

Trial Hearing
WITNESS: MLI-OTP-P-0602

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Thursday, 20 May 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:15] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:46](Interpretation) Court is in session. Good
15 morning to everyone.
16 Court officer, please be so kind as to call the case.
17 THE COURT OFFICER: [9:31:56] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we're in open session.
21 PRESIDING JUDGE MINDUA: [9:32:21](Interpretation) Thank you very much,
22 court officer.
23 As usual, we shall proceed with the appearances, starting with the Office of the
24 Prosecutor.
25 MS SARDACHTI: [9:32:32](Interpretation) Good morning, your Honours.

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1 The Prosecution is represented by Dianne Luping and myself, Marie-Jeanne
2 Sardachti.

3 PRESIDING JUDGE MINDUA: [9:32:44](Interpretation) Thank you very much,
4 Madam Prosecutor.

5 I now turn to the Defence counsel.

6 MS SUTHERLAND: [9:32:48] Good morning, Mr President, your Honours. The
7 Defence today is represented by Ms Melinda Taylor, Ms Sarah Marinier-Doucet, Ms
8 Sophia Westen and myself, Kirsty Sutherland.

9 PRESIDING JUDGE MINDUA: [9:33:03](Interpretation) Thank you very much, Ms
10 Sutherland.

11 I now turn towards the Legal Representative of Victims.

12 MR KASSONGO: [9:33:10](Interpretation) Thank you, your Honour, your Honours.
13 Good morning, everyone. I am Maître Kassongo for the Legal Representatives of
14 Victims. Thank you.

15 PRESIDING JUDGE MINDUA: [9:33:22](Interpretation) Thank you very much,
16 Maître Kassongo. I see that you are in reduced number this morning.
17 This morning we are going to continue with our hearing of the 34th Prosecution
18 witness, namely Witness P-0602.

19 I now turn towards the witnesses.

20 Good morning, Madam Witness. Can you hear me?

21 WITNESS: MLI-OTP-P-0602 (On former oath)

22 (The witness speaks Songhai)

23 (The witness gives evidence via video link)

24 THE WITNESS: [9:33:55](Interpretation) Yes, I'm well. I can hear you.

25 PRESIDING JUDGE MINDUA: [9:34:01](Interpretation) Thank you very much,

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1 Madam Witness.

2 So I would like to welcome you once again, and I would like to thank you for your
3 cooperation.

4 I would like to remind you that you're still under oath and you must say the truth, the
5 whole truth, and nothing but the truth.

6 I would like you to bear in mind the considerations of a practical nature that I already
7 spoke to you about yesterday. Please speak clearly and slowly such that the work of
8 the interpreters is made easier.

9 THE WITNESS: [9:35:40](Interpretation) I understand.

10 PRESIDING JUDGE MINDUA: [9:35:43](Interpretation) Please don't speak at the
11 same time as anyone else.

12 Madam Witness, this morning I'm going to give the floor to the Defence. The
13 Defence is going to carry out the cross-examination, i.e., is going to put questions to
14 you. This does not mean that the Defence systematically doubts everything you say
15 you, but the Defence has to carry out verifications.

16 THE WITNESS: [9:37:00](Interpretation) I understand. That is it's work.

17 PRESIDING JUDGE MINDUA: [9:37:07](Interpretation) Please try to do your best to
18 answer carefully all the questions put to you, as you have done with the Office of the
19 Prosecutor.

20 THE WITNESS: [9:37:30] Okay.

21 PRESIDING JUDGE MINDUA: [9:37:30](Interpretation) Thank you very much.

22 Ms Sutherland, I now give you the floor for your cross-examination.

23 Madam Prosecutor.

24 MS SARDACHTI: [9:37:43](Interpretation) Yes, your Honour, your Honours, I just
25 wanted to stress that the list of evidence, the updated list was sent yesterday at the

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1 end of the afternoon, and it is -- goes against paragraph 61 of your decision on the
2 Rules of Procedure.

3 PRESIDING JUDGE MINDUA: [9:38:04](Interpretation) Ms Sutherland.

4 MS SUTHERLAND: [9:38:05] Mr President, unfortunately I don't have the decision
5 in front of me, but I do recall that an additional decision was made that recognised
6 that the nature of cross-examination is reactive and that documents could be added to
7 the list after the initial list had been sent in accordance with paragraph 61.

8 This -- in this instance, the single document added was the video. It's absolutely in
9 response to what was said yesterday by the witness. And it is a Prosecution item
10 and it causes no prejudice to the Prosecution.

11 PRESIDING JUDGE MINDUA: [9:38:46](Interpretation) Madam Prosecutor, I agree
12 with the Defence. If the document is reactive, then -- and it reacts to your
13 examination-in-chief, I agree that it should be added.

14 MS SARDACHTI: [9:38:57](Interpretation) May I just add something, with your
15 leave? In fact, the video which refers -- which was added to the Defence, it echoes
16 the video which we showed yesterday, for this video was already shown to the
17 witness during the taking of her testimony by our investigators and her statement
18 was communicated on 9 November 2018. And in the inter partes email, the Defence
19 indicated that this communication would -- was done because it arises from the
20 witness testimony. But I indicate that this isn't correct, because they were aware
21 from the statement of the witness of 9 November 2018.

22 PRESIDING JUDGE MINDUA: [9:39:53](Interpretation) It is admissible, Madam
23 Prosecutor, because the Defence is reacting to the content of your
24 examination-in-chief. We're going to limit the discussion there.

25 Ms Sutherland, you have the floor.

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1 MS SUTHERLAND: [9:40:07] Thank you very much, Mr President.

2 I will need to ask very briefly to go into private session. Not right now, in a few
3 moments, but it will be extremely limited.

4 PRESIDING JUDGE MINDUA: [9:40:27](Interpretation) Very well.

5 QUESTIONED BY MS SUTHERLAND:

6 Q. [9:40:29] Good morning, Madam Witness. Can you hear me?

7 A. [9:40:39] Good morning. Yes, I can hear you.

8 Q. [9:40:41] We met very briefly a few days ago, and I hope that you can see me as
9 well now as you could see me then?

10 A. [9:41:14] No, I don't see you clearly.

11 Q. [9:41:21] Is that better?

12 A. [9:41:33] Yes, I can see you.

13 Q. [9:41:36] So as I explained then, I will be asking you questions on behalf of the
14 Defence. It is our role at this point, as the Judge has explained, to test the evidence
15 called by the Prosecution.

16 A. [9:42:18] Very well.

17 Q. [9:42:21] We have the right to investigate as we go along, and later in the case
18 we will call our own witnesses. And because of that, some of my questions may be a
19 little bit different to those of the Prosecutor.

20 A. [9:42:56] I understand.

21 Q. [9:42:59] And as already noted by everybody, including the Prosecution and the
22 learned judge, the most important thing is that you tell the truth to the best of your
23 memory.

24 And finally, as I previously explained, if there's anything that I say that you do not
25 understand, please just let me know. Or if you would like me to repeat anything,

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1 just say so.

