

Trial Hearing
WITNESS: MLI-OTP-P-0010

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 1
9 Thursday, 10 September 2020
10 (The hearing starts in open session at 10.05 a.m.)
11 THE COURT USHER: [10:05:37] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [10:06:07](Interpretation) The hearing is open.
15 Court officer, please announce the case.
16 THE COURT OFFICER: [10:06:17] Thank you, Mr President, your Honours.
17 The situation in Mali, in the case of The Prosecutor versus Al Hassan Ag Abdoul Aziz
18 Ag Mohamed Ag Mahmoud, ICC reference ICC-01/12-01/18.
19 And we are in open session.
20 PRESIDING JUDGE MINDUA: [10:06:42](Interpretation) Thank you very much,
21 court officer.
22 Good morning, everyone. I would like to welcome all of you who are here in the
23 courtroom today and to Mr Al Hassan who is also present, and those who are
24 observing these proceedings in the public gallery and remotely.
25 Court has opened five minutes later than scheduled this morning, that was due to

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1 a small technical problem at the location of the witness.

2 I would now call upon the parties to introduce themselves for the purposes of the
3 court record, starting with the Office of the Prosecutor.

4 Prosecutor, please.

5 MS YAMAGUCHI: [10:07:34] Good morning, Mr President and your Honours.

6 There's no change to the representation of the Prosecution today. Thank you.

7 PRESIDING JUDGE MINDUA: [10:07:48](Interpretation) Thank you.

8 Ms Taylor, please.

9 MS TAYLOR: [10:07:56] Good morning, Mr President, your Honours. The Defence
10 for Mr Al Hassan is represented by Ms Molly Thomas, Mr Mohamed Youssef, and
11 myself today. Thank you.

12 PRESIDING JUDGE MINDUA: [10:08:16](Interpretation) Thank you, Ms Taylor.

13 And now the legal representatives for victims, please.

14 Mr Kassongo.

15 MR KASSONGO: [10:08:24](Interpretation) Thank you, your Honours.

16 Ms Prisque Dipanga, our colleagues are also assisting as before as on previous days,
17 and I am Mr Kassongo.

18 PRESIDING JUDGE MINDUA: [10:08:44](Interpretation) Thank you very much,
19 Mr Kassongo.

20 I note that there are no representatives of the Registry. So we can now resume the
21 cross-examination by the Defence. I would like first to address the witness.

22 Good morning, Mr Blair

23 WITNESS: MLI-OTP-P-0010 (On former oath)

24 (The witness speaks English)

25 (The witness gives evidence via video link)

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1 THE WITNESS: [10:09:06] Good morning, your Honour.

2 PRESIDING JUDGE MINDUA: [10:09:10](Interpretation) Once again, I'd like to
3 welcome you and I would also like to remind you that you are still under oath and so
4 you are obliged to speak the truth, the whole truth and nothing but the truth.
5 Have you understood?

6 THE WITNESS: [10:09:31] Yes, I've understood.

7 PRESIDING JUDGE MINDUA: [10:09:35](Interpretation) Thank you.

8 Thank you, Mr Blair.

9 I would also like you to bear in mind those practical points that I raised before. First
10 of all, please speak clearly and at a reasonable pace, or indeed slowly, and I'm asking
11 you to do so to assist the stenographers and the Court interpreters in their work.
12 As usual, it is very helpful if you just pause for a few seconds before answering, and if
13 you do not speak at the same time as another speaker. I presume you have
14 understood.

15 THE WITNESS: [10:10:29] Yes, I shall do my best, your Honour. Thank you.

16 PRESIDING JUDGE MINDUA: [10:10:38](Interpretation) Very good. Thank you,
17 Mr Blair for your assistance.

18 Very good, I now pass the floor to Ms Taylor.

19 You have the floor.

20 QUESTIONED BY MS TAYLOR: (Continuing)

21 Q. [10:10:53] Good morning, Mr Blair.

22 A. [10:10:56] Good morning.

23 Q. [10:10:56] Now, you don't speak Arabic. Do you speak and read French?

24 A. [10:11:02] No, I do not.

25 Q. [10:11:05] You don't speak any local languages, I imagine, from Mali either?

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1 A. [10:11:10] No, I do not.

2 Q. [10:11:14] Now, yesterday I put a question to you as to whether you'd be willing
3 to give the name of an interpreter who put you in touch with your military source.
4 And bearing in mind we can go into private session, if necessary, are you willing to
5 provide that name?

6 A. [10:11:34] I've reflected on the advice, on the guidance that His Honour, the
7 President of the Court, was kind enough to provide to me and, based upon that
8 guidance and my own reflection, I've decided that I'm not at liberty to name the
9 translator who helped me in Bamako.

10 Q. [10:11:56] Are you able to tell me if this translator came from Timbuktu?

11 A. [10:12:03] Came from Timbuktu? I don't know. I met him -- perhaps it will
12 help the Court if I say that I met him and worked with him in Bamako. He did not
13 accompany me to Timbuktu and he had no involvement whatever in the discovery of
14 the documents or in any of the stories surrounding that document.

15 MS TAYLOR: [10:12:31] If I could bring up, and it's a confidential document that
16 shouldn't be shown to the public, MLI-OTP-0011-0425, that's tab 14 on
17 the Prosecution's list.

18 Q. [10:13:00] Mr Blair, can you see this document?

19 A. [10:13:03] It's just been passed to me. Tab 14, did you say?

20 Q. [10:13:08] Yes.

21 A. [10:13:11] Yes, I can see that.

22 Q. [10:13:14] Did you co-author this article?

23 A. [10:13:19] I can't remember anything about this article. I see it's got someone
24 else's name at the top of it. I can't remember anything about it. What often
25 happens in newspapers is, you send an article and then you discover that the

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1 newspaper has taken perhaps one paragraph or one sentence of what you sent and
2 put it in an article written by somebody else. And then, out of generosity, they also
3 add your name to the article, but it doesn't really reveal very much.

4 Q. [10:13:57] Well, this co-author, Mr Blair, Mr Mike Pflanz, he was based in
5 Nairobi, wasn't he?

6 A. [10:14:05] That's correct, yeah, and it was, I see the date is 29 January. I don't
7 think, I wonder, because I left Mali on the 28th, didn't I?

8 Q. [10:14:18] I think, Mr Blair, you told us yesterday --

9 A. [10:14:22] Oh, no, sorry, I arrived on the 28th. You're quite right. You're quite
10 right.

11 Q. [10:14:27] If I could perhaps ask you to have a look at the third paragraph on the
12 first page.

13 A. [10:14:34] "In one suburb"?

14 Q. [10:14:38] Yes?

15 A. [10:14:39] Yeah.

16 Q. [10:14:39] Did this information come from you?

17 A. [10:14:41] No.

18 Q. [10:14:48] If I could ask another exhibit to be shown to you confidentially, it's
19 MLI-D28-0004-0330.

20 PRESIDING JUDGE MINDUA: [10:15:11](Interpretation) Prosecutor.

21 MS YAMAGUCHI: [10:15:13] Sorry to interrupt, but I note that MLI-D28-004-0330,
22 the document the Defence just referred to, is not on their list of exhibits.

23 PRESIDING JUDGE MINDUA: [10:15:39](Interpretation) Ms Taylor.

24 MS TAYLOR: [10:15:41] Thank you, Mr President. We wrote to the Trial Chamber
25 and the parties about this this morning. This is the same article. Essentially, when

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1 the Prosecutor disclosed it to the Defence, they left out the second page. So what we
2 are showing to the witness now is actually the article that should have been disclosed
3 to us, but wasn't. So we didn't put it on our list because we had assumed that
4 the Prosecution article was complete.

5 PRESIDING JUDGE MINDUA: [10:16:23](Interpretation) Prosecutor, I believe that
6 the Defence's explanation is indeed founded.

7 Please proceed.

8 MS TAYLOR: [10:16:40]

9 Q. [10:16:40] Does this appear to be the same article?

10 A. [10:16:43] I don't know what else you want me to look at.

11 Q. [10:16:47] Can you see an article on your screen, Mr Blair?

12 A. [10:16:51] No, I can't.

13 Q. [10:16:52] If you could look at evidence 2 channel. It will be played through
14 the Defence bench.

15 THE COURT OFFICER: [10:17:10] It's evidence 1 channel.

16 MS TAYLOR: [10:17:12] Oh, evidence 1. I apologise, we were told this morning it
17 would be evidence 2.

18 Can the court officer in situ play it from evidence 1?

19 THE WITNESS: [10:17:38] Okay, I can now see the headline, "Looters rampage
20 through Timbuktu".

21 MS TAYLOR: [10:17:43]

22 Q. [10:17:43] And if I can show you the second page, that's MLI-D28-0004-0331. If
23 we could have a look at the second paragraph, this article quotes --

24 A. [10:17:59] Can I just read the whole thing, please.

25 Q. [10:18:03] Yes.

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- 1 A. [10:18:05] Sorry, would you go up to the first page.
- 2 Q. [10:18:08] We can go to the first page, 0330.
- 3 A. [10:18:14] Thank you. Can I just read the whole thing properly, I haven't ...
- 4 Okay, okay, carry on.
- 5 Q. [10:18:26] We can go to the second page.
- 6 A. [10:18:27] I'm sorry, sorry. Can I just read the whole thing from the beginning
- 7 so I understand it properly.
- 8 Okay, carry on down, please. Okay.
- 9 Yeah, carry on down, please.
- 10 Carry on down, please. Fine, thank you. I've read it through now.
- 11 Q. [10:19:41] If you could have a look at the second paragraph, it quotes --
- 12 A. [10:19:46] (Overlapping speakers)
- 13 Q. [10:19:46] -- the second paragraph of the second page refers to Hallé Ousmane,
- 14 the mayor of Timbuktu?
- 15 A. [10:20:01] Yes, I see that.
- 16 Q. [10:20:03] So since you were based in Mali, did you speak to Mr Ousmane?
- 17 A. [10:20:08] Yes, I did, but I didn't interview him and I didn't elicit any
- 18 information from him for this or any other article. I spoke to him very briefly and
- 19 I -- perhaps only for a minute or two, because I wanted to ask for his help in getting to
- 20 Timbuktu. And he replied very politely that he was unable to help me and that was
- 21 the end of the conversation. So I didn't speak to him for this article at all.
- 22 Q. [10:20:35] But it would be fair to say he must have been in contact with other
- 23 people from the Daily Telegraph?
- 24 A. [10:20:41] Not necessarily, what could have happened is that he might have
- 25 spoken to a news agency like AFP or Reuters and his quotations from that news

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1 agency would have been distributed to any newspaper that subscribes, including the
2 Daily Telegraph. That's what I suspect happened here because, as you pointed out,
3 the person who primarily wrote the article was based at that time in Nairobi, so I
4 would imagine that he was working off news agency reports which quoted Ousmane
5 Cissé. I don't -- I can't remember what, if anything, I contributed to this article.

6 Q. [10:21:22] So from what you're saying, Mr Blair, it's possible that articles with
7 your name on them could be published based on accounts that you yourself did not
8 obtain or your co-author (Overlapping speakers)

9 A. [10:21:35] Not solely with my name on them. Not solely with my name on
10 them. As I mentioned earlier, it's quite common for newspapers to put together two
11 articles written by two different people, and in some cases what you yourself have
12 written, maybe only a line or a paragraph survives, but your name is still placed at
13 the top alongside the other persons.

14 Q. [10:22:00] If I could show to you MLI-D28-0004-0109.

15 A. [10:22:37] Yes, this is the article which was drawn to my attention earlier this
16 morning and which I have read through.

17 Q. [10:22:42] Did you write this article?

18 A. [10:22:43] Yes, I did indeed. It's got my name on it and no one else's name on
19 it.

20 Q. [10:22:51] If I could refer you to page 0110 at paragraph 5. This refers to the
21 cleansing of the Arab population, about 3,000 members, under the noses of French
22 and Malian forces. This was (Overlapping speakers)

23 A. Correct, yes.

24 Q. (Overlapping speakers) consistent with the accounts you received?

25 A. [10:23:24] I apologise, I interrupted your question. Would you mind repeating

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1 it, please.

2 Q. [10:23:29] This was consistent with the accounts you received?

3 A. [10:23:34] Yes.

4 Q. [10:23:37] And if I could draw your attention to page 0112 of the same article,
5 paragraph 4, this article quotes Adam Thiam and refers to Arabs being unwelcome in
6 Bamako and having to flee to refugee camps in Mauritania or Niger. Is this --

7 A. [10:24:12] Yes, that's right.

8 Q. [10:24:13] Is this consistent with what was told to you?

9 A. [10:24:17] Yes, I remember I spoke to Mr Thiam by telephone in Bamako.

10 Q. [10:24:25] Now, apart from yourself and Mr Wintercross, were there any other
11 journalists from the Daily Telegraph in Timbuktu when you arrived on 1 February?

12 A. [10:24:35] No.

13 Q. [10:24:39] Now, a Canadian journalist, Michèle Ouimet wrote that she flew to
14 Timbuktu with two journalists from the Daily Telegraph. If I can refer you to
15 MLI-D28-0004-0168 at 0170. This is the last paragraph and we can read it out if
16 necessary, but would this have been you?

17 A. [10:25:04] I can't see the paragraph you're referring to.

18 Q. [10:25:09] We can read it out for you because it's in French.

19 A. [10:25:12] Oh, right. Fine.

20 Q. [10:25:15] That might be easier. So my colleague Mr Youssef will read it so the
21 interpreters can interpret for you in English.

22 MR YOUSSEF: [10:25:22] (Interpretation) "It wasn't easy to get to Timbuktu. It
23 wasn't easy to get to Timbuktu. The French and Malian armies protected the north
24 well. And therefore I made arrangements with a group of journalists: A German,
25 a guy from the New York Times, two from the Daily Telegraph in London, a lady

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1 from the Los Angeles Times. We chartered a plane."

2 MS TAYLOR: [10:26:28]

3 Q. [10:26:29] Mr Blair, would that have been you?

4 A. [10:26:32] Yes. What happened was myself and a group, I think it was
5 a slightly larger group, I seem to remember about a dozen journalists, chartered
6 a light aircraft which took us from Bamako to Timbuktu.

7 Q. [10:26:49] Now she has written that she arrived on 1 February at about 5 p.m. in
8 the evening when the sun was low. Does that sound about right?

9 A. [10:27:01] My memory is that it was slightly earlier. My memory is it was more
10 like mid-afternoon. Yeah, my memory is it was, yeah, 3 o'clock, maybe. I can't,
11 I can't exactly remember the time of our arrival. Yeah.

12 Q. [10:27:18] For the record, we'll just read out what this journalists has put in her
13 article.

14 A. [10:27:24] Mm-hmm.

15 MR YOUSSEF: [10:27:26] (Interpretation) "I -- we touched down at" 19.05 -- sorry
16 "17.05 yesterday in Timbuktu. The sun was low and the air was cool."

17 MS TAYLOR: [10:27:54]

18 Q. [10:27:56] Now when you arrived, were you briefed in relation to your security
19 or what was happening on the ground?

20 A. [10:28:02] No. What happened was I travelled directly into the centre of
21 Timbuktu because I wanted to do a story on that day. At the moment -- at that
22 particular time Timbuktu was at the centre of the world's attention and there was
23 a huge demand for reporting from Timbuktu and I was very anxious that, that I
24 should do a story as soon as I possibly could. And, at any rate, one that would
25 appear on line in the newspaper later that same day and appear in print the following

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1 morning. So I went straight into Timbuktu and got to work as soon as I can. Yeah,
2 and it was -- it was a very busy day.

3 Q. [10:28:48] Now yesterday you testified that you had a guide and it was this
4 guide who helped you to identify people and locations. That's page 10 of yesterday's
5 transcript. And that this guide and the guide of your photographer told you that the
6 gendarmerie building had been used as a training centre. That was at page 11.
7 What was the names of these two guides?

