

Trial Hearing
WITNESS: MLI-OTP-P-0007

(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 vs 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 Tuesday, 8 September 2020
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:49](Interpretation) Court officer, could you
15 please call the case.
16 THE COURT OFFICER: [9:31:58] Good morning, Mr President, your Honours.
17 Situation in Mali, in the case The Prosecutor versus Al Hassan Ag Abdoul Aziz Ag
18 Mohamed Ag Mahmoud.
19 And we are in open session.
20 PRESIDING JUDGE MINDUA: [9:32:16](Interpretation) Thank you very much.
21 Good morning. I would like to welcome everybody who is present at the courtroom
22 and I note that Mr Al Hassan is present in the courtroom.
23 Good morning, Mr Al Hassan.
24 I would also like to welcome everybody who is in the public gallery as well as
25 everybody who is following us at a distance. As usual, I would like to invite the

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1 parties and participants to introduce themselves. Starting with the Office of the
2 Prosecutor.

3 Prosecutor, if you would be so kind as to introduce your team, please.

4 MR DUTERTRE: [9:33:01](Interpretation) Good morning, your Honour. Good
5 morning, your Honours. And good morning to everybody in this courtroom.

6 The Office of the Prosecutor is made up of four people today. Claudine Umurungi is
7 behind me; Mousa Allafi is also behind me; Lucio Garcia, who is on my left; and
8 myself, Gilles Dutertre. Thank you.

9 PRESIDING JUDGE MINDUA: [9:33:41](Interpretation) Thank you very much,
10 Mr Dutertre.

11 I now turn to the Defence.

12 Maître Taylor, please, could you introduce yourself and your team.

13 MS TAYLOR: [9:33:54] Good morning, Mr President, your Honours. The Defence
14 for Mr Al Hassan is represented by myself Melinda Taylor, together with
15 Ms Nicoletta Montefusco, Mr Mohamed Youssef and Ms Molly Thomas. Thank you.

16 PRESIDING JUDGE MINDUA: [9:34:17](Interpretation) Thank you very much,
17 Ms Taylor.

18 And now it's the turn of the Legal Representatives of Victims. Would you be so kind
19 as to introduce yourselves.

20 MR KASSONGO: [9:34:35](Interpretation) Yes, good morning, your Honour, your
21 Honours. Ladies and gentlemen, the Legal Representatives present here, I'm with
22 two Legal Representatives who are not present, Maître Seydou Doumbia and
23 Fidel Nsita, who are alternatively with us, Claire Laplace, and with me is
24 Madam Prisque Dipanga and myself Maître Kassongo. Thank you.

25 PRESIDING JUDGE MINDUA: [9:35:05](Interpretation) Thank you very much

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1 Mr Kassongo.

2 Are there representatives of the Registry in the courtroom?

3 It would appear not. Okay.

4 We will therefore proceed to hear the witness. I do not want to repeat the
5 instructions of the Chamber where it concerns the conduct of the proceedings.

6 I think they are clear and that they are known to everybody. They can be found in
7 our decision 789 and 1004.

8 This morning, the Chamber has no questions, no preliminary questions to decide on.

9 However, I note that the witness is already here in the courtroom and I don't need to
10 introduce him again. He's here.

11 Mr Witness, Mr Doornbos, if I pronounce your name correctly, is that correct?

12 WITNESS: MLI-OTP-P-0007

13 (The witness speaks English)

14 THE WITNESS: [9:36:29] Correct.

15 PRESIDING JUDGE MINDUA: [9:36:31](Interpretation) Thank you very much.

16 Can you hear me perfectly?

17 THE WITNESS: [9:36:33] I can hear you, sir, your Honour.

18 PRESIDING JUDGE MINDUA: [9:36:37](Interpretation) Thank you very much.

19 On behalf of the Chamber I would like to welcome you. You are going to testify
20 with a view to helping the Chamber establish the truth in the case concerning

21 Mr Al Hassan. We are now going to take the solemn undertaking under Rule 66, the
22 first paragraph.

23 Mr Doornbos, do you see the document in front of you, this is the solemn
24 undertaking according to which you must swear an oath to tell the truth, and I would
25 ask you to read aloud what is written on this paper. Please, could you read it.

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1 THE WITNESS: [9:37:33] I solemnly declare that I will speak the truth, the whole
2 truth and nothing but the truth.

3 PRESIDING JUDGE MINDUA: [9:37:47](Interpretation) Thank you very much,
4 Mr Doornbos.

5 I'm now going to mention a warning. You are currently under oath. And the
6 representatives of the VWU and the representatives of the Prosecution have already
7 told you how important it is to say -- to tell the truth. I would like to stress the fact
8 that given that you've just sworn an oath, you must tell the truth. Giving false
9 testimony before the International Criminal Court is a crime.
10 Have you understood that?

11 THE WITNESS: [9:38:48] Absolutely.

12 PRESIDING JUDGE MINDUA: [9:38:50](Interpretation) Thank you. Thank you
13 very much.

14 Now I have some issues to address of a practical nature. You must take into account
15 throughout your testimony that what is said in this courtroom is transcribed by
16 stenographers and it is simultaneously interpreted into several languages by
17 interpreters. And as such, it's important to speak into the microphone and to do so
18 clearly and slowly. Only speak when the person who has asked a question has
19 finished asking the question.

20 When you are asked a question, please count up to three, not aloud, but to yourself
21 before answering. This pause is essential in order for us to be able to hear you
22 correctly and to ensure that your testimony is duly recorded.

23 If you have any questions, please raise your hand in order to indicate that you wish to
24 speak. Once again, do you have any questions? Have you understood everything?

25 THE WITNESS: [9:40:50] No questions, sir, and I understood everything. Thank

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1 you.

2 PRESIDING JUDGE MINDUA: [9:40:57](Interpretation) Thank you very much.

3 We're now going to take your testimony. You will be questioned by the different
4 parties and by the Chamber. I'm now going to give the floor to the Office of the
5 Prosecutor to Mr Duterte, who is going to take the floor.

6 Mr Duterte, over to you.

7 MR DUTERTRE: [9:41:30](Interpretation) Thank you very much, your Honour.

8 QUESTIONED BY MR DUTERTRE: (Interpretation)

9 Q. [9:41:45] Good morning, Witness. Good morning, Mr Doornbos.

10 A. [9:41:48] Good morning.

11 Q. [9:41:49] My name is Gilles Duterte. We've already met during the
12 preparatory session. And I am now going to carry out the examination on behalf of
13 the Prosecution.

14 I'm going to start, if you would allow me, Witness, with some quite simple questions.
15 We already have your surname, but could you state what your first name is, please.

16 A. [9:42:35] My first name is Harald. Harald.

17 Q. [9:42:45] And for the Chamber, could you indicate your date and place of birth,
18 please.

19 A. [9:42:55] My date is about birth is 30/06 -- of June 1967 in the Dutch town of Ede,
20 E-D-E.

21 Q. [9:43:19] Thank you very much. So what is your profession, Mr Doornbos?

22 A. [9:43:28] I'm a journalist.

23 Q. [9:43:32] Could you state for the Chamber what type of journalist are you? Do
24 you work for the television, for a newspaper, are you freelance? Could you clarify
25 that point, please.

1 A. [9:43:49] Sure. I'm a freelance reporter based in, currently in the UAE. I have
2 a long record of being a journalist, already for 28 years now. I specialise in reporting
3 from conflict zones. I've lived for a long time in the Balkans, eight years in former
4 Yugoslavia, then moved to Pakistan, India, moved later on to the Middle East. And
5 I -- basically, I'm mainly a writer, so I write articles and I also help produce television
6 stories for the last couple of years and -- so I've been doing this for a very long time
7 already, reporting from conflict zones.

8 Q. [9:44:40] Thank you. Now, for the transcript, you mentioned that you were in
9 the UAE. Could you state this abbreviation, UAE. What does that mean?

10 A. [9:45:01] Okay, the UAE stands for the United Arab Emirates where I'm
11 currently based. And from the United Arab Emirates I'm travelling to countries like
12 Syria, Turkey, Libya. Syria, of course. Due to corona crisis, obviously, I've been
13 rather -- stayed at home for the last couple of six months, but this is normally what I
14 do, use Dubai, UAE as a base and travel from there to various conflict zones.

15 Q. [9:45:39] Thank you. So I understand that you've been a journalist for 28 years
16 and that you were already a journalist in 2013 and that you were travelling for your
17 work. Could you tell us, in 2013 in which country were you carrying out your
18 journalistic activities?

19 A. [9:46:15] In 2013 I went to various countries because it was in the middle of the
20 so-called Arab Spring or Arab uprising which started in 2011 and one of the countries
21 that I travelled to, due to the situation in the north of the country, was Mali.

22 Q. [9:46:42] Witness, I know that it's now been seven years, so that is a little while,
23 but approximately do you remember the date or at least the month when you went to
24 Mali?

25 A. [9:47:09] Indeed, seven years is a very long time and also it matters a lot what

1 happened in these, in these seven years. And that was basically, for me personally,
2 reporting from Syria, Iraq, Turkey, endless string of conflict. So, yes, there has been
3 an enormous amount of stories that I covered since then. But I went to Mali and
4 I was in Mali starting -- arriving in Bamako, the capital, in January 2013 and the early
5 days of February 2013.

6 Q. [9:47:58] Thank you, Witness. When you say early days of February 2013, what
7 do you mean by that? Is that the date when you left? Could you just clarify that.

8 A. [9:48:14] Sure. I arrived in Mali in 2000 -- in January 2013, in Bamako, the
9 capital, stayed there a couple of days and then moved on to Timbuktu where of
10 course the real story was in that time. And that took like six days to travel from
11 Bamako to -- you know, by car to Timbuktu, which was a very long and exhausting
12 trip because there was a lot of roadblocks, it was obviously -- it wasn't a normal
13 situation. Then stayed a couple of days. So by then it was, if I remember it
14 correctly, 31 January when we arrived in Timbuktu, stayed a couple of days in
15 Timbuktu, did obviously stories there, tried to report, and stayed there I think for
16 about 10 days and then left back to Bamako which was, by then, going back to
17 Bamako was a quicker road. So all in all I was about like two, three weeks in Mali.
18 So that's why it was -- it started in January and there were some overlapping periods
19 in February.

20 Q. [9:49:34] Could you state why you decided to go to Timbuktu?

21 A. [9:49:45] All journalists at that time wanted to go to Timbuktu because it was of
22 course the town which had been captured earlier by jihadist groups, it was controlled
23 by these groups, and at that time the French and Malian armed forces intervened and
24 basically kicked out the jihadist forces from Timbuktu and the north of Mali. So as a
25 journalist you want of course to be in a region where the action takes place and where

1 the story is, and the story was clearly in Timbuktu and neighbouring towns, and we
2 decided to try to reach Timbuktu. It was absolutely not sure if it would be possible
3 because the situation at that time was very volatile. So, yeah, that's why we moved
4 eventually to Timbuktu because we also heard that the jihadist just were basically
5 kicked out by Malian and French forces. So it was also, between brackets, "safe" to
6 go there as a journalist, although with a lot of obstacles, but as a journalist it was
7 possible to go there and it wasn't if the jihadist would still be there.

8 Q. [9:51:12] Could you state who you travelled with to go to Timbuktu?

9 A. [9:51:20] Yes, I travelled with a colleague who is also based in Dubai and we
10 work for the same company. We travelled also in a -- we rented a car in Bamako,
11 travelled with a driver and a fixer to the north and eventually reached Timbuktu. So
12 we were generally with four people in the vehicle.

13 Q. [9:51:57] And once you got to Timbuktu, Mr Doornbos, what did you do?

14 A. [9:52:07] Well, we were pretty excited to reach our destination as it was really a
15 long and exhausting, almost epic journey, six, seven days through the desert, a lot of
16 dangers of course at that time, possible jihadi attacks on our way, possible French air
17 strikes on our little convoy of some journalists, so we were rather worried and very
18 happy to reach Timbuktu. So what we did, we basically checked into a hotel and
19 started to work, which is like reporting, talk to people, assess the situation, what is a
20 story, what is not a story, these kind of things.

21 Q. [9:52:58] So which places did you visit in Timbuktu?

22 A. [9:53:05] We used the hotel where we checked in as our base. And Timbuktu is
23 actually a pretty small town, in my mind it was larger but it is pretty small. So we
24 just talked to a lot of people. The Islamist or the jihadist had just left so you could
25 still see like televisions were kind of banned, they would have -- they covered -- they

1 spray painted faces on the walls that had been there. There were some buildings
2 which were kind of looted or you could see that something funny had happened there.
3 So we basically tried to establish at one point, especially being journalists, we wanted
4 to know are there still locations where the jihadist had their court, their police stations
5 and these kind of things. This is potentially interesting of course for us. Since they
6 fled, maybe they left some documents or they left some things behind. And that's
7 exactly what happened.

8 So somebody told us, "Oh, by the way, in this bank the jihadi forces had their Islamic
9 police." So we thought, hey, that might be a good story. And we tried to get into
10 the bank, it was locked. We asked somebody does somebody have a key.
11 Somebody had a key, they opened it and we were allowed entrance in this bank
12 which was turned by the jihadist into a Islamic police station and we found a couple
13 of documents, I took some pictures there.

14 Spoke to more people. Two days later we found like the location of the Islamic
15 Court, the Sharia Court. Some procedure actually there. It's a very straightforward
16 story. It's also nothing dramatic in the sense like I saw horrible things. It was
17 nothing. It was just like a building. Again, this second building, it was a former
18 hotel. It was closed again. So we asked around on the street like is there anybody
19 with the key. And there was again and they opened the door and we went into the
20 hotel, this was the Hotel La Maison. And people told us this is the former Sharia
21 Court, so we thought, hey, it looked pretty empty. We went to the ground floor.
22 We looked a little bit around. There were some things laying on the floor. We went
23 to the first floor and then we saw a cabinet. I opened the cabinet and there were a lot
24 of like documents in it which obviously were left behind or were still there in the
25 cabinet. And I realised immediately most of these documents are written -- were

1 written in Arabic. My colleague speaks and reads Arabic. I don't. So we realised,
2 oh, these are actually papers of the Islamic Court, so we took a couple of documents
3 with us and I took some pictures and then we basically left, left the building again.
4 So it's a very straightforward story. Journalist goes into a building and goes out of
5 the building again. That's basically it.

6 Q. [9:56:33] If you would allow us, we'll go over things in a bit more detail if we
7 may. And I'm going to start with what you called the bank and, according to what
8 you said, that was the HQ of the Islamic police. So who did you speak to about this
9 bank? I know it's a long time ago, but do you remember who you spoke to?

10 A. [9:57:09] Honestly, seven years. And also I want to remind you I'm not a Mali
11 specialist, definitely not. This was my first and only time in Mali. So I'm not, I'm
12 not like the Mali specialist to talk to. But this is what you do as a journalist, you
13 know, you come to a very strange -- for you, a strange and new place and you have to
14 make friends, contact within minutes. This is what we do. Otherwise, you know,
15 you don't have time to sit around and wait for days or weeks. You know, you have
16 to immediately start working. So you talk to the guy in the hotel. You talk to
17 somebody on the street. You try to find a local fixer, a local person who can
18 sometimes work with you for half an hour, sometimes a little bit longer. You know,
19 local people obviously know everything and I know nothing, so I'm trying to tap their
20 mind. Where was this? Who was that? Who is this guy? I don't know. I mean,
21 they know.

22 So I can't tell you specific names because it's just been too long ago, but I talked to
23 endless amount of people. And you get pretty quickly the global picture, the general
24 picture how this town was run and then, as a journalist, you decide like, oh, that
25 might be a story, that might be a story and you start to focus, zoom in on that. So the

1 bank, clearly, as it was, as people told us, the headquarters of the Islamic police, the
2 bank was of course very interesting, an interesting story for us.

3 Q. [9:58:48] Do you happen to remember the name of this building, the name of
4 this bank?

5 A. [9:58:58] Honestly, I don't. It's BNS, BNK bank or something. I don't know.

6 Q. [9:59:16] So where was this bank located in Timbuktu?

7 A. [9:59:23] The bank is located in one of the main -- on one of the main roads,
8 walking distance from the hotel where we were staying. I even don't remember the
9 name of the hotel anymore. Anyway, there are not that many hotels in Timbuktu.
10 Anyway.

