

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

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 3
9 Wednesday, 14 July 2021
10 (The hearing starts in closed session at 9.31 a.m.)
11 THE COURT USHER: [9:31:43] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:32:12](Interpretation) Court is in session.
15 Good morning to all of you.
16 Court officer, please be so kind as to call the case.
17 THE COURT OFFICER: [9:32:24] 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 number
20 ICC-01/12-01/18.
21 And for the record, we are in closed session.
22 PRESIDING JUDGE MINDUA: [9:32:46](Interpretation) Thank you very much,
23 court officer.
24 As we do every morning, we will start with the appearances, starting with the Office
25 of the Prosecutor. Prosecutor.

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1 MR DUTERTRE: [9:32:57](Interpretation) Good morning, your Honour, your
2 Honours. The Office of the Prosecutor is composed this morning of Mousa Allafi,
3 Madam Yayoi Yamaguchi, Mr Lucio Garcia, and myself, Gilles Dutertre. And I'd
4 like to take this opportunity to greet everybody outside and inside the courtroom, as
5 well as the witness. Thank you, your Honour.

6 PRESIDING JUDGE MINDUA: [9:33:23](Interpretation) Thank you, Prosecutor.
7 I now turn towards the Defence. Counsel.

8 MS TAYLOR: [9:33:29] Good morning, Mr President. Good morning,
9 your Honours. Good morning to everyone inside the courtroom and around the
10 courtroom. The Defence for Mr Al Hassan is represented today by
11 Maître Alka Pradhan, Maître Mohamed Youssef, Maître Sarah Marinier-Doucet, and
12 myself, Melinda Taylor. And I would just like to mark for the record that today,
13 which is Bastille Day, is also the first anniversary of the start of this trial. Thank you.

14 PRESIDING JUDGE MINDUA: [9:34:10](Interpretation) Thank you very much,
15 Ms Taylor.

16 I note that you are very good at retaining dates because each time you remind us that
17 it's the Bastille Day, et cetera. So thank you very much for that.

18 So I now turn to the Legal Representatives of Victims.

19 MR LUVENGIKA: [9:34:33](Interpretation) Good morning, your Honour, your
20 Honours. The victims are represented by Madam Prisque Biyéké Dipanga,
21 Mademoiselle Ludivine Tixier-Dunet, and myself, Maître Fidel Nsita Luvengika.
22 And I'd like to take this opportunity to greet my learned friends here, as well as all
23 the members of the staff of the Registry who are assisting us. Thank you.

24 PRESIDING JUDGE MINDUA: [9:35:04](Interpretation) Thank you very much,
25 Maître Nsita.

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1 I now turn to the counsel of the witness. Counsel.

2 [REDACTED] [9:35:14](Interpretation) Good morning, your Honours, Mr President.

3 I'm [REDACTED] I'm the counsel and the legal adviser to [REDACTED]

4 [REDACTED] the witness appearing in this case. I take this opportunity to extend my
5 greetings to everyone participating in this hearing, including the witness. Thank
6 you, Mr President.

7 PRESIDING JUDGE MINDUA: [9:35:39](Interpretation) Thank you very much,

8 [REDACTED]

9 So I now turn to the witness.

10 Witness, how are you?

11 WITNESS: MLI-OTP-P-0150 (On former oath)

12 (The witness speaks Arabic)

13 THE WITNESS: [9:36:01](Interpretation) Good morning. I'm doing well,

14 Mr President. Good morning to you and to the two judges with you. Thank you
15 very much.

16 PRESIDING JUDGE MINDUA: [9:36:10](Interpretation) Thank you very much,

17 Witness.

18 So we are now continuing to hear your testimony. As yesterday, it will be the
19 Defence continuing their cross-examination. Of course I remind you that you are
20 still under oath and that you must tell the truth, the whole truth and nothing but the
21 truth.

22 Without further ado, I pass the floor over to the Defence. I don't know exactly who's
23 going to take the floor because I can see Maître Pradhan, but I also see Maître Taylor
24 as well at the front. So over to the Defence.

25 MS TAYLOR: [9:36:58] Thank you, Mr President. And as you quite rightly noted,

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1 I am at the front, so I will be conducting the cross-examination today. And I must
2 confess that today is my daughter's birthday, so that's why I remember the
3 significance of today very easily.

4 QUESTIONED BY MS TAYLOR: (Continuing)

5 Q. [9:37:17] Good morning, Mr Witness. How are you today?

6 A. [9:37:21] I am fine. Thank you very much.

7 Q. [9:37:26] Mr Witness, we are sitting extended hours today, but as I noted last
8 week, if you feel tired at any point or need a pause earlier than the scheduled break,
9 I would be grateful if you could indicate that to the Presiding Judge.

10 A. [9:37:54] Yes, I understand that.

11 Q. [9:37:56] Now, Mr Witness, to start with, I'd like to focus specifically on the
12 second part of 2012, that is, from September onwards.

13 [REDACTED] ?

14 A. [9:38:42] [REDACTED]

15 Q. [9:38:47] Now, did you correct -- sorry. Did you [REDACTED]

16 [REDACTED] in the second part of 2012?

17 A. [9:39:13] I did.

18 Q. [9:39:17] [REDACTED] ?

19 A. [9:39:37] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [9:40:16] And, Mr Witness, could you confirm whether [REDACTED] hat
24 you're referring to occurred in the period that I was referring to, that is, the second
25 part of 2012?

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1 A. [9:40:40] Yes, that is correct.

2 Q. [9:40:44] [REDACTED]
3 [REDACTED] ?

4 A. [9:41:06] [REDACTED]

5 Q. [9:41:18] [REDACTED] ?

6 A. [9:41:37] [REDACTED]

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

15 Q. [9:42:53] [REDACTED]

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 A. [9:43:21] [REDACTED]

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

1 Q. [9:44:29] [REDACTED]

2 [REDACTED]
3 [REDACTED]

4 A. [9:44:54] [REDACTED]

5 Q. [9:45:02] Now, yesterday you were asked about a Defence request to meet you,
6 which you turned down. Apart from the courtesy meeting that occurred before the
7 start of examination-in-chief in this case [REDACTED]

8 did you ever meet anyone from the team of the Legal Representatives for Victims?

9 A. [9:45:44] I did not. Never.

10 Q. [9:45:51] Did they ever request to meet you?

11 A. [9:46:01] They did not. I never received such request from them.

12 Q. [9:46:11] [REDACTED]

13 [REDACTED]
14 [REDACTED]

15 A. [9:46:45] [REDACTED]

16 Q. [9:46:50] [REDACTED]

17 [REDACTED] ?

18 A. [9:47:16] Yes. [REDACTED] in the
19 first place. [REDACTED]

20 [REDACTED] people who worked with Al-Qaeda but who were not from Al-Qaeda.

21 They went back to their homes and to their places and they did not continue to work
22 with Al-Qaeda. [REDACTED]

23 Q. [9:47:50] Is it correct that [REDACTED]

24 [REDACTED] that Ansar Dine was an Al-Qaeda project?

25 I've just been told that I'll have to repeat the question as it hasn't been interpreted

1 properly. So I'll just repeat it for the witness.

2 Is it correct, [REDACTED]
3 [REDACTED] that Ansar Dine was an Al-Qaeda project?

4 A. [9:48:58] No, not at all. [REDACTED]
5 indeed. [REDACTED] I cannot speak with total
6 certainty on this matter.

7 Q. [9:49:18] Is it correct that before joining Ansar Dine, Mohamed Moussa had links
8 with the MNLA?

9 A. [9:49:40] Yes. And most of the Azawadi community did have a connection to
10 MNLA, [REDACTED]

11 Q. [9:49:57] Mr Witness, I have follow-up questions. [REDACTED]
12 [REDACTED]?

13 A. [9:50:15] [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q. [9:50:41] [REDACTED] Mohamed Moussa, is it correct that his sons had
17 also joined the MNLA?

18 A. [9:50:58] It is.

19 Q. [9:51:02] [REDACTED]

20 A. [9:51:23] He did. [REDACTED]

21 [REDACTED]
22 [REDACTED]

23 Q. [9:51:50] [REDACTED], is it correct that in 2012 or throughout
24 2012 there were occasions where Mohamed Moussa would prioritise the interests of
25 his tribe over the objectives of Ansar Dine?

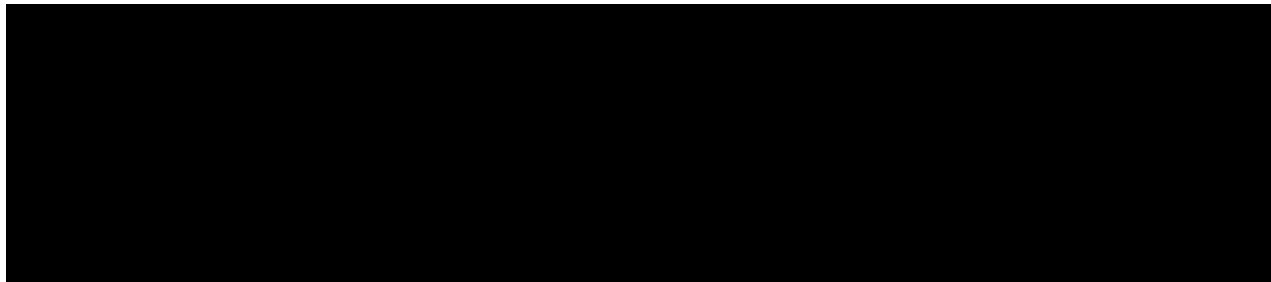
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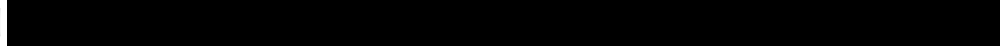
1 A. [9:52:23] I am not certain about what particular cases could be -- could illustrate
2 what you've just described. But I know that one of the reasons people joined the
3 jihadists is that, because some of them thought that joining this project would allow
4 them to defend some of the -- of their tribal interests or their national interests or that
5 things could end up being detrimental to his tribe in terms of jihadist action.



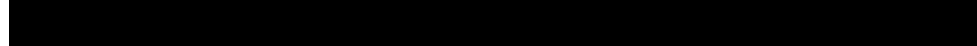
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10 Q. [9:53:45] In 2012 were there occasions where he would pursue his own
11 objectives?

12 A. [9:54:06] I cannot confirm that to the Chamber speaking under the oath 



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20 Q. [9:55:12] 

21  Is this information that you
22 provided before?

23 A. [9:55:44] 



1 [REDACTED] I did not mention other
2 details in that account. What I say always depends on the kind of questions that are
3 put to me.

4 Q. [9:56:27] [REDACTED]
5 [REDACTED]
6 [REDACTED] ?

7 A. [9:57:00] [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q. [9:58:41] Is it correct, then, that [REDACTED]
20 [REDACTED] ?

21 A. [9:59:03] If you really used the words [REDACTED] that's a characterisation
22 I would not attribute.
23 Mohamed Moussa worked like other Timbuktu dignitaries with Ansar Dine -- I mean
24 with Al-Qaeda, and Mohamed Moussa believed that Ansar Dine -- I mean he joined
25 Ansar Dine because it had national objectives like MNLA, a national project, in

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1 addition to its religious project, along the religious project. Mohamed Moussa was
2 closer to Al-Qaeda than other peoples who were operatives at the time such as
3 [REDACTED] He did not have any connection
4 neither to Ansar Dine nor to Al-Qaeda, and yet he worked within the judiciary.
5 Mohamed Moussa was much more senior. He had a close relationship with
6 Iyad Ag Ghaly and was implementing a lot of the projects of Al-Qaeda, yet he did not
7 enjoy a full -- the full trust of the emirs. They thought he was not serving the
8 Al-Qaeda project in the proper sense.

9 Q. [10:00:46] [REDACTED]
10 [REDACTED]

11 A. [10:01:15] [REDACTED]

12 Q. [10:01:21] Mr Witness, I'd like to turn you to tab -- OTP tab 1340. And if it
13 could be brought up on evidence 1. It's [REDACTED] looking specifically at
14 page [REDACTED] I think we can start with lines 860.

15 THE COURT OFFICER: [10:01:53] Would counsel kindly confirm which redacted
16 version, please.

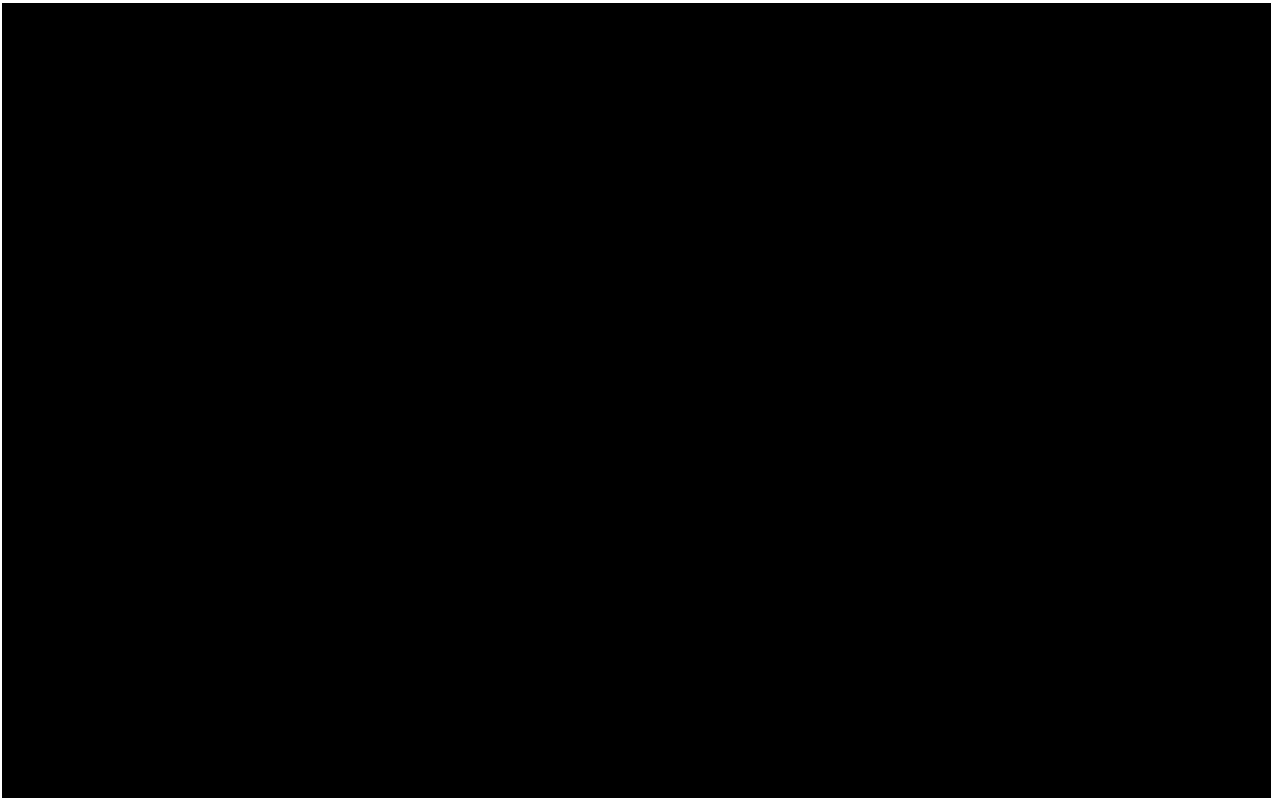
17 MS TAYLOR: [10:01:59] I don't have an [REDACTED] And if that could be placed
18 on evidence 1.

19 Q. [10:02:17] [REDACTED] if you could kindly indicate if you
20 have that next to you.

21 And I'll read from lines 860 to 886. If the interpreters could kindly indicate if they
22 have the relevant part.

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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12 Mr Witness, did you have the opportunity to read the Arabic words while following
13 the interpretation?

14 A. [10:04:54] Yes.

15 Q. [10:04:54] And was the interpretation accurate?

16 A. [10:05:11] It was not precise, but it conveyed the meaning properly. I only have
17 one comment to make on the use of the word "alienation" throughout the
18 interpretation. This is what the investigators understood, and that's why they asked
19 who wanted to alienate him. While the words I used are they did not want to have
20 him be close to them. And there is a nuance there that I included.

21 Q. [10:05:47] In case Mr Duterte is asking for references to (Overlapping speakers)

22 PRESIDING JUDGE MINDUA: [10:05:53](Interpretation) Prosecution.

23 MR DUTERTRE: [10:05:54](Interpretation) Just a question about interpretation and
24 translation. Once again, this page of the transcript, [REDACTED] line 877 and 878,
25 indeed in Arabic - and Mousa, my colleague, will correct me if I'm wrong - it's not so

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1 much "take a distance". It was more like did not grow close to him or did not come
 2 close to him. Perhaps --

3 THE INTERPRETER: [10:06:44] Overlapping. Overlapping.

4 MS TAYLOR: [10:06:45] (Overlapping speakers) I am speaking now because I was in
 5 the process of asking the witness himself to explain any accuracies of translation, and
 6 I do believe it's important for the witness himself to convey his meaning. So I do
 7 object to the Prosecutor intervening prematurely when I was in the very process of
 8 doing what the Prosecutor has now been doing for the witness. So I do respectfully
 9 submit that the witness here is the Arabic speaker. It's his words. He is best
 10 placed to inform the Chamber of his meaning.

11 PRESIDING JUDGE MINDUA: [10:07:24](Interpretation) Very well, Ms Taylor.

12 I would suggest this: When there is an interpretation problem, a party may rise and
 13 say that there is a problem. And then we will ask the interpreters or the witness,
 14 who speaks Arabic, to interpret. And that way the parties will avoid giving their
 15 own interpretation and influencing -- and influencing the witness.

16 Ms Taylor, please continue.

17 MS TAYLOR: [10:07:50] Thank you, Mr President. We're in complete agreement,
 18 but we would respectfully suggest that when we are in the process of doing that, it's
 19 premature for the Prosecutor to intervene.

20 Q. [10:08:00] Now, Mr Witness, we were going through this with you. Now, are
 21 you in a position to explain to the Chamber what you intended to convey to the
 22 Prosecutor in these lines using your own words?

23 A. [10:08:33] The idea I was conveying is the idea written here which is that
 24 Abou Zeid and Abou Al Hammam did not have Mohamed Moussa be close to them.
 25 And they treated him like any other city scholar who had no special relationship with

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1 Al-Qaeda. The outcome of that is that he would not have access to many secrets and
2 many internal projects that Al-Qaeda was intending to achieve. Also an outcome of
3 that is that he did not have the ability to -- or access to a lot of the funds that Al-Qaeda
4 had, whether in implementation of his own projects or Al-Qaeda projects or in
5 general Islamic missionary activity.

6 So they did not reproach him to them, but it doesn't mean that he was completely
7 alienated as they allowed him to hold a senior position within the judiciary, as well as
8 the *Hesbah*.

9 So the difference here, the nuance, is between the term "not having someone be close
10 to you" and "alienating someone". I think there is a difference between the two
11 terms.

12 Q. [10:10:19] In the English at line 886, it says: "A distance has always been kept."
13 Can you explain what you say at line 885.

14 A. [10:10:33] I can. They treated Mohamed Moussa like other city scholars who
15 were generally asked to cooperate in the project being proposed in Timbuktu.
16 Mohamed Moussa carried out that role. The scholars and the dignitaries of the city,
17 as well as the dignitaries of the tribes, were also asked to forbid their followers from
18 objecting to the projects of Al-Qaeda and Ansar Dine. And this is something that
19 Mohamed Moussa also did. The dignitaries were also asked as much as possible to
20 woo their followers to the Ansar Dine project. This is something that
21 Mohamed Moussa also did. But they were always aware that he had national
22 objectives and that Al-Qaeda's international project is something that he did not
23 adhere to.

24 Therefore, they did not bring him closer to them and to their internal projects. That
25 is the distance I was referring to.

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1 Q. [10:12:10] Now, Mr Witness, is it correct that there was also a difference between
 2 the religious policies of the group, the group that was running Timbuktu in 2012, and
 3 the specific decisions taken by Mohamed Moussa as the head of *Hesbah* when he was
 4 head of *Hesbah*?

5 A. [10:12:48] It is difficult to say so because there was an overlapping of ideas.
 6 The beginning is in the Islamic principle of being lenient with people when you are
 7 preaching religion to them or applying religion to their lives. This is the general
 8 principle.

9 In the chapter of Joseph in the Koran, Almighty God says: "Preach for God's way
 10 through wisdom and enlightened preaching and engage in fruitful debates."

11 Unquote. I apologise, this is a quote not from the Joseph chapter but from the
 12 chapter of Bees. This is the general principle.

