

Trial Hearing  
WITNESS: MLI-D28-P-0243

(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  
5 Ag Mahmoud - ICC-01/12-01/18  
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and  
7 Judge Kimberly Prost  
8 Trial Hearing - Courtroom 3  
9 Wednesday, 2 November 2022  
10 (The hearing starts in open session at 9.47 a.m.)  
11 THE COURT USHER: [9:47:09] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA: [9:47:38](Interpretation) Court is in session.  
15 Good morning to everyone in the courtroom.  
16 Court officer, please could the call the case.  
17 THE COURT OFFICER: [9:47:49] Good morning, Mr President, your Honours.  
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus  
19 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference  
20 ICC-01/12-01/18.  
21 And for the record, we are in open session.  
22 PRESIDING JUDGE MINDUA: [9:48:09](Interpretation) Thank you very much,  
23 court officer.  
24 We are going to start with the appearances. First of all, the Office of the Prosecutor.  
25 MR ALLAFI: [9:48:23](Interpretation) Good morning, your Honour, your Honours.

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1 The Office of the Prosecutor today is composed of Lucio Garcia, Gilles Dutertre and  
2 myself, Mousa Allafi. Thank you very much.

3 PRESIDING JUDGE MINDUA: [9:48:39](Interpretation) Thank you very much,  
4 Prosecutor.

5 I turn to the Defence. *Maître*.

6 MS TAYLOR: [9:48:48] Good morning, Mr President. Good morning  
7 your Honours. Good morning to everyone inside and around the courtroom. The  
8 Defence for Mr Al Hassan is represented today by *Maître* Melissa Beaulieu Lussier, by  
9 Mr Maouloud Al-Ansary and myself, Melinda Taylor. And Mr Al Hassan is  
10 attending and is behind us. Thank you very much.

11 PRESIDING JUDGE MINDUA: [9:49:12](Interpretation) Thank you very much,  
12 Ms Taylor.

13 I also take this opportunity to greet Mr Al Hassan.

14 I now turn to the Legal Representatives for the Victims.

15 Counsel.

16 MR LUVENGIKA: [9:49:23](Interpretation) Good morning, your Honour,  
17 your Honours. The victims are represented by Romane Tovia Vila and myself,  
18 *Maître* Fidel Nsita Luvengika. Thank you.

19 PRESIDING JUDGE MINDUA: [9:49:41](Interpretation) Thank you very much,  
20 *Maître* Nsita.

21 I now turn towards the witness. I would recall that we are now doing Witness  
22 D-0243 of the Defence.

23 Good morning, Witness, can you hear me?

24 WITNESS: MLI-D28-P-0243

25 (The witness speaks Tamasheq)

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1 (The witness gives evidence via video link)

2 THE WITNESS: [9:50:03](Interpretation) I can hear you and I also greet you in the  
 3 courtroom.

4 PRESIDING JUDGE MINDUA: [9:50:17](Interpretation) Thank you, Witness.

5 On behalf of the Chamber I would like to welcome you.

6 THE WITNESS: [9:50:31](Interpretation) God, thank you.

7 PRESIDING JUDGE MINDUA: [9:50:34](Interpretation) You are going to testify  
 8 with a view to aiding the Chamber to establish the truth in the case concerning  
 9 Mr Al Hassan.

10 THE WITNESS: [9:50:58](Interpretation) God willing.

11 PRESIDING JUDGE MINDUA: [9:51:01](Interpretation) Witness, protective  
 12 measures have been put into place such that your identity is not revealed to the  
 13 public.

14 THE WITNESS: [9:51:23](Interpretation) Very well.

15 PRESIDING JUDGE MINDUA: [9:51:27](Interpretation) Whenever you have to give  
 16 details which could reveal your identity, we will speak about them in private session.  
 17 As such, nobody outside the people present in this courtroom will be able to hear  
 18 you.

19 THE WITNESS: [9:52:05](Interpretation) Very well.

20 PRESIDING JUDGE MINDUA: [9:52:10](Interpretation) Witness, I'm now going to  
 21 proceed with your solemn undertaking under Rule 66(1) of the Rules of Procedure  
 22 and Evidence.

23 THE WITNESS: [9:52:46](Interpretation) Very well.

24 PRESIDING JUDGE MINDUA: [9:52:48](Interpretation) It is the solemn undertaking  
 25 according to which you have to swear to tell the truth, the whole truth, so I would ask

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1 you to repeat after me the formula that I'm now going to speak.

2 I solemnly declare that I will tell the truth.

3 THE WITNESS: [9:53:41](Interpretation) Very well.

4 PRESIDING JUDGE MINDUA: [9:53:42](Interpretation) No, please repeat after me.

5 I solemnly declare that I will tell the truth.

6 THE WITNESS: [9:53:54](Interpretation) I solemnly declare that I will tell the truth.

7 PRESIDING JUDGE MINDUA: [9:54:08](Interpretation) The whole truth and  
8 nothing but the truth.

9 THE WITNESS: [9:54:27] (No interpretation)

10 PRESIDING JUDGE MINDUA: [9:54:30](Interpretation) Thank you very much,  
11 Mr Witness. Now you are under oath.

12 Representatives of the VWU as well as the Defence representatives will already have  
13 explained to you what that means.

14 So I therefore have certain issues of a practical nature for you.

15 THE WITNESS: [9:55:24](Interpretation) Very well.

16 PRESIDING JUDGE MINDUA: [9:55:25](Interpretation) You have to mind in mind  
17 throughout your testimony that everything that is said in this courtroom is  
18 transcribed by court reporters and it is simultaneously interpreted -- and  
19 consecutively interpreted into different languages by interpreters.

20 THE WITNESS: [9:56:03](Interpretation) Very well.

21 PRESIDING JUDGE MINDUA: [9:56:05](Interpretation) It's therefore important to  
22 speak clearly and slowly. Do not start speaking until the person who has put  
23 a question to you has finished putting that question.

24 So, first of all, you will be questioned by the Defence. Thereafter, you will have  
25 cross-examination from the Office of the Prosecutor. And then there will be

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1 questions by the representative of victims and perhaps by the Chamber as well.

2 THE WITNESS: [9:57:31](Interpretation) Very well.

3 PRESIDING JUDGE MINDUA: [9:57:33](Interpretation) So without further ado, I

4 pass the floor to the Defence for the start of the examination-in-chief.

5 Ms Taylor.

6 MS TAYLOR: [9:57:42] Thank you very much, Mr President.

7 QUESTIONED BY MS TAYLOR:

8 Q. [9:57:47] Good morning, Mr Witness. How are you today?

9 A. [9:58:01] I'm fine. Thank you.

10 MS TAYLOR: [9:58:02] Mr President, with your leave, may we go into private

11 session to ask questions of an identifying nature?

12 PRESIDING JUDGE MINDUA: [9:58:17](Interpretation) Indeed, Ms Taylor.

13 Court officer, please take us into private session.

14 (Private session at 9.58 a.m.)

15 THE COURT OFFICER: [9:58:33] We are in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [9:58:38](Interpretation) Thank you very much,

17 Madam Court Officer.

18 Ms Taylor.

19 MS TAYLOR: [9:58:46]

20 Q. [9:58:46] Mr Witness, can you please give your full name for the record.

21 A. [9: [REDACTED]

22 Q. [9:59:13] And is it correct that you were [REDACTED]

23 A. [9:59:56] (No interpretation)

24 MS TAYLOR: [9:59:59] I believe the witness said yes.

25 Q. [10:00:01] And is it correct that you were born in Timbuktu?

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1 A. [10:00:13] I was born indeed in Timbuktu.

2 MS TAYLOR: [10:00:19] Mr President, we can now go into open session. Thank  
3 you very much.

4 PRESIDING JUDGE MINDUA: [10:00:25](Interpretation) Indeed. Court officer,  
5 please take us into open session.

6 (Open session at 10.00 a.m.)

7 THE COURT OFFICER: [10:00:38] We are back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [10:00:42](Interpretation) Thank you very much,  
9 Madam Court Officer.

10 Ms Taylor.

11 MS TAYLOR: [10:00:50]

12 Q. [10:00:51] Mr Witness, do you have a binder of documents next to you? There  
13 should be a couple of Defence documents.

14 I'm going to be referring to the first document, it's tab 1, MLI-D28-0006-9053, and that  
15 can be shown on the screens but not to the public.

16 Now, Mr Witness, can you see a mark at the left-hand side of the bottom of the page?

17 A. [10:01:59] Yes.

18 Q. [10:02:00] Mr Witness, did you make that mark?

19 A. [10:02:14] Yes, I did.

20 Q. [10:02:18] Now, Mr Witness, could you just quickly look on each page and  
21 confirm if you can see the mark on each page, the same mark?

22 A. [10:03:05] Yes, indeed. That's my signature. I'm the person who put it on  
23 there.

24 Q. [10:03:16] So thank you, Mr Witness. So do you confirm that you put your  
25 signature on each page of this document?

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1 A. [10:03:39] Exactly.

2 Q. [10:03:42] Now, Mr Witness, do you recall a week ago that this statement was  
3 read out to you in Tamasheq?

4 A. [10:04:07] Yes, exactly.

5 Q. [10:04:10] I'm going to be referring to another document, it's Defence tab 4. It's  
6 MLI-D28-0006-9090, and again, it should not be shown to the public.

7 And, Mr President, with your leave, I believe it will be necessary for me to read out  
8 these corrections in private session.

9 PRESIDING JUDGE MINDUA: [10:04:38](Interpretation) Court officer, please take  
10 us into private session.

11 (Private session at 10.04 a.m.)