2 A. [9:44:01] Very well.

3 MS SUTHERLAND: [9:44:03] Mr President, with your leave, may we go into private
4 session for a very discrete period?

5 PRESIDING JUDGE MINDUA: [9:44:14](Interpretation) Certainly, Ms Sutherland.

6 Court officer, please take us into closed -- private session.

7 (Private session at 9.44 a.m.)

8 THE COURT OFFICER: [9:44:26] We're in private session, Mr President.

9 (Redacted)

10 (Redacted)

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21 (Redacted)

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23 (Redacted)

24 (Open session at 9.52 a.m.)

25 THE COURT OFFICER: [9:52:49] We're back in open session, Mr President.

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1 PRESIDING JUDGE MINDUA: [9:52:54](Interpretation) Thank you very much,
2 court officer.

3 Ms Sutherland.

4 MS SUTHERLAND:

5 Q. [9:52:58] Madam Witness, I was just asking if, after the French arrived, people
6 speaking Tamasheq were treated badly in Timbuktu?

7 A. [9:53:50] In fact, when the French went back, they carried out investigations and
8 sometime after that the mistreatment ended. It really stopped when the French came
9 back.

10 Q. [9:54:09] And were people who spoke Arabic treated badly?

11 A. [9:54:57] Well, a long time after that they still continued to harass people. They
12 went to -- they took vehicles away from people, they took people away, they killed
13 people, and -- but that was a long time ago. And in terms of who it was, well they
14 could be Tamasheq, they could also be Arabs.

15 Q. [9:55:23] Madam Witness, yesterday you were shown a video which you had
16 previously been shown by the OTP. And the reference is real-time transcript 85 at
17 page 51, lines 14 to 17.

18 Madam Witness, you were asked by the Prosecution, "Did the people who came to
19 your house wear this sort of clothing?" And you responded, "Yes, yes, they did.
20 That was the sort of clothing that they wore."

21 A. [9:56:43] Yes.

22 Q. [9:56:44] When you were first shown this video during your interviews, do you
23 remember whether you were shown other images and other videos?

24 A. [9:57:20] The day they showed me the videos, is that what you mean?

25 PRESIDING JUDGE MINDUA: [9:57:27](Interpretation) Madam Prosecutor.

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1 MS SARDACHTI: [9:57:28](Interpretation) Yes, your Honour. Just a suggestion so
2 that the answers are perhaps more accurate. I would ask my colleague to state
3 during which interviews she's talking about. I'm just concerned that the witness is
4 not aware of what exactly we're speaking about here.

5 PRESIDING JUDGE MINDUA: [9:57:46](Interpretation) Ms Sutherland, the
6 Prosecutor is completely right.

7 MS SUTHERLAND:

8 Q. [9:57:53] Madam Witness, I'm speaking about the times when you were
9 interviewed by the Prosecution in 2018, rather than yesterday.

10 A. [9:58:37] They showed me it.

11 Q. [9:58:39] So, a few years ago, did they also show you other videos or other
12 images?

13 A. [9:59:06] No, that was the video they showed me when we met.

14 Q. [9:59:14] We'd like to show you another video without sound.
15 And that's at Defence tab 9. The ERN is MLI-OTP-0009-1749. And we'll be
16 showing from 00:07:16 to 00:07:36. It will be on evidence channel 2.
17 Madam Witness, are you able to see images on your screen?

18 A. [10:00:51] Yes, I can see them, but it's not very clear for me.

19 Q. [10:00:56] Well, we'll play them now. Please watch closely.

20 (Viewing of the video excerpt)

21 MS SUTHERLAND:

22 Q. [10:01:30] Madam Witness, did the people who came to your house wear this
23 sort of clothing?

24 A. [10:01:56] No, they wore clothes like the ones from yesterday.

25 MS SUTHERLAND: [10:02:17] Mr President, very, very briefly, I would like to read

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1 a passage to the witness from her witness statement, which does identify individuals
2 that might identify her. Once that's read, I will assign code names, and then we can
3 just proceed in public session.

4 PRESIDING JUDGE MINDUA: [10:02:39](Interpretation) Very well.

5 MS SUTHERLAND:

6 Q. [10:03:08] Madam Witness, one follow-up from what we were just talking about.

7 Can you explain the difference between the clothing in the video that you just saw
8 and the other -- what you meant by, "like the ones from yesterday"?

9 A. [10:04:10] On the clothing I've just seen, there is red on the clothes, but those I
10 saw yesterday just had white on the back.

11 Q. [10:04:28] Thank you, Madam Witness.

12 Are we in private session?

13 PRESIDING JUDGE MINDUA: [10:04:31](Interpretation) No, we are in public
14 session.

15 MS SUTHERLAND: [10:04:35] Thank you. Sorry. May we -- with your leave,
16 may we go into private session, very briefly.

17 PRESIDING JUDGE MINDUA: [10:04:41](Interpretation) Of course, Ms Sutherland.
18 Court officer, private session, please.

19 (Private session at 10.05 a.m.)

20 THE COURT OFFICER: [10:05:00] We're in private session, Mr President.

21 (Redacted)

22 (Redacted)

23 (Redacted)

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5 (Open session at 10.14 a.m.)

6 THE COURT OFFICER: [10:14:02] We're back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [10:14:06](Interpretation) Thank you very much,
8 court officer.

9 Ms Sutherland.

10 MS SUTHERLAND:

11 Q. [10:14:10] Madam Witness, can you tell us more about Madam A?

12 A. [10:14:41] Tell you what about her? I don't understand.

13 Q. [10:14:44] How did you first hear about her?

14 A. [10:15:03] Her talk of whom?

15 Q. [10:15:21] How did you first meet Madam A?

16 A. [10:15:41] Okay. I understand. We met there. We met in the house of this
17 man.

18 Q. [10:15:58] And was this the first time that you met?

19 A. [10:16:25] Personally speaking, yes, that was the first time I met her.

20 Q. [10:16:36] Who -- who do you know who had met her previously?

21 A. [10:16:59] That, I don't know, but just my case.

22 Q. [10:17:10] How did you arrange to meet at the house of Mr H?

23 A. [10:18:02] Well, for the people that something had happened, they were victim,
24 it was this person who -- this man who took them there, and there -- it was there that
25 he wrote down things.

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1 Q. [10:18:31] Who is the man that you're referring to?

2 A. [10:18:35] I'm talking about the same Mr H. People to whom something had
3 happened went there to explain what had happened to them. But I don't know
4 whether he knew them beforehand, but I know that I went there to Mr H to report
5 what had happened. Everybody did that.

6 Q. [10:20:03] And how did you find out about Mr H?

7 A. [10:20:31] You mean how I know him, knew him?

8 Q. [10:20:39] Yes.

9 A. [10:21:07] Well, I know him because I have a sister who is not far away from
10 where he lives, and so I even worked there and that's how I know him.

11 Q. [10:21:34] Can you be more specific about where you worked?

12 A. [10:22:13] I worked in his house. I worked for his wife. I was paid monthly.
13 I washed things, I swept the courtyard, so that's what I did in that household.

