

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 International Criminal Court  
2 Trial Chamber X  
3 Situation: Republic of Mali  
4 In the case of The Prosecutor 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 Judge  
7 Kimberly Prost  
8 Trial Hearing - Courtroom 3  
9 Thursday, 15 July 2021  
10 (The hearing starts in closed session at 9.30 a.m.)  
11 THE COURT USHER: [9:30:55] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA: [9:31:25](Interpretation) The hearing shall now  
15 begin.  
16 Good morning, everyone.  
17 Courtroom officer, kindly call the case.  
18 THE COURT OFFICER: [9:31:31] Good morning, Mr President, your Honours.  
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al  
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.  
21 And for the record, we are in closed session.  
22 PRESIDING JUDGE MINDUA: [9:31:54](Interpretation) Thank you very much,  
23 courtroom officer.  
24 Now, for the purposes of the transcript, we will begin with the introductions of the  
25 various teams.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 OTP.

2 MR DUTERTRE: [9:32:13](Interpretation) Good morning, your Honours. The OTP  
3 is represented, as usual, by Yayoi Yamaguchi, Mr Mousa Allafi, Mr Lucio Garcia; and  
4 myself, Gilles Dutertre. And I take this opportunity to greet the witness and  
5 everyone else who is here in the courtroom or working around the courtroom.

6 PRESIDING JUDGE MINDUA: [9:32:49](Interpretation) Thank you.

7 Defence. Counsel.

8 MS TAYLOR: [9:32:51] Good morning, Mr President. Good morning, your  
9 Honours. Good morning to everyone in the courtroom and those around the  
10 courtroom. The Defence for Mr Al Hassan is represented today by Ms Dolly Chahla,  
11 Ms Molly Thomas, Ms Alka Pradhan; and myself, Melinda Taylor. Thank you very  
12 much.

13 PRESIDING JUDGE MINDUA: [9:33:14](Interpretation) Thank you very much,  
14 Ms Taylor.

15 And now, the Legal Representatives of Victims. Counsel.

16 MR LUVENGIKA: [9:33:21](Interpreted) Good morning, your Honours. The  
17 victims are represented at today's hearing by Ms Ludivine Tixier-Dunet; and myself,  
18 Fidel Nsita Luvengika. Later on in the day, Julie Goffin will be joining us in the  
19 upcoming sessions.

20 I take this opportunity to greet everyone here in the courtroom. Thank you.

21 PRESIDING JUDGE MINDUA: [9:33:50](Interpretation) Thank you very much,

22 Mr Nsita.

23 And now, victims --

24 THE INTERPRETER: [9:33:53] Correction.

25 PRESIDING JUDGE MINDUA: [9:33:54](Interpretation) Witness's counsel.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 [REDACTED] [9:34:04](Interpretation) Good morning, Mr President. Good

2 morning, your Honours. [REDACTED] and I am representing

3 [REDACTED] the witness in this case. And I would like to take this

4 opportunity to greet all the parties and participants in this case.

5 Thank you very much, Mr President.

6 PRESIDING JUDGE MINDUA: [9:34:24](Interpretation) Thank you very much,

7 Counsel.

8 Finally, the witness.

9 Good morning, Mr Witness. How are you?

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

11 (The witness speaks Arabic)

12 THE WITNESS: [9:34:42](Interpretation) Good morning, Mr President. Good

13 morning, your Honours. I am very well. Thank you very much.

14 PRESIDING JUDGE MINDUA: [9:34:47](Interpretation) Thank you very much.

15 Once again, welcome. And I thank you for working so hard to assist us, and I

16 remind you that you are still under oath. You must tell the truth, the whole truth,

17 and nothing but the truth.

18 This morning, we shall continue with cross-examination by the Defence. I will now

19 call upon Ms Taylor to continue with her cross-examination.

20 Ms Taylor.

21 MS TAYLOR: [9:35:29] Thank you, Mr President.

22 QUESTIONED BY MS TAYLOR: [9:35:31](Continuing)

23 Q. [9:35:35] Good morning, Mr Witness. How are you?

24 A. [9:35:40] Good morning. I am very well. Thank you very much for asking.

25 Q. [9:35:44] I'm glad to hear that.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Now, Mr Witness, during your testimony, you've described an incident where you  
2 allege that you saw a car with someone that you have identified as Mr Al Hassan  
3 driving into the airport near Timbuktu, and you have provided us with an account of  
4 where you were at the time.

5 Now, Mr Witness, it's my understanding that you have paper with you and pens. So  
6 what I would like to do is to ask you to draw a diagram of where you were, where  
7 you say the car with Mr Al Hassan was in relation to the airport.

8 A. [9:37:32] Yes. I have described this to you before, but there's no problem. I  
9 will try to draw it.

10 I can -- I can describe what I have just drawn.

11 Q. [9:40:37] That would be much appreciated, Mr Witness.

12 I'm not sure if you heard my answer. That would be greatly appreciated,  
13 Mr Witness, if you could kindly describe it.

14 A. [9:41:12] First, I pointed out that north is at the top of the paper. And at the  
15 bottom of the paper, it's the south. And then you've got east and west on both sides  
16 of the paper.

17 Let's start at the north. I describe this northern part as the road coming from the  
18 south of Timbuktu, and I put three arrows here to indicate the direction of the groups  
19 that entered -- that entered the airport. They all came from that area, from the north  
20 to the south.

21 And I call it "the heart." And, I also put the word the "crowds." And I put three  
22 arrows. There is also the left front, and this is from the first formation before the

23

24

25 And then we've got the right side. There was another group, but I'm not quite sure

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 what happened to this group.

2 In this area between me and the crowds that came from the -- from the north, from  
3 this direction came the car of Al Hassan, and they came towards -- it drove towards  
4 the first entrance, which didn't have a metal gate. But then it carried on to the metal  
5 gate. But then the crowds followed the car into the airport, including myself,

6 [REDACTED]

7 Some of them were in cars and some were on foot, and I described how close I was to  
8 the car when it passed in front of me, and then it turned into what is called the "pista."  
9 There is a smaller road coming out from the paved, the paved road. This paved road  
10 goes through an entrance, which it was just a small barrier, and then through a gate  
11 and then into the airport.

12 So this car drove through the first entrance, and then the gate, and straight into the  
13 airport and then all the crowds followed it, including myself, [REDACTED]

14 Q. [9:44:43] Mr Witness, if I read the transcript properly -- it's at English transcript,  
15 page 5, line 20, now it's changed, "... and then it turned into what is called the "piste."  
16 Is that correct?

17 A. [9:45:21] "Pista," a road that we call the "pista," which means, it's not paved.

18 [REDACTED]

19  
20 A. [9:45:52] Yes. I think so.

21 [REDACTED]

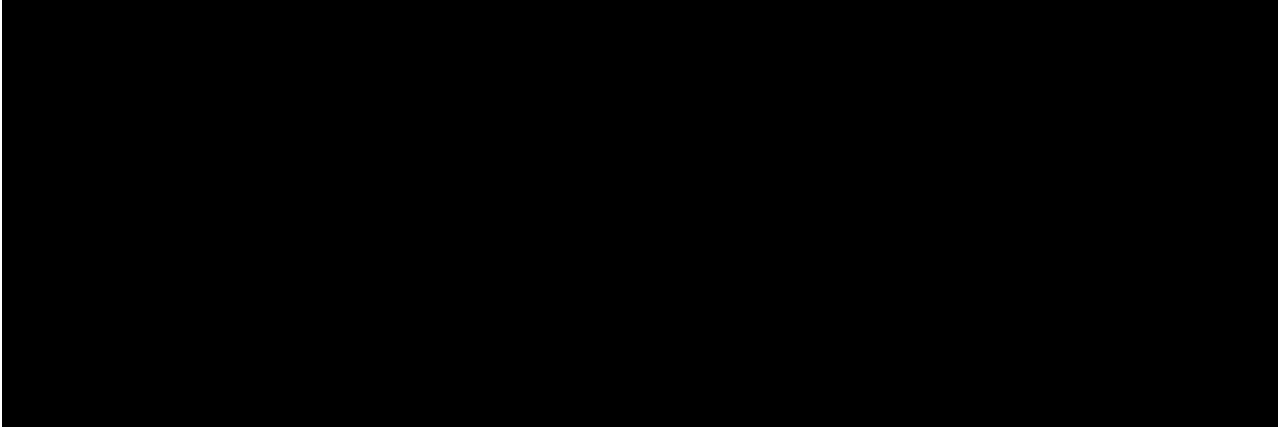
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

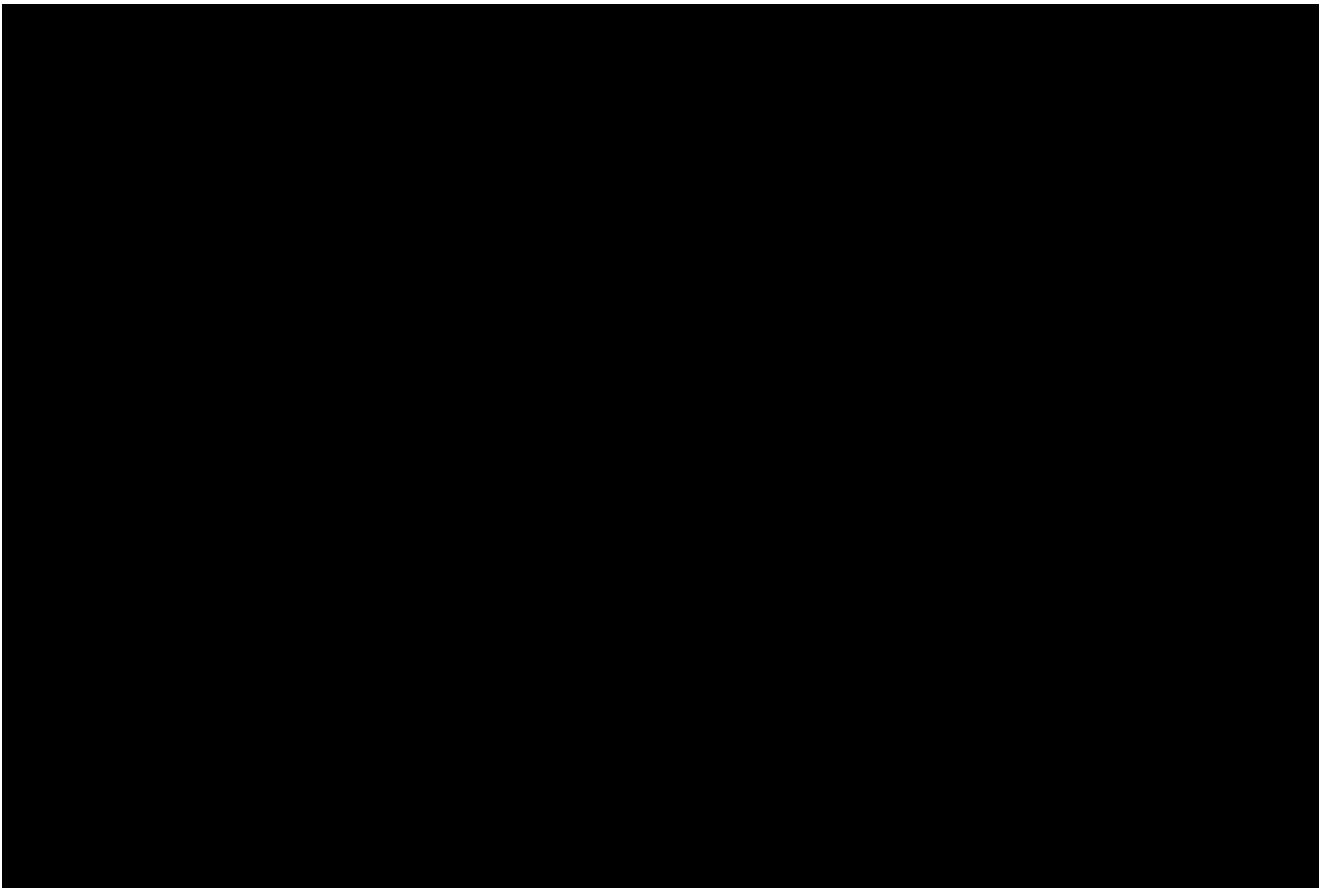


PRESIDING JUDGE MINDUA: [9:47:33](Interpretation) Prosecution.

MR DUTERTRE: [9:47:36](Interpretation) This question, I believe, is completely irrelevant to the case. It has nothing to do with the events. Nothing to do with the credibility of the witness.

Unless the -- my learned friend is in a position to justify her question without the witness being present.

PRESIDING JUDGE MINDUA: [9:47:59](Interpretation) Ms Taylor?



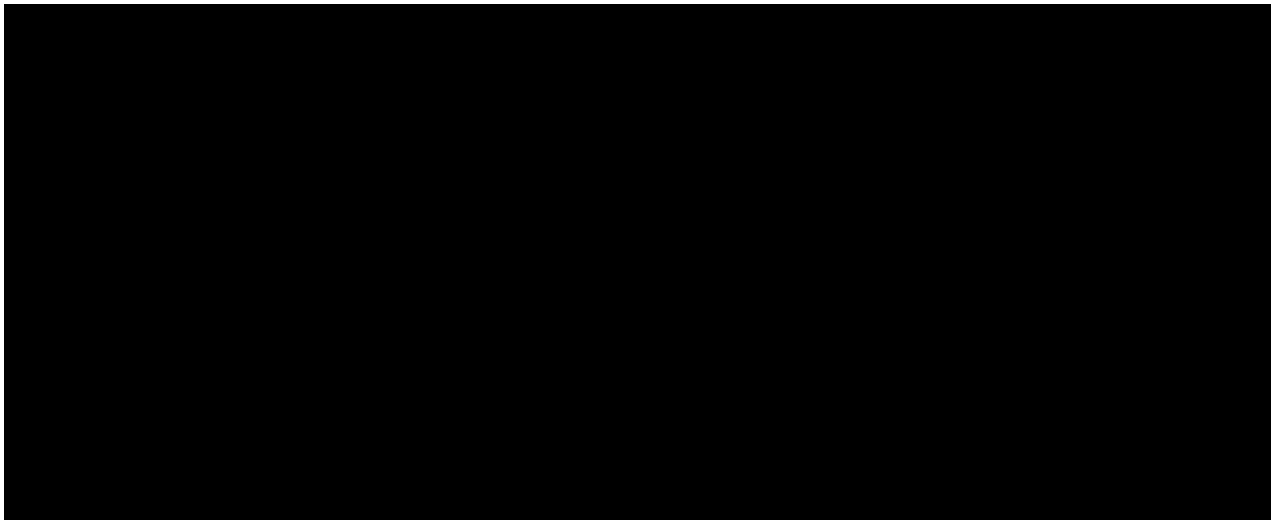
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1  
2  
3  
4  
5  
6  
7

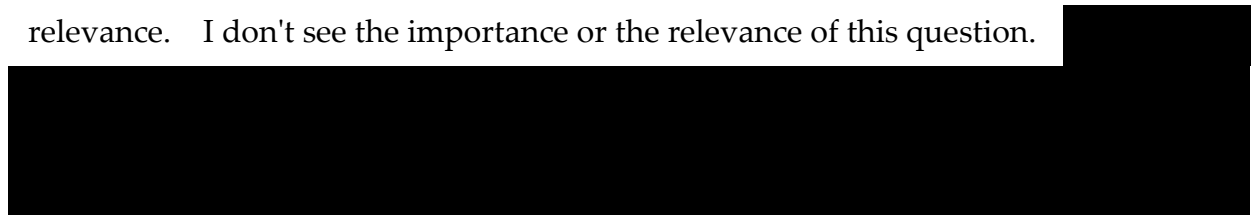


8 So there's no nexus between these factors and what my learned friend is advancing by  
9 way of argument.

10 So I do not believe this question is relevant at all.

11 PRESIDING JUDGE MINDUA: [9:50:16](Interpretation) I don't quite see the  
12 relevance. I don't see the importance or the relevance of this question.

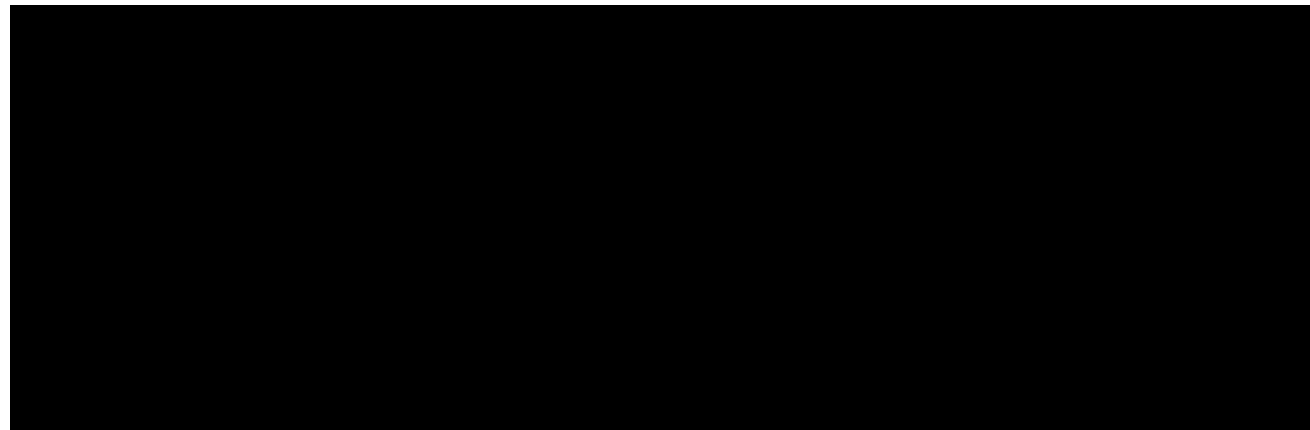
13  
14



15 So I really don't see the nexus or the importance.

16 You can move on to something else.

17  
18  
19  
20  
21  
22



23 PRESIDING JUDGE MINDUA: [9:51:36](Interpretation) Move on to another  
24 question, please, Ms Taylor.

25 MS TAYLOR: [9:51:42] Thank you, Mr President.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Before doing so, I note that we have not given a number to the sketch.

2 PRESIDING JUDGE MINDUA: [9:51:51](Interpretation) Quite so.

3 Courtroom officer, kindly assign a reference number.

4 THE COURT OFFICER: [9:51:57] The document will bear reference

5 MLI-REG-0001-0108.

6 PRESIDING JUDGE MINDUA: [9:52:07](Interpretation) Thank you very much,

7 courtroom officer.

8 MS TAYLOR: [9:52:13] Thank you, Mr Registrar.

9 I'd also like to note that there's been occasions where the Prosecutor has spoken and  
10 when the presiding judge speaks, that I haven't yet had the interpretation. So I

11 would just kindly ask if there could be breaks between French speakers because it  
12 does make it difficult as well for the English speakers in the courtroom.

13 PRESIDING JUDGE MINDUA: [9:52:41](Interpretation) You are completely right,

14 Ms Taylor. Each time, I check with the red light of the interpreters, and sometimes

15 I'm not quite sure. But in any event, that's fine. Go ahead.

16 MS TAYLOR: [9:52:54]

17 Q. [9:52:55] Now, Mr Witness, is it correct that when you first met the Prosecution,  
18 you gave evidence that there was no general Shura council for Timbuktu in 2012, just  
19 a shura council for the Tariq Ibn Ziyad brigade.

20 A. [9:53:30] No. I don't remember that. I explained to them that the Shura  
21 council for the battalion of Tariq was the council that was managing everything, given  
22 that Abou Zeid was the one who was leading everything.

23 But the truth is that the Shura council, in general, participated in taking decisions  
24 when it was necessary.

25 Q. [9:54:18] If we could pull up OTP tab 1322, [REDACTED]



Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED] And I believe we'll have to start at 0915 to have the full exchange of  
2 questioning.

3 PRESIDING JUDGE MINDUA: [9:54:42](Interpretation) Could you kindly repeat  
4 the reference number, Ms Taylor.

5 MS TAYLOR: [9:54:47] Certainly. [REDACTED]

6 And I believe that we will start at page 0915 at lines 933.

7 And if the interpreters can kindly indicate to me if they've found the relevant line.

8 THE ARABIC INTERPRETER: [9:56:02] Could you repeat the line. Is it 939? It  
9 did not come on the transcript. I'm sorry.

10 MS TAYLOR: [9:56:10] 933.

11 THE ARABIC INTERPRETER: [9:56:12] Thank you. I have it now.

12 MS TAYLOR: [9:56:24]

13 Q. [9:56:24] So, Mr Witness, I'm going to start reading. If you could, as usual,  
14 follow the Arabic lines:

15 Interpreter: "TOMBOUCTOU did not have a *Shura* Council."

16 "[...] But ... uh ... TARIQ IBN ZIYAD Battalion, ... which was controlling  
17 TOMBOUCTOU, had its own *Shura* Council."

18 Interviewer: "Uh ... OK. And was this ... was this official, or ... how do you know  
19 this?"

20 And, turning to the next page.

21 [REDACTED]

22 Interviewer: "[...] and who were the members of the *Shura* Council ... of TARIQ IBN  
23 ZIYAD?"

24 Interpreter: "The most important one is SHOAIIB ..."

25 Interviewer: "Hmm ... hmm."

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

- 1 Interpreter: "... YAZID."
- 2 Interpreter: "Did you write down SHOAIB YAZID?"
- 3 [Interviewer:] "Yes."
- 4 [Interpreter:] "ABDELKRIM. ABDEL ... AL NO'AMAN."
- 5 [Interviewer:] "AL NO'AMAN?"
- 6 Interpreter: "AL NO'AMAN. It's ... Interpreter's ..."
- 7 Interviewer: "Yeah, your spelling."
- 8 Interpreter: "...spelling: A-L-N-O-A-M-A-N."
- 9 Interpreter: "Abdel WAHAB."
- 10 [Interpreter] "And others."
- 11 [Interviewer] "OK. And what ... was their role? What was the role of the *Shura*
- 12 Council in the decision making in TOMBOUCTOU?"
- 13 Interpreter: "I don't know exactly."
- 14 Interviewer: "OK."
- 15 Interpreter: "I don't think they have an official ... role in TOMBOUCTOU.
- 16 "[...] but Abou ZEID use[s] these men, these members [in] his *Shura* Council - because
- 17 he trusts them; he used them to run ... the city."
- 18 Mr Witness, were you able to follow that?
- 19 A. [9:59:30] Yes.
- 20 Q. [9:59:33] Do you have any comments on the Arabic?
- 21 A. [9:59:37] No. The translation is right and the answers are correct.
- 22 Q. [9:59:41] So is it correct that there was no general *Shura* council for Timbuktu?
- 23 A. [9:59:46] No. This is not correct. I said there was no *Shura* council for
- 24 Timbuktu, and, I meant by that, the original inhabitants of Timbuktu. What I
- 25 understood from the investigators is that when I say the *Shura* council, I'm talking

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 about the notables and the scholars and -- and the people of Timbuktu, and that's why  
2 I said there was no Shura -- general Shura council for Timbuktu but, rather, that Abou  
3 Zeid was the one who had a Shura council and he is the one who was running the city  
4 of Timbuktu.

