 PRESIDING JUDGE MINDUA: [14:38:42](Interpretation) The whole truth.

9 THE WITNESS: [14:38:45] The whole truth.

10 PRESIDING JUDGE MINDUA: [14:38:49](Interpretation) And nothing but the truth.

11 THE WITNESS: [14:38:53] And nothing but the truth.

12 PRESIDING JUDGE MINDUA: [14:39:00](Interpretation) Thank you very much,
13 Mr Witness.

14 Mr Blair, you are now under oath. The VWU and the representatives of the OTP
15 have already told you how important it is for you to tell the truth. I would like to
16 underscore the fact that, in view of the fact that you have just taken the oath, you are
17 bound to tell the truth and were you to give any false testimony before the
18 International Criminal Court, this would be an offence. Have you understood?

19 THE WITNESS: [14:39:53] Yes, I've understood.

20 PRESIDING JUDGE MINDUA: [14:39:57](Interpretation) Thank you very much,
21 Mr Blair.

22 Now, I have a few practical questions or issues to cover.

23 You should bear in mind that everything that is said in this courtroom is taken down
24 or written by court reporters and simultaneously, simultaneously interpreted into
25 a number of languages by our court interpreters. As a result, it is important to speak

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1 directly into the microphone, to do so in a clear manner and in a slow manner and
2 please only start to speak when the person who is putting a question to you has
3 finished putting said question to you.
4 When a question is put to you, please count to three, in your head, not out loud, in
5 your head before answering the question. This pause is essential to enable us to
6 clearly hear what you have to say and for your statement to be taken down correctly.
7 Of course, if you have any questions, please raise your hand to indicate that you
8 would like to address the Court. Once again, have you understood?
9 THE WITNESS: [14:41:44] Yes, I have.
10 PRESIDING JUDGE MINDUA: [14:41:51](Interpretation) Very well. Thank you
11 very much.
12 We shall now hear your testimony. You shall first be questioned by the Office of the
13 Prosecutor, and then the Defence will cross-examine you. And questions might be
14 put to you by the judges, by the Bench.
15 I would now hand the floor to the representative of the Office of the Prosecutor for
16 the main examination.
17 Over to you.
18 MS YAMAGUCHI: [14:42:33] Thank you, Mr President.
19 QUESTIONED BY MS YAMAGUCHI:
20 Q. [14:42:36] Good afternoon, Mr Witness, we met at a virtual meeting already in
21 preparation for your testimony, but for the record, my name is Yayoi Yamaguchi, and
22 I'll be asking you questions on behalf of the Prosecution today.
23 If you find any of my questions unclear, please do not hesitate to stop me and ask me
24 to rephrase or repeat my question. Okay?
25 A. [14:42:59] (No verbal response)

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1 Q. [14:43:00] I'd like to first ask you some questions relating to your personal and
2 professional background before we discuss your activities relevant to this case.

3 First, for the record, could you please provide us with your full name?

4 A. [14:43:16] David Joseph Blair.

5 Q. [14:43:18] Could you provide us also with your date of birth and place of birth?

6 A. [14:43:26] 14 April 1973, Lilongwe.

7 Q. [14:43:31] What is your current occupation?

8 A. [14:43:34] Civil servant.

9 Q. [14:43:36] And since when do you work as a civil servant?

10 A. [14:43:43] Since 2016.

11 Q. [14:43:46] And what did you do before 2016?

12 A. [14:43:49] I was a journalist.

13 Q. [14:43:53] Did you work for a specific media organisation or were you
14 a freelance journalist?

15 A. [14:44:02] I worked mainly for the Daily Telegraph.

16 Q. [14:44:05] And since when did you work for the Daily Telegraph?

17 A. [14:44:10] From 2002 until 2009, and then from 2011 until 2016.

18 Q. [14:44:20] Thank you. Where were you based for your work at the
19 Daily Telegraph?

20 A. [14:44:26] For most of that time, I was based in London.

21 Q. [14:44:30] Could you please briefly explain the main focus of your work at the
22 Daily Telegraph?

23 A. [14:44:37] From 2011 to 2016 I was the chief foreign correspondent. I was based
24 in London but responsible for covering international stories and travelling as
25 required.

- 1 Q. [14:44:51] Did you travel to Mali at some point?
- 2 A. [14:44:55] I did. I travelled to Mali on three occasions in 2012 and 2013.
- 3 Q. [14:45:09] Which cities in Mali did you go in July 2012?
- 4 A. [14:45:13] In July 2012 I went to Bamako and Ségou.
- 5 Q. [14:45:19] And how long approximately did you stay in Mali on that occasion?
- 6 A. [14:45:25] I believe it was about five or six days.
- 7 Q. [14:45:32] And which cities in Mali did you go during your visit in
- 8 December 2012?
- 9 A. [14:45:39] I believe it was January 2013 and I went to Bamako, Ségou, and some
- 10 places near to Ségou.
- 11 Q. [14:45:52] And how long did you stay in Mali on that occasion?
- 12 A. [14:45:57] I think it was about 10 days.
- 13 Q. [14:46:00] During your third visit to Mali, which cities in Mali did you go?
- 14 A. [14:46:06] I went to Bamako and Timbuktu.
- 15 Q. [14:46:15] And on that occasion how long did you approximately stay in Mali?
- 16 A. [14:46:21] I think it was 11 or 12 days.
- 17 Q. [14:46:24] I would now like to focus on your visit to Timbuktu in 2013. Do you
- 18 recall when exactly you visited Timbuktu in 2013?
- 19 A. [14:46:34] Yes. From 1 until 5 February.
- 20 Q. [14:46:42] And what was the purpose of your visit to Timbuktu?
- 21 A. [14:46:46] The French army had just liberated Timbuktu from its occupiers, Mali
- 22 was an important international story and I was there to cover that story.
- 23 Q. [14:47:03] When you visited Timbuktu, who was controlling the city?
- 24 A. [14:47:09] The French army were in security control of the city.
- 25 Q. [14:47:16] Do you know when they arrived in Timbuktu?

1 A. [14:47:26] I think it was five or six days before I did.

2 Q. [14:47:29] Do you know who controlled Timbuktu before the French forces
3 arrived in Timbuktu?

4 A. [14:47:36] Yes, it was al-Qaeda in the Islamic Maghreb, along with other
5 extremist groups.

6 Q. [14:47:44] And how did you learn about this?

7 A. [14:47:47] I had written about this during my first visit to Mali in July 2012.
8 The capture of northern Mali by the Islamists was a significant international story.

9 Q. [14:48:06] When you visited Timbuktu about five days after the arrival of the
10 French forces, did the Malian government have any effective control over the city?
11 For example, were there functioning police or courts in the city?