11 So it's just -- you can just walk there. And you have to know of course that it was
12 the -- it looked like a bank. So people told us, yeah, it was a bank before the jihadist
13 came but they turned it into the police office for the Islamic police. So we just
14 walked there and found it locked and asked for a key. That's it.

15 Q. [10:00:04] Who went with you to the bank?

16 A. [10:00:08] My colleague. And I guess we also had like a local, local friend, local,
17 local man with us who, you know, what we in journalistic terms always call a "fixer".
18 And that can change over the period of time when you're somewhere, sometimes you
19 have like five fixers. You know, on one day somebody, somebody specialised more
20 in, let's say, the countryside, others are more specialised in the cities, so that depends
21 very much, fixer is very fluid term. So, yeah, I believe seven years ago that I was for
22 sure with my colleague, who reads Arabic, and she reads and understands Arabic,
23 and a fixer, I believe, so.

24 Q. [10:01:03] Now that person, this fixer, this local person, as you have explained,
25 did that person tell you something about the bank or about that building?

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1 A. [10:01:16] Maybe, but not, not something significant, or not that I remember. It
2 was just a bank which became a police station.

3 MR DUTERTRE: [10:01:31](Interpretation) Your Honours, I would now like
4 to -- I would like the Registry to put up photo MLI-OTP-0001-7303. Now that is a
5 public document which is at tab 7A of the court binder which the Prosecution has put
6 together for the Chamber and for the parties. So at tab 7A there are a number of
7 photos, including the one I've just specified.

8 THE COURT OFFICER: [10:02:33] Evidence channel 1 for the parties and
9 participants, and the Chamber, to see the evidence displayed on your respective
10 screen. Thank you.

11 MR DUTERTRE: [10:02:50](Interpretation)

12 Q. [10:02:54] You can of course view the photo yourself, Witness. If you take out
13 your binder and turn to tab 7A you will find it there.

14 A. [10:03:06] Okay.

15 Q. [10:03:09] So, Witness, I'll just give you a moment to locate the photo. Perhaps
16 you can also see it on your screen at the same time.

17 A. [10:03:26] Yeah.

18 Q. [10:03:29] Witness, do you recognise this photograph?

19 A. [10:03:41] Yes, yes. That's, that's the bank.

20 Q. [10:03:48] Could you tell us who took this photograph?

21 A. [10:03:52] Long time ago, but I guess I took it, yeah.

22 Q. [10:04:04] Thank you very much. Could you now turn to the photo before that
23 in the binder, and it has the number ERN 0001-7299. This is also a public document
24 and in the court binder it's the photograph that precedes the one we've just viewed.
25 I think it's displayed on the screens now.

1 Witness, do you recognise this photograph?

2 A. [10:05:09] Yes, I do.

3 Q. [10:05:12] And who took this photograph?

4 A. [10:05:14] I took this photograph, yeah.

5 Q. [10:05:19] And why did you take this photograph specifically?

6 A. [10:05:25] It's seven years ago again, but I remember that that part of the bank
7 people were telling us that women were locked up there after they were convicted for
8 various crimes. You know, what the Islamic police would consider to be a crime and
9 that they would keep women there. I don't know if -- you know, I haven't women
10 being locked up there, but this is at least what people said. So these days, you know,
11 with cameras you can endlessly click of course, so I just took a picture of that, that
12 part of the building just in case.

13 Q. [10:06:06] Thank you. And now could you tell us who did you enter the bank
14 with?

15 A. [10:06:30] Yes. I entered the bank together with my colleague and the fixer and
16 we went basically from room to room looking obviously for some documents or stuff
17 which was -- might have been left behind by the jihadists and which might be
18 interesting for us as journalists. We found a couple of documents, not that many,
19 took pictures of it, took some documents, hard copies with, with me. So that's
20 basically what happened. There were a lot of things written on the wall, took some
21 pictures of that. So it's very standard journalistic procedure.

22 Q. [10:07:27] When you entered this building, this bank, was there anyone inside?

23 A. [10:07:36] No, there wasn't because it was also locked. So we kind of got it
24 open.

25 Q. [10:07:45] I would now like the court officer to display the following photograph,

1 MLI-OTP-0001-7247. This is a public document. You will also find it under tab 7A
2 in your court binder.

3 So, Mr Doornbos, do you recognise this photograph?

4 A. [10:08:39] Sure. That's the inside of the bank or police station.

5 Q. [10:08:47] And who took this photograph?

6 A. [10:08:50] Me.

7 Q. [10:08:54] And why did you take this photograph in particular?

8 A. [10:09:00] As I said before, it's these days really easy to keep on clicking as, you
9 know, when you have a camera, so nothing in particular but just to give an idea of
10 what kind of documents were laying there, how the situation looked inside. And
11 there were also I think one or two documents I took from that area, just to show that
12 the documents, the hard copies that I took later, that I took with me, that you could
13 see that they were actually really from, from the bank or really from that spot. This
14 is what I generally do before you remove something, a document from its place, you
15 try first -- you know, not always possible of course, because is journalism is also in
16 these kind of situations a stressful profession so you don't always have time,
17 sometimes you forget. But generally what I try to do, before you remove a
18 document or you remove something, first take a picture of it and then remove it so
19 you have kind of evidence in what kind of context it was, that it was really laying
20 there and that you didn't Photoshop it later or something like that.

21 Q. [10:10:21] Now, if you are in a position to, and of course the passage of time has
22 its effect, but do you recall one or two documents in particular that you collected at
23 the bank, this bank?

24 A. [10:10:42] Sure. I do not recall all, but one, one document stands out because I
25 also -- because it was a little bit different from the other documents. You know, if

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1 there's just Arabic text on it it's very difficult for me to comprehend, obviously.
2 There was like this document showing basically a picture of a woman in niqab.
3 Basically this was a leaflet where the jihadist, where the rulers, by then the former
4 rulers of Timbuktu basically had written on it by which laws women had to dress
5 themselves, what they had to do, what was allowed, what was not allowed. So this
6 document I remember was somewhere in the bank here.

7 MR DUTERTRE: [10:11:40](Interpretation) Your Honours, I would now like to
8 briefly touch upon some aspects of the chain of custody with regard to this matter. I
9 will keep most of my questions regarding the chain of custody until the end, but
10 I think it would be appropriate for me to deal with this now.

11 PRESIDING JUDGE MINDUA: [10:12:01](Interpretation) Go ahead.

12 MR DUTERTRE: [10:12:02](Interpretation)

13 Q. [10:12:05] Mr Doornbos, do you recall being questioned by members of the
14 Office of the Prosecutor after returning from Mali?

15 A. [10:12:20] Yes, I do.

16 Q. [10:12:24] Do you recall providing the documents that you had taken from the
17 BMS to the officers or the investigators at that point in time?

18 A. [10:12:37] Yes, certainly.

19 Q. [10:12:41] Do you recall that those documents were put into a sealed bag?

20 A. [10:12:50] Yes, I do remember that.

21 Q. [10:12:54] And do you recall that that document was closed -- or, rather, those
22 sealed bags were closed and that you signed for them?

23 A. [10:13:05] Yes, I do remember that.

24 MR DUTERTRE: [10:13:14](Interpretation) Your Honours, I would now like to invite
25 you to go to tab number 2 in the court binder which contains document

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- 1 MLI-OTP-0001-7187, which is public and therefore can also be displayed openly.
- 2 Q. [10:13:58] Witness, do you see this document?
- 3 A. [10:14:01] Yes, I do.
- 4 Q. [10:14:05] Have you already seen this seal previously, Mr Doornbos?
- 5 A. [10:14:13] Yes.
- 6 Q. [10:14:17] And what name do you read on this seal above the words "chain of
7 custody"?
- 8 A. [10:14:35] Which words I read, okay. Annex 1 Harald Doornbos.
- 9 Q. [10:14:41] Could you also read the date?
- 10 A. [10:14:44] That's 20 February 2013.
- 11 Q. [10:14:48] Thank you.
- 12 MR DUTERTRE: [10:14:54](Interpretation) Court officer, could you please display
13 the next sheet, please, which is also public. It is in fact the reverse side.
- 14 Q. [10:15:12] Witness, at the top right, there is a signature. Can you tell us whose
15 signature that is?
- 16 A. [10:15:20] Sure. That's my signature.
- 17 MR DUTERTRE: [10:15:26](Interpretation) Court officer, could you return now to
18 the previous page, that was 0001-7187. And leave page 0001-7188.
- 19 Q. [10:15:55] Mr Doornbos, can you show -- or can you tell us what these two
20 impressions are that we see in the sealed bag. This is 0001-7187.
- 21 A. [10:16:20] Yes, it shows the, you know, the two figures which look like women
22 wearing a niqab.
- 23 MR DUTERTRE: [10:16:37](Interpretation) I'm just waiting for the court officer to
24 display that on the screen.
- 25 Q. [10:17:00] Now, is this the document that you spoke about a few moments ago?

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1 A. [10:17:06] Correct.

2 Q. [10:17:13] Right. I would now like to take you to tab 3 and to ERN

3 MLI-OTP-0002-0019. This document may be displayed. It is public.

4 Witness, is this the document which you collected?

5 A. [10:18:11] Correct.

6 Q. [10:18:13] Thank you. I would now like to show you a number of photographs.

7 If you turn to tab 7A of the court binder again. And notably, photo 0001-7237, which

8 is public and may be displayed.

9 Mr Doornbos, do you recognise this photograph?

10 A. [10:19:30] Yes, I do.

11 Q. [10:19:33] And who took that photograph?

12 A. [10:19:39] If I remember correctly, I did.

13 Q. [10:19:42] And where is it?

14 A. [10:19:46] If I remember correctly, this was also in the bank or police station by

15 then.

16 Q. [10:19:55] And why did you take this photograph?

17 A. [10:19:59] Well, there were of course a lot of rumours and stories going on about

18 destruction of holy sites. So I thought: Hey, finding this in a police station or in a

19 building, which was being used at the time as a police station, might be interesting,

20 and again these days it's so easy to make a picture. So basically it's like, why not?

21 You know, better not use the picture than later regret not taking the picture.

22 Q. [10:20:38] Thank you. I would now like you to look at another photograph,

23 also at tab 7A. ERN MLI-OTP-0001-7265. It may be displayed. It is public.

24 We can see the photograph on our screens. Mr Doornbos, do you recognise this

25 photograph?

- 1 A. [10:21:43] I do.
- 2 Q. [10:21:46] And who took this photograph?
- 3 A. [10:21:49] Me.
- 4 Q. [10:21:50] And where is it?
- 5 A. [10:21:55] It's one of the walls, which was the former bank, and which was at
6 that time being used as a police station.
- 7 Q. [10:22:11] And did you know or did you learn what this room was used for?
- 8 A. [10:22:19] Seven years on, I don't remember what this specific -- where this
9 specifically was in the bank or what this room was used for. I don't remember.
- 10 Q. [10:22:38] That's well noted.
- 11 I would now ask you to have a look at a document which is confidential; so this
12 document should not be displayed outside of the courtroom. And I would ask you
13 not to read out the name which is on it.
- 14 I am referring to photograph MLI-OTP-0001-7219, which is also located at tab 7A.
15 So the document is on your screen, Witness.
- 16 A. [10:24:02] Mm-hmm.
- 17 Q. [10:24:03] Do you recognise this photograph?
- 18 A. [10:24:04] I do recognise it, yes.
- 19 Q. [10:24:08] And who took that photograph?
- 20 A. [10:24:11] I did.
- 21 Q. [10:24:16] Now, I know it's repetitive but this is the procedure, where did you
22 take that photograph?
- 23 A. [10:24:26] This picture was taken in the bank as well.
- 24 Q. [10:24:31] And as I said, do not read out the name you can see there, but can you
25 tell us why you took this photograph in particular?

1 A. [10:24:43] I took this photograph in particular because it was part of a -- there
2 were various copies and it looked very much like these were journalists or press cards
3 and I guess these were -- I just assumed at that moment that these were journalists
4 who applied to the jihadi authorities, who applied to -- to permission to enter their
5 territory before the French and the Malian army came. So I'm not sure of that, but
6 this looked to me like a reasonable thing.

7 Anyhow, any pictures, of course, with names on it or pictures on it, I would definitely
8 take myself pictures of them just to document them. And as I said before, you know,
9 better safe than sorry. Better make a couple of extra pictures and not use it than the
10 other way around.

11 Q. [10:25:52] Witness, I'd like to take you now to another photograph at tab 7A
12 again. It's a public photograph and the ERN number it bears is MLI-OTP-0001-7323.
13 So the photograph is appearing on the screens now.

14 Witness, do you recognise this photograph?

15 A. [10:26:59] Yes, I do. There were various of these notes laying around, yeah.

16 Q. [10:27:07] And who took this photograph?

17 A. [10:27:10] I did.

18 Q. [10:27:17] And where exactly?

19 A. [10:27:18] As I remember it correctly, this was also at the bank.

20 Q. [10:27:26] And do you know what this means? Or what it's showing?

21 A. [10:27:34] No. Telephone numbers, obviously, and, as I said, there were more
22 of these notes and they all contained little scrabbles on it, little telephone numbers,
23 names. So definitely worth photographing as a journalist.

24 Q. [10:27:58] Thank you. Mr Doornbos, could you now look at all of the
25 photographs, you can take your time. If you would like to look through the

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1 photographs at tab 7A, please, and then I'll put a few short questions to you.

2 In fact, the list of the photographs is located at the front of the court binder, your
3 Honours. And the ERNs start with MLI-OTP-0001-7193 to -- and run through to
4 0001-72 -- or 7323.

5 Of course, there are some gaps in the ERNs between the first that I stated and the last.
6 But the list appears at page 3 of the table at the beginning of the binder.

7 Have you finished, Witness.

8 A. [10:29:31] Absolutely.

9 Q. [10:29:34] So Mr Doornbos, who took all of these photographs?

10 A. [10:29:43] (Overlapping speakers) I took these pictures, yeah.

11 Q. [10:29:47] And where were these photographs taken?

12 A. [10:29:53] As I remember, these were all, let's call it, bank pictures. So basically
13 in the same building, which was -- until a couple of days before, was used by the
14 Islamists as their police building.

15 Q. [10:30:13] I have finished with the bank now.

16 And Witness, I will now turn to the second place that you visited, which you referred
17 to, Hotel La Maison. And that you described as being the place where the court sat.
18 You also told us that it was opened by somebody there locally. Who did you enter
19 Hotel La Maison with?

20 A. [10:31:09] Yes, this was about two days after the -- after the bank. We got the
21 information from local people who said: Oh, by the way, in this place, there was
22 actually the Sharia court. Obviously very interested in as a journalist.
23 I entered that building -- after we just went to the building, I entered the building
24 with my colleague, who speaks and reads Arabic, again, and with a fixer, and I think
25 there was somebody else, like his friend or his buddy. And we also found the hotel

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1 or the location closed. We asked people for a key, and like the manager or the -- not
2 the owner, I think he was the manager who lived nearby, he came with the key and
3 he joined us into the building. He said, you know, just welcome. And we saw that
4 the building was more or less empty, and went in to the first floor where we found in
5 the cabinet, many documents. Much more documents than at the bank.

6 Q. [10:32:25] Thank you very much.

7 MR DUTERTRE: [10:32:30](Interpretation) Your Honour, your Honours, just an
8 aside. A moment ago, when I asked the question to the witness as to who took the
9 photograph in the binder A, the answer isn't in the transcript because of overlapping
10 speakers.

11 And so I would, before forgetting it, I would like to ask the witness to repeat his
12 answer thereto.

13 A. [10:33:03] Sure. Let me repeat, I took these pictures.

14 Q. [10:33:09] Thank you.

15 So I'll now go back to the Hotel La Maison. And let's have a look. So I would like
16 to show the photograph MLI-OTP-0001-7328, which is public and it is at the start of
17 tab 7B.

