

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 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge  
7 Kimberly Prost  
8 Trial Hearing - Courtroom 3  
9 Wednesday, 14 April 2021  
10 (The hearing starts in open session at 14.30 p.m.)  
11 THE COURT USHER: [14:31:30] All rise. The International Criminal Court  
12 is now in session. Please be seated.  
13 PRESIDING JUDGE MINDUA: [14:31:50](Interpretation) Court is in session.  
14 Good afternoon, everyone.  
15 Court officer, would you be so kind as to call the case.  
16 THE COURT OFFICER: [14:32:24] Thank you, Mr President.  
17 The situation in Mali, in the case of The Prosecutor versus Al Hassan Ag  
18 Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.  
19 And for the record, we are in open session.  
20 PRESIDING JUDGE MINDUA: [14:32:38](Interpretation) Thank you very  
21 much, madam court officer.  
22 As usual, we are going to proceed with appearances, starting with the Office of  
23 the Prosecutor.  
24 MS HUCK: [14:32:56](Interpretation) Good afternoon, your Honour,  
25 your Honours. The Prosecution today is represented by Marie Claudine

1 Umurungi, Gilles Dutertre and myself, Florie Huck.

2 PRESIDING JUDGE MINDUA: [14:33:11](Interpretation) Thank you very  
3 much, Madam Prosecutor.

4 I now turn towards the Defence.

5 Counsel.

6 MS TAYLOR: [14:33:19] Good afternoon, Mr President, your Honours, good  
7 afternoon everyone in the courtroom. The Defence for Mr Al Hassan is  
8 represented today by myself Melinda Taylor and Mr Michael Rowse, and I  
9 note for the record that Mr Al Hassan has been excused from attending today  
10 because he was not feeling well. We thank you.

11 PRESIDING JUDGE MINDUA: [14:33:48](Interpretation) Thank you very  
12 much, Ms Taylor. I was just going to clarify for the record that the accused  
13 isn't here and he isn't going to follow us by video link either because he  
14 apologised for his absence.

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

16 MR KASSONGO: [14:34:13](Interpretation) Good afternoon, your Honour.  
17 The Legal Representatives are composed of Madam Laplace, Claire Laplace,  
18 Ludivine Tixier-Dunet, and myself, Mayombo Kassongo.

19 PRESIDING JUDGE MINDUA: [14:34:32](Interpretation) Thank you very  
20 much, Maître Kassongo.

21 After our long two-week break, we are now going to restart with the  
22 Prosecution witness, this is the 28th witness, P-635.

23 I now turn towards the witness.

24 Good afternoon, Witness.

25 Can you hear me?

1 WITNESS: MLI-OTP-P-0635

2 (The witness speaks English)

3 (The witness gives evidence via video link)

4 THE WITNESS: [14:35:05] Good afternoon, your Honour, I can hear you.

5 Thank you.

6 PRESIDING JUDGE MINDUA: [14:35:11](Interpretation) Thank you very  
7 much, Madam Witness.

8 On behalf of the Chamber, I would like to welcome you. You are going to  
9 testify to aid the Chamber establish the truth in the case concerning  
10 Mr Al Hassan.

11 Where it concerns your situation, protective measures have not been  
12 implemented; nevertheless, if there is a problem, a specific problem, the  
13 Chamber can give leave to go into private session.

14 I'm now going to carry out your solemn undertaking under Rule 66(1) of the  
15 Rules of Procedure and Evidence. On your table, you will certainly have  
16 a document with the solemn undertaking, is that correct?

17 THE WITNESS: [14:36:17] That is correct.

18 PRESIDING JUDGE MINDUA: [14:36:21](Interpretation) Thank you very  
19 much, Madam Witness. So I would ask you to read out aloud this solemn  
20 undertaking, if you would be so kind.

21 THE WITNESS: [14:36:36] I solemnly declare that I will speak the truth, the  
22 whole truth and nothing but the truth.

23 PRESIDING JUDGE MINDUA: [14:36:46](Interpretation) Thank you very  
24 much, Madam Witness. Now you are under oath. Taking into account your  
25 experience, you know of course what that means.

1 THE WITNESS: [14:37:07] Yes.

2 PRESIDING JUDGE MINDUA: [14:37:09] Very well. So just some points of  
3 a practical nature for you. You must always keep in mind that throughout  
4 your testimony, everything that is said in this courtroom is transcribed by court  
5 reporters and is simultaneously interpreted into several languages by  
6 interpreters.

7 As such, I would ask you to speak clearly and slowly. Do not start to speak  
8 until the person who is putting a question to you has finished putting that  
9 question. Count up to three in your head before answering. This pause is  
10 essential for your testimony to be duly noted. Of course if you have any  
11 questions, please raise your hand to indicate that you wish to put a question.  
12 Have you understood?

13 THE WITNESS: [14:38:42] Yes, I understand.

14 PRESIDING JUDGE MINDUA: [14:38:45](Interpretation) Thank you very  
15 much, Madam Witness.

16 So I shall therefore pass the floor to the Office of the Prosecutor for the  
17 examination-in-chief.

18 As you know, after the Prosecutor, it will be the turn of other parties and  
19 participants.

20 Madam Prosecutor.

21 MS HUCK: [14:39:13] (Interpretation) Thank you, your Honour.

22 QUESTIONED BY MS HUCK: (In English)

23 Q. [14:39:20] Good afternoon, Madam Witness.

24 A. [14:39:23] Yes, I hear you.

25 Q. [14:39:24] Hi, my name is Florie Huck and I'm going to ask you questions

1 on behalf of the Prosecution today. If one of my questions is not clear, please  
2 don't hesitate to tell me and I will reformulate it.