12 THE COURT OFFICER: [10:04:50] We are in private session, Mr President.

13 PRESIDING JUDGE MINDUA: [10:04:55](Interpretation) Thank you very much.  
14 Ms Taylor.

15 MS TAYLOR: [10:04:59]


16 Q. [10:05:00] Now, Mr Witness, I have a document which has certain  
17 corrections -- three corrections that were made during the preparation session. I'm  
18 going to go through them one by one with you.

19 A. [10:05:44] Very well.

20 Q. [10:05:46] I'm going to read out the first correction, which is paragraph 13 of  
21 your statement. It's quite long, so what I'll do is I'll read it out slowly, and when I'm  
22 finished, I will give you a thumbs up sign and that will mean that I'm finished.

23 A. [10:06:47] (No interpretation)

24 Q. [10:06:51] Paragraph 13 should now read as follows:

25  We were there in the 1990s.

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1 A lot of people left and went to the refugee camps but we stayed. One day, people  
2 from the Malian army came to [REDACTED] These army people  
3 came to our settlement and tried to harm us, to take us away because of the rebellion  
4 that was going on. The people from the army gathered all the Tuareg men they  
5 found and told them to leave. This included my father.

6 "The commande [REDACTED] intervened. He told the soldiers not  
7 to touch us because [REDACTED] and knew that we were peaceful. The commander  
8 [REDACTED]

9 PRESIDING JUDGE MINDUA: [10:09:03](Interpretation) Ms Taylor, the witness has  
10 disappeared.

11 Court officer?

12 (Pause in proceedings)

13 PRESIDING JUDGE MINDUA: [10:09:55](Interpretation) The technician is busy  
14 re-establishing the line. It could take certain minutes.

15 (Pause in proceedings)

16 PRESIDING JUDGE MINDUA: [10:13:34](Interpretation) Very well.

17 Ms Taylor, the witness is there. We can continue. Please go ahead.

18 MS TAYLOR: [10:13:40] Thank you, Mr President. It's my understanding that the  
19 Tamasheq interpretation hadn't started. So what I would suggest, to save time, is  
20 could the Tamasheq interpreters read out the paragraph 13 they can see on the screen  
21 into Tamasheq. I think that will be quicker.

22 PRESIDING JUDGE MINDUA: [10:14:01](Interpretation) Indeed. Indeed,  
23 Ms Taylor.

24 Tamasheq interpreters, please, if you could sight translate this.

25 MS TAYLOR: [10:16:21]



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1 Q. [10:16:21] Now, Mr Witness, I understand that the interpreters might have used  
2 the phrase "chief of the army" rather than "commandant". Is -- apart from that, is  
3 what you heard, does that reflect your evidence?

4 A. [10:17:22] Yes, there is a difference between the commander of the army and the  
5 commander who is at the [REDACTED] because the person at the [REDACTED] ho is the chief  
6 there is simply a civilian. However, people refer to him as commander.

7 Q. [10:17:45] Now, apart from that aspect, was the rest of the paragraph consistent  
8 with your evidence?

9 A. [10:18:13] Yes, that is correct.

10 Q. [10:18:18] Now, the second change is that at paragraph 19, the name [REDACTED]  
11 [REDACTED] should read [REDACTED]. Does that reflect your evidence?

12 A. [10:18:56] Yes, that is true.

13 Q. [10:18:59] And the third change is that at paragraph 37, the term [REDACTED]  
14 [REDACTED] should just read [REDACTED]. Does that reflect your evidence?

15 A. [10:19:34] Which [REDACTED] are you referring to?

16 Q. [10:19:40] This is the [REDACTED]

17 A. [10:19:59] Yes, that is correct.

18 MS TAYLOR: [10:20:02] Mr President, I believe we can go into open session.

19 PRESIDING JUDGE MINDUA: [10:20:12](Interpretation) Court officer, open session,  
20 please.

21 (Open session at 10.20 a.m.)

22 THE COURT OFFICER: [10:20:27] We are back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [10:20:33](Interpretation) Thank you very much.

24 *Maître* Taylor.

25 MS TAYLOR: [10:20:38]

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1 Q. [10:20:38] Now, Mr Witness, either before or during your interviews with the  
2 Defence, did anyone ask you to give evidence to this Court that was not true?

3 A. [10:21:23] No.

4 Q. [10:21:25] Did anyone promise you anything in exchange for giving evidence to  
5 the Court?

6 A. [10:21:51] No.

7 Q. [10:21:54] Did anyone pressure you or force you to sign the statement you saw  
8 today?

9 A. [10:22:23] No.

10 Q. [10:22:26] And before signing your statement, did you discuss the content of  
11 your evidence with anyone outside of the Defence?

12 A. [10:23:00] No.

13 Q. [10:23:04] Now, Mr Witness, you have the statement in front of you and we have  
14 gone through the corrections. Do you consent for your statement with these  
15 corrections to be submitted into evidence?

16 A. [10:23:58] Yes, I accept.

17 MS TAYLOR: [10:24:04] Mr President, I have two more documents to show. May I  
18 do so in private session as they are identifying?

19 PRESIDING JUDGE MINDUA: [10:24:14](Interpretation) Yes, indeed.

20 Court officer, private session, please.

21 (Private session at 10.24 a.m.)

22 THE COURT OFFICER: [10:24:32] We are in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [10:24:37](Interpretation) Thank you very much.

24 Ms Taylor, please.

25 MS TAYLOR: [10:24:41] Thank you, Mr President.

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1 Q. [10:24:45] May we show tab 2, it's MLI-D28-0004-3945 and it should be in the  
2 binder with the witness. It's the second document.

3 Mr Witness, do you know this individual?

4 A. [10:25:25] Yes, I know him.

5 Q. [10:25:30] And who is it?

6 A. [10:25:39] [REDACTED]

7 Q. [10:25:43] Is this the same [REDACTED] you mention in your statement?

8 A. [10:26:00] Yes.

9 Q. [10:26:02] If we could turn to another document, it's tab 3. We will show it  
10 from the Defence evidence 2, it [REDACTED]

11 And we are going to scroll in on -- so that you can see the Facebook account.

12 Mr Witness, can you see -- if we can scroll down. Can you see a Facebook account  
13 with a photo and the name, [REDACTED]

14 A. [10:27:01] You said Aliad? I do not see anybody that I recognise.

15 Q. [10:27:14] Mr Witness, the name of the Facebook profile is [REDACTED]

16 [REDACTED]

17 A. [10:27:38] The way I see it here, I do not recognise it.

18 Q. [10:27:46] Do you recognise the person in the Facebook profile?

19 MR DUTERTRE: [10:27:55](Interpretation) Mr President.

20 PRESIDING JUDGE MINDUA: [10:27:57](Interpretation) Yes, Mr Prosecutor.

21 MR DUTERTRE: [10:28:00](Interpretation) I have an observation. The document  
22 was never shown to the witness before, neither during the statement nor the witness  
23 preparation process, but the witness has said -- has just said, "I do not see anyone that  
24 I recognise." So given the absence of any link between the witness and this  
25 document, I don't see why questions should be continued to be put to the witness on

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1 the document.

2 PRESIDING JUDGE MINDUA: [10:28:40](Interpretation) Ms Taylor.

3 MS TAYLOR: [10:28:42] Thank you, Mr President. As the Chamber is aware,  
4 certain decisions were made concerning Defence witnesses recently which have  
5 impacted on our ability to show evidence and demonstrate the source of certain items  
6 of evidence. Given that we have very little witnesses left to testify, we are  
7 endeavouring to put items to witnesses who may be in a position to identify, or not,  
8 certain items.

9 Now, the fact that this has not been put to the witness before does not preclude us  
10 from using this opportunity to attempt to do so, given that there is a witness who  
11 could have identified this who is no longer testifying.

12 PRESIDING JUDGE MINDUA: [10:29:26](Interpretation) Ms Taylor, I really doubt  
13 your argument. We really need to have a link between this document and this  
14 witness. So the fact that you do not have further witnesses does not mean that you  
15 can question him on that. Particularly since you did not discuss it in your  
16 familiarisation process. And since the witness has already said he does not  
17 recognise anyone, we can move on to something else, Ms Taylor.

18 MS TAYLOR: [10:30:11] Thank you, Mr President, but the witness actually hasn't  
19 seen the photo above it and I don't believe he's been given an opportunity to see if he  
20 recognises anyone in this photo. This is my last question for this witness. We have  
21 kept our examination-in-chief very short in order to meet today's deadlines. I do  
22 believe we should be given an opportunity to pursue lines of questioning with  
23 witnesses where we can, given the limited opportunities we have.

24 Now, as I said, this is my last line of questioning, the last item I intend to show to this  
25 witness. He can either identify people or not, but he hasn't actually seen the photo

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1 above.

2 PRESIDING JUDGE MINDUA: [10:31:00](Interpretation) Well, Ms Taylor, I really  
 3 doubt the relevance of that question. We can move on to something else.

4 MS TAYLOR: [10:31:08] Mr President, I don't have any anything else to move on to.  
 5 As I've said, this was our last question, and if you prevent us from showing a photo  
 6 merely because the witness wasn't there, would that mean that the Prosecution can't  
 7 now show videos or photos if the witness wasn't there? Do we have that equality of  
 8 agreement?

9 PRESIDING JUDGE MINDUA: [10:31:36](Interpretation) It is the same rule,  
 10 Ms Taylor. I think the Prosecution will be consistent with those rules.

11 MS TAYLOR: [10:31:45] Well, thank you, Mr President. On that understanding,  
 12 that the Prosecution will not show photos and videos if the witness was not present,  
 13 we can conclude our examination.