18 Witness, do you recognise this photograph?

19 A. [10:34:40] Yes, I certainly do. I remember it also being like really a nice
20 beautiful building, and it has something -- I think I took this one from the first floor,
21 and, you know, you can see it's a nice building. It had like a courtyard idea in the
22 back, and it has like little balconies that you can walk on and then go to the -- from the
23 ground floor to the first floor.

24 Q. [10:35:19] Is that the Hotel La Maison?

25 A. [10:35:25] I believe it is, yeah.

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1 Q. [10:35:29] I'm just waiting for the transcript here.

2 Witness, I would now like to take you to tab 7B again. MLI-OTP-0001-7604, which is
3 public and can be shown.

4 So it's now on the screen.

5 Do you recognise this photograph, Witness?

6 A. [10:37:09] Sure, a long time ago. But yes, there were some drawers in this
7 cabinet and there were some books and notebooks in it, yes.

8 Q. [10:37:32] Who took this photograph, Witness?

9 A. [10:37:37] I did.

10 Q. [10:37:40] Is this the cabinet that you were talking about earlier, where you
11 found the documents?

12 A. [10:37:58] Yes, I think so. Again, a long time ago, seven years, but yes. There
13 was one room where we -- on the first floor, where we found all the documents. So
14 it kind of must have been there, yeah, and it also is reminiscent of the cabinet, yeah.

15 Q. [10:38:19] I'd now like to go to photograph 0001-7531. This is public. It's also
16 under tab 7B and it can be displayed.

17 Can you see this photograph, Witness?

18 A. [10:39:07] Yes, I do.

19 Q. [10:39:10] Do you recognise this photograph, Mr Doornbos?

20 A. [10:39:16] Yes, I do because it wasn't the document -- we made a lot of pictures
21 of documents, so the documents at one point become a little bit, you know, they start
22 to become repetitive. But, yes, there was rope laying there. So it wasn't the
23 document, but the rope, so I took a picture of it, indeed.

24 Q. [10:39:40] So before speaking about this rope, this place where we see two
25 carpets, where was it in relation to the place where the cabinet was?

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1 A. [10:40:00] It's just, it's just the same room in the sense that the room has two or
2 three carpets, but these two carpets are laying on the floor were. And the cabinet,
3 obviously, standing next to the wall, and this rope was -- was laying there, so I took a
4 picture of it.

5 Q. [10:40:26] Did you find anything out about this rope?

6 A. [10:40:34] I remember that I asked like, why did they use this rope, and, you
7 know, this is a little bit like, then you get like people, one person says this, the other
8 person says that. And that it was so nice always about the documents because
9 documents don't lie, you know. Not that people are lying, but people are assuming.
10 I don't have evidence if or why or when this rope was used. Maybe it was used for
11 very innocent reasons. I don't know. I don't have proof for that.

12 So that's why these documents -- as a journalists, you find out that documents are so
13 crucial because they don't lie. You know, it's very clear. A document says this:
14 Two plus two is four. While people are assuming, they're interpreting, and so I -- I
15 don't know why this rope was there and if it was any significance -- if it had any
16 significance.

17 Q. [10:41:27] Thank you. I would now like to take you to photograph - it's public,
18 it can be displayed - MLI-OTP-0001-7365.

19 THE COURT OFFICER: [10:42:10] I would like to explain that it takes a bit of time
20 sometimes to display the documents. It's just a technical disfunctioning, I guess.
21 Thank you.

22 MR DUTERTRE: [10:42:20](Interpretation) We'll take our time.

23 Q. [10:42:36] Do you see this photograph, Witness?

24 A. [10:42:40] Yes.

25 Q. [10:42:43] Who took this photograph?

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1 A. [10:42:45] I took this picture.

2 Q. [10:42:48] Where is it?

3 A. [10:42:53] It's in the same room. We found all the documents and everything in
4 one room. You can see also the carpet is similar to the carpet that we talked about
5 before. So I basically just took the -- took the documents out of the cabinet, put them
6 on the floor and quickly made pictures of them, one by one.

7 Q. [10:43:18] Thank you very much. You anticipated my following question.

8 Now in order to make it short, could you look at all the photographs in tab 7B. All
9 the ERNs are mentioned at the beginning of the court binder. And the first ERN
10 MLI-OTP-0001-7328. We saw MLI-OTP-0001-7328. We saw that a moment ago.
11 And the last of which is MLI-OTP-0001-7616. And of course there are gaps in this
12 series of ERN numbers. Some documents were disclosed.

13 Could you have a look at these, Witness?

14 A. [10:44:45] Yeah.

15 Q. [10:44:48] So who took all of these photographs, Witness?

16 A. [10:44:55] I did, sir.

17 Q. [10:44:59] And where did you take them?

18 A. [10:45:03] I took the pictures in what we call La Maison, the hotel.

19 Q. [10:45:12] Thank you.

20 So I will soon have finished, your Honour, with my examination in-chief. I will now
21 go as quickly over chain of custody questions as I can, and then we will have finished.

22 PRESIDING JUDGE MINDUA: [10:45:36](Interpretation) Please go ahead,
23 Prosecutor.

24 MR DUTERTRE: [10:45:39](Interpretation)

25 Q. [10:45:43] Mr Doornbos, where did you put the documents which you took from

1 the Hotel La Maison and from the bank, which you indicated to us was the police
2 station?

3 A. [10:46:04] Where did I keep the documents? I -- I kept them in a bag and this
4 bag was, of course, in my hotel room, and obviously, although we couldn't go
5 immediately through everything because there was too much and also a lot of
6 pictures, but obviously as a journalist, this was dear to me -- this was clear to me that
7 this was -- there might be a story in it, as we call it. So yes, I kept it in my room, in
8 the hotel, in my bag and treated it as such.

9 Q. [10:46:42] So where did you keep -- or where did you save the photographs that
10 you took from Hotel La Maison and from the bank as well?

11 A. [10:46:56] Well, they were of course on my -- on the SD card of the -- of the
12 camera. And until that SD card is full, they stayed on it. And later on, I made
13 some -- a copy of all the files, put them on an external hard drive and just to, you
14 know, keep them safe. That's it.

15 Q. [10:47:21] You indicated to us that you left Mali, I think, in the month of
16 February. Did you leave with the photographs and the document?

17 A. [10:47:35] Absolutely. I took the pictures obviously with me and also I took
18 the -- a couple of hard copies also with me. And there were, of course, many more
19 pictures than hard copies, but yes, I took everything with me.

20 Q. [10:47:55] So when did you -- where did you come back to when you came back
21 from Mali?

22 A. [10:48:02] I flew to Amsterdam. Published also articles, appeared on Dutch
23 television, and then was basically approached by the ICC, who obviously saw that I
24 had these documents, if I was willing to meet them and share these documents, which
25 I was willing to do.

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1 MR DUTERTRE: [10:48:29](Interpretation) Your Honour, your Honours, I would
2 now like to play a short excerpt of a video, without the sound. We don't need the
3 sound. This is video MLI-OTP-0069-4626.

4 THE COURT OFFICER: [10:48:59] (Overlapping speakers) Public or confidential,
5 please?

6 MR DUTERTRE: [10:49:04](Interpretation) It's public. I would particularly like to
7 play it from 10.08 to 10.21 seconds. Transcript is in the divider 10 of the court binder.
8 MLI-OTP-0078-4910.

9 THE COURT OFFICER: [10:50:24] Apologies. We have a technical problem.
10 Currently we cannot display the video. It's often done through the OTP bench.

11 (Speaks French)

12 Unfortunately, it's buffering right now. So if you prefer to use another material, so in
13 the meantime, I have time to contact my colleagues to fix the problem and then we
14 will let you know when it's fixed.

15 MR DUTERTRE: [10:50:50](Interpretation) Absolutely. I'll continue.

16 Q. [10:50:53] Mr Doornbos, who had the control of the documents and photographs
17 or had the custody of them from the moment you collected them from La Maison and
18 the bank to the moment that you gave them to the Office of the Prosecutor?

19 A. [10:51:16] I had control of the pictures, the photos, at all times because this was
20 also, to me, as a journalist, important, possibly, you know, important stuff and
21 something that you really wanted to -- to take care of.

22 Q. [10:51:35] Did you alter these photographs and documents in any way?

23 A. [10:51:40] No, never.

24 Q. [10:51:46] Was a third party able to alter them in any way?

25 A. [10:51:56] Not that I know of, and highly unlikely because I would have been

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1 asleep or something like that, so no.

2 Q. [10:52:07] So we were talking about the seal concerning the bank document.

3 Now, I would like to go over to the divider number 4, which contains document

4 MLI-OTP-0001-7189.

5 It can be shown publicly. But if it's a technical problem, then it's not that much of a
6 problem.

7 THE COURT OFFICER: [10:52:50] For your information, for the video, because it's

8 inferred that we have to restart the system and eventually do some testing, during the

9 break it can only be fixed. For your information. Thank you.

10 MR DUTERTRE: [10:53:06](Interpretation) No problem. We'll be able to do it later.

11 If we could now show the document.

12 Q. [10:53:17] Do you see this document, Witness?

13 A. [10:53:23] (Overlapping speakers) Yes, I do.

14 Q. [10:53:25] Can you read what's written above chain of custody, the date, the
15 name.

16 A. [10:53:34] Sure. It says: Annex 2, Harald Doornbos, 20/02/2013.

17 Q. [10:53:44] Could the court officer now show the next page, MLI-OTP-0001-7190.

18 And could you tell us whose signature it is on the left at the bottom?

19 A. [10:54:12] Sir, that's -- that's my signature.

20 Q. [10:54:19] Thank you. Could you confirm to us that -- could you confirm to us
21 that it was sealed in front of you?

22 A. [10:54:29] I can. It was, it was sealed.

23 Q. [10:54:34] Thank you. I will now go on to a last sealed document, which
24 is -- concerns photographs.

25 Do you remember, Mr Doornbos, despite the time since then, so what were the

1 photographs that you gave to the Office of the Prosecutor on?

2 A. [10:55:09] Sorry, ah, what they were on.

3 Q. [10:55:13] What media were --

4 A. [10:55:15] (Overlapping speakers) Oh, what media.

5 Q. [10:55:15] -- they on?

6 A. Yeah, I think SD card, yeah. I -- I guess it was an SD card or a US -- a USB or
7 an SD card.

8 Q. [10:55:29] And how were the photographs organised on it?

9 A. [10:55:35] Seven years ago, I think there were like two folders. One folder was
10 all the pictures from the bank and the other folder, logically, was all the pictures from
11 the -- the hotel.

12 Q. [10:55:50] Do you remember whether this SD card was put in a sealed bag and
13 was sealed up?

14 A. [10:55:58] Yes, everything was sealed.

15 Q. [10:56:02] I would now like us to go to divider 6. It contains the public
16 document, which can be displayed, MLI-OTP-0001-7191.

17 Can you see this sealed document?

18 A. [10:56:44] Yes, I can, sir.

19 Q. [10:56:48] Could you tell us what you can read above the words "chain of
20 custody"?

21 A. [10:56:57] It is my name, Harald Doornbos and the date, 20/02/2013.

22 MR DUTERTRE: [10:57:08](Interpretation) Thank you. Court officer, would you so
23 kind as to go to the next page. It's also public, 0001-7192.

24 Q. [10:57:32] Could you tell us, Mr Doornbos, whose signature it is on the right at
25 the top?

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1 A. [10:57:42] Yes, sir, that's, that's my signature indeed.

2 Q. [10:57:48] Thank you.

3 MR DUTERTRE: [10:57:52](Interpretation) So we can come back to the video after
4 the break. I've just got a last question that I'd like to put aside from that, your
5 Honour, your Honours. Apart from the video, I will have finished.

6 Q. [10:58:05] Mr Doornbos, do you remember if you met other journalists when
7 you were in Timbuktu during this period, January, February 2013?

8 A. [10:58:19] Sure, yes, there were, at one point, many journalists in Timbuktu. So
9 there were more journalists around, yes.

10 Q. [10:58:32] If possible, could you just make one last effort, do you remember any
11 of your colleagues who would have been there? Do you remember their names,
12 their nationalities?

13 A. [10:58:48] There were really many, many journalists at one point because that
14 was the top story of, of -- you know, in the world at that time. So there were
15 Americans, there were French, British journalists, everybody.

16 Q. [10:59:02] Thank you.

17 MR DUTERTRE: [10:59:06](Interpretation) Apart from the video I have finished,
18 your Honour, your Honours, and I think it's a good moment to have the break, good
19 timing, I would say.

20 PRESIDING JUDGE MINDUA: [10:59:18](Interpretation) You are completely right.
21 It is now 11 o'clock and this is the time allocated for our break. We are therefore
22 going to stop for a 30-minute break and we will start again at 11.30. We are
23 therefore going to suspend the hearing. The hearing is suspended.

24 THE COURT USHER: [10:59:47] All rise.

25 (Recess taken at 10.59 a.m.)

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

2 THE COURT USHER: [11:32:55] All rise.

3 Please be seated.

4 PRESIDING JUDGE MINDUA: [11:33:26](Interpretation) The hearing is reconvened.

5 Witness, I'd just like to remind you that you are still under oath. Have you
6 understood?

7 THE WITNESS: [11:33:44] Yes, I did.

8 PRESIDING JUDGE MINDUA: [11:33:52](Interpretation) Very good. Thank you.

9 Prosecutor, you have the floor anew to show your video. But I've understood there
10 are actually some technical difficulties. Please proceed.

11 MR DUTERTRE: [11:34:06] (Microphone not activated)

12 THE INTERPRETER: [11:34:09] Microphone, please.

13 MR DUTERTRE: [11:34:11](Interpretation) Indeed, your Honour. The video is
14 MLI-OTP-0069-4626. We have extracted two screenshots from that video. One
15 bears the timestamp 00:10:23:22 and the second bears the timestamp 00:10:19:08.

16 So the first screenshot, that is the one with the number 00:10:23:22 is now displayed
17 on everyone's screens. It is public.

18 Q. [11:35:28] Mr Doornbos, unfortunately we cannot show the video in its entirety,
19 but do you recall this event?

20 A. [11:35:38] Sure. I was a guest in a Dutch talk show on Dutch national television,
21 yes.

22 Q. [11:35:49] And this talk show, how long after your return from Mali did it take
23 place?

24 A. [11:36:03] A couple of days. Basically because, by chance, I flew from Bamako
25 to Amsterdam and then obviously, you know, in the Netherlands. And Dutch

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1 television asked me after they heard, and I also use Twitter as a mean to inform about
2 my trips, so they said like, "Hey, that was kind of interesting. You've been to Mali.
3 You just came back from Timbuktu. Could you be a guess in our talk show?" And
4 obviously why not. And as you can see also in the photo I showed one of the, one of
5 the documents that I found in -- that's the one the bank. Because as a journalist this
6 was of course interesting and the Dutch audience was interested in that, yeah, that
7 part of the trip also, yeah.

8 Q. [11:36:52] Thank you very much for that clarification.

9 So I'd just like to confirm, who is the person that we see in this image?

10 A. [11:37:03] That's me.

11 MR DUTERTRE: [11:37:09](Interpretation) Court officer, could you now display the
12 second screenshot, which is also public, and which bears the timestamp 00:10:19:08.

13 Q. [11:37:28] Witness, can you see this image?

14 A. [11:37:32] Sure.

15 Q. [11:37:34] Can you describe what it is?

16 A. [11:37:38] It's the paper that I found -- one of the papers that I found in the bank
17 in Timbuktu and it displays, you know, the two women wearing a niqab and it says
18 basically, in Arabic and French, the rules regarding dress code for women during
19 jihadi rule in Timbuktu. So I took that document with me and showed it on
20 television to the camera.

21 Q. [11:38:10] Thank you. And one final question. When did this talk show take
22 place, was it before or after you met with the investigators from the Office of the
23 Prosecutor?