13 But there is the project that Ansar Dine wanted to apply in the city. In that regard,
 14 Mohamed Moussa is in agreement with Al-Qaeda and with the other members in
 15 terms of applying that project. But were it not for the objection of the inhabitants,
 16 the emirs would not have objected in their turn to Mohamed Moussa because he was
 17 applying the same project. But given that the local population objected to
 18 Mohamed Moussa's manners, this led to the emirs making sure to avoid any discord
 19 between the local population and the occupiers.

20 In -- Islam calls for people to be lenient and to treat others properly. So this is
 21 something that Islam teaches. So the emir did not object until there became a
 22 disagreement between Mohamed Moussa and the local population.

23 It was not limited to what Mohamed Moussa did. This applies to what the group
 24 did all the way from the start. This is what happened with the security, with the
 25 police, and with the *Hesbah* [REDACTED]

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[REDACTED]

Q. [10:15:41] Now, Mr Witness, I'd like to turn to page 0423 of the same interview. For the record, that was OTP tab 1340, [REDACTED] And I want to start from line 359 and go over the page to 397 to give the full context. And I believe, Mr Witness, that at this point you're discussing with the Prosecution [REDACTED]

[REDACTED]

And if the interpreters could kindly indicate if they have that available to them, that I'll be going from line 359 to 397.

THE ARABIC INTERPRETER: [10:16:52] Yes, I've got it in front of me. Thank you.

MS TAYLOR: [10:16:58]

Q. [10:16:59] So at line 359:

[REDACTED]

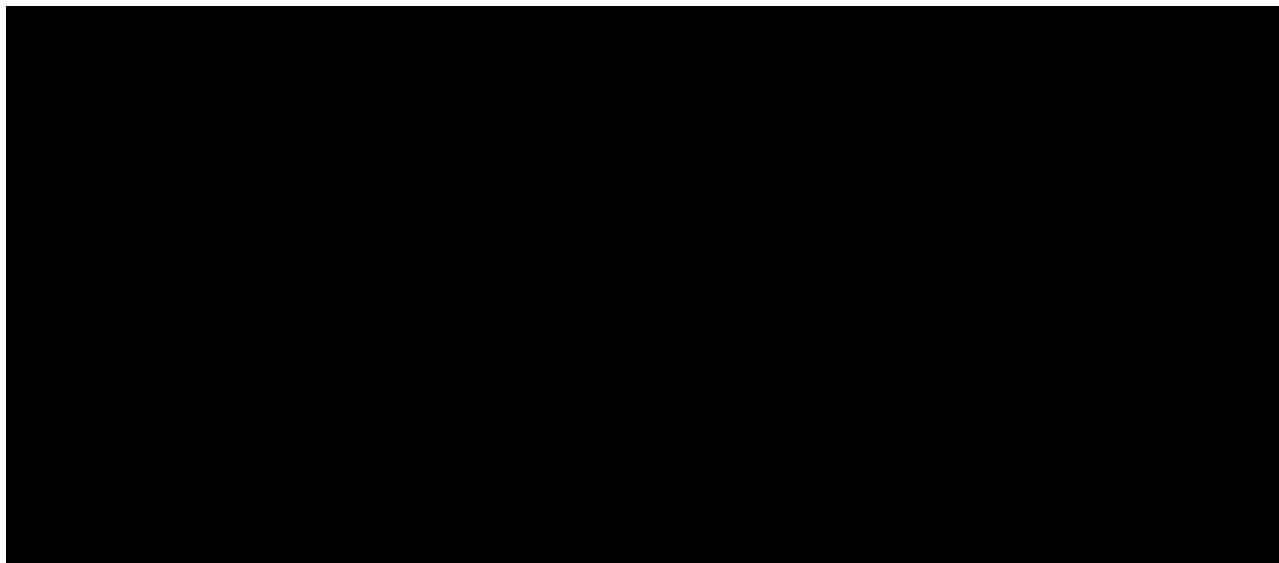
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Mr Witness, did you follow that?

A. [10:19:54] I did.

Q. [10:19:56] And, Mr Witness, did you identify any issues with the translation?

A. [10:20:15] When I hear the Arabic interpretation I am getting, it's very different from what's written here, and this gives me the impression that the translation is inaccurate. But all in all, it reflects what was said correctly.

I saw here the word "police". I am not sure if I did actually mention police in these lines.

Q. [10:20:40] Yes, Mr Witness, I was going to ask you about that. Could you please tell us what you say at lines 366 to 367, and then we can interpret it. Because we also believe there might be an issue there.

A. [10:21:06] The matter you've asked me about, it comes under the question put by the Prosecutor



And I have answered on this matter repeatedly in different forms, and I think, if you put them all together, you would have the full picture.



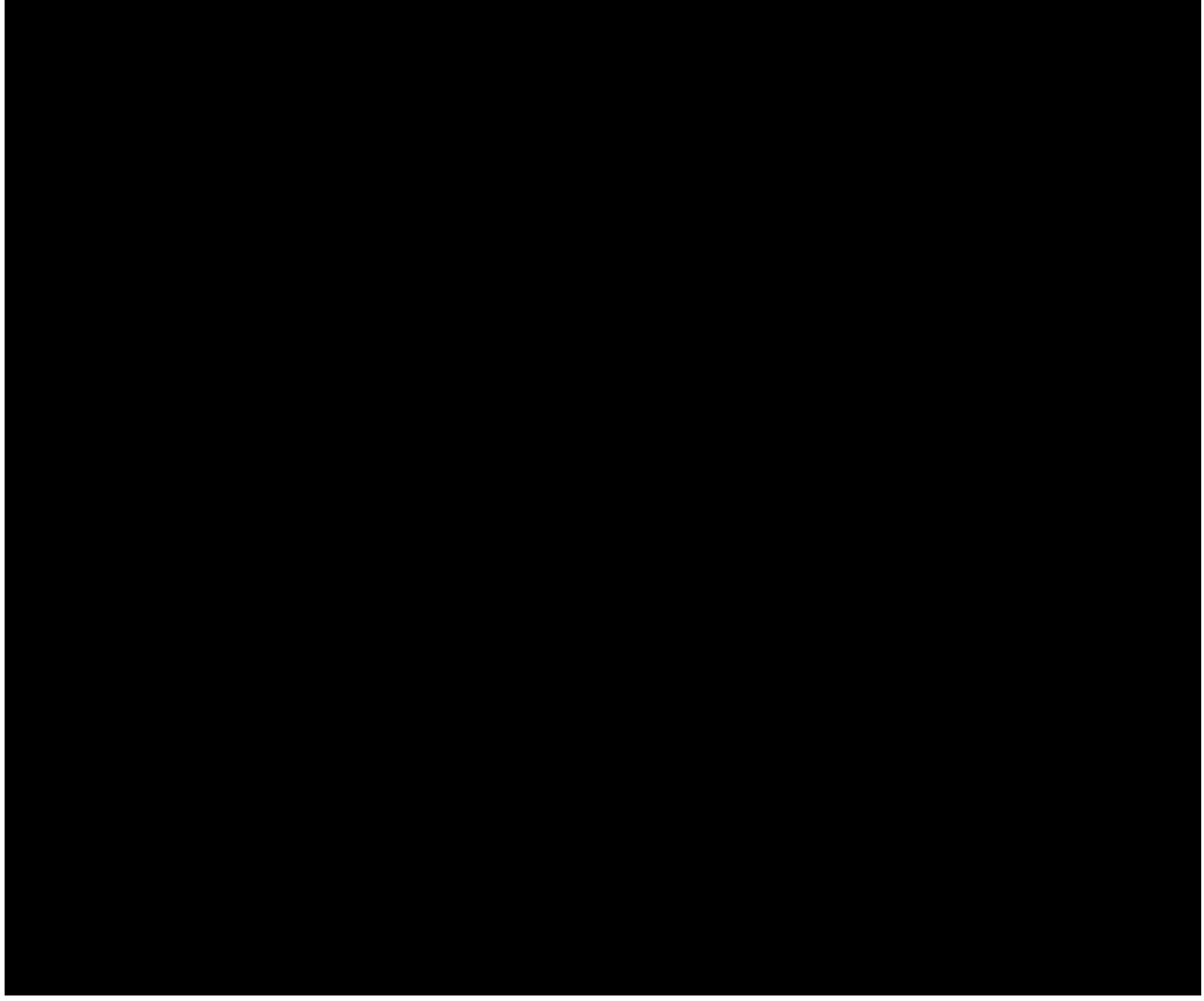
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16 MS TAYLOR: [10:24:03] Would it be possible to ask the interpreters to read out
17 lines 366 and 367 so we have it for the completeness of the record.

18 THE INTERPRETER: [10:24:18] Read it out in Arabic or sight translate it?

19 THE ARABIC INTERPRETER: [10:24:26] Ms Taylor, do you mean reading it out in
20 Arabic for the record and then also interpreting it?

21 MS TAYLOR: [10:24:35] Yes. So that we can get an interpretation, given that the
22 witness has identified an issue with it.

23 THE ARABIC INTERPRETER: [10:24:47] So to confirm, it's lines 366, 367, please?

24 MS TAYLOR: [10:24:55] Yes.

25 THE ARABIC INTERPRETER: [10:25:01]

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[REDACTED]

MS TAYLOR: [10:25:45] Thank you to the interpreters.

Q. [10:25:50] [REDACTED]
[REDACTED] ?

A. [10:26:19] [REDACTED]

[REDACTED]

Q. [10:26:55] Now, Mr Witness, I'd like to turn your attention to lines I believe it would be 387 in the Arabic down to 394 in the Arabic corresponding to 391 and 397 in the English. And I've read these out before.

[REDACTED]

[REDACTED] ?

A. [10:27:48] [REDACTED]

[REDACTED]

Q. [10:28:17] [REDACTED]

[REDACTED] ?

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1 A. [10:28:47] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 Q. [10:29:10] I'm speaking of the Sharia committee that was part of the Shura
6 council, I believe.

7 A. [10:29:23] The judiciary in Timbuktu was not part of that. Also many preachers
8 were not part of that. The Sharia committee that was considering Sharia matters
9 included members that were -- included only members of the Shura council. But the
10 institution that was in general enforcing religion, that institution includes the judges
11 and members of the *Hesbah*, in addition to education, imams, muezzins or prayer
12 callers, preachers, teachers and judges.

13 Q. [10:30:17] Mr Witness, I would be grateful if you could help me understand this
14 phrase. I'm going to turn you to OTP tab 1360. This is an interview from
15 [REDACTED] And we're looking specifically at
16 page 0736, lines 896 to 897. And if that could kindly be brought on to evidence 1.
17 And I'll read it out.

18 If the interpreters could kindly indicate if they're ready.
19 And, Mr Witness, if you could look at lines 894 to 895 to check the accuracy:
20 "Interpreter: The Sharia committee had 4 institutions: *Hesbah*, the judiciary,
21 education and inviting people to Islam or, for this purpose, Islamic preaching.
22 Islamic preaching."

23 Mr Witness, is the language here consistent with what you said?

24 A. [10:32:25] Yes. Here I am talking about the religious institutions in broad
25 terms.

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1 Q. [10:32:35] [REDACTED]

2 THE ARABIC INTERPRETER: [10:32:45] Sorry, could you repeat the question. I
3 missed it.

4 MS TAYLOR:

5 Q. [10:32:49] I think they missed it but -- I'm repeating the question. I apologise,
6 Mr Witness.

7 [REDACTED] ?

8 A. [10:33:14] [REDACTED]

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 And I have explained earlier that this includes the prayer callers, muezzins, as well as
15 the imams. This means that the -- Islam is going to be applied [REDACTED]

16 [REDACTED]

17 Q. [10:34:20] In terms of the hierarchy of institutions that were to the judicial
18 council, is it correct that *Hesbah* was the second highest organisation after the judicial
19 council?

20 A. [10:34:58] It is. But the *Hesbah* also acts as an oversight body monitoring people
21 in general. [REDACTED]

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

25 The role of such organ would be to voice any concerns about anything they observe as

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1 non-compliant with Sharia and to dissuade from such conduct.

2 The drawings I sketched for the Prosecutor sometimes relied only on the thoughts

3 I had trenchantly at that time and relied only on the classification I would come up

4 with at the time. So when the Prosecutor asked me first about the institutions set up

5 by Ansar Dine, the first classification I thought of is the separation between security

6 and religion. So that's why I thought there are three departments: There is the

7 administration, which I can't say whether it's the security or anything else; then there

8 is the security battalions and the police, which I thought were concerned security; and

9 there was the judiciary, along with the *Hesbah*, whom I thought were working on

10 applying religion and Sharia.

11 So in terms of the chain of command and the hierarchy, I am uncertain and I cannot

12 give you a quick answer to that. Maybe we can examine the matter further and

13 could perhaps come up with an outcome as a result of that.

14 Q. [10:37:28] Well, Mr Witness, given that you said the *Hesbah* is a second highest

15 organisation after the judicial council, it would follow that it's higher than the police

16 and security. That's correct?

17 A. [10:37:54] I did not concur with my words or what you've said just now in the

18 question.

19 MR DUTERTRE: [10:38:11](Interpretation) The previous question, prior to

20 Ms Taylor, with regards to the hierarchy linked to the judicial council, it would follow

21 that it's higher than the police and the security after the judicial council. So the

22 comparison was the ones linked to the judicial system. And the witness answered.

23 When he stated his second question, well, it became different when she transformed

24 the terms of the question. So the interpreting that was given to the answer is

25 different. So I think we have to be careful when you make a leap from one question

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1 to another by changing the parameters.

2 PRESIDING JUDGE MINDUA: [10:38:55] Maître Taylor.

3 MS TAYLOR: [10:38:55] Thank you, Mr President. To be utterly clear, I'm not

4 changing the parameters. I am discussing the hierarchy of the organisations

5 underneath the judicial council when we're discussing specifically issues concerning

6 those institutions linked to the judicial council. And I believe this will be completely

7 clear if I can refer to his prior statement and the questions that were put to him by the

8 Prosecution themselves on this point, which I can now do.

9 PRESIDING JUDGE MINDUA: [10:39:32](Interpretation) So we're still remaining

10 with the framework of the institutions linked to the judicial council, are we not?

11 MS TAYLOR: [10:39:41] Yes, Mr President. That was abundantly clear from my


12 first question and follow-up questions.

13 PRESIDING JUDGE MINDUA: [10:39:53](Interpretation) Very well. We shall keep

14 that in mind. So continue, please.

15 MS TAYLOR: [10:39:57]

16 Q. [10:39:58] Now, Mr Witness, I'm going to turn to OTP tab 1364, that's

17  looking specifically at page 9101. And I'll find the lines for

18 the interpreters. The specific line is line 763, but I'll find the context for the

19 Prosecution. So we're starting specifically at line 759 in the Arabic. It's 760 in the

20 English.

21 And if the interpreters could kindly indicate.

22 THE ARABIC INTERPRETER: [10:41:24] Confirmed. Thank you.

23 MS TAYLOR: [10:41:26]

24 Q. [10:41:27] We're starting at line 760, Mr Witness. It says:

25 "And *Hesbah* was the second highest organisation after the judiciary.

1 So it's higher than the security personnel and the police."

2 Mr Witness, have you been able to follow the translation and the Arabic lines in front
3 of you?

4 A. [10:42:07] Yes. I did say these words indeed, and I said that I reconsidered the
5 matter from different perspectives.

6 Q. [10:42:19] Well, Mr Witness, this is an interview dated [REDACTED]

7 [REDACTED] And you've

8 confirmed today that *Hesbah* was the second highest institution after the judicial
9 council of the organs that were linked to the judicial council. So does it not follow
10 that when we're talking about the responsibilities of organs stemming from the
11 judicial council, the *Hesbah* was a higher in hierarchy than the police and security?

12 A. [10:43:12] I found it strange. You've mentioned three ideas that I did not agree
13 to and then you based your question on that. What I hear from the interpretation is
14 the judicial council and organs emanating from the judicial council. That's not what
15 I said. I said the Sharia committee.

16 Second, I said that the *Hesbah* institution was the second after the judiciary in the
17 chain of command. And you've explained that as a comment on the hierarchy,
18 although I've said that the matter of the hierarchy is something I had reconsidered,
19 given the peculiarities on which I based my description. And I have referred to the
20 complexity of the matter and that it is the reason why I cannot speak in certain terms
21 and I cannot improvise an answer. Instead, it -- the matter requires that I further
22 examine the issue and reach a conclusion consequently.

23 As I have previously explained, the chain of the command and the connection of these
24 organs require having a table that includes principal addresses and sub-addresses,
25 and this is something I cannot just cover in such an answer -- or principal titles and

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1 subtitles, and that's something that I cannot include in such answer.

2 If we say that the *Hesbah* is the second highest body after the judiciary, here we're
3 talking about the religious aspect and we cannot compare it to the security or the
4 police as if they were governed by the judiciary, but we can comment on the tasks
5 carried out by those organs. In the end, there is a leadership, an emirs' office.

6 Reports were submitted to that office and the -- everyone who carried out duties
7 reported and answered to that office.

8 PRESIDING JUDGE MINDUA: [10:45:57](Interpretation) Very well, Ms Taylor.

9 I was waiting for the end of the interpretation. When you put your last question to
10 which the witness replied, I wanted to intervene, but I let the witness speak first.

11 I think that your question leads to confusion because a moment ago when the
12 Prosecutor objected, we were examining the place of the *Hesbah* within the judicial
13 council.

14 Now your last question, you speak about the *Hesbah* in the organisation -- in the
15 judiciary generally because you're speaking about the *Hesbah* as a second organisation
16 after the judiciary, so it's no longer in the judiciary. So that gives confusion. We
17 have to have the right parameters so that the witness can answer.

18 Do you -- do you see what I'm saying? Because here we are now looking at the
19 *Hesbah* in the general organigram.

20 What would you like to know exactly?

21 MS TAYLOR: [10:47:16] Mr President, I'm wondering if there's an issue with the
22 French because in the English, I repeat "responsibilities of organs stemming from the
23 judicial council" twice, if we look at page 28, line 6. I also say it at line 3 -- 4, I say
24 "organs linked to the judicial council."

25 So I'm not sure what's in your transcript, but in my English transcript, my question,

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1 which is my last question in fact -- and I draw your attention to page 28, lines 1 to 8.

2 That is my very last question that I put to the witness, and I invite you to read it

3 because twice I used the terms "linked to the judicial council", "stemming from the

4 judicial council." It's in the transcript.

5 So I'm happy to reformulate it, but --

6 PRESIDING JUDGE MINDUA: [10:48:20](Interpretation) There's my colleague

7 Judge Prost who's following in English, and she's in agreement with me. But please

8 reformulate your question so we can see exactly where we are.

9 We are talking about the judicial council, or are we talking about outside the judicial

10 council? Are you talking about the general organigram in terms of the hierarchy?

11 What are we speaking about exactly?

12 MS TAYLOR: [10:48:41] Mr President, I have said to the witness several times I am

13 discussing the hierarchy of organs linked to the judicial council in terms of actions

14 emanating from the judicial council or linked to the judicial council.

15 Now I believe I should be able to put these questions to the witness and ask him what

16 he meant in his interviews, and he is best placed to answer that. And I believe this

17 discussion in front of the witness is not conducive to an impartial process.

18 PRESIDING JUDGE MINDUA: [10:49:20](Interpretation) The process is completely

19 impartial. We want to know what questions he's being asked to answer. Put your

20 question to the witness and then you will tell me if what you want is in the

21 framework of the judicial council. If it's within the judicial council, what is the

22 hierarchy. Or otherwise, if it's outside the judicial council, in the general legal order,

23 what is the hierarchy of the institutions. That's what I'm asking you to do.

24 MS TAYLOR: [10:49:51] Thank you, Mr President, for those instructions. Now

25 I believe what I will do now, with your leave, is to ask the witness what he himself

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1 meant in this interview [REDACTED] through his own words.

2 Q. [10:50:12] Now, Mr Witness, can you explain what you were referring to
3 yourself when you said: "So it's higher than the security personnel and the police"?

4 A. [10:50:31] Yes. I will explain to you what I was thinking at the time and the
5 meaning of what I said at the time. But I also draw your attention to the fact that I
6 reconsidered many times this -- the drawings where I show the chain of command,
7 the subject of these lines. My answers on this subject are much simpler than the
8 actual answers, and they -- which address one aspect and not all aspects.

9 If you wish and if the Chamber wishes, we can start from -- from square one on this
10 matter and address all the things I can perhaps lay out clear to everyone. That is
11 something I can do.