14 PRESIDING JUDGE MINDUA: [10:32:01](Interpretation) Mr Prosecutor, you want  
 15 to take the floor?

16 MR DUTERTRE: [10:32:08](Interpretation) Yes. If we can cut the sound, that  
 17 would be good.

18 PRESIDING JUDGE MINDUA: [10:32:18](Interpretation) Court officer, please, can  
 19 we cut the sound to the witness.

20 Court officer?

21 THE COURT OFFICER: [10:33:00] I can confirm that the sound has been  
 22 disconnected.

23 PRESIDING JUDGE MINDUA: [10:33:07](Interpretation) Very well.  
 24 Mr Prosecutor.

25 MR DUTERTRE: [10:33:12](Interpretation) Sorry about this interruption, but I think

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1 it is necessary. First of all, there are two different things. The Defence is mixing up  
2 things. It is not the fact that the picture was taken when the witness was not there.  
3 It does not prevent the Prosecutor to show such images. The Defence did not  
4 establish any foundation between that witness and the image.  
5 The witness answered twice that he does not recognise anyone, and I can give you the  
6 references. Afterwards, the -- I can say that the Prosecution will do  
7 cross-examination, so it is not the same thing. So I will have the right to show  
8 images and videos if I present a foundation to begin with.  
9 So this has no link with what the Defence is trying to do, Mr President.

10 PRESIDING JUDGE MINDUA: [10:34:27](Interpretation) Thank you very much.

11 Ms Taylor, I've already explained, the problem with this document is that there is no  
12 link with the witness. You have not established that and the witness has already  
13 answered that he does not recognise anyone.

14 Now, regarding the images or videos, that the Prosecutor will show, the Bench will  
15 assess and determine whether there are any links between those images -- those  
16 materials and the question on that basis.

17 MS TAYLOR: [10:35:08] And, Mr President, if I may, the witness wasn't shown the  
18 photo above. I know that because we were presenting it and we didn't actually  
19 present it to the witness. So on the basis of that ruling, we should be given an  
20 opportunity to show the photograph above to see if the witness recognises any  
21 individuals or the location. It's my final line of questioning. It will be much shorter  
22 than this objection has taken. And then we should be given a fair opportunity for  
23 ourselves to establish a foundation, if that is the approach being followed the  
24 witness -- by the Chamber. We haven't been given that opportunity so far.  
25 It's a document that's not easy to see in a printed format. We are attempting to show

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1 the photo. I do believe we should be given this opportunity to show the photograph.  
2 He can either say he recognises people or not. So far, we have not been given that  
3 opportunity, for the record. He has seen the profile of the photo below. He has not  
4 seen the photograph above.

5 PRESIDING JUDGE MINDUA: [10:36:10](Interpretation) Ms Taylor, I would like to  
6 stand by my first decision, but since that was your last question, I think we will end it  
7 at that, I believe.

8 MS TAYLOR: [10:36:24] Thank you, Mr President. So I understand from this that  
9 we are not being allowed to show the photograph to the witness. Is that your ruling,  
10 Mr President?

11 PRESIDING JUDGE MINDUA: [10:36:37](Interpretation) Ms Taylor, we have  
12 already ruled on that for the reasons that I have already given.

13 MS TAYLOR: [10:36:45] Thank you, Mr President.

14 PRESIDING JUDGE MINDUA: [10:36:58](Interpretation) Court officer, can you  
15 please reconnect with the witness, please.

16 THE COURT OFFICER: [10:37:35] The sound to the witness has been re-established,  
17 Mr President.

18 PRESIDING JUDGE MINDUA: [10:37:40](Interpretation) Thank you very much,  
19 court officer.

20 Ms Taylor, that brings your direct examination to an end? That was a question,  
21 Ms Taylor. So you have come to the end?

22 MS TAYLOR: [10:38:04] Thank you, Mr President.

23 Q. [10:38:05] Mr Witness, pursuant to the Judge's ruling that we cannot show the  
24 photo to you, that concludes our examination-in-chief. Thank you very much for  
25 your time.

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1 PRESIDING JUDGE MINDUA: [10:38:23](Interpretation) Ms Taylor, I gave you the  
2 floor to say goodbye to the witness in an appropriate manner, but I feel that your  
3 wording is not totally appropriate. The ruling that we have handed down is based  
4 on the rules and regulations. It is not arbitrary.

5 Now, on behalf of the Chamber, I note that the witness does not deny the admission  
6 of his statement. He has confirmed the statement in addition to the corrections made  
7 and he is present for the cross-examination. So the provisions of Rule 68(3) are  
8 fulfilled.

9 So I will give the floor now to the Prosecutor.

10 MR ALLAFI: [10:39:39](Interpretation) Thank you, Mr President. I just need a few  
11 moments to set up here.

12 PRESIDING JUDGE MINDUA: [10:39:46](Interpretation) Very well. Please take  
13 your time.

14 MR ALLAFI: [10:41:01] (Interpretation) Thank you, Mr President.

15 PRESIDING JUDGE MINDUA: [10:41:06](Interpretation) You have the floor,  
16 Mr Prosecutor. Please proceed.

17 QUESTIONED BY MR ALLAFI: (Interpretation)

18 Q. [10:41:13] Good morning, Mr Witness.

19 A. [10:41:18] I'm doing very well. Thank God.

20 Q. [10:41:23] We already met this morning. My name is Mousa Allafi, and I'm the  
21 one who is going to put questions to you on behalf of the Office of the Prosecutor.

22 A. [10:41:51] Very well.

23 MR ALLAFI: [10:42:00](Interpretation) Mr President, I would like to start in private  
24 session.

25 PRESIDING JUDGE MINDUA: [10:42:04](Interpretation) Court officer, private



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1 session, please.

2 MR ALLAFI: [10:42:10](Interpretation) I think we are already in private session.

3 PRESIDING JUDGE MINDUA: [10:42:13](Interpretation) Very well. Then proceed,  
4 Mr Prosecutor.

5 MR ALLAFI: [10:42:16](Interpretation) Thank you, Mr President.

6 Q. [10:42:21] Mr Witness, were you already married in 2012 during the occupation  
7 of Timbuktu by the armed groups?

8 A. [10:42:44] No.

9 Q. [10:42:49] And in 2012, [REDACTED]  
10 [REDACTED] is that correct?

11 A. [10:43:14] Yes, that is correct.

12 Q. [10:43:22] And it is [REDACTED] to Timbuktu, [REDACTED] kilometres from Timbuktu;  
13 is that correct?

14 A. [10:43:36] Yes, that is correct.

15 Q. [10:43:39] And you, Mr Witness, in 2012, you were living in a house in  
16 Timbuktu, [REDACTED]. In which neighbourhood was that?

17 A. [10:44:07] It was in [REDACTED]

18 Q. [10:44:15] And, Mr Witness, as from which year did you start living with [REDACTED]  
19 or at [REDACTED]

20 A. [10:44:54] [REDACTED] and I started living with him  
21 when I was quite small. And even though my family was in Timbuktu, I was living  
22 in his house.

23 Q. [10:45:13] So we agree that you have lived in [REDACTED] all the time; is that  
24 correct?

25 A. [10:45:29] No, not all the time. I did not always live with him. It's simply

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1 someone with whom I have a good relationship. And during the crisis, when he left,  
 2 I went and stayed in his house.

3 Q. [10:46:04] Very well. And in 2012, when you were in Timbuktu, did you live  
 4 anywhere else rather than [REDACTED] residence?

5 A. [10:46:37] Could you repeat the question.

6 Q. [10:46:39] Absolutely. So in 2012, when you were in Timbuktu, Witness, did  
 7 you live anywhere else other than at [REDACTED] residence?

8 A. [10:47:40] Yes. In 2012, we can say that, practically, I was living a [REDACTED]  
 9 house, while there was also my family. In fact, the -- [REDACTED] house, he left it to me to  
 10 look after, so I looked after it during this period. And given that I had a good  
 11 possibility at his house to make it a place to live, then I spent more time at his house.  
 12 And also my family was in the [REDACTED] neighbourhood and there were also some  
 13 friends who were there who also [REDACTED] But I preferred to spend  
 14 more time in [REDACTED] than in other people's houses.

15 Q. [10:48:42] Who is [REDACTED] What is [REDACTED] origin? What ethnic group?

16 A. [10:49:07] [REDACTED]

17 Q. [10:49:19] And who in his family was there in 2012? I'm sorry, who else in your  
 18 family was living in this house, in [REDACTED] house in 2012?

19 A. [10:49:58] My younger brother [REDACTED] was there.

20 Q. [10:50:15] So apart from your younger brother, [REDACTED] who else?

21 A. [10:50:40] No. In fact, there were a lot of people who would visit me, I received  
 22 a lot of people. But they wouldn't say they were coming and they would leave. So  
 23 when somebody was living there full time, no, it wasn't that situation.

24 Q. [10:51:01] So we are in agreement that in Timbuktu, you were not living in  
 25 a house. You weren't living in your family house, were you?

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1 A. [10:51:54] In 2012, there was the family house. We had a family house in  
 2 Timbuktu, but in this house, there wasn't much. So when [REDACTED] left, he had lots of  
 3 things, lots of his property, lots of his goods in the house, so he entrusted me with it.  
 4 Given that we had nothing, I decided to stay in his house in order to look after his  
 5 property and goods.

6 Q. [10:52:26] Very well. And at [REDACTED] house, there wasn't a landline. You had  
 7 a mobile, did you not, in 2012?

8 A. [10:52:51] Yes.

9 Q. [10:53:01] A mobile phone, I mean.

10 A. [10:53:13] Indeed.

11 Q. [10:53:18] And you had brothers and sisters, did you not, Witness?

12 A. [10:53:34] Indeed.

13 Q. [10:53:36] How many brothers and sisters did you have, Witness?

14 A. [10:53:46] Could you give me a minute. [REDACTED]

15 Q. [10:54:09] Is one of them older than you, Witness?

16 A. [10:54:19] Yes.

17 Q. [10:54:23] How many of them are there who are older than you?

18 A. [10:54:42] Just one.

19 Q. [10:54:45] And what is his name, Witness?

20 A. [10:55:06] [REDACTED]

21 PRESIDING JUDGE MINDUA: [10:55:18](Interpretation) Prosecutor, do we need all  
 22 these details? Is it in your line of argument?