8 A. [10:29:13] I don't remember the name of my guide.

9 Q. [10:29:17] Do you recall what his profession was?

10 A. [10:29:20] I think he had guided tourists in the past. I don't know if he had any
11 other profession.

12 Q. [10:29:26] And you've just arrived in Timbuktu, who selected this guide for you?

13 A. [10:29:34] What happened was the gentleman who ran the hotel where I stayed
14 introduced me to this guide. The gentleman who ran the hotel spoke English, I
15 explained to him that I needed somebody to help me, and he introduced me to this
16 particular guide.

17 Q. [10:29:56] Which hotel were you staying at?

18 A. [10:29:59] I don't remember its name. I'm not sure it even had a name to be
19 perfectly honest. There was only -- there was only one hotel. It wasn't, it wasn't
20 a particularly luxurious hotel.

21 Q. [10:30:12] Would it have been the Hotel Bouctou?

22 A. [10:30:19] I can't remember.

23 Q. [10:30:20] How much did you pay these, these guides per day?

24 A. [10:30:23] I don't remember now. We generally pay something like 50 or
25 a hundred dollars a day, something like that. That's, that's generally the going rate.

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- 1 Q. [10:30:38] Do you recall the name of this English-speaking owner of the hotel?
- 2 A. [10:30:43] No.
- 3 Q. [10:30:44] And your guides, were they guiding any other journalists at the same
- 4 time as you?
- 5 A. [10:30:50] No.
- 6 Q. [10:30:52] Did they meet you at the airport or at your hotel?
- 7 A. [10:30:57] At the hotel.
- 8 Q. [10:31:01] So you went to the gendarmerie building and you found documents
- 9 on 4 February.
- 10 Can I bring up MLI-D28-0004-217, and for the people in this courtroom it's tab 11.
- 11 This is a Wall Street Journal article published on 2 February, so two days before you
- 12 went to this building. If you could look at paragraph 3 of this first page, it would
- 13 appear that the Wall Street journalist spoke to a cook who worked for the
- 14 building -- for the persons in this building.
- 15 A. [10:31:48] I'm sorry, I can't see this article.
- 16 Q. [10:32:00] Can you see it now, paragraph 3?
- 17 A. [10:32:03] Yes.
- 18 Q. [10:32:22] Now if we could go to page 0218 of the same article.
- 19 A. [10:32:29] Sorry, sorry, what do you want me to read on this page?
- 20 Q. [10:32:32] It would -- paragraph 3.
- 21 A. [10:32:35] "The Nigerians trained here".
- 22 Q. [10:32:37] Paragraph 3 of the first page referring to a cook.
- 23 A. [10:32:48] Fine, yes, I see that. Okay.
- 24 Q. [10:32:50] So it would appear that they spoke to a cook who worked for the
- 25 persons in the building?

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1 A. [10:32:56] Yes.

2 Q. [10:32:57] Now if we could go to page 0218 of the same document and the
3 second last paragraph of that page, the words starting with "A folded stack of
4 notebook paper".

5 A. [10:33:31] I don't see that paragraph.

6 Q. [10:33:36] The second last paragraph on the page, can you see halfway through
7 the paragraph words starting with "A folded stack of notebook paper"?

8 A. [10:34:02] Oh, yes. Okay, yes. Yes, I read that, yeah.

9 Q. [10:34:06] And the article states that these notebook papers had names in Arabic
10 and numbers. So this would suggest --

11 A. [10:34:15] Right, yes.

12 Q. [10:34:15] -- that the journalist or someone with him could read Arabic. This
13 would also suggest that other journalists scavenged at the same site as you a couple of
14 days before you arrived, that's correct?

15 A. [10:34:38] At least one journalist went to the location before I did, yes, and also
16 saw that documents were present.

17 Q. [10:34:45] And even though they were looking for Arabic documents, they
18 didn't find your document or report on it at least?

19 A. [10:34:54] Evidently. That's not surprising. It was a large bomb site with
20 hundreds of loose sheets scattered in among the rubble. It's not surprising that they
21 didn't find the particular one that we happened to find.

22 Q. [10:35:08] Were you aware that a local journalist, Yeya Tandina, had also visited
23 this location before you?

24 A. [10:35:15] No, that name is not familiar to me.

25 Q. [10:35:19] Now you told the Prosecution that to your knowledge, no one

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1 modified or altered the contents of the documents you collected. But it's correct that
2 you have no way of knowing whether someone did so before you collected them, do
3 you?

4 A. [10:35:36] I would consider that highly unlikely that someone would pick up
5 a document, modify it, throw it back into the rubble and hope for what, exactly?

6 Q. [10:35:49] Mr Blair, these are documents that have been lying out in the open for
7 several days now. You have no way of knowing --

8 A. [10:35:56] Right.

9 Q. [10:35:56] -- if someone placed them in this outside location before you arrived,
10 do you?

11 A. [10:36:01] I would consider that highly unlikely.

12 Q. [10:36:05] Now you had a photographer with you, but you didn't photograph
13 the other loose documents, did you, that you saw lying around?

14 A. [10:36:15] What do you mean by "the other loose documents"?

15 Q. [10:36:21] You've said that you saw hundreds of documents. You didn't
16 photograph the content of those documents?

17 A. [10:36:27] Well, there's a photograph of me and the two guides going through
18 the rubble, picking up sheets of paper. I wouldn't say documents because what
19 we're really talking about here, is loose sheets of paper, and the sheets of paper I think
20 are visible in that photograph and they're visible in among the rubble.

21 Q. [10:36:45] Now these sheets of paper that you picked up, we have a photograph
22 of you picking up these documents, but we don't have a photograph of the
23 documents where you found them in the rubble, do we?

24 A. [10:36:59] You've got a photograph of me picking up documents, which shows
25 documents or sheets of paper lying in the rubble.

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1 Q. [10:37:10] Where we can't see the contents of the documents?

2 A. [10:37:15] That's correct.

3 Q. [10:37:18] Now, this cook you spoke to, his name was Faraj Mohammed Arbri.

4 That's an Arab name, isn't it?

5 A. [10:37:33] I believe so, I don't know.

6 Q. [10:37:34] And he was in Timbuktu on 4 February, telling people that he'd
7 worked with al-Qaeda and he agreed to have his photo and name published publicly,
8 that's correct?

9 A. [10:37:45] Well, he works as a cook in a, in a *Gendarmerie Nationale* base that was
10 later occupied by Islamists. I don't know if that would count as him working for
11 al-Qaeda. That strikes me as a rather bald claim and a rather unfair claim.

12 Q. [10:38:12] It probably would be, but there might be a public association of him
13 with al-Qaeda, and yet he was willing to have his name and photograph in the news?

14 A. [10:38:19] He -- that is -- that was his wish, yes.

15 Q. [10:38:23] Was he paid for the information that he gave you?

16 A. [10:38:27] No, I don't pay for interviews.

17 Q. [10:38:31] Now this meeting document we've referred to over the last days, if I
18 could bring it up for you. It's MLI-OTP-0002-0756, that's tab 7 on the Prosecution
19 list.

20 This is the Arabic original. Can you see it?

21 A. [10:38:57] No, I can't see it.

22 Q. [10:39:00] It's tab 7. I think you have a binder of documents as well. It's
23 Prosecution's tab 7.

24 A. [10:39:20] Oh, yeah. Okay, yes, I've got it.

25 Q. [10:39:25] Now you've testified that this document is not complete. It's one

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1 page. It's a printed document with -- you can't see any stamps on this document, can
2 you?

3 A. [10:39:39] Any stamps?

4 Q. [10:39:40] Yes.

5 A. [10:39:40] No.

6 Q. [10:39:41] And there are no signatures at the bottom of the document either.

7 A. [10:39:45] No, I think there was some handwriting at the top.

8 Q. [10:39:49] Yes, that's a person's name, isn't it?

9 A. [10:39:52] Is it? I don't know.

10 Q. [10:39:54] But since it's not stamped or complete with a signature at the bottom,
11 we have no way of knowing whether these minutes of this alleged meeting were
12 approved or officialised?

13 A. [10:40:12] I don't know what you would mean by approved or officialised when
14 you're talking about a record of a meeting of a group of terrorists. I'm not sure that
15 they would have formal approval mechanisms.

16 Q. [10:40:25] Well, I put it to you, Mr Blair, that if they're having minutes with
17 attendees, there's a chance that they might also have other mechanisms for
18 designating drafts versus final documents.

19 A. I consider that --

20 MR GARCIA: [10:40:41](Interpretation) Your Honour, your Honour --

21 PRESIDING JUDGE MINDUA: [10:40:47](Interpretation) Prosecutor.

22 MR GARCIA: [10:40:49](Interpretation) Your Honour, I would just like
23 the Defence to be careful not to ask questions which would lead the witness to
24 conjecture upon certain things. We're being asked questions about the procedure
25 that would have been followed by people that had these documents.

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1 So these sorts of questions have been put for quite a while. He's meant to testify
2 about what he saw and what he was able to see and those are the questions he can
3 answer. If we look at the last questions, we're clearly going beyond that.
4 You're asking him to conjecture to see if there is something missing, if they are official
5 documents or not.

6 The documents were gathered by the witness, your Honour.

7 Those are my comments.

8 PRESIDING JUDGE MINDUA: [10:41:38](Interpretation) Thank you, Prosecutor.

9 Ms Taylor, you can continue, but I think the Prosecutor is right. When you ask the
10 witness if the procedure generally observed in conferences was observed, if there
11 were seals and stamps on the documents, that's leading him to speculation. What do
12 you think?

13 MS TAYLOR: [10:42:03] Thank you, Mr President. If Mr Blair had come here and
14 only testified that he found a document, then that point would be valid. But
15 yesterday the Prosecutor elicited testimony from him regarding the contents of this
16 document. They've tendered into evidence an article from him describing the
17 contents of this document and the significance of the contents of this document.

18 His testimony is predicated on his conclusion, his assumption, in fact, that this was an
19 actual approved minutes of meeting. So we have a duty to put our case to the
20 witness and that is what we are doing.

21 PRESIDING JUDGE MINDUA: [10:42:54](Interpretation) Yes, Prosecutor.

22 MR GARCIA: [10:42:56] (Interpretation) Very briefly, your Honour, I just want to
23 simply communicate to the Bench that the questions are put in a very precise way and
24 if there are questions with regards to the content, it's just to explain to the Chamber
25 the steps that were taken by Mr Blair. Why he did certain things, why he took

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1 certain documents and why they were of a certain importance.

2 We never asked questions which would lead him to conjecture. The questions were,
3 why he took the photo and what the reasons were and he explained why he took
4 those steps. We never asked him to conjecture. That's what the Defence is now
5 asking of the witness.

6 PRESIDING JUDGE MINDUA: [10:43:40](Interpretation) I think the discussion is
7 over.

8 In your cross-examination, Ms Taylor, please ask questions on the
9 examination-in-chief of the Prosecutor. Sometimes the Chamber finds it difficult to
10 see the relevance of some of your questions. Perhaps it would be better to say where
11 you're trying to get to, what you're trying to achieve sometimes, because of course
12 you're not always going to reveal your strategy, of course not. But it is important
13 that the Chamber can understand the sense of your questions.

14 MS TAYLOR: [10:44:36] Thank you, Mr President. And after the break we will go
15 through the transcripts and find all the examples where the Prosecution went beyond
16 that, and we will object to that being admitted into evidence since we have not been
17 able to cross-examine on those issues.

18 Now if I could bring up the English version of this document, that's
19 MLI-OTP-0078-6161, tab 22 in the Prosecution's list.

20 Q. [10:45:28] Now you're of course familiar with the content of this document given
21 that you wrote on it and did extensive articles on it. It's a proposal from
22 Ahmed Jabri to send a letter to Iyad Ag Ghaly. And this name, Ahmed Jabri, is at
23 the top?

24 A. [10:45:51] I can see the name Ahmed Jabri at the top. I'm looking at the
25 translation now.

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1 Q. [10:45:57] So because he's name at the top, this could be his proposal.

2 A. [10:46:05] May I just read through the translation in full, it's been a ...

3 Sorry, would you pause.

4 PRESIDING JUDGE MINDUA: [10:46:27](Interpretation) Please go ahead, Witness,
5 please read it.

6 THE WITNESS: [10:46:30] Thank you.

7 Okay, please scroll down.

8 Mm-hmm. Please scroll down. Mm-hmm, please scroll down. And there's
9 an -- and to the second page, please.

10 Fine, thank you.

11 PRESIDING JUDGE MINDUA: [10:48:20](Interpretation) Prosecutor.

12 MR GARCIA: [10:48:22](Interpretation) Yes, your Honour. Once again, I don't
13 want to interrupt, but it's the same objection. If you read the question that was put
14 by the Defence counsel, a question is being asked. He's not the author of this
15 document. (Speaks English) So because his name is at the top this could be his
16 proposal.

17 (Interpretation) The witness isn't here to conjecture on whether it was or wasn't.

18 And I don't see how the witness can know or how he get an opinion on that. It's not
19 up to the witness to conjecture or make an opinion on this issue of why the name
20 appears on the document.

21 The witness is being asked to speculate and that goes against the rules of procedure
22 that were made by the Chamber. And the opinion of this witness as to why will not
23 help the Chamber at all come to a determination of the truth in this case, in my
24 opinion.

25 PRESIDING JUDGE MINDUA: [10:49:25](Interpretation) Ms Taylor.

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1 MS TAYLOR: [10:49:29] Thank you, Mr President. Actually we would agree
2 entirely. The opinion of this witness on the contents of this article is entirely
3 irrelevant. He's not the author of the document. He can't authenticate it. All he
4 can say is he found an incomplete document in the rubble that had been left there for
5 several days and he has no way of knowing how it got there or who put it there.

6 Q. [10:49:55] That's correct, Mr Blair?

7 A. [10:49:58] That's a rather stark way of putting it. I think in the circumstances in
8 which I found the document mean that certain possibilities can be virtually excluded.
9 And one of those possibilities which can be excluded is the possibility you raised
10 earlier. I think the chances of someone coming along and scattering these
11 documents in the rubble, hoping that a journalist might turn up and hoping that the
12 journalist might translate them and hoping that the journalist might find a key
13 document in particular, that chance is, is negligible.

14 Q. [10:50:31] Thank you, Mr Blair. But that's your opinion, your speculation, not
15 fact, and I'm not inviting you to give your (Overlapping speakers)

16 A. [10:50:39] That's -- that's my opinion based upon the evidence that I saw with
17 my own eyes.

18 Q. [10:50:43] So if I could refer you to tab 20 in the Prosecution's list. That's
19 MLI-OTP-0059-0391-R01.

20 A. [10:51:00] Tab 20?

21 Q. [10:51:03] Yes.

22 A. [10:51:03] Yes.

23 Q. [10:51:07] Now this article, this shouldn't be shown to the public, it's
24 a confidential article, I understand.

25 This article refers to your meeting --

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1 PRESIDING JUDGE MINDUA: [10:51:24](Interpretation) This document can't be
2 shown to the public, court officer.

3 Is it good, court officer?

4 THE COURT OFFICER: [10:51:47] (Interpretation) Indeed it is, your Honour. It's
5 shown to the witness, but in a confidential way.

6 PRESIDING JUDGE MINDUA: [10:51:54](Interpretation) Ms Taylor.

7 MS TAYLOR:

8 Q. [10:51:55] This article, we can see the photograph refers to Azahara Abdou
9 Maiga. It also refers to another lady, Ms Salaka Gikai.

10 Now, did your guides bring these women to your hotel or did you meet them where
11 they live?

12 A. [10:52:16] As I recall, we met them where they live.

13 Q. [10:52:19] How did your guides know them?

14 A. [10:52:27] I think what actually happened was the lady, who is photographed at
15 the top of the article, had spoken to another journalist who -- a journalist working for
16 a news agency, as I recall. So I had read that report and so I was aware of this lady
17 and her name and what had happened to her. So I asked my guide to locate this
18 lady so that we could visit her and ask if she would be willing to give an interview.
19 And as I recall, we went to see her, and, yes, at the place where she lived.