3 A. [14:39:42] Yes, thank you.

4 Q. [14:39:45] So can you tell me your name and your nationality, please?

5 A. [14:39:53] My name is AmyLynn Hak and I'm Canadian.

6 Q. [14:39:57] Thank you. So the Chamber --

7 A. [14:40:04] As well as American.

8 Q. [14:40:06] Thank you for the clarification. The Chamber has granted you  
9 the status of expert in its decision of 5 August 2020. So I'm going to be brief  
10 on your CV, and I will only ask a couple of clarification questions.

11 A. [14:40:34] Okay.

12 Q. [14:40:34] So I'm going to call -- if we can please show the first document,  
13 tab 1, the ERN is MLI-OTP-0069-9281 and it's a confidential document. And if  
14 we can go to page 0069-9340. So Madam Witness, did you see the page I'm  
15 referring to?

16 A. [14:41:51] May I get the page one more time?

17 Q. [14:41:54] Yeah, it's 9340.

18 A. [14:42:02] Yes, I have it.

19 Q. [14:42:05] Do you confirm that this is your CV?

20 A. [14:42:10] Yes, this is my CV.

21 Q. [14:42:14] So next to your name, there is an acronym, CFVA. Can you  
22 explain what it stands for?

23 A. [14:42:27] Yes. It stands for certified forensic video analyst.

24 Q. [14:42:37] And can you explain in very few words what is the work of  
25 a forensic video analyst?

1 A. [14:42:48] Yes, my main role as a forensic video analyst is to interpret  
2 video multimedia evidence for legal matters, and I have been certified by the  
3 Law Enforcement and Emergency Services Video Association to do so.

4 Q. [14:43:16] And I see that, in fact, on the following page, page 0069-9341,  
5 you are a member of the certification committee board.

6 A. [14:43:40] Yes, I used to be in 2015 to 2017, I was a member of the  
7 certification board for LEVA, which is the Law Enforcement and Emergency  
8 Services Video Association. I will from now on call it LEVA, L-E-V-A.

9 Q. [14:44:04] Thank you. And can you explain briefly, what is  
10 this work -- the work of the certification committee board -- committee?

11 A. [14:44:26] Yes, in order to be certified as a forensic video analyst, we have  
12 to do a number of courses. We have to take four core classes. They're  
13 forensic video analysis and the law, and it's one to four, and it begins with  
14 general video analysis and legal knowledge and then moves on to quite  
15 advanced knowledge of forensic video analysis. We have to take additional  
16 elective courses in order to apply to become certified. We have to be working  
17 in this field full-time for at least two years in order to apply to be certified.

18 We have to -- we become a mentee under another certified forensic video  
19 analyst, and, in order to present to the board, we have to present a real forensic  
20 video analysis case and then defend it before the board. And I was member of  
21 the board after I was certified, I was certified in 2006, as a certified forensic  
22 video analyst, and, in 2015, I was appointed a position to be on that board.

23 Q. [14:46:02] Thank you. Now if we go to the page before, if we go back to  
24 the page before, so 9340, I see that you have worked for the Office of the  
25 Prosecutor of the ICC?

- 1 A. [14:46:22] Yes, that's correct.
- 2 Q. [14:46:24] And can you tell us when? When was that?
- 3 A. [14:46:30] I started my position with the Forensic Science Section in May  
4 of 2018 and I was working in that capacity until May of 2020, as a forensic  
5 officer.
- 6 Q. [14:46:49] And on top of the page, behind -- below the  
7 International Criminal Court, there is a mention of "identification division". I  
8 understand from the preparation session that this is -- that it should read  
9 instead, "investigation division", is it correct?
- 10 A. [14:47:17] Yes, that is correct.
- 11 Q. [14:47:21] And since May 2020, can you tell us what your relationship  
12 with the OTP?
- 13 A. [14:47:39] Yes, I have been asked to work on a contract basis that was  
14 starting in December of 2020 in the same role.
- 15 Q. [14:47:56] Thank you. But this is not in the -- in the present case?
- 16 A. [14:48:11] True -- correct.
- 17 Q. [14:48:14] Now in the context of your work with the OTP, I understand  
18 that you were asked to draft a report and I would like to go to tab --
- 19 A. Yes.
- 20 Q. [14:48:32] -- to tab 9, and this is MLI-OTP-0072-0024 and it can be  
21 displayed to the public. So is this -- do you see it?
- 22 A. [14:49:18] Yes, I do.
- 23 Q. [14:49:19] Is this the mission letter you received from the OTP?
- 24 A. [14:49:26] Yes, it is.
- 25 Q. [14:49:29] Can you tell briefly the Court what the -- what was the mission

1 that was asked of you?

2 A. [14:49:39] I was asked to perform an image and video comparison  
3 analysis where I was asked to assist the Court with the identification of  
4 locations viewed in those questioned multimedia files.

5 Q. [14:50:07] Thank you.

6 Now we're going to go to an annex to that mission letter, and that is in tab  
7 1 -- tab 10, sorry, MLI-OTP-0072-0027 and this is a confidential document.  
8 So if you go to page 0028, is this the annex to the mission letter that you  
9 received?

10 A. [14:51:16] Yes, it is.

11 Q. [14:51:19] So we see on the left column, it's names of site, such as,  
12 *Gouvernorat*, BMS and others. Then in the middle column, it's the reference  
13 material with drone imagery, panoramas and photograph. I understand that  
14 you received all this reference material?

15 A. [14:51:56] Yes, I did.

16 Q. [14:51:58] And then on the right column, it's a column with the  
17 questioned material, analysis of pictures and video, and I understand again  
18 that you have received all this material?