12 A. [14:48:23] I don't know about courts. I can't remember seeing any Malian
13 police, but that's not to say that they weren't present.

14 Q. [14:48:35] During your stay in Timbuktu, how did you collect information
15 relevant to your reporting?

16 A. [14:48:43] By speaking to people, by moving around the city, and working with
17 the aid of a local guide.

18 Q. [14:48:53] I will come back to the contacts you had with locals at a later stage in
19 my questioning. You mentioned you were moving around in Timbuktu. Do you
20 recall exactly which places in Timbuktu you visited?

21 A. [14:49:10] I remember going to a variety of places. There was the arrival of
22 President Hollande at Timbuktu airport and then an event for him in the central
23 square in the middle of Timbuktu and also to a mosque, an ancient mosque nearby.
24 I visited a variety of locations, including one that had been used for training purposes
25 by Islamists.

1 Q. [14:49:40] And which part of Timbuktu was this place previously used as
2 a training -- for the training purposes by the jihadist groups located?

3 A. [14:49:54] I don't remember much about its specific location except that it was on
4 the edge of the city and on one side there was, there was open desert.

5 Q. [14:50:06] And how did you learn about the existence of this location?

6 A. [14:50:13] My guide told me about it, and my photographer. I went to
7 Timbuktu with a Daily Telegraph photographer. He visited the location before I did
8 and he also told me about it.

9 Q. [14:50:30] And how do you know that this location had been used for training
10 purposes by jihadist groups?

11 A. [14:50:37] When we -- when we visited the location, we, we encountered
12 somebody who had worked there and who described for us exactly what had
13 happened there. It was also known to my guide that it had been used for training
14 purposes, and I believe my photographer's guide was also aware of that.

15 Q. [14:51:03] You mentioned this person you met at the location who worked at
16 this facility. How do you know that he worked at this facility?

17 A. [14:51:14] He told us that he did. He gave us quite a detailed account of the
18 routine at this facility. And I believe he, he lived very close by.

19 Q. [14:51:27] And did you publish any articles regarding the destroyed -- this
20 location you visited in Timbuktu?

21 A. [14:51:36] Yes, I published two articles, one covering the training activities that
22 went on inside the location, and the second covering a document which we found at
23 the location.

24 Q. [14:51:54] Mr Witness, have you received a binder containing the documents
25 which I would like to show to you during your testimony?

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1 A. [14:52:04] I haven't -- I don't have it in front of me, but I think someone is
2 bringing it now.

3 Thank you.

4 Q. [14:52:21] Please open it.

5 A. [14:53:18] Okay, I now have it.

6 Q. [14:53:19] Thank you. Please turn to tab 17 in this binder.

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

8 MS YAMAGUCHI: [14:53:31] And for us in the courtroom, the ERN of this
9 document is MLI-OTP-0033-2997 and it may be broadcast to the public.

10 THE COURT OFFICER: [14:54:12] It can be seen on evidence channel 1 for everyone.

11 MS YAMAGUCHI: [14:54:20] Thank you, court officer.

12 Q. [14:54:23] This is an article published on the Daily Telegraph on
13 11 February 2013 and is entitled, and I quote, "Timbuktu: al-Qaeda's terrorist training
14 academy in the Mali desert". End of quote.

15 Mr Witness, do you recognise this article?

16 A. [14:54:43] Yes, I do.

17 Q. [14:54:47] And do you recognise the photograph at the beginning of the article?

18 A. [14:54:57] Yes, I remember that was the photograph taken -- one of the
19 photographs taken when we went to the location.

20 Q. [14:55:03] And when you mention "location", that is this former training facility
21 used by the armed groups that occupied Timbuktu; is that correct?

22 A. [14:55:12] Correct.

23 Q. [14:55:14] Do you recall when this photograph was taken?

24 A. [14:55:19] It would have been taken on the day that we visited the facility, which
25 if I recall rightly was 4 February.

1 Q. [14:55:35] And who took this photograph?

2 A. [14:55:38] The photographer I was working with, Will Wintercross. His name
3 is on the photograph.

4 Q. [14:55:48] Apart from the photographer, did anyone else accompany you when
5 you visited this location?

6 A. [14:55:54] Yes, my guide and my photographer's guide.

7 Q. [14:56:00] The caption under the photograph states, and I quote, "Faraj
8 Mohamed Arbi stands outside the building where he worked as a chef for al-Qaeda
9 fighters". Is this the same person you met who lived near the location and who told
10 you that he previously worked at this facility?

11 A. [14:56:26] Correct. And he is also quoted in the article.

12 Q. [14:56:29] Thank you. Did Faraj tell you what types of trainings were
13 conducted in this facility?

14 A. [14:56:42] Yes, to the -- to the best of what he knew. What he said is quoted in
15 the article.

16 Q. [14:56:48] Do you know what this building was used before it became what you
17 referred to as a training facility?

18 A. [14:56:59] I believe it was a facility for a Malian paramilitary unit, the
19 *Gendarmerie Nationale* or some such.

20 Q. [14:57:10] And how do you know that this building had been the headquarters
21 of *Gendarmerie Nationale*?

22 A. [14:57:18] My guide told me. And I believe Mr Arbi told me as well.

23 Q. [14:57:27] Did they also tell you when this was destroyed and by who?

24 A. [14:57:34] Yes. I think the account is given in the article. It had been bombed
25 by the French air force a short time previously. I can't remember exactly how many

1 days previously.

2 Q. [14:57:50] Thank you. Once you arrive at the location did you explore the ruins
3 of this building?

4 A. [14:57:58] Yes. We, we moved around the building. We looked at it from,
5 from every angle that we could and we, and we, we walked on some of the wreckage
6 of the building.

7 Q. [14:58:15] And what did you find in the rubble, wreckage of this building?

8 A. [14:58:22] There were a lot of sheets of paper of -- the scattered pages of
9 documents lying amid the rubble.

10 Q. [14:58:34] Did you collect any of those papers?

11 A. [14:58:38] Yes, we gathered together as many as we could manage, bearing in
12 mind that we didn't want to spend too long at the location and so we, we gathered
13 together what we could.

14 Q. [14:58:55] Were you aware of the contents of these papers at the time when you
15 collected them?

16 A. [14:59:03] No. They were in Arabic, I do not speak or read Arabic, nor does my
17 photographer -- nor did my photographer at that time.

18 Q. [14:59:15] I would now like to ask you some questions about what happened to
19 these documents after you collected them in Timbuktu.

20 When you left Timbuktu did you take those papers you collected from the location
21 you visited with you?

22 A. [14:59:34] Yes, I did.

23 Q. [14:59:37] And where did you go after you visited Timbuktu?

24 A. [14:59:42] I packed the papers in my bag and we travelled from Timbuktu to
25 Bamako. I think the sequence of events of our travel is described in my statement.