12 With regards to these answers to the Prosecution, what I meant is what I said to you
13 earlier, [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 In addition, the *Hesbah* is higher than the security and the police. The *Hesbah* is very
22 senior. When it comes to the administration, I never spoke in -- I never gave a
23 fulsome account on this matter to the Prosecutor, nor can I give it to the Chamber
24 here, given how complex this matter is and also given the fact that the group set up its
25 organisational -- not in a very mature way. So it's difficult to lay out unless you

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1 examine it further, and an improvised answer may not address the issue properly.
 2 Q. [10:53:35] Thank you, Mr Witness. I'm going to turn now to specific examples
 3 or incidents.

4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]

7 A. [10:54:14] [REDACTED]

8 [REDACTED]
 9 [REDACTED]

10 Q. [10:54:36] [REDACTED]

11 [REDACTED] ?

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

13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]

17 Q. [10:55:40] [REDACTED]

18 [REDACTED]

19 PRESIDING JUDGE MINDUA: [10:55:53](Interpretation) Prosecutor.

20 MR DUTERTRE: [10:55:54](Interpretation) Yes, your Honour. Since this morning
 21 there are questions and answers which are going very fast. And often the
 22 interpretation hasn't finished when Ms Taylor asks the question in English. So it's
 23 very difficult to follow. So it would be good if the rule of five seconds was
 24 respected.

25 PRESIDING JUDGE MINDUA: [10:56:17](Interpretation) Thank you very much,

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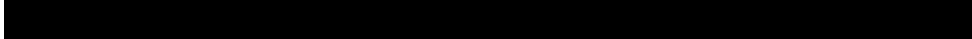
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1 Mr Prosecutor, for this reminder.

2 I think that sometimes we also have to look at the interpreters to see if there's a red
3 light on, Ms Taylor. Thank you.

4 Please go ahead, Ms Taylor.

5 MS TAYLOR: [10:56:31] Certainly, Mr President. Thank you for your reminder.

6 Q. [10:56:35] 

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10 THE ARABIC INTERPRETER: [10:57:07] I'm sorry, the question is not clear to me.

11 I'm sorry. Could you repeat it, please. I'm sorry.

12 MS TAYLOR: [10:57:33] No problem. But I'm also looking at the clock and

13 wondering if now might be a good time to break because I do believe that by the time

14 I read the question, it will be 11 o'clock. But I'm in the hands of the Presiding Judge.

15 PRESIDING JUDGE MINDUA: [10:57:54](Interpretation) No, Ms Taylor. We've

16 still got three minutes, so please use them.

17 MS TAYLOR: [10:57:59] Certainly.

18 Q. [10:58:00] 

19 

20

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22 PRESIDING JUDGE MINDUA: [10:58:47](Interpretation) Prosecutor.

23 MR DUTERTRE: [10:58:48](Interpretation) Yes, your Honour. I think that the

24 question is a bit confused, and we don't know what document we're talking about

25 from 2012. Perhaps we should go through each separate stage because this is

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1 complicated.

2 PRESIDING JUDGE MINDUA: [10:59:02](Interpretation) Ms Taylor, I agree with the
3 Prosecutor.

4 MS TAYLOR: [10:59:05] I believe there's an issue with translation. So I'll use the
5 word "religious scholars." It might be that "jurists" hasn't been translated fully. I
6 don't believe it's a specific document question.
7 Now I'll repeat it for the third time.

8 Q. [10:59:23] [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 A. [11:00:17] Yes, according to Wahhabi school of thought [REDACTED]
13 [REDACTED] According to that school of thought, it is not permissible to build
14 domes over graves, [REDACTED]

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [11:01:10] [REDACTED]
22 [REDACTED]?

23 A. [11:01:33] [REDACTED]
24 [REDACTED]

25 PRESIDING JUDGE MINDUA: [11:01:51](Interpretation) I think that we can stop

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1 now, Ms Taylor, to have our break.

2 We will be back at 11.30.

3 Court is suspended.

4 THE COURT USHER: [11:02:02] All rise.

5 (Recess taken at 11.02 a.m.)

6 (Upon resuming in closed session at 11.30 a.m.)

7 THE COURT USHER: [11:30:23] All rise.

8 Please be seated.

9 PRESIDING JUDGE MINDUA: [11:30:50](Interpretation) The hearing shall now

10 resume.

11 Ms Taylor, please proceed with your cross-examination.

12 MS TAYLOR: [11:31:01]

13 Q. [11:31:03] Good morning, Mr Witness. How are you?

14 A. [11:31:10] Doing well. Thank you.

15 Q. [11:31:13] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [11:31:52] [REDACTED]

19 Q. [11:31:55] [REDACTED]

20 [REDACTED] ?

21 A. [11:32:07] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [11:32:48] Is it correct that although it had been agreed that [REDACTED]

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[REDACTED] ?

A. [11:33:18] [REDACTED]

[REDACTED]

Q. [11:34:02] [REDACTED]

[REDACTED] ?

A. [11:34:26] I am not sure about that and I don't recall it now. What I understand, what I still remember now sitting before you is that [REDACTED]

[REDACTED]

Q. [11:34:59] If I could bring up Prosecution tab 1319. This is the transcripts of interviews from [REDACTED]. The reference is [REDACTED]. I'll be turning to page 0799. And I will give the line references to the interpreters. And I believe we should start on page 0798, lines 678, to have the full context of the meeting or your account thereof.

And if the interpreters could kindly indicate they have the relevant line.

THE ARABIC INTERPRETER: [11:36:29] We do. Thank you.

MS TAYLOR: [11:36:34]

Q. [11:36:34] So starting at line 678, Mr Witness:

[REDACTED]

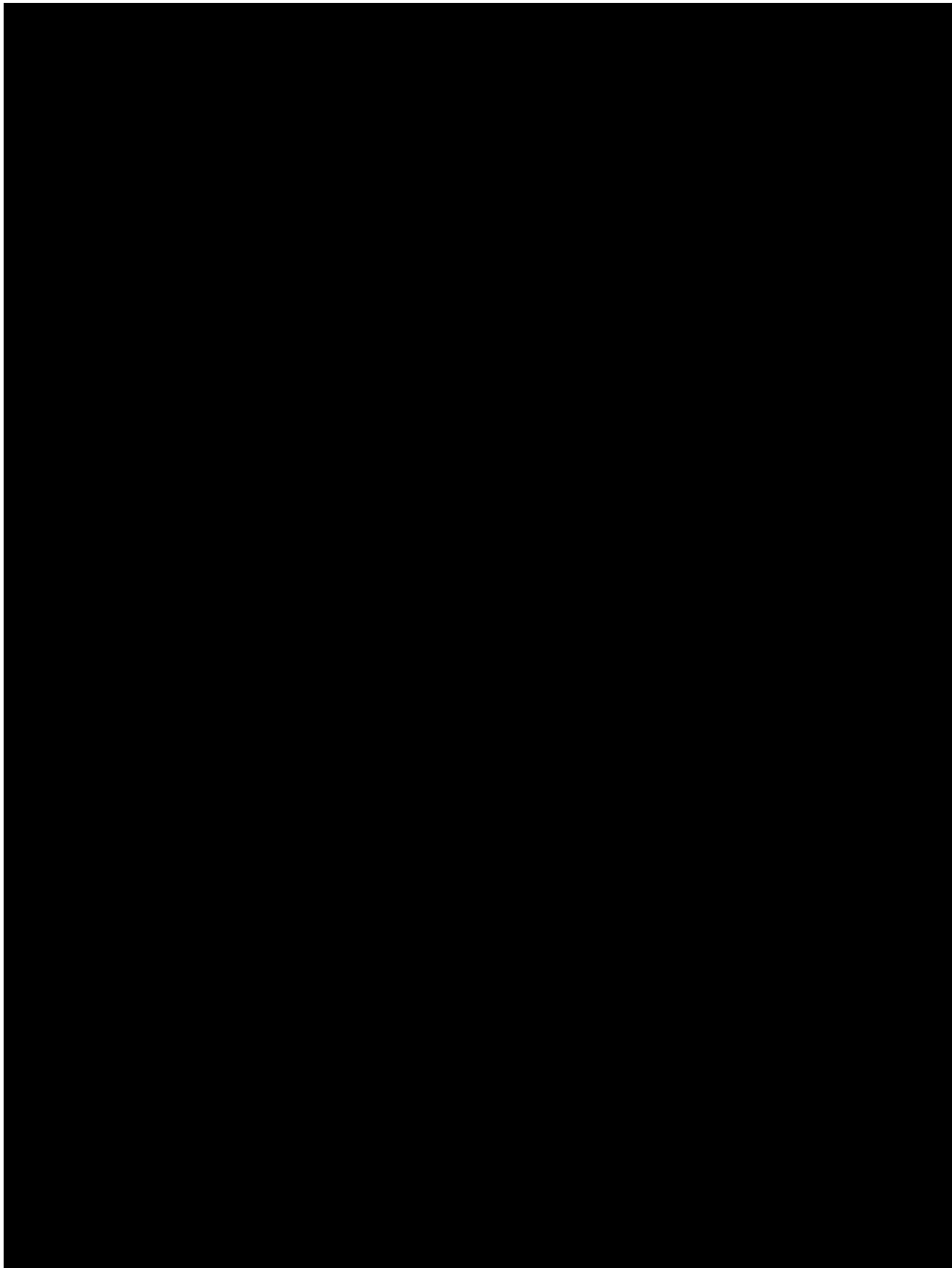
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25 Continuing on page 0800, line 735:

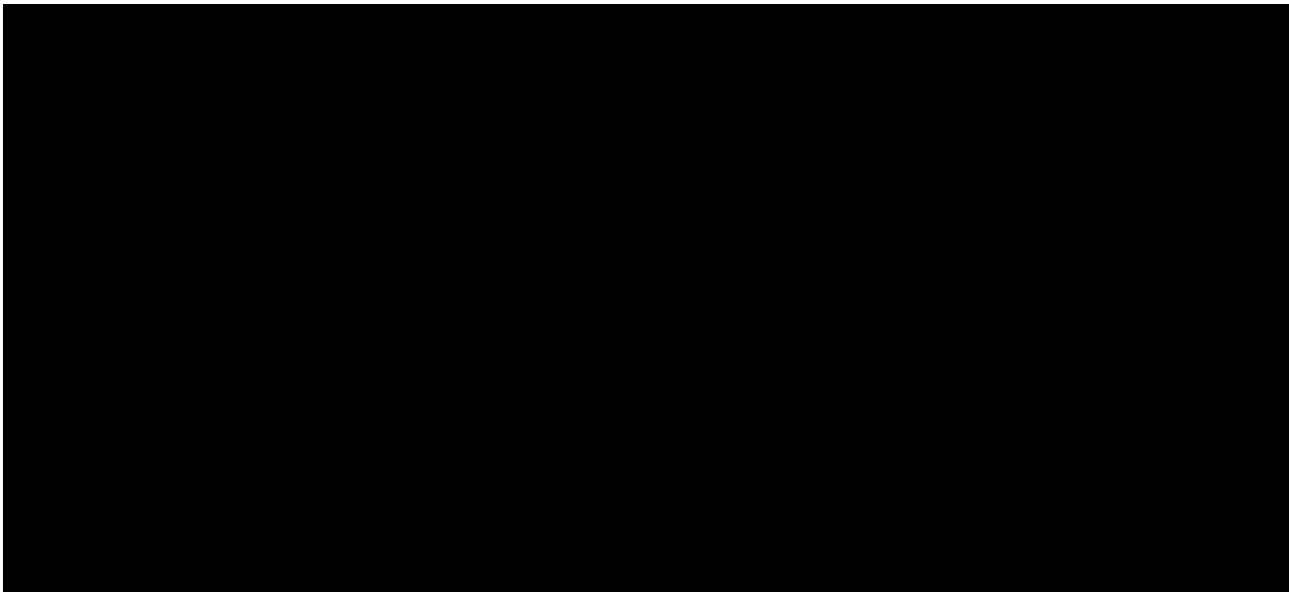
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Was that a regular patrol?

Interpreter: ... I think it was a ... misunderstanding and a kind of" --

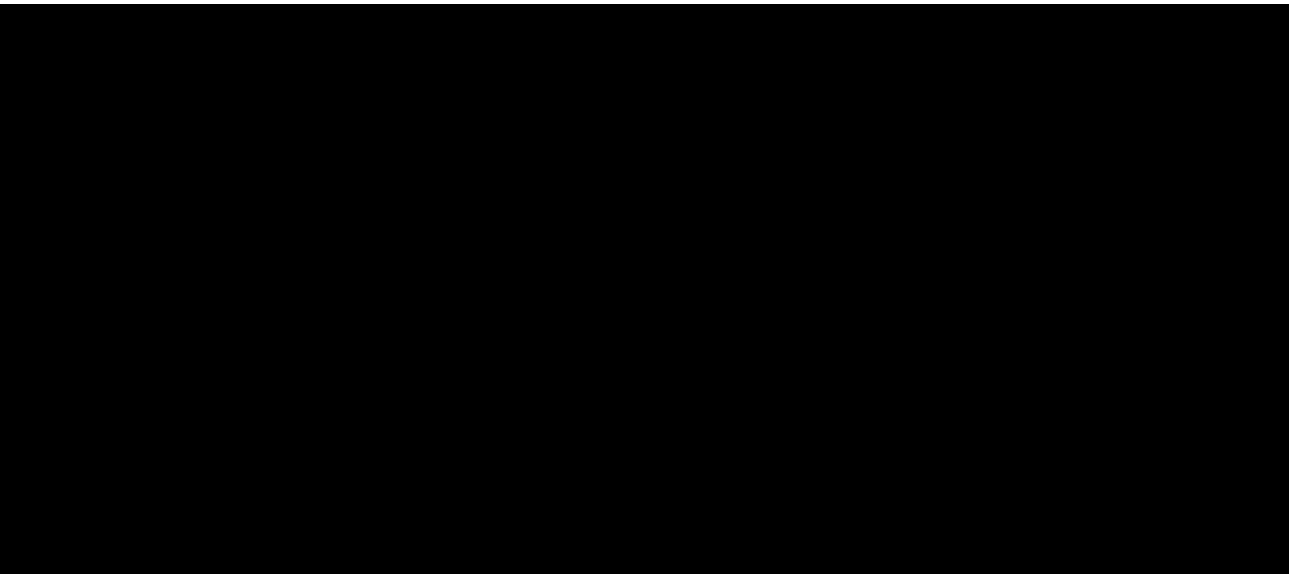
THE ARABIC INTERPRETER: [11:39:45] Sorry. Could you slow down, please.

I'm still at 740. I shall start from 740 again.

MS TAYLOR: [11:40:11] So just repeating.

Line 750:

"... I think it was a ... misunderstanding and a kind of stupidity, because they thought ... they would ... be looking if they can find any ... women [not] wearing ... not in line ... with the Islamic dressing.



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1 [REDACTED]

2 Q. Mr Witness, did you follow that?

3 A. [11:42:03] I did.

4 Q. [11:42:06] Were you able to follow the Arabic lines and the interpretation?

5 A. [11:42:24] I was. And it was good. And I think you can now ask me questions
6 because it's pretty much what I did say. I see no difference that requires correction.

7 Q. [11:42:38] And having read this, does this refresh your memory?

8 A. [11:42:54] It does. And my words here are accurate. Indeed, there's no
9 misunderstanding.

10 Q. [11:43:05] So you can confirm that this account that you've provided is accurate,
11 just to be clear?

12 A. [11:43:19] I can.

13 Q. [11:43:23] [REDACTED]

14 [REDACTED]
15 [REDACTED]

16 A. [11:44:02] [REDACTED]

17 [REDACTED]

18 Q. [11:44:22] [REDACTED]

19 [REDACTED]?

20 A. [11:44:42] I do not remember that. [REDACTED]

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

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1 This person insisted that the decision was unfair and that he would continue in
2 joining the good and forbidding the wrong, even after the decision was made. This
3 might be the thing you -- the person you are referring to, and it may be somebody
4 else.

5 Q. [11:46:07] Thank you for that clarification. I believe we might be talking about
6 the same person.

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

10 A. [11:46:41] [REDACTED]

11 Q. [11:46:50] So is it correct that they were acting outside the rules?

12 A. [11:47:11] That is correct. But we should be attentive to the fact that they were
13 acting within the framework of Sharia as they understood it. If you are referring to
14 Sharia rules or to practical matters, it is the practical matters we are talking about here.
15 They used violence which should not be used in the enforcement of applicable Sharia.
16 There are parts of Sharia that are applicable and other parts that are not applicable,
17 and they got the two parts mixed up.

18 Q. [11:48:01] So, Mr Witness, I just want to understand this clearly. And it's my
19 fault for using the term "rules". Now, if I refer to rules as the policies of the group, is
20 it correct that [REDACTED] when they applied Sharia, they were
21 not acting in accordance with the policy that the group itself had decided?

22 PRESIDING JUDGE MINDUA: [11:49:20](Interpretation) Mr Prosecutor.

23 MR DUTERTRE: [11:49:21](Interpretation) Yes. First of all, this is something that
24 was mentioned several times in a number of objections, the policy of the group. But
25 what group are we talking about? Later this will allow Ms Taylor to plead in a

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1 general manner, but it will not help with understanding of the reply. The question
 2 has also already been answered, might I point out.

3 PRESIDING JUDGE MINDUA: [11:49:51](Interpretation) Ms Taylor.

4 MS TAYLOR: [11:49:52] Mr President, I'm just being told that when I said "rules," it
 5 was translated as "laws" in the Arabic. So I do believe that it's appropriate for me to
 6 clarify this with the witness, as has been the case thus far. And I do believe I'm
 7 perfectly entitled to ask clarification questions following an answer provided by a
 8 witness which in fact is exactly what the Prosecution itself is suggesting that I do.

9 PRESIDING JUDGE MINDUA: [11:50:29](Interpretation) Quite so. But you also
 10 mentioned the group's policy. The Prosecution is asking which group you are
 11 talking about.

12 MS TAYLOR: [11:50:41] The group that was in charge of Timbuktu at this time.

13 PRESIDING JUDGE MINDUA: [11:50:52](Interpretation) I do hope that the witness
 14 understands what this is all about. We'll see how he responds.

15 MS TAYLOR:

16 Q. [11:51:04] Or we can perhaps speak of Abou Zeid and Abou Zeid's instructions.

17 A. [11:51:22] Yes. Your question includes two parts. The first part concerns the
 18 instructions, the policies and the laws. The second part is about how compliant the
 19 members of the militant group have been with those instructions.

20 With regards to policies -- or to policy, policy is clear. It consists in the enforcement
 21 of Sharia as per the terms perceived fit by the hard-line group. And the group has
 22 policies on how to carry out that enforcement. So there are policies regarding the
 23 Sharia itself and there are policies on how to enforce it.

24 And they have a clear *modus operandi* with regards to these policies. It is based on
 25 avoiding any disagreement and any feud with the locals. The plan consists in

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1 reaching out to dignitaries and the scholars from the population to ensure that no
2 disagreement with the people takes place.

3 Of the policies that helped avoiding disagreement with the people is gradualism and
4 leniency. They would not ask everything in one go. They would do it in a
5 piecemeal fashion until they reach a -- the tougher stage, or they would announce
6 things in advance. Before enforcing them, they would ask people to do it before
7 applying it on the ground, and they would apply it before they start punishing people
8 on it.

9 So this was the gradual way of applying Sharia to avoid disagreement with the
10 people and to be -- and to have all the excuses they need, should there be any
11 disagreement with the people.

12 One of their policies is to reach -- is to create mediator bodies, for example, the crisis
13 committee, and also relying on dignitaries such as Mohamed Moussa, [REDACTED] and
14 Al Hassan, people who could take into account the interests of the people, as well as
15 the interests of the group.

16 These interlocutors were part of the policy to avoid any discord between the group
17 and the people. These are the broad strokes of the general policy.

18 Now, as a result of that, people should not be aggressed unless they are very stubborn.
19 Punishment applies only in the cases of stubbornness. Nor should the people be
20 randomly punished. Punishment should be carried out specifically by the *Hesbah*
21 and the police. Afterwards, it even became impermissible to punish anyone unless
22 the court so orders. So a significant change happened in the *modus operandi* of the
23 group throughout the concerned period.

24 And in all cases, you can say that there was no total compliance by the members with
25 these instructions.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [11:55:45] Mr Witness, if I can turn to OTP tab 1351, it's [REDACTED]

2 And turning specifically to page 1155, we'll be looking at lines 650 to 689. If that
3 could be brought up on to the screen.

4 Now this is an extract from an interview that took place on [REDACTED]

5 And if the interpreters could kindly indicate when they are ready to interpret from
6 line 650.

7 And, Mr Witness, as always, if you could kindly follow the Arabic in the lines
8 between.

9 THE ARABIC INTERPRETER: [11:57:02] Confirmed.

10 MS TAYLOR: [11:57:04]

11 Q. [11:57:06] "Interviewer: So, with that in mind, how ... if you can explain, how
12 this situation with ... that ... that lasted up until I think at least until the instruction by
13 Abou Zeid, how does this play into the ... Ansar Dine policy in Timbuktu? How ...
14 does it fit? Is it completely against it? Is it ... slightly part of it or it is part of it?