24 A. [11:38:25] It was before.

25 Q. [11:38:32] Thank you very much, Witness.

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- 1 MR DUTERTRE: [11:38:35](Interpretation) This brings me to the end of my
2 examination-in-chief, your Honours. In accordance with the decision on conduct of
3 proceedings, the Prosecution will provide within 24 hours a list of the items that it
4 would like to have included in the case file.
- 5 PRESIDING JUDGE MINDUA: [11:38:59](Interpretation) Thank you, Prosecutor.
6 And I thank you also particularly because you have not used the entirety of the two
7 hours that have been allocated to you, is that right? The court officer tells me that
8 you utilised 1 hour and 24 minutes. Well done.
- 9 I would now like to turn my attention to the Legal Representatives of Victims.
10 Now I note, Mr Kassongo, that the representatives of the victims have filed a request
11 to question the witness, that document is numbered 1036.
- 12 Now we have heard the examination-in-chief of the Prosecution, so I would now turn
13 to you and ask you do you maintain your request? Do you still wish to question the
14 witness?
- 15 MR KASSONGO: [11:40:08](Interpretation) Thank you, your Honour. Your
16 Honours, indeed the Legal Representatives for the Victims would like to maintain
17 their request and to question this witness.
- 18 PRESIDING JUDGE MINDUA: [11:40:21](Interpretation) Very good. Would you
19 like to take your seat anew. I would like to ask the Prosecutor what his views are on
20 that request.
- 21 MR DUTERTRE: [11:40:34](Interpretation) Thank you, your Honours. We have no
22 objections.
- 23 PRESIDING JUDGE MINDUA: [11:40:37](Interpretation) Thank you, Prosecutor.
24 Ms Taylor, do you object?
- 25 MS TAYLOR: [11:40:42] Thank you, Mr President.

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1 Yes, the Defence does object, and this is in line with paragraph 43 of the decision on
2 the conduct of the proceedings which stipulates that witnesses should not be asked to
3 speculate or provide opinions on what occurred or on the credibility of other persons.
4 Now, Mr Doornbos was not present in 2012. He has made it abundantly clear that
5 he does not recollect a lot of details from his visit, his very brief visit to Timbuktu.
6 So, essentially, the Legal Representatives for Victims would be inviting this witness to
7 speculate, to provide his opinion on events which he did not witness as a fact witness.
8 So we would submit that the prejudicial value of such testimony far outweighs any
9 probative effect. And that's particularly because we have no names from this
10 witness at this point, so it would be entirely secondhand, anonymous hearsay that we
11 would be hearing.

12 PRESIDING JUDGE MINDUA: [11:41:46](Interpretation) Thank you, Ms Taylor.

13 Thank you for having set out your objections.

14 Now a question comes to my mind: Do you know what questions the Legal
15 Representatives for Victims intend to put, because you said that those questions will
16 invite the witness to speculate?

17 MS TAYLOR: [11:42:05] Thank you, Mr President. And I am conscious of the fact
18 that the witness is in the courtroom. The subject matter was set out in the
19 application. The witness was being invited to provide testimony on the experiences
20 that occurred during 2012. That would be his opinion evidence because he was not
21 present, he did not himself witness what those individuals experienced at the time.
22 So we believe it would be extremely speculative to invite him to provide testimony on
23 that point, particularly in light of the evidence that he's given so far, which is so far
24 he's not provided the names of any person that he met. So in terms of the Defence
25 perspective this would be hugely prejudicial because it would defeat our ability to

1 cross-examine this speculative evidence.

2 PRESIDING JUDGE MINDUA: [11:42:57](Interpretation) Very well.

3 You have raised an interesting point. I think that the Chamber will withdraw to
4 deliberate on the matter for a few minutes and come back with an answer for you.

5 I therefore suggest that we take a short recess and you may all remain in the
6 courtroom.

7 THE COURT USHER: [11:43:31] All rise.

8 (Recess taken at 11.43 a.m.)

9 (Upon resuming in open session at 11.47 a.m.)

10 THE COURT USHER: [11:47:30] All rise.

11 Please be seated.

12 PRESIDING JUDGE MINDUA: [11:48:00](Interpretation) The hearing is resumed.

13 I understand that the Legal Representatives of Victims wish to take the floor. You
14 have the floor, sir.

15 MR KASSONGO: [11:48:13](Interpretation) The Legal Representatives do not want
16 to veer into speculation in their questioning. What they want to do is put questions
17 very specifically regarding the period during which the witness visited and was
18 present in Timbuktu and the questions will not go beyond that period of time. We
19 would like to reassure all present in the courtroom that we will not be putting
20 questions which relate to any time outside of that period.

21 PRESIDING JUDGE MINDUA: [11:48:55](Interpretation) Thank you, Mr Kassongo.

22 Ms Taylor, as you have seen, the Chamber has taken your objection seriously and
23 took time to deliberate on it. The questions which the Legal Representatives for
24 Victims are going to put will not invite the witness to speculate, rather, they will
25 invite the witness to report the outcome of his conversations with people who lived in

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1 Timbuktu. He will relay what people told him regarding their feelings. The
2 witness must not speculate. The witness must state exactly what he heard and what
3 he saw from the inhabitants of Timbuktu regarding the events.

4 And so it is that the Chamber will take into account the -- this matter and the
5 questions of the Legal Representatives for Victims.

6 Now, the Legal Representatives for Victims have the right to put questions based on
7 memorandum 1736.

8 Mr Kassongo, you have 15 minutes to put your questions within the framework set
9 out just now by the Chamber.

10 MR KASSONGO: [11:50:33](Interpretation) Thank you, your Honours.

11 First of all I would like to thank Mr Doornbos, if I may use his name, for having
12 sketched out for us what he saw and what he has been able to note and record.

13 The Legal Representatives for Victims are not going to further burden the
14 proceedings, we shall be succinct. We presume our starting point is that

15 Mr Doornbos was in Timbuktu, as he said earlier, shortly after the events and that he
16 saw the city and that he had conversations, discussions with certain members of the
17 population. And here I turn to Mr Doornbos.

18 QUESTIONED BY MR KASSONGO: (Interpretation)

19 Q. [11:51:47] Could you describe briefly, having visited Timbuktu, having seen the
20 city, having travelled around the city, could you give us your impressions of the
21 destruction following the events.

22 A. [11:52:13] Sure. Of course, but we have stated this already before that it, it is
23 seven years ago and that's a long time of course. But what I remember, what I recall
24 now is that there wasn't a huge amount of destruction in Timbuktu. Most buildings
25 were still okay. It wasn't like parts of Syria or Iraq where I have been later or before

1 where there was widespread destruction.

2 I do recall though on my way to Timbuktu, so that is more towards the south on the
3 way to Timbuktu, there we saw a couple of the results of French air strikes on police
4 buildings where the jihadist were staying and these buildings were definitely
5 destroyed.

6 In Timbuktu itself what basically -- or, what we understood is that the jihadist
7 basically escaped, they fled without having the time to make a lot of destruction, to
8 destroy a lot of buildings. And also these air strikes by the French or Malian army
9 weren't necessary there, largely because the militants had fled and they fled in the
10 hurry. And this is also - and this is my assumption - why they left some of their
11 documents behind. They were just running for their lives, basically, towards the
12 north.

13 Q. [11:54:08] Thank you, Mr Doornbos. I have a second short question, this will
14 be my last. You stated that you had conversations with the people of Timbuktu.
15 Now, without going into detail or providing a lot of commentary, could you
16 summarise their feelings in the wake of the events?

17 A. [11:54:42] By far most of the people that I spoke to in Timbuktu, and this is of
18 course post what they would call liberation, they really had the feeling they were
19 liberated, that the town was liberated by French, French army and Malian army.
20 Everybody was very happy that the jihadist had left. With them also a small part of
21 the population mainly of Arab dissent, they had also left with the militants towards
22 the north. But the people who stayed in Timbuktu, they were all very happy, they
23 were celebrating, it was a feeling of liberation. As I stated before I'm not a Mali
24 expert, this is my first and only time there, but I could clearly understand from how
25 people behaved, what people said, that they were very, very happy that the jihadist

1 were gone and it felt like liberation time.

2 MR KASSONGO: [11:55:52](Interpretation) Thank you, Mr Doornbos, for your
3 comments.

4 And, your Honour, thank you very much. On behalf of the victims and the Legal
5 Representative for Victims, thank you very much, Presiding Judge.

6 PRESIDING JUDGE MINDUA: [11:56:16](Interpretation) Thank you, Mr Kassongo.
7 Thank you for having been so concise and for having followed the instructions given
8 to you.

9 At this juncture the Chamber turns to the Defence for cross-examination, but I see that
10 the Prosecutor has raised his hand. I believe that Mr Duterte wants to say
11 something.

12 MR DUTERTRE: [11:56:43](Interpretation) Yes, thank you, your Honours. I'll be
13 very brief.

14 I just wanted to say, everybody is just beginning to position themselves, ourselves,
15 the Defence, the Legal Representatives for Victims. Of course we want to facilitate
16 proceedings, we need to be clear about that. But we would like to reiterate how
17 important it is to receive in good time the documents which the Defence produced
18 regarding the cross-examination. We received them a little bit late. We have no
19 objection to one or the other of the documents being used, rather, we would suggest
20 that they provided a little bit earlier and also in a form not share files, something
21 that's easier to access. Thank you.

22 PRESIDING JUDGE MINDUA: [11:57:41](Interpretation) Thank you, Prosecutor.
23 The Chamber is happy to hear that we can move on and that you have no objections.
24 However, at the same time, the Chamber would like to remind the Defence that yes,
25 of course, documents need to be provided in time so that work can proceed in the

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1 normal fashion.

2 Ms Taylor.

3 MS TAYLOR: [11:58:01] Thank you, Mr President.

4 If I can just address that point briefly. All of the documents on the Defence list are
5 open source documents which should have been disclosed by the Prosecution years
6 ago. It's actually disgraceful that they weren't given to us by the Prosecution and
7 that we had to find them ourselves. So the fact that the Prosecution is complaining
8 about not receiving documents that any decent Google search would have brought up
9 for them as soon as they first met this witness is a little bit astounding, particularly
10 when we got the preparation log from the Prosecution mere hours before the deadline.
11 So I think for the Prosecution to complain here is a little bit trite, given Article 54(1)(a)
12 of the Statute and their clear duty to search for the truth, which has not occurred in
13 this case at all.

14 Thank you.

15 PRESIDING JUDGE MINDUA: [11:59:00](Interpretation) Thank you, Madam, for
16 your observations. I imagine that the Prosecutor has taken note of what you have
17 said. I suggest that we do not pursue this discussion.

18 I now offer you the floor for your cross-examination. Thank you very much, Ma'am.

19 MS TAYLOR: [11:59:28] We have binders to distribute to the Judges and to the
20 parties.

21 PRESIDING JUDGE MINDUA: [11:59:38](Interpretation) Go ahead. Go ahead.

22 Very good. Thank you.

23 (Pause in proceedings)

24 THE WITNESS: [12:02:29] I would like to ask for a quick leave, very unfortunate.

25 One minute.

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1 THE COURT OFFICER: [12:02:36] Yes, my colleagues are currently on their way to
2 escort you.

3 THE WITNESS: [12:02:42] Thank you.

4 PRESIDING JUDGE MINDUA: [12:02:47](Interpretation) Witness, the Chamber
5 gives you leave to be absent for a few minutes. An officer is going to come to get
6 you. And we will wait.

7 THE WITNESS: [12:03:03] All right. Apologies again.

8 (The witness stands down)

9 PRESIDING JUDGE MINDUA: [12:03:25](Interpretation) For the transcript, the
10 witness has just left for a few minutes and we are on standby.

11 (Pause in proceedings)

12 (The witness enters the courtroom)

13 PRESIDING JUDGE MINDUA: [12:05:11](Interpretation) The witness has returned
14 to the courtroom. I will therefore give the floor to Ms Taylor for the
15 cross-examination.

16 Ms Taylor, you have the floor.

17 QUESTIONED BY MS TAYLOR:

18 Q. [12:05:27] Good afternoon, Mr Doornbos. I'm going to start questioning you in
19 relation to your contacts with the Prosecution. Do you recall being emailed by the
20 Prosecution on about 18 February?

21 A. [12:05:44] Yes, I do.

22 Q. [12:05:46] And do you recall which email address they used to contact you?

23 A. [12:05:52] Yes, I do.

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [12:06:12] Now you're an investigative journalist, a conflict reporter.

5 A. [12:06:16] Mm-hmm.

6 Q. [12:06:16] You clearly followed cases at the ICC before 2013, that's correct?

7 A. [12:06:21] In what sense?

8 Q. [12:06:23] You're aware of the cases at the ICC?

9 A. [12:06:25] Yes. Or, I wasn't aware of the cases at the ICC but I know of the ICC,
10 yes, sure.

11 Q. [12:06:34] And was this the first time you had been in contact with someone
12 from the International Criminal Court or had there been earlier contacts with the
13 Prosecution or the Defence, for example?

14 A. [12:06:45] No.

15 Q. [12:06:45] You'd never contacted anyone associated with the Court?

16 A. [12:06:49] During my time in the former Yugoslavia I was like, I was asked once
17 by the ICTY to give some kind of statement, which I did. And nothing more came
18 out of it.

19 Q. [12:07:03] Which case was that in?

20 A. [12:07:07] I think that was the case against the KLA, the Kosovo Liberation
21 Army, which had kidnapped me for a couple of days in Kosovo.

22 Q. [12:07:24] Who was the lawyer that contacted you?

23 A. [12:07:26] Now seven years is a long time ago, this is like 20 years ago, so no
24 idea.

25 Q. [12:07:31] Now, in October 2011 you claim to have been the only journalist who

1 viewed the dead body of Muammar Gaddafi and you took photos; is that correct?

2 A. [12:07:44] I don't think I claimed I was the only journalist who saw the dead
3 Gaddafi. Yes, I did. I was there in Misrata.

4 Q. [12:07:52] And he was an ICC suspect and of course the Prosecutor here would
5 have been obliged to verify his death. Did they not contact you?

6 A. [12:08:01] No.

7 Q. [12:08:03] So obviously you met the Prosecutor a while ago. That would have
8 been 2013. Were you in contact with them in later years, for example when
9 Al Mahdi was arrested?

10 A. [12:08:18] No, not really in contact. I was contacted by them telling me that this
11 case was happening and that by law they had to give my details, they had to share
12 my details, the details, you know, my name and everything with the Defence.

13 Q. [12:08:38] And during these contacts did you ever discuss the details of your
14 statement or what you experienced in Timbuktu?

15 A. [12:08:46] No, it was just about that they informed me that they had to give my,
16 basically my information about me to the Defence and I said, hmm, okay. You know,
17 what can I do. I mean I was just living, I was going on. I haven't been back to Mali
18 as well. I wasn't really so much into this case anymore because it had been a -- even
19 then it was already a long couple of years ago. So this was the only contact that
20 I had with them.

21 Q. [12:09:16] Now you've reviewed your statement before testifying today, haven't
22 you?

23 A. [12:09:22] Mm-hmm.

24 Q. [12:09:23] It's quite a short statement, isn't it?

25 A. [12:09:25] Well, this is also the thing, it's also a really short thing that I did.

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1 I can imagine that in front of this court you hear dramatic, terrible stories. And my
2 story is very simple. Basically, a guy walks into a building, finds some documents
3 and walks out of the building. So that's basically it, two times, once in the bank and
4 once in the hotel.

5 So I understand that the content of the documents might be very interesting, which I
6 of course as a simple journalist cannot really judge, but what happened there in
7 Timbuktu is really extremely simple. It's also not shocking, not dramatic, nothing.
8 It's just I walk into a building, find some documents, walk out; walk into a building,
9 find some documents, walk out. That's it.

10 Q. [12:10:12] During your interview with the Prosecutor, apart from your collection
11 of the documents, did the Prosecutor discuss any articles that you or your wife had
12 published?

13 PRESIDING JUDGE MINDUA: [12:10:30](Interpretation) Counsel, I'd just like to
14 draw your attention to the fact that when you speak, when you both speak -- as you
15 both speak the same language, you are not observing the 3-second pause for the
16 interpreters and the court reporters. So please pay attention to that. Thank you.