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1 And then from Bamako I travelled back to London.

2 Q. [15:00:04] And after you returned to London, where did you store the collected
3 documents?

4 A. [15:00:10] I took them to the office of the Daily Telegraph where they were
5 stored in a safe.

6 Q. [15:00:21] You indicated earlier that when you collected these papers you were
7 not aware of their contents, so when is the first time you became aware of their
8 contents?

9 A. [15:00:35] After I had brought them back to London and we engaged
10 a professional translator to come into the Telegraph office to view the documents, to
11 read them and to apprise me of their, of their contents.

12 Q. [15:00:53] According to the translator you engaged, what was the content of
13 these documents?

14 A. [15:01:00] In most cases they contained religious matters, religious sermons,
15 Koranic verses, most of it downloaded from the internet. And the material of that
16 kind, which was the majority of the material that I brought back, was not of enormous
17 interest to me.

18 Q. [15:01:29] Was there any document which you found to be of interest for your
19 reporting?

20 A. [15:01:34] Yes. In among the documents that we found there was the records of
21 a meeting of the leadership of al-Qaeda in the Islamic Maghreb.

22 Q. [15:01:46] Could you explain briefly why you found this document to be of
23 interest or significance?

24 A. [15:01:54] For two reasons. First of all, it highlighted the names of the leaders
25 of al-Qaeda in the Islamic Maghreb. And secondly, it described their plans, it

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1 described what they intended to do once they had captured northern Mali.

2 Q. [15:02:19] Did you take any steps to protect this particular document from any
3 damage?

4 A. [15:02:26] Yes, I placed it in a plastic folder and it was stored in a
5 Daily Telegraph safe.

6 Q. [15:02:39] Did you make any reporting on this document?

7 A. [15:02:45] Yes, I did, I wrote a story based on that document.

8 Q. [15:02:52] Mr Witness -- there's background noise.

9 Should I proceed?

10 THE COURT OFFICER: [15:03:15] If I may, it's a technical assistant currently
11 adjusting the angle of the camera to prevent any undue publication of confidential
12 information that we might see in open session if he is reading the document that we
13 could see before.

14 So now the sound should be off and the assistant will leave the room. Thank you.

15 MS YAMAGUCHI: [15:03:38] Thank you, court officer.

16 Q. [15:03:41] Mr Witness, please turn to the document under tab 15 in the binder
17 you have.

18 And for us in the courtroom, the ERN is MLI-OTP-0033-1612 and it may be broadcast
19 to the public.

20 Sorry, Mr Witness, it takes a little bit of time for a document to be put on screen.

21 Please bear with us.

22 THE COURT OFFICER: [15:05:06] It's already displaying in our respective screens
23 so maybe someone could assist the witness.

24 All right. Is this document available in hard copy eventually?

25 MS YAMAGUCHI: [15:05:27] Yes, yes. He has it in the binder.

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1 THE COURT OFFICER: [15:05:29] So if you state again the ERN, I guess you will.

2 MS YAMAGUCHI: [15:05:32] Yes.

3 THE COURT OFFICER: [15:05:33] Thank you.

4 MS YAMAGUCHI: [15:05:35] So just for the record, to repeat, the document under
5 tab 15 in the binder the witness has corresponds to the document with the ERN
6 MLI-OTP-0033-1612.

7 Q. [15:05:54] This is an article published on the Daily Telegraph on
8 13 February 2013 and it's entitled, and I quote, "Mali: Telegraph finds al-Qaeda plan
9 in Timbuktu". End of quote.

10 Mr Witness, do you recognise this article?

11 A. [15:06:12] Yes, I wrote it.

12 Q. [15:06:17] Is this the article you wrote about the meeting record of the AQIM
13 leadership which you had found in Timbuktu?

14 A. [15:06:24] Correct.

15 Q. [15:06:33] Please turn -- I am hearing more background noise again.

16 Okay, Mr Witness, please turn to the third page of the article, which corresponds to
17 MLI-OTP-0033-1614.

18 Do you recognise the building depicted in the photograph on this page?

19 A. [15:07:17] Yes, I do.

20 Q. [15:07:19] Could you tell us what this building is?

21 A. [15:07:23] This is the building we've been referring to and it's the building where
22 we found this document.

23 Q. [15:07:31] When was this photograph taken?

24 A. [15:07:36] I, I imagine it would have been 4 February, which is the day that I
25 went to the building.

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1 Q. [15:07:49] And who took this photograph?

2 A. [15:07:51] It was taken by the photographer I was working with,
3 Mr Wintercross.

4 Q. [15:08:00] We can see three persons collecting something from the rubble of
5 this -- in this photograph. Can you tell us who they are?

6 A. [15:08:12] Myself, my guide, and my photographer's guide.

7 Q. [15:08:18] Now please turn to tab 7 in the binder you have.

8 And the ERN is MLI-OTP-002-0756 and it may be broadcast to the public.

9 Mr Witness, do you recognise this document?

10 A. [15:09:46] Yes, this is a representation of the document that we found at that
11 location.

12 Q. [15:09:49] And is this the meeting record of AQIM leadership which you found
13 in Timbuktu and which we have been discussing thus far?

14 A. [15:10:01] Yes, I believe it is.

15 Q. [15:10:03] Next please turn to tab 3 in the binder.

16 And the ERN is MLI-OTP-002-0115 and it may be broadcast to the public.

17 THE COURT OFFICER: [15:10:28] And I address the Prosecution bench. You can
18 easily on evidence channel 1 see when the evidence is displayed so you are sure you
19 can start your questioning.

20 MS YAMAGUCHI: [15:10:41] Okay, thank you.

21 Please just give me a moment to confer with my counsel.

22 Apologies.

23 Q. [15:11:09] Now, Mr Witness, please go through the document under this tab 3.
24 So the first two pages of this document are typed and the remaining four are
25 handwritten. Do you recognise this document?

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1 A. [15:11:34] Yes. The first two pages are the translation of the document that was
2 made by the professional translator who we engaged in London. The last three
3 pages I assume are the handwritten notes of the translator which we must have typed
4 up into this -- into the document that forms pages 1 and 2.

5 Q. [15:12:04] Just for the record, the handwritten pages consist of four pages.

6 A. [15:12:16] Yes. Correct, yes. Correct.

7 Q. [15:12:18] Thank you. Now I would like to discuss how the document you had
8 collected in Timbuktu came into possession of the ICC Office of the Prosecutor.
9 Do you recall meeting two representatives of the OTP on 11 April 2013 at the
10 headquarters of the Daily Telegraph in London?