20 Q. [10:53:11] Who was this other journalist?

21 A. [10:53:15] I don't remember now. It was -- as I recall, it was a news agency
22 report from a day or two before, before I met her.

23 Q. [10:53:28] Was the journalist female or male? Do you know which
24 (Overlapping speakers)

25 A. [10:53:30] I can't remember the name, I can't remember the name.

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1 Q. [10:53:32] Do you know the outlet they worked for?

2 A. [10:53:37] It was one of the news agencies. I think it was either Reuters or AFP.

3 Q. [10:53:43] Could it have been Rukmini Callimachi?

4 A. [10:53:49] I can't remember.

5 Q. [10:53:49] Now did you interview these two ladies at the same place?

6 A. [10:53:56] I don't remember whether they lived in the same place or not. I

7 think -- I don't remember. I'll be guessing if I told you. We certainly visited the

8 lady who's -- who's pictured at the top at her -- at her -- at the place where she lived.

9 I think we did the same to the second lady as well, but I can't remember whether they
10 lived in the same location or not.

11 Q. [10:54:20] Now, according to your article, Azahara Maiga told you that she'd
12 been taken to hospital to be treated.

13 Did you attempt to verify this with the hospital?

14 A. [10:54:34] No.

15 Q. [10:54:35] And according to your article, Ms Maiga said that Islamist fighters
16 had stayed in Timbuktu after the French entered and shot her brother for saying,
17 "Vive la France!"

18 Is this what she said to you personally?

19 A. [10:54:49] Sorry, could you refer me to that paragraph.

20 Q. [10:55:09] It's page 2. No, not -- sorry, is this the "Vive la France!"?

21 A. [10:55:14] Yes.

22 Q. [10:55:15] Okay, that would be at 0391, the second last paragraph -- sorry, 0392,
23 the second last paragraph on the page.

24 A. [10:55:49] Right, yes, yes. I see. I read that. And your question was?

25 Q. [10:55:54] Did she say this to you herself?

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1 A. [10:55:56] Yes.

2 Q. [10:55:59] And so she's saying her brother was shot for saying "Vive la France!",
3 but she agreed to give you information about this and to have her name and
4 photograph published publicly?

5 A. [10:56:14] She did, yes. It -- for an interview that was as sensitive as this,
6 there's always the -- there's always the question of, of treating people with the
7 decency that they deserve. So I remember speaking to her at quite some length
8 about whether she wanted to have her name used, whether she wanted to have her
9 photograph taken.

10 As it happened, she had already given an interview under her full name a day or two
11 earlier and she also agreed to have her photograph taken. So she reflected on it and
12 agreed to be interviewed in public -- well, to have her name published. I think at
13 that time there was a general sense in Timbuktu that people wanted the world to
14 know just how much they had suffered.

15 Q. [10:57:05] Now, Mr Blair, as a foreign correspondent of a prestigious national
16 paper, did you have contacts with diplomatic or intelligence sources in the United
17 Arab Emirates throughout the period of 2012 to 2013?

18 A. [10:57:23] In the United Arab Emirates?

19 Q. [10:57:25] Yes, from the United Arab Emirates?

20 A. [10:57:28] No.

21 Q. [10:57:28] Could I show you MLI-D28-0004-0116 at 0142. And if you scroll
22 down the first column on the left to the sixth paragraph, starting with, "In
23 January 2013"?

24 A. [10:57:57] Sorry, I can't see this at all.

25 Q. [10:58:11] The column on the left, and if you could go down the page to the

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1 words, "In January 2013"?

2 A. [10:58:19] Right.

3 Q. [10:58:25] This report claims that you met with Anwar Gargash, the foreign
4 minister of the United Arab Emirates with some Daily Telegraph colleagues,
5 including Con Coughlin, in January 2013?

6 A. [10:58:42] I have no memory of that at all. Where does this come from?

7 PRESIDING JUDGE MINDUA: [10:58:45](Interpretation) Prosecutor?

8 MS YAMAGUCHI: [10:58:47] Sorry to interrupt, but could we please show to the
9 witness the first page of this document so he can recognise exactly what it is. Thank
10 you.

11 PRESIDING JUDGE MINDUA: [10:59:08](Interpretation) Ms Taylor, have you
12 heard?

13 MS TAYLOR: [10:59:10] Certainly. Although we're only asking this discrete
14 meeting. We could go to the first page, which is MLI-D28-0004-0116.

15 Now, Mr Blair, did you meet with Anwar Gargash in January 2013?

16 A. [10:59:49] No, I did not.

17 Q. [10:59:50] Did you write a 2014 article titled, "How Qatar is funding the role of
18 Islamist extremists"? That's MIL-D28-004-0177. It's tab 5.
19 Could it be brought up on your screen?

20 A. [11:00:23] I can't see it.

21 Q. [11:00:24] MLI-D28-0004-0177.

22 Did you write this article or co-write it?

23 A. [11:00:35] There are two names at the top of it, yes, Richard Spencer and I wrote
24 this article.

25 Q. [11:00:43] And if I could bring up another article, that's tab 6. That's

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1 MLI-D28-0004-0185.

2 Did you write this article titled: "Qatar and Saudi Arabia 'have ignited time bomb by
3 funding global spread of radical Islam'"?

4 A. [11:01:19] Yes, that, that is an interview with a retired British general. I was
5 quoting his opinion.

6 Q. [11:01:27] Now, Mr Blair, in 2003, you published articles claiming that you
7 found documents in a deserted building in Baghdad showing that a well-known,
8 left-wing politician, George Galloway, had received payouts from Saddam Hussein.
9 George Galloway sued the Telegraph for defamation, didn't he?

10 A. [11:01:48] He did.

11 Q. [11:01:48] And the Daily Telegraph didn't assert truth as a defence, did they?

12 A. [11:01:56] They asserted -- this a long time ago, they asserted a public interest
13 defence.

14 Q. [11:02:05] Yes, it's (Overlapping speakers)

15 A. [11:02:08] But I should -- but I should add that --

16 THE COURT OFFICER: [11:02:08] Can we mark the pause between questions and
17 answers, please.

18 THE WITNESS: [11:02:11] Yes.

19 MS TAYLOR: [11:02:12] Sorry.

20 Q. [11:02:12] Mr Blair, it's a yes or no question. Did they assert truth as a defence?

21 A. [11:02:19] No, they asserted a public interest defence.

22 PRESIDING JUDGE MINDUA: [11:02:41](Interpretation) Ms Taylor, and Witness,
23 you might have seen that I took a moment to respond because I was waiting for the
24 end of the interpretation.

25 So please, do take a little moment between questions and answers.

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1 I turn now to the Prosecutor.

2 Prosecutor, you're on your feet.

3 MR GARCIA: [11:03:04] (Interpretation) Yes, your Honour, it's simply that here the
4 witness is being questioned regarding a decision. The decision has not been shown
5 to him. It is a decision which is a number of pages in length. The Defence counsel
6 asks him to give a yes or no answer. The witness wants to add something to his
7 answer.

8 I believe that in the interests of equity we must allow the witness to speak freely and
9 answer as he feels is necessary and not to insist that he answers with just a yes or a no
10 if he feels that there is something else which needs to be said.

11 I'm referring to Witness -- D-28-0004-0224.

12 And I just wanted to make this point, regarding the nature of the questions
13 being -- which are put to the witness and the affirmations that are being put to him.

14 And I would direct the Chamber more specifically to paragraph 49 in that decision.

15 PRESIDING JUDGE MINDUA: [11:04:11](Interpretation) Thank you, Prosecutor.

16 Ms Taylor, just one moment. I think that the Prosecutor is right. I think that here
17 you're moving into the field of examination-in-chief. I don't know where you're
18 heading. I don't know what your strategy is. But when you do put a question to
19 the witness, do allow him to answer. If you insist upon a yes or no answer, the
20 witness may not feel that he has been able to express what he needs to put before
21 the Court.

22 Please proceed.

23 MS TAYLOR: [11:05:01] Mr President, the witnesses had actually answered my
24 question, he had said no when I asked him if they had asserted truths, and then he
25 proceeded to give a more detailed elaboration. Now I had a series of questions that

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1 would have gone into those issues and I was intending to show him sections of the
2 judgment which is clearly familiar with. So in the interests of efficiency and
3 expeditiousness, I asked for the witness to stop answering so we could proceed to the
4 additional questions which would allow him to clarify these matters.

5 PRESIDING JUDGE MINDUA: [11:05:37](Interpretation) Proceed, please.

6 Q. Now, Mr Blair, if we could bring up MIL-D28-0004-0224.

7 That's tab 12.

8 This is a Court of Appeal judgment. Are you aware of the Court of Appeal
9 judgment?

10 A. [11:06:30] It's a very long time since I've looked at it. This is from 2006, I see.

11 Q. [11:06:44] Now if I could bring to you page 0250 of this judgment, paragraph 59.
12 And it states: "The newspaper" that would be the Daily Telegraph "was not merely
13 reporting what the Baghdad documents said but that, as the judge held, it both
14 adopted and embellished them."

15 Are you aware of this finding that the Daily Telegraph embellished the contents of the
16 documents you found?

17 A. [11:07:27] Yes, I'm aware that that was the ruling of the court. Can I just add
18 that the authenticity of the documents and my account of how I found them were not
19 in question in the trial.

20 Q. [11:07:42] Would you agree, Mr Blair, that there's a distinction between whether
21 you found documents and whether the contents of the documents are true, given that
22 the Daily Telegraph did not assert that the contents were true?

23 A. [11:08:01] Well, we're referring now back to the details of a legal defence, from
24 almost 20 years ago, which I can't remember the exact arcane details of the
25 Telegraph's defence and I'm not a lawyer anyway.

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1 Q. [11:08:19] Do you recall if it turned on the failure of the Daily Telegraph to
2 verify the contents before publishing these embellished details?

3 A. [11:08:34] Looking back almost 20 years, I don't think I'm able to answer that
4 question.

5 Q. [11:08:40] Do you recall if one of the issues was that, given that you found these
6 documents, there was no way in fact of verifying the contents, and that in itself called
7 for prudence?

8 A. [11:08:53] I don't think that's entirely correct. I think we did verify some of the
9 contents. We did verify some of the contents.

10 Q. [11:09:00] And is it your position that's what the Court found?

11 MR GARCIA: [11:09:06] No, no, object. (Interpretation) I object.

12 PRESIDING JUDGE MINDUA: [11:09:20](Interpretation) Counsel, the Court has
13 allowed you to proceed to here. However, the Court does not see the pertinence, the
14 relevance of events 20 years ago, and the examination-in-chief led by the Prosecutor,
15 what is the relevance, please, or in what direction are you heading?

16 MS TAYLOR: [11:09:40] Mr President, this is a court judgment by one of the highest
17 courts in the United Kingdom finding that a defamation case against the
18 Daily Telegraph based on articles that Mr Blair wrote, based on documents that
19 Mr Blair found in very similar circumstances equated to defamation. And if I could
20 bring to you paragraph -- page 0259, paragraph 94, the Court concluded in favour of
21 Mr Galloway. It reiterated that truth had not been asserted and it found that the
22 Daily Telegraph had no justified defence for publishing these embellished details that
23 emanated from Mr Blair.

24 Q. So according to this judgment, you have a judicial record of publishing
25 documents irrespective of the truth of their contents, embellishing the contents?

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1 MR GARCIA: [11:11:04] (Interpretation) Your Honour --

2 PRESIDING JUDGE MINDUA: [11:11:06](Interpretation) Counsel, I think that
3 the Court has understood. I think it is time to return to the subject matter of the
4 examination-in-chief.

5 MR GARCIA: [11:11:16](Overlapping speakers)

6 PRESIDING JUDGE MINDUA: [11:11:22](Interpretation) Please proceed,
7 Prosecutor.

8 MR GARCIA: [11:11:25] (Interpretation) Yes, if I might say, I disagree entirely with
9 the way in which this judgment has been represented by Defence counsel.

10 First of all, putting to the witness a finding against the newspaper itself. When you
11 read the judgment, whatever has been asserted, the authenticity of the document was
12 never in question. What the Defence is attempting to do is to intimate that the
13 witness is involved here or his paper was questionable, but that is not the case here.
14 This judgment relates to the Daily Telegraph and actions by the Daily Telegraph.
15 I don't want to get into the details.

16 And I also don't know why questions are being put to the witness because the
17 judgment exists, the Defence can draw conclusions from that judgment as it stands.

18 I do not see the relevance of putting questions to Mr Blair if the existence and
19 authenticity of the documents have never been questioned, that's the key issue. And
20 I don't think that we should allow the Defence to be -- to pursue this line of
21 questioning, given that Mr Blair, his actions were not in question in this case.

22 PRESIDING JUDGE MINDUA: [11:12:58](Interpretation) Thank you, Prosecutor.
23 Your request in fact is late, because the Chamber has just said that it understands
24 Ms Taylor's approach but has told her that it now feels it is time for Ms Taylor to
25 return to the subject matter of the examination-in-chief.

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1 Ms Taylor, please return to the topic at hand. The Chamber has understood the
2 point you're making, there is no need to dwell on it or to return to it.

3 MS TAYLOR: [11:13:40]

4 Q. [11:13:40] Thank you, Mr Blair.

5 If we could go to MLI-OTP-0033-1793. That's tab 16 on the Prosecution's list.

6 A. [11:13:57] Yes, I see that.

7 Q. [11:13:58] Now --

8 A. [11:14:02] I've -- yeah.

9 Q. [11:14:04] This is the article you wrote on 1 February after arriving in Timbuktu.

10 Did you meet and interview all the persons you describe in this article?

11 A. [11:14:16] Let me just read it through, please.

12 Fine. If you would carry on down, please.

13 If you can scroll down, please.

14 Yeah. Okay, carry on down, please.

15 Okay, yeah.

16 Yeah, carry on down, please.

17 Okay, carry on down, please.

18 Okay, carry on down, please.

19 Okay, yeah, fine. Carry on down, please.

20 And carry on down, please.

21 Fine. Thank you, yes.

22 Q. [11:18:51] Now, Mr Blair, you testified yesterday, and that's page 8 of the
23 transcripts, that you went to Sidi Yahya mosque on 1 February. Now, given that had
24 you arrived on 1 February, is it your case that you met and interviewed all the
25 persons described in this article?

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1 A. [11:19:11] Yes, that's right. And perhaps I can just explain. I think there's
2 three individuals quoted in this article. The last of them, the gentleman from state
3 television, he happened to be on the aircraft flying with me from Bamako to
4 Timbuktu. So what happened was I took the opportunity to speak to him on the
5 plane. So I had done that interview already by the time I arrived.
6 Then, on landing, I went directly the Sidi Yahya mosque -- or, rather, to the
7 mausoleum that had been wrecked just alongside it. And there was a group of
8 people there and that's where I met the other two individuals who are mentioned.
9 And I spoke to both of them in quick succession and then I went directly to the hotel
10 and then I sent the story.

11 Q. [11:20:19] Thank you for that clarification. If I could just take you back. For
12 the record, can you tell us the name of the person, the journalist, who worked for state
13 TV.

14 A. [11:20:30] I think he's quoted in the article.

15 Q. [11:20:32] Can you identify him.

16 A. [11:20:34] (Overlapping speakers) -- he's named in the article. It's Mr -- it's
17 Mr Djimde.

18 Q. [11:20:46] And the other persons that you met, did you also meet the 19-year-old
19 who had been flogged? Is that someone you personally met or did you hear about
20 that?

21 A. [11:20:57] Sorry, what are we referring to here?

22 Q. [11:21:00] In your article, it's at 1796, second paragraph, you remember to
23 a 19-year-old girl.

24 A. [11:21:08] Let's have a look.

25 Q. [11:21:17] Did you interview this girl or were you told about her?

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1 A. [11:21:21] No. No, I didn't. I think Habib Cissi is the person who told me
2 about her.