15 Interpreter: You mean" --

16 PRESIDING JUDGE MINDUA: [11:57:45](Interpretation) Prosecution.

17 MR DUTERTRE: [11:57:46](Interpretation) Yes, just for the purposes of
18 understanding, perhaps Ms Taylor could scroll up a bit because we don't know
19 exactly what the -- what the aim of the conversation was. There's something about
20 "keep in mind," but keep in mind what? Also for the sake of (Overlapping speakers)

21 PRESIDING JUDGE MINDUA: [11:58:13](Interpretation) Ms --

22 THE INTERPRETER: [11:58:15] Overlapping.

23 MS TAYLOR: [11:58:19] (Overlapping speakers) I believe it's abundantly clear on
24 the next page.

25 PRESIDING JUDGE MINDUA: [11:58:21](Interpretation) Well, go ahead.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MS TAYLOR: [11:58:24]

2 "Interpreter: You mean the instructions?

3 Interviewer: No, the beating up in the street.

4 Interpreter: It does not represent Ansar Dine's policies. There were no instructions
5 given to the members of Ansar Dine to beat up people in the street and this is not in
6 line with their policies.

7 Interviewer: But it was also not effectively stopped, right?

8 Interpreter: Yes.

9 Because there were many mistakes and I also want to add that if there is a
10 punishment decided by the head of *Hesbah* or the head of police, it is always in
11 compliance with the policies of Ansar Dine and it is part of Ansar Dine policies.
12 And if you check the different documents, you can clearly see that there are always
13 instructions to be lenient with the locals, so if we talk about the policy, this was not
14 something acceptable.

15 And there is no doubt that the leaders were trying to implement these policies that
16 were put in writing.

17 And any mistake you find is either a result of a personal interpretation of the religious
18 view of that person ... or people who act outside the rules.

19 And these people might be held accountable for that or not depending on the
20 complaints."

21 Q. Mr Witness, have you had an opportunity to follow the interpretation as
22 compared to the Arabic text in front of you?

23 A. [12:01:01] I had, and I see nothing requiring correction.

24 Q. [12:01:07] Mr Witness, is it correct that the beating up in the street did not
25 represent Ansar Dine policies?

Trial Hearing
WITNESS: MLI-OTP-P-0150

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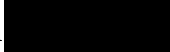
ICC-01/12-01/18

1 A. [12:01:28] Indeed, that is true.

2 Q. [12:01:34] And is it correct that the leaders were trying to implement the policies
3 that were put in writing?


4 A. [12:01:49] Yes, that's also correct.

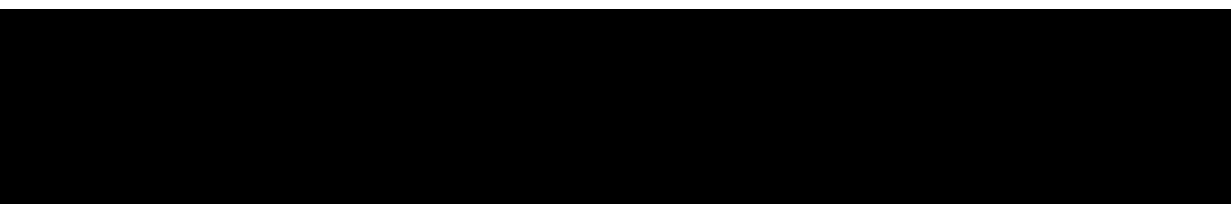
5 Q. [12:01:56] And is it correct that any mistake you find is either a result of a
6 personal interpretation of the religious view of that person or people who act outside
7 the rules?

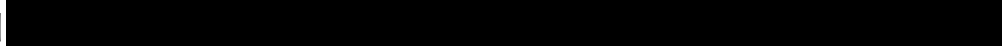
8 A. [12:02:18] Yes, but this detail I have mentioned here on 
9 requires -- includes also senior members of the group. It includes even scholarly
10 people who contributed to decision-making, which means that there could be some
11 wrongful policy-making due to their interpretation of Sharia sources.

12 Q. [12:02:52] And is it correct that people might be held accountable for that or not
13 depending on whether complaints had been filed?

14 A. [12:03:10] Yes. And I have described the reforms carried out by Abou Zeid as
15 being always in reaction to complaints that were submitted either by the people
16 directly or by the crisis committee on behalf of the people.

17 Q. [12:03:41] Now I'm just moving on to a different subject, in particular 

18 

21 A. [12:04:14] 

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Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

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Q. [12:06:28] And, Mr Witness, I'd like to turn your attention to a statement from

 It's OTP tab 1395. It's



If we could kindly bring that up on to evidence 1. And I'll read from line 222 to 250.

And if the interpreters could -- they're ready.

And, Mr Witness, if you could follow the Arabic at the same time. So starting from 222:



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WITNESS: MLI-OTP-P-0150

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Mr Witness, have you had a chance to follow the Arabic lines compared to the interpretation?

A. [12:10:21] I had, and it's fine. It's not one hundred per cent compatible, but I see nothing necessitating correction.

Q. [12:10:34] Now, Mr Witness, according to this statement you gave to the

Prosecution [redacted] you said, [redacted]

[redacted] Is that correct?

A. [12:10:55] Yes, that is correct. [redacted]

[redacted]

Q. [12:11:10] And is it correct that -- and I'm not sure what "common practice" here refers to, but at line 249, it says: "Yes, I remember that was the common practice."

[redacted]

1

[REDACTED]

2

Is that something that happened in general or often?

3

A. [12:11:43] Yes. That's what happened most of the time.

[REDACTED]

4

[REDACTED]

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19 Q. [12:13:41]

[REDACTED]

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[REDACTED] ?

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A. [12:14:03]

[REDACTED]

22

[REDACTED]

23

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Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1

[REDACTED]

2

3 Q. [12:15:15]

[REDACTED]

4 A. [12:15:37]

[REDACTED]

5 Q. [12:15:41]

[REDACTED]

6 line 1, you testified in relation to a letter sent by the emir of the Al-Qaeda organisation

7 concerning the Azawadi project, Azawadi project. Do you recall that?

8 A. [12:16:22] I do.

9 Q. [12:16:32]

[REDACTED]

10 [REDACTED] ?

11 A. [12:16:51]

[REDACTED]

12 Q. [12:16:55]

[REDACTED] ?

13 A. [12:17:07]

[REDACTED]

14 Q. [12:17:12]

[REDACTED] ?

15 A. [12:17:27]

[REDACTED]

16 Q. [12:17:35] Now, transcript 104, page 21, the Prosecution showed you a

17 document. This is OTP tab 1279, it's MLI-OTP-0024-2330. And the translation was

18 tab 1280, it's MLI-OTP-0027-0964. And they asked you if the document that they

19 were showing to you corresponded to this letter sent by the emir of Al-Qaeda.

20 And we can bring up that document.

21 Do you have that document, Mr Witness? Do you have tab 1279?

22 I believe it's an OTP document, but we have copies if it's hard to find.

23 THE COURT OFFICER: [12:19:07] I'm sorry, Counsel. Would you kindly confirm

24 what page. Thank you.

25 MS TAYLOR: [12:19:12] It's not a specific page. I won't be reading it out, but the

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1 MLI references are -- it's OTP tab 1279, MLI-OTP-0024-2330. And the translation is
2 tab 1280, that's MLI-OTP-0027-0964. 2320.

3 Q. [12:20:28] Now, Mr Witness, is it correct that the Prosecution showed this to you
4 before [REDACTED]?

5 A. [12:20:48] I do not remember now the first time the Prosecution showed me this
6 document.

7 Q. [12:20:59] Thank you, Mr Witness. It's not necessary to remember the time, but
8 is it correct that they had shown this to you before?

9 A. [12:21:12] That is correct, yes.

10 Q. [12:21:16] Now, Mr Witness, when the Prosecution showed this to you, did they
11 inform you that they had downloaded it from the internet?

12 A. [12:21:36] No. But I informed them that this is indeed a download from the
13 internet, and then they asked me what that means. [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q. [12:22:25] [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

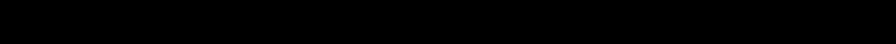
23 A. [12:23:12] It is. There is no doubt about that. It is certain that I cannot
24 precisely recall the content of such document, nor can I remember the different topics
25 addressed by this document. But I can understand in my own ways much of the

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Azawadi project  And

2 I am, in general terms, aware of the Azawadi project.

3 Q. [12:24:07] Now, Mr Witness, at transcript T-112, page 62, lines 1 to 22, you
4 identified a person as being Abou Jabar in the video MLI-OTP-0001-7037 at the
5 timestamp of 1:06. And we can display that on evidence 2.

6 Do you recall that, Mr Witness?

7 A. [12:25:16] I recognised that this person being either Jabar or Abou Jabar, and
8 I was hesitant to be conclusive on that.

9 Q. [12:25:33] Thank you for that clarification.

10 Now, I'm going to show a still from another video, that's MLI-OTP-0018-0693. It's
11 tab 1067 and we'll be looking at the timestamp 1:32.

12 Now, Mr Witness, do you recognise the person to the far left of the image?

13 A. [12:26:51] I do. It's the fifth person counting the others who are not members of
14 the group. That person is indeed Jabar whom you've just shown me seconds ago.

15 Q. [12:27:08] And for the record, can you describe what he's wearing?

16 A. [12:27:23] I have a problem regarding this colour. I don't know how -- how to
17 call this colour precisely. He is dressed in brown. I cannot describe the colour I'm
18 seeing. I have trouble describing this kind of colours.

19 MS TAYLOR: [12:27:48] Mr Register, is it possible for the witness to have a pen so
20 that he can mark it on the screen? That might be the best approach.

21 PRESIDING JUDGE MINDUA: [12:28:00](Interpretation) Of course.

22 Court officer.

23 THE COURT OFFICER: [12:28:46] Your Honour, we will give it a try. So I'll ask
24 my colleague to switch the console.

25 Your Honours, in order for us to have the still image marked, we will be presenting it

Trial Hearing
 WITNESS: MLI-OTP-P-0150

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1 from our position.

2 MS TAYLOR: [12:31:27] If it's complicated, we can also print it during the lunch
 3 break and then have the witness mark it on a printed copy.

4 PRESIDING JUDGE MINDUA: [12:31:42](Interpretation) Indeed, Ms Taylor. That
 5 will save time.

6 MS TAYLOR: [12:31:49] So I believe that might be the quickest solution. So we'll
 7 just move on. And I'll print it. And for the record, the timestamp was 1:32 and
 8 that's what we'll print.

9 THE COURT OFFICER: [12:32:14] Okay. No problem.

10 MS TAYLOR: [12:32:17]

11 Q. [12:32:23] Now, Mr Witness, during the course of your interviews with the
 12 Prosecution, when discussing potential witnesses, did the Prosecution -- do you recall
 13 if the Prosecution asked you whether you knew of any person [REDACTED] who had
 14 been able to leave the armed groups after 2013?

15 A. [12:33:11] I do not. I don't recall this particular question, and you linked this to
 16 possible months in time which doesn't help either in remembering the matter.

17 Q. [12:33:27] Certainly, Mr Witness. I understand the difficulty. So we can
 18 refresh your memory. It's -- if we can look at OTP tab 1369. It's an interview from
 19 [REDACTED] And it's -- for the reference, it's [REDACTED] and
 20 addressing specifically page 3037.

21 And I'll find the line references. Actually, 3036. And I believe we can start at line
 22 203.

23 THE COURT OFFICER: [12:34:25] Apologies to counsel. Tab number 1369 refers to
 24 R02, not R01.

25 MS TAYLOR: [12:34:33] I apologise. Thank you for the correction.

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(Closed Session)

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WITNESS: MLI-OTP-P-0150

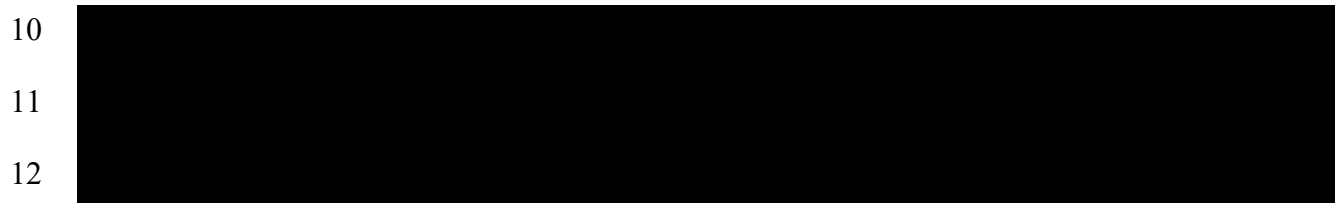
1 Actually for completeness of context, I apologise for this, but I believe it might be
 2 appropriate to start on line 3035 -- page 3035, and I'll -- because that sets out the
 3 general topic of discussion before we move to page 3036.

4 Q. [12:35:44] So at lines 140 to 151, the Prosecution is indicating, or they're saying:
 5 "... I wanted to ask if in the recent times you have found out about other people that
 6 might be available ... that could be of relevance to us.

7 Interpreter: No.

8 Interviewer: No new information like that.

9 Interpreter: No.



13 At line 162, the Prosecution refers to [REDACTED]

14 In line 168, they ask about his situation and whereabouts.

15 And if I could turn to page 3036 for the extract that's more relevant. From line 203:

16 "... [REDACTED] half of it joined the jihadists and they moved to the north,
 17 about 25 kilometres.

18 Because all the locals live there and all of them work with the jihadists.

19 And concerning your question, [REDACTED] specifically works with the jihadists."

20 And then the next page, [REDACTED] at line 210, the interviewer says:

21 "Okay. But is it because he ... he is ... in a way forced to do so or is it because he
 22 volunteers to do so?

23 Interpreter: Because the entire tribe is with the jihadists, so he doesn't know where
 24 to go.

25 For example, his own father and uncle are with them."

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Have you been able to follow the Arabic lines and the interpretation for the last few
2 lines?

3 A. [12:39:00] Yes. And there is one comment to make. It's something that
4 requires clarification here. [REDACTED]

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

15 Q. [12:40:32] [REDACTED] ?

16 A. [12:40:45] [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. [12:41:23] [REDACTED]

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 A. [12:41:55] [REDACTED]

25 THE INTERPRETER: [12:42:07] Note from the interpreters: That's pretty much

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WITNESS: MLI-OTP-P-0150

1 what you said, Ms Taylor.

2 MS TAYLOR: [12:42:11]

3 Q. [12:42:11] [REDACTED] ?

4 A. [12:42:25] Yes.

5 Q. [12:42:27] I didn't try to pronounce that one.

6 Now, Mr Witness, I'm interested specifically at line 215 where it says: "Because the
7 entire tribe is with the jihadists, so he doesn't know where to go." So is it correct that
8 the position of the tribe impacts on the ability of individuals to leave the group?

9 A. [12:43:12] Yes, indeed. That was a major impactful factor. And it's different
10 from one area to the other. Indeed the people who live in the countryside and who
11 are not so familiar with the city, they would have closer relations in comparison to
12 people who live in the city. Also, people who had an experience with travel are
13 different from those who do not have such experience. They would be forced to
14 acquiesce to the situation and follow the herd.

15 Q. [12:43:56] And would the same apply to the people with families?

16 A. [12:44:17] Yes. If you take a deeper dive into the factors or the reasons why
17 people joined the militant group, these factors are various and also are different in
18 degrees. Indeed the presence of a family bidding someone from moving to another
19 place or if you are in a position where you need assistance that the jihadists can
20 provide, these are indeed relevant factors.

21 Q. [12:44:56] Now, I'm going to be turning to a different subject, and it's to do with

22 [REDACTED] And I believe it would be most efficient
23 to give you the documents in advance, given that there's four different sets of

24 [REDACTED] I'm not going to go straight to [REDACTED] but in order to avoid
25 going up and back, I believe we can just bring them over to the witness now.

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WITNESS: MLI-OTP-P-0150

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1 It's Defence tab 282, that's [REDACTED] Then there's Defence tab 238, that's
2 [REDACTED] Defence tab 284, that's [REDACTED] And Defence tab
3 285, that's [REDACTED] So there's four tabs. But it's not necessary to
4 display them.

5 [REDACTED]
6 [REDACTED]

7 A. [12:47:33] It is correct.

8 Q. [12:47:41] [REDACTED]

9 [REDACTED]?

10 A. [12:47:57] There was.

11 Q. [12:48:02] Do you yourself have any information concerning why they did that?

12 A. [12:48:27] No, not at all. I have thoughts and doubts. I have an analysis of
13 possibilities, but I do not have information that could be of interest to the Chamber.

14 Q. [12:48:41] What was your reaction [REDACTED]?

15 A. [12:48:58] My reaction was null because it was not strange to me to -- I was
16 expecting that [REDACTED]

17 [REDACTED] So it was expected in my mind.

18 Q. [12:49:33] [REDACTED]

19 [REDACTED]?

20 A. [12:49:52] [REDACTED]

21 [REDACTED]

22 Q. [12:50:05] [REDACTED]?

23 A. [12:50:17] [REDACTED]

24 [REDACTED]

25 Q. [12:50:30] [REDACTED]

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1 [REDACTED] ?

2 PRESIDING JUDGE MINDUA: [12:50:44](Interpretation) Prosecution.

3 MR DUTERTRE: [12:50:47](Interpretation) These are questions that Ms Taylor dealt
4 with a few days ago and I believe there was a remark made as well about that. So
5 I believe we're revisiting questions that have already been put to the witness.

6 PRESIDING JUDGE MINDUA: [12:51:08](Interpretation) Ms Taylor, what is the
7 relevance of this question in relation to this case?

8 MS TAYLOR: [12:51:14] Mr President, I'm happy, if the Prosecution gives me a line
9 reference as to where this has been referred to before, to withdraw my question, if
10 there has indeed been an answer to this. Otherwise, I can move on to my next
11 question.

12 PRESIDING JUDGE MINDUA: [12:51:38](Interpretation) Move on to the next
13 question, Ms Taylor.

14 MS TAYLOR: [12:51:42] Thank you, Mr President. I would still be grateful if at
15 some point the Prosecution could give us that reference as to where this has been
16 addressed before. Perhaps they can send it during the lunch break.

17 Q. [12:51:54] Now, Mr Witness, what was your understanding as to [REDACTED]

18 [REDACTED] ?

19 A. [12:52:14] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [12:53:16] Now, at page 64, line 13, it says [REDACTED]

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1 [REDACTED] What matter are you referring to?

2 A. [12:53:40] [REDACTED]

3 [REDACTED]

4 Q. [12:53:55] Now, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [12:54:17] I do not recall such thing.

8 Q. [12:54:24] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. [12:55:10] I do. I remember that indeed.

12 Q. [12:55:17] [REDACTED]

13 [REDACTED] ?

14 A. [12:55:34] [REDACTED]

15 [REDACTED]

16 Q. [12:55:54] So who were you referring to?

17 PRESIDING JUDGE MINDUA: [12:56:12](Interpretation) Prosecution.

18 * MR DUTERTRE:[12:56:13](Interpretation) I believe we are a far removed from
19 matters that could be of interest to the Chamber in this case and the charges levelled
20 against the accused. There is no prima facie relevance to these questions. Furthermore,
21 to enlighten the Chamber, it was in transcript 110 that Ms Taylor had already
22 broached these questions, which we are coming back to again.

23 PRESIDING JUDGE MINDUA: [12:56:37](Interpretation) Ms Taylor, your response
24 to those remarks.

25 MS TAYLOR: [12:56:40] Mr President, I can assure the Chamber I have not touched

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1 on these issues at all. This is the first time the Defence is going into [REDACTED]

2 [REDACTED] My next question specifically relates to matters that the Prosecution
3 itself has raised.

4 I can move on from my last question to my next question. But it does overlap
5 specifically on issues that have been brought up in examination-in-chief. And I can't
6 go into it any further in the presence of the witness.

7 PRESIDING JUDGE MINDUA: [12:57:21](Interpretation) Move on to the next
8 question, please.

9 MS TAYLOR: [12:57:25]

10 Q. [12:57:29] [REDACTED] is it correct that you also told [REDACTED] about your
11 departure from Timbuktu [REDACTED]?

12 A. [12:57:59] I don't remember that. But I would say so. Because in the -- in the
13 course of the events, I would mention such thing. I don't remember having
14 mentioned this precisely, but it would make sense to me that I did.

15 MS TAYLOR: [12:58:26] Mr President, it's just on 1 o'clock. I believe that by the
16 time I go into any details, we'd go beyond the time.