11 A. [15:12:40] Yes, I do.

12 Q. [15:12:44] What was the purpose of the meeting?

13 A. [15:12:50] They had explained to me that the ICC was conducting an
14 investigation in Mali and this document, which we had of course already published,
15 would be of interest. And they came to ask me how I had found it and to ask if we
16 would be willing to hand it over to them.

17 Q. [15:13:12] And did you hand them over to the OTP representatives?

18 A. [15:13:17] Yes, with the permission of the Daily Telegraph I handed it over.

19 Q. [15:13:26] Was the meeting record of AQIM leadership one of the documents
20 you handed over to the OTP representatives?

21 A. [15:13:34] Yes, it was.

22 Q. [15:13:39] Now please turn to tab 1 in the binder.

23 And the ERN is MLI-OTP-002-0111 and it can be broadcast to the public.

24 This shows an evidence bag dated 11 April 2013 and its content is described as, and I
25 quote, "1 page document written in Arabic [and a] plastic folder". End of quote.

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1 Mr Witness, just above the red seal towards the top of this document there is a
2 signature. Do you recognise this signature?

3 A. [15:14:39] I do. It's my signature.

4 Q. [15:14:43] Please turn to tab 2 in your binder.

5 The ERN is MLI-OTP-002-0113 and it may be broadcast to the public.

6 This shows another evidence bag dated 11 April 2003 and its content is described as,
7 and I quote, "6 pages - 4 handwritten [and] 2 typed". End of quote.

8 On this evidence bag there are two signatures at the top, but I would like to focus on
9 the one along the red seal. Do you recognise this signature?

10 A. [15:15:41] I do, it's my *signature.

11 Q. [15:15:54] Please turn to tab 4 in the binder.

12 The ERN is MLI-OTP-002-0122 and it may be broadcast to the public.

13 This shows yet another evidence bag dated 11 April 2013 and its content is described
14 as, and I quote, "21 pages (in Arabic) [and] 3 leaflet's (in Arabic)". End of quote.

15 Mr Witness, again I would like you to look at the signature along the red seal. Do
16 you recognise this signature?

17 A. [15:16:44] I do. It's my signature.

18 MS YAMAGUCHI: [15:16:47] Your Honours, I do not intend to go through each of
19 the documents' content in this evidence bag with this witness, but in accordance with
20 directions on the conduct of proceedings, paragraph 34.2, we will be seeking their
21 submissions through this witness within 24 hours after the completion of his
22 testimony.

23 But just to guide the Chamber, I would like to mention the ERNs of the six documents
24 we will be seeking to submit. They are:

25 MLI-OTP-002-0757, MLI-OTP-002-0759, MLI-OTP-002-0760, MLI-OTP-002-0776,

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1 MLI-OTP-002-0781, and finally, MLI-OTP-002-0783.

2 And these documents are under tabs 8 to 13 in your binders.

3 And with respect to the subsequent chain of custody of these six documents we will
4 be leading evidence from other witnesses, including P-102 who will testify next week.

5 Q. [15:18:33] Mr Witness, now did you hand over to the OTP all the documents you
6 collected in Timbuktu?

7 A. [15:18:41] No, I did not.

8 Q. [15:18:44] Before you handed over to the OTP some of the documents collected
9 in Timbuktu, did you make any modifications to them?

10 A. [15:18:55] No, I did not.

11 Q. [15:18:57] To your knowledge, did anyone else tamper with these documents
12 before you handed over to the OTP?

13 A. [15:19:06] No, they did not.

14 Q. [15:19:12] Now I would like to turn to the contacts you had with locals in
15 Timbuktu. Did you speak to any locals who had stayed in Timbuktu during the
16 occupation by armed groups?

17 A. [15:19:30] Yes, I did. And I wrote a number of stories based upon their
18 experiences.

19 Q. [15:19:40] And what did they tell you?

20 A. [15:19:46] They told me of their experiences during the period of what they call
21 the occupation of Timbuktu. And many of their experiences were extremely
22 distressing.

23 Q. [15:19:58] Could you give us some examples of the distressing experiences the
24 population went through during the occupation?

25 A. [15:20:09] I spoke to a lady who had been physically assaulted and sexually

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1 assaulted. I spoke to another lady who had been whipped. I spoke to a gentleman
2 who had witnessed a public amputation. It was events of that kind.

3 Q. [15:20:37] Thank you. Please turn to tab 16 in your binder. The ERN is
4 MLI-OTP-0033-1793 and it may be broadcast to the public.

5 It is an article published in the Daily Telegraph on 1 February 2013 and is entitled,
6 and I quote, "Dispatch: Inside Timbuktu, the city freed from its al-Qaeda tormentors".
7 End of quote.

8 Mr Witness, do you recognise this article?

9 A. [15:21:49] Yes, it's an article I wrote.

10 Q. [15:21:57] The subtitle of this article reads, and I quote:

11 "The image of a severed hand lying beside a blooded sword was passed from one
12 mobile phone to the next." End of quote.

13 Could you please explain the basis for this information?

14 A. [15:22:17] I had spoken to somebody who had witnessed this amputation and
15 then seen the images that were circulated about it. I think the account is given in the
16 article.

17 Q. [15:22:32] Yes. Please turn to the second page of your article, which
18 corresponds to MLI-OTP-0033-1794.

19 The first paragraph refers to a man named Mousa Ag-Mohammed, 29, who witnessed
20 a man being held down while the hand was cut off. Is this the man who you
21 interviewed and who told you about an amputation incident?

22 A. [15:23:10] Yes, he was.

23 Q. [15:23:13] On the fourth page of the article which corresponds to

24 MLI-OTP-0033-1796, in the second paragraph, there is a reference to the floggings
25 administered to women and a tailor named Habib Cissi is quoted in this paragraph.

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1 Now did any other person tell you about floggings administered to women?

2 A. [15:23:48] Yes, I, I spoke later to a woman who suffered this herself.

3 Q. [15:23:57] Please turn to tab 20 in the binder. The ERN is

4 MLI-OTP-0059-0391-R01.

5 And, court officer, please do not broadcast this document to the public.

6 Mr Witness, do you recognise this document?

7 A. [15:24:33] Yes, it's an article I wrote.

8 Q. [15:24:37] This article first talks about one woman who was arrested and

9 detained by armed groups and raped by five men during her detention.