3 Q. [11:21:26] Did he tell you her name?

4 A. [11:21:28] No.

5 Q. [11:21:29] Did he tell you how he knew her?

6 A. [11:21:32] I think he had witnessed what happened, as I recall.

7 Q. [11:21:38] And when you met this group of people in front of the mosque, were
8 there other journalists with you talking to them at the same time?

9 A. [11:21:49] No, not so far as I recall.

10 Q. [11:21:51] Do you recall where in front of the mosque they were?

11 A. [11:21:55] No.

12 Q. [11:21:57] Thank you, Mr Blair, I have no further questions.

13 PRESIDING JUDGE MINDUA: [11:22:10](Interpretation) Thank you very much,
14 Ms Taylor.

15 I see that the Prosecutor is not asking for the floor.

16 I turn to the judges? Judge Prost? Perhaps the judge has a question, but I suggest
17 we take a short break.

18 It is 20 past 11, we have worked for approximately 1 hour, 20 minutes, so I suggest we
19 take a 30-minute break.

20 I look to the court officer, court officer?

21 THE COURT OFFICER: [11:23:10](Interpretation) Yes, indeed. We shall take
22 account of this.

23 PRESIDING JUDGE MINDUA: [11:23:20](Interpretation) Good. We shall take
24 a break for 30 minutes and then return to -- and the judge shall put their questions. I
25 suspend the proceedings.

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1 THE COURT USHER: [11:23:34] All rise.

2 (Recess taken at 11.23 a.m.)

3 (Upon resuming in open session at 11.54 a.m.)

4 PRESIDING JUDGE MINDUA: [11:54:30](Interpretation) The hearing has resumed.

5 Now, we did intend to close this morning's session at midday, but we've just had

6 a 30 minute recess so we will continue to sit for an extra half an hour this morning.

7 Now, we turn to the matter of questions from the judges and I turn now to

8 Judge Prost.

9 JUDGE PROST: [11:55:04] Thank you.

10 Now, Mr Blair, I'd just like to ask you some questions. We'll have to be careful

11 because we're both speaking the same language, so we'll have to try and concentrate

12 on the pause.

13 If I could ask, the questions relate to the article to be found at OTP-059-0391 - and

14 that's confidential - and it's, for you, Mr Blair, it's the article at tab 20 of

15 the Prosecution's materials.

16 THE WITNESS: [11:55:45] Yes, I have it.

17 JUDGE PROST: [11:55:49] And if you need to, if you want to take a look at the

18 article in advance of us discussing it, that's fine. If you want to read it through. Or

19 if you're familiar with it, that's fine, we'll proceed.

20 THE WITNESS: [11:56:01] Let's proceed and I'll pause if we have to.

21 JUDGE PROST: [11:56:04] Thank you.

22 Now, from your comments during the course of cross-examination, it appears that

23 you have memories of the interview of the person who appears in the photograph on

24 the front of the article, from comments that you made, and the Chamber is interested

25 in hearing about the process that you utilised in terms of the interview and then the

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1 interview being translated into an article. And we wondered if you could give us
2 more, more details about the process that resulted in this article.

3 THE WITNESS: [11:56:44] Yes. This is a very sensitive article. I was aware that
4 I was meeting a lady who had suffered in a particularly terrible way. I was aware of
5 that because, as I think I mentioned, she had already been interviewed by another
6 news outlet.

7 So we went to see her in her home and the first thing we did, before I produced
8 a notebook or anything like that, was to explain exactly who we were and to say that
9 we would like to tell her story. But equally, the decision was entirely hers and if she
10 didn't want us to, then that was completely fine and we would, we would leave
11 immediately. And then if she did want us to tell her story, she had the option of
12 doing it under her own name, doing it under a different name, or doing it under no
13 name at all. And she had the option of being photographed or not being
14 photographed.

15 So I remember we had quite a long conversation, translated by my guide, and the
16 outcome was that we, we proceeded and conducted the interview which was the
17 subject of this, of this article.

18 It took quite a long while, I seem to remember. She sat in a quiet area just outside
19 her home. Or perhaps, yeah, there was a sort of terrace, but I was anxious that we
20 did this in private, I didn't want onlookers or anything like that, so we found a quiet
21 place and she told us, she told us what had happened.

22 Yes, I don't think I can add any more.

23 JUDGE PROST: [11:58:56] And can you tell me, you indicated that it took quite
24 a long time. Any, any time frame, a couple of hours or an hour?

25 THE WITNESS: [11:59:08] After this length of time it wouldn't, it wouldn't be

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1 helpful if I speculated. But it wasn't, yeah, it was, it was quite a lengthy process.

2 JUDGE PROST: [11:59:22] And you've indicated your translator was present with
3 you, or your guide, was anyone else there that you recall?

4 THE WITNESS: [11:59:31] Yes, I think a female relative of the lady was there.

5 JUDGE PROST: [11:59:41] And in terms of how the interview is conducted, and I
6 imagine it's your general process, is it a question and answer, is it -- how do you
7 conduct an interview of that nature and how did you on that occasion?

8 THE WITNESS: [11:59:56] It is done in the form of question and answer, but I was
9 anxious for her to speak as much or as little as she wished. So I prompted her with
10 questions, but she did, she did most of the talking.

11 JUDGE PROST: [12:00:15] And you mentioned a notebook. How did you keep
12 a record of what, what you heard in order to prepare the article, were you using notes
13 or recordings, or?

14 THE WITNESS: [12:00:30] I scribbled.

15 JUDGE PROST: [12:00:31] Scribbled.

16 And you then prepared the article based on that interview. Do you have any
17 recollection of how long it was between having conducted the interview and your
18 preparing the article for submission?

19 THE WITNESS: [12:00:54] I see the article was published online on the evening of
20 3 February. That was probably the same day that I met her. I can't be absolutely
21 sure after this length of time, but I think probably that was the day I met her. So, so I
22 would have, I would have written it on the same day.

23 JUDGE PROST: [12:01:20] And can you tell us a little bit about that process, you
24 have your, your notes and you've just come from the interview. And how do you,
25 how do you then translate that into the article?

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1 THE WITNESS: [12:01:30] First of all, it's always a good idea to write, I find, as soon
2 as possible after the event or the interview in question while it's still fresh in mind.
3 So I sit down, I begin by reading through all my notes, reminding myself of the
4 essential facts, the essential quotations that I would want to, to use for the story, and
5 then I, and then I typed.

6 The story itself is not particularly lengthy. I don't know how long, how many words
7 that would be, maybe 800 or 900 or so, and then, yeah, I typed it up and sent it to the
8 newspaper.

9 JUDGE PROST: [12:02:13] And you've mentioned that you would highlight the
10 quotes that you wanted to utilise. There are quotes within this article, so those
11 would have been amongst those items that you had highlighted that you wanted to
12 quote essentially, is that correct?

13 THE WITNESS: [12:02:31] Well, I would have had my notes of the complete
14 interview, so just about everything that she had said to me I would have noted down.
15 And then, having read through it all, I would have highlighted certain quotations that
16 I would wish to include in the article, because of course the article couldn't include
17 everything, there wouldn't be space.

18 JUDGE PROST: [12:02:53] There's been mention that there was a previous interview
19 of her by another agency, though I think we weren't sure which, which press agency
20 it might have been. Did you take that into consideration, did you have that article
21 when you were preparing your article?

22 THE WITNESS: [12:03:11] No, my access to the internet in Timbuktu at that time
23 was very erratic and unreliable. So I had read it and I had my recollection of it and it
24 conveyed the essential facts of what, what had become of this lady. But, no, I wasn't
25 referring to it, or anything like that.

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1 JUDGE PROST: [12:03:35] And when you had prepared the article you would
2 submit it, obviously, to the Daily Telegraph. Can you tell us a bit more, we've
3 discussed it in certain parts of your testimony, but a bit more about the editorial
4 process once you submitted the article. And if you remember anything specific
5 about this one, I know it's several years, but could you give us a bit more detail on
6 that.

7 THE WITNESS: [12:04:04] I would submit the article to the foreign desk of the
8 newspaper. They would then go through it and edit it as necessary, that is to say, if
9 I'd made spelling errors or grammatical errors or something they would correct them.
10 They would also edit the article for space purposes for the edition that would go in
11 the newspaper. For the online edition that wouldn't be so necessary. They would
12 add the photograph that would have been sent separately by my photographer and
13 then they would publish one, one version of the article online and another version of
14 the article in the newspaper the following day. Those versions are normally the
15 same, sometimes there are small variations.

16 JUDGE PROST: [12:04:54] And would you see the article before they published it,
17 after the edits were done?

18 THE WITNESS: [12:05:04] No. If they were changing anything substantive, then I
19 would expect them to ring me up and discuss it with me. In this case I don't
20 remember any conversation of that kind. In this case the process was pretty smooth.
21 I don't remember anything unusual.

22 JUDGE PROST: [12:05:22] And you've mentioned the photograph, I know it's
23 several years ago, but the photograph of the person that's on the front of the article,
24 do you remember that as the person who you interviewed on that day?

25 THE WITNESS: [12:05:38] Yes, I do.

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1 JUDGE PROST: [12:05:41] Okay. Thank you. Those are all the questions that I
2 have for you. Thank you very much, Mr Blair.

3 THE WITNESS: [12:05:51] Thank you.

4 PRESIDING JUDGE MINDUA: [12:06:10](Interpretation) That's it, we have no more
5 questions from the Chamber.

6 I don't know, from the parties? Ms Taylor?

7 MS TAYLOR: [12:06:23] I have one question arising from what Mr Blair just said.

8 PRESIDING JUDGE MINDUA: [12:06:33](Interpretation) Please go ahead,
9 Ms Taylor.

10 QUESTIONED BY MS TAYLOR: (Continuing)

11 Q. [12:06:38] Mr Blair, you said during these interviews you took notes, what
12 happened to the notes?

13 A. [12:06:46] I have a pile of notebooks somewhere. But, yes, those notes may still
14 exist.

15 Q. [12:06:58] Would you be willing to give a copy of these notes to the Defence?

16 A. [12:07:05] If, if you make the request, if I can find them I've no, I've no objection
17 in principle. But I, I would add the qualification that this notebook would be almost
18 eight years old, I can't guarantee that it's still in existence.

19 Q. [12:07:24] So in terms of making this request we'll submit it to you through
20 the Prosecution. Thank you.

21 PRESIDING JUDGE MINDUA: [12:07:45](Interpretation) Thank you. Well said.

22 So we are now coming to the end of your testimony, Mr Blair. The Chamber would
23 like to reiterate its thanks to you for having helped us by answering the questions in
24 a very clear way the questions that were put to you. Your testimony is now over.

25 I would now like to make a procedural reminder to the parties where it concerns

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1 tendering items into evidence.

2 The second witness of the Prosecution has now finished testifying and I would like to
3 remind you, as said in paragraph 34 of the instructions for the conduct of proceedings,
4 the parties must, at the latest, one working day before the end of the testimony of the
5 witness send an email stating clearly the items which they intend to tender into
6 evidence linked to the testimony of the said witness. The other party will therefore
7 have three working days to respond.

8 That's it.

9 So now I would just like to thank the parties and participants. I would like to thank
10 the court reporters and the interpreters for their cooperation. And of course the
11 security officers, I'd like to say thank you to them as well.

12 We are now going to end the hearing and we will come back at 2.15 this afternoon,
13 14.15, with the third witness, third Prosecution witness.

14 The session is now over.

15 THE COURT USHER: [12:10:12] All rise.

16 (Recess taken at 12.10 p.m.)

17 (Upon resuming in open at 2.21 p.m.)

18 THE COURT USHER: [14:21:43] All rise.

19 Please be seated.

20 PRESIDING JUDGE MINDUA: [14:22:16](Interpretation) Court is in session.

21 Good afternoon, everyone.

22 Court officer, can you please read out the case.

23 THE COURT OFFICER: [14:22:31] The situation in Mali, in the case of The
24 Prosecutor versus Mr Al Hassan, case reference ICC-01/12-01/18.

25 We are in open session.

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1 PRESIDING JUDGE MINDUA: [14:22:50](Interpretation) Thank you very much,
2 court officer.

3 Once again, welcome to everyone.

4 Are there any changes in the various teams?

5 MR DUTERTRE: [14:23:00](Interpretation) Yes. Good afternoon, your Honours. We
6 have a team of four: *Florie Huck, who is behind me to my left and Elena Martin
7 Salgado who is just behind. Mr Garcia, who was with us this morning; and myself,
8 Gilles Dutertre.

9 PRESIDING JUDGE MINDUA: [14:23:31](Interpretation) Thank you very much,
10 Mr Prosecutor. And the Defence, any changes?

11 MS MONTEFUSCO: [14:23:36] Yes, good afternoon, Mr President, your Honours.

12 My name is Nicoletta Montefusco, appearing on behalf of Mr Al Hassan. With me is
13 Ms Melinda Taylor, who was present this morning, Ms Sarah Marinier-Doucet and
14 Mr Mohamed Youssef.

15 PRESIDING JUDGE MINDUA: [14:23:59](Interpretation) Very well.

16 Now Legal Representatives of Victims.

17 MR KASSONGO: [14:24:08](Interpretation) Good afternoon, your Honours. The
18 team is still the same, Ms Prisque Biyéké Dipanga and myself, Mayombo Kassongo.

19 PRESIDING JUDGE MINDUA: [14:24:22](Interpretation) Thank you very much,
20 Mr Kassongo.

21 I can see that Mr Al Hassan is present.

22 Good afternoon, Mr Al Hassan.

23 This afternoon, we will begin the testimony of the third witness of the Prosecution,
24 that is, Witness P-0057.

25 Following the provision of additional information, *received from the VWU,

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1 dated 10 September 2020, the Chamber decided to grant protection
2 measures to this witness, that is, Witness P-0057. The Chamber decided to use image
3 distortion, pseudonyms, private sessions and closed sessions and redactions.
4 For the better conduct of the proceedings, I would like to ask everyone to organise
5 their various examinations so as to avoid going back and forth frequently between
6 private and open sessions. To the extent possible, it will therefore be necessary to
7 bring together all your questions on a specific subject that might elicit confidential
8 type answers.

9 I am aware that this decision granting protection measures to Witness P-0057 has
10 been handed down belatedly and it might be difficult to reorganise your respective
11 examinations on the spot. However, I would like to appeal to you to do everything
12 possible in the case of the upcoming witness and to bear these guidelines in mind
13 while preparing your examinations with protective -- or rather, with protected
14 witnesses.

15 That is of crucial importance for the purpose of guaranteeing the publicity of the
16 proceedings as well as the facilitation of our work.

17 I note that the witness is already in place. That is very good. Now I would like to
18 just be sure, Mr Witness, can you hear me?

19 WITNESS: MLI-OTP-P-0057

20 (The witness speaks French)

21 THE WITNESS: [14:28:04](Interpretation) I can hear you perfectly.

22 PRESIDING JUDGE MINDUA: [14:28:08](Interpretation) Thank you very much.

23 On behalf of the Chamber, I would like to welcome you. *You shall testify with a view
24 to assisting the Chamber in establishing the truth in the case against Mr Al Hassan.

25 Mr Witness, protection measures have been put in place such that your identity

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1 should not be revealed to the public. This means that the public cannot see your face.

2 Each time that someone addresses you in this courtroom, that person will address
3 you as "Mr Witness" and will ensure that your name or any other element that makes
4 it possible to identify you or reveal your identity should not be broadcast to the
5 public.

6 To that end, each time that you are required to provide details that may reveal your
7 identity, we will do that in private session. That way no one, with the exception of
8 those who are present inside this courtroom, will be able to hear you.