17 PRESIDING JUDGE MINDUA: [12:58:43](Interpretation) My problem is that I need
18 to gain some time. I don't mind going another three minutes, but I really do not
19 want to lose three minutes. Continue.

20 MS TAYLOR: [12:58:57] Mr President, we went over three minutes the last time.
21 I believe we have more than saved it now. And I have a whole line of questioning.
22 I don't believe that this is going to turn on one minute.

23 PRESIDING JUDGE MINDUA: [12:59:13](Interpretation) Very well. For the record,
24 we will adjourn two minutes early at the request of the Defence.

25 We will now suspend and resume at 2.15 as you already have been informed.

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1 The hearing is suspended.

2 (Recess taken at 12.59 p.m.)

3 (Upon resuming in closed session at 2.14 p.m.)

4 THE COURT USHER: [14:14:29] All rise.

5 Please be seated.

6 PRESIDING JUDGE MINDUA: [14:14:56](Interpretation) Court is in session.

7 Ms Taylor, you have the floor to continue your cross-examination.

8 MS TAYLOR: [14:15:13] Thank you, Mr President.

9 Q. [14:15:16] How are you, Mr Witness, this afternoon?

10 A. [14:15:29] I'm fine. Thank you.

11 Q. [14:15:34] Now, earlier we ran into a few technical issues when we asked you to

12 annotate something on a video. So with the kind assistance of the Registrar, I'm

13 going to ask that the printout of that video be shown to you so you can make the

14 annotation on a printed copy. And then afterwards, I would be grateful if the

15 Registry could give a ...

16 A. [14:16:39] You asked me to indicate the person who I recognised as being

17 Abou Jabar.

18 PRESIDING JUDGE MINDUA: [14:16:54](Interpretation) Very well. We have the

19 document on evidence 1.

20 Court officer, could you give a number thereto.

21 THE COURT OFFICER: [14:17:05] Your Honours, the document will bear reference

22 number MLI-REG-0001-0107.

23 PRESIDING JUDGE MINDUA: [14:17:18](Interpretation) Thank you very much.

24 Ms Taylor.

25 MS TAYLOR: [14:17:28]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [14:17:29] Now, Mr Witness, before the break my question to you was whether
2 you told ██████████ about your departure from Timbuktu ██████████ Do you recall that?

3 A. [14:17:50] Yes. And I said that I had to inform them about that.

4 Q. [14:18:06] And at page 66, line - it's stuck - 22, I believe. I think you -- I
5 understand that you said, I don't remember precisely -- you said "I don't remember
6 that. But I would say so because ... in the course of the events, I would mention such
7 a thing. I don't remember having mentioned this precisely, but it would make sense
8 to me that I did."

9 So I'm just going to turn to Defence tab 282, which I believe you have with you,

10 Mr Witness. It's ██████████ turning specifically to page 7245, lines 498 to
11 499.

12 And, Mr Witness, you're asked about the -- you're speaking of the (Interpretation) the
13 last sentence.

14 (Speaks English) Sorry. I'll turn to line 498, and it says:

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18 (Speaks English) And perhaps -- actually, I apologise, Mr Witness. I didn't have the
19 page, but it might make sense - I apologise - to actually -- to start with line 483. I
20 apologise. And it says:

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24 Can I continue?

25 Yes, please.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 So I then left.

2 Where? Pardon?

3 Pardon.

4 Just the last sentence.

5 Yes, okay.

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

10 A. [14:22:20] Are you talking about line -- the Arabic line 496 in English -- 486 in
11 English?

12 Q. [14:22:55] [REDACTED]
13 [REDACTED]

14 A. [14:23:14] [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q. [14:23:47] Now, Mr Witness, do you recall if this is consistent with what you
19 told the Prosecution in [REDACTED] about [REDACTED]? And if you don't remember, we can
20 refresh your memory, that's okay.

21 A. [14:24:08] Yes, that accords with it. But there I just mention [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 Q. [14:24:44] Turn to OTP tab 1324, that's [REDACTED] and turning

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WITNESS: MLI-OTP-P-0150

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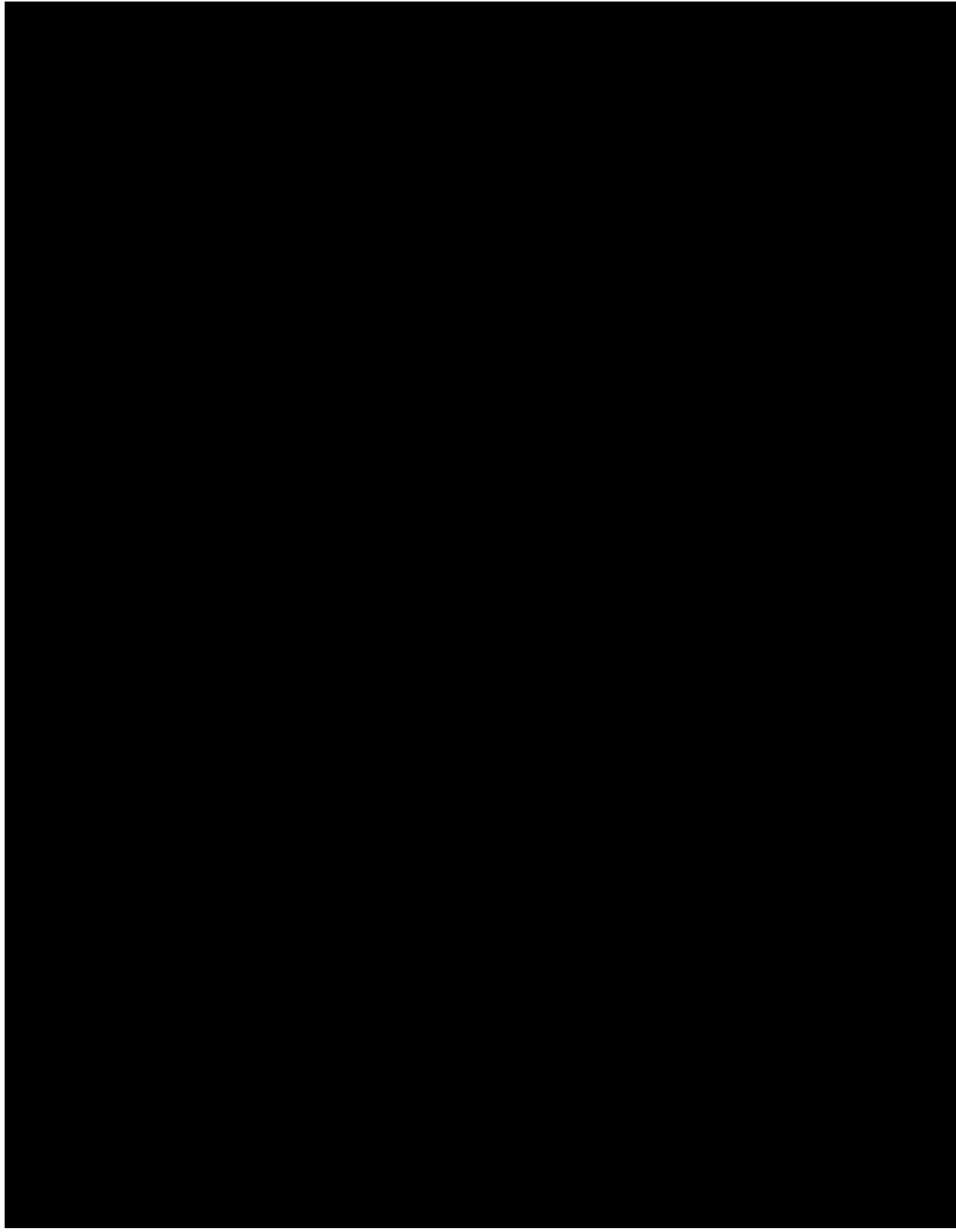
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1 specifically to page 0979.

2 I believe for the full context, we'd have to start on 0978 from 846.

3 And if the interpreters could kindly indicate if they're ready.

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Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 I didn't know what to do."

2 Now, Mr Witness, have you had a chance to follow the Arabic text, whether it's
3 consistent with the interpretation?

4 A. [14:29:04] Yes. And I think that the translation is excellent.

5 Q. [14:29:10] Now, do you remember describing the same journey again in
6 [REDACTED]? And if you don't, it's okay, I can refresh your memory.

7 A. [14:29:38] I remember having described this journey in the way that you
8 mentioned, but I don't remember the date on which it took place.

9 * Q. [14:29:50] So if we can bring up OTP tab 1377, and that's [REDACTED]

10 And I believe we'll be dealing with 3251, lines 587 to page 3253 to 676.

11 And if the interpreters could kindly indicate if they're ready.

12 So, Mr Witness, you're -- you're discussing specifically Mr Al Hassan with the
13 Prosecution. And at line 587, the interviewer asks you:

14 "But perhaps you were able to tell us from what time ... from your own experience
15 [REDACTED] when was it he was actually in charge of the men

16 in the street?

17 Interpreter: I suppose that happened in October after [REDACTED]

18 Because in November, the real preparations for the war had started.

19 Interviewer: Okay, thank you. Can you tell us anything more about Khaled Al
20 Sahraoui.

21 Interpreter: Sahraoui."

22 I'm not saying this right.

23 "Interviewer: Al Sahraoui.

24 [REDACTED]

25 [REDACTED]

Pursuant to the Trial Chamber X's directions, ICC-01/12-01/18-789-AnxA, dated 6 May 2020, the lesser-redacted version of the transcript is filed in the record of the case.

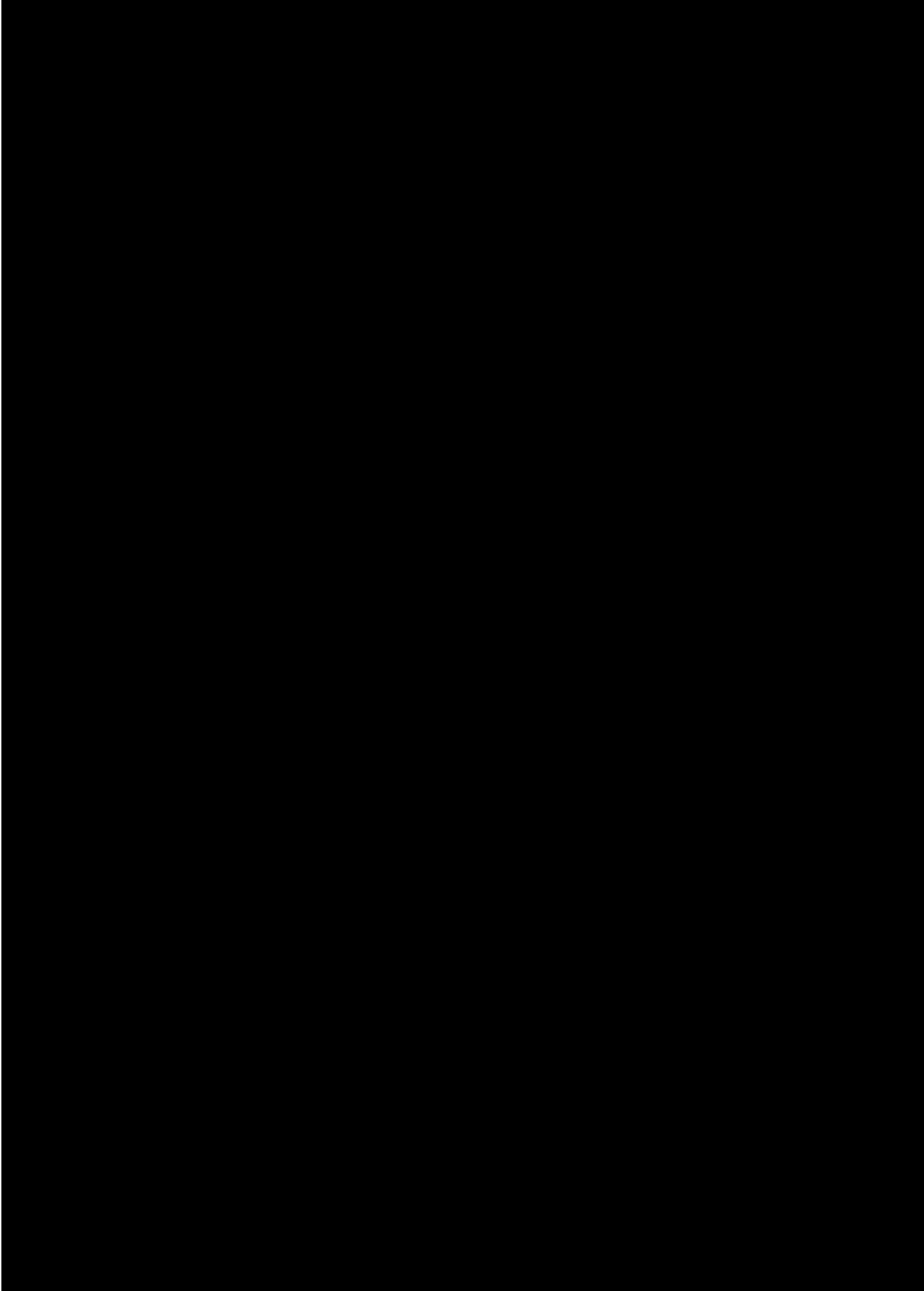
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

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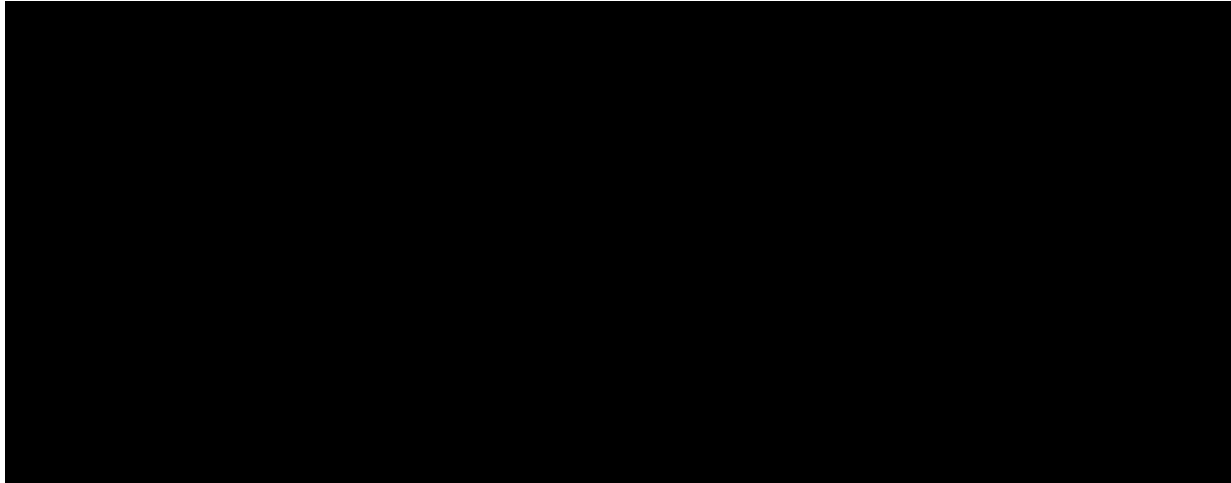
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

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8 Okay, thank you. That's very clear."

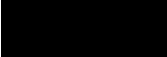
9 And then you're asked:

10 "Do you know any other name for Khaled Al Sahraoui?"

11 And you say: "No."

12 Mr Witness, were you able to follow the Arabic?

13 I'm being told we have a lesser redacted version. So we might put that up on the
14 screen for the witness. R03.

15 Okay. So, Mr Witness, you can see that the redacted name is  So it
16 should have been:

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20 Were you able to follow the Arabic text as it was being interpreted?

21 A. [14:37:38] Yes. But where it concerns the first question which
22 preceded -- which came before all of this -- perhaps there's a mistake in the Arabic
23 version itself. It wasn't very clear.

24 Q. [14:37:56] Can you explain what you mean, Mr Witness.

25 A. [14:38:08] So you asked me -- or the question is as follows: Do you know when

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Al Hassan became the person who was responsible for the people in the street, the
2 men in the street? And could you put that in a different way, and then I can show
3 you the error.

4 Q. [14:38:40] I believe, Mr Witness, you're talking about page 3251 and lines 587.
5 And there's the Arabic underneath. This is a question from the Prosecution,
6 although I read this out to provide you the context that you were providing this
7 timeline after having been asked about Al Hassan.

8 A. The question here is as follows:

9 THE INTERPRETER: The witness reads the Arabic version.

10 THE WITNESS: [14:39:30] (Interpretation) But perhaps you could tell us, [REDACTED]
11 [REDACTED] Al Hassan, when he was actually in charge of
12 the men in the street. I don't understand this expression, "the men in the street."
13 We never spoke about the fact that Al Hassan was in charge of men in the street.
14 I think there's a mistake there in the translation but also in the question itself.
15 Perhaps the idea was to ask me if he was in charge of the police, but I think that
16 there's a mistake in the question at least.

17 MS TAYLOR:

18 Q. [14:40:05] Thank you for clarifying that, Mr Witness.

19 Now, Mr Witness, is it correct that Khaled was a doctor?

20 A. [14:40:18] Yes.

21 Q. [14:40:22] [REDACTED]
22 [REDACTED] ?

23 A. [14:40:44] [REDACTED]

24 Q. [14:40:47] [REDACTED]
25 [REDACTED]

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(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

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[REDACTED] ?

A. [14:41:19] I don't know why I didn't mention it, I didn't refer to him. But the question determines the answer that you give.

Q. [14:41:35] Now, Mr Witness, I know you're not very good with specific dates,

[REDACTED]

A. [14:42:05] No. It's impossible. The accounts that I gave, which was detailed,

[REDACTED]

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(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 THE INTERPRETER: [14:44:32] Corrects the interpreter.

2 THE WITNESS: [14:44:34](Interpretation) [REDACTED]

3 [REDACTED]

4 MS TAYLOR: [14:44:44]

5 Q. [14:44:45] Mr Witness, you've just said at page 77, lines 9: [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Now, Mr Witness, at transcript 114, page 11, line 24, when you were describing [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [14:45:40] You added a word to what I said. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. [14:46:20] Perhaps it's an interpretation issue. But can you explain then what
17 you meant when you said that [REDACTED]

18 A. [14:46:41] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [14:47:16] So, Mr Witness, if I can just understand this. [REDACTED]

24 [REDACTED]?

25 PRESIDING JUDGE MINDUA: [14:47:26](Interpretation) Mr Prosecutor.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MR DUTERTRE: [14:47:27](Interpretation) I think we need to know exactly what the
2 witness said, and that's 77, line 11. We just need to look at another screen.

3 MS TAYLOR: [14:47:50] With respect, Mr President, I believe the witness has just
4 clarified what he said. And I'm not pushing it any further. I don't believe there's a
5 basis for the Prosecution to do so either.

6 I've given the witness an opportunity to explain if there was any interpretation -- and
7 he's said that I misinterpreted him.

8 PRESIDING JUDGE MINDUA: [14:48:11](Interpretation) Yes, Ms Taylor, because on
9 78, line 11, it says in English [REDACTED] but the witness has now made
10 that clear. So I agree with you.

11 So, Mr Prosecutor, the witness has made it clear. So I think there's no longer a
12 translation problem.

13 MR DUTERTRE: [14:48:39](Interpretation) I think we need to see what he said. He
14 talked about [REDACTED] But I don't want to speak too much in front of the witness,
15 but it can be understood in several ways, this sentence in English. And so I think
16 that there could have been a possible confusion, but I don't want to go into detail too
17 much at this point.

18 PRESIDING JUDGE MINDUA: [14:49:02](Interpretation) Yes, indeed. But now
19 there is no further confusion because the witness has made things clear.
20 Ms Taylor, please continue.

21 MS TAYLOR: [14:49:10] Thank you, Mr President. I'm a bit confused.
22 Does the Prosecutor wish for the witness to leave? I don't believe so, but I'm just
23 seeking clarification as it wasn't clear to me (Overlapping speakers)

24 PRESIDING JUDGE MINDUA: [14:49:23](Interpretation) No, no. He doesn't need
25 to leave because he has made it clear. It's been accepted, and we can continue and

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(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 we can gain time that way.