10 Did you personally meet and interview her?

11 A. [15:24:52] Yes, I did.

12 Q. [15:24:55] Was the interview with the victim the basis for her story described in
13 this article?

14 A. [15:25:02] Yes, it was.

15 Q. [15:25:05] Please turn to the last page of this article, which corresponds to

16 MLI-OTP-0059-0393. On this page the article refers to a woman who was flogged 95
17 times in the middle of a market.

18 Did you personally meet and interview this victim?

19 A. [15:25:36] Yes, I did.

20 Q. [15:25:38] Was the interview with this victim the basis for her story described in
21 this article?

22 A. Yes, it was.

23 Q. [15:25:47] There are two photographs included in this article. Could you tell us
24 who took these photographs?

25 A. [15:26:03] The photographer I was working with, Mr Wintercross.

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1 Q. [15:26:06] And were they taken at the time of your interviews with these
2 victims?

3 A. [15:26:09] Yes, or immediately afterwards.

4 Q. [15:26:12] Thank you, Mr Witness.

5 This is the end of my questions.

6 PRESIDING JUDGE MINDUA: [15:26:34](Interpretation) I would like to thank you,
7 Madam Prosecutor, for that examination-in-chief, which complied with the guidelines
8 because it was less than one hour. Thank you for it.

9 Now I will move on to the Legal Representative of Victims. Maître Kassongo, I note
10 that on 8 September 2020, that is yesterday, you submitted a filing, 1042, and in that
11 document you asked for leave to question the witness.

12 Now, having followed the examination-in-chief by the Prosecutor, I would like to ask
13 you whether you stand by your request.

14 MR KASSONGO: [15:27:47](Interpretation) Thank you, Mr President, your Honours.
15 The legal representatives would still like to put a few questions to the witness.

16 PRESIDING JUDGE MINDUA: [15:27:59](Interpretation) Very well. I suppose that
17 the parties were able to read the submissions of the Legal Representatives of the
18 Victims, and pursuant to paragraph 93 of the protocol on the conduct of proceedings I
19 would like to ask the parties whether they agree with that request.

20 What do you think, Madam Prosecutor?

21 MS YAMAGUCHI: [15:28:38] We have no objections, your Honour.

22 PRESIDING JUDGE MINDUA: [15:28:41](Interpretation) Thank you, Madam
23 Yamaguchi.

24 And what do you think, Ms Taylor.

25 MS TAYLOR: [15:28:48] Thank you, Mr President. For the reasons I outlined

1 yesterday we would object again.

2 And in addition to those reasons I would note our concern that the statement for P-10
3 was extremely brief and did not go into any of these issues that have been elicited
4 from him as concerns specific articles. So if questions are going to be put to him on
5 matters that fall outside the scope of his very confined statement, that in itself
6 generates prejudice.

7 And there's an additional layer of prejudice where we have questions being posed to
8 a witness who has given vague information about speaking to "locals" when we don't
9 know the identity of those locals. We don't know the identity of guides. We don't
10 know the identity of a range of persons who are related to the proposed questions.
11 So clearly that generates prejudice to us in terms of our ability to react to this
12 information that has been elicited for the first time on the stand and not disclosed in
13 advance.

14 Thank you.

15 PRESIDING JUDGE MINDUA: [15:30:15](Interpretation) Ms Taylor, we have
16 listened to you with keen interest. Now, your request of today, is it not similar to
17 what you said yesterday? You have said that there is a new element. Which is that
18 new element? Can you repeat it for the Chamber.

19 MS TAYLOR: [15:30:41] The new element is the extremely confined nature of the
20 witness's statement and all of the evidence disclosed as -- of a testimonial nature
21 concerning this witness. They have only thus far related to his collection of
22 particular documents from a particular building. We have not received a statement
23 concerning his interactions with any locals, apart from the locals at that one particular
24 building.

25 So if he is now, as was the case in examination-in-chief, to testify on issues that fall

1 outside the scope of his statement, that's prejudicial to the Defence. That prejudice is
2 exacerbated, depending on the specificity of the questions, if it extends to "unnamed
3 persons".

4 So, for example, interactions with locals who are not named, interactions with guides
5 who are not named. It is impossible for us to confront that evidence, which is
6 extremely prejudicial and lacking in probative value due to its anonymous nature.

7 PRESIDING JUDGE MINDUA: [15:32:10](Interpretation) Ms Taylor, as you can see,
8 as always, we're taking your objection very seriously. But I'd like to ask
9 Mr Kassongo for a further piece of information before we deliberate on the matter.

10 Mr Kassongo, please.

11 MR KASSONGO: [15:32:27] (Interpretation) Yes, thank you, your Honour.

12 Once again, I would like to say to the Defence that they should not be in the least bit
13 worried as to the scope of the questions of the Legal Representatives for Victims.

14 They shall be very succinct in nature and we shall be taking precautions not to go
15 beyond the scope of what the Defence might be concerned about. Our questions will
16 be very precise, very limited in scope. We were seeking extra items of information,
17 but there will be no new elements, if you like.

18 Thank you, your Honour.

19 PRESIDING JUDGE MINDUA: [15:33:11](Interpretation) Thank you very much,
20 Mr Kassongo.

21 Nobody else is requesting to take the floor at this moment?

22 Oh, I can see Ms Taylor.

23 That will be for the last time, but you can add one further item.

24 MS TAYLOR: [15:33:26] May I go into closed or private session, rather, for it?

25 PRESIDING JUDGE MINDUA: [15:33:36](Interpretation) You may indeed.

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1 Can we go into private session, please, courtroom officer.

2 MS TAYLOR: [15:33:42] Is it possible as well to cut off the feed to the witness?

3 PRESIDING JUDGE MINDUA: [15:33:55](Interpretation) Cut the feed for the

4 witness, please, courtroom officer.

5 (Private session at 3.34 p.m.)

6 THE COURT OFFICER: [15:34:19] We are in private session, Mr President. And

7 the connection is cut with the video-link location.

8 (Redacted)

9 (Redacted)

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12 (Recess taken at 3.36 p.m.)
13 (Upon resuming in open session at 3.44 p.m.)
14 THE COURT USHER: [15:44:49] All rise.
15 Please be seated.
16 PRESIDING JUDGE MINDUA: [15:45:10](Interpretation) Court is in session once
17 again.
18 I am addressing the Defence.
19 Ms Taylor, the Chamber has deliberated and would like to reject your objection. The
20 Legal Representative for Victims shall indeed be able to address the witness, solely
21 with a view to hearing about his personal experience. And in this regard,
22 the Chamber would also like to ascertain with regard to the professional experience of
23 the witness, that is to say, what he was able to hear and see.
24 We're not going to enter into speculation. I would like to draw Mr Kassongo's
25 attention to the matter, that we should not enter into speculation.

1 And in compliance with Article 74 of the Statute, at the time of handing down
2 a judgment or a decision, the Chamber will study the weight to be assigned to
3 the witness's experience.