19 A. [14:52:17] Yes, I did.

20 Q. [14:52:20] Now in relation to the panorama from the reference material,  
21 so I understand that you requested to receive the individual pictures that  
22 composed the panoramas?

23 A. [14:52:40] Yes, I did.

24 Q. [14:52:42] And this is what you used rather than the panoramas  
25 themselves, is that correct?



1 A. [14:52:49] Yes.

2 PRESIDING JUDGE MINDUA: [14:52:56](Interpretation) Ms Taylor.

3 MS TAYLOR: [14:52:59] Thank you, Mr President. We've had a series of  
4 questions which are quite leading in nature; so given that this is an issue, I  
5 would ask that my colleague use open-ended questions.

6 PRESIDING JUDGE MINDUA: [14:53:20](Interpretation) Madam Prosecutor.

7 MS HUCK: [14:53:21] Well, this is an expert witness and I'm just clarifying  
8 some points, so it was as a matter to fasten the procedure. I could ask  
9 open-ended questions, but it might take longer.

10 PRESIDING JUDGE MINDUA: [14:53:40](Interpretation) Ms Taylor, I think  
11 that the Prosecutor is right. What would you like to say?

12 MS TAYLOR: [14:53:47] Thank you, Mr President. I wasn't aware that the  
13 decision on the conduct of the proceedings made a distinction between expert  
14 witnesses and fact witnesses. It's the same procedure for examination-in-chief,  
15 if they want to ask clarification they can do so after asking an open-ended  
16 question, but the last two questions started with a factual proposition and then  
17 asked, "Isn't it correct?"

18 This is a formulation that's used in cross-examination and we don't agree that  
19 these are just background issues.

20 Thank you, Mr President.

21 PRESIDING JUDGE MINDUA: [14:54:34](Interpretation) Ms Taylor, we want  
22 to save time. Now if the Prosecutor has to proceed as you've said, you can see  
23 what's going to happen.

24 Let's see, Madam Prosecutor, please try to do your best.

25 MS HUCK: [14:54:54]

1 Q. [14:54:56] Now, I would like to have a clarification regarding the drone  
2 imagery. So for two of the drone imagery, we have noticed that the ERNs are  
3 missing and I would like to clear up this issue and show you two documents  
4 with very specific questions. I would like to call document  
5 MLI-OTP-0078-8036 and it's tab 2220 from the E-Court binder.

6 MS HUCK: This is not in the printed copy that you received, Mr President.

7 THE COURT OFFICER: [14:56:28] Mrs Prosecutor, will it be possible to  
8 receive the original of the document? Because it seems the upload has  
9 encountered some issues and the Registry is unable to open the document from  
10 Ringtail?

11 Madam Prosecutor, if you have a printed copy, we could also use the  
12 retroprojector.

13 MS HUCK: [14:57:15] The only problem with this document is that it's  
14 an Excel sheet, that's why it's very difficult to print. If I could show it from  
15 my computer? If we can try to show it from here?

16 THE COURT OFFICER: [14:58:12] Mr Duterte, we will give you the floor and  
17 then you will be able to publish the document.

18 PRESIDING JUDGE MINDUA: [14:58:18](Interpretation) Court officer, where  
19 is the witness?

20 THE COURT OFFICER: [14:58:42] So the document is published on the  
21 evidence 1 channel, and our IMSS colleagues are going to try to fix the WebEx  
22 link.

23 (Pause in proceedings)

24 PRESIDING JUDGE MINDUA: [15:01:18](Interpretation) Madam Prosecutor.  
25 (Overlapping speakers)

- 1 MS HUCK: [15:01:19]
- 2 Q. [15:01:19] Madam Witness, do you see the document (overlapping  
3 speakers) on the screen? It's the Excel sheet?  
4 (Technical problem)
- 5 PRESIDING JUDGE MINDUA: [15:01:34](Interpretation) Ms Taylor.
- 6 MS TAYLOR: [15:01:35] I apologise, but I'm receiving Arabic in the English.  
7 I can not follow, but it might be difficult with the video link not to have  
8 headphones.
- 9 THE INTERPRETER: [15:01:56] Testing 1, 2. Testing 1, 2.  
10 Is there English now?
- 11 PRESIDING JUDGE MINDUA: [15:02:10](Interpretation) I think the problem  
12 has now been resolved.  
13 Madam Prosecutor, please continue.
- 14 MS HUCK: [15:02:15]
- 15 Q. [15:02:19] Madam Witness, do you hear me?
- 16 A. [15:02:24] Yes, I do, but unfortunately my video is now myself, so I'm not  
17 seeing the court. Ah, I just see your document now.
- 18 Q. [15:02:31] Very good. Do you recognise this document?
- 19 A. [15:02:39] I -- I'm having a hard time seeing it. I see that it's an Excel  
20 document. Can you make it larger? The font?
- 21 THE COURT OFFICER: [15:03:59] I am informed that the document is too  
22 small on the witness's screen.
- 23 MS HUCK: [15:04:17] And we can't zoom in, I imagine?
- 24 THE COURT OFFICER: [15:04:41] Could you please indicate on which part  
25 we need to zoom then?