23 MR ALLAFI: [10:55:24](Interpretation) I understand you, completely, but believe me  
 24 that I need it, your Honour. And if I need to go further --

25 PRESIDING JUDGE MINDUA: [10:55:38](Interpretation) Please go ahead.

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1 MR ALLAFI: [10:55:42](Interpretation) I just have a few more questions and then I'll  
2 go back into open session afterwards.

3 PRESIDING JUDGE MINDUA: [10:55:53](Interpretation) Very well.

4 MR ALLAFI: [10:55:55](Interpretation)

5 Q. [10:55:55] Witness, are you all brothers and sisters from the same father and  
6 mother?

7 A. [10:56:12] Yes, indeed.

8 Q. [10:56:16] Am I right to say that you are also known under the name [REDACTED] r  
9 [REDACTED] s that not the case?

10 A. [10:56:41] Yes, indeed, my name [REDACTED] I'm known with the nickname [REDACTED]

11 MR ALLAFI: [10:56:52](Interpretation) Your Honour, I think I can put some  
12 questions now in open session.

13 PRESIDING JUDGE MINDUA: [10:56:55](Interpretation) Court officer, please take  
14 us into open session.

15 (Open session at 10.57 a.m.)

16 THE COURT OFFICER: [10:57:12] We are back in open session, Mr President.

17 PRESIDING JUDGE MINDUA: [10:57:19](Interpretation) Thank you very much.

18 Prosecutor.

19 MR ALLAFI: [10:57:28](Interpretation) Thank you, your Honour.

20 Q. [10:57:31] Witness, in the region of Timbuktu, the family relationship is  
21 important, is it not?

22 A. [10:57:56] Indeed it is.

23 Q. [10:58:00] I would be right to say, would I not, that the -- I would be right to say,  
24 would I not, that solidarity within a tribe is important, is it not?

25 A. [10:58:36] With good intentions, yes.

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1 Q. [10:58:41] And you would agree with me that in your tribe, Kel Ansar, it's  
 2 traditional to learn the Koran, isn't it?

3 A. [10:59:05] Indeed.

4 Q. [10:59:08] And, Witness, we are in agreement that in your tribe, it is the person  
 5 who knows the Koran -- that if a person knows the Koran well, they can teach that to  
 6 their children, when they have a certain level of education, can they not?

7 A. [10:59:55] What is common is that we take teachers for children from other  
 8 side -- from other tribes, teachers from other tribes to teach the children.

9 Q. [11:00:19] But in your tribe, Kel Ansar, you have members who taught the Koran,  
 10 didn't they?

11 A. [11:00:36] Yes, indeed.

12 MR ALLAFI: [11:00:39](Interpretation) Your Honour, I will -- I tried to make it -- I  
 13 tried to avoid private session but we'll have to go into private session.

14 PRESIDING JUDGE MINDUA: [11:00:53](Interpretation) Court officer, please take  
 15 us into private session.

16 (Private session at 11.01 a.m.)

17 THE COURT OFFICER: [11:00:58] We are in private session, Mr President.

18 PRESIDING JUDGE MINDUA: [11:01:05](Interpretation) Thank you very much.  
 19 Prosecutor.

20 MR ALLAFI: [11:01:14](Interpretation) Thank you, your Honour.

21 Q. [11:01:16] Witness, you were in [REDACTED] were  
 22 you not?

23 A. [11:01:32] Indeed.

24 Q. [11:01:36] And in 2012, you were [REDACTED] and you were  
 25 based in Timbuktu town, were you not?

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1 A. [11:02:01] That's correct.

2 Q. [11:02:06] And in your statement that you gave to the Defence, 0006-0953,  
 3 paragraph 9 thereof, that you visited your mother at Mberra, didn't you? 0006-9053,  
 4 paragraph 9.

5 A. [11:02:44] Indeed, yes.

6 Q. [11:02:47] So this visit, Witness, was this before or after the declaration of  
 7 independence of the MNLA on 6 April 2012, was it before or after that?

8 A. [11:03:23] Afterwards.

9 Q. [11:03:35] And to be more precise, this visit, was it before or after the  
 10 MNLA-Ansar Dine agreement in Gao on 26 May 2012, was it before or after that?

11 A. [11:04:17] I do not remember this event at all. I couldn't say if it was before or  
 12 after.

13 Q. [11:04:29] I understand. So, if you -- if you remember, was it before or after the  
 14 MNLA left the airport of Timbuktu?

15 A. [11:05:06] No, I don't remember. I don't remember that.

16 Q. [11:05:11] Very well. So we agree that you weren't in Timbuktu all the time.  
 17 You also visited Mberra a [REDACTED] in 2012, did you not?

18 A. [11:05:52] Indeed.

19 Q. [11:06:01] And you indicate in your statement - and this is in paragraph 11 - that  
 20 you left Timbuktu in 2012 f [REDACTED] When did you leave Timbuktu exactly,  
 21 Witness?

22 A. [11:06:48] I don't remember exactly the period. But what I do know is that at  
 23 that time it was cold.

24 Q. [11:07:01] I'm going to help you. Was it before or after Ramadan 2012? And I  
 25 remind you that it was -- it was between 20 July and 18 August 2012. Was it before

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1 or after that?

2 A. [11:08:06] I'm not going to lie, but I don't remember exactly -- I don't remember  
3 it exactly, but -- well, I don't remember having had this celebration in [REDACTED] n  
4 2012, the celebration of Ramadan.

5 Q. [11:08:26] You mean, you don't remember having celebrated Ramadan in  
6 [REDACTED] do you not?

7 A. [11:08:51] No, I don't remember having celebrated Ramadan in [REDACTED]

8 Q. [11:09:05] Perhaps I'll give you another point of reference. Was it before or  
9 after the amputations in Timbuktu?

10 PRESIDING JUDGE MINDUA: [11:09:23](Interpretation) Ms Taylor?

11 MS TAYLOR: [11:09:26] Thank you very much, Mr President. Could this not be  
12 interpreted to the witness.

13 PRESIDING JUDGE MINDUA: [11:09:35](Interpretation) Court officer, please can  
14 you cut the sound to the witness.

15 MS TAYLOR: [11:09:56] I believe it can just not be interpreted, rather than cutting  
16 the sound. It might be quicker.

17 PRESIDING JUDGE MINDUA: [11:10:10](Interpretation) We are already in the  
18 process.

19 THE COURT OFFICER: [11:10:16] The sound to the witness has been disconnected.  
20 Thank you.

21 PRESIDING JUDGE MINDUA: [11:10:19](Interpretation) Thank you very much,  
22 Court Officer.

23 Ms Taylor.

24 MS TAYLOR: [11:10:20] Thank you very much, Mr President. I do believe that it  
25 would be appropriate and more efficient for the Prosecution to first establish whether

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1 this witness has any factual knowledge of the particular incidents that they're trying  
2 to use to establish dates. Because at this point in time, they've gone through a series  
3 of very specific factual incidents, they've put to him specific dates, and they have not  
4 established with this witness whether he has any personal knowledge of the incidents  
5 that they're attempting to use as a frame of reference.

6 Now, firstly, we could be here all day if we go through things like this. And  
7 secondly, it's not appropriate to predicate a question on an assumption that the  
8 witness actually knows what they're speaking about.

9 If they're trying to date things, there's a much easier way to do this, but I do believe  
10 we could be here all day and it's not appropriate to base questions on assumptions of  
11 fact.

12 MR ALLAFI: [11:11:21](Interpretation) We agree. We agree.

13 PRESIDING JUDGE MINDUA: [11:11:24](Interpretation) Yes, Ms Taylor. I think  
14 you are right.

15 Prosecutor, please reformulate, because in the statement, that it doesn't say that the  
16 witness is aware of the amputation that you speaking about.

17 MR ALLAFI: [11:11:41](Interpretation) You are indeed correct, your Honour, but the  
18 objection was quicker than myself. But I will reformulate.

19 PRESIDING JUDGE MINDUA: [11:11:48](Interpretation) Very well. Let's  
20 re-establish the sound.

21 Court Officer, please re-establish the sound.

22 THE COURT OFFICER: [11:12:04] The sound to the witness has been re-established,  
23 Mr President.

24 PRESIDING JUDGE MINDUA: [11:12:18](Interpretation) Thank you very much,  
25 Court Officer.



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1 Prosecutor, please continue.

2 MR ALLAFI: [11:12:22](Interpretation) Thank you, your Honour.

3 Q. [11:12:23] Witness, do you remember an amputation that took place in

4 Timbuktu in 2012? Does that mean anything to you?

5 A. [11:12:58] I'm aware of the event, but I don't remember the exact day when it  
6 happened or the period in which it happened.

7 Q. [11:13:09] And you therefore left before or after this event?

8 A. [11:13:41] I think that it was after this event that I left.

9 Q. [11:13:51] Are you able to tell us approximately how much time afterwards?

10 How many days? How many weeks? How many months?

11 PRESIDING JUDGE MINDUA: [11:14:18](Interpretation) Prosecutor, the witness  
12 has disappeared.

13 MR ALLAFI: [11:14:20](Interpretation) This is perhaps a time for the break.

14 PRESIDING JUDGE MINDUA: [11:14:24](Interpretation) You are completely right.

15 MR ALLAFI: [11:14:26](Interpretation) Thank you, your Honour.

16 PRESIDING JUDGE MINDUA: [11:14:32](Interpretation) So we are going to have  
17 a break for half an hour and we will be back at 11:45.