5 And when they asked about the role of the people that I mentioned in taking  
6 decisions, I mentioned to them that I didn't know the role of each one of them exactly.  
7 But I know that they all helped in running the city and that they were members of the  
8 Shura council.

9 I explained later that the consultation itself and the participation in the Shura council  
10 was considered a participation in decision-making.

11 Q. [10:01:07] Now, Mr. Witness, at lines 971 to 975, you're asked:

12 "[...] what was their role? What was the role of the *Shura* Council in the decision  
13 making in TOMBOUCTOU?"

14 And your answer was: "I don't know exactly."

15 And then over the page, 978, you said:

16 "I don't think they have an official ... role in TOMBOUCTOU."

17 Is that correct what you said?

18 A. [10:01:40] Yes. That's correct. And I also understand what I meant here.

19

20

21

22 Q. [10:02:13] Now --

23 PRESIDING JUDGE MINDUA: [10:02:23](Interpretation) Prosecutor.

24 MR DUTERTRE: [10:02:25](Interpretation) "I understood what I meant" -- that is  
25 what the witness has said.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 I think this needs to be -- needs to be clarified.

2 What is more, I can see that judging by the transcript, this was a compound question  
3 and perhaps clarification -- and I believe clarification is required.

4 PRESIDING JUDGE MINDUA: [10:02:49](Interpretation) Ms Taylor, the witness  
5 needs to have an opportunity to explain himself.

6 MS TAYLOR: [10:03:00] Thank you, Mr President. But I do note that was not a  
7 compound question. I'd be grateful if the Prosecutor could perhaps furnish a  
8 definition of compound questions because the role of cross-examination is to put to  
9 the witness what he said and then contradictions; so that is not in itself a compound  
10 question.

11 Now, I'm in the process of going through this with the witness and giving him an  
12 opportunity to address various different evidences he's given on the Shura council  
13 and he will have full opportunity to explain himself.

14 So if I may proceed, Mr President.

15 PRESIDING JUDGE MINDUA: [10:04:00](Interpretation) Very well. Please  
16 proceed, but give him an opportunity to explain himself.

17 MS TAYLOR: [10:04:08] Thank you, Mr President.

18 Now I have to scroll back since the Prosecutor interjected.

19 Q. [10:04:13] Now, Mr Witness, can you explain what you meant when you said: I  
20 don't know exactly what the role of the Shura council of the Tariq Ibn Ziyad brigade  
21 was in the decision-making in Timbuktu?

22 A. [10:04:36] I can see here, line 977, in Arabic.

23 Can you please repeat what is just above it, so I can link between the two when I  
24 explain myself.

25 Q. [10:04:57] Certainly, Mr Witness. At 971, you were asked. "[...] what was

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 their role? What was the role of the *Shura* Council in the decision making in

2 TOMBOUCTOU?"

3 And then at line 975 ...

4 MS TAYLOR: [10:05:12] And I do believe that there's no basis for the Prosecutor to ...

5 This is obstructive. I'm in the process of addressing a request from the witness.

6 PRESIDING JUDGE MINDUA: [10:05:34](Interpretation) Prosecutor?

7 MR DUTERTRE: [10:05:35](Interpretation) Yes, your Honour. It's not about

8 the -- I'm not trying to interrupt the proceedings. I'm trying to clarify things because

9 Ms Taylor has just quoted the half of what is in the transcript of the interview, and

10 there was effectively a question, which was a compound question, and this is the

11 case. And I see that she's only quoting part of the question and that leads to

12 confusion and it's not fair for the witness. And, I think that the best thing would be

13 to show the witness this part that's referred to so that we can understand exactly

14 what's being referred to here.

15 PRESIDING JUDGE MINDUA: [10:06:13](Interpretation) Prosecutor, Ms Taylor said

16 that her question was long but that she would give the possibility to the witness to

17 answer the question step-by-step.

18 Now, perhaps she's now applying that method.

19 So I don't know what you wish for exactly.

20 MR DUTERTRE: [10:06:36](Interpretation) Your Honour, I would like, when she

21 quotes something, to quote the whole thing. Line 971 contains a lot more than what

22 she said; so it's not fair to the witness not to have that before him. It's misleading,

23 in fact.

24 MS TAYLOR: [10:06:50] If I may be heard, Mr President. I'm very confused

25 because I've read out --

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 PRESIDING JUDGE MINDUA: [10:06:55](Interpretation) No, Ms Taylor. Wait a  
2 minute. When I'm waiting to see if you've got the full interpreting so that I can  
3 intervene, you're starting to speak. So I wasn't speaking anymore, so I can't  
4 intervene -- you can't go against your own rules.

5 Very well. So you mentioned a passage which, according to the Prosecutor, is only  
6 half the passage.  
7 Now, I want to make sure that you're going to continue to give the opportunity to the  
8 witness to explain things fully or quote the full passage.

9 How do you answer that?

10 MS TAYLOR: [10:07:41] Thank you, Mr President. As you may recall, I was  
11 reading out line 971 when the Prosecutor stood up in the middle of me reading it out.  
12 The Prosecutor effectively stopped me from reading out the transcript. I was  
13 reading it verbatim. I said I --

14 Please don't shake your head, Mr Duterte. Please.

15 I mean, I do find this incredibly obstructive.

16 I was reading line 971 and, I think, if you see the English transcript, I had actually  
17 read the full line. I was going to continue to give the witness, as he requested, an  
18 opportunity to see the context of his response.

19 Now I'm acting in accordance with the request of the witness. I've clearly delineated  
20 the specific lines I'm reading.

21 Now, for the Prosecutor to stand up and interrupt me and, then, at the same time, to  
22 raise -- (a) an irrelevant issue of compound questions, given it's the question of the  
23 investigator I'm reading out; and, two, to claim it's not a full quote, when I haven't  
24 even been given the opportunity to finish.

25 PRESIDING JUDGE MINDUA: [10:08:54](Interpretation) Very well. We're all

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 going to calm down. Patience is needed.

2 Prosecutor, from time to time, also give Ms Taylor the opportunity to finish her  
3 sentence. Then we can be sure that everything is carried out properly.

4 Ms Taylor, please go ahead.

5 MS TAYLOR: [10:09:22] Thank you very much, Mr President.

6 Q. [10:09:25] Now I'm going to start back at line 971, where we were before, that's  
7 at page 0916, and I believe that the Registrar is currently changing the screen for the  
8 witness. And I'm reading out 971, the question from the Prosecution:

9 Interviewer: "OK. And what ... what was their role? What was the role of the  
10 *Shura* Council in the decision making in TOMBOUCTOU?"

11 Interpreter: "I don't know exactly."

12 Interviewer: "OK."

13 Interpreter:

14 MS TAYLOR: [10:10:15] I'll wait for it to come up.

15 "I don't think they have an official role ... role in TOMBOUCTOU."

16 [Interpreter:] "... but ... Abou ZEID used these men, these members of his ... *Shura*  
17 Council - because he trusts them; he used them to run ... the city."

18 Q. [10:11:00] Mr Witness, have you been able to follow the Arabic?

19 A. [10:11:00] Yes, and it is very clear. It is very clear what I was talking about  
20 here.

21 Q. [10:11:04] Can you explain what you were talking about.

22 A. [10:11:08] First, you asked two questions that you found strange, the first one  
23 that there was no *Shura* council in Timbuktu and I explained to you what I meant by  
24 that. Yes, there was no *Shura* council in Timbuktu. But, rather, Abou Zeid had a  
25 *Shura* council that he used to run the city of Timbuktu. And then you asked, What is

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 his or its specific role? And this is after I mentioned a number of people - and, I also  
2 mentioned that there are other people that I didn't remember their names at the time,  
3 at least.

4 And then I saw that the Prosecution was asking me about the role of those people,  
5 and that's what -- that's what I answered. Those people -- those specific people  
6 didn't have an official role in Timbuktu but, rather, that they had several roles. I  
7 meant by that that they were not assigned to a specific sector or a specific role, but  
8 they were working here and working there. And I described this in the phrase that,  
9 "they took part in running the city." And I specifically mentioned in the number -- in  
10 the line number 990, I said that each role of them was quite important for Abou Zeid  
11 and that he assigned or appointed those men to these important positions, such as,  
12 Abou Walid Al Chadi.

13 That was their role. And when I say, "I don't think" -- "I don't think" -- or, I use the  
14 phrase, "I don't think," it's because there was no specific role for each one of them.  
15 And when I said "not official," I also meant that they were not assigned to a specific  
16 role but, rather, to various roles.

17 The same case for myself, because as one of them, I had several functions, not just  
18 one.

19 Q. [10:13:33] Now, Mr Witness, can you explain what you meant when you said:  
20 "I don't know exactly" at line 975. This in response to the question:  
21 "[...] what was their role? What was the role of the *Shura* Council in the decision  
22 making in TOMBOUCTOU?"

23 A. [10:13:55] I just explained that when this question was asked. I was answering  
24 with regards to the specific people, but not the entire *Shura* council.

25 In line 977, I said,



Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 "They don't have an official role in Timbuktu." And, I didn't say, "It didn't have an  
2 official role." And that's why, after I mentioned the names of the members of the  
3 Shura council, I wanted to assert that I didn't know the exact role of each one of them  
4 precisely because they had various roles, and some of their functions were also  
5 confidential.

6 So I didn't know all of their tasks. So I didn't know, for example, what Chouaib used  
7 to do [REDACTED]

8 [REDACTED]  
9 [REDACTED]

10 Q. [10:15:11] Now, at lines 994 onward, it says:

11 "[...] Abou ZEID appointed his men in the most important positions.

12 "[...] For example, one of the centres was ... ruled by Abou AL WALID ... "THE  
13 CHADIAN" ...

14 "[...] And ... these positions were not ... directly linked to the ... local population."

15 Now, Mr Witness, when you say -- is the Arabic consistent with the interpretation I  
16 read out?

17 A. [10:15:59] Yes. The meaning is very close. Yes. No problem with that.

18 Q. [10:16:06] Now, when you say these positions were not directly linked to the  
19 local population, does this mean that they were not involved in decision-making  
20 concerning the local population?

21 A. [10:16:34] No. What I meant, that many of the tasks assigned by  
22 senior -- assigned to senior members working -- who worked closely with Abou Zeid  
23 were related to the work of Al-Qaeda itself and not necessarily related to the  
24 population of Timbuktu. And that's why in -- some of the centres that were  
25 occupied by them had a lot of confidential information, documents and weapons,

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 which meant that it was not directly linked to the population.

2 But if we are speaking about decision-making, then we can say that they were at the  
3 top of the decision-making machine in the city. They were the ones participating in  
4 decision-making. But you will not see any of those members interacting a lot with  
5 the community, but they, rather, chose local people to interact with the population of  
6 Timbuktu.

7 Q. [10:17:45] Now, in these lines, are you discussing or describing the Shura  
8 council of the Tariq Ibn Ziyad battalion?

9

10

11

12

13

14

15

16 Q. [10:19:00] Do you recall describing the Tariq -- the Shura council of the Tariq Ibn  
17 Ziyad brigade during the preparation session with the Prosecution?

18 A. [10:19:18] Yes. I gave them a brief about everything that I said about the Shura  
19 councils, as I understood from the Prosecution in many of their questions that there  
20 was some kind of confusion between the questions and answers that I gave.

21

22

23

24

25

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11



12 Q. [10:21:59] Now, are there any members of this Shura council who are still alive  
13 today?

14 A. [10:22:13] Yes. There is Al-Rabih and, also, I think Al Noaman. I'm not quite  
15 sure. But when I gave this information, also Chouaib was still alive, and many of the  
16 members of this Shura council are still alive. I remembered one of the names  
17 yesterday.

18 But, yes, there are many of the members who are still alive.

19 Q. [10:23:03] Mr Witness, can you -- the first one, Al Rabih, is it, just to be correct,  
20 A-L dash R-A-B-I-H?

21 A. [10:23:36] I'm not quite sure. Al-Rabih with the letter (indiscernible) in Arabic.

22 Q. [10:23:53] I believe that's sufficiently clear. Is that his actual name or his nom  
23 de guerre?

24 A. [10:24:15] I don't know the real names of the jihadists, unless they were from our  
25 side.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [10:24:23] Are you able to give the names of anyone where you knew the real  
2 names?

3 A. [10:24:45] Yes. I don't see any problem with that. But if I follow the rules of  
4 the jihadists, they -- they never mention the real name of the jihadists until they pass  
5 away.

6 Q. [10:25:02] I appreciate that, Mr Witness. But are you able to furnish us those  
7 names?

8

9

10

11

12

13

14

15

16

17

18

19

20

21 Q. [10:27:40] I believe we're on the same page.

22 Now, Mr Witness, yesterday we were discussing the Prosecution's investigation of  
23 Mohamed Moussa and I asked you if, at a certain point, whether you guessed that the  
24 Prosecution was focusing its investigations on Mohamed Moussa, and I believe you  
25 responded that you had realised that.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Now, apart from the Prosecution, did you speak to anyone about this?

2 [REDACTED]  
3 [REDACTED]

4 Q. [10:28:58] Now, did you provide the Prosecution with any information  
5 concerning the location and circumstances of Mohamed Moussa?

6 A. [10:29:10] I don't remember that, but the Prosecution always asked me about  
7 things that happened and the new developments and I gave them some news. And I  
8 think it is very natural that if I thought that there were people who were wanted, I  
9 think it's natural that I gave them information about them; although, I don't  
10 remember that really.

11 Q. [10:29:47] Well, since you don't remember, we can refresh your memory.

12 MS TAYLOR: [10:29:52] If we could bring up OTP tab 1368. [REDACTED]

13 [REDACTED]

14 [REDACTED] Perhaps we can scroll  
15 through. I don't think I need to read it all out, but perhaps the witness could refresh  
16 his memory about him describing this to the Prosecution.

17 The relevant part will be page 3018. But if it could perhaps be scrolled through, so  
18 the witness can read it up until page 3018.

19 Q. [10:33:08] Perhaps, Mr. Witness, if you could indicate when they should scroll  
20 through to the next page just by raising your hand.

21 A. [10:33:31] I'm following the text, but I don't -- I don't know where you want me  
22 to stop. Where are you going to stop?

23 Q. [10:33:44] We'll stop at page 3018, and this is just to make sure you have a  
24 chance to read it in its entirety, but I'm not going -- I don't think it's necessary to read  
25 it all out.

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

A. [10:36:15] Yes. I saw it.

[REDACTED]

Do you

remember describing this to the Prosecution?

A. [10:36:31] Yes. I remember it now.

Q. [10:36:38] And I'll just ask you specifically about the interaction between line 738 and 754. And here, the interviewer says:

[REDACTED]

"I was thinking about this, ... in my own mind and I thought that there was a case in progress and I didn't have to go through the details."

Interviewer: "You mean a case from our side?"

Interpreter: "[...] I thought it was a case."

Is the Arabic consistent with the interpretation?

A. [10:37:52] Yes.

[REDACTED]

A. [10:38:15] Yes. This explains things that I mentioned to you before which I don't know when I said the phrase "this doesn't serve your case." What I had in my mind was that the Prosecution was dealing with a number of cases in progress.

[REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1

2

3

4

5

6

7

8

And when I told them this piece of

news, which I always did - I always told them about the new developments - they

were surprised that I only mentioned that now. But I couldn't see where the surprise,

here.

12

13

14

15

16

17

18

19

But I also learnt from other sources that the fact that they were arrested because they

were members of Ansar Dine, and also because of the relationship or the antagonism

between them and some religious people from certain doctrines in Algeria, and also

because they forged some documents, some ID documents.

24

25

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 Q. [10:41:54] Now, Mr Witness, at page 26, line 25, you said: "But I also heard  
2 from other sources that the fact that they were arrested because they were members of  
3 Ansar Dine."  
4 Who were these other sources?

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

15 A. [10:43:24] No. Mohamed Moussa's name is Mohamed Moussa. His first name  
16 is Mohamed Moussa. And the other one is Mohamed, the jailer, because I can't  
17 remember his full name. That's why I just call him, "Mohamed the jailer."  
18 As for Mohamed Moussa, so his entire first name is Mohamed Moussa.

19 Q. [10:43:57] Was there any linkage between the two arrests?

20 [REDACTED]

21 [REDACTED] And I explained this link because both  
22 them were members of Ansar Dine and they lived in Algeria illegally at the time.

23 [REDACTED]  
24 [REDACTED]

25 A. [10:44:50] No. I was reminded of him, and I remembered it, that Abou Walid




Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Al Chadi, in the time when we went to the war, he was the one running the *Hesbah*.  
2 And I remembered also that this happened because Mohamed Moussa also went to  
3 war on the other front with Iyad Ag Ghaly. Iyad Ag Ghaly took him with him in the  
4 same way that Abou Zeid took me with him.

5 Q. [10:45:43] If I could turn to Prosecution tab 1348. 

6 

7 

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

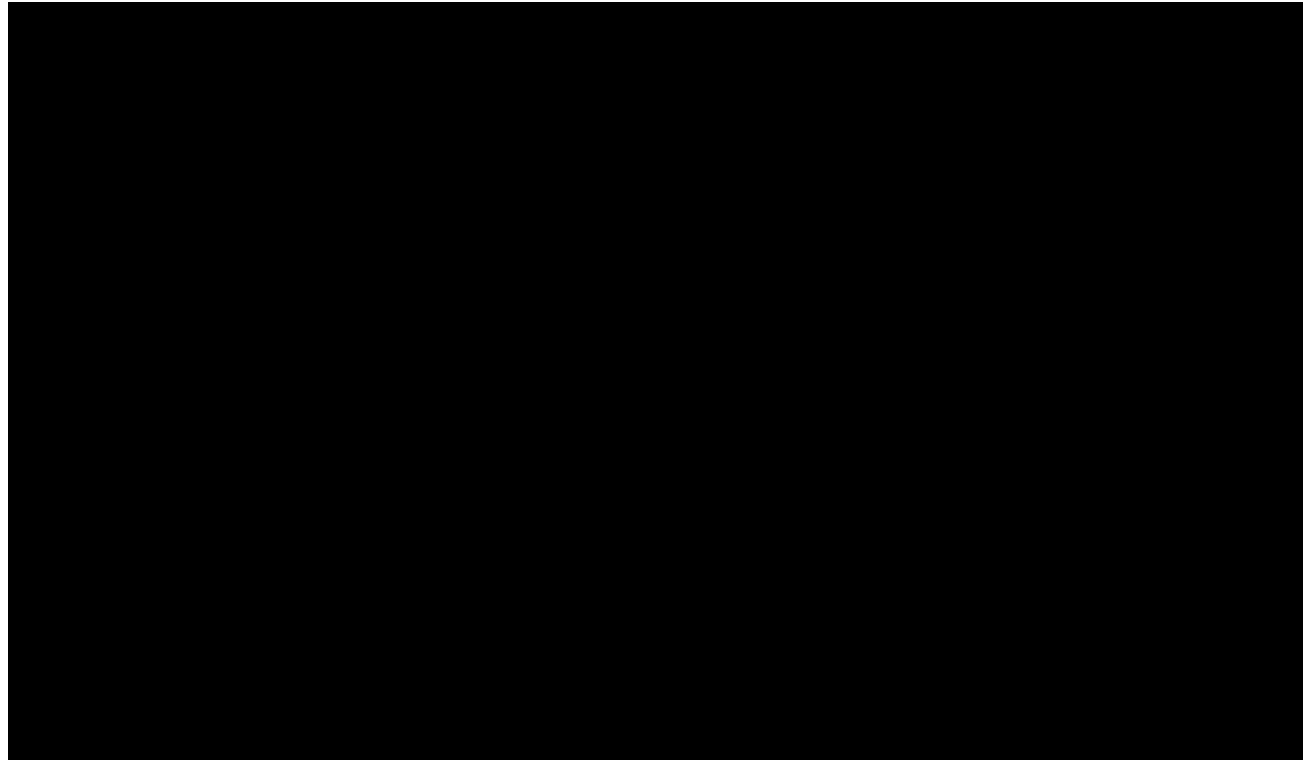
25

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

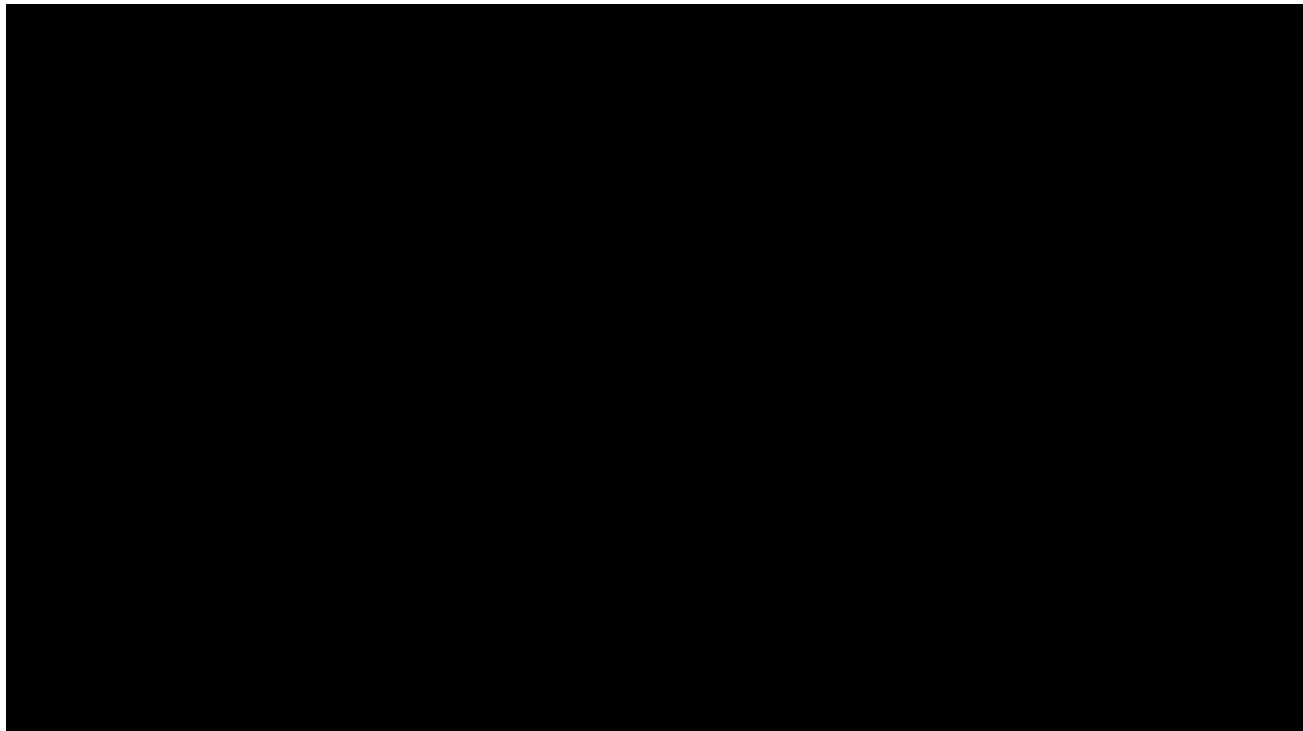
ICC-01/12-01/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



Mr Witness, would you accept that your memory of what happened in 2012 has been affected by information [REDACTED] that you reviewed after 2012?