2 MS TAYLOR: [14:49:35]

3 Q. [14:49:36] Now, Mr Witness, I would like -- before the Prosecutor's intervention,
4 I was mid-sentence. So I'll have to repeat that sentence. I was trying to understand
5 specifically the time frame you were speaking of because the transcripts I was reading
6 out earlier referred to the period after [REDACTED]

7 [REDACTED]

8 Are you now talking about the same period or a different time period?

9 A. [14:50:29] Yes, I'm talking about the same period. But when I mention the main
10 points or a series of main points and changes which took place and some key points,
11 there may be a month between them, and there may be a month between them. And
12 during this month, there could have been a lot of incidents. And if we discuss them,
13 then we go into many details, and you will note that I'm trying to summarise the
14 period between when I left Timbuktu, [REDACTED]

15 [REDACTED] Those are the main points, but at each
16 stage or at each point, you can imagine how many details I could tell you. For
17 example, details relating [REDACTED] this was a month overall or
18 even longer. We could also speak of all the events that took place during this month.

19 But with regard to my question about your question [REDACTED]

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

Pursuant to the Trial Chamber X's directions, ICC-01/12-01/18-789-AnxA, dated 6 May 2020, the lesser-redacted version of the transcript is filed in the record of the case.

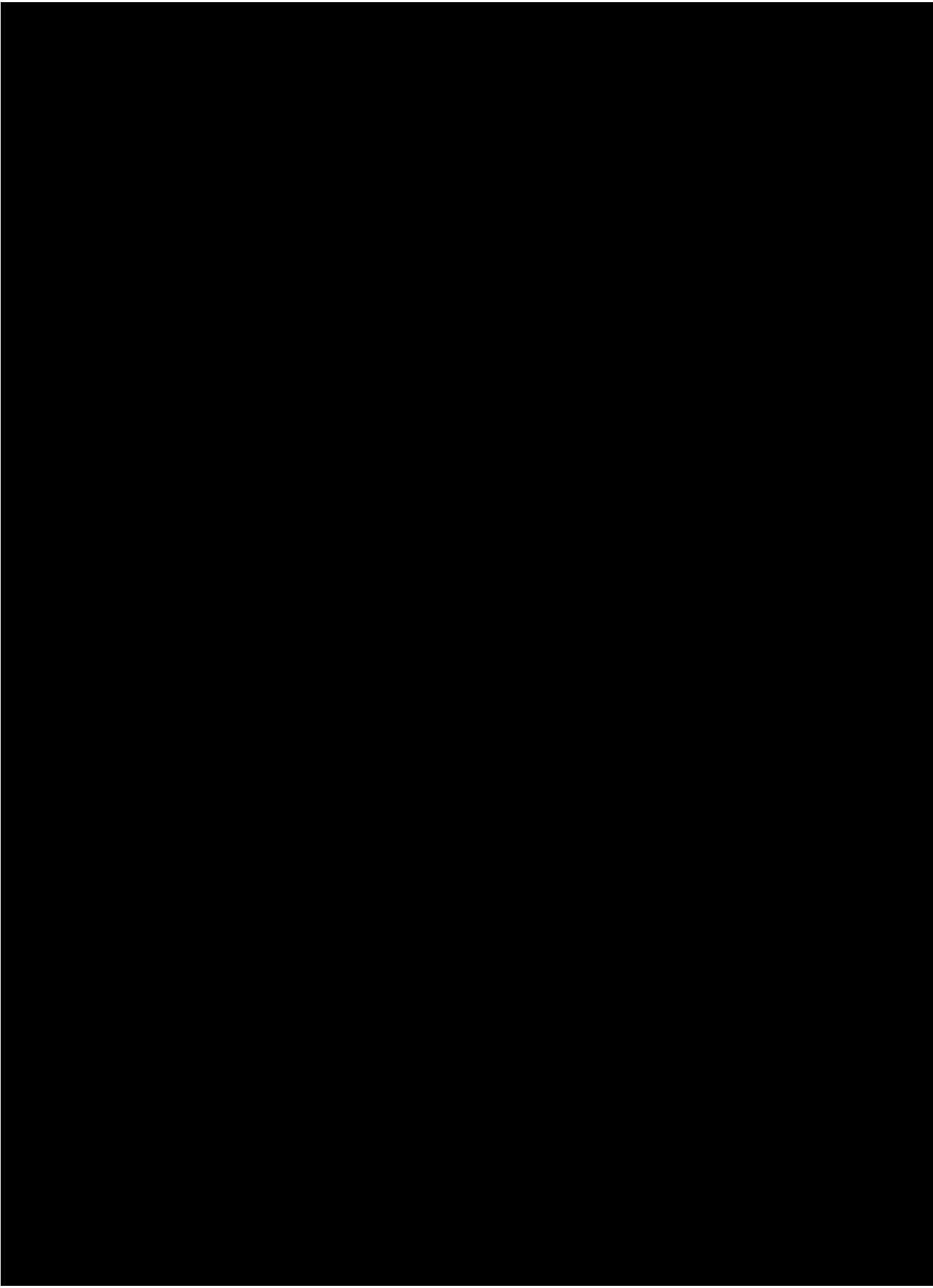
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WITNESS: MLI-OTP-P-0150

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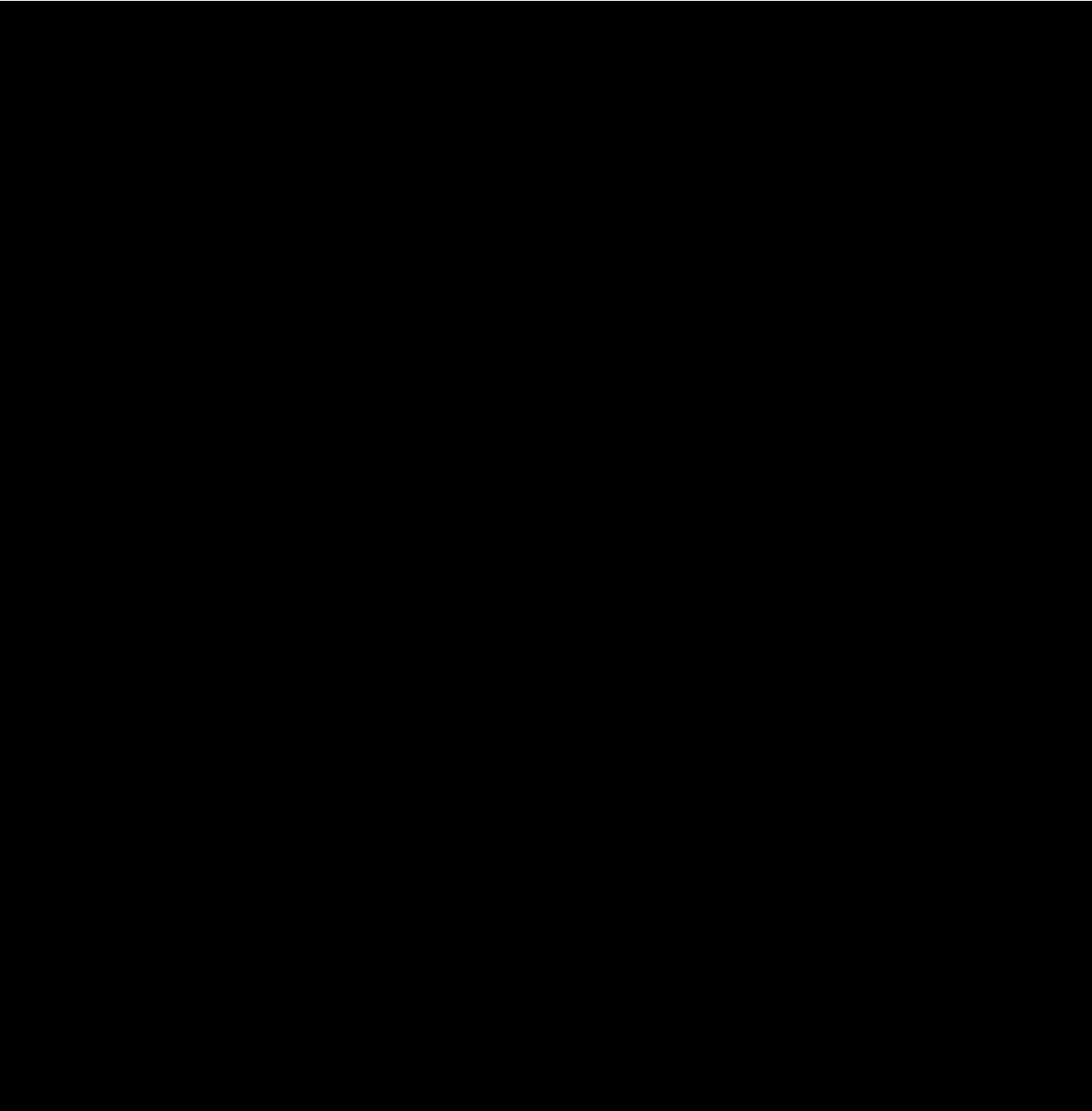
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

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19 So this is a very long answer, I grant you, but it was provoked by your question. I
20 mean, if you want me to go into more details about my replies to the investigators,
21 I'm trying to summarise in order to give the most essential and most important points
22 in my answers.

23 Q. [14:58:39] Thank you, Mr Witness.

24 I've got some follow-up questions which might be the most efficient way of dealing
25 with it.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Now, you've said that you're with - it's several pages back. [REDACTED]

2 [REDACTED] was armed.

3 Was [REDACTED] was he a member of Al-Qaeda?

4 A. [14:59:12] Not at all. If he had been, he would have been in Al-Qaeda now.

5 Q. [14:59:25] Was he armed to protect himself?

6 A. [14:59:38] Yes, he was ready to take part in anything useful or necessary. He
7 could be part of that.

8 Q. [15:00:05] I'm sorry, Mr Witness. I don't quite understand what you mean by
9 "he could be part of that". My question was whether he had a weapon for
10 self-defence purposes, to defend himself. So I would just like to know what you
11 meant by "he could be part of that".

12 A. [15:00:41] Maybe the interpretation was not complete, but what I said was he
13 was ready to take part in any activity [REDACTED] -- useful, so not only
14 self-defence but also an attack, [REDACTED]

15 Q. [15:01:14] [REDACTED]
16 [REDACTED]

17 Mr Witness, are you able to give the name of any person who is alive today who was
18 present [REDACTED]?

19 A. [15:01:40] I have mentioned [REDACTED] as one of the people [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 but it's not very useful to mention them now. Some of them are alive, and I don't
23 really understand why your -- what you mean by "alive."

24 Why do you want to have the names of living persons? What would the difference
25 be?

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [15:02:52] Well, [REDACTED] I hope you appreciate it's a lot easier for the
2 Defence to interview a living person than a dead person. So with that in mind, are
3 you able to provide any specific names of persons who are alive [REDACTED]
4 [REDACTED] ?

5 A. [15:03:23] Okay. Very well. You could ask the question of [REDACTED]
6 You could ask whether [REDACTED]

7 Q. [15:03:42] Was there any other person, other than [REDACTED] ?

8 A. [15:04:08] The problem is that I don't recall names. Those who [REDACTED]
9 [REDACTED] were locals, peoples from that -- people from that area.

10 Q. [15:04:30] [REDACTED]
11 [REDACTED] and then I believe it was [REDACTED]
12 again to the Prosecution specifically in an interview discussing Mr Al Hassan. So
13 can you explain why [REDACTED]
14 [REDACTED]

15 A. [15:05:22] Because at that time, I saw no reason to provide details [REDACTED]
16 [REDACTED] or I don't see any reason to give details on [REDACTED]
17 [REDACTED] and I
18 don't see any reasons why I should give the details of this journey [REDACTED]
19 And if it's the case that I didn't give details, it's because it wasn't necessary to mention
20 [REDACTED]

21 Q. [15:06:18] Now at transcript 91, page 28, lines 13 to 14, you stated that:
22 [REDACTED]
23 [REDACTED]

24 Now it's correct, isn't it, that Al Hassan's family was in Libya?

25 A. [15:06:53] Yes, [REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [15:07:01] Mr Witness, were you aware that Mr Al Hassan had a son [REDACTED]
 2 who was born in [REDACTED]? And the reference is Defence tab 54,

3 [REDACTED]

4 A. [15:07:29] No. I don't have much information about -- information about
 5 Mr Al Hassan's close family.

6 Q. [15:07:44] So would that mean that you're not aware that he had -- also had a
 7 daughter, [REDACTED]? And again,
 8 the reference is Defence tab 58, [REDACTED]

9 A. [15:08:17] Yes, [REDACTED]

10 Q. [15:08:34] Point taken, Mr Witness. [REDACTED]

11 [REDACTED] would you accept that Mr Al Hassan spent time with his family in
 12 2013 in Libya?

13 A. [15:09:04] Yes. [REDACTED]
 14 [REDACTED]

15 [REDACTED] But I don't have any details or any
 16 confirmation from that time, but you said he spent -- did you say 2013 or 2014? 2013.

17 [REDACTED]

18 Q. [15:09:55] At transcript 91, page 38, line 10, to page 39, line 9, you testified that
 19 in February 2014, you heard from [REDACTED] that Al Hassan was in the camps.

20 [REDACTED]

21 Now, is it correct, Mr Witness, that given this is something that was said to you, you
 22 can't exclude the possibility that [REDACTED]?

23 A. [15:10:56] I didn't understand your question. Please could you repeat it.

24 Q. [15:11:02] Certainly, Mr Witness. Now, going back to transcript 91 - that's page
 25 38, line 10, to page 39, line 9 - you were testifying that in February 2014, you heard

Trial Hearing
WITNESS: MLI-OTP-P-0150

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1 from [REDACTED] that Al Hassan was in the camps. And you said that [REDACTED]

2 [REDACTED]
3 [REDACTED]

4 Now, it's correct, isn't it, that you yourself can't exclude the possibility that [REDACTED]

5 [REDACTED]?

6 A. [15:12:14] [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 in February 2014. So we're talking here about two incidents, two events which are
13 separate events.

14 Q. [15:13:25] [REDACTED]

15 [REDACTED]?

16 A. [15:13:45] [REDACTED]

17 Q. [15:13:58] [REDACTED]

18 [REDACTED]?

19 A. [15:14:24] [REDACTED]

20 Q. [15:14:34] Now, Mr Witness, earlier in cross-examination, you recall that we
21 went through [REDACTED] on the Islamic police?

22 A. [15:15:09] Is this an information or a question?

23 Q. [15:15:16] It's a question. But I can provide it to you again, if that would assist,
24 the Arabic version, perhaps.

25 A. [15:15:49] Yes. I remember that the Defence presented things said by [REDACTED]

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(Closed Session)

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WITNESS: MLI-OTP-P-0150

1 and there were passages which referred to the police.

2 Q. [15:16:06] And do you recall that [REDACTED] did not mention the name of
3 Al Hassan?

4 A. [15:16:15] Yes, I remember that. And I answered you at that time saying that I
5 didn't know, in fact, that he didn't say who was in charge of the police among -- he
6 said among those who were in charge of the police.

7 Q. [15:16:49] Now, Mr Witness, I can provide you with the document. But do you
8 recall seeing Al Hassan's name anywhere [REDACTED]
9 [REDACTED]?

10 A. [15:17:14] Firstly, I haven't read all [REDACTED] The
11 most that I know on his subject of the account is that [REDACTED] is the author thereof.
12 [REDACTED] I gave you an assessment, or I gave
13 the OTP and the Chamber an assessment, a full assessment, of this account. And I
14 told them that what was written reflects reality, [REDACTED]
15 The person who wrote that is known for his integrity and his honesty, but the fact that
16 Al Hassan's name doesn't appear, there's nothing surprising there.
17 If he didn't mention Al Hassan's name, that's not strange. Al Hassan isn't an emir or a
18 sheikh. And the account didn't name all the different people. It's not just
19 Al Hassan who wasn't named at the time in this document.

20 Q. [15:18:42] Now, Mr Witness, I'd like to go back to [REDACTED]
21 Now at transcript 110 - that's the English transcript - page 50, line 16, to page 51, line
22 13, you confirm that you told [REDACTED] for
23 information [REDACTED] And now it's correct that you did not give
24 [REDACTED]?

25 A. [15:19:24] Yes, that's correct.

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WITNESS: MLI-OTP-P-0150

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1 Q. [15:19:46] And is it correct that you promised instead that you or your counsel
2 [REDACTED] ?

3 A. [15:20:16] I don't remember that. But it wouldn't surprise me. I don't see any
4 objection to that.

5 PRESIDING JUDGE MINDUA: [15:20:25](Interpretation) [REDACTED]

6 MS TAYLOR: [15:20:27] Mr President, before [REDACTED] speaks -- I believe if he's
7 going to give any substantive submissions, it should not be in the presence of the
8 witness.

9 [REDACTED] [15:20:46](Interpretation) Just -- just to shed some light on the
10 situation, I just want to bring a clarification hereto just with a view to clarifying the
11 situation [REDACTED]

12 [REDACTED]

13 [REDACTED] Thank you, your Honour.

14 PRESIDING JUDGE MINDUA: [15:21:12](Interpretation) Thank you.

15 Please go ahead, Ms Taylor.

16 MS TAYLOR: [15:21:24] Thank you, Mr President.

17 Q. [15:21:25] To be very clear, my questions are directed to what the witness
18 himself knows [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 PRESIDING JUDGE MINDUA: [15:22:04](Interpretation) Ms Taylor, is this really
22 relevant for our case?

23 MS TAYLOR: [15:22:12] Yes, Mr President. It's relevant to contacts between this
24 witness and [REDACTED] including members of the group that were in Timbuktu
25 in 2012.

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(Closed Session)

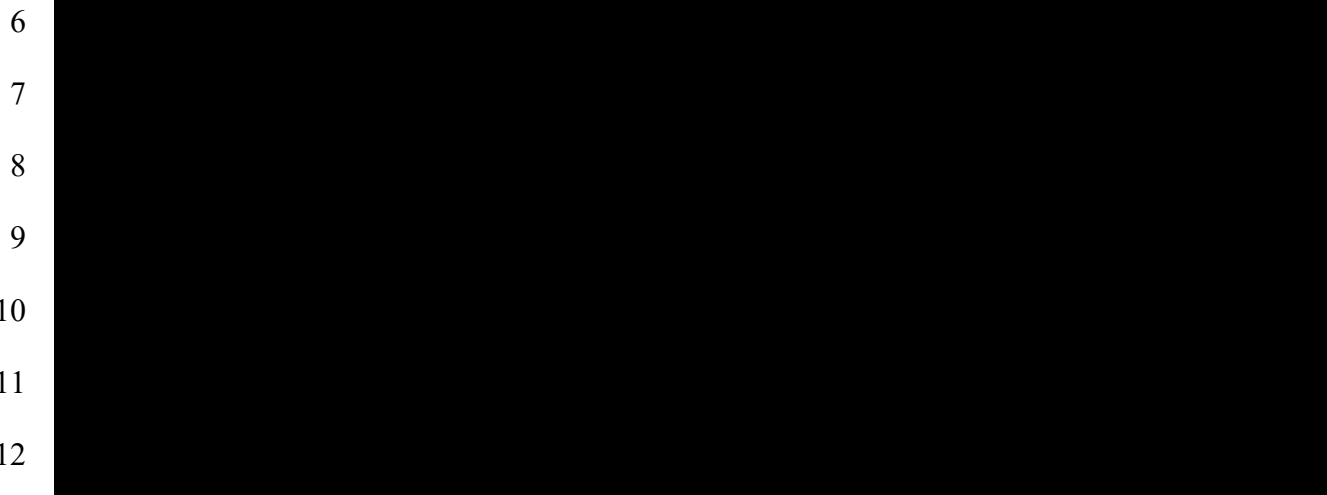
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1 PRESIDING JUDGE MINDUA: [15:22:33](Interpretation) Please go ahead. We're
2 listening.

3 MS TAYLOR: [15:22:36]

4 Q. [15:22:37] Mr Witness, did you hear my question?

5 A. [15:22:48] Could you put your question again, please.



13 Q. [15:24:15] Perhaps the clearest approach would be to go to the transcript.
14 That's Defence tab 284, it's [REDACTED] and turning to page 7324. And
15 I have a series of extracts here.

16 Given they're French, Mr President, with your leave, may my colleague Mr Youssef
17 read them?

18 PRESIDING JUDGE MINDUA: [15:24:50](Interpretation) Please do, Mr Youssef.

19 MS TAYLOR: [15:25:07] I apologise, Mr President, Mr Al Hassan has asked if he
20 could use the bathroom.

21 PRESIDING JUDGE MINDUA: [15:25:16](Interpretation) Very well. He's excused.
22 You may leave, Mr Al Hassan.

23 (Mr Al Hassan exits the courtroom)

24 PRESIDING JUDGE MINDUA: [15:25:45](Interpretation) Ms Taylor, to save time,
25 perhaps you could give the witness the text so he could read it.

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1 MS TAYLOR: [15:25:52] I believe the witness has the text with him and my
2 colleague Maître Youssef can give him the page numbers, but I do believe that it's
3 part of the defendant's right to participate in the proceedings, so I don't believe it's
4 appropriate for us to proceed further. But he does have the tab number and my
5 colleague Maître Youssef can give the reference.