14 Q. [10:22:38] Were you present when other people visited the house?

15 A. [10:23:00] I don't understand. Which other persons? The people who came to
16 tell them their story or what?

17 Q. [10:23:23] Yes, that's exactly what I mean?

18 A. [10:23:58] That's not me alone. Not just me. I've got sisters who went there to
19 explain what had happened to them. And there were other people as well who came
20 to tell their story, but what they actually said, I don't know what actually was spoken
21 there.

22 MS SUTHERLAND: [10:24:33] Mr President, I would like to ask the witness the
23 name of her sister, for which it would be wise to seek to go into private session, but
24 solely for that answer.

25 PRESIDING JUDGE MINDUA: [10:24:48](Interpretation) Court officer, private

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1 session, please.

2 (Private session at 10.25 a.m.)

3 THE COURT OFFICER: [10:25:00] We're in private session, Mr President.

4 (Redacted)

5 (Redacted)

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- 11 (Open session at 10.30 a.m.)
- 12 THE COURT OFFICER: [10:30:31] We're back in open session, Mr President.
- 13 PRESIDING JUDGE MINDUA: [10:30:37](Interpretation) Thank you very much.
- 14 Ms Sutherland.
- 15 MS SUTHERLAND:
- 16 Q. [10:30:40] Madam Witness, returning to Madam A, did you see her many times
- 17 or only on this occasion?
- 18 A. [10:31:21] I didn't see her. It was the only time that we met.
- 19 Q. [10:31:28] You said that she had brought people to Timbuktu. Can you
- 20 describe the people that she'd brought to Timbuktu, please?
- 21 A. [10:32:00] Who had brought people to Timbuktu?
- 22 Q. [10:32:05] In your previous statement, you said that a lady called Madam A had
- 23 brought -- sorry, I'll rephrase. You said, "I have already spoken of what happened to
- 24 people that a lady called Madam A had brought to Timbuktu."
- 25 A. [10:33:07] Okay. I see. In fact, these are people who came to Timbuktu. I

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1 think they were your collaborators. I don't know them. I think they're your
2 colleagues or collaborators.

3 Q. [10:33:30] Do you know which languages they spoke?

4 A. [10:34:19] In fact, they spoke French. There are different people who they
5 speak to. Some they speak to in English. But where it concerns me, the person who
6 spoke to me spoke in French.

7 Q. [10:34:48] Madam Witness, who interpreted for you?

8 A. [10:35:31] There was somebody with them who spoke Songhai, who said what
9 they said, and also when we spoke, that person translated. But I've forgotten the
10 name. But there was somebody with them who spoke Songhai.

11 Q. [10:35:54] Did they record the interview?

12 A. [10:36:13] I don't know. I really don't know.

13 Q. [10:36:18] Was anybody writing anything down during the interview?

14 A. [10:36:51] Well, the one I was speaking to I could see clearly, who I saw writing.

15 Q. [10:37:11] Do you remember what questions they asked you?

16 A. [10:37:39] I've forgotten all their questions. I don't remember.

17 Q. [10:37:48] Who was with you in the room while they were questioning you?

18 A. [10:38:20] That woman and the man who was with them, that's the person who
19 was translating into Songhai.

20 Q. [10:38:35] Was anybody from your family with you?

21 A. [10:38:53] Nobody.

22 Q. [10:38:55] And was Mr H with you?

23 A. [10:39:15] No. They were on the next floor. We were on the ground floor.

24 Q. [10:39:22] Did anybody help you to prepare before this interview?

25 A. [10:39:48] Prepare with regard to what I was going to say or what?

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1 Q. [10:39:54] Yes, or tell them what they were interested in hearing about or how
2 you should answer?

3 A. [10:40:39] No, not at all.

4 Q. [10:40:42] And did you speak to your sister or anybody else before speaking to
5 them?

6 A. [10:41:09] No. No, we didn't speak at all.

7 PRESIDING JUDGE MINDUA: [10:41:14](Interpretation) Ms Sutherland, the
8 Chamber has difficulty in following you. What do you want to do exactly? What
9 do you want to demonstrate exactly? Could you explain? Perhaps we have to cut
10 the sound to the witness. Or how do we want to do it?

11 MS SUTHERLAND: [10:41:32] Cutting the sound would be prudent, I think.

12 PRESIDING JUDGE MINDUA: [10:41:39](Interpretation) Court officer, would you
13 be so kind as to cut the sound to the witness, please.

14 THE COURT OFFICER: The sound has been cut off, Mr President.

15 PRESIDING JUDGE MINDUA: [10:41:59](Interpretation) Very well. The
16 Chamber's not able to see the relevance of your line of questioning. Could you
17 explain that to us.

18 MS SUTHERLAND: [10:42:05] Mr President, we're extremely interested in the
19 circumstances of the previous accounts that this witness has given to various
20 organisations and the extent to which that may have impacted her testimony. I'm
21 just about to turn to a document that may be the record of this interview, which, I
22 believe, will be of interest to the Chamber.

23 PRESIDING JUDGE MINDUA: [10:42:53](Interpretation) Is there a way to be very
24 brief and to go straight to the objective to save time? That's what I would put to you.

25 MS SUTHERLAND: [10:43:10] I'm trying to be as concise as possible in order to

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1 get -- elicit information from the witness, Mr President, I assure. It is, as I'm sure my
2 colleagues on the other side of the courtroom also know, a tiring process. But as I
3 said, I'm immediately turning to the relevant document.

4 PRESIDING JUDGE MINDUA: [10:43:36](Interpretation) Very well. Please go
5 ahead.

6 Court officer, please -- please reconnect us to the witness for the sound.

7 THE COURT OFFICER: [10:43:50] The sound has been re-established -- has been
8 re-established, Mr President.

9 PRESIDING JUDGE MINDUA: [10:43:57](Interpretation) Thank you very much.
10 Ms Sutherland.

11 MS SUTHERLAND: [10:43:59]

12 Q. [10:44:01] Madam Witness, I'd ask you to the turn to Defence tab 3, which is
13 document MLI-OTP-0071-0501.

14 PRESIDING JUDGE MINDUA: [10:44:25](Interpretation) Ms Sutherland, I think that
15 the witness would need assistance in order to review this document.

16 Please go ahead.

17 MS SUTHERLAND: [10:44:41]

18 Q. [10:44:41] Madam Witness, this document says that it is a record of an interview
19 with (Redacted) -- oh, we're in
20 public session. I'm so sorry.

21 PRESIDING JUDGE MINDUA: [10:45:05](Interpretation) Yes, we're in open session.
22 Do you want us to go into private session?

23 MS SUTHERLAND: [10:45:09] Yes, Mr President. And I deeply regret my
24 transgression.

25 PRESIDING JUDGE MINDUA: [10:45:14](Interpretation) Yes, yes.

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- 1 Court officer, please take us into private session.
- 2 MS SUTHERLAND: [10:45:19] Obviously that will need to be redacted.
- 3 (Private session at 10.45 a.m.)
- 4 THE COURT OFFICER: [10:45:27] We're in private session, Mr President.
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- 22 (Upon resuming in open session at 11.33 a.m.)
- 23 THE COURT USHER: [11:33:08] All rise.
- 24 Please be seated.
- 25 PRESIDING JUDGE MINDUA: [11:33:34](Interpretation) The court is once more in

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1 session.