- 1 MS HUCK: [15:04:47] At the top -- at the top.
- 2 But with the leave of the Chamber, I can describe the document so she can
- 3 confirm that.
- 4 PRESIDING JUDGE MINDUA: [15:05:13](Interpretation) Please do, go ahead.
- 5 MS HUCK: [15:05:15] Thank you.
- 6 Q. [15:05:18] So this is an Excel sheet that you provided the Prosecution with
- 7 and it's called, "Location 1 hash". Does it help?
- 8 A. [15:05:35] Yes, I can (Overlapping speakers)
- 9 Q. [15:05:40] And can you explain, what is it? This document?
- 10 A. [15:05:47] It's an order for a future data verification integrity. I
- 11 provided -- I made a hash value of each of the files I had and provided, so that
- 12 included the questioned as well as the known imagery.
- 13 Q. [15:06:12] And in relation to the known imagery, at the very top of the
- 14 document, it's written drone site 11, and then on the side of it, can you read the
- 15 ERN number?
- 16 I can -- if this is (Overlapping speakers)
- 17 A. [15:06:40] I see drone -- image 3, drone site 11.
- 18 Q. [15:06:47] And then I can help you with the ... MLI-OTP-0060-3938.
- 19 A. [15:07:02] I believe the document has to be scrolled to the right in order
- 20 for me to see that.
- 21 Q. [15:07:12] Can it be scrolled?
- 22 So seeing this Excel sheet, Madam Witness, can you confirm that the drone site
- 23 11 is ERN MLI-OTP-0060-3938?
- 24 A. [15:07:40] Yes, that is correct.
- 25 Q. [15:07:43] Thank you. And we are going to do the same exercise for

1 another ERN that is missing from the report. And can we please open  
2 document 0078-8040, it's a confidential document. Can you please like  
3 do it -- put it a bit more on the right, the document. Thank you.

4 Do you see it, Madam Witness?

5 A. [15:08:57] Yes, I do.

6 Q. [15:08:59] Do you recognise the document?

7 A. [15:09:02] Yes, I do, it's the hash values.

8 Q. [15:09:05] And so can you confirm that the drone site 17 is ERN  
9 MLI-OTP-0060-6375?

10 A. [15:09:19] Yes, that is correct.

11 Q. [15:09:22] Thank you. So that was all my questions with this Excel sheet.  
12 And again, on the material -- the reference material that you received, you state  
13 on page 0069-292 -- 9297 of your report, that you have also received satellite  
14 images given by a colleague of you from the Forensic Science Section unit?

15 A. [15:10:09] Yes, that is correct.

16 Q. [15:10:12] And you received like eight satellite images, is it correct?

17 A. [15:10:20] Correct.

18 Q. [15:10:22] And I understand that those satellite images you provided  
19 them to the OTP during the session -- the preparation session and you  
20 downloaded -- uploaded them on to Sharefile?

21 A. [15:10:43] Yes, I did.

22 MS HUCK: [15:10:46] So for the purpose of the record, your Honours, all  
23 these satellite images that were provided by the witness during the preparation  
24 session were disclosed to the Defence.

25 Q. [15:10:57] And did you use some of the satellite images in your report?

1 A. [15:11:15] Yes, I did.

2 Q. [15:11:17] Now my last question regarding the material that you had  
3 access to in order to draft your report, did you read anyone else's report?

4 A. [15:11:35] No, I did not.

5 Q. [15:11:38] Now I would like to go to your report, so it's tab 1, ERN  
6 MLI-OTP-0069-9281, and it's a confidential document. Is this the report that  
7 you made after the mission letter?

8 A. [15:12:15] Yes, it is.

9 Q. [15:12:17] And on this cover page, it states that you completed it on 31  
10 March 2020? And --

11 A. [15:12:30] Yes, that is correct.

12 Q. [15:12:32] -- on page 9336, at the bottom on the left, can you confirm that  
13 this is your signature?

14 A. [15:12:59] Yes, this is my signature.

15 Q. [15:13:03] So on page 9284 and the following page, you here described the  
16 software you used to process the material?

17 A. [15:13:38] Yes, that's correct.

18 Q. [15:13:41] Let's go to page 0069-9291. And this covers the methodology  
19 you used for the report?

20 A. [15:14:09] Yes, that is correct.

21 Q. [15:14:10] And in the first paragraph, you say that you have used the  
22 "ACE-V(R)" methodology "which stands for Analysis, Comparison, Evaluation,  
23 Verification and Report."

24 A. [15:14:35] Yes, this is the scientific methodology that is used in all of the  
25 forensic science comparison sciences.

1 Q. [15:14:44] And could you explain a bit more what are the different stages  
2 of this methodology?

3 A. [15:14:57] Yes, my workflow includes -- so the first thing that I do when I  
4 am examining the questioned images is, I look at the metadata and all of the  
5 technical information first, and I -- I explained how I did that in my report, I  
6 look at the various technical elements before I even look at the image or press  
7 play for the video to play.

8 And the next part is, once I do all of the technical examination and  
9 interrogation of the multimedia, then I go on to -- well, I make a decision  
10 whether I'm able to go on to the scientific methodology of comparison analysis,  
11 and, in this case, I was able to move on. And so I proceed to ACE-V(R), which  
12 is analyse, and I -- that was when I actually look at the images, I look at the  
13 content of the images, and that is the analysis phase. The comparison phase,  
14 which includes contrasting, is where I make comparisons to the actual known  
15 images. So I make a -- a full examination, a full analysis of the questioned  
16 images and I set out all of the different characteristics, so class and  
17 individualising characteristics. I note all of these things in the analysis phase.  
18 I move on to comparison, and contrast is where I do the comparison to the  
19 knowns. First, I do comparisons between questioned and questioned -- if I  
20 have enough images for that, and then I move on to the questioned, to the  
21 known, and then I -- once I'm done with the comparison contrasting stage, I  
22 move on to evaluation and that's where I evaluate what I have -- what I've  
23 noted in the analysis and comparison phase. And then I go on to the report  
24 after the evaluation is complete.

25 Q. [15:17:05] So you say you examined the questioned material first? Can

1 you explain why?