A. [10:51:16] I explained that the materials that I viewed organised my memory and helped me put things in order, and I gave you this answer many times.

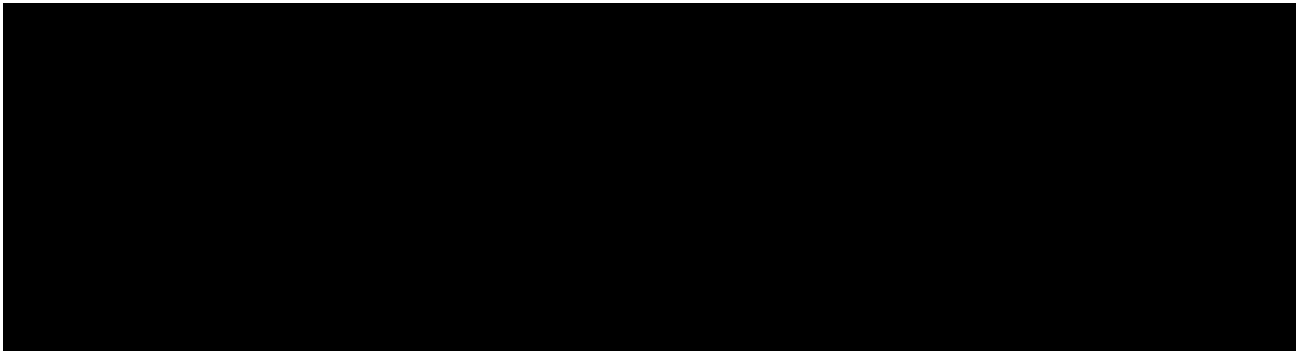


Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



Q. [10:53:37] Now, at transcript 116 - this is, real-time - page 46, line 10, to page 47, you referred -- you gave evidence concerning your reliance on videos to identify Khaled's presence and involvement in certain actions. And then at page 49, lines 5 to 16, you stated, in relation to Mr Al Hassan, that:

"When he became deputy to Khalid, nobody could see Khalid anymore. He didn't figure anymore. Only Al Hassan figured. So that's why they thought he was the de facto chief of the police. And this came to the fore in all of the interactions. And you will have seen, as I did in the video that you presented that Khalid, when there was an issue outside of the city, it was the de facto chief that had to mobilise vehicles for a mission outside the city. But as far as the situation within the city was concern[ed], it was Al Hassan who did everything without asking for the approval of Khalid, for example, daily patrols, the daily work of the police, the taking of statements, of complaints."

Now, at transcript 110, pages 52 to 53, starting at line 24, you gave the following evidence concerning a video. This is MLI-OTP-0069-3712:

"Question: Now, Mr Witness, can you hear the person who you see in this video trying to speak to someone called, Khaled?"

Answer: Yes.

Question: And is it correct that he's asking Khaled to come to the police station?"

Answer: Yes, that's right.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Question: And he says that there are thieves and that people in Bir want them  
2 arrested and that it's important that Khaled comes immediately?

3 Answer: Yes.

4 Question: Is it correct that Khaled -- that he is asking Khaled to come to deal with  
5 the issue?

6 Answer: Yes, that's right."

7 Now, Mr Witness, this video, where there's a discussion about thieves being arrested  
8 in Bir and a discussion with Khaled, is this the video that you were referring to in  
9 your answer to Ms Pradhan, where you said:

10 "[And] you will have seen -- "

11 MS TAYLOR: [10:57:16] Please don't interrupt before I finish my sentence --

12 Q. [10:57:19] "[And] you will have seen, as I did in the video that you presented [of]  
13 Khalid, [that] when there was an issue outside [of] the city, it was the de facto chief  
14 that had to mobilise vehicles for a mission outside [of] the city."

15 PRESIDING JUDGE MINDUA: [10:57:41](Interpretation) Prosecutor?

16 MR DUTERTRE: [10:57:44](Interpretation) Yes, your Honour. There is a question  
17 that is more than a page in length. I think it's necessary to be fair to the witness.

18 Three references to the transcript, one reference to video footage that we haven't seen.

19 We have to go by our memory. This is a multiple -- a question with many  
20 components.

21 This is not fair to the witness. In any event, the video footage has to be shown to the  
22 witness. The witness -- the question is more than a page long.

23 We can see that this is a question that any witness would have great difficulty  
24 answering.

25 PRESIDING JUDGE MINDUA: [10:58:35](Interpretation) Ms Taylor, your response?

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Because it is true that you have been reading several passages to the witness. Then  
2 you make mention of a video.

3 That is a bit too much, wouldn't you say? What is your reply?

4 MS TAYLOR: [10:58:54] Thank you, Mr President. I do believe we have a catch-22  
5 here because if we try to make our questions shorter, the Prosecution accuses us of  
6 not quoting the witness in full. Now, here, it's not that complicated. There's two  
7 separate extracts from the witness's own testimony in the most recent days in fact.  
8 So it's not something that's coming from years ago.

9 In one extract, he's saying, in response to Maître Pradhan, that he's describing the role  
10 of Khaled by reference to a video, a specific video concerning patrols outside  
11 Timbuktu. And he says, "This is the video that you presented," meaning the  
12 Defence.

13 Out of fairness to the witness, I'm then reading out another extract where he describes  
14 a video and he describes the events in that video to give the witness an opportunity to  
15 clarify which video he was referring to.

16 Now, if we play videos, we lose time. And I'm very aware of how attentive the  
17 Chamber is to time. So we are, as I said, completely pushed into a catch-22, where, if  
18 we try to expedite matters, we're accused of not doing so.

19 And I think before claiming that's something complicated, we should just ask the  
20 witness. He can answer or not answer.

21 But we lose far too much time by the Prosecutor claiming to act for the witness  
22 without giving the witness any opportunity to actually respond.

23 PRESIDING JUDGE MINDUA: [11:00:32](Interpretation) It is now 11 a.m.,

24 Ms Taylor. During the break, consider your line of questioning, and when we return,  
25 you shall rephrase.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 So there you have it.

2 We shall now suspend for 30 minutes and resume at 11.30.

3 The hearing is suspended.

4 (Recess taken at 11.01 a.m.)

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

6 THE COURT USHER: [11:30:30] All rise.

7 Please be seated.

8 PRESIDING JUDGE MINDUA: [11:30:43](Interpretation) Court is in session.

9 Ms Taylor, are you ready with your reformulated question? Or what I can give you  
10 by way of advice, because, you see, with your method, you're asking the witness to  
11 read a certain witness statement or a certain transcript. And you give the tab. So  
12 we -- that's what we're all doing to read it.

13 And afterwards, you ask him to go to another tab number. That's what we're doing  
14 once again. And sometimes on my table, I have up to five binders. And then  
15 you're asking the witness, well, you've got a video. And do you remember the video  
16 of such-and-such a day? And maybe he remembers it. Eventually, he remembers it.  
17 And then you ask a question, and then it becomes a compound question, and it's -- it's  
18 done in certain stages. So you're making the effort to sum up all of the transcripts  
19 and all the video, and you're asking the question, and, then, the Prosecutor is  
20 concerned and the Chamber as well.

21 So perhaps it would be better if you would present the witness a certain transcript  
22 and then ask him a question about the transcript. Present another transcript, and  
23 then we will go on step-by-step in that way. That will be less confusing for  
24 everybody. That's what I would propose to you.

25 Now, you can ask your question to the witness or reformulate, as I said, and we will

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 see if we are able to follow.

2 MS TAYLOR: [11:32:42] Thank you, Mr President, for your suggestion. I would

3 just respectfully note that the transcripts don't have tab numbers and are in evidence,

4 which means that we can't show them to the witness. So I have another solution,

5 which is to play the video. So I'll start by doing that, and then I'll have to read out

6 the transcript, given that we don't have transcripts as exhibits. And this is the

7 transcripts of his testimony. This is not a witness statement. It's his testimony from,

8 I believe, two days ago.

9 So we'll start by playing the video, the first couple of minutes. And I don't believe

10 it's necessary to interpret it because it's been played multiple times and it's simply for

11 the witness to be able to put an MLI reference to a specific video. So the video, as I

12 mentioned, is MLI-OTP-0069-3712. That's OTP tab 1450. And we can play just the

13 first, with sound, the first, I believe, minute and a half will suffice. We'll play it

14 through evidence 2. And I don't believe it's necessary for the interpreters to

15 translate.

16 So if the interpreters could confirm that they're aware that they don't have to

17 translate.

18 (Viewing of the video excerpt)

19 MS TAYLOR: [11:35:26] For the record, we're stopping at :56:03.

20 Q. [11:35:38] Now, Mr Witness, transcript 116, page 49, lines 5 to 11, you said:

21 "But when he became deputy to Khalid, nobody could see Khalid anymore. He

22 didn't figure anymore. Only Al Hassan figured. So that's why they thought he was

23 the de facto chief of the police. And this came to the fore in all of the interactions.

24 And [as] you will have seen, as I did in the video that you presented that Khalid,

25 when there was an issue outside the city, it was the de facto chief that had to mobilise

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 vehicles for a mission outside of the city."

2 Now, Mr Witness, you've referred to a video presented by the Defence concerning

3 Khaled. Is the video that I just played the video that you're referring to?

4 A. [11:37:09] Yes. I referred to it as an example about the role of Khaled, but I

5 don't refer to it as a source for the statements that I gave before that.

6 Q. [11:37:27] Now, at transcript 92, edited, page 25, the Prosecution played a video

7 of a crisis group meeting. I'm going to play it without sound. It's OTP tab 1030.

8 It's MLI-OTP-0018-0014. We'll be playing it from evidence 2.

9 (Viewing of the video excerpt)

10 MS TAYLOR: [11:40:46] Now we're going to go back to the 26:17 mark. It's 26:16.

11 Q. [11:41:17] Now, Mr Witness, it's correct, isn't it, that the person on the right is

12 Khaled?

13 A. [11:41:28] No. That's not true. It's not Khaled.

14 Q. [11:41:35] Then who is it, Mr. Witness?

15 A. [11:41:38] A member of the Islamic police, but I don't remember his name. I

16 know his face.

17 Q. [11:41:50] Where does he come from?

18 A. [11:41:54] I don't know about him any more than that I saw him before amongst

19 the members of the Islamic police.

20 Q. [11:42:11] Were there two Khaleds present in Timbuktu in 2012?

21 A. [11:42:17] Yes, and both of them worked for the police. But the surname or last

22 name are different. One is Al Sahraoui and the other is the "Mauritanian" or "Al

23 Mauritani."

24 Q. [11:42:54] And the second one -- did you know him well?

25 A. [11:43:04] Yes. Khaled, the Mauritanian, I know his face. If I saw him, I will



Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 know his face. 

2 

3

4

5 Q. [11:43:34] And what was the position of Khaled, the Mauritanian?

6 A. [11:43:45] One of the members of the police. You must know that the  
7 system -- the system of the police or the *Hesbah* didn't have a specific hierarchy, just  
8 like the one in the military or amongst the soldiers but, rather, they all cooperated in  
9 one work. You will -- you cannot differentiate between the senior members and  
10 their subordinates, unless you know them well or by observing their tasks, such as, if  
11 you see the chief, for example, signing documents or ordering certain actions.

12 Q. [11:44:36] Now, I just played this video in full.

13 It's correct that you didn't see Al Hassan there?

14 A. [11:44:45] Yes. And I know that Al Hassan didn't have a role in such meetings,  
15 but he might have been present somewhere close. But I can't exclude really if he was  
16 there or he wasn't. I don't know.

17 Q. [11:45:12] Now, you testified at transcript 110, edited, page 26, lines 8 to 10, that  
18 there were members of Al-Qaeda in the Islamic police, and they conducted missions  
19 that were separate from Ansar Dine.

20 Is it correct that Al Hassan was not entitled to know of such missions?

21 A. [11:45:59] He might know the destination, but it was impossible for him to know  
22 the secret mission for which the travel is meant.

23 Q. [11:46:15] And is it correct that Al Hassan was not involved in confidential  
24 matters related to Al-Qaeda soldiers or veterans?

25 A. [11:46:39] Yes. This is correct.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [11:46:40] And is it also correct that Al Hassan was not involved in consultations  
2 about the administration and work related to such Al-Qaeda individuals?

3 A. [11:46:51] No, not at all, and not even to the judiciary judgments.

4 Q. [11:47:18] Mr Witness, if I could just confirm that by saying: "No, not at all,"  
5 you mean, he was not involved?

6 A. [11:47:36] He -- he was not involved. Al Hassan was not involved in the -- in  
7 the missions that -- and the tasks upon which the group built most of its decisions.

8 Q. [11:47:58] Now, Mr Witness, do you recall telling the Prosecution in  
9 November 2017 that you thought that Al Hassan might have become the director of  
10 the police?

11 A. [11:48:20] I know that Al Hassan became the director of the police for a brief  
12 period. But I don't know when exactly he was appointed because I linked it to a  
13 specific incidence, but I couldn't remember the date of that incident.

14 Q. [11:49:04] If I could bring up OTP 1377. [REDACTED]

15 [REDACTED] Actually, if we could start with 3250.

16 MR DUTERTRE: [11:50:29](Interpretation) Your Honour, I have a problem with the  
17 tab. It was mentioned 170. I don't know if that was the right one.

18 PRESIDING JUDGE MINDUA: [11:50:39](Interpretation) That's correct, Prosecutor.  
19 I have the same problem as well. So, Ms Taylor.

20 MS TAYLOR: [11:50:51] 1377. It's also on evidence 1.

21 PRESIDING JUDGE MINDUA: [11:51:09](Interpretation) Very well. Thank you  
22 very much.

23 MS TAYLOR: [11:51:12] [REDACTED]

24 [REDACTED] And at line 558, the interviewer says:

25 "OK ... so ... but do you then ... do you know that at some point, there would have

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 been a change in the position of [A] HASSAN?"

2 Interpreter: "One of the reasons that made me think that this is likely that KHALED,

3 the head of the police, as the battle with MALI was approaching ...

4 "... there became a need for someone to take up his position because there were more

5 important things."

6 This "had to do" -- "That had to do with the preparations for the battle.

7 "And leaving TOMBOUCTOU and going to the spots in the *jibal* ... in the mountains

8 of TIGHARGHAR that is behind the ranks of the Mujahedeen.

9 "At that time, KHALED had to go many places incl

10 "... LIBYA and TUNISIA.

11 "I think at that time, HASSAN became the head of the police instead of KHALED."

12 Mr Witness, have you had a chance to follow the Arabic?

13 A. [11:52:46] Yes.

14 Q. [11:52:47] And is the Arabic text the same as the interpretation?

15 A. [11:52:54] Yes. The meaning is correct.

16 Q. [11:53:01] So at line 563, you said:

17 "One of the reasons that made me think that this is likely that KHALED, the head of

18 the police, as the battle with MALI was approaching ..."

19 Now, you've used the word, "[...] made me think that this is likely [...]"

20 So it's correct that you were speculating, weren't you, Mr Witness?

21 A. [11:53:41] No. I wasn't --

22 PRESIDING JUDGE MINDUA: [11:53:44](Interpretation) Prosecutor.

23 MR DUTERTRE: [11:53:45](Interpretation) Yes, your Honour. I'm just raising my

24 hand. As yesterday, I think there is an issue of translation. As you instructed

25 yesterday, perhaps the witness could be asked if indeed the English does reflect

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 exactly what he said in Arabic in line 563 -- with regards lines 563 and 546.

2 PRESIDING JUDGE MINDUA: (Interpretation) Ms Taylor, can you check the  
3 translation with the witness, lines 561 and 562.

4 MS TAYLOR: [11:54:19] Mr President, I just asked the witness if he had followed the  
5 Arabic and is the Arabic text the same as the interpretation. He said at page 42, line  
6 1: "Yes. The meaning is correct."

7 I am now going through individual lines with the witness. He has it in front of him.

8 I again respectfully submit that this is inappropriate for the Prosecution to stand up  
9 and interrupt the witness's answer, given that I have the opportunity to address this in his own words.  
10 opportunity to address this in his own words.

11 PRESIDING JUDGE MINDUA: [11:55:11](Interpretation) Ms Taylor, in the  
12 Prosecution team, there is somebody who speaks Arabic as there is in your team.  
13 We have a translation in the text, and you've asked the witness and he's answered.  
14 But if the Prosecutor - with his team - thinks that there is an error, he can address that  
15 to the Chamber.

16 And on behalf of the Chamber, I've told you to check it with the witness. Instead of  
17 checking it, you're explaining it to us. But I didn't ask for an explanation. I asked  
18 you to verify it.

19 MS TAYLOR: [11:55:48] Mr President, I understand from my Arabic speaker - and, I  
20

21 So perhaps the interpreters could read the Arabic.

22 So perhaps, as was agreed by the presiding judge, if the interpreters could read the  
23 Arabic lines. So if they could read from 56- --from 561, 562.

24 THE ARABIC INTERPRETER: [11:56:33] I will read now.

25 PRESIDING JUDGE MINDUA: [11:56:36](Interpretation) So can the interpreters

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 help us?

2 THE INTERPRETER: [11:57:05](Interpretation) "Answer: Yes.

3 This is one of -- this is one of reasons why I said what I said a moment ago. I

4 remember that Khaled was the head of the police when the -- there were preparations  
5 underway for the attack with Mali."

6 PRESIDING JUDGE MINDUA: [11:57:27](Interpretation) Thank you very much.

7 Prosecutor, you have the exact interpreting there. I can see Mr Mousa who is also in  
8 agreement.

9 Thank you very much, interpreter. So instead of "attack," it's "a battle."

10 Ms Taylor.

11 MS TAYLOR: [11:58:43]

12 Q. [11:58:43] So Mr Witness, you used the words, "*amil ila makulta*". That's correct?

13 A. [11:58:58] Yes. Correct.

14 Q. [11:58:59] So this would mean that you were basing your answer -- or you were  
15 leaning towards in your answer, stating that there had been a change in the position  
16 of Hassan because you understood that Khaled had to leave his position to conduct  
17 certain activities. Is that correct?

18 A. [11:59:45] No. I wanted to prove certain things that I said before regarding the  
19 role of Al Hassan. Sometimes I say that he was in the office of the police, and  
20 sometimes I spoke in details about his role. The Prosecution here is asking whether  
21 this role has changed or not, and this role, that I described earlier, is a role similar to  
22 the role of the chief of the police, but I know or I knew that there was another person  
23 above Al Hassan in the police. So then I mentioned here that this change that took  
24 place must have happened when Khaled left.

25

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 [REDACTED]

2 And I know that this person, meaning Khaled, went to Libya in the stage of  
3 preparations for the battle, and he and other people were appointed to go to Libya  
4 with another person, an envoy from Libya. His name is Mou'az. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 And Moussa and Khaled went back with him to bring the arms needed for the battle.

8 And during this phase, I described Al Hassan as the chief of the police, which  
9 obviously was an automatic thing because there wasn't a huge difference between the  
10 role that he played before and the role that he was playing now, which is -- the only  
11 difference is the fact that he didn't need any more to take permission from Khaled  
12 regarding arms or vehicles or ammunition.

13 So this was the only change that happened.

14 And this is the language that I used, and this is the language that I'm still using now.

15 When I say "I think," this means that the information I'm giving might be missing  
16 something, but I have gathered it from other evidence. And you want to know the  
17 information that I know, and that's why when I say, "I think," I refer to the fact that I  
18 am not 100 per cent sure of the piece of information itself, but I would, rather,  
19 conclude it from evidence that I experienced and I saw myself, just to make things  
20 clear to you and to the Chamber.

21 Q. [12:03:32] Thank you, Mr Witness.

22 Now, you've just explained what you mean by "I think."

23 Is this the meaning that you were using when you said:

24 "I think at that time, HASSAN became the head of the police instead of KHALED"?

25 This is line 578, if you have it in front of you.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 A. [12:04:01] Yes. Correct.

2 Q. [12:04:02] Now, Mr Witness, at transcript 99 - it's the English transcript - page 22,  
3 lines 12 to 14, the Prosecution played a video concerning a flogging that allegedly  
4 related to a judgment issued on 1 January 2013. And the date of the judgment was  
5 provided at transcript 99, at page 19.

6 Now, at transcript 99, page 22, line 3, you identified Khaled in this video relating to a  
7 judgment of 1 January 2013.

8 So is it correct that Khaled was still in Timbuktu at the beginning of January 2013?

9 PRESIDING JUDGE MINDUA: [12:05:28](Interpretation) Prosecutor.

10 MR DUTERTRE: [12:05:31](Interpretation) Out of fairness, I think the witness  
11 should be shown the video footage.

12 PRESIDING JUDGE MINDUA: [12:05:37](Interpretation) Ms Taylor.

13 MS TAYLOR: [12:05:39] I don't believe that's necessary, Mr President. I believe  
14 that this video has been played several times. The transcript states that this witness  
15 said that Khaled was in the video. The Prosecution has put forward their own case  
16 as concerns the date of this video. I believe I'm perfectly entitled to put to the  
17 witness, given that he's identified Khaled in a video concerning an event in  
18 January 2013.