17 MS TAYLOR: [12:10:50] Thank you very much for that reminder.

18 THE WITNESS: [12:10:54] Thank you, sir.

19 MS TAYLOR: [12:10:56]

20 Q. [12:10:57] So while you were in Timbuktu you obviously were quite prolific on
21 Twitter and you published a few articles, as did your colleague. Did the Prosecutor
22 ask you about these articles when you met with them?

23 A. [12:11:13] Not that I remember.

24 Q. [12:11:14] You said earlier today that 2013 was the first time you travelled to
25 Timbuktu and that's where all the action was. Was it your idea to travel to

- 1 Timbuktu or did someone else suggest it to you?
- 2 A. [12:11:29] No, my idea.
- 3 Q. [12:11:30] And who paid for your trip?
- 4 A. [12:11:32] The company that I freelance work for.
- 5 Q. [12:11:35] Is that the same company that your colleague works for?
- 6 A. [12:11:43] Correct.
- 7 Q. [12:11:43] Is that Al Aan TV?
- 8 A. [12:11:47] Correct.
- 9 Q. [12:11:48] Which is based in Dubai?
- 10 A. [12:11:59] Yes.
- 11 Q. [12:11:50] You covered these events with this colleague, may I mention her
12 name?
- 13 A. [12:11:54] Up to you.
- 14 Q. [12:11:57] Ms Jenan Moussa. You travelled together?
- 15 A. Mm-hmm.
- 16 Q. Did you work together on the interviews that you did?
- 17 A. On which interviews?
- 18 Q. That you did in Timbuktu.
- 19 A. [12:12:06] Well, yes. We're a team, so most probably we interviewed people
20 together, yeah.
- 21 Q. [12:12:14] And you were present while she was interviewing persons?
- 22 A. [12:12:17] Yes, I would hold the camera, prepare questions, talk about stories.
23 Obviously we're a journalistic team so you -- yes.
- 24 Q. [12:12:26] And you were in Dubai before --
- 25 THE COURT OFFICER: [12:12:29] Could you please slow down for the interpreters.

1 Thank you.

2 MS TAYLOR: [12:12:33]

3 Q. [12:12:33] You were in Dubai before travelling to the Netherlands and then Mali
4 and this was your first time to Mali, so while you were in Dubai did you meet with
5 anyone to prepare for the trip?

6 A. [12:12:51] No, I didn't.

7 Q. [12:12:54] Did you contact anyone to get a briefing or to obtain information?

8 A. [12:13:00] About Mali, no. We just, we just went there. And I think I must
9 have been already in Europe, that's why I flew from Amsterdam, because
10 otherwise -- but seven years later I'm not sure about the exact details. But no
11 briefings, nothing, we just bought a ticket and went there.

12 Q. [12:13:23] I think you went from perhaps Dubai to the Netherlands, and is it
13 correct that you went to The Hague to get a visa for Pakistan?

14 A. [12:13:35] For Pakistan? Maybe. Yeah, there must have been a reason why I,
15 why I was in the Netherlands. And that kind of, you know, worked well because
16 there are flights, direct flights from Amsterdam to Bamako.

17 Q. [12:13:51] And while you were in The Hague did you speak to anyone in
18 advance of your trip to Mali? Did you obtain a briefing, a security briefing?

19 A. [12:14:00] No, nothing.

20 Q. [12:14:02] It's correct that about this time the Netherlands, they announce their
21 public support for the French intervention in Mali, didn't they? Do you recall that?

22 A. [12:14:13] I don't recall that, but both being NATO members, I guess, yes, they're
23 on the same page with that, yes. But that's not something that played a big role in
24 my mind.

25 Q. [12:14:23] Of course they didn't send troops. Do you recall being critical of

1 their decision not to put troops on the ground?

2 A. [12:14:32] No, I -- no, I don't.

3 Q. [12:14:39] So when you arrived in Bamako as a Dutch citizen, did you obtain a
4 briefing from any Dutch officials or security officials?

5 A. [12:14:49] No, nothing. You know, I'm a journalist, you know, I cherish
6 contacts, of course. I like to have contact with people, but not specifically with
7 embassies because, in my experience, the embassy staff or people, they're not that
8 much aware of the situation in the country. I'd rather speak to local people who live
9 there and they could be used as sources. But, no, I didn't get any briefing, I didn't
10 talk to anybody in Bamako.

11 Q. [12:15:22] Your Twitter handle at the time, was that @HaraldDoornbos?

12 A. [12:15:30] Correct. It still is.

13 Q. [12:15:30] And your wife, was her Twitter handle @jenanmoussa?

14 A. [12:15:35] Yeah.

15 Q. [12:15:36] Do you follow her on Twitter?

16 A. [12:15:38] Yes, I do. She's my wife.

17 Q. [12:15:40] Are you familiar with her tweets? When you're working on a story
18 together would you read them?

19 A. [12:15:46] Yeah, well, but this is of course the thing with Twitter, I mean, it's
20 more like a diary. It's not like I'm going like -- it's like notes that you make during
21 your -- you know, during your life almost. You know, you have now for like ten
22 years a Twitter account, so if you're going into individual tweets, yeah, obviously,
23 you know, I mean, these are more like notes that you make as you travel the globe.
24 And I obviously cannot remember every hundred thousand tweets because I think I
25 did really hundred thousand tweets. I can obviously not remember every word I

1 wrote during these hundred thousand tweets. But I'm sure with a good search
2 system you can come up with a lot of funny and less funny tweets, yes.

3 Q. [12:16:32] So you said earlier that you prefer to meet with people and not
4 embassy staff.

5 A. [12:16:37] Well, you know, it's --

6 Q. [12:16:38] Do you -- sorry, do you remember when you first arrived speaking to
7 the Malian ambassador to Libya?

8 A. [12:16:47] Malian ambassador to Libya?

9 Q. [12:16:49] Former Malian ambassador to Libya. Do you recall interviewing
10 him with Jenan?

11 A. [12:16:59] Well, I don't recall it. Maybe it happened. I just don't remember.

12 But you also have to imagine that, I mean, we talked to a serious amount of people.

13 I mean, since Mali I've been like crisscrossing Syria, Libya, Iraq. There's endless

14 amounts of stories of course and endless amount of interviews, sometimes long,

15 sometimes short, very brief contacts, long contacts, intense contacts, not intense

16 contacts. So I mean, you know. That's also why Twitter is so nice because you can

17 actually make these notes and eventually, you know, as you probably have done, go

18 through it and remember like, oh, yeah, I met this person, I met that person; I totally

19 forgot, but yes, we met, we even have a picture. That's a little bit the usage of

20 Twitter, the way I see it at least.

21 Q. [12:17:46] And at the time did you know the former Malian ambassador to Libya?

22 Was he someone who was known to you?

23 A. [12:17:55] Honestly, I'm sorry, but I don't recall any former Malian ambassador

24 to Libya. But, you know, who am I?

25 PRESIDING JUDGE MINDUA: [12:18:05](Interpretation) Prosecutor.

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- 1 MR DUTERTRE: [12:18:05](Interpretation) Yes, perhaps it would help if the Defence
2 gave the name of the person we were talking about in order to facilitate matters.
- 3 PRESIDING JUDGE MINDUA: [12:18:16](Interpretation) Ms Taylor.
- 4 MS TAYLOR: [12:18:18] The Defence does not have the name. It was not -- the
5 name was not tweeted.
- 6 PRESIDING JUDGE MINDUA: [12:18:28](Interpretation) Very well. Please
7 continue if you would be so kind.
- 8 MS TAYLOR: [12:18:33]
- 9 Q. [12:18:34] Do you recall when you were in Bamako interviewing the mayor of
10 Timbuktu?
- 11 A. [12:18:38] Yes, that I remember.
- 12 Q. [12:18:40] And you interviewed him with Ms Moussa?
- 13 A. [12:18:45] Mm.
- 14 Q. [12:18:46] Was anyone else present?
- 15 A. [12:18:49] During the interview? Probably not because, you know, generally
16 you interview somebody one on one. There might be -- before and after the
17 interview, there might be people, people might have been present, yes.
- 18 Q. [12:19:02] How did you get his contacts?
- 19 A. [12:19:05] We're journalists, we ask around and we -- pretty quickly through
20 fixers or through people you get a telephone number and you make an appointment.
21 It's kind of that simple.
- 22 Q. [12:19:16] How did you identify the fixers in Bamako?
- 23 A. [12:19:21] As a journalist, so I mean, you meet somebody in a hotel, you call a
24 local newspaper, these kind of things. This is the way we work. And so in Bamako
25 it was more or less the same. Again, it's seven years ago and Mali has never been a

1 huge story -- I'm not a big Mali specialist, so it was all like we arrive, we want to go as
2 soon as possible to the north, and that was basically it. We tried to organise a car, a
3 driver, transport.

4 Q. [12:19:57] So you were heavily dependent on these fixers?

5 A. [12:20:01] Sure. Every journalist is. I mean, that's our first hour, first day in a
6 new country so obviously, you know, you need local knowledge to, to do a good job
7 there, yes.

8 Q. [12:20:10] And they put you in contact with the mayor and he contacted you
9 regularly at this time, didn't he?

10 A. [12:20:17] I wouldn't say regularly at all. It's just we interviewed him. We
11 talked to him and that's basically -- we also never met him again. He might have
12 given a telephone number of, you know, some useful people that are from Timbuktu,
13 yes. You know, that's how journalists -- that's journalism.

14 Q. [12:20:38] These useful people in Timbuktu, do you remember who they were?

15 A. [12:20:41] No, I don't recall.

16 Q. [12:20:43] Did you in fact contact these useful people?

17 A. [12:20:48] Probably. If the mayor of Timbuktu says, like, talk to this guy, talk
18 to that guy, maybe he can organise a car, he can organise this, probably we called a
19 couple of people, yes. Again, this is very standard practice among journalists.

20 Q. [12:21:05] In line with this standard practice, would you have relied upon him to
21 identify a fixer in Timbuktu?

22 A. [12:21:15] I don't recall.

23 Q. [12:21:19] Do you recall the mayor calling you and telling you that Islamists had
24 destroyed the manuscripts and the Baba Ahmed building in Timbuktu?

25 A. [12:21:33] Yes, he mentioned something like that, either during the interview, I

1 think he repeated that and maybe over the phone, yes. Could be, yes.

2 Q. [12:21:38] And do you recall tweeting this?

3 A. [12:21:43] As I said before, hundred thousand tweets, who would remember?

4 Q. [12:21:47] Did you receive any information that this was incorrect, that what he
5 had told you was not correct?

6 A. [12:21:56] No, because, yeah, we were basically on our way -- these were his
7 words and we were basically on our way to the north to Timbuktu, try to confirm that,
8 try to check that.

9 Q. [12:22:10] Can I show you MLI-D28-0004-0007.

10 A. [12:22:31] Ah, the tweet. Can you repeat the number again.

11 Q. [12:22:35] It should come up on your screen. It's on evidence 2.

12 A. [12:23:19] I'm currently not seeing anything on my screen.

13 Yeah.

14 Q. [12:23:57] Do you recall tweeting this?

15 A. [12:24:00] If it's on my account, I must have tweeted it, sure. But I don't -- I
16 don't recall obviously because again hundred thousand tweets seven years ago, but as
17 I see it in front of me, I'm sure I wrote it, yes.

18 Q. [12:24:13] So you have no recollection of anyone contacting you or calling you to
19 tell you that this story was not correct, that the manuscripts hadn't been destroyed?

20 A. [12:24:23] How do you mean calling me?

21 Q. [12:24:25] If I can bring you to MLI-D28-0004-0006, this is a tweet that you sent
22 at 10 a.m.

23 A. [12:24:42] Mm-hmm.

24 Q. [12:24:42] The tweet you looked at earlier was tweeted 30 minutes later.

25 A. [12:24:52] Okay. And you're suggesting what? That they --

1 Q. [12:24:54] That there was a basis for you to correct your tweet. Do you recall
2 what that basis was?

3 A. [12:25:02] No, I don't think I agree with you. Because basically in Dutch I'm
4 saying, like, they took some parts of the manuscripts before, before they fled. So
5 I don't know. It doesn't say that all -- everything was destroyed or nothing was
6 destroyed.

7 Q. [12:25:23] Well, the first tweet, if I'm correct, says that the manuscripts had been
8 destroyed. There was intervening tweets and you had information that some of the
9 manuscripts had been moved to Bamako. So that information must have come from
10 somewhere.

11 A. [12:25:42] Okay. If you want to go into all these details from seven years ago, I
12 honestly have to disappoint you a little bit. I think more or less that we're talking
13 about documents that I found in location A and location B in Timbuktu and, I don't
14 know, how I travelled there, who I was in touch with, obviously you have the right to
15 ask me that, but you can also not ask -- you know, not ask for me to remember all
16 these details seven years ago.

17 Do you know what I have been dealing with in the last seven years war-wise, like in
18 Syria, in Iraq, with the Kurds, in Turkey, in Libya? I mean, that is an endless amount
19 of much tougher and much more dangerous and much crazier things than you are
20 talking about now, like the interview with the mayor of Timbuktu. All respect for
21 him, obviously, but this was of course in my journalistic career, yeah, just another
22 interview in an office with somebody, and obviously you call again back later once or
23 twice, this is human courtesy, but it is of course nothing compared to what we
24 experienced in Syria, the shelling, the killings, literally the killing fields of Raqqa.
25 So I understand why you ask this, fine, I will definitely try to answer your questions,

1 but you cannot expect from me to remember if I -- obviously I wrote it because it's on
2 my Twitter account, but you cannot expect me to remember every contact and
3 everything I wrote back then seven years ago about a place which I already admitted
4 don't know a lot about.

5 Q. [12:27:28] Thank you. We'll just move on.

6 Were you able to travel with the military to Timbuktu?

7 A. [12:27:36] No. We travelled alone. We were of course at one point -- there
8 were of course roadblocks, military -- the Mali military, the army of Mali, they would
9 stop you at certain points. There were at one point I think that was close to Mopti or
10 Douentza, again, sorry for not being more correct, but in one of these towns
11 there -- we were at one point taken by the Malian army into an army barrack I think
12 which was bombed and they would escort us for a couple of kilometres on the road
13 because, you know, you also have to remember this is a -- was a dangerous time, of
14 course. There were still jihadists running around freely and I mean we are not
15 armed. We just have our laptop or our pen so --

16 Q. [12:28:30] Thank you, Mr Doornbos. Yes or no would suffice.

17 A. [12:28:34] Okay. I'm just trying to paint you some context because a courtroom
18 is very abstract while I'm living in a concrete world.

19 Q. [12:28:41] Were any media outlets allowed to travel or be embedded with the
20 military?

21 A. [12:28:49] I don't know. As I said, we travelled with the Malian military for a
22 couple of kilometres, but basically we were stopped by them also very often and then
23 tried to find a different road to get to Timbuktu. That's why it also took six days.

24 Q. [12:29:03] Do you recall complaining about the fact that France 2, or France 2,
25 had been allowed to travel with the military and you hadn't?

1 A. [12:29:11] Okay, I'm sure you found a tweet. Yes, probably I did. If it's in my
2 Twitter, I probably did. Like such little details that I wouldn't recall seven years
3 later, but I'm sure there were a couple of journalists, especially French journalists,
4 because they have been very often in Mali. I mean, you all know the relation
5 between France and Mali, the French army being there, very prominent on the
6 ground. I'm sure some French media were allowed to travel with the Malian army.
7 I wasn't. I'm just a Dutch guy. I don't even speak French.

8 Q. [12:29:45] And when you entered Timbuktu, obviously it was after the army, so
9 did this mean that the French media, France 2, had entered before you?

10 A. [12:29:55] I think they did, yeah. I mean, very difficult to compete as a small
11 company, as a small journalist with these kind of huge large media companies.
12 That's why it's so nice when we sometimes beat them.

13 Q. [12:30:10] Do you recall also tweeting that the Al Jazeera team beat you there,
14 that they got there on the 26th?

15 A. [12:30:18] If you got a tweet, it must be true, yes, because my -- you know, what
16 I wrote back then was of course at the moment and it's now seven years later. So
17 sure, sure, there were some journalists before us, sure. But we were one of the -- one
18 of the first. I mean, I think we can say that.