2 A. [15:17:21] Yes, it is very important to always examine the questioned  
3 material thoroughly. I interrogate the media files. I do a full examination of  
4 the questioned material first, before I ever even look at any kind of known  
5 information, and that is to maintain the integrity of the comparison process.  
6 So in order to remain unbiased and to mitigate any bias that there might be  
7 from looking at the known, I make sure that I focus solely on the questioned  
8 first.

9 Q. [15:18:02] And can you explain a bit more why looking at the known  
10 would -- would be a problem?

11 A. [15:18:19] Yes. So if I were to look at the known first, it's been noted  
12 through research that if you look at the known first, your mind can  
13 unconsciously or consciously put in a bias into your -- in your analysis because  
14 you're trying to make it fit, and so that is why it's so important to only look at  
15 the questioned and fully analyse and examine the questioned before you move  
16 on to the -- to the known. It is -- it is important in terms of bias.

17 Q. [15:18:59] And can you explain how you -- how you find -- how you went  
18 about finding the GPS coordinates of the sites in your report?

19 A. [15:19:20] Yes, in the technical examination and interrogation of the  
20 multimedia videos and still images, at times there are GPS coordinates in that  
21 metadata that can be utilised to assist. If -- if you are so fortunate to have the  
22 information in the metadata of the -- of the multimedia, then that can be  
23 utilised to assist. That's with the questioned media, is that -- is that  
24 where -- what your question was about, about the questioned? Whereas the  
25 known does sometimes have GPS coordinates as well.



1 Q. [15:20:08] Thank you. So then on page -- we can go now to  
2 page 0069-9338.

3 A. [15:20:42] Yes, I'm there.

4 Q. [15:20:44] So this is a comparison analysis conclusion scale and definition.  
5 So here, you have explained the terminology you used to reach your  
6 conclusion?

7 A. [15:21:06] Yes, that's correct.

8 Q. [15:21:10] Thank you. And on the page before, so it's 0069-9337, so this  
9 is the list of the annexes to your report?

10 A. [15:21:44] Yes.

11 MS HUCK: [15:21:53] So for the Court -- for the record, your Honour, I will  
12 have to read the ERNs, the corresponding ERN for each annex.

13 So Annex 1, titled, "Technical Information of Multimedia Files" is ERN  
14 MLI-OTP-0069-9369.

15 Then Annex 2: Location 1, the corresponding ERN is MLI-OTP-0069-9370.

16 Then Annex 3, the corresponding ERN is MLI-OTP-0069-9452.

17 Then Annex 4: Location 3, the corresponding ERN is 0069-9525.

18 Then for Annex 5, which is Location 4, the corresponding ERN is 0069-9569.

19 And for Annex 6: Location 5, the corresponding ERN is 0069-9618.

20 And the last annex is Annex 7, and the ERN number is MLI-OTP-0069-9678.

21 Q. [15:24:26] So I would like now to show you an example of an annex and  
22 ask some specific questions.

23 Can we please go to tab 3, and the ERN is MLI-OTP-0069-9370. It's a  
24 confidential document. So this annex is -- can you tell us like what is the  
25 annex related to?

1 A. [15:25:20] Yes, this annex is related to the comparison and contrast  
2 analysis. It's a visual representation of that analysis, and it is associated with  
3 "Location 1 BMS".

4 Q. [15:25:40] And can you please turn to page 0069-9387.

5 A. [15:26:01] Yes.

6 Q. [15:26:02] So there is a picture and the title of the picture is  
7 "MLI-OTP-0012-1724", and then, "Frame 2366".

8 Can you please tell the Court what "frame" is? What is this "frame" --

9 A. [15:26:28] Yes, so -- yes, so in this part of the -- in this part of the analysis,  
10 I have already undertaken my technical examination and I have made any kind  
11 of clarifications that need to be made, and this frame indicates the image  
12 number after that -- those clarifications have been made.

13 So "frame" is image number - frame and image are the same term - and so  
14 image number 2366.

15 Q. [15:27:11] And how do you find this frame? The number of the frame,  
16 how do you find the number of the frame?

17 A. [15:27:22] The various forensic video analysis tools that I use give me the  
18 number of the frames, so that you can go back at a later date and find this exact  
19 frame. Or, in fact, another forensic video analyst can go back and see that  
20 frame as well for a verification, if that's needed.

21 Q. [15:27:54] And on the right side of this slide, I see that "Class  
22 Characteristic[s]" that you mentioned before?

23 A. [15:28:12] Yes, I list the class characteristics that I noted. Not all of them,  
24 but I list several class characteristics that I noted.

25 Q. [15:28:23] And can you explain briefly, what are those class

1 characteristics?

2 A. [15:28:32] Generally speaking, a class characteristic is anything that puts  
3 objects, locations into groups and so that these class characteristics are  
4 light-coloured building facade. I see bricks, and I see an open -- not in this  
5 image, but I see a -- something on the wall, that sort of -- that sort of thing.  
6 Its -- its characteristics that put things into a group. It's the -- it's the macro  
7 look at the location.

8 Q. [15:29:12] And if you turn to the following page, which is page 9388, so  
9 here on the right, it's written, "Individualizing Characteristics". Can you  
10 explain a little bit more what this is?

11 A. [15:29:38] Yes, once -- once I've looked at class characteristics, then we  
12 move in narrower and look at individualising characteristics. So this is going  
13 to be damage that's been placed on to the wall either by natural occurrences,  
14 from weather, or it could be from people damaging the wall. It's going to be  
15 marks on the wall; so these are individualising characteristics that assist us in  
16 narrowing down the location.

17 Q. [15:30:18] Thank you. And last question on this annex, if you turn to  
18 page 9424, so we see the same video on the left, and then on the right, it's  
19 written, "Known Panorama Image MLI-4688".