2 We will continue with the Defence cross-examination.

3 Ms Sutherland, before the break, we were looking at a document which dates from an
4 interview held on 25 February 2015. I have already said that the witness is unable to
5 help us with regard to date of birth or other details, and he -- she has explained the
6 situation with her name.

7 The Chamber is concerned that you should be allowed to continue with your
8 cross-examination, but we're going to have to find some suitable way of proceeding
9 which is fair to the witness, who cannot read, who did not sign the document which
10 was generated by OTP.

11 So my suggestion is that -- I can see Madam Prosecutor is on her feet.

12 MS SARDACHTI: [11:35:09](Interpretation) If I may say so, this was not generated
13 by the OTP.

14 PRESIDING JUDGE MINDUA: [11:35:17](Interpretation) Oh, that's a very important
15 addition.

16 Where does this document come from?

17 Ms Sutherland, can you help us here?

18 MS SUTHERLAND: [11:35:29] Mr President, we're in open session. In order to
19 provide a response, I'm afraid I will have to ask to go into private session.

20 PRESIDING JUDGE MINDUA: [11:35:41](Interpretation) You are quite right.

21 Court officer, could you please get us into private session and also cut the link to the
22 witness.

23 (Private session at 11.35 a.m.)

24 THE COURT USHER: [11:35:00] We're in private session, Mr President. (Redacted)

25 (Redacted)

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20 (Open session at 11.38 a.m.)

21 THE COURT OFFICER: [11:38:10] We are back in open session. And the sound has
22 been re-established.

23 PRESIDING JUDGE MINDUA: [11:38:14](Interpretation) Thank you, court officer.
24 Ms Sutherland.

25 MS SUTHERLAND: [11:38:16] Mr President, before we continue, I'm afraid I have to

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1 raise again an issue with the interpretation into Songhai, which I understand has been
2 amended slightly. But now the Defence is being referred to as watch -- as *goy foutou*,
3 which translates as "*les gens qui ont fait le mal*".

4 PRESIDING JUDGE MINDUA: [11:38:53](Interpretation) Mr -- colleagues from the
5 Songhai booth, I presume you've heard the comment from the Defence. This is not
6 acceptable. I hope -- yesterday we discussed this, and I asked you to find a neutral
7 term. Perhaps you could find in the Songhai a term that will cover this for the
8 Defence or for the accused, but not the term you're currently using. There. Okay.
9 Ms Sutherland.

10 MS SUTHERLAND: [11:39:27] Mr President, in view of the fact that we have
11 this -- we've had this concern for a while, I wonder if it might be necessary to provide
12 an alternative term to be translated, such as "those who represent the person who is
13 accused" or "the accused". There must be a word for "accused." But, of course, the
14 presumption of innocence has to be fully respected, and I'm concerned a little bit that
15 being left to find alternatives is -- is not -- not gaining us much ground.

16 PRESIDING JUDGE MINDUA: [11:40:21](Interpretation) Yes, Ms Sutherland.

17 THE INTERPRETER: [11:40:28] Overlapping speakers.

18 PRESIDING JUDGE MINDUA: [11:40:34](Interpretation) There was a break in the
19 link, and it has now been re-established.

20 So, Songhai interpreters, I would ask you once again to take care of the technology.

21 In this court, we have the presumption of innocence, and that is most strict. So
22 please use the appropriate terms to designate the Defence.

23 If there is not a specific term for that, Ms Sutherland is right to suggest "the people
24 who defend the accused". I assume there is a term to -- for "accused" in Songhai, but
25 we must avoid anything such as "criminal" because we have the presumption of

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1 innocence. So please do your best to find an appropriate term.

2 Ms Sutherland.

3 MS SUTHERLAND: [11:41:32] Thank you, Mr President.

4 Q. [11:41:36] Madam Witness, can you hear me?

5 A. [11:41:40] Yes, can I hear you.

6 Q. [11:41:52] Before the break, we were discussing a document. At the end of this
7 document, there is mention of an association of victims.

8 And for the record, that's at Defence tab 3, which is MLI-OTP-0071-0501 at page 0504.

9 Madam Witness, can you tell us more about this association of victims in Timbuktu.

10 PRESIDING JUDGE MINDUA: [11:43:08](Interpretation) Madam Prosecutor.

11 MS LUPING: [11:43:10](Overlapping speakers) Mr President, your Honours, it's just
12 a concern that we're in public session right now. And the witness can't read the
13 document, can't read the name of the association. Presumably it will have to be read
14 to her. So we would just ask if this could be asked in private session, please.

15 MS SUTHERLAND: [11:43:23] There is no name of the association.

16 MS LUPING: [11:43:25] But we -- okay, it depends on which association you're
17 referring to because the document we had there are three different organisations
18 referred to.

19 PRESIDING JUDGE MINDUA: [11:43:44](Interpretation) Ms Sutherland, there are
20 three different organisations?

21 MS LUPING: [11:43:50] I refer to page -- to assist Defence counsel, it's at page 0505
22 of this document. There are three different organisations. And again, also in
23 fairness to the witness, it would be helpful for her to know which association you're
24 referring to. But if this is referred to, it could be identifying, in which case we would
25 request that it is asked in private session.

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1 MS SUTHERLAND: [11:44:14] But the passage I'm referring to is the answer given
2 by the witness which says: (Interpretation) "No, I didn't start any procedures, only
3 with the association of victims."

4 PRESIDING JUDGE MINDUA: [11:44:36](Interpretation) In that case, there is only
5 one association?

6 Please continue.

7 MS SUTHERLAND: [11:44:46]

8 Q. [11:44:46] Madam Witness, I was asking if you could tell us more about the
9 association of victims to which you were -- well, to which is referred, we believe, by
10 you.

11 A. [11:45:32] It's the association. I don't make any difference. There are a lot of
12 associations. There are really a lot of them.

13 Q. [11:45:41] And do these associations provide assistance for people who had
14 problems in 2012?

15 A. [11:46:13] Help how? Help them in what way? I haven't understood.

16 Q. [11:46:27] Do they provide them with care or food or money?

17 A. [11:47:11] There are associations who helped the people with money. They
18 helped some people with -- with money.

19 Q. [11:47:25] Was there any other kind of help given?

20 A. [11:48:16] Yes, there was other types of help apart from money. They helped
21 with training, such as how to make soap or how to make yoghurt. They really
22 helped people with this type of training to learn how to make soap or yoghurt.

23 Q. [11:48:48] And who did they give money to and who did they give training to?

24 A. [11:49:19] Well, lots of people. We were part -- among those who benefited
25 from the yoghurt-making training.

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1 Q. [11:49:35] How did you become involved with the association -- the victims'
2 association?