19 Q. [12:30:37] Do you recall tweeting during your journey your impressions of Mali?

20 A. [12:30:44] Definitely. It was really a Twitter trip. I had my Blackberry. I
21 think this is now all gone, but I was still using a Blackberry, crappy pictures and just
22 trying to keep my followers up to date because, you know, everybody also was like:
23 What the hell is happening there? And there's a Dutch guy going there. So my
24 followers, yes, I think I got a lot of positive response from them.

25 Q. [12:31:05] Do you recall describing the north of Mali like the Maliban?

1 A. [12:31:09] Yes. I thought it was kind of a little play of words. You have the
2 Taliban and this was the Maliban.

3 Q. [12:31:17] So you were interested in drawing parallels between the Taliban and
4 Mali even before you arrived in Timbuktu?

5 A. [12:31:21] Well, obviously. I mean, we all -- they were already for half a year in
6 power, of course, the jihadists in the north.

7 THE INTERPRETER: [12:31:28] Message from the interpreters: They keep
8 overlapping repeatedly. Thank you.

9 MS TAYLOR:

10 Q. [12:31:39] So when you arrived in Timbuktu, you had never been to Mali before.
11 How did you organise your accommodation?

12 A. [12:31:43] We asked for a place to -- we asked for a hotel.

13 Q. [12:31:46] Who did you ask?

14 A. [12:31:48] First guy on the road.

15 Q. [12:31:50] The first guy on the road.

16 A. [12:31:52] Where is the -- is there a hotel? Yes. Ah, where it is? Straight, left.
17 Okay. We went there, we found the room.

18 Q. [12:31:59] And were there many other journalists staying at this hotel?

19 A. [12:32:03] Yes. Eventually this became the hotel where most of the journalists
20 were staying indeed, yes.

21 Q. [12:32:13] Do you recall a journalist called Rukmini Callimachi?

22 A. [12:32:18] Yes.

23 Q. [12:32:19] She was staying at the same hotel?

24 A. [12:32:21] Staying at the same hotel.

25 Q. [12:32:24] And did you discuss your finds and stories with her?

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1 A. [12:32:27] Yeah, yes. We said, you know, what's your story? What's our story?
2 This is how journalists of course work. You know, we said we found some
3 documents. I think later on she found also some documents. So, yeah, this is of
4 course colleagues among each other.

5 Q. [12:32:45] Your wife speaks Arabic. Do you recall if there were any other
6 Arabic speaking journalists there?

7 A. [12:32:52] There were some, but specific names I couldn't give you, but there
8 were. And there were of course also local fixers who could speak Arabic. So there
9 were eventually some serious numbers of Arab speakers, but it obviously helps very
10 much because the jihadists communicated largely mainly in Arabic.

11 Q. [12:33:15] And these local fixer who spoke Arabic, did they assist you?

12 A. [12:33:20] Yes. We -- I believe there was like a journalist who came, who
13 spoke -- a local journalist who spoke Arabic and --

14 PRESIDING JUDGE MINDUA: [12:33:34](Interpretation) Prosecutor.

15 MR DUTERTRE: [12:33:35](Interpretation) Thank you, Presiding Judge. I'm trying
16 to follow along listening to the French, but there are very few questions -- or very few
17 gaps between the questions and the answers and therefore quite a lot of overlap so it's
18 difficult for me to follow the flow of the discussion in translation.

19 PRESIDING JUDGE MINDUA: [12:34:00](Interpretation) Ms Taylor, you have heard
20 what the Prosecutor has said. Please try to slow down.

21 Witness, please try to wait a few moments before answering a question. Just count
22 in your mind, one, two, three before you begin to speak. Thank you for your help.
23 Please proceed.

24 MS TAYLOR: [12:34:27]

25 Q. [12:34:28] The local journalist who spoke Arabic, did he accompany you at all to

1 any of your interviews or your missions?

2 A. [12:34:36] I know that when we visited the Hotel La Maison, that there was a
3 person -- a person with us. I don't recall any more his name or who he was. But
4 this is also, you know, we are trying to find this hotel, La Maison, and we've never
5 been to Timbuktu before so also local people, it's not only language skill, it's also they
6 know where buildings are, they know where locations are, of course, they know
7 where it's possibly dangerous, where it's possibly not dangerous. So again this is
8 general journalistic practice.

9 Q. [12:35:16] Do you recall what media outfit he worked with?

10 A. [12:35:22] No, I don't. I'm not even sure if he worked for local media. I think
11 he was also working partly as a tourist guide, something -- I don't know, so ...

12 Q. [12:35:41] Now, apart from this local journalist/tourist guide, did you interview
13 any locals of Arab ethnicity while you were there?

14 A. [12:35:54] Yes, I think we -- I'm, I'm not sure. I'm not sure. I know that most
15 Arabs left because they were seen by other ethnic groups as like collaborating with
16 Al-Qaeda and with the jihadists. But there were still I think some Arabs although
17 I'm not sure if we managed to talk to them. I'm sorry, I just don't know exactly.

18 Q. [12:36:17] Do you recall speaking to any Tuaregs while you were there?

19 A. [12:36:22] I also don't recall that. Maybe yes, maybe no. Honestly. I was
20 very much focussed on the documents because to us, of course, I mean, this is like the
21 thing as a journalist, if you go into a place, people say -- some people are happy, other
22 people are not happy, other people are in the middle, so people always change and
23 the next day you ask them the same question is different again. The documents, and
24 this was the part of the trip which became so important to me, that these documents
25 of course don't lie. So I very much focussed on the documents. And yes, of course,

1 as a journalist you also talk to people, you interview people, but the documents were
2 definitely much more important during this trip than all the interviews and little
3 chitchats that we did.

4 Q. [12:37:10] Did you hear any reports of looting or breaking into shops? You
5 mentioned it earlier. Do you recall what you heard?

6 A. [12:37:18] Looting by who?

7 Q. [12:37:21] What did you hear on this issue?

8 A. [12:37:22] No, I mean, you say that I mentioned it before. I don't recall that I
9 mentioned there was looting. But I haven't personally seen. Like, I'm sure there's
10 looting. In every war there's looting from all sides, so I'm sure there must have been
11 looting. But this was also not a war, like, the moment I was in Timbuktu there is no
12 any more -- there isn't a lot of shooting, shelling. It's not a Syria or Iraq any more.
13 You know, this was one of the few wars whereby actually I didn't hear that many
14 shots or fire or shells exploding. It was very quiet in that way.

15 Q. [12:37:59] Just moving on, on 2 February you went to the bank. Was this the
16 only occasion that you went to the bank?

17 A. [12:38:09] It was -- I mean, the bank was literally, like, around the corner of
18 the -- of the hotel, so I must have passed it like ten times. But this is the only time
19 that I think I went with the camera inside. And we asked some people and they
20 would tell us like, oh, the women were kept there in a little prison in a little cell, so
21 I would make pictures of that from the outside. But during different moments we
22 were allowed to enter the bank. So I was -- because it was -- of its close proximity to
23 the hotel, I took some pictures from the outside, but there was like one, one time that I
24 really went inside and took the pictures and took some of the documents with me,
25 correct.

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1 Q. [12:39:00] You've referred earlier today to the Islamic police. Are you aware of
2 the difference between *Hesbah*, the morality police, and the Islamic police?

3 A. [12:39:12] Not, not for Timbuktu. But it -- people told us it's the Islamic police,
4 so that's why that's the name we used.

5 Q. [12:39:25] Now, in one of your articles you've mentioned this tour guide, this
6 person who let you in. And you've said that his name was Malik Diko. Does that
7 sound correct?

8 A. [12:39:42] If it's in the article, it must be correct, yes.

9 Q. [12:39:45] So he was a fixer for you?

10 A. [12:39:46] Yeah, I mean, basically you ask somebody for, for help and where is
11 this building, where is that, what can we do, what do you think. Yes.

12 PRESIDING JUDGE MINDUA: [12:39:58](Interpretation) Prosecutor.

13 MR DUTERTRE: [12:40:02](Interpretation) Could the Defence please cite the ERN
14 number of the document to which she refers so that that is clear for everybody. And
15 of course that's in line with the conduct of proceedings guidelines.

16 PRESIDING JUDGE MINDUA: [12:40:17](Interpretation) Ms.

17 MS TAYLOR: [12:40:19] Yes, it's MLI-OTP-0020-0441 at 0442.

18 Q. [12:40:38] So this fixer, how much did you pay him per day?

19 A. [12:40:41] I have no clue any more, but I guess around -- honestly, I couldn't tell
20 you.

21 Q. [12:40:50] And it's standard practice, isn't it, to pay the people who assist you?

22 A. [12:40:55] Yeah, of course. I mean, you would also feel like, like you're abusing
23 people if you wouldn't pay. I mean, people who really help you to find the road, to
24 tell you where it's safe, I mean, obviously this is their job at that time. I mean, it
25 would be very terrible not to pay them anything for it.

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1 Q. [12:41:11] And this fixer, he gave you a tour of the BMS, didn't he? He showed
2 you around?

3 A. [12:41:19] Well, it's also not a huge bank. It's basically like a couple of rooms.
4 So, yes, obviously you enter the building, on the left there's some rooms and on the
5 right there are a couple of rooms. That's it. You know, it's nothing fancy, nothing
6 dramatic.

7 Q. [12:41:37] He had the key. Did you ask him how he got the key?

8 A. [12:41:42] I don't recall. I mean I basically -- it was closed when we -- when we
9 arrived. Obviously we asked does somebody have a key. Eventually we got a key
10 and the door opened.

11 Q. [12:41:56] Did you ask him when it was locked?

12 A. [12:42:00] No. No. I don't -- maybe, but I mean I don't recall these kind of
13 details.

14 Q. [12:42:09] Did he tell you about who had been the last person in the building?

15 A. [12:42:14] No, I don't recall that now.

16 Q. [12:42:17] So you had no way of knowing who had been in the building before --

17 A. [12:42:23] I don't know. Maybe he told us, but it's not something that, you
18 know, stuck with me that I thought it was crucial during -- during this story.

19 Q. [12:42:34] Now, during your tour of this bank, you had --

20 PRESIDING JUDGE MINDUA: [12:42:38](Interpretation) The Prosecutor is on his
21 feet. I don't know why.

22 MR DUTERTRE: [12:42:41](Interpretation) Could the Defence specify where the
23 witness said that that particular fixer, the named fixer said that he had the key.

24 Could you give us that reference, please?

25 PRESIDING JUDGE MINDUA: [12:42:56](Interpretation) Madam.

1 MS TAYLOR: It's either in the article or the interviews or various documents that
2 the Prosecution has disclosed. And I think earlier today he said that the fixer opened
3 the bank for him.

4 MR DUTERTRE: [12:43:12](Interpretation) Well, it would be good to have the
5 reference because it is one of the issues, one of the matters.

6 MS TAYLOR: [12:43:22] Well, in line with the principle of orality, we can ask the
7 witness: Did the fixer open the bank for you?

8 THE WITNESS: [12:43:35] Honestly, I have to -- I don't know any more after seven
9 years, I mean, who opened the door of the bank. No, I don't. But I'm sure if it's
10 written in the article, that is correct. If it's written on Twitter, that's correct.

11 Because obviously it was written like 5 minutes or 10 minutes after it happened.

12 That is more correct than my recollection now seven years on.

13 MS TAYLOR:

14 Q. [12:43:55] Let's -- if I can address it this way, Mr Doornbos, who was with you
15 when you went to the bank?

16 A. [12:44:03] My colleague was with -- so I was there, my colleague was with me
17 and I think there was a fixer with us, yeah, because we asked around like, because it
18 was closed, so ...

19 Q. [12:44:15] And did this fixer open the lock for you?

20 A. [12:44:20] How can you -- I mean, how -- how would I still remember that after
21 seven years. Honestly. I mean -- (Overlapping speakers)

22 Q. [12:44:30] (Overlapping speakers) I put it to you this way, Mr Doornbos, how
23 else would you have entered the bank, if it was locked?

24 A. [12:44:34] Because we asked for the key and somebody came with a key and if
25 that was person A, B or the fixer, I honestly don't know any more. And also I don't

1 really see the relevance of it. But at one point, the door was closed. We asked: *Où*
2 *est la clé?* Does somebody have the key? That's my limit of French. I even can say
3 that. And somebody came with a key and they opened it. And then obviously, we
4 were not interested in who has the key, but let's go into the bank.

5 Q. [12:45:02] So you went into the bank and you took some documents and
6 photographed others.

7 A. [12:45:07] Mm.

8 Q. [12:45:08] Why the distinction? Why not take them all?

9 A. [12:45:10] Yes, well, this is a good question. You always feel a little bit
10 uncomfortable taking documents because, yeah, they're not mine obviously. At the
11 other hand, if I don't take any documents, people will obviously ask me, like: Why
12 didn't you take the documents? I mean, why? You had evidence in your hand, you
13 didn't take them with you?

14 So on the spot - because my colleague can read Arabic - we decided already what we
15 thought were important -- or, important but were relevant documents that we should
16 take with us, and which documents we just picture, because, you know, it just shows
17 at least if you have a couple of these original documents, you really were there.

18 You're not making it up. You're not Photoshopping it. It's just you were there, and,
19 you know, the pictures itself speak, of course, for itself as well.

20 So that's why I didn't get out with like all these documents and they're like, stacked,
21 my bags packed with them, because also, at one point, you know, I mean, it looks a
22 little bit crazy if you walk around there with a hundred kilos of documents,
23 obviously.

24 Q. [12:46:24] Did you photograph the documents in the location where you found
25 them?

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1 A. [12:46:29] Yes, but as you can imagine how that goes, if you see a document
2 laying in a -- it's covered, covered, you would just put them on -- on a table and then
3 make a picture. Turn the page, make a picture. Turn the page, make a picture. I
4 mean, this is a standard thing as well.

5 Q. [12:46:46] And this leaflet that we referred to earlier, it's MLI-OTP-001-7233, you
6 referred to this leaflet, didn't you, as a dress code or rules?

7 A. Yes, as I remember seven years later, yes.

8 Q. [12:47:04] But the text doesn't refer to Mali, does it, or Timbuktu?

9 A. [12:47:10] I can just tell you that I found this in the bank and that it is a dress
10 code for women, so ...

11 Q. [12:47:16] Yes, but you didn't report it as a dress code for women. You
12 reported it as dress rules imposed by the local rulers.

13 A. [12:47:27] Please explain the difference, the dress code and ...

14 Q. [12:47:29] (Overlapping speakers) Can I refer to you another document. It's
15 MLI-D28-004-0021.

16 THE COURT OFFICER: [12:47:43] The interpreters are asking the Defence to slow
17 down a bit. Thank you very much.

18 THE WITNESS: [12:47:58] Yes.

19 MS TAYLOR: [12:47:59]

20 Q. [12:47:59] Does that seem similar to the leaflet you found?

21 A. [12:48:04] No. In the sense, yes, there's obviously a woman and they're some
22 sentences. But this is not what I found.

23 Q. [12:48:10] It's not what you -- I know it's not what you found but --

24 A. [12:48:12] Yes.

25 Q. [12:48:13] -- do you read French?

1 A. [12:48:14] No.

2 Q. [12:48:15] Do you see there eight numbered items?

3 A. [12:48:19] Yes, clearly.

4 Q. [12:48:20] Next to a woman wearing a particular type of veil?

5 A. [12:48:24] Yes.

6 Q. [12:48:25] So what I would suggest to you, Mr Doornbos, is that this is a
7 standard Koranic interpretation that's easily available from the internet?

8 A. [12:48:38] Okay, but I found it in the bank and it gave certain dress codes for the
9 rules and, obviously, I mean, this is a global movement. That's why I also compared
10 the Taliban to the Maliban because, yes, this is obviously a global movement, and
11 obviously I'm aware that in other countries and/or other parts of the world, they also,
12 the jihadis, would like women to wear things like this.