19 PRESIDING JUDGE MINDUA: [12:06:12](Interpretation) Is it the video we just saw?

20 MS TAYLOR: [12:06:17] No, Mr President. As I mentioned - and the Prosecutor  
21 has all the references - this is the video relating to a flogging that took place in  
22 January 2013. The judgment identified by this witness was issued on 1 January 2013.

23 This witness watched the video and said in that specific line that I gave - that's  
24 transcript 99, page 22, line 3 - that he saw Khaled in this video.

25 PRESIDING JUDGE MINDUA: [12:07:00](Interpretation) Yes, Counsel, I vaguely

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 remember the footage. But I think it would be fair to the witness to show the footage  
2 to the witness. There's no prejudice to you.

3 MS TAYLOR: [12:07:13] Mr President, this is a form of asked and answered. The  
4 Prosecution is asking us to go back over evidence again and again. Now, we have in  
5 the evidential record this witness identifying Khaled in this video. The Prosecution  
6 cannot, in all of good faith, argue that this video predates January 2013. That's not  
7 their case. They have put forward a specific case as to the date of this video.  
8 Now, all I'm doing, which I'm entitled to do, is to put to the witness that if he is  
9 identifying Khaled in a video in January 2013, does this not mean that Khaled was  
10 present in Timbuktu at this point.

11 Now, it's a simple question based on the witness's own answers. Now, I don't  
12 believe we need or should be required to obtain those answers again when they've  
13 already been given.

14 PRESIDING JUDGE MINDUA: [12:08:22](Interpretation) What is the question?  
15 Whether Khaled was in Timbuktu in January 2013? You can put the question  
16 directly to the witness. But if you're talking about the video, then the Chamber  
17 would like to see the video.

18 So put the question directly to the witness.

19 MS TAYLOR: [12:08:45] Thank you, Mr President.

20 Q. [12:08:46] Now, Mr Witness, you've identified Khaled in a video that dates from  
21 January 2013. I've given all the references. All I'm concerned with here is the date.

22 PRESIDING JUDGE MINDUA: [12:09:08](Interpretation) Ms Taylor, follow the  
23 Chamber's instructions. There are two things: First of all, the video; and secondly,  
24 the presence of Khaled in January 2013 in Timbuktu. I am saying to you that if you  
25 make mention of the video, show the video to the witness. If you're not talking



Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 about the video, put the question directly, Was Khaled in Timbuktu in January 2013?

2 After I gave that instruction, I listened to your question, and you made mention of the  
3 video. Follow the instructions.

4 MS TAYLOR: [12:09:47] Thank you, Mr President. We'll need a couple of minutes  
5 obviously to now play the video, identify the video, and find the relevant section  
6 pursuant to your order.

7 PRESIDING JUDGE MINDUA: [12:10:04](Interpretation) Thank you very much.  
8 (Pause in proceedings)

9 MS TAYLOR: [12:11:58] Mr President, Mr Al Hassan has indicated that he needs to  
10 use the bathroom.

11 PRESIDING JUDGE MINDUA: [12:12:05](Interpretation) He is authorised to leave  
12 the courtroom for a few moments.

13 (Mr Al Hassan exits the courtroom)

14 PRESIDING JUDGE MINDUA: [12:14:47](Interpretation) Yes, Mr Witness?

15 THE WITNESS: [12:14:55](Interpretation) Mr President, I would like -- I would like  
16 to inform you about a different subject. On Monday, the 19th of this month, is --

17 PRESIDING JUDGE MINDUA: [12:15:16](Interpretation) Just a moment,  
18 Mr Witness.

19 (Mr Al Hassan enters the courtroom)

20 PRESIDING JUDGE MINDUA: [12:15:17](Interpretation) Just for the record, I'd like  
21 to indicate that Mr Al Hassan is back in the courtroom.

22 Please go ahead, Mr Witness.

23 THE WITNESS: [12:15:29](Interpretation) I'd just would like to inform you,

24 Mr President, that Monday, the 19th, is going to be a fasting day for Muslims. It's

25 the Arafah day, the eve of Eid, and I will be fasting on that day. I am not asking for

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 anything because I, of course, see that you are very keen on saving -- not wasting any  
2 time. But I just wanted to let you know of this.

3 So maybe we can carry on working over lunchtime because I will not need this time,  
4 and maybe that will give us more time to finish early.

5 PRESIDING JUDGE MINDUA: [12:16:24](Interpretation) The Chamber will - will  
6 examine your comment and keep you informed.

7 Ms Taylor, please go ahead.

8 MS TAYLOR: [12:16:38] Thank you, Mr President. And the Defence would also  
9 respectfully ask to consult with our client on any ramifications this might have for  
10 him on that day, and we would ask that be taken into consideration before the  
11 Chamber renders any determination on this point.

12 PRESIDING JUDGE MINDUA: [12:16:57](Interpretation) Very well. Please consult  
13 your client and keep us informed. Let us know by the beginning of the afternoon,  
14 once we're back.

15 Please continue.

16 MS TAYLOR: [12:17:10] Thank you, Mr President. Obviously, even if our client's  
17 fasting, we ourselves do need to eat.

18 Q. [12:17:18] Now, I'm going to play MLI-OTP-0018-0741. And we're going to  
19 have it at the specific minute mark that was relied upon with the Prosecution. That's  
20 00:00:28:15. That will be shown on evidence 2.

21 And at transcript 99, page 22, lines 1 to 4, you were asked: "On this screenshot [...]  
22 do you recognise any people?"

23 And your response was: "Yes, I can see Khaled Al-Sahraoui. He is the second  
24 person with a black turban. He's the second person from the left."

25 Do you recall this, Mr Witness?

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150


1 A. [12:18:44] Yes. And I would like to confirm that this is Khaled.

2 Q. [12:18:48] Now, this video related to a judgment that was issued on 1  
3 January 2013, and this date was provided at page 19, line 6.

4 So, Mr Witness, is it the case that Khaled Al-Sahraoui was present in Timbuktu at the  
5 time of this video?

6 A. [12:19:37] I'm going to give you two different statements, and you can link  
7 between them. The first statement is that I would like to confirm to you that this  
8 person that I identified is Khaled. And the second point, that if you asked me  
9 separately, I can confirm to you that I knew that Khaled was present in Timbuktu  
10 about two weeks or at least 10 days before the war was launched. Because at that  
11 time, the convoy that had the arms and the experts had arrived, and there were  
12 workshops, and the preparations for the war, which lasted for about 10 to 15 days.  
13 These were the last preparations, which included workshops to train the soldiers for  
14 using the machinery and the technical things. And Khaled was quite busy with this.  
15 And I know that he led one of the battalions on the first attack on Diabaly.

16 Q. [12:20:43] So, Mr Witness, is it correct that Khaled was still exercising his  
17 functions in the police at the time of this video?

18 A. [12:20:53] Here, so I do not mislead the Chamber, I can answer yes. 

19 

22 So the fact that he was exercising his functions in the police is something quite loose.  
23 But the one who was taking the functions of the police commissioner since the -- since  
24 Khaled left, was Al Hassan. So the fact that he was present doesn't contradict the  
25 fact that Al Hassan was the chief of the police.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [12:22:34] Now, Mr Witness, it's correct that you did not identify Al Hassan in  
2 this video when it was played to you by the Prosecution?

3 A. [12:22:50] I don't remember that. Well, in order to answer this question, I will  
4 need to watch the video again to tell if I noticed him in the video or not -- or whether  
5 he was present or not is not something that we can find out just by watching the  
6 video because this film doesn't cover everything.

7 Q. [12:23:14] Well, Mr Witness, if I can go back to your earlier answer, page 49,  
8 lines 5 to 16, you stated - this is the transcript of 116:

9 "[...] when he became deputy to Khalid, nobody could see Khalid any more. He  
10 didn't figure any more."

11 But it's correct we can see Khaled here, can't we?

12 A. [12:24:04] You mentioned twice "nobody saw." What I said in my answer is  
13 that people who were not inside the group - and, I'm talking about the -- the  
14 laypeople, people who were the locals who came to the police station and found Al  
15 Hassan in the police office and who -- from whom Al Hassan received complaints and  
16 investigated their cases, they saw Al Hassan there.

17 As for Khaled and the other members of Al-Qaeda, they were there observing,  
18 observing the activities of the people appointed.

19

20 So for the layperson, they will think that he is  
21 the chief of the police. As for what we see here in the video or what other people see  
22 on the video, this is not what I'm discussing here.

23 Q. [12:25:27] Now, Mr Witness, at transcript 116, page 41, lines 21 to 23, you said it  
24 was when Khaled went abroad that Al Hassan became the chief of the police?

25 A. [12:26:18] Yes, because if another person was appointed from the senior officers,

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 I would have known. So things were left as they were, and Al Hassan was just  
2 promoted when Khaled left, and he was able now to ask for what he needed directly  
3 from the emirs.

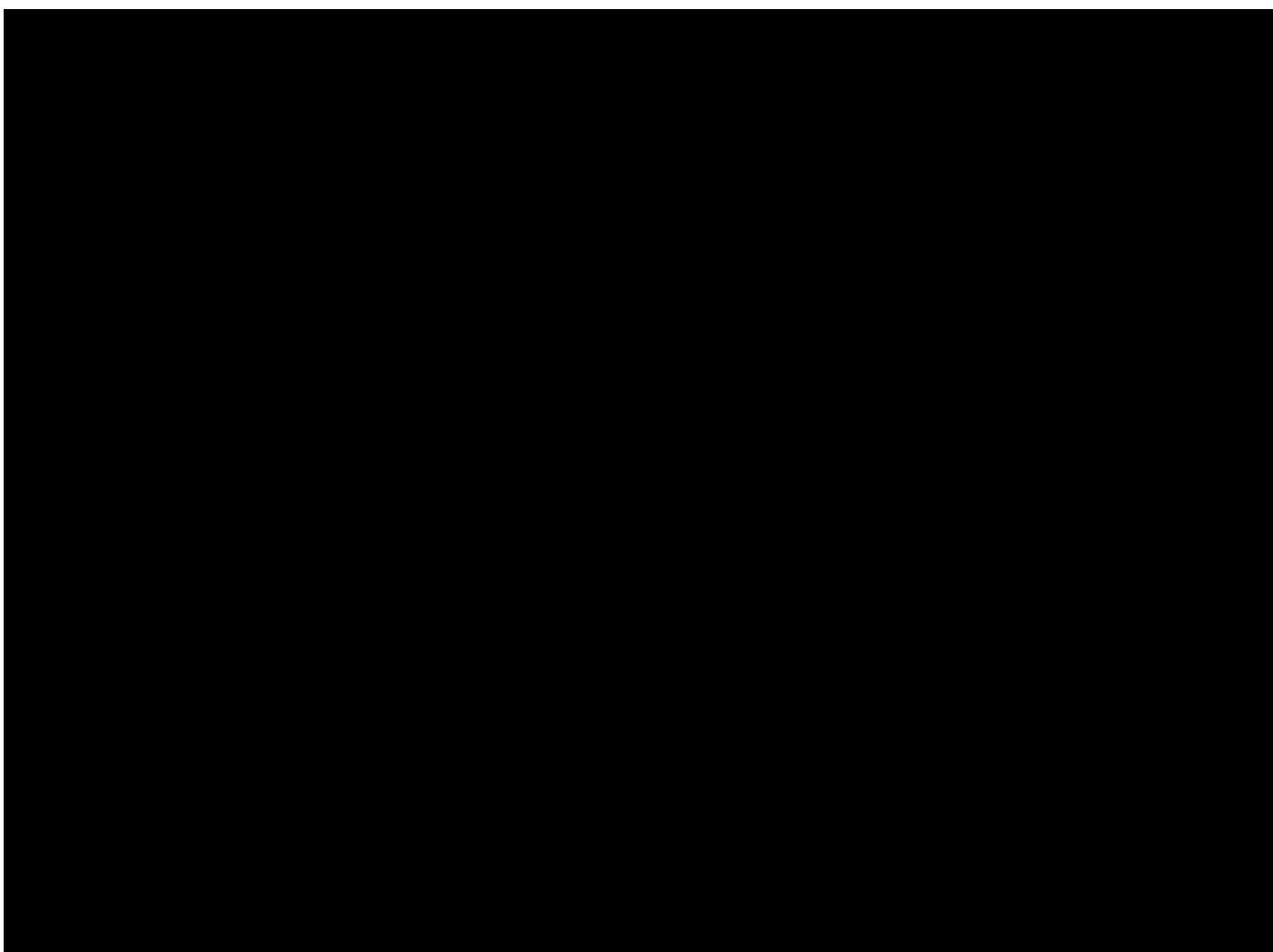
4 Q. [12:26:56] So when did Khaled leave?

5 A. [12:27:00] I told you that I can't remember the dates, and the incident, which I  
6 know that Khaled was there, or he was absent during that time, I really can't  
7 remember the date. But it was related to the war.

8 Q. [12:27:24] Now, at transcript 106, I played a video, [REDACTED] and we  
9 can play it again to refresh your memory on evidence 2.

10 (Viewing of the video excerpt)

11 MS TAYLOR: [12:28:29] And for the record, we're stopping at 15:24.



12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

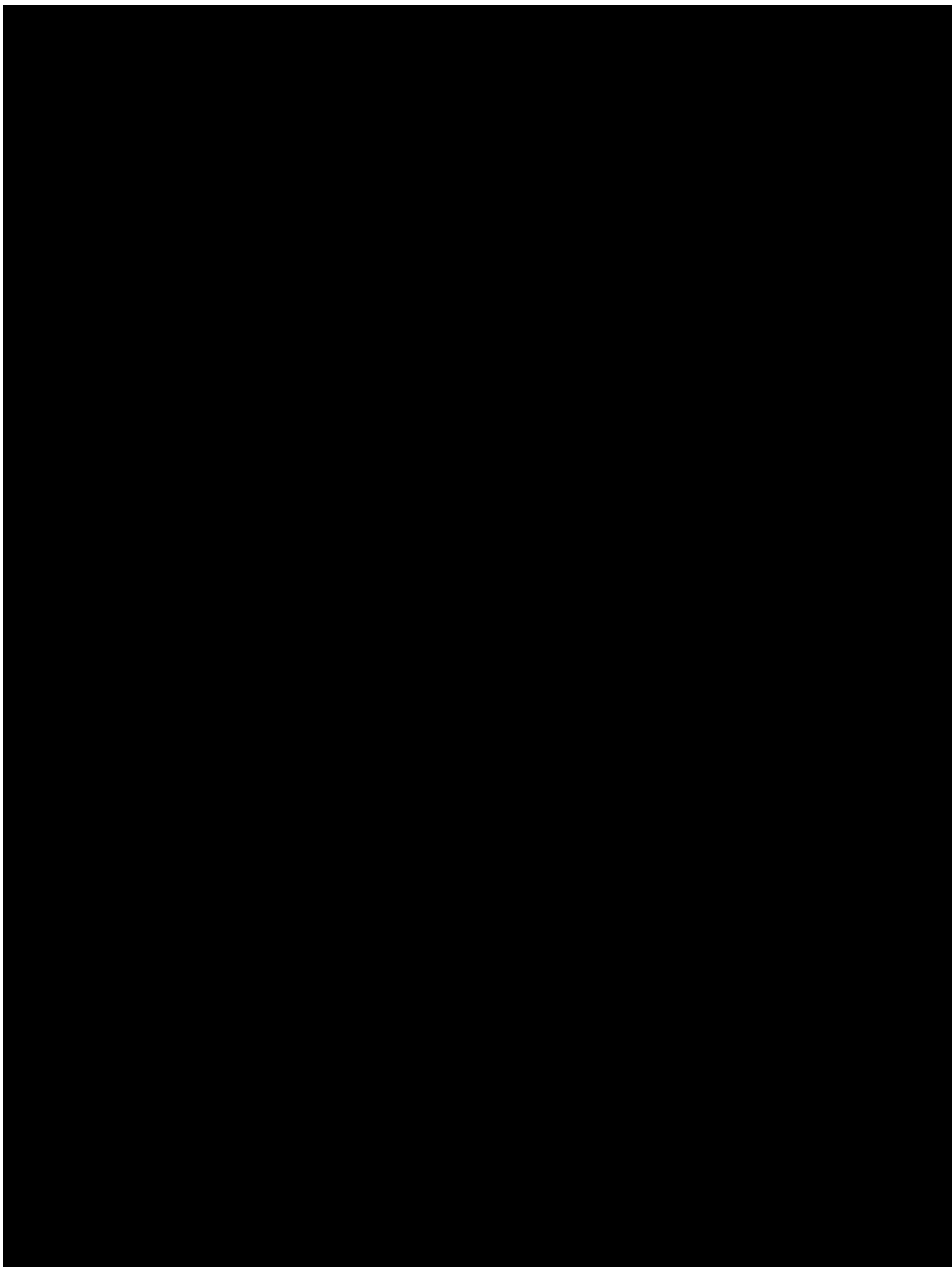
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Trial Hearing  
WITNESS: MLI-OTP-P-0150

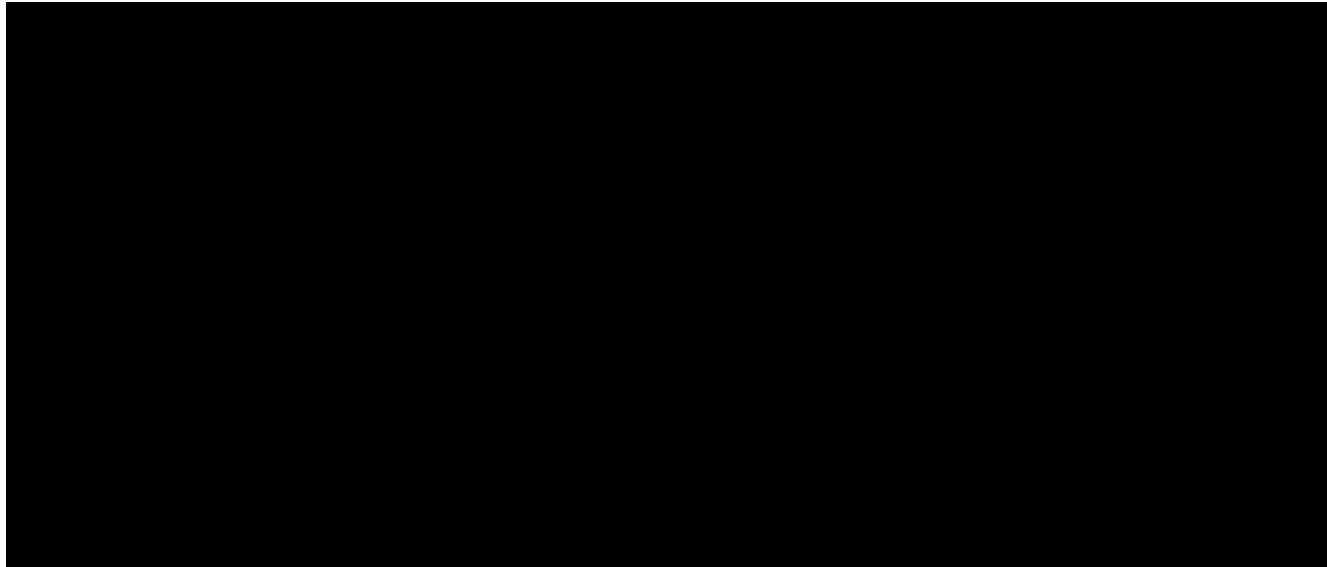
(Closed Session)

ICC-01/12-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

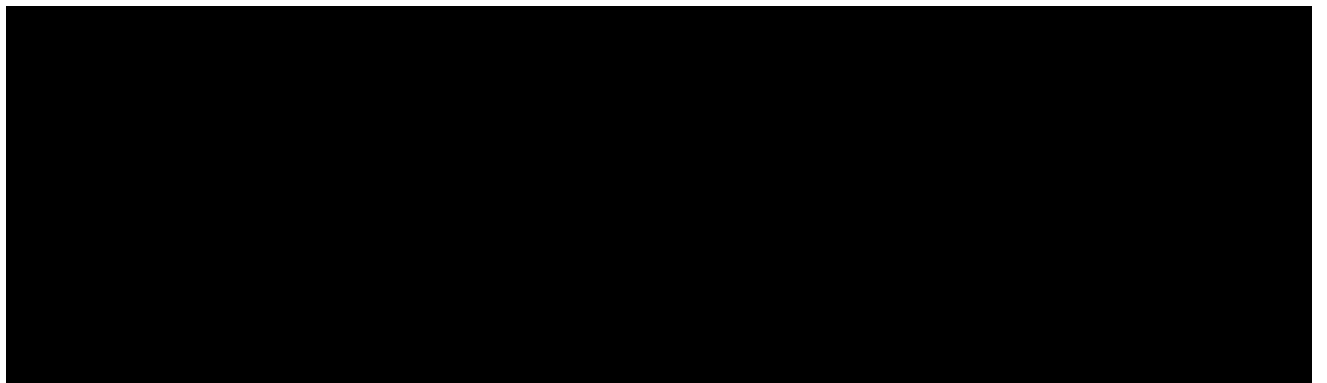


Q. [12:37:51] Now, it's correct, isn't it, that in 2012, Mr Al Hassan didn't have a jihadi name?

A. [12:38:05] Yes. As I told you - or, maybe, as I told the Prosecution - this was not necessary. It was optional for people to choose a jihadi name. If someone doesn't want to take such name, there is no problem whatsoever.

