

Trial Hearing  
WITNESS: MLI-D28-P-0243

(Open Session)

ICC-01/12-01/18

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

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

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

5 I turn to the Defence. *Maître*.

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

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

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

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

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

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

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

23 Good morning, Witness, can you hear me?

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25 (The witness speaks Tamasheq)

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1 (The witness gives evidence via video link)

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

4 PRESIDING JUDGE MINDUA: [9:50:17](Interpretation) Thank you, Witness.  
5 On behalf of the Chamber I would like to welcome you.

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

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

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

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

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

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

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

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

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

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

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

2 I solemnly declare that I will tell the truth.

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

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

5 I solemnly declare that I will tell the truth.

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

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

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

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

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

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

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

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

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

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

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

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- 1 questions by the representative of victims and perhaps by the Chamber as well.
- 2 THE WITNESS: [9:57:31](Interpretation) Very well.
- 3 PRESIDING JUDGE MINDUA: [9:57:33](Interpretation) So without further ado, I
- 4 pass the floor to the Defence for the start of the examination-in-chief.
- 5 Ms Taylor.
- 6 MS TAYLOR: [9:57:42] Thank you very much, Mr President.
- 7 QUESTIONED BY MS TAYLOR:
- 8 Q. [9:57:47] Good morning, Mr Witness. How are you today?
- 9 A. [9:58:01] I'm fine. Thank you.
- 10 MS TAYLOR: [9:58:02] Mr President, with your leave, may we go into private
- 11 session to ask questions of an identifying nature?
- 12 PRESIDING JUDGE MINDUA: [9:58:17](Interpretation) Indeed, Ms Taylor.
- 13 Court officer, please take us into private session.
- 14 (Private session at 9.58 a.m.)
- 15 THE COURT OFFICER: [9:58:33] We are in private session, Mr President.
- 16 (Redacted)
- 17 (Redacted)
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6 (Open session at 10.00 a.m.)

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

8 PRESIDING JUDGE MINDUA: [10:00:42](Interpretation) Thank you very much,

9 Madam Court Officer.

10 Ms Taylor.

11 MS TAYLOR: [10:00:50]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (Private session at 10.04 a.m.)

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

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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20 (Redacted)

21 (Open session at 10.20 a.m.)

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

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

24 *Maitre* Taylor.

25 MS TAYLOR: [10:20:38]

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

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

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

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

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

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

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

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

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

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

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

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

20 Court officer, private session, please.

21 (Private session at 10.24 a.m.)

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

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- 15 (Open session at 10.57 a.m.)
- 16 THE COURT OFFICER: [10:57:12] We are back in open session, Mr President.
- 17 PRESIDING JUDGE MINDUA: [10:57:19](Interpretation) Thank you very much.
- 18 Prosecutor.
- 19 MR ALLAFI: [10:57:28](Interpretation) Thank you, your Honour.
- 20 Q. [10:57:31] Witness, in the region of Timbuktu, the family relationship is
- 21 important, is it not?
- 22 A. [10:57:56] Indeed it is.
- 23 Q. [10:58:00] I would be right to say, would I not, that the -- I would be right to say,
- 24 would I not, that solidarity within a tribe is important, is it not?
- 25 A. [10:58:36] With good intentions, yes.

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

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

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

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

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

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

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

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

16 (Private session at 11.01 a.m.)

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

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WITNESS: MLI-D28-P-0243

(Private Session)

ICC-01/12-01/18

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23 (Open session at 12.27 p.m.)

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

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

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1 court officer.

2 Prosecutor.

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

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

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

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

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

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

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

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

19 Let's listen to the answer.

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

21 Very well. Prosecutor restart.

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

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

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

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

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

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

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

7 MS TAYLOR: [12:30:41] The Prosecutor has put a question with two compound  
8 possibilities in the question. If they are going to put this to the witness, they should  
9 put it very clearly. If the question is whether they heard news -- whether this person  
10 received information directly from Mr Al Hassan, that is the question that should be  
11 put to the witness. If they are going to ask a very general question as to whether he  
12 had heard news about Mr Al Hassan, that's already been answered.

13 I also suggest this should be in private session, given that if they are going to drill  
14 down on this, this will give details that will identify the witness. Thank you.

15 PRESIDING JUDGE MINDUA: [12:31:24](Interpretation) Prosecutor, have you  
16 heard? The Defence says that there are two possibilities for your question. So  
17 which do you choose? Because it also depends on whether we should stay in open  
18 session or in private session.

19 MR ALLAFI: [12:31:41](Interpretation) I think we can stay in open session firstly.  
20 Secondly, I will choose my question such that it's very clear.

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

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

24 Q. [12:31:56] Witness, when Mr Al Hassan was sent to the ICC -- to the  
25 International Criminal Court and there was a case for which you are testifying today,

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

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

4 MS TAYLOR: [12:32:32] Thank you, Mr President. Again it's a compound question.  
5 The Prosecutor should put each possibility separately to the witness so we don't get  
6 confusion. They should go through it in very clear stages because we repeatedly  
7 have the witness say he doesn't understand the question, and again the Prosecutor  
8 has put a compound question with two separate possibilities in it.

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

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

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

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

17 Q. [12:34:09] You say no. So it's the friend with whom you spent a lot of time, he  
18 has an international case in a foreign country and you don't ask the family for news  
19 about him. Is that your testimony, Witness?

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

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

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

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

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

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

8 (Redacted)

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13 (Open session at 12.41 p.m.)

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

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

16 court officer.

17 Prosecutor.

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

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

20 Witness, was it you who contacted the Defence or was it the Defence who contacted

21 you the first time?

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

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

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

25 myself.



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

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

3 Perhaps it's a sensitive matter.

4 Ms Taylor.

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

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

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

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

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

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

22 Mr Prosecutor.

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

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

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

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

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

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

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

21 Do you agree, Ms Taylor?

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

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

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

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

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

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

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

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

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

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

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

7 (Trial Chamber confer)

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

12 Court officer, private session, please.

13 (Private session at 12.54 p.m.)

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

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23 (Open session at 12.59 p.m.)

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

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

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1 court officer.

2 Mr Prosecutor.

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

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

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

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

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

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

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

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

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

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

23 Mr President, I have no further questions.

24 Thank you for your time.

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

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1 Mr Prosecutor.

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

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

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

6 *Maître Nsita*, you have the floor.

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

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

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

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

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

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

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

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

25 Your testimony has now come to an end.



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

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

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

8 (The witness is excused)

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

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

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

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

19 Court is adjourned.

20 THE COURT USHER: All rise.

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