9 Have you fully understood?

10 THE WITNESS: [14:30:03](Interpretation) Yes, your Honour.

11 PRESIDING JUDGE MINDUA: [14:30:06](Interpretation) Thank you very much.

12 Now I will move on to your solemn undertaking under Article 68(1).

13 Mr Witness, you have the piece of paper in front of you?

14 THE WITNESS: [14:30:28](Interpretation) Yes.

15 PRESIDING JUDGE MINDUA: [14:30:29](Interpretation) That is the solemn
16 undertaking by which you will swear to tell the whole truth. Please read out aloud
17 what is written in that document, please.

18 THE WITNESS: [14:30:47](Interpretation) I solemnly declare that I will speak the
19 truth, the whole truth and nothing but the truth.

20 PRESIDING JUDGE MINDUA: [14:30:56](Interpretation) Thank you very much,
21 Mr Witness.

22 I will now like to caution you against giving false testimony. Mr Witness, you are
23 now under oath. The representatives of the VWU and the representatives of the
24 Prosecution have already told you how important it is to tell the truth. I would like
25 to impress upon you the fact that since you have just made a solemn undertaking,

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1 you are bound to tell the truth. Giving false testimony before the International

2 Criminal Court is an offence. Have you understood?

3 THE WITNESS: [14:32:04](Interpretation) Yes, your Honour.

4 PRESIDING JUDGE MINDUA: [14:32:06](Interpretation) Thank you very much,

5 Mr Witness.

6 Now a few practical observations. Throughout your testimony, please bear in mind

7 that everything that is said in this courtroom shall be transcribed by the court

8 reporters and simultaneously interpreted into several languages by the interpreters.

9 Accordingly, it is important to speak directly into the microphone, to speak clearly, as

10 well as slowly. Please start speaking only after the person putting a question to you

11 has completed that question. And when a question is put to you, please count up to

12 three mentally, not aloud, in order to answer. That pause is important for us to be

13 able to hear you properly and so that your testimony should be properly transcribed.

14 Obviously, if you have any questions, please raise your hand to indicate that you

15 have something to say.

16 Once again, have you understood me?

17 THE WITNESS: [14:34:03](Interpretation) Yes, I have understood you well, your

18 Honour.

19 PRESIDING JUDGE MINDUA: [14:34:08](Interpretation) Thank you.

20 Now we will move on to your testimony. You will be examined by the parties and

21 quite possibly by the Bench also.

22 And now I will hand over the floor to the Prosecutor to begin the

23 examination-in-chief.

24 In accordance with decision 987 handed down by the Chamber under Article 68(3) of

25 the Rules of Procedure and Evidence, *the examination in chief on the part of the

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1 Prosecution for Witnesses P-0055 and P-0057 will last a total of two hours.

2 So Mr Prosecutor, how long do you think it will take you to question Witness P-57?

3 MR DUTERTRE: [14:35:23](Interpretation) I would like to say, Mr President, that it
4 depends somewhat on you. The fact of the matter is that we need about one hour, but
5 there are parts that will -- during which we need to correct some small errors, *and
6 I am in your hands. If I can be leading during this part, and I do not see how this
7 could be prejudicial to the Defence, we shall save time. Otherwise, I may take more
8 than an hour. All things being equal, with the testimony of P-0055 to follow, we shall
9 not exceed two hours, in keeping with the Chamber's instructions.

10 PRESIDING JUDGE MINDUA: [14:36:22](Interpretation) Thank you very much.
11 This is a witness under 68(3), so you have the floor now, Mr Prosecutor to begin your
12 examination.

13 MR DUTERTRE: [14:36:38](Interpretation) Thank you, Mr President, your Honours.

14 QUESTIONED BY MR DUTERTRE: (Interpretation)

15 Q. [14:36:45] Good afternoon, Mr Witness. We have already met. My name is Dutertre,
16 Gilles Dutertre. I am saying it for the record and I will be in charge of the examination
17 -in-chief on behalf of the Prosecution. *Your honours, I would like us to go into closed
18 session, private session, in order to address some information that is identifying in
19 nature and associated with the curriculum vitae of the witness. I shall not be long too,
20 I assure you.

21 PRESIDING JUDGE MINDUA: [14:37:26](Interpretation) Private session, court
22 officer.

23 (Private session at 2.37 p.m.)

24 THE COURT OFFICER: [14:37:34] We are in private session, Mr President.

25 PRESIDING JUDGE MINDUA: [14:37:40](Interpretation) Thank you very much,

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1 court officer. Mr Prosecutor.

2 MR DUTERTRE: [14:37:46](Interpretation) Thank you, Mr President.

3 Q. [14:37:50] Mr Witness, can you confirm that your name is [REDACTED]?

4 A. [14:37:57] Yes.

5 Q. [14:38:01] And you were born on [REDACTED] in [REDACTED]
6 [REDACTED]?

7 A. [14:38:10] Yes.

8 Q. [14:38:11] You are [REDACTED]; is that correct?

9 A. [14:38:16] Yes, indeed.

10 Q. [14:38:18] Can you tell the Chamber for how long you have been working for
11 [REDACTED]?

12 A. [14:38:27] I have been working with [REDACTED].

13 Q. [14:38:39] And as [REDACTED], what is your area of specialisation?

14 A. [14:38:46] Since [REDACTED], I have been working in [REDACTED]
15 [REDACTED]. *I have specialised in [REDACTED] for the last [REDACTED] years,
16 and [REDACTED].

17 Q. [14:39:15] You said that you worked in [REDACTED], but did you work only in
18 the office or did your work take you to the field?

19 A. [14:39:24] As part of my work, it is technical and scientific and -- [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 Q. [14:40:09] Let me come back to what you have said. [REDACTED]

25 [REDACTED] is this where [REDACTED] are

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1 trained?

2 A. [14:40:20] Yes, indeed.

3 Q. [14:40:22] So you give training in this school?

4 A. [14:40:27] Yes, I have trained [REDACTED].

5 Q. [14:40:42] You also mentioned training of [REDACTED]. What
6 type of training?

7 A. [14:40:51] Training for [REDACTED]
8 [REDACTED]

9 Q. [14:41:22] This will be my last question in private session.

10 I would like to refer everyone to tab 9 of the binder, which is document 0041-0426,
11 which is confidential. It should be posted on the screen, but it is confidential. Page
12 0041-0469, which is the CV of the witness.

13 Can you see that document, Mr Witness?

14 A. [14:42:17] Yes.

15 Q. [14:42:23] Clarification here. It is stated under professional experience that [REDACTED]
16 were detached or seconded to [REDACTED]
17 [REDACTED]. Can you tell us,
18 Mr Witness, what you were tasked with during this secondment?

19 A. [14:42:55] Yes, [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 MR DUTERTRE: [14:44:01](Interpretation) We can go back to open session.

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1 PRESIDING JUDGE MINDUA: [14:44:08](Interpretation) Open session, please.

2 (Open session at 2.44 p.m.)

3 THE COURT OFFICER: [14:44:24] We are in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [14:44:33](Interpretation) Thank you very much,
5 court officer.

6 Mr Prosecutor.

7 MR DUTERTRE: [14:44:38](Interpretation) Thank you, Mr President.

8 Q. [14:44:42] Mr Witness, I understand that you went on mission to Timbuktu from
9 14 to 24 June 2013 with members of staff of the OTP of the ICC; is that correct?

10 A. [14:44:56] Yes, Mr Prosecutor.

11 Q. [14:45:01] Very briefly, can you describe to us the purpose of that mission?

12 A. [14:45:11] Well, the object of the mission or the aim of the mission was to carry
13 out a technical reconnaissance mission in Timbuktu with a view to studying the
14 *damage that may have occurred on some monuments and also examine other sites.

15 Q. [14:45:39] These sites and monuments you mentioned, can you say which ones
16 they were, in particular?

17 A. [14:45:49] Well, the priority sites were the mausoleums in Timbuktu as well as
18 some of the mosques and other monuments that, I would say, were civilian in nature
19 within the town or city of Timbuktu.

20 Q. [14:46:07] And with regard to these civilian locations that you mentioned, which
21 ones did you visit or examine?

22 A. [14:46:16] Well, the civilian monuments, there was the peace flame. There was
23 also the library and a hotel as well as the BMS, the *Banque Malienne de Solidarité*.

24 Q. [14:46:40] Do you remember the name of the hotel?

25 A. [14:46:44] I think it was *Hotel la Maison*.

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1 Q. [14:46:52] Mr Witness, what was the security that was put in place to guarantee
2 your security, briefly, please?

3 A. [14:47:02] Yes, of course. Well, in terms of security at a personal level, we had a
4 helmet and a bulletproof vest and on the human level, I would say that we were
5 assisted by the Serval forces *we were assisted by the Serval forces, firstly; and
6 secondly we also had the MINUSMA forces with us; there were the FAMA forces
7 who were the interface, if you like, between the population of Timbuktu and
8 ourselves.

9 Q. [14:47:39] An incidental question, Mr Witness, these Serval, FAMA and
10 MINUSMA forces, did they have *any influence, intervention or role in the contents
11 of your work and observations?

12 A. [14:48:00] There was no influence or incidents upon our work itself, apart from
13 the fact that of course we felt far more secure and we were able to work in optimal
14 conditions.

15 Q. [14:48:15] And also very briefly, could you also describe to us the health
16 conditions and the climate conditions that were there while you were undertaking
17 your mission?

18 A. [14:48:31] Yes, indeed. During the month of June, in Timbuktu, the
19 temperatures are very high in that area, very difficult to work in and we would stop
20 between the hours of midday and 4 p.m., *as it was impossible to work the whole day.
21 And in terms of health, well, we had a few health issues to deal with. Two members
22 of the team, in fact, were sick.

23 Q. [14:49:00] Let me now briefly broach the various sites. I'm not going to
24 mention all of them, but for example, what, in what state did you find the
25 mausoleums?

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1 A. [14:49:15] All of the mausoleums that we examined were destroyed, that is to
2 say that there was no longer any identifiable form to them. There was a foundation
3 or base, but the entirety of all these sites were overrun with furniture and also rubble.
4 And there were door frames, doors themselves, there were beams and there were
5 mattresses to be found at each site.

6 Q. [14:49:56] I understand, Mr Witness, that you wrote a number of reports.
7 I would like you to please refer to tab number 1 of your binder. This is a confidential
8 document bearing reference number MLI-OTP-0029-1138.
9 Can it be brought up on the screen, but it is confidential.

10 THE INTERPRETER: [14:50:42] Correction from the interpreter: a mattress should
11 be replaced with springer.

12 MR DUTERTRE: [14:50:50](Interpretation)

13 Q. [14:50:51] Can you see this document, Mr Witness?

14 A. [14:50:55] Yes.

15 Q. [14:50:56] Do you recognise it?

16 A. [14:50:57] Yes, I do.

17 Q. [14:51:01] The report bearing the title, *Report on the examination of sites that were
18 destroyed in Timbuktu, Mali, compiled during a mission from 14 to 24 June 2013.
19 Did you co-author this report with somebody else? But please do not mention their
20 name.

21 THE INTERPRETER: [14:51:26] No pause between question and answer. Very
22 difficult for the interpreters.

23 THE WITNESS: [14:51:32] (Interpretation) *Yes, indeed. Two of us wrote this
24 report.

25 MR DUTERTRE: [14:51:37](Interpretation).

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1 Q. [14:51:38] I would like you please to refer to page 0029-1147. There are two
2 signatures on this page, Mr Witness. And it is still confidential. Who does the
3 signature to the right belong to?

4 A. [14:52:08] The signature to the right is my signature.

5 Q. [14:52:11] Thank you. Could you please now indicate to us what the aim and
6 the contents of this specific report were?

7 A. [14:52:25] Well, the report compiled the results of the examination of these
8 various sites that were visited in Timbuktu.

9 Q. [14:52:42] Would it be possible, Mr Witness, for you to turn two pages further
10 on, to page 0029-1150.

11 A. [14:52:57] I am at page 1150.

12 Q. [14:53:00] Could you please tell us what this map represents?

13 A. [14:53:04] This map is an aerial photograph representing the city of Timbuktu,
14 and, if my memory serves me correctly, this photograph, aerial photograph, dates
15 back to the year 2012.

16 Q. [14:53:23] And what do the various capsules with embedded text represent?

17 A. [14:53:33] Well, the points mentioned on this aerial photograph represent the
18 sites that were visited during that mission.

19 Q. [14:53:42](Microphone not activated)

20 THE INTERPRETER: [14:53:49] No microphone.

21 MR DUTERTRE: [14:53:52](Interpretation) Mr President, your Honours, as you
22 know, we had a witness preparation session. The log of that session was disclosed
23 to the Defence, to the Legal Representatives of Victims and to the Chamber, and, as
24 everyone was in a position to note, there were a number of typos in that report that
25 were corrected during that session.

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1 So there are two options. Either I put open questions to the witness, which will take
2 time and then I correct things in that manner, or I can be more leading, and we can
3 gain time and not waste the time of the Chamber on such questions.

4 PRESIDING JUDGE MINDUA: [14:54:42](Interpretation) We can -- let's gain time,
5 Mr Prosecutor. Go ahead, please.

6 MR DUTERTRE: [14:54:50](Interpretation)

7 Q. [14:54:51] Mr Witness, may I ask you to turn to page 1147, please. 0029-1147.
8 Do you have it?

9 A. [14:55:10] Yes, I do.

10 Q. [14:55:11] At the very top of the document you can see a metal cylinder was
11 found on 18 June 2015. And you said that we should read here 18 June 2013; is that
12 correct?

13 A. [14:55:26] Yes, indeed.

14 PRESIDING JUDGE MINDUA: [14:55:28](Interpretation) Mr Witness, I need to
15 remind that as you are both speaking the same language, you are tempted to answer
16 immediately. So please, can you count one, two, three before answering.

17 Thank you very much for your assistance.

18 MR DUTERTRE: [14:55:52](Interpretation)

19 Q. [14:55:54] May I refer you, Mr Witness, to page 0029-1146. And under point 11,
20 which commences with "Objects seized", it is written:

21 Negative found on the 21 of October 2013 to the right of the entrance to the
22 Arsène Klobb museum.

23 And you said it should read 21st of June 2013 instead. Is that correct?

24 A. [14:56:39] Yes, indeed.

25 Q. [14:56:44] Now I'm going to move on to a series of annexes that need to be

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1 corrected and some of them I'm going to correct in a grouped manner.

2 Could you please turn to page 0029-1158, which is a page in annex 3.

3 A. [14:57:07] Yes.

4 Q. [14:57:09] And we have written here 17 March 2011. Please do not answer yet.

5 I'm asking you also to refer to page 0029-1165, which is a page in annex 4. And here
6 there is also written 17 March 2011.

7 A. [14:57:39] Indeed.

8 Q. [14:57:40] I would like you now to refer to page 0029-1169, that's page annex 5
9 and, once again, we have written 17 March 2011.

10 A. [14:58:01] Yes.

11 Q. [14:58:04] I would like you to now look at page 0029-1173, that is annex 6, and
12 also we have here 17 March 2011?

13 A. [14:58:26] Yes.

14 Q. [14:58:28] And I would also ask you to refer to annex 7, that's 0029-1178, 1178.
15 Also, we have the date of 17 March 2011, do we not, Witness?

16 A. [14:58:50] Yes, we do.

17 Q. [14:58:51] Now, on all of these pages, the 1158, 1165, 1169, 1173, and 1178, you
18 said that we should read the date 17 June 2013. Is that correct?

19 A. [14:59:18] Yes, indeed.

20 Q. [14:59:24] Let me continue this exercise with page 0029-1187, which corresponds
21 to annex 8. Here we have the date 18 March 2011.

22 A. [14:59:46] Yes, indeed.

23 Q. [14:59:48] Can you see that?

24 A. [14:59:49] Yes.

25 Q. [14:59:52] I would like you to now look at page 0029-1196, which is annex 9 of

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1 the report.