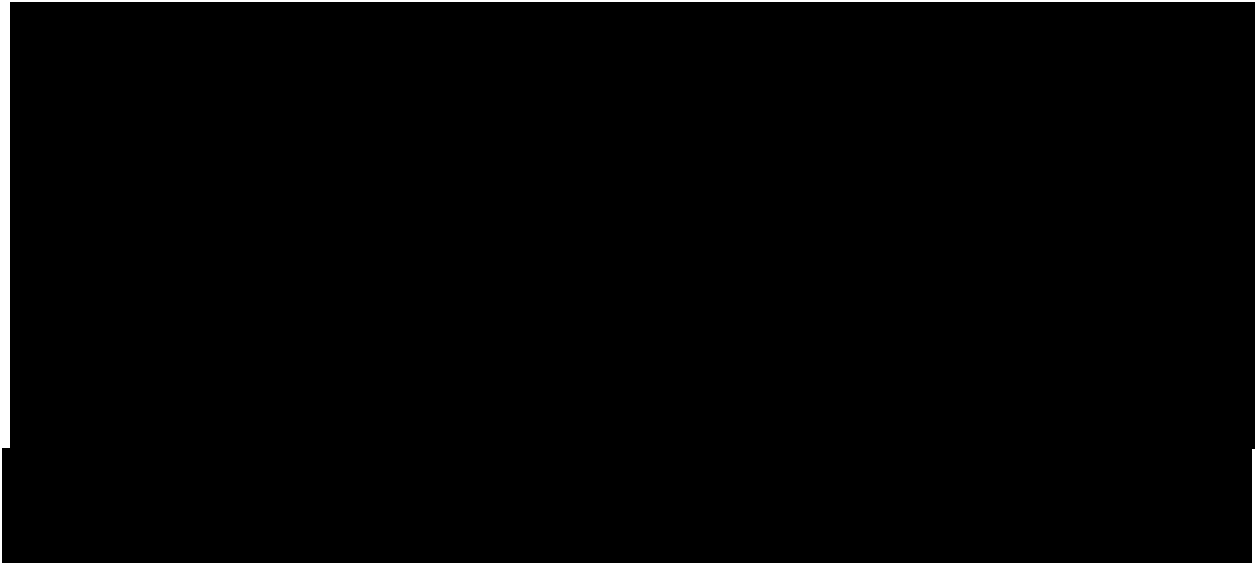
Q. [12:38:31] And did you also tell the Prosecution that having a jihadi name was significant or a term of honour for Arabs?

A. [12:38:50] No. I didn't say that. But when I mentioned that, we were talking about the last name, which is obviously part of the Arab custom. Somebody from the tribe of Zarho actually didn't like the fact that I was calling him with the first name but, rather, he wanted to use his last name. It's -- it's -- it is an Arab custom to be called by the last name and not by the first name.



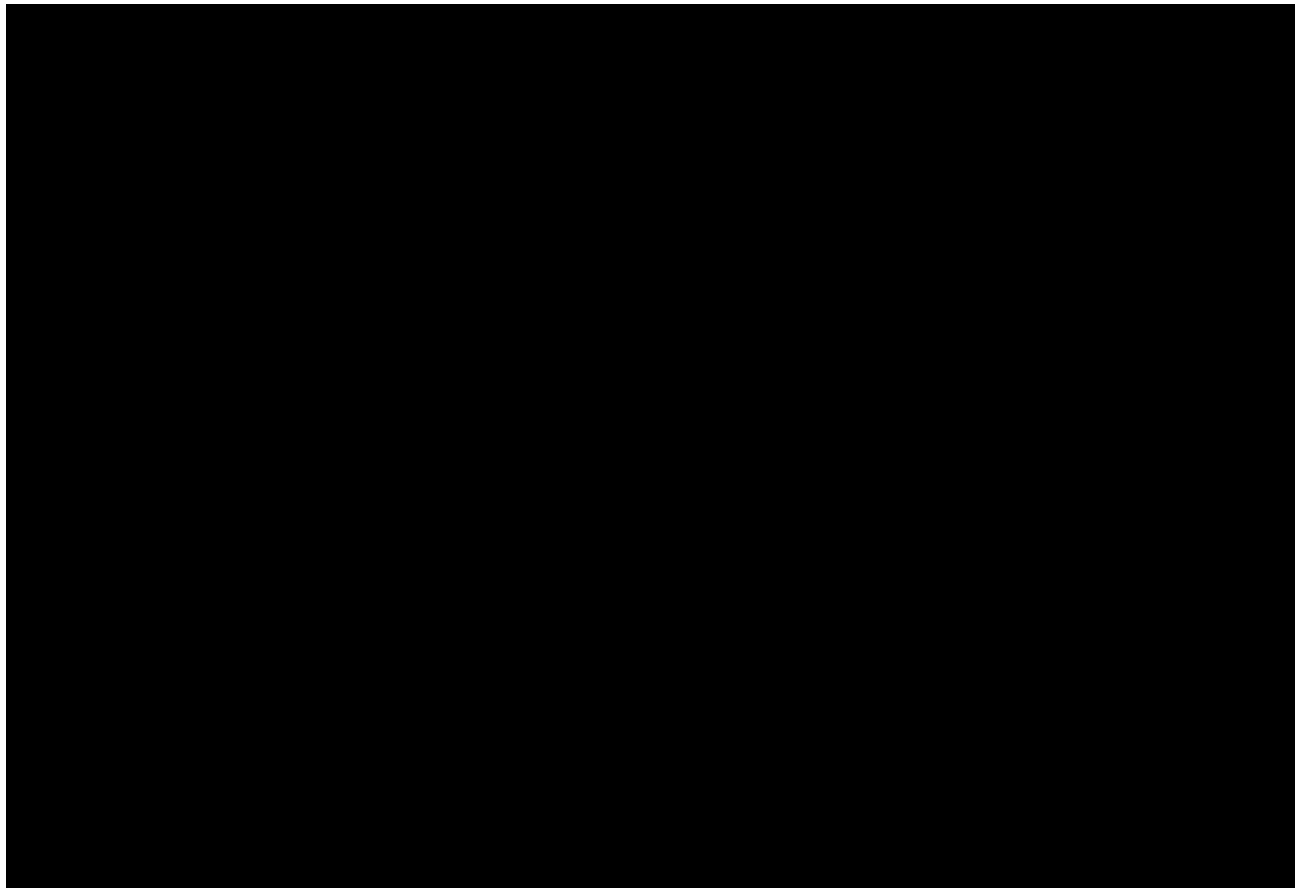


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



Q. [12:41:33] If I can bring up OTP tab 1354. It's [REDACTED]-R02 (sic) at [REDACTED].  
Actually, we'll start at 8637. And if that could be brought up on evidence 1.  
So we'll start with line 652 on page 8637. And if the interpreters could kindly indicate if they're ready.

It says:



Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

Mr Witness, have you had a chance to follow the Arabic text and the interpretation?

A. [12:45:44] Yes. I -- I heard some words that can be looked at. So I heard in the interpretation the fact that he was marginalised, but I also said -- I only said that he separated from the group and he didn't work with them after they left Timbuktu. And also, when mentioned, his father, I think what's written is a bit different. I only meant that if his father knew that he is willing to testify, his father might advise him against it.

[REDACTED]

Is that correct?

A. [12:46:59] Yes.

[REDACTED]

Were you in contact with him at this point?

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

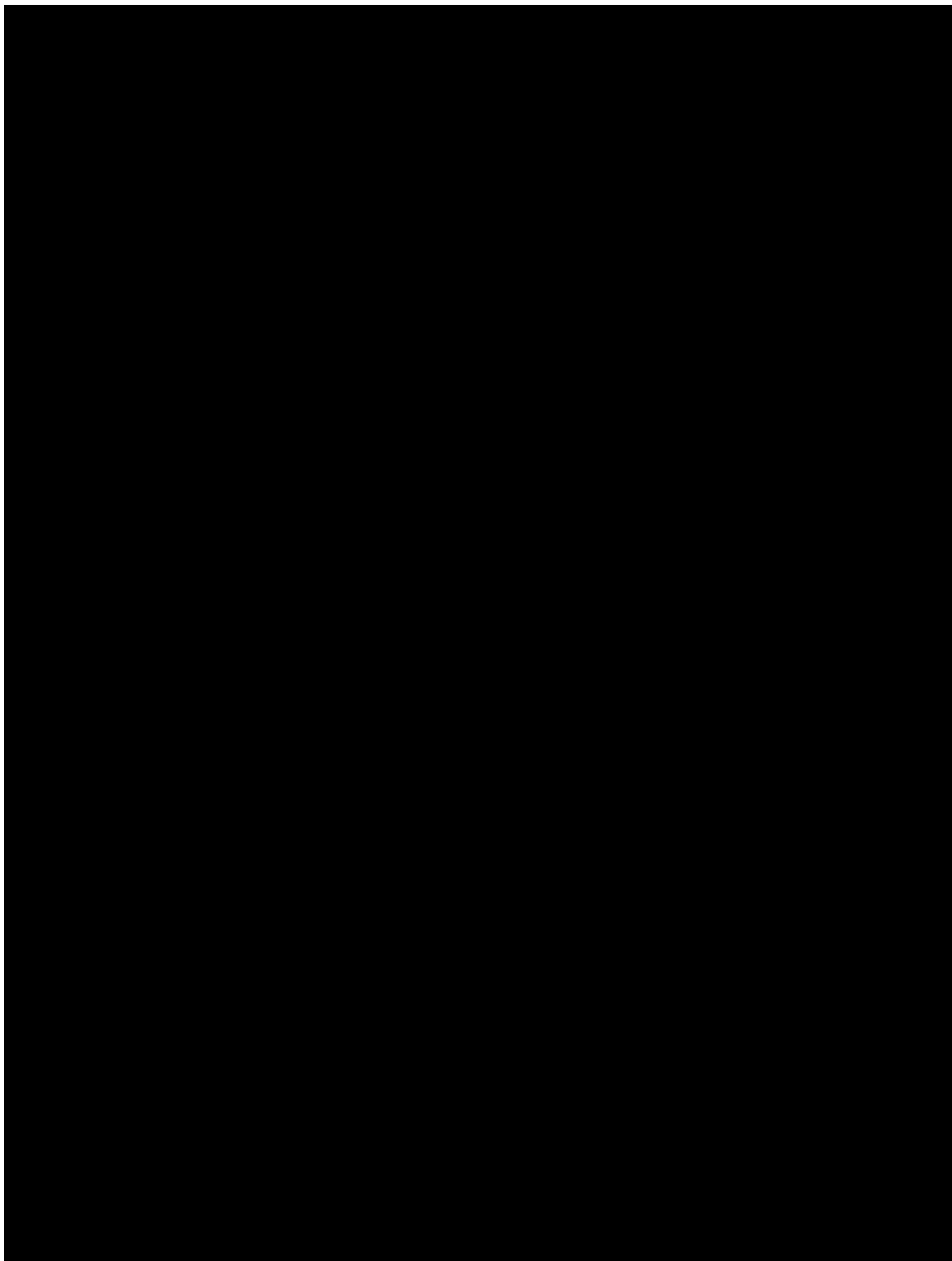
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



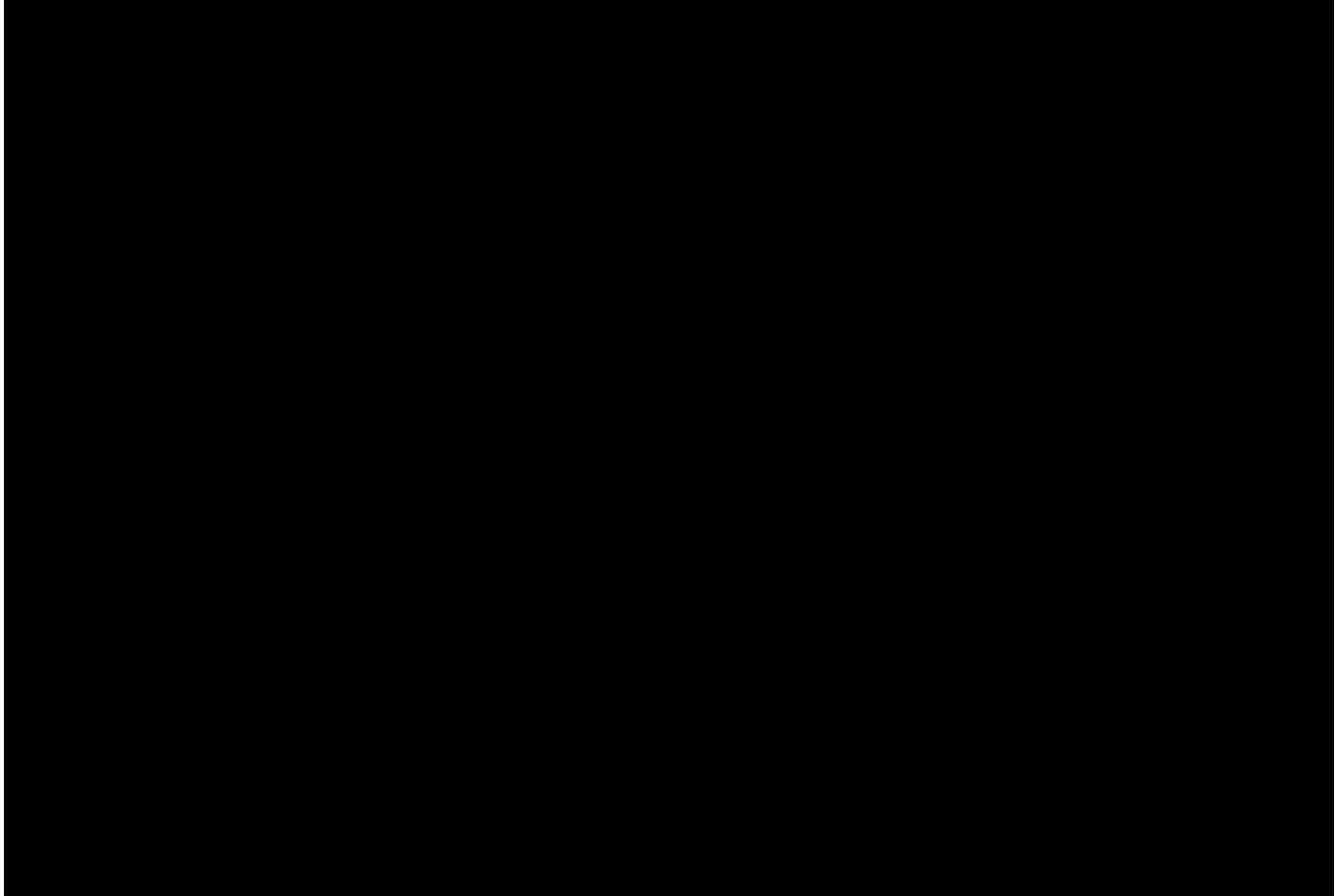
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13



14 THE ARABIC INTERPRETER: [12:54:46] The interpreter missed that last part,  
15 whether he said before or after the events.

16 MS TAYLOR: [12:54:53]

17 Q. [12:54:53] Mr Witness, the interpreter missed the last part of your answer,  
18 whether you said before or after the events.

19 A. [12:55:06] Before the events and during the events.

20 Q. [12:55:12] Now, at transcript 107, the edited, page 14, line 22, to page 15, you  
21 provided testimony concerning the manuscripts in Timbuktu and addressed  
22 allegations concerning the destruction of the manuscripts.

23 Do you recall that? Or do you want me to refresh your memory by reading out what  
24 you said?

25 A. [12:55:40] Do you mean by that, you mean, destroying the texts? Destroying

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 the manuscripts? Is that what you mean?

2 Q. [12:56:09] Yes.

3 A. [12:56:11] I spoke about the manuscripts in different occasions, and I said that  
4 the jihadists, I know that they burnt some of the covers -- covers of the printed books  
5 in the centre of Ahmed Baba, and that's why there were rumours that they burnt the  
6 manuscripts. But I also said that based on my knowledge of the jihadists, it was  
7 possible that they burnt or confiscated some of the books that had sorcery tables and  
8 symbols and also some of the books that they deemed related to sorcery.  
9 So that's why I didn't exclude the fact that they did destroy the manuscripts.

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

13 Q. [12:57:46] And was your testimony based exclusively on what you yourself saw  
14 and heard in 2012 and 2013?

[REDACTED]

19 As for other topics, I -- that was my personal analysis. So the fact that he -- they  
20 burnt -- might have burnt some of the books related to astronomy or mathematics  
21 because they thought that it's related to sorcery.

22 [REDACTED] Do  
23 you recall bringing up the topic of the manuscripts?

24 A. [12:59:24] I don't remember the interviews that I spoke about certain topics in.  
25 But I remember -- I remember that in certain interviews, I spoke about the

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 manuscripts.

2 MS TAYLOR: [12:59:44] It's 1 o'clock, Mr President.

3 PRESIDING JUDGE MINDUA: [12:59:53](Interpretation) Indeed. We are going to  
4 stop for a lunch break. As you know, we will start a bit earlier, namely, at 2:15.  
5 Court is suspended.

6 (Recess taken at 1.00 p.m.)

7 (Upon resuming in closed session at 2.18 p.m.)

8 THE COURT USHER: [14:18:04] All rise.

9 Please be seated.

10 PRESIDING JUDGE MINDUA: [14:18:32](Interpretation) The hearing shall now  
11 resume.

12 Ms Taylor, please go ahead.

13 MS TAYLOR: [14:18:45]

14 Q. [14:18:50] Good afternoon, Mr Witness. How are you?

15 A. [14:18:55] Good afternoon. I'm doing well. Thank you.

16 Q. [14:18:58] That's good to hear. And, as always, if you need a break of any type,  
17 please don't hesitate to let the presiding judge know.

18 Now, Mr Witness, I'm just going to turn now to OTP tab 1366. [REDACTED]

19 [REDACTED] And if it could be placed on evidence 1.

20 THE COURT OFFICER: [14:19:53] Sorry. Would counsel kindly repeat the ERN.

21 And, your Honours, just for the record, we do have an issue with the transcript. It's  
22 being looked into at the moment.

23 MS TAYLOR: [14:20:03] Ah, we have no English transcript.

24 [REDACTED]

25 And I'd be grateful if it would be possible to get an indication as to when we might

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 expect to have the English transcript back.

2 THE COURT OFFICER: [14:21:10] Your Honours, the issue is being looked into and

3 I will revert to you once it's resolved.

4 Thank you.

5 PRESIDING JUDGE MINDUA: [14:21:20](Interpretation) Thank you very much,

6 courtroom officer.

7 MS TAYLOR: [14:21:28] Mr President, I can proceed with my -- some of these

8 questions. But if we get into more-detailed questioning, it would be preferable to

9 have an English transcript.

10 PRESIDING JUDGE MINDUA: [14:21:46](Interpretation) Very well. Please go

11 ahead.

12 MS TAYLOR: [14:21:50]

13 Q. [14:21:51] Now, Mr Witness, if we could -- are you able to see on the screen from

14 line 182?

15 And if the interpreters could kindly indicate if they have identified line 182.

16 So, Mr Witness, I'm going to read from line 182:

17 "Now, I want to move on to a topic that you have mentioned since I think the first day

18 we met.

19 "[...] it's about the manuscripts in TOMBOUCTOU.

20 "[...] We mentioned them a few times in passing.

21 "[...] And you indicated to us that...you know something about what happened to

22 them.

23 "[...] It's of course something [that] we've seen a lot of ... information about on the

24 news and we [also] heard from others about [it.]

25 "[...] But we would now be interested in hearing what ... what you know about."

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Interpreter: "No, I don't remember that I said [that] I knew much about this but I  
2 really want to talk about it."

3 Mr Witness, were you able to follow the Arabic text and the English -- sorry. Not  
4 the English. The interpretation.

5 A. [14:32:01] Yes.

6 MS TAYLOR: [14:24:17] It's my understanding that the interpreter read the Arabic  
7 to the witness rather than interpreting what I was saying into Arabic.

8 Is that correct? Could the interpreters clarify whether that was the case.

9 THE ARABIC INTERPRETER: [14:24:31] Yes. It's me to  
10 interpret what you say in the text, me, not to read the Arabic? Okay.

11 MS TAYLOR: [14:24:40] Yes, if that's possible, to give the witness an opportunity to  
12 identify the discrepancies between the English and the Arabic text.

13 THE ARABIC INTERPRETER: [14:24:47] And the Arabic. Okay. I can do that.  
14 Thanks.

15 MS TAYLOR: [14:24:52] Thank you very much.

16 Do you need me to read it out? Or can you just interpret from the lines that you  
17 have on the screen from line 182 to 200?

18 THE ARABIC INTERPRETER: [14:25:00] Yeah. I can do the sight translation.

19 MS TAYLOR: [14 :25:06] Thank you very much. It's appreciated.

20 Q. [14:26:17] And, Mr Witness, were you able to follow?

21 A. [14:26:28] I was.

22 Q. [14:26:32] And were there any issues between what you heard and what you  
23 saw on the page?

24 A. [14:26:46] There weren't any.

25 Q. [14:26:50] Now, at line 199 to 200, you told the Prosecution that you really



Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 wanted to talk about it.

2 Why was that?

3 A. [14:27:10] First, this is an answer to a question -- to something that the  
4 Prosecutor had already asked me about on other occasions. And their enquiry is,  
5 whether I have something to add that they had not brought up, up to that point, and,  
6 I said, I know that we had not yet talked about the manuscripts. So that's one  
7 consideration.

8 But now your question here is about -- I want -- "I really want to talk about it." Yes.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] But I don't know much about what came of  
12 those manuscripts in 2012.

13 Q. [14:28:21] Now, if we can scroll down to line 205, it says: "I heard about the  
14 burning on the third day of me ... having left TOMBOUCTOU that the manuscripts  
15 had been burned.

[REDACTED]

17 "[...] And I asked him: 'Is this really right?'

18 "[...] He told me: 'No, that's not right'."