13 So I only -- I only telling you that I found this document in a bank, in Timbuktu, and
14 that it shows certain dress codes - don't do this, don't do that - for women. That's the
15 only thing. It's also no judgment from my part. I mean, I -- I -- it's totally up to
16 people, you know, of course, how to dress themselves. I'm just telling you that I
17 found these documents in Mali, in Timbuktu, in a bank, and there's no discussion
18 obviously that in Afghanistan or parts of Pakistan or parts of Iraq, Syria, people think
19 similar. That is also up to them. It has nothing to do with -- with what I found in
20 the bank.

21 Q. [12:49:44] Would it be right that you photographed everything quite quickly?
22 That you were moving through the bank in a relatively short space of time?

23 A. [12:49:54] Sure, that's a correct assignment -- assessment. I mean, quick, yes.
24 You -- you try to do it, you try to do it quick because you don't know what's -- what's
25 going to happen if somebody suddenly starts to make a problem. If somebody

1 becomes aggressive. I don't know. I mean, so yes, you try to finish it quickly,
2 correct.

3 Q. [12:50:12] So it would be fair to say that because it was a quite a quick visit, you
4 didn't adopt a very systematic or forensic approach?

5 A. [12:50:24] Correct. We're journalists, so we have to work quickly. We don't
6 have, like, security. We don't have guns. We have nothing. So we just have a pen.
7 And we don't have the luxury of like sitting there for hours or days and investigating
8 everything. That's correct.

9 Q. [12:50:39] So you might have missed documents or pages?

10 A. [12:50:43] Definitely, definitely. I mean, I -- I just --

11 Q. [12:50:48] (Overlapping speakers) Do --

12 A. [12:50:48] -- I just photographed or grabbed what I could find.

13 Q. [12:50:51] Do you recall if other journalists, such as Rukmini Callimachi, had
14 entered the bank before you?

15 A. [12:50:59] I don't remember that. I don't recall that.

16 Q. [12:51:04] You don't recall -- do you recall discussing the documents you found
17 with Rukmini Callimachi?

18 A. [12:51:12] Yes, but not in detail. Basically, we told her that, you know, we
19 found some documents and I think later on she also found some documents in a
20 different location. So I'm not aware if that was the bank or where that actually was,
21 but she also, at one point, had some documents, so ...

22 Q. [12:51:32] And do you recall if she stayed in Timbuktu after you?

23 A. [12:51:36] I don't recall. At one point, we left because they were going to close
24 the ferry to the other side. So that was the only reason that we -- that we left because
25 we thought otherwise we -- we're going to be stuck in Timbuktu for a couple of weeks

1 more.

2 Q. [12:51:53] I'd like to play a video for you. It's MLI-D28-0004-0003 without
3 sound. And the zero-minute mark to the 14-second mark.

4 THE COURT OFFICER: [12:52:14] (Overlapping speakers) Would it be public?

5 MS TAYLOR: [12:52:16] Yes.

6 THE COURT OFFICER: [12:52:33] Yes. Evidence channel 2 for the Chamber,
7 parties and participants.

8 (Viewing of the video excerpt)

9 MS TAYLOR: [12:53:19]

10 Q. [12:53:20] Do you recognise that building?

11 A. [12:53:21] No.

12 Q. [12:53:22] Should I play it from the beginning again?

13 A. [12:53:25] Yes.

14 (Viewing of the video excerpt)

15 MS TAYLOR: [12:53:49]

16 Q. [12:53:49] Does it appear similar to the photos you saw earlier of the bank?

17 A. [12:53:56] It could be. Yeah, it could be. I mean, I've been there once seven
18 years ago, so I don't know.

19 Q. [12:54:01] I can play for you, perhaps, another video. MLI- (Overlapping
20 speakers)

21 A. [12:54:03] No, I'm sure, if you tell me this is the bank, it's the bank, obviously.
22 It might be the back or something like that or the side, I don't know, but sure.

23 Q. [12:54:10] I can show you the front?

24 A. [12:54:12] Okay.

25 Q. [12:54:13] (Overlapping speakers) I can show you, MLI-OTP-0012-2071, without

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1 sound, at the 37-second mark until the 45-second mark.

2 THE COURT OFFICER: [12:54:34] Public also, right?

3 MS TAYLOR: [12:54:39] Yes.

4 (Viewing of the video excerpt)

5 MS TAYLOR: [12:54:52]

6 Q. [12:54:53] Do you recognise (Overlapping speakers)?

7 A. [12:54:56] Honestly, I don't. But, I mean, and again, if you tell me this is the
8 same bank, then it must be because I remember also there were these kind of -- where
9 people told us there were cell blocks for women. I don't see them here. But, again,
10 if you tell me this is the bank, it must be the bank. Again, I was very briefly there.

11 Q. [12:55:16] Okay. I'll just -- could I bring up photo MLI-OTP-001-7305.

12 Did you take this photo?

13 A. [12:55:32] I guess so, yeah.

14 Q. [12:55:34] And this was while you were in the bank?

15 A. [12:55:38] I took eventually like 500 pictures, like 3 -- or -- or 600. Like 350
16 in -- in location 2, so in the hotel and 150 in the bank. So forgive me, without any
17 context, if -- if this is in the bank or if this is the -- in the hotel. But it's definitely
18 one -- in one of the two locations, and I guess this is actually, I guess this is the bank.
19 Although, as I said, how can I know from pictures taken seven years ago, zoomed in
20 pictures, if this was a document laying on the floor of a bank or in a -- or of a hotel.

21 Q. [12:56:18] If I could just show the JPEG equivalent.

22 Is that the same document?

23 A. [12:57:04] Seems so, yeah.

24 Q. [12:57:06] If I can just show you the document properties. Can you see that it's
25 dated the 3rd of February?

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- 1 A. [12:57:26] Yes, I can.
- 2 Q. [12:57:28] Can you explain why it's dated the 3rd?
- 3 A. [12:57:31] No idea. I also don't really think it's very relevant because maybe
4 the camera was just like one day earlier or maybe I went -- I don't know. It's
5 just -- no idea. I also don't understand really the relevance, but ...
- 6 Q. [12:57:49] And earlier you said that you would photograph the documents in
7 the location. The only location we can see here is a red backdrop, isn't it?
- 8 A. [12:57:58] Mm-hmm.
- 9 Q. [12:57:58] So we can't see where it's been taken?
- 10 A. [12:58:01] Correct. That's why I also told you I don't know exactly if this is the
11 bank, because it's a kind of a zoom in, or if this is the hotel, correct.
- 12 Q. [12:58:09] So for the hotel, you went there on 4 February. What time of day did
13 you arrive, do you recall?
- 14 A. [12:58:16] (No verbal response)
- 15 Q. [12:58:18] And who brought you there?
- 16 A. [12:58:22] To the hotel?
- 17 Q. [12:58:25] Yes. Was it the -- I think earlier you said it might have been the
18 Arabic-speaking fixer?
- 19 A. [12:58:36] Might be. Honestly, I don't know. I went there with my colleague.
20 That's what I remember. And I think a fixer and -- and he had a friend with him or
21 something like that.
- 22 Q. [12:58:45] Do you recall telling the Prosecution that the manager and members
23 of his family were present --
- 24 A. [12:58:49] Mm.
- 25 Q. [12:58:49] -- when you --

- 1 A. [12:58:50] Yes.
- 2 Q. [12:58:50] -- went through the building?
- 3 A. [12:58:51] Yes, I think they also provided the key to that location.
- 4 Q. [12:58:55] Do you recall why they were present?
- 5 A. [12:58:57] No, but he is the manager. He had the key and the location was also
- 6 close. So when we asked if there's somebody with the key, somebody showed up
- 7 with a key. And him, being the manager, I can imagine -- I mean, I'm just guessing,
- 8 but I -- I can imagine that he wanted to see who -- who wants to go into the hotel, he's
- 9 the manager of the place, and what do they want to do.
- 10 Q. [12:59:23] Did you have to pay him to access the hotel?
- 11 A. [12:59:26] No.
- 12 Q. [12:59:27] But you paid your fixer?
- 13 A. [12:59:29] Yes.
- 14 Q. [12:59:30] And the manager and his family, did they show you where to find
- 15 documents?
- 16 A. [12:59:36] No.
- 17 Q. [12:59:37] You found them all yourself?
- 18 A. [12:59:39] As I recall, yes, because we just went into the building, it was largely
- 19 empty. Ground floor, empty. We walked up to the first floor, also looked pretty
- 20 empty. And there was one large room, and I kind of opened the cabinet and there
- 21 were a lot of documents there.
- 22 Q. [12:59:58] Earlier you said you photographed the documents in the location you
- 23 found them.
- 24 A. [13:00:03] Mm-hmm.
- 25 Q. [13:00:04] If I can pull up MLI-OTP-0001-7604. And you said earlier today that

1 this is where you found the documents?

2 A. [13:00:29] No. I said that if you tell me that this was the hotel, then it's
3 probably -- it probably is the hotel. Obviously, I made a lot of pictures in these days,
4 and, as is the case with this picture as well, because it's kind of zoomed in, it's really a
5 little bit impossible to see where it is. It also could be like -- I don't know. It could
6 be like in a different house and I just saw -- I mean, also, I don't know if these
7 documents are very relevant. But I mean, I'm just trying to explain to you that I'm
8 there, going with my camera from building to building. Some, some -- some
9 buildings are interesting, some documents are interesting. And, yeah, there might
10 also have been like a picture of a document, which -- I don't know. Like, maybe in
11 the hotel or, I mean, I can also imagine that, for instance, I took a couple of hard
12 copies with me, that I later photographed a hard copy in the hotel, just to be sure that
13 I have them. I mean, these -- these documents were of course important to me and I
14 wanted to photograph them. And that's also really the only thing that happened. I
15 mean, finding these documents and -- and photographing them.

16 Q. [13:01:50] But we don't have a photograph of where you found the documents,
17 do we?

18 A. [13:01:56] How do you mean? How -- how could I? I mean, you have the
19 room and -- and the hotel and ...

20 Q. [13:02:03] You've told the Prosecutor that you found documents in a cabinet?

21 A. [13:02:07] Yes.

22 Q. [13:02:08] We don't have a photograph of the documents in the cabinet, do we?

23 A. [13:02:12] No, because I took them out and put them on the floor. That's where
24 I photographed them.

25 Q. [13:02:18] If I could bring up MLI-OTP-0001-7546. Is this a photograph you

1 took?

2 A. [13:02:36] I guess so, yeah.

3 Q. [13:02:39] The papers are all different types, aren't they?

4 A. [13:02:44] Yes.

5 Q. [13:02:46] And you can see that some of the papers look like they've been
6 folded?

7 A. [13:02:51] Yes, if you're hinting at some kind of giant conspiracy that somebody
8 went to Timbuktu and -- and took documents with him or moved them around, I
9 really have to disappoint you. Because I was already actually surprised that I had to
10 testify here, because it's as simple -- I just went into a building, found -- found some
11 documents, photographed documents, went out of the building, two times. And
12 that's basically it.

13 And, yeah, sure, obviously it's possible if I had like an original document with me and
14 I thought: Oh, my God, did I actually also make a photograph of that? That in my
15 hotel room I might have taken an extra picture of that. Sue me. I mean, it's not the
16 end of the world, obviously, it's still the same document.

17 But this is basically really what happened. Nobody, nobody played with the
18 documents. Nobody tampered with the documents. I mean, if I had the -- if I had
19 the slightest idea that somebody tampered with documents, I would be on your side.
20 I would be your witness. Because that's also, to me, much more interesting of course
21 as a journalist that, let's say, a foreign state or -- or somebody's tampering with
22 documents. Than documents which basically show that Islamists are like practising
23 Islamist rules. I mean, that is rather, from a story -- from a journalist's perspective is
24 rather predictable.

25 So I -- I'd rather be it a conspiracy, I would be on your side. But it wasn't. It's just

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1 really like this, I walked into a place, found a document -- found some documents,
2 photographed documents and just walked out again. It's -- it's that straightforward.

3 Q. [13:04:23] If we could just move on. Could I show you MLI-OTP-0001-7581.
4 Did you take this photograph?

5 A. [13:04:34] I guess, yes.

6 PRESIDING JUDGE MINDUA: [13:04:42](Interpretation) Counsel, I don't want to
7 interrupt you, but how much time is it going to take? Because we've already gone
8 four minutes over.

9 And could you finish with this document and then we'll have a break there.

10 MS TAYLOR: [13:05:00] By our account --

11 PRESIDING JUDGE MINDUA: [13:05:00] Did you understand?

12 MS TAYLOR: [13:05:00] -- I think we still had about 30 minutes left.

13 PRESIDING JUDGE MINDUA: [13:05:10](Interpretation) No. I mean, the break for
14 lunch. We have to stop at 1 o'clock for lunch. You've still got all the time accorded
15 to you. There's no problem in that regard. So if you could just finish with this
16 question and then we'll take our lunch break, if that's okay?

17 MS TAYLOR: [13:05:30] Certainly, I'm happy to ask the question after lunch as well.

18 PRESIDING JUDGE MINDUA: [13:05:36](Interpretation) Very well. In that case,
19 we shall suspend the hearing for an hour and a half and we will come back at 2.35 in
20 accordance with our programme. We have a one and a half hour break for lunch.

21 Witness, during this time, obviously you understand you cannot discuss your
22 testimony with anyone. You've understood that?

23 THE WITNESS: [13:06:08] Sure.

24 PRESIDING JUDGE MINDUA: [13:06:12](Interpretation) Thank you very much.

25 The hearing is now suspended.

1 THE COURT USHER: [13:06:19] All rise.
2 (Recess taken at 1.06 p.m.)
3 (Upon resuming in open session at 2.33 p.m.)
4 THE COURT USHER: [14:33:57] All rise.
5 Please be seated.
6 PRESIDING JUDGE MINDUA: [14:34:27](Interpretation) The Court is resumed.
7 We will now continue with the cross-examination of the Defence.
8 But before that I would like to make two small observations. Once again, given that
9 the two speakers are using the same language, I would like to ask you once again to
10 slow down and observe a pause between the questions and answers to facilitate the
11 duties of our interpreters and court reporters.
12 The second observation is addressed at you, Mr Witness. Quite frequently the
13 cross-examination is difficult for the witness. Sometimes the witness may not grasp
14 the relevance of the question being put to him or her, but the Defence is simply doing
15 their job and doing it well. Mr Witness, so far you have answered calmly to the
16 questions and I hope that you can continue in that way.
17 The Prosecutor, you are on your feet.
18 MR DUTERTRE: [14:36:09](Interpretation) Thank you, Mr President. Very briefly,
19 well, these masks are a problem.
20 Now, when the Defence quotes the statement or testimony in court, can the Defence
21 under paragraph 52 of annex A on your decision 789, can the Defence quote directly
22 what is in those documents so that we should be sure what is being talked about.
23 Now, and if there is a freeze on a video, we need to have the timestamp of the image.
24 I know that we have had instances like that and sometimes we were confused as to
25 what the witness was answering to, whether it was the image on the screen or what

1 had been shown before. I think that has to be taken into consideration.

2 PRESIDING JUDGE MINDUA: [14:37:28](Interpretation) Thank you very much,
3 Mr Prosecutor.

4 Ms Taylor, I think that observation is relevant and I would like to ask you that when
5 you quote something you should be able to give us the precise reference in the binder
6 that you have given to us so that we can refer to it as well.

7 MS TAYLOR: [14:37:57] Thank you, Mr President. That's noted.

8 I would like to bring up MLI-OTP-0001-7581 on the screen, and for this not to be
9 broadcast to the public.

10 Q. [14:38:25] Mr Doornbos, did you take this photo?

11 A. [14:38:31] I literally don't know. I guess, I guess I did if it's in the -- if it's part
12 of the package. But, as I can image, I think, it's very difficult to recall if I made
13 a photo like this zoomed in of an anonymous, or for me anonymous and unreadable
14 document seven/eight years ago.

15 Q. [14:38:56] Do you recall then whose hands these might be?

16 A. [14:39:00] One of the bystanders probably. I mean there were a couple of
17 people in the room.

18 Q. [14:39:04] So it would be correct that they were going through the documents
19 with you?

20 A. [14:39:09] No. I took the documents out of the cabinet, put them on the floor,
21 and obviously somebody kept his hand on it that it didn't flip over, or very innocent
22 nature.