4 Mr Kassongo, you have a maximum of 15 minutes.

5 MR KASSONGO: [15:46:39] (Interpretation) Thank you, your Honour, for having
6 provided me with this opportunity to talk to Mr Blair, our witness, whom we would
7 like to thank for his testimony.

8 We shall not revisit the testimony in detail. There are three outstanding questions
9 with a view to ascertaining the wishes and expectations of the victims.

10 QUESTIONED BY MR KASSONGO:(Interpretation)

11 Q. [15:47:17] Mr Blair, could you please, in the light of your experience, because
12 you described that you wrote or you said that you wrote articles about AQMI, could
13 you please specify the distinctive characteristics of this group. After having been
14 there, after having seen their camp, and after having talked to the locals, how would
15 one be in a position to recognise them? That's my first question. And I will have
16 a couple of other little questions subsequently to put to you.

17 A. [15:48:02] I believe they were distinguished by the brutality with which they
18 treated the people, the civilian people who fell into their grasp, and everything I was
19 told in Timbuktu emphasised that.

20 Q. [15:48:29] Thank you, Mr Blair. You said that you were in Timbuktu in or at
21 locations that you named during your testimony, you went to the airport, the centre
22 of the city of Timbuktu, you went to a mosque and a camp in the aftermath of the
23 events. After having visited said locations, what was the impression or what
24 impressions did you glean from the members of the local population in the aftermath
25 of the events?

1 A. [15:49:24] I gained an impression that they had suffered in a very serious way.
2 That they were relieved, in fact overjoyed, that Timbuktu was no longer under the
3 occupation of the groups you've mentioned. And at that point they wanted people
4 to know just how much they had suffered.

5 Q. [15:50:00] Thank you very much, Mr Blair. A last question, not to take too
6 much time: After having seen the building that was used as the training camp or
7 activity camp for this group, could you please describe to us, without going into too
8 much detail, whether the distance between this building and the buildings housing
9 local inhabitants was, was great or not. Could you please tell us how far away the
10 housing of the locals was located from that building that you discovered?

11 A. [15:50:55] After this length of time it's extremely difficult for me to be precise.
12 But I would say that there were houses of local people in the vicinity of that building.
13 The distances between the building and the houses, it would be very hard for me to
14 be precise, but, you know, maybe 50 metres, maybe a bit more, but I emphasise it's
15 very hard for me to be precise.

16 Q. [15:51:34] Thank you, Mr Blair. The Legal Representatives for victims are very
17 satisfied with your additional information that you have provided.
18 Thank you, your Honours.

19 PRESIDING JUDGE MINDUA: [15:51:49](Interpretation) Thank you very much,
20 Mr Kassongo. Congratulations once again for your concision.

21 Now we shall move on to the cross-examination by the Defence, but I think that
22 before doing so the OTP has the possibility to raise any objections as regards the use
23 of any material by the Defence during cross-examination.

24 Does Madam Prosecutor have any objections to raise?

25 MS YAMAGUCHI: [15:52:32] Yes, Mr President, we have two points we would like

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1 to raise in relation to the Defence's list of exhibits.

2 Firstly, we object to the use of items under number 4, 7 and 8 in the Defence's --

3 PRESIDING JUDGE MINDUA: [15:52:49](Interpretation) One moment, please,

4 Madam Prosecutor. I can see that Ms Taylor is on her feet.

5 What is going on, Ms Taylor?

6 MS TAYLOR: [15:52:57] I am just wondering if we -- it would be advisable to cut off

7 the feed to the witness if we are going to be discussing the content of any exhibits and

8 having any arguments on the contents of potential Defence exhibits.

9 PRESIDING JUDGE MINDUA: [15:53:19](Interpretation) Yes, the Chamber would
10 like to grant your request.

11 Courtroom officer, could we please cut off the feed to the witness.

12 THE COURT OFFICER: [15:53:33](Interpretation) Very well, your Honour. Should
13 I also move into private session?

14 PRESIDING JUDGE MINDUA: [15:53:37](Interpretation) Yes, please do.

15 (Private session at 3.54 p.m.)

16 THE COURT OFFICER: [15:54:18] The feed is cut and we are now in private session,
17 your Honours.

18 (Redacted)

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21 (Open session at 4.01 p.m.)

22 THE COURT OFFICER: [16:01:38] We are now in open session, Mr President, with
23 the witness in.

24 PRESIDING JUDGE MINDUA: [16:01:51](Interpretation) Thank you very much,
25 madam court officer.

- 1 Once again I would like to welcome you, Mr Witness, as we continue in open session.
- 2 I would like to begin by addressing the OTP. The Chamber used the technical break
- 3 to deliberate, and in light of the explanations of the Defence, the Chamber overrules
- 4 the objections of the OTP. And we ask the Defence to take all the precautions
- 5 necessary when using the materials in question.
- 6 So we will now proceed with the cross-examination.
- 7 Ms Taylor, you have the floor.
- 8 MS TAYLOR: [16:02:49] Thank you very much.
- 9 QUESTIONED BY MS TAYLOR:
- 10 Q. [16:02:54] Good afternoon, Mr Blair. I first have a quick housekeeping matter.
- 11 Because we are both English speakers, it can cause a bit of havoc for the interpreters if
- 12 we speak at the same time. So if you wouldn't mind, to avoid me speaking over you,
- 13 if I put up my hand, would you mind kindly stopping?
- 14 A. [16:03:11] I shall do my best.
- 15 Q. [16:03:13] Much appreciated.
- 16 Now we discussed today the handover of documents you gave to the Prosecution.
- 17 There were quite a few documents, weren't there? Sorry, do you mind --
- 18 A. [16:03:27] Yes, I believe -- I believe there was more than one.
- 19 Q. [16:03:30] Just another housekeeping matter. If you nod it won't be on the
- 20 transcript, so if you don't mind saying "yes" or "no". Thank you.
- 21 A. [16:03:38] Apologies. You're correct.
- 22 Q. [16:03:40] And you don't read Arabic, that's correct?
- 23 A. [16:03:44] Also correct.
- 24 Q. [16:03:45] So it would be fair to say that it would be difficult for you to
- 25 remember the exact contents of these documents?

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1 A. [16:03:52] Correct.

2 Q. [16:03:53] And had you asked for these documents to be returned to you after
3 the ICC proceedings (Overlapping speakers)

4 A. [16:04:02] No. It was up to the ICC to do with them what they wished.

5 Q. [16:04:08] You were in contact with the Prosecution since that initial meeting.
6 During any of these contacts, did they raise any issues with you concerning the
7 storage of the documents or the integrity of the seals?

8 A. [16:04:22] No, they didn't.

9 Q. [16:04:27] Now apart from the Prosecution, did you speak to anyone else
10 concerning the content of your testimony today?