20 Is this the individual picture that you used of the panorama?

21 A. [15:31:19] Yes, it is. These -- this is how it was labelled in my folder as  
22 MLI-4688.

23 Q. [15:31:28] Thank you. And so here, we can see the comparison that you  
24 have done.

25 A. [15:31:40] Yes, this is later in the process of my comparison process where

1 I compare the questioned with a known image. The known image is the  
2 panorama image.

3 Q. [15:31:57] And to be complete with this example, if we can now go  
4 to -- return to your report, it's tab 1, 0069-9281 and it's the page -- so on  
5 page 9330 on the last paragraph.

6 A. [15:33:07] Yes.

7 Q. [15:33:07] And I see on the last paragraph this is your conclusion about  
8 the video and the known material?

9 A. [15:33:25] Yes.

10 Q. [15:33:28] Thank you. Now during the witness preparation, you  
11 indicated to us some corrections to your report and we took note of them and  
12 I'm going to go now through them.

13 So in your report, on page 9311, in the third paragraph, so in the third  
14 paragraph, that starts with, "In addition ...", here, there is mention twice, ERN  
15 number MLI-OTP-0018- ...

16 A. [15:34:47] Yes.

17 Q. [15:34:48] Do you have it? I see that you are looking through your  
18 document.

19 A. [15:34:53] Yes, I do. I was going to confirm with the -- with the charts.

20 Q. [15:34:59] Yes.

21 A. [15:35:00] I was going to find the chart.

22 Q. [15:35:04] And so, yeah, so --

23 A. [15:35:05] But I do see that paragraph.

24 Q. [15:35:08] So instead of the ERN MLI-OTP-0018-0385, that is mentioned  
25 twice in that paragraph, it should read as stated on the slide 40 of the annex 5,

- 1 it should read, "MLI-OTP-0018-0328".
- 2 A. [15:35:41] If I may just confirm with this slide?
- 3 Q. [15:35:45] Take your time.
- 4 A. [15:36:36] Yes, that is correct.
- 5 Q. [15:36:40] (Microphone not activated)
- 6 PRESIDING JUDGE MINDUA: [15:36:47](Interpretation) Ms Taylor?
- 7 MS TAYLOR: [15:36:49] I apologise for interrupting, but I believe the
- 8 Prosecution needs to put the microphone on. Sorry.
- 9 MS HUCK: [15:36:57] Thank you.
- 10 Q. [15:37:00] So I was saying -- sorry, I didn't have my microphone on, so I
- 11 was asking you to please turn to page 9335, paragraph 2, and there is
- 12 a reference to "Location 1 MLI-OTP-0018-0379".
- 13 That should read instead:
- 14 "Video MLI-OTP-0018-0379 saved in the Location 1 folder", is that correct?
- 15 A. [15:37:52] Yes, that is correct. I labelled it, "Location 1", and then the
- 16 MLI number, but is in the Location 1 folder.
- 17 Q. [15:38:07] And on the same page, paragraph 5, so again, it's the same
- 18 reference, so can you confirm that the reference to Location 1,
- 19 MLI-OTP-0018-0379 should read:
- 20 "Video MLI-OTP-0018-0379 saved in the Location 1 folder"?
- 21 A. [15:38:44] Yes, that's correct.
- 22 Q. [15:38:47] Thank you.
- 23 Now I'm done with the correction to your report and I would like to go to the
- 24 correction of tab 11, MLI-OTP-0072-0034, and it's a confidential document.
- 25 This is a version of your CV that you provided before -- the end of your report.

1 Can you confirm that this also, the "Identification Division" should be corrected  
2 to "Investigation Division"?

3 A. [15:39:48] Yes, that is correct.

4 Q. [15:39:53] Now, I would like to turn to the correction to your annexes to  
5 your report. In annex 3, tab 4, so it's MLI-OTP-0069-9452, and it's  
6 a confidential document. So can you confirm that -- so it's -- sorry, it's  
7 page 9521.

8 A. [15:41:01] Which tab was it?

9 Q. [15:41:05] It's tab 4. So can you confirm on this slide, it's written, Known  
10 Satellite Image[s] and the date is missing, and the date of the satellite images  
11 should be June 18, 2012?

12 A. Yes, that's correct. It also has the GPS coordinate annotation on it --

13 Q. [15:41:55] Thank (Overlapping speakers)

14 A. [15:41:55] -- from my colleague.

15 Q. [15:41:58] Now I would like to move to corrections that were not covered  
16 during the preparation session, and I would like you to go to annex 5,  
17 page 96 -- annex 5, which is, sorry, annex 5 which is ERN MLI-OTP-0069-9569,  
18 it's a confidential document, and it's in tab 6.

19 If you can please turn to page 9604. So there are two -- on -- there are two  
20 pictures. On the left picture, it's written: "Location 6 Hôtel Bouctou:  
21 MLI-OTP-0012-1907".

22 Should we understand that it should read:

23 "MLI-OTP-0012-1907 saved in folder called Location 6, Hôtel Bouctou"?