3 A. [11:50:09] Which association?

4 Q. [11:50:16] Madam Witness, you told us that you were unable to distinguish
5 between associations. But if you are able, we would like as much detail as you are
6 able to give us.

7 PRESIDING JUDGE MINDUA: [11:50:36](Interpretation) Madam Prosecutor.

8 MS LUPING: [11:50:39](Overlapping speakers) Mr President, just a
9 request - because we are not sure how the witness is going to respond - that this be
10 elicited in private session. It may be identifying.

11 And also, just to note for the record, this whole exchange is extremely unclear as to
12 which associations the witness is referring to. The very original question was about
13 the associations with whom the witness was referred to, but then the -- the following
14 exchange with the witness and Defence counsel makes it very unclear as to whether
15 it's an association the witness has had contact with, whether it's just a general
16 observation about associations providing assistance in the city. It's extremely
17 unclear at this stage. And -- so our second concern is that this exchange may be very
18 confusing as well for the witness. It certainly is for us as we're trying to read it,
19 anyway. But the first request -- request is, indeed, if we could go into private session
20 for the response.

21 PRESIDING JUDGE MINDUA: [11:51:41](Interpretation) Madam Prosecutor, I agree
22 that we should move to private session.

23 But for this association, I think we should let the Defence develop their argument. I
24 think the witness has already said that she doesn't know how to distinguish between
25 them. So they helped in different ways with training, and training to make yoghurt

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1 and soap, I think. So let's allow Ms Sutherland to continue and complete this line

2 now.

3 So before we do that, Ms Sutherland, court officer, private session, please.

4 (Private session at 11.52 a.m.)

5 THE COURT OFFICER: [11:52:35] We're in private session, Mr President.

6 (Redacted)

7 (Redacted)

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9 (Open session at 12.30 p.m.)

10 THE COURT OFFICER: [12:30:22] We're back in open session, Mr President.

11 PRESIDING JUDGE MINDUA: [12:30:28](Interpretation) Thank you very much.

12 Ms Sutherland, please continue.

13 MS SUTHERLAND:

14 Q. [12:30:33] Madam Witness, I'd like to ask you to turn to Defence tab 2, which is
15 document MLI-OTP-0038-0210-R03.

16 Do you have that document in front of you, Madam Witness?

17 A. [12:31:31] Yes, I can see it.

18 Q. [12:31:36] Do you recognise this document?

19 A. [12:31:55] No, I don't know this document. How could I know this document?

20 Q. [12:32:04] Do you remember discussing it with the Prosecution recently?

21 PRESIDING JUDGE MINDUA: [12:32:24](Interpretation) Madam Prosecutor.

22 MS LUPING: [12:32:26] Objection, Mr President. The witness has already stated
23 she doesn't know what the document is. We know that the witness will not be able
24 to read the document. The question as put is unfair, and there needs to be better

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1 guidance provided. The Chamber's instructions on the manner to approach this
2 witness were clear.

3 PRESIDING JUDGE MINDUA: [12:32:48](Interpretation) Ms Sutherland, Ms Luping
4 is quite correct. We've already given our position on this subject. Please proceed as
5 I suggested to you already.

6 MS SUTHERLAND: [12:33:10]

7 Q. [12:33:11] Madam Witness, this is -- I'm at the wrong document. This is a
8 document from the Bamako court.

9 THE COURT OFFICER: [12:33:35] Your Honours, we have lost the connection with
10 the VTC interpreters.

11 PRESIDING JUDGE MINDUA: [12:33:44](Interpretation) As I see, unfortunately,
12 court officer.

13 (Pause in the proceedings)

14 THE COURT OFFICER: [12:34:53] Your Honour, the connection has been
15 re-established.

16 PRESIDING JUDGE MINDUA: [12:34:59](Interpretation) Thank you very much,
17 court officer.

18 Ms Sutherland.

19 MS SUTHERLAND:

20 Q. [12:35:05] Madam Witness, earlier today we were discussing how Madam A and
21 Mr B took you to a judge in Bamako.

22 A. [12:35:54] Okay.

23 Q. [12:36:00] Do you remember that trip to Bamako?

24 A. [12:36:22] That was a -- really a long time ago.

25 Q. [12:36:31] Do you remember who asked you to go to Bamako?

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1 A. (No interpretation)

2 THE COURT OFFICER: [12:37:27] It's gone again, your Honours. I do apologise
3 for this.

4 PRESIDING JUDGE MINDUA: [12:37:40](Interpretation) So, yes. Let's wait a
5 moment or two.

6 (Pause in proceedings)

7 THE COURT OFFICER: [12:38:31] Your Honours, the connection has been
8 re-established.

9 PRESIDING JUDGE MINDUA: [12:38:40](Interpretation) Thank you very much.
10 Ms Sutherland.

11 MS SUTHERLAND: [12:38:42]

12 Q. [12:38:42] Madam Witness, I'm afraid we didn't hear your answer. I asked you:
13 Who asked you to go to Bamako?

14 A. [12:39:22] It was the person who inscribed us. It was -- they were the ones who
15 said we should go to Bamako.

16 Q. [12:39:34] Madam Witness, can you explain what you mean by "the person who
17 inscribed us"?

18 A. [12:40:12] Well, it was those who put our names down with the -- the other one.
19 And they then told us to go to Bamako to meet the others.

20 Q. [12:40:34] Madam Witness, I understand it was a long time ago, but can you
21 explain with as much detail as you are able. You say it was --

22 A. [12:41:24] Well, I don't know what to say. That's all I know. They put our
23 names down, and sometime after that, they contacted us to go to Bamako, but
24 other -- nothing else to add. It was -- we had our names recorded, and then it was
25 some time after that that we were called to go to Bamako. That's -- that's really all I

1 can say.

2 Q. [12:41:59] Who put your names down?

3 A. [12:42:25] Those whose names have already been given. Those were the ones
4 who put our names down.

5 Q. [12:42:37] Do I understand that you mean Madam A and Mr H? Or other
6 people?

7 A. [12:43:12] Yes. Those are they because those are the ones who put our names
8 down. And then it was some time after that, some long time.

9 Q. [12:43:28] How did you travel to Bamako?

10 A. [12:43:51] Well, how, how -- what do you mean how, how did we go to
11 Bamako?

12 Q. [12:43:58] Did you travel in a car, in a bus, by plane? And who did you travel
13 with?

14 A. [12:44:51] Well, I came here several times. We came here in cars. But from
15 Sévaré, we get a bus to go back. First time I came alone, but on other occasions, I
16 came with my husband.

17 Q. [12:45:24] How many times have you spoken to a judge in Bamako?

18 A. [12:46:06] The first time that I came, we were three women, and then we were to
19 be judged. If -- if my memory is correct, then it was just on one occasion.

20 Q. [12:46:29] On that occasion, did you travel with the other women?

21 A. [12:46:39] Apart from the time that we came, the three women, I was with my
22 husband on every other occasion.

23 Q. [12:47:31] On the time that you travelled with the three women, did you travel
24 with anybody else?

25 A. [12:48:02] No. Apart from that, I didn't travel with anyone.

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1 Q. [12:48:09] Was anybody waiting for you in Bamako? Was Madam A waiting
2 for you or somebody else?