2 A. [15:00:06] Yes.

3 Q. [15:00:08] We also have here the date 18 March 2011.

4 A. [15:00:14] Yes.

5 Q. [15:00:18] I would like you now to look at page 0029-1200, and this is annex 10.

6 There we have written 18 March 2011, again?

7 A. [15:00:38] Yes.

8 Q. [15:00:40] Mr Witness, on these pages 1187, 1196, 1200 and 1206, you told us that
9 we should read the date 18 June 2013; is that correct?

10 A. [15:01:09] Yes, 18 June 2013.

11 Q. [15:01:19] Now, annex 12, that is page 0029-1210, that is annex 12, we have the
12 date here of 19 March 2011. One should read here 20 June 2013, should one not?

13 A. [15:01:46] Yes, indeed.

14 Q. [15:01:51] And a last series of annexes, page 0029-1224, which is annex 13, there
15 is the date of 19 March 2011?

16 A. [15:02:12] Yes.

17 Q. [15:02:15] And page 0029-1241, which is annex 14, there is the date of
18 19 March 2011, and also the same date on 19 March 2011 appears in annex 15,
19 0029-1268.

20 A. [15:02:53] Yes.

21 Q. [15:02:56] On these three pages, 1224, 1241 and 1268, you told us that the date of
22 21 June 2013 should be read; is that correct?

23 A. [15:03:15] Yes, indeed.

24 Q. [15:03:23] I have a few further corrections to bring, your Honours. I would like
25 to refer the witness and the Chamber to page 0029-1164 -- 1144, apologies. It's a bit

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1 laborious.

2 Do you have the page in front of you, Mr Witness?

3 A. [15:03:59] Yes.

4 Q. [15:04:01] There is a second bullet point with the date of 19 June 2013 and a
5 series of sites listed. And you explained to us that, in fact, some of those sites had
6 been examined on subsequent days?

7 A. [15:04:23] Yes, indeed. Those sites or all of those sites were not all examined on
8 19 June 2013, but on the 19th, the 20th, and the 21st of June 2013.

9 Q. [15:04:41] And to gain a little bit of time, you explained to us that the precise
10 dates appear in another report that we shall consult later on, bearing the ERN
11 0041-0426, page 0431. So I will let you or leave you the time to have a look and
12 confirm.

13 A. [15:05:19] I can indeed confirm the ERN number.

14 Q. [15:05:23] Thank you.

15 I now have two GPS coordinates to correct, Mr President and your Honours in this
16 report, and then I will be done with my corrections.

17 Could you please, still under tab 1, that is the report, 0029-11 --

18 THE INTERPRETER: [15:05:52] The interpreter did not catch it, it was said at the
19 speed of light. 1138. Thank you.

20 MR DUTERTRE: [15:06:12](Interpretation).

21 Q. [15:06:13] And could you please refer to annex 3, which is at 0029-1159. Are
22 you there, Mr Witness?

23 A. [15:06:32] Yes, I am at said page.

24 Q. [15:06:36] And with reference to the photograph *0006-1333, which is to be found
25 in your second binder, could you please confirm that the correct GPS coordinates at

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1 page 0029-1159 should read as follows: 16 degrees, 46 minutes, 285 north, 3 degrees,
2 00 minutes 620 *millième* to the west?

3 A. [15:07:57] Yes, indeed, these are the coordinates that are to be read on the
4 document, 620 thousandths.

5 Q. [15:08:09] Thank you very much.

6 Let us now go to annex 7, that's 0029-1180. Once again we have GPS coordinates
7 associated with the photograph *0006-1314?

8 A. [15:09:05] Yes, I have come to the photograph.

9 Q. [15:09:10] Can you confirm that the GPS coordinates on the page 0029-1180
10 should read 16 degrees, 46 minutes, 248 thousandths to the north, and 3 degrees,
11 *00 minutes, 492 thousandths to the west?

12 A. [15:09:45] I can confirm that.

13 Q. [15:09:52] Thank you, Mr Witness. Now that we have brought these
14 corrections to the report, this report 0029-1138, is it now correct?

15 A. [15:10:09] Yes, it is.

16 Q. [15:10:14] Could you please go to page 0029-1145 of the report, please.

17 A. [15:10:35] I am at page 1145.

18 Q. [15:10:40] Around the middle of the page there is indicated that a total of 848
19 photographs were taken by, and I shall leave the name to one side, and 614
20 photographs were taken by the witness with the ERN number

21 MLI-OTP-0006-1156 -- 1256 to MLI-OTP-0006-1870, seven zero. Could you briefly
22 tell the Chamber how all these photographs were organised, Mr Witness?

23 A. [15:11:44] Yes, of course I can, Prosecutor.

24 Now, after each day when we would arrive at a site, we would set up a *tab with the
25 name of the site, we would take a photograph, and in all the subsequent photographs

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1 those, those subsequent photographs would automatically be linked to that specific
2 site. And at the end of the day we would then transfer all the photos taken during
3 that day to a folder bearing the name of the day, and within that folder we would
4 organise other sub folders with each site that we had examined. And at the end of
5 the mission, we had a file with each day and within each day we had each of the sites
6 that had been examined by our team.

7 Q. [15:12:56] Thank you. The OTP does not have the intention, Mr President, your
8 Honours, of sifting through all of these photographs, however, we have discovered
9 that there are approximately 10 photographs that were not in the list of our request or
10 application under Article 68(3). So I would like to ask the witness to rapidly look at
11 these photographs and I'll put some standard questions to him and then we will be
12 able to wrap up that aspect.

13 PRESIDING JUDGE MINDUA: [15:13:38](Interpretation) Very well, Mr Prosecutor.
14 Briefly, please.

15 MR DUTERTRE: [15:13:43](Interpretation)

16 Q. [15:13:44] Mr Witness, could you please consult photo 0006-1524 until photo
17 0006-1533, could you consult those photos, please.

18 A. [15:14:38] Yes.

19 Q. [15:14:41] Who took those photographs, Mr Witness?

20 A. [15:14:46] I think that it must have been me, Mr Prosecutor.

21 Q. [15:15:02] Thank you. I would now ask you to go to the second divider bearing
22 the document 0027-0226, that's the second tab. And it is confidential in nature.

23 A. [15:15:49] I am on that document 0027-0226.

24 Q. [15:15:53] What is that document, Mr Witness?

25 A. [15:15:58] Mr Prosecutor, this is a sketch that I did following *the examination of

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1 what was referred to as the Jewish cemetery in Timbuktu.

2 Q. [15:16:23] And is that sketch correct, Mr Witness?

3 A. [15:16:28] Well, it is indeed a sketch, so there is no scale, it is a simple sketch in a
4 bid to reflect all the elements that can be observed on the site.

5 Q. [15:16:55] Mr Witness, would you object to report 0029-1138 with the corrections
6 made, as well as sketch 0027-0226 and photographs from ERN 0006-1256 to 0006-1870,
7 that all these materials should be tendered into evidence?

8 A. [15:17:50] I have no objection, Mr Prosecutor.

9 Q. [15:18:05] I would like to refer you to tab 8, Mr Witness. It is a confidential
10 document, ERN 0038-0891.

11 A. [15:18:30] I am on that document, Mr Prosecutor.

12 Q. [15:18:38] Do you recognise that report, Mr Witness?

13 A. [15:18:43] Absolutely, Mr Prosecutor.

14 Q. [15:18:48] Would you kindly go to page 0899, that is 0038-0899.

15 A. [15:19:08] Is that still the document, 0038-0899?

16 Q. [15:19:14] Yes.

17 A. [15:19:17] Yes, indeed.

18 Q. [15:19:22] Do you recognise your signature?

19 A. [15:19:25] Yes, indeed, Mr Prosecutor.

20 Q. [15:19:30] What was the purpose of that preliminary report or pre-report as it is
21 entitled?

22 A. [15:19:45] The purpose of that pre-report was to provide a concise report on the
23 *Banque Malienne de Solidarité* in Timbuktu, *the examinations that we conducted there,
24 and specifically on the ground floor of that building.

25 Q. [15:20:15] Can you refer to page 0038-0898.

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1 A. [15:20:24] Yes.

2 THE INTERPRETER: [15:20:31] Microphone.

3 THE COURT OFFICER: [15:20:35] Microphone, microphone.

4 MR DUTERTRE: [15:20:41](Interpretation)

5 Q. [15:20:44] At the top, and it is the *Banque Malienne de Solidarité*, this building was
6 examined on two occasions, on 19 and 20 June 2013, all the doors and windows were
7 locked *and the bars were fitted with chains and padlocks. So you went there on
8 two days. Why were there two visits?

9 A. [15:21:17] Yes, indeed we visited that location on two occasions. As explained
10 above, we had very little time to carry out our technical examinations and the location
11 itself was relatively large, *so there were many elements to be observed and noted.
12 So we planned to carry out the examination on more than half a day so as to do our
13 work properly under the best possible conditions.

14 Q. [15:22:02] Mr Witness, I would like to briefly show you photograph 0006-1461 in
15 the second binder.

16 A. [15:22:34] I can see the document.

17 Q. [15:22:39] And what does that document reflect, Mr Witness?

18 A. [15:22:45] It is a chain with a padlock. So the place was closed and locked with
19 chains and padlocks at the time of our arrival.

20 Q. [15:23:08] And what location are you talking about?

21 A. [15:23:13] The *Banque Malienne de Solidarité*.

22 Q. [15:23:17] And who took that photograph?

23 A. [15:23:22] I really do not recall whether I took that photograph *or the other
24 person who had the other camera, but I remember perfectly well that I was present at
25 the time that photograph was taken.

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- 1 Q. [15:23:43] Thank you. Mr Witness, can you refer back to the report, 0038-0891.
- 2 A. [15:24:06] I am there.
- 3 Q. [15:24:07] Is that report accurate, Mr Witness?
- 4 A. [15:24:11] Yes, Mr Prosecutor, that report is accurate.
- 5 Q. [15:24:17] Would you object to report 0038-0891 being tendered into evidence?
- 6 A. [15:24:26] I have no objection to that.
- 7 Q. [15:24:32] Mr Witness, I will refer you now to tab 9 and it is a confidential
- 8 document, 0041-0426. Do you recognise that report, Mr Witness?
- 9 A. [15:25:16] Yes, I do, Mr Prosecutor.
- 10 Q. [15:25:22] Did you write it alone or with someone else? And you don't need to
- 11 mention any name.
- 12 A. [15:25:31] There were two of us who wrote it.
- 13 Q. [15:25:37] Can you go to page 0041-0434.
- 14 A. [15:25:57] I am on page 0434.
- 15 Q. [15:26:03] And whose signature is that on the right?
- 16 A. [15:26:07] It is my signature, Mr Prosecutor.
- 17 Q. [15:26:13] What was the purpose of that specific report, Mr Witness?
- 18 A. [15:26:19] The purpose of that report was to complete the preliminary report
- 19 that we had had before, that is *the purpose of that report was to complete the
- 20 preliminary report that we saw earlier, based on the examination conducted within
- 21 the *Banque Malienne de Solidarité* in Timbuktu.
- 22 Q. [15:26:41] Now, Mr Witness, go to the *penultimate page of this report, that is
- 23 0041-0472.
- 24 A. [15:27:07] I am on that page.
- 25 Q. [15:27:09] *Very briefly, Mr Witness, this mission letter signed by yours truly

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1 indicates that you are tasked with compiling a report on the various mausoleums,
2 mosques, monuments, as well as the Ahmed Baba Centre and the Jewish cemetery. Is
3 it just the wrong mission letter that is annexed to this report?

4 A. [15:27:38] I believe so, Mr Prosecutor.

5 Q. [15:27:43] Can you go to tab 7, Mr Witness. And it is mission letter 0049-0145.

6 A. [15:28:04] I can see that document.

7 Q. [15:28:07] Is it the mission letter on the report that we have just seen?

8 A. [15:28:13] Absolutely.

9 Q. [15:28:15] Thank you. Let me come back to the report on tab 9, and I refer you
10 *to page 0461 and 0041-0462. And also 0041-0462.

11 A. [15:28:57] I can see them.

12 Q. [15:29:04] *This pertains to Hotel La Maison, as we can see on age 0461 and on
13 page 0462 it is stated "examination of the location shows the presence of documents in
14 Arabic in a room on the first floor"?

15 A. [15:29:43] Yes, indeed.

16 Q. [15:29:48] Mr Witness, do you remember where the Arabic language documents
17 were located precisely in that room?

18 A. [15:30:00] *If I remember correctly, some pieces of office type furniture remained,
19 if I remember correctly, and the documents were in this room where some pieces of
20 furniture remained where the documents could be stored.

21 Q. [15:30:24] Can you go to photograph 0006-1456 of the second binder.

22 A. [15:30:43] I am there.

23 Q. [15:30:46] Do you recognise that photograph, Mr Witness?

24 A. [15:30:54] Absolutely, Mr Prosecutor.

25 Q. [15:30:56] And what can you tell us about that photograph, Mr Witness?

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1 A. [15:31:02] These were the drawers, the furniture in the room of the first floor
2 *where we found the famous documents in Arabic that were seized once we had
3 examined them.

4 Q. [15:31:24] And who took that photograph?

5 A. [15:31:26] I believe I must have been the one, Mr Prosecutor.

6 Q. [15:31:33] I will go now to report 0041-0426 in tab 9. Is that report accurate,
7 Mr Witness?

8 A. [15:31:46] Yes, that report is accurate.

9 Q. [15:31:50] Would you object to that report 0041-0426, *with it now correctly
10 being referred to as the mission letter 0049-0145, would you object to those materials
11 be tendered into evidence?

12 A. [15:32:17] I have no objection, Mr Prosecutor.

13 Q. [15:32:29] We will go on now to the last report, Mr Witness. And it is tab 15,
14 0060-1920, MLI-OTP-0060-1920. And it is confidential.

15 A. [15:32:54] I am on that document.

16 Q. [15:32:57] Do you remember or recall this report, Mr Witness?

17 A. [15:33:02] Yes, absolutely.

18 Q. [15:33:05] Did you draft this report alone or with others? But do not mention
19 any names.

20 A. [15:33:14] There were three of us who wrote this report.

21 Q. [15:33:19] Mr Witness, can you refer to page 0060-1930.

22 A. [15:33:32] I am there.

23 Q. [15:33:36] *Now, the signature on the far right - of the three signatures - whose
24 signature is that?

25 A. [15:33:46] That is my signature.

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1 Q. [15:33:50] Mr Witness, what was the purpose of that report on -- in relation to
2 the other reports on the BMS that we have just seen?

3 A. [15:34:04] The object of this report was to take all the photographs taken on this
4 site and place them in context using the sketch prepared *showing the BMS and *Hotel*
5 *La Maison*, indicating the points of view that were used to take each of the
6 photographs.

7 THE INTERPRETER: [15:34:44] Microphone.

8 MR DUTERTRE: [15:34:46](Interpretation)

9 Q. [15:34:47] I would like to refer you briefly *to page 0060-1978.

10 A. [15:35:03] I am there.

11 Q. [15:35:07] I quote:

12 ""Upon telephone instruction from Mr Dutertre, senior trial lawyer, on 24 May 2018 at
13 6:20 p.m., we specified that the documents and various objects mentioned placed
14 under seal and referenced MLI-OTP-0005-0025 were seized from the furniture
15 containing the drawers."

16 Just to clarify, which was the specific instruction given to you by telephone?

17 A. [15:36:05] Regarding the telephone instruction, if I remember correctly, because
18 this was quite some time ago, it was to determine where all the Arabic language
19 materials were seized, *in the Hotel La Maison, in which room and in which part
20 of the room that we seized those materials.

21 Q. [15:36:39] Mr Witness, this report MLI-OTP-0060-1920, is that report correct?

22 A. [15:36:50] It is correct, Mr Prosecutor.

23 Q. [15:36:54] Would you object to that report 0060-1920 and the attached mission
24 letters being tendered into evidence?