6 * PRESIDING JUDGE MINDUA: [15:26:16](Interpretation) No, Ms Taylor. Your
7 way of interpreting the rules astonishes me because the defender -- in the meantime
8 you can read documents. If you can give document to the witness, he can read it.
9 Not aloud, but while we're waiting. Because even me, I can read a document, you
10 can read a document too.

11 MS TAYLOR: [15:26:39] I'm slightly confused, Mr President. But I did actually say
12 that Maître Youssef with give the tab number and reference to the witness while we
13 wait and then he will then read it out when Mr Al Hassan is back in the courtroom.

14 PRESIDING JUDGE MINDUA: [15:27:00](Interpretation) Indeed. We agree.

15 MR YOUSSEF: [15:27:02] (Interpretation) So, Witness, this is the document in the
16 Defence binder, tab 284, page 7322 -- 23.

17 THE INTERPRETER: [15:27:29] Corrects the interpreter.

18 MR YOUSSEF: [15:27:34] (Interpretation) From lines 590.

19 The Arabic version starts on page 590 and counsel is reading the start thereof.

20 THE WITNESS: [15:28:11](Interpretation) Very well. I can see the lines in question.

21 MR YOUSSEF: [15:28:17] (Interpretation) Your Honour, I'm going to read from
22 line 595.

23 (Mr Al Hassan enters the courtroom)

24 PRESIDING JUDGE MINDUA: [15:28:25](Interpretation) Very well. Just one
25 minute.

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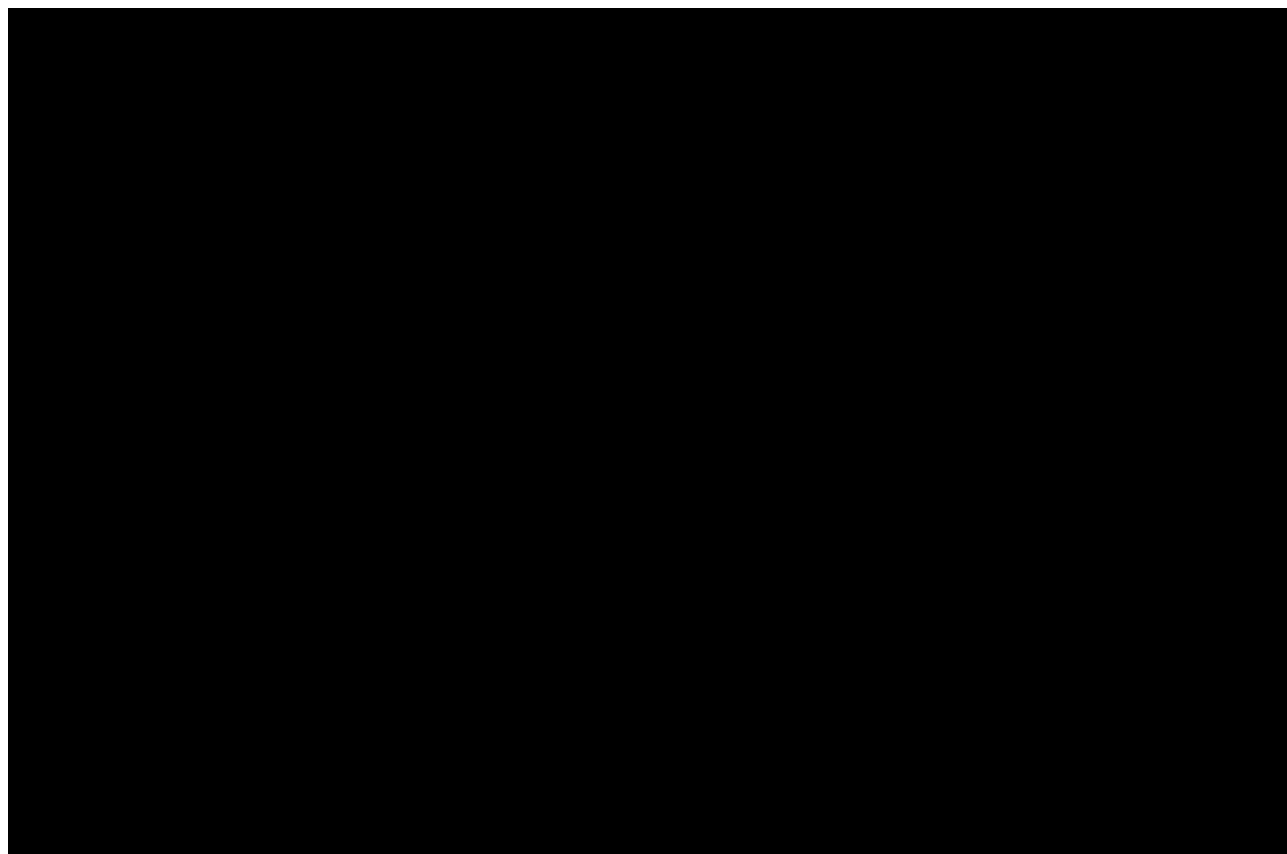
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1 Please do. Mr Al Hassan is back in the courtroom. You can start reading,

2 Mr Youssef.

3 MR YOUSSEF: [15:28:39] (Interpretation) So I'm going to start from line 595 and it
4 starts in Arabic on the previous page.

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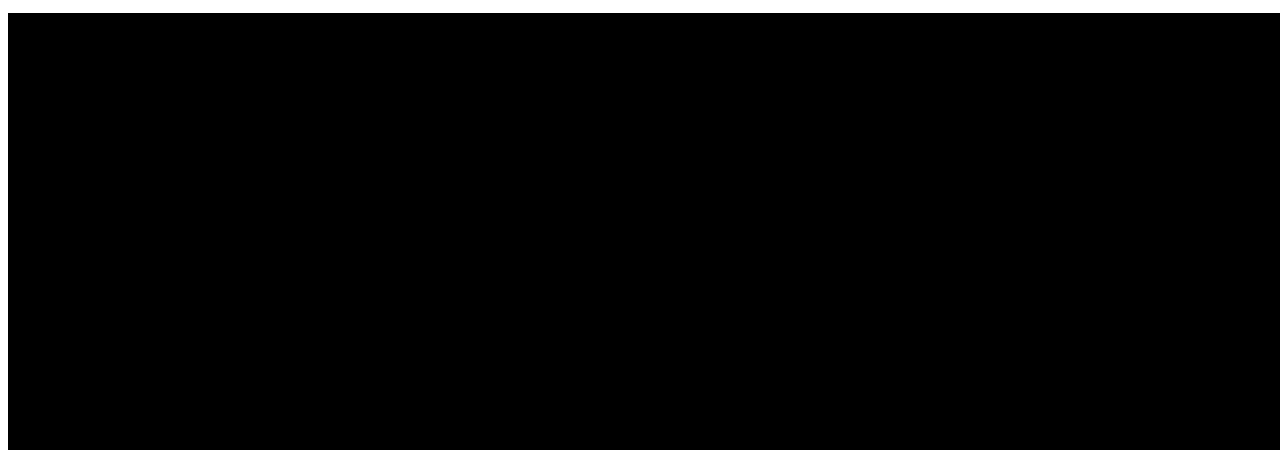


17 I haven't finished, I'm sorry.

18 For example --

19 Yes, pardon.

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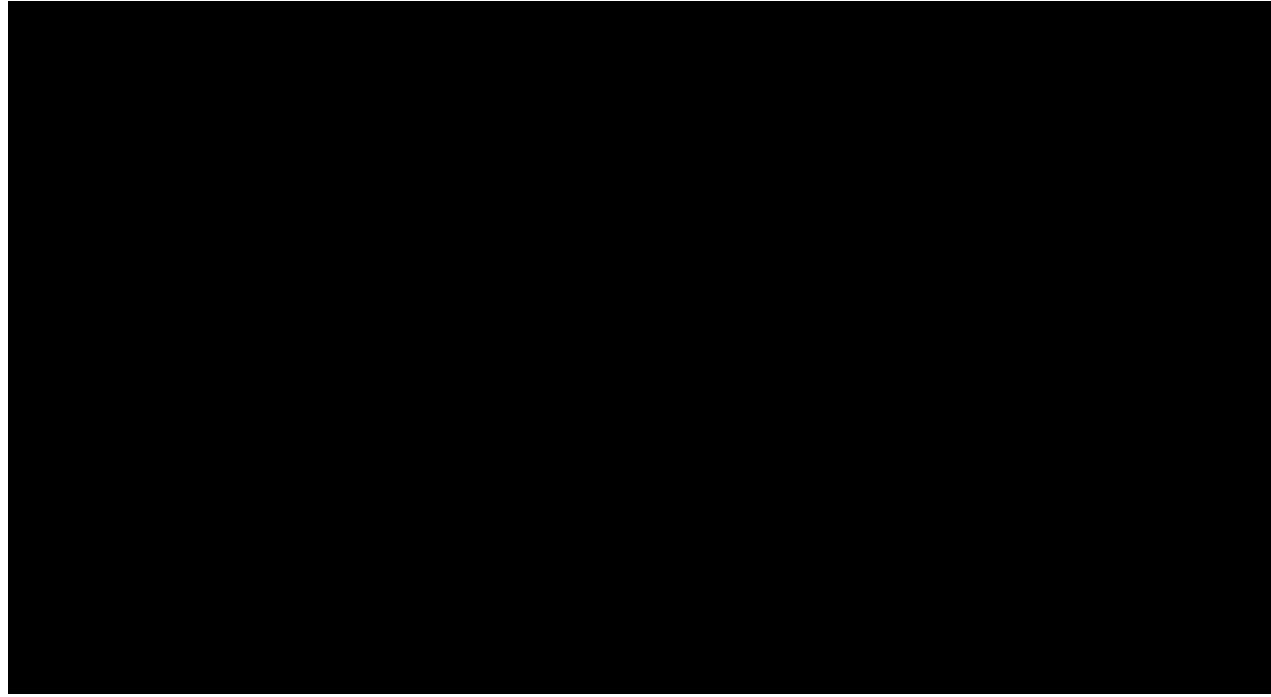
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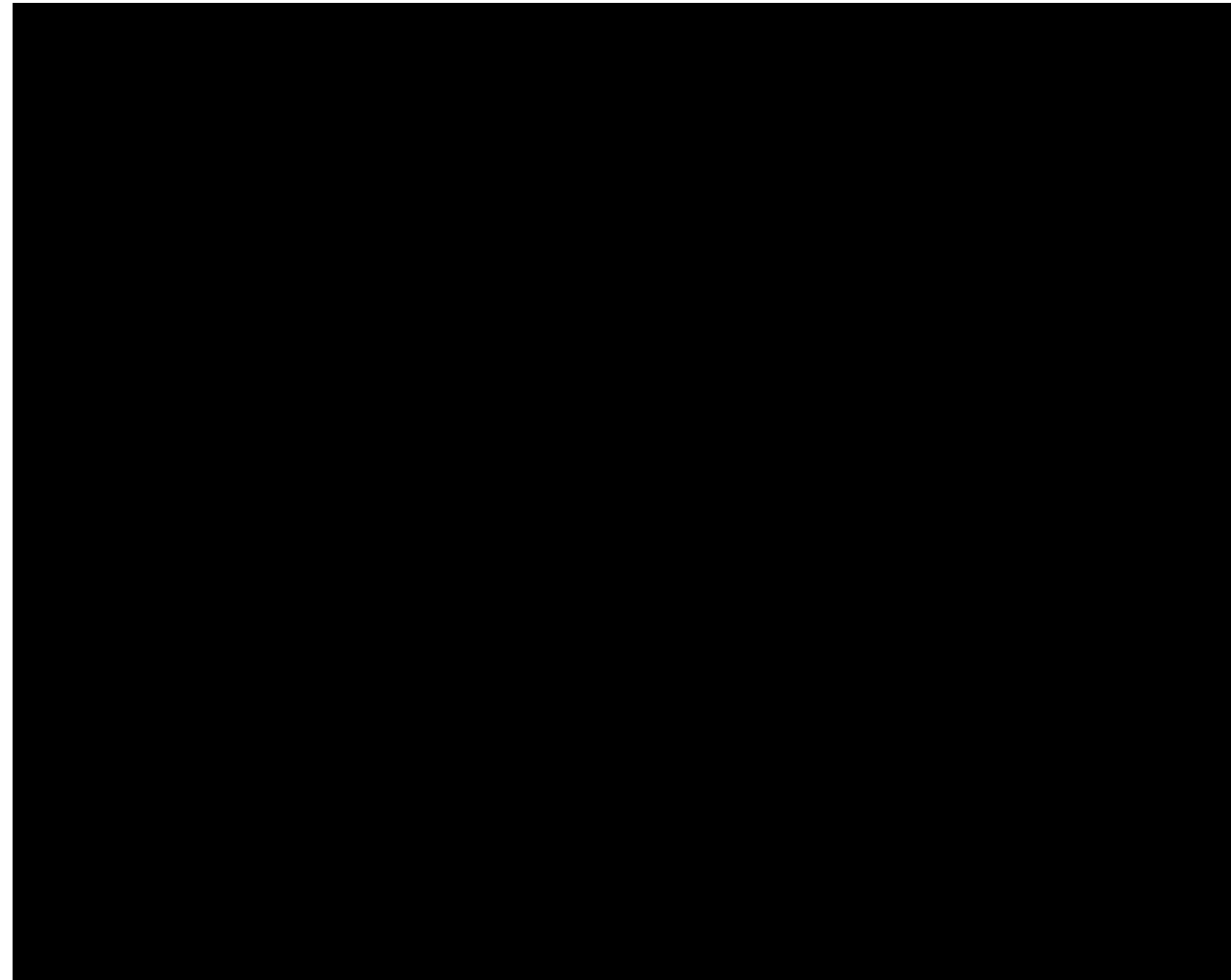
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So then I'll go on to the next page. I'm sorry, I will continue on -- from line 647:



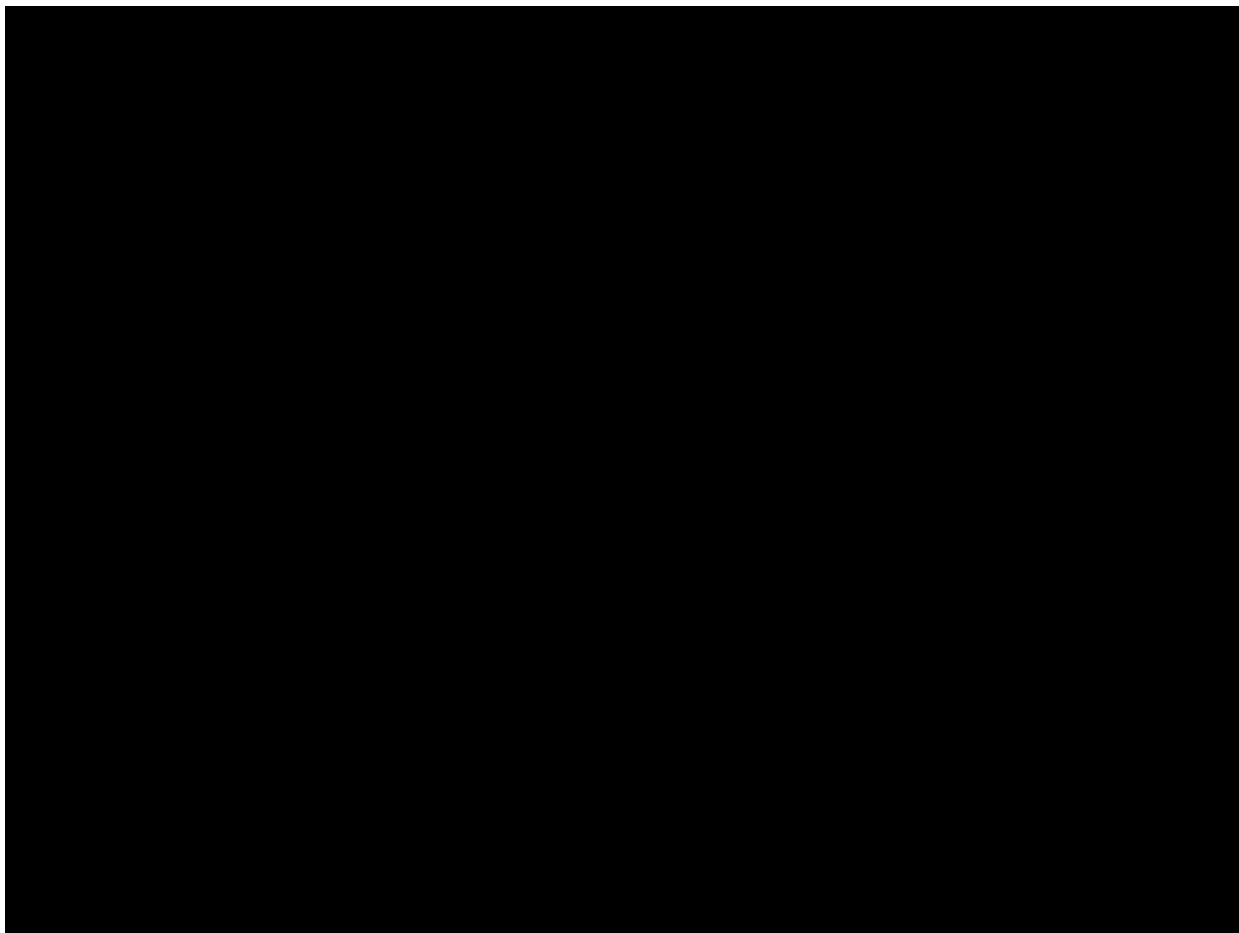
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14 End of quote.

15 MS TAYLOR: [15:37:12]

16 Q. [15:37:12] Mr Witness, were you able to follow that?

17 A. [15:37:28] Yes. But there are passages that I don't understand myself. In the
18 lines 676,



19 [Redacted] Personally I don't remember this cadu that we are
20 speaking about.

21 PRESIDING JUDGE MINDUA: [15:38:01](Interpretation) Are we talking about
22 lines 677 again? Thank you. Thank you.

23 MS TAYLOR: [15:38:21]

24 Q. [15:38:21] Mr Witness, did this refer to [Redacted]?

25 A. [15:38:32] [Redacted]

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1

[REDACTED]

2

3 Q. [15:38:58] Well, perhaps tomorrow (Overlapping speakers).

4 Apologies, I just got Arabic.

5 Perhaps tomorrow, Mr Witness, I can find the first part the spiritual judge is

6 mentioned to provide that context to you, but for the time being, my question does

7 not relate to that individual, so we can come back to that to clarify that.

8 Did you have any other comments, Mr Witness?

9 A. [15:39:34] No. I don't like the translation very much. Nevertheless, the sense

10 of what I heard is okay, as far as I'm concerned. That's what I wanted to say to [REDACTED]

11 [REDACTED]

12 Q. [15:39:52] [REDACTED]

13 [REDACTED]?

14 PRESIDING JUDGE MINDUA: [15:40:12](Interpretation) Prosecutor.

15 MR DUTERTRE: [15:40:13](Interpretation) Yes, your Honour. I'm -- I have let all

16 these questions go, but I still don't see the relevance of this line of questioning. I

17 don't see what the relationship is with the charges, with the credibility of the witness,

18 with his testimony. What is the link with Mr Al Hassan? Unless Ms Taylor sheds

19 some light on this, perhaps we could ask the witness to leave and [REDACTED] but for

20 the moment it's not clear.

21 PRESIDING JUDGE MINDUA: [15:40:47](Interpretation) Yes, Prosecutor.

22 Ms Taylor, I asked you the question a moment ago about relevance, and you said that

23 it was well-founded. The Prosecutor still finds difficulty in seeing its relevance and

24 so does the Chamber. So I will acquiesce to the request of the Prosecutor to have the

25 witness leave for a few moments.

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1 Court officer, please could you escort out the witness.

2 MS TAYLOR: [15:41:19] Mr President, if I may be heard, this was the first question I
3 put to the witness. I do believe it's premature to start querying relevance when I've
4 only asked one question.

5 Now, I think it's -- the Defence should be given some ability to put its case to the
6 witness without having multiple interjections. This was my first question. So I do
7 believe that it's entirely (Overlapping speakers)

8 PRESIDING JUDGE MINDUA: [15:41:49](Interpretation) Ms Taylor, I've told you
9 that the Chamber has difficulties as well. So we can take this opportunity to
10 enlighten the Chamber once and for all.

11 (The witness exits the courtroom)

12 MS TAYLOR: [15:42:04] I do believe it's appropriate then for [REDACTED] to leave,
13 as proposed by the Prosecution themselves.