3 A. [12:48:36] Waiting for us, what do you mean?

4 Q. [12:48:39] When you arrived in Bamako.

5 A. [12:49:18] I understand. Yes, a man met us. I don't know him. He took us,
6 and he took us somewhere to -- for the night. And on the next day, he took us to the
7 judge. But I don't know who that man was.

8 Q. [12:49:41] Was he Malian, or was he from abroad?

9 A. [12:50:02] That, I don't know. I can't tell you what his nationality was.

10 Q. [12:50:12] Did anybody help you to prepare for your meeting with the judge?

11 A. [12:50:56] No, no. It was a question of telling what happened to us, and we
12 weren't told anything else. That -- that was all we did, was tell our story. That's
13 what we came for.

14 MS SUTHERLAND: [12:51:35] Mr President, the question I'm about to ask is a single
15 question but would require going into private session, please.

16 PRESIDING JUDGE MINDUA: [12:51:50](Interpretation) Of course.
17 Court officer, private session, please.

18 (Private session at 12.52 p.m.)

19 THE COURT OFFICER: [12:52:00] We're in private session, Mr President.

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22 (Open session at 12.57 p.m.)

23 THE COURT OFFICER: [12:57:17] We are back in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [12:57:22](Interpretation) Thank you very much.

25 Ms Sutherland.

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1 MS SUTHERLAND:

2 Q. [12:57:25] Madam Witness, I recognise this was a long time ago and it's difficult
3 to remember, but do you remember after you were questioned -- well, I'll -- do you
4 remember if you had a lawyer?

5 A. [12:58:18] You mean whether I had a lawyer? Is that what you're asking?

6 Q. [12:58:24] Yes, Madam Witness.

7 A. [12:59:08] Well, really, I -- I don't know. I don't know whether on those
8 days -- during those days there was a lawyer or not. All I remember is that we came
9 for this meeting. But what actually happened, whether I had a lawyer or not, I really
10 don't remember. That's such a long time ago.

11 Q. [12:59:45] Well, are you able to remember whether it was only the judge who
12 asked you questions?

13 A. [13:00:14] If I recall correctly, the day I was asked questions, it was only
14 the -- the judge, only the judge, if I recall correctly.

15 MS SUTHERLAND: [13:00:37] Mr President, I think the witness is displaying some
16 signs of fatigue which are concerning me, but I also note that it is now 1 p.m.

17 PRESIDING JUDGE MINDUA: [13:00:54](Interpretation) Indeed it is, Ms Sutherland.
18 We will now take our break. So I'm wondering how long we should take the break.
19 Should it be an hour or an hour and a half as usual?

20 MS SUTHERLAND: [13:01:18] Mr President, we've lost almost exactly half an hour
21 due to the technical problems. It's difficult for me to predict how quickly I can move.
22 I hope I'll move more quickly in the next session, but I would like to reserve my full
23 time allotted to me.

24 PRESIDING JUDGE MINDUA: [13:01:45](Interpretation) That's what was
25 concerning me indeed, Ms Sutherland. In that case, we will take our break now, and

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- 1 it will be a one-hour break, and we will recommence at 2 o'clock.
- 2 The hearing is adjourned.
- 3 THE COURT USHER: All rise.
- 4 (Recess taken at 1.02 p.m.)
- 5 (Upon resuming in open session at 2.02 p.m.)
- 6 THE COURT USHER: [14:02:54] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE MINDUA: [14:03:13](Interpretation) The hearing will now
- 9 resume.
- 10 Ms Sutherland, you have the floor.
- 11 MS SUTHERLAND: [14:03:21] Mr President, are we still in private session or may I
- 12 request to go into private session? And the next questions are quite sensitive.
- 13 PRESIDING JUDGE MINDUA: [14:03:35](Interpretation) Indeed.
- 14 Court officer, private session, please.
- 15 (Private session at 2.03 p.m.)
- 16 THE COURT OFFICER: [14:03:52] We're in private session, Mr President.
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
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1 (Redacted)

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5 (Open session at 2.32 p.m.)

6 THE COURT OFFICER: [14:32:30] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [14:32:35](Interpretation) Thank you very much.

8 Ms Sutherland.

9 MS SUTHERLAND: [14:32:37]

10 Q. [14:32:37] Madam Witness, you told us:

11 I saw once a girl being whipped, but the man preferred to flee, and that was better for
12 him. So I did see a girl who was whipped in Yobou Tao, but they didn't whip the
13 man because he had fled. That was better for him.

14 A. [14:33:38] Yes, the man fled and it was the woman that they caught.

15 Q. [14:33:45] Madam Witness, I'd like to refer you to your statement to the
16 Prosecution, and that's at OTP tab 1, MLI-OTP-0059-0401-R02 at page 0411, paragraph
17 60 and 61.

18 And please be patient while I read them to you:

19 "One day, I personally saw them chastising a couple. It was before my marriage. I
20 came from my father and I went to my sister. I saw what was happening when I got
21 to the Sankoré mosque. A person there told me that the mujahedin were chastising a
22 couple because they were not married. I watched for a moment before I left. There
23 were a lot of people, so it was not easy to see what was going on. I saw a mujahedin
24 hit the man. I closed my eyes because it hurts to see someone suffer like this. I
25 continued on my way. I did not see the woman get whipped. I don't know if she

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1 was whipped before or after I was there."

2 And I'll wait for the translation.

3 And you -- and you continue:

4 "I have not witnessed other punishments. The couple whipping is the only case of
5 such punishment that I have seen. It was also the first time I had heard of an
6 unmarried couple who were being punished. I heard that they chastised other
7 people like this, but I did not see and witness it myself."

8 Interpretation, please.

9 Madam Witness, are these stories that you have heard about?

10 A. [14:38:56] The case that I mentioned that happened at Sankoré is something that
11 I saw with my very own eyes.

12 Q. [14:39:10] So the incident you discussed yesterday you did not see with your
13 own eyes?

14 A. [14:39:40] Yes, I heard people talking about that. I heard speak of it.

15 Q. [14:39:50] Where did you hear speaking about it?

16 A. [14:40:18] Well, everyone talks about it and I know the man. Everyone was
17 talking about it in the town and that's how I came to know about it.

18 Q. [14:41:30] Madam Witness, when you saw the Bamako judge, you gave
19 descriptions of what they describe as your captors.

20 Do you remember?

21 A. [14:42:17] My captors, what do you mean?

22 Q. [14:42:22] You were asked questions about identifying your alleged husband.
23 And my reference for that is Defence tab 2, MLI-OTP-0038-0210-R03 at 0213.

24 Is it correct that you told the Bamako judge that he was constantly turbaned?

25 A. [14:43:29] Yes.

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1 Q. [14:43:30] Is it also correct that at the next page, and the reference is 0214, that
2 you told the Bamako judge that you were constantly in the dark?

3 A. [14:44:11] Yes, there is light in the place, but every time I went there I found that
4 it was obscure. There was electricity present, but it was always dark.