18 Court is suspended.

19 THE COURT USHER: [11:14:45] All rise.

20 (Recess taken at 11.14 a.m.)

21 (Upon resuming in private session at 11.45 a.m.)

22 THE COURT USHER: [11:45:40] All rise.

23 Please be seated.

24 PRESIDING JUDGE MINDUA: [11:46:04](Interpretation) Court has resumed.

25 The floor is still with the Prosecutor.

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1 Mr Prosecutor, we are still in private session. So please accelerate so that we should  
2 go to open session.

3 MR ALLAFI: [11:46:24](Interpretation) Thank you, Mr President. Just for the  
4 record, there is Madam Caroline Leroy, a member of our team who has just joined us.

5 PRESIDING JUDGE MINDUA: [11:46:50](Interpretation) Very well. That is very  
6 good for the record.

7 Please proceed, Mr Prosecutor.

8 MR ALLAFI: [11:46:57](Interpretation)

9 Q. [11:46:57] Good morning once again, Mr Witness.

10 A. [11:47:02] I'm doing well, thank God.

11 Q. [11:47:09] Mr Witness, in your last answer, line 21 to 23, page 26, you said that  
12 you did not really remember when you left Timbuktu. Do we agree, Mr Witness, if I  
13 give you a date in 2012, between February and August, September, you are not in  
14 a position to tell me what each of your brothers and sisters were doing on that day; is  
15 that correct?

16 A. [11:49:05] Yes, regarding [REDACTED], they were living in the bushes. Ever since  
17 they had returned from Mauritania, they had been in the bush, before I went with  
18 them to [REDACTED]. It's the same thing with [REDACTED] [REDACTED] as living  
19 with me; whereas [REDACTED] is someone who was travelling a lot, so he was on one of his  
20 trips.

21 Q. [11:50:02] Very well. Now, in your statement which you gave to the Defence,  
22 paragraph 38, to your knowledge, Mr Witness, in 2012, [REDACTED]

23 [REDACTED]  
24 Isn't that correct?

25 PRESIDING JUDGE MINDUA: [11:50:35] *Maître* Taylor.

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1 MS TAYLOR: [11:50:43] Thank you, Mr President. Firstly, the Prosecution hasn't  
 2 read out the statement out correctly. Secondly, in accordance with the Decision on  
 3 the Conduct of the Proceedings, the Prosecution should read out the entirety of the  
 4 paragraph before putting the question to the witness so the witness understands the  
 5 context of the question. That's the procedure that's been applied thus far in this trial.  
 6 Thank you.

7 PRESIDING JUDGE MINDUA: [11:51:14](Interpretation) Yes, Mr Prosecutor,  
 8 paragraph 38 is not very long. So it can be read out to the witness so that he should  
 9 be placed in context.

10 MR ALLAFI: [11:51:41](Interpretation) No problem, Mr President. I don't know  
 11 whether you want me to read it or the interpreters? It should be more rapid.

12 PRESIDING JUDGE MINDUA: [11:51:53](Interpretation) Yes, for the interpreters I  
 13 think it will be faster.

14 Please, interpreters, read it out for the witness.

15 Mr Prosecutor.

16 MR ALLAFI: [11:53:34](Interpretation)

17 Q. [11:53: [REDACTED]

18 [REDACTED]

19 A. [11:54:05] Yes, that is correct.

20 Q. [11:54:23] And in 2012, around which month did Al Hassan's family arrive in  
 21 Timbuktu, Mr Witness? As far as you can remember, of course.

22 A. [11:55:05] I don't even remember dates relating to members of my family, let  
 23 alone the families of other people.

24 Q. [11:55:16] And in 2003, Al Hassan was living [REDACTED] correct?

25 A. [11:55:35] Yes, that is indeed true.

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1 Q. [11:55:38] And during that period, you frequently met with Al Hassan [REDACTED]  
2 [REDACTED] correct?

3 A. [11:56:02] Yes, indeed.

4 Q. [11:56:04] And between 2003 and 2011, you had communications or  
5 conversations with Al Hassan over the phone; is that correct?

6 A. [11:56:29] Yes. Yes, indeed, that is true.

7 Q. [11:56:34] And between 2003 and 2011, you were regularly or frequently  
8 together with Al Hassan, right?

9 A. [11:57:05] 2000 and what? What did you say?

10 Q. [11:57:14] Between 2003 and 2011.

11 A. [11:57:34] Yes, we met quite often. Everybody was going about their business,  
12 but when we had time, we would meet.

13 Q. [11:57:52] Very well. And so I would be correct, Mr Witness, to say that you  
14 were friends; is that correct?

15 A. [11:58:08] Yes, that is true.

16 Q. [11:58:13] And subsequently, in 2012, for a certain period of time [REDACTED]  
17 [REDACTED]

18 A. [11:58:49] Which period are you referring to?

19 Q. [11:58:56] Any day, any time in 2012.

20 A. [11:59:26] That is possible. It is possible. What I can say is that when Hassan  
21 was living in Timbuktu, he visited me. He visited me [REDACTED] So we had  
22 that relationship between us, so to speak, so he visited me.

23 Q. [12:00:00] Mr Witness, in your statement, paragraph 45, you told the Defence  
24 that:

25 (Speaks English) "At the beginning, he", (No interpretation), (Speaks English) "would

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1 stay [REDACTED] But when his family arrived, he lived somewhere else in  
 2 Timbuktu."

3 (Interpretation) This is in fact what you told the Defence, Mr Witness; is that correct?

4 A. [12:01:21] Yes, that is absolutely true. However, this was before 2012, this was  
 5 before the period of 2012.

6 Q. [12:01:39] [REDACTED]  
 7 [REDACTED]

8 A. [12:02:03] I no longer remember that.

9 Q. [12:02:15] But it is possible. It is not an impossibility. Isn't that so,  
 10 Mr Witness?

11 PRESIDING JUDGE MINDUA: [12:02:29](Interpretation) Ms Taylor.

12 THE WITNESS: [12:02:35](Interpretation) Can you hear me?

13 MR ALLAFI: [12:02:46](Interpretation) Can we allow him to answer?

14 PRESIDING JUDGE MINDUA: [12:02:50](Interpretation) Ms Taylor, let us allow the  
 15 witness to answer.

16 MS TAYLOR: [12:02:57] I have an objection to the question.

17 THE WITNESS: [12:03:15](Interpretation) The clarification that I wanted to make is  
 18 [REDACTED]

19 I [REDACTED] It is true that even I myself, I did not spend too much time  
 20 there. I just spent enough time to take care of the house.

21 Can I continue?

22 PRESIDING JUDGE MINDUA: [12:03:49](Interpretation) No, wait, Mr Witness.  
 23 Counsel Taylor.

24 MS TAYLOR: [12:03:57] Thank you, Mr President.

25 As a first point, I don't believe it's appropriate to put questions to a witness as to

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1 what's possible. That's basically an invitation to speculate. They should be invited  
2 to give evidence on the basis of what they know or remember to be true or not.  
3 Secondly, I do believe we've been -- we've been going down quite a bit of a muddle  
4 because the Prosecution has not been very specific in the dates and the times that  
5 they're using. In particular, given that in the statement it has very specific periods  
6 concerning when people lived in different -- in this particular house. So I do believe  
7 if they're going to put questions about 2012, they need to put questions which are  
8 very precise about the period of 2012 that they're speaking about. Thank you.

9 PRESIDING JUDGE MINDUA: [12:04:43](Interpretation) Yes, Mr Prosecutor, you  
10 were not very clear with the dates, the period.

11 MR ALLAFI: [12:04:56](Interpretation) Yes. It is an observation to the witness who  
12 gave an answer that was not quite clear, but he understands the possibilities. And I  
13 will move on to something else.

14 PRESIDING JUDGE MINDUA: [12:05:25](Interpretation) Very well. Move on to  
15 something else.

16 MR ALLAFI: [12:05:31](Interpretation)

17 Q. [12:05:31] Mr Witness [REDACTED] don't you?

18 A. [12:05:46] Yes.

19 Q. [12:05:51] And [REDACTED] correct?

20 A. [12:06:00] Yes, that is true.

21 Q. [12:06:45] And so you know what Mr Hassan was doing. Isn't that so,  
22 Mr Witness?

23 A. [12:07:01] In relation to what?

24 Q. [12:07:17] Mr Witness, you stated that Mr Al Hassan used to come and visit you  
25 [REDACTED] That is page 34 -- pages 8 to 11. So you talked with

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1 him, you knew what he was doing and what he was saying; isn't that correct?

2 PRESIDING JUDGE MINDUA: [12:07:55](Interpretation) Ms Taylor.

3 MS TAYLOR: [12:07:58] Thank you, Mr President. Earlier I mentioned that there  
4 was an issue with the Prosecution's questioning, that it was vague due to lack of dates.  
5 I believe that that vagueness has now been compounded by a follow-up question  
6 which again is not specific about dates. If the Prosecution wishes to put a question  
7 about 2012, given that there were various periods in 2012, it's very important for the  
8 question to be specific. Thank you.

9 PRESIDING JUDGE MINDUA: [12:08:30](Interpretation) Yes, Mr Prosecutor, 2012 is  
10 a very long period. Maybe you should be more specific, especially since the events  
11 in 2012 were not the same, in the different periods of the year.

12 MR ALLAFI: [12:08:58](Interpretation) I used the term that the witness used. He  
13 said 2012. But I will be specific.

14 Q. [12:09:09] Mr Witness, during the occupation of Timbuktu by the armed groups,  
15 Mr Al Hassan visited you [REDACTED] isn't that correct?