25 A. [15:37:11] I have no objection, Mr Prosecutor.

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1 MR DUTERTRE: [15:37:20](Interpretation) Just one moment, your Honours, to
2 confer with my colleagues and I would conclude.

3 PRESIDING JUDGE MINDUA: [15:37:30](Interpretation) Please go ahead,
4 Mr Prosecutor.

5 (Counsel confer)

6 MR DUTERTRE: [15:37:43](Interpretation) I think we have covered everything with
7 this witness, your Honours. It might have been a bit tedious at times, but we had to
8 do it and *I would like to thank the Chamber for being so patient. We took about one
9 hour, but we will with shorter with Witness 55. Thank you.

10 PRESIDING JUDGE MINDUA: [15:38:14](Interpretation) Thank you very much,
11 Mr Prosecutor.

12 Now we are talking about admissibility of pre-recorded evidence under Article 68(3).
13 The conditions have been fulfilled and we will consider these materials as having
14 been admitted for the time being. I am waiting for everybody to be able to hear
15 what I have said.

16 I would now like to address the Legal Representatives of the victims. I note that
17 today the Legal Representatives of the victims submitted an application to question
18 this witness. Is that correct, Mr Kassongo?

19 MR KASSONGO: [15:39:17](Interpretation) Yes, that is correct.

20 PRESIDING JUDGE MINDUA: [15:39:22](Interpretation) It is filing number 1043.

21 I would like to ask the parties, beginning with the Prosecutor and then the Defence,
22 whether you have any objections.

23 MR DUTERTRE: [15:39:38](Interpretation) No objection, Mr President.

24 PRESIDING JUDGE MINDUA: [15:39:42](Interpretation) Thank you very much,
25 Mr Prosecutor.

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1 The Defence, please, counsel?

2 MS MONTEFUSCO: [15:39:49] Thank you, your Honour. The Defence does not
3 have the possibility to review the questions that would be asked in advance. And
4 the objections we may have, which - yes, it is on, okay - which may be moot that we
5 could address prior to hearing them in open session, we're not able to address them.
6 The filing is quite general and we don't have the detail that is necessary to effect our
7 right to review them in advance.

8 PRESIDING JUDGE MINDUA: [15:40:33](Interpretation) Very well. In that case
9 then I will give the floor to Legal Representatives of Victims to ask his questions.

10 Mr Kassongo.

11 MR KASSONGO: [15:40:48](Interpretation) Thank you, your Honours. The Legal
12 Representatives do not intend to take too long because all the details were given.
13 However, given that the witness is present here, it is preferable to put to him a few
14 questions of clarification.

15 QUESTIONED BY MR KASSONGO:

16 Q. [15:41:24] Mr witness, I would like to congratulate you on behalf of the Legal
17 Representatives for your testimony. We understood that you travelled to Timbuktu
18 and for technical reasons. Did you visit -- you visited all the buildings thanks to an
19 aerial view and the possibility of having an overview of the facts. Our question is
20 very specific. We would like to know what was your impression after having visited
21 all the buildings on the list, that is before you carried out your work. That is, what
22 was your impression, setting aside the technical aspect of it?

23 A. [15:42:41] If you are talking of an overall general impression on Timbuktu and
24 especially those emblematic monuments, I would say that when it comes to the
25 mausoleums, there was a great deal of destruction, many of them were practically

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1 razed to the ground. Some of what I would call civilian monuments, *the martyrs
2 monument and the peace monument which are important symbols, especially for
3 the Malian people, this was very sensitive for the Malians themselves and even for
4 myself, who is a foreigner.

5 Q. [15:43:51] Thank you, Mr Witness, I will come back to that detail. You said
6 there was a great deal of destruction. How was it important based on what you
7 saw?

8 A. [15:44:09] Some of the documents -- or, some of the monuments were razed to
9 the ground, destroyed completely, especially the peace monument which was
10 opposite the *Gouvernorat* of Timbuktu.

11 Q. [15:44:34] Just one point of clarification. During your activities, without going
12 into the details of those activities, did you have the opportunity to speak with other
13 people or inhabitants of the town or people that you just met in that town?

14 A. [15:44:56] During our mission we did not have any contact with civilians. The
15 only contacts we had were with religious authorities when we visited the
16 mausoleums and the mosques, and also official authorities of the *Gouvernorat*. *So,
17 officials both from civilian and religious bodies.

18 Q. [15:45:26] Thank you. Mr Witness, the very last question was to ask you for
19 your impression when you saw the population of Timbuktu, given that you were not
20 able to actually physically contact them and to exchange with them. Just by looking
21 at them, what impression did you have?

22 A. [15:45:58] Well, once again, I think we're moving away from the technical field
23 that I was mandated to cover by the Court, but during the mission we did sense a
24 certain joy and I know that contact with children, even from afar, were very cordial
25 indeed.

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1 Q. [15:46:25] The Legal Representatives for Victims are very satisfied with your
2 answers and I thank you once again.

3 And I turn to the Chamber to thank the Presiding Judge and your Honours for your
4 time.

5 PRESIDING JUDGE MINDUA: [15:46:41](Interpretation) Thank you very much,
6 Mr Kassongo.

7 Now let us move on to the cross-examination on the part of the Defence, but first of
8 all I'd like to ask the Prosecutor if there are any objections as to the exhibits that will
9 be presented by the Defence.

10 MR DUTERTRE: [15:47:01](Interpretation) Mr President, no objections. There are
11 *two items on the list, of which a video; the transcript has finally been provided to us..
12 We have no objections.

13 PRESIDING JUDGE MINDUA: [15:47:14](Interpretation) Very well, that will enable
14 us to move forward.

15 Now, Ms Montefusco, over to you. And let me make the most of this moment now
16 while counsel is preparing herself to bring to the witness's attention that sometimes
17 the cross-examination from the opposing party might be a little bit difficult, so I call
18 upon your patience and ask you to answer the questions clearly and agreeably, the
19 questions that are put to you.

20 Counsel Montefusco, please, over to you.

21 MS MONTEFUSCO: [15:48:02] Your Honours, the Defence does have some folders
22 to pass out, if we could do that quickly.

23 PRESIDING JUDGE MINDUA: [15:48:17](Interpretation) Yes, of course, counsel.
24 Thank you very much.

25 (Pause in proceedings)

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1 PRESIDING JUDGE MINDUA: [15:49:46](Interpretation) That's done. Over to you,
2 Counsel.

3 QUESTIONED BY MS MONTEFUSCO:

4 Q. [15:49:57] Good afternoon, Mr Witness.

5 A. [15:49:59] Good afternoon, Counsel.

6 Q. [15:50:04] On your mission to Timbuktu would it be fair to say that you were
7 part of the Prosecution's joint mission?

8 A. [15:50:21] On the occasion of that mission I was associated with the Office of the
9 Prosecutor, I was placed at their disposal by the French State to provide them with
10 technical assistance.

11 Q. [15:50:36] Thank you. And previously you testified that Serval was the
12 primary entity that provided security to you while you were on that mission, correct?

13 A. [15:50:58] Yes, indeed.

14 Q. [15:50:59] And do you recall being given a debriefing by Serval on 22 and
15 23 June?

16 A. [15:51:20] Yes, indeed, we did have a debriefing.

17 Q. [15:51:25] We'll come back to that in a moment.

18 In preparation for the mission, did you have the opportunity to study the work that
19 was to be done when you were there?

20 A. [15:51:54] Well, the decision to provisionally appoint me for this mission was a
21 very short duration, and if my memory serves me correctly, I had just *ten days
22 to prepare myself before departing.

23 Q. [15:52:15] And would you say that the preparation that you were able to have
24 adequately prepared you?

25 A. [15:52:32] From a technical viewpoint I would say that I'm ready for about

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1 40 -- 30 years now by virtue of my activities, but at a physical level and with regard to
2 everything involving temperature, I wasn't really ready. But I would say that
3 everything was prepared in such a manner that we were able to put up with such
4 material difficulty.

5 Q. [15:53:04] I'd like to speak for a moment on the letters of instruction you
6 received to go on mission to Mali and I will endeavour to ask these following
7 questions in such a way that we do not need to enter into private session. So bear
8 with me.

9 In addition to the letter of instruction received from the Prosecution's office, did you
10 also receive a national investigation instruction letter?

11 A. [15:53:50] With a view to being able to be placed at the disposal of the Office of
12 the Prosecutor, there were a number of -- there was some red tape or administrative
13 documentation placing me at their disposal on the part of the French State. So
14 indeed there must have been documentation from the French State authorising for my
15 being placed at their disposal. *And the French State responded to this request in the
16 affirmative. However, I did not receive any indication or any specific order -- *none
17 whatsoever - with regard to operations to be conducted in Mali.

18 Q. [15:54:35] In regards to the mission in Mali, this was your first time that you had
19 investigated in Mali, wasn't it?

20 A. [15:54:53] Yes, indeed. I had never set foot in that country beforehand.

21 Q. [15:55:00] And it was also your first time in Timbuktu, then?

22 A. [15:55:11] Yes, indeed, Counsel.

23 Q. [15:55:14] How about your first time investigating in Africa?

24 A. [15:55:27] That was indeed the first time that I was physically investigating in
25 Africa.

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1 Q. [15:55:35] And do you speak any of the local languages of Timbuktu?

2 A. [15:55:49] Absolutely not, Counsel, no.

3 MS MONTEFUSCO: [15:55:56] For the purposes of time, your Honours, we will
4 reserve the addressing the video portion of this examination until tomorrow so that
5 we're able to complete that entire section without a break.

6 Q. [15:56:18] That said, turning now to the specifics of the crime scene at the bank,
7 the *Banque Malienne de Solidarité* - I'll refer to it as "the bank" - would it be correct to
8 say that when you arrived at the site, you documented what you first saw upon
9 arrival?

10 A. [15:56:49] Yes, indeed. That is part and parcel of the classic approach *in
11 technical and forensic police methodology.

12 Q. [15:57:01] And do you recall in your statement reporting that while you did not
13 conduct an expert crime scene analysis, you did conduct according to standard
14 investigative procedures to the best of your abilities?

15 A. [15:57:33] In the context of capacity, yes, indeed. In terms of the conditions, as
16 I said, that were quite difficult, and also in terms of time, because generally speaking,
17 when one examines a crime scene, you need a lot of time, a lot of means that we
18 unfortunately did not always have. So we tried to do the most technical
19 investigation in the least amount of time possible.

20 Q. [15:58:08] Now, you've testified that when you arrived at the bank you found it
21 padlocked, correct?

22 A. [15:58:34] Yes, upon our arrival, we were able to observe chains and a padlock
23 that linked those chains together.

24 Q. [15:58:48] Would it be correct to say that when, temporally speaking, you arrive
25 to an alleged crime scene can vastly affect the integrity of that scene?

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1 A. [15:59:16] Well, any intervention upon a crime scene can indeed bring up new
2 elements, but we are trained to avoid contamination and to bring along -- you know,
3 to avoid bringing along our own trace that would superpose those already existing.
4 So we try to carry out our examination without bringing any further traces or -- of our
5 presence, and that applies to crime scenes as well.

6 Q. [15:59:56] But it's true that you would be unable to account for or correct for any
7 contamination in the pre-secured crime scene?

8 A. [16:00:12] Indeed, this is an issue underlying our activity, that is to say, that the
9 first people to arrive on the scene are -- well, might, I say might bring new elements.
10 But then the work of the scientific police is to put aside those traces and work on
11 those traces that can be put down to a criminal activity.

12 Q. [16:01:12] But it's true that it is very difficult to control for that contamination
13 prior to the locking of, in this case, the bank; in other words, you don't know when
14 the bank was locked?

15 A. [16:01:37] Yes, indeed, Counsel. That is one of the difficulties that we might
16 have come across with this type of site. *Indeed we did not know, we merely
17 established our findings at a given moment in time (T moment).

18 PRESIDING JUDGE MINDUA: [16:01:55](Interpretation) Mr Prosecutor.

19 MR DUTERTRE: [16:01:58](Interpretation) It's just a technical issue. We no longer
20 have a French transcript so it's a little bit difficult to understand how the questions are
21 being transcribed.

22 PRESIDING JUDGE MINDUA: [16:02:10](Interpretation) Madam court officer.

23 (Pause in proceedings)

24 THE COURT OFFICER: [16:03:08] It seems that a problem, a technical issue has
25 occurred. The court reporter apologises. She will now type the proceedings.

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1 PRESIDING JUDGE MINDUA: [16:03:28](Interpretation) Very well.

2 Counsel, Ms Montefusco, we can continue. We'll see whether it works now.

3 MS MONTEFUSCO: [16:03:38] Very well.

4 Q. [16:03:42] So if one of your concerns upon arrival, Mr Witness, was in relation to
5 what, if any, contamination may have occurred at the bank, it's then also true that you
6 are unable to speak to any potential prior entries by others?

7 THE WITNESS: (Microphone not activated)

8 THE INTERPRETER: [16:04:35] Microphone, please, Mr Witness.

9 THE WITNESS: [16:04:42](Interpretation) I do apologise.

10 When we arrived on the site of the bank, we noted that the premises were closed.

11 Then as to the possibility of these premises having been opened at an earlier stage,

12 that is not part of our mission. Our mission was to conduct a technical

13 reconnaissance mission, and we did so, according to the elements that had been given

14 *notably by the local authorities.

15 MS MONTEFUSCO: [16:05:15]

16 Q. [16:05:27] Your securing of the scene during your time there and your review of
17 it would have also included an establishment of the perimeters external to the bank,
18 yes?

19 A. [16:05:53] With regard to the *Banque Malienne de Solidarité*, it is located in the
20 centre of the town, which means that the only part that we were truly able to examine
21 from a technical standpoint were the rooms inside the building. We were also able
22 to make or take photographs of the exterior of the building, but there was no physical
23 perimeter set up on the outside of the building.

24 Q. [16:06:26] But did you, in your review of the scene, consider a particular
25 perimeter to be part of the crime scene?

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1 A. [16:06:48] The *Banque Malienne de Solidarité* perimeter - well, there was an
2 external perimeter that was set up by the Serval forces - I would say that that was the
3 sort of hard perimeter. But as for the security of the crime scene itself, we
4 considered that the external walls of the BMS served as a security barrier and we were
5 able to conduct our examination inside the building itself, the bank.

6 Q. [16:07:28] So it would be correct to say that other than taking photographs of the
7 exterior of the bank walls, you did no investigation external to the bank?

8 A. [16:07:50] At the exterior of the *Banque Malienne de Solidarité* we did not conduct
9 any specific examination, no, other than taking photographs to establish the building
10 *to situate the building within its immediate environment.

11 Q. [16:08:13] So within the amount of time that we have remaining, I'd like to speak
12 briefly in regards of the investigative equipment that you brought on mission with
13 you. You've both written in your statements and also confirmed here that you
14 experienced some equipment malfunction, yes?

15 PRESIDING JUDGE MINDUA: [16:08:42](Interpretation) Counsel, just a point of
16 clarification because you say for the time remaining. How many minutes do you
17 intend to continue your cross-examination for?

18 MS MONTEFUSCO: [16:09:02](Microphone not activated)

19 THE INTERPRETER: [16:09:04] Microphone, please.

20 MS MONTEFUSCO: [16:09:07](Overlapping speakers) five or six, in this particular
21 set of questions.

22 PRESIDING JUDGE MINDUA: [16:09:14](Interpretation) Very well. You talked
23 about a video. Could we not see the video today and then finish off with the
24 cross-examination?

25 MS MONTEFUSCO: [16:09:32] Your Honour, may I have a moment to consult with

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1 Ms Taylor? Thank you.