23 Q. [14:39:24] You didn't take any notes, did you, concerning your methodology for
24 finding these documents and photographing them?

25 A. [14:39:30] No, I thought that photographs kind of speak for itself.

- 1 Q. [14:39:35] You had a film crew with you in Timbuktu, didn't you?
- 2 A. [14:39:41] We consist of two people, a team of two people and I would be
3 filming, so ...
- 4 Q. [14:39:49] So you filmed in the BMS?
- 5 A. [14:39:51] Mm-hmm.
- 6 Q. [14:39:52] And you filmed elsewhere, but you didn't ask your wife to film you
7 finding these documents?
- 8 A. [14:39:58] No. No. I mean we just made quickly pictures and that's it.
- 9 Q. [14:40:04] And you took these quickly, so we have no record of whether every
10 photograph of every -- sorry, if every page was photographed.
- 11 A. [14:40:14] You mean every page which was available in the room?
- 12 Q. [14:40:18] Yes.
- 13 A. [14:40:18] No, I might have forgotten -- or forgotten, or I might not have time to
14 photograph everything indeed (inaudible).
- 15 Q. [14:40:24] And again you took some originals but not all.
- 16 A. [14:40:27] Mm-hmm.
- 17 Q. [14:40:28] What was the basis for your decision?
- 18 A. [14:40:31] The basis for this decision is that on the spot we can judge already,
19 because my colleague reads and writes Arabic, like which seem to be the most
20 relevant documents. And obviously we cannot take everything with us. We don't
21 want to offend the host, you know, we don't want to offend the owner of the hotel.
22 We don't want to walk through Timbuktu carrying, you know, huge suitcases of
23 documents. So that's the reason.
- 24 Q. [14:41:04] Sorry, Mr Doornbos, why would you taking judgments from the
25 Hotel Maison offend the host? Did he own the judgments?

1 A. [14:41:12] No, but I mean I'm just a guest there, he was the manager so, and --

2 Q. [14:41:19] Did you need -- sorry. Did you need his permission to take the
3 originals?

4 A. [14:41:23] No, I just took it. But, you know, that's a feeling you get. You
5 know, you don't want to push your luck.

6 Q. [14:41:30] Isn't it correct that you took about 18 kilos of stuff from Libya when
7 you were there from a house?

8 A. [14:41:36] Yes.

9 Q. [14:41:36] But you didn't want to take these very important documents with you
10 in Timbuktu?

11 A. [14:41:40] No, it was a different situation.

12 Q. [14:41:44] You also didn't want to provide copies to the Malian authorities so
13 they could investigate?

14 A. [14:41:53] Oh, if they would have asked me I definitely would have given it to
15 them, but I never really met them when I went back to Bamako, nobody asked me.

16 MS TAYLOR: [14:42:00] Can we just show MLI-OTP-0009-1749 at the
17 11:24 second -- minute mark to the 11-point -- sorry, 12:32 minute mark. Sorry.

18 THE COURT OFFICER: [14:42:22] Could you please indicate the level of
19 confidentiality, please.

20 MS TAYLOR: [14:42:25] It's public, I believe.

21 (Viewing of the video excerpt)

22 MS TAYLOR: [14:43:47]

23 Q. [14:43:47] Do any of these rooms look familiar to you?

24 A. [14:43:50] Not really. I mean, the beginning a little bit maybe the veranda, but
25 the rooms, the room that I was in looked tidier to me.

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1 PRESIDING JUDGE MINDUA: [14:44:05](No interpretation)

2 MR DUTERTRE: [14:44:08](Interpretation) It would be better and fairer for the
3 witness that we should know where this footage comes from and when it was filmed.

4 PRESIDING JUDGE MINDUA: [14:44:21](Interpretation) Ms Taylor, please.

5 MS TAYLOR: [14:44:24] Thank you, Mr President. The purpose is to elicit whether
6 the witness recognises the rooms. I don't think he's in a position to testify on issues
7 concerning the date of this video. I can put the date to him.

8 Q. The date is 31 January 2013. So a couple of days before you went in.

9 A. [14:44:52] Clear. As I said, the beginning, the veranda, that looks familiar, that
10 looks like the Hotel La Maison. The other rooms I don't recall, because the room
11 I was in, or the rooms that I saw, it looked, looked tidier, but again it's seven/eight
12 years ago.

13 MS TAYLOR: [14:45:11] (Microphone not activated)

14 PRESIDING JUDGE MINDUA: [14:45:14](Interpretation) Microphone.

15 MS TAYLOR: [14:45:15] I apologise.

16 Q. [14:45:17] Do you recall telling the Prosecutor that when you came back to
17 Europe you found out that several other journalists had been in La Maison in the days
18 before you.

19 And for the record that's OTP-0001-7182 at 7185.

20 A. [14:45:40] Yes, I do.

21 Q. [14:45:42] Do you remember who the journalists were?

22 A. [14:45:44] I honestly don't.

23 Q. [14:45:47] So it's fair to say, Mr Doornbos, we have no record of who went in
24 there before you and whether they left anything there before you or took anything
25 before you?

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- 1 A. [14:45:57] We simply don't know.
- 2 Q. [14:46:02] Now earlier today you said that you downloaded the photos from
3 your memory card on to your camera and on to your laptop and then on to a portable
4 hard drive. Do I have the stages correct?
- 5 A. [14:46:17] Yes, they somehow obviously went from my SD card in the camera to
6 my laptop and then from the laptop on a USB to, to the Court or to the ICC.
- 7 Q. [14:46:37] And you didn't make copies of them?
- 8 A. [14:46:40] Yes, I, I have copies.
- 9 Q. [14:46:42] You made copies yourself?
- 10 A. [14:46:43] Yes, I guess so.
- 11 Q. [14:46:45] Did you alter their content in any way?
- 12 A. [14:46:49] Honestly I wouldn't even know how to do it.
- 13 Q. [14:46:52] You accessed them though, didn't you?
- 14 A. [14:46:55] Sorry.
- 15 Q. [14:46:55] You accessed the files after you came back?
- 16 A. [14:46:59] Well, you mean I checked the files, I watched the files? Yes -- or,
17 obviously I had to, I had to give it to the ICC.
- 18 Q. [14:47:09] Did you -- do you remember resizing any of them or changing the
19 format?
- 20 A. [14:47:14] No, it seems highly unlikely, because why would I do that?
- 21 MS TAYLOR: [14:47:19] Could I show MLI-OTP-0001-7543. It's confidential and
22 it's the JPEG format of IMG_8662.
- 23 Q. [14:47:44] Is this one of the photographs you took?
- 24 A. [14:47:47] If you say so, yes.
- 25 Q. [14:47:48] If I could just show the document properties. That has

- 1 a modification date of 10 February, doesn't it?
- 2 A. [14:48:06] Seems so, yes.
- 3 Q. [14:48:11] Have you ever had editors refuse to publish your articles because
- 4 a scoop seemed too good to be true?
- 5 A. [14:48:19] Scoop seemed too good to be true. Oh, I'm sure it happened, yeah.
- 6 Q. [14:48:26] Or too vague to source?
- 7 A. [14:48:28] In 28 years of journalism, yeah, surely it has happened, yeah.
- 8 Q. [14:48:31] And have you referred in the past to your style of journalism as "fuck
- 9 it journalism"?
- 10 A. [14:48:41] Once, yes, during Bosnia. Around 20 years.
- 11 Q. [14:48:43] Does that mean a type of cowboy journalism?
- 12 A. [14:48:46] No, it means that you just, instead of talking endlessly about conflicts
- 13 and about problems in the world you just eventually as a journalist, you just have to
- 14 go there.
- 15 Q. [14:48:57] And do what it takes?
- 16 A. [14:48:59] No, just as I say, you just have to go there instead of talking at home
- 17 endlessly about situation in the world, problems in the world. As a journalist,
- 18 eventually to me you just go.
- 19 Q. [14:49:11] In October 2012 you had a pretty big scoop, didn't you, based on
- 20 documents that you found?
- 21 A. [14:49:20] You're referring to what?
- 22 Q. [14:49:22] Do you recall finding documents in the rubble in Benghazi?
- 23 A. [14:49:32] Yes.
- 24 Q. [14:49:33] And you found these documents, didn't you, after the FBI had already
- 25 gone in there and searched for secure documents?

1 A. [14:49:41] Very remarkable indeed.

2 Q. [14:49:42] Very remarkable. And you went in there and found those, were they
3 unsigned letters?

4 A. [14:49:48] They were letters basically written by the Benghazi consulate to the
5 Libyan authorities in Benghazi that there were certain threats, that they were under
6 threat, and we found them in the rubble of the Benghazi, the famous -- infamous
7 Benghazi consulate.

8 Q. [14:50:12] These generated quite a political furor, didn't they --

9 A. [14:50:14] Yes, it was also -- it was an enormous story because, as you already
10 pointed out, the FBI went already through the building. We could see little -- they
11 already like, they marked every room A, B, C, D. We could see that they had been
12 inside and we went in as two simple journalists and basically looked everywhere and
13 we found these letters.

14 Q. [14:50:39] Now, do you recall if the person to whom these letters were
15 addressed received them?

16 A. [14:50:49] In what way? Because these letters were written by the consulate
17 and it's unclear of course if the Libyan authorities in Benghazi, which was very
18 chaotic at that time of course, ever received them. But we found the hard copy of the
19 letter of complaint by the American consulate, we found them in the rubble, yes.

20 Q. [14:51:08] Perhaps do you recall that the recipient was a person called Mr Obeidi
21 and that he might have given evidence that he never received these letters?

22 A. [14:51:18] Which is also perfectly possible, because we just found the letter.
23 There was nowhere evidence that these letters were also sent.

24 Q. [14:51:24] There were pretty extensive enquiries into the Benghazi attack --

25 MR DUTERTRE: [14:51:32](Interpretation) The Prosecution would like to know

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1 what is the relevance of this line of questioning. I don't see what is the link between
2 what she is talking about and the testimony of this witness right now.

3 PRESIDING JUDGE MINDUA: [14:51:54](Interpretation) Counsel.

4 MS TAYLOR: [14:51:58] Again, I'm very cognisant of the fact that we're in the
5 presence of the witness, but this witness's testimony concerns his statement that he
6 went to a certain location, found documents and that these documents are authentic.
7 So of course any prior examples of instances where this witness has found documents
8 in similar circumstances is relevant to issues of credibility.

9 PRESIDING JUDGE MINDUA: [14:52:30](Interpretation) Please proceed, Counsel.

10 MS TAYLOR: [14:52:35]

11 Q. [14:52:36] As I was saying, there were quite extensive enquiries into the
12 Benghazi attack, including a 2012 bipartisan senate report and a 2016 final report.
13 Were you interviewed?

14 A. [14:52:50] No, I wasn't, I wasn't. But I agree with you that these were, the
15 documents that we found in Benghazi were very, very important, very significant and
16 they were taken very seriously.

17 I can even add - sorry to bother - I can even add that some time ago we found also
18 documents in Syria regarding a German ISIS woman and she, based on these
19 documents on her phone content, she actually got yesterday, the Prosecutor asked
20 four years and 10 months against her in the court in Hamburg.

21 So, yes, I'm doing this because I'm I think, I don't want to sound arrogant, but a pretty
22 okay journalist. I'm on the right time at the right spot and most often really before
23 other people arrive at certain spots, so yes.

24 Q. [14:53:46] Here it was afterwards and it was afterwards in Benghazi as well.

25 And your articles grabbed headlines but it wasn't considered to be probative evidence,

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1 was it?

2 A. [14:53:57] Well, that's -- I'm just a journalist, you know, I'm just a messenger.
3 What people do with that information, that's not up to me of course.

4 Q. [14:54:06] Thank you.

5 PRESIDING JUDGE MINDUA: [14:54:18](Interpretation) Counsel, are you through?

6 MS TAYLOR: [14:54:22] Yes, Mr President. We have no further questions.

7 PRESIDING JUDGE MINDUA: [14:54:29](Interpretation) Very well. I was asking
8 the question because you still have some time left.

9 So I take note that we have now come to the end of the cross-examination. No one is
10 asking to take the floor.

11 Mr Doornbos, we have now come to the end of your testimony. The Chamber
12 would once again like to thank you for having assisted us by answering the questions
13 that have been put to you. Your testimony has now come to an end.

14 Court officer, should the witness leave the room now, because we have some security
15 measures that we have to implement?

16 THE WITNESS: [14:55:47] Thank you, your Honour.

17 PRESIDING JUDGE MINDUA: [14:55:52](Interpretation) Just a moment, please.
18 There is a security officer who is going to come and lead you out.

19 (Pause in proceedings)

20 (The witness is excused)

21 PRESIDING JUDGE MINDUA: [14:58:32](Interpretation) Very well. The first
22 witness has now left the courtroom. We have completed his testimony.

23 I would like to remind everyone that under paragraph 34 on the guidelines on the
24 conduct of the proceedings, the parties must, on the latest, before one working day
25 after the end of the testimony of the witness send an email specifying clearly the

1 materials that they would like to tender into evidence relating to the testimony of the
2 witness. The other party will have three working days to respond.
3 Do you have any questions on this important point of procedure, Mr Prosecutor?
4 MR DUTERTRE: [14:59:38](Interpretation) We have duly noted it, Mr President.
5 We will follow it to the letter.
6 PRESIDING JUDGE MINDUA: [14:59:49](Interpretation) Maître Taylor, please.
7 MS TAYLOR: [14:59:52] The Defence would respectfully submit that this time
8 period could cause difficulties with witnesses who are testifying within a very short
9 time period. For example, if you have one witness testifying per day or even two
10 witnesses per day, because the Defence position concerning whether to tender an item
11 of evidence into evidence might depend on the testimony of the witness. It might
12 depend on what is elicited through examination-in-chief and what the Prosecution
13 actually puts to the witness, because we have seen that not all items which are on the
14 exhibit list are actually put to the witness. So we would respectfully submit or
15 request that there be a caveat that the Defence can request an exception to this this
16 deadline in circumstances where it might not become evident that certain information
17 should be tendered into evidence as opposed to just being used with the witness as a
18 result of information that comes out through examination-in-chief. Obviously this
19 will not be a caveat that would apply to every witness, but whereas this deadline
20 might be completely practical in respect of a witness who's testifying over the course
21 of four days, where we have a witness testifying in the course of one day, that doesn't
22 give us the opportunity to actually review their examination-in-chief and then decide
23 whether to tender information into evidence. So we can't make an informed decision
24 at that point whether to waive our right of silence and actually put forward a positive
25 defence.

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1 PRESIDING JUDGE MINDUA: [15:01:52](Interpretation) Very well, Counsel.
2 Now in paragraph 24 of the instructions, but I see here that you are here raising an
3 exception here, so we shall deliberate on the matter, and I would like to draw your
4 attention to the fact that the instructions have been decided upon beforehand. So
5 there we have it.
6 So now I would like to once again thank the parties and the participants to these
7 proceedings for your excellent collaboration today.
8 I would like to also thank the interpreters and the court reporters for this first day that
9 was somewhat difficult because we have to adapt to these circumstances.
10 And lastly, I would like to thank very much the security officers for their cooperation.
11 We shall reconvene tomorrow with the second witness and, according to the
12 information that I gleaned from the Registry, the hearing will be taking place in the
13 afternoon.
14 Now I would like to ask the court officer if there are any more specific details as to the
15 schedule for tomorrow?
16 (Pause in proceedings)
17 PRESIDING JUDGE MINDUA: [15:03:29] Very well. As you can see, I just talked
18 to the court officer. Now, for technical reasons our witness will not be able to be in
19 our midst tomorrow morning, so we shall be listening to the testimony of this witness
20 via video link from 2 p.m. tomorrow afternoon and we shall do one session tomorrow
21 from 2 to 4 p.m.
22 So now we shall rise for this afternoon for this first day. Court is adjourned.
23 THE COURT USHER: [15:04:02] All rise.
24 (The hearing ends in open session at 3.04 p.m.)