16 A. [12:10:04] In 2012, during the occupation, Al Hassan was not coming [REDACTED]  
17 [REDACTED]. However, before 2012, before the  
18 occupation, he used to visit me. This means that during the occupation, the only  
19 way I met him was by chance. I would see him pass by coincidentally, and that is how  
20 we met.

21 Q. [12:10:52] You were friends and when you met, you would speak with each  
22 other, correct?

23 A. [12:11:35] Yes, we were friends. We were good friends who had even been  
24 inseparable before 2012, when there was peace and stability. However, after 2012,  
25 there was no longer any time for friendship. We did not have time for each other.

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1 And since I [REDACTED] I no longer had any time because of my occupation.

2 And so, because of the crisis, no one had any time for the other.

3 Q. [12:12:17] Mr Witness, despite the fact that, as you have said, you were  
4 inseparable friends up to 2011, when you met each other in 2012, it was simply by  
5 coincidence, by chance. Is that your testimony, Mr Witness?

6 A. [12:13:16] No, that was not precisely what I said. What I said was that after  
7 2012, we used to meet. We used to meet well and when we met, we would converse.  
8 And furthermore, we would call each other from time to time.

9 PRESIDING JUDGE MINDUA: [12:13:44](Interpretation) Are we still continuing in  
10 private session, Mr Prosecutor?

11 MR ALLAFI: [12:13:52](Interpretation) Your Honour, I want to go to open session,  
12 but I don't know what the Defence thinks.

13 PRESIDING JUDGE MINDUA: [12:14:00](Interpretation) Ms Taylor, please.

14 MS TAYLOR: [12:14:02] Thank you, Mr President. It's just to note a correction to  
15 the transcript. I believe it should have said before 2012. That was what was said in  
16 Tamasheq, but neither the French nor the English have "before", they have "after".

17 PRESIDING JUDGE MINDUA: [12:14:25](Interpretation) Very well, Ms Taylor.

18 Mr Prosecutor, are you going to adapt your question?

19 MR ALLAFI: [12:14:45](Interpretation) I think it is not that ...

20 Q. [12:14:53] Mr Witness --

21 We can put the question to the witness. It's clear in the transcript, it is clear in the  
22 transcript, but we can put the question to the witness, Mr President.

23 I have the excerpt there, he said page 34, line 24, he said: "No, that is not exactly  
24 what I said. He said -- I said after 2012, we would meet and we would meet very  
25 well. We also -- we discussed also and we even were in the habit of calling each



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1 other from time to time."

2 PRESIDING JUDGE MINDUA: [12:15:40](Interpretation) In French, I heard "*après*",

3 that is "after". So in order to solve that, we should ask the question to the witness.

4 Ms Taylor thinks it was "before". But the witness has disappeared, so we can ask

5 him the question when he reappears. And, Mr Prosecutor, please see whether it is

6 not possible to go back to open session.

7 Regarding [REDACTED] we can give it a pseudonym, a letter, [REDACTED] r something else.

8 MR ALLAFI: [12:16:23](Interpretation) You are quite correct, but I thought we could

9 go faster by being in private, but I can see with you, and if you want, I can do that

10 also.

11 PRESIDING JUDGE MINDUA: [12:16:37](Interpretation) We will try that,

12 Mr Prosecutor.

13 Ms Taylor.

14 MS TAYLOR: [12:16:47] Thank you, Mr President. If the Prosecution had no

15 further follow-up questions on that, we can also address this issue "before" and "after"

16 by simply doing a transcript request. We can ask that the interpreters review the

17 accuracy of the transcripts afterwards so we don't lose time. If it doesn't impact on

18 their line of questioning, if they have no follow-up questions, it can be addressed that

19 way to save time, because the interpreters can check the original audios afterwards.

20 Thank you.

21 PRESIDING JUDGE MINDUA: [12:17:20](Interpretation) Prosecutor, you've heard

22 the proposal from the Defence?

23 MR ALLAFI: [12:17:29](Interpretation) Yes, the witness was there and the witness is

24 going to come back. We will put the question to the witness and I will reread the

25 passage once again and the witness will confirm it once again. That will be fairer to

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1 the witness, such that is clear for the Chamber, without any doubt.

2 PRESIDING JUDGE MINDUA: [12:17:49](Interpretation) Very well, Prosecutor.

3 Prosecutor, the witness has returned. He had disappeared but now he is back. So

4 we are going to continue. Please put your question, Prosecutor.

5 MR ALLAFI: [12:18:40](Interpretation)

6 Q. [12:18:56] Witness, I'm just looking for the exact passage in French.

7 Witness, on page -- in the line 24, page 34, what you stated was:

8 "No. It's not absolutely what I said. What I said was that after -- what I said is that

9 after 2012, we would meet and we would discuss as well -- discuss matters as well.

10 And we would also call each other from time to time."

11 That's what you said, is it not, Witness?

12 A. [12:21:15] So it's possible that it's the interpreter who misinterpreted my remarks.

13 However, what I wanted to say and -- that was that Al Hassan, during 2012 and even

14 prior thereto, when possible, we would call. He would call me and I would call him

15 often when it was possible. And even -- if it was possible to call him, then I would

16 call him. So to sum up, in 2012, we were not in the same place.

17 Q. [12:22:00] Thank you very much for this position. It's very useful.

18 So you would speak to each other about what was happening in Timbuktu in 2012,

19 would you not?

20 A. [12:22:48] Why did we only have to discuss points about Timbuktu in 2012?

21 [REDACTED] There's no subject

22 that we wouldn't discuss.

23 Q. [12:23:24] (No interpretation)

24 A. [12:23:26] With regards to what we would do how? What do you mean?

25 Q. [12:23:32] So you spoke about what you did, didn't you?

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1 A. [12:23:36] With regard to what we did, what do you mean by that?

2 Q. [12:23:44] Such as the activities in 2012, indeed is it not the case?

3 A. [12:24:12] Well, what I do know is we would call each other. He would call me  
4 often. However, what we said during these calls, I cannot remember.

5 Q. [12:24:31] You don't remember. I understand, Witness. It was a long time  
6 ago.

7 MR ALLAFI: [12:24:55](Interpretation) Your Honour, I'll just take a moment to  
8 discuss matters with the team.

9 PRESIDING JUDGE MINDUA: [12:25:00](Interpretation) Please go ahead.

10 (Counsel confers)

11 MR ALLAFI: [12:25:40](Interpretation)

12 Q. [12:25:41] Witness, Al Hassan has been your friend [REDACTED] has he not?

13 And you spent a lot of time with him. [REDACTED]

14 [REDACTED]

15 A. [12:26:27] Yes, I heard that.

16 Q. [12:26:32] And how did you hear this news, Witness?

17 A. [12:26:52] Because it was everywhere. It was on the radio, it was on television.

18 PRESIDING JUDGE MINDUA: [12:27:02](Interpretation) Prosecutor, we are still in  
19 private session, I would remind you. It's time to go into open session.

20 MR ALLAFI: [12:27:12](Interpretation) Indeed, your Honour.

21 PRESIDING JUDGE MINDUA: [12:27:16](Interpretation) Court officer, please take  
22 us into open session.

23 (Open session at 12.27 p.m.)

24 THE COURT OFFICER: [12:27:31] We are in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [12:27:35](Interpretation) Thank you very much,

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1 court officer.

2 Prosecutor.

3 MR ALLAFI: [12:27:42](Interpretation) Your Honour, I think that there was  
4 a misunderstanding with regards to my question, so I'm going to repeat it.

5 Q. [12:27:52] Witness, I'm not speaking about the news that Al Hassan had been  
6 sent to the Court. My question was that once Al Hassan, your friend with whom  
7 you had spent time, when he had been sent to the International Criminal Court,  
8 did -- you had news from him, did you not? Or news of him?

9 THE INTERPRETER: [12:28:40] Corrects the interpreter.

10 PRESIDING JUDGE MINDUA: [12:28:51] *Maître* Taylor.

11 MS TAYLOR: [12:28:53] Thank you, Mr President. I do believe it's the same  
12 question.

13 PRESIDING JUDGE MINDUA: [12:29:04](No interpretation)

14 MS TAYLOR: [12:29:04] I do believe the Prosecutor has put the same question to the  
15 witness. It might be that they didn't intend to, but as it comes across, it is the same  
16 question, and it will be interpreted as such.

17 PRESIDING JUDGE MINDUA: [12:29:25](Interpretation) Very well. Perhaps the  
18 witness hasn't understood.

19 Let's listen to the answer.

20 Interpreter, I think the witness already replied. Could you translate, please.

21 Very well. Prosecutor restart.

22 THE WITNESS: [12:29:43](Interpretation) I didn't understand the question.

23 MR ALLAFI: [12:29:49](Interpretation)

24 Q. [12:29:49] Witness, once Mr Al Hassan was here in The Hague at the  
25 International Criminal Court, did you have news from him or about him?

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1 PRESIDING JUDGE MINDUA: [12:30:21](Interpretation) Please wait for the answer,

2 Ms Taylor.

3 THE WITNESS: [12:30:28](Interpretation) What type -- I don't understand the

4 question. I don't understand the question.

5 MS TAYLOR: [12:30:37] Mr President? If I may?

6 PRESIDING JUDGE MINDUA: [12:30:40](No interpretation)

7 MS TAYLOR: [12:30:41] The Prosecutor has put a question with two compound

8 possibilities in the question. If they are going to put this to the witness, they should

9 put it very clearly. If the question is whether they heard news -- whether this person

10 received information directly from Mr Al Hassan, that is the question that should be

11 put to the witness. If they are going to ask a very general question as to whether he

12 had heard news about Mr Al Hassan, that's already been answered.

13 I also suggest this should be in private session, given that if they are going to drill

14 down on this, this will give details that will identify the witness. Thank you.