11 A. [16:04:35] No.

12 Q. [16:04:39] Now, Mr Blair, you're a civil servant. Are you still the speech writer
13 for Mr Boris Johnson, the prime minister of the United Kingdom?

14 A. [16:04:46] Correct.

15 Q. [16:04:53] Did you need to seek any authorisation to testify under oath in
16 a foreign criminal proceeding?

17 A. [16:05:00] I am testifying in my personal capacity relating to events that
18 occurred some years before I became a civil servant. So the code of our civil service
19 states that we must comply with any legal proceedings that we may be involved in
20 and that applies to international courts as much as to domestic courts.

21 Q. [16:05:23] So you did not need to tell your supervisor that you were testifying?

22 A. [16:05:27] I told him that I would be testifying, but there was no question of my
23 being refused permission or anything like that.

24 Q. [16:05:37] So in 2013 you have testified today that you were the chief foreign
25 correspondent for the Daily Telegraph. When you wrote an article would it be

1 edited by anyone else before it was published?

2 A. [16:05:51] Yes. The newspaper has a special desk, they call it the foreign desk,
3 which handles all stories on international issues. I would send my story first to them
4 and they would edit and process it from there.

5 Q. [16:06:09] And on average what would be the shortest possible time between
6 your submission of an article and the publication?

7 A. [16:06:19] If you're referring to publication in a newspaper, then it would
8 happen overnight. If you're referring to publication on line, then it can happen very
9 swiftly.

10 Q. [16:06:33] And can you give me a rough estimate what swiftly means, are we
11 talking about a couple of hours?

12 A. [16:06:38] A couple of hours would be about right, perhaps less than that if,
13 if -- it would depend upon the weight of the story, how important it was, what else is
14 happening in the world that day.

15 Q. [16:06:51] During this editorial process that we just discussed, was any input
16 ever given on the content of your articles?

17 A. [16:07:00] I beg your pardon, I didn't quite hear. Any input given on?

18 Q. [16:07:05] The content of your articles.

19 A. [16:07:09] Input in the -- how do you mean input exactly?

20 Q. [16:07:13] Any suggestions as to wording.

21 A. [16:07:16] No, I don't believe so.

22 Q. [16:07:19] Was any suggestions given to you as to the topic?

23 A. [16:07:26] No. I wasn't instructed to go and seek stories on particular topics.
24 Timbuktu at that time was the centre of the world's attention. Everyone was aware
25 that Timbuktu had been under brutal occupation for quite some time. It was I think

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1 clear to, to everyone involved what kind of stories would be of interest.

2 Q. [16:07:52] If I can just turn to tab 13. That's MLI-D28-0004-0320. This is an
3 article titled "Can Mali be saved from the Islamists?"

4 A. [16:08:20] Sorry, tab 13?

5 Q. [16:08:22] Yes.

6 MS TAYLOR: Does the witness have the Defence exhibits? Is there a --

7 THE COURT OFFICER: [16:08:35](Via video link) (Overlapping speakers) Sorry, it's
8 Kyle James, the acting court officer. We have been in receipt of no Defence court
9 binder.

10 MS TAYLOR: [16:08:44] Is there a way of bringing them up on the computer in front
11 of the witness?

12 THE COURT OFFICER: [16:09:09] I asked in the meantime to my colleague from
13 audio visual to display the public document in front of the witness on the screen.

14 MS TAYLOR:

15 Q. [16:09:20] Sorry, Mr Blair, can you confirm that you can see a document in front
16 of you?

17 A. [16:09:26] No, I can't.

18 THE COURT OFFICER: [16:09:40] It's being broadcast now and he shall see it soon.

19 MS TAYLOR: [16:09:45]

20 Q. Can you see it now?

21 A. [16:09:48] Yes, I see a very -- I see a big photograph and the headline "Can Mali
22 be saved from the Islamists?"

23 Q. [16:09:56] Is it possible to scroll down a little bit?

24 A. [16:10:00] Okay.

25 Q. [16:10:01] Do you recall writing this article?

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1 A. [16:10:02] I see it's got two names at the top.

2 Q. [16:10:05] Yes. Did you write this article with Con Coughlin?

3 A. [16:10:08] Yes. I see it's got -- who was another Telegraph journalist. I don't
4 remember actually this one. This is 15 January. Okay, I don't remember anything
5 about this particular one.

6 Q. [16:10:24] And your co-author on this article, was he the defence correspondent
7 for the Daily Telegraph at the time?

8 A. [16:10:38] Quite possibly. I can't remember what his job title was at the time.

9 Q. [16:10:43] Do you recall if he was someone who was following the Mali situation
10 quite closely, given that he wrote this article with you?

11 A. [16:10:49] No, I don't.

12 Q. [16:10:57] So you don't recall any interactions with Mr Coughlin?

13 A. [16:11:02] I don't remember how this article came into being, no. But it's, it's
14 almost eight years ago so I'm afraid I wrote a great many articles during my time as a
15 journalist and I don't remember all the details about every one of them.

16 Q. [16:11:17] Do you remember at all talking to Mr Coughlin, at this time period in
17 January 2013, about what was occurring in Timbuktu?

18 A. [16:11:29] No. No, I don't.

19 Q. [16:11:32] If I could bring up tab 14, that's MLI - that's not going to
20 work - OTP-0078-7997. This is actually in the Prosecution's list of exhibits.

21 So it should be this tab 14 in the Prosecution's list -- oh, it's our list, sorry. It should
22 be on your screen then.

23 THE COURT OFFICER: [16:11:58] The French interpreters are asking the Defence to
24 slow down, please.

25 And please I remind the witness and the Defence also to mark a pause between

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1 question and answer. Thank you very much.

2 MS TAYLOR: [16:12:16]

3 Q. [16:12:17] Did you write this article about Timbuktu?

4 A. [16:12:21] It's not on the screen, but if you're referring to the article I've got
5 under tab 14 headlined "Looters rampage through Timbuktu" -- oh, no.

6 Q. No.

7 A. [16:12:30] You're referring to something different.

8 Okay, I can see "French campaign in Mali escalates into ground war", is that right?

9 Q. I think again you are going to need to scroll done, if it's possible.

10 A. [16:12:57] Yeah. Yes, I do seem to remember this one. I think I wrote this very
11 shortly after arriving in Bamako on my -- probably my second visit to Mali.

12 Q. [16:13:11] And if I could scroll to page 7999. I think you will need to see the
13 full page at 7999.

14 If the court officer ...

15 MS YAMAGUCHI: [16:13:43](Interpretation) Sorry, Mr President, the ERN of this
16 document --

17 PRESIDING JUDGE MINDUA: [16:13:47](Interpretation) Madam Prosecutor --

18 MS YAMAGUCHI: [16:13:54] Apologies, Mr President. The ERN of the document
19 being shown to the witness is not on the record, so we would suggest that the Defence
20 mentions this ERN.