5 Q. [14:44:28] And in your interview with the Prosecution, and the reference is OTP
6 tab 1, MLI-OTP-0059-0401-R02 at page 0406, paragraph 30. And I'll read that to you:
7 "The chief also showed me who my husband was. He was black. He dressed like
8 the other mujahedin. He wore a turban too. He was one of the mujahedin who
9 approached me in the street and followed me as I went door to door selling" - and I
10 won't say that because we're in open session - "I think so because when they came, he
11 told me that the first time he met me, he asked me where I lived and I refused to
12 answer. I don't know where he came from but he spoke to me in Songhai. I didn't
13 quite understand the Songhai that he spoke."

14 Do you agree that you didn't mention vests to the Bamako judge or to the Prosecution
15 at that time?

16 A. [14:47:47] What do you mean by that word?

17 Q. [14:47:57] *Gilet*. You tell me.

18 A. [14:48:20] What vest, *gilet*? I haven't understood.

19 Q. [14:48:23] Do you agree that you did not describe your husband wearing
20 anything other than a turban and the clothes that the mujahedin wore when you
21 spoke to the Prosecutor -- the judge in Bamako?

22 PRESIDING JUDGE MINDUA: [14:49:02](Interpretation) Madam Prosecutor,
23 please.

24 MS LUPING: [14:49:05] Mr President, could I just ask if the sound could be cut to
25 the witness.

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1 PRESIDING JUDGE MINDUA: [14:49:17](Interpretation) Courtroom officer, could
2 you please cut off the sound to the witness. Thank you.

3 THE COURT OFFICER: [14:49:23] Your Honour, it's been done. Thank you.

4 MS LUPING: *I'm just referring to the question at page 69, lines 3 to 4: "Do you agree*
5 *that you did not mention vests to the Bamako judge or to the prosecution at that time?"*

6 But I note that the specific paragraph from the Prosecution statement that has been
7 provided is not a complete record of the answers that the witness gave to the
8 Prosecution at the time, and I would note in particular both paragraph 26 of the
9 statement to the Prosecution, and again at paragraph 67 of the statement, where the
10 witness did mention to the Prosecution the wearing of vests.

11 MS SUTHERLAND: [14:50:25] I'm referring to the Bamako judge. I'm sorry for the
12 confusion that's arisen. And there were other lawyers present in the Bamako
13 proceedings.

14 PRESIDING JUDGE MINDUA: [14:50:40](Interpretation) Very well.

15 MS SUTHERLAND:

16 Q. [14:50:53] Madam Witness, do you understand what I mean when I say the
17 word "vest"?

18 PRESIDING JUDGE MINDUA: [14:51:50](Interpretation) I believe we need to
19 re-establish the connection with the witness, Mr Courtroom Officer.

20 THE COURT OFFICER: [14:52:07] Your Honour, the sound has been re-established.

21 PRESIDING JUDGE MINDUA: [14:52:14](Interpretation) Very well.

22 Interpretation for the witness, please.

23 THE INTERPRETER: [14:52:55] Message from the Songhai booth, Mr President: It
24 would seem that the witness cannot see us.

25 PRESIDING JUDGE MINDUA: [14:53:03](Interpretation) Yes, it would also seem to

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1 me that that is the case.

2 Mr Courtroom Officer, what's going on, please?

3 THE COURT OFFICER: [14:53:09] Your Honour, I do apologise for that, but the
4 sound is now re-established. I'm not too sure what happened before.

5 PRESIDING JUDGE MINDUA: [14:53:46](Interpretation) Very well. So
6 interpretation, please, for the witness. Thank you.

7 THE WITNESS: [14:54:11](Interpretation) Yes.

8 MS SUTHERLAND:

9 Q. [14:54:12] Madam Witness, do you agree that you did not mention vests to the
10 Bamako judge?

11 A. [14:55:09] When I was speaking about that, I was convalescing and we took me
12 there to speak about it because my something was there, because my name was also
13 there. And it is possible that --

14 THE INTERPRETER: [14:55:31] The Songhai interpretation trails off without
15 finishing the sentence.

16 MS SUTHERLAND:

17 Q. [14:55:57] Madam Witness, I can see that you are tired. I assure you I am as well. So
18 I'll just ask you this very simple question. Just answer yes or no. Do you accept that
19 there's no record of you mentioning vests to the Bamako judge? Yes or no?

20 PRESIDING JUDGE MINDUA: [14:56:50](Interpretation) Madam Prosecutor.

21 *MS SARDACHTI: [14:56:54](Interpretation) I don't want to be in the least bit
22 obstructive, but my learned friend said that she would put a very simple question.
23 But when I read the question, there are a number of proposals being put in the same
24 question. First of all, she asks, "do you agree that...?" Then she uses a negation, "... that
25 there is no trace". She asks whether there was --

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- 1 THE INTERPRETER: [14:56:56] Far too fast, Madam Sardachti.
- 2 MS SARDACHTI: [14:56:59](Interpretation)... Yet one of the recommendations from
3 the Victims and Witnesses Unit was to avoid sentences phrased in the negative, such
4 as "... you did not say..." In the final analysis, a sentence that is supposed to be very,
5 very simple contains four or five questions.
- 6 THE INTERPRETER: [14:57:15] Overlapping speakers.
- 7 PRESIDING JUDGE MINDUA: [14:57:28](Interpretation) Very well, Madam
8 Prosecutor. The Defence has understand.
9 Madam Sutherland, please.
- 10 MS SUTHERLAND: [14:57:38] I'm grateful to my colleague for her criticism.
- 11 Q. [14:57:43] Madam Witness, you did not mention vest to the judge in Bamako,
12 did you?
- 13 A. [14:58:10] No, I didn't talk about that. No.
- 14 Q. [14:58:21] Madam Witness, Madam, can you hear me?
- 15 A. [14:58:30] (No interpretation)
- 16 MS LUPING: [14:58:50] Mr President --
- 17 PRESIDING JUDGE MINDUA: (No interpretation)
- 18 MS LUPING: -- it's just to note for the record before we move on, because there's
19 something that has been missed from both the English and the French, and where the
20 Songhai interpreter did provide an interpretation but it hasn't been captured in either
21 the English or the French. It was when the -- when counsel was asking the question
22 as to whether she agreed or not.
23 This is the first time she asked the question as to whether vests were mentioned or not
24 to the Bamako judge. We have an answer. And in French, we have:
25 (Interpretation) "Yes, when I spoke about those things, I was convalescing. And we

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1 were -- we were taken there because my name was there. We were taken there to
2 talk about it, and it is possible" (Speaks English) and then the rest of the response has
3 not been given by the Songhai interpreter.

4 And that's the -- a message both on the English and the French transcript, that the
5 interpreter's answer has not been captured. If we could just ask the Songhai
6 interpreter to give the rest of the response that was given at that point.

7 PRESIDING JUDGE MINDUA: [15:00:19](Interpretation) Cabin Songhai, you heard
8 the Prosecutor. Can you please complete what was said.