[REDACTED]

21 Q. [14:29:31] And were you -- where was the radio? Were you in a house? Were  
22 you in a car?

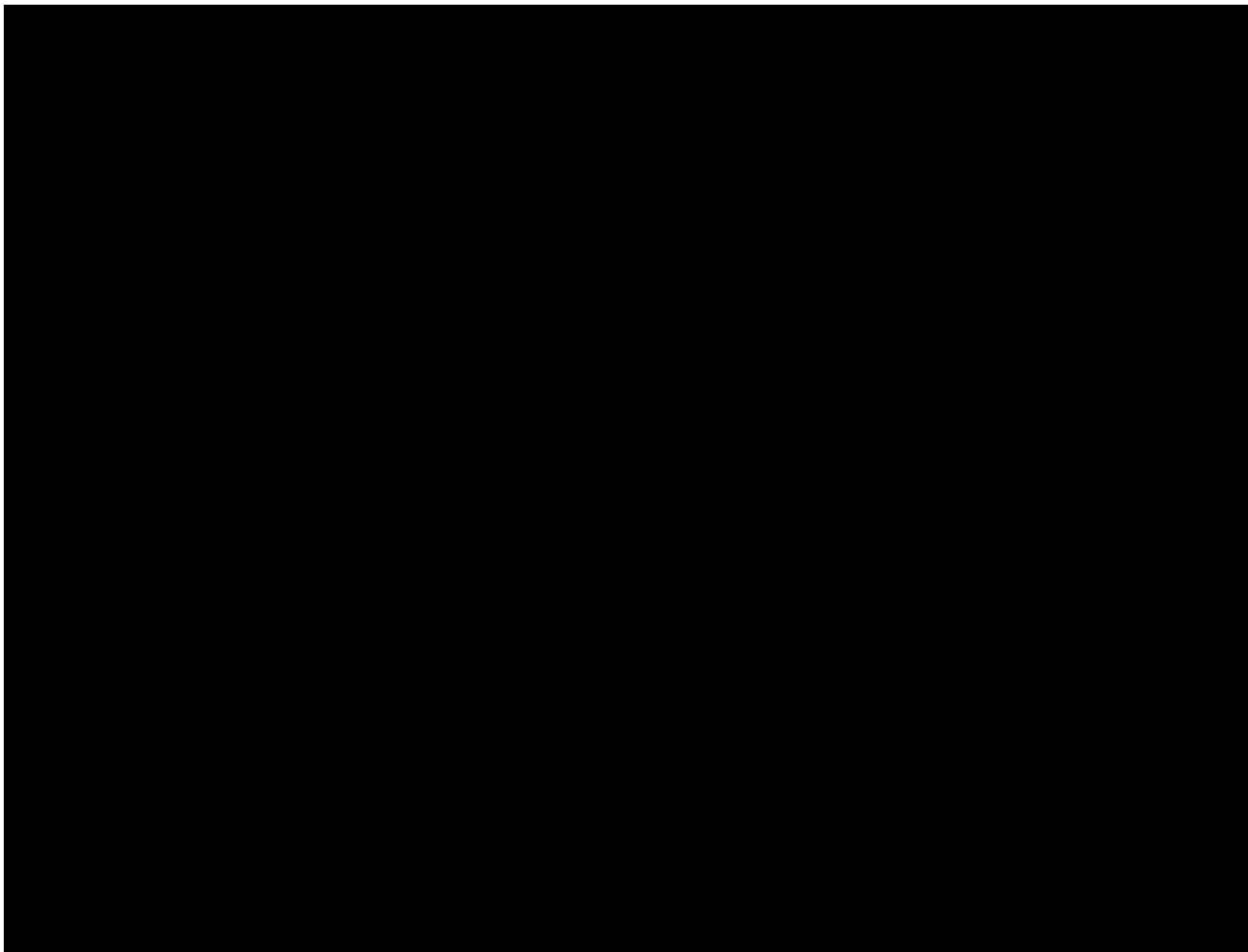
[REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150



15 Q. [14:32:09] Now, if we go to page 9127 of the same document, and looking  
16 specifically at lines 458 and onwards, it states:  
17 "[...] But since I was interested in the manuscripts, I kept enquiring and someone told  
18 me that he knew someone who was 80 percent sure was the one who burned them  
19 because he was someone who was going around and burning things in town.  
20 "[...] And this person was someone who appeared in videos. Maybe he appeared in  
21 videos. He is [a] light skinned person...he is Algerian and his name is ABOU  
22 OUSSAMA.  
23 "[...] And he was killed in a French raid...bombarding in March or February in the  
24 desert."  
25 Mr Witness, were you able to follow the Arabic in the text as compared to what's

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 written here?

2 A. [14:34:03] Yes.

3 Q. [14:34:07] And are there any issues?

4 A. [14:34:24] No. I think it's 100 per cent accurate. I can read the Arabic text to  
5 you. It's just two lines.

6 Q. [14:34:37] Now, Mr Witness, it says at line 458 that:

7 "[...] since I was interested in the manuscripts, I kept enquiring and someone told me  
8 that he knew someone who was 80 percent sure was the one who burned them  
9 because he was someone who was going around and burning things in town."

10 [REDACTED]

11 A. [14:35:16] I really do not remember the source of this information. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

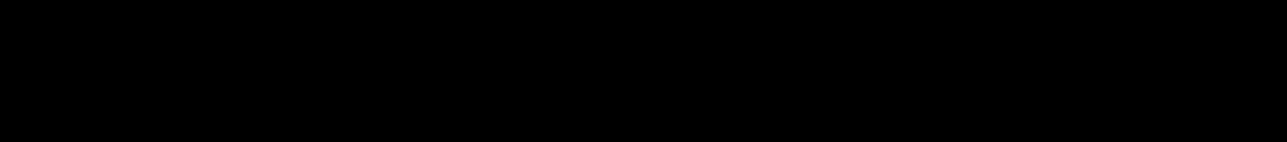
25 [REDACTED]

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

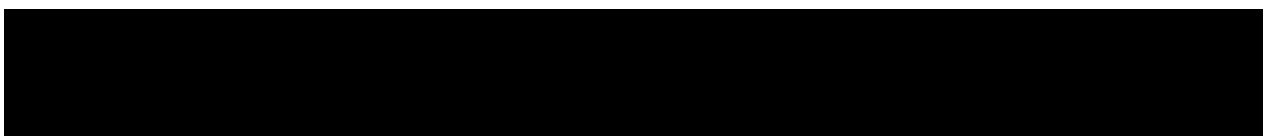
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



THE COURT OFFICER: [14:37:10] Your Honours, sorry. Just to confirm that the -- the English transcript is available.

PRESIDING JUDGE MINDUA: [14:37:20](Interpretation) Thank you very much.

MS TAYLOR: [14:37:26]



A. [14:37:47] I don't know the dates when I gave information in interviews with the Prosecution, nor do I know which kind of information I shared or did not share. Therefore, there is no model of information that I can particularly recognise. It's always depending on the questions put to me.



point?

PRESIDING JUDGE MINDUA: [14:38:25](Interpretation) Prosecution.

MR DUTERTRE: [14:38:27](Interpretation) That's not an objection at all, your Honour. But I'm told that -- that when Ms Taylor put her question a few moments ago, the name of the person that she mentioned as a possible source was not interpreted in Arabic.

So I don't think the entire question was put to the witness.

PRESIDING JUDGE MINDUA: [14:38:55](Interpretation) Ms Taylor.

MS TAYLOR: [14:38:57] (Microphones overlapping) I can repeat the question.

PRESIDING JUDGE MINDUA: [14:39:00] Yes, please.

MS TAYLOR: [14:39:05]

Q. [14:39:05] Mr. Witness, I'm repeating the question, I'm -- just in case there was

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 an issue with interpretation.

2 I've just read out to you something about a person --

3 "[...] I kept enquiring and someone told me that he knew someone who was

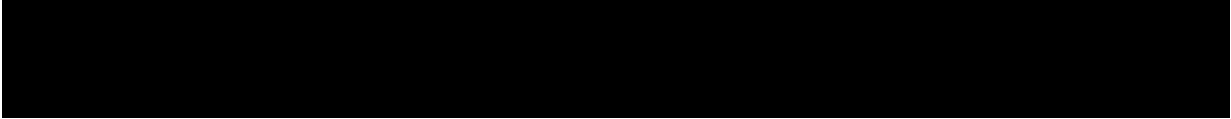
4 80 percent sure that the one who burned them because he was someone who was

5 going around" town -- sorry, "going around and burning things in town.

6 "[...] And this person was someone who appeared in videos. Maybe he appeared in

7 videos. He is light skinned person...he is Algerian and his name is ABOU

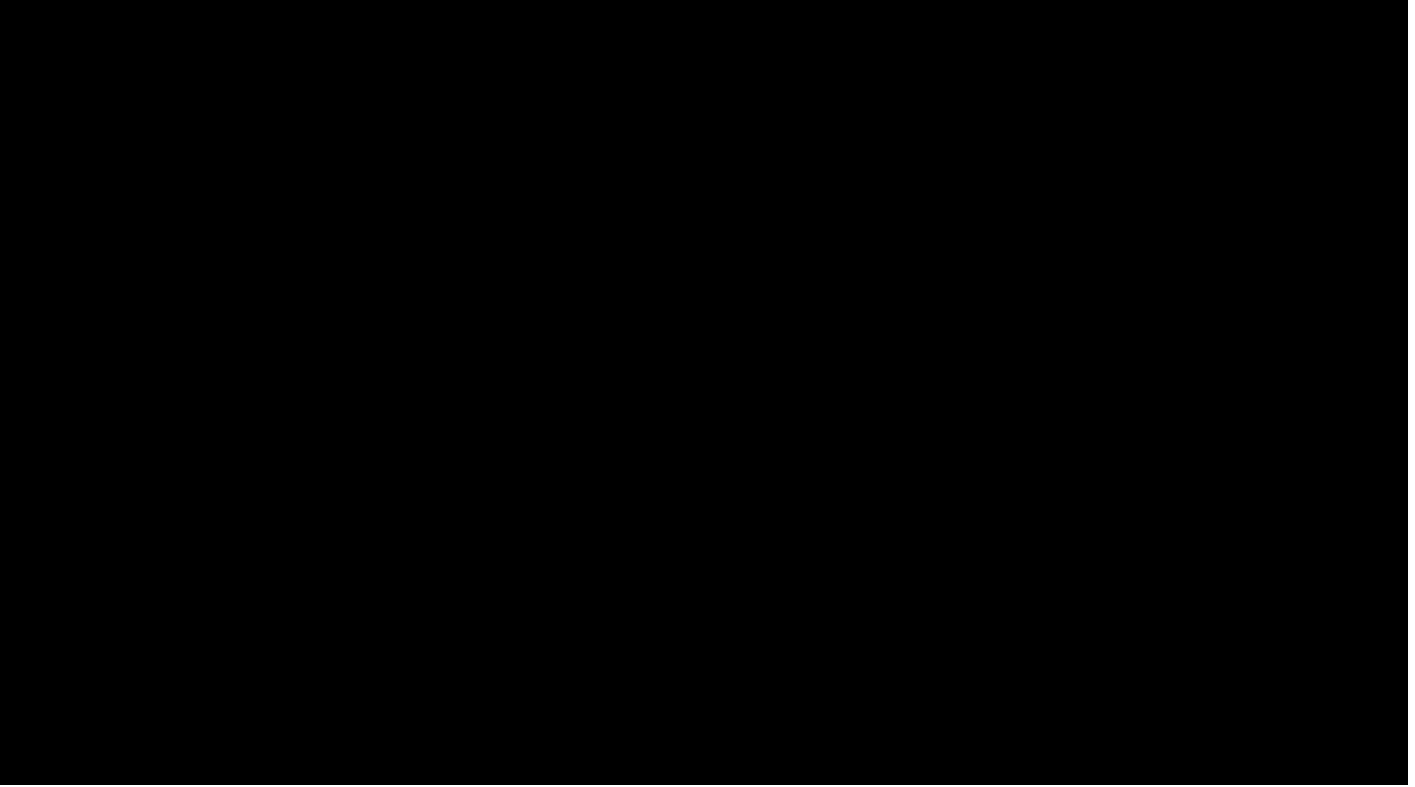
8 OUSSAMA."

9   
10

11 A. [14:40:07] No, not at all. I do not recall that. And also, according to the

12 interpretation, this man, Abou Oussama, I said that he appears on videos. I did not

13 say so. I only told the Prosecution that I'm not sure if he appeared in videos or not.

14   
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

25 Q. [14:42:01] Now, Mr Witness, at page 62, lines 19 to 20, I said to you:

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

Your response was: "No. Never."

I'd now like to turn to Defence tab 72. [REDACTED] And we'll be turning to page 2632.

[REDACTED]

And the transcript states:

[REDACTED]

Q. [14:45:44] Thank you, Mr Witness.

Now, my question at page 62, lines 19 to 20, was:

[REDACTED]

Now if we could turn to page 2640 of the same document.

MR DUTERTRE: [14:46:21](Interpretation) I'm sorry, your Honour.

PRESIDING JUDGE MINDUA: [14:46:22](Interpretation) Prosecutor.

MR DUTERTRE: [14:46:28](Interpretation) Is this a commentary from Ms Taylor, or

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

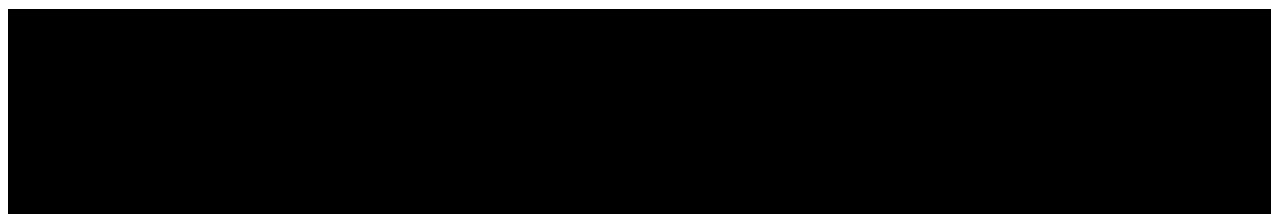
1 is there a question behind it? Because if it's just a comment, it's not appropriate. If  
2 there's a question behind it, then we have to have the question. But perhaps I'm  
3 premature in my intervention.

4 PRESIDING JUDGE MINDUA: [14:46:41](Interpretation) Ms Taylor.

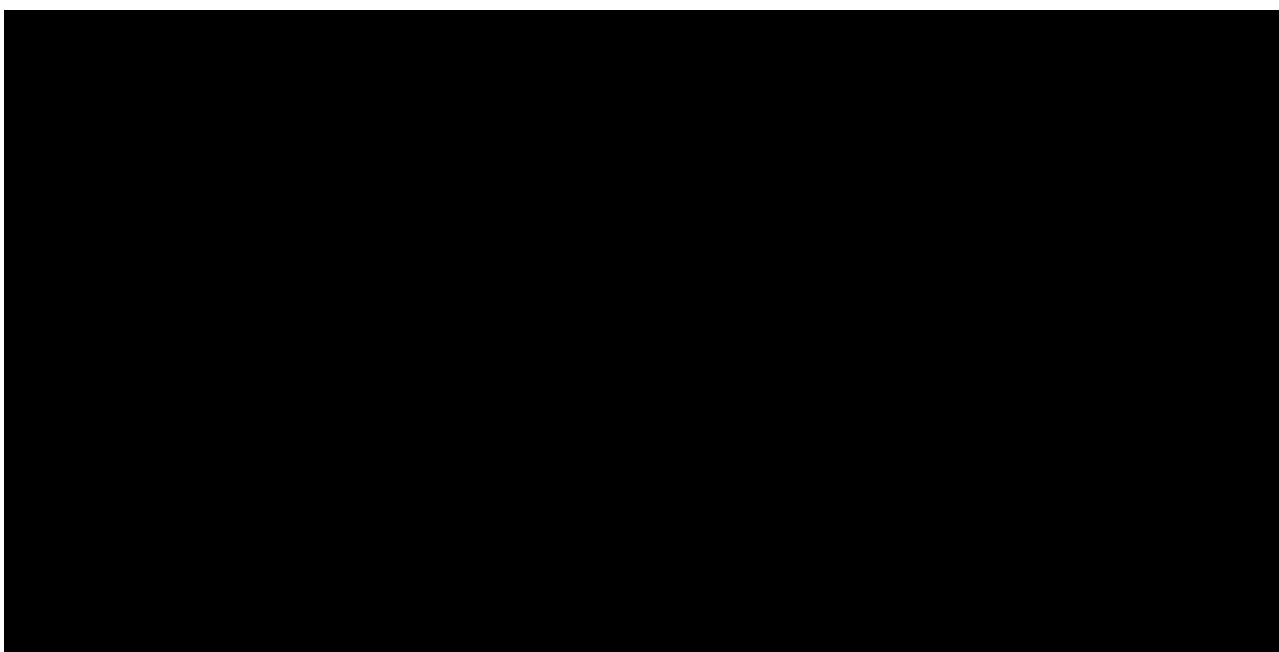
5 MS TAYLOR: [14:46:43] I believe that -- that Mr Duterte is indeed premature. I  
6 haven't actually finished.

7 PRESIDING JUDGE MINDUA: [14:46:55](Interpretation) Very well. Please  
8 continue.

9 MS TAYLOR: [14:47:08]



13 And then at line 259 -- No. I'll start from 255:



23 Is it correct that, at this point in time, you did not know what was true or false  
24 concerning the manuscripts?

25 A. [14:48:54] Yes. And that is still true. I still don't know what's true from false

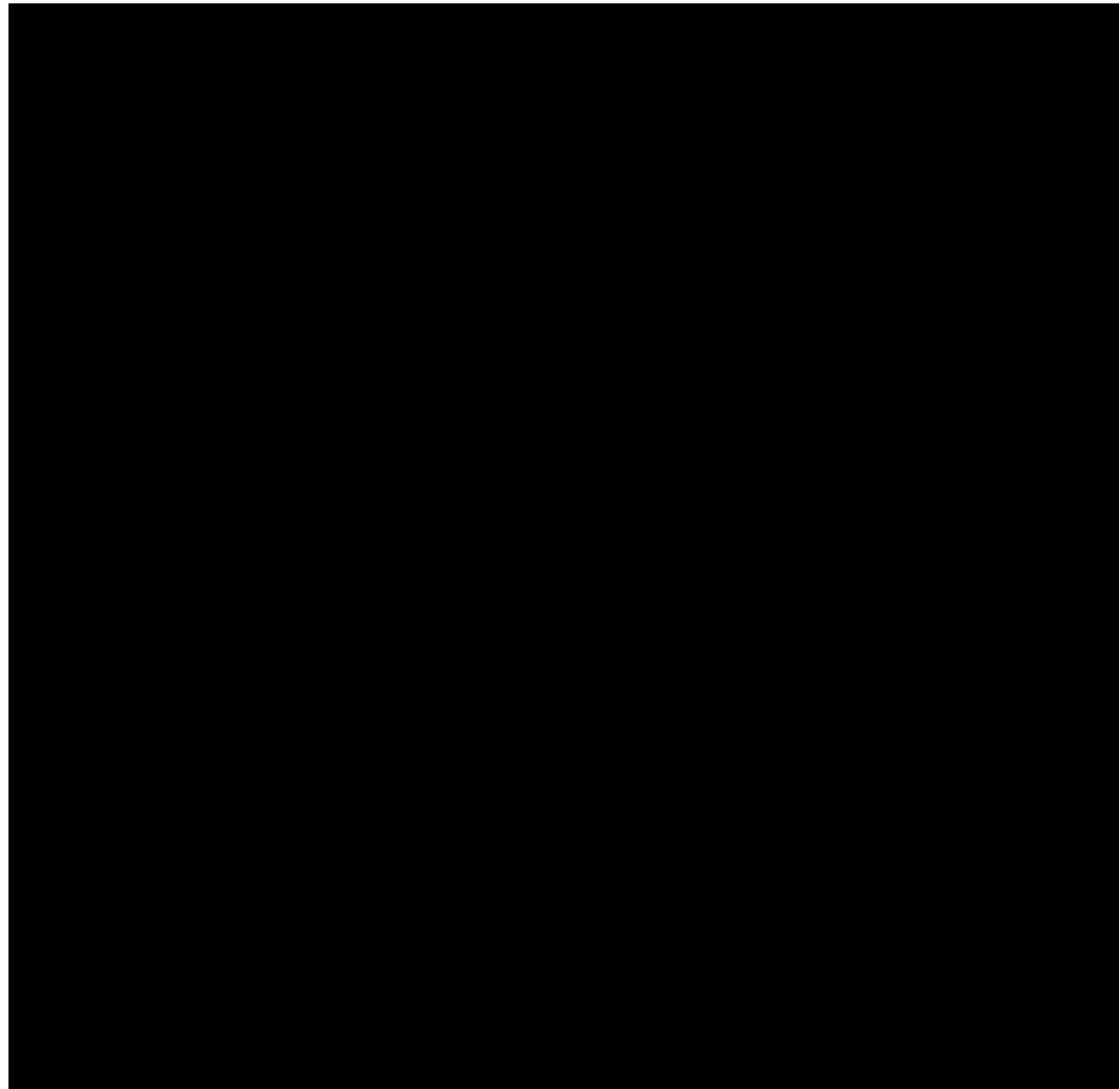
Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 on this subject of manuscripts.

2 Q. [14:49:23] If I could turn to page 2638, line 216 -- sorry. Line 215. And it says:



3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21 Q. [14:51:44] So, Mr Witness, you've just said that you did not reach any reliable  
22 information or conclusion. But in your interview with the Prosecution, you  
23 said -- this was lines 458 to 459:

24 "But since I was interested in the manuscripts, I kept enquiring and someone told me  
25 that he knew someone who was 80 percent sure was the one who burned them [...]"



Trial Hearing  
 WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

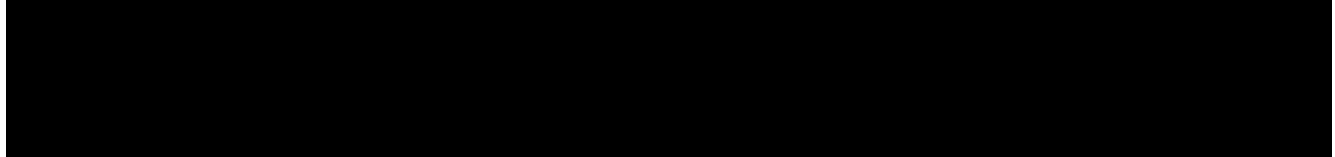
1 So you were telling the Prosecution that you had 80 per cent accurate information.

2 That's correct?

3 A. [14:52:26] That is not correct. What I said to the Prosecution -- I told the  
 4 Prosecution that I enquired further and that someone told me that. That person, the  
 5 source of that information, is someone I do not remember any -- someone I do not  
 6 remember. Therefore, what you've just said now in your question is incorrect.

7 Q. [14:52:50] Now, when you told the Prosecution this, did they ask you who it was,  
 8 who your sources were?

9 A. [14:52:59] No. I do not recall that.



12 PRESIDING JUDGE MINDUA: [14:53:34](Interpretation) Prosecutor.

13 MR DUTERTRE: [14:53:35](Interpretation) Your Honour, I don't want to say  
 14 anything in front of the witness, but the Defence has to know if we indeed did or did  
 15 not question this person. There are security imperatives. So before stating such  
 16 things, you have to be very clear with regards to what happened.

17 PRESIDING JUDGE MINDUA: [14:54:04](Interpretation) Ms Taylor, I agree with the  
 18 Prosecutor.

19 MS TAYLOR: [14:54:11] Mr President, if I may be heard. I have a very clear  
 20 foundation for this question, and I'm very surprised by the Prosecution's objection.  
 21 But I can't go into this in the presence of the witness or his counsel. But I have an  
 22 absolute hundred per cent foundation for this.