21 MS TAYLOR: [16:14:04] It is on the record. I can repeat it. It was
22 MLI-OTP-0078-7997 at 7999.

23 PRESIDING JUDGE MINDUA: [16:14:51](Interpretation) Court officer, please can
24 you assist the Prosecutor?

25 THE COURT OFFICER: [16:15:01](Interpretation) Yes, of course.

1 Can I be of help to the Prosecutor?

2 MS YAMAGUCHI: [16:15:06] I believe the document, the article which was shown
3 to the witness previously was not the same as the ERN that was mentioned.

4 THE COURT OFFICER: [16:15:15](Overlapping speakers) You provided the correct
5 ERN, thank you very much. And then the court clerk just displayed it. I believe it
6 should be displayed on the witness screen now, if it's a public document?

7 MS TAYLOR: [16:15:27] Yes.

8 Q. [16:15:28] And if you could go to the fourth paragraph where you refer to
9 a western diplomat in Bamako.

10 A. [16:15:35] I'm very sorry, I'm very sorry, I can't see anything. Now it's coming
11 into being, but the text is very, very vague. Ah, okay, I can read it now.

12 Q. [16:15:51] Is it possible to have a look at the paragraph starting with "Even if
13 Mali had a functioning government".

14 A. [16:16:06] Okay, yes, I can read that.

15 Q. [16:16:09] And it cites to an unnamed western diplomat in Bamako?

16 A. [16:16:14] Yeah. Yes, yes, I see that.

17 Q. [16:16:15] Do you recall the name of this diplomat?

18 A. [16:16:18] I don't, no.

19 Q. [16:16:21] Did you have direct contacts with this diplomat or was it through
20 someone else?

21 A. [16:16:27] I think I -- I think I -- I think I spoke to, to a diplomat personally in
22 Bamako. Yes, I think I spoke to a diplomat personally in Bamako. I can remember
23 that, yeah.

24 Q. [16:16:42] And in the same page you refer to information you received from
25 a serving soldier in the Malian army with decades of experience serving in the north?

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1 A. [16:16:55] Sorry, where is that? I can't quite see that.

2 Q. [16:17:21] Sorry, that would be at 7998, the page before. I'll come back to this
3 question actually. Do you recall having contacts with the Malian army at the time?

4 A. [16:18:00] I'm not sure I do. Sorry, it's -- everything on the screen is extremely
5 unclear. I can't quite see what it is you're referring to.

6 Q. [16:18:10] If I can go to at 7998, it's the fourth paragraph.

7 A. [16:18:16] Oh, right, yes, I see.

8 Yes, I see. Yes, I do remember interviewing a soldier in the Malian army at about
9 this time. That was in Bamako, I think.

10 Q. [16:18:34] Do you recall the name of this person?

11 A. [16:18:38] No, I'm not sure -- I'm not sure he even told me.

12 Q. [16:18:42] Do you recall how you got in contact with this person?

13 A. [16:18:47] Yes. I had a local translator in Bamako who put me in touch with
14 this person.

15 Q. [16:18:55] And who was this local translator?

16 A. [16:18:59] He was someone who I engaged in Bamako.

17 Q. [16:19:04] And what was his name, do you recall?

18 A. [16:19:08] Am I obliged to answer that question?

19 Perhaps, your Honour, may I ask if I'm obliged to answer that question?

20 MR GARCIA: [16:19:21] Your Honour, I'm sorry.

21 PRESIDING JUDGE MINDUA: [16:19:26](Interpretation) Mr Prosecutor.

22 MR GARCIA: [16:19:32] (Interpretation) I can see that the witness is facing certain
23 difficulties. If we can go briefly into private session so that the witness can explain
24 to us if there are any issues and which issues they might be.

25 PRESIDING JUDGE MINDUA: [16:19:51](Interpretation) You're quite right,

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1 Mr Prosecutor.

2 Court officer, let us move into private session and you cut off the feed to the public.

3 (Private session at 4.20 p.m.)

4 THE COURT OFFICER: [16:20:11] We are in private session, Mr President.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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24 (Open session at 4.28 p.m.)

25 PRESIDING JUDGE MINDUA: [16:28:00] (Interpretation) (Do you want the floor

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1 now before the witness comes back on?

2 THE COURT OFFICER: [16:28:57] I just instructed the witness to connect again, so --

3 MS TAYLOR: [16:29:01] No, it was only to ask if we should start again in private
4 session, and (inaudible) we should continue today.

5 (Private session at 4.29 p.m.)

6 THE COURT OFFICER: [16:29:12] And we are still in private session, Mr President.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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18 (Open session at 4.32 p.m.)

19 THE COURT OFFICER: [16:32:31] We are back in open session, Mr President.

20 PRESIDING JUDGE MINDUA: [16:32:38](Interpretation) Thank you very much,
21 courtroom officer.

22 You will have noted that it is 4.32. For technical reasons, we cannot go over two
23 hours of hearing and also we need to respect our calendar or schedule, so we need to
24 adjourn proceedings for the time being.

25 I would like to turn to the witness now.

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1 Mr Blair, the Chamber would like to thank you for having answered the questions put
2 to you, but you will have noticed that we have not finished with the
3 cross-examination on the part of the Defence, so tomorrow you shall continue with
4 your testimony.

5 Until then, please do not forget that you are forbidden to speak about your testimony
6 to anybody whomsoever, neither members of your family, nor to friends were you to
7 enter into contact with any of these people this evening.

8 Have you understood this correctly?

9 THE WITNESS: [16:34:03] Yes, your Honour, I understand.

10 PRESIDING JUDGE MINDUA: [16:34:08](Interpretation) Thank you very much,
11 Mr Blair. So I wish you to rest well this evening and see you tomorrow.

12 THE WITNESS: [16:34:20] Thank you.

13 PRESIDING JUDGE MINDUA: [16:34:26](Interpretation) I would like to specify that
14 for technical reasons you're not with us here in the courtroom, as you well know.

15 We won't be able to start tomorrow at 9.30 as usual, but we shall start again tomorrow
16 at 10 in the morning.

17 I would like to thank the parties and participants for your presence and cooperation.

18 I would like also to thank the interpreters and the court reporters for your work,
19 tireless work, and also our security officers.

20 Thank you very much indeed.

21 Of course, I will not forget those seated in the public gallery and all those who are
22 following us from afar.

23 Thank you very much to everyone once again, and until tomorrow.

24 Court is adjourned.

25 THE COURT USHER: [16:35:22] All rise.

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- 1 (The hearing ends in open session at 4.35 p.m.)