24 A. [15:43:31] Yes, that's correct --

25 Q. [15:43:32] And the same --

- 1 A. [15:43:32] -- I labelled them with "Location".
- 2 Q. [15:43:37] And the same for the picture on the right, so: "Location 4 Hôtel  
3 Azalai: MLI-OTP-0012-1549 Frame 494", should read the ERN of the video  
4 saved in location folder -- in the folder called: "Location 4 Hôtel Azalai"?
- 5 A. [15:44:15] Yes.
- 6 PRESIDING JUDGE MINDUA: [15:44:27](Interpretation) Madam Prosecutor,  
7 you've got two minutes left.
- 8 MS HUCK: [15:44:29] (Interpretation) Very well.
- 9 Q. [15:44:31] (Overlapping microphones)(Speaks English) So please -- can  
10 you please confirm that your report with the annexes and the related material  
11 are all accurate to the best of your knowledge?
- 12 A. [15:44:46] Yes, that is correct.
- 13 Q. [15:44:49] And do you have any objection that this material is admitted  
14 into evidence?
- 15 A. [15:44:57] No objection.
- 16 Q. [15:44:59] Now - and, it's going to take one minute - I would like to show  
17 you tab 13, ERN 0078-0933, and this is an addendum to your report. Do you  
18 have it in front of you?
- 19 A. [15:45:24] Yes, I do.
- 20 Q. [15:45:26] Can you confirm that you drafted this re -- this report, sorry,  
21 after you received an additional mission letter?
- 22 A. [15:45:38] Yes, that is correct.
- 23 Q. [15:45:41] And can you confirm that this is your signature on page 0940?
- 24 A. [15:45:49] Yes, it is.
- 25 Q. [15:45:55] Along with this report, there is an annex and the annex is on

1 tab 12, its ERN is MLI-OTP-0078-0916 and it's a confidential document? Is this  
2 your annex?

3 A. [15:46:21] Yes, it is.

4 Q. [15:46:23] Thank you. Can you confirm that this report with the  
5 addendum -- sorry, this report with the annex are accurate to the best of your  
6 knowledge?

7 A. [15:46:35] Yes, it is.

8 Q. [15:46:36] And do you have any objection that this -- the report and the  
9 annex be submitted into evidence?

10 A. [15:46:44] No, I do not. No objection.

11 Q. [15:46:50] Thank you very much. That was all for my questions.

12 A. [15:47:01] Thank you.

13 MS HUCK: [15:47:07] (Interpretation) In time, your Honour.

14 PRESIDING JUDGE MINDUA: [15:47:10](Interpretation) Thank you very  
15 much, Madam Prosecutor, indeed.

16 So I note that the conditions for the proceedings under Rule 78(3) of the rules  
17 have been met.

18 I now turn towards the Legal Representatives of the Victims, if you wish to  
19 take the floor? Maître Nsita?

20 MR KASSONGO: [15:47:41](Interpretation) Maître Kassongo. Thank you.

21 As indicated in our application, having heard the examination-in-chief, which  
22 was very clear, carried out by Madam Prosecutor, the legal representatives  
23 team do not intend to put questions to the witness.

24 However, we would like to thank the witness for her availability and for the  
25 contribution that she has made with regards to the questions put to her. And,



1 on that, we would like to thank you.

2 PRESIDING JUDGE MINDUA: [15:48:19](Interpretation) Thank you very  
3 much, Mr Kassongo, indeed. Please excuse me for my error. I now turn  
4 toward the Defence.

5 Ms Taylor, are you ready?

6 MS TAYLOR: [15:48:34] Yes, Mr President, but with your leave, if I may just  
7 collect the rostrum? As there's only one in the courtroom.

8 PRESIDING JUDGE MINDUA: [15:48:50](Interpretation) Please go ahead,  
9 Ms Taylor.

10 MS TAYLOR: [15:49:16] Thank you, Mr President.

11 And just for clarification, will we be continuing until 4 o'clock today?

12 PRESIDING JUDGE MINDUA: [15:49:27](Interpretation) Until 4 o'clock, yes.

13 QUESTIONED BY MS TAYLOR:

14 Q. Good afternoon, Madam Witness. My name is Melinda Taylor and I'll  
15 be putting questions to you on behalf of the Defence for Mr Al Hassan.

16 A. [15:49:44] Good afternoon.

17 Q. [15:49:46] Now Madam Witness, how would you define the term  
18 "questioned image"?

19 A. [15:49:54] A questioned image is put forth to me by someone who is  
20 interested in locating an object that's captured within the image; so if there's  
21 something that's questioned within the content, that makes it the questioned  
22 image or video.

23 Q. [15:50:19] And how would you define the term "known image"?

24 A. [15:50:27] So the known images are -- are also provided to me because  
25 they are known by the person providing the image. So it would be someone

1 who actually flew the drone or it would be someone that actually took the  
2 picture that provided that to the person that's requesting the analysis of me.  
3 So it's known by the person that's requesting the analysis.

4 Q. [15:50:57] And is it correct that you were told that it was not necessary for  
5 you to conduct a technical examination of known images because they'd been  
6 prepared by Prosecution staff?

7 A. [15:51:13] Yes, that is correct.

8 Q. [15:51:18] So you didn't check the metadata of the known images or if  
9 they'd been modified in any way?

10 A. [15:51:30] No, I did not. I did not do a full examination of the metadata  
11 of those known images, no.

12 Q. [15:51:41] And you accepted the location provided to you for the known  
13 images as being accurate?

14 A. [15:51:51] I do accept the known image content as being accurate, yes.

15 Q. [15:51:57] So if the instructing agent - in this case, the Prosecution - had  
16 made any errors in its own authentication or identification of location, that  
17 could impact on your analysis?

18 A. [15:52:16] I'm just going to put my volume up. I'm having a hard time  
19 hearing you. If you could repeat the question for me.

20 Q. [15:52:28] Madam Witness, is it correct that if the instructing  
21 agent - which, in this case, is the Prosecution - had made an error in its own  
22 internal authentication of the known images, that could impact upon your  
23 analysis?

24 A. [15:52:50] Yes, I wouldn't know if there was an error in the location of the  
25 knowns.

1 Q. [15:53:03] If images have been pieced together, based on a subjective  
2 opinion as concerns where each image is located, would that be considered to  
3 be a known image?