23 PRESIDING JUDGE MINDUA: [14:54:36](Interpretation) Would you like the  
 24 witness to leave?

25 MS TAYLOR: [14:54:40] Well, I do believe that I should have the opportunity to be

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 heard before having this impact upon my line of questioning, and it's not an issue I  
2 can go into in front of the witness. But I don't believe there's a basis for the  
3 Prosecutor's objection.

4 MR DUTERTRE: [14:55:02](Interpretation) Can Ms Taylor give us the reference, and  
5 then we can check.

6 PRESIDING JUDGE MINDUA: [14:55:05](Interpretation) That's right. That would  
7 be much better.

8 Ms Taylor, can you give us the reference, please.

9 MS TAYLOR: [14:55:09] Again, Mr President, I don't believe I should have to do this  
10 in front of the witness. I would need to -- Mr President, I would need to explain it to  
11 the Chamber. And I do believe that given the Prosecutor is fully aware of the  
12 conversations they had with this witness, they're very aware that this is information  
13 known to this witness.

14 PRESIDING JUDGE MINDUA: [14:55:35](Interpretation) Ms Taylor, you're carrying  
15 out your cross-examination for the benefit of the Chamber as well [REDACTED]

16 [REDACTED]

17 [REDACTED] And that's the reason why a recourse to the reference is beneficial, not  
18 only to the Prosecutor who has to prepare for additional questions, but also for us as  
19 the Chamber so that if we don't understand what you're doing, it -- it doesn't help  
20 anyone.

21 So you will save time if you help us understand. So please, could we have the  
22 reference.

23 MS TAYLOR: [14:56:15] Thank you, Mr President. But now I would actually have  
24 to go through an entire 65-page document to find the page rather than just describing  
25 it to you.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 PRESIDING JUDGE MINDUA: [14:56:32](Interpretation) Please put another  
2 question, and you can come back to it later when you've found the reference.

3 MS TAYLOR: [14:56:40]

4 [REDACTED]  
5 [REDACTED]

6 A. [14:57:15] I don't remember that.

7 Q. [14:57:22] If I could turn to Defence tab 280.

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

20 Q. [14:59:43] Mr Witness, I'm not quite sure I understand the last part of your  
21 answer, when you said, "...which did not happen." What did not happen?

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

25 Q. [15:00:18] If I could turn to page 6221. We have -- perhaps it's easier to start on

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

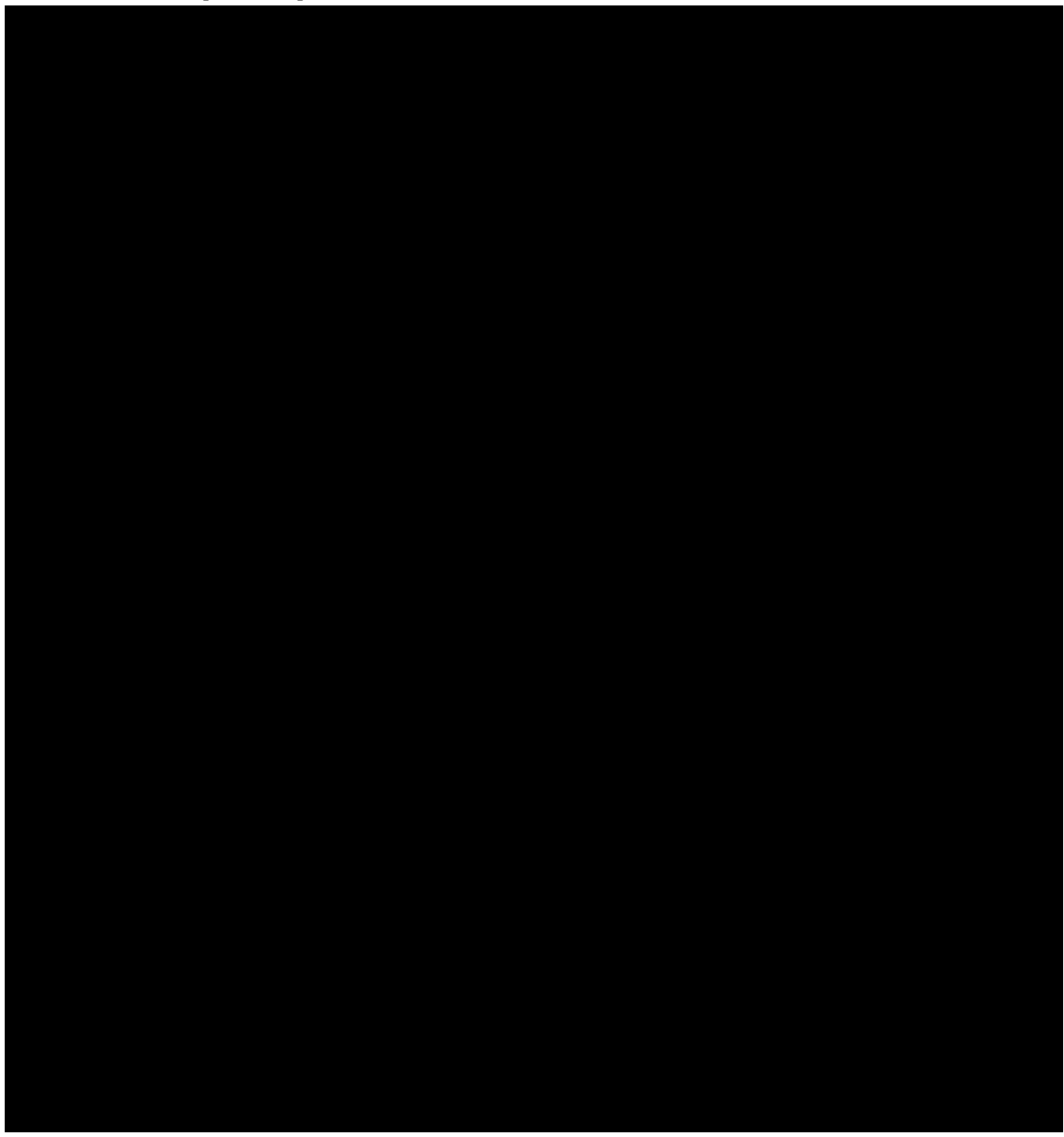
1 page 6220, continuing on from your last question.

2 And with the permission of the Chamber, if Ms Chahla could read from page -- from

3 lines 117 to 139.

4 PRESIDING JUDGE MINDUA: [15:02:03](Interpreted) Please go ahead, Counsel.

5 MS CHAHLA: [15:01:54]



6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

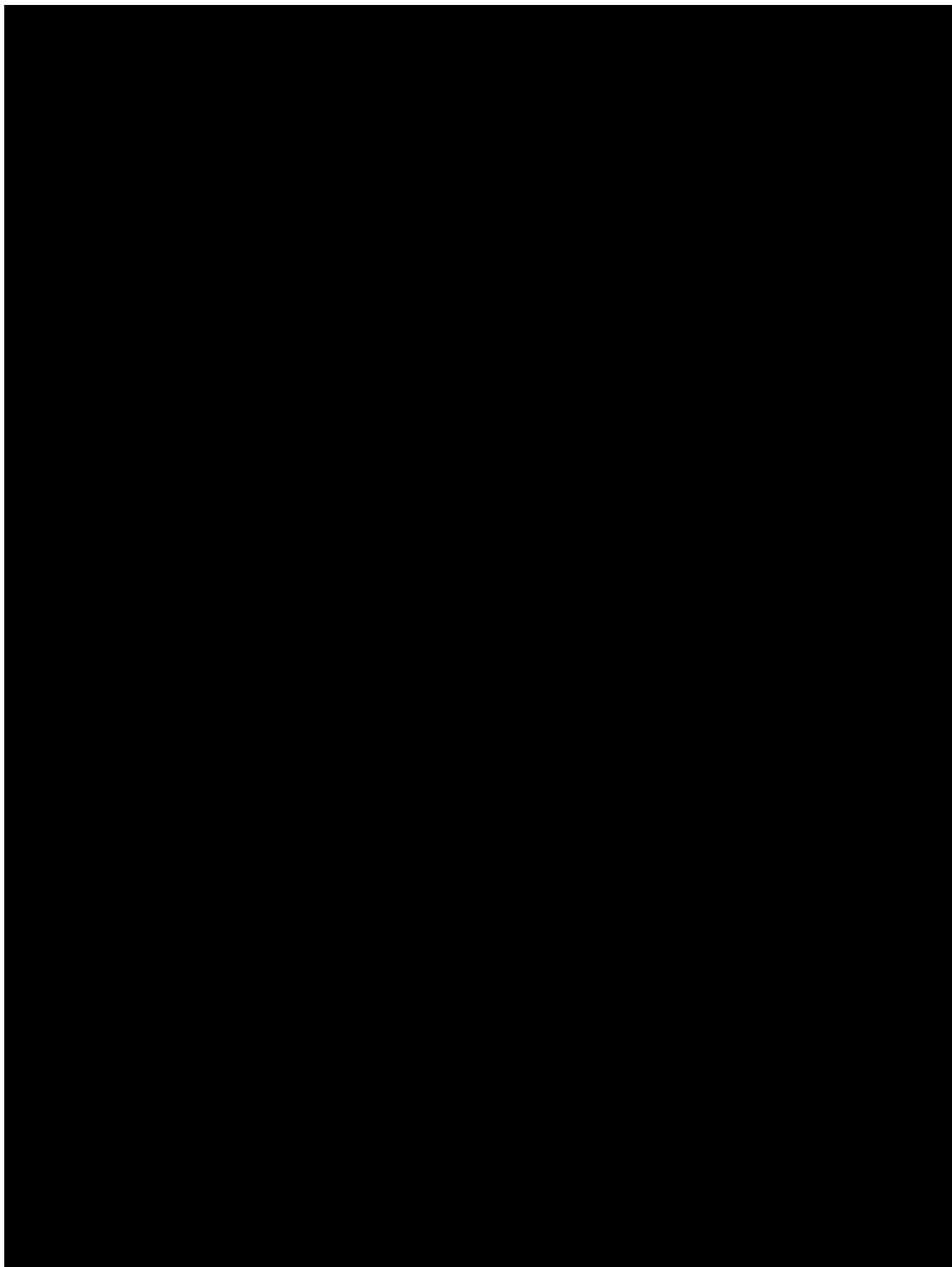
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [15:06:58] If we could now then turn to page 2627. [REDACTED]

2 [REDACTED] And I just have a very discreet section to read

3 to you from line 183 to 187.

4 THE COURT OFFICER: [15:08:05] Counsel, would you kindly repeat the reference  
5 number, please.

6 MS TAYLOR: [15:08:09] It's at page 2627 of the same document. I apologise.

7 It's -- we have an issue with two versions. So I believe it's -- I'll just give the  
8 reference. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18 A. [15:17:33] I informed the Prosecution that -- that he told me that

19 information -- or, at least, the first information I received on that subject.

20 Q. [15:17:54] Is it correct that certain people believed that Mohamed, the jailer, had

21 denounced Mohamed Moussa to the Algerian authorities after Mohamed, the jailer,

22 had been interrogated and tortured?

23 [REDACTED] It -- it is the

24 same thing I relayed to the Prosecutor.

25 Q. [15:18:31] And did people then believe that Mohamed, the jailer, was



Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 responsible for the arrest of Mohamed Moussa and his son?

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 The only -- what I understood is just that he might have given information that led to  
6 Mohamed Moussa's arrest.

7 Q. [15:19:43] Was this the first occasion that you learnt of the arrest of Mohamed  
8 Moussa?

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [15:20:25] Now if we can go to the page where it's discussed. It's page 2625 of  
13 the same document. If we can go to page 102 -- line 102.

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 We are talking about Mohamed Moussa in this instance.

25 Q. [15:22:50] If we could look at lines 134 -- or line 132. It's the next page. And at

Trial Hearing

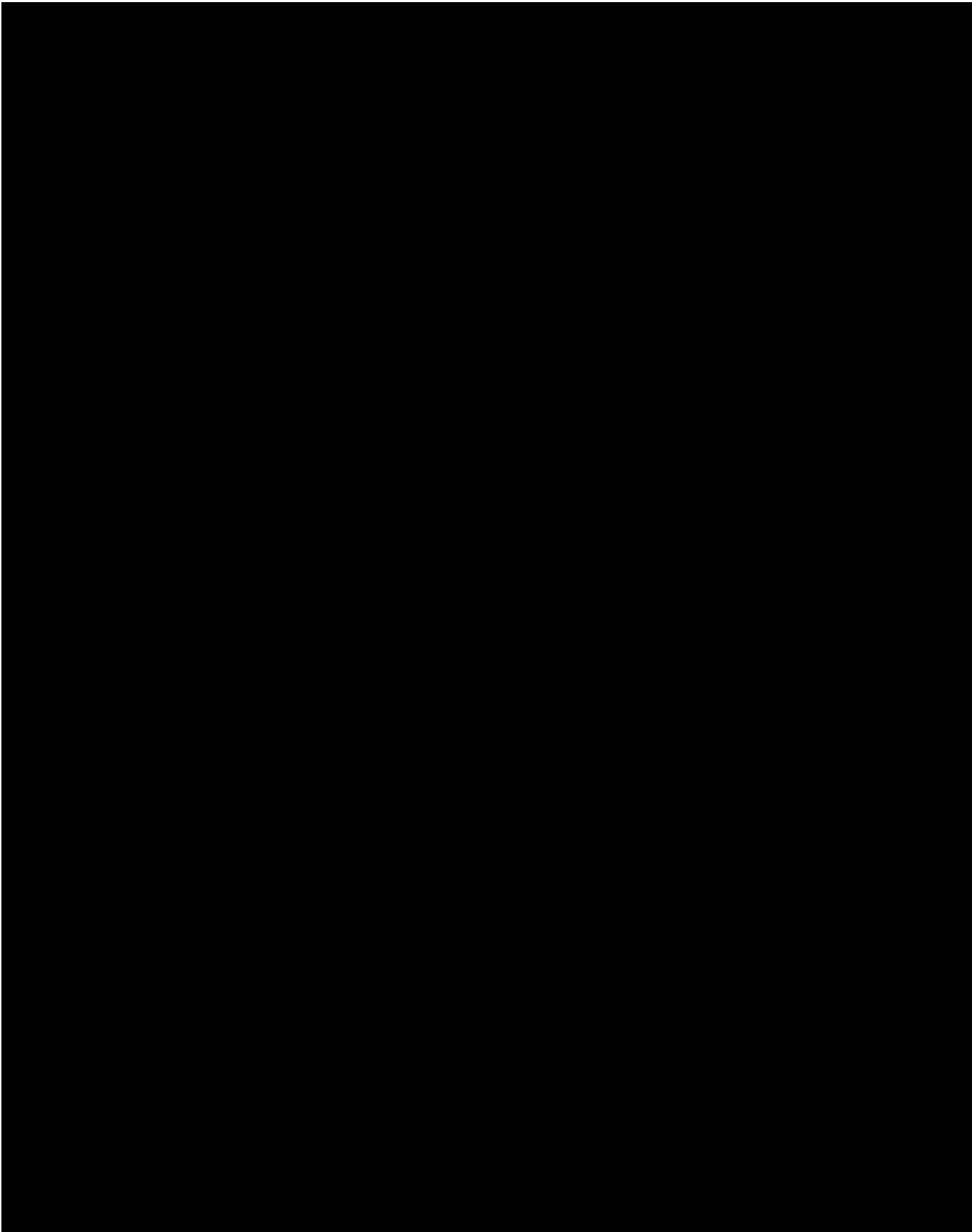
(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 line 128, it said:

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



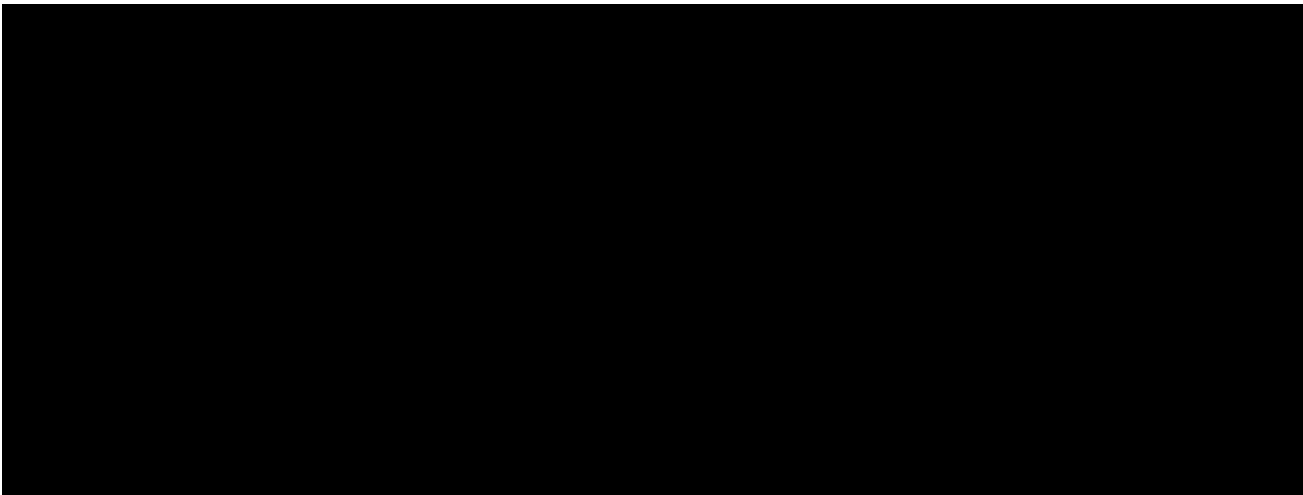
Trial Hearing

(Closed Session)

ICC-01/12-01/18

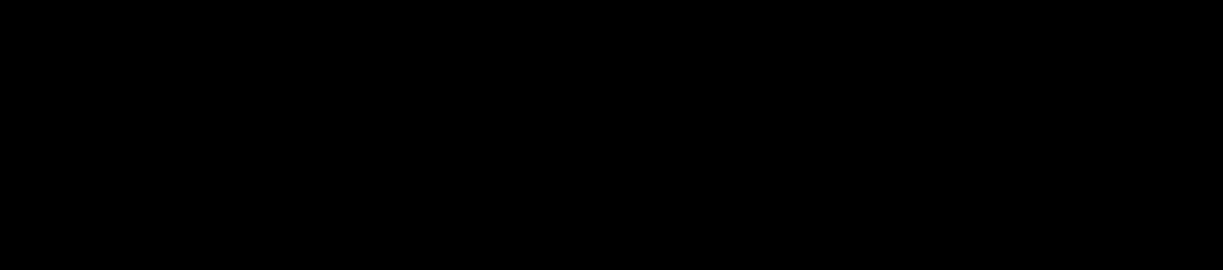
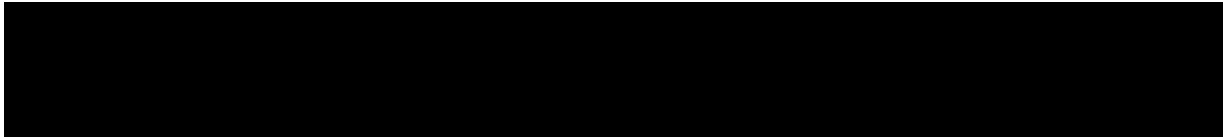
WITNESS: MLI-OTP-P-0150

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



A. [15:27:31] I don't understand. I don't know. I don't know what I meant by that.

Q. [15:27:41] If we can just go up to line 100. It's the page before. You say at line 100:



MS TAYLOR: [15:29:15] Mr President, tomorrow is the day that my co-counsel, Ms Pradhan, departs in the morning. She has a small block of questions to put to the witness, and given certain logistical issues, they could only be put now.

So with your leave, may Ms Pradhan pose her remainder of her cross-examination now?

PRESIDING JUDGE MINDUA: [15:29:48](Interpretation) Yes. Of course, Ms Taylor. She may speak to the Court.

Mr Witness, as Ms Pradhan prepares, I do have a question for you, some clarifications

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 to ask of you.

2 This morning, you made mention of Monday, the 19th. And you said that you wish  
3 to fast that day, and, consequently, you would like to have a hearing that would end  
4 earlier than usual or some sort of arrangement.

5 Now, the Defence has not quite understood. So could you be a bit clearer.

6 What sort of thing did you have in mind for Monday? Because the Defence thinks  
7 that either you would like to not come in the morning and come in the afternoon or  
8 come in the morning and finish off a bit earlier in the afternoon.

9 So could you explain this to us.

10 THE WITNESS: [15:32:05] (Interpretation) Exactly, Mr President. What would help  
11 me in that regard is to finish a bit earlier than usual on that day.

12 PRESIDING JUDGE MINDUA: [15:32:21](Interpretation) Very well.

13 Is that clear to the Defence?

14 MS TAYLOR: [15:32:28] Mr President, I believe that's what we wrote in the email;  
15 that we had understood in the Arabic that that's what the witness had actually said.

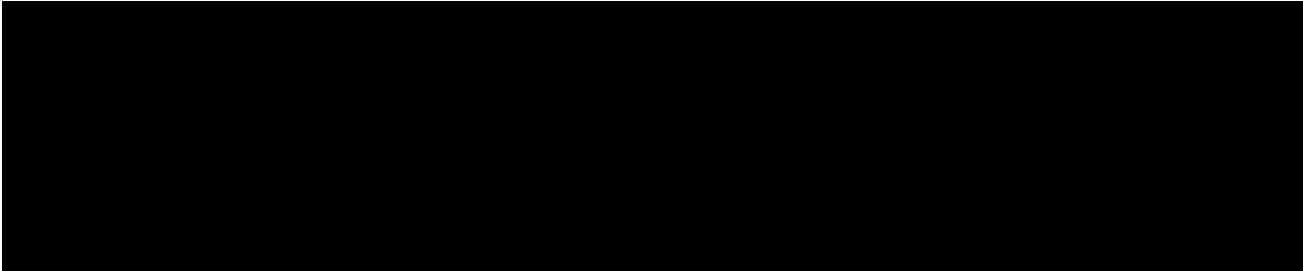
16 PRESIDING JUDGE MINDUA: [15:32:42](Interpretation) Very well. Just fine.