15 PRESIDING JUDGE MINDUA: [12:31:24](Interpretation) Prosecutor, have you

16 heard? The Defence says that there are two possibilities for your question. So

17 which do you choose? Because it also depends on whether we should stay in open

18 session or in private session.

19 MR ALLAFI: [12:31:41](Interpretation) I think we can stay in open session firstly.

20 Secondly, I will choose my question such that it's very clear.

21 PRESIDING JUDGE MINDUA: [12:31:52](Interpretation) Thank you very much.

22 Please go ahead.

23 MR ALLAFI: [12:31:56](Interpretation)

24 Q. [12:31:56] Witness, when Mr Al Hassan was sent to the ICC -- to the

25 International Criminal Court and there was a case for which you are testifying today,

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1 did you ask him about his news or did you ask about his news, from his family, for  
2 example?

3 PRESIDING JUDGE MINDUA: [12:32:29](Interpretation) Ms Taylor.

4 MS TAYLOR: [12:32:32] Thank you, Mr President. Again it's a compound question.

5 The Prosecutor should put each possibility separately to the witness so we don't get  
6 confusion. They should go through it in very clear stages because we repeatedly  
7 have the witness say he doesn't understand the question, and again the Prosecutor  
8 has put a compound question with two separate possibilities in it.

9 PRESIDING JUDGE MINDUA: [12:33:00](Interpretation) Prosecutor, I admit that  
10 the witness could understand your question. But let's apply the rule and let's not  
11 have compound questions. Just ask a question and then a second one.

12 MR ALLAFI: [12:33:18](Interpretation)

13 Q. [12:33:20] Witness, is it correct that you asked news about Al Hassan [REDACTED]  
14 [REDACTED] That you asked for news -- [REDACTED] - from -- you asked for news  
15 about Al Hassan [REDACTED]

16 A. [12:34:00] No.

17 Q. [12:34:09] You say no. So it's the friend with whom you spent a lot of time, he  
18 has an international case in a foreign country a [REDACTED] for news  
19 about him. Is that your testimony, Witness?

20 A. [12:35:13] In fact, the information is very clear, the information that I received is  
21 very clear. It was on the news. It was on the radio, on television. And these news  
22 were international, we got this news without needing a third party -- without the  
23 agreement of a third party.

24 MR ALLAFI: [12:35:44](Interpretation) Your Honour, I have two private session  
25 questions. It's very important.

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1 PRESIDING JUDGE MINDUA: [12:35:50](Interpretation) Court officer, please take  
 2 us into private session.

3 MR ALLAFI: [12:35:54](Interpretation) I would state that the Office of the  
 4 Prosecutor has made an effort and I will finish very soon.

5 PRESIDING JUDGE MINDUA: [12:36:01](Interpretation) That's very good news.  
 6 (Private session at 12.36 p.m.)

7 THE COURT OFFICER: [12:36:21] We are in private session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:36:25](Interpretation) Thank you very much,  
 9 Madam Court Officer.

10 Prosecutor, please continue.

11 MR ALLAFI: [12:36:31] (Interpretation)

12 Q. [12:36:34] Witness, in 2018, 201 [REDACTED]

13 A [REDACTED] did you not, in Timbuktu?

14 A. [12:37:29] I don't remember that.

15 Q. [12:37:42] Well, this visit was such [REDACTED]

16 [REDACTED] Do you not remember that?

17 A. [12:38:13] I don't remember that.

18 Q. [12:38:17] But you know [REDACTED] do you not, Witness?

19 A. [12:38:35] It's difficult for there to be a person in Timbuktu that I wouldn't know.

20 It would also be difficult for the person in Timbuktu not to know me.

21 Q. [12:38:50] So you know that person, Witness?

22 A. [12:39:04] Yes, I know him.

23 Q. [12:39:07] And you call each other, you're in contact with each other?

24 A. [12:39:23] You mean wit [REDACTED]

25 Q. [12:39:29] Indeed.

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1 A. [12:39:55] I've known him even before 2012. [REDACTED] and he would do  
 2 that with me. And I am somebody [REDACTED]  
 [REDACTED]

4 Q. [12:40:22] An [REDACTED] id he contact you to get news from  
 5 Al Hassan? He did contact you, didn't he, to get news about Al Hassan?

6 A. [12:40:51] Well, I don't remember this event.

7 Q. [12:41:00] This was [REDACTED] it wasn't a long time ago. Is that your testimony,  
 8 Witness, today?

9 A. [12:41:22] I don't remember.

10 MR ALLAFI: [12:41:27](Interpretation) Your Honour, we can go into open session.

11 PRESIDING JUDGE MINDUA: [12:41:31](Interpretation) Indeed.

12 Court officer, please take us into open session.

13 (Open session at 12.41 p.m.)

14 THE COURT OFFICER: [12:41:46] We are back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [12:41:51](Interpretation) Thank you very much,  
 16 court officer.

17 Prosecutor.

18 MR ALLAFI: [12:41:59](Interpretation)

19 Q. [12:42:02] Yes, thank you, your Honour.

20 Witness, was it you who contacted the Defence or was it the Defence who contacted  
 21 you the first time?

22 A. [12:42:41] They called me the first time.

23 Q. [12:42:49] Who called you?

24 A. [12:43:03] It was the person who acts as the intermediary between them and  
 25 myself.



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1 Q. [12:43:13] And who is this person?

2 PRESIDING JUDGE MINDUA: [12:43:18](Interpretation) Please wait, Prosecutor.

3 Perhaps it's a sensitive matter.

4 Ms Taylor.

5 MS TAYLOR: [12:43:22] Yes, Mr President. As the Prosecution is well aware, this is  
6 information that is covered by redactions which they are now attempting to elicit in  
7 a way that is entirely inappropriate, particularly that they're doing so in open session.  
8 This is information that has been withheld from the Prosecution through redactions.  
9 It's not appropriate for them to try and evade those redactions through questioning  
10 the witness, particularly given that it could impact upon the security of this  
11 individual. Thank you.

12 PRESIDING JUDGE MINDUA: [12:43:54](Interpretation) Indeed, Ms Taylor. You  
13 say that the name was redacted. Now the Prosecutor would like to know. I think  
14 we can say it in private session. Would you agree with that?

15 MS TAYLOR: [12:44:09] Mr President, no we would not agree with it, because that  
16 would defeat the purpose of the redactions, in that the purpose of the redactions is to  
17 withhold the information. So this information has consistently been withheld for  
18 security reasons. But this issue has come up earlier and the Judges upheld the fact  
19 that it should not be disclosed and that questioning should not be a way to evade  
20 redactions, in the same way that the Defence cannot seek to question a witness about  
21 information that's covered by redactions. Otherwise, it defeats the whole purpose of  
22 redactions. Thank you.

23 PRESIDING JUDGE MINDUA: [12:44:54](Interpretation) Ms Taylor, I'm astonished,  
24 because the Chamber hasn't ruled on the redaction. So how did you arrange that it  
25 be redacted for the Chamber and for the Office of the Prosecutor?

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1 MS TAYLOR: [12:45:12] Thank you, Mr President. This has been the subject of  
2 prior exchanges with the Prosecution. It did go to the Chamber and the Chamber  
3 did uphold the redactions on that instance. I also recall it arising in an earlier  
4 witness and, again, the Chamber overruled the Prosecution's attempt to elicit this  
5 information.  
6 Now, the same information has been redacted from Prosecution statements.  
7 We were not allowed to have access to it. The question is, do Defence redactions  
8 have the same legal force as Prosecution redactions, and I would hope that they  
9 would. Now, this is an individual who is -- the Defence depends on him, we will  
10 continue to depend on him till the end of this case. We do not believe that he should  
11 be put at risk by his name being put into the record and by questions being put about  
12 him. The Prosecution has the information, they have the information that it was  
13 a Defence intermediary. They don't need the name of the individual unless they  
14 provide a specific foundation for that.  
15 Mr President, I do recall that in line with the past practice that was adopted by the  
16 Chamber, the Prosecution can put questions about the type of information the  
17 intermediary elicited. They can put questions about whether any inappropriate  
18 questioning was put to the witness. All of that can be done without actually eliciting  
19 the name of the individual. Thank you.

20 PRESIDING JUDGE MINDUA: [12:46:37](Interpretation) I can see the Prosecutor on  
21 his feet.

22 Mr Prosecutor.

23 MR ALLAFI: [12:46:43](Interpretation) Yes, Mr President, your Honours, that is  
24 strange. I didn't understand the argument of the Defence. It is very, very  
25 important and pertinent. And when it comes to private sessions, security is no

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1 longer an issue, Mr President. There is no reason for the OTP not to ask that  
2 question. If that is linked to security, you ask the questions to the Prosecution  
3 witnesses that were more important than that, and the Chamber allowed those  
4 questions to be put to the witnesses. So I really do not understand.

5 PRESIDING JUDGE MINDUA: [12:47:46](Interpretation) Ms Taylor, I think there is  
6 a little confusion. There is the issue of the redaction itself and then there is the issue  
7 of the relevance of the information itself.

8 Now, regarding the relevance, the Office of the Prosecutor believes that there is  
9 a reason for that and we will get to know about that shortly.

10 Now, regarding the principle of redaction itself, we have the rules, as I was saying  
11 this morning. In certain cases, the provider of information can request that such  
12 information should not be disclosed to one party or the other, and the Chamber  
13 accepts that, because information can come from an individual or even from a state.  
14 That happens.

15 Secondly, when it relates to the problem of the security of the witness, for example,  
16 the Chamber itself can order redaction or authorise redaction up to a deadline before  
17 we go into open session. But here we are in private session and you said that this  
18 was subject to a redaction order. My colleagues are not aware, me neither.