9 THE INTERPRETER: [15:00:26] Yes, we understood: It's possible that I talked
10 about it.

11 PRESIDING JUDGE MINDUA: [15:00:54](Interpretation) Is that sufficient, Madam
12 Prosecutor? Shall we stop there? Yes.

13 In that case, please continue, Ms Sutherland.

14 MS SUTHERLAND: [15:01:06]

15 Q. [15:01:06] Was the first time -- I'll rephrase.

16 The first time you talked about vests was during your OTP interviews when you were
17 shown a video, the video that we watched yesterday, correct?

18 PRESIDING JUDGE MINDUA: [15:02:06](Interpretation) I heard the witness answer.
19 Can we have her answer interpreted please.

20 THE WITNESS: [15:02:21](Interpretation) Yes.

21 PRESIDING JUDGE MINDUA: [15:02:21](Interpretation) I don't understand
22 Songhai, but I did hear the witness say yes.

23 Madam Prosecutor.

24 *MS SARDACHTI: [15:02:26](Interpretation) Apologies for intervening again, but I
25 would like to pick up on something which could be misleading, which is misleading

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1 in the question itself. Because if I look at paragraph 26 of the statement, it says in the
2 last sentence: "they also wore their vests when they came to the house." And then the
3 video was played, the video mentioned in paragraph 67. So the question "the first
4 time that anyone talked to you about this was during your interview with the
5 Prosecution, when you were shown a video", well, that's already not correct, and it
6 necessarily misleads the witness as she answers.

7 PRESIDING JUDGE MINDUA: [15:03:19](Interpretation) Ms Sutherland.

8 MS SUTHERLAND: [15:03:22] Has the sound to the witness been cut? Please can it
9 be so?

10 PRESIDING JUDGE MINDUA: [15:03:32](Interpretation) Court officer, please cut
11 the connection.

12 MS SARDACHTI: [15:03:37](Interpretation) I just wanted to make clear that
13 Madam Witness does not speak French, but ...

14 PRESIDING JUDGE MINDUA: [15:03:47](Interpretation) Ms Sutherland.

15 MS SUTHERLAND: [15:03:47] The Defence is not provided with transcripts of the
16 Prosecution interviews, potentially problematic in and of itself. We have relied
17 solely on a summary provided. We have no idea in what order the Prosecution
18 shows material to you, but it is clear that material was shown to this witness and, as a
19 result, we get testimony that differs from previous testimony.

20 PRESIDING JUDGE MINDUA: [15:04:21](Interpretation) Ms Luping.

21 MS LUPING: [15:04:22] Mr President, your Honours, it's a simple point that it can be
22 misleading or confusing for the witness. The witness has been recorded in her
23 statement as indicating what the individuals who came to her house were wearing
24 and provided information at that point in time. And it's clear from the statement, it's
25 later on, it's at the end after she provides her statement that she's shown new

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1 materials, and it's at that point she's shown the video. And the concern and the
2 objection of the Prosecution to the question is that it's simply -- it's misleading
3 because it's stating or suggesting that the only point in which she mentions the gilet
4 or the vests is only after effectively being shown the videos, which is incorrect and
5 misleading, in our submission, Mr President.

6 MS SUTHERLAND: [15:05:08] We have only the statement to rely on and that's not
7 clear from that.

8 PRESIDING JUDGE MINDUA: [15:05:18](Interpretation) No, Ms Sutherland,
9 because the witness was first examined by -- or questioned by the Prosecution, and
10 she said on that occasion that the visitors wore the vests. After that, she was shown
11 the videos. That was the sequence here in this courtroom.

12 MS SUTHERLAND: [15:05:50] Mr President, unfortunately, we cannot rely on the
13 statement, which is a summary compiled by the Prosecution, for the truth of the order
14 in which information is given, and furthermore, it's not in evidence.

15 PRESIDING JUDGE MINDUA: [15:06:17](Interpretation) When we reread the
16 transcript, we will be able to make our own decision on this. Please try and make
17 some progress, Ms Sutherland.

18 Ms Luping, please do sit down, and let's -- let's get on with this.

19 Ms Sutherland.

20 MS SUTHERLAND: [15:06:43]

21 Q. Madam Witness, all --

22 PRESIDING JUDGE MINDUA: [15:06:49](Interpretation) Court officer.

23 THE COURT OFFICER: [15:06:57] The sound has been re-established.

24 PRESIDING JUDGE MINDUA: [15:07:01](Interpretation) Thank you very much.

25 Ms Sutherland.

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1 MS SUTHERLAND:

2 Q. [15:07:04] Madam Witness, I'm sorry for the interruption. All that remained for
3 me to say was to say -- to thank you very much for the time you spent answering my
4 questions. I can see that you have had a long day.

5 THE WITNESS: [15:07:48](Interpretation) Okay.

6 MS SUTHERLAND: [15:07:48] Thank you very much, Madam Witness.

7 And, Mr President, that concludes questions on behalf of the Defence.

8 PRESIDING JUDGE MINDUA: [15:08:02](Interpretation) Thank you very much,

9 Ms Sutherland. Thank you for your understanding, particularly towards

10 Madam Witness, who is clearly very tired.

11 Court officer, are we in private session? We are in open session. Okay.

12 Madam Witness, as you have understood, the Defence is now finished it's

13 cross-examination. I am now looking towards the Office of the Prosecution

14 (Overlapping speakers)

15 MS SARDACHTI: [15:08:47](Interpretation) We have no further questions.

16 PRESIDING JUDGE MINDUA: [15:08:53] Very good.

17 Madam Witness, the Chamber would like once again to thank you very much for

18 having helped the Chamber by answering clearly, carefully, and most courageously

19 the questions that have been put to you. Your testimony has now come to an end.

20 On behalf of the Chamber, thank you once again and I wish you much courage and

21 all the best for the future.

22 THE WITNESS: [15:10:01](Interpretation) Yes.

23 (The witness is excused)

24 PRESIDING JUDGE MINDUA: [15:10:11](Interpretation) I'm now turning to the

25 OTP. Do I understand correctly that on Monday the 24th we will not be meeting in

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1 this case, 24, 25, 26, probably 27? So our next witness, the 35th witness, when will
2 that be? Do you have information?

3 MS LUPING: [15:10:39] Sorry, Mr President, I would just need to check for one
4 moment whether it's 28 May or 31 May.

5 It's the 28th. All right. We believe it's 28 May for the next witness.

6 PRESIDING JUDGE MINDUA: [15:10:58](Interpretation) Very good. The parties
7 and participants will be notified. I just wanted to point out that on Monday,
8 Tuesday, Wednesday, there will be no hearing in this case.

9 I would now like to thank again the parties and the participants for their excellent
10 cooperation. I would also like to thank the court reporters and the interpreters. Let
11 us not forget the security officers and of course our very faithful public.

12 I wish everyone a pleasant evening. And we will meet again on the date which will
13 be notified to you next week.

14 The hearing is adjourned.

15 THE COURT USHER: [15:11:50] All rise.

16 (The hearing ends in open session at 3.11 p.m.)