17 Ms Pradhan.

18 MS PRADHAN: [15:32:48] Thank you, Mr President.

19 

20 QUESTIONED BY MS. PRADHAN: (Continuing)

21 

25 A. [15:33:24] I don't remember that.

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

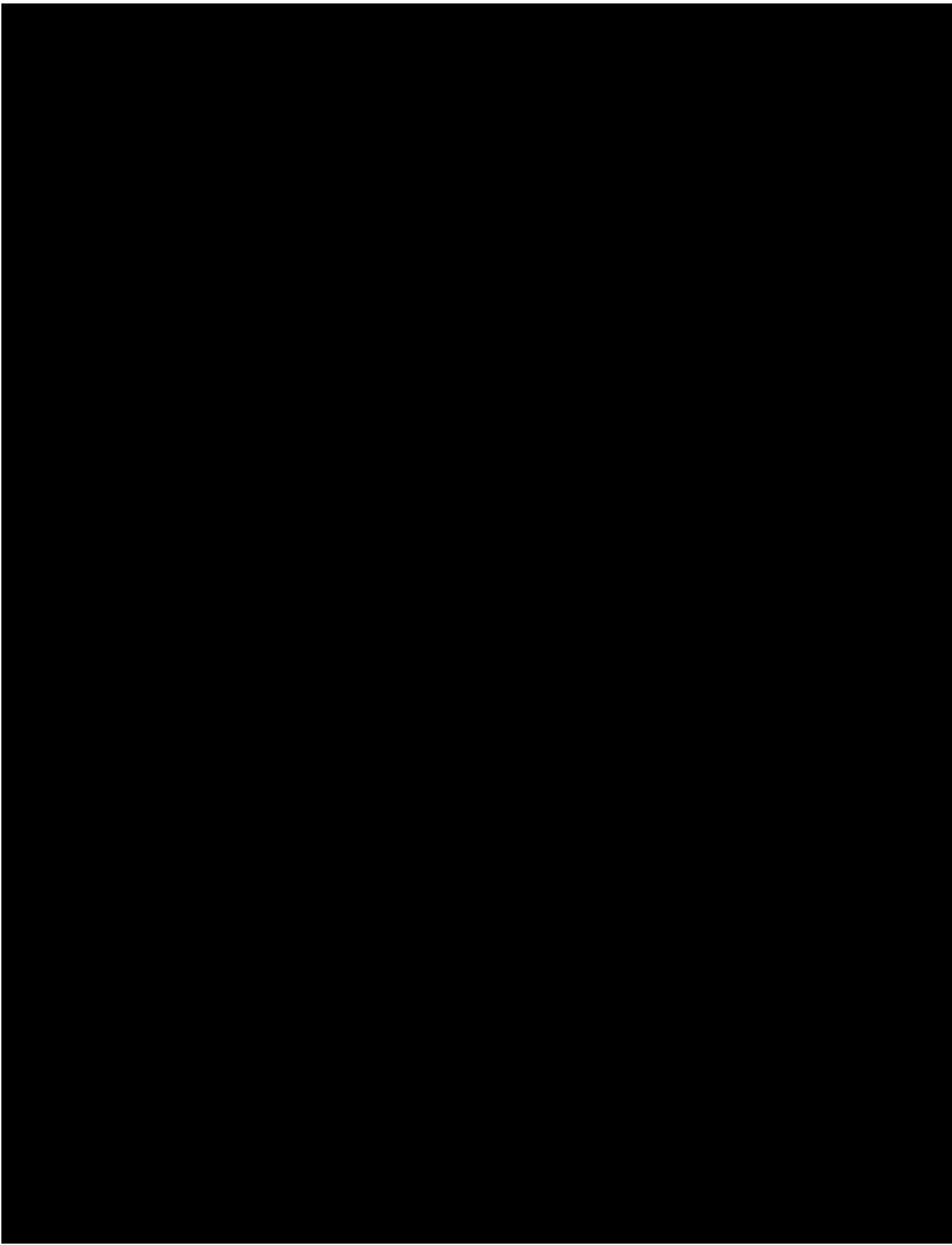
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



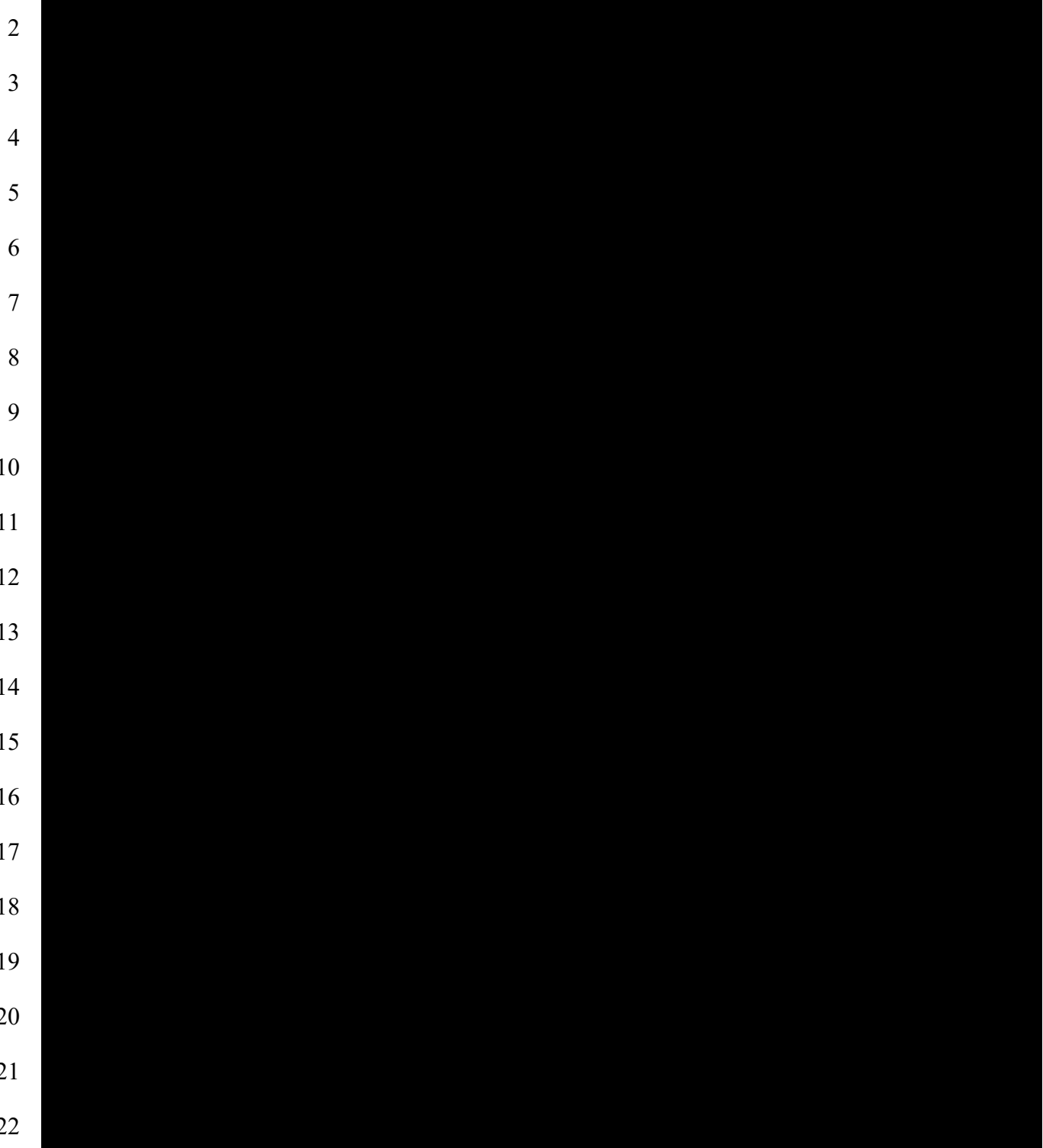
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 A. [15:36:31] Yes, I remember that.



23 And one must also keep in mind the rights of the witness and his well-being.

24 These aspects that my learned friend wishes to touch upon has -- have nothing to do

25 with the case -- with the credibility of the witness in relation to this case.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 And so I object to this line of questioning, which is not relevant to the charges  
2 standing against Mr Al Hassan.

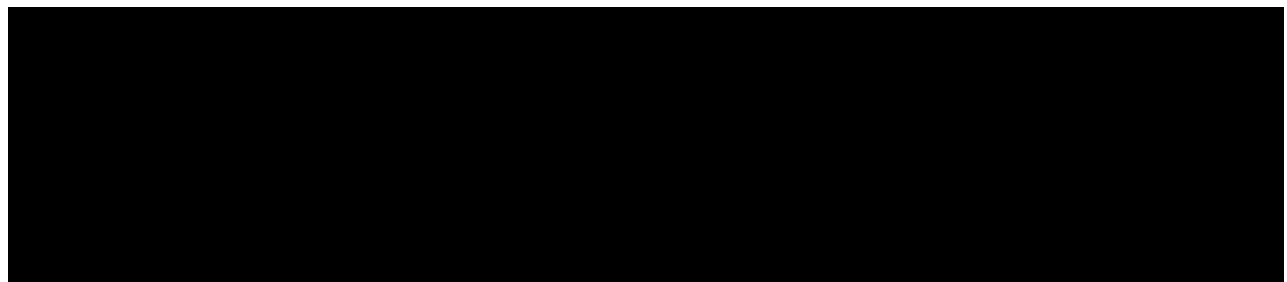
3 PRESIDING JUDGE MINDUA: [15:40:37](Interpretation) Thank you, Prosecutor.



6 What is your response to the points just raised by the Prosecution? To my mind,  
7 there is no link. Please go ahead. Explain yourself.

8 MS PRADHAN: [15:40:59] Thank you, Mr President. I also have the message, and I  
9 assure you that we paid very close attention to the wording of this and are -- and,  
10 in fact, changed some of my questioning in order to be completely scrupulously  
11 compliant with this.

12 I do take exception to the expression of a "fishing expedition," but -- and I would be  
13 prepared to offer a very clear explanation, a very direct explanation, regarding the  
14 concrete matters of credibility related to Mr Al Hassan's case that this line of  
15 questioning implicates. It is not a long line of questioning, but it is extremely  
16 important to Mr Al Hassan's case and to this testimony.



21 And then it goes to one of the topics that I discussed before you on Friday that I'd like  
22 to address, and, I gave some detail on Friday regarding that point.  
23 Again, this is not a lengthy line of questioning, but I -- I can go into very specific  
24 detail. I can be very specific if the Chamber would like to hear it, I just -- I'm not able  
25 to do it before the witness or his counsel.

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [15:42:46](Interpretation) Prosecutor?

2 [REDACTED]

3 [REDACTED] It's not whether the length -- whether the  
4 line of questioning is long or short. This is about the instructions received  
5 by -- from -- from the Chamber.

6 PRESIDING JUDGE MINDUA: [15:43:09](Interpretation) Exactly. So the problem  
7 is that -- well, we will attempt -- remain within the limits of the instructions issued by  
8 the Chamber, realising that the witness is entitled to the respect of his private life, and  
9 you must not deal with security matters.

10 And please stick to the issue of credibility in relation to the matter of interest to us in  
11 relation to what's being discussed here.

12 Do you understand the limits? Can you attempt to do that?

13 MS PRADHAN: [15:43:55] I will certainly -- I will certainly attempt to do so. I will  
14 attempt, as I said, to scrupulously comply with that direction. It is not my intention  
15 to fish within the witness's private matters. That is not the intent here.

16 PRESIDING JUDGE MINDUA: [15:44:13](Interpretation) Well, we will see. We  
17 will see. The Chamber will be specific.

18 I said put your first question. We will see.

19 MS PRADHAN: [15:44:28]

20 [REDACTED]

21  
22 Do you have that before you?

23 A. [15:44:52] I do.

24 Q. [15:45:09] And I apologise, I'm going to switch documents. And this is Defence  
25 tab 273. [REDACTED]



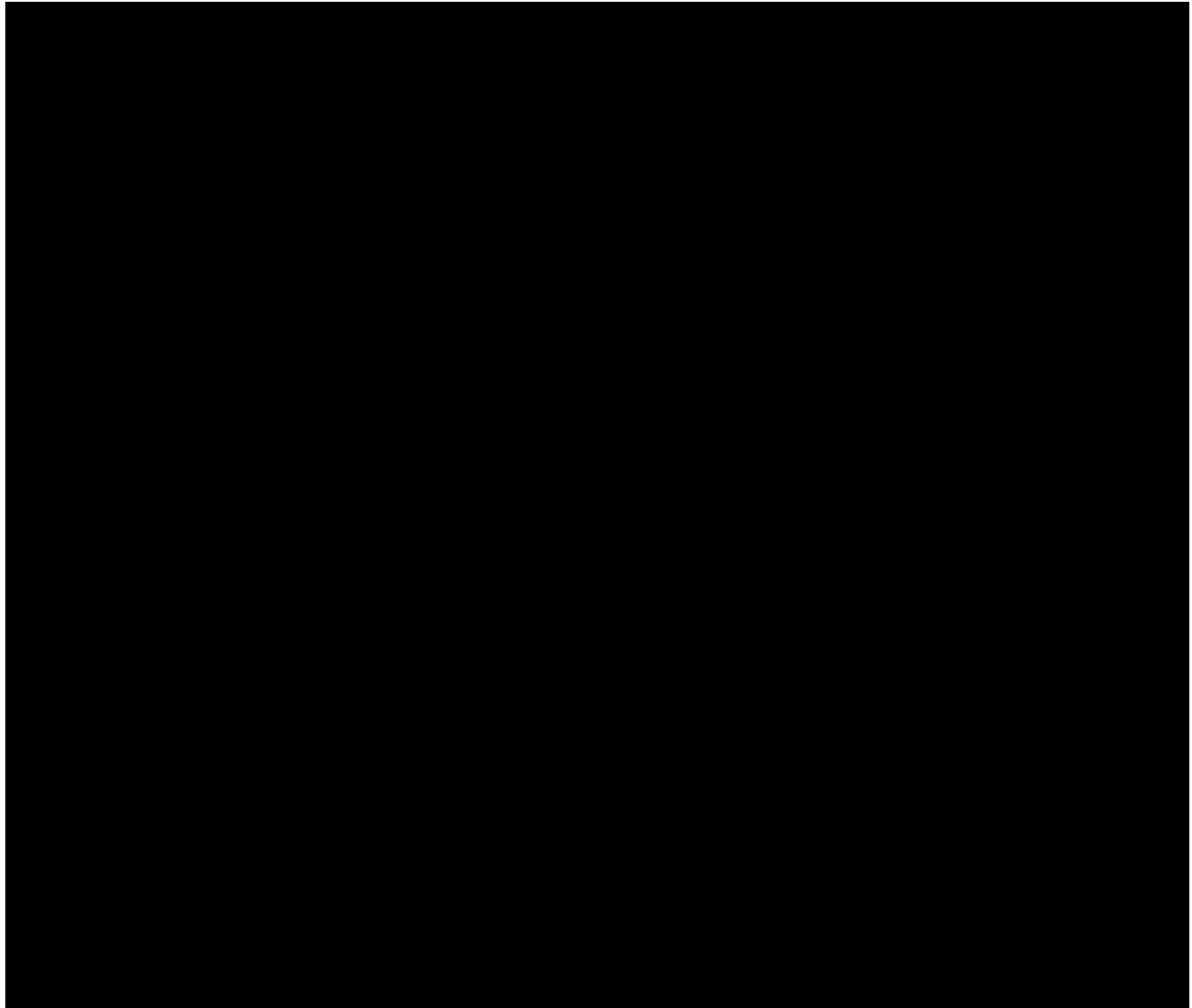
Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16



17 PRESIDING JUDGE MINDUA: [15:47:38](Interpretation) Maître Pradhan, this  
18 Chamber has the obligation to ensure the respect of the private life of individuals.  
19 This witness is not subject to trial before this Chamber. He is a witness. This  
20 question is not appropriate. Put a different one.

21 MS PRADHAN: [15:48:05] Mr President, if I may be allowed to read one further  
22 statement, it does bear directly on Mr Al Hassan's case. It bears directly on the issue  
23 that this Chamber said that I -- that we would be able to put questions to.

24 PRESIDING JUDGE MINDUA: [15:48:23](Interpretation) I'm not convinced. No.  
25 It's finished. I'm not convinced with this transcript that I can see.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MS PRADHAN: [15:48:32] May I -- may I put one? Mr President, you were kind  
2 enough to say, Put -- go to your next question. May I put one further question on  
3 this?

4 PRESIDING JUDGE MINDUA: [15:48:42](Interpretation) Witness -- wait a minute.  
5 Witness?

6

7

8

9

10 PRESIDING JUDGE MINDUA: [15:49:18](Interpretation) Maître Pradhan, you see  
11 why the Chamber sent this instruction to you. I'm going to give the witness leave to  
12 speak. And afterwards, I put an end to this exchange.

13 Witness, you have the floor.

14

15

16

17

18

19

20

21

22

23

24 PRESIDING JUDGE MINDUA: [15:50:53](Interpretation) Very well. Thank you,  
25 Witness.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1

2

3 So we have to weigh up the benefits of what you are bringing here and the recognised  
4 rights of people. And here, in particular, your examination, your cross-examination,  
5 is going into the charges with regards your client and with regards to the credibility  
6 of the witness. But we don't authorise you to go into his private life. That has no  
7 link to the case. And we've already tried to do so, but we see that it doesn't work.  
8 So I no longer authorise the continuation of these questions.

9 Is that understood? Please move on to something else.

10 MS PRADHAN: [15:52:14] Mr President, I have two things, if I may be heard. The  
11 first is that we are in -- in closed session. [REDACTED]

12 [REDACTED] But it is in the interests of  
13 justice. This individual is a witness here against Mr Al Hassan, and it is in the  
14 interests of justice to understand the testimony being presented before this Chamber.  
15 And I respectfully request that I be allowed to demonstrate the direct link between  
16 certain parts, and, it's really only one further line in this transcript, and the testimony  
17 that's being presented.

18 *Monsieur* President, it is in the interests of justice. It is a -- directly related, directly  
19 within the instructions given by this Chamber. If I may solely be allowed to put one  
20 further question regarding one more line in this transcript, a single line further.

21 PRESIDING JUDGE MINDUA: [15:53:32](Interpretation) Maître Pradhan, you're  
22 currently negotiating as if you were at the market.

23 Prosecutor -- very well, but I've given the floor to the Prosecutor.

24 Prosecutor.

25 MR DUTERTRE: [15:53:51](Interpretation) Yes, your Honour. The interest of

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 justice is to be just, and you have to be just for everybody in this courtroom. And  
2 where you -- there's a lack of any kind of a link with the credibility of this witness,  
3 that's not doing justice to continue on that line of questioning, which violates his right  
4 to a private life.

5 There is no link with the witness's credibility. Nothing. [REDACTED]  
6 [REDACTED]  
7 [REDACTED]

8 So this question has no link to the credibility. This is something else. There is no  
9 relevance with regards to this case, and it's not going to help the Chamber with -- [REDACTED]

10 [REDACTED]

11 PRESIDING JUDGE MINDUA: [15:54:54](Interpretation) I've decided. I've gone  
12 through the lines.

13 [REDACTED]

14 [REDACTED] It's not linked  
15 to our case. It doesn't interest our -- us here. It's not going to help the Chamber.  
16 And I no longer accept this line of questioning, and you will stop your  
17 cross-examination on this subject. Very well.

18 That is the decision of the Chamber. It's finished. Move on. And if it's not the  
19 case, if you're finished with your cross-examination for today, then we shall adjourn.

20 MS PRADHAN: [15:55:37] May I -- may I simply ask a clarifying question to the  
21 Bench, please, a legitimate question to the Bench, because I --

22 PRESIDING JUDGE MINDUA: [15:55:46](Interpretation) That doesn't exist. It's  
23 finished.

24 MS PRADHAN: [15:55:51] Mr President --

25 PRESIDING JUDGE MINDUA: [15:55:52](Interpretation) It's finished.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MS PRADHAN: [15:55:54] There is a question of effective representation.

2 PRESIDING JUDGE MINDUA: [15:55:57](Interpretation) Ms Taylor, if there are no  
3 more subjects for today, I will adjourn.

4 We're in agreement, are we not?

5 MS PRADHAN: [15:56:09] Mr President, I'm --

6 PRESIDING JUDGE MINDUA: [15:56:15](Interpretation) Sit down. It's finished.

7 Witness, for today --

8 MS PRADHAN: [15:56:17] I --

9 PRESIDING JUDGE MINDUA: [15:56:18](Interpretation) Attention.

10 MS PRADHAN: [15:56:19] No, I have a further -- I have a --

11 PRESIDING JUDGE MINDUA: [15:56:20](Interpretation) Sit down. It's finished.

12 Sit down.

13 Witness, today, the hearing has come to an end 15 minutes' early unfortunately,  
14 because the Defence has no further questions to put to you. As you know --

15 MS TAYLOR: [15:56:45] Mr President, that's not correct --

16 PRESIDING JUDGE MINDUA: [15:56:46](Interpretation) Ms Taylor.

17 MS TAYLOR: [15:56:52] Mr President, I'm not quite sure what you meant by that,

18 but we are -- we have not concluded --

19 PRESIDING JUDGE MINDUA: [15:56:56](Interpretation) I didn't give you the floor,

20 Ms Taylor.

21 MS TAYLOR: [15:57:00] Certainly, Mr President. I just wanted to make sure that

22 I'm not waiving my right to continue cross-examination.

23

24

We are

25 in agreement on that.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MS TAYLOR: [15:57:25] Mr President, I haven't been heard. I believe that your  
2 direction to Ms Pradhan was on a discrete subject. Now, I believe before we reach  
3 any far-reaching determinations, I don't think that now is the time to do so, given that  
4 Ms Pradhan was asking on a discrete subject.

5 PRESIDING JUDGE MINDUA: [15:57:50](Interpretation) You're recommencing the  
6 negotiations. Sit down, please.

7 Witness, the hearing is coming to an end, so you know what you mustn't do. We are  
8 going to be back at 9.30 tomorrow as usual. So to everybody, I wish you a good  
9 evening, but above all, I'd like to thank you for your participation and your  
10 collaboration -- I therefore address the Prosecutor, the Defence, and the participants  
11 and, obviously, the court reporters and the interpreters and the security guards.  
12 Court is adjourned.

13 THE COURT USHER: [15:58:41] All rise.

14 (The hearing ends in closed session at 3.58 p.m.)