19 We were actually in open session, so we will go into private session. The  
20 Prosecution will put the question and there is no problem of security.

21 Do you agree, Ms Taylor?

22 MS TAYLOR: [12:49:42] Thank you, Mr President. Respectfully, no, we do not  
23 agree. The Prosecution intermediaries were consistently redacted from statements  
24 from the Defence. If the Prosecution wished to obtain this information in advance of  
25 the witness's testimony, they could have filed an application to the Chamber to obtain

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1 the information covered by the redaction. They did not do so. They're now  
2 attempting to do so through questioning rather than litigation.  
3 Now, in the past, the Prosecution has attempted to have access to this information,  
4 and the Chamber has rejected it as being unfounded, as being a fishing expedition,  
5 a phrase that I think the Chamber has used quite often in response to Defence  
6 requests for the equivalent information. If the Prosecution wishes to have this  
7 information, there needs to be much more of a foundation rather than simply, "We  
8 want it", which appears to be the case. So if they substantiate a very concrete reason  
9 to have access to the information, they could have done so through a written  
10 application. Otherwise, this is simply a fishing expedition. Thank you.

11 PRESIDING JUDGE MINDUA: [12:50:44](Interpretation) Very well.

12 So, Ms Taylor, according to you, there was a protocol agreement between you and the  
13 OTP regarding this redaction?

14 MS TAYLOR: [12:51:10] If I can refer the Chamber to -- I believe it's T-181, 7 June  
15 2022. There was an oral ruling to this effect by the Chamber on this very same  
16 question. This falls within the fourth corner of that same oral ruling.

17 PRESIDING JUDGE MINDUA: [12:51:40](Interpretation) I can see the Prosecutor on  
18 his feet.

19 MR ALLAFI: [12:51:43](Interpretation) Yes, Mr President. With witness  
20 MLI-D28-0006-9053, first page, there is a redaction, 1, location, and 2, something else.  
21 There is nowhere that there are redactions on intermediaries, so we cannot ask the  
22 Defence to lift the redaction because there were no redactions on intermediaries. So  
23 the line of questioning is relevant and can be very useful for the witnesses that will  
24 come up later. So there is no security issue also in private session.

25 PRESIDING JUDGE MINDUA: [12:52:43](Interpretation) Very well.

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1 Ms Taylor, you still want to take the floor? The Chamber needs to be clarified.

2 MS TAYLOR: [12:52:51] Mr President, the redactions on the cover page concern  
3 court interpreters only and locations. We could lift it and provide it to the Chamber,  
4 but the redactions on this page exclusively concern court interpreters.

5 PRESIDING JUDGE MINDUA: [12:53:13](Interpretation) Very well. Thank you  
6 very much.

7 (Trial Chamber confer)

8 PRESIDING JUDGE MINDUA: [12:54:00](Interpretation) Ms Taylor, for the reasons  
9 that I have already explained, the Chamber finds that there are no grounds for  
10 redaction at this particular time when we are in session. We are going to order  
11 a private session and the Prosecutor will put his question.

12 Court officer, private session, please.

13 (Private session at 12.54 p.m.)

14 THE COURT OFFICER: [12:54:34] We are in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [12:54:41](Interpretation) Thank you very much.

16 Mr Witness, we are in private session. The Prosecutor will ask you a question and  
17 you should be able to answer.

18 Prosecutor.

19 MR ALLAFI: [12:54:59](Interpretation) Thank you very much, Mr President.

20 Q. [12:55:00] Mr Witness, you said that you were contacted by a Defence  
21 intermediary. Who is that person, Mr Witness? And I'm asking you for his name.

22 A. [12:55:22] The person is [REDACTED]

23 Q. [12:55:30] [REDACTED] Is that the first name? What is the  
24 full name of this person, Mr Witness?

25 A. [12:55:53] That is all I know. I know only that name [REDACTED] He said

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1 that he was the one who was the intermediary between myself and Defence counsel.

2 Q. [12:56:08] [REDACTED] ore, Mr Witness, didn't you?

3 A. [12:56:2 [REDACTED]

4 [REDACTED]

5 Q. [12:56:36] And how did he come about your phone number, to your knowledge?

6 A. [12:57:00] The fact is that the Defence lawyers called me well before that and

7 they had used a very long number.

8 Q. [12:57:21] But how did the Defence [REDACTED] btain your telephone

9 number? How did this happen?

10 A. [12:57:58] I do not know. My number is a not a hidden number. It's not secret.

11 I was born and I grew up here in Timbuktu. People can have easy access to my

12 number.

13 Q. [12:58:21] So there was someone who called you for an international case. Well,

14 to be fair with you, did you ask how they got your number?

15 A. [12:59:01] They called me and they told me that they "had heard that you were

16 present in Timbuktu in 2012, and we are calling you so that you can tell us what you

17 saw with your own eyes." And they introduced themselves as coming from the

18 International Criminal Court.

19 MR ALLAFI: [12:59:32](Interpretation) Mr President, I will put my last question to

20 the witness in open session, please.

21 PRESIDING JUDGE MINDUA: [12:59:43](Interpretation) Very well.

22 Open session, Madam Court Officer, please.

23 (Open session at 12.59 p.m.)

24 THE COURT OFFICER: [12:59:56] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [13:00:03](Interpretation) Thank you very much,

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1 court officer.

2 Mr Prosecutor.

3 MR ALLAFI: [13:00:10](Interpretation) Thank you, Mr President.

4 Q. [13:00:14] Mr Witness, after reading through your statement, and listening  
5 keenly to your answer, the reality, Mr Witness, is that you came here today to testify  
6 before this Court simply in favour of your inseparable friend; isn't that correct,  
7 Mr Witness? And that your inseparable friend is the accused.

8 PRESIDING JUDGE MINDUA: [13:00:55](Interpretation) Ms Taylor.

9 MS TAYLOR: [13:00:56] One, we are in open session.

10 Two, again there was a compound question there. I'm not sure if the question -- if  
11 the witness is being asked about his relationship to the individual or why he's  
12 testifying, but there's two separate possibilities in one question.

13 PRESIDING JUDGE MINDUA: [13:01:20](Interpretation) No, Ms Taylor, I'm not  
14 with you there. I think I shouldn't even give the floor to the Prosecutor to react.  
15 The question is sufficiently clear.

16 Mr Witness, we are in open session. If you feel that there is a need to go to private  
17 session, please let us know, but I think that that question can be answered in open  
18 session.

19 THE WITNESS: [13:02:45](Interpretation) I took an oath to tell the truth and I came  
20 to the court of justice today, I did not come here for Al Hassan.

21 MR ALLAFI: [13:03:03](Interpretation)

22 Q. [13:03:04] Thank you very much, Mr Witness.

23 Mr President, I have no further questions.

24 Thank you for your time.

25 PRESIDING JUDGE MINDUA: [13:03:14](Interpretation) Thank you very much,

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1 Mr Prosecutor.

2 I would like to congratulate you for your efficiency and your conciseness.

3 Now, I turn to the Legal Representatives of the Victims.

4 We still have about 13 minutes. Do you have any questions to put to the witness or  
5 not?

6 *Maître Nsita*, you have the floor.

7 MR LUVENGIKA: [13:03:46](Interpretation) Yes, I thank you, Mr President, for  
8 giving me the floor, but having listened attentively to the testimony of this witness,  
9 the Legal Representatives of Victims do not have any questions for him. Thank you.

10 PRESIDING JUDGE MINDUA: [13:04:04](Interpretation) Thank you very much,  
11 *Maître Nsita*.

12 We still have 11 minutes. Now I turn towards the Defence to find out whether you  
13 have any redirect, Ms Taylor.

14 MS TAYLOR: [13:04:21] Thank you, Mr President. We don't have any further  
15 questions. I believe when I thanked the witness earlier for testifying, it wasn't  
16 interpreted, so I just ask that that be interpreted now.

17 PRESIDING JUDGE MINDUA: [13:04:41](Interpretation) Thank you, Ms Taylor.  
18 I'm waiting for the interpretation to go to the witness.

19 THE WITNESS: [13:04:58](Interpretation) Thank you very much.

20 PRESIDING JUDGE MINDUA: [13:05:03](Interpretation) Thank you once again,  
21 Ms Taylor.

22 Mr Witness, once more I would like to address you. On behalf of the Chamber, I  
23 would want to express our gratitude to you once again for assisting us by answering  
24 very generously and very kindly all the questions that were put to you.

25 Your testimony has now come to an end.



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1 I wish you great success for your future and a lot of luck. And, once again, thank  
2 you very much for your cooperation.

3 THE WITNESS: [13:06:38](Interpretation) For my part, I would like to thank  
4 everyone. I would like to thank all those who are present there, all those who put  
5 questions to me, and also all those who answered my questions.

6 PRESIDING JUDGE MINDUA: [13:06:54](Interpretation) You're welcome,  
7 Mr Witness. Thank you very much.

8 (The witness is excused)

9 PRESIDING JUDGE MINDUA: [13:06:55] Now, for the parties and the participants,  
10 we will resume tomorrow at 09.45 and we will hear the testimony of Witness D-0093.  
11 Is that correct, Ms Taylor?

12 MS TAYLOR: [13:07:21] Yes, Mr President.

13 PRESIDING JUDGE MINDUA: [13:07:27](Interpretation) Thank you very much,  
14 Ms Taylor.

15 Before we adjourn, as usual, I would like to very sincerely thank all the parties and  
16 participants, the court reporters and the interpreters, the security officers, as well as  
17 the members of the public in the gallery and outside of the court premises. I wish  
18 everyone a very good day, and see you tomorrow.

19 Court is adjourned.

20 THE COURT USHER: All rise.

21 (The hearing ends in open session at 1.08 p.m.)