4 A. [15:53:20] I'm not sure what you mean by "pieced together". Are you  
5 referring to the panorama?

6 Q. [15:53:29] Not necessarily, if you have different images stitched together  
7 to create one image, would that be considered to be a known image?

8 A. [15:53:40] Only if we know exactly where that was taken, that makes it  
9 a known image. It has nothing to do with being stitched.

10 Q. [15:53:53] Would it be forensically sound to use an image which is being  
11 subjectively pieced together by another person as a known or a reference point  
12 image?

13 A. [15:54:11] Yes, it depends on how well it's done; that is why I used the  
14 individual images rather than the stitched-together images.

15 Q. [15:54:25] If I could just bring up Defence tab 14, that's  
16 MLI-OTP-0080-2147. This concerns -- do you have this on your screen,  
17 Madam Witness?

18 A. [15:54:47] No, I do not.

19 Q. [15:54:55] It's a confidential document. It concerns an interaction  
20 between yourself and the senior trial attorney on 1 April 2020, and I'm going to  
21 read a paragraph to you and ask you a question.

22 The last paragraph says:

23 "After asking the second question (whether the Mali team was trying to  
24 authenticate the 3D model), P-[0]635 made the following comments:

25 *The forensic scientist that created the 3D model would have to speak to how the model*

1 *was created and to verify its accuracy. Forensic video analysis is the examination of*  
2 *the technical elements of the multimedia files (video and still images, mainly) and then*  
3 *the forensic image comparison is conducted between questioned and known multimedia.*  
4 *Forensic Image comparison to a 3D model as the "known" is not forensically sound*  
5 *because it is a model created by a person, likely from questioned [the] material."*

6 Madam Witness, do you recall communicating this to the Prosecution?

7 A. [15:56:23] I do not specifically recall this, no.

8 Q. [15:56:30] Is what is written here, do you agree with what is written here?

9 A. [15:56:36] Yes, I do.

10 Q. [15:56:38] Can you explain why it is not forensically sound to use a model  
11 generated by a person on -- which could be on questioned material?

12 A. [15:56:50] Yes, a forensic model, which is not my specialty but I can  
13 comment on it, is when someone creates something, and so, unless you have  
14 very specific measurements for the model, it can be in question whether it is  
15 accurate. This is not my field though, I must say.

16 Q. [15:57:20] It's not mine either. Madam Witness, to your knowledge,  
17 have there been changes in buildings and structures in Timbuktu between 2012  
18 and 2018?

19 A. [15:57:34] I do not know.

20 Q. [15:57:40] Would you agree that a difference in date between questioned  
21 images and known images can impact upon your analysis?

22 A. [15:57:54] Yes, certainly things happen during that time, yes.

23 Q. [15:58:01] And does the absence of sufficient camera angles impact upon  
24 your analysis?

25 A. [15:58:11] Yes, it does. Ideally, we would have the same angle of the

1 camera for our comparison analysis, but that is not always the case.

2 Q. [15:58:25] Are you familiar with the Scientific Working Group on Digital  
3 Evidence Best Practices for Photographic Comparison?

4 A. [15:58:37] Yes, I am.

5 Q. [15:58:39] Are you familiar with the measures recommended by this  
6 document for addressing bias?

7 A. [15:58:48] There are a number of best practices documents, so I am not  
8 entirely sure what those best practices are in that specific document.

9 Q. [15:59:01] I can bring it up to refresh your memory. It's Defence tab 1,  
10 that's MLI-D28-0004-7538. This is the first page. If it could be brought up on  
11 the screen.

12 Madam Witness, are you familiar with this document?

13 A. [15:59:40] Yes, I am.

14 Q. [15:59:48] If we could turn to page 744 -- although I'm aware of the time,  
15 so I -- it appears to be 4 o'clock or almost 4 o'clock.

16 PRESIDING JUDGE MINDUA: [16:00:06](Interpretation) You have a minute,  
17 but you can stop if you so wish.

18 MS TAYLOR: [16:00:10] I think my question will take more than a minute, I  
19 apologise.

20 PRESIDING JUDGE MINDUA: [16:00:18](Interpretation) Very well, we shall  
21 stop there.

22 MS TAYLOR: [16:00:23] Thank you.

23 PRESIDING JUDGE MINDUA: [16:00:27](Interpretation) I now turn towards  
24 the witness.

25 Witness, as you can see, it's now 4 o'clock, we have to stop our hearing. The

1 Chamber would like to thank you for having replied very clearly to the  
2 questions put.  
3 Tomorrow, you will continue with your testimony because the  
4 cross-examination has not finished. Until then, please do not forget that you  
5 are prohibited from discussing your testimony with anyone else, either with  
6 members of your family or friends if you happen to be in contact with them  
7 this evening.

8 Have you understood that?

9 THE WITNESS: [16:01:19] Yes, I understand.

10 PRESIDING JUDGE MINDUA: [16:01:26](Interpretation) Thank you very  
11 much, Madam Witness.

12 So I would just like to thank all the parties and participants. I would like to  
13 thank the court reporters and the interpreters, I would also like to express my  
14 gratitude to the security officers, and, finally, to our public.

15 So we shall start again tomorrow at 14:30.

16 Is that correct, Mr Prosecutor?

17 MR DUTERTRE: [16:02:08](Interpretation) Absolutely, your Honour.

18 PRESIDING JUDGE MINDUA: [16:02:10](Interpretation) Very well. So I  
19 wish you all a very good evening.

20 We shall suspend the session.

21 Court is adjourned.

22 THE COURT USHER: [16:02:23] All rise.

23 (The hearing ends in open session at 4.02 p.m.)

24

25