2 PRESIDING JUDGE MINDUA: [16:09:42](Interpretation) Yes, of course. Go ahead.

3 (Counsel confer)

4 PRESIDING JUDGE MINDUA: [16:10:21](Interpretation) Please go ahead, Counsel.

5 MS MONTEFUSCO: [16:10:25] So there might be some confusion. With the few
6 questions in regards of the equipment brought on mission, we're talking about five or
7 six minutes. In regards of the video and the associated line of questioning, in
8 addition to other lines of questioning, that cannot be finished in the next five minutes
9 that we're sitting.

10 PRESIDING JUDGE MINDUA: [16:10:57](Interpretation) So you want us to come
11 back tomorrow?

12 MS MONTEFUSCO: [16:11:01] Yes, your Honour. We would need to.

13 PRESIDING JUDGE MINDUA: [16:11:07](Interpretation) Very well. Granted.
14 Please continue with your cross-examination.

15 MS MONTEFUSCO: [16:11:17]

16 Q. [16:11:18] Mr Witness, I had asked in regards of the equipment that you brought
17 with you on the mission, you've spoken to challenges, environmental challenges that
18 the equipment suffered. And one piece of the equipment that suffered
19 environmental issues was a camera, yes?

20 A. [16:11:48] Yes, indeed. At a given moment in time the temperature went up a
21 little bit too high for that type of equipment, and as a result the camera stopped
22 working. We just needed to leave it in the shade in a slightly cooler place for it to
23 come back to life and work properly again.

24 Q. [16:12:18] So at temperatures of 48 degrees Celsius which you've reported, the
25 camera malfunctioned. And you've also reported failures with the computer, one of

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1 the computers that was brought on the mission, yeah?

2 A. [16:12:39] Yes, indeed.

3 Q. [16:12:43] And this -- sorry. And this included both heat and dust damage?

4 A. [16:12:59] With regard to the computer, yes, the dust was the reason. As to the
5 camera, I think it was the temperature and the fact that it was exposed to sunrays and
6 it went beyond its ability to operate normally.

7 Q. [16:13:21] So it's fair to say that with mechanical devices being pushed beyond
8 their normal operability, there could be questions of accuracy as to photos that were
9 taken or saved on these computers; is that a fair thing to say?

10 A. [16:13:43] I did not note any issue with the autofocus or with the quality or
11 contrast or colours within the camera. The only obstruction I think that we could
12 refer to was the fact that the camera stopped working, and this meant that we needed
13 to spend more time on the crime scenes to be able to take the photographs.

14 Q. [16:14:25] But there's no way to have certainty. If you have malfunctioning
15 electronics, you cannot be certain as to accuracy. Certainty is missing; isn't that true?

16 A. [16:14:47] With regard to some type of equipment, indeed. When we come out
17 of the normal framework of utilisation, there can be differences, yes, but I think I'm
18 talking here more about measurement equipment. When we're talking about
19 photographic equipment, I have not noted any distortion or any specific issues as
20 such.

21 Q. [16:15:13] My question went to certainty. So you haven't noted it, but you
22 cannot be certain. And a yes or no answer is sufficient.

23 PRESIDING JUDGE MINDUA: [16:15:29](Interpretation) Mr Prosecutor.

24 MR DUTERTRE: [16:15:30](Interpretation) Two points. I don't know what

25 accuracy we're referring to. And I think the question has been asked and answered

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1 and has been put on a number of occasions. You can put the question repeatedly
2 until you get the answer you want, but I think it's already been asked and answered
3 and we can move on.

4 PRESIDING JUDGE MINDUA: [16:15:53](Interpretation) Ms Montefusco, the
5 Prosecutor is saying that the witness has already answered that question.

6 MS MONTEFUSCO: [16:16:00] And it's the final question, your Honours. It
7 goes -- it simply went to accuracy with malfunctioning equipment. So I will
8 conclude with that. I believe I need to conclude at this hour, yes?

9 PRESIDING JUDGE MINDUA: [16:16:25](Interpretation) Yes, indeed, because it is
10 time.

11 MS MONTEFUSCO: [16:16:31] Then I conclude.

12 PRESIDING JUDGE MINDUA: [16:16:38](Interpretation) Thank you very much,
13 Counsel.

14 Mr Witness, as you can see, we have not finished the cross-examination on the part of
15 the Defence, so you shall continue with your testimony tomorrow. And in the time
16 being, the Chamber would like to thank you for having answered the questions so
17 nicely today.

18 Tomorrow you shall continue with your testimony, but in the interim, please do not
19 forget that you are prohibited from speaking about your testimony to whomsoever,
20 neither to members of your family, nor to friends were you to come into contact with
21 them this evening.

22 Have you understood me correctly?

23 THE WITNESS: [16:17:41](Interpretation) I do understand my obligations to the
24 letter, your Honour.

25 PRESIDING JUDGE MINDUA: [16:17:46](Interpretation) Thank you very much,

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1 Mr Witness.

2 So I wish you to have a restful evening and I say, until tomorrow.

3 Now, the Chamber would like to thank the --

4 Mr Prosecutor, would you like to take the floor?

5 MR DUTERTRE: [16:18:06](Interpretation) I do apologise, your Honours. This is
6 not associated with the testimony of this witness. I'd like to just clarify. I heard this
7 afternoon -- well, first of all, for technical reasons and with regard to the availability
8 of the video link, we will have to switch 193 and 104, those two witnesses, because
9 Witness 104 shall be testifying via video link and the video link is now available for
10 102, but we'll have to switch 104 and 193 around to make that video link available.
11 I'm saying this so the Defence can prepare themselves. This is obviously subject to
12 confirmation by the Chamber. And the installation, the same installation of 102 will
13 be able to be used by 104.

14 *The second piece of information is that we had planned witness 0623 for the 25 and
15 28 September.. 28 September is Yom Kippur, it's a day off,
16 29 September will probably be the day when this individual will testify. That was an
17 oversight on our part. And I thank you for allowing me to address the Court.

18 PRESIDING JUDGE MINDUA: [16:19:38](Interpretation) Very well. Thank you
19 very much, Mr Prosecutor.

20 As I was saying, I would like to thank all the parties and participants to this hearing.
21 I would like to thank the court reporters and the interpreters and also the security
22 guards. I'd also like to thank those listening to us in the public gallery and those
23 listening to us further afield.

24 We shall rise for this evening and we shall reconvene tomorrow morning at 9.30 for
25 the continuation of the testimony of the witness before us.

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1 Court is adjourned.

2 THE COURT USHER: [16:20:19] All rise.

3 (The hearing ends in open session at 4.20 p.m.)

4 CORRECTIONS REPORT

5 The following corrections, marked with an asterisk and not included in the
6 audio-visual recording of the hearing, are brought into the transcript.

7 Page 40 lines 6-7

8 "Florie Huck is behind me, to my left; Elena Martin Salgado" Is corrected to

9 "Florie Huck, who is behind me to my left and Elena Martin Salgado who is just
10 behind."

11 Page 40 line 25

12 "for the protection of victims and witnesses" Is corrected to "received from the
13 VWU."

14 Page 41 lines 23-24

15 "You will testify truthfully before the Court in this case, the Prosecutor versus Mr Al
16 Hassan." Is corrected to "You shall testify with a view to assisting the Chamber in
17 establishing the truth in the case against Mr Al Hassan."

18 Page 43 line 25 – Page 44 line 1

19 "the testimonies of Witnesses 55 and 57 will last for a total of two hours." Is corrected
20 to "The examination in chief on the part of the Prosecution for Witnesses P-0055 and
21 P-0057 will last a total of two hours.

22 Page 44-lines 5-9

23 "and if we have the collaboration of the Defence, we will save time. Otherwise, we
24 have about one hour and--in total for this witness. We should not go beyond two
25 hours, according to the decision of the Chamber."

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1 Is corrected to

2 "and I am in your hands. If I can be leading during this part, and I do not see how this
3 could be prejudicial to the Defence, we shall save time. Otherwise, I may take more
4 than an hour. All things being equal, with the testimony of P-0055 to follow, we shall
5 not exceed two hours, in keeping with the Chamber's instructions."

6 Page 44 lines 17-20

7 "Your Honours, I would like us to go into closed session in order to elicit some
8 identifying information." Is corrected to "Your honours, I would like us to go into
9 closed session, private session, in order to address some information that is
10 identifying in nature and associated with the curriculum vitae of the witness. I shall
11 not be long too, I assure you."

12 Page 45 lines 15-16

13 "I have been specialising [REDACTED] for a few years, and after I returned [REDACTED] in
14 other domains." Is corrected to "I have specialised in [REDACTED] for the last [REDACTED] years,
15 and in [REDACTED]."

16 Page 45 line 21

17 "forensic medicine" Is corrected to "and all matters associated with forensics."

18 Page 45 lines 22-23

19 "[REDACTED]
20 [REDACTED]" Is corrected to "[REDACTED]
21 [REDACTED]
22 [REDACTED]"

23 Page 46 lines 17-18

24 [REDACTED]

25 Is corrected to [REDACTED]

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1 Can you tell us, Mr Witness, what you were tasked with during this secondment?"

2 Page 46 lines 21-24

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]. " Is corrected to " [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]"

10 Page 47 line 14

11 "damage that occurred" Is corrected to "damage that may have occurred"

12 Page 48 lines 5-6

13 "initially, first of all; and secondly, we also had the MINUSMA forces with us; and

14 thirdly," Is corrected to "we were assisted by the Serval forces, firstly; and secondly

15 we also had the MINUSMA forces with us;"

16 Page 48 lines 10-11

17 "any influence on your work as an observer" Is corrected to "any influence,

18 intervention or role in the contents of your work and observations?"

19 Page 48 line 20

20 "and we would stop between the hours of midday and 4p.m." Is corrected to "and

21 we would stop between the hours of midday and 4p.m., as it was impossible to work

22 the whole day."

23 Page 49 line 17-18

24 "Report of examination of sites that were destroyed in Mali between the dates 14 to 24

25 June 2013."Is corrected to "Report on the examination of sites that were destroyed in

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- 1 Timbuktu, Mali, compiled during a mission from 14 to 24 June 2013."
- 2 Page 49 lines 23-24
- 3 "Yes, indeed, but I shall not mention the name." Is corrected to "Yes, indeed. Two of
- 4 us wrote this report."
- 5 Page 54 line 24
- 6 "006-1330" Is corrected to "0006-1333"
- 7 Page 55 line 7
- 8 " 0006-1308" Is corrected to " 0006-1314"
- 9 Page 55 line 11
- 10 "0 minutes" Is corrected to "00 minutes"
- 11 Page 55 line 24
- 12 "tap" Is corrected to "tab"
- 13 Page 56 line 25
- 14 "Mr Prosecutor, this is a sketch that I did following what was referred to as the Jewish
- 15 cemetery in Timbuktu." Is corrected to "Mr Prosecutor, this is a sketch that I did
- 16 following the examination of what was referred to as the Jewish cemetery in
- 17 Timbuktu."
- 18 Page 57 line 23
- 19 "the findings that we made there" Is corrected to "the examinations that we
- 20 conducted there"
- 21 Page 58 line 7
- 22 "and the mesh--the frames were locked with chains." Is corrected to "and the bars
- 23 were fitted with chains and padlocks."
- 24 Page 58 line 11
- 25 "so there were many elements to be observed" Is corrected to "so there were many

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1 elements to be observed and noted."

2 Page 58 lines 23-24

3 "or another person who had a camera" Is corrected to "or the other person who had
4 the other camera."

5 Page 59 lines 19-21

6 "the findings made" Is corrected to "The purpose of that report was to complete the
7 preliminary report that we saw earlier, based on the examination conducted within
8 the Banque Malienne de Solidarité in Timbuktu."

9 Page 59 line 22

10 "last page of this report" Is corrected to "penultimate page of this report"

11 Page 59 lines 25- Page 60 line 3

12 "Very briefly, Mr Witness, this mission letter signed by yours truly request this
13 mission on the various mausoleums and the Jewish cemetery, it is the mission letter
14 annexed to the report; is that correct?" Is corrected to

15 "Very briefly, Mr Witness, this mission letter signed by yours truly indicates that you
16 are tasked with compiling a report on the various mausoleums, mosques, monuments,
17 as well as the Ahmed Baba Centre and the Jewish cemetery. Is it just the wrong
18 mission letter that is annexed to this report?"

19 Page 60 line 10

20 "to page 0461-0462" Is corrected to "to page 0461 and 0041-0462"

21 Page 60 line 12

22 "Now, on page 0461 we can see a house" Is corrected to "This pertains to Hotel La
23 Maison, as we can see on age 0461"

24 Page 60 lines 18-20

25 "If I remember correctly, there were some pieces of furniture, including a table, a

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1 wooden cupboard and so on, so the documents were in this room where you had
2 some drawers or pieces of furniture where the documents could be stored." Is
3 corrected to
4 "If I remember correctly, some pieces of office type furniture remained, if I remember
5 correctly, and the documents were in this room where some pieces of furniture
6 remained where the documents could be stored."

7 Page 61 lines 2-3

8 "where we found the Arabic language documents that were taken out and handed
9 over." Is corrected to "where we found the famous documents in Arabic that were
10 seized once we had examined them."

11 Page 61 lines 9-10

12 "with the corrections made in mission letter 0049-0145" Is corrected to
13 "with it now correctly being referred to as the mission letter 0049-0145"

14 Page 61 lines 23-24

15 " Now, the signature on the far right, which -- whose signature is that?" Is corrected
16 to "Now, the signature on the far right - of the three signatures - whose signature is
17 that?

18 Page 62 line 4

19 "sketches prepared on BMS" Is corrected to "the sketch prepared showing the BMS"

20 Page 62 line 9

21 "to page 007978-- or, rather, 1978." Is corrected to "to page 0060-1978."

22 Page 62 lines 12-15

23 "Upon telephone instruction of Mr Dutertre, senior trial lawyer, 24 May 2020, we
24 specified that the objects mentioned were opened from the seals" -- or, rather, "which
25 were sealed MLI-OTP-005-0025, that those sealed objects were seized from the

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1 furniture containing the drawers." Is corrected to

2 "Upon telephone instruction from Mr Duterte, senior trial lawyer, on 24 May 2018 at
3 6:20 p.m., we specified that the documents and various objects mentioned placed
4 under seal and referenced MLI-OTP-0005-0025 were seized from the furniture
5 containing the drawers."

6 Page 62 line 19

7 " that is in the building itself" Is corrected to "in the Hotel La Maison"

8 Page 63 line 8

9 "I would like to thank him with--for his patience." Is corrected to "I would like to
10 thank the Chamber for being so patient."

11 Page 65 lines 1-2

12 "the monuments of the martyrs and the peace monuments" Is corrected to "the
13 martyrs monument and the peace monument"

14 Page 65 lines 16-17

15 "So, officials both from civilian and religious bodies." Is translated and added

16 Page 66 line 11

17 "two on the list. The video, the transcript has been provided to us." Is corrected to

18 "There are two items on the list, of which a video; the transcript has finally been
19 provided to us."

20 Page 67 line 21

21 "but a few days" Is corrected to "ten days"

22 Page 68 -line 15

23 "And the French State responded to this request in the affirmative." Is translated and
24 added.

25 Page 68 lines 16-17

26

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1 "However, I did not receive any indication or any specific order with regard to
2 operations to be conducted in Mali." Is corrected to " However, I did not receive any
3 indication or any specific order – none whatsoever - with regard to operations to be
4 conducted in Mali."

5 Page 69 lines 10-11

6 "in a scientific policing." Is corrected to "in technical and forensic police
7 methodology."

8 Page 70 lines 16-17

9 "Indeed we did not know, but we noted on some occasions." Is corrected to

10 "Indeed we did not know, we merely established our findings at a given moment in
11 time (T moment)".

12 Page 71 line 14

13 "to us" Is corrected to "notably"

14 Page 72 line 10

15 "amongst its environment or within its environment." Is corrected to "to situate the
16 building within its immediate environment."

17 Page 76 lines 14-15

18 "623 was the 26 and 28 of September." Is corrected to "The second piece of

19 information is that we had planned witness 0623 for the 25 and 28 September."