14 PRESIDING JUDGE MINDUA: [15:42:15](Interpretation) Yes.

15 [REDACTED] please, if you could wait a few moments outside. Please excuse us.

16 [REDACTED] exits the courtroom)

17 PRESIDING JUDGE MINDUA: [15:42:34](Interpretation) Ms Taylor, you want to
18 intervene or do I give the floor to the Prosecutor.

19 MS TAYLOR: [15:42:39] Well, I do believe it would be appropriate to give us a right
20 to be heard. If the Prosecution is asking for an explanation of relevance, I don't see
21 how they can put an argument to the Chamber when we haven't even done more
22 than put one question to the witness.

23 PRESIDING JUDGE MINDUA: [15:42:57](Interpretation) Please go ahead. You
24 have the floor Ms Taylor. Because the Prosecution asked the question in this line of
25 questioning with the charges, the Chamber would also like to understand. So please

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1 could you explain what the link is, relevance to the charges.

2 MS TAYLOR: [15:43:15] Now, there's two issues here and I do believe it's not

3 appropriate to require the Defence to link everything to the charges because the

4 decision on the conduct of the proceedings is crystal clear that we can put questions

5 to a witness about the charges and also issues of credibility. So there's always going

6 to be separate aspects and to constrain or tie the Defence to the charges would

7 effectively render our right to raise issues of credibility nugatory.

8 Now, we are also in this sense a victim of the Prosecution's manner of framing the

9 charges, in particular, the Prosecution has relied on allegations concerning

10 Mr Al Hassan's contacts with armed groups or groups postdating 2012 to make

11 allegations concerning the common plan.

12 Now, we have a witness who has provided information concerning Mr Al Hassan's

13 alleged involvement with different groups between 2012 to the time of

14 Mr Al Hassan's arrest.

15 Now, part of this information that this witness received was received through two

16 individuals, [REDACTED] and [REDACTED]

17 Now, in order to contextualise that information, it's necessary for us to put to this

18 witness the specific context under which [REDACTED] was in

19 contact with particular individuals in 2016 and 2017.

20 Now, this -- according to this transcript, and its corroborated by this witness's own

21 interviews with the Prosecution, this witness relied on both [REDACTED] and [REDACTED]

22 [REDACTED] to obtain information about various members of the group, including Talha

23 and including Al Hassan. [REDACTED] Mr Al Hassan himself

24 was arrested.

25 So I do believe that it be would be entirely unfair to prevent the Defence from putting

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1 questions to the witness who provided this information about the context under
 2 which he obtained that information from [REDACTED] and [REDACTED]
 3 Now, I don't have that many questions on this. I will be moving straight on to issues
 4 concerning the evidence in this case and the charges, but I do believe that we should
 5 be entitled to provide a context as to his contacts with [REDACTED] and [REDACTED]
 6 [REDACTED]

7 And it would be putting the cart before the horse to require us to establish an entire
 8 case in order to just pose one or two questions. And I would like to reiterate that this
 9 is [REDACTED] that the Prosecution has the equivalent on their own list, [REDACTED]
 10 [REDACTED] where they did go into issues concerning Ansar Dine
 11 in 2012, 2013.

12 PRESIDING JUDGE MINDUA: [15:46:51](Interpretation) Very well, Ms Taylor.
 13 Your question should relate to the charges and the credibility and here you're
 14 wanting to ask questions about [REDACTED] and [REDACTED] to establish the context in
 15 which he received information which led to the arrest of Talha and Al Hassan.
 16 So your questions are related to credibility, is that so?

17 MS TAYLOR: [15:47:38] Mr President, if I may clarify, it's to establish the context in
 18 which he received information from these two individuals, given that he relied upon
 19 them as sources in his interviews with the Prosecution. So it's to establish as well the
 20 context under which they were obtaining information on the ground and who they
 21 were obtaining it from.

22 So this is directly linked to information that [REDACTED] provided to the Prosecution
 23 which he in turn received from either [REDACTED] or [REDACTED]

24 PRESIDING JUDGE MINDUA: [15:48:29](Interpretation) Very well. So your idea
 25 is that this information is false or that the credibility is in doubt? Is that the aim?

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1 Correct me if I'm wrong.

2 MS TAYLOR: [15:48:48] Mr President, I do believe that the Defence is entitled to
3 challenge the manner in which evidence is collected or information is collected and
4 the reliability of the sources.

5 Now if we're having effectively secondhand hearsay (Overlapping speakers)

6 PRESIDING JUDGE MINDUA: [15:49:08](Interpretation) Ah, yes, very good. I've
7 understood. Do you wish to answer, Mr Prosecutor?

8 MR DUTERTRE: [15:49:14](Interpretation) It's rather confusing. It may be a
9 question of translation. For me it really isn't clear. But credibility is important for
10 the Defence, but questions on credibility do need to have a certain relevance to what
11 we're dealing with today.

12 We're talking here about [REDACTED] and I can't see what the link is to this

13 question of credibility. But thirdly, [REDACTED]

14 and so I don't see any link with [REDACTED] the interviews Mr Al Hassan

15 and the Prosecutor and with the ideas that (inaudible) applied, either we're not

16 involved in any way closely or not so.

17 Finally, if Ms Taylor has questions of credibility relating to the information that

18 Al Hassan was able to obtain that are relevant, then please go to them directly. And

19 if one asks question -- wants to ask the question -- there's no point of sort of skirting

20 around it, it's paragraph 51 of the conduct of proceedings, if one wants to be direct if

21 one wants to get things.

22 I don't understand -- know whether Ms Taylor wants to be direct and so that the

23 witness can be clear.

24 PRESIDING JUDGE MINDUA: [15:51:14](No interpretation) (Overlapping

25 speakers)

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1 MS TAYLOR: Mr President, I'm still receiving interpretation.

2 THE INTERPRETER: I'll finish what he said before:

3 "I don't know Ms Taylor to be direct with the witness so that he understands correctly
4 what he's being asked and therefore can reply."

5 Judge Mindua: "I don't want intervene in your strategy, Ms Taylor, but" -- and
6 Ms Taylor doesn't have the interpretation.

7 MS TAYLOR: [15:51:44] I believe we're now on the same page in terms of
8 interpretation.

9 PRESIDING JUDGE MINDUA: [15:51:53](Interpretation) So, Ms Taylor, I have a
10 small question for you. Obviously I don't want to get involved in your strategy, but
11 I don't understand why you don't ask your question directly to the witness rather
12 than going through all this long story [REDACTED] It's confusing. Do
13 you not think so?

14 MS TAYLOR: [15:52:24] Thank you, Mr President. Now, as the Chamber will see,
15 the witness in conversations with [REDACTED] discusses a condition of
16 [REDACTED] speaking to the Prosecution, that is that he should meet with
17 [REDACTED] beforehand.

18 Now, I'm trying to ascertain through this witness, hearing his own words, what his
19 various proposals were for [REDACTED] and why he considered it necessary
20 to meet with [REDACTED] in person. That's out of fairness to this witness,
21 before I go directly to [REDACTED] where he discusses this more
22 directly in connection with interviews with the Prosecution.

23 This is specifically because this is one of the first times where this witness is
24 mentioning [REDACTED] and his potential role. So I do believe it's -- and
25 again, I would like to emphasise I have very few questions on this. It's in the matter

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1 of having a clear understanding of [REDACTED]'s role and expected

2 information he was receiving and his contacts. And the same for [REDACTED]

3 PRESIDING JUDGE MINDUA: [15:53:47](Interpretation) Thank you, Ms Taylor.

4 I would like to now consult briefly with my colleagues. And I will get back to you.

5 (Trial Chamber confers)

6 PRESIDING JUDGE MINDUA: [15:55:22](Interpretation) Ms Taylor, and

7 Mr Prosecutor, having deliberated on this, we are not convinced that you need to ask

8 all these questions about [REDACTED] and the reading of [REDACTED]

9 [REDACTED] You are authorised to put your question directly to the witness and then

10 you move on.

11 MS TAYLOR: [15:55:54] Thank you, Mr President. Before the witness and [REDACTED]

12 [REDACTED] comes in, I have technical question as to whether [REDACTED] will now be

13 able to see all of my intervention on his transcripts?

14 PRESIDING JUDGE MINDUA: [15:56:14](Interpretation) Yes, he will be able to see

15 that. But if you ask your question directly, then the matter will be resolved. [REDACTED]

16 [REDACTED] will not speak. There will be no prejudice in this way.

17 MS TAYLOR: [15:56:29] Mr President, there's a clear prejudice because at the

18 request of the Chamber, I explained the relevance of my entire line of

19 cross-examination over the next two days, going into issues that I have not yet put to

20 this witness, and now the witness's counsel is now going to have access to that in the

21 transcripts. So I do believe it's appropriate to find a way to redact that from the

22 version that goes to the counsel. Otherwise, the entire purpose of him leaving the

23 room is rendered otiose. And if we had known that that was an issue, of course I

24 wouldn't make those submissions at the request of the Chamber.

25 PRESIDING JUDGE MINDUA: [15:57:13](Interpretation) Very well. But perhaps

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1 you should have raised this beforehand.

2 Court officer, is it possible to remove that from what [REDACTED] will receive? How
3 can we deal with this?

4 THE COURT OFFICER: [15:57:35] Your Honours, the real-time version that is
5 currently available to [REDACTED] is not capable of being redacted. However, an
6 edited transcript that will be made available in the course of the coming days,
7 pursuant to a Chamber's instruction, could be redacted for purposes of having
8 [REDACTED] have the transcript. Thank you.

9 MS TAYLOR: [15:58:01] Is it possible for me to -- I can go to a different topic, and to
10 change transcripts, so as to use this 15 minutes but not to prejudice the Defence?

11 THE COURT OFFICER: [15:58:34] Your Honours, I'll get feedback from my
12 colleagues, the technicians, as to how long it will take to create a new transcript.
13 Thank you.

14 PRESIDING JUDGE MINDUA: [15:58:56](Interpretation) Prosecution.

15 MR DUTERTRE: [15:58:57](Interpretation) Mr President, I think that [REDACTED]
16 would -- could sit one row back or to follow an order from your part not to look back
17 on the transcript. I think he would understand that as a professional basis.

18 PRESIDING JUDGE MINDUA: [15:59:27](Interpretation) Ms Taylor, because we're
19 looking for an immediate solution, [REDACTED] could be asked not to read the
20 transcript during the next 15 minutes.

21 THE COURT OFFICER: [15:59:39] (Overlapping speakers) Your Honours, just in
22 reference to the question asked earlier, it will take 15 minutes for us to have the
23 transcript changed. Thank you.

24 MS TAYLOR: [15:59:49] So, yes, Mr President, if it's possible for [REDACTED] to
25 perhaps sit at a different table. I can go into an issue which won't require documents.

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1 And I do believe that's the fairest approach, given that there's not that much time left
2 and I don't believe -- I believe it would be disproportionate, otherwise, to disclose this
3 to the counsel for the witness since we have an easy solution.

4 PRESIDING JUDGE MINDUA: [16:00:23](Interpretation) So [REDACTED] will sit
5 elsewhere and will not have access to the transcript.

6 Okay. Court usher, could you please bring the witness back and his counsel.

7 Thank you.

8 (The witness enters the courtroom)

9 [REDACTED] enters the courtroom)

10 PRESIDING JUDGE MINDUA: [16:02:42](Interpretation) There we are. The
11 witness and his counsel has returned. Thank you, [REDACTED] and Mr Witness,
12 thank you for your patience.

13 [REDACTED] turning to you, I do apologise at the request of the witness (sic) I have
14 ordered that you sit elsewhere. You were outside so that you would not hear our
15 discussion between the parties, but if you remain at your place you can read the
16 transcript, and that is why for the last 15 minutes I have asked that you sit a little bit
17 further back and I apologise for this.

18 Ms Taylor, please continue.

19 MS TAYLOR: [16:03:32]

20 Q. [16:03:34] Now, Mr Witness, [REDACTED] did you
21 ask [REDACTED] to collect information for you?

22 A. [16:04:07] Yes. I asked [REDACTED] to [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED] [16:05:04](Interpretation) I don't have the correct translation.

3 PRESIDING JUDGE MINDUA: [16:05:12](Interpretation) Could somebody please
4 help [REDACTED] get the correct language in his headphones.

5 Can you now hear me in Arabic, [REDACTED]? Is it working now?

6 Very good. Thank you very much, [REDACTED]

7 Ms Taylor, please continue.

8 MS TAYLOR: [16:06:32]

9 Q. [16:06:33] Now, Mr Witness, you've mentioned that you asked [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 A. [16:07:07] No, not at all. [REDACTED] I
14 called him [REDACTED] to know what was happening
15 and I called [REDACTED] and also other people, [REDACTED]

16 [REDACTED]

17 Q. [16:07:40] Did you ask [REDACTED] to contact [REDACTED]
18 [REDACTED]?

19 A. [16:07:53] What do you mean? Do you mean people who were in Ansar Dine?
20 And when you say ex-members, people who left Ansar Dine [REDACTED]
21 [REDACTED]? What is the question?

22 Q. [16:08:31] I'll reformulate. Did you ask [REDACTED] with any
23 persons who were part of the group in Timbuktu in 2012?

24 A. [16:08:59] I don't recall that at the moment, but I know that [REDACTED]
25 [REDACTED] on occasion that he'd gone into

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1 the desert to visit [REDACTED] but I don't recall

2 having asked [REDACTED] don't recall having sent any message.

3 Q. [16:09:47] Is the name that you just gave [REDACTED]? I believe it's in the
4 French.

5 A. [16:10:01] Yes, [REDACTED]

6 Q. [16:10:11] And what did [REDACTED] tell you about this visit?

7 A. [16:10:31] I am not sure that I can go into any details about the information that
8 [REDACTED] So I would present -- I would
9 like to ask that permission from the Chamber.

10 Q. [16:11:04] Mr Witness, I can move on for the time being.

11 [REDACTED]
12 [REDACTED]

13 A. [16:11:46] [REDACTED]

14 Q. [16:11:54] [REDACTED]?

15 A. [16:12:10] [REDACTED]
16 [REDACTED]

17 Q. [16:12:25] Just to be clear for the record, is this [REDACTED]
18 [REDACTED]?

19 A. [16:12:48] I don't know. [REDACTED]

20 [REDACTED]
21 [REDACTED]

22 Q. [16:13:17] Now, at transcript T-112, page 33, line 16 to page 34, line 13, you gave
23 evidence concerning the fact that [REDACTED] was in detention at a
24 certain point. [REDACTED]?

25 A. [16:14:20] I can't give you an answer to a question like that. [REDACTED]

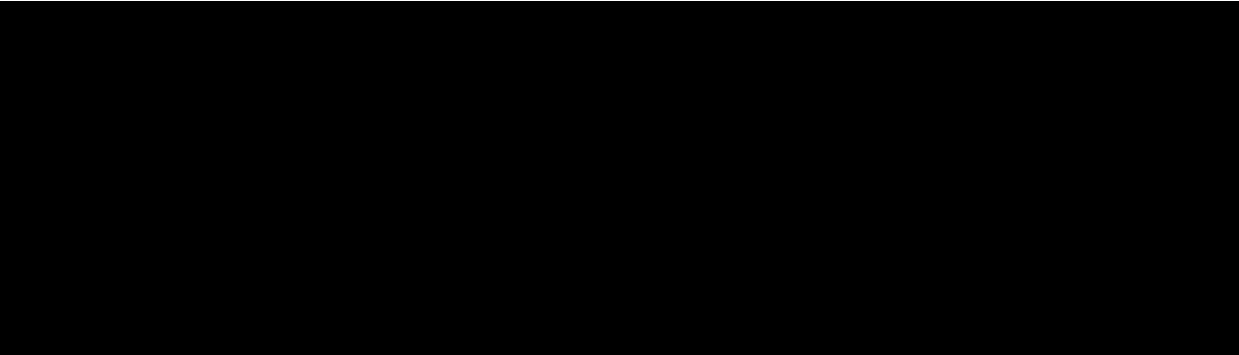
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Q. [16:15:16] Do you know when he was released?

A. [16:15:33] I don't recall the exact date, but I think [redacted]
[redacted]

Q. [16:15:52] So would that be just sometime after [redacted]?

A. [16:16:10] Yes.

MS TAYLOR: [16:16:12] Mr President, I'm just looking at the clock. It's 16, 17 past.

PRESIDING JUDGE MINDUA: [16:16:24](Interpretation) Ms Taylor, we could go on until 20 past to gain a few minutes.

MS TAYLOR: [16:16:33] Certainly, certainly. Just in case there's an issue for the interpreters.

Q. [16:16:38] Now, is it correct that [redacted] was also in detention at a certain point?

A. [16:16:57] [redacted]

Q. [16:17:04] I apologise. I withdraw that. Was it also the case that [redacted] was in detention at a certain point?

A. [16:17:25] Yes. Yes, I know that he was in detention at a certain point.

Q. [16:17:33] Do you know when he was released?

A. [16:17:46] No, I don't remember that.

Q. [16:17:52] Now, [redacted] Do you have any information as to why he was released?

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1 A. [16:18:15] No. The judge who arrested him ordered him to be liberated, but I
2 don't have any details. [REDACTED]

3 [REDACTED]
4 [REDACTED]

5 Q. [16:18:50] Now, at transcript T-115, real-time, page 57, lines 1 to 6, you stated:
6 "I know that the Republic of Mali was attempting to arrest a large number of these
7 people who survived the events and also that the French authorities were trying to
8 arrest these people.

9 Therefore, it was expected that any of them would be arrested and put on trial," in
10 such case -- sorry, "and, in such case, I would be ready to give my testimony against
11 that person."

12 And I have the edited reference, it's page 47, lines 18 to 23.

13 Now, Mr Witness, at a certain point in time, did you guess that the Prosecution was
14 focussing its investigations on Mohamed Moussa?

15 A. [16:20:13] Yes. I -- I'm able to understand from the questions that at a certain
16 point they were focussing on Mohamed Moussa.

17 MS TAYLOR: [16:20:32] It's now past 20 past 4, Mr President.

18 PRESIDING JUDGE MINDUA: [16:20:46](Interpretation) Indeed, it is, Ms Taylor.

19 Now it is.

20 Mr Witness, this brings us to the end of today's hearing. Once again, on behalf of the
21 Chamber, I would like to thank you for your cooperation and particularly for your
22 patience. But your testimony is not yet finished and therefore we will start again
23 tomorrow morning at 9.30 as usual. In the meantime, you know what you must not
24 do.

25 On behalf of the Chamber I would also like to speak to [REDACTED] I would like

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1 to apologise again for the -- for having to leave the room and particularly for your
 2 having to relocate. I'm sure you understand that this is the interests of the
 3 proceedings. We are keen to ensure the integrity of the proceedings in which we are
 4 engaged. Thank you very much.

5 So I simply now have to thank -- thank all who are here and (inaudible) the parties
 6 and participants. The court reporters, the interpreters, and we have made greater
 7 calls on you today perhaps than other days. Also the security officers. I wish
 8 everybody a very good evening and we will meet again tomorrow morning.

9 The hearing is adjourned.

10 THE COURT USHER: [16:22:32] All rise.

11 (The hearing ends in closed session at 4.22 p.m.)

12 CORRECTIONS REPORT

13 The following corrections, marked with an asterisk and not included in the
 14 audio-visual recording of the hearing, are brought into the transcript.

15 Page 53 lines 18-22:

16 "MR DUTERTRE:[12:56:13](Interpretation) I believe we are far beyond issues that
 17 might concern the Chamber in this case and [REDACTED] I
 18 believe that these are issues that have already been touched upon by Ms Taylor and
 19 she is returning to them once again."

20 is corrected to

21 "MR DUTERTRE:[12:56:13](Interpretation) I believe we are a far removed from
 22 matters that could be of interest to the Chamber in this case and the charges levelled
 23 against the accused. There is no prima facie relevance to these questions. Furthermore,
 24 to enlighten the Chamber, it was in transcript 110 that Ms Taylor had already
 25 broached these questions, which we are coming back to again."

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1 Page 59 lines 9-10:

2 "Q. [14:29:50] So if we can bring up OTP tab 1377, and that's [REDACTED] And

3 I believe we'll be dealing with 3251, lines 587 to page 2353 to 676."

4 is corrected to :

5 "Q. [14:29:50] So if we can bring up OTP tab 1377, and that's [REDACTED] And

6 I believe we'll be dealing with 3251, lines 587 to page 3253 to 676."

7 Page 76 line 5-6:

8 "PRESIDING JUDGE MINDUA: [15:26:16](Interpretation) No, Ms Taylor. Your way

9 of interpreting English astonishes me"

10 is corrected to :

11 "PRESIDING JUDGE MINDUA: [15:26:16](Interpretation) No, Ms Taylor. Your way

12 of interpreting the rules astonishes me"